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PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, SECOND SESSION

SENATE—*Friday, August 4, 1972*

The Senate met at 8:45 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our Fathers and our God, whose sovereignty transcends all lesser sovereignties, we thank Thee for this good land and for all lands which honor Thy name and revere Thy law. Draw the nations of the world closer together in mutual trust and honest endeavor that they may concert their best efforts for the security of each and the peace of all. To the President give Thy higher wisdom. Especially guide Thy servants here in their deliberations and decisions of this day that they may enhance the Nation's welfare and set forward Thy kingdom on earth. At evening give us the peace of those who are kept by Thy grace and live to do Thy will.

In the name of the Prince of Peace. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, August 3, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EASTERN MONTANA COAL DEPOSITS AND STRIP MINING

Mr. MANSFIELD. Mr. President, eastern Montana has a very rich and underdeveloped resource in its vast coal deposits which extend across the eastern part of the State. Plans for developing this coal by strip mining have generated considerable controversy. There are two points of view: First, the economic interests; and, second, those who are concerned about the environment.

I do not want to see eastern Montana irreparably scarred by unsightly strip mines which cannot be restored to their original state. This is too much to ask in the name of economic development. We must have a strong set of rules and regulations, State and Federal, which would require the reclaiming of all mined lands. If it is demonstrated that the land cannot be reclaimed, then strip mining should be prohibited.

An area of particular concern to me is when the mineral rights are held by the developer and the surface rights are held by different persons for purposes such as farming and ranching. The farmers and ranchers should not be asked to stand by while the surface of their lands is torn apart. Monetary compensation is not the answer. Some means must be found to make certain that these people are given equal consideration and that both rights are recognized. Adequate protection in this area will undoubtedly require legislative action by the States under their eminent domain laws. The Department of the Interior must also provide these guarantees in the management of our public lands.

In some parts of eastern Montana, such as in the vicinity of Colstrip, the title to subsurface and surface rights are owned by the same party. Strip mining would not disrupt any other activity. The one thing that must be required in these instances is proper reclamation of the land for the future.

I stand ready to assist and support in the U.S. Senate in bringing about a strong workable program of environmental protection through legislation and appropriate studies and inventories of our mineral resources.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs; the Subcommittee on Environment of the Committee on Commerce; and the Committee on Finance be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Does the Senator from Pennsylvania seek recognition?

THE DIKES OF NORTH VIETNAM

Mr. SCOTT. Mr. President, as the time of the annual flooding in North Vietnam approaches, a great deal of manpower is required by them to man their dikes and irrigation systems. This, of course, detracts from the amount of manpower they are able to make available for their various offensives or attempts at offensives.

Naturally, the propaganda from Hanoi at this time has to be an attempt to put the blame on the United States for an alleged bombing of the dikes. This is an enemy lie, Mr. President. There is no intent, there is no order; there is, in fact, a contrary prohibition against the bombing of the dikes.

As the President has made clear, the United States, if it wished to do so—it would be a horrendous thing to do and will not be done—could turn North Vietnam into a lake in less than a week. In all the years of this war, restraint has been practiced. It has not been done; it is not being done. Any allegation that it is being done is exactly the propaganda which Hanoi wants to foment in this country; because, at all costs, Hanoi wants to generate as much manpower as it can to drive South Vietnam into the sea and to force the United States into disagreeable and, if necessary, dishonorable actions in South Vietnam. That is all that the dikes are about.

I recognize Communist propaganda, whether it originates in Stockholm or Paris or the United States. These dams are not being bombed. There is an order by the President that they shall not be. When Hanoi establishes a SAM missile site or other military objective near the dikes, it is Hanoi which takes the risk that some accidental damage will be done to the dikes. There have been 12 such instances, none of which has been major.

We are going to continue to hear all this business about stopping bombing the dikes. I gather that at the previous convention, recently held, most of the issues raised by the delegates seemed to indicate that they were against lettuce and for dikes. Well, that is about as irrelevant and extraneous as a political convention can be; and to carry that politics on the floor of the Senate is clearly irrelevant and extraneous.

I simply make this point to indicate that it is about time we debated the genuine issues which affect the United States in foreign policy and in domestic policy and stop this extraneous and inane nonsense whereby Americans allege that the American Government is doing what an American President has forbidden to be done and which is not being done.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Pennsylvania (Mr. SCHWEIKER) is now recognized for not to exceed 10 minutes.

(The remarks that Mr. SCHWEIKER made when he introduced S. 3880, the National Diabetic Education and Detection Act, are printed in the Routine Morning Business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from California (Mr. TUNNEY) is now recognized for not to exceed 15 minutes.

(The remarks of Mr. TUNNEY on Senate Resolution 342 dealing with bombing of dikes in North Vietnam and the remarks of Mr. HARRIS and Mr. KENNEDY on the same subject are printed in the Routine Morning Business section of the RECORD under Submission of a Resolution.)

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Oklahoma yield his time to the able Senator from Massachusetts?

Mr. HARRIS. Mr. President, I yield my remaining time to the distinguished Senator from Massachusetts (Mr. KENNEDY).

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is yielded the remaining time of the Senator from Oklahoma, and under the previous order, he has 15 minutes in his own right.

(The remarks of Mr. KENNEDY on the submission of an amendment to S. 2507 are printed in the Routine Morning Business section of the RECORD under Gun Control Act—amendment.)

EXTENSION OF THE COMMISSION ON CIVIL RIGHTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 955, H.R. 12652.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 12652) to extend the life of this Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments on page 1, after the enacting clause, insert:

TITLE I—EXTENSION OF LIFE OF COMMISSION ON CIVIL RIGHTS

At the beginning of line 5, strike out "That section" and insert "Sec. 101. Section "; on page 2, at the beginning of line 3, change the section number from "2" to "102"; at the beginning of line 12, change the section number from "3" to "103"; at the beginning of line 19, change the section number from "4" to "104"; at the beginning of line 23, change the section number from "5" to "105"; on page 3, at the beginning of line 10, change the section number from "6" to "106"; in line 15, after the word "of", strike out "$6,500,000" and insert "$5,500,000"; in line 17, after the word "of", strike out "$8,500,000" and insert "$7,000,000"; and, after line 17, insert a new title, as follows:

TITLE II—PROTECTION OF CONSTITUTIONAL RIGHTS OF GOVERNMENT EMPLOYEES

SEC. 201. It shall be unlawful for any officer of any executive department or any executive agency of the United States Government, or for any person acting or purporting to act under his authority, to do any of the following things:

(a) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person seeking employment in the executive branch of the United States Government, to disclose his race, religion, or national origin, or the race, religion, or national origin of any of his forebears: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit inquiry concerning the citizenship of any employee or person if his citizenship is a statutory condition of his obtaining or retaining his employment: *Provided further,* That nothing contained in this subsection shall be construed to prohibit inquiry concerning the national origin or citizenship of any such employee or person or of his forebears, when such inquiry is deemed necessary or advisable to determine suitability for assignment to activities or undertakings related to the national security within the United States or to activities or undertakings of any nature outside the United States.

(b) To state or intimate, or to attempt to state or intimate, to any civilian employee of the United States serving in the department or agency that any notice will be taken of his attendance or lack of attendance at any assemblage, discussion, or lecture held or called by any officer of the executive branch of the United States Government, or by any person acting or purporting to act under his authority, or by any outside parties or organizations to advise, instruct, or indoctrinate any civilian employee of the United States serving in the department or agency in respect to any matter or subject other than the performance of official duties to which he is or may be assigned in the department or agency, or the development of skills, knowledge, or abilities which qualify him for the performance of such duties: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit taking notice of the participation of a civilian employee in the activities of any professional group or association.

(c) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned in the department or agency, or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(d) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to make any report concerning any of his activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned in the department or agency, or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties, or unless there is reason to believe that the civilian employee is engaged in outside activities or employment in conflict with his offical duties.

(e) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person applying for employment as a civilian employee in the executive branch of the United States Government, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters: *Provided, however,* That nothing contained in this subsection shall be construed to prevent a physician from eliciting such information or authorizing such tests in the diagnosis or treatment of any civilian employee or applicant where such physician deems such information necessary to enable him to determine whether or not such individual is suffering from mental illness: *Provided further, however,* That this determination shall be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties: *Provided further, however,* That nothing contained in this subsection shall be construed to prohibit an officer of the department or agency from advising any civilian employee or applicant of a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge.

(f) To require or request, or attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person applying for employment as a civilian employee in the executive branch of the United States Government, to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

(g) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to support by personal endeavor or contribution of money or any other thing of value the nomination or the election of any person or group of persons to public Office in the Government of the United States or of any State, district, Commonwealth, territory, or possession of the United States, or to attend any meeting held to promote or support the activities or undertakings of any political party of the United States or of any State, district, Commonwealth, territory, or possession of the United States.

(h) To coerce or attempt to coerce any civilian employee of the United States serving in the department or agency to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or to make donations to any institution or cause of any kind: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit any officer of any executive department or any executive agency of the United States Government, or any person acting or purporting to act under his authority, from calling meetings and taking any action appropriate to afford any civilian employee of the United States the opportunity voluntarily to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or voluntarily to make donations to any institution or cause.

(i) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family or household: *Provided, however,* That this subsection shall not apply to any civilian employee who has authority to make any final determination with respect to the tax or other liability of any person, corporation, or other legal entity to the United States, or claims which require expenditure of moneys of the United States: *Provided further, however,* That nothing contained in this subsection shall prohibit the Department of the Treasury or any other executive department or agency of the United States Government from requiring any civilian employee of the United States to make such reports as may be necessary or appropriate for the determination of his liability for taxes, tariffs, custom duties, or other obligations imposed by law.

(j) To require or request, or to attempt to require or request, any civilian employee of the United States embraced within the terms of the proviso in subsection (i) to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family or household other than specific items tending to indicate a conflict of interest in respect to the performance of any of the official duties to which he is or may be assigned.

(k) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, who is under investigation for misconduct, to submit to interrogation which could lead to disciplinary action without the presence of counsel or other person of his choice, if he so requests: *Provided, however,* That a civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency may be accompanied only by a person of his choice who serves in the agency in which the employee serves, or by counsel who has been approved by the agency for access to the information involved.

(l) To discharge, discipline, demote, deny promotion to, relocate, reassign, or otherwise discriminate in regard to any term or condition of employment of, any civilian employee of the United States serving in the department or agency, or to threaten to commit any of such acts, by reason of the refusal or failure of such employee to submit to or comply with any requirement, request, or action made unlawful by this Act, or by reason of the exercise by such civilian employee of any right granted or secured by this Act.

SEC. 202. It shall be unlawful for any officer of the United States Civil Service Commission, or for any person acting or purporting to act under his authority, to do any of the following things:

(a) To require or request, or to attempt to require or request, any executive department or any executive agency of the United States Government, or any officer or employee serving in such department or agency, to violate any of the provisions of section 1 of this Act.

(b) To require or request, or to attempt to require or request, any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any civilian employee of the United States serving in any department or agency of the United States Government, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters: *Provided, however,* That nothing contained in this subsection shall be construed to prevent a physician from eliciting such information or authorizing such tests in the diagnosis or treatment of any civilian employee or applicant where such physician deems such information necessary to enable him to determine whether or not such individual is suffering from mental illness: *Provided further, however,* That this determination shall be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties: *Provided further, however,* That nothing contained in this subsection shall be construed to prohibit an officer of the Civil Service Commission from advising any civilian employee or applicant on a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge.

(c) To require or request, or to attempt to require or request, any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any civilian employee of the United States serving in any department or agency of the United States Government, to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

SEC. 203. It shall be unlawful for any commissioned officer, as defined in section 101 of title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority, to require or request, or to attempt to require or request, any civilian employee of the executive branch of the United States Government under his authority or subject to his supervision to perform any of the acts or submit to any of the requirements made unlawful by section 1 of this Act.

SEC. 204. Whenever any officer of any executive department or any executive agency of the United States Government, or any person acting or purporting to act under his authority, or any commissioned officer as defined in section 101 of title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority, violates or threatens to violate any of the provisions of section 1, 2, or 3 of this Act, any civilian employee of the United States serving in any department or agency of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, affected or aggrieved by the violation or threatened violation, may bring a civil action in his own behalf or in behalf of himself and others similarly situated, against the offending officer or person in the United States district court for the district in which the violation occurs or is threatened, or the district in which the offending officer or person is found, or in the United States District Court for the District of Columbia, to prevent the threatened violation or to obtain redress against the consequences of the violation. The Attorney General shall defend all officers or persons sued under this section who acted pursuant to an order, regulation, or directive, or who, in his opinion, did not willfully violate the provisions of this Act. Such United States district court shall have jurisdiction to try and determine such civil action irrespective of the actuality or amount of pecuniary injury done or threatened, and without regard to whether the aggrieved party shall have exhausted any administrative remedies that may be provided by law, and to issue such restraining order, interlocutory injunction, permanent injunction, or mandatory injunction, or enter such other judgment or decree as may be necessary or appropriate to prevent the threatened violation, or to afford the plaintiff and others similarly situated complete relief against the consequences of the violation. With the written consent of any person affected or aggrieved by a violation or threatened violation of section 1, 2, or 3 of this Act, any employee organization may bring such action on behalf of such person, or may intervene in such action. For the purposes of this section, employee organizations shall be construed to include any brotherhood, council, federation, organization, union, or professional association made up in whole or in part of civilian employees of the United States and which has as one of its purposes dealing with departments, agencies, commissions, and independent agencies of the United States concerning the condition and terms of employment of such employees.

SEC. 205. (a) There is hereby established a Board on Employees' Rights (hereinafter referred to as the "Board"). The Board shall be composed of three members, appointed by the President, by and with the advice and consent of the Senate. The President shall designate one member as chairman. No more than two members of the Board may be of the same political party. No member of the Board shall be an officer or employee of the United States Government.

(b) The term of office of each member of the Board shall be five years, except that (1) of those members first appointed, one shall serve for five years, one for three years, and one for one year, respectively, from the date of enactment of this Act, and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Members of the Board shall be compensated at the rate of $75 a day for each day spent in the work of the Board, and shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from their usual places of residence, as authorized by section 5703 of title 5, United States Code.

(d) Two members shall constitute a quorum for the transaction of business.

(e) The Board may appoint and fix the compensation of such officers, attorneys, and employees, and make such expenditures as may be necessary to carry out its functions.

(f) The Board shall make such rules and regulations as shall be necessary and proper to carry out its functions.

(g) The Board shall have the authority and duty to receive and investigate written complaints from or on behalf of any person claiming to be affected or aggrieved by any violation or threatened violation of this Act and to conduct a hearing on each such complaint. Within ten days after the receipt of any such complaint, the Board shall furnish notice of the time, place, and nature of the hearing thereon to all interested parties. The Board shall render its final decision with respect to any complaint within thirty days after the conclusion of its hearing thereon.

(h) Officers or representatives of any Federal employee organization in any degree concerned with employment of the category in which any alleged violation of this Act occurred or is threatened shall be given an opportunity to participate in each hearing conducted under this section, through submission of written data, views, or arguments, and in the discretion of the Board, with opportunity for oral presentation. Government employees called upon by any party or by any Federal employee organization to participate in any phase of any administrative or judicial proceeding under this section shall be free to do so without incurring travel cost or suffering loss in leave or pay; and all such employees shall be free from restraint, coercion, interference, intimidation, or reprisal in or because of their participation. Any periods of time spent by Government employees during such participation shall be held and considered to be Federal employment for all purposes.

(i) Insofar as consistent with the purposes of this section, the provisions of subchapter II of chapter 5 of title 5, United States Code, relating to the furnishing of notice and manner of conducting agency hearings, shall be applicable to hearings conducted by the Board under this section.

(j) If the Board shall determine after hearing that a violation of this Act has not occurred or is not threatened, the Board shall state its determination and notify all interested parties of such determination. Each such determination shall constitute a final decision of the Board for purposes of judicial review.

(k) If the Board shall determine that any violation of this Act has been committed or threatened by any civilian officer or employee of the United States, the Board immediately (1) issue and cause to be served on such officer or employee an order requiring such officer or employee to cease and desist from the unlawful act or practice which constittues a violation, (2) endeavor to eliminate any such unlawful act or practice by informal methods of conference, conciliation, and persuasion, and (3) may—

(A) (i) in the case of the first offense by any civilian officer or employee of the United States, other than any officer appointed by the President, by and with the advice and consent of the Senate, issue an official reprimand agains such officer or employee or order the suspension without pay of such officer or employee from the position or office held by him for a period of not to exceed fifteen days, and (ii) in the case of a second or subsequent offense by any such officer or employee, order the suspension without pay of such officer or employee from the position or office held by him for a period of not to exceed thirty days or order the removal of such officer or employee from such position or office; and

(B) in the case of any offense by any officer appointed by the President, by and with the advice and consent of the Senate, transmit a report concerning such violation to the President and the Congress.

(l) If the Board shall determine that any violation of this Act has been committed or threatened by any officer of any of the Armed Forces of the United States, or any person purporting to act under authority conferred by such officer, the Board shall (1) submit a report thereon to the President, the Congress, and the Secretary of the military department concerned, (2) endeavor to eliminate any unlawful act or practice which constitutes such a violation by informal methods of conference, conciliation, and persuasion, and (3) refer its determination and the record in the case to any person authorized to convene general courts-martial under section 822 (article 22) of title 10, United States Code. Thereupon such person shall take immediate steps to dispose of the matter under chapter 47 of title 10, United States Code Uniform Code/Military Justice).

(m) Any party aggrieved by any final determination or order of the Board may institute, in the district court of the United States for the judicial district wherein the violation or threatened violation of this Act occurred, or in the United States District Court for the District of Columbia, a civil action for the review of such determination or order. If any such action, the court shall have jurisdiction to (1) affirm, modify, or set aside any determination or order made by the Board which is under review, or (2) require the Board to make any determination or order which it is authorized to make under subsection (k), but which it has refused to make. The reviewing court shall set aside any finding, conclusion, determination, or order of the Board as to which complaint is made which is unsupported by substantial evidence on the record considered as a whole.

(n) The Board shall submit, not later than March 31 of each year, to the Senate and House of Representatives, respectively, a report on its activities under this section during the immediately preceding calendar year, including a statement concerning the nature of all complaints filed with it, its determinations and orders resulting from hearings thereon, and the names of all officers or employees of the United States with respect to whom any penalties have been imposed under this section.

(o) There are authorized to be appropriated sums necessary, not in excess of $100,000 to carry out the provisions of this section.

SEC. 206. Nothing contained in this Act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency from requesting any civilian employee or applicant to take a polygraph test, or to take a psychological test, designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters, or to provide a personal financial statement, if the Director of the Central Intelligence Agency or his designee or the Director of the National Security Agency or his designee makes a personal finding with regard to each individual to be so tested or examined that such test or information is required to protect the national security.

SEC. 207. No civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency, and no individual or organization acting in behalf of such employee, shall be permitted to invoke the provisions of sections 4 and 5 without first submitting a written complaint to the agency concerned about the threatened or actual violation of this Act and affording such agency one hundred and twenty days from the date of such complaint to prevent the threatened violation or to redress the actual violation: *Provided, however,* That nothing in this Act shall be construed to affect any existing authority of the Director of Central Intelligence under section 403(c), of title 50, United States Code, and any authorities available to the National Security Agency under section 833 of title 50, United States Code, to terminate the employment of any employee.

SEC. 208. Nothing in this Act shall be construed to affect in any way the authority of the Directors of the Central Intelligence Agency or the National Security Agency to protect or withhold information pursuant to statute or executive order. The personal certification by the Director of the agency that disclosure of any information is inconsistent with the provision of any statute or Executive order shall be conclusive and no such information shall be admissible in evidence in any interrogation under section 1(k) or in any civil action under section 4 or in any proceeding or civil action under section 5

SEC. 209. This Act shall not be applicable to the Federal Bureau of Investigation.

SEC. 210. Nothing contained in sections 4 and 5 shall be construed to prevent establishment of department and agency grievance procedures to enforce this Act, but the existence of such procedures shall not preclude any applicant or employee from pursuing the remedies established by this Act or any other remedies provided by law: *Provided, however,* That if under the procedures established, the employee or applicant has obtained complete protection against threatened violations or complete redress for violations, such action may be pleaded in bar in the United States district court or in proceedings before the Board on Employee Rights: *And provided further,* That if an employee elects to seek a remedy under either section 4 or section 5, he waives his right to proceed by an independent action under the remaining section.

SEC. 211. If any provision of this Act or the application of any provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected.

LEGISLATIVE HISTORY OF TITLE II OF H.R. 12652

Mr. ERVIN. Mr. President, title II of H.R. 12652 is identical to S. 1438 which was approved by the Senate by unanimous consent last December. Its provisions are designed to protect the constitutional rights of employees of the executive branch and to prevent unwarranted governmental invasions of their privacy. I proposed the addition of this title to the House bill to extend the life of the Civil Rights Commission to afford the Senate another chance to express its desire to protect the privacy of millions of citizens who now work for the Government or who may apply to work for it.

The December vote was not the first time the Senate expressed itself on this issue and sent to the House this measure containing privacy guarantees.

I introduced this bill in 1966 in the 89th Congress. Hearings were conducted and staff studies were made on the problems. In the 90th Congress I reintroduced the bill with 54 cosponsors, and it was unanimously and favorably reported by the Committee on the Judiciary as S. 1035. On September 13, 1967, the Senate approved it by an impressive vote of 79 to 4, a vote that totaled 90 to 4 by the time absentees were recorded. The bill was then referred to the House Post Office and Civil Service Committee which did not report on it in the 90th Congress.

In the 91st Congress, I reintroduced the identical bill as S. 782 with 54 cosponsors. Again the subcommittee considered it, held hearings, conducted investigations, and reported the bill unanimously. The Judiciary Committee repeated their support for the bill and again recommended that the bill be enacted.

True to the sentiments of their constituents and to the extensive editorial support for this privacy bill, Members of the Senate again approved the measure, this time by unanimous consent. The bill was again sent to the House Post Office and Civil Service Committee whose subcommittee conducted some hearings. I appeared before that subcommittee and reported on the complaints and findings in the Constitutional Rights Subcommittee. No further action was taken by the House committee in that Congress.

In 1971, for the third time, I introduced the employee "bill of rights" as S. 1438, with 50 cosponsors.

For the third time, the subcommittee and the Committee on the Judiciary unanimously recommended that it be enacted. And by unanimous consent, the Senate approved this measure for the third time. For the third Congress, the House has not acted.

There has been widespread support for this measure for many years.

I believe Americans today fear for their privacy and their constitutional freedoms. This bill will provide some minimum statutory guarantees for millions of citizens who work for the executive branch of the Federal Government or who may apply to work for it.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1006), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

AMENDMENTS

1. Amendment No. 1 provides that Section 106, lines 11 through 15, page 3, be deleted and the following inserted in lieu thereof:

SEC. 106. For the purposes of carrying out this Act, there is authorized to be appropriated for the fiscal year ending June 30, 1973, the sum of $5.5 million, and for each fiscal year thereafter through June 30, 1978, the sum of $7.0 million.

The amendment to Section 106 of the bill reduces the amounts of appropriations authorized for the Commission in fiscal years 1973 through 1978, as provided in the House bill.

2. Amendment No. 2 adds Title II to the bill, which incorporates the provisions of S. 1438, a bill approved by the Committee in the First Session as an Act to protect the civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy.

TITLE I—LEGISLATIVE HISTORY

President Nixon in his State of the Union message of January 20, 1972, called for a five-year extension of the Civil Rights Commission and the expansion of its jurisdiction to include discrimination based on sex.

The Commission then drafted its proposals which were introduced in the House (H.R. 12652) on January 26, 1972, and in the Senate (S. 3121) on February 3, 1972. The bills were identical, calling for an extension of the Commission for five years, an expansion of its jurisdiction to include sex discrimination, and an open-ended appropriation authorization.

Subcommittee No. 5 of the House Judiciary Committee held hearings on H.R. 12652 on February 24, 1972. At the conclusion of the hearings, the subcommittee replaced the open-ended authorization with an authorization ceiling of $6.5 million for fiscal year 73 and $8.5 million for fiscal years 74–78. The bill as amended was passed by the House of Representatives on May 1, 1972.

S. 3121 and H.R. 12652 were referred to the Senate Judiciary Committee. The Subcommittee on Constitutional Rights held hearings on the bills on June 16, 1972. Testimony from the Commission was received in support of H.R. 12652. Also testifying in support of the bill was the national director of the National Federation of Business and Professional Women's Clubs. Statements of support were submitted by three Senators, The Women's Equity Action League, The League of Women Voters of the United States, The Leadership Conference on Civil Rights. The Duluth Business and Professional Women's Club, and the Pennsylvania Commission on the Status of Women. No testimony or statements were received in opposition to the bill. The aforementioned communications can be found in the printed text of the hearings. The bill as amended was reported by the subcommittee by a divided vote.

TITLE AS AMENDED

Title I has three primary purposes, and three secondary ones.

Section 4 provides that the Commission will make its final report to the President and to the Congress by June 30, 1978, rather than January 31, 1973. This, in effect, extends the life of the Commission for five years and five months.

Section 3 expands the jurisdiction of the Commission to include discrimination based on sex. At present, the Commission's jurisdiction is limited to investigating denials of equal protection based on race, color, religion, or national origin.

Section 6 as amended provides a ceiling on appropriations of $5.5 million for fiscal year 73, and $7.0 million for the four succeeding fiscal years. The bill as originally introduced contained an open-ended authorization for "such sums as are necessary to carry out the provisions of this Act." The bill was amended in the House, however, to provide a ceiling of $6.5 million in fiscal year 73 and $8.5 million in the four succeeding fiscal years. The amended provision thus represents a reduction in the authorization approved by the House of $1 million in fiscal year 73 and $1.5 million in each of the succeeding four fiscal years.

Sections 1, 2, and 5 of the bill provide for increased compensation for witnesses, commissioners, and consultants, respectively. Witnesses will be paid at the rate paid witnesses in federal courts. Commissioners will be compensated at the rate of level IV of the Federal Executive Salary Schedule for each day spent in the work of the Commission, and consultants will be paid at a rate not to exceed the daily rate paid a GS–15. These provisions are comparable to those now in effect in other government agencies.

STATEMENT

The Commission on Civil Rights was created in 1957 as an independent fact-finding agency with a two-year life span. Its power was limited to conducting studies and making recommendations to the President and Congress concerning denials of equal protection based on race, color, religion, and national origin.

The Commission has since been extended five times by the Congress. Its staff and program have expanded, and its appropriation authorization has steadily climbed to its present level of $4.0 million for fiscal year 1972.

In the early years of its existence, the Commission concerned itself largely with the problems facing black Americans. Recently, however, it has turned its attention to other minority groups, most notably Indians and Mexican Americans. More than 60% of its recommendations have been enacted into law.

The Committee is of the view that there is a continuing need for the Commission to appraise the policies of the federal government with respect to civil rights and to serve as a reliable source of information for future legislative proposals.

The Committee also favors the inclusion of sex discrimination as a logical expansion of the Commission's jurisdiction. The Commission is already empowered to investigate denials of equal protection on other grounds, and has a working structure designed to cope with such problems. The Committee hopes, however, that the Commission's assumption of new jurisdiction will not signify a slackening of the Commission's efforts to deal with problems of neglected smaller minorities. The Committee furthermore hopes that particular attention will be given to the special problems of minority women when the Commission turns its attention to the problems of sex discrimination in general. In short, the grant of additional jurisdiction should not be allowed to cloud the other important concerns of the Commission.

Finally, the Committee favors the fiscal limits of $5.5 million in fiscal year 73 and $7.0 million in the succeeding four fiscal years as a more realistic estimate of the Commission's costs than those contained in the House bill. The authorization of the Commission for fiscal year 72 was $4.0 million. The limit of $5.5 million in fiscal year 73 represents a 37.5% increase over fiscal year 72; the $7.0 million, a 75% increase over fiscal year 72. These authorizations represent, the Committee feels, amounts reasonably calculated to allow the Commission to carry out its responsibilities.

The Committee has already requested an increase in the appropriations for fiscal year 73 to $4.8 million without the new jurisdiction to cover sex discrimination. The authorization called for in the Committee amendment provides $.7 million for fiscal year 1973 in addition to this request to allow the Commission to begin its new work in the area of sex discrimination and a contemplated project on Asian-Americans. The $7.0 million figure for fiscal years 74 through 78 makes it possible for the Commission to expand its efforts in the area of sex discrimination and allows for future cost increases to its total program.

COSTS

In accordance with Section 252 of the Legislative Reorganization Act of 1970, the Committee estimates the costs of H.R. 12652, as amended, in fiscal year 1973 will be $1.5 million more than the appropriation of $4.0 million already authorized. If the Civil Rights Commission is extended until December 31, 1978, as provided by the bill, the annual cost is estimated to be $7.0 million for each of the fiscal years 1974 through 1978.

The printed hearings contain a detailed projection made by the Commission of its program for the next five years and its estimated costs.

TITLE II—PROTECTING PRIVACY AND THE RIGHTS OF FEDERAL INCOME

Title II is identical to the provisions of S. 1438 which was approved by the Committee without amendment on December 6, 1971, and which was passed by the Senate by unanimous consent on December 8. It is also identical to S. 782 of the 91st Congress as unanimously reported by the Committee and unanimously approved by the Senate. This title is designed to protect civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy.

The language of the Committee report on the provisions of S. 1438 is reprinted below as adopted by the Committee.

The references in the report on Title II are to the numbered provisions of S. 1438 as formerly approved by the Committee.

The section references in the legislative analysis of Title II accord with the numbered section of the parent bill.

PURPOSE

The purpose of Title II is to prohibit indiscriminate executive branch requirements that employees and, in certain instances, applicants for Government employment disclose their race, religion, or national origin; attend Government-sponsored meetings and lecturers or participate in outside activities unrelated to their employment; report on their outside activities or undertakings unrelated to their work; submit to questioning about their religion, personal relationships or sexual attitudes through interviews, psychological tests, or polygraphs; support political candidates or attend political meetings. The bill would make it illegal to coerce an employee to buy bonds or make charitable contributions. It prohibits officials from requiring him to disclose his own personal assets, liabilities, or expenditures, or those of any member of his family unless, in the case of certain specified employees, such items would tend to show a conflict of interest. It would provide a right to have a counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings. It would accord the right to a civil action in a Federal court for violation or threatened violation of the act, and it would establish a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the act and to determine and administer remedies and penalties.

STATEMENT

The committee has found, a threefold need for this legislation. The first is the immediate need to establish a statutory basis for the preservation of certain rights and liberties of those who work for government now and those who will work for it in the future. The bill, therefore, not only remedies problems of today but looks to the future, in recognition of the almost certain enlargement of the scope of Federal activity and the continuing rise in the number of Americans employed by their Federal Government or serving it in some capacity.

Second, the bill meets the Federal Government's need to attract the best qualified employees and to retain them. As the former Chairman of the Civil Service Commission, Robert Ramspeck, testified:

"Today, the Federal Government affects the lives of every human being in the United States. Therefore, we need better people today, better qualified people, more dedicated people, in Federal service than we ever needed before. And we cannot get them if you are going to deal with them on the basis of suspicion, and delve into their private lives, because if there is anything the average American cherishes, it is his right of freedom of action, and his right to privacy. So I think this bill is hitting at an evil that has grown up, maybe not intended, but which is hurting the ability of the Federal Government to acquire the type of personnel that we must have in the career service."

Third is the growing need for the beneficial influence which such a statute would provide in view of the present impact of Federal policies, regulations and practices on those of State and local government and of private business and industry. An example of the interest demonstrated by governmental and private employers is the following comment by Allan J. Graham, secretary of the Civil Service Commission of the city of New York:

"It is my opinion, based on over 25 years of former Government service, including some years in a fairly high managerial capacity, that your bill, if enacted into law, will be a major step to stem the tide of "Big Brotherism," which constitutes a very real threat to our American way of life.

"In my present position as secretary of the Civil Service Commission of the city of New York, I have taken steps to propose the inclusion of several of the concepts of your bill into the rules and regulations of the city civil service commission."

Passage of the bill will signify congressional recognition of the threats to individual privacy posed by an advanced technology and by increasingly more complex organizations. Illustrating these trends is the greatly expanded use of computers and governmental and private development of vast systems for the efficient gathering of information and for data storage and retrieval. While Government enjoys the benefit of these developments, there is at the same time an urgent need for defining the areas of individual liberty and privacy which should be exempt from the unwarranted instrusions facilitated by scientific techniques.

As Prof. Charles Reich of Yale Law School has stated, this bill "would be a significant step forward in defining the right of privacy today."

"One of the most important tasks which faces the Congress and State legislatures in the next decade is the protection of the citizen against invasion of privacy," states Prof. Stanley Anderson of the University of California, Santa Barbara. "No citizens," in his opinion, "are in more immediate danger of incursion into private affairs than Government employees. When enacted the bill will provide a bulwark of protection against such incursions."

The bill is based on several premises which the subcommittee investigation has proved valid for purposes of enacting this legislation. The first is that civil servants do not surrender the basic rights and liberties which are their due as citizens under the Constitution of the United States by their action in accepting Government employment. Chief among these constitutional protections is the first amendment, which protects the employee to privacy in his thoughts, beliefs and attitudes, to silence in his action and participation or his inaction and nonparticipation in community life and civic affairs. This principle is the essence of constitutional liberty in a free society.

The constitutional focus of the bill was emphasized by Senator Ervin in the following terms when he introduced S. 1035 on February 21, 1967:

"If this bill is to have any meaning for those it affects, or serve as a precedent for those who seek guidelines in those matters, its purpose must be phrased in constitutional terms. Otherwise its goals will be lost.

"We must have as our point of reference the constitutional principles which guide every official act of our Federal Government. I believe that the Constitution, as it was drafted and as it has been implemented, embodies a view of the citizen as possessed of an inherent dignity and as enjoying certain basic liberties. Many current practices of Government affecting employees are unconstitutional; they violate not only the letter but the very spirit of the Constitution.

"I introduced this bill originally because I believe that, to the extent it has permited or authorized unwarranted invasion of employee privacy and unreasonable restrictions on their liberty, the Federal Government has neglected its constitutional duty where its own employees are concerned, and it has failed in its role as the model employer for the Nation.

"Second, although it is a question of some dispute, I hold that Congress has a duty under the Constitution not only to consider the constitutionality of the laws it enacts, but to assure as far as possible that those in the executive branch responsible for administering the laws adhere to constitutional standards in their programs, policies, and administrative techniques."

The committee believes that it is time for Congress to forsake its reluctance to tell the executive branch how to treat its employees. When so many American citizens are subject to unfair treatment, to being unreasonably coerced or required without warrant to surrender their liberty, their privacy, or their freedom to act or not to act, to reveal or not to reveal information about themselves and their private thoughts and actions, then Congress has a duty to call a statutory halt to such practices. It has a duty to remind the executive branch that even though it might have to expend a little more time and effort to obtain some favored policy goal, the techniques and tools must be reasonable and fair.

Each section of the bill is based on evidence from many hundreds of cases and complaints showing that generally in the Federal service, as in any similar organizational situation, a request from a superior is equivalent to a command. This evidence refutes the argument that an employee's response to a superior's request for information or action is a voluntary response, and that an employee "consents" to an invasion of his privacy or the curtailment of his liberty. Where his employment opportunities are at stake, where there is present the economic coercion to submit to questionable practices which are contrary to our constitutional values, then the presence of consent or voluntarism may be open to serious doubt. For this reason the bill makes it illegal for officials to "request" as well as to "require" an employee to submit to certain inquiries or practices or to take certain actions.

Each section of the bill reflects a balancing of the interests involved: The interest of the Government in attracting the best qualified individuals to its service; and its interest in pursuing laudable goals such as protecting the national security, promoting equal employment opportunities, assuring mental health, or conducting successful bond-selling campaigns. There is, however, also the interest of the individual in protection of his rights and liberties as a private citizen. When he becomes an employee of his Government, he has a right to expect that the policies and practices applicable to him will reflect the best values of his society.

The balance of interests achieved assures him this right. While it places no absolute prohibition on Government inquiries, the bill does assure that restrictions on his rights and liberties as a Government employee are reasonable ones.

As Senator Bible stated:

"There is a line between what is Federal business and what is personal business, and Congress must draw that line. The right of privacy must be spelled out."

The weight of evidence, as Senator Fong has said: "points to the fact that the invasions of privacy under threats and coercion and economic intimidation are rampant in our Federal civil service system today. The degree of privacy in the lives of our civil servants is small enough as it is, and it is still shrinking with further advances in technical know-how. That these citizens are being forced by economic coercion to surrender this precious liberty in order to obtain and hold jobs is an invasion of privacy which should disturb every American. I, therefore, strongly believe that congressional action to protect our civil servants is long overdue."

The national president of the National Association of Internal Revenue Employees, Vincent Connery, told the subcommittee of this proposal in the 89th Congress:

"Senate bill 3779 is soundly conceived and perfectly timed. It appears on the legislative scene during a season of public employee unrest, and a period of rapidly accelerating demand among Federal employees for truly first-class citizenship. For the first time within my memory, at least, a proposed bill holds out the serious hope of attaining such citizenship. S. 3779, therefore, amply deserves the fullest support of all employee organizations, both public and private, federation affiliated, and independent alike."

Similar statements endorsing the broad purpose of the bill were made by many others, including the following witnesses:

John F. Griner, national president, American Federation of Government Employees.

E. C. Hallbeck, national president, United Federation of Postal Clerks.

Jerome Keating, president, National Association of Letter Carriers.

Kenneth T. Lyons, national president, National Association of Government Employees.

John A. McCart, operations director, Government Employees Council of AFL–CIO.

Hon. Robert Ramspeck, former Chairman, Civil Service Commission.

Vincent Jay, executive vice president, Federal Professional Association.

Francis J. Speh, president, 14th District Department, American Federation of Government Employees.

Lawrence Speiser, director, Washington office, American Civil Liberties Union.

Nathan Wolkomir, national president, National Federation of Federal Employees.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Florida (Mr. CHILES) was to have been recognized at this time.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, without prejudice to the Senator from Florida.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. At this time, under the previous order, the Chair recognizes the distinguished Senator from Florida (Mr. CHILES) for not to exceed 15 minutes.

(The remarks of Mr. CHILES on the introduction of S. 3881 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ROLLING STOCK UTILIZATION AND FINANCING ACT OF 1972

The PRESIDING OFFICER. At this time, in accordance with the previous order, the Chair lays before the Senate S. 1729, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar Order No. 932 (S. 1729), a bill to supply general service freight cars to meet the needs of commerce, users, shippers, national defense, and the consuming public.

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Rolling Stock Utilization and Financing Act of 1972".

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TITLE I—NATIONAL ROLLING STOCK INFORMATION SERVICE AND FEDERAL RAILROAD EQUIPMENT OBLIGATION INSURANCE FUND

PURPOSES

SEC. 101. The Congress hereby declares that the purposes of this Act are—

(a) to improve the utilization and distribution of rolling stock to meet the needs of commerce, users, shippers, the national defense, and the consuming public;

(b) to assist railroads in acquiring additional rolling stock to provide fast and expeditious service to meet the increasing demands of the Nation's economy now and in the years to come; and

(c) to assist in achieving full employment by insuring adequate equipment necessary to transport the products of American industry.

DEFINITIONS

SEC. 102. For the purposes of this Act—

(1) "Authority" means the Rolling Stock Authority which may also be known as RSA.

(2) "Board" means the Federal Railroad Equipment Obligation Insurance Board.

(3) "Car-pooling company" means a company that furnishes rolling stock to three or more railroads on a pooling basis.

(4) "Directors" means the Board of Directors of the Authority.

(5) "Equipment obligations" means bonds, notes, conditional sale agreements, equipment trust certificates, leases, and other obligations issued or guaranteed by railroads or car-pooling companies to finance or refinance rolling stock.

(6) "Holder" means the holder of an equipment obligation, except that where a bank or trust company is acting as agent or trustee for the holder of the equipment obligation, the bank or trust company shall be deemed to be the holder.

(7) "Obligor" includes the original borrower under an equipment obligation and his successors and assigns approved by the Board. An obligor must be a railroad or car-pooling company.

(8) "Railroad" means a common carrier by railroad, as defined in section 1(3) of the Interstate Commerce Act, as amended, and includes, where determined appropriate by the Board, any railroad controlled by a railroad within the meaning of section 1(3)(b) of the Interstate Commerce Act.

(9) "Rolling stock" means any type of new or rebuilt general service railroad freight car whose use is not confined to a specialized purpose by special equipment and design or other limiting features, cabooses, and standard gage locomotives. The Board may designate what types of freight cars are general service freight cars, including, but not limited to, boxcars, gondolas, open top and covered hopper cars, and flatcars.

(10) "Secretary" means the Secretary of Transportation.

NATIONAL ROLLING STOCK INFORMATION SYSTEM

SEC. 103. (a) The Secretary is authorized to design a national rolling stock information system and to contract with and provide technical and financial assistance to individual railroads or a group of railroads working together, including the sharing of costs and the funding in part of demonstration projects, to assist in the establishment of a national rolling stock information system. Such national rolling stock information system shall use computer and communication techniques and equipment which will facilitate equitable distribution and efficient and economical utilization of rolling stock. Such system shall be capable of furnishing information about all rolling stock owned directly or indirectly by railroads and car-pooling companies with respect to physical characteristics, origin, destination, location, availability for future loadings, and such other information as the Secretary determines to be useful for the equitable distribution and efficient and economical utilization of rolling stock. The Secretary shall consult with shippers, railroads, and the Interstate Commerce Commission before finally approving the design of the system. Information shall be available to shippers, railroads, the Secretary, the Interstate Commerce Commission, and other members of the public subject to such rules as the Interstate Commerce Commission shall prescribe to insure the confidentiality of certain types of competitive information supplied for use in connection with the system.

(b) The Secretary shall report semiannually to the Congress with respect to the progress made in implementing the national system provided for in subsection (a). Such report shall include recommendations for such additional funding as may be necessary to make the national system fully effective.

(c) In exercising his authority under this section, the Secretary may enter into agreements of contracts without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5).

(d) Persons contracting with the Secretary with respect to the design of a national or individual rolling stock information system or the use of information supplied by such system shall be and are hereby relieved from prohibitions of the antitrust laws of the United States, with respect to such contracts, to the extent necessary to facilitate carrying out the purposes of this Act.

(e) There is authorized to be appropriated to the Secretary out of money in the Treasury not otherwise appropriated, the sum of $10,000,000 for purposes of this section, such amount to remain available for one year after the date of enactment of this Act.

(f) If, not later than one year after such date, the Secretary finds that a practical design for a national rolling stock information system has been completed and that such design can be implemented so as to produce information useful for significantly improved utilization of rolling stock in the near future, there is authorized to be appropriated to the Secretary out of money in the Treasury not otherwise appropriated, the sum of $15,000,000 for the purpose of assisting individual railroads or a group of railroads working together to implement such design, such amount to remain available for one year after the Secretary makes such finding.

(g) If, not later than two years after such date, the Secretary finds that substantial progress has been made toward completion of a national rolling stock information system, there is authorized to be appropriated to the Secretary out of money in the Treasury not otherwise appropriated, the sum of $10,000,000 for the purpose of completing such system, such amount to remain available for one year after such finding.

FEDERAL RAILROAD EQUIPMENT OBLIGATION INSURANCE FUND

SEC. 104. (a) There is created a Federal Railroad Equipment Obligation Insurance Fund (hereafter in this Act referred to as the "fund") which shall be used by the Board as a revolving fund for the purpose of carrying out sections 105 through 108 of this Act. Moneys in the fund shall be deposited in the Treasury of the United States to the credit of the fund or invested in bonds or other obligations of, or guaranteed as to principal and interest by, the United States for the account of the fund.

(b) The Federal Railroad Equipment Obligation Insurance Board shall have seven members, of whom one shall be elected annually by the Board to serve as Chairman. The Secretary of Transportation and the Secretary of the Treasury, or persons designated by them respectively in writing, shall serve as ex officio members of the Board with the same powers as other members of the Board. The President of the United States shall, within ninety days after enactment of this Act, appoint the remaining members of the Board, by and with the advice and consent of the Senate, on the following basis: (1) three, to be selected from recommendations of organizations of shippers who shall be representative of different, major shipping interests, including small shippers; (2) one, to be selected from recommendations of organizations of consumers; and (3) one, to be selected from recommendations of the national organization of State Commissions as referred to in sections 202(b) and 205(f) of the Interstate Commerce Act, who shall be a member of a State agency authorized by State law to fix rates for transportation by railroad. Each of the members appointed by the President may reserve compensation at a rate not to exceed $300 for each meeting of the Board which he attends and shall be reimbursed for necessary travel and subsistence expense incurred in attending such meetings.

AUTHORIZATION TO INSURE EQUIPMENT OBLIGATIONS

SEC. 105. (a) Upon application by a railroad or carpooling company, the Board is authorized to insure the interest on, and the unpaid principal balance of, any equipment obligation offered to it which it determines is eligible for insurance under this Act. The Board also may make commitments to insure any equipment obligation prior to the date of execution or disbursement thereon. Such insurance and commitments shall be extended in such form, on such terms and conditions, and pursuant to such regulations, as the Board considers appropriate and which are not inconsistent with the provisions of this Act.

(b) Each insurance contract made under this section shall run to and be for the benefit of the holder of the equipment obligation.

(c) The aggregate unpaid principal amount of equipment obligations insured under this title shall not exceed $2,000,000,000 at any one time.

(d) Each equipment obligation insured under this section shall bear interest (exclusive of premium charges for insurance and service charges) at a rate not to exceed such per centum on the principal obligation outstanding which the Board determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar obligations.

(e) Upon receipt of an application from a railroad or car-pooling company, the Board shall publish notice of the receipt of such application in the Federal Register and shall afford interested parties an opportunity to submit comments in accordance with the provisions of section 553 of title 5 of the United States Code.

LIMITATIONS AND CONDITIONS; PREMIUM CHARGES

SEC. 106. (a) Before insuring any equipment obligation under section 105 of this Act, the Board shall find in writing that—

(1) the equipment obligation is secured by rolling stock to be financed or refinanced thereby;

(2) the terms of the equipment obligation require full payment within fifteen years from the date thereof;

(3) the financing or refinancing of the rolling stock is justified by the present and future demand for transportation services to be rendered by the railroad or carpooling company for which the rolling stock is procured;

(4) the common carrier operations of the railroad or car-pooling company are sufficiently efficient at the date of any such financing or refinancing to assure economic utilization of any rolling stock in which the obligor then has a beneficial interest or in which the obligor may obtain such an interest as a consequence of such financing or refinancing;

(5) the purchase of the rolling stock will serve to insure an adequate national car supply to meet demonstrable demands for rail transportation services, and to provide shippers with equipment suited to their transportation needs;

(6) the probable value of the rolling stock will provide reasonable protection to the United States in the event of repossession of the rolling stock by the holder of any equipment obligation insured under this Act.

(b) Before insuring any equipment obligation under section 105 of this Act, the Board shall obtain in writing an agreement from the obligor that while any principal or interest on such obligation is unpaid—

(1) there will be an increase in the load-carrying capacity of the obligor's rolling stock;

(2) dividends that are payable in the discretion of the obligor will not be increased over the average amount paid during the five years preceding enactment of this Act;

(3) assets and revenue related to, or derived from, railroad operations or property will not be used by the obligor in nonrailroad enterprises;

(4) the obligor will cooperate with the Secretary in programs pursuant to title II of this Act to improve the equitable distribution and efficient and expeditious use of rolling stock; and

(5) such obligation will become immediately due and payable if the Secretary finds that conditions (1), (2), and (3) of this subsection have not been satisfied.

(c) The Board shall fix a premium charge for the insurance of equipment obligations under this Act of not to exceed 1 per centum per annum of the principal amount of such equipment obligation outstanding. Premium payments shall be made when moneys are first advanced by the lender under the equipment obligation and on each anniversary date thereafter.

(4) All money received under sections 104 through 108 of this Act shall be deposited in the fund. Amounts not to exceed 5 per centum of the sums collected each year under subsection (c) of this section may be used to pay administrative expenses incurred by the Board incident to the administration of sections 104 through 108 of this title.

ISSUANCE OF NOTES OR OBLIGATIONS

SEC. 107. (a) If at anytime the moneys in the fund are not sufficient to pay any amount the Board is required to pay under an agreement made under section 105 of this Act, the Board is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Board, with the approval of the Secretary of the Treasury. The notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States on comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued hereunder and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Funds borrowed under this section shall be deposited in the fund and redemptions of such notes and obligations shall be made by the Board from the fund.

(b) Notwithstanding any other provisions of law relating to the acquisition, handling, or disposal of property by the United States, the Board shall have the right in its discretion to perform such acts as may be necessary to complete, recondition, renovate, repair, maintain, and manage, lease, rent, sell, or otherwise dispose of any property or other interests acquired by it under an agreement made under sections 105 and 106 of this Act.

(c) Any contract or commitment of insurance entered into by the Board under the provisions of this Act shall not be terminated, canceled, or otherwise revoked, except as provided by the terms and conditions prescribed by the Board under sections 105 and 106 of this Act; and shall be conclusive evidence that the obligation complies fully with the provisions of this Act and of the approval and legality of the principal amount, interest rate, and all other terms of the obligation; and any contract or commitment of insurance so entered into shall be valid and incontestable in the hands of a holder from the date as of which such contract or commitment's entered into, except for fraud, duress, mutual mistake of fact, or material misrepresentation on the part of such holder.

MODIFICATIONS

SEC. 108. The Board may consent to the modification of the provisions of an equipment obligation as to rate of interest, time of payment of interest or principal, security, or the terms and conditions of any contract or commitment of insurance which it shall have entered into pursuant to this Act whenever it finds in writing that such modification is equitable. However, such consent shall not be given unless any consent of the holder, which may be required pursuant to the provisions of any equipment obligation, shall have first been obtained.

GENERAL ACCOUNTING OFFICE AUDIT

SEC. 109. (a) The transactions of the Board may be audited by the Comptroller General of the United States in accordance with such rules and regulations as may be prescribed by the Comptroller General. The representatives of the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Board pertaining to its financial transactions and necessary to facilitate an audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Board shall remain in possession and custody of the Board.

(b) To the extent the Comptroller General deems necessary in connection with such audits as he may make of the financial transactions of the Board, pursuant to subsection (a), his representatives shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by any obligor for which the Board has insured an equipment obligation, pertaining to such obligor's financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of such obligor remain in the possession and custody of the obligor.

(c) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the fund, together with such recommendation with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President, to the Secretary, and to the Board at the time submitted to the Congress.

TITLE II—TO IMPROVE UTILIZATION

UTILIZATION INDEX AND REPORT

SEC. 201. Within ninety days after the date of enactment of this Act, the Secretary shall develop an index measuring the degree of utilization of freight cars. The Secretary shall compile data required by such index and shall publish such index at least once each quarter together with a report setting forth the changes in such utilization and the causes thereof.

INTERSTATE COMMERCE COMMISSION REPORT

SEC. 202. The Interstate Commerce Commission shall publish a report on utilization of freight cars thirty days after each report by the Secretary pursuant to section 201. Each report by the Commission shall give consideration to the latest report by the Secretary.

DEPARTMENT OF TRANSPORTATION STUDY

SEC. 203. The Secretary shall prepare a study on the utilization of freight cars and means to improve such utilization including, but not limited to, consideration of per diem and other car hire charges, demurrage, car service rules and orders of the Interstate Commerce Commission and of the railroads, the practice of assigning cars to specific traffic or shippers, payments for use of privately owned cars, and publicly and privately owned car-pools. The Secretary shall submit legislative recommendations based upon such study within two years of the date of this Act.

USE OF EXISTING LAW

SEC. 204. (a) The Secretary shall make use of existing law to improve the utilization of rolling stock.

(b) For the purposes of this section, the Secretary shall have such standing as is necessary to bring proceedings before the courts and administrative agencies.

TITLE III—ROLLING STOCK AUTHORITY

ESTABLISHMENT

SEC. 301. (a) Within three years from the date of enactment of this Act, if the Commission has not found that there is no longer a continuing freight car shortage arising from an inadequate supply of rolling stock and inadequate car service and the Secretary has not found that there has been a substantial increase in utilization of such rolling stock, there is hereby authorized to be created a corporation to be known as the Rolling Stock Authority. Its purposes shall be to acquire, maintain, and provide rolling stock, to manage a pool of such rolling stock, and to employ innovative concepts for equitable distribution and efficient and expeditious use of such rolling stock to meet the needs of the national economy.

(b) Three years after enactment of this Act the Secretary shall transmit to Congress a report stating whether or not he and the Commission have made the findings set forth in section 301(a). Unless Congress disapproves the establishment of the Authority within three years and six months after enactment of this Act, the Authority shall be established in accordance with the provisions of this title.

(c) The Authority shall not be subject to the provisions of the Interstate Commerce Act, as amended, or of any other law regulating railroads except that it shall be deemed to be a railroad with respect to: (1) sections 1(10) through 1(17) of the Interstate Commerce Act; (2) the representation of its employees for purposes of collective bargaining, the handling of disputes between railroads and their employees, employee retirement, annuity and unemployment systems, liability for injuries to employees, and other dealings with its employees; and (3) safety, subject to the same laws and regulations with respect to safety as any common carrier subject to part I of the Interstate Commerce Act.

(d) The Authority shall be subject to the provisions of this Act, and, to the extent not inconsistent with this Act, to the District of Columbia Business Corporation Act (D.C. Code 29–901 et seq.). The right to repeal, alter, or amend this Act at any time is expressly reserved. The articles of incorporation shall provide for cumulative voting for all stockholders.

ORGANIZING DIRECTORS

SEC. 302. Unless Congress disapproves establishment of the Authority, the Chairman of the Interstate Commerce Commission, the president of the Association of American Railroads, the president of the parent body of the American Federation of Labor and Congress of Industrial Organizations, the president of the National Industrial Traffic League, the Secretary of Agriculture, and the Secretary of Transportation (or their designees) shall, ex officio, become incorporators of the Authority. Such persons shall also serve as the initial Board of Directors. The incorporators shall take whatever actions are necessary to establish the Authority as soon as possible, and within not more than ninety days following the date of their assuming office. The initial Directors shall serve until at least seven of the Directors appointed by the President have been confirmed by the Senate.

DIRECTORS AND OFFICERS

SEC. 303. (a) The Authority shall have a Board of eleven Directors, of whom one shall be elected annually by the Board to serve as Chairman. The Secretary of Transportation and the Secretary of the Treasury, or persons designated by them respectively in writing, shall serve as ex officio members of the Board with the same powers as other members of the Board. Such officials shall assume their directorships when the Senate confirms at least seven of the Directors appointed by the President. The President of the United States shall, within one hundred and twenty days after the incorporators take office, appoint the remaining members of the Board, by and with the advice and consent of the Senate, on the following basis: (1) three, upon recommendation of the Association of American Railroads or its successor, one of whom shall be a representative of the eastern territory railroads, one of whom shall be a representative of the western territory railroads, and the other shall be a representative of the southern territory railroads; (2) one, upon recommendation of the parent body of the American Federation of Labor and Congress of Industrial Organizations or its successor, who shall be representative of labor; (3) one, upon recommendation of the National Academy of Sciences, who shall be a person with expert knowledge of, or practical experience with, data and information systems and of application of computer technology to the management of large-scale systems such as would be involved with the rolling stock fleet of the Authority; (4) three, to be selected from recommendations of organizations of shippers who shall be representative of different, major shipping interests, including small shippers, and satisfactory to the largest number of such shippers; and (5) one, to be selected from recommendations of organizations of consumers, to be satisfactory to the largest number of consumers.

(b) The terms of office of the Directors appointed by the President shall be for four years except that the terms of five of the members, initially appointed, shall expire at the end of two years following their first appointment. A member appointed to fill a vacancy may be appointed only for the unexpired term of the member whom he succeeds. The Directors shall take office immediately upon the expiration of the terms of the initial Board of Directors. Each of the Directors appointed by the President shall receive compensation at the rate of $300 for each meeting of the Board which he attends and shall be reimbursed for necessary travel and subsistence expense incurred in attending such meetings.

(c) So long as any capital stock of the Authority is owned by the United States, Directors, officers, and employees of the Authority shall be deemed to be special Government employees subject to the conflict of interest provisions of title 18, United States Code, sections 201–209, Directors appointed by the President pursuant to section 307(d) shall be deemed to be special Government employees subject to the conflict of interest provisions of title 18, United States Code, sections 201–209. A Director appointed upon recommendations made pursuant to subsection (a) of this section or pursuant to subsection (d) of section 307 may be included for purposes of determining the presence of a quorum at any meeting of the Directors which he attends, may participate in discussions in any such meetings and may vote upon matters, notwithstanding his service as officer, director, trustee, partner, or employee in an organization or corporation which is a member of the organization which made such recommendation.

GENERAL POWERS OF THE AUTHORITY

Sec. 304. (a) In order to carry out the purposes set forth in section 301 the Authority shall have power—

(1) to sue and be sued, complain and defend, in its corporate name;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Authority;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined: Provided, That, except as otherwise specified in this Act, such attorneys, employees, and agents as well as the members of the Board of Directors shall not be subject to the provisions of Federal laws relating to Federal employees with respect to appointments, promotions, adverse actions, hours of work, rates of compensation, allowances, leave, unemployment compensation, compensation for work injuries, and Federal benefits such as retirement, life insurance, and health benefits;

(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of the affairs and proper conduct of its business.

(10) to build, purchase, own, lease, and manage rolling stock to be operated for the purpose of providing modern, efficient freight transportation of goods; to conduct research and development related to the purposes of this Act; and to acquire, or to contract for the use of, physical facilities, equipment, and devices necessary for equitable distribution and efficient and expeditious use of its rolling stock; and

(11) to enter into agreements and contracts necessary for the building, operation, maintenance, and repair of its rolling stock and for the performance of all services and work incidental thereto, consistent with prudent management of the affairs of the Authority and not inconsistent with the provisions of section 311 of this Act.

(b) Persons contracting with the Authority with respect to the operation or maintenance of such rolling stock shall be and are hereby relieved from prohibitions of the antitrust laws of the United States, with respect to such contracts insofar as may be necessary to enable them to enter into such contracts and to perform their obligations thereunder.

FINANCING

Sec. 305. (a) Per Diem Surcharge.—Every railroad, except switching and terminal railroads, shall pay to the Authority a per diem surcharge of 50 cents per car-day on each general service freight car for each day that such a railroad incurs a car-hire charge for the use of such car, except that no one railroad, or group of railroads under common management and control, shall make total payments in excess of 10 per centum of the total amount paid by all railroads. The Authority shall impose the surcharge levy no later than sixty days after the Board of Directors shall have taken office pursuant to section 303, and the levy shall continue until the Board of Directors of the Authority determines that such sum as may be necessary for the purposes of this Act but not less than $10,000,000 nor more than $30,000,000 will be due or will have been paid to the Authority as of a certain date, whereupon the levy of the surcharge will cease as of that date. The surcharge shall be payable on the tenth day of the second month succeeding the month in which the charge accrues. If it should be determined that any one railroad, or any group of railroads under common management and control at the time of payment, has paid in excess of 10 per centum of the total amount paid by all railroads, the Authority shall refund the excess payments.

(b) The Authority shall issue a negotiable debenture to each railroad in the amount of per diem surcharge paid by such railroad. Such debentures shall bear and pay interest at a rate determined by the Secretary of the Treasury to be the current rate for similar debentures in the open market. The par value of such debentures shall be due and payable December 31 of the thirtieth year after the date of issuance unless such date shall be a Saturday, Sunday, or holiday, in which event said par value shall be payable the next full business day, which shall not be either Saturday, Sunday, or holiday. Such debentures shall be debts of the Authority but shall be subordinate to all other debts of the Authority. Neither the par value nor the interest on such debentures shall be guaranteed by the United States of America.

(c) Refund of Per Diem Surcharge.—(1) In the event of partial or complete liquidation of the Authority, any assets remaining after payment of the Authority's obligations and expenses will be distributed pro rata to the railroads, not to exceed the amount paid into the Authority as per diem surcharge under paragraph (a) of this section plus accrued interest, if any, and the remainder will be paid into the Treasury of the United States and credited to miscellaneous receipts.

(2) In the event of complete liquidation of any railroad subject to this Act, the Board of Directors of the Authority may, if and when funds are available, refund to the railroad a sum not to exceed the amount paid in as per diem surcharge under the provisions of paragraph (a) of this section plus accrued interest, if any.

(d) Incurrence of Debt for Capital Purposes.—The Authority is hereby empowered to incur debt for capital purposes. Such debt may be incurred in the form of bonds, debentures, equipment trust certificates, conditional sale agreements, or any other form of securities, agreements, or obligations. So long as all capital stock of the Authority is owned by the United States, payment of principal and interest on all obligations issued by the Authority, shall be guaranteed by the United States, such guarantee to be expressed on the face thereof. So long as any capital stock is owned by the United States, payment of principal and interest on obligations issued by the Authority may be guaranteed by the United States, such guarantees to be expressed on the face thereof. Guaranteed obligations shall not exceed $1,000,000,000 in principal amount outstanding at any one time. Such obligations may be redeemable at the option of the Authority before maturity in such manner as may be stipulated therein and shall be in such forms and denominations, have such maturities, and be subject to such terms and conditions as shall be determined by the Board of Directors, with the approval of the Secretary of the Treasury. The Authority may also incur debt not guaranteed by the United States in addition to that provided for under subsection (b) of this section.

(e) Purchase of Obligations by Treasury.—The Secretary of the Treasury may elect to purchase the obligations of the Authority guaranteed by the United States in an amount not to exceed $1,000,000,000 in principal amount outstanding at any one time, under such terms, including rates of interest, as he and the Authority may agree, but at a rate or yield no less than the current average yield on outstanding Treasury securities of comparable maturity, as determined by the Secretary of the Treasury.

(f) Public Debt Transaction.—For the purpose of any purchase of the obligations of the Authority, and to enable him to carry out his responsibility relating to guarantees made pursuant to this section, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the obligations of the Authority under this Act. The Secretary of the Treasury may at any time sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations of the Authority acquired by him hereunder. All redemptions, purchases, and sales by the Secretary of the obligations of the Authority shall be treated as public debt transactions of the United States.

(g) Authorization for Appropriations.—(1) In order to facilitate the formation and the implementation of the objectives of the Authority, there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, the sum of $10,000,000 to be used to acquire capital stock of the Authority, such sum to continue to be available until expended.

(2) There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to pay the principal and interest on notes or obligations issued by him as a consequence of any guarantee made under this section.

(3) In the event of any default on any guaranteed obligation, and payment in accordance with a guarantee by the United States, the Attorney General shall take such action as may be appropriate to recover the amount of such payments, with interest, from the Authority or other persons liable therefor.

(h) Lawful Investment and Exemption From Regulations and Restrictions.—Securities guaranteed under this section shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof, and shall be deemed to be exempt securities within the meaning of laws administered by the Interstate Commerce Commission. The limitations and restrictions as to a National or State bank dealing in, underwriting, or purchasing investment securities for its own account, as provided in title 12, United States Code, sections 24 and 335, shall not apply to securities guaranteed under this section.

(i) CAPITAL STOCK.—(1) The Authority is authorized to issue and have outstanding capital stock in such amounts and of such classes as it shall determine. At no time shall the aggregate of the shares of the capital stock of the Authority owned by a single railroad or by any person controlling one or more railroads, as defined in section 1(3) (b) of the Interstate Commerce Act, directly or indirectly through subsidiaries or affiliated companies, nominees, or any person subject to its direction or control or by any other stockholder, or any syndicate or affiliated group of such stockholders exceed 5 per centum of such shares issued and outstanding.

(2) The requirement of section 45(b) of the District of Columbia Corporation Act (D.C. Code, sec. 29–920(b)) as to the percent of stock which a stockholder must hold in order to have the rights of inspection and copying set forth in that subsection shall not be applicable in the case of holders of the stock of the Authority, and they may exercise such rights without regard to the percentage of stock they hold.

(3) Capital stock of the Authority offered and sold to the public shall be offered in compliance with all applicable laws of the United States governing the offering and sale of securities by private corporations.

AUDIT AND EXPENDITURES

SEC. 306. (a) So long as any of the capital stock of the Authority is owned by the United States, "Rolling Stock Authority" shall be added to the list of corporations in section 846, title 31, United States Code, and the Authority shall be subject to the provisions of the "Government Corporation Control Act" (31 U.S.C. 841, et seq.).

(b) Except as otherwise provided in paragraph (a) of this section, the Authority is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it deems necessary, including the final settlement of all claims and litigation by or against the Authority.

(c) Nothing in this section shall be construed as denying to the Authority the power to obtain audits of the accounts of the Authority and reports concerning its financial condition and operations by certified public accounting firms. Such audits and reports shall be in addition to those required by this section.

CONVERSION BY PUBLIC SALE OF STOCK

SEC. 307. (a) As soon as is practicable, a panel composed of the Secretary of Transportation, the Secretary of the Treasury, the Chairman of the Securities and Exchange Commission, the Chairman of the Interstate Commerce Commission, and the Chairman of the Board of the Authority shall submit to the President and to the Congress a plan for the public sale of stock in the Authority upon finding that a market exists for the sale of such stock and that the purposes of this Act shall be served thereby. This plan shall include, among other elements, a program which (1) will require refinancing, or the establishment of a reserve fund or other method, in order to protect the public interest against defaults on obligations of the Authority guaranteed by the United States, and (2) will assure that the sale of the stock will result in a wide dispersion in the ownership of the stock.

(b) The plan for sale of stock to the public shall specify a program for systematically reducing the amount of obligations of the Authority guaranteed by the United States and shall propose a capital structure for the Authority designed to insure sound financial and operating performance. Unless the Congress disapproves the plan within six months following submission of the plan to it, stock shall be sold in accordance with the plan.

(c) Upon the sale of stock to the public, the Board of Directors may be enlarged by addition of members elected by owners of such stock, but in no event shall the Board of Directors exceed fifteen members while stock is held by the United States. During such period, the rights and privileges of owners of such stock, including determination of the number of Directors to be so elected, shall be as set forth in the bylaws of the Authority.

(d) The proceeds of the sale of stock to the public shall be applied to the retirement of stock held by the United States and, upon retirement of all stock held by the United States, the terms of office of members of the Board of Directors appointed pursuant to section 303(a) shall terminate at such time and in such manner as may be provided by the plan, and all Directors shall thereafter be elected by the owners of the stock; except that the President shall have authority to appoint three Directors by and with the advice and consent of the Senate, one upon recommendation of the parent body of the American Federation of Labor and Congress of Industrial Organizations, one upon recommendation of the Federal Trade Commission, after consultation with organizations of consumers, and one upon recommendation of the Interstate Commerce Commission, after consultation with organizations of shippers, to represent the interest of the public in the deliberations of the Board.

(e) Upon retirement of all stock held by the United States, the Authority shall pay to the United States an annual fee equal to the difference between the amount of interest actually paid and that which the Secretary of the Treasury determines would have been paid upon outstanding guaranteed obligations if hey had not been guaranteed, plus one-fourth per centum. The Authority shall make every effort to refinance such obligations in order to terminate the liability of the United States arising from its guarantee of such obligations.

(f) Upon retirement of all stock held by the United States, the Secretary of the Treasury may no longer purchase or guarantee the Authority's notes or other obligations.

(g) Upon default of the Authority in payment of obligations guaranteed by the United States, the United States shall have the right to control the Authority and a Board of Directors shall be appointed in accordance with the provisions of section 303 of this Act.

NATIONAL ROLLING STOCK INFORMATION SERVICE

SEC. 308. (a) If a national rolling stock information system as defined in section 103 of this Act is not in operation at the date of incorporation of the Authority, the Authority shall establish such a system within one year from that date.

(b) In the event that the Authority undertakes to establish a national rolling stock information system, the Secretary shall permit the Authority access to, and use of, all information, studies, designs, equipment, facilities, computer programs, and other things acquired or developed pursuant to section 103 of this Act and shall give all possible assistance to the Authority to further the purposes of this section.

(c) Information from the national rolling stock information system shall be made available to the Authority, shippers, railroads, the Commission, the Secretary, and interested members of the public, subject to such rules as the Commission shall prescribe to insure the confidentiality of certain types of competitive information supplied for use in connection with the system.

(d) The Authority shall report semiannually to the Congress with respect to the progress made in implementing the national system. Such report shall include recommendations for such additional funding as may be necessary to make the national system fully effective.

(e) In exercising its authority under this section, the Authority may enter into agreements or contracts without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5).

(f) Persons contracting with the Authority with respect to the design of a national rolling stock information system or the use of information supplied by such systems shall be and are hereby relieved from prohibitions of the antitrust laws of the United States, to the extent necessary to facilitate carrying out the purposes of this Act.

CONDITIONS AND CHARGES FOR USE OF ROLLING STOCK

SEC. 309. (a) The Authority shall establish charges for the use of rolling stock supplied by it which, in the judgment of the Board, will at least enable the Authority to meet its operating and administrative expenses, including depreciation and debt-carrying charges, and to provide sufficient earnings to facilitate conversion of the Authority to private ownership pursuant to section 307, except that such charges shall not exceed a maximum of 150 per centum of the cost to the Authority of acquiring, owning, maintaining, and operating the class of rolling stock. In establishing such charges the Authority shall take into account the prevailing rates and conditions for use of similar rolling stock.

(b) The Authority shall not assess charges for rolling stock located on a railroad that is not required for such railroad's use in originating traffic provided that such rolling stock is not the subject of a car service order of the Authority or of the Commission: And provided further, That such railroad furnishes appropriate notice to the Authority according to terms and conditions established for use of such rolling stock.

(c) The Authority shall establish reasonable rates of compensation through negotiation with a railroad for storage of any excess rolling stock on the property of such railroad.

(d) The Authority shall establish and may amend from time to time terms and conditions governing the use of its equipment, including requirements for identification of its rolling stock as shall in its judgment be appropriate to effecutuate the purposes of this Act.

(e) The Authority, after consulting with railroads and other car distribution agencies, shall establish and may amend from time to time just and reasonable car service rules, regulations, and practices with respect to its rolling stock. Such rules, regulations, and practices, and car distribution directions issued thereunder, shall take precedence over any conflicting rules, regulations, or practices established by any railroad or group of railroads.

(f) Each railroad shall comply with such car service rules, regulations, and practices as may be established, and such car distribution directions as may be issued pursuant to this section.

AUTHORITY OF THE INTERSTATE COMMERCE COMMISSION

SEC. 310. The Authority shall be subject to the car service provisions of the Interstate Commerce Act, section 1(10) through 1(17), and the orders of the Commission thereunder to the extent applicable. Upon petition of any person affected by any charge, rule, regulation, practice, term, condition, or directive of the Authority, or upon its own motion, the Commission shall make an investigation and, after a hearing, shall order any charge, rule, regulation, practice, term, condition, or directive which it finds not to be in conformity with this Act, or to be inconsistent with any rule, order, or directive of the Commission pursuant to applicable provisions of section 1(10) through 1(17) of the Interstate Commerce Act to be canceled, annulled, or amended, as the Commission shall find to be appropriate.

PROTECTIVE ARRANGEMENT FOR EMPLOYEES

SEC. 311. (a) In awarding contracts for building or rebuilding rolling stock under this Act, the Authority, to the extent practicable, shall conform to the prevaling practices of the railroad industry in distributing such work among railroads with rolling stock building and rebuilding facilities and to nonrailroad car builders. The Authority shall be guided in distributing such work by the proportions of car building, and car rebuilding, respectively, accomplished by railroads and nonrailroad car builders, respectively, in the five calendar year period immediately preceding enactment of this Act. Any downward variations from the guidelines in car building, and car rebuilding, shall not exceed 5 per centum. The total number of cars and locomotives built, and rebuilt, respectively, by railroad facilities, or by nonrailroad car builders, respectively, in a calendar year need not exceed the average number built and rebuilt, respectively, by railroad facilities, or by nonrailroad car builders, respectively, during the five calendar year period immediately preceding that calendar year, but the same relative proportions of such car building, and car rebuilding, respectively, shall be maintained in the distribution of such work as between railroad facilities and nonrailroad car builders. If the Authority for any reason under its control fails to maintain such proportions in distributing such work to railroad facilities under such contracts, the Authority shall provide fair and equitable arrangements in contracts entered into by railroad employers with their employees as certified by the Secretary of Labor, to protect the interests of any of the employees of such employers who may be affected by such variations in the distribution of such work. To the extent applicable, such arrangements shall include, without being limited to, the protective arrangements specified in section 13 of the Urban Mass Transporation Act of 1964 (49 U.S.C. 1609).

(b) The Authority shall take all necessary action to insure that fair and equitable arrangements are made as certified by the Secretary of Labor, to protect the interests of employees affected by any change in technology designed to provide for more effective use and distribution of rolling stock which may have been induced or otherwise caused by the Authority in its administration of this title. To the extent applicable, such arrangements shall include, without being limited to, the protective arrangements specified in section 10 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1609).

(c) To the extent practicable, the Authority shall award contracts for the repair and maintenance of rolling stock to railroads with facilities for performing such work.

(d) The Authority shall take such action as may be necessary in insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under any contract or agreement entered into under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The Authority shall not enter into any such contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) shall be applicable to all construction work performed under such contracts or agreements, except any construction work performed by a railroad employee. Wage rates provided for in collective-bargaining agreements negotiated under and pursuant to the Railway Labor Act shall be considered as being in compliance with the Davis-Bacon Act.

ACTIONS TO ENFORCE OBLIGATIONS

SEC. 312. (a) The Authority may by any appropriate civil action apply to any district court of the United States having jurisdiction of the parties to enforce compliance with any obligation owing to it by virtue of or pursuant to any provision of this title of any agreement or regulation made pursuant thereto.

(b) If the Authority, any railroad, or other person fails or refuses to comply with any rules, regulations, charges, or practices established or any car distribution directions and orders issued under this title, or Commission directive to pay charges, any district court of the United States having jurisdiction of the parties shall have jurisdiction, upon petition by the Commission with respect to matters arising under section 310 of this Act or by the Corporation with respect to matters arising under section 309 of this Act to grant such relief as may be necessary or appropriate to prevent or terminate such failure or refusal.

(c) If the Authority or any railroad or other party violates or threatens to violate any provision of this Act, or any order, rule, or regulation issued thereunder, any district court of the United States having jurisdiction of the parties shall have jurisdiction, upon petition, or in a case involving a labor agreement, upon petition by any employee affected thereby, including duly authorized employee representatives, to grant such equitable relief as may be necessary or appropriate to prevent or terminate any such violation.

(d) Nothing contained in this section shall be construed as relieving any person from any punishment, liability, or sanction which may be imposed otherwise than under this Act.

INTERCHANGE OF CARS

SEC. 313. (a) No railroad may refuse to transport general service freight cars owned by the Authority, whether loaded or empty, subject to applicable safety regulations, reasonable interchange rules, reasonable line and prevailing charges set pursuant to section 309 of this Act.

(b) No railroad shall be entitled to any compensation from the Authority for the movement of empty Authority-owned freight cars between any points on its line of railroad, between a point on its line of railroad and a point on another line of railroad, or as a bridge carrier between points on two or more other lines of railroad, when moving upon either a car distribution directive (1) issued by the Commission or (2) issued by the Authority for the purpose of distributing Authority-owned cars for loading.

REPORTS TO THE CONGRESS

SEC. 314. The Authority shall transmit to the President and directly to the Congress, annually, commencing one year from the date of enactment of this Act, and at such other times as it deems desirable, a comprehensive and detailed report on its operations, activities, and accomplishments under this Act, the state of rail freight service, including an annual report of the numbers of rolling stock, by classes, acquired and owned by the Authority, and the numbers of such stock, by classes, owned by the railroads, and shall include in such report a statement of receipts and expenditures for the previous year, an explanation of the method by which the amount of rolling stock purchased was determined, and the criteria used in distributing rolling stock.

SEPARABILITY

SEC. 315. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Mr. HARTKE. Mr. President, the bill before us is a freight car bill. Freight car shortages are a problem that has been before many Congresses. Various solutions have been proposed and tried. However, none have worked. In S. 1729 we have developed a measure that we hope will meet the various complexities of the whole problem.

THE PROBLEM

Before describing the bill, let me describe the problem that the bill is intended to meet. First, the problem is really a problem that shippers face—they cannot obtain freight cars when they order them and when they need them. Thus, the focus of the solution must be upon the shippers and whether or not their problem is solved. A bill to alleviate freight car shortages is really a bill to aid shippers, not a bill to aid railroads. Indeed, purpose of the bill must be to induce railroads to give shippers adequate service.

Let me emphasize that word "induce." The continued existence and worsening degree of the freight car shortages demonstrates without a doubt that the industry will not solve the problem on its own. Affirmative action is required to bring about changes and improved service.

A second aspect of the problem is that there are not enough cars. This is an easy issue to understand and relatively easy to deal with—to the extent that railroads do not have strong enough credit to acquire an adequate supply of cars, their credit can be strengthened by loan guarantees or they can draw cars from a common pool as they need them.

A third aspect of the problem is that cars are poorly utilized. The importance of improved utilization to solution of freight car shortages has become increasingly apparent. It cannot be too strongly stressed. If cars are more efficiently utilized, fewer cars will be needed to carry the same or increased amounts of freight. That means that the total investment in the freight car fleet need not be as large as it would otherwise. Just as importantly, improved utilization will improve the quality of service that shippers receive. If cars are efficiently used, they can be developed on schedule. Railroad transit time and service can become more reliable, and shippers can depend on getting cars when ordered. Lost or delayed cars can be reduced.

The major impediment to improved utilization is lack of information about car location and the failure of railroads to coordinate their operations with one another. It must be kept in mind that over 50 percent of all shipments pass across two or more railroads to reach their destinations. It is apparent that coordination and cooperation between railroads must be close if service is to be dependable and utilization efficient. A weak link in the chain of railroads can easily ruin otherwise good service. It must also be kept in mind that railroads compete with each other to some extent. Thus, the proprietary interests of each road and its desire to protect relations with its customers incline railroads to keep information private and to focus their attentions to their separate operations. This inclination must be overcome and closer cooperation and coordination must be fostered by any legislation that hopes to solve freight car problems.

EXPLANATION OF BILL

UTILIZATION

The bill as reported by the committee meets the issues described above. First, it contains a number of provisions to improve utilization. Primary among these is section 103 which directs the Secretary of Transportation to design and assist in the establishment of a national rolling stock information system on the railroads. A total of $35 million in financial assistance is provided to accomplish this. Such a computerized system would provide timely information about car location and status. It would allow quick determination of the locale of empty cars so that they could be sent to shippers. It would permit the quick tracing of cars that have been lost and would also serve as a communication system for orders to get them going in the right direction.

Title II directs the Secretary to develop and publish a quarterly index of car utilization together with an analysis of changes. This will give objective information about changes in utilization and will provide a measuring stick for both Government and shippers. Title II also requires the ICC to make quarterly reports about utilization. It further calls for a 2-year study that will take into consideration all factors in utilization and legislative and other recommendations to improve utilization. Finally, the title directs the Secretary to take all action possible under existing law to improve utilization. Thus, he might well bring a proceeding before the ICC urging the Commission to issue regulations under its broad car service authority.

Title III, which would provide for establishment of the Rolling Stock Authority in the event the railroads do not eliminate the freight car shortage within 3 years, is also a powerful stimulant to improved utilization and better service. If it is established, the Authority would develop and demonstrate methods of improving utilization. It would be a yardstick against which to measure the performance of the industry.

Thus, the bill strongly emphasizes the need for improved service and utilization. It provides for a system to reduce the information gap. Its structure encourages greater cooperation and coordination between railroads.

INCREASED CAR SUPPLY

Title I meets the problem of inadequate car supply by establishing a fund to insure up to $2 billion of equipment obligations. The purpose of this provision is to bolster the credit of railroads in weak financial condition so that they can obtain financing for equipment and to bring down the interest rates that they pay for such financing. It is anticipated that if the weak roads obtain an adequate supply of cars, then stronger roads that can now finance equipment without assistance will increase their equipment acquisition programs. Presently the stronger roads are reluctant to purchase cars that are mainly used by other roads with inadequate car supply of their own.

The guarantee provision is carefully hedged with conditions so that the taxpayer will not, in effect, be guaranteeing increased dividends to railroad stockholders or investment in nonrailroad ventures. If a railroad cannot manage to meet its obligation to supply an adequate number of cars to its shippers without Federal assistance, it should be required to retain as much of its own funds as possible within the company and devoted to meeting its car service objectives. Taxpayers should not be required to guarantee a flow of funds into one pocket of the railroad while holes are left in other pockets for money to drain out into private hands or nonrailroad uses.

Mr. MAGNUSON. Freight car shortages have long been a recurring problem for the users of railroad transportation. The problem is that shippers are periodically unable to obtain sufficient numbers of freight cars when they request them to move their products. As a result, grain is piled in the streets of midwestern towns, manufactured goods stack up on shippers' docks, vital coal stockpiles are diminished, and lumber prices skyrocket, in part, because the production cannot be moved to the location of demand for them. Shippers have turned to Congress and to the Interstate Commerce Commission many times for solution of the freight car problem.

In considering this bill, it must be kept in mind that this is an extremely old problem. The first case to be brought before the Interstate Commerce Commission—Docket No. 1 in 1887—was a complaint by wheat farmers in the Dakota territory that the railroad upon which they depended did not furnish enough freight cars to move their harvest.

There have been repeated efforts since 1887 to find a solution. Voluntary action by the industry was relied upon until 1917 when Congress gave the ICC power to issue and enforce car service rules. A declining agricultural economy and the great depression eliminated freight car shortages more effectively then the ICC. During World War II and after, a thriving economy again increased freight car demand beyond supply. In 1947 the ICC acknowledged what every Western shipper knew—freight cars were not available to shippers when they needed them the most.

Freight car shortages continued to be a serious problem fluctuating in intensity with the state of the economy. Recessions reduced freight car supply problems because, of course, there was much less reason to ship anything.

The ICC began another inquiry in 1963 and 6 years later, in 1969, finally found that not much had changed since its previous study in 1947, except shortages were no longer confined to summer and fall in the West or to grain shippers or lumber shippers.

The Commission noted that railroads had not lived up to their promises made 22 years previously. It also said that shortages occurred in almost every year during the peak periods of loading and in almost all producing areas of the country. The Commission went on to state that:

> This situation results from a combination of an inadequate ownership of general purpose type freight cars by [railroads] as a group and improper utilization of the available freight car fleet.

In hearings before the Senate Commerce Committee, the Department of Transportation has supported the ICC's view.

Freight car shortages were once thought to be a characteristic problem for western farmers during harvest season. During the many years since the problem's origin, chronic shortages have spread throughout the economy. It is now apparent that almost every major industry in any region of the country may be threatened with car shortages at some time during the year. The problem can no longer be dismissed as a seasonal problem of prime concern to only one region of the country and one group of shippers. It is apparent that freight car shortages are a major problem of the rail industry and for the Nation's shippers.

The problem is twofold. There is a shortage of general service freight cars. The railroads have tended to invest heavily in special service cars but general service cars, primarily box cars, have begun to fade from the rail system. While the stronger railroads have sufficient funds to acquire cars for their own needs, the weaker roads do not have adequate access to the capital markets. They can borrow money but only at high rates which reduces the number of cars they can purchase. At the same time the weaker roads, because they must rely upon cars from other railroads pay out a considerable amount in per diem, thereby further reducing their ability to make investments. One of Penn Central's major expenses is its extremely large equipment rental. Further adding to the dilemma the weaker roads lose several millions of dollars by not having sufficient cars available. Without outside assistance to break the cycle there seems to be no hope for improvement.

But perhaps more important than the number of cars is the inefficient use of cars. Improved car use is the key to solving the freight car shortage problem. It is also the key to revitalizing the weaker railroads.

It is unanimously conceded that the general service freight car fleet is poorly utilized. The average freight car is in movement only 12 percent of the time. It is moving with a load only about 7 percent of the time; the rest of the time is empty movement. The average freight car moves loaded an average of only 32 miles per day.

No doubt investment in freight cars could be more efficiently utilized. To do so would reduce the number of cars and amount of investment required to service the needs of the Nation's rail shippers. For example, the Department of Transportation estimated the shortage of freight cars to be 130,000 cars, about 9 percent of the existing railroad-owned fleet. A 9 percent increase in car utilization—increasing loaded movement to 7.63 percent of the time and average mileage to 34.9 miles per day—would eliminate this car shortage without the need for investment in additional cars.

If railroads could improve service to shippers, they would be improving utilization and helping themselves financially. The Department of Transportation estimates that only one car in three will arrive on the day it is scheduled to do so. How can the railroads compete with the trucking industry which has an 85 percent to 95 percent on-time delivery record? The answer is partially found in the declining percentage of freight now carried by the railroads.

Better use of freight cars, which represents the principal form of current investment by the industry, is the industry's No. 1 challenge, because gains in utilization are of critical importance to broader marketing of rail service, reduced investment requirements, and enhanced financial strength.

It has been demonstrated that modern computer and communications technology, if properly put to use, could help improve utilization dramatically. The industry lacks the ability to locate cars and put them to work efficiently. On some occasions hundreds of cars and even whole trains have been misplaced.

Why has the industry not corrected the problem? One hundred years of shipper complaints simply could not overcome the fact that the industry, while it is to a high degree interdependent and interrelated, it still remains composed of individual, sometimes competitive companies. The first goal of every company of course is to maximize profits. Each company is concerned primarily with its own problems and opportunities. This means that the interests of the industry as a whole—and the interests of shippers who must often rely on more than one carrier for delivery of their shipments—are subordinated to the varied interests of the individual rail companies. Projects to benefit the industry as a whole are undertaken only when they coincide with the separate interest of the individual railroads. Since different railroads are located in different environments—in terms of geography, climate, track layout, regional economics, and financial strength—their problems and goals cannot often be expected to coincide. Thus, improved rail service which requires a large degree of cooperation between railroads is difficult to achieve and maintain because of the segmented structure of the industry.

Several approaches to a solution have been proposed and employed in the past. Often it has been suggested that increases in car-hire rates or per diem rates, as they are called, will force railroads to send cars home to the owner railroad. But such suggestions inevitably pit chronic debtor roads of the East against the creditor roads of the West. In 1966 after tremendous battles in Congress, we finally passed the so-called Incentive Per Diem Act using this approach. First of all, it took the ICC 4 years to put the law into effect. But the legislation was so weakened by amendments and subsequent ICC interpretation that its effect to date has not been noticeable.

The experiences of the past cast doubt on the old approaches. We need an answer which meets the legitimate interests of both the East and the West, which will increase the number of cars but will more importantly improve utilization of cars. The bill before us today does this in very interesting ways. It provides a carrot to the industry in the form of $3 billion in loan guarantees for the purchase of general service freight cars.

Every effort is made in the legislation to insure that the money goes into freight cars, not something else like dividends or fancy hotels. The bill also provides for the establishment of a car information system—to help find out where the cars are at any one time.

How do we know this will work? No one could be sure so we added a stick to the carrot. The stick is that if railroad performance does not improve, the Federal Government will in 3 years move more aggressively into the field through the establishment of a quasi-public authority which will have authority to purchase its own cars and control their use. The committee realizes the industry may not be delighted about the possibility of this authority coming into existence. In fact the railroads' concern will, we hope, turn into concrete affirmative action so that the railroads will take care of the car supply problems themselves without the need for greater Federal involvement. This provision is, therefore, vital to the scheme of the bill and must be retained in its present form to make the legislation effective.

Mr. President, I believe the Commerce Committee has fashioned a very unique instrument for combating a problem as old as railroading. The senior Senator from Indiana (Mr. HARTKE), chairman of the Special Subcommittee on Freight Car Shortages has done a fantastic job in developing this bill. The senior Senator from Kansas (Mr. PEARSON), who has long worked hard to find an answer to this age-old problem, deserves full credit for his dedication and his desire to produce a workable bill.

Mr. President, I urge the passage of S. 1729 as amended by the committee.

Mr. HATFIELD. Mr. President, the average shopper in a supermarket should have a keen interest in this bill, for the consumers of America are hurt by rail car shortages. Consumers pay more when no rail cars are available to ship a perishable commodity to market. If the crop spoils on a siding because of delays in getting freight cars, it forces upward the price of other produce on grocery shelves. The effects of rail car shortages on shippers of perishable goods is as devastating as a rail strike, for they face financial ruin in both cases.

As a Senator from a lumbering State, I know the price increases to lumber caused by freight car shortages. Such shortages are one reason for cost increases in new home construction. To meet the housing needs of this country, efforts must be made to hold down housing costs. Providing an adequate rail car supply will help, for Oregon ships 60 percent of its lumber east of the Rockies.

This bill is a good compromise. If the carrot does not work, the stick goes into effect.

Mr. President, robbing Peter to pay Paul is no way to run a railroad. This approach, however, has lasted far too long in the minds of many railroad men in this country. It is no secret that much of the current dilemma stems from squabbles over cars between the railroads in the East and those railroads in the West. Unfortunately, the western roads usually have been the losers in such past battles.

It has been said and resaid that the first case before the ICC in 1887 concerned freight car shortages in the Dakota Territory, but I can also say I have talked to many Oregon shipppers who feel they have waited since that time for cars they desperately needed. In fact, it is interesting to quote from an order issued by the Oregon Railroad Commission in 1916. The order said, in part:

> A severe car shortage in the years 1903, 1904, 1905, and 1906 was one of the causes which led to the creation of this Commission, and each year since the shippers on the lines of the Southern Pacific Co. in Oregon have experienced a shortage in greater or less degree.

Nothing has changed, Mr. President, since those days over half a century ago.

In 1963, the ICC began another investigation into freight car shortages. In its 1969 decision, following 6 years of research, the ICC harked back to yet another earlier ICC investigation in 1947. The 1969 decision stated:

> It has been 22 years since the last proceeding and little, if any, improvement has been made in freight car service to the public; the railroads simply have not fulfilled the promises or assurances made to the Commission in that proceeding. Car shortages of varying duration and severity have occurrred during this period and in nearly every national emergency. They have occurred in almost every year during the peak periods of loading and in almost all producing areas of the country (p. 270).

The ICC report—Investigation of Adequacy of Railroad Freight Car Ownership, 335 ICC 264, 1969—concluded with the comment:

> That there is a continuing freight car shortage which requires affirmative, remedial action at this time. We believe that this situation results from a combination of an inadequate ownership of general purpose type freight cars by respondents as a group and improper utilization of the available freight car fleet. (p. 308)

Mr. President, the ICC need not have spent 6 years to find that out. Had they come to Oregon, plenty of my shipper friends would have explained it to them in simple terms.

As my colleagues are aware, I was a member of the Commerce Committee during 1971, and I left the committee only because I had the opportunity to serve on the Appropriations Committee. During my year as a junior member of the committee, I had the privilege to serve as a member of the Special Subcommittee on Freight Car Shortages, chaired ably by the senior Senator from Indiana (Mr. Hartke). I learned a great deal about the problem in my year on the committee during our several days of hearings on this problem.

When I first came to the Senate in 1967, it had been my understanding that the problems of freight car supply were limited primarily to a shortage in numbers, and the squabbles for these cars between the eastern and western roads.

It was not until I become involved intimately in the hearings that I became aware of the scandalously low level of utilization of our existing freight car supply.

I would like to quote from the committee report about the utilization problem. The report says:

> It is unanimously conceded that the general service freight car fleet is poorly utilized. The average freight car is in movement only 12% of the time. It is moving with a load about 7% of the time; the rest of the time is empty movement. The average freight car moves loaded an average of only 32 miles per day.

When I found out that a car is loaded and moving only 7 percent of the time, I barely could believe it. A reading of the hearing records will show my extreme interest in this phase of the bill during the course of the hearings.

The importance of utilization is put best by comments in the report that the existing car supply is somewhere in the neighborhood of 130,000, according to the Department of Transportation. That is about 9 percent of the total of the existing fleet. If utilization were increased 9 percent—only increasing it 9 percent over its low level—this slight increase would eliminate the need for additional cars without the added investment in new cars. This 9-percent increase—upping the loaded and moving percentage to 7.63 percent of the life of the car, and increasing the average daily mileage of a loaded car from the current 32 miles to 34.9 miles—seems reasonable in anyone's mind.

I think the distinguished chairman of our subcommittee and the staff members know how deeply I believe that strong incentives to increase utilization must be included in this bill.

Mr. President, in my opinion S. 1729, as amended, does much to provide for increasing utilization. The bill establishes a national, computerized rolling stock information system to give timely information on location and other factors. That is section 103 of the bill. It also develops a quarterly published index of freight car utilization by the Secretary of Transportation together with his analysis of changes in utilization. This is section 201 of the bill. It establishes quarterly reports by the ICC of utilization analysis—section 202 of the bill. There will be undertaken by the Secretary of Transportation a 2-year study on ways to increase utilization, and a report from DOT containing legislation to implement these findings. I can say that I am ready now, 2 years in advance, to support legislation that will increase utilization of these freight cars. This is section 203 of the bill. The last section of the bill dealing with utilization, section 204, mandates the Secretary of Transportation to use all existing provisions of various statutes to increase utilization of freight cars.

Increased utilization is at the cornerstone of the entire supply problem, and I stand ready to offer any assistance I can to see that these sections of the bill are put into effect and followed vigorously.

There was one witness who testified before our committee who seemed to think that the ICC could solve the entire problem through its existing authority. While I did not agree with his thoughts, I ask unanimous consent that a colloquy I had with Mr. Rodman Kober, chairman of the National Grain & Feed Association's transportation committee on June 3, 1971 appear at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Senator Hatfield. Thank you very much, Mr. Kober.

Mr. Kober, I find your testimony very interesting. I would like to pose a few questions just to clarify it in my mind.

Perhaps you have stated this in different language, but just to make sure I understand you clearly, do you believe that there is a freight car problem today that we could call of a serious magnitude?

Mr. Kober. Yes, I do.

Senator Hatfield. In other words, you believe that there are shippers today that are suffering a substantial economic harm because they can't get the freight cars they need for their particular products?

Mr. Kober. I would agree with that statement.

Senator Hatfield. Do you believe that this problem is of sufficient magnitude to require Federal legislation?

Mr. Kober. I have expressed myself in our association's statement that I am not sure any further Federal legislation would be required.

I think the ICC has the authority to produce the type of improvements in the operational system which I think would produce a lasting increase in the number of car-days that would be available to the shippers who are presently suffering due to a lack of usable freight car equipment.

Senator Hatfield. In other words, then, you feel that just with the power that is now vested in the ICC, its rulemaking power, that this would be sufficient to handle the problem as far as the Federal Government's action is concerned?

Mr. Kober. For the present, I do.

Now, it may very well be that if you had an ideal system, which I am sure we can never achieve and I wouldn't suggest otherwise, we may then find that we do need additional cars. I think before we are able to make that judgment, we have to do everything possible to treat the infection itself, which is the inefficient way in which the existing cars are being handled, before we can make any judgment as to how many new cars and what type of new cars will be required.

Senator Hatfield. Now, you mention in part of your testimony this point of utilization. You did not feel that S. 1729 or S. 1730 or S. 1731—any one of these three bills—addressed itself to these problems.

Are you aware that S. 1729 very specifically talks about utilization? I am referring to page 14, section 10(b), in which it says:

"The Corporation may provide financial incentives, including shaping of costs and per diem surcharges to encourage the installation and use of automatic car identification, scanning devices, and computer technology to assure improved use and distribution of freight cars; and may enter into such contracts as, in its judgment, may be required for the development and operation of a computer system for car distribution."

It goes on with other comments relating to the general subject of better utilization.

Would you not support at least that concept within this part of the bill?

Mr. Kober. I would support that concept and say that that certainly goes in the direction that we have suggested here this morning but it doesn't suggest all the possible approaches that could be taken to improve the way in which the existing car fleet is being handled by the Nation's railroads.

I would certainly support that as one affirmative move which could assist in improving ultization, but I don't think the language that you have referred me to really goes far enough in that direction.

Senator Hatfield. Do I understand you correctly so that I can make this statement: that you believe the railroad industry is capable of alleviating the car problem with these suggested changes in the ICC rules?

Mr. Kober. Yes; I think the system is capable of achieving some large measure of improvement. I think, however, that the capability has to be related to some incentive. The system had deteriorated with respect to the efficiency of utilization and handling of equipment, and I think that merely suggests that despite my belief that the capability to improve exists, the incentives haven't been there to create the impetus to use that capability.

Senator Hatfield. In other words, you are saying, given enough money, the rail industry could solve this whole problem?

Mr. Kober. I am not suggesting that kind of incentive. I think the type of incentive that we have suggested, and, in fact, suggested to the Commission in *Ex Parte 265,* was the penalty incentive, that if a rail company could not handle a particular car with a certain level of dispatch or with adhering to certain service criteria, that they would have to pay a penalty.

Now, there might be some question as to whom that penalty might be paid, and I am not here to debate that. But that is the type of incentive I have in mind. I am not asking for any Federal funds.

Senator Hatfield. Let me say to you that the penalty system has not helped us in the lumber industry in the Pacific Northwest. We have had a type of penalty program there, particularly on the wide-door boxcar, and we found that some of the eastern rails would just as soon pay the penalty and keep the equipment.

Mr. Kober. I am speaking about a penalty which the railroad in our concept would have to pay to the receiver or the shipper of the freight for its inability to handle cars based upon some predetermined set of service criteria.

I can't speak specifically to what has happened in the Pacific Northwest, but I think the penalty provisions that you have in mind are the per diem penalty provisions, and perhaps they haven't worked because they really weren't sufficiently punitive. I don't know. I know there are some people here representing the lumber industry who can speak much more fully on that.

Senator Hatfield. Do you think the ICC would be willing to accept this kind of proposal based upon the *Ex Parte 265*?

Mr. Kober. Four commissioners in dissent indicated that they thought something along these lines should be done, and the other seven commisisoners in the majority opinion expressed the feeling that there has to be some improvement in service but apparently weren't ready to tackle the problem to that particular report.

Senator Hatfield. In other words, you have a seven to four uphill battle at this point, as far as getting your proposals accepted by the Commission if they were to make that determination themselves?

Mr. Kober. That is correct.

Senator Hatfield. Mr. Kober, there are problems that have been called to our attention that relate to the matter of bunching of freight cars at ports of embarkation.

Would you care to comment on that as part of the utilization problem?

Mr. Kober. Yes, I would. I participated in a recent demurrage case before the Commission in which we presented rather copious evidence that one of the reasons why freight cars are bunched at the ports is that rail service is so erratic that if one were determined to try to schedule the shipment of his goods to fit an orderly receipt pattern, so that cars would not be unduly detained at the port, it would be impossible to do so.

In fact, that point of view was accepted in that particular case and it was used as a basis for rejecting the proposed increases in demurrage charges that would have applied to export traffic at certain southern ports as being unreasonable because the rails themselves through their operational deficiencies were contributing to the bunching problem.

We are not saying nor suggesting that shippers and receivers are never responsible for bunching. That certainly isn't true. What I am saying is that the inefficient way in which cars are operated and handled in this country contributes substantially or significantly to the bunching of equipment at the ports.

When you deal with the exportation of grain, for example, where the average vessel today takes something like 500 or 600 boxcars to fill its holds, you are talking about the need to schedule a substantial volume of traffic. In our company, for example, we make every effort to do that, and despite every one of our efforts, there is bunching which occurs over which we have absolutely no control.

I certainly would reject any suggestion that in the grain trade, at least, specific cars are ordered for specific vessels and the cars wait for the vessel. That is not the way the grain trade operates in its export area, and as a matter of fact, the general concept of operation in the export area is one of a pipeline function, where you try to fill an elevator whether or not the ship is there and you try to schedule your inventory control based on some historic record of rail operations which often proves to be inadequate.

Senator Hatfield. Are you saying that a substantial increase in demurrage charges would discourage this kind of bunching problem?

Mr. Kober. No, as a matter of fact, it would have no effect on it at all. All it would accomplish would be to serve to penalize, in many cases, the innocent victim of the inefficient rail operational system.

Senator Hatfield. What was your proposal as to how we are going to correct this bunching problem?

Mr. Kober. In the particular case involved, we didn't offer any specific remedial steps except to suggest to the Commission that when the railroads are able to reorder their own operational system so that we can make reasonable estimates of how long it will take to get a car from A to B, and that service would, in fact, be produced with some degree of reliability, the bunching problem would be substantially alleviated or eliminated.

If that ideal were achievable in any degree, then, I think, that most receivers of freight would say okay, to the extent we contribute to bunching, we would be willing to pay even a higher demurrage than presently applies where we contribute to inefficient detention of equipment.

Senator Hatfield. Is the lack of elevator and other such storage facilities related to this bunching problem in your opinion?

Mr. Kober. No. As a matter of fact, the observation generally in the grain trade, especially at the gulf coast and the north Pacific coast, is that there is a great oversupply of elevator capability.

Senator Hatfield. Oversupply?

Mr. Kober. Oversupply, yes.

Senator Hatfield. In your testimony then, you would generally oppose, I suppose, a national pool concept, whether this pool is operated by the Government or by a semiprivate organization or by a private corporation of some kind?

Mr. Kober. We would oppose it as not being the logical first step. We think the logical first step is to provide the incentives, either through additional legislation which we don't think is needed or through congressional resolution which would compel the Interstate Commerce Commission to take the necessary steps to improve the operational efficiency with which our transport resources are being handled.

Now, it may well be that once that has been done, and I admit it is a complex problem, we may discover we need more cars or a pooling concept. I think we are a long way from making that decision today, because if you place more cars into a congested system, you are not going to cause that system to work more efficiently, and that is what these bills would propose to do.

Senator Hatfield. Let me ask you, is your industry united on this position and this philosophy that you have presented here this morning?

Mr. Kober. I believe it is.

As a matter of fact, the policy which I have stated to you received unanimous endorsement of the 14 members of our transportation committee who participated in the deliberations at our last annual convention leading to this policy, and the policy was unanimously approved by the board of directors at that same convention. So I have to say to you based upon that evidence that there are no dissents to my knowledge within the industry.

Senator Hatfield. And they, like you, feel that the rail industry with certain incentives and additional regulations by the ICC will solve this whole problem?

Mr. Kober. It could solve this problem, not the whole problem, perhaps, but we are in no position today to make a judgment as to what part of the problem could possibly be solved by the legislation before the committee.

Senator Hatfield. Does any of your group come from the Pacific Northwest?

Mr. Kober. Yes, as a matter of fact, Louis Dreyfus Corp. operates an elevator in the Pacific Northwest. Cargill Inc. is represented on the committee and they operate elevators in the Pacific Northwest. Continental Grain is represented on the committee, and they operate elevators in the Pacific Northwest. United Grain Corp., which does not have a member on the committee, is a member of the association, and they operate an elevator in the Pacific Northwest.

I would say that our association is well represented in the Pacific Northwest.

Senator Hatfield. And they support your testimony here this morning?

Mr. Kober. Certainly with respect to the companies I have named, yes.

Senator Hatfield. What, in your industry, would be the requirement for additional rolling stock? How many more cars? What kind of cars would you need to alleviate your shortage? Could you get us that information if you don't have it?

Mr. Kober. There is no way to determine that in our opinion at the present time.

Senator Hatfield. Why is that?

Mr. Kober. Because it may very well be that with any degree of improvement in the operational efficiency with which the existing general purpose—so-called general purpose—equipment is being handled by the railroads, we may discover that we don't need any more general-purpose cars.

Of course, we have a problem. I might also add, with the term "general-purpose equipment." The legislation would seem to propose the construction of, to the extent it speaks about general-purpose equipment, boxcars; and I think most of the grain trade is pretty united today that boxcars are not the most efficient vehicle with which to handle grain in interstate commerce. We would propose that grain is much more efficiently handled in jumbo-covered hopper cars.

Senator Hatfield. How many of them would you need?

Mr. Kober. We would have no way of determining an exact quantity.

Senator Hatfield. The coal industry came in here and gave us a very specific figure. The Scrap Iron and Metal Institute came in here and gave us a figure of 10,000 gondolas, or whatever the figure. They had a specific figure that they said they had computed, studied, and analyzed, and brought forth this figure for this committee.

Is your industry that much different that it cannot give us some general idea as to what your shortage is?

Mr. Kober. Our industry is different in this respect: We believe that with the increase in efficiency with which these cars are handled, you will not need to create any additional resources to carry the grain in interstate commerce.

Senator Hatfield. Then, let me ask you, what percentage of the time is the equipment that you use loaded and operated? Can you give us that figure so as to indicate the utilization factor?

Mr. Kober. I think the national average is about 9 percent.

Senator Hatfield. Do you represent the small or the medium size operation, particularly the small elevator out, say, in a place like Pendleton, Oreg.?

Mr. Kober. We hope to, yes, and we do, in fact. There are members on our committee that are specifically there because they present the point of view of what we call the small country elevator.

Senator Hatfield. And the country elevator people don't feel like they need additional equipment?

Mr. Kober. They have accepted the analysis that has been developed by the committee; that is, the answer isn't additional equipment. The answer is increased efficiency with which the existing equipment is handled.

Senator Hatfield. I see. You see it as a single problem then, not as a twofold problem. You see it singly as a utilization problem rather than utilization plus additional equipment?

Mr. Kober. I see the disease as one of inefficient operational control and I see the manifestation or symptom of that disease as inadequate freight car supply.

Senator Hatfield. And that just dangling a carrot or two out here of incentives will correct this?

Mr. Kober. I see our proposal as suggesting much more than a carrot or two.

We would suggest that the incentives be meaningful, that any rail-road that would not live up to the operational standards to be imposed by the Interstate Commerce Commission, would feel the bite of its inefficiency.

Senator HATFIELD. Good, bright orange carrots of whatever quality they may be, with a club behind the back so if they take them and don't perform, you give them a little hit on the head with the ICC regulation?

Mr. KOBER. We would give them more than a little hit on the head.

Senator HATFIELD. I have believed in living my whole life by faith, but I must say that you are men of great faith. I commend you on the faith that you present rather than the substance of your testimony.

I do not feel that your testimony is very realistic in this manner of saying that you are going to solve a problem short of Federal legislation. That you are going to solve a problem purely by a few more ICC regulations and a few incentives or maybe many incentives. The problem is in your opinion—what, 90 percent utilization and 10 percent shortage?

How would you rate that?

Mr. KOBER. As I have already said, the problem at this point is 100 percent inefficiency in operation.

Senator HATFIELD. 100 percent, all right.

Well, that's fine. I notice, too, in your testimony you say you believe there should be greater freedom to compete and to control one's economic destiny in the transportation field.

How do you feel about how much more freedom that the industry needs as it relates to rail service?

Mr. KOBER. Well, as a matter of fact, in another policy position which we developed at our last annual convention, we indicated that we would support statutory revision that would allow greater discretion to rail managements in the publication of line haul rates without suspension provided a new statute be enacted to treat trade restraints that might result from such freer ratemaking.

We are willing to give the railroads all of the freedom which they have indicated they would require in order to place their houses in order.

Senator HATFIELD. In other words, you believe in a movement toward deregulating the industry?

Mr. KOBER. Reregulating it as much as possible, recognizing that railroads are basically public utilities and they will require some degree of regulation.

But as far as the price making decisional process, we would give them as much freedom as possible and impose whatever antitrust restraints appear appropriate in that circumstance.

Senator HATFIELD. So, deregulating, though, would be the direction you would want to move regarding the rails?

Mr. KOBER. We would want to reregulate.

Senator HATFIELD. Well, you are talking about greater freedom. Is it reregulating or deregulating that is going to bring greater freedom?

Mr. KOBER. I think reregulating in the price decisional process.

Senator HATFIELD. Do you believe in Government intervention like in the case of Penn Central at the time they had financial problems?

Mr. KOBER. No; I don't.

Senator HATFIELD. And the SST for the aeronautical space industry.

Mr. KOBER. I am not stating the association's position.

Are you asking for my personal position?

Senator HATFIELD. Yes.

Mr. KOBER. I am against that intervention.

Senator HATFIELD. And Lockheed?

Mr. KOBER. Also.

Senator HATFIELD. Well, you are consistent and I certainly admire you. Maybe I am not.

Mr. KOBER. That position doesn't represent the opinion of the association.

Senator HATFIELD. The record will so state that Mr. Kober is speaking for himself on this point because I think it is at the very heart of your testimony. I am not pursuing these facetiously at all because I think the very heart of your testimony is one in which you feel the Federal Government should have less involvement rather than more involvement. S. 1729, S. 1730, and S. 1731 are, therefore, repugnant to that basic philosophy that you are expressing.

I certainly respect that philosophy and your right to express it. The only point I want to make clear in my own mind is we are not asking on the one hand for Government finance and on the other hand we want deregulation of the industry. Too many people have approached Government with the idea that Government is an ogre when they want to regulate us but they are a great source of revenue or money when we want some help out of our financial problems.

Mr. KOBER. I share the Senator's concern for that type of economic inconsistency, and I might add the philosophy I have expressed in our statement is not mine but that of the association.

Senator HATFIELD. The only point of which I would disagree is your conclusion that this is going to solve the problem. Neither one of us will know that we are right until we have tried something else. I am only saying that up to this point the philosophy you have expressed, I think, has been at the heart of the whole effort on the part of the Government or the lack of involvement on the part of the Government. This problem therefore, has grown in such magnitude and such proportion that today we are talking in terms of S. 1729, S. 1730, and S. 1731.

I think that is the reason we have that kind of proposal before us.

Mr. HATFIELD. Mr. President, I do believe that the ICC does have a role to play in the future plans for car utilization. Their historical role has put them in a position to draw on that knowledge and work with DOT and the Congress so that meaningful steps can be taken to help the shippers of this country.

On June 16, 1971, ICC witnesses appeared before our committee to testify on the various bills we were considering. I ask unanimous consent that my opening remarks on that day might appear at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

FREIGHT CAR SHORTAGES

Senator HATFIELD. The hearing will please come to order.

The chairman, Senator Magnuson from Washington, is detained at this moment and we will proceed to conduct the hearing.

Before I call upon our witness this morning, Chairman Stafford, I wish to make a few comments concerning the general subject of our hearings.

This committee has heard several days of witnesses representing the transportation industry, the shippers, and the commodities groups, and others as well. Today we hear from the ICC.

I hope that the witness today, the representatives of the associations, the industries affected, labor unions that would be affected, and the Congress might work together so that some progress can be made toward a solution of the freight car shortage problem.

It is easy—in fact, all too easy—for the buck to be passed. As a Senator, I can criticize the ICC or the railroads at how they are shortchanging our Oregon shippers. The ICC can say that it is the fault of another agency, or the industry. The rail management people can talk about the union problems as being the cause, the shippers can talk about the industry as being the cause, and on and on it goes.

I would like to suggest a rapprochement among the various parties so that we can proceed toward a solution of this problem. The purpose of this committee is to look for the best composite proposal we can devise. We are looking to the appropriate agencies, to the industries affected and their associations, and other interested parties to assist us.

The problem of freight car shortages is of such urgency, and some solution is so necessary, that I would hope that the petty differences, the bureaucratic infighting, the industry-shipper squabbling, and the politicking all could be abandoned. I realize that a permanent detente among the factions is difficult, but I am a man of faith. I ask that all parties be ready to give a little, to compromise on a few points, and to work in support of whatever approach is finally adopted.

I make this comment as only one member of the committee, but as one who is deeply interested and concerned about the issue that brings us together in these particular hearings.

We are very pleased this morning and especially privileged to have the Chairman of the Interstate Commerce Commission, Mr. George M. Stafford, and I believe that he has with him as well Mr. Murphy, and we are at this time ready to hear from both the Chairman and the Commissioner of the ICC, if they will come forward to the table at this time.

We welcome you to the hearings. Our Chairman is most pleased that you have come this morning, and he will certainly review carefully your statement, as will the other members of this committee.

You may proceed either to summarize or to outline your comments. They will be placed in the record as printed.

Also, we especially want to commend the gentlemen here, the Chairman and the Commissioner, for the extensive studies on freight car shortages you have conducted, and we look to you as sort of the leading expert from the Government agencies on this subject, so we welcome you.

Mr. HATFIELD. The second leg of this bill relates to increasing the supply of rail cars. Class I railroad ownership of freight cars declined from 1,702,016 cars in 1961 to 1,464,613 cars in 1971. This decline came in the face of a 35-percent traffic increase. The resultant squeeze has hurt nearly every shipper in the United States. With more and more to ship, there are fewer and fewer cars to use. Combining this with the stagnant utilization figures and our shippers face a bleak future without assistance from this bill. The committee report notes that DOT estimates a one-third increase in rail freight transportation between 1971 and 1980. This breaks down to a need for 617,000 cars to meet this increase. We also need 130,000 cars to meet the current shortages.

I ask unanimous consent that a table showing the decline of railcar ownership appear at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EXHIBIT III.—FREIGHT CARS IN SERVICE, 1955-69, BY CAR TYPE, CLASS I LINE-HAUL RAILROAD OWNED

	Box cars		Flat cars			Hopper cars							
	General service	Special service	General service	Special service[1]	Gondola cars	Open top	Covered	Refrigerator cars	Tank cars	Stock cars	Other cars	Total freight carrying cars	Aggregate capacity (tons)
December 31:													
1955	661,194	57,756	56,124	25,559	280,536	506,449	42,609	19,849	6,737	37,922	4,079	1,698,814	91,229,260
1956	673,747	53,912	55,962	29,378	277,802	503,442	46,952	20,010	6,461	36,830	2,347	1,706,843	92,161,038
1957	685,330	53,624	54,923	33,775	277,530	521,376	54,567	20,210	6,355	35,717	2,334	1,745,721	95,083,869
1958	672,402	52,553	52,666	34,767	278,016	512,489	58,833	20,081	6,152	33,727	2,542	1,724,228	94,486,434
1959	654,718	52,848	52,719	35,972	270,971	486,486	61,879	20,541	6,024	31,791	2,437	1,676,386	92,264,509
1960	637,829	54,900	52,714	37,472	265,950	480,445	64,255	25,527	5,824	30,800	2,576	1,658,292	91,947,166
1961	608,367	56,565	51,931	37,014	256,431	462,149	65,886	28,054	5,826	29,427	2,591	1,604,241	89,292,229
1962	577,106	62,354	49,979	37,697	249,080	440,368	69,378	29,457	5,608	26,567	2,473	1,550,067	87,223,695
1963	545,751	71,611	49,385	38,170	236,738	431,712	73,216	33,365	5,248	24,647	2,463	1,512,306	85,942,901
1964	515,123	81,220	48,257	41,075	222,897	431,791	81,168	36,922	5,157	22,445	2,330	1,448,385	86,671,709
1965	479,201	102,884	38,176	54,884	216,165	425,236	90,506	42,502	5,120	20,862	2,469	1,478,005	88,322,825
1966	455,753	125,345	37,822	58,507	209,367	422,546	103,477	48,715	4,895	19,383	2,305	1,488,115	91,440,684
1967	429,482	137,114	36,751	64,545	202,421	415,275	118,111	51,314	4,659	16,694	2,800	1,477,154	93,668,829
1968[2]	565,341	23,208	31,808	67,909	202,741	403,201	121,102	15,638	4,459	15,084	3,392	1,453,871	93,549,014
1969	563,715	23,956	30,957	71,105	196,301	388,609	125,362	15,099	4,298	11,981	3,431	1,434,817	94,346,486

[1] 1955–64. Some are included in general service.

[2] Reclassification year for all types of cars.

Source: Transport Statistics in the United States.

Mr. HATFIELD. With this litany of sobering statistics facing us, our committee investigated various alternatives to assist in the construction of new freight cars. I served on the committee only long enough to hear witnesses point out strengths and faults in our bills—I left before this compromise provision was worked out. I think it does represent a good compromise, and one I sincerely hope will be such that it solves the problem.

Establishment of the Federal railroad equipment obligation insurance fund will guarantee loans to insure obligations of railroads and car-pooling companies incurred in the acquisition of rolling stock—general service freight cars, cabooses, and locomotives. I personally have reservations about adding locomotives to this, but I was not involved in its consideration in committee and there may well be compelling reasons to have added them.

I ask unanimous consent that the section of the committee report dealing with the operation and scope of this loan guarantee provision appear at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To Increase the Capacity of the General Service Car Fleet

In order to increase car supply, the measure would establish the Federal Railroad Equipment Obligation Insurance Fund (Sec. 104), backed by Federal guarantee of its obligations (Sec. 107), to insure creditors against loss on equipment obligations incurred by eligible railroads or car-pooling companies. The Fund would be administered by a Board composed of 7 members (the Secretary of Transportation, the Secretary of the Treasury and 5 members appointed by the President—3 upon recommendation of shipper organizations, 1 upon recommendation of consumer organizations and 1 upon recommendation of the association of state regulatory commissions) (Sec. 104(b)). The Board would decide whether or not to insure equipment obligations.

Equipment obligation insurance would improve the credit rating of railroads and car-pooling companies that otherwise would experience difficulty securing equipment financing. It would also lower the interest rate for financing and thereby reduce a significant cost in equipment acquisition. Such insurance can be expected to increase equipment acquisition by railroads with weak credit and low profits.

The risk to the government of default should be low. Since railroads need equipment to continue operations, there have been few defaults on equipment obligations, even by bankrupt railroads. Further, in the event of a default, the equipment can be repossessed and resold to another railroad. There is generally a market for sale of railroad equipment to the many railroads in the Nation.

Although the risk of loss by the Government is relatively small, the provision must be recognized as a subsidy to the industry. It is justified only if it results in solution of a serious problem for the public and is strictly conditioned so that funds are properly used.

A flexible premium charge of not to exceed 1% per annum of the outstanding principal amount is provided (Sec. 106(c)). The Department of Transportation recommended a flexible charge that could be adjusted according to needs at the time of application. A low charge would make insurance beneficial to all railroads; a high charge would make it beneficial only to roads with weak credit that would otherwise be required to pay a higher interest rate than the stronger roads. Except for unusual circumstances, it is expected that the charge will be set so that insurance will be beneficial only to the weaker roads that have difficulty obtaining equipment financing at interest rates similar to those paid by the financially stronger roads.

Sec. 106 (a) establishes findings required to be made before insurance can be granted. The findings required by paragraph (a)(1)-(3) and (6) are intended to prohibit insurance of an obligation unless the rolling stock acquired thereby provides reasonable security for the Fund. Paragraph (a)(4) is intended to improve utilization by requiring a finding that the common carrier operations of railroads or the operations of car-pooling companies are sufficiently efficient at the date of application for insurance to assure economic utilization of rolling stock acquired as a result of insurance. Paragraph (a)(5) is intended to assure that rolling stock acquired as a result of insurance will contribute to reduction of the shortage of such rolling stock. It is expected that the Department of Transportation will supply the Board with an analysis of national needs for rolling stock so that the Board can make this finding. In order to make the findings required by this subsection the Board must look beyond mere recitals by the industry or the applicant.

Sec. 106(b) sets forth conditions that are intended to assure that all financial assistance resulting from insurance is used to alleviate the shortage of cars and that none of it is diverted to other purposes.

Paragraph (b)(1) requires that there be an increase in the load-carrying capacity of the obligor's rolling stock. Discretion is left to the Board to determine, in view of the conditions in each case, or by general rule, the amount and means of measuring such increase.

Paragraph (b)(2) is intended to prohibit the direct or indirect financing of increased dividend payments by the Fund. It applies to increases in dividends to common stock and to other classes of stock that are payable in the discretion of the obligor. It is not intended to apply to the payment of non-discretionary dividends such as dividends of fixed rate on preferred stock that are payable so long as there are sufficient earnings for their payment. To prohibit increase in such dividends would be unfair to the owners of such stock in companies that did not have sufficient earnings to pay such dividends during the base period. Unqualified prohibition of dividend increases would prohibit such companies from paying such dividends if they subsequently began to earn profits. Owners of stock that has a non-discretionary, fixed rate of dividend payment do not have the benefit of appreciation in the market value of their stock as the alternative to dividends to the same degree as do owners of common stock. Rolling stock insurance benefits common stock owners by strengthening their company. Such increased strength is reflected in a higher market price for their stock and is an alternative to the payment of increased dividends. In any case a company is not frozen into a fixed level of dividends for the 15-year term of an obligation by obtaining insurance for it. The company can terminate at any time the prohibition of this paragraph against dividend increases by refinancing its insured obligation so as to terminate the insurance. When the Government is no longer liable for its obligations because of insurance, the company is free to pay what dividends it chooses.

It is left to the discretion of the Board to determine what constitutes increases in dividends: changes in the number of shares that alter the per share dividend and changes in the amount of equity investment that alter the total amount paid in dividends might in some cases be permissible.

Paragraph (b)(3) restricts the use of assets and revenue related to or derived from railroad operations or property in nonrailroad enterprises for the purpose of keeping railroads in the transportation business and in order to avoid the siphoning-off of revenues and assets into businesses, such as real estate investments, not related to the performance of common carrier railroad service.

Paragraph (b)(4) is directed toward improved utilization and requires companies granted insurance to cooperate with the Secretary in programs pursuant to Title II to improve utilization.

The Board is expected to exercise its discretion under the language of these four conditions in specifying the terms of the written agreement with applicants for insurance.

Mr. HATFIELD. Mr. President, at the time of the introduction of S. 1729, which I cosponsored with the distinguished committee chairman (Mr. MAGNUSON), the establishment of a national corporation to operate a freight car pool was proposed immediately. An examination of the hearing record shows a great deal of comment, pro and con, on this approach.

The provisions for a rolling stock authority contained in this revised version of S. 1729 offer a good compromise.

Operation is very simple—if the utilization improvement and provisions for new car construction do not work, then the corporation can come into being. I think it has been made clear that no one on the committee wanted to rush into a government corporation if we thought that good solutions could be found elsewhere. So, we are giving the railroads one last chance, as it were, to see if they can do the job. I have said many times that I would not support a bill that only gave more money to the railroads—a position our subcommittee chairman also made clear a number of times during the hearings over the year I served on the subcommittee.

Mr. President, I ask unanimous consent that the portion of the committee report explaining the operation of the rolling stock authority appear at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

ROLLING STOCK AUTHORITY—DIRECT ACTION IF INDUSTRY FAILS TO REMEDY PROBLEM

If the rail industry fails to solve the freight car problem wtihin 3 years, even with the financial and technical assistance provided by Titles I and II, then incorporation of the Rolling Stock Authority is authorized (Sec. 301). The Authority would have power to acquire rolling stock (its obligations would be backed by Federal guarantees up to $1 billion) and to operate such rolling stock as a pool. It would be directed to employ innovative concepts for the equitable distribution and efficient and expeditious use of such rolling stock.

The Authority would not control a large part of the Nation's freight cars. A $1 billion investment in rolling stock would result in acquisition of between 50,000 and 75,000 freight cars, only about 4% or 5% of the number of cars in the present railroad fleet. In essence, the Authority would be an experiment to demonstrate the effectiveness of carpooling and other ideas for improved freight car utilization. It could serve as a yardstick against which to measure the performance of the railroads' car utilization.

Being independent of the rail industry, the Authority would bring a fresh point of view for efficient management and utilization of rolling stock. It would be removed from the separate proprietary interests that confine the actions of the individual railroads and often place them in contention with one another to the detriment of system users. Having the entire Nation as the scope of its operation, the Authority would see its tasks from the viewpoint of the entire rail system. It would be able to monitor the movement of its cars no matter what railroad they are located on. Not being limited by artificial railroad boundaries, it would be able better to match empty cars with loads. It could deal more effectively than the industry with the accumulation of its empty cars in the East by ordering their return directly to location of loads in other regions of the country. It need not be concerned with returning its cars to a "home road."

If the Authority is established, it will be vested with the public interest and will therefore have a special obligation to meet the interests of shippers, including the small shipper, and consumers. Its board of directors will be appointed by the President and will be drawn from the full range of those affected by the freight car problem (shippers, railroads, consumers and labor) and will also have a computer system expert (Sec. 303). In the event of conversion of the Authority to private ownership and management, provision is made for continued public appointment of three directors to represent the public interest in the decisions and policies of the Authority.

The Authority is intended to be a seedbed for the development of new ideas and new techniques for the provision and distribution of rail equipment. The Authority should make the use of rolling stock more flexible and responsive to the seasonal and economic needs of all shippers. It is expected that the Authority will encourage innovation in the relative roles of railroads and shippers and will experiment with furnishing cars directly to shippers at their request.

There well may be the initiative in the private sector needed to bring forward other innovative concepts to meet the problems for which this legislation is designed. Establishment of the Authority is not intended to prevent or inhibit such private initiative.

Some may object to the Authority as being one more body in the proliferation of government agencies. However, the Authority will not come into being unless industry fails to remedy the long-standing freight car problem. This bill makes available to industry all of the assistance it can reasonably seek from the Government and time to put its house in order. If it does not, there will be no alternative to direct Governmental action to alleviate the problem.

The bill would also provide means for conversion of the Authority from Governmental ownership and control to private ownership and control as soon as is practicable (Sec. 307). Thus, once the Authority demonstrates the viability of its approach and its value to the Nation's rail system, it can be moved out of the Government and into the private sector by sale of its stock on the public market and repayment of the Government's investment. Experience with conversion of the Federal National Mortgage Association, Federal Land Banks, Production Credit Associations Banks for Cooperatives and others demonstrates the feasibility and value of this approach. If the Authority is established, it is anticipated that it would be speedily converted to the private sector.

The rail industry, as is to be expected, opposes establishment of the Authority because it would mean some loss of the industry's dominance of car service. However, creation of the Authority means that the industry has not solved by itself a problem of vital concern for the public. The concerns of the industry should not be placed before the interests of the public.

Establishment of the Authority should not be equated to nationalization of the railroads. The Authority would not replace any railroad or assume the functions of a railroad. Its fleet would be very small in comparison to the size of the railroad fleet—4% to 5%. It would rely on the railroads for movement of its cars. The Authority would be a car furnishing company, similar in many respects to existing independent car lines. To be sure, the Authority would bring an increased measure of Government presence to the industry. But the point is that this degree of Government presence is much less than will be required in the long-run if action is not taken now to remedy the freight car problem and to bring about generally improved service by the industry. Further, means are provided to terminate Government control of the Authority by selling its stock to the public and converting it to a private corporation.

Others may be concerned about creation of the Authority because of dissatisfaction with the performance of the National Passenger Service Corporation (Amtrak). Since the Authority is designed to remedy a problem substantially different from that for which Amtrack was intended, comparisons between the two are misleading. Amtrak assumed the burden of rail passenger service—a service which the rail industry considered to be a losing business and had encumbered with years of neglect and downgrading. The Authority, on the other hand, would enter into the healthy side of the business—freight. Amtrak assumed a contracting service while the Authority would be involved in, but would not assume, an expanding service. Further, the Authority would not undertake the bulk of the service as did Amtrak; the Authority would have a small percentage of the total car ownership and only one of the many functions involved in freight service. Finally, dissatisfaction with Amtrak may be premature; it is in the infant stages of an effort to reverse the decades of neglect and deterioration. The Committee in its report on 1972 amendments to the Amtrak Act (Senate Report No. 92–756) expressed its view that failure to implement the Act in accordance with Congressional mandate is perhaps the principal reason for dissatisfaction. Safeguards against lack-luster implementation have been built into this bill at every conceivable place. Thus, the Amtrak experience does not weigh heavily against establishment of the Authority.

The Rolling Stock Authority is the strongest inducement for industry action.—The provision of Sec. 301 that the Authority will come into existence unless there are findings that the freight car shortage problem has been solved is vital to accomplishment of the objectives of the bill. Without this provision there will be no incentive for the rail industry to take necessary, and long-neglected, action to remedy the freight car problem. Past experience shows that the industry will not take such action voluntarily. The industry's failure is understandable, because of each railroad's proprietary vantage point. However, the industry must be given a powerful reason for taking action broader in scope than the direct business interest of the individual railroad.

The hope is that the industry will take the necessary action by itself in order to avoid imposition of a solution by the Government. If that possibility is not sufficient inducement, then there is no alternative and some form of Government action will be necessary.

In order to provide a strong incentive, it must be certain that the Authority will be established unless the freight car problem is solved by industry. The less certainty as to its establishment, the less incentive value it offers. For example, to make incorporation contingent upon legislation would certainly reduce, if not vitiate, the inceptive value of the Authority. The industry could then postpone needed action in the hope that other, more important problems would occupy Congress' attention at the time of decision, thereby delaying establishment of the Authority. Such procrastination might delay the day of establishment but the intervening deterioration in the industry would hasten the day when nationalization might be necessary.

The rationale for making the Authority contingent upon further legislation is that conditions might change in the meanwhile.

Sec. 301(b) anticipates this eventuality. It requires the Secretary to transmit a report to Congress stating whether the required findings have been made; this requirement assures that the issue will be placed before Congress and will not pass unnoticed. Then, the issue must remain before Congress for six months during which time Congress can disapprove establishment of the Authority. Thus, there is ample provision to permit response to changed circumstances.

Sec. 301(a) provides that the Authority will not be incorporated if (1) the Interstate Commerce Commission finds that there is no longer a continuing freight car shortage arising from an inadequate supply of rolling stock and inadequate car service and (2) the Secretary of Transportation finds that there has been a substantial increase in utilization of such rolling stock. The finding by the Commission essentially requires a reversal of its conclusion in *Ex Parte 241, Investigation of Adequacy of Railroad Freight Car Ownership, Car Utilization, Distribution, Rules, and Practices,* 335 I.C.C. 264, 308 (1969). The Secretary's index, report and study of freight car utilization (Title II) provide him ample information to determine whether or not the second finding can be made. If the two findings can be made, then it is clear that the industry, with the assistance provided in Titles I and II, will have solved the freight car problem. If they cannot be made, then direct action by the Government will have been delayed long enough and should begin immediately.

Sec. 301(a) was intended to permit establishment of the Authority in the event no findings are made. This design reduces uncertainty as to establishment of the Authority in the event that the problem has not been solved by industry. To reverse the design to a positive finding to the effect that the authority is necessary would permit the industry to turn its attention toward delaying decision rather than concentrating its efforts on remedying the underlying problem. A review of Commission decisions demonstrates how long they can be prolonged. The design of Sec. 3011(a) makes delay unrewarding.

Mr. HATFIELD. Mr. President, I would like to turn away from a discussion of the bill to a discussion of the need for this legislation in more general terms. I think a strong case can be made for the specific points in the bill, and I have touched on several of them. It is the need, though, for some good legislation now that calls for enactment of this bill without delay.

Before I turn to problems of the shippers, I would like to comment on the effects of car shortages on the consumers of this country. In discussions I have in Oregon, I find the entire subject of freight car shortages is dull to all but shippers and railroad groups. Yet it is the average shopper in a supermarket who should have just as keen an interest in such legislation as we are considering here today.

Consumers pay more when no rail cars are available to ship a perishable commodity to markets. As my friends from other agricultural areas are well aware, when a rail car is needed for a shipment of fresh produce, failure to have it there can ruin an entire year's crop. If a crop spoils at a siding because of a delay in getting a car to a farmer, this forces the price upward of the amount of produce getting to markets from other suppliers. That is simple supply and demand.

In the fresh agriculture area, it is critical as is true nowhere else that an adequate supply of cars be available when they are needed.

Our subcommittee went to my home State of Oregon for a day of field hearings on our bills on September 20, 1971. In my opening remarks, I noted:

> I submit that the effect of a strike is just the same on a small Oregon shipper of perishable goods who cannot get freight cars during his critical shipping period. When his goods spoil or rot because of an inadequate freight car supply, the effect on this individual is just the same as it is during a rail strike. Yet the public attention usually is not focused on these daily problems, only when we have something as dramatic as a strike.

I ask unanimous consent that my entire opening statement at these field hearings in Portland appear at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

OPENING STATEMENT BY SENATOR HATFIELD

Senator HATFIELD. Thank you very much, Mr. Chairman.

On behalf of the people of Oregon and also on behalf of the people of Washington, I wish to thank you for scheduling this field hearing here in Portland. I'd like to say that Senator Magnuson, who is our committee chairman, has indicated a keen disappointment in not being able to be here this morning. He is also a member of this subcommittee, and has asked me to speak a word on behalf of his constituents in Washington at this hearing. We in the Northwest sometimes think the Federal Government turns its wheels in Washington, D.C., 3,000 miles away, and the input into these decisions is made with little contact with the people around the country. The fact that you, Senator Hartke, have taken the time from your busy schedule to come to Portland reflects your desire to see that the people are heard on this important legislation. I think the presence of Senator Stevens from Alaska here today also points up the national character of the problem and the identification that we have here as colleagues repersenting the Pacific Northwest States.

The people in the hearing room today should recognize that Senator Hartke has given important leadership to the efforts to provide a solution to the chronic freight car shortage. As a new member of this committee only since January. I have appreciated his counsel on matters relating to railroad and shipping problems.

The purpose of any field hearing is to hear from the people, not to hear from the Senators; so my opening remarks are brief. Due to a scheduling conflict of Senator Hartke on the day those hearings began in Washington, D.C., I had the privilege of chairing those hearings. I have brought copies of my remarks on that day, and they are available to those who are interested.

During my 8 years as Governor of Oregon, I was involved in trying to secure an adequate supply of freight cars for Oregon shippers, and as I look around the room today, I see friends who helped us then and are assisting this committee today in finding a solution to the problem. As Governor, my efforts were primarily on behalf of our forest products industry and our agricultural industry. I thought then that the problems we faced were unique to the West.

As I have listened to the 7 days of hearings held thus far in Washington in 1971, I realize more and more that these car shortages are nationwide and affect nearly all segments of our economy and all areas of the country. Representatives of the scrap metal industry say they need so many thousand cars, the coal industry needs so many thousand cars, and the list goes on and on.

We have heard the merits and shortcomings of the four bills discussed in detail during our 7 days of hearings in Washington. We have come here primarily to hear about your problems, problems that are unique to our area and to our industries. I think it is safe to forecast at this point that whatever legislation is adopted will be a compromise drawn from the various bills.

While the focus of the bills is primarily directed toward increasing car supplies, I want to assure this group that I will push for increased utilization of our existing car supply. I was shocked to learn that a study by the Department of Transportation indicates that a freight car today is loaded and moving only 6 percent of its life—6 percent. Our committee has been told that an increase in utilization of only 10 percent would add over 40,000 cars to our supply. As I have pointed out to Senator Hartke when we have been discussing these bills, Oregon is a State dependent on adequate transportation facilities to market our goods. Oregon exports to other States twice the amount of goods that we import. I want to underscore this, that we export twice the amount of goods that we import. Adequate freight car supplies are vital if our State is to grow economically.

Oregon railroads serve 650 forest products shippers and over 700 shippers in agriculture and related products, canned and frozen and other processed foods. There are 2,000 other shippers served by Oregon railroads. That totals nearly 3,400 shippers served by the 200 daily trains along Oregon's 3,200 miles of rail lines. You can see, Senator Hartke and Senator Stevens, the impact of inadequate car supplies on Oregon's economy.

During the recent rail strike, public attention was focused on the problems facing our shippers caused by the strike. I certainly agree that great economic and financial hardships are caused by such strikes. I submit that the effect of a strike is just the same on a small Oregon shipper of perishable goods who cannot get freight cars during his critical shipping period. When his goods spoil or rot because of an inadequate freight car supply, the effect on this individual or small company is just the same as it is during a rail strike. Yet the public attention usually is not focused on these daily problems, only when we have something as dramatic as a strike.

The current situation, with shortages touching nearly every segment of northwest industries, cannot continue without relief. The very survival of small shippers is at stake, for they cannot absorb losses caused by an inadequate car supply. Our companies in Oregon, where we ship out twice the amount we bring in, cannot grow and expand their markets when no cars are available to ship our goods to other sections of the country.

We in the Congress owe to the people around the country a sincere effort to solve the chronic freight car shortage plaguing all areas and all industries. These hearings are part of our efforts to find the best answer, and I want to thank those of you who have appeared here today to testify, and I hope it will not be too long before we meet with you with a draft of a bill that the committee has approved.

Thank you, Mr. Chairman.

Senator HARTKE. Thank you, Senator Hatfield.

Mr. HATFIELD. The point I want to make here is that the consumer will benefit from this legislation. It will help hold the line against rising food prices.

By cutting the amount of crop spoilage resulting from inadequate car supplies, it will help the farmer's income as well.

I think, Mr. President, that a discussion of the effect on consumers provides a bridge for me to turn from a discussion of the effects of a freight car shortage on the agriculture industry to the effects on the forest products industry, a major contributor to the economy of my area of the country.

Providing adequate housing for the people of this country has been a goal of the Congress, and a goal shared by most of the people in the country. Recent years, however, have seen construction cost for new housing rising at a rate faster than incomes have risen. Many factors have contributed to this. I submit, however, that by providing an adequate supply of rail cars to move wood products will provide an important price stabilizer to assist in the leveling off of recent price increases in the forest products industry area.

At the field hearing in Portland, this point was brought out in testimony. Very simply, it stands to reason that when supplies of lumber are kept from reaching the markets of the country where lumber is sold, prices for lumber that is there increases. I urge people who would like detailed explanations of the effects of these car shortages on lumber prices to read the hearings report of our field hearing in Portland last September. Many experts testified on the financial impact wrought by these shortages.

I would like to note only two examples. I ask unanimous consent that portions of the testimony of Mr. Putnam S. Robbins, of Willamette Industries, and following that, of Mr. Robert W. Van Duker, of Fir Ply, Inc., appear in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement of Putnam S. Robbins, Marketing Services Manager, Williamette Industries, Inc., Albany, Oreg.

During the recent period of car shortage we were forced to truck particleboard from our mills in Oregon to one of our major distributors in Chicago, this at a cost over rail of approximately $7 a thousand square feet. This is in rate alone, based on ¾-inch particleboard. If we were to protect this as we had to with paper wrap, this adds an additional $10 per 1,000 to the direct cost of getting that product to market, for a total of somewhere around $17 per 1,000. Now these were costs which we as a manufacturer could not absorb, and still be competitive, nor could our customer in Chicago absorb these charges.

I think we should also consider it is unproductive capital which cannot certainly be stood by the industry, if the housing needs of this country are to be met, but these are costs which were required of us because of a car shortage.

Statement of Robert W. Van Duker, Fir Ply, Inc., White City, Oreg.

The actual cost to our company amounts to about $2-per-thousand feet. Additional costs which cannot reflect price discounts are our production costs. You will note that appendix 2 is a detailed analysis of our production costs for 2 recent months. These figures show that because of many fixed costs in plywood production, the actual cost per thousand feet on a three-eighths basis, will rise when production decreases. For instance, during the month of June, a normal producing and shipping period, our overall production costs were $50.62-per-thousand square feet, three-eights basis. During the month of August, on the other hand, we experienced a severe shortage of equipment, and our costs rose to $52.46-per-thousand square feet, three-eighths basis.

There are several other costs directly attributable to a car shortage such as the cost due to interrupted cash flow, increased warehouse handling, increased damage factor, which sometimes means as much as a 15-percent discount in our price. Although these costs are certainly reflected in our overall profit picture, they are not easily calculable on a per-thousand basis. We know they exist, but the individual expense of determining the actual costs would be extremely high.

Mr. HATFIELD. Mr. President, there were several examples I could cite from the Portland hearing, but these give a flavor of the impact of the shortage on lumber prices.

The problems of the forest products industry in meeting its freight car needs are not confined to the small or medium sized operation, either, as might be imagined. Certainly one of the largest operations in the country is the Weyerhaeuser Corp., headquartered in Tacoma, Wash. I believe a colloquy Senators Hartke, Stevens, and I had with Mr. Max Allen, manager of mill supply for Springfield, Oreg., Weyerhaeuser operation, points out the problems even a giant in the industry faces. I ask unanimous consent that this section of the colloquy and his statement at the Portland hearings appear at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement of Max L. Allen, Manager, Mill Supply for Springfield, Oreg., Wood Products Division, Weyerhaeuser Co.

Mr. Allen. My name is Max L. Allen. I am manager, mill supply, for the Weyerhaeuser Co. mill, Springfield, Oreg. Weyerhaeuser Co. is engaged principally in the growing and harvesting of timber and in the manufacture, distribution, and sale of forest products. Total annual sales of the company in 1970 exceeded $1,200 million; approximately one-half consisting of wood product sales.

Senator Hartke. Let me ask you sir, do you think it is possible this can be solved by the railroads alone, without any help—if they could have some system of enforcement of the utilization of cars rather than building new cars?

Mr. Allen. I personally do not think so.

Senator Hatfield. Mr. Hartke, Mr. Stevens, I would just like to make one general observation. As you probably know, Weyerhaeuser is one of the largest of our timber operations in the Pacific Northwest, and probably one of the finest in corporate responsibility and public concern and public interest. I would say it is a remarkable corporation. It is truly one of our finest.

I have nothing against largeness per se, or bigness per se, only when bigness tends to create a situation where it excludes small- or medium-sized operations, and I want to say that in listening to Mr. Allen today, if these are the problems of Weyerhaeuser, what in the world must be the magnitude of the problem of the small- or medium-sized business?

Senator Hartke. In other words, you have the economic wherewithal to get the job done that the small shipper does not have, and even you cannot get the job done?

Mr. Allen. No.

Senator Stevens. I must say that I share Senator Hatfield's respect for your company, and I only wish that you did a bit more business up in Alaska.

Mr. Allen. We are working on it.

Senator Hartke. Just for your information, they are in Indiana.

Mr. Allen. Yes, we have some of our best customers in your State, and this specialized equipment goes heavy into your State. Thank you very much.

Senator Hartke. Thank you. We appreciate your comments.

(The statement follows:)

Statement of Max L. Allen, Manager, Weyerhaeuser Co. Mill, Springfield, Oreg.

My name is Max L. Allen. I am manager, mill supply, for the Weyerhaeuser Co. mill., Springfield, Oreg. Weyerhaeuser Co. is engaged principally in the growing and harvesting of timber and in the manufacture, distribution, and sale of forest products. Total annual sales of the company in 1970 exceeded $1.2 billion; approximately one-half consisting of wood products sales.

My activities involve the sales, marketing, and shipment of wood products. I have responsibility for the coordination and allocation of rail equipment at Weyerhaeuser Co.'s three western Oregon wood products facilities (Springfield, Coos Bay, and Cottage Grove). I am in daily touch with the car supply situation at these points and their relationships to other shipping origins of our company in the Pacific Northwest.

These three mills are located on and served exclusively by trackage of the Southern Pacific Transportation Co. Over a period of a year, we will ship approximately 13,000 railcar loads of manufactured wood products to destinations throughout the United States.

The car supply problem is one of continuing concern to my company. The situation with which I am most familiar relates to our Oregon mills located at Springfield, Coos Bay, Cottage Grove, and Klamath Falls, but many of the conditions faced by Weyerhaeuser Co. apply equally to the railcar situation at other shippers in Oregon.

To be competitive in the wood products market, our manufacturing units are designed to fully utilize the raw material available. We have a need for all types of rail equipment. Our customers demand unitized loading in railcars. The 40-foot single-door boxcar is becoming obsolete. The increased demands are for double-door 40-foot, 50-foot, some full-door boxcars and bulkhead flats.

The Weyerhaeuser Co. western Oregon mills have charted the railcars ordered and received in the first 18 months of 1971.

This chart shows by week our western Oregon mill railcars received on a very erratic schedule. At times the mills receive 100 percent of need or as ordered; however, at other times we receive only about 50 percent of needs.

Now this chart shows a consistent railcar shortage throughout the year, this is up to the first of September. Now, the extreme railcar shortage was during the Southern Pacific railcar-strike period, which is shown right in here and over in here [indicating] but you can see, if I recall right, that there were only 7 weeks out of the first 36 weeks of the year that we received 100 percent as ordered, type ordered in the year of 1971 at our three western Oregon facilities.

In evaluating the railcars received, the following factors must be considered:

1. The railcars were delivered on an erratic schedule. The shipping crews were often required to work 48 or more hours a week to load what normally would have been loaded in a 40-hour workweek:

2. The type of cars received was not always the type ordered. This causes delinquencies, cancellations of orders, dissatisfied customers and loss of customers.

3. The railcar shortage often develops on a strong market. Railcars are generally available on a weak market. Our mills at times must ship at a low sales price when railcars are available to keep operational.

To operate our Oregon manufacturing units at normal production rate during a severe railcar shortage is a costly operation which requires the following action.

1. Build inventories.

2. Build up local sales and increase truck shipments utilizing commercial and/or Weyerhaeuser Co. trucks.

I estimate our Oregon mills will ship in 1971: 7,050 truckloads of lumber; 1,640 truckloads of plywood; 271 truckloads of particleboard; and 175 truckloads of Ply-Veneer for a total of 9,136 truckloads of manufactured wood products.

The railcar shortage forces us to truck shipments. During a severe car shortage, all Oregon intrastate shipments go by truck.

2. Shipments to Washington, California, Idaho, Utah, Nevada and Arizona are often made by truck at unfavorable freight costs.

3. We have set up and contacted reload sites on Burlington Northern Railroad at Eugene and Junction City. We have hired extra personnel and rented equipment so we could ship from two rail lines instead of one. This is an additional cost to us of about $400/railcar on material coming from Coos Bay and less cost, proportionately, from Cottage Grove and Springfield.

4. We have had built and increased our leased fleet to 87 railcars for the Oregon mills. Seventy-one of these are special, full sidedoor boxcars needed for loading of long unitized panels. Although our supplying railroad company cannot supply us with this type railcar, it has only been during the last few months that they have agreed to handle these privately leased cars in their trackage.

5. We have an arrangement with Evergreen Freight Car Corp. We intend to work with them in this arrangement to help them justify revenue to build more of these double-door 50-foot Evergreen boxcars.

6. We have attempted to increase our export and cargo sales. The longshoremen's strike this summer has prevented us from utilizing this method of shipping to its maximum potential.

My company has had many meetings with our supplying railroad and has worked closely with them to utilize the available railcars to maximum efficiency.

We have set up a system that is helpful to both the carriers and ourselves in planning care requirements. One system involved a series of forecasts where we maintained records as to the number of cars ordered, supplied, and actually shipped. We estimate our requirements several months into the future.

These records are maintained for all of our mills, and are coordinated in our Tacoma office. These reports are available to the carriers serving our facilities.

Gentlemen, the railcar supply in Oregon is critical and costly. The Western railroads and the Oregon shippers need your help to solve the tradtional railcar supply problems of Oregon and the Pacific Northwest.

Mr. HATFIELD. Mr. President, the Far West produces lumber in far greater quantities than it consumes, and ships about 60 percent of its production east of the Rockies. I am advised that in 1970, about 300,000 carloads of lumber were shipped from western mills.

An adequate rail car supply is needed. From a selfish point of view, as a Senator from a timber State such as Oregon, having enough freight cars enables our economy to prosper, and I am all for that. From a broader prospective, though, if we are to meet the housing goals and needs of this country, we must take steps to hold down the cost of new houses. Providing enough rail cars is a big step in offering some stability to an industry that suffers pricing fluctuation brought on by factors more complex than the one under discussion today.

I ask unanimous consent that my statement at the opening day of the hearings, as we began investigating the aspects of the various bills before the committee back on May 19, 1971, appear at this point in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Freight Car Shortages

(Opening statement by Senator Hatfield)

The hearing will please come to order.

Let the record show that Senator Magnuson, the chairman of the Commerce Committee and a member of the Special Subcommittee on Freight Car Shortage, has commitments on the Senate floor this morning and will try to join us if at all possible. I do not think it is necessary to indicate his keen interest because it has been amply demonstrated on many occasions concerning the subject on which we will be holding hearings this morning.

I am pleased to welcome each and every one of you here this morning to the first day of the hearings before the Special Subcommittee on Freight Car Shortages on freight car shortage problems and on four relevant bills which have been introduced—Senate bill 1415, introduced by Senator Pearson, which would authorize the Department of Defense to purchase for its use not less than 10,000 general purpose freight cars; Senate bill 1729, introduced by Senator Magnuson with 33 cosponsors, which would create a public corporation to acquire general purpose cars and to foster improved utilization through modern computer systems; Senate bill 1730, introduced at the request of the National Industrial Traffic League, which would create a combination public-private corporation to acquire general purpose cars; and Senate bill 1731, introduced at the request of the Association of American Railroads which would provide Government insurance against default on railroad equipment loans.

The freight car shortage problem is familiar to all of us. It has been before the Commerce Committee many times down through the years. But it has grown more severe in recent years. Not only does it affect our western grain farmers and lumber shippers, but it also affects the coal industry in the East, the lumber industry, almost every industry in every region in the country.

I think it is clear that the time is ripe for legislative action. The freight car shortages are of major concern to many of the Nation's shippers. Further, we must keep in mind the weakened condition of the rail industry itself. A creative solution to the freight car shortage will not only aid shippers, but it will also help the beleaguered railroads.

This subcommittee intends to conduct a thorough analysis of the problem and will attempt to develop a solution to it. We will have 2 days of hearings, today and Friday this week. I expect that we will have several more days not yet scheduled before we are finished. The bills before us should provide a good starting point for our work. We hope to improve upon them before we are finished and we look forward to the comments of our witnesses to help us in this regard.

Today, I will not go into detail in support of the various bills before our subcommittee, but as a member of this special subcommittee I do want to highlight the problem as it relates to my own State of Oregon where we ship twice as many goods out of the State as we import.

Oregon shippers need empty cars for our goods to travel to markets in other States. Probably the best known of the areas where the shortage plagues Oregon businesses are in the forest products area and in agriculture. I could count off numerous occurrences with friends of mine in the lumber industry where boxcar shortages have hindered and even crippled efforts to reach markets in other States at crucial times.

Throughout Oregon, our forest products shippers—from the giant companies to the small independent operators—have lost profits, faced serious financial difficulties, and have laid off men, and thus increased unemployment. These problems occurred because no boxcars were available when they were needed. One small mill in western Oregon was forced to lay off 200 workers because no railcars were available to transport the mill's lumber production.

As the economy in the country improves, I anticipate increases in new home construction. The boxcar shortages of the past 2 years will pale in comparison to what Oregon lumber companies will face if more cars are not provided for our products. I also would presume that similar situations exist in other Northwest States.

I would also add that our State's agriculture industry has a vital interest in improving the freight car situation. The most dramatic cases concern shipments of fruit, produce, and vegetables. The equation here is simple: If there are no cars, everything is lost when the crops spoil.

The effects on consumers can be illustrated most clearly in this context. When crops spoil or are delayed, the supply cannot meet the demand The result is higher prices for the American consumer.

Secretary of Agriculture Clifford Hardin testified last year on this problem of the freight car shortages as it affects agriculture. I would like to have the record show here the selections from his testimony as indicated.

"The answer to the problem is complex: It involves money for equipment, changing railcar usage patterns, rising costs, and distribution of available equipment into agricultural areas at times of peak harvest demand.

"The number of plain boxcars in use has declined annually for the past 11 years or more.

"Between Jan. 1, 1959 and Jan. 1, 1970, this decline was a sharp 42.7 percent.

"On Jan. 1, 1959, American railroads had 674,792 such boxcars; by Jan. 1 this year, this total had dropped to 386,499. Of these boxcars, the total of narrow-door boxcars suitable for grain hauling had declined to 180,574. Meanwhile, it is true, the number of covered hopper cars—the kind suitable for unit trains and bulk hauls between major terminals—increased from 58,383 on Jan. 1, 1959, to 125,867 on Jan. 1, 1970. However, these hopper cars are used for many purposes other than the transportation of grain and similarly-handled agricultural products. They have by no means met the current needs of the grain industry.

"In addition to the shortage of ordinary boxcars, there is also a critical shortage of mechanical refrigerated cars for the movement of perishable agricultural products.

"While the boxcar shortage has grown increasingly acute since 1959, the population of the United States has increased by more than 27 million persons. The need for adequate movement of the basic agricultural raw materials into the food production areas of our Nation increases daily.

"Complicating matters even more are two strictly agricultural problems. One is the matter of greatly increased crop volumes which must be moved and the particularly sharp increase in fall-harvested crops.

"Wheat production during the 1950–70 period has expanded from around 1 billion bushels annually to about 1½ billion; corn production has grown from around 3.8 billion bushels to around 4.5 billion; grain sorghum from 555 million bushels to more than 700 million; and soybean production has nearly doubled—to the point where it now exceeds 1 billion bushels annually. Furthermore, the percentage of the corn and grain sorghum crops moved off the farm has increased substantially."

From this testimony of Secretary Hardin, these statistics point out just how severe this problem is across the entire country.

In conclusion, I hope that this committee will approve legislation which will help solve the severe problems facing shippers in Oregon and other parts of the country as well. On behalf of businessmen and consumers in Oregon and throughout the country, I will urge approval of legislation which will enable meaningful steps to be taken to solve this transportation crisis.

Mr. HATFIELD. Mr. President, I also want to point out that the railroads that serve Oregon have done a great deal to try and solve the problem in our area of the country.

In a recent edition of "Keeping Track," the publication of the Oregon Railroad Association, it is brought out that the railroads serving Oregon bought 23 percent of all new rail freight cars manufactured last year. I applaud this action, but as I have pointed out, it is not enough.

I ask unanimous consent that this article on new car purchases appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Keeping Track, April 1972]

OREGON RAILROADS BOUGHT BIG SHARE OF NATION'S NEW CAR FLEET LAST YEAR

Latest annual freight car order figures again highlight the significance of railroad spending to the Northwest economy: railroads operating in Oregon ordered 23 per cent of new freight cars manufactured nationally in 1971.

And more than two-thirds of all new cars ordered by the three Oregon Railroad Association member lines in 1971 are from Oregon and Washington manufacturers.

Burlington Northern, Southern Pacific and Union Pacific—three of 71 Class I railroads making up the national system—ordered a total of 12,046 new freight cars.

Of these, 4,431 are from Gunderson, Inc., Portland car builder; 3,450 are from Pacific Car & Foundry Co. in Renton, Wash.; and 375 are from company shops in Oregon.

Nationally, new freight car orders in 1971 totaled 52,432—up nearly 5 per cent over 1970. The number purchased by the three ORA member lines (which operate railroads in a total of 22 states besides Oregon) represents 23 per cent of the national figure.

Railroads nationally are expected to invest in more than 70,000 new cars in 1972, with a significant portion of them again to be built in the Pacific Northwest.

Mr. HATFIELD. Mr. President, I wish to call special attention today to the leadership given this legislation by several of our colleagues. The distinguished chairman of our subcommittee (Mr. HARTKE) who is carrying the ball now in the debate on the floor, has given much of his time and energies in the preparation of this very worthwhile compromise. In my year on the committee, I appreciated the counsel and advice of the senior Senator from Indiana (Mr. HARTKE) as we held several days of hearings on these bills.

I think we all owe our thanks to the leadership of the distinguished Commerce Committee chairman for whom I have such affection and admiration (Mr. MAGNUSON). As Governor of Oregon, I knew years ago that Senator MAGNUSON was an able and skillful legislator—sometimes to his State's direct benefit and my State's direct loss. Since coming to the Senate, though, it has been my pleasure to work in tandem with him in solving common problems of the Northwest far more often than we work at odds with each other. He was responsible for my appointment to the freight car subcommittee, and I welcomed the opportunity to become more familiar with such a complex topic, and to participate in the initial consideration of these bills.

On the Republican side of the aisle, the able senior Senator from New Hampshire and I should be at odds on any such legislation—he from the Northeast and I from the Northwest. We should be tugging away at each other, for the car shortages have been thought of as purely regional struggles. I think we both recognize, however, that we have passed that stage—it is a national problem, not a regional one. There is no solution that will help New Hampshire at the expense of Oregon—there is only a solution that will help the entire country, or conversely, hurt it to the same degree. I appreciated sharing my thinking on this issue with Senator COTTON, and I profited from his wise comments.

Lastly, I want to call special attention to the leadership role played by the senior Senator from Kansas (Mr. PEARSON). Throughout my service in the Senate, I have looked to JIM PEARSON for continued leadership in trying to help solve the freight car shortage. He has been a constant battler for the farmers, not only of his State, but throughout the country, as he has helped to see that they have had sufficient cars to meet their needs.

I also want to thank John Cary and Henry Rush, now with the Federal Railroad Administration. John and Henry, as able staffers on this subcommittee, gave our committee, and me as a new member in particular, the kind of backup that makes our job much easier. I know I speak for other members of the committee when I thank you both.

In conclusion, Mr. President, I think this bill is a workable compromise. It is the carrot and the stick—we offer the railroads some needed assistance, but stand ready with the stick if the carrot does not solve the problem.

For too long, solutions to freight car shortages have been long on talk and short on action. I commend this bill to my colleagues—not because it is perfect in every way but because it represents a concrete step toward solving this severe problem.

This bill helps the railroads, but I think it helps them in a responsible manner. They are provided incentives to purchase and build new rail cars to increase the car supply.

This bill helps the shippers. Both by providing more new cars and increasing utilization of our existing car supplies, we will help the thousands of shippers across the country.

This bill helps the consumers. Insufficient car supplies contribute to rising prices for food and lumber. This bill, in alleviating car shortages, will help stabilize recent prices rises in both food and lumber prices.

I ask unanimous consent that an editorial by Wes Sullivan in the Oregon Statesman, Salem, Oreg., on October 17, 1971, appear in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THREE RAIL BOXCAR SHORTAGE ROUTES

The forces governing the chronic Pacific Northwest boxcar shortage seem, like the weather, to be beyond the control of those affected by it. The public feels the impact of the car shortage only indirectly, so it is difficult to get public indignation high enough to meet the issue headon.

The shortage dates back to the post-World War II boom in rail freight. The West exports twice as much as it imports. So there is a financial incentive for cars to move from west to east, but not back again.

While western shippers cried for cars, they sat on eastern sidings. Per diem charges were levied against the railroads holding the cars, but they were so small the railroads would rather pay the penalties than send the cars back. Even when they were raised and Congress instructed the Interstate Commerce Commission to monitor the situation, the cars remained in the East.

To make matters worse, the Eastern railroads didn't order many new cars to meet the tremendous expansion in rail traffic. Why should they build cars when they had all they wanted, the reasoning went?

Railroads, beset with labor problems, circumscribed by government regulation and ofttimes lacking imaginative management, began to lose ground financially. The more red ink they accumulated, the fewer cars they built, making matters worse.

Things are so bad now, that only 6 per cent of the nation's boxcars are moving at any one time. And instead of getting larger, the nation's inventory of boxcars is getting smaller, down from 665,000 just 15 years ago to 380,000..

Southern Pacific points to its efforts to meet the situation, a continuing program of adding new cars, 5,000 both in 1969 and 1970, and computerization of boxcar recordkeeping, so SP knows exactly where each car is.

Full computerization of the U.S. boxcar inventory is years away, but it would help untangle the red tape which keeps so many cars immobilized.

In the face of this frustrating picture, which seriously handicaps the Pacific Northwest economy, three measures are awaiting action in the U.S. Senate. They offer three approaches to the problem.

S. 1729 would put the government in the boxcar business, creating a government corporation to build cars, operate its own shops and have authority over distribution of cars. Labor tends to favor this bill.

S. 1730 would create a quasi-government corporation which could own a boxcar pool and distribute cars where needed to supplement the railroads' efforts. This plan was prepared by shippers but not all endorse it.

S. 1731 would provide government financing to railroads to buy cars and would continue to rely upon the ICC to control distribution of them. The Association of American Railroads backs this bill.

We can sympathize with the frustration of those who now favor having the government take over the boxcar business as it has taken over the passenger traffic. But piecemeal nationalization of railroads is not the way to build a stronger rail system.

Far better to provide public financing both for new cars and for a universal computer system to make more efficient use of the present supply. Then put enough teeth into both the legislation governing the railroads and their regulating agencies to insure the railroads do the job.

Mr. COTTON. Mr. President, I ask unanimous consent that two members of the minority staff of the Commerce Committee, Mr. David Clanton and Mr. Malcolm Sterrett, be authorized to be on the floor during the consideration of S. 1729.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the Record.

The amendment is as follows:

Commencing on page 38, line 5, strike out all through line 24, and insert in lieu thereof the following new subsections:

"Sec. 301. (a) Within three years from the date of enactment of this Act, the Secretary shall transmit to the Congress a report stating whether or not he and the Interstate Commerce Commission have found that substantial progress has been made toward eliminating the freight car shortage arising from an inadequate supply of rolling stock and inadequate car service and that there has been a substantial increase in utilization of such rolling stock.

"(b) If the Secretary reports that he and the Commission have found that substantial progress in freight car supply and utilization has not been made, Congress may, within three years and six months after enactment of this Act, by affirmative resolution, authorize the establishment of a corporation to be known as the Rolling Stock Authority in accordance with the provisions of this title. Its purposes shall be to acquire, maintain, and provide rolling stock, to manage a pool of such rolling stock, and to employ innovative concepts for equitable distribution and efficient and expeditious use of such rolling stock to meet the needs of the national economy."

Mr. COTTON. Mr. President, I yield myself 5 minutes. I believe that we have an agreement of 10 minutes to the side of amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. COTTON. Mr. President, I believe I can explain my amendment very quickly. The bill is a good bill and my amendment does not go to the real essence of the bill at all. The bill provides a setup for the next 3 years, whereby the Secretary of Transportation could provide up to $2 billion in loan guarantees to attack the freight car shortage problem.

At the end of 3 years under title 3 of the bill, on page 38, we find a double negative. The bill would provide that if the Secretary and the ICC do not find that the freight car shortage no longer exists, and there has been a substantial increase in utilization of freight cars, then automatically, unless Congress takes action to prevent it, a Government corporation comes into being. As set up in title 3, $1 billion in loan guarantees would be authorized to start the corporation off and to continue it on a more permanent basis for the purpose of supplying sufficient freight cars for the Nation's transportation needs.

Mr. President, the only objection the Senator from New Hampshire has to this bill is that I have certain apprehensions as to the procedure for bringing the corporation into being 3 years from now. Of course, the precedent for the procedure in title III of the bill was set in all of these reorganization plans. The President sends down a reorganization plan and unless Congress acts against it and rejects it within a certain period of time it automatically becomes law. The Senator from New Hampshire has always opposed that. It is, in his opinion, a dangerous, backhanded way of legislating.

In the case of this corporation, 3 years from now the personnel of these committees will have changed, personnel of the House and the Senate will have changed. Meanwhile, time goes by and unless someone is on his toes to the nature of this measure, the first thing we know we automatically have another huge and formidable Federal corporation with a billion-dollar authorization.

So all my amendment would do would be to change the language and state:

(a) Within three years from the date of enactment of this Act, the Secretary shall transmit to the Congress a report stating whether or not he and the Interstate Commerce Commission have found that substantial progress has been made toward eliminating the freight car shortage arising from an inadequate supply of rolling stock and inadequate car service and that there has been a substantial increase in utilization of such rolling stock.

(b) If the Secretary reports that he and the Commission have found that substantial progress in freight car supply and utilization has not been made, Congress may, within three years and six months after enactment of this Act, by affirmative resolution, authorize the establishment of a corporation to be known as the Rolling Stock Authority in accordance with the provisions of this title. Its purposes shall be to acquire, maintain, and provide rolling stock, to manage a pool of such rolling stock, and to employ innovative concepts for equitable distribution and efficient and expeditious use of such rolling stock to meet the needs of the national economy.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. COTTON. This would require affirmative action, but only the affirmative action of a simple resolution by Congress that it wishes the corporation to go into effect. That, Mr. President, is the sole purpose of my amendment.

I reserve the remainder of my time.

Mr. HARTKE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. HARTKE. Mr. President, I understand fully the concern of the Senator from New Hampshire about these automatic provisions which occur without the express authorization of Congress, and I would share with him that same feeling of apprehension if this were in the same context of the reorganization bill, but this is different.

What we are talking about here is the creation of an authority as the stick part of a carrot and stick operation. The carrot is providing a guaranteed loan for building freight cars; the stick is that if the railroads do not take the opportunity to eliminate the freight car shortage we will make sure the job gets done.

If the rail industry fails to solve the freight car problem within 3 years, even with the financial and technical assistance provided in titles I and II, then incorporation of the authority is authorized—section 301. It would have power to acquire rolling stock—its obligations would be backed by Federal guarantees up to $1 billion—and to operate such rolling stock as a pool. It would be directed to employ innovative concepts to improve utilization.

The authority, if established, would at a maximum control only 4 to 5 percent of the number of cars now in the railroad fleet. In essence, it would be an experiment to demonstrate the effectiveness of new ideas such as car pooling for improved utilization. It would be a yardstick against which to measure railroads' performance in car utilization.

Section 307 provides a mechanism for conversion of the authority to private ownership and control as soon as is practicable. Thus, the authority can be moved out of the Government Establishment and into the private sector once its value is shown and private investment replaces Government investment.

In my opinion, title III, which would, in effect, be softened by the amendment of the Senator from New Hampshire, is essential to the bill. Many railroads oppose creation of the authority, because it would be a solution imposed upon them and because it would reduce their dominance of car service. The structure of title III plays upon this opposition to use establishment of the authority as an inducement to railroads to put aside their proprietary interests and to work together to improve car utilization and to eliminate freight car shortages. The loan guarantees of title I are the carrot; the authority is the stick, to induce railroads to eliminate car shortages.

Without title III the industry might take the carrot yet not eliminate the shortages.

Railroads could easily devote the financial assistance to advancement of their own proprietary interests rather than taking action to solve the problem. With title III, they know that the Government will step in if they do not take appropriate action.

It is vital to title III that establishment of the authority be certain if freight car shortages are not eliminated within a fixed time—3 years. The less certainty there is, the weaker is the stick.

The many years the freight car problem has been around teaches us the necessity for the stick. Railroads have been given guaranteed loans before; they have been given large tax breaks for car acquisition. The first case before the ICC when it was established a long time ago involved freight car shortages. They have taken these carrots, but they have not solved the freight car problem. There must be something affirmative to overcome their inclination to advance only their separate proprietary interests instead of the interest of the rail system.

If establishment of the authority is not certain, if the railroads can take the carrot and postpone the stick, then solution of the freight problem will be delayed or lost. We would then have a railroad assistance bill, but not a bill to solve the freight car problem nor a bill that would help shippers. At that point, it might be better to have no bill.

In the final analysis, certain findings must be made by the Secretary of the Department and the Secretary of the Interstate Commerce Commission that there is no shortage. If that occurs, then the automatic birth of the corporation would not be needed and, therefore, it would not come into existence. Second, Congress itself, after the finding is made, would have 6 months in which to decide not to have a corporation.

Senator Cotton compares this bill to the Government reorganization act, where if no action is taken by Congress on the President's plan, then the plans would come into operation. This bill is quite different from the reorganization act. We have had 9 days of hearings and long committee consideration of the specifics of the provision. This is not wide open authority to make any sort of plan.

I understand the apprehension of the Senator from New Hampshire but I feel that without this type of stick the effectiveness of the bill would be aversely affected.

Mr. President, for those reasons I oppose the amendment.

Mr. COTTON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. COTTON. Mr. President, I suggest the absence of a quorum so that we may have a sufficient number of Senators to ask for the yeas and nays, and I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, I yield myself 2 more minutes.

I listened with careful attention to the remarks of my distinguished friend from Indiana. He says that this is a different situation from the reorganization plan. I certainly agree that it is. This is a more dangerous situation. In the case of a reorganization plan, we act on it expeditiously or else the President goes on with it. If some other President comes along, it can fall by the wayside, but the procedure is not delayed as it would be in this bill.

We have had disagreements about the freight car shortage matter, many of which have been eliminated by the fact that short haul eastern lines have not been protected and have gone out of business.

I am for this bill. However, I doubt if there is anyone on the committee or in Congress who, with an understanding of the history of this situation, does not believe that the stick will be used. We might as well put that stick in now, except it would cause more controversy. But the whole point is that what is sought to be done is to have this stick come in automatically unless Congress acts negatively.

The Secretary has to make reports—I do not know how many people read them—on behalf of himself and the ICC, and those reports will be forthcoming. The information will all be there, if the problem is not solved.

I do not even ask that the affirmative action on the part of Congress be in the form of legislation that has to be signed by the President. I do not change a word or syllable of the setup of this corporation. I simply insist that reports shall be made and the Congress, by the simplest and quickest process, affirmatively act on it, rather than leave it as a snake in the grass which could set a precedent for all kinds of corporations coming into being when Congress personnel has changed and they have forgotten all about it.

I reserve the remainder of my time.

I am willing to yield my time back at this time.

Mr. HARTKE. Mr. President, I understand everything the Senator from New Hampshire is talking about. I will say that probably, if I followed the same inclination, I would recommend that this corporation be put into effect immediately. This is sort of like getting ready to cross the desert and saying this is the last chance to get our last drink of water.

What we are saying to them is, "We will give you 3 years. You have not done it since 1887. We are going to give you 3 more years to solve it, and if you do not do it, the Government is going to do it."

We had 9 days of hearings on this single item. We went into it in depth. I agree that probably the best solution is to put the corporation into effect.

Mr. COTTON. We are saying to them, when you set up the whole thing and require a report and the most simple action by Congress, it can be done.

I yield back the remainder of my time.

Mr. HARTKE. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment offered by the Senator from New Hampshire. The yeas and nays have been ordered, and the clerk will please call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Long) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell) would vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Massachusetts (Mr. Brooke), the Senator from Michigan (Mr. Griffin), the Senator from Iowa (Mr. Miller), and the Senator from Illinois (Mr. Percy) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. Brooke) and the Senator from Iowa (Mr. Miller) would each vote "yea."

The result was announced—yeas 43, nays 41, as follows:

[No. 344 Leg.]

YEAS—43

Aiken
Allen
Beall
Bellmon
Bennett
Bentsen
Boggs
Brock
Buckley
Byrd,
  Harry F., Jr.
Cannon
Chiles
Cooper
Cotton
Dole
Ervin
Fannin
Fong
Gurney
Hansen
Hruska
Jordan, N.C.
Kennedy
Mathias
McClellan
McIntyre
Pastore
Pell
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker

NAYS—41

Anderson
Bayh
Bible
Burdick
Byrd, Robert C.
Case
Church
Cook
Cranston
Curtis
Dominick
Fulbright
Goldwater
Gravel
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Magnuson
Mansfield
McGee
Metcalf
Mondale
Moss
Nelson
Packwood
Pearson
Proxmire
Randolph
Ribicoff
Stevenson
Symington
Tunney
Williams
Young

NOT VOTING—15

Allott
Baker
Brooke
Eagleton
Eastland
Gambrell
Griffin
Harris
Long

McGovern
Miller
Montoya
Mundt
Muskie
Percy

So Mr. COTTON's amendment was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 3726) to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes, with amendments, in which it requested the concurrence of the Senate; that the House insisted upon its amendments to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. ASHLEY, Mr. ST GERMAIN, Mr. WIDNALL, Mr. JOHNSON of Pennsylvania, Mr. BLACKBURN, and Mr. BROWN of Michigan were appointed managers on the part of the House at the conference.

EXTENSION OF EXPORT ADMINISTRATION ACT OF 1969

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3726.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3726) to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes, which were to strike out all after the enacting clause, and insert:

That section 14 of the Export Administration Act of 1969 is amended by striking out "August 1, 1972" and inserting in lieu thereof "June 30, 1974".

SEC. 2. Section 4(e) of such Act is amended to read as follows:

"(e) The authority conferred by this section shall not be exercised with respect to any agricultural commodity, including fats and oils or animal hides or skins, without the approval of the Secretary of Agriculture. The Secretary of Agriculture shall not approve the exercise of such authority with respect to any such commodity during any period for which the supply of such commodity is determined by him to be in excess of the requirements of the domestic economy, except to the extent the President determines that such exercise of authority is required to effectuate the policies set forth in clause (B) or (C) of paragraph (2) of section 3 of this Act."

Any rule, regulation, proclamation, or order issued after July 1, 1972, under section 4 of the Export Administration Act of 1969, exercising any authority conferred by such section with respect to any agricultural commodity, including fats and oils or animal hides or skins, shall cease to be effective upon the date of enactment of this Act.

And amend the title so as to read: "An act to extend the Export Administration Act of 1969, and for other purposes."

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate disagree to the amendments, agree to the conference requested by the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SPARKMAN, Mr. WILLIAMS, Mr. MONDALE, Mr. BENNETT, and Mr. BROCK conferees on the part of the Senate.

ROLLING STOCK UTILIZATION AND FINANCING ACT OF 1972

The Senate continued with the consideration of the bill (S. 1729) to supply general service freight cars to meet the needs of commerce, users, shippers, national defense, and the consuming public.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BELLMON. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill, add the following new title:

"TITLE ——. RURAL RAILROAD ASSISTANCE

SEC. —. (a) The Secretary of Transportation (hereinafter referred to as the "Secretary") is authorized to make loans and loan guarantees pursuant to this Act to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of railroad facilities and equipment for use, by operation or lease or otherwise, in rural areas. Eligible facilities and equipment may include railroad right-of-way, tracks, rolling stock, and other real and personal property needed for an efficient and coordinated rural railroad transportation system.

(b) No such loan or loan guarantee shall be provided unless the Secretary determines that the applicant has or will have—

(1) demonstrated a valid need for the establishment or reestablishment of railroad service in the affected area; and

(2) the technical capability to carry out the proposed project.

(c) Any such loan or loan guarantee may be made for not to exceed 80 per centum of the total costs of the proposed project and shall be subject to such other terms and conditions as the Secretary may determine are necessary to carry out the purposes of this Act.

SEC. —. The General Accounting Office shall make a detailed audit of all accounts, books, records, and transactions of any borrower with respect to which an application for a loan or loan guarantee is made under this title. The General Accounting Office shall report the results of such audit to the Secretary of Transportation.

SEC. —. There is authorized to be appropriated not to exceed $25,000,000 to carry out the provisions of this Act. Sums so appropriated shall remain available until expended.

SEC. —. As used in this Act—

(1) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States;

(2) the term "local public bodies" includes municipalities and other political subdivisions of States; public agencies and instrumentalities of States, muncipalities, and political subdivisions of such States; and other public boards, corporations, and commissions established under the laws of any State;

(3) the term "rural area" means all the territory of a State that is not within the outer boundary of any city having a population of fifty thousand or more and its immediately adjacent urbanized and urbanizing area with a population density of more than one hundred persons per square mile, according to the latest decennial census of the United States.

Mr. BELLMON. I yield myself 5 minutes.

Mr. President, on June 30, I introduced a bill, S. 3790, that is intended to establish a loan fund to which communities that are about to reduce their rail service may turn in order to obtain the funds necessary to keep essential service in operation.

Since that bill was introduced, the chairman of the Committee on Commerce, the Senator from Washington (Mr. MAGNUSON), has received a copy of a letter from the Comptroller General in which one deficiency is pointed out in the bill. This amendment is now submitted to correct that deficiency.

The purpose is to make it possible for communities that are willing to put forth local effort and to have a project that receives the support and approval of the Secretary of Transportation to provide a means for keeping their rail service in operation. To be specific, this problem arose in our State because a 350-mile railroad which serves 12 of our western counties is to be closed on August 31. The ICC has agreed to this closing, and it is going to leave that very large section of our State largely without rail service.

This is not a Federal giveaway. It requires that the Secretary find that the project is feasible and that it has a good possibility of repaying the loan. It is limited to communities with a population of less than 50,000, and it is intended to make certain that the development of the rural sections of this country is not hampered by lack of rail service.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. BELLMON. I yield.

Mr. PASTORE. Has this to do with passenger railroad service or freight?

Mr. BELLMON. Freight service.

Mr. PASTORE. Just freight?

Mr. BELLMON. Freight service.

Mr. President, this matter has been discussed with the chairman of the committee and the chairman of the subcommittee. I believe that they are generally in agreement that the amendment is acceptable.

Mr. HARTKE. Mr. President, I have discussed this matter with the Senator, and it is an emergency situation. It is not exactly germane to the bill itself.

The problem he presents is a situation in the rural sections of Oklahoma in which the ICC has permitted an abandonment. The question of abandonment is a matter on which we are having a series of hearings. I have discussed with the

Senator two ideas on this proposition. First we will accept the amendment and take it to conference. In the meantime we will proceed with hearings and, hopefully, will be able to work out a satisfactory solution to this specific problem in Oklahoma. The difficulty we are faced with is that this is not the only abandonment case in the United States which presents a problem. I do not know a single State in the Union now in which there is no controversy surrounding the question of abandonment of railroad tracks. This is one of the most difficult problems we have to deal with. But, with this understanding, we will accept the amendment.

I have nothing further to say and am ready to yield back my time.

Mr. PEARSON. Mr. President, I am very much pleased that the manager of the bill will accept the amendment.

Actually, all those who have been concerned about rural revitalization are now really faced with a new dimension to the problem because, as the chairman said, this is not an isolated case. The amendment may have direct reference to Oklahoma, but if the rail abandonments are carried out in Kansas, I forget the exact percentage, but in my mind it is something like 36 percent or 37 percent of the total lines in Kansas will be abandoned in the small communities. I do not know whether this will be a solution or not, but it is one permissive on the part of the small communities, with approval by the Secretary of Transportation, with accounting procedures by the GAO, and some safeguards here that will permit us not only to accept the amendment but to work for it in conference and see if this is not one way to handle a serious problem.

I commend the Senator from Oklahoma for finding a way. Whether it will be the way we will have to utilize, I do not know, but it does meet the immediate need. I am very much pleased that the chairman will take the amendment to conference.

Mr. BELLMON. I should like to say that this amendment does not relate only to the situation in my State. Provided here is $25 million, of which Oklahoma would require only $5 million, so there is more money to take care of other communities.

Mr. MAGNUSON. In Oklahoma, as I understand it, there is some emergency right now.

Mr. BELLMON. The emergency is very great, yes.

Mr. MAGNUSON. But the amendment would allow other cases, which the distinguished Senator from Kansas (Mr. Pearson) has just talked about to come in under the umbrella of this amendment in order to do such things as they might be able to do, to forestall abandonment of certain lines, small spurs serving small communities; is that not correct?

Mr. BELLMON. That is entirely correct.

Mr. HUMPHREY. Mr. President, I want to express my thanks to the distinguished Senator from Oklahoma (Mr. Bellmon) for this amendment. He and I have worked closely, as we have with the distinguished Senator from Kansas (Mr. Pearson) and others, on what we call the Rural Development Subcommittee. We have held hearings all through the country on the problems of rural America and I am here to say that all this money we are appropriating here in Congress for the redevelopment of the cities will go far naught if we do not do something about the rural countryside and the services which are required there. One of the real failures today in this respect is transportation. I can speak of a community in my home State in which new factories have been located and the railroads have abandoned all service. The county roads can only take up to 6 tons and the big trucks carry over 6 tons, so there is no truck service and the factories are having to close down. The railroads, however, do not care about rural America. Unless they can have a line of freight cars at least 75 to 100 cars long, they do not even want to go through. If they do go through a rural town, they do not want to stop there. Therefore, I am so pleased that the Senator from Oklahoma has offered this amendment. I simply say that $25 million, Senator, should be looked upon here as just a teaser. It will not count for much, but it will help a little bit.

Although the amendment may be interpreted as an amendment just for Oklahoma, and even though the Senator from Oklahoma has taken the initiative here, this has got to be done. What is in this amendment has got to be done across this Nation or we will have more people coming into the cities. Of course we know that every time people come into the cities it increases the taxpayers' costs.

I can say to the Senate that in communities of 5,000 to 10,000, such as in Oklahoma, Kansas, or Minnesota, the cost of social services for those people is one-fifth what they are in New York City, Philadelphia, Chicago, or Detroit. The ratio is 5 to 1. In some cities it is as much as 7 to 1. In other words, it takes $7 to take care of a particular matter for an individual in New York City that it would take $1 to take care of an individual living in a community like Cokato, Minn.

But Congress, the cities, the government, seem to be determined to let rural America rot. There is not enough money in this country to rebuild the cities. We must do something about rural America. We are going to get onto this rural development bill shortly. We have heard the story so many times, yet we come in here, because this country is urbanized, and we appropriate billions of dollars for the cities, which is necessary because the cities are in dire trouble, but no one wants to do anything for that great part of America where there is room to live, where living conditions could be good, where the air is sweet and clean, where water is available, and where there is plenty of space. But we say, "Let the bumblebees and the birds flitter and flutter around, but close up the railroads, do not build any airports, let us not have any water or sewage systems, the people will get along."

I want to say that this last amendment that was just agreed to will deny to my State some boxcars. We need boxcars not only in Minnesota, but in Wyoming, in Indiana. We need them in Oklahoma too.

Ever since I came to Congress in 1949, we have been arguing about the question of boxcars. We seem to be able to build aircraft carriers, plenty of missiles, we can build space stations and satellites, but we cannot build a boxcar. We cannot get any boxcars available in North Dakota or South Dakota or in Minnesota where the crops come in. The railroads have the boxcars in their Philadelphia yards, not out where the grain is.

We have lost millions and millions of dollars because of the railroads. The Government will not provide sufficient boxcars. I predict it will not do so under this legislation. For some reason or other, the Government has some kind of economic constipation when it comes to providing boxcars.

Mr. MAGNUSON. It is even worse than that. The ICC was created in 1887. What does the Senator think their docket No. 1 was? It was a petition of farmers in North Dakota concerning a freight car shortage so that they could get their products to Duluth. That was 85 years ago and we are still not doing what the Senator is talking about. That is a sorry record, is it not? Eighty-five years. Docket No. 1 concerned a freight car shortage, the first problem to come before the ICC in 1887 on the first day it met.

Mr. HUMPHREY. The distinguished Senator from Washington has been a stalwart in this fight. We have tried for years to remedy the situation. I am pleased that we are bringing it up now, in August of 1972. But as surely as we are in this Chamber today, with the crops now beginning to come in in our part of the country up in Minnesota and Wyoming, especially when the wheat crop starts to be harvested, there will still be no new boxcars.

Mr. MAGNUSON. When I first came to the Senate, I was assigned to the Commerce Committee. The very first day I attended a meeting, we had a hearing on a freight car shortage. We have been going on with that problem ever since.

Mr. PEARSON. Mr. President, I ask unanimous consent that my staff member, John Kirkland be permitted the privilege of the floor during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I appreciate these kinds words. I will say that this is the first freight car shortage bill that provides direct efforts to build cars.

I hope that, even with the amendment of the Senator from New Hampshire, we will have a bill that will work. However, it will depend upon the cooperation of the railroads and a lot of people who have a vital interest in the matter to make sure that what Congress does today has not been in vain.

Mr. BELLMON. Mr. President, I ask unanimous consent that the Senator from Kentucky (Mr. Cook) and the Senator from Oregon (Mr. Hatfield), and the Senator from Minnesota (Mr. Hum-

PHREY) be added as cosponsors of my amendment.

The PRESIDING OFFICER (Mr. McGEE). Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I yield back the remainder of my time.

Mr. BELLMON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma (putting the question).

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. MOSS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. MOSS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that I be permitted to explain the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment is as follows:

> At the end of the bill insert a new section as follows:
>
> "ESTABLISHMENT OF NONDISCRIMINATORY RATES FOR THE TRANSPORTATION OF RECYCLED SOLID WASTE MATERIALS
>
> SEC. . (a) The Congress hereby finds that, in order to accomplish the purposes of the Solid Waste Disposal Act, as amended by the Resource Recovery Act of 1970, it is essential to establish and maintain fair, reasonable, and non-discriminatory transportation rates which will facilitate and encourage broader utilization of recycled solid waste materials and promote conservation of vital natural resources.
>
> "(b) The Interstate Commerce Commission, within the maximum scope of its jurisdiction under the Interstate Commerce Act, as amended, shall, within twenty-four months of the date of enactment of this section and on a continuing basis thereafter—
>
> "(1) investigate and formally identify all rates charged by transportation carriers subject to its jurisdiction for the transportation of recycled solid waste materials and shall, in each case, determine whether the rates charged and the terms and conditions of transportation for such materials are fair and reasonable, and whether they unjustly discriminate against the movement or shipment in commerce of recycled solid waste materials in favor of competing virgin natural materials or commodities;
>
> "(2) issue appropriate orders in all cases where the rates charged for, or terms or conditions of transportation applicable to, recycled solid waste materials are found to be unfair, unreasonable or discriminatory pursuant to which such rates or conditions of transportation will be effectively canceled and repealed and replaced by rates or conditions of transportation which are found to be fair, reasonable and non-discriminatory;
>
> "(3) file a report with the President and the Congress regarding the results of the investigations and all actions taken to establish minimum, fair, reasonable, and non-discriminatory rates for the transportation of recycled solid waste materials.
>
> "(c) For the purposes of this section 'recycled solid waste materials' means scrap metals, waste paper and paper products, textiles, rubber, plastics, glass and other materials recovered or reclaimed from 'solid waste' as that term is defined in the Solid Waste Disposal Act (42 U.S.C. sec. 3252 (4))."

Mr. MOSS. Mr. President, I ask unanimous consent that the Senator from Oregon (Mr. HATFIELD), the Senator from Connecticut (Mr. WEICKER), the Senator from Texas (Mr. TOWER), the Senator from Wisconsin (Mr. NELSON), and the Senator from Montana (Mr. METCALF) be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I ask unanimous consent that my assistants, Kem Gardner and Karl Braithwaite, be allowed the privilege of the floor during discussion of this amendment and any rollcalls that may occur, though I would hope that this amendment could be handled without the necessity of a rollcall.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, my amendment would direct the ICC to undertake a 2-year study to determine the existence and extent of freight rate discrimination against recycled materials. If unfair rates are found to exist, the Commission is to issue appropriate orders to remedy any inequity.

I believe this is a very fair way to settle the issues surrounding the allegations that railroads discourage recycling by charging higher rates for such materials than they do for the virgin resource counterpart. I believe that the evidence shows clear discrimination, but I am willing to sumbit the whole question to a thorough study and abide by the results, rather than have Congress order an immediate readjustment of these freight rates.

Current evidence lends strong support to the idea that freight rates for materials used in recycling need to be reexamined. Let me cite a few examples. Waste paper shipped in the East travels at a rate that is 100 percent above the rate for pulpwood. The rate for a shipment traveling 95 miles is 14 cents per hundredweight for pulpwood, and 28 cents per hundredweight for wastepaper.

Scrap copper is charged 75 percent more per ton than copper ore when carried between Los Angeles and Tacoma. Shipping aluminum scrap costs almost three times more than the basic ore when it is carried from Mobile, Ala., to Los Angeles. The rate is $45.80 per ton for scrap, $16.73 per ton for the ore.

The examples can be listed for pages. Across the board, virtually every category, the rates for scrap materials are substantially higher than for the competing virgin products.

I realize that a straight comparison of rates does not tell us the extent to which rate differences might be due to the ease of handling the materials, size of shipments, density, and market competition. That is why I believe that a study is a reasonable step to take before rates are changed. Such a study is certainly justified by the tremendous disparity that exists on face value between the freight rates for scrap materials and the rates for competing virgin products.

Action should not be delayed 1 more day on this issue. The long run effects of the present discrimination are compounding daily. Business firms are forced by cost factors to make investment decisions that will hamper the growth of recycling for years to come unless we now set in motion the proceedings that will lead to a reversal of the present discrimination. A January 1972 report, done by the respected Battelle Laboratories for the purpose of investigating freight rates for scrap iron, reached the following conclusions:

> The results of this study support the following theses:
>
> (1) Present scrap markets are retarded because of transport rates which encourage the usage of iron ore.
>
> (2) Future scrap markets are being affected because new investment that would be logically directed to scrap-intensive steelmaking is diverted because of the existing freight-rate structure to ore-intensive steelmaking.
>
> (3) Iron ore (a limited domestic natural resource) is being exploited when it can and should be conserved.
>
> (4) Some scrap iron that should be recycled is unable to move, thus the environment is despoiled by unnecessary accumulations of solid metallic waste.

The study proposed in my amendment is further justified by the fact that the ICC has admitted that its own information is rather limited in this area. In "Increased Freight Rates, 1970 and 1971," 339 I.C.C. 125, at page 206, the Commission discussed past decisions denying appeals from the scrap materials industries, and said that—

> On the basis of very limited information in that record, we concluded that the increases to be allowed on scrap and ore should be the same.

In the past, these decisions may not have seemed vital to the country, but we now recognize that we must do all in our power to preserve and enhance our environment and its scarce resources. Freight rates detrimental to this cause can no longer be allowed to stand unchallenged.

In his February 10, 1970, message on the environment, President Nixon announced it was the goal of the Federal Government to take every action available to it to encourage the reuse and recycling of solid wastes. He stated that methods must be developed whereby a far greater percentage of solid waste products would be utilized. He thus instructed the Council on Environmental Quality to work with all other Federal agencies to develop a recycling strategy and he called upon "industry, private research organizations, and all levels of government to maximize the recycling of solid wastes.

The annual report of the President's Citizen Advisory Committee on Environmental Quality, issued June 1, 1972, makes the following conclusion:

> Traditionally, freight rates established by the Interstate Commerce Commission (ICC) for the most part discourage recycling. For example, it costs almost $1.50 per gross ton more on the average to ship ferrous scrap than newly mined ore for domestic use. Similar situations exist for other secondary materials, and they work against recovery of solid waste.
>
> In general, ICC freight rates continue to

discourage use of secondary materials . . . In our 1972 Report, the Committee recommended that the ICC initiate comprehensive remedial action as soon as possible. We urge prompt further action. pp. 40–41.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MOSS. Mr. President, will the Senator yield to me for 2 additional minutes?

Mr. HARTKE. I yield 2 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. MOSS. Mr. President, the Committee on Commerce considered this matter in one executive session during deliberations on S. 1729. We concluded that it would be proper to ask the ICC for its views on my amendment, which at that time was in a rather different form. Previously, I had called for an immediate adjustment of rates by the ICC. I have now adjusted the amendment so that a study must be conducted, and only those rates found to be discriminatory will then be adjusted. I do not ask for more favorable treatment for recycled materials. This is a matter that the Congress should address at a later date, but presently it is not part of my present amendment.

We must act quickly. Solid waste is growing rapidly and creates more and more problems of land use, resource allocation, and environmental enhancement. Paper is now one-half of the municipal solid waste problem. Yet the paperboard industry, the largest user of recycled paper, has in recent years reduced its use of recycled paper in percentage terms. As long as economic barriers unfairly continue to discourage the growth of recycling, the solid waste problem will continue to mount.

I would hope that my amendment might be accepted by the floor managers of this bill, and that they would insist on its provisions in conference.

Mr. BOGGS. Mr. President, will the Senator yield to me for a half minute?

Mr. MOSS. If I have time remaining, I yield to the Senator from Delaware.

Mr. BOGGS. I thank the Senator. I congratulate the Senator for offering this very significant and important amendment. I associate myself with the remarks he just made. I ask unanimous consent that my name may be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. I thank the Senator from Delaware.

Mr. HARTKE. Mr. President, I have discussed this amendment with the Senator from Utah (Mr. Moss). It is a milder form of an amendment he offered in committee which was rejected. The amendment now provides that a study must be conducted and only those rates found to be discriminatory would be adjusted. On behalf of the committee I feel that we can accept the amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

The amendment was agreed to.

Mr. BEALL. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 31, line 17, strike ";" and insert in lieu thereof the following: "without the prior approval of the Secretary, in writing, based on findings that such increase in dividends will not impair obligor's ability to continue to provide improved car service;"

On page 31, line 20, strike ";" and insert in lieu thereof the following: "without the prior approval of the Secretary, in writing, based on findings that such use of railroad assets and revenue will not impair obligor's ability to continue to provide improved car service;"

Mr. BEALL. Mr. President, my amendment has the effect of ameliorating the effect of the absolute prohibition in section 106(b) against:

First, increased dividend, and:

Second, any use of railroad assets, including presumably internally generated cash or tax loss carried forwards for purpose of nonrail operations for 15 years as a precondition to obtain equipment insurance under title I of this bill. Both equity and common sense require these amendments. They in no way affect the security of the United States, as loans it will be guaranteeing will be fully secured for the equipment which is purchased as a result.

Hence, it has been argued that any conditions under this circumstance constitute as unwarranted and unnecessary infrigment upon the perogatives of rail management.

It is also argued that the inclusion of these conditions may well foredoom title I to failure, because rather than submit to dictation with respect to these management perogatives the railroads will simply forego obtaining equipment under the program.

Finally it is contended that the effect of these conditions may well be to make railroads obtaining equipment insurance less attractive investment of private capital.

I find some merit to all of these arguments.

Particularly inasmuch as the inclusion of such conditions is not required, as I have already pointed out, to protect the interest of the United States.

My amendments do not in any way seek to remove those conditions but rather to provide what I would consider to be an equitable exception to the presently stated absolute prohibition. The conditions are to be retained and with them the prohibition unless an exception is granted by the Secretary of Transportation based on findings that granting such an exception would not impair the obligator's ability to provide improved car service.

Clearly such an exception is not only warranted but should serve as an inducement to the railroads to improve their car service so as to be eligible for exception if desired. The Secretary is quite obviously the most appropriate person to be charged with the granting of exceptions as he is basically responsible for the success or failure of the program provided under title I of this bill.

An absolute prohibition is patently shortsighted and assumes that increased dividend, and/or engaging in conglomrate activities is per se bad management. The fact that Penn Central was improvident in both these respects does not, of course, prove that all activities of this nature undertaken by the railroads are, or would be, a mistake. On the contrary, in most cases conglomerate activities have tended to support the rail activities of the parent holding company.

In any event the case for or against conglomeration has not yet been made. I would hope that our committee would confront this issue squarely during the next Congress. In the meanwhile, we should not continue to insert on an ad hoc basis anticonglomerate provisions in individual pieces of railroad legislation as we have been doing throughout this Congress.

Mr. President, I would hope that the chairman of the subcommittee would accept the amendment because the language is drawn almost word for word from his Interstate Railroad Act of 1972 where he said no railroad corporation would receive such a grant for rehabilitation which disburses any dividends or makes investments in railroad transportation unless the Secretary certifies the work has been satisfactorily completed.

In the case now, we are not even talking about grants; we are talking about insurance being guaranteed by the United States, for which the railroads are paying a premium. It seems to me it would be foolhardy for the Congress to tie the hands of railroads for 15 years when we really do not know what the conditions are going to be next year or the year after.

I hope the chairman will accept the amendment.

I yield to the Senator from Kansas (Mr. PEARSON).

Mr. PEARSON. Mr. President, the Rolling Stock Utilization and Financing Act of 1972 is a measured response to the continuing freight car shortage which has plagued shippers—particularly grain shippers in the Midwest—for generations. This legislation provides $2 billion in loan guarantees to the railroad industry for the purpose of acquiring rolling stock to overcome present deficiencies.

The Department of Transportation has estimated that 130,000 cars are needed to meet present car shortages. An investment of $2.3 billion is required to eliminate the immediate car shortage and $8.8 billion will be required to keep up with the demands of the future.

This legislation provides the wherewithal for marginal roads to acquire the necessary rolling stock to serve millions of shippers and hundreds of communities. If service can be measurably improved, these companies will have an opportunity to restore their operations and strengthen their financial position. The railroads, the shippers, and the national economy will benefit.

Mr. President, the documented freight car shortage is but one aspect of the problem which shippers face. Perhaps more critical is the gross underutilization of the existing freight car fleet. The typical general service freight car stands idle 88 percent of its useful life, it moves loaded only 5 percent of the time, and moves empty 7 percent of the time. The Commerce Committee has reported legislation which responds to this problem by requiring the establishment of a national rolling stock information system—a nationwide, computer-based system to account for the locality and utilization of every car in the country.

Actual experience on lines where the information system has been established demonstrates that utilization can be significantly improved through effective use of the system. The committee bill provides $35 million in authorization for assistance in establishing the information system, and the design of the system must be approved by the Secretary of Transportation before it is established and interconnected among the Nation's railroads.

Mr. President, this bill is designed to provide an incentive to the railroad industry to overcome—once and for all—the chronic freight car shortage. Financial and technical assistance is provided to accomplish this objective within 3 years. The committee has concluded that railroad industry self-help, along with responsible administration of a loan guarantee program, has the capacity to eliminate the freight car shortage problem within the time frame provided.

If the committee has misjudged the capacity of the industry to respond, however, the committee has not failed to develop alternate procedures to relieve the shipping and consuming public. In the event that the car shortage and utilization problems have not been eliminated within 3 years, the committee has provided for the creation—at that time—of a Rolling Stock Authority, a quasi-public corporation, to acquire and maintain a pool of rolling stock. The Authority would be charged with the duty to use innovative concepts in improving service to shippers in car-deficit areas. The Authority, moreover, would have the duty to establish a national rolling stock information system if the industry has failed to implement a system design approved by the Secretary.

Congress may veto the creation of the Authority within 3½ years of enactment of this legislation the Senate considers today. Circumstances could change, of course, and warrant a different approach to the problem in the 94th Congress.

In hearings in Oregon, Washington, D.C., and Dodge City, Kans., the committee has heard the appeals of the shipping public for responsible legislation to relieve the chronic freight car problem and revitalize the economy of chronically affected areas. The committee has heard indisputable evidence that the problem cannot be solved without public assistance in the form of loan guarantees. The committee has studied computer-based information systems, and reviewed the progress made by roads that have installed such systems. The committee is convinced that a nationwide information system could increase—effectively—the capacity of the railroads to provide timely service to shippers.

This legislation is a response to the appeals which the committee has heard, and to the appeals the Interstate Commerce Commission has heard since 1887. I support this legislation strongly, and am pleased to serve as a cosponsor during Senate consideration of the measure today.

Mr. President, let me say to the Senator from Maryland that, as one who has been engaged in trying to participate in some sort of solution to the freight car shortage, which is no longer sectional but national, which is no longer seasonal but constitutes a shortage the entire year now, it was our recognition of the crisis in regard to this problem which really lead us to the point where we are seeking to use every incentive and seeking to use every short of legislative persuasion to get railroads to do more in relation to this problem.

I think the provision the Senator seeks to amend was really a representation of that sort of effort, but it does appear to me that the proposal provides an inflexible sort of arrangement, and that an increase of dividends, if approved by the Secretary, would be a more reasonable and more responsible way to do that which we seek to do.

So while I do not retreat for a moment from seeking every avenue and every means available to get the railroads to do more than they have done—and I am the author of title I of this particular bill—I think this perhaps is a more pragmatic and reasonable approach, and I support the amendment.

Mr. BEALL. I thank the Senator, who is very knowledgeable on this subject matter.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BEALL. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. BEALL. I yield 1 minute to the Senator from Rhode Island.

Mr. PASTORE. Is the effect of the Senator's amendment that, if the taxpayers' money is to be used or if certain guarantees are to be made by the Government in order to help a railroad do those things that we want them to do with reference to equipment, in spite of that they can raise their dividends to the stockholders? Is that what the Senator's amendment does?

Mr. BEALL. No. Let me say first that no taxpayers' money is being spent.

Mr. PASTORE. No, but it is the Government's guarantee. If the loan is not paid, the taxpayers have to pay it.

Mr. BEALL. I would not think the Secretary of Transportation, representing the people of the United States, would allow a railroad to pay a dividend if at some time the Government had to honor the guarantee. All I am saying is that some railroads are responsible—I hope more than I think, but some are responsible—and some of them, in the last several years, have reduced dividends to conserve their cash.

We are saying to the railroads, "Even though you are responsible, we are not going to let you increase your dividends for the next 15 years." We are also saying to the railroads, "Even though inflation may increase, with the rate of inflation increasing now at 3 to 5 percent a year, you are not going to be able to increase dividends to your stockholders to reflect that inflation." If there is an inflation rate of 5 percent a year, what we are saying to them is that, in 10 years' time, they are going to have to cut their cash dividends by 50 percent. I do not think we ought to do that. I do not think Congress ought to be so intimately involved in the railroad procedure at this time as to do that sort of thing.

I think we ought to have safeguards. I think, by giving this responsibility to the Secretary of Transportation, we are providing necessary safeguards for the taxpayers' money.

Mr. PASTORE. Mr. President, if the Senator will yield further, it is the principle involved that is distasteful to the senior Senator from Rhode Island. The trouble in the past has been that many of the railroads have been bled dry by paying out dividends to the stockholders and doing other things, instead of taking that money and putting it back into equipment and operational costs. For that reason, many of them have become defunct. I think that is the story with many railroads.

Mr. BEALL. I agree with the Senator. I say, just because some of them have done that, let us not legislate to the lowest common denominator. Let us recognize that some railroads have been good. Let us legislate against those that have been bad. Let us not punish all.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. BEALL. I yield.

Mr. MAGNUSON. Of course, if a railroad can afford to raise its dividends, it does not need a guaranteed loan. Does it?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. This is a bill to build boxcars, and somebody wants to——

The PRESIDING OFFICER. The Senator from Washington is out of order. The time of the Senator has expired.

Mr. HARTKE. Mr. President, I yield some time to the chairman of the committee.

Mr. MAGNUSON. I do not know why they do that. If a railroad is doing as well as the Senator says, it does not need a guaranteed loan, does it?

Mr. BEALL. I do not know.

Mr. MAGNUSON. Of course not. The ones that need the guaranteed loans are the ones that should not be increasing their dividends.

Mr. BEALL. All I can say is that my vision is not good enough to look down the road 15 years from now. I do not know what conditions will be 15 or 10 years from now. I am saying to the Senate that I do not think we ought to tie anybody's hands, whether it be the railroads' or anybody else's, for 15 years. I say we have to protect the taxpayers' money and the public, but I think the Secretary of Transportation is competent to provide the kind of protection necessary. Let us not tie anybody's hands for 10 or 15 years with regard to management decisions.

Mr. MAGNUSON. If they want the loan or need it, nobody ties anything. They want their cake and want to eat, too.

Mr. BEALL. Will the Senator yield?

Mr. MAGNUSON. We are trying to build boxcars. We have been trying to do it for 85 years with railroad financing——

Mr. BEALL. Will the Senator yield?

The PRESIDING OFFICER. The Senator has no time to yield. The time of the Senator from Maryland has expired.

Mr. HARTKE. Mr. President, I yield myself 3 minutes.

We have gone into this question in depth a number of times before. The Penn-Central situation can be pointed out as perhaps an outstanding example of mismanagement. The Senator from Maryland has said, "Do not point out," but all I can say is "I have to." We have to point out, for the reason that the Interstate Commerce Commission and the Department of Transportation, in testimony, stated they were fully conscious of the situation with the Penn-Central. What did they do in the 9 months before they went into financial collapse? They increased their dividends. That was the situation. The Senator says, "Trust the Department of Transportation, trust the Interstate Commerce Commission." I say, in my opinion, I want to trust in the American taxpayer. If the credit of the United States of America is going to be used, we have a sincere obligation to make sure the railroads are not using that credit for the purpose of increasing their dividends.

This is not a prohibition on dividends. Let me read what the bill states:

> Dividends that are payable in the discretion of the obligor—

That is the railroad—

> will not be increased over the average amount paid during the 5 years preceding enactment of this Act.

Furthermore, if a railroad wants to increase its dividends, all it has to do is refinance its loan.

There is no problem here. What we are saying is that we want them to build boxcars. We are willing to provide them with loan guarantees for that, but we are not going to finance railroads for other purposes like building hotels, restaurants, buying airlines, and other types of operations. We want to make sure that they stay in the business to which they are obligated. One way is to make sure that no increase in dividends are paid when there is a loan guaranteed by the Federal Government.

It is difficult enough for us to justify the continued drain that we probably are going to be faced with in the future on the full faith and credit of the U.S. Government as we will be doing for the transportation industry. We hear a cry of "special favoritism" for the railroads. I want to limit that as much as I can. I want to keep the transportation system going. I am willing to stand on the floor and defend keeping the transportation system going, but not defend increasing dividends. That is the difference.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. HARTKE. I yield the Senator 1 minute.

Mr. BEALL. I want to make it clear that I am not in the position of defending the railroads, because I think there have been some reprehensible practices on the part of the railroads. But the purpose of this legislation is to encourage the railroads to invest in freight cars.

All I am saying is, if we are trying to encourage the railroads to invest in freight cars, responsible railroads, if they see the options presented to them, when they see that their hands would be tied for 15 years—15 years—they are not going to get into this program. They will say, "The heck with it; the Federal Government is tying our hands for 15 years, we are not going to buy this insurance and invest in these freight cars," and we will defeat our own purposes.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. HARTKE. There is no requirement that they use the credit of the Federal Government. If they do not want to, that is their business, if they do not want the guaranteed loan they must live up to the obligations and the restrictions put on. These are restrictions any bank that I know of would probably insist upon. They would insist, "If you are going to increase your dividends while you borrow money from us, we are going to make sure there is collateral there to pay that debt."

Mr. BEALL. I say let us give that authority to the Secretary of Transportation, who is the administrator and the officer charged with responsibility for this program.

Mr. HARTKE. Mr. President, all I can say is that the Secretary of Transportation has not inspired that type of confidence in me, when he proposed pouring $750 million down the drain for the Penn-Central in 1970.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFIÇER (Mr. McGee). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Maryland. [Putting the question.]

The "noes" appear to have it.

Mr. BEALL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. McGee). The question is on agreeing to the amendment of the Senator from Maryland (Mr. Beall). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Georgia (Mr. Gambrell), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), and the Senator from Oklahoma (Mr. Harris) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Long) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell) would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Massachusetts (Mr. Brooke), the Senator from New Hampshire (Mr. Cotton), the Senator from Arizona (Mr. Fannin), the Senator from Michigan (Mr. Griffin), the Senator from Maryland (Mr. Mathias), the Senator from Iowa (Mr. Miller), and the Senator from Illinois (Mr. Percy) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) is detained on official business.

On this vote, the Senator from Iowa (Mr. Miller) is paired with the Senator from Massachusetts (Mr. Brooke). If present and voting, the Senator from Iowa would vote "yea," and the Senator from Massachusetts would vote "nay."

The result was announced—yeas 25, nays 56, as follows:

[No. 345 Leg.]

YEAS—25

Aiken
Beall
Bennett
Boggs
Brock
Buckley
Cooper
Curtis
Fong
Gurney
Hruska
Javits
Packwood
Pearson
Roth
Saxbe
Schweiker
Scott
Smith
Stafford
Stevens
Taft
Thurmond
Weicker
Young

NAYS—56

Allen
Anderson
Bayh
Bellmon
Bentsen
Bible
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Dole
Dominick
Ervin
Fulbright
Gravel
Hansen
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Sparkman
Spong
Stennis
Stevenson
Symington
Talmadge
Tower
Tunney
Williams

NOT VOTING—18

Allott
Baker
Brooke
Cotton
Eagleton
Eastland
Fannin
Gambrell
Goldwater
Griffin
Harris
Long
Mathias
Miller
Montoya
Mundt
Muskie
Percy

So Mr. Beall's amendment was rejected.

Mr. HARTKE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. I move to lay that motion on the table.

The motion was agreed to.

Mr. HUMPHREY. Mr. President, I send to the desk an amendment on behalf of myself and the Senator from Kansas (Mr. Pearson) and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

> On page 37, after line 21, add a new subsection (B): "the Secretary, after consultation with the Secretary of the Interior, shall prepare a study on the use of abandoned railroad trackage and rights-of-way for the purpose of retaining such rights-of-way for use as recreational trails, paths, camp sites, and for other recreational uses. The Secretary shall submit legislative and administrative recommendations based upon such study within one year of the date of this Act."

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. I yield myself 2 minutes.

Mr. DOMINICK. Mr. President, will the Senator from Minnesota be kind enough to add my name as a cosponsor?

Mr. HUMPHREY. I will be pleased to do so.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from Colorado be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, this amendment speaks for itself. There are literally thousands of miles of abandoned rights-of-way and railway trackage in this country that go through beautiful countryside. We are desperately in need of additional trails for bicycling or hiking or horseback riding. We are in need of campsites. The areas I speak of—the rights-of-way and abandoned trackage might provide the kind of environment and the kind of terrain that would be very useful.

I simply ask that the Secretary of the Department of Transportation, in consultation with the Park Service of the Department of the Interior, look into this matter and give us some recommendations, the estimates of cost, the problems that might be encountered, and the possibilities for recreational uses, and submit that report to Congress within 1 year.

The PRESIDING OFFICER. The Chair inadvertently omitted the request of the Senator from Minnesota that the name of the senior Senator from Wyoming be added as a cosponsor of the amendment.

Mr. HUMPHREY. That is correct. The Senator from Minnesota was negligent in that.

Mr. JAVITS. Mr. President, will the Senator from Minnesota add my name as a cosponsor?

Mr. PASTORE. I ask that my name be added as a cosponsor, also.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senator from Minnesota (Mr. Mondale) and the names of all those Senators who make the request be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I have discussed this matter with the Senator from Minnesota. It is an excellent amendment. I commend him and all the cosponsors for it.

The committee is willing to accept the amendment, and I yield back the remainder of my time.

Mr. HUMPHREY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. HARTKE. Mr. President, one matter I have to bring up is an amendment by the Senator from Washington (Mr. Magnuson) and myself and cosponsored by the Senator from Kansas (Mr. Pearson) which deals with labor protection. It is customarily and traditionally in the bill. It was inadvertently omitted. I ask that the amendment be stated at this time.

The PRESIDING OFFICER (Mr. Pastore). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the Record.

The text of the amendment is as follows:

LABOR PROTECTIVE ARRANGEMENTS

On page 26, strke out subsection (c) and redesignate subsections (d), (e), (f), and (g) as (c), (d), (e), and (f), respectively.

On page 56, strike out subsection (e) and redesignate subsection (f) as (e).

Beginning on page 58, line 23, strike out all therein through page 61, line 16.

Beginning on page 61, redesignate sections 312, 313, and 314 as sections 311, 312, and 313, respectively.

On page 64, immediately after line 2, insert the following:

"TITLE IV—GENERAL PROVISIONS

"PROTECTIVE ARRANGEMENTS FOR EMPLOYEES

"SEC. 401. (a) In carrying out the provisions of this Act and as a condition to the execution of any contract, or the insurance of any obligation, or the approval or inducement of any other action authorized under the provisions of this Act, the Board, or the Secretary, or the Authority shall be required to include in any of their contracts to which a railroad or a car-pooling company is a party or a beneficiary thereof, fair and equitable arrangements, as certified by the Secretary of Labor, to protect the interests of individual employees affected in their employment by any such contract. Such protective arrangements shall include, without being limited to, the arrangements specified in Sec. 405 of the Rail Passenger Service Act of 1970, as amended (45 U.S.C. 565); in Sec. 13 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1609); and in Sec. 6 of the High Speed Ground Transportation Act of 1965, as amended (49 U.S.C. 1636).

"(b) In awarding contracts for the building or rebuilding of rolling stock under Title III of this Act, the Authority shall take all necessary action to conform to prevailing practices of the railroad industry in distributing such work among railroads and nonrailroads with rolling stock building and rebuilding facilities. The building and rebuilding of rolling stock covered by contracts awarded to the railroads shall be performed with the use of the facilities and employees of such railroads and not subcontracted. In carrying out the provisions of this subsection the Authority shall be guided by the relative proportions of rolling stock building and rebuilding, respectively, performed in railroad and nonrailroad facilities in the five (5) calendar year period preceding enactment of this Act. Any downward variations from these guidelines shall not exceed five (5) per centum. The total number of cars and locomotives built and rebuilt, respectively, in railroad and nonrailroad facilities, respectively, in a calendar year need not exceed the average number of built and rebuilt, respectively, in such facilities during the five (5) calendar year period immediately preceding that calendar year, but the same relative proportions of such building and rebuilding, respectively, shall be maintained as between railroad and nonrailroad facilities in the event of a decrease from such average. Upon failure of the Authority to maintain such proportions in distributing such work to railroad facilities under such contracts, the fair and equitable employee protective arrangements required by subsection (a) hereof shall become effective.

"(c) Employees affected by any action taken pursuant to this Act designed to provide for more effective use and distribution of rolling stock shall be reassigned and, if necessary, retrained to perform the new tasks covering the functions which they had theretofore performed. The performance of such functions shall be considered to be within the same craft or class as that in which such employees were classified prior to such change and the rights of such employees to the same representation shall be preserved. The positions on any railroad affected by these changes may be eliminated as they become vacant through death, resignation or retirement, without adversely affecting the individuals involved, and at a rate not to exceed 2% each year.

"(d) In his administration of the provisions of this Act, the Secretary of Labor shall consolidate the program authorized herein with the companion programs under the Rail Passenger Service Act of 1970, as amended (49 U.S.C. 565f); the Urban Mass Transportation Act of 1964, as amended, (49 U.S.C. 1609) and the High Speed Ground Transportation Act of 1964, as amended (49 U.S.C. 1636) and shall uniformly develop, interpret and apply the procedures and standards under these various laws.

"(e) To the extent practicable, the Authority shall ward contracts for the repair and maintenance of rolling stock to railroads with facilities for performing such work.

"(f) The Board (pursuant to title I), the Secretary (pursuant to title II), and the Authority (pursuant to title III) shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under any contract or agreement entered into under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The Board, the Secretary of Transportation or the Authority shall not enter into any such contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) shall be applicable to all construction work performed under such contracts or agreements, except any construction work performed by a railroad employee. Wage rates provided for in collective-bargaining agreements negotiated under and pursuant to the Railway Labor Act shall be considered as being in compliance with the Davis-Bacon Act; and such railroad wage rates shall be the applicable standard for all laborers and mechanics employed by nonrailroad contractors and subcontractors in the performance of the building and rebuilding of rolling stock under title III of this Act."

On page 64, redesignate section 315 as section 402.

On page 22 in the Table of Contents, strike "Sec. 311. Protective arrangements for employees." Strike out "Sec. 312", "Sec. 313" and "Sec. 314" and insert in lieu thereof, "Sec. 311", "Sec. 312", and "Sec. 313", respectively. Immediately before "Sec. 315. Separability" insert the following:

"TITLE IV—GENERAL PROVISIONS

"Sec. 401. Protective Arrangements for employees."

Redesignate section 315 as section 402.

Mr. HARTKE. The labor protection amendment which I offer has two principle purposes:

First. To correct an internal inconsistency in the reported bill which was the result of an inadvertency resulting from the consolidation of a number of versions in various bills to correct freight car shortages.

Second. To set job protection provisions in conformity with concepts, language, interpretations, and applications previously established in prototype legislation and agreements negotiated thereunder. Standards follow exactly those of existing Federal law and established congressional policy as set forth in: the Urban Mass Transportation Act of 1964; the High-Speed Ground Transportation Act of 1965; and the Rail Passenger Service Act of 1970.

The proposed amendment would establish a new title IV consisting of section 311 entitled "Protective Arrangements for Employees" at page 58 of the bill and section 315 entitled "Separability" at page 64 of the bill. Removal of these sections to a separate title, together with language modifications in section 311, has the effect of expanding section 311—section 401 under the amendment—to cover titles I and II of the bill, as well as title III.

The new section 401(a)—derived from section 311(b) of the reported bill—has been modified to broaden its scope to include all programs under the three titles and to provide for general job protection following the model of urban mass transit, and so forth.

The provision for protection of railroad employees affected in their employment by the insurance of obligations under title I is recognition of the fact that an extension of Government financial assistance under the bill could, similar to Government financial grants and aids under, for example, the Urban Mass Transportation Act of 1964, as amended, cause a worsening in the conditions of employment of certain railroad employees. The need for protection for employees affected by the technological innovations provided for by title II and by the provisions under title III applying Federal funds directly to the acquisition of rolling stock is sufficiently explained in the committee report.

Apart from editorial changes that clarify its meaning, the new section 401(b)—formerly section 311(a) at page 58 of the reported bill—has been tightened to prohibit subcontracting and thereby to insure adherence to the allocation formula maintaining the existing ratio of rolling stock building and rebuilding, as between railroad and nonrailroad facilities. These changes carry out the intent expressed at page 29 of the committee report.

A new section 401(c) would insure that affected employees will follow their functions, that is, they will be reassigned to perform new tasks covering the functions which they had therefore performed. Maintenance of status quo with respect to class and craft representation, together with authorization to eliminate positions at a rate not to exceed 2 percent each year is also provided. Thus, present employees would have first priority at retraining in light of technological change with job eliminations restricted by death, resignation or retirement. The work force would continue with presently guaranteed union representation, job security, vacation, and working rights.

A new section 401(d) provides for orderly codification of the prototype job protection programs under prior related legislation—urban mass transit, high-speed ground transportation and rail passenger service. This provision in no sense amends or modifies provisions of the laws to which reference is made.

The proposed additional language, appearing after the words "Davis-Bacon Act," of the new section 401(f) formerly section 311(a) at line 16 of page 61 of the reported bill—is to insure that nonrailroad employees engaged in the building and rebuilding of rolling stock under contracts awarded by the authority will be paid wages at rates equivalent to those paid by the predominant number of railroads, which as stated in the first part of the sentence shall be considered as being in compliance with the Davis-Bacon Act.

The railroads are now engaged in developing some central and regional computer operations through the Association of American Railroads. New jobs are being created; but new employees are being hired to fill those jobs at substandard rates of pay and working conditions. Thus, union jobs and union protection, would be eliminated for many thousands of railroad clerks, shopcraft employees, as well as employees in other classifications, if programs contemplated by the reported bill are successful in stimulating the railroads to improve car supply and utilization and to develop their own central computer system. Union employees adversely affected by the change would not be given these jobs, or be afforded retraining unless the amendment is adopted.

There is a compelling need to correct the inadvertency in omitting from titles I and II of the bill the job protection provisions expressed in title III in accordance with established congressional policy.

All employees affected must be guaranteed that they will have a full opportunity to be retrained for the new work; all employees affected must be assured standard labor protection in accordance with established policy.

Without these corrections, the program under the reported bill would not achieve its intended purposes and would be disastrous for all railroad employees and the communities in which they reside.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute as amended.

The committee amendment as amended was agreed to.

Mr. HARTKE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the amendment as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

RAIL FREIGHT SERVICE CRUCIAL TO RURAL AMERICA

Mr. HUMPHREY. Mr. President, as an original sponsor of S. 1729, the Rolling Stock Utilization and Financing Act, I urge the Senate to adopt this vitally needed legislation to assure an adequate supply and effective utilization of freight cars. Better rail service is crucial right now to millions of people in rural America.

Rail transportation for many of our Nation's smaller communities and industries located in rural areas is the only mode of bulk transportation available. Discontinuance of this service to these communities means their certain demise. In Minnesota, as of May 1972, there were 10 pending railroad abandonments, involving some 248 miles of track serving 28 communities. But even more alarming railroad company plans have prompted the commissioner of agriculture in Minnesota, Jon Wefald, to state bluntly that the rail industry plans to fold up and rip out the vital economic life sustaining transportation arteries of the bulk of the rural community by 1980.

It was for this reason that I introduced Senate Concurrent Resolution 56 and jointly sponsored Senate Resolution 225, calling for the declaration of a moratorium on railroad abandonments until alternatives can be developed to solve the transportation problems of rural America. But the problem is even more immediate and complex, when railroad abandonment is coupled with a total inadequacy of freight car services. Illustrative of this situation has been the inability of the Chicago & North Western Railroad to supply refrigerated cars for on-time deliveries to customers by the Big Stone Canning Co., of Chaska, Minn., while simultaneously requesting ICC approval to abandon trackage linking such small towns in Minnesota as Wanda and Sanborn. For the processing company, any other form of transportation would be prohibitively costly, while for 250 farmers around Wanda, Minn., the isolation of a modern cooperative elevator doing about a million dollars a year in business means they must pay up to 5 cents more a bushel to get their grain to market by truck.

It has been charged that all too often poor service appears to be linked to an intention to abandon railroad lines, the argument being that the consequent reduction of business makes the line unprofitable. However this allegation may be viewed and whatever the claims made by railways as to why rolling stock is unavailable or delayed, the fact is that again and again mountains of sugar beets and corn and other commodities are stored on the ground outside elevators in Minnesota, awaiting freight cars, with consequent spoilage that means heavy losses to farmers and higher prices to consumers. Yet, the repeated answer in Minnesota to the need for an intensive effort to design a balanced transportation system, and to railroad industry problems of limited profit margins and the burden of capital investment in rolling stock, and to the expectation that at least $80 million in highway improvements would be required to reach some

98 farm market communities with truck transportation that already jams major roads during harvest periods, is simply to abandon more railroads. And this negative Federal policy, rubberstamped by the ICC, can only be accelerated under surface transportation legislation proposed by the Nixon administration.

The Rolling Stock Financing and Utilization Act represents a major step toward establishing the affirmative, comprehensive transportation policy that is demanded in America today to address the complexity of problems I have outlined. It ties the establishment of a Federal railroad equipment obligation insurance fund, facilitating the acquisition of rolling stock by railroads, to decisive Federal efforts to improve utilization. The intent of Congress is clear that this shall not be a program to subsidize railroad company inefficiency, but is designed to meet the critical needs of commerce, users, shippers, national defense, and the consuming public. The on-time availability and movement of freight cars is vital to the national economy, mandating direct involvement by the Federal Government. Amended to strengthen financial assistance on behalf of service to rural areas, the legislation before the Senate serves notice that a high priority must now be given to maintaining and improving freight car service across America.

Mr. PACKWOOD. Mr. President, it is with distinct pleasure that I rise today to offer my support for final passage of S. 1729, the Fast Freight Systems Transportation Act of 1971.

The chronic freight car shortage dates back to 1887, when the first complaint was filed before the Interstate Commerce Commission by farmers in the North Dakota Territory, stating that there were not enough boxcars to move the harvest. That year, 1887, the ICC resolved to study the problem. This year 1972, the ICC continues to study, with no solution in sight.

There are a time when this problem only affected western farmers during harvest season. It has now spread to all sectors of the economy and cannot be dismissed as merely affecting a particular industry in a particular region during a particular season. We have seen this dilemma consistently worsen, with absolutely no help whatever from Federal regulatory laws.

As a result, wheat is stacked high in the streets of midwestern towns. Lumber, stuck in Oregon warehouses, warps in February and March rains. Prices skyrocket, simply because a nation that has sent men to the moon cannot move products to the marketplace.

This situation is especially harmful to the economy of my home State of Oregon. Oregon's two leading industries, lumber and agriculture, are based on the production and manufacture of products which must move many miles before they can be sold. Oregon exports about three to four times as much as it imports.

There can be little doubt that a serious problem exists. In order to reach an effective solution, it is essential to understand this basis of the difficulty.

Freight car shortages are the result of two separate and distinct factors:

First, an inadequate supply of boxcars; and

Second, poor utilization of existing cars.

INADEQUATE SUPPLY

During the decades of the sixties, the shortage of boxcars increased from an average of 1,500 to 10,000 per day. Fewer boxcars are operating now than in 1951, although freight traffic has risen nearly 30 percent. Railroads have simply not purchased new cars at a rate equal to that at which obsolete or wrecked cars are junked. To make this matter even worse, the Department of Transportation predicts that there will be a one-third increase in rail freight transportation between 1971 and 1980.

In short, we need more boxcars. But the weak financial condition of many railroads has precluded their acquisition of additional cars.

POOR UTILIZATION

The general problem of inadequate supply is particularly acute in Oregon and other Western States because the pattern of boxcar movement in this country is not uniform. Loaded boxcars move more freely from west to east. Once a western boxcar arrives in the East, the tendency is for it to remain there instead of moving unloaded—and unprofitably—back to the owner. The ICC is empowered to assess penalties under these circumstances, but the demurrage charges are so low that railroads will pay the minimal fee and use the boxcar for storage.

The result is a system in which loaded boxcars are moving only an appalling 7 percent of the time. The average freight car moves only 32 miles per day.

The sad performance of the railroads and the ICC in meeting this problem provides overwhelming evidence that the current system is incapable of meeting the demands required of it. It is my firm conviction that the people of Oregon and the Nation will not receive the relief they deserve unless Congress provides the necessary legislative direction.

The Fast Freight Systems Transportation Act of 1972 represents a meaningful and innovative solution to this dilemma. It establishes an insurance fund to protect the railroad industry in the acquisition of new freight cars. If, despite this action, the industry fails to provide the initiative and imagination to solve the shortage, a public corporation will be established to acquire boxcars and control their distribution.

The concept of a single national freight car pool, under single management and ownership, is not revolutionary. It has been considered in the Senate Commerce Committee for more than a decade. Nonetheless, many Senators are reluctant to involve the Government in this effort. I share their view. The events of the past several years, however, have made Government involvement unavoidable.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Maryland (Mr. MATHIAS), the Senator from Iowa (Mr. MILLER), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting the Senator from Colorado (Mr. ALLOTT), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from Illinois (Mr. PERCY), and the Senator from Iowa (Mr. MILLER) would each vote "yea."

The result was announced—yeas 81, nays 0, as follows:

[No. 346 Leg.]

YEAS—81

Aiken
Allen
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Ervin
Fong
Fulbright
Goldwater
Gravel
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—18

Allott
Baker
Brooke
Cotton
Eagleton
Eastland
Fannin
Gambrell
Griffin
Harris
Long
Mathias
Miller
Montoya
Mundt
Muskie
Percy
Ribicoff

So the bill (S. 1729) was passed, as follows:

S. 1729

An act to increase the supply of railroad rolling stock and to improve its utilization to meet the needs of commerce, users, shippers, national defense, and the consuming public

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rolling Stock Utilization and Financing Act of 1972".

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TITLE I—NATIONAL ROLLING STOCK INFORMATION SERVICE AND FEDERAL RAILROAD EQUIPMENT OBLIGATION INSURANCE FUND

PURPOSES

SEC. 101. The Congress hereby declares that the purposes of this Act are—

(a) to improve the utilization and distribution of rolling stock to meet the needs of commerce, users, shippers, the national defense, and the consuming public;

(b) to assist railroads in acquiring additional rolling stock to provide fast and expeditious service to meet the increasing demands of the Nation's economy now and in the years to come; and

(c) to assist in achieving full employment insuring adequate equipment necessary to transport the products of American industry.

DEFINITIONS

SEC. 102. For the purpose of this Act—

(1) "Authority" means the Rolling Stock Authority which may also be known as RSA.

(2) "Board" means the Federal Railroad Equipment Obligation Insurance Board.

(3) "Car-pooling company" means a company that furnishes rolling stock to three or more railroads on a pooling basis.

(4) "Directors" means the Board of Directors of the Authority.

(5) "Equipment obligations" means bonds, notes, conditional sale agreements, equipment trust certificates, leases, and other obligations issued or guaranteed by railroads or car-pooling companies to finance or refinance rolling stock.

(6) "Holder" means the holder of an equipment obligation, except that where a bank or trust company is acting as agent or trustee for the holder of the equipment obligation, the bank or trust company shall be deemed to be the holder.

(7) "Obligor" includes the original borrower under an equipment obligation and his successors and assigns approved by the Board. An obligor must be a railroad or car-pooling company.

(8) "Railroad" means a common carrier by railroad, as defined in section 1(3) of the Interstate Commerce Act, as amended, and includes, where determined appropriate by the Board, any railroad controlled by a railroad within the meaning of section 1(3)(b) of the Interstate Commerce Act.

(9) "Rolling stock" means any type of new or rebuilt general service railroad freight car whose use is not confined to a specialized purpose by special equipment and design or other limiting features, cabooses, and standard gage locomotives. The Board may designate what types of freight cars are general service freight cars, including, but not limited to, boxcars, gondolas, open top and covered hopper cars, and flatcars.

(10) "Secretary" means the Secretary of Transportation.

NATIONAL ROLLING STOCK INFORMATION SYSTEM

SEC. 103. (a) The Secretary is authorized to design a national rolling stock information system and to contract with and provide technical and financial assistance to individual railroads or a group of railroads working together, including the sharing of costs and the funding in part of demonstration projects, to assist in the establishment of a national rolling stock information system. Such national rolling stock information system shall use computer and communication techniques and equipment which will facilitate equitable distribution and efficient and economical utilization of rolling stock. Such system shall be capable of furnishing information about all rolling stock owned directly or indirectly by railroads and car-pooling companies with respect to physical characteristics, origin, destination, location, availability for future loadings, and such other information as the Secretary determines to be useful for the equitable distribution and efficient and economical utilization of rolling stock. The Secretary shall consult with shippers, railroads, and the Interstate Commerce Commission before finally approving the design of the system. Information shall be available to shippers, railroads, the Secretary, the Interstate Commerce Commission, and other members of the public subject to such rules as the Interstate Commerce Commission shall prescribe to insure the confidentiality of certain types of competitive information supplied for use in connection with the system.

(b) The Secretary shall report semiannually to the Congress with respect to the progress made in implementing the national system provided for in subsection (a). Such report shall include recommendations for such additional funding as may be necessary to make the national system fully effective.

(c) Persons contracting with the Secretary with respect to the design of a national or individual rolling stock information system or the use of information supplied by such system shall be and are hereby relieved from prohibitions of the antitrust laws of the United States, with respect to such contracts, to the extent necessary to facilitate carrying out the purposes of this Act.

(d) There is authorized to be appropriated to the Secretary out of money in the Treasury not otherwise appropriated, the sum of $10,000,000 for purposes of this section, such amount to remain available for one year after the date of enactment of this Act.

(e) If, not later than one year after such date, the Secretary finds that a practical design for a national rolling stock information system has been completed and that such design can be implemented so as to produce information useful for significantly improved utilization of rolling stock in the near future, there is authorized to be appropriated to the Secretary out of money in the Treasury not otherwise appropriated, the sum of $15,000,000 for the purpose of assisting individual railroads or a group of railroads working together to implement such design, such amount to remain available for one year after the Secretary makes such finding.

(f) If, not later than two years after such date, the Secretary finds that substantial progress has been made toward completion of a national rolling stock information system, there is authorized to be appropriated to the Secretary out of money in the Treasury not otherwise appropriated, the sum of $10,000,000 for the purpose of completing such system, such amount to remain available for one year after such finding.

FEDERAL RAILROAD EQUIPMENT OBLIGATION INSURANCE FUND

SEC. 104. (a) There is created a Federal Railroad Equipment Obligation Insurance Fund (hereafter in this Act referred to as the "fund") which shall be used by the Board as a revolving fund for the purpose of carrying out sections 105 through 108 of this Act. Moneys in the fund shall be deposited in the Treasury of the United States to the credit of the fund or invested in bonds or other obligations of, or guaranteed as to principal and interest by, the United States for the account of the fund.

(b) The Federal Railroad Equipment Obligation Insurance Board shall have seven members, of whom one shall be elected annually by the Board to serve as Chairman. The Secretary of Transportation and the Secretary of the Treasury, or persons designated by them respectively in writing, shall serve as ex officio members of the Board with the same powers as other members of the Board. The President of the United States shall, within ninety days after enactment of this Act, appoint the remaining members of the Board, by and with the advice and consent of the Senate, on the following basis: (1) three, to be selected from recomemndations of organizations of shippers who shall be representative of different, major shipping interests, including small shippers; (2) one, to be selected from recommendations of organizations of consumers; and (3) one, to be selected from recommendations of the national organization of State Commissions as referred to in sections 202(b) and 205(f) of the Interstate Commerce Act, who shall be a member of a State agency authorized by State law to fix rates for transportation by railroad. Each of the members appointed by the President may receive compensation at a rate not to exceed $300 for each meeting of the Board which he attends and shall be reimbursed for necessary travel and subsistence expense incurred in attending such meetings.

AUTHORIZATION TO INSURE EQUIPMENT OBLIGATIONS

SEC. 105. (a) Upon application by a railroad or carpooling company, the Board is authorized to insure the interest on, and the unpaid principal balance of, any equipment obligation offered to it which it determines is eligible for insurance under this Act. The Board also may make commitments to insure any equipment obligation prior to the date of execution or disbursement thereon. Such insurance and commitments shall be extended in such form, on such terms and conditions, and pursuant to such regulations, as the Board considers appropriate and which are not inconsistent with the provisions of this Act.

(b) Each insurance contract made under this section shall run to and be for the benefit of the holder of the equipment obligation.

(c) The aggregate unpaid principal amount of equipment obligations insured under this title shall not exceed $2,000,000,000 at any one time.

(d) Each equipment obligation insured under this section shall bear interest (exclusive of premium charges for insurance and service charges) at a rate not to exceed such per centum per annum on the principal obligation outstanding which the Board determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar obligations.

(e) Upon receipt of an application from a railroad or car-pooling company, the Board shall publish notice of the receipt of such application in the Federal Register and shall afford interested parties an opportunity to submit comments in accordance with the provisions of section 553 of title 5 of the United States Code.

LIMITATIONS AND CONDITIONS; PREMIUM CHARGES

SEC. 106. (a) Before insuring any equipment obligation under section 105 of this Act, the Board shall find in writing that—

(1) the equipment obligation is secured by rolling stock to be financed or refinanced thereby;

(2) the terms of the equipment obligation require full payment within fifteen years from the date thereof;

(3) the financing or refinancing of the rolling stock is justified by the present and future demand for transportation services to be rendered by the railroad or car-pooling company for which the rolling stock is procured;

(4) the common carrier operations of the railroad or car-pooling company are sufficiently efficient at the date of any such financing or refinancing to assure economic utilization of any rolling stock in which the obligor then has a beneficial interest or in which the obligor may obtain such an interest as a consequence of such financing or refinancing;

(5) the purchase of the rolling stock will serve to insure an adequate national car supply to meet demonstrable demands for rail transportation services, and to provide shippers with equipment suited to their transportation needs;

(6) the probable value of the rolling stock will provide reasonable protection to the United States in the event of repossession of the rolling stock by the holder of any equipment obligation insured under this Act.

(b) Before insuring any equipment obligation under section 105 of this Act, the Board shall obtain in writing an agreement from the obligor that while any principal or interest on such obligation is unpaid—

(1) there will be an increase in the load-carrying capacity of the obligor's rolling stock;

(2) dividends that are payable in the discretion of the obligor will not be increased over the average amount paid during the five years preceding enactment of this Act;

(3) assets and revenue related to, or derived from, railroad operations or property will not be used by the obligor in nonrailroad enterprises;

(4) the obligor will cooperate with the Secretary in programs pursuant to title II of this Act to improve the equitable distribution and efficient and expenditious use of rolling stock; and

(5) such obligation will become immediately due and payable if the Secretary finds that conditions (1), (2), and (3) of this subsection have not been satisfied.

(c) The Board shall fix a premium charge for the insurance of equipment obligations under this Act of not to exceed 1 per centum per annum of the principal amount of such equipment obligation outstanding. Premium payments shall be made when moneys are first advanced by the lender under the equipment obligation and on each anniversary date thereafter.

(d) All money received under sections 104 through 108 of this Act shall be deposited in the fund. Amounts not to exceed 5 per centum of the sums collected each year under subsection (c) of this section may be used to pay administrative expenses incurred by the Board incident to the administration of sections 104 through 108 of this title.

ISSUANCE OF NOTES OR OBLIGATIONS

SEC. 107. (a) If at any time the moneys in the fund are not sufficient to pay any amount the Board is required to pay under an agreement made under section 105 of this Act, the Board is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Board, with the approval of the Secretary of the Treasury. The notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States on comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued hereunder and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Funds borrowed under this section shall be deposited in the fund and redemptions of such notes and obligations shall be made by the Board from the fund.

(b) Notwithstanding any other provisions of law relating to the acquisition, handling, or disposal of property by the United States, the Board shall have the right in its discretion to perform such acts as may be necessary to complete, recondition, renovate, repair, maintain, and manage, lease, rent, sell, or otherwise dispose of any property or other interests acquired by it under an agreement made under sections 105 and 106 of this Act.

(c) Any contract or commitment of insurance entered into by the Board under the provisions of this Act shall not be terminated, canceled, or otherwise revoked, except as provided by the terms and conditions prescribed by the Board under sections 105 and 106 of this Act; and shall be conclusive evidence that the obligation complies fully with the provisions of this Act and of the approval and legality of the principal amount, interest rate, and all other terms of the obligation; and any contract or commitment of insurance so entered into shall be valid and incontestable in the hands of a holder from the date as of which such contract or commitment is entered into, except for fraud, duress, mutual mistake of fact, or material misrepresentation on the part of such holder.

MODIFICATIONS

SEC. 108. The Board may consent to the modification of the provisions of an equipment obligation as to rate of interest, time of payment of interest or principal, security, or the terms and conditions of any contract or commitment of insurance which it shall have entered into pursuant to this Act whenever it finds in writing that such modification is equitable. However, such consent shall not be given unless any consent of the holder, which may be required pursuant to the provisions of any equipment obligation, shall have first been obtained.

GENERAL ACCOUNTING OFFICE AUDIT

SEC. 109. (a) The transactions of the Board may be audited by the Comptroller General of the United States in accordance with such rules and regulations as may be prescribed by the Comptroller General. The representatives of the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Board pertaining to its financial transactions and necessary to facilitate an audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Board shall remain in possession and custody of the Board.

(b) To the extent the Comptroller General deems necessary in connection with such audits as he may make of the financial transactions of the Board, pursuant to subsection (a), his representatives shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by any obligor for which the Board has insured an equipment obligation, pertaining to such obligor's financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of such obligor remain in the possession and custody of the obligor.

(c) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the fund, together with such recommendation with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President, to the Secretary, and to the Board at the time submitted to the Congress.

TITLE II—TO IMPROVE UTILIZATION

UTILIZATION INDEX AND REPORT

SEC. 201. Within ninety days after the date of enactment of this Act, the Secretary shall develop an index measuring the degree of utilization of freight cars. The Secretary shall compile data required by such index and shall publish such index at least once each quarter together with a report setting forth the changes in such utilization and the causes thereof.

INTERSTATE COMMERCE COMMISSION REPORT

SEC. 202. The Interstate Commerce Commision shall publish a report on utilization of freight cars thirty days after each report by the Secretary pursuant to section 201. Each report by the Commission shall give consideration to the latest report by the Secretary.

DEPARTMENT OF TRANSPORTATION STUDY

SEC. 203 (a) The Secretary shall prepare a study on the utilization of freight cars and means to improve such utilization including, but not limited to, consideration of per diem and other car hire charges, demurrage, car service rules and orders of the Interstate Commerce Commission and of the railroads, the practice of assigning cars to specific traffic or shippers, payments for use of privately owned cars, and publicly and privately owned car-pools. The Secretary shall submit legislative recommendations based upon such study within two years of the date of this Act.

(b) The Secretary, after consultation with the Secretary of the Interior, shall prepare a study on the use of abandoned railroad trackage and rights-of-way for the purpose of retaining such rights-of-way for use as recreational trails, paths, camp sites, and for other recreational uses. The Secretary shall submit legislative and administrative recommendations based upon such study within one year of the date of this Act.

USE OF EXISTING LAW

SEC. 204. (a) The Secretary shall make use of existing law to improve the utilization of rolling stock.

(b) For the purposes of this section, the Secretary shall have such standing as is necessary to bring proceedings before the courts and administrative agencies.

TITLE III—ROLLING STOCK AUTHORITY

ESTABLISHMENT

SEC. 301. (a) Within three years from the date of enactment of this Act, the Secretary shall transmit to the Congress a report stating whether or not he and the Interstate Commerce Commission have found that substantial progress has been made toward eliminating the freight car shortage arising from an inadequate supply of rolling stock and inadequate car service and that there has been a substantial increase in utilization of such rolling stock.

(b) If the Secretary reports that he and the Commission have found that substantial progress in freight car supply and utilization has not been made, Congress may, within three years and six months after enactment of this Act, by affirmative resolution, authorize the establishment of a corporation to be known as the Rolling Stock Authority in accordance with the provisions of this title. Its purposes shall be to acquire, maintain, and provide rolling stock, to manage a pool of such rolling stock, and to employ innovative concepts for equitable distribution and efficient and expeditious use of such rolling stock to meet the needs of the national economy.

(c) The Authority shall not be subject to the provisions of the Interstate Commerce Act, as amended, or of any other law regulating railroads except that it shall be deemed to be a railroad with respect to: (1) sections 1(10) through 1(17) of the Interstate Commerce Act; (2) the representation of its employees for purposes of collective bargaining, the handling of disputes between railroads and their employees, employee retirement, annuity and unemployment systems, liability for injuries to employees, and other dealings with its employees; and (3) safety, subject to the same laws and regulations with respect to safety as any common carrier subject to part I of the Interstate Commerce Act.

(d) The Authority shall be subject to the provisions of this Act, and, to the extent not inconsistent with this Act, to the District of Columbia Business Corporation Act (D.C. Code 29-901 et seq.). The right to repeal, alter, or amend this Act at any time is expressly reserved. The articles of incorporation shall provide for cumulative voting for all stockholders.

ORGANIZING DIRECTORS

SEC. 302. Unless Congress disapproves establishment of the Authority, the Chairman of the Interstate Commerce Commission, the president of the Association of American Railroads, the president of the parent body of the American Federation of Labor and Congress of Industrial Organizations, the president of the National Industrial Traffic League, the Secretary of Agriculture, and the Secretary of Transportation (or their designees) shall, ex officio, become incorporators of the Authority. Such persons shall also serve as the initial Board of Directors. The incorporators shall take whatever actions are necessary to establish the Authority as soon as possible, and within not more than ninety days following the date of their assuming office. The initial Directors shall serve until at least seven of the Directors appointed by the President have been confirmed by the Senate.

DIRECTORS AND OFFICERS

SEC. (a) The Authority shall have a Board of eleven Directors, of whom one shall be elected annually by the Board to serve as Chairman. The Secretary of Transportation and the Secretary of the Treasury, or persons designated by them respectively in writing, shall serve as ex officio members of the Board with the same powers as other members of the Board. Such officials shall assume their directorships when the Senate confirms at least seven of the Directors appointed by the President. The President of the United States shall, within one hundred and twenty days after the incorporators take office, appoint the remaining members of the Board, by and with the advice and consent of the Senate, on the following basis: (1) three, upon recommendation of the Association of American Railroads or its successor, one of whom shall be a representative of the eastern territory railroads, one of whom shall be a representative of the western territory railroads, and the other shall be a representative of the southern territory railroads; (2) one, upon recommendation of the parent body of the American Federation of Labor and Congress of Industrial Organizations or its successor, who shall be representative of labor; (3) one, upon recommendation of the National Academy of Sciences, who shall be a person with expert knowledge of, or practical experience with, data and information systems and of application of computer technology to the management of large-scale systems such as would be involved with the rolling stock fleet of the Authority; (4) three, to be selected from recomendations of organizations of shippers who shall be representative of different, major shipping interests, including small shippers, and satisfactory to the largest number of such shippers; and (5) one, to be selected from recommendations of organizations of consumers, to be satisfactory to the largest number of consumers.

(b) The terms of office of the Directors appointed by the President shall be for four years except that the terms of five of the members, initially appointed, shall expire at the end of two years following their first appointment. A member appointed to fill a vacancy may be appointed only for the unexpired term of the member whom he succeeds. The Directors shall take office immediately upon the expiration of the terms of the initial Board of Directors. Each of the Directors appointed by the President shall receive compensation at the rate of $300 for each meeting of the Board which he attends and shall be reimbursed for necessary travel and subsistence expense incurred in attending such meetings.

(c) So long as any capital stock of the Authority is owned by the United States, Directors, officers, and employees of the Authority shall be deemed to be special Government employees subject to the conflict of interest provisions of title 18, United States Code, sections 201–209. Directors appointed by the President pursuant to section 307(d) shall be deemed to be special Government employees subject to the conflict of interest provisions of title 18, United States Code, sections 201–209. A Director appointed upon recommendations made pursuant to subsection (a) of this section or pursuant to subsection (d) of section 307 may be included for purposes of determining the presence of a quorum at any meeting of the Directors which he attends, may participate in discussions in any such meetings and may vote upon matters, notwithstanding his service as officer, director, trustee, partner, or employee in an organization or corporation which is a member of the organization which made such recommendation.

GENERAL POWERS OF THE AUTHORITY

SEC. 304. (a) In order to carry out the purposes set forth in section 301 the Authority shall have power—

(1) to sue and be sued, complain and defend, in its corporate name;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Authority;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined: *Provided*, That, except as otherwise specified in this Act, such attorneys, employees, and agents as well as the members of the Board of Directors shall not be subject to the provisions of Federal laws relating to Federal employees with respect to appointments, promotions, adverse actions, hours of work, rates of compensation, allowances, leave, unemployment compensation, compensation for work injuries, and Federal benefits such as retirement, life insurance, and health benefits;

(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of the affairs and power conduct of its business;

(10) to build, purchase, own, lease, and manage rolling stock to be operated for the purpose of providing modern, efficient freight transportation of goods; to conduct research and development related to the purposes of this Act; and to acquire, or to contract for the use of, physical facilities, equipment, and devices necessary for equitable distribution and efficient and expeditious use of its rolling stock; and

(11) to enter into agreements and contracts necessary for the building, operation, maintenance, and repair of its rolling stock and for the performance of all services and work incidental thereto, consistent with prudent management of the affairs of the Authority and not inconsistent with the provisions of section 311 of this Act.

(b) Persons contracting with the Authority with respect to the operation or maintenance of such rolling stock shall be and are hereby relieved from prohibitions of the antitrust laws of the United States, with respect to such contracts insofar as may be necessary to enable them to enter into such contracts and to perform their obligations thereunder.

FINANCING

Sec. 305. (a) Per Diem Surcharge.—Every railroad, except switching and terminal railroads, shall pay to the Authority a per diem surcharge of 50 cents per car-day on each general service freight car for each day that such a railroad incurs a car-hire charge for the use of such car, except that no one railroad, or group of railroads under common management and control, shall make total payments in excess of 10 per centum of the total amount paid by all railroads. The Authority shall impose the surcharge levy no later than sixty days after the Board of Directors shall have taken office pursuant to section 303, and the levy shall continue until the Board of Directors of the Authority determines that such sum as may be necessary for the purposes of this Act but not less than $10,000,000 nor more than $30,000,000 will be due or will have been paid to the Authority as of a certain date, whereupon the levy of the surcharge will cease as of that date. The surcharge shall be payable on the tenth day of the second month succeeding the month in which the charge accrues. If it should be determined that any one railroad, or any group of railroads under common management and control at the time of payment, has paid in excess of 10 per centum of the total amount paid by all railroads, the Authority shall refund the excess payments.

(b) The Authority shall issue a negotiable debenture to each railroad in the amount of per diem surcharge paid by such railroad. Such debentures shall bear and pay interest at a rate determined by the Secretary of the Treasury to be the current rate for similar debentures in the open market. The par value of such debentures shall be payable the next full business day, be due and payable December 31 of the thirtieth year after the date of issuance unless such date shall be a Saturday, Sunday, or holiday, in which event said par value shall which shall not be either Saturday, Sunday, or holiday. Such debentures shall be debts of the Authority but shall be subordinate to all other debts of the Authority. Neither the par value nor the interest on such debentures shall be guaranteed by the United States of America.

(c) Refund of Per Diem Surcharge.—(1) In the event of partial or complete liquidation of the Authority, any assets remaining after payment of the Authority's obligations and expenses will be distributed pro rata to the railroads, not to exceed the amount paid into the Authority as per diem surcharge under paragraph (a) of this section plus accrued interest. if any, and the remainder will be paid into the Treasury of the United States and credited to miscellaneous receipts.

(2) In the event of complete liquidation of any railroad subject to this Act, the Board of Directors of the Authority may, if and when funds are available, refund to the railroad a sum not to exceed the amount paid in as per diem surcharge under the provisions of paragraph (a) of this section plus accrued interest, if any.

(d) Incurrence of Debt for Capital Purposes.—The Authority is hereby empowered to incur debt for capital purposes. Such debt may be incurred in the form of bonds, debentures, equipment trust certificates, conditional sale agreements, or any other form of securities, agreements, or obligations. So long as all capital stock of the Authority is owned by the United States, payment of principal and interest on all obligations issued by the Authority, shall be guaranteed by the United States, such guarantee to be expressed on the face thereof. So long as any capital stock is owned by the United States, payment of principal and interest on obligations issued by the Authority may be guaranteed by the United States, such guarantees to be expressed on the face thereof. Guaranteed obligations shall not exceed $1,000,000,000 in principal amount outstanding at any one time. Such obligations may be redeemable at the option of the Authority before maturity in such manner as may be stipulated therein and shall be in such forms and denominations, have such maturities, and be subject to such terms and conditions as shall be determined by the Board of Directors, with the approval of the Secretary of the Treasury. The Authority may also incur debt not guaranteed by the United States in addition to that provided for under subsection (b) of this section.

(e) Purchase of Obligations by Treasury.—The Secretary of the Treasury may elect to purchase the obligations of the Authority guaranteed by the United States in an amount not to exceed $1,000,000,000 in principal amount outstanding at any one time, under such terms, including rates of interest, as he and the Authority may agree but at a rate or yield no less than the current average yield on outstanding Treasury securities of comparable maturity, as determined by the Secretary of the Treasury.

(f) Public Debt Transaction.—For the purpose of any purchase of the obligations of the Authority, and to enable him to carry out his responsibility relating to guarantees made pursuant to this section, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the obligations of the Authority under this Act. The Secretary of the Treasury may at any time sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations of the Authority acquired by him hereunder. All redemptions, purchases, and sales by the Secretary of the obligations of the Authority shall be treated as public debt transactions of the United States.

(g) Authorization for Appropriations.—(1) In order to facilitate the formation and the implementation of the objectives of the Authority, there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, the sum of $10,000,000 to be used to acquire capital stock of the Authority, such sum to continue to be available until expended.

(2) There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to pay the principal and interest on notes or obligations issued by him as a consequence of any guarantee made under this section.

(3) In the event of any default on any guaranteed obligation, and payment in accordance with a guarantee by the United States, the Attorney General shall take such action as may be appropriate to recover the amount of such payments, with interest, from the Authority or other persons liable therefor.

(h) Lawful Investment and Exemption From Regulations and Restrictions.—Securities guaranteed under this section shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof, and shall be deemed to be exempt securities within the meaning of laws administered by the Interstate Commerce Commission. The limitations and restrictions as to a National or State bank dealing in, underwriting, or purchasing investment securities for its own account, as provided in title 12, United States Code, sections 24 and 335, shall not apply to securities guaranteed under this section.

(i) Capital Stock.—(1) The Authority is authorized to issue and have outstanding capital stock in such amounts and of such classes as it shall determine. At no time shall the aggregate of the shares of the capital stock of the Authority owned by a single railroad or by any person controlling one or more railroads, as defined in section 1(3)(b) of the Interstate Commerce Act, directly or indirectly through subsidiaries or affiliated companies, nominees, or any person subject to its direction or control or by any other stockholder, or any syndicate or affiliated group of such stockholders exceed 5 per centum of such shares issued and outstanding.

(2) The requirement of section 45(b) of the District of Columbia Corporation Act (D.C. Code, sec. 29–920(b)) as to the percent of stock which a stockholder must hold in order to have the rights of inspection and copying set forth in that subsection shall not be applicable in the case of holders of the stock of the Authority, and they may exercise such rights without regard to the percentage of stock they hold.

(3) Capital stock of the Authority offered and sold to the public shall be offered in compliance with all applicable laws of the United States governing the offering and sale of securities by private corporations.

AUDIT AND EXPENDITURES

Sec. 306. (a) So long as any of the capital stock of the Authority is owned by the United States, "Rolling Stock Authority" shall be added to the list of corporations in section 846, title 31, United States Code, and the Authority shall be subject to the provisions of the "Government Corporation Control Act" (31 U.S.C. 841, et seq.).

(b) Except as otherwise provided in paragraph (a) of this section, the Authority is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it deems necessary, including the final settlement of all claims and litigation by or against the Authority.

(c) Nothing in this section shall be construed as denying to the Authority the power to obtain audits of the accounts of the Authority and reports concerning its financial condition and operations by certified public accounting firms. Such audits and reports shall be in addition to those required by this section.

CONVERSION BY PUBLIC SALE OF STOCK

Sec. 307. (a) As soon as is practicable, a panel composed of the Secretary of Transportation, the Secretary of the Treasury, the Chairman of the Securities and Exchange Commission, the Chairman of the Interstate Commerce Commission, and the Chairman of the Board of the Authority shall submit to the President and to the Congress a plan for the public sale of stock in the Authority upon finding that a market exists for the sale of such stock and that the purposes of this Act will be served thereby. This plan shall include, among other elements, a program which (1) will require refinancing, or the establishment of a reserve fund or other method, in order to protect the public interest against defaults on obligations of the Authority guaranteed by the United States, and (2) will assure that the sale of the stock will result in a wide dispersion in the ownership of the stock.

(b) The plan for sale of stock to the public shall specify a program for systematically reducing the amount of obligations of the Authority guaranteed by the United

States and shall propose a capital structure for the Authority designed to insure sound financial and operating performance. Unless the Congress disapproves the plan within six months following submission of the plan to it, stock shall be sold in accordance with the plan.

(c) Upon the sale of stock to the public, the Board of Directors may be enlarged by addition of members elected by owners of such stock, but in no event shall the Board of Directors exceed fifteen members while stock is held by the United States. During such period, the rights and privileges of owners of such stock, including determination of the number of Directors to be so elected, shall be as set forth in the bylaws of the Authority.

(d) The proceeds of the sale of stock to the public shall be applied to the retirement of stock held by the United States and, upon retirement of all stock held by the United States, the terms of office of members of the Board of Directors appointed pursuant to section 303(a) shall terminate at such time and in such manner as may be provided by the plan, and all Directors shall thereafter be elected by the owners of the stock; except that the President shall have authority to appoint three Directors by and with the advice and consent of the Senate, one upon recommendation of the parent body of the American Federation of Labor and Congress of Industrial Organizations, one upon recommendation of the Federal Trade Commission, after consultation with organizations of consumers, and one upon recommendation of the Interstate Commerce Commission, after consultation with organizations of shippers, to represent the interest of the public in the deliberations of the Board.

(e) Upon retirement of all stock held by the United States, the Authority shall pay to the United States an annual fee equal to the difference between the amount of interest actually paid and that which the Secretary of the Treasury determines would have been paid upon outstanding guaranteed obligations if they had not been guaranteed, plus one-fourth per centum. The Authority shall make every effort to refinance such obligations in order to terminate the liability of the United States arising from its guarantee of such obligations.

(f) Upon retirement of all stock held by the United States, the Secretary of the Treasury may no longer purchase or guarantee the Authority's notes or other obligations.

(g) Upon default of the Authority in payment of obligations guaranteed by the United States shall have the right to control the Authority and a Board of Directors shall be appointed in accordance with the provisions of section 303 of this Act.

NATIONAL ROLLING STOCK INFORMATION SERVICE

SEC. 308. (a) If a national rolling stock information system as defined in section 103 of this Act is not in operation at the date of incorporation of the Authority, the Authority shall establish such a system within one year from that date.

(b) In the event that the Authority undertakes to establish a national rolling stock information system, the Secretary shall permit the Authority access to, and use of, all information, studies, designs, equipment, facilities, computer programs, and other things acquired or developed pursuant to section 103 of this Act and shall give all possible assistance to the Authority to further the purposes of this section.

(c) Information from the national rolling stock information system shall be made available to the Authority, shippers, railroads, the Commission, the Secretary, and interested members of the public, subject to such rules as the Commission shall prescribe to insure the confidentiality of certain types of competitive information supplied for use in connection with the system.

(d) The Authority shall report semiannually to the Congress with respect to the progress made in implementing the national system. Such report shall include recommendations for such additional funding as may be necessary to make the national system fully effective.

(e) Persons contracting with the Authority with respect to the design of a national rolling stock information system or the use of information supplied by such systems shall be and are hereby relieved from prohibitions of the antitrust laws of the United States, to the extent necessary to facilitate carrying out the purposes of this Act.

CONDITIONS AND CHARGES FOR USE OF ROLLING STOCK

SEC. 309. (a) The Authority shall establish charges for the use of rolling stock supplied by it which, in the judgment of the Board, will at least enable the Authority to meet its operating and administrative expenses, including depreciation and debt-carrying charges, and to provide sufficient earnings to facilitate conversion of the Authority to private ownership pursuant to section 307, except that such charges shall not exceed a maximum of 150 per centum of the cost to the Authority of acquiring, owning, maintaining, and operating the class of rolling stock. In establishing such charges the Authority shall take into account the prevailing rates and conditions for use of similar rolling stock.

(b) The Authority shall not assess charges for rolling stock located on a railroad that is not required for such railroad's use in originating traffic provided that such rolling stock is not the subject of a car service order of the Authority or of the Commission: *And provided further,* That such railroad furnishes appropriate notice to the Authority according to terms and conditions established for use of such rolling stock.

(c) The Authority shall establish reasonable rates of compensation through negotiation with a railroad for storage of any excess rolling stock on the property of such railroad.

(d) The Authority shall establish and may amend from time to time terms and conditions governing the use of its equipment, including requirements for identification of its rolling stock as shall in its judgment be appropriate to effectuate the purposes of this Act.

(e) The Authority, after consulting with railroads and other car distribution agencies, shall establish and may amend from time to time just and reasonable car service rules, regulations, and practices with respect to its rolling stock. Such rules, regulations, and practices, and car distribution directions issued thereunder, shall take precedence over any conflicting rules, regulations, or practices established by any railroad or group of railroads.

(f) Each railroad shall comply with such car service rules, regulations, and practices as may be established, and such car distribution directions as may be issued pursuant to this section.

AUTHORITY OF THE INTERSTATE COMMERCE COMMISSION

SEC. 310. The Authority shall be subject to the car service provisions of the Interstate Commerce Act, section 1(10) through 1(17), and the orders of the Commission thereunder to the extent applicable. Upon petition of any person affected by any charge, rule, regulation, practice, term, condition, or directive of the Authority, or upon its own motion, the Commission shall make an investigation and, after a hearing, shall order any charge, rule regulation, practice, term, condition, or directive which it finds not to be in conformity with this Act, or to be inconsistent with any rule, order, or directive of the Commission pursuant to applicable provisions of section 1(10) through 1(17) of the Interstate Commerce Act to be canceled, annulled, or amended, as the Commission shall find to be appropriate.

ACTIONS TO ENFORCE OBLIGATIONS

SEC. 311. (a) The Authority may by any appropriate civil action apply to any district court of the United States having jurisdiction of the parties to enforce compliance with any obligation owing to it by virtue of or pursuant to any provision of this title of any agreement or regulation made pursuant thereto.

(b) If the Authority, any railroad, or other person fails or refuses to comply with any rules, regulations, charges, or practices established or any car distribution directions and orders issued under this title, or Commission directive to pay charges, any district court of the United States having jurisdiction of the parties shall have jurisdiction, upon petition by the Commission with respect to matters arising under section 310 of this Act or by the Corporation with respect to matters arising under section 309 of this Act to grant such relief as may be necessary or appropriate to prevent or terminate such failure or refusal.

(c) If the Authority or any railroad or other party violates or threatens to violate any provision of this Act, or any order, rule, or regulation issued thereunder, any district court of the United States having jurisdiction of the parties shall have jurisdiction, upon petition, or in a case involving a labor agreement, upon petition by any employee affected thereby, including duly authorized employee representatives, to grant such equitable relief as may be necessary or appropriate to prevent or terminate any such violation.

(d) Nothing contained in this section shall be construed as relieving any person from any punishment, liability, or sanction which may be imposed otherwise than under this Act.

INTERCHANGE OF CARS

SEC. 312. (a) No railroad may refuse to transport general service freight cars owned by the Authority, whether loaded or empty, subject to applicable safety regulations, reasonable interchange rules, reasonable line clearances, reasonable weight limitations, and prevailing charges set pursuant to section 309 of this Act.

(b) No railroad shall be entitled to any compensation from the Authority for the movement of empty Authority-owned freight cars between any points on its line of railroad, between a point on its line of railroad and a point on another line of railroad, or as a bridge carrier between points on two or more other lines of railroad, when moving upon either a car distribution directive (1) issued by the Commission or (2) issued by the Authority for the purpose of distributing Authority-owned cars for loading.

REPORTS TO THE CONGRESS

SEC. 313. The Authority shall transmit to the President and directly to the Congress, annually, commencing one year from the date of enactment of this Act, and at such other times as it deems desirable, a comprehensive and detailed report on its operations, activities, and accomplishments under this Act, the state of rail freight service, including an annual report of the numbers of rolling stock, by classes, acquired and owned by the Authority, and the numbers of such stock, by classes, owned by the railroads, and shall include in such report a statement of receipts and expenditures for the previous year, an explanation of the method by which the amount of rolling stock purchased was determined, and the criteria used in distributing rolling stock.

TITLE IV.—RURAL RAILROAD ASSISTANCE

LOAN AND LOAN GUARANTY AUTHORITY

SEC. 401. (a) The Secretary of Transportation (hereinafter referred to as the "Secretary") is authorized to make loans and loan guarantees pursuant to this title to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of railroad facilities and equipment for use, by operation or lease or otherwise, in rural areas. Eligible facilities and equipment may include railroad right-of-way, tracks, rolling stock, and other real and personal property needed for an efficient and coordinated rural railroad transportation system.

(b) No such loan or loan guarantee shall be provided unless the Secretary determines that the applicant has or will have—

(1) demonstrated a valid need for the establishment of reestablishment of railroad service in the affected area and

(2) the technical capability to carry out the proposed project.

(c) Any such loan or loan guarantee may be made for not to exceed 80 per centum of the total costs of the proposed project and shall be subject to such other terms and conditions as the Secretary may determine are necessary to carry out the purposes of this title.

AUDIT

SEC. 402. The General Accounting Office shall make a detailed audit of all accounts, books, records, and transactions of any borrower with respect to which an application for a loan or loan guarantee is made under this title. The General Accounting Office shall report the results of such audit to the Secretary of Transportation.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 403. There is authorized to be appropriated not to exceed $25,000,000 to carry out the provisions of this title. Sums so appropriated shall remain available until expended.

DEFINITIONS

SEC. 404. As used in this title—

(1) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States;

(2) the term "local public bodies" includes municipalities and other political subdivisions of States; public agencies and instrumentalities of States, municipalities, and political subdivisions of such States; and other public boards, corporations, and commissions established under the laws of any State;

(3) the term "rural area" means all the territory of a State that is not within the outer boundary of any city having a population of fifty thousand or more and its immediately adjacent urbanized and urbanizing area with a population density of more than one hundred persons per square mile, according to the latest decennial census of the United States.

TITLE V—GENERAL PROVISIONS

PROTECTIVE ARRANGEMENTS FOR EMPLOYEES

SEC. 501. (a) In carrying out the provisions of this Act and as a condition to the execution of any contract, or the insurance of any obligation, or the approval or inducement of any other action authorized under the provisions of this Act, the Board, or the Secretary, or the Authority shall be required to include in any of their contracts to which a railroad or a car-pooling company is a party or a beneficiary thereof, fair and equitable arrangements, as certified by the Secretary of Labor, to protect the interests of individual employees affected in their employment by any such contract. Such protective arrangements shall include, without being limited to, the arrangements specified in section 405 of the Rail Passenger Service Act of 1970, as amended, (45 U.S.C. 565); in section 13 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1609); and in section 6 of the High Speed Ground Transportation Act of 1965, as amended, (49 U.S.C. 1636).

(b) In awarding contracts for the building or rebuilding of rolling stock under title III of this Act, the Authority shall take all necessary action to conform to prevailing practices of the railroad industry in distributing and rebuilding facilities. The building and rebuilding of rolling stock covered by contracts awarded to the railroads shall be performed with the use of the facilities and employees of such railroads and not subcontracted. In carrying out the provisions of this subsection the Authority shall be guided by the relative proportions of rolling stock building and rebuilding, respectively, performed in railroad and nonrailroad facilities in the five-these guidelines shall not exceed 5 per calender-year period preceding enactment of this Act. Any downward variations from centum. The total number of cars and locomotives built and rebuilt, respectively, in railroad and nonrailroad facilities, respectively, in a calender year need not exceed the average number of built and rebuilt, respectively, in such facilities during the five-calendar-year period immediately preceding that calendar year, but the same relative proportions of such building and rebuilding, respectively, shall be maintained as between railroad and nonrailroad facilities in the event of a decrease from such average. Upon failure of the Authority to maintain such proportions in distributing such work to railroad facilities under such contracts, the fair and equitable employee protective arrangements required by subsection (a) hereof shall become effective.

(c) Employees affected by an action taken pursuant to this Act designed to provide for more effective use and distribution of rolling stock shall be reassigned and, if necessary, retrained to perform the new tasks covering the functions which they had therefore performed. The performance of such functions shall be considered to be within the same craft or class as that in which such employees were classified prior to such change and the rights of such employees to the same representation shall be preserved. The positions on any railroad affected by these changes may be eliminated as they become vacant through death, resignation or retirement, without adversely affecting the individuals involved, and at a rate not to exceed 2 per centum each year.

(d) In his administration of the provisions of this Act, the Secretary of Labor shall consolidate the program authorized herein with the companion programs, under the Rail Passenger Service Act of 1970, as amended (45 U.S.C. 565); the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1609); and the High Speed Ground Transportation Act of 1965, as amended (49 U.S.C. 1636); and shall uniformly develop, interpret and apply the procedures and standards under these various laws.

(e) To the extent practicable, the Authority shall award contracts for the repair and maintenance of rolling stock to railroads with facilities for performing such work.

(f) The Board (pursuant to title I), the Secretary (pursuant to title II), and the Authority (pursuant to title III) shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under any contract or agreement entered into under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The Board, the Secretary of Transportation, or the Authority shall not enter into any such contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) shall be applicable to all construction work performed under and pursuant to the Railway Labor Act shall be considered as being in compliance with the Davis-Bacon Act; and such railroad wage rates shall be the applicable standard for all laborers and mechanics employed by nonrailroad contractors and subcontractors in the performance of the building and rebuilding of rolling stock under title III of this Act.

ESTABLISHMENT OF NONDISCRIMINATORY RATES FOR THE TRANSPORTATION OF RECYCLED SOLID WASTE MATERIALS

SEC. 502. (a) The Congress hereby finds that, in order to accomplish the purposes of the Solid Waste Disposal Act, as amended by the Resource Recovery Act of 1970, it is essential to establish and maintain fair, reasonable, and nondiscriminatory transportation rates which will facilitate and encourage broader utilization of recycled solid waste materials and promote conservation of vital natural resources.

(b) The Interstate Commerce Commission, within the maximum scope of its jurisdiction under the Interstate Commerce Act, as amended, shall, within twenty-four months of the date of enactment of this section and on a continuing basis thereafter—

(1) investigate and formally identify all rates charged by transportation carriers subject to its jurisdiction for the transportation of recycled solid waste materials and shall, in each case, determine whether the rates charged and the terms and conditions of transportation for such materials are fair and reasonable, and whether they unjustly discriminate against the movement or shipment in commerce of recycled solid waste materials in favor of competing virgin natural resource materials or commodities;

(2) issue appropriate orders in all cases where the rates charged for, or terms or conditions of transportation applicable to, recycled solid waste materials are found to be unfair, unreasonable or discriminatory pursuant to which such rates or conditions of transportation will be effectively canceled and repealed and replaced by rates or conditions of transportation which are found to be fair, reasonable and nondiscriminatory;

(3) file a report with the President and the Congress regarding the results of the investigations and all actions taken to establish minimum, fair, reasonable, and nondiscriminatory rates for the transportation of recycled solid waste materials.

(c) For the purposes of this action "recycled solid waste materials" means scrap metals, waste paper and paper products, textiles, rubber, plastics, glass, and other materials recovered or reclaimed from "solid waste" as that term is defined in the Solid Waste Disposal Act (42 U.S.C. 3252(4)).

SEPARABILITY

SEC. 503. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

The title was amended, so as to read: "An Act to increase the supply of railroad rolling stock and to improve its utilization to meet the needs of commerce, users, shippers, national defense, and the consuming public."

Mr. HARTKE. Mr. President, I move to

reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats.

ORDER FOR CONSIDERATION OF DISASTER RELIEF BILL BEFORE MILITARY CONSTRUCTION BILL

Mr. MANSFIELD. Mr. President, under the order entered by the Senate, the boxcar bill was to be followed by H.R. 15641, the military construction bill, and that in turn was to be followed by H.R. 15692, a bill to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans.

I ask unanimous consent that the position of these two bills be reversed.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GOLDWATER. Mr. President, reserving the right to object, and I shall not object, what is the order going to be?

Mr. MANSFIELD. For the consideration of the increased Government assistance for disaster relief bill and then the military construction bill.

Mr. GOLDWATER. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASED GOVERNMENT ASSISTANCE FOR DISASTER RELIEF

The PRESIDING OFFICER. Under the order previously entered, the Chair will lay before the Senate H.R. 15692, which the clerk will report.

The assistant legislative clerk read as follows:

H.R. 15692 bill to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans.

The Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing and Urban Affairs with an amendment to strike out all after the enacting clause and insert:

That (a) subsection (b) of section 7 of the Small Business Act (15 U.S.C. 636(b)) is amended by striking out the matter following paragraph (6) and inserting in lieu thereof the following:

"No loan under this subsection, including renewals and extensions thereof, may be made for a period or periods exceeding thirty years: *Provided*, That the Administrator may consent to a suspension in the payment of principal and interest charges on, and to an extension in the maturity of, the Federal share of any loan under this subsection for a period not to exceed five years, if (A) the borrower under such loan is a homeowner or a small business concern, (B) the loan was made to enable (i) such homeowner to repair or replace his home, or (ii) such concern to repair or replace plant or equipment which was damaged or destroyed as the result of a disaster meeting the requirements of clause (A) or (B) of paragraph (2) of this subsection, and (C) the Administrator determines such action is necessary to avoid severe financial hardship: *Provided further*, That the provisions of paragraph (1) of subsection (c) of this section shall not be applicable to any such loan having a maturity in excess of twenty years. Notwithstanding the provisions of any other law, and except as otherwise provided in this subsection, the interest rate on the Administration's share of any loan made under this subsection shall not exceed 3 per centum per annum, except that in the case of a loan made pursuant to paragraph (3), (5), or (6), the rate of interest on the Administration's share of such loan shall not be more than the higher of (A) 2¾ per centum per annum; or (B) the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of 1 per centum plus one-quarter of 1 per centum per annum. In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

"In the administration of the disaster loan program under paragraphs (1), (2), and (4) of this subsection, in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a disaster as determined by the Administrator which occurred after January 1, 1971, and prior to July 1, 1973, the Small Business Administration, to the extent such loss or damage or injury is not compensated for by insurance or otherwise—

"(A) may make any loan for repair, rehabilitation, or replacement of property damaged, or destroyed, without regard to whether the required financial assistance is otherwise available from private sources;

"(B) may, in the case of the total destruction or substantial property damage of a home or business concern, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained; and

"(C) shall, notwithstanding the provisions of any other law and upon presentation by the applicant of proof of loss or damage or injury and a bona fide estimate of cost of repair, rehabilitation, or replacement, cancel the principal of any loan made to cover a loss or damage or injury resulting from such disaster, except that the total amount so canceled shall not exceed $5,000, and make the balance of such loan at an interest rate of 1 per centum per annum.

With respect to any loan referred to in clause (C) which is outstanding on the date of enactment of this paragraph, the Administrator shall—

"(i) make such change in the interest rate on the balance of such loan as is required under that clause effective as of such date of enactment; and

"(ii) in applying the limitation set forth in that clause with respect to the total amount of such loan which may be canceled, consider as part of the amount so canceled any part of such loan which was previously canceled pursuant to section 231 of the Disaster Relief Act of 1970.

"Whoever wrongfully misapplies the proceeds of a loan obtained under this subsection shall be civilly liable to the Administrator in an amount equal to one-and-one-half times the original principal amount of the loan."

(b) The last paragraph of the amendment made by subsection (a) shall apply only with respect to loans made on or after the date of enactment of this Act.

SEC. 2. (a) Section 7(b) of the Small Business Act is amended—

(1) by striking out "and" at the end of paragraph (4); and

(2) by striking out the numbered paragraphs following paragraph (4) and inserting in lieu thereof the following:

"(5) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in its plant, facilities, or methods of operation to meet requirements imposed by any Federal law, any State law enacted in conformity therewith, or any regulation or order of a duly authorized State or regional agency issued in conformity with such Federal law, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph; and

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist, or to refinance the existing indebtedness of, any small business concern directly and seriously affected by the significant reduction of the scope or amount of Federal support for any project as a result of any international agreement limiting the development of strategic arms or the installation of strategic arms or strategic arms facilities, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph.".

(b) Section 4(c)(2)(A) of such Act is amended by inserting "7(b)(5), and 7(b)(6)," after "7(b)(4),".

(c) Section 28(d) of the Act of December 29, 1970 (Public Law 91-596) is amended by striking out "7(b)(6)" and inserting in lieu thereof "7(b)(5)".

SEC. 3. The President shall conduct a thorough review of existing disaster relief legislation, and not later than January 1, 1973, he shall transmit to the Congress a report containing specific legislative proposals for the comprehensive revision of such legislation in order to—

(1) standardize the amount of benefits available to persons affected by disasters so as to achieve fairness and consistency with regard to the amount of benefits provided to such persons and to preclude the needs for separate legislation to aid persons affected by future disasters;

(2) improve the execution of the Government's disaster relief program by eliminating unnecessary administrative procedures and reducing the number of agencies involved in disaster relief or increasing individual agency authority and responsibility; and

(3) prevent the misuse of benefits made available under the program.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent, without regard to the time limitation, that the Senate now go into executive session to consider nominations on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. AIR FORCE

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask

unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The second legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

ROUTINE NOMINATIONS IN THE AIR FORCE, ARMY, AND MARINE CORPS

The second assistant legislative clerk proceeded to read sundry nominations in the Air Force, Army, and Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I move that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

INCREASED GOVERNMENT ASSISTANCE FOR DISASTER RELIEF

The Senate resumed the consideration of the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans.

Mr. McINTYRE. Mr. President, I yield to the Senator from Pennsylvania for a unanimous-consent request.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that during the debate on my amendments to H.R. 15692, the Disaster Relief Act, floor privileges be given to two members of my staff, David Fiske and Skip Hartquist.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield.

Mr. JAVITS. May I have similar approval for one assistant?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I will not object, but will the Senator name his assistant?

Mr. JAVITS. Yes. Charles Warren.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield.

UNANIMOUS-CONSENT AGREEMENT TO LIMIT TIME ON VOTES

Mr. MANSFIELD. Mr. President, I ask unanimous consent, after conferring with the distinguished acting minority leader and the distinguished manager of the bill, that there be a time limitation of 10 minutes on all amendments on which there will be votes, and on final passage of the bill. I refer to rollcall votes.

Mr. TOWER. Mr. President, reserving the right to object—and I do not intend to object—may I request that the majority leader make that 15 minutes on the first vote and 10 minutes on all votes thereafter so that Members can come to the Chamber?

Mr. MANSFIELD. Yes. My request was with respect to rollcall votes. We make this request, because there may be a number of amendments and it will help to expedite matters on a Friday afternoon.

Mr. TOWER. Will the majority leader accept the request for 15 minutes on the first vote?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASED GOVERNMENT ASSISTANCE FOR DISASTER RELIEF

Mr. McINTYRE. Mr. President, the legislation which we are considering today, H.R. 15692, is a bill of major importance.

The legislation as reported out of the committee amends the House-passed bill in a number of areas, several of which incorporate provisions of the administration's disaster relief bill introduced by the distinguished Senator from Pennsylvania (Mr. SCOTT) and several other Members of this body.

Recent disasters, such as the flood in Rapid City, S. Dak., and Hurricane Agnes, vividly illustrate the need for this legislation. Certainly, we can sympathize with the personal suffering and loss to disaster victims who through an act of God must face the loss of loved ones, jobs, homes, and other personal property.

The bill that we are considering today would hopefully provide needed relief to these unfortunate disaster victims. The bill, H.R. 15692, as amended by the committee, would do the following:

First. At the present time, the disaster victim may receive up to $2,500 forgiveness on a disaster loan after he repays the first $500 of principal on the loan. This bill would remove the $500 payback requirement and increase the forgiveness to a maximum amount of $5,000.

Second. At the present time, the interest rate for disaster relief loans is based on the monthly cost of money to the U.S. Treasury which is presently 5⅛ percent. This legislation would provide for a 1-percent interest rate on loans.

Third. This legislation would operate retroactively to January 1, 1971, with regard to the forgiveness factor and would be applied prospectively as of the date of enactment with regard to the lower 1-percent interest rate.

Fourth. This legislation would provide equal treatment with regard to both presidentially declared disasters and disasters declared by the Administrator of the Small Business Administration. At present, with regard to an SBA declared disaster, there is no forgiveness provision. The bill before us would provide forgiveness for SBA declared disasters and would operate retroactively to January 1, 1971.

Fifth. The legislation would strengthen the SBA disaster relief program by requiring a loan applicant to provide to the SBA proof of loss or damage or injury and a bona fide estimate of cost of repair or replacement. If a borrower misapplies the proceeds of an SBA disaster loan, this legislation would make him civilly liable in an amount 1½ times the original amount of the loan.

Sixth. The provisions of this legislation would expire on July 1, 1973. I would say that the committee considers this bill stopgap legislation. We are asking the administration to put together a commission and to really go into the needed remedies for disasters of major proportions.

The bill instructs the President to transmit to Congress no later than January 1, 1973, a report containing specific legislative proposals for a comprehensive revision of disaster relief legislation. The committee included this provision in H.R. 15692 in order to establish on a permanent basis a national disaster relief program. The Disaster Relief Act of 1970 was an attempt by Congress to establish a permanent program. However, the legislation before us today speaks poignantly to the fact that this result has as of yet not been obtained.

The legislation before us today also contains two amendments to the economic disaster program of the Small Business Administration.

This legislation would consolidate several sections of the economic disaster program dealing with the Coal Mine Health and Safety Act, the Wholesome

Meat Act, and the Occupational Safety and Health Act and provide a new section authorizing the SBA to assist small business concerns meeting requirements imposed by any Federal law or any State law enacted in conformity therewith if such concern is likely to suffer substantial economic injury without assistance.

This amendment is part of this bill and is a longstanding effort by the distinguished chairman of the Select Committee on Small Business (Mr. BIBLE) and the Small Business Committee presents this as an excellent piece of legislation.

The legislation also adds a new section to the economic disaster program of the SBA to aid small business men economically injured as a result of the pending SALT agreement. The committee received testimony from officials of the Department of Defense which convincingly showed that the economic disruption to small business men resulting from the sudden decision to stop construction of the ABM site in Montana was of such an unusual nature to warrant assistance.

It should be noted, however, that the two provisions dealing with economic disasters provide for no forgiveness and interest rates on such loans are based on the monthly cost of money to the U.S. Treasury.

It should also be noted that the bill before us today only deals with that disaster relief program administered by the Small Business Administration.

Let me repeat that. The bill before us today only deals with that disaster relief program administered by the Small Business Administration.

Its function, in both a presidentially declared disaster and an SBA declared disaster, is to provide loans to small business men and homeowners. With regard to a presidentially declared disaster, 31 separate agencies of the Federal Government immediately become involved once the Presidential declaration is made; whereas, regarding an SBA declared disaster only that agency deals with the disaster. On both presidentially declared disasters and SBA declared disasters though, there is a ceiling on the maximum amount of a loan which is set administratively by the Small Business Administration. With regard to small business men, this limit is $500,000 and with regard to individual homeowners it is $55,000.

Mr. President, at this time, I request unanimous consent that excerpts from the committee report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HISTORY OF LEGISLATION

H.R. 15692 was passed by the House on June 29, 1972. Hearings were held by the Small Business Subcommittee on July 18 and 19, 1972, on H.R. 15692, S. 3979, S. 3795, and S. 3801, all of which bills would amend Section 7(b) of the Small Business Act which deals with the Small Business Administration's natural disaster relief programs. The Subcommittee also held hearings on S. 3725 and S. 1649, both of which deal with the economic disaster portion of Section 7(b) of the Small Business Act. The Subcommittee met in executive session on July 20, 1972, and reported out an amended bill which contained several provisions of various bills pending before the Subcommittee. The Full Committee met in executive session on Tuesday, July 25, 1972, and reported out the bill, H.R. 15692, with several amendments, including in that bill as amendments, S. 3725 and S. 1649.

PURPOSE OF THE LEGISLATION

The basic purpose of this bill is to supplement the assistance which SBA has provided victims of disasters which occur during the period beginning January 1, 1971, and ending June 30, 1973. The benefits, achieved through liberalization of the existing loan program provide for grants of up to $5,000 and 1% loans on the balance of uninsured losses.

Consistent with your Committee's intent to supplement SBA's existing loan making authority, it has added provisions consolidating existing special disaster-type loan programs for coal mine safety, meat inspection, poultry and egg inspection, occupational safety and health and broadening that section so as to authorize loans to any business which is required to upgrade its facilities pursuant to law.

H.R. 15692 is a disaster relief bill of extreme importance. This legislation was prompted primarily as a result of the severe disasters experienced recently in South Dakota and along the Eastern Seaboard as a result of Hurricane Agnes.

The disaster relief program as administered by the SBA has received Congressional attention recently by both your Committee and the House Banking and Currency Committee, particularly with regard to the manner that this legislation was implemented during the earthquake in California in February of 1971. Your Committee held hearings in April and May of this year regarding the manner in which the Small Business Administration handled the California earthquake, and your Committee was convinced that the record of performance on recent disasters required certain amendments to the Small Business Act.

Your Committee is convinced that the present program not only does not provide sufficient assistance to disaster victims but that it is necessary to provide the Small Business Administration with authority to deal with fraudulent claims and misapplication of disaster relief funds by borrowers. In this regard, the bill provides for civil penalties and requires the borrower to provide the Small Business Administration with proof of loss and a bona fide estimate of damage before obtaining a disaster relief loan.

For more than thirty-five years it has been declared Federal policy to assist victims of natural disasters. Much of this aid has been in the form of loans and grants made by the Small Business Administration and its predecessor agencies. During its eighteen-year existence the SBA has provided assistance to victims of more than nine hundred separate disasters. Since January of 1971, the date of retroactivity to which this measure reaches, more than one hundred thousand disaster loans totalling nearly $350 million have been placed on that agency's books. There follows a list of disasters declared since January 1, 1971.

PRESIDENTIAL DISASTERS FROM JAN. 1, 1971, TO JUNE 30, 1972

[Dollar amounts in thousands]

Declaration number and State	Type	Date declared	Total	
			Number	Amount
0800 Washington	Flood	Feb. 9, 1971	43	$122
0802 California (Los Angeles)	Earthquake	do	60,892	219,673
0806 Oregon	Flood	Feb. 18, 1971	12	85
0807 Mississippi/Tennessee	Tornado	Feb. 14, 1971	453	2,256
0809 Nebraska	Flood	Feb. 25, 1971	161	1,209
0822 Kentucky	Tornado	Apr. 30, 1971	15	139
0827 Tennessee	do	May 12, 1971	10	94
0835 Nebraska	Flood	July 12, 1971	2	4
0839 Maryland	do	Aug. 5, 1971	838	4,157
0844 New Jersey	do	Aug. 30, 1971	6,121	23,670
0845 New York	do	Sept. 3, 1971	15,426	32,193
0847 Oklahoma	do	Sept. 9, 1971	82	313
0848 Texas (Fern)	do	Sept. 13, 1971	12,518	35,462
0849 Pennsylvania	do	Sept. 15, 1972	1,627	8,552
0850 Louisiana	Hurricane	Oct. 13, 1971	15	381
0867 California	Flood	Jan. 7, 1972	25	65
0871 Oklahoma	do	Jan. 18, 1972	1	58
0874 Oregon	do	Jan. 28, 1972	32	144
0875 Washington	do	Feb. 4, 1972	43	263
0877 Texas	do	Feb. 11, 1972		
0878 Mississippi	do	do		
0879 Arkansas	do	do	1	3
0881 Massachusetts/New Hampshire/Maine	do	Feb. 24, 1972	1,580	6,557
0882 West Virginia	do	Feb. 28, 1972	578	2,744
0883 Idaho	do	Mar. 7, 1972		
0888 Guam	Typhoon	Mar. 9, 1972	2	32
0895 Washington	Flood	Mar. 27, 1972	103	504
0897 California	do	Apr. 7, 1972	5	23
0901 Texas (San Antonio)	do	May 15, 1972	733	5,444
0904 Kentucky	Flood	May 18, 1972	15	$46
0907 Washington	do	June 6, 1972	10	25
0908 South Dakota	do	June 12, 1972	344	1,722
0909 North Dakota	do	June 13, 1972		
0914 New York (Agnes)	Hurricane	June 27, 1972		
0915 Florida (Agnes)	do	do		
0916 Maryland/Pennsylvania/Virginia (Agnes).	do	do	11	779
0917 California	Flood	June 29, 1972		
Total			101,698	346,719

NONPRESIDENTIAL DISASTER DECLARATIONS FOR 2D HALF OF FISCAL YEAR 1971

0796 Mississippi	Fire	Jan. 8, 1971	3	$115
0797 Iowa	do	Jan. 22, 1971	1	19
0798 New Hampshire	do	do	5	98
0799 Hawaii	Flood	Feb. 9, 1971	3	1
0801 Massachusetts	Fire	Feb. 8, 1971	4	140
0803 Florida	Tornado	Feb. 16, 1971	1	6
0804 New York	Fire	do		
0805 Louisiana	Tornado	Feb. 18, 1971	2	73
0808 North Carolina	do	Feb. 24, 1971	12	57
0810 Illinois	Flood	Mar. 1, 1971	12	47
0811 Minnesota	Fire	Mar. 3, 1971	3	98
0812 Texas	Tornado	Mar. 18, 1971	4	36
0813 Iowa	Flood	Mar. 25, 1971	2	116

PRESIDENTIAL DISASTERS FROM JAN. 1, 1971, TO JUNE 30, 1972—Continued

[Dollar amounts in thousands]

Declaration number and State	Type	Date declared	Total	
			Number	Amount
0814 North Carolina	Flood	Mar. 25, 1971		
0815 South Dakota	Fire	Apr. 14, 1971	4	$80
0816 Maine	do	Apr. 15, 1971	2	154
0817 Kentucky	do	Apr. 19, 1971	1	45
0818 Texas	Tornado	Apr. 21, 1971	6	19
0820 Illinois	do	Apr. 30, 1971	6	22
0821 Tennessee	Hailstorm	do	7	289
0823 Texas	Tornado	do	6	34
0824 Missouri	do	May 7, 1971	33	350
0825 Missouri	do	do	13	82
0826 Iowa	Tornado	May 7, 1971	4	$55
0828 Massachusetts	Fire	May 20, 1971	1	25
0829 Texas	Tornado	May 26, 1971	2	8
0830 Kansas	Flood	do	2	63
0831 Kentucky	Tornado	do		
0832 New York	Flood	June 4, 1971	2	72
0833 Alaska	do	June 8, 1971	13	139
Total			154	2, 270

NONPRESIDENTIAL DISASTER DECLARATIONS FOR FISCAL YEAR 1972

Declaration number and State	Type	Date declared	Total	
			Number	Amount
0834 Wisconsin	Fire	July 6, 1971	3	$183
0836 Iowa	Flood	July 16, 1971	28	123
0837 New York	Tornado	July 29, 1971	5	114
0838 Mississippi	Flood	July 30, 1971	9	24
0840 Rhode Island	Fire	Aug. 9, 1972	4	165
0841 Alaska	Flood	Aug. 13, 1971	57	708
0842 Texas	do	do	13	22
0843 Georgia	do	Aug. 23, 1971	34	90
0846 Arizonia	Tornado	Sept. 7, 1971		
0851 North Carolina	Flood	Oct. 5, 1971	12	32
0852 Colorado	Fire	Oct. 26, 1971	2	12
0853 Missouri	do	do	3	68
0854 Colorado	Tornado	do	4	14
0855 Texas	Flood	do	60	340
0856 Virginia	Fire	do	3	82
0857 Massachusetts	do	Nov. 12, 1971		
0858 Rhode Island	do	Nov. 23, 1971	2	20
0859 Alaska	Winds	Dec. 7, 1971		
0860 Louisiana	Floods	Dec. 14, 1971	4	18
0861 Massachusetts	Fire	Dec. 16, 1971	2	1
0862 Missouri	Tornado	do	8	178
0863 Wisconsin	Fire	Dec. 23, 1971	2	405
0864 South Dakota	do	Dec. 28, 1971		
0865 Massachusetts	do	do		
0866 New Hampshire	do	Jan. 5, 1972	3	3
0868 Massachusetts	do	Jan. 10, 1972	2	51
0869 Georgia	Tornado	Jan. 13, 1972		
0870 Colorado	Wind and fire	Jan. 14, 1972	20	171
0872 Alabama	Tornado	Jan. 18, 1972	6	$54
0873 Illinois	Gas explosion	Jan. 26, 1972		
0886 Massachusetts	Fire	Feb. 8, 1972	3	440
0880 West Virginia	do	Feb. 11, 1972	3	9
0884 Alaska	do	Mar. 3, 1972	7	15
0885 Vermont	do	Mar. 6, 1972		
0886 Massachusetts	do	Mar. 7, 1972		
0887 Montana	do	do	1	9
0889 New Hampshire	do	Mar. 10, 1972		
0890 New York	Flooding	Mar. 16, 1972	10	24
0891 North Dakota	do	Mar. 20, 1972		
0892 Illinois	Hail and wind	Mar. 22, 1972	1	4
0893 New Hampshire	Fire	Mar. 23, 1972	1	1
0894 Texas	Flood	do	172	542
0896 Washington	Tornado	Apr. 7, 1972	1	342
0898 Illinois	do	Apr. 13, 1972	4	18
0899 Ohio	Flood	Apr. 18, 1972	1	4
0900 Tennessee	Tornado	Apr. 19, 1972		
0902 Indiana	do	May 16, 1972	5	21
0903 New York	Flood	May 17, 1972	5	16
0905 New Hampshire	Fire	May 26, 1972	4	8
0906 Alaska	Flood	June 2, 1972		
0910 Massachusetts	Fire	June 13, 1972		
0911 New York	Flood	June 21, 1972		
0912 Massachusetts	do	do		
0913 Connecticut	do	June 22, 1972		
Total			654	6, 589

The Committee notes that there have been 37 Presidentially designated disasters, and 84 administratively declared disasters since January 1, 1971, including the disasters associated with Agnes and the Rapid City flood. The Committee agrees that the victims of all of these disasters should be treated in the same manner insofar as disaster relief legislation is concerned, and that it would be wrong and unfair to accord victims of particular disasters special treatment.

Moreover, the Committee notes that in the future other disasters may occur. For example, while this legislation was being discussed in the Committee, a serious new flood occurred in central Minnesota devastating as many as ten counties and the same number of large towns. The Committee agreed that victims of future disasters, like this one in Minnesota, should receive the same measure of relief under Disaster Relief legislation, which is accorded to victims of disasters which already have been declared. In no case, should people sustaining comparable injury be afforded lesser relief because of their location in different disaster areas.

Additionally, the measure provides for a consolidation of several existing special disaster loan programs and also includes a special provision under which the SBA will be able to extend disaster loan benefits to businesses adversely affected as a result of certain international agreements.

NEED FOR THE LEGISLATION

The Message of the President wherein he transmitted his proposal to aid the victims of Hurricane and Tropical Storm Agnes poignantly portrays the plight of disaster victims and the ensuing need for enactment of the measure. The President's message follows:

"*To the Congress of the United States:*

"Tropical Storm Agnes has caused unparalleled destruction in many areas of the eastern United States. More than 128,000 homes and businesses have been damaged or destroyed, and whole communities have been dealt a heavy blow. The losses to so many individuals cannot be measured only in terms of destruction of property and belongings; they must also be counted in terms of loss of jobs, disruption of families, personal privation, and anxiety about the future. In the whole history of our Nation, we have not before encountered such massive destruction over so widespread an area as a result of natural disaster.

"Individuals, private groups and governments have responded magnificently to this calamity in the finest tradition of neighbor helping neighbors. The stamina, the courage and the spirit to fight back and recover are already evident throughout the devastated areas. My statement of July 12, 1972 summarized these impressive efforts. I also pointed out at that time, however, that an unparalleled disaster requires extraordinary measures to help in recovery. I announced my intention to recommend to the Congress supplementary and massive measures aimed at short and long-term recovery. I herewith transmit those recommendations, and the proposed legislation to carry them out.

"My proposals are in three parts.

"First, I propose the Agnes Recovery Act of 1972. This measure deals with disaster loans for homeowners, farmers and businessmen. Because of the unprecedented scope of the destruction, unprecedented measures to deal with it are required. Under the provisions of this proposal, disaster loans for Agnes victims would be changed from present law in the following ways:

"The maximum amount of principal which can be cancelled or forgiven would be increased from $2,500 to $5,000 on loans made by the Small Business Administration or the Farmers Home Administration.

"The forgiveness feature would be applicable to the first dollar of a loan rather than after the repayment of the first $500 of principal as is now the case.

"The interest rate on the loans would be dropped to 1 percent instead of its current rate of 5⅛ percent.

"This liberalized assistance to individual homeowners and small businessmen can mean the difference between recovery and bankruptcy or ruin. The situation is urgent. Individual people are now making decisions on whether to rebuild or not. While my proposal would apply retroactively to all victims of Agnes, it is important to them to know now the terms of assistance which will be available to them.

"Therefore, I call on the Congress to respond to this emergency by acting on the Agnes Recovery Act so that it can become law within one week.

"Second, I recommend supplemental appropriations totaling $1,569,800,000 for this emergency, the largest single request of its kind in our history. The vast majority of these funds would be used for disaster loans, with $1.3 billion for the Small Business Administration and $1.8 million for the Farmers Home Administration. The SBA funds would be used to provide loans for homeowners and small businessmen in disaster areas whose property has been damaged or destroyed. The FHA funds would provide sufficient personnel to process expeditiously loan requests in rural areas, for which adequate loan funds now exist. Also included in my supplemental request are:

"An additional $200 million for the President's Disaster Relief Fund, to speed repair and reconstruction of public facilities and to provide temporary housing, food and unemployment compensation.

"$40 million for the Economic Development Administration, $16 million for the Appalachian Regional Commission and $12 million for the Corps of Engineers, all to assist in the recovery of damaged communities. The funds for the Corps of Engineers would go toward flood control projects in the Susquehanna River Basin.

"Third, I recommend that the existing authorization for appropriations for highway emergency relief be increased by $200 million. Current authority limits amounts to $50 million per year, which is clearly not adequate to cope with a disaster of this magnitude.

"I urge that the Congress also act promptly on these second and third proposals.

"The Federal Government must act quickly and decisively to do its part in providing relief and aiding recovery in a cooperative effort with the States and communities struck by Agnes. We can do no less. I am confident that the Congress will share this view."

EXPLANATION OF THE LEGISLATION

The disaster relief program administered by the Small Business Administration has been amended in the following manner:

1. Under the present law, disasters declared by the President or by the Administrator of the Small Business Administration both carry the same interest rate on the loan. However, only in a Presidentially declared disaster does the loan forgiveness feature apply. At present, disasters declared by the Administrator of the Small Business Administration are made for 30 years at an interest rate on the loan that is set monthly by the Secretary of the Treasury based on the cost of money to the United States Government and which is currently 5⅛%. In a Presidentially declared disaster, the interest rate is the same. However, after the borrower repays the first $500 of a disaster loan the next $2,500 is forgiven. The legislation today changes this by providing the same interest rate and forgiveness amount to both Presidentially declared disasters and those declared by the Administrator of the Small Business Administration.

2. The House-passed bill, H.R. 15692, contained a retroactive date of July 1, 1971. Your Committee amended the House-passed version to apply retroactively to January 1, 1971 and added an expiration date. H.R. 15692 as amended by your Committee would apply retroactively with regard to both Presidentially declared disasters and those declared by the Administrator of the Small Business Administration and will expire on July 1, 1973. It is obvious that a retroactive feature in legislation such as this will increase the burden that the Small Business Administration staff presently has in dealing with natural disasters. In fact, testimony received during the Committee hearing indicated that particularly with regard to disaster relief loans to homeowners that SBA's responsibility in disasters often results in the agency's inability to efficiently handle its primary duty of assisting small business. This situation prompts your Committee to feel that the function of handling homeownership disaster loans might well be placed as the responsibility of an agency that has more expertise in that area.

With regard to this legislation, the Committee's intention is that retroactive adjustments to existing loans should not be given priority over pending applications. Further, it is your Committee's belief that the Small Business Administration in applying the retroactive provisions of this Act would accept new applications based on prior disasters that were not previously filed or approved. Your Committee also feels that the retroactive feature of this bill would allow previously approved applications to be adjusted to a larger total amount. However, applications previously rejected would not be reconsidered by the SBA. It is your Committee's position with regard to new applications submitted or adjustments to previously accepted applications that the provisions of the legislation requiring proof of loss and bona fide estimate of repairs would definitely apply.

Your Committee included in this legislation a provision requiring the President to conduct a thorough review of existing disaster relief legislation and to report to Congress not later than January 1, 1973 on specific legislative proposals for comprehensive revision of disaster relief legislation. It is the feeling of your Committee that previous attempts by Congress to establish a comprehensive disaster relief program have not been successful as is evidenced by the legislation before us today. The Disaster Relief Act of 1970 was passed by Congress to establish a permanent ongoing program. However, as has happened so often in the past when extremely severe disasters strike there is an immediate reaction to pass additional disaster relief legislation. Your Committee is concerned that this is not the proper and best intentioned approach and by terminating this legislation at the end of this fiscal year the Committee intends that a national disaster relief program could be established on a permanent basis that would improve the execution of the program by eliminating unnecessary administrative procedures and reducing the number of agencies involved in disaster relief programs and prevent the misuse of benefits.

Your Committee concludes that a permanent disaster relief program is of utmost importance. Disaster victims must be assured that they will receive the same type of assistance as is granted to other victims and only a comprehensive program can bring about that result.

3. Under the present law, interest rates on disaster loans are established monthly on the cost of money to the United States Treasury. H.R. 15692 as passed by the House contained a variable interest rate. Under the House-passed bill if the borrower elected to receive forgiveness then the interest rate on the outstanding loan would be at 3%. If, however, he elected not to receive the forgiveness feature then the entire loan would be at 1%. Your Committee amended the interest rate provision of the House-passed bill by establishing a single interest rate of 1%. The legislation provides that for loans made previous to enactment but are included retroactively that the 1% interest rate would apply only to the outstanding balance as of the date of enactment of this legislation.

4. Under present law, a forgiveness of $2,500 of the total amount of the loan is provided after the borrower repays the initial $500 of the loan. H.R. 15692 as passed by the House removed the initial $500 repayment amount but left the forgiveness at the present $2,500. Your Committee amended the House-passed bill by providing for a forgiveness of $5,000 without an initial repayment requirement. With regard to the forgiveness part of the legislation, this section would also apply retroactively to January 1, 1971 but in no case would the total amount of forgiveness exceed $5,000. Also, by granting to the Administrator of the Small Business Administration similar authority for Small Business Administration declared disasters as for Presidential the $5,000 forgiveness feature of the bill would also apply retroactively to January 1, 1971.

5. The bill also tightens up on the requirements for obtaining a loan. It requires that the borrower must provide SBA with proof of loss, damage or injury and a bona fide estimate of the cost of repair, rehabilitation or replacement. And to make certain that the borrower uses the proceeds of the loan as intended, in addition to the criminal penalties available under existing law, the legislation provides that if the proceeds of the loan are misapplied, the borrower shall be liable to the Small Business Administration in an amount equal to 1½ times the amount of the loan.

6. Your Committee also amended the House-passed bill by including two sections. Section 2 incorporates the provisions contained in S. 1649 and S. 3725. This bill would repeal Sections 5 and 6 of Section 7(b) of the Small Business Act dealing with economic disasters and replace these sections with a new consolidated Section 5 which covers the repealed parts of the Act. This section has been prompted because of several amendments dealing with issues such as the Coal Mine Safety Act, the Wholesome Meat Act, and the Occupational Safety and Health Act which provide loans to small businessmen with an interest rate based on the monthly cost of money to the United States Treasury. The new Section 2 of H.R. 15692 does not change the interest rate but only provides language authorizing SBA to assist small business concerns meeting requirements imposed by any Federal law or any State law enacted in conformity therewith if such concern is likely to suffer substantial economic injury without assistance.

Section 2 also amends the House-passed bill by adding a new section designed to assist small businessmen economically injured as a result of the recent SALT agreement. This section also provides loans at an interest rate based on the monthly cost of money to the United States Treasury. Your Committee is convinced that the impact that the President's announcement of the SALT agreement had on small businessmen is of a type that justifies this action.

COST OF THE LEGISLATION

Inasmuch as there is no way of predicting either the number or scope of disasters which will occur prospectively, no definitive cost figures can be projected for the 30-month liberalization; however, SBA officials have carefully analyzed loans heretofore made which will be affected. Expenditures, in the form of loss of income to the Treasury, aggregating more than $150 million and administrative costs of $75,000 are anticipated as follows:

	Period of disaster declaration		
	Jan. 1, 1971, to June 30, 1971	July 1, 1971, to May 30, 1972	Jan. 1, 1971, to May 30, 1972
Number of loans	61,685	40,616	101,301
Dollar value of loans	$225,662,000	$125,705,000	$351,367,000
Existing forgiveness	114,849,000	36,405,000	151,254,000

	Period of disaster declaration		
	Jan. 1, 1971, to June 30, 1971	July 1, 1971, to May 30, 1972	Jan. 1, 1971, to May 30, 1972
Incremental cost:			
Incremental forgiveness (Presidential and SBA)	$87,125,000	$58,398,000	$145,525,000
Interest lost (prospectively)	7,645,000	6,682,000	14,327,000
Total incremental cost	94,772,000	65,080,000	159,852,000

SUPPLEMENTAL TO COST ESTIMATE SUMMARY OF DISASTER LOANS APPROVED ON DISASTERS DECLARED BETWEEN JAN. 1, 1971, AND JUNE 30, 1971

	Presidentially declared disaster areas	Non-Presidentially declared disaster areas	All areas
Number of loans	61, 531	154	61, 685
Dollar value of loans	$223, 392, 000	$2, 270, 000	$225, 662, 000
Existing forgiveness	114, 849, 000		114, 849, 000

	Presidentially declared disaster areas	Non-Presidentially declared disaster areas	All areas
Incremental cost:			
Incremental forgiveness	$86, 421, 000	$706, 000	$87, 127, 000
Interest lost	7, 587, 000	58, 000	7, 645, 000
Total incremental cost	94, 008, 000	764, 000	94, 772, 000

CORDON RULE

In the opinion of the Committee, it is necessary to dispense with the requirements of subsection 4 of rule XXIX of the Standing Rules of the Senate in order to expedite the business of the Senate in connection with this report.

SUPPLEMENTAL VIEWS ON H.R. 15692

In view of the catastrophic floods which occurs in June, and the coming elections in November, we can understand the Committee's decision to increase substantially the benefits available under the disaster assistance program. In addition, we applaud the extension of uniform benefits to victims of SBA-declared and Presidentially-declared disasters. Disaster victims will no longer have to live in an area which has suffered enough damage to merit the aid of 32 federal agencies before they can receive substantial help for repairing their homes or small businesses.

We cannot support, however, the specific terms of the increased assistance or the time period for which those terms will apply. In particular, we object to the fixed forgiveness grant of $5000 and the bill's effective date of January 1, 1971.

The proposed forgiveness arrangement does not speak to the differing amounts of damage suffered by disaster victims nor to their differing ability to pay for repairs. Everyone is eligible to receive the same $5000 grant and 1% loan, regardless of whether he is rich or poor and irrespective of the amount of damage suffered. The government pays the $5000 just as readily to a millionaire for repairing his tennis court as it does to low-income families who need it to put their silt-covered homes back into livable condition.

To make matters worse, the generous grant provisions have in the past encouraged homeowners to inflate their estimates of property damage and to seek government assistance when they have little or no legitimate claim. It is no accident that in the first 9 months after last year's California earthquake. 14% of the applicants for assistance asked for exactly $3,000 or less, thereby having to repay only the minimum $500 loan. Far too many of these people used government money to remodel their homes, buy a new boat, or take a vacation.

We believe it would be far more equitable to adjust the amount of forgiveness according to the amount of damage sustained and the individual's ability to absorb the loss. Such a proposal would also substantially reduce the incentive for fraud which plagues the present program and the proposed legislation. Senator Taft's motion for such an amendment was defeated in Committee by a 7–7 vote.

Under this approach, homeowners and small businessmen affected by SBA-declared or a Presidentially-declared disaster would have been offered a low-interest loan, with between 20 and 100% of the principal forgiven up to a maximum of $5000. The percentage of principal forgiven would be determined on a sliding scale related to the borrower's last year's income (or for a borrower who retires or becomes disabled in that year or in the year of the disaster, his next year's income as estimated by the Administrator of SBA). The percentage forgiveness would be 100% for those people with incomes of $6000 or less, and would drop by 4% for each additional thousand dollars of income which the person made in the last taxable year. This approach would apportion government subsidies according to a person's ability to pay for repairs and the absolute amount of damage suffered.

The Administration took account of the importance of correlating disaster benefits with financial need when several months ago they sent to Capitol Hill a bill abolishing forgiveness and substituting low-interest loans with benefits varying according to the adjusted gross income of the victim. That philosophy, and the one we espouse here, would have provided maximum forgiveness to people who have suffered real hardship. By reducing the forgiveness available to those whose suffering has not been extensive, it would save the government considerable money while still providing such people with a heavily subsidized interest rate and, in some cases, a rather large grant. Lower grants to wealthier people would help the government bear the expense of increasing assistance to the people who really need it. In addition, the requirement to pay back most of the loan principal would reduce the incentive for fraud by people who have suffered little hardship.

We feel that the effective date of January 1, 1971 causes severe problems. There is no equitable way to provide retroactive relief to some disaster victims and deny it to others. For example, why should we provide further assistance to victims of Hurricane Doria, which occured one year ago, and not provide that same additional assistance to the victims of Texas Hurricane Celia of 2 years ago? For that matter, why not cover the Cleveland windstorm of 1969, the Alaska earthquake of 1964, the Delaware hurricane of 1962, or the San Francisco earthquake of 1906? Proponents of retroactivity have failed to give any reasonable explanation for choosing any date prior to one which covers only the Agnes and Rapid City disasters that prompted the legislation.

In addition, the effective date of January 1, 1971, would place a major administrative burden on the SBA. The agency would be required to review over 102,000 disaster loans which were made as a result of 36 Presidentially-declared disasters and 87 SBA-declared disasters during the last 19 months. This task would include reinterviewing many of these borrowers and receiving additional certification of their property damage. Nor should we forget that with limited manpower, SBA will be handicapped in carrying out its major responsibility of assisting fledgling businesses.

Even if one makes the unfounded assumption that no new loans will be made nor outstanding loans augmented for damages related to disasters which have already occurred, the cost of the government's retroactive generosity has been estimtaed to be approximately $160,000,000.

It has taken two of the worst castastrophes in our history to prod the government into considering the kind of relief measures that disaster victims really need. The legislation reported from the Committee, perpetuates the deficiencies in present law and creates some additional ones. Let us hope that changes along the lines we are suggesting will be made on the Senate Floor, so that the tragedies will instead result in the kind of legislation that will provide disaster relief on a fair rational and efficient basis.

Bill Brock.
Alan Cranston.
Bob Packwood.
William V. Roth, Jr.
Robert Taft, Jr.

Mr. McINTYRE. Mr. President, I wish to read the section of the bill which deals with the cost of the legislation:

COST OF THE LEGISLATION

Inasmuch as there is no way of predicting either the number or scope of disasters which will occur prospectively, no definitive cost figures can be projected for the 30-month liberalization; however, SBA officials have carefully analyzed loans heretofore made which will be affected. Expenditures, in the form of loss of income to the Treasury, aggregating more than $150 million and administrative costs of $75,000 are anticipated.

The PRESIDING OFFICER. The Sentor from Texas is recognized.

Mr. TOWER. Mr. President, I yield myself such time on the bill as I may require.

Mr. President, I believe that the disaster assistance bill we have reported from the Banking, Housing and Urban Affairs Committee is a most important and necessary piece of legislation, and I urge my colleagues in the Senate to give it their support. Our country has been ravished in the last couple of years by an unusually lengthy procession of hurricanes, tornados, floods, fires, explosions, hail and wind storms, and earthquakes. Our people have been battered about by these forces from one end of the country to the other. Our existing disaster assistance programs have helped victims to recoup something of the property damage they have suffered, but the scale of the damage done by the recent Hurricane Agnes and by the Rapid City flood have shown the inadequacy of the existing assistance programs to do a satisfactory job of helping people to rebuild their lives and communities after major disasters strike. The damage done by Hurricane Agnes has shown many people in areas rarely hit by major winds and flooding what a hurricane can do, and hence we seem to have stronger support in Congress now for a more realistic disaster relief loan interest rate and related assistance. My State has borne the brunt of more hurricanes probably than any other area of the country, and my constituents have been long and frequently familiar with the type of devastation that people of other areas have experienced in these recent disasters.

The principal provisions of the new bill will be the increasing of forgiveness on disaster loans from $2,500 to $5,000 and expansion of this aid to SBA-declared disasters as well as to Presidential disasters; the lowering of interest rates on disaster loans to 1 percent from the present Treasury-bill rate—around 5 percent—and the retroactive coverage of this legislation to January 1, 1971. In setting this date, we have pushed the limits of fiscal feasibility in trying to make as many disaster victims as possible eligible for this increased assistance.

There is no other distinction that we can offer to the Senate in this regard than financial feasibility; certainly everyone recognizes that the victims of disasters prior to January 1, 1971, suffered as much as victims of disasters after that date, and are equally deserving of assistance. Our only problem is, how much retroactive expense can the Government bear and still be responsible in its management of the budget. There is simply a feasible limit on the degree to which we can backdate this aid, and the committee chose January 1, 1971, as that date. The House bill chooses July 1, 1971, to which I am inclined myself, in view of the already too great deficits we are running.

In my State of Texas alone, there have been three major disasters in recent months, and a number of smaller tornado-caused disasters in that same period. In May of this year, we had a major flooding problem in the San Antonio area of Texas which caused serious property damage to homeowners, farmers, and businessmen. In December 1971 we also had a flood in northeast Texas which similarly caused serious property damage. In the fall of 1971 we were hit by a severe hurricane—Fern—which did considerable damage along the Texas coast and was among the largest disasters in recent years. The people of my State know something of the damage and suffering that accompany these terrible natural phenomena, and I can speak for the thousands of them who have been through these disasters by advocating to this body the need for more and better disaster assistance. The earlier we can act on and approve this measure, the sooner such aid can be helping these people restore their homes and businesses.

I think that the idea which has been advanced by the distinguished Senator from New Hampshire (Mr. McINTYRE), that we have to have some comprehensive study and review leading to some kind of new disaster relief that will remove all the nefarious character and multiplicity that goes with some 31 different agencies that are now involved in disaster relief, has merit. I hope at some time this will come into being and that we can come to the Senate with comprehensive disaster legislation, rather than have to legislate every time a disaster occurs.

TO RESTORE AMERICAN COMMUNITIES

Mr. McGOVERN. Mr. President, it has been 8 weeks since the flood hit Rapid City, S. Dak.

In a population area of less than 100,000 people, it took 240 lives, left 1,500 families homeless, damaged or destroyed hundreds of businesses, threw more than a thousand people out of work, and worked more than $150 million in property damage.

The dead have been buried, the missing located, for the most part—and now the people of that area are settling in for the long job of rebuilding.

The shock is beginning to wear off. People are beginning to take stock of the staggering blow which has been dealt.

And now we are learning some things that our friends on the east coast will also realize as time passes and the early wreckage is cleared away.

At first, after the flood, there was a wave of heroism—not only on the part of the flood victims, but by everyone else in the community.

That heroism, that spirit, that courage is still there. But it is being tested to its extreme limits.

Cold weather is only a few months away, Mr. President, and we have hundreds of families still living doubled over in the homes of family and friends. Many are living in tents, in camp trailers. Some, even, are living in their cars.

It puts a strain on the community.

People, quite frankly, are becoming frustrated.

They realize now what they have lost, and they realize that even if our Federal programs worked to the optimum, it would not be enough.

They are frustrated with Government indecision. My mail from the flood area now reveals frustration about buck-passing, about indifference, and it reveals a fear by many people that so very much has been lost that it will take 10 years, if not more, before the community gets back to normal.

The people running the emergency housing program are confident that they will have provided everyone with emergency housing within a few more weeks. That would be a record, and we should be grateful.

But then they look at the long term, and they begin to worry.

They worry because they have now realized that the flood not only cut a swath through the town—it bludgeoned the local economy.

And so they are asking for 1 percent disaster money. And they are asking for the maximum amount of forgiveness that Congress will find reasonable.

It is asked on behalf of the man who hand-builds furniture for a living, who quite nearly had his small shop paid for, who returned the morning after the flood to find his shop completely gone, who could not find so much as a drawer board, who could not find a single one of his precious hand tools, and who now must rebuild. There are hundreds like him. Some were a little luckier, but many got it worse.

We are asking for this aid on behalf of the families who lost a son or a brother or a mother or a breadwinner—and who also lost their homes and everything in them.

We are asking on behalf of the young married couple soon to have a second child—but no home to bring him to.

We are asking on behalf of the elderly who lost all they had to show for a lifetime of work.

We are asking on behalf of the thousands of homeless—who now must start over—in whole or in part—not only on the house but on everything in it.

They will work hard to rebuild, Mr. President, but remember that they are doing it in an economy which has been dealt a devastating blow.

At first glance something like 90 percent forgiveness, or even 50 percent, seems like a lot.

But to the family that owes a mortgage of tens of thousands of dollars on what is now a hole in the mud, or a heap of rubble, it means the one real chance to get a new home and get on with the business of rebuilding.

To the senior citizen, it means shouldering a loan he can reasonably hope to repay.

To the businessman, it means the chance to get going full scale again—to start over with inventory, equipment, plant, and payroll, somewhere near what it used to be.

To all of them, and to the community at large, it means the chance to get on with a huge task without the leg irons of debt, of life's work washed down the creek.

It means expanding the credit available to our community—and we will need a dramatic expansion. Mostly it means wiping the slate clean for people and businesses who, through no fault of their own, have been saddled with grief and destruction, and terrible loss.

Mr. President, we are talking here about the bread-and-butter people of a community. We are talking about those who keep a community going—who earn their livings, and who provide the substance of what makes an average American community tick.

I have heard so many of them say, "I work for a living. I do my part. I have never asked for anything, but now I must."

Mr. President, the tools we have provided for disaster relief are woefully, tearfully, shamefully inadequate.

We can afford to do better.

H.R. 15692 will provide both individual homeowners and small business entrepreneurs—those hit hardest by the flooding—with increased disaster relief by raising the loan ceiling to $5,000, lowering the interest rate to 1 percent, and accepting loan requests retroactive to January 1, 1971. Thus, this legislation will greatly affect the ability of the small businessman and the private homeowner to recover from the disastrous losses which resulted from the recent flooding.

The courage of Rapid City Mayor Don Barnett, and of his fellow citizens, must be matched by our full commitment to the reconstruction of the Black Hills area. Only if this funding is approved will the residents of Rapid City return to lives of domestic prosperity—while the citizens of the remainder of the Nation will once again have the opportunity of visiting and savoring the beauty and history unique to this part of our great country.

If we can afford to send on the range of $45 million to these good people, it would mean that they could wipe the slates clean—they could start over fresh.

It would be less than a third of what we have given to other countries for disaster relief in the last 6 years.

And it would be for our own people, and to bring our own communities back to life and health.

Mr. BIBLE. Mr. President, may I direct my remarks particularly to section 2 of the pending bill which incorporates my bill, S. 1649, and was cosponsored by Senators CANNON, HUMPHREY, MCGOVERN, NELSON, and SPARKMAN, to authorize Small Business Administration economic disaster loans. The purpose would be to bring small firms into compliance with mandatory Federal environmental, sanitary, and safety laws, as well as regulations of State, regional, and local governmental authorities based on Federal statutory authority.

Since 1968, the Select Committee on Small Business has proposed a mechanism on the law to permit small firms have access to the capital they need to adjust to the standards imposed by laws in these cases. Such laws often have short term deadlines, which can create crisis for business every bit as serious as natural emergencies.

This interest was prompted by action that Congress has taken in the last 7 years in enacting legislation for the protection of our national environment and the American consumer. These and related bills constitute an enviable record of achievement for Congress in coping with problems arising in an urbanized and highly technological society. But with this, it became apparent that these new statutes called for further rounds of substantial investment by businesses for improvement, and frequently new and costly plant equipment.

In explanation, section 2 of the pending bill would consolidate three subsections of the Small Business Act, which are now on the statute books, into a single action. It would provide general authority to SBA to make loans so that small businesses can comply with requirements imposed by any Federal environmental, consumer, health, and sanitary law—or any State, regional, and other laws enacted pursuant to such Federal authority in these fields.

Section 2 of the pending bill was first introduced 3 years ago to provide "compliance loans" authority. Subsequently, it has been written into three laws, the Coal Mine Safety Act of 1969, the Occupational Safety and Health Act of 1970, and the Eggs Product Inspection Act of 1970, the later likewise extending loan compliance eligibility to small businesses affected by the Wholesome Meat Act of 1967 and the Wholesome Poultry Products Act of 1968.

However, this covered only part of the field, and a piecemeal approach could not give Congress the assurance that it would ever be fully covered. Further, the Small Business Administration was not encouraged by this approach to take an overall view of the subject, or to act in a comprehensive manner. The present section 2 of the bill would promote uniformity, in administration, and would provide a basis for planning, to the end that small businesses may become true partners in national progress rather than its victims.

SBA and the administration will have to move rapidly to implement this section, because plant closings are rapidly occurring all over the country under air and water pollution and other environmental and disaster deadlines. The action must be more rapid than that which occurred in 1970, when it took nearly a half-year before SBA was prepared to accept meat plant loan applications. The American people deserve something better than this tardy response.

This legislation will increase the responsibility of the administration to provide adequate funds for study, for planning, and for loans. We must prevent a massive exodus of small businessmen from many branches of industry in which they have helped to keep prices low, and services at a high level and innovation flourishing.

This pressure of being "legislated out of business' is very serious for thousands of small firms, and our select committee intends to follow the situation closely.

I believe that the Banking Committee should be commended for calling attention to the problems created for the small business community and the SBA concerning mobilization of SBA personnel to operate in natural disaster areas. Despite its small size as a Federal agency, SBA can be proud of its principal role in the disaster relief programs of the Federal Government, and of its emergency responses to the business, property, and human needs of disaster victims.

The committee report on this bill points out that there have been 37 Presidential and 84 SBA declared disasters since January 1, 1971. SBA was on the job each time, and so far over 102,000 loans have been dispersed in these areas.

Another wise feature of this bill is its call for comprehensive review of disaster relief legislation during the period prior to June 30, 1973.

I applaud this recommendation, and hope that serious consideration will be given to removal of the SBA's current function of handling homeownership disaster loans to an agency that has more expertise in the housing area, such as the Department of Housing and Urban Development. I hope the inquiry will extend to such estimates as may be readily available to determine the man-hours spent on these duties, because these are hours not devoted to the financial, management, and technical assistance on small business for which SBA was established.

Accordingly, I feel that H.R. 15692 is in the best interest of small businesses which have suffered in recent natural disasters and for those others who are under compliance deadlines of Federal statutes.

Mr. CHILES. Mr. President, I am voting today to support H.R. 15692, the bill to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans.

Tropical Storm Agnes, causing unparalelled destruction in many areas of the United States, including my own home State of Florida, clearly defined for us the need for enactment of a law which would supplement the assistance which SBA has provided victims of disasters in the past. Liberalization of the existing loan program became an obvious need when we encountered the massive destruction, some of which I saw firsthand, over much of the eastern portion of the country in June of this year.

I share the President's views as outlined in his message to the Congress when he commented on the stamina, courage, and spirit to fight back and recover that have already been evident throughout the devastated areas.

The measures included in the bill before the Senate today would provide the extraordinary assistance needed to help in recovery when an extraordinary disaster such as Tropical Storm Agnes occurs. Homeowners, farmers, and businessmen need help beyond that so generously and spontaneously offered by individuals, private groups, and local governments. And the Federal Government must respond to the calamity in proper proportion to the extent of the damage inflicted.

It is unfortunate that it takes terrible catastrophes to prod the Government into considering the kind of relief measures that the victims of disaster really need. But I am hopeful this legislation will put an end to the deficiencies in the present law and provide the best possible relief on an equitable basis.

Mr. BEALL. Mr. President, we consider today a bill of extreme and urgent importance, H.R. 15692. It is a bill that is designed to turn despair into hope, and disaster into reconstruction. It is legislation that promises the opportunity of a new life to those who have had, and will have to bear the terrible burden of disaster. It is much needed legislation, and I am proud to support it.

Unfortunately, it took two of the worst catastrophes in our history to point out the critical need for a reform of disaster assistance. I do not need to remind anyone here of the terrible consequences of the South Dakota floods, nor of the destructive fury of tropical storm Agnes as she wrought havoc upon the eastern seaboard. Since my State was among the victims of Agnes, and declared a disaster area by the President, I know all too well of its almost unbelievable impact.

In Maryland the devastation was almost beyond comprehension.

Only now are the figures beginning to come in, and the estimates tragically attest to the storm's force. Damages to roads and bridges have been estimated by State civil defense authorities at $34 million. Approximately 3,000 homes and 300 to 400 small businesses were damaged or destroyed. Agriculture losses to crops and farms will reach the $24 million mark. About $12 million damage was done to water and sewer systems. Debris clearance has already reached $9 million. The statistics go on and on. My State is but one example of the effects of natural disasters. But it clearly indicates the magnitude of Agnes, and the potential of other disasters on the people of this Nation.

The losses as a result of Agnes and other disasters cannot be measured solely in terms of lives lost, or dollars of destruction. It must also be assessed in terms of human suffering. When one calculates the effect of a natural disaster, one must remember the countless families who were displaced. He must remember those who experienced long periods of unemployment, disruption, and deprivation. It is to all of these needs that we concern ourselves with today.

This legislation supplements the assistance which the Small Business Administration has provided victims of disasters which occur from the period beginning January 1, 1971, and ending June 30, 1973.

It provides benefits of up to $5,000 in grants and 1 percent on the balance of uninsured losses. Clearly, it is a major step in the liberalization and improvement of disaster relief.

This legislation will retroactively include the more than 100,000 disaster loans totaling nearly $350 million that have been placed since January 1, 1971, in the books on the Small Business Administration. Since that date, there have been 37 Presidentially designated disasters and 84 administratively declared disasters. This bill would bring under coverage all the victims of these disasters, allowing them the support they so urgently need.

Mr. President, the Congress cannot delay a moment longer. The victims of natural disasters desperately need the assistance that this measure provides. This help will mean the difference between success and failure for many thousands of people. It will be a valuable boost in helping these victims get back on their feet and repair the damage that nature has left. I, therefore, urge favorable action of H.R. 15692.

Mr. ROBERT C. BYRD. Mr. President, I wish to express my appreciation to the chairman of the subcommittee, Mr. McIntyre, and other members of the Senate Committee on Banking, Housing and Urban Affairs for their diligence and perseverance in developing and reporting H.R. 15692, to amend the disaster relief section of the Small Business Act.

On July 18, 1972, I wrote to the committee and requested it to include a retroactive provision in this legislation in order that the SBA forgiveness feature and other expanded assistance to disaster victims would include those unfortunate victims of the Buffalo Creek Valley flooding disaster which occurred in Logan County, W. Va., on February 26, 1972. I also talked with Mr. McIntyre by telephone about this matter.

The Buffalo Creek Valley disaster left over 500 homes destroyed, 118 dead, over 1,000 persons injured, and many schools and businesses totally destroyed or badly damaged. This was the worst flood disaster in the history of the State of West Virginia.

When I requested that this legislation be made retroactive, I did so because it would be totally unfair to further victimize these unfortunate citizens, adversely affected by that disaster, by using an arbitrary calendar date to determine which American citizens deserve what percentage of Federal disaster assistance. I believe then, and I still believe that it is both just and fair that all disaster assistance be determined on an equitable and uniform basis.

I support H.R. 15692, and urge its passage. I am convinced that existing legislation does not provide the Small Business Administration with sufficient authority to provide the degree of assistance needed, nor does it provide SBA with power to deal with fraudulent claims or misappropriations of funds by SBA borrowers. This legislation contains the necessary civil penalties to deal with those situations, when they arise.

This bill also amends existing law to provide that the interest rate and the forgiveness feature will be the same for both Presidentially declared disasters and those declared by the Administrator of the Small Business Administration and establishes a uniform interest rate of 1 percent for both types of disaster loans. Presently, a disaster victim may borrow $3,000 and receive forgiveness on $2,500 provided that he repays an initial $500. This legislation removes the initial payment requirement and increases the amount which will be forgiven to $5,000.

I believe this is a fair and equitable bill, and I urge its passage.

AMENDMENT NO. 1382

Mr. TAFT. Mr. President, I call up my amendment No. 1382 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendments.

The assistant legislative clerk read as follows:

On page 7, strike lines 8 through 16 and insert in lieu thereof the following:

"(C) shall, notwithstanding the provisions of any other law and upon presentation by the applicant of proof of loss or damage or injury and a bona fide estimate of cost of repair, rehabilitation, or replacement, cancel 100 per centum of the principal of any loan made to cover a loss or damage or injury resulting from such disaster, except that—

"(i) the total amount so canceled shall not exceed $5,000, and

"(ii) the per centum of the principal of the loan to be canceled shall be reduced by 4 for each $1,000 by which the borrower's income exceeds $6,000, but in no case shall such per centum be less than 20, and make the balance of the loan at an interest rate of 1 per centum per annum up to a maximum loan of $10,000: *Provided,* That on loans in excess of $10,000, the interest rate shall be 2 per centum on that amount of the loan over $10,000.

For the purpose of this clause (C), 'income' means—

"(i) except in the case of a borrower who retires or becomes disabled in either the taxable year in which the loss or damage is sustained or the preceding taxable year, or in the case of a borrower which is a corporation, adjusted gross income, as defined in section 62 of the Internal Revenue Code of 1954, reduced by $300 for each deduction for personal exemptions allowable to the borrower under section 151 of such Code, for the taxable year preceding the taxable year in which the loss or damage is sustained,

"(ii) in the case of a borrower who retires or becomes disabled in the taxable year in which the loss or damage is sustained or in the previous taxable year, adjusted gross income as defined in section 62 of the Internal Revenue Code of 1954, reduced by $300 for each deduction for personal exemptions allowable to the borrower under section 151 of such Code, as estimated by the Administrator for the taxable year after the taxable year in which the loss or damage is sustained, and

"(iii) in the case of a corporation, taxable income, as defined in section 63 of the Internal Revenue Code of 1954, for the taxable year preceding the taxable year in which the loss or damage is sustained."

On page 8, after line 10, insert the following:

"(c) any person who (A) suffers any loss or damage as a result of a major disaster as determined by the President which occurred prior to the date of enactment of this Act, (B) is eligible for assistance under the amendment made by subsection (a), and (C) is eligible under existing law for benefits greater than those provided by the amendment made by subsection (a), may elect to receive such greater benefits."

Mr. TAFT. Mr. President, Hurricane Agnes has left over $1.9 billion in destroyed property and more than 150,000 of our citizens homeless. In Pennsylvania, damage exceeded $1 billion. Even my own State of Ohio, which was on the periphery of the storm, suffered over $3.3 million in property damages.

In view of the tremendous needs of so many victims of Hurricane Agnes and the Rapid City floods, as well as the proximity of election day, the Senate is under great pressure to increase the level of disaster assistance as quickly as possible. Without question, we are legislating "under the gun." I, nevertheless, offer my amendment to restructure the assistance available to disaster victims at this time, because I believe that despite all the pressure to simply increase the benefits across the board, the Senate should not miss this opportunity to enact a more rational approach to disaster relief than the one presently in effect.

I share the feelings of the chairman of the subcommittee that it is desirable to take a hard look at this question, but I see no reason why, after the study that went on and the protracted discussions in the Committee on Banking, Housing and Urban Affairs, we should hesitate at least to take a step in the correct direction to eliminate some of the problems that have occurred in regard to the administration of the disaster relief program in the past.

I do not say the amendment I offer is an answer to the total problem, but I think it is a feasible step, and a step in the right direction.

My amendment would offer homeowners and small businessmen affected by an SBA-declared or presidentially declared disaster a low-interest loan with between 20 and 100 percent of the principal forgiven up to a maximum of $5,000. The percentage of principal forgiven would be determined on a sliding scale related to the borrower's last year's income—or for a borrower who retires or becomes disabled in that year or in the year of the disaster, is next year's income as estimated by the Administrator of SBA. The percentage for forgiveness would be 100 percent for those people with incomes of $6,000 or less, and would drop by 4 percent for each additional thousand dollars of income, which the person made in the last taxable year. The interest rate would presently be 1 percent on the first $10,000 of the loan principal, and 2 percent on the remaining principal.

I say "presently" because it is my intention, at the close of my remarks, to modify my amendment to eliminate the 2-percent requirement. Certain applications have been called to my attention, particularly in Wilkes-Barre, Pa., in which the amount of loans for personal residences apparently will be extremely heavy and the burden of the additional

1 percent in those cases might under present circumstances be unduly harsh and unjustified. I think, however, that a 2-percent rate on principal over $10,000 might be desirable when we get down to reconsidering the matter and getting into permanent legislation.

This approach would apportion Government subsidies according to a person's ability to pay for repairs and the absolute amount of damage suffered.

My amendment also includes a provision to insure that those few victims of disasters occurring before the enactment of this legislation who would be worse off under the provisions of my amendment than under present law can claim the benefits presently available.

It is, in effect, a grandfather clause.

Some illustrations of how my amendment would work may be helpful at this point. Under my amendment a person with $5,000 damage will receive a $5,000 grant if his income is $6,000 or less, a $4,000 grant and a $1,000, 1 percent loan if his income is $11,000, and a $1,000 grant with a $4,000, 1 percent loan if his income is $26,000 or more.

If his income were in between those amounts, then it would be apportioned accordingly.

A person with $12,500 damage will receive a $5,000 grant and a $7,500, 1 percent loan if his income is $21,000 or less, and a $2,500 grant with a $10,000, 1 percent loan if his income is $26,000 or more.

The committee proposal which provides $5,000 grants and 1-percent loans regardless of income, recognizes the necessity for increasing the assistance available to victims of floods and other disasters. I wholeheartedly agree with this position. I have therefore structured my amendment to provide benefits greatly exceeding those which the Congress felt were adequate in less disastrous times. For example, under my proposal a person with $10,000 in property damage would receive at least $3,075 more as a subsidy than under present law if his property is located in a presidentially declared disaster area. If his property is located in an SBA-declared disaster area, he would receive at least $7,076 more than under present law. The only people who would be worse off under my legislation than under present law would be victims of future disasters with relatively high incomes and relatively little property damage. If the necessity to assume loan payments immediately after the disaster occurred would cause a substantial hardship to any of these people, under the provisions of H.R. 15692 they could defer such payments for up to 5 years.

Both my proposal and the committee's proposal call for a substantial increase in disaster assistance. I believe that my proposal, however, would be an improvement over the committee's proposal for apportioning disaster relief in these three ways:

First, by relating the amount of forgiveness to the amount of hardship inflicted, it distributes benefits in a more equitable manner.

Under the $5,000, 1-percent approach, a millionaire could obtain a grant of up to $5,000 for any needed repairs to his tennis courts, and a 1-percent loan for any such expenses exceeding $5,000. He is given the same amount of help as a low-income family whose home has been washed away.

I believe that the provision of this much assistance for people who have suffered little real hardship is an overly generous utilization of Government money. By limiting the forgiveness available to these people, we would be saving the Government considerable money while still providing them with a heavily subsidized interest rate and, in some cases, a rather large grant. These savings would make the expense of drastically increasing assistance to the people who really need it more bearable.

Second, the requirement to pay back most of the loan principal will reduce the incentive for fraud by people who have suffered little hardship.

The widespread fraud which resulted in California from the $2,500 forgiveness provision has been well documented. Fourteen percent of the applicants for assistance asked for exactly $3,000, thereby receiving the maximum forgiveness and the minimum required loan. Far too many of these people used Government money to remodel their homes, buy a new boat, or take a vacation. There might still be some incentive for inflating claims under my approach, but the limitation on forgiveness should reduce this incentive considerably.

Third, the 2-percent interest rate rather than a 1-percent rate on principal over $10,000 would save the Government considerable money that often does not help those most in need.

The bill's 1 percent overall rate would only help significantly those who have large loan principals. In many cases a large loan principal is an indication that an applicant owned considerable property in the first place, and therefore probably has the resources so that the disaster did not leave him helpless. The chairman of the Small Business Subcommittee, which first considered H.R. 15692, recognized this factor when he introduced legislation calling for 1 percent interest rate on the first $10,000 of loan principal, a 3-percent rate on the second $10,000, and the cost of money to the U.S. Treasury on any principal exceeding $20,000.

In any case, on a $20,000, 25-year loan the provision of a 2 percent interest rate rather than a 5-percent rate would result in a reduction of interest costs of $9,866—the present rate is 5⅛ percent. When coupled with the increase in forgiveness over present law, this means that on a $25,000 loss we would be in most cases providing a $12,500 deeper subsidy than under present law even with a flat 2 percent interest rate. In other words, my proposal would be similar to the committee proposal in providing an extremely generous interest subsidy, even if I chose to retain the 2-percent rate on loan principal over $10,000.

The approach I am advocating has been suggested by many observers of the disaster relief program. The bill which the administration sent to the Public Works Committee several months ago contained provisions relating benefits to financial need and eliminating forgiveness grants in an effort to reduce fraud. In addition, my staff has worked closely with Internal Revenue Service officials to insure that my proposal has been constructed in a way that can be easily administered.

I believe that my amendment would fulfill the need for increasing the assistance to the unfortunate, and in many cases destitute, victims of tropical storm Agnes, the Rapid City flood, and other disasters. In addition, it would apportion the benefits more equitably than the committee bill, and reduce substantially the expenditure of Government money on fraudulent claims and people who have suffered little real hardship. It is simple, and it is workable.

Two of the worst disasters of our history have prodded the Government into considering the kind of relief measures that disaster victims really need. I hope that out of these tragedies may come legislation that does not perpetuate the problems of present law, but instead provides adequate disaster relief on a fair, rational, and efficient basis. I believe that my amendment would do this, and I urge its adoption.

I might advise the Senate that the amendment was brought up in the committee and considered very thoroughly, and at that time it failed to pass by a tie vote of 7 to 7.

At this time, as I have indicated, I wish to modify my amendment as follows: At the end of line 8 on page 2, delete the words "up to a" and delete lines 9, 10, 11, and 12.

The **PRESIDING OFFICER**. The Senator has a right to modify his amendment. Will he send his modification to the desk?

Mr. TAFT's amendment (No. 1382), as modified, is as follows:

On page 7, strike lines 8 through 16 and insert in lieu thereof the following:

"(C) shall, notwithstanding the provisions of any other law and upon presentation by the applicant of proof of loss or damage or injury and a bona fide estimate of cost of repair, rehabilitation, or replacement, cancel 100 per centum of the principal of any loan made to cover a loss or damage or injury resulting from such disaster, except that—

"(i) the total amount so canceled shall not exceed $5,000, and

"(ii) the per centum of the principal of the loan to be canceled shall be reduced by 4 for each $1,000 by which the borrower's income exceeds $6,000, but in no case shall such per centum be less than 20, and make the balance of the loan at an interest rate of 1 per centum per annum.

"For the purpose of this clause (C), 'income' means—

"(i) except in the case of a borrower who retires or becomes disabled in either the taxable year in which the loss or damage is sustained or the preceding taxable year, or in the case of a borrower which is a corporation, adjusted gross income, as defined in section 62 of the Internal Revenue Code of 1954, reduced by $300 for each deduction for personal exemptions allowable to the borrower under section 151 of such Code, for the taxable year preceding the taxable year in which the loss or damage is sustained.

"(ii) in the case of a borrower who retires or becomes disabled in the taxable year in which the loss or damage is sustained or in the previous taxable year, adjusted gross income as defined in section 62 of the Internal Revenue Code of 1954, reduced by $300 for each deduction for personal exemptions allowable to the borrower under section 151 of such Code, as estimated by the Administrator for the taxable year after the taxable year in which the loss or damage is sustained, and

"(iii) in the case of a corporation, taxable income, as defined in section 63 of the Internal Revenue Code of 1954, for the taxable year preceding the taxable year in which the loss or damage is sustained."

On page 8, after line 10, insert the following:

"(c) any person who (A) suffers any loss or damage as a result of a major disaster as determined by the President which occurred prior to the date of enactment of this Act, (B) is eligible for assistance under the amendment made by subsection (a), and (C) is eligible under existing law for benefits greater than those provided by the amendment made by subsection (a), may elect to receive such greater benefits."

Mr. TAFT. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, I believe I have control of the time, do I not?

The PRESIDING OFFICER. The Senator has half the time.

Mr. TAFT. I yield 10 minutes to the Senator from Delaware.

Mr. ROTH. Mr. President, I rise to support the fine efforts of my able colleague from Ohio (Mr. TAFT).

Everyone here has, by now, had an opportunity to read about and perhaps witness the damage caused at Rapid City and throughout parts of the East as the result of Hurricane Agnes. There is certainly no question that many victims of these calamities face significant hardship in the months ahead as they work to restore their battered homes and businesses. In my own State of Delaware, an estimated $5 million in crop damage was sustained by farmers in all three counties. These people deserve Government assistance—to help them over the immediate crises and to give them a financial base from which to begin rebuilding and replanting for the future.

But, regrettably a major inequity exists in the current law. Because these good people, and many like them in other States were on the periphery of the storm's path, they are not eligible for the same protection as others who live and work within the boundaries of the presidentially declared areas. Yet, I fail to see how we can logically discriminate between victims by maintaining a two-tiered system of benefits. A family whose livelihood is severely damaged, albeit from only a locally harmful storm, suffers no less than a family several miles away which receives the mantle of Government protection under Presidential declaration.

It is for this reason that I argued strongly in committee that any amendments to existing law start with one which will make benefits uniform, regardless of how the disaster is categorized. It is certainly high time that we provide uniform SBA and FHA grants and loans to anyone who has been injured by a natural disaster which is recognized by an agency of the Federal Government.

And, because I feel that equity between disaster relief programs is so important, I also argue for Senator TAFT's amendments now. First, we must examine the provisions of this committee bill to see that all individuals, regardless of their wealth, will become eligible for a grant which doubles the current forgiveness of $2,500. It seems totally illogical to me that the committee chose to apply no means test whatsoever to prospective applicants for SBA or FHA loans. I dare say few Members here would support a similar clause in welfare legislation, for example.

Past examples of fraud have focused public attention on the need for tighter administration of these grant and loan programs. The House passed bill (H.R. 15692) included a strict requirement for proof of loss. I thoroughly support this movement which has been incorporated into our committee's bill. Though this new statute will help to insure that only legitimate damage is covered, it cannot, without the Taft amendment, distribute these benefits in relation to a person's ability to absorb the loss.

Mr. President, I also want to urge the Senate to act responsibly on the date at which this legislation will become effective. The administration's latest proposal called for June 9—covering Rapid City and Agnes. But, committee members have looked retrospectively for dates which would provide more generous benefits to their constituents. The argument for January 1, 1971, has no more logical validity, as far as I can see, than any arbitrary date determined by lottery. If we do not stick to the current disasters and shape our legislation prospectively, then why not go back to Hurricane Celia in Texas during 1970. Or for that matter, why not cover the Cleveland windstorm of 1969, Hurricane Hazel in Delaware in 1964, or the San Francisco earthquake of 1906?

We should not forget, furthermore, that this retroactive date will cost the Government more than just the estimated $160 million. SBA will be required either to hire new personnel to review over 100,000 loan cases, already on the books, or to cut into the man-hours now devoted to vital programs intended to assist fledgling businesses. These dollar and caseload figures are based on the asumption that only existing loans will be reviewed and adjusted where appropriate. If the legislation requires SBA to entertain new applications from past disasters, the cost in money and man-hours could approach runaway proportions.

Let me close by pointing out that other agencies have available programs to assist future flood victims. HUD has just recently lowered the rates on insurance from $40 to $25 for a $10,000 residential policy. This subsidized insurance program is a much neglected vehicle to indemnify people who live in flood prone areas. In addition, HUD has planning money available to help states and communities establish flood plain zoning. Rather than relying on emergency measures, communities most susceptible to flooding should work to take advantage of these Government activities.

We should also note, Mr. President, that to the extent that we increase the disaster relief available to everyone, we decrease the incentive to purchase federally subsidized flood insurance or to establish flood plain zoning. The committee felt that, in the long run, flood insurance and flood plain zoning is a better solution than disaster relief for the damages inflicted by natural disasters. It would make good sense to provide benefiits in a manner that encourages the purchase of flood insurance and flood plain zoning; one of the best methods of doing that is to lessen the belief that whenever and wherever natural disaster strikes, the Federal Government will assume the burden of paying for the damages.

I would strongly urge this body to recognize the inequity in providing "across the board" benefits to everyone, regardless of their wealth, and to resist the temptation of retroactive dates. We can be compassionate in helping recent victims without being reckless in our largess. The Taft amendment would certainly help accomplish these ends.

Mr. President, I yield back the remainder of my time.

Mr. CRANSTON. Mr. President, will the Senator from Ohio yield some time to me?

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Does the Senator from New Hampshire wish to make a statement on the amendment?

Mr. McINTYRE. Yes.

Mr. TAFT. I would be glad to yield time to the Senator from California at this time.

Mr. McINTYRE. I seek recognition, Mr. President.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. McINTYRE. Mr. President, the amendment of the distinguished Senator Ohio to change the method by which forgiveness is determined for disaster victims was considered by the full committee during executive session and was rejected.

The Taft amendment represents a new approach to determine forgiveness. A number of members of the committee seriously question whether we should change the basic philosophy behind forgiveness at this time. The past history of forgiveness has been based solely on loss to victims rather than on earned income. The bill reported by the committee provides for the same forgiveness as was requested by the President in the proposed legislation he sent to Congress.

Mr. President, the suggestion of the Senator from Ohio represents a constructive approach, but the committee position is that it should be considered by the administration in conjunction with the part of the proposed legislation requiring the President to report to Congress by the end of this year his recommendations for permanent disaster relief legislation.

The position of the Senator from Ohio is constructive, but it is not timely, and it goes more to a whole appraisal of national disaster. I would hope that it would be one of the inputs that would be taken up by the Presidential commission.

The committee opposes the amendment of the distinguished Senator from Ohio.

Mr. President, I yield 5 minutes to the distinguished Senator from Pennsylvania.

Mr. SCHWEIKER. Mr. President, I also rise in opposition to this amendment.

Pennsylvania, of course, has suffered the brunt of the flood damage. To give Senators an idea of exactly how serious it was, I have requested a hundred copies of the Wilkes-Barre paper that has picture after picture after picture of flood damage, and I hope the pages soon will be passing this out.

One cannot understand or feel or know the flood unless one has seen the flood. This was the worst natural disaster in the history of the country. My source comes from no one other than General Clark, the Chief of Army Engineers, with whom I had the privilege of flying over the flood at the height of the flood and who made that judgment without any qualifications and without any reservations, and he has reconfirmed it.

It was the worst natural disaster in the history of the United States; 70 percent of the flood damage was in Pennsylvania. Of that percentage, 70 percent of the Pennsylvania damage was in the area of the city of Wilkes-Barre. I shall cite a few statistics to show why I think the amendment of the distinguished Senator from Ohio is a step backward, far less generous than the proposal of the President and the committee.

Some 20,000 homes were severely damaged in the city of Wilkes-Barre—21,000 to be exact. In those 21,000 homes, the average damage was approximately $20,000.

Here we are talking about a $5,000 grant, and the Senator from Ohio proposes to take away part of that, based on income, when in fact the average loss to the people who bore the brunt of this damage, in which 50 percent of the damage apparently was in the Wilkes-Barre area, was $20,000; and it is proposed to take away from them some of the $5,000 that the President has proposed. So we would only be scratching the surface by doing what the Senator from Ohio suggests, albeit well intentioned and sincere, and I know he is very interested in attacking this problem.

I point out another fact: The average mean income in the city of Wilkes-Barre is $8,100. This proposal provides that anyone with an income of more than $6,000 would get far less than the full amount of $5,000. They would be reduced by 4 percent of the $5,000 for every $1,000 of income. So we are not even putting it at the average person's schedule of income. We are far below that.

I think this is an inadequate amendment. It does not meet the problem at all. It is far less generous than the Nixon administration's proposals. It really does not touch the heart of the problem.

We have people who have been wiped out completely. I hold up this paper to the Senate. I hope Senators will take the time to look at it. I would like to have invited the entire membership of the Senate to see it for themselves, because seeing is believing. I realize that it was not possible to do so. Here is the next best thing. I hope that all Senators, before they make up their minds as to how they are going to vote on this matter, will take the time to leaf through the hundreds of pictures taken at the height of the flood and after, to see some of the horrendous damage that has been caused to Wilkes-Barre and to other parts of Pennsylvania.

I strongly oppose this amendment. I support the committee in this regard. I will offer an amendment of my own later which will supplement their proposal.

I feel strongly that the pending amendment would be a step backward and would not come anywhere near the concept of helping a city that has been totally washed out. Some 30,000 jobs were eliminated. The business district of Wilkes-Barre, the central area, was 10 feet under water. I went up there at the height of the flood and saw a refugee operation, people coming up in motorboats, elderly people being rescued. The driver of one of the motorboats happened to be the president of Wilkes College. I asked him about his college and he told me that it was wiped out, the laboratory and the library were under water, that $10 million worth of damage had been done by the flood.

There was 50 percent more water volume than the record flood of 1936, 50 percent more than the all time high of the Susquehanna River. So we are not talking about another flood, or another disaster, we are talking about the disaster. This is the high watermark of all floods that have occurred in this century. There were 14 inches of rain which fell during that period.

Agnes crossed, crisscrossed, and triple crossed the State of Pennsylvania. The storm that was supposed to go out to sea stopped in New Jersey, came back into Pennsylvania sweeping through the State and then went up to New York City. Pennsylvania got 14 inches of rain. The storm hit hardest in Pennsylvania. That is where most of the damage was. The pending amendment, I feel, would be totally inadequate.

Mr. TAFT. Mr. President, I certainly want to express my deep sympathy to the citizens who have been so seriously damaged and hurt in Pennsylvania and elsewhere in the Nation. I am sure there is no Member of the Senate who does not feel a similar sentiment. I hope that we can help in any way possible.

Nevertheless, the question is whether, at this time, we are adopting a formula that is sound for the future. The proposal I made in the amendment I am offering differs only in a minor degree with regard to the actual payout on the $20,000 average loss that the Senator from Pennsylvania mentioned. In either case, the benefits are substantially increased, more than doubled over the present program.

At the present time, the maximum grant or loan forgiveness is $2,500 and the interest rate is 5⅛ percent. We are cutting that 5⅛ percent to 4⅛ percent to a 1-percent loan insofar as the grants are concerned. In the $20,000 loan case, my amendment's minimum provision for loan forgiveness of 20 percent would mean that everyone gets a $4,000 loan forgiveness in any event, regardless of income. The maximum difference between the two proposals is whether the additional $1,000 between the $4,000 and the $5,000 that would be granted under the committee bill compared to the Taft amendment would be granted by a way in which there is a total loan forgiveness of the additional $1,000, or whether a rather wealthy borrower might have to pay back part of this $1,000 in the case that the Senator from Pennsylvania cites.

The amount we are talking about is really a minor one, but the principle involved is a very important one. That principle is that there shall be an incentive against making a blanket application, as was done in so many cases in California. That is what the difference is here and it should be pointed out at this time.

Mr. President, I shall be happy now to yield to the Senator from California (Mr. CRANSTON). How much time does he require?

Mr. CRANSTON. Six minutes.

Mr. TAFT. I yield 6 minutes to the Senator from California.

The PRESIDING OFFICER (Mr. TUNNEY). The Senator from California is recognized for 6 minutes.

Mr. CRANSTON. Mr. President, today we are considering H.R. 15692, a bill to amend the Small Business Act. I have grave concerns about this bill in its present form. It would provide a $5,000 forgiveness grant for all SBA loans in Presidentially declared disaster areas, and a 1-percent interest rate for repayment of the amount of a loan exceeding the first $5,000.

I would like to address myself briefly to the forgiveness provisions in the bill reported by the committee.

As Thomas Kleppe, the Small Business Administrator, has pointed out the forgiveness clause as presently constituted is both inequitable and serves as an inducement to fraud.

Several weeks after the San Fernando earthquake, the administration submitted legislation which would have completely eliminated the forgiveness clause and replaced it with an interest subsidy.

The administration's memorandum in support of this legislation stated:

> *The present cancellation feature is obviously and seriously inequitable.* [Emphasis added.]
>
> A fixed amount of forgiveness simply does not respond to the differing amounts of damage persons suffer, nor to the differing abilities of persons to rebuild. What possible justification is there for a millionaire with $2,500 damage rebuilding at the total expense of the Government, while the moderate income family who lost their entire home worth $20,000 must repay with interest a loan of $17,500?

The fixed amount of forgiveness also acts as an inducement to fraud. Charles Herzberg, one of the project managers who administered the SBA disaster loan program in Los Angeles after the earthquake, said:

> The principal problem is that everybody is making a grab for $2,500 free. Everybody.

> Without the forgiveness clause, there would have been 10,000 to 20,000 loan applications instead of 100,000, he said. And they would have been fairly reasonable because nobody is going to borrow more money, and pay it back, than they're actually going to need.

SBA Administrator Kleppe testified at a Senate Small Business Subcommittee hearing 3 months ago. At that time he stated:

> Without the availability of the forgiveness, the demand for loans in California would have been but a fraction of what it was. The combination of the type of damage produced by an earthquake and the availability of a sizable loan cancellation encouraged borrowing for minor or marginal repairs. It encouraged irresponsibility in estimates and application amounts. And it encouraged people to borrow where there was little need.

For these reasons, Mr. Kleppe stated that the administration had designed legislation to strike the $2,500 loan cancellation provision from the 1970 Disaster Relief Act.

The administration is now completely reversing its position and asking the Congress to double the forgiveness clause.

Doubling the fixed amount of forgiveness solves none of the problems Mr. Kleppe described. Doubling the forgiveness will increase the demand for loans. Doubling the forgiveness encourages borrowing for minor and marginal repairs. Doubling the forgiveness does nothing to reduce irresponsibility in estimates of damage and application amounts. Doubling the forgiveness encourages borrowing by people with little need.

In order to eliminate the inducement to fraud and correct the inequities, the forgiveness clause must be modified.

SENATOR TAFT'S ALTERNATIVE PROPOSAL ON FORGIVENESS

As I already made plain, I do not favor a flat forgiveness which is both inequitable and fosters fraud. I do, however, favor Senator TAFT's proposal for a graduated forgiveness based on a percentage of total property damage and the adjusted gross income of the disaster victim.

Under the committee-reported bill, there is a standard forgiveness of $5,000 regardless of the amount of damage suffered or the ability to pay. Inherently, this causes unfair treatment to the low-income individual who suffers any substantial damage. The Government pays the $5,000 just as readily to a millionaire for repairing his tennis court as it does to low-income laborers who need it to put their silt-covered homes back into livable condition.

I feel that if we are to provide for any forgiveness at all, it should be based on the needs of the victims. The surest way to do this is to tie forgiveness into income.

A graduated forgiveness will also reduce the incentive for fraud.

Under the present law, the 100 percent free ride, as noted above, understandably invited much fraud. The committee bill proposes simply increasing this free grant to $5,000. Doubling the forgiveness that will increase the incentive for fraud and abuse.

The Taft amendment provides a 100-percent forgiveness for some, but only for those who earn less than $6,000 per annum and whose damage exceeds $5,000. Everyone else who would be obligated to pay back a certain percentage of the money granted them, the amount being determined by their ability to pay. For each $1,000 of family income above $6,000, the forgiveness would be reduced by 4 percent. The incentive for fraud would thus be reduced. But individuals who suffered large losses, and whose income is limited, would still receive nearly the maximum amount of forgiveness.

Therefore, I support Senator TAFT's provision which at least graduates forgiveness with the amount of damage suffered and the ability to pay.

The **PRESIDING OFFICER**. Who yields time?

Mr. **TOWER**. Mr. President, the administration opposes the amendment proposed by the Senator from Ohio because of the complexity it would build into the forgiveness formula and the administrative burdens it would impose on an already hard-pressed SBA. The amendment seeks to base the amount of forgiveness on the income of the victim, with a ceiling of $5,000.

The question of how to determine the amount of forgiveness seems to me to be one that we should decide here in Congress and apply equally to all victims of disasters.

In the bill, we place a $5,000 flat forgiveness feature on all loans, which will be understandable by the people whom we are trying to help and will be simple for the Government to administer. It is simply too much additional redtape and cost to administer an income test in order to determine qualification for forgiveness, and we want to make this program as straightforward and direct as possible.

Therefore, I urge that we reject the amendment of the Senator from Ohio. I think it would create an administrative nightmare. And the administration objects to it largely, I think, for this reason.

Mr. **TAFT**. Mr. President, how much time remains?

The **PRESIDING OFFICER**. The Senator from Ohio has 3 minutes. The Senator from New Hampshire has 20 minutes.

Mr. **TAFT**. Mr. President, I understand that there is an amendment to my amendment that may be offered very shortly. However, before that occurs I would like to take 2 minutes to reply to the questions raised by the distinguished Senator from Texas.

With regard to the workability of the formula in the Taft amendment, the Internal Revenue Service, with whom we worked, estimates that after establishing one new program for the computer, they could certify the income for any given disaster assistance application in 1½ to 2 weeks. There would be a nonrecurring cost of less than $1 million for doing the initial programing. This estimate is based on the probability that IRS might receive 700 or so of these applications per week at some times.

It should be pointed out that people who have suffered damages greater than $25,000 would not need to bother with the income test, since they would get $5,000 forgiveness in any case, and that during the 1½ to 2 weeks the SBA can continue to process the application, do the appraisal, and so forth.

Although Mr. Kleppe testified recently before the Banking Committee that he was worried the means test would be too difficult to administer, it should be pointed out that such a means test is an integral part of the administration bill to amend the Disaster Relief Act of 1970, which has before the Public Works Committee in draft form for several months, and which the Director of the SBA supported when the legislation was brought up before the committee.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. It will not be in order except through unanimous consent until the time is used or yielded back.

Mr. **TAFT**. Mr. President, I ask unanimous consent that there be a quorum call, and that the time be charged to neither side.

The **PRESIDING OFFICER**. Is there objection?

Mr. **McINTYRE**. Mr. President, I understood the Senator from Ohio to say that he knew of an amendment pending to his amendment and that is why he wants time. The time may be charged against the bill.

Mr. **TOWER**. Mr. President, the time may be equally divided between the two sides.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **SCHWEIKER**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **SCHWEIKER**. Mr. President, earlier I had mentioned photographic pictures of the flood. I understand that there is a technicality whereby I would have trouble in putting the papers on the desks of my Democratic colleagues. I ask unanimous consent, therefore, that I may be allowed to have the Pages put one set of newspapers on each of my colleagues' desks so that they may see at first-hand the pictures of the flood.

The **PRESIDING OFFICER**. Without objection, it is so ordered. Who yields time?

Mr. **TAFT**. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be charged on the bill equally to both sides.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The legislative clerk proceeded to call the roll.

Mr. **McINTYRE**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **McINTYRE**. Mr. President, I ask unanimous consent that we may lay aside temporarily the amendment offered by the Senator from Ohio, amendment

No. 1382, and proceed to another amendment to be offered by the Senator from Ohio and then resume amendment No. 1382 at a later time, the amendment currently under discussion, in order to expedite the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, I call up amendment No. 1390 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 6, line 19, strike "January 1, 1971" and insert in lieu thereof the following: "June 1, 1972".

Mr. TAFT. Mr. President, the effect of this amendment is very simple. On the other hand, it is one that is quite controversial.

At the present time the committee bill contains the date January 1, 1971, as the effective date for the new benefits and procedures. The committee had a prolonged discussion on this subject as to what date would or would not be selected. I think the committee voted on three separate dates before finally selecting the one that was selected. The votes were quite close and related quite obviously to what disasters were or were not to be covered.

I might say at this time, having called up this amendment, that I ask unanimous consent that the name of the Senator from California (Mr. CRANSTON) be withdrawn as a sponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, the feeling I had with regard to this issue was that there really is no fair date to choose if we are going to be going back at all beyond the date of enactment. Yet, we do recognize, as the Senator from Pennsylvania so well documented, the tremendous nature of the loss that occurred as a result of Hurricane Agnes. We recognize the loss on a really widespread basis resulting from Hurricane Agnes and also the loss to people involved in the Rapid City disaster. The primary purpose of our legislation would relate to those two disasters. If we look beyond that, we can find disasters in some part of the United States, either SBA-recognized or Presidentially-recognized, going back to the early days of our country's history.

I wish to make the decision as to where the cutoff would be on an equitable basis. For that reason, I thought the fairest thing to do would be to change the date to June 1, 1972, as the effective date of the legislation, so that only the two more recent disasters are covered.

My amendment to change the effective date to June 1, 1972, would relieve the SBA of a major financial and administrative burden which would result from forcing them to grant increased assistance related to all Presidential and SBA disasters during the last fiscal year. There were 37 Presidentially-declared disasters and 84 SBA-declared disasters during that time.

Over 102,000 disaster assistance loans were made. The SBA has estimated that even if no new loans are made nor outstanding loans augmented for disasters which have already occurred, it would cost approximately $160 million to provide the required additional assistance to victims of all disasters since January 1, 1971. In addition, the SBA would be forced to reinterview many of the borrowers and receive additional certification of their property damage.

Mr. President, for that reason I have taken the position we should provide a cutoff date of June 1, 1972 which would take us back to include only the Rapid City and Hurricane Agnes disasters.

Mr. HUMPHREY. Mr. President, I I think I understand the full impact and import of the amendment of the Senator from Ohio. What it means, as far as the State of Minnesota is concerned, is to wash it down the river. That is not about to happen here if I can prevent it.

Hurricane Agnes was a major tragedy and hurricane, and I want to do everything I can as a Senator and as a member of this Government to be of assistance to the people adversely affected and the communities that have been so terribly hard hit by the force of that hurricane. I know of the many tragedies that have taken place as a result of Hurricane Agnes. I am fully aware of the degree of destruction, the pain and suffering that came as a result of the downpour of rain and the floods in the Rapid City area of South Dakota. That part of the country is well known to me. I was born and raised in South Dakota.

But I remind the Senator from Ohio and this body that there were 14 counties in Minnesota that were inundated by torrential rains in the harvest period of 1971.

Mr. President, you know, it does not make much difference whether you get 2 feet or 14 inches of rain—if you are flooded out, you are flooded out. It is sort of like what we were talking about here this week on nuclear weaponry. If you have enough weapons to destroy the other party, then overkill means little. You can only be killed once. And you can only be destroyed once. If destruction is complete, it does not make any difference whether it is destruction by wind or rain, or wind at 100 miles an hour or wind at 90 miles an hour; the effect is the same.

This disaster relief reform program has long been needed; for there is a great need for its revision and updating. But, as usual, it took a major tragedy like Hurricane Agnes to bring this Nation to our senses to get this Congress and this administration to reexamine what is called disaster relief. We have learned too late that much of what we call disaster relief was no relief at all. At best it was a palliative, a temporary measure that gained little assistance.

So if you change the date from January 1, 1971, to June 1, 1972, Mr. President, what you are doing, insofar as I am concerned, is to simply say to thousands of people in my State, the 14 counties in the State of Minnesota, that we do not care about them.

I did not come here as a U.S. Senator to see the Senator from Ohio or any other Senator design legislation that would neglect the needs of the people of the State I am privileged in part to represent. I am sure my distinguished senior colleague will want to be heard on this matter. We are not trying to cut anybody out; we are trying to include people in.

I am going to use every means I can to see that at least the bill as reported by committee after hearings as a result of careful consultation, after examining the facts, that the body of that bill is maintained intact.

The Committee on Agriculture and Forestry has an amendment to the bill that relates to rural areas of America—and the rural areas suffer just as do the urban areas. We are going to have that amendment attached to the bill. The amendment will be offered by the Senator from Georgia (Mr. TALMADGE).

I oppose the amendment of the Senator from Ohio. I think it is an amendment that discriminates against my part of the country. I think it denies us due justice. I think it would be unfair and if we are going to start to trim back on this legislation I say that we are going to be here a long time, because we are going to have an awful lot of amendments. I believe I understand the rules of this body well enough so that it will be quite awhile before we vote on the Taft amendment.

Mr. McINTYRE. Mr. President, I yield myself 7 minutes.

Before the Senator from Minnesota leaves the floor, let me say I was glad to have him point out that the National Disaster Relief Act needs a thorough going over. We had testimony in the 2 days of hearings before our subcommittee which revealed the magnitude of this matter and how we need to rethink the whole business. The Representative from South Dakota talked about the Rapid City disaster and was talking about 90 percent forgiveness of loans. I believe the junior Senator from Pennsylvania suggested a $15,000 forgiveness. That is subject to being corrected by the Senator from Pennsylvania.

So this legislation is being presented to be effective only until June 30, 1973. Hopefully, by that time the Presidential Commission will do something constructive and determine how the whole problem of disasters can be improved.

Mr. President, I only have a few comments with regard to the amendment offered by Senators TAFT, CRANSTON, and other Senators.

There is no doubt that when you attempt to apply any legislation retroactively that one of the greatest problems is to determine the effective date, and this is exactly what happened during the committee's consideration of the legislation presently before us.

This legislation substantially liberalizes the disaster relief program administered by the Small Business Administration. The obvious question regarding legislation like this is who will receive the liberalized benefits and who will be excluded.

This same question received considerable attention by the House when that body passed H.R. 15692. The effective date contained in the House-passed bill is July 1, 1971, and I personally felt that, since the House had already resolved this question, the best approach would be for the Senate to concur with the date in the House bill.

However, during the full committee executive session, Senator CRANSTON, who, by the way, is also a cosponsor of Senator TAFT's amendment, offered an amendment moving the effective date back to January 1, 1971, which date was accepted by the committee.

The normal legislative procedure regarding effective dates on legislation is, as a general rule, that the legislation will take effect on the date of enactment or at some future date. The logic of this would certainly indicate that if we were going to concern ourselves with the individual question of legislative appropriateness, then it would seem that this bill should take effect only upon date of enactment.

However, as Senator TAFT points out, this legislation was prompted by two extremely severe recent disasters which occurred in June. His amendment would only apply the benefits in this legislation to those victims who suffered damage as a result of disasters occurring after June 1, 1972, but it should be noted that thousands of applications are presently pending at the Small Business Administration for disasters dating back several months. In fact, during the committee's executive session on this legislation, Senator CRANSTON pointed out that there are still thousands of applications pending on the earthquake in California in February of 1971.

The question here is how you can tell a victim who suffered substantial damage from a flood in Texas in May of 1972, or a flood in Washington in March of 1972, or a flood in New England in February of 1972, whose applications are still pending with the Small Business Administration that when their applications are approved they will still receive less benefits than victims of disasters occurring in close proximity in time.

The question is really not the enormity of the disaster but the severity of the individual loss. If you, as a disaster victim, have completely lost your home and possessions, then to you as an individual the question of the number of other victims becomes secondary. If you are one out of five victims with a loss or one of 5 million victims, the severity of your loss remains constant.

Certainly, it is extremely difficult, as I said earlier, to set a retroactive date, but the point raised by Senator CRANSTON regarding pending applications still with the SBA was of great concern to the committee and prompted the majority who voted for Senator CRANSTON's amendment to do so to assure that applications on previous disasters that are subsequently approved would receive the same benefits.

Mr. HUMPHREY. Mr. President, will the Senator yield at that point?

Mr. McINTYRE. I am happy to yield.

Mr. HUMPHREY. I wanted to point out that those of us in the Committee on Agriculture and Forestry put the date for the agricultural part of the bill at June 30, 1971, but we are well aware of what the Committee on Banking, Housing and Urban Affairs did with respect to the date of January 1. It seems to be that is a better cutoff point, a better base point, and of course the bill, as I understand, runs until July 1, 1973, and it calls upon the President to make recommendations, the Senator from New Hampshire just noted, for the total revision of the disaster relief program of the Congress and of the Government.

So we are not opening the floodgates here. We are not simply saying, "Come and take it." We are saying that this is emergency action. We are going to deal with problems on our desks right now, and on the desks of Government agencies right now, and we have a time frame until January 1, 1973.

Mr. TUNNEY. Mr. President, will the Senator yield to me for a question, and then perhaps a statement based on the answer to the question?

Mr. McINTYRE. I yield to the Senator from California.

Mr. TUNNEY. It is my understanding that if this bill did not contain language changing the relief provisions, the victims of the flood in Pennsylvania would receive the $2,500 forgiveness. Is that correct?

Mr. McINTYRE. That is correct.

Mr. TUNNEY. So what we are doing by making the legislation retroactive is to give to the victims in Pennsylvania and other victims of catastrophe around the country an opportunity to share in a larger sum of money which would be paid to those for losses that they have sustained? Is it correct it is to take care of a special situation for the victims of the Pennsylvania flood?

Mr. McINTYRE. That is the general thrust of it.

I want to correct the previous answer I gave. The present law provides for a $2,500 exemption, but the victim must pay the first $500.

Mr. TUNNEY. If he borrows $3,000, $2,500 is forgiven, as I understand, and he has to pay back the $500?

Mr. McINTYRE. That is correct.

Mr. TUNNEY. If we are talking about giving added benefits to a special category of victims, it seems to me only fair that we give those same added benefits to the victims of the California earthquake who were unfortunate enough to have that disaster occur in February 1971. I think once the bill is made retroactive, it should be made retroactive to take care of——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McINTYRE. I yield the Senator 2 minutes more.

Mr. TUNNEY. All the victims of recent catastrophes. I feel personally there is great danger in opening legislation up to retroactivity. I do not think this legislation should be retroactive because of the precise problem I am raising now. I do not know why the victims in California should receive less attention than the victims in Pennsylvania.

As a matter of fact, as I urge this point, I am in my mind developing an amendment to eliminate this retroactive clause because I feel if there is a bill on the floor in which we are trying to help victims of a natural disaster with their financial problems and financial hardships then we have to treat everybody alike.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. TOWER. The pending amendment now before us would make the cutoff date June 1 of this year.

Mr. TUNNEY. Well, I think it ought to be as of the time the bill is signed by the President. When the President signs the bill at that point in the future, the added benefits are given, but to move it to June 1 and say we take care of the flood victims in Pennsylvania is not fair. There is no reason at all why we should not move it back to January 1, 1971 to take care of the earthquake victims in California.

Mr. McINTYRE. That is what happened. We did go back to January 1, 1971, in the bill, and that did embrace the victims of the earthquake in California, and the committee was informed that the Small Business Administration still had applications pending from the earthquake victims. That was the reason that led the committee to go back to January 1.

Mr. TUNNEY. I am enough of a representative of my people that I would like to see that kept in the legislation; but if the amendment of the Senator from Ohio passes, I intended to offer an amendment to strike all retroactivity and have it apply as of the date the President signs the bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. MATHIAS). Does the Senator from Ohio seek recognition?

Mr. TAFT. Mr. President, I yield myself 1 minute.

I take this time merely to reply to the distinguished Senator from Minnesota, and say that any time you provide a cutoff it is going to lead to trouble. I have the same situation the Senator from California is describing. I had in my own district a devastating tornado in the summer of 1969, which struck Cleveland and all the cities and towns along Lake Erie, and which wiped out quite a number of houses and did tremendous damage. But you cannot start back without having to choose some cutoff point.

I do not mind the Senator from Minnesota standing up for his own people, because they happen to have had very disastrous floods in the spring in parts of Minnesota, but I think that still begs the question; it does not face up to the principle in the question that is involved here, which is, When are we going to set the cutoff date? I think it ought to be set on the issue of the disasters that prompted the present legislation. There were only two, Rapid City and Agnes.

Mr. McINTYRE. Mr. President, I yield 10 minutes to the senior Senator from Minnesota.

Mr. MONDALE. Mr. President, I support the pending legislation and oppose the amendment which would change the cutoff date agreed upon by the Senate Banking Committee of which I am a member. We consider all of the various considerations which bore upon that date, and agreed on the date now found in the pending legislation.

I wish to extend my deepest thanks to the distinguished chairman of the Committee on Banking, Housing and Urban Affairs (Mr. SPARKMAN) and the distinguished manager of the bill (Mr. McINTYRE) for their leadership in extending aid to homeowners and small businessmen victimized by the recent natural disasters which have stricken the eastern seaboard, South Dakota, my own State of Minnesota, and other areas. As a member of the committee I deeply appreciate his sympathetic cooperation in my own efforts to assure relief to victims of the two disasters in my own State of Minnesota—where floods have devastated much of north central Minnesota, and 2-month rains have destroyed western Minnesota crops throughout nearly the whole of a 24-county area, with an utterly and totally disastrous impact on not only the farmers, but the rural communities and the small businessmen whose activities make up the economy of that entire area.

I wish to extend equal thanks to the distinguished chairman of the Committee on Agriculture (Mr. TALMADGE) for his work in providing assistance for farm damage resulting from these disasters, and for his cooperation with the efforts of my distinguished colleague from Minnesota (Mr. HUMPHREY), a member of his committee, for his work in assuring coverage of the Minnesota disasters.

The efforts of these two committees have resulted in a strong bill extending low-cost, long-term loans to homeowners and small businessmen through the Small Business Administration, and to farmers through the Farmers Home Administration. Important features include:

One-percent interest rate; forgiveness of up to $5,000 of principal, amounting to a disaster grant; deferred repayment of principal and interest where necessary to avoid hardship; refinancing of existing loans or mortgages in case of total destruction or substantial property damage.

Mr. President, the plight of many farmers, small businessmen, and homeowners in western and north central Minnesota is truly tragic. Earlier this spring, crop destruction in west central Minnesota was declared a natural disaster by the Secretary of Agriculture. And last Tuesday north central Minnesota was declared a major disaster area in the wake of floods which ravaged the area over the week of July 21.

WET FIELDS

Beginning with the spring thaw last March, and continuing through April and May, unprecedented rainstorms afflicted farmlands in 23 counties in the west central area of our State. These rains were comparable to the storm last month that stifled activities in the Washington, D.C., area. Here, in Washington, an overnight rain caused flooding. In the farmlands of Minnesota, for over 2 months there were rains of 4 to 6 inches every week. But because the land is as flat as a table, no dramatic flash flooding occurred. The water just saturated the soil and flooded the fields. Farmers could not work their land. Some planted crops; the crops drowned out. They planted again, if they could. On many farms crops have drowned out twice—but they keep trying.

Even where farmers have finally been successful in getting crops planted, the yield will be only a fraction of what is needed to make a profit. These farmers need assistance desperately, as do the small businesses who rely on the area's rural economy.

Early in June, when the planting was already late and it was apparent that it would be delayed even further due to the continued wet conditions, my distinguished colleague from Minnesota (Mr. HUMPHREY) and I joined Congressman BERGLAND and several other midwestern Senators and Congressmen in a letter to Secretary Butz, urging a reopening of the set-aside program.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 1, 1972.

Hon. EARL L. BUTZ,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: Farmers in large areas of Minnesota, North Dakota and South Dakota have encountered serious delays in spring planting due to wet field conditions caused by heavy and frequent rain storms.

Reports from some counties indicate that as little as 20 percent of the crop has been planted and much of this has been destroyed by the water. During a normal spring season, planting would be 80 percent complete by this date. Unfortunately, too, this same general area suffered from too much rain last fall resulting in some corn never being harvested.

In announcing the set aside program goals early this year, you cited 38 million acres diverted from feed grains as a reasonable objective. Actual diversion was 600,000 acres short of this goal.

In order to provide some help to those hard pressed farmers and the merchants who serve these communities, we respectfully ask you to re-open the feed grain and wheat program sign up. Not only would it allow an increase in total acres setaside under the feed grain program, it would allow those producers who had signed up under these programs a chance to modify their agreements by setting aside all the acreage the law will allow.

Many cornfields are still unharvested but beaten to the ground due to heavy winter snows and the fall and spring rains. Consequently, we further ask that you grant farmers permission to turn livestock into these fields until July 1 and give these fields eligibility for set aside program benefits.

Sincerely,

Bob Bergland, M.C.; James Abourezk, M.C.; Mark Andrews, M.C.; Frank E. Denholm, M.C.; Arthur A. Link, M.C.; Ancher Nelsen, M.C.; John M. Zwach, M.C.; Quentin N. Burdick, U.S.S.; Hubert H. Humphrey, U.S.S.; George McGovern, U.S.S.; Walter F. Mondale, U.S.S.; Milton R. Young, U.S.S.

Mr. MONDALE. Mr. President, the Secretary turned down our request. Later in June, Senator HUMPHREY and I supported an appeal by Minnesota's Governor, the Honorable Wendell R. Anderson, asking that 23 counties of western Minnesota be declared a major disaster.

Surveys made by the Minnesota Civil Defense officials showed losses of over $72 million to private property in the wet fields area. Although damage to public property was not widespread, three of the counties suffered losses totaling $360,000.

Mr. President, I ask unanimous consent that Governor Anderson's request for disaster assistance be printed in the RECORD at this point.

There being no objection, the request was ordered to be printed in the RECORD, as follows:

STATE OF MINNESOTA,
OFFICE OF THE GOVERNOR,
St. Paul, Minn., June 30, 1972.

Re Gov. Ltr Dtd June 13, 1972.

Hon. RICHARD M. NIXON,
President of the United States,
White House, Washington, D.C.
Through
Mr. GEORGE A. LINCOLN,
Director, Office of Emergency Preparedness, Executive Office of the President, Washington, D.C.
Through
Mr. ROBERT CONNOR,
Director, Region 5, Office of Emergency Preparedness, Chicago, Ill.

DEAR MR. PRESIDENT: The high water has now receded in most parts of the flooded areas and preliminary damage estimates to public and private property in 20 of the 23 counties listed in the original request have now been completed and are furnished as an amendment to my letter of June 13, 1972.

TYPE OF ASSISTANCE NEEDED

Department of Agriculture

A. Preventative planting on base crop acres.

B. Expedite payment on set aside acreage.

C. Provide long term-low interest loans to farmers for 1972–1973 operating and living costs. Request forgiveness of $2,500.00 on loans.

D. Preserve base crop acreage even though not planted through certification of farmer.

E. Food stamp program for farmers in disaster counties.

Department of Labor

A. Unemployment compensation for farmers qualifying.

Department of Transportation

A. Assistance for county roads that are part of Federal Aid System.

Office of Emergency Preparedness

A. Financial assistance for repair and restoration of public facilities.

Damage to public property except in three counties was light, as indicated in Table No. 2.

Damage to private property, primarily crops, was extremely heavy and constitutes a disaster of major proportions, both to the individual farmer and to the general public as well. The economic impact on the entire area will become progressively greater as the loss of personal income becomes more evident.

The area affected involves some of the best farms in the State. Scores of the farmers involved are young people just getting started. The impact of this disaster will render them unable to continue unless financial assistance is available. Their situation today is aggravated because many were not able to harvest their 1971 crops due to heavy fall rains. There are literally thousands of acres of corn and soybeans that are still in the fields from last year. Following is current damage estimates as of June 26, 1972. This covers in Column A, Estimate of Loss on Acreage Not Planted and Acreage Planted But 100% of the Crop Lost. Column B covers the Loss in Dollars to the Farmers Resulting from Partial Crops, because of too much moisture or late planting and excessive costs of working the ground under adverse conditions.

TABLE 1

County	Col. A	Col. B	Total
Becker	114,320	2,394,400	2,508,720
Big Stone	1,665,000	2,400,000	4,065,000
Blue Earth	200,000	150,000	350,000
Brown	35,280	248,044	283,324
Chippewa	2,620,000	6,345,000	8,965,000
Clearwater	259,400	244,500	503,900
Douglas	1,091,000	1,270,000	2,361,000
Kandiyohi	540,000		540,000
Lac qui Parle	2,358,500	8,030,000	10,388,500
Lincoln	266,000	370,000	636,000
Lyon	336,000	550,000	886,000
Pope	500,000	2,340,000	2,840,000
Renville	834,000	4,500,000	5,334,000
Stevens	4,050,000	2,187,000	6,237,000
Swift	5,015,000	6,020,000	11,035,000
Traverse	3,260,000	4,152,000	7,412,000
Watonwan	312,500	121,500	434,000
Wilkin	841,500	1,114,245	1,955,745
Yellow Medicine	775,000	4,830,000	5,605,000
Total	25,073,500	47,266,680	72,340,189

Public damage estimates contained in Table No. 2 are not included in the estimates of June 13, 1972.

TABLE 2

	Type of damage		
County	Road and bridge	Ditches	Total damage
Blue Earth	50,000		50,000
Brown	80,000		80,000
Watonwan	130,680	100,000	230,680
Total	260,680	100,000	360,680

It is estimated that approximately $204,000.00 of the $360,680.00 would be eligible for Federal Financial Assistance.

Again, I cannot emphasize too strongly the very critical need of the farmers for prompt, meaningful assistance.

Sincerely,

WENDELL R. ANDERSON.

Mr. MONDALE. Mr. President, Governor Anderson, Congressman BERGLAND, and I toured the flooded areas in mid-June and talked to farmers whose fields were so saturated that anyone walking the muddy soil sank in up to his knees. With those conditions, working the land with heavy machinery was out of the question. In some areas farmers hired agricultural pilots to sow the seeds with aircraft generally used to apply chemicals and fertilizer. But even then much of the resulting crop drowned out.

Farmers suffering these losses are financially distressed. Without emergency assistance many will be forced to sell out. Others will go bankrupt. The desperately low wheat and feed grain prices they received for last year's crop were not enough to carry them through a year with no crop. And there is little promise that prices this year will be improved.

Mr. President, we are often told that what we should do in this country is reward work, reward effort; and yet those people who are trying to be self-sufficient, who have worked night and day, but who nevertheless, because of a disaster, are threatened with loss of their farms. Whole communities are threatened with having to spend years to work themselves out of the crisis, and all they ask is that the Government show a little interest and give them a little bit of help to keep going.

It seems to me that if our Government is incapable of such steps, some of the cynicism we hear in some quarters may be well placed; because these are the kind of hard working people who need our help. None of them want a lot of it, but they do need some assistance, and it seems to me we should take the reasonable steps proposed in the pending legislation to assist them.

The President's Office of Emergency Preparedness spent a month processing the Governor's request for assistance and eventually turned it down.

The Secretary of Agriculture has authorized emergency Farmers Home Administration loans in 14 of the hardest-hit counties in the farm flood area; but this is not very helpful. It simply allows distressed farmers to apply for loans at 5⅛-percent interest. More credit would not help farmers much. They need real financial assistance to cover the severe losses they have suffered through no fault of their own. Certainly they deserve the same forgiveness and low interest benefits accorded the victims of other disasters.

The pending bill would entitle farmers in those 14 counties to that $5,000 forgiveness, and that low—1 per cent—rate of interest. And it is my hope that "natural disaster" or "major disaster" clarification will be extended to additional flooded areas.

NORTH CENTRAL MINNESOTA FLOODING

In addition to the long-term, wet fields disaster in western Minnesota, my State suffered a second tragic disaster only 3 weeks ago. On July 21 and 22, heavy rains of 10 to 12 inches fell on an area 30 miles wide across central Minnesota. The Knife, St. Croix, Rum, Crow, Minnesota and even the Upper Mississippi Rivers rose over their banks. Eleven counties suffered severe flooding. An area as big as the State of Maryland was inundated.

Hundreds of miles of roads were washed out.

Over 100 homes were totally destroyed and many others were damaged.

A large dam broke near the village of Mora in Kanabec County, Minn., sending flood waters into several towns.

Total losses, estimated by the State Civil Defense office, amount to more than $20.5 million.

This recent flood has been declared a major disaster, and the 11 counties hit by the primary flooding will soon be receiving disaster aid authorized under present law—including Federal assistance in debris removal, temporary housing assistance, special unemployment compensation and reemployment assistance, and other aid.

Two more flood counties have suffered losses as a result of the flood waters downriver from the primary flood area. The Governor has sent in a supplemental request and I am hopeful that these counties—Benton and Chisago—will be added to the list qualified to receive disaster aid.

As with the wet fields disaster, the pending bill will provide long-term Small Business and Farmers' Home loans—with $5,000 forgiveness and 1 percent interest—to homeowners, farmers, and small businessmen damaged by the flooding. And a special appropriation will soon be enacted for the emergency highway relief fund for repair of damaged highways, bridges, and related structures, a measure which I think is primarily the result of the activities of Representative BLATNIK of the House Public Works Committee. These actions can provide essential help to the courageous citizens of the disaster area, in their efforts to overcome the terrible effects of the flood.

Mr. President, I have received a flood disaster report from the civil defense director in the State of Minnesota summarizing the recent disaster. Since the report, additional flooding has occurred in Benton and Chisago Counties, bringing the total loss estimate to $20,586,366. I ask unanimous consent that the report be placed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

FLOOD DISASTER REPORT NO. 6

GENERAL

Recovery operations are continuing. Damage estimates are increasing as the receding water uncovers more property and allows closer inspection. The additional rains the night of Friday, July 28th, did not add appreciably to the problem, since this water replaced to some extent in some areas, the water from the original flooding of July 21 and 22.

All Federal and State agencies are preparing to respond to the Presidential Proclamation as soon as it is announced.

STATE AGENCY ACTIONS

Civil Defense Division

Representatives of the Governor's Office, Civil Defense Division and the Department of Military Affairs met to review the procedures previously established for processing project applications received from political subdivisions requesting Federal financial assistance under the provisions of Public Law 91–606. The procedures were found to be adequate to meet the requirements of the present flood emergency and will be used for that purpose.

State Civil Defense Area Commander reported Pine County had not received the predicted amount of rain and that the water did not adversely affect the county. He also reported that high water and high winds on Mille Lacs Lake are causing additional flooding and damage to wells in that area. Additional sandbagging of the lift station at Sauk Rapids is being accomplished.

On the advice of the Dakota County Civil Defense Director, State Civil Defense recommended to sheriffs of Dakota, Hennepin, and Scott Counties to discourage weekend boaters on the Minnesota River between Savage and Mendota, because of the past water and anticipated heavy barge traffic.

Department of Economic Development

The Assistant Director of the Rural Bureau reported the following business and industrial damages and losses in Todd County:

Bertha

The Henry Harms Service Station lost a few tires and one gasoline storage tank.

Eagle Bend

The Ernest Nordland Service Station lost a gasoline storage tank, and some gasoline and furnace fuel oil.

Clarissa

The Host Auto Sales estimated damage of $21,000.00 and Bill Kullick Dance Hall estimated $6,000.00 damage to that facility.

Long Prairie

Estimated damages to Metro Meats is from $40,000.00 to $60,000.00.

FEDERAL AGENCIES

Department of Agriculture

University of Minnesota Agricultural Extension Division representative surveyed the area and is providing agricultural recovery information to the rural communities through the County Agents.

National Weather Service

The Meteorologist-in-Charge of the Forecast Office, Minneapolis, reported that the heaviest of the rains predicted for the night of July 27–28, 1972, in north central Minnesota fell in a very narrow band from north of Brainerd to Libby in the Big Sandy Lake area. This rainfall was northeast of the area where heavy rain fell a week ago. Sheriffs in Crow Wing and Aitkin Counties reported that little or no road damage occurred in these two counties. The flash flood alert previously announced for the area has been lifted, however, caution was advised for local areas and low spots in the two counties:

The National Weather Service reported the following river levels and crests:

	Flood stage	Today's stage	Crest
Mississippi River:			
Aitkin	15.0	9.6	11.5 on July 30.
Fort Ripley	10.0	10.0	Occurred on July 26.
Hastings	15.0	15.1	15.3 on July 28.
Wabasha	12.0	11.0	12.5 on July 31.
Crow River:			
Delano	8.0	6.0	Past.
Rockford	10.0	6.5	Do.
Rum River: St. Francis.	8.0	10.4	Do.
St. Croix River: Stillwater.	87.0	86.5	86.5 on July 28.
Minnesota River: Savage.	69.8	69.8	69.8 on July 28.

Office of Emergency Preparedness

A representative from the National Office of Emergency Preparedness, Mr. Richardson arrived in St. Paul, preparatory to inspecting the disaster area July 29.

The American Red Cross

The Red Cross reported no new problems, however, their family assistance teams are continuing their work in the affected areas.

DAMAGE ESTIMATES AS OF 8 A.M., JULY 29, 1972

Aitkin County

Roads, streets and highways	$495,900

Benton County

Debris and wreckage clearance	2,400
Roads, streets and highways	50,000
Crop loss	680,000
Business loss	50,000
Total	782,400

Carlton County

Roads, streets, and highways	310,000

Chisago County

Roads, streets, and highways	10,000

Crow Wing County

Debris and wreckage clearance	2,500
Roads, streets, and highways	1,500,000
Crop loss	417,500
Business loss	2,505,200
Total	4,425,000

Douglas County

Roads, streets, and highways	$25,000

Isanti County

Roads, streets, and highways	177,000
Crop loss	352,000
Total	529,000

Kanabec County

Roads, streets, and highways	1,290,000
Crop loss	110,000
Home loss	500,000
Business loss	100,000
Total	2,000,000

Mille Lacs County

Roads, streets, and highways	624,000
Crop loss	250,000
Total	874,000

Morrison County

Debris and wreckage clearance	15,000
Emergency protective measures	23,000
Roads, streets, and highways	1,529,000
Crop loss	3,750,000
Home loss	2,247,386
Business loss	1,131,968
Total	8,696,354

Otter Tail County

Roads, streets, and highways	20,000
Home loss	125,000
Total	145,000

Pine County

Roads, streets, and highways	150,000
Crop loss	635,512
Home loss	100,000
Business loss	50,000
Total	935,512

Todd County

Roads, streets and highways	350,000
Crop loss	100,000
Home loss	265,000
Business loss	155,000
Total	870,000

State Highway Department

Roads, streets and highways	270,000
Grand total estimated loss	20,368,366

Mr. MONDALE. Mr. President, the pending bill is badly needed to relieve farmers, homeowners, and small businessmen in Minnesota, in Rapid City, S. Dak., and in eastern seaboard States where Hurricane Agnes did so much harm. I urge its adoption by the Senate.

I urge the defeat of amendments proposed by the Senator from Ohio (Mr. TAFT). Amendment No. 957 would limit disaster relief to damage suffered after June 1, 1972. This amendment would jeopardize the eligibility of many Minnesota small businessmen who will suffer from crop damage of over $72 million from heavy rains throughout this spring. How anyone can say that June 1 makes a rational termination date, I simply do not know.

When farm income declines in even a small area, the entire rural economy suffers. I have received calls and letters from hundreds of small businessmen expressing concern over the potential economic hardship to communities which will occur if the farmers do not have the income to pay their bills.

Rural businesses are already suffering losses from added costs due to the disaster. A survey by the Minnesota Department of Agriculture shows that unusually high demurrage charges have been paid this year by fertilizer dealers in Minnesota. Ordinarily these companies order carloads of bulk fertilizer early in the season, scheduling shipments to arrive over a period of time during the spring planting season. Ordinarily, as boxcars arrive, bulk fertilizer ingredients are placed in storage. But they are blended and dispensed to farmers soon after arrival. This spring, shipments kept arriving although farmers could not apply fertilizer to their fields because of the wet field conditions. When storage facilities were filled, the dealers had to keep the fertilizer in the boxcars in which they arrived—incurring sizable demurrage charges which these farm-related businesses had to pay.

I cite this as only one example of the hardship and expense suffered by rural communities and rural businessmen as an indirect result of the wet field disaster.

Mr. President, I ask unanimous consent that a list of demurrage charges compiled by the Minnesota Department of Agriculture be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Demurrage Charges Paid by Individual Firms—1972

(Partial listing)

Big Stone County: Johnson Grain Co., Johnson	$18.17
Blue Earth County: Sellman Feed, Mapleton	350.00
Brown County: Cargill, Inc., Comfrey	270.00
Chippewa County:	
Farmers Union Oil Co., Montevideo	8,640.00
Clara City Coop, Clara City	885.15
Wegdahl Coop Elevator, Montevideo	2,200.00
Clay County:	
U.S.S. Agri Chemicals, Averill	330.00
Cominco American, Dilworth	350.00
Ed Moe, Hitterdal	550.00
Home Gas Company, Barnesville	110.00
Northland Chemical, Moorhead	50.00
Cottonwood County:	
U.S.S. Agri Chemicals, Windom	50.00
Windom Coop Association, Windom	40.00
Delft Farm Chemical, Delft	689.00
Dakota County:	
Farmers Union Coop Oil Association, Hampton	120.00
Farm Service Association, Farmington	430.00
Hastings Farmers Coop Elevator, Hastings	2,058.91
Faribault County:	
Land O'Lakes Ag Center, Bricelyn	30.00
Frank Brothers Feed & Grain, Wells	530.00

Wells Farmers Elevator, Wells	$830.00
U.S.S. Agri Chemicals, Blue Earth	552.00
Fillmore County:	
Tri County Coop Oil, Rushford	230.00
Humble Fertilizer Co., Rushford	110.00
Fillmore Coop Services, Harmony	1,220.00
Freeborn County: Standard Farm Center, Albert Lea	10.50
Goodhue County:	
Phillips Petroleum, Kenyon	52.40
Grant County:	
Midland Fertilizer Plant, Herman	2,553.36
Wendell Farmers Elevator, Wendell	110.00
Farmers Equity Association, Ashby	120.00
Hoffman Coop Association, Hoffman	1,510.00
Grant County Fertilizer Center, Elbow Lake	2,360.00
Kanabec County: Land O'Lakes, Mora	220.00
Lyon County:	
Farmers Coop Oil, Balaton	30.00
Cottonwood Coop Oil, Cottonwood	2,720.00
USS Agri Chem, Minnesota	970.00
McLeod County: Brownton Coop Cry. Association, Brownton	20.00
Marshall County: Farmers Union Oil Co., Oslo	1,480.00
Martin County:	
Truman Farmers Elevator, Truman	700.00
Custom Farm Services, Granada	4,930.00
Welcome Farm Chem., Welcome	620.15
Meeker County:	
Cominco American, Eden Valley	20.00
Cominco American, Grove City	2,169.85
Mower County: Land O'Lakes, Waltham	750.00
Nobles County:	
Batchellers, Worthington	3,071.95
Consolidated Co-ops, Worthington	1,630.00
Norman County:	
Halstad Elevator, Halstad	700.00
Shelly Farmers Co-op Cry. Association, Shelly	170.00
Standard Farm Center, Ada	753.91
Gary Creamery Association, Gary	6,425.28
Olmsted County: U.S.S. Agri Chemicals, Stewartville	20.00
Pine County: Fine City Co-op., Rush City	240.00
Pipestone County: Cominco American, Pipestone	898.58
Polk County:	
Farmers Union Oil Co., Climax	170.00
McIntosh Farm Service, McIntosh	120.00
Cargill, Inc., Crookston	1,279.25
Pope County: Cyprus Farmers Elevator, Cyprus	230.00
Renville County: Renville Co. Soil Service, Bird Island	710.00
Rice County: Nerstrand Elevator Co., Nerstrand	40.00
Sibley County: Custom Farm Services, Gibbon	1,250.00
Stearns County:	
Farmers Coop Elevator, Sauk Centre	490.00
John Swanson Fertilizer, Brooten	170.00
St. Martin Coop Creamery, St. Martin	1,080.00
Paynesville Farmers Union Coop Oil, Paynesville	190.00
Steele County:	
Four County Ag Service, Faribault	3,310.00
Prairie Farm Service, Blooming Prairie	290.00
Stevens County:	
Donnelly Coop Cry., Donnelly	189.02
Morris Coop Association, Morris	**1,066.08**
Swift County:	
Swift Coop Oil Co., Benson	$2,408.21
Munson Seed Co., Benson	160.00
Farmers Union Oil Co., Montevideo	8,640.00
Swift Coop Oil, Benson	1,090.00
Traverse County:	
Cominco American, Dumont	4,570.00
Tri County Coop., Browns Valley	310.00
Wabash County:	
Peoples Coop., Plainview	1,550.72
Waseca County:	
Richland Coop. Service, New Richland	80.00
Janesville Cry. Association, Janesville	720.00
Watonwan County: Watonwan Farm Service, St. James	1,740.00
Wilkin County: Kent Doran Grain, Doran	730.00
Winona County: Lewiston Coop Association, Lewiston	1,610.00
Yellow Medicine County:	
Equity Elevator and Trading, Wood Lake	80.00
Clarkfield and Boyd Farm Chemical, Clarkfield	769.00

Mr. MONDALE. Many Minnesota businessmen will lose their businesses if this amendment should be adopted. I am confident the Senate will not take so arbitrary and unwarranted an action.

Amendment No. 1382 would impose a sliding scale on the $5,000 forgiveness. Full forgiveness of up to $5,000 would be available only to homeowners, farmers, or small business corporations with adjusted gross incomes under $6,000. Families, farmers, and small businessmen with adjusted gross incomes of $17,000, for example, would be entitled to forgiveness of only 56 percent of the full damage, not to exceed $5,000. This is a most ungenerous approach to small businessmen whose economic lives are often tough enough without natural disasters. This is a wholly unwarranted limitation of aid to hard-pressed homeowners, small businessmen, and farmers. A family with an income of $17,000—which has just suffered major economic loss as a result of a natural disaster—is not a wealthy family. I ask the Senate to reject this amendment, and I hope the proposal of the Committee on Banking, Housing and Urban Affairs will be adopted.

There is an old story by Will Rogers, who told about his local banker. He said:

> The banker is a good man, but he has one fault. He has a glass eye. But no one knows which one it is.

If the Senate turns down the kind of good faith, decent appeals for help such as those appeals from Minnesota, I think we will be like Will Rogers' banker.

Mr. President, I have made a selection of newsstories and correspondence concerning the farm flooding in Minnesota. I ask unanimous consent that they be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator MONDALE,
Washington, D.C.:

Whereas weather conditions in the counties of Swift, Stevens, Pope, Grant, Traverse, Big Stone, Lyon, Lincoln, Chippewa, Kandiyohi, Lac qui Parle, Wilkin, and Yellow Medicine in west central Minnesota have prevented a substantial number of farmers from harvesting their 1971 crop and continued adverse weather conditions have prevented planting for a majority of farmers and whereas the present debt load of farmers is such that more credit in the form of low interest plans will not solve the farmers income situation now there be it resolved that we the undersigned farmers and businessmen in the respective counties of Stevens, Swift, Big Stone, Grant, Pope, and Kandiyohi do urge and recommend that the Secretary of Agriculture reopen signup for the feed grain and wheat program to allow producers to participate to the extent of 100 percent of their feed grain base and wheat allotment.

MILTON W. RAASCH,
(And 148 others).

FARMERS & MERCHANTS
STATE BANK,
Clarkfield, Minn., June 9, 1972.

Hon. WALTER MONDALE,
U.S. Senator,
Washington, D.C.

DEAR SIR: I am writing you to inform you of the conditions in our agricultural area. It is of great concern both to the farmers, to the businessmen, and lending agencies in Yellow Medicine County.

We have received excessive moisture since September of 1971. Because of all of the added moisture, a severe condition has arisen by not allowing the farmers to harvest many acres of 1971 crop and also keeping them from the fields for the 1972 planting. It is real hard to estimate the number of unplanted acres, but would estimate well over 60% of the ground is still unplanted and of the planted fields, an estimated figure of 25% has been ruined by washing out and drowning out. This has created an extremely large additional expense to the farmers, and we would feel that if there is any governmental assistance that can be had for the farmers to help them in this time of need, we would greatly appreciate your efforts in this matter.

I have been in the financing business for over twenty-five years, and this is my first experience with this type of condition.

Again may I say that help is needed, and we are calling upon you for your assistance in this matter.

Yours truly,
D. R. NELSON, *President.*

MAYNARD, MINN., *June 22, 1972.*

Hon. Senator MONDALE.

DEAR SIR: I write to you in frustration and with mixed emotions. We know that our local USDA program officials are being helpful and keeping you informed, but it is difficult for anyone to realize fully how desperately we need assistance. We have been plagued for years with low farm prices and increasing debts at higher interest rates. And now the bottom seems to have fallen out. Any number of us face financial disaster and bankruptcy if needed programs are not initiated in the immediate future. The standard disaster loan provisions are not adequate and could benefit only a select few. Most of us need a supplemental income now and long term financing at a reasonable rate of interest.

Some of us have little or no crop planted. Continuing rains have made planting impossible, and forecasts of additional rain are most disheartening. Much less than the average corn crop is planted in this area, and much of this has rotted or cannot come through the crust and has had to be reworked and seeded to an earlier variety of corn or soybeans when fields became workable. The only hope for much of the corn now is for silage and roughage.

We had hoped that the Feed Grain Set Aside Program should be reopened, allowing us to set aside all of our corn base if need be. But it sounds as though that has been definitely denied.

The financial repercussions of this crisis will be almost unbelievable when applied to our tax structure and its effect on our schools, local governments, cooperatives and rural main streets. We sincerely believe that to avoid irreparable harm to our area, the Presidential Emergency Area legislation will need to be activated. We know that you are aware that up to $2,500 of loans made under these provisions are marked off This would ease our problems until many of us could be refinanced properly. Most of our financing is short term at unfavorable interest rates and needs to be changed. We are asking for the same privileges extended to other segments of our economy. This could be legislated by direct or guaranteed loans by our Farmers Home Administration.

We believe it is exceedingly important to our nation to preserve our Family Farm operation. Believe us when we say that any number of us in this area will be liquidated next fall if immediate assistance is not available.

We know we can depend on you in this time of need and will be looking forward to hearing from you.

Sincerely yours,

HERMAN BOIKE.

MAYNARD, MINN.

Senator WALTER MONDALE,
Washington, D.C.

DEAR FRIEND: I'm writing to you because I'm disgusted with the way things are going. We know officials are keeping you informed, but no one can fully realize the problems we are faced with except the farmer himself. For years we've had low farm prices and increasing debt at higher interest rates and now things have gone too far. We simply can not make it on our own. We need the help of farm programs. We need a supplemental income now and long term financing at a reasonable rate of interest. With the unfavorable weather causing late planting, the yield of the crops will be reduced. To ease our immediate needs we believe our Feed Grain Set Aside Program should be reopened allowing us to set aside all of our corn base if needed. We sincerely believe that to avoid irreparable harm to our area, the Presidential Emergency Area legislation will need to be activated. We know that you are aware that up to $2500 of loans made under these provisions are marked off. These two programs would help us cope with our problems at least until many of us could be refinanced properly. Most of our financing is short term at unfavorable interest rates and needs to be changed. We are asking for the same privileges extended to other segments of our economy. This could be legislated by direct or guaranteed loans by our Farmers Home Administration.

These should provide adequate refinancing on a long term 20 year basis at a realistic rate of interest.

We believe it very important to our nation that our family farm operation be preserved. If immediate assistance isn't available, many of us in this area will be liquidated next fall.

We know we can depend on you in our time of need and will be looking forward to hearing from you.

Sincerely,

EVERETT HELLIN.

BERKLEY, MINN., *June 15, 1972.*

DEAR SENATOR MONDALE: I wish to appeal to you as a Big Stone Co. farmer about our problem. Situation of excessive rain. Many farmers are just starting planting, and this is much too late in the season to expect much of a crop. We are asking you to help us to declare this a Disaster Co. and make eligible for Presidential Disaster Area, and also activate the Cap. program for 1 year and possible double the set aside acreage.

Yours truly,

MR. JOHN STALLMAN.

BENSON, MINN., *June 2, 1972.*

Senator WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: Enclosed you will find a copy of a Resolution passed by our Chamber of Commerce Board of Directors. We are very concerned with the seriousness of the situation in western Minnesota caused by the excessive moisture conditions. Our farmers and our rural communities are in serious trouble due to this situation.

We would appreciate any action that you can take to help alleviate the problem.

Yours sincerely,

ROBERT KLINGLE, *Manager.*

A RESOLUTION

Whereas, the West Central area of Minnesota has received from two to three feet of precipitation from October 1, 1971, to May 1, 1972, and

Whereas, the normal rainfall for the same period, computed on an 86-year average, is between 10 and 11 inches, and

Whereas, this unusual amount of moisture has kept many farmers from their fields, and washed out crops already planted, and

Whereas, prices for commodities sold by farmers in recent years have left many without adequate reserves to weather a year of no crop or only a partial crop, and

Whereas, most banks and other lending institutions in the area have gone about as far as is possible in financing farm operations, we

Now therefore, request that the United States Department of Agriculture allow farmers in this disaster area double the amount of acres they can divert under the Federal Feed Grain Program.

MAYNARD, MINN.

SENATOR WALTER MONDALE: I write to you in frustration. We desperately need assistance. We have been plagued with low farm prices for years now with no crops or very little in, we face financial disaster if needed programs are not initiated, the standard disaster loan provisions are not adequate, most of us need a supplemental income and long term financing at a reasonable rate of interest. Many of us have very little planted, much of the seed in the ground is rotted or cannot come through the hard crust, this will have to be reworked and seeded to soybeans. To ease our immediate needs we believe our Feed Grain Set Aside Program should be reopened allowing us to set aside all of our corn base if need be. Where planting looks fairly good only the difference between these acres would need to be set aside. We sincerely believe that to avoid irreparable harm to our area, the Presidential Emergency Area legislation will need to be activated. These two programs would ease our problems until many of us could be refinanced properly. We are asking for the same privileges extended to other segments of our economy. We believe it exceedingly important to our nation that our family farm operation be preserved. Believe us when we say more than ½ of us in this area will be liquidated next fall if immediate assistance is not available.

Sincerely yours,

LARRY TOMES.

MONTEVIDEO, MINN.,
June 6, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

I am enclosing a certified copy of the resolution of the Board of County Commissioners of Chippewa County, Minnesota, adopted on June 2, 1972, in which the Board requests that Chippewa County be declared a Presidential Disaster Area.

Yours very truly,

NEIL G. MILLER,
County Auditor, Chippewa County.

RESOLUTION

Whereas excess rainfall has made it impossible for the farmers to plant only a small portion of their 1972 crop, and

Whereas it appears at this time thousands of acres will not be planted to any crop.

Be it resolved by the Board of County Commissioners of Chippewa County, Minnesota, that Chippewa County be declared a Presidential Disaster Area.

Be it further resolved that the Board of County Commissioners of Chippewa County recommends that the 1972 feed grain program be opened to allow 100% diversion of the corn base acres and also recommends a 100% parity price support program to improve farm income.

Be it further resolved that copies of this resolution be sent to the following:

The Honorable Richard M. Nixon, President of the United States

The Honorable Earl L. Butz, United States Secretary of Agriculture

The Honorable Hubert H. Humphrey, United States Senator from Minnesota

The Honorable Walter F. Mondale, United States Senator from Minnesota

The Honorable John Zwach, United States Representative from the Sixth District of Minnesota

The Honorable Wendell R. Anderson, Governor of the State of Minnesota

The Honorable Jon Wefald, Commissioner of Agriculture for the State of Minnesota

State Disaster Committee for the State of Minnesota

Dated at Monteviedo, Minnesota, this 2d day of June, 1972.

FRATERNITY OF PRIESTS,
Graceville, Minn., July 5, 1972.

Senator WALTER MONDALE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: The Senate of Priests of the Diocese of New Ulm met on Monday, June 19, 1972. At this meeting a resolution was passed unanimously that the Secretary write a letter to President Nixon, Secretary Butz, Senator Humphrey, Representative Zwach and you to take action to relieve the plight of the farmers in the hard-stricken, wet counties of western Minnesota and the eastern Dakotas. (I realize that you have already toured some of this area and know first hand the plight of the farmers in this area.) According to an ASC survey 40,000 crop acres in Big Stone County and 80,000 crop acres in Swift County will not produce a crop because it was too wet to plant or has drowned out. The low prices on grains last year along with this disaster will drive some farmers from the land. The announced granting of federal loans is not enough. More action is needed. Hence we propose that:

1. the affected areas be declared a Presidential disaster area;

2. the already available Agriculture Department funds be made available to aid these farmers;

3. and the CAP program be activated for one year.

This meeting took place at Beardsley in Big Stone County. Hence most of the Senators saw first hand the sad situation with which these farmers are faced. Their vote, hence, was not based on hearsay!

Natural disasters were not enough! The farmers suffered another blow the other day when the restrictions on imported meat were lifted by the President. It is true that livestock prices are higher now and have given the farmer some hope. But the price of meat in the store has climbed steadily for quite some time, even when the price of livestock dropped. Most of the farmers in this area are already in the poverty bracket. The President's action will only drive them deeper in this bracket. Why does the poor farmer always have to be the whipping boy?

We thank you for your efforts already and for anything you can do for the farmer that is really helpful.

Sincerely Yours,

Rev. Darold R. Lehman,
Secretary.

[From the Minneapolis Star, July 24, 1972]

Disaster Relief Complexities

Floods in Rapid City, Eastern seaboard states and then in Minneasota produced a flood of official statements and stories about disaster relief. It is not surprising, then, that the average person assumes the federal role is a kind of an automatic, super centralized, official Red Cross effort.

The federal role in disaster relief, however, is fragmented, and bewildering even to experts. Administration spokesmen say that it works. But Minnesota farmers in the "wet counties," who failed to get under the disaster-declaration tent, may be less enthusiastic.

This is the standard procedure, more or less: The governor of a state suffering a calamity (backed, of course, by the state's congressional delegation) appeals to the President. Technically, his SOS goes to the Office of Emergency Preparedness, which is part of the White House apparatus. One may be sure that whatever the OEP says, the President is able to make up his own mind. If he declares there is a "disaster area," he makes it eligible for a shopping list of help from all kinds of agencies. Some is automatic, but much must be requested on the basis of need. Most important of the agencies are the Small Business Administration and the Farm Home Administration.

The administration sponsored a bill to increase by $1.8 billion the aid going to victims of the Rapid City flood and Hurricane Agnes. It would also double the "forgiveness" features on the loans from $2,500 to $5,000 and cut interest from 5⅛ to 1 percent. In other words, successful applicants would get $5,000 as a flat payment.

Amendments by Sens. Humphrey and Mondale would have the effect of getting Minnesota into the same tent, even without a presidential disaster declaration. This is most important, both economically and politically, for the "non disaster" 23 "wet counties" where heavy spring rains washed out hopes of decent crops. This condition is in contrast to the later sudden floods in the central part of the state, a more typical disaster area, for which the Minnesota senators are working to get a special $25 million extra for road and bridge repair.

[From the St. Paul Pioneer Press, July 26, 1972]

Storm Aid Bill Includes Minnesota

(By Lee Egerstrom)

Washington.—Minnesota homes and businesses damaged by floods and wet weather were included for eligibility in liberalized Small Business Administration (SBA) benefits Tuesday in the Senate's tropical storm Agnes bill.

The Banking, Housing and Urban Affairs Committee accepted an amendment by Sen. Walter Mondale, D-Minn., that wrote the past weekend's flooding in central Minnesota and the wet western part of the state into the bill.

It completed an amendment process started Monday which could bring to Minnesota the same economic assistance programs designed to help victims of the Rapid City flood and Hurricane Agnes of last month.

Under the Mondale amendment and an amendment to the agricultural part of the bill offered Monday by Sen. Hubert Humphrey, Minnesotans whose homes, farms and businesses were damaged will qualify for one per cent emergency loans and as much as $5,000 of the loans can be forgiven to offset personal losses.

The SBA and the Farm Home Administration will provide the loans under the Disaster Relief Act.

Mondale and Humphrey succeeded in having the effective date for qualifying for assistance set back to include farmers in western Minnesota who are faced with zero to little income from crops this fall. Several areas of 23 eastern Minnesota counties could not plant crops this spring because of excessive rain.

Mondale said the amendments to the disaster relief bill have the effect of declaring Minnesota a national disaster area. The forgiveness of loans feature has only applied to areas that have been declared disaster areas by the President in the past.

However, the new bill increases the forgiveness feature from $2,500 to $5,000, and includes Minnesota in the coverage, he said.

Mondale said the bill may be delayed until next week, and a third part of the emergency legislation still needs committee approval.

Then measures designating $25 million to repair and replace Minnesota roads and bridges washed out and damaged by the floods, will be offered by Mondale and Humphrey to a public works bill.

House emergency funds were approved Monday in a bill presented by Public Works Committee Chairman John Blatnik, D-Minn.

[From the Minneapolis Tribune, July 26, 1972]

Senate Unit Asks U.S. Funds for State Flood Loans

Washington, D.C.—The Senate Banking Committee Tuesday enlarged the Hurricane Agnes recovery bill to make emergency loans available to small businessmen affected by last weekend's Minnesota floods.

The legislation, which may come to the Senate floor next week, provides forgiveness of the first $5,000 of emergency federal loans and repayment of the balance at 1 percent interest.

Sens. Walter Mondale and Hubert Humphrey, both Minnesota Democrats, are seeking business and farm relief in the bill for victims of the flood as well as farmers in 10 western Minnesota counties hit hard by spring rains.

[From the Worthington (Minn.) Daily Globe, July 25, 1972]

Governor Asks Disaster Status for Flood Area

(By Gerry Nelson)

Gov. Wendell R. Anderson says flood damage in central Minnesota was "worse than I expected" and plans to ask President Nixon today to designate the region a federal disaster area.

Damage to public property in the flood stricken area, which Anderson toured by helicopter Monday, was estimated at "around $5 million" by James Erchul, state Civil Defense director.

The governor said he hopes an amendment can be attached to the disaster bill in Congress, adding central Minnesota to the bill which provides relief to victims of June floods in Rapid City, S.D., and Eastern states.

Sens. Walter F. Mondale and Hubert H. Humphrey also urged Nixon to declare the stricken central Minnesota region a disaster area, and introduced legislation to provide up to $25 million in highway emergency funds for the region.

Torrential thunderstorms Friday night and Saturday dumped between 10 and 12 inches of rain on some areas within 12 hours, ripping out sections of roads, flooding homes and swelling creeks and rivers.

Vacationers were asked by the state Natural Resources Department to stay out of all state parks in the flooded region, which included Morrison, Aitkin, Crow Wing, Isanti, Todd, Mille Lacs, Kanabec and Pine counties.

A department spokesman said some of the parks are not accessible and others were damaged by the flooding rivers.

But an official for the Department of Economic Development said the flooding caused only minor disruption for resorters in the region, which includes the largest resort community of Brainerd.

"The area's open. There's plenty of room," said Donald E. O'Brien, the department's director of tourism. "It's a little extra strain to get there (because of closed roads). It takes an hour longer."

The Natural Resources Department, however, painted a more gloomy picture.

"We are not advising any travel into state parks in the flooded region," said Clarke Anderson, a department spokesman.

Anderson said state parks affected by the flooding included St. Croix State Park near Hinckley; Banning State Park on the Kettle River north of Sandstone; Interstate Park at Taylors Falls; Crow Wing State Park on the Mississippi River below Brainerd; Charles Lindberg State Park at Little Falls; Father Hennepin State Park on Mille Lacs Lake, and Mille Lacs Kathio State Park west of Mille Lacs Lake.

A spokesman for the Brainerd area Chamber of Commerce said no resorts were washed out or closed due to the flooding.

Anderson, in his tour of the flood area, praised county and city officials for the work they had done.

The governor also commended a decision by Little Falls officials to blow a gap through Minn. 371 to allow rising waters to flow around the community, without waiting for state Highway Department approval.

Mayor Kenneth Flolid said if the road had not been dynamited, the flood waters would have gone through Little Falls en route to the Mississippi River, causing more damage.

Some residents of Clarissa blamed the state for damage done when the swollen Eagle Creek washed out part of U.S. 71, contending the state had been warned repeatedly that a bridge should have been built on the road, which had washed out three times before. Only a culvert is there now.

Warren Solen, who estimated damage to his house at about $7,000, said he holds the state "absolutely responsible for the damage to his home and said the state should make full restitution for his loss."

Oscar Nelson, a retired service station owner, reflected the feelings of some community residents "This has been bothering the town for a long time, and the people are pretty upset about it."

Among the homes in the Clarissa area inspected by Gov. Anderson were those of Glenn Jedlicka and Don Bain. The Jedlicka family was gone on vacation when their home toppled into Eagle Creek. About half the basement collapsed on the Bain home, but he managed to get some steel beams under it to prevent all the house from dropping.

Anderson also inspected damage at the village of Randall, where 25 families were evacuated and dozens of other houses had basements full of water.

Jack Kleinbaum, St. Cloud, central Minnesota disaster chairman for the American Red Cross, said at least 40 Randall homes were heavily damaged. He said he hoped to have some mobile homes moved into the village to replace the damaged structures.

Meanwhile, the community of Mora north of Minneapolis became the focal point of the flood area for a time Monday when a dam holding back Knife Lake burst.

[From the St. Paul Pioneer Press, July 28, 1972]

Bill Includes Flood Relief

(By Lee Egerstrom)

Washington.—The Senate Agriculture Committee rewrote the administration's tropical storm Agnes disaster relief bill Monday to include the newly flooded areas in Minnesota.

The action will greatly expand disaster programs of the Farm Home Administration to the 10 counties of central Minnesota inundated by heavy rainfall this past weekend, and to 23 counties in western Minnesota economically hampered by fall and spring wet croplands.

A second part of the emergency effort to bail out flood and rain disaster victims will be aired today in the Senate Banking, Housing and Urban Affairs Committee. Emergency programs of the Small Business Administration (SBA) will be expanded along similar lines as adopted by the Agriculture committee.

The House, meanwhile, authorized spending $200 million for emergency highway repair in a surprise move Monday. This action will allow emergency federal support to Minnesota, South Dakota and Eastern Seaboard States rebuilding from enormous flooding over the past two months.

Congress is hurriedly trying to pass the emergency legislation for flood and rain victims this week. Sponsors of the legislation are shooting at a timetable that would have Senate floor action on disaster relief bills on Wednesday, and the House to act on the Senate bill a day later.

The Senate Agriculture Committee, faced with several amendments increasing programs of the Farm Home Administration and Sen. Hubert Humphrey's amendment to include Minnesota in the coverage, voted to scrap the administration's bill presented by Republican minority leader Hugh Scott of Pennsylvania.

The bill will allow up to $5,000 of the principle of farm home emergency loans canceled or forgiven, with the interest rate dropped from 5½ per cent to one per cent on the remaining loan.

Sen. Walter Mondale, D.-Minn., will seek to amend the SBA loan part of the disaster relief bill today in committee to include the same benefits added to the Farm Home Administration.

In addition to increases in the cancellation limit to assist persons with great losses, the new Senate bill will provide up to $25 million for Minnesota in emergency highway funds to replace and repair washed out roads and bridges.

The same highway funds were provided for Monday as House Public Works Chairman John Blatnik, D-Minn., and the floor manager for the committee bills, Rep. Robert Jones, D.-Ala., asked unanimous consent to bring up the emergency fund measure.

The House passed both the highway bill and another bill calling for dam inspections authored by Blatnik's committee which seeks to prevent recurrences of the dam disasters at Rapid City and Buffalo Creek, W. Va.

The Mondale-Humphrey amendment virtually assures Farm Home and SBA disaster assistance will be made available to Minnesota, even though the state has not been designated an official disaster area yet by the President.

An inspection team from the Office of Emergency Preparedness (OEP) was sent to Minnesota Monday. They will tour the flooded areas today and report estimates of damage to the President.

[From the Minneapolis Tribune, July 25, 1972]

Mondale, H. H. H. Seek Flood Relief

(By Frank Wright)

Washington, D.C.—Members of Minnesota's congressional delegation moved quickly Monday to seek federal aid for victims of recent rainstorms and heavy flooding in the north-central part of the state.

Sens. Walter Mondale and Hubert Humphrey, both Democrats, sent a telegram to President Nixon asking him to declare a disaster area govering 10 counties. Such action by the President would make the counties immediately eligible for various types of assistance.

The counties are Todd, Douglas, Morrison, Crow Wing, Mille Lacs, Aitkin, Kanabec, Pine, Isanti and Otter Tail.

The senators also introduced legislation which would provide up to $25 million in expended emergency highway construction funds to replace damaged and destroyed roads and bridges.

It was understood also that 10 counties would be covered by a bill introduced earlier by Mondale and Humphrey to help farmers in 14 western counties who have been hard hit by excessive rains. That legislation passed yesterday by the Senate Agricultural Committee, would allow recipients to write off the first $3,000 of emergency federal loads and to repay the balance at a 1 percent interest.

In the House, Rep. John Blatnik, 8th District Democrat, sought help from the Army Corps of Engineers and the Office of Emergency Preparedness (OEP). The corps sent an eight-man team into the ravaged areas to survey the damage with local officials. An OEP team was dispatched yesterday morning from Washington and is scheduled to reach the area today.

Rep. Bob Bergland, 7th District Democrat, and Rep. John Zwach, 6th District Republican, said they are prepared to offer the Humphrey-Mondale legislation in the House if it fails in the Senate.

[From the Minneapolis Tribune, July 26, 1972]

Senate Considers Flood-Relief Bill

(By Al McConagha)

Washington, D.C.—The Senate is expected to finish work Monday on the second of two bills that may provide some financial relief for victims of Minnesota floods and spring rains.

The House is prepared to take up the measure Wednesday in whatever form they arrive from the Senate, where a floor fight is anticipated over some of the provisions.

To be debated Monday is legislation for small business and home loans to disaster victims. The terms now in the bill call for forgiveness of the first $5,000 and imposition of 1 percent interest on the balance.

Sen. Robert Taft, R-Ohio, will try to amend these provisions on the Senate floor to give forgiveness on half of the disaster loan and a charge of standard commercial interest rates on the remainder.

Sen. Walter Mondale, D-Minn., has helped lead the effort to provide forgiveness and interest conditions included in the bill approved by the Senate Banking Committee. He is a member of the panel.

The Senate already has passed by voice vote, subject to reconsideration, a Rural Disaster Recovery Act. It provides Farmers Home Administration loans to victims of recent disasters.

The precise amount of forgiveness and interest in this legislation will be determined by the specifics of the small business and home owner legislation to be acted upon Monday.

Sen. Hubert Humphrey, D-Minn., added an amendment to the rural disaster bill in committee that extends the dates involved to include Minnesota's wet fields and the recent flooding.

In both cases, provisions which may benefit Minnesotans were tacked on to bills that were designed basically to help victims of Hurricane Agnes and the Rapid City, S.D., flood.

The legislation defines two kinds of disasters—major and natural. The president is authorized to declare major disasters and the agriculture secretary or small business administrator may declare natural ones.

Basically, natural disasters are seen as localized occurrences and major disasters include the destruction of public works such as roads that require help from the Office of Emergency Preparedness.

The White House has indicated that it is considering a veto of the relief bills as they presently are written on the ground that they are inflationary.

Gov. Wendell Anderson of Minnesota has asked Mr. Nixon to declare 11 counties affected by the weekend flooding as a major disaster area under existing legislation.

Agriculture Secretary Earl Butz already has declared that 14 western Minnesota counties where planting was set back by spring rains are entitled to emergency Farm Home Administration Loans.

These loans differ from the federal credit now under consideration in Congress in that they are harder to get, the interest rates are higher and less money is available.

[From the Minneapolis Star, Aug. 2, 1972]

Rains, "Aid Drought" Create Crop Crisis

(By Douglas Drake)

Record rainfall in west-central Minnesota has turned early July's dangerous, but hopeful, situation into an outright August crisis.

Federal assistance for the water-logged region, however, seems as far away as ever.

Many farmers in the area, who battled standing water and muddy fields to plant their crops, can't get into the fields to cultivate or harvest and will be lucky to break even this year, according to Swift County agent James Edman.

Other farmers never got their crops in the ground.

"The situation is much more desperate than it was in June," said Larry Inman, who holds a Ph.D. in agriculture from the University of Minnesota and has been farming in Swift County for two years.

"In June you could still plant late crops and get something. But there's nothing you can plant now," he said. "It's been raining continuously. You hardly have a chance to get into the field. It just never has dried up."

Edman predicted three or four times as many bank foreclosures on Swift County farms as last year, unless the farmers' luck changes drastically or they receive help from the federal government.

"It's too early to tell definitely, there are still too many variables," he said. "But I expect an unusual number of failures this year."

Early in June, when rain was preventing farmers in west-central Minnesota from planting their crops on time, Gov. Wendell Anderson asked that the President declare a 16-county area a disaster area. That request was denied, but emergency loans from the Farmers' Home Administration (FHA) were authorized for 14 of the counties.

"But," as Inman put it, "those loans aren't much better than you could do at the bank." The FHA loans have carried about a 5 percent interest rate this summer.

Numerous attempts on the part of Minnesota senators and congressmen to get approval for relief programs have been rebuffed by federal agencies, the office of Sen. Walter Mondale reported.

"Besides a national disaster we have a bureaucratic disaster," an aide to Mondale said.

The only glimmer of hope on the horizon is a bill expected to be considered by the Senate within a week, according to Mondale's office.

The bill would authorize loans at 1 percent interest for disaster areas, including west-central Minnesota. The loans also would include a "forgiveness clause" which would excuse the borrower from paying back up to $5,000 of the loan if he becomes unable to afford it.

But even if the measure, part of a "Disaster Recovery Act," passes the Senate, it will have to go to the House and then to the President before it would take effect.

As Leonard Voorhees, another Swift County farmer, put it, "We need help now, not a couple of years from now. We won't be here then."

Voorhees is typical of the hardest-hit farmers, most of whom, Edman says, are in parts of Swift, Stevens and Chippewa Counties.

The Voorhees farm includes a 25-acre cornfield in which the weeds are taller than the corn and a hayfield so wet the hay can't even be cut.

"I got all my crops planted, but now I sort of wish I hadn't," Voorhees said. "I planted 110 acres this year, and a good half of it is gone. The rest is only fair.

Edman said rainfall in Swift County totaled about three times the normal amount last month. And in Morris, county seat of nearby Stevens County, it was nearly twice the normal level.

Rain was predicted in the area of the rest of this week.

Some farmers, whose fields are on high ground, have excellent crops, but others will be lucky to harvest a crop at all, Edman said.

"Most of my farm is as flat as a floor, and it's all waterlogged," said Edman. There's just not much growth out there."

Inman, who taught agriculture in five countries before he started farming in Swift County, has almost exhausted his savings trying to keep his farming operation above water.

He said he might be able to harvest a crop if the area has a late frost this fall, "but if we have an early and wet fall, it will be a complete bust."

"At best, we'll have half of the usual crop in this neighborhood," said Henry Erdahl, who farms near Donnelley in Stevens County. "And a lot will settle for less than that."

Without federal help, the farmers' only chance will be an unusually late frost this fall, according to Orville Gunderson, an extension agent in crops and soils for a nine-county area of west-central Minnesota.

"It all depends on what happens this fall," said Gunderson, "Normally the first frost is around the end of September. A two week extension of that would help like the dickens. But if it comes two weeks earlier, they'll be in real trouble."

Gunderson said the only crop in the area which could be salvaged after an early frost is soybeans. Other crops would provide little more than silage for livestock.

And even if the farmers get a late frost, their crops will be low in both yield and quality. Edman said.

Inman acknowledged that low interest federal loans, if approved in time, might save a number of farmers in the area. But, he added, "We don't really count on any help."

"Most of the people out here think the best helping hand is the one at the end of your arm," he said. "I don't think there are many optimists around here."

[From the Minneapolis Tribune, July 23, 1972]

Heavy Rains Cause Flooding

Rain fell again Saturday in north-central Minnesota, adding to the up to 10 inches that fell Friday night from St. Cloud to Brainerd and left highways and bridges washed away and towns stranded.

At 6 p.m. yesterday, Minnesota's director of civil defense, F. James Erchul, reported to Gov. Wendell Anderson that a state of emergency exists in Todd, Morrison, Crow Wing, Mille Lacs and Aitkin counties.

Anderson said he will tour the damaged areas "as soon as weather permits"—probably on Monday. At that time he said he will declare a disaster area and request federal help.

In the flood area, National Guardsmen rescued flood victims from the tops of cars after a series of five thunderstorms Friday night.

"It's a disaster—the worst Morrison County has ever had," said Felix Kuajawa, a county commissioner from Buckman who viewed the damage from a Guard helicopter.

Kuajawa and thre other members of the county board estimated the damage to roads alone at $500,000 in the county.

"We will need help. We can mobilize everyone we have and that's not enough," Kuajawa said.

Only one storm-related death was reported. Robert DeBlieck, 53, of rural Clarissa, was discovered in his car early Saturday after he struck a washout on a county road near Eagle Bend and died from the impact.

Hwy. 371, the main artery from Little Falls to Brainerd, was reported under water for seven miles.

Business on Hwy. 371 betwen Little Falls and Camp Ripley were being sandbagged by volunteers yesterday as the waters continued to rise.

The National Weather Service in Minneapolis said late Saturday that the rains had not yet ended. An additional 2 to 4 inches was predicted to fall last night over the Rum River from Mille Lacs southward to St. Francis and over the St. Croix River drainage upstream from St. Croix Falls.

"Flash flooding and overflowing will occur, washing out county and state highways," the service said.

Hwy. 371 as well as Hwys. 10, 115, 25, 169, and other routes were closed at points due to high water or holes as deep as 10 feet gouged in the pavement by the water.

Brainerd-bound motorists were being advised to detour through Alexandria or even Duluth to avoid the flooded roads.

Hardest hit by the water were the Morrison County towns of Randall, Lincoln, and Lastrup. Communications were severed, and the towns could be reached only by amphibious vehicles or by air.

In Randall, 10 miles northwest of Little Falls, National Guard amphibious vehicles rescued motorists stranded in their cars as the Little Elk River spilled over its banks and ran four to five feet deep through the town.

Some homes that were evacuated, a heart-attack victim was taken by helicopter northwest of Little Falls, to a hospital, and five youths were rescued after clinging for nearly two hours to a highway sign at the end of a flooded bridge.

A mudslide inundated Burlington Northern tracks and part of Hwy. 10 near Lincoln, according to county authorities.

In Lastrup, a village of 160, Mrs. Richard Yorek said, "Everything is under water. In some places it is four feet deep."

Mrs. Yorek said a few residents were forced from their homes and were living with friends or relatives in the village.

Morrison County's storm damage from wind and water was estimated at $1.8 million by Civil Defense Director Lee McKinnon.

Three miles southwest of McGrath, east of Mille Lacs Lake, a tornado touched down at 4 p.m. yesterday at the Edward Miller farm, according to Allan Kastner, a weather service observer. Kastner and McGrath was isolated, with washouts reported on Hwy. 65 and Aitkin County Rd. 18, which serve the town.

In Little Falls, Mayor Kenneth Flolid ordered workmen to cut a culvert under U.S. Hwy. 10 at 13th Av. on the north edge of town to divert water running down a drainage ditch through the culvert and into the Mississippi River.

The emergency culvert was opened at 9 p.m. and succeeded in diverting water which had previously flowed to 9th Av. and then backed up, flooding homes.

About 450 people, mostly from Little Falls, assisted in the effort, filling sandbags which were used to control the flow of the water.

The Todd County towns of Bertha, Eagle Bend, Clarissa, Browerville, and Long Prairie were reported to have flooded homes, and the sheriff's office said every road in the county was impassable, except Hwy. 71 south from Long Prairie to Sauk Centre.

In Browerville, the fire department rescued one man whose pickup truck was washed off a county road into a creek.

Although Todd and Morrison Counties appeared hardest hit, heavy rains, flooding, and road washouts were reported over a wide area, ranging roughly from St. Cloud on the south to Brainerd on the north, and from Pine County west to Douglas County.

About 9,400 National Guard troops yesterday ended 15 days of training at Camp Ripley, north of Little Falls and began moving their convoys home to bases in Minnesota, Iowa, and Illinois.

About 2,500 of the troop were evacuated from their tin-hut barracks during the night to concrete mess halls and headquarters buildings.

Fort Ripley Rain Tops 10 Inches

Following is a list of some of the Minnesota towns located in and near the area affected by Friday's rain storms and the amount of rain that fell in those towns during the 24-hour-period ending at 8:30 a.m., Saturday.

Ft. Ripley, 10.84 inches; Parkers Prairie, 10; Long Prairie, 8.90; Onamia, 8.10; McGrath, 5.55; Brainerd, 4.80; Alexandria, 2.43; Duluth, 1.89; St. Cloud, .76.

Flooding Cuts Roads, Isolates Town of 500

(By Clifford Simak)

"This is the Spiess indoor swimming pool," said Mrs. Conrad Spiess when she answered her phone in Randall, Minn., late Saturday afternoon.

"The living room is still dry," she said, "but there is water running in the kitchen. Out in the front yard it is above my knees. What is more, it is raining again. It is simply pouring down."

Randall, a community of 500 on Hwy. 10 ten miles northwest of Little Falls, caught the brunt of the flooding resulting from a storm that dumped more than 10 inches of water on central Minnesota Friday night.

The town was isolated.

Hwy. 10 was covered by up to four feet of water in some areas and was washed out in others.

DeWayne Schwanke, Randall fire chief, estimated that 60 to 75 residents had been evacuated to higher ground when the Little Elk River, ordinarily a trickle, suddenly inundated many of the homes in low-lying sections.

Five young people, attempting to cross a bridge over the Little Elk, were rescued after clinging to a highway sign for nearly two hours.

A retired banker, F. A. Schwanke, about 80, was stricken with a heart attack after the flood struck the town and was cut off. He was taken to St. Gabriel's Hospital in Little Falls by a National Guard helicopter.

Four National Guard amphibious vehicles arrived early Saturday and rescued people stranded in flooded areas. One of the vehicles, called ducks, was disabled when it ran into a fire hydrant concealed by the flood waters.

To the north. Hwy. 10 was covered by about four feet of water near Randall. To the south, the highway was impassible because of washouts and flood areas. All county and secondary roads were impassible.

The five young people who were rescued were identified by Fire Chief Schwanke as Janet Lenore, Charles Kay, Donna Taylor, Perry Carver and Viola Hanson. Ages were not available, but the chief said all are in their teens.

They had been in Brainerd for the evening, and upon returning to Randall, found the bridge flooded too deeply to use a car to get to their homes in the section of town across the river.

Hanging onto the bridge railing, they made their way safely across. But when they came to the approach of the bridge, the current caught them and started to sweep them away.

They managed to grab hold of a newly installed highway sign. "Luckily," said Chief Schwanke, the sign held under their weight.

Residents of the village heard their calls for help, and an attempt was made to rescue them by boat.

Alfred Bjorness, operating a boat belonging to Conrad Spiess and powered by a 3½-horsepower engine, made the first attempt. The boat could not buck the current.

A boat with a 10-horsepower engine, owned by Don Mueller and operated by Richard Mueller with Chief Schwanke riding as a passenger, also failed in a rescue attempt.

Finally a road grader, operated by Don Mueller and carrying Chief Schwanke and John Cabot, reached the five.

The retired banker was taken to Little Falls in a helicopter piloted by Maj. Gen. Paul V. Meyer, commander of the 47th Viking Infantry Division which has been camped at Camp Ripley for the past 15 days.

Gerald Nye of Robbinsdale, a son-in-law of Schwanke, was staying at a cabin at nearby Lake Alexander. When he got word of his father-in-law's heart attack, he tried to reach Randall by car. He got within two miles of the village and was unable to go farther.

He then borrowed a tractor from a farmer, but again was unable to complete the trip. He then phoned the National Guard for help.

Meyer, who was aloft at the time, got word of Nye's phone call, picked up Nye and then made a hazardous landing between two power lines at Randall to pick up the stricken man. The ride to the hospital was the first time that Schwanke had ever flown.

Meyer said that when he flew over Randall, he saw a number of people standing on the roofs of their cars, which were stranded in flood water. It was then that he sent the amphibious vehicles.

Evacuees were being fed in St. Peter's Lutheran Church, with the women of the village banding together to provide and cook food.

STAGNANT-AIR MASS BLAMED FOR DOWNPOURS

A series of thunderstorms that "all moved along the same track and dumped rain in the same spot," was the cause of Friday's heavy rains in central Minnesota, according to a spokesman for the National Weather Service.

The unusually heavy downpours occurred when warm moist air flowing up from the south made contact with a stagnant mass of air positioned across central Minnesota and northern Wisconsin.

'The biggest factor was that nothing was moving," the weather service said. The stagnant air—a stationary front of a low pressure weather system centered in central South Dakota—served as a barrier to the storm systems moving through the area and held them in nearly the same position for about 10 hours.

As a result, an area 25 to 30 miles wide across the central part of the state from near Alexandria in the west to Hinckley near the Wisconsin border was saturated with up to 10 inches of rain.

An 80-mile-long area between Parkers Prairie, which is 20 miles north of Alexandria, and Onamia, Minn., south of Mille Lacs Lake, was particularly hard-hit. About 10 inches of rain fell at Parkers Prairie. Ft. Ripley received almost 11 inches and other towns in the area also received heavy amounts of rain.

According to the weather service, the average annual precipitation across the central portion of the state is 25 to 28 inches. Normal precipitation in the area for the month of July is about three inches.

The area of heavy rainfall was within a wider band of storm activity that reached from a 40-mile-wide area in the western part of the state to a 75-mile-wide area over northern Wisconsin. Rainfall of two or more inches was common in this area.

By Saturday afternoon, the weather picture for the area was relatively unchanged. Intermittently heavy rains fell across the area and the forecast was for more of the same.

The weather service spokesman characterized yesterday's rainfall as "very unusual." He said it was "somewhat analagous" to the heavy rain and consequent flooding in Rapid City, S.D., in early June. In both situations, he said, a series of storms developed and moved the same area, spilling rain as they ran up against masses of stagnant air.

Mr. McINTYRE. I thank the distinguished Senator from Minnesota for his statement and for his strong effort in committee.

Mr. President, I yield 5 minutes on the bill to the distinguished Senator from Texas (Mr. BENTSEN).

Mr. BENTSEN. I thank the chairman of the subcommittee.

Mr. President, I rise in opposition to the pending amendment of the distinguished junior Senator from Ohio (Mr. TAFT). This amendment would have a seriously damaging effect on the State of Texas by striking the January 1971 retroactivity clause and inserting the date of June 1, 1972.

Mr. President, a tragedy struck Caldwell, Comal, Guadalupe, Hays, and Webb Counties, Tex., the night of May 11, 1972, as the waters of the Guadalupe River, swollen by heavy rains, surged over its banks and inundated the surrounding countryside. These counties, later declared a disaster area by President Nixon, suffered damages of approximately $18.4 million. Three hundred and thirty homes were devasted to such an extent as to be no longer habitable while over 3,400 homes suffered serious damages. Over 150 mobile homes were either totally destroyed or significantly damaged.

Mr. President, $18.4 million represents not only the physical extent of the damage done by the floods but also the urgent need for Federal assistance to this area. Adoption of the amendment would preclude such Federal assistance to Texas under the pending legislation. I do not believe this body will provide relief and recovery assistance to other disaster areas and fail to provide similar aid to such hard-hit areas as Caldwell, Comal, Guadalupe, Hays, and Webb Counties—the very counties which President Nixon himself declared a disaster area. I do not believe that Texas property owners are any less important or deserving of Federal aid than property owners in South Dakota and Pennsylvania.

If the amendment by the distinguished junior Senator from Ohio were to be adopted, these Texas counties would fail by a mere 20 days to be eligible for Federal assistance. I do not believe this is equitable; I do not believe this is just; and I do not believe the Senate will vote to accept this amendment. Retaining the language of the committee recommendation will bring much-needed relief to the stricken citizens of the Guadalupe River area. I urge the Senate to vote against the pending amendment.

Mr. President, I yield back the remainder of my time.

Mr. McINTYRE. Mr. President, I yield to the distinguished senior Senator Texas (Mr. TOWER).

Mr. TOWER. Mr. President, I associate myself with the remarks of my distinguished colleague from Texas.

What the Senator from Ohio proposes to do here would wipe out benefits to disaster victims in some 30 States. These have been very real disasters.

I look with interest at the newspaper circulated by the Senator from Pennsylvania (Mr. SCHWEIKER), showing the disaster effects in Pennsylvania. I might say that in wandering around in the rubble of New Braunfels and Seguin, Tex., the day after the disaster there, we could have taken some pictures equally horrible.

I think that for reasons of compassion to disaster victims of the past 18 months, the amendment of the Senator from Ohio should be rejected.

CONGRESS MUST RESPOND TO NEEDS OF PEOPLE CAUSED BY MAJOR DISASTER

Mr. RANDOLPH. Mr. President, during the first 6 months of 1972 there were nearly as many declared disasters as occurred in the United States in all of 1971. These unexpected devastations caused millions of dollars worth of damage and brought death, injury, and extreme hardship to thousands of our fellow citizens.

While 1972 has been an unusually high number of disasters, they, unfortunately, are a regular occurrence. Every year there are many Americans who require assistance as the result of disasters of all kinds.

In 1970 the Committee on Public Works, through a special subcommittee chaired by the able Senator from Indiana (Mr. BAYH), examined in greater depth than ever before the legislative requirements for a relief program that would respond quickly and effectively when these disasters strike. We recognized that in the past we had responded individually to disasters as they took place. This was an unsatisfactory procedure that resulted in lost time and frequently in inadequate and unevenly distributed aid.

By enacting the Disaster Relief Act of 1970 we believed we had provided a mechanism capable of responding to all disasters. Mr. President, the experience under this law for the past 2 years has been good. It has allowed the Federal and State governments to act at once following a disaster and to marshal the resources needed to alleviate human suffering.

As with any new program, however, experience has shown that some modifications are needed. The Committee on Public Works has closely watched the implementation of the Disaster Relief Act. We are aware that refinements are needed in some areas and have begun work to bring these about. That is why I welcome suggestions from any source.

The act may need amending, but I

caution the Senate, however, about returning to the old practice of responding on a disaster-by-disaster basis.

In this connection, I fear that the amendment offered by the Senator from Ohio (Mr. TAFT) represents just such an approach. Increased benefits and lower interest rates are, I believe, needed. But we must make them available to victims of disasters other than Hurricane Agnes and the dam collapse at Rapid City.

Early this year, a coal mine water impoundment collapsed in Buffalo Creek, W. Va., killing at least 118 people and virtually wiping out a valley 17 miles long. Recovery from this disaster of monumental proportions will be a long, difficult and expensive task. Those involved in rebuilding the valley will need all the help we can provide, including that proposed in the bill now before the Senate.

The amendment of the Senator from Ohio, however, would deny this aid to these people and to the victims of other disasters that occurred prior to June of this year. The hardships suffered by the West Virginians who live on Buffalo Creek are just as great as those whose homes and property were in the path of Hurricane Agnes or below the dam in Rapid City.

Mr. President, simple fairness and human decency demands that we make assistance available evenly and without discrimination to all who need it. For this reason, I urge the Senate to reject the amendment of the Senator from Ohio.

Mr. McINTYRE. Mr. President, how much time remains on the amendment?

The PRESIDING OFFICER. (Mr. BEALL). The proponents have 24 minutes. The opponents have 1 minute.

Mr. McINTYRE. The proponents of the amendment have 24 minutes?

The PRESIDING OFFICER. The proponents of the amendment.

Mr. McINTYRE. I am prepared to yield back the remainder of my time if the Senator from Ohio is willing to do the same.

Mr. TAFT. I yield myself 3 minutes.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. TAFT. Mr. President, before taking that step, I had considered modifying my amendment to make the point as to what the issue on this amendment is. I have considered modifying my amendment to go back to the beginning of fiscal year 1970. In the case of my own State, this would have brought under the coverage for additional benefits some applicants with 204 loans resulting from presidentially declared disasters in my own State of Ohio. I am very tempted to do so. There is, as I indicated previously, no fair date except an ongoing date from the date of the passage of the legislation on which we can make a cutoff. No lack of sympathy for those in Texas, Minnesota, Ohio, or any other area of the country has this led me to point this out to the Senate but, rather, to point out that they are, in effect, establishing discrimination between those who come before the cutoff date and those who come after the cutoff date.

Insofar as the benefits are concerned, I feel that Ohio, even if we included all of these, would be pretty well shortcut on many disasters because the Small Business Administration's policies, with which I have not agreed in many instances, have led to a refusal to declare disasters in situations where I thought they were justified.

This amendment takes into consideration a disaster in 30 States, therefore, if we vote with our constituencies in mind, I suppose that the amendment would fail and that the date in the committee bill would prevail.

I suggest to the Senate that I do not believe that is a sound basis on which to make this decision, nor is it equitable for the people of the country generally.

Mr. President, I am ready to yield back the remainder of my time.

Mr. McINTYRE. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER (Mr. BEALL). All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Ohio (Mr. TAFT).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

On this vote, the Senator from Iowa (Mr. MILLER) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Iowa would vote "yea" and the Senator from Massachusetts would vote "nay."

The result was announced—yeas 25, nays 58, as follows:

[No. 347 Leg.]

YEAS—25

Allen
Anderson
Bellmon
Boggs
Brock
Curtis
Dole
Dominick
Fong
Fulbright
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, Idaho
Nelson
Packwood
Proxmire
Roth
Saxbe
Taft
Thurmond
Weicker
Young

NAYS—58

Aiken
Bayh
Beall
Bennett
Bentsen
Bible
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Ervin
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Pastore
Pearson
Pell
Randolph
Ribicoff
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tower
Tunney
Williams

NOT VOTING—16

Allott
Baker
Brooke
Cotton
Eagleton
Eastland
Fannin
Gambrell
Griffin
Harris
Long
Miller
Montoya
Mundt
Muskie
Percy

So Mr. TAFT's amendment was rejected.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. McINTYRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on amendment No. 1382 of the Senator from Ohio (Mr. TAFT).

Mr. TOWER. Would the Senator yield?

Mr. TAFT. Mr. President, I do not know whether I have time remaining.

The PRESIDING OFFICER. The Senator from Ohio has 1 minute remaining.

Mr. TOWER. Mr. President, I yield myself 1 minute on the bill.

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 minute.

Mr. TOWER. Mr. President, I merely want to advise our colleagues that all subsequent votes will be of only 10 minutes duration. I am not sure that every Senator understood that.

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Mr. President, if the Senator from Indiana had an amendment to the Taft amendment, would it be appropriate to send it to the desk at this time and thus have a very short discourse with the Senator from Ohio on my time?

The PRESIDING OFFICER. It is not in order for the Senator from Indiana to offer an amendment until all time has been used or yielded back on the pending amendment, except by unanimous consent.

Mr. TAFT. Mr. President, I am ready to yield back my time so that the Bayh amendment can be taken up.

Mr. McINTYRE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. BAYH. Mr. President, I send to the desk an amendment. And may I say that I appreciate the courtesy of my friends, the Senator from New Hampshire and the Senator from Ohio, for making this possible.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The amendment will be stated.

The amendment was read as follows:

On page 2, line 6, strike "$6,000" and insert "$10,000".

The PRESIDING OFFICER. The time for debate on this amendment will be 30 minutes, to be divided between the Senator from Indiana and the manager of the bill.

The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, in making an explanation of this particular amendment, which I am hopeful will be accepted by my friend from Ohio, I feel compelled to preface these remarks with a bit of explanation of previous work done in the disaster relief area.

I rise in a position almost of hiatus, in which my colleagues on the steering committee have appointed me to the Committee on Appropriations, and with that honor and privilege. I am compelled to give up a position on the Committee on Public Works. But having served on that committee for 10 years under the distinguished chairman of the committee, the Senator from West Virginia (Mr. RANDOLPH), and having been given the responsibility by him of being chairman of the ad hoc Subcommittee on Disasters of the Committee on Public Works, I would like to suggest for the RECORD that some of the language in the report is not well taken and I would like to place in the RECORD at this time the present Disaster Relief Act, Public Law 91-606. I ask unanimous consent, Mr. President, to have that public law printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TITLE I—FINDINGS AND DECLARATIONS; DEFINITIONS

FINDINGS AND DECLARATIONS

SEC. 101. (a) The Congress hereby finds and declares that—

(1) because loss of life, human suffering, loss of income, and property loss and damage result from major disasters such as hurricanes, tornadoes, storms, floods, high waters, wind-driven waters, tidal waves, earthquakes, droughts, fires, and other catastrophes; and

(2) because such disasters disrupt the normal functioning of government and the community, and adversely affect individual persons and families with great severity;

special measures, designed to assist the efforts of the affected States in expediting the rendering of aid, assistance, and emergency welfare services, and the reconstruction and rehabilitation of devastated areas, are necessary.

(b) It is the intent of the Congress, by this Act, to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters by—

(1) revising and broadening the scope of existing major disaster relief programs;

(2) encouraging the development of comprehensive disaster relief plans, programs, and organizations by the States; and

(3) achieving greater coordination and responsiveness of Federal major disaster relief programs.

DEFINITIONS

SEC. 102. As used in this Act—

(1) "major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States, which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments, and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, and with respect to which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for Federal disaster assistance under this Act and gives assurance of the expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for alleviating the damage, loss, hardship or suffering resulting from such catastrophe;

(2) "United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(3) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands;

(4) "Governor" means the chief executive of any State;

(5) "local government" means any county, city, village, town, district, or other political subdivision of any State, and includes any rural community or unincorporated town or village for which an application for assistance is made by a State or political subdivision thereof;

(6) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, except the American National Red Cross; and

(7) "Director" means the Director of the Office of Emergency Preparedness.

TITLE II—THE ADMINISTRATION OF DISASTER ASSISTANCE

FEDERAL COORDINATING OFFICER

SEC. 201. (a) Immediately upon his designation of a major disaster area, the President shall appoint a Federal coordinating officer to operate under the Office of Emergency Preparedness in such area.

(b) In order to effectuate the purposes of this Act, the coordinating officer, within the designated area, shall

(1) make an initial appraisal of the types of relief most urgently needed;

(2) establish such field offices as he deems necessary and as are authorized by the Director;

(3) coordinate the administration of relief, including activities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations which agree to operate under his advice or direction, except that nothing contained in this Act shall limit or in any way affect the responsibilities of the American National Red Cross under the Act of January 5, 1905, as amended (33 Stat. 599); and

(4) take such other action, consistent with authority delegated to him by the Director, and consistent with the provisions of this Act, as he may deem necessary to assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

EMERGENCY SUPPORT TEAMS

SEC. 202. The Director is authorized to form emergency support teams of Federal personnel to be deployed in a major disaster area. Such emergency support teams shall assist the Federal coordinating officer in carrying out his responsibilities pursuant to section 201(b) of this Act. Upon request of the Director, the head of any Federal department or agency is authorized to detail to temporary duty with the emergency support teams on either a reimbursable or nonreimbursable basis, as is determined necessary by the discretion of the Director, such personnel within the administrative jurisdiction of the head of the Federal department or agency as the Director may need or believe to be useful for carrying out the functions of the emergency support teams, each such detail to be without loss of seniority, pay, or other employee status.

COOPERATION OF FEDERAL AGENCIES IN RENDERING EMERGENCY ASSISTANCE

SEC. 203. (a) In any major disaster, Federal agencies are hereby authorized, on direction of the President, to provide assistance by—

(1) utilizing or lending, with or without compensation therefor, to States and local governments, their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act;

(2) distributing or rendering, through the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations, or otherwise, medicine, food, and other consumable supplies, or emergency assistance;

(3) donating or lending equipment and supplies determined in accordance with applicable laws to be surplus to the needs and responsibilities of the Federal Government to State and local governments for use or distribution by them for the purposes of this Act; and

(4) performing on public or private lands or waters any emergency work essential for the protection and preservation of life and property, including—

(A) clearing and removing debris and wreckage in accordance with section 224;

(B) making repairs to, restoring to service, or replacing public facilities (including street, road, and highway facilities) of State and local governments damaged or destroyed by a major disaster, except that the Federal contributions therefor shall not exceed the net cost of restoring each such facility on the basis of the design of such facility as it existed immediately prior to the disaster in conformity with current codes, specifications, and standards;

(C) providing emergency shelter for individuals and families who, as a result of a major disaster, require such assistance; and

(D) making contributions to State or local governments for the purpose of carrying out the provisions of paragraph (4).

(b) Emergency work performed under subsection (a) (4) of this section shall not preclude Federal assistance under any other section of this Act.

(c) Federal agencies may be reimbursed for expenditures under this Act from funds appropriated for the purposes of this Act. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

(d) The Federal Government shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of this section.

(e) In carrying out the purposes of this Act, any Federal agency is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government. Any Federal agency, in performing any activities under this section, is authorized to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates, to employ experts and consultants in accordance with the provisions of section 3109 of such title, and to incur obligations on behalf of the United States by contract or otherwise for the acquisition, rental, or hire of equipment, services, materials, and supplies for shipping, drayage, travel, and communication, and for the supervision and administration of such activities. Such obligations, including obligations arising out of the temporary employment of additional personnel, may be incurred by an agency in such amount as may be made available to it by the President.

(f) In the interest of providing maximum mobilization of Federal assistance under this Act, the President is authorized to coordinate in such manner as he may determine the activities of Federal agencies in providing disaster assistance. The President may direct any Federal agency, with or without reimbursement, to utilize its available personnel, equipment, supplies, facilities, and other resources in accordance with the authority, herein contained. The President may prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act, and he may exercise any power or authority conferred on him by any section of this Act either directly or through such Federal agency as he may designate.

(g) The President, acting through the Office of Emergency Preparedness, shall conduct periodic reviews (at least annually) of the activities of Federal and State departments or agencies providing disaster assistance, in order to assure maximum coordination of such programs, and to evaluate progress being made in the development of Federal, State, and local preparedness to cope with major disasters.

(h) The Director of the Office of Emergency Preparedness is authorized and directed to make in cooperation with the heads of other affected Federal and State agencies, a full and complete investigation and study for the purpose of determining what additional or improved plans, procedures, and facilities are necessary to provide immediate effective action to prevent or minimize losses of publicly or privately owned property and personal injuries or deaths which could result from fires (forest and grass), earthquakes, tornadoes, freezes and frosts, tsunami, storm surges and tides, and floods, which are or threaten to become major disasters. Not later than one year after the date of enactment of this subsection, and from time to time, the Director of the Office of Emergency Preparedness shall report to Congress the findings of this study and investigation together with his recommendations with respect thereto.

USE OF LOCAL FIRMS AND INDIVIDUALS

SEC. 204. In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster assistance activities which may be carried out by contract with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals who reside or do business primarily in the disaster area.

FEDERAL GRANT-IN-AID PROGRAMS

SEC. 205. Any Federal agency charged with the administration of a Federal grant-in-aid program is authorized, if so requested by the applicant State or local authorities, to modify or waive, for the duration of a major disaster proclamation, such administrative procedural conditions for assistance as would otherwise prevent the giving of assistance under such programs if the inability to meet such conditions is a result of the disaster.

STATE DISASTER PLANS

SEC. 206. (a) The President is authorized to provide assistance to the States in developing comprehensive plans and practicable programs for preparation against major disasters, and for relief and assistance for individuals, businesses, and local governments following such disasters. Such plans should include long-range recovery and reconstruction assistance plans for seriously damaged or destroyed public and private facilities.

(b) The President is authorized to make grants of not more than $250,000 to any State, upon application therefor, for not to exceed 50 per centum of the cost of developing such plans and programs.

(c) Any State desiring assistance under this section shall designate or create an agency which is specially qualified to plan and administer such a disaster relief program, and shall, through such agency, submit a State plan to the President, which shall—

(1) set forth a comprehensive and detailed State program for preparation against, and relief following, a major disaster, including provisions for emergency and long-term assistance to individuals, businesses, and local governments; and

(2) include provisions for the appointment of a State coordinating officer to act in cooperation with the Federal coordinating officer appointed under section 201 of this Act.

(d) From time to time the Director shall make a report to the President, for submission to the Congress, containing his recommendations for programs for the Federal role in the implementation and funding of comprehensive disaster relief plans, and such other recommendations relating to the Federal role in disaster relief activities as he deems warranted.

(e) The President is authorized to make grants not to exceed 50 per centum of the cost of improving, maintaining, and updating State disaster assistance plans, except that no such grant shall exceed $25,000 per annum to any State.

USE AND COORDINATION OF RELIEF ORGANIZATIONS

SEC. 207. (a) In providing relief and assistance following a major disaster, the Director may utilize, with their consent, the personnel and facilities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, in the distribution of medicine, food, supplies, or other items, and in the restoration, rehabilitation, or reconstruction of community services and essential facilities whenever the Director finds that such utilization is necessary.

(b) The Director is authorized to enter into agreements with the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations under which the disaster relief activities of such organizations may be coordinated by the Federal coordinating officer whenever such organizations are engaged in providing relief during and after a major disaster. Any such agreement shall include provisions conditioning use of the facilities of the Office of Emergency Preparedness and the services of the coordinating officer upon compliance with regulations promulgated by the Director under sections 208 and 209 of this Act, and such other regulations as the Director may require.

DUPLICATION OF BENEFITS

SEC. 208. (a) The Director, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as the result of a major disaster, shall assure that no such person, business concern, or other entity will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other program.

(b) The Director shall assure that no person, business concern, or other entity receives any Federal assistance for any part of a loss suffered as the result of a major disaster if such person, concern, or entity received compensation from insurance or any other source for that part of such a loss. Partial compensation for a loss or a part of a loss resulting from a major disaster shall not preclude additional Federal assistance for any part of such a loss not compensated otherwise.

(c) Whenever the Director determines (1) that a person, business concern, or other entity has received assistance under this Act for a loss and that such person, business concern or other entity received assistance for the same loss from another source, and (2) that the amount received from all sources exceeded the amount of the loss, he shall direct such person, business concern, or other entity to pay to the Treasury an amount, not to exceed the amount of Federal assistance received, sufficient to reimburse the Federal Government for that part of the assistance which he deems excessive.

NONDISCRIMINATION IN DISASTER ASSISTANCE

SEC. 209. (a) The Director shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out emergency relief functions at the site of a major disaster. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status prior to a major disaster.

(b) As a condition of participation in the distribution of assistance or supplies under section 207, relief organizations shall be required to comply with regulations relating to nondiscrimination promulgated by the Director, and such other regulations applicable to activities within a major disaster area as he deems necessary for the effective coordination of relief efforts.

DISASTER WARNINGS

SEC. 210. The President is authorized to utilize or to make available to Federal, State, and local agencies the facilities of the civil defense communications system established and maintained pursuant to section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. app. 2281(c)), for the purpose of providing needed warning to governmental authorities and the civilian population in areas endangered by imminent major disasters.

PREDISASTER ASSISTANCE

SEC. 221. If the President determines that a major disaster is immiment, he is authorized to use Federal departments, agencies, and instrumentalities, and all other resources of the Federal Government to avert or lessen the effects of such disaster before its actual occurrence.

EMERGENCY COMMUNICATIONS

SEC. 222. The Director is authorized during, or in anticipation of, an emergency to establish temporary communications in any major disaster area in order to carry out the functions of his office, and to make such communications available to State and local government officials and other persons as he deems appropriate.

EMERGENCY PUBLIC TRANSPORTATION

SEC. 223. The Director is authorized to provide temporary public transportation service to meet emergency needs in a major disaster area. Such service will provide transportation to governmental offices, supply centers, stores, post offices, schools, major employment centers, and such other places as may be necessary in order to enable the community to resume its normal pattern of life as soon as possible.

DEBRIS REMOVAL

SEC. 224. (a) The President, whenever he determines it to be in the public interest, is authorized—

(1) through the use of Federal departments, agencies, and instrumentalities, to clear debris and wreckage resulting from a major disaster from publicly and privately owned lands and waters.

(2) to make grants to any State or local government for the purpose of removing debris or wreckage resulting from a major disaster from publicly or privately owned lands and waters.

(b) No authority under this section shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris or wreckage from public and private property, and, in the case of removal of debris or wreckage from private property, shall first agree to indemnify the Federal Government against any claim arising from such removal.

FIRE SUPPRESSION GRANTS

SEC. 225. The President is authorized to provide assistance, including grants, to any State for the suppression of any fire on publicly or privately owned forest or grassland which threatens such destruction as would constitute a major disaster.

TEMPORARY HOUSING ASSISTANCE

SEC. 226. (a) The Director is authorized to provide temporary housing or other emergency shelter, including, but not limited to, mobile homes or other readily fabricated dwellings for those who, as a result of such major disaster, require temporary housing or other emergency shelter, except that for the first twelve months of occupancy no rentals shall be established for any such accommodations, thereafter rentals shall be established, based upon fair market value of the accommodations being furnished, adjusted to take into consideration the financial ability of the occupant. Notwithstanding any other provision of law, any such emergency housing acquired by purchase may be sold directly to individuals and families who are occupants thereof at prices that are fair and equitable. Any mobile home or readily fabricated dwelling shall be placed on a site complete with utilities provided by State or local government, or by the owner or occupant of the site who was displaced by the major disaster, without charge to the United States. However, the Director may elect to provide other more economical and accessible sites at Federal expense when he determines such action to be in the public interest.

(b) The President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered into prior to the disaster. Such assistance shall be provided for a period of not to exceed one year or for the duration of the period of financial hardship, whichever is the lesser. The President is authorized for the purposes of this subsection and in furtherance of the purposes of section 240 of this Act, to provide reemployment assistance services under other laws to individuals who are unemployed as a result of a major disaster.

SMALL BUSINESS DISASTER LOANS

SEC. 231. In the administration of the disaster loan program under section 7(b) (1), (2), and (4) of the Small Business Act, as amended (15 U.S.C. 636(b)), in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a disaster as determined by the Administrator, the Small Business Administration—

(1) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, (A) shall, on that part of any loan in excess of $500, cancel the principal of the loan, except that the total amount so canceled shall not exceed $2,500, except that this clause (A) shall apply only to loans made to cover losses and damage and injury resulting from major disasters as determined by the President, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan except that any such deferred payments shall bear interest at the rate determined under section 234 of this Act.

(2) to the extent such injury, loss, or damage is not compensated for by insurance or otherwise, may grant any loan for repair, rehabilitation, or replacement of property damaged, or destroyed, without regard to whether the required financial assistance is otherwise available from private sources.

(3) may, in the case of the total destruction or substantial property damage of a home or business concern, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. And such refinancing shall be subject to the provisions of clauses (1) and (2) of this section.

FARMERS HOME ADMINISTRATION EMERGENCY LOANS

SEC. 232. In the administration of the emergency loan program under subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961–1967), and the rural housing loan program under section 502 of title V of the Housing Act of 1949, as amended (42 U.S.C. 1472), in the case of loss or damage, resulting from a major disaster as determined by the President, or a natural disaster as determined by the Secretary of Agriculture—

(1) to the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall, on that part of any loan in excess of $500, cancel the principal of the loan, except that the total amount so canceled shall not exceed $2,500, except that this clause (A) shall apply only to loans made to cover losses and damage resulting from major disasters as determined by the President, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan, except that any such deferred payments shall bear interest at the rate determined under section 234 of this Act.

(2) to the extent such injury, loss, or damage is not compensated for by insurance or otherwise, may grant any loan for repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources.

(3) may, in the case of the total destruction or substantial property damage of homes or farm service buildings and related structures and equipment, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. Any such refinancing shall be subject to the provisions of clauses (1) and (2) of this section.

LOANS HELD BY THE VETERANS' ADMINISTRATION

SEC. 233. (1) Section 1820(a) (2) of title 38, United States Code, is amended to read as follows:

"(2) subject to specific limitations in this chapter, consent to the modification, with respect to rate of interest, time of payment of principal or interest or any portion thereof, security or other provisions of any note, contract, mortgage or other instrument securing a loan which has been guaranteed, insured, made or acquired under this chapter;"

(2) Section 1820(f) of title 38, United States Code, is amended to read as follows:

"(f) Whenever loss, destruction, or damage to any residential property securing loans guaranteed, insured, made, or acquired by the Administrator under this chapter occurs as the result of a major disaster as determined by the President under the Disaster Assistance Act of 1970, the Administrator shall (1) provide counseling and such other service to the owner of such property as may be feasible and shall inform such owner concerning the disaster assistance available from other Federal agencies and from State or local agencies, and (2) pursuant to subsection (a) (2) of this section, extend on an individual case basis such forebearance or indulgence to such owner as the Administrator determines to be warranted by the facts of the case and the circumstances of such owner."

DISASTER LOAN INTEREST RATES

SEC. 234. Any loan made under sections 231, and 232 of this Act shall not exceed the current cost of repairing or replacing the disaster injury, loss, or damage in conformity with current codes and specifications. Any loan made under sections 231, 232, 236(b) and 237 of this Act shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of ten to twelve years reduced by not to exceed 2 per centum per annum. In no event shall any loan made under this section bear interest at a rate in excess of 6 per centum per annum.

AGE APPLICATION FOR LOANS

SEC. 235. In the administration of any Federal disaster loan program under the authority of section 231, 232, or 233 of this Act, the age of any adult loan applicant shall not be considered in determining whether such loan should be made or the amount of such loan.

FEDERAL LOAN ADJUSTMENTS

SEC. 236. (a) In addition to the loan extension authority provided in section 12 of the Rural Electrification Act, the Secretary of Agriculture is authorized to adjust and readjust the schedules for payment of principal and interest on loans to borrowers under programs administered by the Rural Electrification Administration, and to extend the maturity date of any such loan to a date not beyond forty years from the date of such loan where he determines such action is necessary because of the impairment of the economic feasibility of the system, or the loss, destruction, or damage of the property of such borrowers as a result of a major disaster.

(b) The Secretary of Housing and Urban Development is authorized to refinance any note or other obligation which is held by him in connection with any loan made by the Department of Housing and Urban Development or its predecessor in interest, or which is included within the revolving fund for liquidating programs established by the Independent Offices Appropriation Act of 1955, where he finds such refinancing necessary because of the loss, destruction, or damage (as a result of a major disaster) to property or facilities securing such obligations. The Secretary may authorize a suspension in the payment of principal and interest charges on, and an additional extension in the maturity of, any such loan for a period not to exceed five years if he determines that such action is necessary to avoid severe financial hardship.

AID TO MAJOR SOURCES OF EMPLOYMENT

SEC. 237. (a) The Small Business Administration in the case of a nonagricultural enterprise, and the Farmers Home Administration in the case of an agricultural enterprise, are authorized to provide any industrial, commercial, agricultural, or other enterprise, which has constituted a major source of employment in an area suffering a major disaster and which is no longer in substantial operation as a result of such disaster, a loan in such amount as may be necessary to enable such enterprise to resume operations in order to assist in restoring the economic viability of the disaster area. Loans authorized by this section shall be made without regard to limitations on the size of loans which may otherwise be imposed by any other provision of law or regulation promulgated pursuant thereto.

(b) Assistance under this section shall be in addition to any other Federal disaster assistance, except that such other assistance may be adjusted or modified to the extent deemed appropriate by the Director under the authority of section 208 of this Act. Any loan made under this section shall be subject to the interest requirements of section 234 of this Act, but the President, if he deems it necessary, may defer payments of principal and interest for a period not to exceed three years after the date of the loan. Any such deferred payments shall bear interest at the rate determined under section 234 of this Act.

FOOD COUPON AND DISTRIBUTION

SEC. 238. (a) Whenever the President determines that, as a result of a major disaster, low-income households are unable to purchase adequate amounts of nutritious food, he is authorized, under such terms and conditions as he may prescribe, to distribute through the Secretary of Agriculture coupon allotments to such households pursuant to the provisions of the Food Stamp Act of 1964 and to make surplus commodities available pursuant to the provisions of section 203 of this Act.

(b) The President, through the Secretary of Agriculture, is authorized to continue to make such coupon allotments and surplus commodities available to such households for so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households to which assistance is made available under this section.

(c) Nothing in this section shall be construed as amending or otherwise changing the provisions of the Food Stamp Act of 1964 except as they relate to the availability of food stamps in a major disaster area.

LEGAL SERVICES

SEC. 239. Whenever the Director determines that low-income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, consistent with the goals of the programs authorized by this Act, the Director shall assure that such programs are conducted with the advice and assistance of appropriate Federal agencies and State and local bar associations.

UNEMPLOYMENT ASSISTANCE

SEC. 240. The President is authorized to provide to any individual unemployed as a result of a major disaster, such assistance as he deems appropriate while such individual is unemployed. Such assistance as the President shall provide shall not exceed to maximum amount and the maximum duration of payment under the unemployment compensation program of the State in which the disaster occurred, and the amount of assistance under this section to any such individual shall be reduced by any amount of unemployment compensation or of private income protection insurance compensation available to such individual for such period of unemployment.

COMMUNITY DISASTER GRANTS

SEC. 241. The President is authorized to make grants to any local government which, as the result of a major disaster, has suffered a substantial loss of property tax revenue (both real and personal). Grants made under this section may be made for the tax year in which the disaster occurred and for each of the following two tax years. The grant for any tax year shall not exceed the difference between the annual average of all property tax revenues received by the local government during the three-tax-year period immediately preceding the tax year in which the major disaster occurred and the actual property tax revenue received by the local government for the tax year in which the disaster occurred and for each of the two tax years following the major disaster but only if there has been no reduction in the tax rates and the tax assessment valuation factors of the local government. If there has been a reduction in the tax rates or the tax assessment valuation factors then, for the purpose of determining the amount of a grant under this section for the year or years when such reduction is in effect, the President shall use the tax rates and tax assessment valuation factors of the local government in effect at the time of the disaster without reduction, in order to determine the property tax revenues which would have been received by the local government but for such reduction.

TIMBER SALE CONTRACTS

SEC. 242. (a) When an existing timber sale contract between the Secretary of Agriculture or the Secretary of the Interior and a timber purchaser does not provide relief from major physical change not due to negligence of the purchaser prior to approval of construction of any section of specified road or of any other specified development facility and, as a result of a major disaster, a major physical change results in additional construction work in connection with such road or facility by such purchaser with an estimated cost, as determined by the appropriate Secretary, (1) of more than $1,000 for sales under one million board feet, (2) of more than $1 per thousand board feet for sales of one of three million board feet, or (3) of more than $3,000 for sales over three million board feet, such increased construction cost shall be borne by the United States.

(b) If the Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangement authorized by subsection (a) of this section, the Secretary may allow cancellation of the contract notwithstanding contrary provisions therein.

(c) The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by the first section of the Act of June 4, 1897 (16 U.S.C. 476), in connection with the sale of timber from national forests, whenever the Secretary determines that (1) the sale of such timber will assist in the construction of any area of a State damaged by a major disaster, (2) the sale of such timber will assist in sustaining the economy of such area, or (3) the sale of such timber is necessary to salvage the value of timber damaged in such major disaster or to protect undamaged timber.

(d) The President, when he determines it to be in the public interest, and acting through the Director of Emergency Preparedness, is authorized to make grants to any State or local government for the purpose of removing from privately owned lands timber damaged as a result of a major disaster, and such State or local government is authorized upon application, to make payments out of such grants to any person for reimbursement of expenses actually incurred by such person in the removal of damaged timber, not to exceed the amount that such expenses exceed the salvage value of such timber.

MINIMUM STANDARDS FOR RESIDENTIAL STRUCTURE RESTORATION

SEC. 243. No loan or grant made by any relief organization operating under the supervision of the Director, for the repair, restoration, reconstruction, or replacement of any residential structure located in a major disaster area shall be made unless such structure will be repaired, restored, reconstructed, or replaced in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable building codes and specifications.

FEDERAL FACILITIES

SEC. 251. The President may authorize any Federal agency to repair, reconstruct, restore, or replace any facility owned by the United States and under the jurisdiction of such agency which is damaged or destroyed by any major disaster if he determines that such repair, reconstruction, restoration, or replacement is of such importance and urgency that it cannot reasonably be deferred pending the enactment of specific authorizing legislation or the making of an appropriation for such purposes. In order to carry out the provisions of this section, such repair, reconstruction, restoration, or replacement may be begun notwithstanding a lack or an insufficiency of funds appropriated for such purpose, where such lack or insufficiency can be remedied by the transfer, in accordance with law, of funds appropriated to that agency for another purpose.

STATE AND LOCAL GOVERNMENT FACILITIES

SEC. 252. (a) The President is authorized to make contributions to State or local governments to repair, restore, reconstruct, or replace public facilities belonging to such State or local governments which were damaged or destroyed by a major disaster, except that the Federal contribution therefor shall not exceed 100 per centum of the net cost of repairing, restoring, reconstructing, or replacing any such facility on the basis of the design of such facility as it existed immediately prior to such disaster and in conformity with applicable codes, specifications, and standards.

(b) In the case of any such public facilities which were in the process of construction when damaged or destroyed by a major disaster, the Federal contribution shall not exceed 50 per centum of the net costs of restoring such facilities substantially to their prior disaster condition and of completing construction not performed prior to the major disaster to the extent the increase of such cost over the original construction cost is attributable to changed conditions resulting from a major disaster.

(c) For the purposes of this section "public facility" includes any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-Federal-aid street, road, or highway, and any other public building, structure, or system, other than one used exclusively for recreation purposes.

PRIORITY TO CERTAIN APPLICATIONS FOR PUBLIC FACILITY AND PUBLIC HOUSING ASSISTANCE

Sec. 253. In the processing of applications for assistance, priority and immediate consideration may be given, during such period, not to exceed six months, as the President may prescribe by proclamation, to applications from public bodies situated in major disaster areas, under the following Acts:

(1) title II of the Housing Amendments of 1955, or any other Act providing assistance for repair, construction, or extension of public facilities;

(2) the United States Housing Act of 1937 for the provision of low-rent housing;

(3) section 702 of the Housing Act of 1954 for assistance in public works planning;

(4) section 702 of the Housing and Urban Development Act of 1965 providing for grants for public facilities; or

(5) section 306 of the Consolidated Farmers Home Administration Act.

RELOCATION ASSISTANCE

Sec. 254. Notwithstanding any other provision of law, no person otherwise eligible for any kind of relocation assistance payment authorized under section 114 of the Housing Act of 1949 shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to reoccupy property from which he was displaced by such disaster.

TITLE III—MISCELLANEOUS

TECHNICAL AMENDMENTS

Sec. 301. (a) Section 701(a)(3)(B)(ii) of the Housing Act of 1954 (40 U.S.C. 461(a)(3)(B)(ii) is amended to read as follows: "(ii) have suffered substantial damage as a result of a major disaster as determined by the President pursuant to the Disaster Relief Act of 1970."

(b) Section 8(b)(2) of the National Housing Act (12 U.S.C. 1706c(b)(2)) is amended by striking out of the last proviso "section 2(a) of the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes' (Public Law 875, Eighty-first Congress, approved September 30, 1950)" and inserting in lieu thereof "section 102(1) of the Disaster Relief Act of 1970".

(c) Section 203(h) of the National Housing Act (12 U.S.C. 1709(h)) is amended by striking out "section 2(a) of the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters and for other purposes' (Public Law 875, Eighty-first Congress, approved September 30, 1950), as amended" and inserting in lieu thereof "section 102(1) of the Disaster Relief Act of 1970".

(d) Section 221(f) of the National Housing Act (12 U.S.C. 17151(f)) is amended by striking out of the last paragraph "the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes', approved September 30, 1950, as amended (42 U.S.C. 1855–1855g)" and inserting in lieu thereof "the Disaster Relief Act of 1970".

(e) Section 7(a)(1)(A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress, a amended; 20 U.S.C. 241–1(a)(1)(A)), is amended by striking out "pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855(a))" and inserting in lieu thereof "pursuant to section 102(1) of the Disaster Relief Act of 1970".

(f) Section 16(a) of the Act of September 23, 1950 (79 Stat. 1158; 20 U.S.C. 646(a)) is amended by striking out "section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855(a))" and inserting in lieu thereof "section 102(1) of the Disaster Relief Act of 1970".

(g) Section 408(a) of the Higher Education Facilities Act of 1963 (20 U.S.C. 758(a)) is amended by striking out "section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a))" and inserting in lieu thereof "section 102(1) of the Disaster Relief Act of 1970".

(h) Section 165(h)(2) of the Internal Revenue Code of 1954, relating to disaster losses (26 U.S.C. 165(h)(2)) is amended to read as follows:

"(2) occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Disaster Relief Act of 1970".

(i) Section 5064(a) of the Internal Revenue Code of 1954 (26 U.S.C. 5064(a)), relating to losses caused by disaster, is amended by striking out "the Act of September 30, 1950 (42 U.S.C. 1855)" and inserting in lieu thereof "the Disaster Relief Act of 1970".

(j) Section 5708(a) of the Internal Revenue Code of 1954 (26 U.S.C. 5708(a)), relating to losses caused by disaster, is amended by striking out "the Act of September 30, 1950 (42 U.S.C. 1855)" and inserting in lieu thereof "the Disaster Relief Act of 1970".

(k) Section 3 of the Act of June 30, 1954 (68 Stat. 330; 48 U.S.C. 1681), is amended by striking out of the last sentence "section 2 of the Act of September 30, 1950 (64 Stat. 1109), as amended (42 U.S.C. 1855a)" and inserting in lieu thereof "section 102(1) of the Disaster Relief Act of 1970".

(l) Whenever reference is made in any provision of law (other than this Act), regulation, rule, record, or document of the United States to the Act of September 30, 1950 (64 Stat. 1109), or any provision of such Act, such reference shall be deemed to be a reference to the Disaster Relief Act of 1970 or to the appropriate provision of the Disaster Relief Act of 1970 unless no such provision is included therein.

REPEAL OF EXISTING LAW

Sec. 302. The following Acts are hereby repealed:

(1) the Act of September 30, 1950 (64 Stat. 1109);

(2) the Disaster Relief Act of 1966, except section 7 (80 Stat. 1316); and

(3) the Disaster Relief Act of 1969 (83 Stat. 125).

PRIOR ALLOCATION OF FUNDS

Sec. 303. Funds allocated before the date of enactment of this Act under a Federal-State Disaster Agreement for the relief of a major disaster as defined in the Act of September 30, 1950 (Public Law 875, Eighty-first Congress), and not expended on the date of enactment of this Act may be used by the State to make payments to any person for reimbursement of expenses actually incurred by such person in the removal of debris from community areas, but not to exceed the amount that such expenses exceed the salvage value of such debris, or in otherwise carrying out the purposes of such Act of September 30, 1950, or this Act.

EFFECTIVE DATE

Sec. 304. This Act shall take effect immediately upon its enactment, except that sections 226(b), 237, 241, 252(a), and 254 shall take effect as of August 1, 1969, and sections 231, 232, and 233 shall take effect as of April 1, 1970.

Mr. BAYH. Mr. President, this act is a product of about 5 or 6 years of study by members of the Public Works Committee. The Senator from Indiana was stimulated by a terrible disaster that struck our State on Palm Sunday 1965, in which almost 150 people were killed in dryland farm country in which we normally do not get disasters of that type.

With the leadership of the distinguished Senator from West Virginia we took the ad hoc committee into Indiana; after Camille we went into Biloxi, Miss.; we went into the area represented by the Senator from West Virginia and the Senator from Virginia (Mr. Spong) in pursuit of our study; we went to the west coast following the terrible tragedy of that last earthquake; and as a result, this measure was passed. It has been strengthened and the whole thrust of the efforts of the Committee on Public Works, and I must say over serious objection by our friends on the House side, was to establish for the first time in history permanent ongoing disaster relief legislation.

I salute my friend from New Hampshire and the members of his committee for the fact that as I understand this $5,000 forgiveness provision, it is not just an effort to respond to this particular disaster, but to provide permanent ongoing legislation and authority which can be applied to any subsequent disasters so that we do not have to come to the floor of the Senate and rush in with a Betsy bill or a Beulah bill, whatever it might be, because the legislation will already be there.

Mr. President, I bring this to the attention of the Senate because some of the language in the report is rather harsh language when it refers to past efforts that have been made, and at least by inferences, suggests that it is not an ongoing program now. There is an ongoing program that provides a number of things that were never provided before.

We provide for temporary housing; we provide for food in time of a disaster; we provide for transportation facilities, we provide for income assistance to those unemployed; we provide grants to communities to enable them to provide public service; we go into areas to rebuild county roads. I see the senior Senator from California and the junior Senator from California in the Chamber. We provided hospital relief, after looking at the hospital in California. We provided aid for private as well as public hospitals for the first time. And now I understand that this bill would deal with private as well as public schools.

I want to say on behalf of the Committee on Public Works, on which committee I was pleased to serve and that I regret leaving, that we had permanent ongoing legislation and I am glad to see some officials in the administration supporting this type of loan forgiveness section.

I remember sitting out in the Santa Rosa Church in California, and I remember sitting over here in the caucus room of the Old Senate Office Building and having some of those same officials saying this program would not be workable. They said we could afford to give money to foreign countries but that we could not afford loans to our own citizens as a result of disasters.

I say to my friend from Ohio, in all respect, that this would change the level at which the forgiveness formula would be initiated pursuant to his bill from $6,000 to $10,000. Some Members of the Senate may feel that is high. But I would like to suggest that if they study the overall disaster problem, they would have to take into consideration that those at the low end of the economic totem pole receive significant relief from organizations such as the Red Cross, the Salvation Army, and other organizations. But if we then go into that income area where a person has a fairly decent home, mortgaged up to the hilt, and they are struggling to make mortgage payments, with a child in college, they are hit by a disaster, and we come along and say, "We are going to help. We are going to give you another SBA loan to add onto the one you already have, which is now secured by a hole in the ground," then we would not have helped very much. I think those people with incomes up to $10,000 need help when they are hit by disasters as much as those who are in the lower income group.

Mr. TAFT. Mr. President, I thank the Senator for his contribution to the debate. I recognize the Senator's leadership over a period of years in connection with this study of the problem, and the prospect of making some really meaningful improvements in the present bill.

The suggestion the Senator from Indiana has made for increasing the triggering level of the application of the "sliding scale" family income from $6,000 to $10,000 is a matter of judgment. I think there probably is much to be said for the position he has taken, inasmuch as the average income of families in the United States has increased considerably. The most recent figures show that the average income in the United States is in the neighborhood of $10,000.

Just a few moments ago the Senator from Pennsylvania (Mr. SCHWEIKER) related that in Wilkes-Barre the figure is about $8,000.

I believe that the difference in cost between a triggering level of $6,000 and $10,000 would be relatively small. It is only the difference between the loan forgiveness and a 1-percent loan, which would make up the balance.

Mr. President, I feel agreeable to the proposal of the Senator from Indiana, and I defer to his proposal. I would be willing to suggest this as a modification to the Taft amendment.

Mr. President, have the yeas and nays been ordered on the amendment?

The PRESIDING OFFICER. They have not been.

Mr. TAFT. Mr. President, if the yeas and nays have not been ordered I would at this time ask to modify my amendment to change the $6,000 to $10,000, the figure suggested by the Senator from Indiana.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The amendment is so modified.

Mr. BAYH. Mr. President, I thank my colleague from Ohio and I am prepared to yield back the remainder of my time, so that I might send one other perfecting amendment to his amendment to the desk at this time.

Mr. TAFT. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is time yielded back?

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Mr. President, is it true that once the yeas and nays are ordered that perfecting amendments cannot be accepted?

Mr. TAFT. Mr. President, I will withdraw my request.

The PRESIDING OFFICER. Once the yeas and nays have been ordered, it takes unanimous consent to modify an amendment, but amendments can always be offered.

Mr. BAYH. Mr. President, can they be accepted? I did not want the Senator from Ohio to do anything he did not want to do.

Mr. TAFT. No; I withdraw my request for the yeas and nays at this time. I had forgotten that the Senator from Indiana desired to offer a perfecting amendment.

Mr. McINTYRE. Mr. President, is it not true that I have 15 minutes in opposition to the amendment as amended?

The PRESIDING OFFICER. The Bayh amendment has been incorporated into the Taft amendment and is no longer before us, so there is no time on it.

Mr. McINTYRE. Mr. President, I will take time off the bill.

With reference to the amendment being offered by the Senator from Indiana, as I have said, these are constructive ideas, but it is an entirely new philosophy to start giving relief based on a man's income, and the idea as espoused in the amendment by the Senator from Ohio was defeated in committee. Therefore, the committee will oppose the Bayh amendment to the Taft amendment.

It is interesting to note what the Senator from Indiana says. At one time he was chairman of an ad hoc Committee on Public Works dealing with disaster relief. We knew that the 1970 Disaster Relief Act was inadequate, and the testimony before our subcommittee bears this out. The Senator from Pennsylvania and the Representative from South Dakota were talking in terms of 90 percent and 50 percent forgiveness of the loss incurred.

So I want to say to the Senator from Indiana I feel that what the Small Business Subcommittee of the Committee on Banking, Housing and Urban Affairs has done is bring in a bill which will terminate on July 1, 1973, and we are saying to the President to put together a commission to study the whole problem of natural disaster relief and face up to the realities, because the permanent legislation just does not do the job. The Small Business Administration, which is an arm of the Government to help free enterprise, finds itself heavily involved in disaster work, and it has to pull men off its regular work in the free enterprise system.

While I want to say that the ideas of the Senator from Indiana and the Senator from Ohio may be fine, I think they are more subject to the grist of the full mill, where we would have all the agencies of government acting on the program. As the Senator from Indiana well knows, in a presidentially declared disaster, 31 agencies are brought in to help. All we are talking about here is the Small Business Act. So we do not encompass all matters that would properly be given attention by a Presidential Commission studying this serious problem.

Mr. BAYH. Mr. President, will the Senator yield for a question?

Mr. McINTYRE. I am happy to yield.

Mr. BAYH. Would the Senator point out the shortcomings of the 1970 act that were referred to by the various Senators he mentioned? I want to suggest that we are talking about two different things, and there can be little question about the inadequacies of the loan provisions of the act to which he is referring, but in the report, and indeed in asking the President to study the problem, he is pointing out that there are basic shortcomings in the Disaster Relief Act, which I have not seen criticized heretofore.

Mr. McINTYRE. We are just saying the Natural Disaster Relief Act of 1970 is inadequate. Also, the Senator from Indiana has indicated he proposed more generous provisions, and at that time they were opposed by the administration. Is that correct?

Mr. BAYH. Yes; but we persevered until we got them written into law in the 1970 act.

What I am pointing out is that if this Presidential Commission starts doing what we have been doing since 1965, we are talking about two different things. One, we are talking about grants and the forgiveness of loans, which come within the jurisdiction of the Senator from New Hampshire and his committee. That is where the real shortcomings have been. If there is to be a Presidential study into other facets of the problem, that matter should be referred to the Committee on Labor and Public Welfare, which has been studying it for a great many years, and as to which I have not seen any criticism. I have not seen any complaints that we cannot get highways replaced or schools replaced or debris removed or other places made clean and safe. I want to be sure the act clarifies this matter, and that these shortcomings are studied when the Commission, as well as this body, studies it.

Mr. McINTYRE. I agree with what the Senator has said. We are dealing today with the Small Business Act.

Mr. BAYH. I do not want to take any more time of the Senator, but when he is through I would like to make observations on my own time, if I have any time left.

Mr. McINTYRE. I have no more to say.

Mr. BAYH. Mr. President, if I do have any time, I am glad to yield to the Senator from Ohio.

Mr. TAFT. Mr. President, I want to comment on the technical difficulties the Senator from New Hampshire is discussing. The burden being discussed by the Senator relates to the tremendous job of processing claims that are to be acted on, going back a year and a half, and processing new claims, but the burden the Senator from New Hampshire is talking about, insofar as my amendment is concerned, relates to the Internal Revenue Service. As was stated earlier, the Internal Revenue Service has indicated that it takes only a week and a half to make a determination under the system once it is set up.

The PRESIDING OFFICER. The Chair would point out that the only amendment pending is the Taft amendment, as modified, and there is no time remaining on the Taft amendment, as modified. Once the modification was adopted, the time on the Bayh amendment expired.

Mr. BAYH. Mr. President, I am going to offer another amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment to the amendment of Mr. TAFT.

Mr. BAYH. Mr. President, I ask unanimous consent that the amendment be considered as having been read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment to the amendment is as follows:

On page 2, line 24, insert the following: after "sustained," add: "*Provided however*, That if the Administrator finds that because of the disaster the income of the borrower in the next succeeding 24 months is likely to decline substantially from the level of the borrower's income in the preceding taxable year, 'income' means adjusted gross income as defined in Section 62 of the Internal Revenue Code of 1954, reduced by $300 for each deduction for personal exemptions allowable to the borrower under Section 151 of such Code, as estimated by the Administrator for the taxable year after the taxable year in which the loss or damage is sustained,".

Mr. BAYH. Mr. President, I have discussed this matter briefly with the Senator from Ohio. It goes to what I hope he will consider to be an effort to strengthen his amendment, which I am inclined to support.

What this amendment says is that we should give to the Administrator not just authority to look at the income a man has made in the year prior to the disaster in determining whether there is going to be loan forgiveness or how much, but that we should let him go ahead and look at the next 2 years and see what the disaster has done to decrease his income in the succeeding years, because that is the true test of the damage, that is the true test of how much that loan should be forgiven. We use the same formula in the amendment as the Senator from Ohio has used in applying to those who are disabled or those who retire. A man can be disabled by a serious loss of income as well as by physical injury.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. TAFT. Mr. President, I have discussed this matter with the Senator from Indiana. It would be discretionary for the administrator to make his choice between the methods to be used. If he thinks the method of using previous income would not accurately reflect an applicant's financial situation, he can use the estimate of his forthcoming income. I think that is fair. I am quite willing to accept the modification.

Mr. BAYH. Mr. President, would the Senator be kind enough not to accept the amendment for just another moment?

Mr. TAFT. I will be glad to withhold that request. I have not asked to modify my amendment yet.

Mr. BAYH. I hate to bite the hand that feeds me. I am extremely grateful to the Senator from Ohio.

I would like to say a word in support of his general approach in the time that remains. I apologize to my colleagues who normally think that a disaster loan would automatically be considered carte blanche.

Mr. President, one last word. On reflection, I do not want to beat this to death on details, but I think we are talking a little more than details; I think we are talking about general philosophy.

When I first introduced, following natural disasters in 1965, what ultimately became the 1970 act, we wrote in the first grant provision ever. It was not until after Hurricane Camille, after the Labor Day recess in which Camille hit, that we were finally able to get our colleagues in the House of Representatives to accept an $1,800 forgiveness provision in the 1969 act. Then, after thorough study of the problem, we were able to increase the forgiveness to $2,500 in the 1970 act.

I enthusiastically support the $5,000 forgiveness figure, I am tired of us being so niggardly in the way we treat our citizens when they are affected by disasters, when at the same time we do not ask any questions when we pour funds into Chile, Iran, and other places. Now I support foreign aid, but we just cannot shortchange our own people.

But we are going to have to sell this, to our colleagues in the House of Representatives as well as to the public generally. I suggest that the formula of the Senator from Ohio as now amended, which says that if you are a low- or low-middle-income earner, we are going to give you $5,000 forgiveness, by the formula that is triggered by his amendment, says that if you are in a high-income bracket and you are hit by a disaster, you are just not going to get the same kind of treatment, the same forgiveness as if you were making $5,000, $6,000, $7,000, $8,000, $9,000, or $10,000.

That, as I see it, is the real equity of the amendment of the Senator from Ohio. Some place we have to draw the line on one side of which we do not forgive but on the other side of which we are generous about the amount of the forgiveness and the public assistance we are offering. I know of no better way to make this determination than to look at the income the man is making, and that is the provision contained in the amendment of the Senator from Ohio. For that reason, I enthusiastically support it.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. BAYH. I am glad to yield to the Senator from Arkansas.

Mr. FULBRIGHT. I heard just recently about the experience after the earthquake in Los Angeles. Is the Senator acquainted with the degree to which they determined the claims were not justified?

Mr. BAYH. Yes; the Senator from Indiana had the responsibility of holding hearings out there in two or three places, and touring the disaster area.

Mr. FULBRIGHT. Is there any safeguard against that in this bill?

Mr. BAYH. The only safeguard is to have an administrator who is going to get up off the seat of his pants and crack the whip over the local people who have the responsibility for doing the job.

Mr. FULBRIGHT. Would this bill insure that?

Mr. BAYH. As far as I can see, the present act would do it; but I think everyone has learned something from what happened in California, because the very administrators who testified before our committee that we should abolish this whole section altogether have now suggested that we ought to raise the limit to $5,000.

I am suggesting that we ought to raise it to $5,000, but we should not treat a man making a million dollars a year the same way as we treat a man making $1,000 to $10,000; and if the Senator believes as I do, he will vote to accept the amendment of the Senator from Ohio.

Mr. TAFT. Mr. President, I ask that my amendment be modified by appending to it the amendment of the Senator from Indiana.

The PRESIDING OFFICER. The Senator has a right to modify his amendment, and it is so modified.

Mr. TAFT. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. BEALL). The question is on agreeing to the amendment of the Senator from Ohio (Mr. TAFT), as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), and the Senator from Georgia (Mr. GAMBRELL) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

On this vote, the Senator from Iowa (Mr. MILLER) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Iowa would vote "yea" and the Senator from Massachusetts would vote "nay."

The result was announced—yeas 47, nays 36, as follows:

[No. 348 Leg.]

YEAS—47

Allen
Bayh
Bellmon
Boggs
Brock
Burdick
Byrd, Robert C.
Cannon
Case
Church
Cooper
Cranston
Curtis
Dole
Dominick
Fong
Fulbright
Goldwater
Gravel
Gurney
Hart
Hartke
Hatfield
Hollings
Hruska
Javits
Kennedy
Magnuson
McGee
Metcalf
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Roth
Saxbe
Stafford
Stennis
Stevenson
Symington
Taft
Thurmond
Tunney
Weicker
Young

NAYS—36

Aiken
Anderson
Beall
Bennett
Bentsen
Bible
Buckley
Byrd, Harry F., Jr.
Chiles
Cook
Ervin
Hansen
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Mansfield
Mathias
McClellan
McGovern
McIntyre
Mondale
Moss
Nelson
Ribicoff
Schweiker
Scott
Smith
Sparkman
Spong
Stevens
Talmadge
Tower
Williams

NOT VOTING—16

Allott
Baker
Brooke
Cotton
Eagleton
Eastland
Fannin
Gambrell
Griffin
Harris
Long
Miller
Montoya
Mundt
Muskie
Percy

So Mr. Taft's amendment, as modified, was agreed to.

NATIONAL ENVIRONMENTAL DATA SYSTEM AND STATE ENVIRONMENTAL CENTERS ACT OF 1972

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 56.

The PRESIDING OFFICER (Mr. Beall) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 56) to amend the National Environmental Policy Act of 1969, to provide for a national environmental data system, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JACKSON. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Jackson, Mr. Bible, Mr. Moss, Mr. Hatfield, and Mr. Bellmon conferees on the part of the Senate.

INCREASED GOVERNMENT ASSISTANCE FOR DISASTER RELIEF

The Senate continued with the consideration of the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate of Small Business Administration disaster loans.

Mr. TALMADGE. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. Taft). The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. TALMADGE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 10, after line 17, insert the following:

Sec. 4. Subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961–1967), is amended by adding at the end thereof the following new section:

"Sec. 328. (a) Notwithstanding any other provision of law, in the administration of this subtitle and the rural housing loan program under section 502 of title V of the Housing Act of 1949, as amended (42 U.S.C. 1472), in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a natural disaster as determined by the Secretary of Agriculture which occurred after June 30, 1971, and prior to July 1, 1973, the Secretary—

"(1) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, (A) shall cancel the principal of the loan, except that the total amount so canceled shall not exceed the greater of (i) 50 per centum of the original principal amount of such loan but not more than $5,000; or (ii) the per centum that would be canceled of a loan of the same size by the Small Business Administration under section 7(b) of the Small Business Act, as amended (15 U.S.C. 636(b)), and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan except that any such deferred payments shall bear interest at a rate per annum to be determined by the Secretary of the Treasury under section 234 of the Disaster Relief Act of 1970 (42 U.S.C. 4453), or that established by the Small Business Administration under section 7(b) of the Small Business Act, as amended (15 U.S.C. 636(b)), whichever is lower: *Provided,* That no one borrower shall be eligible to receive more than one such cancellation for any single disaster.

"(2) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, may grant any loan for repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required loan is otherwise available from private sources.

"(3) may, in the case of the total destruction or substantial property damage of homes or farm service buildings and related structures and equipment, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. Any such refinancing shall be subject to the provisions of clauses (1) and (2) of this section.

"(b) Notwithstanding any other provision of law, the provisions of subsection (a) of this section shall also apply to the administration of the programs referred to in such subsection in the case of any property loss or damage or injury, including loss or damage to agricultural crops, resulting from flood or excessive prolonged rain, drought, or other natural disaster occurring on or after June 30, 1971, and prior to July 1, 1973, in any area determined by the President to be a major disaster area or in any area determined by the Secretary of Agriculture to have suffered a natural disaster during such period.

"(c) Any loan made under this section shall not exceed the current cost of repairing or replacing the disaster loss or damage or injury in conformity with current codes and specifications. Any loan made under this section shall bear interest at a rate per annum to be determined by the Secretary of the Treasury under section 234 of the Disaster Relief Act of 1970 (42 U.S.C. 4453), or that established by the Small Business Administration under section 7(b) of the Small Business Act, as amended, (15 U.S.C. 636(b)), whichever is lower.

"(d) In the administration of any Federal disaster loan program under the authority of this section, the age of any adult loan applicant shall not be considered in determining whether such loan should be made or the amount of such loan.

"(e) The benefits provided under this section shall be applicable to all loans qualifying hereunder, whether approved before or after the date of enactment of this section.

"(f) The President shall conduct a thorough review of existing disaster relief legislation as it relates to emergency loans and housing loans administered by the Farmers Home Administration of the United States Department of Agriculture, and not later than January 31, 1973, he shall transmit to the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report containing specific legislative proposals for the comprehensive revision of such legislation in order to—

"(1) adjust the benefits and the coverage available to persons affected by disasters;

"(2) improve the execution of the program by simplifying and eliminating unnecessary administrative procedures; and

"(3) prevent the misuse of benefits made available under the program."

Mr. TALMADGE. Mr. President, Senators will recall that on July 17, 1972, the Senate received a message from the President on disaster legislation asking for quick action by the Congress.

The same day a bill, S. 3795, was introduced and was referred jointly to the Committee on Banking, Housing and Urban Affairs and to the Committee on Agriculture and Forestry.

That bill concerned both Small Business Administration and Farmers Home Administration disaster loans. Other bills relating to disasters were also introduced on the same day.

In order to comply with the President's wishes for expeditious treatment of this legislation, the Committee on Agriculture and Forestry met on Monday, July 24, 1972, to consider the bills that were before it.

After discussion, the committee decided to report an original bill which would amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for disaster emergency loan relief and for other purposes.

In discussions with the leadership and with the chairman of the Senate Banking, Housing and Urban Affairs Committee, it was decided that when the bill reported by the latter committee was brought before the Senate for consideration, the original bill reported by the

Committee on Agriculture and Forestry would be offered as an amendment to that bill.

Mr. President, this amendment is identical, except for several technical corrections, to the bill S. 3840, as reported by the Committee on Agriculture and Forestry on July 24.

The amendment provides: First, for loans, to the extent that such loss, injury, or damage is not compensated by insurance or otherwise, to victims of any major disaster declared by the President or natural disaster declared by the Secretary of Agriculture occurring during the period June 30, 1971, to July 1, 1973.

Second, for cancellation of part of the original principal amount of such loan: the amount of the cancellation would not exceed the greater of 50 percent of the original principal of a loan but not more than $5,000; or the percent of the original principal that would apply to loans of the same size made by the Small Business Administration under the authority of section 7(b) of the Small Business Act, as amended, (15 U.S.C. 636(b)); no borrower would be eligible to receive more than one cancellation with respect to any single declared disaster.

Third. The loans minus the cancellation made under this section would bear a formula interest rate set by the Secretary of the Treasury or that established for disaster loans made by the Small Business Administration under section 7(b) of the Small Business Act, as amended (15 U.S.C. 636(b)), whichever is lower.

Fourth. For deferral of interest payments or principal payments, or both, in whole or in part, during the first 3 years of the term of such loans, except that such deferred payments shall bear interest at a formula rate established by the Secretary of the Treasury or established by the Small Business Administration under the provisions for disaster relief cited above whichever is lower.

Fifth. In the case of total destruction or substantial property damage for the refinancing of any mortgage or lien to the extent of the physical loss sustained.

Sixth. That loans may be made without regard to whether the required loan is otherwise available from private sources.

Seventh. For the submission of a report by the President to the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives by January 31, 1973, concerning specific legislative proposals for the comprehensive revision of existing disaster relief legislation as it relates to emergency loans and housing loans administered by the Farmers Home Administration.

Mr. President, the Committee on Agriculture and Forestry acted first on disaster legislation and only as it concerns the FHA authorities. Changes were made in the President's proposal first, as to the amount of the loan to be canceled; second, the level of interest to be charged; and third, the period of time to be covered.

This committee felt that the amount of the loan cancellation authorized should not exceed 50 per centum of the original principal of loans of less than $10,000 and on loans of $10,000 or more, not more than $5,000.

Further, this committee felt that interest rates charged should be those established by the Secretary of the Treasury under the Disaster Relief Act of 1970 (42 U.S.C. 4453).

Notwithstanding the decision of the committee, they also felt that the cancellation and interest rate charges on loans made by Farmers Home Administration under its authorities should in no event be different than those same benefits applicable to disaster loans made by the Small Business Administration. The attitude was strongly held that benefits should be exactly the same, no more, no less, as between the two agencies.

In order to assure that the disaster benefits provided under our bill, S. 3840, and this amendment were comparable to those authorized under a bill still to be reported when S. 3840 was approved, the committee included language to accomplish this purpose. Simply stated, that language requires that disaster loans made by the Farmers Home Administration under the bill S. 3840, and this amendment, shall receive the same cancellation and interest rate benefits as provided under the disaster loan provisions of the bill reported by the Banking, Housing and Urban Affairs Committee. That bill, H.R. 15692, as amended, is now before the Senate for consideration.

The Committee on Agriculture and Forestry also felt that the time period to be covered for disaster benefits should be the same. We had thought that the period to be covered would be June 30, 1971 to July 1, 1973 and so provided in S. 3840 and in this amendment. However, the bill H.R. 15692 provides for disasters occurring between January 1, 1971, and July 30, 1973. And so, Mr. President, while there is this difference, there is nothing I can do since the Committee on Agriculture and Forestry has already made its decision.

As explained by the distinguished floor manager of the bill, H.R. 15692, authorizes disaster loans and cancellation of the principal of such loan not in excess of $5,000. It also provides for an interest rate on such loans of 1 per centum per annum and that such interest rate will apply on the balance of such loans outstanding effective as of the date of enactment of this bill.

Since it is the intention of the Committee on Agriculture and Forestry to obtain the same benefits for Farmers Home Administration disaster loans as those provided by the Small Business Administration borrowers for disaster purposes, the provisions relating both to cancellation and interest rates contained in H.R. 15692 must also apply to FHA loan cancellation and interest rates on such loans.

Mr. President, I have discussed this amendment, which is a bill reported by the Committee on Agriculture and Forestry, with the distinguished chairman of the parent committee, the distinguished senior Senator from Alabama, and also the distinguished manager of the bill the chairman of the subcommittee on Banking, Housing and Urban Affairs, and my understanding is that the bill is completely acceptable to the committee.

I move adoption of the amendment.

Mr. JORDAN of North Carolina. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I yield.

Mr. JORDAN of North Carolina. I am also a member of the Committee on Agriculture and Forestry and I want thoroughly to concur and endorse the pending amendment because I think those engaged in agricultural and farming operations should have exactly the same treatment as anyone else.

Mr. TALMADGE. That was the feeling of the committee, that agriculture and rural areas should have the identical treatment with a law passed to affect the Small Business Administration and the rules and regulations thereof. Our bill was drafted accordingly.

Mr. JORDAN of North Carolina. I understand that. There was a disaster in my own State, not included in this, which completely wiped out a big portion of our crops, and this would provide great relief to them. Those who were raising, for instance, cabbages, when they were ready to harvest them, they found them to be rotten.

Mr. TALMADGE. The Senator is eminently correct.

Mr. JORDAN of North Carolina. I therefore lend my full support to this bill and I am delighted that they will accept it.

Mr. TALMADGE. I thank my distinguished colleague for his contribution.

Mr. McINTYRE. Mr. President, I want to commend the distinguished Senator from Georgia, the chairman of the Committee on Agriculture and Forestry, for having moved as expeditiously as they have. Of course, as he has already stated, we discussed this matter and we are perfectly willing to accept the amendment because it puts the Farmers Home Loan Administration in tandem with the Small Business Administration. However, I have been informed that there are some amendments to be offered to the amendment of the Senator from Georgia.

Mr. TALMADGE. My understanding is that the Senator from Oklahoma (Mr. BELLMON) has two perfecting amendments which he will offer.

So far as I am concerned, as chairman of the committee, I have no objection to the amendments. I think they will improve the bill and carry out the intention of the committee. I am perfectly prepared to accept the amendments which I have seen and which will be offered by the distinguished Senator from Oklahoma, who is a member of the committee.

Mr. HUMPHREY. Mr. President, I support the amendment being offered by the distinguished chairman of our Committee on Agriculture and Forestry, Senator TALMADGE, and the bill it amends, H.R. 15692, as reported by the Senate Banking, Housing, and Urban Affairs Committee.

I believe the action that has been taken by these two committees concerning improvement in the benefits provided under our Federal emergency programs is needed as well as more equitable than the provisions contained in the President's Agnes Recovery Act bill. The President recommended expansion of benefits under these programs would have been limited to only the victims of the Agnes Hurricane. The action taken both by the Agriculture Committee and by the Banking Committee would extend the Agnes provisions nationwide. Both committee's actions also would make these benefits retroactive to 1971. While the Agriculture Committee amendment retroactive date is June 30, 1971, the Banking Committee bill goes back to January 1, 1971. I would support the Banking Committee's date. Both bills also contain termination dates for providing these improved benefits which is July 1, 1973. Both bills also call on the President to review and study all existing disaster relief legislation and to submit his recommendations to Congress as to what permanent changes in these programs should be made. I am sure most of us in Congress are getting a little tired of having to consider special and emergency bills concerning such needs every time a major disaster occurs.

It is time for the President and Congress to decide what permanent improvements in benefits should be made under these programs so we can avoid having to deal with each disaster separately.

I should also like to point out that although some of the benefit provisions in the Agriculture Committee amendment differ somewhat from those in the Banking Committee's bill, the FHA provisions in the Agriculture Committee amendment are tied to the SBA provisions in the Banking Committee bill. That is to say if the SBA provisions concerning the "forgiveness" and interest rate features are better than what we provide for the FHA in the Agriculture Committee amendment, the SBA provisions regarding these two items in the bill would prevail and be applied to FHA emergency loans.

In short, Mr. President, it is my understanding that the $5,000 forgiveness feature and the 1-percent loan feature contained in the Banking Committee's bill—as it would apply to SBA emergency loans—would also apply to FHA emergency loans. This is due to the manner in which the Agriculture Committee's amendment is worded regarding those provisions.

The committee bill, amended by the Agriculture Committee's amendment. will help tens of thousands of Americans, including many of my Minnesotans whose farms, farmland, houses, and businesses were severely damaged by a series of heavy rains which began actually last fall. Senator MONDALE and I tried to gain some additional relief for many of these people, particularly many of our farmers who were prevented from harvesting or planting their crops last fall and this spring. The Department of Agriculture would not let us reopen the set-aside program to put much of the acreage affected by these rains into the program. USDA turned us down on this request. I ask unanimous consent to have printed in the RECORD at this point the letter from the USDA.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 19, 1972.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: Your June 16 letter concerning disaster-stricken farmers in west central Minnesota has been referred to us by the Farmers Home Administration in order that we may respond to the request by Mrs. Henry Straus, Montevideo, Minnesota, that signup in the feed grain and wheat programs be reopened.

Careful consideration has been given to numerous requests that signup in the programs be reopened and that increases in intentions be approved for farmers who suffered from adverse weather in Minnesota, North Dakota, and South Dakota. We feel the requests should not be approved for a number of reasons, including the following:

1. The set-aside programs are primarily production adjustment programs designed to encourage farmers to take acreage out of crop production. Payments are made to farmers to compensate them for loss of income from crops which would otherwise be produced on such acreage. The payments could not be justified for land placed in the program after a crop has already failed or cannot be planted because of weather conditions. Accepting this land would not result in reduced production.

2. The Agricultural Act of 1970 provides that producers may earn payments only when they set aside an acreage on the farm equal to the number of acres which they agree to set aside. We feel it would be a violation of the intent of the Act to pay farmers for land which they planned to have in production but could not do so because of adverse weather. Set-aside programs are not intended to serve as disaster-assistance programs.

3. Reopening the signup period in one area would be an inequity to other farmers in the Nation who may lose their crops because of adverse weather or other reasons during the growing season.

Producers have a great deal of protection in the face of unfavorable weather. Where it has remained impossible to plant feed grains or wheat, they can request and receive "prevented planting" credit to protect their bases and allotments for 1973. They need not plant any grain to earn program payments for minimum as well as additional set-aside on participating farms.

Sincerely,

CHARLES M. COX,
Acting Deputy Administrator, State and County Operations.

Mr. HUMPHREY. Mr. President, we were, however, able to get these areas declared disaster areas, thereby qualifying them for emergency Farmers Home Administration and Small Business Administration loans. This included 14 counties that were adversely affected by heavy rains last fall and early this year and an additional 10 counties that suffered from a 10- to 14-inch rainfall on the weekend of July 21 this year.

In marking up our FHA amendments in the Agriculture Committee I was able to include language to insure that our Minnesota counties and other areas in the Nation affected by heavy and prolonged rain, drought, or other natural disaster would be covered by these programs. I was successful in including a provision making these benefits retroactive to June 30, 1973. This move will help not only our Minnesota farmers who were rained out last fall, but also those farmers in Texas and throughout the Southwest who were hit by severe drought last summer and fall.

Mr. President, I support the bill and amendment and wish to compliment the Senator from New Hampshire (Mr. MCINTYRE) and our distinguished chairman (Mr. TALMADGE) for their leadership and the contribution they have provided concerning this important legislation.

Mr. BELLMON. Mr. President, I have an amendment at the desk and ask it be stated.

The PRESIDING OFFICER (Mr. TAFT). The Chair would inform the Senator from Oklahoma that all time must be yielded back on the amendment first, in order for the Senator from Oklahoma to offer his amendment.

Mr. TALMADGE. Mr. President, I yield back my time.

Mr. McINTYRE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on this amendment has been yielded back. The clerk will now state the amendment of the Senator from Oklahoma.

The legislative clerk read as follows:

On page 3, line 6 of the amendment offered by Mr. TALMADGE add the following:

"*Provided*, in the case of any loan for refinancing, either under clause (a) (3) of this section or under Section 322 of this subtitle, require the borrowers to demonstrate that they are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time."

Mr. BELLMON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Oklahoma yield to me for 1 minute for a unanimous-consent request?

Mr. BELLMON. I yield.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on each of the amendments to be offered by the Senator from Pennsylvania (Mr. SCHWEIKER) and time on the amendment to be offered by the Senator from Pennsylvania (Mr. SCOTT) and time on each of the amendments to be offered by the Senator from Oklahoma (Mr. BELLMON) be limited to 30 minutes, to be equally divided, rather than 1 hour.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BELLMON. Mr. President, the amendment is short. I read it again:

Provided, in the case of any loan for refinancing, either under clause (a) (3) of this section or under Section 322 of this subtitle, require the borrowers to demonstrate that they are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time.

Mr. President, the effect of this amendment is to require that any individual seeking to refinance a present loan with an emergency loan for which he has become eligible as a result of a disaster designation for his county or area must demonstrate that they are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms.

This amendment would not affect the provisions of the bill which allow original loans to persons affected by a disaster without regard to whether or not credit may be obtained elsewhere.

Mr. TALMADGE. Mr. President, as I understand it, the intent of the Senator's amendment is to prevent someone who now has a loan with the Farmers Home Loan Administration to use the refinancing provision to refinance his loan so as to get a cheaper rate when he could get credit elsewhere.

Mr. BELLMON. The Senator is correct.

Mr. TALMADGE. Mr. President, I have no objection. I hope that the amendment will be agreed to.

Mr. BELLMON. Mr. President, I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Oklahoma to the amendment of the Senator from Georgia.

The amendment was agreed to.

Mr. BELLMON. Mr. President, I have an amendment at the desk and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 3, line 16, insert the following:

Add a new clause to Sec. 328(a): as follows:

"(4) Shall require the recipient of any Emergency loan made under this section to execute the agreement to refinance required by Section 333(c) of this title. *Provided*, that such loans made under Sec. 328(a) shall be reviewed at no less than two year intervals to determine if the agreement to refinance shall become applicable."

Mr. BELLMON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. BELLMON. Mr. President, the purpose of this amendment is to make the emergency loan provisions of the Consolidated Farmers Home Administration Act of 1961 conform to other loans made under the act by requiring a periodic review of the financial condition of the borrower to determine if he is able to obtain credit from conventional sources.

This amendment provides that the review of financial condition may occur no more frequently than every 2 years in order to allow the borrower to make his financial plans for a specific length of time.

Mr. TALMADGE. Mr. President, as I understand it, this amendment merely clarifies the existing law so that if an individual's economic progress is such as to enable him to repay his loan to the Farmers Home Loan Administration, by obtaining credit elsewhere he will be required to do so. Is that the intent of the amendment?

Mr. BELLMON. The Senator is correct.

Mr. TALMADGE. Mr. President, I have no objection to the amendment.

Mr. BELLMON. Mr. President, I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Oklahoma to the Senator from Georgia, as amended.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs now on the question of the amendment of the Senator from Georgia, as amended.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McINTYRE. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time consumed be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I yield 2 minutes on the bill at this time to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 2 minutes.

Mr. SPONG. Mr. President, I thank the floor manager of the bill.

Initially, I wanted to add a word to what the Senator from Indiana has previously said in that the amounts to be forgiven and the amounts to qualify for low-interest loans in the past were as much as the Public Works Committee of the Senate was able to get the House to agree to.

I participated, I believe, in two conferences. And I want to say that the Senator from Indiana was quite correct in pointing that out.

In the hearings, which the distinguished Senator from New Hampshire (Mr. McINTYRE) chaired, I testified with regard to the situation in Virginia where we have several persons who had SBA loans as a result of Hurricane Camille 3 years ago. They now have been damaged again by Hurricane Agnes.

We have had situations where the businesses had one loan and we now find that they have been greatly damaged and are in need of additional loans.

My concern was whether the loans from the first storm can be consolidated with loans which are now being applied for to allow those people who have suffered, not once but twice, from disasters to take advantage of the more favorable terms on interest rates which are permissible under this legislation.

Mr. McINTYRE. Mr. President, may I say in response to my good friend, the Senator from Virginia, that I asked the Administrator of SBA about the need for amending the Disaster Relief Act to allow people to consolidate loans to cover two separate disasters.

Mr. Kleppe, Administrator of the SBA, informed the committee that he could presently do this administratively and, in fact, had recently done so in regard to a loan made in the Richmond, Va. area.

So the question can be answered in the affirmative.

Mr. SPONG. Mr. President, I thank the Senator.

Mr. SCOTT. Mr. President, I call up my amendment No. 1393.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

At the end of the Act, add the following new section:

SEC. 4. (a) The Congress hereby finds and declares that there has been substantial damage to educational institutions as a result of hurricane and tropical storm Agnes; that disaster relief for public educational institutions is adequately covered by legislation heretofore enacted; that nonprofit private educational institutions are not provided disaster relief benefits comparable to those provided to public educational institutions; that nonprofit private educational institutions have a secular educational mission; that students attending nonprofit private educational institutions that have been damaged or destroyed will have to be provided for in public institutions if the former institutions are not restored; and that these facts compel enactment of special measures designed to provide nonprofit private educational institutions which were victims of this catastrophe with disaster relief benefits comparable to those provided for public educational institutions.

(b) To the extent such loss or damage or destruction is not compensated for by insurance or otherwise, the President may make grants to nonprofit private educational institutions in areas declared a major disaster by the President for the repair, restoration, reconstruction, or replacement of educational facilities, supplies, or equipment which have been lost, damaged, or destroyed as a result of hurricane and tropical storm Agnes if such facilities, supplies, or equipment were owned on the date of such loss, damage, or destruction by an organization exempt from taxation under section 501(c), (d), or (e) of the Internal Revenue Code of 1954 and the facilities, supplies, or equipment were being used to carry out the exempt purposes of such organization; except that no grant may be made under this section for the repair, restoration, reconstruction, or replacement of any facility for which disaster relief assistance would not be authorized under Public Law 81–815, title VII of the Higher Educational Act of 1965, or the Disaster Relief Act of 1970 if such facility were a public facility.

(c) The amount of a grant made under this section shall not—

(1) exceed 100 per centum of the cost of—

(A) repairing, restoring, reconstructing, or replacing any facility on the basis of the design of such facility as it existed immediately prior to such disaster and in conformity with applicable codes, specifications, and standards; or

(B) repairing, restoring, or replacing equipment or supplies;

as they existed immediately prior to such disaster;

(2) in the case of any facility which was under construction when so damaged or destroyed, exceed 50 per centum of the cost of restoring such facility substantially to its condition prior to such disaster, and of completing construction not performed prior to such disaster to the extent that the cost of completing construction is increased over the original construction cost due to changed conditions resulting from such disaster;

(3) be used to pay any part of the cost of facilities, supplies, or equipment which are to be used primarily for sectarian purposes; and

(4) be used to restore or rebuild any facility used or to be used primarily for religious worship; replace, restore, or repair any equipment or supplies used or to be used primarily for religious instruction, or restore or rebuild any facility or furnish any equipment or supplies which are used or to be used primarily in connection with any part of the program of a school or department of divinity.

(d) For the purposes of this section—

(1) the term "educational institution" means any elementary school (as defined by section 801(c) of the Elementary and Secondary Education Act of 1965), and secondary school (as defined by section 801(h) of the Elementary and Secondary Education Act of 1965), and any institution of higher education (as defined by section 1201(a) of the Higher Education Act of 1965); and

(2) the term "school or department of divinity" means a school or department of divinity as defined by section 1201 of the Higher Education Act of 1965.

(e) Funds appropriated to the President in the appropriation "Disaster relief" are hereby made available for carrying out the purposes of this section.

Mr. SCOTT. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 15 minutes.

Mr. SCOTT. Mr. President, I ask unanimous consent that the distinguished senior Senator from New York (Mr. Javits) and the distinguished junior Senator from New York (Mr. Buckley) be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I had printed in the Record yesterday, at pages 26656–26657 certain comments together with a message from the President and the letter from Mr. Carlucci, of the Office of Management and Budget in support of the amendment.

The amendment is offered on behalf of the administration pursuant to the message of the President to Congress, and pursuant to the conversation I had with him while I was in Wilkes-Barre when I went up there to view the severity of the damage. The damage was inconceivable to some of us up there.

I talked to the President on the phone in the presence of a number of Wilkes-Barre citizens and explained to him that the present law did not permit Federal grants to private educational institutions, whereas it was possible to repair, reconstruct, and rehabilitate elementary and secondary schools, and federally supported schools of higher education. But in Wilkes-Barre, Wilkes College, which is a private school, sustained so much damage as to put the school entirely out of business. Damage was estimated at several million dollars. Main buildings such as the library are completely uninhabitable. The college is small. It is one of the major educational facilities of the whole Wyoming Valley. The same thing happened to King's College, another private educational facility, and the Wyoming Valley Seminary.

This amendment would provide grants in aid to these nonprofit private educational institutions, which include elementary, secondary, and higher educational facilities. It does not provide aid for any operating expenses; it is simply for material aid.

The amendment is carefully drafted, bearing in mind the constitutional requirements of the church-state relationship. Specifically excluded are facilities, equipment, and supplies used primarily for religious purposes.

Damage to these nonprofit private educational institutions is estimated at $19 million. I said there were several million dollars damage with respect to Wilkes College. It may be somewhat over $2 million at Wilkes College alone. Thirty-five schools are affected with a total enrollment of 17,000 students.

I submit that this is an entirely worthwhile amendment which would correct what would otherwise be a highly discriminatory situation where nearby public schools equally severely damaged have the ability to function and to be reconstructed, whereas the private schools which educate many of the students going to institutions of higher education in the Wyoming Valley are without means to rehabilitate themselves. They do not have an endowment to do it and they do not have the funds to do it. Relief measures are being taken. Pleas are made on local radio stations for private funds. The Red Cross telethon conducted by Bob Hope was a success in raising money, but none of this goes to meet this particularly difficult and harsh situation.

Mr. President, I wish others could see this damage as I have seen it. Senator Schweiker and I are familiar with the severity of the situation and with the need for immediate help.

I do hope the manager of the bill, the Senator from New Hampshire (Mr. McIntyre), can accept the amendment. I am aware of the fact that in the other body certain points of order could be raised. I hope they will not be raised. I understand in the other body the matter will be handled by a distinguished member of the Committee on Appropriations there, Representative Flood, in whose district more damage occurred than in any other congressional district of which I am aware. Thousands of homes were rendered uninhabitable in the Wilkes-Barre area alone.

I hope the Senator from New Hampshire can accept the amendment, realizing that there is a responsibility in the other body to meet that problem there.

Mr. McINTYRE. Mr. President, an examination of the amendment indicates substantially that it is a good amendment, and along with the Senator from Texas, who is also a member of the Committee on Banking, Housing and Urban Affairs, I am willing to accept the amendment and take it to conference.

Mr. SCOTT. I thank the Senator.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield.

Mr. TOWER. Mr. President, as a member of the boards of trustees of two private colleges I have very great sympathy with the measure. The Senator from Pennsylvania has raised the possibility that the House may raise a point of order against the amendment, which may be the case, but for my part I am willing to accept the amendment and take it to conference.

Mr. SCOTT. I thank the Senator and I hope that the point of order will not be raised in the House of Representatives. This is a matter of compassion and understanding. This is a situation which confronts a stricken community. I have great confidence in the distinguished Representative from that district, Mr. Flood. I expect him to be as persuasive in this matter as he is in other matters.

The PRESIDING OFFICER. Who yields time?

Mr. McINTYRE. Mr. President, I yield 2 minutes to the Senator from Pennsylvania, who supports the amendment.

Mr. SCHWEIKER. Mr. President, I thank the chairman for yielding. I rise in support of the amendment. I am a cosponsor of the amendment offered by my distinguished senior colleague from Pennsylvania (Mr. Scott). I think it is a good amendment. I had a similar amendment and a bill—S. 3804—prepared earlier that was not quite as broad as this amendment. I think this is a better amendment. I agreed to cosponsor my colleague's amendment, the administration's amendment, because this is a very much-needed measure.

Mr. President, this amendment would provide that private colleges and universities, and private nonprofit elementary and secondary schools would all be eligible for disaster relief funds for tropical storm Agnes. Under existing law, public educational institutions are eligible for such aid, but private ones are not.

Public school districts can receive disaster funds for current school expenditures, and for the restoration and replacement of school buildings. Public colleges and universities can receive construction funds to restore and replace physical facilities. However, unless existing law is expanded, none of this aid can go to private, nonprofit elementary and secondary schools or to private colleges and universities.

In Pennsylvania, Mr. President, public and private education suffered alike from tropical storm Agnes. When such a disaster strikes, it strikes public schools and private schools, without any partiality. Either way, students are affected, education is affected and the economy of the region is affected.

If this amendment is not made, then Federal aid will go to some of the schools in the disaster area that need help, but will miss completely some schools in Pennsylvania that are probably most in need.

For example, take the two colleges in Wilkes-Barre, Wilkes College and King's College.

Wilkes, with a full-time undergraduate enrollment of 2,500 and hundreds more part-time and graduate students, alone had $10 million in physical damage.

King's, with 2,000 undergraduates, suffered $4 million in damage.

Both Wilkes and King's happen to be private colleges and are not eligible for aid as educational institutions under existing law unless this amendment or a similar one is adopted.

As a matter of fact, the 17 private colleges in Pennsylvania affected by Agnes suffered a total flood damage of more than $15 million—most of it accounted for by the losses at Wilkes and King's Colleges.

The public colleges in Pennsylvania harmed by the flood, No. 8, and their combined damage was only $4 million. Thus, as a group, the private colleges suffered far more than did the public colleges.

Beyond the damage to colleges, the flood caused additional millions of dollars in damage to private elementary and secondary schools. The estimated loss, for Catholic schools alone, is $2,270,000. Over $500,000 of this was at one brand new Catholic high school in Wilkes-Barre.

It is essential, Mr. President, to the recovery of the disaster areas, in Pennsylvania and other States, that the private schools rebuild along with the public schools. This is why we should expand the Federal laws we have to guarantee that the private schools can be rebuilt with Federal help, the same as the public schools will be.

Mr. President, I think it would help at this point for me to recite in more detail the extent of the damage to colleges in the Wilkes-Barre area.

Wilkes College, Mr. President, was one of the first casualties of the flooding Susquehanna River in Wilkes-Barre. On Saturday, June 24, when I toured the flood-stricken Wilkes-Barre area, I saw a man in his motorboat helping to evacuate elderly people from a housing project where the waters had reached to the second floor. When the man introduced himself, I realized it was Dr. Francis Michelini, the president of Wilkes College. He then gave me a first-hand report on the devastation at this college. Since that time, officials at Wilkes College have tallied up the destruction and have come up with an overall figure of $10 million in damage to the 58 buildings on the campus.

The 4-year-old Eugene S. Farley Library building at Wilkes lost at least 60,000 of its 200,000 volumes, and suffered total damage worth $1,250,000.

The men's dormitory and dining hall, completed in 1966, had damage worth $1,000,000.

The Stark Hall of Science, containing ed equipment for the teaching of physics laboratories, classrooms and sophisticated equipment for the teaching of physics and engineering, had $1,500,000 in damage.

The Darte Center for the Performing Arts at the college, situated directly on the Susquehanna River bank, had its auditorium completely filled with water except for the top six rows of seats. The adjacent music building has two Steinway concert grand pianos, valued at $12,000 each, standing on their sides and completely ruined. The total damage to the two buildings was $1,750,000.

The college bookstore, in the basement of the men's dormitory, is completely ruined, a loss of $500,000.

A short distance away is King's College. The principal loss there was to the library, where it will cost $2,000,000 to replace the 60,000 ruined books and restore the building itself. The damage to other buildings at King's, such as the Sheehy Student Center, the gymnasium, the main building, East Hall, Northampton Hall, ran the total damage to a $4 million figure.

Just to complete the local picture in Wilkes-Barre, the Luzerne County Community College, a publicly supported institution, was hit by flood damage of $1.5 million—but, of course, would qualify for aid already under the law because it is a public institution.

These schools and colleges are more than just places where many thousands of area students are receiving higher education. They are also among the city's principal employers. Their recovery as institutions is essential both to their students and to the whole economy of the flood-torn Wilkes-Barre area.

With these changes made in the law, Mr. President, my distinguished senior colleague from Pennsylvania (Mr. SCOTT) and I are prepared to go to the Committee on Appropriations to urge that it vote funds in a supplemental appropriations bill to restore these two private colleges in Wilkes-Barre and other private schools in need in our State back to their preflood condition, along with the public institutions.

Mr. President, I feel it is time for Congress to act to extend disaster relief funds to private as well as public schools and colleges. This amendment would authorize this. I urge that the Senate promptly adopt this amendment.

As the Senator mentioned, Wilkes College had some $10 million in damage and King's College had some $4 million in damage. Many other institutions have been hard hit. They have no other way to get on their feet. Without this relief there is no promising outlook for them. Therefore, I thank the distinguished chairman of the subcommittee for accepting the amendment.

Mr. SCOTT. Mr. President, I yield back the remainder of my time and ask for a vote.

Mr. McINTYRE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCHWEIKER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 8, after line 10, insert the following:

"(c) In the case of loss or damage not compensated for by insurance or otherwise in an amount in excess of the part of a loan which is canceled under the disaster loan program under section 7(b)(1), (2), or (4) of the Small Business Act or under section 232 of the Disaster Relief Act of 1970, the Administrator of the Small Business Administration or the Secretary of Agriculture, as the case may be, shall make a cash grant in an amount equal to the amount of such excess or $2,500, whichever is less. The amount of any Federal grant under the preceding sentence shall be reduced by 4 per centum for each $1,000 by which the grantee's income exceeds $10,000. For the purpose of this subsection, the term 'income' means—

"(1) except in the case of a borrower who retires or becomes disabled in either the taxable year in which the loss or damage is sustained or the preceding taxable year, or in the case of a borrower which is a corporation, adjusted gross income, as defined in section 62 of the Internal Revenue Code of 1954, reduced by $300 for each deduction for personal exemptions allowable to the borrower under section 151 of such Code, for the taxable year preceding the taxable year in which the loss or damage is sustained.

"(2) in the case of a borrower who retires or becomes disabled in the taxable year in which the loss or damage is sustained or in the previous taxable year, adjusted gross income as defined in section 62 of the Internal Revenue Code of 1954, reduced by $300 for each deduction for personal exemptions allowable to the borrower under section 151 of such Code, as estimated by the Administrator for the taxable year after the taxable year in which the loss or damage is sustained, and

"(3) in the case of a corporation, taxable income, as defined in section 63 of the Internal Revenue Code of 1954, for the taxable year preceding the taxable year in which the loss or damage is sustained."

Mr. SCHWEIKER. Mr. President, I had intended to offer another form of this amendment but in view of the amendment of the distinguished Senator from Ohio (Mr. TAFT) being adopted, it is more feasible and logical at this point to offer this particular amendment which has been revised.

Mr. President, to recapitulate a little bit about what the amendment of the Senator from Ohio did and how my amendment would relate to it, my amendment, which is at the end of the bill, would be an add-on to the approach of the Senator from Ohio. In essence the Senator from Ohio dispensed with the flat $5,000 grant that the Nixon administration had proposed and which was in the bill. Instead of the flat grant, there would be a means test beginning at

$10,000 and graduated on $1,000 increments, reducing the $5,000 grant above $10,000. This, of course, took away much of the money that the President had proposed, because people above the $10,000 will not get as much.

If this approach is going to be used, and it is obviously the will of the Senate at this point that it is the approach to be used, then I feel we must more accurately and fairly meet the problem.

Therefore, my amendment changes the forgiveness to $7,500, an increase of $2,500, but it leaves intact the means test that the Senator from Ohio and the Senator from Indiana included. So we are following the course the Senate decided on, that there would be a means test on forgiveness. I feel that the cost of this will not be much more than the cost of the Nixon proposal.

When the Taft amendment was accepted it immediately diminished the cost of the proposal. Under my amendment the cost would go up but it would not be substantial. The amount of the cost would not far exceed, if it did exceed, the original proposal of the President.

I think the most important thing of all is that it gives the person with an income up to $10,000 an opportunity to recoup $7,500 of his loss. So it goes where the need is; the person earning less than $10,000, if he has a loss up to $7,500 can secure exactly that.

The principle we are arguing about today is very important. I realize this is a specific interest, a specific period of time, and a specific disaster.

As I mentioned in my remarks earlier in the day, which I think bear repeating for the benefit of some Senators who may have missed them, Hurricane Agnes was the greatest natural disaster ever to hit the country, bar none. This estimate comes from the commanding general of the Corps of Engineers, General Clark, who flew over the disaster area at the height of the flood, as I did, and who made that statement not only at the time of the flood but since. The Corps of Engineers has stated that the Susquehanna Valley got 14 inches during the 7- or 8-day period when Hurricane Agnes zigzagged across Pennsylvania. Pennsylvania received 70 percent of the damage when Agnes landed in Pennsylvania, and 70 percent of Pennsylvania's damage occurred in the unfortunate city of greater Wilkes-Barre. Some 250,000 people were made homeless by the floods.

In the State of Pennsylvania alone, in the manufacturing sector, there was $311 million worth of damage and $248 million of nonmanufacturing damage. In addition, some 30,000 jobs were eliminated at least temporarily in the Wilkes-Barre area.

As I pointed out earlier, some 21,000 homes were severely damaged. The average damage—and this is my point—to those 21,000 homes was about $20,000.

When we talk about $5,000 on a $20,000 damage, we are not doing very much for the person on the other end of it.

So this is a very modest increase that is proposed.

In view of the success of the amendment of the Senator from Ohio (Mr. TAFT), I think that is a logical test. Since we are going to use the means test, I think we should raise the forgiveness provision in the area where it would do the most good.

We seem to have trouble with one point in this country, and that is, whom to give our money to.

I have compiled some statistics of some of the money we have have used very generously in giving away to others.

Since the end of World War II we have given away $210 billion in foreign aid and Marshall plan aid, in helping Japan and other areas like that, not only rebuild their economy, but do such a good job of it that they are manufacturing goods so that some of the very people we are talking about have been put out of jobs.

We have put $43 billion into foreign military aid since World War II.

All of this is exclusive of Vietnam. Of course, if we calculate Vietnam costs, we have to put another $102 billion into that.

It is a little hard to go up to the city of Wilkes-Barre and tell the people up there that we can pay only one-quarter of their loss, or one-twentieth of their loss, or one-tenth of their loss, and yet we can go and rebuild Japan from its fires and ashes and help it rebuild its steel mills so they compete with ours.

This is a very critical point. Are we going to look around in our own country and decide that charity begins at home? It is hard to go to Wilkes-Barre and explain why we are talking about $5,000 on a $20,00 or $25,000, or $30,000 loan, when, at the drop of a hat, we will decide to spend $100 billion to rebuild Europe and rebuild the industries of Japan. I think it is about time that we paid attention to our own people when they get hit with the greatest natural disaster in the history of the United States of America.

I think that is what the amendment is all about. If we are going to go the route of the Senator from Ohio (Mr. TAFT), if we are going to apply the means test, let us change it a little bit so that the person who needs it most has a fighting chance. It is fine to talk about loans, but many older citizens of Wilkes-Barre lived in the flood area. Go to them, when they have lost a $20,000 or $30,000 or $40,000 house and say, "We will lend you all the money you want." How can a man who is 60 or 65 years of age pay back that loan unless he works the rest of his life? He cannot do it. Some of them are only a year or two away from being retired. They would find they have no equity in the house, nothing to work for, and would have a 1-percent loan that is not transferrable. To say to a senior citizen of 65 or 68 that he gets a 1-percent loan does not mean anything to him, because he has to start from scratch, and unless he works the remainder of his life, he is never going to be out of debt or have a chance.

So the issue is quite simple. It is whether we are going to turn inward when disaster strikes, whether we are going to treat the citizens of this country with the same degree of respect and attention and financial concern that we have displayed for citizens of other countries.

That is what the argument today is all about. It seems to me we have not even made that fundamental decision.

The Taft proposal in toto was a less generous proposal than originally the President had proposed. So we can equate some of that back, not in a spendthrift way, because the amount is very close to the same, but by keeping the means test which we have adopted at the $10,000 level, and graduated from that point, keep it exactly intact, but turn around and raise the forgiveness provision to $7,500.

I really think it is very difficult for any Member of this body to explain to the people who have been wiped out that we can do all these things for other countries, that we can go and help them in their economic troubles, and when a really serious disaster hits this country, we put our people at the bottom of the list and put them below the other areas we have considered.

I would like to highlight some of the damage that was suffered. I have had placed on the desk of each colleague a photo section of one of the papers in that area, which, I might say, was put out of operation a number of days, since the presses were underwater, and this, obviously, had to be done some time after. The damage illustrated is, as the paper says, unbelievable, but it goes to show the situation these people faced. Approximately 150 manufacturing firms were affected by the flood, and a minimum of 3,726 commercial establishments.

I might say that this is the Wilkes-Barre area. This not Harrisburg. I do not mean in any way to imply that serious damage did not occur outside of Wilkes-Barre. Harrisburg is another good case in point. I am pointing out Harrisburg as well as many other communities up and down the Susquehanna River Basin.

There was a minimum of 3,726 commercial establishments involved, comprising 1,605 retail stores, 278 wholesale stores, 845 service units. These plants and stores had an employment of 12,312.

The most recent and available data on unemployment from the Pennsylvania Bureau of Employment Security indicates that 49,500, or 33 percent of the total civil work force of 149,000 people, were still unemployed on July 7, some time after the disaster. This compares with an unemployment figure of 6 percent preceding the disaster.

As recently as several weeks ago, the unemployment figure was 33 percent.

The impact on housing loss is heightened by the higher than average age of the population. That is the point I was making. Twenty-eight percent of those affected were over 55 years of age, in the lower income area, averaging about 80 percent of the U.S. per capita figure.

That is why I am glad to see that the Senator from Indiana did change the original Taft proposal and raised the means test from $6,000 to $10,000, because, as I pointed out, the average income in the area is about $8,100, and that is 20 percent below the U.S. average.

So here we have a population that is unbalanced in favor of the elderly. We have a population that is unbalanced in favor of the lower-income group. We have a population that has been dealt the hardest blow of any town, village, city or area in the country. It just seems to me we can begin to do a little bit for them, as we have done so much for many of our foreign friends, with a lot fewer excuses, and with a lot less reason, and with a lot less viability, in terms of explaining to the people who are paying the taxes, why we cannot take care of the people at home.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, on behalf of the manager of the bill (Mr. McIntyre), I yield such time as he may require to the distinguished Senator from Texas (Mr. Tower).

Mr. TOWER. Mr. President, the amendment of the Senator from Pennsylvania substitutes a grant program, apparently, for a loan forgiveness program. I think perhaps we might be getting into unchartered waters if we start the business of making direct grants to people who are victims of these natural disasters.

In addition, the amendment would raise the cost considerably. It seems that we have already made a quantum jump in going from $2,500 in the House bill to $5,000 in this bill. To add another $2,500 would make this program extremely costly. The administration has expressed its opposition to this measure on the basis of its cost and, therefore, I feel constrained to oppose the amendment of the Senator from Pennsylvania.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. I yield back the remainder of the time for the committee.

The PRESIDING OFFICER. The Senator from Pennsylvania has 2 minutes remaining.

Mr. SCHWEIKER. Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. SCHWEIKER. Mr. President, I yield myself the 2 minutes I have remaining.

I just want to sum it up by saying this: This amendment tries to redress some of the changes that were made by the acceptance of the Taft amendment. The cost is not substantial, and may well not be much different from President Nixon's original proposal of $5,000, in view of the changes.

We are putting the money where it can most be used, because the means test is left in it—the very means test that the Senator from Ohio and the Senator from Indiana have worked out. So only people whose income is under $10,000 will qualify for that amount, that is all; and believe me, if you are suffering $20,000 or $30,000 damage, are 55 years of age, and are earning less than $10,000 you really need it. And that is what this amendment provides.

I urge its adoption, and I yield back the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on the amendment to be offered by the Senator from Alaska (Mr. Stevens) and the amendment to be offered by the Senator from New York (Mr. Javits) be limited each to 30 minutes.

Mr. TOWER. Mr. President, will the Senator modify that to make it apply to all further amendments?

Mr. ROBERT C. BYRD. It does apply to all except the Buckley amendment.

Mr. TOWER. Mr. Buckley is willing to have the time on his amendment thus limited, and Mr. Case is willing to have his time limited; so I think that covers the rest of them.

Mr. ROBERT C. BYRD. Very well, Mr. President, I modify the request to apply to all further amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. Taft). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Pennsylvania (Mr. Schweiker). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), and the Senator from Rhode Island (Mr. Pell) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Long) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell) would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Massachusetts (Mr. Brooke), the Senator from New Hampshire (Mr. Cotton), the Senators from Arizona (Mr. Goldwater and Mr. Fannin), the Senator from Michigan (Mr. Griffin), the Senator from Iowa (Mr. Miller), and the Senator from Illinois (Mr. Percy) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Iowa (Mr. Miller) and the Senator from Illinois (Mr. Percy) would each vote "nay."

The result was announced—yeas 12, nays 69, as follows:

[No. 349 Leg.]

YEAS—12

Bayh
Beall
Byrd, Robert C.
Gravel
Kennedy
Mathias
McGovern
Pastore
Randolph
Ribicoff
Schweiker
Scott

NAYS—69

Aiken
Allen
Anderson
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Ervin
Fong
Fulbright
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
McClellan
McGee
McIntyre
Metcalf
Mondale
Moss
Nelson
Packwood
Pearson
Proxmire
Roth
Saxbe
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—18

Allott
Baker
Brooke
Cotton
Eagleton
Eastland
Fannin
Gambrell
Goldwater
Griffin
Harris
Long
Miller
Montoya
Mundt
Muskie
Pell
Percy

So Mr. Schweiker's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1329

Mr. JAVITS. Mr. President, on behalf of myself and my colleague from New York, Senator Buckley, the Senator from Kentucky (Mr. Cooper), and the Senator from Pennsylvania (Mr. Scott), I call up my amendment No. 1329 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

> On page 7, between lines 7 and 8, insert the following:
>
> "(C) may, in the case of a loan made under subparagraph (A) or a mortgage or other lien refinanced under subparagraph (B) in connection with the destruction of, or substantial damage to, property owned and used as a residence by an individual who by reason of retirement, disability, or other similar circumstances relies for support on survivor, disability, or retirement benefits under a pension, insurance, or other program, consent to the suspension of the payments of the principal of that loan, mortgage, or lien during the lifetime of that individual and his spouse for so long as the Administration determines that making such payments would constitute a substantial hardship."

Mr. JAVITS. Mr. President, I modify the amendment to provide that the interlineation which is referred to on line 1 should refer to page 7, between lines 7 and 8.

The PRESIDING OFFICER. The amendment is so modified.

Mr. JAVITS. Mr. President, the explanation of this amendment may be rather brief.

It responds to a problem which affects, generally speaking, older people who rely for support upon—and I use that word advisedly; it is found on line 8 of my amendment—survivor, disability, or retirement benefits. It gives the Administrator of the Small Business Administration the authority—it is not mandatory—to suspend the payment of principal on a disaster relief loan during the lifetime of any borrower for so long as the administrator determines that to make such payments would constitute a substantial hardship for the borrower.

What has happened is that many retired people concerned depend upon very small incomes. They have paid off their homes and one of the elements in their ability to stay afloat is that they have their homes free and clear.

When a disaster strikes they have to rebuild the premises with a mortgage on the home and the question of repayment of principal may become really pressing in many cases.

The incentive for this amendment came out of on-the-ground, on-the-spot reports from Elmira, Corning, and other cities in the so-called Southern Tier of New York, which I visited and which were directly affected.

I hope very much that the Senate will look with favor on this amendment. There is no question about the humanity and desirability involved.

We have taken two precautions to prevent misuse of this provision: First, it is completely discretionary; second, instead of establishing a means test, we will accept a factual status to determine eligibility. In other words, an eligible borrower is one who relies for support on survivor disability or retirement benefits, and so forth, thereby confining it, ipso facto, to people of modest means.

I hope very much that, under the circumstances, the Senate will see fit to approve the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. McINTYRE. I yield myself 1 minute.

Mr. President, the committee has examined this amendment. We find it to reach a real need, and we are willing to accept it.

Mr. TOWER. Mr. President, I think that the amendment proposed by the Senator from New York is an excellent one and I am willing to accept it. It provides for the suspension of payments of principal on disaster loans of those who are retired or disabled and who are on limited pension or other similar incomes. Their ability to repay a new loan on their property is severely restricted by their fixed-income situation, and I think that this amendment will be of great assistance to these very deserving people. The Government's financial interest in the principal will be recovered from the borrower's estate eventually, and the interest payments will have been made during the life of the borrower.

Thus we would be providing some vital relief from the financial impact of a disaster to that sector of the population least able to bear the burden of repaying even the generous loans we are providing in this legislation, and yet we should incur little, if any, cost in so doing.

Mr. McINTYRE. Mr. President, I yield back the remainder of my time.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment, as modified, of the Senator from New York.

The amendment, as modified, was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. I move to lay that motion on the table.

The motion was agreed to.

Mr. JAVITS. Mr. President, I thank the manager of the bill and the ranking Republican member of the committee very much for their consideration.

AMENDMENT NO. 1378

Mr. SCHWEIKER. Mr. President, I call up my amendment No. 1378 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

At the end of the bill insert the following:

SEC. —. Section 231 of the Disaster Relief Act of 1970 is amended by—

(1) inserting "(a)" before the first word of text; and

(2) adding at the end of such section the following new subsection:

"(b) Loans to which this section applies may also be made for the purpose of providing working capital, the payment of operating expenses, and any purpose for which loans may be made under section 7(a) of the Small Business Act (15 U.S.C. 636(a))."

Mr. SCHWEIKER. Mr. President, the purpose of this amendment is to permit the Small Business Administration to make loans for working capital and operating expense purposes to businesses which are disaster victims.

Under existing disaster legislation, low-interest loans are limited to the repairing, reconstruction, and rebuilding of damaged or destroyed property. Loans may be made to assist a business in rebuilding damaged real property, replacing equipment, and replacing damaged inventory. However, no provisions are made for working capital or operating expense loans.

Under its regular lending programs, SBA can make loans for working capital purposes. I am advised by SBA that they occasionally will make such loans under their normal lending programs to disaster victims.

It seems to me, however, that we should permit such loans, particularly to smaller businesses under the favorable terms allowed under the disaster legislation. We now help small businesses to get back in shape structurally and to replace lost inventory. However, small businesses, more than larger companies, operate on a very narrow cash flow basis and they need money for working capital purposes. We should recognize this in disaster legislation and allow these firms to get loans for working capital under the same favorable conditions which now apply to loans for real property, equipment and inventory.

For many small businesses, the availability of substantial Federal assistance after a disaster strikes can mean the difference between opening up again or just going out of business. Small businesses have a tremendous impact on local economies, particularly smaller communities. We need to give them all the help we can.

Mr. President, I hope the committee will accept the amendment.

Mr. TOWER. Mr. President, I have discussed this amendment with my distinguished colleague (Mr. McINTYRE) and he seems to be prepared to accept it on behalf of the majority of the committee and I am prepared to accept it on behalf of the minority of the committee. However, I should like to make one point in colloquy with the Senator from Pennsylvania. Would the distinguished Senator assure me that his amendment would not make this program available to big business which has free access to private money markets where they can get adequate funding?

Mr. SCHWEIKER. I thank the distinguished Senator from Texas. Let me say to him that I am sure it will not in any way open up small business loans to big business. The amendment, in section (b) thereof states:

For which loans made be made under section 7 (a) of the Small Business Act.

That defines and limits it to small business only, and that is the intention of my amendment, to confine it to small businesses only.

Mr. TOWER. With that assurance, and thanking the Senator from Pennsylvania, I am prepared to accept the amendment.

Mr. President, I yield back my time.

Mr. SCHWEIKER. I yield back my time.

The PRESIDING OFFICER (Mr. TAFT). All time on the amendment has been yielded back.

The question is on agreeing to the amendment, No. 1378, of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. TOWER. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1392

Mr. BUCKLEY. Mr. President, I call up my amendment No. 1392 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 7, line 6, after "that" insert "(1) in the case of a business concern,".

On page 7, line 7, before the semicolon, insert ", and (2) in the case of a home, the aomunt of each monthly payment of principal and interest on the loan after refinancing under this clause shall be not less than the amount of each such payment made prior to such refinancing".

Mr. BUCKLEY. Mr. President, in the wake of the severe flood damage that occurred in the eastern part of the Nation in late June, thousands of homeowners have been thrust into a personal and financial crisis of the most desperate kind. In some cases, homes and their entire contents have simply disappeared. Homes representing a lifetime of investment and homes for which there was a commitment to a near-lifetime of debt have been reduced to uninhabitable shells.

Within their limitations, Federal programs and personnel have done an excellent job of responding to the needs of the people and the communities that have suffered these devastating losses. The bill before us today will do much to further alleviate the burden of restoration, but despite generous responses by our public and private institutions, the heaviest personal and financial losses will still be borne by the immediate victims of the disaster.

A study of the most pressing needs of these people and a review of the existing and proposed Federal aid programs suggests that there are several unusual hardship situations for which adjustments should be made in H.R. 15692. I am particularly concerned about the homeowner who has suffered substantial damage to a home for which he was already obligated to pay a relatively large predisaster mortgage.

Under section 231(3) of the Disaster Relief Act of 1970 and under the provisions of H.R. 15692, a homeowner may borrow from the SBA the money needed to repair his home; and if he has suffered damages exceeding 50 percent of the value of his home, he may borrow to refinance a prior existing mortgage. However, the funds granted for this refinancing are limited to the amount of the physical loss sustained in the disaster. My amendment would expand the authority of the SBA to refinance these mortgages for homeowners.

For many homeowners, the burden of repaying a large SBA loan, even at a 1 percent interest rate, combined with the necessary payments on the balance of a high-interest, predisaster mortgage, can be a genuine hardship. Very often, the total debt owed on the home will significantly exceed its fair market value.

Mr. President, I ask unanimous consent to have printed in the RECORD a table of actual cases in the State of New York which illustrate the plight of these individuals.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Predisaster home value	Disaster damage	Predisaster mortgage balance at bank (7½ percent/25 years)	Predisaster principal and interest payment (per month)	Maximum SBA loan under present law	Monthly payments at 1 percent interest	Balance of mortgage due to bank after SBA refinancing	Terms at 7½ percent		Total debt	Total payment to SBA (1 percent) and bank (7½ percent)
							Years	Monthly payment		
$28,000	$18,500	$20,000	$148	$37,000	$142	$1,500	3	$47	$38,500	$189
$28,000	18,000	25,000	185	36,000	135	7,000	10	83	43,000	218
$18,000	9,000	13,000	96	18,000	67	4,000	5	80	22,000	163
$12,000	9,000	7,000	52	16,000	60	None	None	None	16,000	60
$20,000	11,000	15,500	115	22,000	82	4,500	5	90	26,500	172

Mr. BUCKLEY. Please note, Mr. President, in each case that after generous SBA loans have been made, the homeowner still would be required to make monthly payments that exceed his predisaster monthly payments by 15 percent to 65 percent. I am sure that examples of even more onerous situations must exist.

To help ease the debilitating debt load on these individuals, I propose that we remove the present statutory limit on SBA refinancing assistance for homeowners. In brief, the homeowner who has suffered substantial or total damage to his dwelling could rebuild and totally refinance his home with the aid of a consolidating SBA loan. In some cases, a total refinancing of the old mortgage, combined with the funds needed for restoration of the damage, could result in a somewhat lower total monthly payment of principal and interest than was being paid prior to the disaster. To preclude the occurrence of any "windfall" situation, my amendment provides that in any refinancing arrangement the monthly payment for the combined total of principal and interest shall not be less than the total of such payments made by the homeowner before the disaster occurred.

Many homeowning victims of a national disaster will be required to repay loans which often exceed by a substantial margin the value of their restored homes. Under present law, these people are, in effect, chained to their homes for many years and denied genuine job mobility until the outstanding loans are paid back to a reasonable level which either can be assumed by a buyer or paid off upon the sale of the house. My amendment would restore the disaster victim's monthly mortgage payments to a level which is more reasonably affordable, and would hasten the day when the outstanding debt on his home will be reduced to such a point that he could seriously consider moving on to a better and more productive job.

I ask support of the Senate for an amendment that will bring to many a realistic hope of recovery from disaster.

Mr. JAVITS. Mr. President, I am honored to join my colleague from New York (Mr. BUCKLEY) in this amendment. Again it arises from practical, on-the-ground situations developed from the experience of the local authorities and business concerns in the badly afflicted areas in the southern part of the State of New York.

Senator BUCKLEY and I both inspected the area personally. I would wish to add my testimony to that of my colleagues as to the facts on-the-ground.

This is a really pressing situation. The idea for these amendments originated not with us but with our constituencies who were so heavily afflicted by the disaster. In proposing this amendment, Senator BUCKLEY proposes it for us both in response, to an expression of an urgent local need. It is in that sense that I hope the Senate will see fit to approve the amendment.

Mr. BUCKLEY. Mr. President, I yield myself 1 minute. I merely want to say that this amendment is not going to create windfalls; it will create a mechanism by which existing mortgages can be refinanced and consolidated. They will be extended by the SBA so as to prevent a doubling up of heavy interest and principal obligations on people who have to reconstruct their lives.

I would also point out that it is quite similar to a provision designed to help farmers, a provision included in the amendment which the chairman of the Committee on Agriculture and Forestry (Mr. TALMADGE) submitted and which was adopted.

Mr. McINTYRE. Mr. President, will the distinguished Senator from New York yield to me for a minute?

Mr. BUCKLEY. I am delighted to yield.

Mr. McINTYRE. First, I should like to know whether the Senator has any cost estimates on this amendment.

Mr. BUCKLEY. I do not have cost estimates; no.

Mr. McINTYRE. As I understand—correct me if I am wrong—the amendment would apply only to homeowners?

Mr. BUCKLEY. It would apply only to homeowners. It would not cover the situation of small businesses. I might also point out that the Administrator has overall discretion to limit this kind of aid to hardship cases, and I assume he would do so.

Mr. McINTYRE. As I recall, the Senator in his remarks in support of the amendment stated that to refinance mortgages there must be substantial damage, which administratively is set at 50 percent.

Mr. BUCKLEY. Yes.

Mr. McINTYRE. Does the Senator understand that the SBA would act only with respect to actual damage?

Mr. BUCKLEY. I do.

Mr. McINTYRE. Even though we do have a few reservations on the question of cost—we would like to know about the cost—we will accept the amendment.

Mr. BUCKLEY. I thank the distinguished Senator from New Hampshire for so doing.

Mr. JAVITS. Mr. President, I join in thanking the managers of the bill very much. These two amendments are highly essential to the State of New York.

The PRESIDING OFFICER. Does the Senator from New York yield back the remainder of his time?

Mr. BUCKLEY. I do.

Mr. McINTYRE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BUCKLEY. I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, for myself and my colleague from Alaska (Mr. Gravel), I call up our amendment which is at the desk. I ask unanimous consent that the reading of the amendment be dispensed with but that it be printed in the Record.

The PRESIDING OFFICER. Without objection, the reading of the amendment will be dispensed with; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

At the end of the bill add a new section—:

Sec. —. That in the case of any loan made pursuant to section 7(b)(1) of the Small Business Act, as amended (15 U.S.C., 636(b)), as a result of the Good Friday earthquake, which occurred on March 27, 1964, the Small Business Administration shall, at the borrower's option, on that part of any loan in excess of $500, cancel (i) the interest due on the loan, (ii) the principal of the loan, or (iii) any combination of such interest or principal except that the total amount so canceled shall not exceed $1,800.

Mr. STEVENS. Mr. President, if I may have the attention of the manager of the bill, I shall take a few seconds to explain the amendment.

The largest earthquake that ever hit the North American Continent was in Alaska in 1964. The only major natural disaster that has not been covered by the forgiveness provisions of the Small Business Administration is the Good Friday earthquake of 1964.

This amendment would merely apply to those persons who have loans from the Small Business Administration, and which contain the same cancellation provisions that have been applied to every other major natural disaster. For some reason—and it is beyond my ken—the 1964 earthquake was not subject to the forgiveness section.

I would urge the managers of the bill to examine the amendment.

Mr. President, in the 91st Congress I introduced S. 4058, a bill extending partial forgiveness for Small Business Administration loans made as a result of the Good Friday earthquake, which devastated large areas of my State on March 27, 1964. This bill was considered as an amendment to the Disaster Assistance Act of 1970, S. 3619, in the 91st Congress. That bill was debated on the Senate floor on September 9, 1970, as many of my colleagues will recall. I introduced the identical bill in the 92d Congress on January 26, 1971. The bill is presently numbered S. 45.

I am today introducing the identical amendment to H.R. 15692, a bill amending the Small Business Act to reduce the interest rate on Small Business Administration disaster loans. The amendment would add a new section at the end of the bill.

With the passage of the Disaster Relief Act of 1969, Congress recognized "that a number of States have experienced extensive property loss and damage as a result of recent major disasters and that there is a need for special measures designed to aid and accelerate the efforts of these affected States to reconstruct and rehabilitate the devastated areas."

The Disaster Relief Act of 1969 provided this special measure of aid by partial forgiveness of SBA loans incurred from disasters since July 1, 1967.

I am informed that approximately 50 disaster areas have become eligible for the forgiveness feature of the 1969 Disaster Relief Act:

State, SBA Declaration Date, Counties/Parishes, and Cause:

NORTHEASTERN AREA

Maine, December 31, 1969, All areas.

NEW YORK AREA

New York, October 3, 1967, Cattaraugus.

New Jersey, June 3, 1968, Bergen, Essex, Middlesex, Morris, Passaic, Somerset, Union.

New York, August 1, 1969, Sullivan.

MIDDLE ATLANTIC STATES

Kentucky, April 25, 1968, Bracken, Greenup, Jessamine, Mason, Pendleton (with Ohio).

Ohio, April 25, 1968, Brown, Scioto (with Kentucky).

Ohio, May 29, 1968, Athens, Butler, Clinton, Gallia, Hocking, Jackson, Ross, Warren.

Kentucky, June 25, 1969, Allen, Warren.

Ohio, July 11, 1969, All areas.

Pennsylvania, August 8, 1969, Carbon, Schuylkill.

Virginia, August 21, 1969, All areas, Rains (Camille).

West Virginia, August 22, 1969, All areas, Rains (Camille).

Kentucky, January 2, 1970, Harlan County, Flood.

SOUTHEASTERN AREA

Florida, October 21, 1968, All areas (Gladys).

Tennessee, June 25, 1969, Macon.

Mississippi, August 18, 1969, All areas, (Camille).

Alabama, August 18, 1969, All areas, (Camille).

Alabama, March 27, 1970, All areas affected, Tornado.

MIDWESTERN AREA

Iowa, May 17, 1968, All areas.

Illinois, May 17, 1968, all areas.

Iowa, July 19, 1968, Black Hawk, Bremer, Buchanan, Butler.

Minnesota, August 12, 1968, Blue Earth.

Minnesota, April 15, 1969, all areas (with Iowa, North & South Dakota, and Wisconsin).

Iowa, April 15, 1969, all areas (with Wisconsin, North & South Dakota, Iowa, and Minnesota).

Wisconsin, April 15, 1969, all areas (with Iowa, North & South Dakota, and Minnesota).

Illinois, May 5, 1969, Rock Island.

Minnesota, July 2, 1969, Nobles.

Iowa, July 15, 1969, Marshall, Tama.

Illinois, July 8, 1969, Jo Daviess, Stephenson.

SOUTHWESTERN AREA

Texas, September 20, 1967, all areas (Beulah).

Arkansas, April 22, 1968, Sebastian.

Arkansas, May 15, 1968, Garland, Pulaski, Sebastian, Sevier.

Arkansas, May 17, 1968, all areas.

Oklahoma, May 21, 1968, LeFlore.

Texas, June 25, 1968, all areas (Storm Candy).

Louisiana, August 18, 1969, All areas (Camille).

Texas, April 18, 1970, Northwest areas, tornado; May 12, 1970, Lubbock County, tornados; May 15, 1970. Hayes County, flood.

ROCKY MOUNTAIN AREA

Kansas, June 2, 1967, Ness.

Kansas, June 26, 1967, Garden City, Finney.

Nebraska, June 16, 1967, All counties through which 183 passes, etc.

North Dakota, April 15, 1969, All areas (with Minnesota, South Dakota, etc.)

South Dakota, April 15, 1969, All areas (with North Dakota, etc.)

Kansas, June 25, 1969, Saline.

Colorado, December 26, 1969, Boulder and Jefferson Counties, Flood.

North Dakota, June 2, 1970, Ransom County, Flood.

PACIFIC COASTAL AREA

Alaska, August 16, 1967, Fairbanks, etc.

California, January 1, 1969, San Luis Obispo; January 23, 1969, Los Angeles; January 27, 1969, Riverside; January 29, 1969, Fresno, Tulare, Stanislaus; March 3, 1969, Contra Costa; December 30, 1969, Marin County, Flood; February 3, 1970, All areas, Flood.

Florida, Mississippi, and Louisiana received forgiveness on loans resulting from the Hurricane Betsy disaster in September 1965, under a special forgiveness act similar to the one I am proposing today.

During the Good Friday earthquake and the ensuing tidal waves, my State suffered damages totaling millions of dollars. Fatalities and tidal damage occurred as far south as Crescent City, Calif., and the Small Business Administration subsequently granted 1,636 loans for a total of $99,495,000 to assist in reconstruction. This earthquake was the most severe seismic disturbance ever registered in this country. This amendment will match the provisions of section 7 of the Disaster Relief Act of 1969, which was the act in force at the time the bill was originally introduced, and provide a forgiveness of SBA loans not to exceed $1,800 per loan. The total cost to the Government for forgiveness at $1,800 per loan would be approximately $2.9 million.

The Disaster Relief Act of 1969 extended back to disasters in 1967 the same provisions that were made available for Hurricane Betsy, the disaster of 1965. The 1969 act also extended to the Fairbanks flood area the provisions of the forgiveness section. However, the major disaster that we have had in Alaska—as a matter of fact—the major seismic disturbance that has occurred on the North American Continent—occurred on Good Friday in 1964.

This amendment would extend the same privilege to the SBA borrowers from 1,636 individual homeowners in the south-central Alaska area and elsewhere as was received by the victims of the Fairbanks flood in 1967, pursuant to the 1969 act. That forgiveness provision, which was available to people across the country was written into the 1969 act in the House of Representatives after the measure had passed this body. There was no opportunity to amend that bill here to extend the equality to people who suffered greatly as a result of the Good Friday earthquake in 1969. People that would be covered by my amendment are people residing in all the Pacific States, as far south as California. Many beneficiaries would come from Oregon as well. Since this loan forgiveness provision is at the option of the borrower, and there are considerable number of people who have already repaid their loans, I suspect that the outside figure of $2.9 million would not, in fact, be utilized entirely.

I am merely seeking consistency between Alaskans who suffered damage in the 1964 earthquake and other borrowers who received benefits as a result of the 1969 act.

This provision is one that should have been included in the House when the 1969 act was considered. This body has often taken exceptions to its general attitude of retroactivity. I am sure every Senator in this Chamber has at one time or another voted for retroactivity on a measure. I believe this is an important enough one for my State and other western States that we should make an exception in this particular case. The purpose of my bill is only to cure defects in the 1969 act. If this provision is taken to conference then the House conferees can assist in a decision on the final measure. I believe at this point the objective of the amendment would be achieved.

In closing, I ask unanimous consent to have printed in the RECORD a letter I received over a year ago from Mr. and Mrs. George Stelioes of Anchorage, Alaska. It depicts the plight of their parents. I believe this case is typical of many Alaskans.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ANCHORAGE, ALASKA,
April 1, 1971.

Senator TED STEVENS (Alaska),
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: Recently I read you proposed some relief for Alaska earthquake victims and think this a thoughtful proposal.

Let me give you an example. My parents lived on 8th near "M" St. in Anchorage and completely lost their home in the quake and to add insult to injury that was the month my father retired from the Alaska Railroad. Their house was mortgage-free and these people (mortgage-free owners) are the ones in my opinion who really lost other than those who lost life. A year or so after the quake they borrowed from the SBA to buy another home and for the first time in many years they had house payments! My father's retirement pay is about $400 per month and with the $175 SBA payment there isn't much to live on. I feel deeply for all the retired people who had mortgage-free homes and then had to borrow to re-establish their homes. Perhaps this is why many of our oldtimers have left to live outside.

We would appreciate any efforts made to help these mortgage-free retired people who lost their homes in the 1964 earthquake.

Thank you.

Sincerely yours,
MR. & MRS. GEORGE STELIOES.

Mr. STEVENS. Mr. President, if I may speak particularly to the distinguished Senator from New Hampshire, there are 614 homeowners, basically in the Anchorage area, and 523 small businesses in the same area that still owe money as a result of the 1964 earthquake. This amendment would give them the same consideration that was given in the old law to victims of other disasters.

The bill before us now forgives $5,000 for every one of the people who suffered from Hurricane Agnes. They pay 1 percent interest. The people concerned in the 1964 Alaska earthquake received no forgiveness and paid 2 percent interest. I do not see why the people who suffered from the largest earthquake disaster in the history of the country should not get the same benefit from the provisions of this act. I urge the Senator from New Hampshire and the Senator from Texas to consider this.

On the basis of information provided to us, the maximum exposure, in terms of forgiveness for all of those who can apply for loans would be, roughly, $3 million.

I think that what the Senator from New York (Mr. BUCKLEY) said about the people of his State paying two mortgages applies to the people of Alaska. The same thing that the senior Senator from New York (Mr. JAVITS) stated with respect to his amendment applies also to the people of Alaska. We are not asking for $5,000; we are asking for only what should have been given to us at the time of the earthquake.

I have examined this, and I cannot find one single reason why the Good Friday earthquake of 1964 in Alaska was exempted from the provisions of the 1969 act.

I urge the consideration of the amendment by the managers of the bill. It is a worthwhile amendment. It involves a small number of persons—1,137 in Alaska—who are paying these loans and are having the same problem but are not being given the same consideration. We are not asking for $5,000; we are asking for $1,800 which should have been extended at the time.

Mr. McINTYRE. Mr. President, I yield myself as much time as I may require.

By no means do I wish anything I am about to say to reflect on the victims of the earthquake disaster in Alaska. But I must say to the Senator from Alaska that that disaster occurred some 8 years ago. While we would be delighted to be able to go back and pick up all those disasters and try to treat them, as the Senator from Alaska has so ably stated, equally with the victims of Hurricane Agnes, the fact is that if we acceded to the proposal of the Senator from Alaska, I suspect that any victim of a disaster in 1964, 1965, or 1966 would have an equal right to come before us and ask for the same equitable treatment.

Much as I regret having to cross the line that we in the subcommittee and full committee started out with—June 1, 1972, and eventually worked ourselves back to January 1, 1971—I am not sure that we did not go too far at that point.

With all due respect to the Senator from Alaska, who is doing what he should—representing his constituents—I just cannot accept the Senator's amendment, I would appreciate it if he would withdraw it.

Mr. STEVENS. Mr. President, I yield myself whatever time I may require.

When I came here in 1969, there was no law permitting forgiveness. My colleague and I introduced a bill in 1969 to correct this condition. It was S. 4058 in the 91st Congress.

The then Senator from Texas, Mr. Yarborough, had some problems concerning another matter, and urged me not to call up and have a vote on the amendment.

When the 92d Congress convened, we introduced S. 45, one of the first bills in this Congress, and again called attention to this one single defect in the Small Business Act. That bill had been pending before the Senate Banking Committee and was before it when this bill we are presently debating was reported out.

I think this amendment involves a question of equity. If the amendment gets only two votes, I think we can tell our constituents in Alaska that we tried to get the same treatment for them that Congress has generally given to victims of similar natural disasters.

I have a list which describes the Maine disaster of 1969 and many others. The Camille Hurricane in Florida and the Alabama tornado were covered. We forgave loans arising as a result of the Blue Earth problems in Minnesota in 1967. The Hurricane Beulah, in Texas on September 20, 1967, was covered.

The law was made retroactive and went back to June 1, 1964, but did not go back to March 1964, to cover the March 27 earthquake.

I cannot understand why this was not done. I say to my good friend from New Hampshire respectfully that it is a matter of a very few people in relation to this bill that is before the Senate now, but it is a matter of great principle to us in Alaska. I have included in the record a typical letter I have received from people making payments for both the mortgage on the home that was destroyed and the SBA mortgage to rebuild the home afterward. They want to know why, when everyone else suffers from major disasters get forgiveness, they do not.

I urge my good friend from New Hampshire to reconsider. I wish he would.

The PRESIDING OFFICER. Who yields time.

Mr. TOWER. Mr. President, I am very much in sympathy with what my distinguished friend from Alaska is trying to do. I have had the privilege of visiting Alaska many times and I have always been treated with such splendid hospitality. These are people who always bear up so well under adversity, and who live in a rugged area, facing the Arctic winter and they do such a splendid job.

However, I do not think this is the proper vehicle for what the Senator seeks to do. I might be prepared to support this amendment were it offered as independent legislation. But I do not think it should be offered here. Also, there is a possibility of a point of order that might come up in the House and we would have great difficulty sustaining it in conference. If the Senator would consider offering it as independent legislation, I would be inclined to support it.

Mr. STEVENS. Mr. President, I thank my good friend from Texas. I appreciate his advice, but I point out that this was in one of the first bills I introduced 4 years ago when I came here. S. 45 was introduced in the first session of this Congress. It has not been considered by committee. The reason I do not know.

I appreciate what the Senator said about a point of order. Obviously if the House enters a point of order, we will lose the amendment. But I do not understand why we are not granted this relief. I cannot support a bill that would grant $5,000 in forgiveness and 1 percent on loans on a recent disaster, Hurricane Agnes, if our people in Alaska cannot have forgiveness of $1,800 when they experienced a far more serious disaster, one having more impact on our economy than any one in the other States involved in these other disasters. I do not understand this double standard and I cannot support the bill if we in Alaska do not get equal consideration.

The PRESIDING OFFICER. Who yields time?

Mr. McINTYRE. I am prepared to yield back my time.

Mr. STEVENS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill is open to further amendment.

Mr. CASE. Mr. President, I have an amendment at the desk on behalf of myself and Senators WILLIAMS, JAVITS, and CRANSTON. I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CASE. Mr. President, I ask unanimous consent that further reading of the amendment be dispersed with, and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 7, before line 17, insert the following new paragraphs (D) and (E), to read as follows:

"(D) shall, if the disaster was caused by hurricane or flood, require all borrowers located in areas eligible for the sale of flood insurance under the National Flood Insurance Act of 1968 (42 U.S.C. 4001–4127) to purchase and manitain flood insurance coverage for the duration of the loan on the buildings that are to be repaired, rehabilitated, or reconstructed, in an amount equal to the actual cash value of the buildings or the amount of subsidized coverage available, whichever is less, except that if the total amount of the loan is canceled pursuant to paragraph (C) of this subsection, such insurance shall be required only for the twelve-month period following the date of the first disbursement of any part of the loan; and

"(E) shall, if the disaster was caused by hurricane or flood, require all borrowers located in areas not yet eligible for the sale of flood insurance under the National Flood Insurance Act of 1968 to purchase and maintain flood insurance coverage for the duration of the loan on the buildings that are to be repaired, rehabilitated, or reconstructed, in an amount equal to the actual cash value of the buildings or the amount of subsidized coverage available, whichever is less, as soon as such coverage is made available in the area in which the buildings are located, provided the loan is still outstanding at such time."

Mr. CASE. Mr. President, I yield myself such time as I require.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, the amendment I propose today is one that I consider to be absolutely essential to the soundness of the bill we are considering. The two catastrophes that gave rise to the disaster relief legislation we are considering today both occurred during the month of June. Yet it is important to realize that another Hurricane Agnes could easily occur tomorrow, or the next day, or in September or October. And some other types of flood disaster could easily occur in the months thereafter.

Thus, while we talk of this bill as a bill for the victims of the Rapid City, S. Dak., and Agnes disasters, the fact is that we have no basis for believing that the 1972 flood season is yet even half over. For example, the most costly and tragic hurricanes in recent memory, such as Donna in 1960, Carla in 1961, Betsy in 1965, Camille in 1969, and Celia in 1970, all occurred in August or September, rather than in June or July. The Pacific Northwest flood of 1964 occurred in December, and the California floods and mudslides of 1969 occurred in January. Each of these catastrophies involved property damage well in excess of $300 million, and would cost much more today. Last year, of course, New Jersey was hit by Doria in late August.

Despite these realities, the act we are considering today does nothing to assure that the victims we are aiding will not become victims a second time before the year is over. Many of them also have been victims of previous hurricanes, such as Doria, and already have large disaster loans on their properties. Mr. President, how do we expect these people to repay these multiple disaster loans, even with the very generous $5,000 forgiveness and 1 percent interest rate the present bill contains?

The amendment I am proposing today would amend the bill reported by the committee to require loan recipients in communities eligible for the sale of subsidized flood insurance under the National Flood Insurance Act of 1968 to purchase such insurance as a condition of the SBA loan they are receiving, in order to protect them in the event of another flood disaster.

There are undoubtedly many of us in this body who have serious reservations about the action we are being asked to take today. The measure we are adopting is a costly one, and a precedent that may haunt us for years to come, yet it is inadequate to indemnify most flood victims for what they have lost as a result of Hurricane Agnes.

It is particularly distressing to me, as one who fought long and hard for the passage of the National Flood Insurance Act of 1968, to see that program ignored or downgraded, when it is a far more humane and effective manner of accomplishing what the present bill proposes. Its limits of subsidized coverage, $17,500 on single family structures and $30,000 on other types of structures, may be somewhat low and in need of revision, but a $17,500 debt-free insurance payment, in return for a small annual insurance premium, is far better than a much larger loan of which all but $5,000 has to be repaid.

I particularly want to call attention to the fact that the Federal Insurance Administration took action on its own initiative to substantially reduce its subsidized insurance rates on July 10, in recognition of the large numbers of people in the two disaster areas who could have purchased insurance but did not do so, either because they did not know the coverage existed or because they thought the premiums were too high. Under the new rates which became effective on July 10, the owner of a $25,000 house could obtain $17,500 in structure coverage and $5,000 in contents coverage for a total premium of only $72.50. Minimum agents' commissions have also been established to encourage publicizing the program.

Unfortunately, Mr. President, experience shows that most people simply do not purchase insurance coverage unless they are required to do so. That was true of fire insurance before lenders began requiring it, it is true of life insurance—as the existence of the social security system demonstrates—and it is certainly true of flood insurance, particularly in the Pennsylvania, Maryland, and Virginia communities where no one anticipated the kind of occurrence that Agnes caused. Only some 90,000 flood insurance policies had been sold, mostly in coastal areas, prior to Agnes, even though nearly 1,200 communities were eligible for the coverage.

What my amendment would do is to assure that these unfortunate victims of the Rapid City and Agnes disasters, and anyone else who benefits under the act we are considering today, will not fall victim to a second flood occurrence while their present SBA loans are outstanding, without the benefit of flood insurance protection. Briefly stated, the amendment has two parts, as follows:

First, it would require loan recipients who are benefited by this act to purchase flood insurance up to the value of their property or the limits of the subsidized coverage, whichever is less, at the very reasonable rates that have now been established, as a condition of their SBA loan. In cases where the total amount of the loan is less than the $5,000 forgiveness amount, they would be required to purchase flood insurance for only 1 year, but with the hope that they would have the incentive to keep their coverage in force from then on.

Second, in communities where flood insurance is not yet available, my amendment would require loan recipients who still have loan balances outstanding at the time the community becomes eligible for flood insurance to purchase such insurance at that time.

It should be noted, Mr. President, that it is not the intention of this amendment that SBA must require flood insurance in connection with previous disaster loans not covered by this act. Flood insurance would be required in connection with past loans only to the extent that recipients elect to take advantage of the more generous provisions for which they are eligible under this present act. Thus, if a victim of Hurricane Doria already has a SBA loan outstanding and suffered further damage from Hurricane Agnes, he would be required to buy flood insurance only if he took out a new loan or had his old loan modified under this present act. If his old loan remained unchanged and he received no additional benefit from the present act, the flood insurance requirement would not apply.

In addition to the importance of flood insurance to Hurricane Agnes victims who may suffer still further damage from this current hurricane season, I think I should point out that my amendment also has budgetary advantages. I think all of us here realize that there is great danger, if the disaster benefits are increased, that the increased benefits will become simply a jumping off point for higher benefits the next time. By requiring the approximately 150,000 anticipated SBA Agnes loan recipients to purchase flood insurance, we will also achieve a significant expansion of the present flood insurance program, thereby both assuring its future viability and decreasing the likelihood of emergency recovery acts like the present one in the future.

Mr. President, I urge that this vital amendment be made part of the bill we are considering.

Mr. McINTYRE. Mr. President, this is an excellent amendment. It is going in the direction, I think we are going to have to go under a new natural disaster act. The committee is happy to accept the amendment.

Mr. TOWER. Mr. President, due to the force of the Senator's personality and lucidity of the argument, I, too, have recognized the integral merit of the amendment of the Senator from New Jersey, and I therefore am prepared to accept it.

Mr. McINTYRE. Mr. President, I yield back my time.

Mr. CASE. Mr. President, I yield back my time except first I request that any Senator who wishes to sponsor the amendment may do so or that any Senator who wants to put a statement in the RECORD before the vote may do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, I yield back the remainder of my time.

Mr. McINTYRE. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 15692 and that the bill be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Do Senators yield back their time on the bill?

Mr. TOWER. Mr. President, I yield back my time.

Mr. McINTYRE. Mr. President, I yield back my time.

Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time on the bill having been yielded back, the question is on passage.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senators from Arizona (Mr. GOLDWATER and Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Massachusetts (Mr. BROOKE), the Senator from Iowa (Mr. MILLER), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 76, nays 2, as follows:

[No. 350 Leg.]

YEAS—76

Aiken
Allen
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Ervin
Fong
Fulbright
Gurney
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Nelson
Packwood
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams

NAYS—2

Gravel
Stevens

NOT VOTING—21

Allott
Baker
Brock
Brooke
Cotton
Eagleton
Eastland
Fannin
Gambrell
Goldwater
Griffin
Hansen
Harris
Long
Miller
Montoya
Mundt
Muskie
Pell
Percy
Young

So the bill (H.R. 15692) was passed.

The title was amended, so as to read: "An Act to authorize for a limited period additional loan assistance under the Small Business Act for disaster victims, to provide for a study and report to the Congress by the President setting forth recommendations for a comprehensive revision of disaster relief legislation, and for other purposes."

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR ADJOURNMENT TO 10 A.M. MONDAY, AUGUST 7, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the convening of the Senate tomorrow at 10 a.m. be vacated and that when the Senate adjourns today it stand in adjournment until 10 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION AUTHORIZATIONS, 1973

The PRESIDING OFFICER (Mr. TAFT). Under the previous order, the Chair lays before the Senate H.R. 15641, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 15641) to authorize certain construction at military installations, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enactment clause and insert:

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military instalaltions and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(*First Army*)

Fort Belvoir, Virginia, $11,027,000.

Carlisle Barracks, Pennsylvania, $1,078,000.

Fort Dix, New Jersey, $1,215,000.

Fort Eustis, Virginia, $7,535,000.

Fort Knox, Kentucky, $20,244,000.

Fort Lee, Virginia, $1,048,000.

Fort George G. Meade, Maryland, $1,818,000.

(*Third Army*)

Fort Benning, Georgia, $6,040,000.

Fort Bragg, North Carolina, $964,000.

Fort Campbell, Kentucky, $10,957,000.

Fort Gordon, Georgia, $5,225,000.

Fort Jackson, South Carolina, $18,650,000.

Fort McClellan, Alabama, $333,000.

Fort Rucker, Alabama, $1,571,000.

(*Fifth Army*)

Fort Bliss, Texas, $3,382,000.

Fort Benjamin Harrison, Indiana, $1,966,000.

Fort Hood, Texas, $36,193,000.

Fort Leavenworth, Kansas, $1,054,000.

Fort Polk, Louisiana, $4,997,000.

Fort Riley, Kansas, $787,000.

Fort Sheridan, Illinois, $787,000.

Fort Sill, Oklahoma, $13,878,000.

Fort Leonard Wood, Missouri, $18,578,000.

(*Sixth Army*)

Fort Carson, Colorado, $16,098,000.

Fort Ord, California, $8,451,000.

Presidio of San Francisco, California, $12,367,000.

MILITARY DISTRICT OF WASHINGTON

Fort McNair, District of Columbia, $120,000.

Fort Myer, Virginia, $1,815,000.

UNITED STATES ARMY MATERIEL COMMAND

Anniston Army Depot, Alabama, $1,460,000.

Army Materials and Mechanics Research Center, Massachusetts, $332,000.

Harry Diamond Laboratories, Maryland, $20,867,000.

Edgewood Arsenal, Maryland, $1,902,000.

Lexington-Blue Grass Army Depot, Kentucky, $1,610,000.

Fort Monmouth, New Jersey, $457,000.

Pueblo Army Depot, Colorado, $654,000.

Redstone Arsenal, Alabama, $547,000.

Rock Island Arsenal, Illinois, $444,000.

Sierra Army Depot, California, $2,633,000.

White Sands Missile Range, New Mexico, $530,000.

Yuma Proving Ground, Arizona, $926,000.

UNITED STATES ARMY SECURITY AGENCY

Vint Hill Farms, Virginia, $1,549,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, $1,289,000.

Fort Ritchie, Maryland, $545,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York, $9,455,000.

ARMY MEDICAL DEPARTMENT

Fitzsimons General Hospital, Colorado, $685,000.

Walter Reed Army Medical Center, District of Columbia, $13,161,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Military Ocean Terminal, Bayonne, New Jersey, $3,245,000.

UNITED STATES ARMY, ALASKA

Alaska General, Alaska, $673,000.

Fort Richardson, Alaska, $1,273,000.

UNITED STATES ARMY, HAWAII

Fort Kamehameha, Hawaii, $1,245,000.

Schofield Barracks, Hawaii, $2,918,000.

Tripler Army Medical Center, Hawaii, $1,589,000.

BARRACKS MODERNIZATION

Various Locations, $103,225,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $22,776,000.

Various Locations, Water Pollution Abatement, $36,502,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Canal Zone, Various Locations, $8,129,000.

UNITED STATES ARMY, PACIFIC

Korea, Various Locations, $2,018,000.

KWAJALEIN MISSILE RANGE

National Missile Range, $13,289,000.

Site Defense of Minuteman, $19,000,000.

UNITED STATES ARMY SECURITY AGENCY

Various Locations, $3,273,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Various Locations, $1,412,000.

UNITED STATES ARMY, EUROPE

Germany, Various Locations, $11,953,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $58,000,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*: That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1973, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 103. (a) Public Law 91–511, as amended, is amended under the heading "Inside the United States" in section 101 as follows:

(1) With respect to "Burlington Army Ammunition Plant, New Jersey", strike out "$384,000" and insert in place thereof "$650,000".

(2) With respect to "Sierra Army Depot, California", strike out "$369,000" and insert in place thereof "$761,000".

(3) With respect to "Tobyhanna Army Depot, Pennsylvania", strike out "$115,000" and insert in place thereof "$261,000".

(b) Public Law 91–511, as amended, is amended by striking out in clause (1) of section 602 "$180,502,000" and "$265,699,000" and inserting in place thereof "$181,306,000" and $266,503,000", respectively.

SEC. 105. (a) Public Law 92–145 is amended under the heading "Pollution Abatement" in section 101 as follows: With respect to "Various Locations, Water Pollution Abatement Facilities", strike out "$34,791,000" and "$2,000,000" and insert in place thereof "$35,291,000" and "$2,500,000", respectively.

(b) Public Law 92–145 is amended by striking out in clause (1) of section 702 "$363,126,000" and "$404,500,000" and inserting in place thereof "$363,626,000" and "$405,000,000", respectively.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Air Station, Brunswick, Maine, $2,499,000.

Naval Shipyard, Portsmouth, Kittery, Maine, $3,857,000.

Naval Hospital, Newport, Rhode Island, $423,000.

Navy Public Works Center, Newport, Rhode Island, $546,000.

Naval Station, Newport, Rhode Island, $2,050,000.

Naval Underwater Systems Center, Newport, Rhode Island, $2,257,000.

Naval War College, Newport Rhode Island, $8,469,000.

Naval Air Rework Facility, Quonset Point, Rhode Island, $1,460,000.

Naval Air Station, Quonset Point, Rhode Island, $3,636,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $7,647,000.

Naval Submarine School, New London, Connecticut, $728,000.

FOURTH NAVAL DISTRICT

Naval Air Station, Lakehurst, New Jersey, $107,000.

Naval Air Test Facility, Lakehurst, New Jersey, $1,504,000.

NAVAL DISTRICT, WASHINGTON

Naval Academy, Annapolis, Maryland, $9,323,000.

Naval Air Test Center, Patuxent River, Maryland, $4,914,000.

Naval Electronic Systems Test and Evaluation Facility, St. Inigoes, Maryland, $140,000.

Naval Ordnance Laboratory, White Oak, Maryland, $438,000.

Naval Hospital, Quantico, Virginia, $185,000.

FIFTH NAVAL DISTRICT

Fleet Anti-Air Warfare Training Center, Dam Neck, Virginia, $294,000.

Naval Amphibious Base, Little Creek, Virginia, $3,001,000.

Navy Public Works Center, Norfolk, Virginia, $3,319,000.

Naval Shipyard, Norfolk, Virginia, $5,116,000.

Naval Station, Norfolk, Virginia, $3,186,000.

Naval Supply Center, Norfolk, Virginia, $5-968,000.

Nuclear Weapons Training Group, Atlantic, Norfolk, Virginia, $2,266,000.

Naval Air Station, Oceana, Virginia, $2,347,000.

Naval Ophthalmic Support and Training Activity, Yorktown, Virginia, $421,000.

Naval Security Detachment, Sugar Grove, West Virginia, $475,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $479.

Naval Air Rework Facility, Jacksonville, Florida, $6,950,000.

Naval Air Station, Jacksonville, Florida, $3,676,000.

Naval Training Center, Orlando, Florida, $1,058,000.

Naval Coastal Systems Laboratory, Panama City, Florida, $716,000.

Naval Air Rework Facility, Pensacola, Florida, $6,275,000.

Naval Air Station, Pensacola, Florida, $1,296,000.

Naval Communications Training Center, Pensacola, Florida, $4,998,000.

Naval Hospital, Pensacola, Florida, $19,156,000.

Naval Air Station, Whiting Field, Florida, $756,000.

Naval Air Station, Glynco, Georgia, $1,213,000.

Naval Home, Gulfport, Mississippi, $3,300,000.

Naval Air Station, Meridian, Mississippi, $6,584,000.

Naval Shipyard, Charleston, South Carolina, $3,452,000.

Naval Air Station, Memphis, Tennessee, $10,512,000.

EIGHTH NAVAL DISTRICT

Naval Hospital, New Orleans, Louisiana, $11,680,000.

Naval Ordnance Missile Test Facility, White Sands, New Mexico, $160,000.

Naval Ammunition Depot, McAlester, Oklahoma, $390,000.

Naval Air Station, Corpus Christi, Texas, $642,000.

Naval Air Station, Kingsville, Texas, $250,000.

NINTH NAVAL DISTRICT

Navy Public Works Center, Great Lakes, Illinois, $108,000.

Naval Training Center, Great Lakes, Illinois, $5,147,000.

ELEVENTH NAVAL DISTRICT

Naval Amphibious Base, Coronado, California, $2,761,000.

Naval Air Station, Imperial Beach, California, $3,471,000.

Naval Shipyard, Long Beach, California, $5,586,000.

Naval Station, Long Beach, California, $1,844,000.

Naval Air Station, Miramar, California, $3,670,000.

Naval Air Rework Facility, North Island, California, $3,015,000.

Naval Air Station, North Island, California, $12,144,000.

Pacific Missile Range, Point Mugu, California, $665,000.

Naval Construction Battalion Center, Port Hueneme, California, $470,000.

Navy Public Works Center, San Diego, California, $1,758,000.

Naval Station, San Diego, California, $8,291,000.

Navy Submarine Support Facility, San Diego, California, $631,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Alameda, California, $8,134,000.

Naval Facility, Centerville Beach, Ferndale, California, $664,000.

Naval Air Station, Lemoore, California, $3,981,000.

Naval Schools Command, Mare Island, Vallejo, California, $5,153,000.

Naval Shipyard, Mare Island, Vallejo, California, $4,450,000.

Naval Air Station, Moffet Field, California, $2,097,000.

Fleet Numerical Weather Central, Monterey, California, $2,830,000.

Naval Station, Treasure Island, San Francisco, California, $2,690,000.

Naval Security Group Activity, Skaggs Island, California, $615,000.

Naval Air Station, Fallon, Nevada, $214,000.

Naval Ammunition Depot, Hawthorne, Nevada, $7,503,000.

THIRTEENTH NAVAL DISTRICT

Naval Communication Station, Adak, Alaska, $591,000.

Naval Arctic Research Laboratory, Barrow, Alaska, $3,759,000.

Naval Shipyard, Puget Sound, Bremerton, Washington, $5,992,000.

Naval Torpedo Station, Keyport, Washington, $96,000.

Naval Air Station, Whidbey Island, Washington, $8,744,000.

FOURTEENTH NAVAL DISTRICT

Naval Air Station, Barbers Point, Hawaii, $100,000.

Naval Ammunition Depot, Oahu, Hawaii, $10,098,000.

Naval Dispensary, Pearl Harbor, Hawaii, $3,593,000.

Naval Shipyard, Pearl Harbor, Hawaii, $424,000.

Naval Station, Pearl Harbor, Hawaii, $2,623,000.

Naval Submarine Base, Pearl Harbor, Hawaii, $2,755,000.

MARINE CORPS FACILITIES

Marine Barracks, Washington, District of Columbia, $5,233,000.

Marine Corps Development and Education Command, Quantico, Virginia, $6,492,000.

Marine Corps Base, Camp Lejeune, North Carolina, $9,672,000.

Marine Corps Air Station, Cherry Point, North Carolina, $2,143,000.

Marine Corps Air Station, New River, North Carolina, $3,748,000.

Fleet Marine Force, Atlantic, Norfolk, Virginia, $2,602,000.

Marine Corps Supply Center, Albany, Georgia, $236,000.

Marine Corps Air Station, Beaufort, South Carolina, $2,757,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $4,612,000.

Marine Corps Air Station, Yuma, Arizona, $2,030,000.

Marine Corps Auxiliary Landing Field, Camp Pendleton, California, $2,996,000.

Marine Corps Base, Camp Pendleton, California, $14,972,000.

Marine Corps Air Station, El Toro, California, $523,000.

Marine Corps Air Stations, Orange County, California, $40,379,000.

Marine Corps Base, Twentynine Palms, California, $2,017,000.

Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii, $794,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement Facilities, $25,194,000.

Various Locations, Water Pollution Abatement Facilities, $55,016,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Communication Station, Ponce, Puerto Rico, $586,000.

Naval Facility, Ramey Air Force Base, Puerto Rico, $207,000.

Naval Station, Roosevelt Roads, Puerto Rico, $1,497,000.

Naval Security Group Activity, Sabana Seca, Puerto Rico, $660,000.

Naval Facility, Grand Turk, The West Indies, $271,000.

ATLANTIC OCEAN AREA

Naval Air Facility, Lajes, Azores, $120,000.

Naval Air Station, Bermuda, Bermuda Islands, $90,000.

Naval Air Station, Guantanamo Bay, Cuba, $144,000.

Naval Hospital, Guantanamo Bay, Cuba, $738,000.

Naval Station, Guantanamo Bay, Cuba, $3,310,000.

Naval Station, Keflavik, Iceland, $1,297,000.

EUROPEAN AREA

Naval Communication Unit, London, England, $88,000.

Naval Detachment, Souda Bay, Crete, Greece, $5,308,000.

Naval Air Facility, Sigonella, Sicily, Italy, $8,932,000.

Naval Station, Rota, Spain, $860,000.

INDIAN OCEAN AREA

Naval Communication Facility, San Diego Garcia, Chagos Archipelago, $6,100,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $1,743,000.

Naval Air Station, Agana, Guam, Mariana Islands, $1,008,000.

Naval Hospital, Guam, Mariana Islands, $598,000.

Naval Magazine, Guam, Mariana Islands, $968,000.

Navy Public Works Center, Guam, Mariana Islands, $158,000.

Naval Station, Guam, Mariana Islands, $202,000.

Naval Air Station, Cubi Point, Republic of the Philippines, $4,470,000.

Naval Communications Station, San Miguel, Republic of the Philippines, $395,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines, $267,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement Facilities, $1,200,000.

SEC. 202. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1973, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 203. (a) Public Law 90–110, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Submarine Medical Center, New London, Connecticut, strike out "$1,590,000" and insert in place thereof "$2,575,000".

(b) Public Law 90–110, as amended, is amended by striking out in clause (2) of section 802, "$422,599,000" and "$470,796,000" and inserting in place thereof "$423,584,000" and "$471,781,000", respectively.

SEC. 204. (a) Public Law 91–511, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Observatory, Flagstaff Station, Flagstaff, Arizona, strike

out "$286,000" and insert in place thereof "$804,000".

(2) With respect to Marine Corps Base, Camp Lejeune, North Carolina, strike out "$1,384,000" and insert in place thereof "$1,703,000".

(b) Public Law 91–511, as amended, is amended under the heading "OUTSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Magazine, Guam, Mariana Islands, strike out "$3,287,000" and insert in place thereof "$7,457,000".

(c) Public Law 91–511, as amended, is amended by striking out in clause (2) of section 602, "$246,118,000", "$21,994,000" and "$269,086,000 and inserting in place thereof "$246,955,000", "$26,164,000" and "$274,093,000", respectively.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Peterson Field, Colorado Springs, Colorado, $5,423,000.

Tyndall Air Force Base, Panama City, Florida, $200,000.

AIR FORCE LOGISTICS COMMAND

Gentile Air Force Station, Dayton, Ohio, $138,000.

Hill Air Force Base, Ogden, Utah, $4,242,000.

Kelly Air Force Base, San Antonio, Texas, $4,444,000.

McClellan Air Force Base, Sacramento, California, $11,312,000.

Robins Air Force Base, Macon, Georgia, $9,501,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, $10,307,000.

Wright-Patterson Air Force Base, Dayton, Ohio, $14,074,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee, $300,000.

Brooks Air Force Base, San Antonio, Texas, $3,566,000.

Edwards Air Force Base, Muroc, California, $534,000.

Eglin Air Force Base, Valparaiso, Florida, $10,920,000.

Kirtland Air Force Base, Albuquerque, New Mexico, $893,000.

Satellite Tracking Facilities, $151,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Rantoul, Illinois, $5,875,000.

Keesler Air Force Base, Biloxi, Mississippi, $4,454,000.

Lackland Air Force Base, San Antonio, Texas, $3,644,000.

Laredo Air Force Base, Laredo, Texas, $133,000.

Laughlin Air Force Base, Del Rio, Texas, $711,000.

Lowry Air Force Base, Denver, Colorado, $987,000.

Mather Air Force Base, Sacramento, California, $1,558,000.

Randolph Air Force Base, San Antonio, Texas, $2,137,000.

Reese Air Force Base, Lubbock, Texas, $2,235,000.

Sheppard Air Force Base, Wichita Falls, Texas, $5,074,000,

Williams Air Force Base, Chandler, Arizona, $329,000.

AIR UNIVERSITY

Maxwell Air Force Base, Montgomery, Alabama, $3,000,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska, $2,885,000.

Various Locations, $2,012,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $3,714,000.

Bolling Air Force Base, Washington, District of Columbia, $20,226,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, $543,000.

Dover Air Force Base, Dover, Delaware, $3,164,000.

McChord Air Force Base, Tacoma, Washington, $1,470,000.

McGuire Air Force Base, Wrightstown, New Jersey, $4,509,000.

Norton Air Force Base, San Bernardino, California, $1,009,000.

Scott Air Force Base, Belleville, Illinois, $359,000.

Travis Air Force Base, Fairfield, California, $274,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, $4,330,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Blytheville, Arkansas, $92,000.

Davis-Monthan Air Force Base, Tucson, Arizona, $2,665,000.

Ellsworth Air Force Base, Rapid City, South Dakota, $103,000.

Grand Forks Air Force Base, Grand Forks, North Dakota, $1,812,000.

Grissom Air Force Base, Peru, Indiana, $138,000.

K. I. Sawyer Air Force Base, Marquette, Michigan, $338,000.

Loring Air Force Base, Limestone, Maine, $2,523,000.

Malmstrom Air Force Base, Great Falls, Montana, $1,145,000.

March Air Force Base, Riverside, California, $4,512,000.

Minot Air Force Base, Minot, North Dakota, $1,664,000.

Offutt Air Force Base, Omaha, Nebraska, $5,271,000.

Vandenberg Air Force Base, Lompoc, California, $3,185,000.

Westover Air Force Base, Chicopee Falls, Massachusetts, $455,000.

Wurtsmith Air Force Base, Oscoda, Michigan, $948,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, $210,000.

Cannon Air Force Base, Clovis, New Mexico, $558,000.

England Air Force Base, Alexandria, Louisiana, $2,095,000.

George Air Force Base, Victorville, California, $501,000.

Holloman Air Force Base, Alamogordo, New Mexico, $772,000.

Homestead Air Force Base, Homestead, Florida, $3,184,000.

Langley Air Force Base, Hampton, Virginia, $2,514,000.

MacDill Air Force Base, Tampa, Florida, $4,798,000.

Mountain Home Air Force Base, Mountain Home, Idaho, $318,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina, $145,000.

Nellis Air Force Base, Las Vegas, Nevada, $2,722,000.

Pope Air Force Base, Fayetteville, North Carolina, $1,955,000.

Shaw Air Force Base, Sumter, South Carolina, $4,000,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, $3,312,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas, $1,564,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement Facilities, $7,300,000.

Various Locations, Water Pollution Abatement Facilities, $9,691,000.

AIR INSTALLATION COMPATIBLE USE ZONES

Various Locations, $12,000,000.

OUTSIDE THE UNITED STATES

AIR FORCE SYSTEMS COMMAND

Satellite Tracking Facilities, $310,000.

AEROSPACE DEFENSE COMMAND

Naval Station Keflavik, Iceland, $1,704,000.

PACIFIC AIR FORCES

Various Locations, $4,612,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $800,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, $8,161,000.

United Kingdom, $5,605,000.

Various Locations, $3,404,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement Facilities, $171,000.

Various Locations, Water Pollution Abatement Facilities, $4,537,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $19,160,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000: *Provided*, That the Secretary of the Air Force or his designee, shall notify the Committee on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1973, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. (a) Public Law 91–142, as amended, is amended under the heading "INSIDE THE UNITED STATES," in section 301 as follows:

(1) With respect to Williams Air Force Base, Chandler, Arizona, strike out "$4,462,000" and insert in place thereof, "$5,008,000".

(b) Public Law 91–142, as amended, is amended by striking out in clause (c) of section 702 "$208,611,000" and "$268,994,000" and inserting in place thereof "$209,157,000" and "$269,540,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

INSIDE THE UNITED STATES

DEFENSE INTELLIGENCE AGENCY

Arlington Hall Station, Virginia, $1,600,000.

DEFENSE NUCLEAR AGENCY

Naval Ordnance Laboratory, White Oak, Maryland, $2,236,000.

Armed Forces Radiobiology Research Institute, Bethesda, Maryland, $360,000.

DEFENSE SUPPLY AGENCY

Defense Automatic Addressing Facility, Tracy, California, $137,000.

Defense Construction Supply Center, Columbus, Ohio, $1,199,000.

Defense Documentation Center, Alexandria, Virginia, $98,000.

Defense Depot, Mechanicsburg, Pennsylvania, $722,000.

Defense Depot, Memphis, Tennessee, $828,000.

Defense Depot, Ogden, Utah, $1,091,000.

Defense Depot, Tracy Annex, Stockton, California, $682,000.

Defense Electronics Supply Center, Dayton, Ohio, $159,000.

Defense General Supply Center, Richmond, Virginia, $1,171,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $5,221,000.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $15,000,000: *Provided*, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

TITLE V

MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and mobile home facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committee on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units—

(1) The Department of the Army, three thousand nine hundred and forty-nine units $100,122,000:

National Guard Battalion Headquarters, Bethel, Alaska, two units.

National Guard Battalion Headquarters, Nome, Alaska, two units.

Fort Huachuca, Arizona, one hundred units.

Sierra Army Depot, California, eighty units.

Fort Carson, Colorado, three hundred units.

Walter Reed Army Medical Center, District of Columbia, three hundred units.

Fort Benning, Georgia, four hundred and seventy-four units.

United States Army Installations, Oahu, Hawaii, six hundred and forty units.

Fort Riley, Kansas, one hundred units.

United States Army Installations, St. Louis, Missouri, two hundred units.

Cold Region Research Laboratory, New Hampshire, one unit.

Fort Monmouth, New Jersey, one hundred units.

Fort Bragg/Pope Air Force Base, North Carolina, five hundred units.

Fort Hood, Texas, one thousand units.

Fort Belvoir, Virginia, one hundred and fifty units.

(2) The Department of the Navy, four thousand six hundred units, $119,900,000.

Naval Complex, Long Beach, California, four hundred units.

Marine Corps Base, Camp Pendleton, California, four hundred units.

Marine Corps Base, Twentynine Palms, California, one hundred units.

Naval Complex, Washington, District of Columbia, six hundred units.

Naval Training Center, Orlando, Florida, three hundred units, and additional real estate.

Naval Complex, Oahu Hawaii, five hundred units.

Naval Complex, Great Lakes/Glenview, Illinois, three hundred and fifty units.

Naval Complex, New Orleans, Louisiana, one hundred units.

Naval Air Station, Meridian, Mississippi, two hundred units.

Naval Air Station, Lakehurst, New Jersey, two hundred units.

Naval Complex, Newport, Rhode Island, one hundred and fifty units.

Naval Complex, Charleston, South Carolina, two hundred units.

Naval Complex, Norfolk, Virginia, six hundred units, and additional real estate.

Naval Security Group Activity, Galeta Island, Canal Zone, twenty units.

Naval Complex, Guam, Marianas Islands, two hundred and thirty units.

Naval Air Station, Bermuda, two hundred and fifty units.

(3) The Department of the Air Force, three thousand one hundred and sixty-eight units, $76,024,000:

Maxwell/Gunter Air Force Bases, Alabama, two hundred units.

Davis-Monthan Air Force Base, Arizona, four hundred units.

Lowry Air Force Base, Colorado, three hundred units.

Bolling Air Force Base, District of Columbia, four hundred units.

Andrews Air Force Base, Maryland, three hundred units.

Nellis Air Force Base, Nevada, two hundred units.

Laredo Air Force Base, Texas, two hundred units

Hill Air Force Base/Defense Depot, Ogden, Utah, three hundred and eighteen units.

Langley Air Force Base, Virginia, five hundred units.

San Vito Air Station, Italy, one hundred and fifty units.

Incirlik Air Force, Turkey, two hundred units.

(b) Mobile home facilities:

(1) The Department of the Army, four hundred and twenty-one spaces, $1,662,000.

(2) The Department of the Navy, four hundred and thirty-two spaces, $1,725,000.

(3) The Department of the Air Force, five hundred and fifty spaces, $2,000,000.

SEC. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) shall not exceed $24,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation and installation of utilities.

(b) No family housing unit in the area specified in subsection (a) shall be constructed at a total cost exceeding $42,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation and installation of utilities.

(c) When family housing units are constructed in areas other than that specified in subsection (a) the average cost of all such units shall not exceed $33,500 and in no event shall the cost of any unit exceed $42,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation and installation of utilities.

SEC. 503. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions, or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(1) for the Department of the Army, $16,985,700.

(2) for the Department of the Navy, $9,121,000.

(3) for the Department of the Air Force, $11,955,000.

SEC. 504. Notwithstanding the limitations contained in section 502 of this Act, the Secretary of Defense, or his designee, is authorized to construct or otherwise acquire, four-family housing units in Brazil at a total cost not to exceed $215,000. This authority shall include the authority to acquire lands and interests in land.

SEC. 505. The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $10,000 limitation prescribed in section 610(a) of Public Law 90–110, as amended (81 Stat. 279, 305), as follows:

The United States Naval Academy, Annapolis, Maryland, eleven units $275,000.

Royal Air Force Station, Mildenhall, New Market, United Kingdom, one unit, $18,500.

SEC. 506. Section 515 of Public Law 84–161 (69 Stat. 324, 352), as amended, is amended by (1) striking out "1972 and 1973" in the first sentence and inserting in lieu thereof "1973 and 1974", and (2) striking out the third sentence and inserting a new sentence as follows: "Expenditures for the rental of such housing facilities, including the cost of utilities and maintenance and operation, may not exceed: for the United States (other than Hawaii), Puerto Rico, and Guam an average of $210 per month for each military department, or the amount of $290 per month for any one unit; and, for Hawaii, an average of $255 per month for each military department, or the amount of $300 per month for any one unit."

SEC. 507. Section 507 of Public Law 88–174 (77 Stat. 307, 326), as amended, is amended by (1) striking out "1972 and 1973" and inserting in lieu thereof "1973 and 1974", and (2) striking out "$210" and inserting in lieu thereof "$225".

SEC. 508. Notwithstanding the provisions of any other law, members of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service, with dependents, may occupy on a rental basis, without loss of basic allowance for quarters, inadequate quarters under the jurisdiction of a military department notwithstanding that such quarters may have been constructed or converted for assignment as public quarters, subject to a charge against their basic allowance for quarters in the amount of the fair rental value of the housing facility: *Provided*, That notwithstanding the fair rental value of such family housing facility, no charge for occupancy thereof shall be made against the basic allowance for quarters of the occupant in excess of 75 per centum of such allowance, except that in no event shall the total charge to the occupants' basic allowance for quarters for such housing at any installation be less than the cost of maintenance and operation thereof. The net difference between the basic allowance for quarters and the occupancy charge shall be paid to the occupant from otherwise available appropriations.

The Secretaries of the Military Departments are each authorized, subject to regulations approved by the Secretary of Defense.

1. to designate as rental housing such housing as he may determine to be inadequate as public quarters; and,
2. to lease inadequate housing to personnel of any of the mentioned services for occupancy by them and their dependents.

On the effective date of this section, section 407 of Public Law 85-241 (71 Stat. 556), as amended (42 U.S.C. 1594j), is repealed.

Sec. 509. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(1) for construction and acquisition of family housing, including improvements to adequate quarters, improvements in inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of mobile home facilities, and planning, an amount not to exceed $318,379,700, and,

(2) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $730,949,000.

TITLE VI

HOMEOWNERS ASSISTANCE

Sec. 601. Effective November 30, 1970, section 1013 of Public Law 89-754 (80 Stat. 1255, 1290) as amended, is amended by (1) deleting the period at the end of subsection 1013(d) and adding the following: ", except in connection with compensation for property located on a base or installation pursuant to subsection (1).", and by (2) adding the following new subsection:

"(1) Notwithstanding the provisions of subsection (a)(2) and the second proviso of subsection (b), Federal employees or military personnel employed at or near a military base or installation outside the United States who are otherwise eligible under the criteria as set forth above shall be entitled to compensation for losses arising (1) out of the sale of property, or (2) out of the inability to sell property located on a base or installation, incident to the owner's transfer, reassignment, or involuntary termination of employment, which results in his relocation. Such employees or military personnel whose property is located off a base or installation shall be entitled to compensation under subsection (c) for losses sustained in private sales. Such employees or personnel whose property is located on a base or installation, who sell or are unable to find a purchaser for such property, may surrender their interest in such property to the United States, and shall be entitled to compensation, notwithstanding lack of ownership of the land on which such property is located, in an amount equal to (A) 90 per centum of the sum of the present owner's purchase price of the dwelling and improvements, and all costs of ownership including interest on notes, utilities and services, maintenance and insurance, less (B) the total of all housing allowances received from the Government during ownership and occupancy of the dwelling, all rents collected, and the sale price, if any, received for the property, as determined by the Secretary of Defense: *Provided, however*, That the maximum compensation shall in no event exceed 90 per centum of the unamortized portion of the cost of the property, including improvements, at the time ownership is terminated, as reflected in the amortization schedule, if any, relating to such property. For the purpose of this subsection, the term 'United States' means the several States and the District of Columbia."

TITLE VII

GENERAL PROVISIONS

Sec. 701. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Sec. 702. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public work projects authorized by titles I, II, III, IV, and V, shall not exceed—

(1) for title I: Inside the United States, $440,688,000; outside the United States, $117,074,000; or a total of $557,762,000.

(2) for title II: Inside the United States, $473,509,000; outside the United States, $41,217,000; or a total of $514,726,000.

(3) for title III: Inside the United States, $235,835,000; outside the United States, $29,304,000; section 302, $19,160,000; or a total of $284,299,000.

(4) for title IV: A total of $30,504,000.

(5) for title V: Military family housing, $1,049,328,700.

Sec. 703. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

Sec. 704. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious, and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

Sec. 705. (a) As of October 1, 1973, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, and IV of the Act of October 27, 1971, Public Law 92-145 (85 Stat. 394), and all such authorizations contained in Acts approved before October 28, 1971, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisitions, or payments to the North Atlantic Treaty Organization, in whole or in part before October 1, 1973, and authorizations for appropriations therefor; and

(3) notwithstanding the repeal provisions of section 705(a) of the Act of October 27, 1971, Public Law 92–145 (85 Stat. 394, 410), authorizations for the following items which shall remain in effect until October 1, 1974:

(a) utilities in the amount of $2,200,000 at Fort Belvoir, Virginia, that is contained in title I, section 101 of the Act of October 26, 1970 (84 Stat. 1204), as amended.

(b) utilities in the amount of $2,333,000 at Radford Army Ammunition Plant, Virginia, that is contained in title I, section 101 of the Act of October 26, 1970 (84 Stat. 1204), as amended.

(c) utilities in the amount of $876,000 at Fort Ritchie, Maryland, that is contained in title I, section 101 of the Act of October 26, 1970 (84 Stat. 1204), as amended.

(d) land acquisition contiguous to the Marine Corps Air Station, El Toro, California, as authorized in title II, section 204 of the Act of October 26, 1970 (84 Stat. 1204, 1212).

(e) land acquisition contiguous to the Marine Corps Air Station, Santa Ana, California, as authorized in title II, section 205 of the Act of October 26, 1970 (84 Stat. 1204, 1212).

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including mobile home facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) authorizations to accomplish alterations, additions, expansions or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date.

SEC. 706. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

(1) $27.00 per square foot for permanent barracks;

(2) $29.00 per square foot for bachelor officer quarters; unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable; *Provided*, That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

SEC. 707. Section 2683, title 10, United States Code (relating to relinquishment of legislative jurisdiction) is amended by revising subsection (a) thereof to read as follows:

"(a) Nothwithstanding any other provision of law, the Secretary of a military department may, whenever he considers it desirable, relinquish to a State, or to a Commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction of the United States over lands or interests under his control in that State, Commonwealth, territory, or possession. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide.

SEC. 708. Section 709 of Public Law 92–145 (85 Stat. 394, 414) is amended to read as follows: "Notwithstanding any other provision of law, none of the lands constituting Camp Pendleton, California, may be sold, transferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law: *Provided, however,* That with respect, to said lands the Secretary of the Navy, or his designee, may grant leases, licenses, or easements pursuant to chapter 159 of title 10, United States Code."

SEC. 709. Titles I, II, III, IV, V, VI, and VII, of this Act may be cited as the "Military Construction Authorization Act, 1973".

TITLE VIII

RESERVE FORCES FACILITIES

SEC. 801. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, $33,570,000.

(b) Army Reserve, $33,500,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserves, $14,715,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $14,500,000.

(b) Air Force Reserve, $6,400,000.

SEC. 802. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 803. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1973".

The PRESIDING OFFICER. Debate on the bill is subject to a 1-hour limitation, to be equally divided and controlled. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will be in order.

Mr. SYMINGTON. Mr. President, I yield myself such time as I may require.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the majority leader.

Mr. MANSFIELD. Mr. President, before the Senator starts on his introductory remarks I would like to raise a question based on the committee report.

On page 19 of the committee report on the military construction bill, under the heading "Safeguard System Command" I note that a total of $387 million originally requested by the Army for construction of Safeguard tactical facilities and for community impact assistance was withdrawn as a result of the SALT agreement.

I would point out that the five countries affected by the cancellation of the Montana ABM project had an unemployment rate of about 5.6 percent prior to the signing of the Nixon-Brezhnev agreement in Moscow last spring. The unemployment figure in those counties now averages 9.2 percent.

May I say further that the people of Montana who are most directly affected by this cancellation have taken the action of the President in good faith and in good spirits, and they are very much behind what the President has done in the signing of this agreement, which the Senate almost unanimously approved yesterday.

That is incidental, but it does raise some questions.

Am I correct in my belief that the withdrawal of this amount, with which I fully agree, will in no way affect those community impact requests which are now pending in the Department of Defense? I have in mind repair of the streets in Conrad, Mont., $237,000; the completion of a multipurpose facility at the elementary school in Conrad, $234,000; and the Safeguard share of economic development coordination at Conrad, $50,000. These three requests, along with others, were submitted as a direct result of Safeguard planning in Monana, and are tied with the cancellation of the contract as a result of the signing of the Nixon-Brezhnev agreement in Moscow last spring.

Mr. SYMINGTON. The distinguished majority leader is correct. It is my understanding that sufficient funds are available to the Safeguard System Command to fund approved projects remaining under the community impact program.

Mr. TOWER. Mr. President, I associate myself with the remarks of the Senator from Missouri. That is also my understanding.

Mr. MANSFIELD. I thank the manager of the bill and the ranking Republican member for their words of assurance and support, and I am delighted that this question has been erased in the Senate.

Mr. SYMINGTON. Mr. President, the bill before the Senate today provides construction and other related authority for the military departments and defense agencies within and outside the

United States, including authority for all costs of military family housing, and the construction of facilities for the Reserve components.

The total new authority granted by the bill is $2,539,304,700, and in addition thereto, approval is granted for an increase in prior years authority of $7,842 million, for a total authorization of $2,547,146,700.

The budget request this year for military construction was the largest to come before the committee in several years. It approximated $3.48 billion. The amount approved by the committee is about $501 million less than that requested.

I must point out, however, as a result of the SALT agreement, some $394 million of the amount originally requested for the Safeguard ABM system was withdrawn by the Department of Defense, and the balance of $6 million for 218 units of family housing at the Grand Forks, N. Dak., site was considered in the recently passed military hardware procurement bill.

This left a remainder of about $2.6 billion in new authorization requests to be considered by the Armed Services Committee.

After careful consideration of some 806 line items at over 375 major bases, the committee approved an amount totaling $101,394,300 below the budget request, exclusive of Safeguard, and $28.6 million below the amount approved by the House of Representatives.

In that special emphasis was placed by the Department this year on personnel-oriented facilities in furtherance of the modern voluntary force concept, air and water pollution abatement, and facilities for the Reserve components, the bill was somewhat difficult to deal with.

For example, $387 million was set aside for the construction and renovation of bachelor housing. This will provide modern quarters for some 108,000 enlisted men and 1,700 bachelor officers. The committee approved this request in its entirety. Decent living facilities are of primary importance if a voluntary force is to be achieved.

Exclusive of those special items such as site protection of Minuteman and NATO Infrastructure, 58 percent of the Army request this year was for troop housing and community facilities. Another 16.6 percent was primarily for air and water pollution control projects. Only about 25 percent of the entire Army program was for operational requirements.

A total of $162.3 million is set aside for air and water pollution control projects for the three military services. These projects are more or less mandatory if the Department of Defense is to conform with the existing law.

With the completion of the pollution control projects provided for in the bill, the goal of meeting current standards will largely be met. The committee does recognize, however, that as more stringent requirements are promulgated, there will be a continuing need for some additional funds for these purposes in the future.

About $1.1 billion of the amount approved provides for all costs related to military family housing, such as debt payments, maintenance and operation, repair of the existing inventory, and 11,721 units of new housing. This is a substantial increase over new housing starts provided for in last year's bill.

Mr. President, I call these factors to attention of Senators simply to illustrate those factors the committee was confronted with in considering the bill.

Concerning all factors involved, it is believed the construction requirement for the three military departments and the defense agencies in fiscal year 1973 are amply provided for.

The reductions made by the committee were not based on a judgment that the projects deferred were not desirable or important, but because it was believed they could be safely deferred without jeopardizing the national defense or reducing the effectiveness of our military services.

Now I will mention a few items that may be of special interest.

As a result of the SALT agreement, and after the committee had completed its hearings, the Department of Defense requested that $40 million be added for the Air Force to expedite the Strategic Air Command's B–52 bomber dispersal program.

This program will eventually involve eight bases, and will cost around $15 million per base. Essentially, it will consist of constructing an additional light-duty runway at each base, and, in some instances, other related projects, such as crew alert facilities. The bill as submitted to Congress contained $10 million for one such base. The additional $40 million requested would provide for three additional bases and would supposedly expedite the completion of the program by 3 years.

The committee did not include these additional funds in the bill, nor have they been included in the House passed bill. This program is designed to protect our bomber force against a submarine launched missile that does not exist at the present time, but may come into being within the next couple of years.

There is nothing complicated about constructing the type of facilities proposed under this dispersal program, and the committee failed to see the necessity to provide these additional funds at this time.

The committee did not approve the Navy's request for $14.3 million to provide for the beginning of the first Trident base.

Such a base, if constructed, will eventually cost around $1 billion. The committee considered the request to be premature. No site has yet been selected for the base, although it is understood several locations are under consideration.

Finally, I wish to mention the provision for facilities for the Reserve components.

With the increased reliance being placed on our Reserve forces, substantial increases were requested over last year for all but the Air National Guard. Only $9 million was requested for this important Reserve component, of which $4.1 million was specified for three pollution abatement projects at the direction of the Secretary of Defense.

This, of course, would leave only $4.9 million available to the Air National Guard for major facilities at both flying and nonflying bases. The committee considered this to be entirely inadequate when considering the fact that more than 60 percent of the Air Guard units will have converted to later model aircraft by the end of this fiscal year. This, of course, has created an extensive construction requirement for more and more complex support facilities. Accordingly, the committee has increased the authority for the Air National Guard by $5.5 million to provide for the minimum essential requirements for the Air National Guard during fiscal year 1973.

This, Mr. President, is consistent with the action taken by the House of Representatives during their consideration of the bill.

Mr. President, I believe that I have fairly outlined the salient features of the bill before the Senate. The committee in reporting this bill is confident that the construction needs of the Department of Defense will be adequately provided for during fiscal year 1973.

Mr. President, I yield to the able senior Senator from Texas, the ranking Republican member of our subcommittee.

Mr. TOWER. I yield myself such time as I may require.

Mr. President, the military construction authorization bill before the Senate should be passed. It authorizes $2.5 billion for the services, defense agencies, and family housing. During extensive hearings and a review of testimony we reduced in conjunction with DOD, the administration request by over $500 million, leaving only the highest priority items. The increase in this year's request was due primarily to concern with increasing volunteerism in the Armed Forces, fighting pollution, boosting Reserve readiness, and giving a higher priority to operational and training requirements. I believe that with $386 million for bachelor housing and more than a billion dollars for 11,721 units of family housing, we are on the way toward providing the kind of home environment that will stimulate volunteerism. An offset agreement was concluded with the Federal Republic of Germany whereby they would provide $183 million for rehabilitation of troop barracks in Germany, which is a project long overdue. I share the concern of other Senators over housing in Germany. While this is a splendid first step toward a resolution of that problem, more must be done.

Mr. President, we have carefully reviewed the administration's request. We reduced it, in conjunction with the Defense Department, by approximately 15 percent by eliminating marginal items and deferring those that were not urgent.

So I heartily support this bill, and I commend the distinguished Senator from Missouri for his expeditious leadership in connection with this measure.

Mr. SYMINGTON. I thank the able Senator from Texas, who is as well informed on this subject as any other

Member of the Senate and who was of great assistance in the preparation of this bill.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. SYMINGTON. I am glad to yield.

Mr. FULBRIGHT. I am curious. I note that in the bill there is an item of $20 million for Bolling Field. I saw an item in the newspaper the other day about housing for Bolling Field. What is the $20 million for?

Mr. SYMINGTON. This is for a new office building at Bolling Field It has been approved twice by the Senate.

Mr. FULBRIGHT. An office building for whom?

Mr. SYMINGTON. For the Defense Department.

Mr. FULBRIGHT. Then, the story about turning it over for housing for the District of Columbia is incorrect?

Mr. SYMINGTON. I am not familiar with the story, but, to the best of my knowledge, it is incorrect.

Mr. FULBRIGHT. Can the Senator tell me what the mission is of the Iceland station? Just what function does that station perform? I note that $3 million will be spent. Is this for the next chess match, or is there some serious purpose for it?

I understood that there is a great question about the continuation of that base. There is very great doubt as to whether it has any function, in view of the recent trip of the President to Moscow, and so forth. Can the Senator tell us why $3 million additional is being spent in Iceland?

Mr. SYMINGTON. May I say to the Senator that there is less question about whether the base would proceed than whether the chess matches would proceed. The chess matches are going very well. Mr. Fischer won another game.

The purpose of this base is to maintain and operate facilities to provide services and material in support of special requirements of the operating forces of the Navy and the other military services as designated by the Chief of Naval Operations. The major activities are the antisubmarine warfare patrol, squadron units—the Senator knows better than I the strategic location of Iceland with respect to our fleet—U.S. Air Force, aircraft warning stations, and fighter-interceptor squadrons, naval communications station, naval facility at Keflavik, international ice patrol and aircraft operations. Major functions is the support of the antisubmarine warfare elements of the Navy operating force, and providing en route support for airlift operations.

Mr. FULBRIGHT. Then there is no prospect for this base being discontinued, in the Senator's opinion?

Mr. SYMINGTON. I would say none that the Department of Defense or the State Department have informed us of.

Mr. FULBRIGHT. The Senator did a great deal of investigation in a most effective way about the proliferation of bases around the world, the overcommitment of the United States. I thought this was one the Senator might be considering a surplus. Has the Senator given any thought to that or brought it up in committee at all?

Mr. SYMINGTON. We discussed it with the Navy and because of the nature of the bases and the fact that it is directly on the sealanes to Europe, they did need additional navigational aids on the crosswind runway in order to assure more safe and efficient operation of aircraft, and we decided, in this case, that it was worthwhile. This runway must be used about 17 percent of the time under marginal conditions.

Mr. FULBRIGHT. Is this considered an essential base to fly to Europe?

Mr. SYMINGTON. It all depends. As the Senator knows, in World War II, for example, during the fighting over Iwo Jima and when we captured that island, we saved many airplanes that otherwise would have gone in the brink. It is well to have this base, because of the extensive military and civilian traffic that goes over the airlane as well as the sealane.

Mr. FULBRIGHT. Could the Senator make any comment about Guantanamo? Is there less need for it now? We are spending $4 million there, I see.

Mr. SYMINGTON. As the Senator knows, Guantanamo is in a very major location for our fleet in the Caribbean. As to whether it should be continued, I would think, would be primarily a political matter as much as a military matter. As long as we do remain there we must provide reasonable necessities. In Guantanamo, we must provide, as appropriate, logistical support for the operating forces of the Navy and for dependent activities and other commands as designated by the Department of Defense.

Mr. FULBRIGHT. Does the committee feel that it has the responsibility to weigh the importance of maintaining the bases, or does it accept that as self-evident from the recommendations of the Department of Defense?

Mr. SYMINGTON. No, as I mentioned in my report to the Senate, we turn down a good many millions of dollars requested by the Air Force for bases, because we did not think it was opportune to do so at this time. Then, as the Senator well knows, we have many thousands of Americans using Guantanamo and, therefore, we must provide normal operating expenses for a base of that kind so close to the United States, comparable to the maintenance of operating expenses for a base in this country.

Mr. FULBRIGHT. Can the Senator tell the Senate whether any bases have been closed in the past year or the past 2 years—any bases the Senator knows of that have been closed?

Mr. TOWER. May I respond to that? Eglin Air Force Base?

Mr. FULBRIGHT. No. I mean abroad. What I am questioning is whether the maintenance of so many bases outside the United States is still consistent with the recent moves of the President—I approve his recent moves—but as I tried to make clear in debate recently, I do not see any consistency in moving toward a detente with the Russians and the Chinese—particularly the Russians—and at the same time maintaining the very same bases and our posture around the world based on the high degree of hostility going back to Stalin's day. I wonder whether the committee has given any thought to any restrictions or changes at all in connection with the bases. I realize the original reason for Iceland 25 years ago, which was pertinent to conditions prevailing at that time, but I question whether it is pertinent today. I am not talking about Texas. I know they have closed a number domestically.

Mr. TOWER. Not all of the cargo airlift, the airlift aircraft, are jet aircraft. Many are old prop jobs. Some are turboprops and they do require a place to refuel when they make trans-Atlantic journeys.

Mr. FULBRIGHT. What about the Azores? Does the Senator have any unlimited number of these? We have made over $400 million available in loans and grants for the Azores.

Mr. TOWER. Not via the Great Circle Route if you go by the Azores.

Mr. FULBRIGHT. Do we have to have these rights? The jets do not need to come down. They all fly direct to Europe now.

Mr. TOWER. They are not all jet planes.

Mr. SYMINGTON. Of course the Military Construction Subcommittee of the Armed Services Committee is not a committee that is basically designed to discuss policy from the standpoint of bases. However, I should like to supply for the RECORD, as well as for the information of my able colleague from Arkansas, the fact that we have denied considerable funds abroad. For instance, we denied $5½ million—$5,225,000 to be exact—for renovation of family housing in Germany.

Mr. FULBRIGHT. But did the Senator close any bases in Germany? The Senator can always polish them up, I am sure, and make refinements. Did the Senator close any base?

Mr. SYMINGTON. Constantly, on the floor here, we have gotten into the question of reducing troops in Germany——

Mr. FULBRIGHT. That is right.

Mr. SYMINGTON. I have supported the Senator and we have both supported the majority leader in efforts to reduce our troops. But inasmuch as we constantly are being defeated in that effort, I do not think that we should take it out on the American citizens now in Germany by closing the bases. They still must have a place to live. They still must have a place to send their children to school. They still have to be treated as American citizens.

Mr. FULBRIGHT. I do not deny that at all.

Mr. SYMINGTON. We need the bases, if we are to maintain our present troop level.

Mr. FULBRIGHT. That is not the question——

Mr. SYMINGTON. As long as the political and military decisions of this administration are such that we must continue to have these bases around the world, it would be, I think, rather cheapening to cut down the facilities available for them.

Mr. FULBRIGHT. That is not the question I raise at all.

Mr. SYMINGTON. If the Senator can effectively, with my support I might add, reduce our troops abroad, I believe that we would automatically be able to reduce some of the bases.

Mr. FULBRIGHT. Is it clear that this committee of which the Senator is speaking today does not feel it has any function to examine the justification for the bases being there at all, to accept that and only justify their operations? Is that right?

Mr. SYMINGTON. May I say to my able friend that the question as to whether the base should be there, in any case, is a matter that, in effect, has already been decided by the full committee. What we try to do, inasmuch as the decision has been made as to what should be the position of the United States all over the world, is to give the Americans there adequate facilities in which to live and to educate their children.

Mr. FULBRIGHT. The full committee, has examined it in recent years—this year—the reason for maintaining a base, say, in Iceland or in Guantanamo; has the matter been raised and testimony taken on that kind of question?

Mr. SYMINGTON. I do not remember any testimony specific with respect to the Iceland base.

Mr. FULBRIGHT. I use that only as an example.

Mr. SYMINGTON. I think there has been testimony about the Guantanamo base. For example, as the Senator knows, this was discussed in the Committee on Foreign Relations——

Mr. FULBRIGHT. I am talking about the Armed Services Committee.

Mr. SYMINGTON (continuing). And the Armed Services Committee, about homeporting a carrier task force in Greece. When such a procedure was decided upon as Government policy, it is only logical and humane to see that reasonable facilities are provided for the people involved.

We went into this quite thoroughly, and I will refer the Senator to testimony beginning on page 61 of the hearings on this bill.

Mr. FULBRIGHT. I was asking, does the Armed Services Committee examine into the justification, the rationale, or whatever else one wishes to call it, for the maintenance of these foreign bases? Do they consider it is their responsibility, or is it some one else's responsibility?

Mr. SYMINGTON. I would say to my able friend that I think they are more prone, and it is a fair statement to say that they are more prone to accept the decision of the Secretary of Defense and the present administration than some other committees I serve on as for example, the Committee on Foreign Relations.

Mr. FULBRIGHT. The answer is they do not feel it is their responsibility to make this kind of decision?

Mr. SYMINGTON. I think it is fair to say that if they felt any base abroad was wrong, they would be very reticent about appropriating or authorizing money to run the base. Therefore, the fact that they are asking for money to this extent under these conditions means they are satisfied that the bases in question are needed in order to protect our military position all around the world.

Mr. FULBRIGHT. That is a satisfaction that is not based on testimony or basic reasons for being there. There are no bearings. In other words, the question has never been raised.

Mr. SYMINGTON. The Senator knows that I have as much pride in serving on the Armed Services Committee as I do on the Foreign Relations Committee.

Mr. FULBRIGHT. I submit that that is not responsive.

Mr. SYMINGTON. Let me answer the Senator's question. I like to finish my sentences. I think, inasmuch as I am defending this bill, I naturally start out with the premise that under the able setup we have, and considering the efforts of the members of the committee, the money that we are requesting today to be authorized is adequate and proper, based on the policies that have been laid down.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I am glad to yield.

Mr. TOWER. In the course of considering the construction requests for bases abroad, I think we have to consider the question of whether or not the bases perform useful functions.

Certainly it is the responsibility of the committee to have oversight of the Department of Defense, and that would include bases abroad. I am certain that if the committee came to any conclusion that a lot of those bases were unnecessary, we would certainly move to act to encourage the Department of Defense to close them down.

On many of those bases we are mere tenants. They are not bases on American soil. So the bases which were built for the RAF in England or the German Air Force in Germany are bases where we are merely tenants and have facilities on the bases.

Mr. FULBRIGHT. I was raising a question as to whether the committee really examined and presented justifications. If I understood the Senator from Missouri and the Senator from Texas, they said, in effect, yes, we raised this question; we took testimony; and we came to this conclusion. They are assuming.

Mr. SYMINGTON. No; we took testimony. In the case of the Navy ranges on the island of Culebra, off the coast of Puero Rico, a great many people came before us, including the mayor of the town.

Mr. FULBRIGHT. I am talking about foreign bases.

Mr. SYMINGTON. Puerto Rico is not a State of the Union.

Mr. FULBRIGHT. It is a Commonwealth.

Mr. SYMINGTON. Many of the bases we are talking about are NATO bases, where, under our agreements, troops live on the bases as tenants, and we try to give them a decent standard of living.

Mr. FULBRIGHT. I will finish by taking, as an example, Greece—$5 million a year for Greece. Is that for new home port facilities. Did the Joint Chiefs so indicate?

The reason I ask—while the staff is looking that up—is that this installation was announced without its being in the form of a treaty. The Senator knows that it was announced as an executive agreement. Certainly the Committee on Foreign Relations has not had an opportunity to examine whether it is justified. I wondered whether in this case the Armed Services Committee went into the question of whether that new facility is justified.

Mr. SYMINGTON. Oh yes, indeed.

Mr. FULBRIGHT. Did the committee examine it?

Mr. SYMINGTON. We examined it.

Mr. FULBRIGHT. Is there a record of what the justification is? Is such a record available?

Mr. SYMINGTON. The Defense Department was very solid in its recommendation that we should, we might say, fortify further our Military Establishment in the eastern Mediterranean. It was with that premise that the arrangement was made with the Greek Government. We were assured there would be no heavy expenditures made. Actually, nearly all of this money—in fact, 100 percent of this money—is not for Greece per se. It is for Souda Bay, in Crete. It is for facilities to support aviation operations and activities in Crete, and for other activities as designated by the Department of Defense.

Mr. FULBRIGHT. It is not for construction?

Mr. SYMINGTON. Let me say to the Senator——

Mr. FULBRIGHT. What is the $5.3 million for?

Mr. SYMINGTON. That is what it is for.

Mr. FULBRIGHT. It is not for construction?

Mr. SYMINGTON. No; it is for construction.

Mr. FULBRIGHT. I thought this was a construction bill.

Mr. SYMINGTON. That is right. I am saying what the construction is for. We have obligations under NATO. There has been a lot of trouble on Crete, another of our NATO partners.

Mr. FULBRIGHT. On Crete or on Cyprus?

Mr. SYMINGTON. On Cyprus. Our operations on Crete have been in direct connection with the trouble on Cyprus.

Mr. FULBRIGHT. The $5 million, then, is for construction on the island of Crete?

Mr. SYMINGTON. That is right—not with respect to the addition of the fleet.

Mr. FULBRIGHT. How much is it going to cost for more port facilities for the fleet?

Mr. SYMINGTON. To the best of our knowledge, very, very little.

Mr. FULBRIGHT. Is there anything in the bill for it?

The PRESIDING OFFICER. All time of the Senator from Missouri has expired.

Mr. SYMINGTON. I did not know the Senator wanted answers in detail, such as he has asked for, but I know he will feel better when he finds that not a cent is spent that is not needed for this new development.

Mr. FULBRIGHT. In this bill?

Mr. SYMINGTON. Yes, in this bill.

Mr. FULBRIGHT. But it does not

mean that no funds will be spent for a home port?

Mr. SYMINGTON. I never said that, but funds for new facilities will be slight.

Mr. FULBRIGHT. That is relative.

Mr. SYMINGTON. I would not be surprised if they were to spend some money for the benefit of sailors who are sent to Greece. I do not think that would be a disaster.

Mr. FULBRIGHT. I think that because of the Senator's outstanding work in examining other commitments of the United States around the world, it would have been appropriate to look into the question of whether anyone examined into the justification of having bases around the world, many of which go back to World War II, when we were in a hot war, and created, for instance, a base in Iceland.

Everyone would agree that under those circumstances it was justified. I raise the question now and suggest that nobody examined the reasons for military bases which were created in World War II under circumstances very different from what they are today. I think someone ought to look into this to see whether there is any justification.

Mr. SYMINGTON. The Senator from Arkansas has been a Member of the Senate long enough to know that it is very difficult to attack a program and defend it at the same time.

As chairman of the subcommittee, I can say that we have done our best to look into the matter in great detail. The Senator did not notify me that he was particularly interested in any project in which he is now expressing an interest.

As to Souda Bay, Crete, I said:

> You are asking $5,308,000 for additional facilities at Souda Bay in Crete, and also $8,932,000 for additional facilities at Sigonella, Italy. We are worried about continuing heavy investments abroad, and we would like a rather complete explanation as to why you deem these facilities needed at this point in time.

I said that on my own.

Would the Senator like me to read all of it or just place it in the Record?

Mr. FULBRIGHT. No; I will read it in the Record. I am sure I know what it is.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TOWER. Mr. President, I yield 1 additional minute.

Mr. SYMINGTON. I thank my able friend from Texas. He is very sympathetic.

Mr. President, I ask unanimous consent that a detailed statement by Admiral Enger with respect to this matter may be placed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Excerpt of Hearing

SOUDA BAY, CRETE

Senator Symington. Very well.

Now, we go across the water, Souda Bay, Crete.

You are asking $5,308,000 for additional facilities at Souda Bay in Crete, and also $8,932,000 for additional facilities at Sigonella, Italy. We are worried about continuing heavy investments abroad, and we would like a rather complete explanation as to why you deem these facilities needed at this point in time.

Do you want to file that for the record?

Admiral Enger. Yes, sir.

(The information follows:)

The marked shift by tne Soviet Union over the past decade to a maritime strategy is manifested in the emergence of the Soviet Mediterranean Fleet, comprising missile ships, modern amphibious assault ships and submarines. This force is capable of operating for extended periods at sea and has access to several eastern Mediterranean ports for replenishment. United States policy commits the Navy to a strong role in the eastern Mediterranean to insure the strategic balance is not altered, that peacetime political and psychological advantage is not gained, and that our Middle East policy options are not limited. The Navy's successful performance of this mission is vital to the security of the United States.

An appraisal by CINCUSNAVEUR in early 1971 of shore based support facilities in the eastern Mediterranean evidenced an urgent need to upgrade the present austere installations at the Naval Air Facility (NAF) Sigonella, Sicily, and Naval Detachment (NAVDET) Souda Bay, Crete. These bases are strategically located close to primary SIXTH FLEET operating areas in the central and eastern Mediterranean and offer in being operational airfields for use in Fleet air logistics, air antisubmarine warfare, and military airlift operations, with the Souda Bay port facilities also capable of supporting SIXTH FLEET ships. The existing base structure at Sigonella and Souda Bay is very austere, with only minimal parking apron, cargo handling, maintenance and personnel support facilities available.

Present Souda Bay facilities were actually intended to support only intermittent operations in contingency situations; however, continuous operations have been required there since the Arab-Israeli War in May, 1967. These shortcomings seriously hamper the Navy's ability to effectively carry out the mission assigned in support of national policy. Experience during the Jordanian crisis of September, 1970, showed conclusively that these bases are not capable of effectively supporting increased base loadings resulting from contingency operations.

There has been no significant ungrading of facilities at Sigonella and Souda Bay over the past decade, while a gradual eastward shift in primary Fleet operating area has occurred. CINCUSNAVEUR had determined: (1) that NAF Sigonella must be upgraded to serve as the primary Military Airlift Command terminus in support of Navy operations in the Mediterranean, that Fleet Tactical Support Squadron VR–24 relocate from Rota to Sigonella, and required support facilities be provided for ASW patrol squadrons; and (2) NAVDET Souda Bay be upgraded to provide minimal support on a continuous basis for Fleet logistics support aircraft. ASW patrol aircraft, and ships transporting passengers and cargo in support of SIXTH FLEET operations. Facilities needed to achieve the foregoing capabilities were identified through an intensive, on site planning and engineering effort completed in March, 1971. Projects other than those most urgently needed to support immediate demands have been included in the Navy's FY 73 MILCON budget. Those projects deemed most urgently needed at NAF Sigonella, amounting to $7.2 mil, were undertaken immediately using emergency authorization in August 1971, with the approval of Congressional committees. Construction of these urgent facilities is in progress.

The current MAC terminal for all SIXTH FLEET personnel and most air cargo logistics is at Naval Station, Rota, Spain, outside the western end of the Mediterranean. SIXTH FLEET operations are now oriented predominantly to the central and eastern Mediterranean, a distance of about 1,200 to 2,500 miles eastward. Materials and personnel are distributed to the Fleet by Fleet Tactical Support Squadron VR-24, homeported in Rota with a detachment at NAF Naples. Further delivery to the Fleet is made by Carrier on Board Delivery aircraft having a range of 500 to 1,200 miles. Establishing a SIXTH FLEET MAC terminal at Sigonella and changing the homeport of VR–24 to Sigonella with a detachment at Souda Bay will extend the logistics support 1,200 miles further into the area of operations and put VR–24 aircraft within single flight range of the SIXTH FLEET carriers.

The ASW land-based patrol units will receive improved maintenance and personnel support facilities to correct severe crowding and other shortcomings now encountered during deployments to Sigonella. The proposed facilities at Souda Bay will enable a detachment of land-based ASW patrol aircraft to be stationed there. While these proposed facilities address only the normal intensity of operations anticipated, the improved base structure they provide will enable unforeseen contingency situations, during which loading surges of up to 50% can occur, to be handled with a reasonable amount of crowding and double loading.

Resumption of Hearing

Senator Symington. Haven't we been operating out of these two bases for a considerable period?

Admiral Enger. Mr. Murphy.

SIGONELLA, ITALY

Mr. Murphy. Yes, Mr. Chairman, we have been operating at Sigonella since the late fifties, and at Souda Bay on an intermittent basis 2 or 3 weeks per quarter on a training basis since approximately the same time. However, upon the intensification of events in the eastern Mediterranean, where Souda Bay particularly is located—it is 600 miles east of Sigonella in the eastern part of the Mediterranean—we have intensified our operations. These relate to both ASW patrols, using land-based aircraft, P–3 aircraft as well as logistics flights, in which the Navy transport aircraft move supplies and people around the Mediterranean, furnishing 6th Fleet ships with logistics support, both by carrier on board delivery of the people and supplies, as well as the dropping off at ports of call in the Mediterranean. So, while we have been operating there, we have intensified these operations in recent years, and feel we now must proceed with some better support facilities. Souda Bay became a full-time occupancy base by the U.S. Navy with the Jordanian crisis in 1970.

Senator Symington. You have been operating out of these two bases for some time. When will this increase in personnel become effective?

Mr. Murphy. Mr. Chairman, we expect to have at Sigonella approximately 700 military people additional, and 16 additional aircraft. They would move aboard Sigonella upon completion of this 1973 program.

I might add that we are already underway with our improvements at Sigonella, using fiscal year 1971 emergency authorization and reprogramed funds. We are proceeding there now with an aircraft apron and air cargo handling facilities. That contract is under way. When we complete that, plus this program, we feel we can then move these people aboard.

I also would point out, of the 700 additional people, 500 of them are people that are already in the Med providing these functions. It is rather a repositioning of the people, and of the aircraft, as opposed to a buildup per se.

Senator Symington. What kind of base rights agreement do we have here in Sicily and also in Crete?

Mr. MURPHY. In Italy we operate under our NATO agreement. We have a bilateral infrastructure agreement with Italy. There are no prohibitions to future MILCON here in Sigonella, and all of our plans have been approved by the Italian Government. In Souda Bay there is a military facility agreement consummated by the U.S. Navy and the Greek Navy. This is done under the sponsorship of an overall country-to-country agreement with Greece dated 1953. The facilities use agreement, which the respective navies have agreed upon, will be amended to permit the expansion at Souda Bay.

To date, the negotiations have approved only our continual presence at Souda. Our prior arrangement was intermittent. We have reached agreement on continual presence there. And we are presently negotiating a further amendment to provide for building these facilities. We expect no difficulty in favorably completing those negotiations.

Mr. TOWER. Mr. President, I yield such time as I may require.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I wish to comment on the home port in Greece. This apparently has been under attack by many people who do not like the political situation in Greece. The fact is that they are determined to be good allies of ours, whether we like them or not and their government is one of the most consistent allies we have.

The reason for the home port is to provide us with a better posture in the Eastern Mediterranean. Greece, where our carrier ships would be is ideal.

If there is any question those boys out there ask every Member of Congress and every Senator when they visit there it is, "When are we going to get a home port in the Mediterranean?" It is a tremendous morale factor. It is a friendly environment for us. Just because we do not like their authoritarian government does not mean we could not accept their friendship. They occupy a strategic position in the Mediterranean, and our position to respond to the needs of Israel depends on our allies in the Mediterranean.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. STENNIS. Mr. President, I thank very much the Senator from Missouri for the many, many days of hard work he put in on this bill. It is quite a long chore. I also thank the Senator from Texas for his fine contribution. This bill represents over $2.5 billion, almost all of which goes in connection with our military installations and things related to them in the United States. There is no real big money beyond our shorelines in this bill, as I see it. It is an important matter. A fine job has been done in connection with the bill, and we are all indebted to them for the job that has been done.

Mr. SYMINGTON. I thank the able and distinguished chairman of the Committee on Armed Services and also Mr. Nease of the staff, and my colleague from Texas, because I think we have looked into this bill carefully and made some savings, only requesting what is essential to support our military here and abroad.

Mr. TOWER. I thank the Senator from Missouri. He has done a very fine job on this matter as he always does. I thank the distinguished Senator from Mississippi for his comments.

Mrs. SMITH. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mrs. SMITH. Mr. President, as the ranking minority Member, I take this opportunity to thank the Subcommittee on Military Construction for the excellent job they have done in bringing this bill to the floor. I especially thank the ranking minority member of the subcommittee, the distinguished senior Senator from Texas (Mr. TOWER) and his colleagues, the Senator from South Carolina (Mr. THURMOND) and the Senator from Colorado (Mr. DOMINICK) for the diligence and thoroughness with which they have worked, and Mr. Nease, the staff member who has been such a great help.

Mr. SYMINGTON. Mr. President, I thank the able senior Senator from Maine for her kind remarks.

Mr. TOWER. Mr. President, I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, as a member of the Military Construction Subcommittee of the Senate Armed Services Committee, I wish to speak in favor of the pending bill being handled by the distinguished Senator from Missouri (Mr. SYMINGTON).

In my judgment this is a sound bill. The $2.5 billion contained in H.R. 15641 does not give the military services all they wanted. However, within reasonable funding constraints it does meet the more important requirements involving our national security.

Sizable percentages of the bill go toward improving bachelor enlisted and officer quarters in keeping with the all-volunteer armed services concept. There are also significant expenditures for pollution abatement projects necessary to comply with recent laws enacted by the Congress.

Of significance is an increase of about 20 percent for reserve force facilities. This is necessary because as we draw down the size of our regular forces, we must strengthen reserve and guard units.

I wish to commend the distinguished Senator from Missouri (Mr. SYMINGTON) and the distinguished Senator from Texas (Mr. TOWER) for their splendid leadership in handling this bill. Also, I desire to express appreciation to Mr. Gordon Nease, the capable staff member who did such a fine job on this legislation.

Mr. President, I urge the Senate to give this legislation favorable action.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

Mr. SYMINGTON. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is on final passage.

Mr. MANSFIELD. Mr. President, the distinguished Senator from California was here and asking a question before third reading of the bill. I ask unanimous consent that third reading be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I would like to offer an amendment to the bill to include a $2 million authorization for a new 15th Headquarters for March Air Force Base at Riverside, Calif. This has been authorized previously. The authorization has expired after failure to appropriate the money. It remains necessary in order to build the new 15th Air Force Headquarters. The 15th SAC Air Force at March Air Force Base is working out of buildings that were built as hospitals and barracks in World War II. There is a desperate need for this authorization. I would like to ask the distinguished Senator from Missouri and the distinguished Senator from Texas if they would be prepared to accept the amendment.

Mr. SYMINGTON. It is very difficult because it has not been recommended by the Department of Defense to the full committee, nor have there been hearings on it. This is the first I have heard of it.

Mr. TUNNEY. This was authorized by this committee approximately 5 years ago, for fiscal year 1968. The authorization has expired because the money was not appropriated.

Mr. TOWER. I cannot support it if it is not in the budget request, and I do not believe it is.

The PRESIDING OFFICER. It is the understanding of the Chair that there was a unanimous-consent request for recognition of the Senator from California. It did not include the request for the submission of an amendment. Is that correct?

Mr. MANSFIELD. No. but I would think, in order to be fair, that the Senator should have that right. If he does, I hope he would be brief. The issue is clear, and everyone understands it.

The PRESIDING OFFICER. Is there objection to the request that the Senator from California be allowed to offer an amendment?

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Has not the committee amendment in the nature of a substitute been adopted and, therefore, is not the amendment at this time out of order?

The PRESIDING OFFICER. It has been adopted. There has been third reading. That is why the unanimous consent is required for the Senator to offer the amendment at this time.

Mr. MANSFIELD. Mr. President, if the Senator will yield, it was unfortunate but the Senator from California was here before those amendments were adopted and making an inquiry, and because of a situation that developed he did not have an opportunity to offer his amendment.

Mr. ERVIN. I wonder if Senators should have the right to offer amendments to a substitute bill after it has been adopted.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the action adopting the substitute be rescinded.

The PRESIDING OFFICER. Would the Senator include third reading?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. TUNNEY. Mr. President, I ask unanimous consent that this amendment be considered by the conference committee.

Perhaps this amendment could be taken to conference for the purpose of consideration.

The PRESIDING OFFICER. Is the Senator offering an amendment?

Mr. TUNNEY. I am offering the amendment to allow that this provision be taken to conference. If the conference committee wants to adopt it, they could adopt it at that time.

The PRESIDING OFFICER. Would the Senator send his amendment to the desk and have it read? It still takes action of the Senate.

Is the amendment being sent to the desk?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I would like to ask a question of the distinguished subcommittee chairman. If I agree to withdraw my amendment, would the subcommittee be prepared to give early consideration to the 15th Air Force authorization next year so that it could be a part of the fiscal 1974 legislation? We desperately need the new headquarters building for March Air Force Base.

Mr. SYMINGTON. I would like to answer my able colleague by saying there is $12.4 million in the bill for March, and next year we will give it full consideration, if the Senator will be good enough to withdraw the amendment.

Mr. TUNNEY. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The question recurs on agreeing to the committee amendment in the nature of a substitute.

The committee amendment, in the nature of a substitute, was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Alaska (Mr. GRAVEL), and the Senator from Georgia (Mr. GAMBRELL) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senators from Arizona (Mr. GOLDWATER and Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Vermont (Mr. AIKEN) is absent on official business.

Also, the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Massachusetts (Mr. BROOKE), the Senator from Iowa (Mr. MILLER), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 67, nays 1, as follows:

[No. 351 Leg.]

YEAS—67

Allen
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Curtis
Dole
Dominick
Ervin
Fong
Gurney
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Moss
Nelson
Packwood
Pearson
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams

NAYS—1

Fulbright

NOT VOTING—31

Aiken
Allott
Baker
Brock
Brooke
Buckley
Burdick
Cotton
Cranston
Eagleton
Eastland
Fannin
Gambrell
Goldwater
Gravel
Griffin
Hansen
Harris
Humphrey
Long
McGee
Miller
Mondale
Montoya
Mundt
Muskie
Pastore
Pell
Percy
Stevens
Young

So the bill (H.R. 15641) was passed.

Mr. SYMINGTON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMINGTON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. BENTSEN) appointed Mr. STENNIS, Mr. SYMINGTON, Mr. JACKSON, Mr. ERVIN, Mr. CANNON, Mr. HARRY F. BYRD, JR., Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK conferees on the part of the Senate.

TRIBUTES TO SENATORS ON PASSAGE OF MAJOR BILLS TODAY

Mr. MANSFIELD. Mr. President, I wish to take this opportunity to express to the Senate and to the Nation my deep appreciation and the appreciation of the leadership both to Senator MCINTYRE and to Senator SYMINGTON for steering two major bills through to outstanding success in the Senate today.

First, with respect to the disaster relief measure, the distinguished Senator from New Hampshire (Mr. MCINTYRE) waged a tireless and effective battle to see that those who suffered because of recent major natural disasters will be adequately provided for because of the losses they sustained. Joined by Senator TOWER, the ranking minority member of the committee, Senator MCINTYRE supported this proposal with the outstanding effort and advocacy that have marked his many years of service in this body. Together their work on this bill assured its overwhelming success in the Senate.

We are grateful as well for the exemplary work of others with respect to this proposal. Notable was the effort of the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) and his senior colleague (Mr. SCOTT) for doing their utmost to see that those devastated by the effects of recent flooding in their State were provided for.

The distinguished Senator from Ohio (Mr. TAFT) is to be thanked for offering his own strong and sincere views on this proposal as are the distinguished Senators from Minnesota (Mr. HUMPHREY and Mr. MONDALE). They, and all others who joined the debate, are responsible for making this discussion the most productive and on the highest order.

In turn, I would like to offer the thanks of the leadership to the distinguished Senator from Missouri (Mr. SYMINGTON). His leadership on the military construction authorization was, as always, truly outstanding. His great knowledge of the needs and requirements of our military forces in this area is unsurpassed in this body. To him we owe a deep debt of gratitude for his diligence and his deep devotion to this vital area of national concern.

Similarly, the Senate is grateful to the strong support on this measure provided by the distinguished Senator from Maine (Mrs. SMITH) and to the others who joined in support. Their assistance was indispensable to its overwhelming success.

To the Senate as a whole, I would like to add my special thanks for cooperating today on these two major legislative items. Their disposition brings us that much closer to our objective of clearing the legislative calendar prior to our break for the upcoming convention, and indeed brings us that much closer to an adjournment sine die.

NATIONAL COMMISSION ON UNIFORM SECURITIES LAWS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business remain in a temporarily laid aside status until the close of business today, and that the Senate proceed at this time to the consideration of Calendar No. 959, S. 3876.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 3876) to amend the Securities Exchange Act of 1934 to provide for the regulation of clearing agencies and transfer agents, to create a National Commission on Uniform Securities Laws, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the distinguished Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill.

Mr. WILLIAMS. Mr. President, on June 21, 1971 the Senate authorized the Committee on Banking, Housing, and Urban Affairs to examine, investigate, and to make a complete study of any and all matters pertaining to the securities industry. Pursuant to this authority the Subcommittee on Securities of which I am chairman has been and is engaged in the most comprehensive review of the country's securities markets undertaken by the Senate since the 1930's. The subcommittee's first report on its investigations was published on February 4, 1972, and we expect to publish a final report around the end of the year.

One of the first matters examined by the Securities Subcommittee when it commenced hearings last fall was the operational breakdown or "paperwork crisis" which plagued the securities industry and, more importantly, its customers in the late 1960's. I am sure my colleagues have not forgotten how during this period the industry's inability to handle its own paperwork caused tremendous inconvenience and financial loss to public customers, forced over 100 broker-dealers into liquidation and, for a time, jeopardized the continued operation of the securities markets themselves. To deal with this emergency in 1970 we passed the Securities Investor Protection Act. This act protects customers' funds and securities from the consequences of broker-dealer insolvency. Now that the SIPC bill has become law, our study has taken a remedial approach to the industry's operational problems.

We have made a comprehensive investigation of the industry's back office structure to determine whether improvements are needed and to assure the investing public that we do not experience future "paperwork crises." S. 3876 is the outgrowth of this investigation.

Based on our hearings of last September and October, we determined that two factors played a major role in the operational breakdown—the securities industry's failure to develop a nationwide system for the clearance and settlement of transactions and the lack of a central decisionmaking force in the area of processing securities transactions.

S. 3876 addresses both of these problems. It attempts to remove the barriers to development of an efficient nationwide system for handling securities transactions and it creates a unified regulatory structure for the first time in operational matters.

It is obvious that the Securities and Exchange Commission is the proper agency to fill the leadership vacuum in securities handling matters. S. 3876 therefore gives the SEC general regulatory power over clearing agencies and transfer agents for the purpose of facilitating the development of an efficient national securities transfer system. In addition, it sets a deadline for elimination of the stock certificate as a device for settlement of transactions among broker-dealers and prohibits the application of State stock transfer taxes in such a way as to impede the development of certificate depositories and clearing agencies.

During the hearings which were held on this legislation testimony was received from representatives of regulatory and self-regulatory bodies, the banking and securities industries, corporate issuers and transfer agents, private investors and independent consultants. These hearings made it clear that it was necessary to bring transfer agents and corporate issuers of securities within the purview of the same central regulatory pattern established for clearing agencies, and that securities handling problems cannot be solved at the Federal level alone. A comprehensive review of State corporation, securities, banking, and fiduciary laws must be undertaken to assist the States in modernizing their laws to facilitate more efficient handling of securities and to pave the way for ultimate elimination of the stock certificate.

Following the May hearings the Subcommittee prepared a substitute bill—S. 3876—which incorporated these provisions. In addition S. 3876 requires "clearing agencies"—which is defined to include securities depositories—to register with and report to the SEC and empower the Commission to review and amend the rules of clearing agencies. Inspection and enforcement responsibilities are assigned to the "appropriate regulatory agency"—the Commission, the Federal Reserve Board, the Comptroller of the Currency and the Federal Deposit Insurance Corporation—depending upon the type of clearing agency involved. The bill contains similar provisions respecting transfer agents except that as to transfer agents the registration powers as well as those of inspection and enforcement are lodged with the appropriate regulatory agency. Several provisions of the bill assure cooperation and coordination among the four regulatory agencies assigned responsibilities over clearing agencies and transfer agents.

S. 3876 also empowers the Commission to make rules and regulations concerning the format of securities issued by publicly held corporations and contains the provisions which I have already mentioned regarding State stock transfer taxes and elimination of the use of stock certificates by brokers and dealers. And the bill establishes a 14-man National Commission on Uniform Securities Laws to determine which provisions of State laws are impeding maximum efficiency in handling securities and whether amendments to such provisions are feasible. Another section directs the Commission to study "street name" registration of securities to determine whether it impedes communications with shareholders and whether steps can be taken to facilitate communications with shareholders while preserving the efficiencies of "street name" registration.

In summary, Mr. President, S. 3876 is the end product of over 10 months of intensive study, hearings and deliberations by our Committee, and its staff, the SEC, the securities industry and representatives of the investing public. In my opinion it will go a long way in seeing to it that paper handling problems will never again cause a lack of public confidence in our Nation's securities markets. This will and can be achieved within the self-regulatory pattern established by the Securities Exchange Act of 1934 by our providing for a comprehensive and unified regulation of the operational side of the securities business. This legislation will achieve that result and will remove the impediments to development by the private sector of a national system for the handling of securities transactions.

Mr. President, the Senator from Utah and I have worked for many months on the study dealing with the problems of the securities industry. I feel that our cooperation in this work has been complete.

Mr. BENNETT. Mr. President, I appreciate the confidence of the Senator from New Jersey.

This legislation is designed to improve the operations of our securities markets and thus assist in the prevention of a possible recurrence of the financial difficulties experienced in various segments of these markets in the late sixties. During that period, the securities industry experienced serious and persistent operational problems which resulted in the liquidation of many broker-dealers, and a weakening of public confidence in our securities markets. At the time of the crisis, we enacted legislation providing insurance of customer accounts in order to protect customers and bolster confidence. That legislation also directed the Securities and Exchange Commission to study the practices of brokers and dealers and make recommendations for legislation needed to eliminate improper practices. The bill we are considering today is based on the recommendations made by the Commission, the recommendations of our Securities Subcommittee special study staff, and hearings held by the committee to obtain the views of all segments involved in the securities handling process.

The bill establishes the framework and the authority for a system of regulation of corporate issuers of securities, transfer agents, clearing agencies, and depositories for securities. The Securities and Exchange Commission is authorized to establish rules and regulations covering all clearing agencies and transfer agents while responsibility for the enforcement of these rules and regulations is assigned to the three Federal bank supervisory agencies when the clearing agencies or transfer agents are banks, bank holding companies, or subsidiaries of bank holding companies.

This regulatory and enforcement pattern was established in the bill after carefully weighing alternatives recommended by those who desired that all of the authority for both regulation and enforcement of clearing agencies be placed in either the Securities and Exchange Commission or in one or more of the banking agencies. The approach approved by the committee is a sound approach because it properly gives the Securities and Exchange Commission clear responsibility to develop regulations and provides for efficient enforcement of the regulations by the Federal agency primarily responsible for the overall supervision of the various institutions. In the case of institutions which are not banks or subsidiaries of banks, both regulation and enforcement will be by the Securities and Exchange Commission. For those institutions which are banks or subsidiaries of bank holding companies, the enforcement by Federal bank regulatory agencies will avoid duplicate examination and enforcement.

Because of this division of responsibility, the bill contains provisions to assure proper cooperation and coordination among the Federal agencies involved. They are required to furnish each other with copies of reports and examinations and must not notify each other of actions taken. Before issuing or adopting a rule or regulation, each agency must also consult with and ask for the views of the others.

The bill as approved by the committee maintains a delicate but specific balance between the responsibilities of the various Federal agencies. The Securities and Exchange Commission's general investigative powers over all securities matters granted in section 21 of the Securities and Exchange Act of 1934 extend to the provisions of this act. However, our committee report is very clear that the committee does not intend for this power to be used to become involved with the day-to-day supervision of clearing agencies or transfer agents which are organized as banks. Instead, the power is to be used only in cooperation and coordination with and to assist, if necessary, the bank regulatory agencies in carrying out their enforcement responsibilities under the act.

Because of the controversy that we have had over this jurisdictional matter, I would like to read from a letter which I received from Chairman Burns of the Federal Reserve Board supporting the approach contained in the committee bill:

> Under the arrangement in Committee Print No. 2 the Securities and Exchange Commission will write regulations covering clearing agencies and transfer agents while responsibility for the enforcement of these regulations will be assigned to the three Federal bank supervisory agencies when the clearing agencies or transfer agents are banks. All such institutions which are not banks will be supervised, as well as regulated, by the SEC.
>
> This is a sound administrative approach, for two reasons. First, it rightfully gives the Commission clear responsibility to develop regulations; second, it provides for efficient enforcement of the SEC's regulations by the Federal agencies primarily responsible for the supervision of the affected institutions. In the case of banks, the agencies would be the Comptroller of the Currency for national banks, the Board of Governors for State member banks, and the Federal Deposit Insurance Corporation for non-member State banks. Because of their very close and regular scrutiny of institutions under their jurisdiction, the Federal bank supervisory agencies will provide strict and uniform enforcement of the rules the SEC will prescribe. The regulatory-enforcement arrangement in Committee Print No. 2 will establish a sensible division of responsibilities among the appropriate Federal agencies with uniform regulation and even-handed enforcement as the result.

I also asked the other Federal bank regulatory agencies for their comments on this regulatory structure and received no comments in opposition to the approach contained in this bill.

Mr. President, the bill contains other provisions in addition to those dealing with registration and regulation of clearing agencies and transfer agents. These provisions relate to the elimination of stock certificates, a study of what can be done to facilitate communications between corporations and their shareholders retaining the benefits accruing from "street name" registration, State taxes on securities transactions, and the establishment of a Commission with the responsibility of assisting States in modernizing their laws consistent with the purposes of this legislation. I do not feel that it is necessary for me to discuss these provisions in detail.

I recommend Senate approval of the bill.

Mr. JAVITS. Mr. President, I have had this bill under consideration for a while, by virtue of the fact that a number of the affected banks in the city of New York asked me to look into it very carefully. They have been studying it in order to determine that the regulatory practice which is proposed would work well and not be unduly burdensome, since all these banks are trustees for depositors and trust beneficiaries; and since the particular type of regulation, especially as it goes to clearinghouses, which are defined to include depositories, and the effort to eliminate the stock certificate through a system of bookkeeping entries is very desirable. But they also raise the possibility of imposition and the danger and the liability for the billions of dollars in trust assets and in stock certificates and other property which is concerned.

I appreciate their concern; and while generally favoring the bill, from the reports made on it by my staff and my own study, I did look into it and also had an opportunity to consult with the banks in question.

Pursuant to that inquiry, Mr. President, I finally agreed with the distinguished Senator from New Jersey that the bill should be called up this evening. He, in turn, has very graciously agreed that he would answer two questions which are of great moment in this matter and epitomize the concerns which caused the study and deliberation to which I have referred.

The first question is as follows—and I ask the Senator if he would be kind enough to give me his close attention:

The bill spells out the conditions under which a clearing agency can deny access to it by a would-be participant. This is an important section—17A(c) (3) and (7) of the Securities Exchange Act, as amended by the bill—for it directly affects the ability of clearing agencies to exclude participants who, for example, because of their known ties to criminal elements might present a substantial risk to the agencies.

I might point out that this fear of criminal intrusion is not unfounded. The hearing record on this bill—my colleague presided over the hearing—shows that securities thefts in the first half of 1971 were double the entire 1970 level and represented a $1.2 billion leakage in the industry.

The establishment of clearing agencies and of certificateless transactions, in fact, responds partly to this very serious theft problem.

Mr. President, the bill does allow clearing agencies to make rules restricting or conditioning participation on certain criteria, such as, for example, geographic location, and it allows agencies to require a deposit from participants. Therefore, my question to the distinguished manager of the bill, the Senator from New Jersey, is this: Does the bill also require clearing agencies to grant access to potential participants who are known to be consorting with criminal elements?

Mr. WILLIAMS. The answer, of course, at the outset, simply is "No." The Senator from New York and I have discussed this matter informally, and I believe that it is important to spell out the provisions of existing law which would reach the situation the Senator has described, provisions which deal with the possibility that criminal elements might infiltrate the securities business.

The bill requires access to such agencies only for qualified brokers and dealers and certain other classes of financial institutions. Therefore, the following provisions of the Securities Exchange Act of 1934 are available to keep firms that have engaged in improper activities from participating in clearing agencies or depositories:

Section 15 of the act requires the SEC to deny registration to, and permits it to revoke or suspend the registration of, brokers or dealers who have:

Willfully filed materially false information with the SEC;

Within the preceding 10 years been convicted of any felony or misdemeanor involving the purchase or sale of any security, arising out of doing business as a broker-dealer or investment adviser, involving embezzlement, fraudulent conversion or misappropriation;

Been enjoined from acting as investment adviser, underwriter, broker, dealer, affiliated person or employee of an investment company, bank or insurance company;

Willfully violated provisions of the other statutes administered by the SEC.

Section 15A requires national securities associations to deny membership to persons who are subject to an SEC order denying, suspending or revoking registration or barring or suspending them from being associated with brokers or dealers or who have associated with them any person known to be ineligible for membership.

Section 6 requires the rules of national securities exchanges to provide for the expulsion or suspension of members for conduct inconsistent with just and equitable principles of trade and for willful violations of the Exchange Act. It also requires national securities exchanges to enforce the Exchange Act.

Other provisions of the Act prohibit manipulative and deceptive devices in securities transactions and make it unlawful to arrange for, obtain, receive or enjoy credit in violation of the Federal Reserve Board's margin rules.

A violation of the Act is a felony.

Furthermore, section 21 of the Act empowers the Commission to investigate violations of the Act by any persons and to seek injunctions against them.

Mr. JAVITS. Mr. President, I gather, then, that the fundamental thrust of the Senator's measure, which is here presented, will be such as to give the clearing agencies the opportunity to see that they are not imposed upon by participants who are known to be consorting with criminal elements.

Mr. WILLIAMS. I think that all the authority of law is there to protect our securities industries from just such elements. Although we have heard testimony that there may be some of these persons within the securities markets, the law is there, and it can be applied to exclude them.

Mr. JAVITS. And it is the intent of the manager of the bill that in the administration of the act, assuming that it becomes law, it shall be so applied?

Mr. WILLIAMS. Certainly.

Mr. JAVITS. Mr. President, one last question. The bill deals—at pages 19, 25, and 26, and the following—with the problems of regulation. It mentions three areas where consultation among the various regulatory agencies involved must take place as this bill deals with the amendment to sections 17A and 17B of the Securities and Exchange Act. Now the reference there to rules and requirements which are made in respect of such regulations are that these various rules and requirements may "accord with sound banking practices and fulfill mutual regulatory needs to the extent practicable."

Now the question I would like to ask, and again it is a matter of assuring the way in which this bill will be administered: Is the consultation provided for by the bill and the cooperation called for by the bill to be considered mandatory?

Mr. WILLIAMS. Would the Senator refer back to the page and line of the bill?

Mr. JAVITS. The pages of the bill that I have reference to specifically are page 25 where we begin to deal with line 18——

Mr. WILLIAMS. Yes.

Mr. JAVITS (continuing). With the appropriate regulatory agencies for consultation and cooperation with each other and the specification of the agencies concerned which follow on pages 26 and 27. There is also a similar reference on page 28 with respect to consultation and cooperation, and on page 19, beginning at line 12.

The point I am making now, is this consultation and cooperation among the various regulatory agencies specified in the bill mandatory?

Mr. WILLIAMS. I would say first to the Senator that it is certainly our intention to make it mandatory. There was some ambiguity in the bill as first drafted—the bill considered in the hearings and the bill that went into the markup. We made amendments and changed that in the original bill so that this cooperation would be mandatory under the bill as it is before the Senate right now.

The bill contains several provisions designed to assure cooperation among and avoid duplicate regulation by the several agencies which regulate and enforce compliance by clearing agencies. The Commission and the bank regulatory agencies must furnish one another with copies of reports concerning clearing agencies where appropriate and must notify each other of actions taken with regard to clearing agencies. The agencies charged with regulation, inspection and compliance of clearing agencies must consult with and request the views of each other before issuing a proposed rule for public comment or adopting such a rule.

These provisions were fashioned after full consultation with all the agencies that will have the responsibility under the act. I am quite sure that it is understood that way. In conclusion, this consultation and cooperation among the regulatory agencies is most certainly mandatory under the bill.

Mr. JAVITS. I thank my colleague. Could my colleague give us the assurance in the legislative oversight, as the Senator is managing the bill and is on the Committee on Banking, Housing and Urban Affairs, and is chairman of the appropriate subcommittee, that this assurance which underlies the bill will be given every consideration?

Mr. WILLIAMS. It certainly will. I appreciate the Senator's having the RECORD reflect this concern and to have this opportunity to make it clear.

Mr. JAVITS. Legislative oversight, then, will give proper consideration to these assurances as to the mandatory nature of this consultation and cooperation?

Mr. WILLIAMS. The Senate has been wise, indeed, in making available to the committee the resources for just the kind of staff that can be with us day in and day out in providing this oversight.

Mr. JAVITS. So the Senator's answer to that is in the affirmative?

Mr. WILLIAMS. Yes.

Mr. JAVITS. I thank my colleague from New Jersey very much and, under those circumstances, Mr. President, I shall interpose no objection to enactment of the bill.

The PRESIDING OFFICER. (Mr. BENTSEN). The bill is open to amendment. If there are no amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3876

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 2 of the Securities Exchange Act of 1934 (15 U.S.C. 78b) is amended by striking out "and to impose requirements necessary to make such regulation and control reasonably complete and effective," and inserting in lieu thereof "to impose requirements necessary to make such regulation and control reasonably complete and effective, and to provide for the development of an integrated national system for the prompt and accurate processing, clearance, and settlement of securities transactions,".

SEC. 2. Section 15(c)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(3)) is amended to read as follows:

"(3) No broker or dealer shall make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers acceptances, or commercial bills) in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest or for the protection of investors—

"(A) to regulate the time and method of making settlements, payments, and deliveries and of closing accounts; and

"(B) to provide safeguards with respect to the financial responsibilities and related practices of brokers and dealers including, but not limited to, the acceptance of custody and use of customers securities, and the carrying and use of customers' deposits or credit balances. Such rules shall require the maintenance of reserves with respect to customers' deposits or credit balances, as determined by such rules and regulations.

Nothing in this section shall be construed (1) to affect the authority of the Board of Governors of the Federal Reserve System, pursuant to section 7 of this title, to prescribe rules and regulations with respect to the extension, maintenance, or arranging of credit to purchase or carry any security, or (2) to authorize the Commission to prescribe such rules or regulations."

Sec. 3. Section 15A(k)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(k)(2)) is amended by inserting after clause (D) the following:

"(E) the time and method of making settlements, payments, and deliveries and of closing accounts."

Sec. 4. Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end thereof the following new paragraphs:

"(22) The term 'clearing agency' means any person who acts as intermediary among participants in making payments or deliveries in connection with transactions in securities or who engages in providing facilities for participants for netting of purchases and sales of specific securities to reduce the number of settlements of individual transactions, or for allocation of cash and securities settlement responsibilities among itself and participants. Such term also means a person who is the custodian of securities in accordance with a system for the central handling of securities whereby all securities of a particular class or series of any issuer deposited within the system are treated as fungible and may be transferred or pledged by bookkeeping entry without physical delivery thereof. The term 'clearing agency' does not include (i) Federal Reserve banks, Federal home loan banks, or Federal land banks, or (ii) banks, brokers, life insurance companies or their registered separate accounts, registered open end investment companies or unit investment trusts, building and loan, savings and loan, and homestead associations, and cooperative banks by reason of the lending, fiduciary, correspondent, or safekeeping functions commonly performed by them.

"(23) The term 'participant', when used with respect to a clearing agency, means any person who maintains one or more accounts with a clearing agency for the purpose of settling or comparing transactions in securities or making or receiving payment for or delivery or hypothecation of securities.

"(24) The term 'transfer agent' means any person who engages, on behalf of an issuer (including itself) of securities, in (A) countersigning such securities upon issuance; (B) monitoring the issuance of such securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar; (C) registering the transfer of such securities; or (D) exchanging or converting such securities. Such term does not include any person who performs such functions solely with respect to variable annuity contracts issued by insurance companies.

"(25) The term 'appropriate regulatory agency', when used with respect to a clearing agency or a transfer agent required to be registered under this title, means:

"(A) the Comptroller of the Currency, in the case of a national bank or a bank operating under the Code of Law for the District of Columbia, or a subsidiary thereof other than a nonbank subsidiary of a bank holding company;

"(B) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a subsidiary thereof, a bank holding company, or a nonbank subsidiary of a bank holding company;

"(C) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System) or a subsidiary thereof other than a nonbank subsidiary of a bank holding company; and

"(D) the Commission, in the case of all other transfer agents and all other clearing agencies.

"As used in this paragraph, the terms 'bank holding company' and 'subsidiary' have the meaning given them in section 2 of the Bank Holding Company Act of 1956, as amended."

Sec. 5. The Securities Exchange Act of 1934 is amended by inserting after section 17 (15 U.S.C. 78q) the following new section:

"REGISTRATION OF CLEANING AGENCIES

"Sec. 17A. (a) Except as otherwise provided in this subsection, it shall be unlawful for any person, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the function of a clearing agency with respect to any security (other than an exempted security) unless such person is registered under this section. The Commission, by rules and regulations or by order, upon its own motion, or upon application, may conditionally or unconditionally exempt any person, security, transaction or clearing agency, or any class or classes of persons, securities, transactions, or clearing agencies from any provision or provisions of this section or of any rule or regulation prescribed under this section if the Commission specifically finds that the application of such provision or provisions to such person, security, transaction, clearing agency, or class or classes of persons, securities, transactions, or clearing agencies is not practical or not necessary or appropriate in the public interest or for the prompt and accurate processing and settlement of securities transactions.

"(b) Any clearing agency may be registered with the Commission under the terms and conditions hereinafter provided in this section by filing with the Commission a registration statement in such form as the Commission may prescribe setting forth the following informataion and accompanied by the following documents:

"(1) Such data as to its organization, participation, rules of procedure, financial condition and results of operation, methods of safekeeping, transferring, hypothecating and accounting for funds and securities as the Commission may by rules and regulations require.

"(2) Copies of its constitution, charter, or articles of incorporation or association, with all amendments thereto, and of its existing bylaws, operational rules, forms. and procedures and of any rules or instruments corresponding to the foregoing, whatever the name, hereafter in this section collectively referred to as the 'rules of the clearing agency.'

"(3) Such other information as the Commission may by rule require.

"(c) An applicant shall not be registered as a clearing agency unless it appears to the Commission that—

"(1) by reason of the number of its participants, the scope of their transactions, and the geographical distribution of its participants such clearing agency will be able to comply with the provisions of this title and the rules and regulations thereunder and to carry out the purposes of this section;

"(2) such clearing agency is so organized, is of such a character and its rules applicable to the handling of securities transactions by and for participants are so structured as to facilitate the prompt and orderly settlement of securities transactions, to safeguard funds and securities held for the accounts of participants, and to comply with the provisions of this title and the rules and regulations thereunder, and to carry out the purposes of this section;

"(3) the rules of the clearing agency provide that all brokers or dealers making use of a national securities exchange or of the mails or any means or instrumentality of interstate commerce to effect any transaction in any security, other clearing agencies, registered investment companies, banks (as defined in section 2(a)(5) of the Investment Company Act of 1940), and such other classes of persons as the Commission may from time to time designate by rule as necessary to facilitate the prompt and orderly settlement of securities transactions, are eligible to become participants in such clearing agency, subject only to such other rules of the clearing agency as are expressly permitted under this paragraph. The rules of the clearing agency may restrict or condition participation in such agency on the geographical location of participants, on the type of business done by participants, and upon deposit with the clearing agency of an amount which bears a reasonable relationship to the value of positions maintained and transactions processed by the participant, and may deny participation to persons who have been expelled or suspended by a registered clearing agency during the period of such expulsion or suspension;

"(4) the rules of the clearing agency assure a fair representation of its shareholders or members and participants in the adoption of rules of the clearing agency and amendments thereto, the selection of its officers and directors, and in all other phases of the administration of its affairs;

"(5) the rules of the clearing agency provide for the equitable allocation of dues, fees, and other charges among its participants;

"(6) the rules of the clearing agency do not impose any schedule of prices, or fix minimum rates or charges, for services rendered by its participants;

"(7) the rules of the clearing agency are designed to promote the prompt and orderly settlement of securities transactions, to provide safeguards for securities and funds which are in its custody, to foster cooperation and coordination with national securities exchanges, national securities associations, brokers, dealers, banks, registered investment companies, with other clearing agencies, and with other persons engaged in the settlement of securities transactions, and to protect investors and the public interest; and do not have the effect of unfairly discriminating in the admission of participants or among participants in the use of such clearing agency;

"(8) the rules of the clearing agency provide that its participants shall be appropriately disciplined by expulsion, suspension, fine, or censure, for any violation of its rules; and

"(9) the rules of the clearing agency provide a fair and orderly procedure with respect to the disciplining of participants and the denial of participation to any person seeking participation therein. In any proceeding to determine whether a participant should be disciplined, such rules shall require that specific charges be brought; that such participant shall be notified of and be given an opportunity to defend against such charges; that a record shall be kept; and that the determination shall include—

"(A) a statement setting forth any act or practice in which such participant may be found to have engaged, or which such participant may be found to have omitted;

"(B) a statement setting forth the specific rule or rules of the agency of which any such act or practice, or omission to act, is deemed to be in violation; and

"(C) a statement setting forth the penalty imposed.

In any proceeding to determine whether a person shall be denied participation, such rules shall provide that the prospective participant shall be notified of, and be given an opportunity to be heard upon, the specific grounds for denial which are under consideration; that a record shall be kept and that the determination shall set forth the specific grounds on which the denial is based. Notwithstanding any other provision of this section, the rules of the clearing agency may provide for the temporary suspension of a participant and the closing of its accounts pending determination on the merits of any disciplinary proceeding if, in the opinion of the clearing agency, such suspension and closing of accounts are necessary for the protection of investors or of the clearing agency or to facilitate the orderly and continuous performance of its services. The rules of the clearing agency shall afford the participant an expedited hearing on the merits in the case of any temporary suspension.

"(d) Within thirty days following the filing of an application for registration pursuant to subsection (b), the Commission shall by order grant such registration if the requirements of this section are satisfied. If after appropriate notice and opportunity for hearing it appears to the Commission that any requirement of this section is not satisfied, the Commission shall by order deny such registration.

"(e) A registered clearing agency may, upon such terms and conditions as the Commission may deem necessary in the public interest or for the protection of investors, or for the facilitation of prompt and accurate processing and settlement of securities transactions withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any such registrant or such other person for whom an application of registration is pending is no longer in existence or has ceased to do business in the capacity specified in the registration statement, the Commission shall by order cancel the registration.

"(f) Each registered clearing agency shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, copies of any changes in, additions to, or deletions from the rules of the clearing agency, and such other information and documents as the Commission may require to keep current or to supplement the registration statement and documents filed pursuant to subsection (b). Upon the filing of any change in, addition to, or deletion from the rules of a registered clearing agency the Commission shall, after opportunity for public comment, by order declare such change, addition, or deletion effective if the rules of the clearing agency, as so changed, satisfy the requirements of this section relating to registration of clearing agencies. The Commission shall, after notice and opportunity for hearing, disapprove the change, addition, or deletion in whole or in part if it is contrary to the public interest or contrary to the purposes of this section. If the Commission does not declare the change, addition, or deletion to be effective or institute a proceeding for its disapproval within thirty days from the date it is filed, the change, addition, or deletion shall become effective on such thirtieth day with the same force and effect as though it had been declared effective by the Commission.

"(g) The Commission may, after notice and opportunity for hearing, and upon a determination that such action is necessary or appropriate in the public interest or to effectuate the purposes of this section, by order require the adoption, amendment, alteration of or supplement to, or rescission of any rule of a registered clearing agency.

(h) Each registered clearing agency shall make, keep, and preserve for such periods such accounts, correspondence, memorandums, papers, books, and other records, and make such reports, as the Commission by its rules and regulations may prescribe as necessary or appropriate in the public interest, or to facilitate cooperation among clearing agencies and the prompt and orderly settlement of securities transactions, to safeguard funds and securities held for the accounts of participants, or for the protection of investors. Such accounts, correspondence, memorandums, papers, books, and other records shall be subject at any time to such reasonable periodic, special, or other examinations by examiners or other representatives of the appropriate regulatory agency as the appropriate regulatory agency may deem necessary or appropriate in the public interest or for the protection of investors. The appropriate regulatory agency shall make a full and detailed report of any examination made of a registered clearing agency and shall immediately furnish to the Commission a copy of any such report. The Commission shall immediately furnish to the appropriate regulatory agency any report which is received from a registered clearing agency and is required under this section.

"(i) Each clearing agency shall, at the time of filing a registration statement with the Commission pursuant to subsection (b), file a copy of such registration statement with the appropriate regulatory agency. Each registered clearing agency shall, at the time of filing a notice of withdrawal, amendment, or supplement to its registration statement, or copies of any changes in, additions to, or deletions from the rules of the clearing agency, file copies of such documents with the appropriate regulatory agency.

"(j) If any registered clearing agency takes any disciplinary action against any participant therein, or denies admission to any person seeking participation therein, such action shall be subject to review by the appropriate regulatory agency, on its own motion, or upon application by any person aggrieved thereby filed within thirty days after such action has been taken or within such longer period as the appropriate regulatory agency may determine. Application to the appropriate regulatory agency for review, or the institution of review by such agency on its own motion, shall not operate as a stay of such action unless such agency otherwise orders, after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of affidavits and oral arguments).

"(k)(1) If in a proceeding to review disciplinary action taken by a registered clearing agency against a participant the appropriate regulatory agency, after notice and opportunity for hearing and upon consideration of the record before the clearing agency and such other evidence as it may deem relevant—

"(A) finds that such participant has engaged in such acts or practices, or has omitted such act, as the clearing agency has found him to have engaged in or omitted, and

"(B) determines that such acts or practices, or omission to act, are in violation of such rules of the clearing agency as have been designated in the determination of the clearing agency,

it shall by order dismiss the proceedings, unless it appears to such agency that such action should be modified in accordance with paragraph (2) of this subsection. If it appears to such agency that the evidence does not warrant the finding required in clause (A), or if such agency determines that such acts or practices as are found to have been engaged in are not prohibited by the designated rule or rules of the clearing agency or that such act as is found to have been omitted is not required by such designated rule or rules, such agency shall by order set aside the action of the clearing agency.

"(2) If after appropriate notice and opportunity for hearing the appropriate regulatory agency finds that any penalty imposed upon a participant in excessive or oppressive, having due regard to the public interest, such agency shall by order cancel, reduce, or require the remission of such penalty.

"(3) If in any proceeding to review the denial of participation in a registered clearing agency the appropriate regulatory agency, after appropriate notice and opportunity for hearing and upon consideration of the record before the clearing agency and such other evidence as it may deem relevant, determines that the specific grounds on which such denial or bar is based exist in fact and are valid under this section, it shall by order dismiss the proceeding. Otherwise, the appropriate regulatory agency shall by order set aside the action of the clearing agency and require it to admit the applicant to participation therein.

"(l) The appropriate regulatory agency is authorized, if such action appears to be necessary or appropriate in the public interest or for the protection of investors or to carry out the purposes of this section—

"(1) after appropriate notice and opportunity for hearing, by order, to suspend for a period not exceeding twelve months or revoke the registration of a registered clearing agency, or place limitations upon the agency finds that such clearing agency has activities, operations or policies of such clearing agency if the appropriate regulatory agency finds that such clearing agency has violated any provision of this ttile, or any rule or regulation thereunder, or has failed to enforce compliance with its own rules, or has engaged in any other activity tending to defeat the purposes of this section;

"(2) after appropriate notice and opportunity for hearing, by order, to suspend for a period not exceeding twelve months or expel from a registered clearing agency any participant therein if the appropriate regulatory agency finds that such participant has violated any provision of this section or any rule or regulation thereunder or any rule of the clearing agency; and

"(3) after appropriate notice and opportunity for hearing, by order, to remove from office any officer or director of a registered clearing agency who, the appropriate regulatory agency finds, has willfully failed to enforce the rules of the clearing agency, or has willfully abused his authority.

"(m) If a proceeding under subsection (l) (1) of this section results in the suspension or revocation of the registration of a clearing agency, the appropriate regulatory agency may, upon notice to such clearing agency, apply to any court of competent jurisdiction specified in section 27 or 21(e) of this title for the appointment of a trustee or may avail itself of any other procedures available under relevant laws. In such event, the court may, to the extent it deems necessary or appropriate, take exclusive jurisdiction of the clearing agency involved, and the books, records, and assets thereof, wherever located; and the court shall appoint the appropriate regulatory agency or its designee as the trustee who, with the approval of the court, shall have the power to take possession and to continue to operate or to terminate the facilities of such clearing agency in an orderly manner, for the protection of participants and public investors, subject to such terms and conditions as the court may prescribe.

"(n) The agencies enumerated in section 3(a)(25) of this title shall consult and cooperate with each other and shall advise one another promptly of the pendency or determination of any proceedings, of the promulgation of any rules, and of the entry of any order relating to a clearing agency, participant, class of clearing agencies, or class of participants. At least fifteen days prior to the issuance for public comment or adoption of any proposed rule or regulation regarding clearing agencies pursuant to this section, the agency contemplating issuance or adoption of any such rule or regulation shall first consult with and request the views of each of the other agencies enumerated in section 3(a)(25) so that rules and regulations applicable to bank clearing agencies may be in accord with sound banking practices and fulfill mutual regulatory needs to the extent practicable. Nothing in this section shall impair the authority of any State banking authority or other State or Federal regulatory authority having jurisdiction over a person registered as a national securities clearing agency from making or enforcing rules governing such person which are not inconsistent with this section or any rules promulgated hereunder.

"(o) The Commission shall, on or before December 31, 1976, take such steps as are within its power to bring about the elimination of the negotiable stock certificate as a means of settlement among brokers or dealers of transactions consummated on national securities exchanges or by means of the mails or other means or instrumentalities of interstate commerce. On or before December 31 of each year, commencing in 1972 and ending in 1976, the Commission shall report to the Congress (1) the steps it has taken and the progress it has made toward the elimination of the negotiable stock certificate as a means of settlement, and (2) its recommendations, if any, for further legislation to eliminate the negotiable stock certificate."

SEC. 6. The Securities Exchange Act of 1934 is further amended by inserting after section 17A (added by section 5 of this Act) the following new section:

"TRANSFER AGENTS AND THE FORM AND FORMAT OF SECURITIES

"SEC. 17B. (a) (1) Except as otherwise provided in this subsection, no person shall make use of the mails or of any means or instrumentality of interstate commerce, directly or indirectly, in order to perform the function of a transfer agent with respect to any security unless such person is registered in accordance with this section. The Commission, by rules and regulations or by order, upon its own motion or upon application, may conditionally or unconditionally exempt any transfer agent or class of transfer agents or security or class of securities from any provision or provisions of this section or any rule or regulation if the Commission specifically finds that the application of such provision or provisions to such transfer agent or class of transfer agents or such security or class of securities is not practical or not necessary or appropriate in the public interest or for the prompt and accurate processing and settlement of securities transactions.

"(2) The provisions of this section shall apply only to securities and to persons performing the function of transfer agent with respect to securities which are registered under section 12 of this title or which would be required to be so registered except for the exemption from registration provided in subsection (g)(2)(B) or (g)(2)(G) of that section. The provisions of this section shall not apply to variable annuity contracts issued by insurance companies.

"(b) Any transfer agent may be registered for the purposes of this section by filing with the appropriate regulatory agency a registration statement which shall state the address of its principal office or offices for transfer agent activities, the length of time it has been acting as a transfer agent, and the identity of the issuers and issues of securities for which it is acting as transfer agent, and shall contain such other information in such detail as the appropriate regulatory agency may require as necessary or appropriate with regard to performance capability, standards and procedures for safe handling and custody of securities and funds, and operational compatibility of the transfer agent with other persons involved in the securities handling process. A regulatory agency other than the Commission shall file with the Commission for any transfer agent required to register with such regulatory agency under this section, a notice which shall state the name of such transfer agent, the address of its principal office or offices for transfer agent activity, the identity of the issuers and issues of securities for which it is then acting as a transfer agent, and shall file with the Commission such information as the Commission shall require to keep reasonably current the information and documents required to be filed with the Commission under this subsection. Except as otherwise provided in subsection (d) of this section, a registration of a transfer agent filed under this subsection shall become effective thirty days after the receipt of the registration statement by the appropriate regulatory agency or within such shorter period of time as such agency may determine.

"(c) The appropriate regulatory agency shall, after appropriate notice and opportunity for hearing, by order, deny registration to any transfer agent seeking registration if it finds that such denial is in the public interest and that such transfer agent does not have procedures or the means to be able to comply with the provisions of this section and the rules and regulations prescribed under this section.

"(d) Pending final determination whether any registration of a transfer agent under this section shall be denied, the appropriate regulatory agency may by order postpone the effective date of such registration for a period not to exceed ninety days, but, if after appropriate notice and opportunity for hearing (which may consist solely of affidavits and oral arguments), it appears to such agency to be necessary or appropriate in the public interest or for the protection of investors to postpone the effective date of such registration until final determination, such agency shall so order.

"(e) Any transfer agent registered under this section may, upon such terms and conditions as the appropriate regulatory agency may deem necessary in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with such agency. If such agency finds that any such transfer agent for whom a registration statement is pending is no longer in existence or has ceased to do business as a transfer agent, it shall by order revoke, deny, or cancel the registration.

"(f) Every transfer agent required to be registered pursuant to this section shall file with the appropriate regulatory agency, in accordance with such rules or regulations as such agency may prescribe as necessary or appropriate to carry out the objectives of this section, such information and documents as such agency shall require to keep reasonably current the information and documents required to be included in or filed with the registration statement.

"(g) Every transfer agent required to register pursuant to this section shall make, keep, and preserve such accounts, correspondence, memorandums, papers, books, records, and other data shall be subject at any time or from time to time to such reasonable periodic, special, or other examinations by examiners or other representatives of the appropriate regulatory agency as such agency may deem necessary or appropriate to carry out the objectives of this section. Such accounts, correspondence, memorandums, papers, books, records, and other data shall be subject at any time or from time to time to such reasonable periodic, special, or other examinations by examiners or other representatives of the appropriate regulatory agency as such agency may deem necessary or appropriate to carry out the objectives of this section.

"(h) No transfer agent shall make use of the mails or of any means or instrumentality of interstate commerce, directly or indirectly, to engage in any activity as transfer agent in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate with regard to minimum standards for the performance of transfer functions, measures and personnel standards for safe handling and custody of securities and funds, and operational compatibility of the transfer agent with other persons involved in the securities handling process.

"(i) The appropriate regulatory agencies shall consult and cooperate with each other and, as may be appropriate, with State banking authorities having supervision over banks so that the accounts, correspondence, memorandums, papers, books, records, and other data required of banks acting as transfer agents, and the inspections thereof, may be in accord with sound banking practices and fulfill mutual regulatory needs to the extent practicable. Nothing in this section shall be construed to impair the authority of any State banking authority or of any other State or Federal regulatory authority which has jurisdiction of a person registered as a transfer agent to make or enforce rules governing such person if such rules are not inconsistent with this section or any rules prescribed under this section.

"(j) Compliance with the requirements imposed by this section shall be enforced under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the case of—

"(1) national banks or banks operating under the Code of Law for the District of Columbia, or subsidiaries thereof other than nonbank subsidiaries of bank holding companies, acting as transfer agents, by the Comptroller of the Currency;

"(2) State member banks of the Federal Reserve System, subsidiaries thereof, bank holding companies, or nonbank subsidiaries of bank holding companies, acting as transfer agents, by the Board of Governors of the Federal Reserve System; and

"(3) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) or subsidiaries thereof other than nonbank subsidiaries of bank holding companies, acting as transfer agents, by the Federal Deposit Insurance Corporation.

For the purpose of the exercise by any bank regulatory agency referred to in this subsection of its powers under section 8 of the Federal Deposit Insurance Act, a bank holding company and a nonbank subsidiary of a bank holding company, acting as a transfer agent, shall be considered a bank; and a violation of any requirement imposed under this section upon banks, bank holding companies, or nonbank subsidiaries of bank holding companies registered as transfer agents is a violation of the requirements imposed under the Federal Deposit Insurance Act. In addition to its power under section 8 of the Federal Deposit Insurance Act, each of such bank regulatory agencies may exercise, for the purpose of enforcing compliance with any requirement imposed under this section, any other authority conferred on it by law.

"(k) All of the functions and powers of the Commission under this title are available to the Commission to enforce compliance by any person with the requirements imposed under this section. Except to the extent that enforcement of the requirements imposed under this section is specifically committed to some bank regulatory agency under subsection (j), the Commission shall enforce such requirements.

"(l) The Commission may, after appropriate notice and opportunity for hearing, by order, censure, or bar or suspend or place limitations upon any transfer agent, other than a transfer agent referred to in subsection (j), or any officer, director, or employee of any such transfer agent, or revoke the registration of any transfer agent, other than a transfer agent referred to in subsection (j), if the Commission finds that such censure, barring, suspension, placing of limitations, or revocation is in the public interest or for the protection of investors and that such transfer agent or any officer, director, or employee thereof has willfully violated or is unable to comply with any provision of this section or any rule or regulation promulgated thereunder pertaining to such transfer agent or any officer, director, or employee thereof.

"(m) At least fifteen days prior to the issuance for public comment or adoption of any proposed rule or regulation regarding transfer agents pursuant to this section, the agency contemplating issuance or adoption of any such rule or regulation shall first consult with and request the views of each of the other agencies enumerated in section 3 (a)(25) so that rules and regulations applicable to bank transfer agents may be in accord with sound banking practices and fulfill mutual regulatory needs to the extent practicable.

"(n) It shall be unlawful for an issuer, by use of any means or instrumentality of interstate commerce, or of the mails, to issue, either originally or upon transfer, any securities to which this section applies, whose form or format contravenes such rules and regulations as the Commission may prescribe as necessary or appropriate for the prompt and accurate processing of transactions in such securities."

SEC. 7. Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended by adding at the end thereof the following new subsection:

"(f) The Commission is authorized and directed to make a study and investigation of the practice of registration of securities other than in the name of the beneficial owner and to determine (1) whether such registration is consistent with the policies and purposes of this Act, with particular reference to section 14, and (2) if consistent, whether steps can be taken to facilitate communications between corporations and their shareholders while at the same time retaining the benefits of such registration. The Commission shall report to the Congress its preliminary findings within six months after the date of enactment of this section, and its final results and recommendations within one year of such date.

SEC. 8. Section 28 of the Securities Exchange Act of 1934 (15 U.S.C. 78bb) is amended by inserting after subsection (b) the following new subsection:

"(c) No State or political subdivision thereof shall impose any tax on any change in beneficial or record ownership of securities effected through the facilities of a registered clearing agency or any nominee thereof or custodian therefor or upon the delivery or transfer of securities to or through or receipt from such agency or any nominee thereof or custodian therefor, unless such transfer or delivery or reecipt would otherwise be taxable by such State or political subdivision if the facilities of such registered clearing agency or any nominee thereof or custodian therefor were not physicaly located in the taxing State or political subdivision. No State or political subdivision thereof shall impose any tax on securities which are deposited in or retained by a registered clearing agency or any nominee thereof or custodian therefor, unless such securities would otherwise be taxable by such State or political subdivision if the facilities of such registered clearing agency or any nominee thereof or custodian therefor were not physically located in the taxing State or political subdivision."

NATIONAL COMMISSION ON UNIFORM SECURITIES LAWS

SEC. 9. (a) There is established the National Commission on Uniform Securities Laws (hereinafter referred to as the "Commission").

(b)(1) The Commission shall consist of fourteen members to be appointed by the President as follows:

(A) two from among persons who represent the securities industry;

(B) two from among persons who represent organizations or associations which are engaged in the preparation of uniform State laws;

(C) two from among persons who represent the private investor;

(D) two from among persons who administer State laws relating to securities;

(E) two from among persons who represent the banking industry;

(F) two representatives of the Securities and Exchange Commission; and

(G) two from among persons who represent issuing corporations.

(2) The President of the United States shall designate a Chairman from among the members of the Commission. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(c)(1) The Commission shall—

(A) determine the necessity for revising State laws to facilitate the establishment of an effective network of securities depositories;

(B) furnish advice and assistance in the planning, development, and execution of methods to evidence ownership of securities by means other than paper certificates;

(C) prepare, in cooperation with such other organizations or persons as may be appropriate, such amendments or revisions to those laws as may be necessary; and

(D) prepare and circulate such reports, drafts, or other papers as may be necessary to facilitate the enactment of any such amendments or revisions in any State.

(2) The Commission shall make such interim reports of its findings and recommendations as it deems advisable, and it shall make a final and complete report of its findings and recommendations to the Congress and the President not later than February 1, 1975. Sixty days after the submission of its final report, the Commission shall cease to exist.

(d) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals; and

(3) hold such hearings and sit and act at such times and places as the Commission may deem advisable.

(e)(1) A member of the Commission who is otherwise an officer or employee of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties of the Commission.

(2) A member of the Commission from private life shall receive $125 per diem when engaged in the actual performance of duties of the Commission, and shall receive reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(f) Each department, agency, and instrumentality of the United States and of any State, is urged to furnish to the Commission, upon request made by the Chairman, such information and services as the Commission deems necessary to carry out its functions under this section.

(g) There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section.

SEC. 10. This Act shall become effective on the date of its enactment, except that sections 17A(a) and 17B(a) of the Securities Exchange Act of 1934 (as added by this Act) shall become effective on July 1, 1973.

Mr. WILLIAMS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

The routine morning business of the day is printed at this point in the RECORD by unanimous consent:

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORTS ON NUMBER OF OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army, transmitting, pursuant to law, reports on number of officers on duty with headquarters, Department of the Army and detailed to the army general staff, as of June 30, 1972 (with accompanying report); to the Committee on Armed Services.

PROPOSED AMENDMENT OF TITLE 10, UNITED STATES CODE

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide for the promotion of officers of the Navy and Marine Corps who are in a missing status, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Problems Associated With Reimbursements to Hospitals for Services Furnished Under Medicare," Social Security Administration, Department of Health, Education, and Welfare, dated August 3, 1972 (with an accompaning report); to the Committee on Government Operations.

REPORT ON RECLASSIFICATION OF CERTAIN LANDS

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the reclassification of certain lands in the Willwood Irrigation District, Shoeshone Project, Wyo. (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered relating to the temporary admission of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITION

Mr. HARTKE. Mr. President, despite the persistent efforts of this administration to hide our trade crisis under a bushel of rhetoric, Americans across the country are beginning to demand action to save their jobs and preserve the diversified industrial base that has made America great.

On May 9, 1972, in Troy, N.Y., the Rensselaer County Legislature formally endorsed my Foreign Trade and Investment Act of 1972. This is an early sign of a ground swell of concern that must lead to a reform of our disastrous foreign trade and investment policies.

Mr. President, because of the importance of this issue, I ask unanimous consent that the resolution of the Rensselaer County Legislature be printed in the Record at this point, and that the resolution be referred to the Finance Committee of the U.S. Senate.

There being no objection, the resolution was ordered to be printed in the Record, and referred to the Committee on Finance, as follows:

Resolution in Support of Burke-Hartke Bill (H.R. 10914–S. 2592)

Whereas there is presently pending before the Congress of the United States certain legislation known as the Burke-Hartke Bill (HR10914–S2592), and

Whereas, it is the purpose of the said Burke-Hartke Bill to stem the loss of hundreds of thousands of American skilled jobs and the destruction of American industries resulting from the unfair competition of imports of cheap labor origin, and

Whereas, the Burke-Hartke measure would limit these imports by reshaping tax, trade and other Federal laws to challenge the international crisis that threatens American jobs and the United States economic future, now therefore

Be it resolved, that this County Legislature goes on record in support of the Burke-Hartke Bill and urges its adoption by the Congress of the United States and if adopted further urges its approval by the President of the United States, and

Be it further resolved that the clerk of this Legislature be and is hereby directed to forward a certified copy of this Resolution to Congressman Burke and Senator Hartke and to Congressman Carleton King and to Senators Jacob Javits and James Buckley and to the President of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

My Mr. CANNON, from the Committee on Commerce, with amendments:

S. 2280. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft, and for other purposes (Rept. No. 92–1012.)

By Mr. ALLEN from the Committee on Agriculture and Forestry, without amendment:

S. 2516. A bill to authorize the Secretary of Agriculture to reimburse owners of equines and accredited veterinarians for certain expenses of vaccinations incurred for protection against Venezuelan equine encephalomyelitis (Rept. No. 92–1013).

By Mr. ROBERT C. BYRD (for Mr. LONG) from the Committee on Commerce, with amendments:

H.R. 755. An act to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes (Rept. No. 92–1014).

REPORT ENTITLED "PROBLEMS OF ELECTRICAL POWER PRODUCTION IN THE SOUTHWEST"—REPORT OF A COMMITTEE (S. REPT. NO. 92–1015)

Mr. JACKSON. Mr. President, I submit the report of the Committee on Interior and Insular Affairs on problems of electrical power production in the Southwest. This is an interim report of the committee's study of a national fuels and energy policy.

This report deals with the specific energy problems and public policy issues arising out of the development of a major thermal-electric powerplant complex in the desert region of the Southwest. The situation covered by the report is quite specific, but it is a situation which exemplifies many broad energy problems and public policy issues which are of growing vital concern to all parts of the Nation.

The construction and operation of these huge desert powerplants, alone with the mining operations and the transportation and transmission facilities which they require, has had, and will have, profound impacts upon the way of life of the residents of the desert region and upon the environment. Aside from the immediate consideration of air pollution control, in which Federal regulation is rapidly evolving, there are many areas of direct and indirect Federal involvement with these plants which might not exist if they were located elsewhere.

As the analysis in this report displays, the major part, at least, of the energy planned to be produced by these plants is urgently needed. Furthermore, development of these plants would bring employment and economic activity to the desert region which will provide new opportunities for the residents, particularly the Indian people. This has been a national social objective for some time.

At the same time, it appears equally certain that development of the energy resources of the Four Corners region, regardless of the very best measures which technology can provide, will have significant adverse environmental impacts. The desert area, until recently, has remained sparsely populated and undeveloped. Its unparalleled scenery and unique ecological systems have been largely undisturbed by the works of man. Development will surely result in significant changes.

As the implications of many of the broad policy issues in the Four Corners became apparent, and as the study plan for the national fuels and energy policy study directed by Senate Resolution 45 was developed, the committee's Four Corners investigation was incorporated into the broader policy study where it will serve as a useful case history. The history and the projected plans for the Four Corners energy development are, in many respects, representative of the complex and difficult energy issues—social, environmental, legal, institutional—facing our Nation everywhere.

Among the current and emerging major energy policy issues to which this case study is relevant are:

The long-term implications of continuing present growth rates of energy demand, especially for electrical power;

The increasing trend toward the use of environmental regulations for local zoning or control of local development;

The institutional structure of the electrical utility industry and the industry's responsiveness to public planning needs;

Increasing public concern over the use of the extensive stripable coal resources of the West, and the implications for the use of national coal resources in meeting future requirements;

The organizational structure of Federal energy agencies and its effect upon their capabilities to make and implement public decisions;

The state of technology of electrical power generation and transmission and the adequacy of research and development in the field; and

Evolving environmental protection law and regulations and their relationships to other social objectives and needs.

Some of the national energy policy issues and implications of the Four Corners situation will be considered in the final report on national fuels and energy policy. The findings which are set forth in this report are derived from the testimony and other information obtained during the hearings and investigation. The recommendations are believed by the committee to be both necessary and capable of achievement. Some of the recommendations included herein involve the legislative and oversight jurisdiction of committees other than the Interior Committee. They are presented in the spirit and in the hope that they can provide a useful contribution to a coordinated congressional response to the problems presented.

The PRESIDING OFFICER. The report will be received and printed.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. Metcalf) today, August 4, 1972, signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 247. An act for the relief of Albert G. Feller and Flora Feller;

S. 3284. An act to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior;

H.R. 489. An act to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Modoc Point unit of the Klamath Indian irrigation project; Oregon;

H.R. 9936. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes;

H.R. 15093. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes: and

H.R. 15418. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCHWEIKER:

S. 3880. A bill to amend the Public Health Service Act to provide for education with regard to and detection of diabetes mellitus. Referred to the Committee on Labor and Public Welfare.

By Mr. CHILES:

S. 3881. A bill to provide that meetings of government agencies and of congressional committees shall be open to the public, and for other purposes. Referred to the Committee on Government Operations.

By Mr. MONDALE (for himself, Mr. Javits, Mr. Kennedy, Mr. Pell, Mr. Williams, Mr. Humphrey, Mr. Church, Mr. Proxmire, Mr. Jackson, Mr. Hartke, and Mr. Stevenson):

S. 3882. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees. Referred to the Committee on Government Operations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHWEIKER:

S. 3880. A bill to amend the Public Health Service Act to provide for education with regard to and detection of diabetes mellitus. Referred to the Committee on Labor and Public Welfare.

DIABETES—A HIGH PRIORITY

Mr. SCHWEIKER. Mr. President, there are now approximately 6 to 8 million people in the United States with diabetes according to the last survey done in 1968. For each person with the disease there are three or four who will eventually come down with it. The number of people affected by diabetes becomes a possible future total of 24 million Americans. Nearly one person in 20 is either an actual or potential diabetic. One-fifth of the population are carriers and have a 50-percent chance of passing the trait on to their children although they themselves do not develop the disease. It is estimated that by 1980, one in five people will have diabetes or its trait.

The problem of the incidence of diabetes is one to which we must devote our full attention. Studies show that there is a 9-percent increase each year in the diabetic population which is an accelerating increase because each year the diabetic population becomes 9 percent larger. Studies by scientists in Israel show that the incidence of diabetes is increasing dramatically as our population becomes older, fatter, more affluent, and more urbanized.

An important factor in the increase are our very own diabetic children. In 1921, diabetic children died. There was no chance for them. After the discovery of insulin by Dr. Banticz and Dr. Best in 1921, children and young adults have survived, have grown to maturity, and have been producing children with diabetes or with a strong inherited factor for diabetes. There are now about 8 million diabetics with a 50-percent chance of producing diabetic children.

Statistics on diabetes are vague because diabetes is not a reportable disease. Diabetes is the fifth leading cause of death in the United States. It is probably second or third if you consider the fact that diabetes is the major factor causing many chronic and disabling illnesses, primarily cardiovascular, renal, hypertensive, and neurological. The man who dies of a heart attack is listed in the death statistics as a victim of heart disease, but many times he has actually died from diabetes which caused the heart attack and the vascular disease. The same is probably true in cases of kidney disease, stroke, and so forth. Diabetes has become the major cause of blindness in our country. There are 154,700 people blind from diabetic retinopathy, and estimates are that by the year 2000 there will be 573,500 blind from diabetic retinopathy because of the accelerated increase in the number of people with diabetes and the fact that 50 percent of people with diabetes for 20 years will develop retinopathy and 95 percent of people who have had diabetes for 30 years will develop this disease.

Insulin has preserved the life of the diabetic; but because he has lived longer, he has been exposed to the complications of diabetes over a longer life span. This is a problem we did not have to cope with before. Hence, the rise in diabetic blindness, is a function of the very fact that the diabetic lives longer.

The discovery of insulin, if we are to face the facts squarely, we must realize was not a cure, as was believed originally, but only one step in the battle against diabetes. "The Invisible Disease." Is it because it is "invisible" that we, as a Nation, have not come to grips with the problem? It is ironic that diabetes now dominates the medical scene, yet so little is being done to solve the mysteries of this illness.

It is necessary, in order to understand fully the problems we are facing, to have proper statistics. Diabetes should be made a reportable disease so that it can be studied according to population and geographical area and the impact of incidence and heredity can be noted. My only fear is that we will be overwhelmed when and if correct statistics are made available.

Mr. President, it should be noted that Congress, in the Labor and HEW appropriations bill, has authorized the initiation of regional diabetes research centers throughout the Nation. Our knowledge of diabetes has been pitiful to date, and the millions of people who suffer from this metabolic disorder feel neglected. They are justified. Up to now we have not had a single research center devoted to diabetes. I am pleased that we are facing up to this problem, and I am hopeful that these new diabetes-related research efforts can begin as soon as possible. The elimination of diabetes will mean an end to its dread complications.

Mr. President, today I introduce the National Diabetic Education and Detection Act. It is the purpose of this legislation to establish a national program to:

Locate and treat undetected diabetes in men, women, and children;

Alert the citizens of the United States to the early detection of diabetes mellitus and to emphasize the importance of early detection and proper control;

Advance programs regarding patient education, professional education, public education, and detection of diabetes.

In this legislative proposal the Secretary of Health, Education, and Welfare is authorized to make grants to public and nonprofit entities for the establishment of screening and counseling programs to make information available to the public and to provide counseling to persons having diabetes and to their families regarding the adjustment they face to the medical regimen required of diabetics. In addition, a program of screening, counseling, and treatment would be established within the Public Health Service, and the Regional Medical program would be authorized to undertake programs related to diabetes.

Under the bill the Director of the National Institute of Arthritis, Metabolism and Digestive Diseases is directed to establish a program to provide information directly to physicians and allied health personnel regarding the latest developments in research and treatment of diabetes. Furthermore, the Director is to establish a Task Force to conduct a comprehensive study and survey to investigate the magnitude of diabetes mellitus, its economic and social consequences, and to evaluate available screening information and formulate a long-range plan to combat diabetes. This Task Force can easily be integrated into the program recently inaugurated through the John A. Fogarty International Center of the National Institutes of Health which is to review and evaluate the state of knowledge and research in the prevention and control of human disease. It is my understanding that this program is to include a focus on diabetes mellitus.

Mr. President, it is my hope that the Federal Government will give a much higher priority to the disease of diabetes mellitus.

Mr. President, I ask that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3880

A bill to amend the Public Health Service Act to provide for education with regard to and detection of diabetes mellitus

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Diabetes Education and Detection Act".

FINDINGS AND DECLARATION OF PURPOSE

Sec. 2. (a) The Congress hereby finds and declares—

(1) that diabetes mellitus is a major health problem in the United States;

(2) that diabetes mellitus contributes to many other health problems, and may significantly decrease life expectancy;

(3) that the citizens of the United States should have a full understanding of the nature and the impact of diabetes mellitus;

(4) that there is striking evidence that the known prevalence of diabetes mellitus has increased dramatically in the past decade;

(5) that the severity of diabetes mellitus in children and most adolescents is greater than in adults, which in most cases involves greater problems in the management of diabetes mellitus; and

(6) that the attainment of better methods of diagnosis, and treatment of diabetes mellitus deserves the highest priority.

(b) In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to establish a national program to—

(1) locate and treat undetected diabetic men, women, and children;

(2) alert the citizens of the United States to the early indications of diabetes mellitus and to emphasize the importance of early detection and proper control; and

(3) advance programs regarding patient education, professional education, public education and detection of diabetes.

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 3. (a) Section 1 of the Public Health Service Act is amended by striking out "titles I to X" and inserting in lieu thereof "titles I to XI".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is amended by renumbering title XI (as in effect prior to the enactment of this Act) as title XII, and by renumbering sections 1101 through 1114 (as in effect prior to the enactment of this Act), and references thereto, as sections 1201 through 1214, respectively.

(c) The Public Health Service Act is further amended by adding after title X the following new title:

"TITLE XI—DIABETES PREVENTION PROGRAM

"GRANTS FOR DIABETES SCREENING AND COUNSELING PROGRAMS

"SEC. 1101. (a) The Secretary is authorized to make grants to, and to enter into contracts with, public and private nonprofit entities to—

"(1) assist in the establishment and operation of voluntary diabetes screening and counseling programs;

"(2) assist in developing and making available information and educational materials relating to diabetes to all persons requesting such information or materials, and to inform the general public about the nature of diabetes; and

"(3) assist in providing counseling to persons having diabetes and to their families with regard to adjustments to the medical regimen required of such persons, including necessary medical precautions.

A grant may be made under this subsection for programs implementing any or all of the above listed programs.

"(b) In making grants and contracts under this section the Secretary shall take into account the number of persons to be served, the extent to which such screening and counseling is needed on a local basis, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance.

"(c) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973; $20,000,000 for the fiscal year ending June 30, 1974; and $30,000,000 for the fiscal year ending June 30, 1975.

"APPLICATIONS

"SEC. 1102. A grant under this title may be made upon application to the Secretary at such time, in such manner, containing and accompanied by such information as the Secretary deems necessary. Each application shall—

"(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) describe with particularity the programs and activities for which assistance is sought;

"(3) provide for strict confidentiality of all test results, medical records and other information regarding screening, counseling, or treatment of any person treated except for (A) such information as the patient (or his guardian) consents to be released; or (B) statistical data compiled without reference to the identity of any such patient;

"(4) provide for appropriate consultation with community representatives in the development and operation of any program funded under this title;

"(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

"(6) provide for making such reports in such form and containing such information as the Secretary may reasonably require.

"PUBLIC HEALTH SERVICE FACILITIES

"SEC. 1104. The Secretary shall establish a program within the Public Health Service to provide for voluntary diabetes screening, counseling, and treatment. Such program shall be made available through facilities of the Public Health Service to any eligible person requesting screening, counseling, or treatment, and shall include notification of all eligible persons, including parents of children who have diabetes, of the availability and voluntary nature of such programs.

"REPORTS

"SEC. 1105. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress each year a comprehensive report on the administration of this title.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Secretary deems necessary.

"DISSEMINATION OF CURRENT INFORMATION

"SEC. 1106. The Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases shall establish a program (to assure the continuing improvements in the care and treatment of patients with diabetes) which shall provide information directly to physicians and allied health personnel regarding the latest developments with regard to research and treatment of diabetes."

AMENDMENT TO TITLE IX OF THE PUBLIC HEALTH SERVICE ACT

SEC. 3. Section 900 (a) of the Public Health Service Act is amended by inserting immediately after "stroke," the words "diabetes mellitus,".

TASK FORCE ON DIABETES

SEC. 4. (a) The Director of the National Institute of Arthritis, Metabolism and Digestive Diseases shall establish a task force which shall conduct a comprehensive study and survey investigating the magnitude of diabetes mellitus, its economic and social consequences, and to evaluate available scientific information and formulate a long range plan to combat diabetes.

(b) The task force shall be composed of persons who are eminently qualified to serve on such a task force.

TASK FORCE REPORTS

SEC. 5. The task force shall publish and transmit to the President and to the Congress an interim report within six months after the date of enactment of this Act and a final report within one year after the date of enactment of this Act. Such reports shall specify the problems relating to diabetes mellitus and recommend a program designed to provide solutions to those problems.

By Mr. CHILES:

S. 3881. A bill to provide that meetings of government agencies and of congressional committees shall be open to the public, and for other purposes. Referred to the Committee on Government Operations.

FEDERAL GOVERNMENT IN THE SUNSHINE ACT

Mr. CHILES. Mr. President, in 1913, Supreme Court Justice Louis D. Brandeis wrote:

> Publicity is justly commended as a remedy for social and industrial disease. Sunlight is said to be the best disinfectant and electric light the most efficient policeman.

Justice Brandeis could just as well have applied these remedies to the governmental process, for democratic self-government and an informed citizenry just naturally go hand in hand, making essential the conduct of public business in the open, "in the sunshine." Only with such openness can the public judge and express, through its vote or voice, whether governmental decisions are just and fair.

Since I came to the Senate last year, I have become very disturbed by the great amount of public business I have found being conducted behind closed doors and by the attitude of secrecy I have seen in our Federal Government agencies. I am not surprised that people are suspicious of our motives and are losing confidence in their government when they are shut out of the decision-making process.

So, I am introducing the Federal "Government in the Sunshine Act", which seeks to assure the openness of our governmental processes and to restore public confidence in those processes. It seeks to do this through a simple requirement: all meetings of Federal authorities and congressional committees shall, subject to certain exemptions, be open to the public. Citizens will have the right to attend meetings in which they had a personal interest, and news media and other interested groups will have access which will insure a broader dissemination of information on public affairs.

The proposed law provides for open meetings of all Federal governmental authorities except the courts and the military. In particular, it applies to Federal regulatory agencies and commissions—such as the Interstate Commerce Commission, the Federal Trade Commission, and the Civil Aeronautics Board—which are responsible for serving the public interest. It would apply to the committees of Congress, which have for too long conducted too much of their business behind closed doors.

Mr. President, I ask unanimous consent to have the full text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That: (a) except as provided in subsection (b), all meetings (including meetings to conduct hearings) of any government agency at which any official action is considered or discussed shall be open to the public.

(b) Subsection (a) shall not apply to that portion of any meetings in which the action or proposed action to be taken, considered, or discussed by an agency

(1) relates to a matter affecting the national security,

(2) relates solely to the internal management of such agency,

(3) might tend to reflect adversely on the character or reputation of any individual who is subject to any proposed or potential sanction by such agency, or

(4) might divulge matters required to be kept confidential under (specified statutory provisions).

Provided, That this subsection does not authorize closed meetings or the withholding of information from the public except as specifically stated in this subsection, and is not authority to withhold information from Congress.

(c) Each agency subject to the requirements of this Section shall, within 180 days after the effective date of this Act, establish through publication in the Federal Register procedures for providing public notice of meetings required by this Section to be open to the public. Such notice shall be given as far in advance of such meetings as is practicable, in order to facilitate attendance of such meetings by persons desirous of doing so.

Sec. 2. (a) Section 133(b) of the Legislative Reorganization Act of 1946 as amended by Section 103(a) of the Legislative Reorganization Act of 1970 is amended as follows:

"(1) Each meeting (including meetings to conduct hearings) of each·standing, select, special, or conference committee of the Senate shall be open to the public, except when the committee determines that the matters to be discussed, or the testimony to be taken, relates to a matter of national security, relates solely to the internal management of such committee, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters required to be kept confidential under other provisions of law."

(2) Clause 27(f)(2) of Rule XI of the Rules of the House of Representatives is amended to read as follows: Each meeting (including meetings to conduct hearings) of each standing, select, special or conference committee shall be open to the public, except when the committee determines that the matters to be discussed, or the testimony to be taken, relates to a matter of national security, relates solely to the internal management of such committee, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters required to be kept confidential under other provisions of law."

Sec. 3. A transcript shall promptly be made of each meeting which is open to the public pursuant to the provisions of this Act and copies of such transcript shall promptly be made available for public inspections and copying.

Sec. 4. The districts courts of the United States shall have original jurisdiction of actions to render declaratory judgments or to enforce, by injunction or otherwise, the first Section of this Act and Section 3 insofar as it relates to that Section. Such actions may be brought by any person in the district where such person resides, or has his principal place of business, or where the agency whose action is complained of, resides.

Sec. 5. *Definitions*. For the purpose of this Act—

(1) "government agency" means each authority of the Government of the United States (whether or not it is within or subject to review by another government agency) having more than one member, but does not include—

(a) the Congress

(b) the courts of the United States

(c) military authorities

(2) "person" included an individual partnership, corporation, association, a public or private organization other than an agency.

Sec. 6. his Act shall take effect on the 90th day after the date of its enactment.

Mr. CHILES. Mr. President, the bill can be easily summarized.

Section 1 requires all meetings of Government agencies at which official action is taken, considered, or discussed to be open to the public, with certain exceptions. Exceptions would be in matters relating to national defense and security or any matters required by statute to be kept confidential; meetings related to an agency's internal management; and disciplinary proceedings which could adversly affect the reputation of an individual. This section would also require agencies to adopt procedures for providing the public with advance notice of meetings.

Section 2 requires that meetings of congressional committees shall be open to the public, with exceptions similar to those cited for meetings of Government agencies.

Section 3 requires that a transcript, available to the public, be made of meetings of Government agencies and congressional committees.

Section 4 provides for court enforcement of the open meeting requirement for Government agencies upon suit brought "by any person."

Section 5 defines agencies referred to in the act as all multimember Federal authorities other than the courts, Congress, or military authorities. This section also broadly defines the "person" who may seek court enforcement of the act's provisions.

Section 6 provides that the act shall be effective 90 days after enactment.

I would like to express my indebtedness to Prof. Richard B. Stewart of the Harvard University Law School for his expert counsel in the drafting of this measure.

There is good practical precedent among the States for a Federal open meeting law. I cite the examples of two States where sunshine is particularly abundant and where sunshine laws have been conducive to good government. California was one of the first States to enact an open hearing law; Florida passed a comprehensive "Government-in-the-Sunshine" Act in 1967, and since I was a member of the Florida Legislature at that time, I am especially familiar with it.

As early as 1953, the California Assembly enacted the Brown Act, which makes provision for open public meetings for all local government agencies—but not State government. The California attorney general also ruled that the act applies to legislative bodies of chartered cities. The case that brought forth that ruling was an instructive one, for it held invalid a San Diego city council resolution restricting attendance at "council conferences" by requiring citizens to register for the meetings and to agree to silence. The basis for that ruling is an eloquent statement of the case for sunshine laws:

> The right and ability of the people to have free and open access to all meetings of local legislative bodies is vital to the preservation of an informed electorate and constitutes an elemental safeguard to democratic government. The existence of devices, loopholes or subterfuges which tend to "cabin, crib or confine" the public from free access to the meetings and deliberations of their local governmental agencies is contrary to the public policy of this State.

The Brown Act states that all public entities in the State "exist to aid in the conduct of the people's business." It declares all meetings of a local legislative body or agency to be "open and public," with no conditions on attendance by the public. The time and place of regular meetings are to be made known. Special meetings must be formally announced, with adequate notice given to the public and communications media. The law is rightly flexible, granting the right of public bodies to executive sessions, specifically in the case of personnel actions, certain complaint charges and matters affecting the national security. For those interested in basic research on the California Brown Act and its broader relation to the whole freedom of information question, I recommend the article, "Secrecy and the Access to Administrative Records" by Prof. Albert G. Pickerell, and I ask unanimous consent to have Professor Pickerell's article printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

PART V. AGENCIES AND THE PUBLIC: SECRECY AND THE ACCESS TO ADMINISTRATIVE RECORDS

(By Albert G. Pickerell) *

I. THE FEDERAL SCENE

Since 1948 newspaper editors have been expressing anxiety over a "growing tendency" of government officials to suppress public information.[1] In 1950 the American Society of Newspaper Editors authorized its Freedom of Information Committee (which previously had beem primarily concerned with reducing barriers to the *international* flow of information) to undertake a general attack on the "undemocratic practice" of news suppression.[2] The chairman of the committee reported a short time later that a "nation-wide and incessant guerrilla warfare was being waged against our right of access to public information." [3] There is "arrogant suppression of news all over the place," he told the 1951 ASNE convention.[4] As a result a concerted campaign has been carried on by several newspaper organizations, especially the ASNE. At least four national associations have set up standing "freedom of information" committees,[5] and similar groups have been formed in many states to fight news suppression on state and local levels.

Numerous protests of withhonding information of legitimate interest to the public have been lodged by these Freedom of Information committees as they sought, by a combination of publicity and legal action, to win broader access to public information. During the first half of 1953, for example, one group processed forty "major" cases, the "majority of which concerned secret government of one kind or another, or outright censorship by autocratic officials." [6]

In 1951 the ASNE commissioned Harold L. Cross, veteran New York newspaper attorney, to continue a preliminary study and to pre-

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pare a "comprehensive report on customs, laws and court decisions affecting our free access to information whether it is recorded on police blotters or in the fields of the national government."[7] The result was his *The People's Right to Know*, published in 1953, and hailed as a "manual of arms" for newspaper editors.[8]

The practice of news suppression has not been peculiar to any special type of information or limited to any particular branch of government. One California editor has commented: ". . . off-the-record statements by public officials are becoming a growing disease in this country. Because the President of the United States holds off-the-record conferences to supply background information, deputy sheriffs are doing likewise."[9]

Two executive orders (one by President Truman[10] and one by President Eisenhower[11] have been the cause of much criticism, as have the information policies of the Department of Defense and the tight rein on information imposed by Secretary Wilson's directive of March 29, 1955, which permitted release only of material that would "constitute a constructive contribution to the primary mission of the Department of Defense."[12] Numerous other governmental information policies have been strongly protested.[13]

The "freedom of information" campaign reached something of a climax late in 1955 when a special House subcommittee under the chairmanship of Representative John E. Moss of California opened hearings on government information practices. The subcommittee, said Representative Moss, "will not be conducting an investigation but, rather, will be studying a vital problem."[14] As preparation for its task the group in August, 1955, sent a questionnaire to all federal executive and independent agencies.[15] Among other things, the replies revealed some 30 new classifications[16] that had been devised to keep information unrelated to security from being disclosed and apparently to circumvent the Presidential order which had limited classification of information to three defined categories, "top secret," "secret" and "confidential."[17] Hearings were held November 7–10 and concentrated on the Executive branch. A second set of hearings was conducted in January, 1956, centered on the regulatory agencies. Witnesses for the Civil Service Commission particularly drew heavy fire. The commission had replied to the subcommittee questionnaire thusly: "The authority of the Commission to deny access to or to furnish information from its records and files is based on the inherent power of the executive branch of the Government derived from the Constitution. . . ."[18] Both Commisisoner Young and the agency's acting general counsel defended commission rulings that had kept secret such information as the names of eligible candidates for postmaster appointments. They maintained such authority was "inherent" in the Civil Service Act of 1949.[19]

Representative Moss expressed "amazement" that some agencies contended they had an "inherent power" to keep information from the public, describing it as a "fantastically new concept of law."[20] Officials of the agency asserted that they answered all "reasonable" requests for information. They insisted, however, that they alone had the right to judge what was "reasonable."[21] As a result of the hearings, there were indications the committee would take action to recommend changes in federal statutes. The Civil Service Commission has revised its public information regulations.[22]

Cross found the right of inspection on the federal level to be a "rare exception," in contradistinction from the law at state and municipal levels, where the right of inspection is the "general rule." He found there was no enforceable legal right to general inspection of federal non-judicial records, the availability thereof being a matter of official grace, indulgence or discretion.[23] Cross reported he had practiced newspaper law for 35 years without encountering a serious case of refusal of access to public records and proceedings. "Now," he commented in 1951, "scarcely a week goes by without a new refusal. The last five years brought more newspaper lawsuits to open records than in any previous twenty-five years."[24]

It is difficult to conceive of any branch of the law that does not require frequent examination of such public documents as police records, vital statistics, tax assessments, motor vehicle records and various other materials to which newspaper organizations have been seeking the right of access. As Justice Botein has pointed out:[25]

"The information stored in public records which the news reporter wants to inspect for possible publication may be the same information which the lawyer desires to inspect for possible use in a trial, in the preparation of legal documents, or in the myriad of functions he performs for clients."

The complexities and bigness of government alone make it increasingly difficult for the newsman to dig out information, especially information the public official is reluctant to disclose. As an indication of the problem facing the editor in his quest for "all the news that's fit to print," in San Francisco alone there are some 200 federal agency offices.[26]

The (London) *Economist* thus pictured a British senior civil servant if he had attended opening sessions of the Moss subcommittee hearings: ". . . he would have returned to Whitehall thankfully, like an explorer escaped from the Jibaro head-hunters."[27] The observations of the *Economist* illustrate sharply basic differences in the United States and England as to the relationship between public officials and the press, as well as differences in status of the contemporary press. Commented the *Economist*;[28]

"Nobody ventured to suggest that these self-elected guardians of the public interest were already getting more information from government departments than were the newspapermen of any other country in the world. Nobody seriously challenged the proposition that it was undemocratic and shameful to deny them more information. As for the idea, widely if not universally entertained in Whitehall, that government officials should be insulated from inquisitive newspapermen by press officers, who should dispense whatever information the department chiefs think fit to give them and no more—that idea was too arrogant and fantastic to be mentioned at all."

Even within the United States there are many varying concepts of "freedom of information."[29] From a practical standpoint, they range from the somewhat idealistic and sometimes over-zealous position of newsmen[30] to the "inherent" powers of suppression claimed by some government officials. According to the charges, the suppression of public information takes many forms and stems from various motives. There is not room here for discussion of all of these. One position is that the barriers are supported principally by public officials who have a basic contempt for the judgment and intellectual capacity of the American people.[31] Another is that censorship is used to cover up administrative mistakes and to prevent embarrassment.[32]

There is evidence that the complexities of governmental affairs and the continuing crises of the cold war have reduced the public's interest in public information and strengthened the idea that security is somehow served by secrecy. The efforts in recent years of newspaper editors to reduce the area of restricted information, says one observer, "may prove to be the necessary pioneer work of men with real vision of a grave national problem."[33] The American Civil Liberties Union published a study on the subject and expressed "rising concern" that government agencies were "narrowing 'the market-place of opinion.' "[34] But there has been little general concern, and newspaper editors themselves, in the opinion of some of their spokesmen, have in some instances not taken sufficient interest in the problem.[35] If the suppression of public information is as "arrogant" and "rampant" as some observers claim, the situation certainly presents a grave threat to the proper functioning of democratic processes.

II. THE CALIFORNIA PICTURE

In the winter of 1951 the Riverside *Press-Enterprise* learned that two drunk driving arrests had been made by the Riverside police department, the reports of which had been withheld from police records. Thus was the newly organized Freedom of Information committee of the California Newspaper Publishers Association (hereinafter referred to as the CNPA) provided with its first case of alleged news suppression.[36] Since then the CNPA and its Freedom of Information committee have been active in this field, sponsoring legislation and lodging numerous complaints that information of a legitimate interest to the public was being concealed.[37] At the 1953 legislative session two bills dealing with access to public information were passed, both actively supported by the CNPA and the League of California Cities. The first was Assembly Bill 339 which was signed into law as Government Code sections 54950–958 and makes "open public meeting" provisions for all local governmental agencies.[38] The act does not apply to state agencies but, on the basis of a recent opinion of the Attorney General, now appears to apply to legislative bodies of chartered cities.[39] City attorneys of charter cities had previously held both ways on the subject.[40]

Governor Warren objected to the bill's failure to cover state agencies, commenting:[41]

"There isn't any reason at all why we should have a law for local government and then refuse to have the same thing for State government. I personally believe it would be a good thing to have such a law for all branches of government, including the legislature. Some of the worst things that have happened in government stemmed from secrecy. It should be avoided."

The second proposal was Assembly Bill 1160, introduced by Frank Luckel of San Diego as a result of refusal by county health authorities to allow the San Diego *Union* and *Evening Tribune* access to their records. The bill proposed to add a section to the Government Code, reflecting the "intent" of the legislature,[42] and supporters of the bill urged passage because "appellate courts are known to pay close attention to 'intent' whenever a law is challenged."[43] The bill received a pocket veto by Governor Warren, who referred to it as a "cutie" and as merely a statement of policy that did not change existing law. The governor said he vetoed the bill because it was a "pious evasion of responsibility on the part of the Legislature . . . . I believe there is a greater likelihood the Legislature will pass effective legislation if nothing is on the books than if there are a few pious phrases that are not implemented by positive law."[44]

On June 2, 1953, Senator George Miller introduced a resolution to create a special Senate investigating committee on Governmental Organizations.[45] He later announced the group would conduct a study of the availability to the public of official records. Newspaper reporters, editors, and publishers were asked to help the Senate committee by reporting specific instances of refusals or difficulties experienced in attempting to gain

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access to official records of state, county, or city governments.[46]

In January, 1954, the committee posed four questions to some 66 state agencies and boards: [47]

"1. What records in the keeping of your office are by law confidential? Please furnish citations for such decisions.

"2. What other records in your office do you consider as not being open to inspection?

"3. What records in your office are not now confidential which you believe should be made confidential? State reasons.

"4. Are any records now confidential by law which you believe should be open to the public?"

The responses, along with opinions of the attorney general and the legislative counsel on the subject, were published by the committee in May, 1955. The 148-page report contains the full replies received from each agency, together with such exhibits as were presented.[48] The committee held hearings in November, 1955, and Senator Miller has said other hearings would be conducted during 1956, with the expectation that legislation would be recommended to the 1957 session.[49]

Several sections of the codes of California relate to public records and their inspection. Two sections define public writings.[50] Others provide that citizens are entitled to inspection and, upon demand, to certified copies of public writings.[51] These definitions of "public writings" extend well beyond the general common law definitions.[52] The "stark brevity" of the California definitions has left wide scope for judicial interpretations,[53] but actually there have been few cases bearing on these statutes. For the most part those that have been decided have ruled merely whether a particular record falls within the provisions of the statutes and do not lay down any broad general rules that can be followed. Generally there is no single test that may be applied to determine what constitutes a public record.[54] The only language of general applicability in the various California cases is found in *Coldwell v. Board of Public Works* [55] to the effect that "the only means of deciding whether or not a document is a public writing is by determining whether or not it falls within the statutory definition." [55a]

On the surface California's statutes defining public records and the right of inspection appear to be "liberal." The general statutory provisions seem clearly to indicate the legislature intended that only those matters specifically made confidential by law should be excepted from public view.[56] In passing Assembly Bill 339 in 1953 the legislature declared the following as a matter of policy: [57]

"The people of this State do not yield their sovereignty to the agencies which serve them. The people, in their delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

And in Assembly Bill 1160, the legislature declared as its "intent" that "all official records, reports, or other official documents" should be available to the public for inspection, "except as otherwise provided by law." [58]

The phrase "and other matters" in Political Code section 1227 [59] would seem to imply that the legislature intended to extend the right of inspection to more than just "public records." And the courts have been "liberal" in their interpretation of the phrase "other matters." In *Mushet v. Department of Public Service,*[60] it was held that the papers of a municipal utility were not "strictly speaking, public records," but access was granted on the ground they were "other matters" of a general public concern. In *Coldwell v. Board of Public Works* [61] the court held that a private person had the right to inspect the preliminary estimates and plans prepared in the office of the city engineer of the City and County of San Francisco, in connection with the Hetch-Hetchy project, even though the documents were memoranda prepared for use in the office and had not been formally adopted as the official acts of the engineer. Inspection was granted on the basis they were "other matters" in which the "whole public" had an interest. In both cases the petitioner gained access to documents sought, and both reflect a liberal point of view in respect to the public's right of inspection.[62]

In reaching its conclusion in *Mushet v. Department of Public Service* that the documents "strictly speaking" were not public writings, the court adopted a policy of consolidating the statutes, resulting in a restrictive definition of "public writings." According to section 1888 of the Code of Civil Procedure public writings are the "written acts or records of the acts" of public bodies or officials. Section 1894 then divides public writings into four classes: "law, judicial records, other official documents, and public records, kept in this state, of private writings." Consolidating the language of the two statutes, the court held in the *Mushet* case that papers in question must not only be "official documents" but must also be the "written acts or records of the acts" of public officials or bodies.[63] In other words, it is not enough that they be written acts or records of acts *or* official documents—they must be *both*.

This "doctrine of exclusion" has been consistently applied by the attorney general in opinions rendered for various state agencies.[64] And the Miller committee survey shows these opinions have been widely relied on by many agencies other than those for whom they were prepared. It is not difficult to see how this "doctrine" could have been conceived. Section 1894, certainly has little meaning standing by itself. However, one could question whether the office of the attorney general was *required* to construe the public records statutes in the restricted manner in which it has. But conceding the attorney general felt constrained by the dicta of the *Mushet* and *Coldwell* cases to follow the *Mushet* "doctrine of exclusion" there appears to have been no *requirement* for the attorney general to have interpreted "records of the acts" so narrowly.

This is illustated in an opinion prepared in response to an inquiry from the County Council of San Bernardino raising the question of whether lists of names and addresses of students attending a public high school were "public writings" within the meaning of the statutes. The question concerned lists of pupils maintained by school officials in preparation of reports required under the Education Code and also to serve as aids in school administration. The attorney general applying the "doctrine of exclusion" of the *Mushet* case, concluded the "records in question are not public records . . ." [65] It is significant to note that the attorney general refers to the lists as "records." The preparation of such lists—for whatever purpose—certainly is an *act*. The attorney general still could have applied the *Mushet* analysis and found such records to be "official documents" that were also "records of acts" and hence to be "public writings."

Also it is to be noted that subdivision 3 of section 1894 of the Code of Civil Procedure refers to "other official *documents*," which could be interpreted to imply that the legislature intended public writings to include more than "written acts or records of acts." Otherwise, why not "other official *records*," thus making it consistent with subdivision 2—"judicial records"?

The right of inspection is not an absolute or unqualified right, and even though a document is a public record it is not automatically open to inspection. Section 1892 of the Code of Civil Procedure provides every citizen has a right to inspect any public writing "except as otherwise expressly provided by statute," and section 1227 of the Government Code permits inspection of public records and other matters "except as otherwise provided." For reasons of public policy, the legislature in many instances has specifically declared certain records to be confidential or not open to inspection. Also there are particular relationships which the legislature has declared should be protected and preserved inviolate. Section 1881(5) of the Code of Civil Procedure provides: "A public officer cannot be examined as to communications made to him in official confidence, when the public interest would suffer by the disclosure."

On several occasions the courts have recognized section 1881(5) as an exception to the public records statutes.[66] Also it has been held that public policy demands certain types of communications and documents be treated as confidential even though they are in the custody of a public officer and are of a public nature.[67] In the exercise of their investigative powers, government agencies frequently find it necessary or convenient to solicit data that would be available only with the understanding it will be kept confidential and not indiscriminately disclosed. Undoubtedly there are situations in which it is in the public interest that a public official and the integrity of his information be protected. The statute would clearly seem to place the burden on the custodian of the records to demonstrate that "the public interest would suffer by the disclosure," to use the words of section 1881(5).

It appears there should be some sort of control over the public official in the exercise of this privilege, but this presents a difficult problem. As Hocking has commented, "We say recklessly that [readers or listeners] have a 'right to know'; yet it is a right which they are helpless to claim, for they do not know that they have a right to know what as yet they do not know." [68]

The Miller committee survey shows that public officials in many instances have assumed a good deal of authority to withhold information and that confusion and inconsistencies exist among the various agencies. Several of them comment on the uncertainty of the law and declare that legislation to clarify the situation would be helpful.[69] Some agencies regard the information submitted in application for a license and the grades made in an examination to be confidential.[70] Others do not.[71] The Structural Pest Control Board takes the interesting position that since sections of the Structural Pest Control Act list certain documents as public records, "it would, therefore, follow, that those not named would be confidential" [72] The Miller committee survey further noted: [73]

"While the newspapermen, because they are expected by the public to report on public affairs, encounter many difficulties in carrying out this mission, theirs is not nearly so difficult as is the lot of the individual taxpayer. . . . For newspapermen, wise in the ways of obtaining facts, usually manage to ferret out the information they seek despite the obstacles encountered."

But the public's right to information about public affairs should not be based on such a haphazard, illogical process. It should *not* be left to official grace, indulgence or discretion. Public policy calls for some speedy objective process by which denials of access may be tested by legal standards clearer and more uniform than now exist. The right should be subject only to those limitations that are clearly and urgently in the public interest.[74] The determination of just where this public interest lies is, in practice, a difficult problem. Newspaper editors themselves are not in agreement.[75]

The argument is made that the public interest is best served "if ideas can be fully and freely exchanged." [76] Obviously it is not in the

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public interest that every piece of correspondence of every public official be open to indiscriminate inspection. But in a democratic society that public should be entitled to know the considerations involved in public affairs decisions, as well as the results.[77]

Naturally, no reasonable person wants access to information that legitimately should be concealed in the interest of national security and defense, and would not claim right of inspection of records pertaining to state secrets, diplomatic communications, confidential military matters, and the like. Also, it is recognized there are cases in which public policy demands that certain proceedings and papers be kept from public view—ranging, for example, from some personnel records to deliberations of the Supreme Court. Should the public be told *all* (the position of the overzealous "right to know" advocates), or what some person in authority thinks is wise or sufficient for them to know (the position of officials who claim an *inherent* power to suppress)? The answer, of course, is some place in between. Such decisions should be by legislative determination and not left loosely to the custodian of the records.

Absolutes are neither desirable nor attainable, and, as Cross points out, no perfect law is to be expected.[78] The situation in California is considerably better than that found on the federal level and in many states. But still, on the basis of existing cases and opinions of the attorney general, one is unable to determine with any degree of certainty what are public records and what are not. In any "tight" cases that might now arise, California statutes as presently interpreted do not appear to give adequate recognition to the importance of the market-place of public opinion in a free society. As Macaulay said, ". . . nothing could be more irrational than to give power and not give the knowledge without which there is the greatest risk that power will be abused." [79]

The degree of confusion and inconsistency evidenced by agency responses to the Miller committee alone indicates clearly the need for legislative action. There is obvious need for a new and more positive law. One approach might be to declare *everything,* in effect, to be a public writing and open to inspection, uness expressly excepted by statute.[80] This would require a careful study to determine just what specific documents the legislature desired to declare by law to be confidential. In instances in which the legislature in the past has desired that government documents be withheld from public inspection because of the nature of the records, the legislature has known how to legislate to that end; in fact, it has done on at least twenty-four occasions.[81]

It is true such procedure may result in oversights and omissions, producing occasional "hard" cases for the courts. But that is the lesser evil than a continued tendency to narrow the information available to the citizen concerning the operation of his government.

FOOTNOTES

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[1] See, *e.g.,* proceedings of the annual convention of the American Society of Newspaper Editors in Problems of Journalism 1948 150–51, 168–69. "Our responsibility lies in the domestic field as well as in the international field. . . ." Basil Walters, Bulletin of the ASNE, Oct. 1, 1948, p. 1.

[2] The problem of course is not a new one. "Every newspaperman is used to a nominal tussle over news that reflects some discredit on elected or employed public officials. . . . This is a conflict as old as government and news of government." James S. Pope, in Cross, The People's Right to Know xv (1953).

[3] Editor & Publisher, Jan. 27, 1951, p. 59.

[4] ASNE, Problems of Journalism 1951, p. 171.

[5] For reports of the ASNE see annual volumes of Problems of Journalism and the monthly Bulletin of the ASNE. Also taking part in the campaign have been the American Newspaper Publishers Association, the Associated Press Managing Editors Association (see annual volumes of the APME Red Book), Sigma Delta Chi, national journalistic fraternity (see its monthly publication, The Quill), and the National Editorial Association (see its monthly publication, The National Publisher).

[6] Newton, *A Growing Threat to Democracy: Secrecy in Government,* The Quill, Sept. 1953, p. 7. Eighteen formal protests were lodged; they included secret meetings of the Alameda, California, city council and a secret conference on ethical standards at the University of California. *Ibid.* See also *Report of Advancement of Freedom of Information Committee,* The Quill, Dec. 1954, p. 7

[7] Cross, The People's Right to Know xv (1953).

[8] See also its 1953 Cum. Supp. No. 1 (1954). For an illustration of the use of Cross' book to gain broader access to public information see Romm. *Opening Up the City Hall,* Nieman Reports, Jan. 1954, p. 8.

[9] The Publishers' Auxiliary, Feb. 16, 1952, p. 1.

[10] Exec. Order No. 10290, 16 Fed. Reg. 9795 (1951).

[11] Exec. Order No. 10501, 18 Fed. Reg. 7049 (1953). "We have found news somewhat harder to dig out under the present administration," W. L. Beale, Jr., chief of Washington bureau, Associated Press, quoted in Raymond, The People's Right to Know 48 (1955).

[12] Reprinted in 101 Cong. Rec. 11325 (daily ed. Aug. 3, 1955). See also New York Times, March 31, 1955, pp. 1, 16; April 7, 1955, p. 15; April 13, 1955, pp. 1, 11; Time Magazine, May 9, 1955, pp. 78–79; and Henkin, "Pentagon News Policies Irk U.S. Press," I.P.I. Report (International Press Institute, Zurich), Aug. 1955, p. 1.

[13] These include activities of the Office of Strategic Information in the Commerce Department; the Commerce Department's control of the export of technical data; an "excessive" number of secret meetings by congressional committees; and information policies of the Atomic Energy Commission. See, *e.g.,* reports of the ASNE subcommittee on Atomic Information in ASNE, Problems of Journalism 1952 and 1953 and an article by its chairman, Block, *The Fetish of Atomic Secrecy,* Harper's Magazine, Aug. 1953, p. 31. For general discussion by an edition of public information problems and restrictions see statement by Wiggins in *Hearings before the Subcommittee on Reorganization of the Senate Committee on Government Operations,* 84th Cong., 1st Sess., pp. 682–701 (1955). This statement also appears in ASNE, Problems of Journalism 1955, pp. 272–79. One of the most severely criticized administration policies has been the Eisenhower-to-Wilson letter of May 17, 1954, issued during the Army-McCarthy hearings, described by one newsman as "the greatest threat to freedom of the press in our time." Mollenhoff, *Is the Press Alert to a Dangerous President On Executive Secrecy?,* The Quill, Dec. 1955, p. 9. See also Mollenhoff, *A Precedent the Press Should Examine,* Nieman Reports, Jan. 1956, p. 28. "Never has so broad a power of executive right to withhold been asserted." Cross, Editor & Publisher, No. 26, 1955, p. 72.

[14] 101 Cong. Rec. A6213 (daily ed. Aug. 25, 1955).

[15] The four-page questionnaire and the "unevaluated" replies from the agencies, along with the bulk of exhibits, has been issued as a 552-page committee print, *Replies from Federal Agencies to Questionnaire Submitted by the Special Subcommittee on Government Information of the House Committee on Government Operations,* 84th Cong., 1st Sess. (1955).

[16] For example, "for administrative use only," "for official distribution," "for staff use only," "administratively confidential," etc.

[17] Exec. Order No. 10501, 18 Fed. Reg. 7049 (1953).

[18] *Replies from Federal Agencies to Questionnaire Submitted by the Special Subcommittee on Government Information of the House Committee on Government Operations,* 84th Cong., 1st Sess. 83 (1955).

[19] New York Times, Nov. 9, 1955, p. 39.

[20] Editor & Publisher, Nov. 19, 1955, p. 13. "We are amazed to learn that Congressman John E. Moss is 'amazed' that some government agencies believe they have an 'inherent' power to control information. This perverted notion that elected or appointed officials can decide what items of non-security information should be released to the public has been the root cause of news suppression at all levels of government. It has provided the basic reason for the Moss Committee investigation." Editor & Publisher, Nov. 26, 1955, p. 6.

[21] New York Times, Nov. 9, 1955, p. 39.

[22] Editor & Publisher, Jan. 28, 1955, p. 46; New York Times, Jan. 21, 1956, p. 8. In its opening hearings the committee "took a giant step toward the goal of clearing the channels of communications between Federaldom and the public." Marder, *Freedom of Information—a Giant Step Forward,* Bulletin of the ASNE, Dec 1, 1955, p. 1. See also Editor & Publisher, Nov. 12, 1955, p. 10 and Nov. 19, 1955, p. 13; and Freedom of Information News Digest, Feb. 6, 1956 (an occasional, mimeographed publication distributed by the National Editorial Association, 222 N. Michigan Ave., Chicago).

[23] See Cross, The People's Right to Know 199–201 (1953) for listing of "several factors" (including five "legal doctrines") held responsible for the "state of the law." He deals in separate chapters with Rev. Stat. § 161 (1875), 5 U.S.C. § 22 (1952), and the Administrative Procedure Act, 60 Stat. 243 (1946), 5 U.S.C. §§ 1001–11 (1952). He describes the former as having been "tortured into a barrier against the public interest" and a situation that "cried aloud for change." *Id.* at 222. He considers the latter as "abject failure" as far as making records available is concerned. New York Times, Dec. 18, 1955, p. 69.

[24] Quoted in Pope, *The Suppression of News,* Atlantic Monthly, July 1951, p. 51.

[25] Botein, Book Review, 67 Harv. L. Rev. 920 (1954).

[26] San Francisco Chronicle, July 3, 1955, p. 6.

[27] The Economist (London), Nov. 19, 1955, p. 653.

[28] *Ibid.* But see Griffith, *The Crichel Down Affair,* 18 Modern L. Rev. 557, 568–69 (1955).

[29] For discussion of distinguishable theories of functions and purpose of mass media see, *e.g.,* contributions by Siebert and Peterson in Mass Media and Education 13–53 (Henry ed. 1954); see also Siebert, Peterson and Schramm, The Four Theories of the Press (unpublished manuscript in Stanford University library, Division of Communication and Journalism, 1955); and Hocking, Freedom of the Press (1947).

[30] *E.g.,* "A free people cannot properly exercise their franchise unless they know the facts about the public business. And there can be no withholding of the facts about the public business on *any* score." Isaacs, The APME Red Book 1954, p. 187. *But cf.,* "I am beginning to wonder whether the initials ASNE do not really stand for 'American Society for No-restrictions Enywhere.' So vast is the flood of rhetoric and report about Freedom of Information, so frequent and so ferocious are the pronouncements of editors and publishers on the subject, that one is

sometimes impelled to seek out a Noah to show the way into an ark of dry silence away from the deluge of declaration." Markel, Bulletin of the ASNE, March 1, 1956, p. 7. "Moderation, in my opinion, will accomplish much more for freedom of information than an evangelical campaign making extreme demands." Mathews, Bulletin of the ASNE, Nov. 1, 1954, pp. 3, 6.

[31] See, *e.g.*, The APME Red Book 1954, p. 190, and Wiggins, *A Failing Faith in the People as a Cause of Official Secrecy,* Bulletin of the ASNE, Oct. 1, 1954, p. 9.

[32] "In sum, secrecy may be a device to conceal ignorance and error as well as knowledge and success." Gellhorn, Security, Loyalty and Science 50 (1950).

[33] Raymond, The People's Right to Know 45 (1955).

[34] *Id.* at 3. This ACLU report concludes that the "abuses of power in Federal agencies to suppress information of value and interest to the nation were never so rampant as now," *Id.* at 45. For another general report on the subject see Stone, *Secrecy in Government,* 24 Editorial Research Reports 895–912 (1955).

[35] See *e.g.*, Report of Sigma Delta Chi committee, The Quill, Dec. 1954, pp. 7, 8.

[36] Hafner, California and "The Right to Know' (unpublished master's thesis in University of California Library, Berkeley, 1955). See also Berkeley Gazette, Nov. 27, 1951, p. 3.

[37] For examples of these protests see files of The California Publisher, monthly publication of the California Newspaper Publishers Association.

[38] Assembly Bill 339 was introduced by Ralph M. Brown, chairman of the Assembly Interim Committee on Judiciary. The bill resulted from a ten-part series on "Your Secret Government" by Michael Harris that appeared daily in the San Francisco Chronicle from May 25 to June 4, 1952. For a report of hearings on Assembly Bill 339 in September 1952, see Progress Report to the Legislature by Assembly Interim Committee on Judiciary, Part I, *The Suppression of Public Information by Government Agencies, Commissions, Boards, Councils and Officials,* Part I at 13–63 (1953). For an account of the origins of Assembly Bill 339 and its passage through the legislature see Hafner, California and 'The Right to Know' (unpublished master's thesis in University of California Library, Berkeley, 1955).

[39] 27 Ops. Cal. Att'y Gen. 123 (No. 56/40, Mimeographed, March 2, 1956), holding invalid a San Diego city council resolution restricting attendance at "council conferences" by requiring citizens to register and further to agree to remain silent unless requested so to speak. "The right and ability of the people to have free and open access to all meetings of local legislative bodies is vital to the preservation of an informed electorate and constitutes an elemental safeguard to democratic government. The existence of devices, loopholes or subterfuges which tend to 'cabin, crib or confine' the public from free access to the meetings and deliberations of their local governmental agencies is contrary to the public policy of this State." *Id.* at 131.

[40] See the correspondence in the office of League of California Cities, Berkeley.

[41] San Francisco Chronicle, July 26, 1953, p. 14. A bill that would have applied similar "open meeting" requirements to all state agencies was introduced in the 1955 legislature by Sheridan N. Hegland. The bill, Assembly Bill 18, was never reported out of the Committee on Governmental Efficiency and Economy.

[42] Assembly Bill 1160 would have added the following sections to the Government Code: "Except as otherwise provided by law, all official records, reports, or other official documents, or any state agency, or any county, city and county, city or of any district, or any public agency of any kind, or of any of the officers and employees thereof, shall be available to the public for inspection during business hours, and any persons shall be permitted to inspect such official records, reports, or other official documents."

[43] The California Publisher, Aug. 1953, p. 3.

[44] San Francisco Chronicle, July 26, 1953, p. 14.

[45] Sen. Res. No. 157 in 3 Journal of the Senate 3484 (1953 reg. sess.), authorizing and directing the committee "to ascertain, study and analyze all facts relating to any department or agency of state or local government in California, including (but not limited to) its organization, functions and personnel and administration; the evaluation of all phases of its program and the relations of such agencies or departments to newspapers, radio and television in carrying out such program . . . ."

[46] The California Publisher, Dec. 1953, p. 12.

[47] Calif. Senate Special Committee on Governmental Administration, *Public Records Survey* (Partial Report, May 1955). This report will hereinafter be cited as *Public Records Survey.*

[48] *Ibid.*

[49] Letter from Senator George Miller, to writer, September 30, 1955: "It is our hope . . . we will be able to develop some better law on the subject to remove the areas of doubt which now exist."

[50] "Public writings" are defined in Cal. Code Civ. Proc. § 1888 as follows: "Public writings are: 1. The written acts or records of the acts of the sovereign authority, of official bodies and tribunals, and of public officers, legislative. judicial, and executive, whether of this State, of the United States, of a sister State, or of a foreign country; 2. Public records, kept in this State, of private writings."

Cal. Code Civ. Proc. § 1894 provides: "Public writings are divided into four classes: 1. Laws; 2. Judicial records; 3. Other official documents; 4. Public records, kept in this State, of private writings."

[51] Cal. Govt. Code § 1227 provides: "The public records and other matters in the office of any officer, except as otherwise provided, are at all times during office hours open to inspection of any citizen of the State."

And Cal. Code Civ. Proc. § 1892 provides: "Every citizen has a right to inspect and take a copy of any public writing of this State, except as otherwise expressly provided by statute."

Cal. Code Civ. Proc. § 1893 states: "Every public officer having the custody of a public writing, which a citizen has a right to inspect, is bound to give him, on demand, a certified copy of it, on payment of the legal fees therefor, and such copy is admissible as evidence in like cases and with like effect as the original writing."

[52] The following is a frequently cited common law definition: "A public record is a written memorial made by a public officer. . . . [It] is one required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law, or directed by law to serve as a memorial and evidence of something written, said or done." Amos v. Gunn, 84 Fla. 285, 343, 94 So. 615, 634 (1922).

[53] Cross, in Bulletin of the ASNE, June 1, 1954, p. 7.

[54] The mere fact that a writing is in the custody of a public agency does not make it a public record. Whelan v. Superior Court, 114 Cal. 548, 46 Pac. 468 (1896); Coldwell v. Board of Public Works, 187 Cal. 510, 202 Pac. 879 (1921). A test frequently used by the courts is that "in order that an entry or record of the official acts of a public officer shall be a public record it is not necessary that such record be expressly required by law to be kept, but it is sufficient if it be necessary or convenient to the discharge of his official duty." People v. Tomalty, 14 Cal. App. 224, 231, 111 Pac. 513, 515 (1910). See also People v. Pearson, 111 Cal. App. 2d 9, 244 P. 2d 35 (1952).

[55] 187 Cal. 510, 202 Pac. 879 (1921).

[55a] *Id.* at 518, 202 Pac. at 882.

[56] Consider, *e.g.*, instructions by the governor in a letter by his departmental secretary to all department heads: "[T]he Governor [has] instructed me to notify the Department of Public Health that any report it prepares should be made available to the press unless there is a specific prohibition in law against it. This may be taken as policy by all departments." Letter from M. F. Small, Departmental Secretary to All Department Heads, Jan. 7, 1952, in *Public Records Survey, supra* note 47 at 140. The Controller replied to the Miller committee inquiry: "Unless made confidential by law, we regard all records in the custody of this office as being open to public inspection " *Id.* at 77.

[57] Cal. Govt. Code § 1227.

[58] This was the bill which received a pocket veto by Governor Warren. See note 42 *supra.*

[59] Section 1227 provides: "The public records *and other matters* in the office of any officer, except as otherwise provided, are at all times during office hours open to inspection of any citizen of this state." (Emphasis added.)

[60] 35 Cal. App. 630, 170 Pac. 653 (1917).

[61] 187 Cal. 510, 202 Pac. 879 (1921).

[62] A student writer hailed the *Coldwell* case thus: "This case establishes the sound rule that a citizen or organization of citizens may inspect all data concerning any activity of the state or municipality irrespective of their character as public records . . . . The section of the Code of Civil Procedure [section 1892] which opens all public writings to inspection has been made mere surplusage by this decision. Everything covered by it and much additional material is accessible under the Political Code . . . ." Note, 10 Calif. L. Rev. 346, 347–48 (1922).

[63] 35 Cal. App. 630, 170 Pac. 653 (1917).

[64] The "doctrine of exclusion" as expressed in the *Mushet* case "has been consistently followed by the courts and this office in its determination of what are and what are not public or private writings." 18 Ops. Cal. Att'y Gen. 231, 235 (1950). See also Ops. Cal. Att'y. Gen. 41 (1948), 13 Ops. Cal. Att'y. Gen. Att'y Gen. 180 (1949), 16 Ops. Cal. Att'y Gen. 163 (1950).

[65] 16 Ops. Cal. Att'y. Gen. 163, 164 (1950). Cross has warned newspaper editors to avoid "routine, indiscriminate requests" for opinions of attorneys general. "These men by their official position are advocates of those very office holders whom you are seeking to force to permit that access." The Publisher's Auxiliary, Feb. 16, 1954, p. 1. See also Editor & Publisher, April 25, 1953, p. 106. "Opinions of the attorney general are not of controlling authority, but in the light of the relation of the office to the general government, they are regarded as having a quasijudicial character and are accorded substantial weight by the courts." 6 Cal. Jur.2d 97 (1952).

[66] San Francisco v. Superior Court, 38 Cal.2d 156, 238 P.2d 581 (1951); Coldwell v. Board of Public Works, 187 Cal. 510, 202 Pac. 879 (1921).

[67] Runyon v. Board of Prison Terms and Paroles, 26 Cal. App.2d 183, 79 P.2d 101 (1938).

[68] Hocking, Freedom of the Press 170–71 (1947).

[69] *E.g.,* The Department of Public Works states: "Passage of legislation to remove this uncertainty [as to the confidentiality of matters involved in prospective or pending litigation] would be highly desirable." *Public Record Survey, supra* note 47 at 136.

[70] *E.g.,* Board of Optometry, *id.* at 127, and Board of Architectural Examiners, *id.* at 117.

[71] *E.g.,* Board of Medical Examiners, *id.* at 125.

[72] *Id.* at 128. The Board of Chiropractic Examiners takes a similar view, *id.* at 118.

[73] *Public Records Survey, supra* note 47 at 7. "Newspapers generally, though with numerous exceptions, enjoy more and better access to these sources of news by means of the

sugar of voluntary processes than they could hope to get by the vinegar of compulsion under the present state of the law." Cross, The People's Right To Know 5 (1953).

[74] "It is not enough merely to recognize the important political justification for freedom of information. Citizens of a self-governing society must possess the legal right to examine and investigate the conduct of its affairs, subject only to those limitations imposed by the cost urgent public necessity. This right must be elevated to a position of highest sanctity if it is to constitute an effective bulwark against unresponsive leadership." Note, *Access to Official Information: a Neglected Constitutional Right,* 27 Ind. L.J. 209, 212 (1952).

[75] See differing points of view expressed by Mathews, Newton and Wiggins, "How Best to Fight Official Secrety," Bulletin of the ASNE, Nov. 1, 1954, p. 3.

[76] Peterson, *The Legislatures and the Press,* 27 State Government 223 (Nov. 1954). "Too often the members of the press assume that public servants, as a group, are not entitled to confidence with respect to their conscientious endeavor to discharge their duties honorably." *Id.* at 224.

[77] *But cf.,* "Only documents which present ultimate actions should be accessible to the public. Those which are merely part of the preliminary steps by which the conclusion was reached should become public only in the discretion of the particular agency." Yankwich, Book Review, 48 Nw. U.L. Rev. 527, 530 (1953).

[78] Cross, in Bulletin of the ASNE, March 1, 1955, pp. 9, 10.

[79] 4 Macaulay, History of England 429 (Harper ed. 1879).

[80] The present statutory definition of "public writings" *could* be interpreted to do this. Public writings are "written acts or records of the acts" of official bodies or public officers (Cal. Code Civ. Proc. § 1888). Is not a letter a "written act or record of the act"—the *act* of communicating? See La. Rev. Stat. § 44:1 (1950) for a broad, general definition of public records.

[81] See Opinion of Legislative Counsel No. 110, July 21, 1953, in *Public Records Survey, supra* note 47 at 17, for list of twenty-four statutes declaring documents confidential. "In general the statutes declaring certain documents confidential are indexed only by the subject matter. Consequently, a complete list of such statutes cannot be prepared without a careful examination of all the laws of the State." *Ibid.* A survey of New Jersey statutes discloses sixty-seven known statutes that classify certain documents as "public records" and/or "records open to public inspection." Young, Public Records in New Jersey (Rutgers University Press Research Survey Study No. 9, 1955).

Mr. CHILES. Mr. President, the Florida Sunshine Act had a tortuous history. It was introduced in every regular session of the Florida Legislature from 1961 until its passage 6 years later. Five other States—Arkansas, Indiana, Nebraska, New Jersey, New Mexico—enacted open-meeting measures while the Florida law was being debated. State legislators and the Florida media shared a concern over increasing closed meetings and behind-the-scenes government combined to alert Floridians to the dangers of secret government. In writing of the Florida law, one commentator said about the origins of this new public concern:

> The increased demands for open government in the United States since World War II seem to have had no specific origin, but an aversion to undue centralization and irresponsible government revealed itself in such political issues as reapportionment and home rule. The emergence of an affluent and better educated society whose attention focused on sophisticated issues strengthened the demands for political responsibility. The increased impact of mass media on society played an important role in directing public attention to inadequacies and abuses of government. Whatever its source, the public's urge to participate more fully in legislative decisions was evident.

The forces necessary for the passage of a sunshine law in Florida finally came together in 1967. The law is brief and simple, saying that all meetings of governmental bodies are open to the public at all times. No resolutions or actions of such bodies are binding unless they are made at such an open meeting. Minutes of such meetings are to be recorded and open to public inspection, and violators of the act are charged with a misdemeanor and specified penalties.

Experience under the sunshine law has shown that the open meeting principle does not hamper public business operations and increases public confidence in government. I functioned under Florida's law for 3 years in the Senate and became totally convinced that the lawmaking process was not inhibited or damaged. Closed doors are not necessary to sound resolution of conflicting views and interests.

A steady criticism of the sunshine law was that requiring open meetings would only generate secret preconference agreements which would be formally ratified at the public meeting. True, this was tried by some Florida officials, but the Florida courts have since made clear in a number of decisions that the sunshine law's open-door rule applied to all meetings dealing with the public's business. For instance, the Supreme Court if Florida, in Board of Public Instruction against Doran 1969, ruled that the "entire decision making process" of government is subject to the act, not just "formal meetings" or voting sessions. For further information, I offer an annotated report on the law by Robert E. Greenberg, research assistant to Prof. L. Harold Levinson of the University of Florida College of Law and ask unanimous consent that the report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

An Annotated History of Florida's "Sunshine Law"

(By Robert E. Greenberg)

THE BEGINNING

On April 12, 1961, Senator Cliff Herrell of Miami introduced a bill to ban secret meetings by governmental agencies.[1] It heralded Florida's first attempt to replace "molehill government" with "government in the sunshine."

Herrell's bill carried no penalties for officials who conducted public business in private.[2] The proposed law provided that "no administrative body of the state, a county, district or city shall hold meetings which are closed to the public." [3] The prohibition applied to informal gatherings, as well as formal, if official business was the subject of the meeting. Meetings concerned with confidential investigations, merit examinations, unsubstantiated charges against personnel, land acquisitions where premature disclosure would increase prices and state secrets would be exempt.[4]

A similar proposal by Senator J. Emory Cross [5] of Gainesville included a penalty for violation of the open meeting requirement.[6] This same bill, when introduced in 1967, eventually became § 286.011, Florida Statutes, or the government-in-the-Sunshine Law.[7] After its introduction in 1961, the issue died in committee. The same fate awaited it for five more years. One newspaper characterized the vote as ". . . wise cracking, laughing . . ." at Floridians, denying the people public meetings.[8]

State Attorney General Richard W. Ervin favored and appeared on behalf of the proposed legislation. It was his hope to create some sort of "honor system" to provide a rule of conduct which the cabinet, county commissions, and state agencies could follow.[9] "I believe this bill would create more confidence in government."[10] Though private meetings are "more expeditious," Ervin felt that secrecy caused more errors in judgment than public meetings.[11] "Where you know what you say and do is going to be put down," public officials are inclined to be more cautious.[12]

The success of the embryonic Sunshine Law may well have been caused by the federal court decision requiring new elections in accord with one man, one vote reapportionment, to balance the urban-rural percentage that had for so many years been tipped against the more liberal cities. One could say that when the "porchoppers" lost control of the Legislature, Sunshine's passage was inevitable.

Fortuitously, the Senate chamber was then engaged in a debate over "executive sessions" and their abuses. The media had been aroused when one of their number refused to leave one of these sessions and was forcibly ejected.[13]

GOVERNMENT-IN-THE SUNSHINE: APPENDIX A

On April 13, 1967, S.B. 9, later to become § 286.011, Florida Statutes, was placed on the Senate calendar, the first time in history such a measure survived committee politics.[14] "The public's business should be conducted in public; . . . this won't completely stop secret huddles but it will require that discretion be used." [15]

Two days later the bill was passed by the Senate and sent to the House [16] where three amendments were offered. The Senate agreed to one amendment vesting the Circuit Courts of the state with injunctive powers to prevent future violations, and rejected two others exempting personnel and other secret matters from the purview of the law.[17]

Perhaps the best account of the drama on the floor appeared in a Tampa newspaper article:[18]

"The government in the sunshine bill whipped back and forth between the two houses of the legislature yesterday like a woman scorned."

The Tampa Tribune reported on June 28, 1967 that Nebraska had that day passed an "open meeting" bill similar to the Florida proposal. "It requires any governing body using public money or recommending such spending to hold meetings open to the public." The media would not forget.

When the government in the sunshine bill finally emerged from a joint House-Senate Committee, it was intact, with the addition of the injunctive remedies now available.[19]

THE FIRST DECISION: APPENDIX B

In 1969, the Dade County Circuit Court issued what amounts to the first reported opinion interpreting the government in the sunshine law, in *Berns v. City of Miami Beach.*[20]

The newspaper publisher, editor, and a reporter of the Miami Beach Sun,[21] filed suit charging the defendant city and its councilmen with holding secret meetings in violation of the government in the sunshine law.[22]

Footnotes at end of article.

The relief prayed for was an injunction prohibiting the council from holding any more meetings at which official acts were to be taken where the public was excluded.

The complaint alleged that defendants caused the reporter to be arrested and charged with disorderly conduct for refusal to leave the city manager's office; that the reporter's conduct was at all times peaceful and orderly; and that his refusal to leave the office was based solely on the belief that the defendants were contemplating holding a secret meeting; and that he was under instructions from his superiors at the newspaper to cover all of the defendants' meetings, secret or otherwise.[23]

The defendants countered by admitting that they had "gotten together" in private, usually in the city manager's office, and usually an hour or so before the regular city council meetings.[24] The defendants described these pre-meeting meetings as "briefing sessions," "conferences," or "backgrounders." [25] The public and press were neither aware of the times of these sessions nor permitted to be present.[26]

Judge King, in granting a permanent injunction, held that there is no such right to hold such meetings under the Sunshine Statute. "The legislature did not exclude, by subject, certain matters which could be discussed in private. It is the prerogative of the legislature to specify those matters which must be considered as public meetings and if they so elect, specify those matters which may be considered privately." [27]

Notwithstanding the court's finding that voting did in fact take place behind closed doors, the judge felt that, ". . . the purpose of this opening meeting statute would be frustrated if the entire deliberative process could be held behind closed doors only to emerge in public for a show of hands." [28]

With all the clamor that has preceded and followed the enactment of the Sunshine Law, concerning what is covered and what is not, Judge King had no trouble in reading the statute to effect Senator Cross' intent:

"The Florida Legislature has mandated that the public has the right to know without exception, when, how, and why its business is being conducted. Deliberations, sessions, conferences, briefings, expressions, discussions, proposals, recommendations, actions, reports, etc. must be open to the public, *for these are as much official acts as the final vote itself*. The legislative intent is clear. The collective acquisition and exchange of facts by the defendants is required to be made in public. The reasons for and against a choice of a course of action are 'official acts.' Obviously, the vote cannot be had without the prior receipt and exchange of ideas and information." [29] (emphasis added).

In the court's findings the trial judge mentioned, *inter alia,* that the plaintiffs had standing to sue.[30] At this point one must speculate whether the pending criminal charge entered into the judge's decision. Further, it is not made clear whether the Sunshine Law will be deemed a valid defense in the instant case; rather, the judge enjoined the defendants from continuing the prosecution of the plaintiff reporter.

Various other newspapers [31] reported Sunshine violations: In Alachua County the members of the school board met at the home of the acting chairman during the 1968 teacher crisis—the meeting held at night was termed a coffee get-together instead of a meeting. The city commissioners of Stuart, Florida were indicted and suspended by Governor Kirk for holding secret meetings for which they kept no minutes, while they parceled out bonuses to two city employees. In Alachua County in 1969 the State Attorney and the State Auditor refused to divulge any information concerning the fiscal affairs of the Court of Record, then under investigation.

Commenting on the secret investigation of the Court of Record, the Gainesville Sun editorialized: [32] "Our purpose for reading such facts into the record is a simple one. We think government-in-secrecy is a mistake which undermines public confidence. And we don't think such mistakes should be repeated."

TIMES PUBLISHING—FIRST APPELLATE REVIEW: APPENDIX C

Times Publishing Company v. *Williams,*[33] represents the first considered opinion of a Florida Appellate Court construing the government in the sunshine law.

The appellants, Times Publishing Company,[34] filed a complaint in the Pinellas County Court alleging that the county school board had held various secret meetings during 1967 and 1968, subsequent to the enactment of the Sunshine Law. At the conclusion of the testimony, the trial judge denied plaintiffs' prayer for an injunction to preclude such future activity.

On appeal, the appellants contended that "injunctive relief is available to the members of the public to enjoin and prohibit the Board of Public Instruction of Pinellas County, Florida, from holding meetings at which official acts are to be taken if the public is to be excluded." [35] Appellants also urged that whenever the board met "informally" or for any purposes relating to the operation of the schools and excluded the public, the board was violating the statute and should likewise be enjoined from holding such secret meetings.

The court found, as a matter of law, that since the act relates to ". . . all meetings . . . at which official acts are to be taken. . .", it is obvious the legislature intended to extend application of the "open meeting" concept so as to bind every board or commision of the state, or of any county or political subdivision over which it has dominion or control.[36]

The Court felt that the Government in the Sunshine Law was a "declaration of public policy, the frustration of which constituted" irreparable injury to the public interest.[37] To effectuate this policy, it was the entire *decisionmaking process* that the legislature intended to affect by the enactment of the statute. "Every thought, as well as every affirmative act, of a public official as it relates to and is within the scope of his official duties, is a matter of public concern." [38] Every step in the process culminating in a decision, is an indispensable requisite to "formal action"; it therefore follows that each such step constitutes an "official act," an indispensable requisite to "formal action," within the meaning of the act.[39]

In interpreting the intent of the legislature, the Court came to the conclusion that "official acts" cannot be limited to "formal action." The formal act of voting on an issue, or the formal execution of an official document, easily ascertainable from the record, encompassed only a fraction of the real need for the act's creation. "It is how and why the officials *decided* to so act which interests the public." [40] ". . . the legislature could only have meant to include therein the *acts* of *deliberation, discussion,* and *deciding* occurring prior and leading up to the affirmative "formal action" which renders official the final decisions of the governing bodies." [41]

The Court then went on to deal with the question of exceptions to the open meeting mandate of the act; specifically, where personnel matters were involved.

As a matter of law the court held that, "any rights or privileges (here personnel matters) . . . third parties might have must be found elsewhere," and the agencies, etc. governed by the sunshine law could not rely on the rights and privileges of these third parties to disregard and circumvent the provisions of the act.[42]

In keeping with the notion that personnel matters were not legally protected, the Court left open the door for future "real" privileges. "The attorney-client relationship is a unique one under the law. Within this relationship both the attorney and the client enjoy rights and privileges independent of each other.[43] Clearly, the area of the attorney-client relationship which is excepted from the statute is that which would conflict with the ethical obligations of the profession. "It is our conclusion, therefore, that the legislature is fully aware of its constitutional limitations and did not intend . . . to place attorneys in a position of having no alternative but to violate the Canons of Ethics." [44] All other consultations between the public agency and its counsel are precluded, "since the public has waived any privilege of confidentiality it may have by virtue of such relationship." [45]

FORESEEABLE ACTION TEST: APPENDIX D

In *Board of Public Instruction of Broward County* v. *Doran* [46] the Florida Supreme Court held that the statute was sufficiently precise and afforded adequate standards to afford due process to those charged with violations of the law.

As per the previous cases the plaintiffs alleged violations of law, seeking an injunction to prevent such future activity.

In its answer, the defendant school board admitted that members of the board meet for an informal conference at which no official acts were to be taken or were taken, and at which time the public was excluded; thereafter the board would hold "open," public meetings. The affidavits of the several parties indicated that there were several occasions when the board retired to discuss matters in private, though no formal action was taken.[47]

In determining that the statutory language provided adequate guidelines the court adopted a "foreseeable action" test. "The obvious intent was to cover any gathering of the members where the members deal with some matter on which foreseeable action will be taken by the board." [48]

In short, the statutory language conveyed a definite warning as to proscribed conduct when measured by common understanding or practices.[49] "Statutes enacted for the public benefit should be interpreted most favorably to the public."

"One purpose of the Sunshine Law was to maintain the faith of the public in governmental agencies. Regardless of their good intentions, these specified boards and commissions, through devious ways, should not be allowed to deprive the public of this inalienable right to be present and to be heard at all deliberations wherein decisions affecting the public are being made." [50]

In referring to the law as clarified by the Court, one official described it as "that idiot decision." [51] "If it doesn't make liars out of us, it makes connivers out of us." [52]

In retrospect, compliance at first was slow and officials in some areas seemed convinced the law implicitly contained certain exemptions.

The 1969 decision in *Times Publishing Co. v. Williams,* supra,[53] was a significant step in developing an expansive interpretation. Subsequent rulings removed all clouds as to the full impact of the law.[54] A survey by the Associated Press revealed that dramatic changes in the management of government had begun.[55] Among the more striking examples.

(1) The Orange County Commission no longer bodily removes reporters when they are not wanted; [56]

(2) The Broward County School Board (the defendant in the *Doran* case) acquiesced; [57]

(3) The State Cabinet's longstanding practice of breakfast at the Duval Hotel and coffee in the governor's office prior to the regular meeting has collapsed; [58]

(4) The State Board of Regents' frequently-invoked rule of excluding reporters

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Footnotes at end of article.

when selection of a University president has come up has been ended; [59]

(5) The Miami Beach City Council, famous for its meetings in the back room of Mendelson's Meat Market, is now conducting business in the open; [60]

(6) The Leon County School Board no longer holds secret sessions while discussing integration, and choice of a consultant; [61]

(7) The Lee County School Board no longer closes its doors in attempting to deal with recurring teacher disputes; [62] and

(8) The St. Petersburg City Council has abandoned its long famous "executive session," partly because of the Supreme Court, partly because the three new members elected had all campaigned against the practice.[63]

The radical changes brought by the Sunshine Law seemed to catch many officials in a state of shock and disbelief.

Two schemes designed to circumvent the effects of the newly vitalized law were quickly instituted: (1) two-party meetings and (2) proliferating memoranda.[64] The two-party meeting operated thus: The head of the board would meet with other members of the board, one at a time, on a touchy subject until some consensus had been arrived at, or at least until all the members of the board had been briefed sufficiently on its background, so that no debate need occur at a formal meeting.[65] Utilization of memos, one after the other between commissioners or board members would eventually "type out" an issue.

Perhaps the greatest challenge to the law came in the form of threatened libel suits for damaging and libeling discharged public employees.[66] One Commission Chairman voiced his intent to seek legislative changes in 1970 to exempt personnel, legal matters, and condemnation proceedings from the law's purview.[67]

THE QUASI-JUDICIAL EXCEPTION: APPENDIX E

On January 27, 1970, the First District Court of Appeal admitted an exception to the Government in the Sunshine Law.[68] In *Canney* v. *Bd. of Public Instruction of Alachua County,*[69] petitioner sought review of the board's action in suspending him from school, for failing to comply with a hair styling regulation.

While the main thrust of the opinion was concerned with the fulfillment of due process requirements in administrative proceedings, and the validity of a regulation pursuant to legislative authority in the absence of some judicial determination, the question of Government in the Sunshine arose in connection with the board's recess to reach a decision in the case.[70]

The Court held that the School Board was acting "in a quasi-judicial capacity," and the conference held by it was privileged and did not fall within the purview of the (Sunshine) statute.[71]

For purposes of controlling authority, one district is not bound by the decision of a sister district, and therein lies the basis of conflict *certiorari* to the Florida Supreme Court.[72] The District Court of Appeal for the First District observed that notwithstanding the Second District's dicta to the effect that quasi-judicial funcions were not excepted by the Legislature from the application of said statute,[73] "the Legislature is not empowered, by statute or otherwise, to prescribe the conduct of the internal government of the judicial branch." [74]

The rationale used to reach this result was ambiguous at best. The Court at the outset established that the Legislature may create and vest county school boards with quasi-judicial functions; however, once so endowed with judicial [75] characteristics, the Legislature's prerogatives ceased to exist.[76]

Analyzing the school board's recess to the "conference room of the Supreme Court of Florida" or the "petit jury room" when the deliberations are taking place,[77] the Court held that "neither the public nor the press has any more right to enter into the judicial deliberations of the members of a county school board of public instruction. . ." [78]

RENEWED NOTICE UNNECESSARY: APPENDIX F

In *Shaughnessy v. Metropolitan Dade County,*[79] the Third District Court of Appeal held that a continued matter may be disposed of at a later specified meeting without the necessity of repeating the notice or public hearing requirements of the Sunshine Law.[80]

The Zoning Appeals Board of Dade County, after notice and public hearing, deadlocked over whether to grant an application for a special use permit, and set the matter over to a later specified date, and acted thereon without further notice or public hearing.[81] When the county commission ratified the Board's action, the appellant commenced this action.

The appellant's allegations specified that the Zoning Appeals Board failed to abide by the provisions of the Sunshine Law, in that it failed to give the required public notice about the meeting wherein the second vote was to be taken.[82]

The *per curiam* opinion held that "all official action of the Board as it appears from this record was taken in open public meeting," and did not thus violate either the provisions of the law or those appellate decisions interpreting the same.[83]

BERNS REVISITED: APPENDIX G

The following year the *Berns* case was reviewed by the Florida Supreme Court, *sub nom, City of Miami Beach v. Berns.*[84] The Court held on rehearing that where public officials meet at a time and place to avoid being seen or heard by the public to transact or agree to transact public business at a future time in a certain manner, they violate the Sunshine Law, regardless of the formality or lack of formality the meeting takes.[85]

Section 165.22, Florida Statutes provides in part that:

All *meetings* of any city or town council or board of aldermen of any city or town . . . shall be held open to teh public . . . (emphasis added).

In *Turk* v. *Richard,*[86] a 1950 case, the Court held that the *open meeting* requirement only applied when a municipal council was assembled in a formal session attended by a quorum.

The crux of the Court's rationale in the *Berns* case, prohibiting any meeting whether or not a quorum is present, rested on the language the legislature chose *not to follow* when drafting section 286.011, Florida Statutes ". . . (I)f the intent of the Legislature had been to include only *formal assemblages* for the transaction of official business," [87] it would not have been necessary to "include a provision declaring certain meetings as *public* meetings."[88]

The Court opined that in enacting this piece of legislation a "general revision of the law applicable to open meetings of public agencies" was intended.[89] Therefore, in such a situation, whether or not this right to attend meetings existed at common-law, or whether or not the two statutes are harmonized, "we are persuaded to apply the rule that a statute enacted for the public benefit should be construed liberally in favor of the public . . .[90]

The Court then reinforced the *Williams* [91] and *Doran* [92] principles that: (1) Legislature intended to expand the open meeting concept to bind every political subdivision or agency over which it has dominion; (2) the obvious intent was to cover gatherings where the individuals will deal with matters on which *foreseeable action* may be taken at a later time; and, (3) the proscriptive conduct [(1) & (2)] is not to be circumvented by matters that are privileged, pertaining to the duties and responsibilities of subject bodies.[93]

A secret meeting, the Court said, occurs when officials meet so as to avoid being seen or heard by the public.[94] Whether the meeting is formal or not, such secretive action violates the Sunshine Law. "It is the law's intent that any meeting, relating to any matter on which foreseeable action will be taken, occur openly and publicly." [95]

The opinion contains several warnings; it warns those who are in doubt whether they are convening in violation of the law to leave the meeting forthwith,[96] and it warns those who hope to push the statute beyond debatable limits that the majority of the Court will meet future problems on a case by case basis as they arise.[97] The Court stated:

"The Legislature did not intend to muzzle lawmakers and administrative boards to an unreasonable degree. It would be contrary to reason and violate the right of free speech to construe the law to prohibit any discussion whatever by public officials between meetings. *The practice of discussing politics and government is part of our American heritage* . . ." [98]

Thus if there is no intentional secrecy involved, legislators can meet and discuss their business without worry. "It is only the evil of closed door operation of government without permitting public scrutiny and participation" that the law seeks to prohibit.[99]

A joint session of the City Commission of Gainesville and the Alachua County Commission at a local inn was scuttled on February 3, 1971, in deference to the Sunshine Law.[100] The same day the Gainesville Sun ran an editorial entitled "Statehouse Orgy;" its focus was the Sunshine Law.[101] After lauding its accomplishments the editorial continued:

"But we are disturbed by recent developments. Not only has Secretary of State Stone removed the door from his office but . . . an Associated Press . . . reporter . . . (has) . . . interrupted a corporate income tax strategy session between Governor Askew and other legislators. . . (I)t appears (that) some of these fellows are trying to love the Sunshine Law to death. What we see is an informational orgy, put on foot by officialdom and naively joined by newsmen, to make the Sunshine Law unworkable." [102]

THE TELEPHONE RULING AND "STATEHOUSE ORGY"—A REACTION: APPENDIX H

I would not call it a conspiracy, but clearly a good many politicians in Tallahassee were hoping that the news media and the people would prove the law unworkable, to provide ripe justification for repealing the same. The editorial was timely warning of a growing movement.

Just five days later, Governor Askew called for moderation in the interpretation and application of the Sunshine Law. The Governor was quoted as saying that certain "difficult areas" exist in government which do not lend themselves to coverage by newsmen, citing legislative strategy meetings as an example.[103] "The question is can you not talk to anyone about the business of the state until and unless the representatives of the press hear your every word?"

Governor Askew was required to throw open an "invitation only" dinner meeting between himself, the Cabinet and Capital Center architects, on March 10, 1971, because of the Sunshine Law.[104]

On March 3, 1971 Attorney General Shevin rendered an opinion that held *inter alia* that the press and public had the right to listen in on telephone conversations between public officials.[105]

Responding to this, H. G. "Buddy" Davis, the Pulitzer Prize winning journalist who wrote the "Statehouse Orgy" editorial in the Gainesville Sun, was quoted as saying: "When a responsible guy goes around and says two officials have to invite reporters to

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Footnotes at end of article.

listen to a phone conversation—that's ridiculous." [106]

"Loving" the law to death, Davis said, "would make the law so obnoxious and so impossible, and so unworkable, it'll have to be changed or repealed. It's just that simple." [107]

Attorney General Shevin in the telephone opinion had also ruled that the phrase "at all times" prevents a board from holding a secret ballot, though the vote would be replayed at a subsequent public meeting.[108] If members of the press and the public were *deliberately excluded* from the public offices furnished for the conduct of the public's business, there would then be a Sunshine Law violation in the opinion of the Attorney General.[109]

Then perhaps Mr. Davis overstated the impact of the "telephone" ruling. Relying on *Williams* and *Doran*, certain telephone conversations which are part of the deliberative process which would ultimately lead to recorded action at a formal public meeting could not be conducted covertly.[110]

In a March 6, 1971 interview with the Gainesville Sun's Capital Bureau correspondent, the author of the Sunshine Law, J. Emory Cross, mused that the public-meeting law has suffered "telling damage from recent Court and Attorney General opinions." [111] "What they do is make it absurd," categorizing Shevin's telephone ruling as "way out" absurd.[112] The other major snafu according to Cross is the Supreme Court ruling that the law applies, even if there is less than a quorum present. "Cross said he thought that was clearly put, indicating he did not intend to prevent a couple of public officials meeting for dinner or talking on the phone for fear of violating the law." [113]

Perhaps hardest hit by the Sunshine Law are the county officials, because they work on problems requiring decisions daily. What happens when several, say two, county commissioners meet with the public utilities director, or plan board member; or if they sit down and talk over a cup of coffee; are they taking "official action?" Must they give prior notice?

Most city or county commissioners polled by the Melbourne Times in 1971 felt that it was not a violation, and if it was, then the law was too extreme.[114] "If I had a choice of the Sunshine Law or nothing, I'd take the Sunshine Law." [115]

Refining the law

In an effort to clarify an earlier opinion the Attorney General of Florida opined on March 31, 1971 that if a school board voted for a new superintendent by code number rather than by name there would be no *per se* violation of the law, provided that all the facts available to the board would also be available to the public and press, and that all such votes or other actions of the board be open to the press and public.[116]

On the question of the validity or invalidity of action taken by a public body in violation of the law, it was Shevin's opinion that it is not void *ab initio*, but rather voidable, and may be corrected by subsequent re-enactment *nunc pro tunc*.[117]

In the 1971 Legislative session several bills were unsuccessfully introduced to modify the Sunshine Law.[118] One bill listed six exceptions to be written into the law that would have virtually repealed open-meeting requirements. The amendment provided that quasi-judicial bodies, matters of national security, land transactions, personnel problems, conferences with attorneys, and other "sensitive matters" would be allowed behind closed doors.[119]

Another defeated amendment would have provided for closed door sessions to deal with "matters which, if discussed in public, would be likely to benefit a party whose interests are adverse to those of the general community." [120]

In testimony before the House Governmental Organization and Efficiency Committee, Attorney General Shevin urged defeat of the above bills charging public officials: "Give politicians an excuse to violate the government-in-the-sunshine law, and that's what they will do." [121]

"If you give these exemptions 1-2-3-4, they will do more than 1-2-3-4 when they get behind closed doors. I think it would be a step backwards to amend this law." [122] The law, according to the Attorney General, was not hard to interpret as long as the basic point, that elected officials are to be prohibited from deliberatly trying to exclude press and public, is kept in mind at all times.

Members of the Florida Society of Newspaper Editors felt that politicians were exaggerating when they said newsmen wanted to listen in on telephone conversations. "Our concern is with closed meetings or hideaway meetings by a quorum or committee with the authority to act." [123]

On May 5, 1971, four years after the bill passed into law, the first convictions under the Sunshine Law were recorded.[124] The Mayor and Vice-Mayor of North Lauderdale were convicted of holding "many secret" meetings, including one discussing the future dismissal of the town's police chief. This particular secret meeting was held in the back of a town police cruiser.

The Florida Sunshine Law does not apply to federal agencies operating in Florida.[125] According to an Attorney general's opinion, the Sunshine Law only applies to state agencies. The question may again be brought up, because the agency in this particular case had open meeting rules promulgated by the Director of the program, under the 1964 Economic Opportunity Act. For most purposes, section 1.01 Florida Statutes, defining "political subdivision," is applicable to determine the Sunshine Law's status and effect.

In his effort to bring the most sunshine possible to bear on public meetings, the Attorney General, in late October of 1971, announced that notice of an official meeting should be given when official matters are to be considered and discussed, even though the public body's membership is less than a quorum.[126]

On November 11, 1971, the father of the bill announced that it was never the intention of the statute to prohibit governmental bodies from appointing committees to deal with sensitive personnel matters, "as long as final action was taken publicly." [127] There is no reason why "committees of less than quorums ought not to be able to handle the gory details without throwing it all in the open." [128]

Cross welcomed the Attorney General's Opinion requiring prior notice. Cross had hoped to introduce an amendment to the law to achieve that desired goal, "it was never my intention just to let in the press and call it a public meeting." [129] The former state senator also was heard to say that the *Canney* decision's "quasi-judicial" rule would "be a tremendous blow to the Sunshine Law because every time a board wants to close a meeting it can invoke the quasijudicial ruling." [130]

In what may be the first interpretation loosening the Sunshine Law's stringent requirements, the Attorney General ruled on November 11, 1971 that members of a public body may jointly inspect the physical characteristics of a matter upon which they are to take subsequent official action.[131] Shevin ruled that even though the *public is not invited* to attend or participate, *it is not a secret meeting* which is outlawed by the Sunshine Law. The *press and staff* were *present*, which *minimizes* the possibility of *secret* action.

Is the public's receiving adequate advance notice no longer a prerequisite? Does the presence of media representatives vitiate the secret meeting aspects of this particular excursion, or has it comes to mean that the media may stand in place of the public to preserve the open meeting status of a public body's function?

One month later Shevin ruled that a purely advisory body is not within the purview of the law, but a body having statutory powers and duties that are governmental in nature should hold its meetings in the sunshine even though it functions only in an advisory capacity.[132]

An opinion reaching even further was published in January, 1972, holding that two or more legislators may not hold a secret meeting with the intention of excluding the press and public, so as to decide upon a course of action pertaining to legislative matters.[133] According to the opinion there would appear to be no violation if it were in full view, without prior arrangement, where the press or public could have access.

One month later, Senate President Jerry Thomas announced that the law does not apply to the Senate, but only to boards or agencies, and therefore legislators could ignore the previously noted Attorney General's Opinion.[134]

A NEW EXCEPTION IS CREATED: APPENDIX I

The latest chapter in the Sunshine Law's turbulent history concerns collective bargaining of public employees and the effect of the Sunshine Law. In *Bassett v. Braddock* [135] decided on May 17, 1972, the Florida Supreme Court held that labor negotiators employed by a school board in preliminary or tentative teacher contract negotiations could negotiate outside of public meetings without violating the Sunshine Law, and that these negotiators would be instructed or consulted by the school board privately.

The Court felt constrained to "merely affirm the lower court's action," so as not to "deny the public employees' rights to bargain collectively as guaranteed" by the Florida Constitution.[136] It could be well argued that the Court was with reservation "judicially implementing" the Constitutional collective bargaining provision in the absence of statutory guidance, without regard to the means employed.

The appellee school board's argument was simply that the statute's "intensity of the sunrays . . . could cause a damaging case of sunburn to these employees or to the public which elected the board." [137]

The Court sustained the lower court's finding of fact that "meaningful collective bargaining would be destroyed if full publicity were accorded at each step of negotiations." [138]

The public's negotiators, the Court went on, must not face the "Goliath" (employee negotiators) with all its cards exposed. There must be "an equal position" afforded the school board in relation to those with whom it must deal. "The public should not suffer a handicap at the expense of a purist view of open public meetings, so long as the ultimate debate and decisions are public and the 'official acts' and 'formal action' specified by the statute are taken in open public meetings." [139]

In this particular instance the negotiator could not bind the Board, and in fact his recommendations were later modified by the Board in open public meetings. Whether Attorney General Shevin pointed to his earlier opinion on the subject in the State's *amicus curiae* brief is unknown at this time.[140]

The Court clarifies its earlier position by shifting the emphasis from "matters on which foreseeable actions will be taken by the Board" to "official actions" taken at "meetings." Classifying the labor negotiations as preliminary deliberations which "may never result in any action taken," the Court neatly comes full circle to conclude that the Sunshine Law does not apply "where there is no

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Footnotes at end of article.

relationship at all to any meeting at which any foreseeable action is contemplated."[141]

In concluding its opinion the Court felt that common sense and fair play required the Board to be allowed to privately confer with its negotiator, because the public employees could do so at any time. The Court apparently forgot that public employees do not have the right to strike under the 1968 constitution.

In a stinging dissent, Justice Adkins declared: "Thus far the government in the sunshine law has withstood various attacks where a few misguided local boards and agencies have attempted to seek a means by which they could circumvent the law so as to resume secret meetings.[142]

"The right of the public to be present, to be heard, and to participate should not be circumvented by having secret meetings of various committees appointed by the Board and vested with authority to make recommendations or suggestions to the Board concerning a matter on which foreseeable action may be taken."[143]

CONCLUSION—THE FUTURE—THE AUTHOR

Perhaps more than anything else this history of the Sunshine Law has indicated several of the problems, potential solutions, opinions and reactions to the Government in the Sunshine Law. I have deliberately waited to this point to relate my own interview with the law's author, Emory Cross.[144]

Mr. Cross's major concern is two fold: (1) The debilitating effect of the "quasi-judicial" exception; and, (2) "Shevin's absurd ruling" that the law applies when two or more public officials congregate. "The quasi-judicial ruling in *Canney* is like Lincoln's old saying: calling a dog's tail a leg does not make it so—calling an agency quasi-judicial does not make it so." As to the Attorney General's two-or-more ruling, Cross cannot understand it, "Shevin supported the bill as a legislator in 1967, how could he do this! I meant a quorum, because final action is impossible without a quorum. If they had interpreted it like I wrote it, they would have been able to exempt personnel problems."

When I queried the former Senator as to some of the oddities the law fostered he became emotional, claiming he never thought the media would crash a cabinet meeting unless there was a quorum present. Also, he felt that Jerry Thomas was wrong—"The Senate is included in the law—the new constitution cuts down the right to go into executive session—right down to the bone."

Cross feels that had the courts not fumbled the "final action" notion, the main argument (personnel problems) against the law would have withered away. Cross likes to tell an anecdote to those who favor secret personnel sessions. He tells the story of the Racing Commission attorney who argued in favor of secrecy because "we get all kinds of addicts and felons etc. applying for jobs, and well—occasionally one slips by us." My goodness, bellowed Cross, that's exactly why we need the law!

The former Senator is sure that there are "people working underground to screw it up. Legislators dislike it but they are afraid to change it because the press and the public like it." Because of this he doubts if any amendments will pass for quite some time: "The media has a right and a responsibility to be there and inform the people—they have acquired the responsibility to see it is not repealed."

When I questioned the former state senator on his views on amendments he offered three:

(1) spell out the need for a quorum to reverse Shevin's ruling;

(2) include quasi-judicial functions of administrative agencies (reverse *Canney*);

(3) require the prior publication of agendas at all regularly scheduled meetings, and also at special meetings if there is sufficient time to do so.

On the possibility of a federal "Sunshine Law" he thought it was feasible provided that some court or body not subject to the law could determine before hand whether certain items were "national secret" exceptions.

FOOTNOTES

[1] Fla. S. Jour. 103 (April 1961).

[2] Tampa Tribune, April 12, 1961.

[3] *Id.*

[4] *Id.*

[5] Fla. S. Jour. 125 (April 1961).

[6] Tampa Tribune, April 13, 1961.

[7] *Id.* In § 1 the only addition being: ". . . at which official acts are to be taken. . . ." In § 2 the original appeared as the first sentence only. § 3 containing the penal provisions was amended by Ch. 71–136, Laws of Florida (1971).

[8] Tampa Tribune, May 4, 1961. One Senator was quoted: "My people don't want it. They like secret meetings." Another was heard to say that the death vote was representative of good government.

[9] *Id.*

[10] *Id.*

[11] *Id.*

[12] *Id.*

[13] St. Petersburg Times, April 6, 1967, see *also* Tampa Tribune, April 11, 1967.

[14] Fla. S. Jour. 23 (April 1967).

[15] Florida Times-Union, April 14, 1967. The bill received unanimous approval in the Judiciary Committee.

[16] Fla. S. Jour. 93 (April 1967).

[17] Fla. S. Jour. 679 (June 1967).

[18] Tampa Tribune, June 9, 1967.

[19] *Id.* on June 28, 1967.

[20] 32 Fla. Supp. 7 (#68–17875 Circuit Court, Dade County. March 25, 1969) *aff'd,* 231 So. 2d 847 (3d D.C.A. Fla. 1970) *aff'd* 245 So. 2d 845 (Fla. 1971).

[21] Now called The Miami Beach Sun-Reporter Robert Swift, the editor at the time, is no longer associated with the paper. There are no current employees who were with the paper when the suit was filed. The paper was owned by Louis Wolfson at the time. We expect to receive the briefs used in argument before the Supreme Court of Florida shortly.

[22] § 286.011 Fla. Stats. (1971).

[23] 32 Fla. Supp. 7 at 8. The Court had earlier denied defendant's motion to dismiss on the grounds that § 286.011 did not apply to municipalities. *See,* Op. Atty. Gen. 071–171 (1971) and § 1.01 Fla. Stats. (1971).

[24] *Id.* at 9. Attorney General Shevin will later condemn this very practice as one the law was designed to thwart. Op. Atty. Gen. 071–32 (1971).

[25] *Id.*

[26] *Id.* The defendants contended that primarily: a) land acquisitions or condemnations; b) personnel matters; and c) pending litigation were discussed at these sessions. Note the similarity to the Herrell bill, *see,* note 4, *supra.*

[27] *Id.*

[28] *Id.* Note the similar train of thought in 071–32, *supra,* note 24.

[29] *Id.*

[30] *Id.* at 10.

[31] *Eg.,* Gainesville Sun, editorial, January 26, 1969.

[32] *Id.*

[33] 222 So. 2d. 470 (2d D.C.A. Fla. 1969).

[34] Publishers of the St. Petersburg Times were Betty Orsini and Charles Patrick.

[35] *Id.* at 472. Compare these contentions with the allegations in the complaint in *Berns, supra. See also,* appellant's brief at 10.

[36] 222 So. 2d at 473. The Court then referred to *Walling v. Carlton,* 109 Fla. 97, 147 So. 236 (1933) where "official act" was defined as: "any act done by the officer in his official capacity under color and by virtue of his office."

[37] 222 So. 2d at 473.

[38] *Id. See also,* appellant's brief at 25–6.

[39] *Id.*

[40] *Id.* at 474. *But see, Bassett v. Braddock, infra.*

[41] *Id.*

[42] *Id.* The Court stated that the public interest may not be served by closed door personnel hearings. "The public has chosen to deny any privilege or discretion in appellee and similar governmental bodies to conduct closed meetings."

[43] 222 So. 2d at 475. *See, Florida Bar v. Massfeller,* 170 So. 2d 834 (Fla. 1965).

[44] 222 So. 2d at 476.

[45] *Id.* The Court later receded from this position in *Bassett v. Braddock,* 262 So. 2d 425 (Fla. 1972).

[46] 224 So. 2d 693 (Fla. 1969), *reh. denied,* July 29, 1969. In the rehearing petition, school board attorney Shanleweiler contended that the court's decision "seems to be broader than the express language of the act itself", and that "it is difficult to conceive why the narrower sunshine law is given the broadest interpretation by the court." *See,* Tampa Tribune, July 30, 1969.

[47] 224 So. 2d at 696. "Items were passed by letter and number and it was impossible for the public to understand the items being considered."

[48] *Id.* at 698.

[49] The Court did imply that the statute does require a charge and proof of scienter even though it is not specified as a specific element of the offense.

[50] *Id.* at 699. The injunction was accordingly affirmed.

[51] Tampa Tribune, August 3, 1969, referring to the *Williams* decision.

[52] *Id.* Paul Pickett, then Orange County Commission Chairman.

[53] *See* note 33.

[54] *But see Bassett* v. *Braddock,* 262 So. 2d 425 (Fla. 1972) abruptly reversing the snowballing trend established in these cases.

[55] Tampa Tribune, August 3, 1969.

[56] *Id.* Chairman Pickett was not happy about the Supreme Court Opinion, when informed by the County Attorney.

[57] *Id.* Whenever we have a quorum present we shall be open to the press and public: Supt. Ralph Staten.

[58] *Id.* "I believe that it should be the policy of the governor and all Cabinet members to take care that at such times as they are together, the press and public should have complete access to the meetings . . ." Letter to Governor Kirk, by Attorney General Earl Faircloth.

[59] *Id.*

[60] *Id.*

[61] *Id.*

[62] *Id.*

[63] *Id.* One of the campaigning councilwomen said that, "It was my reason for running, and I feel the Sunshine Law has given us a little bit of backbone."

[64] *Id.* The two-party meeting was popularized by Orange County Commission Chairman Pickett. *See* note 60 and accompanying text.

[65] Pickett conceded that he may well be violating the intent if not the letter of the Court's order but he refused to put himself in a position of discussing charges against a county employee in public if they were unsubstantiated. *See* Op. Atty. Gen. 071–032 (1971).

[66] Two Broward County School Board employees resigned and threatened suit because of a critical remark made by a member of the Board.

[67] Tampa Tribune, August 3, 1969.

[68] *Canney* v. *Board of Public Instruction of Alachua County,* 231 So. 2d 34 (1 D.C.A. Fla. 1970) *reh. denied,* January 27, 1970.

[69] *Id.*

[70] *Id.* at 39.

[71] *Id.*

[72] Fla. Const. art. V, § 4 (2) (1968).

[73] *Times Publishing Company v. Williams,* 222 So. 2d 470, 474 (2d D.C.A. Fla. 1969), footnote 2.

[74] *Canney v. Board of Public Instruction*

of Alachua County, 231 So. 2d 34 (1 D.C.A. Fla. 1970).

[75] The abrupt shift in terminology from quasi-judicial functions to judicial characteristics, is unexplained as well as unwarranted. It is this slip in terminological consistency that leads to the eventual result.

[76] *Canney v. Board of Public Instruction of Alachua County, supra.*

[77] *Id.*

[78] *Id.* It is this wording that lends credence to the belief that the decision is limited to school board dealing with students. *Bassett, infra,* broadened the interpretation in this reporter's opinion. I feel that the courts are carving out portions of a school board's activities because of the delicate nature of their work and the potential harm facing Florida's young, impressionable school children.

[79] 238 So. 2d 466 (3d D.C.A. Fla. 1970), *rehearing denied*, Sept. 30, 1970.

[80] The first vote resulted in a 2–2 deadlock, and the second vote, in open hearing approved the application 2–0, the balance of the quorum abstaining in accordance with the Board's rules. In accord with its own rules and general principles of administrative law, the Board continued the matter without further notice or public hearing. *See,* 2 Am. Jur. 2d, Admin. Law § 362.

[81] 238 So. 2d at 467.

[82] *Id.*

[83] *Id.* The Court cited all the cases discussed to this point.

[84] 245 So. 2d 38 (Fla. 1970), *on rehearing, original opinion withdrawn. See,* Tampa Tribune, October 8, 1970. The District Court of Appeal certified the case to the Florida Supreme Court as a question of great public interest.

[85] *Id.*

[86] 47 So. 2d 543 (Fla. 1950).

[87] 245 So. 2d at 40.

[88] *Id. See also Board of Public Instruction* v. *Doran*, 224 So. 2d 693, 698 (Fla. 1969), *supra.*

[89] 245 So. 2d at 40.

[90] *Id.*

[91] *Times Publishing Co.* v. *Williams*, 222 So. 2d 470 (2d D.C.A. Fla. 1969).

[92] *Board of Public Instruction of Broward County* v. *Doran*, 224 So. 2d 693 (Fla. 1969).

[93] 245 So. 2d at 41.

[94] *Id.*

[95] *Id.*

[96] *Id.*

[97] *Id.*

[98] *Id.*

[99] *Id.*

[100] Gainesville Sun, February 3, 1971. pg. 4.

[101] *Id.* at pg. 8.

[102] *Id.*

[103] Gainesville Sun, February 8, 1971. pg. 15.

[104] *Id.*

[105] Tampa Tribune, February 8, 1971. It should be noted that Senator Askew voted for the Cross bill.

[106] Melbourne Times, March 19, 1971. pg. 3.

[107] *Id.*

[108] *Id.* at 4. The opinion actually uses the words "purposely secret." There is no invitation requirement. *See,* Op. Atty, Gen. 071–32 (March 1971).

[109] *Id.*

[110] *Id.*

[111] Gainesville Sun, March 6, 1971. pg. 6.

[112] *Id.*

[113] *Id.*

[114] Melbourne Times, March 19, 1971.

[115] *Id.* Commissioner Steele of Brevard County.

[116] Op. Atty. Gen. 071–58. (March 1971).

[117] *Id.* The opinion contains a warning against using the *nunc pro tunc* reenactment to avoid the effect of the law.

[118] Gainesville Sun, May 4, 1971. pg. 8.

[119] *Id.*

[120] *Id.*

[121] Gainesville Sun, May 7, 1971. pg. 7.

[122] *Id.*

[123] *Id.*

[124] Gainesville Sun, May 19, 1971. pg. 1.

[125] Op. Atty. Gen. 071–191 (July 1971).

[126] Op. Atty. Gen. 071–159 (June 1971).

[127] Gainesville Sun, November 9, 1971. pg. 3.

[128] *Id.*

[129] *Id.*

[130] *Id.*

[131] Op. Atty. Gen. 071–361 (November 1971).

[132] Op. Atty. Gen. 071–380 (December 1971).

[133] Op. Atty. Gen. 072–16 (January 1972).

[134] Gainesville Sun, February 9, 1972. Jerry Thomas co-sponsored the bill in 1967. He felt that if he was correct then the law should be amended to include legislators, "but only if it strictly spelled out what specific functions were excluded."

[135] 262 So. 2d 425 (Fla. 1972).

[136] *Id.* at 476.

[137] *Id.*

[138] *Id.*

[139] *Id.* at 427.

[140] Ap. Atty. Gen. 071–32A (July 1971).

[141] *Bassett v. Braddock*, 262 So. 2d 425, at 427.

[142] *Id.* at 429.

[143] *Id.* at 430.

[144] One hour interview with Senator Cross at his Gainesville office, July 7, 1972.

Mr. CHILES. Mr. President, Florida government and citizens of the Sunshine State have greatly benefited from the law. Certainly, our government there is not perfect, but it is open and more effective, I think. I ask unanimous consent that a recent excellent review of the Florida law by Ruth Mayes Barnes be printed in the RECORD.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

GOVERNMENT IN THE SUNSHINE: PROMISE OR PLACEBO?

In 1967 the Florida Legislature enacted the "Government in the Sunshine Law,"[1] which attempts to open the deliberations of state and local governments to the public. Since its passage, the Sunshine Law has been the subject of continued debate. This note attempts to place this debate in perspective by examining the scope and effect of the Act, analyzing cases and statutes of Florida and other states having similar laws, and evaluating the statute's present and potential impact.

THE DEMAND FOR OPEN GOVERNMENT

The supporters of senate bill 9 (later the Sunshine Law) felt that certain state and local practices, manifested in closed meetings and behind-the-scenes manipulation, indicated an urgent need for abolition of secretive government practices.[2] However, without media influence and pressure, "Government in the Sunshine" might never have survived committee action. In 1967 reapportionment of the legislature had increased the proportional representation of the urban centers in central and south Florida. Generally, the urban representatives were more sensitive to the influence of the media than the rural legislators who dominated the legislature before reapportionment. The media's active endorsement of the measure helped convince the legislators of the popularity of an open meeting regulation and provided significant impetus for passage of the Sunshine Law.[3]

Legislative recognition of the desire for open government was not unique to Florida. Five other states enacted open-meeting laws while Florida's bill was being debated.[4] The increased demands for open government in the United States since World War II seem to have had no specific origin, but an aversion to undue centralization and irresponsible government revealed itself in such political issues as reapportionment and home rule. The emergence of an affluent and better educated society whose attention focused on sophisticated issues strengthened the demands for political responsibility. The increased impact of mass media on society played an important role in directing public attention to inadequacies and abuses of government. Whatever its source, the public's urge to participate more fully in legislative decisions was evident.

Footnotes at end of article.

In Florida, while not all governmental units were felt to be deceptive or corrupt, closed sessions provided a shield for occasional instances of irresponsibility and corruption that public disclosure might have prevented. Furthermore, testimony before the house committees revealed that the existing need for more responsible government was not confined to the local level. One of the state commissions advised that the law not be enacted because many of the commission's applicants for employment were convicted felons, known drug addicts, or otherwise unqualified for state employment. The commission disclosed that it sometimes employed these people either unknowingly or inadvertently and urged that such practices should not be exposed.[5] In reaction, proponents of the Sunshine Law demanded the inclusion of personnel matters in the Act and emphasized that this testimony indicated an immediate need for the bill.[6]

Legislative history of Government in the Sunshine

After its passage in the Senate,[7] the "Government in the Sunshine Law" was submitted to the house, where several amendments were proposed.[8] Although some of these amendments might have resolved subsequent problems concerning the law's applicability, the senate refused to concur in any restriction of its original proposal.[9] As a result, only one amendment was adopted at the Act's passage, and that amendment gave the law additional impact. It provided standing to any citizen of the state, jurisdiction in the circuit courts, and injunctive relief to enable citizens to protect their new right.[10] The Sunshine Law, as finally enacted, states: [11]

"(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation or any political subdivision, except as otherwise provided in the constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, regulation or formal action shall be considered binding except as taken or made at such meeting.

"(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

"(3) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation or any political subdivision who violates the provisions of this section by attending a meeting not held in accordance with the provisions thereof is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars ($500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment."

Precedent for the Sunshine Law

Florida's statute is not without precedent. Other states, especially western ones, have supported open meetings in constitutions,[12] statutes,[13] and case law.[14] In 1953 New Mexico [15] and California [16] were the first states to pass comprehensive open meeting laws, which are similar to the Florida act. New Mexico's law requires that all final decisions of all governing bodies of state or local subdivisions supported by public funds be made at public meetings.[17] California's comprehensive Brown Act is limited in its application to local government levels, but it applies even to library boards and recreation commissions.[18] Moreover, Florida Statutes, section 165.22, is precedent for the Sunshine Law. Enacted in 1905, that section requires that all city and town meetings be open to the public. On its face, the Sunshine Law sems to reiterate the provisions of this earlier statute, which declares: [19]

"All meetings of any city or town council or board of aldermen of any city or town in the state, shall be held open to the public of any such city or town, and all records and books of any such city or town shall be at all times open to the inspection of any of the citizens thereof."

In addition to a fine or imprisonment enforcement provision, the earlier law demands vacation of office by any violator of the act.[20]

However, in *Turk v. Richard* [21] the Supreme Court of Florida considerably limited the effect of section 165.22 by enunciating the so-called "formal meeting" doctrine. The early law was held applicable only to "formal assemblages of the council sitting as a joint deliberative body as . . . required or authorized by law . . . [and] held for the transaction of official municipal business . . . . " [22] Thus the statute, which opened meetings of city or town councils or boards of aldermen to the public, was coupled with a judicial interpretation requiring potential voting as a necessary prerequisite for the enforcement of open meetings. As a result, city and town government meetings were required to be open only when votes "could be taken, though [they were] not necessarily certain to be taken." [23] The narrow literal scope of the statute and its further limitation by the judiciary left much governmental activity immune from public scrutiny. For this reason, the 1905 law was largely ineffective.

PRESENT CONSTRUCTION OF GOVERNMENT IN THE SUNSHINE

Superficially, the Government in the Sunshine Law seems similar to its town council predecessor. However, relying on legislative intent, the Florida courts have given the Sunshine Law wider application than the former act.[24] Because the Sunshine Law appears overly broad and ambiguous in certain areas, it was challenged on the ground that it was "void for vagueness." [25] Opponents of the statute asserted it violated the constitutional doctrine that a "statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law." [26] Rejecting this contention, the Florida supreme court held that the law properly expressed its legislative intent and provided a substantially clear mandate.[27]

Although the Sunshine Law is constitutionally valid. the breadth of its language has raised problems of construction. The terms of the law are not tempered by any practical exceptions, nor do they provide precise guidelines for operational compliance. Judicial interpretation has corrected some of the drafting flaws, but three basic, interrelated legal issues remain. The Sunshine Law does not state which bodies are *not* affected by the law; it does not exclude any types of deliberation from its scope; and it fails to recognize any stage in the deliberative process that might not be subject to the requirements of the Act. While courts have not explicitly delineated the issues in this manner, the Second District Court of Appeal indicated in *Times Publishing Co. v. Williams,*[28] that comprehension of the full meaning of the law requires such analytical divisions.

No Florida court has faced the question of which agencies might fall outside the application of the law. The only litigation to date deals with those agencies to which inherent applicability is assumed, such as city councils and boards of education.[29] The language of the Act applies to all facets of government; [30] however, the question of applicability is unresolved with regard to groups such as ad hoc committees, which act in a purely advisory capacity.

It is conceivable that unlimited application of the law could produce undesirable results. The goals of certain investigatory groups, such as those fighting organized crime, might be jeopardized by premature exposure of important procedures and information. Where an ad hoc committee is purely advisory and exercises no real powers, where it reaches no final determination, and where its findings will result in later action by an authority subject to the Sunshine Laws or the courts, the application of the law could create ineffectiveness or inefficiency to the disadvantage of the state. One solution to the dilemma would be to require only that such a committee state publicly the purpose of the group and announce its membership. In such instances, especially in investigatory actions, the committee should be entitled to conduct private sessions. This would accomplish minimum compliance with the basic purpose and policy of the Sunshine Law while providing for confidential meetings when necessary.

If this exception were made, a problem would arise concerning which ad hoc or advisory bodies should be excluded from application of the law. A broad exclusion would permit many to hide behind this shield and undermine the effectiveness of the law. Unless a showing of good cause is made to warrant exclusion, all such groups will remain within the scope of the Sunshine Law.[31] A group in need of confidential hearings could insure its privacy by requesting a court order upon proof of the advisability of closed sessions. Such a procedure would place the burden upon the committee or group involved to show that the open meeting policy of the state was not being unnecessarily evaded.[32]

The type and stage of deliberation to which the law is applicable has in several cases been delineated by the courts. Rejecting the "formal meeting" doctrine of *Turk v. Richard,*[33] the court in *Times Publishing Co.* held that the law applies to the "entire decision making process." [34] The Florida supreme court upheld this interpretation in *Miami Beach v. Berns,*[35] and further emphasized the applicability of the Sunshine Law, even to informal assemblies, by stating that section 286.011 in effect repeals section 165.22.[36] The fact that no voting will take place at a particular meeting is no longer a bar to the necessity of open sessions.[37] Any stage in a proceeding—from proposals and reports to discussions and recommendations—is a proper subject of public scrutiny.

The ruling in *Berns* was portended by *Board of Public Instruction v. Doran* [38] in which a school board. relying upon the *Turk* formal meeting doctrine, continued to hold executive sessions from which reporters were barred. The school board had asserted that only formal action was subject to the mandate of the Sunshine Law and argued that the legislature, cognizant of existing case law. had only intended the new law to extend the scope of Florida Statutes, section 165.22, beyond the city and town and council level. The court provided a clue to the missing definition of "meetings" by declaring that the law "was to cover *any* gathering of the members where the members *deal with* some matter on which foreseeable action will be taken by the board." [39]

The most explicit clarification in this regard, however, is found in *Berns v. Miami Beach,* in which the trial judge states:[40]

"The Florida legislature has mandated that. . . . Deliberations, sessions, conferences, briefings, expressions, discussions, proposals, recommendations, actions, reports, etc. must be open and public, for these are as much 'official acts' as the final vote itself."

Thus, it seems that if a group's functions are deemed subject to the law, no stage of its proceedings will be exempt.

Dicta in *Times Publishing Co.*[41] revealed that the Second District Court of Appeal expressly viewed quasi-judicial deliberations [42] as subject to the provisions of the Sunshine Law. In *Canney v. Board of Public Instruction,* however, the First District Court of Appeal disagreed, holding that quasi-judicial actions do not "fall within the purview of the . . . statute." [43] *Canney* involved a decision by a school board relating to the discipline of a student. Relying upon article V, section 3, of the Florida Constitution,[44] the court emphasized that it alone had the exclusive power to order the conduct and procedure of the "internal government" of the judicial branch.[45] The opinion then stated that the legislature can vest quasi-judicial functions in a county school board, but:[46] "[once it has transformed any of the board's responsibilities and duties] into that of a judicial character, its prerogatives in the matter have ceased. Neither the public nor the press has any more right to enter into the judicial deliberations of the members of a county board . . . than they have to enter into the conference room of the Supreme Court of Florida when the members of that Court are deliberating upon a judicial question or into a petit jury room when those citizens are deliberating upon their verdict."

Thus, the first exception on behalf of the government units has been carved out. The controversy stemming from this decision concerns the propriety of equating quasi-judicial functions with actions of the state judicial system. If such reasoning is proper, disciplinary matters, such as those in *Canney,* and other quasi-judicial activities will no longer be subject to the Sunshine Law; any session in which a decision affecting a private party is deliberated might be excluded from the Act's coverage. If, however, the dicta of *Times Publishing Co.* is adopted by the Florida supreme court, this exception would be eliminated. The split of opinion between the Second District Court of Appeal in *Times Publishing Co.* and the First District in *Canney* has forced the supreme court to hear the question.[47]

It is illogical to assume that no other exception to the Sunshine Law will ever exist. However, even in cases where the law's application may result in great harm, the nonexclusory nature of the law will probably cause exceptions to be developed narrowly, depending on the circumstances of each case. Nevertheless, the broadness of the statute, coupled with the recentness of its enactment, makes judicial determination vital for the resolution of problems involving the applicability of this law.

The Second District Court of Appeal in *Times Publishing Co.* dismissed contentions that the Act has generally recognized exceptions and expressly declared that personnel matters were subject to the law.[48] The court asserted there are "no exceptions . . . unless there is a constitutional impediment to such a mandate. . . ." [49] However, the 1968 Florida Constitution provides little immunity. The only provisions that have yet been recognized as impediments are article V (the judicial department), section 3 and 23,[50] dealing respectively with procedure in the judicial system and discipline of attorneys.

Recently, the Supreme Court of Florida endorsed the *Times Publishing Co.* interpretation "as being an accurate analysis of the subject statute." [51] Significantly, the court in *Times* had acknowledged only one exception to the Sunshine Law and stated that while the statute "has waived attorney-client priv-

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Footnotes at end of article.

ileges with regard to the enumerated public bodies,"[52] there are other facets of the privilege to be considered:[53]

"[T]here . . . are obligations which bind the attorney . . . His professional conduct in [pending or impending litigation] . . . is governed by the Canons of Ethics . . . promulgated by the Supreme Court . . . Section 23 of Art. 5 . . . gives "exclusive" jurisdiction to the Supreme Court in the disciplining of attorneys; and this disciplinary power necessarily includes the exclusive province to proscribe rules of professional conduct the breaching of which renders an attorney amenable to such discipline. . . .

"The legislature . . . is without any authority to directly or indirectly interfere with or impair an attorney in the exercise of his ethical duties. . . ."

The court emphasized that the exception was restricted to "that area of the attorney-client relationship in which the *ethical obligations of the attorney clearly conflict* with the dictates of this statute. . . . [T]he act does not permit private consultation between the agency and its attorney in any other circumstances. . . ."[54] Hence, a governmental unit may not exercise the privilege, but an attorney may utilize it to safeguard his professional standing.[55] While partial nonrecognition of the attorney-client privilege of confidentiality may be criticized, the Florida position is not so extreme as others. Under a similar statute.[56] the Arkansas courts have ruled that the traditional lawyer's privilege is never valid.[57]

Enforcement of the Sunshine Law

Standing to enforce the Sunshine Law has been granted by the provisions of the statute to "any citizens of this state."[58] Problems of standing are thus virtually eliminated for Floridians. Enforcement may be accomplished by injunctive relief, orders declaring past actions of meetings void, and criminal penalties.[59] *The Times Publishing Co.* decision noted: "Injective relief is an extraordinary remedy which issues only when justice requires and there is not adequate remedy at law, and when there is real and imminent danger or irreparable injury."[60] However, the opinion concluded that the statutory provision for injunctive relief mandates that violation of the law "constitutes an irreparable public injury."[61] Injunctions under the Sunshine Law are more easily obtainable because "one of the requisites . . . need not be proved, *i.e.,* an irreparable injury; and a mere showing that the statute has been or is clearly about to be violated fully satisfies such requirements."[62]

The Sunshine Law states: [N]o resolution, rule, regulation or formal action shall be considered binding except as taken or made at such meeting."[63] Thus, any action taken at or resulting from a meeting later declared in violation of the law is void *ab initio* and may be ignored by persons subject to such action. Invalidation of illegally enacted decisions is characteristic of similar laws that were passed in other states almost simultaneously with the Sunshine Law.[64] States whose laws are older have not so quickly voided such action automatically.[65]

* * * * *

The "Right to Know Law" of New Jersey is applicable to any "group of 2 or more persons organized . . . to perform a public governmental function by official action."[86] Official action is defined by statute as a determination by vote.[87] Utilizing this definition, the New Jersey courts have applied the law to zoning commissions.[88]

New Mexico's statute affects "all . . . governmental boards and commissions of the state or its subdivisions, *supported by public funds*. . . ."[89] The New Mexico judiciary has even applied this statute to a city-owned electrical company on the basis that it was supported by public funds.[90]

The Arkansas Act delineates its intended scope by stating that the law encompasses "all . . . of the governing bodies of all municipalities, counties, townships, and school districts, and all boards, bureaus, commissions, or organizations of the State of Arkansas, except Grand Juries, supported wholly or in part by public funds, or expending public funds. . . ."[91] While Arkansas courts have not been confronted with an "applicable body" question, the statute provides guidelines for use in determining each case. Presumably, the courts of Arkansas will apply their statute much as the courts of New Mexico have applied theirs.

Definitional words in the cited statutes have thus been utilized as guides for judicial interpretation and courts have applied the laws to groups such as urban renewal agencies,[92] zoning commissions,[93] and city-owned electrical companies.[94] The courts of other states may also be aided by the specific references and examples generally contained in the statutes. California, for example, specifically included library boards and recreation commissions.[95] The Florida Sunshine Law lacks this precision; yet, by its breadth, it would certainly seem to affect any of the above-mentioned agencies. Determining the groups, if any, to which the law does *not* apply, however, is another matter. It is noteworthy that Arkansas, the only other state whose courts have not adjudicated the question of applicability, also passed its law in 1967. The New Mexico and California laws were enacted in 1953, and the New Jersey statute was passed in 1963. If the experiences of other states are indicative, it seems likely that the question will arise in the Florida courts. A clarification of the bodies affected by the law would probably make the law more practicable; it could eliminate ad hoc compliance and reduce unreasonable or unintended applications.

A second flaw in the statute is its lack of a uniform minimum notice provision. Agencies and commissions may still have individual notice regulations with which citizens may be unfamiliar. An unannounced or unattended public meeting is of little use to those interested in the deliberations of a public agency. Once again, provisions in other statutes exemplify how Government in the Sunshine could be utilized more effectively by the ordinary citizen. Exceptions to any uniform notice provision would undoubtedly be necessary, however, individualized notice provisions should be the exception rather than the rule.

One statute making certain city governments subject to open meetings provides that regular meetings shall be held in a place "designated by ordinance" and special meetings may be called at any time "by written notice delivered at least three hours prior to the time specified for the proposed meeting."[96] The Arkansas statute insists that the "time and place of each regular meeting shall be furnished to anyone who requests the information. . . . In the event of emergency or special meetings the person calling such a meeting shall notify the representatives of the [media], if any, located in the county in which the meeting is to be held and which have requested to be notified . . . of the time, place and date at least two (2) hours before such a meeting takes place. . . ."[97] This statute is probably the best practical model for any amendment to Florida's statute.

A third and final omission in the Sunshine Law is its lack of reference to reporting privileges. The press and other communication media greatly stimulated the passage of the Sunshine Law[98] and maintain an active interest in its enforcement. The law is mute in relation to broadcasting privileges, however.

The Hughes Anti-Secrecy Act of Indiana,[99] which is similar to the Government in the Sunshine Law, explicitly allows recorded or live broadcasting subject to reasonable rules and regulations. The media may be required, however, to pool recording or broadcasting facilities.[100] In their notice provisions Arkansas and California recognize the interest of the media in public meetings.[101]

Problems have arisen in other states concerning the broadcasting privilege. A New York municipality, which had open meetings, was permitted, for example, to disallow the taping of an open session by a private party, because official minutes were taken at the meeting.[102] The California standards are more practicable. California's attorney general has ruled it is within the discretion of a county board of supervisors to refuse to permit a radio station to broadcast its regular meetings.[103] The California courts, however, have ruled that "where a recorder is silent and unobtrusive and . . . does not interfere in any way with the meetings" taping should be allowed.[104] The California view seems reasonable, while the New York decision, by comparison, seems unduly restrictive. So long as the rights of others are respected by the media, there appears no reason to bar taping of public meetings.

THE SUNSHINE LAW IN PERSPECTIVE

Government in the Sunshine assures the right of the public to be present at all important meetings of governmental units that affect them. That right to be present is unqualified except in certain unusual instances. The law of Indiana explicitly states the essential thrust of open meeting laws: "[P]ublic proceedings shall be open to any citizen of this state, and every citizen shall, insofar as physical facilities permit, be permitted to observe such proceedings."[105] As illustrated by the parties to the cases on the subject, the news media are apparently the most interested in exercising this right to attend. Three of the first four cases in Florida involve attempts by newspapermen to be present at "executive sessions" or closed meetings of public bodies.[106] Press utilization of open meeting provisions may also be observed in other states, such as California[107] and Indiana.[108] Television, like the newspapers, takes an active interest in Government in the Sunshine and keeps the subject before its audiences.[109]

This is not to imply, however, that the Sunshine Law and similar statutes were enacted only for the convenience of the communications media. Cases arising from public meeting laws include private suits challenging zoning desicions,[110] racial apportionment of schools,[111] disciplinary actions by school boards,[112] decisions of city electrical companies,[113] and dismissal of public personnel.[114] Open meeting laws afford interested citizens a chance to attend informal sessions to see what is decided and how the decision is reached.

CONCLUSION

Despite its unnecessary vague portions, the Government in the Sunshine Law is a step toward more open and responsible government. Definitional phrases are needed to assure a better practical application and for added clarity. The past refusal to exempt personnel matters, especially in disciplinary investigations, reports, and hearings, is unjust to those unfairly accused and should be reexamined. Additionally, the laws, application to certain ad hoc and advisory groups should be reevaluated. Finally, the lack of a uniform notice provision undermines the effect of the law by making compliance with Government in the Sunshine depend in some instances upon non-existent means of informing the public of prospective meetings.

In spite of its unpolished draftsmanship, the problems presented by the Sunshine Law are easily outweighed by its potential utility. The valuable opportunity to observe and participate in government decisions is undeniably secured by the Sunshine Law. Greater precision, however, would encourage a more meaningful participation by the general public.

RUTH MAYES BARNES.

Footnotes at end of article.

FOOTNOTES

[1] Fla. Stat. § 286.011 (1969).

[2] Interview with J. Emory Cross, State Senator from Gainesville, Florida, in Gainesville, Florida, April 14, 1970; interview with John S. Rawls, Judge, First District Court of Appeal, in Tallahassee, Florida, March 26, 1970 [hereinafter cited as interviews].

[3] Interviews, note 2 *supra*.

[4] Ark. Stat. Ann. § 12–12805 (1968); Cal. Gov'r Code §§ 54950–60 (West 1966); Ind. Ann Stat. §§ 57–601 *et seq.* (1967); N.J. Rev. Stat. §§ 10:4–1 *et seq.* (Supp. 1963); N.M. Stat. Ann. § 5–6–17 (1953). It should be noted that the Florida bill was debated for ten years. It was introduced in every regular session of the legislature from 1957 until its passage in 1967.

[5] Interview with J. Emory Cross, note 2 *supra*.

[6] *Id.*

[7] Fla. S. Jour. 958–59 (June 1967).

[8] Fla. H.R. Jour. 958–59 (June 1967).

[9] The House considered repeal of the existing public meeting law applicable to city and town councils, exemption of purely administrative acts of affected agencies, and specific inclusion of the Florida Education Association within the scope of the Act. The representatives rejected these proposals, but submitted the following for senate approval: an amendment giving circuit courts jurisdiction to issue injunctions to enforce the statute, an amendment granting an exemption from application of the law to hearings involving individuals charged with violation of law or regulations respecting employment, and an amendment prohibiting application of the enforcement provisions of the Act to personnel matters. Fla. S. Jour. 679 (June 1967); Fla. H.R. Jour. 958–59 (June 1967).

[10] Fla. S. Jour. 679 (June 1967).

[11] Fla. Stat. § 286.001 (1969).

[12] The Texas Constitution states that all trials must be open to the public. In 1935 the Texas Court of Civil Appeals held that the relevant section applied to the county commissioner's court: "They [the commissioners] meet as a court and transact the county business in open session. Such requirement . . . is substantial, both that the members may have the benefit of the knowledge and opinions of the other members, as well as that the public may know when and where its affairs are being transacted." Tarrant County v. Smith, 81 S.W. 2d 537, 538 (Tex. Civ. App. 1935).

[13] Cal. Gov't Code §§ 54950–60 (West 1966); N.M. Stat. Ann § 5–6–17 (1953); Utah Rev. Stat. § 202 (1898).

[14] Tarrant County v. Smith, 81 S.W. 2d 537 (Tex. Civ. App. 1935); Acord v. Booth, 33 Utah 279, 93 P. 734 (1908).

[15] N.M. Stat. Ann. § 5–6–17 (1953).

[16] Cal. Gov't Code §§ 54950–60 (West 1966).

[17] N.M. Stat. Ann. § 5–6–17 (1953).

[18] Cal. Gov't Code §§ 54952.5, 5493 (West 1966).

[19] Fla. Stat. §§ 165.22 (1969).

[20] *Id.*

[21] 47 So. 2d 543 (Fla. 1950).

[22] *Id* at 544.

[23] Times Publishing Co. v. Williams, 222 So. 2d 470, 473 (2d D.C.A. Fla. 1969).

[24] *See* Miami Beach v. Berns, 245 So. 2d 38 (Fla. 1971), *aff'g* 231 So. 2d 847 (3d D.C.A. Fla. 1970), *aff'g* 32 Fla. Sup. 7 (11th Cir. 1969); Board of Pub. Instr. v. Doran, 224 So. 2d 693 (Fla. 1969); Canney v. Board of Pub. Instr., 231 So. 2d 34 (1st D.C.A. Fla. 1970); Times Publishing Co. v. Williams, 222 So. 2d 470 (2d D.C.A. Fla. 1969).

[25] Board of Pub. Instr. v. Doran, 224 So. 2d 693 (Fla. 1969).

[26] Connally v. General Constr. Co., 269 U.S. 385, 391 (1926).

[27] Board of Pub. Instr. v. Doran, 224 So. 2d 693 (Fla. 1969).

[28] 222 So. 2d 470 (2d D.C.A. Fla. 1969).

[29] Board of Pub. Instr. v. Doran, 224 So. 2d 693 (Fla. 1969); Canney v. Board of Pub. Instr., 231 So. 2d 34 (1st D.C.A. Fla. 1970); Times Publishing Co. v. Williams, 222 So. 2d 470 (2d D.C.A. Fla. 1969); Berns v. Miami Beach, 32 Fla. Supp. 7 (11th Cir. 1969).

[30] *See* text accompanying note 11 *supra.*

[31] *See* Miami Beach v. Berns, 245 So. 2d 38 (Fla. 1971).

[32] *See id.*

[33] 47 So. 2d 543 (Fla. 1950).

[34] 222 So. 2d 470, 474 (2d D.C.A. Fla. 1969).

[35] 245 So. 2d 38 (Fla. 1971). Citing *Times Publishing Co.* and *Berns* the Attorney General of Florida has stated the opinion that the use of a secret ballot to elect a school board chairman violated the Sunshine Law. Op. Att'y Gen. Fla. (Jan. 27, 1971).

[36] *Id.* at 40.

[37] The court clearly rejected any requirement of a quorum by stating: "[W]e have held that the open door policy announced by the statute applies to informal as well as formal meetings of a board at which there is a collective decision or collective commitment of a majority of the members to take action in a particular manner on a matter affecting the public. Any action so taken is an official act within the contemplation of the statute and rule which we have announced. When a minority of the members meet to investigate or discuss a public matter then it becomes a factual issue to determine in each case whether the majority has fragmentized itself into minority groups merely to collaborate on a decision in private for the purpose of thus secretly concluding the matter." *Id.* at ——. The Attorney General of Florida has stated, however, that an informal telephone conversation or an informal discussion between two or more school board members is not a prosecutable offense" if there is no attempt to exclude any member of the public or press seeking admission to the place of discussion." Where a quorum is present at informal meeting, however, "the obligation rests on the board members to discontinue meeting or discussion of public business until reasonable notice . . . [is] given since such discussion without such notice constitutes violation." Op. Att'y Gen. Fla. (Jan. 27, 1971).

Editor's Note: Since the writing of this note the Supreme Court of Florida has affirmed the holding of the First District Court of Appeal in *Canney*. Thus, exception of quasi-judicial matters from the effect of the Sunshine Law is now firmly established Canney v. Board of Pub. Instr., Nos. 39,473 and 39,474 (Fla., Feb. 24, 1971).

[38] 224 So. 2d 693 (Fla. 1969).

[39] *Id.* at 698 (emphasis added).

[40] 32 Fla. Supp. 7, 9 (11th Cir. 1969).

[41] 222 So. 2d 470, 474 (2d D.C.A. Fla. 1969).

[42] Quasi-judicial is defined as "a term applied to the action, discretion, etc., of public administrative officers who are required to investigate facts, or ascertain the existence of facts, and draw conclusions from them as a basis for their official action and to exercise discretion of a judicial nature." A quasi-judicial act is defined as "a judicial act performed by one not a judge." Black's Law Dictionary 1411 (4th rev. ed. 1968).

[43] 231 So. 2d 34, 39 (1st D.C.A. Fla. 1970).

[44] Fla. Const. art. V, §3: "Practice and procedure—The practice and procedure in all courts shall be governed by rules adopted by the supreme court."

[45] Canney v. Board of Pub. Instr., 231 So. 2d 34, 39 (1st D.C.A. Fla. 1970).

[46] *Id.*

[47] The Florida Constitution grants "conflict jurisdiction" to the supreme court when district courts of appeal are in conflict with each other. Fla. Const. art. V. §4(2). *Canney v. Board of Pub. Instr.* is now pending before the court.

[48] Times Publishing Co. v. Williams, 222 So. 2d 470 (2d D.C.A. Fla. 1969).

[49] *Id.* at 473.

[50] Fla. Const. art. V, § 23 provides: "Admission and discpline of attorneys—The Supreme Court shall have exclusive jurisdiction over the admission to the practice of law and the disciplining of persons admitted. It may provide for an agency to handle admissions subject to its supervision. It may also provide for the handling of discretionary matters in the circuit courts and the district courts of appeal, or by commissions consisting of members of the bar to be designated by it, the supreme court, subject to its supervision and review." Art. V, § 3 provides: "Practice and procedure—The practice and procedure in all courts shall be governed by rules adopted by the supreme court."

[51] Miami Beach v. Berns, 245 So. 2d 38 (Fla. 1971).

[52] 222 So. 2d 470, 475 (2d D.C.A. Fla. 1969).

[53] *Id.*

[54] *Id.* at 476 (emphasis added).

[55] *Id.*

[56] Ark. Stat. Ann. § 12–2805 (1968).

[57] Laman v. McCord. 245 Ark. 401, 432 S.W.2d 753 (1968).

[58] Fla. Stat. § 286.011 (1969). This clause may present constitutional problems of privileges and immunities. For example, the Sunshine Law would not necessarily secure the right of a Georgia citizen who owns property in Florida to be present at zoning commissions' meetings, et cetera.

[59] *Id.*

[60] 222 So. 2d 470, 476 (2d D.C.A. Fla. 1969).

[61] *Id.*

[62] *Id. See also* Op. Att'y Gen. Fla. (Jan. 27, 1971).

[63] Fla. Stat. § 286.011 (1969).

[64] *See* Ark. Stat. Ann. § 12–2805 (1968); Ind. Ann. Stat. §§ 57–601 to –609 (1967).

[65] *See* Cal. Gov't Code §§ 54950–60 (West 1966); N.J. Rev. Stat. §§ 10:4–1 *et seq.* (Supp. 1963).

* * * * *

[86] N.J. Rev. Stat. § 10.4–2 (Supp. 1963).

[87] *Id.*

[88] Kramer v. Board of Adjustment, 80 N.J. Super. 454, 194 A.2d 26 (1963).

[89] N.M. Stat. Ann. § 5–6–17 (1953) (emphasis added).

[90] Raton Publishing Serv. Co. v. Hobbes, 76 N.M. 535, 417 P.2d 32 (1966).

[91] Ark. Stat. Ann. § 12–2805 (1968).

[92] Old Town Dev. Corp. v. Urban Renewal Agency, 249 Cal. App. 2d 313, 57 Cal. Rptr. 426 (1967).

[93] Kramer *v.* Board of Adjustment, 80 N.J. Super. 454, 194 A.2d 26 (1963).

[94] Raton Publishing Serv. Co. v. Hobbes, 76 N.M. 535, 417 P.2d 32 (1966).

[95] Cal. Gov't Code § 54952.5 (West 1966).

[96] Ky. Rev. Stat. § 88.040 (Supp. 1963).

[97] Ark. Stat. Ann. §12–2805 (1968).

[98] *See* text accompanying note 3 *supra.*

[99] Ind. Ann. Stat. §§57–601 to 609 (1967).

[100] *Id.* §§57–608 to 609.

[101] Ark. Stat. Ann. §12–2805 (1968); Cal. Gov't Code §54956 (West 1966).

[102] Davidson v. Common Council, 40 Misc. 2d 1053, 244 N.Y.S. 2d 385 (1963).

[103] [1960–1962] Cal. Att'y Gen. Biennial Rep. 52.

[104] Nevens v. City of Chino, 233 Cal. App. 2d 775, 778, 44 Cal. Rptr. 50, 52 (1965).

[105] Ind. Ann. Stat. §57–604 (1967).

[106] Miami Beach v. Berns, 245 So. 2d 38 (Fla. 1971). Board of Pub. Instr. v. Doran, 224 So. 2d 693 (Fla. 1969); Times Publishing Co. v. Williams, 222 So. 2d 470 (2d D.C.A. Fla. 1969).

[107] *See* Sacramento Newspaper Guild v. Sacramento County Bd. of Supervisors, 263 Cal. App. 2d 41, 60 Cal. Rptr. 480 (1968).

[108] Indiana is the only state that gives broadcasting special attention in its statute. *See* Ind. Ann. Stat. §§ 57–601 to –609 (1967).

[109] *See, e.g.,* Editorial WJXT–TV, Jacksonville, Florida, April 21, 1970.

[110] Wolf v. Zoning Bd. of Adjustment, 79 N.J. Super. 546, 192 A.2d 305 (1963).

[111] Schults v. Board of Educ., 86 N.J. Super. 29, 205 A.2d 762 (1964).

[112] Canney v. Board of Pub. Instr., 231 So. 2d 34 (1st D.C.A. Fla. 1970).

[113] Raton Publishing Serv. Co. v. Hobbes, 76 N.M. 535, 417 P.2d (1966).

[114] Cozzolino v. City of Fontana, 136 Cal. App. 2d 608, 289 P.2d 248 (1955).

Mr. CHILES. Mr. President, I believe that a Federal Government-in-the-Sunshine Act is a logical consequence of positive State experience and the acceptance of the disclosure provisions in the Freedom of Information Act.

All of us know of the feelings of alienation and frustration so many people feel toward government these days. As government has grown, it seems to have gotten further away, out of the reach of people. It is not responsive enough; there is too little communication and too little understanding and too little trust between them. I saw the results of a recent survey conducted by the University of Connecticut in which professions were ranked according to the amount of trust the people put in them. Well, out of 20 "professions" included in the survey, politicians ranked No. 19, just ahead of used car salesmen and several notches below newspaper columnists. It reminds me of the old joke about whether you would buy a used car from a politician or not.

I believe a good deal of this problem is due to the aura of secrecy that surrounds too much of our Government—in most cases, totally unnecessary secrecy. Secrecy in government has rightly become a hot issue; for example, the Pentagon papers and the Anderson papers. These revelations have caused greater suspicion and cynicism about government, furthering the impression of bureaucracy and Congress in backroom decisions and dealing. It may be overreaction to some degree, but we cannot deny the public view of government as to closed and consequently unresponsive to peoples' needs.

Secrecy in government was an important theme in the recently completed Democratic National Convention. In its platform, my party pledged to transact the "public business publicly," except when the national security might be jeopardized. Let me cite a key proposal from the platform plank on "The People and the Government" which calls on Democratic Members of Congress to:

> Enact "open meetings" legislation, barring the practice of conducting the public business behind closed doors. This should include so-called markup sessions by legislative committees, but should allow for exemptions involving national security and invasions of privacy. To the extent possible the same principle should apply to the Executive Branch. . .

It is this principle that I second with my bill, not for partisan reasons, but because it answers the people's needs.

The Members of this body are well aware of the criticism of Congress for its practice of closed committee proceedings. Such criticism, within and outside of the body, moved the Congress to reform some of its meeting practices in the Legislative Reform Act of 1970. The overall hope of that reform was to bring congressional deliberations under closer public scrutiny. Yet, exceptions were made for markup sessions and the committees themselves could close their deliberations by majority vote.

The first session of the 92d Congress in 1971 was the first test year for legislative reforms. I was here in my first Senate year and in my opinion the reforms proved a failure. A Congressional Quarterly report of February 1972 shows how meager the impact has been in the area of openness of meetings. Thirty-six percent of all congressional committee meetings were closed, a slight decrease from the "prereform" year of 1970, but exactly the same percentage as in 1969. More importantly, the number of closed meetings last year was in no way significantly different from an average of 37 percent of closed sessions over the last 20 years. Another revealing statistic in the Congressional Quarterly survey was that 97 percent of those Senate committee meetings specifically designated as "business sessions"—organizing, marking up, voting, briefing sessions—were closed to the public.

If the final decision and amendment process is conducted in such an atmosphere, is there any wonder that questioning of our legislators' motives results? Even if hanky-panky is not present in such proceedings, the cloak of secrecy heavily implies its possibility. We all recognize that sound reasons exist for closed or executive sessions, and my earlier remarks identify some, but how is the public to know whether a closed meeting is held at the personal convenience of the legislator or for his personal gain?

I ask unanimous consent to have the full text of the February 8, 1972, Congressional Quarterly report on "Committee Secrecy" printed at this point in the Record.

There being no objection, the text was ordered to be printed in the Record, as follows:

COMMITTEE SECRECY: MINOR IMPACT OF REFORM ACT

Congressional committees conducted more than a third of their 1971 meetings in secret during the year in which the Legislative Reorganization Act of 1970—aimed, in part, at opening proceedings to the public—went into effect.

Thirty-six percent of all congressional committee hearings and meetings were held behind closed doors in 1971. This marked a decrease from the 41 percent recorded in 1970, but matched the secrecy score for 1969. The pattern of the past few Congresses has been to hold more open meetings in the first session than in the second. (1970 Almanac p. 1117)

The House, as in the past, had the higher percentage of closed meetings. It barred the public from 41 percent of its committee sessions in 1971. This was down from the 48 percent of 1970 but comparable to the 42 percent closed meetings in 1969.

Senate committees had an over-all secrecy score of 30 percent—less than the 33 percent of 1970, yet greater than the 28 percent recorded in 1969. Joint committees continued to report a low number of executive meetings: 20 out of a total of 126.

Since 1953, when Congressional Quarterly began its annual study of open and closed committee meetings, 23,720—or 37 percent—of the 64,231 meetings reported have been closed to the public. Statistics on committee meetings are given below. (Standards used in compiling the study, box this page.)

Year	Total meetings	Number closed	Percent closed
1953	[1]2, 640	892	[1]35
1954	[1]3, 002	1, 243	[1]41
1955	[1]2, 940	1, 055	[1]36
1956	[1]3, 120	1, 130	[1]36
1957	[1]2, 517	854	[1]34
1958	[1]3, 472	1, 167	[1]34
1959	[1]3, 152	940	30
1960	[1]2, 424	840	[1]35
1961	[1]3, 159	1, 109	[1]35
1962	[1]2, 929	991	[1]34
1963	[1]3, 868	1, 463	[1]38
1964	[1]2, 393	763	[1]32
1965	3, 903	1, 537	39
1966	3, 869	1, 626	42
1967	4, 412	1, 716	39
1968	3, 080	1, 328	43
1969	4, 029	1, 470	36
1970	4, 506	1, 865	41
1971	4, 816	1, 731	36
Total [1]	64, 231	23, 720	37

[1] Meetings of the House Appropriations Committee, all reported closed until 1971, were not included in the study until 1965.

House Appropriations: One of the noteworthy developments in 1971 was the opening of selected House Appropriations Committee hearings. Although only 8 percent of its sessions—36 of a total of 455—were open to the public, this was a contrast to the zero percent recorded in the past. (Committee staff members reported several open meetings in 1970; however, since these were carried as executive sessions in the daily digest, they were listed as closed in Congressional Quarterly's tabulations.)

The Legislative Reorganization Act of 1970 stipulated that House appropriations budget hearings are to be held in open session, except when the committee determines that the testimony may affect national security. (*1970 Almanac p. 447*)

Other House Committees: Ways and Means was the only other House committee, besides Appropriations, to meet more than 100 times and close its doors more often than not. It closed 69 of its 111 sessions for a secrecy score of 62 percent.

The House Judiciary Committee closed 47 percent of its 150 meetings. The number of closed sessions held by the House Armed Services Committee continued to decline in 1971. The committee secluded itself 41 percent of the time, as compared to 57 percent in 1970 and 64 percent in 1969.

The Education and Labor Committee remained at the top of the list of committees which met more than 100 times and most often in open session. The committee closed only six of its 199 meetings for a secrecy score of 3 percent.

Other committees which met more than 100 times with comparatively few closed sessions were Interior and Insular Affairs, 20 percent closed sessions; Government Operations, 22 percent; Interstate and Foreign Commerce, 24 percent; Foreign Affairs, 28 percent; Public Works and Merchant Marine and Fisheries, both with 31 percent.

Senate Committees: Only one of the Senate committees which met more than 100 times held the majority of its meetings in executive session. The Armed Services Committee closed 118 of its 150 meetings, or 79 percent. Public Works barred outsiders from 50 percent of its sessions. Foreign Relations closed its doors 43 percent of the time.

Senate Judiciary was the leader of committees which met more than 100 times and often in open session. It closed only 15 percent of its 167 meetings. Both Interior and Insular Affairs and Labor and Public Welfare closed 20 percent of their meetings; Commerce, 21 percent; Appropriations, 30 percent.

Joint Committees: Few executive sessions were held by joint congressional committees.

Of the 126 meetings reported in the daily digest, only 20, or 16 percent, were closed. The Joint Economic Committee, which met the most frequently, barred the public from only two of its 76 meetings.

Legislative Reform: In 1970, Congress passed its first reform act in 24 years. The Legislative Reorganization Act contained a number of provisions affecting the conduct of congressional committee meetings. A main thrust was to bring committee proceedings under public scrutiny. The reform legislation provided for making public the outcome of committee roll-call votes.

It stipulated that Senate committee business meetings are to be open except for mark-up (when a committee revises, amends and decides on the final language of a bill) and voting sessions. Senate committees also could close their business meetings by majority vote.

Ninety-seven percent of those Senate committee meetings specifically designated in the daily digest as business sessions—organizing, marking-up, voting, briefing sessions—were closed to the public.

The reorganization act also stated that House committee business meetings were to be open, except when the committee closed it by majority vote. Excluding the House Appropriations Committee, 79 percent of the sessions listed as business were held behind closed doors. (House Appropriations meetings were not included in these tabulations because subcommittee mark-up sessions were not reported to the Record.)

Public mark-up sessions are rare. Most committees prefer to write legislation in private for a variety of reasons. Some members believe that open meetings tend to encourage greater posturing and longer speeches for public consumption. Others think committee action is hindered by the necessity of observing formal procedures. One committee, which held open mark-up sessions in the past but not in 1971, found that the open meetings usually attracted more lobbyists than public.

Open Mark-Up Sessions: The House Education and Labor Committee, which had the lowest over-all secrecy score of House committees holding more than 100 meetings, also led in the open business meeting category. Of those specified as business sessions, the committee closed its doors six out of 60 times.

The House Education and Labor Committee's practice of opening mark-up sessions to the public began during heated debate over anti-poverty legislation in 1967, the year Rep. Carl D. Perkins (D Ky.) became chairman. Perkins opened the sessions when Republican committee members prevented action by boycotting meetings, while keeping someone in attendance to protest that a quorum was not present.

At that time Perkins stated: "If they (the Republicans) want to kill this bill then they're going to have to do it on the floor, out in the open and for the record. We're not going to let them do it behind closed doors." (1967 Weekly Report p. 2121)

Donald M. Baker, chief clerk of the House Education and Labor Committee, told Congressional Quarterly that he did not think open meetings had hampered committee proceedings and called it "a very good rule."

House Interior and Insular Affairs opened 30 of its 55 mark-up sessions. The Subcommittee on Territorial and Insular Affairs began marking up in open session in 1971 under the direction of its new chairman, Rep. Phillip Burton (D Calif.). Burton also serves on the Education and Labor Committee.

Another committee to mark up in open session in 1971 was House Post Office and Civil Service. The committee voted to open these sessions as a result of the Legislative Reorganization Act of 1970.

Committee Hearings: The 1970 Legislative Reorganization Act contained provisions concerning hearings. It required that House and Senate committees, with the exceptions of the Senate Appropriations and House Rules Committees, announce the date, place and subject of hearings at least one week in advance, unless the committee finds good cause for beginning them earlier. Provision for radio and television coverage of open committee meetings was contained in the legislation. Prior to the passage of the act, such coverage was permitted in the Senate but not in the House.

The reorganization law provided for the opening of more hearings. It stipulated that Senate hearings would be open except when the committee determines that testimony may relate to national security, may tend to reflect adversely on the character or reputation of an individual or may divulge matters deemed confidential under other provisions of law or government regulation.

GROUND RULES

Statistics in Congressional Quarterly's open-closed committee study were derived primarily from information published in the daily digest section of the *Congressional Record*, the official journal of Senate and House proceedings. Section 221 of the Legislative Reorganization Act of 1946 (now Section 905, Title 44, United States Code) required:

"The Joint Committee on Printing shall provide for printing in the daily Record the legislative program for the day together with a list of congressional committee meetings and hearings, and the place of meetings and subject matter. It shall cause a brief résumé of congressional activities for the previous day to be incorporated in the Record. . . ."

In practice, however, not all committee meetings were listed in the Record. Committees used different criteria as to what constituted a meeting. Some did not report their meetings regularly to the Record; some said they reported their meetings but they were not carried in the Record.

Open meetings followed by closed meetings are counted twice—once in each category. Joint meetings of separate committees or subcommittees are counted as one meeting for each. A meeting of a subcommittee is counted as a meeting of the full committee.

The tabulations exclude meetings when Congress was not in regular session; meetings outside of Washington, D.C.; meetings of conference committees to reconcile conflicting Senate and House versions of bills; informal meetings of the House Rules Committee to consider sending legislation to the floor (but Rules Committee meetings for other purposes are included).

Meetings held by the House Appropriations Committee were not always reported to the Record. The CQ tally for the Appropriations Committee was made from a Record list of meetings scheduled. The Senate Select Committee on Standards and Conduct did not report its meetings, all closed, to the Record nor state the number of times it met.

OPEN AND CLOSED CONGRESSIONAL COMMITTEE MEETINGS, 1969–71

	1969				1970				1971			
	Open	Closed	Total	Percent closed	Open	Closed	Total	Percent closed	Open	Closed	Total	Percent closed
Senate committees:												
Aeronautical and Space Sciences	7	7	14	50	12	3	15	20	7	3	10	30
Agriculture and Forestry	25	10	35	29	20	27	47	57	39	19	58	33
Appropriations	176	59	235	25	182	76	258	29	220	94	314	30
Armed Services	30	38	68	56	26	94	120	78	32	118	150	79
Banking, Housing and Urban Affairs [1]	86	27	113	24	60	29	89	33	72	22	94	23
Commerce	91	20	111	18	130	32	162	20	159	43	202	21
District of Columbia	54	6	60	10	29	6	35	17	27	5	32	16
Finance	41	28	69	41	50	36	86	42	35	31	66	47
Foreign Relations	63	63	126	50	62	65	127	51	72	55	127	43
Government Operations	95	14	109	13	45	12	57	21	84	9	93	10
Interior and Insular Affairs	60	30	90	33	88	37	125	30	90	23	113	20
Judiciary	78	14	92	15	138	29	167	17	142	25	167	15
Labor and Public Welfare	127	48	175	27	129	49	178	28	171	43	214	20
Post Office and Civil Service	33	12	45	27	6	15	21	71	16	10	26	38
Public Works	46	31	77	40	91	43	134	32	52	52	104	50
Rules and Administration	4	15	19	79	5	14	19	74	8	17	25	68
Select Equal Educational Opportunity [2]	(3)	(3)	(3)	(3)	45	4	49	8	30	4	34	12
Select Nutrition and Human Needs	12	1	13	8	18	4	22	18	18	2	20	10
Select Small Business	34	1	35	3	24	1	25	4	21	1	22	5
Select Standards and Conduct	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)
Special Aging	23	3	26	12	16	0	16	0	17	0	17	0
Veterans' Affairs [5]	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	13	4	17	24
Total	1,085	427	1,512	28	1,176	576	1,752	33	1,325	580	1,905	30

	1969				1970				1971			
	Open	Closed	Total	Percent closed	Open	Closed	Tota	Percent closed	Open	Closed	Total	Percent closed
House committee:												
Agriculture	83	45	128	35	32	99	131	76	110	64	174	37
Appropriations [6]	0	330	330	100	0	379	379	100	36	419	455	92
Armed Services	59	105	164	64	92	123	215	57	110	78	188	41
Banking and Currency	70	22	92	24	73	27	100	27	52	26	78	33
District of Columbia	50	23	73	32	49	35	84	42	53	37	90	41
Education and Labor	180	20	200	10	205	15	220	7	193	6	199	3
Foreign Affairs	79	73	152	48	133	43	176	24	136	52	188	28
Government Operations	90	29	119	24	69	19	88	22	131	36	167	22
House Administration	5	36	41	88	7	58	65	89	9	47	56	84
Interior and Insular Affairs	85	25	110	23	111	36	147	24	101	26	127	20
Internal Security	24	4	28	14	41	8	49	16	43	22	65	34
Interstate and Foreign Commerce	122	45	167	27	144	113	257	44	173	56	229	24
Judiciary	94	66	160	41	97	77	174	44	80	70	150	47
Merchant Marine and Fisheries	86	21	107	20	69	36	105	34	84	37	121	31
Post Office and Civil Service	90	35	125	28	45	30	75	40	88	3	91	3
Public Works	52	27	79	34	57	41	98	42	74	33	107	31
Rules	27	15	42	36	24	6	30	20	22	4	26	15
Science and Astronautics	64	21	85	25	38	14	52	27	47	15	62	24
Select Crime Investigation [7]	14	5	19	26	4	6	10	60	15	5	20	25
Select Small Business	31	0	31	0	26	0	26	0	29	1	30	3
Standards of Official Conduct	0	14	14	100	8	12	20	60	1	13	14	93
Veterans' Affairs	20	13	33	39	20	11	31	35	25	12	37	32
Ways and Means	65	50	115	43	36	84	120	70	42	69	111	62
Total	1,390	1,024	2,414	42	1,380	1,272	2,652	48	1,654	1,131	2,785	41
Joint Committees:												
Atomic Energy	28	12	40	30	21	15	36	42	22	12	34	35
Congressional Operations [5]	(3)	(3)	(3)	(3)	(2)	(3)	(2)	(3)	6	3	9	33
Defense Production	0	1	1	100	0	0	0	0	3	1	4	25
Economic	56	5	61	8	64	0	64	0	74	2	76	3
Others [8]	0	1	1	100	0	2	2	100	1	2	3	67
Total	84	19	103	18	85	17	102	17	106	20	126	16
Grand total	2,559	1,470	4,029	36	2,641	1,865	4,506	41	3,085	1,731	4.816	36

[1] Formerly Banking and Currency Committee; renamed by the Legislative Reorganization Act of 1970.

[2] Created Feb. 19, 1970, by S. Res. 359.

[3] Not in existence.

[4] Not available.

[5] Created by the Legislative Reorganization Act of 1970.

[6] Committee staff members reported one open meeting on the District of Columbia appropriations and 8 open meetings on public works in 1970. However, since these were reported as closed in the Daily Digest, they were carried as executive sessions in tabulations.

[7] Created May 1, 1969, by H. Res. 17.

[8] In 1969 includes Joint Committees on Internal Revenue Taxation, Library, Printing. Reduction of Nonessential Federal Expenditures; in 1970 includes Printing; in 1971 includes Library, Printing.

Mr. CHILES. Mr. President, the closed-door practice in Congress is contrary to the spirit of our Constitution and the intent of its framers. Article I, section 5 of the Constitution provides that—

> Each House shall keep a journal of its proceedings, and from time to time publish the same, except such parts as may in their judgment require secrecy . . .

The aim of this provision was to insure that the public's business be conducted in public; this in direct reaction to and desire to avoid the English parliamentary practice of closed sessions.

Living today as we do in a complex time when people are fearing loss of identity to a growing government that threatens to completely dominate them and is ever more difficult to understand, the need is now to expose our governmental processes to the fullest extent possible. We must open the doors—and windows—and let the disinfecting sunlight in. We can but gain—better lawmaking, greater public confidence, strengthening of the democratic process itself. I urge serious consideration of the legislation and its merits.

By Mr. MONDALE (for himself, Mr. JAVITS, Mr. KENNEDY, Mr. PELL, Mr. WILLIAMS, Mr. HUMPHREY, Mr. CHURCH, Mr. PROXMIRE, Mr. JACKSON, Mr. HARTKE, and Mr. STEVENSON):

S. 3882. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees. Referred to the Committee on Government Operations.

EXCESS PROPERTY

Mr. MONDALE. Mr. President, I would like at this time to inform my colleagues that I am introducing today S. 3882, a bill which would require the continuation of programs under which recipients of Federal grants may acquire Federal excess property at a reduced rate.

On this occasion, I want to outline the sequence of events which has led up to my introduction of the bill; and to provide for the record certain information concerning the operation of the program and the reasons I believed that it should be preserved.

I ask unanimous consent to have printed in the RECORD at this point a memorandum prepared for me by the Library of Congress. This document provides a clear, unprejudiced definition of the term "excess property"—which is often mistakenly confused with "surplus property"—and of the authority for the existing program.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE GSA PROGRAM ON EXCESS PROPERTY

1. The legislative basis for the GSA excess property program is the Federal Property and Administrative Services Act of 1949, as amended. Implementing instructions are delineated in the Federal Property Management Regulations. The salient features of the Federal Property and Administrative Services Act of 1949, are the following:

a. The Act makes a distinction between "*excess property*" and "*surplus property*". The former is any property under the control of a Federal agency which is no longer needed by *that* agency. Surplus property is any excess property not needed by *any* Federal agency, as determined by the Administrator of General Services.

b. The *Administrator* (GSA), to minimize expenditures for property, is given responsibility to prescribe policies and methods to promote the maximum utilization of excess property by Federal agencies. He makes provision for the *transfer of excess property* among Federal agencies. With the approval of the Director, Office of Management and Budget, he prescribes the extent of reimbursement for such transfers.

c. *Federal executive agencies* are responsible for surveying the property under their control to determine which is excess, reporting such property to the Administrator, GSA, and disposing of such property to the Administrator, GSA, and disposing of such property as promptly as possible, in accordance with GSA regulations.

d. Generally speaking, when excess property becomes *surplus property*, the Administrator, GSA, exercises supervision and direction over its disposition. Any agency authorized by the Administrator to dispose of surplus property may do so by sale, exchange, lease, permit, or transfer—for cash, credit or other property. Usually, disposals made or authorized by the Administrator are made after publicly *advertising* for bids. However, disposals may be *negotiated* under regulations prescribed by the Administrator, GSA. Among the conditions which permit negotiation are the following: because such action may be necessary for the public interest in an emergency, promotion of the public health, safety or national security, because bid prices after advertising are not reasonable.

e. The Administrator is authorized to *donate surplus property without cost* (except for care and handling), for use in any State for educational, public health or research purposes. For surplus property under the control of the Department of Defense, the Secretary, DOD, determines whether it is usable for educational purposes which are of special interest to the armed forces (e.g., military preparatory schools). If found usable, he allocates it for transfer by the Administrator, GSA, to State agencies for distribution. If not usable for military education, the surplus property may be examined by Department of Health, Education and Welfare of Civil Defense for possible utilization by these activities.

f. Determination as to whether surplus property is usable for education, health or research is made by the Secretary of HEW, who allocates such property on the basis of needs for transfer by GSA to the States for distribution. The Civil Defense Administrator takes similar action for surplus property determined to be useful for Civil Defense purposes.

g. The Administrator, GSA, is authorized to assign to the Secretary, HEW, for disposal, such surplus *real* property that HEW recommends as needed for *education, health or research purposes.*

h. The administrator, GSA, is authorized to assign to the Secretary of the Interior, for disposal, such surplus *real* property needed for use as public parks or recreation area.

Mr. MONDALE. Mr. President, on May 16, 1972, Frank Carlucci, Associate Director of the Office of Management and Budget, wrote a letter to Rod Kreger, Acting Administrator of the General Services Administration, calling on GSA to "discontinue all authorizations and practices which now permit the use of Federal sources of supply or services by Federal grantees including depots, stores, warehouses, contracts, excess personal property or other such sources."

At this point, I ask unanimous consent to have printed in the Record the letter from Mr. Carlucci to Mr. Kreger.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Office of Management and Budget,
Washington, D.C., May 16, 1972.

Hon. Rod Kreger,
Acting Administrator,
General Services Administration,
Washington, D.C.

Dear Mr. Kreger: As you know, there has been increasing concern in the business community, the Congress and the executive branch regarding an authorization of the General Services Administration which permits Federal grantees to buy supplies and services directly from GSA and from other Federal sources of supply.

The provision at issue as set forth in the Federal Property Management Regulations 41 CFR Sec. 101–33, authorizes other Government agencies to, in turn, authorize grantees of such agencies, to buy from GSA inventories and stores, and to order directly from manufacturers via Government contracts. Additionally, the authorization has been extended to the practice of allowing grantees to place orders with GSA regions or buying centers for direct purchase, and also allows grantees access to Federal sources of excess personal property.

The above authorizations are not consistent with the purpose of the Administration's policy of reliance on the private enterprise system and is particularly objectionable in this sense because the burden of GSA competition falls more heavily on small businesses throughout the country. To the extent that grantees are components of State or local governments, the authorizations are also not consistent with the intent of Congress as expressed in the Intergovernmental Cooperation Act and implementing regulations (Circular A–97) of OMB.

It is our conclusion, in view of the above, that GSA should discontinue all authorizations and practices which now permit the use of Federal sources of supply or services by Federal grantees.

I am requesting, therefore, that immediate steps be taken to propose an amendment to GSA regulations that would rescind all authorizations of GSA under which Federal grantees are permitted to use Federal sources of supply. The proposed regulation should, of course, be made available under OMB Circular No. A–85 for comment by State and local governments prior to issuance.

Upon issuance of the amendment, action should be taken to notify the agencies of the determination and request that they immediately advise their grantees that access to Federal sources, i.e., depots, stores, warehouses, contracts, excess personal property, or other such sources is no longer authorized. Appropriate action consistent with the above should also be taken with respect to existing arrangements and unfilled requisitions.

As you know, studies of the Commission on Government Procurement have extended to all phases of supply support and the Commission's final report may include recommendations concerning grantee use of Federal supply sources. We will, of course, review the above conclusion in the light of any such recommendation which the Commission may propose.

Your cooperation and assistance in accomplishing the foregoing will be appreciated. Should you have any questions regarding this matter, we would be happy to discuss it further.

Sincerely,

Frank Carlucci,
Associate Director.

Mr. MONDALE. Mr. President, in the Federal Register dated June 1, 1972, the following announcement appeared:

(General Services Administration—[41 CFR Parts 101–26, 101–33, 101–43])

Use of Government Supply Sources by Grantees

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the General Services Administration (GSA) is considering the adoption of revised rules prohibiting the use of GSA and other Government sources of supply by recipients of Federal grants.

The Office of Management and Budget has directed GSA to propose discontinuance of the authorization permitting Federal grantees to use Federal supply sources. Therefore, appropriate amendments to the Federal Property Management Regulations to accomplish this have been developed. However, cost-reimbursement type contractors will continue to be permitted to use GSA supply sources under the provisions of Subparts 1–5.5 and 1–5.9 of the Federal Procurement Regulations.

This notice is published pursuant to section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Interested persons are invited to submit written data, views, or arguments regarding the proposed revision to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20406, within 30 days after the date of publication of this notice in the Federal Register.

Dated: May 31, 1972.

M. S. Meeker,
Commissioner.

I became aware of the appearance of this announcement more than a week later, when Minnesota grantees notified me that they stood to lose valuable and much-needed excess property if the rule change went into effect. Among the institutions and agencies in Minnesota alone which have since taken the trouble to inform me that they oppose the termination of the program are the following:

List of Institutions and Agencies

Bemidji State College.

Bi-County Community Action Council, Bemidji, Minn.

Community Action Program, White Earth, Minn.

Dakota County Area—Vocational-Technical School.

Detroit Lakes Area Vocational-Technical School.

Gustavus Adolphus College, University of Minnesota.

Inter-County Community Council, Inc., Erskine, Minn.

Inter-County Community Council, Inc., Oklee, Minn.

Law offices of Legal Services Project, Cass Lake, Minn.

Legal Aid Society of Minneapolis.

Mankato Area Vocational-Technical Institute.

Meeker-Wright Community Action, Inc., Waverly, Minn.

Minnesota Private College Council.

Minnesota State Advisory Council for Vocational Education.

Northwest Community Action Council, Badger, Minn.

Red Wing Public Schools.

Rural Minnesota CEP and CO PO.

St. Cloud State College.

St. Mary's Junior College.

South Central Community Action Council, Jackson, Minn.

Southeastern Minnesota Citizens Action Council.

Southeastern Vocational Center.

Suburban Hennepin County Area Vocational-Technical School.

Technical Education Center, Willmar State Junior College.

After learning of the intention of GSA to terminate the excess property program, I wrote the following letter to GSA requesting information about the impact of the proposed change.

The letter follows:

June 15, 1972.

Mr. Rod Kreger,
Acting Administrator, General Services Administration, Washington, D.C.

Dear Mr. Kreger: It has recently come to my attention that GSA is considering the adoption of revised rules prohibiting the use of GSA and other government sources of supply by recipients of Federal grants.

I am most distressed to hear that such a policy change is under consideration. It is apparent that a wide variety of institutions in Minnesota, including vocational and technical schools and the University, would be adversely affected by the proposed change.

To my knowledge these institutions have received no explanation from GSA of the reasons for the proposed change. My staff has secured a copy of the letter from Frank Carlucci, Associate Director of the Office of Management and Budget, notifying you of the proposed change in regulations. This letter states that existing policy is not consistent with the purpose of the Administration policy of reliance on the private enterprise system and is particularly objectionable in this sense because the burden of GSA competition falls more heavily on small businesses throughout the country. This letter offers no documentation of the so-called "administration policy" referred to or any explanation as to what extent the present policy places a burden on small businesses throughout the country.

In addition, my staff has been unable to secure from your agency an explanation of the potential impact of the policy change either nationally or in Minnesota.

I am very concerned about the possible effects of a change in the regulation on the quality of educational and other human service programs in Minnesota. But it is impossible for me to address the substance of this issue without adequate information. For this reason, I request that complete answers to the following questions be forwarded to my office by the close of business on Thursday, June 20th:

1. Please list all Minnesota institutions which received excess property in FY 1971 and 1972, the value of the property acquired and which of these institutions would become ineligible under the proposed change.

2. Please indicate the dollar value of excess and surplus property received by each of the following types of institutions in each of the last five years:

(a) Minnesota institutions,

(b) Minnesota colleges and universities,

(c) Minnesota vocational and technical education institutions,

(d) all vocational education institutions nationally,

(e) all colleges and universities nationally.

3. Please list the dollar value of excess property disposed of throughout the United States in FY 1971 and 1972.

4. Please explain the difference between excess property and surplus property.

5. What agencies or other recipients will acquire or be eligible for acquisition of the excess property that would be unavailable to grantees under the proposed rule change? Please provide a general answer on the national situation and the specific list of eligible recipients in Minnesota.

6. Please explain in full "the Administration policy of reliance on the private enterprise system" with documentation of its origin and existence.

7. Please explain Mr. Carlucci's assertion that "the burden of GSA competition falls more heavily on small businesses throughout the country."

I am looking forward to your speedy reply.

Sincerely,

WALTER F. MONDALE.

Despite the repeated attempts of my staff to receive answers to these questions from GSA, none had been received by my office on June 29. The deadline for comments to GSA was imminent and I feared that the program would be terminated before Congress even had the chance to express its interest and concern. For these reasons, on June 29, I introduced an amendment to the legislation authorizing continuation of the excess property and supply sources programs for grantees.

The Senate approved the amendment. At this point, I ask unanimous consent to have printed in the RECORD a copy of the letter received in my office from GSA—after the amendment had already been approved by the Senate. I hope you will take note of the failure of GSA to answer directly virtually all of the questions I had submitted.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., June 29, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: Thank you for your letter concerning the proposal that the Federal Property Management Regulations (FPMR) be amended to discontinue the General Services Administration (GSA) grantee program.

Your interest is appreciated and we are answering your questions in the same order as in your letter.

1 & 2: The information required to answer these two questions is not available within GSA. Transfers of excess property are made to Federal agencies, some of which, in turn, make it available for use by their grantees and cost-reimbursement type contractors. After such property is transferred, the extent to which it is used within the acquiring agencies, either directly or by their grantees, is not known by GSA.

By way of information, with the expansion of Federal grant programs, several years ago certain agencies started acquiring excess property not only for direct use but also for use in Federal grant programs and on cost-reimbursement type contracts. The principal recipient agencies have been the Office of Economic Opportunity; National Science Foundation; Office of Education, Department of Health, Education, and Welfare; Manpower Administration, Department of Labor; Department of Commerce; Defense Civil Preparedness Agency (former Office of Civil Defense); and, more recently, the Department of the Interior; Environmental Protection Agency; and the Law Enforcement Assistance Administration, Department of Justice. These agencies keep accountability records and information on the amount of property in the hands of their grantees and such information would be available only from them.

In the event the proposed regulation is issued, Federal grantees in the State of Minnesota will no longer be able to acquire excess property. While we do not have available the names of these grantees, they are generally involved in programs concerned with education, manpower training and development, community action, antipoverty, local police training, and civil defense.

With respect to surplus property, it is allocated among the States by the Department of Health, Education, and Welfare, and approved by the General Services Administration for transfer to the States for donation for education, public health, and civil defense purposes. By law, distribution to eligible donees within the States is made by an agency established by each State for that purpose. In Minnesota, that agency is under the direction of Mr. Harold W. Shattuck, Supervisor, Surplus Property Section, Department of Administration, 5420 Highway 8, Arden Hills, New Brighton, Minnesota 55112. Therefore, data on the amounts donated to specific donees within Minnesota would be available only from the State agency.

3. In terms of original acquisition cost, during FY 1971 $751.2 million of excess property was transferred to other Federal agencies; for FY 1972 through May the amount was approximately $858.0 million.

4. The term "excess property" means any property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof. While in excess status, this property is only available for use by the Federal Government.

The term "surplus property" means any excess property not required for the needs and discharge of the responsibilities of all Federal agencies, as determined by the Administrator of General Services. After being determined surplus, such property is made available first for donation to use within the States, after which any remainder is sold.

5. All agencies within the Federal Government which currently acquire excess property would continue to be eligible. However, the property would have to be acquired only for direct use or for use by their cost-reimbursement type contractors.

Since grantees would no longer be eligible, much of the excess property which Federal agencies acquire for such use would probably become surplus and donated for education, public health, and civil defense purposes. Consequently, grantees engaged in activities for other than those purposes would not be eligible for the donation of surplus property.

6 & 7: Since the quoted terms are extracted from the Office of Management and Budget letter of May 16, 1972, to GSA, we feel that OMB is better qualified to define their usage. Any such explanation should be obtained from the Office of Management and Budget.

Please let us know if we can be of further assistance.

Sincerely,

ROD KREGER,
Acting Administrator.

Mr. MONDALE. Mr. President, the amendment approved by the Senate was considered by the conference committee on the OEO bill. It was not included in the conference report, because the parliamentarian of the House of Representatives ruled that the amendment was not germane to the bill.

Apparently because of the high public interest and the volume of mail being received in response to the request for comments, GSA extended the comment period until July 31. In the meantime, Secretary of Health, Education, and Welfare Elliot Richardson unilaterally terminated the HEW excess property program on July 14. I ask unanimous consent to have printed in the RECORD here a copy of the document stating that the HEW program has been terminated.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

MANUAL CIRCULAR—MATERIEL MANAGEMENT: USE OF EXCESS PROPERTY ON GRANTS

1. *Purpose.*—This circular provides Department policy regarding the use of excess personal property by grantees.

2. *Background.*—It has been determined that the use of excess personal property by grantees will be discontinued inasmuch as the majority of HEW grantees are eligible for donation of personal property under the Department's surplus property donation program.

3. *Policy.*—It is the policy of HEW that the use of excess personal property by grantees not be authorized. Section 103—43.320 of the HEW Materiel Management Manual is in the process of being revised to reflect this policy.

4. *Accountability.*—Federally-owned personal property presently in the possession of grantees will continue to be accounted for in accordance with current regulations.

5. *Effective Date.*—This circular is effective immediately.

On July 28, I and 22 other Senators signed and sent a letter to M. S. Meeker, Commissioner of the Federal Supply Service, expressing our concern about GSA's intention to terminate the excess property and supply source programs without providing adequate documentation of the reason for the decision and without providing a hearing to those who would be affected by the change. A copy of the letter follows:

JULY 28, 1972.

Hon. M. S. MEEKER,
Commissioner, Federal Supply Services, General Services Administration, Washington, D.C.

DEAR MR. MEEKER: Please consider this letter a formal response to GSA's solicitation of comments on the proposed "adoption of revised rules prohibiting the use of GSA and other Government sources of supply by recipients of Federal grants", which appeared in the Federal Register on June 1, 1972.

We are deeply concerned to learn that GSA is considering terminating the excess property and GSA supply source programs for grantees. We believe that these programs are of considerable importance in keeping down the cost of government-supported projects to the tax-payers; and in maintaining the quality of service offered by many of these programs.

We have further been concerned to observe that GSA has not provided the Congress with a comprehensive analysis of the pros and cons of these programs as they exist; and of the specific reasons for the proposal to terminate them.

Any decision on the future of the grantee programs should be made only after complete information on its implications has been developed and provided to Congress and to affected parties. Further, we believe that GSA should make a decision only after calling a public hearing and receiving testimony from those affected parties who wish to testify.

In addition, we believe that GSA should notify HEW—which has unilaterally terminated its own program even before the period for comments has expired—and other executive agencies that they should continue to operate their programs until a general policy decision has been made.

We thank you for your serious consideration of these points and urge that you immediately announce a date for a hearing and provide the Congress with the documentation required to fully understand the implications of the proposed rule change.

Sincerely,

Walter F. Mondale, George McGovern, Vance Hartke, Fred Harris, Philip A. Hart, Claiborne Pell, Thomas Eagleton, Clifford P. Case, Edward W. Brooke, Robert Stafford, William Proxmire, Mike Gravel, Harold E. Hughes, Daniel Inouye, Harrison Williams, Hubert H. Humphrey, Frank Church, Gaylord Nelson, John Tunney, Robert Taft, Jr., Edmund Muskie, Edward M. Kennedy, and Jacob Javits.

And now today, I am introducing a bill which would require the continuation of the excess property program. I have more than one reason for believing that this legislation is necessary.

The first, and most obvious, reason is that I believe that the excess property program is the legitimate source of property that is strongly needed by and significantly improves the programs of many educational and other public service agencies. Representatives of the vocational schools, colleges and universities and community action agencies have testified over and over again to me in letters that they simply could not afford to acquire the same property at the market price. If they cannot get it under the excess property program, they often cannot afford to buy it at all.

Second, I believe that the excess property program saves the taxpayers money. Institutions and agencies do not have to pay market prices for certain property that they otherwise acquire under the program; and the costs associated with acquisition run less for excess property than they do for property secured under the surplus donation program.

My third reason for introducing this legislation is that I am appalled at the disregard of the administration and the executive agencies for the prerogative of Congress in this whole area of property transfer. No less an authority than the Constitution of the United States states—in the second paragraph of article IV:

> The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

The fact is that Congress was never consulted when the excess property program for grantees was initiated. And now that the program is threatened, now that the Government is trying to take away a privilege which it has previously granted, the attempt was again made to determine policy without the consultation of Congress. I am aware that Secretary Richardson wrote to Representative JACK BROOKS, chairman of the House Subcommittee on Government Activities, in June informing him that he expected to terminate the HEW program. But I am not aware that any member of the Labor and Public Welfare Committee, which oversees HEW programs, was notified that any such action was pending.

My fourth reason for introducing this bill today is this: while neglecting to work with and inform the Congress about the pending change in policy, the agencies involved have also completely failed to make their deliberations known either to the grantees who would be affected or to the general public. Notification of the proposed change proceeded in a most perfunctory manner giving rise to confusion and misinformation throughout the communities affected.

I strongly believe that we must put an end to secrecy in Government. I do not understand why a Senator who requests basic information concerning the impact of a proposed policy change which affects thousands of his constituents and cannot get an answer. I do not understand how an executive agency can make a policy change without being required to make public the reasons behind the proposed change.

It is apparent that not all of the executive agencies involved fully support the proposed termination of the excess property program. Phillip V. Sanchez, Director of the Office of Economic Opportunity, wrote to OMB Director Caspar Weinberger on June 23:

> The annual utilization of excess federal property by OEO grantees is approximately $15 million. This excess property includes heavy equipment, many types of vehicles, shop equipment, furniture and other supplies and equipment that become excess to the many federal agencies. Loss of access to excess federal property will require commercial purchases whereas, the only cost for excess property is transportation.

And, Howard Matthews, Director of the Division of Manpower and Training of the Office of Education, wrote in a memo to the Director of the surplus property program at HEW:

> We do have a strong program objection (to eliminating the excess property program for grantees), as hard core program savings reported by your regional excess property program coordinator exceeded $45 million in the last five years. These program savings reflect the utilization of Excess Federal Personal Property both in the consumable and major equipment categories in lieu of new procurement and represent savings of appropriated funds earmarked for the purchase of equipment and supplies for which excess Federal property was acquired and substituted. The monies saved have been used for program expansion and enrichment.

I see no justification for the high-handed, elusive treatment the public, interested parties and Members of the Congress have received in their attempts to learn about and have a part in decisions regarding the excess property policy.

At this time, I would like to make it clear for the record that the bill I am introducing and discussing here today concerns only the excess property program for grantees. It would not affect the access of grantees to Federal supply sources one way or the other. It is my belief that because these two programs were tied together in the announcement of a proposed rule change in the Federal Register, the public has been led to believe that the issues and the questions raised are inseparable. I think that the issues are different, and I am also introducing a completely separate bill that deals with the question of purchasing from GSA stores.

I am introducing the excess property legislation today in the hope that members of the Senate and House Committees on Government Operations will agree with me that the issues raised by the excess property policy are significant enough in themselves to warrant hearings and consideration by the Congress.

I am also pleased to note that Representatives MICHAEL HARRINGTON, of Massachusetts, and DON FRASER, of Minnesota, and others are introducing in the House of Representatives a bill on excess property which is identical to mine.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 483), is amended by adding at the end thereof the following new subsection:

"(i) Each executive agency shall furnish excess property to any grantee under a program established by law and for which funds are appropriated by the Congress if the head of that executive agency determines that the use of excess property by that grantee will (1) expand the ability of that grantee to carry out the purpose for which the grant was made, (2) result in a reduction in the cost to the Government of the grant, or (3) result in an enhancement in the product or benefit from that grant. Any determination under the preceding sentence shall be reduced to writing and furnished to the grantee involved. The Administrator shall prescribe regulations governing the use, maintenance, consumption, and redelivery to Government custody of excess property furnished to grantees under this subsection."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 325

Mr. BEALL. Mr. President, on January 27, 1971, I introduced S. 325, which would provide for a permanent survivor benefit plan for dependents of retired military personnel.

I am pleased to add the names of Senators SCHWEIKER and COTTON as cosponsors of S. 325. This makes a total of 41 Senators who are sponsoring this legislation.

S. 2516

At the request of Mr. TOWER, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 2516, a bill to authorize the Secretary of Agriculture to reimburse owners of equines and accredited veterinarians for certain expenses of vaccinations incurred for protection against Venezuelan equine encephalomyelitis.

S. 3330

At the request of Mr. JACKSON, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 3330, a bill to establish a national policy for the management, conservation, use, and development of the Nation's natural resources, to provide for the establishment of a Board on Natural Resources Planning and Policy, and for other purposes.

S. 3449

At the request of Mr. JACKSON, the Senator from Kansas (Mr. PEARSON) and the Senator from Washington (Mr. MAGNUSON) were added as cosponsors of S. 3449, a bill to authorize and direct the Water Resources Council to coordinate a national program to insure the safety of dams and other water storage and control structures, to provide technical support to State programs for the licensing and inspection of such structures, to encourage adequate State safety laws and methods of implementation thereof.

S. 3841

At the request of Mr. HANSEN, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 3841, to amend the Internal Revenue Code of 1954 to provide for an estate tax charitable deduction in the case of certain charitable remainder trusts.

S. 3872

At the request of Mr. JAVITS, the Senator from New Jersey (Mr. WILLIAMS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 3872, a bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes.

SENATE RESOLUTION 342—SUBMISSION OF A RESOLUTION IN SUPPORT OF POLICY OF THE PRESIDENT NOT TO STRIKE DIKES IN NORTH VIETNAM

(Referred to the Committee on Armed Services.)

Mr. TUNNEY. Mr. President, on behalf of Senators CHURCH, EAGLETON, HARRIS, KENNEDY, MAGNUSON, MCGOVERN, PROXMIRE, RIBICOFF, BAYH, and myself, I am submitting today a sense-of-the-Senate resolution which supports the policy set forth by the President on June 29, 1972, that the United States shall not bomb the dikes in North Vietnam. I send the resolution to the desk for appropriate referral.

The ACTING PRESIDENT pro tempore. The resolution will be received and referred.

The resolution reads as follows:

S. RES. 342

Whereas the President has stated on June 29, 1972, that: "The United States has used great restraint in its bombing policies; and I think properly so. We have . . . had orders out not to hit dikes because the result in terms of civilian casualties would be extraordinary. As far as any future activities are concerned those orders are still in force . . . .", and

Whereas it appears that millions of civilian lives are protected by the complicated and ancient system of dams and dikes in North Vietnam, now, therefore be it

Resolved, That it is the sense of the Senate that, in accordance with the above-stated policy of the President, the United States shall not bomb or otherwise attack by air or sea any dams, dikes, or other hydraulic systems in North Vietnam.

Mr. TUNNEY. Mr. President, it is important to recognize that, since the President announced that policy, the administration has vacillated, equivocated, and altered that position. Yet, it should remain the administration's position, as it is proper and imperative.

Mr. President, no issue facing our Nation is more urgent than the possibility that our bombing may help cause mass floods in North Vietnam in the next month or two.

North Vietnam's dike system protects a rural population of over 10,000,000 people. These dikes run throughout the Red River Valley. Often reaching a height of over 40 feet. If the dikes are breached, if monsoon waters which peak in August break through and floods ensue, millions of civilian could drown or face starvation.

Mr. President, let me emphasize this point as strongly as I can: the lives of millions of human beings are at stake. The bombing of North Vietnam's dikes is not just another part of the Vietnam debate, another political antiwar issue. If these dikes fail, one of the greatest human disasters of the 20th century could result.

We may disagree on whether or not the United States should withdraw totally from Indochina. But there can be no disagreement that every moral and legal tenet we hold dear proscribes any support whatsoever for the bombing of North Vietnam's dikes.

In fairness, Mr. President, another point must also be emphasized. I do not claim that our bombing of dikes has yet caused severe civilian casualties. I do not claim that we have as yet jeopardized the civilian lives which are protected by the dikes.

But I do know, Mr. President, that an unchecked bombing policy threatens to do just that. I do know that the reports by our own Government of our bombing activities in North Vietnam have been conflicting and have not always been accurate.

It is important to adhere to the policy set forth by the President on June 29. But it appears that we are not doing that. The highest officials of the Nixon administration now admit that we are, in fact, bombing North Vietnam's dikes. More important, they have also made it clear that these strikes against the dikes are not mere "accidents," but are, in fact, the inevitable consequences of our overall bombing campaign against the North.

The issue of our bombing the dikes was first raised by North Vietnamese spokesmen during the months of April, May, and June, in which they charged that there had been 18, 46, and 46 raids respectively against the dikes. Many of us, including myself, tended to discount these reports as possible "enemy propaganda" and did not treat them with a great degree of seriousness.

I personally cannot believe that any attempt would be made to bomb the dikes. I am confident that the policy which had been a part of American foreign policy for the past 10 years will remain a part of that policy and that we would leave the dikes alone knowing that the only thing that could be caused in the way of results from bombing attacks on the dikes would be massive civilian deaths through drowning or starvation at some later point.

Similarly, I and others overlooked a provocative article in the June 7–8 issue of Le Monde by Yves Lacoste, a professor of geography at the University of Paris. In this article Mr. Lacoste argued that our bombing could cause flooding by bombing in and around the bases of the dikes without striking them directly.

Then, on June 24, 1972, the first eyewitness report by a western observer of a bombed-out dike emerged. Jean Thoraval, the Agence France Presse representative in Hanoi. reported visiting a Red River dike 14 miles from the city of Nam Dinh. He reported that:

> One of the embankments were completely cut. Several were gutted, with gaps in the dike itself and hollows, evidently caused by bombs, alongside. Deep cracks were visible everywhere. (New York Times, June 25, 1972.)

This report was dwarfed in importance, however, by an event of the first magnitude which occurred 4 days later. On June 28, 1972, the Swedish Ambassador to Hanoi, Jean-Christophe Oberg, took a step virtually unprecedented for Western diplomats, who traditionally speak out only on issues of direct concern to their countries. Mr. Oberg not only reported witnessing bombed-out dikes directly, he called upon world opinion to mobilize to prevent any further bombing of dikes. Speaking out in the strongest possible language, Ambassador Oberg said:

> The greater danger just now is the bombing of dams and locks . . . everyone, even diplomats must react as human beings, particularly those of us who have the advantage of being on the spot. Diplomat or not, I have no intention of witnessing passively what is happening . . . I am not the only one to have seen it. If a catastrophe occurs in a few months, at the time of the monsoon, we shall know who is responsible. But this must not be allowed to happen. The lives of millions of people are in jeopardy, and an unprecedented famine could occur in the north.

Mr. Oberg's appeal to world opinion was followed by another eyewitness report—this one by a journalist for the Swedish television network named Erik Eriksson. Mr. Eriksson's film of a bombed-out dike, presumably the same one seen by Mr. Thoraval, was shown on nationwide television in this country on June 30. The dike had been hit in two places, about 800 yards apart. Significantly, there were clusters of bomb craters at the base of the dike, precisely the kind of bombing which could cause the dikes to crack without direct hits, as predicted by Mr. Lacoste.

On July 1, Mr. Thoraval reported witnessing bomb damage at a different dike, this one at Phy Ly, about 40 miles south of Hanoi. He reported that—

> The system of sluice gates no longer worked, for the six doors could not move up or down. The reinforced-concrete pillars had been destroyed or cracked. As for the dike itself, apart from craters in it, it was full of cracks, some of them about a foot wide. (New York Times, July 1, 1972.)

On July 11, there occurred the most remarkable eyewitness account of dike bombing yet. On that day, Mr. Thoraval reported an attack on the dike at Nam Sach, 40 miles from Hanoi, while he and a group of foreign journalists were standing on it. He reported that—

> It was about 6:00 a.m., an hour after dawn. We had just arrived at the edge of a crater made by an earlier attack when we heard the sound of approaching jet aircraft . . . a few seconds later about a dozen fighter-bombers could be seen flying fairly high above the hamlets. Then the jets went into a dive and released several bombs and rockets against the dike on which we were standing. In several other attacks and evidently without bothering to aim precisely, the jets dropped more explosives to both sides of us.

Significantly, Mr. Thoraval reported that there were no other "military" targets in the area. He wrote:

> The journalists, including this correspondent, all agreed that the American pilots were specifically aiming for the dikes—as far as the eye could see there was nothing but rice paddies. Since there was no nearby shelter—not even a tree—the journalists had all the time they needed to study the action in which the Americans were the complete masters. The small nearby town of Nam Sach (note: one and a half miles from the dike) has no significant anti-aircraft defenses, and only two or three SAM missiles were fired at the attackers.

These witness reports by foreigners have been followed by accounts of bombed-out dikes from several visiting Americans, including columnist Joseph Kraft, John Sullivan, and/or George Perera of the American Friends Service Committee. Mr. Kraft has written:

> Then there is the matter of the dikes which are central to flood control at the end of the rainy season next month and to the prevention of drought in the dry season thereafter. There is no doubt that the dikes have been hit by American bombs. I have seen with my own eyes two undoubted examples of such hits. (Washington Post, July 20, 1972.)

Not surprisingly, as these eyewitness reports of bombing of the dikes have continued to mount, there has been a corresponding increase in world concern.

On July 21, 1972, the general secretary of the World Council of Churches, Eugene Carson Blake, issued an open letter to President Nixon, putting the issue in its starkest terms.

After referring to in-depth inquiries with Western Europeans who had personally witnessed the situation since late June, Mr. Blake wrote:

> I am therefore forced to conclude that intentional bombing of dikes must be taking place, and make an urgent appeal to you to use your authority as commander-in-chief of the military forces of the U.S.A. immediately to cease this bombing. I further request that you stop the bombing in the region of the dikes in order that the people of North Vietnam can make the urgent, necessary repairs to avoid a catastrophe of unthinkable proportions.

Then, on July 24, 1972, the Secretary General of the United Nations, Dr. Kurt Waldheim, lent the prestige of his office to a similar appeal. Mr. Waldheim went out of his way to state that he was not sure whether or not these bombings were deliberate or accidental. But, he said:

> If the dikes are bombed then the plain will be flooded and this will lead to disaster and death. I hope this will be avoided.

In response by officials of the Nixon administration to these charges, we find obfuscation of the issues rather than a clarification.

From April through July 5, as reports by Thoraval, Eriksson, and Ambassador Oberg began filtering out, most administration spokesmen were denying that any dikes at all had been hit. On May 9, a Pentagon spokesman in Saigon went so far as to suggest that—

> It was possible that North Vietnamese missiles fired at American planes had missed and fallen back on the dikes.

In response to Mr. Thoraval's July 1 description of the bomb damage at the Phy Ly dike, White House spokesman Ziegler denied that any dikes had been hit. Indeed, asked whether his remarks would leave open the possibility of accidental bombing he replied, "I do not mean to leave anything open." Others were leaving the door open by stating that accidents may have occurred.

On July 6, however, the official position drastically changed. Defense Secretary Laird admitted for the first time that we were not only striking dikes, but that we were doing so intentionally if these dikes had roads or antiaircraft sites on them. He stated:

> So there have been times when I assumed these pilots have gone off after primary targets which were, of course, the anti-aircraft or logistics supplies. With the road network they have, many times, and with all the rice paddies and all the dams, there may have been some damage.

The significance of this admission cannot be overemphasized. For the first time it became clear that our bombings of the dikes was not accidental, but an inevitable result of the kind of bombing campaign we are waging against the North, a campaign that includes the dropping of 25,000 tons of bombs every day.

Mr. Laird did not speak of "accidents," mishaps, mistakes. He not only made it clear that a dike could be deliberately targeted if it was deemed that a military target was associated with it. He also implied that this was the case with a large portion of North Vietnam's dike system.

Despite Mr. Laird's very clear formulation, however, various other administration spokesmen have continued to claim that the only times dikes have been hit have been "accidents."

Secretary of State Rogers, for example, attempted to refute Secretary General Waldheim's appeal by stating that we were not "deliberately" bombing dikes, something Waldheim never claimed. Mr. Rogers and other administration spokesmen have further clouded the debate by the quite unnecessary charge that Waldheim and others are being used as "part of a carefully planned campaign by the North Vietnamese and their supporters."

Given the widespread documentation by Western sources, it is clear that this charge is an extreme form of pettifoggery.

On July 29, the State Department issued a report—largely prepared by the CIA—which was meant to refute Secretary Waldheim's charges. Instead of doing so, however, it simply compounded the confusion.

It begins with the central assertion that "photographic evidence shows conclusively that there has been no intentional targeting of dikes." No photographic evidence, however, was produced to support this assertion. It is difficult to see, moreover, what photographic evidence could exist which would show "conclusively" that we are not "intentionally" targeting dikes.

A large credibility gap is opened, moreover, by the surprising statement that "accidential bomb damage during the 1965–68 period made some locks inoperative," for the Pentagon papers reveal that we quite deliberately targeted dikes during this period. A report prepared by the CIA and DIA in early January 1966, found on page 56 of the Beacon Press edition of the Pentagon Papers, states that—

> Of 91 known locks and dams in North Vietnam, only 8 targeted as significant to inland waterways, flood control, or irrigation. Only one hit, heavily damaged . . .

More important than the largely irrelevant claim that we are not intentionally hitting dikes, however, was the admission that we had hit 12 dikes already.

An attempt is made to soften this admission by the claim that these 12 dikes were all "minor," such strikes could not contribute to flooding, and that any flooding that did occur this year would be due to the failure of the North Vietnamese to repair their dikes from last year's flooding.

Once again, however, such claims are neither supported in the report itself nor backed up by outside evidence.

The 12 locations that are admitted to have been hit are not named. How then is one to know whether they are "minor" or not? Swedish TV Journalist Eriksson, for example, reports that the dike near Nam Dinh which he filmed protects an area containing 12,000 acres of rice paddies, inhabited by a population of 70,000. Agence France Presse reporter Thorval says that the Phy Ly dike protects the population of 10 districts in Namha Province, and similar reports have been filed about the importance of the dike near Nam Sach. How then are we to say what is a "minor" dike and what is not? Is the Nam Dinh dike "minor" to the 70,000 people protected by it? Are we to simply dismiss Ambassador Oberg's urgent call on the unsupported assertion that only 12 "minor" dikes have been hit?

Even after the publication of this CIA report, moreover, administration spokesmen are still taking different positions. Secretary Laird's admission that we are striking dikes deliberately when military targets are located on them and CIA confirmation that we have hit the dikes on at least 12 occasions, are still apparently lost on Dr. Kissinger, for example. He is reported in the Evening Star as telling a group of dinner guests the day after the publication of the CIA report that:

> It is possible a very few dikes have been hit by accident, but it is not a deliberate policy.

Out of this welter of claims and counter-claims, unseen photographic evidence and eyewitness reports by Swedes, Frenchmen, and Americans, however, not all is murky. I believe the following three points appear incontrovertible:

First. There is a strong possibility that massive floods could occur in the next month, floods which could bring misery to millions. On July 6 the New York Times reported that—

> State Department officials said today that there was a strong likelihood North Vietnam would be flooded later this summer.

Distinguished and concerned observers concur, ranging from the Swedish Ambassador to Hanoi to the Secretary General of the United Nations to the General Secretary of the World Council of Churches. All sources agree that if this happens millions could drown or face starvation.

Second. The nature of our aerial campaign against North Vietnam insures that dikes will inevitably be weakened by our aircraft. On July 17, 1972, Secretary Laird made the startling statement that—

> Now there are occasions, of course, when a dam or dike could possibly be hit when an anti-aircraft installation is placed on a dam or dike or when there is a roadway or a bridgework that is also tied in with a dam or dike formation. All you have to do is look at any of the aerial photography of North Vietnam and you will see that dams and dikes run through all of the agricultural area.

The July 29 CIA report, though cushioning its conclusion, makes a similar point:

> Because a large number of North Vietnamese dikes serve as bases for roadways, the maze they create throughout the delta makes it almost inevitable that air attacks directed against transportation targets cause scattered damage to dikes.

It has become more than clear that if we continue to carry out over 300 sorties a day, closer to population centers than ever, with our military being given a freer hand than at any time in the past, it is inevitable that heavy bombing will occur in and around the dikes. They may weaken them by direct hits. They may weaken them by heavy cratering at the bases of the dikes which cause fires and cracks in the dike which are even more difficult to repair than direct hits. But our air strikes will in any event increase the likelihood that the dikes will crumble when the floodwaters reach a peak.

Third. The responsibility for ending our bombing of the dikes lies with the U.S. Congress. It has become clear that the executive branch will not of its own accord halt the bombing of the dikes. Indeed, the 12 admitted strikes against the dikes took place at a time when our President was assuring us that reports of bombing of dikes were "inaccurate," that—

> We have tried to hit only military targets and we have been hitting military targets. (New York Times, June 30, 1972.)

Under the circumstances, the only reasonable hope that this bombing of the dikes will be halted is the U.S. Congress.

I know that there will be some of my colleagues who will argue that to halt the bombing of the dikes is not enough—that we must not detract from the central objective of ending the war. I agree. I agree that we must work unceasingly to end the war. We must end it completely. I was pleased that the night before last, Wednesday, August 2, we finally enacted a strong end-the-war amendment and passed the bill in which it was contained. I hope that that language will become law. But even if it does become law it will not be operative for 4 months. During that time, severe floods could occur if our policy does not conform to the President's words of June 29, if we allow ourselves to bomb the dikes in North Vietnam. Accordingly Mr. President, while I do not wish to detract for one moment from the central objective of ending this war, I do believe that we must adhere to the policy which protects those dikes from needless destruction.

I know that others will feel that we cannot now stop bombing the dikes. They will say that we must bomb to keep alive the hope of securing the release of our POW's, that we must keep bombing to protect American boys in South Vietnam, that we must keep bombing to keep the Thieu regime in power in Saigon. Here I do not agree. I think it is obvious by now that bombing North Vietnam will not secure the return of our POW's.

I believe most strongly that it is difficult to argue that we must bomb to protect our boys in South Vietnam, when American casualties in that country are not only down to a few per week, but when at this point our casualties from the air war far outnumber those from the ground war; and surely it must be clear by now that if 10 years and 6.5 million tons of bombs—three times the tonnage dropped in World War II—has not yet sufficed to keep the Thieu regime in power, it never will; that the Thieu regime or any similar government must stand and fight on its own merits and not on our ability to obliterate all signs of life in North Vietnam.

But, however, we all feel about the general issue of bombing in Indochina, on one thing we surely must all be able to agree:

There can be no more bombing of the dikes, not one more hit, because if there are floods our POW's will drown or starve as quickly as anyone else in North Vietnam.

There can be no more bombing of the dikes, not one more hit, because when all is said and done this particular act could produce a whole new level of horror; because there is a difference between strikes on cities and towns which kill hundreds or thousands, and strikes on a vital life system which threatens millions.

But mostly, there can be no more bombing of the dikes, not one more hit, because there must come a point in this war, finally, when we here in the Senate will finally admit to ourselves that it has gone too far: Because there are certain limits which civilized human beings cannot exceed without themselves descending into savagery: Because after 25 years of shooting, strafing, bombing, poisoning, burning, dismembering, assassinating, abducting, deporting the people of Indochina, after more than a million killed and 2 million wounded, and 700,000 widowed, and 200,000 orphaned, and 10 million made homeless, there must come a point when even the most indifferent, weak or distracted among us must have courage to say "stop."

Mr. President, I wish also to advise my colleagues of the contents of a letter which I shall send this morning to the Secretary of State. It is, I believe, self-explanatory.

The letter reads as follows:

U.S. Senate,
Committee on Public Works,
Washington, D.C., August 4, 1972.

The Honorable William P. Rogers,
Secretary of State,
Washington, D.C.

Dear Secretary Rogers: I have read with great interest the report released by the State Department on July 28, 1972, detailing the state of North Vietnam's system of dikes. I note with particular concern that American aircraft have damaged 12 different dike sections in North Vietnam.

As you know, I am greatly concerned with this problem. Since I believe that every single day is of tremendous importance given the imminence of flooding in the next month, I would like to request *immediately* the names and locations of each of the 12 dike sections our bombs have struck.

As a separate request, I would also like to know, in a few days if the information is not available right now, when these 12 dike sections were struck, by how many aircraft and bombs, what military targets were in the vicinity, and the extent of the damage caused by the strikes. If possible, I would appreciate copies of the photographs alluded to in the report, and particularly those of the 12 dike sections hit.

I note with particular interest as well the report that the North Vietnamese have not repaired their dike sections which have not been repaired.

Once again, I would like to request *immediately* the names and locations of those dike sections which have not been repaired.

In addition, in a few days if necessary, I would like to know what evidence—photographic or otherwise—there is for this report that the Vietnamese have not repaired their dikes from last year's floods.

I believe that the possibility of the large-scale civilian death and destruction which might emanate from an imprudent bombing policy might stand forever as a symbol of shame before the American people. In order to avert such a disaster, we should scrutinize our policy carefully in an effort to protect against grave mistakes.

Accordingly, I would appreciate a prompt answer to the questions I have raised herein.

Sincerely,

John V. Tunney,
U.S. Senator.

Further, Mr. President, I ask unanimous consent that the contents of an open letter from Judge Philip Jessup to the President be printed at this point in the Record. Judge Jessup is the only surviving retired American judge on the International Court of Justice. I believe that the contents of his letter should be considered carefully by us all.

There being no objection, the letter was ordered to be printed in the Record, as follows:

An Open Letter to the President of the United States Concerning the Bombing of Dikes in North Vietnam

Dear Mr. President: It is disturbing to note the recent Government intelligence report finding that American bombing had damaged North Vietnam's dike system at 12 locations whereas at a news conference several weeks ago you rejected reports of Western reporters and diplomats that American bombing of such dikes had occurred as "inaccurate."

There are moments in history when all humanity must unite to avert an impending disaster; moments when all people everywhere must put aside parochial interests, and even important ideological and political concerns, to deal with an overriding human crisis.

Such a moment is upon us now.

There is no longer any serious doubt that American aircraft are bombing dikes and dams in North Vietnam. Equally certain is the fact that destruction of the dike system could mean death, famine and misery for millions within a few months. You yourself have said that bombing the dikes could cause "extraordinary" civilian casualties.

It must be recognized that American bombing of the dikes is not just another political issue, not merely another Vietnam issue. The destruction of North Vietnam's dike system would cause one of the greatest human catastrophes of the twentieth century, an event on a par with the atomic bombing of Japan, the German massacre of Jews during World War II.

The issue of destruction of the dikes transcends the political debate surrounding the Indochina War. Even those still supporting the Administration's position on Indochina are legally and morally bound to oppose the bombing of the dikes—for humanitarian reasons and the good name of the United States.

Secretary-General Kurt Waldheim of the United Nations and Dr. Eugene Carson Blake, General Secretary of the World Council of Churches are to be commended for their humanitarian appeals to you, Mr. President, to see that no further injury is caused to the dikes and dams in North Vietnam—to avoid a catastrophe that would be unpardonable.

In their response to Secretary-General Waldheim's appeal not to bomb the dikes, American officials have distorted and evaded the main issue. Secretary of State Rogers has addressed himself solely to the question of intent, denying that the bombing of dikes was "deliberate"; yet he does not seem to have denied the fact that bombs have struck on or near the dikes and that they have been damaged.

Other American officials have said only that the dikes are not being "deliberately" targeted; while some officials have conceded that some dikes might have been hit "inadvertently" during the continued heavy American bombing of North Vietnam, as a number of Western reporters and diplomats posted in Hanoi have reported.

Secretary-General Waldheim had in fact taken pains to make clear that he was not accusing the United States of deliberately bombing North Vietnam's vital and highly vulnerable flood control network. His main concern was that the United States was bombing dikes—a fact it now has admitted.

The humanitarian appeal of the Secretary-General—the official spokesman of the international community—deserves a more forthright response from the United States Government: the President of the United States should issue a categoric order prohibiting bombing in the regions of the dikes and dams in North Vietnam and see that such order is scrupulously observed.

The monsoon waters will be at a peak within the month of August. Mr. President, you must act now, before it is too late. The President of the United States has a special responsibility under "The Principles of International Law Recognized in the Charter of the Nuremburg Tribunal," which was adopted unanimously by the first General Assembly of the United Nations at the initiation of the United States.

There is ample documentation available indicating the present threat to North Vietnam's dike system. The following points are critical.

(1) North Vietnam's dike system is vital to the survival of over ten million people. The 2,500 miles of dikes running through the Red River Valley protect a population of more than ten million from raging monsoon waters which reach a peak this year during the month of August. If the dike system is hit, and particularly if key sluice-gates are destroyed, hundreds of thousands of civilians could drown in a few days. Millions more would face starvation due to destruction of their rice crop and livestock and the American blockade of food and medicine presently in force. Flooding could be caused by any combination of the following acts: direct attacks on the dikes or sluice-gates; indirect attacks meant to weaken dike foundations; successful increases in rainfall due to weather modification by the U.S.

(2) American aircraft are currently striking the dike system. A wide variety of eyewitness reports by Western observers confirm the strikes against dikes. Particularly noteworthy is the July 11 dispatch by an Agence France Presse journalist, Jean Thoraval, describing an attack against a dike upon which he was standing. Film of more than a kilometer of a bombed-out dike taken by a Swedish TV journalist, Erik Erikson, has been shown on nationwide television both within the U.S. and in other countries. Joseph Kraft, Washington Post columnist reporting from North Vietnam, has written that the evidence is clear that dikes have been hit. And in an unprecedented action for a diplomat, the Swedish Ambassador to Hanoi, Jean-Christophe Oberg, has called upon world opinion in the strongest possible terms to prevent further bombing of the dikes which he has himself witnessed.

Equally important, Secretary of Defense Laird and Pentagon and State Department spokesmen have acknowledged that U.S. aircraft are striking dikes. Although some Americans may accept their justification that dikes are not being "targeted" as such, but rather targeted as roads or anti-aircraft sites, this is clearly a secondary issue. The fact that these American officials admit striking the dikes—for whatever reasons—is of paramount importance.

The notion implicit in the American position that the United States has a legal or moral right to wage war against a small, peasant country 10,000 miles away which has never attacked the United States—and indeed to bomb defensive installations claimed to be present on such dikes, especially where the consequences, even if unintended, may be catastrophic floods—indicates how far the United States has departed from the principles and purposes of the United Nations Charter whose dominant purpose was "to save succeeding generations from the scourge of war."

(3) *American bombing attacks may help cause mass floods in the coming months.* American officials predict that there will be flooding in North Vietnam within the coming period, thus corroborating the unprecedented appeals to world opinion made by North Vietnam about possible flooding. Claims by American officials that such flooding will be caused by the failure of the Vietnamese to repair damage to dikes from last year's floods cannot be taken seriously. All visitors to Hanoi report that the Vietnamese have not only repaired the dikes from last year, but have reinforced many key sections.

As Ambassador Oberg has stated:

"The greatest danger just now is the bombing of dams and locks. If there are further attacks, there may be an enormous catastrophe . . . everyone, even diplomats, must react as human beings . . . the Americans are now beginning to speak of the inability of the North Vietnamese to maintain their system of dikes. For someone who has seen the work carried out by the North Vietnamese continually to improve and reinforce their dikes, this looks like an attempt to provide an alibi. If a catastrophe occurs in a few months, at the time of the monsoon, we shall know who is responsible. But this must not be allowed to happen. The lives of millions of people are in jeopardy . . ."

We can only echo Ambassador Oberg's urgent call: "This must not be allowed to happen."

For humanitarian reasons and the good name of the United States, we ask, Mr. President, that you issue forthwith a categoric order prohibiting all bombing in the areas of the dikes in North Vietnam and see that such order is scrupulously observed.

Mr. TUNNEY. Mr. President, there can be no more bombing of the dikes, not one more hit, because that time has finally come. Now, it is for that reason that I introduce this resolution.

Mr. HARRIS. Mr. President, I am pleased to join the distinguished Senator from California and others to discuss this very serious matter.

Mr. President, Harry McPherson, White House Counselor under President Johnson, has described in his recent account of the Johnson Presidency the final luncheon of Secretary of Defense Robert McNamara. According to McPherson, McNamara on this farewell occasion sharply denounced U.S. bombing policy of which he was a prime architect in Vietnam. McNamara was particularly critical and embarrassed that the United States had dropped on one small Asian country more bombs than it had dropped on Japan and Germany throughout World War II. Luncheon guests listened in awkward silence. Future Secretary of Defense Clark Clifford followed McNamara's remarks intently. The others shifted uneasily in their chairs.

Mr. President, I think that many in the Senate today must feel like the participants at that luncheon. Certainly, it is not pleasant for any Senator to discuss the question of possible U.S. bombing of the dikes in North Vietnam. For even posing this question simply raises another question, far more important. What limits is the United States willing to set to the amount of destruction which it is causing in Vietnam? How far is it willing to go in the defense of a military dictatorship in whose name we have already sacrificed 50,000 of our own and hundreds of thousands of men, women, and children living in Vietnam.

I do not believe anyone in the Senate is in a position to know whether the United States is causing any serious damage to the dikes, either intentionally or accidentally. But we all see a pattern repeating itself which can only alarm and dismay us.

First, we read claims from the North Vietnamese that the United States is carrying out some military action. Second, we hear the heated denials from the Pentagon. Third, we learn from foreign diplomats that the United States is in fact carrying out the action charged. This sort of occurrence seems to go on and on in Vietnam. Fourth, the State Department then acknowledges that there is partial truth to the charges but that the U.S. policy nonetheless remains unchanged. What has happened is an accident. Fifth, some U.S. newspaperman documents that the United States is doing precisely what was originally charged. Finally, the White House admits that the reports are true and denounces those who have uncovered this fact as unpatriotic.

Mr. President, the Senate this week attempted to set broad guidelines to our policy in Vietnam. By adopting the Brooke amendment, which I supported along with the majority of those who voted on this question in the Senate, the Senate stated that it insisted on an end to U.S. involvement in the war within 4 months provided U.S. prisoners of war are returned. Some may ask, therefore, why the Senate must now attempt to speak on an issue that ordinarily might be considered a tactical decision on the part of the President.

The answer is quite clear. The Senate must speak out on the issue of the dikes because the damage which would result from their destruction poses moral questions of an entirely novel order.

Destroying the dikes in North Vietnam could be the equivalent of dropping nuclear weapons on North Vietnam. In 1944/45 sections of the Red River dikes in North Vietnam were broken by the U.S. Air Force, and some 225,000 hectares of rice land, or about ¼ of the total under cultivation, were ruined. That natural calamity became an atrocity when the Japanese occupation authority requisitioned much of the available paddy for its own purposes, leaving an estimated 2 million Vietnamese to starve to death.

Lest anyone conclude that this episode from World War II has no relevance for the debate today, I would like to quote from a memorandum which appears in the Pentagon papers. The author was Assistant Secretary of Defense John McNaughton. He wrote:

> Destruction of locks and dams, however—if handled right (perhaps after the next pause) offer promise. It should be studied. Such destruction does not kill or drown people. By shallow flooding the rice, it leads after time to widespread starvation (more than a million?) unless food is provided—which we could offer to do at the conference table . . .

Mr. President, this week the administration finally admitted that some dikes had been hit—12, I believe it was said—albeit the administration claimed accidentally. Yet despite a denial that any damage was intentional, speculation continues that the United States may at some point in the future bomb the dikes deliberately.

Indeed, Mr. President, if we stopped the horrible bombing altogether, as we should, then there would be no chance, even accidentally, that these dikes would be bombed.

But in any event there is only one way to end the speculation which has occurred in this country and throughout the world, speculation that cannot be laid only to propaganda of the North Vietnamese. That is to state flatly without any ambiguity that the United States will not attack the dikes at any point in the future regardless of whatever turn the war may take.

Such action would have the added advantage of forcing us to take every step to prevent the accidental bombing of the dikes.

I commend the President's statements pointing out that we have not destroyed the dikes because this would lead to enormous civilian casualities. But I strongly believe we have reached the point now with regard to possible bombing of the dikes that we reached some time ago with regard to the possible use of nuclear weapons. Because U.S. statements were unclear and our actions questioned, we categorically ruled out the use of nuclear weapons in Vietnam. It is now time that we make the same kind of pledge with regard to the possible bombing of the dikes.

Mr. President, the resolution we are introducing today would declare this to be the sense of the Senate regarding U.S. policy.

As I said when I began, I am very pleased to join with the distinguished Senator from California (Mr. TUNNEY) and with other Senators in urging the speedy adoption of the resolution, and I appreciate this opportunity to speak concerning it.

Mr. KENNEDY. Mr. President, I am pleased to join with Senator TUNNEY and the other sponsors of the Senate resolution being introduced today to express the sense of the Senate in opposition to the bombing of the dikes in North Vietnam.

The resolution emphasizes that the Senate is in full agreement with the stated policy of the President against the bombing of the dikes. The resolution specifically calls attention to the facts that North Vietnam's system of dikes protects the lives of millions of innocent civilians, and that the bombing of the dikes would cause an extraordinary number of civilian casualties. Clearly, a concerted effort to attack the dikes would cause death and devastation on a scale perhaps unparalleled in the history of mankind, and it is entirely proper in this resolution that the Senate should express its desire to prevent such an unconscionable tragedy.

To me, the present growing outcry over the dikes is but the latest sorry chapter in the continuing tragic story of America's involvement in the Vietnam war, and our inability to avoid or even recognize the inevitable consequences of our actions. The dikes have now become a focus of opposition to our bombing policy, a symbol of the horror of a policy that threatens a backward Asian country with total destruction if it refuses to bow before our will.

Today and every day, American planes are bombing North Vietnam with an intensity and inhumanity never known before in the entire history of our involvement in this war. The tonnage of bombs unleashed over North Vietnam in recent weeks defies our imagination and understanding. The figures themselves are numbing—112,460 tons of bombs dropped over Indochina in June, double the amount that was dropped last January, and the end is not in sight. Respected American columnists on visits to North Vietnam describe pieces of human beings seen in the rubble of Hanoi and Haiphong. Observers speak in terms of tens of millions of bomb craters in Indochina, and they liken parts of North Vietnam to the lunar landscape in describing the devastation we have caused.

Other journalists have described in vivid detail the patterns of carpet-bombing used by American B-52's to carry out their raids—a geometric pattern of bombs released by several planes to saturate a target area when the precision of individual bombs and planes is insufficient to insure the kill.

To be sure, in recent weeks, we have heard much of our so-called smart bombs and television-guided bombs, as though somehow the raids over North Vietnam were being carried out with a precision capable of avoiding any unwanted civilian casualty or installation.

But we see today only a pale shadow of the truth. We in Congress simply do not know the full extent of the destruction we are watching. Probably, the Defense Department does not even know for sure. But we do know the expanding nature of the targets authorized to be hit, as the President seeks to carry out his calculated policy of using whatever amount of American bombs are necessary to cripple the economy of North Vietnam.

Inevitably, as the President tells us, innocent civilians are being killed. Those cement plants and steel mills and powerplants and railroad yards are peopled by human beings. The President attempts to justify these casualties by invoking the civilian casualties suffered in the South at the hands of North Vietnam, but that is hardly a justification the American people can accept.

Inevitably, as the President also tells us, some dikes are hit as well. And just as inevitably, the report was greeted with substantial skepticism by an American public so recently bruised by the Lavelle affair and so long familiar with the sorry record of candor of our Government on the war.

Last week, the State Department sought to mute the growing controversy by releasing a report that attempted to minimize the damage. The report, based on aerial reconnaissance, asserted that only 12 areas had been hit on North Vietnam's dikes, and that each of the areas was adjacent to what the administration regards as a legitimate military target.

The State Department report is all the more ominous because it so clearly raises a disturbing question of the real meaning of the President's stated policy against the bombing of the dikes. Clearly, if the dikes are in close proximity to a potential bombing target, the policy of the administration is to bomb the target anyway, regardless of the consequences for the dikes. It doesn't take a Philadelphia lawyer to label this policy for what it is—a policy of deliberately bombing dikes. If the direct result of bombing a target beside a dike is that bombs will inevitably hit the dike, then the dike is being bombed as deliberately as if the dike itself were the target.

And so I urge the administration to recognize the drastic implication of its policy, and to take immediate action to prevent any destruction of the dikes of North Vietnam. Surely, in the name of decency, the military priorities of the administration and its policy of massive bombing must yield to the simple human fact that countless innocent lives are being jeopardized when the dikes are bombed. Surely, in its unseemly zeal to bomb the North into a settlement of the war before election day, the administration can at least pull back from the awful brink of destruction and spare the dikes. Surely, America can forgo the destruction of a military target if it means the safety of a dike.

One more point should be made. The issue of the bombing of the dikes has become a cause of legitimate and substantial concern throughout the world. The allegations about the dikes are clearly raising new and increasingly serious doubts in the international community about America's role in Vietnam. Perhaps the most ominous aspect of the controversy, apart from the enormous question of the validity of the allegations being made, is the extremely hostile, defensive and increasingly isolated posture the President has adopted in seeking to rebut the charges.

The latest incident was the President's news conference last week, in which he labeled the Secretary General of the United Nations as naive and a dupe of Hanoi for daring to raise the question of the dikes. Mr. Waldheim is a distinguished and respected diplomat who has the confidence of all the member nations of the United Nations. I deeply regret the desperate ad hominem attack he has now suffered at the hands of the administration for speaking out of conscience on what has already become one of the great moral issues of the war. The proper stance of the administration on the issue is to deal on the merits with the questions about the dikes, not to attack those who raise the issue.

Incidents like this demonstrate why the Senate resolution introduced today comes at such an important time. The Senate has its own responsibility to help resolve the issue of the dikes. It is my hope that the serious questions now outstanding about our policy will be answered at once, so that the conscience of America can be cleared, at least on this new and ominous aspect of the war. What is at stake here is not simply the outcome of the war, but the judgment of history on the actions of the United States against a tiny Asian nation.

Mr. PROXMIRE. Mr. President, I am delighted to be a cosponsor of the resolution putting the Senate firmly on record in opposition to the bombing of the dikes in North Vietnam.

It is almost impossible to determine with any accuracy what damage our planes are causing the dikes. On the one hand we have the sort of denial I received from the Defense Department on July 19 indicating that, and I quote:

> The remote possibility exists that in our bombing of . . . military targets minor damage may have occurred to dikes or small irrigation dams.

On the other hand we have accusations by the North Vietnamese that we are deliberately bombing a great number of dikes.

The truth undoubtedly lies somewhere in between.

I am quite sure that we are not engaged in a systematic attempt to destroy the dikes in the North. As this resolution makes clear, the President stated on June 29 that this was against American policy.

However, at a time when a ranking officer in South Vietnam, General Lavelle, can conduct unauthorized bombing raids and receive no more than a gentle slap on the wrist, it is entirely possible, even probable, that individuals charged with flying sorties might find it in accordance with their concept of national policy to take a few runs at the dikes.

This is why I believe today's resolution is so important. It not only makes it clear to our friends around the world who are understandably upset by the recent charges that the Senate does not condone attacks on North Vietnam's dike system. It also serves to discourage American airmen from taking steps that they may mistakenly feel are in our national interest, despite our official posture.

I am hopeful that the Senate can act quickly to implement this resolution.

I ask unanimous consent that my letter to Secretary of Defense Laird on this issue as well as the Defense Department's response be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

JUNE 27, 1972.

The Honorable MELVIN LAIRD,
Secretary of Defense, The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: The New York Times for June 26, 1972 carries a piece by Anthony Lewis raising the question of whether or not the United States is now bombing the dikes in North Vietnam.

Mr. Lewis cites the President's statement in April saying that it was something we wanted to avoid and that it was not needed.

He also cites a number of specific public statements, two of them by non-Vietnam sources asserting that the dikes have been bombed. One charged that "one of the dikes was completely cut" and another asserted that "Without doubt there is now systematic bombing of the dikes."

Mr. Lewis states that no one should doubt what bombing the dikes might mean. "It would bring into play, justifiably for once, that much abused word genocide."

I am writing to you to ask for a specific straightforward, unhedged, and unqualified statement by you as to the facts.

Has the U.S. bombed any of the dikes?

Is the U.S. systematically bombing the dikes?

If we are not bombing the dikes, would you cite the specific detailed orders which were given not to bomb them.

If we are bombing the dikes would you cite the specific authority under which you or the President specifically authorized the bombing.

We need an explicit statement of the facts and our policy *now*.

I would appreciate an immediate reply. If we are bombing, Congress and the U.S. public need to know it. If we are not, that should be made public in order to forestall charges which have no basis in fact.

I am enclosing Mr. Lewis' article.

With best wishes.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., July 19, 1972.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Secretary Laird has asked me to reply to your letter of June 27, 1972, concerning the alleged bombing of the dikes in North Vietnam by the United States.

The United States has exercised great restraint in our current bombing of North Vietnam. The US is *not* targeting dikes or dams in North Vietnam. Since some military targets, such as bridges and anti-aircraft artillery and missile sites are sometimes near dikes or dams, the remote possibility exists that in our bombing of these military targets minor damage may have occurred to dikes or small irrigation dams. Some enemy anti-aircraft sites have been placed on or near dikes and our pilots have the authority, and the inherent right of self-protection, to attack such sites in self-defense. Furthermore, there is an obvious possibility of damage to dikes or irrigation dams from North Vietnamese SAMs, downed MIGs or anti-aircraft shells falling back to earth.

It is quite clear that the North Vietnamese are conducting a worldwide propaganda campaign falsely alleging that the United States is systematically bombing their dike system. No doubt the United States will be blamed by North Vietnam for any and all damages to the dike system over the next few months.

In fact, floods occurred last year in North Vietnam *in the absence* of bombing partially because of the generally poor state of maintenance of the water conservancy system. Furthermore, the following warning on the neglected state of the system appeared in the official North Vietnamese newspaper, *Hanoi Moi*, on July 20, 1972:

"In some places the repair of the dike portions that were damaged by torrential rains in 1971 has not yet met technical requirements. A number of thin and weakened dikes which are probably full of termite colonies and holes have not yet been detected for repair. Therefore, cadres and people in the capital must absolutely not be subjective: Let each individual, locality and unit actively participate in the present dike-strengthening movement; especially in firming and solidfying the important portion of dikes. There is not much time before the torrential rain season."

These facts should set the record straight on our actual bombing policies and North Vietnamese allegations.

Sincerely,

DENNIS J. DOOLIN.

SENATE RESOLUTION 343—SUBMISSION OF A RESOLUTION RELATING TO BRIEFING OF MEMBERS OF THE SENATE ON STRATEGIC ARMS

(Referred to the Committee on Foreign Relations.)

Mr. ROTH (for himself, Mr. COOPER, and Mr. BOGGS) submitted the following resolution:

S. Res. 343

Whereas the agreements between the United States and the Soviet Union relating to strategic arms imposes constraints on the forces required for the national security of the United States; and

Whereas such constraints are in the best interest of the United States only if both parties adhere to both the letter and the spirit of the agreements; and

Whereas the Congress of the United States in consenting to such agreements has an obligation to the people of the United States to assure that the security of the United States is not compromised by any action taken by the United States or the Soviet Union; and

Whereas the Congress also has an obligation to assure that the agreements provide the basis for possible reductions in the respective strategic forces; and

Whereas it is essential to the future security of the United States that all Members of the Senate be fully informed regarding the status of negotiation and the strategic balance: Now therefore be it

Resolved, That it is the sense of the Senate that the majority and minority leaders, together with the chairmen and ranking members of the Committee on Foreign Relations and the Committee on Armed Services of the Senate should use their good offices to arrange for the comprehensive briefing of Senators who are not members of the two committees at least once each year, in groups of 20 or less, by the Secretary of State, the Secretary of Defense, the Director of the Central Intelligence Agency, or the Director of the Arms Control and Disarmament Agency concerning the strategic posture, development of new strategic systems, and research bearing on the strategic balance of the Soviet Union and the United States, and the state of negotiations with the Soviet Union limiting strategic offense arms.

HANDGUN CONTROL ACT OF 1972—AMENDMENT

AMENDMENT NO. 1398

(Ordered to be printed and to lie on the table.)

GUN REGISTRATION AND LICENSING AMENDMENT

Mr. KENNEDY. Mr. President, I take this opportunity to introduce an amendment to S. 2507, the Handgun Control Act of 1972. I am pleased to announce that Senator Williams, Senator Javits, and Senator Case have joined in support of my amendment.

The first title of my proposal requires the registration of all civilian owned firearms—including all rifles, shotguns, and handguns.

The second title of the amendment directs the Secretary of the Treasury to establish a nationwide system to license all gunowners.

With this amendment we shall produce substantial progress toward the realization of a standardized nationwide Federal firearms control system. The provisions in this amendment authorize the Secretary of the Treasury to establish controls on firearms that I originally included in a bill introduced on February 17, 1971—S. 831, the Personal Safety Firearms Act of 1971.

In introducing this measure today, the supporters of the amendment share my conviction that gun registration and licensing regulations, working in concert with the provisions of S. 2507 to ban cheap handguns, will greatly reduce the number of names on the annual list of 20,000 gun deaths—a list that grows longer each year.

It was less than 6 weeks ago when I testified before the chairman of the House Judiciary Committee that neither the Senate nor the House need more hearings on gun control. The time for hearings has passed. It is now time for the Congress to act. During my 10 years in the Senate, the Judiciary Committee in this body has held 43 days of public hearings; committee members have convened in 12 days of executive sessions, and committee records bulge with thousands of pages of testimony from 186 witnesses. During hearings in 1968 distinguished witnesses clearly made the case for registering guns and licensing gunowners. At least five commissions appointed by the President have recommended the enactment of Federal firearms, licensing and registration systems. Thus, the amendment I am offering today does not present any newly constructed proposals.

It does not confront the Senate with ideas or plans that have yet to be studied or investigated. Indeed, this same amendment has been pending in the Judiciary Committee for 17 months. Today I am presenting the Senate with a renewed opportunity to establish its commitment to end the unbridled assault of gun violence in America. I am offering to the Senate an amendment that requires no extensive explanation to understand its purpose. For, if ever there was a legislative proposal offered to Senators that was readily understood—gun registration and licensing is such a proposal.

Under my amendment, registration information on all firearms—handguns, shotguns, and rifles—will be referred by local registration offices to the National Crime Information Center maintained by the Federal Bureau of Investigation. In this way, enforcement officers throughout the country can trace the ownership of any firearm.

A person who carries a firearm must have with him a certificate of registration, which he must exhibit upon the demand of any law-enforcement officer.

A violation of the registration provisions is punishable by imprisonment for up to 5 years, a fine of up to $5,000, or both. Any purposeful falsification or forgery of registration information is punishable by imprisonment for up to 5 years, or a fine of up to $10,000 or both.

President Johnson said if it makes sense to register automobiles, boats, bicycles, and dogs, why then do we not register the guns in our Nation's homes?

Firearms registration will tell us how many guns there are, where they are and in whose hands they are held. I am convinced that it makes no sense for guns to remain as free floating in our society as flashlights or ballpoint ink pens. Any restriction imposed by firearms registration that prevents even one gun killing fully justifies the development and maintenance of a firearms registration system.

My proposal for legislation to enact restraints against the misuse of guns authorizes the Secretary of the Treasury to establish periods of amnesty for all gunowners to voluntarily turn in any weapons they wish to give up, and to receive reasonable compensation for the surrender of such weapons. Authorities know that gunowners want to safely remove firearms from homes or places where they may be stolen or where accidents may occur.

After the city of San Francisco enacted a gun licensing statute in 1968, at least 1,500 guns of every description were voluntarily turned in to the San Francisco Police Department. City officials confirmed the public commitment to the elimination of gun violence by forging the metal from these guns into a 9-foot statue of St. Francis of Assisi.

Finally, my amendment requires every gunowner to obtain a license before he may be entrusted with a gun.

Under the provisions of my amendment, if a State does not adopt a firearms permit system that meets minimum specified standards, Federal licensing will become effective until the State adopts an adequate permit system.

No person, whether a licensed dealer or a private individual, may sell firearms or ammunition to an individual who does not have either an adequate State permit or a Federal gun license. In addition, no one may possess a firearm or ammunition unless he has either an adequate State permit or a Federal gun license. To qualify as having an adequate permit system, a State must restrict the issuance of permits applied for by convicted felons, fugitives from justice, mental defectives, alcoholics, juveniles, and drug addicts, and must adequately investigate applicants prior to the issuance of permits.

In States that do not enact an adequate permit system, Federal gun licenses, valid for up to 3 years, will be issued by federally licensed dealers upon receipt—from both the chief law enforcement officer of an applicant's locality and a licensed physician—of information bearing upon his eligibility for a Federal gun license.

The litany of statistics that gun violence produces is astounding—3,000 Americans die each year from gun accidents; 7,000 people use guns to kill themselves; 10,000 people are murdered with guns; 20,000 suffer gunshot wounds; 71,000 aggravated assaults occur with guns and 113,000 robberies take place at gunpoint.

These appalling numbers are more than sufficient justification for the Senate to accept my amendment to the bill that Senator Bayh has skillfully guided through the Committee on the Judiciary.

Earlier this week the Senate made a courageous step toward cutting off the flow of resources that feed the destructive machinery of war in Vietnam.

Mr. President, it is time again for the Senate to display a vigorous show of courage by approving this comprehensive package of gun controls to aid in stemming the bloody flow of destruction by gunfire here at home.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the Record.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 2, line 5, strike out the word "Handgun" and insert in lieu thereof the word "Firearm".

On page 2, between lines 6 and 7, insert the following new title:

TITLE I—HANDGUN CONTROL

On page 2, line 7, strike out "Sec. 2" and insert in lieu thereof "Sec. 101".

On page 2, line 17, strike out "Sec. 3" and insert in lieu thereof "Sec. 102".

On page 4, line 6, strike out "Sec. 4" and insert in lieu thereof "Sec. 103".

On page 10, line 20, strike out "Sec. 5" and insert in lieu thereof "Sec. 104".

On page 11, line 3, strike out "Sec. 6" and insert in lieu thereof "Sec. 105".

On page 12, line 1, strike out "Sec. 7" and insert in lieu thereof "Sec. 106".

On page 12, line 4, strike out "Sec. 8" and insert in lieu thereof "Sec. 107".

On page 12, after line 6, insert the following new title:

TITLE II—FIREARM REGISTRATION

SEC. 201. Title 18, United States Code, is amended by inserting after chapter 44 the following new chapter:

Chapter 44A.—FIREARM REGISTRATION

"Sec.
"931. Definitions.
"932. Registration.
"933. Sales of firearms and ammunition.
"934. Penalties.
"935. Disposition of firearms to Secretary.
"936. Rules and regulations: periods of amnesty.
"937. Disclosure of information.
"938. Assistance to the Secretary.

"§ 931. Definitions

"As used in this chapter—

"(1) The term 'firearm' means a weapon (including a hand-held firearm and a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, but shall not include a firearm as that term is defined in chapter 53 of the Internal Revenue Code of 1954 or an antique firearm as defined in section 921 of this title.

"(2) The term 'hand held firearm' means any weapon designed or redesigned to be fired while held in one hand; having a barrel less than ten inches in length and designed or redesigned or made or remade to use the energy of an explosive to expel a projectile or projectiles through smooth or rifled bore.

"(3) The term 'Secretary' means the Secretary of the Treasury.

"(4) The term 'licensed dealer' means any importer, manufacturer, or dealer licensed under the provisions of chapter 44 of this title.

"(5) The term 'ammunition' means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

"(6) The term 'sell' means give, bequeath or otherwise transfer ownership.

"(7) The term 'possess' means asserting ownership or having custody and control and subject to termination by another or after a fixed period of time.

"§ 932. Registration

"(a) It is unlawful for a person knowingly to possess a firearm not registered in accordance with the provisions of this section. This subsection shall not apply with respect to—

"(1) a firearm, previously not registered, if such a firearm is held by a certified dealer for purposes of sale: *Provided*, That records of such firearms are kept as may be required by the Secretary;

"(2) a firearm possessed by a person on the effective date of this Act and continuously by such person thereafter for a period not to exceed one hundred and eighty days;

"(3) a firearm, previously not registered, possessed by (A) the United States or any department or agency thereof, or (B) any State or political subdivision thereof.

"(b) (1) A certified dealer who sells a firearm to a person in whose possession the firearm must be registered shall require from the purchaser a completed application for registering the firearm and shall file the application with the Secretary at the time of sale.

"(2) When a person other than a certified dealer sells a firearm, the purchaser shall file an application for its registration with the Secretary prior to receipt of the firearm.

"(3) A person who possesses a firearm on the effective date of this Act shall, unless he sooner sells the firearm, file an application for registration of the firearm with the Secretary within one hundred and eighty days.

"(c) An application for registration of a firearm shall be in a form to be prescribed by the Secretary, which shall include at least the following:

"(1) the name, address, date and place of birth, photograph and social security or taxpayer identification number of the applicant;

"(2) the name of the manufacturer, the caliber or gage, the model and the type, and the serial number of the firearm; and

"(3) the date, the place, and the name and address of the person from whom the firearm was obtained, the number of such person's certificate of registration of such firearms, if any, and, if such person is a licensed dealer, his license number.

"(d) An application for registration of a firearm shall be in duplicate. The original application shall be signed by the applicant and filed with the Secretary, either in person or by certified mail, return receipt requested, in such place as the Secretary by regulation may provide. The duplicate shall be retained by the applicant as temporary evidence of registration. The Secretary after receipt of a duly filed completed application for registration, shall send to the applicant a numbered registration certificate identifying such person as the registered owner of such firearm.

"(e) The certified record of a firearm shall expire upon any change of the name of the registered owner or residence unless the Secretary is notified within thirty days of such change.

"(f) It is unlawful for a person to carry a firearm required to be registered by this chapter without having a registration certificate or if such certificate has not been received, temporary evidence of registration or to refuse to exhibit such certificate or temporary evidence upon demand of a law enforcement officer.

"§ 933. Sales of firearms and ammunition

"(a) A registrant of a firearm who sells the firearm shall, within five days of the sale, return to the Secretary his registration certificate noting on it the name and residence address of the transferee, and the date of delivery.

"(b) Whoever acquires a firearm required to be registered by this chapter shall require the seller to exhibit a registration certificate and shall note the number of the certificate on his application for registration.

"(c) A licensed dealer shall not take or receive a firearm by way of pledge or pawn without also taking and retaining during the term of such pledge or pawn the registration certificate.

"If such pledge or pawn is not redeemed the dealer shall return the registration certificate to the Secretary and record the firearm in his own name.

"(d) The executor or administrator of an estate containing a registered firearm shall promptly notify the Secretary of the death of the registered owner and shall, at the time of any transfer of the firearm, return the certificate of registration to the Secretary as provided in subsection (a) of this section. The executor or administrator of an estate containing an unrecorded firearm shall promptly record the firearm, without penalty for any prior failure to record it.

"(e) Whoever posseses a firearm shall within ten days notify the Secretary of a loss, theft or destruction of the firearm, and, after such notice, of any recovery.

"(f) A licensed dealer shall not sell ammunition to a person for use in a firearm required to be registered without requiring the purchaser to exhibit a certificate of registration or temporary evidence of registration of a firearm which uses such ammunition, and noting the certificate number or date of the temporary evidence of registration on the records required to be maintained by the dealer pursuant to section 923 (g) of this article.

"§ 934. Penalties

"(a) Whoever violates a provision of section 932 or section 933 shall be punished by imprisonment not to exceed five years, or by a fine not to exceed $5,000, or both.

"(b) Whoever knowingly falsifies any information required to be filed with the Secretary pursuant to this chapter, or forges or alters any certificate of registration or temporary evidence of registration, shall be punished by imprisonment not to exceed five years or a fine not to exceed $10,000 or both.

"(c) Except as provided in subsection (b), no information or evidence obtained from an application or certificate of registration required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued by the Secretary, shall be used as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application for registration containing the information or evidence.

"§ 935. Disposition of firearms to Secretary

"(a) The Secretary is authorized to pay reasonable value for firearms voluntarily relinquished to him.

"(b) A person who lawfully possessed a firearm prior to the operative effect of any provision of this title, and who becomes ineligible to possess such firearm by virtue of such provision, shall receive reasonable compensation for the firearm upon its surrender to the Secretary.

"§ 936. Rules and regulations; periods of amnesty

"The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter, including reasonable requirements for the marking of firearms that do not have serial numbers, and may declare periods of amnesty for the registration of firearms.

"§ 937. Disclosure of information

"Information contained on any certificate of registration or application therefore shall not be disclosed except to the National Crime Information Center established by the Federal Bureau of Investigation, and to law enforcement officers requiring such information in pursuit of their official duties.

"§ 938. Assistance to the Secretary

"When requested by the Secretary, Federal departments and agencies shall assist the Secretary in the administration of this title."

TITLE III—FIREARM LICENSING

SEC. 301. Chapter 44 of title 18, United States Code is amended by inserting after section 923, the following new section:

"§ 923A. State permit systems; Federal firearms licensing

"(a) The Secretary shall determine which States or political subdivisions of States have enacted or adopted adequate permit systems for the possession of firearms and shall publish in the Federal Register the names of such States and political subdivisions.

"(b) An adequate permit system shall include provisions for:

"(1) identification of the permit holder appearing on the permit including name, address, age, signature and photograph;

"(2) restrictions on issuance of a permit to a person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or who is a fugitive from justice;

"(3) restrictions on issuance of a permit to a person who, by reason of age, mental condition, alcoholism, drug addiction or previous violations of firearms laws cannot be relied upon to possess or use firearms safely and responsibly;

"(4) means of investigation of applicants for permits to determine their eligibility under subparagraphs (2) and (3), including filing with the issuing agency a complete set of fingerprints and a recent photograph of the applicant; and

"(5) prohibition of possessions of firearms or ammunition by any person who has not been issued such a permit.

"(c) It shall be unlawful for any person to sell or otherwise transfer any firearm or ammunition to any person (other than a licensed importer, licensed manufacturer or licensed dealer) unless:

"(1) the sale or transfer is not prohibited by any other provision of this chapter; and

"(2) the purchaser or transferee exhibits a valid permit issued to him by a State or political subdivision having an adequate permit system, or the purchaser or transferee exhibits a valid Federal gun license issued in accordance with subsections (d) and (e).

"(d) A licensed dealer shall issue a Federal gun license to a person upon presentation of:

"(1) a valid official document issued by the person's State or political subdivision, showing his name, current address, age, signature and photograph;

"(2) a statement, in a form to be prescribed by the Secretary and dated within six months and signed by the chief law enforcement officer (or his delegate) of the locality of residence of the person, that to the best of that officer's knowledge that person is not under indictment, has not been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, is not a fugitive from justice, and is not otherwise prohibited by any provision of Federal, States, or local law from possessing firearms and ammunition;

"(3) a statement in a form to be prescribed by the Secretary, dated within six months and signed by a licensed physician, that in his professional opinion such person is mentally and physically capable of possessing and using a firearm safely and responsibly;

"(4) a statement signed by the person in a form to be prescribed by the Secretary, that he may lawfully possess firearms and ammunition under the laws of the United States and of the State and political subdivision of his residence;

"(5) a complete set of such person's fingerprints certified to by a Federal, State or local law enforcement officer, and a photograph reasonably identifying the person.

"(e) Federal gun licenses shall be issued in such form as the Secretary may prescribe, and shall be valid for a period not to exceed three years. A dealer shall maintain a record of all licenses issued by him as part of the records required to be maintained by section 923(g) of this chapter, and shall forward to the Secretary the documents described in subparagraphs (d)(2)-(d)(5).

"(f) Any person denied a Federal gun license under subsection (d) may apply directly to the Secretary, for the issuance of a Federal gun license.

"(g) Unless otherwise prohibited by this chapter, a licensed dealer may ship a firearm or ammunition to a person only if the dealer confirms that the purchaser has been issued a valid permit pursuant to an adequate state permit system, a Federal gun license, or a Federal dealer's license, and notes the number of such permit or license in the records required to be kept by section 923 of this chapter.

"(h) No person may possess a firearm or ammunition without a valid state or local permit, if he is resident of a State or locality having an adequate permit system, or a Federal gun license.

"(i) Determinations of adequate permit systems and denials by the Secretary of Federal gun licenses shall not be subject to the provisions of chapter 5, title 5, United States Code, but actions of the Secretary shall be reviewable de novo pursuant to chapter 7, title 5, United States Code, in an action instituted by any person, State or political subdivision adversely affected."

SEC. 302. The analysis of chapter 44 of title 18, United States Code is amended by inserting immediately after the item "923" the following:

"'923. Licensing.'

"'923A. State permit systems; Federal firearms licenses.'"

AMENDMENT NO. 1401

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK. Mr. President, congressional attention will focus shortly on gun control legislation. The choice we will be given seems to be restricting the domestic manufacture of "Saturday night specials," or, further, requiring registration of handguns or a ban on their ownership. It is my opinion that such changes will alter ownership patterns among law-abiding citizens, but I question the effect of such legislation on criminals.

I suggest that a change of much more immediate effect with respect to the use of handguns in crimes can be realized through the amendment I offer now to S. 2507, the Handgun Control Act of 1972. Congress attempted in the 1968 Gun Control Act to insure that criminals utilizing a weapon in the commission of a felony could be convicted of two separate offenses with the sentences imposed running consecutively.

Mr. President, a recent 10th Circuit Court of Appeals decision casts some doubt on Congress' intent. A Federal district court concluded that Congress did not intend a separate offense for use of a handgun in a felony, and that sentencing for purposes of a first offense could run concurrently. A circuit court of appeals held that use of a gun was a separate offense but sustained the district court's decision on sentencing. My amendment clarifies this and insures that the use of a handgun in the commission of a felony will be a separate offense calling for consecutive sentencing. The deterrent is obvious. A second felony for purposes of the habitual criminal statutes is added, and the possible period of incarceration is extended.

Mr. President, my amendment would also remove the present requirement that the firearm be carried unlawfully—that is, in violation of State, local, Federal law—during the commission of a felony. It would be a separate felony to carry a handgun while committing a crime even if possession of the firearm were itself not illegal.

Mr. President, the possible penalties under my amendment are 1 to 10 years for using a gun for a first offense or 2 to 25 years for subsequent convictions. The terms of imprisonment may not be suspended, probation may not be granted, and the terms must be served consecutively.

Mr. President, it is my earnest belief that this will have a far greater impact on criminals and the instance of crimes involving handguns than prohibiting the domestic manufacture of "Saturday night specials."

NATIONAL NO-FAULT MOTOR VEHICLE INSURANCE ACT—AMENDMENT

AMENDMENT NO. 1399

(Ordered to be printed and to lie on the table.)

Mr. COTTON submitted an amendment to the bill (S. 945) to regulate interstate commerce and to provide for the general welfare by requiring certain insurance as a condition precedent to using the public streets, roads, and highways in order to have an efficient system of motor vehicle insurance which will be uniform among the States, which will guarantee the continued availability of such insurance, and the presentation of meaningful price information, and which will provide sufficient, fair, and prompt payment for rehabilitation and losses due to injury and death arising out of the operation and use of motor vehicles within the channels of interstate commerce and otherwise affecting such commerce.

FEDERAL REVENUE SHARING—AMENDMENT

AMENDMENT NO. 1400

(Ordered to be printed and referred to the Committee on Finance.)

Mr. ROTH. Mr. President, at this time I rise to introduce an amendment to H.R. 14370, the State and Local Fiscal Assistance Act of 1972. This amendment would permit taxpayers, after 5 years of revenue sharing, the choice of crediting 40 percent of their State and local personal income taxes against their Federal tax bill in lieu of the present deduction for such taxes. The purpose of this measure is to make it easier for State and local legislators to make more extensive use of personal income taxes when seeking new sources of revenue.

I am a Senate cosponsor of H.R. 14370, as I was of the President's proposal and earlier bills of this nature. While revenue sharing can be said to be necessary in a time of financial crisis, I do not think that it offers an adequate long-term solution to the fiscal difficulties of State and local governments. It further has the disadvantage of placing the spending and taxing functions at different levels within our Federal system. Wider use of the more productive and equitable personal income taxes would lessen the need for revenue sharing and for our complex system of categorical grants.

A 40-percent Federal tax credit for State and local income taxes would allow our States and their subdivisions to raise more adequate revenues and spend them as they wish in meeting their responsibilities within the Federal system. To my mind, this is a creative device for restoring the traditional balance to our decentralized Federal system.

Mr. President, I ask unanimous consent that the brief explanation of Roth tax credit amendment to H.R. 14370 and a copy of my amendment be printed in the RECORD at the conclusion of my remarks.

There being no objection, the explanation and amendment were ordered to be printed in the RECORD, as follows:

BRIEF EXPLANATION OF ROTH TAX CREDIT AMENDMENT TO H.R. 14370

1. *In General:* Amends H.R. 14370 by amending Internal Revenue Code of 1954 to permit a credit of 40% of state and local individual income taxes against a taxpayer's final Federal tax bill. This credit would first be permitted beginning in the taxable year beginning January 1, 1977, H.R. 14370's revenue sharing, being scheduled to terminate on December 31, 1976.

2. *Purpose of the Amendment:* To provide a long-term solution to fiscal imbalance in the Federal system by strengthening the revenue-raising capacities of states and their communities. If non-Federal legislators could tell their constituents that 40% of their state-local income taxes could be credited against their Federal tax bill, it would be easier for them to make wider use of this tax. Such wider use of a tax, which grows with the economy and is relatively more equitable, would permit states and localities to more fully meet their responsibilities within the Federal system. This development might well lessen our dependence on a complex, encumbered, and often irrational system of categorical grants. Federal tax credits would also be useful in lessening interstate and intrastate tax competition.

3. *Taxes Creditable:* The amendment would permit the credit of only state and local personal income taxes; a taxpayer's distributive share of a tax imposed upon the income of a partnership of which he is a member, and a taxpayer's pro rata share of a tax imposed upon the income of an electing small business corporation by a state or locality (as defined in section 1371b of Internal Revenue Code). The personal income taxes to be credited must permit deductions for personal exemptions and dependents, or credits equivalent to those allowed against the Federal personal income tax.

4. *Relation to Current Deductions:* A taxpayer could choose between the current deductions for state and local income taxes and the 40% credit for personal income taxes. The current deductions apply to five major categories of state-local levies. The credit would be available to a wider group of taxpayers than the deduction, since one would not have to itemize his return to utilize the credit, as is the case with a deduction.

5. *Possible Impact of the Measure:* In 1969 the Advisory Commission on Intergovernmental Relations estimated that such a 40% credit would, during the first year after becoming effective, generate $2.1 billion in additional state-local income tax revenues at a cost of $2.5 billion foregone in Federal tax dollars. By the third year of operation, the ACIR estimated a gain of $7.2 billion with $5.1 billion foregone. At 1973 income levels, the Treasury Department estimates a $2 billion revenue loss to the Federal government.

6. *Report by Secretary of Treasury:* The Secretary is to report to Congress no later than March 1, 1980, on the success of the tax credit plan in generating state and local revenue and on the amount of Federal revenue foregone.

AMENDMENT NO. 1400

On page 65, after line 4, add the following new title:

TITLE III—PARTIAL FEDERAL INCOME TAX CREDIT FOR STATE AND LOCAL INCOME TAX PAYMENTS

STATE AND LOCAL TAX CREDIT

SEC. 301. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended (1) by renumbering section 42 as 43; and (2) by inserting after section 41 the following new section:

"SEC. 42. STATE AND LOCAL INCOME TAXES.

"(a) Allowance of Credit.—If an individual chooses to have benefits of this section, there shall be allowed to such individual as credit against the tax imposed by this chapter for any taxable year beginning after December 31, 1976, an amount equal to 40 percent of the State and local income taxes paid or accrued for such taxable year.

"(b) Definitions and Special Rules.—For purposes of this section—

"(1) STATE AND LOCAL INCOME TAXES.—The term 'State and local income tax' means only—

"(A) a tax imposed upon the income of the taxpayer, after the deduction of an amount for personal exemptions and dependents allowances or the subtraction of a tax credit or credits equivalent in amount to the amount allowed for this purpose under part V of subchapter B of chapter 1 (relating to deductions for personal exemptions);

"(B) the taxpayer's distributive share of a tax imposed upon the income of a partnership of which the taxpayer is a member; and

"(C) the taxpayer's pro rata share of a tax imposed upon the income of an electing small business corporation (as defined in section 1371 (b)) of which the taxpayer is a shareholder, by a State or any political subdivision thereof. In the case of a separate return by a married individual, the amount of State and local income taxes imposed upon the income of such individual shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) CHANGE OF ELECTION.—The choice as to whether an individual shall elect to have the benefits of this section may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for the taxable year with respect to which such State or local income tax was paid or accrued.

"(3) ADJUSTMENTS ON PAYMENT OF ACCRUED TAXES.—If accrued taxes when paid differ from the amounts used by an individual as the basis for claiming a credit under this section, or if any tax paid is refunded, in whole or in part, such individual shall notify the Secretary or his delegate, who shall redetermine the amount of the credit for the year or years affected. The amount of tax due on such redetermination, if any, shall be paid by such individual on notice and demand by the Secretary or his delegate, and the amount of tax overpaid, if any, shall be credited or refunded to the individual in accordance with subchapter B of chapter 66 (section 6511 and following). In the case of a State or local income tax accrued but not paid, but used as the basis for claiming a credit under this section, the Secretary or his delegate, as a condition precedent to the allowance of such credit may require such individual to give a bond, with sureties satisfactory to and to be approved by the Secretary or his delegate, in such sum as the Secretary or his delegate may require, conditioned on the payment by the individual of any amount of tax found due on any such redetermination; and the bond herein prescribed shall contain such further conditions as the Secretary or his delegate may require. In such redetermination by the Secretary or his delegate of the amount of tax due from such individual for the year or years affected by a refund, the amount of the taxes refunded with respect to which credit has been allowed under this section shall be reduced by the amount of any State or local income tax imposed with respect to such refund; but no credit under this section, and no deduction under section 164 (relating to deduction for taxes), shall be allowed for any taxable year with respect to such State or local income tax imposed on the refund. No interest shall be assessed or collected on any amount of tax due on any redetermination by the Secretary or his delegate, resulting from a refund to the individual, for any period before the receipt of such refund, except to the extent interest was paid on such refund by the State or local government for such period.

"(4) TAX IMPOSED BY THIS CHAPTER.—The tax imposed by this chapter for any taxable year does not include the tax imposed by section 56 (relating to minimum tax for tax preferences).

"(c) CROSS REFERENCES.—

"(1) for deductions of State and local income taxes, see sections 161 and 275.

"(2) for right of each partner to make election under this section, see section 703(b)."

(b) DISALLOWANCE OF DEDUCTION.—Section 275 (a) of such Code (relating to certain taxes not deductible) is amended by adding at the end thereof the following new paragraph:

"(6) State and local income taxes, if the individual chooses to take to any extent the benefits of section 42 (relating to State and local income taxes)."

TECHNICAL AMENDMENTS

SEC. 302. (a) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the item relating to section 42 and inserting in lieu thereof the following:

"SEC. 42. State and local income taxes.

"SEC. 43. Overpayments of tax."

(b) Section 37(a) of such Code (relating to retirement income) is amended by striking out "and section 35 (relating to partially tax-exempt interest)" and inserting in lieu thereof "section 35 (relating to partially tax-exempt interest), and section 42 (relating to State and local income taxes)".

(c) Section 46(a) (3) of such Code (relating to amount of credit) is amended—

(1) by striking out "and" in subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding after subparagraph (c) the following new subparagraph:

"(D) section 42 (relating to State and local income taxes)."

(d) Section 703 of such Code (relating to partnership computations) is amended—

(1) by relettering subparagraphs (D), (E), and (F) of subsection (a) (2) as subparagraphs (E), (F), and (G);

(2) by inserting after subparagraph (C) of paragraph (2) the following new subparagraph:

"(D) the deduction for taxes provided in section 164(a) with respect to State and local income taxes;" and (3) by amending subsection (b) to read as follows:

"(b) Elections of the Partnership.—Any election affecting the computation of taxable income derived from a partnership shall be made by the partnership, except that the election under sections 42 (relating to State and local income taxes) and 901 (relating to taxes of foreign countries and of possessions of the United States), and any election under section 615 (relating to pre-1970 exploration expenditures) or under section 617 (relating to deduction and recapture of certain mining exploration expenditures), under section 57 (c) (relating to definition of net lease), or under section 163(d) (relating to limitation on interest on investment indebtedness), shall be made by each partner separately."

REPORT BY THE SECRETARY

SEC. 303. The Secretary shall report to the Congress not later than March 1, 1980, on the operation of the provisions of this title for the preceding 3 calendar years. This report shall include estimates of the amount of Federal revenue forgone and of the amounts of additional State and local revenue derived from the provisions of this title. This report may also contain any recommendations on the part of the Secretary for additional legislation.

NOTICE OF HEARINGS BY THE DISTRICT OF COLUMBIA COMMITTEE

Mr. TUNNEY. Mr. President, I wish to announce hearings by the Subcommittee on Public Health, Education, Welfare and Safety of the Senate District of Columbia Committee on the following bills:

S. 2230, to designate a certain traffic circle in the District of Columbia as the "Benito Juarez Circle";

S. 3530—H.R. 2895—to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Inc.;

S. 2646—H.R. 11032—relating to the transportation and other public accommodations and services involving blind persons accompanied by a dog guide in the District of Columbia;

H.R. 11773, to amend section 389 of the Revised Statutes of the United States relating to the District of Columbia to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection;

H.R. 9769, concerning medical records, information and data to promote and facilitate medical studies, research, education, and the performance of the obligations of medical utilization committees in the District of Columbia; and

H.R. 456, to exempt from taxation certain property in the District of Columbia owned by the Reserve Officers Association of the United States.

The hearings on August 9, 1972, will begin at 9:30 a.m. in room 6226, New Senate Office Building.

Persons interested in testifying on this bill should contact Mr. Gene E. Godley, general counsel, in room 6222, New Senate Office Building.

ADDITIONAL STATEMENTS

PUBLIC EXECUTION OF SOUTH VIETNAMESE OFFICIALS BY COMMUNIST POLITICAL OFFICERS

Mr. DOMINICK. Mr. President, over the last few weeks we have seen and heard a great number of allegations of American inhumanity against North Vietnam, all of which has been disposed of to my satisfaction as Communist propaganda. Actress Jane Fonda has returned from her so-called factfinding tour to pronounce the North Vietnamese completely harmless and the United States totally wrong for bombing targets in the north.

U.N. Secretary General Kurt Waldheim fell victim to Hanoi's trumped-up charges of deliberate U.S. bombing of the dikes and added his voice to those less-informed but equally naive critics. All of this criticism has been adequately refuted by the administration.

I am grateful that the New York Times this morning provides us with an example of the kind of fate the South Vietnamese could expect if we were to abandon that country completely as many continue to suggest. On its front page, the Times carries a story quoting allied officials who have confirmed that North Vietnamese Communists publicly executed hundreds of Saigon government officials and imprisoned thousands during their occupation of Binhdinh Province on the central coast of South Vietnam. The story details dates and locations, and in some cases names of those unfortunate government officials whose fate was left in the hands of the North Vietnamese during the invasion this spring.

Mr. President, how much more of this sort of thing must we witness before the critics of President Nixon's positive, methodical search for peace and stability in Southeast Asia will permit him to proceed unhampered by unfounded criticism and unwise legislative actions which only serve to postpone the time when hostilities will be ended in that part of the world? I urge Senators to give their attention to the report of Joseph Treaster in the New York Times of Friday, August 4. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENEMY IS SAID TO EXECUTE HUNDREDS IN SOUTH VIETNAM

(By Joseph B. Treaster)

SAIGON, SOUTH VIETNAM, Aug. 3.—Allied intelligence officials say that Communist political officers have publicly executed hundreds of Saigon Government officials and imprisoned thousands during their occupation of Binhdinh Province, on the central coast of South Vietnam.

The allied officials say that they have confirmed the deaths of about 250 persons through eyewitness reports and have additional information that leads them strongly to believe that the total number of dead is about 500.

People who have escaped have pinpointed three large prison camps in the rugged Anlao valley of central South Vietnam, which are said to hold about 6,000 persons, the officials say.

The main victims of the enemy were said to be hamlet and village chiefs and their deputies, pacification workers, policemen and militamen. But teachers, doctors, nurses and minor administrative staff workers, as well as some soldiers, were among those reported imprisoned.

Lengthy interviews with people who lived in northern Binhdinh during the nearly three months of unchallenged Communist occupation generally corroborated the findings of the intelligence officials.

The reported executions in Binhdinh appear to be the most sizable deliberate assault on individuals connected with the Saigon Government since the massacres in Hue during the 1968 Lunar New Year offensive when, according to allied officials and independent journalists, more than 2,600 people were killed.

Some American officials see the reported executions in Binhdinh as a sample of the kind of "bloodbath" that President Nixon has predicted if the Communists succeeded in taking over South Vietnam by force.

Such violence, these officials say, especially would be expected if a Communist victory were "sudden and decisive."

Other American officials, however, say that history would suggest that a sudden and decisive victory "just isn't in the cards for either side."

These officials feel that if the North Vietnamese Communists were eventually to gain control of South Vietnam through a gradual political settlement, they might well adopt a conciliatory attitude toward their former opponents in hopes of uniting the country.

But those who must firmly subscribe to the "bloodbath theory" are convinced that any kind of enemy take-over would result in the execution of many officials in the Government in Saigon.

Some Americans with considerable experience in studying North Vietnamese and Vietcong affairs say that they have been surprised by the particularly harsh tactics of the Communists in Binhdinh province which has a long history of party activity.

REVENGE SUGGESTED

They suggest that some of the reported killings may have been inspired by a sense of revenge toward former party members who, for one reason or another, have worked with the Saigon Government in recent years. Another possibility, they say, is that the reported killings represent some sort of interparty conflict, perhaps between northern and southern factions.

While a few executions have been reported in the other areas captured by the North Vietnamese in their current offensive, there has been nothing of the magnitude of the events reported in Binhdinh.

This is so, authoritative officials say, because the districts in Binhdinh fell rather suddenly—in a few days as compared with a few weeks in Quangtri—and many Saigon Government officials were "caught in place."

After the fall of northern Binhdinh Province in April, nearly three months passed before Government troops tried to retake the territory. Thus, left alone, the Communists were able to carry out their programs in some detail among the more than 200,000 people of the region.

In most of the other captured areas, the fighting never fully subsided. It was fairly quiet, however, in Locninh district, north of Anloc, and that is where some of the other executions were reported.

HUNDREDS SHOT TO DEATH

The enemy gunned down several hundred South Vietnamese civilians who tried to flee from their control in Quangtri Province, the northern most province in South Vietnam, and they used the same tactic at Anloc, but apparently killed fewer civilians there.

American intelligence officials believe that these slayings were more likely to have been the outcome of local battlefield decisions than the results of high-level policy, as the reported executions apparently were.

Government troops began to disrupt Communist programs in northern Binhdinh with a counteroffensive late in July. Within two weeks, Saigon's troops had re-entered the principal town in each of three northern districts—Hoainhon, Tamquan and Hoaian—and had encountered little resistance. In the last several days, though, the enemy has been striking back, and large sections of the area remain contested.

The territory in northern Binhdinh was captured by North Vietnamese regulars. But after they had secured the area they withdrew and left administration of the "liberated communities to local Communists, some of whom had been living in the mountains for years.

INSTALLATION OF OFFICIALS

The Communists are believed to have installed chiefs and administrative staffs in each of the villages and 138 hamlets in the three districts.

According to allied intelligence officials and residents of northern Binhdinh province, this is how the Communists proceeded.

Communist security officers had compiled dossiers on everyone in the region. They quickly classified the population into several categories according to physical capabilities, financial position, occupation, age and relationships to the Communists and the Government in Saigon.

Those who had worked directly for the Saigon Government were brought before "peoples' courts," denounced as "tyrants," and condemned to death or sentenced to prison.

Relatives of the Communists were often offered jobs in the administration of the hamlet, while relatives of Government employes were watched closely, restricted in movement and forced to attend special indoctrination classes.

In organizing the "people's courts," the Communists would assemble 30 to 40 persons to the entire hamlet of several hundred. The courts were held during the day and the night, usually outside administrative offices or schools but sometimes on a road or in a rice field.

"FROZEN WITH FEAR"

Sometimes the residents were urged to join in hurling charges against the accused. But in other cases a death sentence was read while the people stood—in the words of a farmer—"frozen with fear."

In many cases, there were fewer than half a dozen victims in the reported executions in Binhdinh. This is in contrast to the killings in Hue during Tet, when scores of people were herded together and shot as the Communists apparently tried to eliminate the entire community of Saigon Government workers and anti-Communist leaders.

American intelligence officials say that the Communists appear to have been generally more "selective" in their killings in Binhdinh than in Hue in 1968, intending them as "object lessons" to discourage future cooperation with Saigon and to reinforce loyalty to the Communist side.

For this reason, the intelligence officials say, only the worst "tyrants" were killed. Others were given stiff prison terms ranging up to 30 years, and still others were required only to attend intense political-indoctrination courses for a month or so, where they were expected to learn that the salvation of the Vietnamese lay in Communism.

Despite the general pattern of small-scale executions reported, the intelligence officials said that they had sketchy details on a few mass killings. For example, they say, on May 18 in the evening, 100 Government officials were reported to have been killed and buried in Andong hamlet.

In another instance, 42 policemen and Government workers, including an officer, Tran Van Luc of Dinhbinh, were said to have been shot to death on the outskirts of Vinhphung hamlet at about 9 P.M. May 27. They were reported buried in a sandbar nearby.

Rifle fire was the most common method of killing, but intelligence officials say that a hamlet chief and 46 other village and hamlet officials and soldiers were buried alive south of Tanthanh hamlet sometime in May.

They also said that a policeman, a pacification worker and an assistant village chief had been stabbed "many times" with a bayonet affixed to a rifle after they had been shot before 1,000 people at the Anphong village sports stadium May 29.

On May 21, the intelligence officials say, an unidentified South Vietnamese military policeman was beheaded in Bongson and his body was hanged in front of the military-police station there.

According to allied intelligence officials and northern Binhdinh residents, the charges that brought the death penalty were usually vague but reflected the Communists' puritanical nature and their intolerance for "crime" against their own people.

Those who died were reportedly accused of taking bribes, violating unmarried women, making love to wives of "revolutionary cadre," capturing and killing "legal agents of the revolution," and providing information to the "enemy." Some were reported also cited as simply "corrupt" and "domineering" over the people.

NEED TO EASE AIR TRAVEL RESTRICTIONS FOR HANDICAPPED

Mr. HARTKE. Mr. President, I am appalled that 6 million of this Nation's citizens can routinely be denied air transportation. Operating under a tariff rule, this Nation's airlines can—and do—arbitrarily deny passage to the physically handicapped. The governing tariff rule allows a carrier to refuse to accept a person whose condition is such as to render him incapable of caring for himself, unless accompanied by an attendant. Coupled with a 1962 agreement among carriers which sets forth criteria for interline acceptance of handicapped persons, the airlines' policy boils down to an attitude of "if you can't walk, you can't fly."

Yet airlines continue to decide who is capable of caring for himself and who is not. Many airlines consider any person who cannot board a plane without assistance as unable to care for himself. Many of these physically handicapped persons, once aboard the airplane, can provide for their own needs, and find the aide only a financial drain. While airlines happily make accommodations for the young to fly at partial fare, they force upon the handicapped the burden of an extra, and unnecessary fare.

During the last quarter of 1971, the Civil Aeronautics Board announced it was considering rulemaking action to amend regulations concerning air transportation for the physically disabled, and asked for participation from the public concerning the change. Comments received pointed out the gross injustices suffered by the disabled and asked for quick action to alleviate the confusion facing the handicapped traveler. To date, the Board has made no further move toward helping the physically handicapped. While the CAB does nothing, the disabled are forced to endure further hardships. This is not a problem which can be postponed indefinitely, it must be tackled now and action taken immediately. I call on the CAB to stop stalling and take immediate steps to rectify this situation.

VIETNAM

Mr. SPONG. Mr. President, during my term in the Senate, especially during the past year when I have served on the Foreign Relations Committee, I have been particularly concerned over the congressional role in foreign policy. I believe the war powers and the foreign policy powers are shared powers, that the Constitution grants responsibilities in these fields to both Congress and the President. I believe Congress has, in the past, permitted its powers in these areas to atrophy, and that it must reassume the powers which it does have in the foreign policy process.

Furthermore, I believe each Senator has a responsibility to his constituency to share his own views and judgment. For me, in the case of Vietnam, this is based upon nearly 6 agonizing years of observing our involvement in Indochina and participation in a number of recent Senate votes.

Throughout these nearly 6 years I have shared a natural inclination to support the President of the United States in his actions abroad, regardless of who that President might be, and despite my own growing disquiet over the situation in Indochina. In 1970 I noted in a Senate floor speech that my inclination to support the President in Southeast Asia was based upon a recognition and understanding of several complex and difficult factors: the tremendous task of reducing a U.S. commitment in Southeast Asia without exposing our servicemen to additional dangers, without abandoning the South Vietnamese who had fled the North and who had fought against the North Vietnamese and Vietcong, without encouraging aggression elsewhere in Asia and without raising undue questions among our European allies about our commitments in Europe and our willingness to stand by them.

In 1970 I supported the Cooper-Church amendment, which was designed to restrict military activities in Cambodia and thereby contribute to our disengagement from Indochina. At that time, the Gulf of Tonkin Resolution, providing congressional sanction for U.S. military operations in Southeast Asia, was still in effect and I viewed the Cooper-Church amendment as a geographical limitation on that resolution.

The 1970 debate on the Cooper-Church amendment—both in Congress and among the public—reflected a growing confusion among our people over U.S. goals and objectives in Southeast Asia. The American people have found it difficult to understand our policy with regard to this war, particularly since the 1968 Tet offensive when it became apparent that the United States sought not to gain a military victory but only to prevent a defeat.

During the debate on Cambodia, it also became clear that the open-ended and vaguely worded Gulf of Tonkin Resolution no longer accurately reflected congressional sentiment on the situation in Southeast Asia, and later, in January 1971, the resolution was repealed.

That left a vacuum, a lack of a congressional statement of policy on our involvement in Indochina. It did not, however, change the reality of our involvement in hostilities in South Vietnam.

A few months following repeal of the Gulf of Tonkin resolution—and I supported repeal—I became a cosponsor of an amendment which urged and requested the President to negotiate a cease-fire and a withdrawal of U.S. forces from Southeast Asia by a date certain, contingent upon the release of our prisoners of war. I viewed this amendment as a reasonable statement of congressional sentiment and as an opportunity for the President to share with Congress the great responsibility for our disengagement from Southeast Asia. A modified version of the Mansfield amendment finally passed Congress in November 1971, but the President indicated at that time that he would disregard it.

Late last year, as a member of the Senate Foreign Relations Committee, I also supported, as a complement to the above amendment, an amendment to H.R. 9910, which would have limited the use of appropriations for Southeast Asia to activities associated with the withdrawal of U.S. forces from that area and the protection of U.S. troops as they withdrew. I felt this was basically the policy which the President was following in his continuing withdrawal of ground troops, and that congressional expression of its views on the matter was appropriate. That amendment was, however, deleted on the Senate floor.

Thus, through the end of last year, it was my position to support a gradual but continuous withdrawal of our troops from Southeast Asia and to support legislation which sought to keep our Nation on that policy path. When it seemed that we were straying from that continuous, gradual withdrawal policy—as it did in the case of Cambodia—I supported legislation designed to return us to that path.

In the aftermath of the 1972 Easter weekend North Vietnamese offensive, in which, by aggression in the south, Hanoi dispelled the myths of its past policy and bid boldly for a military victory, President Nixon concluded that decisive U.S. military action was necessary. On April 26 he announced new bombing raids in the north and on May 8 the mining of the ports of North Vietnam and the interdiction of supplies into that country. His policy was, in large measure, a gamble. It risked confrontations, which fortunately did not take place. It embodied the possibility that additional servicemen, in carrying out new raids, would become prisoners of war. It contained the seeds of possible failure in that there were questions, even within the administration, over the ultimate military value of the new measure.

It was, however, evident that the President's May 8 military moves were tempered by his acceptance of the general outlines of the Mansfield amendment, which passed the Senate, with my support, on three occasions in 1971. The President, for the first time, publicly agreed to the establishment of a date certain for withdrawal of all U.S. troops, providing our prisoners of war were returned and providing an internationally supervised cease-fire could be arranged for Indochina. I was pleased that the President made these new peace proposals. I wish he had done so prior to the development of the offensive. It might have avoided the tragedy of recent months in Vietnam and the necessity for the U.S. actions.

When the Vietnam situation was considered in the Democratic caucus on May 9, I voted against a resolution disapproving the President's actions in mining the ports of North Vietnam and interdicting supply ships. While I questioned the effectiveness of the military actions ordered, I believe we accomplish little by exhortations or measures of censure, particularly in times of crisis. Instead, Congress should act legislatively, in a substantive manner. Consequently, I voted for a pending amendment in that caucus as an indication of my concern over new military activities, which I feared could prolong rather than reduce our involvement, and as an indication of my desire to see an end to U.S. involvement in the war in Vietnam. That amendment provided for cutting off funds for military operations in Indochina 4 months after North Vietnam released U.S. prisoners of war. It thus contemplated termination of U.S. involvement in Southeast Asia but also recognized the necessity of obtaining the return of our prisoners.

On the Senate floor, the debate over antiwar measures continued for over a week, during which I spent time evaluating the situation in Indochina, talking with constituents and studying relevant information. I continued to view the President's decision as a gamble. I did, however, support an amendment which added a cease-fire to the POW release condition already specified in the Case-Church amendment as a prerequisite to U.S. withdrawal from Vietnam. This was consistent with my position on the Mansfield amendment in 1971. Our Nation has been involved in hostilities in Vietnam for over a decade. Our presence there has contributed to those hostilities. Despite the difficulties associated with achieving a cease-fire, I have hoped we could bring an end to those hostilities in which so many are dying and in which so much destruction is taking place. Furthermore, the vote on the Byrd amendment came just prior to the President's departure for Moscow. Since there was the possibility that the hostilities in Vietnam might be affected by the Moscow trip, it seemed preferable to permit the President to depart for the Soviet Union in a position to bargain, a position which the Byrd amendment provided.

The President's diplomatic initiatives, the aggressive military moves by the North Vietnamese this spring, coupled with the fact that our force strength had been reduced to 39,000 troops that are not being used in ground combat, suggest that we have reached a watershed in Vietnam. We are at a turning point as far as our policy in Indochina goes. The decisions which are made in the next few months regarding that area of the world will affect all of us in this Nation not only in the immediate times ahead, but for years to come. For this reason, I believe it is incumbent upon Congress, especially in view of the lack of an existing congressional policy statement on Southeast Asia, to express myself.

In preparing to participate in formulating such an expression, I have been reevaluating our situation and trying to place it in perspective. I applaud the President's initiatives, both in Peking and in Moscow. It is evident that he has enlisted the assistance of both mainland China and Russia in trying to bring an end to the war. These are commendable moves.

We have, however, for years, now, been pursuing a withdrawal course. This is the announced an obvious policy of this administration. I cannot, at this point, see any likelihood that that policy will be reversed. Furthermore, the irreversibility of that policy is sustained by a number of difficulties which have beset us in South Vietnam—the widespread addiction to heroin and other drugs by U.S. servicemen, incidents such as Mylai, the cost in dollars of involvement at a time of pressing domestic needs and instability of the dollar, divisiveness which has wracked our Nation at home, and less than desirable aspects of the Thieu regime.

At the same time, I am aware of the sacrifices many of the Vietnamese have made. I am impressed by a number of recent reports, such as those on the efforts to retake Quang Tri. Although I have been less than sanguine about the ultimate capabilities of the Army of the Republic of South Vietnam, I am pleased with the ability they have recently demonstrated pursuant to our training and provision of arms. I am also, however, aware of the significant role that U.S. air and naval power has played in recent military actions in South Vietnam. And, I am aware that this has meant an increased cost to the United States—there is a supplemental budget request for Vietnam of $2.2 billion. I am aware that it has created more POW's and MIA's and has resulted in additional destruction in Vietnam. Furthermore, it runs counter to the policy upon which I believe we must, ultimately, depend: the people of Asia must seek Asian solutions to Asian problems.

After a number of proposals offered as amendments to the foreign aid authorization bill failed, Senator COOPER called up an amendment providing for the withdrawal of all U.S. forces within 4 months of enactment and specified that appropriated funds could be used only for activities associated with withdrawal. In effect, this amendment would have provided for unconditional withdrawal, which I do not support. A move was, however, made to add the condition of a release of all prisoners of war. With this bargaining point added, I supported the amendment.

I continue to believe that a cease-fire is desirable. I hope that one might be worked out in the Paris negotiations, but I do not believe this will take place. I believe that Hanoi tends to equate the United States with the French, that it believes all it has to do is to persevere. For these reasons, Hanoi would have little to gain by negotiating a settlement at this time. This is especially true if no condition at all is attached to our disengagement.

With this in mind, as well as the legislative options which were before us during consideration of the foreign aid bill, I voted for the Cooper amendment as amended by the Brooke proposal. This was, I believe, preferable to inaction.

After more than 10 years of war, the loss of over 45,000 American lives, the loss of millions of lives in Southeast Asia, destruction of many areas and a series of domestic problems at home, I believe the predominant mood of the Congress and the country supports an end to our involvement. I believe we have followed an honorable path. We have withdrawn gradually, over an almost 4-year period, providing the South Vietnamese and our other allies in Southeast Asia time to prepare for our eventual disengagement. We have provided a period during which other nations in Asia could stabilize and begin to seek their own paths, policies, and destinies. Asia is today a very different place from what it was in the early 1960's. Despite continued hostilities, many countries in that area are now more stable, more viable, more capable of fending for themselves.

During recent days, it has been obvious that there were three general policy options before the Senate. One was to take no action. Proponents of this course argued that it was the one which would permit the President to pursue the negotiations in Paris and which offered the best hope of a peaceful settlement. These are, obviously, crucial times for Vietnam. There is much diplomatic activity. Mr. Kissinger's untiring efforts must be commended. We in Congress do not, however, have access to information regarding the conduct of the current negotiations. We perhaps feel certain misgivings in that we are, as so many times before, waiting to be advised rather than being consulted. As I have already noted, despite my hopes, I do not believe the prospects for a settlement are overly bright, first because of the psychology of the leaders in Hanoi and, second, because the leaders in Saigon hold a veto over any plan which includes a cease-fire. Beyond that, I believe the Senate would be abdicating its responsibility if it failed to formulate a statement of policy, to share the burden for ending this war with the President and to provide the people of this land with the best judgment and thought their representatives can produce.

A second option was to provide for an unconditional withdrawal within a specified amount of time. I believe those who propose such a course are well-intentioned men, that they believe such a policy best serves the interest of our Nation. I cannot, however, agree with them. I believe that we must continue to seek a negotiated end to the war, that the least our Nation can do is to retain some pressure upon the North Vietnamese and their allies to release those men who have served our Nation so valiantly. They must not be sacrificed to the promise that a unilateral pullout will automatically result in their release. For that policy, too, is only a gamble.

A third option was for the Senate to set out its own policy statement, to take part of the responsibility for ending the hostilities in Southeast Asia. There were a number of ways in which this could be accomplished. There were a number of conditions which could be attached to the policy statement. As the parliamentary situation developed in the Senate, however, attention focused on a policy which called for the withdrawal of U.S. forces from all Indochina within 4 months, providing our prisoners of war were released. The policy contemplates a final termination of U.S. activities in Vietnam, Laos, and Cambodia. Yet it signifies our determination to secure the release of our prisoners and an accounting of our missing in action and to protect our forces as they withdraw. It is premised on the belief that the time has come—after more than 10 years of war and almost 4 years of withdrawal—for a termination of U.S. military operations in Indochina, that the continuing reduction in our forces and the fact that only 39,000 ground troops remain demonstrate we are on an irreversible course, that in effect the future of Asia must be decided by Asians.

I hope that this measure might contribute to negotiations which have been deadlocked for 4 years, that an indication of U.S. intent to withdraw from Vietnam might persuade the North Vietnamese that it is in their own interest to negotiate now and, perhaps, even to include in those negotiations a provision for a cease-fire.

As I noted earlier, through the end of last year, it was my position to support a gradual but continuous withdrawal of our forces from Southeast Asia, and I supported legislation designed to insure our adherence to that course of action. During this year, I have constantly reviewed several factors related to our involvement: the rising U.S. deficit and dollar instability, to which the war has contributed; the widespread destruction in Southeast Asia; and the seemingly irreversible withdrawal policy of this administration itself. It is, I believe, evident that, while the United States will continue to have interests in Southeast Asia, it is moving toward an end to direct military operations in Indochina. It is evident that our people want an end to the hostilities. There have been a number of proposals offered in the Senate this year to terminate our involvement. I have agreed with some and opposed others. I prefer a negotiated settlement. I prefer a cease-fire. I believe we must secure a return of our prisoners and an accounting of the missing in action. I oppose an unconditional withdrawal. I believe a contingency for the release of our prisoners of war not only signifies our determination to stand by these men but also assists our negotiating efforts. I do not, however, believe we are likely to obtain all that we desire—to write a final act with a perfect ending. A negotiated settlement and a cease-fire may not be in the cards—both because of the North Vietnamese and because of certain officials in Saigon. Nevertheless, I do not believe this can deter the United States from the withdrawal policy course which this administration charted and which I believe a growing number of our people support, provided we obtain the return of those men held as prisoners of war.

GENOCIDE REMAINS A PRESSING ISSUE

Mr. PROXMIRE. Mr. President, once again I must rise to remind the Senate that genocide is still with us today.

Last June I cited the tragic conflict in Burundi between the ruling minority Tutsis and the majority Hutus as a contemporary example of genocide. At the time I had no official estimate of the number of persons who had died or were in need of assistance as a result of the civil strife.

Last Sunday's edition of the Washington Post reported that the Burundi Government has acknowledged to a U.N. mission that 80,000 persons have died since the end of April and that 500,000 more are in need of international aid.

The Organization of African Unity has refused to investigate the Burundi slaughter on the grounds that its charter forbids interference in its members' internal affairs. I do not advocate a change in the charter of the Organization of African Unity; however, I believe that some organization must concern itself with cases of genocide.

The Genocide Convention states that systematic extermination of racial, ethnic, cultural, and religious groups is not simply a matter of internal concern, but a violation of international law. The Convention allows the United Nations to investigate cases of genocide and determine what action is necessary.

The United States cannot maintain an air of disinterest as the U.N. issues statements such as: "The proportions of the human tragedy which the people of Burundi are experiencing are staggering." We cannot afford to continue to ignore the issue of genocide as though it were a thing of the past. Therefore, I call upon the Senate to consider the Genocide Convention and ratify it without further delay.

THE 75TH ANNIVERSARY OF THE PICA CLUB, NORTHERN NEW JERSEY JOURNALISTIC SOCIETY

Mr. CASE. Mr. President, recently I had the pleasure of attending the annual outing of the Pica Club, a journalistic society of northern New Jersey. At this 76th anniversary celebration, the club installed its new officers for 1972–73: Daniel McKeown, of the Herald News, president; John Crivelli, of the Paterson News, vice-president; Phillip R. White, of the Nutley Sun, secretary; G. John Anderson, of the Herald News, treasurer; George W. Schultz, of the Argus-Bulletin, executive secretary, Anthony Verga, of the Paterson News, chairman of the entertainment committee; and Gerald Costello, of The Beacon, chairman of the executive committee.

I ask unanimous consent to have printed in the RECORD the remarks carried by The Pica News on that day, July 29, 1972, in honor of the new president, Daniel McKeown.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

McKeown Will Assume Helm Succeeding Costello

Dan McKeown, up-county reporter for the Herald-News, is the new president of our esteemed Pica Club, as you all know.

You can blame fellows like Bill Schultz, George Homcy and Dick Paduch.

McKeown says he refuses to take the blame.

Like most fellows in the newspaper game, McKeown got around before settling down.

He has been with the Herald-News some 24 years and helped pioneer the upper-Passaic, Morris County area back in 1948. Then, he took over from the late Frank (Buck) Rogers, then editor of the Butler Argus. In those days, Bill Schultz was suburban editor of the Morning Call.

McKeown's first story with the Herald was a page one job. It involved the finding of wreckage of a plane in Fayson Lakes, Kinnelon. Two men were dead and the wreckage had been in the woods since winter. The late Joseph Rutter was a sergeant with the New Jersey State Police in those days. Later, as we all know, Joe went on to become superintendent of the state police.

McKeown's second day on the job saw him up in Newfoundland. A truck overturned onto an auto, killing both occupants. That was page one.

The third day saw another page one. An important person ended his own life in the exclusive section of Kinnelon, known as Smoke Rise.

Naturally, McKeown was riding high, all page one stuff.

Then, came stark reality. There were meetings like Planning Boards, Zoning Boards and the like to cover.

McKeown sort of wished he was back in the Navy riding a sleek destroyer.

But, Lee Stark, the late Bob Erwin, a past president of Pica, Al Ritch, Al Smith and Art McMahon, pitched in and helped McKeown along the rocky road of the night life beat.

Before joining the Herald-News (sounds like a club of some kind) McKeown worked with the Veterans Administration in Newark. Before that, six years with the U.S. Navy, serving time in nearly every theater of operations during World War II.

Let McKeown get going on his Navy experiences and you need to be wearing hip boots, as the tide is sure to come in. Don't get him started on Panama or the Panama Canal, he made 38 one-way crossings of the "big ditch."

(Did someone say it was one-way trip too many?)

McKeown attended Rutgers University and studied art and literature in some school near Greenwich Village, N.Y. Before being called up to active duty with the Navy in 1940, McKeown was assistant paymaster at Crucible Steel Co., Harrison. Before that he was paymaster and assistant office manager of a shade roller company in East Newark.

McKeown was born in N.Y.C., on the site of the recently abandoned Madison Square Garden. He lived in Kearny (little Ireland and Scotland) until accepting the "call" from the Herald-News and up-county.

McKeown is proud of his Irish heritage. His dad, the late Patrick McKeown, was a member of the I.R.A. He got caught blowing up a bridge or something and had his choice . . . jail in England or "get lost." He choose the latter and migrated to the U.S.A. The elder McKeown met his wife-to-be Ellen Hanlon on the boat coming over. That's romance.

Our new president is married to the former Monica Quinn, of North Arlington. They have two children, Mrs. Roy (Colleen) Nutt and Daniel Jr., 20, both of Butler.

RETIREMENT OF GORDON F. HARRISON

Mr. JORDAN of North Carolina. Mr. President, I wish to announce to Members, officers, and staff of the Senate, and to his many other friends on Capitol Hill, the recent retirement of Gordon F. Harrison, who has served as staff director of the Senate Committee on Rules and Administration continuously from the 15th day of January 1955 to the 30th day of June 1972.

Gordon was appointed staff director by his close friend and associate, and fellow Rhode Islander, Senator Theodore Francis Green, when, at the commencement of the 84th Congress, Senator Green made an excellent choice to fill that important position is eloquently attested to by the fact that each of the successive Rules Committee chairmen—

Senator Thomas C. Hennings, Jr., of Missouri;

Senator Carl Hayden, of Arizona;

Senator Mike Mansfield, of Montana; and myself,

Senator B. Everett Jordan, of North Carolina, chose to retain Gordon as his staff director.

When I assumed the Chairmanship of the Committee on Rules and Administration in January 1963, at the commencement of the 88th Congress, it was my good fortune to have Gordon F. Harrison at hand to advise and assist me concerning the multifarious functions and the important jurisdictional responsibilities of the Committee on Rules and Administration. These diverse functions and responsibilities are unlike those of any other committee of the Senate, because they embrace not only the usual legislative duties but the entire gamut of Senate administration.

As the breadth of Gordon's knowledge concerning committee matters and his dedication and loyalty to the committee became increasingly evident to me, it was readily apparent how this man—Gordon F. Harrison—could and did demonstrate the unusual ability to serve five committee chairmen—of considerably diverse characters, representing widely separated regions, and employing differing approaches to problems—so faithfully and so well. Now that Gordon has retired from public service it is already painfully apparent that he will be sorely missed, not only by the Members and staff of the Committee on Rules and Administration but also by the Members and staff personnel on both sides of Capitol Hill.

In the course of his duties as staff director of the Committee on Rules and Administration, Gordon, probably more so than any other Senate staff member, was continually in contact with Members of the Senate, or their administrative or legislative assistants. To the extent he was able to provide the desired assistance, he did so quickly and efficiently. In those instances when the requests exceeded the authority or capacity of the committee to respond, he evidenced the diplomacy to say "no" in such a way, and with full and understandable reasons therefor, that he never alienated anyone.

I know that many Members and staff personnel will remember Gordon with affection and respect because of the gracious manner he used to decline requests when circumstances prevented their approval. But not only those in high places on Capitol Hill benefited from Gordon's knowledge, understanding, and compassion. Among those in more modest positions the phrase, "Have you talked to Gordon Harrison about your problem?" was a commonplace rejoinder. If Gordon has any weakness at all, it is his inability to turn any fellow away from his door.

There are many other commendations and tributes which could be paid to our good friend and now former Senate Staffer Gordon F. Harrison, but they are obvious to all who have been associated with him.

I should note especially that prior to his committee service he served as legislative assistant to Senator Green of Rhode Island, from 1937 to 1941. The details relating to Gordon's family, his education, his military service, and his service as a trial lawyer with the Civil Division of the Department of Justice, are contained in his biography printed in the current Congressional Staff Directory.

Mr. President, I ask unanimous consent that that biography and the Resolution of Commendation and Appreciation to Gordon F. Harrison, adopted by the Committee on Rules and Administration on June 30, 1972, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Harrison, Gordon F., staff director, Senate Com. on Rules and Administration and chief clerk, Joint Committee on the Library. Legal res. Cranston, R. I. Home, 6007 Softwood Trail, McLean, Va. Born Sept. 20, 1914 in Providence, R.I to Albert and Ella (Morralley) Harrison. Married July 18, 1939 to Phyllis N. Swanson; children, Mrs. Naomi Opdycke and Peter Gordon. Providence Coll.; 1931–35, Ph. B.; Georgetown Univ., 1937–41, LL.B.; George Washington Univ., 1950–52, LL.M.; valedictorian of coll. class; 3 year staff mbr. of Georgetown Law Journal; recipient of 1952 George Washington Univ. annual award for international relations and world peace. Entered active duty as Lt. j.g., U.S. Navy, 1942; released as Lt. Cdr. 1946 after WWII svc. in Pacific Theater Opns., U.S.S. *Franklin;* promoted to Capt. 1960; active reservist; 1954–56, teacher of "Military Law" in Naval Res. Off. Sch.; former commanding officer of Naval Res. Law Company W–1. 1937–41, legis. asst. to Sen. Green, R.I.; 1947–54, trial atty. U.S. Dept. of Justice; 1955–pres., present position. Member: Amer. Bar Assn., Federal Bar Assn., D.C. Bar Assn., Amer. Society of International Law, Order of Kentucky Colonels.

Resolution of Commendation and Appreciation to Gordon F. Harrison

Whereas Gordon F. Harrison has faithfully served as Staff Director of the Senate Committee on Rules and Administration continuously from the 15th day of January 1955 to the 30th day of June 1972; and

Whereas he was initially appointed to that position by Committee Chairman Theodore Francis Green, of Rhode Island, and has been continued therein by each of the successive Committee Chairmen—Thomas C. Hennings, Jr., of Missouri; Carl Hayden, of Arizona; Mike Mansfield, of Montana; and B. Everett Jordan, of North Carolina; and

Whereas in the discharge of his responsibilities he has at all times achieved the highest degree of distinction, while constantly demonstrating exemplary loyalty and steadfast integrity so as to earn the enthusiastic respect and affection of the Members of the Senate and its staff personnel; and

Whereas he has retired from public service, where he will be sorely missed, to return to private life with the best wishes of all his associates: Now, therefore, be it

Resolved, That the Members of the Senate Committee on Rules and Administration unanimously commend Gordon F. Harrison and express their sincere appreciation to him for an outstanding period of service not only to the Committee, but thereby to the Senate, to the Congress, and to his fellow citizens as well.

In witness whereof, we have hereunto set our hands this 30th day of June 1972.

Mr. CANNON. Mr. President, Gordon Harrison has retired from the Senate. His career has been, and will continue to be, one of honor, distinction, and integrity.

Gordon Harrison has been an honors man all his life—in college; in the Navy, where he served with valor on the U.S.S. Carrier *Franklin*, and from which service he retired with the rank of captain in the Naval Reserve; in the Department of Justice, where he served as one of the outstanding lawyers of the Civil Division under the direction of Warren E. Burger, who was then an Assistant Attorney General; and as staff director and Chief Counsel of the Senate Committee on Rules and Administration, where he has been a guiding force since January of 1955.

Gordon was first appointed as chief counsel and staff director of the Rules Committee by Senator Theodore Francis Green of Rhode Island, and he continued to serve succeeding chairmen—Senators Thomas C. Hennings, Jr., of Missouri, Carl Hayden of Arizona, Mike Mansfield of Montana, and the present chairman, B. Everett Jordan of North Carolina.

He personifies all of the technical and ethical skills of his profession. He is a professional in the true sense of the word. Gordon is known to every Member of the Senate because he has served them truly and efficiently. He knows every facet of the Senate and has devoted all of his knowledge and energy in advising and assisting Members and staff concerning the law, practices, and procedures, and all of the infinitely varied, everyday problems which are presented to the Senate.

A more dedicated and intelligent and honorable man than Gordon F. Harrison will be more difficult to find than "a needle in a haystack." Everyone who knows him admires and respects him.

Gordon leaves a void in the Senate. He will be sorely missed.

We wish him well.

RESOLUTIONS BY NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

Mr. THURMOND. Mr. President, at the recent 82d annual congress of the National Society of the Sons of the American Revolution, of which I am a member, 12 resolutions were adopted.

Included were resolutions which express support for President Nixon's Vietnam policy, and oppose general amnesty for those who have deserted from military service or have fled the country to avoid the draft. There are also resolutions which memorialize the Congress of the United States to continue support of Radio Free Europe and similar programs, and to join with the States in adopting a constitutional amendment to preserve neighborhood schools, to guarantee quality education to all children, and to prohibit any form of compulsory busing of students to achieve racial balance.

Mr. President, I ask unanimous consent that the resolutions be printed in the Record.

Mr. GOLDWATER. Mr. President, several weeks ago in Indianapolis, the National Society of the Sons of the American Revolution held their 82d annual congress and adopted a series of resolutions all of which were aimed at the common good of the American people and support the strengthening of our American principles.

Because of their importance to the country at this particular time, I join the distinguished Senator from South Carolina (Mr. Thurmond) in asking unanimous consent that the resolutions be printed in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

Resolutions of the National Society of the Sons of the American Revolution

RESOLUTION NO. 1

Whereas, President Richard M. Nixon's policy regarding the war in Vietnam is to continue to seek to negotiate a just and honorable settlement and a return of American prisoners held by the Communist forces, but not to participate in a surrender of the freedom of the millions of South Vietnamese citizens nor in a surrender of the honor of our nation;

Now, therefore be it resolved, that the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled hereby affirms its support of these policies as stated by The President of the United States and urges that he take all necessary and responsible action to effect an end to the conflict, a prompt return of American prisoners held by the Communists and the reasonable assurance of the freedom of the South Vietnamese people whom we have befriended from future political and military aggressions.

RESOLUTION NO. 2

Whereas, the National Society, Sons of the American Revolution has noted a rapid rise in public proposals that the United States should grant amnesty to those young men who have fled their country to avoid military service and those who have deserted from military service, and

Whereas, we believe those young men who have fled or deserted have refused to fulfill one of the most essential duties of citizenship and that it would be a violation of faith with those hundreds of thousands of brave men who have honorably served their country, those who are prisoners of war and those who have given their lives, the ultimate sacrifice;

Therefore be it resolved, that we express our strong opposition to such action; that we call upon our Senators and Representatives in the Congress and the President of the United States to resist the pressures being mounted for amnesty; and that the appropriate authorities prosecute those offenders swiftly and fully when and if they are apprehended.

RESOLUTION NO. 3

Whereas, truth constitutes the greatest weapon against communist falsehoods; and

Whereas, "Radio Free Europe" and similar agencies have done a commendable task, on a relatively modest budget, in penetrating the Iron Curtain and presenting essential and truthful news, thereby bringing a ray of hope and comfort to the enslaved masses laboring under the communist yoke;

Now, therefore be it resolved that the National Society, Sons of the American Revolution favors these programs and urges that they be continued.

RESOLUTION NO. 4

Whereas, many citizens are expressing concern for the moral decay, the spiritual dearth and the rise of destructive revolutionaries who are seeking to destroy the American way of life and undermine the principles of our Constitutional Republic; and

Whereas, every endeavor to make the fibre of our country stronger has little hope of success unless our citizens are inculcated with the need to observe the principles of love of country and our countrymen, justice and service; and

Whereas, the Chaplain General of the National Society in his report to this Congress has urged a National spiritual effort on the part of all Compatriots of the Society;

Now, therefore be it resolved that the National Society, Sons of the American Revolution at its 82nd Annual Congress assembled endorse the recommendation of the Chaplain General in said report and urgently ask all Chaplains of the State Societies and local Chapters of the Sons of the American Revolution and all Compatriots everywhere, to give earnest and active encouragement to all programs of the Society for a deepening of the spiritual motivations of our people.

RESOLUTION NO. 5

Whereas, for many years, certain agencies of the Judiciary and Executive Branches of the Federal Government have directed various local school districts to adopt courses of action which have encroached upon parental and local authority governing neighborhood schools; and

Whereas, such encroachment threatens to destroy our public schools and places in jeopardy the traditional control of Public Education by the States;

Now, therefore be it resolved that the National Society, Sons of the American Revolution in the 82nd Annual Congress assembled, urges the United States Congress to propose and the States to adopt a constitutional amendment which would assure the preservation of our neighborhood schools and promote the provision of a quality education to all children, and prohibiting any form of compulsory busing of students to achieve racial balance.

RESOLUTION NO. 6

Whereas, one of the most revered men in the United States, President Abraham Lincoln, directed that the song "Dixie" be played at events celebrating the end of the War Between the States; and

Whereas, "Dixie" is a most important part of Americana, and should be recognized as such by all patriotic citizens; and

Whereas, respect for America and its old and respected institutions and traditions, including the music which makes up a part of her history, should be displayed by all patriotic citizens;

Now, therefore be it resolved that the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled endorses the right of all free citizens to freely play and sing the song "Dixie" and other music forming a part of our American heritage, and urges all civil authorities to preserve this right as one of those fundamental freedoms which are so dear to the hearts of true Americans.

RESOLUTION NO. 7

Whereas, the California Society, Sons of the American Revolution has taken appropriate action to support the establishment of the Patton family home in the City of San Marino, California as a memorial to the late, General George S. Patton, Jr.;

Now, therefore be it resolved by the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled that it endorses the action of the aforesaid California Society and urges the establishment and maintenance of the Patton Home in San Marino, California as a permanent memorial to the memory of General Patton.

RESOLUTION NO. 8

Whereas, the National Society, Sons of the American Revolution and the Indiana Society, Sons of the American Revolution lost a steadfast and valiant compatriot upon the passing of Compatriot James Arthur DeWeerd, D.D.; and

Whereas, upon the occasion of the 82nd Annual Congress being convened in his beloved State of Indiana, it is deemed fitting that a special tribute to our late Compatriot DeWeerd be adopted by this Congress;

Now, therefore be it resolved by the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled, that we express our deepest regret upon the passing of Compatriot James Arthur DeWeerd, we extend our sincere sympathy to his family and many friends; and we express our deep gratitude for all of the dedicated service he gave during his lifetime to the Society and to the preservation of the principles upon which our Republic was founded.

RESOLUTION NO. 9

Whereas, the National Society, Sons of the American Revolution has learned with deep regret of the recent death of F.B.I. Director J. Edgar Hoover; and

Whereas, the 81st Annual Congress by its Resolution #7 has strongly approved Mr. Hoover's policies, leadership and dedication to law and order; and

Whereas, Mr. Hoover was the first recipient of the National Society's Law Enforcement Commendation Medal being presented to him by the then President General, Walter Sterling;

Now, therefore be it resolved by the National Society of the Sons of the American Revolution at its 82nd Annual Congress assembled that we express our deepest regret upon the passing of Mr. J. Edgar Hoover and extend our sincere sympathy to his family and many friends and we express our deep gratitude to the dedicated service he gave during his lifetime to the people of the United States of America and to the preservation of the principles upon which our Republic was founded.

RESOLUTION NO. 10

Whereas, the United Nations General Assembly has expelled loyal member of the U.N. the Nationalist Republic of China, and

Whereas, this action by the U.N. violated the principles of its own Charter, and

Whereas, Nationalist China was a peaceful, dues paying member of the U.N. and a friend of the United States, and

Whereas, the U.N. has admitted Communist China, a government which has slaughtered millions of its own people, and has imposed a constant reign of oppression and slavery, and

Whereas, Communist China, having been given a seat on the Security Council, can now veto any action by the U.N. thereby making it totally impotent as a force for peace, and

Whereas, many of the United Nations proponents seek to grant a total Power of Attorney over the internal affairs of its members which would thereby deprive the United States of its Sovereign Powers and make it subservient to the will of multitudinous, foreign countries, and

Whereas, competent testimony shows that certain foreign nations are using their membership in the U.N. to bring in spies and subversion to attack the United States internally;

Now, therefore be it resolved, that the National Society, Sons of the American Revolution again goes on record as opposing continuation of our membership in the United Nations.

RESOLUTION NO. 11

Whereas, it has been the policy of the National Society of the Sons of the American Revolution to re-affirm and re-adopt all previous Resolutions;

Now, therefore be it resolved, that the National Society does re-adopt and re-affirm all previous resolutions where applicable.

RESOLUTION NO. 12

Whereas, the 82nd Annual Congress of the National Society of the Sons of the American Revolution has been successful in every respect; and

Whereas, our appreciation should be extended to the individuals and groups that contributed to the success of this Congress;

Now, therefore be it resolved, that the National Society, Sons of the American Revolution hereby expresses its grateful appreciation to President General Eugene C. McGuire and to his charming and devoted wife, Paula, for the faithful performance by him of the arduous duties of his high office and the gracious giving of their talents to his outstanding administration; and

Be it further resolved: that our appreciation be given to our Executive Secretary, Warren S. Woodward, and his lovely wife, Gisela, for their vital role in the arrangements for, and execution of, the Congress, and

Be it further resolved: that our grateful appreciation and thanks be extended to:

Compatriot Marshall E. Miller, Chairman of the Indiana Society Congress Arrangements Committee, and his attractive wife, Marilyn, and Compatriot Jack K. Carmichael, President of the Indiana Society and Co-Chairman of the Indiana Society Congress Arrangements Committee, and members of the Indiana Society and their ladies who assisted them, and in particular, Compatriot and Mrs. Cyril L. Johnson, Compatriot and Mrs. Albert T. Morris, Walter C. Bridgewater, Troy G. Thurston, Lowell C. Reed, Adam Riggin and Estel L. Allen.

The Honorable Edgar D. Whitcomb, Governor of the State of Indiana and The Honorable Richard G. Lugar, Mayor of the City of Indianapolis and The Honorable John W. Walls, Senior Assistant Mayor of the City of Indianapolis for their well-received greetings and remarks to this Annual Congress;

Compatriot Fred J. Milligen, Speaker at the Monday luncheon;

Mr. M. Stanton Evans, Speaker at the Tuesday evening banquet;

Colonel (and Compatriot) Charles M. Duke, Jr. USAF, the first member of the Sons of the American Revolution to walk on the Moon, and Speaker at the Wednesday evening banquet, and his lovely wife, Dottie, who charmed everyone;

Mrs. Donald Spicer, President General, National Society, Daughters of the American Revolution; Mrs. Roy D. Allen, Senior National President, National Society, Children of the American Revolution; Mr. Philip F. Horne, National President, Children of the American Revolution; and to Mrs. Floyd H. Grigsby, State Regent, Indiana Society, Daughters of the American Revolution, for their attendance at and greetings to this 82nd Annual Congress;

Past President General Charles A. Anderson, M.D., for arranging the display of Compatriot S. Hubbard Scott's collection of historical, State and Territorial flags belonging to the Ohio Society, Sons of the American Revolution;

The Staff of the Indianapolis Hilton for their cooperation and assistance in connection with this 82nd Annual Congress of the Society.

Be it further resolved: That the National Society, Sons of the American Revolution, in its 82nd Annual Congress assembled, hereby expresses its sincere appreciation to all the many others whose efforts contributed to the success of this Congress.

NUCLEAR WEAPONS—FRAGMENTATION OF CONGRESSIONAL CONTROL: EXCELLENT ARTICLE BY SENATOR SYMINGTON

Mr. PROXMIRE. Mr. President, the distinguished Senator from Missouri, (Mr. SYMINGTON) authored an article published in the New York Sunday Times of July 31, 1972, which I believe merits the widespread attention of the public and especially of Members of Congress.

Senator SYMINGTON points to the almost complete absence of its oversight function by Congress concerning the deployment of nuclear weapons.

First of all, the administration is reluctant to give Congress more than token information concerning deployment.

Second, the functions are broken up between and among several committees. The Joint Committee on Atomic Energy has a right to information on warheads. But it does not evaluate deployment.

Further, the Armed Services Committee is given very little information with respect to the military aspects of nuclear deployment, and the Foreign Relations Committee, which properly should consider the foreign policy implications of such deployment, is also kept in the dark.

Senator SYMINGTON, the only Member of the Senate who is on all three committees, states authoritatively that:

> Nowhere in the Congress are all the factors considered.

I think Senator SYMINGTON's article points out just one more area—and perhaps the most important one of all—where the executive branch has usurped congressional power through its policies of secrecy, and where the congressional branch has failed to assert its constitutional authority.

Senator SYMINGTON is absolutely right to state that the country would be far better off if Congress began to exercise its functions and if public examination of our nuclear policy were undertaken.

This article is one of the most important and thoughtful articles I have seen written by a Member of Congress. I commend it to the public and to the Senate. I ask unanimous consent to have printed in the RECORD the article by Senator SYMINGTON from the New York Times of July 30, 1972.

There being no objection, the article was ordered to be printed in the Record, as follows:

Where Are Our Nuclear Weapons?

(By Stuart Symington)

Washington.—No aspect of national defense is so heavily veiled in secrecy as the deployment by this Government of nuclear weapons in foreign countries. Most people, including powerful members of Congress, not only take this secrecy for granted, but consider it justified.

Obviously some details of such deployment should be handled in secret. It would be unwise to publish the number of weapons deployed in each place, their precise locations, characteristics of the weapons and the storage and security arrangements involved; also the procedures and conditions under which they would be used.

The present Administration, however, makes no effort to distinguish between information which would be useful to potential enemies and that which would not. It prefers to say nothing at all about these nuclear weapons abroad. Comparable to the problems of an alcoholic in the family, the subject is never mentioned.

Through various releases and public statements, however, we know that thousands of United States nuclear weapons have been deployed abroad; that included are surface-to-surface missiles of intermediate range, air-to-ground missiles, tactical nuclear missiles, nuclear bombs and stockpiles of warheads. We were told by the Secretary of Defense over five years ago that there were about 7,000 nuclear warheads in Europe alone. (Since then this number has increased.)

We know also that there are nuclear bombs on aircraft carriers in Europe and the Far East and megaton nuclear missiles on Polaris submarines; also that some of our nuclear weapons are available for joint use with foreign forces.

Despite this common knowoledge, there is still an attitude in the executive branch that this vital aspect of national security should not be discussed.

Regardless of intent, the effect of such unwarranted concern for security is to stifle public examination and inhibit Congressional consideration of the broader policy aspects involved. As a result, a small group of officials in the executive branch are free to make major decisions regarding the nature and deployment of nuclear weapons without the necessity to explain their decisions either to the public or to the appropriate committees of the Congress.

This lack of any true Congressional oversight is compounded by a fragmentation of Congressional jurisdiction. The Atomic Energy Act gives the Joint Committee on Atomic Energy access to nuclear information, but the Joint Committee is not in a position to evaluate nuclear weapons deployments abroad within the broad context of over-all defense posture. That is the responsibility of the Armed Services Committee.

Within the framework of our diplomatic relations with foreign countries, such deployment is the responsibility of the Foreign Relations Committee.

These latter two committees, however, are given very little information about nuclear weapons deployments; nor is that information kept up to date. Nowhere in the Congress are all of the factors involved considered, even on a classified basis. As the only member of the Senate who sits on all three of these committees, I know only too well the fragmentary nature of the picture that is made available to the members of the individual committees.

Officials in the foreign countries where United States nuclear weapons are deployed are well aware of these weapons in their countries, as are most people living near these storage sites; and it is certain our potential adversaries have this knowledge.

In part, ignorance about this vital aspect of our national security is the fault of the Congress itself. A recently proposed amendment to the Foreign Assistance Act which would have prohibited the obligation or expenditure of funds for any agreement providing for the storage of nuclear weapons in a foreign country without the consent of the Senate was defeated under pressure from the executive branch by a vote of 65 to 17.

Many people do not realize that our current deployment of nuclear weapons is the result of decisions which were made many years ago. These deployments reflect strategic, political and technological considerations which may once have been valid, but which have been vastly altered during the intervening years.

In the past year only, for example, there have been further increases in Soviet air and naval activity adjacent to the territory of our Mediterranean allies, the SALT negotiations with the Soviet Union have produced a proposed treaty, the United States has opened a new relationship with the People's Republic of China (this can only affect, in major fashion, our presence on Taiwan), Okinawa has reverted to full Japanese sovereignty, and North and South Korea are now talking with each other.

These developments have a specific relation to our existing deployment of nuclear weapons; and as long as this excessive secrecy is allowed to continue, the most important single component of our defense posture cannot even be discussed in the Congress, let alone be understood by most of its members or the American people.

It is a procedure which results in the wasting of billions of dollars and one which bypasses the constitutional prerogatives of the legislative branch. Because the future of the country is involved, telling the people everything about this subject that would not aid a possible enemy is clearly in the national interest.

CHEMICALS IN OUR FOOD SUPPLY

Mr. NELSON. Mr. President, concern is mounting nationwide over the amount of chemicals in our food supply. According to Food and Drug Administration and industry figures, the average American eats about five pounds of food additives every year.

Colman McCarthy, writing in the Washington Post August 3, 1972, discusses this concern for what I believe is a major environmental and health issue.

On February 14, 1972, I introduced the Food Protection Act (S. 3163), which is designed to improve the testing and approval mechanisms for food additives at the Federal level. The bill is based on recommendations of the 1970 White House Conference on Food, Nutrition and Health.

It calls for nonpartisan, third-party testing of additives prior to approval; proof of necessity as well as safety; and nutrition standards for food products.

I recommend Mr. McCarthy's article to Senators, and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Have an Additive for Dinner—What's In It For You?

(By Colman McCarthy)

Had any water, corn syrup, shortening, sugar, whey solids, food starch modified, dextrose, sodium caseinate, flavoring gelatin, whole milk solids, monosodium and diglycerides, salt, vinegar, polysorbate No. 60, vanilla, monosodium phosphate, guar gum, lecithin, artificial color, in a crust of wheat flour, sugar, shortening, water, dextrose, graham flour, sorghum grain flour, salt sodium bicarbonate ammonium bicarbonate, artificial flavoring and coloring lately? Probably so. Lemon cream pie—the end song of this harmony of additives from the chemical lab—is popular in the summer heat. It tastes good, looks good but is it good? Good, that is, for a person's bones, muscles and spirit that naturally rely on food for uplift?

The presence of chemicalized lemon pie on the dinner table—as compared with the fresh apples or peaches served in the era before food technologists got into the kitchen—is only one example among thousands of preservatives, defoamers, nutrients, emulsifiers, colorings, acid, plasticisers and thickening agents intentionally added to food by manufacturers. Food additives are hardly a major issue of American politics, yet with each citizen consuming some five pounds of these chemicals a year, the subject is at least in the stomach if not on the mind. As with most questions involving corporate profits, government regulation and the consumer's health and his habits, additives signify to some the blessings of angels and to others a degradation fit for animals. What is clear as Americans roam through the shopping aisles is that we have asked for the additives—in the name of convenience and in the pursuit of taste—or at least we have told the food technologists to make us happy at the table.

In a balanced and informative book, "Eater's Digest," published this week by Doubleday, microbiologist Michael Jacobson expresses the belief that the "general rule on the safety of food additives is that there is no general rule. Some are safe, others are hazardous. Some are safe at low concentrations, but toxic at high concentrations. Some are themselves safe but make possible the fabrication of unwholesome foods. Each chemical must be examined individually."

That's a problem. The consumer is a part-time buyer up against the full time sellers of the food industry. Even if someone develops a nose for additives and can sniff them out like a bird dog in the aisles, often they still remain hidden. Ice cream manufacturers, for example, are not legally required to list ingredients; ice cream heads who research their pleasure are usually amazed to learn that some ice creams contain 50 percent air.

Here and there, firms like Giant Foods, a Washington supermarket chain, and Coca-Cola, show concern for the public by listing ingredients voluntarily. But even after an additive is noted, the consumer may still be running in place. Michael Jacobson writes that a "problem with food standards is that they are so easy to get around. If a manufacturer wants to make something that is similar to a standardized food, but that contains filler, nutrients or other ingredients not permitted by the standard, all he has to do is call the product by another name. One food standard, for instance, assures consumers that a jar labeled 'peanut butter' contains at least 90 per cent peanuts. A manufacturer who wishes to market peanut butter composed of 50 per cent peanuts and 50 per cent filler could do so simply by calling his product 'imitation peanut butter' or 'peanut swirl.' To let the shopper know that it is to be used like peanut butter, it would be artificially colored to the same hue as real peanut butter and packaged in a peanut butter jar, perhaps with a label declaring 'great with jelly.' In other words, if your product doesn't meet the standard, just call it something else."

A second aspect of the additive problem is that even when their presence makes a once-natural food unhealthy and over-priced, few citizens can work up the energy to care. With everything from air inversions to air wars to worry about, what's a little air in your ice cream or a drop of monosodium phosphate in your lemon pie? If you're going to protest something, whether from the left wing, the right wing ro the whole bird, at least let it be a cause more universal than the lining of your stomach. Moreover, Americans buy so many products of unknown hazard that alerting them to products that are merely neutral is all but impossible. Cigarettes are sold in packages clearly warning that the product is a health danger, yet in 1971 sales were at a record high. The Federal Trade Commission is calling for a more strongly worded statement, as if a louder bark from the sheepdogs will keep the flock from the cliff's edge.

Dangerous additives are well-known, if only because their tombstones of unsafety are clearly marked in the graveyard of banned substances. The Food and Drug Administration, seldom an over zealous guardian of the public health, created publicity when such additives as cyclamates and safrole were removed. In "Eater's Digest," however, a food industry official is quoted: "Consumers must learn tht chemical is not a dirty word, that our very bodies consist of nothing but chemicals — maintained and replenished by the chemicals in the foods we eat, the chemicals in the water we drink, and the chemicals of the air we breathe. Once consumers learn that those substances with the unfamiliar names are but a small addition to the vast numbers of chemicals provided by the more familiar food ingredients we will have made a considerable step forward."

It will indeed be a big step, especially because more and more public interest groups must be stepped over. James Turner, whose book "The Chemical Feast" three years ago was an early alert, has formed a group called Consumer Action for Improved Food and Drugs, he believes the food additive issue will grow. The increasing use of chemicals in food poses a serious problem of uncertainty. Ninety-five per cent of all mental retardation is of unknown origin; 30 to 50 per cent of all pregnancies resulting in spontaneous abortion, still or deformed births are of unknown cause. All causes of cancer are unknown. Increasing evidence relates each of these assaults on human well-being to various chemical causes. It would seem prudent, in view of this situation, to exclude all suspect chemicals from the food supply until they have been shown not to cause genetic damage, birth defects or cancer. This is not currently the policy of the food industry or the government."

Most adults can remember the days of childhood when they either grew food in their own gardens or went to the vegetable and fruit stand for a snack. Now, however, we have nearly a whole generation that has been raised on additive food, made possible by chemicals bolstering fat, water and carbohydrates and void of vitamins, proteins and minerals. Fathers too busy with careers and mothers too nutty for liberation casually feed their children Cool Whip instead of cooled fruit, Corn Diggers instead of freshly dug vegetables. It is small wonder that when the Agriculture Department recently tried to get soft drinks removed from the Montgomery Couny, Md., high schools, the school officials protested, even though soft drinks were being sold in direct competition with milk. The officials reasoned that sodas should be sold in the school because otherwise the students would leave school at lunchtime to junk up at the hamburger and hot dog joints.

Additives are less of a sign of a deteriorating America than is the additive attitude. Nourishment is so absent from the minds of many citizens that large numbers are engaged in an ongoing pattern of strangeness: going on a diet to lose weight gained from empty food.

CITIZEN BOB HOPE

Mr. GOLDWATER. Mr. President, an institution in American society, and one I am happy and proud to call a friend, is a man named Bob Hope. What can we say about a 69-year-old legend that goes on and on? When the legend is about a man such as Hope and exists "in his own time" we can not say quite enough.

This discovery, I am happy to say, was made by an excellent writer named C. Robert Jennings, in an article entitled "Citizen Hope," which he wrote recently for the Los Angeles Times West magazine. Mr. Jennings proposed the question I asked above as the first paragraph of his article. Then he answered it this way:

> You can take the cowardly way out and say that writing about Bob Hope at this juncture in his life and our times is like writing a biography of Calvin Coolidge—it can be done, but why bother? That Bob Hope is his own case history, a living memorial to a pukka folk-hero—himself, the man and the myth one and indivisible. He is the Oscar and Niagara Falls, Betsy Ross and Disney Land, Shirley Temple and Coca-Cola, too. He is a Hollywood shrine, a National Historical Monument, an international icon that even cutthroat time cannot tarnish—he remains one of the world's ten most admired men.

Mr. President, because Mr. Jennings' article is one of the finest I have ever read about our friend Bob Hope, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CITIZEN HOPE

(By C. Robert Jennings)

What can you say about a 69-year-old legend that refuses to die?

You can take the cowardly way out and say that writing about Bob Hope at this juncture in his life and our times is like writing a biography of Calvin Coolidge—it can be done, but why bother? That Bob Hope is his own case history, a living memorial to a pukka folk-hero—himself, the man and the myth one and indivisble. He is the Oscar and Niagara Falls, Betsy Ross and Disneyland, Shirley Temple and Coca-Cola, too. He is a Hollywood shrine, a National Historical Monument, an international icon that even cutthroat time cannot tarnish—he remains one of the world's 10 most admired men.

You can make it easy on yourself and do the Old Star Interview, mining the hoary biographical lode—born Leslie Townes Hope in 1903 in Eltham, England, one of seven sons of a stonemason, moved to Cleveland at age four, ho hum—unearthing enough gems along the way to keep the reader chuckling, even if they do have a way of sounding the same over the decades.

Or you can take the current tack, which is to misquote him ("War is beautiful"—*Life*); denigrate him ("The funny thing about Bob Hope is that he's not very funny"—*Look*); or make scurrilous references to his politics and sex life (*The New York Times*). But any way you go, it just won't fly.

You cannot explicate Bob Hope any more than you can parse champagne. Outside sharing scooped snoot and owlish views, he is in some deep sense the Richard Nixon of show business, at once self-made, simplistic *naif* and urbane, complex human being. (Unlike, Nixon, Hope is too loose and unrepressed to ever come apart in public.) So you observe, try to capture something of sinew and feeling, even indulge in a little Indian wrestling of egos—trusting that, in the accretion of the details of Hope's daunting busyness, the flying shards of colloquial speech, the gewgaws of personality at odd point of time and pressure, there might emerge some mosaic of the true man, if even a smudged one.

Even if the private person *has* long been submerged in the public myth, it still walks and talks like a man, takes Alka-Seltzer for sour stomach and eats cherry pie with vanilla ice cream.

I first met Bob Hope at one of his several homes, NBC in Burbank, after one of the intimidating sentries held me up at the gates because "it says here Jim Nabors will be coming to visit Mr. Hope, and you're obviously not Jim Nabors." After a few phone calls, I am cleared.

On Stage One, the Les Brown Band of Renown is rehearsing a George M. Cohan medley for a Hope special on vaulderville. Juliet Prowse and Sammy Davis, Jr., are jawing in a corner and a passel of dressers, go-fors, press agents and gag writers are milling about.

The familiar jaunty, slightly sarcastic voice calls from the star's dressing room: "Norm, did you do some golfin' blackouts for the [Palm Springs] show Monday?"

"Yeah, three or four." Then Norm Sullivan, who has written for Hope for 30 years and says he plans to "keep going until I get the hang of it," asks me if I have any golfing jokes. I apologize that I have not been involved in show business in a couple of years and. . . .

"Neither have we," says Mort Lachman, Hope's producer and long-time top writer. "This is a *factory*. Bob Hope is an industry." He explains that a few blocks away, in Hope's immense Toluca Lake spread, four secretaries labor full-time taking phone calls, answering the mail, sending out 8,000 Christmas cards, acknowledging, cataloging, and displaying countless gifts, trophies and honors, jockeying social and commercial dates. Jokes are filed alphabetically under subject headings in two concrete vaults there. In a film storage company in Hollywood, six more vaults are crammed with discs, tapes, kinescopes, recordings, videotapes and film footage, an impenetrable repository of Hopeiana for the ages.

Meanwhile, we wait. A Hope aide explains that there are so many people crowding him and such constant pressure that "he must parcel out time to each of us in chunks—even with Dolores—and nobody gets more than the other." Finally, Hope's personal press agent calls out, "Roberto wants to see you."

"Hi! How are ya'? Good to see ya'." I cannot find a voice, for he is shuffling through a soft-shoe routine all the while, looking another way. He has a slight stoop, a paunch, liver spots and brief hair, yet he looks remarkably fit, his oddly handsome face hardly creased at all by the years, his brown eyes clear and cool. Hope doesn't smoke and drinks little. "I'm booked every day right through March, could you believe that? But I *gotta* get to the dentist next week, maybe we could get together then."

How about right now, I brazen, during the break in the taping? No, he is off for some putting at Lakeside, his resident country club. He never mixes business and golf. How about the dinner break? No. He must go home and rest. There are no apologies. The famous crooked smile stays fixed, but his eyes tend to glaze over now, depthless like a rabbit's, and in the presence of this blank mien, I feel helpless, canceled. He has simply switched off, unconsciously perhaps, and he soft-shoes down the hall, humming a tune, swinging a golf club. I see my story sinking like a stone and flop on his dressing room sofa, wondering: Maybe Hope means not ever having to say you're sorry. (Which turns out to be as false as it is facile.)

"It's demeaning having to wait around for somebody all the time," says Hope's press agent with acuity. But the man is clearly in perpetual orbit. We pore over Hope's schedule: rehearsing and taping the rest of this day, a benefit at Southern Methodist University in Dallas the next day, a benefit for St. Joseph's Hospital in Houston the next, an arthritis telethon in Hollywood the next, then down to Palm Springs for the Bob Hope Desert Classic with its attendant charity dinners and requisite Agnew jokes.

I clearly cannot nail down a decent story backstage at NBC (where in six hours I see Hope for two minutes). I am monumentally bored by golf and golf gags; besides, a week on the course seems journalistically untenable. I suggest spending the weekend with Hope in Texas, an impusive gesture perhaps, certainly a desperate one. To my surprise, considering the devastating reports of recent vintage by writers who have traveled with him, Hope sends his response by emissary: "Good idea." At this juncture, it seems not unlike being admitted to an audience with the Pope.

But Bob really isn't like that, says Mort Lachman over wine and sole just prior to the final taping. Of course he's busy, but he's the most approachable guy in the world—and most of those who approach him come from Ohio. "You're a star; if somebody intrudes, you speak. You know everybody in this country comes from Cleveland? "I'm so thrilled to meet you. I'm from Cleveland, too.' You smile, you never can tell, they might be sponsors."

During the taping of the night's show, in which he and Sammy Davis, Jr. are billed as "The Happiness Boys," the ad libs are funnier than the written material. Hope admits that he can no longer sort out what was written for him from what seeps naturally through his own funny bone or some honest ventricle. "I don't compartmentalize it," he was to tell me, and ultimately I came to see why: it doesn't matter one whit. Either way, he is a funny man. Limited and no classic clown—but funny.

"Up *there*?" he asks Les Brown, whose music is pitched too fast and too high for him. "What the hell's *that?* Wo, woo, boy, wha wha what *what?* Let me hear that. Down, boy. Hey, forget that tempo we had yesterday. Jesus! Slower, kid. [aside] This *is* my show isn't it? [then wickedly] And a little slower for Sam." At one point Les drowns them out and Hope says: "Don't make it too obvious."

Sammy upstages him and Hope ripostes: "I hope you fall in the pit." Sam reads Hope's line by mistake because "I got one eye and it was lookin' the other way." Says Hope: "That's *my* line. Why the hell can't he read *his* line? Is it too late to talk money? You can't come back tomorrow?" A flunky wipes his brow and Hope says: "That's not where I need it, honey."

They do it over and over, until Hope sags and says in his faggot accent: "Oh, my God, and we were *tho weady*." Another snag. Les Brown complains that he had not heard the line that was to bring him in, and Hope snaps, "If you had, you wouldn't be on the show." Hope has to take a break: "I'm gonna lie down and talk to my psychiatrist." And Sammy grouses: "It didn't take this long to do *Porgy and Bess*."

Back on stage, during a warm-up, Hope hums, sings to himself, pow-pow-pows the jokes and mutters "buderrrup, brrup, rup rup. . . ." He has a dancer's grace, a kind of sloping charm that is more evident in the flesh. He practices some of his Texas gags on the audience: "That Howard Hughes, I think he's just a wealthy rumor, don't you? . . . . You know Clifford Irving is 6 feet, 4? 'Course, when he's not standing on Howard Hughes' money, he's 4 feet, 6 . . . I think Howard Hughes is alive and well and living inside Totie Fields . . ."

Then, when the light goes bad on his cue cards: "I can't see a goddam thing. I feel like Coy Bacon that day he couldn't see the football, he stomped his feet on the field and said, 'Damn!'" And so does Hope. He has the sort of androgynous style that, without such precision and control, could be bent to tedium and effeminacy.

Bob Hope always has the first window seat on the right of the plane, I am told, and Freddy the Maseur has the seat next to him. So around midnight I arrange with American Airlines to sit across the aisle from Hope on the noon flight to Dallas. Next day, at the check-in counter, a short, swart man with a Peruvian flight bag says to the attendant: "Mr. Hope is on the phone. You can't go without Mr. Hope." It is Freddy. He confides that once in New York, they sent the plane back for Mr. Hope.

In the first-class cabin, a portly couple try to plop down in Hope's seats only to be dislodged forthwith by several attendants, male and female. The woman is furious: "That's what we paid *extra* for," she shouts in a deep-dish drawl. "We paid first class just to get that leg space up there. I gotta big man here!" Without mentioning Hope, the attendants somehow subdue them, trundle them into the second row, though the lady is still steaming.

Ray Bolger dances aboard, red-faced, sad-eyed and twinkle-toed: "You wanna buy my autograph as the Scarecrow? I gotta lotta autographs for sale, and I can do the Scarecrow all *day*." He sings "Some Enchanted Evening" and says, "I've been dead for years. I'm really Ezio Pinza."

It is after takeoff time when Hope appears, the last one on the plane, smartly pressed, small cloth hat rakishly agely, swinging a number one wood. I try to say hello. He looks right through me, smiles and offers a perfunctory "Hi!" The entire cabin explodes into applause. It is a Star Entrance—calculated, perhaps, but the response is real. The adoration is almost palpable, thick with love vibrations. Everything will be all right now, we're all safe. It is a reassuring presence. "All right folks, down, down. Hiya, sweetheart. . . . How are ya, honey, nice to see ya. . . . Now don't get hysterical, honey. . . . Do I *have* to sign this on the barf bag? . . ." He embraces Bolger: "Shall we dance?" Even the disgruntled lady is pacified: "It's all right now," she says, patently thrilled with her sacrifice.

Hope returns to his seat, glances my way does a double take of recognition and says "Oh, *hi*", again in a way that implies apology over the earlier slight. He asks for *Time* but has to settle for *Newsweek*. When everyone else is having cocktails, he drinks ice water, then hot tea with milk.

An ex-Chrysler adman exchanges seats with Freddy and proceeds to talk to Hope nonstop for the entire trip. Periodically, Hope opens his black briefcase in an effort to study his lines, but the man drones on. "I can tell that guy's a bloody bore by his cufflinks," says the savvy blonde from Santa Monica sitting next to me. "And Bob is bored stiff—see the way he taps the spoon on the table."

Thus encouraged, I ask the Chrysler man if he would mind if I changed seats with him for a few minutes. To my astonishment, he replies that Hope "has too much on his mind," with which he gloms onto him again like a barnacle. Hope tolerates it because he is a decent, patient man, more conned than conning, with a healthy ego but no Star Temperament. He gives the man that vacant look that might vex a more sentimental being, but it doesn't work. Thus beleaguered, it is Hope's only defensive weapon.

Smiling tentatively my way, he seems to *want* me next to him now, and I remember what Mort Lachman had told me at dinner: "He'll even use you to keep a barrier, a pleasant barrier. People will then hesitate to intrude. Then he can either sleep or work or talk—he doesn't take much time to rehearse so he rehearses while doing other things. He may read the material to you, that way he gets reactions and also memorizes it at the same time." But neither of us is so lucky. The white spokes of Dallas skyscrapers are piercing the onrushing horizon. The sun slants toward dusk in the flatlands.

In Dallas, there is a ganglion of agitated fans, flunkies, attendants from cabin to terminal, where a small army of newsmen and photographers crowds Bob Hope. He is ready for them, too, speaking off the cuff for the most part. Did he see Martha Raye in Vietnam? "Yeah, and she's the only girl to have a billboard on the Ho Chi Minh Trail. I'm serious." How were the POW negotiations? "Very friendly and cordial—the guy said he knew me from *Road to Singapore*. I'm very hopeful. I think we'll have 'em out by July." Did he really think he could raise $10 million for their release? "Sure, but in view of what President Nixon offered—$2.5 billion—I feel like I offered the tip."

A new press agent appears on the scene and sweeps Hope toward a waiting Chrysler limousine, piloted by an impressively pneumatic airline stewardess. Fifty people trail us down the corridors. One woman asks why he is unshaven. "I figured I'd look awful pretty tonight, honey." A newsman wants to know if he got a shakedown before boarding. "They thought I was pretty silly wearing my parachute, but I always do. I'm studying Spanish all the time, but nothing happens." A photographer says, "Hey, you walk like a man, on TV you walk like a woman." Says Hope: "You got the wrong guy—that's Benny!"

The tall, distinguished man who had greeted Hope earlier seems lost in the shuffle. I introduce myself and he replies evenly: "I'm Willis Tate, president of Southern Methodist University—or at least I *was* as of this morning."

We go straight to the Bob Hope Theater, where rehearsals are in progress. Hope pauses before the stunning building to which he contributed a cool million and says: "Oh, well, somewhere in the world, every ham should have its hook." Buddy Rogers, actor-band leader of the '30s, now suzerain of Pickfair, is on stage playing every instrument in the band, a stunt he did in an early Carole Lombard film. Hope watches admiringly: "Why don't you *do* something, Buddy. My God, he's too much, isn't he? It's like *Wings* again."

Sheila MacRae does the title tune to *Company*, Shani Wallis sings "As Long As He Needs Me," and Hope tries to figure out where to put his cue cards: the rear of the theater is too far away—especially for a man who has had laser-beam eye surgery—and he can't dislodge the patrons on the front row. After all, they've paid $500 a seat for the Bob Hope Scholarship Fund. An aide makes alternate suggestions, and it is the first time he shows an edge: "Ya gotta intimate show, you can't *do* it that way, don't you understand what I'm saying?" Still, he never loses his temper.

That night he saunters on stage with the cocky assurance of a man who has spent all day learning his lines, though in a softer moment he has admitted that "if that guy hadn't talked to me on the plane, I would have all this new material in hand, edited it down, taken the clinkers out, tightened it, y'know?" Nobody knows the difference but Hope. He is so skillful at glancing off the cue cards, shuffled now by several college kids in the orchestra pit, that no one is aware he is reading at all.

He kicks off his act with a song that says a lot about Bob Hope:

What gives an actor confidence?
Applause, applause.
Your future is cooked, once you are hooked
On sweet applause.
It gives us that drive, on which we all thrive,
It might even revive
Dear old Crosby. . . .

A long-time Hope associate confides that he and Crosby have never been close friends, but find it commercially viable to continue using each other as "a clutch."

Hope's pauses remain the most potent in the business, his timing consummate, his trip-hammer delivery uncluttered and right on target, and the target is still often Bob Hope: "When I played golf with Billy Graham and Pat Boone, we were billed as The Supremes . . . but I don't trust a fella who kneels in the trap. . . . Fulton Sheen has a new hit album, *Those Wedding Bells Are Breaking Up That Old Gang of Mine*. . . . They're talkin' of puttin' a statue of me downtown, but nobody wants it but the pigeons. . . . I didn't intend to build this theater—I thought the chancellor was asking for my autograph and here I am . . . playing for the Methodists tonight, the Catholics tomorrow night. I'd hate to blow the hereafter on a technicality. . . . We just made one stop today, to pick up money and parachutes. . . . Got a great welcome from your mayor, Tom Landry. Your governor, Roger Staubach. . . . I realize why everyone was holding up their finger, to show me they're Number One. . . . Howard Hughes gave the movies the two best things it ever had: Jane Russell." And so it goes, like the proverbial bridal gown, something old, something new, something borrowed, something blue.

Hope closes each show as he does his Christmas-in-Vietnam spectacular: solemnly. Curiously, it brings out the best and worst in him, the most *feeling* Hope and the vaudevillian who does not perceive war, politics or culture acutely. In Texas he says, without benefit of script, "I've talked to Ky and the South Vietnamese are going to take over. So you can relax your minds about that. . . . Since I suggested we could raise $10 million to release the prisoners of war, more than one guy has said he'd put any amount of money in a Bangkok bank. . . . I checked with the surgeon general and I think the kids have licked the drug habit, it's a great move forward. The boys are in such good shape, they know they're coming home. History will record that we've achieved our mission in South Vietnam, keeping this country safe. . . We're there to save this country from slavery, otherwise we'd be just like Czechoslovakia."

To conservative Texas, this is not the naive twaddle of a deluded comic, but the eloquent orations of a Great American with a pipeline to the pulse of America and the White House, too. To pop-liberals, it is perhaps less appalling than baffling; but when they crucify him, Hope flaps his hands as if waving flies away and says: "Ya gotta look at the source."

Neverthless, when he takes time to organize his thoughts and quarterback a sign-off speech with his writers, neither the content nor the sincerity behind it can be faulted; e.g., of his recent trip to Nam: "Y'know, I've been making these trips for years and sometimes the job ain't pretty. There are a lot of forgotten people in this war that has eroded so deeply the fabric of our society—in hospitals, burn wards, and the POW camps. People meet me at airports and ask 'Can you do something?' The question is how can you stand by and do nothing? All any of us ever wanted to do is make the burden lighter for those guys who are making the sacrifices. Maybe we don't all demonstrate or join parades, but we're all antiwar . . . especially these guys right up close to it, the guys doing the miserable business, and signing the receipts for it. And when people ask me is this my last trip. I can only hope that this is our last war."

After the Dallas show, Hope mixes graciously, solicitously with the bewigged and bejeweled natives who flock on stage to greet him and drink an awful mock champagne. Even among the moneyed popinjays, there is awe beyond belief. "Is it really you, Bob Hope?" "No," cracks Hope, "I'm on tape." "You are a saint," "Thank you, darling . . ." Curiously and parenthetically. Hope's image is so powerful, so much with us and so long with us, that mentally I don't see the man in person differently than in print or on film (as one would with, say, Elizabeth Taylor). I almost have to keep reminding myself that I am standing next to Bob Hope, I should talk to him, or something.

Benefit parties are among the most boring tribal customs in America, and Hope manages to steal away early without giving anyone short shrift. Asked in the limousine if he picked the performers, he says: "Hell, no, I wouldn't pick that gang, they got too much talent."

In the penthouse suite of the Hilton Inn, Hope changes from tuxedo to suit (he has so many, his suite back home looks like a men's store), has a word or autograph for everyone in the hallways, elevator and lobby but somehow manages to keep moving. Someone's third cousin was once his script girl. Miraculously, he remembers. "We're from Kentucky but we're thinking of moving to the Valley," says one matron. "Should we?" Sure, says Bob, "Get yourself a little Kemtone and chicken wire and come on out. . . ." And he flows on through the crowds like mercury from a broken thermometer.

We repair to a barn of a building called the Losers Club. Hope is barely seated before he is surrounded by a harem of chicks. "What is this, Polly Adler's Follies?" he asks, sipping a vodka and orange juice. Some young guitar pluckers on stage keep repeating an obscenity. Finally, in midconversation, Hope says: "It's their *theme* song." They are replaced by Louis Prima and his carnival of a band, which Hope studies in profile and says: "That's some parade of noses, isn't it? I gotta picture of Dean Martin before he got *his* nose job, looks like Danny Thomas."

He is called on stage to a thunderous ovation. He smiles the familiar lopsided smile, then *pow!* "When did they take the bowling lanes out? . . . I'm the centerfold in *Field and Stream* this week. . . . You all look like you're wearing Dean Martin's old nose. You are a pretty bunch—everybody get a nose job. You know this is silly, I'd rather pay the check. . . . I knew Louis at the French Quarter—he was a towel boy. But I don't want to bore you with this marvelous material. Never seen such a crowd, whaddaya doin', givin' away marijuana?"

He introduces Ray Bolger, kisses him and says, "If I ever switch, it's you first." But no sooner has he found his way back to our instant harem than he says. "Oh, I got a great joke, I gotta go back."

A burly fellow comes up to his table to apologize for having buzzed his act in Africa in 1943. Hope remembers and responds jovially: "Hell, that wasn't as bad as the 82nd Airborne Division—they set off a charge under the stage during the show." People poke Louis Prima albums at him for autographs. "Hello, sweetheart . . . Hiya, glad to see ya . . . how *are* ya? . . ."

Finally, I ask if he is ever ruffled by the common herd. Not a bit, "but I can smell a *jerk* right off, y'know? Like a guy doing a routine, you can tell in the first coupla lines. I love it, otherwise I wouldn't travel. They're mostly *nice*. There are so many people on the *good* side, you don't have to worry about the others. Criticism? All you can argue with are the lies. When I read in *Time* that I was worth $500 million I fell into a plate of fettucini. If that were close to true, I wouldn't go to Vietnam. I'd just send for it." Through all the smoke and the harsh curlicues of sound, nobody is having more fun than Bob Hope. "Crosby hates being Crosby," says a close friend, "but Bob Hope *loves* being Bob Hope."

3 a.m. A motley gang has mysteriously descended upon Hope's hotel suite: a guy who runs a local beanery, the owner of the Losers, a magazine writer, a columnist, a couple of press agents, our bosomy "chauffeurette" as Hope calls her, an actor or two, some empty-eyed girls with alfalfa hair. Hope struts and beams through it all, takes a few golf swings in the middle of the living room, has a glass of milk and a steak sandwich which the restaurant owner has brought with him. "I loved the show tonight," he says. "Right out of Central Casting."

Somehow we manage to duck out, and at 4 a.m. we are doing a fast tandem number, almost a jog, alongside a major thoroughfare. It is Hope at his most relaxed. Even during his frequent 2 a.m. walks outside his own security-guarded digs in Toluca Lake, he is most often followed by a squad car. His talk now is candid, eclectic, free-wheeling. When he came to Hollywood from Broadway musical comedy in 1938, a famous producer warned him to watch his style—he was too faggy, too much the dandy, "but *The Cat and the Canary* changed all that. . . ." His wife loathed the song, "Thanks for the Memory," but Damon Runyon wrote a paean to the way Hope delivered it and, Hope feels, "It kept me in pictures."

With no egregious show of emotion, he recites many early failures: "Boy, did I bomb, I was such a fathead then. I *died* in Fort Worth till I cried, 'Get me a ticket back to my country,' then I died in Cincinnati, and I couldn't even get a *date* in Chicago. . . ." He was born an Episcopalian, became a "lapsed Presbyterian" (his father built the Euclid Avenue Presbyterian Church of Cleveland), now attends mass on Easter and Christmas, at which "the minister invariably looks down at me and says, 'Of course, some people only come to church twice a year. . . .'"

Hope sleeps until early afternoon, when he must finish taping an educational TV show, a spontaneous, question-and-answer forum with SMU students, and meet with a delegation of POW wives.

Noon. "You'd better not go to Neiman-Marcus," a Hope aide warns our entourage in the bar. "We don't know *when* we'll go to Houston but when we go, we're gonna go fast. If he's ready and you're not here, he'll go without you."

Is the plane here? someone asks. Been here for three days. "Pilot's probably drunk by now," says Buddy Rogers, who is not too happy about the endless wait. "Hope's a *czar*," he says later, without malice but echoing our ennui and mounting paranoia. It is true that by the time Hope has had his vitamins, his breakfast, his massage, finished his duties and his pie a la mode, we are all tired and feeling slightly oppressed, men-and-ladies-in-waiting for several hours. Forrest Tucker tries to defend and explain Hope: "When they made this guy, they broke the mold. If he said, I want you to *walk* to Fairbanks, I'd put on my sneakers and take off . . . He's a businessman first, a showman second and a humanitarian third."

On the private chartered plane, a De Havilland jet, the same abrasive aide who hoofed with Hope in *Roberta* in 1933 (Hope is *that* loyal) tells his boss that the Catholic sisters have been to the Houston airport three times in four hours. It is the sort of intelligence that Hope cannot afford to assimilate, so he just seems to tune out, cold of shoulder and vitreous of eye. Tucker droops and Hope cracks: "Why don't you rest on the stage?"

En route, he confides that the steak sandwich didn't sit too well. "I was up at 6 for an Alka-Seltzer and at 12 I couldn't *move*.

I've been going like hell for eight days and didn't realize how tired I was, y'know, tryin' to do new things, new material, so I had a lot of stuff going up here [pointing to his head], You don't realize it 'cause you're *up*."

He talks about his highly publicized POW meeting with Nguyen Van Thanh, "premiere secretaire" to North Vietnam's ambassador to Laos. "He was absolutely adorable. I showed him these pictures of my grandchildren"—he pulls out a wad of family snapshots, credit cards, calling cards, memorabilia—"and invited him to come to Palm Springs and play golf. He served tea and cookies—'course he probably had a little marijuana in 'em."

We land, the sisters are all smiles and giggles, two huge Cadillac limousines in tow. Someone points out the clinic where Dr. Michael DeBakey performs his medical miracles. Says Hope: "I thought he had his office on the freeway."

That night on stage, George Kirby and Vicki Carr do their thing while Hope skips about in the wings humming to himself and fixing some new lines in his uncanny memory, though he has brought three people down from Dallas to manage cue cards from the first row.

The gags come once more like a string of firecrackers. "I've always tried to be a good man. I've had an audience with Loretta Young. I kneel before Charlton Heston. . . . Yorty has a sign: 'I'm Sam. Fly me to the White House.' . . . The stock market is better. My stocks went from the financial page to Help Wanted. . . ."

There is a big country club to afterwards, but around midnight Hope lays out $1,000 to charter a private plane to Dallas for "a meeting."

Next day we are on yet another charter, a Falcon jet, to Dallas to pick up Hope, then to Tucson for gas, and on to L.A. Hope is unusually easy, open, fresh as paint and funny—mostly with "locker room" jokes that would curl the hair of a Chinaman. Bob Hope Blue is very dirty, often scatological, astonishingly explicit and always with it. If the kids think he is old-fashioned, they should somehow manage to stage a stag night with Hope, who doesn't miss the latest wrinkle. He is hip, a secret swinger.

There is no holding back; he exfoliates the skin of lore and legend. On money (he has some $70 million in property on which he pays taxes of nearly $1 million a year): "I'm a poor millionaire," he says. "I got the richest poor mouth in the country. I resent it when they (*Fortune* magazine) put me in there with J. Paul Getty. I'm *serious*. Here I am begging for sympathy while taking a private plane home. But I've felt the pinch the past year. It's been *tight*. I've had a cash problem. . . ."

On politics: "For most of my life I made it a policy not to participate in political things. But the last couple of years I really became concerned about the problems. I thought I could help. A lotta people ask me to help. But I still don't speak out in any partisan way. Both sides still hear from me."

His conclaves with top-ranking statesmen are mostly social, though he did supply Agnew with a surefire stream of gags for a fund-raising dinner. When the President first invited him for dinner at the Western White House, Hope said to himself: I am going to eat every course and I may eat a chair—I want to get even. "The President came out with a sort of fawn cashmere coat on, very sporty, and I said, 'you like that California field mouse, huh?' He gave me a Democrat's laugh, aaaahh. Very little, y'know? Anyway, we sat down to eat and he picked up the wine and said, 'I was reading about Disraeli and his favorite wine was this Chateau Margaux, so I decided to get some. It cost $89 a bottle so if you don't drink it, don't mess it up because we're gonna pour it back in the bottle.' So I says, 'Mr. President, if you are in *that* kind of trouble with the budget, I'm not even gonna ask for a Bowser bag, the hell with it.' "

On being Bob Hope: "It's not a great talent, it's *experience*. The only thing I have is timing. I got into this 'cause I found there was money in jokes. It goes back to $5 a night in amateur shows in World War I. When you start like that, you have a lot more balance, even when you have lows. I worked theaters so small you couldn't take a bow, they were afraid you'd get dandruff in the lobby. . . . And I'm such a ham. Some body said if I was in a blizzard and two Eskimo dogs walked by, I'd do 10 minutes for them. But I'm not the kind of guy who's *on* all the time either. I don't *wanna* be on all the time. But I can get up *anywhere* if I have to and do five to seven minutes. I will walk through a hotel lobby and a guy grabs me and says, 'Hey be a funny guy to this lady,' so I try. They do ask the damnedest things. We had this new butler who announced there was a man sitting in my living room. I came down and says, what can I do for you? He says, 'Can you tell me how I can get Crosby's autograph?'

"In Washington recently, I really wanted to talk to the President about the prisoners but it was a dinner for DeWitt Wallace of *Reader's Digest* and someone says, the President wants you to say a few words. I said, 'Thank you, I haven't played the Palace for a long time. It's nice to see the President looking so well after his strenuous duties—now that the football season is over. I didn't think DeWitt went to dinners—it takes him a month to digest anything. The President said if there's ever a Wallace in the White House, I want it to be DeWitt.' " What else did the President say? "Hope gets to go to Vietnam with Miss World. I have to go to Peking with Kissinger."

Now that Bob Hope is staring, albeit gracefully, at the sunny side of 70, wouldn't he simply like to shut off the spotlight, cancel the moon? Hell, no. That would be an earthquake. "You belong to the public. You got nine people writing for you, eight people publicizing you, a large group, uh, that keep me moving—including the Red Cross. People come up, you don't turn them off. They say you have licorice breath or you're older than you look on TV or you're fatter, you're shorter. You still, uh, you still act *right*. You go on. Sure, you're on the phone all the time and I'd like *not* to get all those calls. Of course, if I didn't, I'd call *them* and ask *why*. And the laughs—that's therapy to a comedian. So many people in our business are so *sick* from having quit. I would have to buy an applause machine just to get up in the morning if I retired. Other day, Jack Benny said he was going to London to do a show in the West End and I asked him why. He said, 'I want to get on.' That's the whole thing." Fortunately for the rest of us, the room at the top has no exit.

We land at a small private airport near Hope's San Fernando Valley home. We are all wiped out—except Hope. He is lively as a hornet. They begin to unload his bags and Forrest Tucker chides him for not traveling lighter. "Whaddaya mean, those are my *clippings*." He shakes hands all around, he is off to some telethon. "Gotta stop by the house, I guess, get a little make up on: Number Eight—Keye Luke. Bye."

It is, of course, a temporary farewell—there will *always* be a Bob Hope.

THANKS FOR THE MEMORIES

It is, when you consider it, not all that remarkable a nose. You have a friend who has an odder one. But Bob Hope built a career on it—two careers, really. First there were all those Road pictures (above), with Hope and Bing Crosby patty-caking their way around the globe. Crosby, the straight man, always wound up with Dorothy Lamour, but it was Hope who made the pictures move. In between, Hope did numberless comedies with (from near right and around the horn) such leading ladies as Ethel Merman, Shirley Ross, Paulette Goddard, Dorothy Lamour (again), Vera Zorina, Lucille Ball and, preeminently (as she was in those days) Jane Russell. Then, sometime when we weren't looking. Hope became a folk figure, a cultural object. He met (opposite, top) Truman and Ike and JFK and LBJ and compared profiles with Nixon; participated in golf tournaments with Babe Ruth; was immortalized in golf carts, comic books and watches. He received an Oscar and an Emmy, but never for his comedy, always for his "contributions." And, increasingly, he became identified with the military. Supporting and entertaining the troops used to be a cheerful patriotic duty; it suddenly turned into a significant political act. Bob Hope had become his own monument.

MISINTERPRETATION OF HIGHER EDUCATION AMENDMENTS TO GUARANTEED STUDENT LOAN PROGRAM

Mr. PELL. Mr. President, on August 1, I placed in the RECORD a statement concerning the misinterpretation by the Department of Health, Education, and Welfare of the recently passed Higher Education Amendments with regard to the guaranteed student loan program. As each day passes, this misinterpretation is causing untold hardship to thousands of students and their families.

Many of the points I raised in my statement have been touched upon in a letter I received today from the American Bankers Association. I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN BANKERS ASSOCIATION,
Washington, D.C., August 3, 1972.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: At the request of a number of our member banks, we are writing to ask your assistance in clarifying the proposed regulations (Title 45, Chapter 1, Part 177) relating to student eligibility for interest benefits under the recently passed Education Amendments of 1972 (P.L. 92–318), which were published by the Office of Education in the Federal Register of July 18, 1972.

As we interpret the proposed Regulations, they would seem to place students whose adjusted family income is $15,000 and less, and students whose adjusted family income is above $15,000, on the same footing regarding the students' eligibility for interest benefits. The Regulations indicate that both classes of students must receive recommendations from the student financial aid officers that they are eligible to receive these interest benefits. In reading the Public Law and the report of the Conferees, we feel that the Conferees' intention was to create a presumption of need in favor of students whose adjusted family income does not exceed $15,000. This would, in our opinion, mean that the only issue that can be addressed by the educational institution is the amount of the student's need and the amount of the loan it would recommend.

We are also under the impression that this recommendation would not be binding on the lender if he felt that a student whose adjusted family income was under $15,000 needed additional funds. The lender could, therefore, make additional funds available and this additional amount would still be eligible for the interest subsidy.

This in turn raises the question of a time factor for these students with adjusted family incomes of over $15,000. Before a student whose adjusted family income is $15,000 and over can receive an interest subsidized loan he must have a recommendation for this subsidy from the college financial aid officer to the lender. However, with schools due to open in less than a month, and the great burden that will be placed on the financial aid officers to analyze these requests, we doubt that all of the students' applications will be processed in time. This will be especially true of those students whose family income exceeds $15,000, but because of various financial circumstances will be entitled to a subsidized loan.

If the paper work for the student, the government and the lender would not be overwhelming, would it be possible under the law for the lender to make a non-subsidized guaranteed student loan to these students, and then if a subsidized loan is recommended by the educational institution, convert the non-subsidized loan to a subsidized loan?

We think that these provisions relating to recommendations made by the educational institutions are highly desirable as they give the lending institution some guidelines. However, the proposed Regulations seem to make the recommendation by the educational institution binding on the lender with regard to both classes of students.

We also question whether it was the intention of the Conferees to eliminate those features of the previous law that included in the loan reasonable cost for transportation, books, and supplies. We examined OE Form 1260 and found no line item that would cover these additional expenses that might normally be included in the loan base.

These questions have caused considerable concern among lenders as to whether these loans will be subsidized or non-subsidized loans and, therefore, have delayed many lending institutions from making loans to needy students.

In addition, some confusion has arisen over whether a student may mail his application to the college financial aid officer for his recommendation or whether it must be done in person. This, again, has caused additional delays in the granting of loans to eligible students.

We would very much appreciate it if you would be willing to raise these questions with the Office of Education so that the issues may be resolved.

Sincerely,

Charles R. McNeill,
Executive Director, Government Relations.

Mr. PELL. Also, Mr. President, I call upon the education institutions of this country to defer the August due dates for fall semester tuition, taking into consideration the problems raised by the HEW action. Such deferral by the schools will ease the anxieties of scores of families who are at present completely adrift as to how they will finance the postsecondary education of their youngsters.

DISCLOSURE OF FINANCIAL HOLDINGS AND OUTSIDE SOURCES OF INCOME

Mr. SCHWEIKER. Mr. President, as a U.S. Senator, I believe it is in the public interest to make a disclosure of my financial holdings and sources of outside income.

Therefore, Mr. President, I am today voluntarily making a disclosure of my financial holdings and my sources of income outside of my Senate salary and honoraria which have been disclosed in accordance with Senate Rules.

The stocks which my wife and I own are:

CPC International, Harleysville Life Insurance Co., National Gypsum Co., and the Scott Paper Co. My wife and I receive dividends from these stocks.

I hold no real estate other than that at Worcester, Pa., and McLean, Va. My other financial holdings are life insurance policies for the protection of my family, two automobiles, and household furnishings.

I hold no business directorship, business position, or partnership and receive no director's fees, consultant's fees, or salary—aside from my U.S. Senate salary. When I was first elected to Congress in 1960, I resigned all such business positions.

FUELS USE TO RISE SHARPLY: EXISTING PROJECTIONS OF ENERGY USE INADEQUATE

Mr. JACKSON. Mr. President, there has been growing awareness in recent months over a number of increasingly critical energy problems and about the need, at the Federal level, for a coherent set of policies and institutional arrangements designed both to anticipate and effectively deal with these problems. Many of the energy problems which are now the focus of national attention—natural gas shortages, growing dependency on insecure foreign sources of oil, delays in siting electrical powerplants, equipment reliability in the areas of environmental control technology and nuclear power generation—are problems which should have been identified and made the subject of priority attention by Federal agencies years ago.

Unfortunately, the multitude of Federal agencies charged with energy policy development and program administration are apparently not equipped to anticipate emerging energy problems in advance of the time that they reach crisis proportion. Neither have they the ability to set in motion new initiatives and new programs designed to avoid such crisis situations and to analyze the range of options available in providing the public with adequate supplies of clean energy.

Part of the problem we face is institutional. For a variety of reasons the Federal Government has never organized around the concept of "energy policy development and administration." Instead, new Federal functions in the energy field have been adopted in a piecemeal, ad hoc fashion in response to specific problems. It is my view that if we are to come to terms with the many major problems inherent in balancing the Nation's energy requirements with environmental concerns and with secure and varied sources of supply we must have a major restructuring of our Federal energy agencies. The President's proposed Department of Natural Resources is one constructive proposal which has been offered. It is, however, very limited in the scope of its objectives and should not be regarded as a panacea for our organizational ills in the energy field.

Far more important than consolidating energy program administration and line agency functions as proposed in DNR is the real need to develop somewhere in the executive branch an institutional capability for consistent and full-time oversight and review of all Federal energy activities and the Nation's total energy system.

Another critical need is to develop an independent capacity at the Federal level to gather and analyze statistical data and information about the Nation's present and projected supplies and uses of energy. We have depended far too long on foundations, universities and the energy industries' capacity and willingness to make such data available.

If we are to formulate sound public policy to guide the Nation's use of energy, competent, detailed, independent, and reliable information is needed about present energy uses, emerging trends, and future requirements. Energy planning and administration at the Federal level—whether it involves price regulation, tax incentives, subsidies, environmental protection, or research and development—requires an accurate and independent data base if we are to have the tools needed to create the kind of future energy systems, environment, and economic conditions we desire.

Because of the close relationship between Federal policy decisions concerning the environment, the economy, and the quality of life available to the American people, it is time we had an official set of national and regional energy accounts similar to the national income and product accounts. The Government also should have an energy forecasting model like the economic forecasting models used by the Commerce Department, the Federal Reserve Board, and the Council of Economic Advisers. These information tools would improve Federal decisionmaking capability and encourage agencies to adopt a common terminology and classification concerning energy matters.

The inadequacies of present methods of gathering, analyzing, and using data for current and future descriptions of our national energy system were forcefully brought to my attention during the preparation of the committee print on "Energy Consumption Projections." This print was prepared pursuant to Senate Resolution 45, the Senate's study of national fuels and energy policy being conducted by the Interior Committee, and was released earlier this week.

During the preparation of the committee print on energy consumption projections, the energy policy study staff discovered serious deficiencies in our methods of gathering, analyzing and using data.

For example, projections published as late as 1967 and 1968 by the Atomic Energy Commission and others overestimated the amount of nuclear powered generating capacity available in 1970 by 50 to 300 percent.

On only one subject is there significant agreement. The projections do agree that by the year 2000, the United States is likely to be consuming each year an amount of energy about equal to the total used during the whole of the Nation's first 100 years. This conclusion is supported by these forecasts, which were prepared between 1960 and 1971 whether by the Department of the Interior, the Atomic Energy Commission, the Chase Manhattan Bank, Resources for the Future, other Government agencies, industry groups, or independent scholars.

The projections compiled in the committee's survey can serve as a useful background for identifying areas of energy policy formulation needs, but even then they should all be used with some skepticism. The main lesson to be derived is that the information base is inadequate as a foundation for the confident development of public policies designed to meet the Nation's growing demand for clean energy.

The time has come when the Congress must consider the establishment of a new information system to coordinate data gathering, analysis, and forecasting of present and future energy requirements. Our Nation has too much at stake in terms of national security, health and welfare, the quality of our environment, and the stability of the Nation's economy to tolerate any longer the haphazard, uncoordinated, and too often unreliable energy information methods now available to Federal energy policymakers.

Mr. President, as chairman of the Senate's national fuels and energy policy study, authorized by Senate Resolution 45, I intend to recommend in the 93d Congress the creation of a new Federal energy information system designed to develop, collate, and analyze the data. This new system must have the capacity to develop hard objective data and must be totally independent. It must also be free of the promotional spirit for any specific energy resource that is usually associated with the mission-oriented Federal agencies which have responsibilities for the development and promotion of specific energy resources alternatives.

IN MEMORIAM

Mr. HATFIELD. Mr. President, last Thursday, August 3, 1972, one of the most creative minds of recent times passed away. There was little attention paid to this event in the press, but the passing of Paul Goodman marks the end of a most exuberant, fruitful, and fertile life. Most appropriately—and coincidentally—the August 10, 1972, edition of the New York Review contains his last and latest article entitled "Politics Within Limits." In honor of his life I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Politics Within Limits

(By Paul Goodman)

1. My social ideas are temperamentally mine—I have not really changed them in forty years—but they do not derive logically from by biases, as a doctrine. I would abhor a politics, pedagogy, or town-planning that was deduced from metaphysics, or epistemology, or even scientifically deduced rather than being pragmatic and not immoral. One must not manipulate real people because of an idea or a confirmed hypothesis. Indeed, I say "not immoral" rather than "moral" because positive morality, when used as a principle for action, can be more abstract and imperial than anything. There are far too many missionaries among my friends.

But instead of being abstract or moral, my corresponding defect is that I am an artist and fundamentally unpolitical. I don't (timidly) bestir myself to oppose anything or try to change it unless I first have imagined a simpler and more artistic way to do it, neater, making use of available and cheap materials, less senseless, less wasteful. If a bad situation is not amenable to my flash of inventiveness, I find it hard to identify with it as mine; I feel there's nothing that I can contribute. Meantime people are suffering. But a political person ploughs into the situation and makes a difference in it just by his action. Sometimes a good idea then turns up.

Artistic visions have their virtues. (Let me speak no evil of the creator spirit.) They are better than carping criticism. They give people a ray of possibility instead of the gloom of metaphysical necessity. Activism and ideology both do more harm than good. But art has the unpolitical self-sufficiency of art. I am not zealous to make my models real. And they have the timidity of being personal; I draw no strength from my fellows; I cannot lead and find it hard to follow.

One cannot rely on artists for a political message. Tolstoy makes war seem sublime and attractive. Homer makes it senseless and horrible.

2. But I mustn't overstate my diffidence. I, like anybody else, see outrages that take me by the throat, and no question of not identifying with them as mine. Cruelty and insults to the beauty of the world that keep me indignant. Lies, triviality, and vulgarity that suddenly make me sick. The powers-that-be do not know what it is to be magnanimous; often they are simply officious and spiteful. As Malatesta used to say, you try to do your thing and they intervene, and then *you* are to blame for the fight that happens. Worst of all, it is clear from their earth-destroying actions that these people are demented, sacrilegious, and will bring down doom on themselves and those associated with them; so sometimes I am superstitiously afraid to belong to the same tribe and walk the same ground as our political leaders.

Yet people have a right to be crazy, stupid, or arrogant. It is our speciality as human beings. Our mistake is to arm anybody with collective power. Anarchy is the only safe polity.

It is a moral disaster to suppress indignation, nausea, and scorn; it is a political (and soon moral) disaster to make them into a program.

It is a common misconception that anarchists hold that "human nature is good" and therefore men can rule themselves. But we tend rather to be pessimistic. We are phlegmatic because we do not have ideas. And men in power are especially likely to be stupid because they are out of touch with concrete finite experience and instead keep interfering with other people's initiative, so they make them stupid too. Imagine being deified lie Mao Tse-tung or Kim Il Sung, what that must do to a man's character. Or habitually thinking the unthinkable, like our Pentagon.

3. I must also mention the odd abstraction "Society," since it has exercised such a superstitious compulsion on political scientists since the time of Bentham, Comte, Hegel, and Marx; instead of the loose matrix of face-to-face communities, private fantasies, and shifting subsocieties in which most people mostly live their lives. It is understandable that fatherly czars or divine-right monarchs would have the delusion that all the sparrows are constantly under their tutelage as one Society; and that Manchester economists would sternly rule out of existence all family, local, and non-cash transactions that cannot be summed up on the stock exchange. The usual strategy of Enlightenment philosophers, however, was to cut such big fictions down to size and to have simple, concrete abuses to reform. But it was as if, to substitute for the slogan *L'Ancien Regime*, it was necessary to have a concept equally grand, Society.

Comte and Bentham wanted to manufacture the big fiction of Society into a reality—Comte knew that it started as a fiction—in order to use it to tidy up "everything" or at least "the greatest good for the greatest number." For metaphysical reasons, Hegel was satisfied that the more socialized a man, and the more self-conscious of it, the more real he was. But the pathetic case is Marx, who concentrated on Society and indeed wanted to empower Society, precisely to get rid of it and go back to simpler personal and community existence.

Certainly there are occasions when my existence as a mere member of Society is overwhelmingly important and not at all an abstraction, for example when they herd me into a big air liner, with its back-up of thousands of anonymous operatives and their schedules and instruments, not to mention hijackers. But even so, after the initial shock, I soon recover and become restive for a more attractive seat, mate, or look for a couple of empties so I can stretch out and go to sleep, or I press my nose to the window and watch the clouds and the receding earth.

Usually my need for Society is satisfied by a very loose criterion: "Lucky is the man who can band together with enough of those likeminded with himself—it needs only a couple of hundred—to reassure him that he is sane, even though eight million others are quite batty." (*Empire City*, iv, 19, i.)

One reason I haven't learned anything in forty years is that the political truth is so simple that a boy can see it: Society with a big S can do very little for people, except to be tolerable so we can go on about the more important business of life.

4. Most anarchist philosophers start from a lust for freedom. Sometimes this is a metaphysico-moral imperative, with missionary zeal attached, but mostly it is a deep animal cry or religious yearning, like the hymn of the prisoners in *Fidelio*. They have seen or suffered too much restraint—serfdom, factory slavery, deprived of liberties, colonized by an imperialist, befuddled by the church.

My own experience, however, has by and large been roomy enough. "They" have not managed to constrict it too much, though I have suffered a few of the usual baits, many of the punishments, and very many of the threats. I do not need to shake off restraint in order to be myself. My usual gripe has been not that I am imprisoned, but that I am in exile or was born on the wrong planet. My real trouble is that the world is impractical for me; by impatience and cowardice I make it even less practical than it could be.

For me, the chief principle of anarchism is not freedom but autonomy, the ability to initiate a task and do it one's own way. Without having to take orders from authorities who do not know the actual problem and the available means. External direction may sometimes be inevitable, as in emergencies, but it is at a cost to vitality. Behavior is more graceful, forceful, and discriminating without the intervention of the state, wardens, bureaucrats, corporation executives, central planners, and university presidents. These tend to create chronic emergencies that make themselves necessary. In most cases, the use of power to do a job is inefficient in the fairly short run. Extrinsic power inhibits intrinsic function. "Soul is self-moving," says Aristotle.

The weakness of "my" anarchism is that the lust for freedom is a powerful motive for political change, whereas autonomy is not. Autonomous people protect themselves stubbornly but by less strenuous means, including plenty of passive resistance. They do their thing anyway.

The pathos of oppressed people, however, is that, if they break free, they don't know what to do. Not having been autonomous, they don't know what it's like, and before they learn, they have new managers who are not in a hurry to abdicate. And the oppressed hope for too much from New Society, instead of being vigilant to live their lives. They had to rely on one another in the battle, but their solidarity becomes an abstraction and to deviate is called counterrevolutionary.

The possibility of my weaker position is that autonomous people might see that the present situation is disastrous for them, and that their autonomy is whittled away. They cannot help but see it. There is not enough useful work and it is hard to do it honestly or to practice a profession nobly. Arts and sciences are corrupted. Modest enterprise must be blown out of all proportion to survive. The young cannot find their vocations. Talent is stifled by credentials. Formal civil liberties are lost to bugs and Interpol. Taxes are squandered on war, schoolteachers, and overhead. Etc., etc. The remedies for all this might be piecemeal and undramatic, but they must be fundamental, for many of the institutions cannot be recast and the system as a whole is impossible. A good deal could be made tolerable by wiping a good deal off the slate.

The aim of politics is to increase autonomy, to get Society out of the way and open up new space. I like the Marxist formula "the withering away of the State," but it is the method, not the result.

5. The central organization of administration, production, and distribution is sometimes unavoidable, but it mathematically guarantees stupidity. Information reported from the field must be abstracted, and it loses content at every level; by the time it reaches headquarters it may say nothing relevant. Or it may say what (it is guessed) headquarters wants to hear. To have something to report, the facts of the field are molded into standard form and are no longer plastic. Those in headquarters cannot use their wits because they are not in touch. Those in the field lose their wits because they have to speak a foreign tongue, and can't initiate anything anyway. On the basis of the misinformation it receives, headquarters decides, and a directive is sent down that may fit nobody in particular. At each level it is enforced on those below in order to satisfy those above, rather than to do the work. When it is applied in the field, it may be quite irrelevant, or it may destroy the village in order to save it.

The criteria for the sucecss of such operations are abstractions like Gross National Product, Standard of Living, body count, passenger-miles, PhDs awarded. These at best have no relation to the common wealth, satisfaction of life, peace, experience of travel, or knowing anything. But at worst they impede the common wealth, peace, experience of travel, etc.

Nevertheless, central organization, which mathematically guarantees stupidity, is some times unavoidable; and just by existing, it exerts disproportionate power. This is a puzzler. The Articles of Confederation and the acrimoniously debated Federalist Constitution gave an answer that worked pretty well, in quite simple conditions, for almost thirty years. In my opinion, we would have had a more experimental and interesting country for a longer time if we had just amended the Articles. We wouldn't have had the Tariff of 1817.

6. I suppose the most sickening aspect of modern highly organized societies is the prisons and insane asylums, vast enclaves of the indigestible, which the rest live vaguely aware of, with low-grade anxiety.

We have been getting rid of the stupid but at least human notions of punishment, revenge, "paying the debt," and so forth. But instead, there persists and grows the God-like assumption of "correcting" and "rehabilitating" the deviant. There is no evidence that we know how; and in both prisons and asylums it comes to the same thing, trying to beat people into shape, treating the inmates like inferior animals, and finally just keeping the whole mess out of sight.

The only rational motive for confining anyone is to protect ourselves from injury that is likely to be repeated. In insane asylums, more than 90 percent are harmless and need not be confined. And in prisons, what is the point of confining those. I don't know what percent, but it must be fairly large—who have committed one-time crimes, e.g., most man-slaughters and passional or family crimes, while they pay up or alone? People ought indeed to atone for the harm they have done, to get over their guilt and be "rehabilitated," but this is much more likely to occur by trying to accept them back into the community rather than isolating and making them desperate. Certainly the old confession on the public square was a better idea.

It is doubtful that punishing some deters others. Varying the penalties has no statistical effect on occurrence, but only measures the degree of abstract social disapproval. And it is obvious that the great majority who do not steal, bribe, forge, etc., refrain because of their life style, more subtle influences than gross legal threats; other cultures, and some of our own subcultures, have other styles and other habits; for example, the youth counter-culture has increased shoplifting and forging official documents.

The chief reason that so-called "moral legislation" has no influence on deterring vices is that temptation to the vices does not occur in the same psychological context as rational calculation of legal risks—unlike business fraud or risking a parking ticket. And it is likely that much authentic criminal behavior is compulsive in the same way. (But we must remember that our theories about criminal psychology and sociology come mainly from caught criminals, a special minority.)

There *are* inveterate lawbreakers and "psychopathic personalities" who cannot be trusted not to commit the same or worse crimes. (I think they will exist with any social institutions whatever.) It is unrealistic to expect other people not to panic because of them, and so we feel we have to confine them instead of lynching them. But our present theory of "correction" in fact leads to 70 percent recidivism, usually for more serious felonies; to a state of war and terrorism between prisoners and guards; and to increasing prison riots. Why not say honestly, "We're locking you up simply because we're afraid of you. It is not necessarily a reflection on you and we're sorry for it. Therefore, in *your* terms, how can we make your confinement as painless and profitable to you as we can? We will give you as many creature satisfactions as we can afford, not lock you in cells, let you live in your own style, find and pursue your own work—so long as *we* are safe from you. The persisting, and perhaps insoluble, problem is how you will protect yourselves from one another."

It may be objected, of course, that many sober and hard-working citizens who aren't criminals are never given this much consideration by society. No, they aren't, and *that* is a pity.

1. Writing *Communitas,* my brother and I used only one methodical criterion: diminish intermediary services that are not directly productive or directly enjoyed, like commuting, packaging, sewer lines, blue books. These do not pay off as experience, but they clutter it up and rigidly predetermine it—you walk where the streets go, you study to pass the examination. The social wealth and time of life that go into intermediaries cannot be used for something else. There are slums of engineering. Economists of the infrastructure do not think enough about this when they saddle underdeveloped regions with dead weight.

It is melancholy to consider the fate of John Dewey's instrumentalism, the idea that meaning and value are imbedded in means and operations, that the end in view is *in* practice. Instrumentalism was attacked as anti-intellectual, as base because it omitted ideals; but indeed it was an attempt to rescue intellect from being otiose and merely genteel. It was part of the same impulse as functionalism to rescue architecture, and industrial democracy and agrarian populism to rescue democracy. These meant to dignify the everyday and work-a-day from being servile means for Sunday goals. Now, however, we take it for granted that immense means are employed and operations carried on *instead* of meaning and value. No end in view, no experience, nothing practical. A university is administered to ensure its smooth administration. The government makes work in order to diminish unemployment. A candidate runs for office in order to be elected. A war is fought to use new weapons. Only the last of these sounds harsh.

8. At best, survivals of the past, for example "Western culture," and the busy business of present society must also be crushing weights on anybody's poor finite experience, unless he can somehow appropriate them as his own by education and vocation.

Most people in most ages pick up a good store of folk ways and folk songs in the same way as they learn the language, however that is. They prudently manage to screen out most of the high thought and culture that is not for them, unless they are harassed by schoolteachers; yet they also get wonder-full flashes of it; on solemn religious occasions; from works of high music, art, and architecture that have become like folk ways; from important civic occasions that give food for profound thought, like constitutional crises, struggles for social justice, lawsuits; and most jobs and crafts, whether mechanics or farming or cooking or child-rearing, involve a good deal of fundamental science and high tradition that intelligent people pick up. Ordinary life can be culturally rich, and sometimes has been. It is a dubious society when the workdays, holidays, and election days do not provide enough spirit for most people, and we try to give a liberal education abstractly by lessons in school. It cannot be done.

In critical periods, alienated young people may choose on principle not to take on the traditions at all. At the end of the Middle Ages, the *moderni* declared they were throwing out the past, and they deserted the Scholastic regent professors and set up their own colleges. The youth of *Siturm un Drang* threw out courtly manners and morals. Today seems to be a similar time. Young people astoundingly might not know "Greensleeves" and "Annie Laurie"; they do not become thoughtful on days that commemorate events that happened thousands of years ago—like Huck Finn, they aren't interested in people who are dead; they simply take for granted what Harvey and Newton had to puzzle out; they don't care that Tyrannosaurus lorded it over the Cretaceous era. The curriculum of a Free University might be, typically, Sensitivity Training, Psychedelic Experience, Multi-Media, Astronomy, Castro's Cuba, History of Women, and Black Studies. These are not the major Humanities, yet it is better to study what they *can* appropriate as experience than what they can't. (I am puzzled that they do not study nothing, a deeply philosophical subject. They seem to have to go to school.)

Some of us, finally, live *in* the high culture, its spirit reviving in us and being more or less relevant to 1972, not with an easy adjustment. Our contemporaries are as likely to be Seami and Calderon as people we can talk to. People like us have a use. It would be woeful if the great moments of spirit did not survive. And the present institutions are lifeless if their spirit is not revived. But I don't know any method of teaching what we know, namely, that Beethoven, the Reformers, the authors of *The Federalist* were real people and meant what they did. The great difficulty is that, in order to know them in our terms, it is first necessary to make the abnegation of learning them in their terms. And the less culture one has to begin with, the harder this is to do.

9. Vocation is taking on the business of the community so it is not a drag. If I find what I am good at and good for, that my community can use and will support, securely doing this, I can find myself further; and the social work is humanized because a person is really doing it.

Having a vocation is always somewhat of a miracle, like falling in love and it works out. I can understand why Luther said that a man is justified by his vocation, for it is already a proof of God's favor. Naturally, it is psychologically easier if the family or community has provided intimate models to a child, and if it encourages him as he follows his own bent. It is harder if a child is poor or is restricted by his status, high or low, and has to take what offers or what he must. Faraday's career is a good example of both advantage and deprivation, and of the miracle. His father was a journeyman blacksmith. When he was adolescent, they apprenticed him to a bookbinder for seven years. Although he could hardly read, he used to take home the books of natural philosophy that came into the shop for rebinding, and copy out the diagrams. The clients talked to him—he must have been likable as well as smart. They invited him to lectures. Because of his ability to fashion apparatus, at twenty he became the laboratory assistant of Humphrey Davy. So he had the right background, he had the right hardships to make him make an effort, and he had the genius of Faraday.

Our present practice is poor. Big Society has slots to fill; the young are tested for their aptitudes and schooled to fill the slots. There are no intimate models. The actual jobs are distanct and unknown. Talent is co-opted; it does not develop at the youth's choice and time. A strong talent may well balk and deny his very talent. This is abstract.

But there may be an even more lifeless future, now widely proposed. In our changing world, the young must be trained to be adaptable, to "play various roles." This will "free" people from being "tied down." Young people I have talked to like this idea; they want to be "just human" and not limited to a vocation or profession. They want to be "into" various activities. As, presumably, Shakespeare was heavily "into" writing plays and Niels Bohr was "into" atomic physics. It is a curious view of personality and commitment.

10. To be a citizen is the common vocation. It is onerous unless one has an authentic talent for it, which I don't have, but we have to take over society as our (hopefully finite) experience or it takes us over infinitely. Even when I can only gripe, I write letters to the editor. I gave a collection of them the explanatory title *The Society I Live in Is Mine.*

A child or adolescent has the right to a naive patriotism, loyal pride in the place where he is thrown—he didn't choose to be born here. Without a sneaking nostalgia that there is *some* sense, honorable history, and good intentions in these people, we are in a harsh exile indeed.

For a child, even the idiot patriotism of nationalism is better than none. My little daughter, now nine, is going to an Hawaiian public school where they inundate the kids with "Columbia the Gem of the Ocean" and the Pledge of Allegiance, plus some pathetic Hawaiian—the school is 95 percent quarter-Polynesian. But in New York she had been attending a "progressive" private school where instead of "America the Beautiful" they were likely to sing.

> O ugly for polluted skies,
> grain grown with pesticides

and I am just as pleased that (for a few months) she is reading about the shot heard round the world and Thomas Jefferson without mention of his being a slaveholder. I see that it makes her happier to believe the noble rather than the base. It is touching.

11. "I have no idea what is the secret mission of the Navy vessels lying off my lanai in Waimanalo, but I wish they would get it over with and stop obstructing the horizon"—letter to the *Honolulu Star-Bulletin.* In fact they were practicing living in an underwater habitat built by the Oceanic Institute, nothing objectionable. But my resentment was that the Navy just sat there day after day, as if they owned the place.

I like Hegel's idea that property is an extension of personality, it is obviously so if we consider my tools, my clothes, my room, and my view of the horizon. And I would prefer to consider big capital property in the same light rather than that it is purely made by statute, State power. Big capital is the extension of cooperative personality, past and present; it is largely our common inheritance that has been sequestered by a few.

Socialists object to any theory of natural property. They would in fact usually allow private use in clothes, tools, and so forth, but not as a natural right, rather as a right given by the collective. I think this dispiriting; in order to assert my right and do my business, I would first have to take myself abstractly, as a member of all society. To get capital for a new venture, I would sooner appeal to a tight-fisted businessman who might have a mind than to a collective bureaucracy that is likely to have none. To be sure, all that I myself ever need is somebody with a little printing press.

The issue of property has been wrongly put. The question is not whether personality extends into the environment—of course it does—but what kind of personality a man has. If he is exclusive and squeamish and rides roughshod over people, then his property will also be like that and will be objectionable. If he imagines that huge holdings do not enclose the commons, exploit the common wealth, and deprive other people, he is a fool. If he has a monopoly and does not consult my interest, he makes me subservient and why should I put up with it? If the Navy would explain to me how it is temporarily appropriating that stretch of water for an interesting experiment, I might feel that my property in that stretch of water is being improved. I would willingly cooperate. My horizon would no longer be obstructed. To be sure, I distrust any experiments of the Navy, but that is another story.

Nor is the issue between "private property" and "social property." Who would want to be private? We exist mainly, though not altogether, as community animals. To be a private individual is largely pathological. For a society to act as a collective is largely pathological.

12. The error of those who are mistakenly called "conservative" is not their laissez-faire economics. It is probable that competitive free enterprise is a more productive system than mercantilism, monopoly capitalism, or socialist collectivism. But as in the past, free enterprises still parcel out the commons as if it were on the market. They treat moral, cultural, and aesthetic affairs that belong to the community as if they were economic affairs, e.g., giving access to the young, conserving the environment, helping the needy. But these are necessary for society to be tolerable at all. The tolerable background for any economic activity cannot be an object of economic activity.

And they make a corresponding mistake in their economics. In most of our present production, the chief value comes from the genius of Watt, Faraday, Rutherford, etc., from the industry of our fathers who cleared the woods and laid out the roads, and from natural resources. We all happen to have inherited these gold mines. It is unreasonable for a few who control capital and thereby can make use of the inheritance not to pay everybody royalties, e.g., Theobald's guaranteed income.

13. Equalitarians object to special privilege; for instance, they don't like it that my sheepskin promises to me "all the rights, privileges, and immunities " of a doctor of philosophy. But my ancestor Abelard and his students fought and suffered for those rights and immunities; we (maybe) need them to do our thing; I am not at all willing to renounce them—indeed, I am a stickler for them.

Again, the issue is put wrongly. It would be better if every person and his community of interest had far more rights, privileges, and immunities. Children have special rights, privileges, and immunities. Those who have worn themselves out bringing up children have special rights, privileges, and immunities—I guiltlessly say, "Young man, tote my bag." As a writer I need liberties and immunities that do not belong to a man who will never write a line; he does not care about freedom of the press, and in fact he won't defend it. The real issue is that many rights, privileges, and immunities that once had an historical warrant, and enhanced experience and activity, have now become a racket. For example, professionals do need a peer group and are professionally responsible only to their peer group, their oath, and the nature of things; but the economic blackmail of the medical associations is a racket.

Any professional peer group is likely to develop a secret language and mystify the laity, but I find this acceptable if it helps them do their thing. What is unacceptable is for them to get the State to certify them as the only practitioners and make them exempt from competition and criticism. Compulsory mystification is like compulsory miseducation. The pretext is to protect the public from quacks; the effect is to destroy people's inquisitiveness and natural prudence and to increase quackery, including the quackery of certified professionals.

I am suspicious of equal law for everybody, like the *jus gentium* of the Romans that emerged with an empire from which no one could escape. It is safer to have a bewildering tangle of unique prerogatives, and lots of borders to flee across.

14. The main reason that Jefferson was a champion of freehold farming as a way of life was that it was independent of political pressures. It kept open the possibility of anarchy that he hankered for—"Let Shays' men go. If you discourage mutiny, what check is there on government?" If a farmer doesn't like the trend, he can withdraw from the market, eat his own crops, and prudently stay out of debt. If he has a freehold, they can't throw him off his land. (In Jefferson's day, he couldn't be drafted.) Other kinds of tenure have a similar privilege, academic tenure or seniority on the job, but of course the whole enterprise can shut down.

My own admiration for farming is its competence. The wonderfully direct connection between causes and effects, whether the seeds, the soil, the weather, the breeding, the plumbing in the barn, or the engine of the tractor; and of course growing it and then eating it. Needless to say, a farmer understands most of this only empirically, practically, not scientifically. He is not altogether in control. That too is very good; there are gods.

Wordsworth had a good insight of the beauty and morality of rural life. The ecology of a country scene is so exquisitely complicated that we finally have to take it as just given. This simplifies its morality, we can relax a little. But I can't take the traffic or housing in Manhattan as given; it is an artifact and I have to do something about it. Also, the country scene has been so worked over for millions of years that it is bound to have unity and style, heroic in scale, minute in detail. But for various well-known reasons, the man-made scene is bound to be ugly. If people change their ways, it could become at least modest.

15. Professions and sciences are sacred because they devote themselves—indeed, in a priestly way—to the natures not made by us but that enable us to make sense and not live wishes, hopes, and nightmares. Being observant, accurate, humble, and austerely self-denying, scientists and professionals accumulate the reward of their Calvinist virtues. Great powers flow through them—which they can use to our disadvantage. Therefore they ought to bind themselves by oath to benefit and not harm the community, and it is better if this oath is public and explicit, like the Hippocratic oath.

When, instead, they come on like petty clerks of the powers-that-be and as petty bankers of their own economic interests, the forces of nature are unleashed without human beings to interpret and exorcize them.

We others, artists and literary men, are easygoing toward nature and mix into our service a good deal of ourselves. So we accumulate little force, but it is domesticated. We do not need to bind ourselves with an oath, except not to censor.

16. Futurologists take current trends, that may or may not be good, and by extrapolating them for twenty years perform the sleight of hand of making them into norms that we must learn to conform to and prepare ourselves for. As a group they are extraordinarily slavish to the *status quo*—science fiction writers are often far more critical and daring. They seem to want to delete from primary experience its risky property of passing into the Next, beyond a horizon that very swiftly becomes dim and dark. Aristotle: "The past and present are necessary, the future is possible."

Luckily, human beings have enormous resources of anxiety, common sense, boredom, virtue, and perversity, to distort or reverse almost any trend you want.

The mania of planning for the future springs, of course, from the fact that current technology, urbanization, population, and communications are intractable—or at least the managers have lost their pragmatic inventiveness—so that it seems to be less desperate to grin and codify them. As Kafka advised, "Leopards break into the temple; make it part of the ritual."

My own prediction, however, is that there will be increasing disorder for twenty years, and that might be very well. Some things—some times—break up into fragments of just the right size and shape. People en masse learn only by being frightened anyway—10,000 dead one morning of the smog, a city wiped out by an accidental bomb. It's not that we are stupid, but it takes a big fact, not a syllogism, to warrant a big response. If only the process of disorder is not aggravated by reactionary Law and Order, liberal Futurology, and radical idealism.

17. I am bemused, as I spell out this politics of mine, at the consistent package of conservative biases, the ideology of a peasant or a small entrepreneur who carries his office and capital under his hat. Localism, ruralism, face-to-face organization, distrust of planning, clinging to property, natural rights, historical privileges and immunities, letters to the editor that view with alarm, carrying on the family craft, piecemeal reforms, make do, and let me alone.

No. It is not a possessive peasant nor a threatened small entrepreneur, but a small child who needs the security of routine. There is no father. Mother is away all day at work. The child is self-reliant because he has to be. It is lonely, but nobody bugs him, and the sun is pouring through the window.

Where the emphasis in a philosophy of experience is on the foreground empirical facts, as in Dewey, we come out with a bias toward experiment and a politics of progressivism. Where the emphasis is on the phenomenology, the horizons and backgrounds of experience, we come out with conservation and conservatism. The difference is the old principle of acculturation from tribe to tribe: if the new item is a plough or a technique for baking pottery, it diffuses rapidly; if it is a change of taboo, child-rearing, or aesthetics, it is resisted, it diffuses slowly or not at all. In such acculturation, there is no "future shock." (The shocks come with colonialism.)

Since as experience I want the concrete and finite, with structure and tendency, a next so I can live on a little, and a dark surrounding, politically I want only that the children have bright eyes, the river be clean, food and sex be available, and nobody be pushed around. There must not be horrors that take me by the throat, so I can experience nothing; but it is indifferent to me what the Growth Rate is, or if some people are rich and others poor, so long as they are *pauvres*, decently poor, and not *misérables* (Péguy's distinction). I myself never found that much difference between being very poor and modestly rich.

Idolatry makes me uneasy. I don't like my country to be a Great Power. I am squeamish about masses of people enthusiastically building a New Society.

The great conservative solutions are those that diminish tension by changing 2 percent of this and 4 percent of that. When they work, you don't notice them. Liberals like to solve a problem by adding on a new agency and throwing money at it, a ringing statement that the problem has been solved. Radicals like to go to the root, which is a terrible way of gardening, though it is sometimes sadly necessary in dentistry.

Finally, like Luther, but unlike Hegel or Marx, I think that the way to overcome alienation is to go home and not on a tour through history and the realms of being.

Schultz, the neighbor's big black dog,
*used to * * * on our scraggly lawn,*
but we feed him marrow bones
and he treats our lawn like his own home.

The kids of Fulton Houses in New York
smashed windows on our pretty block for spite,
we gave them hockey sticks to play with
and they smashed more windows.

The dog is an anarchist like me,
he has a careless dignity
—that is, we never think about it,
which comes to the same thing.

The kids are political like you,
they want to win their dignity.
They won't.
But maybe their children will be friendly dogs
and wag their tails with my grandchildren.

From La Gaya Scineza—Aging and Sick

(By Paul Goodman)

It's poignant and gloomy to me who am grounded
to see the young how they race and clamber
tote heavy loads and sing all night
and sleep away and snore.
It's simply boring to hear them repeating
the ideology of nineteen thirty
that was inauthentic also the first time.
They'd lend me a little of their vitality
if I could hang around condoning their politics,
but I lash out and make them dislike me,
so teach them nothing, gloomier myself.

I know it's no advantage to be right,
la gaya scienza is nature's way.
What an ugly character I have!
Able to love only the kid
that I can talk to seriously,
imposing the heavy weight of my attentiveness
that of course neither of us can sustain.

* * *

I sit in my old car
as in my body and we go well.
I do not sit as confidently
in my body and we go erratically.

If I were a mechanic and could hear
the misses and rattles of my old car
as I know the signs and portents of my body,
I wouldn't drive so fast to Honolulu.

I wouldn't speed so happily by Koko
and glance delighted at the wine-blue sea
toward Molokai, as if I were still healthy,
as if my old car never yet broke down.

I'll stop for this dark fellow by the road
who wants a ride. How beautiful he is
still wet from the big surf at Sandy Beach,
even if he is the angel of death.

Yet, it is better not to live in fear
for "Of all things," the Zendavesta says,
"the fear of them is worse than the things themselves
—only hell is worse than the fear of it."

AN UNWELCOME ANNIVERSARY

Mr. HUGHES. Mr. President, 8 years ago today, I repeat—8 years ago—the United States began bombing North Vietnam. At that time, our attacks were said to be in response to unprovoked attacks on two U.S. destroyers in the Gulf of Tonkin.

Eight years later, we are still bombing North Vietnam. In fact, we have dropped an estimated 600,000-plus tons of munitions on that country—as much as we expended in all of the Korean War.

And all the promises and predictions that these attacks could end the war have not come to pass.

The time has come, Mr. President, for a full investigation into the air war. Nothing comparable has even been undertaken since the extensive hearings by the Armed Services Committee in 1967. Yet now we find that our involvement in the Indochina conflict is largely confined to an air war.

We need to know why the bombing has not produced the predicted results. We need to know whether the tremendous costs are equaled by any benefits. In view of the Lavelle affair, we need to know whether the command and control system is such that we can believe the officials who deny that we are bombing dikes or other civilian facilities.

Unless we pull the evidence together and prod the administration into analyzing what they have not studied in recent years, we may still be bombing, still destroying, and still debating another 8 years from now.

Already the distinguished chairman of the Armed Services Committee (Mr. Stennis) has promised hearings both into the Lavelle case and into the legislation I introduced earlier requiring the declassification of certain facts about the air war.

I intend to use these hearings to press for adequate and comprehensive answers to the questions I have raised.

To help the Congress evaluate the air war, I hope that the administration will conduct and present to us its own new study of the effectiveness of the bombing. Last February I asked Secretary Laird whether there had been any studies comparable to the Jason study of 1967 on the effectiveness of the bombing. He replied:

> While we have continued to evaluate the requirements and effectiveness of our interdiction efforts, there have been no further studies with a scope and detail comparable to that of the Jason study to which you refer.

Now that the Pentagon papers are publicly available, we know that an intelligence estimate on October 9, 1964, concluded that a systematic program of air attacks was not likely to halt North Vietnamese attacks in the South. Even the report by McGeorge Bundy at the start of regular raids in February 1965, expressed some doubt that a policy of sustained reprisals would succeed in changing the course of the war.

The evidence was available in 1964 and in 1965. By 1967 the Defense Department had in hand the famous Jason study of the effectiveness of the bombing. Its forthright conclusions were:

> The U.S. bombing of North Vietnam has had no measurable effect on Hanoi's ability to mount and support military operations in the South.
>
> The bombing campaign against NVN has not discernibly weakened the determination of the North Vietnamese leaders to continue to direct and support the insurgency in the south.
>
> We are unable to devise a bombing campaign in the North to reduce the flow of infiltrating personnel into the South.

When a new administration took office in 1969, it requested new judgments on the bombing. The fact that the conclusions were heatedly contested should have given rise to further probing. According to the National Security Study Memorandum No. 1, as reprinted in the CONGRESSIONAL RECORD:

> All agencies acknowledge that sound analysis of the effectiveness of B-52 strikes is currently impossible for several reasons. The consensus is that some strikes are very effective, some clearly wasted, and a majority with indeterminate results. There are sharp differences on casualty estimates.
>
> The MACV/JCS and State/CIA/OSD fundamentally disagree over whether our bombing campaign either prior to or after November has reduced the enemy's throughput of supplies so that the enemy in South Vietnam receives less than he needs there. The MACV/JSC feel that the bombing has succeeded; State/CIA/OSD think it has failed.

This debate apparently continues. Only last December, Air Force Secretary Seamans proudly displayed charts showing that enemy infiltration of supplies along the Ho Chi Minh trails had been cut by more than half in 1970–71, compared with 1969–70. In the last 2 months of 1971, only 150 tons of supplies was said to have made it through the U.S. rain of bombs. Needless to say, those tiny amounts were still sufficient to permit the North Vietnamese to launch widespread and powerful offensives throughout South Vietnam.

When will we learn, Mr. President? When will we admit that massive bombing such as we are inflicting on this small peasant country can never be totally effective against a determined people—unless, perhaps, we abandon all of our humanity and seek to obliterate all signs of life?

The controversy over the bombing of the dikes shows that we are moving tragically close to that policy of striking purely civilian targets at the risk of terrifying civilian casualties.

We need the facts in order to make a judgment on this air war. We must reassure ourselves and other nations that we are not violating our words by unauthorized deeds. As former U.N. Ambassador Charles Yost wrote the other day:

> The cold hard truth is that we cannot beat a small enemy "back to the stone age," abandoning moral and military restraints in our war against him, without dangerously sapping the reservoir of international respect which our forefathers built up over two centuries and on which any claim we may have to world leadership must rest.

SALES OF NATURAL GAS

Mr. TOWER. Mr. President, on August 3, 1972, the Federal Power Commission announced the adoption of a new administrative rule, entitled "Optional Procedure for Certificating New Producer Sales of Natural Gas."

This rule purports to eliminate price control by the Federal Power Commission over reserve of natural gas, discovered and sold in interstate commerce after April 6, 1972.

The Federal Power Commission has surely taken a most courageous stand. In the policy statement issued with the rule, the Commissioners unanimously acknowledged the seriousness of the natural gas shortage presently facing the Nation. They further stated that the primary remedy for this shortage was to allow the free market to set the price of this highly desirable energy resource so as to stimulate exploration for new domestic reserves of natural gas.

This is indeed laudable, but I fear that the issuance of this rule will not achieve the desired result. The producer uncertainty which has existed since the Federal Power Commission began regulating prices in 1954, will probably not be dispelled by the issuance of this new rule.

This is so for two reasons:

First, promulgation of this rule will undoubtedly provoke long legal proceedings to determine whether the Federal Power Commission can issue such a rule under the 1954 Phillips decision and the Natural Gas Act of 1938.

Second, even if the rule is eventually upheld, there would exist the real fear that what the Federal Power Commission can do administratively, the Federal Power Commission can likewise undo.

I firmly believe that the only solution to this problem is to legislatively remove the responsibility for setting or reviewing prices of domestically produced natural gas from the Federal Power Commission.

Therefore, I shall continue to urge favorable consideration of S. 2442, legislation I introduced to return the function of determining the price of natural gas to the free market.

THE ADMINISTRATION SPEAKS OUT ON THE DIKES

Mr. HUGHES. Mr. President, there is the sequence of administration responses to allegations about the bombing of dikes and dams in North Vietnam.

April 30—President Nixon:

> It would result in an enormous number of civilian casualties. That is something we want to avoid.

May 9—New York Times:

> In Washington, a Pentagon spokesman said it was possible that North Vietnamese missiles fired at the American planes had missed and fallen back on the dikes.

June 9—New York Times:

> In an afternoon briefing, Lt. Gen. George J. Eade of the Air Force also denied that the dikes had been hit. "We haven't targeted any dikes," General Eade said in a review of the bombing campaign. He also said that he was not aware of any dikes struck by accident.

July 13—New York Times:

> Mr. Henkin said: "We have stated that there is always a possibility that dikes may be hit."

July 16—New York Times:

> Another military source said, "A military target is targeted, and if it happens to be near a dike, then it gets hit."

July 17—Secretary Laird:

> Now, there are occasions, of course, when a dam or dike could possibly be hit when an anti-aircraft installation is placed on a dam or a dike or when there is a roadway or a bridgework that is also tied in with a dam or dike formation. There may have been one or two examples of that kind of military target where an anti-aircraft battalion or battery is located in a region where there are various water reservoirs or dams or dikes.

July 26—State Department press officer Charles Bray:

> There has been no indication of any but the most incidental and minor impact on the system of levees as a result of our strikes against military installations.

July 27—President Nixon:

> If it were the policy of the United States to bomb the dikes, we could take them out . . . in a week.

July 28—State Department intelligence report:

> A few dikes have been hit by stray bombs directed at military-associated targets nearby. . . . Bomb craters were detected at 12 locations. Because a large number of North Vietnamese dikes serve as bases for roadways, the maze they create throughout the delta makes it almost inevitable that air attacks directed against transportation targets cause scattered damage to dikes.

TRADE WITH JAPAN

Mr. SAXBE. Mr. President, the recent reports about our increasing unfavorable balance of trade have me deeply disturbed. I do not consider myself a protectionist nor would my voting record or statements in the past support such an accusation. However, I do not believe that such an unfavorable balance can be permitted to continue. Therefore, we must listen to those people advocating policies which would bring our trade balance out of the red.

Our trade imbalance with Japan will probably reach a $3.8 billion deficit this year. The Japanese believe that the past revaluation of the yen along with the removal of some import restrictions will rectify the problem. Do not bet on it. Japan has the third largest gross national products in the world. It will maintain a growth rate double ours in the 1980's. Japanese per capital income will then equal ours, and then Japan will absorb one-third of the national resources entering international trade.

Therefore, I hope that the meeting between President Nixon and Prime Minister Tanaka will infuse the trade negotiations between our two countries with increased vitality. Japan is our friend in the Pacific and must remain so. I believe that the Japanese-American cooperation is a must for our future security in Asia. Nevertheless, our economic security is as important to our military security as is the Japanese-American friendship. When we look at the facts, we find that most liberalization of trading policies with Japan has been a facade. Their tariff structure is still high, second to the United Kingdom and Canada. There must be further efforts on the part of the Japanese to open up their markets to the United States and to resolve our trade imbalance. They must increase their importation of our goods, for example, weapons purchases and uranium. They must remove their stringent investment restrictions upon American capital. They must simplify their complex system of trading companies which eliminates the possibility of American goods reaching the Japanese consumer. Japanese companies must reflect the current revaluation of the yen in their export prices since all have not done so. American companies must be allowed to penetrate the Japanese market. As of now, they are limited quantitatively and qualitatively, that is, the number of stores, the size of stores and the type of stores. The Japanese Government could promote American imports because of the closeness between their Government and industry. Government procurement of American goods would encourage the Japanese psychologically to use American goods. An expanded Japanese foreign aid program would help take the burden off of us and especially in light of recent developments in Congress. Finally, the Japanese should be encouraged to use a fiscal and monetary policy which increases their growth in housing, schools, hospitals and roads instead of factories.

Frank Nemec, President of Lykes-Youngstown, "advocates a heavy dose of protectionism and a couple more evaluations of the dollar" in the August 1 issue of Forbes. I ask unanimous consent that it be placed in the Record. I hope that his tough talk makes sense. It does to me.

There being no objection, the article was ordered to be printed in the Record, as follows:

Garrison State

Frank Nemec, the 220-pound president of Lykes-Youngstown, the ailing New Orleans-based steel and steamship conglomerate, thinks he knows what's needed to make steel stocks a good buy again: a heavy dose of protectionism and a couple more devaluations of the dollar.

"By 1975," says Nemec, a tough-talking steelman who is a student of international economics, "the U.S. will face up to the fact that we are a have-not nation. It doesn't matter who's elected President. When the Europeans and Japanese want something besides dollars from us, we'll have to become a garrison state, a protectionist citadel."

Steel is one industry that has already tried protectionism; the second so-called voluntary quota on steel imports has been in effect since May of this year. But that isn't what Nemec means: "I'm not worried about foreign steel imports taking those extra profitable marginal tons from domestic mills. I'm going on the premise that within a few years no foreign steel at all will be admitted into America, because our balance of payments will be so bad we simply can't afford the luxury of taking in items which we can make ourselves. By 1985 the petroleum account import balance would probably be adversely affected to the tune of $46 billion, and everyone will be enormously aware of the importance of earning foreign exchange.

"How will we export?" Nemec asks rhetorically. "Japan and Europe won't buy enough of our goods, so we'll have to sell to the undeveloped nations. Only we won't be able to compete on price. Look at steel. Our industry is already more efficient than the Japanese; it produces steel with fewer man-hours per ton. But our wage cost is $78 per ton, vs. $23 for Japan. That means we'll have to rig our currency just like other nations in our spot have done. That little dollar adjustment Nixon made wasn't near enough: I expect at least two more in the future. That's the only way to reorient our currency so we can sell abroad."

Tough talk? That it is. But the problem is not just the steel industry's; it's the central problem of the U.S. economy today.

THE RIGHTS OF HANDICAPPED CHILDREN

Mr. HUMPHREY. Mr. President, on August 1, a major Federal court decision was handed down, affirming the right of handicapped children to a public education. Basing his decision on the fifth amendment guarantees to due process of law, U.S. District Court Judge Joseph C. Waddy ordered that the District of Columbia provide educational services for handicapped and emotionally disturbed children within 30 days. Last year, the District of Columbia school system reported that over 12,000 handicapped, emotionally disturbed, and retarded children were being denied adequate care.

Judge Waddy's decision is of particular significance in directly confronting two serious problems of educational discrimination against handicapped children. First, it rejects the frequent complaint of local officials that additional cost and special facility requirements prohibit the provision of educational services for the handicapped. The court opinion flatly rejects this excuse, noting that it calls upon the handicapped child alone to suffer for budgetary constraints and administrative inefficiencies.

Second, the court opinion brings to light the problem of covert discrimination against handicapped children, whether intended or sanctioned, by requiring public hearing procedures in connection with disciplinary suspensions or student transfers by the school system, as well as the continued provision for the child's education during a suspension period.

Moreover, Judge Waddy's opinion points to the morally inexcusable fact that millions of physically handicapped and mentally retarded children across America are a "lost statistic," isolated from society, and ignored by local jurisdictions. The decision, ordering the District of Columbia to identify, within 45 days, those children needing special education facilities, takes note of the fact that District of Columbia school system estimates of the number of handicapped or disturbed children completely deprived of any education have ranged from a few hundred to several thousand—in other words, no one really knows.

It was in response to those harsh realities, all too common to school systems across the Nation, that I introduced S. 3044, to protect the civil rights of the handicapped by amending the Civil Rights Act of 1964 to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs. Referred to the Senate Committee on the Judiciary, this bill has been cosponsored by Senator Percy and 16 other Senators. It is my understanding that the House Committee on the Judiciary will shortly hold hearings on a counterpart bill, H.R. 12154, by Representative Charles A. Vanik of Ohio. I urge that this legislation be enacted in this session of Congress to end the denial of constitutional rights to millions of American children, youth, and adults, and to enable them to obtain the education and services essential for the fullest development and utilization of their capabilities. Congress must be the advocate for these Americans who have a right to dignity and self-respect as equal and contributing members of society.

Mr. President, I ask unanimous consent that an article in the Washington Post of August 2, 1972 on the decision of U.S. District Court Judge Joseph C. Waddy be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Judge Orders Schooling of Handicapped Children

(By Jim Mann)

A federal judge here declared yesterday that handicapped and emotionally disturbed children have a constitutional right to a public education and ordered the District of Columbia to offer all such children educational facilities within 30 days.

In a sweeping opinion, U.S. District Court Judge Joseph C. Waddy also directed the District school system to establish elaborate hearing procedures under which no pupil could be placed in a special education program or be suspended from school for more than two days without a public hearing.

The judge also ordered the District to come up with a written, comprehensive plan for providing special education facilities and identifying those children who need them within 45 days. He threatened to appoint a special master for the school system if his order is not carried out. The 30-day deadline applies to children already known to the system.

The ruling by Waddy comes after a year of litigation and controversy regarding the admitted failure of the District to provide a public education for handicapped, disturbed and retarded children.

According to a 1971 report by the D.C. school system to the Department of Health, Education and Welfare, an estimated 12,340 handicapped children were being deprived of adequate care for the 1971–72 school year.

School authorities have been unable to say how many handicapped or disturbed children have been completely deprived of any education here. The estimates range from a few hundred to several thousand.

Waddy's opinion may also have some national impact. It is the first court decision in the nation stating explicitly that handicapped children have a constitutional right to a public education, according to Stanley Herr, the attorney who represented the children in the case.

During the past year of litigation, the District and the school board had generally conceded that there was an obligation to provide public education for the handicapped, but said they faced a number of obstacles in providing such education. Waddy said yesterday that none of those obstacles mattered.

For example, the objection was raised that it is impossible to provide special education for the handicapped unless Congress appropriates millions of dollars for that purpose.

But Waddy said yesterday, "The inadequacies of the District of Columbia public school system, whether occasioned by insufficient funding or administrative inefficiency, certainly cannot be permitted to bear more heavily on the 'exceptional' or handicapped child than on the normal child."

The judge also cited what he said was a "lack of communication" among the D.C. school board, School Supt. Hugh J. Scott and his staff, and the D.C. government in developing special education programs. For the future, he clearly placed responsibility for carrying out his orders with the school board.

A spokesman for the corporation counsel's office, which represented the District in the court case, said he would have no comment on Waddy's opinion. Scott could not be reached for comment.

Waddy devoted a considerable portion of his ruling to the creation of public hearing procedures within the school system.

The school system, the judge said, "shall not suspend a child from the public schools for disciplinary reasons for any period in excess of two days without affording him a hearing . . . and without providing for his education during the period of any such suspension."

That provision came in response to a claim that emotionally disturbed children, or children thought to be disturbed, were being denied a public education through disciplinary suspensions.

In addition, Waddy wrote, any children thought by school officials or their parents or guardians to be in need of special education "shall neither be placed in, transferred from or to, nor denied placement in such a program unless (the school system) shall have first notified their parents or guardians of such proposed placement, transfer or denial; the reasons therefor; and of the right to a hearing before a hearing officer if there is an objection."

In such public hearing, the children or their guardians have the right to have legal counsel present and to have a tape recording made of the hearing, Waddy said.

In addition, the parents of school children were given access to all school records and tests for purposes of these public hearings.

Waddy did not say how the hearing officer would be appointed, but said he "shall be an employee of the District of Columbia, but shall not be an officer, employee or agent of the public school system."

The judge based his assertion that handicapped children have a constitutional right to public education on the Fifth Amendment guarantees to due process of law. He cited several other famous educational decisions as precedents, including the 1954 Supreme Court decision outlawing segregated schools and the 1967 decision by Judge J. Skelly Wright outlawing the so-called track system here.

The case was brought on behalf of handicapped children by the National Law Office of the National Legal Aid and Defender Association, with attorneys Herr, Julian Tepper and Pat Wald handling the case.

CANCER RESEARCH AT FORT DETRICK

Mr. MATHIAS. Mr. President, the conversion of the Fort Detrick Army Laboratories from bacteriological warfare to cancer research was a project that long occupied my distinguished colleague from Maryland (Mr. BEALL) and me for a long period of time. It was gratifying when our efforts were ultimately successful and President Nixon himself took part in ceremonies marking the change from military to medical scientific purposes.

At that ceremony the President expressed his hope that the facilities would be utilized so as to benefit from research done in all the countries of the world and so as to be beneficial to all the peoples of the world. It is again gratifying to see this good intention brought to fulfillment by yesterday's visit to Fort Detrick by Dr. Boris V. Petrovsky, Minister of Health of the Union of Soviet Socialist Republics. A story appearing in the Washington Post today describes the visit.

Mr. President, I ask unanimous consent that an article appearing in the Washington Post of August 2, 1972, about the Army's new lab be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

RUSSIANS SEE ARMY'S LABS NOW USED IN CANCER WORK

(By Stuart Auerbach)

Russian feet walked the corridors yesterday of the Army's formerly supersecret germ warfare laboratory at Ft. Detrick, Md.—now being turned into a civilian-run cancer research facility.

It was the first public tour of what White House health adviser Dr. Roger O. Egeberg called "the decontaminated Ft. Detrick," and it was a vivid illustration of the mutual desire of Russia and the United States to ease Cold War tensions.

The visit, part of a tour of America by Soviet Minister of Health Dr. Boris V. Petrovsky under the Russian-U.S. health accords signed in Moscow last May by President Nixon, provided tangible evidence of the conversion of instruments of war to peaceful uses.

"As a physician and surgeon who took part in World War II against Nazi facism," said Petrovsky, "I can only welcome such an undertaking.

"It would be, of course, very interesting to see all the laboratories working full steam and doing the work for the benefit of all humanity and for the benefit of human health," he continued.

In answer to a newsman's question, if the Soviets have converted germ warfare labs to peaceful uses, Petrovsky said he could only speak for the Ministry of Health, which has never had such facilities.

Ft. Detrick, which is 50 miles from Washington near Frederick, Md., was the Army's principal chemical and biological warefare research facility until President Nixon said in November, 1969, that the U.S. would no longer make such weapons.

The $33 million laboratory facility was turned over to the National Cancer Institute last October and the work to renovate the labs for cancer research started in late June.

But there are still some signs of the labs' former super secret status, including chain link fences topped with barbed wire around the buildings and signs such as "Absolutely No Entrance Without Proper Escort" on doors.

Former employees, most of whom were laid off when the Army closed down the labs, "are anxious to get started working in cancer research," Dr. William Payne of the Cancer Institute told the Russian visitors.

In one lab, a scientist had started already—growing mouse tissue cultures for use with viruses that are known to cause cancer in animals.

Petrovsky beamed when he was told that one set of labs would be set aside for use by foreign scientists, including cancer specialists from Russia. This offer was first made by President Nixon when he toured the facility last October and repeated twice more yesterday by American health officials.

"We extend a very warm welcome for Soviet scientists to work with ours at this facility," said Dr. Frank J. Rauscher, President Nixon's man to head the expanded war on cancer.

Ft. Detrick wore its most festive dress for the visit. A coffee table was adorned with sets of tiny crossed Russian and American flags, and two large flags stood in the small conference room where speeches were made.

The Russian delegation was obviously impressed with what it saw. All five members kept snapping pictures of the laboratories, themselves and their American hosts.

A surgeon who still does open heart operations as well as running the Ministry of Health, Petrovsky said American health services are well known to the Russians.

"We are critical in our regard toward private enterprise in the field of medicine," Petrovsky said at a news conference.

"But we have a profound respect for medical science and those medical centers that perform good medical treatment."

"All of us—American medical scientists and we Soviet scientists—have much to learn from each other," he said.

The delegation members visited a health center in New York where they met with Secretary of Health, Education and Welfare Elliott L. Richardson and toured the National Institutes of Health. From Ft. Detrick the Russians flew to San Francisco, where they spent yesterday afternoon touring the Kaiser Permanente prepaid group practice offices.

The Russians also will visit Los Angeles, Houston and Atlanta. In Houston, they will hold separate meetings with famed heart surgeons Dr. Michael DeBakey and Dr. Denton Cooley and will see Dr. Lee Clark, director of the M. D. Anderson cancer institute. In Atlanta they will visit the Center for Disease Control.

JOHN W. BILL

Mr. WILLIAMS. Mr. President, I would like to take this opportunity to salute the memory of a truly great man, John W. Bill, who died this summer.

John Bill devoted his life to helping the cause of disabled veterans. He was active in the formation of the National Disabled Veterans organization and founded the first chapter of the DAV in New Jersey. That chapter, in Passaic, N.J., started with a handful of members. Its membership now numbers 450.

Mr. Bill retired 3 years ago as the National Service officer of the Newark regional office of the DAV after half century of service.

But his retirement in no way marked any cessation of his activities in behalf of the cause to which he was devoted. At the time of his death, he was chairman of the State DAV Legislation and Service Committee.

These facts only indicate the service Mr. Bill performed. No words are sufficient to describe his dedication.

He helped mold the conscience of New Jersey—and America—to the almost unpayable debt that we owe to our disabled veterans. He constantly was in the forefront of the fight to pass the most just legislation to help disabled veterans. And because of his personality and nature, he was able to reach people—to convince them of his justice—in a way few other people have.

Mr. President, I think that disabled veterans—and all veterans and their families—owe a debt of gratitude to Mr. Bill for what he was able to accomplish.

Personally, I am honored that I knew him.

Will Rogers, in one of his most famous statements said that he never met a man he did not like.

To turn that around a bit, I can say that I never met a man who knew John Bill and did not like him. I think that says a lot for a man.

JUDGE ORDERS SCHOOLING OF HANDICAPPED CHILDREN

Mr. WILLIAMS. Mr. President, a historically significant decision was handed down on August 1 in the District of Columbia by U.S. District Court Judge Joseph C. Waddy. In a sweeping opinion, Judge Waddy declared that handicapped and emotionally disturbed children have a constitutional right to a public education, and ordered the District of Columbia to offer all such children educational services within 30 days.

The impact of this decision on the District's public school system will be massive. The city must insure that handicapped children have access to public education within 30 days, must submit a written comprehnsive plan describing the facilities to be utilized and must identify all children needing services within 45 days.

In addition, the city must immediately institute full due process procedures. Judge Waddy specified that these procedures must provide public hearings for any student suspended for more than 2 days, or when students are thought to have been unduly denied educational services or wrongly transferred to and from special education classes. Parents can request all school records of pupils, and suspended students must be provided education services while out of school. The judge also indicated that he would appoint a special master to oversee compliance if the District failed to carry out his decision orders promptly and effectively.

This court decision is the most recent in a series of cases that have been litigated in the last several months which involve the rights of the handicapped to equal protection of the law. It is also the most far reaching. This case includes in its sweep not only all mentally retarded, emotionally disturbed and physically handicapped children, but it carries the full weight of a U.S. district court decision, rather than a consent decree. It is the most comprehensive ruling on behalf of equal opportunity for handicapped children and will have a vital impact on litigation of this nature for years to come. Most importantly, it will provide encouragement to a growing number of parents and organizations offering services to handicapped children for it makes clear that these children must not be denied basic rights guaranteed under the Constitution.

Presently there are 6 million known handicapped children of school age in the United States. Only 40 percent of these children receive special educational services. One million of these children are denied services entirely. The District of Columbia itself admits that it has no accurate figures on the number of handicapped children in the city. As Judge Waddy's order indicates, this Nation has a long way to go in insuring the rights of handicapped children. It was for this reason I introduced for myself, Senator RANDOLPH, and Senator MAGNUSON, on May 16, 1972, S. 3614, the Education for All Handicapped Children's Act. We have been joined by many cosponsors since that time, but I believe that Judge Waddy's order reinforces the need for action. I am therefore pleased to draw this decision to the attention of the Senate.

I ask unanimous consent that the Washington Post article concerning Judge Waddy's decision be printed immediately after the text of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JUDGE ORDERS SCHOOLING OF HANDICAPPED CHILDREN

(By Jim Mann)

A federal judge here declared yesterday that handicapped and emotionally disturbed children have a constitutional right to a public education and ordered the District of Columbia to offer all such children educational facilities within 30 days.

In a sweeping opinion, U.S. District Court Judge Joseph C. Waddy also directed the District school system to establish elaborate hearing procedures under which no pupil could be placed in a special education program or be suspended from school for more than two days without a public hearing.

The Judge also ordered the District to come up with a written, comprehensive plan for providing special education facilities and identifying those children who need them within 45 days.. He threatened to appoint a special master for the school system if his order is not carried out. The 30-day deadline applies to children already known to the system.

The ruling by Waddy comes after a year of litigation and controversy regarding the admitted failure of the District to provide a public education for handicapped, disturbed and retarded children.

According to a 1971 report by the D.C. school system to the Department of Health, Education and Welfare, an estimated 12,340 handicapped children were being deprived of adequate care for the 1971–72 school year.

School authorities have been unable to say how many handicapped or disturbed children have been completely deprived of any education here. The estimates range from a few hundred to several thousand.

Waddy's opinion may also have some national impact. It is the first court decision in the nation stating explicitly that handicapped children have a constitutional right to a public education, according to Stanley Herr, the attorney who represented the children in the case.

During the past year of litigation, the District and the school board had generally conceded that there was an obligation to provide public education for the handicapped, but said they faced a number of obstacles in providing such education. Waddy said yesterday that none of those obstacles mattered.

For example, the objection was raised that it is impossible to provide special education for the handicapped unless Congress appropriates millions of dollars for that purpose.

But Waddy said yesterday, "The inadequacies of the District of Columbia public school system, whether occasioned by insufficient funding or administrative inefficiency, certainly cannot be permitted to bear more heavily on the 'exceptional' or handicapped child than on the normal child."

The judge also cited what he said was a "lack of communication" among the D.C. school board, School Supt. Hugh J. Scott and his staff, and the D.C. government in developing special education programs. For the future, he clearly placed responsibility for carrying out his orders with the school board.

A spokesman for the corporation counsel's office, which represented the District in the court case, said he would have no comment on Waddy's opinion. Scott could not be reached for comment.

Waddy devoted a considerable portion of his ruling to the creation of public hearing procedures within the school system.

The school system, the judge said, "shall not suspend a child from the public schools for disciplinary reasons for any period in excess of two days without affording him a hearing . . . and without providing for his education during the period of any such suspension."

That provision came in response to a claim that emotionally disturbed children, or children thought to be disturbed, were being denied a public education through disciplinary suspensions.

In addition, Waddy wrote, any children thought by school officials or their parents or guardians to be in need of special education "shall neither be placed in, transferred from or to, nor denied placement in such a program unless (the school system) shall have first notified their parents or guardians of such proposed placement, transfer or denial; the reasons therefor; and of the right to a hearing before a hearing officer if there is an objection."

In such public hearing, the children or their guardians have the right to have legal counsel present and to have a tape recording made of the hearing, Waddy said.

In addition, the parents of school children were given access to all school records and tests for purposes of these public hearings.

Waddy did not say how the hearing officer would be appointed, but said he "shall be an employee of the District of Columbia, but shall not be an officer, employee or agent of the public school system."

The judge based his assertion that handicapped children have a constitutional right to public education on the Fifth Amendment guarantees to due process of law. He cited several other famous educational decisions as precedents, including the 1954 Supreme Court decision outlawing segregated schools and the 1967 decision by Judge J. Skelly Wright outlawing the so-called track system here.

The case was brought on behalf of handicapped children by the National Law Office of the National Legal Aid and Defender Association, with attorneys Herr, Julian Tepper and Pat Wald handling the case.

SAIGON OFFICIALS EXECUTED

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD an article from today's Washington Evening Star and Daily News, by Joseph B. Treaster, under the heading "Saigon Officials Executed," so that the world can see how the Communists are killing civilians in the Vietnam war.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAIGON OFFICIALS EXECUTED

(By Joseph B. Treaster)

SAIGON.—Communist political officers have publicly executed hundreds of Saigon government officials and imprisoned thousands of others during their occupation of northern Binh Dinh Province, according to allied intelligence officials.

The officials say they have confirmed the deaths of about 250 persons through eyewitness reports and believe the total number of dead is in the vicinity of 500.

THREE PRISON CAMPS

Escapees have pinpointed three large prison camps, in the rugged An Lao Valley of Central South Vietnam, which are said to hold about 6,000 persons, officials say.

The main victims of the Communists were said to be hamlet and village chiefs and their deputies, pacification workers, police and militiamen. But teachers, doctors, nurses and minor administrative staff workers were among those reportedly imprisoned, as well as some regular soldiers.

Lengthy interviews with people who lived in northern Binh Dinh during the nearly three months of unchallenged Communist occupation generally corroborated the findings of the intelligence officials.

WORST SINCE TET OFFENSIVE

The executions in Binh Dinh appear to be the most massive deliberate assault on individuals connected with the Saigon government since the massacres in Hue during the 1968 Tet offensive, when more than 2,600 persons were killed.

Some American officials see the executions in Binh Dinh as a microcosm of the kind of "bloodbath" that President Nixon has predicted would occur if the Communists succeeded in taking over South Vietnam by force.

Such violence, these officials say, would especially be expected if a Communist victory were "sudden and decisive."

Other American officials, however, say history suggests a sudden and decisive victory "just isn't in the cards for either side."

POSSIBLE CONCILIATORY ATTITUDE

These officials feel if the North Vietnamese Communists eventually gain control of South Vietnam through a gradual political settlement they might adopt a conciliatory attitude, toward their former opponents in hopes of uniting the country.

Those who firmly subscribe to the bloodbath theory, though, are convinced that any kind of Communist take-over would result in the execution of many officials in the Saigon regime.

Some Americans studying North Vietnamese and Vietcong affairs say they have been surprised by the particularly harsh tactics of the Communists in Binh Dinh Province, which has a long history of party activity. They suggest that some of the killing may have been inspired by a desire for revenge toward former party members who have in recent years worked with the Saigon government. Another possibility, they say, is that the killings represent some sort of intraparty conflict, perhaps, between Northern and Southern factions.

While a few executions have been reported in other areas captured by the North Vietnamese in the current offensive, there has been nothing of the magnitude of the reported events in Binh Dinh.

This is so, officials say, because the districts in Binh Dinh fell rather suddenly—in a few days, as compared to a few weeks in Quang Tri—and many Saigon government officials were "caught in place."

Another important factor is that after the fall of northern Binh Dinh in April, nearly three months passed before Saigon government troops attempted to retake the territory. Left alone, the Communists were able to implement their programs among the more than 200,000 people of the region. In most of the other captured areas the fighting never fully subsided.

DEVELOPMENT OF COASTAL REGIONS

Mr. ROTH. Mr. President, 2 weeks ago I rose to commend my distinguished colleague, Senator BOGGS, for his foresight in offering legislation to guarantee any coastal State a meaningful role in determining whether federally sponsored offshore facilities would be in the best interest of the State's population. I emphasized that such congressional action is vitally needed to preserve the shorelines of Delaware and other Eastern States from the harmful effects often associated with certain heavy industrial development. As many of my colleagues know, Delaware's Coastal Zoning Act has become a piece of model legislation, to be followed by other States which desire to protect themselves from potential environmental damage offshore.

As introduced by Senator BOGGS, S. 3844 would grant each Governor the authority to veto the construction of any offshore project which he deems hazardous to the proper development of his State's coastal region. This amendment to the Water Pollution Control Act has received the plaudits of numerous State chief executives from Hawaii to South Carolina. In an editorial, the Washington Star and Daily News of Friday, August 4, 1972, recognized the need for this bill and stated that offshore terminal facilities should not be built "without environmental safeguards of unquestionable effectiveness." I urge my colleagues to support S. 3384 and ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CONCERN ABOUT SEABORNE OIL

Both Maryland senators, we're glad to note, have joined Senator J. Caleb Boggs of Delaware in sponsoring legislation to give the states some say-so about those giant oil-unloading terminals envisioned off the nation's seacoasts.

The bill has been offered not too soon. Proof of that is seen in a controversy earlier this year, regarding the Maryland coastline. To the astonishment of about everyone, a pipeline company proposed to build a massive unloading platform 25 miles at sea off Assateague Island, a priceless nature preserve that includes a national seashore and state park. Not only that—the company planned to pipe the oil to the mainland *across* Assateague, in volume of up to a million barrels a day. Governor Mandel and other Maryland officials quickly lowered the boom on the idea, but no one doubted that similar plans would be advanced for other locations.

Sure enough, the oil people now want to construct a 200-acre, $500-million artificial island eight miles off the coast of Delaware, not far above Rehoboth Beach. This would be a mammoth terminal, accommodating the supertankers that bring in that ever-more-vital foreign crude oil. And this venture is supported in a study released the other day by the Commerce Department's Maritime Administration.

Further, as Boggs told the Senate, more studies of possible offshore terminal sites are underway along the cost from Maine to Virginia. As the nation's energy needs continue to swell, and its dependence on oil imports, more prosposals for these installations will be cropping up. Eastern and Gulf Coast harbors are too shallow for the huge new tankers. The ships must, the reasoning says, be unloaded at offshore transfer terminals, and their sticky cargoes brought ashore in smaller vessels or through underwater pipelines.

Something of that sort may be inevitable, but certainly it should be held to a severe minimum. Perhaps one or two facilities would suffice for the whole East Coast, but none at all should be built without environmental safeguards of unquestionable effectiveness. And the states should be able to demand that the terminals be located so as not to imperil beaches, wildlife refuges and the fishing industry.

The Senate legislation would give them that power. A governor could veto an offshore project—even beyond the present bounds of state jurisdiction—if he determined it posed a danger to the state's coastal zone. This would be achieved through extending the federal Water Pollution Control Act, which seems a reasonable device. For there's no fairness in obliging a state to risk a fouled seashore because of some facility it had nothing to say about in the first place. Since it would bear the penalties of any misjudgment, it should share the decision-making responsibility.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, August 4, 1972, he presented to the President of the United States the following enrolled bills:

S. 247. An act for the relief of Albert G. Feller and Flora Feller; and

S. 3284. An act to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior.

ORDER OF PROCEDURE ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders on

Monday next, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair lay before the Senate Calendar No. 953, S. 2057, a bill to amend the Gun Control Act of 1968; that the unfinished business, Senate Joint Resolution 241, be temporarily laid aside and remain in temporarily-laid-aside status until the close of business on Monday; and that it be in order, no later than 5 p.m., for the distinguished majority leader or his designee to call up any second track item which at that time he wishes to call up.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 10 a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Chair will lay before the Senate S. 2507, a bill to amend the Gun Control Act of 1968. There is no agreement on that bill. Amendments may be called up. Yea-and-nay votes can occur thereon.

At some time during the afternoon, no later than 5 p.m., the distinguished majority leader or his designee, under the order entered, will proceed to set aside the Gun Control Act of 1968, if action has not been completed on that bill, and the Senate will proceed to the consideration of the second track item and that will be the national no-fault motor vehicle insurance bill, S. 945.

There is no agreement on that bill. Amendments may be called up. Yea and nay votes can occur thereon.

So, Senators are alerted to the fact that yea and nay votes can be expected on the amendments to these two bills on Monday next.

Conference reports, of course, can be called up at any time and rollcall votes can result thereon.

The interim agreement, Senate Joint Resolution 241, remains the unfinished business before the Senate.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO MONDAY, AUGUST 7, 1972

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock a.m. on Monday next.

The motion was agreed to; and at 6:09 p.m. the Senate adjourned until Monday, August 7, 1972, at 10 o'clock a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 4, 1972:

In the Air Force

The following officer to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10 of the United States Code:

Lieutenant General Marvin L. McNickle, [redacted]R (Major General, Regular Air Force) United States Air Force.

The following named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To Be Lieutenant General

Major General William G. Moore, Jr., [redacted]FR (Major General, Regular Air Force) United States Air Force.

In the Army

The U.S. Army Reserve officers named herein for promotion as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, section 593(a) and 3384:

To be major general

Brig. Gen. Robert Frank Cocklin, SSAN [redacted].

Brig. Gen. Merrill Brown Evans, SSAN [redacted].

Brig. Gen. James Otis Freese, SSAN [redacted].

Brig. Gen. Wilbur Frank Munch, SSAN [redacted].

Brig. Gen. Warren Earl Myers, SSAN [redacted].

To be brigadier general

Col. Ogbourne Duke Butler, Jr., SSAN [redacted] Field Artillery.

Col. Leston Neal Carmichael, SSAN [redacted] Field Artillery.

Col. Mike Pete Cokinos, SSAN [redacted], Field Artillery.

Col. Richard Holcomb Cooper, SSAN [redacted] Corps of Engineers.

Col. Sumner Zalman Kaplan, SSAN [redacted] Corps of Engineers.

Col. Kenneth Allert Kuykendall, SSAN [redacted] Corps of Engineers.

Col. Myron Sidney Lewis, SSAN [redacted] Field Artillery.

Col. John Howard McLain, SSAN [redacted] Field Artillery.

Col. Edwin Delmer Miller, SSAN [redacted] Infantry.

Col. Edmund Warren Montgomery II, SSAN [redacted] Judge Advocate General Corps.

Col. John Henry Neiler, SSAN [redacted], Signal Corps.

Col. Alfred Karl Nelson, SSAN [redacted], Field Artillery.

Col. Norris Ewel Sills, SSAN [redacted], Chemical Corps.

Col. Walter Livingston Starks, SSAN [redacted] Infantry.

Col. John Erle Thames, SSAN [redacted], Infantry.

Col. Jon Martin Zumsteg, SSAN [redacted] Dental Corps.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army under the provisions of title 10, United States Code, section 593(a) and 3385:

To be brigadier general

Col. Joseph Earle Brown, Jr., SSAN [redacted] Infantry.

Col. John Martin Calhoun, SSAN [redacted] Armor.

Col. Murray Kitt, SSAN [redacted], Armor.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army under the provisions of title 10, United States Code, section 593(a) and 3392:

To be brigadier general

Col. William Eugene Hall, SSAN [redacted] Armor.

Col. Ansel Martin Stroud, Jr., SSAN [redacted] Infantry.

Col. Emmett Hudson Walker, Jr., SSAN [redacted] Field Artillery.

The Army National Guard officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of Title 10, United States Code, Section 593(a) and 3392:

To be major general

Brig. Gen. O'Neil James Daigle, Jr., SSN [redacted] Adjutant General's Corps.

Brig. Gen. William John McCaddin, SSN [redacted] Adjutant General's Corps.

Brig. Gen. Charles Arthur Rollo, SSN [redacted] Adjutant General's Corps.

Brig. Gen. Dana Lee Stewart, [redacted] Adjutant General's Corps.

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general

Brig. Gen. Herbert Eric Wolff, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. John Kirk Singlaub, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Sam Sims Walker, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William Roy Wolfe, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Robert Myer, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Gordon James Duquemin, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Henry Everett Emerson, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Herbert Ardis Schulke, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles James Simmons, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Echols Spragins, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George Magoun Wallace II, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. DeWitt Clinton Smith, Jr. [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Jonathan Rowell Burton, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Robert Aaron, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Wilbur Henry Vinson, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John Royster Thurman III, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth Banks Cooper, [redacted]

[redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Peter George Olenchuk, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Maurice Hall, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Daniel Orrin Graham, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John Murphy Dunn, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Eugene Priest Forrester, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. William Johnston Maddox, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Howard Tackaberry, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. George Anthony Rebh, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Homer Duggins Smith, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Richard Edward McConnell, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Patrick William Powers, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Corbett McDonough, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Donn Albert Starry, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Cecil Walton Hospelhorn, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. James Frank Hamlet, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Chester M. McKeen, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Sylvan Edwin Salter, [redacted] Army of the United States (colonel, U.S. Army).

2. The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general

Brig. Gen. John Kirk Singlaub, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George Anthony Rebh, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. John Louis Klingenhagen, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Jonathan Rowell Burton, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Robert Aaron, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. James Joseph Ursano, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Jeffrey Greenwood Smith, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Harold Arthur Kissinger, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Harold Burton Gibson, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Cecil Walton Hospelhorn, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. George Monroe Bush, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Richard Hulbert Groves, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. John Charles Bernett, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Patrick William Powers, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Thomas Edward Fitzpatrick, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George Magoun Wallace II, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Robert Neale Mackinnon, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Harold Gregory Moore, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Echols Spragins, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. John Terrell Carley, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Peter George Olenchuk, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Frank Anton Hinrichs, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Curtis Wheaton Chapman, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Chester M. McKeen, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Dean Van Lydegraf, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth Banks Cooper, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Dennis Philip McAuliffe, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard Edward McConnell, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Robert Carter McAlister, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Herbert Joseph McChrystal, Jr., [redacted] Army of the United States (colonel, U.S. Army).

In the Navy

Rear Adm. William T. Rapp, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. William J. Moran, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Vice Adm. Maurice F. Weisner, U.S. Navy, for appointment as Vice Chief of Naval Operations in the Department of the Navy pursuant to title 10, United States Code, section 5085.

Vice Adm. Maurice F. Weisner, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

Rear Adm. William D. Houser, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Frank H. Price, Jr., U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

In the Marine Corps

Lt. Gen. William K. Jones, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, United States Code, section 5233.

In accordance with the provisions of title 10, United States Code, section 5232, Maj. Gen. Louis H. Wilson, Jr., U.S. Marine Corps, having been designated, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general whole so serving.

In the Air Force

Air Force nominations beginning Katherine E. Hamlin, to be colonel, and ending Philip O. Malberg, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 1972;

Air Force nominations beginning Carroll N. Anderson, to be lieutenant colonel, and ending Donald J. Kerr, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 1972; and

Air Force nominations beginning John H. Mead, to be captain, and ending Belisario D. J. Flores, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on July 26, 1972.

In the Army

Army nominations beginning Bruce L. Livingstone, to be colonel, and ending Keith R. Titus, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 1972; and

Army nominations beginning John C. McCormack, to be major, and ending William J. Taylor, Jr., to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on July 20, 1972.

In the Marine Corps

Capt. Jack T. Kline, U.S. Marine Corps, for appointment to the grade of major; and

Marine Corps nominations beginning John C. Langenus, to be first lieutenant, and ending James C. Zimmerman, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 1972.

EXTENSIONS OF REMARKS

TRIBUTE TO THOMAS C. RUPERT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1972

Mr. ANDERSON of California. Mr. Speaker, when the Municipal Treasurers Association of the United States convenes in Milwaukee, Wis., on August 14, an energetic, dynamic, young man whom I am proud to call my friend, Tom Rupert of Torrance, Calif., will be presiding.

I would like to take this opportunity to trace the career of Mr. Rupert which led to his selection as president of this organization.

As city treasurer for the city of Torrance for the past 8 years, Tom Rupert has earned more than $1.5 million for the taxpayers of that community. However, only through long years of training and practical experience as a businessman did Mr. Rupert learn the money management techniques that made those earnings possible.

The national and international recognition and honors for Mr. Rupert have been high. Three years ago, he was among the finalists considered for appointment as Treasurer of the United States. The nationwide support and endorsement, from both Democrats and Republicans in positions of national importance, reflect the trust and confidence he has earned through his years of service.

The State of California, through a State assembly resolution, honored Tom Rupert with a citation commending him for his outstanding record as city treasurer.

On the international level, the nation of Guatemala awarded Mr. Rupert the Honorary Diploma de Guatemala for People-to-People Program Service in recognition of his work with the Torrance sister city committee. Guatemala City, Guatemala, is a sister city of Torrance.

In addition, Tom was selected by the International Lions Club as Outstanding New Lion of the Year in 1961.

Born in Akron, Ohio, in 1933, Tom Rupert began his elementary education in that city. However being the son of an Army master sergeant resulted in frequent moves for the family.

Consequently, his school record traces his life from Akron, Ohio, to Anniston, Ala., and the California cities of Watsonville, San Jose, and Redlands.

By May 1947, Tom was enrolled in Dana Junior High School in San Pedro, Calif., and a year later, in San Pedro High School. In 1949, the family again moved, this time to Long Beach, where he enrolled in Jordan High School, from which he graduated in February 1950.

For Mr. Rupert, these frequent moves emphasized the value of a strong family relationship, a lesson he put into practice a year later when he married his high school sweetheart, Lolita Marie Moody.

The Ruperts now have two fine children, Tom, Jr., 18, who is enrolled at Dominguez Hills State College, and Terrie, 17, who is a student at Torrance High School.

In 1953, during the Korean war, Mr. Rupert enlisted in the U.S. Air Force, where he served as an intercept controller and operations specialist, and attained the rank of staff sergeant before being honorably discharged in December 1956.

During his service career, Tom continued his education by completing enough courses through the U.S. Armed Forces Institute to complete his college level general education requirements.

Four years after returning to civilian life, Tom established his own company which had branch offices in Torrance, Hermosa Beach, and El Segundo.

In July 1964, Mr. Rupert sought new vistas and became city treasurer of Torrance. He was reelected in 1966—polling 90 percent of the votes. In 1970, Tom was unopposed for the position, thus proving public confidence in his stewardship.

Since becoming city treasurer, he has applied modern management techniques to the investment of city funds. As a result, Torrance now averages more than $50,000 per month from the investment program, while, at the same time, providing absolute security for invested dollars.

These new revenues have given Torrance taxpayers the equivalent of a 39-cent-per-$100 assessed valuation reduction in city property taxes.

In addition, Tom Rupert has managed the city's bond issues and assessment districts to assure the greatest economies by obtaining the lowest interest rates from competent bidders.

In order to establish this outstanding record as city treasurer, he has continued his professional career by taking appropriate courses in treasury cash management.

Considered an expert in his profession, Tom is the author of a text entitled "Investment Equals Profit: A Handbook for the Investment of Public Funds," which has become the standard reference for a large number of city treasurers and municipal finance officers in the United States.

Other than serving as the treasurer of Torrance and as the president of the Municipal Treasurers Association of the United States, Mr. Rupert is the legislative chairman of the California Municipal Treasurers Association, a member of the Financial Administration Committee of the League of California Cities, and a member of the Municipal Finance Officers Association of the United States and Canada.

In addition, the city council of Torrance appointed Tom Rupert to represent their interests at the State capital in Sacramento as the legislative advocate for their city.

Mr. Rupert's activities, however, are not limited to his professional field. He is past president of the Lutheran Laymen's League, past president of the Torrance National Little League, past president and director of the West Torrance Lions Club, and committee chairman of the Torrance Chamber of Commerce.

He is also a member of the Torrance YMCA, the Torrance High School PTA, and the South Bay Athletic Club.

An active sportsman, Tom enjoys fishing, boating, game hunting, and spectator sports.

His greatest asset, Mr. Speaker, is his lovely and gracious wife, Lolita, who has been recognized in her own right in the area of hospital volunteer service organization.

Mr. Speaker, Tom Rupert will step down as president of the Municipal Treasurers Association on August 16 and relinquish the reins of this organization.

I would like to commend Tom Rupert for his outstanding service, not only to the citizens of Torrance and California, but to the Nation as well.

NATIONAL CONVENTION OF GOSPEL CHOIRS AND CHORUSES CELEBRATES 40TH BIRTHDAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1972

Mr. CONYERS. Mr. Speaker, during the week of August 7, the National Convention of Gospel Choirs and Choruses will come to Washington to celebrate its 40th birthday and to honor its president and founder, Dr. Thomas A. Dorsey.

The objectives of the convention and its president are to perpetuate the gospel folk songs of black America and to train young people in the field of musical expression, Dr. Thomas A. Dorsey, whose immortal song "Precious Lord" was the last request of the late Dr. Martin Luther King, Jr., is to be commended for his superlative contribution to the enrichment of contemporary black culture.

The gospel song is a contemporary religious expression of joy by the black American. Just as spirituals reflected the belief in God of an enslaved people, despite their oppression and suffering, the gospel song is the cry of a spiritually and physically liberated black soul. The gospel song emerged as a form distinct from the staid anthems, jubilees, hymns, and evangelistic songs of the black church. Dr. Dorsey's "Precious Lord" was itself an expression born of a tragic experience. It is the product of a seed sown down in sorrow for the tragic loss of his wife and child.

Thomas Dorsey wrote his music so that all the people could sing. He felt that it would help the services of the church as well as the individual. While preachers and ministers of music first opposed the new sound, fearing its "jazziness" would disrupt the traditional liturgical mood, Dr. Dorsey's music soon revolutionized choir singing.

Despite accusations that he was trying to turn the church into a nightclub, Dr. Dorsey continued his crusade, relying largely on the help of Mrs. Sallie Martin who developed the national market by touring the country with choirs she herself had organized and trained. So great was the reception of the new gospel sound, that it has become an international form of artistic expression.

Today, another of Dr. Dorsey's dreams has become a reality. On the shores of Lake Michigan stands the 11-story Gospel Singers Plaza. It is the home and workshop of many students of the arts whose special talents and potential are encouraged through scholarships in the fields of science and art.

In this world of anxiety and conflict, music brings enrichment and peace to the soul. It is for this great contribution that I commend the National Convention of Gospel Choirs and Choruses, and hope that they will continue to bring a song to our hearts.

WASHINGTON'S SPANISH-SPEAKING POPULATION

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1972

Mr. GUDE. Mr. Speaker, the Spanish-speaking population in the Washington metropolitan area is a growing one. One of the most severe problems faced by these people is the language barrier—a problem which has widespread ramifications in terms of employment, education, and general relations with the community. Clearly, there is a pressing need to provide for English language instruction, through the schools, the media, and local community groups.

The following WTOP editorial addresses itself directly to this issue:

[From a WTOP editorial, June 24 and 25, 1972]

HELP LATINS LOWER LANGUAGE BARRIER

One of the most troublesome cultural gaps in the Washington area is that between people who speak Spanish and those who don't.

Washington's Latin population is large and growing. Accurate figures are hard to come by, but the total is upwards of 50,000. Most are in the District, but surprising numbers can be found in the suburbs as well.

They came to this country and to Washington from many different places and for many different reasons. A large majority is likely to stay here. They cannot begin to cope with their basic difficulties until they have at least a working knowledge of English.

Although several public and private agencies are sponsoring English-language programs, the communications barrier still is very large. Recent contacts by WTOP with leaders in the Latin community indicate that instruction in English is the number one priority with most of them.

The inability to communicate contributes heavily to unemployment and to underemployment. When people can't explain themselves well, health care isn't likely to be adequate. Poor diagnosis and even wrong treatment reportedly have resulted in local clinics and hospitals. Unnecessary frictions with police occur when people don't speak the same language. Children enrolled in regular schools can't cope because of the language barrier and fall behind in all their studies.

Spreading the English language among the Spanish-speaking isn't easy. Many adults, ironically, can't attend language classes because a lack of English keeps them underemployed and forces them to work at two jobs.

We're not sure what buttons can be pushed to speed-up the learning process. The largest obligation falls on school systems in the various jurisdictions. Spanish-language programming and English-language instruction is available on various radio and TV stations in Washington, and individuals who could benefit from such programs should be helped and advised to tune them in.

Tens of thousands of people in the Washington area who speak only Spanish are having a very rough time, and their needs deserve greater attention from us all.

This was a WTOP Editorial . . . Norman Davis speaking for WTOP.

JACKSON, TENN., CELEBRATING ITS 150TH ANNIVERSARY

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1972

Mr. JONES of Tennessee. Mr. Speaker, in January of 1973, several counties will be added to my congressional district. Among these fine counties is Madison in which the city of Jackson is located. Mr. Speaker, I would like to take this time to extend congratulations to this fine county and city which are now in the process of celebrating their 150th anniversary.

All Tennesseans are proud of the rapid rate of growth and expansion which Madison County and Jackson, Tenn., have experienced. This area has been an influence in development throughout the State and now faces a prosperous future which promises even further growth and development.

The Jackson Sun, a West Tennessee daily, has taken great pains in preparing a very thorough and interesting account concerning the history of Madison County and Jackson, Tenn. I would like to extend my personal compliments to the editors of this excellent newspaper, especially Mr. John Parish who directed research and the Sun State editor, Mr. Johnny Malone who directed the layout of the paper. I would also like to extend recognition to all the individuals who are responsible in any way for the publication and distribution of this paper. They have all done a fine job in helping Madison County and Jackson, Tenn., celebrate their 150th anniversary.

Mr. Speaker, I am very happy about the recent passage of the conference committee report on rural development. This is an important and significant piece of legislation and it will prove to be most beneficial to our rural communities. I would like to extend my personal thanks to the distinguished members of the committee who have worked exceptionally hard for the passage of the Rural Development Act.

I believe the vote on this bill was most significant. Since there were 339 Members voting yea and 36 Members voting nay, one can see that this piece of legislation had varied support. Not only were the rural areas interested in the passage of the Rural Development Act but the urban centers as well. Since passage of this bill will benefit both urban and rural areas alike, this accounts for the bill's wide acceptance among this great body.

By developing rural areas and making them more conducive to individuals, we are taking pressure off our urban centers where many of our rural citizens have moved due to lack of jobs and services. This bill will also be of help to cities with a population of 50,000. In all approximately 80 million out of 205 million residents in the United States will receive some help from this measure. Therefore, we can see how beneficial this piece of legislation will be.

CONGRESSMAN HOGAN'S VIEWS ON ABORTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1972

Mr. HOGAN. Mr. Speaker, in my continuing efforts to stop the shocking trend toward liberalized abortion laws, I wrote an article in the Maryland Law Forum detailing some arguments against abortion, and I insert that article into the RECORD.

THE EMBATTLED MINORITY: OUT OF SIGHT, OUT OF MIND

(By Hon. LAWRENCE J. HOGAN, Member of Congress)

During the course of the 19th century, the American Medical Association asked the several states to reform their laws to prevent abortions, and, in 1859, the AMA obtained unanimous adoption of a resolution which condemned abortion at every period of gestation except as necessary for preserving the life of the mother. The reason for the resolution was stated to be the increasing frequency "of such unwarrantable destruction of human life."[1]

It's interesting that the members of the AMA in 1859 had no trouble identifying the fetus in a woman's womb as a *human* being, yet today with a century's worth of added bio-medical knowledge and the development of a science of fetology, there are some members of today's American Medical Association who would consider a human fetus, for the purposes or terminating pregnancy, as only a "cluster of cells."

I have not seen any statistics citing the numbers of abortions performed in 1859, but I wonder if the "unwarrantable destruction of human life" in that year came anywhere near the estimated 215,000 abortions which were performed in the State of New York alone in the year following the liberalization of that State's abortion statute in 1970.

To continue in this tone would cause us, however, to fall into one of two problem areas which seriously handicap a rational discussion of the abortion debate. This first area can be labeled simply "emotionalism." On the one hand, the arbortion controversy is subject to the emotionalism of what has been characterized by the pro-abortion forces

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Footnotes at end of article.

as the classic Catholic, moralistic, theological view of abortion as sinful and symptomatic of a decaying society. On the other hand is the emotional argument that abortion is necessary to achieve the social good, that the world is overpopulated and abortion is a cure, and that unwanted pregnancies are a burden to the mother and to society.

The second area which hampers a forthright discussion of abortion is not so readily perceived as is the emotionalism which beclouds rationality. Here we have fallen into the 20th century trap of "specialization" of career interests that we have failed to interrelate the disciplines where such an interrelationship exists and is essential to a thorough understanding of the subject matter.

To return for a moment to my opening statement, that in 1859 the AMA was calling upon the States to pass anti-abortion legislation, if we combine the present statute and case law with our advanced knowledge in the area of fetology, it would appear that the AMA should be making a similar, and even stronger, plea to the States today. Instead, the AMA is passing resolutions to make it possible for their members to practice in accordance with the liberalized abortion laws in New York, Alaska, Hawaii, and Washington without violating the canons of the medical profession.

For purposes of this article, I have attempted to isolate the abortion question from the emotionalism and from all moral, ethical or theological perspectives and center the discussion instead on the biological and legal aspects. These parameters can best be summarized by two questions:

(1) When does life begin?

(2) Having begun, what are the legal rights of the possessor of that life?

As long ago as 1964 (which is ancient history in the rapid developments in the medico-scientific community), Professor Ashley Montagu of Columbia University said that, "The basic fact is simple: Life begins, not at birth, but at conception."[2] It was during the 1960s also, that the biogenetic community made the startling discovery that the newly conceived fetus possesses the genetic (DNA) code, which transmits the human constitution.[3]

The new science of fetology which was brought into existence during the late 1960s by Dr. H. Liley's work on blood transfusions to the fetus has thoroughly exploded old myths, such as those which caused Justice Pound of New York's highest court to hold in a 1921 decision that "When justice or convenience requires, the child in the womb is dealt with as a human being, although physiologically it is a part of the mother."[4]

But today the experts agree that a child is a separate, living, human being from the very beginning. The fetus shows a working nervous system and brain different from his mother's in the 19th day of pregnancy, and there is no medical or scientific disagreement that his existence as an individual begins no later than the time when the cells which make up the fetus separate from those cells which later become the placenta. Even the persistent belief that the placenta is a part of the mother has been exploded.[5] Moreover, the modern technique of fertilizing human eggs in test tubes further establishes that life begins at conception.

Dr. Liley and his wife, both pioneers in new science of fetology, have observed the fetus in his watery world inside the amniotic sac by closed circuit X-ray television. Their words for what they have seen clearly establish for the layman or the lawyer, the nature of a human fetus:

". . . he is quite beautiful and perfect in his fashion, active and graceful. He is neither an acquiescent vegetable nor a witness tadpole as some have conceived him to be in the past, but rather a tiny human being as independent as though he were lying in a crib with a blanket wrapped around him instead of his mother."[6]

If a heartbeat with circulating blood can be detected at three weeks gestation, if the internal organs of a complete human being and human facial features can be determined at six weeks, and if by seven weeks gestation the nervous system of the fetus is functional to the point that it flexes its neck when its mouth is tickled, then we should be able to say with some certitude that medical developments regarding the essential humanity of the unborn fetus confirm the soundness of the law in treating the fetus as a being with rights not dependent on his parents.

At this point in time, the evolution of biogenetics favoring the recognition of the fetus as a living person within the womb is supported by the common law. The precedents of property, tort, and welfare law have long recognized the legal rights of the unborn person. The Dean of tort law—and the "wise tortfather" of first-year law students—Professor Prosser stated as early as 1964 that, "All writers who have discussed the problem have joined . . . in maintaining that the unborn child in the path of an automobile is as much a person in the street as the mother."[7]

However, it is not my purpose in this article to review the legal precedent established in tort, property, and equity cases which uphold the rights of the unborn fetus as separate and distinct from the mother in whose womb he is couched. There are numerous outstanding legal articles dealing with these rights which adhere to the child before birth.[8] Suffice it simply to reiterate Professor Maledon's statement of the inconsistencies which develop in those States with liberal or "abortion-on-demand" statutes:

"The unborn child, under the law of property in most jurisdictions, can, among other things, inherit and own an estate,[9] be a tenant-in-common with his own mother,[10] and be an actual income recipient prior to birth.[11] The new liberalized abortion laws, however, present a dilemma in this area. How can it be a crime for a woman to misappropriate the estate of her unborn child, and yet not be a crime for her to kill that child? Can a woman, who has inherited an estate as a tenant-in-common with her unborn child, increase her own estate 100% simply by killing the child? Will the law, which has recognized the unborn child as an actual income recipient prior to birth, allow the child's heir (the mother) to kill the child for her own financial gain? Will the law that has specifically said that an unborn child's estate cannot be destroyed where the child has not been represented before the court[12] allow the child himself to be destroyed without being represented before the court? These few possibilities are but a sample of the legal maze that the abortion law revisions have created."[13]

Similarly, in my own State of Maryland, in an action for the wrongful death of a stillborn child, the Maryland Court of Appeals observed: "The cause of action arose at the time of the injury, and . . . (there is) no more reason why it should be cut off because of the child's death before birth, than if it died thereafter."[14]

If the fetus can be tortiously injured,[15] can inherit and be the beneficiary of a trust, can be represented by guardian and litem seeking support payments,[16] and can be preferred to the parents' constitutionally-upheld religious liberties,[17] then it appears that there be a substantial basis for a constitutional argument favoring the unborn child's right to life.

The unborn child's constitutional right to life is then the avenue which I, as a Federal legislator, will explore. There are some constitutional precedents, such as the previously cited New Jersey case where the fetus was likely to be aborted if denied a blood transfusion in accordance with the parents' religious beliefs.[18]

It is noteworthy that in a unanimous per curiam opinion in the *Anderson* case, the New Jersey court found no difference between this case and an earlier New Jersey case[19] where the blood transfusion was given to a blue baby suffering from lack of oxygen after birth. Similarly, in an earlier case the same year as the *Anderson* case in New Jersey, Judge J. Skelly Wright of the U.S. Court of Appeals for the District of Columbia Circuit held that, "The State as parens patriae will not allow a parent to abandon a child and so it should not allow this most ultimate of voluntary abandonments. The mother had a responsibility to the community to care for her infant."[20] It is noteworthy that in both the *Anderson* and *Georgetown* cases, the Supreme Court denied certiorari.

We will return later to the impact of these decisions in framing the issue that the unborn child's right to life supersedes all the mother's constitutional rights except her own right to life.

In its first confrontation in April, 1971, with the abortion controversy, the Supreme Court of the United States sustained the constitutionality of the abortion statute of the District of Columbia against an attack for vagueness.[21] Although the Court upheld the right-to-life philosophy, at the same time, it so worded the decision that it has become extremely difficult to prosecute violations of the District of Columbia statute.

In upholding the constitutionality of the D. C. statute, the Court overturned the U.S. District Court decision granting a motion to dismiss the indictment, holding that the statute was so vague in its exception of abortions to protect some undefined standard of "health" that it denied defendant's due process of law and did not afford adequate standards for judgment by juries or courts.[22] Nevertheless, construing broadly the term "health" in the statute[23] and placing the burden of proof on the prosecution to show, by the criminal standard of beyond a reasonable doubt, that a particular abortion was not within the statutory exception will mean at the least that prosecution cases must be far more complex and could well approach the psychiatric complications of the typical trial in which insanity is a claimed defense.

Although concurring in the majority opinion written by the late Mr. Justice Black, Justice White indicated that he would object to any construction that permitted "abortions on request." The statute seemed clearly to him to proscribe all abortions "not dictated by health considerations."

Even more recently, Dr. Milan Vuitch, who is licensed to practice in the District of Columbia, Maryland, Virginia, and New York, was denied certiorari on October 12th on his appeal from a Maryland conviction.[24] Although a constitutional argument of due process and equal protection was made, the Court of Special Appeals affirmed the Circuit Court conviction under the newly revised Maryland abortion statute as contained in Chapter 470 of the Acts of 1968. The courts, however, never decided the merits of the constitutional question because a procedural technicality prevented the constitutional argument from being raised as a defense to the abortion charge.

There are, however, more extensive constitutional attacks presently pending on the Supreme Court's docket.[25]

For the most part, these attacks on the constitutionality of anti-abortion statutes have taken two approaches:

(1) Abortion statutes invade a woman's right to privacy and sovereignty over her own body; and

(2) Abortion statutes deny equal protection of the law to poorer citizens by discriminating in favor of richer individuals

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Footnotes at end of article.

who can afford the trips and expenses involved in abortions.

Looked at objectively and in the light of legal precedent neither of these two arguments hold water. In the first case, if we accept the hetologist's scientific evidence that life begins at conception, then it follows that the mother's right to privacy must be subordinated to the unborn child's constitutional right to life. The blood transfusion and blue baby cases illustrate this point.

Interestingly enough, this legal recognition of the rights of the unborn is not an anomaly indigenous to the American legal system. In 1959, the United Nations adopted a "Declaration of the Rights of the Child," wherein the representatives of the member nations of the U.N. recognized that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth."[26]

The second attack focussing on the denial of equal protection to the poor is even more valid when applied to the unborn who is also entitled to equal protection of the law. As a society we should recognize that our entire system of justice sometimes denies equal protection to the poor. However, the response to this recognition should be a striving for the eradication of the root causes of poverty, not for the invalidation of lawfully enacted statutes because some segments of society find the statute easier to contravene than another.

Interestingly enough, since abortion clinics in the District of Columbia have been mushrooming after the Vuitch decision, preliminary statistics indicate that two-thirds of the users of one of these abortion clinics these clinics will make it easier and cheaper for the inner-city blacks to obtain abortions.

Statistics recently released by the Johns Hopkins University School of Medicine indicate that some 2,500 Maryland women obtained abortions outside the state during the last fiscal year.[28] Of these out-of-state abortions, 878 were performed in New York City, another 202 in other parts of New York State, and an estimated 1,500 in Washington, D.C. Again these figures don't indicate that it's the inner-city blacks who are profiting from the liberalized abortion laws.

Finally, one learned writer has come to the conclusion that abortion is in complete contradiction to the civil rights movement of the 1960s. For more than a decade, Americans have fought in the courts and on the streets for the civil rights of our minority groups. And now, some of those same civil rights advocates fail to see that abortion abrogates the most important civil right—the right to life itself. Let's not forget that every one of the individuals in the pro-abortion movement has already enjoyed that civil right to life which they are refusing to the unborn child in the womb.

For my own part, I'm hopeful that the Supreme Court, in deciding the cases on its docket this Term, will recognize the essential humanity of the unborn child and will not seek to reverse the established precedent that the right to life supersedes all other rights which are bequeathed to all Americans.

If the Supreme Court were to decide otherwise, it would be clear then that our constitutional safeguards will have given away to the era of convenience. For in reading the test cases on the constitutionality of abortion statutes, one cannot help but think that due process and equal protection are but legalese for insuring the convenience of the living. Because this is a time of concentration on making life as easy as possible, by holding the abortion statutes unconstitutional, the Supreme Court would insure that thousands of lives would be made much simpler and more convenient by not allowing a child to be born.

In that event, I have every intention of introducing a resolution to amend the Constitution in the following manner:

"The right of the unborn to life shall not be abridged, and unborn persons shall have the same rights as others to the equal protection of the law."

If one of the purposes of a Constitutional amendment is to clarify the language of the fundamental principles upon which the United States was founded, then in the words of that 1859 AMA resolution, "such unwarrantable destruction of human life" would certainly call for a clarification of the meaning of our inalienable right to life.

Unfortunately, this clarification is no longer necessary only for the unborn. The anti-life movement has already been extended as in the case of the mongoloid babies which have been allowed to die after birth and in the case of the aged and infirm who would be allowed to die if a euthanasia bill presently pending in the Florida State Legislature is passed by that body.

Just as we are now witnessing the attemped extension of the abortion mentality on constitutional grounds, so also will the constitutionality of killing the unborn be extended to the constitutionality of killing the living without due process of law.

FOOTNOTES

[1] American Medical Association, Minutes of the Annual Meeting 1859, Tenth Annual Medical Gazette 409 (1859).

[2] A. Montagu, "Life Before Birth 2" (1964).

[3] F. Gottlieb, "Developmental Genetics 17" (1966).

[4] Drobner v. Peters, 232 N.Y. 220, 222, 133 N.E. 567, 568 (1921).

[5] H. Liley, "Modern Motherhood 28" (1967).

[6] *Id.* at 26–27.

[7] W. Prosser, "Handbook of the Law of Torts" § 56, at 355 (3d ed. 1964).

[8] Maledon, *The Law and the Unborn Child: The Legal and Logical Inconsistencies,* 46 N.D. LAWYER 349 (1971); Noonan, *The Constitutionality of the Regulation of Abortion,* 21 HAST, L. J. 51 (1969); Noonan, *Amendment of the Abortion Law: Relevant Data and Judicial Opinion,* 15 CATH. LAW, 124 (1969); Means, *The Law of New York Concerning Abortion and the Status of the Fetus, 1664–1968: A Case of Cessation of Constitutionality,* 14 N.Y. L. F. 411 (1968).

[9] Hall v. Hancock, 32 Mass. (15 Pick.) 255 (1834).

[10] Biggs v. McCarty, 86 Ind. 352 (1882).

[11] Industrial Trust Co. v. Wilson, 60 R.I. 169, 200 A. 467 (1938).

[12] Deal v. Sexton, 144 N.C. 157, 56 S.E. 691 (1907).

[13] Maledon, *supra* note 8, at 369.

[14] State ex. rel. Odham v. Sherman, 234 Md. 179, 183, 198 A. 2d 71, 73 (1964).

[15] Bonbrest v. Kotz, 65 F. Supp. 138 (D.R.C. 1946).

[16] Kyne v. Kyne, 38 Cal. App. 2d 122, 100 P. 2d 806 (1940).

[17] Raleigh Fitkin-Paul Memorial Hospital v. Anderson, 42 N. J. 421, 201 A. 2d 537, *cert. denied,* 377 U.S. 985 (1964).

[18] *Id.*

[19] State v. Perricone, 37 N.J. 463, 181 A. 2d 751 (1962).

[20] In re Application of President of Georgetown University Hospital, 331 F. 2d 1000, 1008, (D.C. Cir.) *cert. denied,* 337 U.S. 978 (1964).

[21] U.S. v. Vuitch, 402 U.S. 62 (1971).

[22] *Id.,* 305 F. Supp. 1032 (D.D.C. 1969).

[23] D.C. Code § 201, provides *inter alia:*

"Whoever, by means of any instrument, medicine, drug, or other means whatever, procures or produces or attempts to procure or produce an abortion of miscarriage on any woman, unless the same were done as necessary for the preservation of the mother's life or health and under the direction of a competent licensed practitioner of medicine, shall be imprisoned in the penitentiary not less than one year or not more than ten years. . . ."

[24] State v. Vuitch, 10 Md. App. 389, 271 A. 2d 371 (1970).

[25] Roe v. Wade, 314 F. Supp. 1217 (N.D. Tex. 1970), *Jurisdiction Postponed,* 39 U.S.L.W. 3486 (U.S. May 3, 1971) (No. 70–18); Rosen v. Louisiana State Board of Medical Examiners, 318 F. Supp. 1217 (E.D. La. 1970), *appeal docketed,* No. 70–42, U.S., Nov. 27, 1970; Doe v. Bolton, 319 F. Supp. 1048 (N.D. Ga. 1970); *Jurisdiction Postponed,* 39 U.S.L.W. 3486 (U.S. May 5, 1971) (No. 70–40).

[26] General Assembly of the U.N., *Declaration of the Rights of the Child,* adopted unanimously in the plenary meeting of Nov. 20, 1959 OFFICIAL RECORDS OF THE GENERAL ASSEMBLY, 14th Session, at 19–20.

[27] Auerbach, *2/3 of Users of Abortion Clinic White,* The Washington Post, August 26, 1971, at B–1.

[28] *Maryland Women Abort Elsewhere,* The Evening Capital, November 12, 1971.

TO HELP YOUNG PEOPLE TO LEARN ABOUT GOVERNMENT

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1972

Mr. PEPPER. Mr. Speaker, the youth of this Nation have demonstrated many times in many ways that they have a deep interest in the workings of government on all levels. On the whole, they are willing students of the principles and procedures of democratic government, and I firmly believe it is in the interest of the entire Nation if our young people are encouraged in that direction.

Recently, I received a critical analysis of a student-in-government program in my home State of Florida from a 15-year-old boy named Kevin Richardson. Kevin is an observant and extremely articulate young man who has definite ideas on how that program may be improved. I believe Kevin's advice may be valuable to all who are interested in helping our young people learn and appreciate the American system of government, and I commend his essay to my colleagues and to all who read this RECORD.

Evaluation of Educational Objectives To Qualify 15- to 18-Year-Olds To Give Them an Objective Base for Exercising the 18-Year-Old Voting Privilege

(By Kevin Richardson)

The first objective I will present is one which I would like to attend and one which my brother has participated in and enjoyed.

In most states there is an institution called Boy's State or Girl's State for each sex. It is a learning experience in the summer for a period of time which tries to orient a student on the fundamentals of Government. Only students with good educational aptitude are considered to go. They must get a sponsor who will pay for their week's stay at the school. Once there they will participate in many activities with the primary influence on the study of government. The students choose their own party and meet like a Congress. Under the supervision of instructors they go about deciding the business at hand. They will debate, vote, and decide on these matters in a democratic way. In this way they will become familiar with how the government operates. In that aspect, going to this institute is very beneficial to the coming of voting age students. But I would like to comment on a couple of unfavorable aspects of going there.

Firstly, only good grade students are allowed to go, not the average student who has just as much or even more interest in going but may not have good enough grades. If these people were allowed to attend maybe too many people for the facilities will go, and this brings up my next point.

If there was any way possible to have something like this in every county, instead of just one in the whole state, it would be much more beneficial to all concerned. This would eliminate much of the cost of accommodations as most of the students who go will probably have their own transportation and will be able to sleep and eat at home just like during regular school days.

The "school" could be held at one of the area's schools and there would be no use for finding a place big enough to accommodate kids from all over the state.

About the only cost involved would be for materials and the payroll of qualified instructors to assist the students in whatever help they may need.[1] These contributions could be made by the former sponsors who had to pay a lump sum before. I'm sure that they cooperate fully.

• If what I just proposed could become a reality, it would most likely increase the number of students who attend. It would also help them in making a thoughtful decision when they step into that voter's booth to cast their vote.

The second objective I will propose should be easier accomplished than the first.

Courses may be offered at schools that would deal in modern "history" with qualified personnel to teach them. The history of 100 years ago is helpful to us in learning how our ancestors dealt with their problems, but the issues of now and then are very different. I think that it is more important to understand the politics of 10 years ago or even 25 years ago than those of 100. These classes would show the student some of the major problems that are important to the world of today.[2] It could also explain how a politician operates—how to look behind the TV ads, etc. You could learn how to know about all the issues objectively, without taking someone else's word for it.

Students could do projects on what the issues are and what the candidates have to say about the issue. Then the class may have a mock election to see who they would vote for.

Again, the importance of having a qualified instructor is great as you would want the students to know how to interpret everything right.

The third objective I will propose is similar to the second but could be accomplished in a shorter amount of time.

Seminars or "mini" classes could be offered to the student at school so he could understand what the issues are and understand the candidates better.

The "Teacher" may vary from week to week so as to give the student all aspects of the government. These people may vary from people representing a candidate to a real teacher who may explain how the government operates. The students should ask questions when they don't understand something because they will use this information whenever they vote.

The next statement I will make has two ways of looking at it, which I will present the best way I can. It seems a little paradoxical, and in a way it is.

The person who "teaches" the students should be interested in helping the students so they will get the impression that the system really does care about how they feel about things that are happening in the world today. This kind of teacher would probably increase the number of students who would sign up to vote.

Now for the other part of the statement.

If the "teacher" were just someone who doesn't really care at all about how the students feel and is just there because someone asked him a special favor to do it might dim the student's feeling about the government. They might get to feeling that this is what the government is like—just a bunch of people in for the glory of it. But on the other hand some of the more astute students might get alienated by this person and realize that this is what the government feels about us and decide to register to vote when they were on the borderline before. They would realize that there are a great many people who, if they got together, could dispose of these people and vote into office someone who feels for their cause. So, if you had this kind of person talk to you, there would be two kinds of reactions come out of it. I just hope that the students take the latter course of action.

SUMMARY

In this report I think that I achieved my objectives even though I may not have put them in the clearest sense. I hope that the reader will try to understand my thoughts from the way I have written them.

I hope that you enjoy this report as much as I did in preparing it. The work is entirely mine, with help from no one.

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[1] Instructors might also want to work for free, as a community minded service. Instructors should be interested, not just doing it for the money. They need to be qualified and know what they are doing and talking about. They should supervise the "meetings" and suggest on things to be done and show students what to do.

[2] These courses should be given credit like regular courses. The knowledge you receive in these courses will stay with you as long as you exercise your right to vote. Some other course, like Geometry or Chemistry may not stay with you, as you may take an occupation that does not deal with these subjects at all.

THE 50TH ANNIVERSARY OF U.S. RECOGNITION OF BALTIC STATES

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1972

Mr. GUDE. Mr. Speaker, Friday, July 28, 1972, marked the 50th anniversary of the de jure recognition of the three Baltic Republics of Estonia, Latvia, and Lithuania by the United States.

During World War I, the freedom-loving peoples of these states asserted their national independence, and enjoyed two decades thereafter of self-government. In June 1940, however, the Soviet Union seized power over these states, and proceeded to pursue a vicious policy of mass deportations to Siberia, and Russian colonization of Estonia, Latvia, and Lithuania. Soviet policy to date has been one of continued repression of cultural and religious activities.

The United States extended full recognition to Estonia, Latvia, and Lithuania on July 28, 1922, and has never recognized the incorporation of the Baltic States into the Soviet Union.

Deprived of their independence, the Baltic peoples remain strong and dedicated in their ethnic and cultural pursuits. In our common devotion to the principles of freedom, it is fitting that we reaffirm our friendship with the peoples of the Baltic States, and reiterate our grave concern that their basic human rights be restored at this time.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

SENATE—*Monday, August 7, 1972*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, in whose providence we live and move and have our being, we beseech Thee so to enlighten our minds and lift our spirits that we may create those measures which meet the needs of this age. Keep us ever faithful to all that is holiest in our heritage and all that is healthiest in that which is new. Give us courage to do the hard right against the easy wrong. In all that we think or say or do, may we sincerely endeavor "to insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." As we work may we bear witness to our kinship with the Master whose purpose was to do Thy will. Grant us so to walk and work with Thee that we may have that joy and peace which the world cannot give or take away.

We pray in the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, August 4, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF CALENDAR UNDER RULE VIII

Mr. MANSFIELD. Mr. President, I ask unanimous consent to waive the call of the calendar of unobjected-to measures under rule VIII.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on the Environment of the Committee on Commerce; the Committee on Finance; and the Committee on Public Works be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes each.

ORDER FOR TIME OF CONVENING SENATE ON TUESDAY AND WEDNESDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Tuesday and Wednesday of this week the Senate convene at the hour of 9 a.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, following the recognition of the two leaders, the following Senators be recognized for not to exceed 15 minutes each: The distinguished Senator from New York (Mr. Javits), the distinguished Senator from Illinois (Mr. Percy), the distinguished Senator from Maryland (Mr. Mathias), the distinguished Senator from Oregon (Mr. Packwood), and the distinguished junior Senator from New York (Mr. Buckley).

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RURAL ELECTRIC IMPOUNDED FUNDS

Mr. MANSFIELD. Mr. President, in view of the fact that the issue concerning the funds envisaged in Calendar No. 809, Senate Resolution 232, has become moot and that the purpose of the sense of Senate Resolution 232 is no longer current, I ask unanimous consent that Calendar No. 809, Senate Resolution 232, be placed and made a subject on the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, again, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TIME FOR SWEARING IN SENATOR-DESIGNATE EDWARDS, OF LOUISIANA

Mr. MANSFIELD. Mr. President, for the information of the Senate and interested friends, it has been agreed that the Senator-designate from Louisiana, Mrs. Elaine Edwards, will be sworn in at approximately 11:30 o'clock this morning.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

REQUEST FOR COMPARABLE TIME BY CHAIRMAN OF THE REPUBLICAN NATIONAL COMMITTEE

Mr. DOLE. Mr. President, on Saturday evening the Democratic candidate for President took prime time on all the major networks to inform the American people of his choice for a running mate. In the event those who were listening or watching failed to note, the running mate is Sargent Shriver, who may become known as the "Saturday night special."

But in any event, after that 1 minute mention of Mr. Shriver, the Democratic candidate for President, the Democratic Senator from South Dakota, devoted the balance of his time to a blistering attack on President Nixon and President Nixon's policies over the past 3½ years.

Since Congress has some jurisdiction over the Federal Communications Commission, and since this is an election year, and since some of us have partisan ideas, as chairman of the Republican National Committee I directed a telegram to Arthur R. Taylor, president of CBS; Julian Goodman, president of NBC; Elton Rule, president of ABC; and John A. Harden, president of the Mutual Broadcasting System, which reads as follows:

> The Republican National Committee hereby requests that you provide it comparable time to respond to the campaign speech of Senator George McGovern which was carried by your company's radio and TV networks last night.
>
> Senator McGovern's talk was largely devoted to a partisan attack against the Republican Administration of President Nixon and in support of political candidacies of the Democratic Party in the current campaign. Senator McGovern used only one minute of his 16-minute broadcast to announce his choice for his vice presidential running mate. He later admitted to news reporters that he had "exploited" for his political purposes the opportunity given to him by the national networks. The networks knew in advance that he would do this, because a text of the speech was released to the news media yesterday afternoon.
>
> We believe that the concept of elementary fairness embodied in the Federal Communication Commission's Zapple ruling requires that comparable free time be afforded to a spokesman in support of the Republican Administration in this campaign. Such an application of the Fairness Doctrine is necessary under these circumstances, prior to the nomination of the Republican Party presidential candidate when the political candidate's "equal opportunity" provision of the Communications Act does not apply.
>
> We call your attention to Paragraph 31 of the Federal Communication Commission's First Report on its Fairness Doctrine inquiry. There the Commission asked rhetorically whether "if during a campaign the latter (Republican National Committee) were given a half hour of free time to advance its cause, could a licensee fairly reject the subsequent request of the Democratic National Committee that it be given a comparable opportunity?" The answer should be no different in the instant circumstances where a presidential candidate, prior to nomination of his political opponent, but during the campaign, is himself given time to advance the cause rather than a supporter of the candidate being given time to advance that cause. Otherwise, a blind spot would be left in the body of law designed to assure fairness in the handling of political broadcasts.
>
> Therefore, because Senator McGovern used last night's broadcast time primarily to advance the cause of Democratic Party candidates, the Republican National Committee seeks a comparable opportunity to advance the cause of Republican Party candidates in this campaign. Upon notification of your offer of time, we will be pleased to submit to you the name of an appropriate spokesman in support of candidates of the Republican Party.
>
> Sincerely,
>
> Robert J. Dole,
> *Chairman, Republican National Committee.*

The PRESIDENT pro tempore. The Senator's 3 minutes have expired.

SARGENT SHRIVER

Mr. PROXMIRE. Mr. President, I had not intended to speak on this aspect of the Democratic vice-presidential candidacy when I came to the Chamber, but I am really surprised at the chairman of the Republican National Committee. I heard his request for equal time for the Republican Party to respond to Senator McGovern. He has got to be kidding. After all, for 4 years the Republican President of the United States has gone on television networks over and over again making appeals, sometimes very attractive appeals, for his partisan, Republican position. Again and again the Democratic Party has been denied the opportunity to respond. Once in a while we have been given the chance, but in the overwhelming majority of cases we have not been. So I would expect and hope that in this case our nominee for President of the United States would be given the courtesy of one opportunity to speak his mind on the networks without this kind of request by the other side.

I have known Sargent Shriver for more than 35 years. He and I were classmates at Yale together. He was probably the outstanding member of our class. He was chairman of the Yale Daily News, which was in many respects the most significant position anyone could achieve at Yale. Since then he has enjoyed a distinguished career that well qualifies him for the Presidency. In business he skillfully managed the largest building in the world, the Merchandise Mart in Chicago. He was a brilliant and innovative member of the school board in Chicago and contributed greatly to solutions of that difficult and puzzling problem of education in our second biggest city. He was head of the Peace Corps. Anyone concerned about his administrative ability should talk to those who worked with him in the Peace Corps. He was the literally inspiring Director of that agency, which many feel was the single most successful effort in foreign affairs by the Kennedy administration. He was an embattled but highly competent head of the Office of Economic Opportunity and he developed experience in foreign affairs as an Ambassador to France where he won consistently high praise. He has been a successful lawyer.

I feel if Sargent Shriver were a Member of the Senate or the Governor of one of our big States he would have been one of the two or three leading candidates for the Presidency in each of the last two elections. He is a man of outstanding ability. I think there are few people in our country who have demonstrated the kind of gift for administrative capability which he has. Far more important, in the event he should ever become President he would be extraordinarily well qualified, and he is a leader whose political views coincide closer with those of our nominee for President.

Mr. President, I yield the floor.

THE DEMOCRATIC NOMINEE FOR VICE PRESIDENT

Mr. SCOTT. Mr. President, I am delighted to know that the gentleman is well qualified to be Vice President because he went to Yale and did well there. I did not know that was a primary qualification, but since the Senator led off with it I assume that from now on we will all have to sing "Boola Boola" together. I am sure the campaign will be full of "Boola Boola" all through the election. [Laughter in the galleries].

Mr. ROBERT C. BYRD. Mr. President, may we have order in the galleries.

Mr. SCOTT. Having gotten the "Boola Boola" out of their systems, let me indicate that if he has all that qualification and talent, I wonder why he was the eighth or ninth person to be approached after all the Senators on that side of the aisle became refugees from the Vice-Presidency. Having outlawed the opportunity to be Vice President, they forced the candidate to choose an in-law.

It seems to me the candidate over there admitted on television last night that while he used only 1 minute to submit the name of his running mate, he took another 15 minutes to grab free time, to which I would assume he was hardly entitled. He certainly admitted that he exploited the news opportunity and, having exploited it, seems to me that equal time is the only fair response.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. DOLE. Mr. President, I think it might be well to point out, as I said earlier, that he might become known as the "Saturday night special." In any event, it is heartening to Republicans to know that the Democrats now have a complete ticket. We can now proceed with our convention, which will begin next week in Miami Beach.

Again, I have no quarrel with Mr. Shriver. As I stated earlier, my point is that the Democratic candidate was granted free time to make an announcement on the Vice-Presidency. Maybe Senator McGOVERN was still not certain who had been selected because so many names had been considered. Maybe he was not certain that it would be Shriver. In any event, he mentioned Shriver's name.

Mr. SCOTT. It slipped out.

Mr. DOLE. It slipped out. Finally it came out that Shriver was willing to run. But I believe his remarks were a partisan attack and certainly deserve a reply by a spokesman for the Republican Party.

Mr. SCOTT. I would say: "Long live Yale."

The PRESIDENT pro tempore. Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, I hope we will not use too much time on the Senate floor to discuss "Saturday Night Specials" except when the gun bill comes before the Senate. When we begin to refer to certain candidates as "Saturday Night Specials," someone may retaliate by referring to other candidates as "owl heads."

This would be unfortunate.

CHANGE OF CONFEREE ON DEPARTMENT OF TRANSPORTATION APPROPRIATION BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the name of our late departed colleague, Senator Ellender, be deleted from the list of conferees on H.R. 15097, the Department of Transportation appropriation bill, and that the name of the distinguished Senator from Arkansas (Mr. McCLELLAN) be substituted in lieu therefor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 82. A bill for the relief of Mrs. Wanda Martens (Rept. No. 92–1016);

S. 633. A bill for the relief of James E. Fry, Junior, and Margaret E. Fry (Rept. No. 92–1019);

S. 884. A bill for the relief of Commander Howard A. Weltner, United States Naval Reserve (Rept. No. 92–1020);

H.R. 631. An act for the relief of the village of River Forest, Illinois (Rept. No. 92–1021);

H.R. 2127. An act for the relief of the estate of Charles Zonars, deceased (Rept. No. 92–1022);

H.R. 2131. An act for the relief of the Howrey Lumber Company (Rept. No. 92–1023); and

H.R. 11632. An act for the relief of Vincent J. Sindone (Rept. No. 92–1024).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 655. A bill for the relief of certain postal employees at the Elmhurst, Illinois, Post Office (Rept. No. 92–1025); and

H.R. 10676. An act for the relief of Lester L. Stiteler (Rept. No. 92–1018).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Roger C. Cramton of Michigan, to be an Assistant Attorney General.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HARRIS:

S. 3883. A bill for the relief of Imogene L. Williams of Oklahoma City, Oklahoma. Referred to the Committee on the Judiciary.

By Mr. McINTYRE (for himself and Mr. WILLIAMS):

S. 3884. A bill to provide for the registration and regulation of oil and gas programs, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BURDICK:

S. 3885. A bill to amend section 8345(a) of title 5, United States Code, to provide guaranteed annuity benefits equal to the minimum primary insurance amount authorized under section 215(a) of the Social Security Act, as amended, and for other purposes; and

S. 3886. A bill to provide increases in certain civil service retirement annuities. Referred to the Committee on Post Office and Civil Service.

By Mr. MONDALE:

S. 3887. A bill to require a study of the practices, policies, and procedures of all Government agencies relating to the availability of certain goods and services through Federal supply and service sources, to amend the Federal Property and Administrative Services Act of 1949 to permit certain grantees and contractors of Government agencies to procure certain goods and services through Federal supply and service sources, and for other purposes. Referred to the Committee on Government Operations.

By Mr. INOUYE:

S. 3888. A bill to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish outpatient dental services and treatment for a non-service-connected disability to any war veteran who has a permanent total disability from a service-connected disability. Referred to the Committee on Veterans' Affairs.

By Mr. MONDALE:

S. 3889. A bill to extend the periods for which certain SBA loans may be made. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. THURMOND:

S. 3890. A bill for the relief of Reina Estela Olvera. Referred to the Committee on the Judiciary.

By Mr. TUNNEY:

S.J. Res. 256. A joint resolution relating to the accounting of prisoners of war and missing in action. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARRIS:

S. 3883. A bill for the relief of Imogene L. Williams of Oklahoma City, Okla. Referred to the Committee on the Judiciary.

Mr. HARRIS. Mr. President, I introduce for appropriate reference a private bill, and I ask unanimous consent that the bill and certain supporting material may be printed in the Record.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 3883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Secretary of the Treasury is authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to Imogene L. Williams of Oklahoma City, Oklahoma, an amount equal to the amount the said Imogene L. Williams would have received from the United States as a death gratuity had she made timely application therefor after the death of her husband, Frank Williams, who at the time of his death on June 16, 1946, was serving on active duty in the United States Army in the grade of Technician Fifth Grade, the said Imogene L. Williams never having been officially informed of her right to a death gratuity incident to the death of her husband and having learned of such benefit only after her claim to such benefit was barred by the statute of limitations. The amount to be paid under this Act shall be determined by the Secretary of the Army and certified to the Secretary of the Treasury.

Oklahoma City, Okla., *July 14, 1972.*
Hon. Fred R. Harris.

Dear Sir: I am a widow of World War II Veteran Frank Williams (38604707). I did not receive the six (6) months gratuity that was supposed to be sent to the widows until there compensation, and other checks are started. I have a son and I had to go to work. We started receiving our money six months later. I did not find out about this bill until 1971. Then I applied for it. The Amvets, a Mr. Leon Sanches tried very hard to help me. Then I was told to write you and ask you to submit a bill on my behalf for my personal relief. I sure would appreciate it if you would submit this bill for me. Because the money is my. They do not send out pamphlets for deceased widows so there for we do not know about all the bills, or benefits that we are entitled to.

I would appreciate if you would do this for me.

Here is two copies of letters that I received. Would you please send them back to me. Also Statement of death, send it back to.

Thank you very much,

Mrs. Imogene L. Williams.

U.S. General Accounting Office,
Washington, D.C., April 25, 1972.
Mrs. Imogene L. Williams,
Oklahoma City, Okla.

Dear Mrs. Williams: We are in receipt of your letter dated October 22, 1971, claiming the six-months' death gratuity payment believed to be due you incident to the death of your husband, the late Frank Williams, ASN 38604707, on June 16, 1946. Your claim was forwarded here by the Finance Center, United States Army, Indianapolis, Indiana 46249, for our action thereon.

The act of October 9, 1940, 54 Stat. 1061, as amended, bars claims against the United States cognizable by the General Accounting Office if not received in this Office within ten full years after the date such claims first accrued, with certain exceptions not material here. Since your initial claim was not received by us within ten full years from the date of your husband's death, we have no alternative but to advise you that under the plain terms of the law the claim is barred and may not be considered.

In this connection you may be advised that at the time of your husband's death it was the policy of the administrative office to immediately effect the payment of the death gratuity to the deceased member's surviving spouse. However, in view of the length of time that has lapsed from the date the death gratuity pay first accrued and the receipt of your claim, even were it possible to establish that the War Department did not settle the death gratuity claim, this Office is precluded from giving favorable consideration to your claim in view of the provisions of the act of October 9, 1940, copy enclosed.

Very truly yours,

A. W. Lilliston,
Adjudicator-Authorizer for the Director, Transportation and Claims Division.

(Public, No. 820, 76th Congress, Chapter 788, 3d Session)

H.R. 8150

An act providing for the barring of claims against the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled, That every claim or demand (except a claim or demand by any State, Territory, possession or the District of Columbia) against the United States cognizable by the General Accounting Office under section 305 of the Budget and Accounting Act of June 10, 1921 (42 Stat. 24), and the Act of April 10, 1928 (45 Stat. 413), shall be forever barred unless such claim, bearing the signature and address of the claimant or of an authorized agent or attorney, shall be received in said office within ten full years after the date such claim first accrued: *Provided,* That when a claim of any person serving in the military or naval forces of the United States accrues in time of war, or when war intervenes within five years after its accrual, such claim may be presented within five years after peace is established.

Sec. 2. Whenever any claim barred by section 1 shall be received in the General Accounting Office, it shall be returned to the claimant, with a copy of this Act, and such action shall be a complete response without further communication.

Approved, October 9, 1940.

The Adjutant General's Office,
Washington, D.C.

Statement of Death of Frank Williams

The records of the Department of the Army show that Technician Fifth Grade Frank Williams, 38-604-707, Ordnance, who gave his date of birth as 30 September 1921 died as the result of drowning 16 June 1946, in the Pacific Area.

This official statement furnished 2 December 1947, to Mrs. Imogene L. Williams, wife, Route #1, Box 250, Spencer, Oklahoma.

By authority of the Secretary of the Army.

Edward F. Witsell,
Major General, The Adjutant General of the Army.

By Mr. McINTYRE (for himself and Mr. Williams):

S. 3884. A bill to provide for the registration and regulation of oil and gas programs, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

OIL AND GAS INVESTMENT ACT OF 1972

Mr. McINTYRE. Mr. President, on behalf of Senator Williams and myself, I am introducing today a bill prepared by the Securities and Exchange Commission to regulate oil and gas drilling funds or programs, commonly known as oil programs. Legislation in this area is needed, not only to fill a gap in our present scheme of investor protection, but also to improve the stature of oil programs in the eyes of the investing public. This should encourage greater participation in oil programs and increased exploration for oil and gas at a time when there is an urgent need for increases in our domestic reserves of oil and gas.

Oil programs are generally unincorporated associations which hold or invest in oil or gas interests or engage in exploration, drilling, or production of oil or gas. Oil program offerings have averaged about $1 billion a year during the years 1969–71, although the SEC estimates that only about 25 percent of this amount was actually sold.

Because the operations of oil and gas programs are in many ways similar to those of mutual funds, the Investment Company Act Amendments of 1970, as passed by the Senate, would have eliminated the exemption for oil and gas programs now found in that act. However, in conference with the House, this provision was stricken on the understanding that the SEC and the industry would submit within 18 months legislation to regulate oil programs in a manner which takes account of their distinctive characteristics. This bill is the result of that undertaking.

The principal problems presented by oil programs stem from their structure and method of conducting business. Oil programs are characterized by externalized management and the separation of public beneficial ownership from the control of such programs. They are typically organized as limited partnerships. Under the laws of most States, limited partners are prevented from exercising control over the management of the business, lest they lose their limited liability.

Also, most general partners of oil programs have the authority, and frequently do, appoint another person who will actually perform all or a substantial portion of the management functions of the program. Typically, the other person is an affiliated person or alter-ego of the general partner. Unlike a corporation, oil programs have no officers or directors or other persons who will protect investor interests.

With their dominance and control over the programs thus secured, the managers and their affiliates are able to sell oil and gas interests and other property and services to oil programs, and engage in various other transactions in their interests conflicting with those of the programs and their investors. This manner of doing business and the abuses and potentials for abuse which it fosters are strikingly similar to those which led to the enactment of the Investment Company Act of 1940 and the 1970 Amendments to that Act.

Indeed, many investors in oil programs promoted by King Resources, to take one example, sustained tens of millions of dollars of losses which were attributable in large part to practices by the managers of these programs which would have been prevented by regulation of the type provided in this bill.

The bill defines "oil program" to include those companies which are directly engaged, more or less, in actual operations, as well as those oil programs which would clearly come within the definition of investment company. Since conventional operating oil corporations do not provide flow-through tax treatment to their investors, they are not within the definition of "oil program." Also, the bill except, among other things, certain arrangements used by small independent oil operators to finance their activities.

In view of the external management feature common to oil programs and mutual funds, this bill extends many of the provisions of the Investment Company Act concerning self-dealing transactions to oil programs. However, some degree of manager participation is present in all methods of oil and gas exploration. Therefore, the bill does not require, as does the Investment Company Act, that a manager of an oil program or affiliate get prior SEC approval for all transactions. Instead, the bill establishes fiduciary standards applicable to such dealings.

Another important provision of the Investment Company Act which is not included in this proposed legislation is its controls over management compensation, which were substantially strengthened by the 1970 amendments. While there are obvious and necessary differences between mutual funds and oil programs in the manner of compensating the management, there have been serious criticisms of some of the management compensations practices in the oil program industry. I therefore believe it would be appropriate, in the hearings on this legislation, to consider whether some controls on management compensation should be included. In that connection, I ask unanimous consent to have printed in the RECORD an article entitle "Drilling Funds: What Risk? What Reward?" from the June 1972 Dun's Magazine.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DRILLING FUNDS: WHAT RISK? WHAT REWARD?

(By Arlene Hershman)

The season for it is starting now. The memory of April 15 remains strong, and executives are still in the mood to hear the siren song about roaring oil gushers and soaring tax write-offs. So an army of drilling fund salesmen will tell them about the benefits of depletion, intangibles and other tax benefits. When their song is ended, it is estimated that some $425 million will have been put into drilling funds this year by investors, most of them high-bracket executives, a 14% increase over last year.

But in doing so, these executives will be going into a high stakes game, where investors have a long history of rolling snake-eyes. One independent analyst, in fact, made a study of 200 drilling programs and found that in only 23 companies did the investor even get his money back, much less have something to show for it.

And top oil expert Bernard Feshbach, vice president of the San Francisco investment banking house of First California Co., thinks the odds can be even longer than that. "If you're twelve years old and don't get leukemia," says Feshbach sardonically, "you might live long enough to get your money back from some of those funds."

And though the Securities and Exchange Commission has been writing proposals for new fund legislation for the past eighteen months, a close look at the oil drilling programs shows that in all too many funds the deck is stacked against the investor: He puts up most of the capital, takes all of the risk—and gets a very small piece of the return, if there is any.

But why do normally sophisticated investors keep putting their money into drilling funds? After all, the funds' shortcomings have not gone exactly unheralded. The problems of John King, who was quite literally the king of the drilling-fund promoters, made headlines all over the world. Rick Clinton's Clinton Oil's earnings fell out of bed. And periodically, the SEC publicly warns against some fund practices. (Under existing law, the SEC can only force the funds to make full disclosure in their prospectuses; it is an axiom of the investment business, though, that few investors even bother to read prospectuses).

It is the write-off aspect of the oil business, of course, that makes the executive forget all caution when he buys a fund share, an investment that usually costs him $5,000 a unit. Assuming he is in the 50% tax bracket (the lowest bracket if the tax deduction is to have any meaning), the program should provide the executive a write-off of at least 90%. Ostensibly, the value of the oil found will more than cover those expenses, providing him with his share of the partnership revenues for at least six years and possibly as long as 25 years. Furthermore, the oil depletion allowance makes only 88 cents of every oil income dollar taxable.

One thing can keep this dream investment from coming true: Ironically, the very nature of the tax law, which provides the tax benefits, can lead to the investor virtually playing against that stacked deck.

To see the full impact look at a hypothetical case, where a $10 million program drills ten wells, hits oil in the one, and the returns are to be split 50–50. Seemingly, fair enough. But, typically, to get the benefits of the tax laws, the investors must put their money in intangible costs: the geologic surveys, land preparation and any expense for a dry hole. That is the risky part of oil drilling. So just one of those intangible items, the $9-million bill for those nine dry holes, also comes out of their share of the receipts.

But the operator puts up the capital costs. He is paying only for the tangibles—the pumps and other equipment needed to get the oil out of the ground *after* it is found.

This division of risk and reward is fairly common in the industry. In recent programs offered by Amarex and Adobe, for example, investors put up all the risk capital. Under the terms of the agreement, though, the most they could get is half the receipts.

Asks Harmon Spolan of the Philadelphia brokerage house of Butcher & Sherrerd: "What risk is the operator taking compared to the investors?"

Not only that, there is the fact that drilling funds are exempt from SEC regulations on management fees, costs for services and the like. As Lewis Mosburg Jr., an Oklahoma City attorney notes: "It is possible for the operator to profit handsomely on a program that was relatively disastrous for the investor."

One way is a classic known as the "G&A." Also called "off the top," these are the promoter's general and administrative costs. With a little astute pencil work on the part of the fund operator, the bill for G&A can leave the investor with as much as a quarter of his funds gone, and none of his dollars even within sight of the oil patch.

And it is perfectly legal. As the prospectus for one oil fund shows, the general partners in the program are taking: (A) a 15% management fee; (B) 10% for general and administrative costs; (C) 1% for out-of-pocket expenses and registration costs. According to the fund's own estimate, this leaves a bare 74 cents for buying income-earning properties. "My own research shows," says Los Angeles tax adviser Arthur Groesbeck, "that a higher percentage of fees and overhead costs go to oil program promoters and operators than in any other tax shelter."

Even expert Bernard Feshbach once got nipped by the overhead bite. In one program he sold to investors, Feshbach was assured by the promoter that partnership investors would be charged for only a fair share of the company's G&A. A year and a half later, he recalls, the company put out a registration statement showing that Feshbach's partnership had paid the promoter's entire G&A for the year.

SETTING THE G&A

Feshbach, who has written a four-page study that is the most penetrating examinations of drilling fund sins ever done, believes that overhead should be charged only as a percentage of funds raised. Say, something on the order of 2% or 3%. "If a program doesn't set out what percentage is going to G&A," he warns investors, "I wouldn't touch it."

What it all adds up to is the fact that for some drilling funds there can be more money made from drilling-fund management than from actually finding and producing oil and gas. Patrick Petroleum, for example, according to a recent prospectus, is "engaged in exploring for and producing oil and gas." For its 1971 fiscal year, ended April 30, Patrick earned some 86% of its net profits from "transactions with oil and gas programs."

The very setup of other programs, it should be noted, encourages conflict of interest and self-dealing. Most drilling programs are put together by a promoter, who also usually acts as the general partner (in prospectus terms, the manager) of the program. To find the land, drill for the oil, get it out of the ground, and so forth, he hires middlemen—land owner, geologist, drilling company, equipment-leasing company, well operator and so forth.

There is nothing really illegal about this and some drilling funds, such as Intramerican, put a deliberate limit of 12½% on the profit an affiliate can make. Yet others merely state that the price for each service will be set at the prevailing market rates. But as Bernard Feshbach points out: "Prevailing market rates in the oil business is whatever the oilman can negotiate."

In fact, in so-called turnkey, or fixed-price, drilling operations, the opportunity for both the promoter and his drilling affiliate to make money are sometimes built in. Investors in turnkey programs supposedly are protected from unexpected cost overruns because an established price is set for each service. In some programs, however, the fixed price is always high enough so that the fund manager makes a profit. So does the affiliated operator, thus giving him a double, or "back-to-back," profit.

Even without back-to-back deals, the investor generally pays the cost of the oil property. And when it comes to determining that cost, he is completely dependent on the integrity and acumen of the program manager. But as expert Arthur Groesback laments: "There is no way you can tell or control what operators are doing."

All too true. If the manager is affiliated with the land owner, for example, he may limit its profit on a land sales to the partnership to 25%, as Intramerican does; or it may even sell the land at "cost." Most often, though, it will sell the land at "fair market value," even though establishing a fair market value for underdeveloped land is next to impossible. As Denver oil accountant William J. Harnden explains: "Even expert geologists can't put any fixed appraisal on underdeveloped land."

The profits on land, then, can run high. Under an agreement with the program manager, Universal Resources sold one-half interest in exploration rights to investors in the Trinity Drilling II program for approximately what it had paid for its whole interest. As the prospectus bluntly stated: "This arrangement assures Universal Resources a 100% profit on each one-half interest sold to the Program."

Not only that, Universal Resources had sold 24,000 acres to a previous Trinity Drilling program for an aggregate selling price of $1.5 million. About this transaction, the prospectus states: "The before-tax profit to Universal Resources was $1,100,438."

Even the major drilling programs launched by Continental Oil and Sun Oil have met sales resistance because participants were to pay for some leases that the companies originally "contributed" to the program. In the Conoco program, the oil company donated drilling rights to the program for three years. If the drilling on a particular lease was successful, the participants would share the revenues from the well and the lease would form part of Conoco's contribution. If the drilling turned up a duster, the investors would have to pay the company for the lease. And of the $75 million total offering, the prospectus estimates that some $15 million will go to reimburse Conoco for its costs on these leases.

Granted, part of that arrangement can be explained by the tax law. Under its provisions, land that produces oil must be capitalized; land that is barren, though, can be written off immediately as an intangible drilling cost. Continental, then, claims that its charge for dry-hole leases only insures that the investor will get a maximum write-off.

Another part of the arrangement Conoco has with the program's investors calls for it to get back any leases that have not been drilled by the end of three years. Conoco's estimate: It will get back $12.4 million worth of undrilled leases in 1974.

OPERATING COSTS

Some companies also enhance their revenues and profits by charging investors for operating costs on producing wells. This is in the form of a well charge. Among other things, it covers the cost of sending an inspector on regular trips to the well to make sure it is operating properly. For this service, investors in Patrick Petroleum's program, for one, pay a monthly charge of $50 to $150 per producing well above direct costs and expenses.

Patrick charges a fee even if another contractor checks the well. According to its most recent prospectus, if Patrick uses a subcontractor, it "will review the performance of the operator and the costs and expenses it charges, and will maintain accounting records for the partnership and receive and disburse monies on its behalf. For such services, the General Partner (Patrick) will charge its direct costs and expenses and an indirect monthly charge of up to $50 per month per well."

Some managers make a slight bow in the direction of sharing the investor's risk by taking their compensation "off the middle" in the shape of an overriding royalty. Under this formula, the promoter theoretically cannot make any money unless oil is found in producing quantities. The catch: in an overriding royalty, the promoter collects a share of the receipts but does not pay any of the expenses.

Indeed, with a large share of the investor's return going for expenses, like dry holes, management often ends up getting more income and receiving it sooner than the participant, in an overriding royalty arrangement. In Intramerica's 1969 fund, for example, as of June 30, 1971, the investors had received a total of $31,800 on a $1 million outlay, while management—not counting its management fee—had collected $37,000 on no direct investment.

Similarly, Petro-Search Exploration recovered $130,000 from its 1969 and 1970 programs before the end of 1970, yet according to a study by Resource Programs, the oil fund industry's most comprehensive statistical service, investors had yet to see a penny.

If the investor in drilling funds does have a chance of winning, it is when the promoter takes his profit "off the bottom." He profits only after the investment has been paid off. Even here, though, the promoter may have taken little or no risk as far as any investment is concerned, and yet cut himself in for 25% of the profits.

As if all this were not enough, the oil-fund investor has still another problem to worry about: the amount of money he will eventually be required to invest in a program. In some programs, the investor can lose out substantially on his share of returns if he cannot produce, when asked, more money besides his original partnership interest. Additional investment—or assessments—are called for in many programs on the assumption that an operator could dig nine dry wells and then hit a hole field on the tenth and not have money left to develop the property. The assessment, therefore, sounds like a safe investment since it is going to exploit what looks like a proven producing property area.

But what if the investor cannot come up with the money? In many programs, the hardship is out of all proportion to the risk he has carried. The Vanderbilt Drilling Program, like many others, establishes a mandatory assessment of up to 10% of the participant's original investment. If the investor cannot pay within thirty days of the request, the prospectus warns: "The entire interest of such Participant will terminate and be forfeited."

Optional assessments often require larger amounts than mandatory ones—they may even be unlimited—and the penalty for not putting up more money may be almost as severe. The Intramerican program for 1971 gives the operators the power to ask for as much as half of each partner's original investment for lucrative development activity. If the partner cannot come up with the money, he "will be excluded from the development activity."

Even on optional assessments, Harmon Spolan maintains, the investor is taking on a disproportionate share of the risk. Spolan dislikes recommending funds that call for unlimited, though optional, additional assessments. Often, he says, they have a way of never ending. "Year after year," he notes, "the promoters come back for more money and the investor never knows when his liability ends."

GETTING LOCKED IN

Oil participations, moreover, most often take the form of a limited partnership. So the investor also has the inherent risk of being locked into an illiquid investment unless the general partner is willing to buy back the interest. Many funds will do so. The formula the company uses to repay him, though, reduces the value of his interest to, at most, 70% of the present value of the reserves. In cash terms, this could mean 42% of the value of a gas well with a 25-year life off the coast of Texas or 60% of the appraised value of an oil well with a predicted seven-year life in the Rocky Mountains.

Other investors who want to get out may be offered stock in exchange for their holdings. How an investor makes out in a stock swap will depend on how the stock performs, since often the exchange will not recoup his investment. If he has to wait a year before taking a capital gain, he may find the value at the start has dropped precipitously. Investors in Prudential's 1964 program, for example, got stock selling at 14½ in 1969. It was recently quoted at 4. "In eight out of ten cases," says Bernard Feshbach, "the stock swap is just a method to dazzle everybody. Investors haven't any idea of whether or not it was a successful program."

Sometimes the stock swap will be arranged with a new company which adds another risk to the investor since the new company has no earnings at all upon which to put a price. Even if the stock swap is offered for another established company, the question remains: "Would you buy the stock?"

If a program manager has a tradition of swapping stock for partnership interests, many an investor has bought into a fund as a "cheap" way of buying a fund manager's stock. His savings come in the form of his tax write-off. But the hazard of this gambit, says Lewis Mosburg Jr., is that the stock price may be a lot lower when the investor is ready to sell than when he received the exchange.

Take the case of Clinton Oil. The stock was selling at 13 in 1969 when the company raised $100 million for the biggest single drilling program the industry has seen. Even before a year was out, the participants in the drilling fund were offered an exchange: stock in a newly formed company, Real Petroleum. This was merged into Clinton last year in still another exchange. Results: One investor who put $10,000 in a 1969 drilling program now owns 1608 shares of Clinton stock instead; a lot of shares, but with a flaw; they were recently quoted over the counter at a price of 1⅞ a share.

The SEC proposals go to Congress this month, but how much protection they will afford is open to question. Analysts who have seen the proposals say they alter only little the inequitable balance of risk and reward between the investor and the promoter. Says one oil man: "As far as I can see, they only call a halt to outrageous practices that died two years ago anyway."

Whether or not this criticism is mentioned, the SEC draft proposal provides that at least the industry should decide on a fair management fee. If the guidelines set last fall by the North American Securities Administrators is a clue to what the industry will suggest, a 12.5% management fee is not considered over-reaching even if the promoter is also taking a share of the profits. "This industry can't continue to grow," David Grace sums up, "unless the promoters stop dealing quite so harshly with investors."

So there is at least a measure of progress being made in regulating the funds. And there are a number of funds, it must be said, that are quite capably run and genuinely trying to earn a return for the investor. But unless the executive is very well informed about the complexities of life in the oil patch, he would do well to follow the slogan of the Romans, *caveat emptor*.

Mr. McINTYRE. Mr. President, in addition, hearings may show the need for strengthening of the bill in other areas to provide proper protection to the investor.

In addition to protecting investors, regulation of oil programs would serve another purpose. If the experience of mutual funds under the Investment Company Act is a guide, enactment of the bill would confer a substantive economic benefit upon the oil and gas industry in terms of increased public confidence and investment dollars. At the same time that our Nation's demands for energy are increasing, larger amounts of capital are required to find oil and gas to help meet that demand.

From an economic point of view, we as a nation cannot afford to have investment funds artificially diverted from the oil and gas drilling industry because of investor sentiments—right or wrong—that in evaluating an investment in a drilling program they must add the risk of being unfairly treated to the risk inherent in drilling for oil and gas. Thus, the bill could bring needed capital to the oil program industry and benefit the economy as a whole, as well as protect investors.

Mr. President, I ask unanimous consent that the text of the bill, together with a section-by-section analysis prepared by the SEC, be printed in the RECORD at this point.

There being no objection, the bill and explanation were ordered to be printed in the RECORD, as follows:

S. 3884

A bill to provide for the registration and regulation of oil and gas programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Oil and Gas Investment Act of 1972".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress finds that oil programs are affected with a national public interest, in that, among other things—

(1) the dollar value of program participations issued by oil programs represents a significant part of the value of all securities offered, distributed, purchased, paid for, exchanged, transferred, redeemed, and repurchased by use of the mails and means and instrumentalities of interstate commerce;

(2) the principal activities of such oil programs—investing, reinvesting, and trading in oil and gas interests and exploring for and producing oil and gas—are conducted by the use of the mails and means and instrumentalities of interstate commerce;

(3) oil programs are the media for investment in the national economy of a significant part of the national savings and may have a significant effect upon the flow of such savings into the capital markets; and

(4) the activities of oil programs, extending over many States, their use of the instrumentalities of interstate commerce and the wide geographic distribution of their investors, make difficult, if not impossible, effective State regulation of such programs in the interest of investors.

(b) The Congress declares that the national public interest and the interest of investors are adversely affected—

(1) when investors purchase, pay for, exchange, sell or surrender program participations issued by oil programs without adequate, accurate, and explicit information, fairly presented, concerning the character of such participations and the circumstances, policies and financial responsibility of such programs and their management;

(2) when oil programs are organized, operated, managed, or oil and gas interests are selected, in the interests of the managers of such programs, and in the interests of underwriters, brokers, or dealers, rather than in the interest of the holders of program participations of such programs;

(3) when oil program participations are sold to investors without regard to the suitability of the investment for such investors;

(4) when oil programs are managed by irresponsible persons and when the control of oil programs is unduly concentrated through pyramiding or inequitable methods of control;

(5) when oil programs, in keeping their accounts, in computing repurchase prices of their program participations, in allocating costs and revenues, and in determining management compensation, employ unsound, confusing or misleading practices, or are not subjected to adequate scrutiny;

(6) when oil programs become inactive, or change the character of their business, or when the control or management thereof is transferred, without the consent of the holders of program participations; and

(7) when oil programs or their managers operate without adequate assets or reserves. While recognizing that the national public interest involved in the exploration for and production of oil and gas has led to enactment of certain federal tax incentives which oil programs make available to their investors, the Congress declares that the policy and purposes of this Act are to mitigate and, so far as is feasible, to eliminate the conditions enumerated in this section which adversely affect the national public interest and the interest of investors.

GENERAL DEFINITIONS

SEC. 3. (a) As used in this Act—

(1) The term "affiliated person" of another person means (A) any person directly or indirectly owning, controlling, or holding with power to vote, 10 per centum or more of the outstanding voting securities of such other person; (B) any person 10 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with, such other persons; and (D) any officer, director, or employee of such person.

(2) The term "area of interest" means a geographically described region in which an oil program or other person intends to conduct its oil and gas activities. The area of interest of an oil program shall not include less than all of any known producing geologic structure, or oil or gas field which is contained in the description of such area of interest, except that the foregoing shall not prohibit an area of interest from excluding any lands adjacent thereto which are within an inland body of water or the coastal waters of the United States or any State.

(3) The term "assessment" means any additional amounts of capital which an investor may be called upon to furnish beyond the subscription price.

(4) The term "assignment" includes any direct or indirect transfer or hypothecation of a contract or chose in action by the assignor, or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor; but does not include an assignment of partnership interests incidental to the death or withdrawal of partnership interests incidental to the death or withdrawal of a minority of the members of the partnership having only a minority interest in the partnership business or the admission to the partnership of one or more members who, after such admission, shall be only a minority of the members and shall have only a minority interest in the business.

(5) The term "bank" means (A) a banking institution organized under the laws of the United States, (B) a member bank of the Federal Reserve System, (C) any other banking institution or trust company, whether incorporated or not, doing business under the laws of any State or of the United States, a substantial portion of the business of which consists of receiving deposits or exercising fiduciary powers similiar to those permitted to national banks under the authority of the Comptroller of the Currency, and which is supervised and examined by State or Federal authority having supervision over banks, and which is not operated for the purpose of evading the provisions of this Act, and (D) a receiver, conservator, or other liquidating agent of any institution or firm included in clauses (A), or (B), or (C) of this paragraph.

(6) The term "broker", as used in section 4(c)(4), means any person engaged in the business of effecting transactions in oil and gas interests for the account of others. As used elsewhere in this Act, "broker" means any person engaged in the business of effecting transactions in securities for the account of others.

(7) The term "Commission" means the Securities and Exchange Commission.

(8) The term "company" means a corporation, a partnership, an association, a joint-stock company, a trust, a fund, or any organized group of persons whether incorporated or not; any receiver, trustee in bankruptcy or similar official or any liquidating agent for any of the foregoing, in his capacity as such.

(9) The term "control" means the power to exercise a controlling influence over the management or policies of a company, subject to the following limitations:

(A) Any person who owns beneficially either directly or through one or more controlled companies, more than 25 per centum of the voting securities of a company shall be presumed to control such company. Any person, other than an officer, who does not so own more than 25 per centum of the voting securities of any company shall be presumed not to control such company.

(B) A natural person shall be presumed not to be a controlled person within the meaning of this Act.

(C) Any manager of an oil program shall be presumed to control such program.

(D) An officer of a company shall be presumed to control such company.

Any such presumption may be rebutted by evidence, but except as hereinafter provided, shall continue until a determination to the contrary is made by the Commission by order either on its own motion or on application by an interested person. If an application filed hereunder is not granted or denied by the Commission within sixty days after filing thereof, the determination sought by the application shall be deemed to have been temporarily granted pending final determination of the Commission thereon. The Commission, upon its own motion or upon application, may by order revoke or modify any order issued under this paragraph whenever it shall find that the determination embraced in such original order is no longer consistent with the facts.

(10) The term "convicted" includes a ver-

dict, judgment, or plea of guilty, or a finding of guilt on a plea of nolo contendere, if such verdict, judgment, plea, or finding has not been reversed, set aside or withdrawn, whether or not sentence has been imposed.

(11) The term "cost", when used with respect to property in section 19(a), means the sum of the price paid by the seller for such property, attorneys' fees, title insurance or examination costs, brokers' commissions, filing fees, recording costs, transfer taxes, if any, and like charges connected with the acquisition of such property; bonuses, rentals and ad valorem taxes paid by the seller with respect to such property to the date of its transfer to the buyer; all costs and expenses, if any, reasonably and properly allocable to the property paid by the seller prior to the date of the transfer of such property to the buyer, except costs of drilling wells which are not commercial producers; interest on funds used to acquire or maintain such property, and such portion of the seller's direct and indirect overhead and administrative expense for exploration, geological, land, engineering, drafting, accounting, legal and other services allocated to the property in accordance with generally accepted accounting practices. When used with respect to services in section 19(g), "cost" means the expense incurred by the seller in providing such services. As used elsewhere in this Act, "cost" means the price paid by the seller in an arm's-length transaction.

(12) The term "dealer" means any person regularly engaged in the business of buying and selling securities for his own account, through a broker or otherwise, but does not include a bank, insurance company, or investment company, or any person insofar as he is engaged in investing, reinvesting or trading in securities, or in owning or holding securities for his own account, either individually or in some fiduciary capacity, but not as a part of a regular business.

(13) The term "director" means any director of a corporation or any person performing similar functions with respect to any organization, whether incorporated or unincorporated, including any natural person who is a member of a board of trustees of a company created as a common-law trust.

(14) The term "equipment" includes machinery, tanks, tubing, pipe, pumps, and scientific instruments used in connection with the exploration for or drilling or production of oil or gas.

(15) The term "force majeure" means an act of God, strike, lock-out, act of the public enemy, war blockade, public riot, insurrection, lightning, fire, storm, hurricane, flood, explosion, blow-out, governmental restraint, or any other cause not within the control of the manager.

(16) The term "interstate commerce" means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State, or between any State and any place or ship outside thereof.

(17) The term "issuer" means every person who (A) issues or proposes to issue any security, or has outstanding any security which it has issued, and (B) permits or holds itself out as permitting its beneficial owners to take into account, in computing their individual Federal income tax, their shares of such person's income, deduction, credit, depreciation, depletion, intangible drilling and development costs or similar items.

(18) The term "lend" including a purchase coupled with an agreement by the vendor to repurchase; and "borrow" includes a sale coupled with a similar agreement.

(19) The term "manager" of an oil program means (A) any person who regularly provides services to an oil program or selects a person who regularly performs services for such oil program, and (B) any other person pursuant to contract with a person described in clause (A) regularly performs substantially all of the services undertaken by a person described in clause (A). The Commission may, by rule, regulation, or order, make such exceptions to the foregoing definition as it deems necessary or appropriate having regard to the purposes of this Act.

(20) The term "means or instrumentality of interstate commerce" includes any facility of a national securities exchange.

(21) The term "officer" means a president, vice president, treasurer, secretary, controller, and any other person who performs for an organization, whether incorporated or unincorporated, functions corresponding to those of a policy-making nature performed by the foregoing officers.

(22) The term "oil and gas interest" means any oil or gas royalty or lease, or fractional interest therein, or certificate of interest or participation or investment contract relative to such royalties, leases or fractional interests, or any other interest or right which permits the exploration of, drilling for, or production of oil and gas or other related hydrocarbons or the receipt of such production or the proceeds thereof.

(23) The term "operating entity" means any oil program all of the outstanding program participations of which are directly owned by a registered oil program and through which such registered oil program conducts all or a significant part of its business.

(24) The term "participation" means a security issued by a person which, but for the provisions of section 4 (b) or (c) would be a program participation.

(25) The term "person" means a natural person or a company.

(26) The term "principal underwriter" of or for any oil program, or of any security issued by such program, means any underwriter who as principal purchases from such program, or pursuant to contract has the right (whether absolute or conditional) from time to time to purchase from such program, any security for distribution, or who as agent for such program sells or has the right to sell any such security to a dealer or to the public or both, but does not include a dealer who purchases from such program through a principal underwriter acting as agent for such company.

(27) The term "production in paying quantities" means an oil and gas interest which has been brougtt into production in such quantity as to enable the recovery of costs, plus a profit.

(28) The term "production purchase program" means an oil program which proposes to invest substantially all of its initial capital in oil or gas interests in producing properties.

(29) The term "program participation" includes a security issued by an oil program which represents or corresponds to (A) a limited or general partnership interest in an oil program organized as a limited partnership, (B) a share or participation in an oil program organized as a joint venture or partnership, or (c) stock in an oil program organized as a corporation; except that such term does not include any interest possessed by a manager of an oil program under a management agreement by reason of being a manager, or short-term paper of such a program.

(30) The term "promoter" of an oil program or a proposed oil program means a person who, acting alone or in concert with others, is initiating or directing, or has within one year initiated or directed, the organization of such program.

(31) The term "property" means any tangible or intangible property, except equipment and related supplies and writings which evidence ownership of program participations.

(32) The term "prospect" of an oil program means an area in which such program owns one or more oil or gas interests, which is geographically defined on the basis of geological data by the manager of such program and which is reasonably anticipated by such manager to contain at least one reservoir of oil or gas. Such area shall be enlarged or contracted on the basis of geological data, to define the productive limits of such reservoir.

(33) The term "prospectus", as used in sections 14(b), 21(a) 33(b) and 34, means a written prospectus intended to meet the requirements of section 10(a) of the Securities Act of 1933. As used elsewhere in this Act, "prospectus" means a prospectus as defined in the Securities Act of 1933.

(34) The term "repurchaseable program participation" means any program participation issued by an oil program the terms of which provide for the repurchase, redemption, or other payment of such participation by any person, in cash or other consideration, in whole or in part, upon presentment by the holder thereof or otherwise.

(35) The term "reorganization" means (A) a reorganization under the supervision of a court of competent jurisdiction, (B) a merger or consolidation, (C) a sale of 75 per centum or more in value of the assets of a company, except a sale in the ordinary course of business solely of future production pursuant to a production purchase contract (D) a restatement of the capital of a company, or an exchange of securities issued by a company for any of its own outstanding securities, (E) a voluntary dissolution or liquidation of a company, (F) a recapitalization or other procedure or transaction which has for its purpose the alteration, modification, or elimination of any of the rights, preferences, or privileges of any class of securities issued by a company as provided in its charter or other instrument creating or defining such rights, preferences, and privileges, (G) any exchange of securities by an oil program or a company which is not an oil program for securities issued by a registered oil program, or (H) an exchange of securities issued by a company for outstanding securities issued by another company or companies, preliminary to and for the purpose of effecting or consummating any of the foregoing.

(36) The term "reservoir" means an accumulation of oil or gas in a separate geological structure.

(37) The terms "sale," "sell," "offer to sell," or "offer for sale," include every contract of sale or disposition of, attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security, for value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value.

(38) The term "sales load" means the difference between the price of a security to the public and that portion of the proceeds from its sale which is received by the issuer, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities.

(39) The term "security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

any note, draft, bill of exchange, or banker's acceptance payable on demand or having a maturity at the time of issuance of not exceeding nine months, exclusive of days of grace, or any renewal thereof payable on de-
(40) The term "short-term paper" means
mand, or having a maturity likewise limited; and such other classes of securities of a commercial rather than an investment character, as the Commission may designate by rules and regulations.

(41) The term "State" means any State of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, or any territory of the United States.

(42) The term "supplies" include tools and materials required in connection with the operation of equipment.

(43) The term "underwriter" means any person who has purchased from an issuer with a view to, or sells for an insurer in connection with, the distribution of any security, or participates or has a direct or indirect participation in any such undertaking, or participates or has a participation in the direct or indirect underwriting of any such undertaking; but such term shall not include a person whose interest is limited to a commission from an underwriter or dealer not in excess of the usual and customary distributor's or seller's commission. As used in this paragraph the term "issuer" includes, in addition to an issuer, any person directly or indirectly controlling or controlled by the issuer, or any person under direct or indirect common control with the issuer. When the distribution of the securities in respect of which any person is an underwriter is completed such person shall cease to be an underwriter in respect of such securities or the issuer thereof.

(44) The term "unit, unit operating, communitization, or pooling agreement" includes an agreement whereby small tracts sufficient for the granting of a well permit under applicable spacing rules are combined and jointly operated and an agreement providing for the combination of separately owned rights in a common producing reservoir and the joint operation thereof.

(45) The term "voting security" means any security presently entitling the owner or holder thereof to vote for the election of directors of a company. A specified percentage of the outstanding voting securities of a company means such amount of its outstanding voting securities as entitles the holder or holders thereof to cast said specified percentage of the aggregate votes which the holders of all the outstanding voting securities are entitled to cast.

(b) The provisions of this Act do not apply to the United States, a State, or any political subdivision of a State, or any agency, authority, or instrumentality of any one or more of the foregoing, or any corporation which is wholly-owned by any one of the foregoing, or any officer, agent, or employee of any of the foregoing acting as such in the course of his official duty, unless such provisions make specific reference thereto.

DEFINITION OF OIL PROGRAM

SEC. 4. (a) As used in this Act, the term "oil program" means any issuer which—

(1) is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of owning, holding, trading, investing, or reinvesting in oil or gas interests, or in the business of exploring or drilling for or producing oil or gas or receiving such production or the proceeds thereof; or

(2) is engaged or proposes to engage in the business of owning, holding, trading, investing, or reinvesting in oil or gas interests, or in the business of exploring or drilling for, or producing oil or gas or receiving such production or the proceeds thereof, and owns or proposes to acquire (A) oil or

(5) Any issuer which is an association
connection with exploring, drilling or producing oil and gas, or receiving such production or the proceeds thereof having a
(b) Notwithstanding paragraph (2) of
gas interests, or (B) other assets used in value which exceeds 40 per centum of the value of such issuer's total assets on an unconsolidated basis.
subsection (a), the following person is not an oil program: Any issuer which the Commission, upon application by such issuer, finds and by order declares to be primarily engaged in a business or businesses other than that of owning, holding, trading or investing or reinvesting in oil and gas interests or that of exploring or drilling for or producing oil and gas or receiving such production or the proceeds thereof. The filing of an application under this subsection in good faith by an issuer other than a registered oil program shall exempt the applicant for a period of ninety days from all provisions of this Act applicable to oil programs as such. For cause shown, the Commission by order may extend such period of exemption for an additional period or periods. Whenever the Commission upon its own motion or upon application, finds that the circumstances which gave rise to the issuance of an order granting an application under this subsection no longer exist, the Commission shall by order revoke such order.

(c) Notwithstanding subsection (a), none of the following persons is an oil program within the meaning of this Act:

(1) Any issuer all the participations of which are directly or indirectly owned by a company which is not an oil program within the meaning of subsection (a) or is excepted from such definition by subsection (b).

(2) Any issuer whose outstanding participations are beneficially owned by not more than 35 persons (exclusive of persons described in clauses (A), (B), (C) in paragraph (4) of this subsection) and which is not making and does not presently propose to make a public offering of its participations. For the purposes of this paragraph, beneficial ownership of participations of such issuer by a company shall be deemed to be beneficial ownership by one person; except that, if such company (other than a corporation) owns 10 per centum or more of the outstanding participations of the issuer, the beneficial ownership shall be deemed to be that of the holders of such company's outstanding securities, unless the value of all participations of oil programs owned by such company does not exceed 5 per centum of the value of its total assets.

(3) Any person primarily engaged in the business of underwriting and distributing oil and gas interests issued by other persons, selling such interests to customers, and acting as broker with respect to such interests, or any one or more of such activities, whose gross income normally is derived principally from such business and related activities.

(4) Any issuer, all of whose outstanding participations are owned by persons each of which (A) is primarily engaged in the business of drilling for, producing or refining oil or gas or investing in or holding any interests or rights which permit the exploration for or production of oil or gas or the receipt of such production or the proceeds thereof, (B) is a registered oil program, or (C) has been found by the Commission upon written application not to require the protection provided by this act (which finding shall be effective until rescinded).

(5) Any issuer which is an association created by unit, unit operating, communization, or pooling agreement, formed to explore for or produce oil or gas in a defined area substantially all of whose members owned an interest in such area prior to the formation of such association, provided that the purpose of such formation is not to evade the provisions of this Act.

(6) Except as provided by rules and regulations as the Commission may prescribe in the public interest and for the protection of investors, any issuer of direct fractional undivided interests in oil or gas rights in specified properties who (A) has complied with the requirements for registration under the Securities Act of 1933, or (B) is entitled to rely upon Regulation B under the Securities Act of 1933 and has complied with all of the requirements thereof.

CLASSIFICATION OF OIL PROGRAM

SEC. 5. (a) For purposes of this Act, oil programs are divided into repurchase and non-repurchase programs, defined as follows:

(1) "Repurchase program" means an oil program which is offering for sale or has outstanding any program participation which is repurchaseable by any person in accordance with section 10(b).

(2) "Non-repurchase program" means any oil program other than a repurchase program.

(b) Oil programs are further divided into diversified and non-diversified programs, defined as follows:

(1) "Diversified program" means an oil program which (A) holds or invests in or proposes to hold or invest in oil or gas interests, explores or drills for or proposes to explore or drill for or produce oil and gas, receive such production or proceeds thereof on at least five separate prospects, (B) spends or proposes to spend no more than 50 percent of its net capital on any one prospect, and (C) has a net worth of at least $250,000 on the date it commences operations.

(2) "Non-diversified program" means any oil program other than a diversified program.

EXEMPTIONS

SEC. 6. (a) The Commission, by rules and regulations upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person, security or oil or gas interest or transaction or any class or classes of persons, securities, oil or gas interests, or transactions, from any provision of this Act or any rule or regulation thereunder, if and to the extent that it determines that such exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this Act.

(b) If, in connection with any rule, regulation or order under this section exempting any oil program from any provision of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of this Act pertaining to registered oil programs shall be applicable in respect to such oil program, the provisions so specified shall apply to such oil program as though such oil program were a registered oil program.

TRANSACTIONS OF UNREGISTERED OIL PROGRAMS AND OF CERTAIN OTHER ISSUERS

SEC. 7. (a) No oil program organized or otherwise created under the laws of the United States or of a State, unless registered under section 8, shall directly or indirectly—

(1) offer for sale, sell or deliver after sale, by the use of the mails or any means or instrumentality of interstate commerce, any security or any interest in a security, whether the issuer of such security is such oil program or another person; or offer for sale, sell, or deliver after sale any such security or interest, having reason to believe that such security or interest will be made the subject of a public offering by use of the mails or any means or instrumentalities of interstate commerce;

(2) purchase, redeem, retire, or otherwise acquire or attempt to acquire, by use of the mails or any means or instrumentality of interstate commerce, any oil or gas interest, or any security or any interest in a security, whether the issuer of such security is such oil program or another person;

(3) control any oil program which does any of the acts enumerated in paragraphs (1) and (2);

(4) engage in any business in interstate commerce; or

(5) control any company which is engaged in any business in interstate commerce.

The provisions of this subsection shall not apply to transactions of an oil program organized before the enactment of this Act which are merely incidental to its dissolution.

(b) No manager of or underwriter for any oil program, unless such program is registered under section 8, or exempt under section 6, shall directly or indirectly—

(1) offer, sell, or deliver after sale, by use of the mails or any means or instrumentality of interstate commerce, any security or any interest in a security of which such oil program is the issuer; or offer for sale, sell, or deliver after sale any such security or interest, having reason to believe that such security or interest will be made the subject of a public offering by use of the mails or any means or instrumentality of interstate commerce;

(2) purchase, redeem, or otherwise acquire or attempt to acquire by use of the mails or any means or instrumentality of interstate commerce, any security or any interest in a security of which such oil program is the issuer; or

(3) sell or purchase for the account of such oil program, by use of the mails or any means or instrumentality of interstate commerce, any oil or gas interest, or any security or interest in a security, by whomever issued.

The provisions of this subsection shall not apply to transactions which are merely incidental to the dissolution of an oil program which was organized before the enactment of this Act.

(c) No promoter of a proposed oil program, and no underwriter for such promoter shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to offer for sale, sell or deliver after sale, in connection with a public offering, any preorganization certificate or subscription for such an oil program.

(d) No oil program, unless organized or otherwise created under the laws of the United States or of a State, and no manager or underwriter for such a company not so organized or created shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to offer for sale, sell, or deliver after sale, in connection with a public offering, any security of which such oil program is the issuer. Notwithstanding the provisions of this subsection and of section 8(a), the Commission is authorized upon application by an oil program organized or otherwise created under the laws of a foreign country, to issue a conditional or unconditional order permitting such oil program to register under this Act and to make a public offering of its securities by use of the mails or any means or instrumentalities of interstate commerce, if the Commission finds that, by reason of special circumstances or arrangements, it is both legally and practicably feasible effectively to enforce the provisions of this Act against such oil program and that the issuance of such order is otherwise consistent with the public interest and the protection of investors

(e) It shall be unlawful for any issuer which is not defined as an oil program in section 4(a) or is excluded from such definition by section 4(b), but which engages or proposes to engage directly or indirectly in the business of owning, holding, trading, investing, or reinvesting in oil or gas interests, or exploring, drilling for or producing oil and gas or receiving such production or the proceeds thereof, and spends or proposes to spend more than $500,000 during any twelve-month period in such business,

(1) to make a public offering of any security of which it is the issuer, or

(2) if such issuer has more than 35 beneficial owners of its securities, to engage in any business in interstate commerce, unless such issuer conducts all of and only such business through a separate legal entity which is registered and otherwise regulated as an oil program under this Act. For the purposes of clause (2), beneficial ownership shall be determined in the same manner as provided in section 4(c)(2).

REGISTRATION OF OIL PROGRAMS

SEC. 8. (a) Any oil program organized or otherwise created under the laws of the United States or of a State may register for the purposes of this Act by filing with the Commission a notification of registration in such form as the Commission shall by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors. An oil program shall be deemed to be registered upon receipt by the Commission of such notification of registration.

(b) Each registered oil program shall file with the Commission, within such reasonable time after registration as the Commission shall fix by rules and regulations, an original and such copies of a registration statement, in such form and containing the information and documents as the Commission shall by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors, including:

(1) a recital of the policy of the registrant in respect to each of the following types of activities (such recital consisting in each case of a statement whether the registrant reserves freedom of action to engage in activities of such type, and if such freedom of action is reserved, a statement briefly indicating, insofar as is practicable, the extent to which the registrant intends to engage therein): (A) the classifications as defined in section 5, within which the registrant proposes to operate, (B) borrowing money, (C) making loans to other persons, (D) making assessments, (E) purchase or sale of securities of other issuers (other than securities which are oil or gas interests), and (F) purchase or sale of real estate (other than oil and gas interests and commodities or either of them;

(2) a recital of all policies of the registrant, not enumerated in paragraph (1), which are changeable only if authorized by vote of the holders of program participations or which the registrant deems matters of fundamental policy;

(3) a description of the area of interest (A) of the registrant, (B) of other oil programs, registered or not registered, controlled by the manager of the registrant, and (C) reserved by the manager or controlling person of the manager for itself; and

(4) a description of any class or classes of program participations which have been issued by the registrant and any class or classes of such participations which the registrant proposes to issue.

(c) The Commission may make provision, by permissive rules and regulations or order, for the filing of the following, or so much of the following as the Commission may designate, in lieu of the information and documents required pursuant to subsection (b):

(1) copies of the most recent registration statement filed by the registrant under the Securities Act of 1933 and currently effective under such Act, or if the registrant has not filed such a statement, copies of a registration filed by the registrant under the Securities Act of 1934 and currently effective under such Act; and

(2) a report containing reasonably current information regarding the matters included in copies filed pursuant to paragraphs (1) and (2) of subsection (b), and such further information regarding matters not included in such copies as the Commission is authorized to require under subsection (b).

(d) If it appears to the Commission that an oil program has failed to file the registration statement required by this section or a report required pursuant to section 27(a) or (b), or has filed such a registration statement or report but omitted therefrom material facts required to be stated therein, or has filed such a registration statement or report in violation of section 26(b), the Commission may notify such oil program by registered or certified mail of the failure to file such registration statement or report or of the respects in which such registration statement or report appears to be materially incomplete or misleading, as the case may be, and may fix a date (in no event earlier than 30 days after the mailing of such notice) prior to which such oil program may file such registration statement or report or correct the same. If such registration statement or report is not filed or corrected within the time so fixed by the Commission or any extension thereof, the Commission, after appropriate notice and opportunity for hearing, and upon such conditions and with such exemptions as it deems appropriate for the protection of investors, may by order suspend the registration of such oil program until such registration statement or report is filed or corrected, or may by order revoke such registration if the evidence establishes—

(1) that such oil program has failed to file a registration statement required by this section or report required pursuant to section 27(a) or (b), or has filed such a registration statement or report but omitted therefrom material facts required to be stated therein, or has filed such a registration statement or report in violation of section 26(b); and

(2) that such suspension or revocation is in the public interest.

(e) Whenever the Commission, on its own motion or upon application, finds that a registered oil program has ceased to be an oil program, it shall so declare by order and upon the taking effect of such order the registration of such oil program shall cease to be in effect. An order under this subsection may be made upon appropriate conditions, including registration under the Investment Company Act of 1940, if necessary for the protection of investors and such program, after deregistration under this Act, would be an investment company as defined in that Act. The Commission's denial of any application under this subsection shall be by order.

(f) For the purpose of preventing duplicate filings, the Commission by rules and regulations or order may conditionally or unconditionally exempt any operating entity of a registered oil program from any of the provisions of this section or any rules or regulations thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors.

INELIGIBILITY OF CERTAIN PERSONS

SEC. 9. (a) It shall be unlawful for any of the following persons to serve or act in the capacity of employee, officer, director, manager, or principal underwriter of any registered oil program, or affiliated person of such manager or principal underwriter:

(1) any person for whom it is unlawful to serve in the capacities enumerated and for the reasons specified in section 9(a)(1) of the Investment Company Act of 1940; or

(2) any person who within ten years has been convicted of any felony or misdemeanor arising out of such person's conduct as an underwriter, broker, dealer, or as manager or affiliated person or salesman of any oil program or as affiliated person of any such manager;

(b) The Commission may, after notice and opportunity for hearing, by order, prohibit conditionally or unconditionally either permanently or for such period of time as in its discretion it deems appropriate in the public interest, any person from serving or acting as an employee, officer, director, manager or principal underwriter of a registered oil program or as an affiliated person of such manager or principal underwriter, if such person—

(1) has willfully made or caused to be made in any registration statement, application or report filed with the Commission under this Act any statement which was at the time and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, or has omitted to state in any registration statement, application, or report any material fact which was required to be stated therein;

(2) has willfully violated any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, the Investment Advisers Act of 1940, or of this Act, or of any rule or regulation under any of these statutes; or

(3) has willfully aided, abetted counseled, commanded, induced, or procured the violation by any other person or any of the statutes or rules or regulations enumerated in paragraph (2).

(c) Any person who is ineligible, by reason of subsection (a), to serve or act in the capacities described in that subsection, may file with the Commission an application for an exemption from the provisions of that subsection. The Commission shall by order grant such application, either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of subsection (a), as applied to such person, are duly or disproportionately severe or that the conduct of such persons has been such as not to make it against the public interest or protection of investors to grant such application.

OFFERS OF EXCHANGE; REPURCHASES; ASSESSMENTS

SEC. 10. (a) It shall be unlawful for any registered oil program or any manager or principal underwriter for such oil program, or any affiliated person of any such program, manager or principal underwriter, to make or cause to be made any offer to the holder of a program participation of such program to exchange such program participation for a security of another company or for any other consideration, unless—

(1) such offer is made after the expiration of two years after such program commenced operations;

(2) such offer is made to all holders of program participations of such program;

(3) such offer, if made to the manager or principal underwriter, or any affiliated person of such manager or principal underwriter, is on a basis not more advantageous to such manager, principal underwriter or affiliated person than to holders of program participations;

(4) the value of the security or other consideration offered is at least equivalent to the value of the program participation; and

(5) the terms of such offer, the basis of valuation, and such other information as the Commission by rule or regulation may specify, are filed with the Commission at least 30 days prior to the consummation of such exchange and transmitted to holders of such program participations, except that such information need not be filed with the Commission or transmitted to such holders (A) if such offer is made by means of a registration statement meeting the requirements of the Securities Act of 1933, or (B) if the security offered is exempted by section 3(a)(10) of the Securities Act of 1933 and an offering circular containing substantially the same information required by this paragraph is filed with the Commission and delivered to each such holder.

(b) It shall be unlawful for a registered oil program, or any manager or principal underwriter of such program, or any affiliated person of such manager or principal underwriter, to sell any program participation issued by such program which is or purports to be repurchaseable, unless—

(1) such repurchase may be made only after the expiration of two years after such program commenced operations, except that a repurchase of a program participation by a production purchase program may be made when such program has fully invested the proceeds of the sale of such participations;

(2) the person obligated to make such repurchase is not a registered oil program;

(3) such repurchase may be made only in cash and in an amount equal to the value of such participation; and

(4) any person obligated to make such repurchase and any person obligated by contract to furnish such person the funds to make such repurchase maintain a combined net worth at least equal to 15 per centum of the amount of program participations such person may be obligated to repurchase in all registered oil programs.

For the purposes of this subsection, the value of any oil or gas reserves, determined in the manner provided in subsection (d)(1)(A) of this section, owned by a person obligated to repurchase may be used in computing the net worth of such person.

(c) No person who is obligated to repurchase any program participation issued by a registered oil program pursuant to subsection (b) and no such program or its manager shall suspend the right of repurchase or postpone the date of satisfaction upon such repurchase for more than seven days after the date specified for repurchase, except—

(1) for any period during which an emergency exists as a result of which disposal by the person obligated to repurchase of sufficient assets to meet its obligations is not reasonably practicable; or

(2) for such other periods as the Commission may by order permit for the protection of holders of program participations.

The Commission may by rules and regulations determine the conditions under which the emergency described in clause (1) shall be deemed to exist within the meaning of this subsection.

(d) For the purposes of subsections (a) and (b), the following interpretive rules shall apply:

(1) The value of program participations of a registered oil program means the fair value of oil and gas reserves and other assets of such program determined in accordance with the following procedure:

(A) The present worth of future net revenues attributable to oil and gas reserves of such program shall be determined by an independent petroleum engineer within 120 days of the date proposed for the exchange or of the date upon which repurchase is to be made, with such supplemental revisions to update such determination as may be necessary to reflect any material changes. The person obligated to make the exchange or repurchase shall discount future net revenues in good faith to arrive at the present worth of dollars to be received in the future, and such present worth shall be discounted by such person in good faith for risk to arrive at fair value.

(B) The fair value of other assets of such program shall be determined in good faith by the person obligated to make the exchange or repurchase.

(2) The value of securities of a company for which market quotations are readily available means the market value of such securities.

(3) The value of securities of a company for which no market quotations are readily available means the fair value of such securities are determined in good faith by the person obligated to make the exchange or repurchase.

(e) It shall be unlawful for any registered oil program to issue any program participation which (1) provides for mandatory assessments upon the holder thereof which exceed 15 per centum of the initial subscription price, or (2) which provide for any penalty or forfeiture of the holder's interest in such program for failure to pay any assessment, whether such assessment is mandatory or optional. With respect to a failure to pay a mandatory assessment, "penalty or forfeiture" means the loss by the holder of a program participation (i) of any interest in such program or in any of such program's properties in excess of 300 per centum of the amount of such unpaid mandatory assessment, or (ii) in the event of any legal action to collect any such unpaid assessment, of any amount in excess of such unpaid assessment and such actual damages to the program caused by the failure to pay such assessment as may be awarded in a judgment against such holder. With respect to a failure to pay an optional assessment, a "penalty or forfeiture" means any loss by the holder of the program participation of any interest in such program or in any of such program's properties, other than reduction of such holder's interest in the oil program to the ratio of his capital contribution.

FUNCTIONS AND ACTIVITIES OF OIL PROGRAMS

SEC. 11. (a) It shall be unlawful for any registered oil program and any company or companies controlled by such oil program to hold, purchase, or otherwise acquire any program participation issued by any other oil program and for any oil program and any company or companies controlled by such program to hold, purchase, or otherwise acquire any program participation issued by any registered oil program.

(b) It shall be unlawful for any registered oil program, any principal underwriter therefor, or any broker or dealer registered under the Securities Exchange Act of 1934, knowingly to sell or otherwise dispose of any program participation issued by such registered oil program to any other oil program or any company or companies controlled by such other oil program.

(c) Notwithstanding subsection (a), a registered oil program may hold, purchase, or acquire the program participation of one or more operating entities, but the prohibitions in subsection (a) shall apply to any such operating entity.

(d) It shall be unlawful for any registered oil program and any company or companies controlled by such oil program to hold, purchase, or otherwise acquire any security issued by, or any other interest in, the business of an investment company as that term is defined in the Investment Company Act of 1940.

(e) Notwithstanding subsections (a) and (b), a registered production purchase program may hold, purchase, or otherwise acquire a program participation issued by any oil program, except that such production purchase program shall not be required to pay any sales charge or management fee by reason of holding, purchasing, or acquiring such participation.

CHANGES IN FUNDAMENTAL POLICY

SEC. 12. (a) Every registered oil program shall include in the instrument pursuant to which it is organized the recitals of policy and information required by section 7(b) to be set forth in its registration statement.

(b) No registered oil program, unless authorized by the vote of the holders of a majority of its outstanding program participants, shall—

(1) change its classifications as defined in subsection (a) or (b) of section 5, except with respect to said subsection (b), a change in classification from diversified to non-diversified resulting from a force majeure;

(2) borrow money, make loans to other persons, make assessments, purchase or sell securities of other issuers (other than secu-

rities which are oil and gas interests), purchase or sell real estate (other than oil and gas interests) or commodities, except in each case in accordance with the recitals in its registration statements in respect thereto;

(3) deviate from any policy recited in its registration statement pursuant to section 8(b)(2) or deviate from its area of interest described pursuant to section 8(b)(3);

(4) issue any program participation not specifically described pursuant to section 8 (b)(4); or

(5) change the nature of its business so as to cease to be an oil program, except pursuant to the dissolution of such program.

(c) A change in the policies of an operating entity of a registered oil program shall be deemed to be a change in the policies of such registered program with respect to such operating entity.

(d) Nothing contained in this section shall affect any limitations of liability to which the holders of program participations of a registered oil program would otherwise be entitled under the laws of any State.

(e) For the purposes of subsection (b), a program participation of a registered oil program shall have equal voting rights with every other outstanding program participation.

SIZE OF OIL PROGRAMS

SEC. 13. No registered oil program and no principal underwriter of such program shall make a public offering of program participations issued by such program unless—

(1) the net worth of the manager of such program meets the requirements of section 14(a); and

(2) provision is made in connection with and as a condition of the registration of such participations under the Securities Act of 1933 which in the opinion of the Commission adequately insures that (A) such program will not commence operations until cash or subscriptions for such participations are received in an amount equal to at least the greater of $250,000 or such other amount established by such program; (B) that arrangements will be made whereby any proceeds so paid in, including any sales charges, will be placed immediately in an account with a bank pursuant to section 19(h) and will be refunded promptly to any subscriber without any deduction, in the event that the proceeds or subscriptions so received by such oil program do not equal the minimum amount required in clause (A) of this paragraph within 90 days after the date specified in the registration statement for commencement of operations of such program; and (C) that the offering of program participations of such program or of any other program with the same manager shall terminate for any period of time during which the net worth of such manager fails to meet the requirements of section 14(a).

MANAGEMENT AGREEMENTS

Sec. 14(a)(1) It shall be unlawful for any person to serve or act as manager of a registered oil program unless the net worth of such person at all times is at least equal to the greater of (A) $250,000, or (B) the lesser of $1,000,000 or 5 per cent of the total capital contributions made by the holders of program participations issued by all registered oil programs, of which such persons is a manager, organized during the two year period immediately preceeding the determination of such net worth.

(2) The value of reserves of oil, gas and other minerals determined in the manner provided in section 10(d)(1)(A) owned by a manager and the net worth of any guarantor of such manager's obligations to or for the oil program to the extent of the amount guaranteed may be used in computing the net worth of such manager.

(3) If more than one person acts or serves as manager to a registered oil program, the net worth requirements of this subsection (a) may be met by aggregating the net worth of such persons in accordance with such rules and regulations the Commission shall adopt which are consistent with the intent of this subsection.

(b) It shall be unlawful for any person to serve or act as manager of a registered oil program except pursuant to a written contract. Such contract (whether with such program or with the manager of such program) shall have been approved by the vote of the holders of a majority of the outstanding program participations of such programs, and shall conform to the following requirements:

(1) It shall precisely describe the basis for the calculation of all compensation to be paid thereunder.

(2) It shall precisely describe the allocation of costs and revenues between holders of program participations and the manager or the basis upon which such allocation is to be made.

(3) It shall provide in substance for its automatic termination in the event of its assignment, unless a contract with the assignee is approved within 90 days of such assignment by the vote of the holders of a majority of the outstanding program participations. If such approval is not obtained, the oil program shall be dissolved in accordance with the provisions of the instrument pursuant to which it is organized, and the manager shall continue to be responsible for the operations of such program until the time such program is deregistered pursuant to section 8(e). Such program shall be dissolved and liquidated as of a date determined by the manager, but not later than 60 days after the start of the taxable year of such program next following the date of such assignment.

(4) It shall provide in substance that any material change in its terms must be approved by the vote of the holders of a majority of the outstanding program participations of such program.

For the purposes of this subsection (b), a purchaser of a program participation of a registered oil program in connection with the offering of program participations of such oil program shall be deemed to have approved any such contract, the material terms of which are set forth in the prospectus by which such security is offered.

(c) Nothing contained in this section shall affect any limitations of liability to which holders of program participations of a registered oil program would otherwise be entitled under the laws of any State.

(d) For the purposes of subsection (b), a program participation of a registered oil program shall have equal voting rights with every other outstanding program participation.

LOANS

SEC. 15 (a) It shall be unlawful for any registered oil program to lend money or other property to any person, directly or indirectly, if—

(1) the policies of such oil program, as recited in its registration statement and reports filed pursuant to this Act, do not permit such a loan; or

(2) such person is a manager or principal underwriter of such program, or an affiliated person of such manager or principal underwriter.

(b) Nothing in this section shall be deemed to prohibit—

(1) a payment of money to a manager or principal underwriter of a registered oil program, or an affiliated person of either, to be used to discharge an obligation of such program in a case in which (i) the borrower incurs or has incurred an obligation in connection with operations of the program, (ii) it is not possible in advance to allocate the proportional obligations of the program and such borrower, (iii) it ultimately appears that the proceeds of such loan have been used to discharge an obligation of such borrower, and (iv) such loan is repaid within forty-five days after such proportionate obligations are determinable;

(2) the proceeds of a loan of money from being used for the benefit of a registered oil program in a joint venture, partnership, or sharing arrangement otherwise permitted by this Act; or

(3) such a registered oil program advancing money through its manager or principal underwriter, or affiliated person of either, in connection with a joint venture, co-partnership, or other sharing arrangement, if the joint venture, co-partnership, or other sharing arrangement instrument provides for reimbursement to the program within 45 days of such advance.

PERIODIC PAYMENTS OR INSTALLMENTS

SEC. 16. (a) It shall be unlawful for any registered oil program to issue any program participation, the purchase price of which is payable in installments—

(1) unless such installments, after the initial payment required by the terms of the offering, are required to be made in not more than three payments and to be paid in full not later than 12 months from the date on which such program commences operations;

(2) if such security provides for any penalty or forfeiture of the holder's interest in such oil program for failure to pay any installment.

For the purposes of clause (2) of this subsection, "penalty or forfeiture" has the same meaning as penalty or forfeiture as used with respect to mandatory assessments in section 10(e).

(b) The sale of a program participation issued by an oil program, the purchase price of which is payable in installments in compliance with subsection (a), shall not be deemed to be an extension of credit by any person for the purposes of the Securities Exchange Act of 1934, nor shall the distribution of such a security involve an arrangement for the extension of credit for such purposes.

REORGANIZATION

SEC. 17. (a) Any person who proposes any plan of reorganization of a registered oil program shall—

(1) file with the Commission, at least 30 days prior to the proposed date of such reorganiaztion, a copy of such plan and any deposit agreement relating thereto; and

(2) file with the Commission, at least 10 days prior to its use, any proxy, consent, authorization, power of attorney, ratification, instrument of deposit, or instrument of dissent in respect of such plan; if any such documents have not already been filed with the Commission.

(b) Any district court of the United States in the State of incorporation of a registered oil program, or any such court for the district in which such company maintains its principal place of business, is authorized to enjoin the consummation of any plan of reorganization of such program upon proceedings instituted by the Commission (which is authorized so to proceed upon behalf of holders of program participations of such program, or any class thereof), if such court shall determine that any such plan is not fair and equitable to all holders of such participations.

(c) Nothing in this section shall in any way affect or derogate from the powers of the courts of the United States, and the Commission with reference to reorganizations, contained in the Bankruptcy Act.

PROXIES

SEC. 18. It shall be unlawful for any person, by use of the mails or any means or instrumentality of interstate commerce or otherwise, to solicit or to permit the use of his name to solicit any proxy or consent or authorization for any change in the recitals of policy contained in the registration statement of a registered oil program or for any change in the program agreement or management agreement of such oil program in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest and for the protection of investors.

TRANSACTIONS WITH AFFILIATED PERSONS

SEC. 19(a)(1) It shall be unlawful for any manager, promoter, or principal underwriter of a registered oil program, or any affiliated person of such manager, promoter, or principal underwriter, to purchase property from or sell property to such program, except under the following conditions:

(A) In the case of a sale of property to such program, such sale shall be made at cost unless the seller has reasonable grounds to believe that cost is materially more than the fair market value of such property, in which case such sale shall be made for a price not in excess of its fair market value.

(B) In the case of a purchase of property from such program, such purchase shall be made at fair market value unless the buyer has reasonable grounds to believe that the cost is materially higher than fair market value, in which case such sale shall be made for a price not less than cost.

This subsection shall not apply to any transactions among oil programs by which property is transferred from one to another in exchange for the transferee's obligation to conduct drilling activities on the property transferred or to joint ventures among such oil programs, if the compensation arrangement of the manager and each affiliated person in each such oil program is the same, or is reasonably calculated to be the same.

(2) Every registered oil program shall file annually with the Commission and transmit to holders of program participations a report of all purchases and sales subject to paragraph (1) of this subsection. Such report shall contain such additional information and documents as the Commission may by rule or regulation prescribe.

(b)(1) Prior to the expiration of a period of three years from the date on which a registered oil program has spent and charged to the accounts of the holders of program participations of such programs an amount of money equal to the purchase price of such program participations, less the sales load thereon, it shall be unlawful for any manager of a registered oil program, or any controlling person of such manager, to engage directly or indirectly in the drilling for oil or gas or to retain or acquire any oil or gas interest, for the account of such manager or controlling person, in the area of interest of such oil program in a manner which unfairly discriminates against such oil program in contravention of such rules and regulations as the Commission may prescribe for the purpose of limiting or preventing such unfair discrimination in the exploration for and development of oil and gas interests by such manager or controlling person.

(2) For the purposes of paragraph (1) it shall not be deemed unfair discrimination if a manager of a registered oil program or any controlling person of such manager, after expenditure of the purchase price of the program participations, drills for oil or gas or holds or acquires any oil or gas interest within the area of interest of such program on a separate geological prospect, if (A) the prospects upon which the oil program has drilled or owns an interest have been adequately delineated as determined by the Commission upon application so as to reasonably demonstrate that the activities of such manager or controlling person are on separate geological prospects; or—

(b) such manager or controlling person files with the Commission an undertaking, on such form as shall be prescribed by the Commission for the purpose, that such manager or controlling person is no longer engaged in the oil program business.

(c) In addition to the prohibitions set forth in subsection (b), it shall be unlawful, during the existence of a registered oil program and before it has deregistered, for the manager of such program or any controlling person of such manager to acquire, retain, or drill for its own account on any oil or gas interest on any prospect upon which such program possesses an interest. If the geographical limits of a prospect are enlarged to encompass any interest held by such manager or controlling person, such interest shall be sold to such program in accordance with the provisions of subsection (a)(1)(A) of this section and any net income received by the manager or controlling person shall be paid over to such program.

(d) Unless otherwise provided in this section, no manager of a registered oil program or controlling person of such manager shall be deemed to own any oil or gas interest or to be engaged in the drilling for oil or gas for his own account—

(1) solely by reason of his participation or interest in an oil program, if such oil program is registered under this Act; or

(2) if the manager or controlling person retains the same proportionate interest in all properties upon which the oil program owns an interest or conducts its activities and such manager or controlling person is obligated to participate with such program in the exploration and development of the property on a cost basis proportionate to its retained interests in such properties.

(e) Nothing contained in subsection (b) or (c) shall apply to—

(1) the acquisition by a manager of a registered oil program or controlling person of such manager of any oil or gas interest which is at the time of acquisition producing oil or gas in paying quantities, or to subsequent development thereof by such manager or controlling person, unless such oil program is primarily engaged or proposes to become so engaged in similar acquisitions; or

(2) to the development of any oil or gas interest which on the effective date of this Act any manager of a registered oil program or controlling person of such manager of an oil program is in fact exploring or developing for its own account.

(f) It shall be unlawful for any manager or controlling person of a registered oil program to participate in or otherwise hold any interest in such oil program (including any right to receive compensation, directly or indirectly, as manager of such oil program), if such program (hereinafter referred to in this subsection as "the second program") is engaged in drilling for oil or gas within 25 miles of a prospect which is being drilled, or was drilled at any time during the preceding three years, by another oil program in which such manager or controlling person had a participation or intreest (hereinafter referred to in this subsection as "the first program"), unless the participation or the interest is the same as or is reasonably calculated not to exceed the participation or the interest of such manager or controlling person in the first program. The limitation contained in this subsection shall not apply after expenditure of the purchase price of program participations in the first program, if the prospects upon which such program has drilled have been adequately delineated, as determined by the Commission upon application, so as to reasonably demonstrate that the second program's activities are on separate geological prospects.

(g) (1) It shall be unlawful for any manager, or principal underwriter of a registered oil program, or any affiliated person of such manager or principal underwriter, to render to such program any services (other than administrative and similar services pursuant to a management agreement or services pursuant to an underwriting agreement), including those of field geologists, engineers and drilling services, or to sell or lease to such program any equipment or related supplies, unless—

(A) such manager, principal underwriter, or affiliated person is engaged, in independently of such program and as an ordinary and ongoing business, in rendering such services or selling or leasing such equipment and supplies to other persons in the oil and gas industry in addition to oil programs in respect of which such person, principal underwriter, or affiliated person serves or acts in such capacities;

(B) such services, equipment or supplies are necessary and appropriate in the ordinary course of such program's business; and

(C) the compensation, price or rental therefor is competitive with the compensation, price or rental of any other person who is engaged in the business of rendering comparable services or selling or leasing comparable equipment and supplies which could reasonably be made available to such program.

notwithstanding subparagraph (A) hereof, if such person, principal underwriter, or affiliated person is not engaged in a business within the meaning of such subparagraph, then such compensation, price, or rental shall be at the cost of such services, equipment, or supplies to such person, principal underwriter, or affiliated person or at a compensation, price, or rental which is competitive within the meaning of this paragraph (1), whichever is less, or at a compensation, price or rental established by competitive bidding.

(2) Every registered oil program shall file annually with the Commission and transmit to holders of program participations a report of all purchases of services and purchases and rentals of equipment and supplies subject to paragraph (1) of this subsection. Such report shall contain such additional information and documents as the Commission may by rules and regulations prescribe.

(h) Every oil program shall place and maintain its cash and securities (other than oil and gas interests) in a bank segregated from the account and assets of any other person, and such assets shall only be removed upon the signature of two officers of the manager, subject to such rules or regulations as the Commission may prescribe. The Commission may require, by rules and regulations or orders for the protection of holders of program participations, that any affiliated person of the manager of a registered oil program who may, singly or jointly with others, have access to the funds or other assets of any registered oil program, either directly or through authority to draw upon such funds or assets, be bonded by a reputable fiduciary insurance company against larceny and embezzlement in such reasonable minimum amounts as the Commission may prescribe.

(i) No instrument pursuant to which a registered oil program is organized or administered shall contain any provision which protects or purports to protect any director or officer of a manager of such oil program against any liability to the program or the holders of program participations to which he would otherwise be subject by reason of willful misfeasance, bad faith, gross negligence or reckless disregard of the duties involved in the conduct of his office.

(j) No contract or agreement under which any person undertakes to act as manager of, or principal underwriter for, an oil program shall contain any provision which protects or purports to protect such person against any liability to such oil program, or the holders of its program participations, to which he would otherwise be subject by reason of willful misfeasance, bad faith, or gross negligence in the performance of his duties, or by reason of his reckless disregard of his obligations and duties under such contract or agreement.

SUITABILITY; DISTRIBUTION OF OIL PROGRAM SECURITIES

SEC. 20. (a) A securities association registered under section 15A of the Securities Exchange Act of 1934, by rules adopted and in effect in accordance with that section and object to the provisions of that section applicable to rules of such an association, may prescribe—

(1) standards of suitability for investment in a registered oil program by investors; and

(2) requirments relating to the content and filing with such association of sales literature to be used in connection with the distribution of program participations of registered oil programs;

in order that distribution of oil program participations be carried on in each case in a fair and equitable manner consistent with the protection of investors.

(b) Such a securities association may also, by rules adopted and in accordance with section 15A of the Securities Exchange Act of 1934, and notwithstanding the provisions of subsection (b)(8) thereof but subject to all other provisions of that section applicable to the rules of such an association, prohibit its members from purchasing, in connection with a primary distribution of program participations issued by a registered oil program, any such program participation from the issuer or from any principal underwriter, unless (1) at a price equal to the price at which such program participation is then offered to the public less a commission, discount, or spread which is computed in conformity with a method or methods, and within such limitations in relation to such public offering price as such rules may prescribe in order that the price at which such program participation is offered or sold to the public shall not include an excessive sales load while allowing for reasonable sales loads to investors, and (2) the distribution of such program participation is consistent with the rules and regulations of such association adopted pursuant to subsection (a).

(c) Such a securities association may further adopt rules in accordance with section 15A of the Securities Exchange Act of 1934, and subject to all provisions of that section applicable to rules of such an association, which prescribe—

(1) a classification system for the various methods of compensating the management of registered oil programs and allocating costs and revenues between investors and management; and

(2) definitions of terms used by registered oil programs to describe such compensation and allocation in order to give investors the opportunity to make in each case meaningful comparisons of the management compensation arrangements of registered oil programs, and otherwise to protect investors.

(d)(1) The Commission may make such rules and regulations pursuant to section 15(b)(10) of the Securities Exchange Act of 1934 as are appropriate to effectuate the purposes of subsections (a), (b) and (c) of this section with respect to the distribution of registered oil program participations by broker-dealers subject to regulation under section 15(b)(8) of that Act: *Provided*, That a broker-dealer may file with the Commission at any time a notice of election to comply with the rules prescribed pursuant to subsection (a), (b) or (c) by a national securities association and thereafter the standards prescribed by such rules of such association shall be applicable to such broker-dealer, and the rules of the Commission as hereinabove authorized shall thereafter be inapplicable to such distributions.

(2) The Commission may make rules and regulations applicable to registered oil programs, principal underwriters of, and dealers in, the program participations of any registered oil program, whether or not members of any securities association, to the same extent, covering the same subject matter, and for the accomplishment of the same ends as are prescribed in subsections (a), (b) and (c) in respect of the rules which may be made by a registered securities association governing its members. Any rules and regulations so made by the Commission, to the extent that they are inconsistent with the rules of any such association, shall so long as they remain in force supersede the rules of the association and be binding upon its members as well as all other underwriters and dealers to whom they may be applicable.

(e) In addition to the authority given by subsection (d), the Commission may abrogate, in whole or in part, the rules of any securities association adopted pursuant to subsections (a), (b), or (c) in the manner provided by section 15A(k)(1) of the Securities Exchange Act of 1934.

(f) If any provision of this section is in conflict with any provision of any law of the United States in effect on the date this section takes effect, the provisions of this section shall prevail.

(g) No registered oil program shall issue any program participation for services, or property other than cash or readily marketable securities.

(h) No registered oil program shall issue any program participation to the public at a price less favorable than the price paid by the manager of such oil program or any affiliated person of such manager for any other program participation issued by such program.

REGISTRATION OF SECURITIES UNDER THE SECURITIES ACT OF 1933

SEC. 21 (a) A registered oil program in registering the under Securities Act of 1933 any program participation of which it is the issuer, may in lieu of furnishing a registration statement containing the information and documents specified in schedule A of that Act, file a registration statement containing the following information and documents:

(1) Such copies of the registration statement filed by the company under this Act and such copies of such reports filed by the company pursuant to section 27, of such copies of portions of such registration statement and reports, as the Commission shall designate by rules and regulations.

(2) Such additional information and documents (including a prospectus) as the Commission shall prescribe by rules and regulations as necessary or appropriate in the public interest or for the protection of investors.

(b) The exemption provided by paragraph (11) of section 3(a) of the Securities Act of 1933 shall not apply to any program participation of which a registered oil program is the issuer, except a participation sold or disposed of by the issuer or bona fide offer to the public prior to the effective date of this Act. The exemption provided by section 4(3) of the Securities Act of 1933 shall not apply to any transaction in a program participation issued by a registered oil program if any other program participation of the same class is currently being offered or sold by the issuer or by or through an underwriter in a distribution which is not exempt from section 5 of that Act.

LARCENY AND EMBEZZLEMENT

SEC. 22. Whoever steals, unlawfully abstracts, unlawfully and willfully converts to his own use or to the use of another, or embezzles any of the moneys, funds, securities, credits, property, or assets of any registered oil program shall be guilty of a felony and, upon conviction thereof, shall be subject to the penalties provided in section 45. A judgment or conviction or acquittal under the laws of any State shall be a bar to any prosecution under this section for the same act or acts.

FRAUD

SEC. 23(a). It shall be unlawful for any oil program, or the manager of any oil program, or any affiliated person of such manager, by use of the mails or any means or instrumentality of interstate commerce, directly or indirectly—

(1) to employ any device, scheme, or artifice to defraud any investor or prospective investor in any such oil program;

(2) to engage in any transaction, practice, or course of business which operates as a fraud or deceit upon any investor or prospective investor in any such oil program; or

(3) to engage in any act, practice, or course of business which is fraudulent, deceptive, or manipulative.

(b) For the purposes of this section, the Commission by rules and regulations may define, and prescribe means reasonably designed to prevent, the acts and practices prohibited in clauses (1), (2) or (3) of subsection (a). For the purposes of this section, "oil program" means any oil program registered under this Act and any issuer excepted from the definition of oil program by virtue of paragraphs (2) and (6) of section 4(c).

MISLEADING NAMES

SEC. 24. (a) It shall be unlawful for any person, in issuing or selling any program participation of which a registered oil program is the issuer to represent or imply in any manner whatsoever that such participation or company has been guaranteed, sponsored, recommended, or approved by the United States or any agency or officer thereof.

(b) It shall be unlawful for any person registered under any section of this Act to represent or imply in any manner whatsoever that such person has been sponsored, recommended, or approved, or that his abilities or qualifications have in any respect been passed upon by the United States or any agency or officer thereof.

(c) Subsections (a) and (b) shall not be construed to prohibit a statement that a person or program participation is registered under this Act, the Securities Act of 1933, or the Securities Exchange Act of 1934, if such statement is true in fact and if the effect of such registration is not misrepresented.

(d) It shall be unlawful for any registered oil program hereafter to adopt as part of the name or title of such oil program, or of any program participation of which it is the issuer, the words "mutual fund", "investment company", or any other word or words which the Commission finds and by order declares to be deceptive or misleading. The Commission is authorized to bring an action in the proper district court of the United States, or the United States court of any territory or other place subject to the jurisdiction of the United States, alleging that the name or title of any registered oil program, or of any program participation which it has issued, is materially deceptive and misleading.

(e) It shall be unlawful for any person, in issuing or selling any program participation of which a registered oil program is the issuer, to represent or imply in any manner whatsoever that an investment in a participation of an oil program is similar to otherwise comparable to an investment in an investment company registered under the Investment Company Act of 1940.

FILING OF DOCUMENTS WITH COMMISSION IN CIVIL ACTIONS

SEC. 25. Each registered oil program which is a party and each affiliated person of such oil program and each affiliated person of the manager of such oil program which is a party defendant to any action or claim by a registered oil program or a program participant thereof in a derivative or representative capacity against an officer, director, or manager of such oil program or affiliated person of such manager, shall file with the Commission, unless already so filed, (1) a copy of all pleadings, verdicts, or judgements filed with the court or served in connection with such action or claim, (2) a copy of any proposed settlement, compromise or discontinuance of such action, and (3) a copy of such motions, transcripts, or other document filed in or issued by the court or served in connection with such action or claim as may be requested in writing by the Commission. If any document referred to in clause (1) or (2)—

(A) is delivered to such oil program or party defendant, such document shall be filed with the Commission not later than ten days after the recepit thereof; or

(B) is filed in such court or delivered by such company or party defendant, such document shall be filed with the Commission not later than five days after such filing or delivery.

DESTRUCTION AND FALSIFICATION OF REPORTS AND RECORDS

SEC. 26. (a) It shall be unlawful for any person, except as permitted by rule, regulation, or order of the Commission, willfully to destroy, mutilate, or alter any account, book, or other document the preservation of which has been required pursuant to section 28(a) or 27(f).

(b) It shall be unlawful for any person to make any untrue statement of a material fact in any registration statement, application, report, account, record, or other document filed or transmitted pursuant to this Act or the keeping of which is required pursuant to section 28(a). It shall be unlawful for any person so filing, transmitting, or keeping any such document to omit to state therein any fact necessary in order to prevent the statements made therein, in the light of the circumstances under which they were made, from being materially misleading. For the purposes of this subsection, any part of any such document which is signed or certified by an accountant or auditor in his capacity as such shall be deemed to be made, filed, transmitted, or kept by such accountant or auditor, as well as by the person filing, transmitting or keeping the complete document.

PERIODIC AND OTHER REPORTS

SEC. 27. (a) Each registered oil program shall file annually with the Commission such information, documents, and reports in such form and containing such information as the Commission by rules and regulations shall prescribe as necessary or appropriate in the public interest and for the protection of investors.

(b) Each registered oil program shall file with the Commission—

(1) such information and documents (other than financial statements) as the Commission may require, on a semi-annual basis, to keep reasonably current the information and documents contained in the registration statement of such oil program filed under this Act; and

(2) copies of every periodic or interim report or similar communication containing financial statements and transmitted to any class of holders of such oil program's program participations, such copies to be filed not later than ten days after such transmission.

Any information or documents contained in a report or other communication to holders of program participations filed pursuant to paragraph (2) may be incorporated by reference in any report subsequently or concurrently filed pursuant to paragraph (1).

(c) Each registered oil program shall transmit to the holders of its program participations, at least semiannually, reports containing such information and financial statements or their equivalent, as of a reasonably current date, as the Commission may prescribe by rules and regulations for the protection of investors, which reports shall not be misleading in any material respect in the light of the reports required to be filed pursuant to subsections (a) and (b).

(d) Each registered oil program which issues a program participation which provides for any assessment shall transmit to its program participants prior to making any such assessment a report containing such information and financial statements as the Commission may prescribe by rules and regulations for the protection of investors.

(e) Financial statements contained in annual reports required pursuant to subsection (a), if required by the rules and regulations of the Commission, shall be accompanied by a certificate of independent public accountants and independent petroleum engineers. The certificate of independent public accountants shall be based upon an audit not less in scope or procedures followed than that which independent public accountants would ordinarily make for the purpose of presenting comprehensve and dependable financial statements, and shall contain such information as the Commission may prescribe by rules and regulations in the public interest or for the protection of investors, as to the nature and scope of the audit and the finding and opinion of the accountants.

(f) The Commission is authorized, by rules and regulations or order in the public interest or for the protection of investors, to require accountants, auditors, and independent petroleum engineers to keep reports, work sheets, and other documents and papers relating to registered oil programs for such period or periods as the Commission may prescribe, and to make the same available for inspection by the Commission or any member or representative thereof.

(g) No registered oil program shall be subject to the reporting or registration requirements of the Securities Exchange Act of 1934 with respect to any program participation of such a program.

ACCOUNTS AND RECORDS

SEC. 28. (a) Each registered oil program and each manager of a registered oil program shall maintain and preserve for such period or periods as the Commission may prescribe by rules and regulations such accounts, books, and other documents as constitute the record forming the basis for financial statements required to be filed pursuant to section 27 of this Act, and of the auditors certificates relating thereto.

(b) All accounts, books, and other records, required to be maintained and preserved by any person pursuant to subsection (a) shall be subject at any time and from time to time to such reasonable periodic, special, and other examinations by the Commission, or any member or representative thereof, as the Commission may prescribe. Any such person shall furnish to the Commission, within such reasonable time as the Commission may prescribe, copies of or extracts from such records which may be prepared without undue effort, expense, or delay, as the Commission may by order require.

(c) The Commission may, in the public interest or for the protection of investors, issue rules and regulations providing for a reasonable degree of uniformity in the accounting policies and principles to be followed by registered oil programs in maintaining their accounting records and in preparing financial statements required pursuant to this Act.

(d) The Commission, upon application made by any registered oil program, may by order exempt a specific transaction or transactions from the provisions of any rule or regulation made pursuant to subsection (c), if the Commission finds that such rule or regulation should not reasonably be applied to such transaction.

CONFORMANCE OF EXISTING OIL PROGRAMS

SEC. 29. Oil programs which have commenced operations prior to the effective date of this Act shall be subject only to such provisions of this Act as the Commission shall by rules and regulations declare applicable thereto. In adopting such rules and regulations the Commission shall give appropriate consideration to the purposes fairly intended by the policy and provisions of this Act, the protection of holders of program participations, and the difficulty in adapting existing oil programs to the provisions hereof. No oil program which has commenced operations prior to such effective date shall be subject to the provisions of section 4, 12, 13, and 19 of this Act.

EXEMPTION FROM INVESTMENT COMPANY ACT OF 1940

SEC. 30. (a) No oil program which is registered or required to register under this Act shall be deemed to be an investment company as that term is defined in the Investment Company Act of 1940, nor shall any such oil program be subject to any of the provisions of that Act.

(b) No manager of an oil program shall be deemed to be an investment adviser as that term is defined in the Investment Advisers Act of 1940, nor shall any such manager be subject to any of the provisions of that Act.

STUDY OF OIL PROGRAMS

SEC. 31. The Commission is authorized to make studies and investigations of oil programs to determine their sizes, types, and the locations and nature of their activities and obtain such other data and information as may be reasonably necessary for the Commission to implement and administer the policies and provisions of this Act. The Commission shall make public from time to time its findings and recommendations resulting from such studies and investigations.

REINVESTMENT OF INCOME OR CASH FLOW

SEC. 32. (a) No registered oil program shall require any holder of any program participation issued by such program to reinvest such holder's share of such program's income or cash flow in any other oil program.

(b) Nothing in subsection (a) shall be interpreted to prohibit a registered oil program from making available to the holders of its program participations an optional plan for reinvestment of such holders' shares of such program's income or cash flow in another registered oil program, if prior to any such reinvestment each holder of such program participations is furnished a prospectus of such other program and complete information on the amount of income or cash flow to which each such holder is entitled.

TAX RULING OR OPINION

SEC. 33. It shall be unlawful for any registered oil program to conduct any business or to make a public offering of its program participations unless it has obtained a tax ruling from the Internal Revenue Service or an opinion of counsel (which may contain reasonable qualifications, assumptions and conditions) that investors in such program will obtain the federal tax results described in the prospectus of such program.

RULES AND REGULATIONS; PROCEDURES

SEC. 34. Subject to the requirements of sections 551–559 and 701–706 of title 5, United States Code, and chapter 15 of title 44, United States Code, rules and regulations of the Commission under this act, and amendments thereof, shall be effective upon the date and in the manner which the Commission shall prescribe in such rules or regulations.

ORDERS; PROCEDURES FOR ISSUANCE

SEC. 35. (a) Orders of the Commission under this act shall be issued only after appropriate notice and opportunity for hearing. Notice to the parties to a proceeding before the Commission shall be given by personal service upon each party or by registered mail or certified mail or confirmed telegraphic notice to the party's last known business address. Notice to interested persons, if any, other than parties may be given in the same manner or by publication in the Federal Register.

(b) The Commission may provide, by appropriate rules or regulations, that an application verified under oath may be admissible in evidence in a proceeding before the Commission and that the record in such a proceeding may consist, in whole or in part, of such application.

(c) In any proceeding before the Commission, the Commission, in accordance with such rules and regulations as it may prescribe, shall admit as a party any interested State or State agency, and may admit as a party any representative of interested program participants or any other person whose participation in the proceeding may be in the public interest or for the protection of investors.

RULES, REGULATIONS, AND ORDERS; GENERAL POWERS OF THE COMMISSION

SEC. 36. (a) The Commission shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as are necessary or appropriate to carry out the provisions of this Act, including rules and regulations defining accounting, technical, and trade terms used in this Act, and prescribing the form or forms in which information required in registration statements, applications, and reports to the Commission shall be set forth. For the purposes of its rules or regulations, the Commission may classify persons, securities, and other matters within its jurisdiction and prescribe different requirements for different classes of persons, securities, or matters.

(b) The Commission, by such rules and regulations or orders as it deems necessary or appropriate in the public interest or for the protection of investors, may authorize the filing of any information or documents required to be filed with the Commission under this Act, the Securities Act of 1933, or the Securities Exchange Act of 1934, by incorporating by reference any information or documents theretofore or concurrently filed with the Commission under this Act or any of such Acts.

(c) No provision of this Act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or order of the Commission, notwithstanding that such rule, regulation, or order may, after such act of omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

HEARINGS BY COMMISSION

SEC. 37. Hearings may be public and may be held before the Commission, any member or members thereof, or any officer or officers of the Commission designated by it, and appropriate records thereof shall be kept.

ENFORCEMENT

SEC. 38. (a) The Commission may make such investigations as it deems necessary to determine whether any person has violated or is about to violate any provision of this Act or of any rule, regulation, or order hereunder, or to determine whether any action in any court or any proceeding before the Commission shall be instituted under this Act against a particular person or persons, or with respect to a particular transaction or transactions. The Commission shall permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated.

(b) For the purpose of any investigation or any other proceeding under this Act, any member of the Commission, or any officer thereof designated by it, is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memorandum, contracts, agreements, or other records which are relevant or material to the industry. Such attendance of witnesses and the production of any such records may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place of hearing.

(c) In case of contumacy by or refusal to obey a subpena issued to any person, the Commission may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandum, contracts, agreements, and other records. And such court may issue an order requiring such person to appear before the Commission or member or officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. Any person who without just cause shall fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memorandum, contracts, agreements, or other records, if in his or its power so to do, in obedience to the subpena of the Commission, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than $1,000 or to imprisonment for a term or not more than one year, or both.

(d) Whenever it shall appear to the Commission that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this Act, or of any rule, regulation, or order thereunder, it may in its discretion bring an action in the proper district court of the United States, or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices and to enforce compliance with this Act or any rule, regulation, or order thereunder. Upon a showing that such person has engaged or is about to engage in any such act or practice, a permanent or temporary injunction or decree or restraining order shall be granted without bond. In any proceeding under this subsection to enforce compliance with section 7, the court as a court of equity may, to the extent it deems necessary or appropriate, take exclusive jurisdiction and possession of the oil program or programs involved and the books, records, and assets thereof, wherever located; and the court shall have jurisdiction to appoint a trustee, who with the approval of the court shall have power to dispose of any or all of the program's assets, or, if it appears that such course would be more advantageous to the holders of program participations of such program, to operate the program's business, subject to such terms and conditions as the court may prescribe. The Commission may transmit such evidence as may be available concerning any violation of the provisions of this Act, or of any rule, regulation, or order thereunder, to the Attorney General who, in his discretion, may institute the appropriate criminal proceedings under this Act.

COURT REVIEW OF ORDERS

SEC. 39. (a) Any person or party aggrieved by an order issued by the Commission under this Act may obtain a review of such order in the court of appeals of the United States within any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within sixty days after the entry of such order, a written petition praying that the order of the Commission be modified or set aside in whole or in part. A copy of such petition shall be forthwith transmitted by the clerk of the court to any member of the Commission, or any officer thereof designated by the Commission for that purpose, and thereupon the Commission shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have jurisdiction, which upon the filing of the record shall be exclusive, to affirm, modify, or set aside such order, in whole or in part. No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged before the Commission or unless there were reasonable grounds for failure so to do. The findings of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may deem proper. The Commission may modify its findings as to the facts by reason of the additional evidence so taken, and it shall file with the court such modified or new findings which, if supported by substantial evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court affirming, modifying, or setting aside, in whole or in part, any such order of the Commission shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(b) The commencement of proceedings under subsection (a) to review an order of the Commission issued under section 8(d) shall operate as a stay of the Commission's order unless the court otherwise orders. The commencement of proceedings under subsection (a) to review an order of the Commission issued under any provision of this Act other than section 8(d) shall not operate as a stay of the Commission's order unless the court specifically so orders.

JURISDICTION OF OFFENSES AND SUITS

SEC. 40. The district courts of the United States and the United States courts of any territory or other place subject to the jurisdiction of the United States shall have jurisdiction of violations of this Act or the rules, regulations, or orders thereunder, and, concurrently with State and territorial courts, of all suits in equity and actions at law brought to enforce any liability or duty created by, or to enjoin any violation of, this Act or the rules, regulations, or orders thereunder. Any criminal proceeding may be brought in the district wherein any act or transaction constituting the violation occurred. A criminal proceeding based upon a violation of section 26, or upon a failure to file a report or other document required to be filed under this Act, may be brought in the district wherein the defendant is an inhabitant or maintains his principal office or place of business. Any suit or action to enforce any liability or duty created by, or to enjoin any violation of, this Act or rules, regulations, or orders thereunder, may be brought in any such district or in the district wherein the defendant is an inhabitant or transacts business, and process in such cases may be served in any district of which the defendant is an inhabitant or transacts business or wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 1254, 1291, 1292, and 1294 of title 28, United States Code. No costs shall be assessed for or against the Commission in any proceeding under this Act brought by or against the Commission in any court.

ANNUAL REPORTS OF COMMISSION; EMPLOYEES OF THE COMMISSION

SEC. 41. (a) The Commission shall submit, in its annual report to the Congress covering the work of the Commission for the preceding year, such information, data, and recommendations for further legislation in connection with the matters covered by this Act as it may deem advisable.

(b) For the purposes of this Act, the Commission may, subject to the provisions of title 5, United States Code, governing appointments in the competitive service appoint such attorneys, examiners, and other experts, and such other officers and employees as are necessary in the execution of the functions of the Commission and fix their salaries in accordance with the provisions of Chapter 51 and subchapter III of Chapter 53 of such title relating to Classification and General Schedule pay rates.

INFORMATION FILED WITH COMMISSION

SEC. 42. (a) The information contained in any registration statement, application, report, or other document filed with the Commission pursuant to this Act or of any rule or regulation thereunder shall be made available to the public, except information subject to section 552(b) of the title 5, United States Code. It shall be unlawful for any member, officer, or employee of the Commission to use for personal benefit, or to disclose to any person other than an official or employee of the United States or of a State for official use, or for any such official or employee to use for personal benefit, any information contained in any document so filed or transmitted, if such information is not available to the public.

(b) Photostatic or other copies of information contained in documents filed with the Commission under this Act and made available to the public shall be furnished any person at such reasonable charge and under such reasonable limitations as the Commission shall prescribe.

VALIDITY OF CONTRACTS

SEC. 43. (a) Any condition, stipulation, or provision binding any person to waive compliance with any provision of this Act or with any rule, regulation, or order thereunder shall be void.

(b) Every contract made in violation of any provision of this Act or of any rule, regulation, or order thereunder, and every contract heretofore or hereafter made, the performance of which involves the violation of, or the continuance of any relationship or practice in violation of, any provision of this Act, or any rule, regulation, or order thereunder, shall be voidable as regards (1) the rights of any person who, in violation of any such provision, rule, regulation, or order, shall have made or engaged in the performance of any such contract, or (2) the rights of any person who, not being a party to such contract, shall have acquired any right thereunder with actual knowledge of the facts by reason of which the making or performance of such contract was in violation of any such provision, rule, regulation, or order.

LIABILITY OF CONTROLLING PERSONS; PREVENTING COMPLIANCE WITH TITLE

SEC. 44. (a) It shall be unlawful for any person, directly or indirectly, to cause to be done any act or thing through or by means of any other person which it would be unlawful for such person to do under the provisions of this Act or any rule, regulation, or order thereunder.

(b) It shall be unlawful for any person without just cause to hinder, delay, or obstruct the making, filing, or keeping of any information, document, report, record, or account required to be made, filed, or kept under any provision of this Act or any rule, regulation, or order thereunder.

PENALTIES

SEC. 45. Any person who willfully violates any provision of this Act or of any rule, regulation, or order thereunder, or any person who willfully in any registration statement, application, report, account, record, or other document filed or transmitted pursuant to this Act or the keeping of which is required pursuant to section 28(a) makes any untrue statement of a material fact or omits to state any material fact necessary in order to prevent the statements made therein from being materially misleading in the light of the circumstances under which they were made, shall upon conviction be fined not more than $10,000 or imprisoned not more than two years, or both; but no person shall be convicted under this section for the violation of any rule, regulation, or order if he proves that he had no actual knowledge of such rule, regulation, or order.

EFFECTS ON EXISTING LAW

SEC. 46. (a) Except where specific provision is made to the contrary, nothing in this Act shall affect (1) the jurisdiction of the Commission under the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, or the Investment Advisors Act of 1940, over any person, security or transaction, or (2) the rights, obligations, duties, or liabilities of any person under such Acts.

(b) Nothing in this Act shall affect (1) the jurisdiction of any other commission, board, agency, or officer of the United States or any State or political subdivision of any State, over any person, security or transaction, insofar as such jurisdiction does not conflict with any provision of this Act or of any rule, regulation or order hereunder, or (2) the rights, obligations, duties, or liabilities of any person under State law, insofar as such law does not conflict with any provision of this Act or of any rule, regulation or order thereunder.

REPEALER

SEC. 47. Section 3(c)(9) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(9)) is repealed.

SEPARABILITY OF PROVISIONS

SEC. 48. If any provision of this Act or any provision incorporated in this Act by reference, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

EFFECTIVE DATE

SEC. 49. The provisions of this Act shall become effective upon ———.

(Section Numbers Changed in Accordance With Technical Corrections Made in the Bill)

ANALYSIS OF LEGISLATIVE PROPOSAL FOR OIL AND GAS INVESTMENT ACT OF 1972 PREPARED BY THE SECURITIES AND EXCHANGE COMMISSION, JUNE 14, 1972

INTRODUCTION

This statement explains the legislative proposals prepared by the Securities and Exchange Commission, which may be entitled the Oil and Gas Investment Act of 1972. These proposals would provide for the protection of participants in oil and gas drilling funds or programs ("oil programs"). This would be accomplished by requiring the registration of oil programs with the Commission, and subjecting such programs to a comprehensive framework of regulation. The regulatory provisions of the proposed bill, among other things, would prohibit changes in the fundamental policies of an oil program without the approval of holders of program participations and would provide specific controls to insure financial responsibility of program managers. The bill also would require that persons acting as program managers do so pursuant to written contracts which contain certain provisions and that material changes in such contracts be approved by program participants. Certain protections would be afforded to investors in oil programs which issue program participations with repurchase and assessment features and to investors to whom offers of exchange are made by managers and other specified persons. It would also regulate the custody of assets of such programs and provide specific controls designed to protect against unfair transactions between oil programs and their managers.

Some provisions of the proposed bill would be administered primarily by the National Association of Securities Dealers ("NASD"), subject to Commission oversight. They include specific authorization for NASD rulemaking in the areas of sales charges, sales literature, suitability of an oil program investment and a classification system for the various forms of management compensation.

The Commission drafted the proposals pursuant to the directive of the Managers on the Part of the House in their statement appended to the Report of the Conference Committee on the Investment Company Amendments Act of 1970 ("1970 Act") (P.L. 91-547, approved December 14, 1970).[1] The Managers stated that the conference deleted a Senate amendment which would have subjected to the regulatory pattern of the Investment Company Act those oil and gas programs or funds which primarily engage in the business of holding or investing in oil and gas securities and which sell their own securities on the installment basis or offer redeemable securities. In the connection, the Managers stated that the Conference Committee took this action—

> With the firm understanding that representatives of the oil and gas industry will cooperate with the Securities and Exchange Commission (the "Commission"), in working out a reasonable regulatory statute consistent with the need for protection of investors in this area. Such proposal will be submitted to the Congress within eighteen months from the passage of this legislation. If, however, the Commission fails to receive prompt cooperation from the oil and gas industry on this matter, it is understood by the conferees that the Commission will submit early in the next Congress appropriate legislation to provide necessary investor protection in this area.[2]

The Commission believes that the attached proposed bill constitutes a reasonable regulatory statute and therefore supports its introduction as a bill.

Before discussing the proposed regulatory statute for oil programs, we have set forth below a review of the Commission's efforts to obtain legislative reform in this area.

BACKGROUND

Section 3(c)(9) of the Investment Company Act of 1940 excepts from the definition of "investment company"—

> Any person substantially all of whose business consists of owning or holding oil, gas, or other mineral royalties or leases, or fractional interests therein, or certificates of interest or participation in or investment contracts relative to such royalties leases or fractional interests.[3]

The legislative history of the Investment Company of 1940 sheds no light on the specific reason for this exclusion other than a general statement that such a venture was a "special type" of company.[4]

Footnotes at end of article.

In its 1966 Report on the Public Policy Implications of Investment Company Growth, the Commission sought to narrow this exemption by making it unavailable to any person which issues redeemable securities, face-amount certificates, or period payment plan certificates.[5] The legislation originally proposed and introduced in 1967 contained such a provision.[6] The then Senate Committee on Banking and Currency incorporated this provision in S. 3724[7] which it reported in 1968.[8] This provision was deleted by a floor amendment prior to Senate passage of that bill. The House took no action and that bill died in the 90th Congress.

In May 1969, during the 91st Congress, the Senate again passed mutual fund legislation, S. 2224, which contained an amendment substantially the same as that in S. 3724 with respect to oil and gas drilling funds.[9] Subsequently, several industry representatives contacted the Commission staff and objected strenuously to this amendment. After further consideration, the Commission, during the course of hearings before the Subcommittee on Commerce and Finance of the House Interstate and Foreign Commerce Committee, stated that it would not object if the bill were changed so as to continue the complete exemption for oil programs or drilling funds provided their investment contracts (1) required participants to pay $10,000 or more during every consecutive 12 month period, (2) did not afford the participants any cash surrender or redemption rights and (3) did not involve any front-end load or other disproportionate charges.[10] However, other industry witnesses testified in opposition to legislation which would subject any oil program to the Investment Company Act. Their objections were based upon their belief that such regulation would prevent certain real problems for them, primarily because of the difficulty of accommodating the industry structure contemplated by the Investment Company Act with the structure in fact adopted by this industry in order to provide favorable treatment for its investors under the Internal Revenue Code.

In view of these objections, the Commission agreed in December 1969, to a proposal by the newly formed Oil Investment Institute ("OII"), a trade association of oil program managers and sponsors, that the Commission staff and representatives of the OII draft a regulatory statute which would provide protection for investors in oil programs, which they recognize may well be needed. It was contemplated that such a statute, in some instances, would parallel provisions of the Investment Company Act, but would be especially tailored to the practices, problems, and operating methods of this industry.[11] In addition, the Commission learned that the proposals advanced to our staff by representatives of individual companies, as well as its original proposal, were not satisfactory to the industry as a whole and would have afforded less protection to investors than the procedures which the Institute and the Commission later agreed to pursue.[12] Therefore, the Commission did not object to the deletion from the 1970 Act of the oil and gas amendment.

NEED FOR REGULATION OF OIL PROGRAMS

The need for regulation of oil programs was detailed in the course of committee hearings in connection with the 1970 Act. Some of the facts upon which this need is premised are: (1) Oil and gas exploration, development and drilling funds or programs have increased substantially in recent years in number and in the dollar amount of securities they offer to the public; (2) these investment vehicles have been offered as tax-sheltered speculations to members of the investing public in many cases without regard to the investor's tax bracket, financial resources, or sophistication; (3) the arrangements for the management of oil programs virtually always involve elements of self-dealing, and other conflicts of interest; (4) the multiplicity of complex methods of compensating managers of oil programs make it practically impossible for investors to make meaningful comparisons and, in some cases, such methods appear to provide for high compensation to managers in relation to the risk they, as opposed to public investors, assume; and (5) by the use of "redemption" or repurchase features, installment plans, and increasingly lower minimum investments, many of these programs have some of the characteristics of traditional mutual funds.

It should be noted that the Commission's original proposal to amend Section 3(c)(9) of the Investment Company Act and, as indicated above, the approach suggested as a compromise in the course of 1969 House subcommittee hearings on the 1970 Act amendments, may not have resulted in regulation of a large number of oil and gas programs. This possibility was pointed out in a letter to the Subcommittee on Commerce and Finance of the House Commerce Committee from Resource Programs Institute, Inc., which opposed any amendment to Section 3(c)(9). In that letter, Resource Programs argued that the primary business of oil and gas programs . . . is exploring and drilling for oil and gas and developing oil and gas reserves. While these programs may purchase oil and gas leases or fractional interests therein they are not primarily in the business of investing or trading in such leases.* * * Drilling programs are engaged in an active operating business.[13]

Of course, if indeed an oil program is primarily engaged in an operating business it would not come within the definition of investment company in Section 3(a) of the Investment Company Act[14] or would be excluded from that definition by Section 3(b)(1) of that Act.[15] In this connection, a substantial number of such programs are more or less directly engaged in the actual exploration, development and production of oil and gas, and such programs vary considerably in the extent to which their sponsors or managers perform these functions. Therefore, had Section 3(c)(9) of the Act been amended in the manner proposed by the Commission, the Commission would have been confronted with the burdensome task of making case by case determinations of whether an oil program is in fact primarily an operating or investment company. This could have involved many lengthy hearings and possible appeals from Commission determinations at great expense to both the Commission and oil programs. Furthermore, even if the Commission had determined that an oil program were an investment company, such a program could have avoided registration under the Investment Company Act merely by not selling redeemable securities or periodic payment plan certificates. Thus, as indicated above, it appears that this approach would have succeeded in providing the protections of the Investment Company Act to only a very limited number of investors in oil programs.

In any event, the actual and possible abuses, referred to above, are not limited to those oil programs which come within the definition of investment company in Section 3(a) of the Act, i.e., those which merely hold or invest in undivided interests in oil and gas leases, and similar securities. The Commission believes that problems of inadequate investor protection are present in the entire industry, including oil programs which engage in the actual exploration, development and production of oil and gas.

The problems presented by oil programs are attributable in large part to the externalized form of management and the separation of public beneficial ownership from the control of such programs. Oil and gas programs are typically organized as limited partnerships, although some programs are organized as joint ventures. These forms of organizations are used in order to avoid being taxed as a corporation, and thus, to afford investors federal pass-through tax treatment. Under the laws of most states, the limited partners are prevented from exercising any control over the management of the business.[16] Also, most general partners of oil programs have the authority to and, frequently do, appoint another person who will actually perform all or a substantial portion of the management functions of the program. Typically this other person is an affiliated person or alter ego of the general partner.[17] With their position of dominance and control over the affairs of oil programs thus secured, the managers and their affiliates are able to sell oil and gas interests, other property and services to such program, and engage in various other transactions in which their interests conflict with those of the programs and their investors.

In view of the foregoing, the proposed bill defines "oil program" to include those companies which are directly engaged, more or less, in actual operations. However, conventional operating oil companies which generally do not have externalized management and do not afford their investors pass-through tax treatment, are excluded from scope of the bill. In addition, the proposed bill excepts from the definition of "oil program," among other things, certain arrangements commonly used by many small independent oil operators to finance their activities. In this connection, the bill excludes arrangements which have a limited number of investors and are not offering their participations to the public and certain arrangements which offer and sell direct fractional undivided interests in oil or gas rights in specified properties.

DISCUSSIONS WITH THE INDUSTRY

In accordance with the Conference Committee directive, the proposed bill was drafted in cooperation with representatives of the oil and gas industry. The Commission staff had extensive discussions with the OII and also received helpful comments from the NASD, the Independent Petroleum Association of America, and other industry representatives. In this regard, the OII, reserving its right to suggest further clarification and technical improvements, believes that the proposed bill "meets the principles expressed in the mandate given by Congress and supports the introduction of that bill in response to such Congressional mandate".

PROPOSED NASD REGULATION OF ALL TAX SHELTERED PROGRAMS

While the Commission staff was drafting the proposed legislation, the NASD was making a parallel effort to draft rules to protect investors not only in oil programs, but also in all other tax-sheltered programs, including those in real estate, cattle, and citrus groves. On May 9, 1972, the NASD issued for public comment proposed regulations for such tax-shelter programs. With respect to oil programs, the NASD's proposed rules would prohibit NASD members from underwriting or participating in the distribution of securities of an oil program or from sponsoring such a program, unless the program meets several requirements, which include standards relating to sales literature, suitability of an oil program participation for investors, and sales commissions. These are areas in which the NASD has traditionally exercised its authority under Section 15A of the Securities Exchange Act of 1934 ("Maloney Act"). However, the NASD rules would do much more than this and also provide that oil programs meet requirements relating to internal structure and operations. For example, (1) management compensation would have to conform to cer-

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Footnotes at end of article.

tain standards of reasonableness; (2) there would be prohibitions on certain conflicts of interest; and (3) the program would have to give certain voting rights to investors. Other tax-sheltered programs would be regulated in a similar manner.

Thus, in a substantial degree the proposed NASD rules contemplate indirect regulation of issuers. The Commission has not yet determined whether the NASD approach is appropriated for oil and gas or other tax-sheltered programs.

Therefore, as mentioned above, this bill attempts to regulate certain conflicts of interest directly and gives the NASD specific authority in the areas of sales literature, sales charges, suitability and classification of management compensation. However, the bill would not provide for Commission or NASD regulation of management compensation. This should not be taken as any indication that the NASD does not presently have such authority or on the other hand as a Commission determination that NASD regulation of management compensation would be appropriate.

ANALYSIS OF PROVISIONS OF PROPOSED BILL

There follows a section by section analysis of the proposed bill:

Section 1: Citation of Act.
Section 2: Findings and Declaration of Policy.
Section 3: General Definitions.
Section 4: Definition of Oil Program.
Section 5: Classification of Oil Programs.
Section 6: Exemptions.
Section 7: Transactions of Unregistered Oil Programs and Certain Other Issuers.
Section 8: Registration of Oil Programs.
Section 9: Ineligibility of Certain Persons.
Section 10: Offers of Exchange; Repurchases; Assessments.
Section 11: Functions and Activities of Oil Programs.
Section 12: Changes in Fundamental Policy.
Section 13: Size of Oil Programs.
Section 14: Management Agreements.
Section 15: Loans.
Section 16: Periodic Payments or Installments.
Section 17: Reorganizations.
Section 18: Proxies.
Section 19: Transactions with Affiliated Persons.
Section 20: Suitability; Distribution of Securities of Oil Programs.
Section 21: Registration of Securities Under the Securities Act of 1933.
Section 22: Larceny and Embezzlement.
Section 23: Fraud.
Section 24: Misleading Names.
Section 25: Filing of Documents with Commission in Civil Actions.
Section 26: Destination and Falsification of Reports and Records.
Section 27: Periodic and Other Reports.
Section 28: Accounts and Records.
Section 29: Conformance of Existing Oil Programs.
Section 30: Exemption from Investment Company Act of 1940.
Section 31: Study of Oil Programs.
Section 32: Reinvestment of Income or Cash Flow.
Section 33: Tax Ruling or Opinion.
Section 34: Rules and Regulations; Procedures.
Section 35: Orders; Procedures for Issuance.
Section 36: Rules, Regulations, and Orders; General Powers of the Commission.
Section 37: Hearings by Commission.
Section 38: Enforcement of Act.
Section 39: Court Review of Orders.
Section 40: Jurisdiction of Offenses and Suits.
Section 41: Annual Reports of Commission; Employees of the Commission.
Section 42: Information Filed with Commission.
Section 43: Validity of Contracts.
Section 44. Liability of Controlling Persons, Preventing Compliance with Act.
Section 45. Penalties
Section 46. Effect on Existing Law
Section 47. Repealer
Section 48. Separability of Provisions
Section 49. Effective Date

Section 2. Findings and General Policy

This section sets forth the findings of the Congress with respect to oil programs.

Section 3. General Definitions

This section sets forth the general definitions of terms used in the bill some of which are discussed in the explanation of the substantive provisions of the bill where appropriate.

Section 4. Definition of Oil Program

For the purposes of the bill, an oil and gas drilling program or fund has been designated an "oil program." Subsection (a) specifies that the following come within the definition of oil program: (1) Any issuer which is or holds itself out as being engaged primarily or proposes to engage primarily in the business of owning, holding, trading, investing or reinvesting in oil and gas interests, or in the business of exploring or drilling for or producing oil and gas or receiving such production or the proceeds thereof (paragraph (1) of subsection (a)); or (2) any issuer which is engaged or proposes to engage in any of the activities described in paragraph (1) of subsection (a) *and* owns or proposes to acquire oil or gas interests or other assets used in connection with such activities having a value which exceeds 40 per centum of the value of such issuer's total assets on an unconsolidated basis (paragraph (2) of subsection (a)).

The term issuer is defined in Section 3(a) (17) as any person (A) who issues or proposes to issue any security, or has outstanding any security which it has issued and (B) provides flow-through tax treatment to its investors. For the purposes of this definition, a person would be deemed to provide such flow-through tax treatment if it permits or holds itself out as permitting its beneficial owners to take into account, in computing their individual federal income tax, their shares of such person's income, deduction, credit, depreciation, depletion, intangible drilling and development costs, or similar items. The term "person" is defined in Section 3(a) (25) as any natural person or a company. "Company" is defined by Section 3 (a) (8) to include a corporation, partnership, association, trust, fund, or any organized group of persons whether incorporated or not. The term "issuer" is thus broad enough to include limited partnerships, joint ventures and every other form of organization under which an oil program might conceivably operate. However, as indicated previously, conventional operating oil companies are not included in the definition of oil program since they are organized as corporations which do not generally provide flow-through tax treatment to their investors.

It is important to note that, although a person who sponsors or manages an oil program may be an issuer or co-issuer of an oil program security for the purposes of the Securities Act of 1933, such a person would not be deemed an issuer and thus would not be an oil program for the purposes of this bill. Rather, such a person would generally come within the definition of "manager" in Section 3(a) (19), and, as such his relationship and transactions with the oil program would be subject to certain requirements.[18]

Thus, each limited partnership or other venture sponsored or managed by a particular manager would be treated as a separate issuer for the purposes of the definitional provisions of the bill, except in the unlikely event that a number of limited partnerships or ventures under common management invested in or conducted their activities on substantially the same properties.

Oil programs may issue a variety of instruments which may be deemed to be securities, as defined in the federal securities laws and in Section 3(a) (39) of the bill. However, the primary purpose of the bill is to provide protections for holders of securities of the programs which are denoted "program participations", defined in Section 3(a) (29). For example, certain voting rights are given to holders of program participations by Sections 12 and 14 which relate to changes in fundamental policies and to management agreements.

In the typical oil program organized as a limited partnership, a program participation, as defined, would be represented by a limited partnership interest, but may also include a general partnership interest in such program if it were an investment contract, rather than an interest possessed by the manager by reason of being such. Such an oil program may issue other types of interests which may be deemed to be securities. However, the issuance of such interests may be merely incidental to the operations of the program and not a vehicle for public investment in or financing of the program. For example, in acquiring an oil or gas lease, an oil program may give the landowner a royalty interest in any oil or gas production from the property subject to such lease. In this context, such a royalty interest would not be a program participation.

The term "oil and gas interest" is defined in Section 3(a) (22) and includes, in addition to any fractional undivided interest in oil or gas royalties rights and certificates of interest or participation in such royalties or rights—which are presently defined as securities under the federal securities laws, "any oil or gas royalty or lease . . . or any other interest or right which permits the exploration or drilling for, or production of oil or gas or other related hydrocarbons or the receipt of such production or the proceeds thereof."

Subsection (b) provides a method by which an issuer coming within the definition of oil program by virtue of the 40 percent test in paragraph (2) of subsection (a) may file an application for a Commission order declaring it to be primarily engaged in a business or businesses other than an oil program business. An issuer which receives such an order would be excepted from the definition of oil program. However, if the facts warrant, the Commission could later revoke such an order. The filing of such an application in good faith by an issuer other than a registered oil program would exempt the applicant for a period of 90 days from all of the provisions of the bill. For cause shown, the Commission is authorized to extend the period of such exemption.

Subsection (c) excludes from the definition of oil program in subsection (a) those issuers for which regulation under this bill does not appear necessary or appropriate. Paragraph (1) of subsection (c) excepts from the definition of oil program any issuer all of whose participations are owned by a company which does not come with the definition of oil program in subsection (a) or is excepted from that definition by subsection (b). In determining whether such company is itself an oil program the assets of such issuer would be taken into account.

Paragraph (2) of subsection (c) excepts any issuer whose outstanding participations are beneficially owned by not more than 35 persons and which is not making and does not presently propose to make a public offering of its participations. These conditions are independent of each other and both must be met by an issuer in order to avail itself of this exclusion. Persons primarily engaged in the oil and gas business would not be counted in determining whether the 35 person limit has been exceeded. Also, beneficial ownership of an issuer's participations by a

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company is deemed to be beneficial ownership by one person, with the following exception: If a company (other than a corporation) owns 10 percent or more of the outstanding participations of the issuer, then the beneficial ownership of such participations shall be deemed to be that of the holders of such company's outstanding securities, unless the value of all participations of oil programs owned by such company does not exceed five percent of the value of its total assets.

Paragraph (3) of subsection (c) provides an exception for persons who are brokers and dealers in oil and gas interests.

Paragraph (4) of subsection (c) excludes a joint venture or similar association, each member of which is a person who is primarily engaged in the oil and gas business, including a registered oil program, or a person found by the Commission, upon written application, not to require the protection provided by this bill.

Paragraph (5) of subsection (c) excludes certain arrangements customarily formed in the oil and gas industry. These arrangements are designated in this paragarph as association created by unit, unit operating, communitization, or pooling agreement formed to explore for or produce oil or gas in a defined area substantially all of whose members owned an interest in such area prior to such formation. This exclusion would not be available, however, if the purpose of such formation is to evade the provisions of this bill.

Paragraph (6) of subsection (c) excepts issuers of direct-fractional undivided interests in oil or gas rights in specified properties which have complied with the requirements for registration under the Securities Act of 1933, or which are entitled to rely upon Regulation B under the Securities Act of 1933 and have complied with all of the requirements of that regulation. However, the Commission would be given authority under this paragraph to impose conditions on the availability of this exception by appropriate rules to protect investors.

As indicated above, the term "issuer" under this bill may differ from that in the Securities Act. For the purposes of this paragraph, the issuer could be the "organized group of persons" who own the fractional interests; whereas, the issuer for the purposes of the Securities Act would be the owner of the interest who creates fractional interests for the purpose of public offering. The paragraph (6) exception would be available to the organized group or venture if the issuer for the purpose of the Securities Act has complied with the regulation requirements of that Act or with Regulation B under that Act.

Ventures which sell interests of the kind described in paragraph (6) usually do not involve the same potential for abuse as the common oil program which, at the time it offers its participations to the public, has no specific properties (i.e., a "blind pool"). But such ventures are not entirely free from many of the problems associated with the blind pool oil programs, particularly in the areas of self-dealing and other practices involving conflicts of interest. For this reason, paragraph (6) affords a blanket exception from all provisions of this bill, but gives the Commission flexibility to adopt rules to protect investors in such ventures.

SECTION 5. CLASSIFICATION OF OIL PROGRAMS

Section 4 would divide oil programs into repurchase and nonrepurchase, and diversified and non-diversified programs.

A repurchase program is an oil program which issues a repurchaseable program participation under Section 10(b) of the bill. The terms of a "repurchaseable program participation," which is defined in Section 3(a)(34), provide for the repurchase, redemption, or other payment of such participation by any person, in cash or other consideration, in whole or in part, upon presentment by the holder thereof or otherwise. A non-repurchase program is an oil program other than a repurchase program.

A diversified program is an oil program which has or proposes to acquire or engage in activities on five separate prospects; spends or proposes to spend no more than 50 percent of its net capital or any one prospect; and has a net worth of at least $250,000 on the date it commences operations. A non-diversified program is any oil program other than a diversified program.

SECTION 6. EXEMPTIONS

Subsection (a) gives the Commission broad authority to exempt any person, security or oil and gas interest or transaction from any provisions of the bill if consistent with the public interest and the protection of investors. Subsection (b) provides that an oil program which is exempted by the Commission from the registration provision of the bill may be subjected to specific provisions of the bill. Subsections (a) and (b) are substantially similar to the provisions of Sections 6(c) and 6(e) of the Investment Company Act.

SECTION 7. TRANSACTIONS OF UNREGISTERED OIL PROGRAMS AND OF CERTAIN OTHER ISSUERS

Subsection (a) makes it unlawful for an oil program organized under the laws of the United States or a State, unless registered under Section 8 of the bill, to conduct its activities through the use of the mails or instrumentalities of interstate commerce. Subsection (b) makes it unlawful for a manager of or underwriter for any oil program unless such program is registered under Section 8 or exempt under Section 6, through the jurisdictional means, to offer or sell any security issued by such program, purchase, redeem, or otherwise acquire any such security, or sell or purchase for the account of such program any oil and gas interest or any security. The provisions of subsections (a) and (b) would not apply to transactions which are merely incidental to the dissolution of any oil program which was organized before the enactment of the bill.

Subsection (c) makes it unlawful for a promoter of a proposed oil program and for an underwriter of such a promoter, through the use of jurisdictional means, to offer for sale or sell in connection with a public offering, any preorganization certificate or subscription for such an oil program.

Subsection (d) provides that no oil program organized under the laws of a foreign country may register under this bill or publicly offer its securities through use of the mails or other instrumentalities of interstate commerce, unless the Commission by order finds that such foreign oil program can be effectively subjected to the same type of regulation as domestic registered oil programs.

Subsection (e) is designed to prevent avoidance of the provisions of the bill by an issuer which is primarily engaged in a non-oil program business (e.g., an issuer which is primarily a tax-sheltered real estate, cattle, or citrus grove program), but which spends a substantial amount of its investors' money ($500,000 in any 12 month period) on oil program activities. This purpose would be accomplished by requiring such an issuer to conduct its oil program activities through a separate legal entity which is registered and otherwise regulated as an oil program under this bill, if it makes a public offering or if it has more than 35 beneficial owners of its securities. Beneficial ownership would be computed in the manner provided in Section 4(c)(2).

SECTION 8. REGISTRATION OF OIL PROGRAMS

Subsection (a) provides that registration of an oil program organized under the laws of the United States or a State shall become effective upon filing with the Commission of a notification of registration.

Subsection (b) provides for the filing of a formal registration statement within a reasonable time after registration, as fixed by the Commission. The registration statement must include a recital of an oil program's policy with respect to specifically enumerated items and supply certain other information. The Commission is authorized to prescribe the information and documents to be filed in such registration statement.

Subsection (c) makes provision for the simplification of the registration procedure by permitting the filing of copies of registration statements already filed under certain acts now administered by the Commission.

Subsection (d) sets forth the procedure for correcting or suspending materially deficient registration statements.

Subsection (e) empowers the Commission to cancel the registration of an oil program if the Commission finds that it has ceased to be an oil program. If necessary for the protection of investors, an order for deregistration may be made upon appropriate conditions, including registration under the Investment Company Act of 1940, if such program after deregistration would be an investment company as defined in that Act.

Subsection (f) authorizes the Commission to exempt any operating entity of a registered oil program from any of the provisions of Section 8, if and to the extent such exemption is necessary or appropriate in the public interest and with the protection of investors. The term "operating entity" is defined in Section 3(a)(23) as any oil program all of the outstanding participations of which are directly owned by a registered oil program and through which such registered oil program conducts all or a significant part of its business. Some oil programs organized as limited partnerships conduct their activities through one or more other limited partnerships ("operating entities") in which the limited partnership is the sole limited partner. In some arrangements of this kind, investors are given the opportunity of dividing their purchase price among such operating entities.[19] Since operating entities of such oil programs are generally organized pursuant to an identical instrument, the filing of separate registration statements for each entity may result in overly repetitious filings. Accordingly, subsection (f) is intended to permit the Commission to avoid unnecessary duplication of paper work in connection with registering an operating entity under the bill. However, this subsection is not intended to relieve an operating entity of any of the requirements imposed on oil programs in the other provisions of the bill.

SECTION 9. INELIGIBILITY OF CERTAIN PERSONS

Subsection (a) makes it unlawful for any person barred from serving investment companies in the capacities enumerated and for the reasons specified in Section 9(a)(1) of the Investment Company Act to serve or act as an employee, officer, directors, manager, or principal underwriter of a registered oil program, or as an affiliated person of such manager or principal underwriter (paragraph (1)). This subsection also bars any person from serving an oil program in those capacities who within 10 years has been convicted of a crime arising out of such person's conduct as an underwriter, broker, dealer, or as manager or affiliated person or salesman of any oil program, or as affiliated person of any such manager (paragraph (2)).

Subsection (b) authorizes the Commission to institute administrative proceedings to prohibit any person from serving a registered oil program in certain capacities if such person has violated any provision of the bill or certain provisions of the other federal securities laws.

Subsection (c) authorizes the Commission to exempt any person from the prohibition set forth in subsection (a) where it is shown

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that the penalty as applied to any such person would be unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors that such exemption be granted.

SECTION 10. OFFERS OF EXCHANGE; REPURCHASES; ASSESSMENTS

Subsection (a) makes it unlawful for any registered oil program, any manager or principal underwriter of such program, or any affiliated person of those persons, to make or cause to be made any offer of exchange to a holder of a program participation, unless five conditions are met which are designed to protect investors. First, such an offer must be made only after the expiration of two years after the program commenced operations. Prior to such time, oil programs generally do not have sufficient operating history to make valuations of their reserves with any degree of reliability. Second, the offer of exchange must be made to all holders of program participations of such program. Third, if the offer is made to the manager or principal underwriter, or their affiliates for any interest they may have in the programs, such offer must not be on a basis which is more advantageous to those persons than to the holders of program participations. Fourth, the value of any security or other consideration offered must be at least equivalent to the value of the program participation. Fifth, the terms of the offer, the basis of valuation and such other information required by any Commission rules must be filed with the Commission at least 30 days prior to the consummation of the exchange and must be transmitted to the offerees, with certain exceptions from this requirement if the offer is made by means of a registration statement meeting the requirements of the Securities Act or if the security offered is exempted by Section 3(a)(10) of the Securities Act.

Subsection (b) makes it unlawful for a registered oil program or the manager or principal underwriter or their affiliates, to sell any program participation issued by such program which is or purports to be repurchasable, unless four conditions are met. First, a repurchase must be made only after the expiration of two years after the program commenced operations, except that a production purchase program may repurchase after it has fully invested the proceeds of the sale of participations. A "production purchase program" is defined in Section 3(a)(28) as an oil program substantially all of whose business consists of owning, holding, or investing in oil or gas interests in producing properties, thus permitting greater reliability in valuations of reserves. Second, the person obligated to make the purchase must not be a registered oil program. Third, a repurchase must be made only in cash and in an amount equal to the value of the program participation. Fourth, the person obligated to make the repurchase and any person obligated by contract to furnish such person funds to make repurchase must have a combined net worth equal to at least 15 percent of the amount of program participations such person may be obligated to repurchase in all registered oil programs.

Subsection (c) provides that the person who is obligated to repurchase program participation of a registered oil program pursuant to subsection (b) may not suspend the right of repurchase or postpone the date of satisfaction upon repurchase for more than seven days after the date specified for repurchase, except for periods when certain emergencies exist.

Subsection (d) sets forth the manner in which the value of oil program participations should be determined for the purposes of offers of exchange and repurchases pursuant to subsections (a) and (b) respectively. In this regard, value of program participations means the fair value of oil and gas reserves and other assets of the program. The present worth of future net revenues attributable to oil and gas reserves of the program must be determined by an independent petroleum engineer within 120 days of the date proposed for the exchange or of the date upon which repurchase is to be made. Supplemental revisions to such valuation must be made to reflect any material changes. In order to arrive at the present worth of dollars to be received in the future, the person obligated to make the exchange or repurchase shall discount future net revenues in good faith. And, in order to arrive at fair value, present worth shall be discounted by such person in good faith for risk. The fair value of other assets of the oil program must be determined in good faith by the person obligated to make the exchange or repurchase.

In addition, subsection (d) provides the value of securities of a company for which market quotations are readily available shall be the market value of such securities. If no such quotations are readily available, the value of such securities is the fair value.

Subsection (e) makes it unlawful for any registered oil program to issue any program participation providing for mandatory assessments upon the holder thereof which exceed 15 percent of the initial subscription price. This subsection also prohibits the provision of any penalty or forfeiture of the holder's interest in such program for failure to pay any assessment, whether mandatory or optional. With respect to a failure to pay a mandatory assessment, "penalty or forfeiture" means the loss by the holder of a program participation of any interest in such program in excess of 300 percent of the amount of such unpaid mandatory assessment. But, in the event of any legal action to collect any unpaid mandatory assessment, any amount in excess of such unpaid amount and the actual damages to the program caused by the failure to pay such assessment as may be awarded in a judgment against such holder would be a "penalty or forfeiture." With respect to a failure to pay an optional assesment, "penalty or forfeiture" means any loss other than reduction of the holder's interest in the oil program to the ratio of his capital contribution.

SECTION 11. FUNCTIONS AND ACTIVITIES OF OIL PROGRAMS

Subsection (a) makes it unlawful for a registered oil program and companies it controls to hold, purchase or otherwise acquire any program participation issued by any other oil program. This subsection also makes it unlawful for any oil program and companies it controls to hold, purchase, or otherwise acquire any program participation issued by any registered oil program.

Subsection (b) makes it unlawful for a registered oil program, any principal underwriter therefor, or any registered broker dealer, knowingly to sell or otherwise dispose of any program participation by such oil program to any other oil program or companies it controls.

Subsection (c) provides an exception from the prohibition of subsection (a) for a registered oil program which conducts all or a significant part of its activities through oil programs which are operating entities. However, the prohibition in subsection (a) would be applicable to any such operating entity.

Subsection (d) would also prohibit a registered oil program or companies it controls from holding, purchasing or otherwise acquiring any security of or any other interest in the business of an investment company, as that term is defined in the Investment, Company Act.

Subsection (e) provides an exception from subsections (a) and (b), for a registered production purchase program which purchases a program participation of an oil program which is producing oil and gas, provided that such program is not required to pay any sales charge or management fee by reason of holding or purchasing such program participation.

The purpose of Section 11 of the bill is to prevent pyramiding of control of oil programs and layering of management fees, sales, charges and other costs.

SECTION 12. CHANGES IN FUNDAMENTAL POLICY

Subsection (a) requires every registered oil program to include in the instrument pursuant to which it is organized the recitals of policy required by section 8(b) to be set forth in its registration statement.

Subsection (b) makes it unlawful for a registered oil program, unless authorized by the vote of the holders of a majority of its outstanding program participations, to change its classifications as defined in section 5 (except a change in classification from diversified to non-diversified resulting from a force majeure); to change or deviate from certain fundamental policies as stated in its registration statement; or to change the nature of its business so as to cease to be an oil program, except pursuant to dissolution.

Subsection (c) provides that a change in the policies of an operating entity of a registered oil program shall be deemed to be a change in the policies of such registered program.

Subsection (d) provides that nothing contained in Section 11 shall affect any limitations of liability to which the program participations of a registered oil program would otherwise be entitled under the laws of any state. The provisions for investor control of the policies of oil programs may raise difficult questions under the limited partnership laws of many states insofar as the continuation of limited liability of limited partners is concerned. Accordingly, subsection (d) would supersede any state law to the etxent it might be read to preclude limited liability of limited partners of a registered oil program by reason of the exercise of the voting rights provided by Section 12.

Subsection (e) provides that every program participation shall have equal voting rights with every other program participation on matters subject to subsection (a).

SECTION 13. SIZE OF OIL PROGRAMS

Section 13 makes it unlawful for a registered oil program or a principal underwriter for such program to make a public offering of a program participation of such program unless certain conditions are met. First, the manager of the oil program must meet net worth requirements of section 14(a), which are discussed below. Second, provision must be made in connection with the registration of such securities under the Securities Act which in the opinion of the Commission adequately insures that: (A) such oil program will not commence operations until cash or subscriptions for such participations are received in an amount equal to at least the greater of $250,000 or other amount established by such program; (B) that arrangements will be made whereby any proceeds so paid in, including sale charges, will be placed immediately in a custodial account with a bank and will be refunded to any subscriber without any deduction, in the event that the net proceeds or subscriptions so received by the program do not equal the minimum amount within 90 days after the date specified in the registration statement for the commencement of operations; and (C) that the offering of program participations of such program or any other program with the same manager shall terminate if the manager fails to meet the net worth requirements of section 14(a).

SECTION 14. MANAGEMENT AGREEMENTS

Subsection (a) specifies minimum net worth requirements for persons acting as managers of oil programs. This subsection would make it unlawful for any person to serve or act as a manager unless such person maintains at all times a net worth equal to the greater of (a) $250,000, or (b) the lesser of $1,000,000 or 5 per cent of the total capital contributions made by the holders of program participations of all registered oil programs managed by such person. For the purpose of the 5 per cent computation, the capital contributions of oil programs organized during the two-year period prior to the determination of net worth are taken into account. The subsection also specifically permits the manager to take into account in computing its net worth the value of its reserves of oil, gas and other minerals and the net worth of a guarantor of the manager's obligations to the oil program. If more than one person serves as manager, these net worth requirements may be met by aggregating the net worth of such persons in accordance with Commission rules.

Subsection (b) requires that any person acting as a manager for an oil program must have a written contract with such program which precisely describes the basis for the calculation of all compensation to be paid thereunder and the allocation or basis of allocation of costs and revenues between the holders of program participations and the manager. Such contract must also provide for its automatic termination in event of its assignment, unless a contract with the assignee is approved within 90 days of such assignment by the vote of the holders of a majority of the outstanding program participations. If approval is not obtained, the oil program shall be dissolved as provided in the instrument pursuant to which it was organized, in which case the manager shall continue to be responsible for the operations of the program until the time the program is deregistered pursuant to Section 8(e) of this act. Also, the manager must dissolve and liquidate the program as of a specified date, but not later than 60 days after the start of the taxable year of such program following the date of assignment.

Subsection (b) requires management contracts to be approved by the vote of the holders of a majority of the outstanding securities of an oil program. However, a person who purchases a program participation of a registered oil program in connection with the offering of program participations is deemed to have approved any management contract set forth in the prospectus. Finally, the subsection requires that any material change in the terms of the contract must be approved by the vote of the holders of a majority of the outstanding program participations of such oil program.

Subsection (c) contains a provision similar to that in Section 12(d) with respect to the effect of Section 14 on the limitations of liability that would otherwise be afforded to holders of program participations under state law.

Subsection (d) contains a provision similar to that in Section 12(e) requiring that program participations have equal voting rights for the purposes of this section.

SECTION 15. LOANS

Subsection (a) prohibits an oil program from lending money or other property to any person, directly or indirectly, if the policies of such program do not permit it or if such person is the manager, principal underwriter, or an affiliated person of either such person.

Subsection (b) excepts from the prohibition in subsection (a) certain transactions which occur in the ordinary course of and incidental to an oil program's business. These transactions include (1) certain payments which an oil program might make to a manager or other specified person where the proportional obligations of the program and the manager or other person are not determinable at the time of such payment, provided that the manager or other person makes reimbursement within 45 days after such obligations become determinable; (2) a loan to a manager or other person which is used for the benefit of the program in connection with a joint venture or sharing agreement otherwise permitted by the provisions of the bill; and (3) certain advances of money of an oil program through its manager or such other person in connection with a joint venture or certain other sharing arrangements, provided that reimbursement is required to be made within 45 days of such advance.

SECTION 16. PERIODIC PAYMENTS OR INSTALLMENTS

Subsection (a) makes it unlawful for a registered oil program to issue a program participation the purchase price of which is payable in installments, unless such installments, after the initial payment, are required to be made in not more than three payments and to be paid in full no later than 12 months after the date the program commences operations. No such participation may provide for any penalty or forfeiture of the holder's interests in the oil program for failure to pay any installment. In this connection, penalty or forfeiture has the same meaning as it does with respect to mandatory assessments in Section 10(e).

Subsection (b) provides that the initial sale of a program participation, the purchase price of which is payable in installments in compliance with subsection (a), shall not be deemed to be an extension or arrangement of credit for the purposes of the Securities Exchange Act of 1934.

SECTION 17. REORGANIZATIONS

Section 17 requires any person proposing a plan of reorganization of a registered oil program to file with the Commission a copy of the plan 30 days prior to use and any proxies or other consents relating to the plan 10 days prior to use. This section also authorizes any federal district where the oil program has its principal place of business to enjoin the plan if it determines that the plan is not fair and equitable to all participants.

SECTION 18. PROXIES

Section 18 provides that the solicitation of proxies, consents, and authorizations relating to securities of registered oil programs shall be subject to Commission rules and regulations. Such rules and regulations would apply to such a solicitation relating to changes in the recital of policy contained in the registration statement, in the program agreement or management agreement.

SECTION 19. TRANSACTIONS WITH AFFILIATED PERSONS

Paragraph (1) of subsection (a) makes it unlawful for any manager, promoter or principal underwriter of a registered oil program or any affiliated person of those persons to purchase property from or sell property to such program unless certain conditions are met: (A) In the case of a sale to a program such sale is to be made at cost or, if the seller has reasonable grounds to believe that cost is materially more than fair market value, at fair market value. (B) In the case of a purchase from a program, such purchase is to be made at fair market value or, if the purchaser has reasonable grounds to believe that cost is materially more than fair market value, at cost. This provision is intended to assure that registered oil programs obtain the most advantageous price in transactions in property with persons who, by reason of their control or influence over such programs, are in a position to overreach the programs.

The prohibitions in paragraph (1) are not applicable to transfers of property among oil programs under common management made in exchange for the transferee's obligation to conduct drilling activities on the transferred property or to joint ventures among such programs, provided the management compensation arrangements are the same in each program. In such transactions the potential for conflicts of interest appear to be minimal.

Paragraph (2) of subsection (a) requires every registered oil program to file with the Commission and transmit to program participants an annual report on all transactions subject to paragraph (1).

Subsections (b) and (c) are designed to protect program participants from overreaching by management through its opportunity to manipulate properties and drill for its own benefit on property which adjoins program property. Paragraph (1) of subsection (b) prohibits a manager or a controlling person of a manager, for 3 years after expenditure of the purchase price of the program participations, from drilling for oil or gas or retaining or acquiring any oil or gas interest for such person's own account in the oil program's area of interest in contravention of rules which the Commission may prescribe to prevent unfair discrimination. Paragraph (2) of subsection (b), however, provides that drilling by the manager or a controlling person of the manager within the 3 year period on a separate geological prospect within the program's area of interest shall not be deemed unfair discrimination, provided that the prospects on which the oil program has drilled have been adequately delineated as determined by the Commission upon application or the manager or its controlling person files with the Commission an undertaking that it is no longer engaged in the oil program business.

Subsection (c) prohibits the manager or its controlling person from acquiring, retaining or drilling for its own account on any oil or gas interest on any prospect in which the oil program also has an interest. If the geographical limits of a program's prospects are enlarged to include an interest held by the manager or controlling person, such interest must be sold to the programs in accordance with the provisions of subsection (a)(1)(A) and any net income from the interest turned over to the program.

Subsection (d) provides that, for the purposes of subsection (a) and (c) a manager or controlling person shall not be deemed to own an oil or gas interest or drill for its own account solely by reason of its participation or interest in a registered oil program, or if it retains the same proportionate interest in all program properties and shares costs proportionate to its retained interest.

Subsection (e) provides certain exceptions from subsections (b) and (c). It would permit the acquisition by a manager of an oil program or a controlling person of the manager of an oil or gas interest which is producing in paying quantities, unless the program is primarily engaged in the acquisition of such interests. This subsection also excepts the subsequent development of any oil or gas interest which on the effective date of this title any manager or controlling person is bona fide exploring or developing for its own account.

Subsection (f) requires that management participation in two programs under common management drilling within 25 miles of one another be substantially similar unless it is established that the two programs are drilling on separate geological prospects.

Subsection (g)(1) provides that a manager or principal underwriter of a registered oil program or any affiliated person of the manager or principal underwriter may render oil field services and sell or lease oil field equipment and supplies to the program only if (A) such person is engaged, independently of the program and as an ordinary ongoing business, in the business of rendering such services and selling or leasing such equipment and supplies to unaffiliated persons; (B) such services, equipment and supplies are necessary in the ordinary course of the program's business; (C) the compensation for the services, equipment or supplies is competitive with prices charged by others engaged in the business of rendering such services or furnishing such equipment and supplies available to the program. If the manager, principal underwriter or an affiliated person of either is not engaged in such business then compensation for services, equipment and supplies must be at cost or competitive price, whichever is less, or at a price established by competitive bidding.

Paragraph (2) of subsection (g) requires that oil programs file annual reports of all purchases of services and purchases or rentals of equipment and supplies with the Commission, and transmit such reports to their program participants. Such reports should provide comparative data from which competitive prices may be determined. The price limitations of this subsection together with the reporting requirements are designed to protect program participants from abuses which can easily arise in the service and equipment area because of the unique relationship between the manager and the program.

Subsection (h) sets forth requirements for custody of the programs' cash and securities (other than oil and gas interests).

Subsection (i) prohibits an oil program's organizing instrument from protecting the manager's officers or directors against liability to the program or program participants for willful misfeasance and other misconduct.

Subsection (j) prohibits the management or underwriting agreement from protecting the manager or principal underwriter from liability to the program or its participants for willful misfeasance and other misconduct.

SECTION 20. SUITABILITY; DISTRIBUTION OF OIL PROGRAM SECURITIES

Subsection (a) authorizes the National Association of Securities Dealers, Inc. ("NASD") to adopt rules to prescribe standards by which broker-dealers which are members of the NASD shall determine the suitability of an investment in an oil program for any person and requirements as to sales literature used in connection with the distribution of oil programs participations.

Subsection (b) authorizes NASD rulemaking to prohibit excessive sales loads on oil program securities sold by its members and to provide for reasonable sales loads to investors.

Subsection (c) further authorizes the NASD to make rules which prescribe a classification system for management compensation, and allocation of costs and revenues between investors and management and which define terms used by registered oil programs to describe such compensation and allocation to give investors the opportunity to make meaningful comparisons of management compensation arrangements.

Subsection (d) authorizes the Commission to adopt rules to effectuate the purposes of subsections (a), (b) and (c) with respect to distributions of oil program securities by broker-dealers who are not NASD members; i.e., registered with the Commission only ("SECO"), However, SECO broker-dealers may file an election to comply with NASD rules in lieu of Commission rules. In addition, subsection (c) gives the Commission rulemaking authority covering the same subject matter and for the accomplishment of the same ends as are prescribed in subsections (a), (b) and (c) in respect of rules which may be made by the NASD.

Subsection (e) gives the Commission authority to abrogate in whole or in part any NASD rules adopted pursuant to subsections (a), (b) and (c).

Subsection (f) provides that the provisions of Section 19 shall prevail over any law of the United States with which they may be in conflict and is intended to preclude any question of the applicability of the anti-trust laws to the NASD's activities under this section.

Subsection (g) prohibits issuance of a registered oil program participation for services or property other than cash or readily marketable securities.

Subsection (h) prohibits an oil program from issuing any program participation to the public at a price less favorable than the price paid by the manager of such oil program or any affiliated person of such manager for any program participation issued by such program.

SECTION 21. REGISTRATION OF SECURITIES UNDER THE SECURITIES ACT OF 1933

In order to eliminate duplication in the material filed under the Securities Act and this bill, subsection (a) provides that oil programs may register under the Securities Act by filing copies of their registration statements under this title and such other information as the Commission may prescribe.

Subsection (b) makes the intrastate offering exception in Section 3(a)(11) of the Securities Act of 1933 unavailable to any program participation issued by an oil program. It also makes the dealer's exemption in Section 4(3) of that Act unavailable to any transaction in a program participation issued by a registered oil program if any other program participation of the same class is currently being offered or sold by the issuer of, by or through, an underwriter in a distribution which is not exempt from Section 5 of that Act.

SECTION 22. LARCENY AND EMBEZZLEMENT

Section 22 makes larceny and embezzlement from registered oil programs a federal crime.

SECTION 23. FRAUD

Section 23 makes it unlawful for any manager of any oil program whether or not registered under this title or any affiliated person of such manager to engage in certain specified practices which are fraudulent or operates as a fraud on any investor or prospective investor in an oil program.

SECTION 24. MISLEADING NAMES

Subsections (a), (b), and (c) contain the provisions similar to those in the Securities Act of 1933 prohibiting the misrepresentation of the effect of registration with the Commission.

Subsection (d) makes it unlawful for a registered oil program after enactment to adopt as part of its name or title the words "mutual fund," "investment company" or any other misleading words. This prohibition may be enforced by order of the Commission when the name is adopted after the effective date of the bill, and by a court at the suit of the Commission as to names theretofore adopted.

Subsection (e) makes it unlawful to represent or imply that an investment in an oil program is comparable to one in an investment company.

SECTION 25. FILING OF DOCUMENTS WITH THE COMMISSION IN CIVIL ACTIONS

Section 25 requires registered oil programs and certain affiliated persons to file with the Commission copies of pleadings, verdicts, proposed settlements and other documents in certain civil actions involving such programs or affiliated persons.

SECTION 26. DESTRUCTION AND FALSIFICATION OF REPORTS AND RECORDS

Subsection (a) prohibits the willful destruction, mutilation or alteration of accounts and records required to be prepared pursuant to Section 28 (a) or 27(f).

Subsection (b) contains provisions similar to those in the Securities Act of 1933 prohibiting misrepresentation and half-truths in registration statements and other documents required to be filed with the Commission. It also imposes a similar responsibility upon accountants and auditors insofar as financial statements and reports signed or certified by them are concerned.

SECTION 27. PERIODIC AND OTHER REPORTS

Subsection (a) requires registered oil programs to file annually with the Commission such reports and documents in such form and containing such information as prescribed by Commission rules.

Subsection (b) requires every registered oil program to file such information and documents (other than financial statements) as the Commission may require on a semi-annual or quarterly basis to update its registration statement. It also provides that oil programs must file with the Commission copies of reports to program participants.

Subsection (c) authorizes the Commission to require oil programs to transmit semiannually to their program participants reports containing certain specified financial and other information.

Subsection (d) requires every registered oil program which issues a program participation which provides for any assessment to transmit to its participants prior to making any assessment a report containing such information and financial statements as the Commission may prescribe by rules.

Under subsection (e), annual reports to the Commission and program participants may be required by Commission rules to be certified by independent public accountants and independent petroleum engineers.

Subsection (f) authorizes Commission rulemaking to require accountants, auditors and independent petroleum engineers to keep reports, worksheets and other documents relating to oil programs.

Subsection (g) exempts registered oil programs from the reporting and registration requirements of the Securities Exchange Act of 1934.

SECTION 28. ACCOUNTS AND RECORDS

Subsection (a) authorizes the Commission to require oil programs and their managers to preserve accounts, records, and documents upon which financial statements required by Section 27 are predicated.

Under subsection (b), the accounts, records, and documents kept pursuant to subsection (a) are subject at all times to examination by the Commission or its representatives.

Subsection (c) authorizes the Commission to provide for a reasonable degree of uniformity in the accounting policies and principles to be followed by oil programs.

Subsection (d) authorizes the Commission in special cases to grant exemptions from its accounting rules under subsection (c).

SECTION 29. CONFORMANCE OF EXISTING OIL PROGRAMS

Section 29 authorizes the Commission to adopt rules designating which provisions of the title shall be applicable to any oil program which commenced operations prior to its enactment date. In adopting such rules, the Commission shall give appropriate consideration to the purposes fairly intended by the title, the protection of investors, and the difficulty in adapting existing oil programs to the regulatory pattern of the title. However, no oil programs which commenced operations prior to the effective date of the bill would be subject to Section 5 (classification), 13 (capital requirements), 14 (management agreements), or 20 (suitability and distribution of securities).

SECTION 30. EXEMPTION FROM INVESTMENT COMPANY ACT OF 1940

Section 30 provides an exemption from all provisions of the Investment Company Act for any oil program registered under this title and from provisions of the Investment Advisers Act of 1940 as to any oil program manager.

SECTION 31. STUDY OF OIL PROGRAMS

Section 31 authorizes the Commission to make studies and investigations of oil programs from time to time to assist in the implementation and administration of this title and to determine whether remedial legislation is required.

SECTION 32. REINVESTMENT OF INCOME OR CASH FLOW

Subsection (a) prohibits a registered oil program from requiring any program participant to reinvest his shares of such program's income or cash flow in any other oil program.

Subsection (b) makes it clear that subsection (a) should not be interpreted to prohibit a registered oil program from offering to its program participants a voluntary plan for reinvestment in another oil program of such participant's share of program income or cash flow, if prior to reinvestment such participant is furnished a prospectus of the other program and gets complete information on the amount of income or cash flow to which he is entitled.

SECTION 33. TAX RULING AND OPINION

Section 33 makes it unlawful for any oil program to conduct any business or make a public offering of its securities unless it has a tax ruling from the Internal Revenue Service or an opinion of its counsel that investors in the program will obtain the federal tax results described in the prospectus of such program.

SECTION 47. REPEALER

Section 47 repeals the exception in Section 3(c)(9) of the Investment Company Act, which is presently relied upon by some oil programs. This exception is not necessary in view of the exemption in Section 30 from the Investment Company Act for oil programs registered under that title.

PROCEDURAL, ADMINISTRATIVE, ENFORCEMENT, AND FORMAL PROVISIONS

The remaining provisions of the Act generally follow similar provisions in statutes now administered by the Commission.

FOOTNOTES

[1] House Rep. No. 91–1631, 91st Cong., 2d Sess. (1970), p. 27.

[2] *Id.*

[3] Section 2(a)(28) of the Investment Company Act defines "person" to mean a natural person or a company.

[4] Senate Rep. No. 1775, 76th Cong., 2d Sess. (1940), p. 13; and House Rep. No. 2639, 76th Cong., 3d Sess. (1940), p. 12. However, the Commission's Report on Investment Trusts and Investment Companies, pt. 1 (1938), p. 3, suggests that the exclusion in Section 3(c)(9) of the Investment Company Act was designed for oil and gas royalty trusts. In this connection the Commission stated that: "Oil and gas royalty trusts were not included in the Commission's survey. These royalty trusts frequently resemble the fixed or semi-fixed type of investment trust. The vital difference, however, is that the assets of the oil and gas royalty trusts are not stocks or bonds but consist of interests of a specialized kind in oil, gas, and other mineral rights. Because of the nature of this type of investment medium, the Commission did not include it in the study of investment companies."

[5] H. Rep. No. 2337, 89th Cong., 2d Sess. (1966) p. 329 (hereafter referred to as "Mutual Fund Report").

[6] S. 1659 (90th Cong., 1st Sess.), Sec. 3(b)(5). The exception still would have been available where (1) interests in oil and gas funds were sold for lump sum payments and not installments and (2) no redemption rights were given to security holders.

[7] S. 3724 (90th Cong., 2d Sess.) Sec. 3(b)(5).

[8] Senate Rep. No. 1351, 90th Cong., 2d Sess. (1968), p. 36.

[9] See S. 2224 (90th Cong., 1st Sess.), Sec. 3(b)(5). This amendment would not have taken effect for 18 months after enactment in order to give the Commission and the industry time to work out an equitable arrangement for regulation, through appropriate use of the Commission's exemptive authority under Section 6(c) of the Investment Company Act, which would protect investors, yet not impose an unreasonable burden on the industry. In this connection, see 115 *Cong. Rec.* 13694–13697 (1969) (floor discussion on S. 2224).

[10] See Hearings on H.R. 11995, S. 2224, H.R. 13754 and H.R. 14737. Before the Subcommittee on Commerce and Finance of House Committee on Interstate and Foreign Commerce, 91st Cong., 1st Sess., ser. 34, pt. 2 (1969), p. 873 (hereafter referred to as "1969 House Hearings").

[11] 1969 House Hearings, p. 873.

[12] Id., pp. 873–874.

[13] 1969 House Hearings, p. 946. See also similar statement of Truman E. Anderson, member of board of governors of OII, 1969 House Hearings, pp. 733–735.

[14] Section 3(a) defines investment company in pertinent part, as "any issuer—which—(1) is or holds itself out as being engaged primarily in the business of investing, reinvesting, or trading in securities, . . . or (3) is engaged or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percentum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

[15] Section 3(b)(1) provides that "Notwithstanding paragraph (3) of subsection (a), none of the following persons is an investment company within the meaning of this title: (1) Any issuer primarily engaged, directly or through a wholly-owned subsidiary or subsidiaries, in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities."

[16] A limited partner would became absolutely liable as a general partner if, in addition to the exercise of his rights and powers as a limited partner, he were to take part in the control of the business. See Section 7 of the Uniform Limited Partnership Act, adopted by most states.

[17] In an oil program organized as a joint venture, one of the joint ventures is appointed by the public investors, pursuant to the terms of the offering, to be the managing agent with powers comparable to those of a general partner of a limited partnership.

[18] Usually, a manager is a general partner of an oil program organized as a limited partnership or a managing agent of an oil program organized as a joint venture, or an affiliate of such general partner or managing agent.

[19] In another type of arrangement used in the industry, an oil program organized as a limited partnership makes several separate public offerings of its program participations over a period of time and conducts all of its activities through a single operating entity. Of course, these would be considered offerings of program participations of only one oil program. Also, the offerings subsequent to the first would not constitute assessments or installment payments.

By Mr. BURDICK:

S. 3885. A bill to amend section 8345 (a) of title 5, United States Code, to provide guaranteed annuity benefits equal to the minimum primary insurance amount authorized under section 215(a) of the Social Security Act, as amended, and for other purposes; and

S. 3886. A bill to provide increases in certain Civil Service retirement annuities. Referred to the Committee on Post Office and Civil Service.

Mr. BURDICK. Mr. President, today I am introducing for appropriate reference two bills designed to bring equitable treatment to thousands of Federal retirees, dependents, and survivors who are now facing a day-to-day struggle for existence. The legislation will provide $20 per month increase for most annuitants who now receive less than $200 per month and will establish minimum benefits for civil service retirees equal to the minimum recently established for social security beneficiaries.

The effect of the first proposal is to grant a flat $20 per month increase to those who now receive less than $181 per month from the civil service retirement fund. The bill also provides a proportionately lower increase for those in the $181 to $199 per month bracket to bring them up to the $200 monthly level. Figures provided me indicate that there are some 448,000 Federal retirees, survivors, and surviving children who are presently receiving benefits less than $200. This legislation would give these people another $19 per month, on the average.

The second proposal would raise the civil service retirement minimum payment to the new social security minimum of $84.50 a month. This minimum would apply to retired employees, to surviving widows and widowers, and to dependents. Also, the bill would automatically trigger an increase in the civil service annuity floor whenever the social security minimum changes. Recent studies show that 145,000 individuals would be affected by this legislation and would receive increased benefits averaging $31 per month.

My colleagues are well aware of the legislation already before Congress to increase civil service annuities. Earlier this year the Subcommittee on Compensation and Employment Benefits of the Senate Post Office and Civil Service Committee, a subcommittee which I chair, held hearings on one such bill introduced by the able Senator from New Mexico, Senator MONTOYA. A good case was made at that hearing for increases to all annuitants, but many of us were concerned that across-the-board increases could not be obtained this year. Recent actions by this body to recompute military retirement pay and to raise social security benefits have given hope to many former Federal employees—especially those on the lower end of the annuity ladder—that relief is on the way. The two bills I am introducing today will help provide this relief.

By Mr. MONDALE:

S. 3889. A bill to extend the periods for which certain SBA loans may be made. Referred to the Committee on Banking, Housing and Urban Affairs.

PROPOSAL TO EXTEND THE TERM OF SBA LOANS

Mr. MONDALE. Mr. President, small business plays a vital role in the American economic system, particularly in rural areas. It provides much needed employment and encourages competition which is absolutely essential in keeping inflation in check.

The bill which I am introducing today is designed to stimulate small business by making Small Business Administration loans available for longer terms than they are at present.

Today, the Small Business Administration requires that a small business loan for the purchase of existing facilities be repaid in only 10 years. When new facilities are to be built, the term of the loan may be 15 years. My proposal is to allow a 15-year term for loans to purchase existing businesses and a 20-year limit when new facilities are involved.

Small business loans play a vital role in Minnesota in maintaining and expanding economic activity and creating jobs. In 1971, the Small Business Administration participated in 500 loans in Minnesota worth $27 million. About 70 percent of these loans were made in nonmetropolitan areas of the State where unemployment is particularly acute. Unemployment is running about 8.5 percent in the rural areas of Minnesota while it is about half that in Minneapolis-St. Paul. Even in 1969, when unemployment was about 2 percent in Minneapolis-St. Paul, the rate in rural areas was more than 4 percent, so the need for programs to stimulate employment in rural areas is particularly great.

The approximately $19 million in small business loans which were made in rural Minnesota in a single year create a great many jobs. The average small business which receives a loan employs 13 people. If we estimate that one job is created for each $10,000 investment, we can assume that almost 3,000 jobs and perhaps more were created in 1971 alone by this program. My bill will make loans for small business more readily available and, therefore, add to the job creating effect of the program.

The average SBA loan in Minnesota under the business loan program in 1971 was a little more than $50,000. My bill, by providing for repayment in 15 years instead of 10, would reduce the average monthly repayment amount by more than 20 percent. Clearly a 20-percent reduction in the monthly payment will make many small business investments which cannot be undertaken on today's terms more attractive from an investor's point of view. Experts in the field agree that there are a great many worthwhile longer term investments which will be facilitated by the extension of the loan period.

Mr. President, I have made extensive inquiries about this proposal and in every case there has been agreement that lengthening the term of SBA loans is a safe and responsible proposal. Small bankers in Minnesota have indicated that they now must turn down many potential lenders who they would be glad to accommodate if the term of SBA loans was extended, as I am proposing. As I have shown, the job-creating potential of this bill is significant. Given the desperate need for jobs in rural and urban areas, I hope that the Congress will move quickly to approve this bill.

By Mr. TUNNEY:

S.J. Res. 256. A joint resolution relating to the accounting of prisoners of war and missing in action. Referred to the Committee on Foreign Relations.

Mr. TUNNEY. Mr. President, in the recent debates over end-the-war legislation, one of the main topics of concern was the American men who are missing or held prisoner in Southeast Asia. This is entirely appropriate and I cannot stress too strongly how deeply I share that concern. There are a total of 1,757 American military personnel currently known to be prisoners of war or missing in action in Indochina, yet only 363 are acknowledged prisoners of the North Vietnamese. Neither the National Liberation Front nor the Pathet Lao have admitted holding a single American. The fate of 1,394 men is unknown to us.

Last Wednesday, the Senate passed an amendment to the military procurement authorization bill which requires an accounting of all Americans missing in action prior to completion of the withdrawal of American forces from Vietnam. That total U.S. military withdrawal is conditioned upon the release of all American POW's. The sooner we terminate our military activities in Indochina, the sooner we will see our POW's back home.

However, I do not feel that we should stand idly by in anticipation. I believe that our Government should begin now, an all-out effort to obtain a full and complete accounting of every American soldier who is listed as missing by our Armed Forces command in Southeast Asia. The families of these men have endured years of lonely and frequently painful waiting for news of their loved ones. Communication with known POW's is infrequent and impersonal. Often letters are returned, and rarely are they acknowledged. The brief television flashes of prisoners occur infrequently, and only show a few faces. We cannot be certain that those who have been acknowledged as prisoners remain alive in North Vietnamese prisons. And these prisoners represent only a fraction of the men who have disappeared.

The Geneva Convention, to which all the governments participating in the conflict in Southeast Asia have agreed, specifies that complete lists of prisoners captured shall be published, and that international neutral relief for religious organizations shall be permitted to inspect the detention camps. No such opportunity has been allowed by North Vietnam. Thus the members of the International Red Cross have not been able to shed any further light on the identity of the prisoners or of the conditions under which they are now forced to exist. We do know, however, from various international sources and from former prisoners of war, that the North Vietnamese are holding men whom they have never identified.

The task remains, to obtain from the Communists a complete accounting of 1,757 members of our Armed Forces in Indochina. The anguish of their friends and families grows with each passing day. We have given them cause to hope that the war may be nearing completion. But we have not yet officially stated the intent of the Congress to secure the information which they have so long awaited. There is no reason to delay.

For this reason, I am submitting today a joint resolution, to memorialize the President to secure an accurate and complete accounting of all American servicemen missing in Southeast Asia, and to report his findings to this body before the end of this calendar year. I join with my colleagues in the hope that this tragic conflict will be ended and that the prisoners will be home by that date. It is not my intent in introducing this resolution to question or to hamper the efforts of any official to conclude the war by a just and prompt peace settlement. But the lists of POW's and MIA's should have been forthcoming on a regular basis since the beginning of this war. We have yet to receive an official list of prisoners from North Vietnam. To coincide with present negotiations to end the fighting, our Government must press for full disclosure of prisoners. It is the intent of this resolution to insure that this is accomplished.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

SENATE JOINT RESOLUTION 256

Whereas of the 1757 American military personnel who are currently known to be prisoners of war and missing in action in Indochina, the government of North Vietnam has announced publicly the control of only 363 of these men, and the National Liberation Front and the Pathet Lao have not admitted that they are holding any of these known POW's and MIA's, and

Whereas photographs in international publications suggest that the government of North Vietnam controls more American prisoners of war than they have identified or admitted, and

Whereas former prisoners of war have testified that they have seen captured American military personnel alive whose names do not appear on any North Vietnamese list of prisoners, and

Whereas the Geneva Convention Relative to the Treatment of Prisoners of War, ratified or assented to by the United States, North Vietnam, and all the nations participating in hostilities in Southeast Asia, on both sides, mandates the publishing of complete lists of prisoners captured and the neutral inspection of detention camps by international relief and religious organizations who may thereby verify such lists, and

Whereas the safety and welfare of American servicemen who are prisoners of war and who are missing in action is of immediate concern: Now, therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SEC. 1. That the Congress respectfully memorializes the President and his representatives to use every means at their disposal to secure an accurate and complete accounting of American servicemen missing throughout Southeast Asia.

SEC. 2. That the Congress urges that the President report his findings to the Congress and submit said accurate and complete accounting of the American servicemen missing throughout Southeast Asia to the Congress on or before December 31, 1972.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 32

At the request of Mr. KENNEDY, the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), and the Senator from Alabama (Mr. SPARKMAN) were added as cosponsors of S. 32, the Conversion Research, Education, and Assistance Act.

S. 3063

At the request of Mr. MUSKIE, the Senator from Massachusetts (Mr. BROOKE), the Senator from Minnesota (Mr. MONDALE), the Senator from Montana (Mr. METCALF), the Senator from New Hampshire (Mr. MCINTYRE), and the Senators from New Jersey (Mr. CASE and Mr. WILLIAMS) were added as cosponsors of S. 3063, a bill to amend the Internal Revenue Code to permit tax-exempt organizations to engage in communications with legislative bodies.

S. 3634

At the request of Mr. MONDALE, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 3634, a bill to provide continued rail transportation in rural America.

SENATE CONCURRENT RESOLUTION 92—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF HEARING

(Referred to the Committee on Rules and Administration.)

Mr. MONDALE submitted the following concurrent resolution:

SENATE CONCURRENT RESOLUTION 92

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 2,000 additional copies of part 1 of the hearing before the Subcommittee on Children and Youth of the Senate Committee on Labor and Public Welfare entitled "Rights of Children, 1972 (Examination of the Sudden Infant Death Syndrome)", dated January 25, 1972. Such additional copies shall be for the use of the Senate Committee on Labor and Public Welfare.

SENATE RESOLUTION 344—ORIGINAL RESOLUTION REPORTED RELATING TO REFERENCE OF S. 2884 TO THE U.S. COURT OF CLAIMS (S. REPT. NO. 92–1017)

(Placed on the calendar.)

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution:

Resolved, That the bill (S. 2884) entitled "A bill for the relief of certain corporations, associations, and individuals", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant. Such report shall also indicate, insofar as is possible, (a) the extent to which the claims in question are for the cost of labor and materials actually furnished to complete Army Contract Numbered DA–36–109–ENG–7520, dated September 23, 1963, and (b) whether the claims in question could be brought against the debtor in the bankruptcy proceedings now pending in relation to the debtor.

PUBLIC SAFETY OFFICERS' GROUP LIFE INSURANCE ACT—AMENDMENT

AMENDMENT NO. 1402

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill (S. 33) to authorize the Attorney General to provide a group life insurance program for State and local government public safety officers.

NATIONAL NO-FAULT MOTOR VEHICLE INSURANCE ACT—AMENDMENTS

AMENDMENTS NOS. 1403, 1404, AND 1405

(Ordered to be printed and to lie on the table.)

Mr. ERVIN submitted three amendments intended to be proposed by him to the bill (S. 945) to require no-fault motor vehicle insurance as a condition precedent to operating a motor vehicle on streets, roads, and highways or other lands open to automobile use by the public in order to promote and regulate interstate commerce.

AMENDMENTS NOS. 1408 THROUGH 1411

(Ordered to be printed and to lie on the table.)

Mr. COOK (for Mr. BAKER) submitted four amendments intended to be proposed to the bill (S. 945), supra.

INTERIM AGREEMENT BETWEEN THE U.S. AND THE U.S.S.R.—AMENDMENT

AMENDMENT NO. 1406

(Ordered to be printed and to lie on the table.)

Mr. JACKSON (for himself, Mr. SCOTT, Mr. ALLOTT, Mr. ANDERSON, Mr. BENTSEN, Mr. BUCKLEY, Mr. CANNON, Mr. CHILES, Mr. COOK, Mr. ERVIN, Mr. GAMBRELL, Mr. FONG, Mr. INOUYE, Mr. MAGNUSON, Mr. PACKWOOD, Mr. STENNIS, Mr. TALMADGE, Mr. MONTOYA, Mr. THURMOND, Mr. TOWER, Mr. HANSEN, Mr. HOLLINGS, Mr. HARRY F. BYRD, JR., and Mr. MCGEE) submitted an amendment intended to be proposed by them to the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

(Discussion in connection with the submission of this amendment is printed later in the RECORD.)

HANDGUN CONTROL ACT OF 1972—AMENDMENT

AMENDMENT NO. 1407

(Ordered to be printed and to lie on the table.)

Mr. BROOKE (for himself and Mr. ALLOTT), submitted an amendment intended to be proposed by them jointly to the bill (S. 2507) to amend the Gun Control Act of 1968.

AMENDMENT NO. 1412

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK, (for himself, Mr. BENNETT, Mr. BUCKLEY, Mr. FANNIN, and Mr. PROXMIRE), submitted an amendment intended to be proposed by them jointly to the bill (S. 2507), supra.

AMENDMENT NO. 1413

(Ordered to be printed and to lie on the table.)

Mr. COOPER submitted an amendment intended to be proposed by him to amendment No. 1397 intended to be proposed by Mr. STEVENSON to the bill (S. 2507), supra.

AMENDMENT NO. 1414

(Ordered to be printed and to lie on the table)

Mr. HRUSKA. Mr. President, I have sent to the desk an amendment I intend to propose to S. 2507, with the request that it be printed and lie on the table.

Its text reads as follows:

AMENDMENT NO. 1414

Strike out all of line 17 on page 2, through line 13 on page 4, inclusive, and insert in lieu thereof the following:

"SEC. 3. Section 922 of title 18 of the United States Code is amended by adding at the end thereof the following new subsections:

(n) It shall be unlawful for any licensed manufacturer or licensed importer to sell or deliver a handgun manufactured or imported into the United States after the effective date of this Act, if such handgun is of a model which has been disapproved by the Secretary pursuant to section 922(o) of this title.

(o) The Secretary may disapprove for sale or delivery by a licensed manufacturer or licensed importer any handgun model manufactured or imported into the United States after the effective date of this Act, if he has caused to be evaluated and tested representative samples of such handgun model, and has found that such model fails to meet the following criteria:"

On page 9 letter sections (o), (p) and (q) as sections (p), (q) and (r).

Mr. President, the declared purpose of this bill, S. 2507, is to eliminate the so-called Saturday night special. If the bill would accomplish its stated objective, I would be one of its strongest supporters. But that, unfortunately, is not the case with S. 2507.

There is no objection to the removal from use in this country of guns which are unsafe, dangerous, and because of their cheap price, readily accessibly to criminals provided that the standards employed to accomplish this purpose do not disqualify legitimate, lawful, and high-quality products. But, S. 2507 as presently written would exclude many high-quality guns which millions of Americans want for purposes of self protection, numerous guns used for sporting purposes, commemorative guns which are attractive mainly to collectors, and guns for law enforcement.

The amendment which I have proposed will make some valuable improvements in the coverage of this bill so that it will no longer make illegal those guns which have a legitimate and lawful use in this Nation. It will seek to insure that the bill is not faulted for unintended overbreadth in its coverage.

First, my amendment would cut off "Saturday night specials" at their source, at the point where they enter the stream of commerce: Either at their point of importation or manufacture. It would have the very beneficial effect of preventing the certain chaos which will result from the adoption of the present language in the bill. It will avoid the nightmare of enforcement otherwise resulting from trying to hold 160,000 dealers responsible for correctly interpreting and applying the highly technical and complex standards to each transaction involving a handgun, new or old.

Under the present bill, the chief difficulty would be in determining which handguns are, and which are not, in conformity; obviously, it is impractical to test them all. Most dealers are not firearms identification experts, and fewer still are engineers and metallurgists. The point system written into this bill requires highly refined determinations of identity, construction, measurement, and testing; many models differ only in minor, often internal, details not easily discernible, but often critical to point determination. Individuals who made even honest mistakes would be subject to felony criminal prosecution.

This amendment would inject certainty into the law: Those handguns to be banned from commerce simply because the regulation would be imposed at the level of initial distribution, and among relatively few companies. There are less than 150 manufacturers and importers, presumably with expertise and facilities for compliance far superior to those of the more than 160,000 dealers and collectors.

It is a truism that rounding up the "Saturday night specials" at their distribution point in large numbers will be far more effective than trying to obtain them in groups of ones and twos at the thousands of dealerships across the Nation. It would be relatively simple to ban from sale by the manufacturer a projected production run of 100,000 noncomplying handguns of the same model; it is an incredible undertaking to try to enforce a ban from commerce of the same 100,000 handguns after they have been dispersed among the citizenry and mixed in with thousands of other models and variations.

This method will also be more just and fair in that the penalties will fall on the importer and the manufacturer rather than the one-man dealers who may have a couple of these guns in the display case and who do not have the resources to absorb such a loss.

Second, this amendment would insure that the trading in used firearms would be carried out lawfully and with due regard to the Federal recordkeeping and recording requirements that are an important part of present law. I regret to say this but the adoption of S. 2507 without such a safeguard as I am proposing will result in the creation of a black market in presently existing guns.

Let me explain what I mean. Under the terms of this bill as reported the owner of a gun will not be able to use the services of a dealer to transfer it. A dealer will not be willing to accept a used gun as a trade-in for a new and approved weapon. This is because the dealer will have no way of knowing whether the used gun meets the Secretary's standards; if it does not meet those standards, he will not be able to resell it. Therefore, it would make no sense for him to accept trade-ins. Thus, for the private citizen with a gun the only way to dispose of it will be to enter into a private sale with another citizen. Such a sale will be outside the present Federal laws which require adequate recordkeeping and recording on the part of licensed dealers. The provisions of the 1968 Gun Control Law will be effectively nullified in this regard.

Third, this amendment would shift to the Secretary of the Treasury the burden of proceeding to implement the standards. As the bill is presently drafted, the sale of any handgun model, new or old, would be frozen until the Secretary chose to approve that particular model. Since the bill imposes no requirement on the Secretary to act, he could easily hamstring commerce in handguns by simply failing to act. If the Secretary is going to have the power to put a number of individuals and firms out of business and work a great hardship on others, then it seems only logical and equitable that the burden to act be placed on him. That is the intent of subsection (o) in my amendment.

Fourth, the amendment also eliminates the various exceptions for law enforcement authorities, which would be unnecessary if the amendment is adopted.

Those are the implications and reasons why I have suggested this amendment. I believe that each is logical and fair and has the result of insuring that objectionable weapons will be removed from commerce in this Nation but that other guns for which there is a legal and useful purpose will not be unduly restricted.

It is my hope that my colleagues will see the wisdom of this action and support the amendment.

AMENDMENT NO. 1415

(Ordered to be printed and to lie on the table.)

Mr. HRUSKA submitted an amendment intended to be proposed by him to the bill (S. 2507), to amend the Gun Control Act of 1968.

AMENDMENT NO. 1416

(Ordered to be printed and to lie on the table.)

Mr. HRUSKA (for Mr. Hansen) submitted an amendment intended to be proposed to the bill (S. 2507), supra.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1398

At the request of Mr. Kennedy, the Senator from Rhode Island (Mr. Pell) and the Senators from Hawaii (Mr. Fong and Mr. Inouye) were added as cosponsors of amendment No. 1398, intended to be proposed to the bill (S. 2507, to provide for the registration of all firearms and the licensing of their owners.

CONTINUATION OF PROPERTY TAX HEARINGS BY THE SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS, COMMITTEE ON GOVERNMENT OPERATIONS

Mr. METCALF. Mr. President, the Subcommittee on Intergovernmental Relations of the Committee on Government Operations will continue its nationwide investigation of the impact and administration of the property tax with a field hearing in Billings, Mont., on August 22, 1972. That hearing will be held in the library room of Eastern Montana College, at 9 a.m.

Anyone wishing to testify or submit statements for the hearing record should contact Miss Lucinda T. Dennis, the chief clerk of the Subcommittee on Intergovernmental Relations, room 357, Old Senate Office Building, Washington, D.C. Her telephone number is area code 202/225-4718.

ADDITIONAL STATEMENTS

THE HATCH ACT

Mr. McGEE. Mr. President, on July 31, 1972, the U.S. District Court for the District of Columbia rendered its decision in the case of the National Association of Letter Carriers against the U.S. Civil Service Commission, an action brought to test the constitutionality of the provisions of title 5, United States Code, prohibiting active participation by certain State and Federal employees in the management of political campaigns—the law commonly known as the Hatch Act. I ask unanimous consent that a copy of the district court decision be printed in the Record.

Because the issue in this case involved the constitutionality of an act of Congress, the district court was a three-judge panel; and if the Government elects to appeal, it will be brought directly to the Supreme Court. Twenty-five years ago the Supreme Court, by a narrow margin, upheld the constitutionality of the Hatch Act. *United Public Workers* v. *Mitchell,* 330 U.S. 75 (1947); *Oklahoma* v. *United States Civil Service Commission,* 330 U.S. 127 (1947). However, the district panel in its opinion the other day expressed the view that times have changed and that the liberties insured by the first amendment outweigh the desirability of regulating the political activities of public employees.

Earlier this year, the Committee on Post Office and Civil Service held hearings on legislation which I introduced to modify very substantially the Hatch Act. It was and is my view that Federal laws prohibiting the most basic rights and duties of citizenship are inherently bad even if they have not been declared beyond the legislative power of the Congress to enact. During our hearings, the Chairman of the Civil Service Commission expressed the administration's view that the time for revision was not ripe. I am glad to see that the district court did not join in that willingness to hold the freedoms of Federal employees in abeyance pending better weather.

The hour is late and I do not expect that the committee will act this year to revise the Hatch Act insofar as it limits political activity. However, I hope that the Civil Service Commission will take upon itself the responsibility to develop quickly a proposal to repeal the restrictive provisions of that law which limits the freedom of Federal employees to participate in political affairs so that early next year Congress will have an opportunity to examine the Commission's recommendations and report legislation eliminating forever the last vestiges of a very poor approach to the regulation of human conduct.

There being no objection, the matter was ordered to be printed in the Record, as follows:

[Civil Action No. 577–71]

(In the U.S. District Court for the District of Columbia)

National Association of Letter Carriers, AFL–CIO, et al., plaintiffs, v. U.S. Civil Service Commission, et al., defendants

Before MacKinnon, Circuit Judge; Gesell, District Judge; and Parker, District Judge.

Oral arguments presented by Thomas C. Matthews, Jr., Esquire, for the Plaintiffs; and David Anderson, Esquire, Department of Justice, for the Defendants.

Opinion and Order filed by Gesell, District Judge, in which Parker, District Judge, concurs, reserving the right to file a separate concurring opinion.

Dissenting Opinion filed by MacKinnon, Circuit Judge.

[Civil Action No. 577–71]

(In the U.S. District Court for the District of Columbia)

National Association of Letter Carriers, AFL–CIO et al., plaintiffs, v. U.S. Civil Service Commission, et al., defendants

Before MacKinnon, Circuit Judge; Gesell, District Judge; Parker, District Judge.

OPINION AND ORDER

Gesell, District Judge: The National Association of Letter Carriers and six federal employees have brought this class action on behalf of all federal employees seeking a declaratory judgment that 5 U.S.C. § 7324(a)(2), the provision of the so-called Hatch Act which prohibits certain federal employees from taking "an active part in political management or in political campaigns," is unconstitutional.[1] In urging that enforcement of the challenged provisions be enjoined, plaintiffs assert that the Act is vague, overly broad, and in conflict with the First Amendment to the Constitution of the United States. Defendants are the Civil Service Commission, its three members, and the Secretary of Health, Education and Welfare. Finding the question substantial in the light of current constitutional doctrine, this three-judge court was convented pursuant to 28 U.S.C. §§ 2282 and 2284. A voluminous record was developed by stipulation, some testimony was taken, and the issues have been fully briefed and argued.

There is an obvious, well-established governmental interest in restricting political activities by federal employees whch was asserted long before enactment of the Hatch Act. Many federal employees have been prevented from running for political office and engaging in the more obvious forms of partisan political activity since the passage of the Civil Service Act in 1883.[2]

The Hatch Act provides in pertinent part that any employee of an Executive agency or an employee of the District of Columbia may not take an active part in political management or political campaigns of a partisan nature and is subject to removal or suspension without pay for violation. The appropriateness of this governmental objective was recognized by the Supreme Court of the United States when it endorsed the objectives of the Hatch Act. *United Public Workers* v. *Mitchell,* 330 U.S. 75 (1947); *cf. Oklahoma* v. *United States Civil Service Commission,* 330 U.S. 127 (1947).

A narrower issue, however, is presented here which was specifically left unresolved by *Mitchell.*[3] This litigation focuses not on the merits of the objective of the Hatch Act but on the manner in which Congress defined the conduct it purported to prohibit in the name of "political management or political campaigns." The meaning and effect of the prohibitions measured against First Amendment standards is now properly raised by qualified plaintiffs having a direct interest as a class in the matter, and this admittedly some constitutional issues can no longer be avoided.

Section 15 of the Act here challenged provides:

> ". . . the phrase "an active part in political management or in political campaigns" means those acts of political management or political campaigning which were prohibited on the part of employees in the competitive service before July 19, 1940, by determinations of the Civil Service Commission under rules prescribed by the President." § 7324 (a).

This definition is ambiguous and unsatistory. It incorporates by reference over 3,000 rulings made by the Commission between 1886 and 1940. These rulings, which were not before the Congress when the Act was passed, have now been assembled and are in the record of this case.[4] When examined they have a sweep and indefiniteness that no one would even attempt in these days to defend if analyzed against the strictures of the First Amendment. A few examples suffice to make this apparent. Disciplinary action was taken against federal employees in situations where the employee engaged to some extent in the following:

(1) made a wager on an election;

(2) offensively discussed a "political question";

(3) disparaged the President;

(4) denounced a political party while in a jovial mood due to alcohol;

(5) publicly engaged in a political discussion;

(6) wrote a political letter;

(7) publicly expressed a political opinion;

(8) published a political article;

(9) wore a political button while on duty;

(10) stated unsubstantiated facts about ancestry of a candidate;

(11) made offensive political remarks;

(12) failed to discourage a spouse's political activity;

(13) stated disapproval of treatment of veterans while acting as a Legion officer in a closed Legion meeting;

(14) was partisan in political views;

(15) allowed one's name to be associated with an objectionable political affair;

(16) authored an anonymous political communication.[5]

As if conscious of the latent overbreadth and vagueness of the rulings which were never disclosed in hearings, committee reports or debates, the Act contains a significant qualifying provision which states, "An employee . . . retains the right to vote as he chooses and to express his opinion on political subjects and candidates." 5 U.S.C. § 7324 (b). It is immediately unclear how the incorporation by reference and this qualifying provision were intended to operate together. At first glance they appear mutually contradictory. One fixes the definition and the other makes the definition fluid.

The incorporation of prior rulings seems to have been intended in part to serve as a brake on any possible expansion of the meaning of the phrase "an active part in political management or in political campaigns" beyond what was generally understood by that phrase under Commission interpretations as of 1940.[6] The incorporated rulings were to serve generally as an upper limit on future interpretations or expansions of previously prohibited political activity. The qualifying provision in section 7324(b) indicates that they were subject to being cut back or modified in some indefinite way more consistent with the First Amendment "rights" of expression.

The difficulty, however, is that no constitutionally acceptable mechanism was provided for accomplishing this result. Grave ambiguities remain. The defect lies not in the basic underlying purpose to limit certain partisan political activities by federal employees but rather in its drafting. Prohibitions are worded in generalities that lack precision. There is no standard. No one can read the Act and ascertain what it prohibits.[7] Neither the Commission nor any other agency was given rulemaking power. Indeed even those most intimately concerned with its enforcement are in doubt and have sought legislative clarification.[8]

The Commission recently sponsored a three-volume work called the *Political Activities Reporter* (P.A.R.) which catalogues in commendable detail the rulings made under the Act since 1940. Analysis of these rulings shows that the Commission has generally ignored many of its pre-1940 rulings where questioned conduct appears to involve only opinion. Expressions of political opinion have been permitted except when the circumstances shown in a particular disciplinary action support a finding that an opinion on a political question was expressed by the employee with the intent of influencing others.[9] However, putting aside the fact that enforcement of any pre-1940 rulings still remains a threat, the administrative actions of the Civil Service Commission, even if unqualifiedly accepted as the administrative gloss on the Act, still place any federal employee at hazard if he ventures to speak on a political matter since he will not know when his words or acts relating to political subjects will offend.

If he writes a letter to a newspaper seeking support for a program endorsed by a political party, such as pollution control, does he intend to influence? How many people can see or hear what he writes or says before an intent to influence by his opinion will be found? Can he respond to a pollster? Can he attend a political rally and sit on the platform where his presence will be noted? If he is a member of a Union, a PTA, or a fraternal lodge, can he urge the organization to pass a resolution on a political issue? Can he appear on a television panel to discuss a question that for many may have political import? What issues are, after all, political in a campaign year—China, crime in the streets, inflation, foreign aid, national debt? Does intent to influence appear more likely depending on his pay grade, on his title, or on to whom he talks?

Confusion and uncertainty persist under this intent-to-influence formula. Any conscientious public servant concerned for the security of his job and conscious of the latent power in his supervisor to discipline him if he transgresses into areas of questioned conduct must feel continuously in doubt as to what he can do or say politically. The result is unacceptable when measured by the need to eliminate vagueness and overbreadth in the sensitive area of free expression.

The Civil Service Commission has acted responsibly in attempting the impossible task of applying the uncertain and conflicting provisions of the Act. Its efforts, however, were thwarted by the fact that is was given no authority under the Act to accommodate rigidly incorporated prior rulings to the rapidly evolving court interpretations of the First Amendment and the basic inconsistency between prior rulings and, interpretations of the constitutional right to state opinion still persists. Congress not only gave insufficient standards but also withheld the authority essential to enable the Commission to create essential clarity out of the general, imprecise prohibition enacted.

The Act is capable of sweeping and uneven application. It is of no consequence that particular prior rulings may be partly ignored by those presently charged with enforcement. Conscientious public servants may still lean over backwards to abide by these dormant rulings, and, in any event, no one can say to what extent interpretations of the Constitution have changed them.[10] Nor is it an answer, as the defendants feebly suggest that people of common intelligence know what is comprehended by active and partisan political

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Footnotes at end of article.

activity. Uncertainties abound and they will produce excessive caution and stifle words and acts not explicitly prohibited. Small wonder that even those concerned with enforcement share the sense of uncertainty and confusion, as the record before us attests.[11] Thus do generalized, vague prohibitions become misunderstood and misapplied and serve to limit expression by millions of Federal Government employees, and even their families, in a society where political speech and uninhibited, robust, wide-open debate on public issues are at the essence of self-government.

Ours is not a form of government that will prosper if citizens, particularly Federal Government servants, must live by the mottoes "better be safe than sorry" and "don't stick your neck out." Government employment should, of course, carry some well-defined limitations upon participation in partisan political matters, but Congress may not by reason of this desirable objective neutralize such a large segment of the populace from expressing any opinion on any "political" issue with the intent of somehow influencing someone else. In the end everything may appear political, all speech may intend to influence, and conformity is imposed in the fashion of more regimented, less democratic governments.

This is a classic case of a statute which in its application has a "chilling effect" unacceptable under the First Amendment. The use of a shorthand expression such as this in legal terminology sometimes tends to obfuscate the significance of the underlying principle. Commencing around 1940 in a series of important First Amendment cases, the Supreme Court evolved the "chilling effect" doctrine to deal with the vice of overbreadth and attendant vagueness in legislation limiting speech such as that so obviously presented here.[12] It declared that men of common intelligence must not be made to guess at the meaning of a statute affecting these rights. Some activities involving speech and association may be regulated where a proper governmental purpose and definite need is demonstrated. This interference with privileged conduct must be carefully and narrowly drawn. Executive agency employees as citizens are entitled to be specifically informed as to what the Congress intends to forbid.[13] Restrictions may not be achieved by means which sweep unnecessarily broadly into the First Amendment areas.[14] The right and privilege of expression and association cannot be so unnecessarily invaded that the use is dampened and discouraged. To chill is to despirit, and the First Amendment will not flourish but can be gradually suffocated in such an atmosphere.

The Supreme Court of the United States has left no doubt on this score:

> "We emphasize once again that "[p]recision of regulation must be the touchstone in an area so closely touching our most precious freedoms," . . . "[f]or standards of permissible statutory vagueness are strict in the area of free expression. . . . Because First Amendment freedoms need breathing space to survive, government may regulate in the area only with narrow specificity." . . . When one must guess what conduct or utterance may lose him his position, one necessarily will "steer far wider of the unlawful zone. . . ." . . . For "[t]he threat of sanctions may deter . . . almost as potently as the actual application of sanctions." . . . The danger of that chilling effect upon the exercise of vital First Amendment rights must be guarded against by sensitive tools which clearly inform teachers what is being proscribed. . . ." *Keyishian* v. *Board of Regents of the University of the State of New York*, 385 U.S. 589 at 603–604 (1967).

No less can be said of Federal Government employees.

The record before this Court emphasizes the growing reach of this Hatch Act legislation which, with the expansion of federal grants to various state services, now encompasses millions of Federal Government employees and their families. It is now obvious that whatever may have been the validity of the Hatch Act in 1940, it cannot as presently interpreted withstand constitutional challenge under contemporary interpretations of the First Amendment.

Two courts have already recognized the necessity of re-examining the Act in the light of controlling precedents. *Hobbs* v. *Thompson*, 448 F.2d 456 (5th Cir. 1971); *Mancuso* v. *Taft*, 341 F. Supp. 574 (D.R.I. 1972).[15]

Defendants urge that *Mitchell* is binding. As indicated above, this does not appear to be the case since the *Mitchell* opinion explicitly left open the question of the constitutionality of the incorporation-by-reference section of the Act. However, even if *Mitchell's* holding is considered binding, as the defendants contend, it is inconsistent with subsequent decisions delineating First Amendment freedoms. These precedents, which developed the "least restrictive alternative test" for governmental incursions into the area of free speech, undercut the "rational basis" test upon which the *Mitchell* analysis of the Hatch Act was based.[16] The decisions, coupled with changes in the size and complexity of public service, place *Mitchell* among other decisions outmoded by passage of time.

It is difficult to declare a statute long on the books and so well motivated unconstitutional. The arguments advanced by the dissent, however, are not persuasive. In the delicate, precious area of free speech, the obligation of the courts to seek all possible, even if somewhat tortured, means to uphold admittedly fuzzy congressional action must give way to other considerations.

If the Congress undertakes to circumscribe speech, it cannot pass an act which, like this one, talks in riddles, prohibiting in one breath what it may be argued to have allowed in another, leaving the citizen unguided but at hazard for his job. Perhaps details could have been left to the administrative discretion, but in this instance the Commission was given no rulemaking power, and the Act itself does not state with any precision what evils it seeks to prevent. Where speech is to be limited, it is no answer, as the dissent suggests, to imply that a reading of the voluminous *Political Activities Reporter* and resort to advisory rulings by the Civil Service Commission will give one who wants to express himself adequate guidance. Speech must not be controlled and subject to censure so that one cannot respond without prior clearance to the demands of free expression in ordinary daily affairs. If there are impermissible areas of activity, the overriding governmental interest must be marked with utmost clarity by the Congress in a form that is obvious to the sophisticated and unsophisticated alike.[17]

Accordingly, the Court declares 5 U.S.C. § 7324(a)(2) of the Hatch Act unconstitutional in that its provisions are impermissibly vague and overbroad when measured against the requirements of the First Amendment to the Constitution. The injunction against enforcement is granted and a stay of this Order is granted pending determination by the Supreme Court of the United States. So ordered.

GERHARD A. GESELL,
U.S. District Judge.

Judge Parker concurs in this opinion and reserves the right to file a separate concurring opinion.

July 31, 1972.

FOOTNOTES

[1] The National Association of Letter Carriers and six federal employees are adequate representatives of the class of all *federal* employees affected by the Hatch Act, and this particular class is thus certified under Rules 23(b)(1) and (b)(2) of the Federal Rules of Civil Procedure. On the other hand, six local area Democratic and Republican political committees were also joined as plaintiffs and seek to broaden the scope of this action to challenge 5 U.S.C. §§ 1502(a)(3) and 1501(5) which impose identical restrictions on certain categories of*state* employees. None of the individual plaintiffs or the National Association of Letter Carriers, however, can properly represent the interests of State employees under the requirements of Rule 23(a) of the Federal Rules of Civil Procedure, and the record does not establish that the six political committee plaintiffs have within their membership a sufficiently broadly based representation of all *state* employees adequately to protect the diverse and varying interests of state employees covered by § 1502(a)(3). Accordingly, this case will be considered only as it directs a challenge to the restrictions on *federal* employees, 5 U.S.C. § 7324.

[2] Since passage of the Civil Service Act in 1883, various Presidents, starting with President Arthur, issued executive rules listing restrictions on governmental employees in the federal competitive service which were enforced by the Civil Service Commission. In 1907, President Roosevelt increased the restrictions and required stricter compliance. The Hatch Act, enacted August 2, 1939, ch. 410, 53 Stat. 1147–49, and significantly amended, July 19, 1940, ch. 640, 54 Stat. 767–72, extended the same restrictions, with some exceptions, to all employees in the Executive Department of the Federal Government, all employees of the government of the District of Columbia, and all employees of state or local agencies "whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal Agency. . . ." 5 U.S.C. §§ 1501(4), 1502, and 7324. *See 1 United States Civil Service Commission Political Activity Reporter* Introduction (1971) [hereafter cited as P.A.R.]; Rose, *A Critical Look at the Hatch Act*, 75 Harv. Rev. 510 (1962).

[3] Justice Reed, speaking for the majority in *Mitchell*, stated;

"We need to examine no further *at this time into* the validity of the definition of political activity and § 15. 330 U.S. at 103–104." (Emphasis added; footnote omitted).

And Justice Black in his dissent stated that—

"Furthermore what federal employees can or cannot do, consistently with the various civil service regulations, rules, warnings, etc., is a matter of so great uncertainty that no person can even make an intelligent guess." Id. at 110.

[4] These incorporated rulings vary from lists of penalized employees, to vague, generic descriptions of the political activity engaged in, to lengthy, narrative descriptions of the activities with a discussion at the end of the penalty received. The complete compilation of these rulings was introduced into the record in this case. For a general index of these rulings see 1 P.A.R. iii-xxvi (1971).

[5] For specific examples of the categories listed above (using the notation system suggested in 1 P.A.R. i and ii (1971), and with reference to the index, *id.* at iii–xxvi) *see*:

(1) Index #63, Atkins, 31 AR 160;
(2) Index #24, Hiner, 32 AR 141;
(3) Index #24, Dunham, 32 AR 144;
(4) Index #24, Brock, 31 AR 146;
(5) Index #24, Mure, 34 AR 148;
(6) Index #64, Cain, 32 AR 143;
(7) Index #24, Chester, 32 AR 143;
(8) Index #51, Nihart, 32 AR 143;
(9) Index #7, Ratcliffe, 34 AR 144;
(10) Index #54, Smith, 1922 Min. 343;
(11) Index #24, Edmonds, 33 AR 151;
(12) Index #17, Brock, 1935 Min. 209;
(13) Index #25, Davis, 1935 Min. 154;
(14) Index #24, Castleberry, 32 AR 145;
(15) Index #35, Woody, 1933 Min. 670;
(16) Index #9, MacDonald; 1933 Min. 293.

[6] Section 15 of the Act, as reported out of committee, would have granted rulemaking power to the Commission, but after two weeks of debate, Senator Hatch substituted the provision that was enacted as a floor amendment. The final version was offered at 86 Con. Rec. 2947 (Mar. 15, 1940). During the debate on the substituted final version, Senator Hatch said that "it seemed to me to be very wise not to give the Commission any more power to interpret further in the future." *Id.* at 2949. *See id.* at 2937–50; 84 Cong. Rec. 9621–9674 (1939); and Rose, *A Critical Look at the Hatch Act, supra* note 2.

[7] At several points in the Senate debates it was emphatically pointed out that none of the Senators knew what the incorporated rulings said. 86 Cong. Rec. 2940 (remarks of Senator Minton: "No one on the floor of the Senate, not even the Senator from New Mexico [Senator Hatch], now knows what these rules and regulations are."); *id.* at 2947 (remarks of Senator Brown: "I say it is very careless legislation in effect to write into statute law 62 pages of civil-service rules and interpretations by the Civil Service Commission, without knowing what we are doing.").

[8] "Conditions have changed since 1940. The prohibitions imposed prior to that time may not all be valid in light of present circumstances.

"In essence, notwithstanding the present qualifying provision, the present language is somewhat broad and somewhat uncertain. It is broad in the sense that it could be construed to prohibit certain activities that may not be sufficiently detrimental to the neutrality, efficiency or integrity of the civil service as to justify the infringement of individual political rights. It is uncertain in that it fails to define with clarity and precision the types of activities which are prohibited." Statement of John W. Macy, Jr., Chairman, United States Civil Service Commission, before Commission on Political Activity of Government Personnel (CPA) on May 15, 1967, 3 CPA, report, at 15 (1968). Chairman Macy was accompanied during this testimony by the other two members of the Civil Service Commission and its General Counsel, and at that time the present Chairman expressly endorsed Chairman Macy's statement on behalf of the Commission. *Id.* at 24.

[9] *See generally* Commission rulings in 3 P.A.R. Digest (1971), under Digest Nos. 268–270. Two such rulings were Watson, 1 P.A.R. F–1221–48, in which the Digest entry is "Where employee expresses opinion on political subjects or candidates in order to influence actions of voters, such expressions of opinion constitute 'campaigning' within the meaning of the Act," and Wilson, *id.* at F–1530–55, in which the entry is "Test of whether statement is permitted 'expression of opinion' is whether there is a mere expression of opinion, or whether there is a premeditated effort to influence political actions by others."

[10] *Cf.* Keyishian v. Board of Regents, 385 U.S. 589, 599–602 (1967).

[11] *See* note 8 *supra.*

[12] Within the past month, the U.S. Supreme Court in Grayned v. City of Rockford, 40 U.S.L.W. 4881 (June 26, 1972), succinctly summarized the reach and scope of both the doctrine of vagueness and overbreadth. For a more lengthy discussion of the doctrine of overbreadth, vagueness and chilling effect, *see* Hobbs v. Thompson, 448 F.2d 456, 459–460 (5th Cir. 1971), and cases cited therein.

[13] Grayned v. City of Rockford, 40 U.S.L.W. 4881 (June 26, 1972); Papachristou v. City of Jacksonville, 405 U.S. 156, 162 (1972); Lanzetta v. New Jersey, 306 U.S. 451, 453 (1939).

[14] Grayned v. City of Rockford, 40 U.S.L.W. 4881 (June 26, 1972); United States v. Robel, 389 U.S. 258 (1967); NAACP v. Button, 371 U.S. 415 (1963).

[15] *Contra,* Northern Va. Reg. Pk. Auth. v. United States Civ Serv. Com. 437 F. 2d 1346 (4th Cir.), *cert. denied,* 403 U.S. 936 (1971), and the four cases cited there in 1351. *See also* Broadrick v. Oklahoma *ex rel.* Okla. Person. Bd., 338 F. Supp. 711 (W.D. Okla., 1972).

[16] Hobbs v. Thompson, 448 F. 2d 456 (5th Cir. 1971); Mancuso v. Taft, 341 F. Supp. 574 (D.R.I. 1972).

[17] *See* cases cited notes 13 and 14 *supra.*

INDIAN EDUCATION: TITLE IV OF PUBLIC LAW 92–318

Mr. KENNEDY. Mr. President, the Education Amendments of 1972 were signed into law on June 23, 1972. Included in this important law is a special section on Indian education, title IV, which consists of the Indian education bill I introduced last year. Now that this long-awaited and much-needed legislation is a reality, I am most concerned that it be swiftly and efficiently implemented.

Following a lengthy meeting with Senator MONDALE, cosponsor of the legislation, and Commissioner of Education Sidney Marland, Jr., I wrote the Commissioner reemphasizing my hope and Congress' intent that the Office of Education make every effort to implement the Indian education title by the first of next year. Present OE plans call for initial funding of the programs established by the title starting a year from now—in fiscal year 1974. If there is a real determination and commitment on the part of the Office of Education and the administration to see this bill implemented without being bogged down by bureaucratic delays, then applications could be received and funds delivered in the newly established programs by next January 1. I ask unanimous consent that my letter to Commissioner Marland be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 20, 1972.

Commissioner SIDNEY MARLAND, Jr.,
Office of Education,
Washington, D.C.

DEAR COMMISSIONER MARLAND: I enjoyed meeting with you and your associates on Wednesday to discuss Office of Education attitudes toward and implementation of the Indian education provisions in Public Law 92–318 (S. 659). I appreciate your candor in sharing your problems with me and Senator Mondale and in discussing your intentions with us.

Perhaps it would be useful to recap some of the areas where we found agreement concerning implementation of title IV, the Indian education title of PL 92–318.

(1) I commend your willingness to place a high priority on Indian education in the Office of Education and to fulfill the congressional mandate reflected in title IV as to OE's role in supporting quality education programs for Indian children and adults. I was pleased to see your own personal interest in remedying what you acknowledged to be a failure in the past of the federal government to meet its responsibility to American Indians in the field of education.

(2) Likewise, I am glad that you have recognized one of the major thrusts of the legislation—that Indian people play a central role in the planning and operation and evaluation of Indian education programs, at both the national and the local level. Surely this is a key factor in implementing the President's emphasis on self-determination for Indian people.

(3) We appear to be in agreement that part D of title IV creates a National Council totally different from the present advisory groups to the National Council on Indian Opportunity and to the Bureau of Indian Affairs. Its role and the process for selecting its members is specified in the legislation, with both its purpose and functions distinct from presently existing advisory committees. While membership on another advisory committee would and should not rule out membership on the newly established National Advisory Council on Indian Education, the selection process for the New Council must not be identified with the present committees.

(4) There is always going to be a problem in administering funds at the local schoolhouse where a special group of children—in this case Indian—are targeted for special assistance. Aside from tutorial and bilingual programs, I agree that programs must be designed to serve classes, grades, or groups within the schoolhouse, without singling out Indian children. On the other hand the bill declares as policy that the funds provided under part A are to be used "to develop and carry out elementary and secondary school programs specially designed to meet (the) special educational needs" of Indian children. The title I regulations on targeting may be useful in implementing this program.

(5) You indicated full recognition that the programs established and funds provided by title IV are to *supplement, not supplant* present Office of Education efforts in Indian education. As was suggested in our meeting, one way to insure this would be to make sure that the ratio of Indian to non-Indian projects in the discretionary program areas is not reduced during the period in which title IV is in effect. This will require greater coordination and continued advocacy to prevent buck-passing by the present offices to the new Indian bureau, but I am sure that the efforts in your Office in this respect will be sufficient to prevail.

(6) While I acknowledge that the new Deputy Commissioner's position established by title IV will not fit into your existing structure, the legislative history of this particular element of the title makes it clear that Congress did not want the new Office (which is to be of bureau status) and its head (a full deputy commissioner) to get lost in the bureaucracy. Thus it was decided to elevate the office to give it a special visibility and status and to put it directly under the Commissioner. Symmetry in this case will simply have to yield to the express language of the legislation. Downgrading this office could only result in distrust both in the Congress and among Indians.

Unfortunately we appear to be at some odds as to the time framework for implementation of title IV. As I expressed to you on Wednesday, the Indian people have been waiting too long already for the federal commitment needed in the area of Indian education. Congress labored for almost five years, first through the Special Subcommittee on Indian Education, and later through the regular education subcommittees of both the House and Senate and through the Senate Interior Committee, to come up with the present bill. That bill was in essentially its present form almost a year ago. And some of its provisions expire in three years. The Congress and the Indian community are simply not willing to wait another year before the bill is implemented, and I am sure that such delay is inconsistent with the President's own mandate for priority attention to Indian affairs.

I suggest that it would be reasonable to begin immediately, through letters to tribal chairmen, intertribal councils, education associations, urban centers and organizations, and national Indian organizations, to solicit names to be considered for the National Council. Telephone calls to the organizations, larger tribes, and intertribal groups should then follow, including appeals to organizations to contact members and member tribes and notices disseminated through the Indian press. Members of the OE staff might be made available to travel to meetings and even be provided with some funds to convene regional meetings, if deemed necessary, to discuss provisions of the bill and the need for submission of Council nominees. If this effort began next week, September 1st would not be an unreasonable date to set for names to be in. By October 1st the nominations could be made by the President.

At the same time this effort to get Council nominees is going on, initial work could begin on drafting regulations and outlining administrative alternatives for structuring staff support for the Council and organization of the Office of Indian Education. Preliminary drafts and alternative proposals could be completed by the time the new Deputy Commissioner is named, giving him a running start in setting up his programs.

If there is a determination and commitment on the part of the Office of Education—commensurate with that of the Congressional supporters of this legislation—to see it implemented as rapidly as possible, I feel that applications could be received and funds delivered before the end of 1972. I expect to approach the congressional appropriations committees with this time framework in mind.

I appreciate your taking the time to come up to talk with us about OE's plans concerning title IV, and I hope that we can maintain close contact over the coming weeks so that implementation can get off to a firm start consistent with both the intent of Congress and the wishes and needs of the Indian people.

Sincerely,

EDWARD M. KENNEDY.

Mr. KENNEDY. Mr. President, there has been a great deal of interest in the new Indian education title of Public Law 92–318, on the part of congressional offices and the public generally, as well as of Indian tribes and groups. Basically the title establishes three new programs: The first would assist local educational agencies in meeting the special needs of Indian students; the second would provide funds for special programs and projects to improve Indian educational opportunities; and the third would support the improvement of adult Indian education. A Bureau of Indian Education in the Office of Education and a National Advisory Council on Indian Education also would be established. Community involvement in Federal programing at the local level is mandatory under the provisions of the title.

For the ready reference of my colleagues and those interested in title IV, I ask unanimous consent that this portion of the new law be printed in full at this point in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

TITLE IV—INDIAN EDUCATION

SHORT TITLE

SEC. 401. This title may be cited as the "Indian Education Act."

PART A—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

AMENDMENTS TO PUBLIC LAW 874, EIGHTY-FIRST CONGRESS

SEC. 411. (a) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by redesignating title III as title IV, by redesignating sections 301 through 303 and references thereto as sections 401 through 403, respectively, and by adding after title II the following new title:

"TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Indian Elementary and Secondary School Assistance Act'.

"DECLARATION OF POLICY

"SEC. 302. (a) In recognition of the special educational needs of Indian students in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs specially designed to meet these special educational needs.

"(b) The Commissioner shall, in order to effectuate the policy set forth in subsection (a), carry out a program of making grants to local educational agencies which are entitled to payments under this title and which have submitted, and had approved, applications therefor, in accordance with the provisions of this title.

"GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 303. (a) (1) for the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year ending prior to July 1, 1975, the Commissioner shall determine the number of Indian children who were enrolled in the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

"(2) (A) The amount of the grant to which a local educational agency is entitled under this title for any fiscal year shall be an amount equal to (i) the average per pupil expenditure for such agency (as determined under subparagraph (C) multiplied by (ii) the sum of the number of children determined under paragraph (1).

"(B) A local educational agency shall not be entitled to receive a grant under this title for any fiscal year unless the number of children under this subsection, with respect to such agency, is at least ten or constitutes at least 50 per centum of its total enrollment. The requirements of this subparagraph shall not apply to any such agencies serving Indian children in Alaska, California, and Oklahoma or located on, or in proximity to, an Indian reservation.

"(C) For the purposes of this subsection, the average per pupil expenditure for a local educational agency shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all of the local educational agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily enrollment for whom such agencies provided free public education during such preceding fiscal year.

"(b) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 5 per centum of the amount appropriated for payments on the basis of entitlements computed under subsection (a) for that fiscal year, for the purpose of enabling the Commissioner to provide financial assistance to schools on or near reservations which are not local educational agencies or have not been local educational agencies for more than three years, in accordance with the appropriate provisions of this title.

"USES OF FEDERAL FUNDS

"SEC. 304. Grants under this title may be used, in accordance with applications approved under section 305, for—

"(1) planning for and taking other steps leading to the development of programs specifically designed to meet the special educational needs of Indian children, including pilot projects designed to test the effectiveness of plans so developed; and

"(2) the establishment, maintenance, and operation of programs, including, in accordance with special regulations of the Commissioner, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment, specially designed to meet the special educational needs of Indian children.

"APPLICATIONS FOR GRANTS; CONDITIONS FOR APPROVAL

"SEC. 305. (a) A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Commissioner at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes of section 304, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

"(3) in the case of an application for payments for planning, provide that (A) the planning was or will be directly related to programs or projects to be carried out under this title and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this title, and (B) the planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;

"(4) provide that effective procedures, including provisions for appropriate objective measurement of educational achievement will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian students;

"(5) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

"(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title; and

"(7) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of Indian students in the area served, and for keeping such record and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application by a local educational agency or agencies for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources (including persons from the Indian community) and will substantially increase the educational opportunities of Indian children in the area to be served by the applicant; and

"(B) has been developed—

"(i) in open consultation with parents of Indian children, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

"(ii) with the participation and approval of a committee composed of, and selected by, parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students of which at least half the members shall be such parents;

"(C) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated and evaluated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2) (B) (ii).

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

"PAYMENTS

"SEC. 306. (a) The Commissioner shall, subject to the provisions of section 307, from time to time pay to each local educational agency which has had an application approved under section 305, an amount equal to the amount expended by such agency in carrying out activities under such application.

"(b) (1) No payments shall be made under this title for any fiscal year to any local educational agency in a State which has taken into consideration payments under this title in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

"ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

"SEC. 307. (a) If the sums appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under this title for that fiscal year, the maximum amounts which all such agencies are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year, during which the first sentence of this subsection is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner shall fix dates prior to which each local educational agency shall report to him on the amount of funds available to it, under the terms of section 306(a) and subsection (a) of this section, which it estimates, in accordance with regulations of the Commissioner, that it will expend under approved applications. The amounts so available to any local educational agency, or any amount which would be available to any other local education agency if it were to submit an approvable application therefor, which the Commissioner determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies, in the manner provided in the second sentence of subsection (a), which the Commissioner determines will need additional funds to carry out approved applications, except that no local educational agency shall receive an amount under this sentence which, when added to the amount available to it under subsection (a), exceeds its entitlement under section 303.".

(b) (1) The third sentence of section 103 (a) (1) (A) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows: "In addition, he shall allot from such amount to the Secretary of the Interior—

"(i) the amount necessary to make payments pursuant to subparagraph (B); and

"(ii) in the case of fiscal years ending prior to July 1, 1973, the amount necessary to make payments pursuant to subparagraph (C).".

(2) (A) Section 103(a) (1) of such title I is amended by adding at the end thereof the following new subparagraph:

"(C) The maximum amount allotted for payments to the Secretary of the Interior under clause (ii) in the third sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs of educationally deprived Indian children or reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meets the applicable requirements of section 141(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of sections 141(a) and 142(a) (3).".

(B) The fourth sentence of section 103(a) (1) (A) of such title I is amended by striking out "and the terms upon which payment shall be made to the Department of the Interior.".

(3) The amendments made by this subsection shall be effective on and after July 1, 1972.

(c) (1) Subsection (a) of section 5 of Public Law 874, 81st Congress, as amended, is amended by inserting "(1)" after "(a)" and by inserting at the end thereof the following new paragraph (2):

"(2) (A) Applications for payment on the basis of children determined under section 3(a) or 3(b) who reside, or reside with a parent employed, on Indian lands shall set forth adequate assurance that Indian children will participate on an equitable basis in the school program of the local educational agency.

"(B) For the purposes of this paragraph, Indian lands means that property included within the definition of Federal property under clause (A) of section 403(1).".

(2) (A) The Commissioner shall exercise his authority under section 425 of the General Education Provisions Act, to encourage local parental participation with respect to financial assistance under title I of Public Law 874, 81st Congress, based upon children who reside on, or reside with a parent employed on, Indian lands.

(B) For the purposes of this paragraph, the term "Indian lands" means that property included within the definition of Federal property under clause (A) of section 403(1) of Public Law 874, 81st Congress.

PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

AMENDMENT TO TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 421. (a) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"SEC. 810. (a) The Commissioner shall carry out a program of making grants for the improvement of educational opportunities for Indian children—

"(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children:

"(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate (A) the provision of educational services not available to Indian children in sufficient quantity or quality, and (B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indian children are educated;

"(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

"(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian children.

In the case of activities of the type described in clause (3) preference shall be given to the training of Indians.

"(b) The Commissioner is authorized to make grants to State and local educational agencies, federally supported elementary and secondary schools for Indian children and to Indian tribes, organizations, and institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children, including—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) bilingual and bicultural education programs and projects;

"(3) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children; and

"(4) coordinating the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

"(c) The Commissioner is also authorized to make grants to State and local educational agencies and to tribal and other Indian community organizations to assist and stimulate them in developing and establishing educational services and programs specifically designed to improve educational opportunities for Indian children. Grants may be used—

"(1) to provide educational services not available to such children in sufficient quantity or quality, including—

"(A) a remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

"(B) comprehensive academic and vocational instruction;

"(C) instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;

"(D) comprehensive guidance, counseling, and testing services;

"(E) special education programs for handicapped;

"(F) preschool programs;

"(G) bilingual and bicultural education programs; and

"(H) other services which meet the purposes of this subsection; and

"(2) for the establishment and operation of exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

"(d) The Commissioner is also authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

"(1) to prepare persons to serve Indian children as teachers, teacher aides, social workers, and ancillary educational personnel; and

"(2) to improve the qualifications of such persons who are serving Indian children in such capacities.

Grants for the purposes of this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences. In carrying out the programs authorized by this subsection, preference shall be given to the training of Indians.

"(e) The Commissioner is also authorized to make grants to and contracts with, public agencies, and institutions and Indian tribes, institutions, and organizations for—

"(1) the dissemination of information, concerning education, programs, services, and resources available to Indian children, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.

"(f) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) in the case of an application for the purposes of subsection (c), subject to such criteria as the Commissioner may prescribe, provide for the use of funds available under this section, and for the coodination of other resources available to the applicant, in order to insure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section;

"(3) in the case of an application for the purposes of subsection (c), make adequate provision for the training of the personnel participating in the project; and

"(4) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (b) or (c) unless he is satisfied that such application, and any documents submitted with respect thereto, show that there has been adequate participation by the parents of the children to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under this section, the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

"(g) For the purpose of making grants under this section there are hereby authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, and $35,000,000 for each of the two succeeding fiscal years.".

(b)(1)(A) The third sentence of section 202(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

(B) The third sentence of section 302(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

(C) Clause (B) of section 612(a)(1) of Public Law 91-230 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

(2) For the purposes of title II and III of the Elementary and Secondary Education Act of 1965 and part B of title VI of Public Law 91-230, the Secretary of the Interior shall have the same duties and responsibilities with respect to funds paid to him under such titles, as he would have if the Department of the Interior were a State educational agency having responsibility for the administration of a State plan under such titles.

PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS

AMENDMENT TO THE ADULT EDUCATION ACT

SEC. 341. Title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act) is amended by redesignating sections 314 and 315, and all references thereto, as sections 315 and 316, respectively, and by adding after section 313 the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS

"SEC. 314. (a) The Commissioner shall carry out a program of making grants to State and local educational agencies, and to Indian tribes, institutions, and organizations, to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for providing adult education for Indians—

"(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

"(2) to assist in the establishment and operation of programs which are designed to stimulate (A) the provision of basic literacy opportunities to all nonliterate Indian adults, and (B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

"(4) to provide for basic surveys and evaluations thereof to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations;

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

"(b) The Commissioner is also authorized to make grants to, and contracts with, public agencies, and institutions, and Indian tribes, institutions, and organizations for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian adults may participate in achieving the purposes of such programs with respect to such adults.

"(c) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (a) unless he is satisfied that such application, and any documents submitted with respect thereto, indicate that there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under subsection (a), the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

"(d) For the purpose of making grants under this section there are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and $8,000,000 for each of the two succeeding fiscal years.".

PART D—OFFICE OF INDIAN EDUCATION

OFFICE OF INDIAN EDUCATION

SEC. 441. (a) There is hereby established, in the Office of Education, a bureau to be known as the "Office of Indian Education" which, under the direction of the Commissioner, shall have the responsibility for administering the provisions of title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of title III of the Elementary and Secondary Amendments of 1966, as added by this Act. The Office shall be headed by a Deputy Commissioner of Indian Education, who shall be appointed by the Commissioner of Education from a list of nominees submitted to him by the National Advisory Council on Indian Education.

(b) The Deputy Commissioner of Indian Education shall be compensated at the rate prescribed for, and shall be placed in, grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and shall perform such duties as are delegated or assigned to him by the Commissioner. The position created by this subsection shall be in addition to the number of positions placed in grade 18 of such General Schedule under section 5108 of title 5, United States Code.

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

SEC. 442. (a) There is hereby established the National Advisory Council on Indian Education (referred to in this title as the "National Council"), which shall consist of fifteen members who are Indians and Alaska Natives appointed by the President of the United States. Such appointments shall be made by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and shall represent diverse geographic areas of the country.

(b) The National Council shall—

(1) advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, and section 810, title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act and with respect to adequate funding thereof;

(2) review applications for assistance under title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of the Adult Education Act, as added by this Act, and make recommendations to the Commissioner with respect to their approval;

(3) evaluate program and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress); and

(6) to submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

(c) With respect to functions of the National Council stated in clauses (2), (3), and (4) of subsection (b), the National Council is authorized to contract with any public or private nonprofit agency, institution, or organization for assistance in carrying out such functions.

(d) From the sums appropriated pursuant to section 400(c) of the General Education Provisions Act which are available for the purposes of section 411 of such Act and for part D of such Act, the Commissioner shall make available such sums as may be necessary to enable the National Council to carry out its functions under this section.

Part E—Miscellaneous Provisions

AMENDMENT TO TITLE V OF HIGHER EDUCATION ACT OF 1965

Sec. 451. (a) Section 503(a) of the Higher Education Act of 1965 is amended by inserting after "and higher education," the following: "including the need to provide such programs and education to Indians,".

(b) Part D of title V of the Higher Education Act of 1965 is amended by adding after section 531 the following new section:

"TEACHERS FOR INDIAN CHILDREN

"Sec. 532. Of the sums made available for the purposes of this part, not less than 5 percentum shall be used for grants to, and contracts with, institutions of higher education and other public and private nonprofit agencies and organizations for the purpose of preparing persons to serve as teachers of children living on reservations serviced by elementary and secondary schools for Indian children operated or supported by the Department of the Interior, including public and private schools operated by Indian tribes and by nonprofit institutions and organizations of Indian tribes. In carrying out the provisions of this section preference shall be given to the training of Indians.".

AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Sec. 452. Section 706(a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"Sec. 706. (a) For the purpose of carrying out programs pursuant to this title for individuals on or from reservations serviced by elementary and secondary schools operated on or near such reservations for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner for the purpose of this section, may be considered to be a local educational agency, as such term is used in this title.".

DEFINITION

Sec. 453. For the purposes of this title, the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term "Indian."

GREAT LAKES SENATORS FIGHT POLLUTION

Mr. PROXMIRE. Mr. President, the Great Lakes Conference of Senators has in recent years devoted much of its attention to environmental problems of the Great Lakes. One approach to the pollution problems of those lakes is contained in S. 2696, which I introduced in October 1971. This bill would assess effluent charges on industrial water polluters in proportion to the waste they discharge. I was recently privileged to write an article for the new Limnos, a magazine concerned with fresh water and particularly the Great Lakes. In this article, I discuss the work of the Great Lakes Conference of Senators and the features of S. 2696. I ask unanimous consent that this article entitled "Sixteen in the Senate," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sixteen in the Senate

Several years ago a group of us from the states bordering the several Great Lakes got together and formed the Great Lakes Conference of Senators through which all of us could jointly address ourselves to issues common to all great Lakes states. The first Chairman of the Conference was the late Senator Pat McNamara (D.-Mich.) who was succeeded at his death by Senator Paul Douglas (D.-Ill.). When Senator Douglas was defeated in 1966, I became Chairman of the Conference.

In its early years the Conference devoted most of its joint efforts to the several pressing economic issues of the St. Lawrence Seaway and the industries and working people whose livelihoods depend upon that great waterway and the nation's Fourth Seacoast. To be sure, other items were dealt with by the Conference, including, not too long ago, a massive oil spill in Lake Michigan. As the maritime issues of our states showed signs of satisfactory resolution in the late 1960's and early 1970's our attention became more focused upon the ecological and environmental problems of the several Great Lakes.

It became increasingly apparent to us from our activities concerning maritime commerce on the Great Lakes that the conflict between preserving the Great Lakes ecology and preserving Great Lakes industry and development demanded our careful and intensive study.

Therefore, when the Conference of Senators learned that the Environmental Protection Agency had proposed a crash program to combat pollution in the Great Lakes we wholeheartedly endorsed the project. When, much to our consternation, we discovered that the Office of Management and Budget had vetoed the EPA proposal, thirteen member Senators of the Conference addressed a joint communique to the Director of OMB strongly protesting the reported veto and requesting that OMB reconsider its decision so that the Great Lakes project could start right away.

On March 22, 1972, OMB responded to our letter stating:

William Proxmire (D-Wisconsin), Philip A. Hart (D-Michigan), Hubert H. Humphrey (D-Minnesota); Robert Taft, Jr. (R-Ohio); Gaylord Nelson (D-Wisconsin); Walter R. Mondale (D-Minnesota); Birch Bayh (D-Indiana); Robert P. Griffin (R-Michigan); Vance Hartke (D-Indiana); Hugh Scott (R-Pennsylvania); Charles H. Percy (R-Illinois); Richard Schweiker (R-Pennsylvania); William B. Saxbe (R-Ohio); James Buckley (R-New York); Adlai E. Stevenson III (D-Illinois); Jacob K. Javits (R-New York).

"Therefore, we have postponed decision on further accelerating the Great Lakes program until (1) we have final legislative action authorizing the nationwide water pollution program, and (2) we can narrow the range of uncertainty on cost to all levels of government and relative effect on water quality in the Great Lakes."

The Conference of Senators will continue its concerted, bi-partisan efforts to combat the pollution in the Great Lakes. This project now stands number one on the Conference's list of programs and objectives.

Beyond this, however, I believe a major revision in our approach to pollution control is needed. This new approach is embodied in Senate Bill S. 2696 which I introduced in the Senate in October 1971 which was co-sponsored by Senators Vance Hartke (D.-Ind.), Charles Percy (R.-Ill.) and Hubert Humphrey (D.-Minn.) and Senators from other areas of the country. The bill, if enacted, would give industry the incentive which present law lacks to spend money it should on water pollution control. The bill would do this by imposing effluent charges on industrial water polluters in direct proportion to the amount of waste discharged. Each polluter would thus be made financially responsible for his own pollution. And the charge will be set at a level which would make it cheaper to abate pollution than to pay the fee.

The advantages of these effluent charges are as follows:

First. They give industry an incentive to abate at the source, by supplying the profit advantage. The effluent charges cannot become a license to pollute as long as the charge is set higher than the cost of abatement.

Second. This is a fair and equitable method. The one who pollutes should pay—not the Federal taxpayer at large.

Third. In the third place, the incentive is continuing; it operates even after standards are met. As new technology comes along, it may become possible to abate to even lower levels than we now have any right to expect. Effluent charges will compel industry to continue to seek out new technology, new ways of avoiding the charge.

Fourth. It has been tried in a number of cities, and in each case it has abated pollution very rapidly, within a matter of months. In Otsego, Mich., there was a 66 percent reduction in waste loads in 3 months of charges.

Fifth. Another advantage of this approach is that it greatly eases the burden on the Federal budget. A bill we are now considering will cost $14 billion over a 5-year period of full operation. My bill is estimated to cost $4.3 billion over the same period—in other words, about one-third as much—and with a similar size grant program.

Sixth. Also, portions of the charges would be passed on to the consumer, thus allowing the marketplace to help abate pollution. This is only fair. Those of us who use products which have the effect of increasing pollution should have to pay the price; and the market system would adjust because the cost would be higher, and people would be inclined to purchase somewhat less of the polluting products. As consumers of products that pollute, we should bear a reasonable proportion of those costs.

Seventh. Lastly, this gives industry the flexibility it ought to have. It gives industry a chance to determine how best to abate its pollution. They might choose to construct a treatment plant, recycle waste water, alter production processes, use storage tanks, aim for byproduct recovery, or any of these in combination. The construction grant approach places too great an emphasis on the development of treatment facilities, as against other possibly more efficient means.

It is obvious that the approach I have discussed is preferred by me and some of my Senate colleagues. Other proposals will surely be suggested and debated. But one thing is certain. The members of the Great Lakes Conference of Senators, of which I am privileged to be Chairman, will individually and collectively do all in their power to assist in the campaign to clean up the several Great Lakes—the most magnificent body of fresh water in the World.

CENTRAL UTAH PROJECT CREATES NEW RECREATION AREAS

Mr. MOSS. Mr. President, the benefits of the central Utah project—the giant Bureau of Reclamation development which is regulating, storing, conserving, and making available new sources of water to the heartland of Utah so it may continue to grow and prosper—are evident to almost everyone.

Utah is the second driest State in the Nation, and the Colorado River has been called Utah's "last waterhole." We know we must put to fullest use every drop of water to which we are legally entitled under the Colorado River Compact if Utah is to have any growth in the future.

However, the recreational benefits of the central Utah project—byproducts of the major purpose of the project—are just now beginning to manifest themselves in a big way. And with leisure time now the privilege of average families, not just the affluent, and with outdoor recreation becoming more and more a popular means of using this leisure, the creation of new outdoor recreation sites is one of the compelling priorities of the 1970's.

Nationwide, water-oriented recreation has always been eagerly sought. But people living inland, and especially in arid inland States, have never been able to enjoy waterside vacations to any great degree. Down through the years the Bureau of Reclamation has added greatly to our water recreation sites, and the use of manmade lakes behind reclamation dams has grown from a very modest use 30 years ago to nearly 56 million visitor days in 1971.

Visits to central Utah project reservoirs is exceeding the rosiest forecasts. It was estimated that by the time the Starvation Reservoir of the Bonneville unit had been in operation for 25 years there would be about 55,000 visits annually to it.

Those figures forecast for 25 years from now were engulfed in the first year. The reservoir was filled in 1971 for the first time, and even though the access road was not completed, and camping accommodations were not all in, there were 58,666 visits made to the area. Even more people are trying to get to the reservoir this year.

Likewise it was estimated the Steinaker Reservoir of the Vernal unit of central Utah would draw 17,000 visitations annually when fully developed. Completed in the 1960's, it had 45,500 visitations last year alone.

I do not think it is overstating the case to use the phrase "explosion of recreation use" as I frequently do to discuss what is happening and to talk about the importance of creating new recreation sites, and of building access roads to them and facilities at them for the use of the public when they get there. The situation is already out of hand.

The central Utah project is in the early stages of development—there will be six units in all. The Bureau of Reclamation estimates—and I think they are very conservative in these estimates—that for a recreation investment of $8,100,000 they will create over a million recreation-days annually on the project's 12 reservoirs. In addition there will be created over 700,000 fishing-days, and over 20,000 upland hunting-days annually. Some 5,000 acres for big game rehabilitation will be established.

Not only because of the extent to which the central Utah will preserve and develop Utah's most priceless resource—our water—but because of what it will do to meet the explosion of demands for outdoor recreation sites, the rate of progress on the project should—and must be—stepped up.

There are some among our conservationists in the State who fear that construction of certain dams and reservoirs, and access to them, will be ecologically damaging—will destroy natural trout streams, will fill up pleasant valleys, will scar spectacular rock formations.

Some of their fears may be justified. Every effort must be made, of course, to choose sites and approaches to the dams which will do the least possible damage to the environment. When it appears that the fragile ecology of any area will be adversely affected by any phase of any of the six projects, alternatives must be examined and utilized to protect natural beauty.

We must do the job in the least damaging way—we must take into consideration every aspect of the planning and construction and work out every problem as best we can. But do the job we must. There are no alternatives to the full development of Utah's water resources. In fact, we must seek water outside our borders as well as conserve what we already have if we are to grow and survive.

And we can use every added day of recreational benefits the central Utah project can give us. Studies released by the Pacific Southwest Inter-Agency Committee completed under the auspices of the Water Resources Council, and published in June 1971, showed an increase in recreation demand to over 200,000,000 annual recreation days between 1965 and 2020 in the central Utah Project area. Of this demand, it was estimated that that 148,000,000 would be unmet.

DRUG ABUSE

Mr. HARRIS. Mr. President, drug abuse is a major problem in America. We are all familiar with the dangers which the proliferation of illicit addictive drugs can cause to society. Yet few of us realize the extent to which our society has become dominated by the legal pushers—the big manufacturers of prescription drugs who promote their formulations for every real and imagined malady.

One of the most dangerous classes of drugs available legally or illegally today is that of amphetamines—powerful stimulants which have become known as "speed."

The young have already learned the truth about amphetamines. As they say, "speed kills."

Mr. President, when amphetamines were introduced, they were promoted as the drug of choice for a vast multitude of disorders. Today, although the FDA recognizes only a very few justifiable uses for amphetamines, the 1971 reported legal production of amphetamines had risen to 12 billion tablets—enough to supply every living American with more than 50 pills each year.

And the market is booming. Speed is a deadly drug which has been promoted for far too long. It is time that we in the Congress took a very serious look at the problem of amphetamine abuse in this country, and moved decisively to limit the proliferation of these drugs.

A recent article by Dr. Lester Grinspoon and Peter Hedblom in Saturday Review offers a comprehensible and thorough analysis of the danger of amphetamine usage in this country. I ask unanimous consent that this article be printed in the RECORD at this point for the consideration of the Senators.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMPHETAMINES RECONSIDERED

(By Lester Grinspoon, M.D., and Peter Hedblom)

Bennies, superman pills, coast-to-coasts, brain pills, black beauties, the confidence drug, speed—no matter what you call them, amphetamines are dangerous, truly addicting drugs.

Historically, there is ample evidence that drug abuse antedated drug therapy, just as toxicology paved the way for pharmacology. Primitive man seems to have been more interested in poisons than in medicines. Even the Greek physician Hippocrates, although he recommended natural salicylates from willow trees for eye disease and the pain associated with childbirth, considered most drugs essentially useless. (However, when the Athenians decided to dispose of Socrates, they had a most effective herb on hand.) Today, in the case of amphetamines, the tape is being run backward at increasing speed. Pharmacology is reverting to toxicology. Abuse of these truly addicting and dangerous drugs has reached frightening proportions. For example, of the more than twelve billion standard-dose amphetamine tablets produced in 1971, an estimated 50 per cent were diverted to the flourishing black market to supplement huge amounts of "home-cooked speed."

In 1887, the German pharmacologist L. Edeleano first synthesized phenylisopropylamine, the drug that would eventually become famous as Benzedrine. However, he was not interested in exploring its pharmacological properties and put this extraordinary stimulant at the back of the shelf. Not until 1910 did G. Barger and Sir H. H. Dale investigate the effects on experimental animals of this and a series of closely related chemical compounds that they called "sympathomimetic amines." But no one in America or England grasped the implications of their findings for another seventeen years. Although Barger and Dale did hint that some of these drugs might possess powerful central nervous system-stimulating properties, the only point that seemed of interest to the few readers who digested their technical and dense paper was that most of these sympathomimetic amines had essentially the same alerting effects on the physiological systems of cats (and presumably humans) as did epinephrine (adrenaline), the first hormone to be synthesized.

The next pharmacological advance toward the eventual rediscovery of the amphetamines was initiated by the Chinese physician-pharmacologist K. K. Chen, who embarked on a comprehensive analysis of the ancient codifications of naturally occurring (herbal) drugs. Chen was struck by the large number of references, beginning in 2760 B.C., to the desert herb *Ma Huang* (*Ephedra vulgaris*) as a specific remedy for asthma and other respiratory ailments. Chen learned that the active principle of *Ma Huang* was the alkaloid ephedrine, which was very closely related to epinephrine. Accordingly, Chen and his colleague, C. F. Schmidt, in 1924 published the results of their preliminary investigations, pointing out that ephedrine was superior to epinephrine. As a direct result of this and subsequent reporting by Chen and Schmidt, the medical use of ephedrine increased at such a fantastic rate that some physicians began to fear that natural supplies would be exhausted. Consequently, research pharmacologists set out on a new search for an ephedrine substitute. George Piness was aware of Edeleano's discovery and suggested to Gordon Alles, who was engaged in research involving amino acids, that Alles might shift his energies to looking for a synthetic amine substitute for ephedrine. Alles in 1927 confirmed Piness's hunch by concluding that the most effective such substitute was the original amphetamine synthesized by Edeleano. It was Alles who first named this drug Benzedrine, because, when it was exposed to air, it rapidly changed to the carbonate that has the chemical name benzylmethyl-carbinamine.

Because of his willingness to use himself as a human guinea pig, Alles quickly discovered that amphetamine was active whether inhaled or taken orally, and he also found that Benzedrine was surpassed by its dextro (right-handed) isomer in its ability to alleviate fatigue, increase or intensify his alertness, and make him feel euphorically confident, even when it kept him awake long into the night. This dextro isomer was eventually marketed as dextro-amphetamine, or Dexedrine.

F. P. Nabenhauer, the chief chemist at the drug house of Smith, Kline & French, soon found out about Alles's work and began to experiment with various commercial applications of amphetamine in conjunction with his firm's patented inhaling device. The executives at Smith, Kline & French realized the potential bonanza this new class of synthetic ephedrine substitute represented and persuaded Alles to sell them all his patent rights. In 1932 their Benzedrine inhaler was first made available to the public, by nonprescription, over-the-counter sale in drugstores across the country. The American Medical Association gave this new drug the generic name "amphetamine," from alpha-methyl-phenethly-amine. In a mild parenthetical warning note, the AMA cautioned that "continued over dosage" might cause "restlessness and sleeplessness," but it also assured physicians that "no serious reactions have been observed." In late 1937 the AMA approved the new drug in tablet form, recognizing it as an acceptance therapeutic medication for the treatment of narcolspsy and also of postencephalitic Parkinsonism. The AMA further stated that Benzedrine was "useful" in the treatment of "certain depressive psychopathic conditions" and that persons "under the strict supervision of a physician" could even take amphetamine in order to capture "a sense of increased energy or capacity for work, or a feeling of exhilaration."

Soon the nation's several media (especially *Time* magazine, which called the new drug "poisonous") were giving amphetamines a considerable amount of sensational publicity, all of which did nothing to discourage use. Quite to the contrary, the numerous references to these "brain," "pep," and "superman" pills in the popular press, even when phrased ostensibly as warnings, acted mainly to arouse the curiosity and interest of the American people. Most important, however, was the quick and amazingly enthusiastic reception accorded these inhalers and pills by the medical profession. The AMA was especially influential in reinforcing the general impression that this was indeed a new wonder drug.

Public attitudes toward the amphetamines initially (and for many years) were either positive, neutral, or merely humorous. The persons who used them did not, in the vast majority of cases, fit into any traditional stereotypes of "dope fiends." As long as the medical community was willing to accept the manufacturers' claims, no one was going to question why, in 1932, virtually any new psychoactive "medicine" could be marketed without any proof of either safety or efficacy. Nor did the AMA, the Food and Drug Administration, or the Federal Bureau of Narcotics have any legal or sublegal authority to deny a drug company the right to sell nearly any chemical not specifically forbidden by the Harrison Act of 1914. For example, all the Food and Drug Administration could do was to recommend appropriate therapeutic indications; it had absolutely no power to limit or warn against consumer purchasing of drugs for which prescriptions were not required, and the last nonprescription amphetamine inhaler was not removed from the market until 1971. Furthermore, the amphetamines clearly demonstrated the ease with which drug manufacturers could expand claims for their products and advertise their usefulness in an unlimited range of areas. Some drug firms obtained patents for their amphetamine congeners and combinations on the basis of these drugs' alleged "anti-depressant" actions and then expanded their advertising claims to include the "treatment" of conditions as disparate as obesity, alcoholism, enuresis, and so on. Other firms followed different paths, starting from the claim that their product was "uniquely effective" in the treatment of obesity but employing the same basic tactics. Somehow, supporting articles and thinly disguised testimonials invariably appeared in "reputable" medical organs, such as the *Journal of the American Medical Association*, just prior to the publication of advertisements extending the reasons for prescribing amphetamines. Although only a few of these reports were exposed as fraudulent, most of them were clearly biased, did not use random sampling or double-blind techniques, and frequently drew dubious conclusions. Complementing the enthusiastic overprescribing of amphetamines by physicians is the fact that since the 1930s there have been other ways in which the public could procure these "euphoriants." In short, amphetamines can be secured interference from organized medicine, the Food and Drug Administration, or any state or federal drug abuse control authorities.

First, there were the inhalers. Although Smith, Kline & French held the patent on the Benzedrine inhaler until 1950, other drug companies quickly realized that they could sell their own imitations without fear of patent-infringement suit because Benzedrine was only one of an almost unlimited variety of equally stimulating euphorigenic, and toxic amphetamine congeners. By the end of World War II there were at least seven different inhalers containing large amounts of these drugs on the market, and all of them could be purchased without a prescription at drug or grocery stores. All were easy to break open, and the number of techniques of ingestion was limited only by the ingenuity of the abusers. Although soaking the cotton fillers in alcohol or in coffee and then drinking the solution produced the desired effects, a much stronger kick could be obtained by chewing on these bits of cotton or by simply swallowing them whole. The extent of inhaler abuse was finally documented in the medical literature by the now classic study conducted by R. R. Monroe and H. H. Drell in late 1947. They found that about 25 per cent of more than 1,000 military prisoners questioned openly admitted to abuse of amphetamine inhalers. Monroe and Drell stressed that their figures were "deceptively low" because amphetamine intoxication was considered a grave offense by the military of inhaler abuse may have exceeded 40 per cent in this army-stockade population. Prison life could not be blamed; more than 95 per cent of the men had begun to take amphetamines after induction into the army but before incarceration. It was apparent that these men resorted to inhalers because, unlike soldiers outside stockades, they did not have access to Benzedrine in pill form. Monroe and Drell were also careful to point out that most of these prisoners were not criminals but "essentially normal persons who were merely victims of circumstances or severe situational stress."

In the years following issuance of the Monroe report the abuse of amphetamine inhalers became such an obvious sociomedical problem that many drug firms withdrew their products from the market. The remaining drug firms were supposedly forced to drop their inhalers in 1959, when these amphetamine sources were finally banned by the Food and Drug Administration except as prescription items. However, this ban was almost totally ineffective; it applied only to devices containing Benzedrine and dextroamphetamine. This left a major loophole that was seized upon by a number of drug houses. In fact, one small Midwest firm began to market its Valo inhaler, containing 150 mg of methamphetamine, *after* the Food and Drug Administration ban had gone into effect.

The ultimate in inhaler abuse—intravenous injection of the contents—was first reported in 1959 and was soon fairly widespread. As late as March of 1970 B. M. Angrist and his co-workers reported four cases of amphetamine psychosis resulting from abuse of the Wyamine inhaler, which contained 250 mg of mephentermine, representing ten to twenty times the usually prescribed central nervous system-stimulating dose. The Wyamine inhaler was finally withdrawn from the market on June 22, 1971, because of pressure from the Justice Department. But, even though inhalers introduced millions of young people to amphetamines, most users found that it was just as easy to procure the pills. In the first three years after Benzedrine was introduced in tablet form, sales climbed to more than fifty million units.

World War II probably was responsible for spurring both the legal medically authorized use and the illegal black-market abuse of the amphetamines. When German Panzer troops overwhelmed Poland, then Denmark and Norway, and drove through Belgium and France, they were taking huge doses of methamphetamine to eliminate fatigue and maintain physical endurance. But the Wehrmacht was by no means the sole large-scale consumer of amphetamines during World War II; Japanese soldiers and factory workers used as much or more. Nor was use of these stimulants confined to the Axis powers. According to British war statistics, seventy-two million standard-dose amphetamine tablets were distributed to the British armed forces alone. Although the U.S. armed forces did not authorize the issuing of amphetamines on a regular basis until the time of the Korean conflict, Benzedrine was used extensively by army air corps personnel stationed in Britain, and it was an open secret that many pilots were engaged in a mammoth bootlegging operation. Amphetamines were also easily obtainable from military medical officers and aides. The amount of Benzedrine supplied to U.S. servicemen by the British has been estimated at nearly 80 million tablets and pills, and probably another 80 to 100 million were supplied by U.S. Army medics.

If only 10 per cent of the American fighting men ever used amphetamines during World War II, more than 1.5 million returned to this country with some firsthand knowledge of the effects of these drugs. Indeed, in recent years the armed forces have constituted a veritable breeding ground for the abuse of all kinds of drugs, especially the amphetamines. According to the Select Committee on Crime, "Over the past four years, the navy seems to have required more stimulants than any other branch of the services. [Its] annual active pill-per-person requirement averaged 21.1 during the years 1966–1969. The air force has flown almost as high by requiring 17.5 ten-milligram doses per person in those years. The army comes in last, averaging 13.8 doses per person per year." These figures reveal that during the four years 1966–1969 the army alone consumed more amphetamines than all the British or American armed forces during World War II. Although the army has recently instituted a moderately effective detection and detoxification program for soldiers addicted to heroin, it contiunes to ignore the amphetamine issue. Today, in fact, the army is continuing to supply combat and "advisory" soldiers with amphetamines as part of their standard equipment. One physician has stated, in apparent seriousness, that he and his associates are encouraged since they have found that many heroin-abusing Vietnam veterans "have neither required nor used heroin but have taken at least temporarily to the intravenous use of speed."

Despite currently mythology, heroin is not instantly addicting, very rarely if ever causes any serious physical damage, and often does not even produce euphoria in normal people. Most of the popular atitudes toward heroin and the fears about its effects are true enough for the amphetamines. Indeed, even many phramacology textbook descriptions of heroin dangers would be more accurate if they had been intended to describe the perils of amphetamines.

Nevertheless, in recent years amphetamine prescriptions have accounted for between 6 to 10 per cent of all prescriptions for *any* drugs, including nonpsychopharmaceuticals like penicillin, and a group of researchers in California has reported that at least one out of every five adults *admits* to long-term or habitual use of amphetamines. Surveys among student populations have revealed that in some cities significant amphetamine abuse is occurring as early as at the fifth- and sixth-grade levels, and that between 15 and 25 per cent of all high school students in communities as diverse as San Francisco, Dallas, and Quincy, Massachusetts, are regular speed users. In a well-conducted and exhaustively analyzed comparative study of college drug use among 1,314 randomly selected students on five different campuses, R. H. Blum and his associates found that during the academic year 1966–67 as many as one-third of these young people were taking amphetamines.

Especially surprising was the fact that, in every college but one, the percentage of students who admitted to *non*medical use of amphetamines was greater than the percentage who had smoked marihuana. On the one campus where grass use exceeded speed use, a full 32 per cent of the interviewed students stated that they had taken amphetamines during the academic year, compared with an only slightly higher 33 per cent who had used cannabis. A follow-up survey on one campus about a year later revealed that the incidence of amphetamine use had jumped from 25 to 35 per cent, and during this study the investigators encountered their first intravenous amphetamine abusers.

By 1946 Smith, Kline & French had been so successful in its amphetamine promotion campaign that a paper by W. R. Bett listed thirty-nine generally accepted "clinical uses"" for the drug, including treatments of schizophrenia, morphine and codeine addictions, nicotinism (tobacco smoking), heart block, head injuries, infantile cerebral palsy, irradiation sickness, and hypotension (abnormally low blood pressure). Bett, who further recommended the drug for such ailments as sea sickness, persistent hiccups, and even "caffeine mania," was only one of a huge number of physicians who regarded amphetamines as "versatile remedies" that were second only to a few other extraordinary drugs (such as aspirin) in terms of the scope, efficacy, and safety of their effects.

Today, even though the Food and Drug Administration officially recognizes only "short-term appetite reduction," narcolepsy, some types of Parkinsonism, and certain behavioral disorders in so-called hyperkinetic young children as valid "therapeutic indications" for the amphetamines, this federal agency lacks real power to limit the drug industry's advertising claims. Amphetamines continue to be prescribed by many physicians for nearly as many different reasons as Bett mentioned.

By 1958 the annual legal U.S. production of amphetamines had risen to 75,000 pounds or 3.5 billion tablets—enough to supply every man, woman, and child with about twenty standard (5-mg) doses. Less than ten years later the drug industry admitted it was pouring out 160,000 pounds—about 8 billion amphetamine tablets—per year, or enough for thirty-five to fifty pills for every living American. By 1970 *reported* legal amphetamine production had risen to above 10 billion tablets, and in 1971 it rose again to more than 12 billion. This year the Justice Department has announced that it intends finally to impose severe quotas on legal amphetamine production.

However, as we shall see, there are several excellent reasons for believing that even a total ban on legal production would make alcohol and marihuana prohibitions look like minor problems.

Indeed, many published studies continue to report amphetamine use rates that are gross underestimates because they ignore the incredibly widespread black-market distribution system that continues to thrive despite federal efforts to seal up the massive leakage from pharmaceutical companies, wholesalers, druggists, and even physicians' offices. What has become a multimillion-dollar, organized crime-controlled business began in all-night restaurants and gasoline stations that catered to long-haul truck drivers, on the first groups to discover the fatigue-alleviating and sleep-postponing properties of the amphetamines. (Some of the early slang names for amphetamines originated among these truck drivers, who called them "cart-wheels," "coast-to-coasts," "Western-Coast turnarounds," "truck drivers," and "copilots." The last term presumably was derived from the now legendary accident that occurred when one exceedingly lucky driver, who had stayed behind his wheel for more than two days on speed, decided to take a brief nap in his sleeping berth while moving at 60 miles per hour. When finally extricated from his totally demolished vehicle, he stated that he had been sure that his assistant was competent to handle the truck in broad daylight. The "copilot," however, was an amphetamine-induced illusion; the driver had been alone for the entire forty-eight-hour period.)

The built-in "mobility" of this early illicit amphetamine distribution system was probably one of the main reasons for the extraordinary rapidity of its spread to all sections of the country.

By the mid-1960s the Food and Drug Administration and the National Institute of Mental Health estimated that about four billion tablets, half of the legal production, were being siphoned off each year. Until at least 1965 it was possible for almost anybody to obtain amphetamines through the mail from so-called wholesale drug mail-order houses. CBS exposed this preposterous situation in 1964 by presenting a report on news producer Jay McMullen's unusual experiment. McMullen had rented an office and mailbox in mid-Manhattan and set up a bogus "import-export" firm called McMullen Services. Simply by using this name as a letterhead on inexpensive stationery, he ordered and obtained from nine suppliers 1,075,000 amphetamine and barbiturate pills, tablets, and capsules on the black market worth up to half a million dollars. McMullen's total investment was $600.28. It had become clear that some legislative controls were badly needed.

In January 1965 Representative Olen Harris introduced the Drug Abuse Control Amendments of 1965. Despite predictable opposition from the American health industry, this bill was finally passed by Congress. The law, seeking to impose greater controls, required increased record keeping throughout all parts of the system of manufacture, distribution, prescription, and sale. The punishments for violations were not severe; the maximum penalties were two years in prison and/or a $5,000 fine. In fact, the Drug Abuse Control Amendments of 1965 were a prime example of too few of the wrong controls too late. Nothing was done about reducing drug industry profits or controlling the overproduction of amphetamines by setting sensible quotas or empowering the Food and Drug Administration to do more than "advise" what the "acceptable therapeutic applications" should be. The controls that were instituted proved to be dismally unenforceable and totally ineffectual in short-circuiting the continued flow of pharmaceutical amphetamines to the black market. Underground entrepreneurs simply refined their techniques. For example, the syndicate-controlled illegal amphetamine marketers discovered that it was easy to transfer amphetamines from the legitimate distribution system by having them shipped to drug houses and "repackagers" in Mexico and then smuggled or mailed back across the border. This strategy was based on a loophole in the 1965–66 legislation that totally exempted amphetamines if they were to be shipped abroad. According to the 1971 *Fourth Report* of the Select Committee on Crime, U.S. Customs had reported a 212 percent increase in *seizures* of contraband amphetamines during the previous two years. But this statistic gives only some suggestion as to the enormous volume of U.S.-produced amphetamines that enter the black market by this circuitous crossing and recrossing of international borders. For example, on January 19, 1972, *The New York Times* reported that Strasenburgh Prescription Products had shipped almost a ton of bulk amphetamine to Strasenburg's Mexican affiliate, where it was packaged in 25-mg Bifetamina capsules and sold to Mexican *farmacias* near the Texas border. Many of these "retail drugstores" were shacks, out in empty fields far from any towns, where smugglers picked up huge quantities of "black beauties" to carry back to the United States. According to a spokesman for the Narcotics Bureau, the number of these Strasenburgh capsules smuggled into the United States probably approached forty-five million per year. At the present time the one decisive difference between the organized black markets in amphetamines and in heroin derives from the fact that the diversion of amphetamines is conducted so efficiently and skillfully, and on so huge a scale, that the illicit price which the addict or abuser pays on the street is just about exactly the same as he would pay for his drugs if he obtained them through strictly legal channels. This, of course, is in sharp contrast to the business in heroin.

Legitimate drug producers, however, are not the only black-market suppliers. In fact, in some sections of this country the manufacture and sale of "home-cooked" speed is thought to exceed the legal pharmaceutical production by a factor of between three and ten. This illicit manufacture is a fairly recent development in the history of amphetamines. The spiraling criminal traffic in black-market speed resulted in a 1963 request from the California attorney general's office that the commercial manufacturers of injectable amphetamines discontinue their sale of these ampules. The manufacturers complied, but almost immediately the first clandestine laboratory for mass production of injectable amphetamines was set up in San Francisco. By 1968 there were between five and ten of these labs within the Bay Area, each suppling the San Francisco speed scene with about 25 to 100 pounds of illegally produced amphetamines per week. An unknown number of smaller "bathroom" laboratories, located mostly in Haight-Ashbury were contributing again as much speed, and numerous formulas describing the synthesis of the final products were being hawked on every street in the Haight.

Although the street dealers habitually proclaimed that their product was "100 per cent righteous pharmacy speed," it invariably contained more diluents than amphetamines. These substances included lactose, Epsom salts, quinine, baking powder, monosodium glutamate (Ac'cent), photo developer, insecticides, ether, and even strychnine. Many speed freaks still prefer to inject speed with particular impurities because amphetamine laced with other substances, such as ether, is thought to produce a heavier flash or more intense rush than pure methamphetamine does. Another reason why home-cooked speed was often preferred to commercially available, injectable amphetamine was that most speed freaks quickly developed an incredible tolerance to the euphoric (but not toxic or paranoia-producing) properties of the relatively weak legal solutions. When individuals could obtain flash speed in powder form, they could disolve as much as one or two grams in a small amount of water and inject the thick syrup in a single gigantic dose. the degree to which some young people have developed tolerance to the amphetamines is astounding: At least one substantiated case of a young speed freak surviving intravenous self-administration of 15,000 mg. of USP methamphetamine in one twenty-four-hour period has been reported. In Haight-Ashbury the demand for flash speed was especially high, prompting some observers to comment that bad acid and "laced" grass were being driven out by worse speed.

No one knows how many speed freaks are alive in the United States today because it is just as difficult to obtain production and sales statistics from the illegal "kitchen and bathroom" laboratories as from the major pharmaceutical firms. However, it is possible to make rough extrapolations to the national level from the few conducted studies. As early as 1964 John Griffith undertook research into illicit amphetamine abuse in Oklahoma City (population, 300,000). Griffith arrived at a conservative estimate of 5,000 individual speed abusers who habitually consumed between 80 and 1,000 mg of amphetamines each day. He asserted that there were several good reasons for considering Oklahoma City a representative national urban sample. Accordingly, if Oklahoma City be taken as an index of the national incidence of amphetamine abuse in large cities alone, we have to assume that as early as the mid-1960s there were at least 650,000 American speed abusers. In 1967 J.C. Kramer and his co-workers corroborated Griffiths' findings and these extrapolations by estimating that there were probably at least 5,000 intravenous amphetamine abusers in the neighborhood of the San Francisco Panhandle alone. Most people, who were aware of what was happening in the Haight-Ashbury portion of the Panhandle during the summer of 1967 probably did not realize that only about 25,000 young persons were present at any one time during the peak summer months. But even this relatively small number represented a fantastic increase over the stable population of about 750 early hippies. Moreover, as David E. Smith has emphasized, this seemingly static population figure is a totally unrealistic representation of the number of young and impressionable persons who visited the Haight, sometimes for only a few days, but generally long enough to carry back to their hometown peers the various experiences, attitudes, and myths of the Haight, as well as the drugs being abused—particularly amphetamines. It was at and through the Haight that the abuse by so many young people of "the confidence drug" culminated in a chaotic whirlwind of what one young speed freak has called "terminal euphoria."

Of all the myths surrounding the amphetamines, that of their alleged "nonaddictiveness" is today the most transparent, even though when these drugs were first introduced they were almost universally hailed as having little or no addictive potential. This is not surprising. Almost every drug that is now condemned as addictive was warranted by the official medical establishment as extremely useful and nonaddicting when it was first introduced. For example, when morphine was acetylated in 1898, the new drug was heralded as a nonaddictive cure for opium and morphine addictions. In fact, enthusiasm was so high that the drug's name was taken from *hero*. It was called heroin.

Accordingly, the only surprising fact about the controversy over the addictiveness of the amphetamines is that it has persisted for so long, despite strong early evidence that these new drugs were substances especially euphorigenic. Indeed, cases of addiction were reported almost immediately, but the drug industry was so successful in reinforcing and sustaining early medical enthusiasm that even as late as 1958 C. D. Leake categorically insisted that "no clear case of addiction to amphetamine has been reported." However, at the very end of his book Leake admitted that he had not become aware of the Japanese situation until "this book was in galley proofs."

During World War II millions of Japanese soldiers, aviators, and sailors, as well as civilians engaged in defense, munitions, and government work, took tons of "wake-amines," especially methamphetamine (sold as philipon). After the war, military stockpiles of amphetamines flooded among the civilian population. The immediate result was the virtually overnight eruption of an unprecedented epidemic of drug abuse and addition. By 1954 it was estimated that there were 500,000 to 1.5 million Japanese amphetamine abusers, about half genuinely addicted.

Today there is good reason to believe that the addictive potential of the amphetamines exceeds that of heroin. Certainly, there are more amphetamine addicts than heroin addicts, perhaps by a ratio of ten to one. A good measure of the controversy over the addictive potential of amphetamines derives from a persisting semantic confusion as to exactly what is meant by drug addiction. According to the 1957 World Health Organization Expert Committee on Drugs, there are five separate criteria that must be fulfilled before a person can be said to be addicted to any natural or synthetic drug: 1) He must consume the drug to the point of "intoxication" on a "periodic or chronic" basis; 2) he must experience an "overwhelming desire or need" (compulsion) to take the drug and to obtain it "by any means"; 3) he must experience a "tendency" to increase the dose because of the development of tolerance; 4) he must experience a psychological dependence on the drug, and he may "generally" experience a physical dependence; 5) as a result of his drug abuse, he and society in general must experience "detrimental effects."

This official definition has been criticized on many counts. Nevertheless, one must examine the evidence pertaining to the addictiveness of the amphetamines in terms of these criteria because the continuation of the controversy has hinged upon interpretations of this definition.

If the first point were strictly interpreted, it would mean that heroin is *not* an addictive drug. Once a person has abused heroin for a sufficient period, he will in fact appear normal *only* when he has enough of the drug in his system to postpone the onset of drug withdrawal. This is one of the basic premises of the methadone maintenance program and constitutes a very good argument for the controlled legal administration of pharmaceutical-quality heroin to hard-core addicts who have little or no chance of breaking out of their vicious cycle. Amphetamines, however, are never normalizing drugs under ordinary circumstances.

Second, almost every detailed case of amphetamine abuse reported in the medical literature mentions at least a moderate degree of craving, and there does not seem to be any extreme to which many individuals will not go to procure the drug. Nor is there any evidence that the craving induced by amphetamines is in any way less compulsive than the craving experienced by heroin addicts. Indeed, a series of investigations with rhesus monkeys has supplied evidence that the craving for amphetamines may be twice as strong as the corresponding craving for heroin.

Third, there appears to be essentially no upper limit to the degree of tolerance that certain individuals will develop to the euphoric effects of the amphetamines. Tolerance to their toxic effects develops much more slowly, however, making them singularly dangerous even compared with heroin, which never has been shown to produce any tissue damage.

The fourth point is the one that has given rise to the most controversy and disagreement. Nevertheless, not even the most vociferous advocates of amphetamines have claimed that these drugs will not produce strong psychological dependence. Their argument is based on the claim that amphetamines do not cause physical (that is, physiological) dependence. But if one looks at the official definition formulated by the Expert Committee, it is immediately obvious that physical dependence is *not* one of the necessary criteria for a diagnosis of addiction; the definition states only that it "generally" occurs when an individual is addicted. Many drug abuse authorities have ignored this important point and interpreted the Expert Committee's statement to mean that physical dependence is a necessary component of addiction. But, even if we meet the purists on their own ground, we are forced to the conclusion that, contrary to much medical mythology, the amphetamines do in fact produce definite *physical* dependence. One of the main reasons why so many people have doubted this in the past is that physical dependence has always been at best a vague concept. It could never be directly measured but had to be inferred from the occurrence of various physiological or behavioral symptoms that a person exhibited *after* he stopped taking a particular drug—that is to say, during abstinence or withdrawal.

In the literature of addiction almost all references to a characteristic abstinence syndrome indicating physical dependence are derived from descriptions of symptoms occurring after prolonged use of true narcotics—opium, opium derivatives (such as morphine, heroin, codeine), and synthetic opiates. Withdrawal from heroin or morphine invariably results in extreme restlessness, agitation, nonfocal hyperactivity, and insomnia. When withdrawal of a drug results in a clinical state similar to that caused by withdrawal from opiates, the drug is invariably identified as capable of producing physical dependence. But if the abstinence syndrome is different from that occurring after abuse of the opiates, the drug is usually (and sometimes wrongly) held to be incapable of producing physical dependence. In most cases of amphetamine withdrawal, notable symptoms include sleepiness, lethargy, and depression. If characteristic withdrawal from depressant drugs, such as morphine and heroin, is marked by various degrees of excitability, why should extreme sleepiness and depression not be considered characteristic withdrawal symptoms of a stimulant drug? If the compulsive use of opiates had not been selected as the paradigm of addictive behavior, the controversy over the addictiveness of the amphetamines would never have occurred.

Despite the minimization in the medical and lay press of the amphetamine-abstinence syndrome and the parallel exaggeration of the unpleasantness of the average heroin addict's abstinence syndrome, withdrawal from amphetamines can be most distressing. Since the individual crashing from high-dose amphetamine abuse appears to be sleeping well a good deal of the time, he is often considered to be merely exhausted. But the picture of the amphetamine-abstinence syndrome that has recently emerged is an unpleasant and painful a one as the traditional view of heroin withdrawal. Extreme lethargy, fatigue, anxiety, terrifying nightmares, and suicidally severe depression are common. The individual is usually disoriented, bewildered, and confused. He is apt to be extremely irritable and demanding, driving people away just when he most needs their help. His psychic disruption and loss of self-control may lead to violent acting out of aggressive impulses. His head aches, he has difficulty in breathing, he sweats profusely, and his body is racked with alternating sensations of extreme heat and cold and with excruciating muscle cramps. He characteristically suffers violently painful gastrointestinal cramps. Despite his sometimes incredible hunger, he often lacks the strength to eat at all, thereby aggravting his condition through malnutrition.

A major breakthrough in the clarification of the precise nature of the amphetamine-withdrawal syndrome occurred with the publication of an article by I. Oswald and V. R. Thacore in 1963. Oswald and Thacore studied six chronic abusers to determine how much of their night's sleep was spent in so-called REM sleep. (REM sleep has a specific EEG pattern related to rapid eye movements, dreams, and changes in muscle tension.) While these subjects were still taking amphetamine, their EEG patterns were normal; but as soon as the drug was withdrawn, REM sleep occupied a much greater portion of the night's sleep. Normally, REM sleep begins about seventy minutes after the onset of sleep and occupies about one-fourth of the total sleep time. During amphetamine withdrawal, however, REM sleep began after about four minutes and occupied up to half the night's sleep. The EEG pattern during sleep took three to eight weeks to return to normal unless amphetamine was restored, in which case it immediately became normal. The authors concluded that these findings indicated that the individuals were physically dependent upon amphetamines insofar as physical dependence means that some major physiological function is normal in the addict, becomes abnormal on drug withdrawal, and returns to normal immediately if the drug is given again to interrupt the abstinence syndrome.

The Expert Committee's final criterion for determining a drug's addictive potential is its ability to cause "detrimental effects" for the individual as well as for society in general. The amphetamines pass this test with flying colors. As early as in 1935 certain reports in medical journals suggested that Benzedrine might cause serious cardiovascular disturbances, and from 1939 to 1962 at least fifty-four cases of acute amphetamine poisoning were disclosed in the American and British reports. These reported cases represent a small fraction of the actual total.

There are three main reasons for this erratic reporting. First, the AMA has been loath to impugn the value of amphetamines. Second, hospital personnel have come to regard acute amphetamine poisoning as routine, hardly worth writing up for the medical journals. Third, a substantial number of amphetamine abusers have exhibited acute psychotic symptomatology that is clinically all but indistinguishable from acute paranoid schizophrenia (such sufferers are generally admitted to psychiatric hospitals and frequently misdiagnosed).

Since the early 1960s, when high-dose and/or intravenous abuse of speed became popular, a whole new spectrum of serious organic reactions has been reported, including severe serum hepatitis. Clinical evidence now suggests that severe amphetamine abuse might cause permanent or long-term brain damage. Of course, there are the reported deaths: Speed indeed kills.

There are also psychological dangers concomitant upon amphetamine use. Amphetamine psychosis once considered extremely rare, now is thought to be relatively common. Furthermore, evidence has definitely disproved the once widely accepted hypothesis that once "previously borderline psychotics" could sustain an amphetamine psychosis.

Unlike heroin and cannabis, amphetamines possess distinct criminogenic psychopharmacologic properties. The only other widely used substances that approach the amphetamines in criminogenic potential are alcohol, and, in some cases, barbiturates. However, because amphetamine-related crime occurs primarily within speed cultures where it is pervasively ignored by the police and because speed freaks rarely attempt large-scale external crime, "official" crime rates for speed users are deceptively low. Moreover, the low level of "criminal skills" within speed cultures may merely reflect the fact that amphetamines are more available and therefore less costly than heroin. The amphetamines' ego-disruptive properties also make it difficult for the speed freak to acquire more than a bare minimum of *any* skills, whether criminal or not.

Since the therapeutic heyday of the amphetamines at the end of World War II, the list of "accepted" medical indications for these drugs has shrunk, although per capita consumption has risen from about twenty to over sixty-five standard (5-mg to 15-mg) doses per year. The drug industry is still permitted to advertise its amphetamine products as uniquely efficacious in the treatment or control of Parkinsonism, epilepsy, central nervous system depression caused by barbiturates and other sedative-hypnotics, surgical shock, dysmenorrhea, nausea associated with pregnancy, acute and chronic alcoholism, menopause, "painful" upper respiratory conditions, headache, arthritis, rheumatism, convalescence from prolonged illness, obesity, narcolepsy, and hyperkinetic reactions of children. Nevertheless, even the AMA is slowly realizing that the amphetamines are *at best* minimally effective in the treatment of nearly all the conditions for which they are still prescribed and that for the relatively rare number of cases in which drug therapy is definitely indicated a safer and more appropriate medication is almost always available.

Obesity continues to be the condition for which the largest amounts of legitimately obtained amphetamines are casually and frequently prescribed. But, despite enthusiastic early reports as to these drugs' efficacy in dietary regimens, expert medical opinion is gradually recognizing that obesity, far from being a semihumorous or cosmetic difficulty, is in fact a complex, long-term problem involving critical psychological and social determinants. Psychological factors, such as chronic tension and depression, unusually strong oral drives, diminished capacity to postpone or delay gratification, and the substitution of food or alcohol for other forms of basic pleasure, are being recognized with increasing frequency. These same psychological forces or characteristics increase the likelihood of a person's becoming dependent on any of a number of drugs, including amphetamines. Although it is often true that amphetamines can cause a three- to four-week euphoric high that may have as one of its important side effects a diminished food intake and consequent weight loss, after this period the user develops a tolerance for the drug. This tolerance implies that amphetamines are no longer effective as anorectics unless the person chooses to increase the dose, thus initiating a preaddictive pattern of abuse very much like the typical fledgling speed freak's. Furthermore, after the use of these drugs is discontinued, the average person quickly gains back as much weight as he has lost, or even more.

In the final analysis narcolepsy and hyperkinetic reactions in children remain the only two conditions for which the use of amphetamines can be even remotely justified. Narcolepsy, a condition marked by an uncontrollable desire for sleep or by sudden attacks of sleep, is an exceedingly rare disease. It is also a relatively complicated disease. There appear to be at least five varieties of it, and amphetamines are the highly questionable "drug of choice" for only two of these five.

Whereas it is undoubtedly true that the behavior taken to be a sign of hyperkinesis is real enough in the sense that restless, angry, disturbed, and inattentive students constitute a major problem for many parents and teachers, and it may well be the case that some elementary school students in this country exhibit this behavior because of organic brain damage or neurohormonal insufficiencies, it is impossible to believe that the half million or more children who are now being routinely administered amphetamine stimulants are *all* suffering from organic brain damage or deficiencies in crucial central nervous system chemicals. In other words, there is no justification for the increasingly popular leap from the observation of disruptive or inattentive behavior to the supposition that this is the result of a specific disease of the central nervous system. One of the clearest indications that there is simply no way to determine whether a child is organically hyperkinetic or merely hyperactive by observing his behavior is the current official label that explicitly admits that the brain damage is "minimal." Moreover, there is strong evdence suggesting that amphetamines may not be the drug of choice in those extremely rare cases where organic hyperkinesis, or true minimal brain dysfunction, may exist. In fact, as late as 1971 Harry S. Novak reported that, if only controlled or comparative experiments are considered, amphetamines have been found to be of benefit in only about 20 per cent of the various hyperkinetic populations so far tested, and there is still no way of predicting beforehand which children will profit from the administration of these drugs.

In short, there seems to be essentially no justification for any further medical prescribing of amphetamines, except perhaps in a very select group suffering from certain varieties of narcolepsy and possibly for an equally small number of truly hyperkinetic children. In these rare cases amphetamines ought to be prescribed only after a weighing of *all* their dangers against their highly dubious values.

Although it is undeniable that individual physicians (especially internists and general practitioners, but also even many otherwise knowledgeable psychiatrists) have overprescribed amphetamines in the past, usually because of a genuinely humane wish to offer a suffering person some tangible sign of concern as well as immediate alleviation of psychic pain or depression, it is fruitless to blame doctors alone for what is but one particularly malignant aspect of the current pandemic of drug abuse. An enduring solution to this nation's, and the world's, growing amphetamine problem seems to us to hinge upon a careful reconsideration and reordering of not simply our medical but our economic, political, social, and spiritual realities. Amphetamine abuse is largely an Amercan contribution to this planet's problems. We hope that we shall regain our national sanity soon enough to demonstrate to other peoples how one can "be wise with speed."

BURUNDI RELIEF NEEDS

Mr. KENNEDY. Mr. President, on Friday, July 28, the United Nations issued a press statement on the report to the Secretary General of the U.N. Mission to Burundi. With the concurrence of the Burundi Government, the U.N. Mission visited Burundi in late June for an assessment of humanitarian relief needs resulting from civil conflict in that country.

Although the text of the mission's report has not been made public, the press statement says that:

> The proportions of the human tragedy which the people of Burundi are experiencing are staggering.

Moreover private and official reports available to the Judiciary Subcommittee on Refugees, which I serve as chairman, suggest that the killing goes on in Burundi, and that the number of displaced persons within Burundi and the number of refugees fleeing to neighboring countries continues to mount.

I want to commend the United Nations for its concern over Burundi, especially its concern over the emergency relief needs of the refugees and others in distress. Let us hope that the Secretary General and his colleagues will continue to pursue every channel to bring peace and relief to a troubled area. It is distressing, nevertheless, that after many weeks of carnage in Burundi there continues to be little visible and meaningful concern over the tragedy by individual governments, including our own. Once again, massive human tragedy is apparently being swept under the rug in the councils of government—under the pretext that the death and displacement of tens of thousands of people is purely an internal affair of the Burundi Government.

The time is overdue for our own Government and others to give some public evidence of concern over developments in Burundi. To encourage this, I have today addressed a letter to the Secretary of State regarding the administration's policy and views toward the conflict and humanitarian needs in Burundi.

Mr. President, I ask unanimous consent to include at this point in the RECORD the text of my letter to the Secretary of State and the text of the press statement of the United Nations mission to Burundi.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: As you probably know, concern continues in many quarters over developments in Burundi. As Chairman of the Judiciary Subcommittee on Refugees, I share this concern, and over the past several weeks have closely followed what appears to be a deteriorating situation.

In light of the continuing difficulties in Burundi, and the growing humanitarian problems resulting from these difficulties, I am writing to inquire about American policy and views, and to urge that our government give some public evidence of concern over the problems of peace and relief in Burundi.

Many thanks for your consideration, and best wishes.

Sincerely,

EDWARD M. KENNEDY.

UNITED NATIONS MISSION TO BURUNDI

For several weeks, the world has been deeply concerned about the tragic loss of life and human suffering that the people of the Republic of Burundi have experienced. The Secretary-General of the United Nations, in expressing his profound personal concern as well as that of the international community, responded on 26 May 1972 to the message of the President of Burundi to his people, which was transmitted to the Secretary-General by the Permanent Representative of Burundi the previous day, by assuring the President of his commitment to the provisions of the Charter of the United Nations, including Article 2, paragraph 7, by offering humanitarian assistance on behalf of the United Nations family of organizations and by noting his concern that all possible steps be taken to avoid further loss of life.

Numerous discussions were held in New York with the Permanent Representative of Burundi regarding the Secretary-General's proposal to dispatch a Special Mission for the assessment of humanitarian needs.

The Secretary-General continued his consultations in Rabat with the Burundi delegation to the Ninth Session of the Assembly of Heads of State and Government of the Organizations of African Unity. Immediately upon the concurrence of the Burundi authorities and the expression of willingness by the Government of Burundi to co-operate with the Secretary-General's Mission, a three-member team headed by Mr. I. S. Djermakoye, Under-Secretary-General and Special Adviser on African Questions; accompanied by Mr. F. J. Homann-Herimberg, Regional Representative of the United Nations High Commissioner for Refugees as Deputy Chief of the Mission; and Mr. Macaire Pédanou, from the Executive Office of the Secretary-General, visited Burundi from 22 to 28 June 1972.

The Special Mission was received by the President and discussed with him and other officials designated by him the extent of human suffering and devastation. Opportunity was afforded to the Mission to briefly visit the province of Bururi in the southwestern part of the country, an area reported to be the most seriously affected by some of the recent events. There the Mission gained first-hand knowledge of the magnitude of the suffering and destruction.

The Special Mission initially reported to the Secretary-General in Geneva early in July and submitted a more comprehensive report to him in New York on 24 July 1972.

The proportions of the human tragedy which the people of Burundi are experiencing are staggering. The Government of Burundi itself informed the Special Mission that 80,000 persons had died since 29 April 1972 and that 500,000 persons, including 50,000 widows and tens of thousands of orphans are experiencing great suffering and are in need of humanitarian assistance.

The Special Mission was also informed that approximately 40,000 persons had sought refuge in the neighboring countries of Rwanda, Tanzania and Zaire.

There has been extensive material damage and, as an indication of the widespread devastation, local authorities in Bururi province reported that 4,500 dwellings were burnt and a large number of medical centers, schools and other public buildings were destroyed. These losses have seriously affected the development efforts of Burundi undertaken in the last several years.

According to Burundi authorities, immediate requirements are being met by assistance provided on a bilateral basis by governmental and non-governmental sources. A request for additional relief and urgently required reconstruction and rehabilitation assistance, including assistance to permit the resettlement of people to those areas where the greatest loss of life occurred was submitted to the Secretary-General's Special Mission. It was estimated that over 720 million Burundi francs (approximately $8 million) would be necessary to meet these requirements. The Special Mission discussed with Burundi authorities the conditions under which programmes of assistance from and through the United Nations system may be provided in accordance with established principles. Thus, the United Nations system must be in a position to assure the international community, and donors in particular, that assistance will reach the entire population and benefit the country as a whole. Assistance from the United Nations system will therefore require careful planning, and the Secretary-General intends to follow the situation very closely.

The Special Mission was informed that the plans on which the request for assistance was based were of a preliminary and tentative nature requiring further study on the part of the authorities. Also required is a precise appraisal by a technical mission which the Secretary-General has authorized. This mission is scheduled to arrive in Burundi on 1 August 1972.

It is the fervent hope of the Secretary-General that peace, harmony and stability can be brought about successfully and speedily, and that Burundi will thereby be enabled to achieve the goals of social progress, better standards of life and other ideals and principles set forth in the Charter of the United Nations.

HIGH PRICES—HIGH UNEMPLOYMENT—BIG DEFICITS, THE ADMINISTRATION'S ECONOMIC POLICIES

Mr. PROXMIRE. Mr. President, unemployment in the United States remains at 5.5 percent, far higher than the interim goal of 1 percent and the Full Employment Act goal of 3 percent.

Prices continue to rise. Wholesale prices, which are tomorrow's prices, continue to go up.

We are experiencing two of the biggest budget deficits in the history of the United States.

Yet, numerous administration officials as well as the head of the Federal Reserve are warning against a too rapidly advancing economy. In view of the high level of unemployment, the kindest thing that can be said about those warnings is that they are "premature."

In the Saturday, August 5, edition of the New York Times there is an editorial entitled, "Jobs and Prices," which sets these matters in their proper perspective. It points out that unemployment is not merely 5.5 percent overall, but 9.9 percent for blacks and almost 15 percent for teenagers. Next year there will be an exceedingly large number of major labor contracts up for renegotiation. Wholesale prices have risen at an annual rate of 5.7 percent since phase II began.

For all these reasons the Times editorial argues that it is far too early for complacency on the part of the economic managers in the administration and far too early for the public to accept the exaggerated claims of administration spokesmen.

I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JOBS AND PRICES

The economic recovery is gathering momentum, but the latest official statistics show how far President Nixon is from having solved the problems of unemployment and inflation.

The jobless rate in July held at 5.5 per cent, the same as in June. Through that level represents a reduction from the old 6 per cent plateau, more than five million people are still out of work, and the unemployment rates remain particularly severe for particular groups—9.9 per cent for nonwhites and 14.8 per cent for teenagers. The recession is far from over for much of the country.

Nor do the latest price figures provide cause for celebrating the end of inflation. The wholesale price index climbed eight-tenths of 1 per cent last month, or 9.6 per cent at an annual rate. Though the rate of inflation has come down as measured by the consumer price index, wholesale prices have risen at an annual rate of 5.7 per cent in the eight months since Phase Two of the price control program was launched. This was faster than the rise preceding the Phase One freeze.

Worst of all for the future of family budgets, most of the recent rise in wholesale prices is coming from skyrocketing food and farm prices. Administration spokesmen assert that it is too soon to measure effects of recent Nixon moves to half increased profits on unprocessed food, but it appears increasingly improbable that the President's program can succeed without bringing farmers under controls.

Mr. Nixon and his aides are obviously hoping that the public has a short memory and that what will count on Election Day is the recent improvement in the economic indicators rather than the four-year record of the economy. Far from growing rapidly, industrial production regained the level of autumn, 1969, only this spring and durable-goods manufacturing output remains below its 1968 level.

The issue for the voters will be whether Mr. Nixon, if re-elected, will do a better job of managing the American economy during his second term than he did in his first.

A budget balancer when he took office, Mr. Nixon has transformed his approach to fiscal policy in a way that makes him the champion deficit spender of the postwar period. After running deficits in excess of $50 billion during fiscal 1971 and 1972, his 1973 budget is likely to show another deficit—this time well in excess of $30 billion.

The tough decision facing the Administration is when and how to start narrowing that budget gap as a brake on inflation. That problem is complicated, however, by the persistence of unemployment. While the economy remains so far short of full employment, the Administration must avoid swinging fiscal policy from excessive stimulus to excessive restraint. Economic growth should be permitted to continue at a strong rate for at least another year, if there is to be hope of getting the jobless rate back down to the 4 per cent area.

Fiscal policy to achieve noninflationary growth must be reinforced by a continuing policy of wage-price restraints after the election. Next year will be a crucial one for collective bargaining with the expiration of major contracts covering 4.5-million workers. Expanding industrial profits, coupled with higher consumer prices, will stimulate demands for increases well beyond productivity improvements. Unless the Administration wants the modest progress it has made against inflation to evaporate, it is not too early to make clear that it intends to keep an effective wage-price control program in place.

ADMINISTRATION TRYING TO NEUTRALIZE UNEMPLOYMENT

Mr. MOSS. Mr. President, we have seen repeated attempts to neutralize unemployment as a 1972 campaign issue.

The administration has used every excuse imaginable in an effort to explain away the Nation's high jobless rate. Two years ago, the President said joblessness was necessary to stabilize prices. Last year he blamed unemployment on the great number of veterans on the job market. This year he says there are too many women and young people in the labor force.

Despite this seemingly endless supply of excuses, the Nation's unemployment figures continue to speak for themselves. Today the Department of Labor announced that the jobless rate remains at 5.5 percent, representing 5.2 million unemployed.

Even these figures, however, fail to measure the truly depressed economic conditions which continue to plague many parts of the Nation. The 5.5-percent figure is a nationwide average. It tells nothing of the situation in the poorer sections of the country.

Consider, for example, the "Mountain" region, which includes my home State of Utah. This area has consistently suffered from a higher rate of joblessness than elsewhere. Even in 1969, when the rest of the Nation was enjoying "full employment," this region had 4.2 percent of its labor force out of work. The most recent data made available by the Department of Labor shows the area to have a rate of joblessness considerably higher than the national average.

These facts should be borne in mind when we hear expressions of euphoria at the nationwide jobless indicators. There are, indeed, many areas of the country in much worse shape.

Mr. President, the situation regarding prices is little better. Despite last month's optimistic predictions of an end to inflation, wholesale prices rose during July at an annual rate of almost 10 percent. These latest figures are hardly to the credit of current policies.

Unemployment, inflation, "bread and butter" issues in general remain serious concerns of the American people. Today's figures show their concern to be justified.

GENOCIDE: THE PROPER SUBJECT OF AN INTERNATIONAL TREATY

Mr. PROXMIRE. Mr. President, critics of the Genocide Convention argue that genocide is not the proper subject of an international treaty. If this were the 18th or 19th century, rather than the 20th, these critics would have a defensible argument.

Let us recall that there were few general multinational treaties before this century. The treaty power of the United States and other countries was used to settle boundaries and formalize certain types of commercial arrangements, especially with regard to fishing and shipping.

The 20th century ushered in an era of multinational treaties prescribing international rules of conduct. The Versailles Treaty and the League of Nations Covenant represent our first efforts toward establishing such a code of conduct.

In the United Nations Charter, limitations were placed upon the sovereign States' freedom of action. Several of the charter's provisions involve matters which were heretofore topics of internal legislation.

In the charter, the signatory States agreed:

> To achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and in encouraging respect for human rights and for fun-

> damental freedoms for all without distinction as to race, sex, language or religion . . . [Art. 1(3)].

It is evident that this provision makes human rights a subject of international concern.

Nevertheless, the Genocide Convention, like the United Nations Charter, does not alter the basic principle that matters essentially within the domestic jurisdiction of States are not subject to outside intervention. The genocide Convention merely makes a certain type of activity a matter of international concern.

I would like to remind the Senate of a report by a special lawyers committee of the President's Commission for Human Rights Year. The committee, headed by former Supreme Court Justice Tom Clark, reported in October of 1969 that treaties dealing with the rights of individuals in their own countries are legitimate matters of international concern. Justice Clark emphasized that one of the basic purposes of the U.N. Charter is the promotion of universal human rights. Furthermore, the Senate, itself, has given its advice and consent for U.S. accession to the Protocol on Refugees and the Supplemental Slavery Convention.

The Genocide Convention will not be the first treaty dealing with human rights which the Senate has ratified. I ask the Senate to consider this point and ratify the treaty without further delay.

INDIA'S 25TH INDEPENDENCE DAY

Mr. KENNEDY. Twenty-five years ago this week, Jawaharlal Nehru told India it had made "a tryst with destiny" and that the moment had come when India would "step out from the old to the new, when an age ends, and when the soul of a nation, long suppressed, finds utterance."

Such a moment came again for another nation this year: Bangladesh. And its "tryst with destiny" came in no small measure from the support of India and its commitment to democratic principle and self-determination.

Last year, as India strained under the burden of one of the largest refugee movements of modern times—as it sought to aid the victims of one of the bloodiest repressions and civil wars of modern times—I had the honor of joining Prime Minister Indira Gandhi atop the ramparts of Delhi's historic Red Fort to honor India's Independence Day on August 15, and to recognize its humanitarian effort on behalf of the people of East Bengal. For during that crisis India had risen to the task and pledge stated 25 years earlier by Nehru, who noted that "peace is indivisible, so is freedom, so is prosperity now, and so also is disaster in this one world that can no longer be split into isolated fragments."

I welcome this opportunity to again honor India on its independence day and for its continued commitment to aid those in need throughout this one world.

THE PRESIDENT'S PROPERTY REVIEW

Mr. MOSS. Mr. President, in a news story published in the Deseret News of Salt Lake City, July 27, 1972, was a statement to the effect that Utah's Members of Congress were pleasantly surprised by President Nixon's remarks that it was ridiculous for the Federal Government to hold vast acreages that could be better used by State or local governments or private individuals.

May I add that I would be pleasantly surprised if the Federal Government would get around to giving to Utah the 227,252.61 acres of land which the State is presently entitled to receive in lieu of State school sections taken away from it since statehood. There are some 187,229 acres of land for which the State has made application. Many of these applications have been pending since 1965. To date, no action has been taken on these applications for 187,229 acres to which Utah is entitled under 43 U.S.C. 851.

Apparently the Department of the Interior and the Department of Justice are having some difficulty in deciding what equal value means—and in the wait of almost 10 years—a lot of good Utah land is awaiting ministerial action by President Nixon's executives.

The President was talking about a report of the Federal Review Board to release unnecessary Federal holdings—and I applaud this—but I also wish the President, through his executive department, would get around to approving land selections owed to the State of Utah and pending for almost 10 years.

RESERVATIONS ON REVENUE SHARING

Mr. HARTKE. Mr. President, the House-passed revenue sharing bill has been widely criticized on many grounds—as much for what it fails to do as for what it does. The Hartke view has always been that the privilege of spending should be closely tied to the responsibility of taxing. The House bill would seriously subvert that fundamental premise.

The House-passed measure completely bypasses the normal appropriations route, contains virtually no labor standards, and fails to provide a strong incentive to use the income tax.

Nowhere have I seen a better catalog of the flaws in the present concept of revenue sharing than in the testimony of Andrew J. Biemiller, director of the legislative department of the AFL–CIO. Testifying recently before the Senate Finance Committee, Mr. Biemiller spelled out in clear and succinct language a number of weaknesses in the House-passed bill that must be corrected.

Mr. President, I ask unanimous consent that brief excerpts from Mr. Biemiller's testimony be printed in the Record at this point.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

> The AFL–CIO position on no-strings revenue sharing has been stated time and again through convention resolution, executive council statement, and legislative testimony. This past November by unanimous convention action the AFL–CIO reaffirmed its opposition to no-strings aid.
>
> It was the convention's view that ". . . the nation's interests will not be served through no-strings-attached delivery systems for federal aids, which are not tailored to specific program needs, developed in line with national goals and priorities, subject to congressional scrutiny, and conducted under federal standards of performance."
>
> Thus, Mr. Chairman, it is our view that nationally collected tax dollars must be used in the national interest. We are opposed to any change in the delivery system for federal aid that does not meet this criterion.
>
> Our major objections to H.R. 14370 and suggestions for strengthening the bill are as follows:
>
> 1. The legislation completely bypasses the appropriations committees. This in our view represents a hazardous tampering with the legislative process and is particularly onerous in a program such as this; for not only will the uses of the funds be essentially devoid of federal control, so will the amount of the funds. For five years there will be no opportunity for congressional review nor will there be any opportunity to weigh the funding of H.R. 14370 against other demands upon the federal budget.
>
> We recognize the need for the state and local governments to have an assurance that aid money called for in the substantive legislation will be forthcoming. Such assurances can be granted without sabotaging the existing appropriations process by forward funding of one or perhaps two years.
>
> 2. Local governments would receive two-thirds of the funds in the first year of the program but their relative share would decrease in each subsequent year, falling to only 55% in the fifth year. The state share which is totally without program requirements or labor standards would be increased each year.
>
> In recent years the states have exhibited a greater responsiveness to their local governments. Nevertheless the role of the state capitols still leaves much to be desired and federal aids must emphasize the needs of the cities—particularly the nation's larger urban areas.
>
> 3. The "high priority" local government expenditure categories are so broadly defined that, apart from education and welfare, few functions could be excluded. The categories should be spelled out in greater detail and the bill should ensure that the aid results in net increases in public facilities.
>
> Similarly, the states should be required to place their share of the aid into escrow funds. Outlays from these funds should be limited to specific categories of expenditures. Reports should be required and the Secretary of the Treasury and the Comptroller General should have the right to review the operations of the funds.
>
> 4. The labor standard sections that apply to local government expenditures are weak and would be difficult if not impossible to enforce. The states share has no labor protection provisions whatsoever. The legislation should include adequate language applying to both the state and the local share which would assure that rights of workers are protected. Strong anti-piracy language should be included. Our suggestions for language which would assure such protections is appended to our full statement.
>
> 5. The income tax incentive is much too weak. It is our view that, if the states are to help themselves in closing the gap between public needs and resources, they must look to progressive income taxes. Thus, the state share of the funds should be entirely conditioned upon income tax effort as was the case in the original revenue sharing bill (H.R. 11950) introduced by Mr. Mills. The House bill cuts the income tax incentive in half, and, even within that half, states without income taxes would receive a share of the funds.
>
> Mr. Chairman, even if our objections were met, this bill in our judgment would still represent at best a stopgap measure which promises infinitely more than it will deliver. Moreover, we feel that this legislation will

not add one federal penny to the money available to the states and localities. It will merely be a substitute for the full funding of existing aid programs. And it could block or slow down new or expanded grant-in-aid programs that would effectively meet the multiplying needs for virtually every type of public investment—from sewer systems and waste-treatment facilities to urban mass transit, education, health care, public safety, libraries, roads and airports.

The AFL–CIO's lack of enthusiasm for this bill is not based on negativism. There is no question in our minds that the federal government's role in helping the states and localities must be strengthened. We believe strongly in the federal system. We have faith in its ability and we would like the system preserved and strengthened. At the same time we are painfully aware of the problems facing our nation.

We believe there are far better alternatives than those offered in the legislation before this committee. We have detailed these alternatives in the full text of our statement. Briefly, we feel that the first order of priorities should be the full funding of existing federal grant-in-aid programs, a sharp change in the disastrous economic policies of this Administration, federal takeover of a greater share of the costs of education and welfare, tax reform at all levels of government and speedy enactment of a program of national health security.

In addition, existing categorical aid programs should be reviewed to increase their efficiency, and new financing methods such as a federal urban bank should be explored. And the states themselves must launch on a program of government modernization.

In conclusion, it is the AFL–CIO's firm belief that the best interests of the states, the cities and the citizens will not be met through the State and Local Fiscal Assistance Act, in its present form.

We have outlined what we believe to be the major weaknesses of the bill. If it is the will of the Congress to enact legislation such as this we urge that at minimum these weaknesses be corrected. Nevertheless, we still believe that grant-in-aid programs with federal standards, federal guidelines, and federal review have served our nation well and the federal government should meet its responsibility to all Americans through programs that are developed by Congress, enacted by Congress, funded by Congress and reviewed by Congress. "No-strings revenue sharing" may be an attractive sounding concept, but we in the AFL–CIO are convinced that it is not the best approach to the multitude of national problems. There are many excellent federal programs now on the law books. There are well defined concepts and procedures that are available to state and local governments to help meet their needs and assure that national interests and priorities are maintained.

We in the AFL–CIO will work with all governments—state, local and federal—to help bring about solutions to these problems through the proposals we have offered today.

THE WAR POWERS ACT

Mr. HARRIS. Mr. President, prior to the California primary Senator HARTKE and I sent identical letters to Senators GEORGE MCGOVERN and HUBERT HUMPHREY concerning their interpretation of the powers and obligations of the President in the field of foreign policy. In their replies the two men pledged that if either was elected President, he would agree to abide by the provisions of the War Powers Act as adopted by the Senate on April 13, 1972. They also confirmed that each would not commit U.S. Armed Forces even in a crisis without making every attempt to consult congressional leaders.

I believe that the reply of these two influential Democrats, one of whom is now our party's nominee for the Presidency of the United States, will be of interest to all Members of the Senate. I, therefore, ask unanimous consent that the original letter sent by Senator HARTKE and myself as well as the replies from Senator MCGOVERN and Senator HUMPHREY be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TELEGRAM TO HON. HUBERT H. HUMPHREY, AND HON. GEORGE MCGOVERN, JUNE 2, 1972

As the first Members of the Senate to endorse your respective candidacies for the Presidency, we are writing you about a major constitutional issue involving the role of the executive and legislature in the field of foreign policy.

As active candidates for the Democratic nomination, you are more aware than most public leaders of the potential constitutional crisis which the President's decision to mine the harbors and ports of North Vietnam poses for our system of government. It does not matter whether one agrees with the decision or not. We and you do not. The fact is that the President apparently took a full week to reach his final conclusions, yet he made no effort during this period to consult the leaders of the Congress about an action which, even if successful, could have a serious and adverse impact on our foreign relations for years to come.

The issues raised by the President's decision, however, extend far beyond the time-frame of this administration. Since the birth of the Republic, the United States has entered into 192 military hostilities abroad without a declaration of war from the Congress. Twenty-five of those have come since World War II and two of those—Korea and Vietnam—have been among the bloodiest wars in our history.

We all realize that, particularly in the nuclear age and with a world so interdependent, an action by the United States in one corner of the globe may trigger a military or political response elsewhere. We, therefore, believe that the decision of the United States to involve itself in military action abroad must be the result of careful deliberation by both Members of Congress and the Executive. We believe the Founding Fathers always intended that our system of government would operate in this manner. We do not believe they ever intended that, subject only to the check of an election every four years, the occupant of the White House be accorded what in effect have come to be dictatorial powers in such matters.

Given the seriousness of the issues posed, we would appreciate your endorsement or comment on the following proposed statement of policy for the Democratic Party:

"If elected President of the United States, the Democratic nominee will follow the procedures for consultation with the Congress in the field of foreign policy as set forth in S. 2956, the 'War Powers Act,' adopted by the United States Senate on April 13, 1972, and now pending in the House of Representatives. He will follow these procedures even if the War Powers Act should fail to pass the House of Representatives or should be vetoed by President Nixon."

"In addition to the procedure set forth in the War Powers Act, he shall:

(a) Consult with the leaders of the Congress specified below at least 24 hours prior to the ordering of U.S. military forces into action against the armed forces or citizens of any country with which the United States is not formally at war, provided the leaders consulted agree to respect presidential requests for confidentiality prior to actual disclosure of the decision.

(b) In the event such consultation is not physically possible, inform the congressional leaders in a public report of the reasons for his inability to consult.

"The congressional leaders shall be: a) the President pro tempore of the Senate; b) the Speaker of the House of Representatives; c) the majority leader of the Senate; d) the minority leader of the Senate; e) the majority floor leader of the House of Representatives; f) the minority floor leader of the House of Representatives; g) the chairman of the Senate Armed Services Committee; h) the chairman of the Senate Foreign Relations Committee; i) the chairman of the House Armed Services Committee; j) the chairman of the House Foreign Affairs Committee."

We look forward to your early reply. We are sending a similar message to Governor Wallace.

With highest regards.

Cordially,

VANCE HARTKE,
FRED R. HARRIS,
U.S. Senators.

STATEMENT BY SENATOR GEORGE MCGOVERN

I declared my support for S. 2956, the War Powers Act, when it passed the Senate last April 13, and I believe that the President should abide by the procedures it outlines whether the bill becomes law or not. If elected President, I would abide by these procedures.

In the twentieth century, the development of modern weapons and instantaneous communications, coupled with the near monopoly of the Executive over information gathering, has resulted in a severe erosion of the Constitutional balance of powers. There is an increasing need for instantaneous decision-making, and only the Executive has this capability.

Successive Presidents have justly claimed the right to act rapidly in an emergency. What is desperately wrong is that the emergency power has been abused to justify long-term military involvement without Congressional authorization. For years after the event, we were still supposedly responding to attacks that allegedly took place in the Gulf of Tonkin from August 2–4, 1964. An attack on a U.S. unit at Pleiku was used to justify an exhaustive and sustained bombing campaign against North Vietnam. And the Nixon Administration has spent longer "protecting American troops while they withdraw" than we spent defeating Hitler. This is a flagrant abuse of the Presidential power to defend American troops when they come under attack.

The War Powers Act specifies certain contingencies in which the President may act of his own initiative—he may repel a direct attack on American armed forces and may repel and retaliate against a direct attack on the territory of the United States. Beyond these contingencies, U.S. military action should depend on a declaration of war by the elected representatives of the nation.

Even in an emergency of the sort specified in the War Powers Bill, where it may not be possible for the President to obtain Congressional authorization before he acts, he should—and I as President would—make every effort to consult with leaders of Congress before taking action. And the President should have to obtain Congressional authorization before prolonging emergency operations beyond the immediate emergency.

As Senator Lawton Chiles said during the debate on the War Powers Act, that bill "simply spells out what is clearly in the Constitution." It provides only for what is necessary in order to make the Constitution work in the twentieth century.

JUNE 20, 1972.

Hon. FRED R. HARRIS,
U.S. Senate,
Washington, D.C.

DEAR SENATORS HARTKE AND HARRIS: In response to your telegram of June 2, I would like to extend my personal endorsement of your worthwhile initiative. As you know, I am a cosponsor of the War Powers Act, and have spoken frequently in support of the bill. In a statement I made on the floor of the Senate, April 7, 1972, I said that "I have no doubt that, once the new relationship for the discharge of warmaking responsibilities provided by S. 2956 are established, the United States will be better equipped to meet the awesome challenges of the world community than it is now. It will be better prepared to meet the needs of its own people."

I, therefore, am committed to the format of the War Powers Act, which I believe is in keeping with the original intent of our Constitution. As President of the United States, I would adhere to this interpretation of the Constitution with or without the final passage of S. 2956. I would also press for other complementary legislation which would better equip the Congress itself to handle matters commensurate with its responsibilities on questions affecting our national security.

Furthermore, I think your second proposal is a sound one which should serve as a guideline for any President. It is certainly one which I accept because in my estimation the ordering of U.S. troops into action is a responsibility which the President must share with the Congress. It is a decision which should be based on the advice and wisdom of members of Congress, as well as on those advisers and government officials closest to the President. The undertaking of a major U.S. military operation has tremendous consequence for the entire world, and certainly, for the American people. While the President must bear responsibility for this action, it is also his responsibility to make full use of the consultative process with Congress.

In closing, let me add that Congress, itself, must do more than seek a procedure for conferring with the President. It must undergo the kind of institutional reform which is most appropriate to our age of technology and most in keeping with the democratic principles of this nation. In this way a President will feel compelled to seek Congressional advice from the early stages of any decision affecting our national security, as well as in moments of crisis.

I congratulate you for taking an initiative along these lines and suggest that it be incorporated into the Democratic Platform Plank for 1972.

Sincerely,

HUBERT H. HUMPHREY.

RURAL DEVELOPMENT ACT OF 1972

Mr. SPARKMAN. Mr. President, as Members of the Senate well know, Congress is on the verge of enacting the Rural Development Act of 1972, legislation which I believe will lead to a better life for rural America and which will also provide an alternative to the overcrowding in our major metropolitan areas. This is one of the most significant pieces of legislation we have considered this year.

One of the leaders in the effort to secure a better life for rural Americans has been my colleague, Alabama's outstanding junior Senator (Mr. ALLEN). Much of the credit for this forward looking proposal should go to Alabama's junior Senator.

As a member of the Agriculture Subcommittee on Rural Development, he has been a prime mover and shaper of this legislation—which will hopefully be signed into law sometime soon. During hearings on the proposal, the Senator conducted a widely publicized field hearing in Alabama which showed the promise of rural renewal as well as the need.

Our major metropolitan areas are already overcrowded and yet the population migration to urban centers continues. These urban areas are crowded, congested, polluted, and infested with crime. It seems only logical to me that the answer, or at least part of the answer, to the urban crisis lies in rural development and renewal. We must provide more jobs, decent homes, water and sewer facilities, better schools, and improved health care in rural America.

I believe Americans strongly support the concept of rural development. In fact, not too long ago a Gallup poll showed that a majority of Americans preferred living in rural or less populated areas.

That is not possible at this time because of a shortage of jobs and those services required for a decent life.

The rural development legislation which my colleague from Alabama has played such a great role in developing could be the first step toward genuine renewal and improvement of rural America. This legislation could result in Americans having a genuine choice as to where they live, a choice that has largely been absent in the last few years.

So I think Alabama and the rest of the Nation owe a debt of gratitude to the Senator from Alabama. And I urge him to continue leading the way in this very important field.

TWENTY-FIVE YEARS OF ACHIEVEMENT OF NATIONAL RETIRED TEACHERS ASSOCIATION

Mr. ALLOTT. Mr. President, on July 24, I advised the Senate of the accomplishments of the American Association of Retired Persons and included a summary of its "14 Years of Achievement" in the RECORD.

In my remarks, I referred to the National Retired Teachers Association founded in 1947 which is celebrating its 25th anniversary this year.

The National Retired Teachers Association was sponsor of the founding of the American Association of Retired Persons.

I, therefore, ask unanimous consent that a résumé of the "25 Years of Achievement" of the National Retired Teachers Association be included in the RECORD at the conclusion of my remarks.

I was pleased to receive this résumé from Miss Olga Hellbeck, vice chairman of the National Retired Teachers Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TWENTY-FIVE YEARS OF ACHIEVEMENT, 1947–72

1947

NRTA is founded by unanimous vote of 125 representatives of the California Retired Teachers Association, in Berkeley, California, on October 13, 1947. Dr. Ethel Percy Andrus is elected organizing president.

NRTA is joined by the State RTAs of California, Connecticut, New Jersey, Ohio, and Pennsylvania. Support of NRTA is pledged by these RTAs and first funds contributed by Connecticut RTA, $30; California RTA, $100.

NRTA Directors named to assist with the establishment of the new organization are: Ethel Percy Andrus, California; W. C. Barnett, Arkansas; Daniel Davies, New Jersey; W. W. Eisenhart, Pennsylvania; Ellen Hubbel, Connecticut; J. R. McCollum, New Mexico; Will C. Merritt, Ohio; Alice Reiterman, California; Isaac A. Serven, New Jersey.

1948

NRTA is joined and support pledged by the RTAs of the Eastern Zone and Mid-Western Zone of New York State and the Chicago RTA.

NRTA refines the structure of the Association and makes long-range plans.

1949

NRTA is joined by the State RTAs of Washington, Texas, and the Western Zone of New York State.

NRTA President, Dr. Andrus, meets with RTAs at Regional Conferences in Columbus and Cleveland, Ohio; Newark, New Jersey; Pittsburgh, Pennsylvania; Hartford, Connecticut; Chicago, Illinois; Albany and Rochester, New York.

NRTA makes official application for NEA departmental status for officers and directors for the period 1950–51.

1950

NRTA holds a Sectional Conference to plan for expansion. Dividing the states into eight NRTA Regions, it names a Director for each Region and appoints nine Directors-at-Large.

NRTA holds its first Annual Convention in St. Louis, Missouri, at the Hotel Statler on July 3.

NRTA publishes its first NRTA Quarterly winter issue, a 16 page 6" x 9" publication. NRTA's Constitution and Bylaws are presented in this issue by the Editor and President, Dr. Ethel Percy Andrus. NRTA dues are announced; $1.00 per year for individuals; $10.00 for State RTA affiliation; $5.00 for local RTA affiliation.

NRTA is joined by local RTAs from Utah, Wisconsin, Massachusetts, Michigan, Illinois, Virginia.

NRTA membership totals 500.

1951

NRTA has appointed officers in 22 of the States.

NRTA Summer Quarterly lists eight Regional Directors and eight Regional Vice Presidents.

NRTA holds its Annual Convention in San Francisco, California, July 14 at the Fairmont Hotel—attendance 150. NEA votes unanimously to welcome NRTA to departmental status on July 6. NRTA individual charter membership is closed July 4—NRTA Life Membership is made available—NRTA Charters made available to State and local RTAs.

NRTA is joined by local units from Alabama, Vermont, New York City, Indiana, St. Louis, Louisiana and New York State.

NRTA Quarterly is increased to 32 pages and publishes legislative achievements for 46 States, Puerto Rico and Hawaii.

NRTA names a Legislative Council.

NRTA membership totals 5,000.

1952

NRTA Quarterly is officially changed to NRTA Journal.

NRTA's Annual Convention is held in Detroit, Michigan, at the Statler Hilton Hotel, June 30, through July 2.

NRTA President Andrus proposes the establishment of a retirement residence for members of the Association.

NRTA spearheads the campaign for exemption of retirement income on Federal Income Tax Returns.

NRTA's Legislative Council represents the

Association in Washington, D.C., working for tax exemption on retirement incomes.

NRTA can count 22 of the now organized 30 State RTAs as affiliated groups.

NRTA individual membership is approximately 10,000.

NRTA is incorporated as a nonprofit organization under the laws of the State of California.

1953

NRTA holds its Annual Convention in Miami, Florida, June 29–July 1.

NRTA urges Congress to provide retirement income exemption. President Andrus testifies before the House Ways and Means Committee, August 13.

NRTA announces plans for a national retirement residence for NRTA members, Grey Gables, to be located in Ojai, California.

1954

NRTA announces the incorporation of the non-profit corporation, Bureau of Homes, NRTA, for the purpose of planning the financing and operating of Grey Gables Retirement Residence in Ojai, California.

NRTA's President, Dr. Andrus, is selected as National Teacher of the Year by the National Congress of Parents and Teachers and the National Educational Association. She is the first Teacher of the Nation to receive the Golden Apple Award by the International Senior League.

NRTA holds its Annual Convention in New York City, June 28–30 at the Hotel New Yorker.

NRTA is tireless in aiding and supporting liberalization of retirement benefits in States where RTA's are promoting such campaigns.

NRTA Journal abandons the format of its 18 earlier issues to become, in the Third Quarter, a publication of 32 pages.

1955

NRTA pledges its untiring efforts to obtain a group health insurance policy for its members, which would be noncancellable because of age or previous condition of health, would require no health examination and would be budget-priced.

NRTA's Annual Convention is held in Chicago, Illinois, at the Conrad Hilton Hotel, July 3–6.

NRTA's growth in membership necessitates the addition of two Regions, bringing the total to twelve.

NRTA Retirement Residence, Grey Gables, increases its capacity through the addition and remodeling of Sycamore Lodge and acquires a hobby shop and heated swimming pool.

1956

NRTA sees the completion of two new residence buildings, Gateway and Hillside, on the Gray Gables site.

NRTA's Annual Convention is held in Portland, Oregon, July 1–5 at the Congress Hotel.

NRTA Group Health Insurance Plan, underwritten by one of the leading insurance companies of the United States, is the first nationwide group policy offered to retired persons and becomes effective July 1, 1956. The U.S. Department of Health, Education and Welfare names this accomplishment a significant social achievement.

NRTA Insurance Coordinator, Mrs. Grace B. Hatfield, establishes the first insurance office in Washington, D.C., at 801–19th Street, N.W., to serve insured members of NRTA.

NRTA achieves a goal as The Mason Bill, HR–7036 is signed into law. Exemptions up to $1200 per year are now allowed on income tax returns, Sec. 37 of the Internal Revenue Code of 1954.

1957

NRTA celebrates its tenth anniversary at its eighth Annual Convention in Philadelphia, Pennsylvania, June 30–July 4 at the Sylvania Hotel.

NRTA Group Health Insurance Plan offers additional benefits during the enrollment period.

NRTA sees expansion of Grey Gables by the addition of a new residence building, Mountain View, and an Administration Building.

1958

NRTA membership has increased to 65,000.

NRTA Travel Service is established and offers its first Grand Circle Tour of Europe, geared to the interests and desires of its mature members, personally conducted, with all costs included.

NRTA Insurance Plan moves to new and larger offices on 15th Street, N.W., Washington, D.C.

NRTA member occupancy at Grey Gables is increased to meet demands by the addition of two new residence buildings, Meadowview and Rose Terrace.

NRTA's Annual Convention is held in Cleveland, Ohio, June 29, to July 2 at the Manger Hotel.

NRTA sponsors the founding of an affiliate organization, American Association of Retired Persons, sharing with it some of its services, but each maintaining its own autonomy.

NRTA members receive the first issue of the AARP publication, Modern Maturity, used to announce its founding to persons 55 years and older.

NRTA Journal changes its cover style on the Fourth Quarter issue.

1959

NRTA News Bulletin makes its appearance.

NRTA's Tenth Annual Convention is held in St. Louis, Missouri, June 27–29 at the Pick-Melbourne Hotel.

NRTA participation is welcomed by the Veterans Administration Volunteer Service.

NRTA Group Health Insurance Plan adds nursing home benefits.

NRTA Drug Service with its first unit in Washington, D.C., offers drugs, prescriptions, vitamins, medical appliances and other health aids at substantial savings to members.

NRTA Areas are increased to 14 with the appointment of an Area Vice President and a Director of Public Relations for each Area.

NRTA Executive Headquarters are located in Washington early in the year and staff increased.

NRTA Geriatric Nursing Home, Acacias, is established and opens in September.

NRTA Hospitality House opens in St. Petersburg, Florida.

NRTA's President testifies at the House Ways and Means Committee and Senate Sub-Committee Hearings.

NRTA Journal uses color on front and back covers for the first time on the Third Quarter issue.

1960

NRTA Health Insurance offices and programs expand, due to membership demands.

NRTA President, Dr. Andrus, is named to the National Advisory Committee for the White House Conference on Aging.

NRTA and AARP conduct, in St. Petersburg, an Open Forum called the "Little White House Conference on Aging" at which 2,000 persons in attendance discuss "Aging with a Future," with national leaders as speakers.

NRTA opens the second drug service, the Florida Retired Persons Pharmacy, in St. Petersburg.

NRTA testifies at the Congressional investigation of the drug industry and its rate of profit.

NRTA explores housing problems of older persons.

NRTA and AARP present "Ever Since April," a play, written for the Associations, to depict the tragedy of chronologically enforce retirement and the hero victim's restoring his self-respect through concern for others.

NRTA's Annual Convention is held in Los Angeles, California, at the Alexandria Hotel, June 22–25.

NRTA's Executive Staff conducts a week of lectures and discussions at Chautauqua on "Modern Maturity for a Brighter Tomorrow—A Positive Approach for Enriching the Later Years."

NRTA Drug Service, in Washington, D.C., expands, necessitating removal to more commodious quarters.

1961

NRTA participates in the White House Conference on Aging, a national forum called to consider fact-finding from all the States. It recommends: the development of plans for action to assure older persons equal opportunity to engage in gainful employment; to provide housing suited to their needs at a price they can afford to pay; assistance in developing studies and interests to make aging a period of reward and satisfaction.

NRTA co-sponsors Freedom House wtih AARP and Douglas Fir Plywood Association.

NRTA cooperates with the U.S.Treasury Department in developing a pre-retirement program for employees.

NRTA and AARP members express interest in the goals of the newly organized Retirement Research and Welfare Association, a philanthropic association whose report on retirement conditions was presented at the White House Conference on Aging.

NRTA Travel Service adds Southern Mediterranean and Scandinavian tours to its popular Grand Circle Tour.

NRTA holds its Annual Convention in Atlantic City, New Jersey, June 25–27 at the Hotel Jefferson. AARP Chapter presidents are invited to attend general sessions.

NRTA dues are increased to $2.00 per person per year and the membership is increased to $50.00.

NRTA and AARP increase their Legislative Council to twenty-one persons.

NRTA adopts the nine area division of States, as used by the U.S. Health, Education and Welfare Department and appoints an Area Vice President for each Area as well as a State Director for each State.

NRTA expands its Health Insurance Program with a new history making Out-of-Hospital Major Medical Plan.

1962

NRTA and AARP held their first series of Area Conferences.

The NRTA–AARP Denver Convention is remarkable for the inspirational message of Estes Kefauver, the crusader for purity of drugs, consumer protection and freedom of economic choice and for the adoption of the Blue Print on aging, advocating the establishment of National, State and Local Committees on Aging and a Senior Service Corps.

NRTA makes available for its members low-cost Testamentary Life Insurance.

NRTA plans and conducts a week-long Chautauqua Institute on "The Changing Image of Aging."

NRTA Travel Service adds the British Isles Tour to its European Tours.

NRTA dedicates a Hospitality House in Long Beach, California.

NRTA initiates pilot demonstration projects in counseling, training and placing of older workers, in cooperation with the Department of Labor and State Employment Offices.

NRTA Drug Service expands, requiring additional office space in Washington, D.C.

NRTA continues to keep vigil on National Legislation and Social Security developments; continues to offer Congressional Committees considered testimony and statements on membership currently informed through the matters affecting older people, and keeps the the columns of NRTA publications.

NRTA Journal expands to 68 papers with four pages of full color.

1963

NRTA Travel Service inaugurates its first Around the World by air tour and offers its first European Air Tour and Caribbean Cruise.

NRTA begins its hearing aid service for members at reduced prices (discontinued in 1965).

NRTA-AARP announces they will participate at the New York World's Fair 1964–65 and their officers and Fair officials break ground for the Association's Dynamic Maturity Pavilion.

NRTA sponsors, with AARP, the organization of ARP International, in Copenhagen, and expansion to other lands is begun.

NRTA Hospitality House in Washington, D.C. is officially opened in August.

NRTA aids in establishing the Institute of Morning Lecture Series in the Dupont Circle Building in Washington, D.C., in September.

NRTA holds nine Area Conferences, thus establishing the plan of Area Conferences to be held during the odd numbered years alternating with the National Biennial Conventions in the even numbered years.

NRTA's third drug outlet, The California Retired Persons Pharmacy, is opened in Long Beach.

NRTA receives Freedom Foundation Awards for the publication, the NRTA Journal, with a separate award to the Editor.

1964

NRTA President appoints an Area Associate Vice President for each of the nine Areas.

NRTA Journal becomes a bimonthly publication alternating with the NRTA News Bulletin.

The NRTA and AARP Dynamic Maturity Pavilion is opened at the New York World's Fair on April 22, 1964, with its Hall of Fame, picturing NRTA's officers nationwide and illustrating the accomplishments of the Association.

NRTA's Hospitality Centers are busily welcoming members in St. Petersburg, Florida, Long Beach, California, and Washington, D.C.

NRTA's Institute of Lifetime Learning program grows in popularity and adds new courses.

NRTA Drug Service in Washington, D.C., moves to a new and larger location and expands it Drug Service in Long Beach, California, in new and more adequate quarters.

NRTA's Grand Circle Part II Tour, Swiss Holiday and Tour, American Heritage Tour are all added to the expanding Travel program.

NRTA holds its first Biennial Convention in San Francisco, California, at the Hilton Hotel, June 7–10.

NRTA Membership Division moves into its larger and more functional building newly constructed in Ojai, California.

NRTA—AARP story appears in Reader's Digest on "Dynamic Retirement Is Their Goal," and results in 100,000 inquiries.

1965

NRTA membership participation in Retirement Research and Welfare Association enables it to conduct its own projects related to the health and welfare of the aging, and also to contribute financially to outside philanthropic projects.

NRTA's Travel Service offers its first World Cruise and Tour.

NRTA Drug Service extends mail order service in the States of California and Florida from its Long Beach and St. Petersburg locations.

NRTA and the American Medical Association cooperate in a health information program and introduces its emergency NRTA Medical Alert and Identification Card.

NRTA highlights Church and Industry Programs.

NRTA's New Hospitality Lounge and Institute of Lifetime Learning quarters are opened in Long Beach, California. The Every Wednesday Morning Lecture Series is also inaugurated.

NRTA members receive a complimentary copy of the first issue of Dynamic Maturity, a bimonthly note-retirement magazine sponsored by AARP and focused on the needs of persons approaching retirement and needing help to build a satisfying and rewarding maturity.

The NRTA and AARP Dynamic Maturity Pavilion closes October 17, having had a total attendance of 150,000 persons visiting it during 1964–65.

NRTA establishes its Western Headquarters in Long Beach, California.

NRTA Travel Service adds a Western Division and additional tours to its expanding program.

NRTA and AARP hold a third series of nine Area Conferences, the theme being, "For What Do We Strive in '65?"

1966

NRTA introduces its new "Coordinated Care," Group Health Insurance Program to supplement Medicare, underwritten by one of the leading insurance companies of the United States.

NRTA opens three centers for Consumer Information: Washington, D.C.; Long Beach, California; St. Petersburg, Florida.

NRTA's Presidential, Editorial and Chapter Offices are now located in Long Beach, California.

NRTA's Presidential, Editorial and Chapter Offices are now located in Long Beach, California.

NRTA maintains in Washington, D.C., the offices of the Executive Vice President, the Executive Director, the Federal and Legislative Relationships, the Church, Industrial and Community Divisions and the Institute of Lifetime Learning with Hospitality Lounge and Every Wednesday Morning Lecture Series.

NRTA breaks ground for the building expansion of the geriatric nursing home. The Acacias, in Ojai, California.

NRTA completes months of earnest study exploring the problems of hearings aids. Conclusions indicated that it was not possible to obtain an adequate price-saving hearing aid service for members.

NRTA Travel Service expands travel get-together program and offers increased number of tours.

NRTA legislative staff prepares an informative pamphlet, Tax Facts for Older Americans, available at cost of printing and mailing.

NRTA and AARP International officials participate in the 7th International Congress of Gerontology in Vienna, Austria, and present awards for significant contributions to retirement living.

NRTA holds its second Biennial Convention in Minneapolis, Minnesota, July 6–9 at the Radisson Hotel with an exciting and stimulating program of inspiration, tours, entertainment and business, conducted by its first delegate assembly.

NRTA offers radio 13-week courses entitled "Let's Listen to Lifetime Learning," recorded on tape by the Long Beach Institute of Lifetime Learning and made available upon request to radio stations on a loan basis.

NRTA's Public Relations Department inaugurates a Speaker's Bureau to coordinate speakers from national headquarters, elected and appointive officers and representatives of the services.

NRTA membership totals 180,000.

1967

NRTA's Western Headquarters moves to a new location, Times Building, Long Beach, California, where the California Retired Persons Pharmacy; Travel Service, Western Division; Insurance Plan offices; Institute of Lifetime Learning and Hospitality Lounge can have more adequate space and be located in the same building.

NRTA Insurance Plan Headquarters transfers to Philadelphia, to expand facilities and program, but still maintains offices in Washington, D.C.

NRTA Travel Service, Western Division, offers greatly expanded program and increases its staff to service tours and cruises from the West Coast.

NRTA and AARP conduct their fourth series of nine Atea Conferences with "Pride in Participation" being the theme of each conference.

NRTA aids in the development of an automobile insurance program, Driverplan 55 Plus introduced in individual states and underwritten by American Maturity Insurance Company of Philadelphia, Pennsylvania.

NRTA co-sponsors with the National Safety Council a Defensive Driver Improvement Course to be offered to members in States where Driverplan 55 Plus insurance is available.

NRTA's Board of Directors adopts necessary televisions in the Bylaws to strengthen management affairs of the Association and officer progression. The post of Executive Director is divided into five areas of responsibility with an Executive Director assigned to each: National and International Relations; Services; Membership and Publications; Field Operations and Development; Business Management.

NRTA's Drug Service adds a line of convalescent supplies to its service to members.

NRTA and AARP complete the construction of an addition to Acacias Nursing Home which increases the capacity to 50 patients. A new approach to nursing care is inaugurated in the Andrus Apartments—eight semi-care units.

NRTA's philanthropic interest, Retirement Research and Welfare Association, moves from the Washington, D.C., Eastern Headquarters to the Western Headquarters in Long Beach, California.

NRTA and AARP establish Regional Offices in Atlanta, Georgia; Kansas City, Missouri; New York City; Toledo, Ohio; and Long Beach, California. The responsibilities of these offices are assigned to Regional Representatives.

NRTA Journal and Dr. Andrus, Editor, receive the Ed Press All American Award for excellence in journalism for the editorial, "Good Samaritan," by The National Educational Press Association of America, July 1967.

NRTA's Founder and President, Dr. Ethel Percy Andrus, suffers a heart attack and dies July 13, 1967. Miss Cecilia O'Neil succeeds her as President.

NRTA and AARP hold a National Memorial Service in memory of Dr. Andrus in Washington, D.C., on August 23 and a Western Memorial Service at Lincoln High School in Los Angeles, California, on September 17.

1968

NRTA Journal presents a Memorial Edition in commemoration of its founding editor, Dr. Ethel Percy Andrus.

NRTA's publications' editorial responsibilities are assumed by a new editor and additional members are added to the editorial staff.

NRTA and AARP appoint the Dr. Andrus National Memorial Committee for the purpose of researching and recommending an appropriate memorial to their Founder.

NRTA Group Insurance Program now has offices in St. Petersburg, Florida; Washington, D.C.; Chicago, Illinois; Denver, Colorado; Los Angeles, Long Beach and San Francisco, California; in addition to the home office in Philadelphia, Pennsylvania.

NRTA Travel Service now offers group tours everywhere in the world from its two locations, New York City and Long Beach, California.

NRTA's Institute of Lifetime Learning offers consultant service to RTA units interested in founding an Institute as a service to their members.

NRTA continues to keep members informed of legislation affecting older Americans and frequently testifies at hearings of both Senate and House Committees.

NRTA expands its Standing Committees to include Public Affairs Committees with greater emphasis on local and national community involvement.

NRTA's Executive Committee of the Board of Directors holds quarterly meetings during the year. The Board of Directors meets twice, in January and in August.

NRTA arranges with the Sheraton Hotel Corporation of America for special reduced rates for members on presentation of a valid membership card, for week-end reservations.

NRTA is awarded a National Safety Council citation in recognition of its nationwide Defensive Driving Program.

NRTA holds its third Biennial Convention in Washington, D.C., at the Mayflower Hotel, August 13–15 with a delegate assembly of 250 members conducting business sessions and programs of inspiration and entertainment and tours of the city.

NRTA Biennial Convention reports include one by the Dr. Andrus Memorial Committee on its research and evaluation of more than 200 suggestions of an appropriate memorial to its founder. The recommendation to establish the Ethel Percy Andrus Gerontology Center at the University of Southern California in Los Angeles as a memorial in keeping with Dr. Andrus' humanitarian philosophy is approved by the Board of Directors and delegates.

NRTA establishes a Regional Office in Salt Lake City, Utah, to serve Area VIII.

NRTA and AARP publish a collection of Dr. Andrus' selected editorials in a book entitled The Wisdom of Ethel Percy Andrus.

NRTA members, business friends and RTA State and local units send contributions to Retirement Research and Welfare Association in memory of the late Dr. Andrus, Founder of NRTA and RRWA. The sum of these contributions constitutes the first donation to the Dr. Ethel Percy Andrus Memorial Fund, established for the purpose of receiving tax exempt contributions toward the total pledge of $2,000,000 made by NRTA and AARP for the construction of the Ethel Percy Andrus Gerontology Center.

NRTA and AARP approve changing the name of the Western Headquarters from the Times Building to the Andrus Building.

NRTA membership is approximately 215,000.

1969

NRTA, through the services of the Institute of Lifetime Learning, Washington, D.C., offers a guide book, Formula for Success, to local RIA's planning to conduct an Institute for their members. The Institute of Lifetime Learning introduces its "Home Study" program making available the first three courses.

NRTA Board of Directors approves changes in titles to establish one Executive Director and three Directors; Services, National Affairs, Membership Processing and Publications.

NRTA's Legislative Staff prepares the 1969 edition of Tax Facts for Older Americans, and the Legislative Council holds its annual meeting to plan legislative objectives to benefit older Americans.

NRTA Insurance Service offers a Nursing Home and Nursing Care Plan to members.

NRTA and AARP hold the fifth series of nine Area Conferences, the theme being "Our Proud Heritage and You." The Associations' film, "Dynamic Maturity," is shown at each Conference and awards are presented to three winners of the local RTA Bulletin contest. Total attendance at the nine Conferences reached 10,000.

NRTA's fourth drug outlet, Missouri Retired Persons Pharmacy, opens in Kansas City, Missouri, to serve all States.

NRTA Travel Service adds four U.S. tours to its ever increasing world-wide program, providing tours for every month of the year.

NRTA members contribute to the purchase of more than 10,000 copies of the book, The Wisdom of Ethel Percy Andrus, thus placing it on the best seller list.

NRTA booklets on topics of interest to members are published during the year.

NRTA and AARP serve as the delegate agency to administer "Project Work (Wanted: Older Residents with Know-how) for the Office of Economic Opportunity in Long Beach, California, through a matching grant from O.E.O.

A second O.E.O. program, "Project Late Start," is also administered from Washington, D.C., by the two Associations. NRTA and AARP are awarded a grant by the U.S. Department of Labor to administer the "Community Aides Project" in six cities.

NRTA established Regional Offices for Area VII in Dallas, Texas; for Area III in Washington, D.C., for Area I in Boston, Massachusetts. It now has a Regional Office in each of the nine areas.

NRTA announces the availability of temporary employment for members through the services of Mature Temps, Inc. in two major cities with plans for extending the service nationwide to 20 other cities.

NRTA Book Buying Service arranges with book publishers to offer titles at a reduced price to members through its introductory catalog.

NRTA prepares a Handbook for distribution to State and local RTA presidents.

NRTA membership totals 250,000.

1970

NRTA praises the generosity of contributors to the Dr. Ethel Percy Andrus Memorial Fund as it passes the half-way mark toward the pledged goal of $2,000,000.

NRTA with WPIX, New York City, co-produces a color television series "The Golden Years" for nationwide distribution.

NRTA Records Department reports the listing of 1,235 local RTA's over the nation and all the State RTA's.

NRTA members in Washington, D.C., may now attend Institute of Lifetime Learning Classes, without cost of travel under the newly inaugurated decentralized plan of holding classes in several locations in the area.

NRTA's Legislative Counsel and staff conduct the annual meeting of the Legislative Council to outline the legislative objectives and priorities for the year and host members of Congress and leaders of allied organizations.

NRTA co-sponsors a pilot project "Income Tax Help for the Elderly by the Elderly" under the auspices of the Institute of Lifetime Learning with volunteer personnel trained by the Internal Revenue Service to assist members in 18 cities with their Income Tax Returns.

NRTA officials attend the site dedication ceremony, June 2, for the Ethel Percy Andrus Gerontology Center on the Campus of the University of Southern California.

NRTA News Bulletin becomes a monthly publication beginning with the June issue.

NRTA holds its fourth Biennial Convention in Fort Worth, Texas, at the Sheraton Fort Worth Hotel, June 16–18 with "the Challenge of Maturity" as the theme. The delegate assembly elects national officers for the two-year term, 1970–72, and members of the Board of Directors for the class of 1976. Mrs. Katherine Pearce becomes the Association's third president.

NRTA members are offered a life insurance policy, "Coordinated Life" in addition to health and automobile insurance plans.

NRTA contributes to the planning for the 1971 White House Conference on Aging through a financial donation and the assignment of the services of one of the Washington, D.C., full time staff members.

NRTA AARP Pharmacy, Washington, D.C., adds a "walk in" department to its nationwide mail order service.

NRTA Travel Services include off-season tours for members who prefer to travel in the fall and winter months.

NRTA recommended Individual Scheduled Benefit Accident Policy is made available to all members.

NRTA membership exceeds 276,000.

1971

NRTA elected and appointed officers and staff members attend the groundbreaking ceremonies for the Ethel Percy Andrus Gerontology Center at the University of Southern California, Los Angeles, on January 20.

NRTA's Legislative Council's annual meeting to outline the legislative objectives for the year is highlighted by a visit to the White House to meet President Richard M. Nixon.

NRTA and AARP plan to hold nine area conferences during the year. The theme for this sixth series is "Developing Strategy for Aging in the 70s".

NRTA and AARP launch their "Consumer Information Desk" program designed to help older Americans avoid frauds and stretch the shopping dollar.

A NRTA-AARP Regional office is established in St. Petersburg, Florida, with a Regional Representative assigned to the State of Florida.

NRTA and AARP members, attending the Area VII Conference in Dallas, Texas, witness the presentation of the first Institute of Lifetime Learning Charter to the sponsoring groups, San Antonio RTA and San Antonio AARP Chapter #95.

NRTA News-Bulletin is enlarged to tabloid size beginning with the June issue and will continue to be published monthly, with the exception of a combined issue for July-August, and will be edited by a Washington, D.C., staff, independent of the editorial staff of the NRTA Journal.

NRTA and AARP inaugurate a new Vacation-Holiday program to be held in five different locations.

NRTA's President appoints three committees at the national level which, hopefully, will be adopted nationwide by State and local RTAs: Community Affairs, Informative and Protective Services and Retirement Education.

NRTA and AARP members attending the Area V Conference in Chicago at the Pick Congress Hotel are honored by the personal appearance of President Richard M. Nixon to deliver a major address to more than 3,000 members.

NRTA Travel Service now offers nine motorcoach tours for those members who prefer to travel in the United States. Six new 14 day tours to Europe are added to its expanding travel program.

NRTA Insurance Plan Headquarters in Philadelphia moves to new and expanded offices.

NRTA-AARP Pharmacy Service establishes a fifth location in Hartford, Connecticut.

NRTA recommended Lifetime Income Plan, designed for members with sufficient financial means to consider annuities, is offered to members.

NRTA members and staff, numbering 26, are official delegates attending the White House Conference on Aging, November 28-December 3. Deeply involved since its inception, NRTA prepared and published four booklets for distribution to the more than 3,500 delegates.

NRTA members, attending the Area III Conference in Washington, D.C., are preciously received at the White House by Mrs. Richard M. Nixon.

NRTA Records Department reports 670

state and local RTAs have now received NRTA affiliation charters.

NRTA-AARP Area IX Conference in December, brings the total attendance during 1971 to over 13,000. Area Conferences have been held in 47 different cities since the first series in 1962.

NRTA membership totals 317,000.

1972

NRTA, beginning its 25th year of service to retired educators, plans program to observe this Silver Anniversary Year.

NRTA announces the successful achievement by the Dr. Ethel Percy Andrus Memorial Fund of its pledged goal of $2,000,000.

NRTA-AARP Legislative Council holds its annual meeting to determine the priorities and legislative objectives for the year.

NRTA members in 43 States may have free assistance from the more than 1,000 volunteer tax counselors, trained by the Internal Revenue Service, through the Tax Aid program administered by the Institute of Lifetime Learning.

NRTA and AARP inaugurate a health education program, Vigor in Maturity (VIM), to be made available to local groups.

NRTA members may participate in Vacation-Holiday programs in eight different locations this year.

In a continuing effort to expand the services and benefits available to NRTA members, special rate privileges were secured from the two leading currental firms.

NRTA holds its fifth Biennial Convention in Miami Beach, Florida, at the Carillon Hotel, May 1–4. The Delegate Assembly elects national officers for the two-year term, 1972–74, and members of the Board of Delegates for the class of 1978. Mr. Joseph A. Fitzgerald becomes the Association's fourth President. Special observance of NRTA's Silver Anniversary is made at the social functions during the Convention and the retired teacher of the year is honored.

MORE AGENCY RESPONSES CONCERNING CONSUMER AGENT INTRUSION UNDER S. 1177

Mr. ALLEN. Mr. President, I have received responses from three additional Federal agencies listing their proceedings and informational activities that would be subject to intrusion and court appeal by consumer protection agents under S. 1177, a bill being considered now by the Government Operations Committee on which I serve.

The three responses are from the Comptroller of the Currency, Office of Education, and the Postal Rate Commission.

The Comptroller, in addition to listing 26 types of proceedings and informal activities that would be subject to consumer protection agent jurisdiction, expressed particular serious concern over proposed powers to allow these so-called consumer protectionists to intrude in bank examinations and to have access to the highly sensitive and confidential information contained in bank records.

This brings the number of Federal agencies that presently have responded to inquiry to 33, a small number considering the scope of the term "Federal agency" under the bill.

A Federal agency subject to consumer protection agent intrusion and court appeal under the bill includes any—I repeat—any instrumentality which is charged with the administration of any Federal statute.

This would include an undetermined, and perhaps undeterminable, number of organizations ranging from the Red Cross and the Jewish War Veterans, U.S.A.—which, respectively, administer chapters 1 and 37 of title 36, United States Code—to the Departments of Labor and Justice, and, if taken literally, the Congress and the courts.

The bill would also allow for consumer protection agent intrusion in State and local court and agency proceedings. But at this time, no attempt is being made to assess the scope of these powers at the grassroots level. The legislation is, however, inimical to our dual form of government.

Not counting the many general responses received from the 33 responding Federal agencies—that is, the Justice Department's legal opinion stating its reasons for opposition to the bill—a total of 1,181 Federal proceedings or activities that would be subject to consumer agent intrusion and court appeal have been listed to date for the Government Operations Committee.

To prepare the Senate for enlightened debate on S. 1177, which will be reported soon, I inserted the prior 30 responses in the RECORD of July 17, 25, and 31. For the same reason, I now ask for unanimous consent to have printed in the RECORD the three additional responses received from the Comptroller, the Office of Education, and the Postal Rate Commission.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ADMINISTRATOR OF
NATIONAL BANKS,
Washington, D.C., August 4, 1972.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: This is in reply to your letter of July 27, 1972, concerning S. 1177 which would create an independent consumer protection agency (CPA).

Please find enclosed a list of the proceedings or activities of this office which are expected to be subject to CPA intervention and court appear under section 203 and 204 of S. 1177. The list is segregated by the categories set out in your letter.

We are also seriously concerned about the provisions of sections 203(e) and 207(c) of the Committee Print dated June 20, 1972. Section 203(c) requires each agency, on the request of the CPA Administrator, to use its authority to require the production of books and records of persons subject to the jurisdiction of the agency. Section 207(c) requires each agency to give the administrator access and copies of any of the agencies own records which the "administrator deems necessary for the performance of his functions." The four excepted categories of documents listed in section 207(c) do not include the reports of bank examiners and information pertaining thereto in the possession of this agency and the other federal banking agencies. We believe that these two provisions present a potential serious problem. The banking agencies have virtually unlimited access to bank records for bank examination purposes. The results of these detailed examinations of bank records are summarized in the reports of examination contained in the agency files. The confidentiality of such records has in the past been carefully guarded by the Congress and the courts. See, for example, 18 U.S.C. 1906 and Exception 8 in the Freedom of Information Act. We urge that sections 203(e) and 207(c) be amended so as to provide appropriate exceptions for the records of banks and for the reports of examination and correspondence pertaining thereto in the files of this office and the other federal banking agencies.

Sincerely,

WILLIAM B. CAMP,
Comptroller of the Currency.

1. FORMALIZED PROCEEDINGS

a. Proceedings subject to Administrative Procedure Act, 5 U.S.C. §§ 556 or 557.

(1) Rule making of this Office pursuant to the various statutory responsibilities.

(2) Proceedings to amend, revise, delete or alter the following regulations:

1. Investment securities.
2. Loans secured or covered by government guaranties.
3. Supplemental application procedures for charters, branches, mergers and relocations.
4. Loans secured by obligations of the United States.
5. Interpretive Rulings.
6. Fiduciary powers of national banks; collective investment funds.
7. Securities Act disclosure rules.
8. Ownership reports.
9. Employee stock option and stock purchase plans.
10. Changes in capital structure.
11. Reports of change in controlling ownership.
12. Offering circulars—capital debentures and new bank securities.
13. Required notification to nominate bank directors.
14. Form and content of financial statements.
15. Cease and desist orders; rules and procedures.
16. International operations.
17. Minimum security devices and procedures.

(3) Proceedings concerning the issuance of cease and desist orders under 12 U.S.C. 1818 (b)(1).

b. Proceedings other than those subject to the stated sections of the Administrative Procedure Act, but conducted on the record after opportunity for a hearing.

Hearings held at the request of an interested party on applications to:

(1) Charter national banks.
(2) Merge, consolidate with or purchase the assets of another bank where the resulting bank is a national bank.
(3) Establish branches.
(4) Relocate offices of national banks.

2. INFORMAL ACTIVITIES

(1) Decisions of this Office in individual applications for those activities stated in 1b above, in which no hearing is requested or held.

(2) Preparation of competitive factor reports issued pursuant to section 3(b) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1842(b)).

(3) Proceedings necessary to enforce compliance with the Fair Credit Reporting Act (15 U.S.C. 1681, et seq.)

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., July 27, 1972.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: Thank you for your letter of June 8 relative to S. 1177 requesting a list of activities subject to certain requirements of the Administrative Procedure Act.

I am enclosing a list of references which I believe to be a comprehensive list of the statutes requiring the conduct of administrative proceedings with respect to continuing grant programs for the administration of which I am responsible, in accordance with the formal adjudicative provisions of the Administrative Procedure Act (as required by 5 U.S.C. § 554)).

While rulemaking functions of the Office of Education are not subject to 5 U.S.C. § 553 by virtue of the exemption for matters relating to Government grants and contracts (5 U.S.C. § 553(a)(2)), the Secretary of the Department of Health, Education, and Welfare has administratively directed that rulemaking in all Office of Education programs involves public participation according to the pattern of 5 U.S.C. § 553. Section 503 of the newly enacted Public Law 92–318 contains specific provisions with respect to the republication for comment of certain rules, standards and the like, the Office of Education. Section 503 provides for an opportunity for a hearing on the matters so published.

In certain isolated individual cases, generally involving grant audits or terminations, the Office of Education may determine that an opportunity for a record-type hearing should be accorded to a grantee, although the relevant OE determination is not subject to the APA.

In addition, in order finally to resolve audit exceptions in the case of activities carried out under Title I of the Elementary and Secondary Education Act of 1965, State educational agencies are being notified of an opportunity for a hearing with respect to administrative determinations concerning such exceptions under appropriate circumstances.

I hope this information will be helpful to your Committee.

Sincerely,

S. P. Maryland, Jr.,
U.S. Commissioner of Education.

Part B of the Vocational Education Act of 1963, 20 U.S.C. 1263(c)(1); (disapproval of State plans).

Part G of the Vocational Education Act of 1963, 20 U.S.C. 1353(b); (disapproval of State plans).

*P.L. 815, School Construction in Areas Affected by Federal Actions, 20 U.S.C. 641(a); (withholding of payments).

*See also 45 CFR Sec. 111.2 (hearings in case of applicant whose applications under P.L. 874 (impact aid program) have been denied).

Title I, Elementary and Secondary Education Act, 20 U.S.C. 241(j); (withholding funds).

Title II, Elementary and Secondary Education Act, 20 U.S.C. 826(a); (approval of State plan; conformity).

Title III, Elementary and Secondary Education Act, 20 U.S.C. 844a(e)(2); (approval of State plan; conformity).

Title V, Elementary and Secondary Education Act, 20 U.S.C. 869(a); (approval of State plan; conformity).

Part B of the Education of the Handicapped Act, 20 U.S.C. 1413(c)(2); (approval of State plan; conformity).

The Library Services and Construction Act, 20 U.S.C. 351(c)(3); (approval of State plan; conformity).

National Defense Education Act of 1958, 20 U.S.C. 584(b); (approval of State plan; conformity).

Adult Education Act of 1966, 20 U.S.C. 1207(a); (approval of State plan; conformity).

Part B, Subpart 2 of the Education Professions Development Act, 20 U.S.C. 1110(b); (approval of State plan; conformity).

Title I, Higher Education Facilities Act, 20 U.S.C. 720(a); (approval of State plan; conformity).

Title I, Higher Education Act of 1965, 20 U.S.C. 1007(a); (approval of State plan; conformity).

Title VI, Higher Education Act of 1965, 20 U.S.C. 1127(a); (approval of State plan; conformity).

Higher Education Act. § 415D(a)(1), as added by § 131(b)(1) of P.L. 92–318, (State student assistance programs); (approval of program; conformity).

Higher Education Act, § 1055(b) added by § 186 of P.L. 92–318 (occupational education); approval of State administrative arrangements).

Postal Rate Comission,
Washington, D.C., August 4, 1972.

Hon. James B. Allen,
U.S. Senate,
Washington, D.C.

Dear Senator Allen: This is in response to your recent request for information regarding activities of the Postal Rate Commission that would be affected by Sections 203 and 204 of S. 1177, a bill to establish an independent Consumer Protection Agency (CPA). Specifically, you have asked for a list of proceedings or activities that fall within the following categories:

1. Formalized Proceedings:

a. Proceedings subject to Administrative Procedure Act, 5 U.S.C. sections 553, 554, 556 or 557; and

b. Proceedings other than those subject to the above Administrative Procedure Act sections, but conducted on the record after opportunity for hearing.

—See Sec. 203(a), 401(5)

2. Informal Activities:

Any agency process not considered a formalized proceeding as defined above, or any phase of such process, conducted pursuant to any authority or responsibility under law, whether such process is formal or informal.

Before responding specifically to your request, I would like at the outset to invite your attention to 39 U.S.C. § 3624(a), a unique statutory provision applicable to the Postal Rate Commission under which "an officer of the Commission, who shall be required to represent the interest of the general public," participates in all hearings on rate and classification matters. Thus, to a considerable degree, it would seem that insofar as this agency is concerned, Congress has already anticipated the desirability of having the interests of the general public represented in our proceedings and has expressly provided for such participation.

Turning to your inquiry regarding the nature of our proceedings, under the Postal Reorganization Act of 1970 this Commission conducts formal proceedings to determine the reasonableness of postal rates and fees (39 U.S.C. § 3622) and mail classifications (39 U.S.C. § 3623). These proceedings are subject to the hearing provisions of 5 U.S.C. §§ 556 and 557. Pursuant to 39 U.S.C. § 3661, the Commission may also hold hearings on proposals by the Postal Service for general changes "in the nature of postal services." These proceedings, too, are subject to 5 U.S.C. §§ 556 and 557. In addition, the Commission is authorized under 39 U.S.C. § 3603 to promulgate rules and regulations, subject to the procedural and judicial review provisions of the Administrative Procedure Act.

Finally, the Commission has jurisdiction under 39 U.S.C. § 3662 to consider complaints that postal rates or services do not conform to the policies of the Postal Reorganization Act. These may result in formal proceedings that would be conducted on the record with an opportunity for hearings. See 39 U.S.C. § 3662; 39 C.F.R. 3001.86. Where appropriate, however, informal procedures pursuant to § 3001.85 of the Commission's rules (39 C.F.R. 3001.85) would be followed.

I trust the foregoing information will be useful to you. If I can be of further assistance please do not hesitate to call upon me.

Very truly yours,

William J. Crowley,
Chairman, Postal Rate Commission.

POLAR BEAR TREATY

Mr. HARRIS. Mr. President, Representative William G. Whitehurst, of Virginia has introduced a resolution calling for an international treaty to save the polar bear from becoming an endangered species. On August 1 the New York Times carried an editorial supporting this resolution, pointing out that the Marine Mammal Protection Act recently approved by the Senate is "riddled with loopholes" so that there is no guarantee that this act will be used to protect the polar bear.

Mr. President, when the Senate voted on the Marine Mammal Protection Act, I was one of two Senators opposing its final passage. I did so because I felt that the legislation misled the majority of our voters in favor of protection of ocean mammals. The act seemed strong whereas a close examination showed that, in the Times' words, it is "riddled with loopholes."

Because of the weakness of the measure passed by the Senate, I hope that other Senators will join me in supporting the kind of legislation introduced by Representative Whitehurst.

Mr. President, I ask unanimous consent that a copy of the Times' editorial be inserted at this point into the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Polar Bear Treaty

A subcommittee of the House of Representatives has been holding hearings on a resolution calling for an international treaty to save the polar bear from becoming an endangered species. The majestic Arctic animal is not yet in that category but of the possibly 20,000 polar bears believed to be in existence, some 1,200 are killed every year by Russians, Canadians, Danes, Norwegians and Americans.

The resolution, introduced by Representative William G. Whitehurst of Virginia, comes when the Senate has finally approved—by a vote of 88 to 2—a measure to prohibit for fifteen years the killing of all ocean mammals, including polar bears. But that circumstance in no way diminishes the need for the Whitehurst resolution. The Senate bill is riddled by loopholes. Moreover, it now goes to a conference committee to be squared, if possible, with an even more defective bill passed by the House. The fate of both versions is uncertain.

In any event, that legislation, if it passes, can affect the slaughter of polar bears only by Americans, whose share in the ugly business of exterminating the species accounts for no more than a quarter of the worldwide take. Only an agreement by all the nations where polar bears live can prevent their ultimate disappearance.

As the treaty resolution progresses through the legislative mill, we hope it is strengthened along the lines proposed by Russell E. Train, chairman of the Council on Environmental Quality. To be really effective it must, as he suggests, apply to the taking of animals within the land areas of the signatory nations rather than limit itself, as the proposal now does, to polar bears sighted in open water on pack ice beyond territorial limits.

It is bad enough for an animal species to fade out as man unconsciously encroaches on its habitat. It is sheer wantonness for man to wipe out a species living on the very edge of his world, whose habitat he cannot even hope to share.

SPANISH MINORITIES

Mr. MONTOYA. Mr. President, on August 3, 1972, I had the pleasure of addressing a group of congressional interns. I felt that they, as future leaders of our country, should be apprised of the special problems as well as the special heritage, of Spanish-surnamed Americans. I therefore submit my remarks to be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks of Senator Joseph M. Montoya

I am glad that I have an opportunity to speak to you today because I want to introduce you through words to someone I am concerned about. His name is Miguel.

Miguel is about twenty-five. He spent a year in Vietnam in the infantry. Although only 7% of the U.S. population is Spanish-surnamed, 20% of the deaths in Asia were among his Spanish-speaking buddies.

He is back now. Like 20% of his Spanish-surnamed brothers, he has only a fifth-grade education. Ten percent of his friends are unemployed.

If Miguel is lucky, one day he will earn $7,548, the median family income for the Spanish-surnamed. But it will have to stretch a long way for Miguel and his wife are four times more likely to have six children than any other segment of the population. The chance that one of his babies will be born dead or die in its first year is twice as great.

Miguel's chances of earning $7,500 a year are not good, one-fourth of the Spanish-surnamed live below the poverty line. His family is seven times more likely to live in substandard housing than the Anglo population.

As only 1% of his people own their own businesses, and most of them are corner grocery stores, Miguel's chances of working for one of his own people is limited.

Where can Miguel go from here?

Who is Miguel? He represents 10 to 15 million Spanish-surnamed Americans. Although Miguel is not a real person, he is one in the sense that the portrait drawn of him comes from U.S. Census statistics on the Spanish-speaking people. The problems he has are shared by a majority of his brothers.

Although Miguel's future is in doubt. He knows where he came from.

His people were exploring and cultivating the land of the American Southwest before the first Pilgrim touched land at Plymouth Rock. By the time Daniel Boone was forging into Kentucky, Miguel's people had established a string of 21 missions in California. Although Miguel's ruler was in Spain, his heart was in the New World.

Today, Miguel, descendant from stock which came here more than four hundred years ago, is one of these 10 to 15 million dispossessed people in the land his ancestors discovered and tamed.

Miguel is many people. He is one of the hundreds of thousands of Cubans who came to Florida after the Cuban Revolution. Miguel could be one of the two million Puerto Ricans or as they call themselves, Boriguas, living in New York and New Jersey and elsewhere. Perhaps Miguel is one of the six million Mexican Americans or Chicanos living in Texas, New Mexico, Colorado, Arizona or California.

Twenty three of the fifty states have a substantial Spanish-surnamed population. If you are from the Mid West, Miguel is there, too, living in the industrial cities of the Great Lakes Region: Gary, Cleveland, Milwaukee, Detroit and in Chicago, where half a million of his people live.

Although you may think of Miguel as a migrant worker or have him stereotyped as a moustachioed man with a huge hat snoozing under a cactus, the fact is that 80% of Miguel's people live in urban areas. The City of Los Angeles with its one million Chicanos is second only to Mexico City in having the highest concentration of Mexican Americans.

Now you know where Miguel can be found. But again, the question, "Where is he going?"

It would seem that Miguel is going nowhere. He waits in patient agony for the nation's second largest minority to be recognized by the government and by the conscience of its citizens.

That Miguel's needs have not been recognized is due, perhaps, to the fact that he has not been subjected to the overt discrimination that kept blacks at the back of the bus, in restaurant kitchens and in segregated schools. The discrimination that Miguel knows is the subtle, insidious discrimination which denies a person and a culture of its right to express itself in the linguistic and cultural terms it knows best.

The discrimination Miguel knows is in the I.Q. tests designed *by* the English speaking *for* the English speaking. The discrimination Miguel knows is in these standardized tests which relegate him to the classrooms for the slow learner and lead counselors to suggest that his future lies not in the university but in the local gas station. To pass through a school system with your knowledge and potential unassessed is a crime. And many states have acted criminally toward their Spanish-speaking children by classifying them as retarded. Witness California where 40% of those judged mentally handicapped are Chicano.

The discrimination Miguel knows is in the disapproving eyes of his Anglo teacher who chastizes him for using the language of his parents and following the customs of his home. Like a giant neon light flashing on the blackboard it shouts, "Be like us." "Be like us."

For decades teachers in the Southwest tried to make little Anglos out of Miguel, his brothers and his sisters. That these efforts failed is a tribute to the strength of the Spanish culture and the constant reinvigoration of the culture by the arrival of new immigrants from Mexico, Puerto Rico, Cuba and other Latin American countries.

Those of us who survived these attempts at cultural eradication are determined that the tragedy will not be repeated in the schools of today. Half of the Spanish-surnamed people in this country still speak Spanish in the home. Second, fourth and sixth generation inheritors of the Spanish culture have rediscovered the value and beauty of their mother culture. To deny the validity of that culture would be to deny our own value.

The discrimination Miguel knows is not limited to the educational system. We find it, too, in the blinded eyes of justice. A justice that does not exist for Miguel and does not know that he exists. The friendly, comforting policeman on the corner does not exist for little Miguel. The Spanish-speaking community eyes the policeman with distrust, fear and hostility. That hostility is well earned. For a large segment of that community cannot communicate with law enforcement officials. The absence of communication sows distrust on both sides. The harvest is a perverted system of justice with a double standard—bail for the Anglo, none for Miguel. Jail for Miguel, none for the Anglo.

To face a jury without peers, to face a judge without an interpreter, this is the discrimination Miguel knows.

The discrimination Miguel knows is in the ugly stereotypes fostered by the media and advertisers. Instead of seeing the Spanish-surnamed teachers, accountants and shop people he knows from real life, Miguel sees and the nation sees slow-witted desperados, Frito Bandito and Latin American revolutionaries.

The elementary school teacher and the county sheriff are not the only ones guilty of discriminating against Miguel and his brothers. The discrimination he has known has come from the very government for which he has fought and to which his taxes are paid.

You have all heard of Head Start, Upward Bound, compensatory education, the Office of Economic Opportunity, the Office of Minority Business Enterprise, the Department of Labor manpower programs.

These programs have been designed to boost the disadvantaged into the mainstream of American life. Miguel is still on the shore, watching the steamer of opportunity rounding the bend for others, not for him. He is left with only the puff of smoke from its stack. The hope evaporated when he learned that twelve weeks of training and a hardhat could not turn him into a skilled worker if he could not understand the words of the instructor. The program that launched the unemployed black or Anglo, failed Miguel.

These programs left Miguel behind because they were designed and administered by individuals who have not personally experienced the barriers which language and culture place in a man's way. While Miguel needs the education, the vocational training and the help in learning to run a business these programs provide, he also needs language and cultural tools to succeed in an Anglo world.

Old programs with new names have been given to Miguel because those who determine priorities, develop programs and hand out funds do not know him. Less than 3% of the Civil Service employees are Spanish-surnamed. Most of them are the typists and janitors who serve those that do hold the power in their hands. There are only 17 Spanish-surnamed individuals in the top two Civil Service grades.

To look for Miguel in the minority recruitment offices of the military services is to look in vain. To look for him in the Equal Employment Opportunity Commission offices is to search for a needle in a haystack. To search for him in the Office of Minority Business Enterprise is nearly futile for only twenty four of his brothers are there among the 237 employees.

Miguel knows all of figures showing the paltry sum of his participation in the agencies and programs which are supposed to have his interest in mind. His complaints have received only sporadic responses from his government: the appointment of a few Spanish-surnamed individuals to visible, but largely powerless posts; the announcement of the President's Sixteen Point Program to boost recruitment of Spanish-surnamed civil servants, and the creation of the Cabinet Committee on Opportunities for Spanish-speaking Americans, established in 1970 and not heard from since.

Yet all of these efforts have no more than paper mache creations which show prettily in the press but which dissolve in the rain of reality.

If you have searched for Miguel in the hallowed halls of Congress, in the state legislature, in the state capitol or in city hall, you know that he is barely there. Seven million voters have but six elected federal officials, one Senator and five Members of Congress. Three million Chicanos in California have but one Congressman, Edward R. Roybal. Los Angeles with a million Chicano residents has not one Mexican American on the City Council. The gerrymander is not dead in California, nor is it dead in New York City where one and one half million Puerto Ricans have but one representative in the House of Representatives in the person of Herman Badillo.

Those of us who have made it to Congress hold a double responsibility. The first is to our constituents who elect us and our second is that of acting as legislative ombudsmen for the millions of Spanish-surnamed Americans who are not directly represented in Congress by persons aware of their needs.

So that our efforts in behalf of Miguel may be heard, we have banded together to form the Spanish-speaking caucus. Together and separately we have acted to urge that our political party represent the Spanish-speaking population at the Miami Convention. Four of us sponsored the Spanish-speaking Coalition Conference in Washington last October to bring all of the Spanish-surnamed groups together and form a consensus as to the future direction of our movement. So that united, our collective voice would reach the ears of a seemingly deaf government.

Four of us again banded together last March in opposition to the National Labor Relations Board attempt to apply its regulation against the use of the lettuce boycott by Cesar Chavez and the Farm Workers. The Board was saying, in effect, that a farm worker is not entitled to the protection of the Labor Relations Act, but is bound by its restrictions. Our action was successful and the NLRB retreated from its prejudicial stand.

Despite these efforts, Miguel remains behind the curtain waiting for his call to the center of the stage. The call has not come. Despite a thousand outrages and omissions, his frustration has seldom erupted. In the face of adversity and injustice, he has remained stoic. How long can Miguel remain passive? He cannot wait much longer. The time for apathy is passing. The time for action is on the horizon—legislative action, judicial action, economic action, social action.

I fervently hope that the dawning of his day will result in peaceful, constructive efforts on the part of Miguel and his brothers. May he reject the violent road taken by the Brown Berets and follow the dusty path trodden by Cesar Chavez who translated the philosophy of Ghandi into Spanish and preaches peaceful militance to his united followers.

WINNING ESSAY ON 18-YEAR-OLD VOTE

Mr. INOUYE. Mr. President, the Chief's Club of the U.S. Coast Guard, United Airlines Employee's Club, and the Honolulu Junior Chamber of Commerce jointly sponsored an Oahu Island-wide high school essay contest on "What the 18-Year-Old Vote Means to Me." It was my pleasure to be a participant in this contest and to select from among the many fine essays presented the one which I thought most outstanding. The other members of the Hawaii congressional delegation did likewise.

This week the winners of the essay contest were provided with a trip to our Nation's Capital. It was my pleasure to meet with these four outstanding individuals.

I selected Miss Laurel Tsukayama of 98–040 Puaalii Way, Aiea, as winner. She was a graduating senior at Aiea High School this year and will be entering the University of Illinois in the fall. I want to share her essay with you for I think it is a most worthy one. Having long been a supporter of lowering the voting age to 18 I am further encouraged by the sentiments presented in this document.

Mr. President, I ask unanimous consent that Miss Laurel Tsukayama's essay be printed at this point in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

What the 18-Year-Old Vote Means to Me

(By Laurel Tsukayama)

As I look around me I see so much beauty—lush tropical growth, blue skies, verdant valleys, exotic flowers of assorted hue . . . and I am glad I can see.

When I shuffle along the sandy beaches, wade in its cool waters, or run with my face against the wind . . . I am glad I can feel.

And as rich aromas filter through the air while dinner is being served, or as I relax listening to my favorite records . . . I am glad I can smell, taste, and hear.

But I have more than merely five senses. Over the years I have developed a sense of awareness. Besides the beauty and all the good that goes on in my community, state, and nation, I am also aware of the many ugly, sometimes hidden facets of life around me—of crime, of pollution, of prejudice, and of war. Many times these problems confuse and distress me. I want something to be done, I want to cry out in protest. But I realize that there are ways other than burning down buildings, planting bombs, or staging sit-ins to make others know how I feel. The advent of the 18-year-old vote has given me the most effective means of voicing my wants. I now have a say in who my leaders will be and, indirectly, what kind of government there will be.

Lowering the voting age to 18 has also given me a new sense of responsibility. I must take the time now to learn about the issues. Instead of waiting for my social studies class field trip to attend a legislative session, I sometimes go down on my own. I've gotten to know some of the legislators and I've volunteered my services to help in campaigns. I also feel a certain responsibility in encouraging others to become aware of what is happening and to go out and vote in the coming election.

Besides my sense of awareness and sense of responsibility, I have a sense of pride in my generation and a reaffirmed faith in the American system. Never before have so many young spoken out on the pressing issues of the time. Never before have so many young people become involved in working with and through the system. All over the country students are assisting in curriculum and administration evaluation and development. Youth are sitting on school boards, serving as commissioners, and some have even become city mayors.

The entire purpose and means of American politics can be summed up in Abraham Lincoln's historic phrase, "government of the people, by the people, and for the people." It says our government exists for the people and that the will of the people prevails.

When Congress passed the twenty-sixth Amendment to the Constitution last June, lowering the voting age to eighteen, it became more than just a new law to me. It gave me the chance to exercise a very precious right. With it I assumed the responsibility that rests on all citizens—to take part in civil affairs to the best of my ability. This responsibility goes beyond paying taxes and obeying the law. It includes keeping informed on political and social issues and most of all, exercising the right to vote—a very important tool in maintaining a democracy—a right that has helped to preserve our great government for almost two hundred years.

SISTER KENNY

Mr. MONDALE. Mr. President, I should like to call attention to the commemorative observance September 20 of the birth date of a very great lady of this century—the late Sister Elizabeth Kenny.

Sister Kenny was a dynamic backwoods nurse from Australia who came to our country in 1940. She was first dismissed rather coldly by our medical leaders, but then won them over and became an international heroine because of her revolutionary and successful treatment of polio victims during the devastating epidemics of that period. She would be 86 if she were alive today.

During the height of her career Sister Kenny received many honors. Hollywood made a movie about her. She was worshipped by her thousands of patients and their families. A 1949 Gallup poll listed her as one of the persons most honored by Americans. In the 1950 poll she shared honors with Mrs. Franklin D. Roosevelt as one of the two women most admired by Americans. That same year Congress passed a bill which President Truman signed to grant her free access to the United States, without regard to passport and immigration regulations. Only two other persons had been so honored—the Marquis de Lafayette and Sir Winston Churchill.

Sister Kenny's spirit and philosophy live on at the Sister Kenny Institute in Minneapolis. The institute is one of our Nation's leading rehabilitation centers for patients with those disorders which have replaced polio as leading cripplers. It opens new doors of encouragement and strength for victims of stroke, arthritis, paralyzing spinal cord injuries, Parkinson's disease, cerebral palsy, and numerous neuromuscular disorders. It also conducts broad educational programs for health professionals, takes workshops and seminars for professionals and lay people to outlying areas, and is recognized as the world's largest producer of rehabilitation publication. The organization that perpetuates her name—the Friends of Sister Kenny—will commemorate her memory at a dinner in Minneapolis September 20. She deserves to be remembered.

STUDENTS AS TOUR GUIDES

Mr. INOUYE. Mr. President, last year our country incurred its first merchandise trade deficit since 1893. This alarming deterioration in our international commercial position was one component of a record balance-of-payments deficit which reached more than $9 billion last year.

However, it might interest the Senate to know that this trade deficit, serious as it was and is, is not as large—using the usual American f.o.b. accounting principles—as the payments deficit we suffered in the area of travel. According to the Department of Commerce figures issued in late June, American overseas travelers spent $2.7 billion more than foreign visitors to the United States spent in this country. This figure compares to the $2.1 billion trade deficit—f.o.b.—we suffered in 1971.

The Congress clearly appreciates the gravity of this travel receipts gap. In 1970 the Congress enacted legislation to create the post of Assistant Secretary of Commerce for Tourism, increase the authorization for the U.S. Travel Service, establish a tourism resources commission, and private incentives for State travel commissions to become more active in visitor promotion.

This leadership and foresight were very important in giving efforts to promote travel to the United States a new sense of priority. In addition, however, I believe that we can and should undertake new programs designed to encourage foreign visitors to meet Americans and to understand better this country. Obviously, one of the most important benefits of foreign travel is gaining a new perspective of a country and people and not simply the momentary thrill from scenic novelty.

Mr. Bud Smyser, editor of the Honolulu Star-Bulletin, understands this point very clearly. He recently wrote a column describing a program other countries operate, using students as guides. His proposal that the United States emulate this program has a great deal of merit, and I commend it to the attention of the United States Travel Service and to my colleagues.

I ask unanimous consent that his column be printed at this point in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

STUDENTS AS TOUR GUIDES

(By A. A. Smyser)

When my family visited West Germany recently, our driver, guide and interpreter was a German graduate student.

It was a great experience—and I think we got more insights into Germany than we might have in any other way in such a short time.

In a way we have the German government to thank.

This is written with the idea that the American government, which wants to encourage foreign travel, might think about what Germany does.

As I will explain, however, what Germany does is not available at this time to everyone.

My story goes back to late 1970 when I was invited by the West German Consulate in San Francisco to visit West Germany as a guest of the government.

Invitations such as this are extended every year to some 1,200 journalists and politicians from all over the world, as part of a campaign to gain better world understanding of Germany. (America also invites hundreds of foreign visitors every year for the same reason.)

Once I had accepted my invitation I was asked to outline my interests regarding Germany and tell who I'd like to interview and what places I'd like to visit.

This list was then turned over to a quasi-government agency in the capital, Bonn, called Inter Nationes.

Frau Leonora Symonds on the American desk was assigned the job of making up a schedule that matched my requests—interview leaders of both major political parties, interview spokesmen for labor and management, get briefings on the Common Market from supporters and critics, visit small as well as large cities, visit West Berlin, visit the Rhine industrial region and also the little town of Dinkelsbuhl from which my ancestors had migrated in 1730.

The two-week schedule that resulted started in Frankfurt, then moved on to Bonn, Munich, Dinkelsbuhl, Berlin (East and West), and Hamburg.

I traveled alone by train and plane between the points but in each city I was met on arrival by a college student. Some recognized me by my Hawaiian sunburn (in December) or an advance picture. Others held up signs paging "Herr Smyser."

The six students were a great variety. The first was the son of a German father (Jewish) and a Spanish mother who had fled to Argentina in World War II. Another was a general's son. Another was from a family that fled the Russians when he was a babe in arms. They were pointed for such different careers as law, psychology, engineering, teaching and business.

They varied from mod to very square. They tended to criticise the government more than they praised it. One had failed to evade military service, then worked hard at being a bad soldier instead.

In common, they all spoke English extremely well.

They were on a call list assembled by Inter Nationes.

On schedules irregular enough to be sandwiched into their academic year, they would take off one, two or three days at a time to escort foreign visitors on personalized tours—one guide, one guest.

For the students it meant good seats at operas and symphonies at government expense as hosts to their guests. It also meant touring industrial plants and serving as interpreters at interviews with some of the most important people in the country, people they would hardly have met otherwise.

It was hard work. Often a guest would have a full schedule from breakfast to midnight, but it was usually interesting.

There was also, of course, pay at the rate of approximately $20 a day above expenses.

Most of them needed the financial help but several said the opportunities to meet foreign visitors and to see Germany through doors not usually open to them were as valuable as the cash.

This visitor found it equally valuable.

I was able to draw on the perspectives of half a dozen young men, all very different. They were hardly a perfect cross-section of Germany but they were a fascinating slice of it.

I think our own government could copy this plan, to the advantage of at least three parties—the government itself in its promotion efforts, our students and our visitors.

We might have trouble producing the needed foreign language fluency (America is far behind Europe on this score) but the availability of such jobs might actually stimulate foreign language study on U.S. campuses. At present most of our guests are escorted by State Department career people who may travel with them throughout their visit. Not much variety there.

This year when I was planning a private family trip to Europe I wrote to Inter Nationes and asked if I could strike up an unofficial arrangement with one of their students, at no expense or liability to the West German government.

A month later I received a letter from a young man in Stuttgart to whom my letter was referred.

He helped us map out a schedule, met the four of us in Switzerland and drove us for a week through Liechtenstein, Germany, Luxembourg and into Paris. It was a week of discovery for him as well as us. His language fluency helped us over many rough spots—and his warmth and sense of humor made him a most congenial companion.

I paid his expenses for the week, plus $200 for his car (which we drove 2,000 kilometers), plus $175 to slightly overmatch his Inter Nationes salary schedule.

I felt I was getting a great bargain. He thought he was getting too much pay. It was a nice way to leave it.

Inter Nationes is not now in the business of helping the general public. Its limited student call list probably would be swamped if it were to try.

But Inter Nationes has a handle on a very good idea.

We ought to copy it in America.

Here in Hawaii some University of Hawaii students might work wonders in giving Asian visitors their own fresh perspectives on the United States.

A NATIONAL GROWTH POLICY

Mr. HARTKE. Mr. President, on May 11 of this year, I introduced in the Senate, the Hartke National Growth Policy Planning Act of 1972. This act calls for the establishment of a national growth policy to effectuate economic development, population control, housing distribution, the uses of natural resources, the protection of the environment, and the location of government and private facilities in a manner and magnitude that it is hoped will increase the odds that our Nation will continue to prosper. The act also establishes a National Growth Policy Planning Board to help coordinate the efforts of Federal, regional, State, and local governments to control and manage growth. In effect, this would provide the Nation with a research, planning, and coordinating board at the Federal level while emphasizing State, local, and public participation. To supplement these requirements, a program of Federal assistance to State and interstate agencies is established to develop statewide and regional growth planning as elements of a national growth policy.

Mr. President, this Hartke legislation will complement the Full Opportunity and National Goals and Priorities Act passed recently by the Senate and the impending legislation concerning national land use policy which will be before us shortly. I ask unanimous consent that a series of newspaper articles in support of a national growth policy be reprinted in the Record at this point.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Daily News, June 27, 1972]

TO PROVIDE DECENT HOUSING FOR ALL, GROWTH POLICY, AGENCY NEEDED

(By Vernon E. Jordan, Jr.)

If there's one thing that's obvious about the housing situation it is that the demand for housing that low and middle income people can afford will not be met unless there are some drastic departures from past policies. Some 60 per cent of all Americans are unable to afford the price of a new home, and conditions seem bound to get worse instead of better.

When you deduct the numbers of sound housing units lost each year thru abandonment, which is an increasing problem in many cities, and thru urban renewal projects, highway construction and other reasons, there probably is a net loss of available housing units. The half-million subsidized units built per year don't even balance the numbers of houses and apartments lost, much less add to the supply of needed housing.

When we see that 70 per cent of the population lives on one per cent of the land, that the nation's population will probably grow to some 300 million people in the next 30 years, and that sky-rocketing land costs are making housing for all but the favored few too expensive, the case becomes strong for a national urban growth policy and a federal National Urban Growth Agency to implement such a policy.

Such a national agency could help to counter the effects of a fractured society which finds it difficult to solve its housing problems because of the conflicting claims and jurisdictions of local governments and local zoning laws. Taken together, this patchwork of locally-formulated policies and programs amounts to no national policy at all.

One of the first tasks of a National Urban Growth Agency would be to acquire land and "bank" it for future urban development. By taking some land—and it needn't amount to very much—off the speculative market, one of the prime factors in controlling spiraling costs would be neutralized. The agency could then make rational plans for future development, with the opportunity to help create sound, balanced communities.

The agency could also act as "houser of last resort," assuring an adequate supply of decent housing for low and moderate income families that can't be served by the private market.

It would also be mandated to plan, and to build where local governmental units refuse to develop fair and rational plans. A National Urban Growth Agency, financed as other government units and with the power to sell bonds and to build directly, could well become the means by which chaos is replaced by fair, rational planning and use of our national resources.

There are ample models for such an agency. European and other countries have had excellent experience with planned communities and New York State has a state agency that is somewhat similar to what I've suggested.

There is no alternative to development. Our only choice lies in the nature of that development; whether it will continue to be haphazard and unplanned, leading to urban and suburban blight and the exclusion of lower income families, or whether it will be orderly, planned development that solves problems and doesn't as our present lack of a system does, create them.

We are too far behind in the national promise to provide decent housing for all to be able to avoid the issue for much longer. We know what the problem is, we know past efforts have failed dismally, and now we need the courage to create the tools that will finally get the job done.

[From the Minneapolis Tribune, May 5, 1972]

A NONPOLICY ON URBAN AMERICA

An official of the Nixon administration was asked at a private meeting here in February about a report on urban growth that the White House was required to submit to Congress that month. He indicated that it was a low-priority item being assembled by a second-level, interagency committee. The result, as might be expected, was a document devoid of policy direction and leadership.

This seems surprising, since Mr. Nixon himself, in his 1970 State of the Union address, stressed rural population losses and the complex social and economic problems of metropolitan America as crises that must be dealt with. In partial response, Congress in December 1970 asked for the urban-growth report and that it include topics such as poverty and unemployment, migration trends, disorderly urbanization and lack of housing.

The report says, in effect, that urban difficulties and suburban growth are affected by rural migration, that they are tough problems and that states and local governments have primary responsibility to solve them.

One member of the Nixon administration, George Romney, secretary of housing and urban development, has addressed himself to central-city and metropolitan problems, and his experience is instructive. Romney tried to sell the White House on a program under which one federal department would have responsibility to focus on the broad array of social, physical and environmental problems of large urban areas. It would put together the segmented efforts of federal agencies and local governments. That wasn't accepted. Now Romney is touring the country, stressing state responsibility to "help overcome the mounting human and economic costs that result from balkanization" of government in big urban areas and urging local officials to cooperate with each other.

To hold that center-city problems and urban growth are not federal responsibilities is unrealistic. Federal agricultural policies have been a big factor in the migration of millions of people from the countryside to urban areas in the past 30 years. The interstate highway program opened to development millions of acres of undeveloped land in rural portions of urban areas. Federal housing and taxing policies promoted the sprawl of population and single-family homes into suburban and suburban-rural areas.

The Advisory Commission on Intergovernmental Relations, a state-federal commission, pointed this out years ago, and by 1968 had urged "immediate establishment of a national policy for guiding the location and character of future urbanization." The commission also outlined, fairly specifically, the possible contents of such a policy.

More recently, a task force of the American Institute of Architects proposed the acquisition of a million acres of land in central cities and on the undeveloped fringes of metropolitan areas in order to rebuild cities and to guide growth.

The Nixon administration has no apparent policy on urban growth. Daniel P. Moynihan, former adviser to President Nixon, noted in 1969 that to let nature take its course on urban growth is itself a policy, of sorts. More a nonpolicy, we'd call it . . . a nonpolicy favoring the continued decay of central cities and illogical, largely undirected growth of large, sprawling metropolitan complexes.

[From the Washington Post, July 16, 1972]

PROBLEM-PLAGUED NORTHERN CALIFORNIA ACTS TO LIMIT GROWTH

(By Rasa Gustaitis)

SAN FRANCISCO.—Belatedly recognizing that population expansion doesn't necessarily mean economic progress, some California communities are taking vigorous steps to limit and control growth.

Thus far, no California public figure has gone so far as Oregon's conservative-minded Gov. Tom McCall, who pleaded last year on nationwide TV: "Come visit us again and again . . . but for heaven's sake, don't come here to live."

In San Diego, developers must now prove to the city's satisfaction that enough community facilities will be available.

In San Francisco, the planning commission has proposed stringent limits on the height of buildings, arguing that the costs resulting from high-rises exceeded the economic benefits they conferred on the community.

The trend toward limiting growth is strongest, however, in smaller communities * * * and commuters.

"It's not just the starry-eyed people and the posy pluckers, it's the homeowner who's feeling the bite in increased taxes, utilities and various services," said Jack Abbott, executive secretary of California Tomorrow, a group that seeks to encourage enlightened planning.

Petaluma, 45 freeway minutes north of San Francisco, has adopted what may be the most imaginative growth control policy. Until a dozen years ago it was a rural town surrounded by poultry farms and dairies. Then, as a new aqueduct increased the water supply, the population began to leap, from 14,000 in 1960 to 30,000 this year. Tract houses and mobile homes spread ticky tacky out from the pretty Victorian center into the farmland.

The city annexed land liberally and was generous with developers until, two years ago, it took a look at its overcrowded schools and overburdened community services, and imposed a year's building moratorium.

Now it has an environmental design plan and a rigid growth limit, specifying that no more than 500 subdivision units may be built per year. So far, according to City Manager Robert H. Meyer, developers have proved cooperative.

Across the bay in the Amadore Valley, however, the Associated Home Builders of the Greater East Bay have sued the cities of Livermore and Pleasanton, charging that a growth-control measure passed by voters last April is unconstitutionally vague.

This SAVE (Save All Valley Environment) initiative requires that issuance of building permits cease when schools are overcrowded, sewer facilities are inadequate or water rationing is in effect.

The voters acted out of frustration with local authorities.

Livermore (population 45,000) is the site of the Lawrence Laboratory, administered by the University of California under contract to the Atomic Energy Commission. It conducts much of the nation's nuclear weapons research.

With its advent in 1952, what had been an agricultural center began to change. The lab stopped growing about five years ago, said Clarence Hoenig, a scientist there and one of the SAVE sponsors. But population in the valley continued to increase. Most of the newcomers to sprouting subdivisions were commuters from the San Francisco Bay area.

The Amadore Valley has the worst air pollution in Northern California. Half of it drifts in on prevailing winds from bay area cities, half is generated locally, largely by automobile traffic. A four-fold increase in the valley's 100,000 population has been projected over the next 30 years.

The growing crisis came sharply to residents' attention last fall when the school administration in Livermore warned that it would not be able to accommodate the children who were expected under current projections. Soon thereafter, a report was released warning that water rationing might be needed this summer.

It was at this point that many citizens concluded that, as Councilman Donald G. Miller put it, "every new house is built with a subsidy by the people who live here."

Among the leaders in the initiative was Gloria Taylor, an artist and the wife of a lab employee, who believes that "developers have to be forced to realize that they are building a community that has to sustain itself after they leave." She sees commuting as "disruptive to society" and says "it's becoming immoral to commute 60 miles a day, because of the environmental impact and because the rest of us have to pay for it."

Also involved was William Moore, who was born in the San Fernando Valley and saw its orange groves yield to rows of tract houses.

"That place is beyond help now," he said. "What was wrong there has been obvious for a long time, but the economic pressures are so severe it's hard to say no. When you finally do, you get instant lawsuits."

A leading opponent of the SAVE initiative was Gilbert Marguth, operator of a small electronics firm and a former mayor of Livermore.

"SAVE offers no solutions and lulls people into a false sense of comfort," he said. The need is for "a total study of this valley's regional, social, political and environmental factors, and not just land use planning."

Urban conservationists like to point to a study done by Livingston and Blayney, city and regional planners, for the city of Palo Alto in 1969.

Palo Alto sought guidance in zoning for development of some 4,500 acres of hilly, high-priced land it had annexed. The planners' conclusion: no development at all would be financially most beneficial.

The city is now in the process of assuring that the hills remain as open space. Some of the land has been acquired by the city, some has been zoned for farming, golf courses and cattle ranching. In November, voters will decide whether to create a new regional park on the greater part of the acreage.

"Everyone knew that low-priced and medium-priced residential development didn't pay its own way," said planner Lawrence Livingston. "But this showed that high-priced development at least in this instance—did not."

However, he cautioned, "Palo Alto is an unusual suburban community. It has a high percentage of jobs per population, a large regional shopping center, a major university."

The study, "used properly, shows that in certain areas, financially as well as environmentally, open space rather than development makes more sense. But it's been misused as an exclusionary device—something we very strongly disapprove of," he said.

Correctly or not, the Livingston and Blayney study has been influential in Livermore, in Petaluma and among Marin County voters who last November turned down a proposal for an aqueduct. A major argument was that it would have created pressure for more development.

Though some growth-control steps are being taken in Southern California, most of the effort so far has been exerted in the North. It's here that many Californians still believe, as planner Livingston put it, "that it's possible to save something—or even that there's something worth saving."

[From the Washington Post, June 9, 1972]

RICH NATIONS WARNED TO CURB GROWTH RATE

(By Claire Sterling)

STOCKHOLM, June 8.—For the first time since the U.N. environment conference opened here on Monday, a spokesman for ten of the world's richest nations—Sicco Mansholt, president of the European Common Market Commission—has suggested that the continuing "uncontrolled" economic growth of these privileged powers should be reexamined in the light of dwindling resources and the widening gap between rich and poor nations.

At the same plenary session today, World Bank President Robert McNamara declared that, at present growth rates, the wealthier states would have an extra trillion dollars a year by the end of this decade, and urged them to use a small fraction of it to double their aid to developing countries.

Both of these blunt messages, from men of such high international standing, underlined the isolation of the U.S. delegation here. While representing the richest of the 34 "developed" states among the 112 countries attending the environment conference, the American delegation is the only one rigidly committed to oppose increased international-aid levels.

How far it has been backed into a corner because of this stand became clear last night, when the committee on international trade relations approved a series of recommendations to help developing countries meet possible environmental costs.

The most sweeping and controversial of these proposals, providing "compensation" to developing states for export losses caused by higher environmental standards in the developed states, was approved with only two opposing votes, those of the United States and Guyana.

Another punishing development for the U.S. delegation has been its failure to save the secretariat's five-page draft declaration on the human environment from a riptide of amendments. Put together with immensely patient effort, and representing the lowest possible common denominator, the draft declaration was one of the few positive commitments for international collaboration which the Americans had hoped would come out of this conference.

To keep the declaration more or less intact, a highly restricted group of four countries Sweden, Brazil, Kenya and the United States has been locked in negotiation since last weekend.

These efforts broke down last night, however, when China demanded an ad hoc committee of the whole to review and revise the whole declaration. The floodgates having thus been opened, the African states alone have reportedly prepared 100 amendments.

[News dispatches reported later that the conference general assembly approved the Chinese proposal to open the declaration for reconsideration by all participants.]

It is clear from such developments that this conference, the first to consider environmental problems on a planetary scale, is tending more and more to concentrate on the Third World's side of these questions. The reasons were evident in today's speeches both by Mansholt and McNamara.

Speaking for the Common Market states, Mansholt pointed out that the world's rich nations represent a quarter of the world's population but consume 10 times more energy and 20 times more natural resources per inhabitant than the poor nations do.

Given the "finite character of our earth and its limited reserves of energy and raw materials," he said, "we must ask ourselves whether we can continue to pursue our economic growth, at least along present lines . . . whether our present social structure and production processes are still defensible . . . whether we in the rich countries are willing to face the consequences or will take refuge in a fight against symptoms to avoid answering the question."

Mansholt's suggestion that the most advanced industrial nations should perhaps start shifting from growth to equilibrium is not new. It has been a matter of international controversy since the Club of Rome, a group of experts concerned about pollution, published the results of a global computer study by a Massachusetts Institute of Technology team last March, called "The Limits to Growth."

Arguments for and against this study have dominated practically all the sideshows at this conference, from anarchist groups to pacifists to the International Institute of Environmental Affairs which is sponsoring a series of distinguished lecturers here including British economist Barbara Ward, Norwegian explorer Thor Heyerdahl and Swedish economist Gunnar Myrdal. Until Mansholt's speech this afternoon, however, nobody had dared to publicly discuss what nearly everybody has been arguing about privately—namely, the necessity, desirability, or feasibility of slowing down the growth rate of the world's wealthy industrial states.

Speaking to one aspect of the same point this afternoon, McNamara vigorously refuted a widely held view here that the poorer countries might best solve their growth prolems by becoming "pollution havens"—providing "flags of convenience" for the transfer of the richer states' dirtiest industries, as one U.N. official put it.

Raising the poor states' presently "unacceptable" development levels "will not necessarily involve an unacceptable burden either on their own or anybody else's environment," McNamara said.

In every instance to date, he added, the World Bank's own environmental impact studies have shown that environmental hazards can be reduced "either at no cost, or at a cost so moderate that the borrower has been fully agreeable to accepting the necessary safeguards."

The average extra cost of such safeguards rarely runs to more than 2 or at most 3 per cent of the project total, he said.

Considering the enormous annual gains in the income of the wealthy nations and the negligible size of these added costs for the poorer countries, he said, "the suggestion that the rich countries cannot spare the miniscule percentage of incremental income necessary . . . is simply beyond credence."

"Ecological considerations have made us all more aware of the interdependencies of our world," he concluded. "We have come to see our planet as a 'spaceship earth'. But what we must not forget is that one-quarter of the passengers on that ship have luxurious first-class accommodations and the remaining three-quarters are travelling in steerage.

"That does not make for a happy ship—in space or anywhere else. All the less so when the steerage passengers realize that there are at hand the means to make the accommodations more reasonable for everyone."

In McNamara's view, the world's rich states must recognize five essential requirements:

That economic growth in the developing countries is essential if they are to deal with their human problems.

That such growth, if properly planned, need not cause unacceptable ecological panalties.

That the developing countries must be assisted in their choice of a growth pattern which will yield a combination of high economic gain with low environmental risk.

That external support must be provided for this economic advance by moving more rapidly toward meeting the United Nations' concessionary aid target of 0.7 per cent of each industrialized nation's gross national product, and by "dismantling and discarding inequitable trade barriers which restrict exports from power countries."

That the rich states must recognize, above all, that "human degradation is the most dangerous pollutant there is."

[From the New York Times, June 4, 1972]

PLAN FOR COORDINATING UNIT BACKED AT ECOLOGY PARLEY

(By Gladwin Hill)

STOCKHOLM, June 13.—A plan for a new permanent organization in the United Nations to coordinate international environmental activities was completed here today at the United Nations Conference on the Human Environment.

"This may well be the high point of the conference," Russell E. Train, chairman of the United States delegation, commented tonight. "It may well be the best remembered accomplishment of our two weeks here."

After months of hearings and backstage negotiations, a conference committee on which all 114 participating nations have seats put finishing touches on the project. The plan for the new organization, a compact unit of perhaps no more than 30 persons, is expected to be approved by the conference's full session within the next two days and subsequently by the United Nations General Assembly.

POLICY COUNCIL PLANNED

The coordinating unit is to be provided with a program of international measures that the conference delegates here have been shaping for the last 10 days, and, it is hoped, with a sort of international environmental constitution over which the delegates were still toiling tonight.

It also would be backed by a policy council composed of representatives of 48 nations, elected for three-year terms.

The coordinating unit is to have two main functions: to give direction and coherence to the now-fragmented and sometimes conflicting environmental activities of United Nations agencies and other organizations, and to steer financial and technical help to new programs for which it sees a need.

The head of the new organization is expected to be Maurice F. Strong, the 43-year-old Canadian who was the chief organizer of the Stockholm assemblage. He is understood to be already tentatively lining up a staff for the new coordinating unit.

NO ACTION ON SCIENCE CENTER

The new organization is to be technically under the United Nations Economic and Social Council, and its headquarters is expected to be in Geneva.

Its housekeeping expenses are to come from the United Nations general fund, but its major outlays will be met from an "environmental fund" supported by voluntary contributions from major nations. President Nixon has pledged a United States contribution of $40-million toward a five-year budget of $100-million. Mr. Strong has suggested that larger outlays may be in order.

The committee voted against considering here one feature of the permanent organization plan, a proposal by Senator Warren

G. Magnuson, Democrat of Washington, to establish a "world environmental institute" as a scientific and technological center for the international environmental effort.

THE BLOODBATH OF BINH DINH

Mr. KENNEDY. Mr. President, as chairman of the Judiciary Subcommittee on Refugees, I have regularly reported to the Senate the tragic statistics of human suffering caused by the endless war in Indochina. Every day the news media reminds us of the bloodbath caused by this war—as the bombing escalates, as the shelling goes on, as the violence spreads, from both sides.

The latest bloody example is the report from Binh Dinh Province in South Vietnam, where the executions of several hundred South Vietnamese officials at the hands of the Vietcong last month have been substantiated. But as the New York Times observes in reporting the Binh Dinh slaughter, talk of a future "bloodbath" from such episodes, both obscures the very real bloodbath that is going on today, every day, in South Vietnam and all of Indochina, as well as what steps are necessary to avoid further bloodshed.

For the fact is, the only way to end the bloodbath is to negotiate an immediate end to America's prolongation of the war by providing the military supplies and bombs that continue it, and to help begin the process of political accommodation necessary to end the violence. In the case of political accommodation, a negotiated settlement should obviously include provisions to protect and provide sanctuaries for those who fear for their lives.

The safety and right of asylum for South Vietnamese citizens opposed to the political solution achieved in their country can only be provided by negotiations. And there is ample precedent for such provisions—within the historical context of Indochina and elsewhere. We all know, for example, that the right of refuge and population regroupment was agreed to in the Geneva Accords of 1954, which ended the first Indochina war. And in similar wars, no less bloody and impassioned than Vietnam—such as Algeria, or even Nigeria—the issue of protecting former opposition groups and the civilian population was guaranteed in the arrangements which followed the war, and, in the main, were satisfactorily carried out.

Mr. President, as I have said many times on the Senate floor, none of us holds any brief for violence from any side in Vietnam. We ought to condemn all the violence and all those who support the continuation of violence under whatever name or slogan—whether it is the executions carried out by the Vietcong in Binh Dinh or by the U.S. financed Phoenix program in Bin Dinh.

I ask unanimous consent that an editorial from the New York Times and the New Yorker Magazine be printed at this point in the Record, as well as an earlier discussion of the bloodbath theory I inserted into the Record over 2 years ago.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Aug. 6, 1972]

Bloodbath in Binh Dinh . . .

The public execution of an estimated 250 to 500 Saigon officials and others by Communist forces during their occupation of Binhdinh Province adds another sordid chapter to the bloody history of the Vietnam war.

The executions, reported by allied intelligence officers and corroborated in on-the-spot interviews by a Times correspondent, expose once more the ruthless brutality which the Communists exhibited at Hue during their 1968 Tet offensive. Such barbaric tactics serve to undermine the prospects for a political accommodation in South Vietnam—the kind of accommodation the Communists say they are seeking in Paris.

Binhdinh has also been a principal target of the infamous "Phoenix" program, under which South Vietnamese counterterror teams—recruited, organized, supplied and paid by the C.I.A.—have sought to "neutralize" Communist cadres throughout the country. According to testimony before a House subcommittee last year, 9,820 civilian Communists were executed under this program in a fourteen-month period.

Both sides have committed calculated atrocities in South Vietnam, over and beyond the indiscriminate slaughter that inevitably results from the massive American bombing and Communist shelling that have dominated the latest round of fighting there. Bloody reprisals, like those that followed the unsuccessful Communist coup in Indonesia seven years ago, are indeed a gruesome possibility for postwar Vietnam, no matter which side "wins." But they can hardly be more terrible than the bloodbath the Vietnamese are suffering each day that this brutal war continues. The sooner both sides move toward a negotiated settlement, the better the chances will be for a relatively bloodless reconciliation.

[From the New Yorker, July 29, 1972]

Notes and Comment

Every day last week, we Americans dropped four thousand tons of bombs on North and South Vietnam. On one recent day, in Quang Tri Province alone—an area not much larger than Rhode Island—we dropped twenty-five hundred tons of bombs, with three or four times the blast-damage force of the atomic bomb dropped on Hiroshima. That is what the war has come down to. In this year's Presidential election, as in the last two Presidential elections, the country will be brought face to face with the question of the war, but it is a changed war now, and a changed country. The country has been brought to the poiht of exhaustion by the war. It is an exhaustion of sensibility, however—not physical exhaustion. Most of us find it more tiring to think about the war than to wage the war. Thinking about the war takes special effort, after all these years. On the other hand, waging the war is easy. All you have to do is to go on with business as usual. This is enough because the war has become part of America's business as usual. The war has inertia on its side. In a strange reversal of the usual order of things, it requires inaction to fight the war and action to stop fighting it. And because it takes so little for most of us to go on with the war, we sometimes get the feeling that someone else is waging it, or that *no one* is waging it—as though the computers and the B–52s could wage it by themselves. Yet in fact it is no one but we ourselves who are killing the Vietnamese. If we are not killing them, who is? Some people go as far as to maintain that *the war is over*. But what has happened is only that its shape has been changed to fit the public mood in the United States. For the Vietnamese, the war is in its most punishing phase. Throughout their country, a sequence of events is proceeding that spells annihilation for ordinary people. The Vietnamese we oppose launch an attack, and their shells fall on the towns. The Vietnamese we support flee. Then we Americans make our contribution: we blanket the whole area with an inconceivable volume of every imaginable kind of munition short of nuclear bombs. Then our Vietnamese, if they are able, return and loot the remains. So towns that put their trust in us and our clients are punished three times over: they are abandoned, then incinerated, then sacked.

But if the war is the only reality for the Vietnamese, who are living with it, it is almost wholly unreal to us Americans, who are supplying most of the explosives. This is partly because what we are doing in Vietnam isn't like war as we have known it in the past. War is fought against an enemy, but who is the United States' enemy in Vietnam? The North Vietnamese cannot harm us now and never will be able to harm us. They can just barely harm the force we are using to destroy them. The enemy can hardly be the Chinese, who, we are told, will soon be flying about in American 707s. And surely it isn't the Russians, whose Party Chairman now drives a Cadillac given him by President Nixon. Wars involve risks, but in what is happening in Vietnam the risks to most Americans are nil, and the combat casualties of those in the theatre of war are regularly lower than the casualties resulting from accidents. For Americans, Vietnam is less a battlefield than an open pen that we fire into at will as the people flee in masses from one side to another. War is a contest, a murderous competition, but for Americans in Vietnam there is no contest. The people we are killing are unable to pit their arms against our arms. Instead, they have pitted their willingness to suffer and die against our willingness to torment and kill. Our strategy is to punish them until they can no longer endure the punishment and must give up. This is the logic of the torture chamber, not of the battlefield. Wars call for sacrifices, but few people on the home front are being asked to make any. Those who lose their sons don't find that the burden of their loss is being shared in any way by the rest of us.

All in all, the American endeavor in Vietnam is more like a factory than like a war. It's a war in which the assembly line ends in the villages of Vietnam. None of the Americans participating are ever reminded that they are involved in anything out of the ordinary—not the scientist who designs the weapons, not the worker and the executive who manufacture them, not the taxpayer who pays for it all. And, at the end of the line, the pilots who deliver the bombs to the Vietnamese villages are as undisturbed as milkmen delivering bottles to the doorsteps of American homes. There are all kinds of factories, and the American machine in Vietnam is a death factory. We are its workers and its consumers, our ships and planes are its moving parts, and the Vietnamese are its raw materials. In this new guise, the war has become so much a part of our lives that we scarcely notice it any longer. In a way, those who claim that the United States is no longer active in Vietnam are right. The war cannot now be seen merely as something we are doing; it is what we are.

Vietnam Reprisals Theory Disputed

Mr. Kennedy. Mr. President, considerable attention has been given recently to the so-called "bloodbath" argument—the argument which says that American troops cannot be withdrawn from South Vietnam without precipitating a bloodbath of reprisals. This argument, which is speculative at best, has come, nonetheless, to have a kind of truth of its own by its constant repetition.

As I suggested in the Chamber on May 26, I am deeply skeptical of this argument, especially as it is phrased by administration spokesmen. It seems to me that the argument is being used to evade the hard issue involved in reaching a political settlement in Vietnam—a negotiated peace—that will end once and for all the military bloodbath that is going on today. As used by the administration, the bloodbath argument seeks only to win support for the short-term military plans of the President, not long-term efforts for peace.

This conclusion was most recently discussed with Mr. Stephen Rosenfelt in a column written for the Washington Post on June 19. After carefully reading documents used by the admiinstration to support the bloodbath argument—including a recent declassified Rand study—Mr. Rosenfeld concludes that "if Mr. Nixon is truly interested in deterring a bloodbath, then he should be emphasizing those elements of policy—a negotiated solution, pledges and guarantees against reprisals, sanctuaries for especially frightened people, international observers, and so forth—which could be of practical value in limiting repressions against any Vietnamese." To do otherwise, says Rosenfeld, is only to continue the bloodbath that is going on today.

I commend Mr. Rosenfeld's column to all Senators concerned about the bloodbath argument and ask unanimous consent that it be printed in the RECORD.

VIETNAM REPRISALS THEORY DISPUTED

(By Stephen S. Rosenfeld)

To the list of expert witesses who dispute President Nixon't insistent claim that only his own policy will avert a "bloodbath" in South Vietnam, add North Vietnamese Premier Pham Van Dong—look here—social scientist Stephen T. Hosmer, author of a new Pentagon-commissioned Rand Corp. study of "Vietcong Repression and Its Implications for the Future."

Though they differ predictably in some of their judgments, particularly on how to read Hanoi's past record, they argue on strikingly similar lines that, after an American withdrawal, the political requirements of the Vietcong would tend to dictate a policy of less repression, not more.

Pham Van Dong's views were published, evidently for the first time, in the May 26 Congressional Record in a memo to Senator Kennedy from Richard J. Barnet. Barnet, co-director of the Institute for Policy Studies, visited Hanoi last November and talked with the premier and other officials.

"I had many discussions on the question of reprisals raised by President Nixon in his Nov. 3 speech," Barnet wrote. "Premier Pham Van Dong told me flatly, "there will be no reprisals. He and others then went on to explain that national reconciliation was necessary to avoid the disintegration of South Vietnamese society . . . 'It is imperative' he told me, 'that all Vietnamese in the south be admitted into the national community—with the same status.' "

Summarizing what a number of officials has told him, Barnet said: "Any political forces in South Vietnam that wants to reconstruct the shattered Vietnamese society must work with all other significant religious and political groups. The front is building up its political base because Catholics, Buddhists, Cao Dai and middle-class professionals are becoming increasingly antiwar and anti-American. The destruction and uncontrolled inflation in Saigon are building a national coalition for peace."

"The NLF leadership understands, it appears to me, that these nationalist forces are for the most part anti-Communist as well and that once the Americans leave, the front's only hope of building its power is to promote a political program that will appeal to many diverse interests . . ."

"Some NLF officials indicate that they may well be prepared to accept specific safeguards such as international inspection of elections and an international force to guard against and to report on possible political reprisals. But the very pledges they are prepared to give to other Vietnamese they will resist giving to us. For one thing, they told me, they do not see that the United States is entitled to assurance about the future character of the South Vietnamese government . . . They said they view with considerable skepticism expressions of humanitarian concern for the South Vietnamese from a country that has dropped more than a million tons of bombs on South Vietnam."

Are these arguments mere persiflage? Hosmer, like President Nixon, assumes that Saigon's own million-man armed force will somehow dissolve and that Communists will take full power. He expects a bloodbath "of very large proportions" if they do so in battle, "say, following a withdrawal of all U.S. military forces."

But, he says, "if, on the other hand, the Communists were to win control of a different road—say, through the gradual subversion and eventual capture of a coalition government established under an international arrangement—then the likelihood of widespread violence, at least during the takeover period, might be significantly smaller."

Moreover, he states: (1) Disintegration of the Saigon regime would have removed a major reason for repression. (2) Needing to run the country, a Communist regime "presumably would want to avoid actions that might hamper its major task of political consolidation and mobilization . . . in particular, to eschew the kind of indiscriminate mass reprisals that might permanently alienate much of the population." (3) A Communist regime might fear that excessive repression would breed "adverse reactions in other Communist states or parties and among the uncommitted nations."

Hosmer nonetheless states as his personal belief that the Communists, out of a temptation to consolidate control and out of what he says is a peculiar Vietnamese taste for revenge, would execute upwards of 100,000 people. He does not say why this belief should be given more weight than his argumentation, which goes mostly in the opposite direction and which corresponds in its important aspects with that of Pham Van Dong.

What the North Vietnamese official contends and what the Rand scholar concedes come out quite the same: there would be important political considerations pressing upon the Vietcong to conciliate rather than to kill their erstwhile political foes. Whether these considerations would finally govern the policy of the Vietcong is, of course, necessarily a matter of judgment and conjecture.

This suggests at the least that it is misleading if not downright unfair for the President to pass over the several hundred thousand actual deaths of Vietnamese civilians—a great many of them victims of American bombs and shells—and to raise the prospect of an enemy massacre of civilians "by the millions," as though it were a certain thing. This is a tactic unworthy of a President whose stated objective is a negotiated settlement to the war.

If Mr. Nixon is truly interested in deterring a bloodbath, then he should be emphasizing those elements of policy—a negotiated solution, pledges of guarantees against reprisals, sanctuaries for especially frightened people, international observers—which could be of practical value in limiting repressions against any Vietnamese. To stay on the military track alone, as Hanoi and the Rand study agree, is to assure the bloodiest outcome of all.

STATE DEPARTMENT'S COMMUNITY MEETINGS ON FOREIGN POLICY

Mr. McGEE. Mr. President, last May 1–5 a team of Department of State officers discussed various aspects of foreign policy before audiences throughout the State of Wyoming. Cosponsored by the Wyoming State Department of Education and the Wyoming Council for Social Studies, in cooperation with the Bureau of Public Affairs of the U.S. Department of State, the speaking tour in Wyoming was the last of the U.S. Department of State's 1971–72 community meetings on foreign policy conducted in 11 States. I was particularly pleased that Wyoming was among the States visited in this series because of the high value I attach to informing the public on foreign policy questions.

The team members were: Slator Blackiston, executive secretary of the Secretary of State's Advisory Committee for the U.N. Conference on Human Environment, Bureau of International Scientific and Technological Affairs; Peter Constable, a senior political officer in the Office of Pakistan and Afghanistan Affairs, Bureau of Near Eastern and South Asian Affairs; Wade B. Fleetwood, a public information specialist for the Agency for International Development in the Office of Public Affairs in the Latin American Bureau; and Stephen T. Johnson, country officer for North Vietnam in the Bureau of East Asian and Pacific Affairs. They were accompanied by Miss Paula Kuzmich and Miss Anita Stockman, liaison officers in the Bureau of Public Affairs of the Department of State. The team appeared in Cheyenne, Laramie, Casper, Rock Springs, Riverton, Gillette, Buffalo, Thermopolis, Worland and Sheridan. Mr. Joey S. Windham, social studies coordinator of the State of Wyoming's Department of Education, accompanied the team while they were in the State. A new team-splitting technique was used in Wyoming for the first time to enable the speakers to reach the maximum number of audiences.

Mr. President, I heartily commend the U.S. Department of State's Bureau of Public Affairs for the community meetings program they undertake each year because it brings Department officers in direct communication with the people of this country. The question and answer sessions which follow the presentations on various regions of the world go a long way in helping to inform the American people of developments in foreign policy. Educational, civic, and professional groups, and organizations throughout the country, as well as the general public served by the media, are the beneficiaries of firsthand discussions with officers knowledgeable in their respective areas of the world. This makes for greater understanding of our policy by more and more of our citizens.

Wyomingites who assisted in planning meetings in the State for the visting team included:

Pauline Kouris and Dan Pfenning of Cheyenne;
Dr. Robert Points, Laramie;
Ed Brennan, Casper;
Frank Prevedel, Rock Springs;
John V. B. Perry and H. Wells Singleton, Riverton;
Mrs. Irene Clark, Gillette;
Mrs. Hattie Burnstad, Worland; and
Warren Pearson, Sheridan.

Among the sponsoring organizations were the American Association of University Women, the League of Women Voters, Rotary, Lions, Business and Professional Women's Organization, Warren Air Force Base, Central Wyoming College, Laramie County Community College and other educational institutions throughout the State. Many others in the Wyoming press, radio, and television gave extensive coverage through interviews of the visiting speakers and reports on their meetings held in the State. All in all, I would say that the foreign policy discussions reached a very high percentage of the people in the State of Wyoming.

I congratulate the sponsors, the numerous coordinators and the groups and organizations they represent for their efforts in contributing to a successful series of community meetings in Wyoming. Our State is grateful that the Department of State and AID made the team available to visit Wyoming. I would urge a continuation of such programs throughout the Nation.

Mr. President, I ask unanimous consent that a representative group of newspaper accounts of the community meetings, together with letters reflecting the value of the program, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF WYOMING,
Cheyenne, Wyo., May 22, 1972.
Miss PAULA KUZMICH,
Community Meetings Officer, Office of Public Service, Department of State, Washington, D.C.

DEAR PAULA: Your organizational and coordinating efforts helped tremendously in making the recent visit of the Foreign Service Community visitation team a success. For this effort the State Department of Education owes you a big thank you.

If you can send me a copy of your final report on the Wyoming visit, I will appreciate it. Also, send me copies of any news coverage of the visit that you collected. Enclosed are some copies of the Cheyenne newspaper articles.

You asked me if I had any suggestions concerning the meetings. I really don't. I was very pleased with the Foreign Service Officers, the meetings, and your organizational efforts. One observation I would like to share concerns meeting with high school students. While a couple of the meetings with secondary students below the eleventh grade were not as productive as I would like, two of our most successful programs were at high schools. These programs at Natrona County High School and Buffalo High School utilized student panels which asked good, solid, intelligent questions. This provided a model for give and take concerning American policies and politics. I think the George Wallace shooting is evidence that people need exposure to this type of program at an early age. I further think that the 18-year-old vote makes it more important that you attempt to teach and meet with these people. It is my hope that your office can play an informative role and provide a model for these students, many of whom now have the right to vote. Others will acquire it in the near future. We need active, informed voters and at the same time we need voters that can accept, without violence, opinions and policies that differ from their own.

Again, I want to thank you for your help. If you are out our way, stop by and visit us. Maybe we can have another Foreign Service team visit Wyoming in the near future to meet in some of the areas we missed this time. I'll check with the community college in Powell and Torrington and see if there is interest there as well as the University of Wyoming in Laramie.

Sincerely,
JOEY S. WINDHAM,
Social Studies Coordinator.

CENTRAL WYOMING COLLEGE,
Riverton, Wyo., May 8, 1972.
Miss PAULA KUZMICH,
Speakers Division, U.S. Department of State, New State Building, Washington, D.C.

DEAR PAULA: We were very grateful that your State Department team of speakers could visit Central Wyoming College last week, albeit so briefly.

Whenever possible, the college and I hope for greater contacts of this sort. Another time I hope to be involved earlier and to arrange for a general convocation; for radio, television, and videotape coverage; and for a broader and different segment of public interest as well. Like the Mikado, "I have a little list"; but unlike his, mine should not have missed or been missed.

In the future I would suggest that you send a film or videotape of your speaker a week or two in advance of his arrival. This could be used to arouse interest in him, to lay educational foundations, and for general news purposes. Such a measure should help improve the size and participation of your audiences.

I have made the program inquiries you mentioned, thanks. They sound very interesting.

Please greet Steve, Slater, and Pete for me. It was a pleasure meeting all of you and you may assure any of your colleagues that our hospitality flag is always flying. Next time we might reach that restaurant upon the mountain pass!

Cordially,
JOHN V. B. PERRY,
Professor of Social Science.

[From the Casper (Wyo.) Star-Tribune, May 5, 1972]

STUDENT QUESTIONS "PIERCING"

(By Ardyth Sohn)

"Piercing," was the word one U.S. foreign service officer used to describe questions fired at him this week by Casper high school students.

"This is the first time I have been on tour in Wyoming and the questions students in Casper asked were pretty piercing—and with a follow through.

"They really dig," said Wade Fleetwood, one of four U.S. foreign officers speaking in Wyoming cities this month.

LATIN AMERICAN AUTHORITY

Fleetwood who is a specialist on Latin American affairs, is traveling with Peter Constable, a South Asian Affairs specialist; Stephen Johnson, a country officer for North Vietnam; and Slator Blackiston, executive secretary of the State Department's advisory committee on U.N. Conference on Human Environment.

The four men spoke at Natrona County High School and Kelly Walsh High Schools where students later questioned the men.

"I think it is important for people to know what the U.S. foreign policy is and we are here to inform you as best we can, and then listen and respond to your questions," said Fleetwood in an introductory address to the students.

POLICY "DYNAMIC"

Fleetwood called the American policy in Latin America "dynamic." He said the U.S. has a policy of "dealing with Latin American governments as they are."

He added the only time this policy changes is when the U.S. is "threatened."

"Approximately one-fifth of the world's population live in South Asia and it is too large to ignore," said Constble.

When asked by a student why America did not give more aid during the India and Pakistan clash, Constable said the U. S. did offer aid.

NOT DIRECTLY INVOLVED

"We were not directly involved with the hostilities, but from March of 1971 until today we have played an active humanitarian role."

He said the U.S. had given money for the care of 10 million refugees who had fled from East Pakistan to India.

"We were worried that the conflict might involve other world powers, but the war there was brief and outside powers did not get involved in a violent way," said Constable.

Johnson drew the most response from students who stayed after school to talk with him.

"Why do our representatives in Paris at the talks with North Vietnam only meet once a week? What goes on the rest of the week?" asked one student.

"If we thought there was any possibility of having good meetings three times a day we would do it," answered Johnson. He said the meetings were many times only an "exchange of insults."

NON-COMMITTAL ON TALKS

When asked about private talks concerning Vietnam, Johnson said, "I cannot confirm or deny that private talks are taking place now."

Why are B-52 bombers being used in North Vietnam when they aren't that accurate?" asked another student.

"B-52's are a machine delivering bombs in quite an accurate way and they are used in a limited way," answered Johnson.

Concerning the proposed U.N. conference on Human Environment set for June in Stockholm, Sweden, Blackiston said there is the possibility Russia may not attend.

"Right now the Soviet Union is fighting for East Germany to attend the conference with voting rights. Because East Germany is not a member of the U.N. or the U.N. Specialized agency, it will not be allowed to vote at the conference," said Blackiston.

He added East Germany may attend the conference as an observer, but "Russia is making an issue out of the voting rights being denied East Germany."

VETERANS ASSISTANCE

Mr. HUMPHREY. Mr. President, I strongly commend the recent Senate action in adopting the Vietnam Era Veterans Readjustment Assistance Act of 1972, S. 2161, as amended. I joined in the original sponsorship of this bill and the several other bills which it incorporates, and voted with the unanimous majority for its passage, out of a deep concern that our Vietnam era veterans have a fighting chance to further their education or train for a good job. For too long, they have been denied the opportunities afforded World War II and Korea veterans, because assistance levels have failed to keep pace with increases in the cost of living and with sharply rising college tuition fees. This profound wrong must be corrected without further delay, and I urge Congress to complete action on this vital legislation in time to be of benefit to veterans in the coming academic year.

The Senate Committee on Veterans' Affairs deserves high commendation for drafting comprehensive legislation to meet effectively the complex of critical needs confronting our Vietnam era veterans. Dissatisfied with the totally inadequate increases in veterans education and job training assistance payments recommended by the Nixon administration, the committee has recommended the establishment of realistic levels of help and the reform and expansion of important outreach and supportive services for those who have given a vital period in their lifetime to the service of their country. The basic educational assistance benefit for a single veteran is increased from $175 to $250 a month, with additional assistance for a veteran with dependents. And a veteran can now get help when he needs it most, by provision made in this bill for immediate mailing of the first payment in time for the veteran to complete his registration. In addition, the veteran would now be eligible for a Veterans' Administration direct loan of up to $1,575 a year for educational costs not provided for under other Federal loan or grant programs.

The goal of this bill to enable the Vietnam era veteran to achieve parity with his World War II counterpart is also reflected in the increases authorized in vocational rehabilitation subsistence allowances, and in a 48-percent increase in allowance rates for on-job and apprenticeship trainees, from $108 to $160.

Important improvements have also been made in programs aiding servicemen in their transition to civilian life. The predischarge program—PREP—will now include the authorization of payment of educational allowances for courses needed to achieve a high school equivalency certificate or degree, and broader participation in college preparatory programs is facilitated. A dual purpose is served in the establishment of a student-veterans' workstudy-outreach program, whereby a needy veteran can receive a $300 advance allowance for performing services in Veterans' Administration programs, thereby obtaining further financial help at the start of a semester when it is essential, while at the same time promoting the GI bill programs through performing outreach services to get information to other veterans and to expedite the processing of their certificates and claims.

Important new opportunities are extended to wives, widows, and children to pursue education and job training under programs currently available to veterans. And I am particularly gratified that this bill insists upon affirmative action plans for the hiring by Federal departments and agencies of service-connected disabled and Vietnam era veterans, and that employment preference should be extended to them in all Government contracts and subcontracts when they are otherwise job qualified. Coupled provisions to make current laws dealing with veteran unemployment assistance more effective and to ease eligibility requirements for entrance into Federal manpower training programs by Vietnam era veterans, these measures make clear the firm intent of Congress that the Federal Government must take decisive action to address the serious problem of extensive unemployment among Vietnam era veterans, where the rate of joblessness was 10.3 percent in May for those aged 20 to 24.

The Vietnam Era Veterans Readjustment Assistance Act marks a legislative milestone in establishing the firm obligation this Nation must have toward our veterans. Those who have served our country and contributed to the national defense must never be forgotten.

THE PRICE OF HOME HEATING OIL

Mr. KENNEDY. Mr. President, I am deeply disturbed by reports appearing in the oil trade press that the major oil companies are exerting strong pressure on the Price Commission for an increase in the price of home heating oil.

Their effort presents a direct challenge to the administration's efforts to halt inflation—a clear test of the President's commitment to the American consumer. It will be interesting to see who speaks with a louder voice at the White House—the consumer or the big oil companies.

I am strongly opposed to an increase in the price of home heating oil because of its severe impact throughout our country and throughout our economy. No. 2 fuel oil is used not only to heat homes, but also for schools, hospitals, apartment buildings, and by electric utilities in the generation of power. And the uses of No. 2 fuel oil by these larger units and by utilities is increasing, as they switch from high-sulfur No. 6 oil to meet antipollution regulations and from natural gas because of its short supply.

Thus, a price increase now would not only mean higher fuel bills for homeowners, but higher rents for apartment dwellers, larger bills for hospital patients, inflated costs for school districts, and higher electric bills for nearly everyone.

If the Price Commission allows the price of No. 2 fuel oil to increase 1 cent, it will mean added costs to the people of Massachusetts of nearly $25 million per year and added costs to all of New England of nearly $50 million per year. For the people of New York, the added costs will be nearly $50 million per year and for the citizens of New Jersey and Pennsylvania, also nearly $50 million per year.

The present price control program has halted the spiral of heating oil prices that has plagued the Northeast in recent years. In the year just preceding the price freeze last August, the cargo price of No. 2 fuel oil in Boston rose nearly 8 percent. Since the freeze, the price has remained stable.

Just before the price freeze, Humble Oil announced plans for a further increase in the cargo price of 1 cent per gallon—or 9 percent. If the major oil companies are successful it will mean that fuel oil prices in Boston will have gone up by 17 percent in 2 years.

This clearly must not be permitted to happen, for three basic reasons:

First, it would place a further cost burden on citizens of the entire country. And because of the higher concentration of fuel oil consumption in the Northeast—the six New England States, New York, New Jersey, and Pennsylvania consume more than 55 percent of the Nation's No. 2 fuel oil—that area will be particularly hard hit.

Second, it affects low income families most severely. Fuel oil is an essential expenditure—in winter, a family's health and life depend on the continued operation of the furnace. When a price increase comes along, they have no choice but to pay it. As the Senators from New England can confirm, fuel oil is already a significant burden on the family budget in our area; it would be a tragedy—particularly for low-income families—to add to that burden.

Third, the major oil companies are trying to blackmail the Federal Government into allowing a price increase. No responsible Federal official should give in to such pressure. The oil press reports—and this has been confirmed by Federal officials—that the major oil companies are telling the Government, "Either we get a price increase or we won't produce heating oil." In other words, we want our profits, and if we do not get them, you are going to have a fuel oil shortage and homes and hospitals will go cold.

This is unconscionable. It is the height of arrogance.

In the interest of higher profits, the major oil companies are playing "Russian roulette" with home heating oil supplies. They apparently have allowed stocks to drop to a dangerously low level, gambling that the Federal Government will give them a price increase.

Given the high demand for gasoline and heating oil, we may have already passed the "point of no return" in fuel oil supplies—in other words, the majors may have forced stocks so low, that domestic refineries simply may not be able to make up the supply gap by winter. In brief, the majors are deliberately causing a fuel oil shortage.

I trust that the Federal Government will not reward their blackmail tactics by permitting an increase in the price of No. 2 fuel oil. I trust that the interests of the American consumer are more important to the administration than the profits of the major oil companies.

We will soon have the answer.

Mr. President, I ask unanimous consent that articles from Platt's Oilgram and the Oily Daily, dated July 31, 1972, be inserted at this point in the Record along with a copy of my telegram to the Price Commission.

There being no objection, the articles and telegrams were ordered to be printed in the Record, as follows:

[From Platt's Oilgram News Service, July 31, 1972]

U.S. Panel Urged To OK Distillate Price Hikes

Washington, July 7.—Major distillate distributors and marketers have been holding series of meetings with U.S. Price Commission in effort to get panel to permit price of No. 2 oil to rise appreciably before this winter.

Companies are said to have made detailed presentations to commission showing that inventories are quite low and to support argument that distillate prices aren't high enough to justify domestic refiners boosting their output of No. 2 to meet anticipated increase in demand (see 7/12 Platt's OILGRAM News).

Observers say companies gave up pressuring commission on need for gasoline price hikes and switched to distillates, because ceiling price on gasoline is already quite high and also because there is greater public sensitivity to heating oil supply tightness.

[From the Oil Daily, July 31, 1972]

Major Firms See Fuel Shortage

Washington.—There were reliable reports here Friday that a number of refiners, primarily major oil companies, have been conferring with government officials on the need to boost price ceilings on fuel oil, particularly heating oils, to meet growing demands for these products.

One official said that more and more refiners have been coming to Washington in recent days to confer with officials at the Office of Emergency Preparedness and the Price Commission to discuss the fuel oil "shortage" which is approaching under present price ceilings.

"The refiners," one official commented, "say flatly that they just can't afford to significantly increase their supplies of fuel oil, particularly heating oils, at present price ceilings and that something has to give."

Officials at both agencies declined comment, although they acknowledged the general subject is under investigation.

Telegram

Mr. Jackson Grayson,
Chairman, Price Commission,
Washington, D.C.:

Press reports and indications from both oil companies and government officials indicate that the oil companies have been discussing with the Price Commission their desire to raise No. 2 home heating oil prices by one cent per gallon.

This would add $25 million per year to Massachusetts fuel oil costs and $50 million per year to the costs of New England consumers as well as a similar increase to other major urban Eastern Seaboard states.

The present state of low domestic stocks of No. 2 fuel oil has occurred as a result of the deliberate decisions of the major oil companies, the same companies which now are requesting increases in home heating fuel oil.

I strongly urge you to reject their requests.

Edward M. Kennedy,
U.S. Senate.

GEORGE AIKEN

Mr. CHURCH. Mr. President, on Friday, August 4, the Washington Post ran an article on our colleague, the new dean of the Senate, George Aiken.

It was a perceptive article, one which I think accurately reflects the respect with which George Aiken is held in the Senate and by a larger audience throughout the country.

> People listen to the counsel of George Aiken as Senate Dean mainly because of the brain which comes up with things like the "Aiken Formula" for ending American involvement in Vietnam.

The author of the article, Jeanette Smyth, writes. Further she notes:

> George Aiken's proposals are backed with reasoned thinking, startling straightforwardness, and a lifelong desire to make policy free of the groupthink party line. In the days when the Senate was divided into hawks and doves, Senator Mansfield called his old friend an owl. A wise one.

Mr. President, I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Hawks and Doves and a "Wise Old Owl"

(By Jennette Smyth)

Deans of the United States Senate aren't born. They usually get that way by living longer and getting re-elected more than anybody else. And it doesn't necessarily follow that they become venerable sages along with their white hair and their years of public service.

But Vermont's George David Aiken is a different story.

The almost 80-year-old Republican maverick, with 32 years in the Senate, emerged as dean last week after the death of Louisiana Democrat Sen. Allen J. Ellender Sr., a major political figure for 35 years.

But even before that Aiken's opinion was sought by Presidents and other legislators.

It's partly because his name is always first on the roll call. It's partly because he's had breakfast every morning for the past 20 years with Senate Majority Leader Mike Mansfield (D-Mont.), and partly because FDR ("Frank") hated him. (JFK and LBJ frequently sought his advice but he liked Harry Truman best.)

It's partly because his name is associated with things like the Civil Rights Act and the 1963 Nuclear Test Ban Treaty and the 1966 "Aiken Formula" for Vietnam policy (the only "State of the Union" speech he ever made—Jan. 19, 1968—was about how the American people had been "duped" with "fantasies" about Vietnam).

The formula was simple: Have the U.S. declare it won the war and then pull out. (Ever unpredictable, Aiken supports President Nixon's mining of Haiphong and voted Wednesday against Senate efforts to cut off Vietnam war funds within four months.)

But people will listen to the counsel of George Aiken as Senate dean mainly because of the brain which comes up with things like the "Aiken Formula." He can't be bought, they say, and his proposals are backed with reasoned thinking, startling straightforwardness, and a lifelong desire to make policy free of the groupthink party line. In the days when the Senate was divided into hawks and doves, Sen. Mansfield called his old friend an owl. A wise one.

So, in honor of his 80th birthday on Aug. 20 and his fifth wedding anniversary on June 30, a bipartisan group of friends planned a "George and Lola Aiken—Everybody's Choice" party last night.

But Sen. Aiken began the day as usual. He got up at 5:55 a.m. with Mrs. Aiken—who worked for her husband before their marriage and still is on his staff—had a bowl of oatmeal and devoted "about one minute" each to reading several newspapers. ("I read fast," is his explanation.)

Aiken spent an hour in his office before he and his wife joined Mansfield in the Senate Dining Room. Over English muffins, bacon (Mrs. Aiken served him some of hers) and coffee, Aiken broke tradition by allowing an outsider to join in.

Aiken talks about how his desire to form influence-free policy has for years been focused on trying to curtail the President's executive powers so Congress has more of a say. His first Senate speech in 1941 opposed Roosevelt's Lend-Lease legislation because he felt it gave the President unlimited power to make international arrangements without congressional consultation.

Crunching his muffin, Aiken sheds, perhaps, a little light on his changing views of the Vietnam war.

"We're getting the power back now. The White House has been keeping us a little better informed on what they're doing in Vietnam." He adds that he thinks that power erosion was cyclical and refers to his Lend-Lease speech 31 years ago.

Then he says, "The President called me himself Wednesday at 1 p.m. to ask me to support his amendment (to the defense procurement authorization bill)."

Sen. Mansfield arrives and has an English muffin, too. He eats it with a fork and knife. Mansfield, who has been in his office since 6 a.m., and Aiken discuss the day's business for all of 30 seconds.

A group of senators sitting in the middle of the room laugh. Mansfield and Aiken look around. The small dining room is nearly empty. There is Stennis in one corner; and Sen. George McGovern in another, eating breakfast alone under a portrait of George Washington. Mansfield and Aiken occupy a third corner.

"Mansfield and I have been accused of thinking the same thing," says Aiken. "Actually, we vote together a little over half the time.

"The first day he came to the Senate Dining Room 20 years ago he was looking for a place to sit. Lola, who was administrative aide then too, asked him to come sit with us and he's been sitting there ever since."

"Like Mutt and Jeff?" the intruder asks.

"Damon and Pythias," says Mansfield.

"I thought they were sisters," says Aiken.

"He's given me a lot of tips," Aiken continues. "Like when you go to the White House: Get a seat near the door so that when they dim the lights you can sneak out."

Mansfield's eyes twinkle in his stone face. He forks the last piece of English muffin. He and Aiken argue about the check. Mansfield wins. Sen. Hubert Humphrey (D-Minn.) is now eating breakfast with McGovern over in the corner. They are talking. Mansfield leaves.

"I hate to tell you how many people try to get me to influence him," says Aiken. "One of the reasons we're so close is that we don't try to influence each other.

He talks about being the Senate's longest resident. "There's no graceful way to get out of this business. If you don't believe me, ask (Sen.) Ev. Jordan (D-N.C.). This is my 32d year, unfortunately. I have a lot of work left to be done. In 1933, I got a patent for an ever-bearing strawberry but I had to let my (Putney, Vt.) nursery go. It was called Aiken's Nursery.

"I had 10,000 customers around the state of Vermont and that helped get me elected. I never have talked politics much when I campaign. I never ask for votes. You should let people make up their own minds. I don't think I've asked anybody for a vote since 1940."

Aiken says petitions with the right number of names on them appear magically every six years, and every six years he runs again. He says he spent $17.09 on his 1968 campaign and $16 in 1962. On postage stamps.

His virtues and faults lie in his mind's opposition to the forces of the cut and dry. Mrs. Aiken says people sometimes think he's "rude" or "deaf" or "crazy" because he drops conversations mid-sentence to listen to his own maverick thoughts, or to go find somebody to discuss them with.

"He's at the point in life when he can do pretty much as he pleases. If he wants to be witty, he is. If he doesn't feel like talking, he's awful. I nudge him at parties sometimes and say, 'Scintillate!' and he goes like this . . ." Mrs. Aiken smiles, imitating her husband. The snidest of Cheshire cats could not have done better.

Aiken popped in and out of his open-door-policy office yesterday. He attended Agriculture and Foreign Relations Committee meetings and met with USIA Director Frank Shakespeare.

Later, marching into his wife's office demanding coffee with a "give me a swallow," he distributed engraved cards with the Thomas Gray quotation, "Let not Ambition mock thy useful toil."

SENATOR ALLEN J. ELLENDER

Mr. MUSKIE. Mr. President, I wish to express my deep sadness on the loss of a great Senator and good friend, Senator Allen J. Ellender.

Senator Ellender's last days were so

characteristic of him—vigorous campaigning in his beloved Louisiana, followed by a rushed trip back to Washington for an important Senate vote. He was always a tireless public servant, committed to excellence in all that he did and the welfare of those he served. Age never diminished his powers. Long years of service never dulled his spirit. He passed from us as he always lived—actively engaged in the important events of his State and Nation.

Senator Ellender was a powerful man in the Senate, in part because of his long years of service, but more fundamentally because of great legislative skill and his mastery of his work, particularly in the agriculture and appropriations areas where his wisdom shaped the judgment of so many Senators for so many years. He immersed himself in his task without losing the broad perspective. He implemented grand designs through attention to detail.

Senator Ellender's legislative breadth was enormous. Food stamps, school lunch programs, rural development, farm income programs, water pollution control, flood control, national security, the Federal budget—these are only a sampling of the critical programs and areas Senator Ellender helped shape. Indeed, for the sheer productivity of his work, I doubt that Senator Ellender had any equal in the Senate.

But Senator Ellender's full contribution cannot be captured in a litany of accomplishments. He set, by the force of his example, standards for excellence and hard work in the Senate that challenged the capacities of us all. His presence was a constant reminder of our high responsibilities. His love for the Senate as an institution deepened our awareness of our special opportunity to serve in this great deliberative body. Senator Ellender, in short, achieved mightily and inspired us all.

Few men have had the privilege to serve their country over so long a period as Senator Ellender. Few men have filled their years with such enduring accomplishments. The Senate will miss him, and I will miss him in a very personal way.

I extend my deepest sympathy to Sentor Ellender's son and to his grandchildren, to whom he has left an imperishable legacy.

WASHINGTON VOLUNTEER READING-TUTOR PROGRAM TO HELP PRIMARY-GRADE CHILDREN

Mr. JACKSON. Mr. President, we face many problems today in this Nation. A critical one is that 20 million Americans are unable to read well enough to live a normal and productive life.

According to a Louis R. Harris survey, conducted for the National Reading Center of Washington, D.C., these citizens are unable to read a classified ad, fill out a job application, understand tests for a driver's license, or fill in a form for a bank loan.

They did not learn to read as children. Now, from high school dropouts to senior citizens they are unfulfilled in aspiration and progress, and they cannot contribute to society.

Citizens in the State of Washington are concerned, and seeking to remedy this problem, through voluntary action to help our children get a firm foundation in beginning reading fundamentals in the first years of school.

Recently, 130 volunteers, representing 49 school districts from throughout the State, came to a 2-day reading tutor-training workshop in the city of Bothell, sponsored by our State department of public instruction and the National Reading Center.

Joining with them as program sponsors were representatives of Seattle Community College, Seattle Public Library, Spokane Community Action Council, and the Washington Literacy Council.

The workshop was free to all who attended.

These dedicated and trained volunteers have now returned to their home communities.

They are now engaged in calling together other volunteers in their neighborhoods, and training them to tutor primary grade children in reading skills when school begins this fall. These tutors will work under supervision of the regular classroom teachers, most of whom cannot possibly take time to give a child individual attention when serious reading problems develop.

Mr. Graham Johnson has been named the coordinator of volunteer services for the State of Washington and he will head the statewide effort to train volunteer reading tutors for our children. Cooperating with Mr. Johnson will be many volunteer organizations, including our Washington State Parent-Teachers Association, the National Council of Jewish Women, the Retired Teachers Association, the Junior League, and the American Association of University Women.

Mr. President, Washington is one of the first 20 States to pioneer this reading-tutor program for children.

I commend our State Department of Public Instruction and the National Reading Center for the vision and the hard work done to launch it. Especially, I commend the volunteer citizens and organizations who will bring individual tutoring assistance to our boys and girls who need personal help in reading.

I ask unanimous consent that a list of the 49 school districts participating in this volunteer reading-tutor program in the State of Washington, be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

Forty-Nine School Districts Participating in Volunteer Reading Program to Tutor Washington Children

Anacortes, Arlington, Auburn, Bainbridge, Bellevue, Bremerton, Cape Flattery, Clover Park, Davenport, Dayton, Edmonds, Ellensburg, Everett, Federal Way.

Highline, Index Elementary, Issaquah, Kennewick, Kent, Lake Stevens, Lake Washington, Longview, Lower Snoqualmie, Manson, Marysville, Mercer Island, Mount Baker, North Mason, North Shore, North Thurston, Oakesdale, Olympia.

Pasco, Pioneer, Renton, Richland, Seattle, Selah, Shelton, Shoreline, Snohomish, South Central, Starbuck, Tacoma, Vancouver, Yakima, Zillah, Yakima Intermediate No. 105, Vancouver Intermediate No. 112.

MEDICAL PERSONNEL SHORTAGE IN MONTANA

Mr. METCALF. Mr. President, on Friday, August 4, I placed in the Record an account by Mr. Dennis Curran of the shortage of medical personnel in Montana, a situation that prevails throughout the rural areas of our Nation. I stated that his article should be read along the overpopulated eastern seaboard as descriptions of opportunities for our medical personnel to escape the overcrowded, polluted cities for the clean air of our rural countryside.

While Montana has a shortage of medical personnel in all categories, efforts have been undertaken to try to meet the problem. Mr. Curran describes those actions in a subsequent article which appeared in the Lee newspapers in Montana. I request unanimous consent that Mr. Curran's article describing our efforts to obtain adequate medical care for our citizens be printed in the Record for the benefit of other rural areas suffering similar medical personnel shortages.

There being no objection, the article was ordered to be printed in the Record as follows:

Paramedics May Spell Solution for Montana

(By Dennis E. Curran)

Roundup's use of Time magazine to attract another doctor may be unique, but physician recruiting drives are becoming common to Montana communities.

Anaconda recently waged successful campaign to attract physicians. Scores of smaller communities have launched efforts to get doctors, sometimes offering free clinics and office space, moving expenses and even income guarantees.

Some of the campaigns have been successful, and the state, especially in Western Montana's mountain recreation areas, is getting some newcomers who have tired of the big city life, according to Dr. John S. Anderson, executive officer of the State Department of Health.

But recruiting is not viewed by many as a long-term solution, though few profess to know what ultimate answer is, a number of varried solutions for improving health care in rural Montana are being advanced.

One suggestion is to get more doctors. National studies have called for doubling the number of medical schools, noting that many who want to become doctors are turned away because there is no room in the med schools.

Montana periodically hears talk of establishing a state medical school here, but most observers see that approach as being unrealistic because of the enormous cost. However, state health planners think an experimental program called WAMI could help.

WAMI (the name stands for the praticipating states of Washington, Alaska, Montana and Idaho) would decentralize medical education by establishing pre-med and initial medical studies in Montana, Alaska and Idaho with students in those programs finishing up at the University of Washington Medical School. The State Board of Regents this past week designated Montana State University to handle Montana's portion of the program.

Another solution, according to Robert Johnson of the health department's comprehensive health planning unit, could be an increase in general or family practitioners, as opposed to specialists who almost always need to practice in a larger population area.

Another proposal has been to establish a system of medical circuit riders to travel from small town to small town bringing big city specialists to rural communities and filling in for vacationing country doctors.

But as Dr. B. C. Farrand of Jordan notes, the circuit rider system probably would be a poor substitute for actually having a full-time doctor in the small town.

"If they get hurt Monday, they can't wait for two or three days for the doctor," he said.

Still another method of attracting physicians to small communities—a method now in limited use—is debt relief or tax incentives.

However, a growing number of health authorities in Montana and the nation are looking toward greater utilization of health care personnel other than physicians as a means of improving medical care in rural areas.

It's not a question of doctor shortage as much as a question of efficiency, says Jim Toner of the Comprehensive Health Planning Program. "It's a question of is he (the doctor) being used effectively."

In many cases, the health planners say, the problem may not be a sheer lack of doctors but rather misuse of them and other health personnel.

Most often, suggestions revolve around increased use of nurses, "paramedics" for first aid and "physicians' assistants" with advanced medical training short of that of a doctor.

In all versions, the health care persons would be trained and authorized to do some of the tasks which now can be done legally only by a doctor, like sewing up wounds.

In Montana, the idea is being explored by a number of groups, including the health department and the Montana Medical Association.

One present stumbling block is disagreement and confusion over who would do what under whose supervision, and there is some danger that the professions involved might tend to jealously guard their duties against encroachment by others.

In the meantime, the health department has an ongoing experiment with a registered nurse practicing nursing for a fee in Seeley Lake to bring some health care to that doctorless community.

With a change in the laws and some additional training, some feel that experienced registered nurses could very ably serve as physicians assistants. "We've got these paramedical people already in nurses," says Dr. David R. Davis of Roundup. "All we have to do is make it legal. In fact, they're probably sharper than a lot of these guys just out of medical school."

UNITED STATES AND INTERNATIONAL TRADE

Mr. PERCY. Mr. President, Paul A. Samuelson was the recipient in 1970 of the Alfred Nobel Award in economic science. In a lecture given before the Swedish-American Chamber of Commerce in New York on May 10, 1972, Mr. Samuelson presented his views on the future of American international trade.

Of particular note is the theory that in the future, the value of U.S. imports will continue to exceed the value of our exports. Trade statistics do indeed seem to indicate the development of such a trend. This unfavorable balance, posits Mr. Samuelson, would be offset by returns on foreign investments. Increasingly, he suggests, U.S. comparative advantage may lie in management rather than in manufacturing. The effects of such a change on the American economy would be profound.

I ask unanimous consent to have printed in the Record at this point the article prepared by Mr. Samuelson which was printed in the Morgan Guaranty Survey of July 1972.

There being no objection, the article was ordered to be printed in the Record, as follows:

INTERNATIONAL TRADE FOR A RICH COUNTRY

[By Prof. Paul A. Samuelson]

The topic I propose to think about today is the future of American international trade and finance, with special emphasis on how that future is likely to be conditioned by the fact that North Americans enjoy the highest per-capita standard of living on earth. The topic has an obvious interest for all of Western Europe and Australasia, since these continents are in second place and are rapidly closing the "real" wage gap with the United States. The far-seeing Japanese, who have the right to dream at night of that approaching date when their rapidly growing per-capita real wages will equal and surpass our own, also have a natural interst in the same subject.

For, as I never tire of preaching abroad, the American pattern of things has a vital interest—not because there is anything special about being American, but because what one fool will choose to do at a high real income level so will another. The Americanization of Europe has little to do with forced infection imported from America; it is simply that everybody who gets to a real income of two or three thousand dollars a year per family member will want a car, a telephone, automatic heat, a winter vacation, and all the things that Americans by accident happened to have the opportunity to enjoy first. Our economy, so to speak, is an analogue computer showing others the shadow of their own futures. For better or for worse, I must add.

As Samuel Butler said, there is always a certain lack of amiability about the go-getter. Admiration and fear aside, we tend to like an individual in inverse relation to his ability to survive in the struggle for success. If it is natural to expect a class struggle within a country based on differences in income and wealth, why it is not natural to expect international antagonisms based on the same economic disparities? If the class struggle had never existed, we should have had to invent it in order to explain the facts of modern life.

But what has all this to do with economics? In classical competitive equilibrium, there is precious little room for the sociology of class warfare. Impersonal supply and demand dictate the final equilibrium. If in any sense there is personal rivalry of brother against brother, the form it takes in a competitive market is the substitutability of one identical worker against the other. The class struggle is an intraclass struggle, labor against labor in depressing the market wage, capitalist against capitalism in raising the real wage, depressing commodity prices and the rate of profit.

When Ricardo laid the foundations for the theory of international trade, in the form of the famous doctrine of comparative costs or comparative advantage, there was no particular role played by the *relative affluences* of the trading regions. What about the brute fact of *size*, that the United States aside from having the highest per capita income also has been one of the economies of greatest land area and population? Herein we differ from Sweden or Switzerland, in the same way that half a century ago the huge areas of Brazil and Argentina differed from the affluent "Switzerland of Latin America," Uruguay.

Mere size does not mean per capita affluence. Indeed, as the teeming millions of India and China illustrate, large absolute numbers when not matched by commensurate magnitudes of resources make for low productivity and poverty. As Adam Smith and Bertil Ohlin have emphasized, mere size may indeed be beneficial to the extent that it permits industries or society to realize the economies of mass production and scale that characterize many industrial processes. Increasing the extent of the market has always been a powerful argument in the arsenal of the free trader. The Common Market is important to Western Europe in giving it the kinds of mass markets that the vast American continent has long enjoyed.

Nonetheless, once markets are large enough to afford competition among many efficient-scale producers, size ceases to be an important variable in the models of conventional international trade theorists. Thus, few of them would agree with the contention of Oxford's Lord Balogh that small economies are at a disadvantage trading with the large United States—provided that the collusive power of concerted governmental action is not pursued by America.[*]

In summary, as far as competitive international trade analysis is concerned, there is no reason why mutually profitable trade should not take place between affluent countries or regions like America, Sweden, Australia, Western Europe, among themselves, and between any of them and intermediate-income or underdeveloped nations—such as the countries of Latin America, Africa, Asia, and for that matter Eastern Europe (provided the latter group's control authorities agree to balanced trade and follow the principle of importing those goods that can less cheaply be produced at home).

There is not unanimous agreement with these doctrines of classical and post-Keynesian establishment economics. My purpose here today is to subject them to searching reevaluation. Let me confess that my bias in the effort is to see whether I cannot find some merit in the suspicions and apprehensions of those who doubt and criticize the conventional wisdom.

To bring out the issues in the debate, let me state rather boldly and crudely an overly complacent, optimistic view of the world that might be taken by someone strongly enamored of the classical doctrine of international trade. Then, as fairly as I can, let me state what are some of the dire views and apprehensions of that larger fraction of the world who have not had a formal grounding in the theories of classical and neoclassical economics.

OPTIMISTIC CONVENTIONAL VIEWS

For brevity, here is a dogmatic list of the major points the optimist would stress:

1. In a very special sense, the dollar has been a *key* international currency. Just as a sovereign government can issue money *ad lib* within a country and have it be acceptable (although, to be sure, at the cost of raising all prices), so the United States had in a sense the privilege of a counterfeiter. Therefore, by definition, we were hardly capable of running an international deficit since these deficits would *automatically* be financed by foreigners' accepting whatever dollars were thrust upon them. The dollar was, so to speak, not merely as good as gold: it was better than gold, particularly if the U.S. showed its determination to get rid of gold as an element in the international monetary system by dumping our Fort Knox supply on the market for whatever price below the

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[*] Actually, in the comparative advantage theory of Ricardo and Mill, small Portugal stands to gain a larger share of the advantage from international specialization than large England. Indeed, if English consumers are so numerous that their needs for Portugal's export goods have to be filled in part from domestic English production, Portugal gets 100% of the gains from trade and England gets none. Under perfect competition smallness makes for rarity and advantage; largeness is a disadvantage.

official price of $35 an ounce it would fetch from dentists, jewelers, and hoarders.

2. Although in the historic past America was a high-tariff country—as in the Smoot-Hawley 1930 Act—under four decades of Reciprocal Trade Programs our duties have been cut in half, cut again, and still again in half. As a result, though we are often regarded abroad as still being a protected market, this is only because of a recognition lag: *America has become one of the freest markets in the world*, which is to the advantage both of our workers and of workers abroad. The substantial penetration of the American market by Japanese imports in the last two decades would be proof of this basic fact. (It may be added that, until recently, the endemic protectionist ideology of the American public had gradually been succeeded by a freer-trade ideology.)

3. Within the framework of the beneficial free-trade regime of the Bretton Woods system, even some optimists would admit that *the American dollar had prior to August 1965 become somewhat "overvalued."* To a greater number, overvaluation is merely a consequence of the post-1965 acceleration of the Vietnam war with its subsequent demand-pull and cost-push inflations. (Parenthetically, I might just note that to me the overvaluation of the American dollar has been a longer-term phenomenon, related to the miraculous recovery of Western Europe and Japan after the 1949 devaluations, to foreign investment desires of our corporations, and to the expenditures and gifts of the United States in the Korean, Indochinese, and general cold-war efforts.)

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4. Even if the dollar should turn out to be somewhat overvalued, this primarily *puts the onus on the surplus countries to appreciate their currencies unilaterally*—particularly the mark and the yen. Or else they should swallow our dollars of deficit without complaining. (Running contrary to this comfortable optimists' policy of "benign neglect," enunciated both by conservatives and liberals among American economists, was the recognition by some of us that the regime of swallowing dollars could not be expected to last; and that, therefore, putting off the day of disequilibrium correction would only exacerbate the inevitable process of needed readjustment.)

5. The true optimists held that *any overvaluation* of the dollar, even if it were fairly substantial, and more or less independently of its cause, *could be cured by the medicine of dollar depreciation or surplus-currency appreciation along the lines of the actual December 1971 Smithsonian Agreement in Washington*. Under the two-tier gold system, the free price of gold in the unofficial tier was of no importance; and within the official tier the only point in making a token upward revaluation of the dollar price of gold and SDRs was for the purpose of expediting agreement on new currency parities with lower dollar parities.

Since the dollar depreciation in December 1971 was substantial, averaging 12 percent relative to other currencies, these "elasticity optimists" think that the therapy agreed upon in Washington should be ample to restore equilibrium in the reasonably near future. Indeed, some believe that even slight reductions in our export prices relative to prices of exports abroad will trigger great improvement in our current credits and great improvement in our current debits; and these "elasticity superoptimists" have ever been fearful that the dollar was depreciated too much in 1971 and will eventually prove to be an undervalued currency.

6. To such optimists as these, perhaps the whole August 15, 1971 crisis was unnecessary, being in the nature of an optical illusion, or being merely the self-fulfilling consequence of an irrational avalanche of speculation against the dollar. Likewise, they tend to view the war of nerves that has been going on in the first half year following the Washington Agreement of last December as an irrational movement likely to come soon to an end. Or, if irrationality should carry the day, that will be an unfortunate and basically unnecessary outcome.

7. The fatal flaw of the Bretton Woods setup—its attempt to peg exchange rates—should be removed in favor of either (1) some kind of *gliding band*, in which parities can move up or down a few percentage points each year or (2) some scheme of relatively clean *floating* exchange rates, in which organized speculative markets will give exporters protection against fluctuating exchange risks and in which no deficits will ever again be possible.

8. Finally, with exchange rates flexible and with tariffs, import quotas, and other protective devices gradually removed, the American real wage will benefit in its rate of growth and the same will take place abroad, as everyone everywhere benefits from a more efficient international division of labor.

To be sure, in the ebb and flow of relative technological change and change in tastes, certain specialized workers within a country might find that their scarcity rents deteriorate when foreign competition takes away much of their advantage. And the same can happen to the rents enjoyed by capital and nonlabor resources situated in sectors no longer viable in the face of international competition. However, provided the country follows proper post-Keynesian fiscal and monetary policies, it should be able to ensure full-employment job opportunities for all. Displaced workers and machines will go into other lines of activity in which the country still has a comparative advantage, to the benefit of the real GNP and its broad factor-share claimants.

ECONOMIC SCARES

I've now stated the optimists' case. Listen to it and you will not think of economics as the dismal science. Quite the contrary. One of the functions of economic analysis has been to rid people of their economic scares. All that I can say is that there are plenty of scares in the present age, and economics has its work cut out for it if it is going to rid people of their fears. It was the Duke of Wellington who said: "I don't know whether my officers scare the enemy, but they sure as hell scare me." Well I am a sophisticated economist but I must confess to some apprehensions about the future of the American balance of payments and about the effects of future foreign trade developments on the average level of American real wages and living standards.

We live in the age of Freud. Now we know that often our anxieties are nameless dreads, and that if we can just get them out of our unconscious minds and viscera and lay them on the table for explicit and conscious examination in the light of economic principle, then we may be able to exorcise our fears and dreads. That is the purpose of this present investigation. And how much it is needed!

In every walk of American life, there is great uneasiness over foreign competition. The endogenous virus of protectionism which has infested all of American history from our earliest colonial days, and which still persisted in the years up to the 1929 crash, had indeed been laid to rest from, say, 1934 when the Roosevelt-Hull Reciprocal Trade Program began to lower American tariffs. By 1955, everyone in America—corporate managers, workers, union officials, editors, and so on—all seemed to have turned away from protectionism.

THE NEW PROTECTIONISM

Those days are gone forever. In the last dozen years of the overvalued American dollar, one of the most baleful heritages of our ostrich-like policy of benign neglect of the international deficit has been the mushrooming of protectionism. It is little exaggeration to say that everyone in America except a few academic economists has become a believer in protective tariffs, in mandatory or voluntary quotas. The few industrialists who still favor freer international trade either have a commercial reason to do so because of their export positions or I fear are right now hovering on the verge of a return to the protectionist fold. As an example, I offer you the automobile executives in Detroit. The workers there and their local unions have already turned protectionist, as you will verify if you go to any union meeting these days. Perhaps a few of the top executives, at least in their more public-spirited utterances, are still devotees of expanded international trade. But talk to the vice presidents in charge of domestic production and you will find a group of troubled men, who feel in their bones that in another decade North America may not turn out to be the place in which cars are to be viably built and sold in competitive markets. And, make no mistake about it, if it came to a choice between letting the auto business go abroad or protecting it here at home by quotas, these executives will come down on the side of protectionism. To them it is unthinkable that we should give up the auto industry. To do so would be criminally quixotic. And, in view of all but the economics professors, the loss of basic industries like the auto industry would lower our real wage level and average standard of living.

To almost all Americans today it is an article of faith that using quotas on a wide scale—to have the textile, shoe, steel industries, and also the TV, electronics, auto, and tiddlywink industries—will be an important step in keeping real wages in America from deteriorating from their present all-time peak levels.

Theoretical economists may quote comparative-cost examples until they are blue in the face. But the man in the street will not believe the assertion that high-paid American workers can compete with imported goooods made by low-paid foreign workers. Throughout our history one of the most powerful weapons in the arsenal of the protectionists has been the competitive threat from "cheap foreign labor."

Ironically at the same time that high-paid American workers have been frightened of the competition of low-paid workers abroad, low-productivity countries have always been as frightened of the competition from the more affluent countries. *The American Challenge* by Servan-Schreiber illustrates in our own time how deep is the fear of the American colossus.

THEORY OF COMPARATIVE ADVANTAGE

The classical theory of comparative advantage contends that, if even-handed competition prevails between many suppliers and many demanders, then international specialization and trade, as well as capital movements, will work to the advantage of both countries—the poorer country as well as the richer, the exporter of capital who receives his profit yield out of the enhanced real product of the capital-importing country, which now has its real wages increased by having each worker with more capital.

Let us bring American fears into the open. The textile industry is an easy case. How can our workers who must be paid more than two dollars an hour compete in standard textiles with the workers of Hong Kong, Singapore, India, and Bangladesh? Textile manufacture is apparently one of the first activities that a developing country can do well in. With wages only small fractions of those in America, even if the foreign textile equipment is not quite as advanced as our own, costs of production abroad tend to fall lower than ours at home.

The theorist of comparative advantage agrees American resources should move out of cheap textiles, and for that matter shoes, and go to more efficient lines of production where our productivity is a larger multiple of foreigners', productivity. Yet when I said this over the New England airwaves, I received a letter from a trade association official in the shoe industry that said: "Your words will go down in the infamy of history along with those of Marie Antoinette." More poignantly, what can my answer be to a letter from a 59-year-old woman textile worker, asking where at her age she can possibly find another job. Shall I reply with the irrelevant contention that if immobile factors will let their wage fall flexibly far enough below the minimum wage, they may end up with a half a loaf of bread? At the least, the humane and politically savvy free trader must urge support for governmental financial assistance to those workers and capital facilities whose competitive rent fall victim to the dynamics of changing international specialization.

The task of the proponent of freer trade is not over. It has just begun. A great many industries are believed to be in the predicament of textiles. Without quotas, shoe imports may grow. The steel industry has thrown in the sponge and now lobbies shamelessly for voluntary and mandatory quotas. Cameras, tape recorders, desk calculators, and an increasing variety of electronic products come from Japan and Europe.

The simple truth is this: American public opinion generally is of the firm conviction that America lacks comparative advantage in anything! Perhaps the man in the street will allow, as a purely temporary exception, that the United States may still have a comparative advantage in the realm of aircraft and giant computers.

A LOGICALLY IMPOSSIBILITY

The academic economist must be aghast at this turn of public opinion. From the very definition of comparative advantage—repeat *comparative*—the economist maintains it is a logical impossibility for any country to lack comparative advantage in anything. To be sure, by the definition of what economists mean by an overvalued currency, if the dollar is overvalued, then fewer and fewer of our industries will be commercially viable in the comparative-advantage sense. When that is the case the major premise of the free trader is denied: when workers are displaced from textiles, autos, you name it, it will not be because they've been sucked into a more efficient line of production, but rather that they are pushed into unemployment and onto the dole.

I must correct myself: in the age after Keynes we know how to expand fiscal deficits and monetary creation to keep purchasing power high even in the face of an overvalued currency. Displaced workers can be given jobs in public employment; or, as budget deficits lower over-all thrift, they can find jobs in expanded output of those few lines in which we do still have comparative advantage. But such a post-Keynesian solution only magnifies and perpetuates the other side of the coin of currency overvaluation. It means chronic deficits in our balance of payments, which require that nations abroad swallow a torrent of unwanted dollars.

Try as I may to be heretical, *my reason will not let me agree with the man in the street that there is no depreciation of the dollar relative to surplus currencies that will permit America to have full employment under free trade.*

The best econometric estimates that I have seen have been marshalled by Professor William Branson of Princeton University whom I am proud to count among MIT's former students. In the Brookings Papers on Economic Activity for mid-1972, Dr. Branson reviews the IMF, OECD, and Stephen Magee studies that generally suggest an improvement of $7 billion–$8 billion in America's current balance from the 12% depreciation of the dollar in the December 1971 Washington Currency Agreement. I shall not quarrel with this as a best single estimate. But I must emphasize the large variance that any estimate is subject to. A famous earlier econometric estimate by Brookings economists, which expected equilibrium in America's balance of payments by 1968, went astray because of the unexpected Vietnam war. Who knows what may vitiate these new estimates?

A SUMMING UP

In closing, this much I must grant to the apprehensions of the man in the street. Were time not so short, my assertions could be less dogmatic.

1. No one knows the true size of the disequilibrium gap in the U.S. balance of payments just prior to August 15. *It may have been much larger than the experts think.* And the differential trends of productivity abroad relative to those here at home, which after all primarily created that gap, in my view, may still be working strongly against us in the years following the Smithsonian Agreement.

2. Therefore, the equilibrium parity of the dollar *may* have to be substantially downward in this coming decade. If such dollar depreciation is required, let us pray that gliding bands, crawling pegs, dirty floating, or clean floating will permit this to happen in an efficient way that preserves the fruitful international division of labor.

3. At home, traditional patterns of resource use may turn out to be *very far* from that equilibrium pattern necessitated by the vast changes in comparative advantage that have taken place over the last two decades and which may continue in the next. Even with post-Keynesian high employment, we know that the vested interests never give up their historic rents gracefully. The concentrated harm to themselves they see clearly and can make the public see; only the impractical eye of the academic economist sees clearly the even greater benefit to the community at large from adaptation to dynamic comparative advantage.

4. Achieving equilibrium dollar parities and adapting to changing comparative advantage may only minimize America's loss of welfare from international trade. While the dollar was overvalued we enjoyed to a degree of higher standard of living from tangible goods imported in return for payment of mere dollar IOUs. Also our corporations acquired lucrative productive assets abroad partly in exchange for those American dollars that foreign central banks reluctantly had to swallow. Just as Germany or any country paying reparations suffers a primary burden from its unrequited payment, so will there be a *primary* burden upon America if we must replace our deficit by genuine export earnings. Beyond that, although a currency depreciation to restore equilibrium need not inevitably induce a deterioration of America's terms of trade, there is a real possibility that we shall be experiencing a *secondary* burden in the form of higher import prices relative to export prices. Indeed as Western Europe and Japan close the gap between our overall productivity and theirs, quite aside from the financial aspects of currency parities, there could be a plausible trend against us in terms of lessened consumers' surplus from international trade.

In summarizing this point, I must guard against alarmist quantification. As long as America remains a continental economy whose imports stay in the neighborhood of not much more than 5% of GNP, it is hard to see how even elasticity-pessimism can knock more than a few percentage points off the 50% growth in our real GNP that demography and productivity trends should bring in the coming decade.

5. Let me conclude with a possibility that has some ominous overtones for the share of labor, particularly the share in growing GNP of organized industries. Under modern trends of comparative advantage, American management know-how (and for that matter management know-how anywhere) and American mobile capital may find that their most efficient use is increasingly to employ foreign labor as a substitute for traditional American activities. Washington, New York City, Pittsburgh, and Denver are increasingly what Max Weber called *cathedral cities*, or in updated terminology, *headquarters cities*. So *under floating exchange rates and relatively free-trade equilibrium, the United States might in time become a headquarters economy. Our emphasis in employment would shift to services and away from manufacturing.* It would become normal for us to enjoy an unfavorable balance of merchandise trade, reverting to the pre-1893 pattern in which the value of our merchandise imports exceeded the value of our exports. This trade deficit normally would be financed by our current *invisible* items of interest, dividends, repatriated profits, and royalties.

Though total American GNP would be the larger because of this free-trade equilibrium, it is possible that *the competitive share of property would rise at the expense of labor's wage share.* This would present a problem for our welfare state—to expand tax and transfer programs to secure a more equitable distribution of income.

6. Economics, alas, cannot be divorced from politics and from trends of ideologies hostile to absentee ownership. Suppose that economic equilibrium did dictate our becoming a service economy, living like any renter on investment earnings from abroad. Let us grant that such an equilibrium, *if* permanent, could be optimal for the United States. But would it be safe for us to succumb to this natural pattern of specialization in a world of rising nationalism? Can one really believe that in the last three decades of the twentieth century the rest of the world can be confidently counted on to permit the continuing flow of dividends, repatriation of earnings, and royalties to large corporations owned here?

I do not think I am paranoid to raise a doubt in this matter. There is certainly a danger that, *after* the United States has moved resources out of manufacturing and into the servicing-headquarter regime, it might then turn out that nationalism impairs the successful collecting of the fruits of our foreign investments. We should then not only find ourselves poorer than we had expected but also facing the costly task of redeploying our resources *back* into the fields earlier abandoned. To be sure, private corporations may in some degree already take into account this danger of expropriation and thereby prevent an unwarranted redeployment of resources from taking place; but it is doubtful that they can be counted on to exercise the proper degree of prevision, particularly since they may well know that they can depend on our government to compensate them when such contingencies arise. Hence, there are rational grounds for some apprehensions concerning this aspect of spontaneous foreign-trade development.

I have tried to walk the mile with those who are fearful about international trends. Yet reason and experience have kept me from walking the whole mile with this overly pessimistic view. Let me end with a solemn warning.

Even if the most dire pessimists are correct in their belief that much of existing American industry can be preserved in its present form only by universal protective quotas of the Burke-Hartke type, it is a pitiful delusion to believe that such measures will enhance rather than lower the real standard of living of the American people.

IF THERE IS A HERO, IT WILL BE JOHN VANN

Mr. KENNEDY. Mr. President, the tragic death of John Paul Vann in a helicopter crash in Vietnam last June deprived the Nation of one of its outstanding public servants, a man who was perhaps our finest and most perceptive expert on Vietnam. Again and again, throughout the decade of U.S. involvement in Vietnam, John Vann's reports and insights provided a continuing framework of realism by which to judge our actions in Indochina. He knew Vietnam as no other American did, and his loss is irreplaceable.

Mr. President, a recent article in the Denver Post contains an eloquent tribute to John Vann. The article, written by Prof. Vincent Davis of the University of Kentucky, a longtime friend of John Vann, describes in detail the influential role played by Vann in shaping and analyzing American policy toward Vietnam. I believe that the article, entitled "If There Is a Hero, It Will Be John Vann," will be of interest to all of us concerned with this critical era in modern American history, and I ask unanimous consent that it may be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Denver Post, June 18, 1972]

If There Is a Hero, It Will Be John Vann

(By Dr. Vincent Davis)

(Note: John Paul Vann, who served the American cause in Vietnam in both military and civilian capacities, and with uncommon courage and devotion, was killed in a helicopter crash June 9. This article, by a friend and colleague, assesses both Vann and the important role he played. The author is director of the School of International Studies at the University of Kentucky, and a former faculty member of the Graduate School of International Studies at the University of Denver.)

A friend at a newspaper phoned to tell me that John Vann had been killed in a helicopter crash in Vietnam. The national television networks featured the story on the evening news. I had imagined the story a thousand times before. John did not seek danger, but he did seek action and involvement, and the action and involvement for most of the past decade in Vietnam was inherently dangerous.

He escaped from countless close calls. Once he drove a pick-up truck through an enemy road-block that suddenly appeared. The truck was riddled with machine gun fire, but he managed to get it to the next secure town down the road. Another time he was sleeping on an air mattress on top of an embankment at a South Vietnamese Army outpost. The post was attacked in the middle of the night, and a horizontal spray of machine gun fire passed perhaps an inch under his body. The suddenly deflated air mattress was what woke him, he said, and he managed to survive again.

From reports coming to me from various sources, my rough calculation is that he was shot down by hostile fire at least 25 times over the past 10 years.

Extraordinary physical courage was therefore one notable Vann characteristic, although he never thought of himself as particularly courageous. He felt that he merely incurred some occasionally necessary but prudent risks. Nevertheless, he commanded a U.S. commando group behind enemy lines for many months, as a young Army officer in the Korean War, and he earned every Army decoration for bravery short of the Congressional Medal.

In Vietnam, while serving as a civilian, he was several times urged to accept nomination for the Congressional Medal, but he felt that the unprecedented step of receiving such a decoration as a civilian would have undermined his effectiveness. He accordingly declined.

At least one U.S. Ambassador in Saigon and several other officials tried to persuade him not to spend almost every night with some South Vietnamese unit in the field, but he felt that was the only way to know the situation.

John first went to Vietnam in 1960, as a lieutenant colonel, completing that tour of duty in 1963. He served as the senior adviser in IV Corps (the Mekong Delta).

Later, as the American involvement escalated, John became the leading spokesman for a group of Army officers (including a few generals) who felt that American military involvement was a great mistake. They believed that the fratricidal struggle was essentially a genuine social revolution in which a numerically tiny Vietcong element was competing with a decadent Saigon government for the allegiance of the great but uncommitted majority of the people.

John and his fellow dissidents preferred a third option, as contrasted either to giving the Vietcong a free hand or supporting the Saigon government. The Saigon government was dominated by discredited Vietnamese heirs to the old French colonial regime, and the Vietcong was no less harsh and repressive wherever it was able to gain a foothold.

The third option was to encourage and support a number of talented and uncorrupted leaders whom John and the other American dissidents had carefully identified in provinces and villages across South Vietnam. John and the like-minded Army officers believed that this native local leadership would gradually emerge into the elements of a truly popular national government with close ties to the rural countryside where 85 per cent of the population lived.

I first met John in the summer of 1962 when he was at the Pentagon for a short planning session, and I was there on a research and consulting job. He was small, wiry and lean, not especially impressive physically, but yet an immediately commanding figure whose soft Virginia twang was delivered in an articulate staccato. A bundle of tightly coiled and controlled energy was my initial impression.

He always had a message, and it was presented with fact-studded analytical rigor undergirded by persuasive, insistent commitment.

During that summer of 1962 I was in the process of moving my family cross-country from Dartmouth College in New Hampshire to the University of Denver where I had accepted a faculty position.

I next saw John Vann when he came by our home one afternoon in suburban Littleton, in September 1963. He had completed his tour of duty in Vietnam, but he had also completed 20 years of Army service. He had planned to remain in the Army for a longer career, which started during World War II when he was commissioned as a bomber pilot at the age of 19.

But he moved to Denver as a civilian to take a middle-rank position with the Martin Company because he had been forced into early Army retirement as a result of his outspoken opposition to the growing American military involvement in Vietnam.

The necessity for retirement became starkly evident to John when the Army Chief of Staff invited him to brief the Joint Chiefs of Staff (JCS) on his views about Vietnam.

But by that time in the late summer of 1963, President Kennedy had taken the unprecedented step of placing his civilian military adviser, retired Gen. Maxwell Taylor, back in uniform and back in the Pentagon as the new Chairman of the Joint Chiefs. Taylor, well aware of John's vigorous opposition to the build-up strategy then being followed and advocated by the President, Defense Secretary McNamara and Taylor himself, refused at the last minute to let John brief the JCS.

This too was unprecedented—for the JCS chairman to overrule an invitation issued by one of the service chiefs. Nobody had to tell John that his Army career was effectively killed at this point.

Nevertheless, John continued his crusade to arouse public opinion against the growing American involvement. He gave a controversial interview to Hanson Baldwin, then the military editor for the New York Times. He appeared on several television network interviews. In the fall of 1963 he was featured in a major article in Esquire magazine by David Halberstam, the young Pulitzer Prize reporter for the New York Times.

John was restless in his new work in Denver after retirement from the Army. In a sense he had "gone native" in Vietnam, acquiring a deep respect and affection for the rural peasantry. He sometimes compared the Vietnamese peasants to the people of his own poor rural background in Virginia.

His affection for the Vietnamese extended north and south. Since he thought that it was a social revolution in the first place, he paid relatively little attention to the ideological Communist dimensions of the struggle, and he felt no animosity toward the North Vietnamese. Indeed, he had great respect for the Northerners as well as the Southerners, because he saw in both qualities he admired—high native intelligence, great dedication and diligence, strength leavened with gentility, and a redeeming soft sense of humor.

John did not have a clearly worked-out political philosophy, and it was not easy to put a label on him. For example, he was a "hawk" in the sense that he believed some military force was necessary against the Vietcong, but he was a strident "dove" in opposing U.S. military intervention.

In his Army career, he had never been involved "in politics." But in 1964, he identified himself as a "liberal Republican" and formed Colorado groups for a succession of Republican presidential candidates (first Henry Cabot Lodge, with whom he had had some personal contact in connection with Lodge's work as U.S. Ambassador in Saigon, and then Nelson Rockefeller).

After Senator Goldwater became the GOP nominee, at a time when President Johnson was passionately promising to keep American boys out of Vietnam, John and I and a few others formed a group called "Colorado Republicans for Johnson." We never had more than about 10 or 12 active members, or more than about $3,000 in resources, but the regular Republicans gave us sole credit for the 2-to-1 LBJ landslide in the state.

As we used to joke later on, the Republicans couldn't forgive us for helping to elect LBJ in '64, but by '68 it was the Democrats who couldn't forgive us. We thus became political lepers in both parties, and neither of us got involved in politics after that.

Getting settled in Denver helped to occupy John's energies in the fall of 1963. The election campaign plus some new responsibilities at the Martin Company contained him fairly effectively in 1964.

But by early 1965 he was again restless and, as always, concerned about Vietnam. He was therefore elated when the State Department contacted him and asked him to return to Vietnam as a civilian adviser and foreign aid official working with the AID group.

Secretary McNamara was strongly opposed, viewing John and a few other retired maverick military men as incorrigibly disloyal opponents of official policy, although he conceded they might have some expertise on Asian insurgencies.

More opposed than McNamara, however, was Maxwell Taylor, who was once again out of uniform and in Vietnam as the new U.S. ambassador. Ambassadors ordinarily have the privilege of rejecting any civilian officials suggested to them by the State Department, and Taylor strongly exercised the privilege in the case of John Vann. Taylor finally relented when he could not come up with a suitable alternative candidate of his own.

However, once John reached Vietnam in early 1965, Taylor had him assigned to an obscure and dangerous province where the ambassador presumably figured he could not make much trouble or could not make matters worse than they already were. Meanwhile, at virtually that same time, President Johnson initiated the bombing of North Vietnam and began the massive American intervention on the ground.

John immediately became more outspoken than ever, strongly opposing the "free bombing zone" and "free artillery zone" concepts which were used to justify widespread devastation attacks. At the same time, he achieved a remarkable kind of progress in his presumably hopeless province. Senior officials gradually and begrudgingly began to pay more attention to him.

Meanwhile, knowing that I shared almost all of his views, he began shipping papers and materials to me (to supplement earlier materials from the 1960–63 period that he had given to me in Denver).

He authorized me to show these documents (which were not classified, although some of them undoubtedly would have been if from other sources) to anybody in Washington who might have the ear of key government leaders.

The only person whom I knew at that time who saw any such leader with regularity was Dan Ellsberg, who worked for Assistant Secretary of Defense John McNaughton and who often saw Secretary McNamara. At that time Dan was still fanatically loyal to McNamara, although he was beginning to have some creeping doubts about Vietnam.

Dan asked me in the summer of 1965 if I knew any American professors who were experts on Vietnam. I told him there was only one, and that was Bernard Fall—who was John Vann's friend as well as mine.

Dan had never heard of Fall, and he asked me if I could introduce him. I phoned Bernie, and Dan and I went to his home one afternoon for what I had supposed might be an hour's visit. It lasted about seven hours. Bernie flooded Dan with his massive knowledge of Vietnam and I added the Vann materials.

I have wondered if that afternoon was not perhaps the major turning point in Dan's thinking, which later approached what appeared to be an extreme in the other direction—in contrast to his earlier fanatic loyalty to the official Kennedy-McNamara-Taylor party line.

By the 1966–67 period, McNamara was beginning to have his own doubts. He and John got together on an airplane following the Manila Conference, and McNamara finally conceded that John had been right all along in describing the conflict as fundamentally a genuine social revolution, with the United States somehow abandoning its own revolutionary heritage and ending up against the rural peasant yeomanry instead of with them.

Dan Ellsberg had been influential in finally persuading McNamara to look at some of the Vann papers. But President Johnson could brook no dissent at that stage, and McNamara's growing doubts were the beginning of the end of his tenure as defense secretary.

Palmer Hoyt, then editor and publisher of The Denver Post, General Matthew Ridgway, and others also had tried to persuade President Johnson to give John a hearing. The efforts were strenuous, but they never worked.

In early 1968 John began predicting the so-called Tet offensive. The top people at the U.S. Embassy in Saigon and at U.S. military headquarters disregarded most of his warnings because they viewed him as the chronic gloomy pessimist.

John was surprised, however, when Tet failed to accomplish any of the major objectives of Hanoi and the Vietcong. He suddenly took new hope, re-evaluated the situation, and began to be cautiously optimistic. He was greatly disturbed by some of his old friends among the journalists who by that time had acquired what he viewed as a vested interest in describing every North Vietnamese and Vietcong action as a dramatic reversal for the United States, whereas John viewed Tet as an unexpected windfall for U.S. policy.

Indeed, after eight years of consistently gloomy pessimism and being infallibly right in these dark views, he concluded that the Saigon government had acquired sufficient (although still far from massive) popular support to allow the United States to begin a phased withdrawal if it handled the situation correctly. Having opposed U.S. intervention in the first place, he started drawing up detailed ideas for a proposed U.S. withdrawal.

A few months later he began to send me papers embodying his new proposals. Again it was a presidential election year, and he authorized me to share these papers with any candidates who might be interested.

He was himself in direct contact with several interested Democrats, including Robert and Edward Kennedy, and Sam Yorty, plus his old friend Henry Cabot Lodge on the Republican side. Recalling that John and I had worked for Rockefeller in '64, and also knowing that my professional friend and colleague at Harvard, Prof. Henry Kissinger, was a close adviser to Rockefeller, I dropped a note to Henry inquiring if he would like to see the Vann papers.

Henry was too involved in the Rockefeller campaign effort at that time. After Rockefeller failed to get the nomination, he returned to Harvard and wrote me a short note. In it he said that he finally had the time to take a look at the Vann papers and would be back in touch again after he had read them. He never wrote again, because a few weeks later he was introduced to candidate Richard Nixon and went to work for him. However, he did read the Vann papers; and he apparently accepted the major part of the Vann case.

Later, on several occasions, he gave John credit for being the primary architect of "Vietnamization" and the related Nixon administration plan for phased withdrawal. John was called to Washington and to Paris with increasing frequency to brief U.S. leaders at very high levels, while steadily being given more authority and responsibility in Vietnam

At the time of his death, his civilian rank was roughly the equivalent of a three-star general. He had been in Vietnam far longer than any other American official, civilian or military—about 12 years (less the 18 months in Denver from late 1963 to early 1965.)

He was the only American civilian to command troops for an entire corps area, a relatively unprecedented development in American military history. In 1969–70 he received the two highest awards for distinguished service that a foreign affairs civilian can get—one from the State Department, and the other (the Herter Award) from the American Foreign Service Association, which is the professional society for the U.S. diplomatic corps.

Perhaps most importantly, he was the only American with a relatively unbroken record of having been right in anticipating events in Vietnam.

John's last visit to the United States was in January of this year. As usual, he stopped over for a visit with me, in this case at my new home in Kentucky.

He was more optimistic than I had ever seen him. He said that the Hanoi forces would launch a major offensive in the spring, and that it would meet with some initial success in a few scattered areas. He predicted that this offensive and its initial apparent successes would be treated in the U.S. press as the final defeat for the United States, but he said that it would be just the reverse.

On April 12 and continuing until late May, he sent me reports repeating his predictions and amplifying them after the Hanoi offensive was well underway.

He pointed out that "Vietnamization" has two meanings: first, the gradually growing success of the Saigon government in building a popular base of support, and second, the slower but also gradually growing capability of the South Vietnamese armed forces to handle the fighting on their own.

He noted that the South Vietnamese armed forces had really had virtually no experience in fighting the war until about two years ago, in contrast to the decades of experience of the Hanoi forces. He said that the political version of Vietnamization had been more successful than the military version, but that the military version was successful enough to stand off the Hanoi forces.

He said it would become something of a stalemate more favorable to Saigon than to Hanoi by the time the monsoon rains were well under way in late May and early June.

He felt that this situation would set the stage for successful negotiations generally in accordance with the terms proposed by the President on May 8. He believed that this result on the ground in South Vietnam, rather than the bombing and the naval mining in the North, would be the decisive factor. As always, he maintained strong reservations about the value of strategic bombing and naval actions in the war.

If President Nixon's policies do in fact work, and if there are successful negotiations by middle to late summer as John anticipated, it will be his greatest monument. It was a war he always opposed, and could be a war that he played a major role in terminating.

John's final great disillusionment was what he thought he saw happening in America. In January he told me he had been struck and startled by what he saw as hatreds and hostilities among almost all Americans, rampant unjustified fears and anxieties unsupported by evidence and untempered by commitments to make the needed changes and to pay the necessary price. I told him that I thought—or, at least, hoped—he was wrong in this.

He said that, unless I was right, he wondered how he could ever settle down in America again. Thus, had he lived, he might have remained in Asia—he sometimes said this was what he intended. But I doubt it; he would have returned home and he would have applied that same boundless restless energy and drive and intelligence to the internal problems plaguing this nation. He could not stand aside from that kind of challenge.

He was the only man I ever knew who could and did consistently get by on four hours of sleep a night. Back in the 1950s he earned a B.A. degree in his spare time at Rutgers University while assigned to Fort Dix. Later, the Army sent him to graduate school at Syracuse University, where he wrote not one but two doctoral dissertations that were approved and accepted by two different departments although neither department knew he was working for the other. He simply felt that the work in one department was not enough to keep him busy.

But he was not an intellectual in the ordinary sense of the term. He had no pretensions to worldwide diplomatic or political knowledge, nor even Asia-wide competence. Vietnam was all that he felt he knew—this, plus what he learned about Korea during an earlier war. He applied his knowledge where he learned it, and where he was irrevocably committed. He stood for and died for the oldest and most enduring of liberal American values.

This nation is not now so rich in leadership that it can easily spare the few John Vanns.

He was a dear and close friend for a decade, and I greatly admired him. He was not without faults, and he did not lack for critics and adversaries. But he will be greatly missed, now and later.

Many people have said that because this war is so unpopular it will be a war without heroes. But if any hero emerges—if the war can be brought to some honorable conclusion—then John Vann is the most likely prospect.

THE NEED FOR IMPROVED VOTER REGISTRATION METHODS

Mr. KENNEDY. Mr. President, a significant article in the New York Times last week described an imaginative voter registration program being conducted by public-spirited volunteers in New York City, in which card tables were set up on the sidewalks outside Bloomingdale's Department Store and the Museum of Modern Art in order to provide easily accessible opportunities for persons to register to vote.

In an editorial appearing in the same day, the Times praised the sponsors of the program for their individual enterprise, but condemned the official neglect by State and local governments that necessitates the use of such makeshift arrangements for voter registration. As the editorial points out, governments have already found efficient ways to collect taxes, to draft young men into the armed services, to license drivers, and to act effectively in many other areas of official responsibility. Yet, the Federal Government and State and local governments throughout the country continue to fail to bring voter registration into the 20th century by adopting modern methods in the basic area of the right to vote.

A number of bills are now pending in both the Senate and the House of Representatives to upgrade voter registration procedures. A bill that I have introduced, S. 3420, would provide Federal financial assistance on a voluntary—not mandatory—basis to State and local governments wishing to improve their procedures. A variety of other useful approaches have been proposed, and I hope that governments at every level will examine their current methods and do whatever is possible to improve them, so that 1972 may be a year of real political participation by all the people.

I suspect that like the Times editorial, many people have a dual reaction to articles like the one describing the current activities in New York City. Is it not a wonderful country, we say, when concerned citizens are willing to spend their time registering voters at sidewalk card tables? But what sort of country is it, we also ask, that makes such ad hoc and hit-and-miss procedures essential if we are even to begin to overcome the obstacles to registration imposed by government apathy and neglect?

Mr. President, I ask unanimous consent that the article and editorial from the New York Times may be printed in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 2, 1972]

REGISTRATION GROUPS SHOPPING FOR NEW VOTERS

(By Thomas P. Ronan)

The two young men at the card table outside the department store were more busy than many of the salesmen inside.

Men and women, young, middle-aged and old, crowded around them and bombarded them with questions. But the questions had to do not with the purchase of goods but with registering as voters. Most of the questioners signed registration forms.

If the activity at the informal registration board outside Bloomingdale's at Lexington Avenue and 59th Street was any indication of a trend, many thousands of new voters will be registered and former voters re-registered for the November election.

Richard Slovak, 18-year-old Columbia University sophomore, and Michael Kelly, 25-year-old high school teacher, who manned the table estimated that about half of those signing up were re-registering because of a change of address or other reasons.

MORE FORMS ORDERED

By early afternoon, with more than 50 people signed up, they had run out of forms, and Mr. Kelly went to a telephone to ask the First Vote Committee, the organization sponsoring the table, at 19 East 53d Street for a new batch.

Within 30 minutes 100 more forms had been delivered by a teen-ager and the process continued.

The questions followed a familiar pattern. "I live in Queens. Can I register here?" The answer was "yes" for residents of any part of the city.

Those who said they had moved were told they had to re-register, and the same reply was given to those who had not voted in the last two general elections and had not notified the Board of Elections that they wished to remain on the rolls.

"My son wants to vote but he has a marijuana conviction," a well-dressed woman told Mr. Slovak. He referred her to the Board of Elections for the answer. A spokesman there said later that a convicted felon could vote after serving his sentence and parole and that those convicted of lesser crimes were eligible to vote.

"I'm for McGovern," a young woman remarked.

"Sorry," said one of the registrars. "We're not allowed to discuss politics."

Virtually all those who stopped to register and, in most cases, to enroll in a party praised the convenience.

"I came down here to shop, and then I saw that table," a woman said.

"I knew I had to do it some time," a young businessman said. "But this makes it easy."

The first Vote Committee was established last year by Thomas Bernstein, a Yale student, and his brother, Peter, who attends Brown University, to stimulate registration and voting by the newly enfranchised under the age of 21. Hundreds of other organizations, from large unions to block associations, are now similarly engaged in the drive to register voters in this city.

Rick Johnson, 25-year-old director of the First Vote Committee, said the committee was revived during the recent primary campaign and began a citywide operation early this month. It has recruited volunteer registrars, who have been authorized by the Board of Elections to act in that capacity, and has sponsored card-table registration boards manned by volunteers in many parts of the city. During the Rolling Stones concerts at Madison Square Garden last week, a registration table was kept busy.

Under state election law, volunteer registration groups must be partisan, with Republicans and Democrats represented.

Mr. Johnson said his organization had far more Democratic registrars than Republican, but that the proportion was roughly the same as the party vote in the city. He added that it was trying to recruit Republicans and had asked the Ripon Society, a Republican group, and the Young Republicans to help.

Both Mr. Slovak and Mr. Kelly said they were Democrats, as did the two women registrars at another card table outside the Museum of Modern Art. However, the registration form must be signed by a Republican as well as a Democrat before being submitted to the Board of Elections. Officials questioned on this differed as to whether the Republican had to be present during the registration process.

Mr. Kelly said he could recall only one Republican among the 30 or so he registered and who enrolled in a party, with seven or eight independents and the rest Democrats.

He estimated that about 60 percent of the 200 to 250 persons he had signed up during a stint at Columbia University were Democrats, only a few were Republicans or Liberals and the rest were independents.

Richard C. Wade, co-chairman of the McGovern New York State campaign, noted that his organization began a statewide registration drive yesterday.

He added that his workers would cooperate with organizations like the First Vote Committee in general registration but would devote most of their effort to registering McGovern sympathizers.

A special target will be the more than 19 million potential voters between the ages of 18 and 24 who have never voted in a national election. Mr. Wade estimated that about 70 percent of this group would register and about two-thirds of these would support Mr. McGovern.

REGISTERING THE VOTERS

The strenuous but sporadic efforts being made by volunteer workers to register voters at ramshackle card tables on busy midtown sidewalks reflect both individual enterprise and official neglect. Volunteers perform a useful public service by donating their time to this community voter registration effort, but the effort would be far less necessary if the State Legislature had enacted overdue electoral reforms.

The responsibility for registering voters should rest on the Government rather than on the voters. The Government finds a way to collect taxes, to draft young men into the armed services, to renew drivers licenses and to do all sorts of other things for which it assumes responsibility. There is no reason why it cannot find an effective way to register voters. Instead of such happenstance devices as card tables at selected sidewalk sites, the city and state ought to make voter registration a more automatic process conducted as largely as possible through the mails.

The New York City Board of Elections has no doubt that it could manage a voter-registration-by-mail scheme if one were mandated by the State Legislature and the board given adequate time and funds to get it under way. Such a voter registration scheme could be pegged to Social Security numbers or to some other existing information file. The advent of computers makes that quite possible.

The makeshift volunteerism of sidewalk registration remains so necessary because state and Federal electoral laws remain so backward. These community voter registration efforts must continue only because no better system for enabling citizens to exercise their basic franchise has been made available. All that is needed for such a system is the necessary legislative enactment.

A SPRY SENIOR CITIZEN

Mr. CHURCH. Mr. President, too many of us equate an elderly person with a decrepit one. The evidence is to the contrary, as I have had the happy experience of encountering in my capacity as chairman of the Special Committee on Aging.

An evidence of this is a pleasant interview with a 72-year-old man, Harry Gallant, which was published in the Montgomery County Sentinel published weekly in neighboring Maryland.

Harry Gallant's activities, as chairman of the Senior Citizens Commission of Rockville and as an official of other organizations, would tire a lesser man, particularly when combined with thrice weekly exercises in a local gym. His alertness of mind and body should disabuse us of any notion that older Americans do not contribute to the well-being of their community. To turn our backs on them is to shortchange our communities and ourselves. I ask unanimous consent that the Sentinel article be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPRY SENIOR CITIZEN HERE SEEKS REFORM FOR ELDERLY

(By Patty Mack)

ROCKVILLE.—Harry Gallant "didn't retire to become a vegetable." So when the 72-year-old former employee of the New York City Transit system moved to Rockville three years ago, he set out to focus attention on the uppermost section of the generation gap.

As Chairman of the Senior Citizens Commission of Rockville, a member of the county Commission on Aging and the executive board of the National Council of Senior Citizens, and the senior citizen representative at the Jewish Community Center, Gallant has seen some positive reforms for the aged. Among them:

Establishment of a senior citizen's recreation center in Silver Spring;

Creation of the senior citizens' commission in Rockville;

Growth of communities and dwellings for those above 65;

A 15 cent D.C. Transit bus fare reduction for the aged;

Blossoming of more than 70 senior citizens' clubs throughout the county during the past two years, and

Strengthening of the county Commission on Aging.

But Gallant is hardly ready to retire from his volunteer work. Additional reforms for the aged are essential, he says, in the areas of housing, transportation, employment, and health care.

Housing is one of the most critical problems he sees. Senior citizens, particularly those in the middle and lower income brackets, are "very much in need of more dwelling space at a price they can afford," he said.

Low rental apartment complexes equipped with such special features as nonskid bathtubs, railings, and lower light switches are needed. New apartment complexes must reserve space for the elderly so they can live at a reduced rate with people of all ages, Gallant contends.

"We would like them to live with the young," Gallant said. "This doesn't give them the feeling of 'what are we doing, waiting for the angel Gabriel to come blow his horn?' "

Transportation, particularly in this county, also needs reform, Gallant says. Many senior citizens don't drive and have no children to transport them. The cost of public transportation is high.

Gallant supports additional fare reductions for senior citizens, the use of school buses for the elderly, and the equipping of a designated number of regular service buses with special features for the aged and the handicapped. The county, he feels, should back these reforms.

Employment for those over 65 is a "tremendous problem," Gallant said. "People feel that 'look, he's an old man. He's drawing social security. Why should I pay him what others would get?' "

Those who do land jobs are often paid less than younger workers. "It's ridiculous," he said. "But some are so hungry that they take the jobs. They must have it to exist."

Medical expenses often eat into most or all of a senior citizen's nest egg. And the cost of medical services keeps rising. "This nation is very low in providing care for its population let alone for its senior citizens," Gallant said.

The obstacle to all senior citizen reforms in Gallant's eyes? Money. "The county says they have other problems, which is true. The senior citizen is not the only one in the county. They have a vast problem with the youngsters . . . (But) their attitude could be somewhat stronger towards the senior citizen than it is."

Since senior citizens have fixed incomes and the cost of living is rising, those with incomes of $7,500 or less should be given special tax reductions, Gallant said. A greater share of tax money should go towards senior citizen facilities.

"What I am interested in is the poorer senior citizens," those whose pensions, retirement benefits, and social security total $5-6,000 or less. "I'm speaking of the middle class and poor who can't afford the Leisure world type places.

"Senior citizens don't want anything for nothing. But they want it at a nominal fee.

"More people should keep themselves active," the spry oldster said. "Senior citizens should show the younger people what it means to be active."

At least three times a week he's in the gym, bounding a basketball or working out with a punching bag.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If there is no further morning business, morning business is concluded.

HANDGUN CONTROL ACT OF 1972

The PRESIDENT pro tempore. Under the previous unanimous consent agreement, the Chair lays before the Senate S. 2507, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 953 (S. 2507) a bill to amend the Gun Control Act of 1968.

The Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Handgun Control Act of 1972".

SEC. 2. Section 921(a) of title 18 of the United States Code is amended by inserting after paragraph (20) the following:

"(21) The term 'handgun' means a firearm designed to be fired by the use of a single hand. The term also includes a combination of parts in the possession or under the control of a person from which a handgun can be assembled. The term does not include antique firearms.

"(22) The term 'handgun model' means a handgun of a particular design, specification, and designation."

SEC. 3. Section 922(b) of title 18 of the United States Code is amended by

(a) striking out at the end of paragraph (A) thereof the word "and";

(b) striking out at the end of paragraph (5) thereof the period and inserting in lieu thereof a semicolon;

(c) adding after paragraph (5) thereof the following:

"(6) any handgun model unless such handgun model has been approved by the Secretary pursuant to section 922(n) of this title."; and

(d) deleting the final sentence, which begins with the words "Paragraph (4) of this", and inserting in lieu thereof the following: "Paragraphs (4) and (6) of this subsection shall not apply to a sale or delivery to any research organization designated by the Secretary. Paragraph (6) of this subsection shall not apply to the sale or delivery of any firearm to the United States or any department or agency thereof, or to any State, department, agency, or political subdivision thereof, or to any duly commissioned law enforcement officer of the United States or any department or agency thereof or of any State, department, agency or political subdivisions thereof (including but not limited to members of the Armed Forces and police officers) properly authorized to carry such firearms in his official capacity. Paragraph (6) of this subsection shall not apply to the sale or delivery by a licensed importer, licensed manufacturer, or licensed dealer to a licensed dealer of any firearm intended to be sold or delivered to any government or agency thereof or person entitled pursuant to this paragraph to have such firearms sold or delivered to him. Paragraph (6) of this subsection shall not apply to the sale or delivery to a licensed collector or licensed dealer of any firearm which is a curio or relic, as the Secretary shall by regulation define. Paragraph (6) of this subsection shall not apply to occasional, sporadic sales of single handguns by a licensed collector who is not a dealer, as defined by section 921(a) of this title."

"(ii) Frame construction: (a) 15 points if investment cast steel or forged steel, (b) 20 points if investment cast HTS alloy or forged HTS alloy;

"(iii) Pistol Weight: one point for each ounce, with the pistol unloaded and the magazine in place;

"(iv) Caliber: (a) zero points if the pistol accepts only .22 caliber short or .25 caliber automatic ammunition, (b) three points if the pistol accepts either .22 caliber long rifle ammunition or any ammunition within the range delimited by 7.65 millimeter and .380 caliber automatic, (c) 10 points if the pistol accepts 9 millimeter parabellum ammunition or over, (d) in the case of ammunition not falling within one of the classes listed above, such number of points not greater than ten (following the classification schedule above as nearly as is practicable) as the Secretary shall determine appropriate to the suitability for sporting purposes of handgun models designed for such ammunition;

"(v) Safety features: (a) five points if the pistol has a locked breech mechanism, (b) five points if the pistol has a loaded chamber indicator, (c) three points if the pistol has a grip safety, (d) five points if the pistol has a magazine safety, (e) 10 points if the pistol has a firing pin block or lock; and

SEC. 4. Section 922 of title 18 of the United States Code is amended by adding at the end thereof the following new subsections:

"(n) The Secretary shall not approve for sale or delivery by a licensed dealer, licensed importer, licensed manufacturer, or licensed collector any handgun model unless he has caused to be evaluated and tested representative samples of such handgun model and has found that:

"(1) in the case of a pistol, the handgun model:

"(A) has a positive manually operated safety device; and

"(B) has a combined length and height in excess of 10 inches with the height (right angle measurement to the barrel without the magazine or extension) being at least 4 inches and the length being at least 6 inches; and

"(C) attains a total of at least 75 points under the following criteria:

"(i) Overall length: one point for each one-fourth inch over 6 inches;

"(vi) Miscellaneous equipment: (a) two points if the pistol has an external hammer, (b) 10 points if the pistol has a double action firing mechanism, (c) five points if the pistol has a drift adjustable target sight, (d) 10 points if the pistol has a click adjustable target sight, (e) five points if the pistol has target grips,(f) two points if the pistol has a target trigger;

"(2) in the case of a revolver, the handgun model:

"(A) has an overall frame length of four and one-half inches measured on a line parallel to the barrel; and

"(B) has a barrel length of at least three inches; and

"(C) has a safety device which, either (i) automatically in the case of a double action firing mechanism or (ii) by manual operation in the case of a single action firing mechanism, causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge. Once activated, such safety device must be capable of withstanding the impact of a weight, equal to the weight of the revolver, dropped a total of five times from a height of 36 inches above the rear of the hammer spur onto the rear of the hammer spur with the revolver resting in a position such that the line of the barrel is perpendicular to the plane of the horizon; and

"(D) attains a total of at least 45 points under the following criteria:

"(i) Barrel length: one-half point for each one-fourth inch that the barrel is longer than 4 inches.

"(ii) Frame construction: (a) 15 points if investment cast steel or forged steel, (b) 20 points if investment cast HTS alloy or forged HTS alloy;

"(iii) Revolver weight: one point for each ounce with the revolver unloaded;

"(iv) Caliber: (a) zero points if the revolver accepts only .22 caliber short or .25 caliber ACP, (b) three points if the revolver accepts .22 caliber long rifle or ammunition in the range between .30 caliber and .38 S&W, (c) four points if the revolver accepts .38 caliber special ammunition, (d) five points if the revolver accepts .357 magnum or over, (e) in the case of ammunition not falling within one of the classes listed above, such number of points not greater than five (following the classification schedule above as nearly as practicable) as the Secretary shall determine appropriate to the suitability for sporting purposes of handgun models designed for such ammunition;

"(v) Miscellaneous equipment: (a) five points if the revolver has either drift or click adjustable target sights, (b) five points if the revolver has target grips, (c) five points if the revolver has a target hammer and a target trigger; and

"(3) the handgun model also meets such additional standards as the Secretary may by regulation promulgate, after consultation with the Chief of Army Ordnance and the Secretary of Commerce, if the Secretary has determined that changes in the technology or manufacture of handguns, or actions tending to circumvent the intent of this subsection (which is to allow the approval of only those handgun models which are generally recognized as particularly suitable for sporting purposes), have rendered inadequate the standards set forth in paragraphs (1) and (2) of this subsection: *Provided*, That under no circumstances may any such regulation be promulgated which would permit the approval for sale or delivery of any handgun model which could not have been approved in the absence of such regulation.

"(o) It shall be unlawful for any person to reduce the length of the barrel or the overall length of a handgun previously approved by the Secretary for sale and delivery if as a result of such modification the handgun no longer meets the standards for approval set forth in subsection (n) of this section.

"(p) The Secretary shall give written notification of the results of evaluation and testing conducted pursuant to subsection (n) of this section to the licensee submitting samples of a handgun model for such evaluation and testing. If any handgun model fails to meet the standards for approval, the Secretary's notification shall state specifically the reasons for such finding. Any such notification of approval or failure shall be published in the Federal Register. At least once each year the Secretary shall compile a list of all handgun models which are then approved for sale or delivery under subsection (n) of this section, which list shall be published in the Federal Register and furnished annually to each licensee under this chapter.

"(q) Any licensee submitting to the Secretary for testing a handgun model which is subsequently found not in compliance with relevant standards shall have ten days from receipt of notification of noncompliance with in which to submit in writing specific objections to such finding and a request for retesting such model, together with justification therefor. Upon receipt of such a request the Secretary shall promptly arrange for retesting and thereafter notify the aggrieved party of the results, if he determines sufficient justification for retesting exists. Should he determine that retesting is not warranted, the Secretary shall promptly notify the aggrieved party as to such determination. In the event that upon retesting the Secretary's finding remains adverse, or that the Secretary finds retesting is not warranted, the aggrieved party may within sixty days after the date of the Secretary's notice of such finding file a petition in the United States district court in the district in which the aggrieved party has his principal place of business in order to obtain judicial review of such finding. Such review will be in accordance with the provisions of section 706 of title 5, United States Code."

Sec. 5. Section 925(d)(3) of title 18 of the United States Code is amended to read as follows:

"(3) is of a type that does not fall within the definition of a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954; is not a surplus military firearm; and if a handgun, has been approved by the Secretary pursuant to section 922(n) of this title; or"

Sec. 6. (a) Sections 926, 927, and 928 of title 18 of the United States Code, and all references thereto, are redesignated as sections 927, 928, and 929, respectively.

(b) Title 18 of the United States Code is amended by inserting after section 925 the following new section:

"§ 926. Compensation for reasonable value of handguns voluntarily transferred to law enforcement agencies

"(a) A person may at any time transfer to any Federal, State, or local law enforcement agency designated by the Secretary any handguns owned or possessed by such person.

"(b) In the case of transfer pursuant to subsection (a) of a handgun model which the Secretary has evaluated and tested pursuant to section 922(n) of this title and not approved for sale or delivery by a licensee under this chapter, the person transferring such handgun shall, upon proof that such handgun was lawfully acquired and lawfully owned by such person prior to enactment of the Handgun Control Act of 1972, be entitled to receive from the United States a payment equal to the reasonable value of such handgun, such value to be determined as of the day before enactment of the Handgun Control Act of 1972."

Sec. 7. There are hereby authorized to be appropriated such sums as may be necessary to effect the purposes of this Act.

Sec. 8. The provisions of this Act shall take effect immediately upon enactment, except that sections 3 and 5 of this Act shall take effect sixty days after the date of enactment.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAYH. I ask unanimous consent that the following members of my staff be permitted to be on the floor during the debate and through all the rollcall votes on this measure: Peter Coogan, David Seidman, and Mathea Falco.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I ask unanimous consent that during the consideration of S. 2507 and the time during which it is the pending business before the Senate, staff member Malcolm Hawk be extended the privilege of the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, Senate Joint Resolution 241 will be temporarily laid aside until the close of business today.

What is the will of the Senate?

Mr. BAYH. Mr. President, I hope the Senate will permit the Senator from Indiana to participate in debate at this time. If I may do so, I seek recognition.

The PRESIDENT pro tempore. The Senator is recognized.

Mr. BAYH. Mr. President, the measure which is before us today is long overdue. When Congress enacted the Gun Control Act in 1968, it clearly intended to stop the flow of cheap, easily concealed, dangerous weapons known in the firearms trade and on the streets of our country as "Saturday night specials." Yet, although the importation of these handguns was barred in the 1968 act, the domestic sale was left unrestricted. As a result, domestic production of Saturday night specials, largely from imported parts, has grown tremendously during the past 3 years. It is estimated that more than 1 million of these cheap weapons are now being produced annually.

I think it is fair, Mr. President, to ask why when Congress was addressing itself to reasonable firearms legislation in 1968, that domestic production of Saturday Night Specials was not encompassed in the act.

The fact is that there were very few of these weapons then being produced in the United States. Most of these inexpensive, easily concealed, dangerous, unreliable weapons were being made in

Germany, Italy, and Japan, and shipped into this country unrestricted.

When the 1968 act prohibited their importation, a few enterprising domestic manufacturers started importing the parts into the country, and managed to assemble and disseminate, through domestic production, the weapons which were prohibited from importation by the 1968 act.

The bill before us today, by closing the gaping loophole in the 1968 act, strikes a needed and powerful blow for the right of the citizens of this country to live without fear. It does so by applying the same standards to prohibit the sale of domestically produced Saturday night special handguns as have been applied to foreign-made Saturday night special handguns since Congress adopted the 1968 Gun Control Act 3 years ago. It would in my judgment implement the intent of the act by effectively reducing the availability of these cheap, dangerous weapons.

I am sure that my colleagues in the Senate are aware of the terrible toll in human life and suffering which these Saturday night specials take every year. According to the numerous witnesses who testified before the Subcommittee on Juvenile Delinquency last year, these guns are especially favored by criminals. Because of their ready concealability and availability, they are used in the majority of handgun murders perpetrated in this country each year. They have been used to gun down law enforcement officials in alarming numbers: in 1970 and 1971, the vast majority of police officers killed in the line of duty were murdered with these deadly, cheap weapons. For this reason, the many law enforcement officials who testified before our subcommittee, including representatives of the Fraternal Order of Police, the International Association of Chiefs of Police, and major police departments around the country, support the bill which we are considering today. As Quinn Tamm, executive director of the 8,500-member International Association of Chiefs of Police explained, the ready accessibility of handguns "constitutes a threat, both to the citizen and more specifically to the police officer." The national legislative committee chairman of the 140,000 member Fraternal Order of Police, Lt. Jack Stonebraker, Jr., who happens to be a police officer in Muncie, Ind., echoed this point, citing the words of J. Edgar Hoover:

> When a law enforcement officer dies at the hands of a killer, part of our system of law dies with him.

Mr. Stonebraker also illustrated the policeman's concern for the welfare of other citizens when he said:

> I believe the Congress must act, must act upon this amendment without delay, before the incidence of criminal misuse of these guns reaches astronomical proportions.

In my judgment, Mr. President, this is the first time in history when law enforcement agencies and the officials who represent them have gone on record supporting firearms legislation. I think this is significant, from two standpoints.

First, these are the men charged with enforcing the laws of this country. There are some who would argue that we need to have these weapons in the hands of private citizens in order to enforce the law. This argument, it seems to me, is adequately refuted by the support of the major law enforcement agencies in the country for prohibiting the sale of Saturday night specials.

Second, these men, who put their lives on the line every day to protect our communities and our families, are the ones best qualified to know what a significant danger these weapons constitute for them.

For that reason, we should pass this measure restricting the sale of the weapons which constitute the greatest single danger to the law enforcement officials of our land.

The term "Saturday night special" originated in Detroit, where officials first noted the frequency with which these small, often inexpensive weapons were used in crime and the senseless, random acts of violence which far too often mar the urban weekend. Commissioner John Nichols of the Detroit Police Department told the committee of the magnitude of the Saturday night special problem:

> In Detroit, we have more homicides than ever before, and almost all of the additional homicides are being committed with handguns.

Commissioner Nichols noted that Saturday night specials "constitute a significant portion of illegally possessed and illegally used handguns. They may be the most widely used single class of guns in robberies, serious assaults, and other crimes." He attributed a recent slight decline in the proportion of confiscated handguns which are Saturday night specials to the import provisions of the 1968 act. However, he predicted that the development of domestic sources of these weapons would soon be reflected in a rise in the proportion of Saturday night specials among the handguns on the streets of Detroit.

While Commissioner Nichols presented the committee with many statistics, he stressed that statistics alone are inadequate as a measure of the problem:

> Saturday Night Specials must also be viewed in the human dimension. Specials and handguns in general are designed to kill or cripple people. No one ever questions a criminal's intent when confronted with a handgun—the weapon has no other mission than to kill or cripple people.

Chief Clarence Kelley of the Kansas City, Mo., Police Department echoed this view: These guns "have no possible other use than to kill or injure another human being." Similar views were presented by representatives of the police departments of New York City, Washington, D.C., and Cleveland, Ohio.

William L. Cahalen, prosecuting attorney of Wayne County, Mich., and secretary of the National District Attorney's Association, testified that:

> There is no good reason to own a handgun but, on the other hand, there are many good reasons why no one outside of law enforcement should own one. The public must be made aware of the fact that the possession of a handgun affords him little if any protection against the robber, the burglar, or any other wrongdoer.

The district attorney of Los Angeles County, Joseph P. Busch, indicated that he had planned to secure from the computers of the State of California a listing of all .22 caliber handguns sold in the State, so that he might present a graphic demonstration of the extent of the Saturday night special problem. He had to abandon this idea when he discovered that printing the list would take the computer 6 days. As he remarked, "We are a well-armed State." In light of this Mr. Busch, who directs the largest prosecuting office in the world, said:

> I heartily endorse S. 2507 as a most necessary measure to protect the citizens of our Nation and my county.

The concern shown by State and local law enforcement officials throughout the country is echoed in the recent statement of L. Patrick Gray, Acting Director of the Federal Bureau of Investigation. Mr. Gray said that he favors a complete ban on Saturday night specials:

> I'm dead set against these guns. They ought to be banned totally, completely, and thoroughly.

It is clear that S. 2507 has the support of the Nation's law enforcement professionals, the police officers who face armed criminals in the streets of our Nation's cities, and the prosecutors who must deal with this problem in the courts. These men who know first hand the Saturday Night Special problem urge the passage of S. 2507.

This bill also has the support of the men who have directed national studies of the crime problem. At our hearings last year, representatives of several national commissions spoke of the need for action to deal with the criminal misuse of firearms and urged adoption of S. 2507.

Lloyd Cutler, former Executive Director of the National Commission on the Causes and Prevention of Violence, commented on the role of the handgun in criminal violence. Noting that the number of handguns in the country is increasing by approximately 2.5 million annually, he cited studies showing that while the overall homicide rate in Chicago doubled, between 1965 and 1970, the rate of homicides by firearm increased by 169 percent. The Violence Commission made a number of recommendations concerning handguns, including extension of the sporting purposes test of the 1968 act to domestic weapons. Mr. Cutler supported S. 2507 as an important first step in the curbing of criminal violence. He expressed concern, however, that the sales limitation might not be sufficiently broad as it does not apply to individuals who are not in the business of selling firearms. He suggested extending the prohibition to all sales of these weapons.

The Honorable Edmund G. Brown, Chairman of the National Commission on Reform of Federal Criminal Laws and former Governor of California, also discussed the role of the handgun in armed violence.

He pointed out that the United States has a murder rate more than 10 times higher than that of Great Britain, and that two out of every three homicides are committed with a gun. He also noted that the possession of a handgun greatly increases the possibility that "you or someone you love will be killed as a result of that weapon." He concluded that "no one who fairly contemplates the criminal carnage which occurs in the United States can fail to conclude that disarming the criminal element of our population is essential to our civilization." Governor Brown supported S. 2507 as a means of disarming criminals.

James V. Bennett, retired Director of the U.S. Bureau of Prisons, spoke for the Council of the Criminal Laws section of the American Bar Association and the National Council for a Responsible Firearms Policy in support of S. 2507 as a means of dealing with armed violence. Because of his former position with the U.S. Bureau of Prisons, he is particularly concerned about guns smuggled into prisons. The case of the shooting of three San Quentin prison officers with a smuggled handgun illustrates this problem. He was careful to note the moderate approach taken by S. 2507, when he said in his testimony:

> This bill does not seek to solve the problem by a sort of meat-ax approach by cutting off the sale or transfer of all small caliber revolvers. If the gun meets the so-called factoring or safety standards of the Secretary of the Treasury and is suitable for sporting puposes, it may be merchandised by a licensed dealer.

I think it is important to emphasize that S. 2507 does not take a meat-ax approach. It does not assume that firearms cannot be used in wholesome, sporting activities. The whole thrust of S. 2507 is to make certain that easily concealed weapons, weapons that have no useful sporting purpose, and which are designed for only one thing—to maim, kill, and destroy human life—cannot be sold.

As the numerous law enforcement and Commission witnesses testified the ready availability of Saturday night specials has created a crime problem of crisis proportions. But the alarming statistics should not obscure the terrible tragedy these weapons have brought to the lives of individual Americans. At our hearings last fall, two witnesses appeared on their own behalf to tell the subcommittee of the tragic personal loss which Saturday night specials visited upon their lives.

Mrs. Lillian K. Potter, of Providence, R.I., told us of the day her husband, a respected medical doctor who had practiced for 30 years in Providence, was killed with a single shot from a Saturday night special. Mrs. Potter urged Congress to enact S. 2507 and presented petitions containing over 11,000 signatures, all collected in Rhode Island, in support of S. 2507. Her moving testimony is an eloquent description of the role of the Saturday night special in American life—and death.

The subcommittee also heard the personal experience of Harold Bergan, a staff aide to Representative SIDNEY YATES, of Illinois. Late on the evening of January 29, 1971, Mr. Bergan and his future wife were loading a car in Washington, D.C., in preparation for a trip to the Midwest. They were approached by two men, one of whom held a small handgun. As Mr. Bergan fumbled with his clothing to retrieve the wallet demanded by the gunman, the small caliber gun was fired. The bullet lodged in Mr. Bergan's spine, leaving him permanently paralyzed in the left leg. It is impossible to be certain that the gun was a Saturday night special, because the bullet is still in Mr. Bergan's spine, and the weapon itself has not been recovered. However, Mr. Bergan noted that it was small and easily concealed.

Why was Mr. Bergan shot? It is impossible to be certain. Perhaps the criminal was deranged; perhaps he shot accidentally, because a large number of the Saturday night specials are not well made and can go off accidentally. No one would deny that the pain and suffering resulting from being shot accidentally is just as great as from being shot intentionally. But Mr. Bergan's testimony concerning why he was shot is as follows:

> Both my wife and I have concluded that the robber pulled the trigger because he feared that my fumbling for the wallet was actually an attempt to draw a pistol to defend myself. I would like to suggest to the subcommittee that I was the victim not only of robbers and a gun, but of the expectation that law-abiding citizens in this country walk the streets armed with pistols.

His painful experience has led Mr. Bergan to support the strongest possible law in respect to firearms legislation. With regard to S. 2507, Mr. Bergan said:

> I want to urge the subcommittee to move quickly in acting on S. 2507—any delay will be measured in more grief and tragedy. Each day that passes without this legislation will mean that an additional two thousand cheap handguns will find their way into the American market. The time to stop is now.

Indeed, the time to stop is now, and the opportunity to stop is before us in the vehicle of Senate bill 2507.

The Saturday night special bill reported by the Judiciary Committee is the product of long and careful study. Over the years, the Juvenile Delinquency Subcommittee and the full committee have considered a broad range of proposed legislation, including proposals for controls on interstate sales of handguns; controls in interstate sales of all firearms; inclusion of destructive devices in the National Firearms Act; modification of the definition of a firearm in the National Firearms Act so as to include frames of prohibited weapons as weapons; Federal registration and licensing of all firearms; and requiring registration of all firearms with local authorities.

In the course of these hearings, special attention was focused on Saturday night specials because these handguns present a particular problem for law enforcement and public safety by reason of their cheapness, low quality, ease of concealment, and ready availability. Having no legitimate sporting purpose, these weapons, also known as "belly guns" and "manstoppers," are the predominant firearm used in crime. The term, "belly guns" and "manstoppers" are vividly descriptive of the real purpose of these weapons. The committee soon learned that the United States was being flooded with these criminal weapons, and that most of them were coming from foreign sources.

The Congress responded to these findings by the passage of title IV of the Omnibus Crime Control and Safe Streets Act of 1968, as I mentioned earlier, which prohibited the importation of handguns not generally recognized as particularly suitable for or readily adaptable to sporting purposes.

The Congress made it quite clear why it thought such restrictions on Saturday night specials were necessary, stating in section 901(a)(9) of title IV that "the largest volume of relatively inexpensive pistols and revolvers—largely worthless for sporting purposes—imported into the United States in recent years, has contributed greatly to lawlessness and to the Nation's law enforcement problems."

Subsequent to the enactment of title IV, but prior to its effective date, the Congress chose to act again on firearms control. It enacted the Gun Control Act of 1968, which substantially altered the provisions of title IV, but those provisions which related to the importation of handguns were retained without change. Let me emphasize that phrase, "without change." Thus, the Congress on two separate occasions has concluded that it is necessary to protect our Nation from Saturday night specials, handguns which are not "generally recognized as particularly suitable for or readily adaptable to sporting purposes."

The Secretary of the Treasury, working with an advisory panel of experts from the firearms industry, weapons research firms, and military and law enforcement officials, produced a detailed set of specifications for the sporting purposes test. These criteria were developed to allow the ready classification of handguns in terms of acceptability for importation. The expert panel found it necessary to include a wide variety of handgun characteristics in determining whether any given model is particularly suitable for sporting purposes. The key characteristic is overall size, and therefore no handgun failing to meet certain minimum size standards can be accepted under the criteria. Various safety features are also required before a weapon is acceptable. Other characteristics are dealt with by means of a point system, in order to allow flexibility of design consistent with the sporting purposes standard. The point system takes into account the following characteristics.

First, size is considered. Weapon size beyond the minimum requirements is counted;

Second, frame construction: additional points are awarded if the weapon is investment cast or forged from steel or a suitable alloy. No points are awarded for use of the die casting process or the alloys typically used in Saturday night specials;

Third, weight is considered; and

Fourth, caliber is considered. A greater number of points are awarded for weapons designed to be used with high-powered cartridges. This tends to insure that an approved model will be designed to withstand high chamber pressures.

I might add that the kind of metal used in the frame of the gun, the weight, and the caliber of ammunition are all considered. I think it is easy to see that all of these things contribute to the overall size of the weapon. If the gun is going to carry a large cartridge, it has to be a larger weapon. The larger the weapon, the more difficult it is to conceal, and the harder it is for a criminal to use it to ply his trade. In addition, the bill builds in certain safety features. Points are awarded for various safety devices other than those which are absolute requirements.

Miscellaneous equipment is considered in the point system. Under this heading, points are awarded for such sporting devices as click or drift adjustable target sights, target grip, and other similar features that are used in sporting weapons.

The whole thrust of the criteria is to determine sporting purpose. If a sportsman has an Olympic pistol or a target shooter designed to provide the accuracy needed, that is fine. We do not want to limit that kind of equipment. But we do want to prohibit the sale of weapons which have no sporting purpose.

These criteria, known as the "factoring criteria for weapons" have been used for more than 3 years to determine eligibility of handguns for importation. Their effectiveness in limiting importation of assembled Saturday night specials is clear. Prior to the passage of the Gun Control Act of 1968, annual importations of handguns had been increasing rapidly. Since congressional action in 1968, such importations have been substantially lower than previous levels. Imports for the first 6 months of 1968 were at an annual rate of 1,239,930.

Imports for 1970, which is the last year for which we have a record, amounted to only 279,536, a reduction in annual imports of more than 960,000.

Mr. President, as chairman of the Subcommittee on Juvenile Delinquency, I think it is fair to describe my position as being directly in the target of the telescopic sight of both the proponents and opponents of the firearms control legislation.

A large number of law abiding citizens like the outdoor life, to hunt and shoot, to collect, to practice target shooting, and to possess muzzle loaders—to name a few activities. The Senator from Indiana likes the outdoor life, too. I recall, almost beyond the reach of memory, when I was a member of the troops in Uncle Sam's Army, I got some training in the uses of firearms. I recall when I tried to get my award for marksmanship with a rifle. That proves that I know at least which end of the weapon to point at the target.

I like to shoot, as do large numbers of Americans. Because of wholesale misrepresentation by some groups, many people view this Saturday Night Special legislation as endangering their opportunity to participate in wholesome sporting activities for which firearms are necessary. So, from one side, the chairman of the Subcommittee on Juvenile Delinquency has found himself in the target sights of those who oppose firearms legislation. Many of these well intentioned individuals come up to me and say, "This bill is all right. I have no objection to this bill, but this is just the first step. You passed this legislation," which the individual believes is salutary "and the next step is going to be to confiscate my rifle or my shotgun."

I suppose it is possible to imagine this kind of result. However, to say that when Congress decides to take unsafe, small, cheap handguns out of the marketplace, it is absurd to assume that the next step is confiscation. Just because we have laws in our States saying you cannot drive unsafe cars on our highways, we do not assume that we are going to take all the cars off the highway. Ridiculous.

I say to those who like to hunt, shoot, collect, target practice, muzzle load, and all the rest, that I think this is a reasonable step in the right direction in getting at those weapons that have no legitimate sporting purpose.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BAYH. I am pleased to yield to the Senator from Alaska.

Mr. STEVENS. I have asked the Senator to yield because the Senator from Indiana just switched subjects from unsafe cars and unsafe guns, to guns having no "legitimate sporting purpose."

I wonder if the Senator really wants to eliminate only unsafe guns, those in the "Saturday Night Special" category, or if he really wants to eliminate all handguns except those that fulfill some "legitimate sporting purpose." What is the Senator's purpose?

Mr. BAYH. I think the Senator from Alaska is well aware that the legislation before us would eliminate all firearms that do not meet the sporting-purpose test.

Factually speaking, I must say that some of these weapons could be described as safe and some of them could be described as expensive, but most are inexpensive and all of them are easily concealed. There is this aspect of this particular type weapon which makes it particularly susceptible for use by the criminal.

Mr. STEVENS. If this were a bill to do the same thing as we do when we ban the unsafe automoblie from the road, and if this were a bill to prohibit unsafe firearms from importation, sale, and possession, the Senator from Indiana certainly would have the cooperation of this Senator. I think that the committee forgets one basic fact. There are people in this country who do want firearms of this type for their own defense.

I happened to tear out of the American Rifleman some items on this subject. In that magazine are printed 13 articles clipped from local newspapers. This is a clipping from one of the papers in Anchorage, Alaska:

> Arriving at her Fairview, Alaska, home, Fay Purnell found a man inside. He chased her around to the rear of the house where she produced a pistol and fired. The suspect, wounded, jumped into a car and drove off. He soon was apprehended by police. (*Anchorage Daily News, Anchorage, Alaska.*)

Thirteen separate such articles were printed.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ARMED CITIZEN

After two windows were broken simultaneously in her Elyria, Ohio, home, Mrs. Mary Farkas got a .22 revolver, entered the kitchen, and found a man peering in. Meanwhile an accomplice climbed in a front window. Mrs. Farkas fired a shot that sent both men fleeing, one leaving behind a machete. Police apprehended three men later and charged two with malicious entry. (*The Chronicle-Telegram, Elyria, Ohio*)

When one of two armed bandits grabbed Harry Dillon's wife and pressed a gun to her temple, the Philadelphia shoe store owner pulled a .38 pistol, killed one robber and wounded the other. (*The Philadelphia Inquirer, Philadelphia, Pa.*)

Dr. Barney Benedictson of Yakima, Wash., awakened by barking dogs early one morning, observed two youths loading a pickup truck in front of a neighbor's home. While his wife phoned the sheriff, Benedictson blocked the suspect's truck with his car, then pulled a gun and held the burglars. (*The Yakima Herald Republic, Yakima, Wash.*)

A Florissant, Mo., housewife, Mrs. Beverly Barrett, investigating noises at the rear of her house, saw two youths removing a porch screen. She got a shotgun and, when one of the intruders stepped onto the porch, she ordered him to lie down. The other youth fled. (*St. Louis Globe-Democrat, St. Louis, Mo.*)

A young man made a purchase in Robert Hindman's Waukegan, Ill., service station, then grabbed a fistful of money from the startled manager and bolted out the door. Hindman got a pistol, ordered the thief to stop, and held him for the police. An alleged accomplice waiting in a car was arrested also. (*The News-Sun, Waukegan, Ill.*)

Porterville, Calif., storeowner William Baker attempted to hide when an armed masked man came into his shop. When the man began firing, Baker returned the fire, wounding his assailant. Baker eluded a second masked robber and went for help. The body of the wounded bandit was later found in a driveway, apparently dumped there by his companion. (*The Fresno Bee, Fresno, Calif.*)

Acting on a phone call reporting a prowler at his Dolphin, Va., general store, Keith Hargrave got a gun and went with his son to investigate. They found a man inside the store who immediately surrendered when he saw the Hargraves were armed. (*Richmond Times-Dispatch, Richmond, Va.*)

A man with a stocking over his head walked into Bert Curtis' Thousand Oaks, Calif., store and, wielding a gun, demanded money. Curtis reached for a gun under the counter and fired two shots that sent the bandit fleeing. (*The Press-Courier, Oxnard, Calif.*)

Ralph Kelley, manager of a restaurant in Detroit, Mich., grabbed a .38 revolver after a robber pulled a .22 pistol and announced a holdup. The bandit fired twice, missing Kelley both times. Kelley then shot and wounded him. (*The Detroit Free Press, Detroit, Mich.*)

Arriving at her Fairview, Alaska home, Fay Purnell found a man inside. He chased her around the rear of the house where she produced a pistol and fired. The suspect, wounded, jumped into a car and drove off. He soon was apprehended by police. (*Anchorage Daily News, Anchorage, Alaska*)

Surprised by four armed men in the backyard of his Montclair, N.J., home, Dr. William L. Cassio pulled his own gun and fired three times. The men, one believed to have been wounded, fled the scene of the thwarted hold-up. (*The Star-Ledger, Newark, N.J.*)

Roy's Speed Shop in Shamokin Dam, Pa., had been the object of multiple break-ins, so owner Roy Cressinger decided to spend the night on the premises. When three youths broke in, Cressinger was ready. He held a 12-ga. shotgun on them and called the police. (*The Daily Item, Sunbury, Pa.*)

A man armed with a meat clever entered the Spirit House liquor store in Meriden, Conn., and ordered manager Stanley Zajac to "give me all the money." Instead Zajac pulled a pistol from under the counter and shot the would-be robber in the leg. (*The Morning Record, Meriden, Conn.*)

Mere presence of a firearm, without a shot being fired, prevents crime in many instances as shown by news reports sent to The Armed Citizen. Shooting usually can be justified only where crime constitutes an immediate, imminent threat to life or limb or, in some circumstances, property. The above accounts are from clippings sent in by NRA Members. Anyone is free to quote or reproduce them.

PRIVILEGE OF THE FLOOR

Mr. COOK. Mr. President, would the Senator yield for 1 minute?

Mr. BAYH. I yield.

Mr. COOK. Mr. President, I ask unanimous consent that Ronald Meredith and Betty Webb of my staff be allowed the privilege of the floor during the debate on S. 2507 and votes on amendments thereto.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I ask unanimous consent that personnel of the staff of the Committee on the Judiciary, requested earlier, be in addition to the number of staff members allowed on the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Max F. Gruenberg and Chris Rigos be permitted on the floor during the debate on this bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAYH. Mr. President, my friend from Alaska introduced into the RECORD, I think most appropriately, a strong concern expressed by those who oppose the legislation proposed by the Senator from Indiana; namely, what about the citizen who wants to protect himself?

The Senator from Alaska also emphasized that he would favor legislation to prevent the sale of unsafe weaons. However, he thought the legislation proposed by the Senator from Indiana went beyond that; and he is correct, as he normally is.

When the committee first started holding hearings, our major thrust was to examine the aspect of safety, to see if there was a safety test that could be applied. The Federal Government commissioned, at some significant expense, a safety and reliability test by the H. P. White Laboratories in Maryland. Over a period of several months, they put dozens of weapons through testing designed to ferret out this sort of information. Without going into the voluminous details of their report, I think it would be fair to say that the White Laboratories concluded that no safety test could be devised that would have any meaning and purpose; that the results of this test were extremely inconclusive; that some inexpensive weapons could be safe; that some of the most expensive weapons proved to be unsafe.

When we talk about safety, ask the question, safe for what purpose? If the only purpose is that the gun fire one .22-caliber or one .25-caliber slug into a helpless homeowner or a helpless merchant, almost all weapons might pass that safety test.

What the committee has tried to do, and what the Senator from Indiana unequivocally supports, is promulgate a different kind of safety test. Those who talk about safety tests in the traditional terms talk about safety and reliability as far as the person who uses the weapon is concerned. In other words, these people are trying to find some test that would prevent the manufacture of those Saturday night specials which are so poorly machined and so poorly manufactured that they blow up in the face of the user of the weapons, and thus make it unsafe for one to possess and use such a weapon. Inasmuch as the White Laboratories suggest that such a safety criterion is unrealistic, I suggest that we apply another safety test. Let us be concerned about the safety of the individual that this weapon is being pointed at. Let us be concerned about the safety of that policeman out there walking his beat. Let us be concerned about those who were not able to defend themselves and were shot down by the criminals in the process.

Mr. STEVENS. Mr. President, will the Senator yield at that point?

Mr. BAYH. Let me just finish this point.

I have never been a law enforcement officer. I have never been a member of the judicial branch. I have never been a prosecuting attorney. But I would like to invite the Senator from Alaska to read the hearings, if he has time—and I know how busy he is—because the testimony brought to the committee by those who are out there where the action is, who are walking the beats, who are manning the prowl cars, who are charged with manning the morgues and providing emergency ambulance service, and those who are charged with prosecuting the offenders, indicates that to a man they suggested to our committee that these weapons should be outlawed. Many people are killed by these weapons by being accidentally discharged in the home by a child, by a couple being awakened in the night, knowing that a prowler was there, while half asleep, reaching for that weapon and attempting to defend themselves. Four times as many of these people, instead of defending themselves, find themselves being shot down by a professional who is wide awake and knows how to use that weapon.

The statistics, as I say, are 4 to 1. So I would suggest that although the Senator from Alaska was able to introduce 13 clippings into the RECORD from those who know much more about this than the Senator from Indiana, nevertheless I am sure there would be four times that many clippings that could point out the opposite result.

For that reason, I feel compelled to pursue this bill, which says that those weapons that do not have a sporting purpose should be prohibited from sale.

We did not feel that we could administratively pursue those weapons that are presently in the hands of people like the lady in Alaska, but that we could deal with further sales. That is the major thrust of this legislation.

If I may have the indulgence of the Senator from Alaska, I need about 1 more minute to conclude my remarks, and then I look forward to the discussion on this point in greater detail with him.

I have pointed out that the original ban on Saturday night specials resulted in cutting out more than 960,000 imported weapons in 1 year. This should dispel the argument of those who suggest that S. 2507 would accomplish nothing. The Senator from Indiana does not present S. 2507 to the Senate as a panacea to the problem of lawlessness, to the problem of needless killing and accidental and intentional death. However, the Senator from Indiana does suggest that the statistics show that by applying the same test to the importation of firearms, we would be able to end the sale of almost a million of these weapons in 1 year. By applying the same test to the domestic production, it is reasonable to assume that a significant reduction in the overall sale and possession of this particular type of weapon would result. I, for one, do not believe that this contribution should be overlooked.

The testimony of these statistics is borne out by the testimony of those charged with administering the import provisions of the 1968 act. At the 1971 hearings on Saturday night specials, Harold Serr, Director of the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service from 1964 until his retirement on July 31, 1970, testified that the factoring criteria "effectively exclude from importation the types of handguns so often found in the possession of criminals and which Congress wanted kept off the American market."

The committee bill makes it absolutely clear that there would be certain exemptions from the prohibition on sale and delivery of Saturday night special handguns, including an exemption for law enforcement officials and research institutions. The committee bill also prohibits sawing-off the barrel of a handgun so as to produce a weapon which could not legally be sold and clarifies procedures for notification and for judicial review of the Secretary's determinations. Finally, the committee determined that owners of prohibited weapons, including manufacturers and dealers, should receive compensation if they wish to transfer these weapons to law enforcement agencies designated by the Secretary.

I believe that extending to domestic sales the criteria now used to prohibit imports would be an effective means of strictly limiting the accessibility of Saturday night specials without in any way altering present Federal, State, or local regulations concerning rifles, shotguns, and quality handguns suitable for sporting purposes. S. 2507 deals directly with the weapons of crime, and only with those weapons.

Mr. President, by giving its approval to this bill today the Senate can make significant and crucial progress in the continuing struggle for law and order and justice.

Now I am glad to yield to the Senator from Alaska. I know that he is concerned about this matter. I have discussed it with him. I am not sure that we will reach similar conclusions on the respective merits of this measure, but I think his thoughts should be included in the RECORD, and I will be glad to discuss with him in detail his concern about the proposed legislation.

Mr. STEVENS. I thank the Senator from Indiana.

I do not want to make a statement at this time. I want to ask the Senator from Indiana a few questions. I have some questions concerning this bill. As I said, if it were a safety bill, it would have, I believe, the unanimous support of the Senate.

The question I have is this: Who is really going to determine what is a "sporting purpose"?

I think I mentioned to the Senator from Indiana the problem of hauling in a 100-pound halibut on sports tackle. You have to shoot the halibut in the head. When you shoot the halibut, the best thing you can have in your hand is a very small pistol. We have to have these on the boats I go out on when we go halibut or salmon fishing in Alaska.

My concern is whether the fact that these handguns can be used in this manner for a legitimate sporting purpose, means that this bill is meaningless. So far as I am concerned, this is a legitimate sporting purpose. On the other hand, we want to make certain that we have very safe weapons. We believe in safety and believe in caring for our guns.

Mr. BAYH. The Senator from Alaska lives in that wonderful part of America where ofttimes possession of firearms is a matter of survival and certainly is very much a part of everyday life.

The record of reliability of the Saturday night special, if we talk about a cheap, pot metal, relatively inexpensive weapon, is not great. There have been instances in which this weapon has blown up in the face of the user. For that reason, we tried to find a way we could apply a safety test. The White Laboratories examination suggests that some of these cheap weapons—at least, the ones that were tested—are not reliable. Some of the inexpensive weapons proved to be reliable and some did not.

But, ironically, the testimony by White showed that one of the most expensive weapons that is being manufactured domestically also failed the test.

I would like to ask the Senator from Alaska to try to put in proper perspective what he needs to accomplish the sporting purpose of shooting that 100-pound fish in the head. There is really no need to conceal that weapon, is there?

Mr. STEVENS. No. But there is a genuine need to have a safe weapon. I would join with the Senator from Indiana to prohibit the manufacture of weapons that the testing organization shows are still unsafe. I would support this prohibition even though they are imported and even though they are generally considered not to be a "Saturday night specials." I think that ought to be our goal—safety for the people who want weapons and who have a legitimate use for them.

Mr. BAYH. I think that would be a step forward. But I must say that when the only evidence we have is from a test like this and it proves to be very inconclusive, that is hardly the base for drawing legislation.

I was trying to suggest to the Senator from Alaska that while we were initially safety oriented, because we thought we could find a test that would exclude these small weapons, by determining their safety, and after having this pretty well shot down by the inconclusive nature of the White Laboratories test, we then decided, very frankly, to concentrate our efforts on the safety at the other end of the barrel—the human being at whom this weapon is being pointed.

Thus, the major thrust of S. 2507, and the major thrust of the whole sporting purpose test, really goes to both the concealability of the weapon and its usefulness to a sportsman, its quality and accuracy. That 100-pound fish could be shot with a weapon that was not the vest pocket, belly gun type, one that was a little larger and a little longer, the weapon would not be prohibited from sale, and would not be prohibited to his friends who would like to kill the fish they caught.

Mr. STEVENS. I have no quarrel with what the Senator from Indiana has just said. The problem is what the bill provides. I am looking at page 8, where the bill reads:

> Or actions tending to circumvent the intent of this subsection (which is to allow the approval of only those handgun models which are generally recognized as particularly suitable for sporting purposes)—

If that one section excludes all the people who want a gun for a purpose that is not a sporting purpose, for protection, or strictly for display—some of my friends buy guns solely for the purpose of display——

Mr. BAYH. If the Senator will read further, he will find an exemption for collectors.

Mr. STEVENS. Very well. I should like to discuss that with the Senator, because the third item, really, to me is, who is going to decide what is a sporting purpose for which a firearm it particularly suitable? I think it is either the Secretary of Commerce——

Mr. BAYH. The Senator from Alaska raises a good point. It will be raised sooner or later, so let us deal with it right now.

Mr. STEVENS. I understand it is not the operative section, but it is the one that really states the specific intent.

Mr. BAYH. Is the Senator referring to section 3, page 8?

Mr. STEVENS. Yes.

Mr. BAYH. Let me suggest that that section was placed in the bill as an additional guarantee after the bill had received thorough consideration. So far as I am concerned, it is not the most important section. It is not the basic, operative part of the bill. It is designed to do one thing, and one thing only.

We have found that firearms producers are more or less ingenious, although I do not want to characterize every one of them.

This provision was included so that we can act in the event a technology is developed in the future enabling an unscrupulous manufacturer to devise some wrinkle in the manufacturing process which would permit him to manufacture a weapon that met the factoring criteria, but still was not suitable for sporting purposes. In a very closely related area one particular manufacturer has come up with a weapon that really has no sporting purpose. It is a cheap weapon. But the casting of the barrel has been extended so that it is a 6- or 7-inch barrel. At the time of importation, however, when these weapons are shipped from Florida, 3 or 4 inches are taken off the barrel. So when they are finally through with them, they have no sporting purpose.

This is in no way a design to circumvent the criteria that have been established specifically.

I ask the Senator from Alaska to look at the criteria that we have specifically placed in the bill. We talk about a safety device. We talk about the length of the weapon. We talk about the caliber of the weapon. These are the factors that are considered. I firmly believe it will be possible for the Senator's constituents who like to fish for that particular kind of fish to have a weapon that has a long enough barrel and that is heavy enough to do that job, yet will be more difficult for the criminal to stick into his vest pocket and walk into a grocery store and commit a holdup.

Mr. STEVENS. I agree with the Senator from Indiana. I certainly agree that the statement concerning safety as set forth in the bill is good. I do not see that we would have any objection to stating specifically the criteria which must be used in determining the safety of a handgun.

The problem I have is that, in addition, someone is given the duty to determine whether a handgun that meets all the safety criteria is also particularly suitable for sporting purposes. I think that is a concept that can change. What is more, I think it is a concept on which reasonable men can differ.

Beyond that, it seems to me that the concept we are really dealing with is behind the bill, and that is that no person other than a collector or a policeman should have a firearm of this type. I firmly believe that the concept involved here will lead to the fact that ultimately only the criminals in our society will have guns, because the law-abiding people will in fact abide by this law. They will no longer have guns in their homes for self-protection, and they will be prohibited if these amendments are approved from owning them. This bill has spawned several amendments which would be totally antagonistic to the welfare of the people of my State and to areas throughout the country where hunting and sports activities are predominant.

In addition, people who live in rural areas do, in fact, need the protection of handguns and other kinds of guns in their homes.

Mr. BAYH. The Senator is sort of switching horses.

Mr. STEVENS. Yes, I think I sort of went into an area that I shall cover later. But I think that that section alone, the one which relates particularly to suitability for sporting purposes, is the discretionary factor in the bill that I would particularly disagree with. That section implements the stated intent of the bill. Is that not so?

Mr. BAYH. I did not mean to imply by my previous remark that I thought the Senator should not switch horses. I think both horses are going to be ridden very extensively. So let me confine my attention right now to the first concern of the Senator from Alaska, because I think, if the Senator reads it carefully he will observe what it says. In fact, as I recall the legislative history of subsection (3), that was included at the suggestion of the Senator from Nebraska (Mr. HRUSKA).

If the Senator reads beginning on line 21 of page 8, it says:

> . . . actions tending to circumvent the intent of this subsection (which is to allow the approval of only those handgun models which are generally recognized as particularly suitable for sporting purposes), have rendered inadequate the standards set forth in paragraphs (1) and (2) of this subsection:

Mr. President, I think, therefore, that we enumerate exactly what we are talking about when we talk about sporting purposes. The section which concerns the Senator from Alaska, refers to the overall intent of the section, the entire section.

As the Senator has observed earlier, we even see in subsection (3) "the standards set forth in paragraph 1 and 2." We see that that is the thrust of sporting purpose, and that it is not designed to provide a loophole and to change the real thrust.

These criteria were developed by the Secretary with the assistance of a very distinguished panel of gun experts, sporting people, and Army ordnance people who determined what the characteristics of guns used for sporting purposes should be.

I would suggest to the Senator from Alaska that it would be possible for him to use a weapon that conforms to the criteria in the bill which have been used to prohibit foreign imports. And we could still prohibit the sale of those weapons that are used by common thugs to kill a corner grocery store owner.

Mr. STEVENS. Mr. President, that is my point. The criminal could still have that gun anyway. That is an unfortunate part of all of our laws which prohibit certain items. People make up their own minds to violate the law. When they do, they are not going to care anything about a law that Congress passes to limit handguns to sporting purposes.

The Senator from Indiana certainly does not think that the 30 million handguns outstanding in the United States today are in the hands of criminals.

Mr. BAYH. No. Does the Senator from Alaska see anything in this bill that is going to take those weapons out of the hands of law abiding citizens? If he does, I wish he would point out the word, the sentence, or the chapter.

Mr. STEVENS. The purpose of the bill is to limit the concept of handguns in the United States for the use solely of sporting purposes and to completely negate the total concept of self-defense—to limit the right of an individual to have a handgun for self-defense without regard to sporting purposes.

The Senator from Indiana says that we could let collectors have guns. As I have stated, I have friends who have such collections.

Mr. BAYH. The Senator knows that collectors have to have Federal licenses. They are entitled to certain rights and privileges, and they are also subject to scrutiny as a result of this license.

Mr. STEVENS. I understand. However, again it is an exception. I would think that the family who lives on a farm in Indiana or on a homestead in Alaska in an isolated rural area that desires to have a handgun in the house for self-protection, should have the right to make that decision. They are not deciding that they want a gun for sporting purposes. They are deciding that they need a gun for self-defense. Those people would want us to assure them that a gun manufacturer or an importer of guns into the United States could assure them of having the safest gun they could have. However, they want it for self-defense and not for sporting purposes.

I have a .44 magnum. I am certain that the Senator from Indiana does not want to suggest that I want to use that for self-defense in the sense of personal defense. I have it in a drawer, and if I were to try to get it out if someone came in the house with the intention of injuring me or any member of my family, it would be difficult. It has a rather long barrel. I would have to pull the drawer all the way open before I could get it out. It weighs so much that I almost have to hold it with two hands.

Mr. BAYH. The Senator from Alaska is not suggesting that there are not a large number of weapons that could be used for self-defense that are smaller than that magnum.

Mr. STEVENS. Certainly there are. However, the bill provides for weapons for sporting purposes. It does not include the concept of the right of self-defense in this country, for someone to have a firearm for self-defense. We say in this bill that if anyone wants a weapon for self-defense, he should go and buy one that would be used for sporting purposes.

Mr. BAYH. The Senator is right. That is what we say. I might say that I might feel safer if I had a .32-caliber gun with a 6-inch barrel in my dresser drawer at home. However, I do not. I do not do so for a number of reasons, one of which is that the statistics on accidental death caused by this type of firearm are quite alarming.

Second, the statistics presented to us by law enforcement officers unequivocally show that people injure themselves with these types of weapons. If I woke up at night or my wife were to wake me and say that someone was in the kitchen, I might stagger around with the pistol, and the chances are four to one that I would get shot instead of the criminal.

For anyone who feels that to be secure he ought to have one of these weapons handy, there is plenty of leeway provided in the bill. He can easily get one that is smaller than the one mentioned by the Senator from Alaska that takes just one hand to shoot.

Mr. STEVENS. Mr. President, I mean if a person has hands the size of mine, it would require two hands to hold it.

Mr. President, I will have a statement to make on the bill when we get to that point, after we see what is happening to these amendments that are coming along.

I have enjoyed the conversation with the Senator from Indiana. I would say that I am glad the Senator mentioned the concept of safety in terms of accidents. We have statistics in this country with relation to the use of firearms. The Representative from Illinois (Mr. MIKVA) and I have appeared on two programs concerning this matter.

I have done some research into the matter of accidents. I think the record will show that there are a very small amount—less than 1 percent, I believe it is—of the deaths per 100,000 that are accidentally caused in this country that come about from the use of firearms.

If we are really serious in trying to prevent accidental deaths in this country, we might look at some other figures, and particularly we might look at the automobile, which is running over 25 percent of that figure, as to the accidental deaths in the country.

The Senator from Indiana still leaves me with a question, and I am sure we will get to that later. That is the question of why we cannot deal with safety legislation with regard to the use of guns that would be warmly endorsed by the people in the country, and they would be 100 percent behind the Senator from Indiana.

Instead, we deal with a concept which is still in the line of prohibition, which is no different than the prohibition legislation we went through in terms of alcohol, as far as I am concerned. We are starting down the road of total prohibition. The net result will be that the law-abiding citizens will not be able to have firearms, and the criminals will still have theirs.

Mr. BAYH. Mr. President, can the Senator find one word in this bill that indicates that we will accomplish that— one word or one sentence? If the Senator wants to talk about safety for sporting purposes, that is all right. However, when the Senator gets on the other horse, he should give me some facts.

Mr. STEVENS. I would say in answer to my good friend that the mere fact that the amendments are here demonstrates that this is just a step along the way.

Mr. BAYH. But, the Senator from Alaska, being the student of Government that he is, must realize that we have had a variety of amendments on all subjects and on all bills, not just on gun control, that are extreme and that have never seen the light of day and are never passed.

A great number of amendments are introduced because some people write inflammatory editorials suggesting the possibility that this is apt to happen.

I point out that the bill will only pass under one set of circumstances. That is, if we get a majority vote of the Senate and the House, and the bill is signed by the President. I think we are talking about two different things, are we not?

Mr. STEVENS. I hope we are. We will wait and see on the bill.

Mr. BAYH. I might ask my friend from Alaska this question, because I have great respect for him. As I said earlier, I have had only fleeting experience with law enforcement. I have never been a peace officer, a prosecuting official, nor a chief of police. The Senator from Alaska is concerned, and I think very conscientiously concerned, about the protection for the average law-abiding citizen that might be lost if this bill should pass. Does it not strike him as a bit strange that if this were going to be the impact of this legislation it would be supported by all true law-enforcement people, whose No. 1 responsibility is to protect the citizen?

Mr. STEVENS. I do not think it has the support of all law-enforcement agencies in my State, or in any other State generally where guns are a part of the way of life in a legal sense. I think we are seeing a phenomenon where law enforcement people in large cities, who are very much subjected to increased attacks, and very much need greater help in meeting problems, are looking for a way to reduce the problem they are facing, and that the basic problem they are facing is increased lawlessness, which is not one necessarily of increased numbers of guns.

With increased lawlessness there are greater crimes, and involving guns, there is no question about that. But on the other hand, I do not think that guns cause the crimes; I think the people involved cause the crimes. We should be looking more at the root causes of crimes in cities and not trying to take guns away from the people, trying to take guns away from people who will use them legally, to get those intent on committing crime in the first instance. I do not think that gun legislation will prevent those crimes.

I have been a prosecuting attorney, and I do believe that law enforcement needs a great deal more assistance, but it is not, in my opinion, assisting the law enforcement people in this country to do what one person suggested and that was to confiscate all handguns. We should be dealing with the causes of crime and not the means of crime. This is another difficult aspect the Senator from Indiana raised in connection with this issue.

But I do appreciate the opportunity to engage in this colloquy with the Senator from Indiana.

Mr. BAYH. I appreciate the comments of the Senator from Alaska.

As I said earlier, I do not view or offer this particular bill as a panacea to the crime problem. I view it as a step, an important step, along with all the other ingredients of law enforcement, the judicial system, penal control, rehabilitation, and all those efforts. There is no doubt that this type of bill plays an important role, however, I have looked back through the records of this subcommittee and I have seen what J. Edgar Hoover had to say, and I find a great deal of consistency in the words of his successor, Acting Director L. Patrick Gray. J. Edgar Hoover was the No. 1 law enforcement official in America. I would like to read one short three-sentence paragraph of the late Director. I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., June 1, 1963.

To all law enforcement officials:

The easy accessibility of firearms is a significant factor in murders committed in the United States today. It is a problem which the American public needs to examine closely. A recent study by the FBI of willful killings in 1962 shows why.

Of the 7,261 murders on which details were reported under the Uniform Crime Reporting Program last year, 54 percent of the victims were killed with guns, the vast majority of which were hand guns. In 18 states which have bare minimum control laws over firearms, 65 percent of the murders were committed with guns. Many states have restrictions of varying degrees; however, in 7 states which require a permit, or the equivalent thereof, to purchase a hand gun, 42 percent of the murders were attributed to firearms as compared to 58 percent for the other 43 states. Further, in two states which have stringent laws on the control of firearms, the figures for 1962 showed 32 percent of the murders were by gun.

Controlling the sale of hand guns, of course, will not eliminate all willful killings. In many instances, if a gun is not available, the killer resorts to other means. However, those who claim that the availability of firearms is not a factor in murders in this country are not facing reality.

Guns are by far the most lethal weapons used in assaults to kill—7 times more deadly than all other weapons combined. Death to the victims results in 21 percent of such attacks where guns are used whereas it occurs in only 3 percent of assaults to kill with all other weapons.

A review of the motive for murder suggests that a readily accessible gun enables the perpetrator to kill on impulse. With no such weapon available, the killer's rage may subside and better judgment prevail. And too, if the assault is made with another weapon, it may not be fatal since the victim has a beter opportunity to escape or to defend himself against other weapons.

True, hoodlums and criminal gangs will obtain guns regardless of controls. During 1962, there were almost 700 felonious murders committed during the course of other crimes, such as burglary and robbery. This total also included gangland slayings and juvenile gang killings. Of this number, 52 percent were by gun. There were 39 juvenile gang killings, 19 of which were by gun. Of the 112 law enforcement officers who died from criminal action during the last 3 years, 108 were murdered with guns. Murders committed during the commission of other crimes will always be a problem. Usually, hardened criminals are involved. For these individuals, certain punishment is the only language they understand. Mandatory penalties, over and above the sentence for the substantive offense, for using a gun while committing a felony should be a certainty.

No one blanket proposal or universal regulation will meet the needs and requirements of all communities. The numerous facets and ramifications of gun control are so varied and complex that regulatory measures must be at state and local levels. It is only at these levels that effective enforcement efforts can be undertaken. Many communities already have local ordinances which protect the rights of society without infringing on the rights of individuals who purchase guns for protection or legitimate recreation and pleasure.

The questionable traffic in deadly weapons in many sections of our country is a disgrace. To my mind, the public has a right to expect that the distributor and the purchaser of weapons so deadly and easily concealed as hand guns must meet certain regulations and qualifications.

The spotlight of public attention should be focused on the easy accessibility of firearms and its influence on willful killings. Where local controls and regulations exist, they should be fully implemented. Where there are none, measures should be taken to protect the public's interest. Loss of human lives cannot be rationalized—certainly not until all possible preventive action has been exhausted.

JOHN EDGAR HOOVER, *Director*.

Mr. BAYH. Mr. President, I wish to read two paragraphs so that my friend from Alaska might be thinking about this. First:

> Controlling the sale of handguns, of course, will not eliminate all willful killings. In many instances, if a gun is not available, the killer resorts to other means. However, those who claim that the availability of firearms is not a factor in murders in this country are not facing reality.

In effect, we are saying that we would make about 1 million less guns a year available. That is not going to solve the whole problem, but law enforcement officials tell me there are a number of different levels of criminality. There is the professional con man who has been in the pen a number of times, who has been in continuous confrontation with the law. This con will get a gun almost any place. I have to confess, although I wish I did not have to make the confession, that the bill of the Senator from Indiana will not affect this fellow one iota. But I am also told here again by those whose livelihood is to protect us, that there are other types of individuals who are in the process of participating in less professional type crime, if I might try to distinguish professional crime into varying degrees.

There is, for example, the teenager who sees a car with the keys in the ignition and decides to take it for a joy ride and violates the law. He needs to be apprehended. But since he was able to pick up a Saturday night special at the corner store for $12.95, he has that small concealed weapon in his pocket. And when he is apprehended, instead of this being a joy ride, it could be assault with a deadly weapon, murder of a police officer, or anyone else involved.

There is that type criminal activity and the ultimate result of it would be significantly affected by this bill and that is the thrust of J. Edgar Hoover's statement, he said:

> However, those who claim that the availability of firearms is not a factor in murders in this country are not facing reality.

I wish to read one other paragraph for purposes of emphasis here. J. Edgar Hoover also said:

> A review of the motives for murder suggests that a readily accessible gun enables the perpetrator to kill on impulse. With no such weapon available, the killer's rage may subside and better judgment prevail. And too, if the assault is made with another weapon, it may not be fatal since the victim has a better opportunity to escape or to defend himself against other weapons.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. STEVENS. I do not have a great deal of argument with that. I have great respect for the now deceased former Director of the Federal Bureau of Investigation. I also have before me some material to which I wish to refer. I have a study entitled "The Criminal and His Weapon," by Charles Friel, a doctor of philosophy, who made a study of 491 adult crimes in Louisiana and Texas dealing with the types and number of guns they own and how they got them. The interesting thing is that the majority of guns were obtained by the criminals through theft. Only some of the guns had been obtained through the mail and only a very few were acquired through normal legal processes.

If that is the case, if the criminal is going to get a gun, what difference does this bill make? In this legislation we are enacting a law providing that people can have handguns only for sporting purposes. Only law-abiding citizens will comply with this law. They will say, "If you say I cannot have a gun with a 4-inch barrel, I will see to it that it has a 5-inch barrel." The Senator knows that. But the criminal is not going to do that. He is going to steal legal or illegal weapons wherever he can.

The police officer is not going to be shot by someone who went down to the corner and bought a gun with full disclosure of his name, address, and so forth. Police officers are being shot by those who steal guns. That is the real difficulty.

Some of us have suggested increased penalties for possession of guns and increased mandatory jail sentences for those who are convicted of using guns. I firmly believe that is the way to get at the root of this problem, which is really a menace in this country.

But if the Senator thinks we can get a law to solve this problem by providing for safety standards and sport standards that will call for Marquis of Queensberry rules in this country that will make sure they will really be guns used for sport, I disagree. The criminal can make a burp gun or other small gun, if he wants to, that will completely violate the safety standards, but it will still be very effective.

Great Britain has the strongest laws in the world against handguns. Those laws apply to Ireland, and yet look what is going on in Ireland today. Look at the number of guns that were in the hands of private citizens completely in violation of the law, because they had another intent involved. They are not seen as criminal in one sense, but they are criminal in the sense that they are being used in a revolutionary effort, even though it was not to commit a crime. It was to participate in a political uprising.

We can legislate all we want to, but let us not kid ourselves that we are going to keep guns from criminals, any more than we kept booze from bootleggers. That is all there is to it.

I really do not think that quotations from people like the late J. Edgar Hoover are the answer in meeting the menace. If someone can show me a way to keep guns out of the hands of the criminal and still let the law-abiding American have guns for purposes he defines—not what the Senator from Indiana defines or what I define—whether he wants to put them on a wall, use them for self-defense, for sporting purposes, or for target practice, whatever it might be, I would be 100 percent with the Senator, but I cannot conceive that that is possible through the type of legislation that is before us now.

Mr. BAYH. Mr. President, I would like to point out, since the Senator from Alaska mentioned England, that it might be interesting to note that only 6 percent of the robberies carried out in England are done with guns. However, that compares with 37 percent of robberies in the United States, according to a report that has been brought to the attention of the committee. This indicates that the tough English gun control laws have had some real impact.

I think it is very unfair to suggest that what is going on during a rebellion is in any way comparable to what goes on in a normal, peaceful society.

I do not in any way impugn the motives of my friend from Alaska or in any way infer that he is not totally sincere in what he believes. However, I just have to say, as someone who is concerned about crime, as someone who is concerned about someone who may be shot, murdered, or robbed, as someone who is concerned about the lawlessness that exists in this country today, that what the Federal Bureau of Investigation says about the importance of access of firearms on the level of crime is significant to me. I put J. Edgar Hoover's statement in the Record. I would also like to put in the Record at this time an article entitled "Boss of FBI Plugs for Gun Controls."

I ask unanimous consent that that article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Boss of FBI Plugs for Gun Controls

(By Jeffrey Antevil)

Washington, July 20.—Acting FBI Director L. Patrick Gray 3d, splitting sharply with the late J. Edgar Hoover and with the Nixon administration, today advocated licensing and registration of all firearms.

Gray, meeting in his office with a small group of reporters, also endorsed legislation to ban "Saturday Night Specials"—a name applied to cheap handguns, often assembled from foreign-made parts, and snub-nosed revolvers that are easily concealed and not suitable for target-shooting or other sporting purposes.

"I'm dead set against those guns," Gray said. "They ought to be banned totally, completely and thoroughly."

The Nixon administration has given lukewarm support to the proposed ban on Saturday Night Specials, but it has consistently opposed measures such as licensing and registration aimed at other handguns and rifles. Hoover, Gray's predecessor, was a strong foe of gun controls, an issue on which he differed sharply and publicly with many law enforcement officials.

Gray, emphasizing that he was speaking for himself and not for the administration, said: "Firearms have been utilized in so many of our homicides that we ought to endeavor to control them."

The constitutional guarantee of the right to keep and bear arms "does not mean that we cannot regulate firearms," he said. He added, in response to a question, that he thought an effort to outlaw private possession of guns, even if limited to handguns, would "run afoul of the Constitution."

KEEPS AN EYE ON JANE

"I personally have in mind the licensing and registration of firearms," Gray said.

On other subjects, the director denied that his bureau engaged in political surveillance and defended such controversial activities as the presence of FBI agents at Earth Day rallies in 1970 and the continuing surveillance over domestic radicals and antiwar activists.

Gray singled out actress Jane Fonda, a vocal foe of the Vietnam war, saying her activities around military bases and her presence in Hanoi, where she made antiwar radio broadcasts for the Communists, were sufficient cause for keeping an eye on her.

He said he had read many investigation files—and expected eventually to read them all—and "I've seen no indication whatsoever that anyone has been placed under any kind of surveillance because of his or her political beliefs."

Gray said the much-criticized activities of FBI agents at Earth Day rallies—which occurred more than two years before he took over Hoover's job—were not aimed at Sen. Edmund S. Muskie (D-Maine) or other political figures who participated in the antipollution demonstrations. He said he could not disclose the real targets "because it's in the sensitive intelligence area."

RADICALS NOT UNDER CONTROL

On the domestic security threat Gray said there are many individuals "who have to be watched because of the violence they do." He said these radicals "do not represent a large percentage of our population and, as far as I can tell, do not operate under one central authority or control."

Although he would not openly criticize the recent unanimous Supreme Court opinion barring wiretapping of domestic radicals without a court warrant, Gray made his displeasure obvious in his facial expression and tone of voice. For the record, he said, "The FBI can work within whatever the Supreme Court has done because it's the law of the land."

At the time of the ruling, the director said, "There were less than five (illegal bugs) in existence, and that's hardly pervasive. We're not in everybody's bedroom." On the instructions of Attorney General Richard G. Kleindienst, he added, the five were immediately closed down.

Mr. BAYH. Let me read briefly from that article:

Gray, meeting in his office with a small group of reporters, also endorsed legislation to ban "Saturday Night Specials"—a name applied to cheap handguns, often assembled from foreign-made parts, and snub-nosed revolvers that are easily concealed and not suitable for target-shooting or other sporting purposes.

Gray said: "I'm dead set against those guns. They ought to be banned totally, completely and thoroughly."

I am no law enforcment official, but those people who are, say they think this bill would make a significant contribution.

ORDER OF BUSINESS

Mr. MANSFIELD. I ask unanimous consent that the pending business be laid aside temporarily.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR FROM LOUISIANA

Mr. LONG. Mr. President, I present the certificate of appointment of Mrs. Elaine S. Edwards as a Senator from the State of Louisiana.

The PRESIDENT pro tempore. The certificate of appointment will be read.

The legislative clerk read as follows:

STATE OF LOUISIANA,
Baton Rouge, La., August 1, 1972.

To the President of the Senate of the United States and the Secretary of the Senate of the United States.

SIRS: Under and by virtue of the authority vested in me by the Constitution of the United States, particularly Amendment XVII thereof, and Section 1414 of Title 18 of the Louisiana Revised Statutes of 1950, I do hereby appoint Elaine S. Edwards as Senator from the State of Louisiana to fill the vacancy caused by the death of the Honorable Allen J. Ellender as Senator from the State of Louisiana, until filled by election as provided by law.

Witness: His Excellency, our Governor, Edwin W. Edwards, and our Seal hereto affixed at Baton Rouge, this 1st day of August, in the year of Our Lord, nineteen hundred and seventy-two.

EDWIN EDWARDS, *Governor.*

The PRESIDENT pro tempore. If the Senator-designate will present herself at the desk, the oath of office will be administered to her.

Mrs. EDWARDS, escorted by Mr. LONG, advanced to the Vice President's desk, and the oath of office prescribed by law was administered to her by the President pro tempore, and was subscribed by her.

[Applause, Senators rising.]

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief recess for the purpose of welcoming Senator EDWARDS, subject to the call of the Chair.

There being no objection, at 11:32 a.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 11:35 a.m., when called to order by the Presiding Officer (Mr. CHILES).

COMMITTEE ASSIGNMENTS

Mr. MANSFIELD. Mr. President, I send to the desk two resolutions and ask unanimous consent for their immediate consideration.

There being no objection, the resolution (S. Res. 345) was considered and agreed to, as follows:

Resolved, that Mrs. EDWARDS of Louisiana be, and she is hereby, assigned to service on the Committee on Agriculture and Forestry to fill a vacancy on that committee.

There being no objection, the resolution (S. Res. 346) was considered, and agreed to, as follows:

Resolved, that Mrs. EDWARDS of Louisiana be, and she is hereby, assigned to service on the Committee on Public Works to fill a vacancy on that committee.

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, on behalf of those on my side of the aisle, I join in welcoming Senator EDWARDS as the new Senator from Louisiana. We wish her a very pleasant and interesting and useful time in the Senate. It is delightful to have another lady here. The aisles are now balanced with a lady Senator on each side. I agree with those who argue that there should be more women in the Senate. It is fine with me as long as they do not occupy this particular seat. Other than that, like all other Senators, we are in favor of the process, and I expect it to continue.

At this time I yield to the distinguished junior Senator from Vermont (Mr. STAFFORD).

Mr. STAFFORD. Mr. President, I thank the distinguished minority leader for yielding to me. I would like to join in the statement of welcome he has just delivered.

When I came here about a year ago, I would say to our new and distinguished Senator EDWARDS, I was presented with a pin which indicated that out of 100 Senators, my rank was No. 100. So I now welcome doubly Senator EDWARDS because I have been promoted to No. 99, and with your arrival and with your being sworn in, I can present you with this pin.

I think it is appropriate to do it even though it is a tie clasp, because under women's lib you may find it appropriate to wear a tie sometime.

So, if I may, I will come over to present it to you. Thank you.

Mr. STAFFORD presented a tie clasp to Mrs. EDWARDS.

Mr. MANSFIELD. Mr. President, if the distinguished Senator from Pennsylvania will yield——

Mr. SCOTT. Yes.

Mr. MANSFIELD. I cannot let this occasion go by with only Republicans speaking words of praise for Senator EDWARDS.

I would point out to Senator EDWARDS that even though she may be No. 100, as far as the membership is concerned she is the equal of every other Senator in this body, regardless of length of service or whatever, and I hope that she will keep that in mind at all times, because what counts here is not prestige or seniority, but votes. The vote of the Senator from Louisiana is just as important as the vote of a Senator from any other State, including such States as Montana, New York, and California.

We are delighted to have you with us. We think that you will be a great asset to the party, the Senate, and the country, and I wish to express my personal pleasure on behalf of all Democrats—and I think I should say of the entire Senate—that you are now a Member in good standing and a Member in equal standing with the rest of the Members of the Senate.

Mr. TALMADGE. Mr. President, will the Senator yield briefly to me?

Mr. SCOTT. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, I want to join my colleagues in the Senate in extending a cordial welcome to our lady Senator from Louisiana (Mrs. EDWARDS). Mrs. EDWARDS not only lends beauty and charm to the Senate, but I am delighted to welcome her also as a temporary seatmate, which situation I wish could be permanent.

I am also glad to welcome her as the newest member of the Committee on Agriculture and Forestry, of which I have the honor to be chairman.

It is a pleasure to join my colleagues in welcoming you to the Senate, and I am sorry it is going to be all too brief, from what I read in the newspapers.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. ERVIN. I would just like to take note of the fact that the beauty of the Senate has been vastly increased by Senator EDWARDS' accession to membership, and I am satisfied also that its brain power has been very much enhanced.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that the President had approved and signed the following acts:

On August 2, 1972:

S. 3772. An act to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes.

On August 4, 1972:

S. 1152. An act to facilitate the preservation of historic monuments, and for other purposes.

HANDGUN CONTROL ACT OF 1972

The Senate continued with the consideration of the bill (S. 2507) to amend the Gun Control Act of 1968.

AMENDMENT NO. 1335

Mr. HART. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. HART. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I shall make a brief explanation of it.

There are two corrections that I should note in the printing of the amendment, which is numbered 1335.

On page 1, at the top, reference is made to the "Handgun Control Act of 1965." It should read, of course "1968."

On the fourth page, in the first line, the word "transfer" should read "transport."

The PRESIDING OFFICER. The amendment is so modified.

Mr. HART. Mr. President, the Saturday night special bill, S. 2507, reported by the Judiciary Committee closes a serious loophole in existing law. Its passage is an important step in the struggle for adequate handgun controls. The easily concealed pistols it bans are a particularly dangerous threat to public safety, and the able Senator from Indiana and his subcommittee staff deserve our thanks for their long labors on this bill. I voted for it in committee and will support it now.

But all handguns have one primary

purpose, Mr. President, to kill or seriously wound other human beings. Broader controls on every type of handgun are needed if we would diminish the tragic frequency of violence in America. For me, the evidence is compelling and leads to one conclusion: privately owned handguns—of any kind—simply have no place in today's society.

Therefore, last fall I introduced a bill to prohibit possession of handguns by anyone except the military, the police, and approved security guards. Limited exemptions would be made for federally licensed target pistol clubs, if they securely stored their weapons, and for inoperable collectors' items.

My proposal, S. 2815, has been reprinted as an amendment, in the nature of a substitute, to the pending bill. The text is the same, but there are two errors in the present printing; First, on page 1, at the top, the reference to the "Handgun Control Act of 1965" should read "1968;" and second, on page 4 on line 1, the second "transfer" should read "transport."

I ask unanimous consent that my amendment be printed in the RECORD at this point with those corrections.

There being no objection, the amendment, as modified, is as follows:

AMENDMENT NO. 1335

(In the nature of a substitute)

Strike out all after the enacting clause, and insert in lieu thereof the following:

That this Act may be cited as the "Handgun Control Act of 1972".

SECTION 1. The Congress hereby finds and declares—

(a) that annual sales of handguns in the United States have risen sharply in the last decade, bringing the total number of handguns in private hands to approximately twenty-four million by the end of 1968; and

(b) that handguns play a major role, and a role disproportionate to their number in comparison with long guns, in the commission of homicide, aggravated assault, and armed robbery, and that the percentage of violent crimes in which handguns are used is increasing; and

(c) that most homicides are committed in altercations between relatives, neighbors, or other acquaintances, rather than in a confrontation between strangers; and

(d) that handguns in the home are of less value than is commonly thought in defending against intruders, and are more likely to increase the danger of a firearm fatality to the inhabitants than to enhance their personal safety; and

(e) that with few exceptions, handguns are not used for sporting or recreational purposes and that such purposes do not require keeping handguns in private homes; and

(f) that more than one-half of all handguns are acquired secondhand and that licensing and restrictions on sale of new handguns will not significantly reduce handgun crime and handgun violence; and

(g) that violent crimes perpetrated with handguns constitute a burden upon and interfere with interstate and foreign commerce and threaten the internal security and domestic tranquillity of the Nation; and

(h) that fear of firearms crimes discourages citizens from traveling between the States to conduct business or to visit the Nation's Capital; and

(i) that crimes committed with guns have disrupted our national political processes, and threaten the republican form of government within the States as guaranteed by article IV of the Constitution; and

(j) that a national firearms policy which restricts the availability of handguns for non-law-enforcement and non-military purposes will significantly reduce violent crime, reduce deaths from handguns, and reduce other handgun violence in the United States.

SEC. 2. Title 18, United States Code, is amended by inserting immediately after chapter 50 thereof the following new chapter:

"CHAPTER 50A—HANDGUNS

"Sec.
"1091. Unlawful acts.
"1092. Licensing.
"1093. Penalties.
"1094. Exceptions.
"1095. Voluntary delivery to law enforcement agency; reimbursement.
"1096. Rules and regulations.
"1097. Effect on State law.
"1098. Separability clause.
"1099. Appropriations.
"1100. Definitions.

"§ 1091. Unlawful acts

"(a) Except as provided in section 1094 of this chapter and in subsection (c) of this section, it shall be unlawful for any person to import, manufacture, sell, buy, transfer, receive, or transport any handgun and handgun ammunition.

"(b) Except as provided in section 1094 of this chapter and in subsection (c) of this section, it shall be unlawful after one hundred and eighty days from the effective date of this chapter, for any person to own or possess any handgun or handgun ammunition.

"(c) The Secretary may, consistent with public safety and necessity, exempt from the operation of subsection (a) and subsection (b) of this section such importation, manufacture, sale, purchase, transfer, receipt, possession, ownership, or transportation of handguns and handgun ammunition by importers, manufacturers, or dealers, licensed under chapter 44 of this title, and by pistol clubs licensed under this chapter, as may in his judgment be required for the operation of such pistol clubs or for purposes in section 1094 of this chapter.

"(d) It shall be unlawful for any licensed importer, manufacturer, or dealer to sell or otherwise transfer any handgun or handgun ammunition to any person, except another licensed importer, manufacturer, or dealer, without presentation by the purchaser or recipient of written verification that the receipt or purchase is being made by or on behalf of a person or government agency eligible to obtain and possess handguns under section 1094 of this chapter or a pistol club licensed under this chapter.

"(e) Every manufacturer, importer, and dealer who sells or otherwise transfers handguns or handgun ammunition shall maintain records of sale or transfer of handguns and handgun ammunition in such form as the Secretary may by regulations provide and shall permit the Secretary to enter the premises at reasonable times for the purpose of inspecting such records.

"§ 1092. Licensing

"(a) A pistol club desiring to be licensed under this chapter shall file an application for such license with the Secretary. The application shall be in such form and contain such informaton as the Secretary shall by regulation prescribe. The fee for such license shall be $25 per year.

"(b) Any importer, manufacturer, or dealer desiring to be licensed under this chapter shall apply as provided in chapter 44 of this title.

"(c) Any application submitted under subsection (a) shall be approved if—

'(1) no member of the pistol club is a person whose membership and participation in the club is in violation of any applicable State laws;

'(2) no member of the pistol club is prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922 (g) or (h) of this title;

"(3) no member of the pistol club has willfully violated any of the provisions of this chapter or of chapter 44 of this title or any regulations issued thereunder;

"(4) the pistol club has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact in connection with its application;

"(5) the club has been founded and operated for bona fide target or sport shooting and other legitimate recreational purposes; and

"(6) the pistol club has premises from which it operates and—

"(A) maintains possession and control of the handguns used by its members, and

"(B) (i) has procedures and facilities for keeping such handguns in a secure place, under the control of the club's chief officer, at all times when they are not being used for target shooting or other sporting or recreational purposes, or

'(ii) has effected arrangements for the storage of the members' handguns in a facility of the local police department or other nearby law enforcement agency.

"(d) (1) The Secretary must approve or deny an application for a license with the sixty-day period beginning on the date it is received. If the Secretary fails to act within such period, the applicant may file an action under section 1361 of title 28 to compel the Secretary to act. If the Secretary approves an applicant's application, such applicant shall be issued a license upon payment of the prescribed fee.

"(2) The Secretary may, after notice and opportunity for hearing, revoke any license issued under this section if the holder of such license has violated any provision of this chapter or of chapter 44 of this title or any rule or regulations prescribed by the Secretary under such chapters. The Secretary's action under this paragraph may be reviewed only as provided in subsection (e) of this section.

"(e) (1) Any person whose application for a license is denied and any holder of a license which is revoked shall receive a written notice from the Secretary stating specifically the grounds upon which the application was denied or upon which the license was revoked. Any notice of revocation of a license shall be given to the holder of such license before the effective date of the revocation.

"(2) If the Secretary denies an application for, or revokes, a license, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial or revocation. In the case of a revocation of a license, the Secretary shall upon the request of the holder of the license stay the effective date of the revocation. A hearing held under this paragraph shall be held at a location convenient to the aggrieved party.

"(3) If after a hearing held under paragraph (2) the Secretary decides not to reverse his decision to deny an application or revoke a license, the Secretary shall give notice of his decision to the aggrieved party. The aggrieved party may at any time within sixty days after the date notice was given under this paragraph file a petition with the United States district court for the district in which he resides or has his principal place of busness for a judicial review of such denial or revocation. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding. If the court decides that the Secretary was not authorized to deny the application or to revoke the license, the court shall order the Secretary to take such action as may be necessary to comply with the judgment of the court.

"(f) Each licensed pistol club shall maintain such records of receipt, sale, or other disposition, of handguns at such place, for such period, and in such form as the Secretary may by regulations prescribe. Such pistol clubs shall make such records available for inspection at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary may enter at reasonable times the premises (including places of storage) of any pistol club for the purpose of inspecting or examining (1) any records of documents required to be kept by such pistol club under the provisions of this chapter or chapter 44 of this title and regulations issued under such chapters, and (2) any handguns or ammunition kept or stored by such pistol club at such premises.

"(g) Licenses issued under the provisions of subsection (c) of this section shall be kept posted and kept available for inspection on the premises covered by the license.

"(h) The loss or theft of any firearms shall be reported by the person from whose possession it was lost or stolen, within thirty days after such loss or theft is discovered, to the Secretary. Such report shall include such information as the Secretary by regulation shall prescribe, including, without limitation, the date and place of theft or loss.

"§ 1093. Penalties

"(a) Whoever violates any provision of section 1091 of this chapter shall be fined not more than $5,000, or imprisoned not more than five years, or both, and shall become eligible for parole as the Board of Parole shall determine.

"(b) Whoever knowingly makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of an importer, manufacturer, dealer, or pistol club, licensed under this chapter, or in applying for a pistol club license under the provisions of this chapter, shall be fined not more than $5,000, or imprisoned not more than five years, or both, and shall become eligible for parole as the Board of Parole shall determine.

"(c) Any handgun or handgun ammunition involved or used in, or intended to be used in, any violation of the provisions of this chapter or chapter 44 of this title or any rule or regulation promulgated thereunder, or any violation of any other criminal law of the United States, shall be subject to seizure and forfeiture and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter.

"(d) Except as provided in subsection (b) no information or evidence obtained from an application or certificate of registration required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued by the Secretary shall be used, directly or indirectly, as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application for registration containing the information or evidence.

"§ 1094. Exceptions

"(a) The provisions of this chapter shall not apply with respect to the importation, manufacture, sale, purchase, transfer, receipt, or transportation of any handgun or handgun ammunition which the Secretary determines is being imported or manufactured for, sold, or transferred to, purchased, received, owned, possessed, or transported by, or issued for the use of—

"(1) a professional security guard service which is licensed by the State in which the handgun is to be used and which is authorized to provide armed security guards for hire; or

"(2) the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

"(b) Every security guard service purchasing, receiving, owning, possessing, or transporting handguns under subsection (a) shall maintain records of receipt, sale, ownership, and possession of handguns in such form as the Secretary may provide and permit the Secretary to enter the premises at reasonable times for the purpose of inspecting such records.

"(c) The provisions of this chapter shall not apply with respect to the importation, sale, purchase, transfer, receipt, or transportation of a handgun manufactured before 1890, or any other handgun which the Secretary determines is unserviceable, not restorable to firing condition, and intended for use as a curio, museum piece, or collectors' item.

"§ 1095. Voluntary delivery to law enforcement agency; reimbursement

"(a) A person may at any time deliver to any Federal, State, or local law enforcement agency designated by the Secretary a handgun owned or possessed by such person. The Secretary shall arrange with each agency designated to receive handguns for the transfer, destruction, or other disposition of all handguns delivered under this section.

"(b) Upon proof of lawful acquisition and ownership by a person delivering a handgun to a law enforcement agency under this section, within one hundred and eighty days of the effective date of this chapter, the owner of the handgun shall be entitled to receive from the United States a payment equal to the fair market value of the handgun or $25, whichever is more. The Secretary shall provide for the payment, directly or indirectly, through Federal, State, and local law enforcement agencies, of the amounts to which owners of handguns delivered under this section are entitled.

"(c) The amounts authorized in subsection (b) of this section shall be paid out of the fees collected under section 1092(a) of this chapter to the extent that such fees are sufficient for this purpose. The remainder of amounts authorized in subsection (b) of this section shall be paid out of general revenues.

"§ 1096. Rules and regulations

"(a) The Secretary may prescribe such rules and regulations as he deems necessary to carry out the provisions of this chapter.

"§ 1097. Effect on State law

"No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together.

"§ 1098. Separability

"If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

§ 1099. Assistance to the Secretary

"When requested by the Secretary, Federal departments and agencies shall assist the Secretary in the administration of this title.

"§ 1100. Appropriations

"There are authorized to be appropriated such sums as are necessary to carry out the purposes of this chapter.

"§ 1101. Definitions

"As used in this chapter—

"(1) The term 'person' and the term 'whoever' include any individual, corporation, company, association, firm partnership, club, society, or joint-stock company.

"(2) The term 'importer' means any person engaged in the business of importing or bringing handguns into the United States for purposes of sale or distribution; and the term 'licensed importer' means any such person licensed under the provisions of chapter 44 of this title.

"(3) The term 'manufacturer' means any person engaged in the manufacture or assembly of handguns for the purposes of sale or distribution; and the term 'licensed manufacturer' means any such person licensed under the provisions of chapter 44 of this title.

"(4) The term 'dealer' means (A) any person engaged in the business of selling handguns at wholesale or retail, (B) any person engaged in the business of repairing handguns or of making or fitting special barrels, or trigger mechanisms to handguns, or (C) any person who is a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of chapter 44 of this title.

"(5) The term 'fair market value' means the prevailing price on the open market for such weapons immediately prior to enactment or at the time of voluntary transfer under section 1095 of this chapter, whichever is higher, the method of establishing such prices to be prescribed by the Secretary in accordance with his authority under section 1096.

"(6) The term 'Secretary' or 'Secretary of the Treasury' means the Secretary of the Treasury or his delegate.

"(7) The term 'handgun' means any weapon—

"(A) designed or redesigned, or made or remade, and intended to be fired while held in one hand;

"(B) having a barrel less than ten inches in length; and

"(C) designed or redesigned, or made or remade, to use the energy of an explosive to expel a projectile or projectiles through a smooth or rifled bore.

"(8) The term 'handgun ammunition' means ammunition or cartridge cases, or bullets designed for use primarily in handguns.

"(9) The term 'pistol club' means a club organized for target shooting with handguns or to use handguns for sporting or other recreational purposes.

"(10) The term 'licensed pistol club' means a pistol club which is licensed under this chapter."

SEC. 3. The enforcement and administration of the amendment made by this Act shall be vested in the Secretary of the Treasury.

SEC. 4 Nothing in this Act or the amendment made thereby shall be construed as modifying or affecting any provision of—

(a) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1954);

(b) section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), as amended, relating to munitions control; or

(c) section 1715 of title 18, United States Code, relating to nonmailable firearms.

SEC. 5. The provisions of this Act shall take effect one hundred and eighty days following the date of enactment.

Mr. HART. Mr. President, it is unnecessary for me to speak at length on behalf of this amendment. Its purpose is well known to my colleagues and it has been the subject of considerable discussion since last year, both pro and con. In the Judiciary Committee deliberations on S. 2507, which were complex and protracted, I indicated that in order to expedite action on gun control legislation this year, I would offer my proposal on the floor. It was circulated again to each of my colleagues in the Senate several weeks ago with a summary of my position. At this point, I would also request insertion in the RECORD of my statement upon the bill's introduction last November, which explains the background of this measure in more detail.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LIMITATION OF HANDGUNS OWNERSHIP

Mr. HART. Mr. President, today, I am introducing a bill that would limit handgun ownership to law enforcement officers and security guards.

Other handguns, with a few exceptions, would be bought at fair value by the Government and destroyed. Fair value can be generally interpreted to mean the price that a handgun would bring in the open market on the day before the bill is enacted. The measure would not affect rifles and shotguns.

The bill reflects my conclusion—and the conclusion of the National Commission on the Causes and Prevention of Violence—the Eisenhower commission—of which I was a member, that the Nation has little chance of curbing violent crime until handguns are no longer readily available to all comers.

First of all, I should candidly acknowledge that this handgun program will require a very extensive education program to achieve enactment and successful implementation.

Many Americans will be reluctant to turn in their pistols until they have all the facts. And the facts present overwhelming evidence that the safety of a household is diminished—not increased—by the presence of a pistol in the house.

Handgun control is difficult to institute here simply because we are one of the few nations in the world with a great many handguns in circulation among people accustomed to having them.

One-hundred years ago, handgun control would have been relatively easy. Few people owned them, even—despite what the cowboy movies tell us—in the wild West.

Fifty-years ago, it would have been relatively easy to ban cigarets. Few, if any, people smoked them. But by 1970, too many in the Nation were hooked. And, in the same sense, we are hooked on handguns.

There are now about 25 million of them in the country and sales have quadrupled in the past decade.

They account for three-quarters of all firearms homicides and woundings although they comprise only one-quarter of all the guns in the Nation. Whenever a living creature is killed by a handgun, it is almost always a human being.

DO THEY OFFER SOUND PROTECTION?

Most citizens owning handguns imagine these weapons to be sound home protection devices. But no serious study of handgun employment—and there have been many—has concurred in this notion.

Only in a very, very tiny percentage of cases are they ever successfully used against burglars or home robbers—simply because burglars seldom enter an occupied house and bandits can easily get the drop on any householder who does not walk around the house with a gun in his hand.

If you open the door to a bandit's knock, then he will have you covered when he enters. If he sneaks in through an open door or window, the householder still has no chance to go for his weapon.

Conceivably, a householder might have time to arm himself if bandits take minutes to force their way in. But even in that unlikely circumstance, would not the householder be as well off with a shotgun in his hands as a pistol?

Studies in Detroit and Los Angeles show that only 2 percent of home robberies and 1 percent of home burglaries result in the intruder being shot by the householder—These studies are detailed in "Firearms and Violence in American Life," volume 7 of the staff reports to the National Commission on the Causes and Prevention of Violence, available for $1.25 at the U.S. Government Printing Office, Washington, D.C. 20402.

For this minimal protection against intruders, Americans are paying a high price in the killing and wounding—both accidental and deliberate—of family members, friends, and acquaintances.

Most American homicides do occur in the home and the handgun is the usual instrument because it is handy and is most often kept loaded.

Another study described in the Violence Commission staff report demonstrated that 71 percent of all killings in Chicago involved relatives, friends, and neighbors. Almost always, the attacks were generated by spontaneous rage and the attacker was not necessarily determined to kill.

It seems abundantly clear to me that although a handgun ban might result in more bloody noses and black eyes, there would also certainly be fewer funerals.

WHERE DO THE CRIMINALS GET THEIR GUNS?

My mail, perhaps not surprisingly, runs heavily against the proposed measure. Since I announced my intentions to submit a handgun control bill October 8, I have received 607 letters in opposition and only 99 in favor.

Many of them, I should state in fairness, are more pitying than outraged. A common theme among opponents, if I may paraphrase, goes like this:

"How can you be so feebleminded as not to realize that only honest citizens will turn in their guns, leaving themselves at the mercy of criminals who do not?"

Well, let us take a look at the common street criminal. He has been studied as much as handguns have been. And the obvious fact is that the street criminal is almost invariably young and impulsive. He is most likely to be in his teens or early twenties and robbery is not a career he has planned far in advance.

The second fact is that practically every handgun ever used in a criminal act was at one time owned by an honest citizen.

Inescapably, we learn that those millions of "honest" handguns provide the reservoir that keeps the criminal arsenals full. The reason handguns are so easily available to criminals is simply because handguns are everywhere.

Handguns in honest hands get into the streets through burglaries, thefts, pawns, loans and, sometimes, sales.

Contrary to popular belief, it is not the usual practice for a criminal to contemplate a crime and then go looking for a gun.

Far more often, offenders commit crimes only after they find themselves with the capacity to intimidate a victim. In other words, there is solid evidence that firearms generate violent crime.

The great pool of "honest" handguns is constantly leaking into the hands of those who have criminal tendencies, but lack the weapons to intimidate.

The last catch basin for these guns is the police, who are constantly confiscating and destroying criminal weapons but never fast enough to catch up with the new supply. Meanwhile, the new supply is inspiring new violence.

WHY JUST HANDGUNS?

Handguns represent the major threat to our society's safety.

The handgun is the favorite criminal weapon for the most obvious of reasons. It is light, cheap, readily concealable and can be easily whipped out of a coat pocket.

Long guns, on the other hand, meet none of these tests. True, they can represent a threat to safety but they have a great many wholesome purposes. And they are certainly not designed primarily for the killing and wounding of humans.

Since most long gun killings and woundings are accidental, probably the most effective way of making them more harmless would be State-sponsored safety training programs for young hunters similar to safety training programs we have for young drivers.

Because of their handy design, handguns account for three-quarters of all firearms homicides and woundings even though they comprise only one-quarter of all the guns in the Nation.

HOW LONG WOULD IT TAKE TO DRY UP HANDGUNS?

Even if the bill were to pass tmorrow, it would doubtless take many years to achieve the desired results.

Let us face it—success would depend heavily on citizen appreciation of the fact that handguns are an unacceptable element in our society.

The bill provides a moratorium period of 180 days for citizens to sell handguns to the Government. After that, any unauthorized person with a handgun in his possession would be subject to a jail term of 5 years and/or a maximum fine of $5,000.

But how quickly handguns can be collected will certainly depend heavily on whether citizens study all the facts and willingly reach the same conclusions that I have.

Having reviewed the studies of experts for a number of years I have concluded that this is the best course, although I know that many will be in disagreement.

WHAT ABOUT THE "RIGHT TO BEAR ARMS"?

My correspondence in opposition to gun control laws often cite the second amendment to the Constitution, which reads in full:

"A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

The right of the people to keep and bear arms has always been closely tied to the right of each State to maintain and arm a militia, now called the National Guard.

When the second amendment was drafted, the militia was made up of all our able-bodied men. When called for service, they were expected to provide their own weapons, something no longer required.

The Founding Fathers remembered that the British had stopped the colonial militias from arming themselves and wanted to make sure the Federal Government would not do the same thing.

The Supreme Court has held that firearms regulation is not unconstitutional unless it impairs the effectiveness of the militia.

In 1939, the Court found that the amendment was enacted with the:

"Obvious purpose to assure the continuation and render possible the effectiveness of the militia. It must be interpreted and applied with that end in mind."

Now that is a strict interpretation of the Constitution. A "loose" interpretation of the second amendment, on the other hand, would prevent Congress from regulating even weapons such as machine guns, bazookas, and grenades.

And if the "right to bear arms" were construed as an absolute individual right, then Congress would be unable to protect society by disarming insane persons and convicted mobsters.

So we might argue about how much "infringement" there should be, but I do not believe it is valid to claim that any infringement is unconstitutional.

WOULD AN EFFECTIVE HANDGUN BAN STOP KILLINGS?

My correspondents commonly make the point that guns are harmless in themselves, that they are only harmless pieces of machinery until picked up by a hostile hand.

Very often, I see the phrase: "Guns do not kill people, people kill people."

This is occasionally followed by the statement, "If a man wants to kill someone, he will find a way to do it whether he has a gun or not. So why bother to take away guns?"

It is true that people kill people but, I would have to add that handguns make the job a great deal easier—and possibly more tempting. And does not Government have some responsibility to make it as difficult as possible for people to kill each other?

Indeed, the fact remains that a handgun makes it easy to approach a victim without immediately alarming him and they allow deadly attacks to be made by persons who are unable physically or psychologically to overpower their victims through violent physical contact.

It is certainly not surprising that handguns are presently the favorite weapons for attacks on police.

The policeman himself is capable of defending against many forms of attack. He is trained and equipped to ward off attacks with blunt instruments, knives or fists. And if surprised at close range, his firearm is usually enough to overcome an attacker.

Therefore, clearly it is the handgun's capacity to deal instant death from a distance that threatens police lives. And a handgun provides the attacker with the additional element of surprise.

HANDGUNS: USEFUL POLITICAL WEAPONS?

Since I announced my intention to introduce a strong handgun bill, I have had occasion to speak to many who oppose the notion.

In these conversations, I have been surprised at one recurring theme: That widespread ownership of handguns is somehow necessary to forestall a national takeover by Communists or some other sinister political force.

Here are a few typical remarks, extracted from conversations and letters:

"The first thing Hitler did when he came into power was pick up all the guns . . .

"How about all those extremist groups? They're not going to turn in their hand-handguns . . .

"But isn't a disarmed nation ready prey for those who believe in political violence?"

Well, I do not know if Hitler picked up private weapons or not but even if he did, I am sure it did not make one whit of difference in Germany's political course. That regime, as I recall had strong popular support in the thirties and no minority, however well supplied with handguns, would have had much of a chance to overthrow it.

Furthermore, there is no evidence in modern history that an abundant handgun supply has contributed to the stability or instability of government.

Handguns, true, are a favorite weapon of terrorists but they are very little use against terrorists. If handgun possession is outlawed, then it seems to me that the authorities have one more legal weapon against political extremists.

Frankly, at this moment in history I see no internal conspiracies against America of great threat. But even if there were, free availability and possession of handguns would be more to the benefit of violent rebels than of peaceful loyalists.

WHO WOULD GET EXEMPTIONS?

Handguns would be allowed to police and licensed security guards. Target shooting clubs would be allowed to own handguns if they were stored in a secure place or at a police station.

Antique guns—those manufactured before 1890—would be exempted along with some more modern weapons judged to be collectors' items.

CONCLUSION

It is for these many reasons that I have decided to press for a ban on handguns. I would guess that it will not be a totally popular undertaking.

Historian Richard Harris once cogently noted that success in politics depends not so much on making friends as on avoiding enemies.

There is, I think, a great reservoir of potential support for stricter gun legislation, but there is also an awaiting cauldron of angry and emotional opposition. The temper of the mail makes that clear.

But nothing in these letters, telegrams and phone calls convinces me, based on the evidence, that the handgun is a wholesome element in our society. It is of hardly any use in home defense.

And all the studies, all the facts, indicate clearly that it is a device that is of primary use to the criminal class. And why should we go on helping them out?

Mr. HART. There are two premises upon which this amendment is based:

First. We must eventually dry up the vast reservoir of handguns easily accessible to criminals through thefts, burglary, and cheap secondhand commercial traffic.

Second. Even to the extent that criminals would still have weapons, the hard facts indicate, contrary to common belief, that the rest of us are safer if we do not have handguns. The bulk of homicides committed each year—not to mention serious woundings or fatal accidents—do not involve criminals attacking strangers, but rather involve altercations between acquaintances.

We have all seen a headline about the homeowner or shopkeeper who shoots a robber. But, in fact, handguns are rarely used successfully by law-abiding citizens. They are far more likely to be used in a quarrel among friends or relatives—with tragic results.

On July 25, the Washington Post editorially summed up this overriding concern in this way:

> Any deterrent effect [of crime] that private weapons have is more than offset, in our view, by the danger that careless accidental or passionate use of private weapons poses to the lives and health of innocent citizens.

And that summary omits the toll taken when risky resort to a handgun to thwart a robbery results in the tragic death of the innocent victim which might not otherwise have occurred.

I am aware of the intensity of the opposition to further handgun control. I know that some pistol owners may now believe that those who take my view are part of a secret conspiracy against their freedom. Nonetheless, we in Congress, the President, and State and local officials can and must emphasize to the American people that this measure would enhance their own safety and that of their loved ones—and that we would have no other motive to pass it.

There are encouraging signs that the need for leadership will be met. The support for full handgun control is growing at a surprising pace. Public officials and private voices have recognized that such legislation is overdue.

Last month, the United States Conference of Mayors resolved to:

> Take a position of leadership and urge national legislation against the manufacture, importation, sale and private possession of handguns, except for use by law enforcement personnel, military and sportsmen clubs.

A majority of the National Commission on Reform of Federal Criminal Laws recommended that handguns be limited by act of Congress to the military, law enforcement and related personnel.

The Chicago City Council has unanimously endorsed the bill now before us in the form of this amendment by name. and called for its enactment. Last month, in strong testimony to the House Commitee on the Judiciary, Mayor Richard Daley of Chicago said:

> The evidence is overwhelming that guns are dangerous to possess even by law-abiding people.

A widely respected law enforcement officer, Sheriff Peter J. Pitchess of Los Angeles, who served for 8 years as an FBI firearms instructor and is an honorary life member of the NRA, has come to the conclusion reflected in this amendment. He testified before the House Judiciary Committee that, despite initial skepticism, and only after much soul-searching and studying all the available data, he has "reached an inescapable conclusion: All handguns must be banned except for law enforcement and military." That is what the amendment would do. In his testimony, Sheriff Pitchess also questioned the argument that criminals would be deterred by their uncertainty about whether a particular home had a handgun in it or not. From his own experience, he argued that the possibility of finding a firearm in a house makes it a much more attractive target for burglars because a handgun is easily resold.

Mr. President I ask unanimous consent to have printed at the conclusion of my remarks resolutions of the United States Conference of Mayors and the Chicago City Council; an excerpt from the recommendations of the Commission to Reform the Federal Criminal Laws; and the prepared testimony of Sheriff Pitchess. I also include in that request editorials from the Cleveland Plain Dealer and WBZ–TV in Boston, supporting my bill and from the Washington Post endorsing the general approach of banning private handguns; also supporting letters from the United Methodist Church and the American Civil Liberties Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. Next to the claim that the bill will leave guns in the hands of criminals and disarm honest citizens, perhaps the most frequent attacks made on my proposal are based on the second amendment. It is said that my amendment would infringe the constitutional right "to keep and bear Arms" in violation of this amendment.

I doubt very much whether this debate will change many persons' view of what that amendment means. And since the Supreme Court has not yet ruled on a bill as broad as this amendment, it cannot be claimed that no uncertainty exists. But I have had a memorandum prepared by able staff summarizing the available legal and historical materials which we have reviewed, and I am convinced that the amendment I offer would be found by the courts to be constitutional.

Let me summarize it briefly:

First. Even the common law right to possess firearms was never deemed an absolute privilege. It was subject to laws regulating that right;

Second. Based on the historical antecedents of the second amendment and the debate by its framers, the courts have held that the right "of the people to keep and bear arms" is a collective right of the citizenry to preserve a militia, not an individual right of self defense vis-a-vis one's neighbor.

Third. Whether viewed as a collective or an individual right, the amendment has been interpreted by the courts to stand for the following proposition—and this, I believe, is the determining principle for testing this amendment—firearms legislation does not contravene the amendment unless it obstructs or interferes with the preservation of an effective militia, which today is our National Guard.

My proposal meets this test. As the legal memorandum notes, National Guardsmen draw prescribed weapons from State arsenals, including their sidearms. Even if we assume that target practice with civilian handguns facilitates Guard training, such practice by duly organized clubs would be permitted under the amendment. One must strain to suggest that a pistol stored in a dresser drawer is essential to the preservation of a well regulated militia—that its prohibition would significantly impair or obstruct the Guard.

Because of their well know scrupulous concern for the constitutional rights of every American, regardless of the issue involved, I am pleased that the American Civil Liberties Union letter endorsing my bill indicates a similar reading of its constitutionality under the second amendment. I ask unanimous consent that the staff legal memorandum prepared in my office which I have just summarized also be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HART. How would this bill work? Briefly, it would make possession of handguns and handgun ammunition illegal, except for exempt categories, 6 months after the effective date of the legislation. Since the law would become effective 6 months from its enactment, there will be a full year within which people could realize the purpose of this measure, its requirements, its restrictions, and and its true effect upon their safety. Persons delivering a handgun to a law enforcement agency within the period, would be entitled to receive the fair market value at the time of enactment or of the transfer—or a minimum of $25. Thereafter handguns could still be surrendered voluntarily without penalty, but also without conmpensation.

Traffic in handguns—as opposed to mere possession—would cease immediately upon the effective date of the legislation. Thereafter, any import, manufacture, transfers, or sales of handguns not permitted by the Secretary of the Treasury for one of the exempt purposes would be illegal.

As the congressional findings stated in section 1 indicate, my amendment is based on the aggregate effect which privately owned handguns have on commerce, on interstate travel, and on the internal security and domestic tranquility of the Nation. It is the intent of this legislation to reach any handgun not possessed under any of the permitted exemptions, whether or not the prosecution can demonstrate that the particular weapon has been in interstate commerce.

The bill is designed to exercise the full powers of Congress under the commerce clause and other provisions of the Constitution which authorize it to deal systematically and comprehensively with this national problem. This is the same position as that taken in the committee bill with respect to sales of "Saturday night specials," according to the committee report at page 22.

The proposal raises important issues which I realize are unlikely to be resolved to everyone's satisfaction. But contrary to suggestions which may be made in opposition to its adoption, I believe that the hearings in the Judiciary Committee in this and earlier Congresses, along with the substantial study by national commissions which witnesses have called to the committee's attention, provide an adequate basis for the full Senate to act upon the proposal.

In the hearings on the pending Saturday night special bill, several witnesses who supported it explained why they thought Congress should go further and move against the entire handgun problem. They explained why local laws could never be fully effective because of the leakage from less stringent jurisdictions. They cited repeatedly the evidence compiled by the Violence Commission that provide possession of handguns diminishes, rather than increases, one's safety and that the tremendous number of handguns presently in circulation must be reduced drastically if criminal and other violence in America is to be controlled.

In this hearing, and in earlier ones, members of the committee and various witnesses have explored the arguments advanced against banning private possession of handguns and the so-called confiscation issue.

It is true, Mr. President, that the members of the Violence Commission were unable to agree upon the proposal I offer today. The Commission's official recommendation stopped short of that. But the compilation of data, the research and the analysis done by the very able Commission staff experts, has been available to Congress and to others studying this problem for several years. It was the basis for the majority recommendation of the Commission on Reform of Federal Criminal Laws. The statistics and analyses available since then have not rebutted any of the major conclusions of the staff report to the Violence Commission which report has led me to offer this proposal.

Mr. President, I suppose it will be very easy for opponents of this bill, and headline writers, to make "confiscation" an emotional codeword that diverts us from urgent threat to our citizens' safety. Let us remember that the important "confiscation" that goes on right now is the 15,000 lives "confiscated" by homicides each year in America—half of them by handguns.

That is the confiscation which should concern all of us and which concerns me in offering this amendment. The time has come to take the steps we know are necessary to make a real dent in those figures. In the editorial to which I referred earlier, the Washington Post put the issue before us:

> What it all boils down to is a recognition that the United States is no longer a frontier society and that pistols as playtoys are not tolerable in crowded urban communities. Getting handguns out of circulation will not be accomplished quickly or easily. But it is high time to begin.

Mr. President, that is what this amendment would set us on the road to doing. It would set us on the road to reducing and beginning the removal of the vast reservoir of handguns, the source of most of the criminal armament of this country, and the source of much anguish through accident and mistaken killings and woundings.

People have asked me when I think it likely that Congress will say that handguns are "no-no's" for everybody but the businessman, the security guard, and—if the Secretary licenses it—for sporting clubs to maintain premises on which the guns can be safeguarded. The answer is that I do not know how long it will be. But it will be much sooner if men and women in this country can be persuaded to look at the statistics and recognize that the law-abiding citizen is safer if he does not have a pistol in the bureau drawer. His children are safer; his neighbors are safer.

The statistics are overwhelming. Once those figures penetrate the understanding of the people of this country, we will have arrived at the time when we will legislate to prohibit the handgun in private hands. Of course, that day will come sooner in almost direct relationship to the willingness of those of us who have these figures and interpret them as I do to stand up and say so.

Of course, the criminal will have a weapon. It will be a long time before these 30 million pistols are turned in and destroyed. So long as that reservoir is there, that is where the criminal will get his weapon. But the fact that the criminal will always be armed is a "so what" argument. So what? I am infinitely safer if I do not have one—if, as one would put it, it is taken away from me. I am safer and my neighbor is safer and the community is safer. That is the point to which we should address ourselves.

I hope very much that the amendment will be agreed to.

EXHIBIT 1

RESOLUTION ON GUN CONTROL ADOPTED BY THE U.S. CONFERENCE OF MAYORS, JUNE 21, 1972

Whereas, over 8,000 Americans were felled by handguns in 1970 and nationally 80% of all homicide victims knew their killers as a relative or friend; and

Whereas, 95% of policemen killed in the line of duty between 1961 and 1970 were felled by handguns; and

Whereas, gun dealers today sell to the mentally ill, criminals, dope addicts, convicted felons, juveniles, as well as good citizens who killed each other; and

Whereas, those who possess handguns cannot be divided into criminals and qualified gun owners; and

Whereas, handguns or not generally used for sporting or recreational purposes, and such purposes do not require keeping handguns in private homes; and

Wheras, the United States Supreme Court ruled in 1939 that firearms regulation is not unconstitutional unless it impairs the effectiveness of the State militia.

Now therefore, be it resolved that the United States Conference of Mayors takes a position of leadership and urges national legislation against the manufacture, importation, sale and private possession of handguns, except for use by law enforcement personnel, military and sportsmen clubs.

Be it further resolved that the United States Conference of Mayors urges its members to extend every effort to educate the American public to the dangerous and appalling realities resulting from the private possession of handguns, and that we urge the Congress to adopt a national handgun registration law.

Be it further resolved that (i) effective legislation be introduced and approved by the States not having adequate legislation to that effect; (ii) the proposed legislation shall provide for the registration of all firearms; (iii) State legislation shall require all citizens interested in carrying a weapon to obtain a license after showing of just cause and good conduct; (iv) federal legislation shall provide, in addition to existing restrictions, that any person not having a state license to carry a firearm shall commit an offense for transporting such in interstate commerce.

Resolution Memorializing Congress To Outlaw Handguns by Enacting S. 2815

Whereas: Chicago's patience is exhausted by the endless sickening and lethal shots from hand guns in its streets and buildings. The only use of hand guns is to kill and maim people. So long as hand guns can be privately owned, no one is safe. Outlawry of hand guns by a single city cannot solve the problem; hand guns should be outlawed nationally, as other nations have outlawed them.

The destruction in Chicago from hand guns is beyond belief. In the last few days, for example, a Chicago police commander was shot and hurt by a hand gun when he commanded a robber to surrender in the loop; two boys, 17 and 18, were shot and killed by a hand gun in an alley on the west side; and a father of three young children was killed by a hand gun which discharged accidentally as he fell down the stairs of his home on the south side.

Chicago knows the problem. Chicago knows that hand guns must be outlawed. Chicago knows that the hand gun lobby must be overcome in the interest of protecting life and safety.

AMENDED IN COMMITTEE ON FEDERAL AND STATE LEGISLATION

Be it resolved by the city council of the city of Chicago: The City of Chicago urgently memorializes the Congress of the United States to meet a national emergency by enacting S. 2815, which prohibits the ownership and manufacture of hand guns by all persons (except the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, licensed manufacturers, dealers, antique collectors, and pistol clubs.)

Be it further resolved by the city council of the city of Chicago: The City of Chicago urgently memorializes the Congress of the United States to draft legislation or amend S. 2815 to establish strict requirements for the use and ownership of long guns, as well as hand guns.

Final Report of the National Commission on Reform of Federal Criminal Laws

(Proposed New Federal Criminal Code)

FIREARMS AND EXPLOSIVES

Introductory note

Two of the sections in this group, §§ 1812 and 1813, are intended to cover the felonious aspects of conduct prohibited under federal regulation of firearms and explosives. The regulatory legislation is not set forth in the Code. In this connection a majority of Commissioners recommended that Congress:

(1) Ban the production and possession of, and trafficking in, handguns, with exceptions only for military, police and similar official activities; and

(2) Require registration of all firearms.

A substantial body of opinion in the Commission: Opposes any Federal involvement in firearms control beyond that embodied in existing legislation.

A Case for Control of Handguns

(A statement by Peter J. Pitchess, sheriff, Los Angeles County, to the House Committee on the Judiciary, Congress of the United States of the United States, on June 28, 1972)

Let me begin by telling you my position regarding the handgun. It is made for killing people, and I challenge anyone to disprove that statement.

For many years, my colleagues and I have steadfastly resisted any attempt to regulate or outlaw the possession of firearms. But, times are changing.

Stricter gun laws obviously will not eliminate violence, any more than existing punitive laws have wiped out criminality. In my opinion, the legislation you are considering relative to gun registration and control is simply inadequate. The enormous expense and lack of enforceability make it somewhat impractical. But restricting the sale or possession of handguns will have a dramatically dissuasive influence.

The problems besetting us on all sides are great. Our society is experiencing catastrophic upheaval. Our attitudes must change to conform to the demands of contemporary culture. I have done much soul-searching on the issue of gun control. After having carefully studied all available data, it became increasingly apparent that there is only one course left for men of good will—no longer can we afford the luxury of endorsing what has lately become a dangerous and untimely position—the fallacy that the safety of our populace is dependent upon an inalienable and largely indiscriminate right to bear arms.

We have reached an inescapable conclusion: All handguns must be banned except for law enforcement and the military. I ask you and the American people to review some of the factors that have precipitated my decision.

First, in the United States in 1971, 10,000 murders were committed with firearms, and guns accounted for 21,000 deaths. Tragically—incredibly—someone in America is killed or injured by gunfire every two minutes. Second, as a law enforcement officer, I have become increasingly alarmed over the astounding number of policemen who are killed or wounded in the performance of their duty. From 1961 to 1970, 604 fellow peace officers were killed by firearms; 466 of these were by handguns! During that same period, only 29 officers were killed by other weapons.

We live in an age when statistics such as these have lost much of their impact. Understandably, a concerned public becomes shocked, then apathetic and, finally, anesthetized. During the past few years, the collective conscience of our people has been numbed by the assassinations of John F. Kennedy, Martin Luther King, and Robert F. Kennedy. The attempted assassination of Governor Wallace has again refocused our attention on the issue of violence. As shocking and deplorable as these incidents are, they are but a few of the traumatic dramatizations occurring hourly within our cities.

Gun control laws can retard the increase in criminal activity. In New York City, for example, where strict control of handguns exists, the murder rate of 10.5 per 100,000 inhabitants is well below that of most other cities with weak gun control, such as Dallas (18.4), Houston (16.9), and Atlanta (20.4). And this has been accomplished in spite of the fact that guns enter New York from other areas with lax gun control laws.

What our country must recommend is legislation controlling handguns on a nation-wide basis and accompanying enabling legislation to make the enforcement of those controls possible. Existing search and seizure laws need to be modified to allow greater latitude to the police in the search for weapons. There are more than 20,000 state and local firearms laws, many of which are conflicting, obsolete and unenforceable. The necessary coordination, leadership and solution must come at the federal level. Law enforcement needs the right to seize illegally possessed handguns, use them in evidence in criminal cases, then destroy them, eventually eliminating handguns except for police and the military.

Hopefully, few of you have had the experience of finding yourself at the end of a gun, but for all too many of our citizens, this is not the case. Last year alone, 80,000 Americans were injured in assaults by gun-wielding assailants, and 220,000 others were robbed at gunpoint.

In all, guns were used in 65% of all homicides, 63% of all robberies and 24% of all aggravated assaults. If we are ever to reverse, or even lessen, this almost casual use of violent force, we must be willing to re-examine our position, and commit ourselves to seeking a solution. Objective reasoning permits no other beginning than the elimination of the handgun.

Many good Americans will argue that we should take the guns from the criminal, but not prohibit their possession by the law-abiding citizen. Perhaps there may be some validity to this argument if the destruction caused were *exclusively* due to criminal activity; but it only takes a cursory glance at the facts to recognize the fallacy inherent to this position. In Washington, D.C., 81% of all homicide cases involve a suspect and a victim who were either friends, relatives, acquaintances, or husband and wife—86% of the murders stemmed directly from an argument, a fight, an altercation of a lover's quarrel. The bloodshed, then, is not due to just the premeditated killer who methodically calculates a murder, but is the result in all too many instances of frustration and passion which are grasping for an available means of release.

It is needless to remind ourselves of the tragic spectrum of accidental killings caused by the availability of a firearm.

It may be argued that a person intent on murder will find a way to do so, if not with a handgun, then with some other weapon. This has not been the case, and it becomes most evident upon serious reflection. Consider the countless psychiatric patients who have stated at one time or another they were glad they did not have a gun available to use on themselves or others. It is not difficult to envision an angry spouse in a moment of irrationality, rather than hurling an invective, resorting to the use of a gun.

This is not conjecture . . . it is not fantasy . . . it happens with almost predictable regularity.

Organizations of sportsmen and hobbyists maintain that handgun controls would interfere with the activities in which they engage. Certainly handguns can be used for these pursuits, but let me paraphrase what I stated earlier . . . it is difficult to deny that their primary purpose and the job they were designed for is killing people. We are not suggesting the outlawing of all firearms, but rather the elimination through legislation of the deadliest of all—the handgun.

I am aware there are gun collectors throughout the country who possess handguns that are both rare and valuable, and I would not presume that these collections should in any way be diminished. What I do advocate is that these handguns be rendered inoperable as instruments of death and destruction. I might add that I too am a gun collector.

While the United States Constitution guarantees citizens the right to possess arms, few thinking persons would argue that this right should be extended to include machine guns, flame throwers, or similar weapons. Such an argument would surely not be in keeping with the spirit of the Second Amendment. Neither should this right be construed to extend to handguns, for the same reason.

The primary justification for the Second Amendment's inclusion in the Constitution centered around self-defense, national defense, and food acquisition. In today's complex, urbanized American society, these reasons are, at the least, extraneous when applied to handguns:

We have the Armed Forces to protect our shores and borders, and the police to perform a like function with regard to domestic threats to our security.

For those who find it necessary to keep firearms in the home for further protection of their persons and property, or for use in hunting or similar pursuits, rifles and shotguns will not only suffice but are preferable to the handgun for almost every conceivable purpose:

For every robber stopped by a homeowner with a handgun, four homeowners or members of their family are killed in handgun accidents. The fact is, the only viable advantages pistols offer over long-guns are their portability and ease of concealment. The former renders them useful to peace officers, while the latter makes them ideal for criminals as "means" to their "end."

Moreover, from a constitutional point of view, the federal courts have consistently interpreted the Second Amendment as referring to a collective right rather than an individual privilege.

All of the arguments directed against legislation for control of handguns pale into insignificance when juxtaposed with the mortality and grief which result, in the absence of such control.

On an average day in the United States, there are as many as 57 deaths resulting from the use of firearms and yet the tragedy and grief continue to mount.

The support for gun control laws is strong, and growing stronger daily. Public officials and concerned citizens in many fields are recognizing that the time for legislation is now.

When I first proposed the banning of handguns in May at a press conference held during the annual conference of the California Peace Officers' Association, I was aware of the consequences, and that it would generate a significant amount of opposition. What I was not prepared for was the overwhelming support from the citizens who learned of my position through the news media.

In 1972, the United States Mayors Conference recommended that handgun ownership be banned for all but law enforcement officials, military and sportsmen clubs. I oppose including the latter.

The National Commission on the Causes and Prevention of Violence has recommended that there be a licensing system for all handguns, with possession restricted to those who can indicate they have a special need for such guns. In supporting this recommendation, the Commission reported that there are 90 million firearms in the United States, Half of the nation's 60 million households reportedly possess at least one gun, and the number of guns owned by private citizens is still rising rapidly. They further reported that more personal injury and death resulting from crime occurs in the United States than in any comparable nation in the world . . . and the primary tool of this injury and death is the firearm.

Statistics have shown that those States with some sort of gun control laws have proportionally fewer deaths as a result of firearms, than do those States without such controls. And the relationship between America's "pacesetting" among all other nations in the number of murders perpetrated—and the fact that we are one of the few countries on earth without gun control laws—can no longer be ignored.

Nearly all the civilized nations of the world require firearms licensing or registration, or both; and many of them prohibit the private possession of any handguns whatsoever. Nowhere in the world is the private ownership of handguns, on a per capita basis, as high as in the United States. The United States has 135 handguns per 1,000 people, while Canada has only 30 per 1,000. Israel, referred to by many as an "armed camp," has only 10 handguns per 1,000 people. Finland, the Netherlands, Greece, Great Britain and Switzerland have fewer than five handguns per 1,000 residents. It is not at all difficult to see the correlation between these figures and homicide. For example, the rate of homicide in the United States is far greater than that of any other industrial nation in the world. It is almost three times as high as Japan and eight times as high as Great Britain.

In the United States there are 5.7 gun murders per 100,000 persons each year, but in Japan where it is illegal to own, manufacture or carry a handgun the ratio is only 1.9 per 100,000 persons. In Great Britain where handgun laws are almost as restrictive as Japan, the gun murder ratio is only 1.25 per 100,000 persons, resulting in 29 handgun homicides in 1970 among a populace of 50 million persons, while Los Angeles County, with a population just over 7 million, had 308 handgun homicides. And while we are on the subject of Great Britain, we might take a look at her record of assassinations . . . Prime Minister Perceval was mortally wounded at the hand of a disgruntled, pistol-wielding taxpayer in the Waiting Room of the House of Commons. The year of this murder was 1812—160 years ago—and that was England's first and last political assassination.

Statistically, historically, philosophically—guns, especially handguns, have been and will always continue to be a most proficient means of killing people, whether wantonly or accidentally. As long as the populace continues to own handguns, the danger and opportunity to use them for violent ends will remain. Remember, the primary purpose of the handgun is killing people.

Thank you.

[From the Cleveland Plain Dealer, June 27, 1971]

Tough Handgun Law Needed

It is good to note in the House Judiciary Committee a strong tide of feeling favorable to proposals for federal law to control handguns.

It would be better, however, if the feeling were for law to outlaw those weapons which account for more than half the homicides in the United States.

Judiciary Committee hearings today, tomorrow and Thursday should focus more attention on the nation's handgun problem. Hopefully, some good will come of that—but it remains that the bills the House committee will be discussing provide only a start toward dealing with the problem.

One bill would prohibit the manufacture and sale of handguns, except for law enforcement, military or pistol club use. It would not apply to unserviceable weapons or to curios or collectors' items. Private ownership of existing weapons would not be prohibited, but citizens would be compensated for weapons they voluntarily surrender to the government.

Another bill would at first require nationwide registration of all firearms and permits for purchase of any gun. A year later it would make manufacture and sale of handguns unlawful, except for law enforcement sports club or collectors' use. Sale or delivery of "Saturday night specials," those cheap handguns not suited to sporting use, would be banned within 60 days.

The two proposals are good so far as they go. But they do not go far enough.

They do not provide for firm control over an estimated 24 million handguns already scattered about the country. Those are the weapons that cause accidental or intentional deaths in homes, that are a source of arms for thieves and others who commit crimes. They are, in short, the weapons most in need of control.

A bill introduced in the Senate by Philip A. Hart, D-Mich., hits that target. It would deny handguns to all but law enforcement officials, security guards, gun collectors and members of shooting clubs. It would require sale to the federal government of all other privately owned handguns within six months.

The proposals now before the House Judiciary Committee are not unwelcome. They call fresh attention to the handgun menace. But whatever they promise or accomplish should be recognized only as a start toward real control of handguns.

[From the Congressional Record, June 22, 1972]

Gun Control

Mr. O'Neill. Mr. Speaker, gun control remains a topic of heated controversy as interest in more meaningful and stringent gun control is expressed by many Americans. Dialog concerning the issue of gun control has been, for the most part, highly emotional and filled with rhetoric. However, WBZ–TV–4 in Boston has maintained a constant dialog of varying opinion on the issue of Federal gun control legislation. While WBZ is in favor of stricter measures, it is not for this reason alone that I call attention to a serious of editorials aired by WBZ. More importantly, these editorials represent a balanced and responsible approach to the problem. For this reason I am submitting for the record several of this series of editorials aired by Station WBZ in Boston. I would also like to call attention to the work of Congressman Abner Mikva and his efforts to secure passage of a more effective handgun control statute which is mentioned in the No. 12 editorial.

DISARMAMENT BEGINS AT HOME—No. 2

A senseless shooting incident in Dorchester earlier this month got us started on a new drive to disarm America—at least of its handguns. A lot of our thinking on the subject has been shaped by a staff report done for the Eisenhower Commission on the Causes and Prevention of Violence in the late 1960s. And today's editorial is lifted directly from the recommendations section of that firearms report.

As of 1968 there were some 24 million handguns in the United States. That's an average of 40 handguns for every 100 homes. And the rate is increasing all the time. Civil disorders, racial tensions, and the fear of crime have been turning America into an armed camp. But ironically the handgun in the house generally creates more danger than safety.

Though handguns make up only about a fourth of all the firearms in civilian hands, they're the principle weapon of gun misuse. The handgun accounts for three fourths of all criminal gun violence. And the rates of gun violence vary directly with the rates of handgun ownership. When the number of handguns increases, gun violence increases. Where there are fewer guns, there is less gun violence.

One paragraph from the report sums up our feeling on the subject exactly:

"We have concluded that the only sure way to reduce gun violence is to reduce sharply the number of handguns in civilian hands in this country. We recognize this will be a massive and expensive task. But this is a price we should be prepared to pay."

DISARMAMENT BEGINS AT HOME, No. 5

Two years ago the staff of a Presidential Commission took a long hard look at the problem of firearms and violence in American life. It concluded that the only sure way to reduce the growing wave of gun violence is to reduce sharply the number of handguns is circulation.

That conclusion has special significance in the Boston area now in the wake of last week's senseless murder of a campaign aide of Mayor Kevin White. And the overall commission report has been made the base of legislation filed earlier this month by Sen. Philip Hart of Michigan.

Sen. Hart's bill would ban just about all private ownership of handguns. The only exceptions would be for police, the military, antique gun collectors and target shooting clubs. Even the target shooters would have to keep their pistols and revolvers stored at their clubs or police stations. Under the proposal there would be a six-month period for gun owners to sell their weapons to the government for a fair price. After that period any unauthorized person with a handgun in his possession would be subject to either a jail term, a stiff fine or both. Let's emphasize the fact this ban wouldn't apply to rifles or shotguns. The target is the handgun, the principal weapon of gun misuse. As Sen. Hart noted, possessing a handgun in the house doesn't increase your security, it diminishes it. And he pointed to what he called the incredible overkill in the bedrooms and living rooms of our country.

It takes real guts for a Senator to take this kind of stand with the strength of the gun lobby around the country. So we take our hat off to Sen. Hart. And we urge the usually silent majority which favors gun control legislation to sound off for action to other members of Congress.

DISARMAMENT BEGINS AT HOME—No. 8

We continue under heavy bombardment for advocating federal legislation to sharply reduce the number of handguns in circulation in America. A lot of the opposition fire centers on the argument that disarming the ordinary citizen will leave guns only in the hands of criminals. And obviously there is some logic to that concern. But it overlooks some important facts. And one of them is the nature of most murders.

The greatest number of killings occur within the family and among friends in moments of rage. Because the gun is there, it's used. And it's far more accurate and deadly than other weapons.

A staff report for the National Commission on Violence had the figures on this for a recent year in Chicago—where you'd expect the hoodlum and holdup-type murder would be about as high as anywhere in the country. But even there 82 per cent of the murders stemmed from altercations over matters such as love, money and other domestic problems. Only 12 per cent stemmed from robberies. Another three per cent were from teen gang disputes.

Across the country the Commission found that from 1963 to 1968, the number of murders involving firearms rose almost 50 per cent. The number of killings with other weapons rose only 10 per cent.

We've never pretended the gun itself is the only factor in the murder rate. The basic problem of violence runs deep into our national heritage. But the killing has soared in recent years as more and more normally law abiding Americans have armed themselves. Too many disputes that a few years back would have ended up with a bloody nose now wind up at the cemetery. The handgun is a major factor in that, and it's time we at last tried to bring it under control.

DISARMAMENT BEGINS AT HOME—No. 9

Owning a gun for self defense and home protection is deeply rooted in American tradition. And in recent years more and more people have been buying handguns for that purpose. So, in some quarters, our campaign for a general ban on this type of weapon has gone over like a lead balloon.

But this self-defense issue is another area where it's worth noting the evidence from that staff report for the National Violence Commission two years ago. The report cites ample evidence that the gun generally isn't an effective means of protecting the home against either the burglar or the robber. The robber usually strikes too suddenly for the home gun to be effective unless it's out where it will be a general menace, especially to children. The Commission report noted that in 1967 more lives were lost in home firearms accidents in the city of Detroit than had been lost to criminals in home robberies and burglaries in the previous four and a half years.

Quinn Tamm, the executive director of the International Police Chiefs Association, put it another way in recent testimony before a Senate committee in Washington. He noted that most people don't know how to handle a weapon. So for defense purposes he felt the average person would be better off if he equipped himself with a brick rather than a sidearm.

But unfortunately the home defense boom has not been in bricks but in guns. Over 10 million handguns have been sold in the past decade. There are now over 25 million of them in circulation in America. They account for three-fourths of all gun violence—much of it by the very people who originally bought the gun for protection. Again we say disarmament of handguns should be a top priority item right here at home.

[From the Washington Post, Jan. 9, 1971]

HANDGUNS AND HOUSEHOLDERS

Like so many other committees and commissions which have looked at the crime problem in America objectively and realistically, the National Committee on Reform of Federal Criminal Laws has recommended, in its report to Congress published Thursday, that all firearms be registered and that private ownership of handguns be outlawed. This is not a sentimental or idealistic recommendation and it entails no limitation of essential liberty. It is designed simply to protect liberty, and indeed life, by restricting possession of the weapon most frequently used for crime and for killing.

One can say with confidence right now, at the very beginning of 1971, that before the next New Year's Eve rolls around at least 9,000 persons will be murdered by gunfire in the United States; at least 12,000 will use a bullet to put an end to their own lives; and at least 100,000 robberies will be committed with the aid of a gun. These are the stark facts that prompted the commission's recommendation that handguns be made contraband and restricted to police officers and the military.

It is true, of course, as the gun lobbyists are so quick to assert, that the mere passage of a law forbidding private possession of pistols would not in itself induce every criminal to surrender his crime tools. The law, like every other law, would be more faithfully observed by the law-abiding than by the lawless. Such a law would, however, begin the process of curbing the spread of pistols would not in itself induce every discovery; second, by making mere possession punishable; third by diminishing the easy availability of pistols in bureau drawers and bedside tables where children, drunks, angry spouses and other irresponsibles can get at them; fourth, by forbidding the sale of such weapons by gun merchants.

Would this diminish killing in the United States? We think it undoubtedly would. It would make it more difficult—and increasingly so as time went on—for criminals to obtain handguns; and it would make pistols less accessible for the kind of killing so carelessly called "accidental." One ought always to remember that most gun fatalities in the United States occur within families or in a relationship where the killer and his victim are known to each other, and where, presumably, the killer is sorry after he has done his killing.

Would the recommended outlawing of handguns entail a major deprivation or injustice to law-abiding Americans? We think not. It would, admittedly, entail an inconvenience for persons who like to shoot pistols at targets. Their sport is an entirely legitimate one and could be carried out by keeping their pistols safely locked up at an NRA gun club or some licensed shooting range. Responsible citizens ought to be willing to undergo that much inconvenience for the sake of the general welfare.

But what about the people who think themselves as armed protectors of their homes. These would be, perhaps, the principal beneficiaries of the proposed law. They might well be saved by it from gunning down a member of the family or a neighbor mistaken for a prowler in the dark; and their own lives might be saved from the fatal consequence of a gun duel with some vicious gunman.

What it all boils down to is a recognition that the United States is no longer a frontier society and that pistols as playtoys are not tolerable in crowded urban communities. Getting handguns out of circulation will certainly not be accomplished quickly or easily. But it is high time to begin.

BOARD OF CHRISTIAN SOCIAL
CONCERNS OF THE UNITED
METHODIST CHURCH,
Washington, D.C., July 26, 1972.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: In view of the official position of The United Methodist Church, we can give hearty endorsement to the provisions of your handgun control bill, S. 2813.

Your bill bans the private possession of handguns making reasonable exceptions. The position of our church, as set forth by United Methodism's General Conference in April of 1972, declares "we endorse the elimination of private ownership and use of handguns, except in extremely limited instances."

Therefore, we support the Hart handgun bill and encourage the Senate, in its good judgment, to enact this legislation when it comes up for a vote on the Senate floor in the near future.

Yours sincerely,
J. ELLIOTT CORBETT,
Director, Dept. of
Church/Government Relations.

AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., July 26, 1972.

Hon. PHILIP HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: As you may know, the American Civil Liberties Union firmly agrees with the Supreme Court's long-standing interpretation of the Second Amendment that an individual's right to bear arms applies only to the preservation of "a well-regulated militia."

Except for lawful police and military purposes, the possession of weapons by individuals is not constitutionally protected.

For this reason, and for the obvious reason that handguns are a menace to the lives, safety and rights of American citizens, we were very pleased to note the introduction of your bill, S. 2815, which would prohibit the private ownership of handguns and handgun ammunition, limiting handgun possession to law enforcement officers and licensed security guards.

We believe your bill is a solid first step in the long overdue need for effective national gun controls, and we strongly support you and your colleagues in your efforts to enact this legislation.

Sincerely,
CHARLES MORGAN, Jr.,
Director.

EXHIBIT 2

MEMORANDUM

Subject: *Constitutionality of S. 2815, the Hart Handgun Bill.*
Date: November 9, 1971

SUMMARY

An analysis of the historical origins of the Second Amendment, its judicial interpretation, and its purpose viewed in the context of America today strongly suggests that S. 2815 would be held constitutional under the Second Amendment. Subsidiary constitutional questions also seem to be met by the provisions in the bill.

This conclusion is based on the following points:

1. The common law right of individuals to possess firearms was never deemed an absolute privilege, but rather one subject to laws regulating that right.

2. Both the direct historical antecedents of the Amendment and the debate by its framers indicate concern for the right of "the people to bear arms" as a collective right sought to be preserved for the citizenry vis-a-vis the central Government, not an individual right of self-defense against one's neighbor.

3. Whether the right to bear arms is viewed as a collective or individual one, judicial construction of the Amendment can be said to stand for the following proposition: gun control laws do not contravene the Amendment unless they curtail private possession of arms necessary to the conduct maintenance of an adequate militia or otherwise obstruct its maintenance. S. 2815 meets this test.

4. The rights secured by the Second Amendment is presumably no more absolute than other provisions of the Bill of Rights, such as the First Amendment, have been held to be. Even if the Court found that the operation of S. 2815 in some conceivable way might impair the maintenance of an effective militia, its effect would be marginal and subject to a balancing test which would vindicate the statute.

5. Apart from the Second Amendment, S. 2815 would withstand challenges on the grounds of: (A) self-incrimination, in regard to registration; (B) taking of property without due process, in regard to the repurchase of handguns; and (C) lack of jurisdictional base for Congressional action, in regard to prosecution for possession of a particular firearm.

DISCUSSION

1. Common law right

It is sometimes suggested that the Second Amendment does not create a right to bear arms, but protects that pre-existing right from Congressional transgression. Such a pre-existing right is, presumably, derived from common law. Therefore, it is noteworthy that weapon bearing was never treated as anything like an absolute right by the common law. It was regulated by statute as to time and place as far back as the Statute of Northampton in 1328 and on many occasions since. The Statute of Northampton, 2 Edw. III, c. 3 (1328) declared that no man should "go nor ride armed by night or by day in fairs, markets, nor in the presence of the justices or other ministers" etc. See Emery, 28 Harv.L.Rev. at 473; see also Knight's Case, 3 Mod.Rep. 117, 87 Eng. Rep. 75 (K. B. 1686). This condition upon regulation was continued, for example, in the English Bill of Rights, *infra*. Feller and Cotting note that "for all practical purposes the average citizen cannot lawfully obtain firearms in Great Britain at the present time."[1] Thus, absent the effect of the Second Amendment, little more can be said than that the common law right to carry arms, whatever its vestigal remnant in modern society, is subject to the police power and comparable Federal regulatory authority.

2. Historical antecedents of the second amendment

The Amendment usually is tracked back to the English Bill of Rights (1688) which guaranteed:

"That the subjects which are protestants, may have arms for their defence suitable to their conditions, and as allowed by law." 1 W.&M. Sess. 2, C.2.

As pointed out by Feller and Gotting, the historical context indicates that this right was granted to protect collectively the Protestants, who had been at the mercy of the armed Catholics under James II—in short, it concerned group security rather than individual self-protection against one's neighbors. And even that right was in terms, subject to legal restrictions.

In the American colonies, the focus of concern was the fear of standing armies and the importance of retaining a militia. In 1789, five state constitutions provided for the maintenance of a militia but made no reference to a right to bear arms. Three did refer to such a right to bear arms "for the defence of the State." Two states, Vermont and Pennsylvania, referred to the right of the people to bear arms for "the defence of themselves and the State." But the history of this concern suggests that the word "themselves," too, referred to a collective right of the people to defend themselves against tyranny by their own State Government as well as to defend the State against outside enemies. In any event, if those words were intended to suggest a right of individual self-defence vis-a-vis other individuals, there is no evidence that this concern was a basis for adding the Second Amendment to the original Constitution.[2]

In the Constitutional Convention, the debates make clear the concerns of the anti-Federalists which led to the drafting of the Second Amendment: the fear that in the absence of Congressional action, the States would be left without militias to protect themselves against encroachment by the central Government (Feller and Gotting). The development of the final language in the Amendment underlines the concern with a collective right.

James Madison introduced the Bill of Rights at the First Session of Congress. In his proposal, the language of what ultimately became the Second Amendment was that:

"The right of the people to keep and bear arms shall not be infringed; a well armed and regulated militia being the best security of a free country; but no person religiously scrupulous of bearing arms shall be compelled to render military service in person."

As reported by a special committee that language became:

"A well regulated militia, *composed of the body of the people,* being the best security of a free state, the right of the people to keep and bear arms shall not be infringed; but no person religiously scrupulous shall be compelled to bear arms."[3]

Senate debates in 1789 were not reported so it is impossible to tell what considerations led to the evolution of the language of the proposal into that of the Second Amendment:

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed."

The changes made by the Senate, however, do not seem to alter the general intent to prevent the Federal Government from disarming the States' militia. The contrary view of this history taken by Sprecher, for example, is unpersuasive.[4]

3. Judicial construction

Federal Court[5] decisions under the Second Amendment in this Century have emphasized the collective nature of the right to bear arms guaranteed by the Amendment, e.g. *United States* v. *Adams,* 11 F. Supp. 216, 219 (S.D. Fla. 1935) (Amendment refers "to the collective body and not individual rights."); *United States* v. *Tot,* 131 F.2d 261 (3rd Cir. 1942), reversed on other grounds 319 U.S. 463 (the Amendment "was not adopted with individual rights in mind. . . ."); *Stevens* v. *United States,* 440 F.2d 144 (6th Cir. 1971, *Edwards, Phillips and Celebreeze,* JJ.) (the Second Amendment applies only to the right of the State to maintain a militia, and not to the individual right to bear arms. . . .").

In the final analysis, whether right secured by the amendment is to be viewed as a collective or an individual one may be more a matter of theoretical interest than of determinative significance. However the right is conceptualized, the Supreme Court and lower Federal Court decisions make clear that it is to be measured in the context of preserving an adequate militia, not in terms of a citizen's other felt needs of self-defense.

The leading case, *United States* v. *Miller,* 307 U.S. 174 (1939). In its narrow aspect, *Miller* held that prohibition of unregistered sawed off shotguns did not violate the Amendment because the evidence did not establish that the weapon had "a reasonable relationship to the preservation of efficiency of a well regulated militia. . . ." Id. at 178.

More broadly, the Court in *Miller* went on to state:

"With obvious purpose to assure the continuation and render possible the effectiveness of such forces the declaration and guarantee of the Second Amendment were made.

Footnotes at end of article.

It must be interpreted and applied with that end in mind." (*Ibid*)

Subsequent decisions by Courts of Appeal have read the specific holding in *Miller* as limited to the minimum needed to reverse on the facts before the Court. They have rejected the notion that the Supreme Court in *Miller* intended to give blanket protection under the Amendment to any weapon shown to be used, or usable by the modern, militia.[6] *Cases* v. *United States*, 131 F2d 916 (1st Cir. 1942), cert. denied sub. nom. *Velazquez* v. *United States*, 319 U.S. 70 (1943); *United States* v. *Tot, supra*. These cases involved prosecutions of felons for receiving weapons in commerce, which they were not permitted to do under the Federal Firearms Act. However, the opinion in *Cases*, and by implication in *Tot*, was also limited to a question of proof, namely, the absence of any showing that the defendant intended to use the weapon in connection with this potential service in the militia. (Justice Memo.)[7]

Subsequent decisions have read from these three cases a broader rule for testing statutes against the amendment: a statute does not violate the Second Amendment, absent a showing that in some way it impairs of obstructs the preservation of an efficient well regulated militia. *United States* v. *Synnes*, 438 F.2d 764 (7 Cir. 1971); *United States* v. *Gross*, 313 F.Supp. 1330 (D. Ind. 1970); *Burton* v. *Sills*, 53 N.J. 86, 248 A.2d 521 (1968).[8]

The militia of the States referred to in Article I of the Constitution is now organized as the National Guard. *Maryland* v. *United States*, 381 U.S. 41 (1965). Guardsmen draw prescribed weapons from the State or Federal Government both for active duty and training requirements. Sidearms are prescribed, as well as the more basic rifles and automatic weapons. Moreover, even assuming that target practice with handguns facilitates training of Guardsmen or potential guardsmen, such practice by organized clubs is permitted under S. 2815.

One must strain to suggest that at the present time a pistol stored in a dresser drawer substantially facilitates the preservation of a well-regulated militia—let alone that its prohibition substantially impairs or obstructs it.

4. Any marginal "impairment" of second amendment rights is outweighed by legitimate exercise of Congress' constitutional powers

Even if a law resulted in some slight interference with the conduct of a well regulated militia, it would not necessarily be unconstitutional. Despite the First Amendment prohibition against any law abridging the freedom of speech or the right of the people peaceably to assemble, the Court has upheld the validity of laws punishing speech, intended to obstruct recruitment for the armed services[9] as well as laws prohibiting picketing and parading in specified locations in or near a courthouse.[10]

There would seem to be no reason to suppose that in assessing Second Amendment challenges to the validity of a federal law which dealt with both weapons and persons necessary to the conduct of a well regulated militia the Court would not use something like the "clear and present danger" test or a "balancing of interests" test, just as it has in assessing alleged infringements of the rights protected by the First and other Amendments.

At least one Federal-Court of Appeals has indicated that the offsetting interest need not be as urgent as that required to impinge upon the right to vote and the right to racially equal treatment under laws. *United States* v. *Synnes, supra*, at 771, n. 9. Mr. Justice Black did take an absolute view of the rights secured by the Amendment, see footnote on page 8, *supra*, but his similar view of other rights has not been accepted by the Court.

Thus, even if the elimination of private handgun ownership, excluding target shooting clubs, could be said in some conceivable way to diminish the potential effectiveness of the militia (National Guard), it seems doubtful that the Supreme Court would find that impairment an impermissible infringement of Second Amendment rights.

FOOTNOTES

[1] Feller and Gotting, "The Second Amendment: A Second Look," (hereinafter "Feller and Gotting"), 61 Nw.U.L.. Rev. 46, 49 (1966).

[2] Legal Memorandum of the Department of Justice Appendix, 1967, submitted in the Hearings before Subcommittee No. 5 of the House Committee on the Judiciary, 90th Cong., 1st sess., Anti-Crime Program, pp. 242–49 (1967) (hereinafter "Justice Memo").

[3] Annals of Con. 434 and 749 (1789) (emphasis added).

[4] *The Lost Amendments* (51 ABAJ Nos. 6 and 7 (1965) (hereinafter "Sprecher"), concludes that the parallel history of concern for the militia and for the right to bear arms makes it understandable the two should be linked. But he argues that this does not necessarily mean the right to bear arms is based on one's function as a militia member. This reading ignores the plain grammatical construction of the Amendment's language. To be sure, having a weapon on the Revolutionary frontier was an important source of food, protection from Indians, and so forth. And since the militia required men to bring weapons with them at the call to arms, little concern may have been given to the need for maintaining a weapon in the frontier home, or the right to do so. But the only question of Constitutional dimension is whether the Framers intended the Amendment to protect any right other than the preservation of a militia.

[5] State Court decisions—some alluding to the Second Amendment, others solely construing similar provisions in State Constitutions—run the gamut from observations that an individual right is secured to opinions that the constitutional right is a collective one. There appears to be a growing recognition in later cases, however, that it is the rights of "the people" as group vis-a-vis the State or National authorities which is secured. (Feller and Gotting; McKenna, *The Right to Bear Arms*, 12 Marq. L. Rev. 138, 145 (1928).

[6] Taken to its logical conclusion this reading of *Miller* would permit private ownership of anything but useless curios, since not only shotguns, but rockets, grenades and machine guns are useful weapons of organized armed forces and are employed by the Guard for training as a federal reserve force. Few have suggested this reading of the Amendment.

[7] In a Memorandum Decision, Synnes was vacated and remanded to the Court of Appeals for "further consideration in light of Bass." *United States* v. *Bass*. This vacating was based on the Commerce Clause reach intended in the statute, not the Second Amendment issue. The Court of Appeals conclusions on that point were not disturbed by the Supreme Court. The Court of Appeals in *Synnes* had said: "Although Section 1202(a) is the broadest federal gun legislation to date, we see no conflict between it and the Second Amendment since there is no showing that prohibiting possession of firearms by felons obstructs the maintenance of a "well-regulated militia."

[8] Even Mr. Justice Black, who rejected a "balancing test" approach to the rights guaranteed by the Amendment, has written, "Although the Supreme Court has held this amendment to include *only arms necessary to a well-regulated militia*, as so construed, its prohibition is absolute (emphasis added). Black, *The Bill of Rights*, 35 N.Y.U.L. Rev. 865, 873 (1960).

[9] *Schenck* v. *United States*, 249 U.S. 47 (1919).

[10] *Cox* v. *Louisiana*, 37 U.S. 559 (1965).

The PRESIDING OFFICER (Mr. KENNEDY). The question is on agreeing to the amendment.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I ask unanimous consent that Dorothy Parker, an aid to the Senator from Hawaii (Mr. FONG) be permitted on the floor during the debate on this issue.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

RECESS TO 1:30 P.M.

Mr. MANSFIELD. Mr. President, in view of the fact that we do not seem to be able to make any progress on the pending legislation—which I am sorry to note in view of the limited time we have at our disposal before and after the Republican Convention—I ask unanimous consent that the Senate stand in recess until the hour of 1:30 this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

At 1:11 p.m., the Senate took a recess until 1:30 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer (Mr. HUGHES).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF THE PRESIDENT'S MESSAGE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President's message together with the accompanying report of the Council on Environmental Quality, entitled "Envirommental Quality," be jointly referred to the Committees on Agriculture and Forestry, Commerce, Interior and Insular Affairs, and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Congress of the United States:

At the dawn of the twentieth century, almost as a voice in the wilderness he loved, President Theodore Roosevelt proclaimed an environmental ethic for America. He said:

> I recognize the right and duty of this generation to develop and use our natural resources; but I do not recognize the right to waste them, or to rob by wasteful use, the generations that come after us.

At the dawn of the 1970's there was still no more significant challenge facing Americans than the task of wisely conserving our natural resources and leaving the Nation a cleaner and healthier place for our children and grandchildren.

In my 1970 State of the Union Message I asked our people:

> Shall we surrender to our surroundings or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, to our land, and to our water?

This year's report of the Council on Environmental Quality examines the environmental conditions of a dynamic and mature society. The report addresses some very complex issues—the need for indices of environmental quality and forecasting, the costs and impact on the economy of pollution control requirements, and the effects of environmental standards on international trade—and puts these issues in sharper perspective. The increasing sophistication which we are bringing to our perception of environmental problems is itself an encouraging indication of progress.

This Annual Report on Environmental Quality also offers an assessment of how we are faring. I am pleased that the data presented in the Council's report indicate that the quality of the air in many of our cities is improving. Across the nation, emissions from automobiles—a significant portion of total emissions—are declining. We can expect these welcome trends to accelerate as the new standards and compliance schedules called for by the Clean Air Act of 1970 become fully effective.

Although the Report shows that we still have a major battle ahead to restore the quality of our waters, and urgently need effective new legislation which I submitted to the Congress over a year and a half ago, impressive strides have been made under present authorities. These include a four-fold increase in enforcement actions under the Refuse Act of 1899 since 1968.

The private sector is performing far more effectively in environmental protection. Throughout the country, industry is developing and using new technology to reduce pollution. Surveys indicate that business has increased its spending on pollution controls by about 50 percent in each of the last two years.

The future will bring new challenges to both the private and the public sectors in arresting environmental decay. The Council's report estimates that in order to meet current environmental protection requirements, both the public and private sectors together will need to spend an annual amount of $33 billion in 1980. Cumulative expenditures of more than $287 billion are estimated over the 10 years from 1971 to 1980.

So—we have only just begun to face up to the environmental question, even though we may have awakened just in time for us to stave off catastrophe.

The encouraging news in this report by the Council—as well as the hope we have for mastering the many difficult problems that still persist—is the rapid step-by-step progress in institutionalizing and reorganizing the Federal environmental structure, the dramatic funding, the wide range of administrative actions that have been taken, the strict enforcement of pollution control laws, the new international agreements which have been forged, and the broad array of major new legislation which has been submitted to the Congress for action.

YEARS OF PROGRESS

With the creation of the Council on Environmental Quality and the Environmental Protection Agency, we have brought about a major institutional reform within the Federal Government and a far more effective organization for environmental policy-making and enforcement. This reform has produced major progress—evidenced, for example, by the broad legislative proposals for environmental improvement which I have submitted to the Congress and by the vigorous enforcement of our pollution laws. The establishment of the National Oceanic and Atmospheric Administration gives us a focus on the marine environment. I have proposed a Department of Natural Resources, for coordinated resource management, and a Department of Community Development, for a systematic approach to both urban and rural growth. The Congress has yet to act on these two crucial reorganization proposals.

Under the National Environmental Policy Act (NEPA) we have undertaken a fundamental reform in the requirement that Federal agencies give careful analysis to the potential environmental impacts of proposed Federal actions. Already this changed emphasis has led to reconsideration of some projects, improvements of many others, and, overall, a far more thoughtful and comprehensive planning process. Our requirement that this whole process of environmental analysis must be open to the public for examination and comments—well before proposed actions are taken—is providing a new and more open dimension to Government. We can be proud of this record of improved citizen participation in the vital process of public decision-making.

The level of Federal funding for environmental protection has never been higher. In the four years since fiscal year 1969, Federal outlays for environmental protection have increased fivefold. Funding for clean-up of pollution at Federal facilities has increased from a $52 million annual level at the outset of my Administration to my 1973 budget of $315 million.

Regulatory and enforcement actions have accelerated dramatically over the past four years. The number of criminal actions taken by the Justice Department against water polluters was increased four fold—from 46 to 191—between 1968 and 1971. EPA has taken action to halt harmful discharges into Lake Superior and shut down major industries during an air pollution crisis in Birmingham, Alabama.

In our long-term determination to provide tangible benefits for our children and grandchildren, we have created the Legacy of Parks program. Over 140 Federal properties have already been made available for park and recreation use, covering more than 20,000 acres in thirty-nine states and Puerto Rico. Most of these natural retreats are located in and near cities where the need for open space is greatest. The estimated fair market value of these properties is almost $100 million. In addition, we proposed major urban parks at gateways to both of our coasts—New York City and San Francisco. These two parks would comprise almost 50,000 acres, including valuable cultural, historic, and recreation assets accessible to millions of people.

My Administration has tackled a host of controversial issues of environmental protection. We have limited oil drilling in the Santa Barbara Channel off the California coast. We helped protect the Everglades in Florida by stopping a proposed jetport. In addition, I proposed legislation to acquire interests in the Big Cypress Swamp to protect the Everglades' water supply. We halted the Cross-Florida Barge Canal and are considering the inclusion of the Oklawaha River in the system of scenic and wild rivers. And we have restricted use of DDT almost solely to public health purposes. We stopped the use of poisons on public lands. And we stopped all commercial whaling by the United States as well as all imports of whale products into this country. These are examples of the rigorous executive action taken by my Administration to protect the environment.

NEW LAWS WE NEED

New legislation is still badly needed in a number of areas, and in a series of environmental messages to Congress I have set forth a comprehensive legislative program designed to clean up the inherited problems of the past and to deal with emerging problems before they become critical. Many of these problem areas are defined in this Annual Report. To date, much of the proposed legislation has been the subject of congressional hearings, where it has attracted heartening interest and support. However, the record of final congressional action is entirely inadequate, with more than 20 major environmental proposals still pending.

Last month, I signed an important Port and Waterways Safety Act into law. This new law, which I proposed in May 1970, will help protect our inland waters from oil and other hazardous pollutant spills. This is a welcome beginning, but passage of my other major proposals to give us effective tools to deal with the environmental challenge—together with creation of a new Department of Natural Resources—will be essential, in my judgment, if we are to have an adequate base for improving environmental quality. I urge the Congress to complete final action on responsible legislation to give us authority to upgrade water quality and to control the dumping of wastes at sea. We urgently need the new controls I have proposed over the use of toxic substances such as mercury, over the increasing problem of excessive noise, and over the misuse of chemical pesticides.

I have proposed a Toxic Wastes Disposal Control Act under which the Environmental Protection Agency would establish Federal Guidelines and requirements for State programs to regulate disposal on or under the land of those toxic wastes which pose a hazard to health. The Act would provide for Federal enforcement action if a State should fail to establish its own program.

Legislation which I have proposed is urgently needed to protect the land from the potential ravages of mining, by imposing adequate standards of reclamation. Strip mining alone now disturbs almost 4,650 acres a week. My proposed Power Plant Siting Act, for which the need is more evident with each passing month, would allow us effectively to reconcile environmental protection and energy needs.

I have proposed new legislation calling upon the States to assume control over land-use planning and regulation in areas of critical environmental concern and to regulate land use around major growth-industry facilities such as highways and airports. I have asked the Congress for authority to initiate at the State level regulatory programs to control sediment affecting water quality from earth-moving activities such as building and road construction. Federal enforcement would be imposed in situations in which a State failed to implement such a program.

I proposed a new type of law for pollution control purposes—a charge on harmful sulfur oxides emissions. This proposal embodies the principle that the price of goods should be made to include the costs of producing and disposing of them without harm to the environment. I also proposed a law that would employ our tax structure to discourage potentially harmful development in our precious coastal wetlands.

I have asked for a new and more effective Federal law to protect endangered species of wildlife—by covering species likely to become endangered as well as those more immediately threatened, and by imposing Federal penalties for taking of such species.

These proposals, and others I have put forward, are vital to all Americans in the years to come. But the critical final steps have yet to be taken. The Nation needs these laws, and they should be enacted this year. The Congress has a splendid opportunity to leave an historic record of environmental achievement, an opportunity which it must seize. The time for deliberation has passed. It is now time for action.

NATIONS ACTING TOGETHER

While our most immediate concern must be for the quality of our national environment, it is clear that we are part of a global environment whose long-range protection must be achieved by a mix of national and international efforts. This past year witnessed three historic milestones in the field of international environmental activity.

On April 15, in Ottawa, Prime Minister Trudeau and I signed the Great Lakes Water Quality Agreement providing a common commitment to work together to clean up these important, shared resources.

On May 23, in Moscow, President Podgorny and I signed a Co-operative Agreement on Environmental Protection which opens a new area of U.S.-Soviet cooperation and permits our two peoples to work together on the solution of environmental problems in eleven broad areas.

Between June 5–16, in Stockholm, the United Nations Conference on the Human Environment brought together the representatives of 113 nations representing nine-tenth's of the world's people to explore together the opportunities for national and international action on common environmental problems. The Conference achieved nearly all of the goals which the United States had urged in advance. Specifically, the nations:

—Reached agreement on the establishment of a permanent new organization within the United Nations to coordinate international environmental activities.

—Agreed to the establishment of a United Nations environmental fund to be financed by voluntary contributions from U.N. member governments. I shall ask Congress to authorize and appropriate $40 million as our Nation's share of a five-year, $100 million fund.

—Endorsed completion of a convention proposed by the United States to control ocean dumping of shore-genenerated waste. The favorable prospect of international action heightens the urgency of passing the domestic legislation. I have proposed to curtail ocean dumping from our shores.

—Approved an "earthwatch" program for worldwide environmental monitoring.

—Endorsed in principle a convention on endangered species, designed to protect species of plants and animals threatened with extinction by imposing control in international shipment, import and export.

—Endorsed our recommendation for a ten-year moratorium on commercial whaling. (Despite vigorous U.S. efforts, this moratorium was not agreed to by the International Whaling Commission at its recent meeting, although we were successful in achieving substantially reduced quotas and other protective measures.)

In addition, a proposal which I made in 1971 for a World Heritage Trust—to give uniquely important historic, cultural and natural areas of the world special international recognition and protection—was strongly supported at Stockholm. When established, the Trust will provide vital new international dimension to the national park concept.

Environmental problems do not distinguish between national boundaries or differing social and economic systems. Environmental cooperation offers nations an opportunity for dealing constructively with each other and for responding to the growing aspirations of ordinary people around the globe to live decently and well in healthful surroundings.

I am hopeful about the prospects of international cooperation in the environmental field. The U.S. will continue to provide leadership in developing such cooperation. I am encouraged—even more profoundly—that the common search for a better environment can be one of those activities which serves to unify nations.

THE ENVIRONMENT AND OUR PEOPLE

In October, 1971, I initiated the Environmental Merit Awards Program. Administered by the Environmental Protection Agency in cooperation with the Office of Education, this program gives national recognition to successful student projects leading to environmental understanding or improvement. Qualifications for the awards are determined by local boards. Each board consists of secondary school students, faculty, and representatives of the local community. Already thousands of high schools and summer camps from all 50 States are registered in the program. This fall the program will be expanded to include junior high schools as well.

As I said in my 1972 Environmental Message to Congress:

The starting point of environmental quality is in the hearts and minds of the people. Unless the people have a deep commitment to new values and a clear understanding of the new problems, all our laws and programs and spending will avail little. The young, quick to commit and used to learning, are gaining the changed outlook fastest of all. Their enthusiasm about the environment spreads with a healthy contagion. Their energy in its behalf can be an impressive force for good.

As we reflect upon the characteristics and problems of the dynamic and mature society that this Annual Report of the Council on Environmental Quality describes, there should be a sober realization that we have not done as well as we must, that changes in laws and values come slowly, and that reordering our priorities is difficult and complicated. But there is ample room for encouragement in the growing capacity of a people able to assess their problems, take stock of their situation and get on with the unfinished business of shaping the United States as a model of a satisfying and healthful environment.

I welcome and salute the lead that our young people are taking in this great endeavor.

Long before America was powerful or wealthy, we were already looked to for leadership in demonstrating the possibility of a vigorous, free society. By the time of the Constitutional Convention this country had captured the world's imagination and stood high in international esteem, not for its material wealth, but for its ideals.

Today as nations around the globe strive to enhance the lives of their citizens, the effort directed toward a cleaner and healthier environment is a vital measure of a country's stature.

This is a hopeful sign that the productive pursuits of peace are coming gradually to command increasing attention in the discourse and competition among nations. In the 197th year of American Independence, the quality of life enjoyed by our citizens has become a new sign to the world of our progress as a people.

I am reminded of Benjamin Franklin's remark at the Constitutional Convention in Philadelphia, when he pointed to the golden half-sun engraved on the back of General Washington's chair: "Now at length I have the happiness to know that it is a rising and not a setting sun."

Richard Nixon

The White House, *August 7, 1972.*

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Fannin). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2499) to provide for the striking of medals commemorating the 175th anniversary of the launching of the U.S. frigate *Constellation.*

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Patman, Mr. Barrett, Mrs. Sullivan, Mr. Reuss, Mr. Ashley, Mr. Stephens, Mr. Widnall, Mr. Johnson of Pennsylvania, Mr. J. William Stanton, and Mr. Wylie were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 254) to authorize the printing and binding of a revised edition of Senate Procedure and providing the same shall be subject to copyright by the author.

The PRESIDENT pro tempore subsequently signed the enrolled joint resolution.

QUORUM CALL

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. Fannin). Without objection, it is so ordered.

INTERIM AGREEMENT BETWEEN UNITED STATES AND U.S.S.R.

AMENDMENT NO. 1406

Mr. JACKSON. Mr. President, I submit an amendment to Senate Joint Resolution 241, and ask unanimous consent that it be printed in the Record.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment (No. 1406) is as follows:

On page 1, between lines 2 and 3, insert the following:

"That the Government and the people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression. The Congress supports the stated policy of the United States that, were a more complete strategic offensive arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States; the Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress recognizes the principle of United States-Soviet Union equality reflected in the anti-ballistic missile treaty, and urges and requests the President to seek a future treaty that, *inter alia,* would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union; and the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance of a vigorous research and development and modernization program leading to a prudent strategic posture."

On page 1, line 3, strike out "That the" and insert in lieu thereof "Sec. 2. The".

Mr. JACKSON. Mr. President, the amendment I am submitting today with bipartisan support is a simple declaration of the policy of the Congress with respect to the future strategic relationship between the United States and the Soviet Union. It does three things.

First, it recognizes that the failure of the United States and the U.S.S.R. to achieve a treaty limiting the threat to the survivability of U.S. strategic deterrent forces could jeopardize our supreme national interests. Surely, we would all agree that our supreme national interests would be jeopardized if the survivability of our strategic forces were threatened. The language in which this congressional policy is stated in the resolution differs from the language used in an earlier draft to make the same point. Far from being controversial, this is a policy to which the administration committed itself during the SALT talks and which the Congress is here asked to join in supporting.

Second, my amendment puts the Congress on record in opposition to a follow-on SALT agrement in which the United States is limited to levels of intercontinental strategic forces inferior to the level accorded to the Soviet Union. In insisting on equality in any treaty to emerge from SALT II, I am certain I am speaking for the good sense of the overwhelming majority of the American people. We should support the principle of equality on which the ABM Treaty is based by applying it to offensive systems as well. We have, in the few brief years since the Kennedy administration, gone from strategic superiority to parity to sufficiency—whatever that means—to interim subparity. We must not, and cannot accept strategic inferiority.

Moreover, in insisting that the limits to be negotiated in SALT II are confined to intercontinental strategic forces, the Senate would be strongly supporting the proper refusal of the President and our negotiators to compromise the interests of our European Allies by including forces dedicated to their defense in the calculation of the overall United States-U.S.S.R. strategic balance.

Third, my amendment simply reaffirms the importance of research and development and force modernization leading to a prudent strategic posture.

I am confident that the Senate will give a solid vote of approval to this amendment expressing our determination to secure a stable future strategic relationship with the Soviet Union.

Many of my colleagues have argued for some time that the Senate ought to play a more significant role in the formulation of our foreign and defense policy. My amendment provides the Senate with an opportunity to join with the administration as a full partner in the effort to broaden the understanding of as well as support for the interim agreement.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. STENNIS. Mr. President, I commend the Senator for the great volume of work he has done on this entire problem during the hearings and before then, and I commend him for the substance of this amendment. I told the Senator on the telephone this morning I wanted to join him in it. I hope he has placed my name there now. I think his amendment does not detract one bit from the interim agreement. If it did I would not join in it. Second, we are accepting in a broad way a kind of subparity position now in order to get in the course of time one that will be more meaningful for us, as I understand the situation, and we hope there will be a parity that will include arms limitation downward, but no one knows about that. I think this amendment lends a great deal to the strength of this interim agreement.

Mr. JACKSON. I thank the Senator. The Senator's analysis is correct.

Mr. President, I wish to read the names of Senators who have joined me in this measure: Senators Scott, Allott, Stennis, Anderson, Bentsen, Buckley, Cannon, Cook, Chiles, Ervin, Inouye, Magnuson, McGee, Packwood, Talmadge, Thurmond, Montoya, Tower, Hansen, Harry F. Byrd, Jr.; and a number of other Senators have indicated they wish to join in the amendment.

I thank my good friend and colleague. I am happy to yield to the senior Senator from Colorado who played a very important part in our efforts in this regard.

Mr. ALLOTT. I thank the Senator for yielding. I wish to make two or three comments. I am very happy to join in sponsoring the amendment to Senate Joint Resolution 241.

This amendment, which has been drafted over a period of weeks with the utmost care and precision, and in consultation with the administration, has three purposes:

First, it expresses a clear determination not to allow the ongoing SALT talks to be a reason for tolerating a situation in which the survivability of the U.S. deterrent forces is endangered.

Second, it expresses criterion which the Senate will use in assessing the acceptability of any agreements resulting from SALT II.

Third, it pledges the Senate's determination to support the kind of research, and development, and modernization programs that are necessary pending a more comprehensive offensive weapons agreement, and that can facilitate achieving such an agreement.

As the Senator from Washington just said, there have been many Senators who have spoken for years about the Senate taking a more active part in formulating foreign and defense policies. I think this amendment involves the kind of participation, not only working in the present, but toward the future, which can be quite meaningful in shaping and in advising upon foreign policy.

I appreciate very much the Senator yielding to me. I expect to talk about this matter more tomorrow, as I did the other day, at some length.

Mr. JACKSON. Again I thank the Senator for his most helpful contributions from the very beginning in trying to work out a satisfactory congressional policy position on this matter.

I am happy to yield to my friend, the able senior Senator from Kentucky.

Mr. COOPER. I thank the Senator.

Mr. President, I appreciate the desire of the Senator which I, and everyone in this body share to make every effort to maintain the survivability of the deterrent. We agree that the assured deterrent is the factor which has prevented nuclear war and thus far its possibility.

I raise questions, though, about the Senator's amendment because it disturbs me and I know it disturbs others. For 3 years the administration worked assiduously to reach an agreement with the Soviet Union on the limitation of antiballistic-missile systems, and a limited agreement on deployment of nuclear offensive weapons. Before, in prior administrations, particularly under President Johnson, efforts had been made toward that end, which helped lay the groundwork for the present agreements. After 3 years of the most difficult negotiations by our very able group of negotiators, led by Ambassador Gerald Smith, and with the final decision by the President, the decision to conclude a treaty on ABM's and an interim agreement upon certain offensive nuclear systems was reached. The President returned immediately to the United States and before a joint session of the Congress gave his reasons for approving the treaty and the agreement. He also outlined the course he thought the administration should follow to protect the security of our country.

The Senate will recall that a few days later there was a meeting at the White House at which the President spoke, and then, for 2 hours Dr. Kissinger went into great detail with respect to the treaty and the interim agreement. The President and Dr. Kissinger said that the treaty and agreement protected the security of the United States.

If there are those who believe that the treaty and agreement do not protect the security of the United States, of course, I can understand why in good conscience and judgment they should vote against it; or if there are certain factors in either which they believe deserve official and substantive action by the Senate, reservations could be offered.

But I would like to point out several matters which the Senator and his able cosponsors, all men of understanding in this body, might consider.

I do not have the revised amendment before me, but I have studied the Senator's original amendment.

At one point the amendment refers to the antiballistic-missile treaty as one of equality. The next clause dealing with the agreement on intercontinental range strategic weapons states that as we proceed we should reach a future agreement, or intercontinental weapons at levels not inferior to the Soviet Union.

It seems to me this language of the Senator's first amendment implied that the interim agreement on offensive weapons which is before us does not assure the survivability of our deterrent. I think that this implied rejection of the work of our negotiators is very bad, and, for the life of me, I would not want to believe that the administration has agreed to an amendment which actually implies that the agreement on offensive nuclear weapons which it had entered into does not protect survivability of our deterrent.

That is the first issue I wanted to raise.

The second one is involved in that part of the amendment which the distinguished Senator first offered, which provided that in the event of a deployment or action of the Soviet Union, even within the terms of the agreement, it could be treated as one which affects our supreme national interests and therefore a condition for abrogation of the agreement. Then in the last part of the amendment the Senator properly urges research and development, but then further urges that we proceed, under the agreement, to the modernization of those weapons which are the subject of the agreement, which we have the right to do, as does the Soviet Union. For the same reason, he should be chary about the modernization of the weapons which are included under the treaty, by either side, if it is to result in an escalation of the nuclear arms race. The purpose of phase II is to bring additional weapons under control.

It is clear from the language of the documents for both the treaty and the interim agreement that if the supreme national interests of our Nation are threatened, the United States has the right to abrogate. I do not know why we should attempt to add to the treaty or agreement.

The substantive issue comes down to what we mean by "survivability of the strategic deterrent," and what is "parity" or "equality." The Senator and I have been talking for several years on these issues, and I know he is one of the most knowledgeable—perhaps the most knowledgeable—in the Senate on this issue.

I will say, in all deference, interpreting his first amendment and the present amendment which he has just given me in the light of his speeches it seems to me the Senator wants us to write, in this amendment, the premise that parity or equality or sufficiency is one based on numbers. We all agree that, under the agreement, the Soviets have superiority in numbers, but it is also true that qualitatively we are superior with our SLBM's, with the superior range of our missiles, MIRV, forward basing and other factors—Admiral Moorer has said that our SLBM's are invulnerable. We also have double the number of deliverable warheads, and at the end of the 5-year period we will still have according to the Defense Department double the number of warheads. With few exceptions witnesses have testified that at the end of the 5 years there will be no question about our superiority.

I think what the Senator is asking for is something which the President has not asked for, and that is the achievement of numerical superiority. If we ask that, the Soviets then will try to achieve numerical superiority there will be no end to the arms race, and it will be difficult to secure a decision in phase II to halt the building of offensive nuclear systems, and seek their reduction.

I know, Mr. President, that I have made a speech rather than asking questions, but I say with great deference to the Senator, if we have reached this agreement, why should we now cast doubt upon it? The Soviets may deceive. They have deceived us in the past. But why do we want to give to them the idea that we are not acting in good faith? We will protect ourselves. For the life of me, I do not understand why the Senator is trying to rewrite, in a way, the agreement on offensive weapons and the purposes of phase II even by implication.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JACKSON. I yield to the majority leader. I wanted to make a comment on the remarks of the Senator from Kentucky.

Mr. MANSFIELD. Can the Senator give us a time when the temporary debate on the interim agreement will subside?

Mr. JACKSON. In 2 minutes, as far as I am concerned.

Mr. MANSFIELD. Two minutes?

Mr. JACKSON. I have just submitted

an amendment, and then, in courtesy, some of my colleagues wanted to respond. Two minutes should dispose of my part of it.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at 2:40 p.m. I may be recognized to return to the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, as the Senator from Kentucky knows, I have nothing but respect for him. He is being very modest in what he has had to say. The facts are that he has taken a long and keen interest in strategic and foreign policy problems, and he has taken a keen interest in arms control legislation.

First, I just want to observe that in the revised language there is nothing in the amendment about abrogating the treaty or the agreement. The amendment accomplishes what I thought the Senator has been wanting to accomplish: that Congress—the Senate in particular—should not only give its consent, but give its advice.

All I am suggesting in this amendment—and it is not a restriction in any legal sense, shape, or form on the agreement entered into by the President and Mr. Brezhnev—is that as our negotiators go to SALT II, what is wrong with insisting on equality? Numerical equality is important. Equality is not just a matter of numbers. I think my good friend neglected to point out that we have entered into an interim agreement in which the Soviets not only are permitted a 50-percent advantage in numbers of strategic delivery systems, but they are permitted a substantial advantage in throw-weight.

What I am doing here is restating the position taken by the administration that in SALT II we are going to try to achieve what we achieved in SALT in connection with the Treaty on ABM's—and that is equality. In the ABM Treaty, as we know, each country is allowed two ABM sites.

What in the world is wrong with insisting upon strategic equality? Past administrations, past Presidents of both parties, Secretaries of Defense coming before the Congress, have talked about U.S. strategic superiority, and we have gone from superiority to parity, and in the interim agreement before the Senate we have subparity. What is wrong with asking for equality?

Surely if we are going to have an agreement that will stabilize, and not destabilize, each side is entitled to the means by which it can defend itself with a survivable force. I am not suggesting that we have something more than the other side. I am suggesting that we are entitled to equality, and that we should not settle for inferiority.

In connection with my chairmanship of the Armed Services Subcommittee on Arms Limitation, on SALT, I have followed for 3 years the meetings at Helsinki and in Vienna. I have spent days in hearings, taking the testimony and questioning the witnesses and every word in the amendment is backed up by the testimony of witnesses before the committee.

I believe that what we have done here with this amendment is to exercise our constitutional obligation of giving our advice as well as our consent. I recall that the chairman of the Committee on Foreign Relations has frequently spoken out on the need for the Congress to give its advice.

The PRESIDING OFFICER. The hour of 2:40 p.m. having arrived——

Mr. COOPER. Mr. President, may I have 30 seconds to respond?

Mr. MANSFIELD. I ask unanimous consent that the time be extended for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. The Senator has pleaded the necessity of equality if this country is to maintain the survivability of the deterrent. I am for equality and the survivability of the deterrent. I may be wrong, but I can only identify the Senator's purpose from his first amendment and now from his second, which I have now seen and from his remarks on this floor a few days ago and his remarks today.

The Senator has just said that the agreement on offensive weapons has left us at subparity. If so, we ought to vote against it. The new language, and I am reading it, implies that in the future a President may limit the United States to levels of strategic forces that are inherently inferior—of course, we are not for that. But that is the implication of the Senator's remarks. The Senator's amendment does not add to the agreement and it may cast doubt on it.

Mr. JACKSON. Five seconds. Mr. President, I ask unanimous consent that the names of the Senator from Wyoming (Mr. McGee) and the Senator from Kentucky (Mr. Cook) may be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The hour of 2:40 p.m. having arrived, the Senate will resume the consideration of the unfinished business.

HANDGUN CONTROL ACT OF 1972

The Senate continued with the consideration of the bill (S. 2507) to amend the Gun Control Act of 1968.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the Hart amendment, which I understand is now pending, occur at the hour of 4:30 p.m., and that in the meantime the time be equally divided between the Senator from Michigan (Hr. Hart) and the Senator from Nebraska (Mr. Hruska).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. I yield to the Senator from Wyoming.

WAGE RATES FOR PREVAILING RATE EMPLOYEES—CONFERENCE REPORT

Mr. McGEE. Mr. President, I submit a report of the committee of conference on H.R. 9092, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Fannin). The report will be stated by title.

The Assistant Legislative Clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9092) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of August 1, 1972, at pp. 26178–26179.)

Mr. McGEE. Mr. President, I ask unanimous consent that because the House of Representatives has printed the conference report, the rule on printing be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. After a full and fair conference, the managers on the part of the Senate have reached agreement with the managers on the part of the House of Representatives on the three areas of basic disagreement between us. I believe that the conference substitute is an equitable settlement of the differences.

The statement of the managers explains these differences. Essentially they are: First, that the Senate recedes on its objection to the Federal Prevailing Rate Advisory Committee, except that the chairman of the committee shall be appointed by the Chairman of the Civil Service Commission rather than by the President of the United States; second, that the rates of pay for employees of the Panama Canal Co. in the canal zone not be required to be maritime industry rates, but that the company's discretionary authority to establish their rates of pay, which is existing law, shall be retained. This was an important difference between the House and the Senate, and it was only because of the House's strong position against a change in the existing law that the Senate receded. I believe this matter should be given further study. The Panama Canal Co. pays rates which are substantially below the going rate in the maritime industry to Panamanians who work as line handlers on ships going through the canal. The company's justification for this policy, which in my opinion is without merit, is that the minimum wage in Panama for this sort of work is 50 to 70 cents an hour. I do not believe that peonage elsewhere should ever serve as justification for low wages for employees of an agency of the Government of the United States. Nevertheless, the Senate managers receded on this point for the time being. I expect that we will look into this matter early in the first session of the 93d Congress, and I hope at that time that the interested parties will make available to the committee a thorough analysis of the wage and employment system in the zone so that we will have the best information available upon which to base our decision.

The third point of disagreement was the effective date of the bill. On this point the House receded to the Senate, which provided an effective date for the fourth step of the pay rate to be payable whenever the President ceases to exercise his authority under the Economic Stabilization Act of 1972, or April 1973, whichever occurs first.

I move that the Senate agree to the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. FONG. Mr. President, the conference report on H.R. 9092, the Federal Wage Board bill is now before the Senate for consideration.

I opposed this legislation when it was brought up for debate in the Senate earlier this year and I continue to oppose it.

All of the provisions which made this bill objectionable in the first instance have not been improved by the conference.

The measure still contains those provisions which:

First. Would destroy the equal pay for equal work principle governing Federal blue collar pay by setting Federal pay 12 percent above that of private industry. This percentage would be 19½ percent higher than private industry for swing shift Federal blue collar workers and 22 percent higher for those on night shift.

Second. Would allow the pay of the 510,000 Federal blue collar workers—less than 1 percent of the national work force—to set the wage pace for the other 84 million American workers.

Third. Threatens the loss of jobs for 23,500 Federal employees, as the Federal departments and agencies would probably have to absorb the full $178 million cost of this legislation.

Fourth. Threatens the reduction in pay and grade of another 117,000 other Federal employees because for every reduction in force of one worker, there is usually an accompanying "bumping down" in pay and grade of five other workers. This would come on the heels of a 52,000 job cut of 5 percent in Federal employment estimated for fiscal year 1972.

Fifth. Will, because of the 12 percent above comparability pay with private industry, result in a continuous staircase escalation of wages, as private industry workers will seek equal pay with Federal workers, and Federal pay by law must rise 12 percent above private industry. It is obvious that this will seriously aggravate the already critical problem of inflation.

The Federal blue collar employee pay schedule has, since October 1968, been administered under a Coordinated Federal Wage System. Under this new system, uniform policies and procedures for conducting wage surveys and setting wage rates applying to all Federal agencies have been established.

Uniform job grading systems and standards likewise have been developed and now apply to all agencies so that jobs are placed in proper grades under standardized wage schedules.

As the coordinated Federal wage system was established only 3 years ago under President Lyndon Johnson, and as it has worked well so far, enactment of this bill is most premature and unwarranted. This system should be given more time to prove itself.

The pay rates of Federal blue collar employees under the coordinated system have by and large been substantial.

In the 68 largest wage survey areas, covering 403,053 employees or 79 percent of all Federal wage board employees, the average total pay increase for the period 1961 through 1971 was 65.18 percent. On the other hand, the total average pay increase granted by the Congress to the Federal statutory salaried or white collar employees for the same period was 55.26 percent or 9.82 percent less.

Under the present coordinated Federal wage system, all nonsupervisory wage board pay grades have three steps.

The first step is 96 percent of the average private industry wage for that particular skill; the second step, is 100 percent of the private industry average; and, the third step, is 104 percent of the private industry average. It takes an employee, if his work is satisfactory, 6 months to move from the first to the second step and 1 year and 6 months to move from the second to the third step, so that at the end of 2 years of satisfactory service, a Federal wage board employee is making 4 percent more than the average of his counterparts in private industry. This difference with the Federal employee making 4 percent more than his private industry counterpart is maintained throughout the employee's career.

However, this 4 percent difference at the top level has not resulted in any great disparity in wages between Federal and private industry pay.

H.R. 9092 would change the present wage board system drastically by adding to the present three-step wage schedule an additional fourth and fifth steps. The fourth step would be 108 percent of the average prevailing private industry wage and the fifth step would be 112 percent of the average private industry wage.

This means that instead of 4 percent more than that of private industry, Federal blue collar employees at the top step of their pay schedule would be making 12 percent more. It would put private industry 12 percent behind the Federal Government and would have the effect of causing private industry workers to press for wage increases bringing them up to the Federal employee level. The ultimate effect will be a continuous staircase escalation of wages as private industry workers will seek to equal Federal pay and Federal pay by law must rise 12 percent above private industry.

This will aggravate the already serious problem of inflation under which all in our country are suffering. Passage of this bill would mean that less than 1 percent of our national work force would be setting the pay pace for the remaining 95 percent. This excludes Federal white collar employees and military personnel. Instead of Federal wages following private industry, as it should be, the 1 percent will be leading the 95 percent in an unending spiral of pay increases. The result can only be utter chaos, increased unemployment, and greater inflation.

Although Federal blue collar pay should not dictate the pay rates for private industry; neither should it unduly lag behind. The fact is that, under the existing system, pay for Federal blue collar employees has not lagged behind private industry. In the case of Federal blue collar employees with 2 or more years service, their pay already is 4 percent higher than the private industry average.

The price tag for this legislation remains at an estimated $178,000,000. In terms of Federal jobs the $178,000,000 represents 23,500 jobs.

Because of the usual practice of requiring Federal agencies to absorb the costs of employee pay increases, if this bill is enacted, the agencies will have to make up the $178,000,000 cost out of their operating budgets. This means that approximately 23,500 Federal jobs will have to be cut in order to obtain the money to pay for these wage increases.

In addition, enactment of this legislation would adversely affect approximately 117,500 other Federal employees because of the exercising of bumping and retrenchment rights under the 23,500 job cut.

It is obvious that passage of this bill can work almost an immediate hardship on approximately 140,000 Federal employees and their families.

As a Senator representing a State which has over 21,000 Federal employees, I know how serious the loss of Federal jobs can be not only to the employee and his family but also to the economy of the community and State.

I am deeply concerned over the consequences of H.R. 9092, if it becomes law. RIF's in the Federal Government have been in progress for several fiscal years, including the last fiscal year, when the Federal Government was attempting to reduce Federal employment by 5 percent. Approximately 52,000 jobs were estimated to have been lost in fiscal year 1972.

Enactment of this legislation will only generate more RIF's and increased unemployment. The Congress in this instance will have to take the blame.

I oppose the conference report on H.R. 9092 for the same reasons that I opposed the bill when it came before the Senate a month and a half ago. I am convinced it will cut Federal employment putting thousands of Federal employees out of jobs and reducing the pay of thousands of others. It will deal a severe setback to the President's effort to halt unemployment and inflation. It will precipitate an unending upward staircase escalation between the Federal and private blue collar pay injuring all America.

I was advised this morning by U.S. Civil Service Commission Chairman Robert E. Hampton, that he likewise opposes H.R. 9092 and will recommend a veto by the President. He shares the same fears I do about this measure, and particularly the 12 percent above private industry comparability which Federal blue collar employees would receive. Likewise, I understand the Office of Management and Budget will join Chairman Hampton in recommending a veto.

I had hoped that the Congress could have sent a Federal wage board bill to the White House that had a chance of being signed into law, but that is not the case.

I regret the action of the conference on H.R. 9092 and strongly oppose Senate approval of the conference report.

Mr. President, I do not intend to ask for a rollcall vote.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

HANDGUN CONTROL ACT OF 1972

The Senate resumed the consideration of the bill (S. 2507) to amend the Gun Control Act of 1968.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. I yield myself such time as I may require.

Mr. President, I rise in opposition to the pending amendment, which would seek to prohibit the private ownership of handguns.

It is well known that the Senator from Michigan has a very strong commitment to the elimination of handguns in this country, and, of course, he has his right to his opinion. Nevertheless, there are those who possess, in an equal amount and degree of strength, the opinion that the position to which he subscribes in his amendment is not a sound one and should not prevail.

Mr. President, if the adoption of the amendment would mean that guns would actually effectively be prohibited and wiped from the scene and that gun crimes would end, if that could be guaranteed as the result, it would certainly by very, very difficult to imagine anyone voting against the amendment. Unhappily, the public support for such a stand is not quite as strong, in my judgment, as the Senator from Michigan would have us believe.

There are many persuasive reasons which firmly reject any practicability of the amendment's successfully achieving a disappearance of guns from the American scene. One indication of that is the results of a series of polls.

Let me describe three of them. One of them happens to be a poll by the Detroit Free Press, a journal with a good deal of renown in the home State of the Senator who has proposed this amendment.

Under this bill, all private citizens would have to turn in their guns within 180 days; and after this amnesty period, they could be punished by imprisonment of up to 5 years and a $5,000 fine. If they turned them in in time, they would get $25 a gun. If the fair market value was greater than that, they would be paid that much additional money.

Shortly after this proposal was first announced, the Detroit Free Press asked its readers to comment on this question:

> Do you agree with Senator Hart's proposal that the Government buy and destroy all handguns in the United States and that a five-year prison sentence be handed out for their possession?

In response, 74.5 percent disagreed; 25.5 percent agreed. That is in a State that is not known for its antipathy toward the Senator from Michigan. They have been returning him to office quite regularly, and I presume he hopes they will continue to do so.

Another instance of a poll which is quite persuasive happened not too long ago. Last November, a public television program carried a debate on this subject. The debate was on a program known as "The Advocate," and it was broadcast from Los Angeles and from Boston. The question debated was whether there should be a national ban on handguns, a very simple proposition, totally understandable. The public's response by mail was the second largest in the 3-year history of the program; 31,000 viewers, writing in to express their opinion on this subject answered to the call for an opinion. Eighty-three percent of those writing in, or 25,690 members of the public, opposed a national ban on handgun ownership.

About the same time—November 19 of last year, to be exact—Life magazine published an article about the attitude of New York City residents toward crime. Readers were asked to express an opinion by way of a brief questionnaire. The results, based on responses from 43,000 members of the public, were published in Life's issue of January 14. That is a sizable amount in a poll. The result reveals that some 30 percent of those who responded keep a gun at home for protection. The percentage ranged from 20 percent in the larger cities to 36 percent in towns under 50,000. Of particular interest in this regard is Life's observation that:

> Gun control laws, particularly those by Senator Hart of Michigan and Mayor Lindsay of New York, found no sympathy among the letter writers.

Mr. President, those are three polls that are practical. They are not scientific polls of, say, 1,412 people in 50 States that are then extrapolated into all kinds of fanciful and conjectural figures, leaving many to wonder just how accurate they are. Here is a practical situation, readily, and easily understood, with a prompt response to the issue at hand—overwhelmingly turned down.

But that is not the first time. We have the situation in the various large cities that make guns illegal. Guns are made illegal if they are not registered or if they are not registered and a permit or license is not issued to own them or to carry them.

New York City has had such a law for many, many years. Since 1911, in fact. We have the testimony in the hearings from Mayor Lindsay and Police Commissioner Murphy, who testified that in the city of New York, where registration and a permit are required, 20,000 permits for handguns have been issued. Their estimate was that there were 500,000 guns—illegal guns—in the city of New York.

The New York Times, which is a very reliable newspaper in many things, estimated the figure at a million illegal guns in the city of New York. In his testimony, Lloyd Cutler, Director of the Commission on Causes and Prevention of Violence, cited the figure of a million illegal guns in New York City.

That would indicate that although a law was passed in New York City making those guns illegal unless they were registered and a license was procured for them, there are between 500,000 and a million citizens in New York City who said:

> We don't believe in it. We don't think this law is reasonable. We don't believe it is that serious. We're going to keep the guns.

Mr. Cahalan, the prosecutor of Wayne County, Mich., testified that there were some 500,000 illegal guns in the city of Detroit because they were not properly registered.

What does that mean? That means that if a law is passed prohibiting the ownership of guns, a national law, in the entire United States, it will meet a similar treatment.

I should like to produce another item of proof: The latest figures we have for the manufacture of guns came to approximately 2.5 million a year. Mr. President, as deliberately as I can, I should like to pose this question: Who buys those guns? Is it the crooks? Is it the murderers? Is it the shooters of people who are making a living as a criminal proposition? It is not. It is the ordinary, run-of-the-mill citizenry throughout the 50 States of the Union—2.5 million a year, Mr. President. It seems to me that that is a repudiation of any suggestion that one could effectively enforce a law that would seek, on a national basis, to ban private ownership of handguns.

I neglected to mention that in New York City they have 32,000 policemen, with anywhere from 500,000 to a million handguns floating around or resting in dresser drawers or wherever. If we were to impose a ban on a nationwide basis, how many policemen would it take, how many marshals would it take, to enforce a ban of that kind? Certainly, it would be in sufficient number that it would constitute a national police force, even if it were for only that purpose. If created and if it were to exist for any amount of time, sure enough, this busybody Congress would find many, many other duties to assign to this national police force. I cannot understand how people who are classified generally as liberals and as having a liberal philosophy could subscribe to a bill which either would not be enforced or under which an attempt would be made to enforce it with a national police force.

Let us remember that in America, the primary and fundamental responsibility for law enforcement rests with the States and with their political subdivisions. Unless a law is reasonable, unless it is a recipient of public support, unless the criminal justice system accepts it and prosecutes the cases and punishes the cases of violation, that law will not succeed by way of enforcement. It just cannot do it.

We have many indications to that effect, and certainly one of them is to be found in the testimony of Police Chief Jerry Wilson of the District of Columbia. He said:

> I do not mean to suggest by this thought that we are asking additional national legislation with stiffer penalties for users of handguns. Quite the contrary. I am convinced that, in the area of dealing with individual offenders, we now have, for the most part, sufficient legislation. What we do not have,

> however, is the realization by other integral agencies in the criminal justice system, including prosecutive, judicial and corrections officials, that the unlawful possession of a firearm, in itself, is a crime of the first magnitude.
>
> The fact of the matter is that a person actually convicted (not merely arrested) under the misdemeanor portion of the statute during the months of the study had a two out of three chance of not receiving a single day in jail. As indicated above, when all arrests under the misdemeanor section of the statute are considered, the chances of not being imprisoned at all are better than five out of six.

He then submitted the report.

The police chief put his finger on it when he said the people of the District of Columbia do not consider this as serious. They are not in sympathy with the law at all; they do not think it is reasonable. The criminal justice system does not accept it as something that is serious. The prosecutors do not prosecute; they do not inflict the penalties that are allowed.

A second conviction calls for imprisonment for from 5 to 10 years. If it is a first charge of carrying concealed weapons which has been preceded by conviction for another felony, the sentence is also 5 to 10 years for the second offense.

In order to determine what the effect of a proposed law would be, an examination into the operation of existing legislation on the same subject is always valuable. It is doubly so in the area of gun control, since a number of jurisdictions exist where ownership and use of handguns is tightly controlled by law.

Here in the District of Columbia one may not carry a pistol without a special license to do so. A recent study by Police Chief Jerry Wilson has cast some interesting light on how violations of the law governing this activty, which can be punished by up to 1 year imprisonment for a first offense, are being handled. Over the 3-month period under study 361 verified cases were initiated by arrests for carrying a dangerous weapon. Forty-five percent of these were dropped by prosecutors without referral to court. The remaining cases went to trial and, of those, 79 percent—or 157 cases—resulted in convictions.

These 157 convictions provide the most interesting statistic. Of this number 103, or 66 percent, resulted in a sentence of a simple monetary fine, suspended sentence, or probation. The plain fact revealed by this study, at least for the period covered, is that a person convicted under this statute had a two-out-of-three chance of not receiving a single day in jail.

A sampling of the New York experience under the well-known Sullivan law is also of interest. As the Subcommittee on Juvenile Delinquency was informed by Commissioner Murphy of New York, a 20 percent sampling of the arrests for handgun possession offenses was taken over the first 3 months of 1971. This resulted in a study of 156 cases, 136 of which were initiated as felonies and 20 of which were misdemeanors. When these cases were prosecuted, 75 of them, or 48 percent, resulted in convictions—all for misdemeanor violations. Of these 75 convictions 62, or 83 percent, resulted in a fine, suspension, probation, or the like. In New York the situation proved to be even more extreme than in Washington. During the period studied a person convicted under the Sullivan law had better than a four-out-of-five chance of not receiving a single day in jail.

The Juvenile Delinquency Subcommittee also received information on the situation in Chicago, which supplements State gun control laws with its own registration ordinances. During June of 1971 in Chicago there were a total of 337 defendants adjudicated for firearms violations. Of these 129, or 38 percent, were convicted. Jail terms for those convicted were even more scarce than in either Washington or New York. Fully 119 of these individuals received a form of sentence not including confinement. In Chicago during June of last year, therefore, a defendant convicted of a firearms violation had better than a nine-out-of-10 chance of avoiding a jail term.

From the information available it is safe to assume that a similar situation exists in all large cities throughout the country, despite the efforts of overburdened law enforcement officers to bring to justice people who possess handguns in violation of State law or city ordinance. Those who do finally receive convictions have an excellent chance of receiving nothing more than a wrist slap. The reasons for this are numerous and complex, but the end result is clear and speaks for itself. Would a Federal law which attempts to accomplish the same result be treated any differently?

The final basic principle to be considered is, in some respects, the most important one. Everyone wants to reduce crime, except of course the criminal. But crime is a good deal different in different places. One need only examine the Uniform Crime Reports issued by the Federal Bureau of Investigation each year to verify this. Our constitutional form of government wisely leaves crime control, as a general proposition, to State and local jurisdiction. There is a system of Federal criminal laws, but these relate only to truly national matters where there is a clear Federal nexus under the Constitution.

The vast majority of crimes committed with handguns are local crimes. Like other crimes of a local nature, they can best be legislated against and enforced at the State and local level. In many jurisdictions, legislation already exists for those who advocate tighter handgun controls. If the people of that jurisdiction want such laws to work, the enforcement must be improved. Again, this improvement must take place at the State and local level. This is the place where the attitudes of the people and the particular aspects of the crime problem can be taken into full consideration by public officials.

Earlier in my remarks I mentioned a televised debate on gun control which occurred on the program entitled "The Advocates" last November. During this debate, Prof. Ernest Van Den Haag appeared as a witness. Prof. Van Den Haag, a psychologist, is professor of social philosophy at New York University. During his appearance he responded to a question by a former member of this body, Joseph Tydings, in a very eloquent and logical manner on the utility of a national handgun prohibition. I would like to close my remarks with Professor Van Den Haag's words:

> The prohibition would not reduce the number of handguns in illegal possession by criminals. And the murder rate depends, in general, on the number of criminals and the murder rate by guns depends on the number of guns criminals have, not the number of guns in general.

Mr. President, I hope all my colleagues consider carefully these quoted words, and the basic principles which I have tried to present in a factual, realistic way.

I believe that these facts point in a most compelling way to the rejection of this amendment. I urge my colleagues to oppose the pending amendment.

Mr. President, may I ask how much time I have consumed?

The PRESIDING OFFICER. The Senator has consumed 12 minutes; he has 38 minutes remaining.

Mr. HRUSKA. Mr. President, I yield the floor for the time being, in deference to any Senators who might wish to argue the merits, or any alleged merits, of the pending amendment.

The PRESIDING OFFICER. If no Senator yields time, the time will run equally against both sides.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. HRUSKA. The time to be divided equally, when there is no request to the contrary.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. HART. Mr. President, I yield 5 minutes to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I thank the distinguished Senator from Michigan for yielding to me.

I shall address my remarks to the bill itself but shall, of course, study the amendment very carefully.

Mr. President, the issue we are debating today, that of handgun control, is of immense importance. Crimes committed with the use of firearms have risen markedly over the last few years. Since 1968, murders by firearms increased 17 percent; aggravated assault, by 23 percent; and robbery, by 198 percent. Handguns have played a major role in such crimes.

The legislation we are presently considering seeks to apply a measured remedy to what has become a serious problem in this country.

We all know what an emotional, strongly felt issue gun control is. I have received hundreds of letters this spring in the wake of the assassination attempt against Governor Wallace. The letters indicated that there is strong, growing sentiment for additional legislation to curb the criminal misuse of a firearm and for prosecuting offenders to the full extent of the law.

On the other hand, many citizens continue to hold very strong views against any form of gun control. I recall very vividly the debate in 1968 over gun control and the fears which many citizens had that the Congress was overstepping its authority and imposing some ridiculous law that would impinge on the rights of the law-abiding citizen.

We know today that the Gun Control Act of 1968 did not unnecessarily intrude on those individuals who have a legitimate right to a gun. Even the National Rifle Association has called for stricter enforcement of existing gun control laws.

We have become aware, however, that there are serious loopholes to the 1968 law that must be corrected. When the Congress enacted the provision banning the foreign importation of cheap, easily concealable handguns, it did not fully consider the fact that the market in domestically produced handguns would quickly begin to flourish. Today we see the results of that oversight.

Domestic production of cheap, unsafe handguns—known as Saturday night specials—reached the 1 million mark during 1970. One new handgun is sold in the United States every 13 seconds. Saturday night specials were used in 43 percent of the handgun murders that occurred in 1970—almost 4,000 victims.

Furthermore, rifles, shotguns, and handguns were used in well over two-thirds of the 15,000 deaths by murder in 1970.

Last year, in the city of Chicago, where we have stringent local firearms regulations, more than 450 persons lost their lives by handguns. This fact becomes even more significant when you consider that 64 percent of all homicides in Chicago were between friends and relatives. In a situation of anger or passion, a person can easily go out and purchase a $9.95 handgun, that has no conceivable sporting purpose, and commit a serious crime against a friend or acquaintance.

Mr. President, I can well remember, also, a situation that we faced in Georgetown during my first year as a Member of the Senate. Coming from a community that has been plagued with crime for years, we moved into a community which was, presumably, one of the safer parts of Washington, only to find that in a gangland type of war, involving a drugstore about three blocks from our home, a boy was shot and killed one evening.

The next night, two Marine Corps officers in full dress uniforms were in a restaurant. They were insulted by two men who came in, men who were obviously antimilitary. They reported in a manner that I understand was not friendly at all. The officers stood up at least for the fact that they were serving their country. Those other two men went outside to their car, got a gun and murdered the Marine Corps officers in the restaurant.

Mr. President, that was two evenings in a row, a block or two from my home in what is considered to be one of the safer parts of the District of Columbia.

I intend to support S. 2507, because I feel that the same standards we have applied to foreign-made handgun imports should also apply to domestic handguns as well.

I do not believe that this law will harm the sportsman. It in no way affects rifles and shotguns, the primary interests of hunters and target shooters. In a recent trip to downstate Illinois, I asked several groups of gun owners if any of them owned cheap handguns. Not too surprisingly has a single one of those law-abiding citizens owned a Saturday night special.

I might say that the fact that my distinguished colleague, the Senator from Nebraska (Mr. HRUSKA), has identified himself with legislation of this type has had an immense impact. A large part of our population just simply feel that no legislation should be enacted. The very fact that a distinguished member of our Judiciary Committee says that he is trying to protect the rights of individuals and families to own guns for protection and sporting purposes and the fact that he has identified himself with this movement to outlaw what is not and never conceivably could be considered to be sporting guns, has had an enormous impact.

Mr. President, that is the purpose of the legislation. And we should do this by legislation. The very implication that what we are trying to do is to confiscate guns is unthinkable. The question of confiscation is something that I would be very much opposed to. I have never intimated by word or otherwise that I would support legislation of that type. However, I think we are trying to move in a sensible direction. And I commend the Senator from Indiana and the Senator from Nebraska for their leadership.

S. 2507 does not prohibit private ownership of handguns. The measure simply eliminates from the market those cheap, easily concealable handguns for which there is no legitimate purpose. All other handguns will still be available.

Finally, there is solid evidence from law enforcement officials that Saturday night specials should be eliminated. Last month, FBI Acting Director Patrick Gray announced that he favors a complete ban on the sale of Saturday night specials. He went even further to say that licensing and registration of firearms would also be desirable. The police commissioner of New York City, Patrick Murphy, testified in the Senate that they — Saturday night specials — are sought only by people who have illicit motives, but who may have some difficulty securing a better gun.

The Commissioner of Police for Detroit, Mich., John Nichols, testified also that specials and handguns in general are designed to kill or cripple people. No one ever questions a criminal's intent when confronted with a handgun.

Not only did police officers and law enforcement personnel overwhelmingly testify that Saturday night specials should be banned, but the very able D.C. Police Chief Jerry Wilson indicated that with this new legislation we need proper enforcement of the current laws. He said:

> I am convinced that in the area of dealing with individual offenders, we now have, for the most part, sufficient legislation. We must create a climate in this city and all urban areas in the country in which it is known by everyone, beyond any doubt, that carrying a handgun on the street is unlawful and will be dealt with surely and effectively by the criminal justice system.

I totally agree that even the most carefully formulated laws against illegal firearms trafficking will be ineffective without proper law enforcement. We need stricter and speedier enforcement of our criminal laws.

I believe that in a mobile society such as ours, only Federal legislation can halt the interstate and foreign trafficking of such firearms and apply uniform standards to the availability of handguns.

The members of the Senate Judiciary Committee, particularly my colleague from Indiana (Mr. BAYH) and my colleague from Nebraska (Mr. HRUSKA), are to be commended for their leadership on this measure and for their unfailing attention to the necessity of reporting a bill that strikes at the heart of the problem in an effective manner. I believe that this is a fair bill, and one which the Congress should overwhelmingly accept.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. Mr. President, the Senator from Illinois was very generous in his remarks about the interest of the Senator from Nebraska in the bill. Certainly I have taken a position that the importing of Saturday night specials and those of domestic manufacturers should be treated alike.

Mr. President, insofar as the bill is concerned, there were points of difference between the Senator from Indiana and the Senator from Nebraska on these precise provisions, because some of the provisions go beyond the realm of forbidding Saturday night specials. Pursuant to one of the provisions, for example, there would be disqualified guns that cost as much as $200 or $250. And that is not a Saturday night special, because it is not a low-quality gun and it is not a low-cost gun.

A Saturday night special is a gun that is supposed to cost $5, $6, $9, or $10 or, perhaps, up to $15. And when we get into other guns, the bill would just about virtually prohibit those other guns. I would have some question about that, and that is why there would be amendments offered.

Mr. PERCY. Mr. President, would the distinguished Senator from Nebraska modify the definition of "Saturday night special" to include anything under $25? That was what I felt originally was the concept he had in his mind.

Mr. HRUSKA. Mr. President, it has difficulties administratively because we get into the question of used guns.

Mr. President, I yield back the remainder of my 3 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, would the Senator from Michigan yield me a couple of minutes for what appears to be a matter extraneous to the amendment of the Senator from Michigan?

Mr. HART. Mr. President, I yield 2 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 2 minutes.

Mr. BAYH. Mr. President, I want to suggest while the Senator from Illinois is still here, although the Senator from Nebraska is alarmed over the impact of the bill, that I feel that the bill should have the same impact on those weapons whether imported or made at home.

We are defining the Saturday night specials as those weapons that have no use for sporting purposes, as described by the 1968 Gun Control Act. These are cheap and easily concealed weapons that have no sporting purpose, whether domestically produced from beginning to end or manufactured here from foreign manufactured parts or imported.

Mr. HRUSKA. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 1 minute.

Mr. HRUSKA. Mr. President, to that extent, they do. However, the concept of the bill which is before us—and which we are not debating now—is such that when we follow it through to the logical conclusion, it will go far beyond the Saturday night specials as they have been defined. And to that I have objection. That is why I will try to improve the bill of the Senator from Indiana, and we will see what happens when the time comes around.

Mr. HART. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. HART. Mr. President, the able Senator from Nebraska, speaking in opposition to the substitute, mentions among other things that the enactment of the substitute would not guarantee the disappearance of handguns in this country. The Senator is right. It would not guarantee the disappearance of handguns. It would, however, take a healthy nick out of them. It would put us in the direction in which we ought to be moving.

A number of polls are cited which show that a majority of the people do not buy the idea that it is either desirable or useful and that people would not concur and would not cooperate in a law that says "You shall not possess a handgun."

I think that always there is relevance and materiality in inquiring as we undertake to write a law as to what the mood of the country is with respect to it. We do not have to cite our prohibition experience alone to be reminded that sometimes idealism in a sense nonetheless attractively contributes to a breakdown really of law enforcement because it simply offends basic instincts that are widespread across the country.

I do not buy the idea that the statistics suggest by any means that there is widespread opposition in this country to the limitation that this substitute imposes on handguns; namely, that these tools be limited to police and security people, and if private citizens want to use them, let them use them at a licensed target place.

It is true, as the Senator from Nebraska said, that a survey by the Detroit Free Press showed 3 to 1 against the Hart bill, as it is phrased. But that is a poll that is conducted by the Detroit Free Press more for its news and amusement value rather than its scientific claims. The editors themselves do not treat that as a scientific poll. They ask a question in today's newspaper and if one has an opinion about it, it is telephoned into the paper and tomorrow there will be shown the percentage of those who have phoned either for or against. Michigan is not an exception in this country for the general proposition. There is a high degree of response in this country from those known as gun buffs, who respond to everything that is asked about guns. I am surprised that it was only 3 to 1 against the proposal in Michigan because I would suspect that most of those who phoned in were sportsmen, some of whom may have never shot a pistol in their lives but nonetheless are convinced that anyone who would propose any kind of controls is going to come in tomorrow, break down the door and take all their shotguns.

Sometimes it is suggested that there is a partisan international conspiracy. So 3 to 1 against in the free press is not too bad. Similarly, advocates in the last survey, which was referred to, comprise a tally of responses from the public elicited either by a television program which presents a very balanced point of view, or an editorial to which writers respond. Here again, most likely to respond is the person who treasures his gun almost as a medieval esthetic treasure, and each feels made naked if someone suggests taking either of them away.

I make this rather hurried analysis of the phone calls to say we are not yet in the position of saying that a majority of Americans are opposed to getting the handguns out of the bureau drawers. Indeed, scientific polls, such as Gallup and Harris, suggest there is a majority in this country prepared to support Congress, if we get the gumption around here to respond to the figures, namely, they are safer if they do not have the gun in the bureau drawer than if they have.

So while it is relevant to make inquiry about the mood of the country, I think the mood of the country has been missed and if pushed to the wall I would be more comfortable with Harris and Gallup than the telephone response by the free press. It is true that there are people who are not yet persuaded of the wisdom of disarming ourselves of handguns. Because the Congressional Record is read by a few people, I wish to put a few basic statistics before them. There are now about 16,000 murders a year in the United States. Two-thirds of these are by firearms and about one-half of all murders are by handguns.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. HART. I yield myself 5 additional minutes.

The PRESIDING OFFICER (Mr. Fannin). The Senator is recognized for 5 additional minutes.

Mr. HART. Thus, handguns account for over 8,000 homicides a year. Then it has been estimated that one-fourth of all firearms in circulation are handguns; that is, handguns account for about three-fourths of all homicides by firearms. In almost 75 percent of the homicides, it is found that people who knew each other are involved, not attacks upon a stranger by a neighbor or a premeditated plan to murder, and the percentage of instances where these handguns were successfully used by the honest homeowner against the unlawful intruder in the house are very, very small percentagewise; tragically small.

Earlier I placed in the Record the testimony of Peter J. Pitchess, sheriff of Los Angeles County. I do not have all the material that I placed in the Record. I do have one paragraph which bears on this business of who is hurt by the continued possession of handguns across the country—the good people or the bad people, the criminal or the homeowner. Sheriff Pitchess has one paragraph in that testimony that I think is very relevant to this question. He said:

> Many good Americans will argue that we should take the guns from the criminal, but not prohibit their possession by the law-abiding citizen. Perhaps there may be some validity to this argument if the destruction caused were *exclusively* due to criminal activity; but it only takes a cursory glance at the facts to recognize the fallacy inherent to this position. In Washington, D.C., 81% of all homicide cases involve a suspect and a victim who were either friends, relatives, acquaintances, or husband and wife—86% of the murders stemmed directly from an argument, a fight, an altercation or a lover's quarrel. The bloodshed, then, is not due to just the premeditated killer who methodically calculates a murder, but is the result in all too many instances of frustration and passion which are grasping for an available means of release.

It is too often that the available means of relief is this delightful highly polished handgun. We are told it is to protect the household. Nonsense. In 81 percent of the cases of killing in this District of Columbia it was a member of the household, a neighbor or friend who was gunned down. It is true that if we get to the day when handguns are outlawed, murderers will find other means to achieve ends. But unless there is a big scientific breakthrough, if the objective is to kill a human, within the same ball park, in the terms of effectiveness, there is simply no substitute for the handgun. If what you are looking for is a way to kill someone, then it is the handgun.

I do know it has been mentioned in the argument that if we pass this law only the good people will turn in their guns, but the bad people will not turn in their guns, so it will be like prohibition, and the criminal alone will be left with the weapons.

As I understand it, criminals are turning guns in every day, though not voluntarily. Police confiscate thousands of these weapons from criminal suspects every year, but the criminal's arsenal constantly is being replenished. How? Well, principally by a man breaking into my house and stealing the pistol I have in my bureau drawer. That is the principal source of the criminal's arsenal. I say get that gun out of my drawer and make it less available. That is how the criminal replenishes his supply—through the theft of handguns owned by good people.

The street criminal is not the smartest fellow in our society. He is not a dedicated careerist like a carpenter who carefully accrues the tools of his trade and passes them down. If handguns were scarce—and enactment of this bill would begin to produce a measure of scarcity—then only clever people would be able to get them so readily, and most of today's criminals, I would bet, would remain unarmed so far as handguns are concerned.

The studies are large in number and solid in documentation. Contrary to popular belief, criminals do not essentially contemplate a crime and then go looking for guns. It works the other way. They commit crimes only after finding themselves with the capacity to intimidate the victims. I believe that if we can drain away the Nation's supply of handguns—and admittedly it will take a long, long time—then criminals will be among the most deprived.

The case, I believe, Mr. President, is based principally on the proposition that the handgun is one of the gravest threats to the life of the man who has it, his wife and his children in that home, and to the neighbor and to the friend, yes, and to the newspaper boy, and a whole list of the victims we read about so often that we have seemed to become indifferent to them.

There is very honest difference about the direction in which we should go, some feeling we should stand pat, but the day will come, I believe, when this instrument of violence will be regarded as anathema in the kind of society we should live in.

My hunch is that the people of this country are way ahead of us in identifying, as an instrument of violence, that for which there should be no license except if one is a law enforcement official or, under rigidly controlled conditions, a member of a target club.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. HART. Mr. President, I yield myself 1 more minute.

I would hope, as the months go on, that more and more people will ask themselves the question: Who is made safe by the elimination of the handgun? Is it the housebreaker or is it the householder? My answer is, the householder. I think it is an answer that is founded on facts.

I reserve the remainder of my time.

Mr. HRUSKA. Mr. President, I yield 5 minutes to the Senator from Wyoming (Mr. HANSEN).

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. HANSEN. Mr. President, I rise today not to disagree with my distinguished friend from the State of Michigan insofar as his objectives go, but, rather, respectfully to disagree with him insofar as the implementation of the concept would result from the proposal that is now before us.

May I say also that I will leave it to the distinguished Senator from Michigan to impugn the accuracy and the objectivity of the news media in his home State. I do not join with him in that respect.

I would like to point out that the bill before us wipes out the ownership of handguns. It proposes to do that in two ways. No. 1, it would make the ownership of handguns outlawed with the proposal to confiscate all guns presently in private ownership by paying not less than $25 per gun, and more than that if it could be reasonably ascertained that the intrinsic value of the gun exceeded $25.

May I say, first of all, that if the people of this country were to know that they had a ready market available at $25 per gun, I rather suspect that there would be quite a booming business—and I use the word "booming" in a nontechnical sense, but actually it would be a pretty good business. I remember that the gun purported to have been used by Oswald cost $7 and something. I do not know what one could buy a short gun for. I presume it would be a few dollars. If one knew he could get $25 a gun, I should think it would be better than raising cattle in Wyoming. There are a number of ranchers there who could not make a 400-percent profit on their operations.

So it seems to me, No. 1, that that is not a very wise objective.

I think all of us would agree that we would like to take whatever action, whatever steps, might be taken to bring about a diminution in murders and in the lawless acts of some people, but I do not think it follows, when one looks at the record, when he studies human nature, as indeed we must, that we must conclude it would have that result.

In the first place, Mr. President, we have seen demonstrated throughout our nearly 200 years in this country that only those laws which enjoy rather widespread support among the populace are, over a long period of time, enforceable. If the courts are not behind the law, we cannot get a very good remedy in the courts. If the people are not behind the law, there will be a reluctance on the part of officialdom in our society even to enforce the statutes. Others could be mentioned.

The distinguished Senator from Michigan has said, if I understood him correctly, that there are about 16,000 murders per year, and, if I recall the figures, some 81 percent of those occur between persons who are known to each other.

Mr. HART. In a particular city, yes.

Mr. HANSEN. I thank the Senator. What evidence I have seen indicates to me that acts of violence, such acts in which one lover shoots another, probably reflects the use of guns, of that type of weapon, simply because they were available. I do not think it follows that the act would not have occurred at all if the gun had been absent in that situation.

I have read about too many deaths by other means that incline me to believe that when people become violent, they will seize upon whatever opportunity is at hand to commit the crime of murder.

There might be some slight drop. But when you look at the fact that we kill on the highways of America roughly 55,000 persons per year—and I happen to know that the distinguished Presiding Officer at this moment, Mr. FANNIN, was once the chairman of the Governors' Conference on Highway Safety, as I later became when I succeeded him in that role—I suggest that if we want to cut down on what some people say are murders in this country, I can think of no more effective way to do so than by restricting drunken driving. If we can succeed in restricting deaths caused in that fashion, it seems to me that, with more than half of all the fatalities on the highways today resulting from a person being intoxicated and driving, then I say let us do so and strike at a far greater hazard to the lives and health of people than would result from this type of legislation.

Or it might be contended that what we ought to outlaw is not guns but lovers. I would not go that far. I think there may even yet be some value in the amorous side of social relations. But basically and seriously, Mr. President, I think the problem is this: It just does not follow that outlawing handguns will take guns out of the hands of the people who are committing most of the murders today. I think the people who are bent on a criminal career will be the very last to relinquish their guns. And in the judgment of around 2.5 million people who purchase guns per year, for whatever reasons they may have, I cannot but conclude that for a great majority of those persons their reasons are valid.

Three years ago I happened to buy a .38 special. It is not in our apartment here in Washington. It is out on our ranch in Wyoming. I bought it because we did not have a single gun around, and there was a porcupine in a tree in the backyard, and the first gun I found happened to be a pistol. I bought it, and after several shots succeeding in killing the porcupine.

I think a great many people have their own personal reasons for owning guns, and I do not believe it makes sense to take those guns away from the people, or to deny to those who do not now have a gun the opportunity legally to purchase one, simply because we deplore the number of deaths that have resulted from fatalities from gunshot wounds.

I wish we could bring about an ethic in American society which could make all of us practice the principles that are embodied in the Ten Commandments. But I do not think that until we can arrive at that happy millennium there is much sense in passing the kind of legislation that is proposed here, I realize most earnestly and sincerely, by my esteemed friend from Michigan. I cannot believe that it would achieve the objective that he hopes it might.

Insofar as we can, I want to do everything that can be done to bring criminals to speedy trial, and to insure the type of attitude among members of the judiciary that will cause them to mete out the kind of punishment that many criminals deserve. I happen to be one who believes that capital punishment has a proper purpose. I have talked to a number of wardens in penitentiaries, and I know they say that without the right to make punishable by death certain crimes the whole capacity that they now have to maintain order in a penitentiary will be taken from them, because if a person is in a penitentiary for 50 years, what difference does it make to him what the warden of that penitentiary can do, short of putting him to death, if he kills someone else that he may not like, or for whom he exercises a particular grudge at a given moment?

So I must say that while I agree completely with the distinguished Senator from Michigan in deploring the deaths that occur by murder in this country, I really think this is the wrong way to go about trying to achieve his objective. I hope that the Senate will reject this proposal. I recognize what has impelled the Senator from Michigan to suggest it, but I respectfully cannot agree with him.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, could we have a rundown on the time situation?

The PRESIDING OFFICER. Twenty-three minutes remain to the proponents, and 22 minutes to the opponents. Who yields time?

Mr. HART. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I want to say at the outset that I certainly commend the distinguished Senator from Indiana (Mr. BAYH) for the excellent work that he has done in this whole field of the question of the control of guns. I believe that the Senate and the country owe him a great debt of gratitude, and that is especially true, Mr. President, with respect to S. 2507, the Saturday night special bill which is pending before the Senate. I hope, at the very least, that that bill may be rapidly passed by the Senate.

The Saturday night special bill is an important step in eliminating the mindless slaughter of innocent people that goes on year after year in America due to the unrestricted availability of handguns. However, I believe that we will not end these needless killings unless we ban handguns completely. I, therefore, join with the distinguished senior Senator from Michigan (Mr. HART) in cosponsoring his amendment, as I did the identical measure when it was, sometime ago, introduced as a separate bill.

Unfortunately, Mr. President, making the sale of one type of handgun illegal will not have the significant impact on the homicide statistics we expect. One important reason is there are already about 25 million handguns in the country today.

This bill is, therefore, a beginning in the fight for gun legislation, but I feel that the situation has gone too far for a mere beginning. We need to end the sale of all handguns and make the possession of them in this country illegal. If we stop with the legislation before the Senate today, I believe nothing will be done to cut down the tens of millions of guns already in circulation. For effective crime control and effective gun control, therefore, we need to make the sale and possession of handguns illegal. We need to disarm the Nation in this important and critical respect.

The majority of criminals do not obtain their guns through conventional channels, as the Senator from Michigan has stated. Consequently, a ban on the sale of guns would not keep them from getting one. Often these guns are stolen from citizens who buy them because they mistakenly believe they will promise protection.

What too often results, Mr. President, is that people, by their own ownership of handguns—which are easily stolen, easily concealed, and readily used—find that their protection is reduced.

Opponents of gun control legislation point to the right of the citizen to protect himself and argue that only the law-abiding person will be affected by the law, leaving criminals in possession of all guns. But the fact, is, Mr. President, handguns are rarely effective as a protection against crime. More often, they are used in anger against a friend or relative, or when a child picks one up and kills a playmate. Almost every newspaper in the country carries a story of an argument that ended in death for one or more people every day. And more often than not, it was possible for it to occur because of the ready availability of a handgun.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARRIS. Will the Senator yield me 5 additional minutes?

Mr. HART. I yield.

Mr. HARRIS. We must accept the fact that handguns are designed to kill people. They account for most of the homicides in this country. There is no legitimate reason for any private citizen to possess a handgun. The amendment provides an exemption for gun clubs in order that they might use them for target practice. The only other use I can conceive that a pistol might be put to is to kill or maim another person. Why should we allow this to continue?

I have heard people say that gun legislation will have little effect on homicides because Americans are such a violent people that they will kill each other anyway. First of all, it is not true that disarming the Nation would have no effect on the homicide rate. There is too much evidence to the contrary. Figures in other countries conclusively demonstrate the effectiveness of firm gun control. But in any event why should we make it easy for Americans to kill each other? Why should we encourage, through our inaction, the murder of law enforcement officials and the terrorizing of small businessmen? We have made it more difficult for people to kill themselves with an automobile, why should be continue to make it easy for them to kill themselves with a handgun?

Mr. President, the fear of crime in America is in effect a fear of violence. And violence in America is, first and foremost, violence by gun. It is time to end this violence.

The dimensions of the problem are staggering:

Total casualties from civilian gunfire in our century exceed our military casualties in all our wars from the Revolution through Vietnam.

Each year more than 20,000 citizens are killed and 200,000 are maimed or injured by guns.

The Nation has become an arsenal—with private ownership estimated from 50 to 200 million.

Between 1964 and 1970 armed robberies increased 198 percent, and in 1971 armed robbery increased another 16 percent over 1970. Sixty-three percent of the armed robberies were committed with guns, 65 percent of all murders were committed with guns.

Nationally, though only 27 percent of the Nation's firearms are handguns, they account for most firearm assaults. In 1970 80 percent of homicides involving firearms were committed with handguns.

It is time that the Senate provided for thorough gun control, gun control which not only stops future sales but eliminates lethal private arsenals unless they are for the innocent purposes specified in this amendment.

Mr. President, often in a nation's history there are truths that the common wisdom says cannot be uttered. Then if a body of prestige and influence speaks out, those truths can no longer be hidden. In that moment with a speed that always confounds those with less faith in popular wisdom, the reforms that are necessary are accepted by our people.

I believe that that time has come with respect to the banning of handguns, and I urge the Senate to agree to the pending amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I think there is time remaining on the additional 5 minutes.

The PRESIDING OFFICER. Two minutes remain.

Mr. HART. Mr. President, I thank the Senator from Oklahoma for his remarks and for joining me in the initial introduction of this bill in the last Congress and again now. I appreciate very much his marshaling the statistics as he has.

How quickly handguns can be taken out of circulation in this country will depend heavily on whether the citizens of this country look at these facts and these figures. If they do, I believe they will reach the same conclusions the Senator from Oklahoma and I have reached, as reflected in the substitute on which the Senate will now vote. His voice is one of courage always, and I am grateful that he has joined me in this matter.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HART. I yield myself 2 additional minutes.

Mr. President, I had hoped that the Senator from Wyoming might be here. I did not have an opportunity to discuss with him the problem or the fact, because that is a fact, that he was asserting; namely, that even if we managed to disarm ourselves of pistols, people would still kill people. That is true. But does not the Government have some responsibility to make it as difficult as possible for people to kill people? That is what this proposal really is all about.

Most murders are committed in a fight or an argument where the violence escalates, and it reaches the fatal level partly because it is quick, it is easy, and it is sort of relatively impersonal to press the trigger from 2, 3, or 5 feet away and kill a person who at the moment you are mad at or disappointed in or frightened of. But the same person, if he did not have that gun at hand, would find it much more difficult psychologically to stab the friend or to bludgeon the friend—or family member—to death. This would make it more difficult for us to kill. Among the basic responsibilities of Government is to insure that we do those things that will make it more difficult to kill and enable us to behave in a less violent fashion as a people.

If you take the handguns away, there will remain the long guns, the knives, the bottle of poison, the baseball bat, and the other tools of destruction. But you cannot consider any one of those as interchangeable with a handgun. Not one of them comes within hailing distance of the effectiveness, not one is so easy to grab and quick to administer. None of them. The figures tell us this overwhelmingly.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield 8 minutes to the Senator from Indiana.

Mr. BAYH. Mr. President, I appreciate the Senator from Nebraska yielding time to me. I asked him to permit me to have the opportunity to explain why I am not going to be able to support the amendment of my good friend the Senator from Michigan. But I fear that at least part of my statement will be couched in terms that he—or at least the Senator from Wyoming—would disagree with, because I think that in some of those statements we have strayed quite a bit from the mark in relation to the facts.

As chairman of the Subcommittee on Juvenile Delinquency, I found myself in a position which was unenviable to many. It is an honorable and responsible post, of course. But some would shy away, because it is charged with the responsibility for firemarm legislation in this body. Anyone who has been in this body very long realizes that there are few more controversial subjects than guns. One would do better to avoid it, I am told. I do not see how anyone can avoid this issue, though, when faced with some of the statistics that cannot be refuted about the degree of implication of firearms in the problem of law and order.

There is not a Member of this body who is not concerned about the increased number of deaths by firearms and by the general increase in lawlessness, fear, and intimidation spread by those who carry easily concealed hand weapons.

As I sit here and listen to all sorts of excuses about how any effort to limit the possession of hand weapons is not really going to have any impact on crime, I say, Poppycock. I am not a law enforcement expert. But having heard Mr. J. Edgar Hoover and his successor, Mr. Gray, say what a good effect a limitation on handguns or weapons will have on crime, I say they know more about crime than I do.

As chairman of this subcommittee, I found myself in a position where I wanted some action on gun control. I wanted us to make progress. I think the measure which is now before us will effectively take out of circulation about 900,000 of the least desirable and most readily accessible of the criminal-element kind of firearms. I think that is progress. Some might say it is not enough progress. I cannot argue with that statement. Probably it is not. Others might say we have gone too far. We are going to hear all kinds of arguments about any kind of bill, but our job is to reach for and achieve a consensus.

I have tried my best to treat the "officialdom," the National Rifle Association, with great respect. I have advised them in advance of the steps I was taking. I have tried to advise them of what we were trying to do.

Yet only yesterday I received a "Dear Senator BAYH" letter which starts out by telling what a terrible bill S. 2507, the "Bayh bill," is. I must say that it is a rather interesting representation of parentage of the bill. I cannot even recognize some of the blood lines. I am sorry the National Rifle Association takes that kind of position. But it is not inconsistent with their total position on any kind of constructive firearms legislation.

I did not rise to "take on" the National Rifle Association. I do not want to get involved in that controversy. But when they do put out pure, unadulterated bunk, as is the case in parts of this letter, I am going to say that that is what it is.

I am concerned about the means of control utilized by the Senator from Michigan (Mr. HART). I am deeply concerned about what we get into when we talk about confiscation. It was the assessment of the Senator from Indiana, that this kind of approach is totally unacceptable to a majority of this body.

Second, I would philosophically prefer instead a licensing provision, perhaps similar to the one we have in my own State of Indiana.

Thus, with all respect to him, knowing the depth of his conviction, having had the chance to serve with him for 10 years, and knowing that he is one of the most conscientious members of the Committee on the Judiciary and the Senate as a whole, I still find myself for these and other reasons on the opposite side of that issue.

I cannot agree with the Senator from Wyoming (Mr. HANSEN). Yet some of the facts that the Senator from Michigan has brought to our attention are difficult to dispute.

The fact is that most killings do occur among families or among people who know one another. We cannot deny that. That is disclosed by FBI studies, not by Birch Bayh statistics.

How should we limit such use? The Senator from Michigan suggests total confiscation. I would prefer tighter licensing provisions. But I have to admit, I suppose, that to reach the result of reducing killing, it would probably be better if there were no weapons, if that is the goal that we are striving for.

But I must say that at the hearings the law enforcement officials told the committee that if one hears someone prowling around in the house, one should call the police rather than to get the .38 which might be available, and try to do your own "thing."

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. BAYH. Mr. President, will the Senator from Nebraska yield me 2 more minutes?

Mr. HRUSKA. I yield 2 additional minutes to the Senator from Indiana.

Mr. BAYH. I thank the Senator.

They tell me to get the police officials there.

I think a Saturday night specials law will have a significant impact. For the reasons I mentioned earlier, I am not prepared at this time to go along with the Senator from Michigan. I should like to see a handgun licensing provision. But that is not the matter before us.

Mr. President, I appreciate the Senator from Nebraska permitting me to utilize his time.

If I have additional time, I will yield to the Senator from Wyoming.

Mr. HANSEN. I should like to have 30 seconds.

Mr. HRUSKA. I yield another minute to the Senator from Indiana.

Mr. BAYH. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I think that when one hears a prowler in the house, he should try to find him. You listen to find out where he might be. Does not that appeal to the Senator as the proper way to begin a search?

Mr. BAYH. That depends on who is sleeping on the top of the bed.

Mr. HANSEN. I usually sleep with a roommate. I do not know what the situation is with others.

Mr. BAYH. I suppose there is a place for humor. But one of the real troubles we are finding now in framing firearm legislation, particularly with respect to small weapons, is that it is not useful at all if large numbers of Americans feel that they are going to be helped by having a weapon in the house.

The statistics offered by the Senator from Michigan show that usually more people are killed by accident or by a criminal who is a pro and knows what to do than gain in self-defense. The chances are, according to figures given me by law enforcement authorities, that somebody other than the criminal is going to be killed in the process. I do not know what we are going to do about it, and I am sure the problem is deeply embedded in the minds of our colleagues. However, it has not been borne out by the facts brought to the attention of the committee.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, how much time remains?

The PRESIDING OFFICER. Ten minutes remain to the proponents, and 11 minutes to the opponents.

Mr. HART. Mr. President, I yield 9 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 9 minutes.

Mr. TUNNEY. Mr. President, I thank the distinguished Senator from Michigan for yielding me time on this very big issue. The Senator from Michigan has offered an amendment which I consider to be very important. It is my hope that it will pass the Senate.

Mr. President, I believe the time has come to recognize the handgun for what it is, a weapon whose primary purpose is to kill or wound other human beings. And I defy anyone who looks at the statistics to come to any other conclusion.

In the United States in 1971, 10,000 murders were committed with firearms, and guns accounted for 21,000 deaths when suicides and accidents are included.

Handguns were the weapons in the vast majority of those deaths.

From 1961 to 1970, 604 police officers were killed by firearms; 466 of those were by handguns. In 1970 alone, 100 police officers were killed, 73 of them by a handgun. That is 73 percent. In 1971 the toll was 121, 94 by handguns.

In the city of Detroit during the first 6 months of 1971 305 homicides were committed—over 60 percent of them by handguns.

There are now about 25 million handguns in this country. In a single year—1968—another 2.5 million more were manufactured. I do not know when a country should be classified as an armed camp, but in the United States right now, conservative estimates are that 90 million guns are in circulation. Other estimates run as high as 200 million—that is one gun for every man, woman, and child in the country. Or put another way, it is three guns for each household in the United States.

And yet each year we make and sell and use more handguns—guns whose primary function is to kill or maim another person.

We in this Chamber have called for an end to the killing in the Middle East, in the Congo, in Bangladesh, in Northern Ireland, in Burundi.

We have demanded an end to the killing in Vietnam.

But when are we going to face up to the killing that goes on in our homes, our streets, and our neighborhoods every single day of every single year.

Someone in America is killed or injured by gunfire every 2 minutes. Do we care less for the lives of our own citizens?

Nearly all the civilized nations of the world require firearms licensing or registration or both. Many of them prohibit private possession of any handgun. Nowhere in the world is the private ownership of handguns on a per capita basis, as high as in the United States. In Canada it is 30 handguns per 1,000. In Israel, a nation engaged in almost permanent war with its neighbors, it is 10 per 1,000. Finland, the Netherlands, Greece, Great Britain, and Switzerland have fewer than five handguns per 1,000. But in the United States the figure is 135.

In the United States there are 5.7 gun murders per 100,000 persons each year. In Japan, where it is illegal to own, manufacture, or carry a handgun the ratio is only 1.9 per 100,000 persons. In Great Britain, while handgun laws are almost as restrictive as Japan, the gun murder ratio is only 1.25 per 100,000 persons.

Great Britain has a population of 50 million people. In 1970, there were 29 handgun homicides there. In the same year, Los Angeles County with a population of one-seventh as large as that of Great Britain had over 10 times as many handgun homicides.

In the face of that record, there are those who tell us not to enact tougher gun laws. I think the time is right now to ask why—to demand that the slogans of the gun lobby be examined for the facts.

One such slogan is that only the honest citizen will turn in his gun, leaving him helpless against the criminal who will keep his. But the fact is that practically every handgun used in a crime was at one time owned by an honest citizen or sold by an honest storekeeper.

Each year, thousands of guns are confiscated by police officers in every city in the country. Where then do the guns come from, which replace them? They come from the homes and stores of honest citizens. The millions of handguns owned by law-abiding citizens are nothing less than a national warehouse from which the criminal can select at random. And even those handguns which do not fall into the hands of criminals have an all too familiar potential for tragedy. Accidental shootings by children playing with father's pistol, shots fired in anger in a family quarrel, these are the real uses to which handguns are put.

People say that they need a handgun to protect their home against burglars. But the facts sadly contradict that argument. A recent study by a national commission in Detroit and Los Angeles showed that only 2 percent of home robberies and 1 percent of home burglaries result in the robber or burglar being shot by the occupant.

Who is it then that the gun is used upon? All too often it is a husband or wife, friend or relative. A study of homicides in Chicago recently showed that 71 percent of all killings in that city involved relatives, friends, and neighbors.

In Washington, D.C., 81 percent of all homicide cases involve a suspect and a victim who were either friends, relatives, acquaintances, or husband and wife. Eighty-six percent of the murders stemmed directly from an argument, a fight, an altercation or a lovers' quarrel.

On an average day in the United States there are as many as 57 deaths which result from the use of firearms. One day out of every three, a policeman is killed, virtually always by a gun.

I think it is time to begin to end those tragedies. Gun control laws are not the only part of the solution but they are a major part. And thus it becomes a question of our responsibilities as U.S. Senators.

I would like to read to the Members of this body a portion of the testimony of a distinguished law enforcement officer in my State which explains in unmistakable terms why handguns should be banned.

On June 28, 1972, the sheriff of Los Angeles County, Peter Pitchess, testified before the House Judiciary Committee. In that testimony he stated, as the chief law enforcement officer of the largest and most populous county in the United States, that handguns should be banned altogether.

His statement was a lengthy one, and so I will not read all of it, but I am going to quote from it at length because I think it explodes some of the myths and the rhetoric that have been heard in this Chamber. His statement says in part:

> Let me begin by telling you my position regarding the handgun. It is made for killing people, and I challenge anyone to disprove that statement.
>
> For many years, my colleagues and I have steadfastly resisted any attempt to regulate or outlaw the possession of firearms. But, times are changing.
>
> Stricter gun laws obviously will not eliminate violence, any more than existing punitive laws have wiped out criminality. In my opinion, the legislation you are considering relative to gun registration and control is simply inadequate. The enormous expense and lack of enforceability make it somewhat impractical. But restricting the sale or possession of handguns will have a dramatically dissuasive influence.
>
> The problems besetting us on all sides are great. Our society is experiencing catastrophic upheaval. Our attitudes must change to conform to the demands of contemporary culture. I have done much soul-searching on the issue of gun control. After having carefully studied all available data, it became increasingly apparent that there is only one course left for men of good will—no longer can we afford the luxury of endorsing what has lately become a dangerous and untimely position—the fallacy that the safety of our populace is dependent upon an inalienable and largely indiscriminate right to bear arms.
>
> We have reached an inescapable conclusion: All handguns must be banned except for law enforcement and the military.

The directness of that statement needs no emphasis from me, but I think it would not be out of order to point out that the police official who made that statement is a Republican whose constituency is considerably more conservative than many members of this body.

Mr. President, I will vote for the Hart amendment and I will vote for the Kennedy-Javits amendments.

I do so because the time has come to ban handguns and to register all other guns and license the owners of those guns.

The Hart amendment bans the possession of handguns by anyone except law enforcement officers and security guards. Other handguns would be bought at fair value by the Government and destroyed. A limited exception is available for target shooting clubs which would be allowed to own handguns if they were stored in a secure place. Similarly, antique guns—those manufactured before 1890—would be exempt along with some modern weapons judged to be collectors' items.

All other handguns must be sold to the Government within 6 months after passage of the law at fair market value or a minimum of $25.

The Kennedy-Javits amendments provide for the registration of all privately owned firearms and require all gun owners to possess an adequate State permit or a Federal gun license. Such permits will not be issued to convicted felons, fugitives from justice, mental defectives, alcoholics, juvenile, or drug addicts. In addition, for those who wish to turn in weapons rather than register them there is a provision for reasonable compensation.

Mr. HART. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Michigan has 1 minute remaining. The opponents have 11 minutes remaining.

Mr. HART. Mr. President, I reserve the 1 minute.

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, on one occasion already this afternoon, it has been said that if the pending amendment were enacted into law and achieved the assigned task, it would obliterate every handgun from the American scene. If I thought that were true I would vote for it and earnestly hope that it would pass. We would then not have the unequal situation of some people having to give up their guns and others not having to give them up. That situation would perpetuate and aggravate the situation in a criminal way.

Mr. President, all of these figures have been given as to the increase of crime involving guns. In New York, guns are used more all the time. There was an increase in crimes committed with guns from 12,000 to 16,000 between 1967 and 1971.

In the matter of homicides, homicides have doubled between 1965 and 1970 in New York. But those committed with guns have quadrupled. We can go down the list of figures, and these figures are cited and somehow that is supposed to be translated into an argument in favor of this amendment.

Let me respectfully call to the attention of Senators the fact that in New York these crimes committed with firearms were committed with illegal firearms; not a single registered gun was used in any of these crimes. They were committed with illegal guns. Now we are going to make it illegal for these guns to be used or owned. It is said these guns come in from Pennsylvania, New Jersey, or elsewhere. The transportation of guns into New York from other places is illegal under a Federal law. It is a gun that is illegal in the first place, illegal to transport to New York, and it is illegally owned in New York. Now we want to make it illegal because the man has an illegal gun in his possession. It does not make sense. This proves, Mr. President, you cannot obliterate guns by statutes of this kind.

Annually in New York City between 9,000 and 10,000 handguns are seized on the streets. The figure is in the thousands in the District of Columbia. In Detroit in the first 7 months of 1971. 1,100 guns were seized on the streets, all unregistered guns.

So we have these laws and they do not do away with guns, and now we are going to have another law. It seems to me that is not the way to do it. There is not any sympathy for this kind of law. There is no public support that is proven by criminal records.

I urge that the amendment is not practical. It would add to the problems rather than to solve them. I trust the amendment will be as resoundingly defeated as it was last time.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan has 1 minute remaining and the Senator from Nebraska has 6 minutes remaining.

Mr. HRUSKA. I am ready to yield back the remainder of my time.

Mr. HART. Is the vote ordered for a time certain?

The PRESIDING OFFICER. The vote was ordered for 4:30 p.m.

Mr. HRUSKA. If it will help the Senator any, I will yield him my 3 minutes.

Mr. HART. I had the feeling that if there were three more people on the floor I might get one more vote. I might be kidding myself.

Mr. HRUSKA. May I suggest that is on the theory that if a fisherman has three lines in the water instead of one he will catch three times as many fish.

Mr. HART. Mr. President, would it be in order to suggest the absence of a quorum, to expire at 4:29 p.m.?

Mr. HRUSKA. That is agreeable with me.

The PRESIDING OFFICER. The Senator could ask unanimous consent.

Mr. KENNEDY. I would like to ask the Senator from Nebraska if he would be willing to enter into a time agreement on the other amendments. We could get some kind of an idea of how we are going to proceed. We could use this time for that purpose.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Will the Senator yield time for that question?

Mr. HRUSKA. I would suggest that this is neither the time nor the place, nor is there time for that discussion now. I told the leadership that in due time, later this afternoon, it will be informed as to the plans of those who oppose the bill.

Mr. MANSFIELD. Would the Senator say there is a possibility after this vote is out of the way that it might be possible for us to enter into an agreement covering the Kennedy proposal?

Mr. HRUSKA. For the balance of the afternoon? My answer is that some of us who are interested in this bill will meet and discuss our plans after the vote and the leadership shall be promptly advised.

Mr. STEVENS. Mr. President, I wish to speak in opposition to amendment No. 1335, proposed by the Senator from Michigan, which would outlaw the manufacture, sale, or private ownership of all handguns, except by the police, members of law enforcement, and security guards.

I have in the past consistently opposed any legislation of this kind. As I stated before, and I will continue to repeat, firearm ownership is a basic right guaranteed to all Americans by the Constitution. Moreover, I believe that passage of an amendment of this kind would accomplish nothing except to disarm law-abiding citizens and to render them even more vulnerable as the helpless prey of criminals. I believe that it is not a choice but truism that criminals and the criminal element of our society would not turn in or hand over any handguns were such an amendment passed. On the other hand, the inconvenience and cost to law-abiding citizens would be considerable. More importantly, the citizens would be left helpless before the onslaught of criminals in whatever crimes they wish to perpetrate.

It should be obvious by now that strict legislation is not the answer to solving the problem of crime in our Nation. One only need remember that the man only recently convicted of the attempt upon the life of Governor Wallace had before this act already broken two of Maryland's gun control laws. In addition, experience with the 1968 Gun Control Act has shown that in the period since the enactment of the law, the incidence of crime involving the use of firearms has significantly increased. I believe that the focus for this attempt to solve the problem of crime in our society today is misdirected. I have consistently argued that this effort would be more effectively directed if it were aimed at punishing those who misuse firearms while preserving the constitutional right of law-abiding citizens to purchase and own guns. This legislation would affect those who misuse firearms, not the vast majority of firearm owners who are honest and law abiding. S. 794, which would impose mandatory penalties on those who use a firearm in the commission of a Federal felony or unlawfully carry a firearm during the commission of such a felony, would accomplish this purpose.

I also continue to believe that gun control legislation of this sort is best directed at the State and local level. Clearly, the problems facing citizens of New York and Detroit are vastly different from the problems facing the citizens of various cities in my State of Alaska. Gun control laws which may solve the problem in eastern and highly urban cities and States will do nothing and indeed add to the difficulties for citizens in western and rural States, such as Alaska. In many Western States, much of the countryside is still frontier. For example, Alaska, although it is geographically the largest State in the Union, has the smallest population of any of the States. Why must the citizens of my State suffer because of the problems which occur in areas of the country thousands of miles away? In Alaska, we know how to use firearms and take great pride in our ability to use them.

More specifically, it is a common fact in my State that when an Alaskan goes out into the bush to hunt or fish, he nearly always carries a handgun, such as a .357 or a .44 magnum, for his own protection. Bears, wolves, and other wild animals often will come up to humans in the bush areas and sometimes can threaten and endanger one's being. To deprive the citizens of Alaska of this necessary weapon for their self preservation would be not only folly but indeed criminal. This is but one example of the effects that passage of this amendment would have. I repeat that, if the citizens of other States are worried about guns and believe they must be controlled, they can do this on the State or local level. However, to design national legislation which will needlessly hinder and burden the citizens of States such as Alaska is unnecessary.

Alaska, I believe, has also accumulated a fine record of responsible handling of firearms. Any person who has been convicted of a felony, or a misdemeanor involving assault and battery, assault with a dangerous weapon, burglary, robbery, and other like crimes may not own or have in his possession any pistol, revolver, or any other concealable firearm. Possession of a firearm while under the influence of an intoxicating liquor or drug is also illegal. Flourishing or pointing or discharging a firearm in public places is, in addition, prohibited. Finally, a person who uses or carries a firearm during the commission of a robbery, assault, murder, rape, or burglary is guilty of a felony and is subject to imprisonment for not less than 10 years.

Indeed during the 1972 session of the Alaska State Legislature, three new pieces of legislation were passed to deal with firearms and their responsible use.

Because of this responsive handling of firearms, Alaska feels no need for national legislation of this sort. We have a proven record in Alaska, and we are proud of it. It is for this reason that the Legislature of the State of Alaska this year enacted Senate Joint Resolution No. 76, which requested the Congress of the United States to reject any legislation at this time which would restrict in any form a person's right to possess firearms. The Alaska State Legislature understands that, while the citizens of various other States may wish to enact gun control legislation of some kind or another, additional national legislation of this kind is not only unnecessary, but would impose needless burdens upon law-abiding citizens in States such as their own. If there is no objection, I ask that this resolution be included in the RECORD at the conclusion of my remarks.

Mr. President, I wish to repeat that I am strongly opposed to enactment of this amendment. I believe that legislation of this kind is properly the subject for deliberation by States and local governments and not by the National Government. Clearly, many States have shown that they are capable of handling firearms in a safe and responsible manner. I believe that there is no need to burden unnecessarily these citizens with legislation of this sort.

I ask unanimous consent to have the resolution printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE JOINT RESOLUTION NO. 76 IN THE LEGISLATURE OF THE STATE OF ALASKA

Be it resolved by the Legislature of the State of Alaska:

Whereas the United States Congress has already passed numerous firearms Acts; and

Whereas these Acts already provide sufficient protection against the criminal element with regard to firearms; and

Whereas further legislation to restrict the possession of firearms would as a practical matter have no deterrent effect on the acquisition of firearms by criminals; and

Whereas the only result of further legislation in this field would be to greatly inconvenience the lawful citizen and infringe upon his right to bear arms; and

Whereas the enactment of legislation to restrict the possession of firearms would open the door to a black market in guns, promote graft and corruption, and thus increase, not diminish, crime; and

Whereas over-reaction to tragic events in this nation often leads to the enactment of poorly considered legislation which does not go to the root of the problems leading up to the tragedy and more often than not places insupportable burdens on the innocent public at large;

Be it resolved that the Congress of the United States is respectfully requested to reject any legislation at this time which would restrict in any form a person's right to possess firearms.

Copies of this resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representatve, members of the Alaska delegation in Congress.

Mr. HART. Mr. President, I will take that last minute. Those of us who have been here understand the proposition that is involved in the rollcall vote: Do Senators want to withdraw handguns from the possession of Americans, except as law enforcement officers, licensed security guards, or operating as part of a licensed target club?

I say that if Senators see the figures as those of us who support this amendment see them Senators will agree, because in so doing it will make more likely the survival of our families, friends, and neighbors. That is a cold statement which I believe the facts fully support. Even the National Rifle Association says that if you keep a loaded gun around the house you are in trouble. I can think of no more persuasive source to cite in support of a gun control proposal than that. If you want to get up in the middle of the night and look around for the clip for the gun you have someplace else so that you can have the comfort of the gun in the house and think you are ahead of the burglar, if I had 10 minutes more I could not persuade otherwise.

This is an idea whose time has not come but in my book a safe bet is that a day will come when this tool of the violence in this country will be illegal.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Who yields time?

Mr. HRUSKA. Mr. President, I will make a brief statement. The answer to the very logical and persuasive statement just made by the Senator is this. There are 2.5 million people every year who buy revolvers and pistols in America. They have not heard the persuasive discussion of the Senator from Michigan. They have come to a different conclusion that resulted in different action and bottomed on their feeling that they need and want a gun. The same is true of the people in New York who still own guns and have them in their homes, guns that are illegal because no license exists for them. That is the only difficulty with the fine position taken by the Senator from Michigan. We cannot quarrel with it, but the opposite position is the composite judgment of millions of people.

I am prepared to yield back my time. I suggest the absence of a quorum briefly.

The PRESIDING OFFICER. All time is yielded back. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Michigan (Mr. HART), No. 1335, as modified, in the nature of a substitute for the committee amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from Georgia (Mr. GAMBRELL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Maryland (Mr. BEALL) and the Senator from Ohio (Mr. TAFT) would each vote "nay."

On this vote, the Senator from New York (Mr. JAVITS) is paired with the Senator from Tennessee (Mr. BAKER). If present and voting, the Senator from New York would vote "yea" and the Senator from Tennessee would vote "nay."

The result was announced—yeas 7, nays 84, as follows:

[No. 352 Leg.]

YEAS—7

Brooke
Harris
Hart
Kennedy
Ribicoff
Tunney
Williams

NAYS—84

Aiken
Allen
Allott
Anderson
Bayh
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Goldwater
Griffin
Gurney
Hansen
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—9

Baker
Beall
Cranston
Gambrell
Gravel
Javits
Mundt
Pell
Taft

So Mr. HART's amendment (No. 1335), as modified, in the nature of a substitute for the committee amendment, was rejected.

Mr. GRIFFIN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, I voted today against the proposal by Senator HART of Michigan to ban the sale and possession of all handguns. This would have amounted to confiscation of handguns. I oppose this and I believe a majority of citizens in Illinois would also. The amendment was defeated.

I do intend to support another measure before the Senate that would eliminate the manufacture, distribution, and sale of the so-called Saturday night special. These cheaply made pistols have only one use—to kill and wound people. They have no sporting purpose. In fact, I have been unable to find a single legitimate sportsman in Illinois who said he had a Saturday night special in his gun collection. The bill to outlaw this weapon, introduced by Senator BIRCH BAYH of Indiana is fair, reasonable, and responsible, and I will support it.

AMENDMENT NO. 1398

Mr. KENNEDY. Mr. President, I call up my amendment No. 1398, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

Mr. GRIFFIN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The clerk may proceed.

The assistant legislative clerk read as follows:

On page 2, line 5, strike out the word "Handgun" and insert in lieu thereof the word "Firearm".

On page 2, between lines 6 and 7, insert the following new title:

"TITLE I—HANDGUN CONTROL"

On page 2, line 7, strike out "Sec. 2" and insert in lieu thereof "Sec. 101".

On page 2, line 17, strike out "Sec. 3" and insert in lieu thereof "Sec. 102".

On page 4, line 6, strike out "Sec. 4" and insert in lieu thereof "Sec. 103".

On page 10, line 20, strike out "Sec. 5" and insert in lieu thereof "Sec. 104".

On page 11, line 3, strike out "Sec. 6" and insert in lieu thereof "Sec. 105".

On page 12, line 1, strike out "Sec. 7" and insert in lieu thereof "Sec. 106".

On page 12, line 4, strike out "Sec. 8" and insert in lieu thereof "Sec. 107".

On page 12, after line 6, insert the following new title:

"TITLE II—FIREARM REGISTRATION

"Sec. 201. Title 18, United States Code, is amended by inserting after chapter 44 the following new chapter:

" 'Chapter 44A.—FIREARM REGISTRATION

" 'Sec.
" '931. Definitions.
" '932. Registration.
" '933. Sales of firearms and ammunition.
" '934. Penalties.
" '935. Disposition of firearms to Secretary.
" '936. Rules and regulations; periods of amnesty.
" '937. Disclosure of information.
" '938. Assistant to Secretary.

" '§ 931. Definitions

" 'As used in this chapter—

" '(1) The term "firearm" means a weapon (including a hand-held firearm and a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, but shall not include a firearm as that term is defined in chapter 53 of the Internal Revenue Code of 1954 or an antique firearm as defined in section 921 of this title.

" '(2) The term "hand-held firearm" means any weapon designed or redesigned to be fired while held in one hand, having a barrel less than ten inches in length and designed or redesigned or made or remade to use the energy of an explosive to expel a projectile or projectiles through smooth or rifled bore.

" '(3) The term "Secretary" means the Secretary of the Treasury.

" '(4) The term "licensed dealer" means any importer, manufacturer, or dealer licensed under the provisions of chapter 44 of this title.

" '(5) The term "ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

" '(6) The term "sell" means give, bequeath or otherwise transfer ownership.

" '(7) The term "possess" means asserting ownership or having custody and control not subject to termination by another or after a fixed period of time.

" '§ 932. Registration

" '(a) It is unlawful for a person knowingly to possess a firearm not registered in accordance with the provisions of this section. This subsection shall not apply with respect to—

" '(1) a firearm, previously not registered, if such a firearm is held by a certified dealer for purposes of sale: *Provided*, That records of such firearms are kept as may be required by the Secretary;

" '(2) a firearm possessed by a person on the effective date of this Act and continuously by such person thereafter for a period not to exceed one hundred and eighty days;

" '(3) a firearm, previously not registered, possessed by (A) the United States or any department or agency thereof, or (B) any State or political subdivision thereof.

" '(b) (1) A certified dealer who sells a firearm to a person in whose possession the firearm must be registered shall require from the purchaser a completed application for registering the firearm and shall file the application with the Secretary at the time of sale.

" '(2) When a person other than a certified dealer sells a firearm, the purchaser shall file an application for its registration with the Secretary prior to receipt of the firearm.

" '(3) A person who possesses a firearm on the effective date of this Act shall, unless he sooner sells the firearm, file an application for registration of the firearm with the Secretary within one hundred and eighty days.

" '(c) An application for registration of a firearm shall be in a form to be prescribed by the Secretary, which shall include at least the following:

" '(1) the name, address, date and place of birth, photograph and social security or taxpayer identification number of the applicant;

" '(2) the name of the manufacturer, the caliber or gage, the model and the type, and the serial number of the firearm; and

" '(3) the date, the place, and the name and address of the person from whom the firearm was obtained, the number of such person's certificate of registration of such firearm, if any, and, if such person is a licensed dealer, his license number.

" '(d) An application for registration of a firearm shall be in duplicate. The original application shall be signed by the applicant and filed with the Secretary, either in person or by certified mail, return receipt requested, in such place as the Secretary by regulation may provide. The duplicate shall be retained by the applicant as temporary evidence of registration. The Secretary, after receipt of a duly filed completed application for registration, shall send to the applicant a numbered registration certificate identifying such person as the registered owner of such firearm.

" '(e) The certified record of a firearm shall expire upon any change of the name of the registered owner or residence unless the Secretary is notified within thirty days of such change.

" '(f) It is unlawful for a person to carry a firearm required to be registered by this chapter without having a registration certificate or if such certificate has not been received, temporary evidence of registration or to refuse to exhibit such certificate or temporary evidence upon demand of a law enforcement officer.

" '§ 933. Sales of firearms and ammunition

" '(a) A registrant of a firearm who sells the firearm shall, within five days of the sale, return to the Secretary his registration certificate noting on it the name and residence address of the transferee, and the date of delivery.

" '(b) Whoever acquires a firearm required to be registered by this chapter shall require the seller to exhibit a registration certificate and shall note the number of the certificate on his application for registration.

" '(c) A licensed dealer shall not take or receive a firearm by way of pledge or pawn without also taking and retaining during the term of such pledge or pawn the registration certificate.

" 'If such pledge or pawn is not redeemed, the dealer shall return the registration certificate to the Secretary and record the firearm in his own name.

" '(d) The executor or administrator of an estate containing a registered firearm shall promptly notify the Secretary of the death of the registered owner and shall, at the time of any transfer of the firearm, return the certificate of registration to the Secretary as provided in subsection (a) of this section. The executor or administrator of an estate containing an unrecorded firearm shall promptly record the firearm, without penalty for any prior failure to record it.

"'(e) Whoever possesses a firearm shall within ten days notify the Secretary of a loss, theft, or destruction of the firearm, and after such notice, of any recovery.

"'(f) A licensed dealer shall not sell ammunition to a person for use in a firearm required to be registered without requiring the purchaser to exhibit a certificate of registration or temporary evidence of registration of a firearm which uses such ammunition, and noting the certificate number or date of the temporary evidence of registration on the records required to be maintained by the dealer pursuant to section 923(g) of this article.

"'§ 934. Penalties

"'(a) Whoever violates a provision of section 932 or section 933 shall be punished by imprisonment not to exceed five years, or by a fine not to exceed $5,000, or both.

"'(b) Whoever knowingly falsifies any information required to be filed with the Secretary pursuant to this chapter, or forges or alters any certificate of registration or temporary evidence of registration, shall be punished by imprisonment not to exceed five years or a fine not to exceed $10,000 or both.

"'(c) Except as provided in subsection (b), no information or evidence obtained from an application or certificate of registration required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued by the Secretary, shall be used as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application for registration containing the information or evidence.

"'§ 935. Disposition of firearms to Secretary

"'(a) The Secretary is authorized to pay reasonable value for firearms voluntarily relinquished to him.

"'(b) A person who lawfully possessed a firearm prior to the operative effect of any provision of this title, and who becomes ineligible to possess such firearm by virtue of such provision, shall receive reasonable compensation for the firearm upon its surrender to the Secretary.

"'§ 936. Rules and regulations; periods of amnesty

"'The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter, including reasonable requirements for the marking of firearms that do not have serial numbers, and may declare periods of amnesty for the registration of firearms.

"'§ 937. Disclosure of information

"'Information contained on any certificate of registration or application therefor shall not be disclosed except to the National Crime Information Center established by the Federal Bureau of Investigation, and to law enforcement officers requiring such information in pursuit of their official duties.

"'§ 938. Assistance to the Secretary

"'When requested by the Secretary, Federal departments and agencies shall assist the Secretary in the administration of this title.'.

"TITLE III—FIREARM LICENSING

"SEC. 301. Chapter 44 of title 18, United States Code, is amended by inserting after section 923, the following new section:

"'§ 923A. State permit systems; Federal firearms licensing

"'(a) The Secretary shall determine which States or political subdivisions of States have enacted or adopted adequate permit systems for the possession of firearms and shall publish in the Federal Register the names of such States and political subdivisions.

"'(b) An adequate permit system shall include provisions for:

"'(1) identification of the permit holder appearing on the permit including name, address, age, signature, and photograph;

"'(2) restrictions on issuance of a permit to a person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or who is a fugitive from justice;

"'(3) restrictions on issuance of a permit to a person who, by reason of age, mental condition, alcoholism, drug addiction or previous violations of firearms laws cannot be relied upon to possess or use firearms safely and responsibly;

"'(4) means of investigation of applicants for permits to determine their eligibility under subparagraphs (2) and (3), including filing with the issuing agency a complete set of fingerprints and a recent photograph of the applicant; and

"'(5) prohibition of possessions of firearms or ammunition by any person who has not been issued such a permit.

"'(c) It shall be unlawful for any person to sell or otherwise transfer any firearm or ammunition to any person (other than a licensed importer, licensed manufacturer, or licensed dealer) unless:

"'(1) the sale or transfer is not prohibited by any other provision of this chapter; and

"'(2) the purchaser or transferee exhibits a valid permit issued to him by a State or political subdivision having an adequate permit system, or the purchaser or transferee exhibits a valid Federal gun license issued in accordance with subsections (d) and (e).

"'(d) A licensed dealer shall issue a Federal gun license to a person upon presentation of:

"'(1) a valid official document issued by the person's State or political subdivision, showing his name, current address, age, signature, and photograph;

"'(2) a statement, in a form to be prescribed by the Secretary and dated within six months and signed by the chief law enforcement officer (or his delegate) of the locality of residence of the person, that to the best of that officer's knowledge that person is not under indictment, has not been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, is not a fugitive from justice, and is not otherwise prohibited by any provision of Federal, States, or local law from possessing firearms and ammunition;

"'(3) a statement in a form to be prescribed by the Secretary, dated within six months and signed by a licensed physician, that in his professional opinion such person is mentally and physically capable of possessing and using a firearm safely and responsibly;

"'(4) a statement signed by the person in a form to be prescribed by the Secretary, that he may lawfully possess firearms and ammunition under the laws of the United States and of the State and political subdivision of his residence;

"'(5) a complete set of such person's fingerprints certified to be a Federal, State or local law enforcement officer, and a photograph reasonably identifying the person.

"'(e) Federal gun licenses shall be issued in such form as the Secretary may prescribe, and shall be valid for a period not to exceed three years. A dealer shall maintain a record of all licenses issued by him as part of the records required to be maintained by section 923(g) of this chapter, and shall forward to the Secretary the documents described in subparagraphs (d)(2)–(d)(5).

"'(f) Any person denied a Federal gun license under subsection (d) may apply directly to the Secretary, for the issuance of a Federal gun license.

"'(g) Unless otherwise prohibited by this chapter, a licensed dealer may ship a firearm or ammunition to a person only if the dealer confirms that the purchaser has been issued a valid permit pursuant to an adequate State permit system, a Federal gun license, or a Federal dealer's license, and notes the number of such permit or license in the records required to be kept by section 923 of this chapter.

"'(h) No person may possess a firearm or ammunition without a valid State or local permit, if he is resident of a State or locality having an adequate permit system, or a Federal gun license.

"'(i) Determinations of adequate permit systems and denials by the Secretary of Federal gun licenses shall not be subject to the provisions of chapter 5, title 5, United States Code, but actions of the Secretary shall be reviewable de novo pursuant to chapter 7, title 5, United States Code, in an action instituted by any person, State, or political subdivision adversely affected.'.

"SEC. 302. The analysis of chapter 44 of title 18, United States Code is amended by inserting immediately after the item '923' the following:

"'23. Licensing.

"'923A. State permit systems; Federal firearms licenses.'."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield to the majority leader.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate——

The PRESIDING OFFICER. The Senate will be in order, so that the majority leader can be heard.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the Kennedy amendment, now pending, there be a time limitation of 1 hour, to be equally divided between and controlled by the distinguished Senator from Massachusetts (Mr. KENNEDY), the sponsor of the amendment, and the distinguished Senator from Indiana (Mr. BAYH), the manager of the bill, or whoever he may designate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

THE NO-FAULT INSURANCE BILL—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, without the time being deducted from the time on the pending Kennedy amendment, I should like to address a question to the distinguished Senator from Nebraska with respect to a time limitation on the no-fault insurance bill, and it applies only to the question of referral to the Committee on the Judiciary, a procedural question, not necessarily affecting the substance of the bill itself.

Mr. HRUSKA. Mr. President, by way of reply I would like to say that it is the intention of the Senator from Nebraska to make such a motion to refer that bill to the Committee on the Judiciary. I suggest a limitation of 2 hours on each side, commencing as of tomorrow whenever the bill is taken up.

Mr. MANSFIELD. Tomorrow afternoon on the second track.

Mr. HRUSKA. How late would it be by the time the vote came along? That would be of some consequence to Senators who want to get away for the evening.

Mr. MANSFIELD. I understood it was the next evening they wanted to get away—Wednesday.

Mr. HRUSKA. I am talking about Tuesday.

Mr. MANSFIELD. I thought the evening they wanted to get away for a certain function was Wednesday and not tomorrow night.

Mr. HRUSKA. When will the no-fault bill be laid before the Senate?

Mr. MANSFIELD. It will be laid before the Senate tonight for whatever discussion the distinguished Senator from Washington (Mr. MAGNUSON) and the distinguished Senator from Utah (Mr. MOSS) and others want to undertake. But the time on the question of referral to the Committee on the Judiciary would begin to run tomorrow when the bill was laid before the Senate, if that would meet with the approval of the Senator from Nebraska.

Mr. HRUSKA. I get back to my first question: When will the no-fault insurance bill be laid before the Senate tomorrow? Has that been decided?

Mr. MANSFIELD. No; when we get through with the gun control bill, the Saturday night special bill, I would guess somewhere around 3:30 to 4 o'clock tomorrow.

Mr. HRUSKA. With 4 hours added to that, if that is not considered too late in the evening for respectable Senators to tarry and cast a vote, that is agreeable with me. I would suggest that if there is any objection to that time of night for the conclusion of the 4-hour debate, perhaps we could hear from our colleagues along that line.

Mr. MANSFIELD. We are trying to accommodate ourselves to a situation which will develop on Wednesday, I understand, for all Republicans.

I would point out that we have only this week and next week before the Republican Convention. We are trying to work out a situation by means of which the Senate will not be required to come back at the conclusion of the Republican Convention but at noon on the day after Labor Day, September 5.

So this calls for a great deal of accommodation, understanding, and give and take. If it is a little later in the evening Senators would not or should not object.

Mr. HRUSKA. It does call for accommodation, and this Senator wants to cooperate. But in the interest of letting Senators know just about when a vote would occur, can it be stipulated that the vote on the motion to refer to the Committee on the Judiciary will not be later than 8 p.m?

Mr. MANSFIELD. Yes.

Mr. HRUSKA. With a minimum of 4 hours of debate.

Mr. MANSFIELD. Yes.

Mr. HRUSKA. Equally divided.

Mr. MANSFIELD. All right.

Mr. President, I ask unanimous consent that when the no-fault insurance bill is laid before the Senate tomorrow, hopefully, between 3:30 and 4 p.m., it will be in order for the distinguished Senator from Nebraska (Mr. HRUSKA) to offer his motion to refer the bill to the Judiciary Committee; that there be 4 hours on the motion, the time to be equally divided between the distinguished Senator from Nebraska (Mr. HRUSKA) and the distinguished chairman of the committee, the Senator from Washington (Mr. MAGNUSON), and that the vote occur not later than 8 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. I thank the Senator, and I thank the Senate.

HANDGUN CONTROL ACT OF 1972

The Senate continued with the consideration of the bill (S. 2507) to amend the Gun Control Act of 1968.

The PRESIDING OFFICER. Does the Senator from Massachusetts desire his amendments to be considered en bloc?

Mr. KENNEDY. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

Mr. KENNEDY. I yield myself 7 minutes.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats.

Mr. KENNEDY. Mr. President, I welcome this opportunity to call up my amendment to S. 2507, the Handgun Control Act of 1972. My amendment, which has been designated No. 1398, has the support of some of the most responsible Members of this Senate: Senator CASE, Senator FONG, Senator JAVITS, and Senator WILLIAMS have joined me in offering this amendment to S. 2507. My proposal establishes two fundamental procedures to restrain the senseless spiral of gun killing in America.

The first title of my amendment will require the registration of every civilian-owned gun in America. All rifles, shotguns, and handguns, in this country will be processed through a Standardized Registration System.

The second title of my amendment directs the Secretary of the Treasury to establish and maintain a nationwide system to license every American who owns a gun.

The provisions included in the measure before us today have been pending in the Senate Judiciary Committee since I introduced S. 831, the Personal Safety Firearms Act on February 17, 1971. In addition to requiring registration and licensing, that bill also bans all handguns except those intended for sporting purposes. Three days ago, I reintroduced the registration and licensing provisions of this legislation as an amendment to S. 2507. Gun manufacturers put more than 1 million cheap handguns into the marketplace each year. S. 2507 will halt the output of those deadly little devices—commonly called Saturday night specials. But, gun producers will continue to clip off at least 1.5 million other types of new handguns each year. S. 2507 does not apply to those weapons. Neither does it affect the 30 million handguns or the 100 million long guns already in private ownership.

Effective restraints on the massive proliferation of the cheap hand weapon that is used only for killing people or for intimidating them, must be enacted. That is why I shall vote for the Handgun Control Act of 1972.

My amendment is an appropriate and logical complement to S. 2507—because it is designed to launch a systematic approach to curbing the easy access to guns in America. In order to have truly meaningful firearms legislation, this Nation must have effective controls on all firearms—both handguns and long guns.

Gun registration and licensing requirements will produce a significant advance in the struggle to inaugurate a standardized, nationwide Federal Firearms Control System.

The facts are clear. The statistics are alarmingly impressive—20,000 deaths each year by gunfire: 10,000 murders—7,000 suicides—3,000 accidents.

In American communites that have effectively enforced gun controls, firearms violence occurs much less frequently than in communities with minimal or no controls. And, compared to the other nations of the world, America's bloody pool of death by gunfire is an appalling monument to man's capacity to wantonly destroy his own kind.

A tally of gun deaths in all civilized nations shockingly ranks the United States as No. 1. We are not only ranged No. 1 but No. 2 lags so far behind that the sum of gun murders in every other nation probably would not equal the number of Americans killed by guns in 1 year.

The force of the argument against guns is simply a corpse. It is a fresh corpse day after day. How high does the weekly toll have to go before the country decides the regular casualty lists are intolerably long? Does there first have to be a Tet offensive on the streets of America before a decision is made against more escalation? The war in Vietnam costs more money, but the declared gun war on the streets of the United States takes many more American lives. The disarmament pact most urgently needed now is among the citizens of the United States.

Flora Lewis used those words in the Washington Post last year to articulate the gun crisis in America. And she is right on the mark.

If we are serious about controlling gun violence then let us get on with the business of enacting and enforcing effective laws that will keep guns away from people who will use them in a fit of rage, or leave them within reach of young, unsuspecting children.

Too many Americans fear the specter of a hulking figure crouched in a dark shadow, with a gun in hand, waiting in ambush for an unsuspecting passerby.

Too many people are panicked by the news of an armed robbery, or a report about the invasion of a comfortable suburban mansion by intruders who slaughter every living creature. For many citizens, such reports of gun abuse and violence are reason enough to obtain a gun for personal protection. And so it is, that more and more people are buying guns to protect themselves against more and more people who are buying guns.

Conservative estimates indicate that in 1968 there were 90 million firearms in civilian hands in the United States in 60 million households. Other estimates place the current tally of firearms as high as 200 million. By any account, these are drastically exorbitant numbers. In 1968, 5,299,062, domestic and foreign firearms were manufactured for private sale in the United States. That represents a 250-percent increase over the 2,066,368 made in 1962. And during that period handgun production leaped from 598,649 to 2,449,286, according to gun production records kept by the Internal Revenue Service. Yet, there is no system that attempts to standardize the control of these lethal, single purpose weapons.

Though many gun owners insist they own a gun for protection against intruders, that gun is much more likely to be used against a friend or a loved one. Federal Bureau of Investigation uniform crime reports show that over 70 percent of the people killed by guns in 1970 knew the person who shot them. While the popularized view of a killer conjures up the image of a stealthy impassionate criminal, the fact is that two times out of three the gun killer in American homes is the father or the wife; the mother or the brother; the coworker, the lover, the teenage neighbor, or the son of the dead victim.

People use guns to settle arguments. They use guns to display power. They use guns because American industry is coldly efficient in mass producing these weapons of death. Yet, we still have not enacted comprehensive controls over the millions of devices that exist for the sole purpose of putting a bullet through something. Each year armorers in this country produce more than 5 billion rounds of ammunition for use in civilian-owned guns. There is little doubt, that at least that many words have been uttered about the gun control issue. Mr. President, if we in the Congress would stop talking about guns and take action to effectively control them, we would perform the most useful and rewarding service to the American public that any Congress has dared. American people want meaningful gun controls.

Ten times since 1938, Gallup surveys have consistently shown that 3 out of 4 Americans favor strong gun controls. The public knows that we must stop gun violence. Because we in Congress represent their interest, it is our duty to give them gun controls.

The proposal that I am offering as an amendment to S. 2507 is the kind of measure that will accomplish the goals that time and time again our people have asked for. Licensing and registration requirements can be the most effective step toward restraining the abuse of guns already in the hands of the public.

A principal purpose of firearms registration is to provide an improved system for law enforcement agencies to trace those who commit crimes with firearms. Police authorities have used registration information to apprehend many fugitives despite the weakness in the currently incomplete coverage of municipal and State registration laws. A nationally standardized registration system would greatly improve existing efforts to curb criminal usage.

Firearms registration will tell us how many guns there are, where they are and in whose hands they are held. I am convinced that it makes no sense for guns to remain as free floating in our society as flashlights or ball point ink pens. Any restriction imposed by firearms registration that prevents even one gun killing fully justifies the development and maintenance of a firearms registration system.

Under my amendment, registration information on all firearms—handguns, shotguns, and rifles—will be referred by local registration offices to the National Crime Information Center maintained by the Federal Bureau of Investigation. In this way, enforcement officers throughout the country can trace the ownership of any firearm.

A person who carries a firearm must have with him a certificate of registration, which he must exhibit upon the demand of any law-enforcement officer.

Under the terms of my proposal, a violation of the registration provisions is punishable by imprisonment for up to 5 years, a fine of up to $5,000, or both. Any purposeful falsification or forgery of registration information is punishable by imprisonment for up to 5 years, or a fine of up to $10,000 or both.

The Nation's police departments are constantly confronted with stolen weapons, many of which have been used in crimes. In April 1972 police authorities reported 500,000 contraband weapons that had been reported stolen. The actual number of all stolen guns is anybody's guess. Through a system of registration, these guns could be traced to their proper owner and with effective public awareness and information programs legitimate gun owners could be advised and assisted in establishing adequate security for their weapons.

President Johnson was a vigorous supporter of gun controls. He felt that if it makes sense to register automobiles, boats, bicycles, and dogs, then surely it makes sense to register the guns in people's homes.

Though gun control critics drown out the explosive fusillade of annual firing with their indignant outcries against gun confiscation, it is noteworthy that owners voluntarily turn in their guns when given the chance.

For that reason the gun registration title of my proposal also includes a period of amnesty for gun owners to voluntarily turn in any weapons they wish to surrender, and to receive reasonable compensation from the Department of the Treasury for their weapons.

After the city of San Francisco enacted a gun licensing statute in 1968, at least 1,500 guns of every description were voluntarily turned in to the San Francisco Police Department. City officials confirmed the public commitment to the elimination of gun violence by forging the metal from these guns into a nine-foot statue of St. Francis of Assissi.

In England and Wales, the public is periodically invited to turn in weapons and ammunition that may have been hidden or forgotten for a long time. Since 1933, the British Government has held seven gun amnesties providing the public with opportunities to safely remove firearms from homes or places where they may be stolen or where accidents may occur.

Since the presence of overwhelming numbers of guns is the single most causative factor in our Nation's widespread abuse of firearms, I believe that a comprehensive system of controls must provide for any gunowner, to voluntarily turn in his weapon and ammunition without fear of reprisal.

The second title of my amendment, requiring every gunowner to obtain a license before he may be entrusted with a gun—is fundamental in guarding against the hazards of indiscriminately allowing criminals or other unreliable citizens to obtain firearms.

A gun is such a terribly vicious weapon, that members of a civilized society should mandate gun owners to prove that they are not disqualified from having access to these instruments of death.

Under the provisions of my licensing amendment, if a State does not adopt a firearms permit system that meets minimum specified standards, Federal licensing will become effective until the State adopts an adequate permit system. No person, whether a licensed dealer or a private individual may sell firearms or ammunition to an individual who does not have either an adequate State permit or a Federal gun license. In addition, no one may possess a firearm or ammunition unless he has either an adequate State permit or a Federal gun license. To qualify as having an adequate permit system, a State must restrict the issuance of permits applied for by convicted felons, fugitives from justice, mental defectives, alcoholics, juveniles, and drug addicts, and must adequately investigate applicants prior to the issuance of permits.

In States that do not enact adequate permit systems, Federal gun licenses, valid for up to 3 years, will be issued by federally licensed dealers upon receipt—from both the chief law enforcement officer of an applicant's locality and a licensed physician—of information bearing upon his eligibility for a Federal gun license.

I intend for this amendment to provide appropriate assistance to the provisions of S. 2507 in stemming our shamefully high rate of gun deaths, accidents by gunfire, and the unbelievably awesome rate of assaults, robbery and intimidation accomplished with guns.

Firearms legislation is in demand because the Nation needs direction as well as legal authority to suppress the lawlessness aggravated by the existence of so many guns. The gun mystique is borne in the valiant traditions that spawned the American dream. But today, American families no longer face the perils of a frontier wilderness. For the American family in 1972, fear, apprehension, mistrust, anguish, prejudice and pain are the dreaded products of our national firearms history.

People who oppose meaningful restraints on the use of firearms rely on six mindless arguments that are almost as old as the Republic:

First. Opponents of gun control insist "their right to bear arms" is borne in the Constitution. The argument is extended to claim that gun controls deprive them on their right to pursuit of happiness with guns free of government limits. But the courts have said that the Constitution does not interfere with the power of government to regulate deadly firearms.

Since we mean to enact legislation that will halt the abuse of firearms those who find happiness in guns will just have to subordinate that pleasure to the right of all Americans to live free from the death and violence that the American gun mania has brought us.

Second. Many people make the argument that because lawless citizens will feel no obligation to be bound by gun restriction, gun controls will simply disarm those who abide by the law. I am convinced that strict enforcement of licensing and registration laws will serve to isolate precisely those citizens who flaunt the law, to subject them to prosecution for gun violations before they commit other crimes with their guns.

Third. Critics of gun control have insisted that laws cannot control access to guns. Yet, the record shows that even the limited provisions of the 1968 Gun Control Act have severely altered the flow of one kind of weapon—the imported handgun. And the National Firearms Act of 1934 essentially eliminated civilian access to machineguns, sawed off rifles and shotguns, mufflers, and silencers.

Fourth. Another common refrain against firearms control is that "guns don't kill, people do." But a quick look at the statistics and commonsense tell us that it is when guns are in hand, that two-thirds of the people who kill other people do so; and it is when guns are in hand that over 100,000 robberies a year are committed, and it is when guns are in hand that one-quarter of the Nation's 300,000 aggravated assaults are committed.

Rarely does an attacker make a deliberate choice of a gun over a knife. But because the fatality rate of knife wounds is about one-fifth that of gun wounds, it may be concluded that using a knife instead of a gun might cause 80 percent fewer deaths.

Fifth. Modern critics of gun controls express a show of outrage at the vaulting gun crime rate. These protagonists insist that we do not need more gun laws. Instead, they say, we should enact long-term mandatory penalties for crimes committed with guns. Even if our penal system were not already beleaguered with the problems of outrageous overcrowding this proposal may be counted upon to produce undesirable results. Penalties do not deter an angry person from reaching for a gun.

Generally courts already respond to the viciousness of crimes committed with firearms by imposing stiff penalties. If penalties were made much stronger the extra punishment would probably encourage an armed robber "to leave no witnesses." Thus, it is likely that stricter penalties would cause more gun deaths.

Sixth. It may be that the greatest number who protest gun controls do so on the basis that the administrative requirements for registration are cumbersome and inconvenient. When he introduced a bill in January 1971, to change the recordkeeping requirements for .22 caliber ammunition, Senator McGee stated that such requirements are:

> Unfair and punitive in that the persons really affected so adversely are law abiding citizens who pursue shooting as a hobby or as a form of recreation.

I believe that any measure we might adopt which will substantialy reduce the misuse of firearms will at the same time, enhance whatever pleasures that may be derived from these so-called recreational pursuits.

If the only price of firearms recordkeeping requirements is the inconvenience of gun users then with my amendment, the American public will have been delivered a special bargain.

This list includes the core of the objections vehemently raised and expertly used by the National Rifle Association and other gun advocates to force the Justice Department and the Department of Treasury to turn the administration's attention away from serious efforts to put restraints on guns.

In December 1963, a witness for the gun lobby defiantly testified before the Senate Commerce Committee:

> Now we realize that there is a problem when we own guns. Somebody is going to get shot. This is part of the price of freedom that we are going to have to pay in order to have freedom to own guns. And I am willing to take this chance.

Mr. President—it is precisely that kind of eroding philosophy that stimulates officials in the Departments of Justice and Treasury—to tell the House Ways and Means Committee that the ammunition recordkeeping requirements of the 1968 Gun Control Act are burdensome and unnecessary.

To properly serve the public interest, officials in the Department of Justice and in the Treasury Department should enforce existing laws to control ammunition sales, instead of recommending ways for the Congress to weaken such laws.

The only public action on guns this administration attempted, was to commission a private firm to test handguns and to select those least likely to explode in the hands of the shooter. Presumably, survivors of people shot by weapons tested and bearing the U.S. Treasury Department safe seal of approval will be comforted to know the assailant was not at risk as he pulled the trigger killing their loved one.

Mr. President—until we have an administration that can reject such a philosophy, rather the American people nor the Congress will have the strength of national leadership demanded by those who want to stop the killing by gunfire.

When I introduced amendment No. 1398 last Friday, I reminded the Senate that my proposal to register guns and to license gunowners is in no way a plan that requires new studies. Indeed, if there is any issue Senators understand, it is the matter of strong gun laws. Each Member of the Senate is fully aware that five Commissions appointed by the President have recommended stronger gun laws to reduce gun killing.

The Commission on Crime in the District of Columbia in 1966 called for registration and licensing of all handguns in the Nation's Capital.

In 1967 the Kerner Commission on civil disorders recommended:

> That all state and local governments should enact gun control legislation . . . The final commission report asserted that . . . We believe that Federal legislation is essential in order to make State and local laws fully effective, and to regulate areas beyond the reach of State government.

The Eisenhower Commission on the causes and prevention of violence in 1968:

> Concluded that the only way to reduce gun violence is to reduce sharply the number of handguns in civilian hands in this country. We recognize this will be a massive and expensive task. But the price is one that we should be prepared to pay.

And in 1971 the Brown commission on reform of Federal criminal laws called for:

> A ban on the production and possession of, and trafficking in, handguns, with exceptions only for military, police and similar official activities; and—registration of all firearms.

The Katzenbach Commission on Law Enforcement and Administration of Justice reported in February 1967 that:

> Strict controls by State or city are nullified when a potential criminal can secure a firearm merely by going into a neighboring jurisdiction with law controls, or none at all.

Because the existing patchwork system of controls is ineffective, the Commission recommended that each State should require the registration of all handguns, rifles and shotguns. And in the absence of meaningful State laws, the Commission proposed the enactment of Federal registration requirements within 5 years. As we debate this serious national problem today, the Commission's schedule has expired. The waiting period is over. Now is the time to improve our gun laws.

In summary, it is clear that the overwhelming weight of the statistics that gun violence products, and the needless distraction caused by guns, are sufficient to justify ways to strengthen our current procedures for coping with the national epidemic of death by gunfire.

On its merits, the demand for strong

laws is easily understood by reasonable people. But it is obvious that we will need more than statistics to resolve the problems of controlling the misuse and abuse of firearms. We will also need a national firearms policy that can redefine the proper role of firearms in our society. A gun has one function and one function only. No man deserves to hold the power of ending another man's life because of the indiscriminate use of such a lethal device. So far, we have not learned how to control that power, even though substantial evidence concludes such power can be controlled. Professors Geisel, Roll, and Wettick reported in the Duke University Law Journal that of the 15,000 people killed by guns in 1965 as many as 6,400 of them would not have been gun victims if the Nation had a system of gun controls as strong as that in New Jersey. On that basis maybe 8,000 of the 20,000 gun deaths in 1971 would have been averted.

Ramsey Clark, who served as Attorney General under President Johnson, suggests our only alternative is to remove guns from the American scene. If this is not feasible, we may be obliged to place strict basis on the prediction and distribution of ammunition. No bullets—no shooting. Such a bold approach may be where we shall end up.

I believe that gun registration and licensing can curb the phenomenally high rate of gun crime. And I urge the Senate to adopt amendment No. 1398.

Mr. President, the amendment I have offered is very simple. It is an amendment that has been considered in one form or another before the Committee on the Judiciary throughout the last 10 years. During that time the Judiciary Committee has heard nearly 200 witnesses on various gun control measures and there have been more than 40 days of hearings. We have had more than 12 days of executive sessions. So this issue, like most other gun issues, has been thoroughly explored. There has been ample evidence and commentary on the gun issue from expert witnesses on the questions of registration and licensing of weapons in this country.

Mr. President, the amendment I have offered on behalf of myself and Senator Case, Senator Fong, Senator Javits, and Senator Williams has been endorsed and embraced by five Presidential Commissions that have been established to make recommendations to Congress and the Senate and the American people as to what best can be done to try to meet the problems of crime and violence in this country. These Presidential Commissions have been made up of some of the most distinguished law enforcement personnel in this country and have been bipartisan in nature. They have uniformly recommended, on the question of licensing and registration, that this kind of amendment can really do more to meet the problems of crime and violence in this country than perhaps any other step that can be taken in this Nation. Three Attorneys General of the United States have appeared before the Judiciary Committee and testified favorably with respect to this amendment.

So this matter has the support, virtually uniform support, of all law enforcement personnel.

What we are attempting to do by this amendment, first of all, is to register firearms in this country and, second, to establish in all States a licensing procedure by which those who want to bear firearms will have to meet certain minimum standards, certain minimum criteria, which are not unlike the standards already in use when people ask for a fishing license or a hunting license or perhaps even a driver's license or a marriage license. This amendment provides some inconvenience. But it is only the same kind of inconvenience one would have by applying for a fishing license or a hunting license.

Quite clearly, Mr. President, this amendment has virtually the uniform support of the American people. I mention that because I heard during the course of the last debate on the amendment by the distinguished Senator from Michigan that there was a question as to whether the American people supported that amendment.

I say to my colleagues that since 1938 Dr. Gallup has been surveying the American people on the question of registering and licensing firearms: The answers from the American public have consistently run around 3 to 1 in favor of stronger controls. I ask unanimous consent to have the results of these polls printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[In percent]

	Favor	Oppose	No opinion
May 1972	71	25	4
April 1972	79	18	3
October 1971	71	24	5
August 1967	73	23	4
September 1966	68	29	3
August 1966	73	23	4
February 1965	73	23	4
January 1964	78	17	5
August 1959	75	21	4

Mr. KENNEDY. Mr. President, these polls show quite clearly that in excess of 70 percent of the American people are for the registration and licensing of weapons. I feel that this is a step that should be taken. It is consistent with the bill before the Senate at the present time, in trying to do something about the junk handguns called Saturday night specials. Law enforcement personnel believe that it will help them in pursuing their responsibilities in tracking down the individuals who are involved in crimes and violence in this country.

Some inconvenience is involved, but when we talk about balancing the inconvenience of the tens of thousands of people killed every year by the weapons—primarily handguns, but also by long guns—I think this amendment quite clearly is in the interests of the American people.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. I yield myself 5 minutes.

Mr. President, I oppose the pending amendment submitted by the Senator from Massachusetts (Mr. Kennedy).

I feel certain that my position on gun control is reasonably well known. I include myself among all reasonable men who want to keep firearms out of the hands of criminals. If legislation which would confiscate handguns, severely restrict their use by the ordinary citizen, or require registration of firearms would accomplish this, I could and most certainly would support it. But, such an approach is totally unrealistic. We are talking about a problem of enforcement, not legislation. This is why I have consistently opposed legislative proposals which would place unreasonable restrictions on handgun ownership by law-abiding Americans.

Certainly there are ways to improve the Gun Control Act of 1968. S. 2507 is directed at one area which needs correction. There are others as well, and this Senator has joined in sponsoring bills to make these changes. But long study has convinced me that taking handguns away from private citizens will not alleviate the crime problem in this country one iota.

One of the witnesses at the hearing on S. 2507 was the mayor of New York. During his testimony, he indicated that there was a legal registration of some 20,000 handguns under the 1911 Sullivan Act. The Mayor pointed with pride to the fact that none of those 20,000 weapons had been used in the commission of crimes. I believe this statistic provides an outstanding forecast of what would result from Federal legislation making private possession of handguns a highly select privilege.

There are 20,000 registered or licensed handguns in New York City. But there are also between 500,000 and 1 million owners or possessors of handguns in New York City who have not registered or licensed their guns.

Lloyd Cutler, a former Executive Director of the National Commission on Causes and Prevention of Violence, testified that the number of illegal, unregistered guns in New York City was 1 million.

The mayor of New York City and his commissioner of safety, Patrick Murphy, said the number was 500,000.

If that is any indication of response to a national registration law, then we are headed for trouble—deep trouble—because we run into the proposition of having a law that will have to be enforced by Federal law men. In a country where some 25 million to 30 million handguns are scattered over 50 States, and many of those guns are not registered, but held by criminals, persons who have violated the laws and who have incurred the sanctions of the law, this will result in a tremendous expense. It will not be encouraging. It will not be any more enforceable in Federal hands than it has been in city or State hands.

The experience in New York is not at all unusual. I mentioned some earlier in connection with the discussion of the last amendment. The same situation obtains in the District of Columbia, where the President of the City Council testified before the committee that there was a flat failure of the law enacted in 1968 for the registration of guns. Mr. Hechinger testified:

> I must regretfully report the effort was a total failure not due to the cry of the gun buffs, "that it's not the gun that kills, it's the man who kills," but to the ineffective publicity and the lack of threat of enforcement of penalties by the total governmental authorities including the police department of this city.

We also had testimony from Mr. Cahalan, of Detroit, the prosecuting attorney of Wayne County. He testified that there was a complete breakdown of the registration statute in Wayne County, and in Michigan generally, because there was not public support for the registration. It was because the breaking of the laws calling for registration was not considered a serious violation. Thus, violation of that law would not be considered serious. It was more important in the number of cities where studies have been made of prosecutions for possessing guns without licenses or without having registered the guns. There was not the sympathy and cooperation and understanding of the criminal justice system that would exist if there were strict enforcement of such a law.

That would mean that we would have a situation which would lead on a massive scale to unjust prosecutions and of unpunished violations. In New York there are between half a million and million violations. That is unpunished violations on a mass scale. The same is true in Washington and Chicago, and in Illinois generally, where registration is called for in order for one to be able, legally, to possess and use a long gun. The same is true in Detroit and in city after city where this procedure has been tried. This condition is said to exist because there is not a national law.

This is not a complicated situation in New York City. New Jersey is nearby, so people can go into New Jersey in a car, buy guns, and bring them back. But that type of transportation across interstate lines is already illegal. It violates a statute—a provision of the 1968 act—that provides substantial punishment. But that type of disregard of the law exists because people think it is not important.

Yet the Senator from Massachusetts, by his amendment, says, "Let us pass another law, making illegal what is already twofold, threefold or fourfold illegal."

I suggest, furthermore, that the cost of the registration of firearms in the city of New York is $25 per registration. One might be able to cut that cost down a little, but when we get all through, at $25 an application times some 30 million handguns in America, it amounts to $750 million for the first registration. With 100 million long-guns the figure is unbelievable. Each gun registration must be kept current. Whenever there is a change of address or of name by marriage or by a shift in ownership of a gun, there must be a reregistration and a new registration. Would that be worth the benefit we might get from it?

One of the members of the committee, who served on the Supreme Court of his State for a number of years, and earlier as a trial judge, and for many more years as a trial lawyer, said he never knew of a single case in his experience in criminal law where the outcome of a prosecution for murder or homicide with a firearm ever depended upon the ownership of the gun.

All that a registration would show would be the ownership as of the time it was purchased or at a given time. That is all it would show.

Mr. President, the example of England is often cited as a civilized country which does not allow its citizens the use of handguns and, as a consequence, has no gun crimes. I do not personally believe as Americans we can look to other countries who have entirely different histories, mores and cultures. But if we are to do so, let the look be realistic and the comparison complete. Just 2 years ago Colin Greenwood, a chief inspector of police in England, published an article in a British magazine which discussed England's firearms control laws. Inspector Greenwood pointed out in his article that there has been a tremendous increase in the use of firearms by criminals in England. He described the lack of success in firearms control, and made the following statement which is of particular significance:

> Each rise in the rate of armed crime has led to calls for the further tightening of existing controls on firearms. This appears to be a simple solution to the problem, but even a cursory examination shows that it is no solution at all. To direct all the legislative and police effort towards the legitimate firearms user is not only ineffective, but dangerous, in that it tends to hide the real problems under the veil of a simple solution.

Inspector Greenwood also cited the situation in Switzerland, which has the largest number of firearms in relation to population of any country, including America. There are guns in every home, and yet at the time of the article armed crime was so rare in Switzerland that it was not even recorded separately in the very comprehensive criminal statistics kept in that country. I have recently checked with the Swiss Embassy, and this situation has not changed.

Mr. President, I know the claim will be made that if we register cars and drivers we also ought to register guns. But, while I might agree with that statement, let me point out that there is no national car or driver registration law. This is left entirely to each State to determine for itself. And so should gun control. New York may want and need it, but each State should determine for itself what is reasonable and appropriate.

I hope the amendment of the Senator from Massachusetts will be rejected by the Senate, and by a resounding vote, because if there is to be a registration of firearms, it ought to be by a local entity in the community where there is sympathy for the law, where the public will support it, where the criminal justice system will enforce it, where enforcement of that law will be found, and where the primary and chief law enforcement offices reside; namely, in the States and in the cities.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, it seems to me that the Senator from Nebraska thinks we ought to have a law that the people will support and endorse.

Every night and every day we find clear indications that the American people overwhelmingly endorse the concept of licensing and registration, and that even gunowners themselves in a recent survey indicate support for that position.

The people endorse that concept. The law enforcement people endorse that concept. Those charged with the duty of investigating this problem through Presidential Commissions endorse that concept. However, the National Rifle Association refuses to accept that concept.

Mr. President, as a result of the refusal of the National Rifle Association to endorse this concept, I know what the outcome of the amendment will be here this afternoon.

The Senator from Nebraska talks about unreasonable kinds of registration. I point out that we register vehicles and require people to get licenses to drive them. If we can do that for automobiles, why does the same principle not apply to the concept of guns which can and do cause death and injury to over 20,000 Americans each year? Is this matter sufficiently important to develop a whole new kind of American bureaucracy? We have a bureaucracy when it comes to narcotics. We think that is something that is evil for the American people. There is the Bureau of Narcotics and Dangerous Drugs, and we have the Bureau of Alcohol, Firearms, and Tobacco to handle problems in those areas.

The question is whether we are interested enough to apply the same kind of criteria to a matter that law enforcement people themselves, starting with J. Edgar Hoover, down to the present Director of the FBI, Mr. Gray, have indicated strong support for.

If we are really interested enough to do something about crime and violence in this Nation, we should do something about that in the pending legislation.

Three Attorneys General have appeared before the Judiciary Committee—Ramsey Clark, Nicholas Katzenbach, and Robert Kennedy—all of whom recommended strong gun laws. We have not had a single Attorney General or Acting Attorney General come before the committee on behalf of this administration. This administration has refused to take a strong position on the question of any kind of registration or licensing of handguns or long guns. There was a weak statement from the administration about trying to do something about the Saturday night specials, and there was an indication that they would try to work with the staff to do something on this issue. However, the administration has failed to take a stand on this issue.

Every member of the law enforcement authorities involved with crime and violence says that if Congress wants to do something about this, it ought to pass strong gun laws. Yet we find the National Rifle Association reaching into the

U.S. Congress in an effort to frustrate the will of the American people.

This is not a restrictive amendment. It is a concept and an idea that has been accepted by virtually every other civilized nation of the world. However, it has not been accepted here in the United States.

We who sit here in Congress know why that is so. Anyone that knows of the power and the influence of the National Rifle Association knows why we are in this dilemma.

The National Rifle Association has frustrated any kind of meaningful program on gun control. And when I hear the voice of my distinguished colleague, the Senator from Nebraska, talking about the support of legislation on handguns, and licensing, and registration that will do the job, I am reminded of the Senator's views in the committee report where he indicates that his concern is about the safety of the person firing that weapon. The Senator from Nebraska wants to develop safety standards and other standards for dangerous handguns.

He does not concern himself with the person who will be on the receiving end of the bullet. The concern is expressed for the person pulling the trigger.

We have been fighting this battle for some time. And only on occasion when there is a national tragedy is Congress prepared to take some gentle step forward.

I know what the results are going to be here this afternoon. However, the American people ought to know which Members of the House of Representatives and which Members of the Senate are really interested in doing something about crime and violence.

We have yet to hear from the Attorney General of the United States as to a strong position on any kind of gun control in spite of the fact that time and time again we have heard from people involved in law enforcement, Mr. Hoover and Mr. Gray, and many others who take a strong position on this serious matter.

I am interested in the fact that the Senator from Alaska uses the example of New York where they have strong gun laws. As seen from the record, in the States which have strong gun laws, and in the cities of Boston, Philadelphia, and New York, the murder rate per 100,000 people is much less. In States with strong gun laws, the laws are enforced and the murder rates are lower than in States that have the minimum kind of control. In some instances four times as many murders have been committed in cities that are in regions of the country with weak laws.

That is very easy to understand. We have strong laws in Massachusetts. The Senator from Nebraska knows this as well as I do, he knows that the Commissioner of Public Safety in Massachusetts pointed out that 87 percent of the weapons used in crime and violence come from across the borders of States which have weak gun laws.

Some States and cities around the country have tried to address themselves to this problem.

States that have strong gun laws have less trouble with this problem than do those States which have very weak and minimum kinds of control. The same thing is true with respect to the number of murders.

The FBI figures point out that the number of people killed by weapons—handguns and long guns—are higher in places that have weak State gun restrictions.

Those figures have been documented by the FBI and are included in the record.

I would hope that the American people would understand what this amendment is and what we are trying to do on the matter of gun control.

The matter of gun licensing imposes the same kind of burden that is imposed on people who drive cars. It is the same kind of inconvenience. Those people have to register a vehicle and get a license in order to drive. That is the kind of inconvenience and that is the unreasonable inconvenience that the Senator from Nebraska and those opposed to the amendment are against.

I hope that as we move into this year of national political campaigning—one of the purposes of which is to try to ventilate various issues—it is my hope that the American people will ask their Representatives and Senators how they voted on these various pieces of legislation, because we know how the American people feel about this matter. We know how the National Rifle Association feels about it.

Therefore, I am afraid that the outcome of this amendment is already known.

Mr. HART. Mr. President, will the Senator from Massachusetts yield me 5 minutes so that I might have a colloquy with him?

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. HART. Mr President, as with many others who have been here for a period of years, I have been required to cast votes on a series of so-called gun control bills.

As one who ran in the campaign year of 1970, I took a public position. I regret that I do not have the one-page statement available to put in the RECORD. However, in substance, my position was that handguns should be limited solely to those who are in law enforcement or to those who show some extreme justification. It was that proposition on which the Senate just acted—and overwhelmingly rejected. With respect to long guns, I said that the right to a long gun provided, should be assured, so long as he meets the requirement of age in terms of maturity and is not possessed of some criminal record such as a tendency to violence, or is not under indictment, and the usual exceptions.

Then as I recall it I added a sentence: "But even those simple tests would require some kind of processing or permit method."

These statements made in a campaign constitute a contract and a commitment, and I rise to find out from the Senator from Massachusetts precisely what his amendment does and where it fits under my position.

First, in the work on this bill in committee, the Senator from Massachusetts approached it somewhat differently than he does now.

As I recall, in committee, the Senator from Massachusetts offered two amendments: One was to register firearms, and the other was to license the possessor of firearms. Both reached long guns and handguns. Because of my belief and statement that registration of long guns, which is a tedious, probably adds very little to public safety, I voted against the Senator from Massachusetts on the registration amendment. I voted with him on his licensing amendment.

As I correct that the amendment now proposed by the Senator from Massachusetts includes the licensing of weapons and permits for use, both of long guns and handguns?

Mr. KENNEDY. The Senator is correct.

Mr. HART. The standards to be applied under your amendment here for the permit or license to have are much as I described them in the statement I made to my constituency in 1970; namely, age, and no criminal record.

Mr. KENNEDY. The Senator is correct.

Mr. HART. Would the Senator agree that the amendment—

Mr. KENNEDY. Would the Senator yield?

Mr. HART. I yield.

Mr. KENNEDY. It is for convicted felons, fugitives from justice, mental defectives, alcoholics, juveniles, and drug addicts.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. How much time do I have remaining?

The PRESIDING OFFICER. Thirteen minutes.

Mr. KENNEDY. I yield 5 additional minutes to the Senator from Michigan.

The Senator is correct. It relates to convicted felons, fugitives from justice, mental defectives, alcoholics, juveniles, and drug addicts.

Mr. HART. Except for these categories I believe that any citizen should be able to own and use a long gun. Would the Senator agree that as so often happens we are presented with a package, some elements of which make complete good sense to us, and one or more elements may seem either undesirable or lack sufficient value to justify the burdens they impose? Specifically, I am now presented in this vote with a bill that includes registration of long guns, a position which I have stated is objectionable and not desirable, but also a permit system for handguns, a permit system for possession of handguns, and a permit system for possession of long guns. Those last three elements seem to make good sense and each of them was part of the position statement I gave the people of Michigan before they voted in 1970. I wish very much, of course, that the Senator from Massachusetts were offering a permit system for weapons and a registration for handguns only. Given my druthers, that would be the way I would like to have it. But since the question is: Do you support the several proposals of the Senator from Massachusetts, should I vote yes, my explanation necessarily would be that most of the proposal makes good sense and conforms with the position I took at home 2 years ago. One element of it does not.

I shall have to depend on the understanding of that constituency to recognize that this happens in Congress often and unless you want to make a person a dictator occasionally, that is the way it always shall be. It is a melding of matters into a vote, but on balance it seems to me that the proposal of the Senator from Massachusetts is good.

Mr. KENNEDY. I thank the Senator. I understood his position, certainly, from his votes in committee, to be just as he stated it. Certainly he has been consistent and I hope from his remarks he would feel he could support the amendment.

Mr. President, I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

Mr. KENNEDY. Mr. President, I thought the other side would have a little more to say in opposition to the amendment, but if they are going to yield back their time——

Mr. BAYH. I would like to have a few minutes.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. I yield 3 minutes to the Senator from Indiana.

Mr. KENNEDY. Mr. President, does not the Senator from Indiana have time?

Mr. BAYH. The Senator from Indiana is glad to have time from whatever source it may come.

The PRESIDING OFFICER. Time on the amendment is controlled by the Senator from Massachusetts and the Senator from Nebraska.

The Senator from Indiana may proceed.

Mr. BAYH. Mr. President, I listened with great care to the very eloquent remarks of my friend from Massachusetts.

I had the good fortune to serve with him on the Committee on the Judiciary for 10 years and I have heard his very persuasive argument before. I found myself very much in the same position that I found myself in on the previous amendment, where this is a battle between the possible and the ultimate. Where does one draw the line?

In assessing the statistics that have come before the committee I think it is an irrefutable fact that as far as criminal activity is concerned there are three kinds of crime. The great bulk of those crimes are committed by those carrying concealed weapons, small easily concealed weapons.

Thus, in assessing my priorities, as one Member of the Senate who happens also to have the privilege of being the chairman of the subcommittee and the manager of this bill, I have had to make the determination in my mind that we should make an all-out effort in putting the emphasis on how to control those weapons responsible for most crime, and these are the small hand weapons, the smaller kinds of weapons. In an effort clearly to make progress in that direction I found myself in the position of having to oppose the measure of the Senator from Massachusetts in the committee.

There can be no question that there are a good number of crimes committed by those who wield shotguns or rifles, but the statistics brought to our committee also show that the greatest percentage of these crimes are not the kinds of crimes where they throw a 12-guage shotgun over their shoulder and go down to rob the corner grocery store. In those kinds of robberies they carry concealed weapons, because if a shotgun were used the patrolman would say, "Where are you going, buddy?" No, the bulk of the crimes committed with small weapons are crimes of passion, and by people who know one another. While I personally, would have no reluctance to register one of these weapons which I possess, I have been unable to see if the act of registering this weapon at the time a person is in possession of his or her faculties is going to keep that person from using a weapon in a crime of passion—an unfaithful wife, an unfaithful lover, a row with a farmer over the location of a fencepost, some of these seemingly ridiculous incidents which result in death being meted out by the possessor of a rifle or a shotgun.

For those reasons, as one Senator I am concerned about the need to make a major effort to stand up to those who are going to gut this provision.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. I yield myself 2 more minutes.

I hope the Senate will stand up to those who, I am afraid, would try to decimate the provisions of the present bill. In order to do this best I find myself, individually, just as one Member of the Senate, unable to go along with the amendment offered by the Senator from Massachusetts.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Massachusetts has 8 minutes.

Mr. KENNEDY. I yield myself 4 minutes.

We should understand who it is that we are trying to keep these weapons away from. These requirements apply to convicted felons, fugitives from justice, mental defectives, alcoholics, juveniles, and drug addicts. These are the people for whom we are trying to establish a process for investigation, to prevent weapons from getting into their hands. This is what we are attempting to achieve and to accomplish. I do not see how we can possibly argue against a system which would keep weapons out of the hands of individuals of that kind. We are doing the best we can. We cannot, obviously, handle the whole situation, but the question here today is whether we are going to start. That, I think, is the key element.

We have seen now where the Senate has turned its back on restriction of all handguns, even though they are involved in three-quarters of murders.

Another recommendation of the President's Commission on Crime is to do something about registration. We see, now that we have the question of the handguns behind us and that we are not going to do anything about it, that they have been listening to the National Rifle Association. I hope Senators are going to be prepared to speak to the families of law enforcement officers who were gunned down in the past 3 years. I hope Senators realize that 94 out of 124 policemen were killed in the line of duty by handguns in 1971, 73 out of 100 in 1970, and 61 out of 86 in 1969.

What, in effect, we are doing here, by turning our backs on the proposal of the Senator from Michigan, is to turn our backs on the American people in a real effort, to try to come to grips for the first time with the problem of the proliferation of handguns, and long guns, in our society.

The statement is made, "What good is it going to do? We have 30 million guns in our society." Some estimates have gone as high as 100 million long guns. So what good is it going to be to license people with these weapons?

The question is whether we are going to start to do something and when we plan to start doing it. The question is asked what good it will do because there will still be millions of weapons not licensed, held by criminals, and so we should not even start.

That argument reminds me of those who say, "Well, why do not we eliminate all the laws on drugs in this society? We have drugs in society, and how can we prohibit drugs from coming into our society? So if we cannot prohibit them from coming in, why not eliminate the laws dealing with drugs? If we can do something about drugs in our society, we can do something about crimes of violence by having strict gun laws.

Licensing and registration are significant steps. They are only steps, but they are significant steps in trying to do something about the problems of a gun society which this Nation has become.

Therefore, I would hope that our amendment would be accepted. I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes remaining.

Mr. KENNEDY. I yield myself 3 minutes.

I hold in my hand a letter from Mr. Ralph H. Alkire, Acting Director of Alcohol, Tobacco and Firearms Division of the Internal Revenue Service, sent to Mr. MURPHY, of the House of Representatives, in which he indicates what has been accomplished with the 1968 act, which is a very modest measure in trying to get a handle on gun control legislation. This letter emphasizes the very significant impact that law has had on the problems of crime and violence.

He mentions a series of individual cases in which the act was invaluable in the arrest and prosecution of certain persons who committed crimes of violence in this country. He points out that, as a matter of fact, under the prior Gun Control Act, from October 1966 to December 1968, there were only 1,851 cases that had been made under existing Federal gun laws, while from January 1969 to March 1971, some 6,188 cases were made, or an increase of 234 percent, as a result of the provisions of the 1968 Gun Control Act.

It just goes to show that such steps can be meaningful when we try to do something about crimes of violence.

In this letter he reviews some typical examples in a number of different States where the act was invaluable in tracking down criminals.

The letter is worthwhile. Senators will not have a chance to see it before they vote, but it certainly substantiates a number of points which I have been mentioning here today. I ask unanimous consent that the letter be made a part of the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

INTERNAL REVENUE SERVICE,
Washington, D.C. May 12, 1971.

Hon. John M. Murphy,
House of Representatives,
Washington, D.C.

Dear Mr. Murphy: Secretary Connally has asked us to reply to your letter of April 29, 1971, requesting certain information to assist you in evaluating the effectiveness of the Gun Control Act of 1968, legislation which you sponsored in the House of Representatives.

The following table provides a statistical breakdown, by titles of the cases and arrests made for 27 month periods prior and subsequent to the effective date of the Act and includes similar data for Title VII of the Omnibus Crime Control and Safe Streets Act, as amended by Title III of the Gun Control Act. It is not possible to provide such data for the 28 month periods you requested since the statistics for April 1971, have not yet been compiled.

Prior to Gun Control Act (October 1966 to December 1968)		Subsequent to Gun Control Act (January 1969 to March 1971)		
Statute	Cases made	Statute	Cases made	Increase (percent)
FFA	496	Title I	1,627	
NFA	1,290	Title II	2,393	
FFA–NFA	65	Title VII	871	
		Title I–II	193	
		Title I–VII	771	
		Title II–VII	273	
		Title I–II–VII	60	
Total	1,851		6,188	234.3

Statute	Arrests	Statute	Arrests	Increase (percent)
FFA	258	Title I	967	
NFA	573	Title II	1,728	
FFA–NFA	47	Title VII	476	
		Title I–II	209	
		Title I–VII	484	
		Title II–VII	524	
		Title I–II–VII	83	
Total	878		4,477	409.9

As a matter of information, the letters FFA and NFA, as shown in the above table, stand for the Federal Firearms Act and the National Firearms Act. The "Cases Made" category includes cases pending judicial action, such as indictment, as well as cases in which arrest have already been accomplished. Therefore, the number of arrests always lags behind the number of cases made during a particular period.

In view of our development of over 6,000 cases since passage of the Gun Control Act, you can appreciate that it would be impossible to list all of the firearms cases which might be considered as major or significant. However, to answer your request for summaries, we have selected the following cases to best demonstrate the scope and flavor of the Act's contribution to law enforcement. Please note that we have included several cases pointing up the value of the new firearms laws, especially Title VII, as tools in the Organized Crime Drive.

In Montana, police responded to a call—a shooting in a bar. They found a body, a foreign handgun on the floor, and customers who avowed no knowledge of the shooting. Ordinarily, this might have been the beginning and the end of the investigation. In this instance, Montana authorities decided to take advantage of the "State Assistance" features of the Gun Control Act of 1968, and a request for assistance was made to the Billings, Montana, office of the Alcohol, Tobacco and Firearms Division. The ATF Firearms Control Section traced the foreign handgun from Germany through Mississippi and finally to Montana. A special investigator continued the investigation and identified the last known owner—a customer who had carried the firearm into the bar the night of the shooting and was present when police arrived. The killer was subsequently convicted of homicide in State Court. (Barcrofft-Billings, Montana P.D.)

In a joint operation conducted by the Alcohol, Tobacco and Firearms Division and the Bureau of Narcotics and Dangerous Drugs, five firearms were purchased from Carl McFarland in a parking lot in Indianapolis, Indiana. Three of the five weapons had been previously reported as stolen. A search of McFarland's car revealed an additional 36 firearms, 14 of which turned out to be stolen. McFarland pled guilty to violations of the Gun Control Act and was sentenced to a total of 10 years in prison. (Indiana S-3215—McFarland)

Harry Weiler, a convicted felon, was arrested by ATF investigators on February 10, 1970, for allegedly purchasing and possessing a firearm. Mr. Weiler is regarded as a Presidential Security Risk by the United States Secret Service and is the local president of the National Association for the Advancement of White People. The arrest and seizure resulted from the cooperation of a licensed New Jersey firearms dealer. Mr. Weiler has sought an injunction from the courts to halt harassment and is suing the Commissioner of Internal Revenue, the District Director, Philadelphia, and two ATF Special Investigators, for civil damages. (Pa.–E-6726, T-I-VII)

Police investigation of a bizzare, brutal, sex-murder case revealed that a suspect might have recently purchased a firearm. An ATF Special Investigator was notified and through extensive records search found a record of a firearm sale to the suspect, who was prohibited from purchasing a firearm by virtue of his record as a felon. It was determined that the suspect had concealed this fact in purchasing the firearm by falsely executing Form 4473 Firearm Transaction Record. He was arrested and jailed. The Special Investigator, working alone, developed conclusive and final evidence as to the subject's guilt for the murder. After initial contact with the subject, police officers had written him off as a "harmless nut". (Texas-N-4508 (T-I))

A significant court decision was recently rendered in Federal Court, Springfield, Illinois, when Ronald E. Shafer was convicted for ten violations of the Gun Control Act. This case is significant since it involved the sale of firearm components sufficient to make destructive devices. Shafer was alleged to be a principal supplier of grenades and firearms to East St. Louis militant groups. In addition, he was responsible for the sale of 300 cheap import pistols in the St. Louis metropolitan area. Thirty-five of these firearms have subsequently been recovered in connection with crimes of violence. Shafer received a ten year prison sentence. (Ill. S-1311—Shafer)

A major stolen property fence in the Macon, Georgia Area, William Price Campbell, Jr. and his mother, Betty Douglas Ludlow, were charged with violation of the firearms statutes on June 13, 1969. Campbell had a notorious record in the Macon, Georgia area for dealing in all types of stolen property. He allegedly took orders for property which would then be stolen by thieves and burglars working in conjunction with him. The operation was broken by undercover purchases of unregistered automatic weapons from Campbell and Ludlow. Campbell was convicted in the U.S. District Court on October 31, 1969, and sentenced to a term of five years imprisonment in spite of the fact that Campbell is a virtual invalid. (Ga.—M-12, 849 (T-II))

An unusual seizure both in terms of size and diversity of articles was made on November 30, 1970, in the Birmingham, Alabama area when a trailer portion of a tractor trailer rig used as a storage and manufacturing plant for firearms, explosive devices and incendiary devices was raided. The seizure included 140 rifles, 1 60-mm Mortar, 2 cases of partially prepared Molotov cocktails, 2 cases of re-worked surplus military hand grenades, a quantity of explosives, including dynamite, nitra-mon and Flex X, 200 dynamite caps, 3 rolls of detonator cord, a dozen cans of black powder, more than 100 hand grenades, a large number of bayonet and combat knives, thousands of empty shotgun shells and a quantity of lead used for molding slugs. More firearms were seized the following day in a search of the residence of the defendant, a prominent professional man in Birmingham, Alabama. Additional articles, including a quantity of unarmed military grenades, were seized from another house owned by the defendant.

The evidence in these cases indicates that the defendant has been engaged in supplying firearms, destructive devices, incendiary devices, bombs and similar articles to extremist groups of both the left and right, including the KKK, Black Panthers, Black Muslins, SDS (Weatherman faction), and others. The defendant has been a suspect in weight reducing rackets for a long time. The quantity of material seized from him was enough to start a small war. This case is currently pending prosecution. (Ala. N-15,578 (T-II), 15,579 (IL, T-XI) and 15,580 (T-II))

ATFD National Office Laboratory technology recently came to the aid of Virginia law enforcement officials when, on January 11, 1970, a bomb exploded under an unoccupied vehicle owned by the Dean of Men, Emory and Henry College, Emory, Virginia. An adjacent occupied dormitory was damaged. On January 22, two individuals, both students at Emory and Henry College, were arrested on State warrants charging felonious use of explosives. The bomb contained gunpowder identified in the Alcohol, Tobacco and Firearms Division National Office Laboratory as "Hercules 2400". The Laboratory examination was conducted on the material recovered at the bomb scene, a piece of burnt safety fuse, a hubcap, a hubcap rim, and a piece of asphalt. The State prosecution of the defendant will rest solely on evidence developed by ATFD.

Russell Payne, a felon on appeal for a manslaughter conviction, was convicted in Wyoming District Court for transporting a *registered* firearm in interstate commerce without the authorization of the Assistant Regional Commissioner, ATF, in violation of Section 922(a)(4), Chapter 44, Title 18, U.S.C. Payne was sentenced to five years imprisonment. This is believed to be the first conviction in the Nation under this particular section of law which was a new provision enacted under the Gun Control Act of 1968. (Wyo. 450 (T–II)—Payne)

On August 19, 1969, when ATF served a search warrant at the home of Joseph Aiuppa, an organized crime figure, Chicago, Illinois, they discovered twenty-nine (29) firearms secreted behind a wooden panel in the basement. He was indicted on August 26, 1969, and the case is now pending in Federal Court.

A Senate Congressional Record dated August 12, 1969, reflects one Felix (Milwaukee Phil) Alderisio as the "Consigliere" of the Chicago La Cosa Nostra structure. On January 23, 1970, Alderisio was sentenced to two years in prison for violation of Title VII of the Omnibus Crime Control and Safe Streets Act. (Ill. N–7343–T–VII)

During August 1970, ATF undercover special investigators infiltrated an organized gang of hijackers and burglars who utilized fences associated with organized crime figures. The undercover special investigators learned a $50,000 load of cigarettes moving in interstate commerce on September 4, 1970, was hijacked at gunpoint. The gun was stuck in the nose of the driver of the truck owned by Lasham Revere Motors, Inc. Following the arrest of three men by the Illinois Bureau of Investigation for the hijacking, interrogation by ATF special investigators disclosed that Leo Rugendorf participated in the arrangements for the hijacking. On October 16, 1970, he was arrested by ATF on a charge of conspiracy to violate the Gun Control Act of 1968. This infamous Leo Rugendorf of Chicago, Illinois, is an alleged juiceman, "Scam" operator and close associate of Sam Battaglia, Felix Alderisio, Marshall Caifano, Jackie Cerone, Albert Frabotta and many other Chicago crime figures. Rugendorf allegedly is the vehicle through which money acquired illegally by the crime syndicate is moved into quasi-legitimate businesses, a function most vital to the continued success of the organization.

Santo Perrone was one of six subjects arrested in Detroit in June 1969 on Title VII firearms charges. He has been known to enforcement officers as an alleged strike breaker, extortionist, bootlegger, financier of illegal enterprises and many times a suspect in murders, bombings, and the smuggling of aliens. He lost his right leg in a mysterious bombing of his car in January 1964 and was a suspect in the 1948 attempted assassination of Walter P. Reuther, UAW President. In 1963 Perrone was named as one of the "big men" in the crime syndicate in testimony before the United States Senate Crime Investigating Committee. At the time of Perrone's arrest in his home in Grosse Pointe Woods, Michigan, special investigators found a total of eight firearms, one firearm in each room having an outside window. On November 14, 1969, ATF arrested Santo Perrone for the second time for possession of a firearm.

The fate of one Joseph Vincent Bisogno, a member of the New York Gambino Family, points up the syndicate's total disregard for human life. Mr. Bisogno was indicted on May 28, 1969, in Miami, Florida, the charge being the possession of a firearm by a felon. The court allowed Bisogno's return to New York where on August 12, 1969, he was found murdered.

We trust that you will find the foregoing responsive to your request and that it will assist you in evaluating the impact of the Gun Control Act. If we can be of further service, please let us know.

Sincerely yours,

RALPH H. ALKIRE,
Acting Director Alcohol, Tobacco and Firearms Division.

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Indiana yield back his time?

Is all time yielded back?

Mr. BAYH. Mr. President, let the Senator from Indiana make one observation. I think that anyone in the Senate who knows of the letter I received from the National Rifle Association, excoriating the Bayh bill, can hardly suggest that the long arm of the NRA has reached in and twisted the arm of the Senator from Indiana. It may have kicked him in the seat of the pants, but it has not worked on any other part of his anatomy.

I think the present bill, which will take 900,000 guns which are most preferred for the commission of crimes out of the hands of criminals will represent a significant step in the right direction. I would like to do more. It is a question of judgment whether we can practically do it at the moment.

I shall not repeat the argument I made before as to why at this time I shall not go along with the Senator from Massachusetts, but he has made a very persuasive argument.

Mr. STEVENS. Mr. President, I must speak out against amendment No. 1398 which has been proposed by the distinguished Senator from Massachusetts (Mr. KENNEDY) for himself and several other Senators. I can appreciate the Senator's concern about certain provisions of S. 2507, the bill the Senate is presently debating which would amend the Gun Control Act of 1968. As has been discussed, S. 2507 is strictly limited to aim at the so-called Saturday night special, a type of small, inexpensive, easily concealable handgun. The problems of the Eastern States and other large States with respect to this particular type of weapon have been extensively documented by the Judiciary Committee and here today. Those problems faced by many of the larger cities of the United States are however, considerably different than the problems we face in large, sparsely populated Western States with respect to several amendments that have been offered to S. 2507. I have already addressed myself to the problems of amendment No. 1335, the legislation proposed by the Senior Senator from Michigan (Mr. HART). I shall not repeat myself here.

I should, however, like to explain briefly those particular provisions of amendment No. 1398 which would have disastrous consequences upon the people of my State of Alaska.

Although we are not as large as the States represented by the sponsors of this resolution at least in population we are far larger than any of them in area. In fact, just to put our geographical position in proper perspective, only one of our boroughs which extends across the northwestern portion of our State; is roughly the size of California.

Few people live in this remote area of the State; however, those that do are probably more at the mercy of the environment than anyone else in this country. Not only need they fight the bitter cold and sparse natural food supplies, but they must also be able to protect themselves at all times from wild animals that freely roam this part of Alaska. For them, firearms are not a luxury nor a means of committing crime. Firearms are but one of the tools necessary for survival.

Even those citizens of Alaska who live in the larger cities—Anchorage, Fairbanks, Ketchikan, and Juneau—are also dependent upon firearms to a certain extent for survival. Anchorage, for example, has a population of approximately 125,000 within the borough. This is roughly one-third the size of the average congressional district in the United States. The Anchorage Borough, however, although it is small for Alaska geographically, is somewhat larger than the average county in the United States.

Of more importance is the fact that most Alaskans in Anchorage as well as elsewhere like the outdoors and spend a great deal of their free time when the weather permits out of doors hunting, hiking, fishing, or just sightseeing. Of equal importance is the fact that even around Anchorage the country is extremely undeveloped and many wild animals live in the surrounding hills. It is not uncommon to see moose, bear, or other large animals within a short driving distance from Anchorage. Occasionally, these animals even wander into urban areas. Handguns are often carried as are rifles for protection. Most Alaskans would never venture into the country any distance from civilization without some form of weapon on their person for protection.

This is not alarmist thinking, it is just good commonsense. Most people know of close friends and relatives who have had personal encounters with large dangerous animals. Firearms provide not only a method of shooting the animals in self-defense, but more importantly they provide a good method of attack prevention. The loud noise made by firearms has often been used to dissuade animals from attacking Alaskans and their families. Handguns, especially, provide a quick means of attack prevention.

This use of handguns is not unique in Alaska. Other Western States have similar problems. However, we in Alaska truly find ourselves on the "last frontier." Firearms to us are more than a luxury. They are a necessity.

This example I have intentionally limited to people in our urban areas. It goes without saying that people in the "Alaskan bush" need firearms to provide food, clothing, and other necessities of life. Persons who must hunt for a living or who are legitimate sportsmen often carry handguns to end quickly and efficiently the suffering of animals which have been shot. This is, of course, another necessity for Alaskans.

Turning to amendment No. 1398, it is apparent that the legislation provides for registration and licensing of "firearms." "Firearms" is defined to mean all weapons—including handguns—with the exception of antiques, certain sawed-off shotguns, and machineguns. This would not only include the "Saturday night specials" covered in the parent bill, but all other forms of legitimate weapons as well. Firearms which are not registered must be banned. The only exceptions are narrow and would not meet the needs of such a State as Alaska.

The registration requirements are complicated and would pose considerable hardship for people in the bush areas of Alaska who would have great difficulty in completing the requirements. It would be extremely difficult for people in the remote areas of my State to purchase weapons under this amendment. Many of these people must purchase weapons and ammunition through the mail. Often, mail service is slow because of the difficulties attendant upon it.

The ability to obtain weapons and ammunition may well spell the difference between survival and death. Because of the heavy fines and imprisonment possible for ordinary citizens and dealers, I am afraid that this amendment would be the death warrant for many Alaskans. I do not exaggerate. The problems posed by this amendment are virutally insurmountable in my State.

Similar problems are apparent in the bill's licensing provisions. To cite only the provisions of the bill which require investigation of applicants, it would be very difficult for many Alaskans to complete the formal requirements and photography required under it. No such provision has been enacted under State law in Alaska and it is certain that nothing could be enacted in our State which would fulfill the requirements of this bill.

As I have previously indicated in my discussions on amendment No. 1335, I strongly believe State law is the best means of dealing with the problem. State legislature are intimately familiar with the problems within their jurisdictions. This principle is especially true in Alaska for the reasons I have previously indicated. Amendment No. 1398 points out this fact. No law could possibly be enacted in my State which would meet the requirements of this legislation. The Alaska State Legislature could not enact such a law. The Federal Government should not.

When the distinguished Senator from Massachusetts (Mr. Kennedy) introduced this legislation as S. 831 on February 17, 1971, he listed the first two requirements of the bill as the registration of every civilian-owned gun in this country," and "that will require all gun owners to pass stringent qualifying procedures to legally possess a gun." Because both of these provisions would have such disastrous effects upon the people of Alaska, I am unalterably opposed to this amendment.

The PRESIDING OFFICER. Does the Senator from Nebraska yield back his time?

Mr. HRUSKA. I yield back my time.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield back his time?

Mr. KENNEDY. Mr. President, do I have 2 minutes left?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. KENNEDY. I would like to ask the Senator from Nebraska if he would, on his own time, tell us what is the undue and unnecessary burden that is described in the letter that I received from the National Rifle Association. I ask unanimous consent to include the letter from the National Rifle Association in the Record: Is this the mere act of going down and registering weapons and licensing them? Is that the unreasonable burden that the National Rifle Association is complaining about? I would like to ask if the Senator from Nebraska cares to answer that.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Rifle Association
of America,
Washington, D.C., August 3, 1972.

Hon. Edward M. Kennedy,
Old Senate Office Building,
Washington, D.C.

Dear Senator Kennedy: S. 2507, the Bayh Bill, has been approved by the Senate Judiciary Committee and readied for consideration in the Senate. This bill has been widely misrepresented by the news media as a bill to prohibit the manufacture and sale only of poor quality, cheaply made, and possibly unsafe handguns. The term widely used for these handguns is "Saturday Night Special." This is a meaningless catch phrase that has never been successfully defined.

Actually, the provisions of the Bayh Bill go far beyond its often stated purpose. It would prohibit the manufacture or sale by a federal licensee of any handgun not approved by the Secretary of the Treasury as being "generally recognized as particularly suitable for sporting purposes." The provisions of this bill as it now stands would eliminate the *manufacture and sale of approximately one third of all handguns now manufactured in the United States without reference to quality of price.*

I am writing this to you so that there may be no misunderstanding of the position of the National Rifle Association in opposition to this restrictive and unwise piece of legislation.

The Congress of the United States in enacting the Federal Gun Control Act of 1968 declared that it was not their purpose to place any undue or unnecessary Federal restrictions or burdens on the law-abiding citizens with respect to the acquisition, possession or use of firearms appropriate to the purpose of hunting, trap shooting, target shooting, personal protection, or any other lawful activity. The Bayh Bill negates this statement of purpose.

The Bayh Bill by prohibiting further U.S. manufacture of virtually all small revolvers and pistols would mistakenly deprive millions of law-abiding citizens of a type of firearm particularly suited for the defense of their families and businesses.

We earnestly urge you to reject S. 2507 in its present form.

Sincerely,

Maxwell E. Rich,
Major General (Ret.), Executive Vice President.

Mr. HRUSKA. What was the Senator's question?

Mr. KENNEDY. I was asking the Senator from Nebraska, in this letter, which I would ask to be made a part of the Record, Maxwell Rich, the vice president, was indicating their opposition or reservations about placing an undue or unnecessary burden on qualifying citizens with respect to the acquisition or purchase of rifles. I was wondering whether the Senator knew whether the registration of rifles fell within that definition.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HRUSKA. Mr. President, I yield myself 1 minute. I have no pipeline to NRA. Apparently the Senator from Massachusetts has greater information on the subject than I. I suggest he ask someone——

Mr. BAYH. Mr. President, the Senator from Indiana will be glad to try to respond to that question, but it will not be on the opposite side of the issue. That letter, if it is the one the Senator is referring to, was addressed to all of our colleagues, and excoriates the Senator from Indiana and S. 2507. It objects that the position of this bill negates the statement of purpose the Senator alluded to. I think that is nothing but a total and complete fabrication. It says:

> The National Rifle Association has consistently gone on record as opposing the very kind of gun the Senator from Indiana is trying to outlaw in the basic bill.

The American Rifleman of July 1969, in an editorial entitled "Let Us See Who Backs This Handgun Control," says:

> As explained in this magazine (May, 1969, p. 39), the new IRS point system tends to give importations priority to large, target-type pistols with safety refinements and to shut out crude, stubby, easily concealed .22's and .25's.

In July of 1969, the NRA said that point system was all right. Somehow or other, in August of 1972, they change the formula, because S. 2705 adopts, I think, the same criteria. We give priority to large weapons that are usable for target practice and sporting purposes, and try to make it unlawful to sell people these easily concealed criminal-type weapons.

I apologize for being unable to answer the specific question of the Senator from Massachusetts, because I find myself on the same side of this question, and wondering what the NRA is really up to. Perhaps any of us who have been in the bull's-eye can say the same thing.

The PRESIDING OFFICER. All time of the Senator from Massachusetts has expired. Does the Senator from Nebraska yield back the remainder of his time?

Mr. HRUSKA. I am prepared to do so.

The PRESIDING OFFICER (Mr. Fannin). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Massachusetts. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr.

Cranston), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Rhode Island (Mr. Pell), and the Senator from Oklahoma (Mr. Harris) are necessarily absent.

On this vote, the Senator from Rhode Island (Mr. Pell) is paired with the Senator from Georgia (Mr. Gambrell). If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from Georgia would vote "nay."

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Maryland (Mr. Beall), the Senator from New York (Mr. Javits), and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from North Dakota (Mr. Young) is detained on official business.

If present and voting, the Senator from Maryland (Mr. Beall) and the Senator from Ohio (Mr. Taft) would each vote "nay."

On this vote, the Senator from New York (Mr. Javits) is paired with the Senator from Tennessee (Mr. Baker). If present and voting, the Senator from New York would vote "yea" and the Senator from Tennessee would vote "nay."

The result was announced—yeas 11, nays 78, as follows:

[No. 353 Leg.]

YEAS—11

Anderson
Brooke
Case
Fong
Hart
Kennedy
Muskie
Pastore
Ribicoff
Tunney
Williams

NAYS—78

Aiken
Allen
Allott
Bayh
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fulbright
Goldwater
Griffin
Gurney
Hansen
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pearson
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Weicker

NOT VOTING—11

Baker
Beall
Cranston
Gambrell
Gravel
Harris
Javits
Mundt
Pell
Taft
Young

So Mr. Kennedy's amendment (No. 1398) was rejected.

AMENDMENT OF SMALL BUSINESS ACT RELATING TO DISASTER LOANS

Mr. McINTYRE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15692.

The PRESIDING OFFICER (Mr. Inouye) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McINTYRE. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Sparkman, Mr. McIntyre, Mr. Mondale, Mr. Cranston, Mr. Tower, Mr. Packwood, and Mr. Roth conferees on the part of the Senate.

NATIONAL NO-FAULT MOTOR VEHICLE INSURANCE ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 852, S. 945.

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 945) to regulate interstate commerce and to provide for the general welfare by requiring certain insurance as a condition precedent to using the public streets, roads, and highways in order to have an efficient system of motor vehicle insurance which will be uniform among the States, which will guarantee the continued availability of such insurance, and the presentation of meaningful price information, and which will provide sufficient, fair, and prompt payment for rehabilitation and losses due to injury and death arising out of the operation and use of motor vehicles within the channels of interstate commerce, and otherwise affecting such commerce.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "National No-Fault Motor Vehicle Insurance Act".

TITLE I—NATIONAL REQUIREMENTS FOR AUTOMOBILE INSURANCE

DEFINITIONS

Sec. 101. As used in this Act—

(1) "Accidental harm" means bodily injury, death, sickness, or disease caused by a motor vehicle accident.

(2) "Basic economic loss" means in the case of injury or death those losses defined in either section 203(b) or section 301(b) of this Act.

(3) "Criminal conduct" means conviction for the commission of an offense arising out of the operation, maintenance, or use of a motor vehicle which is punishable by imprisonment for more than one year; use of a motor vehicle with the specific intent of causing injury or damage; operation of a motor vehicle with knowledge that said operator or user, if over fifteen years old, is not legally entitled to operate or use such vehicle.

(4) "Damage other than basic economic loss" means in the case of injury or death—

(A) tangible damage in excess of basic economic loss; and

(B) intangible damage, as agreed upon between the owner of an insured motor vehicle and the insurer.

(5) "Death" except as used in this paragraph and paragraphs (1) and (6) means death resulting at any time from accidental harm.

(6) "Injury" means accidental harm not resulting in death.

(7) "Intangible damage" means inconvenience and discomfort, fright or shock, humilitation, indignity or insult, physical pain and suffering, mental anguish, loses of enjoyment of life, loss of consortium (society or companionship), and worry about the future consequences of an injury.

(8) "Insured motor vehicle" means a motor vehicle which is—

(A) insured under a qualifying no-fault policy; and

(B) included under an approved self-insurance plan of an owner who qualifies as a self-insurer.

(9) "Insurer" means any properly authorized person or governmental entity engaged in the business of providing qualifying no-fault policies or other insurance policies referred to in section 203 or section 301 of this Act.

(10) "Loss resulting from damage to the insured's motor vehicle" means—

(A) an amount equal to the direct damage or loss to the insured motor vehicle as a result of collision or upset, fire, theft, flood, or other hazards incident to the operation, maintenance, or use of an insured motor vehicle; and

(B) such other appropriate and reasonable expenses necessarily incurred as a result of damage to or loss of an insured motor vehicle, as agreed upon between the owner of an insured motor vehicle and the insurer.

(11) "Monthly earnings" means—

(A) in the case of a regularly employed person or a person regularly self-employed, one-twelfth of the annual earnings after income taxes at the time of injury or death; or

(B) in the case of a person not regularly employed or self-employed, or of an unemployed person, one-twelfth of the anticipated annual earnings after income taxes from the time such person would reasonably have been expected to be regularly employed. In calculating the anticipated annual earnings of an unemployed person who has previously been employed, the insurer shall average the annual compensation after income taxes of such persons for the years, not to exceed five, preceding the year of injury or death during which such person was employed.

Such sums are to be periodically increased in a manner corresponding to annual compensation increases that would predictably have resulted but for the injury or death, but in no event shall such sums exceeds any monthly limits established by or in accordance with this Act.

(12) "Motor vehicle" means any wheeled vehicle driven or propelled by electrical or mechanical power required to be registered under the motor vehicle registration law of a State (or an object being pulled or pushed by such vehicle).

(13) "Motor vehicle accident" means an accident arising out of the operation, maintenance, or use of a motor vehicle involving injury to persons or property.

(14) "Motor vehicle in use" means a motor

vehicle being operated on any street, road, highway, or other land open to automobile use by the public.

(15) "Net basic economic loss" means, in the case of injury or death, basic economic loss reduced but not below zero by the amount of any benefit or payment received (or legally entitled to be received and actually available to the claimant) for losses resulting from such injury or death from any workmen's compensation benefits received as payment for tangible damage.

(16) "Operation, maintenance, or use" when used with respect to a motor vehicle means operation, maintenance, or use but it does not include conduct within the course of a business of parking by a bailee or his agent, repairing, servicing, or otherwise maintaining vehicles unless such conduct occurs outside the premises of such business.

(17) "Owner" means a person who owns or has legal title to a motor vehicle; except that in the case of a motor vehicle which is the subject of a security agreement or lease with option to purchase with the debtor or lessee having the right to possession, such term means the debtor or lessee.

(18) "Qualified applicant" means a person—

(A) who has a valid license wihch permits him to operate the motor vehicle designated in the insurance application, and

(B) who tenders a reasonable portion of the premium as determined by the State insurance regulatory authority.

(19) "Qualifying no-fault policy" means an insurance policy which meets the requirements of either section 203 or section 301 (a) and (c).

(20) "Secretary" means the Secretary of Transportation.

(21) "State" means any State and the District of Columbia.

(22) "State insurance regulatory authority" means any department, commission, board, or other agency of the State which is charged by State law with the supervision and regulation of the business of insurance.

(23) "Self-insurer" means with respect to any motor vehicle a person who has satisfied the self-insurance requirements of section 102 of this title.

(24) "Tangible damage" means loss of services, funeral expenses, loss of earning capacity, and any other economic detriment suffered as a result of such things as temporary and permanent disability, aggravation of preexisting physical conditions or disease, impairment of physical ability, impairment of mental ability, disfigurement, dismemberment, and loss of body function.

(25) "Uninsured motor vehicle" means a motor vehicle which is not an insured motor vehicle.

(26) "Without regard to fault" means irrespective of fault as a cause of injury or death, and with application of any principle of liability based on negligence.

NECESSARY NO-FAULT INSURANCE

SEC. 102. (a) No person, State, political subdivision, or interstate entity may register, operate, or use a motor vehicle upon any street, road, highway, or other land open to automobile use by the public in any State at any time unless such vehicle is an insured motor vehicle, pursuant to regulations which the State insurance regulatory authority shall prescribe in consultation with other appropriate State officials.

(b) Motor vehicles owned or operated by any Federal agency (including the executive departments, the military departments, independent establishments of the United States, corporations primarily acting as instrumentalities or agencies of the United States) shall be deemed to have been insured by the Federal Government as if a qualifying no-fault policy pursuant to section 301 of this Act had been issued to cover such motor vehicles. Any person may commence action against the United States under the same terms and conditions as if it were an insurer and provider of a qualifying no-fault policy for motor vehicles owned and operated by a Federal agency.

(c) Any person who knowingly violates the provisions of subsection (a) of this section may be punished by such fine or otherwise as a State determines to impose.

AVAILABILITY OF INSURANCE

SEC. 103. (a) A qualified applicant shall be entitled to obtain a qualifying no-fault policy and any mandatory optional coverages through any person or firm licensed to negotiate such policies in the State. Such qualifying no-fault policy or mandatory optional coverages shall be issued either by or through—

(1) an insurer licensed to do business in the State for which the person receiving the application of the qualified applicant is authorized to place insurance, or

(2) a State plan as required to be adopted in subsection (b) of this section.

(b) The State insurance regulatory authority shall adopt and implement or approve and supervise, an assigned risk pool, reinsurance facility or other such plan providing for the issuance of qualifying no-fault policies and mandatory optional coverages to any qualified applicant who cannot be placed with an insurer of his choice by the person receiving his application or who elects to receive either his qualifying no-fault policy or mandatory optional coverages from or through the plan.

(1) The plan shall provide for equitable apportionment among all insurers and self-insurers of the insurance coverage, or financial burdens thereof, provided to qualified applicants under the plan and the costs of operation of the plan.

(2) The plan shall provide for the availability of financing or installment payments of premiums on reasonable and customary terms and conditions.

(3) The plan shall authorize each person or firm licensed to sell qualifying no-fault policies and mandatory optional coverages to place such policies or coverages with the plan but such placement shall not place a limitation on the subsequent transfer of the policy from the plan to the voluntary market.

(4) The plan shall provide for the ready transfer of persons insured under the plan into the voluntary market in accordance with regulations established by the State insurance regulatory authority.

(5) Subject to the supervision and approval of the State insurance regulatory authority, insurers may consult and agree with each other and with other appropriate persons as to the organization, administration, and operation of the plan and as to rates and rate modifications for insurance coverages provided under the plan. The rates and rate modifications specially adopted or charge for insurance coverage provided under the plan shall be first adopted and approved by the State regulatory authority, be reasonable and not unfairly discriminatory among applicants for insurance under regulations established by the State regulatory authority, and not be greater than 200 per centum of the cost of comparable insurance for similarly situated persons who are able to obtain insurance in the voluntary market as estimated by the State insurance regulatory authority.

(c) Any termination of a qualifying no-fault policy or mandatory optional coverages by an insurer, including any refusal by the insurer to renew the insurance at the expiration of its term and including any modification by the insurer of the terms and conditions of the insurance unfavorable to the insured, shall be ineffective unless—

(1) written notice of intention to modify or not renew or to otherwise terminate the insurance, together with the reasons therefor, has been mailed or delivered to the insured at least thirty days prior to the effective date of the modification or expiration or other termination of the insurance, and

(2) the insurer has offered to arrange for a qualifying no-fault policy and any elected mandatory optional coverages with the plan and informs the insured about the price of such coverage, and

(3) the insurer does arrange for such coverage with the plan if instructed to do so by the insured.

(d) A qualifying no-fault policy or mandatory optional coverages may not be terminated during the policy term by cancellation except for—

(1) revocation of the principal operator's license to operate a motor vericle;

(2) failure to pay the premium for such policy after reasonable demand therefor; or

(3) misrepresentation of a material fact when applying for such policy or coverages.

(e) (1) An insurer may exclude by name as operator from a qualifying no-fault policy covering a motor vehicle, at the time of issuance upon written notice or at any time thereafter upon written notice thirty days in advance (A) any operator who does not have a license to operate a motor vehicle by reason of its revocation caused by his driving behavior, or (B) any other person designated by the owner of such motor vehicle.

(2) Any person excluded by name in accordance with paragraph (1) of this subsection who has received notice of such exclusion and who subsequently operates said motor vehicle shall be deemed to do so with knowledge that he is not legally entitled to operate such vehicle.

PAYMENTS OF BENEFITS; CONDITIONS AND LIMITATIONS

SEC. 104. (a) (1) Payments for net basic economic loss shall be made periodically as such loss occurs but need not be made more often than monthly. Any loss unpaid forty days after the insurer has reasonable proof of the fact and amount of any portion of the loss shall bear interest at the rate of 18 per centum per annum commencing from the thirty-first day after the insurer has such reasonable proof. From the sixty-first day after the insurer has reasonable proof an unpaid loss shall bear interest at the rate of 24 per centum per annum: *Provided,* That any claim or portion of claims as to which there is a good faith dispute whether it is owing shall bear interest at the rate of 12 per centum per annum from the time that the beneficiary is advised of the denial of the claim, or a portion thereof, and advised of the availability of counsel as provided in section 105 of this Act. In the case of death, payments for net basic economic loss shall be made periodically as loss occurs or as agreed upon between the owner of the insured motor vehicle and insurer when the policy is issued. Any payments made by an insurer which are determined not to be legally owing, whether due to mistake or fraud, are debts owed to the insurer and recoverable by it as any other debt and may, pursuant to regulations of the State insurance regulatory authority, be offset against future benefits payable.

(2) The benefits for net basic economic loss shall be paid as provided by this section without deduction for workmen's compensation benefits, if such benefits have not been paid to the claimant before the benefits for net basic economic loss are overdue or payment for net basic economic loss is made. The insurer or self-insurer is entitled to reimbursement from the person obligated to make any payments or from the claimant who actually receives the payment.

(b) No part of loss benefits paid under a qualifying no-fault policy or mandatory optional coverages or under an approved self-insurance plan shall be applied in any manner as attorney's fees for services rendered in pursuing a claim under a qualifying no-fault policy. Any contract in violation of this provision shall be illegal and unenforceable, and it shall constitute an unlawful act for any attorney to solicit, enter into, or knowingly accept benefits under any such contract.

(c) (1) If benefits from a qualifying no-fault policy or mandatory optional coverages or from self-insurance for tangible damage resulting from a motor vehicle accident have not been paid, an action for these benefits may not be commenced later than two years after the denial of a claim which is timely made. A claim shall be considered timely made if it is presented to the insurer within two years after the person making the claim either knows, or in the exercise of reasonable diligence should know that the tangible damage was the result of the motor vehicle accident but in no event later than eight years from the date of the accidental harm.

(2) A person may not commence an action for the recovery of benefits from a qualifying no-fault policy or mandatory optional coverages for tangible damage resulting from a motor vehicle accident unless he has made a timely claim for such benefits.

(3) A person may not submit a claim to an insurer for the recovery of contracted for benefits for intangible damage resulting from a motor vehicle accident until the final periodic payment for net basic economic loss has been made or until a period of two years from the time of the injury has elapsed, whichever occurs first.

(4) If contracted for insurance benefits for intangible damage resulting from a motor vehicle accident have not been paid, an action to recover these benefits may not be commenced later than four years from the date of such motor vehicle accident.

(d) (1) An assignment or agreement to assign any right to benefits under this Act for loss accruing in the future is unenforceable except—

(A) an assignment of rights to benefits received for net basic economic loss in order to secure payment of alimony, maintenance, or child support; or

(B) an assignment of rights to benefits received for net basic economic loss to the extent that the benefits are for the cost of products, services, or accommodations provided or to be provided by the assignee.

(2) Benefits received for net basic economic loss because of expenses included in paragraphs (1) and (2) of section 203(b) or paragraphs (1) and (2) of section 301(a) of this Act are exempt from garnishment, attachment, execution, and other process or claims. Benefits received for net basic economic loss other than those enumerated above are exempt from garnishment, attachment, execution, and other process or claims to the extent that wages or earnings are exempt under applicable law exempting earnings or wages from process or claims.

CLAIMANT'S ATTORNEYS' FEES

SEC. 105. A person making a claim under a qualifying no-fault policy or mandatory optional coverages or under an approved self-insurance plan, may be allowed an award of a reasonable sum for attorney's fee (based upon actual time expended) and all reasonable costs of suit in any case in which the insurer or self-insurer denies all or part of a claim for benefits under such policy or plan unless the court determines that the claim was fraudulent, excessive, or frivolous.

FRAUDULENT CLAIMS

SEC. 106. Within the discretion of the court, an insurer or self-insurer may be allowed an award of a reasonable sum as attorneys' fee (based upon actual time expended) and all reasonable costs of suit for its defense against a person making claim against such insurer or self-insurer where such claim was fraudulent, excessive, or frivolous and such attorney's fee and all such reasonable costs of suit so awarded may be treated as an offset against any benefits due or to become due to such person.

ASSIGNED CLAIMS

SEC. 107. (a) (1) Each State insurance regulatory authority shall organize an assigned claims bureau or assigned claims plan for the State. Upon organization, each such bureau or plan shall be maintained, subject to regulation by the applicable State insurance supervisory authority, by all insurers writing qualifying no-fault policies or self-insurers in the State.

(2) Each State insurance regulatory authority shall prescribe regulations which shall set forth the extent to which, for purposes of this section—

(A) a self-insurer shall be treated as an insurer, and

(B) benefits which a self-insurer is obligated to pay shall be treated as insurance benefits under a qualifying no-fault policy.

(b) The costs incurred in the operation of each assigned claims bureau or assigned claims plan shall be assessed against insurers in each State by the applicable State insurance regulatory authority according to regulations of such State authority that assure fair allocations among such insurers writing qualifying no-fault policies in the State, on a basis reasonably related to the volume of insurance written under qualifying no-fault policies and mandatory optional coverages.

(c) (1) No insurer may write any qualifying no-fault policy unless the insurer participates in the assigned claims bureau or assigned claims plan in each State in which such insurer writes such policies.

(2) An insurer who violates paragraph (1) of this subsection shall be assessed a civil penalty of $5,000 for each policy he issues in violation of such paragraph.

(d) Except as provided in subsection (e) of this section, each person sustaining injury or death (or his legal representative) may obtain the insurance benefits described in section 203, or where applicable in section 301, of this Act through the assigned claims bureau or assigned claims plan in the State in which such person resides if—

(1) no benefits under qualifying no-fault policies or approved self-insurance plan are applicable to the injury or death; or

(2) no such insurance or self-insurance benefits applicable to the injury or death can be identified; or

(3) the only identifiable benefits under qualifying no-fault policies or approved self-insurance plans applicable to the injury or death will not be paid in full because of the financial inability of one or more insurers or self-insurers to fulfill their obligations.

(e) A person shall be disqualified from receiving benefits through any assigned claims bureau or assigned claims plan established pursuant to this section if he were—

(1) the operator or user of a motor vehicle engaging in criminal conduct at the time of the accidental harm, or

(2) the owner or registrant of an uninsured motor vehicle at the time of its involvement in the accident out of which such person's injury arose, or

(3) the operator of an uninsured motor vehicle of the time of its involvement in the accident out of which such person's injury arose, and had reason to believe that such vehicle was an uninsured motor vehicle.

(f) A claim or claims arising from injury or death to one person sustained in one accident and brought through the applicable assigned claims plan shall be assigned to one insurer or self-insurer, or to the applicable assigned claims bureau, which after such assignment shall have the same rights and obligations as it would have had had it issued a qualifying no-fault policy applicable to such injury or death.

(g) The assignment of claims shall be made according to regulations of the State insurance regulatory authority which shall assure fair allocation of the burden of assigned claims among insurers doing business in the particular State on a basis reasonably related to the volume of insurance written under either section 203 or 301 of this Act.

(h) A person or his legal representative claiming through an assigned claims plan shall notify the applicable bureau of his claim within the period prescribed under section 104(c) for filing a claim for insurance benefits. The bureau shall promptly assign the claim and notify the claimant of the identity and address of the insurer to which the claim is assigned, or of the bureau if the claim is assigned to it. No action by the claimant against the insurer to which his claim is assigned, or against the bureau if the claim is assigned to it, shall be commenced later than sixty days after receipt of notice of the assignment or after the expiration of the period prescribed in section 104(c) for commencing an action against an insurer, whichever is later.

(i) An insurer or self-insurer who makes an assigned claims payment to a claimant shall be subrogated to any right such claimant may have had against the owner or operator of any uninsured motor vehicle involved in the accident out of which the claim arose.

CONSUMER INFORMATION

SEC. 108. (a) (1) The Secretary shall, after consultation with insurers and State insurance regulatory authorities, promulgate a common, uniform statistical plan for the allocation and compilation of claims and loss experience data for each coverage under section 301 of this Act. Upon promulgation, such procedure shall be followed by every insurer writing qualifying no-fault policies and by every rating or advisory organization or statistical agent used by any such insurer to gather, compile, or report claims and loss experience data for the purpose of presenting consumer information disclosing indicated and actual premium rates as prescribed in subsection (g) of this section.

(2) Such statistical plan shall contain data pertaining to the claims and loss experience for the classes of risk in each rating territory within each coverage under section 301 of this Act. Such statistical plan shall not contain data pertaining to expenses for adjusting losses, underwriting expenses, general administration expenses, or any other expense experience for any class of risk in each rating territory within the coverages under section 301 of this Act. In carrying out the provisions of this section, no insurer, rating, or advisory organization, or statistical agent, or any other association of insurers, may pool, or in any manner combine, any such expenses or expense experience, or otherwise act in concert with respect thereto.

(b) Every insurer writing policies of insurance which meet the requirements of section 301 of this Act, and every rating or advisory organization or statistical agent used by such insurer to gather or compile claims and loss experience data, shall report such data in accordance with the provisions of the calculation procedure required by this section at such times and in such manner as the State insurance regulatory authority shall by regulation prescribe.

(c) The Secretary shall prescribe regulations which shall require standard uniform—

(1) policy provisions for each coverage under section 301 of this Act; and

(2) classes of risk and rating territories for each coverage under section 301 of this Act;

in order to accomplish the purposes of this section.

(d) In each State in which it is writing qualifying no-fault policies in accordance with section 301 of this Act, every insurer shall provide the Secretary with the actual rate or premium being charged for each class of risk in each territory within each coverage under section 301 of this Act at such time and in such manner as the Secretary shall by rules and regulations prescribe.

(e) The Secretary, after consultation with insurers, shall appoint a statistical agent or agents, to receive, gather, compile, report, and analyze the claims and loss experience data, and actual rates or premiums, specified in subsections (b) and (d) of this section.

(f) From time to time, but not less often than semi-annually, the Secretary shall analyze and freely and fully make available to the general public, with respect to every insurer writing qualifying no-fault policies in accordance with section 301 of this Act, a comparison with such insurer's indicated rate based solely upon the claims and loss experience data for each class of risk and each rating territory within each coverage under section 301 with the actual rate for premiums being charged by the insurer for such class of risk in each territory within such coverage. The claims and loss experience data, and actual rates specified in subsections (b) and (d) of this section shall be made available to the general public at such times and in such manner as the Secretary shall by regulation prescribe.

REHABILITATION SERVICES

SEC. 109. (a) The insurer or self-insurer shall promptly refer each person to whom benefits are paid or expected to be paid for three months or more for net basic economic loss under section 301 to the State agency or agencies administering or supervising the administration of the State plan for rehabilitation services approved under the Vocational Rehabilitation Act (29 U.S.C. 35). A claimant may elect to receive rehabilitation from any private agency, organization, institution, or individual offering rehabilitation services under a State plan. In the case of any State which does not have an approved State plan for rehabilitation services, the insurer or self-insurer shall promptly refer said person to public or private agencies, organiaztions, institutions, or individuals offering rehabilitation services.

(b) If a person who is entitled to benefits of a qualifying no-fault policy or approved self-insurance plan refuses without good cause to accept rehabilitation services available to him under a State plan approved under the Vocational Rehabiliation Act, the insurer or self-insurer is authorized, after thirty days notice in writing to such person, to make deductions from any payment or payments to which such individual is entitled, until the total of such deductions equals 50 per centum of such individuals's benefit or benefits for monthly earnings for any month in which such individual refuses without good cause to accept such rehabilitation services. Any person who is a member or adherent of any recognized church or religious sect which teaches its members or adherents to rely solely, in the treatment and cure of any physical or mental impairment, upon prayer or spiritual means through the application and use of the teachings of such church or sect, and who, solely because of his adherence to the teachings or tenets of such church, or sect, refuses to accept rehabilitation services available to him under a State plan approved under the Vocational Rehabilitation Act, shall, for the purposes of the first sentence of this subsection, be deemed to have done so with good cause.

(c) The costs occurring in providing rehabilitation services to a person who suffers injury in a motor vehicle accident shall be paid, without regard to fault, by the insurer under a qualifying no-fault policy or self-insurer.

(d) Each insurer writing qualifying no-fault policies pursuant to section 301 in the State shall invest until January 1, 1978, 1 per centum per annum of the total amount of premiums collected each year from the sale of qualifying no-fault policies within the State. The State insurance regulatory authority shall prescribe regulations which shall set forth the extent to which, for the purposes of this subsection, a self-insurer shall be deemed to be an insurer. Up to 50 per centum of such investment may be in grants, loans, or equity investments in the construction or improvement of rehabilitation facilities within the State: *Provided*, That such investments are approved in advance by the State agency or agencies administering or supervising the administration of the State plan for rehabilitation services, or by the Secretary of Health, Education, and Welfare. The remainder of the required investment shall be paid to said State agency or agencies no later than April 1 of each year, as an ordinary and necessary expense of doing business in the State. Said sums shall be expended by said State agency or agencies on construction or improvement of rehabilitation facilities, programs, and equipment within the State. Said State agency or agencies shall make an annual accounting of all grants, loans, or equity investments approved or made by it pursuant to this subsection and shall make such information available to the public. In the case of any State which does not have an approved plan for rehabilitation services, such amounts shall be paid to the Secretary of Health, Education, and Welfare for expenditure or rehabilitation construction and rehabilitation facility improvement grants in that State. The State insurance regulatory authority shall withdraw the authority to write qualifying no-fault policies from any insurer that fails to make the investments required under this subsection or disapprove any self-insurance plan if the self-insurer fails to make investments required under this subsection.

EMERGENCY MEDICAL AND TRANSPORTATION SERVICES

SEC. 110. (a) (1) Each insurer writing qualifying no-fault policies pursuant to section 301 within a State and any self-insurer shall assist the State agency administering or supervising the State highway safety program approved under section 402 of title 23, United States Code, in the development and maintenance of the most effective possible emergency medical response system.

(2) Said State agency shall provide for a system which includes: (1) training, licensing, and other appropriate requirements for operators, attendants, drivers, and dispatchers of ambulances and other rescue vehicles, including helicopters; (2) requirements for types and numbers of emergency vehicles including supplies, equipment, and personnel to be carried; (3) requirements for the operation and coordination of emergency care systems; (4) first-aid training programs and refresher courses for emergency service personnel and members of the general public; (5) criteria for the use of two-way communications; (6) procedures for summoning and dispatching aid; and (7) a comprehensive plan, periodically reviewed, for emergency medical services including facilities and equipment, definition of areas of responsibility, agreements for mutual support, and communications systems.

(b) The costs incurred in providing emergency medical response services to a person who suffers injury in a motor vehicle accident shall be paid, without regard to fault, by the insurer under a qualifying no-fault policy or self-insurer.

(c) Each insurer writing qualifying no-fault policies pursuant to section 301 of this Act in the State shall invest until January 1, 1978, 1 per centum per annum of the total amount of premiums collected each year from the sale of qualifying no-fault policies within the State. The State insurance regulatory authority shall prescribe regulations which shall set forth the extent to which, for purposes of this subsection, a self-insurer shall be deemed to be an insurer. Up to 50 per centum of such investments may be in grants, loans, or equity investments in emergency medical and transportation facilities, programs, and equipment within the State: Provided, That such investments are approved in advance by the State agency administering or supervising the State highway safety program. The remainder of the required investments shall be paid to said State agency no later than April 1 of each year, as an ordinary and necessary expense of doing business in the State. Said sums shall be expended by said State agency on emergency medical and transportation facilities, programs, and equipment within the State. Said State agency shall make an annual accounting of all grants, loans, or equity investments approved or made by it pursuant to this subsection and shall make such information available to the public. The State insurance regulatory authority shall withdraw the authority to write qualifying no-fault policies from any insurer that fails to make the investments required under this subsection or disapprove any self-insurance plan if the self-insurer fails to make investments required under this subsection.

(d) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Transportation, shall cooperate with States for the purposes of aiding them to solve their emergency medical response system problems, and shall give authorized representatives of the States the benefit of the experience of the Public Health Service in response, transportation, communications, training, licensing, construction, and improvement of facilities, equipment, care, treatment, supervision, inspection, and standards, and shall make available to health officials, scientists, and appropriate institutions and organizations, technical advice and assistance in the development of emergency medical response systems of maximum possible effectiveness.

MOTOR VEHICLES IN INTERSTATE TRAVEL

SEC. 111. A qualifying no-fault policy issued in one State in accordance with either title II or III shall be deemed to contain—

(1) liability insurance to protect against any liability exposure to which the operator of a motor vehicle would not be exposed in the State of registration of that motor vehicle but to which the operator is exposed in the State in which a motor vehicle covered by that policy is operating;

(2) inverse liability insurance to protect against any loss that is not covered by the qualifying no-fault policy or optional coverages for which there would have been a right to recover in the State of registration but for which there is no right to recover because of an exemption in the State in which the motor vehicle covered by that policy is operating.

CONTRACTUAL PROHIBITIONS

SEC. 112. An insurer or self-insurer may not directly or indirectly contract for, or be granted by a State, any right of reimbursement from any other insurer or self-insurer for benefits paid under a qualifying no-fault policy except as provided in sections 104, 203(a)(3), 301(a)(3), 301(c)(2), and 302 of this Act.

JURISDICTION

SEC. 113. (a) No district court of the United States may entertain an action for breach of any contractual or other obligation assumed by an insurer or self-insurer under a qualifying no-fault policy or mandatory optional coverages in accordance with section 203 or 301 of this Act unless a person bringing such action meets the jurisdictional requirements of section 1332 of title 28 of the United States Code.

(b) Any person may bring suit for breach of any contractual obligation assumed by an insurer under a policy of insurance containing such mandatory or optional provisions, or he may bring suit against any self-insurer for net basic economic loss benefits, in any State court of competent jurisdiction.

TITLE II—NATIONAL STANDARDS FOR STATE NO-FAULT INSURANCE

STATE ACTION

Sec. 201. (a) By the second July 1 following the first day of its first general legislative session following enactment of this Act a State may establish and put into effect a plan for no-fault motor vehicle insurance which meets or exceeds the requirements of title II of this Act.

(b) If any State does not establish and put into effect a plan of no-fault motor vehicle insurance which meets or exceeds the requirements of title II by the second July 1 following the first day of its general legislative session following enactment of this Act, then the provisions of titles I and III of this Act shall apply to persons registering, operating, or using motor vehicles in that State.

COORDINATION OF NATIONAL REQUIREMENTS

Sec. 202. (a) A State establishing a no-fault plan for motor vehicle insurance shall adopt a plan consistent in substance with the following provisions of title I of this Act and provide for implementation of said provisions by the second July 1 following the first day of its general legislative session following enactment of this Act—

(1) section 101 (definitions);

(2) section 102 (necessary no-fault insurance);

(3) section 103 (availability of insurance);

(4) section 104 (payments of benefits; conditions and limitation);

(5) section 105 (claimant's attorneys fee);

(6) section 106 (fraudulent claims);

(7) section 106 (assigned claims);

(8) section 111 (motor vehicles in interstate travel); and

(9) section 112 (contractual prohibitions).

(b) A State establishing a no-fault plan shall also provide the means to—

(1) inform consumers about actual rates being charged by insurers licensed to do business in the State and indicated rates based solely upon claims and loss experience data for representative classes of risks in each territory for the qualifying no-faulty policy coverages and mandatory optional coverages in order to permit consumers to compare prices and underwriting practices;

(2) assure the availability of adequate rehabilitation services within the State for persons suffering accidental harm and promote the utilization of such services;

(3) improve the emergency medical response system so that it more adequately serves persons suffering accidental harm; and

(4) provide that any qualifying no-fault policy or mandatory optional coverages may contain additional coverage and benefits with respect to any injury, death, or any other loss for motor vehicle accidents, or loss from operation of a motor vehicle, terms, conditions, exclusions, deductible clauses, and waiting periods consistent with this Act and approved by the State insurance regulatory authority, which shall only approve terms, conditions, exclusions, deductible clauses, and waiting periods for benefits (i) which are fair and equitable, (ii) which limit the variety of coverage available so as to give buyers of insurance reasonable opportunity to compare the cost of insuring with various insurers, and (iii) do not impose benefit limits less than those provided for in this title.

MINIMUM CONTENT OF A QUALIFYING NO-FAULT POLICY

Sec. 203. Any State no-fault motor vehicle insurance plan shall require at a minimum the following provisions in a qualifying no-fault policy issued in accordance with section 102 of this Act.

(a) In order to be a qualifying no-fault policy, an insurance policy covering a motor vehicle shall provide benefits for injury or death arising out of the operation, maintenance, or use of that motor vehicle as follows:

(1) Except as otherwise provided in paragraph 2 and 3—

(A) in the case of injury to any person (including the owner, operator, or user of the insured motor vehicle), the insurer shall pay, without regard to fault, to such person an amount equal to the net basic economic loss sustained by such person as the result of such injury; or

(B) in the case of the death of any person (including the owner, operator, or user of the insured motor vehicle), the insurer shall pay, without regard to fault, to the survivors of such person, survivor's loss. For the purposes of this Act, "survivor" means a person identified in the State statute concerning liability for wrongful death as one entitled to receive benefits by reason of the death of another person. "Survivors loss" means net basic economic loss after decedent's death that his survivors would have received from the decedent had he not suffered the injury causing death, less expenses of the survivors which have been avoided by reason of the decedent's death.

(2) No payment may be made for net basic economic loss sustained by—

(A) the occupants of a motor vehicle other than the insured motor vehicle; or

(B) the operator or user of a motor vehicle engaging in criminal conduct at the time of the accidental harm.

(3) A claim for net economic loss based upon injury to or death of a person who is not an occupant of a motor vehicle involved in an accident may only be made against the insurer or self-insurer of any one involved motor vehicle in use. Any insurer or self-insurer against whom the claim is asserted shall notify the insurers or self-insurer of any other involved motor vehicles in use of the claim and shall process and pay the claim as if wholly responsible. Such insurers or self-insurers shall thereafter be entitled to recover from the insurers or self-insurers of any other involved motor vehicles contribution in equal shares for the benefits paid and the costs of processing the claim.

(b) "Basic economic loss" as used in this title means in the case of injury or death to any one person as the result of any one motor vehicle accident—

(1) appropriate and reasonable expenses (even if prepaid) for necessary medical, hospital, surgical, professional, nursing, dental, ambulance, prosthetic services, physical therapy, and any federally recognized religious remedial care and treatment up to a limit of at least $25,000;

(2) appropriate and reasonable expenses for necessary psychiatric and occupational therapy and rehabilitation services up to a limit of at least $25,000;

(3) an amount equal to—

(A) all monthly earnings for the period during which the injury results in the inability to engage in available and appropriate gainful activity subject to limits as to time and amounts; or

(B) all expected probable monthly earnings from the time death results if death results, subject to limits as to time and amount;

(4) appropriate and reasonable expenses necessarily as a result of such injury or death, including, but not limited to, necessary expenses for services in substitution of those that the injured or deceased person would have performed for the benefit of himself or his family subject to appropriate limits as to time and amount;

(5) funeral expenses up to a limit of not less than $500; *Provided, however,* That limits on total amount of basic economic loss benefits paid, excluding those enumerated in paragraphs (1) and (2) of this subsection, shall not be less than $75,000 and amounts payable under paragraph (1), if not exhausted, may be applied to paragraph (2).

(c) If a person who is entitled to benefits of a qualifying no-fault policy or approved self-insurance plan refuses without good cause to accept rehabilitation services available to him under a State plan (if any) for rehabilitation services approved under the Vocational Rehabilitation Act (29 U.S.C. 35) from any State facility or private agency, organization, institution, or individual offering rehabilitation services under a State plan, the insurer or self-insurer is authorized, after thirty days notice in writing to such person, to make deductions from any payment or payments to which such individual is entitled, until the total of such deductions equals 50 per centum of such individual benefit or benefits for monthly earnings for any month in which such individual refuses without good cause to accept such rehabilitation services. Any person who is a member or adherent of any recognized church or religious sect which teaches its members or adherents to rely solely in the treatment and cure of any physical or mental impairment, upon prayer or spiritual means through the application and use of the teaching of such church or sect, and who, solely because of his adherence to the teachings or tenets of such church, or sect, refuses to accept rehabilitation services available to him under a State plan approved under the Vocational Rehabilitation Act, shall for the purposes of the first sentence of this subsection, be deemed to have done so with good cause.

(d) In addition to the coverages described in subsection (a), the insurer issuing a qualifying no-fault policy shall make available to the insured the following optional coverages. At the option of the insured, the insurer shall provide:

(1) insurance to compensate, without regard to fault, loss resulting from damage to the insured motor vehicle with deductibles approved by the State insurance regulatory authority as the insured elects,

(2) insurance to compensate for loss resulting from damage to the insured motor vehicle, if a third party would have been liable to compensate for such loss but for the tort exemption in section 204,

(3) insurance to compensate, without regard to fault, for damage resulting from injury or death arising out of the operation, maintenance, or use of any motor vehicle other than basic economic loss whereby the insurer in the case of accidental harm to the owner, or relative of such owner residing in the same household, or a minor in the custody of such owner or such relative, agrees to pay to such person compensation for tangible damage in excess of basic economic loss sustained by such person or persons as a result of such accidental harm in such amounts as agreed to by the insured,

(4) insurance to protect the insured against exposure from tort liability resulting from a motor vehicle accident in an amount not less than $15,000 per person and $30,000 per accident.

(e) Notwithstanding any omitted or inconsistent language, and contract of insurance which an insurer represents as a qualifying no-fault policy or which purports to be a qualifying no-fault policy shall be construed to obligate the insurer to meet all the mandatory requirements and obligations of this Act.

TORT EXEMPTION

Sec. 204. Any State no-fault motor vehicle insurance plan must restrict tort liability to at least the following extent—

(a) tort liability arising out of the operation, maintenance, or use of a motor vehicle is abolished except as to:

(1) the owner of a motor vehicle involved in an accident who has not provided insurance or self-insurance covering the vehicle at the time of the accident;

(2) a person engaging in criminal conduct;

(3) damages for physical damage to property other than motor vehicles in use;

(4) intangible damages if the injured person dies or sustains permanent, significantly incapacitating, loss of body function, permanent serious disfigurement, or an injury resulting in more than six months of complete inability of an injured person to work in his occupation. "Complete inability of an injured person to work in his occupation" means his inability to perform, on even a part-time basis, even part of the duties required of his occupation, or if unemployed at the time of injury, of the occupation or occupations for which he was qualified;

(5) tangible damages not covered by a qualifying no-fault policy and not accruing as loss of monthly earnings during the period that a qualifying no-fault policy is providing benefits for loss of monthly earnings in accordance with paragraph (3) of subsection (b) of section 203.

TITLE III—FEDERAL NO-FAULT INSURANCE

INSURANCE REQUIREMENTS

SEC. 301. (a) In order to be a qualifying no-fault policy, an insurance policy covering a motor vehicle shall provide benefits for injury or death arising out of the operation, maintenance, or use of that motor vehicle as follows:

(1) Except as otherwise provided in paragraphs (2) and (3)—

(A) in the case of injury to any person (including the owner, operator, or user of the insured motor vehicle), the insurer shall pay, without regard to fault, to such person an amount equal to the net economic loss sustained by such person as a result of such injury; or

(B) in the case of the death of any person (including the owner, operator, or user of the insured motor vehicle), the insurer shall pay, without regard to fault, to the survivors of such person, survivor's loss. For the purposes of this Act, "survivor" means a person identified in the State statute concerning liability for wrongful death as one entitled to receive benefits by reason of the death of another person. "Survivor's loss" means net basic economic loss after decedent's death that his survivors would have received from the decedent had he not suffered the injury causing death, less expenses of the survivors which have been avoided by reason of the decedent's death.

(2) No payment may be made for net basic economic loss sustained by the occupants of a motor vehicle other than the insured motor vehicle.

(3) A claim for net basic economic loss based upon injury to or death of a person who is not an occupant of any motor vehicle involved in an accident may only be made against the insurer of any one involved motor vehicle in use. Any insurer against whom the claim is asserted shall notify the insurers of any other involved vehicles of the claim and shall process and pay the claim as if wholly responsible. Such insurer shall thereafter be entitled to recover from the insurers of any other involved motor vehicles contribution in equal shares or the benefits paid and the costs of processing the claim.

(b) "Basic economic loss" means in the case of injury or death to any one person as the result of any one motor vehicle accident—

(1) all appropriate and reasonable expenses (even if prepaid) for necessary medical, hospital, surgical, professional nursing, dental, ambulance, prosthetic services, and any federally recognized religious remedial care and treatment;

(2) all appropriate and reasonable expenses for necessary psychiatric, physical, and occupational therapy and rehabilitation services;

(3) an amount equal to—

(A) all monthly earnings or $1,000 per month, whichever is less, for the period during which the injury results in inability to engage in available and appropriate gainful activity;

(B) all expected probable monthly earnings or $1,000 per month, whichever is less, if death results, not to exceed a total of $50,000. However, if there is a minor child of the decedent under the age of twenty-two when the $50,000 limit is reached, then such monthly payments shall continue until such child reaches age twenty-two;

(4) a monthly amount equal to the amount (if any) by which (A) a person's monthly earnings or $1,000, whichever is less, exceeds (B) any lesser monthly earnings of such person when, after sufficient recovery from injury, he resumes gainful activity;

(5) all appropriate and reasonable expenses up to $1,000 per month necessarily occurring as a result of such injury or death, including, but not limited to, (A) necessary expenses occurring in obtaining services in substitution of those that the injured or deceased person would have performed for the benefit of himself or his family, (B) funeral expenses up to $1,000.

(c) In order to be a qualifying no-fault policy, an insurance policy covering a motor vehicle shall provide the following benefits in addition to those enumerated in subsection (a) of this section—

(1) In the case of injury or death to a person who is not an owner of a motor vehicle or a relative of such owner residing in the same household or a minor in the custody of such owner or such relative, the insurer shall pay, without regard to fault, compensation to such person for intangible damage sustained by such person as a result of such injury as measured in accordance with regulations established by the State insurance regulatory authority.

(2) In the case of damage to any property other than a motor vehicle in use arising out of a motor vehicle accident, insurers of any motor vehicles involved in the motor vehicle accident shall pay in equal shares to the owner of such property an amount equal to the loss occasioned by the damage not to exceed a total of $10,000.

(d)(1) In addition to the coverages described in subsections (a) and (c), the insurer issuing a qualifying no-fault policy shall make available to the insured the following optional coverages. At the option of the insured, the insurer shall provide—

(A) insurance to compensate, without regard to fault, loss resulting from damage to the insured motor vehicle with deductibles as the insured elects;

(B) insurance to compensate for loss resulting from damage to the insured motor vehicle, if the third party would have been liable to compensate for such loss but for the tort exemption in section 302;

(C) insurance to compensate, without regard to fault, for damage other than basic economic loss resulting from injury or death arising out of the operation, maintenance, or use of any motor vehicle, whereby the insurer in the case of accidental harm to the owner, or relative of such owner residing in the same household, or a minor in the custody of such owner or such relative, agrees to pay to such person compensation for either or both (i) tangible damage in excess of basic economic loss in such amounts as agreed to by the insured, or (ii) intangible damage sustained by such person or persons as a result of such accidental harm.

(2) Any policy of insurance described in this section may contain additional coverages and benefits, to be paid with or without regard to fault, with respect to any injury, death, or any other loss from motor vehicle accidents, or loss from operation of a motor vehicle, terms, conditions, exclusions, deductible clauses, and waiting periods consistent with this Act and approved by the State insurance regulatory authority, which shall only approve terms, conditions, exclusions, deductible clauses, and waiting periods for benefits (i) which are fair and equitable, (ii) which limit the variety of coverage available so as to give buyers of insurance reasonable opportunity to compare the cost of insuring with various insurers, and (ii) do not impose benefit limits less than those provided for in this Act.

(e) Notwithstanding any omitted or inconsistent language, any policy of insurance which an insurer represents as a qualifying no-fault policy or which purports to be a qualifying no-fault policy shall be construed to obligate the insurer to meet all the mandatory requirements and obligations of this Act.

TORT EXEMPTION

SEC. 302. No person who is—

(1) the owner, operator, or user of an insured motor vehicle, or

(2) the operator or user of an uninsured motor vehicle who operates or uses such vehicle without any reason to believe that such vehicle is an uninsured motor vehicle, shall be liable for damages of any nature arising out of the ownership, operation, maintenance, or use of a motor vehicle unless that person is engaging in criminal conduct at the time of the motor vehicle accident which causes such damage (in which case he shall be liable to the extent provided by State law). An insurer or self-insurer who pays net basic economic or other benefits to a claimant injured by a person engaging in criminal conduct shall be entitled to reimbursement from any monetary recovery under State law and received or legally entitled to be received by, and actually available to, such claimant. Nothing in this section or Act shall be construed to immunize any person from liability to pay a fine in a civil or criminal proceeding under State law based upon an act or omission arising out of the ownership, maintenance, operation, or use of a motor vehicle, provided such fine may not be paid or reimbursed by an insurer.

EFFECT ON STATE LAW

SEC. 303. Nothing in this title shall be construed to limit the authority of a State to enact laws or promulgate regulations pertaining to, or affecting, insurers, their insureds, or self-insurers. However, no such law or regulation shall reduce any benefits provided under this title, permit the imposition of liability upon persons not exposed to liability under this title, or alter any provisions of title I as such provisions relate to this title.

NEED FOR NO-FAULT

Mr. MOSS. Mr. President, we have before us a piece of legislation which will benefit virtually all American consumers. If we fail to act, we will leave a morass of hardships in our wake. S. 945, the National No-Fault Motor Vehicle Insurance Act, would foster State reform of the present inadequate, insufficient, and unfair liability-based automobile insurance system.

Let us look at the need for this revised system. The present system of automobile accident reparations, in the words of Senator HART:

Completely malapportions benefits, aids and abets the misallocation of other recovery resources, inhibits the restoration of health and productivity, wastes valuable judicial resources, and discourages more efficient and fairer methods to maximize the reduction of accident and accident avoidance costs.

The overwhelming need is to reduce this malapportionment and waste of economic and human resources. What are those needs?

Need to reduce the economic waste in the present automobile insurance system.

Need to improve the scope of coverage and inadequacy of compensation of the automobile insurance system.

Need to build incentives into the automobile compensation system which can reduce the waste of human resources.

Need to establish an auto reparation system that is not unfair in its choice of beneficiaries, that allocates premium costs rationally, and that provides timely payment of benefits.

Need to achieve a proper balance between automobile accident compensation for persons injured and for vehicle damaged.

And need to improve the present automobile compensation system without increase in consumer costs.

Mr. President, I ask unanimous consent to place in the RECORD an excerpt from the committee report which further expands upon these needs.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT FROM THE COMMITTEE REPORT

(1) There is a need to reduce the economic waste in the present automobile insurance system:

(*a*) *A low percentage of the premium dollar is now returned in benefits to accident victims.*—Extensive research conducted by the Department of Transportation has led to the conclusion that the automobile liability insurance system "would appear to possess the highly dubious distinction of having probably the highest cost-benefit ratio of any major compensation system currently in operation in this country." [33] According to the DOT study, "tort liability insurance would appear to cost in the neighborhood of $1.07 in total system expenses to deliver a dollar in net benefits to victims." [34] In other words, the present system returns only about 44 cents in benefits to auto accident victims for each dollar paid in premiums to insurance companies. For the most part, this inefficiency is the "fault" of the system and not the "fault" of insurance companies or the trial bar.

As the study of the Insurance Department of the State of New York in 1970 found:

"[T]he fault insurance system is inherently expensive to operate. The system allocates costs and benefits one case at a time, applying complicated legal rules to complicated fact situations, and distributes the cost over large numbers of policyholders. All this requires personal service and a lot of it. These services are not cheap. * * * They use up premium dollars on the way from insurance consumers to accident victims." [35]

Commenting on the expensiveness of the present system, the President of Consumers Union said in 1969:

"As consumer, we are deeply concerned with the contrast between an administrative cost of three cents in social security, seven cents for Blue Cross, seventeen cents for health and accident plans, and fifty-five cents of the premium dollar for auto insurance, leaving only forty-five cents to pay victims' costs. (Included in the fifty-five cents is twenty-five cents to pay the legal expenses of an adversary system of awarding insurance claims.)" [36]

Even by non-insurance standards the tort insurance system is a failure. According to a report by New York City's Off Track Betting Corporation on its own operations, 83 cents is returned as winnings to bettors out of each one dollar paid in wages.[37] According to a State Insurance Commissioner "the odds are better in Las Vegas" than they are in automobile tort insurance.[38]

(b) *Overpayment of small claims.*—The waste in the present system results not only from its low percentage of benefit return but also from its overpayment of small claims. In one study, 89 percent of all paid claimants with medical and wage loss of less than $1,000 accounted for only 23 percent of the total medical and wage loss suffered by all of the claimants, but these paid claimants received 45 percent of all benefits paid (after attorney's fees were deducted).[39] One-third of the claimants with losses between one dollar and 500 dollars recovered over 4½ times their medical and wage loss. This overpayment of small claims is not surprising since the legal and administrative costs of defending the small claims may be greater to the insurance company than the cost of overpaying the claim.[40] For example, a person with $250 of loss claiming $1,000 may be paid $1,000 because the cost of defending the $250 claim may very well exceed $1,000.

(2) There is a need to improve the scope of coverage and adequacy of compensation of the automobile insurance system:

(a) *No liability insurance benefits now paid to certain classes of victims.*—Under the negligence based auto insurance system certain classes of individuals are, by operation of law or by the practicalities of the situation, denied insurance protection. The most obvious group of persons not compensated under the tort liability insurance system are those innocent or faultless victims of automobile accidents where the potential defendant is also innocent or faultless. A second group not compensated are those who are found to be at-fault or contributory negligent. In most States any modicum of fault attaching to an automobile accident victim will prevent him from recovering in a negligence action. Even in those States operating under comparative negligence principles, an at-fault accident victim eligible for compensation is not entitled to the full measure of his loss.

Other claimants who do not receive benefits under the negligence based automobile insurance system are those who sustain injury in one car accidents. Whether or not these accident victims were at fault, they are unable to recover their losses because there is no one to sue in order to collect. Any compensation they receive from the automobile insurance system is through no-fault insurance already being purchased in the marketplace. Statistically speaking, 45 percent of all those killed or seriously injured in auto accidents benefit in no way from the tort liability insurance system.[41] Also those negligently injured by uninsured motorists who have no assets are denied any benefits (other than benefits they themselves purchase) from the tort liability insurance system.[42]

A final class of victims not compensated are passengers injured in auto accidents where the driver of their vehicles were at fault. Host-guest statutes in many States prevent the guest from suing the host. Thus, guests go uncompensated.

(b) *Undercompensation of seriously injured victims.*—The Department of Transportation's two volume study on the "Economic Consequences of Automobile Accident Injuries" discloses that the most seriously injured automobile accident victims, including the victims of fatal accidents, suffer the greatest amount of uncompensated loss. Seriously injured victims with medical expenses of $5,000 or more recovered only 55 percent of those expenses from all sources, while victims with medical expenses of less than $5,000 recovered 90 percent of their losses.[43] Persons who had been "working" at the time of the auto injury accounted for two-thirds of all seriously and fatally injured claimants, incurred two-thirds of the total medical expenses related to automobile accidents, and suffered almost seven-eighths of the total current and future wage loss. However, this "working" individual faired poorly under the tort insurance system notwithstanding the fact that he paid very high premiums. The average loss for the "working" auto fatality claimant was $40,400, including lost future wages. The average settlement his family received from *all* recovery resources, including liability insurance was $2,080 or 5 percent: [44]

The larger the loss, the less the contribution to compensation made by the tort insurance system and the greater the reliance on wage replacement programs such as sick leave, workmen's compensation where available, and social security: [45]

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[33] Final Report at 95.

[34] *Id.* at 51.

[35] *See supra* note 27 at 11.

[36] Warne, *Let's Hear From The Insurance Consumer,* 36 Ins. Counsel J. 494, 496 (1969).

[37] Off Track Betting Corp., Wanna Bet? 9 (1972).

[38] Herbert S. Denenberg, Insurance Commissioner, State of Pennsylvania.

[39] DOT, "Personal Injury Claims," vol. I, Tables V–8 and V–9, at 50–55 (1970).

[40] *Cf.* DOT, "Automobile Accident Litigation, 7" (1970) where it is reported that defendant's lawyers receive an average of $189 per case regardless of verdict.

[41] Final Report at 35.

[42] The more serious the victim's injuries, the greater the financial burden the victim and his family must carry alone without the support of funds from private and public insurance sources, money without which decent medical and rehabilitative treatment and adequate support for his family is impossible.

[43] DOT, "Economic Consequences of Automobile Accident Injuries," vol. I, 281 (1970).

[44] *See supra* note 32 at 259, 275–76.

[45] *See supra* note 43 at 45. Persons with total economic loss of less than $500 received 74.4 percent of their recovery from the tort liability insurance system, whereas persons with total economic loss of $25,000 or more received only 17.3 percent of their reparations from tort liability insurance less attorney's fees. *Id.*

AVERAGE RECOVERY UNDER PRESENT SYSTEM TO AVERAGE LOSSES, AND BREAKDOWN OF LOSSES OF FATALLY INJURED WHO WERE "WORKING," "KEEPING HOUSE," OR "GOING TO SCHOOL"

Occupational status	Number of claims	Average losses	Average recovery from all sources	Pay/loss ratio (percent)	Losses (millions of dollars)				
					Medical	Wage	Property damage	Future earnings loss	
								Personal or family	Societal
Working	26,409	$40,960	$2,080	5	9		63	995	2,271
Keeping house	6,381	3,133	377	12	4		16		190
Going to school	8,746	1,954	133	7	4		13		920

[1] "Societal" includes the estimated lost future earnings of all fatal victims, including those without dependent survivors. (See "Economic Consequences 1" at 23.)

Source: U.S. Senate Antitrust and Monopoly Subcommittee. Derived from "Economic Consequences I," table 53FS at 354, table 53S at 355, table 53FS at 356, table 54FS at 357, and table 54S at 358.

PERCENT OF REPARATIONS RECEIVED AS COMPENSATION BY FATALLY OR SERIOUSLY INJURED PERSONS FROM SELECTED SOURCES, BY SIZE OF LOSS

Total economic loss	Medical Insurance	Life insurance	Net tort	Wage replacement
$1 to $499	4	12	74	4
$500 to $999	10	7	60	13
$1,000 to $1,499	11	6	57	6
$1,500 to $2,499	10	23	38	13
$2,500 to $4,999	15	6	40	12
$5,000 to $9,999	18	1	39	17
$10,000 to $24,999	20	6	42	20
$25,000 and over	6	24	17	49
Total	11	14	32	27

The present system purports to compensate "innocent" victims for all their economic and intangible damages losses but in situations where there is the most compelling argument for each compensation, namely when persons are killed or seriously injured, the system does not even come close to compensating the basic economic loss of the victim let alone his intangible damages. Those who decry a no-fault insurance system because of its potential for not compensating all intangible losses have reference to a tort system which exists only in theory, not in practice. This thought is expressed very well in the Final Report of the Department of Transportation: "Furthermore, while tort theory says that qualified (innocent) victims are entitled to compensation for all their losses, both tangible and intangible, even successful tort claimants with serious injuries, who presumably also suffered serious intangible losses, do not on the average recover even their economic loss." [46]

(3) There is a need to build incentives into the automobile compensation system which can reduce the waste of human resources:

The Nation needs a system that will be responsive at a minimum to the basic compensation requirements of those killed or maimed in automobile accidents. But the need is greater than simple compensation—the reparation system itself must contain built-in incentives to reduce the tragic waste of lives and productivity now endured.

Under the tort system there are few incentives to improve emergency health care and transportation systems and no incentives for victims to participate in rehabilitation programs. Both ambulance services and hospital emergency rooms suffer under the present insurance scheme. For example, 58 percent of all auto accident victims treated through emergency medical services never recover in tort because they are unable to prove fault or freedom from contributory negligence.[47] Providers of such emergency medical services may never get paid; even where the victim recovers under the tort insurance system the health care provider may have to wait for his payment for a year or more until the case is settled or litigated. Many experts have concluded that a good emergency health care system in the Nation would significantly reduce the highway death rate; lack of money prevents such a system from being created.[48] Unfortunately, the present automobile compensation system offers no promise for improvement.

The need for rehabilitation of traffic victims also goes unmet under the present system. The standard and traditional claims procedure whereby a one-time lump sum settlement is given in exchange for a written and binding release in a hostile adversary environment does not facilitate the restoration of health and the resumption of a useful and satisfying life.

"The traditional settlement environment for third party auto bodily injury claims offers nothing to encourage and much to preclude the early introduction of rehabilitation. . . . [C]onsiderable time, energy and expense must be devoted to controversy just when rehabilitation measures might most benefit the victim. . . . Too often the accident victim's own energies are directed towards retribution instead of restoration. In this misdirected effort, he may be encouraged by his family, his attorney, the adversary posture of the company involved, or by his own bewilderment and frustration." [49]

Another DOT study found that no rehabilitation program was suggested to 88.6 percent of seriously injured accident victims.[50] Of the 11.7 percent to whom rehabilitation was recommended, only 2 percent were referred by an insurance company.[51] Twenty seven percent of the auto accident victims who participated in a rehabilitation program paid for the services themselves.[52] Today the need for rehabilitation of hundreds of thousands of auto accident victims goes unmet.

A primary method of avoiding the waste of human resources resulting from automobile accidents is to prevent those accidents from occurring or to package occupants in vehicles so that less serious injuries result when accidents do occur. In 1966 Congress enacted the National Traffic Motor Vehicle Safety Act which authorized the Federal Government to establish motor vehicle safety standards. Although progress has been made in improving the safety of vehicles, marketplace incentives for safe vehicles have been sorely lacking. There is a need, therefore, in designing a new automobile compensation system to provide, if possible, incentives within that system which stimulate automakers to make the safest vehicles possible. Government regulation alone has proven less than adequate.

(4) There is a need to establish an auto reparations system that is not unfair in its choice of beneficiaries, that allocates premium costs rationally, and that provides timely payment of benefits:

Not only is the present system deficient because of its inability to compensate seriously injured victims while overcompensating the slightly injured, but it is also unfairly discriminatory in its choice of those it compensates. Statistics and data gathered by the Department of Transportation make it clear that negligence based insurance system distributes assets better to those who have the greatest education and who make enough money to support themselves during the time-consuming claim settlement process. Apparently these auto victims can afford to retain the best legal counsel, make better appearances in court (at least in the minds of the claim settlers) and have the resources, determination, and sophistication to fight the system.

For example, "innocent" college educated accident victims collect from the tort liability insurance system on the average 63 percent of their loss. In contrast, victims who had no formal education or completed 12 years or less of schooling recover on the average only 38 percent of their loss.[53] In addition, persons with incomes over $10,000 recover on average 61 percent of their losses whereas persons with incomes under $5,000 recover on the average only 38 percent of their loss.[54] There is a certain irony in these figures since a person with a higher income also has a higher dollar loss, but nevertheless he recovers a greater percentage of his higher loss than his less wealthy counterpart.

Under the tort liability insurance system the allocation of costs for insurance are not related to the amount of benefits a person is entitled to receive. This allocation phenomena has been negatively commented upon by the Administration in hearings on S. 945.[55]

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[46] Final Report at 37. The Department found that the aggregate total compensable economic losses suffered in one year by the dependents of deceased victims and by seriously injured victims of auto accidents is $5.1 billion. As a group these victims received only $813 million from tort insurance, or 15.9 percent of economic loss. Id. at 9, 10.

[47] *See supra* note 43 at 149.

[48] The State of the Union—Address by the President of the United States, 118 Cong. Rec. 11154 (daily ed. Jan. 20, 1972). President Nixon noted that: "[T]he loss to our economy from accidents last year is estimated at over $28 billion [and traffic accidents accounted for some 60 percent]. These are sad and staggering figures—especially since this toll could be greatly reduced by upgrading our emergency medical services." The President continued by saying that he was "directing the Department of Health, Education and Welfare to develop new ways of organizing emergency medical services and of providing care to accident victims."

See also Department of Health, Education and Welfare, "Report of the Secretary's Advisory Committee on Traffic Safety 52" (1968).

[49] DOT, "Rehabilitation of Auto Accident Victims 13" (1970).

[50] *See supra* note 43 at 377.

[51] *Id.* at 378.

[52] *Id.* at 382.

[53] *Id.* at 338.

[54] *See supra* note 32 at 265.

[55] *Hearings* at 134. Assistant Secretary of Transportation Charles D. Baker made the observation in commenting on the allocation chart *infra* note 56:

> Again, despite the fact that blue collar workers and executives were "guilty" or "innocent" in equal numbers, the former who

Simply stated, the liability insurance pool requires the lower wage earner to pay for insurance based on the average victim the low income earner may be responsible to in a tort action. Therefore, lower income wage earners under a negligence based insurance system subsidize higher wage earners. For example, the person earning $5,000 has to purchase liability insurance to protect him against the average wage earner who may have an income loss of $10,000. On the other hand, the $20,000 wage earner who is entitled to full recovery under the liability system (in theory at least) is required to purchase insurance based upon the average loss of the innocent victim he might strike, namely, the $10,000 wage earner. In effect, then, the $5,000 wage earner pays on a basis of a $10,000 average claimant but is entitled if he is injured to only $5,000 of insurance protection. Conversely, the $20,000 wage earner pays insurance based upon the same $10,000 average claimant but is entitled to receive from the liability pool $20,000 of wage loss if he is totally disabled. There is a compelling need to eliminate this kind of discrimination when reforming the automobile insurance system.[56]

	Blue-collar accidents only	Executive accidents only	Executive/blue-collar accidents	Total
Number of accidents:				
Blue collar at fault	10		10	20
Executive at fault		10	10	20
Total	10	10	20	40
Losses:				
Blue collar at fault	$8,500		$15,000	$23,500
Executive at fault		$15,000	8,500	23,500
Total	8,500	15,000	23,500	47,000
Benefits accruing to—				
Blue-collar workers	8,500		8,500	17,000
Executives		15,000	15,000	30,000
Total	8,500	15,000	23,500	47,000
Premiums:				
Blue-collar workers	(1)	(1)	(1)	23,500
Executives	(1)	(1)	(1)	23,500
Total	(1)	(1)	(1)	47,000

[1] Not available.

There is a further need to provide timely payments of benefits Automobile accident victims, like victims of industrial accidents, need prompt reimbursement for their losses as they occur. Compared with other accident reparation systems, such as workman's compensation, the tort insurance system is painfully slow in delivering the limited benefits it does in fact pay.[57] According to one study "injured victims of automobile accidents face average delays in collecting under automobile liability insurance that are ten times as long as the delays in collecting under collision, home owners or burglary insurance and forty times as long as delays under accident and health insurance." [58]

(5) There is a need to achieve a proper balance between automobile accident compensation for persons injured and for vehicles damaged:

Benefit dollars need to be redirected so that we no longer spend more for the repair of damaged vehicles than we do for the repair and care of injured human beings.[59] At present property damage losses are very large in dollar value and they touch more people than do personal injury losses. In recent years repair costs for vehicles have risen sharply resulting in regular and unrelenting increases in premiums for property damage liability and collision insurance coveage; part of this increase has been traced to the design of vehicles themselves. "Unfortunately there is no way for liability insurance to distinguish between damage-resistant vehicles and fragile vehicles or between very expensive vehicles and those of less value, because the liability insurer cannot know what kind of a vehicle its insured will negligently strike." [60]

If the automobile compensation system is to achieve a proper balance between benefits paid for personal injury and benefits paid for property damage, the amount of damage occurring to the vehicle in a low speed collision must be eliminated. In addition, the compensation system must create incentives for manufacturers to build and for consumers to purchase motor vehicles that are less susceptible to damage.

(6) There is a need to improve the present automobile accident compensation system without increasing consumer costs:

Americans today spend a great deal of money on automobile insurance. In 1970, the last year for which complete statistics are available, $14.8 billion was collected in premium for all forms of automobile insurance. The present expenditure for automobile insurance is great enough. A reformed compensation system should be designed in such a way as to stabilize if not reduce present premium costs.

The need to stabilize or reduce costs cannot be met by tinkering with the present inefficient, insufficient, and inhumane tort liability insurance system which wastes consumer dollars, human lives, and society's resources. As the former Superintendent of Insurance for the State of New York, Richard E. Stewart, pointed out, "further attempts to modernize the fault insurance system by tinkering with it, while leaving its essentials intact, are sure to be expensive and self-defeating. The operators of the present system would just be buying themselves time with other people's money." [61] This conclusion was reaffirmed in the DOT study.[62] Any proposed modification of the tort liability insurance system, which effects a consumer savings, does so without curing the insufficiency and inhumanity of the present system.

The conclusion in the final report of the Department of Transportation cannot be over-emphasized: "Adequacy and equity of a better compensation system should not yield to costs in our list of priorities." [63] (See *infra* at page 29 for complete discussion of the costs of Title II of S. 945 compared to costs of average coverage under the present system.)

Mr. MOSS. Mr. President, how does S. 945 go about meeting these needs? By creating an automobile reparations system designed to meet the Nation's need for a fair, humane, nondiscriminatory, life preserving and life restoring, moderately priced automobile insurance, S. 945 meets each of the needs previously cited. The bill would create a system that would allocate resources on the basis of need without draining the time and the patience of the courts by sometimes fruitless and always expensive adversary litigation.

S. 945 reduces the economic waste in the present automobile insurance system.

S. 945 would return in benefits to accident victims a high percentage of the premium dollar.

S. 945 would eliminate the overpayment of small claims.

S. 945 would improve the scope of the coverage and adequacy of compensation of the automobile insurance system.

S. 945 would result in compensation being paid to all classes of victims—except those engaging in criminal conduct or not purchasing the required insurance.

S. 945 would meet the need for adequate compensation of the fatally and seriously injured automobile accident victims.

S. 945 would build important incentives into the automobile compensation system which can reduce the waste of human resources.

S. 945 would establish an automobile reparations system that is fair in its choice of beneficiaries, that allocates premium costs rationally, and that provides timely payment of benefits.

S. 945 would foster a proper balance between automobile accidents, compensation for persons injured and for vehicles damaged.

S. 945 would meet the need for improving the present automobile accident and compensation system without increasing costs.

And S. 945 would meet additional needs of the automobile insurance consumer.

How does S. 945 meet these needs? Mr. President, I ask unanimous consent to place in the RECORD an excerpt from the committee report which further expands upon the ways S. 945 meets these needs.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

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paid $235 each in premiums, or $23,500 as a "class," got a total of only $17,000 back in benefits; however, the business executives who also paid $235 each in premiums, or $23,500 as a class, got a total of $30,000 back in benefits. Again, the "insured" liability system cannot produce equity between insureds of different income levels because it does not take account of their different loss exposure, i.e., the potential value of the insured's accident-caused income losses.

[56] Hearings at 134. Loss shifting through inter-insurer reimbursement arrangements creates this same kind of discrimination. Therefore, such reimbursement is prohibited by section 112 of S. 945.

[57] The Division of Industrial Accidents for the State of California reported that for the period July through December, 1970, 77.9 percent of workmen's compensation claimants were paid their first check within 14 days of the date of disability, and the balance of the cases were paid their first check within 29 days. Cong. Rec., vol. 117, pt. 21, p. 27960. The Department of Transportation found that only 21 percent of all paid claims of automobile accident victims were settled and the benefits paid within 30 days of the accident, and none of the permanently and totally disabled claimants in this survey had their claims settled within 30 days and only one had it settled within 90 days. DOT, "Personal Injury Claims," vol. II, 260–63 (1970).

[58] See supra note 27 at 19, New York State Insurance Department, "Automoble Insurance . . . For Whose Benefit?" 19 (1970).

[59] In 1970, automobile accident victims received $2.8 billion in net personal injury benefits from the present system vs. $4.9 billion in property loss benefits [$1.7 billion in property damage liability benefits, $2.1 in auto collision insurance benefits, and $1.1 billion in fire, theft and comprehensive insurance benefits.] Cong. Rec., vol. 117, pt. 21, p. 28282.

[60] Final Report at 97.

[61] *See* supra note 27 at 55.

[62] Final report at 116.

[63] *Id.* at 139.

S. 945: MEETING THE NEEDS

S. 945 creates an automobile reparation system designed to meet the Nation's need for a fair, humane, non-distriminatory, life preserving and life restoring, moderately priced system of automobile insurance. The bill would create a system that would allocate resources on the basis of need without draining the time and patience of the courts by sometimes fruitless and always expensive adversary litigation.

(1) S. 945 reduces the economic waste in the present automobile insurance system

(a) *S. 945 return in benefits to accident victims a high percentage of the premium dollar.*—Whereas the present automobile insurance system returns no more than 50 cents in benefits to auto accident victims for each dollar paid in premiums to insurance companies, the no-fault system would return a far greater percentage of the premium dollar. Under existing forms of "no-fault" insurance, percentages of benefit returns range from 70 percent of each premium dollar to more than 90 percent of each premium dollar. (Social Security more than 90 cents; private health insurance between 80 and 90 cents; Puerto Rican no-fault plan 90 cents; and present auto insurance no-fault coverages 70 cents.)[1] The proposed national no-fault system should perform at least as well as existing no-fault automobile insurance coverages. This means precious premium dollars could be diverted from expenses for administering the automobile insurance system to benefits for auto accident victims.

(b) *S. 945 would eliminate the overpayment of small claims.*—By its very nature, the no-fault system all but eliminates the overpayment of small claims. Unlike the present system, the claimant and insurance company are not adversaries. A claimant would simply submit proof of his basic economic loss to the insurance company; the company would pay such loss. No questions of negligence or contributory negligence would have to be resolved.

Most importantly the so-called "nuisance" value of a small claim under the tort liability system would disappear in the system prescribed by S. 945. Under S. 945 only seriously injured accident victims have claims for intangible damages. It is these intangible damage claims of the non-seriously injured which provide claimants in an adversary environment under the present system with the leverage to demand overpayment of their claims.[2] These claims would not be permitted under S. 945, and thus "nuisance" claims which cause overpayment would be eliminated. To summarize, under the bill subjective judgments involved in determining fault and in valuing intangible damage (except in serious cases) are eliminated. With the elimination of these subjective judgments the potential for disagreement and overcompensation is substantially reduced if not completely eliminated.

(2) Under S. 945 the scope of the coverage and adequacy of compensation of the automobile insurance system is substantially improved

(a) *Under S. 945 compensation is paid to all classes of victims (except those engaging in criminal conduct or not purchasing the required insurance).*—S. 945 provides compensation to every person injured in an automobile accident except those who fail to purchase the required insurance or those who are engaging in criminal conduct at the time of the accident. Under the present system the at-fault or contributorily negligent driver, the guest of the negligent driver, or the person injured in a one car accident are not entitled to benefits under the tort liability system. Under the no-fault insurance system created by S. 945 these classes of automobile accident victims are entitled to full benefits.

Under S. 945 any person injured by an uninsured motorist is provided the same insurance protection as a person injured by an insured motorist. The bill requires the States to establish an assigned claims plan to pay automobile accident victims that do not have recourse against an insurer or self-insurer either because a person disobeyed the mandate to purchase insurance or to self-insure, the insurance source is not identifiable (e.g., hit and run accidents), or the insurer or self-insurer is not financially able to meet its obligations.

(b) *S. 945 meets the need for adequate compensation of the fatally and seriously injured automobile accident victim.*—Under the State plan (Title II) of S. 945 each State must enact legislation that provides insurance protection for each automobile accident victim to a minimum of $25,000 for "medical, hospital, surgical, professional nursing, dental, ambulance" and related services, $25,000 for various rehabilitation services, and $75,000 to compensate for loss of present and future earnings or for the payment of replacement services. (See section 203(b).) Under the Federal plan (Title III) all medical and rehabilitation costs would be paid, all wage loss subject only to a limitation of $1,000 per month, and death benefits up to $50,000 would be available to all automobile accident victims.

Compare these benefits to the benefits now available to seriously injured automobile accident victims under the present tort liability insurance system. The Department of Transportation's final report disclosed that more than 55 percent of the people seriously injured or killed in automobile accidents received nothing from the tort liability insurance system. The remaining 45 percent of seriously injured victims who do recover something from the tort liability system receive on average only one-third of their economic loss. Under S. 945 all automobile accident victims would receive compensation for almost all of their economic loss. In addition, those who died, sustained serious permanent disfigurement, serious significantly incapacitated loss of body function, or who were unable to engage in their occupation for a period of six months or more would be entitled to receive intangible loss benefits from any negligent third party.[3]

(3) S. 945 builds important incentives into the automobile compensation system which can reduce the waste of human resources

Under S. 945 the victims of automobile accidents will be encouraged to enter and remain in rehabilitation programs. Section 203(c) provides that "if a person who is entitled to benefits of a qualifying no-fault policy refuses without good cause to accept rehabilitation services . . . the insurer is authorized . . . to make deductions from any payment or payments to which such individual is entitled, until the total of such deductions equals 50 percentum of such individual benefit or benefits. . . ." Thus, victims of automobile accidents, rather than wallowing in the slough of despondency and idleness, would be restored, so far as possible to rewarding and productive lives.

To assure the availability of rehabilitation services, S. 945 provides that each State "assure the availability of adequate rehabilitation services within the State for persons suffering accidental harm and promote the utilization of such services." (See Section 202(b)(2).) The benefits available under S. 945 for the payment of rehabilitation services themselves would do much to encourage the utilization of rehabilitation and provide for adequate rehabilitation services. If a Federal plan of no-fault insurance is implemented in a State, the State insurance regulatory authority in conjunction with other officials in the State is authorized to assess insurers doing business in the State a low percentage of the insurer's premium volume to help construct or improve rehabilitation facilities.

S. 945 would also facilitate the improvement of emergency health care and transportation systems. For the first time all victims of automobile accidents would have the financial resources to pay for emergency transportation and medical services. This means that private hospitals and ambulance services would be able to receive timely payment from all accident victims, not just those who are free from fault and able to recover under the tort liability system. A recent study estimated that 23 percent of all fatalities in this country result when people who sustain survivable injuries receive improper or insufficient emergency medical transportation or health care services. The life saving incentives to improve emergency transportation and health care are important attributes of S. 945.

Because S. 945 requires insurer to pay all losses resulting from automobile accidents, there would be more incentive than at present for insurers to encourage better highway design so as to prevent accidents or minimize losses resulting from such accidents.

The bill also provides important incentives toward the design and construction of safer vehicles. Under S. 945 the insurance policy which a person purchases covers a particular motor vehicle. The safety characteristics of that vehicle would be very relevant in determining premium costs. A person owning a safe vehicle would pay less for his insurance than a person owning a relatively unsafe vehicle. Under the present tort liability insurance system, on the other hand, there is no particular economic advantage for a person to purchase a safe vehicle. The cost of his insurance is based upon the safety characteristics not of his own vehicle but of the average vehicle with which he might collide. It is probable, then, that under S. 945 an individual purchasing a vehicle would become more safety conscious because he would have the potential of reducing his automobile insurance premiums. Such safety consciousness could stimulate more safety competition within the automobile manufacturing community and thereby considerably advance the state of the art. Advanced technology now being developed in experimental safety vehicles might be incorporated in production models prior to a time when the Federal Government might set such standards. Thus, the bill could provide incentives for auto makers to make the safest possible vehicles sooner than they would without the incentives built into the non-fault insurance system mandated in S. 945.

(4) When compared to the present system, S. 945 establishes an auto reparation system that is fair in its choice of beneficaries, that allocates premium costs rationally, and that provides timely payment of benefits

Under S. 945 auto accident victims would be compensated for their basic economic loss without regard to the type of appearance they would make before a jury or an insurance claims adjuster. Because payments would be made as loss occurs and because interest would have to be paid on any unpaid claims, the higher income wage earner would no longer have an advantage over the low income wage earner in holding out for his just compensation. All persons would be accorded equal economic bargaining power in dealing with insurance companies. And because S. 945 provides that any person who has been denied payment of a claim may retain an attorney to pursue his claim and that the cost of the attorney would be paid for by the insurance company so long as the claim is not fradulent, frivolous, or excessive, the unsophisticated consumer would be able to pursue and perfect his claim as well as the sophisticated consumer.

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[1] *Hearings,* at 385. *See also supra* note 36.

[2] *See supra* note 40.

[3] These provisions are substantially similar to those in the 9th tentative draft of the Uniform Motor Vehicle Accident Reparation Act (UMVARA) being drafted by a Special Committee of the National Conference of Commissioners on Uniform State Laws. (See Section 5.)

S. 945 does not do away with all discrimination, however. The bill permits a State to deny compensation to a person who has failed to purchase the required insurance. This means that a person who has not participated in the insurance pool is not allowed to receive benefits from the pool. Occupants of the uninsured motorist's car or pedestrians struck by the car, however, would be provided insurance protection. (The bill also permits a State to deny compensation to a person engaging in criminal conduct.)

Some have argued that the low income person who cannot afford insurance will be discriminated against under S. 945. It is true that a person who cannot afford to purchase insurance and who elects to drive would be denied benefits that he has a chance to obtain under the present tort liability insurance system if he is injured by a negligent party who is insured and he himself is not contributorily negligent.

There are two responses to this argument. First, because the low income consumer under S. 945 no longer has to subsidize the losses of the higher income consumer (see discussion *supra* at page 26), insurance costs should be affordable for most members of our society. Second, in those few cases where no-fault insurance is not affordable, the logical solution is not the retention of an unfair, inefficient, and inadequate tort liability insurance system but rather the development of alternative transportation for poor persons in our society or direct subsidy to to assist the poor in the purchase of auto insurance. At the present time the motoring public is subsidizing people who operate vehicles without insurance through purchase of uninsured motorists protection and through maintenance of the welfare system.

Any discriminations which would remain in the automobile compensation system after the enactment of S. 945 would be insignificant compared to the discriminations in the present tort liability insurance system. Those discriminations which would remain would be the result of the economic inequities present in our society at large and not the result of the implementation of a no-fault insurance program.

Under S. 945 the allocation of premium costs would be related to the amount of benefits a person would be entitled to receive rather than the amount of benefits he might be required to pay as a result of his negligence. In practice this means that low income wage earners, or non-wage earners (the young and the old), would no longer subsidize high income wage earners, as they do under the present tort liability insurance system.

For example, under S. 945 a person who makes $5,000 a year and a person who makes $20,000 a year (assuming all other things were equal—e.g., chance of involvement, type of car, territory) would pay different premiums. The $5,000 per year wage earner's insurance would be less expensive because his insurance company would pay out less in the event of the same disability than the insurer writing the higher wage earner. Under a liability insurance system, however, drivers with the same likelihood of accidents involvement etc., and the same likelihood of being determined at-fault pay the same premium even though the $20,000 a year wage earner would be entitled to receive three times the benefits of the $5,000 a year wage earner for the same injury. S. 945 relates the allocation of insurance costs to the amount of benefits a person is entitled to receive by severely retricting lawsuits based upon negligence and by prohibiting insurers from contracting for or being granted, reimbursement rights against insurers of at-fault drivers who may have caused the accident which occasioned their payout of insurance benefits. If lawsuits for tangible damage under S. 945 were permitted in more cases or if reimbursement restrictions were lifted, the automobile compensation system created in S. 945 would not be able to allocate costs properly; and lower and middle income wage earners would continue to subsidize the higher income wage earner.

In addition to the need to choose fairly the beneficiaries of insurance benefits and allocate premium costs rationally, there is a need to provide timely payment of benefits. S. 945 meets this need. S. 945 mandates payment of benefits as loss occurs, but not more often than once every 30 days. Thus, a person injured in an automobile accident who was unable to work and who required substitute services would be entitled to payment for his wage loss and substitute services every 30 days upon a showing of his loss. To stimulate speedy payment of benefits, section 104 of S. 945 provides that any claim unpaid 61 days after the insurer has reasonable proof of the loss "shall bear interest at the rate of 24 percentum per annum." This provision together with section 105 of S. 945 (which authorizes an individual who has been denied his claim to retain, free of charge, an attorney) would encourage the timely payment of benefits.

(5) S. 945 would foster a proper balance between automobile accident compensation for persons injured and for vehicles damaged

S. 945 would redirect to injured auto accident victims benefit dollars now being spent on the repair of damaged vehicles. This redirection would come about for two reasons. In the first place, tort actions for damage to motor vehicles in use would be eliminated. Insurance protection against damage to motor vehicles would be achieved through the purchase of collision insurance. Because most people would choose deductibles, some first dollar losses now being paid by property damage liability insurance would be absorbed by the car owners themselves. S. 945, however, permits a person to purchase "inverse liability insurance" to provide him with first dollar protection in the event that his car is damaged by the negligent act of another person. In the second place, the elimination of property damage liability insurance and the focus upon collision coverage would produce greater economic incentives for persons to purchase vehicles that had good property loss reduction characteristics. For example, under the present system a person purchasing a vehicle with a good bumper may realize a savings in his collision coverage of $10 but be required to purchase property damage liability insurance costed on the basis of the average damage susceptibility of the entire vehicle population. Under a no-fault system, the entire premium cost for protection against damage to the vehicle is based upon a particular vehicle. Therefore, if a person purchases a car that has good property loss reduction characteristics the resulting savings would be of a greater magnitude than the savings he could realize under the tort liability system. The individual car purchaser thus has a greater incentive to purchase a damage resistant car.

Another bill, S. 976, reported favorably by this Committee in October of 1971, passed by the Senate in November of 1971, passed by the House in May of 1972, and now awaiting a House-Senate conference would effect substantial savings in the property damage area.[4] These savings could be used to pay for bodily injury losses or to further reduce premium costs.

(6) S. 945 meets the need of improving the present automobile accident compensation system without increasing consumer costs

(See discussion *infra* at page 29).

(7) S. 945 meets additional needs of the automobile insurance consumer

S. 945 makes it easier for automobile insurance consumers to purchase required insurance protection and optional coverages. The bill provides that any person or firm licensed to negotiate insurance policies in a State (e.g., insurance agents) must issue the basic policy and any optional coverages selected by the owner of a motor vehicle. The insurance agent would issue such policies on behalf of: (1) an insurer licensed to do business in the State which is selected by the vehicle owner, or (2) a prescribed State plan, such as an assigned risk pool or reinsurance facility. Thus, an automobile insurance consumer could walk into an establishment selling automobile insurance policies and receive coverage for his basic economic loss and any optional coverages such as collision insurance either through the voluntary market or a State plan meeting certain designated criteria. Among the criteria for the State plan is the stipulation that the State plan may not charge any driver assigned to the plan more than 200 percent of what a similarly situated person would be charged in the voluntary market.

S. 945 also meets the consumers' need to know about the comparative costs of insurance being charged by different insurers. This consumer knowledge should stimulate a more competitive price environment in the automobile insurance industry.

To summarize, S. 945 when implemented should produce several beneficial results highlighted in the Final Report of the Department of Transportation:[5]

"A system geared basically to serve the needs of auto victims directly rather than one designed to protect tortfeasor. . . .

"A basically first party insurance system fulfilling the mission of insurance by substituting certainty for uncertainty both in eligibility for benefits and in amounts of benefits payable. . . .

"A system much better able to allocate benefit dollars available according to the varying needs of victims. . . .

"A system lending itself to sounder rating criteria. . . .

"A system better adapted to the customer's ability to pay. . . .

"A greater service orientation of the insurance business. . . .

"A system without incentives to maximize costs. . . .

"A system lending itself to more flexible or efficient merchandising methods. . . .

"Encouragement of competition. . . ."

Effect on State regulation. If the greater certainty associated with a first party insurance system led to a freer, larger, more competitive market, regulation of auto insurance rates as now known might safely be relaxed as long as regulatory safeguards against insolvency and unsound rate cutting to destroy competition were maintained. Rather, the energies and talents of State regulatory authorities could be devoted to policing the real substance of insurance administration, i.e., the assurance that the coverages being provided meet established socially responsible standards and that the benefits are being paid in accordance with the policy provisions.

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[4] *See, generally Senate Report* No. 92-413, 92nd Cong., 1st Sess. (1971).

[5] Final Report at 143-146.

Mr. MOSS. Mr. President, every person who drives or rides in a car, or, indeed, a pedestrian near a car, has hanging over his head the possibility of an accident—a small accident which only crumbles a fender, or a major accident which badly injures or even incapacitates him for life.

Should more than one car be involved in the accident—the tug and haul begins. Whose fault was it? Who has insurance and who does not? If both are insured, whose company should pay? Sometimes it is months—even years—before opposing attorneys or the courts decide.

No-fault insurance as embodied in S. 945 is the answer to the present inefficient, insufficient, and inhumane automobile insurance system.

Mr. President, as we begin the discussion of this rather lengthy and complex bill, I should like to invite the attention of the Senate to the very full report of the committee, which has now been distributed to all Members of the Senate. The report explains the rationale of no-fault insurance. No-fault is not a new idea in insurance. People buy a type of no-fault in life insurance. No-fault is conditioned on events that may happen, and when the event happens, those who are covered by the insurance, which would be anyone who sustained an injury from an automobile accident of any sort, would be able to recover on that insurance. It would be automatic and timely. Payments would be made without long litigation as to who was at fault.

The problem with insurance at present is that it is an adversary system based on the law of negligence. The law of negligence is interpreted somewhat differently in various jurisdictions; but generally the law of negligence is that any person who is injured or who in any was negligent, and whose negligence contributed to that injury, is thereby barred from recovering.

As can be readily seen, there are innumerable cases of negligence flowing from all sides or both sides in multiple accidents, and the problem of sorting out the degrees of negligence, whether contributory or the proximate cause of the accident, consumes endless hours of time in litigating.

In the course of litigation, there are long delays for people who are in dire need of financial assistance because of injury that has occurred from the accident; from the loss of a vehicle that is needed in a person's life or in his business, or from a loss of wages by a person who cannot go to work during that period of disability.

So of almost equal importance with whether there is a recovery at all, or an adequate recovery, is the importance of having a timely settlement and payment.

That is one of the great advantages of the no-fault insurance system. This is not new. There are other kinds of insurance that are no fault in nature. The no-fault insurance system has been tried and is now in effect in a number of jurisdictions and States. In some of those instances, the success has been great. And we have learned from them that the system is indeed economical in that it does not cost more and yet at the same time it gives promptly to those who are injured an adequate recompense for the injury.

The pending bill is designed to utilize the State powers in supervising insurance in that it provides for a State law to be enacted if the State cares to do so within a period of 18 months. And if the State enacts an appropriate law meeting minimum standards, then the State goes right on. However, if the State fails or refuses to do so, then there would be a no-fault program administered as a Federal law.

I think this is in keeping with the practice we followed in many of our legislative endeavors recently where we have turned to the States for the matter of jurisdiction and have authorized the States to proceed with the regulatory functions. And only when a State has refused or failed to do so or does not adequately perform is Federal jurisdiction attached.

I think that in this instance, we can keep the expertise that States have already developed in insurance and continue to maintain this expertise close to the people involved.

We want a degree of uniformity throughout the United States so that a driver who lives in Massachusetts, but happens to be driving in New Jersey or Maryland when the accident occurs, is entitled to essentially the same kind of recovery.

There are not only these provisions that I have mentioned, but there are provisions in the bill for rehabilitative services so that all individuals who are injured are treated promptly and expertly so as to save lives and restore and recover fully their body functions in order to return to as near normal condition as possible.

Mr. President, this is simply an opening statement on the bill. My colleagues will have other opening statements to make. This debate on this bill will be carried on tomorrow when the bill is under consideration for a longer period of time.

Mr. President, I yield the floor.

Mr. HART. Mr. President, on behalf of the Chairman of the Commerce Committee, I ask unanimous consent that the following members of the staff of the Committee on Commerce be permitted access to the floor during the consideration of this legislation: S. Lynn Sutcliffe, Michael Pertschuk, Edward A. Merlis, Arthur Pankopf, Jr., David A. Clantor, and John Yarmuth.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, this will be simply an opening on what I am sure will be an extended discussion that I hope will be concluded within a reasonable period of time.

Mr. President, many who have ventured into the study of auto insurance come away confused and disheartened. Confused, because of the terminology which is different and hard to get a handle on—such as loss ratios, economic losses and intangible losses. Disheartened because we are never far into the area before discovering that the present system is topsy-turvy. Those who lose the least, get back the most. And those who suffer greatest, are compensated the least.

The figures have been quoted so often by many of us that they have become almost a litany:

Those who have out-of-pocket losses of under $500, recover two and one-half times their losses. But those who suffer out-of-pocket losses of $250,000 or more, collect only 30 percent of their loss, plus nothing for pain and suffering.

In a DOT study of accidents in the District of Columbia, two-thirds of those seriously and fatally injured were "working" at the time of the accident. The average loss for the fatalities was $40,400—93 percent attributable to future wage loss. Yet from all sources, the surviving family received only a meager $2,080—or 5 percent. The "working" individual who was injured lost an average of $11,500—and got 38 percent of that from all sources, including tort insurance.

The DOT study also detected how poorly those "going to school" fare under the present system. The average loss for these fatalities—including future earnings—was $106,500. But their families received only $133.

But all this has been stated and restated—again and again.

We are all equally as aware of the delay in payments under the present system—and of the havoc this raises when a victim needs rehabilitation but cannot finance it.

Mr. President, we likely would not be here if there were much doubt in the minds of a majority of the people in this Nation that the present system needs to be altered.

The question today is whether S. 945, as amended, is the way to correct the problems of the present system.

It is a safe conclusion that our argument is no longer over whether or not no-fault is the route to go. The arguments now seems to fall on two counts: Should the Federal Government or the States do it—and just how much compensation should be built into the basic policy.

Mr. President, the idea of having each State develop its own no-fault insurance plan has great appeal when it is first encountered. Experimentation, rule of local government, States' rights, all can be persuasive arguments.

And if we are talking of liquor laws—or sanitation inspections for restaurants—or zoning ordinances, I think that these arguments are solid.

However, we are dealing with the automobile, a product that in many cases—such as in this area and hundreds of similar situations nationwide—moves across State lines daily. The rest of the autos, certainly each year will find in another State—headed for a vacation or going to visit grandmother for Thanksgiving or making a business trip, at least once.

Lack of some basic uniformity in the auto insurance laws could cause such havoc that we may well end up with a patchwork system that would be of less protection to consumers than the one we are trying to eliminate.

The administration, as I understand, is strongly in favor of leaving this matter to the States. Yet even Secretary of Transportation John Volpe, in voicing the administration's "States first" view before the Senate Commerce Committee said that of course, after each State had developed its plan, there will have to be steps to bring about uniformity.

There is no question that it is painful and inefficient for a State to go through all the agony of establishing a new auto insurance system only to have to redo it. This difficulty, I am sure, is the root of the disapproval of S. 945 for Senators representing States which already have adopted some form of no-fault auto insurance.

But a vote against S. 945 will not eliminate the need which Secretary Volpe recognized as so real—for uniformity of basic auto insurance protection nationwide. A vote today against this bill on those grounds will simply delay the day of reckoning—and assure that when it comes, more States will have to tear up their forms and begin anew.

Looked at that way, the fact that States are moving—albeit slowly—toward no-fault plans argues for enactment of national standards today and not years hence.

But I think the most persuasive argument for adoption of this bill today is that absent it, the States will not be able to come up with meaningful no-fault plans for consumers.

As I have explained before, only two of the State plans thus far enacted, in my opinion, merit the name "modified no-fault." These are the plans of Florida and Massachusetts. In the other States what has generally happened is that a no-fault approach was laid over the tort system—perhaps producing the worst of both systems at an inflated cost for consumers.

Even Secretary Volpe, who on March 19, 1971, was able to be optimistic by testifying before the Commerce Committee.

> Change in the auto accident reparations system at the state level has clearly moved off dead center and would appear to be achieving some momentum.

By April of this year in a letter to Senator MAGNUSON, he said:

> In all candor, those of us who would like to see the states do this job themselves can hardly be heartened by their actions to date this year.

At that point, Secretary Volpe advised further patience so that we could evaluate how the State legislatures then in session would react. As of June 30, 1972, 32 of those legislatures have adjourned; 11 are still in session. Of those 11, only one—Michigan—still has a chance for taking positive action to reform the auto accident reparations system.

Mr. President, the track record of the States is indeed discouraging. Off that record, I can see no merit in the argument that we must wait longer to see if and when they will enact meaningful no-fault legislation.

With, I think, wisdom, the Commerce Committee did follow the advice of Secretary Volpe on this bill before us today: we gave the States an incentive to adopt their own laws, and we outlined just what ingredients should be in meaningful legislation.

Testifying in 1971, the Secretary advised:

> I think this constructive move should be strongly encouraged, perhaps guided and helped, but not preempted by Federal action.

Mr. President, that is exactly what this bill does: strongly encourages and does not preempt the States rights to adopt their own plans.

There are some who look at S. 945 and say that the Federal Government has written the States laws for them. This is not true. There is considerable leeway for the States to lay out the form of meeting the minimum standards of the bill. All that is spelled out is what is necessary to give the kind of protection consumers need and have not been getting from the present system.

Which brings us to the second argument made against this bill—that it provides too much compensation as a necessary ingredient for the basic policy.

Mr. President, to lower the levels of compensation in this bill in any drastic way is to fall back into the trap we are trying to crawl out of. And it would be a dramatic example of being pennywise and pound foolish.

The minimum standards now would provide $25,000 compensation each for rehabilitation and medical treatment. Up to $75,000 would be available for the combination of lost income, funeral expenses and replacement of necessary services.

Several here today, I understand, will move to lower those levels.

The argument, I gather, is that those who suffer such losses should be able to go to court and get adequate compensation. In other words, after 6 years of learning how badly compensated by the present system the families of fatalities and seriously injured are, we would turn our backs on these families once more and leave them to the creaking system which is giving them pennies back on the dollar and taking years to do that.

Let me remind the Senate again: Those seriously injured with losses over $10,000 out-of-pocket are getting 19 percent back from the tort system—and only 29 percent from all sources.

Mr. President, it is the drawbacks of the tort system which are producing these figures. The auto liability system works with lawyers taking cases on a contingency basis—generally receiving one-third of the compensation. But, as many know from their own mailpile, the big case—the big injury is harder put to get a lawyer. For these are the tough cases: tough to prove without spending a lot of time, paperwork and discovery money and tough to collect on because the average liability policy limits recovery to $15,000 per person and $30,000 per accident.

Lowering the compensation levels in this bill would mean that those most seriously injured—or killed—still would be without compensation. This seems like a dirty trick to play on widows and orphans simply to lower insurance premiums for us all a few cents a month. And while it is apparently impossible to get actuaries to agree on any figures, it seems a safe assumption that if the present inefficient system delivers excessive limits coverage for only a dollar or so a month, then the limits of this bill would cost even somewhat less.

Mr. President, it is true we could lower the limits of protection and only a small percentage of auto accident victims each year would be affected. However, this small percentage are the true disaster cases—the ones who most need compensation.

Certainly I hope we will not vote against them.

Mr. COOK. Mr. President, I first wish to say, having listened to the Senator from Michigan, that I agree with everything he said, but it will be this Senator's desire tomorrow to cast his vote to recommit this bill to the Committee on the Judiciary for some very serious and cogent reasons.

First, this bill takes away the right of the individual to secure damages in a court of law or to pursue his tort remedy, except in several very limited features, and this goes against the Standing Rules of the Senate, which I will read to the Senate, which appear on page 35 of the Senate Manual:

> Committee on the Judiciary, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

The first subject is "Judicial proceedings, civil and criminal, generally." Also, under item 3, "Federal courts and judges." Under No. 5 is "Revision and codification of the statutes of the United States." Because, apparently, it attempts to revise the McCarran-Ferguson Act, but does not say so.

I further say to my colleagues, and I hope they read these remarks in the RECORD before we vote tomorrow, that this Senator is not opposed to the basic concept of no-fault insurance; he feels it is necessary. He also would say that some 97 percent of all accidents are what we call "glass and metal," and are not personal injuries, and that a program should be adopted and a low threshold should be acted on by the Senate. But, like all situations which present themselves to the Senate, we do not always find ourselves going so far and as far as we should go and then stop. This is a piece of legislation that goes beyond the realm of reason to establish a program for no-fault insurance.

First, I think there are involved very serious constitutional matters. The first constitutional matter is in the bill that is before us. We impose on all insurance companies in the United States, to be collected by the States, a 2-percent levy or tax, or whatever one may wish to call it, on all insurance premiums. The Federal Government imposes that levy, not to be collected by the Federal Government, but by the respective States.

Therefore, I think we have a very serious question because of over $7 billion worth of insurance premiums, or $140 million in taxes, we have the very serious question that this is, in fact, a revenue measure which should commence in the House and not in the Senate.

We have a serious matter in relation to the 2 percent, also, because it is a Federal statute which gives the authority to the respective States, to be utilized as the States see fit.

The next objection to that is that, if an insurance company does not pay the 2 percent to the respective States, then the Secretary of HEW shall so notify the insurance commission of that State, and the insurance commission shall deny to that insurance company the right to do business in that State.

More important, Mr. President, if there is no program of rehabilitation or emergency services in the respective States, as set forth in the bill, the money that apparently is to be collected by the insurance commissioner of the State will not be paid in to the State and will not even be paid to the United States of America, under the bill, but it will be paid to the Secretary of HEW. So I suspect all insurance companies will sit down and write out a check directly to the Secretary of HEW. It is not budgeted funds; it is not appropriated funds. He shall spend it as he so desires within the respective State from whence it came, even to the extent of giving moneys for private grants, for private studies relevant to this matter; it is not encumbered in any way, and it is a misuse of the premium dollars of the individual who pays them into the respective insurance companies.

We also have a very serious problem in that if rehabilitation services are set out and if they go into existence and if the individual recovers and does not utilize the existence of the rehabilitation service, he is penalized for up to 50 percent of his recovery, and that penalty is not earned by the Government but by the insurance company which determines that he did not make use of the State rehabilitation services and, therefore, it makes a judgment that the individual who has recovered by reason of an accident a money amount will be penalized up to 50 percent of that amount because he did not take advantage of a governmental rehabilitation service.

Mr. President, since when have we said to any individual in this Nation who recovered a money judgment as a result of an automobile accident that, "You will lose a percentage of that money judgment if you do not go to the Government rehabilitation service and take advantage of that rehabilitation service the State renders."

First, in this bill we take away his tort liability and say, "You cannot file a suit in court and recover, and we are going to make a determination as to how much you will recover from the insurance company," and then we say after we do that, "If you do not take advantage of the rehabilitation service we are going to penalize you for up to 50 percent of your recovery or judgment, as the case may be."

Mr. President, what does that mean to a State like mine, or a State like yours, if the only rehabilitation service is 50 or 75 miles away? Does he have to make that trip instead of going to his doctor? Does he have to take that trip rather than seek rehabilitation elsewhere? But under this bill the insurance company that sends in the check decides he has not been going to the rehabilitation service and, therefore, he can be denied up to 50 percent of the amount they have allocated as a result of the injury he sustained in the automobile accident.

I think we have one of the most serious due process questions we have had on the floor of the Senate in a long time. Therefore, this Senator, who is not opposed to no-fault, who feels that a low threshold bill should, in fact, be adopted by this body, has seen this bill enlarged to such an extent that we have some of the most wild questions in it: The imposition of the 2-percent levy or tax; and tomorrow I will present numerous cases decided by the courts that this does constitute a tax and is unconstitutional for the specific purposes because, by the way, the premium payer is having 2 percent of his premiums paid into the State Government, but the pedestrian, who may be involved in an accident, pays nothing but has all the benefits of a tax levied on an individual group. So we have tremendous questions. I hope this bill will be referred to the Committee on the Judiciary, not to be lost in committee, because the Senator from Michigan is on that committee, and this Senator is on that committee. I want a bill on this floor, but I do not want a bill that says to the American individual who has been injured and who received compensation from his insurance company, that if that insurance company decided he has not been going to the federally and State subsidized rehabilitation center they can take away up to 50 percent of his recovery, because somehow or other big brother has not gotten that big, as far as I am concerned.

I am also concerned about the McCarran-Ferguson Act, which provides that no premiums shall be used, and no imposition on those premiums shall be used for anything other than those things related to the insurance field; but this bill imposes a 2-percent levy; 1 percent on all insurance premiums for rehabilitation services, and 1 percent for emergency ambulance and vehicle programs in the State.

Mr. President, we are playing with a substantial amount of money—approximately, as far as last year is concerned, $150 million—that has to be distributed, not to the State governments so that it can be appropriated by their respective agencies and by their legislatures, but directly to the insurance commissioners of the States, unbudgeted, unallocated, with no means at all by which the States shall say, other than to the insurance commissioner, how to spend it. And if a State does not have rehabilitation service, they say 2 percent is paid directly to the Secretary of HEW—not to the Treasury of the United States, but to the Secretary of HEW—again, unappropriated funds by the Congress of the United States, and he shall determine by himself how those funds shall be allocated back to the respective States, and he can even utilize those funds for grants—private grants—under the terms of the bill.

So I say, Mr. President, there are a few things that have to be knocked out of the bill so that it can be a no-fault bill, and not a bill that raises serious questions under the Constituion, under the due process clause, under Article I, clause 7, section 1, under the McCarran-Ferguson Act.

So some very serious questions have to be determined before this bill can be in a position where it can be acted on by the Senate.

I can only say, under those circumstances, that I hope we do honestly and logically debate this bill, and I hope we are not harassed by editorials, when our local papers will tell us that somebody is going to do this or somebody is going to do that because of no fault, because we have staffs down here that get very enthusiastic about their allegiance to bills on occasion; but this is one time when the staff and the Senate had better take a good look at what it is doing.

We are not here to violate the Constitution, and we are not here to say that the McCarran-Ferguson Act is of no value any more. We are not here to deny individuals any access to the due process of law. We have not gotten so flimsy in our bureaucratic operations that we should say that an insurance company is going to make a determination to deny a person 50 percent of his recovery as a result of an automobile injury. We have not gotten to the point where we say that we are taking large sums of money, over $100 million or more a year, and determining that they shall be used by the Secretary of HEW or an insurance commissioner in a State, without going through the constitutional processes, both of the United States and of the respective States, that it will be determined by the legislature and that it will be budgeted by the legislative body.

These are the problems we face in this bill. That is why every Member of the Senate should take a hard and fast look, not at the basic concept of no fault, because it is about time we did something for the individual who has to wait a year or 2 years for a recovery. It is about time we did something in this country for those who suffer the most and recover the least, as the Senator from Michigan has said.

He is exactly right, but when he says this is something for those who suffer most and recover least, and then he writes into the bill that if that person does not come to the State Rehabilitation Service, an insurance company can make a judgment that he can be denied 50 percent of the recovery, then I say we are not solving the problem of the individual who is in an automobile accident at all. We are solving the problem of getting money from the Rehabilitation Service and getting money from the insurance company for the Rehabilitation Service, and ignoring the individual.

I hope we debate this matter further tomorrow. The Senator from Kentucky certainly proposes to pursue it. Again, I raise the very serious question as to whether this bill should be referred to the Judiciary Committee for no other reason than that not having it go to the Judiciary Committee is in violation of the rules of the Senate. Bills should go to the Committee on the Judiciary that involve themselves in judicial proceedings, civil and criminal, generally. This bill also involves Federal courts and judges. Second, it is wide open to flagrant requests that States can get, through a Federal tax, 2 percent on all insurance premiums.

By the way, they will not call it a tax, Mr. President. As a matter of fact, they go so far, as not wanting to call it a tax, that they say in the bill insurance companies can deduct that amount as a standard business deduction. But they have to pay it. They cannot obviate the fact that they must pay it, because if they do not, the insurance commissioner, at the request of the Secretary of HEW, shall deny them the right to do business in the State. Therefore, it is not a business deduction. It is not a standard deduction. It is an absolute, necessary imposition of a 2-percent tax on all insurance firms, or they will be denied the right to do business in the respective States.

If, in fact, we can establish this as a matter of law tomorrow, then this measure must originate in the House, or these sections must be taken out of the bill, because it is in fact a revenue measure.

Therefore, I look forward to the debate tomorrow. I hope our colleagues will read all the remarks made this afternoon. I hope the motion of the Senator from Nebraska to refer the bill to the Judiciary Committee will be adopted.

Mr. HART. Mr. President, it is helpful, for the Senator from Kentucky and other Senators, to place in the RECORD material that will bear on this matter of the motion for reference to the Judiciary Committee. It is for that purpose that I ask unanimous consent to have printed in the RECORD a two-page memorandum that bears on the question of the McCarran-Ferguson Act, and the proposed reference of the bill now before us to the Judiciary Committee.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE MCCARRAN-FERGUSON ACT AND THE SENATE JUDICIARY COMMITTEE

BACKGROUND

(1) Prior to 1944 insurance was considered a matter of intrastate commerce.

(2) In 1944 the Supreme Court declared that the business of insurance was interstate in nature and was therefore within the jurisdiction of the federal government.

(3) In order to preserve the traditional role of the States, Congress passed the McCarran-Ferguson Act in 1945. The act provided that the business of insurance would be subject to the laws of the several states to the extent those laws related to the regulation or taxation of the business insurance. The McCarran Act also said that no act of Congress would be construed to invalidate, impair or supersede any law enacted by any state . . . , *unless such act specifically related to the business of insurance. . . .*"

Does S. 945 Impact the McCarran-Ferguson Act

(1) It is clear that S. 945 impacts the McCarran-Ferguson Act because S. 945 is an Act of Congress which specifically relates to the "business of insurance."

Because S. 945 Impacts the McCarran-Ferguson Act Does the Senate Judiciary Committee Have Jurisdiction

(1) The Senate Judiciary's jurisdiction over the McCarran-Ferguson Act was tied to the anti-trust issues with which the McCarran-Ferguson Act dealt.

(2) Because an Act of Congress "specifically relates to the business of insurance and therefore falls within the requirements of section 2(b) of the McCarran-Ferguson Act, it is not necessarily within the jurisdiction of the Judiciary Committee. The subject matter of the legislation determines the appropriate jurisdiction of the Committee and not the fact that section 2(b) of the McCarran-Ferguson Act is impacted. For examples, the Banking and Currency Committee had exclusive jurisdiction over several recent pieces of legislation which "specifically related to the business of insurance." The crime insurance act, the riot reinsurance program, and the federal flood insurance program were all handled exclusively by the Banking and Currency Committee. The Judiciary Committee did not examine that legislation.

(5) The automobile insurance system is within the jurisdiction of the Senate Commerce Committee. In 1967 the Congress commissioned a two year study of the automobile insurance system. The legislation authorizing and directing that study was handled in the Senate and House Commerce Committees. The Senate Judiciary Committee did not handle that legislation. At no time has the Senate Parlimentarian referred legislation effecting the automobile insurance system to the Senate Judiciary Committee. The Parliamentarian has referred that legislation to the Senate Commerce Committee.

CONCLUSION

Because S. 945 impacts the McCarran-Ferguson Act, it does not follow that the Senate Judiciary Committee has any claim to jurisdiction over S. 945.

Mr. HART. I believe the memorandum is a balanced presentation of the question.

Second, Mr. President, the very able Senator from Nebraska (Mr. CURTIS), on August 2, outlined 12 constitutional questions raised by S. 945. CONGRESSIONAL RECORD, volume 118, part 10, page 27090. Attached are 1 to 2 page summaries of the applicable law regarding each of these 12 questions. These summaries reveal that there is little question regarding the constitutionality of S. 945. It is clear.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the summaries were ordered to be printed in the RECORD, as follows:

SUMMARIES TO 12 QUESTIONS RAISED BY S. 945

Q. Can Congress, in view of the 10th amendment to the Constitution, overthrow the basic tort law of a State as exemplified by that State's adoption of the common law or civil law, subsequent statutory enactments and the judicial decisions rendered by the courts of the State?

A. It is well settled that the Federal government can pursuant to its commerce power, *prospectively* alter and even replace state statutory and common law causes of action. For example, in the *Second Employers' Liability Cases,* 223 U.S. 1 (1911) the Supreme Court upheld the constitutionality of the Federal Employee's Liability Act, 1908, as amended 1910, 36 Stat. 291, C.143. This legislation preempted state statutory and common law causes of action for injuries sustained by railroad employees within interstate commerce. It substituted in place of these state common law remedies, tort actions without the traditional common law defenses of contributory negligence, assumption of risk and the fellow servant rule.

The only possible limitation upon this Federal power emanates from the Due Process Clause, which may require that the abolition of an existing cause of action be accompanied by an adequate substitute remedy. There is little question that the first party insurance system contemplated by S. 945 constitutes an adequate substitute remedy. This is evidenced by the fact that the Supreme Court in *New York Central v. White,* 243 U.S. 188 (1917) held that a no-fault workmen's compensation remedy was an adequate substitute for common law fault causes of action. Since Senate S. 945 provides more extensive coverage than does a workmen's compensation statute, it is by definition an adequate substitute.

These decisions are part and parcel of the long settled general rule that the Constitution "does not forbid the creation of new rights, or the abolition of old ones recognized by the common law, to attain a permissible legislative object." *Silver v. Silver,* 280 U.S. 117 (1929) at 112.

Q. Can Congress deny jurisdiction of the Federal Courts to enforce the Federal rights which would be created under S. 945, except diversity of citizen cases?

A. It is long been settled that although Congress cannot interfere with the original jurisdiction of the Supreme Court, all other federal courts ". . . derive their jurisdiction wholly from the exercise of the authority to 'ordain and establish' inferior courts, conferred on Congress by Article III. § 1 of the Constitution." *Lockerty* v. *Phillips,* 319 U.S. 182 (1943) at 187. This power to "ordain and establish" inferior courts includes the power "of . . . *witholding jurisdiction from them in the exact degree and character which to Congress may seem proper* for the public good.' " (emphasis supplied) 319 U.S. at 387.

Q. Can Congress impose standards for regulation of attorneys' fees in cases before State courts?

A. Where Congress has by statute created a right, enforceable in a court of law, in many cases it has also provided for the award of attorneys' fees. See, e.g., 15 U.S.C. § 15; (antitrust laws); 42 U.S.C. § 2000e–5 (civil rights laws); 50 App. U.S.C. § 2109(c) (emergency price control laws). It follows that Congress may also set a standard for ascertaining the amount of attorneys' fees, in the same manner that it has set standards for the recovery of damages under the federal antitrust and price control laws.

Section 105 of S. 945 has imposed a "reasonable" standard which is to be measured in part by the expenditure of time—a factor traditionally used in any determination of what constitutes a "reasonable" fee. *Twentieth Century Fox Film Corp.* v. *Goldwyn,* 328 F.2d 190 (9th Cir. 1964), *cert. denied,* 379 U.S. 880 (1964).

Furthermore, the Supreme Court has clearly stated in *Testa* v. *Katt,* 330 U.S. 386 (1947) that a state court must enforce federal statutory provisions for damages and reasonable attorneys' fees:

> [T]he obligation of states to enforce these federal laws is not lessened by reason of the form in which they are cast or the remedy which they provide. *Id.* at 391.

Q. Can Federal insurance requirements alter basic State contract law causes of action?

A. Although a State may not pass any law impairing the obligation of contract (Article I, §10 of the Constitution), it is clear that the Federal government is not subject to this prohibition: "The Contract Clause, of course, is a limitation on state rather than federal action." *John McShain, Inc. v. District of Columbia,* 205 F. 2d 882, 883 (U.S. App. D.C. 1953) cert. den. 346 U.S. 900 (1953).

The only limitation upon the Federal government is the Fifth Amendment Due Process requirement that the restraint or impairment be reasonable. E.g., *Highland v. Russell Car and Snow Plant Co.,* 279 U.S. 253 (1929).

The Court has repeatedly upheld Congressional legislation that has impaired contracts pursuant to the commerce power. In fact, as early as 1899 the Supreme Court held that:

"The provision in the Constitution (Due Process) does not, as we believe, exclude Congress from legislating with regards to contracts of the above nature while in the exercise of its constitutional right to regulate commerce among the States." *Addyson Pipe and Steel v. United States,* 175 U.S. 211 (1899) at 229.

Since 1944 insurance has been subject to the commerce power. Consequently, any federal statute regulating interstate commerce can amend, alter or abolish insurance contract obligations provided that such regulation is reasonably necessary to effectuate the "great purposes for which the national government was created." *Highland v. Russell Car and Snow Plant Co.,* supra, at 261.

Q. Can Congress contravene State workmen's compensation laws including cases of workers not in interstate commerce?

A. No constitutional questions are presented since S. 945, as amended, will *not* alter in any way or form existing and future State workmen's compensation legislation.

The original intent of S. 945 was to leave workmen's compensation legislation untouched. It attempted to do this by making workmen's compensation primary rather than secondary—as is the rule in most States. However, it has been called to our attention that workmen's compensation is secondary rather than primary in several States and to this extent the present wording of S. 945 would alter the effect of several state statutes. Consequently, an amendment to S. 945 will be offered by Senator Stevenson, No. 1374, that will cure this difficulty by providing that S. 945 will not affect existing and future State workmen's compensation legislation.

Q. Can Congress require the executive branch of State government to interpet and enforce Federal laws?

Q. Can Congress delegate to the States optional authority to interpret, make regulations for, and enforce a Federal law?

A. The Supreme Court has held that Congress clearly has the authority to establish broad policies and standards in a federal law which may be supplemented by subordinate State regulation. E.g., *Butte City Water Co. v. Baker,* 196 U.S. 119 (1905).

S. 945 is in no way an unconstitutional delegation of federal legislative power to the States. It offers a workable solution to a national, complex problem by establishing federal policy, standards and guidelines which will be supplemented by state regulations and administration. Such federal-state cooperation is clearly constitutional and has been recognized as such by the Supreme Court. For example, speaking specifically about insurance in *Prudential Insurance Co. v. Benjamin,* 328 U.S. 408 (1946), the Court noted:

For great reasons of policy and history not now necessary to restate, [the federal and state governments] were separated. They were not forbidden to cooperate or by doing so to achieve legislature consequences, particularly in the great [field] of regulating commerce . . . which, to some extent at least, neither could accomplish in isolated exertion. 328 U.S. at 439.

Q. Can a federal law grant insurers an ambiguous and broad right to reimbursement for benefits paid?

A. Under the Constitution, Congress is afforded great leeway in implementing its powers:

Even though Congress, in the choice of means to effect a permissible regulation of commerce, must conform to due process . . . it is evident that where, as here, the means chosen are *appropriate to the permissible end,* there is little scope for the operation of the due process clause (emphasis supplied) *Virginia Ry.* v. *Federation,* 300 U.S. 515 (1937) at 558.

Section 112 of S. 945 precludes reimbursement except for certain specified purposes. In those few instances when reimbursement is permitted, it constitutes appropriate means to implement federal policy which is apparent in both the plain wording of the reimbursement provisions and the explanation set out in the Senate Commerce Committee Report, No. 92–891, 92nd Congress, 2d Session (1972). Nor are these provisions ambiguous. In fact, the limited provisions for reimbursement that do exist are very specific regarding the amount and nature of the reimbursement:

Section 104 provides that any payments "made by an insurer which are deemed *not to be legally owing* . . . are debts owed to the insurer and recoverable by it as any other debt, and may, pursuant to the regulations of the State insurance regulatory authority, be offset against future benefits payable."

Section 203(a)(3) provides that whenever a non-occupant of a motor vehicle is injured, he may proceed against the insurer of any involved motor vehicle. The section then provides that the insurer paying the injured victim shall "thereafter be entitled to recover from the insurers or self-insurers of any other involved motor *vehicles contributions in equal shares for the benefits paid and the cost of processing the claim.*"

Provisions identical to the above quoted provision in section 203(a)(3) are provided for in sections 301(a)(3) and 301(c)(2).

Section 302 permits reimbursement for benefits paid to any person injured by one "engaging in criminal conduct" from any recovery "received by, and actually available to" the claimant.

Clearly, these reimbursement provisions are (1) appropriate and reasonable means to implement legitimate Congressional policy goals; and (2) extremely precise regarding the amount and nature of the reimbursement.

Q. Can Congress, in accord with Section 107 of S. 945 impose an excessive fine prohibited by the Eighth Amendment to the United States Constitution?

A. Section 107(c)(2) provides:

An insurer who violates paragraph (1) of this subsection shall be assessed a *civil penalty* of $5,000 for each policy he issues in violation of such paragraph. (Emphasis added). Federal courts have generally held that the Eighth Amendment prohibition of excessive fines does not apply to civil penalties. *E. g., Zwick v. Freeman,* 373 F.2d 110 (2d Cir.) cert. denied, 389 U.S. 835 (1967); *United States v. Stagland,* 242 F. 2d 834 (7th Cir. 1957).

Even if the Eighth Amendment is held to be applicable to this provision of S. 945, it is clear that a penalty of $5,000 is not constitutionally excessive. Indeed many federal statutes punish "white collar" offenses not only with $5,000 fines but also with possible imprisonment, *E.g.,* Securities Act of 1933, 15 U.S.C.A.§ 77x (1971) ($5,000 fine and/or five years imprisonment); Fair Credit Reporting Act, 15 U.S.C.A. § 1681(q)-(r) (1972) ($5,000 fine and/or one year imprisonment).

Q. Can a Federal act impose a penalty which may be enforced through State courts only?

A. There is nothing in S. 945 which alters the criminal jurisdiction of federal courts, or provides that penalties in the bill must be enforced only through state courts. However, even if the federal no-fault scheme did impose a penalty which was enforceable only through a state court, it is well settled that this is constitutionally permissible. In *Testa v. Katt,* 330 U.S. 386 (1947), the Supreme Court ruled that the supremacy clause of the constitution requires states to enforce federal penal laws. As *Testa* noted this practice is deeply rooted in the history of our country:

The first Congress that convened after the Constitution was adopted conferred jurisdiction upon the state courts to enforce important federal civil laws, and succeeding congresses conferred on the states jurisdiction over federal crimes and actions for penalties and forfeitures. 330 U.S. at 389–90 (footnotes omitted).

Q. Can Congress contravene State laws governing the legal rate of interest on contracts?

A. Section 104(a) of S. 945 regulates the rate of interest on one kind of contract only: that which provides for the payment for basic economic losses by an insurer. The business of insurance is part of interstate commerce; therefore, it is subject to regulation by Congress. *United States* v. *Southeastern Underwriters Ass'n,* 322 U.S. 533 (1945). Accordingly, if Congress could reasonably find that the rate of interest imposed on insurance payments will affect this aspect of commerce, it may regulate such rates. United *States* v. *Darby,* 312 U.S. 100 (1941) (Congress may regulate substandard wages because they affect interstate commerce); *United States* v. *Perry,* 426 F. 2d 1073 (2d Cir. 1070) (Congress may prohibit extortionate credit transactions that affect and are carried on through interstate commerce).

Congress has a rational basis for believing that the imposition of a fixed and uniform rate of interest is necessary to assure the periodic payment for basic economic losses as the losses occur. S. Rep. No. 92–891, 92nd Cong., 2d Sess. 4 (1972). It may, therefore, constitutionally regulate those interest rates.

Where Congress has the power to regulate an activity, such power may be extended to supersede or pre-empt any state regulation of the same activity. *Erie R.R. Co.* v. *New York,* 233 U.S. 671 (1914). Thus, since Congress has the power to regulate the rate of interest on payments for basic economic losses under an insurance contract, it may do so in contravention of any state law.

Q. Can Congress contravene State laws regarding assignments of contractual claims or benefits?

A. Pursuant to its power to regulate interstate commerce, Congress may limit the scope of an individual's freedom to contract. *Addyson Pipe & Steel* v. *United States,* 175 U.S. 211, 229 (1899). The insurance industry is within the regulatory authority of Congress for it is part of interstate commerce. *United States* v. *Southeastern Underwriters Ass'n,* 322 U.S. 533 (1945). Accordingly, by this authority, Congress may constitutionally restrict the right to assign by contract any benefits received under S. 945 by rendering such a contract unenforceable. Likewise, it may, for a valid Constitutional purpose, exempt certain monies from attachment or garnishment. *See Hodgson* v. *Cleveland Municipal Court,* 326 F. Supp. 419 (N. D. Ohio 1971) (Congress can limit garnishment of wages).

Thus, having the power to restrict the freedom to assign such benefits, Congress may constitutionally preempt or contravene any state law regulating assignments. *Erie R.R. Co.* v. *New York,* 233 U.S. 671 (1914).

Mr. HART. Mr. President, I comment also that the assessments that were mentioned by the Senator from Kentucky just now—1 percent for rehabilitation and 1 percent for emergency medical facilities—apply only to States which have not adopted a no-fault system. States which adopt a no-fault system would not be subject to those assessments.

Lastly, Mr. President, I think it might be helpful to call attention to an amendment which has been printed and filed, to be offered by the Senator from California (Mr. CRANSTON), and of which the chairman of our committee, among other Senators, is a cosponsor. This amendment, which I anticipate would be accepted and adopted, responds, I believe, to many of the concerns which have been heretofore voiced.

Mr. COOK. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. COOK. Is the Senator familiar with the Cranston amendment?

Mr. HART. I am not familiar with it. I am making this statement, as they say, on information and belief.

Mr. COOK. May I say to the Senator, I hope he will have an opportunity to read it in the context of the comments that I have made, because I think that he will find that it compounds the felony, and does not correct it. I do not know how the Senator from California picked it up to such an extent, not being on the Commerce Committee and not being familiar with it to that extent, other than I assume he has read all of the debates, all of the reports, and all of the discussion we had.

I can only say I have read the Cranston amendment in relation to the entire bill, and if you look at it objectively, it seems to me, at least, that it does not correct the situation but compounds it.

Mr. HART. Mr. President, I think it would be helpful, then, to ask unanimous consent to have printed in the RECORD at this point in our exchange the amendment to which I have made reference, which is amendment No. 1386.

There being no objection, the amendment (No. 1386) was ordered to be printed in the RECORD, as follows:

On page 46, line 3, delete all through line 21 on page 51 and insert in lieu thereof the following:

"REHABILITATION SERVICES

"SEC. 109. (a) The insurer or self-insurer shall promptly refer each person to whom benefits are paid or expected to be paid for three months or more for net basic economic loss to the State agency or agencies (or delegate agencies designated by such agency or agencies) administering or supervising the administration of the State plan for rehabilitation services approved under the Vocational Rehabilitation Act (29 U.S.C. 35) for the provision of appropriate rehabilitation services. An insured may elect to receive such rehabilitation services, authorized by a State agency operating under the approved State plan for vocational rehabilitation, from any private agency, organization, institution, or individual offering rehabilitation services under the State plan.

"(b) If a person who is entitled to benefits of a qualifying no-fault policy or approved self-insurance plan refuses without good cause to accept appropriate rehabilitation services available to him under a State plan approved under the Vocational Rehabilitation Act, the insurer or self-insurer is authorized, after thirty days notice in writing to such person, to make deductions from any payment or payments to which such individual is entitled, until the total of such deductions equals 50 per centum of such individual's benefit or benefits for monthly earnings for any month in which such individual refuses without good cause to accept appropriate rehabilitation services. Any person who refuses to accept appropriate rehabilitation services available to him under a State plan approved under the Vocational Rehabilitation Act shall, for the purposes of the first sentence of this subsection, be deemed to have done so with good cause if (1) he is a member or adherent of any church or religious sect which teaches its members or adherents to rely solely, in the treatment and cure of any physical or mental impairment, upon prayer or spiritual means through the application and use of the teachings of such church or sect, and if he refuses solely because of his adherence to the teachings or tenets of such church, or sect, or (2) if he refuses because the services are inaccessible or inappropriate in terms of sound medical practice and rehabilitation standards which shall take into account as one factor the degree of extreme discomfort involved in the prescribed program of rehabilitation.

"(c) The State insurance regulatory authority is authorized to require each insurer writing qualifying no-fault policies within a State to invest until January 1, 1978, 1 per centum of the total amount of premiums less premium taxes collected each year from the sale of qualifying no-fault policies and mandatory optional coverages within such State. The State insurance regulatory authority shall prescribe regulations which shall set forth the extent to which, for the purposes of this subsection, a self-insurer shall be deemed to be an insurer. Up to 50 per centum of such investment may be in grants, loans, or equity investments in the construction or improvement of rehabilitation facilities, in the development, expansion, or improvement of services to victims of accidental harm, and in research, training, and development of new rehabilitation techniques for victims of motor vehicle accidents: *Provided,* That such investments are approved in advance by the State agency or agencies administering or supervising the administration of the State vocational rehabilitation plan, and are in compliance with such approved State plan. The remainder of the required investment shall be paid to such State agency or agencies no later than April 1 of each year, as an ordinary and necessary expense of doing business in the State, and such sums shall be expended by such State agency or agencies for the development, expansion, or improvement of rehabilitation services to handicapped individuals disabled in motor vehicle accidents and on research and development of new rehabilitation techniques and methods. Investments made pursuant to this section may not be used by the State agency for the non-Federal share of payments required by the Vocational Rehabilitation Act. Such State agency or agencies shall submit to the State insurance regulatory authority and to the Secretary of Health, Education, and Welfare and make available to the public an annual accounting of all grants, loans, or equity investments approved or made by it pursuant to this subsection. The State insurance regulatory authority shall withdraw the authority to write qualifying no-fault policies from any insurer that fails to make any investments required or disapprove any self-insurance plan if the self-insurer fails to make investments required.

"EMERGENCY MEDICAL SERVICES

"SEC. 110. (a) (1) Each insurer writing qualifying no-fault policies within a State and any self-insurer shall assist the State emergency medical committee in the development and maintenance of an effective and adequate emergency medical services system for victims of motor vehicle accidents. As used in this section, the term "State emergency medical committee" means a committee composed of a designee of the State agency administering or supervising the State highway safety program approved under section 402 of title 23, United States Code, of the State health authority approved for purposes of this section by the Secretary of Health, Education, and Welfare, and of the State insurance regulatory authority.

"(2) Such State emergency medical committee shall coordinate investments made under this section and insure that such investments are made in conformance with State and Federal laws related to the development and planning of State and area comprehensive emergency medical services systems.

"(3) Each governmental unit to which funds are paid pursuant to subsection (b) of this section shall prepare a plan for the provision of a State or area comprehensive emergency medical services system which plan must be approved by the Secretary of Health, Education, and Welfare, in accordance with regulations he shall prescribe before any funds made available under this section can be invested. Such regulations shall include all elements of regulations established by such Secretary to govern Federal grants or contracts for comprehensive emergency medical services systems.

"(b) The State insurance regulatory authority is authorized to require each insurer writing quality no-fault policies within a State to invest until January 1, 1978, 1 per centum of the total amount of premiums less premium taxes collected each year from the sale of qualifying no-fault policies and mandatory optional coverages within such State. The State insurance regulatory authority shall prescribe regulations which shall set forth the extent to which, for purposes of this subsection, a self-insurer shall be deemed to be an insurer. Up to 50 per centum of such investments may be in grants, loans, or equity investments in emergency medical and transportation facilities and equipment and the operation of emergency medical services programs within such State: *Provided,* That such investments are in conformance with the State or area plans approved pursuant to subsection (a) (3) of this section and are deemed as amendments to such plans and as such are reviewed and approved in accordance with the regulations prescribed by the Secretary of Health, Education, and Welfare. The remainder of the required investments shall be paid to the State emergency medical committee no later than April 1 of each year, as an ordinary and necessary expense of doing business in the State, and shall be distributed by such committee to State or area comprehensive emergency medical services systems developed pursuant to subsection (a) (3) of this section: *Provided,* That such distributions are in conformance with such State or area plans and are deemed as amendments to such plans and as such are reviewed and approved in accordance with the regulations prescribed by the Secretary of Health, Education, and Welfare. Investments made under this section may be applied to the non-Federal share of grants made in support of comprehensive emergency medical service systems. The State emergency medical committee shall submit to the State insurance regulatory authority and the Secretary of Transportation and the Secretary of Health, Education, and Welfare, and make available to the public an annual accounting of all grants, loans, or equity investments approved or made by it pursuant to this subsection. The State insurance regulatory authority shall withdraw the authority to write qualifying no-fault policies from any insurer that fails to make any investments required or disapprove any self-insurance plan if the self-insurer fails to make investments required.

"(c) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Transportation and the Secretary of Defense, shall cooperate with States and local governmental units for the purpose of aiding them to solve their emergency medical service system problems, by providing the benefit of relevant experience of the Public Health Service and such departments in services, transportation, communications, training, licensing, construction, and improvement of facilities, equipment, care, treatment, supervision, inspection, and standards."

On page 54, between lines 12 and 13, insert the following and renumber clauses (8) and (9) accordingly:

"(8) section 109 (rehabilitation services):

"(9) section 110 (emergency medical services);".

On page 54, beginning on line 25, strike out all through line 5 on page 55 and renumber clause (4) accordingly.

On page 59, beginning on line 4, strike out all through line 3 on page 60 and reletter subsections (d) and (e) accordingly.

Mr. HART. Finally, Mr. President, I have the strong hunch that there will be many speeches made and many amendments offered that will be in response, not to reading all of the testimony and analyzing all of the exhibits, but rather in response to the petitions voiced by our friends in the industry.

This is not to be criticized. There are segments of the insurance industry and the American Bar which are affected by this bill. I have no doubt that statements and amendments which reflect their very strong reaction to this proposal will be before us. I would not reject them out of hand simply because they have not been authored by someone who read all the transcripts and analyzed all the data.

Mr. COOK. Mr. President, may I say that I have now had an opportunity to look over the two-page analysis of the McCarran-Ferguson Act and the Senate Judiciary Committee.

It is not this Senator's contention that anything that deals with the McCarran-Ferguson Act must come to the Judiciary Committee. On the contrary, there are many things in the field of insurance that would never be considered by the Committee on the Judiciary, though they fall within the framework of the McCarran-Ferguson Act. Obviously, I agree with this memorandum that it was the Committee on Commerce that asked for the studies on automobiles and the study on recoveries. Obviously, that has nothing to do with the Committee on the Judiciary, and would under no circumstances be subject to the jurisdiction of that committee.

However, the point that I wish to make is that item 5 of the matters for jurisdiction of the Committee on the Judiciary states, "Revision and codification of the statutes of the United States."

If we are talking about revision and codification of the statutes, we need not talk about McCarran-Ferguson, we need not talk about any present statute of the United States, as to whether it deals with the Committee on Foreign Relations, the Committee on Interior and Insular Affairs, or any other; we are talking about the fact that we seek to codify or to revise an existing statute.

I would read from this memorandum, as a matter of fact, for my source, because the memorandum says:

> It is clear that S. 945 impacts the McCarran-Ferguson Act because S. 945 is an Act of Congress which specifically relates to the "business of insurance."

Now we are modifying and we are redefining. We are saying that we can now attempt to do something under McCarran-Ferguson, which is a statute, that we could not do before. Therefore, it has an impact on a statute of this Nation, and having an impact on it relative to the revision of it or the codification of it, it belongs to the jurisdiction of the Committee on the Judiciary. It is that simple.

I am not going to argue that any change in McCarran-Ferguson has to go to the Committee on the Judiciary. I am arguing that the proposal would, in fact, change an existing statute, revising the intent of that existing statute, and that under the rules of the Senate, revision of statutes belongs to and is within the jurisdiction of the Committee on the Judiciary. That is all; no more.

Therefore, if Senators seek to rewrite McCarran-Ferguson, I say, do not send it to the Committee on the Judiciary because it deals in the field of insurance and Judiciary does not. That is my only point. It does not say it amends the statute in this bill. It does not say it amends anything in this bill. But it would and in fact does revise an existing statute, and the rules say that when you revise an existing statute that falls within the jurisdiction of the Committee on the Judiciary.

There is no question but that the Federal court systems in the United States have been the sole processor of actions dealing with tort liability which involved diversity of citizenship. We are now eliminating that, if this bill is passed. Item 1 of the matters falling within the jurisdiction of the Committee on the Judiciary is judicial proceedings, civil and criminal, generally. We are not arguing that the Committee on the Judiciary should take a no-fault insurance bill and rewrite, but it should certainly be involved with those sections of the bill which deal specifically with the courts, and with the ability of an individual to secure access to the courts for recovery and redress of injustice.

I agree with the memorandum totally and completely when it says that the Committee on the Judiciary had nothing to do with the studies on automobile accidents or the studies on amounts of recovery. Obviously it did not, and obviously it has no authority to take this bill and review all those things.

But is has the authority to look into those matters in this bill that deal specifically with the problems we have been discussing here tonight. So therefore, Mr. President, I would say that the memorandum speaks for itself; but the memorandum also says:

> It is clear that S. 945 impacts the McCarran-Ferguson Act because S. 945 is an Act of Congress which specifically relates to the "business of insurance."

The impact is in fact a real one, and it is a revision of an existing statute.

Mr. President, I yield the floor.

STATES' RIGHTS AND NO-FAULT

Mr. GOLDWATER. Mr. President, on July 21 the Board of Governors of the State Bar of Arizona unanimously adopted a resolution placing itself on record in opposition to any Federal legislation that would preempt State action in the field of auto insurance. This resolution squarely poses the major issue of whether or not our States should be forced into a national mold on the matter of no-fault automobile insurance. Not only has the statewide organization of lawyers in Arizona raised this issue, but the fundamental question of States' rights versus Federal rights has been brought to the fore by the National Governors Conference, which in early June of this year unanimously adopted a policy position opposing the adoption of a national no-fault law or the passage of Federal standards in this area. Indeed, Governor Sergeant of Massachusetts, which has been a pioneer in this area, introduced this position urging Congress not to take any action that would preempt State action in the same field.

Mr. President, I think it is appropriate for us to remember that States have historically held the basic responsibility for regulating the insurance industry. Last year a total of 42 States considered no-fault legislation which certainly indicates that the subject is getting responsible attention in each State. Also, I might mention that 47 States have already enacted automobile insurance insolvency fund guarantee laws thereby providing an important protection to consumers with no loss of their own State regulatory powers.

Accordingly, I believe the State Bar of Arizona has displayed good wisdom in taking its stand against a uniform national system that would be imposed from the Federal level.

Furthermore, Mr. President, I would like to note that the resolution of the State bar mentions that one of the reasons that this group opposes the pure no-fault type of law is that it will probably boost automobile insurance premiums considerably insofar as our citizens and consumers are concerned. In fact, one estimate that I have seen claims that insurance premiums for Arizonans will rise by almost 36 percent if the no-fault bill is passed that is pending before us. Not only will States such as Arizona, which is not a highly urbanized area, have an increase in their rates, but there is good evidence to the effect that the insurance bill of drivers who fall into the middle income, middle-aged category are going to go up all across the Nation. In other words, there is a serious risk that if we impose the legislation now before us on every State, the average citizen in the country is going to pay more for it.

Mr. President, I think it is far better to allow our States to experiment for a while longer with these kinds of insurance plans and not to impose untested legislation on the entire Nation. After all, only 6 States now have no-fault legislation, and the returns are not in as to which plan will work the best in all regions of the country.

Mr. President, I ask unanimous consent that the resolution adopted by the State Bar of Arizona be inserted in the RECORD at this point since it is a concise and well-presented statement of considerations which we should all keep in mind as we work on the pending bill.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, there is now pending in the United States Senate, the Hart-Magnuson Bill (S. 945, Print No. 3) which would impose a uniform Federal system of automobile accident reparations and take away the authority of the states to regulate citizens' rights arising out of automobile accidents; and

Whereas, the needs of the various states differ on this issue depending upon population, the extent of urbanization, the automobile accident rate, and the degree to which the state has modernized its court system and all of these factors affect the cost of automobile insurance in each individual state; and

Whereas, Arizona is not a highly urbanized state, has a moderate accident rate, a modern court system and its citizens pay reasonable automobile insurance premiums; and

Whereas, reliable actuarial studies reveal that automobile insurance premiums probably will be substantially increased for nonurban states under the Hart-Magnuson Bill; and

Whereas, it is not in the best interests of the people of Arizona for the Federal Government to take over control of the automobile liability insurance field and impose Federal controls, standards and guidelines which cannot be tailored to the needs of the individual states; and

Whereas, any action to reform the present system of automobile accident reparations should be taken by the individual states rather than by the Federal Congress pursuant to the Resolution adopted by this Board on February 26, 1972 which urged the Legislature of the State of Arizona to enact into law, House Bill 2121 which would have strengthened the automobile reparation system in Arizona; and

Whereas, the Hart-Magnuson Bill constitutes Federal action which would radically diminish the rights of citizens to pursue their common law remedies through trial by jury and abolishes the adversary system in a substantial area of the administration of justice; and

Whereas, the adoption of a national no-fault auto insurance legislation is not an acceptable option to individual state action and prevents people in the states from evolving solutions which are attuned to their local needs, conditions and situations; and

Now, therefore, it is resolved that the Board of Governors of the State Bar of Arizona does hereby place itself on record in opposition to the Hart-Magnuson Bill (S. 945, Print No. 3) and any similar bill that would impose unwarranted Federal control and preempt state action in the auto reparations system;

It is further resolved that the Board of Governors of the State Bar of Arizona continue its efforts to bring about meaningful reform to the reparations system of the State of Arizona.

It is further resolved that copies of this resolution be sent to each of the distinguished United States Senators and United States Representatives in the Congress of the United States.

The above resolution was unanimously adopted by the Board of Governors of the State Bar of Arizona at a meeting held on July 21, 1972.

HANDGUN CONTROL ACT OF 1972

Mr. CHURCH. Mr. President, the Senate is being asked to approve S. 2507, a bill which seeks to prohibit the manufacture and sale of cheap, domestically produced hand guns, known as "Saturday night specials."

As such, the bill is a sequel to those provisions in the Gun Control Act of 1968, which attempted to discourage the sale of "Saturday night specials" within the United States by prohibiting their importation from abroad.

Apparently, these provisions of the law have been circumvented through the importation of pistol parts, which are then assembled inside the United States for sale within the country.

So the "Saturday night special," so-called because of its cheapness, and unsuitability for marksmanship or other sporting purpose, remains with us. Proponents of the bill argue that such weapons, accurate only at short range, are useful just for criminals and should therefore be banned.

We are asked, once again, to accept on faith the proposition that outlawing the manufacture and sale of "Saturday night specials" would prove an effective deterrent to crime.

Even in our large cities, where the streets are notoriously unsafe, I find this proposition unbelievable. Any criminal bent on possessing a hand gun will find it easy enough to obtain one. He will either pay a higher price for a better pistol or he will steal it.

Like other Federal Gun Control measures, this bill will prove equally ineffectual in dealing with the rising incidence of crime. Its main effect, I fear, will simply be to increase the price of pistols for thousands of law abiding citizens who purchase them, not for marksmanship or sporting use, but simply for self-protection at close range.

With criminal assault, rape and burglary running rampant in our cities, the police are obviously failing to provide anything that even approaches acceptable protection. As long as our cities remain dangerous jungles, the inhabitants—in growing numbers—will keep a pistol handy in their homes or apartments for self-defense. Laws to the contrary will be ignored until city governments can make life safe again within their jurisdictions.

After 16 years in the Senate, I have yet to see evidence that Federal gun control measures have curtailed crime in any perceptible degree.

I remain convinced that where restrictions on the sale or possession of pistols are felt necessary, they are properly a matter for State and local governments to pass upon.

Enactment of this bill will only encourage the introduction of broader gun control legislation in the future, designed to insure total Federal preemption of the field.

Then, the people in States like Idaho, where even the police oppose gun controls as unnecessary and unwanted, will find themselves governed by ever more restrictive Federal laws, directed toward urban life, and utterly inappropriate for rural areas.

As a Senator representing a rural State whose people regard their unfettered right to purchase and possess guns as a symbol of their sovereignty, I must vote against this bill.

QUORUM CALL

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBSTITUTION OF A CONFEREE ON THE DISASTER RELIEF BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, with respect to the conferees on the disaster relief bill, that the name of Mr. WILLIAMS be substituted for the name of Mr. SPARKMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

HANDGUN CONTROL ACT—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I am authorized by the distinguished majority leader, after consultation with the distinguished Senator from Nebraska (Mr. HRUSKA), the distinguished Senator from Indiana (Mr. BAYH), and various other Senators on both sides of the aisle, to propound the following unanimous consent request:

Ordered, That debate on the bill, S. 2507, to amend the Gun Control Act of 1968—a committee amendment in the nature of a substitute—be limited to 4 hours, to be equally divided between the distinguished Senator from Nebraska (Mr. HRUSKA) and the distinguished manager of the bill, the Senator from Indiana (Mr. BAYH); that time on each of the following amendments be limited as stated:

On an amendment by Mr. BROCK, 30 minutes to each side, making a total of 1 hour; on an amendment by Mr. BROOKE, 30 minutes on each side, making a total of 1 hour; on an amendment by Mr. STEVENSON, 1 hour, to be equally divided; on each of two amendments by Mr. DOMINICK, 2 hours to be equally divided; on an amendment to be proposed by Mr. HANSEN, 1 hour, to be equally divided; on an amendment by Mr. FANNIN, 2 hours, to be equally divided; on an amendment by Mr. HRUSKA to section 3, 2 hours, to be equally divided; on an amendment by Mr. HRUSKA dealing with section 4, one hour and a half, to be equally divided; on any other amendment, debatable motion, or appeal, one-half hour, to be equally divided.

Provided further, That Senators in control of time on the bill may yield therefrom to any Senator on any amendment, debatable motion, or appeal.

With respect to the division of time, provided, that time on any amendment in the first degree be divided between the mover of the amendment and the manager of the bill, unless the manager of the bill favors such, in which instance the time in opposition thereto would be under the control of the distinguished majority leader or his designee; that on any amendment to an amendment, the time be divided between the mover of such and the author of the amendment in the first degree, except in any instance in which the author of the basic amendment favors such, in which instance the time in opposition thereto would be under the control of the manager of the bill or his designee; that the time on any debatable motion or appeal be divided between the mover of such and the manager of the bill; provided further, That a vote occur on the bill no later than 6 p.m. on Wednesday, and that rule XII be waived.

The PRESIDING OFFICER (Mr. CHURCH). Is there objection to the unanimous consent request propounded by the distinguished Senator from West Virginia? The Chair hears none, and the unanimous consent request is agreed to.

Mr. ROBERT C. BYRD. Mr. President, I thank all Senators, especially the manager of the bill (Mr. BAYH) and the distinguished ranking member of the Committee on the Judiciary (Mr. HRUSKA).

I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHURCH). Without objection it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS, FOR GUN CONTROL ACT TO BE LAID BEFORE THE SENATE, AND FOR UNFINISHED BUSINESS (S.J. RES. 241) TO BE TEMPORARILY LAID ASIDE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for the recognition of Senators on tomorrow, there be a period for the transaction of routine morning business not to extend beyond 10:30 a.m., with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate S. 2507, the Gun Control Act, and that the unfinished business (S.J. Res. 241) be temporarily laid aside and remain in a temporarily laid aside status until the close of business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR LAYING ASIDE OF UNFINISHED BUSINESS (S.J. RES. 241) ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, after the two leaders have been recognized under the standing order, there be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate S. 2507, the gun control bill, and that the unfinished business (S.J. Res. 241) be temporarily laid aside and remain in a temporarily laid aside status until the close of business on Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEVELOPMENT OF LAND AND WATER RESOURCES OF THE NATION'S COASTAL ZONES

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3507.

The PRESIDING OFFICER (Mr. CHURCH) laid before the Senate the amendment of the House of Representatives to the bill (S. 3507) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes, which was to strike out all after the enacting clause, and insert:

That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203), as amended (33 U.S.C. 1101–1124), is further amended by adding at the end thereof the following new title:

"TITLE III—MANAGEMENT OF THE COASTAL ZONE

"SHORT TITLE

"SEC. 301. This title may be ctied as the 'Coastal Zone Management Act of 1972'.

"CONGRESSIONAL FINDINGS

"SEC. 302. The Congress finds that—

"(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone;

"(b) The coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation;

"(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion;

"(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations;

"(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost;

"(f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values;

"(g) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate; and

"(h) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal-zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

"DECLARATION OF POLICY

"SEC. 303. The Congress declares that it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, (c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and (d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems.

"DEFINITIONS

"SEC. 304. For the purposes of this title—

"(a) 'Coastal zone' means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control those shorelands, the uses of which have a direct impact on the coastal waters.

"(b) 'Coastal waters' means (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

"(c) 'Coastal state' means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(d) 'Estuary' means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

"(e) 'Estuarine sanctuary' means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

"(f) 'Secretary' means the Secretary of the Interior.

"MANAGEMENT PROGRAM DEVELOPMENT GRANTS

"SEC. 305. (a) The Secretary is authorized to make annual grants to any coastal state for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone.

"(b) Such management program shall include:

"(1) an identification of the boundaries of the portions of the coastal state subject to the management program;

"(2) a definition of what shall constitute permissible land and water uses;

"(3) an inventory and designation of areas of particular concern;

"(4) an identification of the means by which the state proposes to exert control over land and water uses, including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;

"(5) broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority;

"(6) a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local areawide, state, regional, and interstate agencies in the management process.

"(c) The grants shall not exceed 66⅔ per centum of the costs of the program in any one year. Federal funds received from other sources shall not be used to match the grants. In order to qualify for grants under this subsection, the state must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of this title. Successive grants may be made annually for a period not to exceed two years: Provided, That no second grant shall be made under this subsection unless the Secretary finds that the state is satisfactorily developing such management program.

"(d) Upon completion of the development of the state's management program, the state shall subject such program to the Secretary for review and approval pursuant to the provisions of section 308 of this title, or such other action as he deems necessary. On final approval of such program by the Secretary, the state's eligibility for further grants under this section shall terminate, and the state shall be eligible for grants under section 306 of this title.

"(e) Grants under this section shall be allocated to the states based on rules and regulations promulgated by the Secretary: *Provided, however,* That no management program development grant under this section shall be made in excess of 15 per centum of the total amount appropriated to carry out the purposes of this section.

"(f) Grants or portions thereof not obligated by a state during the fiscal year for which they were first authorized to be obligated by the state, or during the fiscal year immediately following, shall revert to the Secretary, and shall be added by him to the funds available for grants under this section.

"(g) With the approval of the Secretary, the state may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to a regional agency, or to an interstate agency, a portion of the grant under this section, for the purpose of carrying out the provisions of this section.

"(h) The authority to make grants under this section shall expire on June 30, 1975.

"ADMINISTRATIVE GRANTS

"SEC. 306. (a) The Secretary is authorized to make annual grants to any coastal state for not more than 66⅔ per centum of the costs of administering the state's management program, if he approves such program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the state's share of costs.

"(b) Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary, which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided, however,* That no annual administrative grant under this section shall be made in excess of 15 per centum of the total amount appropriated to carry out the purposes of this section.

"(c) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

"(1) The state has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

"(2) The State has:

"(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the state's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

"(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title.

"(3) The state has held public hearings in the development of the management program.

"(4) The management program and any changes thereto have been reviewed and approved by the Governor.

"(5) The Governor of the state has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

"(6) The state is organized to implement the management program required under paragraph (1) of this subsection.

"(7) The state has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

"(8) The management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature.

"(9) The management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values.

"(d) Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

"(1) to administer land and water use regulations, control development in order to insure compliance with the management program, and to resolve conflicts among competing uses; and

"(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

"(e) Prior to granting approval, the Secretary shall also find that the program provides:

"(1) for any one or a combination of the following general techniques for control of land and water uses:

"(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

"(B) Direct state land and water use planning and regulation; or

"(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any State or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

"(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

"(f) With the approval of the Secretary, a State may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided,* That such allocation shall not relieve the State of the responsibility for insuring that any funds so allocated are applied in furtherance of such State's approved management program.

"(g) The State shall be authorized to amend the management program. The modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendments or modification of the program must be approved by the Secretary before additional administrative grants are to be made to the State under the program as amended.

"(h) At the discretion of the State and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas of the coastal zone which most urgently need management programs: *Provided,* That the State adequately allows for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

"INTERAGENCY COORDINATION AND COOPERATION

"SEC. 307. (a) In carrying out his functions and responsibilities under this title, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

"(b) The Secretary shall not approve the management program submitted by a State pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and the State in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

"(c) (1) Each Federal agency conducting or supporting activities in the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

"(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

"(3) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certification and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

"(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

"(e) Nothing in this section shall be construed—

"(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources and navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

"PUBLIC HEARINGS

"SEC. 308. All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

"REVIEW OF PERFORMANCE

SEC. 309. (a) The Secretary shall conduct a continuing review of the management programs of the coastal states and of the performance of each state.

"(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he determines that the state is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the state has been given notice of proposed termination and withdrawal and an opportunity to present evidence of adherence or justification for altering its program.

"RECORDS

"SEC. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

"ADVISORY COMMITTEE

"SEC. 311. (a) The Secretary is authorized and directed to establish a Coastal Zone Management Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than ten persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct. The Secretary shall insure that the committee membership as a group possesses a broad range of experience and knowledge relating to problems involving management, use, conservation, protection, and development of coastal zone resources.

"(b) Members of said advisory committee who are not regular full-time employees of the United States, while serving on the business of the committee, including traveltime, may receive compensation at rates not exceeding $100 per diem; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"ESTUARINE SANCTUARIES

"SEC. 312. (a) The Secretary, in accordance with rules and regulations promulgated by him, is authorized to make available to a coastal state grants of up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed $2,000,000. No Federal funds received pursuant to section 305 or section 306 shall be used for the purpose of this section.

"(b) When an estuarine sanctuary is established by a coastal state, for the purpose envisioned in subsection (a), whether or not Federal funds have been made available for a part of the costs of acquisition, development, and operation, the Secretary, at the request of the state concerned, and after consultation with interested Federal departments and agencies and other interested parties, may extend the established estuarine sanctuary seaward beyond the coastal zone, to the extent necessary to effectuate the purposes for which the estuarine sanctuary was established.

"(c) The Secretary shall issue necessary and reasonable regulations related to any such estuarine sanctuary extension to assure that the development and operation thereof is coordinated with the development and operation of the estuarine sanctuary of which it forms an extension.

"MANAGEMENT PROGRAM FOR THE CONTIGUOUS ZONE OF THE UNITED STATES

"SEC. 313. (a) The Secretary shall develop, in coordination with the Secretary of the Interior, and after appropriate consultation with the Secretary of Defense, the Secretary of Transportation, and other interested parties, Federal and non-Federal, governmental and nongovernmental, a program for the management of the area outside the coastal zone and within twelve miles of the baseline from which the breadth of the territorial sea is measured. The program shall be developed for the benefit of industry, commerce, recreations, conservation, transportation, navigation, and the public interest in the protection of the environment and shall include, but not be limited to, provisions for the development, conservation, and utilization of fish and other living marine resources, mineral resources, and fossil fuels, the development of aquaculture, the promotion of recreational opportunities, and the coordination of research.

"(b) To the extent that any part of the management program developed pursuant to this section shall apply to any high seas area, the subjacent seabed and subsoil of which lies within the seaward boundary of a coastal state, as that boundary is defined in section 2 of title I of the Act of May 22, 1953 (67 Stat. 29), the program shall be coordinated with the coastal state involved.

"(c) The Secretary shall, to the maximum extent practicable, apply the program developed pursuant to this section to waters which are adjacent to specific areas in the coastal zone which have been designated by the states for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values.

"ANNUAL REPORT

"SEC. 314. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding Federal fiscal year. The report shall include but not be restricted to (1) an identification of the state programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's program and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allotment of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (8) a summary of outstanding problems arising in the adminstration of this title in order of priority; and (9) such other information as may be appropriate.

"(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

"RULES AND REGULATIONS

"Sec. 315. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

"PENALTIES

"Sec. 316. (a) Whoever violates any regulation which implements the provisions of section 312(c) or section 313(a) of this title shall be liable to a civil penalty of not more than $10,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

"(b) No penalty shall be assessed under this section until the person charged shall have been given notice and an opportunity to be heard. For good cause shown, the Secretary may remit or mitigate any such penalty. Upon failure of the offending party to pay the penalty, as assessed or, when mitigated, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States to collect such penalty and to seek other relief as may be appropriate.

"(c) A vessel used in the violation of any regulation which implements the provisions of section 312(c) or section 313(a) of this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

"(d) The district courts of the United States shall have jurisdiction to restrain violations of the regulations issued pursuant to this title. Actions shall be brought by the Attorney General in the name of the United States, either on his own initiative or at the request of the Secretary.

"APPROPRIATIONS

"Sec. 317. (a) There are authorized to be appropriated—

"(1) the sum of $6,000,000 for fiscal year 1973 and fiscal year 1974 and $4,000,000 for fiscal year 1975, for grants under section 305 to remain available until expended;

"(2) the sum of $18,000,000 for fiscal year 1974 and for fiscal year 1975 for grants under section 306 to remain available until expended; and

"(3) the sum of $6,000,000 for fiscal year 1973 for grants under section 312 to remain available until expended.

"(b) There are also authorized to be appropriated such sums, not to exceed $3,000,000, for fiscal year 1973 and for each of the two succeeding fiscal years, as may be necessary for administrative expenses incident to the administration of this title."

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives on S. 3507, ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Magnuson, Mr. Hollings, and Mr. Stevens conferees on the part of the Senate.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. After the two leaders have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Senators Javits, Percy, Mathias, Packwood, and Buckley.

After the recognition of Senators under the orders mentioned, there will be a period for the transaction of routine morning business for not to extend beyond 10:30 a.m. with statements limited therein to 3 minutes; at the conclusion of which the Chair will lay before the Senate S. 2507, the amendment to the Gun Control Act of 1968.

There is a time limitation thereon. Amendments will be called up. Yea-and-nay votes will occur on amendments; and, at no later than somewhere between 3:30 and 4 p.m. tomorrow, under the order entered, the majority leader or his designee will set aside the Gun Control Act and the Senate will proceed to the consideration of S. 945, a bill to provide for no-fault motor vehicle insurance.

There is a time agreement on a motion to be made by the distinguished Senator from Nebraska (Mr. Hruska), the motion being to commit the bill to the Committee on the Judiciary.

A vote will occur on the motion by Mr. Hruska at no later than 8 p.m. tomorrow. Repeating: There will be yea-and-nay votes tomorrow.

ADJOURNMENT TO 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and at 7:20 p.m. the Senate adjourned until tomorrow, Tuesday, August 8, 1972, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Monday, August 7, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Blessed be the name of God forever and ever; for wisdom and might are His.—Daniel 2: 20.

We come to Thee, our Father God, in this quiet moment of meditation to give voice to the longings of our hearts in prayer. In the pressure of perplexing problems and in the stress and strain of daily living we often forget Thee and in so doing stifle the noble impulses of our human nature. On the first workday of a new week and in this period of prayer we would realize anew the feeling of our oneness with Thee. Amid the labors and duties of each new day, help us to keep alive the sense of Thy presence and then eagerly and enthusiastically to work for the noble causes of freedom, justice, and peace in our Nation and in our world.

May it be Thy will that this prayer be answered and a new day of brotherhood begin to dawn upon the earth.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on August 3, 1972, the President approved and signed bills of the House of the following titles:

H.R. 15950. An act to amend section 125 of title 23, United States Code, relating to highway emergency relief to authorize additional appropriations necessary as a result of recent floods and other disasters.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 12652. An act to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes;

H.R. 12828. An act to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes;

H.R. 15641. An act to authorize certain construction at military installations, and for other purposes; and

H.R. 15692. An act to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 15641) entitled "An act to authorize certain construction at military installations, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Stennis, Mr. Symington, Mr. Jackson, Mr. Ervin, Mr. Cannon, Mr. Harry F. Byrd, Jr., Mr. Thurmond, Mr. Tower, and Mr. Dominick to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3726) entitled "An act to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes," agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Sparkman, Mr. Williams, Mr. Mondale, Mr. Bennett, and Mr. Brock to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 56) entitled "An act to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Jackson, Mr. Bible, Mr. Moss, Mr. Hatfield, and Mr. Bellmon to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7378) entitled "An act to establish a Commission on Revision of the Judicial Circuits of the United States," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Eastland, Mr. Hruska, and Mr. Burdick to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3876. An act to amend the Securities Exchange Act of 1934 to provide for the regulation of clearing agencies and transfer agents, to create a National Commission on Uniform Securities Laws, and for other purposes.

The message also announced that Mr. McClellan was appointed as a conferee on the bill (H.R. 15097) entitled "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes," in lieu of Mr. Ellender.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE REPORT ON H.R. 16071, PUBLIC WORKS AND ECONOMIC DEVELOPMENT

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the Committee on Public Works have until midnight Monday, August 7, 1972, to file the report on H.R. 16071, to amend the Public Works and Economic Development Act of 1965.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 15097, DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1973

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 15097) making appropriations to the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the calendar.

AMENDING THE ACT OF JULY 4, 1955, AS AMENDED, RELATING TO THE CONSTRUCTION OF IRRIGATION DISTRIBUTION SYSTEMS

The Clerk called the bill (H.R. 9198) to amend the Act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I generally favor this bill. I only rise in quest of two points of information.

Mr. Speaker, I would like to know why the requirement of the United States holding title to project rights of way is eliminated and if, in the thorough consideration of the committee this is equitable and will serve the long range best interests of the United States?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to my friend, chairman of the Committee on Interior and Insular Affairs.

Mr. ASPINALL. It has been found, may I say to my colleague, in the administration of the bill, H.R. 130, as we know it, the need to own the rights of way by the government is not necessary to protect the interests of the Federal Government in the administration of the act.

Mr. HALL. Mr. Speaker, if the gentleman would continue, do they still have rights of ingress and egress along the canals for necessary inspection and/or maintenance, or whatever is necessary?

Mr. ASPINALL. The gentleman is correct. The government will be protected in its investment because this is a lending program, as my colleague understands.

Mr. HALL. Yes, I do understand.

Mr. ASPINALL. To see that the proper administration takes place.

Mr. HALL. I understand that there are actual savings in administrative costs to the taxpayer. I have only one further question. On page 8, line 13, the word "contractual" is inserted prior to the word "requirement"; and following the word "determine," and it omits the phrase, "by the Secretary." Who would then make the determination, Mr. Speaker?

Mr. ASPINALL. The Secretary will make it. He has that jurisdiction under the current law.

Mr. HALL. Then, I understand this is simply a technical correction of the law or a change in rhetoric.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the law present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 9198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 4, 1955 (69 Stat. 245), as amended by the Act of May 14, 1956 (70 Stat. 155), is hereby further amended as follows:

(1) Section 1 and section 2 are amended by changing the words "irrigation distribution systems" and "distribution systems" wherever they occur therein to the words "local project water supply works".

(2) Section 3 is amended to read as follows:

"Sec. 3. The Secretary shall require, as conditions to any such loan, that the borrower contribute in money or materials, labor, lands, or interests in land, computed at their reasonable value, a portion not in excess of 10 per centum, of the construction cost of the local project water supply works (including all costs of acquiring lands and interests in land) that the plans for the system be in accord with sound engineering practices and be such as will achieve the purposes for which the system was authorized, and that the borrower agree to account in full in regard to all disbursements of borrowed funds and to return at once for application toward amortization of the loan all funds which are not expended in the construction of the local project water supply works. Prior to the consummation of any loan under this Act, the borrower shall also be required to transfer to the United States any lands or interests in land which it then holds and which the Secretary finds are required for the construction, operation, and maintenance of the local project water supply works and to agree to transfer to the United States any lands or interests in land which it may thereafter acquire and which the Secretary may find are required for this purpose and the local project water supply works constructed, in whole or in part, with moneys lent under this Act for the construction thereof. Title to all such lands; interests in land and project works shall remain in the United States until the loan is repaid: *Provided*, That prior to full repayment of the loan the Secretary may exchange with the borrower portions of such lands or interests therein for lands of approximately equal value, or may reconvey to such borrower in accordance with rules and regulations established by him, portions of said lands or interests therein upon the Secretary's determination that such lands or interests in lands are no longer required for the construction, operation, or maintenance of the project works or for security of the loan. Every borrower under this Act shall operate and maintain its project works in conformity with reasonable requirements determined by the Secretary to be appropriate for the protection of the United States. When full repayment has been made to the United States, the Secretary shall relinquish all claims under aforesaid repayment contracts and shall retransfer to the borrower title to the works and all remaining lands and interests in land which were transferred by it to the United States. The head of any department or agency of the Government within whose administrative jurisdiction are lands owned by the United States and the use of which is reasonably necessary for the construction, operation, and maintenance of project works under this Act may grant to a borrower or prospective borrower under this Act revocable permission for the use thereof in like manner as under the Acts of March 3, 1891, sections 18–21 (26 Stat. 1101), as amended (43 U.S.C. 946–949) January 21, 1895 (28 Stat. 635), as amended (43 U.S.C. 956), February 15, 1901 (31 Stat. 790), as amended (16 U.S.C. 79, 522; 43 U.S.C. 954), February 1, 1905 (33 Stat. 628; 16 U.S.C. 524), March 1, 1921 (41 Stat. 1194; 43 U.S.C. 950), May 9, 1944 (55 Stat. 183); (43 U.S.C. 931a), July 24, 1946, section 7 (60 Stat. 643), as amended (43 U.S.C. 931b), May 31, 1947 (61 Stat. 124; 38 U.S.C 111), February 5, 1948 (62 Stat. 17; 25 U.S.C. 323–328) or September 3, 1954 (68 Stat. 1146; 43 U.S.C. 931e–931d) or any other similar Act which is applicable to the lands involved: *Provided*, That no such permission shall be granted in the case of lands being administered for national park, national monument, or wildlife purposes. No benefits or privileges under the Federal reclamation laws, including repayment provisions, shall be denied to a project because it has been constructed pursuant to this Act.

(3) Add section 5, as follows:

"Sec. 5. When the provisions of this Act apply to loans for irrigation purposes, including incidental domestic and stock water, the loan funds so allocated shall be interest free. When they apply to municipal, industrial, and domestic purposes incidental to irrigation purposes, the loan funds so allocated shall bear interest."

(4) Add section 6, as follows:

"Sec. 6. Unless otherwise provided in the Act authorizing construction of the project, the Secretary of the Interior shall allocate the loan funds between irrigation and municipal, industrial, and domestic purposes. Loan repayment contracts shall require that the borrower pay interest on that portion of the unamortized loan obligation allocated to municipal, industrial, and domestic purposes at a rate determined by the Secretary of the Treasury as of the beginning of the fiscal year in which the contract, or contract amendment entered into pursuant to section 7 hereof, is executed, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue, and by adjusting such average rate to the nearest one-eighth of 1 per centum."

(5) Add section 7, as follows:

"Sec. 7. The Secretary is hereby authorized to negotiate amendments to existing irrigation distribution system loan contracts to conform said contracts to the provisions of this Act."

(6) Add section 8, as follows:

"Sec. 8. Nothing in this Act shall be construed to repeal or limit the procedural and substantive requirements of section 8 of the Act of June 17, 1902 (32 Stat. 388)."

With the following committee amendment:

Page 1, beginning on line 3, strike all after the enacting clause and insert in lieu thereof the following:

That the Act of July 4, 1955 (69 Stat. 244), as amended by the Act of May 14, 1956 (70 Stat. 155), is hereby amended to read as follows:

"That distribution and drainage systems authorized to be constructed under the Federal reclamation laws may, in lieu of construction by the Secretary of the Interior (referred to in this Act as the 'Secretary'), be constructed by irrigation districts or other public agencies according to plans and specifications approved by the Secretary as provided in this Act. The drainage systems referred to in this Act are those required for collection and removal of excess irrigation water, either on or below the surface of the ground and do not include enlargement or alteration of existing waterways for disposition of natural runoff.

"Sec. 2.—To assist financially in the construction of the aforesaid local distribution and drainage systems by irrigation districts and other public agencies the Secretary is authorized, on application therefore by such irrigation districts or other public agencies, to make funds available on a loan basis from monies appropriated for the construction of such distribution and drainage systems to any irrigation district or other public agency in an amount equal to the estimated construction cost of such system, contingent upon a finding by the Secretary that the loan can be returned to the United States in accordance with the general repayment provisions of sections 2(d) and 9(d) of the Reclamation Project Act of August 4, 1939, and upon a showing that such district or agency already holds or can acquire all lands and interests in land (except public and other lands or interests in land owned by the United States which are within the administrative jurisdiction of the Secretary and subject to disposition by him) necessary for the construction, operation, and maintenance of the project. The Secretary shall, upon approval of a loan, including any loan for a distribution and drainage system receiving water from the San Luis Unit, Central Valley Project, authorized by the Act of June 3, 1960 (74 Stat. 156), enter into a repayment contract which includes such provisions as the Secretary shall deem necessary and proper to provide assurance of prompt repayment of the loan within not to exceed 40 years plus a development period not to exceed 10 years. The term 'irrigation district or other public agency' shall for the purposes of this Act mean any conservancy district, irrigation district, water users' organization, or other organization, which is organized under State law and which has capacity to enter into contracts with the United States pursuant to the Federal reclamation laws.

"Sec. 3. The Secretary shall require, as conditions to any such loan, that the borrower contribute in money or materials, labor, lands, or interests in land, computed at their reasonable value, a portion not in excess of 10 per centum, of the construction cost of the distribution and drainage system (including all costs of acquiring lands and interests in land), that the plans for the system be in accord with sound engineering practices and be such as will achieve the purposes for which the system was authorized, and that the borrower agree to account in full regard to all disbursements of borrowed funds and to return at once for application toward amortization of the loan all funds which are not expended in the construction of the distribution and drainage system. Every organization contracting for repayment of a loan under this Act shall operate and maintain its distribution and drainage works in conformity with reasonable contractual requirements determined to be appropriate for the protection of the United States. The Secretary is hereby authorized to reconvey to borrowers all lands or interests in lands and distribution works transferred to the United States under the provisions of this Act: *Provided*, That any reconveyance shall be upon the condition that the repayment contract of the borrower be amended to include such provisions as the Secretary shall deem necessary or proper to provide assurance of and security for prompt repayment of the loan. The head of any department or agency of the Government within whose administrative jurisdiction are lands owned by the United States the use of which is reasonably necessary for the construction, operation, and maintenance of distribution and drainage works under this Act may grant to a borrower or prospective borrower under this Act revocable permission for the use thereof in like manner as under the Acts of March 3, 1891, secs. 18–21, 26 Stat. 1101, as amended (43 U.S.C., secs. 946–949), January 21, 1895, 28 Stat. 635, as amended (43 U.S.C., sec. 956), February 15, 1901, 31 Stat. 790, as amended (16 U.S.C., secs. 79, 522, 43 U.S.C., sec. 959), February 1, 1905, 33 Stat 628 (16 U.S.C., sec. 524), March 1, 1921, 41 Stat. 1194 (43 U.S.C., sec. 950), May 9, 1941, 55 Stat. 183 (43 U.S.C., sec. 931a), July 24, 1946, sec. 7, 60 Stat. 643, as amended (43 U.S.C., sec. 931b), May 31, 1947, 61 Stat. 124 (38 U.S.C., sec. 111), February 5, 1948, 62 Stat. 17 (25 U.S.C., secs. 323–238), or September 3, 1954, 68 Stat. 1146 (43 U.S.C., secs. 931c–931d), or any other similar Act which is applicable to the lands involved: *Provided*, That no such permission shall be granted in the case of lands being administered for national park, national monument, or wildlife purposes.

"Sec. 4.—Except as herein otherwise provided, the provisions of the Federal reclamation laws, and acts amendatory thereto, are continued in full force and effect.

"Sec. 5.—Unless otherwise provided in the Act authorizing construction of the project, the delivery and distribution of municipal and industrial water supplies shall be deemed to be an authorized project purpose under this Act, and where appropriate, an allocation of loan funds acceptable to the Secretary shall be made between irrigation and municipal and industrial purposes. Loan repayment contracts shall require that the borrower pay interest on that portion of the unamortized loan obligation (including interest during construction) allocated in each year to municipal and industrial purposes at the rate provided in the Act authorizing the project, or absent such an authorized rate, at a rate determined by the Secretary of the Treasury as of the beginning of the Fiscal Year in which the contract, or contract amendment entered into pursuant to Section 6 hereof, is executed, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue, and by adjusting such average rate to the nearest one-eighth of 1 per centum.

"Sec. 6.—The Secretary is hereby authorized to negotiate amendments to existing water service and irrigation distribution system loan contracts to conform said contracts to the provisions of this Act.

"Sec. 7.—Nothing in this Act shall be construed to repeal or limit the procedural and substantive requirements of Section 8 of the Act of June 17, 1902 (32 Stat. 388).

"Sec. 8.—Works financed by loans made under this Act shall be subject to all procedural and substantive requirements of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended); the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1151; and the National Environmental Policy Act of 1969 (83 Stat. 852); 42 U.S.C. 4321."

The committee amendment was agreed to.

(Mr. ASPINALL asked and was given

permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the bill H.R. 9198, to amend the act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems, is a constructive piece of legislation in that it will actually simplify administration, save money, and enable broader realization of the benefits of the original legislation.

To understand more clearly what this legislation achieves, it is important to review the original legislation which is here being amended. The act of July 4, 1955, which is popularly known as Public Law 130, simply provides that irrigation districts and other qualified borrowers may receive loans from the Federal Government with which to design and construct already authorized irrigation distribution systems on Federal reclamation projects. Thus, Public Law 130 does not, in and of itself, authorize any work—it merely provides for an optional method of implementation.

The original sponsors of Public Law 130 believed that irrigation districts and other qualified borrowers could design and construct distribution systems less expensively than could the Bureau of Reclamation. Whether this is indeed the case or not, is very difficult to determine but over $70 million worth of irrigation distribution systems loans have been made under this law. The amendments to the program that will be accomplished by H.R. 9198 broaden the program to allow loans to be made for municipal and industrial water supply distribution systems and for drainage systems for the removal of surplus irrigation applications. The logic of these changes is evident.

H.R. 9198 also eliminates a requirement of Public Law 130 that obliged borrowers to acquire and convey all right-of-way interests to the United States for the life of the loan. Presumably, the authors of this requirement believed that such a procedure was necessary to furnish collateral for the loan. However, the entire experience of the Bureau of Reclamation in administering reimbursable water resource programs indicates that it is quite a simple matter to prepare contracts in such a way that collateral is assured without going through the real estate conveyance and reconveyance procedure. It is this aspect of H.R. 9198 which saves both the borrower and the United States substantial sums of money by relieving the requirement for preparation of extensive legal descriptions and conveyance documents.

H.R. 9198 also allows existing distribution system loan contracts to be amended to reflect changes in the programs authorized by this legislation, both with respect to the role of municipal and industrial water supply and the conveyance of right-of-way.

All in all, Mr. Speaker, there is considerable advantage that will accrue to all concerned through the enactment of H.R. 9198. There has been no opposition expressed from any source and the administration wholeheartedly supports the bill. I, therefore, urge that the House do pass this measure.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

CLASSIFYING AS WILDERNESS THE NATIONAL FOREST LANDS KNOWN AS THE LINCOLN BACK COUNTRY

The Clerk called the bill (H.R. 7295) to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 7295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby authorized and directed to classify as wilderness those national forest lands containing approximately 240,500 acres in the Helena National Forest in Montana, known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests specifically described as bounded by a line on the southeast boundary of the Bob Marshall Wilderness Area at Deadman Hill running southeasterly to Bench Mark, then along the ridge of Wood Creek Hogback to the top of Crown Mountain and across Welcome Pass to the midpoint of Steamboat Mountain; thence running in a more southerly direction down the ridge between Milk and Pear Creeks, across the Dearborn River and up the Continental Divide to a point above Bighorn Lake; thence along the divide and down the ridge northwest of Falls Creek, across Landers Fork to the top of Lone Mountain; thence in a southwesterly direction to Heart Lake Trail, westward to the top of Red Mountain; thence southwesterly to Arrastra Peak; thence along Daly, Iron, and Echo Mountain Peaks, and across Windy Pass to Mineral Hill; thence across the North Fork of the Blackfoot River at the Big Slide to BM 8320, northwesterly across Canyon Creek (excluding the upper Conger Creek timber stand) to the top of Canyon Peak; thence more westerly to the top of Omar Mountain, and northward along the ridge to the southern boundary of the Bob Marshall Wilderness Area on a ridge west of Danaher Pass, and thence along the southern boundary of the Bob Marshall Wilderness Area to the point of beginning. The Secretary of Agriculture shall promptly after such classification transmit to the Congress a map and legal description of the wilderness area and such description shall have the same force and effect as if set forth in this Act. Upon its classification, such wilderness area shall be subject to the same provisions and rules as those designated as wilderness areas by the Wilderness Act of September 3, 1964 (78 Stat. 890).

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, I rise in support of H.R. 7295, as amended and approved by the Committee on Interior and Insular Affairs.

H.R. 7295, as amended, would designate some 240,000 acres of land within the Helena, Lolo, and Lewis and Clark National Forests as wilderness. This area is located in central-western Montana about 75 miles west of Great Falls and 75 miles northeast of Missoula, Mont. It straddles the Continental Divide and is contiguous to the southeastern boundary of the existing 950,000-acre Bob Marshall Wilderness.

This area was not a part of an existing Forest Service primitive area nor has it been managed as such by that agency. It does, however, meet all the criteria for wilderness designation and all the necessary reports by Forest Service and the mineral examination by the Department have been completed.

This area, known generally as the Lincoln-Scapegoat Back Country, is characterized by spectacular scenery, unique, and interesting geologic formations, unspoiled streams and small lakes, and broad expanses of alpine and subalpine country that display sparse vegetation as a result of long winters, deep snows, and steep and rocky terrain. Interspersed with these are broad mountain valleys with some heavy stands of timber.

Wildlife is abundant and varied within the area. Deer, elk, mountain goat, mountain sheep, black and grizzly bear, moose, wolverine, and other smaller animals are known to exist. Wilderness designation will help preserve the rare grizzly bear.

The committee adopted an amendment that excluded from wilderness designation some 5,870 acres in the vicinity of Benchmark, Mont., which shows the impact of man's presence. With this exclusion the proposed Scapegoat Wilderness meets all standards and criteria for wilderness designation.

I urge favorable action on H.R. 7295, as amended.

(Mr. SHOUP (at the request of Mr. HALL) was granted permission to extend his remarks at this point in the RECORD.)

Mr. SHOUP. Mr. Speaker, I strongly support H.R. 7295 as amended in committee.

I originally introduced H.R. 6398 on March 18, 1971, which evolved into the present bill, and am proud to have been a part of bringing the 240,500 acres of the Lincoln Back Country this close to wilderness classification. The entire area lies within my congressional district. It is an area rich in scenery and wildlife including rare and endangered species such as the grizzly bear. The timber and mineral resources that could be developed are relatively limited, and clearly, Mr. Speaker, the best use of this land area is as wilderness.

The history of the Lincoln Back Country legislation is crucial to this Chamber's consideration. It was originally introduced several years ago by Jim Battin, now a Federal judge in Montana. Then Congressman from the Second District of Montana, Battin introduced the legislation for himself and other interested Montanan's anxious to see one of the last truly wilderness areas preserved in its natural state.

This legislation has been firmly supported by varied interests including the U.S. Forest Service. Feeling in my district, a district whose economic life depends in great part on logging and mining, is that the Lincoln Back Country should be designated a wilderness. For that reason, I have strongly supported this legislation since originally introducing the proposal to Congress nearly a year and a half ago, just after becoming a Member of Congress, and I today ask the Members of this body to concur in passage of this important and needed legislation.

The entire Montana delegation supports the wilderness concept of this area.

(Mr. MELCHER, at the request of Mr. ASPINALL, was given permission to extend his remarks at this point in the RECORD.)

Mr. MELCHER. Mr. Speaker, H.R. 7295, to authorize designation of 240,000 acres in the Lolo, Helena, and Lewis and Clark National Forests as the Scapegoat Wilderness Area is my bill, but it represents years of effort by the Montana congressional delegation to keep a beautiful, wild area of Montana in all of its natural beauty for future generations of Americans.

This proposal has been pending before Congress for several years now and has been delayed because of the necessity for mineral surveys and other studies.

As we pass the bill today, it represents a true team victory in the House not only for the present Montana congressional delegation but also for former Congressmen Jim Battin and Arnold Olsen who during the past years worked with Senators MANSFIELD and METCALF in its behalf.

Thousands of Montana citizens, aware of the magnificence of this area, have actively worked for passage of the bill.

Mr. Speaker, this legislation excludes from wilderness designation 5,800 acres in the Benchmark area for limited development day use because of its proximity to activities of a landing strip and summerhomes.

It also directs the Forest Service to provide alternate motorbike and snowmobile trails in adjacent forest areas where they will not infringe on the wilderness area or disturb livestock or wildlife.

This represents the first time that the Forest Service has received such instructions from Congress in connection with a wilderness area. We want to give attention and opportunity for the various forms of recreation.

Passage of the bill by the House will reserve and preserve the opportunity for all Americans to experience the unique and soul-satisfying aura of viewing this area still clothed in its pristine beauty.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, beginning on line 3, strike all after the enacting clause and insert in lieu thereof the following:

"That, the area known as the Lincoln Back Country as generally depicted on a map entitled "Proposed Scapegroat Wilderness", dated May 19, 1972, which is on file and available for public inspection in the Office of the Chief, Forest Service, U.S. Department of Agriculture, is hereby designated as the Scapegoat, Wilderness within and as part of the Helena, Lolo, and Lewis and Clark National Forests, comprising an area of approximately 240,000 acres.

"SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Scapegoat Wilderness with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

"SEC. 3. The Scapegoat Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To designate the Scapegoat Wilderness, Helena, Lolo, and Lewis and Clark National Forests, in the State of Montana."

A motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 484), to authorize and direct the Secretary of Agriculture to classify as "wilderness" the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby authorized and directed to classify as wilderness those national forest lands containing approximately 240,500 acres in the Helena National Forest in Montana, known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests specifically described as bounded by a line on the southeast boundary of the Bob Marshall Wilderness Area at Deadman Hill running southeasterly to Bench Mark, then along the ridge of Wood Creek Hogback to the top of Crown Mountain and across Welcome Pass to the midpoint of Steamboat Mountain; thence running in a more southerly direction down the ridge between Milk and Pear Creeks, across the Dearborn River and up the Continental Divide to a point above Bighorn Lake; thence along the divide and down the ridge northwest of Falls Creek, across Landers Fork to the top of Lone Mountain; thence in a southwesterly direction to Heart Lake Trail, westward to the top of Red Mountain; thence southwesterly to Arrastra Peak; thence along Daly, Iron, and Echo Mountain Peaks, and across Windy Pass to Mineral Hill; thence across the North Fork of the Blackfoot River at the Big Slide to BM 8320, northwesterly across Canyon Creek (excluding the upper Conger Creek timber stand) to the top of Canyon Peak; thence more westerly to the top of Omar Mountain, and northward along the ridge to the southern boundary of the Bob Marshall Wilderness Area on a ridge west of Danaher Pass, and thence along the southern boundary of the Bob Marshall Wilderness Area to the point of beginning. The Secretary of Agriculture shall promptly after such classification transmit to the Congress a map and legal description of the wilderness area and such description shall have the same force and effect as if set forth in this Act. Upon its classification, such wilderness area shall be subject to the same provisions and rules as those designated as wilderness areas by the Wilderness Act of September 3, 1964 (78 Stat. 890).

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of S. 484 and insert in lieu thereof the provisions of H.R. 7295, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read, "An act to designate the Scapegoat Wilderness, Helena, Lolo, and Lewis and Clark, National Forests, in the State of Montana."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 7295) was laid on the table.

U.S. FRIGATE "CONSTELLATION" COMMEMORATIVE MEDALS

The Clerk called the bill (S. 2499) to provide for the striking of medals commemorating the 175th anniversary of the launching of the U.S. frigate *Constellation.*

There being no objection, the Clerk read the bill as follows:

S. 2499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the one hundred and seventy-fifth anniversary of the launching of the United States frigate Constellation, the Secretary of the Treasury shall strike and deliver to the Constellation Committee of the Star Spangled Banner Flag House Association, Incorporated, not more than one hundred thousand medals with suitable emblems, devices, and inscriptions to be determined by the Secretary after consultation with the committee. The medals, which may be disposed of by the committee at a premium, shall be delivered at such times as may be required by the committee in quantities of not less than two thousand, but no medals shall be struck after December 31, 1973. The medals shall be considered to be national medals within the meaning of section 3551 of the revised Statutes (31 U.S.C. 368).

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and delivered at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.

SEC. 3. The medals authorized to be struck and delivered under this Act shall be of such size or sizes and of such various metals as shall be determined by the Secretary of the Treasury in consultation with the committee.

(Mrs. SULLIVAN asked and was given permission to extend her remarks at this point in the RECORD.)

Mrs. SULLIVAN. Mr. Speaker, the medals authorized by this legislation would be struck by the mint at no cost to the Federal Government. The organization which would have control over the distribution of the medals is a nonprofit organization on which top public officials of Baltimore and of Maryland serve as ex-officio members. The Star Spangled Banner Flag House Association, Inc., has amply demonstrated its public responsibility by the work it has done in acquiring and restoring and maintaining the building in which was made the flag which now hangs in the Smithsonian Institution, the huge banner which flew over Fort McHenry and inspired the writing of the national anthem, and in doing the same thing as regards the Navy vessel, *Constellation*.

Congress, in 1954, entrusted the *Constellation* to the Star Spangled Banner Flag House Association, Inc. The association then set up a *Constellation* Restoration Committee which has been responsible for raising funds for and directing the restoration of, the vessel.

The *Constellation* is a national historic shrine, officially designated. I am aware of the fact that the Smithsonian Institution has published a scholarly debate on the question whether the ship in Baltimore is actually the same ship which was launched 175 years ago—the charge being made by some historians that the original *Constellation* was not merely rebuilt in 1853, as official records indicate, but was actually replaced. We did not go into that controversy at all in our consideration of this bill, and it is not relevant to the bill. There is nothing in the legislation which relates to that controversy one way or another.

I say that because some of those who have interested themselves in this historic argument say that by striking a medal honoring the launching of the *Constellation* 175 years ago, Congress might be in effect taking sides as between the defenders of the *Constellation* and those who question the ship's age. That would not be the case.

From all reports, the *Constellation* Restoration Committee has done an outstanding job in refitting and restoring and maintaining the ship turned over to the Star Spangled Banner Flag House Association, Inc., by the Navy under act of Congress. The legislation we are considering will assist the committee in raising funds to continue that work. The event which the medals commemorate—the 175th anniversary on September 7, 1972, of the first successful launching of one of six frigates authorized by Congress in 1794—was certainly an event of national significance worthy of this form of recognition.

(Mr. GARMATZ asked and was given permission to extend his remarks at this point in the Record).

Mr. GARMATZ. Mr. Speaker, as the sponsor of H.R. 10550, a bill identical to S. 2499 by Senator J. Glenn Beall, Jr., I commend this measure to the House and urge its approval. I deeply appreciate the cooperation of the distinguished chairman of the House Committee on Banking and Currency, the Honorable Wright Patman of Texas, in arranging for committee consideration of the legislation and I thank the gentlewoman from Missouri, Congresswoman Leonor K. Sullivan, for calling up the bill in committee as chairman of the Subcommittee on Consumer Affairs.

The people of Maryland, and particularly those residing in the Third Congressional District which I have the privilege of representing, are most grateful for the opportunity this legislation will provide to raise additional funds for the preservation of the remarkable sailing vessel which first established America's naval prowess, the frigate *Constellation*.

September 7 will mark the 175th anniversary of the launching of the *Constellation* at David Stodder's shipyard on Harris Creek in Baltimore Harbor in 1797. It was the first warship authorized by Congress to take to the seas and won our first two naval victories. It brought a surge of national pride to an infant nation by defeating and capturing the formidable 40-gun French frigate *L'Insurgente* early in 1799. A year later. it defeated the 52-gun French frigate *La Vengeance*. In contrast, the *Constellation* at that time had 38 guns.

The *Constellation* then participated in the military actions which ended the depredations upon American shipping and the capture of American seamen by the Barbary pirates; it served with distinction in the War of 1812; while circumnavigating the globe, it was the first American warship to visit China; it played a key role in the prevention of British annexation of Hawaii; and served in important assignments throughout the Civil War in protecting Union merchant ships in the Mediterranean.

For most of the past 100 years, the *Constellation* served as a training ship, always as a symbol of U.S. Navy tradition. In 1880, it carried food to Ireland to help relieve famine. In 1914, it returned to Baltimore Harbor to participate in the Star-Spangled Banner Centennial Celebration. In 1926, it took part in the Sesqui-Centennial Celebration of American Independence at Philadelphia.

In the dark days of 1940, President Franklin D. Roosevelt designated the old ship as the flagship of the Atlantic Fleet, and it continued as an auxiliary flagship throughout World War II.

But old age and rot were taking their toll on the vessel and by 1953 the *Constellation* faced the end of its days. At that time, a public spirited group in Baltimore which had previously restored the Old Flag House where the original Star-Spangled Banner was made—the huge flag which flew over Fort McHenry when Francis Scott Key wrote the poem which became our national anthem—decided to try to save the *Constellation*, to restore it and preserve it in Baltimore Harbor.

The Star-Spangled Banner Flag House Association, Inc., a nonprofit organization formed in 1927, obtained the *Constellation* from the Navy in 1955, under an act of Congress approved July 23, 1954, Public Law 523 of the 83d Congress. The association then established the *Constellation* Restoration Committee to raise funds and undertake the restoration of the vessel. It is now one of the most visited attractions in Baltimore.

Mr. Speaker, I submit herewith the names of the officers and members of the *Constellation* Restoration Committee which will be assisted in carrying on its fine work by the sale of the national metals authorized by S. 2499 and H.R. 10550:

THE CURRENT MEMBERSHIP OF THE CONSTELLATION RESTORATION COMMITTEE

National Chairman—Admiral Arleigh A. Burke, USN, Ret. former Chief of Naval Operations.

Maryland State Chairman—Mr. Gordon M. F. Stick, retired President—Hooper Co.—Koppers Corp.

Vice Chairman—Mr. Charles Edward Scarlette Jr., Chairman of the Board, Ramsey-Scarlett & Company.

Treasurer—Mr. Jean Hofmeister, Pres. Star Spangled Banner Flag House Asso. and Harbormaster of Baltimore City.

Executive Secretary—RADM. Donald F. Stewart, Director of Constellation and Commander of the Maryland State Naval Militia.

Recording Secretary—Mrs. Alexander F. Jenkins, Retired Corporation Executive.

BOARD MEMBERS

RADM. Ernest N. Eller—Former Curator of the Navy and Director of Naval History.

Robert E. Michel—Former President, Flag House and Pres. Robert E. Michael Corp. of Baltimore.

John A. Pentz—Historian, former history instructor and author.

Naval Architect—Leon D. Polland—Naval Architect, Federal Maritime Administration.

Herbert E. Witz—Practicing Attorney for the Constellation and Star Spangled Banner Flag House Asso.

MEMBERS

RADM Judson L. Smith—C.O. U.S. Naval Reserve, Baltimore.

Neil H. Swanson—Noted Author and Editor, Balto. News American, former managing editor of the Baltimore Sun and first Chairman of the Constellation.

Hon. Theodore R. McKeldin—Former Mayor of Baltimore and Governor of Maryland.

Hon. J. Millard Tawes—Former Comptroller and Governor of Md.

Hon. Spiro T. Agnew—former Governor of Maryland.

Hon. Wm. Donald Schaefer—Mayor of Baltimore.

Mr. LONG of Maryland. Mr. Speaker, I rise in support of S. 2499, to provide for the striking of medals commemorating the 175th anniversary of the launching of the U.S. frigate *Constellation*.

This 36-gun frigate, built in 1797, was the first U.S. Navy ship to capture a foreign warship. It captured the French frigate *L'Insurgente* on February 9, 1799, during the undeclared war between the United States and France.

The ship was restored in Baltimore in the early 1960's by the pennies collected by schoolchildren. On July 31, the members of the Baltimore chapter of the Painting and Decorating Contractors of America donated their men and supplies to repaint the *Constellation*. These contractors deserve the appreciation of Baltimore and of the entire Nation for their interest in preserving one of our precious historical landmarks. At this point, I should like to include a list of the firms participating in this project:

BALTIMORE CHAPTER—PAINTING AND DECORATING CONTRACTORS OF AMERICA, CHARITY PROJECT, PARTICIPATING MEMBER FIRMS

PAINTING CONTRACTORS

The Hudson Maintenance Corporation, 2125 Boston Street, Baltimore, Maryland 21231.

Keehnel-Wilson of Maryland, 733 E. Fort Avenue, Baltimore, Maryland 21230.

L & L Painting Company, Manor Woods,

Manor Woods Drive, Glen Arm, Maryland 21057.

H. Landergren Painting & Decorating Company, 5007 Arbutus Avenue, Baltimore, Maryland 21215.

Z. R. Lewis Painting Company, 8428 Willow Oak Road, Baltimore, Maryland 21034.

McDaniel's New Look Painting & Decorating Company, 68 Rumelia Circle, Essex, Maryland 21221.

O. T. Neighoff & Sons, 413 Crain Highway, N.E., Gen Burnie, Maryland 21061.

Security Painting Company, 5719 Johnson Street, Brooklyn Park, Maryland 21225.

Sexton Painting Company, 228 Old Padonia Road, Cockeysvile, Maryland 21030.

PAINT AND EQUIPMENT SUPPLIERS

Bruning Paint Company, Fleet & Havens Streets, Baltimore, Maryland 21224.

The Flood Company, 1600 White Oak Avenue, Batimore, Maryland 21234.

Intercoastal Corporation, 514 N. Crain Highway, Glen Burnie, Maryland 21061.

Marvelite, Inc., 3020 Nieman Avenue, Baltimore, Maryland 21207.

P. P. G. Industries, 8223 Thornton Road, Baltimore, Maryland 21204.

Paint City, 1517 Eastern Avenue, Baltimore, Maryland 21231.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the eligible bills on the Consent Calendar.

APPOINTMENT OF CONFEREES ON H.R. 15692, AMENDING SMALL BUSINESS ACT TO REDUCE INTEREST RATE ON SMALL BUSINESS ADMINISTRATION DISASTER LOANS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. Patman and Barrett, Mrs. Sullivan, Messrs. Reuss, Ashley, Stephens, Widnall, Johnson of Pennsylvania, J. William Stanton, and Wylie.

LEGISLATION TO PROVIDE INTEGRATED REGIONAL MASS TRANSPORTATION SYSTEM

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GUDE. Mr. Speaker, a recent letter from a constituent of mine in Montgomery County, Md., tells the tale of the writer's elderly sister who patiently waits on her street corner for a certain, regularly scheduled District of Columbia Transit bus. The problem is, that, with increasing frequency, the bus is either very late or, occasionally, simply does not arrive at all.

Another constituent, who resides in Rossmoor, a development exclusively for senior citizens, writes that in evenings, on Sundays and holidays, there is absolutely no bus service to their area, effectively stranding many elderly residents who cannot drive. This, despite the fact that a certain route does have buses running full time, and that a simple 5-minute extension of that route would relieve the isolation of literally hundreds of these people.

When, oh when, will the residents of the Washington area have at their disposal a good, efficient bus system?

I have introduced legislation with our colleague, Mr. Broyhill of Virginia, to provide the Washington Metropolitan Area Transit Authority with the power to purchase, by condemnation if necessary, all of the area bus lines. I am most pleased that last Wednesday, the President announced his full support for this effort. I wish to commend the administration highly for its consistent support for good public transportation in the Washington area.

Our objective is easily stated. It is the development of an integrated, regional mass transportation system which will efficiently and effectively serve the Nation's Capital. Such a system would be structured in a fashion to encourage new ridership—in short the kind of service which has been lacking for many years.

I would certainly hope that we can get hearings on this legislation in the near future and shall continue to push in that direction.

EQUAL TELEVISION TIME FOR ALL POLITICAL PARTIES

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, those of us who were watching national television last Saturday evening were treated to the spectacle of the so-called news conference by one of the nominees for President when he was going to announce the selection of a Vice President. Those of us watching were exposed to the most purely political speechmaking I have seen recently on television.

I think if the fairness doctrine is going to apply, the other parties should have the same prime time donated by the national television networks to all political parties, including the American Independent Party, the Peoples Party, the Communist Party of America, and the Socialist Workers Party. Let us let national television studios live up to their obligations to every political party running this year.

ANNUAL REPORT OF COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries:

To the Congress of the United States:

At the dawn of the twentieth century, almost as a voice in the Wilderness he loved, President Theodore Roosevelt proclaimed an environmental ethic for America. He said:

> I recognize the right and duty of this generation to develop and use our natural resources; but I do not recognize the right to waste them, or to rob by wasteful use, the generations that come after us.

At the dawn of the 1970's there was still no more significant challenge facing Americans than the task of wisely conserving our natural resources and leaving the Nation a cleaner and healthier place for our children and grandchildren.

In my 1970 state of the Union message I asked our people:

> Shall we surrender to our surroundings or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, to our land, and to our water?

This year's report of the Council on Environmental Quality examines the environmental conditions of a dynamic and mature society. The report addresses some very complex issues—the need for indices of environmental quality and forecasting, the costs and impact on the economy of pollution control requirements, and the effects of environmental standards on international trade—and puts these issues in sharper perspective. The increasing sophistication which we are bringing to our perception of environmental problems is itself an encouraging indication of progress.

This Annual Report on Environmental Quality also offers an assessment of how we are faring. I am pleased that the data presented in the Council's report indicate that the quality of the air in many of our cities is improving. Across the nation, emissions from automobiles—a significant portion of total emissions—are declining. We can expect these welcome trends to accelerate as the new standards and compliance schedules called for by the Clean Air Act of 1970 become fully effective.

Although the Report shows that we still have a major battle ahead to restore the quality of our waters, and urgently need effective new legislation which I submitted to the Congress over a year and a half ago, impressive strides have been made under present authorities. these include a four-fold increase in enforcement actions under the Refuse Act of 1899 since 1968.

The private sector is performing far more effectively in environmental protection. Throughout the country, industry is developing and using new technology to reduce pollution. Surveys indicate that business has increased its spending on pollution controls by about 50 percent in each of the last two years.

The future will bring new challenges to both the private and the public sectors in arresting environmental decay. The Council's report estimates that in order to meet current environmental protection requirements, both the public and private sectors together will need to spend an annual amount of $33 billion in 1980. Cumulative expenditures of more than $287 billion are estimated over the 10 years from 1971 to 1980.

So—we have only just begun to face up to the environmental question, even though we may have awakened just in time for us to stave off catastrophe.

The encouraging news in this report by the Council—as well as the hope we have for mastering the many difficult problems that still persist—is the rapid step-by-step progress in institutionalizing and reorganizing the Federal environmental structure, the dramatic funding, the wide range of administrative actions that have been taken, the strict enforcement of pollution control laws, the new international agreements which have been forged, and the broad array of major new legislation which has been submitted to the Congress for action.

YEARS OF PROGRESS

With the creation of the Council on Environmental Quality and the Environmental Protection Agency, we have brought about a major institutional reform within the Federal Government and a far more effective organization for environmental policy-making and enforcement. This reform has produced major progress—evidenced, for example, by the broad legislative proposals for environmental improvement which I have submitted to the Congress and by the vigorous enforcement of our pollution laws. The establishment of the National Oceanic and Atmospheric Administration gives us a focus on the marine environment. I have proposed a Department of Natural Resources, for coordinated resource management, and a Department of Community Development, for a systematic approach to both urban and rural growth. The Congress has yet to act on these two crucial reorganization proposals.

Under the National Environmental Policy Act (NEPA), we have undertaken a fundamental reform in the requirement that Federal agencies give careful analysis to the potential environmental impacts of proposed Federal actions. Already this changed emphasis has led to reconsideration of some projects, improvements of many others, and, overall, a far more thoughtful and comprehensive planning process. Our requirement that this whole process of environmental analysis must be open to the public for examination and comments—well before proposed actions are taken—is providing a new and more open dimension to Government. We can be proud of this record of improved citizen participation in the vital process of public decision-making.

The level of Federal funding for environmental protection has never been higher. In the four years since fiscal year 1969, Federal outlays for environmental protection have increased fivefold. Funding for cleanup of pollution at Federal facilities has increased from a $52 million annual level at the outset of my Administration to my 1973 budget of $315 million.

Regulatory and enforcement actions have accelerated dramatically over the past four years. The number of criminal actions taken by the Justice Department against water polluters was increased fourfold—from 46 to 191—between 1968 and 1971. EPA has taken action to halt harmful discharges into Lake Superior and shut down major industries during an air pollution crisis in Birmingham, Alabama.

In our long-term determination to provide tangible benefits for our children and grandchildren, we have created the Legacy of Parks program. Over 140 Federal properties have already been made available for park and recreation use, covering more than 20,000 acres in thirty-nine states and Puerto Rico. Most of these natural retreats are located in and near cities where the need for open space is greatest. The estimated fair market value of these properties is almost $100 million. In addition, we proposed major urban parks at gateways to both of our coasts—New York City and San Francisco. These two parks would comprise almost 50,000 acres, including valuable cultural, historic, and recreation assets accessible to millions of people.

My administration has tackled a host of controversial issues of environmental protection. We have limited oil drilling in the Santa Barbara Channel off the California coast. We helped protect the Everglades in Florida by stopping a proposed jetport. In addition, I proposed legislation to acquire interests in the Big Cypress Swamp to protect the Everglades' water supply. We halted the Cross-Florida Barge Canal and are considering the inclusion of the Oklawaha River in the system of scenic and wild rivers. And we have restricted use of DDT almost solely to public health purposes. We stopped the use of poisons on public lands. And we stopped all commercial whaling by the United States as well as all imports of whale products into this country. These are examples of the rigorous executive action taken by my Administration to protect the environment.

NEW LAWS WE NEED

New legislation is still badly needed in a number of areas, and in a series of environmental messages to Congress I have set forth a comprehensive legislative program designed to clean up the inherited problems of the past and to deal with emerging problems before they become critical. Many of these problem areas are defined in this Annual Report. To date, much of the proposed legislation has been the subject of congressional hearings, where it has attracted heartening interest and support. However, the record of final congressional action is entirely inadequate, with more than 20 major environmental proposals still pending.

Last month, I signed an important Port and Waterways Safety Act into law. This new law, which I proposed in May 1970, will help protect our inland waters from oil and other hazardous pollutant spills. This is a welcome beginning, but passage of my other major proposals to give us effective tools to deal with the environmental challenge—together with creation of a new Department of Natural Resources—will be essential in my judgment, if we are to have an adequate base for improving environmental quality. I urge the Congress to complete final action on responsible legislation to give us authority to upgrade water quality and to control the dumping of wastes at sea. We urgently need the new controls I have proposed over the use of toxic substances such as mercury, over the increasing problem of excessive noise, and over the misuse of chemical pesticides.

I have proposed a Toxic Wastes Disposal Control Act under which the Environmental Protection Agency would establish Federal Guidelines and requirements for State programs to regulate disposal on or under the land of those toxic wastes which pose a hazard to health. The Act would provide for Federal enforcement action if a State should fail to establish its own program.

Legislation which I have proposed is urgently needed to protect the land from the potential ravages of mining, by imposing adequate standards of reclamation. Strip mining alone now disturbs almost 4,650 acres a week. My proposed Power Plant Siting Act, for which the need is more evident with each passing month, would allow us effectively to reconcile environmental protection and energy needs.

I have proposed new legislation calling upon the States to assume control over land-use planning and regulation in areas of critical environmental concern and to regulate land use around major growth-industry facilities such as highways and airports. I have asked the Congress for authority to initiate at the State level regulatory programs to control sediment affecting water quality from earth-moving activities such as building and road construction. Federal enforcement would be imposed in situations in which a State failed to implement such a program.

I proposed a new type of law for pollution control purposes—a charge on harmful sulfur oxides emissions. This proposal embodies the principle that the price of goods should be made to include the costs of producing and disposing of them without harm to the environment. I also proposed a law that would employ our tax structure to discourage potentially harmful development in our precious coastal wetlands.

I have asked for a new and more effective Federal law to protect endangered species of wildlife—by covering species likely to become endangered as well as those more immediately threatened, and by imposing Federal penalties for taking of such species.

These proposals, and others I have put forward, are vital to all Americans in the years to come. But the critical final steps have yet to be taken. The Nation needs these laws, and they should be enacted this year. The Congress has a splendid opportunity to leave an historic record of environmental achievement, an opportunity which it must seize. The time for deliberation has passed. It is now time for action.

NATIONS ACTING TOGETHER

While our most immediate concern must be for the quality of our national environment, it is clear that we are part of a global environment whose long-range protection must be achieved by a mix of national and international efforts. This past year witnessed three historic milestones in the field of international environmental activity.

On April 15, in Ottawa, Prime Minister Trudeau and I signed the Great Lakes

Water Quality Agreement providing a common commitment to work together to clean up these important, shared resources.

On May 23, in Moscow, President Podgorny and I signed a Co-operative Agreement on Environmental Protection which opens a new area of U.S.-Soviet cooperation and permits our two peoples to work together on the solution of environmental problems in eleven broad areas.

Between June 5–16, in Stockholm, the United Nations Conference on the Human Environment brought together the representatives of 113 nations representing nine-tenth's of the world's people to explore together the opportunities for national and international action on common environmental problems. The Conference achieved nearly all of the goals which the United States had urged in advance. Specifically, the nations:

—Reached agreement on the establishment of a permanent new organization within the United Nations to coordinate international environmental activities.

—Agreed to the establishment of a United Nations environmental fund to be financed by voluntary contributions from U.N. member governments. I shall ask Congress to authorize and appropriate $40 million as our Nation's share of a five-year $100 million fund.

—Endorsed completion of a convention proposed by the United States to control ocean dumping of shore-generated waste. The favorable prospect for international action heightens the urgency of passing the domestic legislation. I have proposed to curtail ocean dumping from our shores.

—Approved an "earthwatch" program for worldwide environmental monitoring.

—Endorsed in principle a convention on endangered species, designed to protect species of plants and animals threatened with extinction by imposing control in international shipment, import and export.

—Endorsed our recommendation for a ten-year moratorium on commercial whaling. (Despite vigorous U.S. efforts, this moratorium was not agreed to by the International Whaling Commission at its recent meeting, although we were successful in achieving substantially reduced quotas and other protective measures.)

In addition, a proposal which I made in 1971 for a World Heritage Trust—to give uniquely important historic, cultural, and natural areas of the world special international recognition and protection—was strongly supported at Stockholm. When established, the Trust will provide vital new international dimension to the national park concept.

Environmental problems do not distinguish between national boundaries or differing social and economic systems. Environmental cooperation offers nations an opportunity for dealing constructively with each other and for responding to the growing aspirations of ordinary people around the globe to live decently and well in healthful surroundings.

I am hopeful about the prospects of international cooperation in the environmental field. The U.S. will continue to provide leadership in developing such cooperation. I am encouraged—even more profoundly—that the common search for a better environment can be one of those activities which serves to unify nations.

THE ENVIRONMENT AND OUR PEOPLE

In October, 1971, I initiated the Environmental Merit Awards Program. Administered by the Environmental Protection Agency in cooperation with the Office of Education, this program gives national recognition to successful student projects leading to environmental understanding or improvement. Qualifications for the awards are determined by local boards. Each board consists of secondary school students, faculty, and representatives of the local community. Already thousands of high schools and summer camps from all fifty states are registered in the program. This Fall the program will be expanded to include junior high schools as well.

As I said in my 1972 Environmental Message to Congress:

> The starting point of environmental quality is in the hearts and minds of the people. Unless the people have a deep commitment to new values and a clear understanding of the new problems, all our laws and programs and spending will avail little. The young, quick to commit and used to learning, are gaining the changed outlook fastest of all. Their enthusiasm about the environment spreads with a healthy contagion. Their energy in its behalf can be an impressive force for good.

As we reflect upon the characteristics and problems of the dynamic and mature society that this Annual Report of the Council on Environmental Quality describes, there should be a sober realization that we have not done as well as we must, that changes in laws and values come slowly, and that reordering our priorities is difficult and complicated. But there is ample room for encouragement in the growing capacity of a people able to assess their problems, take stock of their situation and get on with the unfinished business of shaping the United States as a model of a satisfying and healthful environment.

I welcome and salute the lead that our young people are taking in this great endeavor.

Long before America was powerful or wealthy, we were already looked to for leadership in demonstrating the possibilities of a vigorous, free society. By the time of the Constitutional Convention this country had captured the world's imagination and stood high in international esteem, not for its material wealth, but for its ideals.

Today as nations around the globe strive to enhance the lives of their citizens, the effort directed toward a cleaner and healthier environment is a vital measure of a country's stature.

This is a hopeful sign that the productive pursuits of peace are coming gradually to command increasing attention in the discourse and competition among nations. In the 197th year of American Independence, the quality of life enjoyed by our citizens has become a new sign to the world of our progress as a people.

I am reminded of Benjamin Franklin's remark at the Constitutional Convention in Philadelphia, when he pointed to the golden half-sun engraved on the back of General Washington's chair: "Now at length I have the happiness to know that it is a rising and not a setting sun."

RICHARD NIXON.

THE WHITE HOUSE, *August 7, 1972.*

CALL OF THE HOUSE

Mr. BURTON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 299]

Abourezk
Archer
Ashley
Badillo
Baker
Baring
Biaggi
Bingham
Blanton
Blatnik
Bolling
Bow
Broomfield
Brown, Mich.
Burlison, Mo.
Caffery
Camp
Carey, N.Y.
Chamberlain
Clark
Clay
Conte
Conyers
Davis, Ga.
de la Garza
Dingell
Dowdy
Dwyer
Edmondson
Findley
Fish
Flynt
Gallagher
Goldwater
Gray
Griffiths
Hagan
Halpern
Hébert
Heckler, Mass.
Hungate
Hutchinson
Ichord
Jones, Tenn.
Keith
Landrum
Lennon
Long, La.
McClure
McCormack
McDonald, Mich.
McMillan
Mathias, Calif.
Minshall
Murphy, Ill.
Nedzi
O'Hara
Passman
Patman
Pelly
Pepper
Pryor, Ark.
Purcell
Rarick
Reid
Rooney, N.Y.
Rosenthal
Ruppe
Ryan
Scheuer
Seiberling
Stanton, James V.
Stephens
Stokes
Stubblefield
Stuckey
Talcott
Teague, Calif.
Teague, Tex.
Vander Jagt
Waggonner
Wampler

The SPEAKER. On this rollcall, 350 Members have answered to their names, a quorum.

By uanimous consent, further proceedings under the call were dispensed with.

ANNUITIES OF WIDOWS OF SUPREME COURT JUSTICES

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12101) to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices, as amended.

The Clerk read as follows:

H.R. 12101

A bill to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 375 of title 28, United States Code, is amended to read as follows:

"(a) The Director of the Administrative Office of the United States Courts shall pay to the surviving widow of a justice of the United States who died on or before the date of enactment of this section, while in regular active service or after having retired or resigned under the provisions of this chapter, an annuity of $10,000.

"(b) The surviving widow of a justice of the United States who is in regular active service or is retired or resigned under the provisions of this chapter on the date of enactment of this section, shall, if the justice gives written notice to the Director of the Administrative Office of the United States Courts within six months of the date of enactment of this section of his election to become subject to the provisions of section 376 of this chapter, be paid an annuity of $5,000 or an annuity in accordance with the provisions of section 376, whichever is the greater.

"(c) The surviving widow of a justice of the United States who is in regular active service or is retired or resigned under the provisions of this chapter on the date of enactment of this section, shall, if the justice fails to give timely written notice of his election to become subject to the provisions of section 376 of this chapter, be paid on annuity of $5,000.

"(d) The widow of a justice of the United States who is appointed after the date of enactment of this section shall be ineligible for an annuity under this section.

"(e) An annuity payable under this section shall accrue monthly and shall be due and payable in monthly installments on the first business day of the month following the month for which the annuity shall have accrued. Such annuity shall commence on the first day of the month in which a justice dies, and shall terminate upon the death or remarriage of the annuitant."

SEC. 2. Section 376 of title 28, United States Code, is amended by inserting "justice or" or "justice's or" prior to the word "judge" or "judge's", as appropriate, wherever those words appear therein, except in subsections (q), (r), and (s).

SEC. 3. (a) The heading of chapter 17, title 28, United States Code, is amended to read as follows:

"Chapter 17.—RESIGNATION AND RETIREMENT OF JUSTICES AND JUDGES".

(b) The analysis of chapter 17 of title 28, United States Code, is amended by striking out the item relating to section 376 and inserting in lieu thereof the following:

"376. Annuities to widows and surviving dependent children of justices and judges of the United States."

(c) The catchline of section 376 of title 28, United States Code, is amended to read as follows:

"§ 376. Annuities to widows and surviving dependent children of justices and judges of the United States".

SEC. 4. Section 604(a)(7) of title 28, United States Code, is amended by striking "Regulate and pay annuities to widows and surviving dependent children of judges," and inserting in lieu thereof "Regulate and pay annuities to widows and surviving dependent children of justices and judges of the United States,".

The SPEAKER. Is a second demanded?

Mr. McCULLOCH. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. CELLER. Mr. Speaker, for some time now the press has been carrying stories pointing up the dire straits that some of the surviving widows of former Supreme Court Justice are in as a result of the meager pension provided for under existing law.

Until 1954, no provision was made for the payment of an annuity to a widow of a Justice of the Supreme Court. In that year, Congress enacted section 375 of title 28, however, providing that the widow of a Supreme Court Justice shall receive an annuity of $5,000 until she dies or remarries. The $5,000 figure was pegged at the amount which Congress had provided for the widow of former President Coolidge in a 1937 private law. In 1958, Congress made the Coolidge annuity applicable to all Presidential widows and increased the annuity to $10,000; in 1971 the pension for Presidential widows was again increased—to $20,000 per year.

The annuity payable to widows of Supreme Court Justices has never been increased. As a result, in 1972 the six present widows are trying to live on a pension pegged at a 1937 cost of living. These widows, who range from 64 to 82 years of age, are: Mrs. Hugo L. Black, 64; Mrs. Felix Frankfurter, 81; Mrs. Robert H. Jackson, 81; Mrs. Sherman Minton, 69; Mrs. Wiley Rutledge, 82; and Mrs. Fred M. Vinson, 74.

H.R. 12101 would increase to $10,000 the annual pension payable to each of these six widows. Each pension would terminate upon the death or remarriage of the recipient.

Beyond this, the bill would effect a long overdue change in the law. It would give to Supreme Court Justices the opportunity to participate in the judicial survivors annuity systems, a contributory system in which all Federal judges other than the Justices of the Supreme Court are eligible to participate.

This contributory system is much more sensible, equitable, and fiscally responsible than the noncontributory gratuity system now applicable to Supreme Court Justices. A judge electing to come under the plan is required to pay 3 percent of his salary into a judicial survivors annuity fund an the Government makes a matching contribution. For a widow to be eligible to receive an annuity, the judge must have had at least 5 years' creditable Federal civilian service, for the last 5 years of which he has contributed to the fund, and the widow must have been married to the judge at least 2 years and be at least 50 years of age, unless she has minor dependent children. Death or remarriage terminates the widow's annuity.

The annuity payable to a judge's surviving widow may not exceed 37½ percent of the average of the judge's salary during his last 5 years of service, under existing salary scales and the prescribed formula for computing annuities, the surviving widow of a U.S. district judge may receive a maximum annuity of $15,000, and then only if her deceased husband had 30 years of creditable service. The surviving widow of a U.S. circuit judge would be eligible, also after 30 years of creditable service, for a maximum annuity of $15,937.50. The maximum that a surviving widow of a Justice could receive is $22,500. Of the approximately 500 active judges eligible to participate, as of June 1, 1972, 456 were in the contributory system. As of the same date, 135 of the 145 senior judges were participating.

We should note that the judicial survivors annuity system wisely recognizes the need for annuity payments for the benefit of minor children, just as do other retirement systems. The present law applicable to Supreme Court Justices provides only for widows.

We should also note that this legislation does nothing for former Supreme Court Justices who are not retired with pay. Under present law, upon their deaths their widows will not qualify for an annuity. Neither will they qualify under the law as proposed to be amended by H.R. 12101.

In its present form, the bill would afford the three who are retired with pay—former Chief Justice Earl Warren—Justice Tom C. Clark, and Justice Stanley F. Reed—and the nine sitting Justices, an option to continue under the present system, or to participate in the contributory system. If one of these 12 elects to participate in the contributory system, his surviving widow will receive the $5,000 annuity or the annuity due her from the judicial survivors annuity fund, whichever is the greater.

Finally, the gratuitous $5,000 annuity is phased out, primarily by making it inapplicable to widows of Justices appointed after enactment will have the option of participating in the contributory system or providing for their widows privately. The gratuitous annuity will not be available to them.

In summary, H.R. 12101 would effect three basic objectives the attainment of which is long overdue:

First. It would raise from $5,000 to $10,000 the annuity payable to the six surviving widows of former Supreme Court Justices who died while on active duty or while retired or resigned with pay.

Second. It would make Supreme Court Justices eligible to participate in the contributory system available to all other Federal jurists.

Third. It would phase out the noncontributory annuity payable to surviving widows of Supreme Court Justices. Justices appointed after the date of enactment who wish to provide a survivor annuity for their widows and dependent children would be required to contribute to the annuity system applicable to other Federal judges, just as Members of Congress and civilian officials and employees of the United States contribute to the survivor benefits applicable to their widows and dependent children.

The measure has been approved by the Administrative Office of the U.S. Courts and, as introduced by the U.S. Civil Service Commission. The members of the Supreme Court to whom the Justice Department deferred have advised the committee that H.R. 12101, as reported, is acceptable legislation.

For so long as the six existing widows remain eligible for a gratuity, and assuming all 12 eligible Justices elect to participate in the contributory system, the maximum cost of this legislation would be $51,600 a year. As each of the present widows dies or remarries, the annual cost would be reduced by $5,000. And, of course, if any of the 12 eligible Justices elects not to come within the contributory system, the annual cost would be reduced by the $1,800 matching contribution which the Government would otherwise be required to make to the judicial survivors annuity fund.

In closing, let me advise you that this legislation was approved in subcommittee and full committee without dissent, and that similar legislation cleared the Senate Judiciary Committee and the Senate, also without objection.

I should like to express for the record my deep appreciation for the exceptionally able assistance given to my staff by the Administrative Office of the U.S. Courts, particularly Miss M. Patricia Carroll, Chief of the Retirement, Insurance, and Payroll Section. The people of the United States should be proud of public servants as able and conscientious as Miss Carroll.

Mr. LONG of Maryland. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. LONG of Maryland. Most of these beneficiaries are of very advanced age, and I imagine have a very short life expectancy. Can the gentleman state what the total cost of the bill will be?

Mr. CELLER. Approximately $51,600 a year, at a maximum.

Mr. LONG of Maryland. A year?

Mr. CELLER. Yes.

Mr. LONG of Maryland. But probably for very few years.

Mr. CELLER. That is correct. As each of the six existing widows dies or remarries, the annual cost would be reduced by $5,000.

Mr. LONG of Maryland. I thank the gentleman.

Mr. MONAGAN. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. MONAGAN. Is it correct that this would not have any prospective operation? In other words, it applies to a specific group of beneficiaries. Is that right?

Mr. CELLER. Do you mean like former Justices Fortas, Goldberg, and Whittaker? Their widows would not participate in this survivors fund at all. They are out completely. Their widows would not participate because these Justices resigned and are not either Justices of the Supreme Court now or retired or resigned with pay.

The $10,000 provision applies only to the present six widows of former Justices of the Supreme Court.

Mr. MONAGAN. What is the proposal for our future contributions?

Mr. CELLER. The Justices will contribute 3 percent of their salary each year. Their salary being $60,000, they would contribute $1,800 each year. And the Federal Government would match that contribution. In that respect, it is not dissimilar to the very fund in which we as Members of Congress participate. The contributory system is already in operation as far as the lower court judges are concerned—the U.S. district judges, the judges of the U.S. circuit courts of appeals, the judges of the Customs and Patent Appeals Court, and so forth. Justices of the Supreme Court are not presently eligible to participate. The bill extends to the Justices of the Supreme Court the option to participate, just as all other Federal judges have that option.

Mr. MONAGAN. If the Justices wish to become members of the system and have their widows be beneficiaries in the future, they would have to contribute?

Mr. CELLER. They would have to contribute.

Mr. MONAGAN. I thank the gentleman.

Mr. CELLER. Present Justices do not have to go into the contributory system. If they do not, their widows would get the $5,000, which is provided for in present law. Widows of Justices hereafter appointed would not be eligible for the $5,000 gratuity.

Mr. MONAGAN. I thank the gentleman.

Mr. DENT. Will the gentleman yield?

Mr. CELLER. Yes. I yield to the gentleman.

Mr. DENT. I applaud the efforts of the gentleman to attempt to get some kind of participation on the part of the Justices of the Supreme Court, especially in their efforts to do something for the widows.

There is only one question that comes to my mind, in view of the action taken by the Senate last week in dealing with the disaster relief funds for flood victims where the Senate set a means test on how much they would give any kind of formula on disaster relief, I wonder if there is any kind of a means test on the conditions of the six widows that are now going to draw the $10,000.

Mr. CELLER. As a condition precedent for the widow to have the benefit of any annuity, she must be 50 years of age or older, or have dependent children.

Mr. DENT. In other words, it has nothing to do with how much income she has, or does not have, of income of any kind?

Mr. CELLER. That is correct.

Mr. DENT. That is all right, and I am not opposing the proposition. I just wanted to establish some kind of record here for the basis of our discussion when we come to the disaster relief bill.

Mr. CELLER. The maximum annuity that a widow would have after a Justice served for 30 years will be $22,500, and, as I said, she must be 50 years old or older, or have dependent children.

Mr. DENT. I thank the gentleman for yielding.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, does this bill apply or does it not apply to sitting Justices of the Supreme Court?

Mr. CELLER. This bill would make the contributory system now applicable to the other Federal judges applicable to the sitting Justices of the Supreme Court.

Mr. GROSS. If they elect to come into the survivorship program?

Mr. CELLER. Yes, if they elect to the contributing system.

Mr. GROSS. If they do not, what is the situation?

Mr. CELLER. If they do not enter the contributory system, their widows would still get the $5,000 that is provided for in the law that exists today.

Mr. GROSS. That is the present sitting justices—but what about the justices who may come on the bench hereafter?

Mr. CELLER. As to justices who are not now sitting, but who will be appointed after the enactment of this act, their widows will not get the $5,000. They either participate in the contributory system or get nothing.

The idea is to phase out that $5,000 provision so as to encourage future justices to enter the contributory system.

Mr. GROSS. So there would be no gratuitous survivor benefits for a justice after the enactment of this act?

Mr. CELLER. If he does not come into the contributory system, that would be the situation.

Mr. GROSS. Is it the opinion of the gentleman from New York that the system that has been established and in which they would enter; the system created for Federal district court judges as to the survivors—is it the opinion of the gentleman that this fund is presently sound?

Mr. CELLER. As I understand it, the contributory system applicable to U.S. district court judges and circuit court judges and judges of the Customs Court and others would be available to justices of the Supreme Court, and they would pay 3 percent of their salaries into the fund.

Mr. GROSS. Is it the gentleman's opinion that this fund now is actuarially sound?

Mr. CELLER. The fund has been in existence for a great many years—since 1956. We have heard no complaints with reference to what you mention.

Mr. GROSS. It is based upon a 3-percent contribution on the part of a Federal judge as compared to the 8-percent contribution on the part of Members of Congress. Of course, the Federal Government contributes another 8 percent in the case of Members of Congress and in the case of Federal judges, it would contribute 3 percent, or a total of 6 percent.

Mr. CELLER. There are very good reasons why we have that difference.

You must remember that the judges are contributing to only a survivor annuity.

Mr. GROSS. Yes, I realize that.

Mr. CELLER. If the gentleman will permit me, it is very important that the Members know this—the judges are contributing only to a survivors' annuity.

The Members of Congress contribute for retirement as well. Also, judges' widows are eligible for survivor annuities only after reaching age 50; Members' widows are eligible irrespective of age. Judges' widows lose benefits on remarriage at any age; Members' widows lose benefits only upon remarriage before age 60. The formula for computing annuities for judges uses various percentage factors between 1¼ percent and three-quarters of 1 percent; for Members, percentage factors vary between 2½ and 1¾ percent. Judges may retire at age 70 with 10 years of service; and age 65 with 15 years of service; Members may retire at age 62 with 5 years of service, age 60 with 10 years of service, and age 55 with 30 years of service. The widow of a judge is entitled to an annuity only if the judge had 5 years of civilian service and contributed to the Fund for the last 5 years; the widow of a Member is entitled to an annuity if the Member had 18 months of Government service.

Because of these disparities in benefits, among others, the amount contributed by judges is less than that contributed by Members.

Mr. GROSS. If the gentleman will yield, the report goes on and on about annuities for the widows of deceased Supreme Court Justices.

These are not annuities; they are pensions. They are in fact gratuities. They pay nothing into any fund. I would hope the record would be cleared up in this respect. The $5,000 escrow being paid each year to widows of Supreme Court Justices, is an outright gift.

Mr. CELLER. May I say to the gentleman that is the very evil we are trying to get rid of by this bill. In other words, we are trying to put this on a level where the Justices buy insurance, as it were, by making a contribution. It is not a gratuity because they pay for it just as you pay for your pension and for the annuity for your loved ones. It is the same thing. In other words, it is just the reverse of what you are saying. We are trying to get away from this gratuity. Here we say to the Justices: "You cannot provide for your widow and your children unless you pay a certain amount into this fund." That is not a gratuity. It is just like insurance.

Mr. GROSS. I am glad to see this reform, but I do not know why Congress ever embarked upon the business of giving $5,000 a year to the widows of Supreme Court Justices without the slightest evidence of need. Justices of the Supreme Court are paid $60,000 a year and they can well afford to provide survivor benefits for their families. I intend to vote against the bill for the reason that I am opposed to the pensions already in effect and which I opposed.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I thank the gentleman for yielding.

Mr. Speaker, I have two simple questions on this current bill. My others have been adequately discussed, or answered.

My first question is: If a sitting Justice elects to opt for the $10,000 under this bill, will there be any deduction in his retirement, after he retires, pending his demise?

Mr. CELLER. A sitting Justice cannot opt for the $10,000. That figure applies to only the six existing widows of former Supreme Court Justices.

Mr. HALL. I thank the gentleman. I think that is important in the legislative record.

My second question is, presuming one of the sitting Justices could opt for the $10,000, would it be applicable to all of his wives—after his demise—who might be living, because we do have some Justices that have been ofttimes married?

Mr. CELLER. If you read the law carefully, you will find that that annuity applies only to the surviving widow, not to additional former wives.

Mr. HALL. I understood that it applied only to the living widow. I did not know whether it applied to multiple widows.

Mr. CELLER. That is correct.

Mr. HALL. I thank the gentleman.

Mr. McCULLOCH. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, H.R. 12101 is a bill to provide annuities to eligible survivors of Supreme Court Justices. The bill treats only with the Supreme Court and only with survivors annuities and not with retirement. The purpose of the bill is to phase out the present inadequate noncontributory program for Supreme Court Justices and to allow them to participate like other Federal judges in a contributory program.

This purpose is accomplished in the following way: First, the present $5,000 annuity for surviving widows established in 1954 is increased to $10,000. It should be noted that this increase takes effect only with regard to Justices who have died before the enactment of this bill and who were thus ineligible to participate in the contributory program and thereby earn a higher annuity than $5,000.

The increase would therefore only benefit six people at present—the widows of Justices Black, Frankfurter, Minton, Jackson, Vinson, and Rutledge.

Second, the present $5,000 annuity provision is retained for existing Justices who are in active service or who have resigned or retired under section 371 of title 28, United States Code. This group presently consists of 12 people—the wives of the nine active Justices plus the wives of Justices Clark, Warren, and Reed. It does not include the wives of Justices Fortas, Goldberg, and Whittaker.

However, the bill would allow any of this group to elect to participate in the Judicial Survivors Annuity System which was established for other Federal judges in 1956. This program is a contributory program providing benefits not only to eligible widows, but to eligible dependent children as well. For a widow to be eligible she must have been married to the Justice or judge for at least 2 years and must be at least 50 years of age, unless there are dependent children. For a dependent child to be eligible, he must be under 18 years of age and unmarried.

Thus in this transition stage the Justices have the option of choosing a noncontributory widows' annuity of $5,000 or a contributory annuity for both their widows and dependent children. If the Justice chooses the latter, but has not served a long enough time to accrue on his death an annuity of $5,000 or more for his widow, she will receive such annuity nonetheless. The bill thus removes what might be for some Justices a disincentive to participate in the contributory program.

Third, future Justices will not be given that option. Since they have not yet been appointed they cannot lay claim to the $5,000 annuity provision as an emolument of office. Rather, they will be permitted to participate in the contributory program. If they do not, that is their election, and they will accrue no benefits for their survivors. However, with 30 years of service, a participating Justice can accrue an annuity of $22,500, which is the maximum.

This bill has the support of the Judicial Conference of the United States and the members of the Supreme Court of the United States.

The bill provides a smooth transition from an inadequate noncontributory plan to an equitable contributory plan for Justices of the Supreme Court. I urge its adoption.

Mr. KEITH. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Illinois.

Mr. KEITH. Mr. Speaker, it would seem to me we may be establishing some precedents here that could come home to roost in future Congresses.

There is no doubt that there is going to be an inflationary toll which will continue to be extracted from those of us who reach retirement and, accordingly, we must have balanced plans to protect against that hazard.

The members of the judiciary are educated people. They not only know what the term "judicial" means but they should also know what the term "fiduciary" means. They should also know what the term "trustee" means and they are in effect fiduciaries and trustees for their own families, so they should have had, it seems to me, private plans to supplement any fringe benefits afforded them as Federal employees—and, it probably will be argued that if we do this—the State, county, and municipal judge and others will demand it of their respective legislatures.

Mr. Speaker, if we should do this for the members of the judiciary, why should we not do it for those who have been unfortunate enough to serve only for a short time in Congress or for those Congressmen who failed to avail themselves of life insurance or a retirement plan that would provide annuities for themselves and their wives.

I think the questions that have been raised by the gentleman from Pennsylvania (Mr. DENT) earlier made a great deal of sense. We are, in effect, going to take care of the dependents of members of the judiciary who, while well paid, failed to plan for their heirs. It is a bad practice for us to do this on a class basis of this sort.

So, it does seem to me we are going to find that other unfortunate civil servants come in with demands that we take care of their beneficiaries who may not be even as well situated as the members of the judiciary, and it may be that we have as great an obligation for them as we do for the judiciary. Based upon what I have learned here this afternoon it does not appear to be a good precedent to establish.

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Virginia (Mr. POFF) such time as he may consume.

Mr. POFF. Mr. Speaker, I rise to endorse the remarks of my distinguished chairman and those of the equally distinguished ranking minority member of the Committee on the Judiciary. Between them they have clearly, succinctly, and cogently made the case for the legislation before the House.

Ninety percent of all civilian employees of the Federal Government and of the District of Columbia are covered by the Civil Service retirement system. This, of course, includes Members of this House and our staff personnel. All of our Foreign Service officers and various other personnel in our Foreign Service participate in a Foreign Service retirement system. Since 1939 employees of the Tennessee Valley Authority have had the TVA retirement system. Similarly, we have the Federal Reserve retirement system the District of Columbia public school teachers retirement system the District of Columbia Police and Fire Department retirement system, the District of Columbia judges retirement system, the Uniformed Services retirement system, and others. Our Federal jurists—other than the Supreme Court Justices—have the judicial survivors annuity system.

Without exception, every one of these retirement systems provides survivor benefits for widows and dependent children. With only one exception—the uniformed services system—the participants contribute from their earnings to finance their respective plans, and their employers make contributions as well.

There is no logical reason why Supreme Court Justices should be ineligible to participate in the judicial survivors annuity system along with other Federal judges. There is no logical reason why their surviving dependent children should be without benefits. There is no logical reason why Supreme Court Justices should not contribute toward the annuities their survivors receive. H.R. 12101 addresses these considerations in a rational, reasonable, workmanlike way.

In an orderly fashion it is directed to three principal groups—sitting Justices and those retired with pay, Justices appointed after enactment, and the six existing widows of former Justices.

As for the nine sitting Justices and the three who are presently in retirement with pay—former Chief Justice Warren, and Justices Clark and Reed—H.R. 12101 gives them 6 months within which to elect to participate in the contributory judicial survivors annuity system. As has been pointed out by the learned dean of the House, section 375 of title 28, United States Code, presently provides that the surviving widow of a Supreme Court Justice shall receive a gratuity of $5,000 until she dies or remarries.

H.R. 2101 provides that the surviving widow of any of these 12 Justices shall in no event receive less than the $5,000 to which she would be entitled if this legislation were not enacted. This provision eliminates the need for a Justice who wishes to enter into participation in the contributory system to gamble on whether he will live long enough to earn an annuity greater than that to which his wife is entitled under the present law.

Directing itself to Justices appointed after enactment, the bill treats such jurists as all other Federal judges—their widows will receive no gratuitous annuities; rather, each such appointee will have the option of joining the contributory system or making private arrangements for his survivors.

Finally, the bill addresses itself to the plight in which the six present widows find themselves in having to live on a pension established on a 1937 cost of living base. Under the bill, these six elderly ladies will each receive an annuity of $10,000 a year instead of $5,000 until she dies or remarries. It may be interesting to note that apart from any other service rendered the Government of the United States by former Chief Justice Vinson and Associate Justices Black, Frankfurter, Jackson, Minton, and Rutledge, their combined Federal judicial service exceeded 100 years.

Before relinquishing the floor, let me touch on several other considerations which should be borne in mind with respect to this legislation.

Present law makes no provision for surviving dependent children of Supreme Court Justices. Associate Justice Marshall has two such children, Associate Justice White has one, and Associate Justice Rehnquist has three. The bill corrects this inequity.

This is no giveaway legislation—a Justice who is appointed to the Court without any prior Government service would have to serve and contribute to the system approximately 7 years before his surviving widow would qualify for more than the $5,000 which present law affords her gratuitously.

The maximum annuity a Justice's widow may receive under the Judicial Survivors Annuity System is $22,500. But to qualify for this her husband must have had 30 years of creditable service.

Existing law affords a surviving widow her gratuitous annuity without regard to her age; under the contributory system she receives nothing unless she has attained 50 years of age or has dependent children. The wives of three of our sitting Justices are not yet 50 years of age, although at this time two of them have dependent children.

Under the contributory system, a surviving widow loses her annuity if she ever remarries; under the Civil Service System she loses it only if she remarries before reaching 60.

The widow of a Justice under the contributory system is eligible only if her husband has had 5 years of covered service and has contributed to the Fund for the last 5 years; the widow of a person in the Civil Service Retirement System is entitled to her annuity if her husband has had just 18 months of Government service.

H.R. 12101 is prudent, practical, and economically sound legislation. As the chairman of the House Committee on the Judiciary has stated, H.R. 12101 was reported by subcommittee and full committee without dissent. It has executive branch endorsement and the endorsement of the judiciary, including the Justices of the Supreme Court. Many of us have received considerable mail from our constituents in support of the bill. Legislation virtually identical in substance passed the Senate on June 30 without debate.

I urge you, my colleagues, to send H.R. 12101 forward with a resounding vote of approval.

Mr. McCULLOCH. Mr. Speaker, we have no requests for further time.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. CELLER) that the House suspend the rules and pass the bill H.R. 12101, as amended.

The question was taken.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 281, nays 97, answered "present" 2, not voting 52, as follows:

[Roll No. 300]

YEAS—281

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Annunzio
Arends
Aspin
Aspinall
Badillo
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Biaggi
Biester
Bingham
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chisholm
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Corman
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Dennis
Dent
Derwinski
Diggs
Donohue
Dorn
Dow
Drinan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Garmatz
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Hosmer
Howard
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Leggett
Lent
Link
Lloyd
McClory
McCloskey
McCollister
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Martin
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Minish
Minshall
Mizell
Mollohan
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nix
Obey
O'Hara
O'Neill
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Quie
Railsback
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.

Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Sandman
Sarbanes
Saylor
Scheuer
Schneebeli
Schwengel
Seiberling
Shipley
Shriver
Sikes
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Stratton
Sullivan
Symington
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Waldie
Ware
Whalen
Whalley
White
Widnall
Wiggins
Williams
Wilson, Bob
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Tex.
Zwach

NAYS—97

Abbitt
Abernethy
Andrews, N. Dak.
Archer
Ashbrook
Bevill
Blackburn
Broyhill, N.C.
Buchanan
Burke, Fla.
Camp
Chappell
Clawson, Del
Crane
Daniel, Va.
Davis, S.C.
Denholm
Devine
Dickinson
Downing
Dulski
Duncan
Eshleman
Evins, Tenn.
Findley
Fisher
Flowers
Fountain
Fulton
Fuqua
Galifianakis
Gaydos
Gettys
Griffin
Gross
Grover
Haley
Hall
Harsha
Henderson
Horton
Hull
Hunt
Jonas
Jones, N.C.
Keith
Kyl
Landgrebe
Latta
Long, Md.
Lujan
Mann
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Md.
Montgomery
Myers
Nichols
O'Konski
Passman
Poage
Price, Tex.
Pucinski
Purcell
Quillen
Randall
Robinson, Va.
Rousselot
Runnels
Ruth
St Germain
Satterfield
Scherle
Schmitz
Scott
Sebelius
Shoup
Slack
Smith, Calif.
Snyder
Spence
Steiger, Ariz.
Taylor
Thompson, Ga.
Vanik
Vigorito
Waggonner
Whitehurst
Whitten
Wilson, Charles H.
Winn
Wylie
Young, Fla.
Zablocki
Zion

ANSWERED "PRESENT"—2

Andrews, Ala.
Mitchell

NOT VOTING—52

Ashley
Baker
Baring
Blanton
Blatnik
Bolling
Broomfield
Brown, Mich.
Burlison, Mo.
Caffery
Chamberlain
Clay
Conte
Conyers
Davis, Ga.
Dingell
Dowdy
Edmondson
Flynt
Gallagher
Goldwater
Griffiths
Hagan
Hébert
Hungate
Hutchinson
Ichord
Jones, Tenn.
Landrum
Lennon
Long, La.
McClure
McCormack
McDonald, Mich.
McMillan
Mathias, Calif.
Mink
Nedzi
Patman
Pelly
Pepper
Pryor, Ark.
Rarick
Rooney, N.Y.
Ryan
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Talcott
Wampler

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York and Mr. Ryan for, with Mr. Hébert against.

Mr. Blatnik and Mr. Dingell for, with Mr. Burleson of Missouri against.

Mr. Nedzi and Mr. Stokes for, with Mr. McMillan against.

Mr. Clay and Mrs. Mink for, with Mr. Lennon against.

Mr. Conyers and Mr. Pepper for, with Mr. Rarick against.

Until further notice:

Mr. Ashley with Mr. Broomfield.

Mr. Stephens with Mr. Goldwater.

Mr. Jones of Tennessee with Mr. Baker.

Mr. Davis of Georgia with Mr. Hutchinson.

Mr. Flynt with Mr. McClure.

Mrs. Griffiths with Mr. McDonald of Michigan.

Mr. Hagan with Mr. Mayne.

Mr. Patman with Mr. Chamberlain.

Mr. Stuckey with Mr. Pelly.

Mr. Stubblefield with Mr. Talcott.

Mr. Ichord with Mr. Brown of Michigan.

Mr. Blanton with Mr. Steiger of Wisconsin.

Mr. McCormack with Mr. Mathias of California.

Mr. Edmondson with Mr. Conte.

Mr. Caffery with Mr. Wampler.

Mr. Baring with Mr. Landrum.

Mr. Long of Louisiana with Mr. Pryor of Arkansas.

Mr. Hungate with Mr. Gallagher.

Messrs. RUNNELS and DEVINE changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2854) to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 375 of title 28, United States Code is amended:

(a) By striking from subsection (a) the words "in the amount payable to the beneficiary under the Act of January 14, 1937 (50 Stat. 923, chapter 3)" and substituting in lieu thereof the words "of $10,000".

(b) By adding at the end thereof the following new subsection:

"(c) If a Justice of the United States who was in regular active service on the date of the enactment of this Act or who resigned or retired under the provisions of this chapter prior to the date of the enactment of this Act and who on that date was receiving salary under section 371 of title 28, United States Code, gives notice in writing to the Director of the Administrative Office of the United States Courts of an election to become subject to section 376, the widow of such Justice shall be ineligible to receive an annuity under this section after the date of such notice: *Provided, however,* That if such Justice does not elect to become subject to section 376, or, having elected to become subject to section 376, he fails to make a five-year deposit or, in the alternative, does not complete five years of service for which deductions were made under section 376(b), his widow shall be paid an annuity of $5,000."

SEC. 2. Section 375 of title 28, United States Code, as amended by section 1(a) of this Act, shall not apply to the benefit of a widow whose spouse became a Justice of the United States after the date of enactment of this Act or whose eligibility is determined under the first sentence of subsection (c) of section 375.

SEC. 3. Section 376 of title 28, United States Code, as amended, is amended by inserting "Justice or" prior to the word "judge" and by inserting "Justice's or" prior to the word "judge's" wherever those words appear therein, except in section 376(q).

SEC. 4. A Justice of the United States, in regular active service on the date of the enactment of this Act, or who resigned or retired prior to the date of enactment of this Act and who on that date is receiving salary under section 371 of title 28, United States Code, as amended, shall be entitled within six months after enactment of this Act to make the election authorized by and to receive the benefits of section 376.

SEC. 5. Section 604(a) (7) of title 28, United States Code, as amended, is amended to read as follows:

"(7) Regulate and pay annuities to widows and surviving dependent children of Justices and judges, Directors of the Federal Judicial Center, and Directors of the Administrative Office, and necessary travel and subsistence expenses incurred by judges, court officers and employees, and officers and employees of the Administrative Office, and the Federal Judicial Center, while absent from their official stations on official business."

SEC. 6. (a) Item 376 of the analysis of chapter 17 of title 28, United States Code, is amended to read as follows:

"376. Annuities to widows and surviving dependent children of Justices and judges."

(b) The catchline to section 376 of title 28, United States Code, is amended to read as follows:

"§ 376. Annuities to widows and surviving dependent children of Justices and judges".

AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Strike out all after the enacting clause of S. 2854 and insert in lieu thereof the provisions of H.R. 12101, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 12101) was laid on the table.

EXPANDED PROTECTION OF FOREIGN OFFICIALS

Mr. DONOHUE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15883) to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes, as amended.

The Clerk read as follows:

H.R. 15883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Act for the Protection of Foreign Officials".

STATEMENT OF FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress recognizes that from the beginning of our history as a nation, the police power to investigate, prosecute, and punish common crimes such as murder, kidnaping, and assault has resided in the several States, and that such power should remain with the States.

The Congress finds, however, that harassment, intimidation, obstruction, coercion, and acts of violence committed against foreign officials or their family members in the United States adversely affect the foreign relations of the United States.

Accordingly, this legislation is intended to afford the United States jurisdiction concurrent with that of the several States to proceed against those who by such acts interfere with its conduct of foreign affairs.

TITLE I—MURDER OR MANSLAUGHTER OF FOREIGN OFFICIALS

SEC. 101. Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§ 1116. Murder or manslaughter of foreign officials

"(a) Whoever kills a foreign official shall be punished as provided under section 1111 and 1112 of this title, except that any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life.

"(b) For the purpose of this section 'foreign official' means—

"(1) a Chief of State or the political equivalent, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity, and any member of his family, while in the United States; and

"(2) any person of a foreign nationality who is duly notified to the United States as an officer or employee of a foreign government or international organization, and who is in the United States on official business, and any member of his family whose presence in the United States is in connection with the presence of such officer or employee.

"(c) For the purpose of this section:

"(1) 'Foreign government' means the government of a foreign country, irrespective of recognition by the United States.

"(2) 'International organization' means a public international organization designated as such pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288).

"(3) 'Family' includes (a) a spouse, parent, brother or sister, child, or person to whom the foreign official stands in loco parentis, or (b) any other person living in his household and related to the foreign official by blood or marriage.

"§ 1117. Conspiracy to murder

"If two or more persons conspire to violate section 1111, 1114, or 1116 of this title, and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life."

SEC. 102. The analysis of chapter 5 of title 18, United States Code, is amended by adding at the end thereof the following new items:

"1116. Murder or manslaughter of foreign officials.

"1117. Conspiracy to murder."

TITLE II—KIDNAPING

SEC. 201. Section 1201 of title 18, United States Code, is amended to read as follows:

"§ 1201. Kidnaping

"(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when:

"(1) the person is willfully transported in interstate or foreign commerce;

"(2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States;

"(3) any such act against the person is done within the special aircraft jurisdiction of the United States as defined in section 101(32 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(32)); or

"(4) the person is a foreign official as defined in section 1116(b) of this title,

shall be punished by imprisonment for any term of years or for life.

"(b) With respect to subsection (a)(1), above, the failure to release the victim within twenty-four hours after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce.

"(c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life."

SEC. 202. The analysis of chapter 55 of title 18, United States Code, is amended by deleting

"1201. Transportation.",

and substituting the following:

"1201. Kidnaping."

TITLE III—PROTECTION OF FOREIGN OFFICIALS

SEC. 301. Section 112 of title 18, United States Code, is amended to read as follows:

"§ 112. Protection of foreign officials

"(a) Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official shall be fined not more than $5,000, or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be fined not more than $10,000, or imprisoned not more than ten years, or both.

"(b) Whoever willfully intimidates, coerces, threatens, or harasses a foreign official, or willfully obstructs him in the performance of his duties, shall be fined not more than $500, or imprisoned not more than six months, or both.

"(c) Whoever within the United States but outside the District of Columbia and within one hundred feet of any building or premises belonging to or used or occupied by a foreign government or by a foreign official for diplomatic or consular purposes, or as a mission to an international organization, or as a residence of a foreign official, or belonging to or used or occupied by an international organization for official business or residential purposes, publicly—

"(1) parades, pickets, displays any flag, banner, sign, placard, or device, or utters any word, phrase, sound, or noise, for the purpose of intimidating, coercing, threatening, or harassing any foreign official or obstructing him in the performance of his duties, or

"(2) congregates with two or more other persons with the intent to perform any of the aforesaid acts or to violate subsection (a) or (b) of this section,

shall be fined not more than $500, or imprisoned not more than six months, or both.

"(d) For the purpose of this section 'foreign official', 'foreign government', and 'international organization' shall have the same meanings as those provided in sections 1116 (b) and (c) of this title."

SEC. 302. The analysis of chapter 7 of title 18, United States Code, is amended by deleting

"112. Assaulting certain foreign diplomats and other official personnel."

and adding at the beginning thereof the following new item:

"112. Protection for foreign officials."

TITLE IV—PROTECTION OF PROPERTY OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

SEC. 401. Chapter 45 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 970. Protection of property occupied by foreign governments

"(a) Whoever willfully injures, damages, or destroys, or attempts to injure, damage, or destroy, any property, real or personal, located within the United States and belonging to or utilized or occupied by any foreign government or international organization, or by a foreign official, shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b) For the purpose of this section 'foreign official', 'foreign government', and "international organization' shall have the same meanings as those provided in sections 1116 (b) and (c) of this title."

SEC. 402. The analysis of chapter 45 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"970. Protection of property occupied by foreign governments."

SEC. 3. Nothing contained in this Act shall be construed to indicate an intent on the part of Congress to occupy the field in which its provisions operate to the exclusion of the laws of any State, Commonwealth, territory, possession, or the District of Columbia on the same subject matter, nor to relieve any person of any obligation imposed by any law of any State, Commonwealth, territory, possession, or the District of Columbia.

The SPEAKER. Is a second demanded?

Mr. POFF. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DONOHUE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill H.R. 15883 amends title 18 of the United States Code so as to provide protection for diplomats and foreign officials. It is a fundamental fact that under international law every country has the obligation to protect foreign officials who perform diplomatic or consular functions within that country. This obligation has been very clearly defined in the case of *Frend* v. *United States,* 100 F. 2d 691, which involved the District of Columbia statute protecting embassies. The Court stated in that case:

> As in war the bearers of flags of truce are sacred, or else wars would be interminable, so in peace ambassadors, public ministers, and consuls, charged with friendly national intercourse, are objects of especial respect and protection, each according to the rights belonging to his rank and station. The law of nations, therefore, requires every government to take all reasonable precautions to prevent the doing of the things which the [D.C. statute protecting embassies] make unlawful. The rule arises out of the necessity of the protection of nations in their intercourse with each other, and imposes on the Government of the United States responsibility to foreign nations for all violations by the United States of their international obligations. *United States* v. *Arjona,* 120 U.S. 479, 483–485 * * *. This responsibility includes the duty of protecting the residence of an ambassador or minister against invasion as well as against any other act tending to disturb the peace or dignity of the mission or of the member of the mission. (100 F. 2d at 693) (Footnotes omitted).

It is also pointed out that the continued validity of the Frend holding has been reaffirmed by three opinions in 1970: by the District of Columbia Court of Appeals (*Zaimi* v. *United States,* 261 A.2d 233); the United States District Court for the District of Columbia (*Jews for Urban Justice* v. *Wilson,* 311 F. Supp. 1158); and by the District of Columbia Court of General Sessions, in an unreported opinion (*United States* v. *Travers,* Crim. No. U.S. 42935–69).

The bill, H.R. 15883, is based upon the recommendations of an executive communication from the Department of State and Justice. A bill H.R. 10520, was introduced in accordance with the recommendations of the executive communication. That bill would have covered both foreign officials and public officials of the United States. After considering the legislation the committee concluded that the changes in the law proposed as to Federal officials and employees should be considered separately from that proposed for foreign officials and diplomatic personnel. The present bill, H.R. 15883, was introduced to cover foreign officials in this manner and includes provisions recommended by the executive communication as to foreign officials. It should be noted that the penalty provisions in new section 1116 and revised 1201 as contained in this bill differ from those proposed in the executive communication and revised section 112(c) contains modified language.

At a hearing on the earlier bill on March 16, 1972, Hon. William B. Macomber, Jr., Deputy Under Secretary of State for Management, testifying in support of the bill, referred to the fact that recently there has been a disturbing increase of violence directed against diplomats. Throughout the world diplomats are not only the victims of crimes to which average citizens are subject, but now crimes are being committed against diplomats for new reasons. They may be the victims of crimes committed by terrorists who disagree with the policies of a country. Obviously, making diplomats into political pawns is gravely damaging to the conduct of relations among States.

Political violence directed against diplomats and diplomatic missions has occurred in the United States. The U.S. Federal Government needs the authority to cope with it. The executive communication itself stated:

> Review of resources available to the Federal Government to meet these new and substantial threats to foreign . . . officials has disclosed alarming omissions and inconsistencies in existing federal criminal jurisdiction over such matters. Correction of these deficiencies need not and should not await the actual occurrence of a tragedy.

As I noted at the outset the United States has an obligation under international law as a host country to provide protection for diplomatic, consular, and other foreign government and international organization personnel and their families, and the property of foreign governments and international organizations. This obligation is fundamental to the consideration of this bill. Passage of the amended bill would enable the United States to take a direct part in the discharge of these international obligations as a host country. Of course, in most instances, the Federal Government can press for the cooperation of local authorities. However, in dealing with other countries the Federal Government has no way to assure them or to guarantee that such cooperation will be forthcoming. It follows from the accepted rule of international law that the host country is under a special duty to protect the diplomatic and consular premises of a foreign government, that the host country has a duty to take all appropriate steps to prevent any attack on the person of a diplomatic or consular agent. The United States has, in fact, had a law on the books since 1790 making it a criminal offense to infract the law of nations by offering violence to the person of a foreign minister. See, for example, 18 U.S.C. 112; *United States* v. *Ortega*, 248 U.S. 466 (1826). While the United States has always recognized this responsibility, the committee notes that the present Federal law does not give the Government the authority to carry that responsibility out fully. While local authorities are, in fact, cooperative in providing protection for diplomatic personnel, when diplomats become the object of political violence, the situation is somewhat changed, particularly in those areas where there is a high concentration of diplomats. Local resources may not be adequate to this special situation.

From the standpoint of our country, this is a most difficult situation since such acts of violence directly affect the foreign relations of the United States. The provisions of the amended bill make it clear that authorities of the States and their subdivisions will continue to have responsibility for vigilant efforts to provide adequate protection. At the same time enactment of the provisions in the amended bill will also provide the Federal Government with the necessary tools to take action when required. This makes sense, for when such incidents occur the Nation whose diplomat or property has been injured approaches the Department of State directly, through diplomatic channels, with the facts relevant to the incident. Federal authorities would, therefore, in certain cases, be in a position to deal more quickly and appropriately with the matter.

As has been outlined in the report on the bill, two categories of foreign officials are covered by the proposed legislation in new section 1116. The first contains those officials of very high rank—a chief of state or the political equivalent, president, vice president, foreign minister, ambassador, or other officer of cabinet rank or above.

The second category of foreign officials covered by section 1116 includes officials of lower rank who must be duly notified to the United States and who must be here on official business. This class includes officers and employees of embassies and consulates, of missions of their governments to international organizations, and of trade and commercial offices of foreign governments. It also includes officers and employees of international organizations who are not U.S. citizens.

The provisions of title 18 added by the amended bill would cover murder, or manslaughter, and conspiracy to murder, kidnaping, and conspiracy to kidnap; assault; and harassment of foreign officials. Federal law—speficially section 112 of title 18 of the United States Code—currently covers only assaults against visiting heads of foreign states, heads of government and foreign ministers, as well as ambassadors and other public ministers. This coverage is clearly insufficient at the present time. It is not clear that the present statute covers embassy personnel in Washington below the rank of minister, or that it covers representatives to international organizations. Furthermore, the statute is limited in that it covers only various forms of assault. The committee notes that long standing accepted status of this statute does demonstrate both that there is clearly no impediment to the enactment of Federal criminal law for the protection of diplomats and that the enactment of such legislation is entirely appropriate as a policy matter.

In its amended form section 112 of title 18 would proscribe assaults on specifically designated foreign officials and would be co-extensive in coverage with new section 1116 of the title pertaining to homicides of foreign officials. As was outlined in the explanation of the amended bill, as amended, section 112(a) makes it a Federal offense to assault, strike, wound, imprison, or offer violence to a foreign official, subject to a fine up to $5,000 or imprisonment up to 3 years, or both. If a deadly weapon is used the fine may be increased to $10,000 and the term to 10 years. Identical penalties may be imposed under existing section 112.

Section 112(b) makes it a misdemeanor to willfully intimidate, coerce, threaten, or harass a foreign official or to willfully obstruct him in the performance of his duties.

In its amended form, section 112(c) bars, within 100 feet of buildings or premises belonging to, or used or occupied by a foreign government for the specific uses stated in the subsection, parades, signs, placards, or devices or sounds or picketing, the display of flags, banners, noises—including words or phrases—when the activity is:

> For the purposes of intimidating, coercing, threatening, or harassing any foreign official or obstructing him in the performance of his duties, . . .

The subsection further provides penalties for persons who within that 100-foot area congregate with two or more other persons with the intent to perform any of those acts or who congregate with the intent to violate the provisions of subsections (a) or (b) of section 112.

The purpose of subsection 112(c) is to protect the peace, dignity, and security of foreign officials when they are at their place of work. This provision would not apply to the District of Columbia because the District law already affords protection to foreign officials in the Nation's Capital—D.C. Code 25-1115. While the District law has a "500-foot rule," the narrower radius has been adopted for the more general provision of this bill in order to minimize interference with the freedom of ingress and egress of individuals in the vicinity of foreign government offices in congested metropolitan areas.

At the beginning of the report it was stated that the provisions of the bill have the purpose of extending protection to diplomatic representatives of foreign nations. The committee feels it is relevant to note that the U.S. Court of Appeals for the District of Columbia Circuit has indicated that the Government has an affirmative duty to give diplomatic representatives of foreign nations a degree of protection from harassment which is greater than it owes to its own citizens or officials. (*Frend* v. *United States*, 100 F. 2d 691 (D.C. Cir. 1938), cert. denied, 306 U.S. 640).

In connection with the amendments

extending protection to foreign officials the bill H.R. 15883, as amended, by the committee in title II would make a number of changes in the Federal kidnaping statute—18 U.S.C. 1201. Under existing law, the gist of the offense is the transportation of a person in interstate or foreign commerce, rather than the actual kidnaping. As contained in the amended bill the section would make the kidnaping itself the gist of the offense. This change will assist in extraditing kidnapers from foreign countries. Under extradition treaties, an offense is extraditable only if the crime for which extradition is sought is listed in the treaty. Because most countries do not have a federal system such as ours, the treaties do not recognize the crime of interstate transportation of a kidnaped person. By redrafting the section in terms of kidnaping rather than transportation, extradition for these offenses will be facilitated.

Additional bases of Federal jurisdiction over kidnaping have been added, consistent with the general purpose of the bill. Consistent with the basic purpose of this bill to protect foreign officials, kidnaping of foreign officials and members of their families would be covered by Federal laws. At the hearing it was noted that there has been a rash of kidnapings of diplomats in a number of countries throughout the world in the past few years. While they have not occurred in this country, the committee agrees that it is advisable to insure that the Federal Government could act promptly if such a thing should happen here.

Jurisdiction is asserted also over kidnaping occurring in the special maritime and territorial jurisdiction of the United States. The jurisdiction already exists with respect to other crimes against the person, such as murder—18 U.S.C. 1111—and assault—18 U.S.C. 113.

It is anomalous that kidnaping is not covered in the same manner. Jurisdiction would also be extended by H.R. 15883 to kidnaping occurring in the special airspace of the United States. This would cover, for example, kidnapings incident to aircraft hijackings and would permit extradition in those cases where a treaty covers kidnaping but not aircraft hijacking. While it is true that the Senate has ratified the Convention for Suppression of Unlawful Seizure of Aircraft. Congress has not yet enacted the implementing legislation—S. 2280, H.R. 9354. Moreover, it is relevant to note that extradition under the convention and legislation would only be available as between nations that are parties to the convention.

The amended bill in adding a new section 970 to title 18 would also make it a Federal offense willfully to injure, damage, or destroy any real or personal property located in the United States and belonging to or utilized or occupied by any foreign government or international organization, or by a foreign official. Attempts are also covered. Thus embassies, consulates, missions to international organizations, the residences of foreign officials, and trade and commercial offices of foreign governments would be covered. The provision also covers real and personal property, including automobiles and other vehicles, used for official or unofficial purposes.

Section 3 of the bill expressly states that nothing contained in the enactment of the provisions of the bill shall be construed to indicate an intent on the part of Congress to occupy the field in which its provisions operate to the exclusion of the laws of any State, Commonwealth, territory, possession, or the District of Columbia on the same subject matter. It is further provided that nothing in the provisions added by the bill is to be construed in a manner which would relieve any person of any obligation imposed by any law of any State, Commonwealth, territory, possession, or the District of Columbia.

It is, therefore, made clear that this legislation is intended to provide the U.S. criminal jurisdiction which is to be exercised in a manner which may be concurrent with that of the several States.

The amended bill provides for revisions in Federal criminal law which are both necessary and desirable. The passage of this legislation would provide the Government with authority necessary to protect foreign officials in accordance with our international obligations. It is recommended that the amended bill be considered favorably.

Mr. GROSS. Will the gentleman yield?

Mr. DONOHUE. I will be pleased to yield to the gentleman.

Mr. GROSS. I thank my friend from Massachusetts for yielding.

Is a foreign official, in this country legally and in an official status, not protected by the laws of the United States?

Mr. DONOHUE. I would say to the gentleman from Iowa he is protected. He is protected under a treaty existing between our Government and foreign governments, and the foreign governments extend that same protection to our diplomatic and consular personnel that might be residing in a foreign country. However, this legislation is merely to implement existing treaties.

Mr. GROSS. I just wonder if this is not implementing the law so as to make second-class citizens out of Americans kidnaped within their own country. If the foreigner here legally and on official business is not protected by the laws of the United States, then something is wrong with the system in this country.

Mr. DONOHUE. I might repeat to the gentleman they are in the general sense protected by treaty and they are also protected by the laws of the particular State or territory in which they might be residing. This merely confers concurrent jurisdiction on the United States along with the individual States.

The exercise of Federal jurisdiction would be quite similar to the situation that existed in connection with the attempted assassination of Mr. Wallace. Of course, the State of Maryland had jurisdiction to prosecute the person accused of the attempted assassination, but under the law that was passed by this Congress the U.S. Government also acquired jurisdiction to prosecute him for the attempted murder. Up until that time the Congress acted the United States had no jurisdiction over prosecuting such people.

Mr. GROSS. In the case of the kidnaping of a foreign official legally in this country, would not the Lindbergh law be invoked upon the kidnaper?

Mr. MAYNE. Mr. Speaker, would the gentleman yield?

Mr. DONOHUE. I will be pleased to yield to the gentleman from Iowa.

Mr. MAYNE. The answer to the question propounded by the gentleman from Iowa (Mr. GROSS) is that the Lindbergh law would be invoked only if interstate or foreign commerce were involved.

Mr. GROSS. That would also be true with a U.S. citizen, would it not?

Mr. MAYNE. Well, yes, but this bill would give jurisdiction whenever a foreign official is kidnaped, whether interstate or foreign commerce is involved in the perpetration of the crime or not.

Further, we think it is essential that we furnish this additional protection to foreign officials in the United States if our own officials in foreign countries are going to be similarly protected. And I would add many of our Ambassadors and foreign service personnel are rendering outstanding service to this country under the most difficult circumstances and are very much in need of additional protection.

Mr. GROSS. That is precisely the point I am making. Why special legislation for foreigners in this country? Why not provide the same protection for U.S. citizens?

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I will be pleased to yield to the gentleman from Virginia.

Mr. POFF. Mr. Speaker, in response to the question posed by the gentleman from Iowa (Mr. GROSS), I think it should be understood that the kidnaping provision in this bill relating changes the Lindberg law substantially and in some respects the consequences are the same for foreign officials as domestic citizens. The changes are ones of defining the Federal jurisdiction of the offense. The present Lindbergh law takes as the gist of its definition the movement of the victime in interstate commerce. The title in this bill changes the gist to be the wrongful conduct—the seizure and taking away of the victims and then fixes several jurisdictional bases in addition to movement of the victim in interstate commerce, such as seizures within the special maritime and territorial jurisdiction of the United States, or within the special aircraft jurisdiction of the United States. The kidnaping of a foreign official would be a separate jurisdictional base.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. DONOHUE. I yield further to the gentleman from Iowa.

Mr. GROSS. Is the gentleman from Virginia saying that there is the same protection provided an American citizen?

Mr. POFF. I am.

Mr. GROSS. In this bill?

Mr. POFF. It is.

Mr. GROSS. Then the title is not quite right because it applies to foreigners, or it leads you to believe that it does.

Mr. POFF. The gentleman is correct, but the gentleman will also notice that in the title of the bill it says "and for other purposes."

Mr. GROSS. Which covers a multitude of sins.

Mr. Speaker, let me ask the gentleman from Massachusetts (Mr. DONOHUE) about the demonstration provision. Why in the District of Columbia is it within 100 feet, let us say, of an embassy, but this bill provides outside the District of Columbia for an area of 500 feet or more?

Mr. DONOHUE. It is 100 feet.

Mr. GROSS. Outside the District of Columbia?

Mr. DONOHUE. It is 500 feet within the District of Columbia.

Mr. GROSS. Five hundred feet in the District of Columbia?

Mr. DONOHUE. That is correct, and 100 feet outside the District of Columbia.

Mr. GROSS. You say it is 100 feet in the District of Columbia, is that correct?

Mr. DONOHUE. No, it is 500 feet in the District of Columbia.

Mr. GROSS. And 100 feet outside the District?

Mr. DONOHUE. That is right.

Mr. GROSS. Why that difference?

Mr. DONOHUE. The reason for it, as presented to us in the committee, was because while a degree of protection must be provided outside the District, it was felt that the smaller area should apply in congested metropolitan areas. An example is New York where there are a considerable number of diplomats residing in the area that are here with the United Nations.

In reply to the gentleman I would point out that applies everywhere—it might be a consular office in Chicago.

Mr. GROSS. And it would apply equally there; would it not, outside the District of Columbia?

Mr. DONOHUE. It would.

Mr. GROSS. That is exactly the point. Why one distance in one place and a much greater distance in another?

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I yield to the gentleman.

Mr. POFF. Mr. Speaker, in response to the question of the gentleman from Iowa, it is true that the District of Columbia statute fixes a zone with a radius of 500 feet, whereas this bill fixes the zone at a radius of 100 feet.

The reason the radius was changed is to accommodate the realities of the metropolitan areas in which diplomatic and consular personnel from abroad are typically concentrated in this country.

The executive communication from the Departments of State and Justice specifically said that a narrower radius has been adopted in order to minimize interference with the free ingress and egress of individuals upon public property in the vicinity of diplomatic missions and consulates, residence of foreign officials and officers of international organizations located in congested metropolitan areas in such cities as New York, San Francisco and Chicago.

Mr. PODELL. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I yield to the gentleman.

Mr. PODELL. Mr. Speaker, first I would like the gentleman to tell me what sections 1111 and 1112 provide because the bill recites a manslaughter charge of a foreign official shall be punished as provided in sections 1111 and 1112.

Could the gentleman enlighten me as to that?

In other words, I assume that sections 1111 and 1112 would define the punishment for manslaughter?

Mr. DONOHUE. Section 1111 reads as follows:

> Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, rape, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree.

Mr. PODELL. Mr. Speaker, does not this section provide a definite sentence for murder 1 or for manslaughter and mandates such a sentence as compared to the conviction of an individual who is an American citizen who is convicted of killing some 12-year-old little girl, who may not get equal treatment?

Mr. DONOHUE. In the bill before us, it provides that whoever kills a foreign official shall be punished as provided in section 1111 and 1112 of this title except that any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life.

Mr. PODELL. In other words, if you kill a 12-year-old girl, you may not get life imprisonment; you may get 10 years. But if you kill the brother of a foreign official who may just live here and live in the same house as the foreign official, you might get life imprisonment. Is that not what it says—really?

Mr. DONOHUE. The wording of the bill before us in this particular respect was arranged because of the recent Supreme Court decision in the case of Furman against the State of Georgia.

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I yield to the gentleman.

Mr. POFF. In response to the gentleman's hypothetical question—the answer is "No." A mandatory sentence of life imprisonment would apply in the case of first degree murder of a 10-year-old child also, because of the Furman decision.

Mr. PODELL. And manslaughter?

Mr. POFF. I did not understand the gentleman's hypothetical question to include manslaughter.

Mr. PODELL. Should the conviction be for manslaughter, would there be any distinction between the sentence in connection with manslaughter of a foreign official and an American citizen?

Mr. POFF. There would be no distinction.

Mr. PODELL. There would be none at all?

Mr. POFF. No, sir.

Mr. PODELL. There would be none at all and if the gentleman would yield further, will the gentleman tell me why your bill would include the brother or brother-in-law of a foreign official, regardless of whether or not he is employed on foreign business, merely because of the fact that he may reside with his brother or brother-in-law at this embassy house?

Mr. DONOHUE. Well, of course, as in all criminal cases, you must establish jurisdiction as provided in the statute, if the brother-in-law or brother comes within the provisions of section 1116(b) and (c). I would point out that under section 1116(b)(2) the family member would be one "whose presence in the United States is in connection with the presence in the United States" of a diplomatic officer.

I yield to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. I should like to respond to the gentleman from New York, if I may, that the definition of "family," which is included in this proposed law, is set forth in subsection (3) of section 101 on page 3, starting at line 20, and this would include spouse, parent, brother or sister, child, or person to whom the foreign official stands in loco parentis, or any other person living in his household and related to the foreign official by blood or marriage. I should think that would include, under at least one of the gentleman's hypothetical situations, the brother-in-law.

Mr. PODELL. That would include a brother-in-law.

Mr. DANIELSON. I would think so. That is the way it reads.

Mr. PODELL. Would the gentleman yield for one more question?

Mr. DANIELSON. I would be glad to yield.

Mr. PODELL. Under the harassment provision of this bill, a foreign official need not be present to testify to harassment allegedly performed against that foreign official; is that correct?

Mr. DANIELSON. I cannot tell you just what the rule would be as to the attendance and testimony of a foreign official, but the rules of evidence which would apply and govern the introduction of evidence in prosecutions under this bill would be the same rules of evidence that govern all criminal proscutions in the Federal courts. As a person who has done a considerable amount of that prosecuting, I can assure you that if you do not have witnesses to prove your case, you are not going to prove your case.

Mr. PODELL. There is no distinction between necessary evidence that an American citizen would require and that of a foreign official?

Mr. DANIELSON. No. It simply makes the Federal law apply to foreign diplomats who are accredited here, who are notified by the Department of State. The same laws of evidence apply as would apply if you were dealing with American citizens.

Mr. CELLER. Would the gentleman yield?

Mr. DANIELSON. Yes; I would be delighted to yield.

Mr. CELLER. I would like an answer to the inquiry of the gentleman from Iowa, Mr. GROSS. I would like to call attention to the case of *Frend* v. *United States*, 100 F. 2d 691. There the U.S. Court of Appeals for the District of Columbia, D.C. Circuit, has indicated that the Government has an affirmative duty to give diplomatic representatives of foreign nations a degree of protection from harassment which is greater than owed to its own citizens or officials of the United States.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. POFF. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, it has been said that the purpose of this legislation is to protect foreign officials. Perhaps it is more accurate to say that the purpose of this legislation is to promote the conduct of the foreign affairs of the United States by protecting the property and the personnel of foreign governments while they are present in this country. Such a purpose is not only the right of the Federal Government, it is not only within its proper constitutional domain and power, but such a purpose is also the responsibility of the Federal Government under the accepted law of nations.

The exercise of the power necessary to discharge that responsibility involves the use of police powers. Under our Constitution the police power resides permanently in the powers reserved to the States. Let me hasten to assure the Speaker that this bill leaves that power where it is. It does not preempt State power.

As the learned gentleman from Massachusetts so well explained, this legislation simply fixes in the Federal Government jurisdiction concurrent with that of the individual States.

I think it is important too, Mr. Speaker, to understand that this is not the first time the Congress has ventured into this legislative area.

It has long been a Federal crime to assault or wound certain high officials of foreign governments, even though such an assault would also constitute an offense against the laws of the particular State in which it is committed. H.R. 15883 would give the Federal Government a similar power, concurrent with that of the several States, to prosecute and punish other acts of violence directed against foreign officials or their property, including murder, manslaugster, kidnaping, willful harassment, and willful destruction of property.

In no case will the several States be ousted of whatever jurisdiction they may now exercise over such offenses. Rather, as in cases of assassination or attempted assassination of presidential candidates, the investigative and prosecutorial resources of the Federal Government may be brought to bear in apprehending and punishing the perpetrator whenever the Department of Justice, in consultation with the Department of State, deems such action to be in the national interest.

The principal differences between H.R. 15883, the bill before us today, and H.R. 10502, which I introduced a year ago along with several other members of the Committee on the Judiciary, as reported to the House this past June are to be found in the penalty provisions for murder and kidnaping. The same day that H.R. 10505 was reported, the Supreme Court of the United States rendered its decision in the case of Furman against Georgia. My reading of the nine separate opinions in that case convinces me that the Supreme Court would probably hold unconstitutional any death penalty provision, such as those contained in H.R. 10502, which vests in the sentencing authority an absolute discretion whether to impose the death penalty or some lesser offense in any particular case. I am informed that the Department of Justice shares this view.

Accordingly, I introduced H.R. 15883 as a clean bill, amending the penalty provisions to avoid facial invalidity and also incorporating other amendments to H.R. 10502 which had been made by the committee before reporting it favorably to the House in June.

The conforming of the penalty provisions of this bill to the apparent requirements of the Furman decision is nothing but a stopgap handling of the death penalty question. A more lasting determination of how, and whether, the death penalty might be prescribed for the offenses covered by this bill, or for any other Federal crime, is an important and complex matter in itself, and passage of this otherwise relatively noncontroversial measure should not await a permanent resolution of that issue.

The committee reported H.R. 15883 to the House with two amendments, both pertaining to the antipicketing provision of section 301 of the bill.

The first refines the definition of the premises to which the prohibition of harassing demonstrations relates. I accept and support that amendment, since it more clearly limits the coverage of the subsection to those premises which are ordinarily and regularly used to carry out the official business of the foreign government's embassy, consulate, or mission—whether those premises are annexed to or separated from the main consular building—or as official residential property. Of course, any premises which might be temporarily used on an emergency basis in substitution for the premises in which such diplomatic or consular activities are normally carried out would likewise be covered.

The second amendment struck from the subsection the flat, evenhanded prohibition against expression of views, whether critical or laudatory, about the policies or personnel of a foreign government by public picketing or demonstrations within 100 feet of that government's diplomatic or residential property. What remains is a proscription of demonstrations within that zone for the purpose of intimidating, coercing, threatening, or harassing a foreign official or of obstructing him in the performance of his duties. Congregations with the intent to conduct such a demonstration would likewise be prohibited.

To be frank, this limitation of the scope of the antipicketing provision leaves it scarcely more effective in creating a small area of sanctuary from political controversy for our foreign diplomatic guests than is the general prohibition against intimidation, coercion, threats or harassment, applicable anywhere, which is contained in the preceding subsection.

While I would much prefer to see the language deleted from this portion of H.R. 15883 restored, my objection to the committee amendment does not outweigh my sense of urgency that the House pass the bill today as reported. We can thereby make a major advance toward enactment in this session of Congress of legislation which both the Department of State and the Department of Justice consider necessary to meet a pressing national need.

Finally, title II of the bill reformulates the jurisdictional bases of the Federal kidnaping statute, making it more understandable to our foreign friends for purposes of extradition.

Mr. Speaker, H.R. 15883 provides the Federal Government with the means of avoiding the embarrassment and potentially dangerous repercussions which may arise from a foreign government's misunderstanding of our national government's motivations in failing to respond appropriately to some future incident involving one of its officials.

Because the headquarters of the United Nations organization was located on our shores at our request, this country plays host to an unusually large number of foreign diplomats to whom we owe a special duty of protection. This legislation is intended to benefit all of such guests, with neither favor nor slight to any of them. Those who today appear to need such added Federal protection least may tomorrow need it most, so swiftly do events move in today's world.

Mr. Speaker, this is a measure with strong bipartisan support. I urge the House to suspend the rules and pass H.R. 15883.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, section 112 of this bill is entitled "Protection of foreign officials." and it states, in part:

> Whoever . . . parades, pickets, displays any flag, banner, sign, placard, or device, or utters any word, phrase, sound, or noise, for the purpose of . . . intimidating, coercing, threatening, or harassing any foreign official . . .

Let me ask the gentleman this question: Do the same penalties apply for other demonstrations against the Government? Am I to understand that this section goes to violations and penalties outside the District of Columbia?

Would the same penalties apply for this same sort of thing on the Washington Monument grounds?

Mr. POFF. The gentleman first spoke of jurisdiction outside the District of Columbia.

Mr. GROSS. I could conjure up a situation or a site outside the District of Columbia, if that is important. I just want to know whether the same penalties apply across the country for the same acts, growing out of demonstrations, as contained in this bill.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. POFF. Mr. Speaker, I yield myself 1 additional minute to respond to the gentleman.

I am candid to tell the gentleman I am not familiar with all the penalty clauses which might apply to every conceivable fact situation. However, I can say without fear that I will be contradicted that the same penalties or greater than those provided by this bill will apply to similar conduct wherever it occurs.

This penalty makes the crime a petty offense, drawing only a maximum 6-month jail term, and as such could be tried by a magistrate.

Mr. GROSS. There is also a $5,000 fine.

Mr. POFF. The gentleman is correct as to assaults, but there is only a maximum $500 fine for demonstrations.

Mr. GROSS. There is a $5,000 fine provided in this section of the bill, and apparently for these violations.

Mr. POFF. It is a maximum penalty of a $500 fine or 6 months in jail.

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. POFF. I yield to the gentleman from California.

Mr. DANIELSON. I should like to point out that there are three different penalties in section 112.

Section 112(a) relates to an actual act of violence against the person of a foreign diplomat. There we have a $5,000 maximum fine and a 3-year maximum imprisonment. If a dangerous weapon is used, the penalty goes up to $10,000 or 10 years. That is the maximum.

As to the acts which the gentleman from Iowa has described, such as parading, picketing, and the like, those are misdemeanors, and the maximum fine is $500, and the maximum jail term is 6 months.

Mr. POFF. I thank my colleague.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. POFF. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Virginia for his very eloquent, very logical and clarifying statement in support of this bill, and I wish to indicate my strong support of it.

The very offensive behavior that has been practiced in this country and in many other countries throughout the world, of course, gives rise to this type of legislation.

What we are doing, it seems to me, is to assure the kind of protection for foreign nationals we expect them to provide for our representatives when they are on official business in other foreign countries.

It is true that the District of Columbia appears to have adequate laws to protect the embassies and those appropriately in the embassies and embassy properties.

At the same time, there are many other foreign establishments—foreign premises and offices in this country—which require a national law for their protection. So it is true we are providing additional protection by this legislation.

This is consistent, nevertheless, with principles we have adhered to since the earliest times, since 1790, when we first enacted a law to protect foreign diplomats.

Of course, we are applying here the law of nations which applies to all foreign nationals. Even in time of war when a representative of a belligerent nation would appear with a flag of truce, he was provided with complete protection.

So certainly, with respect to representatives of friendly nations, we need to provide this kind of protection.

The principal discussions which took place in the executive sessions of the full committee were related to the subject of congregations of persons within 100 feet of these offices of foreign countries. We revised that part of the bill so that it is limited to conduct or speech which intimidates or harasses or threatens the safety of foreign officials or their property.

It seems to me this is good legislation in respect to our foreign affairs. To even contemplate the conduct of foreign affairs on the streets with threats and brickbats and all kinds of offensive behavior is, of course, completely unthinkable. So, we in the Committee on the Judiciary are attempting to respond to the need for new laws consistent with the high ideals and principles of our Nation.

Mr. Speaker, H.R. 15883 is appropriately titled "An Act for the Protection of Foreign Officials."

International law obligates the United States—as it does all nations—to provide protection for diplomatic, consular, and other foreign government and international organization personnel and property located within its boundaries. This principle can be traced to the earliest relations between nations. As I mentioned earlier, since 1790, the United States has made threats of violence to the persons of a foreign minister a criminal offense. Through the years since that date, we have enacted other laws in the same spirit.

Recently, however, Mr. Speaker, we have witnessed a growing increase of violence directed against foreign officials throughout the world. In our own country, for example, embarrassing and sometimes violent protests have been mounted by some persons affiliated with the Jewish Defense League against the Soviet mission to the United Nations in New York.

The need for new laws to protect foreign officials and those representing international organizations was raised recently by the State Department when it was discovered that existing Federal statutes are wholly inadequate to protect these representatives against murder, kidnaping, or assaults. In providing a prompt response to this legislative need, the Judiciary Committee has recommended enactment of an act for the protection of foreign officials. Such a Federal law would expand the foreign officials' protection against every type of offensive conduct—including threatening demonstrations within a distance of 100 feet of the buildings or premises used or occupied by foreign governments and officials for diplomatic or other official purposes.

Many Americans might like to display their antagonism toward the Soviet Union by picketing every building and residence where Soviet Union representatives have their residences or offices. Other Americans might like to display similar hostility toward the Governments of Rhodesia and South Africa, where policies of apartheid prevail, or even the Government of Greece, where it is alleged that constitutional government has been replaced by a government of the colonels.

Mr. Speaker, it is clear that a statute which would prevent an American from parading or picketing against another American individual or business would be a violation of the constitutional guarantees of freedom of speech and of assembly as contained in the first amendment. However, the U.S. courts have given their approval to identical language when directed against actions in opposition to foreign diplomats and foreign embassies.

Mr. Speaker, in upholding the supremacy of the law of nations, an earlier Federal court sustained the proposed congressional restriction upon the freedoms of speech and of assembly by declaring that such restrictions are applicable "only when such offensive conduct is committed upon the public streets immediately adjacent to embassies, legations, consulates, and other buildings used for official purposes by such governments." (*Frend* v. *U.S.,* 69 App. D.C. 281, 100 F.2d 691 (1938), cert. den. 306 U.S. 640.)

Mr. Speaker, resort to the streets may be tolerated to influence a political convention—or even as a protest against policies of our own Government. However, as a means of taking over the conduct of our foreign affairs, such tactics must be rejected. I urge the Congress to give effect to the law of nations by enacting this bill to protect foreign officials.

Mr. POFF. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Speaker, I thank the gentleman for yielding. As one of the original sponsors of this legislation when it was first introduced, I rise again in its strong support. I have previously had the privilege of testifying in its behalf at hearings before the subcommittee and gave it my strong support when it was considered by the full Judiciary Committee on which I have the honor to serve.

When Ambassador George Bush testified before the subcommittee on March 16 he very strongly emphasized the urgent and pressing need for this legislation. Certainly that urgency has in no way diminished in the 5 months that have gone by since he gave his testimony.

It is extremely important that our country be a safe place in which representatives of foreign nations can operate and particularly so by reason of the fact that the United Nations is situated in New York City.

We not only have the obligation of all civilized nations to extend protection to the emissaries of other countries but also the very special responsibility which arises out of our being the site of the U.N. As Ambassador Bush very accurately testified:

> There can be no question that the United States, as the host country to the United Nations, is responsible for its physical security and for that of the foreign representatives to it. When the situation is such that the United Nations cannot function at top efficiency because of acts of violence, or when certain representatives to the United Nations feel so threatened by the atmosphere in this country that they do not believe they can function properly, then that reflects adversely on the United States. We also lose politically because, as the violence continues, and as we continue to reassure other countries that we are making all efforts we can, other countries slowly begin to lose confidence in our credibility."

There have been a number of incidents which have been extremely embarrassing to us as the host nation to the U.N., some seriously endangering the lives of foreign diplomats and their families. That of last October 20 is perhaps the most shocking of all, when a high-powered rifle was fired into the Soviet mission in the United Nations. Four shots were fired from a high-powered rifle into a room in which a number of small Russian children were sleeping at the time. Fortunately none was actually struck by the fusillade but all were rudely awakened and terrified. Neither the city of New York nor the State of New York, although both are charged under our laws with the responsibility for preserving the peace and the safety of all people within their borders, has as yet been able to solve this reprehensible crime which can only be classified as attempted murder.

This is a great embarrassment not only to New York City and New York State but also to the entire American people. Yet under existing law the investigative expertise of the FBI cannot be applied to the fullest extent because there is no showing that the assailant or assailants crossed State or National boundaries.

We should now with this legislation take steps to see to it that Federal authority is readily available to protect foreign diplomats and their families from such attacks before the event, and to investigate and solve such crimes promptly when they cannot be prevented altogether. The prosecution and conviction of those who violate this new law should be given the highest priority in our Federal courts. We cannot expect our own diplomats to receive any better protection than the emissaries of other countries are receiving here.

Some of the other violent incidents in New York City which were outlined by Ambassador Bush are also very shocking. On March 2 of last year, a firebomb was thrown at the Mission of Iraq causing property damage. On April 20 demonstrators tried to force their way into police lines and tried to break into that mission. On April 12, 1971, a pipe bomb was thrown and tore a hole in the wall of the 14th floor Madison Avenue office of the Consulate General.

The **SPEAKER**. The time of the gentleman has expired.

Mr. **POFF**. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. **MAYNE**. On September 20, 1971, a pipe bomb exploded at the Mission of Zaire, causing property damage and injuring the daughter of an American citizen passing by. A few hours later, another pipe bomb was found at the Malawi Mission to the U.N. On December 28, 1971, the Syrian Mission was broken into by young people who sprayed red paint over the walls, bookcases, and rugs, and harassed the Syrian Ambassador by scattering leaflets in his presence.

Mr. Speaker, I feel we should act upon the urgent request of our Ambassador to the U.N., George Bush, who is well known to all of us, and pass this much-needed legislation promptly today. He also testified about the wives of Soviet diplomats being insulted and harassed while shopping in supermarkets and department stores. They were cursed in Russian and their feet trod upon. The Soviet Ambassador to the U.N. has been followed and the backs of his shoes stepped upon by hecklers. Bricks have been thrown through windows, paint has been thrown against the walls of buildings, motor oil has been placed in car radiators, burning rags in gas tanks and molotov cocktails have been thrown at mission vehicles. This is the kind of climate the United Nations has been living in.

As a result, Ambassador Bush had to conclude:

> There is a general and, I am sad to say, a justified consensus among the representatives of members of the United Nations that their physical security is threatened.

I share his strong view that the least we can do as a country is to pass this legislation, to assure those foreign representatives of governments who find themselves in the United States that we, in the United States, are concerned for their safety here and that we will do what we can to protect it.

This issue—the issue of protecting foreign officials in the United States—has become a major one in the United Nations. It has an impact on other areas of substantive work of the United Nations and it is detrimental to the United States achieving its goal in that organization. Ambassador Bush made this very clear indeed in the following strong summation to the subcommittee:

> In trying to persuade or convince another representative to support a U.S. position. I am obviously at a disadvantage if he carries the memory of a recent case of harassment or other incident which jeopardized his safety or that of his colleagues in his mission.
>
> One step we can take to help alleviate the problem is the speedy passage of the legislation before you today. Like Mr. Macomber, I do not pretend that the passage of this legislation will solve all our problems in New York, or even solve most of them, but it is a concrete step we can take now. And it is an important step. Taking this step would give the Federal Government new tools. It would allow my staff more effectively to deal with certain crisis situations that occasionally occur and thus, I believe, would have substantive benefits in increasing the protection of foreign officials in New York. In addition, another benefit of enactment, from my perspective, would be to show the good faith of the United States. We have promised to do all we can to improve the situation. If we do not take this step, we not only give new ammunition to our enemies but we seriously risk the disillusionment of our friends.
>
> I would also note that we expect—indeed demand—protection by the host country of our personnel stationed abroad. We should do no less than what we expect others to do. Otherwise we might be confronted with something less than adequate protection for our own people.

Mr. Speaker, we must not shirk our responsibility to make the United States a reasonably safe place for foreign diplomats to live and work and most especially those who come here to perform vital functions of the United Nations. I urge all my colleagues to vote "aye."

The **SPEAKER**. The question is on the motion offered by the gentleman from Massachusetts (Mr. DONOHUE), that the House suspend the rules and pass the bill H.R. 15883, as amended.

The question was taken.

Mr. **HUNT**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 380, nays 2, not voting 50, as follows:

[Roll No. 301]

YEAS—380

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspin
Aspinall
Badillo
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte
Corman
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Dorn
Dow
Downing
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King

Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Sieberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—2

Drinan
Podell

NOT VOTING—50

Alexander
Ashley
Baker
Baring
Blanton
Blatnik
Bolling
Broomfield
Brown, Mich.
Burlison, Mo.
Carey, N.Y.
Chamberlain
Clay
Conyers
Davis, Ga.
Dingell
Dowdy
Edmondson
Flynt
Gallagher
Griffiths
Hagan
Hansen, Wash.
Hébert
Hungate
Hutchinson
Ichord
Jones, Tenn.
Landrum
Lennon
Long, La.
McClure
*McCormack
McDonald, Mich.
McMillan
Mathias, Calif.
Miller, Calif.
Nedzi
Passman
Pelly
Pepper
Poage
Pryor, Ark.
Rarick
Rooney, N.Y.
Ryan
Stephens
Stubblefield
Stuckey
Talcott

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Pelly.

Mr. Rooney of New York with Mr. Talcott.

Mrs. Hansen of Washington with Mr. Mathias of California.

Mr. Blatnik with Mr. Hutchinson.

Mr. Blanton with Mr. Chamberlain.

Mr. Ichord with Mr. McClure.

Mr. Jones of Tennessee with Mr. Baker.

Mr. Landrum with Mr. Passman.

Mr. Carey of New York with Mr. Miller of California.

Mr. Davis of Georgia with Mr. McMillan.

Mr. Dingell with Mr. Brown of Michigan.

Mr. Flynt with Mr. Long of Louisiana.

Mrs. Griffiths with Mr. McDonald of Michigan.

Mr. Nedzi with Mr. Broomfield.

Mr. Ryan with Mr. Baring.

Mr. Stuckey with Mr. Hungate.

Mr. Clay with Mr. Pepper.

Mr. Ashley with Mr. Conyers.

Mr. Alexander with Mr. Lennon.

Mr. Stubblefield with Mr. Pryor of Arkansas.

Mr. Stephens with Mr. Rarick.

Mr. Edmondson with Mr. Hagan.

Mr. Burlison of Missouri with Mr. McCormack.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent that I may revise and extend my remarks on the bill just passed and, further, Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 15641, MILITARY CONSTRUCTION AUTHORIZATION

Mr. FISHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15641) to authorize certain construction at military installations, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. FISHER, NEDZI, LENNON, HAGAN, LONG of Louisiana, DANIEL of Virginia, MONTGOMERY, BRAY, PIRNIE, CLANCY, and POWELL.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 15586, PUBLIC WORKS APPROPRIATIONS, 1973

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file the conference report on H.R. 15586, public works appropriations, 1973.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PERSONAL EXPLANATION

Mr. LINK. Mr. Speaker, on August 3 I was absent during rollcall No. 298. Had I been present I would have voted "aye."

RADIO FREE EUROPE AND RADIO LIBERTY AUTHORIZATION

Mr. MORGAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3645) to further amend the United States Information and Educational Exchange Act of 1948.

The Clerk read as follows:

S. 3645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703 of the United States Information and Educational Exchange Act of 1948 is hereby amended to read as follows:

"SEC. 703. There are authorized to be appropriated to the Secretary of State $38,520,000 for fiscal year 1973 to provide grants, under such terms and conditions as the Secretary considers appropriate, to Radio Free Europe and Radio Liberty. Except for funds appropriated pursuant to this section, no funds appropriated after the date of this Act may be made available to or for the use of Radio Free Europe or Radio Liberty in fiscal year 1973.".

The SPEAKER. Is a second demanded?

Mr. MAILLIARD. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. MORGAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the bill S. 3645 authorizes an appropriation to the Secretary of State for grants to Radio Free Europe and Radio Liberty for the fiscal year 1973.

The amount involved is $38.52 million.

This authorization for the fiscal year 1973 was previously approved by the House on November 19, 1971, by a vote of 271 to 12. It was a part of a 2-year authorization which the Senate, unfortunately, would not accept. That is the reason why we bring this matter before the House for the second time. The funding level has not changed, however. The amount which the House authorized in 1971, and the amount contained in the bill presently before the House, are identical.

Mr. Speaker, the bill S. 3645 is a stopgap measure requested by the executive branch. It will allow Radio Free Europe and Radio Liberty to operate during the current fiscal year while certain studies relating to their future funding are completed and analyzed by the Congress. These studies include one by a special Presidential Study Commission and others by the General Accounting Office and the Library of Congress.

The amount proposed to be authorized is the full amount requested by the executive. This amount has been justified to the authorizing and the appropriations committees of both Houses. It does not contain any fat. It will simply allow the two radio stations to keep their activities at the 1971 level, without any program expansion or general salary increases.

Mr. Speaker, the appropriations for Radio Free Europe and Radio Liberty for the fiscal year 1973 have already been approved by both Houses of the Congress, subject to the passage of this authorization. In both instances, the full amount was granted.

Radio Free Europe and Radio Liberty have done good work during the past 20 years. They have been a vital communication link between the West, and the peoples of Eastern Europe and Russia. This link must continue until the Congress has an opportunity to study its future, and make an intelligent decision about it.

One more thing: Our allies in NATO recognize the value of Radio Free Europe and Radio Liberty. They do not want to see these operations closed. But more time is needed for negotiations to see if our NATO partners can contribute to the upkeep of these stations—and how much.

For these reasons, Mr. Speaker, and since this is an interim measure which was previously approved by the House, I urge the approval of the bill before us.

Mr. MAILLIARD. Mr. Speaker, I rise to support this legislation which would authorize $38.5 million for fiscal year 1973 for the operation of Radio Free Europe and Radio Liberty.

Members will remember that last year the House by a vote of 271 to 12 approved a 2-year authorization for the radios. Unfortunately, we encountered an extremely difficult conference with the Senate, which resulted in agreement to authorize funding for only 1 year. That authorization expired June 30.

This year the Senate acted expeditiously, passing S. 3645 on June 16 by a vote of 59 to 2. The legislation for fiscal year 1973 is in reality a stop-gap measure. It will enable the radios to continue their activities while a study commission to be named by the President studies the relevance of the radios to the current objectives of U.S. foreign policy.

The excellent work of both Radio Free Europe and Radio Liberty in the past has been widely recognized. The Presidential study commission, together with studies made by the Library of Congress and the General Accounting Office will give the Congress the information it needs to make a longer term decision regarding the future role of Radio Free Europe and Radio Liberty.

I urge your support of this legislation.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. MONAGAN).

Mr. MONAGAN. Mr. Speaker, I support this legislation.

I introduced a bill myself along the lines of this bill, and I think it is in the interest of the United States to continue the operation of these free radios. In fact, I believe we should not have an interim authorization, but a more permanent one because of what I consider to be the value of these two broadcasting systems. These are not systems for the dissemination of news or primarily factual information—that is the function of the Voice of America. These are stations which disseminate programs which have to do with opinion and discussion of the broader implications of world events. They have permitted people behind the Iron Curtain not only to know what is going on but also to have mature, pertinent, and balanced interpretations of world affairs that otherwise would not come to them.

This is not an invasion of sovereignty as sometimes has been charged, but it is an attempt on our part to promote the free trade of ideas through these media as we would do through the broad dissemination of newspapers or magazines or of any other media of information.

One of the unfortunate effects of the way in which this legislation has been handled through the reservations of the other body has been to affect the morale of the people of these organizations, and I should like to say we have a priceless team of people who are experts with reference to the countries involved and their political and social problems. I hope the passage of this legislation and the study and recommendations which will be made by the commission which will act thereafter will be a source of encouragement to these faithful employees and some guarantee of the future continuation of these important activities.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I should like to commend the gentleman for his comments. In my opinion, both Radio Liberty and Radio Free Europe are proven vehicles, of value to this country. I think the vote last November in favor of continuing these programs is an indication of the solid support which they have in Congress.

The bill that we have before us today would not have been necessary had we not been obliged to reach some kind of agreement with the other body, as the gentleman has just pointed out. It is unfortunate that this should have happened, and I agree with the gentleman that the stopgap measures by which we have continued these programs is damaging to the morale of the employees.

My guess is that a presidential commission will surely make recommendations to continue these programs. My guess also is that a presidential commission would not really be necessary, that we could make such a determination ourselves. However, regardless of the merits, we know now that there is going to be a commission. It is to report at the end of February next year. It is my hope that we will repeat what we already did almost 9 months ago, that is, authorize continuation of these programs for the current fiscal year.

I thank the gentleman for yielding.

Mr. MONAGAN. I think it is rather ridiculous for us to be so concerned about the sensitivity of these other nations, who themselves have even more extensive systems of disseminating propaganda from their sources than this operation that we are proposing to continue here.

I yield to the gentleman from New York.

Mr. PIRNIE. I thank the gentleman for yielding. I, too, would like to commend him for the attitude he has taken with respect to this important operation and the emphasis that he places upon the morale of the people who are engaged in the program. I trust that the action of this House will be an encouragement to them so that this activity can be maintained on the high level of objectivity which has been followed heretofore.

Mr. MONAGAN. I thank the gentleman for his comments. I yield to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Speaker, I, too, associate myself with the gentleman's remarks. I think it ought to be underlined that while as the gentleman has indicated, Radio Liberty and Radio Free Europe are not confined to merely reporting of the news, they do, in fact, operate in countries where there is a controlled press and where the only knowledge——

The SPEAKER. The time of the gentleman from Connecticut has expired.

Mr. MORGAN. Mr. Speaker, I yield to the gentleman 1 additional minute.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman from Alabama.

Mr. BUCHANAN. I thank the gentleman.

They operate in countries where there is a controlled press and where the only knowledge the people of the Soviet Union may have of certain domestic events might come through Radio Liberty, or in the case of other countries, the reports of Radio Free Europe, so they are helping to disseminate news that probably would not be heard in many instances by the people within the country except from these sources. They do, in addition to giving a larger picture of what is going on in the world, have an editorial content. They also do some very fine news reporting, and much-needed news reporting, from the point of view of the people behind the Iron Curtain.

Mr. MONAGAN. And ultimately they will bring about, we hope, a peaceful progression to more democratic governments in these areas.

Mr. MORGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I rise in support of the bill, S. 3645.

I have actively supported the necessary funding for Radio Free Europe and Radio Liberty, and I hope that this authorization for fiscal year 1973 will receive overwhelming approval of the House.

There are two basic reasons why this legislation should be approved. First, from all the evidence available to us, the two radio stations have performed a valuable function over the years, penetrating the curtain of censorship imposed by the governments of Eastern Europe and the Soviet Union in order to deny the people of their countries accurate, factual information about conditions in their own homelands and in the West. Under those conditions, Radio Free Europe and Radio Liberty have served as a vital link of communication among the peoples of Eastern Europe, and between them and the West.

The second reason which argues for the enactment of S. 3645 is that the Congress needs additional information about these broadcasting activities, and their relevance to our foreign policy undertakings of the 1970's. Without such information, we cannot make an intelligent decision about how these operations should be conducted and funded in the future.

The House last year recognized the need for this information by approving, by a vote of 271 to 12, a proposal which I advanced, calling for the establishment of a Presidential Commission to inquire into these matters and to report on them to the Congress. Unfortunately, that proposal did not survive the conference with the other body.

The issue, however, has not been buried. Earlier this year, taking the lead from our actions, the President announced that he will appoint a Presidential Commission to evaluate Radio Free Europe and Radio Liberty in the context of our present and future foreign policy. This was a wise decision, and I hope that the Commission will be appointed promptly and get started with its assignment.

In the meantime, funds are needed to continue Radio Free Europe and Radio Liberty activities through the fiscal year 1973, and the passage of the bill before us will assure the availability of such funds.

For these reasons, Mr. Speaker, I again urge the House to approve S. 3645.

Mr. DERWINSKI. Mr. Speaker, I rise today to express my strong support for S. 3645. This legislation authorizes funds for Radio Free Europe and Radio Liberty for fiscal year 1973.

I must say that what we are doing here today would have been accomplished a year ago had the chairman of the Senate Foreign Relations Committee not tried to kill the radios. Members of this body will recall that last year the House overwhelmingly passed a 2-year authorization bill for Radio Free Europe and Radio Liberty. However, an extremely difficult conference followed, in which the House conferees had to struggle long and hard to save the radios from extinction.

As most of my colleagues know, the battle for the minds of men is not yet over. So long as censorship prevails in the Soviet bloc, their citizens will seek to know the truth.

The radios are doing an excellent job of broadcasting information to people in the Soviet bloc about events in their own countries. They must have information other than that which those in control wish to make known.

While the radios are doing a good job with existing resources, I would not only continue their work, but expand it. For example, I believe that Radio Liberty should explore the possibility of broadcasting to the Baltic States in the languages of the three countries—Latvia, Estonia, and Lithuania. The people of these small countries have never accepted their conquest and subjugation by the Soviet Union. Like others within the Soviet bloc they want to know what is happening within the world, including what is happening in their own countries.

I urge approval of this legislation.

Mr. STEELE. Mr. Speaker, I want to express my support of S. 3645, which will provide the funds necessary to keep Radio Free Europe and Radio Liberty in operation for the fiscal year 1973.

Since the inception of the two radios following World War II, Radio Free Europe and Radio Liberty have continued to function as agents of free communication among nations which do not readily exchange ideas. Radio Free Europe and Radio Liberty are voices of freedom in Eastern Europe and the Soviet Union; they are not government spokesmen but rather representatives of the independent free press. The service which they perform is indispensable to the continuation of open communication between the people of the United States and those in Eastern Europe and the Soviet Union, and therefore indispensable to increasing detente between East and West and liberalization within the Soviet bloc countries.

Our favorable action here today would provide for the continuation of the two radios while the Presidential Commission studies the future role and importance of Radio Free Europe and Radio Liberty. The bill deserves our full support.

Mr. ZABLOCKI. Mr. Speaker, I am very pleased to associate myself with my chairman, the Honorable THOMAS E. MORGAN, in urging House approval of S. 3645, the bill to authorize funding for Radio Free Europe and Radio Liberty during the current fiscal year.

Mr. Speaker, I am certain that it is not necessary to review the record of accomplishments of these two radio broadcasting activities. For many years, during a dark period in the history of Eastern Europe, these stations provided the people of those countries with information about what was happening at home and abroad. On many occasions, Radio Free Europe was the only source of information available to the people of Eastern Europe about developments in their own homelands. Radio Liberty provided the same kind of service in the area to which it was broadcasting. These informational activities, together with factual reporting about U.S. actions and policies, earned for the staffs of Radio Free Europe and Radio Liberty the gratitude of many who were then living behind the Iron Curtain.

Today, more information is available to the people of Eastern Europe and the Soviet Union than even a few years ago. Nevertheless, much information is still being denied to the people of that area. The mass media of communication are government-controlled and somewhat selective in presenting the news. And so the role of Radio Free Europe and Radio Liberty, even though considerably changed, remains valid.

I, therefore, support this authorization of funds to keep these stations operating during the current fiscal year. I hope that before the year is finished, we will have more information on which to base our decision about future financing of these operations. Until that happens, however, this legislation is necessary and consistent with our foreign policy undertakings.

I again urge the approval of S. 3645.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MORGAN) that the House suspend the rules and pass the bill S. 3645.

The question was taken.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 376, nays 7, not voting 49, as follows:

[Roll No. 302]

YEAS—376

Abbitt
Abernethy
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspin
Aspinall
Badillo
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte
Corman
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.

Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—7

Abourezk
Abzug
Dellums
Harrington
Hechler, W. Va.
Kastenmeier
Schmitz

NOT VOTING—49

Ashley
Baker
Baring
Blanton
Blatnik
Bolling
Broomfield
Brown, Mich.
Burlison, Mo.
Chamberlain
Clay
Conyers
Davis, Ga.
Dingell
Dowdy
Edmondson
Flynt
Gallagher
Griffiths
Hagan
Hébert
Hungate
Hutchinson
Ichord
Jones, Tenn.
Landrum
Lennon
Long, La.
McClure
McCormack
McDonald, Mich.
McKinney
McMillan
Mathias, Calif.
Miller, Calif.
Nedzi
Passman
Pelly
Pepper
Poage
Pryor, Ark.
Rarick
Rooney, N.Y.
Ryan
Smith, Calif.
Stephens
Stubblefield
Stuckey
Talcott

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Mathias of California.

Mr. Rooney of New York with Mr. McKinney.

Mr. Blatnik with Mr. Hutchinson.

Mr. Dingell with Mr. Broomfield.

Mr. Flynt with Mr. McClure.

Mrs. Griffiths with Mr. McDonald of Michigan.

Mr. Pepper with Mr. Pelly.

Mr. Nedzi with Mr. Brown of Michigan.

Mr. Passman with Mr. Smith of California.

Mr. Stephens with Mr. Talcott.

Mr. Stuckey with Mr. Long of Louisiana.

Mr. Jones of Tennessee with Mr. Baker.

Mr. Burlison of Missouri with Mr. Edmondson.

Mr. Blanton with Mr. Chamberlain.

Mr. Lennon with Mr. Stubblefield.

Mr. Hungate with Mr. Miller of California.

Mr. Ichord with Mr. Hagan.

Mr. Ryan with Mr. Clay.

Mr. Conyers with Mr. McCormack.

Mr. Landrum with Mr. McMillan.

Mr. Davis of Georgia with Mr. Rarick.

Mr. Pryor of Arkansas with Mr. Baring.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

UNIFORM RELOCATION ASSISTANCE

Mr. WRIGHT. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1819) to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs and for an extension of the effective date of the Act, as amended.

The Clerk read as follows:

S. 1819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 207 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1898) is amended by striking out "July 1, 1972," and by inserting in lieu thereof "July 1, 1974,".

(b) Section 211(a) of such Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1974".

(c) Title II of such Act is amended by adding at the end thereof the following new section:

"INTERIM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION EXPENSES

"Sec. 222. During the period from July 1, 1972, through June 30, 1973, the head of a Federal agency is authorized to advance to a State which is not in compliance with this Act such sums in excess of the first $25,000 of cost as may be necessary to make all payments and provide all assistance required by this Act. All sums advanced to a State under this section shall be repaid by such State as soon as practicable in accordance with regulations adopted by the head of such Federal agency.".

(d) Section 101(3) is amended by inserting immediately after "means" the following: "a State,".

(e) Section 101(6) is amended by inserting immediately after "personal property from real property," the following: "which he lawfully occupies,".

(f) Title II of such Act, as amended by subsection (c) of this section, is amended by adding at the end thereof the following new sections:

"ASSISTANCE TO CERTAIN PROGRAMS AND PROJECTS UNDERTAKEN DIRECTLY BY NONPROFIT ORGANIZATIONS AND PERSONS

"Sec. 223. (a) Notwithstanding any other provision of law, whenever a program or project to be undertaken (A) by a nonprofit organization furnished Federal financial assistance for such program or project under section 202 of the Housing Act of 1959, under title VI of the Public Health Service Act (42 U.S.C. 291), or under the Higher Education Facilities Act of 1963 (20 U.S.C. 701), or (B) by a State agency furnished Federal financial assistance for such program or project under the second proviso of section 10(a) of the United States Housing Act of 1937 for the rehabilitation of public housing, and the Federal financial assistance is furnished by a Federal agency pursuant to a grant, contract, or agreement and such program or project will result in the forced displacement of any person on or after the effective date of this section, the head of the Federal agency furnishing such financial assistance shall require the organization, or the State agency, as the case may be, to provide—

"(1) fair and reasonable relocation payments and assistance to or for such displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 to or for such displaced persons; and

"(3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings to such displaced persons in accordance with section 205(c)(3).

"(b) Notwithstanding any provision of law, whenever a program or project to be undertaken by a person furnished Federal financial assistance for such program or project under section 236 of the National Housing Act, as amended (12 U.S.C. 1715Z–1), by a Federal agency pursuant to a grant, contract, or agreement will result in the forced displacement of any person on or after the effective date of this section, the head of the Federal agency furnishing such financial assistance shall require the person receiving such assistance to provide—

"(1) fair and reasonable relocation payments and assistance to or for such displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 to or for such displaced persons; and

"(3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings to such displaced persons in accordance with section 205(c)(3).

"REMOVAL OF VACANT IMPROVEMENTS

"Sec. 224. No department, agency, or instrumentality of the Federal Government administering any program providing Federal financial assistance shall, for the purpose of assuring compliance with this Act, impose any limitation on the removal of vacant improvements located on real property acquired in connection with such a federally assisted project."

Sec. 2. Section 202(a)(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, is amended by inserting immediately before the semicolon a comma and the following: "except that in any case where it is impracticable to determine such relocation expenses the payment shall be for the actual direct losses".

Sec. 3. Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1898) is amended by adding at the end thereof the following:

"DONATIONS

"Sec. 307. Nothing in this title shall be construed to prevent a person, after he has been tendered the full amount of estimated just compensation as established by the approved appraisal of the fair market value of the subject property, from making a gift or donation of such property or any part thereof or of any of the compensation paid therefor, to a Federal agency, a State or a State agency, as such person shall determine.".

The SPEAKER. Is a second demanded?

Mr. HARSHA. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. WRIGHT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill extends and in minor respects amends the Uniform Relocation Assistance Act of 1970. Primarily it extends the effective date of Federal payments under that act for 2 additional years or until July 1, 1974. In addition to that it makes several minor changes in the existing statute. Some of them are in the nature of corrections.

First, it provides that if a business has been required to be moved but the owner wishes simply to discontinue the business instead of moving it to another place, he shall not receive more than the cost of relocation. This was inserted to account for certain few abuses that had occurred in the past.

Second, it defines "a State" in such a way to make it clear that the Federal law intends for the government of a State to be included under the defintion of "a State" in the earlier act.

Third, it amends the existing law by adding the words "which he lawfully occupies" to the definition of displaced persons. This has been done to make sure that people who unlawfully occupy property involved should not receive the benefits.

Fourth, it extends the act to take care of nonprofit organizations, and those are defined as organizations and operations such as housing for the handicapped and elderly, private hospitals, higher education facilities, and certain others.

Finally, it adds a new section to allow persons to donate or make a gift of real property to any Federal agency, State or State agency for the purposes of carrying forth any of the programs authorized in the act.

That is in essence all the bill does, Mr. Speaker. I reserve the balance of my time and yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Speaker, I rise in support of this legislation, S. 1819, as amended. I offer my support to the legislation, but I must qualify that support. The provisions of S. 1819, which amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, include an extension until July 1, 1974, of the 100 percent Federal funding of the first $25,000 for any relocation payment. The bill, as passed by the Senate, extended the Federal participation indefinitely. I was opposed to this proposal. Accordingly, my colleagues of the Committee on Public Works agreed to a 1-year extension of the 100 percent Federal funding for relocation in subcommittee action and ultimately the full committee agreed to a 2-year extension of this provision.

The intent of Public Law 91-646 was to provide uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for these programs. Public Law 91-646 provides for fair relocation payments, advisory assistance, assurance that comparable, decent, safe, and sanitary replacement housing will be available for displaced persons prior to displacement, economic adjustments, and other assistance to owners and tenants displaced from their homes, businesses, or farms. The law provided for a transition period until July 1, 1972, to enable the States to implement the act. During this period the Federal Government contributed the first $25,000 of the cost of providing each relocation payment and assistance and other new acquisition payments required by title III of the act.

I hasten to point out that the 100 percent Federal funding of section 211(a) was for the interim adjustment period, during which States could enact necessary legislation and prepare for this added responsibility for federally assisted programs. The committee, however, recognizes that extra time is now needed by some States to fully comply with the Uniform Relocation Assistance Act as to all federally assisted programs, and projects could be halted in some of these States. By the Federal Government paying the full $25,000 of each relocation payment for the 2 years, projects can proceed on schedule with the State acting as a conduit for those Federal funds.

The committee also included a provision authorizing Federal agencies to advance to States not in compliance with the law such sums in excess of the first $25,000 for any single relocation payments until July 1, 1973, as may be needed to provide all assistance required by the Federal law, with repayment of such sums to be made by the receiving State as soon as practicable. I wish to emphasize that States are not allowed additional time to come into compliance with the Uniform Relocation Assistance Act. However, they may act as conduits for Federal funds until they conform to provisions of the act by enactment of necessary State legislation.

Other provisions included in S. 1819 are refinements to the current law, where executive interpretation required clarification or legislative language needed modification. In each case the refinements were desirable for a more smooth and orderly operation of relocation and acquisition under the law. Section 222(d) amends secton 101(3) of the act to include a State in the definition of a State agency. The committee's intent was to include a State in this definition, however the definition was interpreted incorrectly and a State was not included.

Section 222(e) amends section 101(6) to restrict those receiving relocation assistance to those displaced persons who legally occupy real property. The amendment is designed to exclude tenants illegally occupying dwellings from receiving the benefits of the act.

Section 223 of S. 1819 enumerates the following Federal programs under which the Uniform Relocation Assistance Act should apply. These programs undertaken by a nonprofit organization currently do not provide assistance to displaced persons. They are, section 202 of the Housing Act of 1959, which provides home loans to the elderly and the handicapped, title VI of the Public Health Services Act which provides for the construction of hospitals, the Higher Education Facilities Act of 1963, which provides for Federal grants to universities for certain programs, section 10(a) of the U.S. Housing Act of 1937 for the rehabilitation of public housing by a State agency pursuant to a grant, contract, or agreement which results in the forced displacement of any person, and, finally, as to any person receiving Federal funds to undertake a project under the authority of section 236 of the National Housing Act, as amended, which results in the forced displacement of any person.

Section 202 removes the limitation on the payment of the actual direct loss of a business or farm operation as a result of forced moving if that business or farm operation would be discontinued.

Section 224 deals with a situation in Cleveland, Ohio, where many vacant buildings have stood in the right-of-way land for Interstate 90, causing an eyesore to the surrounding neighborhood, as well as contributing to unsafe conditions in the immediate area. The section prohibits departments, agencies or instrumentalities of the Federal Government to impose limitations on the removal of vacant improvements located on real property acquired in connection with a federally assisted project. It is the intent of this language to have removed as soon as possible any vacant building such as those in Cleveland, Ohio.

Finally, the committee added a new section which will allow any individual to donate property or any part thereof to any State, State agency, or Federal agency for use in a federally assisted project. Currently, individuals could not do so even if they so desired.

While we all desire fair and equitable treatment for any person or business displaced by a Federal or federally assisted program or project, we must recognize that the ultimate responsibility of such relocation lies with the State in which the project takes place. There are other federally imposed restrictions on federally assisted projects, such as adherence to civil rights provisions, Davis-Bacon wage scales, and the like. The State or State agency funds these projects and all requirements contained therein on a matching basis according to grant conditions. Relocation must become a part of the requirements for States to meet for federally assisted programs.

Mr. BLACKBURN. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Georgia.

Mr. BLACKBURN. Mr. Speaker, I rise today in support of S. 1819, the bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, now under consideration. I know that the Public Works Committee has worked diligently on the very complex and difficult problems created by the act, and I congratulate them on reporting a bill which clearly corrects the situation confronting many States which are making a "good faith" effort to comply with the law.

My own State of Georgia has been unable to comply with the present law because of a prohibition in our State constitution against granting relocation payments as required by the present act. The amendments which the committee has brought forth provide relief in that the first $25,000 of relocation payments will be paid by the Federal Government and for any State that is not yet in compliance, the Federal agency will extend to that State the funds needed to make all relocation payments.

As a primary supporter of fiscal responsibility, I am comforted to note that the bill requires the head of the Federal Agency involved to make arrangements for the repayment of the funds extended to the States by the Federal Government.

I congratulate the Public Works Committee for this fine piece of legislation and I know that the people of Georgia have been greatly assisted by this action.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Ohio.

Mr. KEATING. Mr. Speaker, today we are considering S. 1819, Uniform Relocation Assistance Amendments, which will extend the Uniform Relocation Amendment Act of 2 years beyond the July 1, 1972, deadline and will provide relocation benefits to persons displaced by nonprofit organizations carrying out Federal programs.

The provisions which are contained in today's legislation do not deal with a problem which has come to my attention concerning the payments made under the Uniform Relocation Amendment Act to tenants who are relocated.

Basically, the problem deals with payments made to relocated tenants in excess of the actual expense that tenants incur in moving into new rental quarters.

I find that under present HUD regulations the following situation may occur:

Tenant lives in three-bedroom apartment in substandard dwelling, paying $65 per month. Tenant is relocated as part of an urban renewal program and therefore is entitled to payments under Uniform Payments Relocation Assistance Act. Tenant's new quarters are in public housing where tenant is required to pay $18 per month. However, according to HUD regulations, tenant's rental payment under chapter 6, section 4, is the difference between the $65 he was formerly paying and the cost of a comparable unit in a decent, safe, and sanitary dwelling. In Cincinnati a comparable unit, according to the schedule, for a medium-sized three-bedroom apartment is $206. The cash payment to the tenant is, therefore $141 per month—the difference between the $65 and the $206—although the tenant's obligation is to pay only the amount charged by the public housing unit, in this case, $18 per month.

In my opinion, payments made to relocated tenants should relate directly to the needs of the tenants and not some hypothetical schedules. I have outlined in some detail this problem in a letter to Secretary Romney which I would like to include in the Record at this point. I am asking the Public Works Committee and the Committee on Banking and Currency to review this problem to see if the Congress can resolve it by appropriate legislative amendment.

This is a nationwide problem and involves a large expenditure of funds. In fiscal year 1972 some $500 million were appropriated for relocation purposes. Again, I emphasize that money saved through appropriate application under this program can be better used to enable more families to relocate decent housing or in additional rehabilitation of housing.

I urge your attention to this problem.

The letter referred to follows:

August 3, 1972.

Hon. George W. Romney,
Secretary, Department of Housing and Urban Development, Washington, D.C.

Dear Mr. Secretary: The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 became effective January 2, 1971. It is my understanding that the Department of Housing and Urban Development administers this Act under regulations contained in Regulation Handbook 1371.1, dated July 30, 1971.

It has come to my attention that there are significant problems in the implementation of this legislation that relate to the payments made to tenants who are relocated. The legislation under Section 204 of P.L. 91–646 calls for payments in the "amount necessary" to relocate a person in standard housing with a maximum limitation of $4,000 on such payments. It is clear that the intent of the legislation is to provide payments necessary to enable a tenant to relocate without a large financial burden being placed upon him.

Regulations contained in the relocation handbook mentioned above in Chapter 6, Section 4, entitled "Replacement Housing Payments for Tenants and Certain Others," call for the payment of rental assistance moneys according to a detailed formula. According to the formula, such payment may be made according to a schedule devised by the local FHA or by determining the cost of a comparable unit for the displaced person. The effect of these HUD regulations is to allow a tenant to receive a cash payment from the relocation moneys in excess of the amount the tenant may actually need in his new rental quarters.

The potential for abuse under this payment system is limited only by the $4,000 figure prescribed in Section 204 of the legislation itself. An example under this method that no doubt will occur is as follows:

Tenant lives in three bedroom apartment in substandard dwelling, paying $65 per month. Tenant is relocated as part of an urban renewal program and therefore is entitled to payments under Uniform Payments Relocation Assistance Act. Tenant's new quarters are in public housing where tenant is required to pay $18 per month. However, according to HUD regulations, tenant's rental payment under Chapter 6, Section 4, is the difference between the $65 he was formerly paying and the cost of a comparable unit in a decent, safe, and sanitary dwelling. In Cincinnati a comparable unit, according to the schedule, for a medium-sized three bedroom apartment is $206. The cash payment to the tenant is, therefore, $141 per month—the difference between the $65 and the $206—although the tenant's obligation is to pay only the amount charged by the public housing unit, in this case $18 a month.

Needless to say, this will be attacked as a windfall, and surely does not fulfill the purposes of the legislation.

I am informed by relocation officials in the City of Cincinnati that some 1,200 to 1,300 families are going to be entitled to rental assistance payments. To date approximately thirty claims have been adjudicated under the regulations HUD now uses, and the average total payment for these families for moving costs, dislocation payment, and rental assistance, is in the neighborhood of $3,800 per family. This is very close to the maximum amount allowable under the legislation and it seems clear that tenants will choose that method of payment which allows them the greatest financial benefit.

It is my understanding that Congress has set aside $500 million for the implementation of the Uniform Relocation Assistance Act; and, therefore, the problem I describe is now limited to the Cincinnati area. You will no doubt be receiving many complaints concerning the methods now employed. It is clear that the present method does not really relate to the needs of those people who are required to relocate. I am asking the Housing Committee to review this legislation to see if amendments are necessary to remedy the situation. I am also requesting that you review the present regulations to see what changes should be made to prevent excessive payments to relocated tenants.

I would also like to know why the rental payments and moving expenses cannot primarily be based upon actual expenses and not some general formula.

The City of Cincinnati is anxious to proceed in its efforts to develop decent, safe, and sanitary housing for all of its citizens. Money saved through realistic application of relocation assistance can be used to enable more families to move into better housing or can be used in rehabilitation of additional housing.

I deeply appreciate your immediate attention and response to this inquiry.

Very truly yours,

William J. Keating,
Member of Congress.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of amending the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. It would continue full Federal funding of the first $25,000 of any single relocation payment for 2 additional years after the July 1, 1972, deadline that was established in section 207 of Public Law 91–646.

As a cosponsor of the original bill which would have continued full Federal funding indefinitely, I now believe that the committee has struck a reasonable compromise to give 2 years further time for compliance of State and local agencies. I have had several urban renewal agencies located within my congressional district telling me of the hardships and delay that the 1970 act requirement would be creating for their community. I believe that this legislation is in the best interest of not only the citizens of Arkansas but of the Nation. I strongly recommend its passage.

Mr. WRIGHT. Mr. Speaker. I yield to the gentlemen from Illinois (Mr. Kluczynski)

Mr. KLUCZYNSKI. Mr. Speaker, I want to thank the gentleman from Texas (Mr. Wright) for yielding to me.

I rise in support of S. 1819.

Mr. Speaker, the provision of relocation assistance to citizens whose lives and occupations are disrupted because of Federal programs, particularly in the areas of housing and highway construction, is an obligation that the Federal Government cannot and should not avoid.

This assistance was authorized for the first time in the 1968 highway bill, and I am proud of the fact that, as chairman of the Public Works Subcommittee on Roads, I had a hand in shaping this humane legislation.

We have now upgraded and strengthened this legislation, greatly improving the cooperation between State and Federal agencies which we must have if the relocation assistance program is to be really effective, and extending Federal assistance into areas that had heretofore been neglected.

The 1970 act allowed the States 18 months to bring their programs into compliance with the law, but, unfortunately, a few of them still need more time. In this new bill, therefore, we have tried to insure that individuals will not be harmed by the lack of State action. We have continued the Federal funding for another 2 years.

The Committee on Public Works has been advised that certain programs were not being included within the provisions of the Uniform Relocation Act. We have taken steps to insure that all people who are displaced by these programs will receive the benefits of the Relocation Act in the future.

Mr. Speaker, I am proud to have played a part in the beginnings of this program, and I am proud today to see it being continued.

Mr. WRIGHT. Mr. Speaker, I yield to the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. I thank my distinguished friend for yielding.

Mr. Speaker, I rise in support of this very important legislation.

Mr. WRIGHT. Mr. Speaker, I yield to the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this legislation. I should like to ask the distinguished gentleman from Texas a question.

In the third district of Colorado, which is the one I represent, a few years ago a dam was approved for the protection of the city of Trinidad. Upstream from this city was a small community, named Sopris, which had several families in it, which city was going to be flooded by the waters backed up by this dam.

Many people who lived there settled the claims they had for the taking of their homes and businesses under the old law. They received very little compensation for their properties, and in some instances only $400 of relocation assistance.

Several people held out. They were not satisfied with the amounts offered by the Government, feeling they were not fair.

During this period of time a new law was passed, and greater benefits were provided. Those who delayed settlement of their claims were therefore entitled to sometimes as much as twice the amount offered to the people who settled under the old law.

It would seem to me that we ought to address ourselves to this unfair situation, for I am sure it exists in other parts of the Nation as well as at Sopris, Colo.

I wonder if the gentleman from Texas can give us any assurance that at least the gentleman from Texas will be willing to encourage the committee to look into this situation, to see whether or not the law can be amended to bring in those people who had their homes taken under the old law, while others who were under the same project were compensated in greater amounts under the new law.

Would the gentleman be able to give us any such assurance?

Mr. WRIGHT. Yes. The gentleman from Colorado raises a thoroughly valid question. The situation which he describes is manifestly inequitable.

As a matter of fact, the gentleman from Colorado appeared before our subcommittee at the time it was considering this legislation, and he brought this situation to the attention of the committee. It appeared to the committee that there probably exist throughout the country other projects in respect to which a similar inequity has occurred, but the gentleman from Colorado was the only Member who appeared before us and testified as to such a situation. This being the case, the members of the committee determined it would be wise if we were able to have a somewhat more general review and ascertain with some greater certainty exactly how many projects and exactly how many beneficiaries would be involved in such a situation.

Next year we would expect to look at this entire act with a view to somewhat broader revisions in the act, to compensate for such situations as the gentleman from Colorado just mentioned.

Mr. EVANS of Colorado. I certainly appreciate that assurance very much.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Ohio.

Mr. HARSHA. I should like to join my distinguished friend from Texas in commending the distinguished gentleman from Colorado. As the distinguished gentleman from Texas indicated, the distinguished gentleman from Colorado did appear before the committee, and he prosecuted the claims and vested interests of his constituents in an effective and forceful manner. He did bring to the attention of the committee this inequity that existed because of the time element involved and the time the act became effective.

In addition to that, there are some other areas similar to that which the gentleman called to the attention of the committee.

I certainly would join with my distinguished friend from Texas in urging the chairman of the full committee to conduct broad-scale hearings into the general aspects of what the gentleman brought to our attention, so that we can deal with these inequities, which should be corrected.

I commend the gentleman from Colorado for so effectively representing his constituents and for bringing this matter to our attention.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to my colleague from Texas (Mr. PICKLE).

Mr. PICKLE. I commend the gentleman for bringing to us this Urban Relocation Assistance Act. I am and have been in support of it.

This matter has been a particular problem to some cities in my district actively trying to pursue urban renewal, and to keep it going, so I am glad the dates are being changed.

May I ask the gentleman: Is the extension for 2 years?

Mr. WRIGHT. The gentleman is correct. The authorizations contained in the basic law will be extended until July 1, 1974.

Mr. PICKLE. This would then give us time to see whether we want to continue that approach or take another look at the whole program?

Mr. WRIGHT. That is correct. The committee felt an additional 2 years would give some States that have not as of now been in current compliance an opportunity to do so and then gives the Congress further opportunity prior to the expiration of this act to determine whether it is in the interest of the country to continue the authorizations of this act in its present form.

Mr. PICKLE. I thank the gentleman.

Mr. HARSHA. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Tennessee (Mr. KUYKENDALL) a cosponsor of this legislation and one who has helped to explain the problems that are inherent in this legislation and the lack of legislation in his own home State.

Mr. KUYKENDALL. Mr. Speaker, I wish to congratulate the gentleman from Texas and the ranking minority Member for the work they have done on this legislation.

Mr. Speaker, I rise in support of S. 1819, the Uniform Relocation Assistance Act amendments. Since this bill is substantially identical to a bill which I introduced, I urge its passage today.

The purpose of this bill is to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 which the President signed into law in January 1971—Public Law 91-646. This act represents a major step toward the fair and equitable treatment of individuals, families, and businesses displaced by federally assisted projects. The amendment is designed to extend for 2 years until July 1, 1974, the full relocation assistance benefits.

The act of 1970 provides, in part, that the Federal Government will bear 100 percent of the first $25,000 of any single relocation payment paid under the act where the property acquisition or displacement occurs prior to July 1, 1972. After July 1, 1972, State and local project agencies are required to participate in the cost of relocation payments mandated under the new act to the same degree that they share in other project costs. It is important to note that the act of 1970 as passed by the Congress, affects all federally assisted programs which displace persons, such as highway programs, certain agricultural development programs, federally assisted private programs, as well as housing and urban renewal programs. The intent of the law was to establish a uniform policy for the fair and equitable treatment of persons so displaced, and I maintain that to achieve that uniformity, because of the lack of local resources, the Federal Government must continue to bear the expense of relocation assistance.

Local governments already share in a substantial proportion of relocation costs. There is evidence from many local communities that they will not be able to meet this share requirement within their limited resources and the result will be one that I believe was certainly never intended by the Congress that wrote this legislation. Existing programs in many cases will be faced with crippling cutbacks and desperately needed new programs will never get off the ground. In my opinion, this financial burden on our cities and communities is the single most important item for this committee's consideration.

The fate of our Nation's cities is a much publicized, talked about, and even politically potent item. Our increasingly expanding cities have in the past, been considered a sign of the economic strength and fast-paced but productive growth of this country. But this picture is now changing, and some would say that it is already changed. The threats to our urban areas are many—the exodus of productive, economically self-sufficient citizens to the suburbs with the resulting loss of an adequate tax base and the decay in our inner cities which breeds violence and despair are at the heart of their problems. Please consider the more a city needs help, the more deteriorated it is, the less able financially it is to help itself. If it must share costs with the Federal Government, it may have only as much assistance as it can afford. Thus, those who need the least will get the most, and those who need the most, will qualify only for the least. This is not uniformity, and I do not believe that this was the intention of the members of the 91st Congress.

Urban renewal is not a "one shot deal," or perhaps I should say, the greatest need for urban renewal is in the future. As our downtown and inner cities become so old and dilapidated that private enterprise is no longer willing or able to manage there, the Federal Government with its myriad resources, must step in to provide assistance. I am proud of the success that a progressive housing authority has achieved in Memphis. Extensive urban renewal projects are now underway in our downtown area, and already life on Main Street is revitalized. Memphis, however, like most large cities, has severe financial problems, and must continue to meet rising costs in nearly all city services. I think it would be safe to say that if more city financing were required for our urban renewal projects, we would be faced with a discontinuation of many of these programs, and certainly a veto of many proposed programs.

So today, I am speaking not only as a U.S. Congressman with the best interests of my country at heart, but also as a Tennessean and a Memphian, who is concerned about the welfare, both present and future, of my State and city.

The Senate passage of this bill, as well as the 19 consponsors of the bill which I introduced, testify to the fact that this is legislation of broad concern and interest. I strongly urge that it be enacted today.

Mr. WRIGHT. Mr. Speaker, I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I take this time to ask the subcommittee chairman whether he could state on the record what protections there are in this bill for those people whose homes are being displaced by federally assisted projects, to make sure that the necessary funds are available at the time that they must purchase their replacement homes when it becomes clear that they are required to move out of their old homes?

We have had a situation, in fact it has become a burning issue, in my district where people who are about to be displaced by highway building in the inner city cannot get the funds to purchase their new residences until after the old one is actually taken by the authorities. Yet until these people move into the new residences, the highway authorities refuse to complete action to pay for the old residences.

I wonder if there is anything in this legislation which requires the cities and States to see to it that people are not placed in these intolerable situations where they are stuck for months and even years because of delays in the administrative process.

Mr. WRIGHT. I would say to the gentleman that the situation he describes and its alleviation is the basic purpose of this legislation. Those who are forced to move and uproot themselves and dislocate their lives were the forgotten people of these programs. It was because of them that the committee initially brought the Relocation Act of 1970 to the House and it was because of the hope of treating them with equity that that act was passed.

Under the law it is provided that a project may not go forward until such time as these people are adequately and duly compensated. To the extent that delays have occurred I am inclined to believe this is a result of the failure adequately to fund the programs rather than a failure of the law itself.

Mr. SEIBERLING. Then, it comes down to this: The State highway administrations create their own sets of rules under which they will not issue funds until such time as they are ready to proceed with acquisition. At the same time the people who own the homes cannot rent them and they cannot move out because the funds are not available for them to acquire their replacement property.

I am just wondering if there is anything in the policy of this act that would enable citizens to put pressure on State administrations for federally funded highway projects, and other federally funded projects, to make them revise their rules so that they will take into consideration the equities of the people placed in that kind of a situation.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Speaker, I would like to call the attention of the gentleman from Ohio to section 210 of the law which says:

> SEC. 210. Notwithstanding any other law, the head of a Federal agency shall not approve any grant to, or contract or agreement with, a State agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this title, unless he receives satisfactory assurances from such State agency that—
>
> (1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;
>
> (2) relocation assistance programs offering the services described in section 205 shall be provided to such displaced persons;
>
> (3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with section 205(c)(3).

So that under the laws as we have written them, before a State receives any payment from the Federal Government these assurances have to be made to the Federal Government.

Mr. SEIBERLING. Mr. Speaker, if the gentleman will yield further, I would ask the gentleman from Ohio whether the law he is referring to is the law that already exists, or the proposed new law?

Mr. HARSHA. These are the laws that already exist.

Mr. SEIBERLING. And this bill does not alter the provision of the present law on that point?

Mr. HARSHA. And this provision shall remain in perpetuity.

Mr. SEIBERLING. I thank the gentleman. May I add the suggestion that the committee consider whether additional legislation should be considered to insure that homeowners to be displaced by federally funded projects not be left holding their property for unreasonable lengths of time after decision to acquire their property has been made by the local authorities.

Mr. HARSHA. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentleman for yielding, and I rise in support of the bill S. 1819, the Uniform Relocation Assistance Act.

Mr. Speaker, I support S. 1819, to extend the Uniform Relocation Assistance Act for 2 years beyond the July 1, 1972, deadline and to provide relocation benefits to persons who are displaced by nonprofit organizations carrying out Federal programs.

The landmark Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 set forth the goal that all persons displaced by governmental action would receive uniform and equitable treatment. No person could lose his home, business, or farm without being provided advisory assistance, help in moving, or in purchasing a new home or property at least as good as the one he had to vacate. The Federal Government was to cover 100 percent of the first $25,000 of any single relocation payment and 18 months later the States through the enactment of appropriate enabling legislation were to pay the same proportion of relocation assistance as they pay of the project costs.

However, many States have been unable to comply with the law and face the termination of Federal funding for displacement assistance. Requiring already hardpressed local governments to bear an even more substantial portion of relocation can at this time only have a negative effect. Many communities are now only barely able to keep their heads above water and adding to their fixed contract costs will in many instances result in cutbacks, delays, or even cessation of ongoing programs. If this is allowed to happen, the uniformity, the fair and equitable treatment of displaced persons we seek to help under the act will be seriously jeopardized.

S. 1819 gives us the respite we need to iron out local fiscal problems and permit the various highway, housing, and community development programs to continue without further straining local treasuries.

Mr. CONTE. Mr. Speaker, I rise in support of this measure which would continue full Federal funding of the first $25,000 of any single relocation assistance payment until July 1, 1974.

The legislation I introduced on this subject would have removed the cutoff entirely and I am somewhat disappointed that the bill before us merely extends, rather than removes, this cutoff date. Nevertheless, the additional 2-year period provided for in this bill will allow the States the time they need to adjust to the requirements of the basic legislation which passed the Congress in 1970.

The Federal Government has made a firm commitment of support to the localities with regard to the model cities and urban renewal programs. Strong Federal assistance, at least for the time being, is essential if the localities are to carry out their plans in this area successfully.

Localities throughout the country have indicated that these valuable programs are in danger of termination should the Federal Government summarily shut off these $25,000 payments.

I do not think it right for the Federal Government to pull the rug out from under our cities by asking them to shoulder a financial burden that could destroy the underlying programs themselves. Passage of this legislation would insure a necessary grace period to prevent this from happening.

I urge that S. 1819 be approved.

Mr. WRIGHT. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. WRIGHT) that the House suspend the rules and pass the bill S. 1819, as amended.

The question was taken.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 373, nays 10, not voting 49, as follows:

[Roll No. 303]

YEAS—373

Abbitt
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Aspin
Aspinall
Badillo
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Conable
Conover
Conte
Corman
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCulloch
McDade
McEwen
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—10

Ashbrook
Betts
Collins, Tex.
Colmer
Findley
Ford, Gerald R.
Goldwater
Gross
Hall
Schmitz

NOT VOTING—49

Abernethy
Ashley
Baker
Baring
Blanton
Blatnik
Boland
Bolling
Broomfield
Brown, Mich.
Burlison, Mo.
Chamberlain
Clay
Conyers
Davis, Ga.
Dingell
Dowdy
Edmondson
Flynt
Gallagher
Griffiths
Hagan
Hébert
Hungate
Hutchinson
Ichord
Jones, Tenn.
Landrum
Lennon
Long, La.
McClure
McCormack
McDonald, Mich.
McFall
McMillan
Mathias, Calif.
Miller, Calif.
Nedzi
Patman
Pelly
Pepper
Poage
Pryor, Ark.
Rarick
Rooney, N.Y.
Ryan
Stephens
Stuckey
Talcott

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Pelly.
Mr. Hébert with Mr. Mathias of California.
Mr. Blatnik with Mr. Chamberlain.
Mr. Nedzi with Mr. Broomfield.
Mr. Ryan with Mr. Clay.
Mr. Blanton with Mr. Baker.
Mr. Dingell with Mr. Brown of Michigan.
Mr. Flynt with Mr. McClure.
Mrs. Griffiths with Mr. McDonald of Michigan.
Mr. Pepper with Mr. Hutchinson.
Mr. Lennon with Mr. Edmondson.
Mr. Jones of Tennessee with Mr. Miller of California.
Mr. Stuckey with Mr. Rarick.
Mr. Ichord with Mr. Long of Louisiana.
Mr. Stephens with Mr. McMillan.
Mr. Hungate with Mr. Conyers.
Mr. Burlison of Missouri with Mr. Baring.
Mr. Davis of Georgia with Mr. Gallagher.
Mr. Landrum with Mr. McCormack.
Mr. Ashley with Mr. Hagan.
Mr. Pryor of Arkansas with Mr. Abernethy.
Mr. Boland with Mr. Patman.
Mr. McFall with Mr. Dowdy.

The result of the vote was announced as above recorded.

The title was amended so as to read:

"A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments for two additional years, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

COVERAGE OF NONPROFIT HOSPITALS UNDER THE NATIONAL LABOR RELATIONS ACT

Mr. THOMPSON of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11357) to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes.

The Clerk read as follows:

H.R. 11357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(2) of the National Labor Relations Act is amended by striking out the phrase: "or any corporation or association operating a hospital, if no part of the net earnings inures to the benefit of any private shareholder or individual".

The SPEAKER. Is a second demanded?

Mr. ASHBROOK. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill represents a logical extension of the trend toward covering nonprofit hospitals under other Federal laws.

In 1964, they were covered by the Equal Employment Opportunity Act. In 1966, they were brought under the Fair Labor Standards Act. In 1970, they were covered by the Employment Security Amendments of 1970, calling on States to provide coverage under employment insurance laws.

The subcommittee had rather extensive hearings on this legislation and it is very widely supported, including support by the administration.

The typical hospital strike is a "recognition strike," which is called usually as a last resort because there is no other way the workers can get recognition.

The National Labor Relations Board machinery will virtually eliminate these strikes as the Secretary, Mr. Hodgson, points out in his letter. It can be expected that hospital strikes over economic issues will continue at their present very low levels because the unions are most reluctant to call them because of adverse public reaction.

We learned some rather amazing things about those hospitals which are organized by unions. In the case, for example, of the Mount Sinai Hospital in New York, which is one of these hospitals, and it has agreed to having a union there—prior to the organization of the employees, that had the incredible turnover rate of 1,500 percent per year for nonprofessional employees.

Over a short period of years, the turnover is down to 2 percent per month.

One can imagine what it must be like to try to administer a hospital where you have a more than 100-percent turnover in personnel each month.

A similar experience was had in the Johns Hopkins Hospital in Baltimore, except that the rate there was 1,200 percent per year.

The same experience was had in California and in other States that were reviewed.

Now the only reason the nonprofit hospital employees were excluded from the act under the Taft-Hartley amendment, as they had been covered under the Wagner Act, was doubt in the mind of the late senior Senator Tydings of Maryland that hospitals were in interstate commerce.

That doubt has been dissipated by the Supreme Court of the United States in the Butte Medical Properties case and in the Supreme Court of the United States by the case of Maryland against Wirtz in 1968.

Proprietary hospitals, in other words profitmaking hospitals, have for some time been included in the act. They represent about one-fourth of the number of hospitals in the United States.

Nonprofit hospitals have 48 percent of all hospitals—and have 66 percent of all admissions. They employ 1 million, if you please, 1,387,000 full time and full time equivalent workers.

In the fiscal year 1970, the total national health expenditures was $67.2 billion, constituting 7 percent of the gross national product.

The American Medical Association neither supports nor opposes the legislation.

The Catholic Hospital Association is not opposed and we have a number of letters from Catholic hospital employers favoring it.

The American Hospital Association is the only opposition—and they have a split in their ranks because both the New York and Massachusetts groups of that distinguished association favor this law.

A number of labor unions, of course, support it, as do professionals, such as the American Nurses Association and a number of others.

There was some doubt in the mind of officials of the Minnesota Bureau of Mediation Services, and we have taken care of that with language in the report, as we have with some doubts of the nurses groups.

At the moment, nine States provide some degree of coverage for hospitals under their labor laws, but it is very limited.

Federal hospitals, of course, are not and will not be covered by this amendment.

All of the statistics available—and all of the data available—and all but 2 percent of the testimony available to us indicates strong support, and justifiable support, for this legislation.

As has been pointed out by a number of hospital administrators and doctors during the course of the hearings, it is terribly difficult for the professional in the medical field to provide continuity of the type of good medical care to which they are committed when they must rely on the supporting services of a majority of the people in the hospital who are underpaid and unhappy, namely, those who are not professionals—the kitchen help, the clean-up people, and others. Both the Mount Sinai people and the Hopkins people, as well as the people at the Kaiser Hospital in California, have pointed out to us that when they have a degree of stability among their nonprofessional employees, patient care increases dramatically, making the job of the nurse, of the physician, of the surgeon, and the other professional people much easier.

This is, in my judgment, Mr. Speaker and Members of the House, a long overdue and a perfectly justifiable action, and I hope that the House will approve it.

Mr. Speaker, the National Labor Relations Act extends its protections and prohibitions to all industries "affecting commerce", or burdening or obstructing commerce or the free flow of commerce. It thus covers virtually every aspect of our national economy; and I might say that over the years the Labor Act—despite some flaws—has worked, and worked well.

However, we in Congress have exempted certain industries and categories of employees from the protections and prohibitions of the Labor Act.

We have exempted the U.S. Government and any wholly owned government corporation or any Federal Reserve Bank.

We have exempted the States, and the political subdivisions thereof.

We have exempted the industries covered by the Railway Labor Act.

We have exempted farm laborers, domestic employees, and individuals employed by a parent or spouse.

We have also exempted the nonprofit hospital.

In addition, we have authorized the Labor Board to decline to exercise jurisdiction when, in the opinion of the Board, "the effect of such labor dispute on commerce is not sufficiently substantial to warrant the exercise of its jurisdiction." Sec. 14(c)(1).

The Labor Board has experimented with this authority, first declining jurisdiction and later reimposing its jurisdiction, in a number of areas:

First. Colleges and universities privately owned and operated;

Second. Radio stations operated by religious organizations;

Third. Gambling casinos;

Fourth. Professional sports;

Fifth. Privately owned profit hospitals;

Sixth. Privately owned profit nursing homes, and

Seventh. Nonprofit nursing homes.

In all these and other situations, it was the experience of the Labor Board that the abstention of jurisdiction resulted in strikes and labor unrest; and that the imposition of jurisdiction was necessary to eliminate the causes of certain substantial obstructions to the free flow of interstate commerce. Currently, the Labor Board has under reconsideration its earlier decision to decline jurisdiction over the horse- and dog-race industries.

The purpose of 11357 is to apply the experiences of the past 25 years and repeal the statutory exemption given the nonprofit hospital industry in the Taft-Hartley Amendments of 1947. This is beyond the power of the Labor Board, but the selfsame type of experience that moved the Labor Board to repeal its self-imposed abstention in the areas mentioned above, particularly in the areas of the private hospital, the private rest home, and the nonprofit nursing home, compel us to move this bill.

THE LEGISLATIVE BACKGROUND OF THE NONPROFIT HOSPITAL EXEMPTION

There is nothing magical or ordained about denying the protections and prohibitions of the Labor Act to the nonprofit hospital industry.

In the 1935 Wagner Act, Congress did not think such an exception was either wise or desirable; and neither the Labor Board nor the courts were willing to write such an exception into the law by implication.

In the early 1940's, a union—the Building Service and Maintenance Workers—organized the nonprofessional employees at the Central Dispensary and Emergency Hospital in the District of Columbia, and asked the Board for a secret ballot election. The hospital resisted, because it was nonprofit and charitable. The Labor Board, however, ordered that the election be held and commented that "employees of hospitals, like employees of automobile factories, must live upon their wages".

The hospital then appealed, as was its right, to the Court of Appeals. Then Judge Thurman Arnold wrote for a unanimous court that "neither the spirit or policy of the act is such" as to create an exemption for charitable hospitals. To the contrary, the Court wrote that "We cannot understand what considerations of public policy deprive hospital employees of the privilege granted to the employees of other institutions." The Court cited and relied upon the decisions of the supreme courts of several States which had construed State labor laws as not to exclude the employees of charitable hospitals from the protections given all other employees under these State laws.

There the matter stood until 1947, when we in Congress were considering novel, sweeping, and drastic alterations in the National Labor Relations Act. Our attention was focused on such matters as the "closed shop," the "secondary boycott," the "jurisdictional dispute" and other major concerns. It was at that time that the exemption for the nonprofit hospital slipped into the law.

There were proposals that nonprofit hospitals be exempted from the law, and there were hearings on these proposals on the Senate side. Senator Taft, for his committee, rejected these proposals, and did not recommend or report these proposals to the Senate. However, during the floor debate, Senator Tydings introduced an amendment exempting nonprofit hospitals, the debate was limited and sparse. Senator Tydings argued in support of his amendment that nonprofit hospitals:

> Cannot keep open, in certain cases, unless relief is afforded. The people who are affected are the poor people of the country. The amendment affects only charitable institutions, which do not derive a cent of profit, but are maintained by donations almost entirely.

The amendment passed the Senate, and came to the House. Here there was even less debate. Congressman Klein was the only Member to speak on the subject—against it. He commented that it was "ironical that organizations devoted to the social welfare should be exempted from bargaining with their own, often underpaid employees". The House passed the amendment, and it became part of section 2(2) of the 1947 Taft-Hartley amendments and reads as follows:

> The term "Employer" . . . shall not include . . . any corporation or association operating a hospital, if no part of the net earnings insures to the benefit of any private shareholder or individual.

THERE IS WELL-NIGH UNIVERSAL AGREEMENT THAT THE 1947 EXEMPTION FOR THE NONPROFIT HOSPITAL SHOULD NOW BE REPEALED

The amendment exempting the nonprofit hospital industry was part of the 1947 Taft-Hartley amendments. Twenty-five years later, the Special Subcommittee on Labor commenced hearings on this subject. Hearings were held in Washington, D.C. and in the field. Representatives of the administration, the public, labor and management were all invited to submit their views. There was well-nigh uniformity of agreement that the exemption has long since served any usefulness it might once have had.

The administration supports the amendment, Secretary of Labor James Hodgson wrote the committee on July 19, 1972 as follows:

> In many instances, lack of ground rules for union recognition and collective bargaining in this sector has resulted in uncontrolled tests of strength in which the public as well as the parties suffer heavily. These issues will continue to arise, probably with increasing frequency. It is far better that they should be resolved through the orderly procedures of the National Labor Relations Act than through bitter and wasteful confrontations.

Labor unions support the amendment. The committee heard supportive testimony from a number of union spokesmen including: George Hardy, general president of the Service Employees International Union; Henry Wilson, on behalf of President Peter Fosco of the Laborer's International Union of North America; and Elliott Godoff, director of organization of the National Union of Hospital & Nursing Home Employees. Like the Secretary of Labor, these labor union spokesmen stressed the necessity for the orderly processes of the National Labor Relation Act as a substitute for the present "law of the jungle" where disputes must now be resolved "on the street."

Professional organizations support the amendment. We received supportive testimony from Michael Browne, chairman of the Association of Hospital Personnel Administrators of Greater New York; from Muriel A. Poulin, of the American Nurses Association; and from the American Society of Medical Technologists, representing 21,000 persons engaged in such specialties as microbiology, biochemistry, hematology, histology, and so on. The spokesmen for these groups stressed that "patient care" would be improved by upgrading—through unionization—the standards and working conditions of the nonprofessional employees.

Informed representatives of the public testified in support of the amendment: Ronald Cameron, a former Congressman and now a public accountant in California with many hospitals among his clients; Prof. Ted Ellsworth of the Institute of Industrial Relations at the University of California at Los Angeles—himself a director of two hospitals; the Honorable WILLIAM F. RYAN; and Prof. Anne Somers of the Rutgers Medical School and also a research associate at Princeton University's industrial relations section. These "public" experts were concerned about patient care, and the generally low status of the industry. Professor Somers, for example, testified that one-third of the registered nurses in the United States are not actively employed in nursing, in large part because of the poor salary levels. She also commented on the indifference or resentment sometimes expressed by the orderlies and maids, and said:

> It would be naive to assume that removal of the Taft-Hartley exemption will automatically result in better morals and more conscientiousness on the part of the typical employee.
>
> At the same time, it would be hard to conceive of a situation more conducive to feelings of resentment than the present one. Not only are tens of thousands earning only $1.60 an hour, the legal minimum, but they know that some individuals in the same institution are making $40,000, or even $100,000.

The only witness to oppose the bill was Henry J. Kutsch, president of the Ravenswood Hospital Medical Center in Chicago, Ill. He appeared on behalf of the American Hospital Association, some 7,000 nonprofit hospitals throughout the United States. He testified that enactment of the bill would result in, first, inefficiency in the operation of hospitals; second, strikes, and third, increased costs of hospital care. In addition, he testified that the hospitals themselves have made "tremendous strides" in providing good working conditions for their employees, and thus, by implication, that unions were not necessary.

At the close of his testimony he was asked if the Service Employees Union undertook to organize the Ravenwood Hospital fairly recently. Dr. Kutsch replied "no, sir."

Dr. Kutsch was technically correct. A

subsequent letter of the Service Employees Union recited that help organizers began to organize the Ravenwood Hospital in August of 1971, and that "help" is an organizing association comprised of the Service Employees Union and the Teamsters Union. Incidentally, the organizers were told by the hospital attorneys that the hospital would oppose any voluntary election, even if the union submitted proof that 100 percent of the employees belong to the union.

Representatives of management who testified, supported the bill. All the segments of management were invited to testify. The American Medical Association declined. The Federation of American Hospitals—representing 500 investor-owned hospitals—declined. However, many management groups did testify, and in favor of the bill.

The Catholic Hospital Association supported the bill, on the simple issue of morality. This association believes that all workers should have the right to voluntarily join a union.

The League of Voluntary Hospitals and Homes of New York testified for the bill, primarily because of the protection it would afford them in the way of "closed shop," secret ballot elections, jurisdictional disputes, and so on.

The Greater New York Hospital Association supports the bill, primarily for the reasons advanced by the Secretary of Labor.

The Hospital Association of New York State and the Massachusetts Hospital Association both supported the bill because of the need for some strong and expert impartial body to administer orderly procedure in the field of labor relations.

The Reverend John Simmons, the administrator of the Pacoima Memorial Lutheran Hospital in California, testified for the bill, out of his experience in administering a hospital since 1960 with a union contract.

I urge my colleagues here to support this bill.

ENACTMENT OF H.R. 11357 WOULD STABILIZE THE WORK FORCE AND IMPROVE THE STANDARDS OF MEDICAL CARE

Hospital workers work long hours with little reward. Consequently, there is constant turnover with a consequent lowering of the standards of medical care. This was emphasized over and over again by many of the witnesses.

Professor Somers testified that "Hospital employment is notoriously low paid." She said that the average annual salary in 1970 was $5,920; but "don't forget, this figure includes everyone on salary, the well-paid doctors and administrators as well as the underpaid nurses and nurses' aides." She added that the "relatively poor pay in the hospitals" is the principal reason why one-third of the registered nurses have left the profession.

This fact of "low pay" was borne out time and again.

Elliott Godoff testified that when the National Union of Hospital and Nursing Home employees called a "recognition" strike in New York in 1959, "Fully 55 percent of the workers who went out on strike were at that time receiving supplementation from the welfare department, for while they held full-time jobs in the hospitals, they were not able to earn a living. They had to be on welfare in order to be able to make ends meet."

President Hardy testified that in the nonprofit hospitals in Los Angeles, "the wage scale is $1.80 an hour," less than $100 a week.

Henry T. Wilson told of a "recognition" strike by the Laborers' Union at the St. Lukes and Childrens Medical Center in Philadelphia where the 300 kitchen personnel, nurses' aides, janitors, housekeepers, and so on "were fed up with their miserly wages—new employees were hired at $1.40 an hour—total lack of fringe benefits, and the hospital management's arrogant treatment."

Richard Liebes, research director of the Service Employees International Union gave a "profile" of a group "which desperately needs the benefits of collective bargaining."

> We are talking about a group which is pretty well toward the bottom in the wage category. We are talking about a group which is heavily minority. We are talking about a group which is heavily female.

Not only is this group poorly paid, but it is also denied most fringe benefits common in most industries. For example, the hospital employee typically has no health benefits. If he comes to work with a cold, he is sent home untreated—so as not to contaminate the patients—is not paid any sick leave, and quite often he is discharged to make way for a new and healthy employee.

One shocking bit of testimony was the repeated reference to turnover.

We learned that in 1959 at the Mount Sinai Hospital in New York there was a turnover of nonprofessional employees of 1,500 percent a year. This was before union recognition and a union contract. Now the turnover is less than 2 percent a month.

At Johns Hopkins Hospital in Baltimore, among the so-called nonprofessional workers, the turnover was approximately 700 percent per year: "that is, for every 10 workers who took a job, within a month's time six of these people would go to look for other jobs, because they made very little money. They had no benefits, no security whatsoever. So working in a hospital was just something you did until you could find something better."

Since union recognition, and a union contract, turnover at that hospital is less than 10 percent. The average wage at Johns Hopkins now is $100 per week.

The same testimony was heard on the west coast.

Reverend Simmons testified that he had recently attended a meeting of registered nurses to discuss the turnover problem, "which was in excess of 200 percent."

Professor Ellsworth testified that at the hospital of which he is a member of the board:

> We had 63 out of around 200 turnover between September 1 and December 1 of this year; and this excludes the department where hospitals have the most turnover, or at least a very high rate of turnover. This is in the maintenance department. We contract for this work through a maintenance company.

There is no question but that union organization, and improved standards of working conditions, cuts down on the rate of turnover.

We have the Mount Sinai experience: 1,500 percent before unionization, 24 percent after unionization.

We have the Johns Hopkins experience: 700 percent before unionization, 10 percent after unionization.

Reverend Simmons, who administers the only nonprofit hospital in the San Fernando Valley with a union contract, testified that the average turnover was in excess of 200 percent, at his hospital it "is way under 100."

Officials of Local 250 of the Service Employees Union, which has had union contracts with almost all the hospitals in San Francisco for a good many years testified that there was little turnover. The union has "retirement benefits" and a pension plan, with many employees eligible. He said that "in local 250 you will find it is not uncommon to have people 20, 25, 30 years in a hospital."

This is a major factor stressed by the professional organizations to support the termination of the nonprofit hospital exemption. Thus, the American Society of Medical Technologists testified:

> Absent the legal protection of the NLRA many job related problems arise that remain unresolved. These unresolved problems are a major contributing factor to the large employee turnover in the health care field. This turnover phenomenon creates a hardship on the patient: both from the increased health care costs incurred in replacing and reorienting new employees and from the reduced quality of care which is a direct result of only lesser qualified personnel being willing to tolerate the undesirable working conditions.

I ask all those who want improved health care to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ASHBROOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 11357, a bill to amend the National Labor Relations Act, which would permit employees of nonprofit hospitals to come under the protection of the National Labor Relations Act. Considered in perspective it is a minor amendment to that act which will correct an inequity which has arisen in the coverage of the National Labor Relations Act. Under recent decisions of the National Labor Relations Board, employees of other nonprofit institutions, for example, employees of nonprofit nursing homes, nonprofit colleges, in fact almost every nonprofit organization which has an impact on commerce is now covered by the National Labor Relations Act. Employees of nonprofit hospitals are expressly excluded from coverage by the statute. The bill here merely deletes that exclusion.

I have attended and participated in the hearings on this bill. There are two basic reasons why I support this bill. One—the hearings held established that recognition strikes are an outgrowth of the lack of NLRB jurisdiction. Employers of nonprofit hospital employees are not required by law to recognize or bargain with organizations representing such employees. In a number of instances, hospitals have voluntarily chosen to recognize and bargain with representatives of such employees. Where they refuse, however, employees are often forced to strike—not for better wages or fringe benefits, but merely to obtain recognition. In effect, current law denies such employees access to election procedures of the National Labor Relations Board. This bill would grant such employees access to the NLRB's election processes and should reduce if not eliminate the "recognition strike."

It should be noted, however, that the bill extends all the protections of the National Labor Relations Act to such employees. Thus, if an employee is fired for organizing a union, such employee can file charges with the NLRB. Conversely, the employer will get all the protections afforded him under the act that will protect him against unfair labor practices by a labor organization.

The second reason for my support of this bill—is simply a question of equity. Why should we continue an unwarranted discrimination against this one category of employees—the employees of nonprofit hospitals? There is no justification for permitting nurses, nurses aides, and other hospital employees to be covered under the National Labor Relations Act if they are employed anywhere but in a nonprofit hospital.

EVENHANDED PUBLIC POLICY

The continued exemption from Taft-Hartley of the voluntary nonprofit hospital can no longer be defended on moral grounds. When a hospital accepts a public policy which grants tax exemption, it is entirely wrong for them to support a public policy which excludes their employees from exercising the same rights as all other employees enjoy under Taft-Hartley.

It is difficult to find rationality and pragmatism in a labor policy which permits an employer to refuse to deal with employees on collective bargaining terms chosen by the employees. The consequences of such refusal, in the form of recognitional strikes and open strife, is then inflicted upon the public.

A hospital is a business enterprise, whether organized as a proprietary or nonprofit corporation. Consequently, if all hospitals are to serve the public health-care needs, they must be governed by a public policy which is evenhanded.

The committee members know that tax dollars have been given to build most nonprofit community hospitals, under Hill-Burton, since 1946. You also know that medicare and medicaid pay for hospital care services rendered to citizens. This money is tax money. Therefore, public policy, under Taft-Hartley, should apply equally to profit and nonprofit hospitals.

In sum, I support this bill because I believe that extending coverage of the National Labor Relations Act to this category of employees will result in greater labor stability by largely eliminating the recognition strike by providing access to the election procedures of the NLRB and just as important, this bill will correct the inequity now existing with respect to such employees.

Mr. CARLSON. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Illinois such time as he may consume.

Mr. CARLSON. Mr. Speaker, my views in opposition to H.R. 11357 are expressed on page 11 of the committee's report but I would like to summarize them briefly for the benefit of the Members present.

Let me say that the original Taft-Hartley Act exempted nonprofit hospitals from coverage and I believe there are many valid reasons for continuing this exemption. As a businessman, I do not see how collective bargaining in its usual sense can be applied to hospitals. The nonprofit community hospital is not a factory or store; in fact, it has no true analogy in private industry. It does not manufacture or sell products. It deals in human beings. No part of its net earnings inures to the benefit of any private shareholder or individual. The hospital exists only for the good of its patients, not to make a product or a profit.

The essential relationship of hospital workers to the successful care and treatment of patients also clearly differentiates hospitals from business and industry generally. This relationship must not be interfered with by any outside influence if hospitals are to provide the assurances which the public must have for uninterrupted and constantly available high quality health services. In the final analysis the effectiveness of labor unions is based on strikes and certainly no community could tolerate widespread strike activity in its hospitals. In delivering patient care and services, hospitals are wholly dependent on their employees. I am sure a hospital suffering a strike would make every effort to provide for the needs of its patients but there would inevitably be delays or interruptions in the treatment of some patients with irreversible consequences.

In summary, I would like to reiterate my strong belief that enactment of H.R. 11357 or any amendment to the National Labor Relations Act which would bring about the general unionization of hospital employees would be inimical to the best interest of every individual in the community for we must all rely on the services of hospitals in time of need. I hope that these views will be given careful consideration in the vote on this legislation.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Massachusetts (Mrs. HICKS).

Mrs. HICKS of Massachusetts. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, I wish to commend the chairman of the Subcommittee on Labor which has held exhaustive hearings on this matter, all of which I attended.

In 1947, Congress for the first time excluded the employees and employers in the nonprofit hospital industry from the protection and prohibitions of the National Labor Relations Act for two major reasons: First, because the health industry was not in interstate commerce; and second, because the nonprofit hospitals were "charitable" in nature.

Whatever the facts and law might have been in 1947, neither of those rationales are applicable today.

When the proposal to exempt nonprofit hospitals was made to the Senate committee in 1947, Senator Taft rejected it as unnecessary. He commented that:

> The committee felt that hospitals were not engaged in interstate commerce: and that their business should not be so construed.

In 1947, there were approximately 350,000 persons employed in hospitals, and whether Senator Taft was then correct in his legal assessment of "interstate commerce" is no longer relevant.

The annual U.S. health bill is now $75 billion; and almost 3 million persons are employed in hospitals.

Number of workers in hospitals equals or exceeds the number of workers in such other industries as aircraft, motor vehicles, textile products, apparel and related products, printing and publishing, chemicals and allied products, railway transportation, communications, department stores, banking, and hotels.

There are approximately 7,123 hospitals in the United States with combined assets of $36.2 billion. They spent more than $25 billion in providing services to their patients, and have a payroll of over $15 billion.

In 1969, HEW Secretary Finch reported at a White House conference Federal expenditures for health exceed the entire budgets for each of the Departments of Agriculture, Commerce, Housing and Urban Development, Interior, Justice, Labor, Post Office, State, Transportation, and Veterans' Administration.

The U.S. Federal Health Budget exceeds the total national budgets of all but eight nations in the world.

It is no wonder, then, that all courts and agencies which have passed upon the subject of late have ruled that hospitals are in interstate commerce, and hence subject to regulation by Congress.

The National Labor Relations Board so held when it successively exercised jurisdiction over private proprietary hospitals; over private proprietary nursing homes; and over nonprofit nursing homes.

The Supreme Court so held when in Maryland against Wirtz it sustained the power and authority of Congress to bring hospital employees under the 1966 amendments to the Fair Labor Standards Act.

There is simply no constitutional barrier to exercising jurisdiction over the gigantic nonprofit hospital industry, and thereby eliminating some 3 million employees from second-class citizenship.

Senator Tydings urged enactment of the nonprofit hospital exemption on the theory that they are "charitable institutions, which do not derive a cent of profit, but are maintained by donation almost entirely."

That is certainly not the situation today.

The American Nurses Association informed the committee that:

> The growth of the Blue Cross System and other forms of hospital expenses prepayment and insurance plans created a new financial

> base for the industry. In 1940, barely one in ten Americans had hospital insurance; by 1970, at least eight in ten were protected for the costs of hospital care. Total expenditures for hospital care in fiscal year 1970 amounted to $25.6 million. About seventy per cent of the consumers' share of the bill was covered by insurance payments. Of the total expenditures, 1.4 per cent was derived from sources other than consumer payments and public funds.

This testimony was reinforced by all other witnesses who spoke on the point.

The Reverend Simmons, who heads the Pacoima Memorial Lutheran Hospital in the outskirts of Los Angeles, testified that:

> There is just no way to operate a hospital on charitable contributions. I could keep open maybe 1 day in a year, maybe, you know, if I was lucky.

He continued to say:

> The committee members know that tax dollars have given to build most nonprofit community hospitals, under Hill-Burton, since 1946. You also know that medicare and medicaid pay for hospital care services rendered to citizens.

In short, the day of the charitable hospital operating by donations from wealthy patrons for the benefit of the poor is over. The only "eleemosynary" hospital any witness could identify today is the City of Hope. It was described as a "purely-charitable organization," the "only one I know of," supported by subscription the country over, which has never charged a patient for any care, treatment, or service. We also learned that the City of Hope has a union contract.

There are several categories of hospitals in the United States. There are the Federal, State, or public hospitals operated by tax funds. There are the profit or proprietary hospitals. And there are the nonprofit hospitals. The largest of these categories is the nonprofit group. In 1970, it accounted for 48 percent of all hospitals, 66 percent of all admissions, and 55 percent of total expenditure and number of employees. According to the American Hospital Association, the nonprofits employed 1,387,000 full-time employees in 1970.

The employees at the U.S. hospitals enjoy the rights to self-organization and collective bargaining under Presidential Executive order.

The employees of the State and municipal hospitals enjoy the right to self-organization and collective bargaining under the laws of many of our States.

The employees of the private or proprietary hospitals enjoy the right to self-organization and collective bargaining under the decisions of the National Labor Relations Board.

Only the employees of the nonprofit hospitals are excluded from these rights.

And for no good reason.

Reverend Simmons, the director of the Pacoima Memorial Lutheran Hospital, testified that:

> The philosophic ground for excluding nonprofit hospitals is because they are charitable or nonprofit. This is absurd. A voluntary nonprofit hospital, whether sectarian or nonsectarian in its affiliation, is a business operation.
>
> We have studied area comparisons of rates between nonprofit and proprietary hospitals, and there are no differences. The rates charged the patients by both types of hospitals are the same.
>
> Similarly, when nonprofit and proprietary hospitals deal with third-party vendors or suppliers of goods and services, there are no differences in costs.
>
> Doctors and the professional staff, when hired by either nonprofit or proprietary hospitals, have the natural expectation that they will be paid on the basis of the going rate of compensation.

Michael McDermott, assistant to President Hardy of the Service Employees International Union, summed it all up when he testified as follows:

> Service to the community is the basic purpose of both proprietary and nonprofit hospitals, and they perform this service in near-identical fashion.
>
> The proprietary hospital has a board of directors controlling operations of the hospital. The nonprofit hospital also has a board of directors controlling operations of the hospital.
>
> The proprietary hospital belongs to an employer's association . . . the nonprofit hospital belongs to the same employers' association—Southern California Hospital Council.
>
> The proprietary hospital requires verification of medical insurance from incoming patients. The nonprofit hospital also requires verification of medical insurance from incoming patients; and they have been known to refuse admission to patients if somebody did not have the money or they did not have insurance coverage.
>
> The charges for semiprivate rooms and intensive care costs are the same for both proprietary and nonprofit hospitals.

Mr. McDermott also related several instances where nonprofit hospitals were purchased by private parties, and where proprietary hospitals reorganized and became nonprofit—all without change in any way which concerned the patient. In one situation—Queen of Angels Hospital—the hospital was originally nonprofit and its employees were excluded from the protection of the Labor Act. The hospital was then purchased by an insurance company out of Philadelphia, and the employees were thereby brought within the protection of the Labor Act—and the employees joined his union.

Mr. McDermott asked, and rightfully so:

> Now, what kind of logic is it that, because of the sale, the employees received rights previously denied them? By what rationale should the rights and responsibilities of both the employers and employees be shifted because of a mere shift in the type of ownership?

Professor Ted Ellsworth of UCLA, who serves as a director on several nonprofit hospitals, reinforced the testimony outlined above. He said that the so-called nonprofit hospitals "certainly are not charitable hospitals," and told of several instances—which prompted lawsuits—wherein nonprofit hospitals refused to give admission without payment by the person seeking admission.

Professor Ellsworth continued to give several other examples where there are no differences between nonprofit and proprietary hospitals. He testified:

> We compete in every way at our hospital with the proprietary hospitals, and they compete with us.
>
> We compete for doctors—we compete for employees, especially registered nurses. There is a shortage of nurses; and we compete for those nurses.
>
> We compete for the community support, and by that I mean the support of the various organizations that influence hospitalization.
>
> We compete for government work and emergency work. In every other respect we compete with them.

Professor Ellsworth gave even further illustrations of how the two types of hospitals are identical:

> In the hospital industry, there is a polling of all sorts of resources, both proprietary and nonprofit hospitals. Insurance—there is a poll through the hospital council of health insurance and other insurance plans.
>
> There is an organization set up known as Cash, which does buying for both types of hospitals?
>
> There is an organization set up to do the laundry work, and this sort of thing.

In form, there is a difference between proprietary and nonprofit hospitals. The former operate for profit; the latter as a matter of theory operate without profit. But listen to the testimony of former Congressman Ronald Cameron:

> As a certified public accountant who has done a lot of auditing in hospitals, I can assure you that there is absolutely no distinction between a nonprofit and a proprietary hospital except where the profits go. They just get channeled in a different vein, but, nevertheless, a nonprofit hospital does in fact make a substantial profit for the benefit of special people.

When asked if there were any differences between the two types of hospitals, he replied "Absolutely none at all," and explained:

> The proprietary hospital does pay income tax to the extent that they show a profit. However, most show very little profit; because what they do is lease out the pharmacy, lease out the X-ray equipment, lease-purchase agreements, this type of thing.
>
> So that the bottom line on any hospital income statement is virtually nil. And it makes no difference what the organizational structure of the hospital is.

The Labor Board and the courts have recognized that the form of organization makes no difference whatsoever in the health-care field. It has been mentioned earlier that in 1967 the Labor Board asserted jurisdiction over proprietary hospitals—Butte Medical Properties, 168 NLRB Home, 168 NLRB 53. The Board concluded in these cases that experience indicated that the theretofore withholding of NLRB jurisdiction did not cut down on the number of strikes or of labor unrest. However, in 1968 the Labor Board refused to assert jurisdiction over the nonprofit "nursing home" industry—the Labor Act denies it jurisdiction over the nonprofit hospital industry. The affected union filed suit, and the Federal court in Illinois held that it was "arbitrary" for the Labor Board to exercise jurisdiction over the proprietary nursing homes, and to withhold jurisdiction over the nonprofit nursing homes—because there were no distinctions between the two which had any effect on the subject matter of Labor Board jurisdiction. *Council 19* v. *NLRB*, 296 F. Supp. 1100 (N.D. Ill. 1968). The Labor Board did not appeal to the court of appeals, but readily asserted jurisdiction over the nonprofit nursing home industry. *Drexel Home, Inc.*, 182 NLRB No. 151 (1970).

Just as there is no distinction between the proprietary and nonprofit segments of the nursing home industry, there is no distinction between the proprietary and nonprofit segments of the hospital industry. But since the matter is beyond the power of the Labor Board or the courts to remedy, it is time for us in Congress to end this artificial distinction. I urge passage of this legislation.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. O'Hara).

Mr. O'HARA. Mr. Speaker, I rise in support—enthusiastic and unqualified support—of H.R. 11357, the bill to extend the National Labor Relations Act to nonprofit hospitals and their employees.

It is not necessary for me to expand upon the able presentation of the gentleman from New Jersey (Mr. Thompson). He has persuasively and fully explained the purpose of this legislation, and the justification for it.

However, since I have filed concurring views, together with seven very distinguished members of the committee, I think I should seek to explain those views, in the hope of clarifying the legislative history of this bill.

H.R. 11357, in its terms, seeks to bring the employees of nonprofit hospitals under the terms of the National Labor Relations Act, in the same manner, and under the same conditions as other employees who are already covered. No other explanation of the provisions of the bill can be offered. The bill is clear. It is unequivocal. It does what it sets forth to do without the slightest confusion.

The committee report, however, if read independently of the bill itself, and without a thorough airing of the history, might be used to give the color of legitimacy to a cession by the Board of the jurisdiction which the bill confers upon the Board.

There is a provision in section 10 of the basic statute which gives the Board the authority to cede jurisdiction over certain types of industries:

> Unless the provision of the State or territorial statute applicable to the determination of such cases by such agency is inconsistent with the corresponding provision of this act or has received a construction inconsistent therewith.

This provision has been in the law for 25 years, Mr. Speaker, and in all those 25 years no Board majority has ever seen fit to use that authority. When a provision of law remains unused for a quarter of a century this fact itself may be deemed to be a part of our labor law. I do not assert that the cession authority has lapsed due to its long history of nonuse, but there is certainly a presumption that it is an authority which should only be revived after long and careful consideration.

The committee report does contain language which would seem to put the committee on record as encouraging that use. On my own behalf, and on behalf of seven other members of the committee, including three of the five majority members of the subcommittee which reported this bill, I would like to vigorously dissent from the proposition that "the committee urges the Board" to take such an unprecedented step.

I readily acknowledge, Mr. Speaker, that some very respected and able members of the committee do feel that the jurisdiction should be ceded. They have every right to that opinion. But I am sure that they would agree that the cession of jurisdiction is something that may not be done lightly. I would urge the Board to continue to weigh such proposals with the same care that it has shown for a quarter ecntury, and as a supporter of H.R. 11357, as a member of the subcommittee that drafted it, I would express the hope that the Board would refrain from changing its longstanding practices in this area without further consultation with the legislative branch.

The same caveat, Mr. Speaker, applies to those portions of the report in which the committee appears to be instructing the Board in the application of the very complex case law governing the question of who is and who is not a supervisor. These decisions, Mr. Speaker, are left by the basic statute, to the Board. That was the intention of the Congress, and I think it should be adhered to unless and until the Congress expressly, by legislation, instructs the Board to change its ways.

Mr. ASHBROOK. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to ask one question. I have been concerned about strikes of hospital employees and municipal officials who perform essential services of a public nature. I am wondering whether this change in the law will affect strikes of hospital employees, or prevent strikes, or have anything to do with supporting or condoning strikes by hospital employees?

Mr. ASHBROOK. I would say on the basis of the hearings—I attended all of them and I traveled a number of places—yes, there is always a chance of strikes, just as there is always a chance of strikes as far as policemen and there is a chance of strikes as far as teachers and there is a chance of strikes as far as firemen are concerned. But the clear weight of the evidence in our hearings is that the overwhelming majority of strikes, 95 percent of strikes were on something as fundamental as recognition and not on money or fringe benefits. It would seem implicit in the evidence that this would eliminate the major cause for strikes affecting hospitals in the country today. I would say that in answer to the gentleman.

Mr. McCLORY. Mr. Speaker, I thank the gentleman from Ohio.

Mr. THOMPSON of New Jersey. Mr. Speaker, I might amplify by saying strikes in those areas are already legal. This proposes the right of recognition and to sit down and argue. This specifically does not include municipal or State or Federal hospitals nor has it anything to do with any other public employees.

Mr. McCLORY. Then in the gentleman's opinion this does not affect the right to strike one way or the other, does it?

Mr. THOMPSON of New Jersey. No, quite frankly.

Mr. McCLORY. I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. Badillo).

Mr. BADILLO. Mr. Speaker, I rise in support of this legislation. I commend the chairman of the subcommittee.

Mr. Speaker, as seven of my colleagues on the Education and Labor Committee and I noted in separate views of this measure, although we support H.R. 11357, we oppose the language in the report, pertaining to section 10 of the NLRA, which urges the Labor Board to cede jurisdiction to the States if it determines that State law is substantially equivalent to Federal law. As we observed:

> This report language . . . goes beyond the language of the bill, and could be interpreted as implying a change in the basic Act itself . . . in a way that the language of H.R. 11357 will not support.

The Board has had this authority for some 25 years and has never taken steps to use it and cede jurisdiction. The legislative history should be made clear that the Congress does not intend that a regulatory agency depart from 25 years of precedent and chart some new course in labor law, particularly without full consideration by the Congress

Naturally, all members of the committee were deeply concerned about the problem of strikes at hospitals. We do not want to pass any laws which will result in leaving sick patients unattended while the nurses, technicians, and nonprofessional employees picket in the streets outside the hospital.

If we thought this might be the consequence, we would not report this bill. However, we are almost unanimous in our recommendation that this bill be passed.

All the witnesses, with but one exception—Henry J. Kutsch of the Ravenswood Hospital Medical Center—testified in favor of the bill because it would eliminate the principal cause of strikes, and thereby greatly diminish the number of strikes.

There have been hospital strikes, far too many of them, at Mount Sinai Hospital in New York City, at Cedars of Lebanon in Los Angeles, and in many hospitals between the two coasts—at the Medical College of South Carolina Hospital in Charleston; at the Presbyterian University and Mercy Hospitals in Cleveland; at the Memorial Hospital in Cumberland, Md.; at the Good Samatarian Hospital in Dayton, Ohio; at the Wesley Memorial Hospital in Chicago; at the Notre Dame Hospital in San Francisco; at the Masonic Home in Alameda, and elsewhere.

These strikes caused inconvenience, but no danger, to the public. The hospital employees take great pain to insure that there will be no danger.

Lionne Conta, executive director of the California Nurses Association, gave an analogy to the airline pilots. She testified that:

> When the airline pilot goes on strike, he doesn't walk into the cabin at 30,000 feet with a parachute on and say, Ladies and gentlemen, the strike begins now, too bad for you.

Similarly, the Nurses Association takes a lot of trouble to avoid any inconvenience before going on strike. Miss Conta testified that:

> Management is alerted, medical staff is alerted, the date is set, the time is known; it is possible to refuse admissions to hospitals. Both planned admissions and the ones that are not emergency nature can be postponed.
>
> Some patients who are ready for going home can go home earlier. Transfers to other facilities are possible. There is a way to reduce patient loads before the time comes. *And there are plans for emergency staffing.*

Miss Conta said that "other employee groups in hospitals" take the same precautionary steps, and we heard direct testimony to this.

President Hardy of the International Service Employees Union testified:

> When we strike a hospital, we advertise to all patients and doctors prior to the strike that there is going to be a strike. *We furnish ambulances to move any patients* that might have to be moved out of the hospitals. We don't strike a hospital to say, "All right, we will strike you tomorrow morning", but we give ample notice and generally put a sign out in front of the hospital informing them there will be a strike in the hospital and notify every doctor when the strike comes. . . .
>
> President Hardy testified that he did not like strikes:
>
> We don't like to hurt patients because they are generally our own members in many cases. We give them ample warning and notify the administration and we "pamphlet" the hospital saying there is going to be a strike. We ask the doctors not to put their patients there. We do everything we can to warn them.

President Hardy concluded that:

> Invariably a lot of doctors won't move their patients and are not going to do it, but we have no choice. It is either them or us. We have to face up to our responsibility that these people are not getting decent wages and we have to strike.

Why do the unions strike? Because there is no other way to get the management to the bargaining table and discuss employee grievances.

The tale was told over and over again—the union would organize a large majority of employees, write letters asking for a conference, and inevitably get no answer. The only way to make the hospital administrator listen was by going out on strike.

Here is the testimony of President Hardy on this score. He told Mr. ASHBROOK that the main cause for strikes was "recognition":

> You organize the workers, you go out and you work hard and you set up your organization committees in the nurses department, the housekeeping department, and when you get a majority and feel you have the majority of the workers, then you write a letter to the hospital management. Then there is a constant delay and you write another letter. Usually, you get no answer, so then you go through the central labor council and they, in turn, write a letter and you still get no answer.
>
> You finally call upon somebody else. It might be a religious hospital and you go to the various persons who are the heads of the religious organization in the community and you try to use them. You check the board of directors and we make every effort to work with them.

Finally, either the union got through to the hospital administration and there was an election in the appropriate unit; or the union did not get through and there was a strike.

Other unions repeated the same story. Elliott Godoff, the director of organization for the National Union of Hospital & Nursing Home Employees testified that there was a 46-day strike by 7,000 hospital workers in New York City in 1959—to get recognition at eight different hospitals.

In 1962, there was another series of strikes in New York City—also for recognition.

In 1963, New York passed a law requiring the hospitals to recognize and bargain with any unions selected by employees in secret ballot election since that time, there have been no strikes in any hospital in New York.

Mr. Godoff testified:

> The law was passed and in 1963 it went into effect and I can tell you that there has not been a strike in the city of New York on the question of representation and there certainly has been no strike on the question of collective bargaining in this field where, in New York City, we now represent 50,000 hospital workers in the voluntary non-profit field".

Mr. Godoff testified about the long and bitter strike in Charleston—for recognition—and then contrasted the situation in Baltimore.

When his union began to organize in Baltimore, it anticipated a repeat of the Charleston situation; but Governor Mandel and the mayor got together with the hospital administrators; and it was decided to "grant elections to the hospital workers to determine whether or not they wanted collective bargaining rights."

The union won some elections, lost a few elections, and the question of representation was resolved in a peaceful and orderly fashion. As Mr. Punch, the organizer in charge of the Baltimore drive, testified:

> There were no strikes, there were no interruptions in patient care, disturbance in the community, polarization on other questions. There was none of this in the city of Baltimore, where representation elections were granted.

The union organizers gave other similar examples: In Pittsburgh where there was a bitter strike for recognition which resulted in a State law; and thereafter a peaceful organizing drive in Philadelphia with some wins and some losses.

But the point driven home by all witnesses is that when the hospitals refuse recognition, there is no alternative to the strike; but when the hospitals either voluntarily, or pursuant to State law are required to negotiated with a duly elected union, strikes become a thing of the past.

As Mr. Godoff summarized his experiences along the east coast:

> We never really, in dealing with hosiptals, had to engage in strikes over an economic package.

One reason for the absence of strikes in contract negotiations—after recognition is achieved—is that all the unions and professional organizations who testified are in the practice of signing "no strike" clauses, and substituting other techniques for the resolution of economic disputes.

The Secretary of Labor, the unions, the professional organizations, the management witnesses, the informed and concerned public witnesses—all testified that enactment of the bill would eliminate the major cause for strife. Without this bill, Secretary Hodgson told us:

> Uncontrolled tests of strength will continue to arise; and it is far better that they be resolved through the orderly procedures of the National Labor Relations Act than through bitter and wasteful confrontations.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HANNA).

Mr. HANNA. Mr. Speaker, I rise to commend the committee for bringing to the floor the kind of legislation which has been described by the ranking minority member and the chairman.

I should like, in addition to giving my support to this measure, after looking down the list of the matters to come before this body today, to suggest that perhaps not everybody would entertain the same assessment of the values of all these pieces of legislation, and perhaps some might have a different attitude in terms of all the rollcalls that may be coming.

I have the feeling that perhaps somebody would like to have a rollcall on every one of these matters, and, of course, I would be highly disappointed, having been here on Monday, that they do not keep me here until the middle of the night considering, by votes, some of these important matters, such as the Fossil Butte, Wyo., National Monument; the Grant-Kohrs Ranch, Mont., National Historic Site; and in the motels around Disneyland, from which I come, the people can speak of little else.

I trust we will treat these other matters with the heavy concern they deserve.

I certainly want to emphasize I believe it is wise consideration we are giving this measure, which is wholly justified, and I hope every Member of the House will hold the same minimum of high excitement as I entertain for some of these other measures for which rollcall votes are so zealously sought.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Missouri.

Mr. RANDALL. The gentleman mentioned a moment ago that this is a category of jobs that serve the sick who when hospitalized are many times helpless and at the mercy of the hospital attendants. Would this bill give a new "opportunity" to strike? Also I would ask the gentleman whether any of these hospitals are now organized, in the sense unions exist in these hospitals?

Mr. THOMPSON of New Jersey. A great many of them are already organized, on a voluntary basis. There are the two I have mentioned, and any number of others, which have found that it is in the best interests of the hospitals and of the patients to have unions, and they are there on a voluntary basis. About 95 percent of the conflict in this field has been the strike for recognition.

Mr. RANDALL. Of course I know we have the operating or stationary engineers that run the heating and cooling systems. Nurses are not organized, nor a majority of the employees?

Mr. THOMPSON of New Jersey. The majority of the nurses, I say to my colleague from Missouri, are already organized.

Mr. RANDALL. Have you any figures as to how many of these hospitals would be covered by this legislation?

Mr. THOMPSON of New Jersey. Forty-three percent of all hospitals.

Mr. RANDALL. I thank the gentleman.

Mr. Speaker, while I have not carefully studied this bill because it was scheduled or programed under suspension of the rules and was therefore presumed to be of a noncontroversial nature, I must state straightforwardly I have some misgivings about involving our hospitals under the National Labor Relations Act.

As I have said repeatedly, I support the principle of collective bargaining in most industrial disputes. However, I do have reservations concerning such things as a nationwide transportation strike which would affect the entire country. I have reservations about strikes of unlimited duration in such vital public service jobs as firemen and policemen.

I must state frankly that there also exists some reservation concerning labor stoppages by hospital employees. It seems to me that if there were a total strike at a hospital, leaving out of account possible loss of life, there could nonetheless be many helpless patients, not ambulatory who would suffer if left without sorely needed hospital attention.

Mr. THOMPSON of New Jersey. Mr. Speaker, I have no further requests for time.

Mr. ASHBROOK. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey (Mr. THOMPSON) that the House suspend the rules and pass the bill H.R. 11357.

The question was taken.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 285, nays 95, answered "present" 1, not voting 51, as follows:

[Roll No. 304]

YEAS—285

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspin
Aspinall
Badillo
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Burke, Mass.
Burton
Byrne, Pa.
Byron
Carey, N.Y.
Carney
Cederberg
Celler
Chisholm
Clancy
Clark
Collins, Ill.
Conover
Conte
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Devine
Dickinson
Diggs
Donohue
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fuqua
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McCloskey
McCollister
McDade
McFall
McKevitt
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Perkins
Peyser
Pickle
Pike
Podell
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Railsback
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
St Germain
Sandman
Sarbanes
Saylor
Scheuer
Schwengel
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stokes
Stubblefield
Sullivan
Symington
Teague, Calif.
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NAYS—95

Abbitt
Alexander
Andrews, Ala.
Archer
Betts
Bevill
Blackburn
Brinkley
Broyhill, Va.
Buchanan
Burleson, Tex.
Byrnes, Wis.
Cabell
Caffery
Camp
Carlson
Carter
Casey, Tex.
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Crane
Dennis
Derwinski
Dorn
Dwyer
Fisher
Flowers
Fountain
Frey
Galifianakis
Gettys
Griffin
Gross
Hall
Hammerschmidt
Henderson
Hull
Jarman
Jonas
Jones, N.C.
Kazen
Kuykendall
Landgrebe
Latta
McClory
McEwen
McKay
McKinney
Mann
Martin
Mathis, Ga.
Mayne
Mills, Md.
Mizell
Montgomery
Nichols
Pettis
Pirnie
Powell
Price, Tex.
Purcell
Quillen
Randall
Roberts
Robinson, Va.
Rogers
Rousselot
Ruth
Satterfield
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Smith, Calif.
Snyder
Spence
Steiger, Ariz.
Stratton
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Waggonner
Whitten
Wylie
Young, Fla.
Zion

ANSWERED "PRESENT"—1

Hunt

NOT VOTING—51

Abernethy
Ashley
Baker
Baring
Blanton
Blatnik
Bolling
Broomfield
Brown, Mich.
Burlison, Mo.
Chamberlain
Clay
Conyers
Davis, Ga.
Dingell
Dowdy
Edmondson
Flynt
Fulton
Gallagher
Green, Oreg.
Griffiths
Hagan
Hébert
Hungate
Hutchinson
Ichord
Jones, Tenn.
Landrum
Lennon
Long, La.
McClure
McCormack
McCulloch
McDonald, Mich.
McMillan
Mathias, Calif.
Miller, Calif.
Nedzi
Passman
Patman
Pelly
Pepper
Poage
Pryor, Ark.
Rarick
Rooney, N.Y.
Ryan
Stephens
Stuckey
Talcott

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York and Mr. Dingell for, with Mr. Hébert against.

Mr. Blatnik and Mr. Ryan for, with Mr. Lennon against.

Mr. Pepper and Mr. Nedzi for, with Mr. McMillan against.

Mrs. Griffiths and Mr. McCormack for, with Mr. Passman against.

Mr. Clay and Mr. Conyers for, with Mr. Abernethy against.

Mrs. Green of Oregon and Mr. Miller of California for, with Mr. Rarick against.

Until further notice:

Mr. Burleson of Missouri with Mr. Mathias of California.

Mr. Jones of Tennessee with Mr. Baker.

Mr. Edmondson with Mr. Broomfield.

Mr. Patman with Mr. Pelly.

Mr. Fulton with Mr. Brown of Michigan.

Mr. Flynt with Mr. McCulloch.

Mr. Stuckey with Mr. Chamberlain.

Mr. Stephens with Mr. McClure.

Mr. Hungate with Mr. Talcott.

Mr. Ashley with Mr. McDonald of Michigan.

Mr. Blanton with Mr. Hutchinson.

Mr. Davis of Georgia with Mr. Baring.
Mr. Ichord with Mr. Gallagher.
Mr. Landrum with Mr. Long of Louisiana.
Mr. Pryor of Arkansas with Mr. Hogan.

Mr. **HUNT** changed his vote from "yea" to "present."

Messrs. **NICHOLS, WHITTEN, BLACKBURN, BROYHILL** of Virginia, **KUYKENDALL, RUTH, DON H. CLAUSEN, FLOWERS,** and **FOUNTAIN** changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **THOMPSON** of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The **SPEAKER**. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SERVICE CONTRACT ACT AMENDMENTS

Mr. **THOMPSON** of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15376) to amend the Service Contract Act of 1965 to revise the method of computing wage rates under such act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 15376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(a) (1) of the Service Contract Act of 1965 is amended by striking out all after "locality," and inserting in lieu thereof the following: "or, where a collective-bargaining agreement covers any such service employees, in accordance with the rates for such employees provided for in such agreement, including, if the Secretary so elects, prospective wage increases provided for in such agreement as a result of arm's-length negotiations. In no case shall such wages be lower than the minimum specified in subsection (b)".

(b) Section 2(a) (2) of such Act is amended by striking out the period after "locality" and inserting in lieu thereof the following: ", or, where a collective-bargaining agreement covers any such service employees, to be provided for in such agreement, including, if the Secretary so elects, prospective fringe benefit increases provided for in such agreement as a result of arm's-length negotiations."

SEC. 2. Section 2(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(5) A statement of the rates that would be paid by the Federal agency to the various classes of service employees of section 5341 of title 5, United States Code, were applicable to them. The Secretary shall give due consideration to such rates in making the wage and fringe benefit determinations specified in this section."

SEC. 3. (a) Section 4(b) of such Act is amended by striking out all after "Act" and inserting in lieu thereof the following: "(other than section 10), but only in special circumstances where he determines that such limitation, variation, tolerance, or exemption is necessary and proper in the public interest or to avoid the serious impairment of government business, and is in accord with the remedial purpose of this Act to protect prevailing labor standards."

(b) Section 4 of such Act is amended by adding at the end thereof the following new subsections:

"(c) No contractor or subcontractor under a contract, which succeeds a contract subject to this Act and under which substantially the same services are furnished, shall pay any service employee under such contract less than the wages and fringe benefits, including accrued wages and fringe benefits, and, if the Secretary so elects, any prospective increases in wages and fringe benefits provided for in a collective-bargaining agreement as a result of arm's-length negotiations, to which such service employee would have been entitled if he were employed under the predecessor contract.

"(d) Subject to limitations in annual appropriation Acts but notwithstanding any other provision of law, contracts to which this Act applies may, if authorized by the Secretary, be for any term of years and exceeding five, if each such contract provides for the periodic adjustment of wages and fringe benefits pursuant to future determinations, issued in the manner prescribed in section 2 of this Act no less often than once every two years during the term of the contract, covering the various classes of service employees."

SEC. 4. Section 5(a) of such Act is amended by inserting before the first comma of the second sentence the words "because of unusual circumstances" and by adding at the end of such section 5(a) the following: "Where the Secretary does not otherwise recommend because of unusual circumstances, he shall, not later than thirty days after a hearing examiner has made a finding of a violation of this Act, forward to the Comptroller General the name of the individual or firm found to have violated the provisions of this Act."

SEC. 5. Such Act is amended by adding at the end thereof the following new section:

"SEC. 10. It is the intent of the Congress that determinations of minimum monetary wages and fringe benefits for the various classes of service employees under the provisions of paragraphs (1) and (2) of section 2 should be made with respect to all contracts subject to this Act, as soon as it is administratively feasible to do so. In any event, the Secretary shall make such determinations with respect to at least the following contracts subject to this Act which are entered into during the applicable fiscal year:

"(1) For the fiscal year ending June 30, 1973, all contracts under which more than twenty-five service employees are to be employed.

"(2) For the fiscal year ending June 30, 1974, all contracts under which more than twenty service employees are to be employed.

"(3) For the fiscal year ending June 30, 1975, all contracts under which more than fifteen service employees are to be employed.

"(4) For the fiscal year ending June 30, 1976, all contracts under which more than ten service employees are to be employed.

"(5) For the fiscal year ending June 30, 1977, all contracts under which more than five service employees are to be employed.

"(6) For the fiscal year ending June 30, 1978, and for each fiscal year thereafter, all contracts subject to this Act."

The **SPEAKER**. Is a second demanded?

Mr. **ASHBROOK**. Mr. Speaker, I demand a second.

The **SPEAKER**. Without objection, a second will be considered as ordered.

There was no objection.

Mr. **THOMPSON** of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 15376, a bill to amend the Service Contract Act of 1965. This bill was reported out unanimously by the Committee on Education and Labor and is a product of intensive bipartisan study and investigation.

The Special Subcommittee on Labor, which I have the privilege to chair, conducted 9 days of legislative oversight hearings during this Congress on the administration of the Service Contract Act. We heard testimony from administration officials, representatives of organized labor, representatives of the service industry, and some service workers themselves. We undertook these hearings under the impetus of the Legislative Reorganization Act of 1970, which called upon legislative committees to intensify their oversight activities.

The Service Contract Act was enacted to provide wage and safety protections for employees working under Government service contracts. It makes the Department of Labor responsible for assuring that service employees are paid at least the prevailing wages and fringe benefits for the same work in their locality as others are paid, so that this is simply a wage standards protection statute.

The hearings and our subsequent markup sessions were conducted in a completely bipartisan fashion. Each member of the subcommittee and the full committee was intent on finding out whether there were any problems in the administration of this act and what we in the Congress could do to correct any deficiencies we discovered. There were five serious problems which became apparent during the course of the hearings.

First. The Department has failed to make wage and fringe benefit determinations for almost two-thirds of the contracts subject to the act;

Second. A substantial disparity in wages and fringe benefits has developed between Federal wage board employees and their counterparts employed by service contractors;

Third. A great deal of labor-management instability has arisen because of a failure to take the existence of collective-bargaining agreements into account in the wage and fringe benefit determination process;

Fourth. A section of the act giving the Secretary of Labor discretion in administering the act has been stretched far beyond what the Congress had intended;

Fifth. The practice of rebidding contracts yearly either without wage and fringe determinations or with unrealistically low determinations is creating chaos for reputable contractors and great hardships for employees.

We have addressed each one of these problems in H.R. 15376. In effect, what we have done is to strengthen the hand of the Secretary of Labor in assuring that full coverage of all contracts subject to this act is eventually achieved. We have given the Secretary 6 years to gradually achieve full coverage, beginning by mandating full coverage during fiscal year 1963 of all contracts subject to the act which propose to employ more than 25 employees, and achieving full coverage of all contracts subject to the act by fiscal year 1978. We believe that this is a fair and equitable mechanism for allowing the Department to gradually evolve the best techniques for making wage and fringe benefit determinations at the lowest possible cost to the taxpayer. There are a number of other technical and clarifying amendments to the act which are explained at some length in the report accompanying H.R. 15376.

I think this is an excellent bill, and I want to especially commend the ranking Republican on the subcommittee, Mr. ASHBROOK, of Ohio, for his complete cooperation during our investigation. I also wish to commend the ranking member of the full Committee on Education and Labor, Mr. QUIE, of Minnesota, for his cooperation and support in our efforts to fashion a legislative vehicle to remedy the problems we found in the operation of the act.

I also wish to commend my colleague, Mr. O'HARA of Michigan, a member of the subcommittee and the author of the Service Contract Act of 1965 in the House, for the diligent manner in which he has pursued the problems that have arisen under the act since it was first passed.

I think we have an excellent bill here, and it is a bipartisan bill which will not only protect service employees, but give reputable service contractors a fairer set of ground rules under which to operate. I urge my colleagues to support this bill.

Mr. ASHBROOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was present at all of the hearings on this bill. I could echo many of the things that the gentleman from New Jersey just said. But I would like to call your attention to the statement in part II of the hearings on page 24 by our former colleague and now senior Senator from Florida.

The thing that is most unfortunate about the way the law is carried out and interpreted by the Department of Labor at present is that employees continually in bases throughout the country, particularly military bases, find themselves pawns in a contract struggle.

I will read to you what Mr. GURNEY indicated happened in Florida, as an example, and I quote him directly:

> As you will notice, I represented the Cape Kennedy area as a Congressman, and it is now part of my constituency as a Senator.

I hope everybody will listen to this very closely because this is the very heart of the bill.

To continue:

> Last year we had a rebidding of a NASA service contract. The only material thing bid was wages; and able, loyal workers found themselves earning, a day after the contract was awarded, one-quarter, one-third, even as high as 50-percent less than before, doing precisely the same job the day before.
>
> Now we have another service contract out for bid at Patrick Air Force Base. This is the service contract now held by Pan American and RCA, and exactly the same thing will happen in this case. Only wages will be bid, and the worker's pay and his ability to feed and clothe and house his family is now out on the auction block. I firmly believe that an average wage should be determined by the Labor Department, after a thorough wage study today in these service contract cases, a wage below which a bidder may not go, and I have requested the Labor Department to do this.
>
> In fact, I have requested it twice. The request was denied the first time, and I have not heard from the second request as yet. I certainly hope that your committee will help in drafting legislation to accomplish this goal in this service contract area.

This is precisely what we are talking about. It makes no sense in equity and it certainly is bad policy to allow contract bidders to come into these areas to underbid and then give a take-it-or-leave-it basis to the employee who is doing vital work for our country.

I support this on the basis of equity. I support it because I do not believe the Department of Labor has issued the determinations that they should, and has not determined, as Mr. GURNEY pointed out, wages below which a bidder may not go.

This, supposedly, should be the law. But bidders can come in and they can, as we saw in our hearings, if you study our hearings, particularly through the Southwest, go from one base to another and have a contract 1 year—and then go in and underbid—and possibly make some money. Maybe that is free enterprise, but the result is to squeeze the employee and pay him less for the same thing that he was doing in the previous year—and then go to another base next year. I think it is completely wrong.

Supposedly, the Department of Labor should protect these employees. But I would say to the Members of this House, the Department of Labor is not doing this. So I support this bill wholeheartedly on the basis of equity.

This bill merely requires that a successful bidder cannot pay less to employees than they were receiving from their former employer pursuant to a contract with respect to wage and fringe benefits. That certainly does not seem to be radical to me.

It has been indicated that prospective wage increases will be included in wage determinations. The committee saw this as a possible pitfall. Every member of our committee recognizes you can have a situation where bids of contracts going into the future would be very high and there would be no way of bringing them under control. That is why the bill specifically gives the Secretary of Labor—and, if you will look at pages 5 and 6, we have added this language—"* * * if the Secretary so elects" the Secretary of Labor may choose to include any prospective wage increases in his determination.

Certainly, I cannot foresee on the basis of their handling up to now, that they would agree to any exhorbitant increase.

I happen to feel, in all equity, that this bill is long past due. Many employees have been taken advantage of.

The other thrust of the bill is to require the Secretary of Labor to increase the number of wage determinations yearly until at the end of a 6-year period, wage determinations must be made where any Government contract is awarded subject to the Service Contract Act. That is all we are doing, these two major items, making sure that an employee cannot be reduced—you cannot have bidding which would reduce their wages and make the Secretary of Labor by statute increase the number of wage determinations until all wage determinations are issued where contracts are subject to the Service Contract Act. I do not think you can quibble with those two parts of the bill and I wholeheartedly support it.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the chairman of the subcommittee.

Mr. THOMPSON of New Jersey. Mr. Speaker, the gentleman is precisely right. The bill in essence is extremely simple, and you have very carefully made clear its two essential ingredients. It might be said in passing that when we had the Department back a second time they thought that the requirement that they make determinations within a year or two would be unreasonable in terms of administrative costs. The fact is that they have a maximum of five people working on this act now after 7 years of its operation, so in order to accommodate them, we stretched it out another 6 years.

Mr. ASHBROOK. I would add to what the gentleman said we are not asking them to do anything that they do not already do under the Davis-Bacon Act.

Mr. THOMPSON of New Jersey. You are exactly correct—or under the Walsh-Healey Act.

Mr. ASHBROOK. Or under the Walsh-Healey Act.

I cannot possibly convey to the Members of this House how personally repugnant I found the activities of many contractors dealing with what frankly must be the low, marginal employees on most of these bases; and for the Government to sanction a policy putting these people in a squeeze, I found personally repugnant.

I think most of you know I do not exactly get a whole lot of union support. The only union that ever supported me was the WCTU, so I am certainly not motivated by any pressures that might come from unions. I am talking merely in terms of what is in the best interests of these employees and how the Government can possibly hold up its head when it is in effect the employer.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I will be happy to yield.

Mr. HUNT. I take the opportunity to commend the committee, the chairman of the subcommittee, and you (Mr. ASHBROOK) for bringing this bill, H.R. 15376, to the floor and speaking out as you have.

Several years ago I had a situation with a corporation in my district who had a bid situation up in Alaska. They had had this bid for a number of years, and their employees were there with all of their equipment. They were underbid by another contractor. It resulted in a loss of wages and in certain places a little less money, but the fellows stayed there because they were located up there in the vast barren stretches and did not want to come home. The only thing they did was to take over the equipment, as it were, for less money, and still maintain the job.

Fortunately, this year when the bids came out, the company which had the bids originally regained them and put the wage scale back where it had been in the first place. So it is about time this manipulation of underbidding by contractors for their own personal corporate gain came to an end.

I wish to commend you and your committee for bringing this to the attention of Congress.

Mr. ASHBROOK. I thank the gentleman for his contribution. We will later hear from the gentleman from Florida (Mr. FREY) who has had similar experience and who will speak for this bill. I think those who have seen the operations of this contract process certainly must question the Government's role, which, of course, would be part of our role, in sanctioning this type of squeezing. It is incredible, if you could read the testimony, if you could hear the testimony, how people had their wages reduced, wages which already by most scales are not high. As indicated, they are probably at the lower economic level, mostly custodial employees, those who work in laundries, those who work in dispensaries, those who work in cafeterias and to have these real low wages undercut as a part of the supposed fair and free bidding process in something which should not be sanctioned.

I certainly voice my very strong approval of this bill as a means of rectifying the situation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

This is the second bill in succession from the Committee on Labor and Education that carries no departmental report, no report of any kind. Can the gentleman advise me as to why there is nothing from the Department of Labor, or any other agency in Government?

Mr. ASHBROOK. First of all, I can say to the gentleman is not it a wonderful day late in the session when we can get bills out of the Committee on Labor and Education that do not have to be totally rewritten on the floor of the House?

I will say in all candor the administration favored the previous bill, but the administration does not favor this bill. I would say that if you study the hearings, Mr. Silberman, the Under Secretary of Labor who testified for the Department of Labor, indicated to the committee that, because the members of our committee were so unanimous on this bill and were so unanimous in our realization that there was an inequity, he would investigate them further, but a year and a half has gone by. I would say to the gentleman from Iowa they have not done anything. They did not keep their word. Their position is simply they want no change in the law.

I do not accept that as a valid position. That is why the committee in this case, and I think every member on the minority side except the gentleman from Illinois (Mr. CARLSON), agreed to this proposal, because we thought something needed to be done.

Mr. GROSS. I see no Department position in the report and I do like to know what position the Department is taking.

Mr. ASHBROOK. The Department of Labor is opposed to this bill. They want no change in the act as it now stands, and I think most of the Members after hearing the testimony do not agree with that position in all candor.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield for a question?

Mr. ASHBROOK. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman respond to this argument, that it is administratively infeasible and filled with all kinds of ambiguities because it would require the Department of Labor to see whether any of these employees were covered by collective-bargaining agreements, and if they were, the employees could not be paid at lower than the rates in that agreement. How is the Secretary to know before the contract has been awarded or before particular specifications have actually been issued which employees are ultimately going to be employed by the successful contractor? He does not even know who will be successful, which contractor it is going to be, and therefore how would he know the employees, and therefore how would he comply with the requirements, and how could he come up with a contract containing terms and conditions that are not contrary to a collective-bargaining agreement covering the employees? I am simply desirous of getting information, because even though it is difficult to change people's minds on a bill under a suspension of rules with only 20 minutes on either side, still if the gentleman could relieve my mind on that point it would satisfy some fears we have.

Mr. ASHBROOK. I think if they do nothing else than require that they did at least include the wage level for the previous one, we would have accomplished a great deal.

Mr. ANDERSON of Illinois. Does the gentleman mean they have to consider the wage level that was used in a preceding contract?

Mr. ASHBROOK. If they have a successor contractor, they would have to consider the wage of the predecessor contractor.

Mr. ANDERSON of Illinois. If the gentleman will yield further, is there not a Supreme Court decision somewhere that says something on this point?

Mr. ASHBROOK. The Burns decision?

Mr. ANDERSON of Illinois. Is there not a decision that it is not required that a successor contractor be bound by the terms and conditions of a labor contract entered into by his predecessor? I do not have the citation handy, but it seems to me there is a decision to that effect and therefore this would rewrite existing law as interpreted by the U.S. Supreme Court. I think it was a National Labor Relations Board against Burns Security Services case.

Mr. ASHBROOK. I would say to the gentleman from Illinois, who is learned in this area, as I understand it the Burns case dealt with a private employer, and the Congress time and time again has set standards for people who do contract business with the Government, and the Walsh-Healey Act has set different standards, and the Davis-Bacon Act has set different standards, and the Service Contract Act has set different standards. It is like comparing apples with oranges. A contract with a person in the private sector is totally different from a contract in a situation where the contractor is doing business with the Government. We have always made a difference in Walsh-Healey and in Davis-Bacon and in the Service Contract Act. So the same thrust of law relating to predecessor and successor contracts would apply to the public sector but not necessarily the private sector.

Mr. ANDERSON of Illinois. To return to the point, does not this pose some administrative difficulties when we cannot tell to whom the contract will be awarded? How does one administer this provision which says we have to take into consideration previous bargaining conditions?

Mr. O'HARA. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Michigan.

Mr. O'HARA. Mr. Speaker, we are talking about whether the old contractor had an effective bargaining agreement, and the way the act works, the contracting agency has to supply certain information to the Department of Labor and then the Department of Labor makes its determination. All we have to do is have the contract agency supply one additional piece of information and that is whether a collective bargaining agreement now covers those employees and what it applies to, and then the Department of Labor will know.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Massachusetts (Mrs. HICKS).

Mrs. HICKS of Massachusetts. Mr. Speaker, I should like to commend the chairman of the Subcommittee on Labor for bringing this matter before the House.

Mr. Speaker, I rise in support of H.R. 15376, a bill to amend the service contract of 1965.

The Special Subcommittee on Labor, on which I serve, conducted exhaustive oversight hearings on the way this act has been administered since 1965. We found problems under both Democratic and Republican administrations, and tried to take a completely bipartisan approach to solving these problems.

I believe that the bill we have reported out, and it was reported out unanimously from our subcommittee and the full Committee on Education and Labor, will go a long way toward making the Service Contract Act an effective vehicle for protecting the wages and fringe benefits of service workers.

These service workers are among the

lowest-paid workers in the United States. They are the laundry workers, busboys, dishwashers, guards, janitors, and other workers performing housekeeping functions under Government service contracts. These workers on the bottom rung of the economic ladder are the ones the Congress tried to protect in 1965 when it enacted the Service Contract Act.

The Service Contract Act simply provided a method for protecting the wages and fringe benefits being paid service workers, by directing that they be paid at least the prevailing rates in their local area.

For various reasons the act has not worked as well as was originally intended, and we discovered countless instances where faulty wage determination procedures had worked great hardships on service workers and their families.

I believe the bill we have devised will prevent the tragic economic hardships which are visited upon these workers under the present operation of the act, and will make it clear that the Congress meant business when it set out to protect these workers.

Mr. THOMPSON of New Jersey. Mr. Speaker, it is rather unique that I yield to a distinguished opponent of the legislation, the gentleman from Georgia (Mr. BLACKBURN) 3 minutes.

Mr. BLACKBURN. I appreciate the gentleman's yielding to me 3 minutes.

Mr. Speaker, I rise in opposition to the motion to suspend the rules. The bill before us seeks to improve the lot of service contract workers, but it would not accomplish that purpose. It is confusing on its face, and if it were enacted it would vastly complicate the Service Contract Act, which in turn would lead to delay and abuse in the service contracting process. Let me briefly mention some of the problems of the bill.

First, the Secretary of Labor, who is charged with the responsibility of making the wage and fringe determinations, would be forced to make a determination for each individual contract in many cases where he now may make a single determination which applies to many service contracts in a particular locality. This single determination procedure permitted under the present law conserves valuable resources, saves time and prevents duplication of effort. If this bill is enacted, many more determinations will be required, resulting in delays and confusion in the service contracting process. Service employees have nothing to gain and much to lose by this amendment.

Second, the bill would foreclose, within a few years, the existing authority to omit making wage and fringe determinations in those cases of minimal impact and importance in the application of the statute. It would thus limit and ultimately eliminate the present administrative flexibility to allocate resources available for making wage determinations in those areas and contracts where substantial needs for wage and fringe protections exist.

Third, sections 2(a)(1) and (2) provide that minimum wage rate and fringe benefit determinations may include prospective increases provided for in a collective bargaining agreement.

Is it intended by this provisions to permit acceleration of deferred wage and fringe benefit increases? If so, it seems to us that this could seriously jeopardize the national effort to curb inflation—particularly insofar as the provision could have a precedential effect for other areas of Government contract work or, indeed, might "spillover" as a practical matter to the public and private employment sectors generally.

At the very minimum, this provision would clearly benefit by clarification and rephrasing to assure that it does not authorize acceleration of deferred increases. Under the suspension of the rules, however, this will not be possible.

Fourth, section 3(c) provides that, in the case of successor contracts under which substantially the same services are furnished, the minimum wage rates and fringe benefits to be paid by the successor contractor may not be less than those paid under the predecessor contract—and may also include any prospective increases which were provided for under the predecessor contractor's collective bargaining agreement. This is so even if the successor contractor employs his own work force and does not retain any of the predecessor contractor's employees.

At a time when the American taxpayers are demanding—and deserve—economy in Government, this provision would serve to guarantee ever-increasing labor costs in service contracts. Beyond this, it introduces a major new concept into our national labor policy.

In NLRB against Burns International Security Services, Inc.—decided May 15, 1972—the U.S. Supreme Court ruled unanimously that a successor contractor is not obligated to observe his predecessor's collective bargaining agreement. Section 3(c) of H.R. 15376 would in net effect overturn this decision.

If it is the will of the House that our national labor laws should now be rewritten to provide for compulsory imposition of the terms of collective bargaining agreements on employers and employees who were not parties to the agreement, we respectively suggest that this is a decision to be made only after the most thorough and extensive debate with full opportunity for Members participation through the amendment process. It is not, in our opinion, a decision to be made in summary fashion as part of a package deal in which the hands of the Members are tied.

Fifth, the bill limits the Secretary of Labor's discretion and flexibility in two important respects. Under these proposed amendments, he may grant a variation or exemption only in special circumstances, and he may act to relieve a contractor from being listed as ineligible only in unusual circumstances. Unfortunately, the bill does not define either of these terms and the Secretary and everyone else who has an interest in this legislation is left without any guidance. This is yet another example of how this legislation fails to do the job it purports to do. Legislation is supposed to serve as a guide to conduct, and that requires thoughtful and careful preparation and drafting. It would be a shame for this House to suspend the rules and bring this bill to a vote because it clearly needs more careful consideration. As it stands now, it can only honor the interests of service workers by saddling them with a mandate for confusion.

Last, the proposed amendments raise serious due process questions because it requires that a contractor who has violated the act, unless relieved due to the unexplained unusual circumstances I just mentioned, must be listed as ineligible within 30 days after a hearing examiner has made his finding. This gives a contractor virtually no time to pursue his existing appellate remedies or seek review which might exonerate him. Bear in mind that this hard and fast rule would apply even if the violation were de minimis and involved no element of willfulness. Such violations are common, and therefore would not seem to allow for relief as unusual circumstances.

Mr. Speaker, no one will claim that the present Service Contract Act is perfect in either conception or administration. But the bill before us is confusing and would only complicate and confuse matters.

In this regard, it is significant to note that the committee was unable to arrive at an estimated cost of administering the act as it is proposed to be amended because of uncertainties over the best technique for making wage and fringe benefit determinations—House Report No. 92-1251, page 6. Yet the committee has nonetheless taken steps to assure that the Department of Labor will make such determinations for each and every contract subject to the act. It seems to us that a valid question may be raised as to whether the committee has not put the cart before the horse. Would it not be better to first ascertain improved techniques for making wage and fringe benefits determinations before sending the Labor Department out with a blank check to apply admittedly poor or unevaluated techniques to an even greater number of contracts than at present?

The report of the Committee on Education and Labor states that H.R. 15376 is designed to bring about more equitable and more efficient administration of the Service Contract Act. We, of course, fully support this highly desirable goal.

However, it seems to us that it would be far more consistent with that avowed purpose to subject the legislation to the sounding board of full and complete debate, including the amendment process, rather than to have it come up, as scheduled, on a take it or leave it basis.

For our part, the issues posed in this legislation are too serious to treat in such an abbreviated fashion. The bill should be referred back to committee so that it may be brought to the floor at a later time in accordance with the usual procedures of the House allowing Members the fullest freedom to work their will on its various provisions.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. I thank the distinguished gentleman from New Jersey for granting me this time.

I rise merely to support this bill and to urge its enactment because of its overdue need.

Those of us who cosponsored and otherwise helped as to the passage of the 1965 act were certainly under the impression then that the thing this present amendment leads to correcting had been taken care of.

All this bill will do, regardless of the scare talk about administrative costs and the like, is to substitute for the law of the jungle as it now exists a rule of reason and equity and justice.

In my district for 10 years, since I have been in the Congress, I have had repeated specific occasions of abuse that have given rise to an urgent need to enact this legislation. I so urge my fellow Members.

Mr. ASHBROOK. Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, this bill has several objectionable features. It presents a seemingly impossible administrative mandate by requiring that the Secretary of Labor make wage determinations in accordance with collective bargaining agreements covering service workers at a point in time when there is no way to tell whose service workers they may be, let alone whether any of them are covered by a collective bargaining agreement. It severely limits the administrative flexibility in dealing with violators of the act and raises a substantial question of the rights of due process for those accused of violations. It incorporates a successor contractor doctrine that could lead to inflationary wages, much higher than the true prevailing wages and could result in unnecessary and unjustified expense to the Government and, thence to the taxpayers.

But perhaps most importantly, it would require that within a few years the Secretary will have to make a wage determination with respect to each and every contract subject to the act. On initial consideration, this requirement might not sound unreasonable, but it takes only a few seconds to realize that this requirement places an enormous burden on the Secretary. Indeed, one does not have to be an expert in either labor relations or the science of effective government to recognize that such a requirement is unrealistic and impractical. The administrator of a program must have sufficient flexibility to allocate his resources efficiently. Under this particular amendment, there is no such flexibility. A determination would have to be made for every single contract even those involving only one or two employees. It appears that the sponsor of the bill, well-intended though he may be, has lost sight of the forest in his quest to protect each individual tree.

Mr. Speaker, I would point out that this requirement is an extraordinarily unusual one. The major labor-relations legislation in this country, the Taft-Hartley Act, allows the National Labor Relations Board to exercise flexibility in its coverage. The Cost of Living Council, for example, also has rules excluding small businesses.

Presently, the Secretary receives about 21,000 notices of service contracts each year. Under the present law, he has sufficient latitude to allocate his limited resources in the most efficient fashion, making wage determinations for those contracts covering the substantial majority of workers.

This bill is touted as being strongly in the workers' interest, but it is not in the interest of the service employees to tie the administrator of the law to a wasteful and rigid requirement such as this. The Secretary must have sufficient latitude to allocate his resources to those contracts and localities where the need is greatest.

Mr. Speaker, I hope this motion to suspend the rules will be defeated so the bill may be brought back under a rule for full debate and subject to amendment.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I am glad to yield to the gentleman.

Mr. ASHBROOK. I will say to the gentleman while I support the principle of the bill, I would prefer to have it here under a rule. I agree with the gentleman's remarks on that. I always like us to have an opportunity for amendment. I will still support the principle.

Mr. ERLENBORN. I thank the gentleman for that observation.

I think bills that are as important as this and which are controversial certainly ought to come out under a rule where amendments can be offered. This sort of gag rule is not good practice.

Mr. BLACKBURN. Will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman.

Mr. BLACKBURN. I appreciate the gentleman yielding.

Does he not think there is a distinct possibility that competitive bidding on Government contracts may be decreased because the potential bidders may be scared off by the provisions of this bill? They are not sure what the obligations may be when they take over an existing contract.

Mr. ERLENBORN. Obviously the potential bidder will be bound by the determinations made by the predecessor. The predecessor may negotiate several increases that are unreasonable just to protect his competitive advantage. We may find it will work not only to the disadvantage of those desiring to compete but also to the disadvantage of the Government as well.

Mr. THOMPSON of New Jersey. Mr. Speaker, I have one comment and then I will yield to the gentleman from Michigan (Mr. O'HARA) for 5 minutes.

The major contractors involved in this industry including Sperry Rand, TWA, Boeing, Pan Am, Brown Root, and Northrop, all support this bill.

I might say to the gentleman from Illinois (Mr. ERLENBORN) that this bill was not sneaked out of the committee in the dark, and it does not come here without a report. The only amendments offered in the committee were those by the gentleman from Minnesota (Mr. QUIE). The committee reported this bill unanimously.

Mr. Speaker, I now yield 5 minutes to the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Speaker, I think this bill is unique, and I would like to explain just why.

H.R. 15376, is the result of bipartisan oversight hearings, generating a bipartisan reaction to a problem which had, I regret to say, bipartisan roots.

H.R. 15376 does not represent a quarrel between Democrats and Republicans, or between liberals and conservatives. Rather, it represents an effort by the Congress to reassert its policymaking primacy over the bureaucracy.

This is a bill that was put together by Democrats and Republicans in the committee. It was not put together by the agencies downtown. It was not put together by any outside group. It was put together in hard bargaining and discussion sessions following oversight hearings by the members of the committee. There is not a member of the committee who participated in those hearings who does not have some imprint on this bill. We worked it out together. We tried to take seriously our responsibilities for legislative oversight, and we sat down with the Department, and with witnesses, and we asked how has this act been administered? What is right about it? What is wrong about it?

After we had heard all of that then we sat down and tried to work out together our responsibilities as a committee, to this House, and to the people of the United States. I think that is the way the Congress ought to work.

The Service Contracts Act of 1965, of which I was one of the authors, was an effort to apply to employees of Government service contractors the same protections that have long applied to employees of Government construction contractors and Government procurement contractors.

That act to state it simply, set forth a determination by the Congress that the employees of these contractors must be paid not less than the prevailing wage paid to other employees engaged in similar work in the same area. To enforce this obligation, covered contractors had to agree to meet these standards as a part of their contract, and if they were found not to have done so, they were to be barred from further contracting for periods up to 3 years, except when unusual circumstances warranted the Secretary of Labor in lifting the penalty.

The principle of law involved was a simple one, and it had long been a part of the Federal statutes with respect to other contractor employees.

Unfortunately, in our oversight hearings we discovered that it had not been working as intended. We found widespread exploitation of service employees by "contractors" who were little more than labor brokers, and we found—and this, Mr. Speaker, was far more reprehensible—widespread indifference or even hostility to the intent of the Service Contract Act among agencies of the Government itself. This was compounded by an attitude on the part of the enforcing agency—the Labor Department—which seemed to overlook no opportunity to render the act nugatory.

We found the Department refusing, at the behest of other Federal agencies, to make prevailing wage determinations when such refusal had the clear effect of depressing those wages.

We found interpretations of the law, which served to undercut legitimate labor-management agreements.

We found the Department willing to ignore the clear language of the act with regard to the penalty—disbarment from contracting—and willing instead to accept partial restitution as though it were in and of itself a penalty.

We found, in short, a serious lack of enforcement of, and lack of commitment to, the Service Contract Act of 1965. We found this throughout the agencies involved, including, if I must say so, the General Accounting Office, which is supposed to be the agency primarily charged with the enforcement of the will of the Congress.

And, in all fairness, I must reiterate, we did not find that this problem began with this administration.

I am grieved to find my friend, the able gentleman from Illinois (Mr. ERLENBORN) coming in here and reiterating the Labor Department's arguments. We are not a part of the executive branch. We do not need the Labor Department's permission to legislate, Mr. Speaker. That branch does not have the right to tell us what to do, especially when it involves something that they have bungled as badly as they have bungled the administration of this act.

It was suggested by members of the committee on both sides, that we should take a look at this act and see if we could not improve its administration. That is what we have done. There is no insurmountable difficulty imposed on the bureaucrats in the administering of this law. They will be able to do a better job of achieving the purposes of the Service Contract Act with these amendments than they have done thus far without them.

The only ones who are going to be hurt are the fly-by-night contractors, not the reputable contractors, not the people who are in the business year in and year out, and who were there yesterday and who intend to be there tomorrow, but the two-bit operators who are out to make a quick killing. They are the ones who are going to be hurt by this legislation.

Many of the amendments made by H.R. 15376 are clarifying amendments. They clarify the original intent of the Congress and reiterate, for the attention of the executive branch agencies and the GAO, that our intention is to prevent the use of Government procurement power to depress wages and exploit service employees—who have it tough enough, Mr. Speaker, even when the act is working as it is supposed to work.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. FREY).

Mr. FREY. Mr. Speaker, speaking for myself, I am as familiar with this problem as any Member in the House in that my district is in the cape area.

About a year ago I contacted, along with some others, my distinguished colleague, the gentleman from New Jersey (Mr. THOMPSON) to ask the subcommittee to hold hearings on this problem.

We have heard a great deal today about the burden on the Department of Labor, but I think that really what all of us are concerned with is the burden on the individual, with the individual who is working for his living and ends up, as many people in my district did, by losing their jobs, or who end up with a new contractor who comes in and who fires about one-third of the people in a wage bid process, and then reduce the pay for the others on an average of about 17 percent, and some of them up to 50 percent.

Nobody really wants to bid one company against another when only the wages of the workers are involved, and reduce them as much as possible so that they can get a contract they can live with.

All of us I am sure seek efficiency in Government contracts, but we should also take into account the effect this type of bidding has in terms of the cost of closing out, in terms of the cost of worker morale, in terms of the cost of labor-management strife. In the long run, I think it costs more than is saved by reducing salaries. But I think there is a lot more involved here than the economics; I think you have to include the human element also. And for those of you who have not experienced something like that, then I would like to see you try to explain to somebody how one day they can be doing a job and earning *x* amount of money, and the next day doing the same work but with a different contractor their salaries are reduced by 50 percent. It does not make sense. I think this is wrong. I think this is a good piece of legislation, and I urge its adoption.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey (Mr. THOMPSON) that the House suspend the rules and pass the bill H.R. 15376, as amended.

The question was taken.

Mr. ERLENBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 274, nays 103, not voting 55, as follows:

[Roll No. 305]

YEAS—274

Abbitt
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Brademas
Brasco
Brinkley
Brooks
Brotzman
Broyhill, N.C.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Cabell
Carey, N.Y.
Carney
Casey, Tex.
Cederberg
Celler
Chappell
Chisholm
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Conover
Conte
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Donohue
Dow
Downing
Drinan
Dulski
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffin
Grover
Gubser
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hunt
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Kluczynski
Koch
Kyros
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McCloskey
McCollister
McDade
McKay
McKevitt
Macdonald, Mass.
Madden
Mailliard
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Mills, Ark.
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Railsback
Randall
Rangel
Rees
Reid
Reuss
Riegle
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
St Germain
Sandman
Sarbanes
Saylor
Scheuer
Schwengel
Seiberling
Shipley
Shoup
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taylor
Teague, Calif.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waldie
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NAYS—103

Andrews, Ala.
Archer
Arends
Belcher
Betts
Blackburn
Bow
Bray
Brown, Ohio
Broyhill, Va.
Buchanan
Byrnes, Wis.
Byron
Caffery
Camp
Carlson
Carter
Clancy
Clawson, Del
Collins, Tex.
Colmer
Conable
Crane
Davis, Wis.
Dennis
Derwinski
Devine
Dickinson
Dorn
Duncan
Erlenborn
Fisher
Ford, Gerald R.
Fountain
Fuqua
Gettys
Goldwater
Goodling
Green, Oreg.

Gross
Haley
Hall
Hammerschmidt
Hosmer
Hull
Jarman
Johnson, Pa.
Jonas
Keith
Kuykendall
Kyl
Landgrebe
Latta
McClory
McEwen
McKinney
Mahon
Mallary
Mann
Martin
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Md.
Mizell
Montgomery
Pirnie
Poff
Powell
Price, Tex.
Purcell
Quillen
Rhodes
Robinson, Va.
Robison, N.Y.
Rousselot
Ruth
Satterfield
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shriver
Smith, Calif.
Spence
Steiger, Ariz.
Steiger, Wis.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Waggonner
Ware
Whalley
Wiggins
Wilson, Bob
Winn
Wylie
Young, Fla.
Zion

NOT VOTING—55

Abernethy
Anderson, Tenn.
Baker
Baring
Bell
Blanton
Blatnik
Bolling
Broomfield
Brown, Mich.
Burlison, Mo.
Byrne, Pa.
Chamberlain
Clay
Conyers
Davis, Ga.
Dingell
Dowdy
Edmondson
Evans, Colo.
Flynt
Gallagher
Griffiths
Hagan
Hébert
Henderson
Hungate
Hutchinson
Ichord
Jones, Tenn.
Landrum
Lennon
Long, La.
McClure
McCormack
McCulloch
McDonald, Mich.
McFall
McMillan
Mathias, Calif.
Miller, Calif.
Nedzi
Passman
Patman
Pelly
Pepper
Poage
Pryor, Ark.
Rarick
Rooney, N.Y.
Ryan
Stephens
Stuckey
Talcott
Teague, Tex.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York and Mr. Dingell for, with Mr. Hébert against.

Mr. Nedzi and Mr. Pepper for, with Mr. Passman against.

Mr. Ryan and Mr. Blatnik for, with Mr. Lennon against.

Mr. Clay and Mrs. Griffiths for, with Mr. Henderson against.

Mr. Conyers and Mr. Byrne of Pennsylvania for, with Mr. Rarick against.

Mr. McCormack and Mr. McFall for, with Mr. McMillan against.

Until further notice:

Mr. Davis of Georgia with Mr. McCulloch.

Mr. Teague of Texas with Mr. McDonald of Michigan.

Mr. Hungate with Mr. Chamberlain.

Mr. Anderson of Tennessee with Mr. Baker.

Mr. Flynt with Mr. Hutchinson.

Mr. Evans of Colorado with Mr. Mathias of California.

Mr. Patman with Mr. Broomfield.

Mr. Burlison of Missouri with Mr. Pelly.

Mr. Ichord with Mr. Talcott.

Mr. Stephens with Mr. McClure.

Mr. Stuckey with Mr. Baring.

Mr. Jones of Tennessee with Mr. Brown of Michigan.

Mr. Miller of California with Mr. Bell.

Mr. Blanton with Mr. Abernethy.

Mr. Landrun with Mr. Long of Louisiana.

Mr. Gallagher with Mr. Hagan.

Mr. Edmondson with Mr. Pryor of Arkansas.

Messrs. JONES of North Carolina, SCHWENGEL, and DON H. CLAUSEN changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to insert their remarks in the Record on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TESTIMONY ON BUSING AMENDMENT TO THE CONSTITUTION

(Mr. CELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CELLER. Mr. Speaker, the Committee on Rules has taken the unprecedented step of discharging the Committee on the Judiciary of a proposed amendment to the Constitution—the so-called antibusing amendment—House Joint Resolution 620. Earlier this year I placed in the Record letters from six nationally respected constitutional law authorities commenting on House Joint Resolution 620—Congressional Record, volume 118, part 4, pages 4625–29.

In order further to assist Members to assess the many far-reaching legal and social consequences of the proposed constitutional amendment, I offer for printing in the Record excerpts from "School Busing" hearings before Subcommittee No. 5 of the Committee on the Judiciary. The excerpts include testimony from: Secretary Elliot L. Richardson, Department of Health, Education, and Welfare; Attorney General Richard G. Kleindienst, Rev. Theodore M. Hesburgh, Chairman, U.S. Commission on Civil Rights; constitutional law authorities; civil rights leaders; educators and representatives of national civic organizations.

The excerpts follow:

ELLIOT L. RICHARDSON—SECRETARY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

I would say simply for myself, as I have said before, that I find the various resolutions pending before the subcommittee to be highly ambiguous. One reading of this resolution introduced by Congressman Lent would be simply that it is merely declaratory of the *Brown* case and all of those which have followed it. A more extreme reading on the other side would conclude that it intended a complete reopening or could bring about a complete reversion of any or all desegregation orders. Probably neither of these interpretations is within the intent of the sponsors and, yet, the fact that they are possible interpretations is illustrative of the difficulty of dealing with this problem by means of a constitutional amendment rather than through the comprehensive legislative approach which the administration has recommended.

Chairman Celler. At a press conference which you held on February 16, 1972, you were quoted as saying with respect to House Joint Resolution 620:

"This amendment, and other amendments, could have the effect of actually undercutting and rolling back the measures that have been taken to dismantle the dual school systems even in situations that did not involve massive transportation * * * and certainly I do not believe that the Administration wants to bring about that result."

Is that your view today?

Secretary Richardson. Yes; as I said a moment ago, that is a possible interpretation of the amendment. It could also be interpreted to have no effect at all because it was merely declaratory of *Brown* and all subsequent decisions.

I am simply making a point I made a moment ago that it is ambiguous.

Chairman Celler. I take it, therefore, that you do not think too well of this amendment.

Secretary Richardson. I do not.

Chairman Celler. Would you advise that we vote against it?

Secretary Richardson. If I were a member of the subcommittee, I would vote against it, but I do not believe I am necessarily the best source of advice to the subcommittee.

* * * * *

Mr. Chairman, I think I should make clear that we are not urging the elimination of busing as a remedy for unconstitutionally segregated schools. What we are urging is a temporary stay on new busing pending a determination by the Congress of reasonable limits for the use of the remedy. As we have pointed out earlier, the objective of desegregation can be accomplished to a very large extent without additional busing in most situations and so what we are saying in effect is that although busing is and will continue to be a necessary tool for desegregation in many situations, it can be made subject to rational and consistent limits such as those we have proposed in our substantive legislation.

RICHARD G. KLEINDIENST—ACTING ATTORNEY GENERAL OF THE UNITED STATES

Chairman Celler. Isn't that the situation in all types of litigation? In antitrust cases you may have differing decisions in different sections of the county. That is our judicial system. The Supreme Court makes the final decision.

Mr. Kleindienst. I think what is happening here, as a result of the fact that the Congress has avoided this problem, is that some 400 Federal district judges are doing the legislating and that was not contemplated by our Constitution. The courts are there to enforce and effectuate the laws of the Congress and ultimately to determine whether those laws are constitutional. I do not think it was contemplated to have 400 legislators appointed by the Presidents of the United States with the advice of the Senate who call themselves Federal judges. That is the reason why the National Labor Relations Act had a great impact on the solution to a very serious social problem in the United States. It created a standard.

Chairman Celler. You don't give an answer to the question as to whether or not you agree or do not agree with the pending resolution, House Joint Resolution 620, providing for a constitutional amendment for which there is a discharge petition on the Speaker's desk. Do you still insist on refusing to give your opinion on that?

Mr. Kleindienst. Yes, sir; I do.

Chairman Celler. Why do you do that? Suppose that discharge petition obtains the requisite number of signatures? We have no such luxury in delaying a decision on that. The Members of the House are confronted with a very serious situation here and we are asking for the advice of the administration. Why shouldn't we get that advice as to whether the administration approves or disapproves the proposed constitutional amendment?

Mr. Kleindienst. I think in my remarks this morning, Mr. Chairman, I have indicated that the preferable approach to the solution of this problem from the standpoint of the executive branch is something short of a constitutional amendment and that is the enactment, by the Congress of the United States, of substantive legislation that will give a national standard for providing a solution to this problem all over the United States.

* * * * *

Chairman Celler. I understand what you are saying but I again repeat, we have not the luxury of delay here. We are confronted with a discharge petition now with over 150 signatures and we would like to get an opinion from the administration on that proposed amendment.

Mr. Kleindienst. We have given it, Mr. Chairman. We do think you have the luxury of delay for a reasonable period of time to address yourselves to legislation. The moratorium proposal is a proper function of the Congress of the United States to provide the time needed for thoughtful consideration of a national standard with respect to education.

Chairman Celler. Do I understand by inference that one can say that the President approves the constitutional amendment but, because of the length of time it would take for ratification, that he does not wish to have it processed now?

Mr. Kleindienst. Well, I think he feels, as I interpret his statements and the message that he sent to the Congress on March 17 this conviction: Something less than a constitutional amendment can be the solution to this problem, that is to say, the act of the Congress of the United States and that is something that you can do now. A constitutional amendment is something that realistically could not be brought to bear on this problem for several years, until the legislators of the requisite number of States adopted it.

* * * * *

Mr. Hungate. Pardon me. You are not necessarily opposed to increased busing in every case?

Mr. Kleindienst. No, all we want to do is to have every Federal district judge apply a list of remedies on a priority basis in order to achieve two things: First, quality education and, second, the elimination of segregation in our schools. The last remedy is busing. If you cannot accomplish those objectives without busing, then you use it. I can see hypothetically in some cases you might have more busing and you might have less. The significant thing is that with respect to the use of busing, it would be pursuant to a standard that would apply equally all over the United States.

THEODORE M. HESBURGH—CHAIRMAN, U.S. COMMISSION ON CIVIL RIGHTS

The Commission on Civil Rights has conducted a thorough study of the proposed amendment and its effects. Our analysis leads us to conclude that its enactment would be a major step backward in the quest for equal rights for all Americans—that it would undermine what progress we have made in race relations, both in our schools and in society as a whole.

* * * * *

Over the years strong national leadership has proven essential in guaranteeing the constitutional right of racially nondiscriminatory schooling. The proposed constitutional amendment not only places the Congress against school integration and reverses the gains made in this area, but would strip away the constitutional right of all children of whatever race or ethnic background to equal educational opportunity, and an equal place in society.

On its face, this amendment seems to embody a neutral principle—no child shall be assigned to any school on the basis of his color.

In this context in which it is proposed, it can have no other effect than to outlaw all of the remedies which have been found effective to desegregate schools. Although proponents of the amendment have stated over and over that what they oppose is extensive busing, their attack reaches just about every form of remedy which brings black and white children together in a school.

Let me cite for you those remedies that school boards, superintendents, educators, and Federal judges have been implementing in district after district for the past two decades, and which would be outlawed by passage of this amendment.

After enactment of this amendment, there could be no pairing of schools, even nearby schools, for integration.

There could be no closing of segregated schools of inferior quality in order to integrate their student bodies.

For the same reasons, there could be no transfer provisions that allow a child whose race is in the majority to transfer to schools in which his race is in the minority.

There could be no redrawing of attendance lines to desegregate schools, no matter how fair or equitable such lines might be to all children in the district.

There could be no busing of children for desegregation—whether the bus trip takes 5 minutes or 30.

Finally, this amendment, of its own force, invalidates every voluntary action taken by a State legislature, State or local board of education or school official for the purpose of redressing racial segregation in the schools.

I would submit, gentlemen, this is the situation we are facing at the moment, a long history of racial segregation throughout the Nation in our schools.

* * * * *

The amendment could have the effect of resegregating school districts which have desegregated, voluntarily or involuntarily.

* * * * *

There are those who call this amendment an antibusing amendment. Nothing could be further from the truth. For the amendment has effects which go far beyond merely outlawing schoolbusing. First, it is an anti-school-desegregation amendment. But even this is an understatement of the effect of House Joint Resolution 620. It is also fundamentally an antiblack amendment. Its effects greatly transcend the walls of the classroom. We are really asking whether we are going to give minority citizens an opportunity to learn, to earn, and to live at the same level as the rest of society, or whether we are going to forget about the future of generations of minority children.

DONALD E. MORRISON—PRESIDENT, THE NATIONAL EDUCATION ASSOCIATION

The effect of the amendment may well be to enshrine this type of discrimination into the supreme law of the land and to roll back measures already taken to correct it, whether pursuant to Federal court order, HEW directive, or State law.

Presumably desegregation already achieved in many communities under voluntary desegregation programs would also be vulnerable to challenge as a result of the amendment.

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Indeed, although pupil transportation has been gradually increasing in recent years there is no statistical proof that desegregation has substantially increased pupil busing either nationally or regionally.

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Several states, concluding that racial isolation in the public schools is harmful regardless of its origins, have taken steps to require desegregation of schools. "These states include California, New York, New Jersey, Massachusetts and Pennsylvania." The amendment would appear to nullify these measures and roll back the desegregation achieved pursuant to them. Finally, the amendment can be construed to forbid school systems to undertake a voluntary desegregation program where the school board—whether appointed or democratically elected—has determined that the program will provide educational benefits to the children in the district. Presumably, the desegregation already achieved in many communities under such voluntary programs would be vulnerable to challenge as a result.

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Black and white youngsters almost inevitably will have to deal with each other sooner or later. There is no better place for that encounter than the very institutions responsible for educating our youth. And there is no better time than childhood, when attitudes have not yet hardened, and biases, if they exist, are easier to dispel. The schools have long borne the role of preparing youth for participation in American democracy. It is therefore entirely appropriate for the schools—indeed indispensable to their mission—to exemplify the principles of fairness and equality which they would seek to inculcate in the nation's children.

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Chairman Celler. You are of the view that these amendments would cause a rollback to the situation we had before the *Brown* decision, is that correct?

Mr. Morrison. That is the interpretation that our legal counsel's office would put on it, sir.

Chairman Celler. So that it would be inconsistent for one to favor this constitutional amendment and the *Brown* decision?

Mr. Morrison. That would be our interpretation, sir.

MRS. BRUCE B. BENSON—PRESIDENT, THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

I speak in opposition to all proposed constitutional amendments which would either prohibit outright the use of busing as a tool for school desegregation or would in other ways effectively limit the various means to achieve the goal we seek: Integrated, quality education for all children.

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The league contends that the proposed constitutional amendments offer only a nonsolution to a very real educational problem: that we as a nation have failed to provide quality education to all children regardless of residence, race, class, creed, sex, or national origin.

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Besides opposing House Joint Resolution 620 for its substance and intent, we oppose it and others like it because we share the alarm of leaders like Governor Askew who warns:

"It is very dangerous under emotional circumstances to tamper with the U.S. Constitution."

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Leadership must be exercised by our public officials to guide the present discussion along rational lines. To act favorably on House Joint Resolution 620 could only imply withdrawal of congressional support, under emotional pressure, for efforts already undertaken to integrate our schools.

The League of Women Voters, therefore, urges members of this committee and of the entire Congress not to be a party to such a disaster.

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We feel that busing is an essential tool to be used by communities, either by itself or along with other methods of bringing about integrated schools. There are many other methods in addition to busing. Sometimes busing is used by itself. Sometimes in combination with other methods such as center schools, and this sort of thing, or changing school district lines, which is done all of the time for other reasons as well.

Busing is a method, one of the methods of integrating schools.

Chairman Celler. Would you say it is an important method?

Mrs. Benson. Yes, sir; we would say it is very important, and in some communities the only way in which they can manage to bring about integrated schools depending on the geography of the school.

ALEXANDER M. BICKEL—PROFESSOR OF LAW, YALE UNIVERSITY

In my opinion, the issue raised by House Joint Resolution 620 and by most of the related measures that the committee has before it is not busing. The issues, in my judgment, are constitutionalism, and the very survival of the basic rule in *Brown* v. *Board of Education*.

If, as House Joint Resolution 620 would seem to me to require, race may not be taken into account in assigning students to particular public schools, then the administration of the rule in the *Brown* case would be rolled back to the stage before tokenism. It is possible formally to abolish a system of segregation by simply wiping the laws that enforced it off the books. But if that had been all that the *Brown* decision demanded, it would have been a rule of constitutional law that made nothing happen, and that ended by mocking itself. For it is not possible to uproot the settled practices of a century, or to counteract the attitudes these practices bespoke, which are still widely held, without undertaking some reassignment of pupils to particular schools with a view to the racial composition of the school population.

Moreover, and perhaps most astonishingly, having regard to principles of federalism, House Joint Resolution 620 would invoke the Federal Constitution to forbid voluntary action by local school boards aimed at alleviating conditions of racial concentration in the public schools. What business is it of the Federal Government so to limit the authority of local officials?

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So a great deal of the unpopularity of busing seems to me justified. But in some areas busing is essential if any desegregation at all is to be achieved, and in many areas segregation itself was, of course, maintained by busing. I would think it wrong, therefore, for Congress by constitutional amendment to forbid all busing, and thus to hamper the continuing work of desegregation, just as it nears completion. And quite aside from recent busing orders, I would think it disastrous to roll back the desegregation that has been achieved, to undo the great work of 17 years, which would be the effect of the bulk of the proposals now before this committee. Nearly all of them would provide in effect, as I have indicated, that the decision in *Brown* v. *Board of Education*, while not necessarily to be reversed, is not be enforced.

I think, moreover, that it is almost certainly beyond the wit of the cleverest draftsman to write, in the two or three sentences which are all the Constitution can possibly be burdened with, an amendment that would fail to throw the baby out with the bathwater, in the fashion I have indicated; an amendment that would not, that is to say, reach the catastrophic result of the radical rollback. For the busing problem varies in myriad ways from one community to another among the thousands of school districts in the country. A constitutional generalization that treats it with the necessary discrimination seems to me beyond the possibilities of drafting.

But even the most carefully drafted constitutional amendment would constitute the wrong, the very wrong way to deal with busing.

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Nothing more preposterously out of place than busing has to my knowledge been proposed for treatment in the Constitution since prohibition and its repeal. We must not set our foot on the road to trivializing the American Constitution by converting it into a code of detailed regulation, dealing with the grievances of each passing day, after the fashion of so many State constitutions, which are then amended semiannually and replaced in their entirety every other decade.

But there's yet another reason, as important as any, why an antibusing amendment would constitute a grave error. No matter how carefully drafted, and no matter that antibusing sentiment may come increasingly to be shared by blacks, an antibusing amendment, precisely because it deals with busing as a subject of constitutional dimension, will inevitably be read as a repudiation of *Brown* v. *Board of Education* itself. The symbolic significance of the *Brown* decision cannot be overestimated, and the same is true of the symbolic significance of any attempt to deal with the consequences of that decision by constitutional amendment. It would not matter what the precise language of the amendment says to the legally trained mind. Courts that order busing purport to be implementing the *Brown* case. A constitutional amendment that forbade busing would be viewed as a renunciation of *Brown*.

We live by symbols, said Justice Holmes, and the symbol that Congress would be communicating to the country would be the end of the second reconstruction, a reprise of the Compromise of 1877. The action would be inescapably symbolic, and no amount of analysis or resort to facts could dispel its shock. In my judgment, so to dash the just expectations, previously raised by the Federal Government, of millions of people would be an inexpiable act.

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Chairman Celler. Professor Bickel, in your opinion, what effect would the provisions of House Joint Resolution 620 have on school districts which are desegregating pursuant to court order or on a voluntary basis?

Mr. Bickel. Mr. Chairman, you will know better than I, that there are ways to attempt to construe out of it. I have seen some papers that others have written that attempt various constructions of it. As I read it, plainly on its face, with due notice of its intent, and I think I am in good faith forced to read it that way, it says: Whatever you are doing as of this moment on the basis of race, voluntary or pursuant to court order, stop.

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I know of no desegregation plan anywhere, voluntary or by court order, which has gone beyond—tokenism is too mild a word—which has gone beyond just tearing some pages out of a statute book, which does not assign children to school by race or which doesn't at the very least draw district lines with regard to the racial composition of the student body. So I would think desegregation enforcement would simply stop dead in its tracks.

Chairman Celler. Not only would it stop desegregation in its tracks but you might even have the effect of going further—rolling back desegregation to where it was before the *Brown* decision.

Mr. Bickel. Certainly. It would be a radical rollback.

Chairman Celler. So for these 17 years, we would have labored for nothing.

Mr. Bickel. That is the way it seems, Mr. Chairman. I don't speak for the point of view that thinks busing is the be-all and the end-all and we ought to take the schools and mix them up. I am not of that view and I think my public record shows it, but I think this amendment in particular goes well beyond any busing problem that would bother me. It goes back to *Brown* v. *Board of Education* and without reversing it, makes it unenforceable.

WILLIAM T. COLEMAN, JR.—PRESIDENT, NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.

The above proposal (H.J. Res. 620) is useless, innocuous, and unnecessary if its purpose is to eliminate public schools where pupils are assigned solely based upon their race, creed or color; it is pernicious, harmful, repressive, and would turn the clock back 18 years if such proposal directly or indirectly overrules in whole or in part *Brown* v. *Board of Education*, 347 U.S. 483 (1954), or last year's unanimous affirmance in *Swann* v. *Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971). For these two decisions, as well as other decisions of the Supreme Court of the United States, correctly interpret the 14th amendment to the Constitution of the United States as (1) prohibiting "State-imposed segregation by race in public schools," and (2) placing an affirmative duty on each State to "take whatever steps may be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch."

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Mr. Coleman. This legislation, if passed by the requisite two-thirds majority of each House of Congress and thence by three-quarters of the State legislatures, will nullify the beneficial provisions of the 14th amendment to our Constitution, not only as to public education but also with untoward effect in other fields.

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I do not believe it stretches principles of constitutional interpretation to say that, just as the courts have held that an individual child has a present and personal right to attend a public school system which in its entirety is operated upon a unitary basis, so a single individual objecting parent could, under this amendment, thwart the implementation of the most modest steps toward desegregation on a voluntary basis.

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. . . to strip courts of their power to utilize busing as part of a desegregation plan or to make assignments with knowledge of the race, creed, or color of students, where to do so without such knowledge will result in maintaining a racially dual school system, would be a tragic mistake which could in one fell swoop end the progress which has thus far been achieved toward quality of educational opportunity.

Burke Marshall—(Deputy Dean, Yale University, on behalf of Common Cause)

This is an issue grown out of political rhetoric, out of inflamed fear of steps that have not been taken and never will as far as the cases now on the books are concerned, out of imagined rather than real threats to family life and family ties to communities. This is therefore the worst possible of atmospheres in which serious men should seriously consider changing the Constitution.

As to the first of these points, it seems plain that whatever the intent of the sponsors of the Lent and similar amendments and however mild-sounding the language—"no public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school"—their net effect would be to destroy court implementation of the Brown rule. The amendment on its face does not deal only with the transportation of students—that is, busing; it is nothing less than a resegregation amendment.

Thus, the amendment would not merely end the use of busing as a means to eliminate dual, unequal systems of public schools and halt deliberate school segregation, although it would do that. It would also foreclose the use of a variety of techniques brought into use by skilled educators throughout the country aimed at equalizing educational opportunity, providing better use of school resources, and enhancing educational quality for all students in their communities—voluntary transfers, rezoning, the pairing of schools, magnet schools, educational parks, and the like.

And it would force the dismantling of all those systems of school busing—and there are a great many of them—where the educational climate has improved substantially as a result of school integration and student performance has been heightened for black and white students alike.

Dozens of school systems all over the country have integrated their schools thoroughly and successfully. In Berkeley, Calif., the largest city in the Nation to integrate its entire school system voluntarily, average achievement of black students has increased by 60 percent, and white student achievement is still greater. Harrisburg, Pa., has instituted a voluntary desegregation program, and its superintendent describes the results as "dramatic." Parents in Tulsa, Okla., have taken the lead in instituting desegregation programs involving transportation of their children.

Similar progress has been made in Riverside and Sacramento, Calif.; Dayton, Ohio; Baldwin, Mich.; and in Project Concern in Connecticut. Even school districts in Pontiac, Mich., and San Francisco, the scene of protests and even violence over the initiation of busing plans a few months ago, are now proceeding well enough that the officials in HEW and the U.S. Civil Rights Commission consider the programs in those districts successful.

But by far the greatest progress has been made in the South. It is noteworthy that President Nixon's decision last August to seek a ban on the use of Federal funds for busing was protested by school superintendents throughout the South—in Winston-Salem and Greenville, N.C., in Columbia, S.C., in Nashville, Tenn., in Birmingham, Ala., and in Jackson, Miss.—superintendents who, in effect, told the President that they were making the experience work and he should leave them alone.

The white business leaders of Jackson, once a citadel of segregationism, have been running full-page newspaper ads urging the community to back the local school program—ads which read "We are sticking with our public schools to help make them the best in the Nation."

If the Lent amendment were to be adopted, all of this would end—all of it. And worse than that, it would compel a retreat from what the courts are concerned with under *Brown*—the development of unitary school systems out of the structure of dual schools—a structure which has served through so much of this country's history not merely to deprive and even destroy black children but to isolate white children and dull their experiences as well.

That brings me to my second basic point: Whether there is really any demonstrated need for all the emotional and political attention being given this matter. In my view, the amendment we are discussing is a product of nothing less than a misreading and misunderstanding of the court decisions which have required busing and the rationale behind those decisions.

DAVID SELDEN—PRESIDENT, AMERICAN FEDERATION OF TEACHERS, AFL–CIO

. . . We also believe that to pass such a constitutional amendment will inevitably lead to a separate and unequal school system—a separate and unequal school system that will begin the process of apartheid in America.

The schools are the last chance to bridge the gap of misunderstanding and hatred between black and white in our society. Bigotry is an adult disease. It can continue to poison our national life, consume us all in the process, or we can stand up at this time and say we intend to put an end to it once and for all. In large part, the answer depends upon what you gentlemen decide.

DR. MICHAEL BAKALIS—ILLINOIS SUPERINTENDENT OF PUBLIC INSTRUCTION

Of the roughly 18,000 school districts in this country, school busing for the purpose of desegregation has taken place in 1,445 districts across the Nation, either under court order or under the U.S. Civil Rights Act—in other words, in about 8 percent of the school districts in this country. (Office of Civil Rights, Department of Health, Education, and Welfare, 1972.)

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"By the deliberate omission of any specific provisions for public education, the U.S. constitution reserved the authority and responsibility for providing a common school education to the State. Not even by implication does the Federal constitution treat this authority, and yet voices are now raised in a call for repeal of a non-existent provision. To propose a constitutional amendment aimed at 8% of the school districts in this country is the height of over-reaction."

ROY WILKINS—CHAIRMAN, LEADERSHIP CONFERENCE ON CIVIL RIGHTS

The truth of the busing controversy, in the light of the Negro's history of forcible relegation to ghetto existence, is that the opponents still want to confine him to the black neighborhoods and they still want his children to have no escape from inferior education. They are not a bit concerned that opposition to busing practically nullifies the Supreme Court's unanimous opinion in the *Brown* case in 1954. Their opposition, if successful in this election year, will also repeal or nullify legislation on equal rights.

Once a section of the Civil Rights Act of 1964 is effectively bypassed, the incessant effort to make a dead letter of the Voting Rights Act of 1965 and of the Fair Housing Act of 1968 will proceed with new ingenuity and new vigor.

Antibusing is but another way of restating racial segregation.

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As for the proposed constitutional amendment prohibiting busing, Dr. Kenneth B. Clark of the faculty of the College of the City of New York, has well written that it would make the Constitution "an instrument for the perpetuation of racism . . ."

EWALD B. NYQUIST—N.Y. STATE COMMISSIONER OF EDUCATION

. . . it is sometimes necessary to bus students in order to achieve school desegregation. About 40 percent of all American school children ride buses to the schools to which they are assigned, and nearly 50 percent of all children in New York State do so.

Transportation which will enhance educational opportunity is an accepted practice across this land. The portion of this transportation used to bring about desegregation is very small. Indeed, it is estimated that about 3 percent of pupils transported ride school buses to achieve desegregation.

Neither Federal law nor the Federal Constitution should restrict local or State decisions regarding transportation for education. Well-planned programs in integrated settings have produced better results for children than were achieved when they were in separate schools.

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Chairman Celler. What would be the effect in New York State and in the communities which have undertaken voluntary desegregation plans if the amendment became part of the Constitution?

Mr. Nyquist. I think we would move backwards toward a resegregation.

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Mr. McCulloch. If House Joint Resolution 620 were to become a part of the Constitution, do you believe it would be possible to offer quality education equally to all the students?

Mr. Nyquist. I do not believe it would be possible.

MRS. ROBERT E. WOLF—MEMBER, BOARD OF EDUCATION OF PRINCE GEORGES COUNTY, MD.

The field in which you are asked to legislate has been well plowed and disked this year. However, the seed Congressman Lent and his associates ask you to plant, like all seed, looks innocent. These seed peddlers promise a pretty flower like the poppy. This pretty flower however will produce a poisonous substance; as destructive to our body politic and social as heroin. I urge that you reject their pretty seed—and the poison it exudes. Let us plant those seeds that make a hardy, strong, united America. Let us not cultivate the flower that poisons our minds, divides our people and destroys our National purpose.

Not one word in the Lent type proposals deal with their real purpose. Congressman Lent says he wants to give us: "relief from these sweeping court-ordered busing edicts". Not one word in his proposal will (1) "return control of education to local school boards", (2) "preserve the neighborhood school system", (3) "eliminate forced busing and the threat of school consolidation to achieve purely arbitrary racial balance".

These proposals will, rather, take away the present authority of each school board to manage its own affairs. They will foster segregated neighborhoods. They will promote arbitrary racial imbalance. They will create a National policy of racially separate schools.

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The Lent type proposals would take away every desegregation tool—even those the Administration opted for in *Swann*.

NATIONAL NEWSPAPER WEEK

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. Brown) is recognized for 10 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I am today introducing a Joint Resolution which proclaims the week of October 8–14, 1972, as National Newspaper Week, and October 14 as National Newspaper Carrier Day.

The news media in America, in freely disseminating information and opinions to the public, represent one of the strongest pillars of democracy. Without the free and uncensored reporting of news and the opportunity to voice the wide range of views generated by our democratic society, individual freedom and choice would quickly grind to a halt. Information is the lifeblood of democracy, and the news media is the heart of this life system.

Newspapers—whether they are the mass circulation "national" dailies or the small country weeklies—are the bedrock of the news media. They are in every city and almost every village in the Nation. They print the news and opinions as an indestructible record which mirrors society itself. Newspapers cover the broadest spectrum of society without regard to the clock or the calendar that restrict other forms of the media. It is only the newspaper, as every American knows so well each time he or she opens it up, that has the information most likely needed, in detail and in a form which can be skimmed through or pondered over—and which will wait until the next day, if necessary, for one to read.

Mr. Speaker, it would be impossible for most Americans to imagine waking up tomorrow and knowing that a newspaper would not be available again. Think how difficult it would be for us in this Chamber to carry out our responsibilities.

It is appropriate, therefore, that Congress take the lead in initiating the proclamation of National Newspaper Week 1972. I ask that this Joint Resolution be given prompt action.

REPORT BY TASK FORCE OF NATIONAL COUNCIL ON CRIME AND DELINQUENCY

The SPEAKER. Under a previous order of the House, the gentleman from Colorado (Mr. MCKEVITT) is recognized for 5 minutes.

Mr. MCKEVITT. Mr. Speaker, I want to bring to the attention of my colleagues a report which was prepared by the Task Force of the National Council on Crime and Delinquency and relates to the citizens of Denver.

Dr. Albert Fay Hill, a board member of the Colorado Council of the National Council on Crime and Delinquency was asked to form an Organized Crime Task Force that could undertake a research project which would include a study, report, and recommendations. The number of people who have contributed time and service to the task force has varied during the course of the study, but stabilized at about 12 in number, mainly women.

This work is neither the product of trained professional investigators, nor is it the result of covert operations. The methods employed in gathering data were those which are usual to the average student:

First. Court files and other public records are reviewed in different parts of Colorado.

Second. News reports concerning topics and persons of interest to this study were gathered and analyzed.

Third. Sworn testimony in court trails and before legislative committees and the reports of such committees were utilized.

Fourth. The reports and consultants' papers of the Organized Crime Task Force of the President's Crime Commission were studied.

Fifth. More than 100 interviews are conducted with Colorado police officers, prosecutors, judges, court personnel, and members of the business, civic, and social communities.

Sixth. Research libraries and the Coloradio Historical Museum provided materials of interest.

Seventh. The offer of contributed time in the use of a computer to collate our data was of particular help in the early stages of our study.

Their goal was to accomplish several ends:

First. To undertake the most comprehensive, objective look at organized crime in the State of Colorado that had ever been undertaken by anyone, in or out of government.

Second. To transform ourselves into a body of interested and educated citizens, knowledgeable and concerned about the effect of this pernicious form of criminal activity.

Third. To present our findings, conclusions, and recommendations to the officials and the people of Colorado for their consideration and further action.

Having spent a number of years in law enforcement, I was extremely impressed with the great amount of work that went into the report. It is one of the most comprehensive reports of its kind on organized crime which I have seen. The report is particularly noteworthy because of the fact that it was made by citizens of Denver under Dr. Hill.

Dr. Hill is rector of the Montview Boulevard Presbyterian Church in Denver and has already received national recognition for his efforts to curb the growing crime rate in the United States. He should be highly commended for not only the hours he gave this project but for his concern and leadership.

Mr. Ralph Salerno, a nationally known expert on organized crime, was also of great assistance in the preparation of this report. He spent many hours working with the group to organize the material, point the direction the report should take and edit sections of the report. His expertise and great knowledge enabled him to guide the task force in its work.

The report is loaded with a number of specific facts and does not "pull any punches." It names people in the community who were and are involved and it points out judicial decisions which were held open to criticism regarding the sentencing of various individuals in organized crime.

The report succinctly points out that organized crime is not a new problem to Colorado or the Nation and has been in existence in my State for the last 40 years.

At this point, I include the conclusions of the report:

CONCLUSIONS

I. Organized crime is the most profitable business in the State of Colorado.

II. Syndicate gambling is the foundation for organized crime in Colorado. It is the largest volume money-maker, fosters public tolerance and finances other criminal activities. The people and the money of illegal gambling are connected to loansharking, burglary, hijacking, fencing, narcotics, con games and crimes of violence.

III. Organized crime has flourished in Colorado for more than 40 years, unidentified, unchecked, and unmolested. There has been little sustained effort to combat organized crime during this period, and this is true of governors, attorneys general, district attorneys, sheriffs and police chiefs.

IV. In recent years there has been some beneficial change in addressing organized crime in Colorado in the form of legislative action and the formation of law enforcement units.

V. Colorado's organized crime hoodlums are not the glamorous, benevolent figures portrayed in the fiction of movies and books. They are cruel, self-serving, brazen, pernicious and repulsive. More than 20 murders in Colorado can be directly attributed to organized crime.

VI. Paradoxically, the public is both the victim and the supporter of organized crime, by active participation in or passive acceptance of its activities. In some parts of this state the community attitude of tolerance encourages the growth of organized crime.

VII. Organized crime has followed a classic national pattern of movement beyond illegal activities to legitimate areas of business where its effect can be observed and felt.

VIII. Organized crime in Colorado is connected to organized crime groups all over the United States, including the Mafia or Cosa Nostra.

IX. Narcotics and prostitution in Colorado are operated by diverse organized criminal groups and not dominated by any one.

X. The courts in Colorado have not been particularly effective in combating organized crime. Sentencing patterns often reflects naivete, at best, and dereliction at worst, although there are refreshing exceptions to this general pattern.

Mr. Speaker, I consider the content of this report extremely interesting and worth the attention of my colleagues and add that it is available in my office for your inspection.

It is the first report of its kind in the country to be conducted by a citizen group. I certainly commend them for their great contribution.

HIJACKING SPEECH

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 5 minutes.

Mr. BELL. Mr. Speaker, I rise in strong support of this measure, to provide for the suspension of air transportation between the United States and foreign countries in cases of international aircraft hijacking.

The crisis in both domestic and international air transportation is well known to every citizen. Daily we witness accounts in radio, television, and newspapers of the current progress of the "hijacking of the day." One might even say that it is rapidly becoming one of our most avid spectator sports.

Yet we obviously cannot afford to treat this subject lightly. The spiraling costs of hijacking, measured not only in terms of dollars and cents, but in the far more precious terms of human deaths and injuries, are more than we can tolerate.

Air service is constantly disrupted. Would-be passengers are becoming leery of air travel. We have even witnessed the disastrous effects of an international pilot's strike to protest the inaction of the world's governments.

During the 19-month period from January 1, 1971, to July 31 of this year there have been 58 hijackings. This is better than one every 10 days or over 36 per year. As of August 1, the total ransom outstanding is $6,503,000. Furthermore, there have already been more hijackings in the first 7 months of 1972 than in all of last year. How many more times must we be forced to witness incidents such as that which occurred this past Tuesday, August 1? A Delta Airlines flight out of Detroit, bound for Miami, was hijacked and forced to fly to Algeria, after the hijackers had first stopped in Boston to extort a million dollars in ransom. Even more tragically, there have been five fatalities and 11 serious injuries to innocent American civilians as a result of hijacking episodes.

In short, Mr. Speaker, it is time for the Congress to act, in a positive and constructive manner, to curtail any further such incidents. This bill will permit the President to suspend air transportation between the United States and any foreign country when a hijacking has occurred and where that country has either failed to return the hijacker to the United States within 30 days, or failed to return the passengers, crew, aircraft, and any extorted ransom moneys within 5 days. This suspension shall remain in effect until the President determines that the resumption of air traffic will not endanger the safety of any aircraft or its passengers, crew, and cargo.

In conjunction with this bill, Mr. Speaker, I also offer the following resolution, expressing the sense of the Congress with respect to an international conference on air piracy. It calls on the President to take such steps as necessary to convene a conference for the purpose of establishing new and improved international policies and procedures designed to facilitate the apprehension and punishment of hijackers, as well as assure the safety of aircraft, passengers, and crews. It is further hoped that the conference will consider specific measures directed against international aircraft hijacking which should at least include, but not be limited to, the sanctions proposed in the bill which is companion to this resolution.

The purpose of these measures is evident. The suspension of air traffic will invoke economic pressure on foreign countries to refrain from aiding or abetting international air hijackers. If, through the aegis of an international conference, we can induce other governments to enact similar sanctions, then a great step will have been made toward curbing the dangerous spread of hijacking.

We of the Congress are extremely familiar with the expression "power of the purse" and all that it implies. If the responsible countries of the world join ranks in the cause of eliminating hijacking, and exercise their cumulative powers, then those countries who currently harbor these international fugitives will have to contend with pressures which are far more substantial than the somewhat ephemeral force of world opinion. The first step in this process, of course, is for our body to resoundingly endorse the bill and resolution which have been introduced today.

Mr. Speaker, I call on my colleagues to support this bill and the attendant resolution:

A BILL TO PROVIDE FOR THE SUSPENSION OF AIR TRANSPORTATION BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES IN CASES OF INTERNATIONAL AIRCRAFT HIJACKING

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title XI of the Federal Aviation Act of 1958 (49 U.S.C. 1501–1512) is amended by adding at the end thereof the following new section:

"SUSPENSION OF AIR TRANSPORTATION IN CASES OF INTERNATIONAL AIRCRAFT HIJACKING

"SEC. 1113. In any case in which an aircraft registered in the United States is operating in interstate, overseas, or foreign air transportation and is hijacked to a foreign country and the President determines that such foreign country—

"(1) has willfully failed to return the hijacker to the country in which the hijacking originated within thirty days; or

"(2) has failed to take adequate steps to assure the safety of the hijacked aircraft, together with its passengers and crew, and provide for their safe return to the country from which the flight originated within five days; or

"(3) has willfully failed to return all funds or other valuable items extorted by the hijacker within five days;

the President shall suspend all air transportation to such foreign country by any aircraft registered under this Act and shall suspend all air transportation to the United States by any aircraft registered in such foreign country. Such suspension shall continue until the President determines that the resumption of air transportation suspended under this section will not result in danger to the safety of any aircraft operating in interstate, overseas, or foreign air transportation (including its passengers, crew, and cargo).".

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following:

"Sec. 1113. Suspension of certain air transportation in cases of international aircraft hijacking.".

CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO AN INTERNATIONAL CONFERENCE ON AIR PIRACY

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should take such steps as may be necessary to call for an immediate international conference on air piracy for the purpose of establishing new and improved international policies and procedures designed to facilitate the apprehension and punishment of individuals guilty of international aircraft hijacking and to assure the prompt and safe return of the aircraft, together with its passengers and crew.

SEC. 2. It is further the sense of the Congress that the President should take such steps as may be necessary to assure that the international conference referred to in the first section of this concurrent resolution will consider specific measures directed against international aircraft hijacking, which measures should include, but not be limited to—

(1) a requirement that any individual guilty of international aircraft hijacking must be returned to the country in which the hijacking originated within thirty days;

(2) requirements that each country must take adequate steps to assure the safety of the hijacked aircraft, together with its passengers and crew, and provide for their safe return to the country from which the flight originated within five days; and

(3) appropriate provisions requiring that all funds or other valuable items extorted by the hijacker must be returned together with the hijacked aircraft, its passengers and crew.

POLICE MANPOWER ACT REINTRODUCED

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, today I am reintroducing the Police Manpower Act of 1972 with 18 cosponsors.

The Police Manpower Act, which was originally introduced on June 12, would authorize $2 billion per year for 6 years to underwrite the costs of recruitment, training, and salary for 140,000 additional policemen. This Federal assistance would be distributed on a community by community basis, in accordance with the findings of comprehensive analyses of the needs and requirements of the individual communities. The program is expected to provide for a nationwide increase of approximately 40 percent in the manpower of our local law enforcement agencies.

There is no area in which the Nixon administration's record is any weaker than in the area of law enforcement and the provision of public safety. We have seen Federal anticrime expenditures soar to an estimated $2.3 billion for the current fiscal year. Yet, according to the FBI's indices, since President Nixon's inauguration crime has risen by an incredible 30 percent. Thus, the same citizens who must bear the burden of crime have seen increasingly large sums of their tax dollars wasted on misguided efforts that have had little or no impact on the level and incidence of criminal activity. In short, the present anticrime program is a continuing boondoggle of significant proportions which has resulted in the squandering of hundreds of millions of dollars on gimmickery and unnecessary equipment.

A whole new philosophy for the Federal effort to combat crime is needed. The "war on crime" has failed for the simple reason that much of the money is being spent for the wrong things. It is clear that the Federal Government can spend its anticrime funds much more wisely by increasing police presence in high crime areas than by buying, say, fancy riot control gadgetry which may never be used. The whole thrust of the Police Manpower Act is to spend the money where it is needed, and to spend the money on the one variable which has demonstrated a very high impact on criminal activity: the patrolman on his beat.

This proposal does not denigrate efforts to improve the performance of the entire criminal justice system, nor does it deny the urgent need for far-reaching socio-economic reforms to attack the problems which breed crime. Obviously, increasing the number of police is not the sole answer to the short-run problems of crime, but it is the place to begin. There is abundant evidence to support this argument, and I have been gratified by the enthusiastic response from police chiefs throughout the country. I wish to share with my colleagues some of their comments on the Police Manpower Act:

"I applaud your action in introducing the Police Manpower Act of 1972 in the Congress of the United States and enthusiastically endorse your opinion that increased police manpower is essential for the prevention or reduction of crime, particularly street crimes . . . the increased manpower that would be provided by your measure is obviously only one of the major benefits that would accrue to any participating community. I view the planning studies to be conducted by qualified analysts as another major contribution afforded by the Act."—Colonel Walter A. McQueeney, Chief of Police, City of Providence, Rhode Island.

"I fervently congratulate your efforts to upgrade law enforcement in its most critically needed area—an area which has been virtually ignored by the laws regulating the Law Enforcement Assistance Administration."—J. Lawrence Riley, Executive Secretary, Department of Public Safety, City of Fort Wayne, Indiana.

"The proposal you submitted for legislation (HR 15441) "Police Manpower Act of 1972" is the proper approach for short-range crime reduction with immediate results. The shortage of personnel and the increased demand for police services has drastically reduced law enforcement's ability to cope with an ever-increasing crime rate"—H. E. Britton, Chief of Police, City of Fresno, California.

"The other branches of our criminal justice system (courts, corrections) will also need improvement but there is no question that police departments must be substantially increased to cope with our crime problem."—Michael D. Roy, Chief of Police, City of Elizabeth, New Jersey.

"We would agree that the most effective method of reducing crime in the streets is by placing more policemen in those streets . . . we the two hundred and twenty-one (221) sworn police personnel or the Warren Police Department support your proposed legislation."—Milford S. Gilliam, Commissioner of Police, City of Warren, Michigan.

"I am in total agreement that it is time that federal funds be used for additional manpower in police agencies. There is a definite correlation between the size of the police department in manpower and the increase or decrease of crime as a result."—Colonel Edgar Paul, Chief of Police, City of Louisville, Kentucky.

"As police administrator I am pleased with the prospect of having more federal resources allocated nationwide to the short-term and immediate needs of local law enforcement agencies. The proposed plan, if it can be implemented as intended, should provide the means of reducing crime in many cities which have very high, and rapidly increasing, crime rates and which are in severe fiscal difficulties. Unfortunately, the two conditions seem to coexist."—John P. Howard, Chief of Police, Wauwatosa, Wisconsin.

"Your Police Manpower Act of 1972 (H.R. 15441) hits the nail on the head in the true understanding of the crime problem and your no nonsense solution to same."—Myron R. Ratkowski, Chief of Police, Greendale, Wisconsin.

"It is a tremendous concept . . . I certainly believe the federal government should do everything they can to assist local law enforcement. It is with a great deal of pleasure that I note that the Congress of the United States is making serious efforts to assist in local problems."—Richard A. Andersen, Chief of Police, City of Omaha, Nebraska.

"I have wondered for some time why the Congress did not approach the crime problem and the police manpower problem more realistically, and your H.R. 15441 finally approaches both of these problems in a very practical manner."—C. J. Staylor, Chief of Police, City of Norfolk, Virginia.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. Rodino) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, later this week we will be taking up a bill dealing with the American Revolution Bicentennial an important event for America and we all look to 1976 with great hope.

A constituent of mine, Larry Spinelli, who is presently a student at Drew University, is very concerned about the bicentennial and expressed his concern to me. I want to call to the attention of my colleagues Mr. Spinelli's letter as an expression of interest and concern by a young American.

The following is a text of the letter:

August 2, 1972.

Dear Congressman Rodino. In 1976 the United States will proudly celebrate its 200th birthday. It is an event that could be used to strengthen and unify America. It is an event that could help to spotlight the problems facing America and to initiate the efforts needed to solve these problems. The Bicentennial could be used as a focal point to bring together young and old, rich and poor, black and white.

All this is possible, but it is not what now exists. Instead, we see 1976 moving closer and constructive activity at a minimum. The Commission which is responsible for coordinating the Bicentennial, the American Bicentennial Commission, is currently surrounded by doubt and controversy.

Rep. Fred Schwengel, President of the U.S. Capitol Historical Society, stated that "the present Bicentennial leadership is woefully inadequate and doesn't really understand what it should do, nor have they developed a program that will make a very significant contribution." The Democratic National Committee has expressed the feeling that the ARBC is a "haven for Nixon cronies," and Senator Charles Mathias, the person largely responsible for legislation creating the Commission, stated "the fact remains that the Bicentennial is upon us and the Commission has, thus far, come forth with nothing—no plan, no program—capable of genuinely arousing and involving the entire nation in the celebration of its 200th anniversary."

This Bicentennial celebration, that could have worked to unify and bring together the many segments of American society, has instead led to further divisions. A twenty-five member youth conference, which was to serve as ARBC's Youth Advisory Commission, resigned en masse last summer in protest of Bicentennial inactivity and the ARBC's lack of representation of all groups in America. A group in Cleveland has formed the Afro-American Bicentennial Corporation because of the lack of activity by the ARBC in regard to black America. Thus far, the Bicentennial has led to deeper division rather than creating more unity.

My generation will reap most of the benefits of a *successful* Bicentennial. Most of us will not be around in 2076 to be given a second chance. The Bicentennial is a time to create a renewed interest in the past, to instill in people a respect and deep concern for our heritage. The 200th birthday of America is a time for reevaluating the America of today, to focus attention on our problems and frailties that so desperately need our attention. It is also a time to look ahead and plan the best future for all Americans.

I implore Congress, as representatives of the people, not to let America down. I hope that they will evaluate the ARBC and all the Bicentennial programs to make certain that they are relevant and effective. Congress must insure that 1976 is a date that will long be remembered as the beginning of the end of many problems that are evident today.

The Bicentennial must give hope to the generations of today and promise to the generations of tomorrow.

Sincerely,

Larry Spinelli.

EFFORTS TO BLOCK AID TO THAILAND EXCEPT THAT CONNECTED TO NARCOTICS CONTROL

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Wolff) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, tomorrow we will begin debate on the Foreign Assistance Act of 1972. As many of my colleagues are aware, the bill contains a suspension of aid provision to Thailand because of its major role in the heroin traffic in Southeast Asia.

The fact that this provision is a part of the bill is in no small measure due to the great sense of urgency that the Members of this body attach to stopping the flow of heroin into our country. Congressional pressure both on the administration and on the Thailand Government has had a very positive effect. The executive has, in the past few months, geared up an increasingly effective antinarcotics program. Seizures in Thailand are running well ahead of last year's miniscule totals of 645 pounds of opium and 97 pounds of heroin.

However, only a start has been made. The adoption of this part of the foreign aid bill will serve notice on other nations that the United States considers the halting of drug traffic to be its No. 1 priority. The Thai Government, with continued U.S. antinarcotics assistance, will, I feel sure, improve on its records of arrests and seizures.

Mr. Speaker, this provision in no way ties the President's hands. He may resume the aid programs whenever he feels that Thailand has taken positive steps to prevent their country from being used, as it is now, as a conduit for opium traffic. I hope that the Congress will adopt this provision so that it can, in fact, strengthen the President's position by showing a united determination by both branches to curtail drug traffic.

At this point in the Record, I am listing the names of the Members of this body who have endorsed the original resolution to halt aid to Thailand. I am also including the report of the committee on this measure. I share its view and hope that a prompt restoration of aid will follow the anticipated positive action on this problem.

The list and report follows:

THAILAND

New subsection 620(x) prohibits the furnishing of assistance, other than that which is related to international narcotics control, to Thailand. This restriction, which also applies to sales of military equipment and of agricultural commodities, may be waived when the President determines that the Government of Thailand has taken adequate steps to prevent the illegal production of and traffic in narcotics.

The committee recognizes that Thailand is a friend and ally of the United States and that it provides important base facilities for U.S. forces engaged in the Vietnam war. It is of the opinion, however, that the problem of drug addiction in the United States has reached epidemic proportions and every effort must be taken to stop the illegal international traffic in narcotics, particularly heroin.

Thailand is both a source and conduit for opium and its derivatives: morphine and heroin. Quantities of these narcotics have been smuggled into South Vietnam and sold to U.S. forces in that country. An increasing amount is also being smuggled into the United States. In view of the fact that the Government of Turkey has agreed to discontinue the growing of poppies in that country, there is the danger that the countries of Southeast Asia will replace those of the Middle East as the primary source of heroin for the United States.

The committee is hopeful that the Thai Government will take the strong and positive action required to stop the illegal production of and traffic in narcotics and that it will be possible for the President to exercise the waiver authority contained in this section.

LIST OF MEMBERS ENDORSING RESOLUTION

Abourezk, Abzug, Addabbo, Aspin, Barrett, Biaggi, Bingham, Brasco, Burke of Mass.

Burton, Byrne, Carey, Clay, Conyers, Dellums, Denholm, Dent, Derwinski, Donohue.

Drinan, Dow, Eilberg, Harrington, Hawkins, Hechler, Helstoski, Howard, Kastenmeier.

Koch, Bennett, Mikva, Mink, Mitchell, Mix, Obey, O'Neill, Patten, Podell.

Pucinski, Rangel, Rees, Roe, Rosenthal, Rostenkowski, Roybal, James V. Stanton, Stokes, Tiernan.

Yates, Yatron, Karth, Daniels of N.J., Moss, Van Deerlin, Chisholm, Madden, St Germain, Link.

Pepper, Delaney, Collins of Ill., Ryan, Kluczynski, Diggs, Green of Penna., Vanik, Hanley, Annunzio, Nedzi.

Sarbanes, Terry, Alexander, Seiberling, Scheuer, Hicks, Danielson, Anderson of Tenn., Charles H. Wilson, Wolff, Murphy.

NORTHEAST TRANSPORTATION AUTHORITY

(Mr. ECKHARDT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ECKHARDT. Mr. Speaker, I am today introducing legislation to put a stop to the continued Federal nursing of a private corporation, the Penn Central Transportation Co. The Interstate and Foreign Commerce Committee was asked in the spring of 1969 to bail out a railroad operated by officers, 15 of whom had recently sold about 70 percent of stock they owned at the time of the merger of New York Central and Pennsylvania Railroads. As the SEC has now reported in its 800-page report dated August 3:

> These officers had apparent access to information concerning the state of Penn Centrals' assets, which was reaching the public only with a serious amount of distortion.

Federal law, of course, prohibits stock sales by corporate officers based on inside information that is not available to the public.

Before the bankruptcy occurred, we on the committee were asked by the Secretary of Transportation and urged by the administration to guarantee a $200 million loan to the corporation, to be controlled by corporate officers—without, of course, court control under bankruptcy or reorganization. I actively opposed this and the committee did not approve.

Later that year, however—and after reorganization—we did extend a $125 million loan guarantee to the Penn Central Transportation Co.

Now the report of the trustees in bankruptcy, dated February 15, 1972, takes the position that any reasonable prospect of organizing the railroad as a private corporation must be accompanied by abandonment of more than 40 percent of its roads and large reductions in its work force, and, as late as July 1, 1972, the trustees' interim report indicates that they are developing for inclusion in their October report to the court a range of alternatives to a conventional earnings-based reorganization.

I supported the $125 million loan guarantee upon the basis that such money pumped into a reorganized railroad would restore it to a viable position as a conventional earnings-based corporation. David C. Bevan, the former chief financial officer of the Penn Central Co., said on August 6, 1969, before the Senate Commerce Committee, that when dividends were paid in 1969 "I was still completely confident we were going to come through." Now it is disclosed in the SEC's report that as the price of Penn Central stock declined, Bevan sold 15,000 shares of Penn Central stock in the first half of 1969 at prices ranging between $80 and $66, paying off a $680,000 stock option loan and managing to keep his personal fortune intact.

In 1971 the House Banking and Currency Committee issued a report in which they indicated that the same Mr. Bevan "manipulated the financial resources, the assets and the credit" of the corporation for the benefit of Penphil Co., an investment club established in 1962 whose members consisted mainly of Penn Central officials and their associates.

It now appears that we were sold a bill of goods as massive as was our loan guarantee. Penn Central's assurances of returning to a conventional earnings-based corporate operation was as fanciful as Bevan's "confidence" that the railroad "was going to come through."

I do not believe the railroad is ever going to come through under this private management. Yet, I feel that it is of utmost importance that the railroad operations in the Northeast be continued not for the prime objective of profitmaking but to provide the public with necessary and safe railroad transportation service. Of course, it would be an utter anomaly if standards of railroad operations in this area undercut the nationwide standards with respect to safety rules, working conditions, rates of pay, and general conditions of service. It is the genius of our economic system that, in a competitive profit and loss economy, deficit ridden enterprises must eventually face a day of reckoning. Penn Central has been postponing such a day for almost 5 years. The time has come for this day of reckoning.

The bill I introduced today simply provides that at such time as it appears that there is no reasonable prospect of Penn Central achieving a traditional income-based reorganization consistent with the public interest, such will trigger the acquisition of Penn Central by a Federal corporation. The Federal corporation, to be known as the Northeast Transportation Authority, would be authorized to maintain and operate the railroad with the prime objective of providing the public with safe, useful railroad transportation service under those standard conditions of employee working conditions and pay as prevail in the railroad industry in the United States.

I offer this bill because all of the standard arguments in support of a private enterprise system fail in a situation where no risk remains except to the public. Though it is true that the top officers who were guilty of violating SEC regulations have been removed from control, second rung officers trained by them, still run the railroad. Also, under such management, it now becomes apparent that Penn Central is not being maintained as a profitmaking corporation in a free enterprise system and will never be without adopting standards which are below that of railroads throughout the Nation.

It is necessary not to shut down this system which could lead to a reduction of national production by 3 percent and raise unemployment by 60 percent. If we are to continue its operations by further loan guarantees, the railroad should be operated wholly as a service system. The alternative which seems to be proposed by the trustees is another kind of subsidy: further reduction of services, curtailments in the manning of the railroads necessary for safety and reasonable working conditions, and the effective erosion of the collective bargaining position of the workers.

I think my bill is a reasonable alternative. It would be a means of maintaining and improving services in the Northeast and of maintaining reasonable standards of wages and working conditions. It is not intended as a step toward nationalization of railroads but would afford a yardstick for railroad operations very similar to public power programs like TVA, which have certainly not ousted private production of electric power. Such a public corporation also has precedent in Comsat and Amtrak. I recommend it as a prudent means of protecting a very large Federal commitment and of guaranteeing an intact system of railroad services in the Northeast.

NATIONAL LAND POLICY, PLANNING, AND MANAGEMENT ACT OF 1972

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, the report of the Committee on Interior and Insular Affairs on H.R. 7211, as amended, is being filed today.

This legislation, identified as the National Land Policy, Planning, and Management Act of 1972, is clearly one of the most significant matters of truly national importance considered by the committee since I have been a Member of Congress. I commend the report to the careful attention of my colleagues.

As is customary when a bill is amended by the substitution of entirely new language below the enacting clause, the report contains the text of the bill in its amended form. Since the report is being filed only today, it is only at this time that the full text of the bill as developed by the committee is made available to the Members, and through them to the public, together with the section-by-section analysis explaining what the committee has in mind in recommending this legislation to you.

I emphasize this because I know some Members have received mail wherein the writers have indicated they are familiar with the bill. Some of them proceed to misrepresent its provisions and urge upon Members some of the most strained interpretations of statutory language that I have ever witnessed. After some 24 years membership in this body, I am of the opinion that it is virtually impossible to know the contents of a piece of legislation as complex as this is until it is put into its final form. Only then can it be studied along with the committee report so that consideration may be given to all of its integrated and related provisions. I say this even though our full committee markup sessions are open to the public—and there were six such sessions in this case—and there has certainly been no effort to keep any stage of the development of this bill a secret.

H.R. 7211, as amended, may perhaps best be described as an omnibus or "umbrella" bill, the purposes of which are to:

1. Establish congressional policy with respect to the public lands;
2. Provide a grant-in-aid program for the States to develop land use planning processes with respect to the non-Federal lands; and
3. Set forth guidelines for the administration of both the grant-in-aid program and management of the public lands.

Although it is, of course, possible to treat these matters separately, in my opinion, there is much to be gained by relating these various elements to each other as they will undoubtedly have to be related in their administration, whether in an omnibus bill or separately.

A major reason for combining the several elements referred to into one piece of legislation is that I do not believe Congress should impose a land use planning process upon the private lands of this Nation—even indirectly by working with the States, and that is all this bill provides for—without at the same time facing up to our own responsibility. One-third of the Nation's land is owned and controlled by the Federal Government. Although the Constitution of the United States places certain obligations upon the legislative branch of Government as to this priceless heritage, the Congress has, whether by intention or inadvertance, on occasion abdicated this responsibility.

The executive branch has attempted to fill the void, but in the absence of statutory guidelines, a piecemeal approach often has been taken rather than the development of a consistent program. H.R. 7211 would, in my opinion, remedy this situation. The bill accomplishes this by giving the executive general direction in the establshment of policy, and by giving specific direction in the form of broad, new authority to classify the lands generally for retention and management for the maximum benefit of the general public. The policymaking responsibility, however, is reserved to the Congress as the Constitution provides.

Placing the basic policy responsibilities in the hands of the people themselves—acting through their duly elected Representatives of the legislative branch—will enable the executive land management agencies to direct their attention where it should be placed—to the management of the public lands.

I think it should be mentioned that in the past much emphasis was given to the disposal of our public lands as a means of encouraging development. The lands were literally given away to homesteaders, to railroad companies, and to States in the form of land grants. H.R. 7211, as amended, discontinues the practices and establishes for the public domain a policy of retention of such lands in public ownership unless in specified instances it is found to be of a better use by being disposed to a State or one of its subdivisions, or, in a very few and limited instances, for private enterprise development. I can assure my colleagues that these instances will be very few indeed. The present policy that public lands are held by the Federal Government pending final disposal is reversed entirely.

With respect to the non-Federal lands, H.R. 7211, as amended, provides incentives to encourage each State to undertake a comprehensive land use planning process.

What planning and control that has existed in this area up to the present time has been exercised by local zoning boards, subject to frequent exceptions called variances as development has taken place. Under H.R. 7211 as amended, for the first time, all of the land in a State—and indeed all the land in the United States—will be subject to a planning process. The bill does not, however, impose Federal authority as to nonpublic lands as long as decisions having a substantial impact beyond their jurisdiction are subject to review at the State level.

Mr. Speaker, H.R. 7211 is, as I have stated heretofore, a detailed and intricate piece of legislation. It is presented in its present form with the hope that the people of the United States may become better acquainted with their heritage and may be better able to see to it that it is used wisely and for the benefit of all the people.

HIGHER EDUCATION: WHO NEEDS IT

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, for a Nation which prides itself on its egalitarian ideals, we remain strangely addicted to educational snobbism. In my view, there are few more unjust examples of this essentially antidemocratic ethic than the draft deferments granted young men attending college while their peers, who perhaps preferred to be auto mechanics or carpenters or plumbers or policemen or firemen or any other countless vocations not requiring a college degree, are told their services here are expendable and they are candidates for duty in Vietnam. This policy of deferment for college students was justified on the basis that the national interest required this supply of university-trained manpower. Not only is the justification faulty in principle, it has now become abundantly clear that it is pragmatically faulty also. The harsh truth is there simply are not jobs for the young people we are running through the degree mill. This fact makes even more irrational the recent action of the Congress in approving a provision in the higher education legislation in entitling each young person to $1,400—less expected family contribution—to attend the college or university of his choice.

A couple of months ago the CBS Television Network produced a superb documentary entitled "Higher Education: Who Needs It?" In dramatic fashion, recent college graduates themselves describe the disillusioning and unsuccessful experience in attempting to find jobs for which their recent training prepared them. The college degree—that supposed passport to economic security—was found valueless in case after case. Not only that, but we have all been reading in recent months of the numerous Ph. D.'s swelling the unemployment ranks. I suggest that it is well past time we reexamine the national mania for bachelors and masters and doctoral degrees. It is my guess that millions of young people in college now are not there because they genuinely want to be but because they and their parents have, in good faith, accepted the dictum that there is more prestige and greater economic benefits for college graduates than non-college graduates. Once, perhaps, that was true, but there is now ample evidence to indicate that those expectations may well remain unfulfilled.

The CBS documentary quotes a Department of Labor study which concludes that fewer than 20 percent of the jobs in the next decade will require the equivalency of a bachelor's degree. The other remaining 80 percent can be filled by those with a high school education or vocational and technical training subsequent to high school.

Although this reprint of the script in the Congressional Record cannot hope to be as persuasive as the original vivid television presentation, I hope its timely and critical message, reprinted here, will reach others who have had no opportunity to see the television production. For it is my belief that if we, as a nation, persist in this unwarranted downgrading of vocational and technical training, and at the same time continue this slavish bondage to academic degrees, we may end up with the most scholarly unemployment lines in the world, filled by unhappy men and women who, had they but known the truth, would have originally chosen vocations in which they would now find themselves happily employed.

The CBS transcript follows:

CBC Reports "Higher Education: Who Needs It?" as Broadcast Over the CBS Television Network, Thursday, May 25, 1972

Hughes Rudd. This is supposed to be a happy time for the young: graduation from college at last, with the world waiting out there as their oyster.

Man. Dorothy Badmer, Jeffrey Bamford . . .

Rudd. It's the season when almost a million young men and women on more than 2,000 campuses take their synthetic sheepskins and leave the academic nest. The college degree has been part of the American Dream, a passport to success, money and the better life. But it may not work that way anymore.

How about you? Have you got a job lined up yet?

Man. No, I haven't. I've applied to 35 places, I've had two interviews and I haven't heard from any yet. But all the rest have been no vacancies.

Woman. Anybody that needs an excellent phys. ed. teacher, here I am.

Man. With a bachelor's, it's almost impossible to find a job.

Rudd. When you started in school four years ago, did you think it would be this tough when you got out?

Woman. No, not at all.

Rudd. Have you got any jobs lined up?

Man. No, not even close.

Rudd. Have you got a job lined up?

Woman. No. I hope I do. I don't know yet. I have another interview Tuesday. I doubt it.

Rudd. Have you got a job lined up?

Man. Nope.

Man. What is available is just something you could have gotten without much of an education before, and opportunities are not so great, that any optimistic outlook now is a bit of a sham.

Announcer. CBS Reports: "Higher Education: Who Needs It?"

(Announcements).

Announcer. And now, here is CBS News Correspondent Hughes Rudd.

Rudd. Americans, of course, like nothing better than success; the bigger the better. Our national motto says we place our trust in God, but we're considerably more pragmatic than that. In our pursuit of success, we place an incredible amount of trust in higher education. It's an article of faith in this country that the more education you have, the more money you can make. As a result, the vast machinery of higher education in the United States is behaving like a runaway factory, producing ever-increasing numbers of graduates. We are exposed to more education than any people in history and proud of it.

Today just about any American can go to college. Next year some nine million students will be on the nation's college and university campuses, and we're spending some $31-billion on higher education this year. Twenty years ago there were not quite 2,000 institutions of higher learning in this country; today there are more than twenty-five hundred. The boom in two-year community or junior colleges is especially remarkable: in 1960 there were about 400, today there are almost 900, with two and a half million students enrolled—and a new community college opens every week.

All this seems very American, somehow, very democratic: anybody who wants a college education should be allowed to have it and plenty of it. Degrees, we believe, equal dough: you can exchange the sheepskin for shekels in the marketplace. But it turns out that ain't necessarily so.

This is a recent gathering of college graduates, but they haven't gotten together to sing the old college fight song or to brag about how well they're doing in the real world. This is an employment agency in New Jersey, and the young men are not doing well at all.

Thomas Pitoscia. Well, I was trained basically in biology and chemistry, and it's very difficult. The market is very tough.

Rudd. Not having any luck?

Pitoscia. I've been trying since May, or even before that, before I graduated. I have about 50 applications out, been to about six employment agencies, and it's really a wild goose chase.

Ken Kensinger. I've had numerous employment agencies tell me, "Well, it's going to be much better in six months." Six months isn't going to do me any good. I'm living with my in-laws right now. I've got a three-month-old baby and a wife to support. Where do you go? I've tried to remain flexible and not finding a place to live so that I could relocate. But sooner or later you've just got to take something.

Mark Wilensky. I have to drive a taxicab to support myself. And every time I drive a taxicab I take along a batch of resumes. I hand them out to anybody who sounds—anybody who seems interesting and anybody who seems interested in what I'm doing. And this is one way of looking. I have to do this on weekends. I have to drive that taxicab and I drive it all around New York, and I pick up interesting people and I ask them, "Do you have a job for me?"

Alan Rudolph. I've been looking for a job full-time now about a month and a half. I worked for a while doing various jobs just to get some money and now I'm out looking for something in management or marketing or sales or just about anything I can find at this point, and it's rough anywhere you go.

Edward Gabrielski. Well, I've been looking pretty hard since January. I've sent over 60, 70 résumés out to the major companies and I've answered all the ads in the paper, anything close to what I'm looking for. I'm looking for maybe even a management trainee job and I'd see any employment agency just about, and just anybody, talk to anybody who thinks they might know of a place where there's a job open.

Rudd. Would you take anything?

Gabrielski. Anything, anywhere, just about.

Rudd. Youth must be full of hope, of course: one condition defines the other. So these young men hope, deep down, that things will get better. But older and perhaps wiser heads are often pretty gloomy. They certainly are about the employment prospects for today's graduates. Economist Joseph Froomkin used to be assistant commissioner of the United States Office of Education and he's made a study of college graduates and the job market.

Froomkin. I'm afraid that the difficulty of college graduates in finding jobs is going to last for at least the next 10 years and probably longer if present college-going rates stay at the present level. As a matter of fact, I feel that by 1980 roughly eight percent of all college graduates will be either looking for jobs or will be in jobs which college graduates have usually not filled up to now.

Rudd. Why? What's causing that?

Froomkin. Look there are some very simple figures which will show you what the problems are. There were 6.8 million college graduates in the labor force in 1960. Today there are about 9.2 million college graduates in the labor force, which means that those are the people who either have jobs or are looking for jobs. In other words, one out of 12 workers in 1960 was a college graduate. Today it is one out of nine. By 1980 one out of six workers will have a college degree. Now this is a tremendous increase.

Rudd. Dr. Froomkin is also concerned about what's happening to young women in our educational system.

Froomkin. By the end of this decade there is going to be a real crisis with respect to females. Right now, you see, most women go into female-dominated professions. One out of two is either a teacher or a nurse. By 1980 only one out of three is going to be a teacher or nurse, and they too will start competing for those jobs.

Rudd. Won't jobs keep pace with the increase in graduates?

Froomkin. I have grave doubts that our technology is developing that fast and that the skill mix of the labor force by 1980 will justify the employment of one college graduate for every six workers.

Rudd. Do you feel that the whole college experience was a waste of time, then, or what?

Wilensky. I don't think it's a waste of time. However, I think that the colleges should have prepared us. They should have been more efficient in preparing us for the outside world. I think that the academic world and the business world operate totally differently.

Gabrielski. I feel the only good—best background that college gives you is to go on for your master's or your doctorate. I mean that's what they actually train you for. They train you for more education. Now someplace along the line somebody is going to have to decide either to train you after you come out of school or during the last few years of your school—your schooling to go out and get a job, or persuade or force the companies to offer programs such as that.

Rudolph. In my situation, it wasn't a question of going to college, it was simply assumed that, like on a commercial, "Without that sheepskin you're not going anywhere."

Frank Newman. What is it that we have told people about college, over and over again—and almost all of us are guilty of this: to go to college is essential to your career. What we've said is: college is the vehicle for getting to the good life. And you may think that this argument is dead, but it isn't. Think of the arguments about—for example, the Yale argument about the contingent repayment loan plan. What was the thing they said? They said: "You can afford to pay this higher tuition. We'll give you a loan and you can pay it back over a very long perod of time, because for the rest of your life, you're going to make a much higher income."

Rudd. Frank Newman is a Stanford University administrator who heads a group looking into the problems and promises of higher education, at the behest of the Federal Government. The first Newman report came out last year and immediately ruffled a lot of academic feathers, although many educators thought it was "right on." The report accused the universities and colleges of "lukewarm interest in innovation and self-reform." Mr. Newman and his associates are still in the gadfly businesss, telling it the way they at least think it is. Here he is before a recent educators' convention in Chicago.

Newman. . . . obviously, and where we're all now aware of it, run into an enormous, if you—we have called it an oversupply problem. If you want to choose the euphemisms of the trade, it is an underemployment problem. There is no logical way out of that in the future, in terms of changes in the job market. Consequently, we've got to begin to ask ourselves, even if we don't want to: what is the function of college in relation to this?

I think we're going to have to begin to examine what the Swedes have been calling recurrent education. But they're already terribly worried about this underemployment-oversupply problem. What they argue—and I would argue it too—is that we must move toward the concept where college does not determine your place in life. Rather, you succeed in life by your own energies and ability and that college is an educational process which aids you in that, for whatever you choose your life to be. Consequently, what has to happen, then, is we have to have the kind of relationship where one can return—go to college when one finds it appropriate, leave college when it's better to be off doing what you want to do, return to college without any great premiums, and educate yourself further as you move on in whatever it is you choose to do. And I don't mean that college should only be functional toward a career. It may very well be that you will find later that you need a sense of liberal arts for simply your sense of participation in society.

Rudd. The second Newman report will come out this fall and Mr. Newman says it will emphasize creating a more realistic relationship between college education and careers. The question is whether or not the universities and colleges will pay any attention to its recommendations. George Bonham is editor of *Change* magazine, the leading monthly journal devoted to higher education. We asked him what sort of reception he thinks the Newman report will receive.

Bonham. I think it will be very mixed. There has not been much evidence by most campuses that they're willing to face up to this relationship of education and jobs. I just came from a faculty meeting up in New England, and I asked this question of department chairmen: are they concerned about the fact that their graduate students cannot get jobs? Well, they didn't seem to be very much concerned. One of the people said: "Well, that's not our business. Our business is education and it's up to society to provide the jobs once they get out."

Rudd. That attitude seems to be general among true-blue academics, but at Michigan State University—enrollment 44,000—the deans are at least willing to listen to a voice from the marketplace. Jack Shingleton is placement officer at Michigan State and his job is finding jobs for the graduates.

Shingleton. The so-called elite jobs are not available in sufficient numbers to meet the aspirations of the multitudes graduating from our colleges and universities. Now educators have never said, "Go to college and get a job," but this has been implied and now students expect it. If this is not the case, wo need to tell students as emphatically as we can that they are being educated for other than career purposes. If we care what happens to these students after college, then let's get involved with what should be one of the basic purposes of education, and that is career preparation.

Richard E. Sullivan. And I'd like to submit that survival in this coming age is not going to be in the world of work so much as it's going to be in the world of deciding what's good and bad, what's humanly livable and what isn't, and so forth, and that the real challenge before the university world of the future is to adjust people to that kind of thing. I wonder if you are not just defining for us the world of work, as you see it from a placement officer's point of view.

Shingleton. I would agree with you that I'm probably inclined to look at it more from the hard, cold world of work. But on the other hand, when we look at what happens to our graduates today—and the graduates that you're turning out—about 75 to 80 percent of our graduates are going into that world.

Richard E. Chapin. Jack, I want to follow up some on what Dean Sullivan was saying. You refer to a couple of things that should be the goal of the university—a rich and rewarding career.

Shingleton. One of the purposes, yes.

Chapin. I wonder if maybe a rich and rewarding life might be more appropriate.

Shingleton. That is more important.

Chapin. And if we look 10 years hence, Jack, the amount of time our students spend in the real world—as you call it—or the work world is going to be much less than what they spend in the real world today. They're going to work fewer days, they're going to work fewer hours, and then what are they going to do with their life the rest of that time if we design a curriculum around a career-development program all the way?

Shingleton. Well, very definitely we've got to educate the people for the free time, but don't underrate the importance of jobs. To enjoy their leisure time they're going to have money to do the things that they want to do in those leisure time—in that leisure time. They're going to get that through their job.

Milton E. Muelder. I'd like to make a comment. I think we have in Jack Shingleton a very fine placement officer and we're grateful for all of the work that he's done. But when you get over into the problem of educational philosophy—the type of research and so forth in education—I just think that you're completely out of order on that thing and I think it's a rather fruitless, often sophomoric discussion when it comes to that level. This is not an easy problem and it's not up to you to try to solve the problem. But I just think it's out of order for us to try to discuss what the educational philosophy of Michigan State University should be in this context, and I for one think we ought to conclude the discussion.

Shingleton. May I just have a rebuttal to that, John? I think you've touched, Dean Muelder, on one of the most significant problems in American education today. If you'll please excuse my sophomoric approach, as you've described it, the whole problem with American education is that they have not listened to the American public, nor have they listened to the taxpayers in society at large, in terms of the major issues in American education. I think the time is now due that someone speaks up to some of the ivory-tower thoughts that have been generated over a long period of time and that have been perpetuated. I think some of those should be examined. And I do believe that all of us—and I know I can certainly stand it—can do to hear from other people outside of my area, and perhaps you would do well to consider the same. I congratulate this group on giving me the opportunity . . .

Rudd. Such discussions as this, impassioned and important though they may be, are really academic. More than 75 percent of our college students go to public colleges and universities, which exist only because of the taxpayers. That means the muscle which moves the academic body is not on campus but under the domes of the state capitols. In Michigan, State Senator Charles Oscar Zollar heads the appropriations committee, which controls the way the taxpayers' money is spent. As a businessman who's met plenty of payrolls in his time, the Senator is getting pretty impatient with those academic types who haven't.

Zollar. In many areas I think we've made tremendous progress in higher education in Michigan. I'm not satisfied in many of the other areas, especially in the area of accountability—that is, establishing in the taxpayer's mind, and that's the person who's really paying the bill, that we're getting a dollar's worth for a dollar spent.

Rudd. But how can one determine in higher education whether or not you're getting your money's worth?

Zollar. There are many ways that you can measure accountability. And this is the thing we're demanding. We're demanding now of higher education that they be accountable to the legislature and to the taxpayers through us that they are producing the type of education that is usable to the student.

Rudd. That means that would tend to get him gainful employment when he gets out?

Zollar. That's exactly it. You put your finger right on the word.

Rudd. Some of the academic people don't seem to think that's any of the university's business.

Zollar. Well, I think it is, now I disagree with them. I think if they're training people, and it is their duty to train them so that they're efficient enough to go out and become useful in a commercial way—because I think that's what we're really talking about, you know, to go out and make a living—then it's their responsibility to see that they're trained in proper fields and that they come out equipped to go into society capable of making that living.

Rudd. But as I understand it, more and more college graduates are not able to find employment nowadays.

Zollar. This is one of the reasons that the accountability factor is so important. Now we knew, in our committee, that four or five years ago that there were too many teachers being trained for the incoming influx of students in the elementary grades. And yet because of the bureaucracy that was built into the educational—higher educational system, they continued to train teachers. Now you have a surplus of teachers in Michigan, and the number given to me last year was about 100,000 certified teachers that couldn't find a job. Now this is the thing that we want to avoid.

Rudd. I would imagine you're going to get an awful lot of opposition to these ideas from the more, well, traditional academic types, aren't you?

Zollar. Well, I think you always have that problem. Those that are embedded in a system that has been traditional for years always oppose change. This is nothing new in government. You have to fight that as it comes along.

Rudd. Well, how do you punish them if they don't change? How do you . . .

Zollar. By not giving them as much money as they want. Quite simply, that's the answer.

(Announcements).

Rudd. Emil Bonaduce graduated six months ago from Haverford College with a degree in economics. Haverford is one of the best small colleges in the United States. Emil is married, has been looking for months for something related to economics, without success. He works now as a newspaper deliveryman in Newtown, Pennsylvania, but he likes to think that's only temporary. We asked him how much he makes from the paper route.

Bonaduce. Oh, jeez, 70, 60, 70 dollars a week, I think, right now.

Rudd. That's not much nowadays.

Bonaduce. No, doesn't go far at all. I can't even get off the ground. Been doing this for three months. I can't get off the ground.

Roger Hansen. Got out of school the 21st of January and since then I've been searching full-time for a job. Actually, I'm looking for social work, but, oh, for the past four or five months I've been looking in state bulletins and there's just no jobs that'll take you without experience. A lot of my friends have had similar experiences, where it's been—they've been out since June and they're still seeking jobs. So I didn't feel I was going to have much success.

Rudd. When you went to college in the first place, did you go there in order to learn how to make a living, do you think, or something else?

Hansen. Well, when I was encouraged to go to school, you were always told you'd be received with open arms by whatever prospective employer you might go in to, and I found just the reverse.

Peter Crichton. Well, to my knowledge—ours was a very small graduating class, so there aren't too many people—there's only one girl that I know of who graduated who's working—for the Rochester Pure Waters Agency. Another one got an assistantship of some sort with the University of Rochester. The fellows in our class—one is working for a hospital, not in biology but more in medical technology. There's another one in a motorcycle shop repairing motorcycles. Another one, as far as I know, stayed on with the college working in their library. And another one went to work as a janitor for the college.

Gregory Kopia. I started actively looking for a job in September of this past year and I've been looking ever since. I've been hitting employment agencies regularly. I'm trying to be as optimistic as I can. I have this job that I'm working at now, as a painter. It's not really what I want to do, but it's paying me and it's keeping me active. I just can't get down about it. I'm sure that things are going to change and I'm hoping they'll change soon.

William Wry: Well, I'm not giving up, but I'm not optimistic as I was in the beginning. At the beginning, I thought my chances would be a lot better, but now, looking around for about six or seven weeks, I feel that it's going to get rougher. It's just that I don't go to every interview like I did in the past. Some of the employment counselors you go to, they promise you a lot and tell you about all they've done for people in the past, but it seems like for you they're just not doing enough or they're not doing anything at all.

Rudd: Well, when you started out in college, what did you think: "Well, by going to college I'll earn more money and get a better job"?

Wry: Right. I think it was the old American Dream there that, you know, go to school, get ahead and you'll be a lot better off for it. But I think a lot of times it doesn't really happen. I know it seems that quite a few people in my age bracket right now are going through the same experience I am—of a degree but no job.

Rudd: Well, there's obviously plenty of money in the liquor business. That's not your primary concern, I guess.

Wry: No, my primary concern really isn't money. It's more or less happiness in what I'm doing and the desire to be in that position. Money isn't really my main object, because right now I'd (phone ringing) make more money in a job like this than any starting training job with a company in the United States.

Hello. Broad Liquors.

Rudd. Well, Mike, where did you go to school?

Mike Smith. I went to New Mexico State University for my bachelor's and my master's and I went to the University of Toledo for my doctorate—work on my doctorate.

Rudd. What was your field?

Smith. My field was American history, specialty in the American Indians.

Rudd. Well, what are you doing driving cars in a garage for a living?

Smith. Paying the bills. I'm looking for work in the daytime.

Rudd. You couldn't get anything in your profession?

Smith. No, absolutely nothing. Nothing available.

Rudd. How hard did you try?

Smith. Well, last year for example, I sent out over 300 letters to different colleges and junior colleges, got no responses—good responses.

Rudd. Well, are you tempted to go back and get a degree in something else? Change your field?

Smith. No, that wouldn't be any good, because I'm overqualified already for most of the jobs I've applied for. I'd just be wasting my time. I'm not getting any younger.

Rudd. Mike is probably right when he says there's no point in getting another degree. We're pumping out 34,000 Ph. D.'s this year, with almost 300,000 graduate students still in the pipeline, despite the fact that most professors requiring graduate studies are oversupplied already. It's almost impossible now to get a job in the classroom: by 1980, experts predict, we may have a surplus of a million and a half neophyte teachers. At the same time, we have an enormous shortage of people for those jobs which don't require college degrees. Richard Rosensteel of the Ford Motor Company.

Rosensteel. In this company currently, we need approximately 20,000 trained automotive mechanics right now. And we have only about one-fourth of the franchise dealerships within the Nation. So if you extend those figures, you would come up to a figure of something near 80,000 mechanics needed in franchise dealerships. And if you could add to that the back-alley garages and other kinds of organizations that require automotive mechanics, the number could easily go over 100,000. Yet where are those people coming from now?

Rudd. Well, one place where some of them can come from is Ferris State College in Big Rapids, Michigan. Ferris State has been in business for about 90 years, and its main business is vocational education. The school's 9,000 students get a sprinkling of liberal arts and total immersion in how to get the job done, whether it's mixing medicines, building buildings or binding books. Ferris State College offers 65 vocational programs as well as the usual four-year baccalaureate degree. We asked the school president, Robert Ewigleben, what sort of students Ferris attracts.

Ewigleben. Today we're finding some kids that could get into any school in the country coming here. But for the most part, though, we do get a different cut of cloth. We get middle-class, lower-middle-class kids, kids that come from working-class families where the work ethic is still a very, very strong motivating factor. We tend to get first-generation college students, as opposed to families that have had two or three generations of higher education before them.

Rudd. Dr. Ewigleben's students are here—and Ferris State itself is here—because of a curious imbalance in human supply and demand in this country.

Ewigleben. Now in this very community there isn't a licensed plumber and yet we could tomorrow hire 20 Ph.D.'s in physics. We have a waiting list of 120 applicants—of masters and Ph.D.'s—that would like to come to Ferris in that particular discipline and go to work.

Rudd. But no master plumbers.

Ewigleben. But no master plumbers. Well, that's kind of where we are in this society.

Rudd. Well, Dean, how many students do you have in this program?

Aaron L. Andrews. We have 1,004 students in our School of Health Sciences and Arts. This includes a total of 13 programs in the school at the present time.

Rudd. Well, is that an unusually large number or is that fairly standard for a school teaching this sort of thing?

Andrews. No, we are one of the largest schools in the United States, if not the largest, at the present time in our field.

Rudd. Well, when these dental technicians or dental hygienists get out, are they pretty much guaranteed a job, would you say?

Andrews. Definitely yes.

Rudd. What sort of money do they start out at?

Andrews. The money that they start out at will vary according to the area of study and the geography. Students starting in the programs such as we're in the area at the present time—dental laboratory technology—they're going to be starting at around $9,000 per year. The . . .

Rudd. That's after a two-year course?

Andrews. That's after a two-year course, yes. Students in our four-year program in environmental health, they'll generally be starting at around $10,000 per year. Basically, starting salaries are going to run in an area of $9,000 to $12,000.

Rudd. Well, what excites you about this? The fact that these kids are all getting jobs or the fact that it's really going to alter living conditions in the United States?

Andrews. The thing that really excites me—and I've been in, working with schools of this type for about 15 years now—is the fact that these graduates are going to make the availability and the accessibility as well as the quality of health care in the future to the people of the United States a meaningful and realistic thing.

Rudd. Well, in this part of the school, just what subjects do you teach—avionics and what else?

Eugene Bychinsky. Yes. We teach radio, TV and transmitter service and avionics. This particular room is the laboratory—electrical and electronics laboratory—that you see. And the equipment you see on the benches back there are from private planes and we're repairing them—we're certified to repair them. In the automotive service we have a 30-car garage, which always has 30 cars waiting to go in from people in this community that have a problem—it could be a banged-in fender or an overhauled transmission required. We'll do that as part of the curriculum. They have nothing but real-life situations in each of our courses.

Teacher. When you get that connection made back in there, we'll hook up . . .

Rudd. What are the students when they get out of that, after two or four years?

Bychinsky. They generally become lead mechanics in automotive shops. They also go into the insurance field and become adjusters and all the ancillary things that relate to the automotive field: service men, they become supply people, sales people. They are very well indoctrinated into all aspects of the automotive service field.

Rudd. Well, what about the parents? I would think an awful lot of people in this country think that a college education is a, oh, a kind of magic password almost to higher things, and yet most of these young men are not really getting that, are they?

Bychinsky. Yes, that brings us to a very interesting point. Many of our parents are disappointed in their youngsters when they first announce that they want to be a radio and TV man or come into avionics. They maybe wanted them to be a doctor or lawyer or a professor or something else. We consider it a dignified skill to be able to analyze a car problem and do it accurately and expeditiously and economically, or to assist in repairing an avionics piece of equipment that's being needed by industry. These are very high-minded types of enterprises. They are needed by our society; they are essential to our society. And thank goodness that the monetary rewards now are not so much different from the so-called white-collar workers. These gentlemen that you'll meet as you go through here will tell you that, gee, they have high expectations to make a good living at what they're doing. They have removed the stigma between white and blue collars.

Student. I've always had an interest in airplanes and flying, and I was glancing through the college catalogue this year and I found that they had this avionics program that they just started. So mainly that's what I was in here for, was the flying and the part of the planes, but the more I got into the electronic part of it, it was real interesting and also, I think, there's great opportunity in the avionics field.

Rudd. What about your parents? What do they think of you studying this instead of business?

Student. Well, my father sort of wanted me to go on and get a four-year degree, but the more I told him about it the more he got interested in it. He also likes to fly, as I do.

Rudd. What does he do?

Student. He's a senior machine designer at Fisher Body in Detroit.

Student. I'm in automotive heavy-equipment technology.

Rudd. What is that going to mean? What will you be when you get out?

Student. Well, I can go into the field of the auto industry, not—I won't necessarily be a mechanic. I can be a representative or some managerial job.

Rudd. What do your parents think of all this?

Student. Well, my father was a doctor and he wanted me to be a doctor. And then I quite didn't want to be a doctor and I didn't know really what I wanted to be and went into the service. And after I finished the service I decided I'd have to pick up a trade, and my father asked around and he wanted me to be a plumber.

Rudd. Why? Why a plumber?

Student. Well, he asked around his patients. He's—being a doctor, he's kind of money-minded, and he wanted me to go in that field because of that reason alone. And I quite didn't want to be a plumber so I chose to be a mechanic. And after I went through automotive service I decided to go two more years and get a degree.

Rudd. Well, is he reconciled to it? Does he think you can make enough money this way?

Student. Oh, yes. He's really happy now.

Rudd. Professor Harold Hodgkinson of the University of California has visited or investigated more than 2,000 campuses. He sees a great economic leveling process affecting white- and blue-collar workers: in his view, they're both shading into gray.

Hodgkinson. You find that today, if you look at the income levels of all American workers, in 60 percent of the cases you can't tell whether the person who made that salary was a college graduate or a non-college person just from the salary level. So these matters have really indicated that the blue-collar worker, especially in unionized areas, has overlapped the salary levels of those who've been to college.

In my case, for example, I have a bachelor's degree, a master's degree and a doctorate from Harvard, and my average salary is about $4,000 below the mean of intercontinental truckers who drive trucks across the country. Now I'm not sure that's necessarily bad. That is, I'm not sure myself that I should be compensated for every year of graduate study that I've engaged in, because I've done it primarily for my own self-interest.

Rudd. Clark Kerr, former president of the University of California, currently chairman of the Carnegie Commission on Higher Education.

Kerr. We may be getting into a period in the future in the United States where people get paid not just for their skill but also the disagreeableness of their work. And somebody who's doing a very disagreeable job may end up getting as much money as a person with a good deal of skill. And there'll be a certain amount of social justice in that and I really think the American people will live better with each other that way.

(Announcements). .

Rudd. This is not really a commercial.

"Computer". Hi, Tommy.

Tom Smothers. Hi. Hey, are there really good jobs for kids without four years of college?

"Computer". Yes, as technicians. Look in my visual communications center. You will see openings in engineering, chemistry . . .

Rudd. This public service message is aimed at convincing young people that they don't have to have a college degree in order to get a good job. The same message is going out on radio and in a poster campaign all over the country.

Smothers. What's that address again? 'Cause my brother, he's looking for work.

"Computer". Careers, Washington, D.C.

Rudd. All this originates in the Office of Education of the Department of Health, Education and Welfare.

Tape-Recorded Voices. You're nothing in this country without a college degree.

If you can't afford college, you'll never get a good job.

You're both wrong. There are thousands of college graduates who can't find work, yet today there is a crying need for technicians. You don't need four years of college to become a technician. All you. . . .

Rudd. Sir, it sounds like you're discouraging people from going to college.

Commissioner of Education Sidney Marland. On the contrary. I've been a school man for too long to disregard the very important job of the schools to include college, certainly among the expectations of young people as one of their alternatives. But we're now hoping that young people will have greater freedom of choice in deciding about post-secondary education and not feel that it's the only road to glory. We know, for example—the Department of Labor tells us that fully 80 percent of the jobs in the next decade will be filled by people who don't require a college education.

Rudd. The Commissioner also pointed out that too many young Americans don't even bother to finish high school, much less college, and he drew some conclusions from that.

Marland. Well, there's something wrong with the system. We don't denounce any part of it, but we say that we can be better. And we can especially be better for those young people in the United States who are disenchanted with the system of education at all levels, particularly high school students and college students who are moving aimlessly through a network because someone says the network is good and it's supposed to be there for everybody—and indeed it is. But we're now adding what we hope will be a sense of purposefulness to that network.

Rudd. As more and more young Americans begin to realize that a four-year degree is not a guarantee of employment, we may expect an increase in enrollment in the already-booming two-year community or junior colleges, which offer both vocational training and the liberal arts. Any high school graduate can get into a community college, no matter what grades he or she made in high school, and tuition costs next to nothing.

When Miami-Dade Junior College opened with one campus in 1960, it had fourteen hundred students. Today there are two campuses and 38,000 students. Another campus is under construction and there are more on the drawing boards.

Teacher. Chekhov and Ibsen died within a year of each other: Ibsen in 1905, Chekhov in 1904 . . .

Rudd. At community colleges, 70 percent of the students say that they want to go on to a regular four-year institution and get a degree, but the dropout rate is enormous and nobody really knows how many actually do go on and get that degree.

Teacher. He may frisk you if he has probable cause to believe that you are armed and dangerous to him.

Rudd. Curiously enough, only 30 percent of the nation's community college students choose vocational courses. For those who do at Miami-Dade, the most popular program is police science, which trains men and women for all sorts of law enforcement work.

Student. . . . stop the guy, like say he was belligerent to you and then you'd stop and frisk him, but then you thought he might have something in the car. Would you be allowed to go in the car?

Teacher. No, a stop and frisk does not allow a car search, unless you have further probable cause to believe that the car is carrying what is, the court says, material offensive to the law.

Rudd. Some people have said that community colleges are just educational holding basins which society has created to contain those young men and women who have not yet decided what to do with their lives or who couldn't get into four-year colleges. We put that proposition to Miami-Dade's President, Peter Masiko.

Masiko. If your conception of a college is somebody who ranks in the top ten percent of his high school class and anybody who ranks below that is not worthy of any consideration in higher education, then I can't argue with you. My philosophy is that anybody, regardless of where he stands, if he wants to move himself up, if he has higher ambitions, it's not inappropriate for us to try to work with him and develop his talent.

Rudd. We asked Clark Kerr if he thinks everyone should go to college.

Kerr. To begin with, I don't think you can deny young people that opportunity if they want it. And there may be a lot of people that don't get the jobs they want to get, but still there are other things that come out of college aside from just getting a job. Generally, the studies show that people who've gone to college enjoy life more, they have more varied interests, they participate more in community activity, et cetera. So it isn't just jobs. But it just seems to me that in a democracy, almost regardless of the consequences, that every young person ought to have a chance to develop his ability and, as a matter of fact, they're going to have that chance.

Hodgkinson. The question one has to ask is: given increasing years of education, is there any increased quality of the human beings who come out of the other end of the system? Are we really adding that much to people's competence or ability to live well as a human being? I think that's an open question.

Rudd. Well, I suppose that raises the inevitable question of what higher education is really for.

Hodgkinson. There's been a continual debate over that question and clearly there's no answer. The problem is that the elitist models that we're following—like Harvard, Yale and Princeton—have for years proclaimed that the B.A. did not certify anybody to do anything. That is, the bachelor's was never assumed to be a marketable commodity. Today more and more students are saying: "What can we do with this kind of tool? You've given us this degree. What does it now mean?" And I think some changes are going to take place along that line.

Rudd. Well, do you think that everybody should go on and get a higher education or not?

Hodgkinson. I don't think necessarily that everybody should get a baccalaureate degree from an accredited school. I think everybody who wants to should have some chance to further his educational interests, some of which may be in colleges, some of which may be not. It would seem to me that many American young people could, without ever going to a college at all, build a very satisfactory life around a good income, a good home, reasonable knowledge of cultural values, self-expression, the time to develop their own code of ethics and morality, and time to participate in community affairs. There's very little evidence that college students are necessarily any different along those lines. And the stereotypes we've held about college as being the only steppingstone to high-status careers, I think, is going to break down.

Rudd. Meanwhile, the million members of the class of 1972 are upon us, destined—in all too many cases—to join the ranks of the unemployed members of the class of 1971.

Brockport State College in upstate New York graduated fifteen hundred young men and women this month. It was, as usual a cheerful scene.

(Voices).

But underneath the graduation-day euphoria lie some tough statistics. In the past, Brockport has been successful in finding jobs for its graduates; this year twelve hundred of the graduates registered with the placement office for employment, but only 16 actually had firm job offers at graduation.

Excuse me, miss, what was your major?

Woman. Elementary education and history.

Rudd. Have you got a job yet?

Woman. Partially. I have a promise of one from Buffalo.

Rudd. You sound sort of doubtful about it.

Woman. Well, they have a list that they place people from and I'm number 40.

Rudd. Forty?

Woman. Out of 401.

Rudd. Well, how many job openings are there?

Woman. They said they didn't know, yet, so that's why it's doubtful.

Man. I figure there's a 25 percent chance I'll have a job come September.

Rudd. Did you have to borrow money to go to school, by any chance?

Man. Yes, all four years, on the New York State Higher Education Assistance.

Rudd. How about paying it back? Are they pretty lenient about that?

Man. I think we have 10 years—I'm not sure—to pay it back. So I should get it done, one way or another.

Father. It's been a pretty tough four years, but we finally got around to it. She's been here for the four years.

Rudd. Well, I just wonder if a lot of these young people are feeling pretty bitter about this. Are you? About the employment situation?

Woman. Well, I think there should be more jobs, but there aren't. There's nothing anybody can do.

Man. I sent out about, I'd say, 20 letters of inquiry. You get back maybe five applications—some of them just throw the letters away, I guess. And from that maybe I'll fill out the applications, send them in from there. Have to wait until they call you. And they haven't called.

Rudd. Well, as parents, how do you feel about all that? Do you think—have you wasted four years of money, do you think?

Father. No . . .

Mother. We're very proud.

Father. . . . definitely not. No waste. He'll make it. He'll find something. He's very ambitious.

Rudd. What are you going to do if nothing turns up in your field?

Man. Possibly go on and get a master's but as of yet I'm undecided.

Rudd. Are these your parents?

Man. Yes, they are.

Rudd. What's your reaction to that, sir? When he started in school, did you expect him to be able to get a job when he got out, fairly easily?

Father. We hoped he would, but he hasn't been able to as yet.

Rudd. Does that seem like a terribly frustrating thing to you, I would imagine. Is it?

Man. Yes, it is, very much. It seems that if you spend all this time and money in a college investment, that you would expect some reasonable return, but I guess I have to try harder.

Rudd. There's an old saying in this country: If you're so smart, how come you're not rich? Well, of course, a college degree never guaranteed smartness, but it did give you an edge in the job market over those who didn't have it. Actually, of course, the rewards of truly "higher" education are almost by definition intangible and Americans are not noted as a people fond of intangible rewards. We like a return on the dollar, preferably in cash, but most of today's graduates are not getting it. Of course, for the graduates of the elite Ivy League schools, the "old boy" network will probably continue to function: they won't have as much trouble finding jobs as those from Old Siwash. And the ones who are highly motivated and scholastically inclined will probably—and should probably—go on for four-year degree and graduate school. But most young Americans don't fit those categories, and that vast majority is in trouble, with no agreement at all on how to get them out.

There are those who blame the problems of most graduates on the temporary sluggishness of the economy, although many economists say that it isn't temporary for college graduates. Some blame the colleges and universities for not warning the undergraduates that it's tough out there; but the school men argue, with tradition on their side, that their function is to educate, not to run employment agencies. Also, of course, revolutionary changes in higher education would mean changes in faculties, and it's only human to try and protect one's job. Then, some blame the American Mom and Dad, who simply want their kid to go to college.

But blame implies guilt and guilt implies something wrong has been done and wrongdoing implies that something right could have been done. Well, we thought, of course, we were doing the right thing, but as we're learning more and more these days, the road to hell sometimes is paved with good intentions, and with the best intentions in the world, we've put our young college graduates in one hell of a fix.

This is Hughes Rudd for CBS REPORTS.

(Announcements).

CONFERENCE REPORT ON H.R. 15586, PUBLIC WORKS APPROPRIATIONS, 1973

Mr. EVINS of Tennessee submitted the following conference report on the bill (H.R. 15586) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes:

Conference Report (H. Rept. No. 92–1310)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15586) "making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 17, 18, and 19; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,138,800,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$494,610,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$55,975,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,201,493,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$110,620,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$409,100,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$23,827,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$271,425,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$46,720,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$45,770,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$64,200,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$77,500,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$20,380,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$94,500,000"; and the Senate agree to the same.

JOE L. EVINS,
EDWARD P. BOLAND,
JAMIE L. WHITTEN,
JOHN M. SLACK,
OTTO E. PASSMAN,
GEORGE MAHON,
JOHN J. RHODES,
GLENN R. DAVIS,
HOWARD W. ROBISON,
Managers on the Part of the House.

JOHN C. STENNIS,
JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
ALAN BIBLE,
ROBERT C. BYRD,
CLINTON P. ANDERSON,
JENNINGS RANDOLPH,
MARK O. HATFIELD,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
MARGARET CHASE SMITH,
(except amendment No. 5),
GORDON ALLOTT,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15586) making appropriations for Public Works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—ATOMIC ENERGY COMMISSION

Operating expenses

Amendment No. 1: Appropriates $2,138,800,000 instead of $2,129,000,000 as proposed by the House and $2,150,635,000 as proposed by the Senate. The increase over the House bill amount includes $4,500,000 for the weapons program; $4,000,000 for the reactor development program including $1,000,000 for thorium utilization and $3,000,000 for space propulsion systems; and $1,300,000 for changes in selected resources. The managers agree that none of the funds provided for space propulsion systems shall be available for the initiation of procurement of long lead time components for the nuclear engine.

Plant and capital equipment

Amendment No. 2: Appropriates $494,610,000 instead of $486,860,000 as proposed by the House and $500,110,000 as proposed by the Senate. The increase over the House bill amount includes $4,750,000 for construction of a laser fusion laboratory at Los Alamos Scientific Laboratory, New Mexico; and $3,000,000 for land acquisition at Rocky Flats, Colorado, providing a total of $6,000,000 for this purpose. The managers agree that none of the funds provided shall be used for the acquisition of State land pending opportunity for further review by the committees.

TITLE II—DEPARTMENT OF DEFENSE—CIVIL

Department of the Army, Corps of Engineers—Civil

General Investigations

Amendment No. 3: Appropriates $55,975,000 instead of $54,200,000 as proposed by the House and $57,750,000 as proposed by the Senate. The increase over the House bill amount is allocated to the following studies:

Alaska: (N) Ninilchik and vicinity, small boat harbor	$30,000
Arkansas:	
(FC) Cadron Creek	[1] 20,000
(FC) Little Missouri River Basin, including Narrows Dam	[1] 15,000
(N) White River to Batesville	[1] 60,000
California:	
(FC) Calleguas Creek	[1] 15,000
(BE) San Diego County, vicinity of Oceanside	[1] 10.000
(BE) Santa Barbara County	[1] 15,000
(FC) Truckee River, California and Nevada	[1] 30,000
Delaware: (FC) Christina River Basin	50,000
Florida:	
(BE) Indian River County	[1] 20,000
(N) Intracoastal Waterway, Ft. Pierce to Miami	10,000
(FC) Lake Istokpoga, Highlands County	[1] 20,000
(BE) Shores of Northwest Florida	[1] 15,000
Georgia:	
(FC) Ogeechee River	[1] 10,000
(FC) Savannah River Basin, Ga., S.C., and N.C	[1] 20,000
Hawaii: (FC) Kihei District, Maui	[1] 15,000
Kansas:	
(FC) Grand (Neosho) River Basin, Kansas, Okla., and Mo	[1] $21,000
(FC) Tomahawk Lake and Indian Lake (restudy)	40,000
(FC) Verdigris River Basin, Kansas and Okla	[1] 10,000
Louisiana:	
(FC) Columbia Levee extension	[1] 10,000
(N) Gulf Coast Deepwater Port Facilities	[1] 90,000
(N) Louisiana Coastal area	[1] 82,000
(FC) Mermentau, Vermillion, Calcasieu Rivers and Bayou Teche	[1] 10,000
(N) Mississippi River Gulf Outlet	[1] 60,000
Maine: (FC) South Coastal Urban Areas	[1] 10,000
Maryland: (N) Back River	5,000
Massachusetts:	
(N) Lynn Harbor	20,000
(FC) Merrimack Basin wastewater study	250,000
(FC) Quincy Coastal Streams	[1] 25,000
Michigan: (N) Great Lakes Connecting Channels	[1] 58,000
New Jersey: (FC) Rahway River	[1] 140,000
New Mexico: (FC) South Canadian River and tributaries	[1] 10,000
North Carolina:	
(BE) Bogue Banks	[1] 20,000
(FC) Carolina Beach Inlet	[1] 15,000
(FC) Eastern North Carolina above Cape Lookout	[1] 5,000
(N) Hatteras Inlet	[1] 10,000
(FC) Neuse River	[1] 10,000
Oklahoma: (FC) Canadian River and tributaries, Okla., Texas, and New Mexico	[1] 20,000
Oregon:	
(FC) Luckiamute River	[1] 15,000
(N) Siuslaw River	5,000
Rhode Island: (N) Newport Harbor	[1] 15,000
South Carolina: (N) Charleston Harbor	[1] 114,000
Washington: (FC) Okanogan River and tributaries	[1] 60,000
West Virginia: (FC) Buffalo Creek	140,000
Budget Items not listed under States: Flood control studies; strip mining study	[1] 150,000

[1] Increase in House Bill figure

Amendment No. 4: Inserts language, as proposed by the Senate, providing that no part of the appropriation contained in the Act shall be used for the study of the Mississippi River channel north of Lock and Dam 25, Illinois, other than the portions of such study relating to environmental assessment and the completion of the Phase 1 feasibility study.

CONSTRUCTION, GENERAL

Amendment No. 5: Appropriates $1,201,493,000 instead of $1,181,098,000 as proposed by the House and $1,222,722,000 as proposed by the Senate.

The funds appropriated under this heading are to be allocated as shown in the following tabulation:

	Construction, general, State and project (1)	Approved budget estimate for fiscal year 1973		Conference allowance	
		Construction (2)	Planning (3)	Construction (4)	Planning (5)
	Alabama:				
(N)	Alabama River channel improvement	$1,017,000		$1,017,000	
(N)	Claiborne lock and dam	645,000		645,000	
(R)	John Hollis Bankhead lock and dam	9,000,000		9,000,000	
(MP)	Jones Bluff lock and dam	11,900,000		11,900,000	
(MP)	Millers Ferry lock and dam, William "Bill" Dannelly Reservoir	3,820,000		3,820,000	
(N)	Mobile Harbor, Theodore Channel		$50,000		$50,000
(FC)	Montgomery		100,000		100,000
(N)	Tennessee-Tombigbee Waterway, Ala. and Miss	12,000,000		12,000,000	
	Tombigbee River and tributaries, Mississippi and Alabama. (See Mississippi.)				
	West Point Lake, Ala. and Ga. (See Georgia.)				
	Alaska:				
(FC)	Chena River Lakes, Fairbanks	600,000		1,200,000	
(N)	Humboldt Harbor		80,000		80,000
(N)	Kake Harbor		50,000		50,000
(N)	King Cove Harbor	400,000		400,000	
(N)	Sergius and Whitestone Narrows	900,000		900,000	
(MP)	Snettisham power project	9,990,000		9,990,000	
(FC)	Talkeetna River (Restudy) (Funded under General Investigations.)				
	Arizona:				
(FC)	Indian Bend Wash		200,000		200,000
(FC)	Phoenix and vicinity, including New River (Stage 1)	1,200,000		1,200,000	
(FC)	Phoenix and vicinity, including New River (Stage 2)		100,000		100,000
(FC)	Santa Rosa Wash (Tat Momolikot Dam)	5,800,000		5,800,000	
	Arkansas:				
(FC)	Bell Foley Lake		250,000		250,000
(MP)	De Gray Lake	3,300,000		3,300,000	
(FC)	De Queen Lake	3,500,000		3,500,000	
(FC)	Dierks Lake	3,800,000		3,800,000	
(FC)	Gillham Lake	1,500,000		1,500,000	
(N)	McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma:				
	(a) Bank stabilization and channel rectification	2,350,000		2,350,000	
	(b) Navigation locks and dams	17,000,000		17,000,000	
(N)	Ouachita and Black Rivers, Ark. and La	7,000,000		7,000,000	
(MP)	Ozark lock and dam	4,200,000		4,200,000	
(FC)	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex	2,800,000		2,800,000	
(FC)	Village Creek, Jackson and Lawrence Counties				175,000
	California:				
(FC)	Alameda Creek, Del Valle Reservoir	2,994,000		2,994,000	
(N)	Bodega Bay				50,000
(FC)	Buchanan Lake	4,500,000		4,500,000	
(FC)	Butler Valley Dam-Blue Lake		1,280,000		1,280,000
(FC)	Chester, North Fork of Feather River		65,000		65,000
(FC)	Corte Madera Creek	850,000		850,000	
(FC)	Cucamonga Creek		550,000		550,000
(N)	Crescent City Harbor	1,150,000		1,150,000	
(FC)	Dry Creek (Warm Springs) Lake and Channel	8,400,000		10,400,000	
(FC)	Fairfield vicinity streams		60,000		60,000
(FC)	Hidden Lake	6,000,000		6,000,000	
(N)	Humboldt Harbor and Bay				50,000
(FC)	Lakeport Lake		310,000		310,000
(FC)	Los Angeles County drainage area	200,000		200,000	
(FC)	Lytle and Warm Creeks	6,400,000		6,400,000	
	Martis Creek Lake, Calif. and Nev. (See Nevada.)				
(MP)	Marysville Lake		950,000		950,000
(FC)	Merced County Streams				150,000
(FC)	Mojave River Dam	1,000,000		1,000,000	
(FC)	Mormon Slough	345,000		345,000	
(MP)	New Melones Lake	26,000,000		26,000,000	
(FC)	Pajaro River (1966 act)		215,000		215,000
(N)	Port Hueneme Harbor	400,000		400,000	
(FC)	Russian River Basin Coyote Valley Dam and Russian River Channel	450,000		450,000	
(FC)	Sacramento River and major and minor tributaries	100,000		100,000	
(FC)	Sacramento River bank protection	5,000,000		5,000,000	
(FC)	Sacramento River Chico Landing to Red Bluff	100,000		100,000	
(N)	San Diego Harbor	1,000,000		1,000,000	
(N)	San Diego River and Mission Bay	1,200,000		1,200,000	
(FC)	San Diego River, Mission Valley		220,000		220,000
(N)	San Francisco Bay to Stockton (John F. Baldwin and Stockton ship channels)	1,000,000		1,000,000	
(FC)	Santa Paula Creek channel	4,153,000		4,153,000	
(FC)	Sonoma Creek		221,000		221,000

See footnotes at end of table.

	Construction, general, State and project (1)	Approved budget estimate for fiscal year 1973		Conference allowance	
		Construction (2)	Planning (3)	Construction (4)	Planning (5)
	California—Continued				
(BE)	Surfside-Sunset and Newport Beach	$600,000		$600,000	
(FC)	University Wash and Spring Brook				$100,000
(N)	Ventura Marina (reimbursement)	750,000		750,000	
(FC)	Walnut Creek	2,400,000		2,400,000	
	Canada:				
(FC)	Mica Reservoir	1,200,000		1,200,000	
	Colorado:				
(FC)	Bear Creek Lake	2,500,000		2,500,000	
(FC)	Boulder		$80,000		80,000
(FC)	Chatfield Lake	11,000,000		11,000,000	
(FC)	Las Animas			200,000	
(FC)	Trinidad Lake	7,400,000		7,400,000	
	Connecticut:				
(FC)	Danbury		114,000		114,000
(FC)	Derby	1,523,000		1,523,000	
(FC)	Park River		548,000		548,000
(FC)	Trumbull Lake	3,000,000		3,000,000	
	Delaware:				
(N)	Delaware Bay—Chesapeake Bay Waterway in Del., Md., and Va		150,000		150,000
(FC)	Delaware coast protection		150,000		150,000
(N)	Inland waterway, Delaware River to Chesapeake Bay (Chesapeake and Delaware Canal), pt. II, Del., and Md	7,500,000		7,500,000	
	Florida:				
(BE)	Brevard County	200,000		200,000	
(FC)	Central and Southern Florida	8,750,000		8,750,000	
	Cross-Florida Barge Canal (environmental impact study) (Funded under General Investigations.)				
(BE)	Dade County				100,000
(BE)	Duval County				90,000
(FC)	Four Rivers basins	7,600,000		7,600,000	
(N)	Hudson River (Restudy) (Funded under General Investigations)				
(N)	Jacksonville Harbor (1965 act)	6,300,000		6,300,000	
(N)	Miami Harbor	3,500,000		3,500,000	
(BE)	Mullet Key	230,000		230,000	
(N)	Panama City Harbor				50,000
(N)	Tampa Harbor (main channel)				300,000
(BE)	Virginia Key and Key Biscayne	800,000		800,000	
	Georgia:				
(MP)	Carters Lake	22,000,000		22,000,000	
(N)	Savannah Harbor, 40 feet (widening and deepening)	1,200,000		1,200,000	
(N)	Savannah Harbor (sediment basin)	3,230,000		3,230,000	
(MP)	Spewrell Bluff Lake	3,000,000		[3] 1,900,000	
(BE)	Tybee Island			200,000	
(MP)	Trotter Shoals Lake, Georgia and South Carolina (land acquisition)	1,500,000		1,500,000	
(MP)	West Point Lake, Ala. and Ga	24,800,000		24,800,000	
	Hawaii:				
(FC)	Iao Stream				165,000
(FC)	Kaneohe-Kailua Area		160,000		160,000
(N)	Kawaihae Small Boat Harbor		25,000		25,000
(N)	Maunalua Bay Small Boat Harbor		35,000		35,000
(N)	Wainae Small Boat Harbor				120,000
	Idaho:				
(FC)	Boise Valley (restudy) (Funded under General Investigations)				
(MP)	Dworshak Dam and Reservoir	30,200,000		30,200,000	
(FC)	Ririe Lake	4,400,000		4,400,000	
(FC)	Stuart Gulch Dam		70,000		70,000
	Illinois:				
(FC)	East Moline		100,000		100,000
(FC)	East St. Louis and vicinity (interior flood control)		250,000		250,000
(FC)	Freeport	200,000		200,000	
(FC)	Fulton		102,000		102,000
(FC)	Helm Lake				75,000
(N)	Illinois Waterway, Calumet-Sag modification, pt. I, Illinois and Indiana	2,400,000		2,400,000	
(N)	Illinois Waterway Duplicate Locks		50,000		50,000
	Island Levee, Ill. and Ind. (see Indiana).				
(N)	Kaskaskia River navigation	18,000,000		18,000,000	
(BE)	Lake Forest shore of Lake Michigan (reimbursement)	32,000		32,000	
(FC)	Lake Shelbyville	3,100,000		3,100,000	
(FC)	Levee District 23 (Dively), Kaskaskia River	600,000		600,000	
(FC)	Lincoln Lake	2,000,000		[3] 1,500,000	
(N)	Lock and dam 26, Mississippi River, Alton, Ill., and Mo		1,980,000		2,300,000
(N)	Lock and Dam 53 (temporary lock), Illinois and Kentucky				650,000
(FC)	Louisville Lake		250,000		250,000
(FC)	McGee Creek Drainage and Levee District		100,000		100,000

See footnotes at end of table.

	Construction, general, State and project (1)	Approved budget estimate for fiscal year 1973		Conference allowance	
		Construction (2)	Planning (3)	Construction (4)	Planning (5)
	Illinois—Continued				
(N)	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo.:				
	(*a*) Chain of Rocks	$8, 100, 000	----------	$8, 100, 000	----------
	(*b*) Regulating works	1, 500, 000	----------	1, 500, 000	----------
(N)	Mississippi River, Sny Island Levee drainage district—Rectification of damage (restudy). (Funded under General Investigations.)				
(FC)	Moline	----------	----------	----------	$30, 000
(FC)	Oakley Lake and channel improvement (land acquisition)	1, 000, 000	----------	1, 000, 000	----------
(FC)	Rend Lake	3, 800, 000	----------	3, 800, 000	----------
(FC)	Rock Island	2, 500, 000	----------	2, 500, 000	----------
(FC)	Rockford	200, 000	----------	200, 000	----------
(FC)	Saline River and tributaries	2, 700, 000	----------	2, 700, 000	----------
(N)	Smithland locks and dam, Illinois and Kentucky	29, 300, 000	----------	29, 300, 000	----------
	Indiana:				
(FC)	Big Pine Lake (land acquisition)	450, 000	----------	450, 000	----------
(FC)	Big Walnut Lake (resumption)	----------	----------	----------	75, 000
(FC)	Brookville	7, 500, 000	----------	7, 500, 000	----------
	Calumet River and Harbor, Ill. and Ind. (See Illinois.)				
(N)	Cannelton locks and dam, Indiana and Kentucky	6, 800, 000	----------	6, 800, 000	----------
(FC)	Clifty Creek Lake (land acquisition)	550, 000	----------	[3] 350, 000	----------
(FC)	Evansville	900, 000	----------	[3] 600, 000	----------
(FC)	Greenfield Bayou levee	500, 000	----------	500, 000	----------
	Illinois Waterway, Calumet-Sag modifications, pts. I and II, Illinois and Indiana. (See Illinois.)				
(FC)	Indianapolis—Warfleigh (restudy). (Funded under General Investigations.)				
(FC)	Island levee, Indiana and Illinois	300, 000	----------	300, 000	----------
(FC)	Lafayette Lake	[1] (183, 000)	----------	[1] (183, 000)	----------
(FC)	Levee Unit No. 5	569, 000	----------	569, 000	----------
(FC)	Marion	----------	----------	----------	30, 000
(FC)	Mason J. Niblack levee (pumping facilities)	200, 000	----------	200, 000	----------
(FC)	Newburgh (bank revetment)	----------	$60, 000	----------	60, 000
(N)	Newburgh locks and dam, Indiana and Kentucky	11, 000, 000	----------	11, 000, 000	----------
(FC)	Patoka Lake	2, 900, 000	----------	2, 900, 000	----------
(N)	Uniontown locks and dam, Indiana and Kentucky	14, 000, 000	----------	14, 000, 000	----------
	Iowa:				
(FC)	Ames Lake	700, 000	----------	700, 000	----------
(FC)	Bettendorf	----------	98, 000	----------	98, 000
(FC)	Big Sioux River at Sioux City, Iowa and S. Dak	----------	78, 000	----------	78, 000
(FC)	Clinton	----------	124, 000	----------	124, 000
(FC)	Davenport	----------	150, 000	----------	150, 000
(FC)	Dubuque	1, 297, 000	----------	1, 297, 000	----------
(FC)	Guttenberg	600, 000	----------	600, 000	----------
(FC)	Marshalltown	2, 300, 000	----------	2, 300, 000	----------
(FC)	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska	1, 675, 000	----------	1, 675, 000	----------
(N)	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri and Nebraska	10, 300, 000	----------	10, 300, 000	----------
(FC)	Saylorville Lake	10, 100, 000	----------	10, 100, 000	----------
(FC)	Waterloo	3, 000, 000	----------	3, 000, 000	----------
	Kansas:				
	Arkansas—Red River chloride control, Texas, Oklahoma, and Kansas (see Oklahoma).				
(FC)	Big Hill Lake	1, 000, 000	----------	1, 000, 000	----------
(FC)	Cedar Point Lake	----------	200, 000	----------	200, 000
(FC)	Clinton Lake	8, 500, 000	----------	8, 500 000	----------
(FC)	Dodge City	1, 300, 000	----------	1, 300, 000	----------
(FC)	El Dorado Lake	1, 500, 000	----------	1, 500, 000	----------
(FC)	Great Bend	----------	180, 000	----------	180, 000
(FC)	Grove Lake	----------	225, 000	----------	225, 000
(FC)	Hays, Big Creek	200, 000	----------	200, 000	----------
(FC)	Hillsdale Lake	500, 000	----------	500, 000	----------
(FC)	Kansas City, Kansas River, Kans. (1962 mod)	2, 400, 000	----------	2, 400, 000	----------
(FC)	Lawrence	1, 321, 000	----------	[3] 400, 000	----------
(FC)	Marion	----------	90, 000	----------	90, 000
(FC)	Melvern Lake	6, 900, 000	----------	6, 900, 000	----------
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
(FC)	Onaga Lake	----------	250, 000	----------	250, 000
(FC)	Perry Lake area (road improvements)	----------	----------	----------	100, 000
(FC)	Winfield	----------	----------	----------	40, 000
(FC)	Wolf—Coffee Lake	----------	150, 000	----------	150, 000
	Kentucky:				
	Cannelton locks and dam, Indiana and Kentucky. (See Indiana.)				
(FC)	Carr Fork Lake	4, 750, 000	----------	4, 750, 000	----------

See footnotes at end of table.

Construction, general, State and project (1)	Approved budget estimate for fiscal year 1973		Conference allowance	
	Construction (2)	Planning (3)	Construction (4)	Planning (5)
Kentucky—Continued				
(FC) Cave Run Lake	$8,800,000	----------	$8,800,000	----------
(FC) Falmouth Lake	----------	$100,000	----------	$100,000
(FC) Green River Lake	250,000	----------	250,000	----------
(FC) Kehoe Lake	----------	150,000	----------	150,000
(MP) Laurel River Lake	4,100,000	----------	4,100,000	----------
Lock and dam 53. (Temporary Lock.) Ill. and Ky. (See Illinois.)				
(FC) Martin	200,000	----------	200,000	----------
(FC) Martins Fork Lake	700,000	----------	700,000	----------
Newburgh locks and dam, Indiana and Kentucky. (See Indiana.)				
(FC) Newport-Wilder	----------	----------	----------	50,000
(FC) Paintsville Lake	1,100,000	----------	1,100,000	----------
(FC) Pikeville	(2)	----------	(2)	----------
(FC) Red River Lake	500,000	----------	500,000	----------
Smithland lock and dam, Illinois and Kentucky. (See Illinois.)				
(FC) Southwestern Jefferson County	----------	----------	500,000	----------
(FC) Taylorsville Lake	2,800,000	----------	[3] 1,500,000	----------
Uniontown locks and dam, Indiana and Kentucky. (See Indiana.)				
(FC) Yatesville Lake	----------	----------	700,000	----------
Louisiana:				
(N) Atchafalaya River, Bayous Chene, Beouf and Black	3,000,000	----------	3,000,000	----------
(FC) Bayou Bodcau and tributaries	1,000,000	----------	1,000,000	----------
(N) Calcasieu River at Devils Elbow	----------	130,000	----------	130,000
(FC) Grand Isle and vicinity	350,000	----------	350,000	----------
(FC) Lake Pontchartrain, and vicinity	20,000,000	----------	20,000,000	----------
(N) Mermentau River (channel improvement)	----------	----------	300,000	----------
(N) Mermentau River (Lake Arthur Bridge replacement)	1,630,000	----------	1,630,000	----------
(N) Michoud Canal	1,000,000	----------	1,000,000	----------
(N) Mississippi River, gulf outlet	900,000	----------	900,000	----------
(N) Mississippi River Outlets Venice	----------	90,000	----------	90,000
(FC) Monroe Floodwall	505,000	----------	505,000	----------
(FC) Morgan City and vicinity	1,200,000	----------	1,200,000	----------
(FC) New Orleans to Venice hurricane protection	5,000,000	----------	5,000,000	----------
Ouachita and Black Rivers, Ark. and La. (See Arkansas.)				
(FC) Ouachita River Levees	300,000	----------	300,000	----------
(N) Overton-Red River Waterway (lower 31 miles only)	1,000,000	----------	1,000,000	----------
(N) Red River Emergency Bank Protection	4,750,000	----------	4,750,000	----------
(N) Red River Waterway (Mississippi River to Shreveport, La.)	----------	1,000,000	1,200,000	1,000,000
(N) Red River Waterway, Shreveport, La., to Daingerfield, Texas (economic restudy only)	----------	----------	----------	25,000
Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex. (See Arkansas.)				
(N) Vermilion lock (replacement)	----------	100,000	----------	100,000
Maine:				
(N) Frenchboro Harbor	----------	----------	----------	60,000
Maryland:				
(FC) Bloomington Lake, Md. and W. Va	14,000,000	----------	14,000,000	----------
Inland waterway, Delaware River to Chesapeake Bay, Del. and Md. (C. & D. Canal), pt. II. (See Delaware.)				
Massachusetts:				
(FC) Charles River Dam	3,000,000	----------	3,000,000	----------
(N) Fall River Harbor, Mass. and R.I	----------	----------	[4] 1,000,000	----------
(FC) Nookagee Lake	----------	100,000	----------	100,000
(BE) Revere Beach	----------	30,000	----------	30,000
(FC) Saxonville	----------	111,000	----------	111,000
(N) Weymouth Fore and Town Rivers	5,900,000	----------	5,900,000	----------
Michigan:				
(N) Great Lakes Connecting Channels	4,900,000	----------	4,900,000	----------
(FC) Kalamazoo	200,000	----------	200,000	----------
(N) Ludington Harbor	----------	60,000	----------	60,000
(FC) River Rouge	7,200,000	----------	7,200,000	----------
(FC) Saginaw River (flood control)	2,000,000	----------	2,000,000	----------
(N) Tawas Bay Harbor	----------	----------	----------	40,000
(N) Lexington Harbor	----------	----------	100,000	----------
Minnesota:				
(N) Beaver Bay Harbor, including Silver Bay	----------	----------	----------	50,000
(FC) Big Stone Lake-Whetstone River, Minn. and S. Dak	1,900,000	----------	1,900,000	----------
(N) Lutsen Harbor	----------	----------	----------	50,000
(FC) Mankato and North Mankato	1,600,000	----------	1,600,000	----------
(FC) Roseau River	100,000	----------	100,000	----------
(FC) Twin Valley Lake-Wild Rice River	----------	80,000	----------	50,000
(FC) Zumbro River	1,400,000	----------	1,400,000	----------
(FC) Wild Rice River-South Branch and Felton Ditch	----------	70,000	----------	70,000
(FC) Winona	----------	----------	----------	60,000
Mississippi:				
(FC) Tallahala Creek Lake	----------	400,000	350,000	400,000
Tennessee-Tombigbee Waterway, Ala. and Miss. (See Alabama.)				
(FC) Tombigbee River and tributaries, Mississippi and Alabama	1,500,000	----------	1,500,000	----------

See footnotes at end of table,

	Construction, general, State and project	Approved budget estimate for fiscal year 1973		Conference allowance	
	(1)	Construction (2)	Planning (3)	Construction (4)	Planning (5)
	Missouri:				
(FC)	Blue River Channel Kansas City, Mo		$50, 000		$50, 000
(FC)	Brookfield Lake		250, 000		250, 000
(MP)	Clarence Cannon Dam and Reservoir	$8, 000, 000		$8, 000, 000	
(MP)	Harry S. Truman Dam and Reservoir	19, 500, 000		23, 000, 000	
(FC)	Little Blue River Channel	100, 000		100, 000	
(FC)	Little Blue River Lakes (land acquisition)	2, 500, 000		4, 500, 000	
	Lock and Dam 26, Alton, Ill. and Mo. (see Illinois.)				
(FC)	Long Branch Lake	2, 000, 000		[3] 1, 500, 000	
(FC)	Meramec Park Lake	2, 500, 000		3, 000, 000	
(FC)	Mercer Lake		160, 000		160, 000
(FC)	Mississippi River Agricultural Area No. 8 (Elsberry drainage district)		120, 000		120, 000
	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo. (See Illinois).				
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
(FC)	Pattonsburg Lake—Highway I–35 Crossing (Land Acquisition)	100, 000		100, 000	
(FC)	Pattonsburg Lake (town relocation only)		50, 000		(3)
(FC)	Pattonsburg Lake (restudy) (Funded under General Investigations).				
(FC)	St. Louis	1, 200, 000		1, 200, 000	
(FC)	Smithville Lake	4, 000, 000		[3] 3, 500, 000	
	Montana:				
(MP)	Libby Dam-Lake Koocanusa	40, 000, 000		40, 000, 000	
(MP)	Libby Dam-Lake Koocanusa (additional units and reregulating dam)				400, 000
	Nebraska:				
(MP)	Gavins Point Dam, Lewis and Clark Lake (relocation of Niobrara, Nebr.), Nebr. and S. Dak	3, 000, 000		3, 000, 000	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
(FC)	Papillion Creek and Tributaries	4, 000, 000		4, 000, 000	
	Nevada:				
(FC)	Humboldt River and tributaries				100, 000
(FC)	Martis Creek Lake, Calif., and Nev	450, 000		450, 000	
	New Hampshire:				
(FC)	Beaver Brook Lake	1, 000, 000		1, 000, 000	
	New Jersey:				
(FC)	Elizabeth	3, 100, 000		3, 100, 000	
(N)	Great Egg Harbor Inlet and Peck Beach				50, 000
(N)	Newark Bay, Hackensack and Passaic Rivers	4, 676, 000		4, 676, 000	
(FC)	South Orange, Rahway River	780, 000		780, 000	
	Tocks Island Lake, Pa., N.J., and N.Y. (See Pennsylvania.)				
	New Mexico:				
(FC)	Cochiti Lake	14, 900, 000		14, 900, 000	
(FC)	Las Cruces	2, 000, 000		2, 000, 000	
(FC)	Los Esteros Lake	1, 500, 000		1, 500, 000	
	New York:				
(FC)	Allegheny		30, 000		30, 000
(N)	Cattaraugus Harbor		80, 000		80, 000
(FC)	East Rockaway Inlet to Rockaway Inlet and Jamaica Bay		150, 000		150, 000
(N)	Hamlin Beach Harbor		80, 000		80, 000
(N)	New York Harbor (anchorages)	5, 500, 000		5, 500, 000	
(N)	New York Harbor collection and removal of drift, N.Y. and N.J		[1] (80, 000)		[1] (80, 000)
(FC)	North Ellenville	2, 200, 000		2, 200, 000	
(N)	Oak Orchard Harbor	1, 073, 000		1, 073, 000	
(FC)	Scajaquada Creek				25, 000
	Tocks Island Lake, Pa., N.J., and N.Y. (See Pennsylvania.)				
(FC)	Wellsville	840 000		840, 000	
(FC)	Yonkers		145, 000		145, 000
	North Carolina:				
(N)	Atlantic Intracoastal Waterway, bridges				100, 000
(FC)	Brunswick County Beaches			100, 000	
(FC)	Falls Lake	4, 300, 000		4, 300, 000	
(BE)	Fort Macon State Park (reimbursement)	108, 000		108, 000	
(FC)	Howards Mill Lake		190, 000		190, 000
(N)	Morehead City Harbor (1970 Act)		100, 000		100, 000
(FC)	New Hope Lake	15, 100, 000		15, 100, 000	
(FC)	Randleman Lake		330, 000		330, 000
(FC)	Reddies River Lake		150, 000		150, 000
(N)	Wilmington Harbor (32 feet)	390, 000		390, 000	

See footnotes at end of table.

	Construction, general, State and project (1)	Approved budget estimate for fiscal year 1973		Conference allowance	
		Construction (2)	Planning (3)	Construction (4)	Planning (5)
	North Dakota:				
(FC)	Burlington Dam		$150, 000		$350, 000
(MP)	Garrison Dam—Lake Sakakawea	$500, 000		$500, 000	
(R)	Garrison Dam—Lake Sakakawea (embankment repair)	200, 000		200, 000	
(FC)	Kindred Lake (restudy) (Funded under General Investigations.)				
(FC)	Minot	700, 000		700, 000	
(FC)	Missouri River, Garrison Dam to Lake Oahe	900, 000		900, 000	
	Oahe Dam-Lake Oahe, S. Dak. and N. Dak. (See South Dakota.)				
(FC)	Pipestem Lake	2, 800, 000		2, 800, 000	
	Ohio:				
(FC)	Alum Creek Lake	14, 700, 000		14, 700, 000	
(FC)	Caesar Creek Lake	6, 400, 000		6, 400, 000	
(FC)	Chillicothe		100, 000		100, 000
(FC)	Clarence J. Brown Dam and Reservoir	4, 500, 000		4, 500, 000	
(FC)	Cuyahoga River			100, 000	
(FC)	East Fork Lake	4, 700, 000		4, 700, 000	
(N)	Hannibal locks and dam, Ohio and West Virginia	14, 500, 000		14, 500, 000	
(N)	Huron Harbor				50, 000
(BE)	Lakeview Park, Lorain, Ohio		60, 000		60, 000
(N)	Lorain Harbor	3, 300, 000		3, 300, 000	
(FC)	Mill Creek		225, 000		350, 000
(FC)	Newark		110, 000		110, 000
(FC)	North Branch of Kokosing River Lake	236, 000		236, 000	
(FC)	Paint Creek Lake	3, 988, 000		3, 988, 000	
(N)	Portsmouth State Park small boat harbor (Sec. 107)			(200, 000)	
(FC)	Salt Creek Lake (land acquisition)	500, 000		[3] 200, 000	
	Shenango River Lake, Pa. and Ohio. (See Pennsylvania.)				
(FC)	Utica Lake		275, 000		275, 000
(N)	Vermillion Harbor	517, 000		517, 000	
(N)	Willow Island locks and dam, Ohio and West Virginia	8, 700, 000		8, 700, 000	
(FC)	Youngstown, Crab Creek	265, 000		265, 000	
	Oklahoma:				
(FC)	Arcadia Lake		200, 000		200, 000
	Arkansas Red River chloride control, Oklahoma, Texas, and Kansas. (Resumption)				500, 000
(FC)	Birch Lake	1, 100, 000		1, 100 000	
(FC)	Clayton Lake			500, 000	
(FC)	Copan Lake	3, 500, 000		3, 500, 000	
(FC)	Hugo Lake	3, 600, 000		3, 600, 000	
(FC)	Kaw Lake	21, 200, 000		21, 200, 000	
(FC)	Lukfata Lake	[1] (450, 000)		[1] (450, 000)	
	McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma. (See Arkansas.)				
(FC)	Oologah Lake (2d phase)	1, 620, 000		1, 620, 000	
(FC)	Optima Lake	2, 000, 000		2, 000, 000	
(FC)	Shidler Lake				130, 000
(FC)	Skiatook Lake	500, 000		500, 000	
(FC)	Waurika Lake	5, 600, 000		5, 600, 000	
(MP)	Webbers Falls lock and dam	6, 000, 000		6, 000, 000	
	Oregon:				
(FC)	Applegate Lake (land acquisition)			100, 000	
(FC)	Beaver Drainage District		46, 000		46, 000
(MP)	Bonneville lock and dam (mod. for peaking), Oregon and Washington	11, 000, 000		11, 000, 000	
(FC)	Catherine Creek Lake			400, 000	
(N)	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington	3, 800, 000		3, 800, 000	
(N)	Coos Bay				50, 000
(FC)	Elk Creek Lake	2, 500, 000		2, 500, 000	
(MP)	John Day lock and dam, Oregon and Washington	18, 000, 000		18, 000, 000	
(FC)	Johnson Creek (restudy). (Funded under General Investigations.)				
(MP)	Lost Creek Lake	23, 000, 000		23, 000, 000	
(FC)	Lower Columbia River bank protection, Oregon and Washington	1, 250, 000		1, 250, 000	
(FC)	Scappose Drainage District	100, 000		100, 000	
	The Dalles lock and dam, Washington and Oregon (additional power units). (See Washington.)				
(N)	Tillamook Bay and Bar (south jetty)	3, 000, 000		3, 000, 000	
(FC)	Willamette River Basin bank protection	350, 000		350, 000	
(FC)	Willow Creek Lake		440, 000		440, 000
(N)	Yaquina Bay and Harbor	1, 947, 000		1, 947, 000	
	Pennsylvania:				
(FC)	Blue Marsh Lake	1, 730, 000		1, 730, 000	
(FC)	Chartiers Creek	5, 800, 000		5, 800, 000	
(FC)	DuBois	700, 000		700, 000	
(FC)	Raystown Lake	15, 800, 000		15, 800, 000	
(FC)	Shenango River Lake, Pa. and Ohio	840, 000		840, 000	
(FC)	Tioga-Hammond Lakes	10, 800, 000		10, 800, 000	
(MP)	Tocks Island Lake, Pa., N.J., and N.Y.	14, 800, 000		14, 800, 000	

See footnotes at end of table.

	Construction, general, State and project	Approved budget estimate for fiscal year 1973		Conference allowance	
	(1)	Construction (2)	Planning (3)	Construction (4)	Planning (5)
	Pennsylvania—Continued				
(FC)	Trexler Lake	----------	$179, 000	----------	$179, 000
(FC)	Tyrone	$2, 100, 000	----------	$2, 100, 000	----------
(FC)	Union City Lake	360, 000	----------	360, 000	----------
(FC)	Woodcock Creek Lake	5, 400, 000	----------	5, 400, 000	----------
	Puerto Rico:				
(FC)	Portuguese and Bucana Rivers (Lago de Cerrillos; Lago de Portugues and Ponce)	----------	400, 000	----------	400, 000
	Rhode Island:				
	Fall River Harbor, Mass. and R.I. (See Mass.)				
	South Carolina:				
(N)	Cooper River-Charleston Harbor	----------	150, 000	----------	500, 000
(N)	Murrells Inlet	----------	----------	----------	70, 000
(FC)	Reedy River	----------	60, 000	----------	60, 000
	Trotters Shoals Lake, Georgia and South Carolina (See Georgia.)				
	South Dakota:				
(MP)	Big Bend Dam-Lake Sharpe (additional community facilities for Crow Creek Indian Reservation)	----------	----------	----------	70, 000
	Big Sioux River at Sioux City, Iowa and S. Dak. (See Iowa.)				
	Big Stone Lake-Whetstone River, Minn. and S. Dak. (See Minnesota.)				
	Gavins Point Dam-Lewis and Clark Lake (relocation of Niobrara, Nebraska) Nebr. and S. Dak. (See Nebraska.)				
(MP)	Oahe Dam-Lake Oahe, S. Dak. and N. Dak	2, 100, 000	----------	2, 100, 000	----------
	Tennessee:				
(MP)	Cordell Hull Dam and Reservoir	6, 800, 000	----------	6, 800, 000	----------
	Texas:				
(FC)	Aquilla Lake	----------	150, 000	----------	250, 000
(FC)	Ark-Red Chloride Control, Okla., Texas, and Kansas (resumption). (See Oklahoma.)				
(FC)	Aubrey Lake	----------	250, 000	----------	250, 000
(FC)	Big Pine Lake	----------	150, 000	----------	150, 000
(FC)	Buffalo Bayou and tributaries	2, 400, 000	----------	2, 400, 000	----------
(FC)	Clear Creek	----------	150, 000	----------	150, 000
(FC)	Cooper Lake and channels	2, 000, 000	----------	2, 000, 000	----------
(N)	Corpus Christi ship channel	4, 700, 000	----------	4, 700, 000	----------
(FC)	Duck Creek channel improvement	1, 500, 000	----------	1, 500, 000	----------
(FC)	Elm Fork floodway	----------	203, 000	----------	203, 000
(FC)	El Paso	1, 700, 000	----------	1, 700, 000	----------
(FC)	Freeport and vicinity, hurricane flood protection	3, 000, 000	----------	3, 000, 000	----------
(N)	Freeport Harbor	----------	----------	----------	100, 000
(N)	Galveston Channel	----------	----------	300, 000	----------
(FC)	Greenville	----------	----------	114, 000	----------
(FC)	Highland Bayou	2, 700, 000	----------	[3] 1, 500, 000	----------
(FC)	Lake Brownwood modification	----------	80, 000	----------	80, 000
(FC)	Lake Kemp	1, 389, 000	----------	1, 389, 000	----------
(FC)	Lakeview Lake (restudy). (Funded under General Investigations.)				
(FC)	Lavon Lake modification and East Fork channel improvement	17, 000, 000	----------	17, 000, 000	----------
(FC)	Millican Lake, Navasota River	----------	300, 000	----------	600, 000
(FC)	Mineola Lake	----------	100, 000	----------	100, 000
(N)	Mouth of Colorado River	----------	95, 000	----------	95, 000
(FC)	Pecos (resumption)	----------	----------	----------	140, 000
(FC)	Port Arthur and vicinity hurricane flood protection	10, 000, 000	----------	10, 000, 000	----------
	Red River levees and bank stabilization, below Denison Dam, Ark., La., and Tex. (See Arkansas.)				
(FC)	San Antonio Channel improvement	1, 800, 000	----------	1, 800, 000	----------
(FC)	San Gabriel River	7, 500, 000	----------	7, 500, 000	----------
(FC)	Taylors Bayou	2, 300, 000	----------	2, 300, 000	----------
(FC)	Texas City and vicinity hurricane flood protection	2, 100, 000	----------	2, 100, 000	----------
(N)	Trinity River and tributaries (advance participation on high level bridges.)	3, 060, 000	----------	3, 060, 000	----------
(N)	Trinity River project	----------	3, 000, 000	----------	3, 000, 000
(N)	Wallisville Lake	6, 200, 000	----------	6, 200, 000	----------
	Utah:				
(FC)	Little Dell Lake	----------	280, 000	----------	280, 000
(FC)	Weber River and tributaries	----------	30, 000	----------	30, 000
	Virginia:				
(FC)	Four Mile Run, city of Alexandria, and Arlington County	----------	690, 000	900, 000	690, 000
(FC)	Gathright Lake	9, 900, 000	----------	9, 900, 000	----------
(MP)	Salem Church Lake	----------	600, 000	----------	600, 000
(BE)	Virginia Beach (reimbursement)	100, 000	----------	100, 000	----------
	Washington:				
	Bonneville lock and dam, Oregon and Washington. (See Oregon.)				
(MP)	Chief Joseph Dam, Rufus Woods Lake (additional units)	600, 000	----------	600, 000	----------
	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington. (See Oregon.)				

See footnotes at end of table.

	Construction, general, State and project (1)	Approved budget estimate for fiscal year 1973		Conference allowance	
		Construction (2)	Planning (3)	Construction (4)	Planning (5)
	Washington—Continued				
(MP)	Ice Harbor lock and dam, Lake Sacajawea (additional generating units).	$11, 300, 000		$11, 300, 000	
	John Day lock and dam, Oregon and Washington. (See Oregon.)				
(MP)	Little Goose lock and dam—Lake Bryan (additional units)	4, 080, 000		4, 080, 000	
	Lower Columbia River bank protection, Oregon and Washington. (See Oregon.)				
(MP)	Lower Granite lock and dam	77, 700, 000		77, 700, 000	
(MP)	Lower Granite lock and dam (additional units)				$320, 000
(MP)	The Dalles lock and dam Washington and Oregon (additional power units)	5, 000, 000		5, 000, 000	
(FC)	Vancouver Lake			300, 000	
(FC)	Wahkiakum County Consolidated Diking District No. 1	200, 000		200, 000	
(FC)	Wenatchee Canyons 1 and 2		$100, 000		100, 000
(FC)	Zintel Canyon Dam		180, 000		180, 000
	West Virginia:				
(FC)	Beech Fork Lake	3, 400, 000		3, 900, 000	
	Bloomington Lake, Md. and W. Va. (See Maryland.)				
(FC)	Burnsville Lake	3, 000, 000		3, 000, 000	
(FC)	Coal River Basin		125, 000		125, 000
(FC)	East Lynn Lake	1, 985, 000		1, 985, 000	
	Hannibal locks and dam, Ohio and West Virginia. (See Ohio.)				
(FC)	Leading Creek Lake		125, 000		125, 000
(FC)	Panther Creek Lake				100, 000
(FC)	R. D. Bailey Lake	15, 400, 000		15, 400, 000	
(FC)	Rowlesburg Lake	200, 000			200, 000
(FC)	Stonewall Jackson Lake	2, 000, 000		2, 000, 000	
(FC)	West Fork Lake		125, 000		125, 000
	Willow Island lock and dam, Ohio and West Virginia. (See Ohio.)				
	Wisconsin:				
(N)	Green Bay Harbor (1962 act)	1, 500, 000		1, 500, 000	
(FC)	La Farge Lake and Channel Improvement	3, 000, 000		3, 000, 000	
	Wyoming:				
(FC)	Sheridan	150, 000		150, 000	
	Miscellaneous:				
(N)	Small navigation projects not requiring specific legislation costing up to $1,000,000 (sec. 107)	3, 500, 000		3, 700, 000	
(BE)	Small beach erosion control projects not requiring specific legislation costing up to $1,000,000 (sec. 103)	1, 000, 000		1, 000, 000	
(FC)	Small projects for flood control and related purposes not requiring specific legislation costing up to $1,000,000 (sec. 205)	11, 000, 000		11, 000, 000	
(FC)	Emergency bank protection	500, 000		500, 000	
(FC)	Snagging and clearing	500, 000		500, 000	
	Recreation facilities, at completed projects	10, 000, 000		14, 000, 000	
	Pikeville, Kentucky Model City program	1, 000, 000		1, 000, 000	
	Land acquisition fund	2, 000, 000		1, 000, 000	
	Fish and wildlife studies (U.S. Fish and Wildlife Service)	840, 000		840, 000	
	Aquatic plant control (1965 act)	1, 100, 000		1, 100, 000	
	Employees compensation	1, 446, 000		1, 446, 000	
	Reduction for anticipated savings and slippages	−73, 246, 000		−74, 505, 000	
	General reduction based on anticipated delays			−10, 000, 000	
	Grand total, construction, general	1, 169, 800, 000	23, 904, 000	1, 171, 184, 000	30, 309, 000
		(1, 193, 704, 000)		(1, 201, 493, 000)	

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[1] Funds in reserve for release after fiscal year 1972.

[2] See line item for Pikeville Model City Program under miscellaneous of this table.

[3] Reduction reflects reduced capability of the Corps of Engineers since submission of the budget estimates due to project delays.

[4] In addition, $550,000 available in carryover funds.

Martins Fork Lake, Kentucky.—The Managers have not approved the $850,000 included in the bill by the Senate, in addition to the $700,000 provided in the House bill, because of the delay being experienced in the provision of assurances of local cooperation required by section 221 of the Flood Control Act of 1970.

Bonneville Lock and Dam (modification for peaking), Oregon and Washington.—The Senate Committee report directed the Corps of Engineers to utilize funds appropriated for the project for the protection, preservation, and improvement of the Indian in-lieu fishing sites of Bonneville Lake. The managers agree that funding of any corrective action should be deferred because of the pending court action and to afford an opportunity for the development of an acceptable plan, including the enactment of such legislative authorization as may be required.

Bonneville Lock and Dam (Second Powerhouse) Oregon and Washington.—The conferees have deleted without prejudice the $1 million proposed in the bill by the Senate for initiating construction of the second powerhouse at the Bonneville Lock and Dam. Although the conferees fully recognize the urgency of expediting the provision of additional generating capacity in the northwest, they do not believe it is warranted to initiate funding this year of construction of the second powerhouse, with a total estimated cost of $214 million, considering the present outstanding funding commitment of $2.2 billion involved in the construction of 66 additional generating units in 10 existing Federal hydroelectric projects in the area.

Trinity River and Tributaries, Advance Participation on High Level Bridges, Texas.—Because of the serious traffic situation involved, the managers have included $1,990,000 in the bill for advance participation with the State in the construction of State highway loop 12 bridge. However, the managers are in agreement that they will not recommend any further funding of high level bridges in connection with the project until the navigation portion has been funded for construction by the Congress.

Salem Church Lake project, Virginia.—The managers concur in the directive in the Senate committee report that the funds provided in the bill be used to plan a project at elevation 220 unless the State of Virginia recommends the project at elevation 230 in order to obtain salinity control storage for enhancing oyster production.

Williamson-Matewan project, West Virginia.—The Committee is disturbed that projects such as the Tug Fork Valley in West Virginia have not received approval of the Executive Branch. The Committee believes that meritorious projects such as Tug Valley which are located in economically distressed areas, and which have overriding non-quantifiable economic, social, and ecological benefits should merit special consideration.

Amendment No. 6: Deletes language provision inserted in the bill by the Senate providing that the exception in Section 224 of the Flood Control Act of 1970, relating to certain approval, shall not apply to amounts in this appropriation.

Flood Control, Mississippi River and Tributaries

Amendment No. 7: Appropriates $110,620,000 instead of $105,000,000 as proposed by the House and $119,115,000 as proposed by the Senate. The increase provided over the House bill amount is allocated to the following projects and activities:

1. General Investigations:	
(FC) Bayou Rapides, Boeuf, Cocodrie, and Courtableau and Outlets, La	$40,000
(N) Vicksburg Harbor, Miss	30,000
(FC) St. Francis River Basin below Wappapello Lake, Ark. and La	10,000
(FC) Obion and Forked Deer Rivers and Tributaries, Tenn	20,000
Subtotal, General Investigations	100,000
2. Construction and Planning:	
Mississippi River levees	100,000
Channel improvement	1,700,000
Old River	475,000
St. Francis Basin	425,000
Tensas Basin: Boeuf and Tensas Rivers	120,000
Yazoo Basin:	
Tributaries, Bank Stabilization	250,000
Backwater	250,000
Lower Red River, south bank	100,000
Atchafalaya Basin	1,200,000
Subtotal, planning and construction	4,620,000
3. Maintenance	900,000
Total, increase	+5,620,000

Operation and Maintenance, General

Amendment No. 8: Appropriates $409,100,000 instead of $400,000,000 as proposed by the House and $417,479,000 as proposed by the Senate. The increase provided over the House bill amount includes $8,100,000 for pay act costs and $1,000,000, providing a total of $5,000,000, for the issuance of permits and enforcement of permit regulations for discharges or deposits in navigable waters under the Refuse Act.

The Managers direct that $250,000 be made available for required maintenance of the East Fork of the Tombigbee River.

TITLE III—DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

General Investigations

Amendment No. 9: Appropriates $23,827,000 instead of $23,000,000 as proposed by the House and $24,627,000 as proposed by the Senate. The increase provided over the House bill amount includes the following:

New studies:	
Frenchman Valley, Nebraska	$50,000
Kendrick, Seminole Dam Modification, Wyoming	30,000
Rio Grande, Elephant Butte Irrigation District, New Mexico	50,000
Increase in House bill amounts:	
Dickinson Unit, M&I Water, North Dakota	55,000
Oklahoma State Water Plan	$42,000
Atmospheric Water Resources Management Program	600,000

The increase for the Atmospheric Water Resources Program is allocated as follows: Extended Southern Plains Project, $250,000; Sierra Cooperative Pilot Project, $50,000; North Dakota Pilot Project, $75,000; Winter seeding techniques, $50,000; North Platte Pilot Project, $75,000; and Environmental study, $100,000. The managers also direct that, within the funds provided, contract research work at the following universities to be continued at the 1972 funding levels: University of Nevada, South Dakota School of Mines, University of Wyoming, and Utah State University.

Construction and Rehabilitation

Amendment No. 10: Appropriates $271,425,000 instead of $267,625,000 as proposed by the House and $275,014,000 as proposed by the Senate. The increase provided over the House bill amount is allocated as follows: Fryingpan-Arkansas project, Colorado, $1,300,000; Columbia Basin project, Washington (Block 253), $100,000; Walla Walla project, Touchet Division, Washington (planning), $100,000; Washoe project, Nevada and California (drainage and minor construction), $100,000; Humboldt project, Rye Patch Reservoir, Nevada (rehabilitation and betterment), (planning), $50,000; Garrison Diversion Unit, North Dakota, $1,900,000; and Narrows Unit, Colorado (land acquisition), $250,000. The managers also approve the acceptance by the Bureau of contributed funds from local interests to accelerate land acquisition on the Narrows Unit.

Upper Colorado River Storage Project

Amendments Nos. 11 and 12: Appropriate $46,720,000 instead of $45,750,000 as proposed by the House and $47,300,000 as proposed by the Senate. The increase provided over the House bill amount includes the following: Dallas Creek project, Colorado (land acquisition), $250,000; Fruitland Mesa project, Colorado (land acquisition), $500,000; and Central Utah project, Upalco Unit, Utah (planning), $220,000.

The managers request that the Office of Management and Budget expedite the review of the economic restudy of the Savery-Pot-Hook project, Colorado, in order that the $250,000 in budgetary reserve may be made available for the initiation of work on the project.

Colorado River Basin Project

Amendment No. 13: Appropriates $64,200,000 instead of $64,000,000 as proposed by the House and $64,500,000 as proposed by the Senate. The increase provided over the House bill amount is for additional advance planning work on the Dixie project, Utah.

Operation and Maintenance

Amendment No. 14: Appropriates $77,500,000 instead of $77,000,000 as proposed by the House and $78,000,000 as proposed by the Senate.

Loan Program

Amendment No. 15: Appropriates $20,380,000 instead of $22,380,000 as proposed by the House and $19,680,000 as proposed by the Senate. The reduction of $2,000,000 from the House bill amount is based on the revised requirement in loan funds for the Yolo County Flood Control and Water Conservation District, California.

Bonneville Power Administration

Construction

Amendment No. 16: Appropriates $94,500,000 instead of $90,000,000 as proposed by the House and $99,000,000 as proposed by the Senate. The increase provided over the House bill amount includes $2,500,000 to initiate construction on a double circuit for a portion of the Grand Coulee-Raver transmission line and $2,000,000 for other high priority requirements of the Administration.

TITLE IV—INDEPENDENT OFFICES

Appalachian regional development programs

Funds Appropriated to the President

In reference to the increase of $25,000,000 provided for the Development Highway Program, the Managers request that the Commission render all possible assistance to enable those jurisdictions who are not presently in the program to participate.

Tennessee Valley Authority

Payment to Tennessee Valley Authority Fund

Amendment No. 17: Appropriates $64,550,000 as proposed by the Senate instead of $60,800,000 as proposed by the House. The increase provided over the House bill amount is for the Tellico Dam and Reservoir project, Tennessee, providing a total in the bill of $11,250,000 for continuing project construction during fiscal year 1973.

Water Resources Council

Water Resources Planning

Amendment Nos. 18 and 19: Appropriate $7,086,000 as proposed by the Senate instead of $6,886,000 as proposed by the House. The increase provided over the House bill amount is for initiation of the Hawaii Framework Study.

Conference total—with comparisons

The total new budget (obligational) authority for the fiscal year 1973 recommended by the committee of conference, with comparisons to fiscal year 1972 amount, to the 1973 budget estimate and to the House and Senate bills for 1973 follows:

	Amounts
New Budget (obligational) authority, fiscal year 1972	$4,794,137,000
Budget estimates of new (obligational) authority (as amended) fiscal year 1973	5,489,058,000
House bill, fiscal year 1973	5,437,727,000
Senate bill, fiscal year 1973	5,571,696,000
Conference agreement, fiscal year 1973	5,504,914,000
Conference agreement compared with—	
New budget (obligational) authority, fiscal year 1972	+710,777,000
Budget estimate of new (obligational) authority (as amended), fiscal year 1973	+15,856,000
House bill, fiscal year 1973	+67,187,000
Senate bill, fiscal year 1973	−66,782,000

Joe L. Evins,
Edward P. Boland,
Jamie L. Whitten,
John M. Slack,
Otto E. Passman,
George Mahon,
John J. Rhodes,
Glenn R. Davis,
Howard W. Robison,
Managers on the Part of the House.

John C. Stennis,
John L. McClellan,
Warren G. Magnuson,
Alan Bible,
Robert C. Byrd,
Clinton P. Anderson,
Jennings Randolph,
Mark O. Hatfield,
Milton R. Young,
Roman L. Hruska,
Margaret Chase Smith,
(except amendment No. 5)
Gordon Allott,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 15097, DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1973

Mr. McFALL submitted the following conference report on the bill (H.R. 15097) making appropriations to the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes:

Conference Report (H. Rept. No. 92–1312)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15097)" making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 5, 6, 7, 8, 9, 10, 12, 21, 23, 24, 25, 27, 30, 32, 35, 37, 42, 43, 46, 47, 48, 49, 50, 51, 52, 53, 54, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 14, 16, 17, 18, 19, 20, 22, 26, and 41, and agree to the same.

Amendment numbered 2: That the House recede from its agreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$38,500,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$17,500,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,500,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$19,200,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$44,185,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$29,490,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,835,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,000,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$52,500,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,542,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$96,250,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$93,250,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,785,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"Sec. 303. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $40,000,000 for 'Highway Beautification' in fiscal year 1973."

And the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"Sec. 304. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $85,000,000 in fiscal year 1973 for 'State and Community Highway Safety' and 'Highway Related Safety Grants'."

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3.

John J. McFall,
Edward P. Boland,
Sidney R. Yates,
Tom Steed,
George Mahon,
Silvio O. Conte,
William E. Minshall,
Jack Edwards,
Frank T. Bow,
Managers on the Part of the House.
Robert C. Byrd,
John Stennis,
Warren G. Magnuson,
John O. Pastore,
Alan Bible,
William Proxmire,
John L. McClellan,
Clifford P. Case,
Margaret Chase Smith,
Gordon Allott (Res. 34 and 39).
Norris Cotton,
Ted Stevens,
Milton R. Young,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15097) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Amendment No. 1: Appropriates $23,970,000 for salaries and expenses as proposed by the House instead of $24,120,000 as proposed by the Senate.

Amendment No. 2: Appropriates $38,500,000 for transportation planning, research, and development instead of $37,000,000 as proposed by the House and $45,000,000 as proposed by the Senate.

The conference agreement includes $1,000,000 for university research and $500,000 for noise abatement research in addition to the amounts provided by the House.

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $875,000 for grants-in-aid for natural gas pipeline safety instead of $750,000 as proposed by the House and $1,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 4: Deletes language proposed by the Senate making funds appropriated for grants-in-aid for natural gas pipeline safety contingent upon enactment of authorizing legislation.

Coast Guard

Amendment No. 5: Appropriates $548,900,000 for operating expenses as proposed by the House instead of $551,000,000 as proposed by the Senate.

Amendment No. 6: Deletes language proposed by the Senate making $318,596,000 of the appropriation for operation expenses contingent upon enactment of legislation authorizing active duty personnel strength for the Coast Guard.

Amendment No. 7: Appropriates $131,550,000 for acquisition, construction and improvements as proposed by the House instead of $134,680,000 as proposed by the Senate.

The conferees direct that the funds provided for public family quarters be allocated to the highest priority locations, not excluding those at Homer and Cordova, Alaska.

Amendment No. 8: Deletes language proposed by the Senate making funds appropriated for acquisition, construction and improvements contingent upon enactment of authorizing legislation for active duty personnel strength and for vessels, aircraft, and construction.

Amendment No. 9: Deletes language proposed by the Senate making funds appropriated for alteration of bridges contingent upon enactment of authorizing legislation.

Amendment No. 10: Appropriates $31,735,000 for reserve training as proposed by the House.

Amendment No. 11: Appropriates $17,500,000 for research, development, test, and evaluation instead of $16.500,000 as proposed by the House and $18,256,000 as proposed by the Senate.

The conferees direct that the Coast Guard use available funds for increased research and development in the area of pollution monitoring.

Amendment No. 12: Deletes language proposed by the Senate making $1,424,000 of funds appropriated for research, development, test, and evaluation contingent upon enactment of authorizing legislation for Coast Guard active duty personnel strength.

Amendment No. 13: Appropriates $4,500,000 for state boating safety assistance instead of $3,000,000 as proposed by the House and $7,500,000 as proposed by the Senate.

Federal Aviation Administration

Amendment No. 14: Appropriates $1,150,538,000 for operations as proposed by the Senate instead of $1,152,038,000 as proposed by the House.

Amendment No. 15: Appropriates $19,200,000 for acquisition and modernization of facilities and equipment and service testing (operations) instead of $19,100,000 as proposed by the House and $21,218,000 as proposed by the Senate.

The amount recommended includes an additional $100,000 to accelerate the development and technical feasibility of devices which would provide pilots with timely and adequate information on terrain obstacles, particularly during approach to landing under poor visibility conditions.

Amendment No. 16: Deletes the words "active metal detection" (devices) as proposed by the House and inserts in lieu thereof "screening" (devices) as proposed by the Senate.

Amendment No. 17: Provides $3,500,000 for acquisition of screening devices as proposed by the Senate instead of $2,000,000 as proposed by the House.

This appropriation would also permit the Federal Aviation Administrator to extend the benefits of the funding action to those airlines which responded promptly to the new aviation security regulations by reimbursing such airlines for (or acquiring from such airlines) screening devices heretofore acquired by the airlines.

The conferees expect that FAA and the airlines will agree on uniform procedures which will supplement the screening devices and decrease the time involved in providing comprehensive coverage of airport boarding gates in order to assure safety of citizens in air transportation.

Amendment No. 18: Appropriates $302,650,000 for facilities and equipment (Airport and Airway Trust Fund) as proposed by the Senate instead of $251,939,000 as proposed by the House.

The conferees are concerned over the delay in the implementation of this program. Accordingly, the conferees direct FAA to submit, by October 1, 1972, its plan for obligating all appropriated funds and its schedule for commissioning all instrument landing systems, control towers, and airport surveillance radars for which funds have been provided.

Morristown Airport in New Jersey is one of the airports for which funds are provided to install an instrument landing system. The conferees understand that residents of the area in and near Morristown Airport have expressed concern that the installation of such a system might be used to create pressure for the expansion of that airport against the wishes of the communities most affected. It is the intention of the conferees that the installation of an instrument landing system at Morristown Airport is not intended and shall not be used as an argument for the expansion of that airport against the wishes of the communities concerned.

Amendment No. 19: Appropriates $48,728,000 for Federal payment to the airport and airway trust fund as proposed by the Senate.

Amendment No. 20: Appropriates $12,265,000 for operation and maintenance, National Capital Airports, as proposed by the Senate instead of $12,200,000 as proposed by the House.

Amendment No. 21: Appropriates $2,600,000 for construction, National Capital Airports, as proposed by the House instead of $3,608,000 as proposed by the Senate.

The conferees are in agreement that the repaving of a runway and two taxiways at Washington National Airport is not to be deferred. If this work can not be accomplished with existing unobligated funds, the conferees suggest that FAA defer work on low priority projects.

Federal Highway Administration

Amendment No. 22: Appropriates $13,325,000 for salaries and expenses as proposed by the Senate instead of $13,400,000 as proposed by the House.

Amendment No. 23: Provides transfer of $98,400,000 from the appropriation for "Federal-aid highways (trust fund)" as proposed by the House instead of $99,535,000 as proposed by the Senate.

The conference agreement does not provide any funds for dual-mode research under this heading. It is intended that the funds included will provide for 30 new positions to be employed in the manner justified to the Committees.

Amendment No. 24: Appropriates $2,000,000 for rail crossings-demonstration projects as proposed by the House instead of $10,000,000 as proposed by the Senate.

In view of the seriousness of the rail-highway crossing problem, the conferees urge the Department of Transportation to seek a modification of the original legislative authorization to expedite the implementation of this program.

Amendment No. 25: Provides that $600,000 of the amount appropriated for rail crossings-demonstration projects is to be derived from the Highway Trust Fund as proposed by the House instead of $3,000,000 as proposed by the Senate.

Amendment No. 26: Appropriates $15,000,000 for the Darien Gap Highway as proposed by the Senate instead of $25,000,000 as proposed by the House.

Amendment No. 27: Appropriates $4,891,990,000 for Federal-aid-highways (trust fund) as proposed by the House instead of $4,893,125,000 as proposed by the Senate.

National Highway Traffic Safety Administration

Amendment No. 28: Appropriates $44,185,000 for traffic and highway safety, instead of $43,000,000 as proposed by the House and $45,673,000 as proposed by the Senate.

The conference agreement includes $1,000,000 for the alcohol safety action program and $185,000 for school bus safety in addition to the amounts provided by the House. It is intended that the funds included for school bus safety will provide for 10 new positions.

Amendment No. 29: Provides that $29,490,000 of the amount appropriated for traffic and highway safety is to be derived from the Highway Trust Fund instead of $28,700,000 as proposed by the House and $30,363,000 as proposed by the Senate.

Amendment No. 30: Deletes language proposed by the Senate making $188,000 of the appropriation for traffic and highway safety contingent upon enactment of authorizing legislation.

Federal Railroad Administration

Amendment No. 31: Appropriates $2,835,000 for Office of the Administrator, salaries and expenses, instead of $2,750,000 as proposed by the House and $2,921,000 as proposed by the Senate.

Amendment No. 32: Appropriates $10,350,000 for railroad research as proposed by the House instead of $10,500,000 as proposed by the Senate.

The amount agreed upon by the conferees includes $150,000 for funding the grade crossing elimination and railroad track relocation studies for Wheeling, West Virginia; Lincoln, Nebraska; and Lafayette, Indiana.

Amendment No. 33: Appropriates $7,000,000 for the Bureau of Railroad Safety instead of $6,900,000 as proposed by the House and $7,110,000 as proposed by the Senate.

Amendment No. 34: Appropriates $52,500,000 for high-speed ground transportation research and development instead of $45,000,000 as proposed by the House and $60,879,000 as proposed by the Senate.

Amendment No. 35: Deletes language proposed by the Senate making the appropriation for high-speed ground transportation research and developed contingent upon enactment of authorizing legislation.

Urban Mass Transportation Administration

Amendment No. 36: Appropriates $6,542,000 for administrative expenses instead of $6,400,000 as proposed by the House and $6,684,000 as proposed by the Senate.

Amendment No. 37: Deletes language proposed by the Senate making the appropriation for administrative expenses available until expended.

Amendment No. 38: Appropriates $96,250,000 for research, development, and demonstrations and university research and training instead of $74,000,000 as proposed by the House and $118,000,000 as proposed by the Senate.

The additional funds provided over the House bill are to be allocated as follows:

Urban demonstration of Dulles PRT systems	$11, 500, 000
Dual-mode transit system development	4, 000, 000
Urban tracked air cushion vehicle	4, 500, 000
Service development	1, 750, 000
Rail-bus demonstration	500, 000

Amendment No. 39: Earmarks $93,250,000 of the amount appropriated for research, development, and demonstrations and university research and training for research, development, and demonstrations instead of $71,000,000 as proposed by the House and $115,000,000 as proposed by the Senate.

TITLE II—RELATED AGENCIES

National Transportation Safety Board

Amendment No. 40: Appropriates $7,785,000 for salaries and expenses instead of $7,700,000 as proposed by the House and $8,285,000 as proposed by the Senate.

Civil Aeronautics Board

Amendment No. 41: Appropriates $14, 173,000 for salaries and expenses as proposed by the Senate instead of $14,123,000 as proposed by the House.

Amendment No. 42: Appropriates $54,000,000 for payments to air carriers as proposed by the House instead of $65,400,000 as proposed by the Senate.

It is the understanding of the conferees that the CAB can borrow forward to pay the additional amounts due in fiscal year 1972 resulting from the promulgation of Class Rate VI. It is, of course, the intention of the conferees to recognize the obligations of the Government with respect to payments to air carriers under the applicable law.

TITLE III—GENERAL PROVISIONS

Amendment No. 43: Restores House provision limiting commitments for grants-in-aid for airport development to $280,000,000.

Amendment No. 44: Restores House provision and limits obligations for highway beautification to $40,000,000 instead of $30,000,000 as proposed by the House.

Amendment No. 45: Restores House provision and limits obligations for State and community highway safety and Highway-related safety grants to $85,000,000 instead of $80,000,000 as proposed by the House.

Amendment No. 46: Restores House provision limiting obligations for territorial highways to $4,000,000.

Amendment No. 47: Restores House provision limiting obligations for forest highways to $20,000,000.

Amendment No. 48: Restores House provision limiting obligations for public lands highways to $12,000,000.

Amendment Nos. 49, 50, 51, 52, 53, 54, and 55: Conform section numbers.

Conference totals—with comparisons

The total new budget (obligational) authority for the fiscal year 1973 recommended by the committee of conference, with comparisons to the fiscal year 1972 amount, the 1973 budget estimate, and the House and Senate bills follows:

New budget (obligational) authority, fiscal year, 1972	[1] $3,194,614,997
Budget estimates of new (obligational authority, fiscal year 1973 (as amended)	[2] 3,040,362,095
House bill, fiscal year 1973	[2] 2,922,795,095
Senate bill, fiscal year 1973	[2] 3,038,175,095
Conference agreement	[2] 2,999,118,095
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1972	−195,496,902
Budget estimates of new (obligational) authority, fiscal year 1973 (as amended)	=41,244,000
House bill, fiscal year 1973	+76,323,000
Senate bill, fiscal year 1973	−39,057,000

[1] Includes $174,321,000 advance fiscal year 1973 appropriation for Washington Metropolitan Area Transit Authority.

[2] Includes $131,181,000 advance fiscal year 1974 appropriation for Washington Metropolitan Area Transit Authority.

John J. McFall,
Edward P. Boland,
Sidney R. Yates,
Tom Steed,
George Mahon,
Silvio O. Conte,
William E. Minshall,
Jack Edwards,
Frank T. Bow,

Managers on the Part of the House.

Robert C. Byrd,
John Stennis,
Warren G. Magnuson,
John O. Pastore,
Alan Bible,
William Proxmire,
John L. McClellan,
Clifford P. Case,
Margaret Chase Smith,
Gordon Allott (Res. 34 and 39),
Norris Cotton,
Ted Stevens,
Milton R. Young,

Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Lennon (at the request of Mr. O'Neill), for today through Friday, August 18, on account of official business (congressional adviser to the U.N. Committee on Peaceful Users of Seabed and Ocean floor at Geneva).

Mr. Pepper (at the request of Mr. O'Neill), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Veysey), to revise and extend their remarks, and to include extraneous matter:)

Mr. Hosmer, today, for 15 minutes.

Mr. Brown of Ohio, today, for 3 minutes.

Mr. McKevitt, today, for 5 minutes.

Mr. Carlson, today, for 5 minutes.

Mr. Bell, today, for 5 minutes.

(The following Members (at the request of Mr. Danielson), to revise and extend their remarks, and to include extraneous matter:)

Mr. Aspin, today, for 5 minutes.

Mr. Gonzalez, today, for 5 minutes.

Mr. Rodino, today, for 10 minutes.

Mr. Wolff, today, for 5 minutes.

Mr. Boggs, on August 16, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Celler and to include extraneous matter, notwithstanding the fact that it is estimated by the Public Printer to cost $637.50.

Mr. Long of Maryland, prior to the passage of S. 2499 on the Consent Calendar.

Mr. Stokes to revise and extend his remarks notwithstanding an estimated cost of $468 by the Public Printer.

Mrs. Green of Oregon to revise and extend her remarks and include an article, CBS documentary, "Higher Education—Who Needs It?" notwithstanding the cost as estimated by the Public Printer to be $765.

(The following Members (at the request of Mr. Veysey) and to include extraneous matter:)

Mr. Bray in three instances.

Mr. Hosmer in three instances.

Mr. Halpern in five instances.

Mr. Wyman in two instances.

Mr. Smith of New York.

Mr. Hansen of Idaho.

Mr. Derwinski in three instances.

Mr. Frenzel.

Mr. Archer.

Mr. Bell in two instances.

Mr. Shoup in two instances.

Mr. Schwengel.

Mr. Collins of Texas in three instances.

Mr. Horton.

Mr. Springer in two instances.

Mr. Vander Jagt.

Mr. Riegle.

Mr. Miller of Ohio in six instances.

(The following Members (at the request of Mr. Danielson) and to include extraneous matter:)

Mr. Long of Maryland in two instances.

Mr. Diggs in two instances.

Mr. Boland in three instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Mahon.

Mr. Griffin in three instances.

Mr. Helstoski in 10 instances.

Mr. Carey of New York.

Mr. Fraser in five instances.

Mr. Fountain.

Mr. Pucinski in five instances.

Mr. Moorhead in five instances.

Mr. Nichols.

Mr. Jarman.

Mr. Rogers in five instances.

Mr. Harrington in three instances.

Mr. Edwards of California.

Mr. Rosenthal in five instances.

Mr. Stokes.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3876. An act to amend the Securities Exchange Act of 1934 to provide for the regulation of clearing agencies and transfer agents, to create a National Commission on Uniform Securities Laws, and for other purposes; to the Committee on Interstate and Foreign Commerce.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 254. Joint resolution to authorize the printing and binding of a revised edition of Senate Procedure and providing the same shall be subject to copyright by the author.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on August 4, 1972, present to the President, for his approval, bills of the House of the following titles:

H.R. 489. An act to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Modoc Point unit of the Klamath Indian irrigation project, Oregon;

H.R. 9936. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes;

H.R. 15093. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 15418. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

ADJOURNMENT

Mr. DANIELSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Tuesday, August 8, 1972, at 12 o'clock noon.

COMMITTEE EMPLOYEES

COMMITTEE EMPLOYEES

July 13, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Christine S. Gallagher	Chief clerk	$16,004.82
Lacey C. Sharp	General counsel	16,004.82
Hyde H. Murray	Associate counsel	17,985.72
Louis T. Easley	Staff consultant	12,982.74
Betty M. Prezioso	Secretary to general counsel.	8,558.16
Lydia Vacin	Staff assistant	8,558.16
Martha S. Hannah	Subcommittee clerk	8,558.16
Majorie B. Johnson	Secretary to assoicate counsel.	8,558.16
Peggy L. Pecore	Calendar clerk	8,558.16
George L. Misslbeck	Printing editor (January, February, March, May, June).	9,547.50
Fowler C. West	Staff consultant (March, April, May).	8,333.31
Love M. Pattie	Staff assistant	3,096.40
Investigative staff:		
Mildred Baxley	Staff assistant	8,558.16
Mary Perry Shaw	do	6,360.36
Doris Lucile Farmarco	do	6,360.36
Bertha W. Maginniss	do	5,897.70
Doris R. Swischer	do	6,360.36
Bert Allan Watson	Staff assistant (January).	876.03
Patricia D. Stewart	Staff assistant (April–May).	1,149.99
Nancy Gail Glass	Staff assistant (June)	433.33

Funds authorized or appropriated for committee expenditures	$250,000.00
Amount of expenditures previously reported	91,163.57
Amount expended from Jan. 1 to June 30, 1972	35,966.65
Total amount expended from Jan. 1, 1971, to June 30, 1972	127,130.22
Balance unexpended as of June 30, 1972	122,869.78

W. R. POAGE, Chairman.

COMMITTEE ON APPROPRIATIONS

July 12, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Paul M. Wilson	Clerk and staff director.	$18,000.00
Jay B. Howe	Staff assistant	18,000.00
Robert M. Moyer	do	18,000.00
G. Homer Skarin	do	18,000.00
Eugene B. Wilhelm	do	18,000.00
Samuel R. Preston	do	18,000.00
Hunter L. Spillan	do	17,882.28
Henry A. Neil, Jr	do	17,882.28
Aubrey A. Gunnels	do	17,407.50
Keith F. Mainland	Staff assistant to chairman.	16,879.98
George E. Evans	Staff assistant	16,879.98
Earl C. Silsby	do	16,879.98
Peter J. Murphy, Jr	do	16,352.52
William G. Boling	do	13,609.50
John M. Garrity	do	13,345.74
Robert B. Foster	do	13,345.74
Milton B. Meredith	do	12,660.00
Thomas J. Kingfield	do	11,077.50
Donald E. Richbourg	do	11,077.50
Robert C. Nicholas III	do	10,919.28
George A. Urian	do	10,497.24
Dempsey B. Mizelle	do	10,497.24
Charles W. Snodgrass	do	10,128.00
Thayer A. Wood	do	8,545.50
John G. Plashal	do	7,912.50
Byron S. Nielson	do	7,384.98
Paul E. Thomson	do	$8,176.26
J. David Willson	do	10,972.02
Americo S. Miconi	do	10,999.98
Derek J. Vander Schaaf	do	9,934.17
Robert L. Knisely	do	3,337.50
Lawrence C. Miller	Editor	13,609.50
Paul V. Farmer	Assistant editor	9,389.52
Francis W. Sady	Administrative assistant.	7,807.02
Austin G. Smith	Clerical assistant	7,807.02
Gerard J. Chouinard	do	7,543.26
Dale M. Shulaw	do	6,593.76
Daniel V. Gun Shows	do	6,405.40
Gemma M. Hickey	do	4,272.78
Virginia M. Keyser	do	5,538.78
Randolph Thomas	Messenger	5,908.02
Marilyn R. Quinney	Clerical assistant	5,441.96
Harold H. Griffin	Minority clerk	14,242.50
Enid Morrison	Staff assistant to Minority.	10,448.52
Mary H. Smallwood	Clerical assistant	7,384.98
Samuel A. Mabry	do	7,384.98
Leta M. Buhrman	do	7,000.02
Catherine M. Voytko	do	7,087.74
John F. Walsh	do	7,0.7.74
T. Robert Garretson	do	7,087.74
Forrest O. Tate, Jr	do	4,725.16
Vincent Rizzutto	do	2,362.58
Naomi A. Rich	do	6,719.40
Laura C. Lineberry	do	6,710.16
Robert M. Walker	do	6,275.00
Susan L. Shaw	do	4,725.16
George Allen	do	4,307.91
Karen Lee Sahlin	do	7,384.98
Peggy C. Ehringhaus	do	7,087.74
Katherine D. Coupe	do	7,087.74
Linda Steele	do	6,902.97
David H. Kehl	do	6,963.00
Carolyn J. Johnston	do	6,330.00
Thomas H. Hardy	do	7,384.98
James W. Dyer	do	6,375.70
Mary Ann Bond	do	5,749.74
Barbara C. Wallace	do	5,275.02
Patience S. Vaccaro	do	6,450.00
Russell Hardin, Jr	do	7,384.98
Anna L. Lamendola	do	6,277.26

Amount of expenditures previously reported	$622,435.38
Amount expended from Jan. 1, 1972 to June 30, 1972	683,105.89
Total amount expended from July 1, 1971 to June 30, 1972	1,305,541.27

GEORGE H. MAHON, Chairman.

COMMITTEE ON APPROPRIATIONS

July 12. 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Cornelius R. Anderson	Director, surveys and investigations staff.	$16,774.50
Leory R. Kirkpatrick	1st assistant director, surveys and investigation staff.	15,613.98
Willie C. Law	2d assistant director, surveys and investigation staff.	14,295.24
Mary Alice Sauer	Administrative assistant.	7,754.28
Janet Lou Dameron	Clerk-stenographer	5,096.76
Frances May	do	6,710.16
Beatrice T. Dew	do	5,538.78
Agriculture, Department of:		
Crabtree, Paul O., Jr	Clerical assistant	1,396.63
Robison, John S	Investigator	2,135.84
Agency of International Development: Peterson, G. D.	do	13,004.60
Bureau of Standards:		
Shupe, Philip D., Jr	do	11,599.00
Tipson, R Stuart	do	18,733.00
Office of Secretary of Defense: Buckles, Jimmie.	do	11,706.59
Defense Contract Audit Agency: Herron, M. A.	do	13,335.82
General Services Administration:		
Jones H. H	do	$5,102.71
Kelly, C. A	do	14,673.98
Health, Education, and Welfare, Department of: Haaser, T. C.	do	16,395.82
Housing and Urban Development, Department of: Knisely, Robert L	Clerical assistant	3,215.58
National Aeronautics and Space Administration:		
Driver, C	Investigator	9,062.32
Stepka, Francis	do	6,762.39
Treasury, Department of: Miconi, A. S.	Clerical assistant	5,226.46
Naval Audit Service Wyte, D.	Investigator	9,150.80
U.S. Army Audit Lyons, F. T.	do	5,187.60
Federal Bureau of Investigation: Baber, John R.	do	11,286.00
Bennett, Carl L	do	13,669.20
Bosko, Andrew P	do	11,800.80
Brummitt, Donald A	do	12,735.20
Carroll, Gerard C	do	13,113.60
Carson, Dana W	do	13,669.20
Cauffman, R. E	do	6,967.81
Creedon, Dennis F., Jr	do	5,396.40
Fenstermacher, H. E., Jr.	do	13,669.20
Franklin, Robert M	do	13,046.40
Funkhouser, Paul K	do	11,222.80
Goedtel, John G	do	13,046.40
Groover, L. Clyde, Jr	do	6,176.00
Haynes, William P., Jr	do	430.80
Ivy, Coy M	do	11,538.00
Jenkins, D. L	do	7,252.80
Leffler, Raymond P	do	12,804.80
Magee, E. Huyett	do	8,928.00
Maher, Martin F	do	13,358.00
Malyniak, Joseph, Jr	do	12,423.60
Mansfield, James P	do	13,136.00
McCreight, A. H	do	10,223.20
McGahey, H. B	do	13,358.00
Michalski, Joseph E	do	13,046.40
Morris, E. J	do	12,723.60
O'Connor, John J	do	2,296.72
Schaum, E. V	do	12,867.20
Schmidt, D. A	do	14,665.60
Shannon, Andrew J	do	13,714.00
Szoka, Charles E	do	12,735.20
Theisen, L. J	do	12,423.60
Welch, W. H., Jr	do	13,669.20
Wetzel, Roy G	do	10,040.40
Wood, H. B	do	13,669.20
Oesch, Cinda Jean	Clerical assistant	2,696.40
Health benefits		3,358.16
Life insurance fund		1,360.72
Retirement fund		23,593.48
Travel expenses		144,839.78
Miscellaneous expenses		2,441.04
FICA		140.17

Funds authorized or appropriated for committee expenditures	$1,444,000.00
Amount of expenditures previously reported	622,425.72
Amount expended from Jan. 1, 1972, to June 30, 1972	778,005.92
Total amount expended from July 1, 1971, to June 30, 1972	1,400,431.64
Balance unexpended as of June 30, 1972	43,568.36

GEORGE MAHON, Chairman.

COMMITTEE ON ARMED SERVICES

July 12, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John R. Blandford	Chief counsel	$18,000.00
Frank M. Slatinshek	Assistant chief counsel	18,000.00
Earl J. Morgan	Professional staff member.	17,950.00

Name of employee	Profession	Total gross salary during 6-month period
William H. Cook	Counsel	17,950.00
John J. Ford	Professional staff member.	16,879.98
Ralph Marshall	do	15,297.48
George Norris	Counsel	14,690.88
James F. Shumate, Jr	do	14,690.88
William H. Hogan, Jr	do	12,132.48
H. Hollister Cantus	Professional staff member (from Feb. 1)	9,758.76
Oneta L. Stockstill	Executive secretary	13,187.52
Berniece Kalinowski	Secretary	9,626.88
L. Louise Ellis	do	9,626.88
Edna E. Johnson	do	9,626.88
Dorothy R. Britton	do	9,626.88
Innis E. McDonald	do	7,226.76
Brenda J. Gore	do	6,013.50
Ann R. Willett	do	6,013.50
Emma M. Brown	do	6,013.50
Nancy S. Jones	do	5,011.26
Sally A. Moore	Secretary (from Feb. 1).	4,176.05
William B. Short	Clerical staff assistant (from Feb. 1).	6,593.75
James A. Deakins	Clerical staff assistant	7,279.56
Issiah Hardy	Messenger	5,222.28
Staff, Armed Services Investigating Subcommittee (pursuant to H. Res. 201, H. Res. 202, and H. Res. 912, 92d Cong.):		
John T. M. Reddan	Counsel	17,950.00
John F. Lally	Assistant counsel	15,297.48
Richard A. Ransom	Professional staff assistant.	14.031.48
Sanford T. Saunders	Security officer	7,279.50
Rose C. Beck	Secretary	7,226.76
Adeline Tolerton	Clerk	6,330.00
Joyce C. Bova	Secretary	5,037.60
Diane W. Bowman	do	5,011.26
John B. Vinson	Clerical staff assistant (from June 1).	685.42
William B. Short, Jr	Clerical staff assistant (to Feb. 1).	1,318.75
H. Hollister Cantus	Professional staff member (to Feb. 1).	1,626.46
Sally A. Moore	Secretary (to Feb. 1)	835.21

Funds authorized or appropriated for committee expenditures, H. Res. 202 and H. Res. 912	$450,000.00
Amount of expenditures previously reported	199,755.04
Amount expended from Jan. 1 to June 30, 1972	98,523.28
Total amount expended from Jan. 3, 1971 to June 30, 1972	298.278.32
Balance unexpended as of June 30, 1972	151,721.68

F. EDWARD HÉBERT, Chairman.

COMMITTEE ON BANKING AND CURRENCY

July 1, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Paul Nelson	Clerk and staff director.	$18,000.00
Orman S. Fink	Professional staff member, minority.	18,000.00
Curtis A. Prins	Chief investigator	17,292.60
Charles B. Holstein	Professional staff member.	18,000.00
Benet D. Gellman	Counsel	18,000.00
Joseph C. Lewis	Professional staff member.	18,000.00
Graham T. Northup	Professional staff member, minority.	18,000.00
Mary W. Layton	Secretary to minority	11,346.12
Donald G. Vaughn	Administrative assistant.	9,809.22
Total		146,447.94
Investigative staff (H. Res. 226):		
Rose Marie Allen	Assistant clerk	6,857.52
Richard C. Barnes	Professional staff member.	10,549.98
David O Couch	Counsel	$8,967.48
Jane N. D'Arista	Professional staff member.	5,478.54
Dolores K. Dougherty	Research associate	9,237.78
Michael P. Flaherty	Assistant counsel	1,666.67
HOUSE COMMITTEE ON BANKING AND CURRENCY		
Lucia Gonzales	Secretary	3,649.98
Stuart D. Halpert	Counsel	15,825.00
Helen Hitz	Administrative assistant,	9,966.77
Linda Leah Hoff	Secretary	5,823.82
Joseph J. Jasinski	Professional staff member,	16,246.98
Mary-Helen Kesecker	Secretary	4,744.08
Mary E. Kirk	Assistant Clerk	5,490.48
Kelsay Ray Meek	Professional staff member, .	14,506.26
Mildred S. Mitchell	Assistant clerk	9,727.44
Richard H. Neiman	do	2,571.85
Clifford E. Payne, Jr	do	4,560.90
Gayle L. Peabody	Secretary	5,033.46
Margaret L. Rayhawk	Research associate	8,855.24
Yan Michael Ross	Counsel, minority	11,812.17
Alicia F. Shoemaker	Secretary, minority	7,541.44
Jeane Carolyn Smith	Secretary	5,908.02
Elizabeth Stabler	Professional staff member,	2,197.92
Robert E. Weintraub	Staff economist	1,600.00
Jane L. Williams	Secretary	3,698.61
Donald F. Winn	Professional staff member,	7,648.74
C. Robert Zelnick	do	10,833.35
Total		201,000.48

Funds authorized or appropriated for committee expenditures (H. Res. 226—Full committee)	$942,500.00
Amount of expenditures previously reported	398,835.55
Amount expended from Jan. 1 to June 30, 1972	220,168.92
Total amount expended from Jan. 3, 1971 to June 30, 1972	619,004.47
Balance unexpended as of June 30, 1972	323,495.53

WRIGHT PATMAN, Chairman.

SUBCOMMITTEE ON HOUSING, COMMITTEE ON BANKING AND CURRENCY

July 1, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Subcommittee investigative staff (H. Res. 226, 92d Cong.):		
Brent Barriere	Assistant clerk	$925.69
M. Wendell Belew	do	650.00
Terrence Boyle	Minority counsel	12,411.48
Marie L. Chaillet	Minority secretary	6,250.31
Wanda Jean Clarkson	Secretary	6,127.50
Patricia A. Eley	Assistant clerk	5,344.50
Jane Carey Enger	Secretary	1,621.24
David Glick	Counsel	18,000.00
George Gross	do	18,000.00
Emily M. Hightower	Secretary	7,912.50
Casey Ireland	Minority staff member	18,000.00
Margaret J. Leary	Secretary	8,106.20
Benjamin B. McKeever	Assistant counsel	13,958.34
Gerald R. McMurray	Staff director	17,407.64
Catherine M. Smith	Minority secretary	5,079.29
Doris M. Young	Assistant clerk	8,991.30
Total		148,785.99

Funds authorized or appropriated for committee expenditures (H. Res. 226—Housing)	$717,300.00
Amount of expenditures previously reported	315,751.35
Amount expended from Jan. 1 to June 30, 1972	166,406.19
Total amount expended from Jan 3, 1971 to June 30, 1972	482,157.54
Balance unexpended as of June 30, 1972	235,142.46

WRIGHT PATMAN, Chairman.

COMMITTEE ON THE DISTRICT OF COLUMBIA

June 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuaut to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Whitney L. Turley	Investigator	$9,563.94
Margaret Hoffman	Legislative assistant	6,330.00
Rebecca D. Moore	do	6,330.00
Irene V. Howard	do	5,275.02
Browardine R. Broyhill	Clerk-assistant	5,802.48
Wanda M. Worsham	Secretary	5,646.75
David D. Salmon, Jr	Clerk-typist	3,750.00
David A. Danmyer	Assistant clerk-typist, off payroll July 2, 1972.	1,800.01
Mary E. Finklea	Clerk-typist	500.00
Carol D. Tedards	do	500.00
Elizabeth B. Mellette	do	500.00
Marsha Miller Harper	Clerk-typist (resigned June 10, 1972).	1,361.10
Hayden S. Garber	Counsel	14,115.34
Leonard Hilder	Legislative clerk	11,473.38
James T. Clark	Clerk	14,977.38
Othello Steinkuller	Secretary	9,237.78
Betty C. Alexander	do	8,540.64
John E. Hogan	Minority clerk	13,534.34
Patrick E. Kelly	Assistant counsel	7,500.00
Terry D. Hill	Clerk—public relations.	5,802.48
Paul Y. Little	Special consultant	10,549.98
Clayton Gasque	Staff director (retired Jan. 31, 1972).	2,138.33

Funds authorized or appropriated for committee expenditures	$250,000.00
Amount of expenditures previously reported	103,806.25
Amount expended from Jan. 1, to July 1, 1972	50,305.12
Total amount expended from Jan. 1, to July 1, 1972	154,111.37
Balance unexpended as of July 1, 1972	95,888.63

JOHN L. McMILLAN, Chairman.

COMMITTEE ON EDUCATION AND LABOR—STANDING COMMITTEE

July 15, 1972,

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Donald M. Baker	Chief clerk and associate counsel (from Jan. 1 to June 30, 1972),	$18,000.00
Donald F. Berens	Administrative assistant (from Jan. 1 to June 30, 1972).	12,976.50
Louise Maxienne Dargans.	Research director (from Jan. 1 to June 30, 1972).	18,000.00
William F. Gaul	Associate general counsel (from Jan. 1 to June 30, 1972).	18,000.00
Hartwell D. Reed, Jr	General counsel (from Jan. 1 to June 30, 1972).	18,000.00
Benjamin F. Reeves	Assistant to chairman and assistant clerk (from Jan. 1 to June 30, 1972).	18,000.00 18,000.00
Austin P. Sullivan, Jr	Legislative specialist (from Jan. 1 to Apr. 30, 1972) and legislative director (from May 1 to June 30, 1972).	17,605.00
Louise M. Wright	Administrative assistant (from Jan. 1 to June 30, 1972).	13,401.52 13,401.52

Name of employee	Profession	Total gross salary during 6-month period
Marian R. Wyman	Special assistant to chairman (from Jan. 1 to June 30, 1972).	$16, 812. 48
Minority staff:		
Robert C. Andringa	Minority staff director (from Jan. 1 to June 30, 1972).	16, 352. 52
Michael J. Bernstein	Minority counsel (from Jan. 1 to June 30, 1972).	18, 000. 00
Charles W. Radcliffe	Minority counsel for education (from Jan. 1 to June 30, 1972).	18, 000. 00

Funds authorized or appropriated for committee expenditures	Contingent
Amount of expenditures previously reported	$395, 344. 72
Amount expended from Jan. 1 to June 30, 1972	203, 148. 02
Total amount expended from Jan. 1, 1971 to June 30, 1972	598, 492. 74
Balance unexpended as of June 30, 1972	Contingent

CARL D. PERKINS, Chairman.

COMMITTEE ON EDUCATION AND LABOR—FULL COMMITTEE INVESTIGATING STAFF

July 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Louise A. Amidon	Assistant clerk (from June 15 to June 30, 1972).	$240. 00
Carole J. Ansheles	Assistant clerk (from Jan 1 to Jan 14, 1972), and (from May 17 to June 30, 1972)	955. 00
Goldie A Baldwin	Legislative assistant (from Jan 1 to June 30, 1972 .	8, 869. 03
Portia A. Battle	Assistant clerk (from June 19 to June 30, 1972).	180. 00
William H. Cable	Counsel (from Jan. 1 to June 30, 1972).	10, 128. 00
Elizabeth A. Cornett	Administrative assistant (from Jan. 1 to June 30, 1972).	9, 237. 60
Lelia T. Cornwell	do	8, 229. 00
Carol Ann Edwards	Assistant clerk (from June 26 to June 30, 1972).	83. 33
Eydie Gaskins	Administrative assistant (from Jan. 1 to June 30, 1972.)	8, 229. 00
Katherine Clark Gibbons	Research assistant (from Jan. 1 to June 30, 1972).	8, 144. 00
Marilyn L. Hargett	Research assistant (from June 19 to June 30 1972).	200. 00
Ernest B. Hillenmeyer, III.	Assistant clerk (from May 12 to June 30, 1972)	816. 67
Richard Lim	Staff assistant to associate general counsel (from Mar 1 to June 30 1972).	2, 516. 66
Mattie L. Maynard	Research assistant (from Jan. 1 to June 30 1972).	633. 00
Shirley R. Mills	Secretary (from Jan. 1 to June 30, 1972).	8, 229. 00
Lewis D. Morris Jr.	Assistant clerk (from June 6 to June 30, 1972).	416. 67
David S. Putnam	Staff assistant (from Jan. 1 to June 30, 1972).	5, 124. 12
Timothy T. Reese	Assistant clerk (from June 1 to June 30, 1972).	$500. 00
Peter Schott	Assistant clerk (from Jan. 1 to June 30, 1972).	4, 177. 80
May L. Shuler	Secretary (from Jan. 1 to June 30, 1972).	6, 884. 94
Carlton Stewart	Assistant clerk (from June 1 to June 30, 1972).	500. 00
Brian E. Sullam	Assistant clerk (from Jan. 1 to June 30, 1972).	2, 532. 00
Jeanne E. Thomson	Legislative assistant (from Jan. 1 to June 30, 1972).	10, 072. 62
Robert H. Van Meter III	Assistant clerk (from June 15 to June 30, 1972).	240. 00
John E. Warren	Research assistant (from Jan. 1 to June 30, 1972).	5. 127. 30
Minority:		
Cynthia Deane Banzer.	Minority legislative assistant (from Mar. 1 to June 30, 30, 1972).	5, 000. 00
Mildred S. Blumel	Receptionist (from June 8 to June 30, 1972).	472. 78
Louise W. Finke	Assistant to minority staff director (from Jan. 1 to June 30, 1972).	8, 029. 54
Anita M. Gerhardt	Minority research assistant (from Jan. 1 to June 24, 1972).	6, 237. 32
Cheryl Dianne Heny	Secretary (from Mar. 20 to June 30 1972).	2, 496. 96
Sophia Jo Jolivette	Secretary (from Jan. 1 to Mar. 31, 1972).	2, 055. 00
Martin L. LaVor	Minority legislative associate (from Jan. 1 to June 30, 1972).	14, 426. 10
John C. Miller	Minority associate counsel for labor (from Jan. 1 to June 30 1972).	15, 297. 48
Jo Anne Pierson	Minority receptionist (from Feb. 7 to June 7, 1972) and secretary (from June 8 to June 30, 1972).	3, 200. 02
Silvia J. Rodriguez	Secretary (from Jan. 1 to June 30, 1972).	5, 380. 50
Yvonne Franklin Smith.	Minority legislative associate (from May 1 to June 30, 1972).	3, 200. 00
Dorothy L. Strunk	Secretary (from Jan. 1, to May 31, 1972).	5, 377. 00
Dennis J. Taylor	Minority associate counsel (from Jan. 1 to June 30, 1972).	10, 761. 00
Jack D. Thorsen	Minority staff member (from Jan. 1 to Mar. 31, 1972).	2, 670. 48

Funds authorized or appropriated for committee expenditures 1971–72	$1, 188, 000. 00
Amount of expenditures previously reported	372, 418. 77
Amount expended from January 1 to June 30, 1972	215, 123. 01
Total amount expended from Jan. 3, 1971, to June 30, 1972	587, 541. 78
Balance unexpended as of June 30, 1972	600, 458. 22

CARL D. PERKINS, Chairman.

SPECIAL SUBCOMMITTEE ON EDUCATION, NO. 1

(Representative Edith Green, Chairman)

July 15, 1972

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Bland Joseph Ballard	Research director (from June 1 to June 30, 1972).	$1, 375. 00
Suzanne L. Black	Research assistant (from Mar. 1 to June 30, 1972).	4, 666. 68
Malcolm Henry Cross	Director of Research (from Mar. 1 to May 31, 1972).	4, 125. 00
Nancy Davis	Secretary (from Jan. 1 to June 15, 1972).	4, 835. 44
Harry Hogan	Legal counsel (from June 1 to June 30, 1972).	2, 083. 33
Sally K. Kirkgasler	Research assistant (from Jan. 1 to June 30, 1972).	7, 249. 98
Kenneth L. Otto	Assistant clerk (from June 24 to June 30, 1972).	97. 22
Ronald Schwartz	Research assistant (from Jan. 1 to Mar. 31, 1972).	3, 000. 00
James Sullivan	Special assistant (from June 1 to June 30, 1972).	2, 083. 33

Funds authorized or appropriated for committee expenditures 1971–72	$170, 000. 00
Amount of expenditures previously reported	70, 593. 56
Amount expended from January 1, to June 30, 1972	30, 275. 80
Total amount expended from Jan. 3, 1971, to June 30, 1972	100, 869. 36
Balance unexpended as of June 30, 1972	69, 130. 64

CARL D. PERKINS, Chairman.

SPECIAL SUBCOMMITTEE ON LABOR, NO 2

July 15, 1972.

(Representative Frank Thompson, Jr., Chairman)

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jeunesse M. Beaumont	Clerk (from Jan. 1 to June 30, 1972).	$8, 495. 40
High G. Duffy	Counsel (from Jan. 1 to June 30, 1972).	13, 533. 90
George A. Franklin	Research assistant (from Jan. 1 to June 30, 1972).	2, 395. 63
Thomas C. Keeney	Research assistant (from June 19 to June 30, 1972).	346. 67
Christopher J. Kennan	Research assistant (from Jan. 1 to June 30, 1972).	3, 900. 00
Thorn P. Lord	Research assistant (from Jan. 1 to Mar. 14, 1972).	1, 603. 33
Daniel H. Pollitt	Special counsel (from Jan. 1 to June 30, 1972).	4, 666. 98
Anne W. Risdon	Assistant clerk (from Jan. 1 to Feb. 29, 1972).	633. 00
Kathleen M. Sullivan	Assistant clerk (from Jan. 1 to June 30, 1972).	3, 892. 52
Thomas R. Wolanin	Research specialist (from Apr. 1 to June 30, 1972).	2, 400. 00

Funds authorized or appropriated for committee expenditures	$170, 000. 00
Amount of expenditures previously reported	71, 682. 03
Amount expended from Jan. 1, 1972 to June 30, 1972	45, 828. 36
Total amount expended from Jan. 3, 1971 to June 30, 1972	117, 510. 39
Balance unexpeded as of June 30, 1972	52, 489. 61

CARL D. PERKINS, Chairman.

GENERAL SUBCOMMITTEE ON LABOR, NO. 3

(Representative John H. Dent, Chairman)

July 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Adrienne Fields	Clerk (from Jan. 1 to June 30, 1972).	$8,315.52
Cheryl Jeanne Peck	Secretary (from May 1 June 30, 1972).	1,083.34
Robert E. Vagley	Director (from Jan. 1 to June 30, 1972).	16,347.24

Funds authorized or appropriated for committee expenditures, 1971–72	$170,000.00
Amount of expenditures previously reported	67,695.56
Amount expended from Jan. 1 to June 30, 1972	31,331.16
Total amount expended from Jan. 3, 1971 to June 30, 1972	99,026.72
Balance unexpended as of June 30, 1972	70,973.28

CARL D. PERKINS, Chairman.

GENERAL SUBCOMMITTEE ON EDUCATION, No. 4

July 15, 1972.

(Representative Roman C. Pucinski, Chairman)

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Thomas J. Gerber	Assistant Clerk (from Jan. 1 to June 30, 1972).	$8,481.51
John F. Jennings	Counsel (from Jan. 1 to June 30, 1972).	13.053.54
Alexandra J. Kisla	Clerk (from Jan. 1 to June 30, 1972).	8,306.04
Toni E. Painter	Secretary (from Jan. 1 to June 30, 1972).	2,532.00
Patricia Ann Rugg	Secretary (from May 15 to June 30, 1972).	830.56

Funds authorized or appropriated for committee expenditures, 1971–72	$170,000.00
Amount of expenditures previously reported	62,095.26
Amount expended from Jan. 1 to June 30 1972	43,919.32
Total amount expended from Jan. 3, 1971 to, June 30, 1972	106,014.58
Balance unexpended as of June 30, 1972	63,985.42

CARL D. PERKINS, Chairman.

GENERAL SUBCOMMITTEE ON LABOR—TASK FORCE ON WELFARE AND PENSION PLANS

(Representative John H. Dent, Chairman)

July 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Vance J. Anderson	Counsel (from Jan. 1 to June 30, 1972).	$10,000.02
Barbara A. Dinuson	Secretary (from Jan. 20 to June 30, 1972).	2,983.33
Eric Honick	Staff assistant (from Jan. 1 to June 30, 1972).	4,500.00
Julie Domenick McAteer	do	3,933.35
Shirley Marsdon	Research assistant (from Feb. 1 to June 30, 1972).	1,500.00
W. Kenneth Miller	Assistant clerk (from Jan. 1 to June 30, 1972).	1,800.00
Alan Rabin	Research assistant (from June 1 to June 30, 1972).	900.00
John M. Smokevitch	Minority counsel (from Jan. 1 to June 30, 1972).	12,166.67

Funds authorized or appropriated for committee expenditures	$100,000.00
Amount of expenditures previously reported	7,987.43
Amount expended from Jan. 1 to June 30, 1972	44,044.86
Total amount expended from July 1 to June 30, 1972	52,032.29
Balance unexpended as of June 30, 1972	47,967.71

CARL D. PERKINS, Chairman.

SELECT SUBCOMMITTEE ON LABOR, NO. 5

(Representative Dominick V. Daniels, Chairman)

July 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Loretta A. Bowen	Clerk (from Jan. 1 to June 30, 1972).	$7,681.44
Daniel H. Krivit	Counsel (from Jan. 1 to June 30, 1972).	14,045.22
Catherine Ladnier	Research assistant (from Jan. 1 to June 30, 1972).	4,219.98
Catherine R. Romano	Secretary (from Jan. 1 to Jan. 31, 1972) and research and staff assistant (from Feb. 1 to June 30, 1972).	5,042.22
John Douglas Wagner	Assistant clerk (from June 12 to June 30, 1972).	316.67
Charles R. Zappala	Assistant clerk (from June 19 to June 30, 1972).	260.00

Funds authorized or appropriated for committee expenditures, 1971–72	$170,000.00
Amount of expenditures previously reported	60,788.44
Amount expended from Jan. 1, 1972, to June 30, 1972	33,323.59
Total amount expended from Jan. 3, 1971, to June 30, 1972	94,112.03
Balance unexpended as of June 30, 1972	75,887.97

CARL D. PERKINS, Chairman.

July 15, 1972.

SELECT SUBCOMMITTEE ON EDUCATION, NO. 6

(Representative John Brademas, Chairman)

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Margaret Sue Brown	Special assistant (from Jan. 1 to Apr. 30, 1972).	$4,666.68
Connie de Launey	Secretary (from Mar. 20 to June 2, 1972).	1,723.60
Marjorie C. Carver	Assistant clerk (from Feb. 1 to 29, 1972).	294.00
Jack G. Duncan	Counsel (from Jan. 1 to June 30, 1972).	13,250.02
Marianne Frederick	Secretary (from Apr. 24 to June 30, 1972).	1,395.83
James Harvey	Deputy assistant (from Apr. 10 to June 30, 1972).	3,375.00
Christine M. Orth	Staff assistant (from Jan. 1 to June 30, 1972).	4,333.34
Ann Nichloson Owens	Clerk (from Jan. 1 to Apr. 7, 1972).	2,341.66
Gladys Marie Walker	Secretary (from Jan. 1 to May 31, 1972).	3,999.99

Funds authorized or appropriated for committee expenditures, 1971–72	$170,000.00
Amount of expenditures previously reported	65,299.93
Amount expended from Jan. 1 to June 30, 1972	39,081.65
Total amount expended from Jan. 3 1971, to June 30, 1972	104,381.58
Balance unexpended as of June 30, 1972	65,618.42

CARL D. PERKINS, Chairman.

SUBCOMMITTEE ON AGRICULTURAL LABOR, NO. 7

July 15, 1972.

(Representative James G. O'Hara, Chairman)

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Rosanne Aceto	Assistant clerk (from May 1 to June 30, 1972).	$1,166.67
Arthur R. Baltrym	Legislative assistant (from Jan. 1 to Feb. 12, 1972).	840.00
Barbara A. Bernstein	Assistant clerk (from June 1 to June 30, 1972).	541.67
Alfred Carl Franklin	Counsel (from Jan. 1 to June 30, 1972).	10,000.02
James B. Harrison	Staff director (from Jan. 1 to June 30, 1972).	13,150.02
Joan Marie King	Assistant clerk (from Jan. 1 to June 30, 1972).	1,800.00
Marilyn Myers	Research assistant (from Mar. 1 to Mar. 15, 1972).	390.00
Martha D. Risdon	Assistant clerk (from Jan. 1 to Jan. 14, 1972).	252.78
Elnora H. Teets	Clerk (from Jan. 1 to June 30, 1972).	6,000.00

Funds authorized or appropriated for committee expenditures 1971–72	$170,000.00
Amount of expenditures previously reported	54,470.88
Amount expended from Jan. 1, to June 30, 1972	36,819.62

Total amount expended from Jan. 3, 1971 to June 30, 1972	$91,290.50
Balance unexpended as of June 30, 1972	78,709.50

CARL D. PERKINS, Chairman.

COMMITTEE ON FOREIGN AFFAIRS

July 1, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Roy J. Bullock	Staff administrator	$18,000.00
Albert C. F. Westphal	Staff consultant	18,000.00
Franklin J. Schupp	do	18,000.00
Harry C. Cromer	do	18,000.00
Marian A. Czarnecki	do	18,000.00
Melvin O. Benson	do	15,694.38
Everett E. Bierman	do	14,935.98
John J. Brady	do	13,714.98
John H. Sullivan	do	13,714.98
Robert K. Boyer	do	10,549.98
John Chapman Chester	do	13,714.98
Peter Anthony Abbruzzese.	do	12,660.00
George R. Berdes	Subcommittee staff consultant.	13,187.52
Robert B. Boettcher	do	11,868.78
Goler Teal Butcher	do	13,187.52
Robert Michael Finley	do	10,919.28
Clifford P Hackett	do	13,187.52
Roland S. Homet, Jr	do	6,249.99
Charles S. Levy	do	3,333.34
Henry M. Lloyd	do	13,187.52
Michael H. Van Dusen	do	10,549.98
Helen C. Mattas	Senior staff assistant	12,348.60
Mary Louise O'Brien	Staff assistant	11,019.78
Dora B. McCracken	do	9,103.98
Jean S. Brown	do	7,198.32
Paula L. Peak	do	9,103.98
Ray Sparks	do	9,509.40
Thelma H. Shirkey	do	5,538.78
Arlene M. Atwater	do	5,538.78
Shirley A. Furnier	do	6,857.52
Bernadette M. Kuwik	do	5,538.78
Audray Lee Clement	do	5,538.78
Donna Gail Wynn	do	4,483.74
Charles W. Snyder	do	5,064.00
Stephen E. Markovich	Special assistant	837.77

Funds authorized or appropriated for committee expenditures	$936,662.00
Amount of expenditures previously reported	310,324.17
Amount expended from Jan. 1, 1972 to June 30, 1972	213,423.38
Total amount expended from Jan. 1, 1971 to June 30, 1972	523,747.55
Balance unexpended as of June 30, 1972	412,914.65

THOMAS E. MORGAN, Chairman.

COMMITTEE ON GOVERNMENT OPERATIONS

July 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Expenses—Jan. 1 through June 30, 1972:		
Full committee		$4,051.93
Special investigative staff.		26,566.63
Legislation and Military Operations Subcommittee.		80,041.85
Government Activities Subcommittee.		$50,156.00
Intergovernmental Relations Subcommittee.		55,686.58
Conservation and Natural Resources Subcommittee.		56,212.62
Legal and Monetary Affairs Subcommittee.		47,495.25
Foreign Operations and Government Information Subcommittee.		62,553.68
Special Studies Subcommittee.		54,167.29
Total		436,931.83
Salaries: Full committee, Jan. 1 through June 30, 1972:		
Herbert Roback	Staff director	18,000.00
Christine Ray Davis	Staff administrator	18,000.00
James A. Lanigan	General counsel	18,000.00
Miles Q. Romney	Associate general counsel.	16,903.20
Dolores L. Fel'Dotto	Staff member	9,237.78
Ann E. McLachlan	do	8,953.74
Catherine S. Cash	do	7,337.70
Marilyn F. Jarvis	do	7,941.72
Annie M. Abbott	do	7,300.50
John Philip Carlson	Minority counsel	18,000.00
William H. Copenhaver.	Minority professional staff member.	15,147.78
Clara Katherine Armstrong.	Minority research assistant.	8,240.22
Expenses, Jan. 1 through June 30, 1972: Full committee, Hon. Chet Holifield, Chairman: Expenses		4,051.93
Total		4,051.93
Special investigative staff, Hon. Chet Holifield, Chairman:		
Warren B. Buhler	Minority staff member	9,495.00
Thomas H. Saunders	do	9,085.20
Susanna Dixon	Minority staff secretary (from Feb. 2, 1972).	3,736.45
Ralph T. Doty	Clerical staff	4,249.98
Total		26,566.63
Legislation and Military Operations Subcommittee, Hon. Chet Holifield, Chairman:		
Elmer W. Henderson	Counsel	17,111.46
Douglas G. Dahlin	Staff attorney	12,322.80
John Paul Ridgely	Investigator	10,986.30
Joseph C. Luman	Defense analyst	11,868.78
Catherine L. Koeberlein.	Research assistant	8,456.16
Veronica B. Johnson	Clerk	8,240.22
Mary Etta Haga	Clerk-stenographer	5,275.02
Gloria Ann Rubin	do	4,590.42
Expenses		1,190.69
Total		80,041.85
Government Activities Subcommittee, Hon. Jack Brooks, Chairman:		
Ernest C. Baynard	Subcommittee staff director.	16,382.76
C. Don Stephens	Research analyst	10,969.56
Paul A. Mutino	Counsel	9,758.76
Lynne Higginbotham	Clerk-stenographer	7,337.70
Mary G. Jones	Secretary	4,483.74
Expenses		1,223.48
Total		50,156.00
Intergovernmental Relations Subcommittee, Hon. L. H. Fountain, Chairman:		
James R. Naughton	Counsel	16,382.76
Delphis C. Goldberg	Professional staff member.	16,382.76
Gilbert S. Goldhammer	Consultant	10,679.40
Pamela R. Horsmon	Clerk-stenographer	5,275.02
Margaret M. Goldhammer.	Secretary	4,427.64
Expenses		2,539.00
Total		55,686.58
Conservation and Natural Resources Subcommittee, Hon. Henry S. Reuss, Chairman:		
Phineas Indritz	Counsel	16,382.76
David B. Finnegan	Assistant counsel	13,426.80
David H. Baris	Legal assistant (from Apr. 17, 1972).	3,286.96
Josephine Scheiber	Resaerch analyst	8,347.38
Ruth M. Wallick	Stenographer	6,198.54
Frances B. Lee	Stenographer (from Jan. 17,1972).	3,782.48
C. Robert Zelnick	Professional staff member (from Jan. 3 to Jan. 31, 1972).	1,711.q6
Expenses		$2,896.54
Total		56,212.62
Legal and Monetary Affairs Subcommittee, Hon. John S. Monagan, Chairman:		
Richard L. Still	Subcommittee staff director.	14,506.26
Charles A. Intriago	Assistant counsel	10,910.94
Jeremiah S. Buckley	do	7,046.88
Frances M. Turk	Clerk	5,275.02
Helena A. Grady	Secretary (from Jan. 17, 1972).	3,644.46
Jane G. Cameron	Secretary (to Jan. 17, 1972).	155.56
Expenses		5,956.13
Total		47,495.25
Foreign Operations and Government Information Subcommittee, Hon. William S. Moorhead, Chairman:		
William G. Phillips	Subcommittee staff director.	16,382.76
Norman G. Cornish	Deputy subcommittee staff director.	16,382.76
Harold F. Whittington	Professional staff member.	12,580.68
Martha M. Doty	Clerk	4,747.50
Mary Elizabeth Blanton.	Secretary (to June 16, 1972).	3,648.57
Almeda J. Harley	Secretary (from June 28, 1972).	65.94
Expenses		8,745.47
Total		62,553.68
Special Studies Subcommittee, Hon. Wm. J. Randall, Chairman:		
Erskine Stewart	Subcommittee staff director.	12,156.53
Jacob N. Wasserman	Counsel	15,068.40
James L. Gyory	Investigator	7,648.74
Wileen O. Moore	Clerk	4,483.74
Elynor H. Humber	Secretary	4,483.74
Expenses		10,326.14
Total		54,167.29

Funds authorized or appropriated for committee expenditures H. Res. 303 and H. Res. 911, 92d Cong	$1,832,600.00
Amount of expenditures previously reported Jan. 3, to Dec. 31, 1971	835,792.74
Amount expended from Jan. 1, to June 30, 1972	436,931.83
Total amount expended from Jan. 3, 1971 to June 30, 1972	1,272,724.57
Balance unexpended as of June 30, 1972	559,875.43

CHET HOLLIFIELD,
Chairman.

COMMITTEE ON HOUSE ADMINISTRATION

June 11, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972 inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John T. Walker	Staff director	$18,000.00
Frank B. Ryan	Director, information systems.	18,000.00
Louis I. Freed	Assistant clerk	17,143.75
Robert D. Gray	Chief auditor	16,776.38
David S. Wolman	Personnel analyst	16,604.30
Melvin M. Miller	Minority clerk	16,604.30
John G. Blair	Assistant to the staff director.	13,715.00
Ralph W. Murphy	Assistant clerk (minority).	10,550.00
Louis Silverman	Assistant clerk	10,145.31
Mary Stolle	do	6,793.04
Evelyn Hange Wilson	Office manager	6,725.62
Judith Leonard Vargas	Assistant clerk (minority).	4,306.35
Thomas S. Foster, Sr	Election's clerk	9,502.50
Thomas A. Tangretti	Electrical and mechanical's clerk.	9,231.24

Name of employee	Profession	Total gross salary during 6-month period
William E. Sudow	Printing's clerk	$4, 050. 00
Rose E. Polito	Assistant legal clerk	1, 500. 00
John L Boos	Library and Memorial's clerk.	8, 749. 98
Thomas W. Latham	Account's clerk	8, 550. 00
Jospeh T. Ventura	Nonessential employees' clerk.	3, 616. 67
Gurney S. Jaynes	Assistant clerk	6, 593. 76
Judith K. Holes	Accounts' assistant clerk.	6, 450. 00
Norman J. Jacknis	Assistant clerk	3, 165. 00
Barbara D. Lewis	do	5, 802. 48
Velma T. Youngblood	do	5, 802. 48
Marie V. McGee	Printing's assistant clerk.	3, 666. 68
Johanna Lucas	Assistant clerk	5, 275. 02
John Paul Tolson	do	3, 776. 66
Vickie Sue Moser	do	2, 499. 99
Lynne E. Pattridge	do	4, 747. 50
Barbara Lee Giaimo	E. & M.'s assistant clerk.	3, 291. 67
Judith Lyris Rigby	Assistant clerk	958. 33
Pamela M. Bussen	do	3, 692. 52
Colette K. Bohatch	do	3, 692. 52
Elizabeth M. Johns	Election's assistant clerk.	600. 00
Deborah K. Liggett	Assistant clerk	253. 33
Carol S. Eliel	Printing's assistant clerk.	190. 00
Robert A. Burck	Assistant clerk	1, 055. 00
Bolling B. Flood	do	516. 67
Louis Gerber	do	1, 055. 00
Thomas J. Hart	E. & M.'s assistant clerk.	461. 93
Charles T. Moffitt	Assistant clerk	3, 000. 00
Vincent J. Paka	Printing's clerk	3, 000. 00
Gerald Wygoda	Assistant clerk	1, 055. 00

Funds authorized or appropriated for committee expenditures	$615, 000. 00
Amount of expenditures previously reported	214, 237. 83
Amount expended from Jan. 1, to June 30, 1972	122, 966. 43
Total amount expended from Jan. 3, 1971 to June 30, 1972	337, 204. 26
Balance unexpended as of June 30, 1972	277, 795. 74

WAYNE L. HAYS, Chairman.

COMMITTEE ON HOUSE ADMINISTRATION

(House Information Systems—H. Res. 601)

June 11, 1972,

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Charles E. Graham	Deputy Director	$5, 000. 00
Phillip B. Ladd	Management assistant	10, 310. 52
E. Jean Walker	Management analyst	7, 800. 00
Betty Lamb	Office manager	6, 593. 76
Mary C. Frye	Executive secretary	688. 67
Diane Louise Sisson	Secretary	1, 148. 33
Dwight H. Pfaehler	Management assistant	305. 56
Stuart M. Robinson	Senior information systems specialist.	11, 341. 26
Earl Devere Watterson	Information systems specialist,	10, 022. 52
Charles N. Arrowsmith	do	10, 022. 52
Betty J. Sharp	Secretary	4, 219. 98
Edmond S. Mesko	Information systems	4, 633. 33
Nancy Maxwell	Secretary	2, 340. 00
Daniel J. Lasser	Manager	12, 132. 48
Edward R. Mills	Senior systems analyst,	5, 716. 67
Jasper T. Wagliardo	do	4, 274. 99
William R. Hill	Systems analyst	8, 197. 38
Michael Tomanio	Programer analyst	7, 596. 00
David L. Brazeal	do	7, 238. 88
Kathryn A. Smith	Assistant information systems specialist.	6, 533. 46
Vernon J. Walters	Programer	6, 593. 76
Benjamin R. Candler	do	6, 362. 70
Melvin R. Mallonee	do	5, 620. 76
Curtis L. Merrick	Manager (acting)	9, 231. 24
Harold W. Harding, Jr	Senior systems programmer.	$3, 210. 42
Noah M. St. Clair	Systems programer	6, 616. 80
James L. Guthrie	Junior programer	3, 313. 33
Timothy E. Gunter	Production control supervisor.	5, 487. 42
Lynn Alcock	Data entry specialist	1, 825. 00
Robert Mumma	Computer operator	4, 431. 00
Irene S. Morris	Data control coordinater.	4, 158. 26
Betty U. Gill	Data entry specialist	4, 248. 48
Antionette Gauthier	Data control specialist	3, 798. 00
Cherie C. Barnes	Data entry specialist	448. 61
William R. Lindsay	Manager	5, 007. 21
Joseph L. Burns	Facility manager	11, 648. 95
Kent Huff	Member, technical staff	1, 524. 77

Funds authorized or appropriated for committee expenditures	$1, 500, 000. 00
Amount of expenditures previously reported	55, 134. 53
Amount expended from Jan. 1, to June 30,1972	435, 039. 17
Total amount expended from Nov. 1971 to June 30, 1972	490, 173. 70
Balance unexpended as of June 30, 1972	1, 009, 826. 30

WAYNE L. HAYS, Chairman.

COMMITTEE ON HOUSE ADMINISTRATION

June 11, 1972.

(Remodeling of Longworth Cafeteria facilities, H. Res. 862)

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from March to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
None	None	None.

Funds authorized or appropriated for committee expenditures	$146, 200. 00
Amount of expenditures previously reported	None.
Amount expended from March 1972 to June 30, 1972	39, 163. 61
Total amount expended from March 1972 to June 30, 1972	39, 163. 61
Balance unexpended as of June 30, 1972	107, 036. 39

WAYNE L. HAYS, Chairman

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

July 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employe	Profession	Total gross salary during 6-month period
Sidney L. McFarland	Staff director and chief clerk.	$18, 000. 00
Lewis A. Sigler	Counsel and consultant on Indian affairs.	18, 000. 00
William L. Shafer	Consultant on mines and mining and public lands.	18, 000. 00
Charles Leppert, Jr	Minority counsel	$16, 879. 98
Lee McElvain	Assistant counsel and consultant on National Parks and Recreation.	15, 297. 48
Jim T. Casey	Consultant on irrigation and reclamation.	16, 352. 52
Robert M. Gants	Assistant minority counsel.	11, 077. 50
Dixie S. Barton	Clerk (resigned as of Jan. 15, 1972).	879. 17
Patricia A. Murray	Clerk	10, 549. 98
Patricia B. Freeman	do	9, 495. 00
Susan W. Gardner	Clerk (resigned as of June 10, 1972).	5, 408. 33
Kathleen V. Sandy	Clerk (resigned as of June 30, 1972).	7, 912. 50
Charles Conklin	Special counsel on public lands and environmental matters.	16, 879. 98
William G. Thomas	Consultant on territorial and insular affairs.	15, 297. 48
Miriam Waddell	Clerk	7, 384. 98
Inez H. Jarvis	do	7, 912. 50
Nancy Lou Larson	do	7, 121. 28
Marsha L. Lane	do	7, 121. 28
Marston L. Becker	Printing clerk	8, 967. 48
Edward P. Gaddis	Messenger	5, 275. 02
Bertha D. Drotos	Clerk (minority)	5, 879. 17
Edward L. Weidenfeld	Counsel on energy matters.	15, 297. 48
Frances J. Paris	Secretary—Energy study staff (from Jan. 10, 1972).	5, 462. 48
Carleton Craig Smith	Staff assistant—Energy study staff (from Jan. 1, 1972).	9, 899. 98
Robert H. Anthony	Staff assistant—Energy study staff (from Jan. 26, 1972).	[1] 4, 834. 99
Mary Lee Gennari	Clerk (from Mar. 27, 1972).	2, 741. 67
Heather M. Petroni	Secretary—Energy study staff (from May 1, 1972).	1, 333. 34
Therese M. Mariner	Clerk (from May 18, 1972).	1, 134. 73

Funds authorized or appropriated for committee expenditures	$704, 000. 00
Amount of expenditures previously reported	188, 514. 22
Amount expended from Jan. 1 to June 30, 1972	[2] 174, 283. 61
Total amount expended from Jan. 1, 1971 to June 30, 1972	362, 797. 83
Balance unexpended as of June 30, 1972	341, 202. 17

[1] Includes $835 salary paid under contract approved Feb. 9, 1972, appointed to investigating staff as of Apr. 1, 1972.

[2] Includes payment of $835 to Robert H Anthony, staff assistant—Energy study staff-pursuant to contract approved Feb. 9, 1972.

WAYNE N. ASPINALL, Chairman.

COMMITTEE ON INTERNAL SECURITY

July 12, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee (majority):		
Donald G. Sanders (P)	Chief counsel	$18, 000. 00
Richard L. Schultz (P)	Associate chief counsel.	14, 415. 36
William H. Hecht (P)	Executive staff assistant.	15, 561. 24
Alfred M. Nittle (P)	Legislative counsel	15, 658. 62
Robert M. Horner (C)	Chief investigator	12, 336. 00
William G. Shaw (C)	Research director	13, 032. 00
V. Bernice King (C)	Financial secretary	8, 917. 92
Mary M. Valente (C)	Administrative secretary.	9, 636. 60

Name of employee	Profession	Total gross salary during 6-month period
Anniel Cunningham (C).	Chief, files and reference.	$9,038.28
Standing committee (minority):		
DeWitt White (P)	Legal counsel	15,658.62
Herbert Romerstein (C).	Chief investigator	15,297.48
James L. Gallagher (C).	Research analyst (to standing May 1, 1972).	4,166.66
Ruth I. Matthews (C)	Clerical (terminated Apr. 31, 1972).	8,440.00
Investigative committee (majority):		
Victoria Appell	Clerk-typist (summer help, appointment May 22, 1972).	585.00
Barbara B. Bagwell	Information classifier (resigned June 12, 1972).	3,085.88
Patricia A. Belback	Stenographer (terminated Apr. 24, 1972).	2,839.70
Margis D. Biggerstaff	Secretary	5,324.34
Charles Bonneville	Investigator	8,390.46
Daniel Butler	Assistant documents clerk.	5,271.48
S. Janice Coil	Secretary	6,047.16
Ruth Ann Crocitto	Information analyst	4,023.48
Susan K. Daniels	do	4,653.66
Florence P. Doyle	Secretary	5,051.52
Elizabeth Edinger	Editor	8,174.46
Daniel Ferry	Assistant counsel	9,791.04
Andrea Foy	Information classifier	3,428.76
Helen M. Gittings	Research analyst	9,405.72
Sheila Harrison	Clerk-typist	3,428.76
Isobel Hurwitz	Information classifier (resigned Mar. 13, 1972).	1,524.77
L. William Ivory, Jr	Assistant documents clerk.	3,263.16
Doris Jaeck	Information analyst	5,335.38
Mildred James	Clerk-typist	3,741.78
Joan Keller	Secretary (resigned Apr. 20, 1972).	3,317.75
John F. Lewis	Coordinating editor	14,538.90
Norma H. Lewis	Secretary (appointed May 29, 1972).	965.16
Virginia Masino	Receptionist	4,481.88
Anito Maggio	Clerk	3,428.76
David E. Muffley, Jr	Documents clerk	5,151.00
Maureen P. Ontrich	Information analyst	4,689.84
Alma T. Pfaff	Research analyst	5,917.62
Peggy Pixley	Editorial clerk	5,335.38
Robert Poos	Research analyst	9,791.04
Stuart Pott	Investigator	6,811.44
Audrey Rollins	Secretary	4,762.20
Karen Sue Russell	Information classifier	3,759.72
Richard A. Shaw	Investigator	9,256.80
Albert H. Solomon, Jr	do	10,594.98
Jeanne L. Spencer	Clerk-stenographer	4,483.74
John N. Stratton	Investigator	8,390.46
Barbara C. Sweeny	Clerk-stenographer	4,167.54
Joseph Thach, Jr	Research analyst	8,440.02
Francis M. Watson, Jr	Research specialist (terminated May 14, 1972).	7,682.67
Investigative committee (minority):		
George C. Armstrong	Investigator	7,648.74
James L. Gallagher	Research analyst (terminated May 1, 1972).	5,781.40
Richard Norusis	Investigator	8,176.26
William T. Poole	Research analyst	7,261.74
Linda Spirt	Secretary	5,794.20

Funds authorized or appropriated for committee expenditures	$1,095,000.00
Amount of expenditures previously reported	541,929.05
Amount expended from Jan. 1, to June 30, 1972	278,795.32
Total amount expended from Jan. 1, 1972 to June 30, 1972	820,724.37
Balance unexpended as of June 30, 1972	274,275.63

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

July 17, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Clerical staff:		
W. E. Williamson	Clerk	$18,000.00
Kenneth J. Painter	First assistant clerk	15,864.18
Marcella F. Johnson	Assistant clerk	9,890.94
Frank W. Mahon	Printing editor	10,439.28
Eleanor A. Dinkins	Clerical assistant	7,830.24
Hazel J. Collie	Staff assistant	9,845.52
Mary Ryan	Clerical assistant	7,830.18
Edwin E. Thomas	Staff assistant	7,365.60
Marion M. Burson (minority).	do	15,864.18
Lewis E. Berry, Jr. (minority)	Minority counsel	18,000.00
Professional staff:		
James M. Menger	Professional staff member.	18,000.00
William J. Dixon	do	18,000.00
Robert F. Guthrie	do	18,000.00
Kurt Borchardt	do	18,000.00
Charles B. Curtis	do	18,000.00
Additional temporary employees under H. Res 170, 290. and 908:		
A. Bennett Schram	Staff assistant (minority).	10,549.98
Henry Thomas Greene	do	10,549.98
Helen M. Dubino	do	15,401.76
Barbara L. Bullard	Clerical assistant (minority).	6,583.62
Darlene G. McMullen	do	4,255.86
Linda K. Lantz	do	4,654.68
Dennis C. Shumaker	Clerical assistant (through Feb. 15)	980.24
Judith Wood	Clerical assistant (through Apr. 7)	2,700.51
Diane G. K. Cox	Clerical assistant	6,066.24
Joanne E. Bell	Clerical Assistant (from May 1).	1,666.66
Violet M. McCarthy	Clerical assistant	6,812.88
Anne P. Lebbon	do	4,694.76
Joseph T. Kelley	Messenger (from May 30).	620.00
William Charles Barnich.	Clerical assistant (from Mar. 1).	3,333.32
Walter J. Graham, Jr	Staff assistant	13,580.52
Stephan E. Lawton	do	13,580.52
Michael R. Lemov	do	13,580.52
Richard Krolik	Staff assistant (from Feb. 14)	10,336.28
JoAnn Robinson	Staff assistant (from June 6).	694.44
Margaret C. Mazzone	do	500.00
Troy Webb	Staff assistant (from June 1).	600.00
Special Subcommittee on Investigations:		
Daniel J. Manelli	Acting chief counsel	16,879.98
William T. Druhan	Staff assistant	14,865.42
James F. Broder	do	14,242.50
James R. Connor	Special assistant	13,783.92
Benjamin J. Smethurst.	do	14,865.42
Mark J. Raabe	Staff attorney	13,714.98
Michael F. Barrett	do	13,714.98
Michael Parker	do	11,605.02
Albert J. McGrath	Special assistant	7,490.52
Elizabeth G. Paola	Clerical assistant	7,830.18
Elizabeth A. Eastman	do	6,995.64
Judith B. Fisher	do	5,802.48
Russell D. Mosher	Staff assistant	5,526.96
Special securities study group:		
William Hall Painter	Special counsel	18,000.00
Robert L. Stern	Special consultant	14,506.26
Harvey A. Rowen	Staff attorney	10,068.78
Barbara C. Flues	Clerical assistant	5,802.48
Judith Ann Quinn	do	4,747.50
Annette Bouchard	do	4,747.50
Roy A. Schotland	Special consultant (from May 15).	2,300.00

Funds authorized or appropriated for committee expenditures	$1,474,000.00
Amount of expenditures previously reported	651,002.02
Amount expended from Jan. 1, to June 30, 1972	382,131.60
Total amount expended from Jan. 3, 1971 to June 30, 1972	1,033,133.62
Balance unexpended as of July 1, 1972	440,866.38

HARLEY O. STAGGERS, Chairman.

COMMITTEE ON THE JUDICIARY

July 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972 inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Bess E. Dick	Staff director	$18,000.00
Benjamin L. Zelenko	General counsel	18,000.00
Herbert Fuchs	Counsel	18,000.00
Garner J. Cline	do	16,382.76
William F. Shattuck	do	16,382.76
Donald G. Benn	Associate counsel	15,825.00
R. Frederick Jett	Counsel	14,935.98
Jerome M. Zeifman	do	15,825.00
Frances Christy	Clerical staff	10,633.56
Jane C. Caldwell	do	9,600.24
Gertrude Clara Burak	do	8,540.64
Carrie Lou Allen	do	8,081.10
Lorraine W. Beland	do	8,081.10
Roberta E. Eisenberg	do	8,081.10
Joanne E. Bell	Clerical staff (through Apr. 30, 1972).	2,551.16
Pearl L. Chellman	Clerical staff	5,275.02
Daniel L. Cohen	Assistant counsel	7,701.65
George A. Dalley	do	9,800.43
Howard C. Eglit	do	10,198.31
Arthur P. Endres, Jr	do	7,526.65
James B. Farr	Messenger-clerk	3,710.49
Mary Shea Gaffney	Clerical staff	5,108.82
Samuel A. Garrison III	Associate counsel	10,022.52
Alma B. Haardt	Clerical staff	6,719.40
Herbert E. Hoffman	Special counsel for Federal Criminal Law Reform.	18,000.00
Alice M. Jackson	Clerical staff	4,483.74
Florence C. Johnson	do	5,151.98
Alfred S. Joseph III	Assistant counsel (through May 31, 1972).	8,132.30
Judith Kahn	Clerical staff	3,976.02
Michael Kelemonick	do	7,087.74
Florence T. McGrady	do	7,087.74
Thomas E. Mooney	Associate counsel	11,077.50
Franklin G. Polk	do	15,825.00
Ruth T. Pratt	Clerical staff	5,802.48
Ann P. Sartori	Clerical staff (from June 5, 1972).	765.55
Mary G. Sourwine	Clerical staff	6,963.00
Annelie Tischbein	do	5,115.84
Louis S. Vance	Messenger-clerk	4,979.22

Funds authorized or appropriated for committee expenditures	$800,000.00
Amount of expenditures previously reported	299,993.18
Amount expended from Jan. 1 to June 30, 1972	198,296.91
Total amount expended from Jan. 3, 1971, to June 30, 1972	498,290.09
Balance unexpended as of June 30, 1972	301,709.91

Funds for preparation of United States Code, District of Columbia Code, and Revision of the Laws

A. Preparation of New Edition of United States Code (no year):	
Unexpended balance Dec. 31, 1971	$132,951.56
Expended Jan. 1 to June 30, 1972	20,159.07
Balance June 30, 1972	112,792.49
B. Preparation of New Edition of District of Columbia Code:	
Unexpended balance Dec. 31, 1971	77,974.52
Expended Jan. 1 to June 30, 1972	14,972.55
Balance June 30, 1972	63,001.97
C. Revision of the Laws, 1972:	
Unexpended balance Dec. 31, 1971	22,560.50
Expended Jan. 1–June 30, 1972	18,000.00
Balance June 30, 1972	4,560.50

EMANUEL CELLER, Chairman.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

June 30, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Ralph E. Casey	Chief counsel	$18,000.00
Ned P. Everett	Counse	15,917.88
Ernest J. Corrado	do	14,242.50
Leonard L. Sutter	do	13,282.50
Robert J. McElroy	Chief clerk	17,983.14
William B. Winfield	Clerk	11,867.77
Frances P. Still	do	9,672.96
Vera A. Barker	Secretary	9,502.28
Albert J Dennis	Investigator	11,092.47
Richard N. Sharood	Minority counsel	13,731.66
William C. Rountree	do	9,495.00
Virginia L. Noah	Secretary (Minority)	9,255.32
Investigative staff:		
Francis D. Hewyard	Counsel	13,714.98
Alfred Ronald Santo	do	8,813.34
Frank M. Potter, Jr	do	9,000.00
Donald A. Watt	Editor	10,108.98
Lucye L. Summers	Secretary	6,498.36
Jane C. Wojcik	do	7,792.98
Pauline M. Dickerson	do	8,202.66
Eleanor P. Mohler	do	5,894.41
Betty Ann Nevitt	do	5,925.02
Norman M. Barnes	Investigator	5,344.50
Ronald W. C. Watt	Assistant clerk	3,031.23
Ruth I. Hoffman	do	5,758.34
Elizabeth D. Heater	Staff Assistant	1,142.92
James L. Larocca	Clerk, Subcommittee on Panama Canal.	9,000.00
Gwendolyn H. Lockhart	Assistant minority clerk.	1,083.33
Carlton J. Hicks	Assistant clerk	410.00

Funds authorized or appropriated for committee expenditures	$519,000.00
Amount of expenditures previously reported	194,366.60
Amount expended from Jan. 1 to June 30, 1972	$111,940.39
Total amount expended from Jan. 1 to June 30, 1972	306,306.99
Balance unexpended as of June 30, 1972	212,693.01

EDWARD S. GARMATZ. Chairman.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

July 17, 1972

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing Committee staff:		
Martiny, John H.	Chief Counsel	$18,000.00
Gaughan, Vincent M.	Staff director and special counsel	17,500.02
Bray, Bun Benton	Associate staff director	17,749.98
Smiroldo, Victor C.	Counsel	71,749.98
Irvine, William A.	Assistant staff director	17,749.98
Kazy, Theodore J.	Senior staff assistant	17,749.98
Fortune, Francix C.	Coordinator	14,716.68
Lockhart, Robert E.	Assistant counsel	14,316.67
Thornton, Elsie E.	Chief clerk	12,666.79
Wells, Barbara M.	Executive secretary	9,149.98
Simons, Blanche M.	Secretary	8,679.18
Investigative staff, pursuant to H. Res. 217, 279, and 826 of the 92d Congress:		
Araneta, Louis A.	Intern (from June 1)	300.00
Barry, Margaret R.	Secretary (minority)	5,500.02
Barton, Richard A.	Staff assistant	11,608.75
Bates, Kathryn E.	Secretary (minority)	6,542.50
Bethea, Barbara Faye	Secretary	3,337.50
Borger, Deanne L.	Secretary (to Jan. 2)	65.28
Bracy, Raymond	Intern (from June 19)	120.00
Brown, Lorraine L.	Secretary	5,180.47
Ciaravella, Jo Ann	do	5,234.42
Cleven, Cathy L.	Intern (from June 1)	300.00
Coultrap, Ray H.	Staff assistant (minority).	7,454.18
Devlin, Ralph J.	Staff assistant	14,516.65
Diamond, Elaine L.	Secretary	3,977.00
Findley, Thomas W.	Staff assistant (to Feb. 29).	1,712.50
Fussell, Glenda J.	Secretary	4,066.32
Gabusi, John B.	Staff assistant	13,083.40
Gould, George B.	do	13,086.02
Gustafson, Tanya	Intern (from June 12)	$190.00
Harding, Delois	Secretary	5,176.90
Hatcherson, Jane W.	Secretary (from June 12).	506.67
Hedglon, Peter F.	Intern (from June 5)	260.00
Herzog, Andrew F.	Intern (Feb. 1 to Feb. 29).	500.00
Howard, Alton M.	Printing editor	10,016.65
Hugler, Edward T.	Investigator	14,250.00
Kennedy, Thomas R.	Staff assistant	12,780.07
Mulholland, James S.	Staff Assistant (from Mar. 1).	2,525.00
Meyer, Robert James	Intern (from June 12)	190.00
Moore, Robert M.	Intern (from June 26)	68.06
Myers, Lois G.	Secretary	6,693.32
Napier, Margaret G.	Assistant document clerk.	5,645.85
Neuman, Robert A.	Staff assistant	9,379.18
Pendleton, Maria R.	Document clerk	8,629.15
Peters, Dorothy L.	Secretary	7,424.98
Pierce, Crystal D.	Intern (from June 5)	260.00
Raymond, Anthony J.	Staff assistant (minority).	12,291.68
Snipes, Justine P.	Secretary	7,458.21
Spetka, David R.	Intern (from June 5)	260.00
Stoner, Gordon S.	Intern (from June 1)	300.00
Thayer, Ted J.	Research assistant	7,414.18
Ward, Sara L.	Secretary	8,341.67

Funds authorized or appropriated for committee expenditures	$1,056,000.00
Amount of expenditures previously reported	415,759.93
Amount expended from Jan. 1 to June 30, 1972	256,178.25
Total amount expended from Jan. 3 to June 30, 1972	671,938.18
Balance unexpended as of June 30, 1972	384,061.82

THADDEUS J. DULSKI, Chairman.

COMMITTEE ON PUBLIC WORKS

June 30, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Richard J. Sullivan	Chief counsel	$18,000.00
Lester Edelman	Counsel	16,879.98
Clifton W. Enfield	Minority counsel	18,000.00
Lloyd A. Rivard	Engineer consultant	16,879.98
Carl H. Schwartz, Jr.	Consultant—Projects and programs.	7,374.00
James L. Oberstar	Administrator	16,886.34
Dorothy A. Beam	Executive staff assistant.	11,630.34
Meriam R. Buckley	Staff assistant	9,700.20
Sterlyn B. Carroll	do	8,107.68
Erla S. Youmans	Minority executive staff assistant.	9,758.76
Gordon E. Wood	Minority professional staff (June 1, 1972 transferred to investigating staff).	10,034.98
Ruth Costello	Staff assistant (effective Jan. 1, 1972).	7,965.07
Richard C. Peet	Assistant minority counsel (effective June 1, 1972).	2,808.33
Investigating staff:		
Richard C. Peet	Assistant minority counsel (June 1, 1972 transferred to Standing Comm. staff).	13,862.05
Robert F. Spence	Subcommittee clerk	9,103.98
Joseph A. Italiano, Jr.	Editorial assistant	9,985.03
Linda L. Williams	Minority staff assistant (terminated May 15, 1972.)	4,431.01
Nancy B. Vitali	Subcommittee clerk	$6,066.24
Peggy Lynn Clements	Staff assistant	6,066.24
Cynthia J. Van Sant	do	4,483.74
Rosemari E. Gaughan	Staff assistant (terminated May 19, 1972).	1,222.04
Toby Stein	Staff assistant	3,951.00
Patricia A. Hill	Minority staff assistant	5,275.02
Richard C. Barnett	do	6,507.66
Brenda C. Jones	do	4,747.50
Robert F. Loftus	Technical staff assistant.	15,297.48
William M. Corcoran	Staff assistant	3,850.00
Marie M. Lynch	Subcommittee clerk	6,435.48
Thomas R. Dougherty	do	9,495.00
Steven H. Bourke	Staff assistant	9,231.24
Elizabeth H. Kiley	do	3,384.79
Machele J. Miller	do	4,219.98
Margaret F. McCarthy	do	4,219.98
Ruth Constandy	Technical consultant	11,605.02
Henry G. Edler	Project coordinator	17,407.50
Pauline L. DeCourcy	Minority staff assistant (effective Apr, 17, 1972).	2,055.55
Catherine A. Evans	Staff assistant (effective May 15, 1972).	1,150.00
Gordon E. Wood	Minority professional staff assistant (effective June 1, 1972).	2,125.00
Paul Sanders Francis	Staff assistant (effective June 1, 1972).	750.00
Alissa Deitz	Staff assistant (effective June 12, 1972).	316.67
Joseph R. Brennan	Consultant	8,400.00
Peter Jutro	do	2,520.00
Max K. Taher	do	3,200.00
F. Robert Edman	do	4,600.00
Subcommittee on Investigations and Oversight:		
Walter R. May	Chief counsel	18,000.00
Salvatore J. D'Amico	Associate counsel	15,825.00
John P. O'Hara	do	15,825.00
Carl J. Lorenz, Jr	do	15,825.00
Robert G. Lawrence	do	16,359.81
George M. Kopecky	Chief investigator	17,629.56
Sherman S. Willse	Professional staff member.	15,825.00
Paul R. S. Yates	Professional minority staff member.	15,730.66
Kathryn M. Keeney	Chief clerk	9,336.78
Martha E. Downie	Minority staff assistant	7,121.28
Betty Hay	Administrative assistant.	7,912.50
Shirley R. Knighten	Staff assistant	6,593.76
Carol Dahlstedt	do	6,593.76
William O. Nolen	Investigator	10,549.98
George P. Karseboom	Professional staff member.	14,242.50
Agnes M. Ganun	Staff assistant	6,829.86
Charles A. Krouse	Professional staff member (effective Jan. 10, 1972).	12,825.00
Sheldon Gilbert	Minority counsel (effective Mar. 6, 1972).	9,583.33

Funds authorized or appropriated for committee expenditures:	
H. Res. 351	$1,072,670.00
H. Res. 1000	798,890.00
Total	1,871,560.00
Amount of expenditures previously reported	705,302.22
Amount expended from Jan. 1, 1972, to June 30, 1972	443,293.55
Total amount expended from Jan. 3, 1971, to June 30, 1972	1,148,595.77
Balance unexpended as of June 30, 1972	722,964.23

JOHN A. BLATNIK, Chairman.

COMMITTEE ON RULES

July 3, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Laurie C. Battle	Staff director and counsel (P).	$18,000.00
Mary Spencer Forrest	Assistant counsel and research analyst (P).	11,329.98
Winifred L. Watts	Administrative assistant (P).	9,075.00
Jonna Lynne Cullen	Staff assistant (C)	8,500.02
Margaret Anne Budick	Secretary (C)	6,000.00
William D. Crosby, Jr	Minority counsel (P)	9,499.98
Total		62,404.98

Funds authorized or appropriated for committee expenditures	$5,000.00
Amount of expenditures previously reported	724.83
Amount expended from Jan. 1 to June 30, 1972	305.61
Total amount expended from Jan. 1 to June 30, 1972	1,030.44
Balance unexpended as of June 30, 1972	3,969.56

WILLIAM M. COLMER, Chairman.

COMMITTEE ON SCIENCE AND ASTRONAUTICS

June 30, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
C. F. Ducander	Executive director and chief counsel.	$18,000.00
John A. Carstarphen, Jr	Chief clerk and counsel	18,000.00
Philip B. Yeager	Counsel	18,000.00
Frank R. Hammill, Jr	do	18,000.00
James E. Wilson, Jr	Technical consultant	17,319.72
Carl Swartz	Minority staff	11,868.78
Joseph Del Riego	do	11,605.02
Mary Ann Robert	Secretary	7,575.32
Emily Dodson	do	7,263.36
Carol F. Rogers	do	7,087.74
June C. Stafford	do	7,087.74
Kieran U. Cashman	do	5,864.64
Theresa M. Gallo	do	5,011.26
Investigative staff (H. Res. 247 and 824):		
Richard P. Hines	Staff consultant	17,319.72
Harold A. Gould	Technical consultant	17,319.72
Philip P. Dickinson	do	15,015.42
W. H. Boone	do	18,000.00
William G. Wells, Jr	do	14,581.97
J. Thomas Ratchford	Science consultant	15,712.26
John D. Holmfeld	Science policy consultant.	12,660.00
Frank J. Giroux	Printing clerk	9,237.78
Elizabeth S. Kernan	Scientific research assistant.	8,521.92
Martha N. Rees	Secretary	6,783.84
Denis C. Quigley	Publications clerk	7,495.68
Patricia J. Schwartz	Secretary	5,225.88
Barbara Jackson	Secretary (to Jan. 31, 1972).	838.91
A. Patrick Nucciarone	Assistant publications clerk.	2,532.00

Funds authoriaed or appropriated for committee expenditures	790,000.00
Amount of expenditures previously reported	329,585.48
Amount expended from Dec. 31, 1971, to June 30, 1972	182,330.96
Total amount expended from Jan. 3, 1971, to June 30, 1972	511,916.44
Balance unexpended as of June 30, 1972	278,083.56

GEORGE P. MILLER, Chairman.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

July 1, 1972

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Swanner	Staff Director	$18,000.00
Bennett Wolfe	Assistant staff director	15,855.30
Robert G. Allett	Senior staff member	17,937.30
Mariann R. Mackenzie	Secretary	10,549.98
Tempie W. Whittington	Assistant clerk	5,157.80
John A. Lauder	Clerk Feb. 14 through June 30, 1972.	3,283.33

Funds authorized or appropriated for committee expenditures (H. Res. 236; Mar. 23, 1971)	$25,000.00
Amount of expenditures previously reported	564.65
Amount expended from Jan. 1 to June 30, 1972	781.35
Total amount expended from Jan. 1, to June 30, 1972	1,346.00
Balance unexpended as of June 30, 1972	23,654.00

MELVIN PRICE, Chairman.

COMMITTEE ON VETERANS' AFFAIRS

July 14, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
▶ Oliver E. Meadows	Staff director	$18,000.00
John R. Holden	Professional staff (minority).	16,347.00
Donald C. Knapp	Counsel	18,000.00
Billy E. Kirby	Professional aide	16,347.00
George W. Fisher	Clerk	18,000.00
Helen A. Biondi	Assistant clerk	11,439.42
Alice V. Matthews	Clerk-stenographer	7,895.22
Morvie Ann Colby	do	7,672.20
Marjorie J. Kidd	do	7,337.70
Arthur M. Gottschalk	Professional aide (minority).	11,077.50
Patricia J. Wilton	Clerk-stenographer (minority).	5,782.50
Investigative staff:		
Philip E. Howard	Investigator	16,239.72
Audrey A. Powelson	Clerk-stenographer	5,782.50
Candis L. Graves	do	4,735.08
Vance L. Gilliam	Records clerk	4,572.30
Ralph M. Waugh	Clerk-messenger (from June 12, 1972).	369.44
Rita W. Schwall	Clerk-stenographer	3,210.38
Jomes A. Hight	Clerk-messenger (from June 19, 1972).	233.33

Funds authorized or appropriated for committee expenditures	$260,000.00
Amount of expenditures previously reported	109,094.57
Amount expended from Jan. 1, to June 30, 1972	53,958.11
Total amount expended from Jan. 3, 1971 to June 30, 1972	163,052.68
Balance unexpended as of June 30, 1972	96,947.32

OLIN E. TEAGUE, Chairman.

COMMITTEE ON WAYS AND MEANS

June 30, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Martin, Jr	Chief counsel (P)	$18,000.00
Richard C. Wilbur	Minority counsel (P)	18,000.00
John Patrick Baker	Assistant chief counsel (P).	17,749.98
Robert B. Hill	Professional staff (P)	12,454.26
William Kane	do	16,604.28
James W. Kelley	do	17,394.30
Harold T. Lamar	do	17,394.30
A. L. Singleton, Jr	do	15,371.04
Florence Burkett	Staff assistant (C)	7,801.74
Virginia Butler	do	9,273.48
William C. Byrd	Staff assistant (C) to Feb. 14.	1,537.67
Marie Crane	Staff assistant (C)	7,384.98
Mary Clare Fitzgerald	do	5,532.66
William Fullerton	do	17,394.30
Charles Hawkins	do	17,749.98
Grace Kagan	do	9,273.48
June Kendall	do	10,805.82
Eunice Leigh	Staff assistant (C) from Jan. 20.	4,472.20
Elizabeth Lieblich	Staff assistant (C)	4,114.50
Doris J. Parker	Staff assistant (C) from June 15.	391.04
Jean Ratliff	Staff assistant (C)	5,409.54
Gloria Shaver	do	8,983.88
Eileen Sonnett	Staff assistant (C) to June 15.	7,151.43
Danna Thomas	Staff assistant (C)	4,879.38
Judith VanDerSchaaf	do	5,412.18
Carole Vazis	do	6,434.58
Kaye Anne Weinstein	do	5,891.10
Hughlon Greene	Document clerk (C)	7,801.74
Walter B. Little	do	7,801.74

Funds authorized or appropriated for committee expenditures	$75,000.00
Amount of expenditures previously reported	10,508.74
Amount expended from Jan. 1, to June 30, 1972	7,204.91
Total amount expended from Jan. 1, 1971, to June 30, 1972	17,713.65
Balance unexpended as of June 30, 1972	57,286.35

W. D. MILLS, Chairman.

SELECT COMMITTEE ON CRIME

July 31, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Mildred Irene Appleby	Secretary	$4,472.15
Avanell K. Bass	Office manager (from June 1, 1972).	1,250.00
Livio A. Beccaccio	Investigator	10,549.98
Leroy C. Bedell, Jr	do	9,139.57
Barry Stuart Berger	Assistant counsel (from June 1, 1972).	1,833.33
Michael William Blommer.	Associate chief counsel	14,083.47
Jack Ross Blumenfeld	Special counsel (from May 15, 1972).	2,300.00
Mary R. Boysen	Secretary to associate counsel.	6,171.78
Marian Canty	Secretary to the chairman.	6,752.92
Frederick B. Collison	Investigator	7,593.37
Martha A. Cook	Secretary	4,747.50
James P. Donovan	Investigator	10,549.98
Elsworth D. Dory	do	9,139.57
Miriam E. Douglass	Secretary	5,275.02
Mary Faye Downey	do	4,483.74
Lina Mabel Duran	do	6,593.76
Hazel K. Edwards	Secretary to associate chief counsel (to Feb. 6, 1972).	1,200.00
Patti Lu Englander	Research assistant (from June 15, 1972).	213.33
Mary M. Goulart	Finance officer	7,912.50
Evelyn Savage Grey	Researcher	6,066.24
Raphael J. Madden	Research assistant	3,920.94
Robert E. McKenna	Investigator	10,549.98
Helen Joyce Morse	Secretary (to Jan. 19, 1972).	395.83
H. Christopher Nolde	Associate counsel	13,565.47

Name of employee	Profession	Total gross salary during 6-month period
N. Ross Otters	Investigator	$10,549.98
Michael Don Petit	Press officer	10,549.98
Joseph A. Phillips	Chief counsel	18,000.00
Andrew Radding	Assistant counsel	8,484.30
Pauline B. Reeping	Secretary to chief counsel.	6,749.37
Theresa A. Sbarra	Secretary	4,206.27
Wade Carter Scaggs	Research assistant (from May 1 to May 31, 1972).	325.00
Margaret M. Schauer	Research assistant	6,066.24
Betty B. Seal	Secretary to associate chief counsel (from Feb. 23, 1972).	3,555.54
Thomas K. Sullivan	Investigator	10,549.98

Funds authorized or appropriated for committee expenditures	$1,145,000.00
Amount of expenditures previously reported	448,475.73
Amount expended from Jan. 1 to June 30, 1972	296,900.24
Total amount expended from Jan. 1, 1971 to June 30, 1972	745,375.97
Balance unexpended as of June 30, 1972	399,624.03

SELECT COMMITTEE ON HOUSE RESTAURANT

July 14, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Thomas J. Campbell	Staff director	$10,072.61
Patricia S. Putnins	Secretary	3,965.75

Funds authorized or appropriated for committee expenditures	$44,141.98
Amount expended from Jan. 1 to June 30	14,211.49
Total amount expended from Jan. 1 to June 30	14,211.49
Balance unexpended as of June 30, 1972	29,930.49

JOHN C, KLUCZYNSKI. Chairman.

PERMANENT SELECT COMMITTEE ON SMALL BUSINESS

July 14, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Emilia E. Parrish	Secretary	$6,349.98
Brenda H. Napier	do	2,997.24
William A. Keel, Jr	Research analyst	18,000.00
Myrtle Ruth Foutch	Clerk	10,002.00
Donna M. Watson	Secretary	4,725.00
Henry A. Robinson	Counsel	16,750.02
Don M. Parkinson	Staff assistant	300.00
Leslie R. Pennington	Printing editor	9,900.00
Thomas G. Powers	Counsel	7,375.02
Ralph W. Emerson	Investigator	12,000.00
Justinus Gould	Counsel	16,500.00
Donald B. Roe	do	9,900.00
Mary Eileen Owens	Secretary	3,499.98
Howard Greenberg	Staff director	18,000.00
Linda W. Kinkead	Secretary	6,349.98
Valerie Ayres	Secretary	$2,600.00
Millard V. Oakley	General counsel	18,000.00
John K. Rayburn	Counsel	11,500.02
Charles E. O'Connor	do	4,937.49
Christine Stewart	Secretary	4,125.00
Dorothy M. Jordan	do	616.67
Linda Louise Spakes	do	4,999.98
Mary Biddle Dick	Secretary, minority	3,862.50
Willa C. Rawls	do	4,750.02
Bernadette O. Romanesk	do	5,550.00
James R. Phalen	Assistant minority counsel.	11,050.02
John M. Finn	Minority counsel	12,100.02

Funds authorized or appropriated for committee expenditures	$928,000.00
Amount of expenditures previously reported	417,719.39
Amount expended from Jan. 1, to June 30, 1972	241,183.99
Total amount expended from Jan. 3, 1971 to June 30, 1972	658,903.38
Balance unexpended as of June 30, 1972	269,096.62

JOE L. EVINS, M.C., Chairman.

JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

July 7, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Eugene F. Peters	Executive director	$18,000.00
Raymond L. Gooch	Counsel	14,500.02
Cynthia K. Watkins	Administrative clerk	5,616.65
Donald G. Tacheron	Director of research	16,875.00
George Meader	Counsel	11,172.00
Ann Holoka	Research assistant	5,625.00
Nancy Carole Pennington.	Clerk	3,083.33
Judith A. Gandy	do	2,569.43
Thomas R. White, III	do	2,000.00
Xavier Louis Suarez	do	1,500.00
David Hugh Green	do	1,000.00
Robert J. Kelley	Administrative officer	8,481.68
James F. McAllister	do	14,043.75
Gerard C. Snow	Clerk	3,875.01
Lynn Gayle Zeltner	do	3,583.33
James S. Machowski	do	3,624.99
Molly McKnight Hughes	do	3,173.60
Dianne Spiegel	do	3,381.94
Dennis Frank Burkhart	do	2,644.43
Denise Ann West	do	583.33
Terrell Martin Tannen	do	175.00
John Winston Heron	do	175.00
Elena Tabet	do	20.83
Mary E. Bernard	do	291.67

Funds authorized or appropriated for committee expenditures	$425,000.00
Amount of expenditures previously reported	90,070.13
Amount expended from January 1972 to June 1972	138,389.13
Total amount expended July 1971 to June 1972	228,459.26
Balance unexpended as of June 30, 1972	196,540.74

JACK BROOKS, Chairman.

JULY 11, 1972.

JOINT COMMITTEE ON DEFENSE PRODUCTION

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Harold J. Warren	Staff director and counsel.	$16,382.76
Charles S. Brewton	General counsel	16,096.62
Cary H. Copeland	Assistant staff director.	12,268.98
George T. Ault	Professional staff member.	11,153.70
Mattie I. Echols	Secretary	5,773.38
John R. Hall	Staff assistant	527.50
Helen O. McDaniel	Clerk assistant	616.67
Stephen J. Caudle	Staff assistant	1,500.00
Billy Henry Thompson	Professional staff member.	1,500.00
Adrienne Hampton	Clerk	750.00
Olivia S. Mitchell	do	750.00

Funds authorized or appropriated for committee expenditures	$136,580.00
Amount of expenditures previously reported	61,631.53
Amount expended from Jan. 1 to June 30, 1972	67,809.52
Total amount expended from July 1 to June 30, 1972	129,441.05
Balance unexpended as of June 30, 1972	7,138.95

WRIGHT PATMAN, Chairman.

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

July 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employer	Profession	Total gross salary during 6-month period
Laurence N. Woodworth	Chief of staff	$19,999.98
Lincoln Arnold	Deputy chief of staff	18,000.00
Dennis P. Bedell	Assistant chief of staff (through Jan. 31, 1972).	2,982.17
Arthur Fefferman	Chief economist	18,000.00
Nicholas A. Tomasulo	Legislation counsel	17,745.48
Herbert L. Chabot	Assistant legislation counsel.	15,749.98
Robert R. Smyers	Refund counsel (through Feb. 29, 1972).	5,912.16
James H. Symons	Statistical analyst	17,250.00
John Germanis	do	14,100.00
Meade Emory	Legislation attorney	15,499.98
Albert Buckberg	Economist	14,933.35
Michael D. Bird	do	14,975.02
Harrison B. McCawley	Refund counsel	13,750.02
Bernard M. Shapiro	Legislation attorney	13,708.33
Joseph P. Spellman	do	10,827.00
Harold Dubroff	do	11,749.98
Donald C. Evans, Jr	do	11,189.58
Anastasia Connaughton	Statistical clerk	11,020.02
Joseph E. Fink	do	11,020.02
James E. Wheeler	Accountant	10,022.48
Leon W. Klud	Economist	10,083.35
Carl E. Bates	Refund attorney	10,508.24
Mark L. McConaghy	Legislation attorney (as of Feb. 1, 1972).	8,515.01
Howard J. Silverstone	Legislation attorney (as of Apr. 3, 1972).	6,055.58
Robert A. Warden	Legislation attorney (as of Apr. 17, 1972).	5,638.53
Joanne McDermott	Secretary	8,535.83
Linda Savage	do	6,726.65
Blanche Nagro	Secretary (refund)	6,561.27
Mary W. Gattie	Secretary (through Jan. 31, 1972).	1,099.00
Jamie L. Daley	Secretary	6,040.42
June Matthews	do	5,557.52
Amelia Del Carmen	do	5,452.90
Marcia B. Rowzie	do	5,527.90
Sharon Malcom	Secretary (refund)	4,344.18
Jacqueline S. Pfeiffer	Secretary	5,712.08
Ellen I. Woodriff	Secretary (as of Feb. 1, 1972).	3,791.67
Helen Strosnider	Secretary (through Mar. 31, 1972).	3,165.00

Name of employee	Profession	Total gross salary during 6-month period
Elaine Stairs	Secretary (as of Apr. 6, 1972).	$3, 219. 4
Jill Holmes	Secretary (Mar. 1, to May 15, 1972).	1, 875. 00
Ann Stewart	Secretary (as of June 12, 1972).	570. 00
Katherine Keller	do	274. 44
Richard Eigenbrode	Clerk (as of May 22, 1972).	520. 00
Funds authorized or appropriated for committee expenditures		$779, 700. 70
Amount of expenditures previously reported (July 1, 1971 to Jan. 1, 1972)		360, 316. 91
Amount expended from Jan. 1 to July 1, 1972		385, 574. 79
Total amount expended from July 1, 1971 to July 1, 1972		745, 891. 70
Balance unexpended as of July 1, 1972		33, 878. 30

RUSSELL B. LONG, Chairman.

SPECIAL COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES, 1972

July 15, 1972.

(Pursuant to H. Res. 907, 92d Congress)

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from February 28, to June 30, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John Warren McGarry	Chief counsel	$12, 000. 00
Patricia A. Potope	Secretary	1, 336. 00
Carmen Galvan Loomis	Stenographer	340. 00
Daniel G. Meckley, IV	do	1, 540. 00
Joyce A. Gustavson	Staff assistant	906. 67
Funds authorized or appropriated for committee expenditures		$185, 000. 00
Amount of expenditures previously reported		00. 00
Amount expended from Feb. 28, to June 30, 1972		29, 221. 03
Total amount expended from Feb. 28 to June 30, 1972		29, 221. 03
Balance unexpended as of June 30, 1972		155, 778. 96

THOMAS P. O'NEILL, Jr. Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2219. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of transfers of amounts appropriated to the Department of Defense under the authority granted to the Secretary of Defense by section 736 of the Department of Defense Appropriations Act, 1972; to the Committee on Appropriations.

2220. A letter from the Secretary of the Army transmitting a report on the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on June 30, 1972, pursuant to 10 U.S.C. 3031(c); to the Committee on Armed Services.

2221. A letter from the Secretary of the Navy transmitting a draft of proposed legislation to amend title 10, United States Code, to provide for the promotion of officers of the Navy and Marine Corps who are in a missing status, and for other purposes; to the Committee on Armed Services.

2222. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense procurement from small and other business firms for July 1971 to May 1972, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

2223. A letter from the Administrator, Small Business Administration, transmitting volume II of the SBA's Annual Report for 1971, containing statistical information required by law; to the Committee on Banking and Currency.

2224. A letter from the Chairman, National Commission on State Workmen's Compensation Laws; transmitting the report of the Commission, pursuant to the Occupational Safety and Health Act of 1970; to the Committee on Education and Labor.

2225. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to ratify certain payments made by the United States under the Federal Airport Act, as amended; to the Committee on Interstate and Foreign Commerce.

2226. A letter from the Attorney General, transmitting the Annual Report of the Department of Justice for fiscal year 1971; to the Committee on the Judiciary.

2227. A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 215, title 18, United States Code, Receipt of Commissions or Gifts for Procuring Loans, to expand the institutions covered; to encompass indirect payments to bank officials; to make violation of the section a felony; and to specifically include offerors and givers of the proscribed payments; and for other related purposes; to the Committee on the Judiciary.

2228. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2229. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

2230. A letter from the Director, National Development and Finance, Boys' Clubs of America, transmitting the annual report and audit of Boys' Clubs of America, pursuant to section 17 of Public Law 988 (84th Congress); to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2231. A letter from the Comptroller General of the United States, transmitting a report on problems associated with reimbursements to hospitals for services furnished under the medicare program; to the Committee on Government Operations.

2232. A letter from the Comptroller General of the United States, transmitting a report on the sizable amounts due to the Government by institutions that terminated their participation in the medicare program; to the Committee on Government Operations.

2233. A letter from the Comptroller General of the United States, transmitting a report on the importance of testing and evaluation in the acquisition process for major weapon systems; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLATNIK: Committee on Public Works. H.R. 16071. A bill to amend the Public Works and Economic Development Act of 1965; with amendment (Rept. No. 92–1311). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASPINALL: Committee on Interior and Insular Affairs. H.R. 7211. A bill to establish public land use policy, to establish guidelines for its administration, and for other purposes; with amendment (Rept. No. 92–1306). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRASER: Committee on Foreign Affairs. House Joint Resolution 1268. Joint Resolution calling for an immediate and appropriate moratorium on the killing of polar bears (Rept. No. 92–1307). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRASER: Committee on Foreign Affairs. Senate Joint Resolution 182. Joint Resolution authorizing the President to invite the States of the Union and foreign nations to participate in Farmfest—U.S.A. and the World Ploughing Contest in September 1972 (Rept. No. 92–1308). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRASER: Committee on Foreign Affairs. House Joint Resolution 1257. Joint resolution to authorize an appropriation for the annual contributions by the United States for the support of the International Agency for Research on Cancer (Rept. No. 92–1309). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee of conference. Conference report on H.R. 15586. (Rept. No. 92–1310). Ordered to be printed.

Mr. McFALL: Committee of conference. Conference report on H.R. 15097. (Rept. No. 92–1312). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 16210. A bill to amend the Age Discrimination in Employment Act of 1967 to extend the act to State and local governments; to the Committee on Education and Labor.

H.R. 16211. A bill to provide for civil and criminal actions to prevent or restrain physical or economic intimidation of individuals engaged in voting or activities related to voting; to the Committee on the Judiciary.

H.R. 16212. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment; to the Committee on Ways and Means.

By Mr. ASPIN (for himself, Mrs. Abzug, Mr. Biaggi, Mr. Brademas, Mr. Carney, Mr. Collins of Illinois, Mr. Fulton, Mrs. Hicks of Massachusetts, Mr. Nix, Mr. O'Hara, Mr. O'Konski, Mr. Price of Illinois, Mr. Podell, Mr. Rangel, Mr. Sarbanes, Mr. Scheuer, Mr. Tiernan, Mr. Charles H. Wilson, and Mr. Wolff):

H.R. 16213. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enable units of general local government to increase the numbers of police; to the Committee on the Judiciary.

By Mr. BELL:

H.R. 16214. A bill to provide for the suspension of air transportation between the United States and foreign countries in cases of international aircraft hijacking; to the Committee on Interstate and Foreign Commerce.

By Mr. CAREY of New York (for himself, Mrs. Sullivan, Mr. Cotter, Mr. Minish, Mr. Carney, Mr. Danielson, Mr. Fish, Mr. Boland, Mr. St Germain, Mr. Charles H. Wilson, Mr. Helstoski, Mr. Eilberg, Mr. Bergland, Mr. Murphy of Illinois, Mrs. Hicks of Massachusetts, Mr. Mazzoli, Mr. Roybal, Mr. Nix, and Mr. Koch):

H.R. 16215. A bill to provide payments to States for public elementary and secondary education and to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of depedents; to the Committee on Ways and Means.

By Mr. CHAPPELL:

H.R. 16216. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. DON H. CLAUSEN:

H.R. 16217. A bill to authorize grants to the Deganawidah-Quetzalcoatl University; to the Committee on Education and Labor.

By Mr. EDWARDS of California (for himself, Mr. Abourezk, Mrs. Abzug, Mr. Begich, Mr. Bell, Mr. Biaggi, Mr. Biester, Mr. Brademas, Mr. Brown of Michigan, Mrs. Chisholm, Mr. Conyers, Mr. Corman, Mr. Danielson, Mr. Dellums, Mr. Dow, Mr. Drinan, Mr. Eilberg, Mr. Fraser, Mr. Green of Pennsylvania, Mr. Halpern, Mr. Hechler of West Virginia, Mrs. Hicks of Massachusetts, Mr. Holifield, Mr. Horton, and Mr. Mikva):

H.R. 16218. A bill to amend title 18 of the United States Code to enable the Federal criminal justice system to deal more effectively with the problem of narcotic addiction, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enable the State and municipalities to deal more effectively with that problem, and for other related purposes; to the Committee on the Judiciary.

By Mr. EDWARDS of California (for himself, Mr. Mitchell, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Rees, and Mr. Sarbanes):

H.R. 16219. A bill to amend title 18 of the United States Code to enable the Federal criminal justice system to deal more effectively with the problem of narcotic addiction, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enable the States and municipalities to deal more effectively with that problem, and for other related purposes; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 16220. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

By Mr. GERALD R. FORD (for himself and Mr. Kuykendall):

H.R. 16221. A bill to provide for the sale of the Washington National and Dulles International Airports; to the Committee on Interstate and Foreign Commerce.

By Mr. HANLEY:

H.R. 16222. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARRINGTON:

H.R. 16223. A bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails; to the Committee on Post Office and Civil Service.

By Mr. HARRINGTON (for himself, Mr. Begich, Mr. Keith, Mrs. Heckler of Massachusetts, Mrs. Hicks of Massachusetts, Mr. Biester, Mr. Burke of Massachusetts, Mr. Cleveland, Mr. Donohue, Mr. Helstoski, Mr. Hicks of Washington, Mr. Howard, Mr. Jones of North Carolina, Mr. Macdonald of Massachusetts, Mr. Meeds, Mr. Mitchell, Mr. Pike, Mr. St Germain, Mr. Tiernan, and Mr. Van Deerlin):

H.R. 16224. A bill to provide compensation to U.S. commercial fishing vessel owners for damages incurred by them as a result of an action of a vessel operated by a foreign government or citizen of a foreign government; to the Committee on Merchant Marine and Fisheries.

By Mr. KOCH:

H.R. 16225. A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing the disclosure of information to Government agencies; to the Committee on Banking and Currency.

By Mr. PIRNIE:

H.R. 16226. A bill to permit the U.S. flag to be displayed for 24 hours of each day at the grave of Francis Bellamy and at the site of Fort Stanwix; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 16227. A bill to insure orderly congressional review of tax preferences and other items which narrow the income tax base; to the Committee on Ways and Means.

By Mr. SCHNEEBELI (for himself and Mr. Green of Pennsylvania):

H.R. 16228. A bill to provide reimbursement to State accounts in the Unemployment Trust Fund for extraordinary unemployment compensation outlays resulting from the effects of hurricane and tropical storm Agnes, and for other purposes; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 16229. A bill to amend the Railroad Retirement Act of 1937 to provide a temporary 20-percent increase in annuities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Ohio:

H.J. Res. 1274. Joint resolution designating October 8–14, 1972 as Newspaper Week and October 14 as Newspaper Carrier Day; to the Committee on the Judiciary.

By Mr. ECKHARDT:

H.J. Res. 1275. Joint resolution to provide for the continued operation of the transportation properties owned or operated by Penn Central Transportation Co., to protect the security interest of the United States in such properties and to provide for the payment of just and reasonable compensation therefor; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON:

H.J. Res. 1276. Joint resolution proposing an amendment to the Constitution changing certain requirements for membership in the Houses of Congress and service as President; to the Committee on the Judiciary.

By Mr. BELL:

H. Con. Res. 676. Concurrent resolution expressing the sense of the Congress with respect to an international conference on air piracy; to the Committee on Foreign Affairs.

By Mr. KEE:

H. Con. Res. 677. Concurrent resolution expressing the sense of the Congress with respect to the withdrawal of all American Forces from Vietnam; to the Committee on Foreign Affairs.

By Mr. KEMP:

H. Con. Res. 678. Concurrent resolution designating October 6 of each year as German-American Day; to the Committee on the Judiciary.

By Mr. NELSEN (for himself and Mr. Fuqua):

H. Con. Res. 679. Concurrent resolution to provide for the printing of additional copies of the report of the Commission on the Organization of the Government of the District of Columbia; to the Committee on House Administration.

By Mr. NIX:

H. Res. 1083. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

413. The SPEAKER presented a memorial of the Legislature of the State of California, relative to parental responsibility in the Federal food stamp program; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. PIRNIE introduced a bill (H.R. 16230) relating to the date on which the Glove Manufacturers Pension Trust is deemed to have qualified for purposes of the Internal Revenue Code of 1954, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

CONSUMER AGENCY BILL

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. ROSENTHAL. Mr. Speaker, a battle is currently underway in the Senate Government Operations Committee involving the right of 100 men to vote and the right of 200 million American consumers to be represented and protected in the councils of Government.

The issue at hand is whether a few Members of the other body will succeed in preventing a quorum at the meeting of the Government Operations Committee and, thereby, forestall a vote on legislation to create an independent Consumer Protection Agency. If this "big stall" technique succeeds—and I trust it will not, then a few men will have been able to prevent the Senate from working its will and the needs of millions of consumers from being satisfied.

Mr. Speaker, final enactment of a strong Consumer Protection Agency bill, will be viewed by the Nation as a firm congressional commitment to excellence and even-handedness in Government. That view is well expressed in a recent editiorial in the Long Island Press, entitled "Consumer bill: No time to waste".

The full text of this editorial is printed below:

CONSUMER BILL: NO TIME TO WASTE

Congress will recess soon for the Republican convention. When it returns, the leaders hope for adjournment by Oct. 1, because the members want to get busy on the campaign trail.

That doesn't leave much time for legislative action, especially when some congressmen employ the "big stall" technique. Unfortunately, that's what is happening to an important consumer bill, to the delight of some segments of the business community, some senators and perhaps even the White House.

The legislation in question would create an independent Consumer Protection Agency, with power to represent consumers in actions before government departments. A similar bill passed the Senate 74-to-4 in 1970, but died in the House. This time the House has approved similar—though seriously debated—legislation on which consumer advocates would like the Senate to strengthen.

Unfortunately, that isn't what is happening.

Most senators are reluctant to oppose consumer legislation openly, especially in an election year, because such bills are popular with their constituents. Instead, they gore it in committee or, as in this case, stall by not showing up at committee meetings. Throw in a few delaying amendments, then the need for a House-Senate conference committee to resolve the differences if the Senate finally acts, and the session could be over before a final bill is approved.

On top of these problems, the death of Appropriations Committee Chairman Allen Ellender has put one of the leading foes of the consumer bill, Sen. Sam Ervin Jr., in that crucial spot. Sen. Ervin, one of the four senators who opposed the 1970 bill, is a fair man and has called a committee meeting for next Tuesday to consider the bill. But he has repeated his position that Congress shouldn't pass a law or create a new agency every time a problem arises.

Despite Sen. Ervin's opposition, there are enough votes on the committee to bring the bill to the floor—if they all show up at the committee meeting.

This is the least the public should demand. The nation's consumers have been without an effective voice at the highest levels of government far too long. The Consumer Protection Agency would, and should, be that voice.

Moreover, it should have the power to intervene in federal proceedings involving consumers, not be gutted to friend-of-the-court powers as its critics would like—if they can't kill it altogether.

There is still a difficult battle ahead—against time and the powerful business lobbyists. It can only be won if the public lobbies even harder. If the voters let their senators know that they are watching their actions on this bill, the consumer cause could get the strong boost it needs.

CONGRESSIONAL REPORT NEWSLETTER

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. MIZELL. Mr. Speaker, I recently prepared a congressional report newsletter, which I distributed to every household in the Fifth Congressional District of North Carolina.

In this newsletter, I outlined for my constituents my views on the great issues facing the fifth district and the Nation today, and recounted my legislative efforts involving these issues.

For the benefit of my colleagues, I would like to insert the text of this newsletter in the RECORD at this time:

WILMER D. MIZELL REPORTS

BUSING

The issue of busing for racial balance in our public schools continues to be one of the most controversial in the nation. I am continuing my efforts to eliminate racial busing from the educational process by seeking passage of a Constitutional amendment prohibiting the assignment of students to schools on the basis of race. Approximately 160 Members of the House of Representatives have joined me in calling for action on this proposal through a discharge petition to have the measure removed from consideration by the House Judiciary Committee and brought to the floor of the House for a vote.

The Judiciary Committee has completed hearings on this legislation and several companion measures. During those hearings I testified before the Committee in support of my anti-busing amendment. There is no guarantee that action will be taken on any of these bills now, even though hearings have been completed.

A more hopeful indication that effective action may yet be taken on the busing issue is a vote in the House recently instructing House members of a conference committee on education legislation not to compromise a series of strong anti-busing amendments attached to a higher education bill. The vote on this instructing motion was 275–124, with the majority totaling more than the number needed to pass a Constitutional amendment. Immediately after the vote, I sent a letter to the 275-member majority urging those who had not already done so to sign the discharge petition to get my Constitutional amendment to the floor for a vote. The petition requires 218 signatures before becoming effective.

The anti-busing amendment attached to the recently-passed Higher Education Amendments of 1972 provides only for a moratorium on new busing orders and a stay of busing orders already under appeal until January 1, 1974. The effect of this amendment is to get northern school districts off the hook for 18 months, while doing nothing at all to alleviate the busing situation in Winston-Salem. I will continue to work for more effective anti-busing legislation.

RURAL DEVELOPMENT

One of the most comprehensive and important legislative measures I have introduced in the 92nd Congress is my Rural Economic Development Act, which is designed to provide new opportunities in rural areas for education, health and housing, promote industrial development and better transportation systems, and protect the rural environment.

This legislation would establish a nationwide Rural Development Commission, comprised of the 50 State governors and a Federal Co-chairman representing the President, to fund and administer these programs. I have proposed a $1 billion funding level for the first year of a five-year program. North Carolina would receive $49,988,535 of these funds. As most of you know, I have not been one who favors great expenditures of public funds, so it is not lightly or extravagantly that I propose such a relatively high funding level. But successful development of rural America requires a massive effort, in terms of both energy and money, and I am convinced that the administrative structure that I have proposed in this legislation will insure that these funds are wisely and efficiently and effectively spent.

Projects would be initiated at the local level, with the assistance of local Rural Development Districts, and assigned priority ratings in a development plan prepared by the State government. This plan would be submitted each year for general approval by the full Rural Development Commission. The federal role in this program would be limited to general policy decisions and technical assistance in preparing projects.

This rural development program is patterned after the highly successful Appalachian Regional Commission, which has been very effective in assisting the fifth congressional district as well as the entire 13-State Appalachian region.

I first introduced this measure as new legislation, and it was referred to the Committee on Agriculture for consideration. After trying unsuccessfully to have the measure included as an amendment to another committee bill dealing with rural development, I have re-introduced the measure as an amendment to the Public Works and Economic Development Act of 1965. It has now been referred to the Committee on Public Works of which I am a member, and has been taken up as part of the committee's general hearings on economic development. I hope to see further action on this legislation during this session of Congress.

BLUE RIDGE PROJECT

As most of you know, the Appalachian Power Company has requested a license from the Federal Power Commission to construct a large hydroelectric power project on the New River. This project was first proposed ten years ago, and it still is surrounded by controversy. One of the most controversial elements is a requirement imposed in 1967 by the Department of the Interior that thousands of acres of land in Ashe and Alleghany counties be flooded to provide water storage for flushing out chemical pollution in the Kanawha River basin 250 miles downstream in Charleston, West Virginia.

I have consistently and vigorously opposed this provision of the project, and several developments in recent months have given me, and thousands of residents of Ashe and Alleghany counties, reason to hope that the destruction of their land will be strictly limited or perhaps eliminated completely.

After several speeches I made in the House of Representatives and elsewhere on this subject, and after several direct contacts with the Environmental Protection Agency by telephone, letter and personal meetings, I was able to persuade the EPA to take an independent view of this case, rather than continuing to be represented by the Department of the Interior which, as I noted earlier, was and is strongly advocating the "pollution-dilution" theory.

The Environmental Protection Agency subsequently filed a report with the Federal Power Commission, asserting that greater efforts to treat the Kanawha pollution at its source—the Charleston chemical plants—should be made before allowing the flooding of thousands of acres of some of the most fertile and beautiful land in the Nation.

Since that time, the House of Representatives has approved a comprehensive Water Pollution Control Act, which includes a clause I sponsored requiring the Administrator of the EPA to specifically recommend implementation of "pollution-dilution" before it could be used in hydroelectric power projects, and strictly limiting the amount of water that could be stored in the event pollution-dilution was recommended.

The Water Pollution Control Act is now under consideration in a House-Senate conference committee, which will work out differences between the House and Senate versions of the bill. The Senate version does not include my clause, and it will thus be one of the points of difference to be discussed by the conference committee. I have sent letters to all of the committee members explaining the purpose of my amendment and urging them to do all that is possible to retain this important section. Final action on this measure is expected within the near future.

TOBACCO

Another House-Senate conference committee, this one dealing with tobacco legislation, has approved with certain revisions a bill I introduced earlier this year to provide for the lease and transfer of flue-cured tobacco allotments, within county lines, throughout the marketing season. This legislation is designed to have a stabilizing effect on the tobacco market and on the individual grower's income, preventing him from experiencing heavy losses in any given year by providing greater leeway in the amount of income he can receive through lease and transfer operations. I sponsored a bill passed by Congress last year giving these same privileges to burley tobacco growers.

I had originally sponsored a bill for flue-cured tobacco which simply provided for lease and transfer throughout the marketing season. The final bill reported out of the conference committee, on which I served, provides that, for farmers with more than a 2,000-pound allotment who wish to transfer allotments after June 15, both the leasor and the lessee must have already planted at least half of their allotments. Farmers with less than 2,000-pound allotments may lease and transfer portions of their allotments throughout the season without these restrictions.

When this legislation was first considered by the House Agriculture subcommittee on tobacco, a proposal was made to allow the lease, transfer and sale of allotments across county lines. I led the fight to defeat this proposal, since it presented a direct threat to the small farmer by encouraging larger operations to consolidate individual allotments throughout the State. The proposal was defeated in a committee vote.

EQUAL RIGHTS FOR WOMEN AMENDMENT

Congress this year approved a Constitutional amendment guaranteeing equal rights under the law for women. The measure has now gone to the States for ratification by three-fourths of the State legislatures, as required by the Constitution. Several States have already approved the amendment, and I hope to see ratification achieved within the next several months.

18-YEAR-OLD VOTE—BE SURE TO REGISTER

This is the first year that 18–20 year old citizens are eligible to vote in federal, state and local elections. The 26th amendment to the Constitution, which I supported in the House of Representatives and which has now been ratified by the required 34 States, enfranchised this age group just in time for the 1972 elections.

I was pleased to work for passage of this amendment, because I have confidence in our young people and in their ability to make reasoned and informed judgments on the political candidates who seek to serve them at various levels of government.

I would remind every voter, and especially this newly-enfranchised group, that you must register to vote before you can exercise this most basic right and most important responsibility in our democratic system of government. I urge every qualified potential voter to register and vote for the candidates of your choice in the upcoming elections.

NEW ENGLAND ECONOMY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. HARRINGTON. Mr. Speaker, below is the concluding segment of a four-part series on the New England economy done by the Associated Press. This article deals with the steps that must be taken if New England is to improve its economic position in the future.

The cornerstone of the policy is a creation of 695,000 new jobs by 1975. To accomplish this goal, it will take the concerted effort of all the segments of the New England community. The article points out the steps taken by the New England congressional delegation in the organization and staffing of a regional caucus to deal with the major problems confronting all of New England.

I commend this article to the attention of my fellow Members:

[From the Salem (Mass.) Evening News, July 27, 1972]

HARD WORK SEEN AS ANTIDOTE TO NEW ENGLAND'S ECONOMIC SLIDE

(By Daniel Q. Haney)

BOSTON—As the nation's economy recovers from its current slump, New England's may not. Some economists say it will continue to slide unless people work hard to save it.

"The New England economy won't recover unless we do something about it," says Arthur F. Snyder, executive president of the New England Merchants National Bank.

Just what to do is the topic of discussion in business circles, but many agree that it means attracting new industries, perking up the healthy ones already here and easing the death pangs of the ones that are expiring.

"It is absolutely necessary that we deliberately pursue an industrialization program," says James Howell, chief economist at the First National Bank of Boston.

"In our mature economy," he said, "there is no inherent tendency to perpetuate a respectable rate of growth consistent with full employment.

"We must encourage and guide our economy along a carefully chosen path."

For New England to slice its unemployment rate from the current 8 per cent to 4 per cent by 1975 will mean creating 695,000 new jobs, or about 175,000 a year, according to Howell. Presently, 435,900 New Englanders—eight per cent of work force—are unemployed.

Existing industries are now adding about 135,000 new jobs a year, Howell says, but that leaves 40,000 that will have to come from somewhere else.

He suggests nurturing five industries that he says could fill more than half this gap. They are electrical equipment and supplies, nonelectrical machinery, chemical and allied products, transportation equipment and instruments.

Several other New England industries, either because of custom or poor marketing, are not meeting regional demand and have to be supplemented by imports from other parts of the country, Howell says. They are lumber, furniture, printing and publishing, paper and fabricated metal products.

The gap between New England demand and production is about $600 million a year. If that were filled, Howell says, it could open up 5,000 new jobs annually.

These 5,000 jobs, Howell says, would produce spinoff employment, and the impact could be as great as 10,000 new jobs.

"Our ultimate regional economic policy objective," Howell says, "should be to produce a favorable business environment in order to accelerate even more the rate of job creation in all industries."

Besides recruiting industry from other parts of the country, some businessmen say New England should try to coax European investments.

"I have a theory that international business is going to come the other way," Snyder said in an interview.

"I'd like to attract businesses in Europe to settle in New England. Just the jobs created by 10 companies coming into New England would be sizable."

A group trying to do this is the New England Council, which has sponsored two All New England Trade Missions. In the projects, 12 businessmen, two from each state, fan across Europe talking to industrialists about using New England as a base for getting into the American and Canadian markets.

So far, a spokesman says, two Swiss firms and one from Austria have come to New England, all settling in Massachusetts. They are creating about 100 new jobs.

Among New England's sliding industries are shipbuilding, textiles and leather.

General Dynamics' Quincy Shipyard is currently laying off about 75 men a week, labor leaders say and they predict another 2,400 workers could lose their jobs before summer's end.

However, Gov. Francis W. Sargent says he expects an announcement next month that the yard will get a federal contract to build 2 attack vessels for the Navy.

Sargent told an airport news conference Wednesday night after a trip to Washington to seek support for the Quincy operation that he was "very pleased" with the results of his meetings in Washington with Navy officials.

He said the contract would mean 20,000 jobs directly or indirectly.

Textiles still employ about 81,000 New Englanders and shoe and leather factories some 84,000. Both are fading rapidly, and together they have accounted for 40,000 lost jobs in the past decade.

John D. Coupe, chairman of the economics department at the University of Maine, a state where leather is still the largest manufacturing employer, says, "The shoe industry is in trouble, is going to be in trouble, and we'd better look at what can be done to maintain jobs and income."

According to Howell, "Leather is the worst and weakest part of our economy, followed by textiles. There are some parts of textiles that can make it, such as synthetic milling and industrial textiles, but leather and most of textiles are on their way down."

How far they will decline in New England, Howell says, is uncertain, but he said that nationally the leather industry is expected to slip at a rate of one-half per cent a year between now and 1980.

In Maine, however, it is declining more rapidly than that. Employment in the industry has declined there from 26,887 jobs in 1968 to a projected 18,200 at the end of this year.

To Frederick Glantz, an economist at the Federal Reserve Bank, New England's biggest challenge is replacing the old manufacturing industries.

"The long term problem," he says, "is not one of growth but one of conversion.

"We must come to grips with the problems of the milltowns. They're still there, and nobody is doing anything about them."

Glantz believes there are two possible solutions.

"Either bring jobs to people or more people to jobs. The policy you ought to pursue is whichever is the more efficient for the particular area," he said.

"In the case of Worcester," he says, "the city has a lot of locational advantages. It's close to Boston and Hartford and on the main highways. It would pay the government to fix it up.

"But for the town that's extremely remote and doesn't have any locational advantage, it might be more efficient to move people to the jobs. It can work. It's a matter of educating the people who live there."

One way for New England to help itself, economists say, is through Washington-based action.

The New England Caucus, a group of congressmen and business leaders that meets periodically to discuss the region's economic problems, plans to open a Washington office with a professional staff to anticipate and solve New England's economic problems.

Another approach is for the states to lobby together for federal help.

"You can get a hell of a lot more in Washington when the six states work together than when they work alone," says Albert J. Kelley, dean of Boston College's School of Management. "They could have fantastic clout."

YCC SUCCESSFUL AT FAIRPORT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. SCHWENGEL. Mr. Speaker, when President Nixon established the Youth Conservation Corps—YCC—on August 13, 1970, a program was begun which has proven extremely successful. This summer marks the end of the second year of this 3-year pilot program shared jointly by the Department of the Interior and the Department of Agriculture. Over 2,600 young men and women between the ages of 15 and 18 had an opportunity to work, learn, and have fun this summer.

The YCC program, created by Congress to provide young people across the country with gainful summer employment as well as an opportunity to work outdoors and gain an appreciation for our changing environment, has proven very popular. Applications have increased in amazing numbers. The results of this summer program have also been remarkable.

The Fairport National Fish Hatchery near Muscatine, Iowa, is the site for one group of YCC students this summer. Eight young women and seven young men participated in the summer 1972 program at Fairport. They are:

Diane Ales, Roz Calvert, Laurie Killian, Pam McBride, JoAnn Peniston, Nita Scherrer, Janet Titus, Ruth Wilson.

Dave Bunn, Kim Dickman, Terry Eagle, Keith Hoag, Tom Hinrichsen, Randy Lear, Eugene McBride.

Under the direction of Mr. R. L. Casini, Camp Director, and his staff, Group Leaders Richard Loy and Charles Bogardo, and Conservation Aide Jeanne Van Lent, these students completed several projects as well as assisting Mr. Wesley Orr and his staff at the fish hatchery. Among the projects completed were construction of nature trails, re-siding a barn, building footbridges, and construction of a high hut. These 15 students put in 600 man-hours per week, 450 dedicated to work projects and 150 dedicated to education. Two ecological studies were completed, as well as numerous other minor projects.

On Sunday, August 6, 1972, an open house was held so that Muscatine County residents, parents, and friends could view the summer's accomplishments. They can be duly proud of their work. These young people not only worked hard, they also had fun and benefitted educationally from their experience. In fact, they have become so dedicated they are vowing to return for an extra week—at no pay—to finish some projects they have been unable to complete.

The staff and the students deserve our warmest congratulations for a summer well spent. But most importantly they have shown us that the program we created is a good one, a worthwhile one. It is my sincere hope that the accomplishments, the fun and the educational experience the students at the Fairport National Fish Hatchery had this summer will be continued by Congress when this program comes up for review next year.

ACTIONS TO HELP OLDER AMERICANS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mrs. GRASSO. Mr. Speaker, older Americans have given us a blueprint for action.

Last December, at the close of the White House Conference on Aging, the words of the elderly were inscribed in reports containing recommendations in the areas of income, health, housing, employment/retirement, nutrition, transportation, education, planning, research and demonstration, training, retirement roles and activities, facilities, programs and services, Government and non-Government organization, and spiritual well-being.

The report is truly an historic document. It is a thoughtful statement of pressing needs. It is a blueprint for action by all who care.

It has been said that a society is judged by the care it gives to older people. Mr. Speaker, nearly 46,000 elderly persons live in Connecticut's Sixth District alone. Across our Nation, one out of every 10 Americans has reached or passed his 65th birthday. This group has increased by some 70 percent in the years since 1961. Twenty-eight million people will comprise its numbers by the end of the century at the present level of growth.

To their credit, our older citizens are speaking out. They tell us of their needs. Today, I am glad to say, Congress has begun an effective and constructive response to the needs of elderly citizens.

Last year, the Congress enacted a 10-percent increase in social security benefits. On July 1, 1972, another 20-percent increase, a bill that had my cosponsorship, was signed into law and will become effective in September. This law provides for an automatic increase in benefits beginning in 1975 for any year in which the consumer price index rises 3 percent or more. The House also passed a massive piece of legislation, known as H.R. 1, which provides for an additional 5-percent increase in benefits, and an automatic cost-of-living increase. This bill would also extend medicare to 1.5 million social security and railroad retirement fund recipients who were not previously eligible. The Senate has yet to act on H.R. 1, a bill which, to be sure, is far from adequate, but offers added assistance to many in need.

It was my special privilege and pleasure, as a member of the Special Committee on Education and Labor which prepares legislation for older Americans, to help draft the nutrition program for the elderly legislation. This program makes available $250 million in grants to States to provide low-cost, nutritionally sound meals to millions of Americans 60 years and older. With 20 to 30 percent of our elderly living in poverty, and many others unable to afford an adequate diet, unable to go shopping, or in failing health, this program is essential to insure older Americans the strength that comes from balanced meals. People who cannot leave home will have meals delivered, while others will have the opportunity for companionship and counseling at drop-in centers and other facilities. In Connecticut, over $1.3 million is slated for the nutrition program in fiscal year 1973 and over $2 million in fiscal year 1974—for the benefit of nearly 415,000 State residents 60 years of age and older.

It is clear that we need to have a much greater understanding of the aging process, its causes and effects. Of every 10 persons age 65 and over, eight have at least one chronic health problem, and four have some limitations on activity. As a result of declining health, citizens age 65 and over are twice as likely as younger people to be physically disabled and to require hospitalization.

The House recently passed important legislation to establish a National Institute of Aging within the National Institutes of Health. This Institute recommended by the White House Conference on Aging, would concentrate on research relating to the aging process, including efforts to find treatment and cures for health problems of the aged as well as preventive measures that would help avoid special problems of aging.

This legislation also authorizes $20 million in appropriations for fiscal year 1973 for programs under the community mental health centers relating to mental health of the aged. The White House Conference on Aging noted among older people the widespread "depressive reaction to the changes in role, status, appearance," and ill health, as well as other problems including feelings of worthlessness, isolation, uselessness, and loneliness. The community mental health center is the logical resource for meeting the challenge of these very real and serious problems.

Most recently, on July 17, the House passed the Comprehensive Older Americans Services Amendments of 1972, a bill from the Special Education Committee on which I serve. This legislation extends, strengthens, and improves the Older Americans Act of 1965. It is a concentrated effort to provide comprehensive and coordinated services for the elderly and covers a wide range of needs: Transportation, social, recreational, civic, attitudinal, administrative, and financial.

The bill provides demonstration programs to improve transportation services for older persons through reduced fares, portal-to-portal service, and other programs to increase the mobility of the elderly. It is an important bill which, for example, would provide Connecticut with $1.4 million toward a plan to develop a comprehensive and coordinated system of social services for older citizens.

H.R. 15657 also provides for the establishment of multipurpose senior centers. The purpose of a single source of social services is to allow an area to concentrate efforts and resources in a central, accessible gathering place. The center would serve as a source of information and activity, a nerve center for programs.

Provisions of this legislation call for the creation of an Administration on Aging in the Department of Health, Education, and Welfare. The new administrative unit would include a National Information and Resource Center for the Aging. The Center would collect, review, organize, publish, and disseminate information and data related to the particular problems associated with aging.

There are so many areas in which the elderly need help. This is why I have introduced and cosponsored several pieces of important legislation. They include bills to establish a comprehensive drug insurance program for the elderly and to allow social security payment for eyeglasses; to permit an exemption of the first $5,000 of retirement income under a public retirement system; to remove the outside income limitation for social security recipients; to create a senior citizens Job Corps; to allow half fare in interstate travel during most of the year for older citizens; and to establish a House Select Committee on Aging.

I have introduced legislation to double the number of lifetime reserve days for hospital care from 60 to 120 days, and have called on the Department of Health, Education, and Welfare to reexamine every 6 months allowed fees for physicians' services under part B of the medicare program. I have also cosponsored a bill to provide a Federal income tax credit to older Americans of low income in order to ease the crushing burden of State and local property taxes, whether the individual owns his own home or pays rent. This would be a valid extension to Connecticut's present tax credit program for the elderly. And I also gave strong support to legislation that became law and provided $35 million in rent subsidies for older Americans in 1972.

Mr. Speaker, our older citizens have rendered loving gifts of service to our communities and States. It is time to say thank you for the gracious hand they have long extended to all around them. As Members of Congress we have a unique opportunity to help provide a better life for all our older citizens.

FORCED BUSING OF SCHOOLCHILDREN FOR RACIAL BALANCE

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. MIZELL. Mr. Speaker, on August 1, I presented testimony to the House Rules Committee on the subject of forced busing of schoolchildren for racial balance.

A short time after I presented this testimony, the committee voted to report my constitutional amendment to prohibit forced busing for a vote by the full House.

For the benefit and information of my colleagues I now insert the text of my testimony in the RECORD:

TESTIMONY OF HON. WILMER D. MIZELL

Mr. Chairman, I appreciate this opportunity to present my testimony before this Committee on one of the most controversial issues facing the Nation today—the forced busing of school children to achieve a racial balance.

In Winston-Salem, North Carolina, the largest city in my district, 32,220 of the school system's 44,000 students rode buses to school this past school year. About two-thirds of them were bused because they lived beyond walking distance of a school, but more than one-third—more than 11,000 children—were bused solely to achieve court-required racial balances in the elementary and secondary schools.

One hundred fifty-seven new buses were required to implement that order. Each of those buses cost $6,300 to buy and it costs $1,600 a year to maintain them, without mentioning the additional cost in bus drivers' salaries. The superintendent of schools in Winston-Salem has told me that this massive busing program requires an operating budget of $1.4 million. That figure represents almost exactly a 100 percent increase in transportation costs over the previous year.

Other major cities in the nation—not only in the south, but in every region—are now under court order to bus their pupils for racial balance and all of these cities are undergoing the same financial strains we have experienced in Winston-Salem.

The Los Angeles, California, school system is now under court order, subject to appeal to transport 240,000 children up to 25 miles to attend school. U.S. News and World Report recently reported that the cost of this massive program has been estimated by school officials at $180 million over the next eight years.

And in Detroit, Michigan, a federal judge has ordered the purchase of 300 new buses in preparation for possibly the most extensive busing program yet required in America.

And there are numerous other examples one could cite, demonstrating the destructive drain on public finances that these massive transportation programs cause.

But I believe my point has already been made. Financial burdens already threaten to quite literally destroy hundreds of school systems throughout the country. The Dayton, Ohio school system had to close its doors for a time this past school term under the weight of budgetary pressures and others are sure to follow unless something is done to relieve those pressures.

We read of teachers in many cities striking for higher pay, of school buildings crumbling in disrepair, and of acute shortages in so many kinds of educational equipment.

When funds for these pressing needs cannot be supplied even now, how shall the cause of quality education be served by imposing overwhelming additional costs for purchasing and maintaining fleets of new buses?

In our admirable desire to provide a quality education for all, will we make it impossible to provide a quality education for any? This need not—it must not—be the case.

The American people, in poll after poll, have registered overwhelming opposition to busing simply to achieve racial balance, and I believe it is time that we in the Congress responded to the people's will in an effective way.

In the 92nd Congress alone, eighty-six legislative measures have been introduced in the House and Senate dealing with this problem that has perplexed scores of school boards, parents and children over the past few years.

I have introduced a Constitutional amendment which goes to the heart of the busing problem by declaring that "no public school student shall, on the basis of race, creed or color, be assigned to or required to attend a particular school."

By eliminating racial assignment of students to schools, this amendment also eliminates the need for massive cross-busing.

I am extremely pleased to see that this Committee is taking action on this proposal, after it lay imprisoned for so many months within the Judiciary Committee, even while the American people, almost as with one voice, called for action and relief from the madness of busing.

Passage of this legislation will represent a major step toward restoring reason to public education in America and I strongly urge the members of this Committee to report this legislation for consideration by the Congress as soon as possible.

Thank you for your consideration, and for this opportunity to present my testimony.

FEDERAL CIVILIAN EMPLOYMENT, JUNE 1972

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. MAHON. Mr. Speaker, I include a release highlighting the June 1972 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures, together with a summary of Federal employment changes during fiscal year 1972, ended June 30, 1972:

FEDERAL CIVILIAN EMPLOYMENT, JUNE 1972 WITH FISCAL YEAR 1972 SUMMARY

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government was 2,865,216 as of June 30, 1972, as compared with 2,923,157 as of June 30, 1971—a year ago. This was a net decrease of 57,941.

This summary of Federal civilian employment changes for fiscal year 1972, following practice of many years standing, is submitted along with the Joint Committee's regular monthly report for June 1972, the last month of fiscal year 1972. Figures are from reports certified by the agencies as compiled and published monthly by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in June 1972 totaled 2,823,258, a decrease of 59,736 as compared with the June 1971 total of 2,882,994. Employment by months in fiscal year 1972, which began July 1, 1971 (showing changes from previous month) follows:

Month	Full-time in permanent positions	Change	Temporary, part-time etc.	Change	Total employment	Change
July 1971	2,521,703	+1,391	381,448	+18,755	2,903,151	+20,146
August	2,524,098	+2,395	366,062	−15,386	2,890,160	−12,991
September	2,527,518	+3,420	317,021	−49,041	2,844,539	−45,621
October	2,529,832	+2,314	303,236	−13,785	2,833,068	−11,471
November	2,528,233	−1,599	300,256	−2,980	2,828,489	−4,579
December	2,525,858	−2,375	300,662	+406	2,826,520	−1,969
January 1972	2,552,081	+26,223	272,945	−27,717	2,825,026	−1,494
February	2,550,984	−1,097	277,284	+4,339	2,828,268	+3,242
March	2,539,790	−11,194	286,419	+9,157	2,826,209	−2,037
April	2,533,275	−6,515	297,057	+10,638	2,830,332	+4,123
May	2,511,380	−21,895	299,437	+2,380	2,810,817	−19,515
June	2,505,646	−5,734	317,612	+18,175	2,823,258	+12,441

Total employment

Changes in total employment during fiscal year 1972 in Civilian Agencies of the Executive Branch, as compared with civilian employment in Military Agencies, were as follows:

	June 1972	June 1971	Change
Civilian agencies	1,715,607	1,728,618	−13,011
Military agencies	1,107,651	1,154,376	−46,725
Total, civilian employment	2,823,258	2,882,994	−59,736

The civilian agencies reporting the largest DECREASES during fiscal year 1972 were Postal Service with 22,511, State with 3,688, Agriculture with 2,532, General Services Administration with 2,493, NASA with 2,312 and Transportation with 1,011. The largest civilian agency increases were reported by Treasury with 7,760, Veterans with 5,440, Justice with 2,974, Environmental Protection Agency with 1,863 and Labor with 1,361.

Total Executive Branch employment INSIDE the United States in June 1972 was 2,670,959, a decrease of 23,569 for the fiscal year. Total employment OUTSIDE the United States in June was 152,299, a decrease of 36,167 from June 1971.

Full-time permanent employment—ceiling effect

During fiscal year 1972, significant reductions were made in the category of full-time permanent employment—the relatively stable hard core of Federal civilian employment (excluding categories of temporary employment which are subject to sharp seasonal fluctuations). Agencies of the Executive Branch during fiscal 1972 reported a total net reduction of 14,666 in full-time permanent employment, to the June 1972 total of 2,505,646.

Much of this reduction may be attributed to the order issued in August 1971 by the President directing reductions in the fiscal 1972 budget projections of full-time employment in permanent positions of 5% in all agencies excluding the Postal Service. Originally estimated to reduce employment about 100,000 under the 1972 budget projections (or about 57,000 in terms of actual employment from June 1971), the projections were revised in the January 1972 budget document to accomplish a reduction of about 4%. This was a reduction of about 80,700 under the original 1972 budget projections (or about 37,400 in terms of actual employment from June 1971). The June 30, 1972, full-time permanent employment ceiling established by these actions was 1,918,100, excluding Postal Service, for a total of 2,531,500 including Postal Service.

In the agencies covered by the reduction order (that is, exclusive of Postal Service) full-time employment in permanent positions has been reduced 44,718 from the June 1971 total of 1,955,530 to the June 1972 total of 1,910,812. This reduction reflects a decrease of 52,671 in the Defense Department and a net increase of 7,953 in the civilian agencies exclusive of Postal Service. Among the civilian agencies the largest increases were reported by Treasury, Veterans, Justice, Environmental Protection Agency and Department of HEW, partially offset by decreases in General Services Administration, NASA, Agency for International Development, Agriculture and Transportation.

LEGISLATIVE AND JUDICIAL BRANCHES

During fiscal year 1972 employment in the Legislative Branch increased 1,258 to the June 1972 total of 33,691, and in the Judicial Branch increased 537 to the June 1972 total of 8,267.

DISADVANTAGED PERSONS

The June 1972 total of 2,865,216 reported by the Committee includes 53,339 disadvantaged persons employed under Federal opportunity programs in all three branches of the government. This compares to 59,958 disadvantaged persons included in the June 1971 total of 2,923,157.

MONTH OF JUNE 1972

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of June was 2,865,216 as compared with 2,851,958 in the preceding month of May. This was a net increase of 13,258, largely due to regular seasonal employment and summer employment of the "disadvantaged" under youth opportunity programs.

Executive Branch

Civilian employment in the Executive Branch in the month of June as compared with the preceding month of May follows:

	June	May	Change
Civilian agencies	1,715,607	1,710,712	+4,895
Military agencies	1,107,651	1,100,105	+7,546
Total, civilian employment	2,823,258	2,810,817	+12,441

The civilian agencies of the Executive Branch reporting the largest increases during the month of June were Interior with 2,808, Veterans with 2,353, Agriculture with 2,180, Transportation with 1,814, Justice with 1,302 and General Services Administration with 1,256. The largest decreases were in Postal Service with 5,458 and Treasury with 3,967.

In the Department of Defense the largest increases were reported by Navy with 5,546, Defense Supply Agency with 1,680 and Army with 1,551. The largest decrease was in Air Force with 2,052.

Total Executive Branch employment inside the United States in June was 2,670,959, an increase of 20,977 as compared with May. Total employment outside the United States in June was 152,299, a decrease of 8,536 as compared with May.

Legislative and Judicial Branches

Employment in the Legislative Branch in June totaled 33,691, an increase of 860 as compared with the preceding month of May. Employment in the Judicial Branch in June totaled 8,267, a decrease of 43 as compared with May.

Disadvantaged persons

The total of 2,865,216 reported by the Committee for June includes 53,339 disadvantaged persons employed under Federal opportunity programs. This is an increase of 24,502 over the preceding month of May due to the hiring of temporary summer aids.

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the joint committee report, on personnel employed full time in permanent positions by executive branch agencies during June 1972, showing comparisons with June 1971 and the Budget estimates for June 1972 and June 1973:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1971	June 1972	Estimated June 30, 1972 [1]	Estimated June 30, 1973 [1]
Agriculture	84,252	82,511	83,000	83,400
Commerce	28,435	28,412	28,500	29,700
Defense:				
Civil functions	30,063	30,585	30,600	31,300
Military functions	1,062,741	1,009,548	1,011,000	1,005,800
Health, Education, and Welfare	104,283	105,764	102,000	99,500
Housing and Urban Development	16,030	15,200	15,200	16,000
Interior	57,570	56,892	56,900	56,900
Justice	42,662	45,446	45,100	46,300
Labor	11,352	12,339	11,800	12,600
State	23,398	22,699	22,700	22,800
Agency for International Development	13,477	11,719	12,400	11,800
Transportation	68,482	67,232	66,400	69,200
Treasury	90,135	95,686	98,500	99,200
Atomic Energy Commission	6,920	6,836	6,700	6,900
Civil Service Commission	5,324	5,260	5,600	6,000
Environmental Protection Agency	5,959	7,835	8,000	8,500
General Services Administration	38,076	36,002	39,400	39,400
National Aeronautics and Space Administration	29,478	27,428	27,500	26,800
Panama Canal	13,967	13,777	14,200	14,000
Selective Service System	5,569	5,791	6,200	6,100
Small Business Administration	4,004	3,916	4,000	4,000
Tennessee Valley Authority	13,612	14,001	14,000	14,000
U.S. Information Agency	9,773	9,255	9,400	9,400
Veterans Administration	158,635	163,179	162,700	174,100
All other agencies	31,333	33,499	34,300	34,600
Contingencies			2,000	5,000
Subtotal	1,955,530	1,910,812	1,918,100	1,933,300
U.S. Postal Service	564,782	594,834	[2] 613,400	618,500
Total [3]	2,520,312	2,505,646	2,531,500	2,551,800

[1] Source: As projected in 1973 budget document; figures rounded to nearest hundred.

[2] Includes approximately 39,000 postal employees subject to reclassification by June 30, 1972, under a labor-management agreement. Such reclassification of about 30,000 was reported to the committee in January 1972.

[3] June figure excludes 53,138 disadvantaged persons in public service careers programs as compared with 28,835 in May (see table 3, p. 14).

Note: In August of 1971 the President ordered reductions in the fiscal 1972 budget projections of full-time employment in permanent positions of 5 percent in all agencies excluding the Postal Service. Originally estimated to reduce employment about 100,000 under the 1972 budget projections (or about 57,000 in terms of actual employment from June 1971), the projections were reivsed in the January 1972 budget document to accomplish a reduction of about 4 percent. This was a reduction of about 80,700 under the original 1972 budget projections (or about 37,400 in terms of actual employment from June 1971). The June 30, 1972, full-time permanent employment ceiling established by these actions was 1,918,100, excluding Postal Service, for a total of 2,531,500 including Postal Service.

In agencies covered by the reduction order (that is, exclusive of the Postal Service) full-time employment in permanent positions has been reduced 44,718 from the June 1971 total of 1,955,530 to the June 1972 total of 1,910,812. This reduction reflects a decrease of 52,671 in the Defense Department and a net increase of 7,953 in the civilian agencies excluding Postal Service. Table 1-B above shows by major agencies the full-time permanent employment levels during the period covered by the reduction order.

MARGARET SMALLEY ENDS 25 YEARS OF HELPING HAWAII'S YOUTH

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. MATSUNAGA. Mr. Speaker, Miss Margaret Smalley, a dedicated social worker whose career spanned 40 years—from the great depression to modern Hawaii—retired recently after serving for the last 12 years as director of the child and family service agency in Honolulu, Hawaii.

Miss Smalley, who began her career as the director of a Federal emergency relief program in Atlanta, arrived in Hawaii in 1947 aboard a crowded converted troop ship. She devoted the next 25 years to helping the youth of Hawaii.

Despite the fact that those who came to her for assistance were frequently sick, oppressed, and the victims of poverty and depression, Miss Smalley never failed to recognize the dignity of the human spirit, and she never ceased to care for those who came to her for help.

I believe that my colleagues will find Miss Smalley's story an inspiring one. I am submitting for the CONGRESSIONAL RECORD an article from a recent edition of the Honolulu Advertiser which describes her achievements during her 40-year career:

MARGARET SMALLEY RETIRES FROM SOCIAL SERVICE

(By Carole Hoyt)

Margaret Smalley retired this week after 12 years as executive director of the Child and Family Service and 25 years as a social worker with the agency.

Myron R. Chevlin, who directed the agency in the 1950s before leaving for the Mainland, will replace her as head of the agency.

Miss Smalley's social work career has extended over 40 years from work with farmers in the South during the Depression to helping families in modern Hawaii.

Throughout the 1930s she headed a Federal Emergency Relief Agency in Atlanta, Ga., with a team of nurses and Agriculture specialists. Typhoid and hunger swept the city packing Miss Smalley's offices with people asking for Federal help.

"We had a pot-bellied stove, a weak wooden floor and so many people in the office one day I thought the floor would collapse," she said. "I had to stand on a table to be heard and ask all but women with babies to leave."

After spending the war years working in Walter Reed Army Hospital in Washington, D.C. as a social worker, Miss Smalley was asked to come to Hawaii.

She arrived in 1947 on a crowded converted troop ship named the "Matsonia" and began work the next day.

"The people we have now can afford to pay fees for our counseling, but then we had welfare cases and young people who were wards of the court brought to us," she said.

"I don't think I was as aware of poverty then as I should have been. I realized the housing on Vineyard was what we could call a slum, but I wouldn't think of it that way. The people had dignity. They didn't have the poorness of spirit you see now . . . I stayed in a hotel cottage when I came that didn't have windows, just screens. Can you imagine such trust?"

As agency director, she helped Child and Family Service increase its services from welfare to family and youth counseling, adoptions and unwed mothers.

"The greatest amount of work is with the youth now," she said. "Adolescence is just hell to get through. Most of us just didn't enjoy it and we wouldn't want to live through it again."

One of her favorite cases was a runaway girl in the 1950s who came to her whenever she needed help.

"I just adored her," Miss Smalley recalled. "She had a pride and dignity for all her impulsiveness. She's grown now with her own family, but she still calls."

Her most difficult cases were marital counseling. In one case, a man told her he planned to murder his in-laws. She talked him out of it.

"The only thing that hurt me was the frustration when you wanted to help and couldn't," Miss Smalley said. "You can't solve everything. You don't have any miracles."

Miss Smalley will be the guest of honor Feb. 17, which is her 65th birthday, at the Child and Family Services annual dinner meeting at the Ala Moana Hotel.

CHARLES W. YOST ON BOMBING THE DIKES

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. FRASER. Mr. Speaker, former Chief U.S. Representative to the United Nations Charles W. Yost now writes a newspaper column that periodically is printed in the Washington Post. Wednesday, August 2, Ambassador Yost's analysis of the continuing U.S. bombing campaign in North Vietnam appeared. It ought to be read by all Americans.

The article follows:

BOMBING OF DIKES, DAMS? ARGUMENT MISSES HEART OF THE MATTER

(By Charles W. Yost)

The argument between the administration and its critics as to whether or not the United States is bombing dikes and dams in North Vietnam misses what seems to me the heart of the matter.

Bombing of North Vietnam on the vast scale we have done over the past three months cannot, as the administration itself says, help hitting some of the dikes which criss-cross so much of that country and on which its food supply depends. The real point, however, is that it does not make much difference to noncombatant men, women and children whether they are starved, drowned or blown up. As long as we continue bombing of the present magnitude—with such a loose application of the term "military objectives" and such reliance on the infallibility of "smart bombs"—we cannot help killing substantial numbers of noncombatants, whether or not we hit the dikes.

It will be argued that we and our allies engaged in World War II in large-scale bombing which incidentally killed many civilians and that this played a part in winning the war. The obvious difference is that at that time we were fighting against two regimes that we believed threatened both our national existence and western civilization. Even the most extravagant "hawks" would not make that claim about the regime in Hanoi in the summer of 1972. The question is whether there can be any justification, military or moral, for so lethal and prolonged a bombing at the present time and place.

This particular bombing campaign—by far the most severe since we entered the war seven years ago—was begun in response to Hanoi's offensive of last April, in order to prevent a disastrous defeat of the South Vietnamese and "humiliation" of the President just before the Moscow summit. That offensive has now been repulsed and rolled back. The Moscow summit is long since over and was a substantial success. Yet the bombing continues.

It will also be argued that the bombing of the North is still necessary to prevent a buildup and dispatch southward of supplies which would be used in another offensive at a later date. However, President Johnson should be able to testify, on the basis of considerable experience, that even continuous bombing of the North does not prevent the dispatch southward of sufficient supplies to mount repeated offensives, that it tends to toughen rather than soften North Vietnamese morale, and that offensives will recur as long as the war continues.

Finally, the bombing can no longer be excused as essential to protect United States ground forces, since most of them have been withdrawn and the rest could be in a very short time. Indeed it is hard to see how the continuation of large-scale bombing of the North any longer has an American rationale except as a factor of the United States elections.

It would not seem unreasonable to presume that the bombing of the North is being continued—after the special reasons for it cited at the beginning of May have ceased to exist—as a means of pressure on Hanoi to accept before November 7 our terms for ending the war. Such a result might be a decisive factor in the elections, causing the average voter to forget momentarily that the Republican plan for ending the war, promised in 1968, was carried out only after four years and 20,000 additional American dead.

Every American wants an agreement in Paris and an end to the fighting but are we to be wholly indifferent as to how we go about getting it? Mr. Nixon has often spoken of the "respect" which he seeks for this country and the Presidency. Can he be unaware that the respect is being daily eaten away by what seems to many Asians and Europeans, not to mention Americans, to be a casual indifference to massive human suffering which we inflict, a moral unscrupulousness about the means by which we as a great power achieve our ends? Our new partners in creating a "structure of peace," the Soviet Union and China, may be prepared to swallow this behavior, but will all the others who have looked up to us in the past?

Of course the North Vietnamese have for years been committing, and still are, unspeakable astrocities in the South. But how relevant is that? It has always been the proud boast and belief of Americans that our democracy embodies certain principles which make us worthy of admiration and emulation by the rest of the world. We have been the first to claim a "double standard" which distinguishes us from totalitarian states and our behavior from theirs. Now much of the rest of the world is beginning to see less and less moral difference between us and the adversaries we seem more and more to imitate.

The cold hard truth is that we cannot beat a small enemy "back to the stone age," abandon moral and military restraints in our war against him, without dangerously sapping the reservoir of international respect which our forefathers built up over two centuries and on which any claim we may have to world leadership must rest. Is the erosion of that respect worth "victory" in Vietnam or anyone's victory in November?

SENATOR JORDAN HONORED

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. HANSEN of Idaho. Mr. Speaker, at the end of this year, one of the Senate's hardest working and most respected Members—Len B. Jordan—will retire after a quarter century of public service including 10 years as a U.S. Senator from our State of Idaho.

The high regard in which Len Jordan is held by his friends and colleagues was evidenced recently when the Idaho lawmaker was presented the distinguished service award of the Senate Interior Committee, a body on which he has served faithfully and tirelessly since 1963. It has been through his persistent efforts that numerous pieces of legislation dealing with water resources, land management, and other issues of vital importance to Idaho have become law. Among his credits is the recent approval of legislation creating the Sawtooth National Recreation Area in south-central Idaho after years of deliberation and hard work by the Idaho congressional delegation and by countless Idaho citizens concerned with preserving this priceless scenic treasure.

As part of my remarks I would like to include an article by Frank Hewlett of the Salt Lake Tribune relating the high praise showered on Senator Jordan of Idaho by his Interior Committee colleagues at the time he was honored with the Distinguished Service Award. I am also including a feature about the Idaho Senator by Peter Walsh of Gannett News Service and commend both articles to the attention of my colleagues in the House:

[From the Salt Lake Tribune]

Solons Give Award to Senator Jordan

(By Frank Hewlett)

Washington.—The Senate Interior Committee has presented its distinguished service award to retiring Sen. Len B. Jordan, R-Idaho.

Sen. Jordan has served on the committee since 1962, when he succeeded the late Sen. Henry C. Dworshak and became the 19th Idahoan to represent his state in the U.S. Senate.

Chairman Henry M. Jackson, D-Wash., was high in his praise of Sen. Jordon when he presented a plaque to him at a recent ceremony.

NEVER BEEN PETTY

"My good friend and good neighbor who has been a tremendous help to us on the committee," was the way Sen. Jackson introduced the Idahoan. Then he aded, "He has never been petty, never been partisan."

Nearly three years ago Sen. Jordan was very much in the news when he knocked down and put to rout an assailant who tried to rob him in the elevator of the Capitol Hill Apartment Building where the senator lives.

This prompted Sen. Paul J. Fannin, R-Ariz., to call him "Mohammed Ali" and say to his colleagues, "Who knows when Len gets back to Idaho he may get back into the ring."

HATFIELD'S PRAISE

Sen. Mark Hatfield, recalling that Sen. Jordan was a graduate of the University of Oregon, said the Idahoan was so popular in his state that he "could come back to Washington as senator from Oregon."

Sen. Hatfield then hastened to express hope that Sen. Jordan wouldn't try to do so now since he (Hatfield) is up for re-election this year.

Sen. Clifford P. Hansen, R-Wyo., told one of his favorite Jordan stories about when he first decided to try for political office. He asked a man for his support and was told "you are my second choice." When asked who was his first choice he replied, "Oh, just about anybody."

NEVADAN'S PRAISE

Sen. Alan Bible, D-Nev., described Sen. Jordan as a hard worker and fine companion on the trips of his Parks and Recreation subcommittee but "one of the worst poker players I know."

Sen. Quentin Burdick, D-N.D., a former University of Minnesota football player, recalled Sen. Jordan's college football prowess saying "I know the quality of a certain halfback."

Idaho is the only state that has both of its senators on the Interior Committee and Democrat Frank Church heads the Public Lands subcommittee. Sen. Church praised the wisdom of his colleague and thanked him for his fine cooperation on getting such important Gem State projects like the Sawtooth National Recreation Area through the Senate.

WATER AUTHORITY

Others described the 73-year-old Sen. Jordan as one of the nation's leading water authorities and recalled his accomplishments during the Eisenhower administration as U.S. chairman of the U.S.-Canadian Commission handling boundary water disputes.

[From the Idaho Statesman, July 27, 1972]

"Slave" to Senate Rollcalls Looks Forward to Retirement

(By Peter J. Walsh)

Washington.—Although he says he hasn't firmed his retirement plans yet, Idaho Sen. Len B. Jordan is looking forward to the end of being "a slave to the buzzer" which signals roll calls in the Senate.

"With 15 roll calls in a day, there isn't much chance for speculative thinking," said the veteran, who has announced he will not seek another term. Jordan was appointed to fill an unexpired term in 1962 and won two more terms in Washington.

A moderate-to-conservative Republican, who began his career in public office in the Idaho Legislature in 1947 and served as governor from 1951 to 1955. Jordan is proud of his work but said he would like an opportunity now for uninterrupted research on several topics, particularly electoral reform.

He said he intends to keep his main base of operations in Boise. He has a farm in Idaho but will probably maintain a residence in Washington, where he will have access to the congressional library facilites for research.

Jordan, who was 73 in May, also said he would consider the possibility of teaching on a limited basis when he finishes his term and has had an opportunity to "catch up."

Asked about the possibility that he might take another active post in government, however, he shook his head emphatically and answered, "No. I don't want to be tied down to any responsibility. I don't want to punch any clocks. We're got a lot of traveling to do.

"I'd like very much to have some seminars with young people, because I think with my experience I might be able to make a contribution," he said. "I like young people, I like to exchange ideas with them."

He said he had been approached about taking a teaching post but repeated that he did not want to be tied down" to a particular assignment and would prefer a series of seminars rather than a permanent post.

Jordan's immediate interest is in the way the nation chooses its leaders, particularly what he terms the "haphazard" selection of vice presidential candidates.

"Because of the occupational hazards which go along with the job of being President nowadays, I'm not willing to leave it to the judgment of one single individual to choose his running mate, who could be his successor at any time," Jordan said.

"It's been said that the vice president is only one heartbeat away from the presidency, so I think we've got to pay a little more attention to his selection rather than have it so utterly irresponsible to the thinking of the electorate except by the confirmation of a convention."

Jordan said he is working now on a plan for a single, national "preferential primary" in which members of both parties would vote for their choice of candidate, but which would leave the final selection of both the presidential and vice presidential candidates to the conventions.

"That would eliminate the selection of 'Tom Who?' or 'Spiro Who?' " he said with a note of irony in his voice.

Under Jordan's proposal, the candidates would have to be chosen by the convention from among the top three or four in the primary, but he said he does not "favor a runoff primary, which would leave little of interest except drafting a platform for the convention."

Similarly, he said he would like to see the Electoral College, which actually selects the President based on votes cast in the general election, modified so the electors from a particular state would not have to vote as a bloc with winner-take-all.

He would not, however, go the final step to a direct, popular election of the President.

"There is too much chance for skulduggery and all the evils that come into elections where bloc votes are catered to, whether they are Puerto Rican or Chicano," Jordan said. "In a popular vote that kind of demagoguery might win the election."

Two other areas in which Jordan said he would be interested in research and reform efforts are taxation—"Everyone is for it, so long as you don't do away with the (special) consideration that falls his way"—and welfare, in which he said he would favor guaranteed employment.

"I'd have to take the position that every able-bodied individual is entitled to employment rather than a guarantee of income," Jordan said.

"We've got to be very careful that we don't discourage thrift and industry in one class of people in order to insulate another from the vicissitudes of the marketplace," he said.

Asked what he considers his principal accomplishments in office, Jordan points to his service as governor.

"My main objective was to get some efficiency in the state government machinery," he said, "to move away from the spoils system where the party in power cleaned the payrolls at every election. "I moved wherever possible in the Highway Department and in Fish and Game to a professionalism, a merit system, getting people who were not beholden to any political boss for their tenure."

A "great believer in the committee system," Jordan's pride in the American system of government shows through when he discusses his time in the Senate.

GEN. CREIGHTON W. ABRAMS, JR., REPLACES GEN. WILLIAM C. WESTMORELAND

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. NICHOLS. Mr. Speaker, some days ago Gen. William C. Westmoreland retired as Chief of Staff.

In the public's mind, General Westmoreland will undoubtedly go down in history for his association as Commander of Allied Forces at the height of the fighting Vietnam. He reserves an important niche in our military annals as a devisive, imaginative leader, a judge of good men and an astute strategist and tactician.

In what amounted to a valedictory adadress, reported in the June 25 edition of the New York Times, General Westmoreland reflected the tremendous pride he shared during his 36 years as a soldier and he ended his essay with the comment:

> If I were to stand on the plain at West Point once again and take the same oath, I would do so with equal pride, and even more anticipation.

His successor as Chief of Staff, U.S. Army, is Gen. Creighton W. Abrams, Jr., a career combat officer who was first initiated to battle during World War II as commander of the 37th Tank Battalion. It was this battalion which led the breakthrough which eventually led to the release of American troops of the 101st Airborne Division at Bastogne during the Battle of the Bulge.

Mr. Speaker, General Abrams' dedication to duty, his thorough knowledge of the U.S. Army and his years of combat leadership imminently qualify him for the highest job in the U.S. Army. These qualifications are spelled out in the article "A Broad Pair of Shoulders at the Top," appearing in the August issue of Army and believing that a recount of the career of this great military leader will be of interest to our colleagues, I am inserting this article in today's CONGRESSIONAL RECORD.

The article follows:

A BROAD PAIR OF SHOULDERS AT THE TOP

It was September, 1944, and a group of high-ranking U.S. Army officers was holding a council of war on the west bank of the Moselle River. The discussion was about the advisability of attacking in strength across the waterway to exploit a precarious bridgehead against a strong German counterattack.

Although assured by the corps commander that he would not be blamed for deciding against the highly risky venture, Col. B. C. Clarke, commander of the 4th Armored Division's Combat Command A, turned and asked the opinion of the leader of the 37th Tank Battalion, a quiet young officer who although only eight years out of the Military Academy was widely regarded as one of the most daring and brilliant tank commanders in the Army.

Lt. Col. Creighton W. Abrams Jr. pointed across the river and replied laconically: "That is the shortest way home." Col. Clarke told his man to "Get going" and there followed a series of brilliant maneuvers led by "Task Force Abe" which later was likened by the commander of XII Corps to Jeb Stuart's classic ride around the Union Army in front of Richmond.

Twenty-eight years and two more wars later "Abe" is on his way "home" again, this time to the Pentagon where, the Senate willing, he will become chief of staff of the Army. But, what with people like Senator William Proxmire sharpening their knives in anticipation of seeking at the outset to tie Gen. Abrams to the Lavelle case, plus the multitude of thorny problems with which the Army is beset today, the struggle at the Moselle and places like Bastogne may turn out to be tame by comparison. Too, Gen. Abrams has been commander of our forces in Vietnam for the past four years, and it is doubtful that he will escape unscathed during confirmation hearings, even though he should have no trouble receiving ultimate approval in the Senate.

I have a friend, a retired lieutenant general, whose favorite phrase when he is trying to understand an involved or complex issue is, "You'll have to go over that slowly—I'm just an ordinary foxhole soldier." He listens, asks some questions which always seem to get progressively harder to answer, and pretty soon a glimmer comes through your smugness that he knows more about the significant issues of your specialty than you do yourself.

The parallel in the case of Gen. Abrams is that if anyone has any ideas about verbally making mincemeat out of a seemingly "simple soldier" he would be advised to do some homework. Loquacious and glib Gen. Abrams is not, but as a former vice chief of staff and holder of several other key Pentagon posts, he knows his way around the Department of Defense and Congress. Moreover, it is mighty hard to bamboozle a completely honest and guileless man.

As a West Point classmate and long-time friend observed about Gen. Abrams' prospects for success in the increasingly important field of getting along with the nation's lawmakers: "He understands the political aspects of being a general much better than people think. He should get along well with Congress but don't expect him to take any guff."

Editorially speaking and with all due respect to the other outstanding officers who were considered for the chief's spot, the Army could not have made a better choice at this crucial time of its development. It needs continued strength and integrity at the top. There must be imagination, the courage to experiment and to fight for the tools and men to do the job. And as important as all these is the ability to change with the times without compromising on the Army's mission.

These are tall orders, particularly when they will have to be executed in a national atmosphere which, while it is now less hostile toward the military with the winding down of the war and the waning of the draft, can be expected to take on an even deadlier character in the deceptively peaceful times ahead: apathy. But Gen. Abrams' career has been a succession of tall orders and he has never failed to do considerably more than his country could reasonably expect of him.

The first question that arises when a new boss takes over is "What is he like?" on the theory that when you know his likes and dislikes, how he operates and how he reacts in different situations you should have a pretty good idea of what direction the enterprise you share is going to take. It doesn't always go the way the indicators point, however, and this may be especially true in the case of Gen. Abrams.

The fact is that for a man who has been stereotyped as an uncomplicated (a "rough cob" as one contemporary termed him), a blunt-speaking "soldier's soldier," Gen. Abrams has been doing a bang-up job in what is perhaps one of the most difficult and sensitive military assignments ever handed a general. As if Vietnamization with all of its headaches and international ramifications were not enough, he has been presiding over one of the most remarkable and potentially disastrous troop withdrawals in military history. When he assumed command of the Military Assistance Command Vietnam in April, 1968, the active commitment of U.S. forces in the fighting was still very high and, even though participation by American ground forces has for all practical purpose ceased, he is still in overall command of the considerable Air Force and Navy support operations that remain. Of prime importance, too, is his own role and that of his officers and NCOs in advising the ARVN and South Vietnamese regional and local forces as they strive to become a self-sustaining defense establishment.

To complicate the situation still further, like other U.S. commands, Vietnam has been up to its shoulder patches in troop problems such as drugs, racial discord, discipline and poor morale. Problems like these have a particularly sinister significance in an area where troops are actively engaged in combat. It is a tribute to Army leaders and the quality of their troops that, despite persistent published accounts that the Army in Vietnam fell apart long ago, our forces by all authoritative accounts are still a highly effective machine, whether in the role of fighter or adviser.

It is ironic that with all these thorny issues with which Gen. Abrams has had to deal on a day-to-day basis for the past four years—issues which in effect are as close to the mainstream of things as any which are being coped with at the Pentagon—doubts have been raised in some quarters about his ability to "relate" to the problems which plague the Army in the early 1970s.

As a person, those who have known him for many years describe him as extremely taciturn, "but in a warm way," said one old friend. "He just sits back, chews on his cigar, listens to all sides, and then makes up his mind after everybody else has had his say."

He is self-effacing to a fault, his reticence toward talking about himself perhaps being one of the chief reasons why, despite his prominence since World War II, relatively little is known about him. He has not added very much to this limited store in Vietnam where he seldom if ever has held a general press conference. Writers and other people who have gotten into his Saigon offices to see him are treated courteously and with candor, although, as more than one visitor has found, asking a question the general does not feel he should answer is apt to bring forth nothing more than a long stare.

Despite the paucity of his contacts with newsmen, Gen. Abrams has received remarkably little criticism in the press. Reporters generally praise him for his directness, the way he has conducted U.S. operations and for the way he has handled the delicate job of turning over South Vietnam's defense to its own soldiers.

My only contact with Gen. Abrams was during a visit to Vietnam in late 1968. Unless you knew something about his character, ability and combat record, it would have been easy to underestimate this kindly looking relaxed man with the ever-present cigar in the rumpled combat greens. Interviews with busy four-star generals can be extremely tense affairs, especially if the subjects offers nothing beyond bare answers to your questions or, as rarely happens, you're made to feel like a nincompoop because of the naivété of your queries.

It turned out to be an extremely relaxing talk whose highlight was the most lucid description I have ever heard or read of what the enemy's aims were at that particular time of the conflict. His only "props" during this lesson were a much-erased blackboard which he covered with the simplest of diagrams, his voice and the cigar he used as a pointer, but no briefing I have ever received on the subject was more informative. At that time, as now, he was probably the busiest military man in the U.S. armed forces but he gave the impression of having all the time in the world.

There are other qualities which belie the image many people have of him as a simple, hard-driving soldier of the U.S. Grant mold, a poor comparison if the allusion is to show simplicity because Grant was anything but an uncomplicated man. Abe is known as a lover of fine music, his tastes ranging from Lawrence Welk to Wagner (one reporter has even claimed that he has used musical terms in sketching a battle plan to subordinate commanders). Although it is not generally known, he is a good pianist whose performances are confined to small gatherings of friends. He reads frequently, mostly history, and although he rarely attends parties he is described as excellent and witty company, especially when with close friends.

In his relations with subordinates, he has a reputation for being demanding but fair with little use for fawning, wasted motion, gobbledegook or people who try to cover up ignorance or poor preparation on a subject by trying to fool him.

"Don't ever try it," said a former staff officer who once tried to brazen out an obvious gap in his knowledge about the topic upon which he was briefing Gen. Abrams. "When he found out that I didn't know all I should he didn't say a word; he just got up and walked out."

Despite efforts to point up differences in the public press, there is little fundamental difference in the Westmoreland and Abrams fighting styles in Vietnam, particularly as they pertain to U.S. forces.

A February, 1971, article in *Time* magazine described Gen. Abrams' tactical aims as not only seeking out and fighting enemy troops, but also destroying their base installations and supply lines. Said the article:

"Where Westmoreland was a search-and-destroy and count-the-bodies man, Abrams proved to be an interdict-and-weigh-the-rice man. Where Westmoreland insisted on outnumbering the enemy three or four to one with massive, multibrigade maneuvers, Abrams matched battalion against battalion and brigade against brigade. If a unit made contact with the enemy he hustled in reinforcements aboard helicopters. . . . He laced the countryside with small, defensible firebases. Heavy fighting bases were provided with overlapping artillery support, enabling units in trouble to radio for firepower instantly.

"Abrams ordered commanders to study enemy habits meticulously, then imitate them. As a result, small units began cutting paths through the jungle in the hope of finding a hidden base, hospital or supply trail. Says a commander who supports Abrams' ideas fully: 'Just focusing on knocking out men is illusory—they will just send more men down. But if you can get the system screwed up the enemy can be champing at the bit to fight but unable to do anything.'"

Maybe so, but Gen. Abrams would undoubtedly be the first to argue that many of these methods *Time* credited to a change in fighting style were being done when he was Gen. Westmoreland's chief deputy. However, it does give an interesting insight into Abe's fighting philosophy.

Creighton Williams Abrams Jr. was born in Springfield, Mass., the oldest of three children of a repairman for the Boston & Albany Railroad and his wife Nellie. At Agawam (Mass.) High School, he excelled in scholarship and athletics. As captain and center of the football team, he led it to an undefeated season and the championship of Western Massachusetts. He also was editor of the school newspapers and president and orator of the Agawam graduating class of 1932.

He is said to have sought appointment to the U.S. Military Academy because he had been inspired by an address given by a graduate at his high school. He is remembered as an outstanding horseman, a guard on the "A" football team and as having a voracious appetite for practical jokes. According to the 1936 USMA yearbook. *The Howitzer:* "Wherever you find Abe, you'll find action. The two are inseparable. Catching hell as a plebe or dishing it out as a yearling, talking it up at football practice or driving the stage crew of Hundredth Night Show, he's always on the go. The lightest lineman on the Plebe squad, he started his football career on the sixth string; but his energy and spirit soon won him recognition, and though he holds the academy warm-up record, he stuck and made his letter. Never satisfied to be inactive long enough to do any heavy studying, Abe doesn't rank among the elite of the section room. Consequently, he'll probably be in the Calvalry, and we believe that the horses will have to work hard to keep up with him."

According to *Current Biography 1968*, he is said to have recalled that "The only thing in which I was outstanding was discipline; I was at the bottom of the class." He graduated in the class of 1936, a class which included such other future luminaries as First Captain William C. Westmoreland and Bruce Palmer, who was to be vice chief of staff to them both.

The next four years after graduation were spent as a troop officer with the 1st Cavalry Division at Fort Bliss, Tex. In 1940, he was assigned to the newly formed 1st Armored Division where he spent several months as a tank company commander, and then in 1941 he went with the 4th Armored Division. Following a number of assignments, he was placed in command of the 37th Tank Battalion at Camp Bowie, Tex., and from the time it went into action in Normandy in July, 1944, Lt. Col. Abrams took part in all the campaigns of the 4th Armored, serving variously as battalion and combat command commander.

The famed 37th under Abrams was described in *Time* as "a fearsome weapon of destruction" and Abrams was hailed as having "the feel and flair of the born combat man." In the fighting in Europe, the brilliant young tanker was twice awarded the Distinguished Service Cross, among many other decorations, as he commanded units in the vanguard of Gen. George S. Patton Jr.'s Third Army. His exploits became legendary, one of the most celebrated being the 37th's breakthrough with two infantry divisions of the German lines surrounding the 101st Airborne Division at Bastogne during the Battle of the Bulge.

So outstanding was Abrams' record that Gen. Patton once said: "I'm supposed to be the best tank commander in the Army. But I have one peer—Abe Abrams. He's the world champion."

Promoted to colonel in 1945, Abrams was appointed to the War Department General Staff the same year where his duties included a study of the defense needs of the Philippines after independence. He later became assistant in the Plans Section (G3) at Army Ground Forces headquarters, and from March, 1946, to August, 1948, was director of tactics at the Armor School at Fort Knox, Ky. There he revised and updated the Army's manual on armored tactics, placing special emphasis upon the shock value of mass attack.

In 1948–49, he attended the Command and General Staff College, and in September, 1949, returned to Europe to take command of the 63rd Tank Battalion. He was commander of the 2nd Armored Cavalry Regiment in 1952 when he was sent to the Army War College, after which he was assigned to Korea where he served successively as chief of staff of I Corps, X Corps and IX Corps. In 1956, he was promoted to brigadier general and assigned to the Army General Staff as deputy assistant chief of staff for reserve components.

In 1959 he returned to Europe as assistant division commander of the 3rd Armored Division. In May, 1960, he was promoted to major general and assigned as deputy chief of staff, operations, at headquarters, United States Army Europe. He returned to the 3rd Armored Division as division commander in October, 1960, and served in this capacity until he returned to Washington on 19 May, 1962, for assignment as assistant deputy chief of staff for military operations for civil affairs. On 23 July, 1962, he was appointed director of operations in the Office of the Deputy Chief of Staff for Military Operations. On 15 October, 1962, he assumed the duties of the assistant deputy chief of staff for military operations for requirements and programs. In April, 1963, he was appointed deputy assistant chief of staff for force development. He became commanding general of V Corps on 15 July, 1963, and was promoted to lieutenant general on 1 August, 1963.

On August, 1964, General Abrams was appointed acting vice chief of staff. He was promoted to general on 4 September, 1964, and on the same date was sworn in as vice chief of staff.

In March 1967, Gen. Abrams arrived in Vietnam for an inspection tour which was widely believed to be a preview for his appointment to a key post in MACV. The next month, President Johnson named him second in command to Gen. Westmoreland. Among his early jobs was the sharing with civilian Presidential assistant Robert W. Komer of responsibility for the rural pacification program and supervision of the training and performance of South Vietnamese units. He has long been a champion of the fighting qualities of these forces.

In June, 1968, after Gen. Westmoreland was appointed chief of staff, Gen. Abrams was named commander of MACV.

He and Mrs. Abrams, the former Julia Harvey, whom he married on 30 August, 1936, have six children: Noel, Creighton W. Jr., John, Jeanne, Elizabeth and Robert. His recreational pastimes, besides listening to music and reading, are hunting, fishing and golf, according to *Current Biography*, and he is said to be a fine cook and aggressive poker player.

If those who know him were to pick one quality to epitomize those he brings to his new assignment it would be "strength." A retired general who has known him since pre-World War II days describes him as "one of the very strongest men I have ever known."

That strength will be vitally needed by the Army in the tough years that lie ahead.

ROGERS INTRODUCED EXPENDITURE BUDGET CEILINGS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. ROGERS. Mr. Speaker, I have introduced a bill which would place a statutory expenditure limit of $250 billion, as suggested by the President, on Federal spending during fiscal year 1973. This proposal will say to the American public that we in Congress fully realize the seriousness of the problem and are ready and willing to do something about it.

In order to keep the Federal budget within this limit, my proposal also calls for a reordering of our spending priorities. The need to concentrate on America's domestic problems by giving them first consideration in our fiscal planning is paramount. My proposal would, therefore, make the American people the primary beneficiaries in any budget actions that are taken.

FROM YELLOWSTONE TO TOMORROW

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. HALPERN. Mr. Speaker, it is not often that a commercial television program intended only for an American audience generates such impact that it attains global recognition. Such is the case with a remarkable documentary presented last April on NBC-TV by the American Telephone & Telegraph Company's long distance division. It was designed as a tribute to and an assessment of our national parks system.

Called "From Yellowstone to Tomorrow" and starring George C. Scott as host—narrator, this innovative feature was most favorably received by a large viewing audience. Previous to this national telecast, the program had been screened for his colleagues at the United Nations by U.S. Ambassador to the U.N. George Bush. Here, too, the response was highly favorable.

Because of its relevance to the theme of the U.N. Conference on the Human Environment, "From Yellowstone to Tomorrow" was submitted to the Swedish Government-host country to the Conference held in Stockholm as a candidate for the daily screening of environment-oriented films held in Sweden House—Sverigehuset. This handsome edifice maintains a visitors center normally given over to information for tourists about Sweden.

"From Yellowstone to Tomorrow" was deemed so desirable and relevant to the theme of the Conference which it was my privilege to attend as a member of the U.S. delegation, that it was accorded twice the viewing time permitted other entries and screened on a daily basis for the benefit of the delegates to the Conference from 112 countries, members of the press, government officials, as well as the local Swedish people curious about how the United States manages its vast parks system.

Mr. Speaker, at this time, I would like to include in today's RECORD a copy of the press announcement distributed by the U.S. delegation on this matter. I am sure that if my colleagues saw this magnificent film, they would share in the delight and effectiveness of this production.

The press announcement follows:

"FROM YELLOWSTONE TO TOMORROW" FILM SHOWING AT SVERIGEHUSET

As part of the United States support for a World Heritage Trust to set aside natural treasures and parks for the benefit of all peoples, the Visitors Convention Center in Sverigehuset has begun a daily film showing of "From Yellowstone to Tomorrow".

This remarkable color film examines the 100-year history and vast extent of the American National Parks system. The world's first national scenic park at Yellowstone was established in 1872. There are 38 national parks and 250 national monuments, sea shores and historical sites.

Secretary of Interior Rogers Morton, a member of the U.S. delegation to the Stockholm Environment Conference, is head of the entire American National Parks system as Secretary of the Interior. He will discuss President Nixon's proposal for a World Heritage Trust before the Stockholm conference.

The film features George C. Scott as narrator and was produced for U.S. television by the American Telephone and Telegraph Company on the 100th anniversary of the parks system. It is being distributed overseas as part of the film program of the U.S. Information Agency. "From Yellowstone to Tomorrow" represents a two-year project involving 65,000 miles of air travel to visit parks all over the U.S.

FREEDOM OF THE PRESS, SAIGON STYLE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. ROSENTHAL. Mr. Speaker, tight financial and other restrictions have been imposed on South Vietnamese newspapers in what the Thieu regime admits is an effort to put most out of business and make the rest follow the official line.

The vaguely worded restrictions of the press code contain a clear message for anyone who had the least delusion that South Vietnam harbors a free press.

Although the South Vietnamese press is already "cowed and acquiescent," according to veteran observers, "its docility failed to satisfy the Thieu government."

A Thieu spokesman, in announcing the press policy, paid lipservice tc freedom of the press and said newspapers would be permitted to criticize the Government only if they do it right.

This is further intimidation of a subservient press that is prohibited from printing not only unfavorable opinion but even the truth, unless authorized by psychological warfare authorities in Saigon.

Mr. Speaker, is this the kind of government we want to support? To sacrifice thousands of our best young men for? To spill our treasure and divide our own Nation for?

This is further evidence that our support of the Thieu dictatorship is morally indefensible.

Four successive administrations, two Republican and two Democratic, have said our goal has been to defend democracy and help the South Vietnamese people live in freedom. That is a fine goal, but a look at the facts shows something totally different.

Millions of South Vietnamese have been killed in this quest while a succession of dictatorships in Saigon have shown not the least inclination toward democracy. This new press policy is just the latest in a long string of repressive, dictatorial steps away from freedom, not toward it.

The silence from the White House in this matter indicates its own acquiescence and encouragement if not collaboration in these efforts. After all, let us not forget that this same White House has been engineering its own assault on the press.

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. SMITH of New York. Mr. Speaker, it is my privilege each month to insert in the RECORD the monthly calendar of the Smithsonian Institution. The August Calendar of Events follows:

CALENDAR OF EVENTS OF THE SMITHSONIAN INSTITUTION

AUGUST 1

Exhibition.—*Mutoscopes.* "Peep-shows," the most popular form of moving-picture entertainment in America at the turn of the century, providing a glimpse of what was considered "naugthy" down at the nickelodeon. First floor, National Museum of History and Technology.

Exhibition.—*The Textile Industry: New England 1800–1920.* Fabrics, sample books, old labels, and photographs showing the history of textile mills in New England. Great Hall, Smithsonian Institution "Castle" Building. Through September.

AUGUST 2

Exhibition: *Atlantic Cable.* An evocation, through paintings, photographs and artifacts, of the first undersea cable in 1858 linking North America with Europe—a technological triumph that prompted almost hysterical public enthusiasm. First floor, National Museum of History and Technology.

Design Films.—To be announced. Shown continuously from 11 a.m. to 2:30 p.m. The Renwick Gallery.

AUGUST 3

Lecture/Film.—*Exploring Queen of Sheba Land,* presented by the noted archeologist Dr. Wendell Phillips, at 8 p.m. in the Spencer Baird Auditorium of the National Museum of Natural History. The motion picture to be shown is the only one ever taken of the ancient sand-covered Old Testament cities of Southern Arabia. A selection of art treasures unearthed by Dr. Phillips on his adventurous explorations in this region is currently on view at the National Museum of Natural History and includes the Hellenistic bronze lions and cupids (75–50 B.C.) shown above. The exhibit, *Arabia Felix,* is scheduled to run through Labor Day.

Creative Screen.—*The West of Charles Russell.* An exciting commentary on the cowboy-artist who lived among the settlers and Indians of the Old West portrayed through the artist's works and their actual settings. 11:15 a.m., 12:15, 1:15 p.m. Lecture Hall, National Collection of Fine Arts.

AUGUST 5

Creative Screen.—*The West of Charles Russell.* Repeat. See August 3 for details.

AUGUST 9

Design Films.—To be announced. Shown continuously from 11 a.m. to 2:30 p.m. The Renwick Gallery.

AUGUST 12

Exhibition.—*Sculpture of Franz Barwig.* Twenty-one bronze and wood sculptures by the Viennese artist, and a plaster model made for the architectural ornamentation of Marjorie Merriweather Post's Palm Beach villa. Barwig's works, primarily animals and human figures, are a combination of simplification of form and rich, decorative effect. The Renwick Galley, through October 23.

Exhibition.—*The Avant-Garde in Theatre and Art: French Playbills of the 1890's.* Theater programs, lent by the Atlas Foundation, created for the experimental Théâtre Libre and Théâtre de l'Oeuvre in Paris by Lautrec, Bonnard, Vuillard, Munch, Signac, Denis and others during the final two decades of the 19th century. The Renwick Galley, through October 23. The exhibit is being circulated by the Smithsonian Institution Traveling Exhibition Service.

AUGUST 16

Design Films—To be announced. 11 a.m. to 2:30 p.m. The Renwick Gallery.

AUGUST 17

Creative Screen—*Grand Canyon.* Visual impressions of the Grand Canyon with Ferde Grofe's "Grand Canyon Suite" as background. A Walt Disney Productions. 11:15 a.m., 12.15 and 1:15 p.m.

Lecture Hall, National Collection of Fine Arts.

AUGUST 19

Creative Screen—*Grand Canyon.* Repeat. See August 17 for details.

AUGUST 23

Design Films—To be announced. Shown continuously from 11 a.m. to 2:30 p.m. The Renwick Gallery.

AUGUST 24

Lecture—*Mails, Monopolies and the Mail Order,* by Wayne E. Fuller, professor of history, University of Texas, El Paso. Mr. Fuller analyzes the first century of mail-order business, which will be commemorated with a special postage stamp to be issued September 27 in Chicago. Second in a series by the Smithsonian and the Postal Service. 8 p.m., National Museum of History and Technology auditorium.

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS–AM (570) and FM (103.5) from 9–9:30 p.m. The program schedule:

AUGUST 6

The New Deal Art Projects. One of the most important influences on 20th century American art explored by Francis O'Connor and Jacob Kainen of the National Collection of Fine Arts, Karel Yasko, Director of GSA's Fine Arts Preservation Office, and Joshua Taylor, Director of the NCFA, then discuss new plans for preserving New Deal art.

AUGUST 13

Around the Blues. Martin Williams, Director of the Smithsonian's Jazz Program, discusses and illustrates the influence of the blues in American music.

AUGUST 20

70 Years at the Smithsonian. Dr. Charles Greeley Abbot, former Secretary of the Smithsonian who recently celebrated his 100th birthday, recalls some of his experiences at "the nation's attic."

A Maverick's View of Music Critics, with Henry Pleasants, London music critic for the *International Herald Tribune.*

AUGUST 27

The Right To Vote. A look at voting rights in the U.S. since the country's early days.

What Can Fossils Tell Us? with Dr. Frank Whitmore, Museum of Natural History paleontologist specializing in whale fossils.

AUGUST REMINDERS

The third semester of Associates classes sponsored by the Smithsonian Associates begins the week of August 15. For registration call Mrs. Arnelle, 381–5157.

Prospective Volunteer Docents must be registered and interviewed before August 31 to attend fall training sessions for conducting school tours. Call 381–6471.

FOREIGN STUDY TOUTS—1972

For members of the National and Resident Associates. For further details on tours, listed below, write Miss Schumann, Smithsonian Institution, Washington, D.C. 20560.

"No Tour" Tour: (Dulles-London-Dulles) Sept. 11–Oct. 2.

The Pilgrimage Road: Sept. 11–Oct. 9 (Waiting list only).

Russian Museum Tour: Sept. 12–Oct. 3 (Waiting list only).

Pakistan and Afghanistan: Oct. 9-Nov. 8 (Waiting list only).

Antique Tour in London: Nov. 2-10. $475.

1973

Peru: Archaelogical sites, folklore, and anthropology (depart from and return to Miami). Feb 8-March 5.

Morocco: Atlas Mountains, archaelogical sites. March 6–27.

Cave Paintings: Prehistoric caves of Spain and France, April 2-26.

Middle East: Classical sites, crusader castles, Arab cultures of Syria, Jordan, Lebanon (depart from and return to London). April 22-May 15.

Baroque Tour of German and Austria: May 13-June 4.

African Safari: Tanzania and Kenya. July 17, three weeks.

Aerospace Tour: Germany, Switzerland, Russia and London. Sept. 10, two weeks.

Sites of Civilization: Three weeks on the cruise ship *Argonaut* (depart from and return to New York.) Oct. 6-28.

DRUGS: A SPECIAL EXHIBITION

Schedule of Special Activities—Arts and Industries Building

(For last-minute schedule changes, call 737–8811)

August 1—Films: *Epitaph* and *The People Next Door.* Alternated continuously between 10:30 a.m.–1 p.m., 2–6 and 7–8:30 p.m.

August 2—*Inner Voices of Lorton.* Performances at 1:30 and 4:30 p.m. Film: *Epitaph,* 6–8:30 p.m.

August 3—Films: *US* and *Darkness, Darkness.* 10:30 a.m.–1 p.m., 2–6 and 7–8:30 p.m.

August 4—*Inner Voices of Lorton.* Performances at 1:30 and 4:30 p.m. Film: *Curious Alice,* 6–8:30 p.m.

August 5–6—*The Living Stage of Arena Stage.* Performances at 1:30 and 4:30 p.m.

August 7—Panel discussion: *Causative Factors in the Addictive Process.* 10:30–12:30 a.m. and 2–4 p.m. Presentation of original papers followed by full panel discussion and time devoted to questions from the audience.

August 8—Films: *David* and *11:59, Last Minute to Choose.* 10:30 a.m.–1 p.m., 2–6 and 7–8:30 p.m.

August 9—Films: *Skezag* and *The Opium Trail.* 10:30 a.m.–1 p.m., 2–6 and 7–8:30 p.m.

August 10—Films: *Speedscene* and *Brian at 17.* 10:30 a.m.–1 p.m., 2–6 and 7–8:30 p.m.

August 11—Films: *A Day in the Death of Donnie B* and *Ebena.* 10:30 a.m.–1 p.m., 2–6 and 7–8:30 p.m.

August 12–13—Film: *Wild in the Streets.* Continuous showings 10:30 a.m.–1 p.m., 2–6 and 7–8:30 p.m.

August 14—*Inner Voices of Lorton.* Performances at 1:30 and 4:30 p.m. Film: *Slow Death*, 6–8:30 p.m.

August 15—Films: *Epitaph* and *Slow Death*. 10:30 a.m.–1 p.m., 2–6 and 7–8:30 p.m.

August 16—*Inner Voices of Lorton*. Performances at 1:30 and 4:30 p.m. Film: *Drugs of Abuse*, 6–8:30 p.m.

August 17—Films: *The People Next Door* and *To Find Our Life*. 10:30 a.m.–1 p.m., 2–6 and 7–8:30 p.m.

August 18—Films: *Curious Alice* and *Drugs of Abuse*. 10:30 a.m.–1 p.m., 2–6 and 7–8:30 p.m

August 19–20—*Last Renaissance Players*, St. Elizabeths Hospital. Performances at 1:30 and 4:30 p.m.

August 21—Panel discussion: *Drug Abuse in Non-Western Cultures*. 10:30 a.m.-12:30 p.m. and 2-4 p.m. Original paper presented by Dr. Peter Furst, followed by full panel discussion and time devoted to questions from the audience.

August 22—Films: *To Find Our Life* and *Ebena*. 10:30 a.m.-1 p.m., 2-6 and 7-8 p.m.

August 23—Films: *The Opium Trail* and *US*. 10:30 a.m.-1 p.m., 2-6 and 7-8:30 p.m.

August 24—Films: *Darkness, Darkness* and *David*. 10:30 a.m.-1 p.m., 2-6 and 7-8:30 p.m.

August 25—Films: *Skezag* and *Drugs of Abuse*, 10:30 a.m.-1 p.m., 2-6 and 7-8:30 p.m.

August 26–27—Film: *Portrait of Jason*. 10:30 a.m.-1 p.m., 2-6 and 7-8:30 p.m.

August 28—*Inner Voices of Lorton*. Performances at 1:30 and 4:30 p.m. Film: *Epitaph*, 6-8:30 p.m.

August 29—Films: *Brian at 17* and *Curious Alice*. 10:30 a.m.-1 p.m., 2-6 and 7-8:30 p.m.

August 30—Films: 11:59, *Last Minute To Choose* and *A Day in the Death of Donnie B*. 10:30 a.m.-1 p.m., 2-6 and 7-8:30 p.m.

August 31—Films: *The People Next Door* and *Epitaph*. 10:30 a.m.-1 p.m., 2-6 and 7-8:30 p.m.

DEMONSTRATIONS

Museum of History and Technology

Music Machines—American Style. Mechanical and electronic music machines. Monday through Friday, 1:30 p.m., 2nd floor.

Spinning and Weaving. Tuesday, 11 a.m.-1 p.m.; Wednesday and Thursday, 11 a.m.-1 p.m., 2-4 p.m.

Machine Tools. Wednesday, Thursday, Friday, 1–2 p.m.

Musical Instruments. Temporarily discontinued.

Hand-Set Printing Presses. Monday, Tuesday, Thursday, Friday, 2–4 p.m., 2nd floor.

Change of Address and Calendar Requests: mail to Central Information Desk, Great Hall, Smithsonian Institution Building, Washington, D.C. 20560. When applicable, please include old calendar label.

Dial-A-Museum—737–8811 for daily announcements on new exhibits and special events.

Dial-A-Phenomenon—737—8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

SUMMER HOURS

Museum of History and Technology; Museum of Natural History; Arts and Industries Building: 10 a.m.–9 p.m. seven days each week.

Freer Gallery of Art; National Collection of Fine Arts; National Portrait Gallery; Renwick Gallery: 10 a.m.–5:30 p.m. daily.

National Zoo buildings: 9 a.m.–6 p.m., daily.

Anacostia Neighborhood Museum: 10 a.m.–6 p.m., weekdays; 1–6 p.m., weekends.

MUSEUM TOURS

Info 1972. Museum of Natural History, Museum of History and Technology, National Air and Space Museum (Arts and Industries Building). Walk-in tours are conducted by summer volunteers beginning every half-hour between 10:30 a.m. and 12 noon and between 2 and 4 p.m. at the Info Desks through August 17. Special group tours for these buildings can be arranged by calling 381–5304.

Group tours by appointment are also available at the following museums:

National Portrait Gallery—381–6285.
National Collection of Fine Arts—381–6541.
The Renwick Gallery—381–5811.
Freer Gallery of Art—381–5344.

The Smithsonian Monthly Calendar of Events is prepared by the Office of Public Affairs. Editor: Lilas Wiltshire. Deadline for entries in the September Calendar: August 7.

ARTS AND INDUSTRIES BUILDING

Ballooning (1782–1972). The colorful history of balooning from earliest ideas to balloonomania to a modern science. Through December 1972.

World War I Fighter Planes. Aviation history of WWI era depicted through the recreation of front line fighter airfield, including uniforms, models, recordings and actual aircraft.

Drugs: A Special Exhibition. A comprehensive exhibit on the history and use of drugs. Special related activities are held each day in the Rap Theatre (see front side).

FREER GALLERY OF ART

Recent Accessions in Japanese Art. Approximately twenty works of art including paintings, metalwork and ceramics purchased by the Freer Gallery during the past ten years.

Early Christian Manuscripts. Illuminated leaves and ancient Biblical manuscripts from the Freer collections.

Eugene and Agnes E. Meyer Memorial Exhibition. Chinese and Japanese objects including bronzes, archaic jades, stone sculptures, paintings and ceramics.

2500 Years of Persian Art. Decorative work from manuscripts metalwork, ceramics, and architectural decorations. Through December 1972.

MUSEUM OF NATURAL HISTORY

Insect Zoo. Live insects including Allegheny mound ants, bees, termites, and a butterfly flight cage. Through August 31.

CONTINUING EXHIBITIONS

Art of Simon Yavitz. Unique botanical subjects sculpted in gold and silver enhanced with gems and ivory. On display indefinitely.

Arabia Felix. The art and culture of an ancient civilization regarded as the wealthiest in the 1st century B.C. Through August 31.

MUSEUM OF HISTORY AND TECHNOLGY

A Children's World: Sears, Roebuck & Co. Collection of American Toys. 1890–1960. Over 500 cast iron and tinplate toys. On display indefinitely.

Music Machines—American Style. Barrel organs and player pianos to the most up-to-date high fidelity equipment. Tapes of the machine sounds are played and excerpts from filmed musical productions shown throughout the day.

Contemporary Counterparts of Early American Craftsmen. Crystal-glazed ceramics created by Erni and Rose Cabot of Tucson, Arizona. On display indefinitely.

Art and Physics. "Astralites" and other light sculptures by Washington artist Adam Peiperl. Through September 30.

NATIONAL PORTRAIT GALLERY

"If Elected . . ." Unsuccessful Candidates for the Presidency 1796–1968. More than 80 portraits and 500 campaign items of the also-ran candidates and their contributions to American political history. Four 30-minute films entitled *Al Smith, Wendell Willkie, Norman Thomas* and *The Women Get the Vote* are shown daily beginning at 11 a.m.

NATIONAL COLLECTION OF FINE ARTS

National Parks and the American Landscape. 125 paintings, drawings, watercolors, photographs and memorabilia commemorating the centennial of the national park system. Through August 27.

Artists-Naturalists: Observations in the Americas. Prints and watercolors by Mark Catesby, Alexander Wilson, John James Audubon, Martin Johnson Heade, the Thayer family and Louis A. Fuertes. Through September 10.

THE RENWICK GALLERY

Woodenworks. Contemporary furniture by five wood craftsmen.

Pueblo Pottery: Zuni and Acoma Designs from Smithsonian Collections.

Selections from the Index of American Design.

The Glass of Frederick Carder.

James Renwick in Washington.

Design Is . . . Elements of design in diverse objects encountered in daily life.

THE SMITHSONIAN RESIDENT PUPPET THEATRE

The Wonderful Land of Oz. Based on L. Frank Baum's sequel to his classic *The Wizard of Oz*, and performed by Allan Stevens and Company. Schedule through Labor Day: Wednesday through Sunday (including holidays) 11 a.m., 12 noon, 1 p.m. Admission $1 children, $1.25 for adults. Reservations are recommended—call the box office at 381–5395. The Smithsonian Resident Puppet Theatre is produced by the Division of Performing Arts.

Use of funds for printing this publication approved by the Director of the Office of Management and Budget, June 3, 1971.

ENGLISH VIEW OF NIXON BOMBING—BRUTAL

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. EDWARDS of California. Mr. Speaker, paying attention to what others think of us can sometimes lead to wiser decisions. I commend to my colleagues the following editorial from the August 5, 1972, Manchester, England, Guardian.

No doubt most world opinion would agree with this venerable and distinguished newspaper's view: "His—Nixon's—whole bombing policy is a brutal error."

The full text of the editorial follows:

BRUTAL BOMBING

President Nixon's anger at being accused by the UN Secretary General, Dr. Waldheim, of a deliberate policy of bombing the dikes in North Vietnam is an almost irrelevant furore. The case has not been clearly proven. The North Vietnamese are undoubtedly out to wring as much propaganda benefit from the bombing as possible. Their public evidence has been somewhat weak, in spite of Swedish and French television films and the accounts of visitors of varying commitments. But the American record leaves little room for confidence. Bombing of the North was being carried on without authorisation before Nixon's announcement. In the course of the war in Vietnam, the United States has tampered with nature by using defoliants, fire bombs, herbicides, "daisy cutter" bombs to make clearings the size of football pitches, and artificial rainstorms. President Nixon is on weak propaganda grounds, as well as moral grounds, when he gets angry at the discussion of bombing dikes. His whole bombing policy is a brutal error.

The initial contradictions in US policy have not changed since the bombing was re-started officially in May. While the US withdraws on the ground, it carries out the most concentrated bombing Vietnam has ever sustained. And for what? It only remotely protects the lives of the withdrawing Americans. The bombing of North Vietnam has shattered what little industry there was in this mainly agricultural State. It has killed civilians and made refugees of thousands of others. President Nixon on July 27 made claims for his bombers' restraint and accuracy in the face of a 2,700-mile dike system. The State Department says minor damage in 12 locations alone has been detected. But dikes only need to be weakened to provoke a hideous flood in monsoon time in the Red River Delta, where three-quarters of North Vietnam's population lives. Mr. Nixon's claims are like putting icing on a rotten cake.

NIXON DOCTRINE ANALYZED

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. HOSMER. Mr. Speaker, for many years following World War II the United States conceived the Communist world to be unified and hostile in ideology, monolithic and aggressive in purpose, and dedicated to totally and ruthlessly to sweeping away everything before it. We conceived the free world to be a mirror image of the Communist one and this concept of opposing and opposite worlds dominated our foreign policy and shaped our defense posture for over two decades.

Faced with aggression, our logical strategy was to isolate and contain it within the Communist world. Simultaneously we worked to bring order, stability, and economic opportunity to allied and friendly nations, whose freedom and safety seemed intertwined with our own. A threat to any one of them was seen as a threat to all, to be countered by cold means if possible, but hot war if necessary.

Thus in 1950 when the Republic of Korea was attacked by the Communist North, containment of the forces of total aggression seemed essential, not just to save this particular ally, but to keep other free world countries from thereafter falling like dominoes.

In retrospect the two worlds in conflict concept and our strategies to cope with it seem to have worked reasonably well throughout the 1950's. But events are not static and by the early 1960's evidence began to appear that some things in the Communist world, as well as in our own, were changed or changing. As time passed the evidence of change mounted. Even so, revision of our concept of the enemy, long tempered by years of hot and cold war, did not come quickly. It is the way of men and nations alike to hold to the old patterns until some significant event triggers movement, and then change comes swiftly.

The succession of Presidents in 1969 was such an event. It forced into our national awareness the reality that the Communist world is no longer unified and monolithic. Rather, it is severely strained inside by major centrifugal forces. Therefore, replacement of the Containment doctrine by a doctrine more responsive to current U.S. national interests was called for. This is being accomplished in the form of the Nixon doctrine, formulation of which begain at Guam in 1969 and still continues.

Let us see how the situation of the 1970's differs from that of the 1960's.

The escalation of North Vietnam's aggression which began early in the 1960's appeared in the context of the times as another centrally directed Korean-like probe, shaking the dominoes, testing the climate for worldwide aggression and justifying commitment of half-a-million American ground troops to hurl back the aggressor and reseal the Iron and Bamboo Curtains.

But viewed in the less monolithic context of the 1970's, the continued Vietnamese aggression appears in a more localized image, devolving upon its victim the primary responsibility for its own defense and obliging allies to assist reasonably with materials, but only sparingly, if at all, with men. It was with this vision that the new President at once began repatriating American forces from Asia at a pace and in ways calculated to avoid leaving geopolitical wreckage in the wake to spark renewed hostilities.

The Nixon doctrine is basically an ongoing effort to perceive the world accurately as it now is and as it changes and evolves. Then, upon this factual basis, U.S. policies, doctrines, and strategies are conceived, modified or discarded as appropriate for responding quickly to current realities, evolving challenges and emerging opportunities. The new Doctrine puts heavy reliance on negotiation, partnership and strength as techniques for forwarding U.S. national interests. It recognizes defense priorities in this order of importance: first, continental defense; second, protection of lines of communication; third, maintenance of alliances; fourth, protection of U.S. overseas interests; and, fifth, capability to assist in local conflicts when advisable.

It is obvious that our troop withdrawal, the Vietnamization of the war, and efforts to end it by diplomatic and military pressure on Hanoi fall neatly into the new fifth priority concept of limited partnership with allies engaged in local conflicts. And whereas, the older Containment doctrine assigned first priority to stemming aggression, as in Vietnam, the Nixon doctrine now highlights continental defense as our realistic first priority. To this end Strategic Arms Limitation Talks were begun in 1969. They aimed initially at freezing nuclear stockpiles at levels assuring mutual deterrence and thereafter, at reducing their size and cost to society. The initial agreements were recently negotiated in Moscow and knowledgeable observers believe they will extend for several years the time during which our country will remain secure from nuclear attack.

It is interesting to note that the superpower strategic stockpiles are practically all that is left of our former bipolar concept of the world. Polycentrism in Communist and non-Communist countries alike is the order of the day. During the past 12 months its ubiquitous influence has flooded the international scene. America's decision announced only a year ago to back seating the People's Republic of China in the United Nations stripped away the fiction of a lurking conspiracy led by the United States to unleash Chiang Kai-shek's illusory prowess upon the mainland. It brought into sharp focus the conflicting ideological, geographic and historical forces which are repelling from each other the Chinese and Russian societies.

It is compelling Peking's leaders to acknowledge that their greatest peril is not America, but the pincers of Soviet power encircling China from the north, from the west and from the south. It has abruptly forced Moscow's leaders to start seeing the collision course being set by China's need to expand into the same vast spaces of the Siberian heartland that they themselves must occupy if their own national destiny is to be fulfilled.

From Peking's viewpoint encouragement of the Vietnam war to harass the United States shifted from an asset to a liability because, under the guise of military aid to Hanoi, it helps keep open a channel for Soviet enlargement of its influence at China's southern border. From the Kremlin's viewpoint meddling in Vietnam for similar disruptive reasons also has changed from a plus to a minus in recent months. The Soviet Union now must gird its resources for the upcoming competition for Siberia. That will be costly and require decades to resolve. The remarkable acquiescence by the Soviet Union only in the last few days to withdrawal of its forces from Egypt may be in response to a perceived need for detentes in Europe and the Mediterranean while the problem of Asia is dealth with.

The fact of our President's visits to the PRC and the Soviet Union tacitly acknowledges the self-interest of these states in normalized relations during the pendency of their Siberian contest. And such normalization is in the United States' self-interest, too, since it will promote a healthier climate for our second, third and fourth defense priorities relating to the viability of worldwide communications, the well-being of our alliances and the protection of our interests in foreign lands.

The changes in the world scene and the enhancement of United States national interests which have occurred during the short year since the China seating decision are so swift and so staggering that we in their midst have difficulty comprehending their magnitude.

The interpretations I place upon them may be optimistic. My model of today's global geopolitics on which they are based may be somewhat flawed in concept and imperfect in detail. But my research and my instincts tell me that the broad outline I have presented to you is substantially correct and that the U.S. Ship of State has entered a new ocean upon which it will sail for the balance of this century. It is an ocean still only partially charted, but it seems to be marked by less rocks and fewer shoals then the one from which we have lately departed. That is meaningful to our national safety. It is encouraging for our individual welfare.

THE ROLE OF GOVERNMENT IN THE DELIVERY OF HEALTH CARE SERVICES

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. CAREY of New York. Mr. Speaker, for some time I have been gravely concerned about the inadequate health services some of our citizens receive. Every Member has received complaints of shortcomings of our present health care system together with suggestions as to how this system can be made responsive to our Nation's health-care needs.

As a member of the Ways and Means Committee I have heard numerous proposals which have been advanced to solve this problem. It seems to me that there is some merit in a number of these proposals which have been advanced to solve portunity to enunciate my own views as to the role the Federal Government will have in the provision of health care for our citizens when I addressed the American Physical Therapy Association's Annual Conference in Las Vegas on June 11.

Mr. Speaker, I insert the text of this speech in the RECORD at this point:

THE ROLE OF GOVERNMENT IN THE DELIVERY OF HEALTH CARE SERVICES

Mr. Michaels, Mr. Noland, Ladies and Gentlemen: Several months ago when Mr. Noland came by my office in Washington to invite me to be your keynote speaker, I accepted readily. Even though he told me your meeting was to be in Las Vegas, I knew that speaking to this association would not be a gamble—for to speak to the physical therapists is to speak to one of the largest—and strongest—groups of health professionals anywhere.

By strong, I mean organizationally as well as physically. Of course, one reason you are so physically strong is because of your great dedication and constant practice. I know—I've been watching you give range of motion exercise to the slots.

But this morning I want to talk with you about other strengths—the strengths that the APTA can bring to the debate now going on in Washington and throughout the country over national health insurance.

Your association can bring a great deal to these discussions. More than any other group of health professionals, you have stood by rehabilitation as an essential component in the continuum of health care when for too long it has been neglected by others.

Because there have been insufficient funds to pay for it, the necessary services in rehabilitation have not developed to meet the need. As a result, many hundreds and thousands of patients are not getting the complete range of health care they need and deserve.

Rather than returning to society as contributors to our economy, they have become a drain, discarded by the health care system before reaching their full potential for rehabilitation.

We have a national attack on cancer. But we must not be lulled into a false sense of complacency. Cancer is a disastrous illness whether the patient lives or dies.

And management of the cancer patient is less than complete if it fails to include rehabilitation of the patient together with his family. But where in our attack on cancer is there emphasis on rehabilitation?

I might add that the same situation prevails in the case of stroke patients, persons disabled by arthritis, and the tens of thousands of paraplegics trying painfully to find some niche in life where they can be productive to themselves and society.

Now through the ironic and tragic assassination attempt on the life of a presidential candidate, all the world will be looking to see what physical rehabilitation can do for George Wallace.

It would appear that medicine has done almost all it can.

His future hope is in your hands.

And through your efforts in Washington, it will be up to you as an association to see that the rehabilitation services provided to a wounded state governor are made available to all who need them through national health programs.

For the past few years, national health insurance has been a controversial subject in the Federal City—and indeed, practically anywhere a handful of health professionals gathered together.

One reason is that it means so many things to so many people.

To physicians, it can mean a national health service such as the British system.

To the AMA, it is health insurance through tax credits.

To hospitals, it may mean total health care for all, centered in the hospital.

To the public it means something that pays the bills.

To Senator Edward M. Kennedy, it means a top to bottom shakeup of the health care delivery system and a total restructuring of the economic base upon which care is funded.

The Ways and Means Committee of which I am a member has a stack of national health insurance bills embodying most of these approaches piled up before it. I can tell you right now that none of them—not a single one—will be enacted into law in its present form.

Congress will not pass any national health insurance bill this year, and it is doubtful that our committee, from which that bill must come, will even hold further executive sessions.

But the fact that Congress will not enact a national health plan in 1972 should be regarded as a period of pause and not a period of inaction. We are not indifferent to the severity of the problem.

Quite the contrary, it is the gravity of the health problem which makes caution imperative.

The hearings our committee held last fall convinced us that nothing short of a single, coordinated national health plan will bring our citizens the quality health care they demand, when and where they need it, regardless of their personal ability to foot the bill. Going halfway, by patching up medicare and medicaid, will not do the job.

Medicare and medicaid have taught us that we cannot simply pass another bill-paying program which will touch off an inflationary blaze in the house of health. Massive Federal subsidization to a health care system which in its present form is inadequate to meet the demands for health care of more than 200 million Americans might do just that.

That is why our committee, when it does sit down to hammer out a bill, will be concerned with the manner in which care is provided as well as the costs of that care.

There will have to be cost controls. There will have to be reasonable standards. The challenge is to design national health insurance machinery which protects the public interest, serves the health consumer, but at the same time is professionally acceptable * * *.

The latest push for national health insurance started, as you know, in 1968, when the late Walter Reuther announced formation of the Committee for National Health Insurance. For two years, that group and its technical staff labored to produce the outlines of what is now known as the Health Security Act.

Sponsored by Senator Kennedy and by Representative Martha Griffiths in the House, health security became the first major national health insurance plan to be put before the Congress. The debate began.

I mention the Health Security Act because it became the symbolic trigger of the current debate. It forced us to face up to certain serious questions about the structure of the health care delivery system, about the need to develop ways of reaching more people in need of health care, with the same number of resources.

It recognized that the so-called doctor shortage is more a problem of poor distribution than a problem of actual numbers.

It raised the hard issue of profit-making in health by proposing to do away with the commercial health insurance industry.

It posed the basic question—has our society reached the point in its life where the provision of health care ought to be provided by society to all its individual members, with the costs of that care borne through taxation?

To obtain the facts and insight necessary to grapple with these and other issues, several committees have been holding hearings over the past two years, the testimony has been predictable. Labor leaders calling for the Health Security Act, the AMA plugging medicredit, the hospitals calling for health care centers built around hospitals, the chiropractors demanding a piece of the pie, consumer groups demanding greater control in health care.

The cynic calls it hot air. The press now ignores all but the most outspoken and controversial of witnesses.

Repetitious? Yes.

But ladies and gentlemen, all this rhetoric is part of the painful process this nation must go through when it anticipates a major social change.

And today, boring or not, this country's leaders in and out of government are rethinking our nation's commitment to health as a basic requirement, a right if you will, of a vigorous and productive people.

I was pleased to note that your association has been going through this same exercise, and last year put forth a strong statement on health care priorities. What you did is all the more significant because of your position in the system. What you do is dependent upon the orders of a physician. Your control over the system in which you work is, therefore, once removed.

Yet you declared that "Health care is second in priority only to an environment that contributes positively to human health."

You called for changes in our health care priorities which if adopted "would promote the right of all persons to have equal access to, and equal availability of, high quality health care services."

You said that "the health care system should be accountable to the public and should include effective mechanisms for peer review, multidisciplinary review, and consumer participation in policy and audit of the system."

You called for training of more health personnel, for the expansion of health screening, the preventive, and early care services.

You advocated financing health care through both public and private funding mechanisms.

Then last fall you came to our committee with a proposed approach to national health insurance which embodied these concepts. In it, you proposed a consumer-controlled national health care commission to oversee the plan through similar commissions at the state level.

You recommended that the costs of educating new health professionals be kept separate from the costs of providing care, you and I agree that the cost of health education must be borne by all of society and not just the ill and disabled who can least afford it.

You called for three levels of health care. Preventive services to be paid for by government, episodic health services to be paid for under existing employer-employee plans with government paying for low income persons, and health catastrophe services paid for by government.

Your position is statesmanlike and realistic. It set high goals, but attainable goals. Most important you propose a structure for a house of health where all can live, not just catastrophic cases, or partial coverage or patchwork plans for some.

It is only when an organization such as yours is willing to put aside its own professional traditions and venture out into the area of national policy debate, that we will ever be able to solve the problems confronting our society in health and in many other areas. By so doing, you will be numbered among the problem solvers, rather than part of a problem to be solved by Congress. It is the public, the consumer, who is demanding change, not just the Congress. The public is tired of calling doctor after doctor before finding one who will accept new patients.

It is tired of paying more than $100 a day for impersonal hospital care. Those less fortunate are fed up from waiting hour after hour on hard wooden benches in public hospital outpatient clinics for "free medicaid" and often losing a day's pay in the process.

The public is sick of paying expensive health insurance premiums only to find their benefits do not cover catastrophic medical bills. And I submit, the public will no longer accept tokenism from health providers more interested in protecting their own economic self-interest than in helping bring about constructive change on behalf of the patients they serve.

The public has decided. It has decided that access to health care is a right of all.

The Congress will provide a national health insurance plan. Only the administration can make it work. Unfortunately, the present structure of the Department of Health, Education, and Welfare has already charged two strikes against the success of a national health plan. The department today does not have the wherewithall to tie together the Federal effort in financing health care and changing its delivery that national health insurance will require.

Without a Department of Health and a chief health spokesman who can tie these two now disparate elements together and represent health before the Congress, the White House and the American people without compromising those needs with the demands of education and welfare, a national health insurance plan, no matter how well thought out will be less than successful.

Rep. Paul Rogers, Chairman of the Public Health and Environment Subcommittee in the House, has introduced a Department of Health bill and I have joined him. It is being co-sponsored by Senators Kennedy and Ribicoff in the Senate. Next year it should receive the highest priority among those members of the Congress concerned with health. I shall give it my strongest support.

The Ways and Means Committee hearings last fall convinced us that it will take days, weeks and months of concentration to arrive at what will be at best a compromise national health insurance bill—one that will pick up elements from many of the proposals before our committee.

If it won't be perfect, it will be sound.

We all hope that it will represent the best thinking of the Congress, and the consumer and health professional groups who work on it.

It will be a plan which cannot be graven in stone but will more than likely have to be encased in a looseleaf notebook. It will be a first-generation health plan that, like a computer, will be subject to continuous redesign as expanding technology and changing social policy dictate.

Today I don't want to bore you with a tedious account of the major bills before the committee. Their names and sources really don't mean much at this stage. Rather, I would like to take the time I have remaining to go over some of the major elements which I believe will be in the health plan we develop.

First, as to the financing, I don't believe we will go as far as the Health Security Act proposes and recommend a public takeover of health care financing.

Our nation has had some sad experiences when the public sector has tried to go it alone in such areas as housing and the environment. After this week's hearings on debt and deficit the fact is plain, we cannot afford it this year.

Going the public route we immediately lose the financial support of the private sector, and then we run out of dollars—fast. So I believe we must maintain some plurality in national health insurance financing, and beware of putting all the bucks in one bureaucratic basket.

I believe it is possible for society to guarantee to its members that costs will not be a barrier to care, without having to nationalize the financing mechanisms. It will be possible, also, in my opinion, to build in standards of control to ensure that these dollars—although they remain in private channels—do not pay for unnecessary or low quality services.

The Government would provide financing only for special groups who cannot compete for health insurance on the outside, or who do not have the resources to pay for it.

As to how comprehensive the benefits will be, or the extent to which deductibles and co-insurance will be utilized, we just don't know. Certainly, the plan would cover hospitalizations, physician services, skilled nursing home care, home health care, outpatient drugs, and perhaps preventive services such as physical examinations.

But these certainly are not the limits of health care. No one escapes dental problems. Mental ailments are affecting more and more of our citizens, and thanks to the development of new drugs and the existence of community mental health centers, we are able to help more and more of them.

I can assure you that I will make every effort in the Ways and Means Committee to see that dental and mental health care get some coverage. How much I cannot say at this point. Certainly in this first bill we are not going to be able to cover everything. But I am going to make it my business to see that we at least make a start.

Now, to look at the major elements of the plan.

First, we will likely see a new program of health care for the poor to replace the ailing medicaid program. Such a plan would offer uniform benefits across the country, which would be at least as comprehensive as those available to persons in middle income groups.

For the main bulk of the working population, the plan would probably set forth a basic set of health benefits which every employer must provide his employees.

This differs from the Nixon administration plan which would only require that employers offer the plan to their employees.

Several of us believe that we may have to take extra steps to provide coverage to the self-employed and perhaps to employees of small businesses since these persons may not be able to afford the full cost of health insurance as the larger employers can. How to do this we just don't know.

For people who are between jobs, Mr. Mills has suggested we borrow on the unemployment compensation approach, so that health insurance would not lapse.

Again this presents problems of administration which we have not yet resolved.

All these groups—the poor, the employed, the self-employed, and the employees of small businesses—need coverage of catastrophic health care costs. And catastrophic costs will be covered in a national health insurance plan. Whether they will be borne through Federal funds for all, through employer-employee premiums as will be the case for regular insurance, we have not agreed.

One thing we are certain of is that passing a catastrophic health insurance plan by itself, as has been proposed in the Senate as part of the social security amendments, would be a mistake. Yes, it would pay some big health care bills. But it would further fractionate our already disjointed health insurance system.

I don't believe the social security amendments now pending should become the vehicle for a patchwork national health insurance plan. But they can fill in some glaring inequities in health coverage.

First, as the House voted, the amendments would make disabled persons eligible for medicare benefits. This is an important group to reach because their health costs are higher than the average for persons under 65, and even if they can afford it, they often have trouble securing outside health coverage.

A second change in the social security amendments which should be of great satisfaction to physical therapists is the change in the extended care facility benefit which the Senate Finance Committee has tentatively adopted. It is aimed at solving one of the problems many of you face every day—the dilemma of the elderly person in an ECF who needs rehabilitation services, but who does not require daily skilled nursing care. Under present medicare regulations, his ECF bill won't be covered. The Senate Finance Committee has changed that so he will be covered if he needs daily skilled nursing care and/or rehabilitation services, which are not available on an outpatient basis. This is one amendment which I believe the House should accept if the bill ever gets through the Senate this year.

Although the social security amendments contain some regulatory features, no one can say at this point how far national health insurance can, or should go toward influencing the quality of care and the manner in which it is delivered. Most certainly, the plan will offer a dual choice to the consumer. That is he can if he wishes, elect to receive his health care on a prepaid basis from health maintenance organizations. These are essentially pre-paid group medical practices like the Kaiser permanente plan of California, Oregon and Hawaii, although the HMO concept is flexible enough to allow medical foundations to qualify as HMO's right now, other committees in the Congress are wrestling with the definition of an HMO, and the services it must offer in order to qualify for Federal development funds. Suffice it to say that HMO's over the next several years will develop more fully as an alternative source of health care for many millions of people.

But when we start Federal funding of HMO's we can't avoid the responsibility of setting reasonable standards for their operation. And now is the time to begin—at the beginning of the movement—rather than later when too many habits and customs have crept into the field.

With new systems of health care such as HMO's coming on the scene, other problems are going to arise. Take licensure laws. Already, pressure is building to relax state licensure laws and allow hospitals and other health care facilities of proven quality to use health workers with greater flexibility.

Thus we are confronted with sticky questions of whether or not to go to Federal licensure of health professions, allowing flexibility for such things as professional qualification through proficiency testing.

I personally tend toward relying on the states to handle licensure and licensure problems, since they are clearly proximate to local situations. But at the same time, we don't want to open the door too wide and allow wrongs to creep in. I need not to tell you the degree of pressure at all levels of government that chiropractors and other groups are exerting in an effort to gain entrance to Federal health care programs.

No, we don't want to put strictures around the professional, but at the same time we must and we will be more specific about what constitutes good patient care.

Another element of federal control centers on the costs of care. You know the figures as well as I do—hospital costs rising at better than 14 percent a year, physician services running between seven and eight percent. Certainly, costs have to be contained.

I believe that better planning and regulation on a local level to avoid duplication of facilities and services is part of the answer.

I believe that adequate professional peer review of the utilization of health facilities such as hospitals is part of the answer. But let me insert here, that I do not believe that physicians should be the sole judge. When the service being evaluated involves physical therapy, then therapists must be part of the review team.

Finally, I believe that the existence of a national health plan emphasizing outpatient care rather than hospitalization, one that stresses prevention and rehabilitation rather than paying for acute episodic illness, will in the long run go far toward containing rising health care costs.

Now there is one area of control over which the Federal Government must tread lightly if at all. And that is saying how much a health professional is entitled to be compensated for his services.

I understand that your association has been waging a small scale war with the Social Security Administration over a plan to change the way medicare pays for therapy services rendered by a self-employed therapist. As I understand it, the medicare people want to count as a reasonable charge, no more than what a salaried therapist in the same locale is paid for an hour of his or her time.

Certainly I am not in favor of allowing health professionals to charge all the traffic will bear. They must show restraint by not taking advantage of their right to operate on a fee for service basis. But by the same token, this Federal dickering around with the basic economic framework of a profession, be it physical therapy or any other, is a dangerous precedent for any bureaucracy to set—that is, if we are going to maintain some element of free enterprise in our health care system.

The basic issue here is that such a method of reimbursement does not relate income to effort, earnings to productivity. It ignores the fact that self-employment is the type of working environment in which the therapists involved have chosen to practice.

To my way of thinking, the best way to get people to work is to reward them for that work. We simply can't have one bureaucrat sitting in Washington—or Baltimore in this case—telling people out in the 50 States what he thinks their services are worth.

In a day in which demand for health care is outstripping the supply we must be very careful not to do anything which will compromise productivity. But if we are going to do it for one, we should do it for all. And if that is the case, then let us start with the physical.

By now, I hope you have some idea of the enormous problems which the Congress must attempt to solve before it can report out a realistic national health insurance system, one that can be acceptable to providers as well as meet the public demand for adequate health care.

The one fact that makes creation of a system of health insurance for all different from designing a major defense weapons system, is that we are dealing with people here and not simply mechanisms.

People have their own viewpoints, their own perspective on what needs to be done and how to do it. They have beliefs, traditions, lifestyles, all of which cannot be uprooted by a piece of legislation ramrodded through Congress—at least not in this country.

Therefore, the days ahead are going to be difficult ones as we try to work out these problems together. The Congress is involved because the public is demanding it. But we're laymen, we know even less about packaging and delivering and paying for health care than you do.

During the coming months we will be turning to the experts for help and advice. You have served us well in this regard in the past. Your statement on health care priorities indicate your willingness to work with us in the future.

And so I ask you, plead with you, after you return home, as you mix with your colleagues and other health professionals in your communities—be innovative, progressive, willing not only to accept change but willing to influence it.

I hope I have convinced you that there will be a change in the way health care is delivered and paid for. And these changes will be coming soon, within a year or so. As a legislator I believe we have reached the stage of debate where the Congress can come to grips with the issues sufficiently to develop a health plan.

And I believe that the upcoming 93rd Congress—the one which will lay the groundwork for the birthday of our Nation—will also be the Congress to forge the Nation's first comprehensive national health plan guaranteeing life, liberty and the pursuit of happiness through health.

What a unique birthday present that will be—born through work and sacrifice of many Americans for all America.

SENIOR CITIZENS

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. SHOUP. Mr. Speaker, as a result of the sweat and toil of prior generations, this country has enjoyed unequaled progress. We owe to our senior citizens an assurance of a continued life of dignity and should utilize their ever offered experience and abilities.

Support and enactment of legislation as listed here should be our continued goal:

SENIOR CITIZENS

H.R. 1 Ties Social Security benefits to cost-of-living increases.

H.R. 5861 Provides a full exemption for those 65 and older from Social Security payments.

H.R. 12308 Establishes a National Institute on Aging.

H.R. 12325 Provides homemaking and consumer education assistance for the elderly.

H.R. 13128 Updates pensions for World War I veterans and widows.

H.R. 14977 Provides for voluntary employment programs for older persons.

H. Res. 124 Establishes a Select Committee on the Aging to study problems and needs of the elderly.

S. 1163 Provides increases in the field of nutrition, education, and low-cost meals for the aged.

FEDERAL HELP FOR CITIZENS' GROUPS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1972

Mr. BINGHAM. Mr. Speaker, incidents of crime have increasingly marred the daily lives of all Americans. Effective measures to forestall the rate of crime must be given the fullest attention of Congress. One successful method has been the formation of citizen groups to patrol their own communities.

I have recently received a petition from New York City residents supporting H.R. 12262, the Citizen Anticrime Patrol Assistance Act which I originated and have introduced in the House. This legislation would provide Federal assistance to citizens' self-help organizations for their efforts to curb crime and restore peace to neighborhoods. Such assistance could be used for the formation of crime watch patrols and the coordination of escort services to help residents reach their homes safety. The assistance under this bill is not intended to fight crime through the use of guns and strong-arm methods. Instead, it would deter the occurrences of crime by the interested presence of organized residents. I have previously provided a detailed description of the purposes and provisions of the Citizen Anticrime Patrol Assistance Act on December 13, 1972 at pages H12391–12392 of the RECORD.

I am particularly pleased to submit for the RECORD the following petition signed by 65 residents of the 23d Congressional District which I have the honor to represent as an indication of popular support for legislation of this kind.

The petition follows:

BRONX, N.Y., *March 7, 1972.*

MR. JONATHAN B. BINGHAM,
Congressman 23d District,
Bronx, N.Y.

DEAR SIR: We the citizens of the Bronx and other Boroughs heartedly endorse your proposal to enact legislation to obtain "Federal Funds" to finance a "safe street" program whereby, citizens could have street protection and escort services in hallways and stairs. Especially senior citizens who are afraid to go out evenings to churches etc., and especially in high crime areas we are, also opposed to funds being used for guns or any form of weapons or transportation.

Please accept the following signatures to back-up our sentiments:

SIGNED BY 65 NEW YORK RESIDENTS.

Rev. S. A. Allen, Carolyn Allen, Geneva Walker, Rosetta Grover, V. M. Fred Allbritton, David Tuckey, Jesse Tuckey, Dorothy Gray, Katie Williams, William Kitt.

Venus Price, Wayne Neals, Paul Neal, Mrs. Charlie Mae Luckey, Mrs. Audrey Williams, Annie Slatee, Edith Wingate, Ethelise Williams, Mrs. Kupert F. Bowman, Samuel Scott,

Mrs. Louise Kitt, Chirlie Hassel, Kattie Williams, Barbara Slatee, Lillie Greene, Donald Smith, Wally Slater, Laurene Gruleb, Jasper Williams, Essie Bowman,

Mrs. Brenda Funnye, Mr. Buster Lee Funnye, Mr. and Mrs. S. Sussman, Sonnie Wisie, Mrs. F. Glastern, Julius Glastern, M. K. Kroniss, Hyacinth A. Davis, M.D., Carmen Ortiz, William Smith,

Carrie Bradley, R. Hedman, A. W. Madden, C. Lipschitz, Joanne Goluck, Ana Rodriguez,

S. Golafede, S. Bernstein, J. Finan, Mrs. Cera Northern,

Barnet Shafron, Julie Kaplan, M. Syloette, Josephine Syloette, Brenda Robinson, Juan Rivera, Millie Santos, Goofy Velez, A. Arfin, V. Brathwaite,

R. Arum, Chris Fargo, Juan Ruiz, Ruben Stewart, Seymour Clark, Mr. Morris, Luis Magdanela, J. Toben, M. Schneider,

John Argot, W. Glazer, A. Homstein, B. Glazer, Henri and Gladys Vilarie, John Henry Snow, Tassas Deeilhos, W. Samborg.

FDA BAN OF DES TARDY AND INADEQUATE

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. FOUNTAIN. Mr. Speaker, last Wednesday the Food and Drug Administration announced that it has taken action to ban the use of diethylstilbestrol—DES—as a growth stimulant in animal feeds. In explaining the basis for this action, FDA Commissioner Charles C. Edwards said that new scientific data developed by the U.S. Department of Agriculture—USDA casts serious doubt on FDA's ability to set rules for the use of DES in animal feed that will assure against residues remaining in animal livers. Thus, the United States has now taken steps to join 21 other countries in banning the use of this cancer-promoting drug in the production of meat.

I am pleased that FDA has finally faced up to its responsibility for enforcing the law, but this action is long overdue. It was required many months ago when it became clearly evident that the use of DES in livestock feeding could not be controlled.

Although FDA has finally halted the manufacture of DES for feeding purposes, I find it indefensible that Commissioner Edwards is permitting the continued shipment and use of feed mixes containing DES until January 1, 1973. If the law requires FDA "to discontinue approval for use of the chemical in animal feed," as Commissioner Edwards stated in his news release, I do not know the source of his legal authority for sanctioning the continued interstate shipment of DES mixes. Both the wisdom and the legality of permitting a 5-month phaseout period for a product which can no longer be legally manufactured must be seriously questioned. There is no justification, in my opinion, for exposing the public another 5 months to a drug which is known to be a potent cancer-promoting substance and which FDA now acknowledges cannot be kept out of the liver we eat.

The Commissioner's statement that DES has been used in the feed of cattle and sheep for nearly two decades "without a single known instance of human harm" is not very reassuring. As the Commissioner surely knows, it is virtually impossible to prove in this time period that small amounts of any carcinogen, no matter how potent, have harmed humans, because cancers in man may not become apparent until decades after the exposure has taken place. Moreover there is no available scientific method for demonstrating that a very widely used carcinogen, such as DES in livestock feed, is or is not the causative agent for any form of cancer which develops in man.

What we do know is that DES, which has long been known to cause cancer in numerous species of experimental animals, was associated for the first time last year with human cancer. Medical scientists found that a very rare type of vaginal cancer had developed in a large number of young women whose mothers had been given DES during pregnancy to prevent miscarriage. Fortunately, the popularity of this medical treatment waned by the late 1950's, and it has been used by physicians much less frequently in recent years.

It is important to point out that leading experts in the causation of cancer agree that exposure to low levels of any carcinogen should not be permitted if the carcinogen is avoidable, since no one can say how much of a carcinogen or how long an exposure to it will produce cancer.

Until we know why more of us each year are falling prey to this dread disease, I believe we must do everything in our power to eliminate controllable carcinogens from our food supply and from the environment generally. This is the position taken by an ad hoc committee on environmental carcinogens which reported to the Surgeon General in 1970. This same position has been endorsed by officials of the National Cancer Institute and the National Institute of Environmental Health Sciences and by other qualified experts whom I have questioned. Only FDA seems to be out of step in this matter.

In his news release announcing the DES ban, the FDA Commissioner stressed that the new scientific evidence just developed by the Department of Agriculture shows DES is not entirely eliminated from cattle within the 7-day withdrawal period required by FDA's tighter controls which became effective late last year. Prior to that time, FDA required only a 48-hour withdrawal period.

FDA officials have repeatedly assured the Intergovernmental Relations Subcommittee, which I chair, of the adequacy of the 48-hour and the 7-day withdrawal periods. Now we are told there is new evidence which contradicts the data upon which FDA has relied. The subcommittee hearing record, however, reveals that FDA has never had acceptable scientific evidence establishing the adequacy of either the 48-hour or the 7-day withdrawal period for preventing DES residues. It is significant, I think, that three scientists in FDA's Bureau of Foods and a well known biometrician of the National Cancer Institute have held that the study which FDA relied upon in approving these withdrawal periods does not support the conclusion that DES is completely eliminated from cattle in 7 days.

Mr. Speaker, I intend to follow closely the effect of the Commission's decision to exempt DES implants from the ban. The Commissioner stated that:

> USDA has never detected a residue when implants were used as the sole source of DES.

This statement is not only misleading but untrue.

The subcommittee hearing record of March 18, 1971, shows that in June 1970 a USDA inspector assigned to a slaughter house observed an ear implant in one animal and, because of this observation, sampled its liver. The very high amount of 60 parts per billion of DES was found in this sample. The documents relating to this incident establish that the withdrawal directions for the implant had been followed. DES residues have also been found in at least one other instance where implants have been used. Furthermore, I have been informed by USDA that implants are not included in the Department's regular sampling program for DES residues. It is not at all surprising, therefore, that residues are not being detected when USDA is not looking for them. How many residues will be found when USDA institutes a sampling program for the meat from animals receiving DES implants remains to be seen. It is my intention to ask the Secretary of Agriculture to establish such a sampling program as quickly as possible.

A FRESH LOOK AT RADIO LIBERTY AND RADIO FREE EUROPE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. ROSENTHAL. Mr. Speaker, I voted today to approve the interim extension of financing for Radio Liberty and Radio Free Europe. I did this with some serious reservations about the wisdom of continued official American support for these stations which broadcast to the Soviet Union and to the other eastern European countries, respectively.

This reservation stems from the earlier clandestine American involvement in supporting these broadcasts, through the Central Intelligence Agency. With the exposure of that support, which was done without congressional authorization, must come a new status for these stations. Radio Liberty and Radio Free Europe should either continue to receive official American support under appropriate fiscal and policy controls—in which case they probably should be incorporated into Voice of America programing—or they should be fully independent of official support and control. Giving public support without public controls is wrong; duplicating Voice of America broadcasting through Radio Free Europe and Radio Liberty is wasteful; and trying to maintain the fiction that we can officially fund private attacks on other governments while trying to improve relations with those governments is foolish.

I support this interim program with the understanding that the study of Radio Free Europe and Radio Liberty which we authorize with that support will yield a prompt solution to the present anomalous status of these stations.

MOST FAVOR SUBURBAN LOW-INCOME HOUSING

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. FRENZEL. Mr. Speaker, the respected "Minnesota Poll," as reported in the Minneapolis Star of Tuesday, August 1, has queried Minneapolis-St. Paul metropolitan area residents about the desirability of building low-income housing in the suburbs.

The results are interesting and probably different from what most people would expect. Suburban residents thought that low-income housing should be built in the suburbs, and a majority of those suburban residents thought it would be good to have low-income housing in their own communities. The Minneapolis Star article follows:

MOST FAVOR SUBURBAN LOW-INCOME HOUSING

Three of four metropolitan area residents questioned by The Star's Metro-Poll say Twin Cities area suburbs should do more to meet local needs for low-income housing.

More than half the people polled—both city dwellers and suburbanites—would approve of having more low-income housing in their own communities.

Two of three say there is a definite need for more low-income public housing for the poor and the elderly.

While most subsidized housing for the poor and elderly is now concentrated in Minneapolis and St. Paul, the suburban residents surveyed are only slightly less inclined than are the city residents to think the suburbs have an obligation to provide a greater share of such housing.

When Metro-Poll asked two years ago about the suburbs' role in providing low-income housing, the results were similar.

In the interim, the Metropolitan Council, which reviews municipal applications for federal funds, has given higher priority to fund requests from suburbs which demonstrate support of low and moderate income housing in their own communities.

While some local officials have objected to that policy, Metro-Poll's findings suggest most residents are not opposed to suburban low-income housing in principle.

General endorsement of the principle is not without qualifications:

"Some of the stuff they put up under the guise of low-income housing is too expensive and of too poor quality," commented a 27-year-old Richfield woman.

Another Richfield resident favored low-income housing in his community but felt "the voters in each suburb should have a referendum."

Several who see the need for more such housing added that they don't want more high-rises. Others pointed to the need for better mass transit if the suburbs are to help fill the low-income housing gap.

Six hundred voting-age residents, representing a balanced cross section of the 5-county metropolitan area population, gave their opinions on this subject last June.

In answer to the introductory question, 69 percent said they considered it "desirable to have families with a variety of income levels living in the same community" while 26 percent felt it is "better for a community to have mainly one income level." The remainder were undecided.

Again, 69 percent said "there is a need for more low-income public housing for the poor and elderly in the Twin Cities area."

The next question:

"Most subsidized low-income housing in the Twin Cities area is in Minneapolis and St. Paul. Do you think Twin Cities suburbs should or should not build low-income housing?"

[In percent]

	Should	Should not	No or other views
All respondents	75	19	6
Minneapolis	82	14	4
St. Paul	78	15	7
Hennepin suburbs	65	27	8
Other suburbs	75	22	3
All respondents (June 1970)	73	20	7

"Do you think it would or would not be good to have more low-income housing in your community?"

[In percent]

	Should	Should not	No or other views
All respondents	56	39	5
Minneapolis	57	36	7
St. Paul	59	37	4
Hennepin suburbs	56	39	5
Other suburbs	52	43	5
All respondents (June 1970)	60	33	7

On all of the questions asked, respondents with an annual family income of less than $5,000 were the most in favor of more low cost housing.

EDITORIAL ON TAX REFORM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. DERWINSKI. Mr. Speaker, the Calumet Index, which is well known for its sharp editorial commentaries, carried a very logical editorial commentary on the subject of tax reform. The article certainly speaks for itself, and I insert it into the RECORD at this point:

THE BURDEN OF PROOF

Advocates of "tax reform" apparently work from the assumption that most taxpayers enjoy special privileges afforded by "tax loopholes". Their idea of tax reform is to place the burden of proof on the taxpayer to show that he is not escaping his share of taxes. Such seems to be the theory behind the tax review-tax reform bill now in Congress which would repeal over a three-year period some 54 provisions of the tax code—including such provisions as percentage depletion, deductibility of taxes paid to state and local government, the capital gains tax and investment credit. Reportedly, key Congressmen oppose this sweeping so-called "reform". One Congressman has called it "preposterous".

The principle of putting the taxpayer on the defensive as proposed in the tax review-tax reform bill was pointedly criticized by one observer who suggested that, "Instead of having all exemptions expire, why not have all taxes expire in a 3-year schedule? And then add back only those that are needed and absolutely justified. That would put the burden of proof where it belongs instead of on the poor overburdened taxpayer . . ." Much is made of the fact that the U.S. system works because taxpayers "voluntarily" support it. The moment that lawmakers begin treating U.S. citizens as tax escape artists, the confidence of taxpayers in the system will begin to wane. The burden of proof is now on Congress to show that political expediency is playing no part in "tax reform".

PROFESSOR AT ROSWELL PARK TO RECEIVE POLISH HONORS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. DULSKI. Mr. Speaker, Roswell Park Memorial Institute is the oldest and one of the largest cancer institutes in the United States. It has achieved an outstanding reputation in its field, both nationally and internationally.

What makes an institute tick is its staff, and down through the years Roswell Park has been fortunate in having a highly talented and dedicated staff, now headed by Dr. Gerald P. Murphy.

A key professional at Roswell Park is Dr. Michael Laskowski, head of the department of enzymology. Recipient of a life professorship from the American Cancer Society, Dr. Laskowski had been at Roswell Park since 1966.

In recognition of his outstanding research work, Dr. Laskowski has been invited to participate in the 50th anniversary of the Polish Zootechnical Society September 19–23 as the guest of the Polish Academy of Sciences.

At the request of the Polish Academy, which will award him honorary membership, Dr. Laskowski will give a lecture on the subject "Trypsin inhibitors with colostrum of swine and cattle."

In connection with the meeting, the Polish Biochemical Society of Poznan, Poland, also will bestow an honorary membership on Dr. Laskowski.

Last spring, Dr. Laskowski was selected for honors by the Kuratorium, E. K. Frey Prize, in Munich, Germany. He was chosen for his particular scientific merits in the field of enzyme-inhibitor research.

Before coming to Roswell Park, Dr. Laskowski had a professorship at Marquette University School of Medicine and was a Fulbright American exchange professor at the University of Paris.

Hearty congratulations are in order to Dr. Laskowski upon his new recognition for his research work. The Buffalo, N.Y., area, which I represent, is proud of the outstanding medical and scientific contributions of Roswell Park Memorial Institute and its staff, with special pride at this time in the work of Dr. Laskowski.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

LACK OF ENFORCEMENT OF PUBLIC LAW 91-540

HON. JOHN JARMAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. JARMAN. Mr. Speaker, as former chairman of the Public Health and Environment Subcommittee, I wish to call to the attention of my colleagues the following statements concerning the lack of enforcement by the Department of Agriculture of the provisions of Public Law 91-540. The law originated in this subcommittee when I was its chairman and I personally know the intent of Congress was that effective regulations be expeditiously issued and enforced by the Department of Agriculture.

The statements follow:

The American Horse Protection Association was founded expressly to stop the brutal training methods inflicted on the Tennessee Walking Horse in exhibition. Although our Association's work has expanded widely to combat other abuses of horses, our battle continues to protect these gentle, beautiful animals from the constant torture and permanent crippling they suffer at the hands of callous, unscrupulous owners and trainers. The A.H.P.A. led the struggle to pass Public Law 91-540, which was signed into law December 9, 1970 and makes illegal the showing of a sored horse in interstate commerce. The final rules and regulations to administer this law were not published by the Department of Agriculture until February 1, 1972, just 65 hours after NBC-TV's "Chronolog" exposed the sub-human cruelties of the sore horse industry. Nevertheless, we were naive enough to believe that if a strong effective law were passed, it automatically would be enforced, thus eliminating a despicable practice, and prosecution of proven offenders, no matter how wealthy they might be, would naturally follow.

With the current walking horse season more than half over, the rules and regulations have not been strictly enforced and to date, *there has not been one case prosecuted!* But there is no dearth of sore walking horses in the show ring.

Public Law 91-540 specifically states: Sec. 2(a) A horse shall be considered to be sored if, for the purpose of affecting its gait—

(1) a blistering agent has been applied after the date of enactment of this Act internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(2) burns, cuts, or lacerations have been inflicted after the date of enactment of this Act on the horse;

(3) a chemical agent, or tacks or nails have been used after the date of enactment of this Act on the horse; or

(4) any other cruel or inhumane method or device has been used after the date of enactment of this Act on the horse, including, but not limited to, chains or boots.

We do not interpret this, the will of Congress, to mean that the Department of Agriculture is required to excuse, protect or preserve this "billion dollar industry", which apparently cannot survive without the use of every torturous method of pain-training the human mind can invent. Instead, it is our understanding that the law clearly intends to eliminate the sored horse in exhibition and to give honest and humane owners and trainers a fair chance to compete in the show ring.

For the last several months, our Association has been bombarded with letters and telephone calls from disgruntled, disappointed and often infuriated people, many of whom are trainers, owners and experienced horsemen, who have demanded to know why there appears to be not only more sored horses in the show ring, but more badly sored horses, now that the law is finally in effect. In each case, we have referred these inquiries to the Department of Agriculture, then we set out to see for ourselves how well indeed the law was functioning.

We chose the "world's largest mid-season horse show", otherwise known as the 21st Annual National Tennessee Walking Horse Spring Jubilee, Inc., held in Columbia, Tennessee, June 1, 2, 3, 1972. Representatives of both the American Horse Protection Association, the Humane Society of the United States and Deborah Smith, D.V.M. were present throughout the three night show which included 32 classes and approximately 600 horses from various states. In our opinion, it was one of the most gruesome sights we have ever witnessed. Outside of the annual so-called "Celebration", held in Shelbyville, Tennessee, we have never seen a larger collection of more cruelly sored horses. Almost all of the well-known owners and trainers in the industry were there to compete, and true to form, not the best, but in our opinion, the sorest horses won the ribbons every night. U.S. Department of Agriculture veterinarians were in attendance, but they inspected only a few of the winning horses in each class. Only one rider, No. 500, was excused from the ring, because his horse was said to have "an unnatural gait", squatting very low on the rear legs. The rider was forced to leave the ring, not by U.S.D.A. inspectors but by the show veterinarian. The exhibitor claimed that the mare had been examined and "passed" by a U.S.D.A. inspector at three previous shows this season, and attributed the horse's squatting "way of going" to the severe beating with a whip he had given her that morning.

Although both A.H.P.A. and H.S.U.S. representatives were asked by a U.S.D.A. inspector to stay away from the U.S.D.A. inspection tent, one of the most notorious sore-horse trainers in the business had free and easy access to the inspection area throughout the show. On several occasions we watched riders or grooms of horses about to be inspected, wipe off the legs, including the pastern area, after sometimes exchanging the boots worn by the horses in the ring for others to be weighed by U.S.D.A. inspectors. We observed horses being sored with chemical agents in the warm-up ring, less than 100 feet from the inspection tent, and we saw others being ridden with chains. None of these horses were disqualified from the show ring. In one juvenile riders' class (14 years or under) we were appalled to see that all but one of the horses were, in our opinion, severely sored; the one "clean" horse's rider was excused from the ring for a minor infraction of the National Tennessee Walking Horse Commission rules, which do not include Federal rules and regulations.

On the second and third nights of this "Jubilee", Dr. Deborah Smith was allowed into the U.S.D.A. inspection tent as an observer. A part of her report states the following:

"Almost every horse showed clinical signs of having been sored . . . some horses could barely walk at all when they first entered the warm-up ring . . . We always picked the ribbon winners as these were the sorest . . . The last class of the show (No. 32 for Five year old and over—Walking Stallions Jubilee Championship) was competition (among) the sorest horses in the show. The winner had blood running from lacerations of the horse's elbows." The winner was "Ebony's Black Market", ridden by Wink Grover and owned by Kerkeles and McIver, Nashville and Jackson, Tennessee.

After the "Jubilee" ended, various spectators "entertained" those remaining with an extra attraction, a bloody brawl, which was said to have started as a result of an argument over who had the better car, not the sorest horse. A drunken fist-fight seemed a fitting end to a disgusting spectacle where a large number of people had taken such obvious pleasure for three consecutive nights in watching and riding maimed and suffering animals, all in the name of "charity". There seems to be no limits to which a human being will not sink to pacify his sick desire for a blue ribbon and cheap silver.

Both A.H.P.A. and H.S.U.S. representatives have made vigorous protests to U.S.D.A. officials for their blatant lack of adequate enforcement of P.L. 91-540. We have since been advised that cases have been submitted for prosecution. The American Horse Protection Association looks forward to any evidence that the U.S. Department of Agriculture has initiated their promised legal action. We strongly believe that it is not only the intent of Congress, but the will of the American people that this law be enforced.

AMERICAN HORSE PROTECTION
ASSOCIATION, INC.,
Great Falls, Va., July 18, 1972.

Dr. FRANCIS J. MULHERN,
Administrator, Animal and Plant Health Service, U.S. Department of Agriculture, Washington, D.C.

DEAR DR. MULHERN: Our Association is most appreciative of the time you and your staff shared with us to discuss our deep concern for the lack of enforcement of the Horse Protection Act. However, we came away from our recent meeting deeply frustrated and discouraged. It was apparent to us that the U.S. Department of Agriculture is both hesitant and uncertain of how to translate the strength of the law, P.L. 91-540, into effective action. This problem is further aggravated by a failure to devise any practical legal guidelines to force compliance. In our opinion, present U.S.D.A. inspection methods give tacit consent to soring.

By tacit consent we specify the following:

(1) To our knowledge only horse show veterinarians, not U.S.D.A. veterinarians, have ever used their influence and power to keep sored horses out of the show ring.

(2) U.S.D.A. veterinanrians do not inform show committees that they are in potential violation of P.L. 91-540 when sored horses are permitted to be exhibited.

(3) The practice of inspecting only after the horses have been shown, and then only three horses in a class in which the majority are sored, is obviously absurd. The intent of the law is to stop the soring of all horses. The law clearly states that: "Any representative of the Secretary of Agriculture is authorized to make such inspections of any horses . . . as he deems necessary for the effective enforcement of this Act . . ." (See attached copy of a letter to Dr. Ongert from Admiral Ming reprinted in the "Walking Horse Report and Sunday Journal", dated June 28, 1972.)

(4) The facilities available to U.S.D.A. inspectors on show grounds are at the "grace and favor" of the show committee. As a result, they are often poorly lighted and there are no controls to prevent the exhibitor from changing boots or wiping off the pastern area in an attempt to destroy evidence of soring.

(5) It is clear that the walking horse industry is in no way intimidated by present methods of U.S.D.A. inspection, and it is equally clear that the honest owner or trainer has no hope of winning in the ring if he rides a non-sore or "clean" horse.

(6) It appears to us that the walking horse industry has enormous and undue influence, if not control, of present inspection methods. In brief, the sore horse industry thinks they are a joke.

We attach our statements describing what we observed at the Old Dominion Walking Horse Classic held in Chatham, Virginia, July 15, 1972. If the blatant soring of walking horses can not be stopped at a relatively small, one night horse show in Virginia, what can be expected at the so-called "Celebration" in Shelbyville, Tennessee. To promote any equitable enforcement at Shelbyville this year, we urge U.S.D.A. to replace all inspectors who live in the State of Tennessee with Federal veterinarians from other states.

The Horse Protection Act would be a strong, effective law, but only if it is strictly enforced. We believe that necessary enforcement can be achieved, but only by a realistic and vigorous legal interpretation of U.S.D.A.'s true power under the law.

Sincerely,

Mrs. Paul M. Twyne.

Statement of Pearl R. Twyne

I, Pearl R. Twyne, President of the American Horse Protection Association, attended the First Annual Old Dominion Walking Horse Classic at Chatham, Virginia on Saturday, July 15, 1972.

I was shocked while watching the first class (Two Year Olds Walking Fillies) to see the sore action of these young animals. They all moved with the exaggerated "sore lick," i.e., crouching in the rear with excessive hock action. The second class followed the same pattern as the first.

After the third class, I went to the inspection tent to observe the method of Federal inspection of the horses. Three horses from each class were selected to be examined. In my opinion, each was a sored horse. To my knowledge, no action was taken by U.S.D.A. inspectors against the riders of these three horses. While a U.S.D.A. inspector was checking the first horse in the tent, I saw a second rider outside of the tent, out of view of U.S. inspectors, start to remove the boots. However, the show veterinerian nudged the rider and shook his head when the show veterinarian saw that I was watching.

I asked the U.S.D.A. veterinarians and Mr. Fritz Nolting, from the office of the U.S.D.A. General Counsel, if they intended to inspect the horses which had been excused from the ring for the purpose of initiating action under the Horse Protection Act. Dr. Lowry, a U.S.D.A. veterinarian, said that they were discussing this possibility, but they had not made a decision.

I witnessed the inspection of horse #152, "Devil's Delight", the winner of Class 11 (Open Walking Mares). This mare was examined by both Dr. Lowry and Mr. David Hume, U.S.D.A. investigator, of Warrenton, Virginia. The mare immediately flinched with pain when pressure was applied to its lower front legs. The owner was belligerent and denied that the mare was sore. Both Dr. Lowry and Mr. Hume were firm in stating that the mare was sore, and accompanied by Dr. Ongert, they went to the owner's trailer to discuss the mare's condition. I do not know the final disposition of this case.

I talked with Dr. Ongert and Mr. Nolting while watching walking horses come down a long path on their way into the ring. These horses were weaving back and forth, squatting deeply in the rear with extreme hock action. I called Dr. Ongert's attention to the unnatural hock action of these horses. Dr. Ongert made no comment, and the horses were not examined for soreness unless they were prize winners. In my opinion, the exhibition of these sore horses was a clear violation of the intent of the Federal law.

I would like to make the following observations:

(1) The U.S.D.A. inspectors that I observed at Chatham, Virginia appeared to be carrying out their duties conscientiously, however, they do not seem to have any clear-cut legal guidelines to help them in the performance of their work. For instance, the show veterinarian, a "hail-fellow-well-met" with all exhibitors, did not, to my knowledge, disqualify any of the sore horses I observed in the ring. U.S.D.A. inspectors, who examined the same horses, did not, to my knowledge, encourage the show veterinarian or the show committee to disqualify any of the sored horses. Had they done so, the show would have to be closed, as the only Pleasure Walking Class appeared, in my opinion, to be sound.

(2) It would seem to me that the methods used in examining these show horses is not supporting the intent of the law. From what I observed at Chatham, and from information I have received from expert horsemen who have attended and shown horses at other walking horse shows affiliated with the National Tennessee Walking Horse Commission, all sored horses in exhibition are not examined by U.S.D.A., and no action is being taken against these exhibitors or show committees. As the law states, both the exhibitor and the show committees are held liable under PL 91–540.

(3) I feel strongly that the rules and regulations used to administer PL 91–540 are not being interpreted effectively to exercise the full power and authority vested in the U.S. Department of Agriculture. Excessive hock action is a clear indication of a sore horse, and is thus defined by the American Horse Shows Association. The show veterinarians of A.H.S.S. shows have successfully dismissed numerous sored horses from the show ring. The law clearly states "that horses which are sored compete unfairly with horses moved in commerce which are not sored."

Statement of Joan R. Blue

I, Joan R. Blue, Vice President of the American Horse Protection Association attended the First Annual Old Dominion Walking Horse Classic at Chatham, Virginia on Saturday, July 15, 1972. In my opinion, every horse that I observed in the show ring was sored to some degree. The winners of ribbons were inevitably the sorest horses in each class. To allow such a horse show to continue with a strong and effective Federal law in existence was, in my opinion, a complete abdication of Federal authority. As representatives of the Federal government, U.S.D.A. inspectors should have used all the power of their office to prohibit the flaunting of PL 91–540, which they are sworn to uphold and enforce. It is obvious to the public that U.S.D.A.'s good relations with the walking horse industry is of far more importance than the will of Congress.

Mr. Speaker, I was shocked to learn of the above allegations that the provisions of Public Law 91–540 are not being enforced. My intention, therefore, is to personally contact Congressman Paul Rogers, the present chairman of the Public Health and Environment Subcommittee, to discuss the possibility of holding oversight hearings on this matter. It is imperative that the provisions of this law be enforced.

THE CHILD DEVELOPERS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. ARCHER. Mr. Speaker, a bill backed by women and children, preachers and teachers could not be all bad, right?

Well, it can. The bill in question is the child development, for the sake of euphemism now referred to as the Comprehensive Headstart, Child Development, and Family Assistance Act of 1972.

Family Assistance Act. The irony of that title strikes me. Many persons in the opinion-molding segments of our society believe that the American family is on the brink of disappearance, that its state of ill-health is so serious as to be perilous. I am not sure, however, that the family unit is going to disappear, because I firmly believe that that unit is synonymous with our strength and character as a civilized nation.

But, assuming for the moment that many American families are in a dangerous state of decay, it would seem to me that the best thing to do is let the family work out its own problems. Families are the private, personal affairs of their members; so, too, are children the private personal responsibility of the family. If the structure of the family is weak, it needs support—social reassurance and encouragement, reaffirmation of its importance.

The last thing the family needs to help it is the Federal Government interfering in its internal operation. That, if anything, would cause further dissipation of authority and discipline and further weaken the interpersonal loyalties. And the children of the country will only be hurt by having the Federal Government usurp the duties of their parents.

An editorial from the Dallas Times Herald of June 26, expresses my reservations lucidly. I submit the editorial for consideration by my colleagues. I would especially point out the editor's conclusion:

> The Senate has blundered badly on this one. From the House, one hopes for better things.

From the House, I certainly hope for a rejection of the family-injuring Child Development Act. The editorial follows:

[From the Dallas Times Herald,
June 26, 1972]

The Child-Developers

A bill backed by women and children, preachers and teachers couldn't be all bad, right?

Wrong, if the bill in question is the child development bill, still rearing its plug-ugly head in Congress despite a veto late last year by President Nixon.

True, the new bill, which glided through the Senate the other day, is cheaper than the vetoed bill ($2.9 billion over three years vs. $2 billion in one year). But the bill's basic objectives remain the same: To make the child, in Sen. Jacob Javits' phrase, "a care of the state."

That is why child development has drawn support from women's liberationists, child welfare advocates, liberal churchmen and educators, and so forth.

For the establishment of federal day care centers, which is one feature of the bill, some justification might conceivably be adduced. But not for the creation of vast and complex pre-school and pre-natal services, mostly aimed at the children of low-income parents. Such children (so the theory goes) get poor goals, instruction, and motivation in their homes. Ergo, the state must take a hand in the rearing process through having the children carted in daily to "child development centers," where "day care" is only a sideline.

Is there any intellectual basis for such a view? Not really. As Prof. Ernest van den Haag, the distinguished New York State University psychoanalyst, has pointed out, "The assumption that social science has as yet produced a tested theory of child rearing is sheer fantasy. Only a few variables have been detected. And they suggest that family care should be encouraged, not replaced."

In truth, child development's only achievement is likely to be the breaking down of family relationships and the fostering of psychological problems among parents and children alike. Nor is that to say anything about attendant damage to the family as a social and moral institution.

The Senate has blundered badly on this one. From the House, one hopes for better things.

IVORY COAST: 12TH ANNIVERSARY OF INDEPENDENCE

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. VANDER JAGT. Mr. Speaker, the Republic of Ivory Coast celebrates its 12th anniversary of independence on August 7. It gives me great pleasure to extend to President Felix Houphouet-Boigny and to the citizens of Ivory Coast best wishes for the future.

Ivory Coast has entered its second decade of independence on a record of consistent economic progress and political stability. Its economic growth is one of the most encouraging examples in the developing world today. Since 1960 the Ivory Coast gross domestic product has been growing at more than 11 percent annually. Per capita income has more than doubled since independence. With this phenomenal growth have come increasing opportunities for American business. The United States is now the second most important supplier to Ivory Coast of foreign goods, its second most important customer, and we are the second most important foreign investor.

Our bilateral relations with the Ivory Coast are excellent. Ivory Coast has shown itself to be a consistent friend of the West and an influential spokesman for reason in international affairs. Our good bilateral relations are based on friendship, mutual respect, cooperation and good will. It is in this spirit that we wish to congratulate President Houphouet-Boigny and the people of the Ivory Coast today.

INDEPENDENCE DAY—HOW IT HAPPENED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. BIAGGI. Mr. Speaker, for many Americans Independence Day is a day for picnics, fireworks, sports or even bargain shopping. It is, therefore, of great importance that we be reminded from time to time of the true significance of the Fourth of July in our history.

Mr. Jim McCarthy, head of the Washington Bureau of CBS-Radio, New York, did just that in his recent July 4 broadcast, entitled "Independence Day—How It Happened." It gives me great pleasure to include the text of Mr. McCarthy's broadcast in the RECORD:

INDEPENDENCE DAY—HOW IT HAPPENED

You know, it's interesting to note how few people really know why we celebrate the 4th of July as Independence Day . . . in fact, I've had people tell me they think it has something to do with The Flag—while others believed it has something to do with the starting or the winning of the Revolutionary War. Both are wrong . . . and, as most people know, this National holiday commemorates the formal adoption of the Declaration of Independence, not the beginning or ending of the war for Freedom.

Actually, on July 4th, 1776—the Revolution against Great Britain, which was to win freedom and democracy for Americans, was over a year old. The action that took place in Independence Hall in Philadelphia on that date was merely the formal adoption of a Sense of a Resolution for Independence that had been approved by the Continental Congress two days before. And this is how it happened: On the preceding June 7th, Richard Henry Lee, the delegate from Virginia, had moved in the Continental Congress that "the United Colonies are, and of right ought to be, free and independent states" . . . and, after lengthy debate, all action on his proposal was postponed until July 1st—so delegations could get instructions from their respective 13 Colonies on how they should vote on the Lee resolution. The voting actually began on July 1st . . . and was concluded on July the 2nd, which moved John Adams to write his wife Abagail that July 2nd ought to be "commemorated as the Day of Deliverance", and all the delegates involved finally signed the formal Declaration of Independence two days later—July 4th, 1776. The delay in voting for Independence shows how slowly and reluctantly the colonists came about to accepting the idea of freedom from British rule. In fact, the noted British historian—William Lecky—called the American Revolution "the work of an energetic minority" . . . and, as recounted by historians Charles and Mary Beard—"even after the war had been going on for a year, an advocate of Independence was regarded as a dangerous person—and likely to be greeted with angry glances in the streets of Philadelphia".

But, eventually, the Declaration of Independence was signed . . . and one must reflect on the courage of the 56 delegates from the 13 original Colonies who affixed their signatures to it, for, by their action, which was considered a treasonable act by the British, they stood to lose their liberty, their families, their personal possessions, and very likely their lives . . . which all had pledged to each other and to the new born nation in the Declaration of Independence on the 4th of July 1776. From that day on . . . the Flag, Old Glory, has played a major role on Independence Day . . . from the original colonists who, against British decree, bravely raised a 13 star banner above their homes and businesses, to Tmericans today, who proudly unfurl a 50 star flag over their homes and businesses all across the United States. The meaning of the Stars and Stripes has been stated in many ways over the years . . . but probably never more memorably than by President Woodrow Wilson, who said "The lines of Red are lines of blood, nobly and unselfishly shed by men who loved the liberty of their fellow men, more than they loved their own lives and fortunes. God forbid that we should have to use the blood of America to freshen the color of the Flag. But, if it ever should be necessary, that Flag will be colored once more, and being colored . . . will be glorified and purified in Freedom and Independence" . . . or by Oliver Wendell Holmes who wrote, in "The Voyage of the Good Ship Union," "One Flag, One Land, One Heart, One Hand . . . One Nation, Evermore."

BAN ENVIRONMENTAL WARFARE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. FRASER. Mr. Speaker, last week I introduced House Concurrent Resolution 659, asking the U.S. Government to take the lead in seeking an international agreement to ban environmental or geophysical warfare. Recent reports of rainmaking and burning of forests in Indochina give grave cause for alarm. A new Pandora's box of horrors may be opening up. The possibility is no longer remote that the climate of a particular area can be changed at will and then even the levels of oceans can be altered by melting the Arctic ice cover. We must restrict environmental engineering to peaceful purposes and place it under effective international control. Nations and people may otherwise become victims of unforseen consequences of environmental warfare in the same way that species unwittingly were decimated by DDT and unborn infants were maimed by thalidomide.

In the past we have recognized that certain actions in war are self-defeating. We have placed restraints on ourselves, and have agreed with other nations on mutual restraints, on use of nuclear bombs, biological warfare, and poison gas. We have declared certain areas such as outer space and the seabeds out of bounds for certain military operations.

We are now faced with another kind of warfare—environmental warfare—manipulation of the weather and other geophysical forces to achieve military objectives. Catastrophic floods can result from rainmaking. In a country already despoiled by bombing, defoliation, and bulldozing, soil erosion from heavy rains can be 20,000 to 40,000 times worse than erosion of farmland and woodlands.

The administration is drawing a veil of secrecy over its actions in the Indochina war. Administration witnesses, testifying on a similar resolution introduced by the distinguished Senator from Rhode Island (Mr. PELL) refused, on grounds of national security, to comment on recent reports of rainmaking over Indochina. Their evasion seems to confirm that in fact some kind of weather warfare has been employed in Southeast Asia.

The Pentagon papers have revealed cloud-seeding experiments over Laos before February 1967. The New York Times, on the basis of more than a dozen interviews with military and civilian officials, reported on July 3 that the United States had seeded clouds over North Vietnam, Laos, and South Vietnam since 1967, with the objective of suppressing enemy antiaircraft fire and hindering enemy infiltration South.

Recent disclosure of attempts in 1966 and 1967 to burn large forest areas in Vietnam provides additional evidence of the haphazard way we have tried to tamper with the environment in Vietnam. These fires failed only because the tropical rain forest was too moist to burn. At the same time that this project was going on, the U.S. Forest Service was under contract to the U.S. Agency for International Development to help the Vietnamese build up their timber industry.

Our target in Vietnam has been the land. A scorched earth policy is nothing new, but never before in history has there been a war that has been an extensively an air war as this one. The current bombing campaign has been in response to Hanoi's April offensive. That offensive has been halted, but the bombing goes on.

Earlier this year I joined other Members of this House in introducing the Vietnam Ecological Assessment Act to assess the terrible damage done to the environment of South Vietnam, Laos, and Cambodia as a result of U.S. military operations. We stopped the massive herdicide program we carried on there, but not before more than a million acres in South Vietnam were destroyed in this fashion. Estimates are that the loss of vegetation through defoliation cannot be repaired for from 500 to 1,000 years. Forests that would cover the state of Massachusetts have been eliminated. Four out of five logs in Vietnam are riddled with metal and useless as timber. We have scraped bare with bulldozers an area the size of Rhode Island.

The question has been asked, "What's worse, dropping bombs or rain?" The point is that it does not matter to noncombatants whether they are starved or drowned by floods, or blown up. It does matter in terms of morality and international respect, and perhaps even in terms of survival of life on this planet, that war should be limited as much as possible to combatants. To attempt to modify climate or the physical properties of large land masses gives war a new, and if possible, an even more terrible dimension.

The Senate has voted to cut off Defense Department funds for any use of rainmaking or burning of forests as weapons of war. This is a step in the right direction. If we do not act promptly, new forms of deliberate environmental warfare will evolve. I urge you to support the environmental warfare resolution, House Concurrent Resolution 659, calling on our Government to seek agreement with other nations to outlaw all environmental or geophysical modification activities as weapons of war.

The resolution follows:

H. CON. RES. 659

Whereas rainmaking and deliberate forest fires for military objectives have been, and are being, discussed in connection with the operations of the Armed Forces of the United States in Indochina; and

Whereas there is great danger to the world ecological system if environmental and geophysical modification activities are not controlled or are used indiscriminately; and

Whereas the development of weapons-oriented environmental and geophysical modification activities will create a threat to peace and world order; and

Whereas the United States Government should seek agreement with other governments on the complete cessation of any research, experimentation, or use of any such activity as a weapon of war: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring).

SECTION 1. That this resolution may be cited as the "Environmental Warfare Resolution of 1972".

SEC. 2. That the President should seek the agreement of other governments to an international agreement which would prohibit and prevent (1) any environmental or geophysical modification activity as a weapon of war, and (2) any research or experimentation relating to the development of any such activity as a weapon of war.

DEBATE OVER SECOND-CLASS MAIL RATES

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. HORTON. Mr. Speaker, there is currently a considerable controversy raging over the decision of the Postal Board of Governors and the Postal Rate Commission to raise postal rates on second-class mail, including most magazines and newspapers. I have been giving this matter a good deal of study both from the standpoint of encouraging the free flow of news and information to our citizens and from the standpoint of postal economics.

While I have not yet drawn my own conclusions about the rate increases, I do think it is important that Members of Congress and the public be exposed to arguments on both sides of this question. With this goal in mind, I am inserting into the RECORD the full text of an article by E. T. Klassen, Postmaster General, which appeared in the August 2 edition of the New York Times:

POSTAGE AND PROFITS

(By E. T. Klassen)

WASHINGTON.—We read a great deal today about unnamed magazines and newspapers facing what is asserted to be a catastrophic situation allegedly caused by recently authorized postal rate increases. Much of the outcry smacks of a carefully contrived campaign by corporate publishers to inject their own business interests into their editorial columns—identical rhetoric keeps cropping up in "independent" publications across the country.

In the interest of balance—and equity—the record should be set straight by substituting facts for emotion-laden cries of disaster from our friends in the publishing industry who, like us, have had the opportunity to fully set forth their case before an impartial panel.

The July 6 increase ordered by the Postal Board of Governors was not an arbitrary action to "price ideas out of the market." Rather, the increase was in direct compliance with and required by law—the Postal Reorganization Act of 1970—under which the U.S. Postal Service must equalize its revenues and its costs and bring an end to the massive, hidden subsidies so long intertwined with postage rates.

Far from being arbitrary, these new rates were recommended by the independent and expert Postal Rate Commission after fifteen months of hearings at which the interests of 400 magazines were ably represented and thoroughly considered. The rate commission, pointing out that magazine interests were unable to substantiate with specific facts the catastrophic effects of the proposed increases, concluded that the rates it proposed "are on the lower side of the range of reasonableness."

It is understandable that figures such as 127 per cent used by various spokesmen for the publishing industry may appear at first glance to be quite unreasonable. But it is just as unreasonable for these spokesmen to omit entirely any reference to just how much—or how little—it actually costs to mail a magazine. As recently as 1970, the average postage paid per copy of Time was 1.7 per cent; per copy of Life, it was 2.2 per cent.

Now, it should be obvious that an increase of 127 per cent of a small amount will result in another small amount. For example, in the case of a typical half-pound magazine, the July 6 increase brought the per-copy mailing costs to about 3.2 cents. After the full phase-in of the increase over five years, the average mailing cost for this half-pound magazine will be 5.8 cents compared with 8 cents an ounce for letters and 13 cents for half-pound advertising circulars that is being paid by mailers right now.

Admittedly, any increases are a problem for publications, just as rising costs are a problem for the Postal Service, whose labor costs are now about 10 cents per minute per employe and rising. There are clear signs, however, that many publishers may be crying wolf too loudly. For example, both the U.S. Department of Commerce and a major investment firm report that the magazine industry has a bright financial future. From information revealed this spring before the Postal Rate Commission, these predictions seem entirely accurate. Time, Inc., one of the loudest of the recent "wolf" criers, increased profits from its magazines from $11 million in 1970 to $17 million in 1971. And 1972 looks even better. Such increases far out-distance any postage increases the magazines would be forced to absorb if they could not convince readers that their publications were worth several cents more.

The number of newly introduced magazines has been three to five times the number of discontinued magazines for each of the past several years—hardly a sign of imminent disaster.

Second-class mail constitutes 25 per cent of the total weight of all the mail we must deliver. Even at the conclusion of the five-year phase-in period for this rate increase, the new rates will produce less than 5 per cent of postal revenues. In addition, the average second-class piece will contribute less to the general overhead expense of the Postal Service than the average piece of any class except airmail.

RADIO FREE EUROPE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. HARRINGTON. Mr. Speaker, today I voted against the authorization of $38.5 million for Radio Free Europe.

I am opposed to the concept of Radio Free Europe—in that it perpetuates a cold war philosophy which is now obsolete. President Nixon's visits to Russia and China have demonstrated the growing awareness of the Nation that that period of our history is coming to a close. The committee report states that the "free flow of information and ideas among nations is indispensable to more normal relations between East and West—." I could not agree more. However, is it really a free flow of information when our propaganda is broadcast exclusively over these radio networks. Do these networks give the other side of the coin. Is it indeed a "free flow" or does it not reflect a very heavy-handed attempt to proselytize our version of what is best for everyone. Certainly, I cannot commend those governments which refuse to let their citizens know what is going on in the outside world. I cannot commend government censorship of music and news. But I cannot commend our Government's provincial attitude that such broadcasts are necessary and proper for the salvation of those oppressed by "monolithic, atheistic communism."

In the past the authorization for Radio Free Europe and Radio Liberty were funded through the budget of the Central Intelligence Agency—a clear indication of the light in which these media were considered. In 1971 both the House and Senate agreed that a Commission should be established to review and evaluate the activities of Radio Free Europe and Radio Liberty to determine both the content of their broadcasts and the best mechanism of funding for the future.

It seems to me to be contrary to the best interest of these media and to the intent of Congress to authorize continuation of funding before such a Commission has reported. For the first time the Congress will have the opportunity to know what Radio Free Europe and Radio Liberty really are doing, and I cannot support their continued operation until their policies are evaluated and the necessary changes implemented.

Mr. Speaker, this month $6.5 million was released in EDA funds for the northeast region of the Nation. This means that Massachusetts will receive approximately $500,000 to $1 million in these essential funds—for water and sewer treatment, urban problems, and many other needs. Yet more than $5 million worth of critically needed funding applications have been submitted. Few of them, obviously, will be funded. The $38.5 million we are spending today could be much more wisely spent on the very urgent domestic priorities facing us now. That money could fund all of the worthwhile EDA applications in New England.

I think that it is budgetary items such as these—the small, unnoticed millions—which should be looked at much more closely. We should not go along with such expenditures—particularly expenditures such as these—simply because they are too small to fight. We should cut out unnecessary and wasteful expenditures and put the money to use where it is critically needed here.

HOW THE FEDS BOUGHT MISSISSIPPI

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. MICHEL. Mr. Speaker, 2 weeks ago I asked for a special order to address the House about the alarming situation that has deveoped as a result of open-ended Federal matching of State expenditures for social services to former, current, and potential welfare recipients.

At that time I advised my colleagues of current State projections indicating a possible $4.8 billion spending level for this out-of-control program—almost 10 times the amount spent in fiscal 1970.

We were just getting ready to go to conference with the Senate on the Labor-HEW appropriations bill, and I also predicted that, much as I hoped otherwise, the conference agreement would not include the $2.5 billion limitation placed on these expenditures by the Senate.

The conference report has been filed, of course, and the limitation was dropped, so this back door to the Federal treasury is still wide open. This, plus the fact that the line-item dollar amounts agreed to by the conferees are $1.8 billion over the President's budget recommendations, practically assure a veto of the Labor-HEW appropriations bill.

The Washington Post this morning carried an article by Jodie Allen analyzing the social services funding issue, and I urge my colleagues to read it.

The article follows:

How the Feds Bought Mississippi—Back Door Revenue Sharing—And On a Big Scale

(By Jodie Allen)

While debate rages in the halls of the Congress and the administration over revenue sharing and welfare relief for hard-pressed states and localities, a multi-billion dollar program of fiscal relief for states is quietly being implemented under a little noticed provision of the Federal welfare law which provides federal matching for state expenditures on "social services" for needy persons. A recent action by the Senate-House Conferees on the 1973 HEW appropriation bill on August 2 seems to assure that almost $4 billion for "social services" will be added to the President's budget with little debate and with virtually no public attention.

Program increases of this magnitude are usually front page news, particularly in an administration highly concerned over the prospect of a record-breaking budget deficit. The reason for this strange turn of events lies in the peculiar history and characteristics of the social service program.

There are three features of the social service authority which explain its unique potential for breaking the federal bank. The first is that the language of the social service provisions, as modified by a series of liberalizing amendments during the 1960s, is remarkably broad. The services covered include any "services to a family or any member thereof for the purpose of preserving, rehabilitating, reuniting or strengthening the family, and such other services as will assist members of a family to attain or retain capability for the maximum self-support and personal independence." Furthermore such services may be provided not only to current welfare recipients but, since 1965 to former or potential recipients as well.

Without even stretching the imagination it would seem that practically the entire gamut of services provided by state and localities for their citizens—including vocational rehabilitation, job training and counselling, child care, foster care, family planning, family counselling and referral, protective services for dependent persons, mental health and mental retardation services, community health services, homemaker services, non-formal or compensatory education, and information and referral services of all sorts—might easily be justified at least in part as deserving of federal support under the amendments. In fact the only services specifically excluded from support are public school education and institutional care and the only additional limitation appears to be a vaguely worded caveat in a HEW memorandum to the states that they must "significantly expand" not merely re-fund existing services. And to make it all easier, since 1967 the law has allowed the states not only to provide such services themselves but to purchase such services from other public and private agencies with federal support.

The second striking feature is that the terms of the federal support are extremely attractive. For every $25 the states or localities proffer for these services the Feds will supply another $75. The Talmadge amendments of 1971 went this one better and allowed 90 federal dollars for every 10 state or local dollars if the services provided were such as to enhance the employability of current, former or potential welfare recipients. (This largesse should be compared to the relatively miserly 50 per cent matching which is all most large states can receive on actual cash grants to recipients.)

Last and best there is the "open-end" financing provision—which means exactly what it sounds like. Unlike most federal authorizations for which a fixed amount is appropriated by Congress each year, the social service fund is essentially a bottomless pit. As is the case for public assistance cash payments, whatever amount of money states and localities express willingness and ability to spend for social services in a given year, the federal goverment must stand ready to match at $3 or more for 1.

Given these generous provisions, the only thing that is hard to understand about the social service program is why it is not already the largest domenstic program in the federal budget. In fact most states were slow to recognize the potential of the social service program. In 1964 only $75 million in federal dollars went to social services. By 1968 the federal cost had risen to the still modest level of $230 million and by 1969, even after a one year increase of 59 per cent the federal share was still only $366 million. A few sharp state officials however were beginning to catch on. One state, California, had by 1970, managed to corner almost 40 per cent of the total social service budget of $500 million for that year largely through the cleverness of a consultant to the California State Assembly, Tom Joe. In a fascinating article in the June 17, 1972, issue of the "National Journal," John Iglehart has traced the subsequent involvement of the ingenious Mr. Joe who, as part of the entourage accompanying former HEW Secretary Finch to Washington from California, has subsequently stayed on at HEW. There, in an informal capacity, he has spread the glad tidings of largesse to other less favored states—to the ultimate discomfort of the administration.

For discomforted indeed are HEW budget managers. From a sleepy little sub-billion dollar program, social services has in the last several months skyrocketed with a multi-billion dollar flare likely to eclipse in importance both the much heralded revenue sharing proposals now being debated in the Senate Finance Committee and the now beleagured welfare reform package with its promise of some $2 billion in state welfare savings.

Picking up the thread of our chronology we find that by fiscal year 1971 the federal share of social service expenditures had climbed to almost $700 million with the Congress ignoring a request by the administration in its budget for that year to impose a 10 per cent ceiling on expenditure increases over the previous year (a request repeated and again denied in the administration FY 72 budget). In FY 72 social services again surprised everyone by outstripping the original administration estimate of $838 million by at least another $450 million and, by some estimates by perhaps, as much as $750 million. In either case the federal government is thus already spending at the rate of over $1.3 billion a year on social services—an amount almost twice that expended in the previous year and already larger than the administration's $1.2 billion request for the upcoming fiscal year, 1973.

But that discrepancy must be counted as minor. For while the Congress has been considering the HEW request, the states have quietly been revising drastically their estimates of federal dollars required in FY 73. In May to the consternation of HEW officials a new estimate of $2.2 billion, almost twice the administration's 1973 budget request of $1.2 billion, was computed. The Senate Appropriations Committee, alerted to the danger added to the HEW appropriation bill a ceiling of $2.5 billion on social service expenditures. But pressure from governors and state officials anxious to cash in on the bounty proved too strong and, with virtually no public attention, the limitation was dropped in the Conference Committee despite assertions in the conference report issued on August 2 that the conferees "agreed with the basic premises of the Senate amendment: (1) to insure fiscal control over a program which is presently increasing at an alarming rate and (2) to insure that funds are disbursed prudently and effectively."

But the conferees literally didn't know the half of the matter. For by the end of June the states had set their sights far higher than a mere $2.2 billion—in fact having doubled the estimate once, they decided to do it again this time submitting a total FY 73 request of almost $5 billion, a quadrupling in expenditures over the previous year to an amount equal to the much publicized revenue sharing program. And there is unanimous agreement on the Hill and in HEW that that estimate is probably too low.

Fortunately it is not necessary to question the efficacy or relative utility of social services in order to question the desirability of this turn of events. It is fortunate in that no one seems to have any clear idea of what the money is being spent on.

But apart from the merits of social services per se three things are abundantly clear:

1. A huge sum of taxpayer money is being distributed among states in a quixotic fashion unrelated either to relative need or to the ability and willingness of states to use the money constructively.

2. It is not possible for states and local governments to achieve a four-fold expansion in services of any kind in one year (on top of a doubling the previous year) and particularly not in services of a type for which no clearly successful record of performance has yet been demonstrated, even on a modest scale.

3. Even if the money is in fact expended for the purposes intended, serious imbalances are occurring within state expenditures patterns between social service activities for low income populations and other forms of assistance and service both to this population and to other groups in the population.

To illustrates these points one need only look at a few states. In 1971 Mississippi spent about $950,000 on social services. Its estimated expenditures for 1972 increased by 88 per cent to $1.8 million. In 1973 Mississippi now estimates it will spend some $460 million on social services, over 250 times the amount it spent the previous year.

Two other comparisons are equally interesting. If Mississippi's social service benefits were spent entirely on welfare recipients, it would turn out that Mississippi would be spending some $1,625 per welfare recipient on social services, or about $6,500 per year on a family of four (a number familiar to the National Welfare Rights Organization). Apart from the striking generosity of this allotment it is interesting to compare this expenditure with the maximum welfare cash grant which such a family if it had no other income could receive in Mississippi. That amount is $720. And lastly it is interesting to observe that if, as is likely, most of the $460 million in federal dollars is used simply to support existing state and local services in Mississippi, this amount alone will account for over half of the current total Mississippi state budget.

Other examples abound. Maryland's estimated expenditures will grow from a 1971 level of $15 million to an estimated level of almost $420 million in 1973. At this point Maryland will be spending some $1,650 per welfare recipient or about *$6,000* for a family of four. Georgia plans to expand its program from a 1971 level of $12 million to a 1973 level of over $220 million. New York will expand from $67 million 1971 to $850 million, Illinois from $24 million to over $180 million. Faced with an unplanned increase in the President's budget of at least $3.6 billion and the frightening potential of even more staggering increases to come (the estimates are from $6 to 8 billion in the next fiscal year) there appears to be little that the administration can or, perhaps, wants to do to stem the flowing tide. To "close the end" on social services would require legislative action and, as has already been demonstrated by the recent action of the appropriation conferees, such action is unlikely to be forthcoming, particularly in an election year, given the opposition to such a change that would be generated by enthusiastic state and local officials who have suddenly discovered that there is indeed a pot of gold at the end of the federal rainbow.

There is also the difficult problem of devising a formula which, at once, distributes the fund among the states in at least some vague relationship to need and current fiscal effort; maintains each of the states at least at their current level of expenditures and probably allows some increase (a practical necessity to ensure acceptance of any formula); and, at the same time sets a reasonable dollar limit on the total budget.

Despite the practical and potential difficulties involved, however, it is clear that something constructive must be done, not simply to control a runaway program, but to insure that the monies are distributed equitably among states and that real and needed public services are produced in the process. Surely some more rational basis must exist for distributing several billion dollars of taxpayer money than one depending upon the relative ambition and ingenuity of a few state and federal officials.

THE NEW POLITICS: IS IT OUT OF STEP?

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. SPRINGER. Mr. Speaker, there is a great deal being said about what the workers in the country are thinking about the coming campaign. An article in the Chicago Tribune of Sunday, August 6, 1972, titled "The 'New Politics' Is Out of Step" by Mike LaVelle of Cicero, Ill., covers this aspect of the coming campaign very clearly. Mike LaVelle is a laborer in a pipebending shop and a free lance writer. What does labor's rank and file think about these labor leaders and their decisions—meaning George Meany, president of the AFL–CIO and I. W. Abel, head of the United Steelworkers—when they said they would not endorse George McGovern? How does the blue-collar man view George McGovern and his proposals? This is an interesting and well-written article by a blue-collar worker who seems to understand what the issues of his time are. I know my colleagues will enjoy reading it: •

The "New Politics" Is Out of Step

(By Mike LaVelle)

They drove out Johnson, defeated Humphrey, booted Daley, and now the "kids" have their very own candidate for the Presidency of these United States of America. We thought they had their noses buried in an underground newspaper and all the time it was a delegate tally sheet. The kids are working within the system—"whoopie" and "baloney."

They have never been out of the system, they are of it and in it, in the quality and quantity of their lives, up to their eyebrows, and always have been.

When a contemporary liberal affectionately, always, affectionately uses the word "kids," I know who and what he means—the affluent and pampered children of the white-collar Left. The blue-collar Hells Angels are hoodlums; the upper class Weathermen et al are idealistic "kids," who are never idealistic enough to demonstrate on campus for mine safety after the live burials of their lesser peers in cave-ins.

NO CAREFREE SUMMERTIME

There are no formal sabbaticals or carefree summertimes for blue-collar youth to flood the streets of America working for this or that political candidate or cause. Instead they are in factories, steel mills, mines, or Viet Nam in the noncampus, nonelite system as it is. They were definitely not in evidence among the McGovern delegates at Miami.

Life magazine called the Oregon delegation to the Democratic convention "nearly perfect" according to the McGovern reform rules. Using Oregon as representative of all the McGovern delegates at Miami, let's look at its 34 delegates. There were six students, five teachers, four business people, four lawyers, three writers, two bureaucrats, two editors, two politicians, two homemakers, one social worker, one newspaper indexer, one retired Army officer, and one secretary. The delegation included the correct amount of women, blacks, and youth which all sounds very democratic on the surface but which deceptively is not so.

McGovern claims a blue-collar electoral response to his primaries. Yet not a one of the Oregon delegates, black or white, sweats on a production line. So how could they effectively represent me or my peers who do, even if they wanted to. My gut feeling is that they do not want to represent me.

Of all the delegates at Miami, 39 per cent had postgraduate degrees, 31 per cent had family incomes over $25,000 a year, and the average income was $20,000 a year. I do not know the national average, but mine with a nonworking wife and two children is roughly $7,800 a year.

So much for the much ballyhooed "New Politics" McGovern convention.

Whatever Meany, Woodcock, Abel, et al do concerning McGovern is more a matter of whether they give or withhold vast financial and organizational support than direct votes from rank and file. The primary votes of Michigan for George Wallace prove how grandiose the myth and pittance of the power of labor leaders to deliver the so-called labor vote.

In the past, the deliverance was merely a pro forma statement on de facto votes—essentially when Republicans were the reactionary bad guys and there was nowhere else for a worker to go except to the Democrats. Those days are over.

Now the Republicans are the moderates and the Democrats seem to be embracing the Left crazies or allowing themselves to be embraced. Pragmatism seems to have become a dirty word to the moral purists who have taken over the Democratic Party. As a consequence they have given President Nixon a bigger ball park, and he is Mister Pragmatism himself.

One suspects that McGoverns "Kamikaze economic advisers" have unconsciously already structured their utopia and tipped their game-plan prematurely by abolishing money—if not as a medium of exchange than as sensible campaign oratory, barring the other and more probable extreme that they are printing their own.

How else can you explain proposals, such as a $30-billion cut in defense spending simultaneous with "jobs for everyone," massive social legislation, simultaneous with a relief of tax burdens and a thousand dollars mad money for each citizen—a cynic might be tempted to say each voter."

THE ENEMY OF FANCY

Facts are ever the enemy of fancy, and what glazes the dreamer's eye often distorts his vision—assuming that the McGovernite economists fault on the side of the angels or the purities of some bizarre ideology. Or is it possible that the under-30 rhetoric and mystique have dropped to under 10? And if one were to interrupt the cream of the cerebral McGovernites in a planning conference would he find them, in serious mien, hovering and jabbering over Monopoly, play money and all?

If there is a sweetish odor in the air then one can safely assume that Harvard's economists are drafting another zinger for McGovern. I'd strongly suggest that McGovern give these people a mythical candidate to play with and leave the real one alone.

"In San Diego, I was campaigning at an aerospace plant, walking alongside a wire fence and shaking hands with some of the workers, and the reception I was getting wasn't very enthusiastic. And I wasn't feeling very good about what was happening either. Then a man stuck out his hand and said. "I need my job, but I need my country more. I'm for you. In California military spending was an important issue, and I was heartened, that a worker would put love of country above his own job." From George McGovern's "How I won the Nomination" in Newsday.

That is twisting "love it or leave it" to "love it and leave your job." Or defense spending one has to give McGovern an "A-plus for honesty" as was given to Barry Goldwater on other issues. Unfortunately for politicians the kin of candor is too often defeat, It is not hard to envision McGovern's old politics advisers thru clenched teeth telling him, A minister's son is good imagery, George, but this is an election, not an annointment."

To tell a man with a wife, two children, and no job that he has just struck a mighty blow against the military-industrial complex—"F.D.R.'s Arsenal of Democracy" remember?—is poor politics indeed and dangerous when there is a Luddite Left in America which yearns for the good old days of horsedrawn unhomogenized milk wagons and nonunionized laborers who were kept in their place by men of style and substance.

It does little to enhance McGovern's populist image that one of his fat cats is Stewart Mott, one of the owners of General Motors, who admits to paying zero taxes while the workers on a G.M. assembly line voice an unfair tax burden as one of their major complaints.

EMERGING ELITE SCORN

The anti-Polish jokes of Henry Kimelman [as reported by Nicholas von Hoffman], another McGovern fat cat, lends credence to suspicions of an emerging elite liberal scorn for the nonblack, nonbrown, non-Jewish, and non-WASP ethnic groups in America who make up a large part of blue-collar voters that gives another reason to retaliate in November.

Unless McGovern disavows some of his snobbish friends, they may, in tandem with frentic Yippies, rupture whatever liaisons McGovern might have to middle America.

Politicians who stray from the vast, if safe middle are generally ambushed not by adversaries, but by zealous advocates who attempt to move them farther Left or Right than they wish to go. I'm sure that the S.D.S. and the giggle Left will do to George McGovern what the John Birch Society and the Ku Klux Klan did for Barry Goldwater.

The Klan took Goldwater's sincere questioning of civil rights legislation as a commandment for its repeal, the Birchers took his plan for military field decisions as a "yup" for Armagedden. Nightmares that must haunt McGovern might well be those of a "now" child planting some pot on him, a leftist crazy pinning a Mao Tse-tung button on him, a gay lib transvestite embracing him on national television, or being presented with an aborted fetus.

Not to be overlooked is that in November we will be well into the school year, and busing will be a hotter issue for the Democrats than the Republicans, providing that the Republican platform is against it or vague enough not to be blatantly for it as the McGovern position appears to be.

The Left-Right, war-peace zeitgeist has so completely swung around in the last 35 years that the isolationist America Firsters from the 1930s must be spinning in their graves. And those still living feel a bittersweet nostalgia at seeing the interventionist and global warriors of yesterday rallying around the slogan "Come Home America."

Has anyone ever asked ex-bomber pilot George McGovern ["Jan. 31, 1945: Hit Moosebierbaum, Austria—bombed thru overcast—very light flak." From "McGovern" by Robert Sam Anson.] how many women and children he killed in his bombing runs during World War II?

Give us a rough estimate, George.

TRAINS STILL RUN ON TIME

Even the trains that used to run on time in Mussolini's Fascist Italy are now running on time in Peking with the now familiar sophistries that its dictators are in charge and representative of the ever abused "people." Such moral garbage that comes from the Left today used to come from the Right. Which proves, at least, that human rights carries no other label, but an ideological one.

A potential freedom fighter in Athens or Havana waits hopelessly for someone divorced from the ideological struggles that forge new chains as they break the old ones to say no to unfolding history and yes to Thomas Jefferson's "eternal hostility to all tyrannies over the minds of man." The above is a true liberal banner that now lies crushed and silent as the boot-loving current banner waivers shriek their admiration for diverse dictators.

We Americans will not say yet, and yet we can. What we have become is a tragedy of retreat and default.

Whoever wins the Presidential election, at least with McGovern and Nixon running, it is definitely not a beauty contest. What did he say? Who's listening [sigh]?

The roster of some of the names around the McGovern in the background reads like a Quixotic platoon of the New Frontier warriors who were fractured on the shores of Viet Nam. Some who were mesmerized by his charisma would have crossed the River Styx for J.F.K., but not L.B.J. And others saw blood dripping from the robes of Camelot.

It is difficult to guess just who thought that Harvard [with a Boston accent] could do no wrong and "My fellow Americans" [L.B.J.] could do no right.

HARVARD AND L. B. J.

One hates to even imagine that the destiny of America might have—and still could—hinged on a slipped syntax or a Hollywood profile.

And there McGovern gets a plus. The man is plain looking to the horror of the Beautiful People who never tire of running a John Barrymore for President. "When McGovern crossed his legs, a vast expanse of white shin was exposed to the cameras. Gloria Steinem solved that problem and set McGovern on the road to recovery by dashing to a local mens' store and bringing back a pair of over-the-calf socks." From "McGovern."

Gloria, please get your cosmetician hands off our Populist, he's got enough problems with "friends" trying to help him.

ASIAN DRUG INFLOW FOUND "GREATER THAN REALIZED"

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. CRANE. Mr. Speaker, recently the New York Times printed an article under the headline, "Asian Drug Inflow Found 'Greater Than Realized'." In the course of the article, which was a lengthy one—about 42 inches of copy—it developed that the Bureau of Narcotics had concluded that the amount of high-quality heroin being smuggled into this country from Southeast Asia is "greater than previously realized."

I must say, Mr. Speaker, this announcement comes as no revelation to a thinking person, except, perhaps, to the Bureau of Narcotics. I, for one, have always maintained that the drug flow from

Red China, euphemistically referred to nowadays as "mainland China," was greater than publicly acknowledged.

I also have a very brief, one-paragraph news note from the Washington Post of August 2, mentioning a $1 million haul of heroin in New York. Origin of the heroin? "Mainland China." The investigation leading to these arrests had been in progress for 3 months; no doubt there are similar ones still going on. I will not be surprised to hear in the next few months of similar drug traffic exposés, with a similar point of origin for the contraband.

It is unrealistic to place most of the blame on Turkey and France for the tremendous influx of drugs into our country. After all, what interest has Turkey in undermining the character of America's citizens? Surely not the same interest that Red China, given her ideological convictions, has in weakening America. Red China is trying very hard, and so far, with great success, to utilize this most recent weapon in the "continuous revolution" between the Communist world and the non-Communist world.

It is no accident that the young men who go at their country's calling to fight a war in Southeast Asia are the ones most vulnerable to the drug-plague and the ones hardest hit by it. It is no accident, either, that our Government policy has low-keyed the Chinese role in the drug traffic—political and diplomatic expediencies play their parts in the attempt to cast the blame on France and Turkey.

I am encouraged that my first point has been acknowledged; how long will it be until the second one is recognized?

Mr. Speaker, I insert two newspaper articles in the RECORD at this point:

[From the New York Times, July 28, 1972]

ASIAN DRUG INFLOW FOUND "GREATER THAN REALIZED"

(By Seymour M. Hersh)

WASHINGTON, July 27.—A secret analysis by the Government's top narcotics enforcement agency has concluded that the amount of high-quality heroin being smuggled into the United States from Southeast Asia "is greater than previously realized."

The new Government report, compiled last month by the Strategic Intelligence Office of the Bureau of Narcotics and Dangerous Drugs, further showed that narcotics-control personnel was beginning to accumulate evidence linking organized crime to the Southeast Asian drug market.

Another Government study, reported on in The New York Times on Monday, concluded that there was "no prospect" of halting the drug flow from Southeast Asia into the United States. This Cabinet-level study was later discounted by the man who commissioned it—Egil M. Krogh Jr., a special White House aide for narcotics matters.

Mr. Krogh said "there has been substantial progress" in reducing the influx of drugs from Southeast Asia.

The Narcotics Bureau report stated that "the traffic at present relatively unorganized, but has definite potential for expansion as a replacement for Turkish-French heroin."

Officials from the Central Intelligence Agency, State Department, Narcotics Bureau and Defense Department "are presently reviewing the international trade," the report added, "with particular focus on Southeast Asia as an alternate to the Middle East as a source of supply."

WHITE HOUSE THINKS OTHERWISE

Nixon Administration spokesmen have repeatedly maintained publicly, in opposition to statements of critics, that heroin smuggled from Southeast Asia makes up only a small fraction of the total United States annual supply.

Last month Nelson G. Gross, the State Department's senior adviser for international narcotics matters, told a Congressional hearing that "the overwhelming majority of the heroin coming to the United States originates in the Middle East and is processed in European laboratoriees before being smuggled into our country. We estimate that probably 5 per cent and certainly no more than 10 per cent of the heroin presently flowing into the United States originates in Southeast Asia."

The Cabinet-level study, while completed last February, was at odds with Administration thinking in its conclusions that there was "no prospect under any conditions that can realistically be projected, of stopping the drug flow from Southeast Asia. It was immediately assailed by Mr. Krogh.

Asked in an interview today about the Narcotics Bureau's analysis, Mr. Krogh acknowledged that "from what I've learned so far, there has to be a strong likelihood" that organized crime is involved in the flow of heroin from Southeast Asia, but he added that the evidence was not yet conclusive.

"STATISTICS ARE FLUID"

He emphasized that the Administration set up its international narcotics program only 18 months ago. Because of this, he said, it would be "impossible" to estimate accurately which area in the world was responsible for which percentage of the heroin reaching the United States. "Statistics at this time are so fluid," he said.

Other officials said that content of the bureau's analysis had been approved by that agency's over-all intelligence board before its dissemination inside the Government.

The Narcotics Bureau, a Justice Department agency, indicated in its study, made available today, that much of the growing amount of heroin from Southeast Asia was being smuggled into the United States by "essentially political Chinese entrepreneurs operating out of Laos, Thailand and Hong Kong. The heroin is sold to ethnic Chinese seamen, many of whom may be organized, who jump ship once their vessels dock in the United States.

Further intelligence may "reveal more precisely the role of Far East heroin in the United States," the document said, "and may reveal the substance of long-standing hitherto unverifiable reports of a 'Chinese-Corsican' connection between morphine base from the Orient and the chemical expertise of the Marseille area. Perhaps this preliminary report will stimulate interest in acquiring more data on the 'Chinese connection'." Morphine is another product of opium, which is extracted from poppy seeds.

Intelligence reports "over the past year indicate an increase in the number of ethnic Chinese who illegally enter the United States and Canada," the document said, adding that the volume and the pattern of techniques used in the delivery of narcotics were not sufficiently known.

"However," the report said, the bureau "views the amount as a serious and increasing threat."

EIGHT CHINESE ARRESTED

Government intelligence agencies recently set up a joint effort, known as Project Sea Wall, to stem the growing smuggling through United States and Canadian dock areas. Within a month of the program's initiation on April 7, the report said, eight ethnic Chinese were arrested, most of them carrying one to four pounds of high-quality heroin strapped to their bodies.

One seizure, on April 11, resulted in the arrest of seven Chinese seamen carrying a total of 11 pounds of heroin, the bureau's report said. It added that "further information developed that this 11 pounds was part of a 100-pound shipment which originated in Bangkok and was evidently delivered by a European diplomat assigned to Thailand. Sensitive sources have revealed that more shipments, sponsored by other groups, are on the way; arrests are anticipated in the near future."

Significantly, the report noted that "the smuggling activities of Chinese seamen imply a loose but rather extensive arrangement between the seamen and their United States contacts to carry out the movement of narcotics from Southeast Asia on a continuing basis. These arrangements appear to involve some degree of organization at the receiving end and possibly at the sending end."

The report listed docks in San Francisco, New York, Miami and Vancouver as areas with some degree of organized smuggling, but also said that high-quality Southeast Asian heroin had entered the United States through other ports—among them Seattle, Portland, New Orleans, Baltimore and Philadelphia.

The report contained a number of clues indicating that the amount of organized smuggling could be far higher than even now suspected.

It cited the arrest of a Philippine diplomat late last year in New York City with about 37 pounds of a brand of highly refined heroin known as "double uoglobe." It was the diplomat's third trip to the United States, the report said. "At least one previous time he was accompanied by a known Chinese heroin dealer in Bangkok."

The "double uoglobe" heroin, manufactured in Laos, was widely sold to United States servicemen in South Vietnam in 1970 and 1971.

MARKETING BUILDUP SIFTED

At another point, the bureau's analysis said that "sensitive sources also reveal frequent communications between Chinese heroin traffickers in New York, Seattle, San Francisco, Portland and Vancouver, suggesting that an extensive wholesale marketing mechanism exists or is being established."

In recent years, United States narcotics officials have repeatedly said that 80 per cent of all heroin known to be consumed in the United States comes via Marseilles refineries from Turkey's opium-growing areas. Ten to 15 per cent was said to come from Mexico.

The bureau's report tended to support the position of the opium-growing in Turkey and other areas a prime goal of its antinarcotics drive. Officials now expect the opium production in Turkey to end this year.

The Nixon Administration's leading critics of the Administration's narcotics drive—Representative Robert H. Steele, Republican of Connecticut, and Alvin W. McCoy, a Yale graduate student who has written an exposé of the heroin traffic in Southeast Asia.

When told of the bureau's report, Mr. Steele commented: "Vietnam is truly coming home to haunt us. No matter what they say, this means that the first wave of this material is already on its way to our children in high school."

Mr. Steele, a first-term Representative who last year helped reveal the extent of heroin addiction among G.I.'s in Vietnam, asserted that Narcotics Bureau attempts to stop smugglers from jumping ship or otherwise getting into the United States were misguided.

"Instead of trying to put up this barrier," Mr. Steele said, "it would be much more economical if we just went to our allies in Southeast Asia—to Thailand, where most of this stuff comes from—and stopped the traffic there."

He specifically cited what he termed the Administration's inability to interfere with the known large-scale smuggling of opium via trawler from northern Thailand to refineries to Hong Kong and Malaysia.

During testimony June 2 before a Senate subcommittee, Mr. McCoy, a Ph. D. candidate in Southeast Asian history, testified that beginning in 1965 "members of the Florida-based Trafficante family of American organized crime began appearing in Southeast Asia."

Mr. McCoy specifically named Santo Trafficante Jr., whom he described as the heir to the international criminal syndicate established by Lucky Luciano and Meyer Lansky, as having traveled to Hong Kong and Saigon in 1968.

"In 1967–68 there was evidence of increased activity on the part of Indochina's Corsican gangsters," he also stated. "United States agents observed Corsican heroin traffickers commuting between Saigon and Marseilles, where the Corsicans control the clandestine heroin laboratories."

Mr. McCoy then told the subcommittee that a former high-ranking C.I.A. agent in Saigon—subsequently identified as retired Lieut. Col. Lucien Conein, who played a major role in South Vietnam for more than 10 years—"told me in an interview that in 1969 there was a summit meeting of Corsican criminals from Marseilles, Vientiane, and Phompenh at Saigon's Continental hotel.

Intelligence sources acknowledged in subsequent interviews that the Government began studying the Southeast Asian narcotics trade less than two years ago, primarily in response to the rapid increase of G.I. addiction. In early 1971, the White House reportedly ordered the C.I.A. to coordinate intelligence efforts in the area.

[From the Washington Post, Aug. 2, 1972]

Heroin Seizure

New York.—Three Chinese pleaded innocent in federal court yesterday to charges arising from the seizure of nearly $1 million worth of heroin from mainland China.

Judge Marvin E. Frankel continued bail at $50,000 for Mrs. Tam Chun, 41; $5,000 for her husband, Henry Chan Chun, and $20,000 for yee-Tom Choy.

The case was assigned to Judge Constance Baker Motley, with no date set for trial. The three were arrested July 21 after a three-month investigation.

GOOD NEIGHBOR FOUNDATION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. ZABLOCKI. Mr. Speaker, in commemoration of National Friendship Day, August 7, I wish to call attention to the existence and accomplishments of the Good Neighbor Foundation. The foundation was founded by Mrs. Marguerite Timper Wilcox on August 7, 1920. Its members are senior citizens dedicated to service to handicapped veterans and civilians. Mrs. Wilcox, a resident of my congressional district, is handicapped herself and since the founding of the organization has been active in service to the community and an inspiration to other handicapped persons in the Milwaukee area and through her worldwide correspondence.

The poem written by Mrs. Wilcox on the occasion of the 48th anniversary of the founding of the Good Neighbor Foundation expresses best the spirit and the purpose of the organization and I am pleased to place it in the Record and commend it to the attention of our colleagues:

When?—How?—Why?

(By Marquerite Timper Wilcox)

We are to celebrate here
Our wonderful—48th year
Of The Good Neighbor Foundation
With members throughout the nation.
Founded—August 7, 1920
When Marquerite thought she was ready
Even though she was very ill
Through complete—Faith and Will
She prayed, prayed and prayed
When over 2 years in bed she laid
And only 69 pounds she weighed
In 24 hours the Dr's to her parents said
Marquerite Timper would be dead
Completely unconscious—she was they thought
But every single word she caught
Doctor told the Mother to
Prepare a bit of chicken stew
But that very night
Marquerite—ate not a—bite
But had her nurse—Ruth Ward
Send the first shut-in-card
To lovely Irving Berlins wife
Who also was fighting for her life
Later many phone calls she made
As more—strength she gained
Then to add to peoples fun
Various parties she did run
For the lonely, Handicapped, and Aged
Into Volunteer services she waded
All this time our member—Nelle
Helped—Marquerite—to get well
When Helen Puschnig—again came
She added her wisdom to the game
Of bringing various joy to all
For entertainment in-the-hall
Some other old members are here
And of course are very dear
But I love you—all, so don't you fear
You are marvelous to one another
Treating each as a dear Sister or Brother
With your—Christian attitude
Bringing out one anothers good.
Dr. Wilkinson, Nurse Ward and Druggist Meiner
They could not have been finer.
Many in this world no longer roam
For they have been called home
Some wonderful marriages we have had
And to that we can add
Many marvelous romances
Who still enjoy their companions dances
Al, Bess and Tillie and Gus
Delores, Charles, Ida and Camilus
Marie, Otto, Leta and Bill
Say life without one another
Would be nill
Oh, yes of elopments we know this
They too are enjoying married bliss
Thousands of letters Marquerite does write
At her desk—day and night
All these—and many more
Love to you—she does pour
Yes, and talents she scouts of all ages
All this for 48 years—without wages
And since 1920 many serious illnesses she has had
But it has not left her sad
For life to her means to make you glad
And hopes to show you visions of love
By belief in God and blessings from above.

Yes, I am glad that I am handicapped for thereby I found God, I found myself, and I found you.

And I hereby now rededicate myself again for another year.

Thank you—and may The Lord richly Bless You

CAN WE AFFORD TO BE SECOND BEST?

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. BIAGGI. Mr. Speaker, the debate continues to rage in this Congress and on the public platform, in an attempt to define and project America's defense priorities for the immediate future. Many observers have termed the coming Presidential election a crucial one, in terms of a decision by the American people between widely diverse views of this Nation's role in the spectrum of world events.

For the further general edification of my colleagues, I would like at this time to include in the Record the text of a recent statement on the subject by Mr. Geoffrey R. Simmonds, president of Simmonds Precision:

Can We Afford To Be Second Best?

(By Geoffrey R. Simmonds)

Since the end of the Korean War, the United States has followed a "balance of power" strategy in an effort to maintain world peace. The philosophy behind this strategy is that we can avoid a confrontation of world powers only if we maintain a constant military posture equal to, or stronger than our potential enemies. This strategy is expensive. It is supported by heavy expenditures in research and development and a strong financial commitment to advance military technology.

The War in Southeast Asia has had an effect on this balance of power that has gone largely unobserved by the American public. We have spent more than $150 billion of our national wealth in the day-to-day costs of maintaining the Vietnam War. As a result our financial resources have been strained and we have curtailed during this period, our research and development of new weapon systems and advanced military hardware.

In contrast, the Russians, since the Vietnam War have taken advantage of our slowdown to embark on an airport technological development program aimed at global military supremacy. We can no longer rely on the "sour grapes" rationalization that our technological quality is better than the Russians' quantity. The bare assumption of U.S. technical superiority is no longer valid. Let me give you an example from the aircraft industry. The U.S. Air Force is developing an advanced variable-geometry strategic bomber, the B–1, which is scheduled to fly three years from now. The Russian equivalent of the B–1 is the "Backfire" strategic bomber. Three of them are flying now . . . and there are more on the way.

Another example is the new Russian MIG–23 "Foxbat" twin-jet, all weather fighter. This is a Mach 3 aircraft that out-performs in speed and altitude anything we now have in service or on the drawing boards. The Grumman F–14 Navy variable wing fighter aircraft is scheduled to be operational with the fleet in 1973, and the McDonnell Douglas F–15 is scheduled for service with the Air Force in the mid-70s. Both are rated at Mach 2+. The Russians now have 50% more first line aircraft than the U.S. And more than half of our air fleet is over 10 years old.

The same problem exists on the high seas. The U.S. and Russia have roughly the same number of naval vessels in commission. Less than 10% of the Russian ships are more than 25 years old. In contrast, 75% of our fleet is that age.

It is clear that Russia is making a determined effort to be the No. 1 military power in the world in order to expand its international political and economic influence.

There can be little doubt that the ball is in our court. We are under enormous pressures at home to pour more of our national wealth into the resolution of social and environmental problems. Simultaneously, we must decide whether world peace and U.S. political and economic interests across the globe can be served by our becoming the second best military power in the world. Ultimately, the decision rests with the American people. The debate will probably be sidestepped in the 1972 elections, but it is likely to be a major issue in 1974 and 1976.

As we reconsider our technical-military role, we would do well to take a long, hard look at our industrial posture in today's changing world. At the end of World War II, the U.S. had the most modern and efficient industrial complex in the world. A large investment in plant and equipment permitted high wages, provided high productivity, and gave us the assurance that we could sell our products competitively anywhere in the world.

Now, times have changed. Both our friends and our former enemies—partly with American taxpayers' money—have completely rebuilt their war-torn industries. They control industrial plants that are, relatively speaking, more modern and productive than ours.

It is interesting to compare the productivity of $100 in 1970 wages in a few selected countries. A Japanese company gets more than 100 hours of work for each $100 of wages. Compared with that, a French, German or British company will get about 50 hours of work. For the same wages, an American company gets only 25 hours of work. It is obvious that we must be four times as efficient to compete with the Japanese. And we have seen the results: imported products at prices well below domestic levels.

In one of our main markets, aerospace, the European governments together have committed $4 billion in taxpayers' money to the development by private companies of commercial aircraft. In this way, four different commercial aircraft will be developed. The governments and the companies intend to capture the lion's share of a $30 billion market.

It is against the traditions of the U.S. free enterprise system to use public money for commercial development. European governments, on the other hand, have already come to grips with the fact that private industry simply cannot finance the sky-rocketing costs of advanced technology. They consider the "national interest" to include healthy technological development of industries such as aerospace computers, atomic energy and electronics, and they have decided to use public money for these purposes. Over the next few years, we in the U.S. will be faced with the same decision.

The 25-year honeymoon—when we were supreme in both the competitive military and industrial worlds—is over. The government must establish new national priorities, not only of a social nature but also of a scientific and technological nature. We must decide which industries can compete in world markets over the next 25 years, despite our high wage costs. These industries should be nurtured, encouraged, and supported when necessary.

We must modify our tax system so that over the next five to ten years our plant and equipment is once again the most modern and efficient in the world. Labor and management are both going to have to work harder. Interdependence, rather than independence, will have to be developed to a much greater degree. Featherbedding and make-work projects will have to go because our economic system can no longer support them.

We are about to live through one of the most challenging periods of our history. The question is whether or not we shall rise to the challenge and energy and purpose if we do, we shall retain and strengthen our world position, our self-respect and the respect of others, if we do not, we shall become a second rate power.

YOUNG ADULTS

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. SHOUP. Mr. Speaker, a number of my constituents have expressed their concern for the attitude in Congress toward young adults. I have assured them that I, along with a great number of my colleagues, believe that young adults must be represented as individuals and must share equally as citizens the privileges and responsibilities of our society. The future of our country lies in creating job opportunities for our youth, and that all youth should have the chance to better themselves through vo-tech or college training.

I feel the following list of bills is of the type we have and should continue to act on:

H.R. 6531. Provided incentives for building a volunteer Army thereby eliminating need for draft.

H.R. Res. 223. Amended U.S. Constitution to lower voting age to 18 years.

H.R. 12596. Coordinates all of the Federal agencies connected with the drug abuse problem into a Special Office for Prevention of Drug Abuse.

H. Res. 739. Expanded Federal Student Intern Program to interns for employment during the summer months.

H.R. 7352. Establishes an Institute for collecting information on and training officials for the treatment and control of juvenile offenders.

H.R. 11112. Provides individual income tax deductions for Vo-Tech and other higher education cost.

H.R. 14552. Allows single individuals same tax benefits as married persons.

SENATE—*Tuesday, August 8, 1972*

The Senate met at 9 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for every day Thou dost give us. Especially do we thank Thee for the occasional flashes of pure beauty, pure goodness, pure love which show us Thy nature and our possibilities—and throws into vivid contrast the littleness of man, the ugliness of the human scene, the cruelty, greed, oppression and hatred exposed by sin. Spare us from cozy acquiescence with things as they are, from turning away from man's failures when Thou hast promised grace and wisdom to those who call upon Thee.

We lift our hearts to Thee for strength to live by the moral and spiritual imperatives which lift and help and heal. Here at this place of daily prayer and hourly toil help us to empty ourselves of everything which excludes Thy spirit and help us to live the life of active collaboration with the divine in all that is human. Accept us as we say in the depths of our being "Here am I, Lord, use me."

For Thy name's sake. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3645) to further amend the United States Information and Educational Exchange Act of 1948.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15641) to authorize certain construction at military installations, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FISHER, Mr. NEDZI, Mr. LENNON, Mr. HAGAN, Mr. LONG of Louisiana, Mr. DANIEL of Virginia, Mr. MONTGOMERY, Mr. BRAY, Mr. PIRNIE, Mr. CLANCY, and Mr. POWELL were appointed managers on the part of the House at the conference.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, August 7, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Environment of the Committee on Commerce; the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary; the Committee on Government Operations; the Committee on Banking, Housing and Urban Affairs; the Committee on Armed Services; the Committee on Foreign Relations; the Committee on Public Works; the Committee on Finance; and the Committee on Interior and Insular Affairs be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of Roger C. Cramton, of Michigan, to be an Assistant Attorney General.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ENFORCEMENT OF CERTAIN SHIPPING STATUTES BY MARITIME COMMISSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 962, H.R. 755.

The ACTING PRESIDENT pro tempore. The bill will be stated by title:

The legislative clerk read as follows:

H.R. 755, to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 2, after line 14, insert:

(d) By amending the first paragraph of section 23 to read as follows:

"Orders of the Commission relating to any violation of this Act or to any violation of any rule or regulation issued pursuant to this Act shall be made only after full hearing, and upon a sworn complaint or in proceedings instituted of its own motion."

At the beginning of line 22, strike out "(d)" and insert "(e)"; on page 3, line 10, after the word "penalty", strike out "to be assessed by the Federal Maritime Commission"; after line 12, strike out:

(e) By adding the following as a new section 45:

"SEC. 45. Civil penalties provided for violations of sections 14 through 21 and 44 of this Act may be assessed by the Federal Maritime Commission."

After line 16, strike out:

(f) By renumbering present section 45 to section 46.

In line 22, after the word "penalty", strike out "to be assessed by the Federal Maritime Commission"; and, at the top of page 4, insert a new section, as follows:

SEC. 3. Any civil penalty provided herein may be compromised by the Federal Maritime Commission, or may be recovered by the United States in a civil action.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1014), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE AND BACKGROUND OF THE BILL

The purpose of the bill, H.R. 755, is to provide the Federal Maritime Commission with authority to enable it to more effectively discharge its regulatory responsibilities under the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933. This would be accomplished by (a) changing certain penalty provisions of the Shipping Act, 1916, from criminal to civil, (b) providing a civil penalty for violations of any order, rule, or regulation made or issued by the Commission in the exercise of its powers, duties, or functions, and (c) authorizing the Commission to compromise any civil penalty provided for violations of those sections of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, as to which it has jurisdiction.

Hearings on H.R. 755 were held by the Merchant Marine and Fisheries Committee of the House of Representatives on June 30, 1971. It was ordered favorably reported with amendments on September 14, 1971 and was passed by the House on September 20, 1971. The Merchant Marine Subcommittee of this committee received a number of statements raising objections to the bill. A revision of the measure was then submitted by the Federal Maritime Commission, which had originally proposed the legislation, and the hearings were postponed. Thereafter on January 7, 1972, the committee gave public notice that its Merchant Marine Subcommittee was considering the revised version of H.R. 755 and invited interested parties to submit written statements by February 7, 1972. The submissions made were given thorough consideration by the committee.

EXPLANATION OF THE LEGISLATION

The regulatory authority of the Federal Maritime Commission is derived primarily from the Shipping Act, 1916, the Merchant Marine Act, 1920, and the Intercoastal Shipping Act, 1933. Certain additional authorities and functions are provided for in other statutes: for example, the Merchant Marine Act, 1936; Public Law 89–777; and Public Law 91–224.

Penalties provided for violations of many of the provisions of the Shipping Act, 1916, are criminal. Where there appears to have been a violation of one of these provisions it is necessary to conduct an investigation of the incident, to thoroughly document the violation and then to refer it to the Department of Justice for prosecution. Adequate documentation is time-consuming and considerable time can elapse between the Commission of the offense and the actual referral to the Department of Justice. Additional time and effort is expended by the Department in its review and evaluation of the offense. A further lapse of time occurs after the filing of a complaint before the case is assigned for trial. By the time the penalty is imposed, the courts frequently are inclined to impose a much lighter sentence than if the case had been prosecuted promptly. In such instances no regulatory purpose is served, since the amount of the penalty is usually insufficent to deter the offender or others from further transgressions.

To change the penalties for violations of these provisions from criminal to civil should make the documentation of violations simpler, thereby expediting final consideration by the Commission, or the Department of Justice and the courts. Since proving a violation would be easier, the threat of imposition of the prescribed penalty should act as a more effective deterrent to further violations.

The Commission is authorized by section 43 of the Shipping Act, 1916, to make such rules and regulations as may be necessary to carry out the provisions of the act. It was brought out in hearings before the Subcommittee on Merchant Marine of the House Committee on Merchant Marine and Fisheries that the Shipping Act does not specify a penalty for a violation of an order, rule or regulation issued by the Commission. However section 806(d) of the Merchant Marine Act, 1936, provides:

"Whoever knowingly and willfully violates any order, rule, or regulation of the United States Maritime Commission made or issued in the exercise of the powers, duties, or functions transferred to it or vested in it by this act, as amended, for which no penalty is otherwise expressly provided, shall upon conviction thereof be subject to a fine of not more than $500. If such violation is a continuing one, each day of such violation shall constitute a separate offense."

The Commission is of the view that this section has application to a violation of an order, rule or regulation issued by it pursuant to the Shipping Act, 1916.

However, by specifically providing civil penalties for violation of Federal Maritime Commission orders, rules and regulations, there will be removed any uncertainty that such a violation may be subject to penalties and will eliminate the necessity of the Commission applying for a district court order to enforce its orders. It is noted that this amendment would bring the authority of the Commission in line with that of the Civil Aeronautics Board, which has authority pursuant to section 901 of the Federal Aviation Act, to impose civil penalties of not to exceed $1,000 for violation of any rule, regulation or order issued by the Board pursuant to title IV covering economic regulation of Air Carriers (49 U.S.C. 1471).

Thus, the bill would amend section 32 of the Shipping Act, 1916, to provide civil penalties for violations of "any order, rule, or regulation * * *." It is not intended however that section 32 should apply to procedural rules or regulations such as the Commission's rules of practice and procedure.

AMENDMENTS

H.R. 755 as passed by the House contained a provision which would have authorized the Federal Maritime Commission to assess civil penalties for violations of those sections of the Shipping Act, 1916, subject to the Commission's jurisdiction, and the Intercoastal Shipping Act, 1933. This also would have applied to violations of the Commission's orders, rules and regulations. Opposition was expressed to this committee to granting the Commission authority to assess a civil penalty in lieu of referring the violation to the Justice Department for prosecution. It has been contended that such a procedure would undermine the very concept of due process under law, as the very nature of the administrative agency process necessarily makes the agency peculiarly ill-suited for the imposition of punitive sanctions.

Section 3 of the bill, added by the committee, authorizes the Commission to *compromise* the amount of civil penalties rather than to *assess* the penalty. Under this procedure should the "violator" and the Federal Maritime Commission fail to arrive at an accepted compromise, the penalty could only be recovered in a *de novo* proceeding in a U.S. district court.

Concern has also been expressed that the bill might effect some changes in the evidentiary requirements with respect to future cases instituted in the U.S. district courts to recover civil penalties. Furthermore, it has been pointed out that H.R. 755 contains no provision requiring a hearing before issuance of a Commission order relating to violations of Commission rules or regulations similar to the present provision in section 23 of the Shipping Act, 1916, which requires a hearing before issuance of a Commission order relating to a statutory violation.

Concern was also expressed over the interpretation of the phrase "for each day such violation continues" appearing in the penalty provisions of section 18(b)(6) of the Shipping Act, 1916, and section 2 of the Intercoastal Shipping Act of 1933. It was suggested that language be added to the effect that no penalty could be imposed when the violation is cured by the carrier.

As to the concern of possible change in evidentiary requirements the Federal Maritime Commission expressly stated that the bill is not intended to effect any such change, and that the evidentiary requirements presently applicable with respect to civil actions brought by the Department of Justice for violations of the shipping statutes would continue to be applicable under H.R. 755. The committee believes this is clear from the language of H.R. 755.

As to the second point mentioned, in order to be consistent with the language already in section 23 of the Shipping Act, appropriate amendatory language is provided to section 23 to specifically require a hearing with respect to orders relating to violations of Commission rules or regulations.

The proposal to include language which would preclude a penalty from being imposed after corrective action has been taken by a carrier seems unnecessary. Numerous regulatory statutes provide penalties for each day of a continuing offense without such limiting language. The committee is unaware of such statutes having being improperly administered. It seems clear that penalties in such instances could not be assessed for any period of time after the violation was in fact cured.

COST OF LEGISLATION

Enactment of the bill will not result in any additional cost to the Government.

CONCLUSION

The Committee ordered the legislation favorably reported without objection. Its enactment should provide the Federal Maritime Commission with needed additional authority to more effectively discharge its statutory responsibilities, encourage compromised settlements for violations of the shipping statutes, and help to avoid needless litigation in our over-crowded Federal courts.

THE MAYOR OF NEW ORLEANS

Mr. MANSFIELD. Mr. President, the 12th Mexican-United States interparliamentary meeting was held in New Orleans, La., earlier this year, the reason being that it was the 100th anniversary of the death of the great patriot, Benito Juarez, who had spent considerable time in New Orleans while he was in exile during the time of revolutionary turmoil in Mexico just prior to the period of the American Civil War.

During the course of the interparliamentary meeting I had a chance to meet one of the outstanding mayors in the United States, if not the outstanding mayor, Moon Landrieu, mayor of the city of New Orleans.

I was very much impressed not only with Mr. Landrieu personally, but most especially because of the efforts he is making—and successfully—to rehabilitate and reconstruct the inner city of New Orleans which, like so many other large cities, is going the way of all flesh—decadent, dying, wearing itself out.

I think he is doing a remarkable job in New Orleans which might well be followed by many other larger cities throughout the Nation.

Mr. President, I ask unanimous consent to have printed in the Record an article published in U.S. News & World Report for August 14, 1972, entitled "The Real Crisis of the Cities," written by Moon Landrieu, mayor of New Orleans, which contains a statement on revenue sharing before the Senate Finance Committee in Washington, D.C., on July 25, 1972.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Real Crisis of the Cities

(By Moon Landrieu)

Well-meaning policies of the Federal Government have contributed to the situation now facing us:

1. The national farm policy disinherited millions of farm families, driving masses of them into already crowded cities.

2. The Federal Housing Administration's policies contributed to urban sprawl by subsidizing 10 times as many units of housing in the suburbs as in the inner city.

3. The national highway program further stimulated the suburban exodus, bisecting cities with concrete, subsidizing congestion and pollution, and ignoring the need for urban mass transit.

4. Inflation, the result of federal fiscal and monetary policies, has been the greatest cause of increased city expenditures. Between 1955 and 1970, prices paid for goods and services by State and local governmental units rose at an average rate of 4.2 per cent, compared with 2.7 per cent for the economy as a whole.

State governments have also been a major cause of our plight. Remember, cities are not sovereign entities as are the federal and State governments, but rather are creatures of their States.

States have permitted a deadly combination of restricted annexation and unrestricted incorporation, forced a chaotic and uncontrollable mushrooming of special districts, and imposed severe limitations on municipal taxation and borrowing powers. . . . The litany of increased taxation is a common story that the mayors before you will repeat—cities have been forced to tax everything that moves or stands still within their borders. If it should stop and move again, it would be taxed again.

In my city of New Orleans the story is all too typical.

Starting in 1966 we have had to increase the local sales tax twice; we have imposed a garbage-collection charge; we have increased taxes on gas, electricity, and water; we bit the bullet and raised sewerage charges 80 per cent two years ago, raised them 20 per cent in the past year, and now must raise them again in order to meet Environmental Protection Agency requirements for secondary treatment facilities; we have raised fines, fees and forfeitures across the board; we have increased public transit fares by 50 per cent.

This is what we've done at the local level. Two years ago the cities of Louisiana, desperate for new revenue, went to the State and supported the Governor's tax package to increase income taxes, cigarette taxes, liquor taxes, and the sales tax in order to fund a desperately needed revenue-sharing program for the municipalities of our State.

At the same time we in New Orleans asked the State legislature to give us authority to do more on our own. But in a Statewide referendum our bills were defeated which would have allowed us to increase occupational-license taxes and paving charges, and to increase our local property tax millage for our water board, our levee board, and city government. Finally, we've tried—and failed twice—to pass legislation which would allow the levying of a metropolitan earnings tax.

Gentlemen, you are looking at a man who thinks that all this should have gotten us somewhere. But just recently, the chief administrative officer [of New Orleans] prepared a report at my request which shows that in 1973 my city will be facing over a 7-million-dollar deficit, and that by 1977 the disparity between projected revenues and projected expenditures for presently existing services will be over 30 million.

These projections are made without considering any pay raises over this period of time for local city employes. This year my total operating budget is only 80 million dollars. But while revenues are going up at 2 per cent per year, expenditures are rising at 6 to 8 per cent. In Shreveport, Baton Rouge, Monroe, Lafayette and Jefferson, the story is the same—only the numbers change.

The fact of the matter is that the cities of my State, and every State, need help—desperately and soon. Revenue sharing will provide that assistance.

Some critics of revenue sharing claim that the Federal Government cannot afford it. Our answer to that is that if the Federal Government wants to trade us the progressive income tax for the property tax, we will close the deal right now. Most mayors would even be willing to throw their sales tax into the trade.

Seriously, this argument ignores the fact that the Federal Government has had three major tax reductions in the past decade. Meanwhile, State and local taxes are rising at a rate of 3 billion dollars a year, bonded municipal indebtedness has tripled since 1955, and combined State and local governments face a staggering gap between revenues and expenditures of 67 billion by 1975. . . .

We must make it clear that two kinds of poverty exist in the cities: One is the poverty of the people who live in them. The other is the poverty of city governments themselves.

Ninety per cent of the federal funds credited to the cities and States come not from the Department of Housing and Urban Development, but from the Department of Health, Education and Welfare, and are intended to alleviate the poverty of people through welfare benefits, food stamps, medical-care payments, and the like.

But these payments do not affect the critical need for basic municipal services such as trash and garbage collection, police and fire protection, repair and cleaning of streets, education, and the whole myriad of municipal services. Hopefully, in the long run, they may reduce the costs of some of these services. But certainly not in the five years covered by the State and Local Fiscal Assistance Act.

Even the HUD programs, by stimulating new services, requiring local matching payments and creating new capital facilities which bring on additional local operating costs, add to the local tax burden. . . .

Our nation's cities are facing a fundamental fiscal crisis which can only be resolved by fundamental change in our federal fiscal structure.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from New York (Mr. JAVITS) is now recognized for 15 minutes.

Mr. JAVITS. Mr. President, a parliamentary inquiry. I understand that after I have consumed 15 minutes, according to the schedule, the distinguished Senator from Maryland (Mr. MATHIAS) is to follow me. Is that correct?

The ACTING PRESIDENT pro tempore. The distinguished Senator from Illinois (Mr. PERCY), according to the schedule of the Chair, is to be recognized and then the Senator from Maryland.

Mr. JAVITS. I understand, although I was not here yesterday, that the Senator from Maryland and the Senator from Illinois and my own staff arranged that the orders should be changed, so I ask unanimous consent that the Senator from Maryland (Mr. MATHIAS) may go first, to be followed by me, and then to be followed by the Senator from Illinois.

The ACTING PRESIDENT pro tempore. Very well. Without objection, it is so ordered and the Senator from Maryland (Mr. MATHIAS) is now recognized for 15 minutes.

RULES CHANGES REGARDING THE PROCESS OF FEDERAL ELECTIONS

Mr. MATHIAS. Mr. President, I thank the distinguished Senator from New York for the rearrangements, but as the Senate will see, this is a joint effort. We are proceeding as a team to discuss this problem of serious national consequence. The purpose is to surface and discuss and, thus, evoke help and comment from our colleagues here as well as the people of the country.

The Congress of the United States has the responsibility, under article I, sections 4 and 5 of the Constitution ,of overseeing the process of Federal elections in this country. This Congress, I am happy to say, has taken historic steps to improve that process by enacting the Campaign Reform Act of 1971 and by providing for tax deductions and credits for valid political contributions. I think that all of us on this team would like to address ourselves this morning to two remaining areas of tremendous importance: The process by which we select candidates for President and Vice President and the process by which we govern our great national political parties.

In less than 2 weeks the Republican Convention will be called to order in Miami. I am honored to have been selected as a delegate to this convention and as one of the representatives of the Maryland delegation on the convention rules committee. I am honored to be associated with Mrs. Gloria Baumgaertner who will also be representing Maryland on that committee. The rules committee is charged with the responsibility of examining and recommending changes in the basic rules by which our party is governed and our national ticket is selected.

The Republican Party this year has a luxury which it can ill afford to lose. There can be no doubt in anyone's mind that the Republican delegates and alternates will march from Miami arm in arm in support of the reelection of President Nixon and Vice President Agnew. We are united in our dedication to victory in November, and every Republican knows it.

With that fact established beyond a reasonable doubt, we can turn at this convention from the burdens of nominations and dedicate ourselves to examining the process by which we govern our party and select the most powerful men in the world. All who realize that the fate of the world can be determined by that process must realize that the failure by this party to seize this unique opportunity would be a boundless tragedy.

And all who recognize the complexity of national parties in America must realize the great importance of wise party rules. A party responsive to the challenges of the dawning of America's third century must be responsive to all segments of the electorate and all parts of the country, and still be able to function, when needed, as a cohesive unit.

In the past few weeks, much attention has been focused on reforming the Democratic Party. What has been too often overlooked is the fact that in many of the new rules, such as the order abolishing the unit rule which compelled all delegates to vote with the majority of their State's delegation, the Democrats have merely adopted longstanding Republican rules. In other cases, such as the rule encouraging the participation of women, the Democrats have merely attempted to overcome past weaknesses. For example, in 1968 women constituted 17 percent of the delegates to the Republican Convention and only 13 percent of the delegates to the Democratic Convention. This year, happily, women will make up more than 30 percent of the delegates to each convention. But Republicans must not let their pride in their past virtues blind them to the need for positive action to broaden the party's base. As a minority party we must reward such support with a meaningful voice in party affairs. This year we have the time and energy to spell out the necessary reforms, and by acting at this convention, we can give State and local parties 4 years to conform their practices to the new party rules.

The Rules Committee at this convention is fortunate in that it will have the benefit of recommendations from a number of groups that have been studying this problem. Perhaps foremost among these groups is the Republican National Committee's DO—Delegates and Organization—Committee, headed by national committeewoman Rosemary Ginn of Missouri. By examining the recommendations of these various groups, we can foresee that the Rules Committee must address itself to three general areas of reform:

First. Allocating delegates among the States;

Second. Broadening our party's base of support; and

Third. Guaranteeing open party procedures.

Along with other Senators, I have been working on the formulation of a new set of rules covering each of these areas and incorporating the general thrust of the DO Committee recommendations:

First. Allocating delegates among States: The current formula for allocating delegates among the States has been declared unconstitutional in that its "bonus" system is too weighted in favor of small States and thus violates the one-man-one-vote principle of the equal protection clause. This formula is embodied in rule 30 of the convention rules and must be rewritten at this convention. Three formulas have been suggested which I believe merit serious study. Each would give all States their fair share of delegates and would also substantially increase the number of delegates to the convention, which will help to broaden participation in party affairs. The details of the first two formulas were worked out by members of the Ripon Society, and the details of the third formula have been developed primarily by the Senator from Illinois.

FORMULA 1

For each State, two delegates for each electoral vote, plus one delegate for each 25,000 votes, or a major fraction thereof, cast for the Republican nominee for President in 1972.

This plan—using 1968 figures—results in 2,357 delegates. Of the 2,357, 1,070 are the result of the electoral votes, 1,273 the result of presidential vote, and 14 assigned—to the District of Columbia, Puerto Rico, Virgin Islands, and Guam.

FORMULA 2

For each State, two at-large delegates, plus two delegates for each seat in the U.S. House of Representatives. In addition one delegate for each 25,000 votes or major fraction thereof, cast for the Republican nominee for President in 1972, or in an election taking place after the 1972 Republican National Convention, one delegate for each 25,000 votes or major fraction thereof cast for the Republican candidate for Governor or for U.S. Senator, or for all of the Republican candidates for the U.S. House of Representatives, whichever is greater.

This plan results—using 1968 figures—in 2,403 delegates, of which 100 are at-large, 870 are the result of House seats, 1,619 the result of votes cast for the strongest Republican candidate, and 14 are assigned—District of Columbia, Puerto Rico, Virgin Islands, and Guam.

FORMULA 3

For each State, two delegates-at-large for each Senator, two delegates for each congressional district, and one additional delegate for every 35,000 votes cast in 1972 for the Republican presidential nominee, the Republican candidate for Governor or Senator, or the Republican candidates for the House of Representatives, whichever total is greatest. In addition, such delegates as necessary so that no State shall have fewer delegates in 1976 than it had in 1972. This formula results in approximately 2,100 delegates:

RESULTS OF PROPOSED DELEGATE SELECTION FORMULAS COMPARED WITH PRESENT RULE 30

State	Rule 30	1	2	3
Alabama	17	24	26	25
Alaska	12	8	6	(7) 12
Arizona	18	23	21	20
Arkansas	18	20	23	21
California	96	229	240	189
Colorado	20	30	30	27
Connecticut	22	38	37	32
Delaware	12	10	9	(9) 12
Florida	40	69	77	66
Georgia	24	39	39	36
Hawaii	14	12	11	(12) 14
Idaho	14	15	13	(13) 14
Illinois	58	139	145	120
Indiana	32	69	68	57
Iowa	22	41	39	34
Kansas	20	33	32	29
Kentucky	24	36	34	32
Louisiana	20	30	28	27
Maine	8	15	13	13
Maryland	26	41	40	35
Massachusetts	34	59	68	58
Michigan	48	97	100	85
Minnesota	26	46	50	43
Mississippi	13	18	16	17
Missouri	30	56	56	48
Montana	14	14	12	(12) 14
Nebraska	16	23	21	19
Nevada	12	9	7	(8) 12
New Hampshire	14	14	14	(13) 14
New Jersey	40	87	87	73
New Mexico	14	15	13	(13) 14
New York	88	202	211	162
North Carolina	32	51	53	47
North Dakota	12	12	10	(10) 12
Ohio	56	122	136	113
Oklahoma	22	34	33	29
Oregon	18	28	27	24
Pennsylvania	60	138	148	123
Rhode Island	8	13	14	13
South Carolina	22	26	24	23
South Dakota	14	14	12	(13) 14
Tennessee	26	39	41	34
Texas	52	101	100	88
Utah	14	18	17	16
Vermont	12	9	10	(10) 12
Virginia	30	48	46	41
Washington	24	42	44	38
West Virginia	18	24	25	23
Wisconsin	28	54	56	48
Wyoming	12	9	7	(8) 12
District of Columbia	9	7	7	(7) 9
Puerto Rico	5	5	5	5
Virgin Islands	3	1	1	1
Guam	3	1	1	1
Total	1,346	2,357	2,403	2,100

Second. Broadening our party's base: The 1968 convention, by adopting rule 32, required each State to take "positive action" to prevent any discrimination on the basis of race, religion, color, or national origin. The 1972 convention must decide, first, if rule 32 should also require positive action to prevent discrimination based on sex and age and to broaden our party's base of support; second, if one test of a State's "positive action" should be whether it has made a good-faith effort to send a "balanced" delegation to the 1976 convention; and third, what sanctions to apply to those States that do not comply with this rule 32 and what rewards to give to States that do comply. The new set of rules which we are suggesting today requires State parties to take positive action to broaden our party's base and to prevent discrimination based on sex or age as well as race, religion, color, or national origin. We believe that this is proper and just and also, that as the minority party, we must make an extra effort to attract new members. We put particular emphasis on a State's efforts to send a balanced delegation to the 1976 convention, as being the best, though not conclusive, evidence of a State's good faith efforts in this area. We would not, however, establish any fixed quotas for women delegates or any other delegates from any State. We would not spell out at this time any particular sanctions or rewards designed to assure compliance with these rules. Enforcement of party rules has always been the prerogative of the Credentials Committee and the convention as a whole, and we see no reason to change this longstanding tradition. We believe it would be helpful, however, if this year's convention would establish under rule 29 a reform council which would have the responsibility of assisting all States in complying with these rules, suggesting actions helpful to States in sending a balanced delegation to the 1976 convention, and recommending to the 1976 convention what standards it should use in judging compliance and what sanctions or rewards it should enploy to insure compliance. The current rule 32 and our proposed language for rule 32 and rule 29 are as follows:

CURRENT RULE 32

Participation in a Republican primary caucus, any meeting or convention held for the purpose of selecting delegates to a county, district, State or national convention shall in no way be abridged for reasons of race, religion, color, or national origin. The Republican State Committee or governing committee of each State shall take positive action to achieve the broadest possible participation in party affairs.

PROPOSED RULE 32

Participation in a Republican primary caucus, or any meeting or convention held for the purpose of selecting delegates to a county, district, State, or national convention shall in no way be abridged for reasons of race, religion, color, national origin, sex, or age, provided that the latter requirement shall apply to persons 18 years of age and over. The Republican State Committee or governing committee of each State shall take positive action to achieve throughout the State party the broadest possible participation in party affairs, and particularly shall make good faith efforts to achieve representation on its national convention delegation of women, racial and ethnic minority groups, and people under the age of 25 and over the age of 60 in reasonable proportion to these groups' representation in the total voter registration in the State, and to their participation in the Republican Party in the State, at the last presidential election. Nothing herein shall be construed to require a quota.

PROPOSED ADDITION TO RULE 29

The chairman of the Republican National Committee, with the concurrence of a majority of the national committee, shall appoint a council on State and national party procedures to assist the States in meeting the requirements established in the new rules adopted at this convention. The council shall consist of representatives of every segment of the Republican Party, including elected officials, State, and national party officers, women, businessmen, labor representatives, young Republicans, racial and ethnic minority groups, and rank-and-file voters. The council may conduct such public hearings as it deems necessary and shall provide legal, financial, and organizational assistance to State parties in complying with party rules. The council shall make a preliminary public report to the national committee not later than January 1, 1975, and the report shall include recommended actions for those delegations that have not complied or made reasonable good-faith efforts to comply with the rules. The council shall make a further public report to the national committee not later than 6 months before the national convention and the report shall include recommended awards to the delegations that do, and sanctions for those delegations that do not comply, or make reasonable good-faith efforts to comply, with the rules. The national committee shall transmit the report with its recommendations to the credentials committee and national convention for adoption or amendment. In no way shall the council's authority be construed to abridge the prerogatives and jurisdiction of the credentials committee, and it shall have no authority with regard to the credentials certification process as provided in the rules and in the preliminary call to the 1976 convention.

Third. Guaranteeing open party procedures: This involves questions such as whether delegate selection meetings should be open to the press and public; whether alternative delegates should be selected in the same manner as delegates; whether the number of at-large, ex-officio, or appointed delegates should be limited; whether the use of proxies should be banned in selecting delegates at district or state conventions; whether conditions should be placed on the selection of delegates to convention committees. Our proposed set of rules answers each of these questions affirmatively. Our proposals on these points are as follows:

First. Amend rule 14(a) to read as follows:

The delegates from each state elected to the National Convention, immediately after they are elected, shall select from the delegation their members of the resolutions, credentials, rules and order of business and permanent organization committees of the National Convention. The members so chosen shall reasonably reflect the composition of the delegation as a whole, consistent with the requirements of rule 32 (as amended). No delegate may serve on more than one (1) Committee of the National Convention. Alternates may not serve as members of Convention Committees.

Second. Add the following sentence to rule 31(a):

To the extent possible under State law, delegates in primary states shall be selected to represent a candidate to whom they are publicly pledged.

Third. Amend the first sentence of rule 31(e) to read as follows:

No more than 25% of the delegates from any State may be chosen on an at large basis; the remaining delegates must be selected at a level no higher than the Congressional District. No more than 10% of a State's delegation to the Republican National Convention may be appointed by Party Committees.

Fourth. Add as a new sentence to rule 31(e):

> There shall be no automatic delegates at any level of the delegate selection procedure who serve by virtue of Party position or elected office.

Fifth. In rule 31(f), change the semicolon after the word "chosen" to a period and strike everything thereafter. Add a comma and the words "under the same rules" after the word "manner." The new rule 31(f) shall then read as follows:

> Alternate Delegates shall be elected to said National Convention for each unit of representation equal in number to the number of Delegates elected therein and shall be chosen in the same manner, under the same rules, and at the same time the Delegates are chosen.

Sixth. Add as a new sentence to rule 31(f), the following:

> There shall be no proxies at a convention held for the purpose of selecting delegates to the Republican National Convention. If alternate delegates to a convention are selected, the alternate delegate shall vote in the absence of the delegate, and no delegate shall cast more than a single vote and his alternate shall cast no more than a single vote in the absence of the delegate.

Seven. Add a new sentence to rule 31(j):

> No delegates or alternate delegates shall be required to pay an assessment as a condition of serving as a delegate or alternate delegate to the Republican National Convention.

Eight. Add as a new rule 31(o):

> To increase participation by all Republicans in the delegate selection process, the Republican State Committee or Governing Committee of those States using the convention method shall adopt a system whereby district conventions are held on a different day in a different community than where the State convention is held.

Nine. Add as a new rule 31(p):

> Public Meetings: All precinct, ward, township, county, Congressional district, state, or other meetings held in any state for the purpose of nominating or electing delegates to district or state conventions, shall be public meetings. Participation in such meetings shall be open to all members of the party and all members of the party shall be urged to participate through written notices and other appropriate means. Instructive materials on delegate selection procedures shall be prepared by the Republican National Committee, in cooperation with the states, and be made fully available to all.

Mr. President, the proposals which we have put forward here are not meant to be carved in granite. They are merely offered as suggestions for the consideration of my colleagues in this Chamber and my fellow convention delegates. I am hopeful that others will agree that these suggestions point in the direction our party should travel, and that our discussion this morning will stimulate the hard thought needed in order that the Republican Party can make the most of the unique opportunity that is afforded by our unity at this convention.

EFFECT ON MARYLAND

I know that our proposals would require many States to change their current practices. My own State of Maryland is among these, but these rules would mean we would have to elect a greater proportion of our delegates in our State's primary; they would require that alternate be elected as well as the delegates rather than being appointed by the delegates as is now the case; they would require that our State party reach out to broaden its base and send a balanced delegation to the 1976 convention; they would require more of our party meetings to be open to the press and the general public.

These are important changes, and I believe Republicans in Maryland will support these changes because they recognize the critical need in our State and our Nation for a larger, more active Republican Party that can assume majority control of the Congress and statehouses around the country.

Mr. President, I yield now to the distinguished Senator from New York, and I ask unanimous consent that we may reserve the remainder of time that has been allotted.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The senior Senator from New York is recognized and is also recognized for 15 minutes of his own time.

Mr. JAVITS. Mr. President, I am very pleased to join with the Senator from Maryland (Mr. Mathias), the Senator from Illinois (Mr. Percy), and the Senator from Oregon (Mr. Packwood) who are compared to me, relatively newer and younger Senators in the party, in an effort in which I have been interested for many years. That is the effort to broaden my party into a more modern and responsive institution reflecting change and diversity. It is gratifying to me to join with three brilliant young Senators in presenting my views on this important subject.

My three colleagues and I, generally speaking, agree among ourselves upon many of the questions involved in the proposed rules changes to be considered at the Republican Convention. We have a body of opinion in the House of Representatives which similarly concurs about many of them. There are certain areas in which Senators Mathias, Percy, and I have some additional suggestions, but the general thrust of the effort is that some revision of the process by which delegates are chosen and party policy will be made at the national conventions, should be adopted.

Mr. President, I do not consider this as solely a party question, but also a national question, and hence, we felt it was our duty to discuss it on the floor of the Senate, for the question which troubles many Americans today is whether our traditional political party system can be modernized to meet the challenges of the democratic processes in the 1970's.

Are our political parties capable of accommodating and shaping the "new politics" and converting the potential of broader citizen participation into directed political energy?

Can we facilitate choice and invite diversity, opening our doors to new ideas and new people?

Can we respond to the challenge manifested most disturbingly of all in the reports by public opinion polls that a rapidly growing proportion of the American people say they have no trust in any political party and are members of none?

I raise these questions on the Senate floor because they relate to a national and not solely a party issue.

Both national parties have undertaken efforts to reform their procedures with a view toward improving their capability to meet today's sharply increased demands for fuller participation in party processes. Both have recognized the need to revitalize themselves as meaningful, national institutions.

The Republican Party has already adopted important convention rules reforms. We have eliminated the unit rule and provisions relating to the automatic designation of delegates. The 1968 convention in rule 32 required each State to take positive action to prevent any discrimination on the basis of race, religion, color, or national origin in connection with delegate selection procedures. This represented the firm commitment of our party to strengthen the national convention, and in the process to strengthen American democracy.

Reforms aimed at broadening the participation in the Republican Party of women, minorities, and young people were placed before the party's national committee at a meeting in Denver on July 23, 1971. These reforms were the recommendations of the Delegates and Organizations Committee—the "DO" committee—chaired by Mrs. Rosemary Ginn, the national committeewoman in Missouri.

Generally speaking, I support its recommendations. I may have some additional proposals and my colleagues may, but generally speaking the total thrust of all of our points of view is that the recommendations of this committee are sound.

The principal recommendations of the committee attempt to assure equal representation to men and women on State delegations, representation for young voters in numerical equity to their voting strength within each State, and guaranteed positions on permanent committees to women, youth, and minorities. The committee has done an excellent job. I strongly support its fine work.

I want to emphasize from the start that we are sensitive to the necessity to protect democratic processes in the delegate selection process. There are no quotas imposed; we impose no sanctions respecting quotas, and there is nothing in the changes we propose that creates quotas. I hope our declaration makes that clear.

I always have been very proud of my party in that it has made an excellent effort to open the party to the fullest participation of all. In my State of New York, the Governor, myself, and my fellow Senator, and other high State officials who will be honorary delegates at large at our upcoming convention voluntarily relinquished their opportunities to serve as voting delegates so that we might have more youth minorities and women represented among our State's delegates at large. Indeed, to show our own good faith, my colleague (Mr. BUCKLEY) and I withdrew from an unopposed election as delegates to give others a chance to serve. I have been to every national convention since 1948, but I believe it was appropriate that we should do that. I make that point to demonstrate that when I call for good faith efforts to bring about reform we have actually already been advancing this goal.

The work of the "DO" committee must now be carried on. We must find a way to insure that those for whom representation has not been adequate in our party affairs should have a full opportunity to participate in the delegate selection process.

I strongly oppose mandating reform of procedures for the selection of delegates to the Republican National Convention by imposing upon State parties quotas of delegates by age, race, sex, color, and ethnic origin.

Notwithstanding the fact that the Republican Party has made an excellent beginning toward opening the party to the fullest possible participation of all in the party, we have a great deal more to do considering the profile of voters today. We should bring more women, young people, minority and ethnic groups into our local Republican caucuses, our State party meetings, and into the national convention itself. The question is how to accomplish this critically important objective.

We now must act also to require positive action by State parties to prevent discrimination based on sex and age. We must also consider how we can assess the degree to which each State party has taken positive action to prevent the discrimination prohibited by rule 32.

The one particular point that I shall press upon the rules committee, in addition to joining with my colleagues upon all the others, is to recommend the establishment of a Republican national council of party members to assist the States in bringing about fair representation within our party processes of all Republicans who seek to participate in the Republican Convention. Such a council would be appointed by the chairman of the national committee. It would include Republicans of all segments of the party, including elected officials, State and national party officers, businessmen, labor representatives, young Republicans, racial and ethnic minorities, and rank-and-file voters. It could conduct such public hearings as deemed necessary and provide legal and financial assistance to State parties in their efforts to comply with party rules. It could hear claims and objections dealing with alleged violations of our party rules.

The council would make a preliminary public report to the national committee not later than January 1, 1975, on the progress of its work generally. The report would also include recommended actions for those State parties that have not made reasonable good faith efforts to begin the process of compliance with the rules, including possible incentives to encourage reform.

The Senator from Maryland (Mr. MATHIAS) has already spoken about increasing the number of delegates in order to give recognition to the good faith effort to reform the rules. The Senator from Illinois (Mr. PERCY) will go into that even further as he himself will make very definitive proposals on that score.

The council I have mentioned will make a second public report prior to the 1976 convention. The national committee will be required to transmit the report of the council with its recommendations to the credentials committee and the national convention for adoption or amendment.

Again, I repeat, I oppose the power of summary sanction for noncompliance with the party rules, and under this proposal the council would not have it. The ultimate authority would continue to rest with the convention itself.

I believe that Republicans will respond to any rule changes, and that meaningful implementation would be achieved through the mechanism of our proposed supervisory council which will take into consideration the points of view of every segment of the party.

In carrying out its mandate, the council, as I said, appointed by the national chairman, will be required to make certain that its actions and involvement would not abridge the prerogatives and jurisdiction of the credentials committee of the convention and be wholly consistent with the credentials certification process as provided in the rules and in the preliminary call to the 1976 convention.

In a nation which honors and demands the participation of its citizens in our governmental processes our political organization at every level and in every State must be aware of the danger of becoming quiet enclaves.

For I am concerned that in such a condition we could lose a whole generation of young voters and political activists. These young people—including the moderate majority—do not seek to avoid controversy. They thrive on it. And any local, State, or national party that joins the debate can thrive with them.

Reform will not be easy. Major support in Congress and the country will be necessary to enable the party to renew its appeal and continue its commitment on this issue. We have found serious flaws in the delegate selection process as more people have sought to participate within that system. We must continue to stress our willingness to open our party to those who seek a voice and leadership within its councils.

I wish to note that my interest in this regard is not only as a Senator, but is deeply personal. I am the son of immigrants and the product of the slums of the Lower East Side of Manhattan. My escape from poverty and my career in politics have been in large measure a vindication of the principles which we are debating today.

I believe that we have moved to broaden and open the Republican Party in recent years. To attract a majority of the Nation's voters. We must continue to encourage all of our citizens to join with us, and I deeply believe that the matter of reforming our rules will make a very important contribution toward that end.

Mr. President, I ask unanimous consent to reserve the remainder of the 15 minutes that may remain to me.

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes remaining.

Under the previous order, the Senator from Illinois (Mr. PERCY) is recognized for not to exceed 15 minutes.

Mr. PERCY. Mr. President, I am very pleased indeed to be able to join with my colleagues in this discussion. The four of us represent a cross section of our country—the distinguished Senator from Maryland (Mr. MATHIAS) from a border State, the distinguished Senator from New York (Mr. JAVITS) from a great industrial and agricultural State on the east coast, the distinguished Senator from Oregon (Mr. PACKWOOD) from the great Northwest, and I representing the Middle West. I think we also share with all of our colleagues on this side of the aisle, and I think all our colleagues in the Senate, a deep belief in a strong two-party system, a belief that we should all look to the future, not to the past, a belief that the new politics applies to both parties, because the new politics reflects a mood in America today that we are simply trying to analyze and appraise in order to reflect and keep abreast of.

I think we all are trying to reflect a movement, a current of new thought, a yearning and desire in this country to bring about, within the processes of the two-party system, the evolutionary—yes, even the revolutionary—changes that are going to be necessary in order that this country adapt itself to the conditions we face.

So this is the spirit in which we undertake these present activities. I would say that no words express this spirit better than those of President Eisenhower, when he said:

> The future will belong not to the fainthearted but to those who believe in it and prepare for it.

We have consulted with many of our colleagues in both the Senate and the House. One of our colleagues in particular, the Senator from Oregon (Mr. PACKWOOD), has spent some 20 hours sitting in meetings of the House ad hoc committee on rules reform. He has indicated the deep desire of this group, brought together under the leadership of the Senator from Maryland (Mr. MATHIAS), supported by our senior colleague, the Senator from New York (Mr. JAVITS), to work together with a spectrum of people representing a broad spectrum of ideology for the progress and the future of the party.

I wish to commend particularly the concept of a reform council, which has been discussed by the distinguished Senator from New York. I concur with him that a reform council of this type is necessary to see us through logically and in the best possible way to the 1976 convention.

I know that there have been some concerns expressed, not necessarily by our colleagues or by Republicans, but by the press, that, somehow, this is an effort to engage in a process where we can dump a certain candidate or certain types of candidates in the future. I can only think back 13 or 14 years, when similar comments were made, not by our own party, but by members of the press, when a number of us, including myself, thought a committee should be formed, which was subsequently named the Republican Committee on Program and Progress. A similar suggestion was made that the chairman of the Republican National Committee appoint such a committee, and that it ought to look at the future of the organization, look at the future of the party, and see where the country ought to go and see what the party's obligation was to respond to the need for change, and move ahead of the country, as leadership must always do. Some said this was an attempt to repudiate, to turn away from 7 years of Republican progress under President Eisenhower, or that this was an attempt to somehow turn the convention away from his logical successor, Vice President Nixon, and this was an attempt, somehow, to see that Governor Rockefeller was put in the White House. All those comments proved fallacious.

At that time the chairman of the Republican National Committee appointed a committee that was broadly representative of the party. I know that the kind of reform council we are proposing can be appointed to represent a cross-section of thought. That reform committee can consider where the party is going, and can bring into the workings of the party young minds who are future leaders, and give them a chance to cut their eyeteeth on a truly fundamental proposal for reform and change in the party.

I dug out the pocketbook which Doubleday entitled "Decisions for a Better America," which was the 40,000-word report of the Republican Committee on Program and Progress. A publisher thought well enough of it to bring it out in a pocketbook edition, and I would like to read what President Nixon said about the report after it was published. He said:

> This Report is the most useful and constructive statement of goals and principles ever issued by a political party in the United States.

President Eisenhower said:

> Every earnest Republican especially, and every other dedicated citizen, regardless of present party affiliations, can benefit greatly by a careful reading of these papers. I hope every one will do so.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. JAVITS. The Senator, with proper humility, has omitted to mention that he was chairman of that committee. I would also like to mention that at that time I was extremely active in that campaign and in the designation of the now President Nixon, and that had the President run on that platform, we would have won that election.

Mr. PERCY. I would, regretfully, have to concur. But I look at that defeat in a more positive way. I think the best thing that ever happened to President Nixon was not to win that election, given the two-term Presidency requirement of the Constitution. His defeat then has permitted him to serve now. I think the intervening period of trials and adversity that he underwent probably equipped him better than any other man in American history—at least in our time—for the job he now holds.

But I will admit that many of the things that were true at the time of this document hold true today. The committee included a number of distinguished Americans, including Charles E. Ducommun, president of an industrial company, who has been closely associated for 14 years with the California Republican Party, as general chairman of the Task Force on the Impact of Science and Technology; Elmer Hess, former president of the American Medical Association; Sigurd S. Larmon, president of Young and Rubicam; Claude Robinson, chairman of Opinion Research Corp., Gabriel Hauge, eminent in financial circles, who served as chairman of our Finance Committee; Chapman Rose, who was vice chairman of the Task Force on Economic Opportunity and Progress.

Representative Charles Halleck served, as did John H. Stender, the vice president of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers, and Helpers of the AFL–CIO.

We were seeking then, as President Nixon is today, to bring labor into the Republican Party. It is a shame that for so many years they have considered themselves part and parcel of the Democratic Party, because they realize today that they have been taken too much for granted by the opposite side.

The committee also included John Volpe, who was then president of an industrial corporation; Albert C. Jacobs, president of Trinity College; Lev Dobriansky, professor of economics at Georgetown University; Senator Everett Dirksen; BOB TAFT, Jr., who was a lawyer in Ohio at the time; and WENDELL WYATT, of Oregon, who was then an attorney.

I mention these names because they became future leaders in the Republican Party. We have the same opportunity to bring our future leader into a reform council.

It is a fact that the reason I feel that the reform council need not be looked on with concern or fear, but with enthusiasm, by everyone in the party, is because they can have a part in structuring it. The deck is not to be stacked. The council is to be appointed by the chairman of the Republican National Committee; that is how much faith we have that a broad spectrum of viewpoints can be brought in, and how much it is needed.

I should like to turn now to the subject on which the Senator from New York indicated I would speak, so that we will in some degree have orderly progression.

I should like to start with what Judge Jones of the U.S. District Court for the District of Columbia said in a suit filed against the Republican National Committee. Judge Jones made this statement:

> Plaintiffs' motion for summary judgment and its request for declaratory and injunctive relief is granted to the extent that this Court declares:
>
> (1) That the allocation of a uniform number of bonus delegates to states qualifying for them, in the context of a formula which allocates the remaining delegates on the basis of electoral college votes, does not meet constitutionally permissible standards in that it violates the Equal Protection Clause of the Fourteenth Amendment;
>
> (2) That a bonus system which would reward states producing Republican victories in certain specified elections, by allocating a number of delegates reasonably proportionate to the state's electoral college votes or the number of Republican votes which produced the victory, or some combination of these factors, would have a constitutionally rational basis.

I should like to read further from the court's decision, where the court discusses the defects of our present bonus system. The court said:

> Although defendants contend that the present bonus system legitimately rewards those states which consistently produce Republican victories and thus provides an incentive to produce more victories, it does so unnecessarily at the expense of the larger states. The present bonus system rewards states which have in the past consistently produced Republican victories by giving them greater influence in nominating candidates and determining party policy at the national convention. The present bonus system, however, does not provide a corresponding incentive to the larger states to produce consistent Republican victories, despite the proportionately greater number of electoral college votes and elective offices that such victories would bring within the Republican camp.

So the court's dictum on the correct kind of formula is very clear indeed:

> A bonus system which would reward states producing Republican victories by allocating a number of delegates reasonably proportionate to the state's electoral college vote or the number of Republican votes which produced the victory, or some combination of these factors, would have greater rationality both in terms of the decisions of the Courts discussed above and the very policies which defendants wish to promote by awarding bonus delegates.

In other words, delegations can be representative both of Republican voting strength, and the total population of the State. This is borne out by the decision of the U.S. Court of Appeals of the District of Columbia, in a case involving the National Democratic Party. In that decision the court said:

> Party strength as measured by voter turnout in preceding elections has been rejected as the exclusive basis for apportionment of delegates to national political conventions. . . . At the same time the Court held that the formula for apportionment of delegates adopted by the Democratic party, which allotted 46% of the delegates to the 1972 convention on the basis of prior party strength and approximately 54% to the states under the electoral college standard of distribution, would not deprive any person of equal protection of the laws.

It is for this reason that the recommendations the distinguished Senator from Maryland has put into the RECORD, in which a group of Republican colleagues have gotten together and indicated that we feel that a proper allocation formulation should take into account the total number of voters of the State as well as the Republican vote cast by that particular State in a previous election, relates directly to court decisions that have affected our opposite party. Certainly those are principles that must and should apply to the Republican Party as well.

So what we are trying to say is simply that we are trying to bring the Republican Party into tune with the mood of the "new politics," into the mood of this half of the 20th century and there is no need for kicking and screaming. I have found that there is a great deal of positive response to this effort.

Everyone that I have talked to feels that our party must respond to this situation. And, regardless of what anyone may presume, I can say right here on the Senate floor, in front of my colleagues, that at no time, in all of the deliberations and discussions that we have participated in, on the Senate side or the House side, have we ever discussed its effect on any particular personality. This is not a "dump" anyone movement; its aim is to move progressively the party progressively, in accordance with court orders.

I have called upon the Republican National Committee to drop its appeal of the, U.S. district court's decision, not to give the appearance of trying to struggle against what is eminently right and sensible, and to stay away from any possibility that we be ordered by a court to change our formula for delegate allocation rather than undertaking the task ourselves. Certainly, some of our State legislatures have not responded, and the courts have had to order redistricting. Let us not be caught in this position. I hope we will drop this appeal and work with all due speed to move ahead, so that a proper formulation can be adopted at this convention to apply to the 1976 convention.

Certainly one of the central issues facing our Nation is how to enable more people to participate in the political process. Our great strength and stability as a nation derive from the long tradition of our major parties in seeking to accommodate varying viewpoints. In the quarter century I have devoted to Republican Party affairs, I have tried to make it more broadly representative of all our people. In this, I believe we have been improving. We are doing a better job now, but we need to do more.

As the 1972 Republican National Convention approaches, I have been reviewing some of the problems that the Committee on Rules, of which I am a member, will address. I have had discussions with the Illinois delegation, on which I serve as vice chairman, and with party officials. The central question before the committee, and the convention, is whether our party will adopt a more equitable process for selecting delegates.

A key element of that selection process is the formula by which States are allocated delegates. This is a problem which, if not resolved, will seriously weaken any other reforms we undertake.

The complicated allocation formula now in use was first adopted in 1948. Among its provisions is a bonus system which awards six extra delegates to all States, regardless of size, if one of four criteria that relate to Republican voting strength is met. For example, a State that casts its electoral votes for President Nixon in 1968 will have six extra delegates in Miami Beach.

However, this bonus system has led to very serious disparities among the States. A delegate from New York at this convention will represent 206,713 people, based on the 1970 census, while a delegate from Alaska will represent only 25,181.

The eight largest States, with nearly half our total population, will have only 37 percent of the delegates. The bonus rule means that delegations from Alaska, Delaware, Nevada, North Dakota, Vermont, and Wyoming will be increased by 100 percent in Miami, while the New York and California delegations are increased by less than 10 percent.

It is clear that this present formulation will leave voters in larger States seriously under-represented at the Republican Convention.

The Ripon Society recently filed a suit in the District of Columbia against the Republican National Committee in an effort to revise this formula. The District court decided in favor of the society, finding the bonus rule unconstitutional under the 14th amendment.

The national committee has appealed this decision. This appeal, unfortunately, makes it seem as if Republicans are not interested in reform when, in fact, serious, widespread and broad-based efforts at reform are underway. Most Republicans generally agree that the time has come to modernize our party's 24-year-old delegate allocation system. The national committee should drop its appeal and accept the lower court ruling, and I believe a very substantial portion of the Republican Party agrees with me on this.

However, a principal problem in devising any new formula for 1976 is to account equitably both for a State's population size and its Republican voting strength. To this end, I have worked out a formula which I believe meets those requirements, and which I will submit to the rules committee when it meets in Miami Beach.

Under my proposal, each State would be allocated four delegates-at-large to correspond with its two U.S. Senators. My proposal would also allot two delegates for each seat in the House of Representatives, which would provide fair representation on a population basis.

To assure that a State's Republican voters are given proper weight in the equation, each State would receive an additional delegate for every 35,000 votes cast in 1972 for the Republican presidential nominee, the Republican candidate for Governor or U.S. Senator, or for all Republican House candidates, whichever total is greater. Each delegation would, of course, continue to have an equal number of alternates.

I realize that, under this proposal, the 12 smallest States and the District of Columbia would have fewer delegates in 1976 than this year. But, I propose that these States not have their delegate strength reduced. Each State would be permitted to send at least as many delegates to the 1976 convention as to the 1972 convention.

Thus, under my formula, the number of delegates to the 1976 Republican National Convention would total 2,130, compared to the 1,346 who will be coming to Miami Beach. This increased size, while remaining manageable, would still offer far greater opportunities for grassroots participation in the Republican nominating process, than under the present system.

I am also in full accord with the recommendations of the Republican National Committee's Committee on Delegates and Organizations—the DO committee, headed by Mrs. Rosemary Ginn—to stop levying assessments on delegates. But I would go further. I believe that no individual should be denied an opportunity to be a delegate because he or she cannot afford to pay the costs of transportation, food, lodging, and other items.

The way matters stand today, the cost of being a delegate is such that most Americans are financially locked out of one of our Nation's most important political activities, the nomination of a presidential and vice-presidential candidate.

Ultimately, I think the party should assume at least some of those costs. For example, the Republican National Committee could reimburse seated delegations for transportation costs based upon an agreed upon formula. One possibility might be a rate equal to the lowest common carrier fare. That would mean; for example, that if the least expensive transportation for the California delegation would be chartering two planes, then the national committee would reimburse them for the cost of two charters.

I believe that an approach along these lines will go far toward enabling many interested Republicans, who cannot now afford to be delegates, to participate in the nominating process.

I am looking forward to this convention. I think it is going to be more interesting and lively than some may think. I am looking forward especially to working with my colleagues from the Congress and within my own delegation. I want to commend the preparatory work undertaken by Senators JAVITS, MATHIAS, and PACKWOOD, each focusing on various areas of reform, and the efforts of Congressmen TOM RAILSBACK and JOHN ANDERSON from my own State of Illinois. They will, I believe, prove most helpful and beneficial.

I also want to commend Rosemary Ginn, who has done an outstanding job in her capacity as DO committee chairman, and Mrs. Brooks McCormick, our Illinois national committeewoman, for her efforts on the DO committee. Mrs. Ginn tells me that Hope McCormick's work on the committee has been extraordinary.

I believe we have moved to broaden the Republican Party in recent years, but I think that, if we seriously intend to become the majority party of these United States, then we must make it easier and even more attractive for people to join with us.

President Eisenhower once said the

tendency of most organizations is to organize fewer and fewer people, better and better. I believe it must be the mandate of the Republican Party to organize more and more people. By implementing President Nixon's determination that we be "the party of the open door," we will bring in more people, and we will be better for it.

I believe my proposals will help make the Republican Party the party with an open door, and I intend to press for their adoption in Miami Beach.

Mr. President, I ask unanimous consent that a table be printed at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

COMPARED WITH PROPOSED PERCY FORMULA

State	Rule 30	Percy plan
Alabama	17	25
Alaska	12	[1] (7) 12
Arizona	18	20
Arkansas	18	21
California	96	199
Colorado	20	27
Connecticut	22	33
Delaware	12	[1] (9) 12
District of Columbia	9	[1] (7) 9
Florida	40	66
Georgia	24	36
Hawaii	14	[1] (12) 14
Idaho	14	[1] (13) 14
Illinois	58	120
Indiana	32	57
Iowa	22	34
Kansas	20	29
Kentucky	24	32
Louisiana	20	27
Maine	8	13
Maryland	26	35
Massachusetts	34	58
Michigan	48	85
Minnesota	26	43
Mississippi	13	17
Missouri	30	48
Montana	14	[1] (12) 14
Nebraska	16	19
Nevada	12	[1] (8) 12
New Hampshire	14	[1] (13) 14
New Jersey	40	73
New Mexico	14	[1] (13) 14
New York	88	175
North Carolina	32	47
North Dakota	12	[1] (10) 12
Ohio	56	113
Oklahoma	22	29
Oregon	18	24
Pennsylvania	60	123
Rhode Island	8	13
South Carolina	22	23
South Dakota	14	[1] (13) 14
Tennessee	26	36
Texas	52	88
Utah	14	16
Vermont	12	[1] (10) 12
Virginia	30	41
Washington	24	38
West Virginia	18	23
Wisconsin	28	48
Wyoming	12	[1] (8) 12
Total	1,335	2,119
Puerto Rico	5	5
Virgin Islands	3	[1] (1) 3
Guam	3	[1] (1) 3
Total	1,346	2,130

[1] Indicates those 15 States (including the District of Columbia and the territories) which are assigned additional delegates under the proposed Percy formula in order to give them as many delegates in 1976 as they have in 1972 under current rule 30's bonus system. Thus 13 States are "grandfathered" under this formula. The number of additional delegates so assigned is 30. The number in parentheses is the number of delegates the State receives under the Percy plan before addition of the "grandfathered" delegates.

Mr. President, I yield to the distinguished Senator from Oregon, who has been a tenacious fighter for these principles, and we respect highly his contribution to the cause.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Under the previous order, the Senator from Oregon (Mr. Packwood) is recognized for not to exceed 15 minutes.

Mr. PACKWOOD. Mr. President, I am honored to be a member of the Republican National Convention rules committee, as are my distinguished colleagues Senator Mathias and Senator Percy. During the convention, the rules committee will be considering many of the questions discussed here today. We will be considering many of the issues debated over the past several months by the DO committee, under the distinguished and capable chairmanship of Rosemary Ginn, and over the past 3 weeks by Republicans in both the House and Senate. I have had the privilege to meet with 10 to 15 interested Members of the House, 20 to 25 hours in all, during nine lengthy sessions. We have thrashed out, one by one, the suggested rules changes, their merits and demerits. While I agree with what has been said here, I am also now, after our deliberations, in complete agreement with what the House Members will be circulating to their colleagues and to the Members of the Senate as rules changes that should be adopted by the Republican National Convention.

I would like to emphasize, Mr. President, that members of both sides of the Capitol have performed excellent services and have given excellent cooperation in seeking to work out rules changes satisfactory to the whole spectrum of the Republican Party. I particularly want to commend our House colleagues, who have given so much of their personal time and energy from what I know are heavy schedules—for a cause that we all share, a strengthened and revitalized Republican Party.

And now, let me speak just a moment about what a political party is supposed to be and what its function is supposed to be. A political party is a collection of people sharing a reasonably similar philosophy, who gather together to nominate candidates who also share that similar philosophy and, hopefully, to elect those candidates in a general election. If a party cannot succeed in that, it will falter and fail, and eventually disappear.

We have seen, in the history of the United States, in the history of Great Britain, and in the history of other free world parliaments, political parties rise and political parties fall. The same could happen to either of our present major parties. There is no magic in the words "Democratic Party" or "Republican Party." A political party is not an end in itself. It is just a vehicle to achieve an end.

What we in the Senate, in our colloquy today and in the meetings I have had with Members of Congress, are trying to do is insure that at least the Republican Party does not fail, does not falter, and does not disappear.

In any organization, political or otherwise, it is all too easy for those in positions of leadership to assume that their leadership is perpetually good, and to assume that the world conforms to their view of it. What eventually happens is that isolated leaders soon lose touch with reality and actuality, and the organization does indeed falter and fail. Civilization does not falter and fail. It goes on, and new organizations come along to replace those who could not adjust with the changing times.

What we are trying to do is make sure that the Republican Party is representative of the thinking of the majority of Americans today and is also sufficiently responsive to be able to respond to changes in public philosophy. I use the word "philosophy" carefully, rather than "opinion." No one in this country expects a political party or a political candidate to blow back and forth with every change in public opinion. Public opinion can change dramatically, quickly, often.

But a political party must be sufficiently attuned to be able to change with public philosophy. For better or for worse, when the people of this country finally say they want change, then a political party must either represent the change or be prepared to see another political party assume the leadership position and, I might add, the majority position in this country.

The reforms we are talking about today are designed to broaden the participation and the base of the Republican Party to reflect current thinking in this country and to permit responsiveness to future changes. The reforms we are discussing are designed to make ours a majority party.

I will mention only a few of the rule changes we are talking about.

First, we are asking that all meetings of the Republican Party be open. Notices are to be published and made widely available. Anyone, regardless of age, sex, religion, color, or ethnic background, may come to those meetings and participate in them.

We ask, second, that meetings be held in places that are reasonably convenient. We recommend that State conventions and district conventions be held on different days and in different places.

For example, take a State the size of Oregon or Illinois or Texas, rather large geographically. If a meeting is held in one particularly isolated part of the State to select convention delegates for the State and for all the districts, any number of people are automatically excluded. It is a very convenient way to make sure that a select few keep control of the party organization. We hope that practice will be ended and that district meetings will be held at different places and different times than State conventions are held.

Third, we are asking that alternates to the convention be selected in the same way as delegates. Alternates are currently selected in a variety of ways many of which are arbitrary and in no way represent or reflect the thinking of rank and file Republicans. So we are asking that alternates be selected in the same way that delegates are selected.

Fourth, we are asking that there be no proxies, that those who attend conventions—be they local or district or State—may vote, and only they may vote we hope to end the practice of one individual coming to a meeting with a pocketful of proxies and prevailing over others attending the meeting. This distortion of power must be eliminated.

Next, we are asking that there be no automatic delegates to the Republican National Convention. We are asking that every delegate offer himself for election, to give the people the opportunity to voice their choice and express their preferences.

The final procedural change we are urging is that delegates for election pledge themselves to a candidate, so that voters, when they vote, will know which delegates will support which candidates.

These are simple reforms, but they are necessary if the Republican Party is to be the party of the open door, as President Nixon has urged. These changes are designed to insure that everyone is equal when the starting gun is fired for the race for delegate selection. These changes are not designed to insure that everyone who enters that race finishes in the money. These changes are not designed to insure that solely because you are under 25, or solely because you are a woman, or solely because you are black, you are going to have a leg up in the delegate selection process. They are designed to make sure that whether or not you are a woman, or under 25, or black, you are going to have the same opportunity as anyone else to be a delegate. The Republican Party has not been, is not now, and so far as I am concerned, shall not be in the future, a party of quotas. It shall be a party of equality. It shall be a party of merit. It shall not be a party of quotas.

Let me close by echoing what my three distinguished colleagues have said today, that these reforms are not designed to change the delegate selection system in 1976 so that any particular candidate can corral the delegates and put them in his bag. These changes are not designed to benefit or hinder any potential 1976 candidate.

It is simply an honest effort by Republicans across the spectrum, in the House and the Senate, to make the party representative and responsive. I am confident that if we achieve that goal, we will have no difficulty in the next decade keeping the Republican Party viable, and hopefully making it the majority party in this Nation.

Mr. PERCY. Mr. President, I would be remiss if I did not pay particular tribute to members of our staffs who have worked so conscientiously and faithfully with us in this respect.

I refer specifically to Carol Crawford who serves on Senator Packwood's staff, Brian Conboy who works with Senator Javits, Terry Barne who serves on Senator Mathias' staff, and Robert Vastine who has worked with me on this effort. I know that all our colleagues in the House have been ably served by staff members devoted to this effort, who have given so freely of their time to find ways to reform our party procedures, and sometimes at great personal expense and time on their part.

Mr. JAVITS. I yield myself the 1 minute I have remaining——

Mr. PACKWOOD. I yield back the remainder of my time to the Senator from New York if he cares to use it.

Mr. JAVITS. I thank my colleague from Oregon. First I should like to recognize, as Senator Percy has done, the outstanding attention Senator Packwood has given to this effort. The understanding which he has brought to it promises the obtaining of very positive results.

So far as I am concerned, I am for the most open delegate selection process. Whoever it benefits, nothing would please me more. I hope to be able to support the beneficiaries.

I trust that the spirit evoked here will be in evidence throughout the convention. I will affirm for myself, that with or without additional suggestions, that if the rules are reformed building upon the firm foundation provided by Mrs. Ginn's committee, it will constitute an important reform for the party which will benefit our country.

I hope that the spirit—this is what I hope I can contribute—which has animated us in laying this matter before the Senate today will persevere through the convention until whatever success is obtained so that it will be in no sense an adversary proceeding.

Mr. MATHIAS. I yield myself 2 minutes of my remaining time to comment on the remarks of the Senator from Oregon because I think he has put this whole question in a useful context by philosophically observing how a political party operates, what its weaknesses may be, and how its strengths can be preserved.

I think that what we seek to do here, rather than to establish rigid quotas, is to insure recognition.

To me, recognition is the key word. Recognition of the right of every American who chooses to belong to the Republican Party to play a part in the process of that party.

It does not mean that everyone can end up as a member of the national committee or a member of the national convention, but it does mean that we recognize the right of every single one of them to be a member and play a part. If they are not a member themselves, we recognize their right to choose one who will, in fact, represent them.

So it is the recognition of the broad rights of all Americans who want to be Republican that we seek to protect. If there is universal recognition of these rules, we will achieve a kind of broad participation in an open process—as the Senator from Oregon has pointed out, and will avoid atrophy and failure of a unit of society. With these rules, we can preserve the strong, vigorous vitality of an institution which, as the Senator from New York (Mr. Javits) pointed out so movingly from his own personal experience, has been important to this country.

The guarantee of recognition, of the right of every American who chooses to be a Republican, is what we seek. I think that the rules we are discussing here will go a long way toward achieving that recognition. If we do assure recognition, we assure that the Republican Party will continue for a long time in the future to produce the kind of leadership that we have produced in the past and which has been essential to this Republic.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. Hollings). Under the previous order the Senator from New York (Mr. Buckley) is now recognized for a period for not to exceed 15 minutes.

(The remarks that Mr. Buckley made at this point when he introduced S. 3891 are printed in the morning business section of the Record under Statements on Introduced Bills and Joint Resolutions.)

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. Hollings). Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 10:30 a.m., with statements therein limited to 3 minutes each.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate the following letters, which were referred as indicated:

Report on Transfer of Certain Funds

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on the transfer of certain funds by the Department of Defense; to the Committee on Appropriations.

Approval of Loan to Alabama Electric Cooperative, Inc.

A letter from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to Alabama Electric Cooperative, Inc., of Andalusia, in the amount of $13,716,000 (with accompanying papers); to the Committee on Appropriations.

Report of Export-Import Bank of the United States

A letter from the Secretary, Export-Import Bank of the United States, Washington, D.C., transmitting, pursuant to law, a report of that Bank, for the period February, 1972 through June, 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of Financial Statements of the Accountability of the Treasurer of the United States, Fiscal Years 1970 and 1971", Department of the Treasury, dated August 8, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Sizable Amounts Due the Government by Institutions That Terminated Their Participation in the Medicare Program", Social Security Administration, Department of Health, Education, and Welfare, dated August 4, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Importance of Testing and Evaluation in the Acquisition Process for Major Weapon Systems", Department of Defense, dated August 7, 1972 (with an accompanying report); to the Committee on Government Operations.

LIST OF REPORTS OF GENERAL ACCOUNTING OFFICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports of the General Accounting Office, for the month of July, 1972 (with an accompanying paper); to the Committee on Government Operations.

REPORT OF GEOLOGICAL SURVEY

A letter from the Deputy Assistant Secretary of the Interior, reporting, pursuant to law, activities carried on by the Geological Survey during the period January 1 through June 30, 1972; to the Committee on Interior and Insular Affairs.

REPORT OF BOYS' CLUBS OF AMERICA

A letter from the Director, Boys' Clubs of America, New York, New York, transmitting, pursuant to law, a report of that organization, for the year 1971 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF ATTORNEY GENERAL

A letter from the Attorney General, transmitting, pursuant to law, his report for the fiscal year 1971 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A joint resolution of the Legislature of the State of California; to the Committee on Agriculture and Forestry:

SENATE JOINT RESOLUTION NO. 8

Senate Joint Resolution No. 8—Relative to parental responsibility in the federal Food Stamp Program

LEGISLATIVE COUNSEL'S DIGEST

SJR 8, as amended, Bradley (Rls.). Food stamps.

Memorializes the President and the Congress of the United States to provide under the federal Food Stamp Program that the income of a minor's parents shall be considered in computing the income available to an unemancipated minor living separate from his parents.

Whereas, The federal Food Stamp Program determines eligibility solely on the basis of income available to an individual or a household; and

Whereas, Parental income is not considered when computing the need of a minor who does not reside in his parent's household, *although the parent may be claiming a dependenvcy tax exemption for the minor; and*

Whereas, The policy of granting aid to minors without consideration of parental support capabilities is not only legally unsound but may also contribute to the breakup of families; and

Whereas, A change in the federal Food Stamp Program making parents, rather than the welfare system, directly responsible for all needy minors would result in savings at the county, state and federal levels; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States to provide under the federal Food Stamp Program that the income of a minor's parents shall be considered in computing the income available to an unemancipated minor living separate from his parents; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

A joint resolution of the Legislature of the State of Calfornia; to the Committee on Commerce:

SENATE JOINT RESOLUTION NO. 16

Senate Joint Resolution No. 16—Relative to Television Blackouts of Sports Events

LEGISLATIVE COUNSEL'S DIGEST

SJR 16, as amended, Lagomarsino (Rls.). Television blackouts: sports events.

Memorializes the President and the Congress of the United States, and Federal Communications Commission, to take such action as may be necessary to prevent blackouts of nationally televised sports events, *whenever the event is sold out at least 2 weeks in advance.*

Whereas, Millions of sports fans who are unable to attend sports events in their locality due to health, advanced age, lack of adequate transportation, or inability to purchase tickets, either because of a sellout, or the cost, should be able to watch these events on television; and

Whereas, Sports events are, however, not shown on television while they are occurring in the locality in which they take place, thus depriving these millions of sports fans of the opportunity to watch these sports events on T.V.; and

Whereas, Many sports fans have installed fringe area T.V. antennas to receive sports events from stations located outside the blackout area, thus contravening the effects of the blackout; and

Whereas, The rationale for the blackout, which is to secure the largest possible attendance at the sports events, is no longer valid after all the tickets have been sold and attendance at the game is no longer possible; and

Whereas The rationale has never been and should not be to prevent the poor, sick, aged, and disadvantaged from watching the game, yet this is the effect; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States, and the Federal Communications Commission, to take such action as may be necessary to prevent blackouts of nationally televised sports events *whenever the event is sold out at least two weeks in advance;* and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Federal Communications Commission.

A joint resolution of the Legislature of the State of Calfornia; to the Committee on Interior and Insular Affairs:

SENATE JOINT RESOLUTION NO. 12

Senate Joint Resolution No. 12—Relative to the preservation and protection of an archaeological site

LEGISLATIVE COUNSEL'S DIGEST

SJR 12, as amended, Coombs (Rls.). Archaeological site.

Requests the Department of the Interior, through the Bureau of Land Management, to enter into negotiations with the State Lands Commission for the exchange of specified federal lands for state lands or for the sale of such federal lands to the state in order to preserve and protect an archaeological site located on the federal lands. Requests the Bureau of Land Management to take whatever steps are necessary to preserve and protect such archaeological site pending the outcome of negotiations.

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests the Department of the Interior, through the Bureau of Land Management, to enter into negotiations with the State Lands Commission for an exchange of the north one-half, or all, of Section 22 of Township 10 North, Range 2 East, San Bernardino Meridian, upon the United States having clear fee title to such lands, for state lands in the vicinity, or for the purchase of such federal lands by the state, or for such other alternative as the Bureau of Land Management may find is suitable, in order to insure the preservation and protection of an archaeological site located on the lands, and to permit the state to take the necessary steps to construct buildings and other facilities essential to such preservation and protection; and be it further

Resolved, That the Legislature respectfully requests the Bureau of Land Management to take whatever steps are necessary to preserve and protect such archaeological site pending the outcome of negotiations; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Director of the Bureau of Land Management, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 3240. A bill to amend the Transportation Act of 1940, as amended, to facilitate the payment of transportation charges (Rept. No. 92-1026).

By Mr. ALLEN, from the Committee on Agriculture and Forestry, with amendments:

H.R. 14896. An act to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs (Rept. No. 92-1027.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports were submitted:

By Mr. FULBRIGHT from the Committee on Foreign Relations, without reservation:

Executive D, 92d Congress, 2d session. Convention Between the United States of America and the Kingdom of Norway for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income and Property, signed at Oslo on December 3, 1971 (Ex. Rept. No. 92-30); and

Executive I, 92d Congress, 2d session. Convention Establishing an International Organization of Legal Metrology, signed at Paris on October 12, 1955, as amended (Ex. Rept. No. 92-31).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with one reservation and six understandings:

Executive B, 92d Congress, 2d Session. Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property (Executive Rept. No. 92–29).

The following favorable reports on nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Donald Kready Hess, of Maryland, to be an Associate Director of Action; and

Milton Kovner, of Maryland, and sundry other persons for promotion in the Diplomatic and Foreign Service.

Mr. FULBRIGHT. Mr. President, as in executive session, I also report favorably sundry nominations in the Diplomatic and Foreign Service which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION PLACED ON THE CALENDAR

Under authority of the order of the Senate of June 22, 1972, the resolution (S. Res. 299) to establish a select committee to study questions related to secret and confidential Government documents was placed on the calendar, the Committee on Government Operations not having acted thereon.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that today, August 8, 1972, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 254) to authorize the printing and binding of a revised edition of Senate Procedure and providing the same shall be subject to copyright by the author.

INTRODUCTION OF BILLS AND JOINT RESOLUTION

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BUCKLEY (for himself, Mr. BROOKE, Mr. BENNETT, Mr. COOPER, Mr. GRAVEL, Mr. JAVITS, Mr. SCHWEIKER, Mr. THURMOND, Mr. BAKER, Mr. SCOTT, and Mr. DOMINICK):

S. 3891. A bill to amend the Small Business Act to assist in the financing of small business concerns which are disadvantaged because of certain social or economic considerations not generally applicable to other business enterprises. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. PERCY:

S. 3892. A bill to amend section 518 of the National Housing Act to broaden and improve the existing authority of the Secretary of Housing and Urban Development to protect homebuyers by correcting or compensating for substantial defects in mortgaged homes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MAGNUSON (by request):

S. 3893. A bill to amend the Interstate Commerce Act to provide increased fines for violation of the motor carrier safety regulations, to extend the application of civil penalties to all violations of the motor carrier safety regulations, to permit suspension or revocation of operating rights for violation of safety regulations, and for other purposes. Referred to the Committee on Commerce.

By Mr. TUNNEY:

S. 3894. A bill to amend the Public Health Service Act to provide for reservation of funds for research into the possible social consequences of biomedical technologies. Referred to the Committee on Labor and Public Welfare.

Br. Mr. PROXMIRE (for himself and Mr. PACKWOOD):

S. 3895. A bill to provide for full deposit insurance for public funds, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUCKLEY (for himself, Mr. BROOKE, Mr. BENNETT, Mr. COOPER, Mr. GRAVEL, Mr. JAVITS, Mr. SCHWEIKER, Mr. THURMOND, Mr. BAKER, Mr. SCOTT, and Mr. DOMINICK):

S. 3891. A bill to amend the Small Business Act to assist in the financing of small business concerns which are disadvantaged because of certain social or economic considerations not generally applicable to other business enterprises. Referred to the Committee on Banking, Housing and Urban Affairs.

MINORITY BUSINESS EQUITY INVESTMENT ACT OF 1972

Mr. BUCKLEY. Mr. President, I rise to introduce a bill which is designed to help us achieve our goal of full equality of opportunity for all Americans by opening new sources of financing for minority enterprises. It is a bill which will hasten the development of the managerial skills and self-confidence which are so essential to the advancement of those minority groups which are still to have a full participation in our economic life.

The major victories in the march toward full equality have been accomplished through the striking down of laws which discriminated among Americans on the basis of race, and through the passage of others to guarantee that no one will be denied employment or advancement because of race. These laws against discrimination must be vigorously enforced, but they will not in themselves bring about the conditions of full equality among Americans of different origins. The legal barriers are down, but other barriers—social and psychological—still remain. These we cannot legislate away, but we can work to overcome them by creating the climate which will encourage the growth of mutual respect and self-respect among all Americans. I believe that nothing is more certain to bring this about than the rapid vertical integration of our minorities into the economic life of the Nation.

This economic integration is not something that can be accomplished by government edict. It must be achieved in fair competition. Self-respect requires the knowledge of earned success. Mutual respect will follow on the fact of achievement. But government, and our society at large, must recognize that certain handicaps still exist which make the road to achievement more difficult for some groups of Americans than for others.

Certain of these groups, notable black Americans, suffer from the psychological effects of generations of dependency. As a result, they are handicapped by a deficiency of business traditions and of the skills and self-confidence in commercial matters which have made it possible for other minority groups to take full advantage of the dynamics of the American system of free competitive enterprise.

On January 22, 1970, in his state of the union message, President Nixon said:

> We can fulfill the American Dream only when each person has a fair chance to fulfill his own dreams.

President Nixon's words go to the heart of the problem. Our system of free enterprise has brought to the people of this Nation economic and social gains unparalleled in history. The opportunity to fulfill one's own dream through participation in the system has been an integral part of what America has always stood for. While the opportunity to test one's own ideas and resources and courage in the marketplace does not guarantee success, the denial of such an opportunity guarantees a loss of faith in the ultimate justice of our economic system.

When an American reaches the conclusion that our economic system is inequitable, he is making a philosophical as well as an economic judgment. He is criticizing ultimately basic principles rather than economic techniques. Such a criticism cannot be answered by references to the gross national product. It must be answered in the terms in which the criticism is framed. The member of a minority group who feels he has been left out of the American Dream says: "Show me." It is not enough to provide statistical data or inspirational rhetoric demonstrating the abstract fact of progress. He must be shown the worth of the American system in the only way that demonstrates that worth—by making sure that he has fair access to it. "A piece of the action" is not just a catch-phrase; it is a shrewd and precise summing up of what is necessary to prove that our system works for all Americans.

The core of our national existence is the irrevocable and profound commitment to the individual. If an American is denied an equal opportunity to take his chances in the marketplace, he is, in effect, being denied not only as an "economic man" but in his totality as a human being.

The present administration has gone far in the work to expand the access of our minority groups to our economic system.

The Federal Government's budget for fiscal year 1972 concerning minority loans, grants, guarantees, and purchases, shows more than a threefold increase over 1969.

Small Business Administration lending to minority enterprises has increased nearly fourfold since Richard Nixon took office.

Federal purchases involving minority firms rose from $3 million in fiscal 1969 to $142 million in fiscal 1971. Minority businessmen are now receiving 18 percent of the SBA dollar, double that of 3 years ago.

While I am gratified to see the progress being made in the creation and administration of programs intended to foster progress in this area, a great gap still remains unfilled. To date, virtually the entire emphasis on the financing of minority business has been through the extension of loans. These are made either directly by the Government or through private lending institutions, such as commercial banks and minority enterprise small business investment companies—organized pursuant to the Small Business Investment Act of 1958 and the Minority Enterprise Small Business Investment Act—which are provided special Government incentives in the form of loan guarantees.

These Federal programs recognize the fact that minority enterprises face certain inherent obstacles when seeking financing in the marketplace. The minority groups which these programs are designed to assist simply have too little in-built business experience and too limited a pool of managerial skills on which to draw.

Therefore the risk of failure in their enterprises is necessarily higher on the average than is the case with others competing for available dollars. Thus either through direct preferences in the case of SBA loans, or through special incentives provided to commercial banks and to MESBIC's, Government policy has sought to equalize these risks.

The problem, however, is that these governmental efforts have concentrated on the device of facilitating debt financing while virtually ignoring the entire area of equity financing which is the more usual, desirable source of funds for high risk ventures.

One result of this approach has been the large rate of defaults—more than 30 percent—which has been experienced on SBA guaranteed bank loans which have been made pursuant to the legislation. Now there is nothing surprising or shameful in the fact that a significant percentage of new enterprises should fail, whether or not they are sponsored by members of minority groups. What is novel is that there should be so large a record of loss in loans extended by lending institutions, such as commercial banks, which usually have a very low bad debt experience because of the collateral and other safeguards they normally require. Therefore, an unusually large record of losses has the undesirable result of unfairly stigmatizing minority entrepreneurs.

What we must understand, in assessing the limitations of the present approach, is the consequence of placing too great a reliance on loans as a source of financing for minority entrepreneurs. Commercial banks and other such institutions are simply not in the business of assuming significant risks. They are accustomed to measuring collateral, demonstrated earning power and managerial experience as a precondition to the extension of credit. They are not in the business of weighing the dreams which are the stuff from which new ventures are built. Yet most of the minority enterprises in need of financing have little but future prospects to offer as security. Thus the granting of loans too often requires a willingness to risk beyond the boundaries normally permitted the ordinary commercial banker.

The unwillingness to risk is understandable considering that risk taking is prudent only when the risk/reward ratio is reasonable. Taking open-ended risks for a return of perhaps 10 percent—the approximate average interest rate charged on small business loans—is neither reasonable nor sensible. Recognizing this, the Government has tried to limit the lender's risk through mechanisms such as the SBA 90-percent loan guarantee. It was thought that this would do the trick by enhancing the risk/reward relationship. This device has helped, but not to the desired degree.

There is another problme in the attempt to route minority enterprise financing through conventional banking channels. It simply does not create the sort of relationship between the parties which is best designed to bring to the new venture the interested help of an experienced management. Yet it is the lack of managerial skills and of a broad base of business experience which so often prove fatal to fledgling enterprises no matter how soundly based in concept. It is simply not the business of commercial banks to help supply these needs. Their prime interest is in the security of their loans; and to the extent that a commercial bank is protected against loss by a Government guarantee, to that extent is its concern for the basic economic health of the borrower diminished.

This fact may account in part for the high rate of default among the loans which they have extended to minority businesses, but there are other factors. Because of the moral suasion which has been applied to them, because of the genuine desire on the part of so many to lend a helping hand, and because the risk of loss has been made so low, lending institutions have too often been careless in the screening process which leads to making a loan; and once made, some have a tendency to write off the loan as a form of charity. In too many instances, this has had the effect of providing financing for ventures which are predestined to fail.

Finally, by channeling financing through the medium of loans, these Federal programs have the unfortunate effect of saddling new businesses with so heavy a burden of debt that it becomes even more difficult for them to succeed. The prior claim on working capital of excessive debt service obligations is a common cause for the failure of otherwise viable ventures.

These shortcomings in the current approach can be overcome by making equity financing more readily available to minority businessmen. Under current conditions, the higher degree of risk which is inherent in their ventures makes it infinitely more difficult for them to secure equity financing through normal business channels. The purpose of the bill which I am introducing today is to reduce that element of risk to a point where minority businessmen can be assured of an interested hearing, and of the needed capital in the event that their concepts are basically sound. My bill, which is cosponsored by 10 of my colleagues, would accomplish this goal by amending the Small Business Investment Act of 1958 so as to provide short-term guarantees limiting the size of potential losses while placing no limits on potential gains.

There are a number of institutions—investment banking firms and others—which are in the business of mobilizing venture capital for investment in the shares of new companies. Their relationship to the enterprises they finance is entirely different from that of the commercial banker. They are in the habit of dealing in futures. They are looking not for a return of capital plus interest, but for the chance to participate on the ground floor in new enterprises whose potential may be unlimited. In a very real sense, such an investor becomes a partner in the enterprise, and will bring to it not only a broad base of experience, but a high degree of commitment to its success.

Investment banking firms will usually be represented on the Board of Directors of the companies which they help launch so as to safeguard their own investment and that of their clients. Through this relationship, investment firms develop a detailed knowledge of the special needs and problems of each of the companies in which they have made important financial commitments, and they are in a position to make specific recommendations as to a broad range of business needs. These firms have an intimate experience with the special problems faced by any new venture, and their advice can be of critical importance in assuring the maximum chance for success of a new minority business. Finally, they can provide inexperienced businessmen with expert advice on the best form of financing—straight equity, or debt, or a combination of both—for each stage in the organization and growth of a new enterprise. Such advice can help the founders preserve a maximum ownership in their business without incurring an extensive level of debt.

I believe it is important that any measure intended to encourage the establishment and growth of minority enterprises be designed to do no more than overcome the special handicaps to which I have already alluded. It will benefit no one if the element of risk is eliminated to such an extent that potential investors lower or abandon their standards in their assessment of the inherent merits of a business proposal. To encourage an abnormal rate of failure through careless screening procedures would retard the achievement of economic integration by destroying confidence and discouraging further investment.

What we must seek is an approach which will make certain that investment bankers and others engaged in the business of investing venture capital will welcome proposals from minority businessmen and assure that these will be examined on the basis of their inherent merits. Beyond adjusting the element of risk to reflect the special handicaps under which minority businessmen must too often operate, it is essential that the relationship between investor and entrepreneur be built on realistic, sound, tested business principles. A business venture built on such a foundation will not only have the best chance for success, but the fact of success will have a tremendously important effect within the minority community itself. A man who succeeds not because he is a member of a minority who is a businessman, but because he is a good businessman who happens to belong to a minority, can do more for the pride and economic development of his community than a dozen Government programs that seek to shelter him from the realities of risk and reward that are at the heart of our economic system.

I have sought to accomplish this, in my bill, by granting qualified investors the right, sharply limited in time, to sell their investment to the SBA at 70 percent of cost. I believe that the risk of loss would thereby be sufficiently large to make certain that no investment is lightly made. By the same token, the investor's stake in the new enterprise is sufficiently large to make sure that any reasonable assistance will be extended to insure its success—especially as the investor will participate fully in that success. I would also hope that the provisions contained in the bill would encourage large manufacturers to assist in the organization and financing of minority subcontractors, thus forming a relationship which would have the greatest mutual benefits while benefiting the country at large by hastening the full participation by our minorities in our economic life.

Mr. President, as my bill is written, it will bring the SBA's authority to enter into equity guaranteed agreements within the overall limits on existing loans and guarantees which is established pursuant to section 7 of the Small Business Investment Act of 1958. I believe that in this manner the greatest flexibility is assured in enabling an investment firm or other qualified investor to tailor a financing package, including debt as well as equity, to the needs of the particular enterprise to be financed. By the same token, I believe that the overall ability of the SBA to incur contingent liabilities pursuant to section 4(c) (4) should be expanded so as to accommodate the higher risk equity investments which my bill is designed to encourage.

I have not, at this time, proposed an amendment to section 4(c) (4) to accomplish such an expansion because I believe that the extent to which the authorization should be expanded can be better determined after hearings have been held on my proposal. The opinions of firms experienced in equity financing, of the SBA and of others who may have had direct experience of the financing of minority businesses will be most useful in determining the optimum authorization with which to inaugurate the approach incorporated in my bill.

Mr. President, it seems to have become fashionable of late, at least in certain circles to make ritualistic attacks on our Nation's basic institutions. Among these is our system of free, competitive enterprise. I suggest that the best argument in favor of our system is the argument of opportunity.

I believe my bill will help reinforce that argument by encouraging access to our economic system. Mr. President, I send my bill to the desk and ask that it be appropriately referred. I also ask unanimous consent that it be printed in full at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3891

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 71 of the Small Business Act is amended by adding at the end thereof a new subsection as follows:

"(g) (1) Whenever the Administration determines that such action is necessary or desirable to assist small business concerns the participation of which in the free enterprise system is hampered because of social or economic considerations not generally applicable to other business enterprises to obtain the equity capital needed for viable and prudently managed business operations, it may guarantee equity investments in such concerns made by investment companies or other qualified investors. Any such guarantee shall be made pursuant to an agreement by the Administration to purchase equity securities evidencing the interest of an investor in such a concern in accordance with terms and conditions prescribed by the Administration subject to the following limitations and restrictions:

"(A) No such agreement shall obligate the Administration to purchase securities covered by the guarantee after the expiration of two years following the date on which the agreement is entered into.

"(B) The small business concern issuing such securities is an eligible concern in accordance with standards and criteria prescribed by the Administration having regard to the purposes of this subsection.

"(C) The financing required by such concern cannot reasonably be obtained except with assistance provided under this subsection.

"(D) The Administration determines that the risks assumed pursuant to any such agreement are reasonable having regard to the purposes of this subsection.

"(2) A guarantee agreement entered into under this subsection by the Administration shall obligate the Administration to purchase securities covered by the agreement and held by an investor. An agreement may, having regard to whether the securities will be privately or publicly held, specify either one but not both of the following conditions giving rise to the obligation to purchase:

"(A) If at any time after the expiration of one year following the date on which a guararantee with respect to securities becomes effective the book value of such securities is less than 70 per centum of their book value at the time of purchase by an investor the Administration shall on demand of the investor purchase such securities from the investor at a price equal to 70 per centum of the price paid for the securities by the investor.

"(B) If at any time after the expiration of one year following the date on which a guarantee with respect to securities becomes effective the market price of such securities is less than 70 per centum of the price at which the securities were first offered for sale, the Administration shall on demand of the investor purchase such securities from the investor at a price equal to 70 per centum of the price paid for the securities by the investor.

"(3) The Administration shall fix a uniform fee which it deems reasonable and necessary for any guarantee issued under this subsection, to be payable at such time and under such conditions as may be determined by the Administration. Such fee shall be subject to periodic review in order that the lowest fee that experience under the program shows to be justified will be placed into effect. The Administration shall also fix such uniform fees for the processing of applications for guarantees under this subsection as it determines are reasonable and necessary to pay administrative expenses incurred in connection therewith."

SEC. 2. Paragraphs (1), (2), and (4) of section 4(c) of the Small Business Act are amended by inserting "7(g)," after "7(e),".

Mr. BROOKE. Mr. President, I am pleased to cosponsor the Minority Business Equity Investment Act of 1972, introduced by the distinguished junior Senator from New York (Mr. BUCKLEY).

Economic opportunity continues to bypass a substantial proportion of minority citizens, and even of minority businessmen. Admission into the ranks of the economically successful has come slowly and in some cases painfully. Only in the last decade have we passed through a "time of confrontation" between the white majority of Americans and our racial minorities. If we are to move away from a closed economic society, the 1970's must become a "time for negotiation."

The problem of broadening economic opportunity has been argued best in the testimony of James F. Hansley, chairman of the MESBIC section of the National Association of Small Business Investment Companies, when he appeared before the Small Business Subcommittee of the Senate Committee on Banking, Housing and Urban Affairs:

> Minority businessmen are fighting a life and death type struggle to gain a little greater share of the business sales of the economy. The Commerce Department presented the plight of black businessmen particularly, very clearly, last year when it reported that in 1969 the 163,000 black owned businesses had sales of $4.5 billion.
>
> In the same year, 1969, all businesses had sales of more than $1.8 trillion. Those statistics indicate that although blacks represent 11% of the population, the sales of black owned companies were less than (.3%) three tenths of one percent of the sales of all U.S. businesses. Even more disturbing is the fact that the average black owned business had sales of less than $30,000 per year. In a society where free enterprise is the byword, this situation should be considered to be intolerable.

The legislation introduced today affords a remedy for this problem. The proposal would encourage equity financing for minority owned businesses through the same channels generally available to other businesses.

This proposal offers a viable alternative for providing economic opportunity to minority businesses. It possesses several advantages derived from the unlimited return and the short-term guarantees of the equity investment.

In the first instance, the proposal will result in an increase in equity capital made available by investment companies for minority-owned businesses. Heretofore, most investments have been made by commercial bankers providing only operating funds. Investment bankers have been hesitant to invest without a guarantee because of the high risk involved. This fact coupled with the fact that the return on an SBA-guaranteed loan was too low, has resulted in very little venture capital being invested in minority-owned firms. The unlimited return allowed by this legislation and the 70-percent proposed guarantee will produce the incentive needed to encourage participation.

Second, an equity investment creates a partnership between the investor and the entrepreneur. The anticipated increase in equity investments under this legislation will result in increased guidance and assistance to minority-owned businesses by investment bankers. One of the most important needs of many minority businesses is managerial expertise.

As long as the banker is secure in his loan, he has no incentive to lend his managerial talents. But, the legislation being introduced today provides an incentive for investor concern. Whether the goal is to minimize losses or to maximize gains, this proposal will encourage active participation by the equity investors.

The Minority Business Equity Investment Act of 1972 represents a new initiative in the area of financing minority-owned businesses. It is an attempt to build on the business expertise that has been developed to date. It will provide the necessary economic and managerial assistance to minority-owned enterprises so that they can compete effectively in the open market.

The Senator from New York is to be commended for his efforts to assist realistically the growth of minority-owned businesses. I am pleased to be a cosponsor of this important legislation and hope that it will be given early consideration.

By Mr. PERCY:

S. 3892. A bill to amend section 518 of the National Housing Act to broaden and improve the existing authority of the Secretary of Housing and Urban Development to protect homebuyers by correcting or compensating for substantial defects in mortgaged homes. Referred to the Committee on Banking, Housing and Urban Affairs.

PROTECTING THE HOMEBUYER FROM DEFECTS IN FHA-INSURED HOMES

Mr. PERCY. Mr. President, I am today introducing legislation to broaden and substantially strengthen the existing authority of the Secretary of Housing and Urban Development to protect homebuyers by correcting or compensating for substantial defects in mortgaged homes.

This legislation is in response to the well-documented criticism of many Federal housing programs which serve both the central city and the suburbs—particularly sections 235 and 236, the interest-subsidy programs.

We cannot ignore the mounting body of evidence that unscrupulous speculators and builders have been taking advantage of the section 235 program to peddle defective homes at inflated prices to a large new class of inexperienced and unsophisticated low-income homebuyers. In some cases speculators—after making cosmetic repairs on existing properties—are selling the properties to low-income buyers for profits of as much as 60 or 70 percent in 3 months.

Auditors from the Housing and Urban Development Department inspected a sample of over 1,200 new and existing houses insured under section 235. About a third of these houses were found to have serious problems. Deficiencies were noted in 25.7 percent of the new houses inspected and in 42.7 percent of the used houses inspected. Fully 53 percent of the inner-city existing homes inspected were found to have deficiencies. In the judgment of the auditors, 35 used houses inspected had problems severe enough that the houses should never have been insured.

The litany of deficiencies is truly astounding. The inspectors found examples of the following in new houses:

A drain pipe from the kitchen and bath leaking, resulting in water standing under the house at the point of the leak;

A sheetrock ceiling in a den sagging in several places;

Two to six inches of water standing in crawl space due to poor drainage;

Cracking in a garage slab floor extending into the house slab floor;

A wing wall settling and separating from the main part of the house;

Severe settling of concrete porch steps resulting in their separating from the porch;

No handrails on porches;

Drainage problem because of improper lot grading;

And on and on.

In the case of used homes, inspectors found examples of the following deficiencies:

A house requiring complete rewiring;

Walls cracked throughout a house;

Ceiling tile falling down;

Paneling loose on all walls;

A rotting subfloor and floor joists under the bathroom and utility area;

An exterior foundation base cracked in several places, with the ground eroded significantly away from foundation in rear;

Roof leaks into three upstairs bedrooms;

Rotten and broken gutters and downspouts;

Water in the basement due to leaky foundation walls in very poor condition;

Bricks loose and coming out of walls;

And on and on.

In a masterful bit of understatement, the HUD auditors concluded:

> In our opinion, too many houses—particularly used houses—were insured which contained deficiencies that should have been corrected prior to final endorsement.

The end result of this process, as the auditors rightly point out, is that many unsophisticated buyers of older inner city housing—and, it should be added, of newly constructed suburban development houses as well—have not been fairly treated.

To put the matter simply, the low-income consumer is taking it in the neck. And in many cases he is at a loss about how to deal with his situation. Understandably enough, frustration, abandonment, default, and foreclosure sometimes follow.

I ask unanimous consent that the major findings of the HUD audit be incorporated in the RECORD at the conclusion of my remarks.

Unfortunately the evidence from Chicago, St. Louis, New York, Detroit, and from other areas of the country as well, indicates that homes purchased under the traditional FHA 203 program as well as the 221(d)(2) program aimed at the low-income home buyer have also been found defective.

The bill I am introducing today is aimed primarily at promoting greater HUD and FHA involvement in protecting the legitimate interests of the housing consumers. The authority provided in this bill to compensate the homeowner—both subsidized and unsubsidized—who suffers abuses at the hands of fast-buck artists and unscrupulous builders and speculators need never be used if FHA carries out the letter of the law. FHA must see to it that a quality product meeting all State and local code requirements is the only product which ever reaches the consumer.

This legislation is similar to a bill introduced in the House of Representatives by Congressman DANTE FASCELL. The bill provides for a 3-year instead of a 1-year builder warranty on new housing. A home is the single largest investment a consumer is likely to make in his lifetime. If the auto industry can provide a 1-year guarantee, then surely the housing industry can stand behind their product for 3 years.

In addition, the legislation authorizes the Secretary to correct or to compensate the homeowner for correcting any substantial structural defects or nonconformities with building plans which show up in new or existing houses for up to 5 years after a mortgage on the property is insured by FHA. The Secretary shall pay or compensate for the defects or nonconformities if the owner requests assistance and if a proper inspection could have identified the defect or nonconformity when the mortgage was insured.

My bill also provides a grace period of 6 months for owners of housing purchased more than 4½ years ago to apply for compensation under the terms of this legislation. Too many people are now suffering because of FHA past laxity in protecting the interests of the consumer. Investigations are bringing many of these laxities to light now, and I wish particularly to commend the Chicago Sun-Times for its series in this area. It was an excellent example of public service by the news media.

Congress can no longer permit families in major cities across the country who buy older homes to discover after they move in that the place is unlivable without substantial unforeseen expenditures. Nor can we permit buyers of new homes to face similar problems because of shoddy construction.

I urge swift action on this badly needed legislation.

I ask unanimous consent that the text of my bill be printed in the Record together with the data from the HUD audit of 235 homes.

There being no objection, the material was ordered to be printed in the Record, as follows:

EXHIBIT 1

HUD OFFICE OF AUDIT SUMMARY OF FINDINGS IN INTERIM REPORT ISSUED TO SECRETARY ROMNEY ON INSPECTIONS OF NEW AND USED SINGLE FAMILY HOUSING INSURED UNDER THE SECTION 235 PROGRAM

FINDINGS

This report contains three findings. The first finding covers the results of our inspections of new houses under the statistical sample; the second covers the results of our inspections of used houses under the statistical sample; and the third finding covers the results of houses inspected, both new and used, on which complaints had been made or referred to HUD.

DEFICIENCIES NOTED IN 173 OF 672 NEW HOUSES INSPECTED

We found deficiencies in 173 (25.7%) of 672 new houses inspected during our random statistical audit sample. One hundred houses showed evidence of poor workmanship or materials that were inadequate or did not meet the minimum property standards; in 73 other houses we noted more significant deficiencies affecting the safety, health or livability of these properties. The inspections of new houses are summarized below:

Statistical audit sample	694
Less, houses could not enter to inspect	22
Houses inspected	672
Number inspected that had:	
Evidence of poor workmanship or materials	100
More significant deficiencies affecting safety, health or livability	73
Together	173
Number inspected with problems (%)	25.7

We found no significant difference in the extent of deficiencies in new houses inspected in innercity areas as compared with other than innercity areas.

Our property inspection workpapers established 10 categories for the interior and 8 categories for the exterior of each house on which we made comments as to whether we found the house acceptable or whether it had problems of varying degrees. Based on questioning of the homeowners and the advice of the FHA technician accompanying us, we made judgments as to whether deficient conditions probably existed at the date of final endorsement of the property. Where deficiencies were clearly caused by the homeowner's negligence or were due to normal wear and tear, we have excluded deficiencies from our tabulation. A summary of the number of problems found in new houses by each of the 18 categories covered in our inspections is shown in Exhibits I and II.

POOR WORKMANSHIP OR MATERIALS (100 HOUSES—15 PERCENT)

Examples of poor workmanship or materials included matters that evidenced nonconformance with minimum property requirements, poor or lax inspection procedures, finish work not completed, and other examples of lack of enforcement of the builder's warranty including the following:

Electric ceiling heat in bathroom does not work; no switch to operate kitchen light; all wall corners cracked from ceiling to floor—workmanship extremely poor; various areas where terrazzo floor not bonded to slab—delaminating from slab; stairway handrail to upper story loose and attached to sheetrock rather than studding; concrete slab uneven with 2" differential between high and low; half-bath lavatory not mounted properly, coming loose and creating a leak in hot water line; large 2-pane picture window has inside portion of center mullion missing allowing air to enter crack that extends full height of window; plywood roof sheathing does not extend to apex (ridge), can see several inches of paper from attic interior—technician advised us leaks could be imminent; underside of roof overhang plywood buckling in several places—does not appear to be exterior grade; concrete steps not installed at rear entry as required by plans—had makeshift wood steps for 24" drop.

SIGNIFICANT DIFFERENCES (73 HOUSES—11 PERCENT)

More significant deficiencies noted which we consider would affect the safety, health, and livability of the property included structural faults, hazards to health and safety, drainage problems on the lot on which the houses is situated, and other significant matters as noted below:

Drain pipe from kitchen and bath leaking resulting in water standing under house at point of leak; electric furnace disconnected due to inefficiency—inadequate insulation; gas furnace in second floor closet overheating and heat not circulating properly to ground floor—heat level approaching danger point per FHA technician (inside doorknob too hot to hold on to), duct work not properly insulated; electric circuit breaker cuts power off at various times particularly when heat and range both on; sheet rock ceiling in den sagging in several places, ceiling has wavy appearance, troughs are about 2"—probably requires renailing and installation of new ceiling; hardwood floor noticably cupping in all rooms; 2" to 6" of water standing in crawl space due to poor drainage, inadequate slopes away from house, no splash blocks; cracking in garage slab floor extends into house slab floor; no attic ventilation; roof leaks; wing wall settling and has separated from main part of house; severe settling of concrete porch, steps separating from porch, no hand rails; drainage problem because of improper lot grading, yard slopes to house from ditch on one end, water ponding in front of house with no place to go except under house or in ground.

In our judgment, the significant deficiencies noted and included by us on Exhibit II were items that should have been corrected before final endorsement if the condition was apparent at that time. We express no opinion, however, as to how many of the problems we noted could have been observed based on a reasonable inspection at time of final endorsement.

SIGNIFICANT DEFICIENCIES AFFECTING SAFETY, HEALTH OR LIVABILITY OF HOUSES WERE FOUND IN 260 OF 609 USED HOUSES INSPECTED

We found that 260 (42.7%) of 609 used houses inspected as part of our statistical sample had significant deficiencies as summarized on Exhibits I and II. We found a significantly greater incidence of deficiencies in used houses in inner-city areas (53% of sample had deficiencies) as compared with suburban, rural or small town areas (34.5% of sample had deficiencies).

The inspections of used houses are summarized below:

Statistical audit sample	638
Less, houses could not enter to inspect	29
Houses inspected	609
Number inspected that had:	
More significant deficiencies affecting safety, health or livability	225
Aggregate deficiencies which should have made house not insurable	35
Together	260
Number inspected with problems (%)	42.7

Our definition of significant deficiencies includes conditions which probably existed at the date of final endorsement of the property such as structural faults, electrical wiring, heating, and leaks or drainage problems which were potential hazards to the occupant's health and safety, and other matters which were so severe that in our judgment the conditions should have been repaired before the house was insured. In our judgment, 35 used houses inspected had an aggregate of significant problems to the degree that we feel the houses should not have been insured.

As indicated earlier in this report, our inspections were made in the company of a qualified FHA construction analyst or staff appraiser or other qualified representative from the regional office, each of whom concurred as to the significant problem areas noted.

Representative significant problems in a number of the 18 categories covered in each of the existing houses inspected that were insured under Section 235 or 233(e) follow:

Electric hot water heater set directly on bare ground under house in excavation in crawl space, has begun to rust; old heating system removed and cold air from crawl space comes through registers which were not removed; central furnace did not heat house—moved in 4/69, replaced furnace 10/69; inadequate electrical wiring, wall plugs hanging loose; bathroom electric fixtures defective and shorting; house requires complete rewiring—owner received notice of code violation from city; red tag on fuse box—wiring condemned by city; walls are cracked throughout house, ceiling tile falling down, panelling loose on all walls; subfloor and joists under bathroom and utility areas rotting; extremely weak floor on both first and second level—all floors pitched at east side of house ranging from 2" to 6" off level due to sinking; basement staircase dangerous without handrail and with treads and stringers constructed from other than building material normally used for staircases; ground underneath house wet since purchase—also large wet areas in front and backyard—owner believes water may come from spring under house; exterior foundation base cracked in several places—ground eroded significantly away from foundation in rear; can see daylight in several places through exterior wall in pantry, ceiling very uneven, and roof leaks; substantial accumulation of water in basement; sewer backed up in basement—odor prevalent, corroded pipes leak; all windowsills rotten, several window frames rotting; roof leaks in kitchen, back porch, dining room and hall since house purchased; roof over south bedroom sagging; wooden exterior siding shows signs of rotting and broken in places; wood rotting and daylight can be seen through walls—very poor workmanship on additions to house; chimney leans and has some loose bricks; roof leaks into all 3 upstairs bedrooms, gutters and downspout rotten and broken; water in basement due to leaky foundation walls in very poor condition—bricks loose and coming out of walls; front porch ceiling is buckling in places and boards are starting to pull loose; porch deteriorating—steps rotted and dangerous to walk on, holes in steps, dry rot, handrails rotted and weak; wooden garage on property leaning and rotting; retaining wall between the owner's and adjoining property badly deteriorating and in need of immediate repair to support grade and foundation on each side of the house; lot drainage improper—water from roof runoff drains into crawl space.

INSPECTIONS OF SELECTED HOUSES ON WHICH HOMEOWNERS MADE COMPLAINTS

As part of our examination at the 52 Area/Insuring Offices where we inspected houses, we reviewed complaint procedures. These procedures were reviewed to determine how responsive the office was to complaints received from mortgagors and the extent of required corrective action. Our examination included visiting and inspecting selected properties to determine the condition of the properties, the validity of the complaints, and the adequacy of the action taken by the field office.

In addition to the above we examined more than 2,000 items of correspondence reflecting complaints received by the Office of Subsidized Housing, HPMC, general and Congressional correspondence sent to the Office of the Secretary, including more than 350 items of correspondence referred to HUD by the staff of the House Committee on Banking and Currency. We screened the complaints to ascertain whether the complaint related to the Section 235 program, whether it identified a specific insured property, and whether the complaint, in our judgment, appeared to be substantive. We referred to our field audit offices 138 complaints reviewed in Washington which in our judgment were related to the Section 235 program, identified a specific property, and were substantive. Thirty-eight of these complaints related to items of correspondence referred to HUD by the House Banking and Currency Committee.

We inspected 201 new and 83 used houses included in our review of complaints. The results of our selective examination of houses involved in complaints follow:

	New houses	Used houses
Houses inspected	201	83
Number inspected that had:		
Evidence of poor workmanship or materials	53	([1])
More significant deficiencies affecting safety, health, or livability	45	52
Aggregate deficiencies which should have made house not insurable	1	21
Together	99	73
Number inspected with problems (percent)	49	88

[1] Not applicable.

A summary of the number of deficiencies we found in "complaint houses" by each of the 18 categories covered in our inspections is shown in Exhibit II.

Examples of poor workmanship or materials and more significant deficiencies noted which we considered would affect safety, health and livability of the property are similar to those noted earlier in this report.

CONCLUSIONS

While our statistical audit sample was based on a nationwide review, we found that, generally, the number and significance of deficiencies was greatest in larger population centers with a volume of home insurance applications. In our opinion, too many houses—particularly used houses—were insured which contained deficiencies that should have been corrected prior to final endorsement.

While most of the home buyers under the Section 235 program have received good value and undoubtedly are living in better houses than they previously lived in, we believe many unsophisticated buyers of older inner-city housing have not been fairly treated. The values stated on appraisals have been high and the condition of a number of properties at final endorsement have been poor to bad. We believe this general condition results from a combination of factors including the relaxing several years ago of inspection and appraisal requirements in declining urban areas. Also, when production goals vs. quality appraisals and inspections were at issue, the matter often was resolved on the side of production. Further, prior to the implementation of Section 518(b) many buyers of used houses were unsuccessful in getting corrective action on complaints.

Many improvements in procedures and staff training requirements have been prescribed recently. During our next audit of Section 235 we will follow up to ascertain whether the strengthened procedures are being implemented successfully. In the meantime, we have furnished each Regional and Area/Insuring Office covered in our review with specific information in writing on deficiencies noted during our inspections for discussion and follow up with them to ascertain the reasons for the incidence of deficiencies, assure corrective action to benefit the home owners, and provide a basis for recommending further changes in procedures, as necessary, to preclude similar problems under the program in the future.

SUMMARY OF HOUSES INSPECTED BY OFFICE OF AUDIT AS PART OF STATISTICAL SAMPLE AND NUMBER INSPECTED WITH PROBLEMS

		New construction			Existing construction		
	Total	Total	235	223(e)	Total	235	223(e)
Statistical audit sample	1,332	694	408	286	638	354	284
Less: Houses could not enter	51	22	10	12	29	12	17
Houses inspected	1,281	672	398	274	609	342	267
Number inspected that had:							
Evidence of poor workmanship or materials	100	100	67	33	([1])	([1])	([1])
More significant deficiencies affecting safety, health, or livability	298	73	34	39	225	99	126
Aggregate deficiencies which should have made the house not insurable	35				35	19	16
Total	433	173	101	72	260	118	142
Number inspected with problems (percent)		25.7	25	26	42.7	34.5	53

[1] Not applicable.

EXHIBIT II

TYPE AND NUMBER OF PROBLEMS DISCLOSED IN OFFICE OF AUDIT INSPECTION OF HOUSES

	Selected by statistical sample, 1,281 houses			Houses inspected as a result of review of complaints, 284 houses		
	New construction		Existing construction (significant deficiencies affecting safety, health, or livability)	New construction		Existing construction (significant deficiencies affecting safety, health, or livability)
	Poor workmanship or materials	Significant deficiencies affecting safety, health, or livability		Poor workmanship or materials	Significant deficiencies affecting safety, health, or livability	
INTERIOR						
1. Plumbing and hot water	9	4	97	2	4	22
2. Heating system	17	12	62	2	3	28
3. Electrical system	10	4	81	1	2	29
4. Walls	21	7	75	23	3	24
5. Floors	28	5	86	19	4	22
6. Stairways	3		49	3	1	14
7. Basement and foundation	21	17	81	17	17	29
8. Bathroom and kitchen fixtures	18		53	19	2	11
9. Windows and doors	26	1	65	20	2	24
10. Other	10	1	25	15	2	15
EXTERIOR						
1. Roof and gutters	12	8	98	12	4	26
2. Siding and trim	19	4	54	22	3	15
3. Masonry	7	5	27	5	1	11
4. Concrete (walks, driveways, etc.)	12	2	31	5	4	7
5. Porches	10	2	62	3		21
6. Garage or carport	3		26	2	2	8
7. Grounds and septic systems	20	39	36	19	17	3
8. Other	1	1	23			5
Total	247	112	1,031	189	71	314
Number of houses in which we found 1 or more of conditions shown	100	73	260	53	46	73

S. 3892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 518 of the National Housing Act is amended to read as follows:

"REQUIREMENT OF SELLER'S WARRANTY; EXPENDITURES TO CORRECT OR COMPENSATE FOR SUBSTANTIAL DEFECTS IN MORTGAGED HOMES

"SEC. 518 (a) (1) In any case where a mortgage covering property improved by a one- to four-family dwelling is insured under any provision of this Act and the mortgage is approved for such insurance prior to the beginning of construction, the seller or such other person as may be required by the Secretary shall deliver to the mortgagor a warranty that the dwelling (A) is constructed in substantial conformity with the plans and specifications (including any amendments thereof, or changes or variations therein, approved in writing by the Secretary) on which the Secretary based his valuation of the dwelling, and (B) has no structural or other defects which could seriously affect the use and livability of the dwelling. This warranty shall apply only with respect to those instances of substantial nonconformity or defects as to which the mortgagor has given written notice to the warrantor within three years from the date of conveyance of title to, or initial occupancy of, the dwelling, whichever first occurs.

"(2) The warranty required by paragraph (1) shall be in addition to, and not in derogation of, all other rights and privileges which the mortgagor may have under any other law or instrument. The Secretary is directed to permit copies of the plans and specifications (including any amendments or variations approved in writing by the Secretary) for dwellings covered by warranties under this subsection to be made available in the appropriate local offices for inspection or for copying by any mortgagor or warrantor during such periods of time as the Secretary deems reasonable.

"(b) If the owner of any property which is improved by a one- to four-family dwelling covered by a mortgage insured under any provision of this Act requests asistance from the Secretary within five years after the insurance of the mortgage, the Secretary is authorized—

"(1) to correct structural defects in any such property or any other defects in such property which seriously affect the use and livability of the dwelling;

"(2) to pay the claims of such owners arising from any such defect or from any substantial nonconformity with any plans and specifications (including any amendments thereof, or changes or variations therein, approved in writing by the Secretary) on which the Secretary based his valuation of the dwelling; or

"(3) to acquire title to property in which any such defect or nonconformity exists.

"(c) The Secretary shall, with all reasonable promptness, make expenditures, for any of the purposes specified in subsection (b), with respect to structural or other defects which seriously affect the use and livability of any single-family dwelling which is covered by a mortgage insured under any section of this Act and is more than one year old on the date of the issuance of the insurance commitment, or with respect to any substantial nonconformity with the plans and specifications on which the Secretary based his valuation of any such dwelling, if (a) the owner requests assistance from the Secretary not later than five years after the insurance of the mortgage, and (B) the defect or nonconformity is one that existed on the date of the issuance of the insurance commitment and is one that a proper inspection could reasonably be expected to disclose. The Secretary may require from the seller of any dwelling an agreement to reimburse him for any payments made pursuant to this subsection with respect to such dwelling.

"(d) The Secretary shall by regulation prescribe the terms and conditions upon which expenditures and payments may be made under the provisions of this section. The determinations of the Secretary regarding such expenditures or payments, and the terms and conditions under which the expenditures and payments are approved or disapproved, shall be final and conclusive and shall not be subject to judicial review.

SEC. 2. In the case of a mortgage which is insured under any provision of the National Housing Act more than four and one-half years prior to the date of enactment of this Act, the Secretary may furnish assistance under section 518 of the National Housing Act, as amended by the first section of this Act, if the owner of property eligible for assistance under such section 518 requests such assistance within six months after the date of enactment of this Act.

By Mr. MAGNUSON (by request):

S. 3893. A bill to amend the Interstate Commerce Act to provide increased fines for violation of the motor carrier safety regulations, to extend the application of civil penalties to all violations of the motor carrier safety regulations, to permit suspension or revocation of operating rights for violation of safety regulations, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Interstate Commerce Act to provide increased fines for violation of the motor carrier safety regulations, to extend the application of civil penalties to all violations of the motor carrier safety regulations, to permit suspension or revocation of operating rights for violation of safety regulations, and for other purposes, and I ask unanimous consent that the letter of transmittal, and section-by-section analysis be printed in the RECORD with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., July 25, 1972.
Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Department of Transportation has prepared and submits herewith as a part of the legislative program for the 92d Congress, 2d Session, a draft of a proposed bill:

"To amend the Interstate Commerce Act to provide increased fines for violation of the motor carrier safety regulations, to extend the application of civil penalties to all violations of the motor carrier safety regulations, to permit suspension or revocation of operating rights for violation of safety regulations, and for other purposes."

This bill amends several provisions of Part II of the Interstate Commerce Act to strengthen the Motor Carrier Safety Regulations administered by the Bureau of Motor Carrier Safety, which govern the safety of operation of all commercial vehicles in interstate commerce. The bill would vest the Secretary of Transportation, who is primarily responsible for highway safety, with adequate authority to carry out his responsibilities in the field of motor carrier safety.

Subsection 1(1) of the bill would increase the fines for violating the Motor Carrier Safety Regulations (49 C.F.R. Parts 390–396) to a range of $250 to $1,000 for first offenses and $500 to $2,000 for subsequent offenses. Section 222 of the Interstate Commerce Act presently provides permissible penalties of $100 to $250 for first offenses and $200 to $500 for subsequent ones. We do not feel that the present penalties are sufficient to serve as an adequate deterrent for violations of these Motor Carrier Safety Regulations. The existing criminal penalty provisions require the Government to show knowledge and willfulness on the part of defendants. Under the new subsection the doing of an act which violates the motor carrier safety regulations is sufficient for possible conviction. Some courts have interpreted the knowledge and willfulness provision under the present statute so narrowly that ignorance of the law or the regulations constitutes a defense to prosecution for violating them. This is clearly an inappropriate requirement where the unsafe practice, rather than the intent to commit it, is what is proscribed for the public's protection. The new subsection also provides that each day of a violation constitutes a separate offense.

Subsection 1(2) would extend the application of civil penalties to all violations of the Motor Carrier Safety Regulations. The present law (49 U.S.C. 322(h)) allows the assessment of civil forfeitures against common and contract motor carriers which fail to comply with the Motor Carrier Safety Regulations governing the keeping of records and the filing of reports. All other violations of these regulations are subject to criminal sanctions only. This requires resort to the criminal process for many relatively minor infractions; further, imposition of criminal sanctions is a lengthy and ineffective means of enforcing these safety regulations.

Also, a civil action carriers with it the intrinsic advantage of a lesser burden of proof, thus freeing an already overburdened investigative and legal staff for further implementation of the statute. Further, it is felt that in many instances violations of these regulations should not carry the stigma of a criminal prosecution.

Subsection 1(2) also deals with the problem of uneven application of sanctions. Presently the civil penalty provisions for violations of reporting and recordkeeping regulations apply only to "common" and "contract" carriers by motor vehicle. This subsection would also make these civil penalty provisions applicable to private carriers of property and carriers of migrant workers in interstate commerce.

Subsection 1(3) would amend the Interstate Commerce Act to authorize the Secretary of Transportation, in administering his responsibility for enforcing laws governing the safety of interstate bus and trucking operations (formerly vested with the Interstate Commerce Commission (ICC) prior to the enactment of the Department of Transportation Act) to initially suspend or revoke operating rights for violation of safety regulations.

This new authority would be applicable to all classes of interstate over-the-road carriers subject to regulations under the Interstate Commerce Act, whether common, contract, or private carriers and including carriers of migrant workers by motor vehicle.

This subsection authorizes the Secretary to issue a cease and desist order for up to 60 days against a carrier to prevent it from operating in interstate commerce where he finds, for good cause, that the carrier's operation will create an unreasonable risk of accident, injury, or death to persons or damage to property. Before the Secretary issues such an order, he must first determine that the application of other available sanctions are impracticable, unduly time consuming, or inadequate to protect the public health and safety; and second, he must give the carrier written notice of his intent to issue a cease and desist order and identify the portion of the carrier's operations which are affected by such order and set forth the reasons for issuance of the order. If the carrier operates under an ICC certificate, the Secretary shall petition the ICC, and after notice and hearing, the ICC may revoke or further suspend the operating rights of the carrier, in whole or in part, if it is determined that revocation or further suspension will protect the public safety.

The Secretary's cease and desist order is subject to judicial review in accordance with the provisions of chapter 7 of title 5, United States Code.

The last sentence of subsection 1(3) of the bill eliminates the need to convene a three-judge district court to entertain a carrier's suit to enjoin an order of the Secretary. Such a court is now required by 28 U.S.C. 2325 and is carried over from ICC practice to the Secretary's proceedings by section 4(c) of the Department of Transportation Act (49 U.S.C. 1653(c)). We feel that the cumbersome procedures of three-judge district courts are neither appropriate nor necessary to review instances of motor carrier safety violations. The effect of this amendment would be to provide review by a single-judge district court. It is settled law that when Congress neither expressly negates judicial review nor provides a specific manner of proceeding to obtain it, administrative action is reviewable on suit of a party adversely affected by any single-judge district court having venue in the action and jurisdiction over the parties.

Indeed, we note that the ICC itself is on record as favoring the elimination of the three-judge court requirement, and is supported in its contentions by the Administrative Conference of the United States.

We recommend enactment of this draft bill in order to continue our program of increased emphasis on motor carrier safety.

The enactment of the subject legislation would have no substantial effect on the environment.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

JOHN VOLPE.

SECTION-BY-SECTION ANALYSIS OF A BILL TO AMEND THE INTERSTATE COMMERCE ACT TO PROVIDE INCREASED FINES FOR VIOLATION OF THE MOTOR CARRIER SAFETY REGULATIONS, TO EXTEND THE APPLICATION OF CIVIL PENALTIES TO ALL VIOLATIONS OF THE MOTOR CARRIER SAFETY REGULATIONS, TO PERMIT SUSPENSION OR REVOCATION OF OPERATING RIGHTS FOR VIOLATION OF SAFETY REGULATIONS, AND FOR OTHER PURPOSES

GENERAL

This bill is designed to vest the Secretary of Transportation, who is primarily responsible for highway safety, with adequate authority to carry out that responsibility in the field of safety of operations of interstate bus and trucks, and, to provide realistic penalties for violation of the Motor Carrier Safety Regulations sufficient to serve as effective deterrents against operations that imperil the public. The substance of statutory provisions governing violations of the Interstate Commerce Act and orders, rules, and regulations issued thereunder, now covered by the provision amended, would not be changed but renumbered where necessary.

SECTION 1(1)

This subsection would renumber existing subsection 222(a) of the Interstate Commerce Act (49 U.S.C. 322(a)) as subsection 222(a)(1) and enact a new subsection 222 (a)(2). The new subsection would increase the fines for violating the Motor Carrier Safety Regulations (49 C.F.R. parts 390–396) to a range of $250 to $1,000 for first offenses and $500 to $2,000 for subsequent offenses. The present range of permissible penalties, $100 to $250 for first offenses and $200 to $500 for subsequent ones, is not sufficient to serve as an adequate deterrent. Many carriers simply write off the present low fines as a minor cost of doing business and continue their dangerous and unsafe practices in volation of the regulations.

The new subsection is also drafted to make clear that the doing of an act which violates the motor carrier safety regulations is sufficient for conviction. Some courts have held, in effect, that the present statute makes ignorance of the law or the regulations a defense to prosecution for violating them. This is clearly an inappropriate requirement where the unsafe practice, rather than the intent to commit it, is what is proscribed for the public's protection.

SECTION 1(2)

This subsection would redesignate existing subsection 222(h) (49 U.S.C. 322(h)) as subsection 222(h)(1) and enact a new subsection 222(h)(2). The new subsection would extend the application of civil penalties to all violations of the Motor Carrier Safety Regulations. The present law (49 U.S.C. 322(h)) allows the assessment of civil forfeiture against common and contract motor carriers which fail to comply with the Motor Carrier Safety Regulations governing the keeping of records and the filing of reports. All other violations of these regulations are subject to criminal sanctions only. This requires resort to the criminal process for many relatively minor infractions. The change made by this provision will allow the criminal sanctions to be reserved for repeated offenders and gross or flagrant flouting of the safety rules.

This subsection would also deal with the problems of uneven application of sanctions. The civil penalty provisions for violations of reporting and recordkeeping regulations presently apply only to "common" and "contract" carriers by motor vehicle (49 U.S.C. 322(h)). For the identical type of violation, carriers of private property and migrant workers are subjected to criminal sanctions. This unjustified distinction would be eliminated by making the civil penalties applicable to all classes of interstate motor carrier operators. In this way criminal sanctions could be reserved for flagrant or repeated offenders.

SECTION 1(3)

This subsection would add a new subsection 222(i) to the Act (49 U.S.C. 322(i)). Section 6(e) of the Department of Transportation Act (49 U.S.C. 1655(e)) transferred responsibility for enforcing the laws governing the safety of interstate bus and trucking operations from the ICC to the Secretary of Transportation. However, the Secretary was not authorized to suspend or revoke operating rights for violation of safety regulations; this authority remained with the ICC. Section 1(3) would add a new subsection 222(i) to the Interstate Commerce Act to give the Secretary such suspension and revocation authority. This will equip the responsible agency with expertise in highway and traffic safety to deal expeditiously and effectively with unsafe operators.

New subsection 222(i) would be applicable to all classes of interstate over-the-road carriers subject to regulation under the Interstate Commerce Act, whether common, contract, or private carriers and including carriers or migrant workers by motor vehicle. The Secretary may issue a cease and desist order for up to 60 days against such a carrier to prevent it from operating in interstate commerce where he finds, on good cause, that the carrier's operations will create an unreasonable risk of accident, injury, or death to persons or damage to property. Before the Secretary issues such an order, he must first determine that the application of other available sanctions are impracticable, unduly time consuming, or inadequate to protect the public health and safety; and second, he must give the carrier written notice of his intent to issue a cease and desist order and identify the portion of the carrier's operations which are affected by such order and set forth the reasons for issuance of the order. If the carrier operates under an ICC certificate, the Secretary shall petition the ICC, which after notice and hearing, shall determine whether the operating rights of the carrier should be revoked or further suspended in whole or in part, if it is determined that revocation or further suspension will protect the public safety.

The Secretary's cease and desist order is subject to judicial review in accordance with the provisions of chapter 7 of title 5, United States Code.

Finally, the last sentence of this subsection eliminates the need to convene a three-judge district court to entertain a carrier's suit to enjoin one of the Secretary's orders. Such a court is now required by 28 U.S.C. 2325 and carried over from ICC practice to the Secretary's proceedings by section 4(c) of the DOT Act. (49 U.S.C. 1653(c)). The cumbersome procedures of three-judge district courts are neither appropriate nor necessary to review instances of motor carrier safety violations. It is settled law that when Congress neither expressly negates judicial review nor provides a specific manner of proceeding to obtain it, administrative action is reviewable on suit of a party adversely affected by any single-judge district court having venue in the action and jurisdiction over the parties. Indeed, we note that the ICC itself is on record as favoring the elimination of the three-judge court requirement, and is supported in its contentions by the Administrative Conference of the United States.

S. 3893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 222 of part II of the Interstate Commerce Act, as amended (49 U.S.C. 322), is amended:

(1) by redesignating subsection 222(a) (49 U.S.C. 322(a)) as subsection 222(a)(1) and adding a new subsection 222(a)(2) to read as follows:

"SEC. 222. (a)(2) Any person who knowingly commits an act in violation of any requirement, rule, regulation, or order promulgated by the Secretary of Transportation under section 204 of this part relating to qualifications and maximum hours of service of employees and safety of operation and equipment shall be fined not less than $250 nor more than $1,000 for the first offense and not less than $500 nor more than $2,000 for any subsequent offense. Each day of such violation shall constitute a separate offense;

(2) by redesignating subsection 222(h) (49 U.S.C. 322(h)) as subsection 222(h)(1) and adding a new subsection 222(h)(2) to read as follows:

"SEC. 222. (h)(2) Any motor carrier, private carrier, carrier of migrant workers by motor vehicle, or other person who violates any requirement, rule, regulation, or order of the Secretary of Transportation described in subsection 222(h)(1) or promulgated under section 204 of this part as it relates to qualifications and maximum hours of service of employees or safety of operations and equipment shall be subject to the penalties specified in subsection 222(h)(1); and (3) by adding a new subsection 222(i) (49 U.S.C. 322(i)) to read as follows:

"SEC. 222. (i) In administering the functions, powers, and duties transferred by section 6(e) of the Department of Transportation Act (80 Stat. 931, 939–940), the Secretary of Transportation may order any common, contract, or private carrier to cease and desist from engaging in all or a specified portion of its operation of motor vehicles in interstate commerce for not more than sixty days when the Secretary, for good cause, finds that the carrier's operations will create an unreasonable risk of accident, injury, or death to persons or damage to property. Before issuing a cease and desist order authorized by this subsection, the Secretary shall (1) determine that the application of other available sanctions would be impracticable, unduly time-consuming, or inadequate to protect the public health and safety; and (2) give the carrier written notice of his intention to issue a cease and desist order, identifying the portion of the carrier's operations that would be affected by the order and setting forth the reasons why he intends to issue it. If the carrier is operating under a certificate or permit issued by the Commission, the Commission may, upon petition of the Secretary and after notice and hearing, revoke or further suspend the carrier's operating authority in whole or in part upon determining that revocation or further suspension will protect the public safety. An order of the Secretary issued under this subsection is reviewable in accordance with chapter 7 of title 5, United States Code. The provisions of title 28, United States Code, respecting three-judge district courts, do not apply to a proceeding to review an order of the Secretary issued under this subsection."

By Mr. TUNNEY:

S. 3894. A bill to amend the Public Health Service Act to provide for reservation of funds for research into the possible social consequences of biomedical technologies. Referred to the Committee on Labor and Public Welfare.

THE SOCIAL ASPECTS OF BIOMEDICINE

Mr. TUNNEY. Mr. President, I am pleased to introduce a bill which would apply one-quarter of 1 percent of all research funds which are authorized and appropriated under section 301 of the Public Health Service Act to a consideration of the possible social consequences of the research.

I am introducing this bill to serve as a catalyst and as a commencement in the effort to bridge the considerable gap which separates the biomedical sciences from the rest of society. The issues raised by the biomedical sciences are momentous. Their impact upon society will be profound—and should be evaluated by a cross-section of the citizens of this land, by representatives of a variety of professions and disciplines. The social and ethical issues raised by the biomedical sciences must be evaluated by interdisciplinary groups of persons. They should be raised whenever Federal funds are expended on health research.

A number of the concerns which I have, particularly those which relate to the ethical, social, and philosophical aspects of the biomedical sciences, are set forth in an article which I and my legislative assistant, Mel Levine, wrote and which was published in the August 5, 1972, edition of the Saturday Review of Science.

In reviewing both the technical and the ethical aspects of this general area, it has become evident to me that the public knows very little about these new technologies—or, indeed, about the social impact of the biomedical sciences in general. At the same time, the scientific community has not focused nearly enough of its time and attention upon the social and ethical implications of the research it is pursuing in a number of complicated and important areas.

Accordingly I believe that it is imperative for the Federal Government to begin to make it easier for the rest of society to understand the powerful and important implications of the biomedical sciences.

This effort could be pursued in a variety of ways. I believe that a number of approaches are important. I have set forth some of them in my article in the Saturday Review and I shall have more to say about those at a later date.

But I do believe that a simple and effective way to begin to achieve this technological assessment is through the bill I have just introduced, or, in amending section 301 of the Public Health Service Act, we reach research funds which are administered by the Food and Drug Administration—see page 383 of the fiscal year 1973 budget; the Health Services and Mental Health Administration—see page 388 of the fiscal year 1973 budget; the National Cancer Institute—see page 413 of the fiscal year 1973 budget; the National Heart and Lung Institute—see page 414 of the fiscal year 1973 budget; the National Institute of Dental Research—see page 415 of the fiscal year 1973 budget; the National Institute of Arthritis and Metabolic Diseases—see page 416 of the fiscal year 1973 budget; the National Institute of Neurological Diseases and Stroke—see page 417 of the fiscal year 1973 budget; the National Institute of Allergy and Infectious Diseases—see page 418 of the fiscal year 1973 budget; the National Institute of General Medical Sciences—see page 419 of the fiscal year 1973 budget; the National Institute of Child Health and Human Development—see page 419 of the fiscal year 1973 budget; the National Eye Institute—see page 421 of the fiscal year 1973 budget; the National Institute of Environmental Health Sciences—see page 422 of the fiscal year 1973 budget; the Research Resources program—see page 423 of the fiscal year 1973 budget; the appropriations for Health Manpower—see page 424 of the fiscal year 1973 budget; National Library of Medicine—see page 427 of the fiscal year 1973 budget; and General Research Support Grants—see page 433 of the fiscal year 1973 budget.

It is important to effect as broad as a biomedical base as possible, to require that as many research projects as possible in the biomedical sciences consider the social implications of that research. For, to the extent that the public and the Congress understand the biomedical sciences, we will be able better to evaluate their importance. To the extent that we understand in advance what social and ethical questions are raised by these sciences, we will be better prepared for the developments that follow.

The agencies which I have just mentioned carry out the major biomedical research programs within the Federal Government. Therefore, I believe that this change in section 301 of the Public Health Service Act will effectively begin to focus on the important biomedical programs which involve Federal funds.

I think it is imperative at this point to make it abundantly clear that by no means am I suggesting any controls whatever on science or on scientific research. To the contrary. I believe that, if the public does not understand well in advance the social implications involved in this research, such controls might be more likely to occur at a later date. For an uniformed public is more likely to react to scientific breakthroughs out of fear and skepticism, while an informed citizenry will better understand the positive value of biomedical research and technology.

I understand the problems that are involved in any ethical, moral—that is, subjective—evaluation. I do not mean to suggest by this legislation that objective answers are possible in this area. It will be impossible to quantify this social analysis.

Nevertheless, the analysis is urgent—and it must be conducted both by scientists and nonscientists. For, if we do not understand the possibilities inherent in the biomedical sciences, we will be less likely to approach these issues through reasoned analysis. If their dramatic potential astounds the lay—nonscientific—community rather than inspires it, that community will be less likely to welcome such new developments. Accordingly it is imperative that we all understand the social implications of the biomedical sciences.

This closer relationship between the biomedical sciences and the rest of society must begin at once. I hope, therefore, that this bill will receive the immediate attention it deserves. Though it is short in length, I believe very deeply that it is long in merit. I hope that it will be considered carefully and promptly.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(j) apply one quarter of one per centum of amounts provided for grants for research or research training projects for any fiscal year as are recommended under subsection (d) of this section, toward research into the possible social consequences of biomedical technologies."

ADDITIONAL COSPONSORS OF AN BILL

S. 3644

At the request of Mr. HUGHES, the Senator from California (Mr. Tunney), the Senator from Maine (Mr. Muskie), and the Senator from Texas (Mr. Tower) were added as cosponsors of S. 3644, a bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, and other related acts, to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism.

SENATE RESOLUTION 347—ORIGINAL RESOLUTION REPORTED PROVIDING ADDITIONAL FUNDS FOR THE COMMITTEE ON GOVERNMENT OPERATIONS

(Referred to the Committee on Rules and Administration.)

Mr. **ERVIN**, from the Committee on Government Operations, reported the following resolution:

Resolved, That Section 4, S. Res. 258, Ninety-second Congress, second session, agreed to March 17, 1972, is amended by striking out the amount "$830,000" on page 2, line 22, and inserting in lieu thereof the amount "$929,210."

NATIONAL NO-FAULT MOTOR VEHICLE INSURANCE ACT—AMENDMENT

AMENDMENT NO. 1417

(Ordered to be printed and to lie on the table.)

Mr. **SPONG** submitted an amendment intended to be proposed by him to the bill (S. 945) to regulate interstate commerce and to provide for the general welfare by requiring certain insurance as a condition precedent to using the public streets, roads, and highways in order to have an efficient system of motor vehicle insurance which will be uniform among the States, which will guarantee the continued availability of such insurance, and the presentation of meaningful price information, and which will provide sufficient, fair, and prompt payment for rehabilitation and losses due to injury and death arising out of the operation and use of motor vehicles within the channels of interstate commerce and otherwise affecting such commerce.

AMENDMENTS NOS. 1420 AND 1421

(Ordered to be printed and to lie on table.)

Mr. **EAGLETON** submitted two amendments intended to be proposed by him to the bill (S. 945), supra.

HANDGUN CONTROL ACT OF 1972—AMENDMENT

AMENDMENT NO. 1419

(Ordered to be printed and to lie on the table.)

Mr. **STEVENS** submitted an amendment intended to be proposed by him to the bill (S. 2507) to amend the Gun Control Act of 1968.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1391

At the request of Mr. **SAXBE** for Mr. SCHWEIKER, the Senator from New Jersey (Mr. WILLIAMS), the Senator from Iowa (Mr. HUGHES), the Senator from Delaware (Mr. BOGGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Nevada (Mr. BIBLE), the Senator from Colorado (Mr. DOMINICK) and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of amendment No. 1391 intended to be proposed to the bill (S. 3755) to amend the Airport and Airway Development Act of 1970.

ADDITIONAL STATEMENTS

HAM RADIO OPERATORS PERFORM A SERVICE

Mr. **ROBERT C. BYRD**. Mr. President, February 26, 1972, will be a date long remembered by West Virginians. At 8 a.m., a slag dam gave way at the head of Buffalo Creek in Logan County. Torrents of water swept over the narrow valley, leaving total devastation in the flood's wake. I viewed the damaged area, and I can personally attest to the overwhelming chaos and destruction wrought by the savage waters.

Out of the ruins of disaster often come tales of heroic actions performed by individuals who act in response to human need, with little thought to personal comfort and safety. I want to acknowledge a group of such individuals today: A group of ham radio operators, led by Mr. Willie Flannery, of Mallory, W. Va.

Minutes after the flood, Mr. Flannery alerted a number of West Virginia hams to the disaster, giving what proved to be ar amazingly accurate estimate of the scope of the damage. An emergency net frequency was quickly chosen. Stations were set up in key areas to coordinate the activities of the various relief organizations through instant radio communication, answer the hundreds of frantic requests from concerned relatives, and make arrangements for the disposal of food and supplies, which poured in.

Many of the ham participants sacrificed vacation time or took leave from jobs to give round-the-clock service in this crucial emergency. One ham drove from Chillicothe, Ohio, in response to a request for a radio-equipped jeep. With the aid of another ham, he set up and operated the Lorado station for the first 3 days.

There were at least 4,000 amateur radio stations in the Eastern United States which aided in transmitting emergency information. Relief groups, such as the Salvation Army and the Red Cross, were able to use the radios to transmit vital information about medical emergencies, needed medical supplies, emergency rations, and sources of food and clothing.

In these impersonal times, it is reassuring to know that there remain people all over America who respond to emergencies in the manner of these ham radio operators. In behalf of all of the people of West Virginia, I want to say a heartfelt, grateful "Thank you."

SENATOR ALLEN J. ELLENDER IN MEMORIAM

Mr. **TAFT**. Mr. President, Time, in this great building, is often an elusive intangible, frequently an abhorred catalyst. We get caught in the "rat race," losing perspective. Or we see only the annals of history before us, guiding our lives. When a great Senator falls, however, we are forced to view this man's life, now completed, and understand, with great humility, the impact he has had on us all.

Much has already been said about Senator Ellender. He was the Dean of the Senate, the President pro tempore, the chairman of the Committee on Appropriations, and the former chairman of the Committee on Agriculture and Forestry.

Great eulogies have expounded the thrust of this man's intelligence, personal charm, wisdom, and influence on agriculture.

I feel, that just as important, Senator Ellender should be remembered by future generations by the insight gained from his travels.

He visited the Soviet Union five times. He was a leader in realizing that Russia was not a deadly menace to us after all. Senator Ellender should be known as an innovator in thought and practice, a man of insight and commonsense.

Senator Ellender will not be soon forgotten, by the Nation, my own State of Ohio, the Senate, and myself. I consider it a privilege to have served in the same Congress as the late Senator Allen J. Ellender. He was a great person and a great Senator.

DEPARTMENTS OF STATE AND DEFENSE RESOLVE SAM-D CONFLICT WITH SALT

Mr. **PROXMIRE**. Mr. President, on June 26, 1972, I wrote Secretary of Defense Laird and Secretary of State Rogers to express my concern regarding the compatibility of the Army's SAM-D system with the terms of the SALT Treaty on ABM's.

I noted in my letters that several Pentagon witnesses had told Congress in recent years that SAM-D would have a capability, not only against enemy aircraft, but against enemy ballistic missiles as well. I queried whether such a capability would bring SAM-D within the definition of an ABM system in article II(1) of the treaty or within the article VI prohibition against the testing of nonABM systems in an ABM mode. The answer, I pointed out, was not clear on the face of the treaty, since that document fails to address the question directly. I therefore called upon the administration to either demonstrate SAM-D's compatibility with the treaty or to cancel the system along with prohibited parts of the Safeguard ABM system.

Both the Defense and State Departments have now replied to my letters. Both take the position that development and deployment of SAM-D would not violate the ABM Treaty.

The key to their argument is the distinction which they draw between strategic and tactical ballistic missiles. The ABM Treaty, they point out quite correctly, applies only to systems designed to counter strategic ballistic missiles. They argue that SAM-D, on the other hand, is being designed to provide defense only against tactical ballistic missiles.

And the category into which a given missile falls, they suggest, depends on the velocity and trajectory altitude of its reentry vehicles. Only if a missile's reentry vehicles have a maximum velocity exceeding two kilometers per second or a maximum altitude exceeding 40 kilometers is it to be regarded as a strategic ballistic missile.

It is highly important that this distinction has now been placed on the public record. The ABM Treaty itself fails to spell out what dividing line between the two classes of missiles the two parties had in mind during the course of their negotiations. At least the U.S. view on this matter is now clear. This in itself should serve to clarify potential issues when SALT II negotiations begin this fall. And since present design specifications for SAM–D do not call for it to intercept strategic ballistic missiles as here defined, continued development of SAM–D as those negotiations continue would be compatible with U.S. interpretation of the ABM accord.

This does not mean, however, that we should cease to be concerned about SAM–D's potential ABM capabilities or that these potential capabilities would not become an issue during SALT II negotiations. During SALT I negotiations, U.S. representatives repeatedly voiced their concern about a possible Soviet upgrading of their Talinn air defense system into a nationwide ABM network. SAM–D would be much more sophisticated than the Talinn system and considerably more susceptible to upgrading. Given our own concern about Talinn, we should not be surprised if Soviet negotiators become increasingly concerned about SAM–D if that system's development proceeds along the path toward deployment.

Nor should we be oblivious to the fact that SAM–D deployment, or any changes either in SAM–D design characteristics or the present U.S. distinction between strategic and tactical ballistic missiles, might reawaken many of the dangers laid to rest by the recent ABM accords.

There are other reasons, too, why a U.S. option to deploy SAM–D should not be construed as a U.S. obligation to deploy the system. Its projected costs have more than doubled in the past 3 years, to the point where it is expected to be every bit as expensive as the C–5A and F–14 programs and much more costly than a possible National Command Authority ABM site. And these increased projected costs of recent years have been accompanied by lingering doubts regarding the system's military efficacy. Its field army air defense role in Europe might be served quite well by other existing and projected weapons, such as the Redeye, Vulcan-Chapparal, and improved Hawk family of Army SAM missiles and the new F–15 fighter. Perhaps some supplement to these weapons might be needed for defense in depth of the field army. But proliferated smaller SAM systems might be more reliable under combat conditions and also more survivable. Finally, SAM–D's bomber defense role in CONUS remains exceedingly dubious, for the simple reason that any defense of our population against a bomber threat is suspect once defense against missiles has been foreclosed.

The Senate Armed Services Committee has promised to conduct in-depth hearings on SAM–D's military capabilities in the next year. I hope that these hearings will be of the same depth and quality as its recent hearings on the Close Air Support and F–14 issues, and that the recommendation emerging from the hearings will not be predetermined by the fact that SAM–D is technically in compliance with the recent ABM Treaty as interpreted by the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD my June 26 letter on SAM–D to Secretary of Defense Laird, the reply of the Defense Department, and the reply of the State Department to a similar letter.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 26, 1972.

Hon. MELVIN R. LAIRD,
Secretary, Department of Defense,
Washington, D.C.

DEAR MEL: One purpose of the recently concluded ABM Treaty with the Soviet Union was to place clear restrictions not only on ABM systems as commonly understood, but also on other systems, such as air defense systems, which could be made to perform an ABM role. On several occasions during the past few years, Administration spokesmen have expressed concern that the Soviets' Talina Line air defense system might be upgraded for just such a role.

My purpose in writing today is to inquire as to the compatability of a new United States air defense system—the Army's SAM–D program—with the terms of the recently concluded treaty.

Several Defense Department witnesses have told Congress in recent years that SAM–D will have some capability not only against aircraft, but also against tactical and strategic ballistic missiles. The following are two examples of the testimony in this regard which has appeared on the public record:

(1) "SAM–D would be capable of defeating tactical ballistic missiles with ranges less than (deleted), air to surface missiles, and sub-launched cruise missiles. This system represents a radically new approach to . . . air defense. The application of the latest advances in miniaturized electronic circuitry, computer technology, radio data link techniques, and the phased array radar concept will give the system a mobility and multimission capability never before achieved in an air defense system." Lt. Gen. A. W. Batts, Army Chief of Research and Development, to the Senate Armed Services Committee, March 5, 1970.

(2) Question: "What capability will the SAM–D have against a CONUS SLBM and ICBM threat?"

Answer: "Based on the results of studies completed to date, the SAM–D system used as a defense against strategic ballistic missiles (even if SAM–D is modified) would be critically senstitive to variations in a number of threat parameters. To obtain a capability against a reasonable range of possible threat characteristics would probably require SAM–D to be supported by the SAFEGUARD Missile Site Radars. Therefore, SAM–D may be useful as a possible future augmentation to SAFEGUARD should the need arise, but it does not appear by itself to provide a viable defense system."

Question by Senator John C. Stennis and reply by Director of Defense Research and Engineering, Dr. John B. Foster, Jr., before the Senate Armed Services Committee, Februray 26, 1970.

In light of these acknowledged capabilities, it appears to me that continued developments, testing, or deployment of SAM–D could violate the ABM Treaty. Here are the reasons why.

First, Article II(1) of the Treaty defines an ABM system as any "system to counter strategic ballistic missiles" which includes interceptor missiles or radars "constructed and deployed for an ABM role, or a type tested in an ABM mode."

It would seem to me that a system with any capability against strategic ballistic missiles, however limited, would be covered by this definition. And if SAM–D is an ABM system within the meaning of the Treaty, several things follow.

Its deployment in a nation-wide bomber defense network would be a violation of Article I(2)'s prohibition against the deployment of, or laying a base for, a nation-wide ABM system.

Its further development, testing, or deployment would be in violation of Article V(1)'s prohibition against mobile land-based ABM systems.

And its deployment in defense of NATO would be a violation of Article IX's prohibition against the transfer to other countries or the deployment outside the United States of ABM systems or their components.

Second, even if SAM–D is not covered by Article II(I)'s definition of an ABM system, it would appear covered by Article VI of the Treaty. Under Article VI, the United States undertakes not to give non-ABM interceptor missiles or radars any ABM capabilities and not to test such missiles or radars in an ABM mode.

It would appear that this provision—the language of which closely parallels that of Article II(I)—was included in the Treaty specifically to forestall arguments that a system like SAM–D was not a true ABM system. This impression is strengthened by Secretary Rogers' statement in the State Department's interpretation of the Treaty submitted to the President on June 10, 1972, that this undertaking "would, for example, prohibit the modification of air defense missiles (SAMS) to give them a capability against strategic ballistic missiles."

Finally, it appears that deployment of SAM–D and its phased-array radar in Europe might violate Article VI's prohibition against the deployment of radars for early warning of strategic ballistic missile attack anywhere but on the borders of one's own nation.

It is difficult to believe that SAM–D and its limited capabilities against ballistic missiles were not specifically considered by both sides during the recent SALT negotiations. If SAM–D was considered, however, and a decision made to permit its deployment, this is not made clear anywhere in the Treaty or its supporting documents.

I have tried nonetheless to anticipate the arguments which might be made in support of a contention that SAM–D was not covered by the Treaty. Unfortunately, I find such arguments quite unpersuasive.

It might be argued, for example, that while SAM–D has a capability against ballistic missiles, its capability is against tactical ballistic missiles only and does not extend to strategic ballistic missiles as the latter term is used in the Treaty's Article II(I) definition of an ABM system.

But no definition of a strategic ballistic missile is actually given in the ABM Treaty itself, and it is difficult to believe that anyone would subscribe to a definition which excluded the CONUS SLBM and ICBM threat against which, according to Dr. Foster, SAM–D would have at least a limited capability.

Moreover, the United States has made the unilateral statement that the phrase "tested in an ABM mode" covers the situation when "an interceptor missile is flight tested against a target vehicle which has a flight trajectory with characteristics of a strategic ballistic missile fight trajectory." It seems arguable to me that the fight trajectories of "tactical" and "strategic" ballistic missiles are sufficiently alike in their characteristics as to be covered by this statement.

Turning to another point, one might argue that agreed understanding D is, in any event, sufficent evidence that SAM-D's deployment in Europe would not violate Article VI's prohibition against the deployment of radars for early warning attack outside one's own borders.

Agreed Understanding D *does* constitute a commitment that the Parties will not deploy phased-array radars having a potential exceeding "three million watts" except under certain conditions. It is also true that SAM-D's phased-array radar does have a potential well within that limit. But Agreed Understanding D does not specifically state that all phased-array radars within that limit are automatically in compliance with the early warning limitation of Article VI.

I believe it is important to clarify the question of SAM-D's compatibility with the ABM Treaty prior to congressional ratification. A failure to do so could spark controversy later and complicate the second round of the SALT negotiations.

Accordingly, I would appreciate it if you would address yourself to the issues raised by this letter, with particular attention to the following questions:

(1) Does SAM-D's capability against ballistic missiles bring it within the scope either of Article II(1)'s definition of an ABM system or provsion (A) of Article VI, as interpreted by the United States?

(2) If SAM-D is within the scope of Article II(1) or provision (A) of Article VI as interpreted by the United States, have any plans been made for termination of the program, and if not, why not?

(3) Would it be feasible to develop SAM–D in such a way that its capability against ballistic missiles was deleted? If so, what consideration is being given to this approach, and what are the arguments against it?

(4) If SAM–D's capability against ballistic missiles does not bring it within the scope of Article II(1) or provision (A) of Article VI as interpreted by the United States, what is the reasoning by which this conclusion is reached?

(5) As interpreted by the United States, what is the meaning of the term "strategic ballistic missiles" as used in Article II(1), and if the term is meant to exclude "tactical" ballistic missiles, which of the following classes of Soviet missiles is, in fact, excluded—SRBMs? MRBMs? IRBMs? ICBMs? SLBMs? Is it true that SAM–D would have no capability whatsoever to intercept "strategic ballistic missiles" as so defined?

(6) What is the meaning of the phrase "flight trajectory with characteristics of a strategic ballistic missile flight trajectory" as used in the unilateral statement of the United States as to the meaning of the phrase "tested in an ABM mode?"

(7) Would deployment of SAM–D in Europe violate Article VI's prohibition against deployment of radars for early warning of strategic ballistic missile attack outside national boundaries, as interpreted by the United States? Why or why not?

(8) Was SAM–D specifically discussed during negotiating sessions with the Soviets? What certainty do we have that the Soviets' interpreattion of its compatibility with the ABM Treaty is identical to ours?

I apologize for the length of this letter and the detailed nature of the questions raised. I think it important, however, that considerable additional light be shed on this very complex subject. I would very much appreciate a reply to my questions prior to the start of Senate floor debate on the ABM Treaty.

Sincerely,

William Proxmire,
Chairman, Subcommittee on Priorities and Economy in Government.

The Director of
Defense Research and Engineering,
Washington, D.C., July 24, 1972.

Hon. William Proxmire,
Chairman, Subcommittee on Priorities and Economy in Government, Joint Economic Committee, Congress of the United States, Washington, D.C.

Dear Mr. Chairman: I have been asked to answer your letter of June 26, 1972, concerning the relationship of SAM–D and SALT. As you are well aware, DoD has been concerned about the use of SAM's in an ABM mode for a considerable period of time. The DoD efforts in this regard have been focused on the potential degradation of the U.S. deterrent if the Soviets upgraded their extensive SAM deployments to defend urban areas.

Based on this concern, substantial analysis within DoD has been directed at understanding the interrelationship among SAM equipment limitations, the technical limitations on upgrading SAM's, and the effectiveness of various offense responses to counter upgraded SAM's. During the negotiation of the ABM Treaty, both sides were well aware of SAM–D, and the Treaty does not preclude this system. However, the Treaty precludes testing such systems as SAM–D in an ABM mode and we will not do so.

The answers to your specific questions are provided in the attachment. If I can be of further assistance in this matter, please let me know.

Sincerely,

Leonard Sullivan, Jr.
(For John S. Foster, Jr.).

Questions of Chairman Proxmire, Subcommittee on Priorities and Economy in Government, Joint Economic Committee With Answers. Subject: SAM–D SALT Relationship

(1) Does SAM–D's capability against ballistic missiles bring it within the scope either of Article II(1)'s definition of an ABM system or provision (A) of Article VI, as interpreted by the United States?

The SAM–D program is not in conflict with either Article II(1) or Article VI(a) of the ABM Treaty.

(2) If SAM–D is within the scope of Article II(1) or provision (A) of Article VI as interpreted by the United States, have any plans been made for termination of the program and, if not, why not?

As stated in (1) above, the SAM–D program is not in conflict with either of these provisions, and thus does not need to be terminated.

(3) Would it be feasible to develop SAM–D in such a way that its capability against ballistic missiles was deleted? If so, what consideration is being given to this approach, and what are the arguments against it?

If the SAM–D program were redirected so that the system had *no* capability against any ballistic missile, even short range tactical ballistic missiles, the system would not be operationally effective in an air defense role. This is true primarily because there is an overlap in the attack characteristics between tactical ballistic missiles, aircraft, and aircraft-launched air-to-ground missiles. Thus, deletion of a capability against all ballistic missiles would deny a capability against aircraft and aircraft-launched missiles. There is, however, a distinct separation in attack characteristics between the above class of threats and long range strategic ballistic missiles. No consideration is being given to reducing SAM–D performance capabilities.

(4) If SAM–D's capability against ballistic missiles does not bring it within the scope of Article II(1) or provision (A) of Article VI as interpreted by the United States, what is the reasoning by which this conclusion is reached?

Simply stated, SAM–D is not in conflict with Articles II(1) or Article VI(a) for the following reasons:

SAM–D is being designed and developed as an Air Defense system, not as an ABM system to counter *strategic* ballistic missiles.

SAM–D will not be tested in an ABM mode.

(5) As interpreted by the United States, what is the meaning of the term "strategic ballistic missiles" as used in Article II(1), and if the term is meant to exclude "tactical" ballistic missiles, which of the following classes of Soviet missiles are, in fact, excluded—SRBMs? MRBMs? IRBMs? ICBMs? SLBMs? Is it true that SAM–D would have no capability whatsoever to intercept "strategic ballistic missiles" as so defined?

The term "strategic ballistic missiles" is meant to exclude "tactical" ballistic missiles. The distinction between these two classes of missiles results from the different flight characteristics of the re-entry vehicle, e.g., velocity, which is related to the range of the missile, and trajectory altitude. A strategic ballistic missile operated at or near maximum range reaches an altitude well above the atmosphere and a peak flight velocity of about four to seven kilometers per second. By comparison, other ballistic missiles operate at lower velocities and altitudes which are in or near the aircraft regime.

The SAM–D system does not have the capacity to intercept strategic ballistic missiles and will not be tested in an ABM mode. SAM–D, therefore, will not have the operational capability to intercept strategic ballistic missiles in flight trajectory.

(6) What is the meaning of the phrase "flight trajectory with characteristics of a strategic ballistic missile flight trajectory" as used in the unilateral statement of the United States as to the meaning of the phrase "tested in an ABM mode"?

As stated in my testimony before the House Armed Services Committee on June 13, 1972, this phrase means, in my view, a flight trajectory with a maximum velocity exceeding two kilometers per second, or a maximum altitude exceeding 40 kilometers.

(7) Would deployment of SAM–D in Europe violate Article VI's prohibition against deployment of radars for early warning of strategic ballistic missile attack outside national boundaries, as interpreted by the United States? Why or why not?

SAM–D is neither an ABM system, nor is its radar a system to provide early warning of strategic ballistic missile attack and, therefore, its deployment is not restricted by Article VI.

(8) Was SAM–D specifically discussed during negotiating sessions with the Soviets? What certainty do we have that the Soviets interpretation of its compatibility with the ABM Treaty is identical to ours?

SAM–D was not discussed with the Soviets. The ABM Treaty places no limits on air defense systems per se. However, certain collateral constraints have been placed on air-defense systems as an extension of the limits placed on ABM systems. These include limits on power aperture product of phased-array radars and the obligation not to give air defense systems an ABM capability or to test air defense systems in an ABM role.

Department of State,
Washington, D.C., July 31, 1972.

Hon. William Proxmire,
Chairman, Subcommittee on Priorities and Economy in Government, Joint Economic Committee, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: The Secretary has asked me to respond to your inquiry as to the compatibility of a new United States air defense system—the Army's SAM–D program—with the terms of the recently concluded ABM Treaty. I understand that a similar inquiry has been sent to Secretary of Defense Laird and that the Defense Department is answering your technical questions.

SAM–D is an advanced surface-to-air missile system, which is in early engineering development. The primary mission of SAM–D is air defense of the field army against high-flying supersonic enemy aircraft and air-launched missiles.

The ABM Treaty does prohibit the testing of SAM–D in an ABM mode, and the development and deployment of SAMXD as an ABM system. The U.S. has no intention either to test or to deploy SAM–D in an ABM mode. The ABM treaty does not preclude continuing development or deployment of SAM systems.

I hope the above information will be helpful to you and the Committee.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

ST. LOUIS NATIONAL STOCKYARD

Mr. PERCY. Mr. President, the July 1–2 issue of the St. Louis Globe-Democrat contains a most interesting article on the National Stockyards in St. Louis for contrast with the Chicago Stockyards that have only a past. The future of the National Stockyards looks bright in serving the whole middle or heart of America.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NATION'S RED MEAT CAPITAL—ST. LOUIS NATIONAL STOCKYARDS IS BOOMING SINCE BEEF CATTLE OPERATIONS HAVE BEEN SNOWBALLING IN MISSOURI'S OZARK COUNTIES

(By James Floyd)

The men wear boots, straw stetsons and the weathered look that comes from too much sun and wind. They eye the feeder cattle driven into the arena and make their bids with almost imperceptible nods of the head or flicks of the hand.

"Forty, forty, forty . . . I got forty," auctioneer Col. Bill Serman singsongs.

Sherman punctuates his rapid-fire auctioneering with raps from the rubber hose he uses for a gavel until the lot of five, six, seven or eight feeder cattle are sold.

The cattle are then headed out to Missouri, Illinois and Iowa feeder lots. They will be back at St. Louis National Stockyards within a year for sale as fat cattle.

The feeder auction is a colorful small part of the action at the massive 99-year-old National Stockyards.

The stockyards are the hub of an important area industry, an incorporated town with its own police and fire department, a place where you can get a steak and a great Bloody Mary at the plush Stockyards Inn while you buy and sell cattle, hogs and sheep.

"We're just starting to take wing," Cap Smith, public relations director of National Stockyards, said, "We're going to expand tremendously."

National has the room to expand—the stockyard covers only 100 of the 640 acres National owns on the East Side—and the plan.

"We're now trying to start an industrial park," National Vice President Len Wittich said. "What we want to do is build and then lease. We're interested in the meat industry but we're open to anybody.

"St. Louis is the red meat capital of the nation, you know," he said. "We've got National, we've got the packers, we've got rail, water and highway transportation.

And in Southeast Missouri there is a growing beef cattle operation, well within National's 150 mile radius trade area.

"They're doing some great things in Southeast Missouri knocking down the brush and making pasture," Smith said.

Glenn Grimes, professor of Agriculture Economics at the University of Missouri-Columbia, agrees.

"There's no question that they're getting into beef cattle," Grimes said.

The beef cattle herd in Missouri's South Central Ozark Region—including Douglas, Howell, Ozark, Shannon, Oregon, Texas and Wright counties—has increased 200 per cent from 1958 to 1972.

And National is going to get its share of any growth.

"There's a potential for (beef cattle production) growth in the Ozarks, at a price," Grimes said. "It takes considerable expenditure for improving the land but current beef cattle prices are high enough to make it profitable."

That improvement includes aerial herbicide spraying to kill brush and aerial fertilizing and seeding to make usable pasture land, as well as using bulldozers to knock down the brush.

"It's one of the areas in the country that has the growth potential," Smith said. "The Southwest (United States) is limited by moisture and the Corn Belt land is too valuable to use for beef cattle production."

"Let me put it to you like this," Smith said, "We get buyers from California and Washington, New York and Pennsylvania. They're meeting here on the banks of the Mississippi in the middle of the country. This is the hub. Where else are they going to go?"

In April alone, cattle, hogs and sheep were bought at National by packers from 17 states and Canada.

One of the biggest buyers was the Swift & Co. plant at National Stockyards.

"The new Swift plant is the largest pork kill plant in the nation," Smith said.

The hogs and fat cattle are not sold at public auction like the feeder cattle. They are sold under the 1,000-year-old Danish "private treaty" system.

The livestock are driven into the pens of one of the traders that line National's trading allies and he makes a bid on them. They then go to another trader and he bids without knowing what the other bids have been.

"I think it's the best system," Smith said. "It comes closer to bringing the true value of the livestock. The true value of anything is what someone else is willing to pay for it.

Smith is convinced that National gives the livestock raiser his best chance of a fair price.

A dozen or more packers bid on every lot of hogs and fat cattle and in top months "there aren't enough seats in the arena for the feeder cattle auction," Smith said.

Last year more than 2.1 million head of cattle, hogs and sheep went through National

"There's some direct buying (farmer to packer) but whenever you talk to a farmer, they know the price is established right here every morning by competitive buying. That's why it goes on and on," Wittich said.

The farmers get the word on prices from Robert Reardon, executive secretary of the Livestock Exchange, and the radio voice of the exchange.

"We broadcast over a 14 station radio network that covers the National trade area," Reardon said.

Those prices are set by the U.S. Department of Agriculture office at National.

"It's not always right but it's official," Bill Kenney needled.

Kenney is a hot order buyer . . . one of the buyers who serves distant packers on an order basis.

After the hogs are brought in the 99-year-old brick hog trading alley, they are driven to the hog heaven pens in the hog shed where there is plenty of corn and running water for the hogs to dring and wet their bellies in.

"And then we sort them," Kenney said.

All hogs are not alike.

"The biggest item buyers look for is yield," Kenney said. "They want trim bellies and good hams."

And sometimes packers want other things from their hogs.

"Right now I'm sorting 265 white hogs. White hogs are a premium because they're easier to clean to standards and that cuts time and labor costs," Kenney said.

The U.S. Department of Agriculture and Illinois Department of Agriculture both maintain livestock inspections stations at National.

"We inspect all livestock before sale and (on feeder cattle) again before they go back to the farm," Dr. Charles Hertich, an Illinois Department of Agriculture veterinarian, said.

"We're eradicating quite a few diseases and this inspection helps. Our department considers the stockyards kind of a screening area," Dr. Hertich continued.

Inspected, the livestock is then penned to the buyers for shipment out.

And the farmers and traders can relax over a drink and a steak at the Stockyard Inn, go talk the commodities market with George Jentsch in his office in the Exchange Building or take care of their banking at the unique National Stockyards National Bank.

"In a 100 years, no farmer has ever lost a dollar here because of a bad check or nonpayment and in the millions of dollars of transaction no one ever signs anything, or even initials anything," Smith said. "We operate strictly on integrity."

Smith says that integrity is another plus that will make National grow.

"And that's good help for us, the East Side and St. Louis.

"Downtown St. Louis is the financial center. Anything that happens here is another shot in the arm for St. Louis," Smith said.

REGULATING REGULATORS

Mr. MUSKIE. Mr. President, during the last few months, the Subcommittee on Intergovernmental Relations has conducted several days of hearings on S. 448 to bring the budget requests of our regulatory commissions directly to Congress rather than going first through the President's Office of Management and Budget. Testimony during those hearings, from chairmen and commissioners, pinpointed areas where their agencies have been significantly weakened by OMB cutbacks.

An excellent series of articles, written by Miss Kay Mills for Newhouse News Service, expands on many of the regulatory problems discussed during and since these hearings. I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

REGULATING REGULATORS IS TOPIC OF HEARINGS

(By Kay Mills)

WASHINGTON.—Virtually unnoticed, Sen. Lee Metcalf, D-Mont., has quietly conducted hearings over the last several weeks which go directly to the heart of protecting the American consumer.

The central question concerns how much power the White House, through its Office of Management and Budget has over supposedly independent regulatory agencies.

They are the agencies which regulate how much you pay for phone service, who runs your local television station, what claims a drug manufacturer can make about his product, or how much you are going to pay for gas heat.

These agencies, "originally established to protect the consumer," have become the "message carriers of the giant interests," said Sen. Fred R. Harris, D-Okla. To invigorate them means giving them the money to do their job properly—and to return control over their budgets to Congress, Harris added.

"We have a case here of a field mouse trying to control a rampaging rogue elephant, and the executive has left the mouse half-starved at that," Harris adds.

In addition to budget control, the White House also exerts its influence through naming commission chairmen, requiring clearance of agency legislative proposals through OMB, and keeping tabs on what information agencies seek from the industries they regulate, Metcalf's investigators learned.

"As long as the regulatory agencies are

under the thumb of the OMB," Metcalf contended, "they will be reluctant to, or foreclose from, asking for what they really need in money and manpower."

The Senate Subcommittee on Intergovernmental Relations heard testimony on these budget cuts for the current fiscal year 1972:

The most publicized of all, at the Federal Communications Commission, led to temporarily dropping an investigation of American Telephone and Telegraph Co. rates. OMB had cut the FCC request by $3 million—meaning the commission lost 128 additional jobs it wanted. After great public clamor, FCC announced it would resume the probe.

The Securities and Exchange Commission, which regulates the stock brokerage business, wanted to increase its staff from the 1,410 positions authorized by Congress in fiscal 1971 to 1,875. OMB cut the request by 313.

Federal Power Commission Chairman John N. Nassikas testified that $71,000 for an Alaska power survey was cut from his 1972 budget request. The survey, which would have indicated the states existing power capacity and growth requirements, "could make a worthwhile contribution to regulation," Nassikas said.

Looking at the current budget for fiscal 1973, Federal Trade Commission Chairman Miles Kirkpatrick said he had asked for $11.4 million and 582 staff jobs for the commission's antimonopoly regulation. OMB cut that to $9.7 million and 512 positions.

For consumer protection, FTC asked $17.2 million and 877 jobs which OMB cut to $14.5 million and 771 jobs.

Dean Burch, Communication Commission chairman, said someone must coordinate budget requests and set priorities, and added "we have no particular quarrel with the present system of an initial budget presentation to OMB."

But Rep. John D. Dingell, D-Mich., cosponsor with Metcalf of a bill which would return budget control over these agencies to Congress, disagreed. "Many people tend to regard this agency (OMB) as a tool for efficiency in government," he told the subcommittee.

"I tend to regard it as perhaps one of the really outstanding examples of abuse of executive power in America," Dingell added.

Metcalf objects to have OMB's power extended to the regulatory agencies. He said the present procedure provides "a dangerous potential" for restraining the effectiveness of the independent commissions.

The agencies covered by the Metcalf-Dingell bill are the FCC, FTC, FPC, SEC, Federal Maritime Commission, Interstate Commerce Commission and Civil Aeronautics Board.

FTC chairman Kirkpatrick was one of the few agency heads who clearly backed the bill. But he also testified that OMB had advised him the measure is "not in accord with the program of the President."

Some of the congressmen are anxious to return budget control to Congress because they contend the White House is more easily influenced by the industries the agencies regulate.

"It is easier for a Henry Ford or the head of AT&T to slip the right word into the ears of a single man in the White House than in the ears of all of our senators and Congressmen," Harris said.

If Congress controlled regulatory agencies' budgets now, the Oklahoma Democrat went on, "I am certain that . . . we would not have seen earlier this year the sorry spectacle of an FCC chairman, appointed of course by President Nixon, attempting to quash an investigation of the rate structure of AT&T, the first in history, on the grounds that staff was lacking."

That chairman—Dean Burch—testified that FCC had 20 auditors keeping an eye on the telephone company. He added that they would need about 50 more in the FCC's Common Carrier Bureau "to do about a halfway decent effort."

Yet after the Defense Department, one of the phone company's biggest customers, offered FCC the auditors to do the job, Burch expressed reservations. He questioned whether a customer and party to legal proceedings should "supply the investigative talent that determines their own complaint or their own allegation."

Harris said the White House erosion of congressional influence of the agencies has been gradual. But by 1968, he said the process had gone so far "that the Republican nominee was able to send a form letter to 3,000 executives and industry leaders pledging that during the Nixon administration, the Securities and Exchange Commission would follow a soft line."

Budget cuts can affect the number of personnel regulating an industry, the subcommittee heard. But OMB can also inhibit the amount an agency asks for in the first place, staff aide E. Winslow Turner said. Turner cited a memorandum the budget office sent to agency heads outlining the need to control escalation of grade levels of civil servants.

In that memo dated Aug. 5, 1971 OMB said that while the number of government workers declined by nearly 12,000 from 1969 to 1970, the number in high-paid categories went up 14,600. Even a fractional increase in the pay scales adds $160 million to the budget, OMB said.

The memo went on to outline ways to cut back high grade level personnel, then asked for regular reports on agency to accomplish this.

Sen. Edward J. Gurney, R-Fla., called the OMB memo a "meat ax approach" to reducing the cost of personnel without consideration for the needs of the agencies.

What may also have rankled the senators was the fact that while the memo was directed to the heads of executive departments, yet the "independent" regulatory agency chairmen received it, too.

The memo again underlines what congress considers a slippage of its power. When the Budget and Accounting Act was passed in 1921, the regulatory agencies—such as existed then—were considered arms of congress. But in 1939, President Roosevelt pushed through a Reorganization Act and brought the agencies under what is now OMB.

In addition to the power of the pursestrings, the subcommittee was reminded that the White House now appoints regulatory commission chairmen. Before 1950, the chairmanships rotated among commission members.

"Another control used by the OMB," Harris testified, is the requirement that OMB approve agency questionnaires seeking information "from more than 10 industries they regulate."

"These agencies also must seek the approval of OMB for any legislative proposals they wish to submit to the congress," Harris added, "and the solicitor general has veto power over the desire of regulatory agencies to seek Supreme Court review of lower court decisions."

But most of the commission chairmen who testified said that they had encountered little problem from OMB in these areas.

White House Assailed for SEC Budget Cuts

(By Kay Mills)

Washington.—Sen. Lee Metcalf (D-Mont.) charges that interference from the White House Office of Management and Budget (OMB) has "thwarted and frustrated" attempts to police the crisis-ridden securities market.

Specifically, Metcalf pointed to million-dollar budget cuts and reduced manpower requests from the Securities and Exchange Commission. He called the reductions "the worst example we have that OMB influence in a regulatory agency destroyed the enforcement effectiveness of that agency."

In hearings just concluded, SEC Chairman William J. Casey, disagreed vehemently, sometimes pounding the witness table with open palm, saying, "Senator, that's an assertion that cannot be justified . . . I'm going to do the job with what I have."

Metcalf just smiled and asked more questions to illustrate what he contends is undue power OMB and the executive branch hold over "so-called independent regulatory agencies."

Metcalf chaired the hearings of the Senate Subcommittee on Intergovernmental Relations, which is considering his bill to transfer control of the budgets of these seven agencies from OMB to Congress.

In addition to SEC, agencies which would be affected are the Civil Aeronautics Board, Federal Communications Commission, Federal Power Commission, Federal Maritime Commission, Federal Trade Commission and Interstate Commerce Commission.

The Montana Democrat contends these agencies—charged with policing such consumer concerns as charter flights, the broadcasting industry, advertising claims, household moving companies and utility rates—have been "prevented from doing their jobs because they haven't been given the proper budget" by OMB.

Since 1970, SEC has had added to its workload enforcement of the Securities Investor Protection Act, involving an insurance system for investors when brokerage houses collapse. It also faces pressure for increased surveillance of the financial status of broker-dealers.

SEC must also police the industry so people with inside information don't buy or sell stocks in advance and others don't defraud investors by misusing their money.

With all this turmoil, the industry "was and still is in a state of crisis," Metcalf told Casey. Yet the subcommittee has documented material showing "OMB pulled the string" on SEC and "completely shattered" attempts to build a staff to handle the work, he added.

For example, Metcalf said that in fiscal 1971 OMB cut 65 positions from the commission's request. In fiscal 1972 it cut 313 requested positions and 283 in fiscal 1973.

In terms of money cuts, subcommitte figures show that in fiscal 1971, SEC requested $22.5 million, from which OMB lopped $463,000. In fiscal 1972, it asked for $28.7 million and OMB cut $2.4 million. In fiscal 1973, OMB cut $4.1 million from the $32.3 million requested by SEC.

Casey countered by saying that his agency still grew despite the cuts—at a time when "the federal establishment was being asked to cut back by five per cent."

The SEC chairman said he has no difficulty with the present budget arrangement, understanding that there must be concentrated responsibility for setting national priorities.

Evidently, "OMB thinks that personnel must be built up on a more gradual basis in light of other considerations. I am ready to adapt" to that broad principle, Casey added.

Metcalf said Casey's testimony ends hearings spread over several months on his bill. "We're going to try to get consideration of the legislation," he said. But he added that Casper W. Weinberger, designated as the new OMB director, indicated he would recommend the President veto the bill.

"Confronted with a potential presidential veto," Metcalf said, "this bill may get pushed aside if we run into a logjam later in the session."

He added, however, that having the subcommittee chairman—Sen. Edmund S. Muskie (D-Maine)—devoting more time to legislation since ending active presidential campaigning won't hurt his bill's cause.

FTC Plans Run Into Snags Due to Manpower Cuts

(By Kay Mills)

Washington.—Cuts by the executive branch into manpower at an independent regulatory agency—the Federal Trade Commission—have killed FTC plans to investigate costs of hospital supplies, medicines and surgical instruments.

FTC Chairman Mile W. Kirkpatrick said cutbacks by the Office of Management and Budget (OMB) have also:

Interrupted a study on concentration in the auto-making industry.

Eliminated any immediate chance to punish violators of the commission's program to back up advertising claims.

Slowed down checks on compliance with FTC orders to stop unfair or illegal trade practices.

Cancelled an investigation of business conduct of multinational corporations—such as International Telephone and Telegraph—to determine whether their practices adversely affect domestic competition and raise prices.

Kirkpatrick detailed these effects of OMB cuts in his budget for the fiscal year starting July 1 in a letter recently released by Sen. Lee Metcalf (D. Mont.).

The Montana lawmaker is sponsoring a bill to bring budgets of regulatory agencies directly under congressional supervision. Thus his concern with OMB practices.

The FTC chairman said OMB cut 208 jobs from his 1973 budget request, which meant eliminating 46 positions requested for consumer protection activities.

These cuts followed a $620,000 trimming from last year's budget—after Congress had granted the money, Kirkpatrick added. FTC had to abolish 72 jobs for half this fiscal year following that action, he said, adding that 31 of those positions would have been attorneys and consumer protection specialists working in regional offices.

Metcalf said Kirkpatrick's letter "portrays a picture of fiscal manipulation by the chief executive—a grinding down on personnel and funding—which, in my opinion, can only be translated into an 'anti-consumer' and 'anti-public interest' budget for this independent regulatory agency."

SORDID STORY

The senator labeled the situation a "sordid story" and said OMB cuts for next fiscal year represent "a disastrous impact on (Kirkpatrick's) consumer protection, competition, economic investigation and regional support programs."

Kirkpatrick said that at present the commission has only one man spot-checking business compliance with its cease-and-desist orders. A proper program would "require five attorneys full time in Washington" with substantial help from regional offices. "However, this program will now have to be handled on a limited basis."

On ad claims, the commission chairman said, "We probably could bring enforcement actions against roughly 5 to 10 per cent" of the claims for which substantiation was asked.

Even assuming most of those cases wouldn't go to trial, Kirkpatrick said, the program would require 15 lawyers fulltime, "and we do not have the resources for that kind of program at this time."

OMB disallowed 48 jobs—and $735,000—in FTC's section handling competition.

"The commission had plans," Kirkpatrick said, using past tense, "to enter the field of hospital and medical costs, including the cost of hospital supplies, surgical instruments and other medical items. . . ."

It wanted "to determine whether or not restraints of trade or unfair practice were contributing materially to the high cost of medical care."

FCC Gives Banks Break on Broadcasting Stock

(By Kay Mills)

Washington.—The Federal Communications Commission has changed its rules to permit banks which had been openly violating FCC policy to retain nearly $900 million in broadcasting stock rather than sell it.

On the surface, it looks like a dry—although multi-million dollar—decision. But a closer look reveals the stake big banks have in broadcasting—often owning stock in stations whose viewing areas overlap and therefore compete.

The banks maintain they have no intention of trying to control the stations, that they simply hold the stock as trustees for investment purposes.

Critics, such as FCC maverick Commissioner Nick Johnson, have raised the antitrust issue and the dangers they see in multiple ownership of broadcasting properties.

The rule in question involves the percentage of a stock a bank may hold in a broadcasting station before triggering FCC ownership restrictions. It had been 1 per cent, the FCC increased that to 5 per cent, while the American Bankers Association wanted 10 per cent.

The figures may sound low, but a communications lawyer said that in many publicly owned corporations, control can be exercised with such minor percentages. The ABA has countered that much federal law presumes control only at 10 per cent ownership or higher.

The FCC itself reported that if the rule had not been changed, 25 banking companies were violating the 1 per cent rule and would have had to divest—or sell—stock worth $976 million. The report was based on bankers association figures submitted in 1970.

With the rule at 5 per cent, nine companies must divest stocks worth $84 million—but the FCC gave them three years in which to do it. But the FCC move eliminated the necessity for all the banks involved to sell nearly $900 million in broadcast stock.

Neither the commission nor the ABA has identified the banks affected.

With the rule at 10 per cent as the bankers wanted, only one company would have had to sell stock—$4 million worth.

True to form, Commissioner Johnson dissented, saying that decision was made "to satisfy banks and bank-held broadcasters—a change adopted only to avoid divestiture."

Johnson, joined by retiring Commissioner Robert T. Bartley, wrote: "Those seeking relaxation of the Commission rules have totally failed to show how the public interest will be improved."

The majority, he said, did not discuss "the important issues concerning institutional ownership of the stock of other companies—questions of control, influence, collusive or parallel behavior, where a number of institutions own a company, and the impact of institutional ownership" on management decisions to serve the public.

"The majority is content to rely on the assurances" that banks won't interfere with the stations, Johnson said. He added, "One looks in vain for any suggestion that the views of the Antitrust Division of the Department of Justice were requested, despite the fact that the division has pending a suit against a bank's trust holdings of the stock of firms which compete with each other."

Stock ownership by banks figured in the controversy over attempts by Time-Life to sell five TV stations to McGraw-Hill. Ultimately, McGraw-Hill decided to buy only four of the stations.

But in the course of petitioning in the case, lawyers for minority groups protesting the sales sketched a portrait of bank ownership in broadcasting.

Each of four banks—Chase Manhattan, First National City and Bankers Trust in New York and First National of Boston—votes in excess of 1 per cent of McGraw-Hill stock, the lawyers said.

They also had at least 1 per cent voting stock in stations which would overlap with the new McGraw-Hill stations.

For example, in Indianapolis, where McGraw-Hill bought WFBM-TV, there were two other stations operating directly in the market.

Bankers Trust votes about 5.9 per cent of the stock of Dun and Bradstreet, owner of one Indianapolis station, while First National City votes more than 1 per cent of the stock of the other owner, Avco Broadcasting, the lawyers said in their FCC petitions.

The petitions also said:

Stations serving Louisville, Cincinnati, Dayton and Ft. Wayne overlap some of the area served by Indianapolis stations. Some of these stations also are owned by Avco and Dun and Bradstreet as well as Taft, Cox and Sonderling Broadcasting.

First National of Boston holds stock in Sonderling and Cox, while Chase Manhattan holds stock in Sonderling and to the other banks' interests in Avco and Dun and Bradstreet.

In the Midwest in general, the lawyers said, the four banks own more than 1 per cent of the stock in companies which run 31 stations.

Banks Can Keep Radio-TV Stock

(By Kay Mills)

The Federal Communications Commission has changed its rules to allow banks which had been openly violating FCC policy to retain nearly $900 million in broadcasting stock rather than sell it.

On the surface, it looks like a dry—although multimillion-dollar—decision. But a closer look reveals the stake big banks have in broadcasting—often owning stock in stations whose viewing areas overlap and therefore compete.

The banks maintain they have no intention of trying to control the stations, that they simply hold the stock as trustees for investment purposes.

Critics such as FCC's maverick commissioner, Nick Johnson, raise the antitrust issue and the dangers they see in multiple ownership of broadcasting properties.

The rule in question involves the percentage of a stock a bank may hold in a broadcasting station before triggering FCC ownership restrictions. It had been 1 percent; FCC increased that to 4 percent, while the American Bankers Association wanted 10 percent.

The figures may sound low but a communications lawyer said that in many publicly owned corporations control can be exercised with such minor percentages. The ABA counters that much federal law presumes control only at 10 percent ownership or higher.

The FCC itself reported that if the rule had not been changed, 25 banks were violating the 1 percent rule and would have had to divest—or sell—stock worth $976 million. The report was based on American Bankers Association figures submitted in 1970.

With the rule at 5 percent, nine banks must divest stocks worth $84 million—but the FCC gave them three years in which to do it. But the new FCC move eliminates the necessity for all the banks involved to sell nearly $900 million in broadcast stock.

Neither the commission nor the association has identified the banks affected.

FCC Admits Ignorance of Bank it Regulates

(By Kay Mills)

Washington.—The Federal Communications Commission has confirmed that it lacks the names of banks which must sell millions of dollars of broadcasting stock to comply with a recent FCC decision limiting such ownership.

Sen. Lee Metcalf (D-Mont.), frequent critic of both banks and regulatory agencies, says FCC's position is hardly unique. "Collection of data on financial concentration is so inadequate that the government becomes ludicrous in its feeble efforts to determine facts and enforce laws and regulations," he said.

When the FCC issued its decision in May, it gave the banks three years in which to sell—or divest—any stock they held in excess of 5 per cent in any one broadcasting company. Holdings had been limited to 1 per cent.

At that time, the most up-to-date information the FCC had on bank-owned broadcast stock came from a survey conducted by the American Bankers Association in the fall of 1968 and submitted to the Commission May 27, 1969.

The ABA material contains no names of banks, referring instead to firms as Bank 1 or Bank 2. John Doherty, an ABA spokesman, said the survey was confidential. "As to who held what," he added, "that we couldn't release."

And "that is the only thing available," says Neal McNaughten, head of the FCC's rules and standards section. A thorough check of the files in the case indicates "there isn't a thing" which gives the names, he added.

That survey, quoted in the FCC ruling, said that if the stock limit were set at 5 per cent unidentified banks would have to sell $84 million in stock in nine firms.

Had the limit been left at 1 per cent, banks would have had to sell $976 million in stock in 25 companies. In a recent Senate speech, Metcalf said, "The commission's rules had been blatantly disregarded by the banks, and instead of enforcing the rules, the commission simply rewrote them.

"And it gave the banks three years to comply with the new 5 per cent rule. Then the banks may come in and get a 10 per cent limit."

As for how FCC could get the names when the time comes to enforce the rule, McNaughten said presumably the commission could require that the stations submit them. Such financial records generally are regarded as confidential at the commission.

The stock ownership level is considered important because of potential control by outside institutions over what programs a broadcaster runs or what news coverage he gives. In publicly owned firms, some laws presume control when one institution owns 10 per cent of the stock; some broadcast lawyers say that if stock is widely held, control can be exercised with 5 per cent or less.

The banks contended in their arguments at the FCC that they held the stock simply as investments, not to attempt to control broadcast policies. Doherty said the ABA doesn't know how many banks at present hold more than 5 per cent broadcasting stock, "there's no reason to think they have stayed the same, especially with the new order in effect."

While the bankers' survey names no names, it does draw a portrait of bank ownership in the broadcasting field, at least as of late 1968.

For example, Bank 1—whatever it was—owned 3.5 per cent of Taft Broadcasting stock, 9.5 in the Tribune Co. and 1.6 of Warner Brothers.

Bank 2 owned 8.4 per cent at Capital Cities Broadcasting, 1.5 of CBS, 50.8 Corinthian Broadcasting; 5.6 in Crowell-Collier; 2.8 in Metromedia.

Bank 4 owned 4.4 per cent of Capital Cities, 1.3 of CBS, 2.0 in Metromedia, 1.4 in RCA and 4.9 in Westinghouse.

Bank 6 owned 7 per cent of ABC, 6.6 in Capital Cities, 1.6 in CBS, 8.1 in Metromedia, 1.4 in RCA, 5.1 in Storer Broadcasting and 2.5 in Taft.

Critics contend that in this way banks often own stock in broadcasting chains whose stations compete in various areas of the country.

Looking at it another way, three banks each owned 7 per cent or more of ABC with another three each owning more than 1 per cent. The same three banks which owned the biggest percentages at ABC also owned the highest totals at CBS with another five banks each owning at least 1 per cent.

For RCA, parent firm of NBC, five banks each owned at least 1 per cent.

In terms of stocks which banks would have to sell to meet the new ruling—again in 1968 figures—$28.6 million shares of CBS would have gone, $9.5 million of Metromedia; $1.1 million of Time, $22.1 of Crowell-Collier, $3 million of Capital Cities, $10 million of ABC, $3 million of Corinthian and $500,000 of Taft.

SENATOR BEALL URGES SENATE ACTION ON SURVIVORS BENEFITS BILL

Mr. BEALL. Mr. President, today I appeared before the Armed Services Committee to urge swift action on survivors benefits legislation, which is of the highest priority for the professional military men and women of the country, both active and retired. This legislation is cosponsored by the 40 Senators.

I ask unanimous consent that the complete text of my testimony and a list of Senators who have cosponsored S. 325 with me be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR J. GLENN BEALL, JR., BEFORE THE SENATE ARMED SERVICES SUBCOMMITTEE ON SURVIVORS BENEFITS, AUGUST 8, 1972

Mr. Chairman, I want to thank you and the members of the subcommittee for allowing me to testify on H.R. 10670. I also want to congratulate the Chairman of the full Committee, Senator Stennis, for naming this Subcommittee to consider this high priority legislation.

The subject of your hearings today and tomorrow is of utmost importance and urgency to the men and women, both active and retired, of the Armed Forces. This legislation, often referred to as the "Widow's Equity Bill," provides for a permanent survivors benefit plan for dependents of retired military personnel. Retirees under this program will be able to leave up to 55% of their retired pay to their survivors. The bill also provides for a minimum income maintenance program for present widows, for whom the new program would come too late and whose needs in many cases are desperate.

On January 27, 1971, I introduced S. 325, a bill similar to H.R. 10670. Forty members of the Senate cosponsored this legislation with me. In addition, Senator Bentsen has introduced a bill on the same subject.

The Fleet Reserve Association in April 1969 completed an excellent study entitled "Widow's Equity". This study helped to spotlight the lack of an equitable survivor annuity program for military retirees. Legislation was introduced in the 91st Congress to implement the study's recommendations. This legislative interest and the support of military and Veterans organizations, as well as the many moving letters received by Members of Congress, resulted in the creation by the then Chairman of the House Armed Services Committee, L. Mendel Rivers, of a Special Subcommittee on Survivor Benefits under the capable leadership of Congressman Otis Pike and the Ranking Minority Member, Charles Gubser. I was pleased to be named to this Subcommittee and in my judgment, they did an excellent job both in analyzing the problem and in recommending a legislative solution. The Subcommittee's work included seven days of open hearings and five days of executive session.

The final product of the Subcommittee's careful deliberations was a report issued October 1, 1970 entitled "Inquiry Into Survivor Benefits". An examination of this study will demonstrate the thoroughness with which the Subcommittee examined this subject.

The Subcommittee's conclusion was that the benefits available to survivors of retired personnel were woefully inadequate.

In January 1971, I introduced S. 325 on the Senate side and H.R. 984 was introduced on the House side to implement the recommendations of the Special Subcommittee. The House Armed Services Committee again held hearings on H.R. 984 on August 2, 1971. As a result of the hearings and the recommendations of the Administration, which supported the necessity for a survivor benefits program, H.R. 10670, a clean bill, was unanimously recommended to the full House by the House Armed Services Committee.

H.R. 10670 was then passed by the House of Representatives on October 21, 1971 by a vote of 372 to 0.

I know the Armed Services Committee has had both a tremendous Committee and Senate floor work load. Now that the Committee's legislation backlog has been cleared, I urge this Subcommittee and the full Committee to give this legislation the priority consideration it deserves and merits. Time is running out. The recess for the Republican Convention and Labor Day will begin shortly, the subsequent political campaign and the heavy agenda of unfinished business will then face the full Senate.

Because I feared the Survivors Benefits legislation was going to get lost, I introduced the Survivors Benefits bill as an amendment to the Military Procurement legislation, which recently passed the Senate. While I do not believe that it is good practice to circumvent the normal legislative procedure, I have made a commitment to the military men and women in my State and the Nation to do everything I can to secure Senate action and final enactment of a Survivors Benefits Program this year. As a result of the floor colloquy I had with Chairman Stennis, Senator Thurmond and Senator Goldwater of the Senate Armed Services Committee and other members of the Senate, I did not press the amendment at that time. I was assured that hearings would be held and persuaded that the Armed Services Committee indeed did plan to move on the legislation. Senator Thurmond's statement that the Subcommittee "will report back to the Committee and it will be acted to the Senate this year", was particularly reassuring. In addition, Chairman Stennis said, "If they (the Subcommittee) report the bill to the full Committee, I will certainly see that the full Committee has a chance to pass on it".

The Survivors Benefits Program to be enacted needs prompt action by this Subcommittee.

While I know of the busy schedules of each of the Members of this Subcommittee, I strongly urge this Subcommittee to complete these two days of hearings, proceed to Executive Session this week in an effort to report this legislation to the full Committee before the recess, or certainly no later than the first week following the reconvening of the Congress. If the Subcommittee does not move expeditiously, we will risk losing the legislation this year.

Mr. Chairman, I believe that it would be a tragedy if after years of examination of this subject by the various military association; if after the careful inquiry and report of the House Special Subcommittee on Survivors Benefits; if after the further examination and unanimous recommendations of the House Armed Services Committee followed by the unanimous vote by the House of Representatives; if after the endorsement by the Defense Department; and the most recent endorsement by the President reiterating in his Older Americans Message of March 23, 1972, that the Senate of the United States failed to enact this legislation.

The tragedy of our failure to act can be illustrated by a call I had received in early 1971 from a Maryland constituent.

This lady, the wife of a Navy enlisted man, called me and expressed her gratitude for my introduction of S. 325 and conveyed how much she thought there was a need for such a measure. In the late Fall of the same year, the same lady again called my office. This time, however, she was very distraught. She told me that little did she know when she called earlier how important the Widow's

Equity Bill would be for her. She explained that her husband had a heart attack and was now lying in a hospital bed in critical condition. She asked about the status and chances of early passage of the legislation. Unfortunately, I had to advise her that, although the legislation had passed the House of Representatives, no action would be taken by the Senate in 1971.

In the beginning of this year this same lady called me advising me that her husband had passed away and that the "Widow's Equity Bill" would be "too late for her." I explained that there was a provision in the bill providing a minimum income maintenance to present widows. Notwithstanding the fact that the survivors benefits program was too late for her, she said she prayed that Congress would act so that other widows would not find themselves in similar financial circumstances.

This story indicates why we cannot allow this year to go by and not act on this legislation. We must make certain that there are no more military wives and families for whom this legislation will come "too late."

I know that the Administration and the Department's recommendations are for liberalization of the House bill. For the most part, their suggestions are constructive and I have little, if any, problems with them. But it is late. If we want a bill, we need to move and move quickly. If making substantive changes will jeopardize final enactment, I feel certain that I speak for the military personnel, both active and retired, when I urge passage of the House bill with one exception.

I urge deletion of the garnishment provision. This section provided for the attachment of up to 50% of military retired or retainer pay in order to comply with court orders in conjunction with divorce or separation proceedings. This is a controversial provision. It was proposed by the Administration on the grounds that it was extraneous to the Survivor Benefit Bill and that "if there is sufficient reason to attach retired pay, the same reason undoubtedly exists for attachment provisions applicable to other Federal pays and annuities. Accordingly, the broader subject of attachment of all Federal pays and annuities for support of dependents may well deserve Congressional attention as a matter in its own right."

This is precisely what has happened. As my colleagues are probably aware, the Senate Finance Committee has added to H.R. 1, the Welfare Reform Bill, a provision providing for the attachment of the pay of all federal employees, including the military, both active and retired. Thus, H.R. 1 would seem to be the appropriate vehicle for the Senate to work its will on the attachment provisions and whatever that will is, it will be applicable to federal employees across-the-board.

Most Americans would be surprised, as were many Members of the Congress, to learn that the widow of a retired military man does not automatically receive part of the earned retirement pension her husband was receiving at the time of his death. Thus, for example, should a military retiree pass away a day after his retirement, the surviving dependents would not be entitled to a penny of his retirement pension. The surprise of the American public and the Congress to learn of this situation is minor compared to the shock of the widow of these cases, many of whom, according to the Department of Defense's testimony, do not realize that the retired pay stops immediately upon the death of the military retiree.

In such a situation, the only benefit that the military retiree's widow would have, assuming that the death was not service connected, that the widow was not yet eligible for Social Security, and that her husband was among the 85% of Armed Forces personnel who do not participate in the retired serviceman's protection plan—RSFPP—are those paid by the Veterans' Administration program. Under the Veterans Program, the widow must meet a "needs test", and if eligible she then would receive only a meager pension varying from $17 to $87 per month. This pension is not a special provision for career servicemen's dependents but is available to dependents of any Veteran who served three months or thirty years.

The lack of basic survivor protection for retired career personnel is a serious shortcoming in the benefits available for those who elect to make serving their country their career. Basic survivor protection is usually a standard feature in employee fringe benefits. The Federal Civil Service employees, for example, can assure his surviving spouse 55% of his Federal retired pay. This survivors benefit is automatic unless the employee in writing elects not to participate in the survivor annuity plan. This lack of survivor benefits is a particularly serious problem because of the relatively early retirement of career military personnel.

A military retiree, if he lives the normal life expectancy, may spend in retirement one and one-half times the number of years he served on active duty. Congress has not been blind to the need of the career military man to provide a portion of his pension for survivors. In 1953, Congress enacted the retired serviceman's family protection plan—RSFPP—an optional, self-supporting, actuarially sound, survivor annuity program. The program has not worked. The most telling indictment of the RSFPP Program is that during the 18 years it has been part of our national laws, and despite the adoption of seven amendments, only 15 per cent of those eligible have elected to participate. The participation rate of enlisted retirees, who may need it the most, is only 10%. The widows of 85% of the military retirees have no claim to a portion of their husband's retired pay.

The primary reason for this low participation rate is that the RSFPP Program is prohibitively expensive for the serviceman. Unlike the survivors' annuity program available to the Federal Civil Service employees, the Federal Government does not contribute to the RSFPP. As a result, the military retirees have to pay between 2.5 and 5 times for equivalent survivor benefits as the Civil Service retiree. I ask unanimous consent that tables depicting this disparity be printed at this point in the RECORD. (Exhibit A).

In addition to the fact that the retired serviceman's family protection plan is too expensive, the complexities of the program have also deterred greater participation. RSFPP then by any yardstick, must be judged a failure. It is clear that a new plan is needed.

Mr. Chairman, the Nation is aware of the great sacrifices made by the Nation's career military men and the great debt we owe to them. Their daily duty is the defense and security of the Nation. The country is probably not as aware of the sacrifices and demands as the military wife.

The old saying that "behind every successful man is a successful woman" has a special truth for military wives. Long separations and months of loneliness, and frequent changes in duty stations and the necessary family uprooting that often follows, are among the many problems with which the career serviceman's wife must cope. Added to this is the fear in the mind of the military wives that their husbands may not return at all. After standing alongside their husbands throughout their miltiary careers, these brave and special breed of women are not presently assured of a single cent of the retired pay of their husbands.

Mr. President, I am convinced that the survivor annuity program is important for the all-volunteer army concept to which the military has been moving under the leadership of President Nixon and Secretary Laird. The Congress, and particularly this Committee, in cooperation with the Administration, has taken steps to help make the all-volunteer army possible by substantially increasing the military pay and other fringe benefits which are necessary preconditions if we are going to attract and retain sufficiently skilled manpower for National defense requirements.

The career military man shares the universal desire to provide adequately for his surviving loved ones after his death. The lack of such survivor benefits is a glaring weakness in the benefits presently available to the professional soldier. The adoption of a survivors' benefit program will help make the military more attractive as a career, and thus help move the country toward our goal of an all-volunteer Armed Forces.

Mr. Chairman, the case of the Maryland constituent, which I cited earlier, as well as the inequities of the present program, are compelling reasons why the Senate must act this year. This bill will make it possible for retired military personnel to leave up to 55% of their retirement pension at a reasonable cost to their loved ones, so that they might better enjoy the freedom and prosperity of this great Nation for which they and their spouse are in no small part responsible.

In closing, I want to applaud Chairman Stennis for creating this Subcommittee and the members for assuming the responsibilities for serving on this Subcommittee. The eyes and hopes of the career soldiers and sailors, both active and retired, and their loved ones are on you and the Senate. They are counting on us. They have never let us down. We must not let them down. I urge prompt and favorable action on this priority legislation by the Subcommittee and the full Committee so that a survivors benefits plan will be signed into law this year.

TABLE 1.—COMPARISON OF COSTS OF RETIRED PERSONNEL SURVIVOR ANNUITY PLANS—MILITARY VERSUS CIVIL SERVICE

Grade	Years of service	Age at retirement	Survivors annuity payable (monthly)	Military deductions (options 1 and 4 at ½)	Civil service deduction for the same annuity
Staff sergeant	20	40	$86.42	$12.71	$3.93
Technical sergeant	24	44	120.75	20.94	5.49
Master sergeant	30	50	201.88	43.77	14.21
Do	30	60	195.15	57.24	12.98
Do	30	65	191.46	64.62	12.31
Major	24	46	256.95	48.23	24.22
Lieutenant colonel	26	48	330.65	66.84	37.62
Colonel	30	52	$461.42	$107.00	$61.40
Do	30	60	449.06	131.72	69.15
Do	30	65	440.56	148.71	57.60
Major general	30	54	600.09	148.03	86.61
General	30	56	749.23	196.25	113.72
Do	30	60	738.98	216.75	112.86

TABLE 11.—COMPARATIVE COSTS OF CENTS PER DOLLAR OF COVERAGE

Annual annuity	Dollar cost per year		Cents per dollars of coverage	
	RSFPP	Civil service	RSFPP	Civil service
Man 55, wife 53:				
10,000	3,764	1,548	37.6	15.5
8,000	2,521	1,185	37.6	14.8
6,000	1,890	821	37.6	13.7
4,000	1,260	457	37.6	11.4
2,000	630	94	37.6	4.7
1,000	315	45	37.6	4.5
Man 60, wife 58:				
10,000	3,764	1,548	37.6	15.5
8,000	3,011	1,185	37.6	14.8
6,000	2,258	821	37.6	13.7
4,000	1,505	457	37.6	11.4
2,000	753	94	37.6	4.7
1,000	376	45	37.6	4.5

Cosponsors of S. 325, Introduced by Senator Beall

1. Allen.
2. Bayh.
3. Bible.
4. Bennett.
5. Case.
6. Cranston.
7. Dole.
8. Dominick.
9. Eagleton.
10. Fannin.
11. Gravel.
12. Gurney.
13. Hansen.
14. Harris.
15. Hart.
16. Hatfield.
17. Hollings.
18. Humphrey.
19. Inouye.
20. Mathias.
21. McClellan.
22. Metcalf.
23. Mondale.
24. Montoya.
25. Moss.
26. Muskie.
27. Pastore.
28. Pell.
29. Smith.
30. Stevens.
31. Thurmond.
32. Tower.
33. Tunney.
34. McGee.
35. Jackson.
36. Bellmon.
37. Goldwater.
38. Gambrell.
39. Schweiker.
40. Cotton.

UNITED STATES LEADS IN EQUIVALENT MISSIONS

Mr. PROXMIRE. Mr. President, in the debate over the SALT talk agreements, much misleading information has been put forward by the critics of that agreement and even by some of its administration supporters, especially from the military side.

The United States, while having fewer nuclear land-based and submarine-based "launchers" than the Soviet Union, is very much ahead in other areas.

U.S. SUPERIORITY

Our missiles are far more accurate than the Soviet Union's.

Our Minuteman missiles are now being MIRVed, so that each missile carries three warheads.

Our Poseidon submarine missiles are being MIRVed and will carry up to 10 warheads each.

The Soviet Union has no MIRV capability at this time, is months away from testing a MIRVed missile, and years away from deployment comparable to ours.

Furthermore, we far outstrip the Soviets in our strategic bomber capabilities. As of June 1972, we have 530 bombers to the Soviets 140 very old bombers.

Furthermore, we have some 3,000 to 4,000 tactical nuclear weapons which can be delivered on the Soviet Union from fighter planes and medium bombers on the periphery of the Soviet Union.

U.S. LEAD IN EQUIVALENT MEGATONS

But in an article in the Saturday edition of the Washington Post, the very able writer on military subjects, Mr. Michael Getler, points out yet another area where we have superiority even though many try to frighten us about the Soviet lead in this area. The area is "megatons."

While the Soviet missiles carry more "megatons" than the U.S. missiles by about 3 to 1, because of the accuracy of our missiles, we are equal to or superior to the Soviets in "equivalent megatons." There are simple reasons for that.

First of all, a 10-megaton weapon is not 10 times more powerful than a 1-megaton weapon. It is only about three times more powerful.

Second, if a 1-megaton bomb lands very close to a target—and our warheads can land very close to a target—they are vastly superior to a 10-megaton bomb that lands a mile away from a target. And the Soviets are far less able to put their missiles on target than are we.

POINTS IGNORED BY CRITICS

Many of us have been making these points over the past few months while they have been disregarded by the military and Senate critics of the SALT agreements.

But Mr. Getler's accurate article puts this matter in perspective. The fact is that even in one of the places where the Soviets are said to be stronger than we are—namely, in megatons carried by their missiles—the fact is that we are actually superior to them because of the accuracy of our weapons.

I commend the article to the Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Counting Megatons

(By Michael Getler)

For many years now, American missile and bomber forces have been described in public statements as lagging far behind their Soviet counterparts in the total amount of brute nuclear explosive power—or megatons—they carry.

And, though there are many important measures of the nuclear power balance the so-called "megaton gap" continues to provide a simple way to dramatize and sometimes exploit a view of Soviet military supremacy.

Government defense agencies, however, have another way to measure the megaton balance. But this yardstick of power—known as "equivalent megatons"—never shows up in public statements even though specialists in these agencies say it is a much more realistic way to measure the actual military effectiveness of nuclear weapons.

Furthermore, closely guarded U.S. estimates of the Soviet-American power balance measured in equivalent megatons rather than gross megatons reportedly show that U.S. forces actually carry a bigger and more effective nuclear punch.

A one-megaton nuclear weapon is a missile warhead or bomb that explodes with the power equivalent of one million tons of TNT.

But under the complex rules of nuclear arithmetic, a nine-megaton nuclear weapon, is not nine times as effective as a one-megaton blast. It is actually about three times as effective. Thus, three well-aimed one-megaton warheads would do about as much damage and maybe even more than the single larger weapon.

The comparisons of "gross megatonnage" that are usually made public show a gap of 9-to-3 in favor of the Soviets. The more closely held "equivalent megatonnage" estimates show forces that are about even in terms of militarily useful destructive power.

Primarily because the Soviet missile force contains some 300 huge SS–9 missiles each able to carry about 25 gross megatons in a single warhead, the Soviets are currently estimated to have a total of between 8,000 and 9,000 gross megatons in the entire missile-bomber force.

That is about 40 per cent more, according to reliable sources, than the U.S. has.

But in terms of equivalent megatons, where the "wasted" gross energy of huge warheads is discounted, the U.S. force is measured as about 4,100 militarily effective megatons as opposed to between 3,800 and 4,000 for the Soviets.

The U.S. lead here—and sources stress that estimates of Soviet levels are very rough—is based upon the smaller but more numerous and more accurate U.S. arsenal of multiple warheads missiles and upon the superior U.S. strategic bomber forces.

These estimates also project that by 1977—when the initial U.S.-Soviet agreement to limit offensive arms either runs out or is made permanent—the U.S. will still be about even with the Soviets or perhaps slightly ahead at a U.S. level of about 4,400–4,500 megatons.

The Soviets are expected to install MIRV-type multiple warheads of their own on some of their missiles during that period, but the U.S. is also adding large numbers of short-range Attack Missiles (SRAM) to its bomber force and continuing to convert older Minuteman and Polaris missiles to the MIRV warhead variety.

Gross megatons can be important in the sense that a very large warhead on a missile can compensate in part for lack of accuracy in trying to knock out an enemy missile protected in an underground concrete and steel silo. But an attacker would need thousands of such big warheads to attack the 1,000 U.S. Minuteman ICBM silos, and most weapons experts agree that accuracy would still be more important than megatons.

For example, a one-megaton warhead that lands one-third of a mile from a missile silo has about a 65 per cent chance of knocking it out of commission. That is about the same chance that a 25-megaton weapon landing a mile away has.

There are indeed legitimate defense worries—such as the proliferation of multiple warhead systems by both sides—that confront the public and those in government responsible for national security. But a one-sided public view of the "megaton gap" does not help the debate.

ALASKA'S BOUNTIFUL TIMBER HARVEST

Mr. STEVENS. Mr. President, one of the Nation's most valuable resources is the bountiful timber harvest in Alaska. It has been estimated that Alaska's enormous forests could produce an annual sustained yield of 1.5 million board feet of lumber—enough to construct 100,000 three-bedroom houses. It is understandable that the people of Alaska have a keen interest in the debate that continues over the timber harvesting practice of clearcutting.

An editorial written by Debra J. Schnabel and published in the Chilkat Valley News of July 20, 1972, clearly and concisely states one viewpoint of this vital issue. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A PAGE OF OPINION: CLEARCUTTING THE FOREST—A GOOD LOGGING PRACTICE

(By Debra J. Schnabel)

If a game is to be won, playing the defense can be frustrating. However, games are competitively by nature, and can be avoided if respect exists between two potentially antagonistic factions. I see reason to avoid game playing by commanding respect through information and education.

The timber industry throughout the nation has been playing a defensive role for several years. Industry has traditionally played a defensive role, but it is only recently that the game has had a new challenger: the environmentalists. Through an intensive program of education, the timber industry has been able to justify its activities to a skeptical offense headed by the verbal and energetic Sierra Club. But it is my belief that one does not have to be a member of such an organization to question the activities of the timber industry in its timber harvesting practices. All of us pay our dues each day in witnessing these activities, and no matter how closely or remotely they affect our life's pattern, the use of our natural resources for one purpose deprives another user of free exercise.

I won't allow you the chance to let me be defensive, but instead will take this opportunity to try to command some of that respect I believe the industry deserves. Through the course of several weeks I plan to focus on several issues dealing with the industry and its forest management practices, particularly in Southeast Alaska. I welcome any comments, questions or rebuttals from anyone at any time. Industry is answerable to the people, and though you may not agree with its reasoning, all of its activities are justifiable.

So this week I will deal with the most personal and obvious issue, our method of timber harvest:

CLEARCUTTING

Clearcutting is only condoned—not accepted—and one reason is that our aesthetic sense is insulted by it. Clearcutting as a sound forest practice is questioned because of its visual impact.

However, clearcutting is recognized by the U.S. Forest Service as the best method of harvest in Alaska's unique coastal forests. Patterned after nature's method of renewing the forest, clearcutting is systematically planned and compatible with the natural forest cycle. Where nature rids itself of the burden of an overmature forest through windblow and disease, man can harvest the crop and utilize it, thus shortening the regeneration cycle by the time usually allowed for natural removal and decay.

At the same time, clearcutting does not deny the soil the nutrients it derives from natural forest litter. Logging debris and culls, or rotten, decayed trees and stumps are left in the forest to return to the soil its needed nutrients.

The reason clearcutting is approved over more selective methods of harvesting in the Tongass National Forest is found in the very nature of the trees. These forests, primarily Western Hemlock, but including a 30 per cent mixture of Sitka Spruce, are classified as mature or overmature, being 150 to 200 years old. Both of these species are shallow-rooted, so the strong winds of coastal Alaska make these trees vulnerable to blowdown. Therefore, trees support each other, and those allowed to remain after selective cutting are not likely to stand long enough to be harvested at a later date. Besides being shallow-rooted, these species are also thin-barked. Trees left after selective cutting are often damaged by falling trees during logging. It is impossible to log selectively in a stand of old growth timber without harming other trees, and it is better, given Alaska's soil and topography, to cut all the trees within an area rather than leave individual trees.

Beneath mature timber stands the cool temperatures and the thick insulation of a mossy carpet retard the release of nutrients to the soil. Clearcutting apens the stand and permits light and additional heat to reach the ground, stimulating the decomposition of forest litter and increasing soil fertility. A clearcut also favors the growth of both spruce and hemlock. These two species will grow in the same area if the mature area is cut all at once, as both are shade intolerant trees. Spruce especially needs much sunlight and the additional nutrients released by the warming of soil in a clearcut. Though seedlings are not always evident under the browse of a new forest, it is not surprising that new stands have a higher yield of the more desirable spruce if natural reseeding is allowed to take place in a clearcut. The even-aged second growth supports itself against windblows, also.

In addition to yielding more volume, timber stands that grow back on clearcut areas are healthier. The overmature spruce is susceptible to damage by the Spruce Bark Beetle. A serious tree disease in Alaska is dwarf mistletoe, a parasitic plant that infests hemlock. Removal of all infested trees during and/or after clearcutting prevents the spread of this disease to young hemlock. As a logging technique, therefore, clearcutting reduces the incidence potential of insect and disease problems that could affect the new forest on that site, and the new forest will be more vigorous.

According to Forest Service pamphlet j-72-10, under selective cutting, approximately four times as much area would have to be cut each year to get the same amount of wood that clearcutting yields. Aside from reducing logging traffic in the overall forest and the elimination of potentially destructive road construction, this more concentrated logging procedure allows more of the forest to be left undisturbed.

The fact that clearcutting opens up for recreational and mining use much of the forest is merely an added benefit, and not a justification. Foraging and other wildlife benefit by having a new forest growth, though the special needs of fish in forest streams are taken into consideration by leaving enough trees along the banks to supply the necessary shade to keep water temperatures stable. Respect for eagles is exercised by leaving intact a generous area surrounding the nesting tree.

But what considerations are given the people who must witness the results of this logging operation? Landscape architects play an active role in determining the size and shape of a sale area. By designing smaller, irregularly-shaped cuts to fit existing topography, and by dispersing these cuts, the visual impact of clearcutting is minimized.

Those who are still dissatisfied must learn to think of trees as a crop, and the forests as a field, much like the wheat fields from which we harvest annually. Nature, if honored, respected and nursed, will continue to reward man for his honest efforts by replenishing the land's resources for his and her benefits.

TRIBUTE TO SENATOR ALLEN J. ELLENDER, OF LOUISIANA

Mr. ALLEN. Mr. President, it is with deep sorrow that I take the floor today to mourn the loss of Alabama's friend and the Nation's friend, Allen Joseph Ellender.

There will be those who will chronicle the many accomplishments of this great man, but to me his most evident and worthwhile attribute was his ardent patriotism.

The question this man always raised first was: "Is it good for America?"

Even though he was a forceful advocate for his southern home, Allen J. Ellender was a national man who quietly and forcefully worked for every American. Nowhere was this more evident than in his tireless efforts to demand that his country get a dollar's value for a dollar spent.

He was a true watchdog of the Treasury, fighting those who would spend this country into bankruptcy. Yet he was not a negative man. In fact, he initiated many of the most worthwhile Federal programs on the books today. Most fittingly, he was one of the principal authors, in 1938, of the agricultural legislation on which our present farm programs are based. And then he put that bountiful harvest of American agriculture to its best use by joining with the late, great Richard Russell to write the original school lunch legislation.

It has been a privilege and great learning experience for me to serve under Senator Ellender on the Committee on Agriculture and Forestry. He was one of the great men in this body who did not take the production of food and fiber for granted.

Mr. President, the people of my home State of Alabama knew and loved Senator Ellender as a man who created jobs for them when there were no jobs. As chairman of the Subcommittee on Public Works Appropriations for many years, he consistently supported and assisted our State in the God-given resources that are the great waterways of Alabama.

There was a time when water traffic on our inland rivers ground to a halt; when the primary product of these rivers was silt deposits and floods; when there was not a single barge line operating in the Nation.

But Senator Ellender helped to change all of that, creating new rivers that were the friends, rather than the enemies of man, making them the creators of employment rather than its destroyer.

In all of these things, Senator Ellender was a builder. For these and many other reasons his Nation owes him a great debt that it can never now repay.

I admired him as one of America's greatest statesmen. Then too, truly, he was one who "could walk with kings, nor lose the common touch." All America mourns his passing.

ILLEGAL FISHING IN ALASKAN WATERS

Mr. STEVENS. Mr. President, the recent capture of Japanese fishermen in the Gulf of Alaska who had willfully violated the International North Pacific Fisheries Convention, and earlier depradations into our waters by Japanese and Russian fishermen, have focused international attention on the problems our Coast Guard has had in the patrol and enforcement of our conservation laws and protection of contiguous fisheries areas of the United States.

Much less attention has been given to violations by our good neighbors to the north, yet incursions into our waters by Canadian fishermen are all too common. Recently a Canadian vessel was apprehended in Alaskan waters by State fish and wildlife protection officials who saw the Canadian fishing inside the American border without lights or gear markings. The State ship was able to block an attempt by the Canadian vessel to flee with her nets still out—a flagrant violation of basic conservation practices.

I ask unanimous consent to have printed in the Record a news release from the office of Alaska's Governor, Bill Egan, which states that the State Attorney General is asking for a large fine, plus confiscation and forfeiture of the $20,000 vessel and all her gear and fish.

Mr. President, we must enact the harshest penalties possible if we are to stop reckless forays into our waters by alien fish pirates. Also, the patrol of our coastline must be increased to a point where we can protect this national resource.

Alaska's fish and wildlife protection division is to be commended for its splendid behavior in the seizure of this vessel. The four protection officers involved went without sleep for 44 hours, according to Governor Egan.

There being no objection, the release was ordered to be printed in the Record, as follows:

Juneau.—A Canadian vessel has been seized and her captain arrested for allegedly fishing in Alaskan waters some 20 miles south of Hyder in the Portland Canal, Governor William A. Egan said today.

He said Attorney General John E. Havelock's office asked the Superior Court in Ketchikan today for a large fine plus confiscation and forfeiture of the $20,000 vessel, all her gear and fish.

Vessel Captain Masato Nishi pleaded innocent to a charge under state statutes prohibiting certain alien activities and bail was set at $10,000. Superior Court Judge Hubert Gilbert ordered the vessel and all its gear to be held in state custody until the completion of legal proceedings.

Egan said Frank Sharp, district officer for the state fish and wildlife protection division, and three aides saw the vessel Karen West of Vancouver, B.C., early Monday morning approximately three-fourths of a mile inside the American border fishing without lights or gear markings.

The state officers had taken a ship into the area the preceding evening to investigate reports of Canadian fishing violations in the Toombstone Bay area, some two miles north of Breezy Point, the Governor said.

He said maneuvering by the state ship blocked an attempt of the Canadian vessel to flee with her nets still out, after which the captain obeyed orders to stop.

In making the seizure and escorting the ship to Ketchikan, the four protection officers went without sleep for 44 hours, Egan said.

OF CONSUMING INTEREST

Mr. MAGNUSON. Mr. President, for those of us who work closely with consumer issues, the publication "Of Consuming Interest," edited by Mrs. Jane S. Wilson, has been one of our most widely used publications. It condenses and interprets the issues in the field and keeps tabs on the status and progress of important consumer legislation and developments at all levels.

In this publication, Mrs. Wilson covers a broad spectrum of areas. Her insight into the legislative process and administrative proceedings provides a unique perspective to the "consumer movement."

A demonstration of Mrs. Wilson's abilities is a recent article relating to the Commerce Committee's oversight hearings on the National Highway Traffic Safety Administration's implementation of the National Traffic and Motor Vehicle Safety Act. The article proved to be a concise and accurate forecast of the major issues which the committee dealt with at the oversight hearings. I ask unanimous consent that that article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

NHTSA Pays For, But Fails To Use, "Elegant Research"

The story behind the story, when, on June 29, Consumer's Union held a Washington press conference to demonstrate the inadequacy of children's car seats and to call for improvement of the federal safety standard to which they are manufactured, is that before the National Highway Traffic Safety Agency set that standard they paid $684,914 to the University of Michigan for a study of child seating and restraint systems. The Michigan recommendations are nearly identical to those now being advocated by CU, but are not reflected in the present standard.

This is the second example on record of an NHTSA standard which is at wide variance with agency-ordered research findings, and the subject is sure to come up when the Senate Commerce Committee holds oversight hearings on automobile safety legislation beginning July 18. The possibility also exists that this testimony will convince lawmakers that they should cling to those tenets of the product safety legislation now moving through Congress which isolate the safety standards-making process from outside pressures (See story this issue).

At the CU press conference, films showed the inadequacy of all but two children's car seats when a 30 mph crash test was substituted for the static test which they must pass to be in conformance with the existing federal standard. The tests, using anthropomorphic dummies, showed that a typical three year old child's head would slam into the dashboard, that there would be spinal distortion, or that the seat belt would dig into the child's abdomen causing internal injury.

It is significant therefore that after three years of research Michigan concluded that "it is obvious that child restraint devices should limit the motions experienced by a child occupant" and recommended a "dynamic test procedure" such as the "impact sled" used by CU.

The other question about NHTSA's lack of use of research findings for which it has paid came during this year's appropriation hearings for the agency. Clarence Ditlow and Carl Nash of Ralph Nader's Public Interest Research Group referred to the $17 million NHTSA has paid for "elegant research" and the standards it has issued "completely devoid of input from research."

Ditlow and Nash used as an example the agency's standard for placement, identification, and lighting for automobile instrument panels and controls. They said that although the agency paid for two reports giving detailed criteria and specific suggestions for this standard which differentiate between persons with varying physical characteristics, the standard specifies only that "a person" seated at the controls and wearing a safety belt be able to operate them.

EXTRADITION AND THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, in the present debate on the Genocide Convention, opponents of the treaty are attacking it because of the provision concerning extradition contained in the treaty. They feel that our acceptance of the treaty may compel us to extradite American citizens, if charged with genocide, to less competent, foreign courts which do not have our procedures of due process.

Article VII of the Genocide Convention says:

> The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

However, there is no reason to fear that this provision will subject our citizens to unfair trials.

First, the treaty clearly states that extradition is to be granted according to the "laws and treaties in force." Presently, the United States has no extradition treaty that includes genocide as one of the crimes for which extradition is to be granted. Adoption of the Genocide Treaty does not automatically change this status. Rather, an extradition treaty covering genocide would have to be negotiated by us with other countries and would have to be acceptable to the Senate before it becomes law. Ratification of the Genocide Treaty will not cause Americans to be extradited.

Also pertinent is the Justice Department's policy on extradition specifically outlined by a representative of the Department before the subcommittee of the Committee on Foreign Relations. That policy, which will remain unchanged by acceptance of the Genocide Treaty as well as any new extradition treaty, is to agree to extradition of a person to a foreign court only after the Justice Department determines that the trial will take place in a competent court which follows our procedures of due process. This policy has long insured the rights of American citizens and it will continue to do so.

The argument that innocent American citizens will be extradited to incompetent, foreign courts is without any foundation. We need not fear the Genocide Treaty. I urge early Senate approval.

BETTER MANAGEMENT OF NATION'S FOREST LANDS

Mr. METCALF. Mr. President, for many months the senior Senator from Oregon (Mr. HATFIELD) and I have attempted to develop a legislative program which will provide a basis for better management of our Nation's forest lands. A recent speech delivered by Senator HATFIELD at Virginia Polytechnic Institute has come to my attention. The Senator has developed in a most impressive manner the urgent need for a better management program of our forest lands. I share the Senator's concern and have introduced S. 1734, which also deals with the problem.

Senator HATFIELD and I are continuing in our efforts to develop legislation which will meet the need. I urge Senators to read Senator HATFIELD's remarks carefully, and I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Remarks of Senator Mark O. Hatfield At the Third Annual Forestry and Wildlife Forum, Virginia Polytechnic Institute, May 4, 1972

For several reasons, I was most anxious to be here for this occasion. One was to share some thoughts about the great forestry resource of this nation and our responsibility to it and to the people of the nation. Another was that you are honoring on this, your Centennial weekend, a very distinguished Oregonian; a man who not only has his roots in Virginia and particularly in VPI, but a distinguished leader in the forestry industry of the State of Oregon, who, along with his charming wife, Alyce, has contributed so much to the civic life of our State. We are all most appreciative of the continued input of Julian Cheatham into the life of this University, and also the contributions of Mr. Thomas Brooks in establishing an important and distinguished Chair of Forestry. He is putting back into this University, into the industry itself, and into the resource, some of that from which he has prospered. It is in keeping with the scriptural precept that everything we have in this world is only in our stewardship. We own nothing.

I feel very strongly, therefore, that when you give recognition to a team like Julian Cheatham and Alyce, you are not only complimenting yourselves but also the people of Oregon. I want to take this occasion to pay tribute to these richly deserving friends.

I want to talk about a great social problem in this country today, the inadequate housing of our people. America cannot be strong, America cannot really fulfill its responsibilities to the citizens of this nation until we concern ourselves more adequately with the underhoused, the ill-housed, and those who are over-crowded and live in substandard dwellings. More than 16% of our total housing inventory is so classified today. Inadequate housing is no longer a problem only of the poor; it is an increasing problem of the middle income groups as well. When you consider that ⅗ of the total substandard housing in this nation is now found in communities of 2,500 population or less, it represents a broad based social problem that must be the concern of all Americans.

In 1968 the U.S. Congress passed the National Housing Act in which we set as our goal 26 million new and rehabilitated units by the year 1978, an average of 2,600,000 units a year. Since 1968 we have produced an average of 1,600,000 units per year. Part of the cause of this failure to achieve our annual goal is that Congress did not approve companion legislation which would provide the materials for meeting the housing goals. For home construction, 80% of the materials are from the forest product field. Now we might ask ourselves, "Should wood continue to be the prime homebuilding material?" People have appeared before the Subcommittees of the Interior and Appropriations Committees to testify that there are alternatives, that there are substitute materials, that, therefore, it is possible to lock up the forests and make them into single use areas or reduce the multiple use base to which we are presently committed. We must be honest, direct, and forthright and ask ourselves, "What are the alternatives?" without doing violence to other building materials and without denying their proper role.

Analyzed objectively, in the aluminum area we must recognize a basic fact: the production of aluminum is tremendously energy consumptive. It takes 29,860 BTU's of power to produce one pound aluminum. Mining and the reduction wastes have large environmental impacts, and use of aluminum depletes a finite resource. Those who say that it is a very simple matter to substitute aluminum and oher light metals for wood products have to recognize these impacts.

Consider using concrete as a wood substitute. We find that concrete is just a step down from aluminum in the magnitude of energy consumption. Consider plastics as another alternative. In addition to heavy power requirements, synthesis of plastics releases into the environment a wide variety of reagents and intermediates which are foreign to the natural ecosystems. Often they are highly toxic. Ecologically speaking, the synthetic polymers are literally indestructible, accumulate in the environment, and generate important and often poorly understood environmental impacts. As we consider the production of aluminum, cement, and chemicals, which account collectively for about 28% of the total industrial use of the electrical supply in the U.S., we must give full broad consideration to the question, "What are the alternatives?"

Aside from the environmental impact of electrical power generation, projected shortages in the near future remind us that we have no energy to waste. In fact, this summer we will face an energy crisis on the eastern seaboard of the U.S. We can no longer afford the luxury of extravagance in energy consumption. Dr. Barry Commoner of Washington University in St. Louis points out that the chief reason for our current energy crisis in the U.S. is not population, is not affluence, but is the technology of production. Since World War II he points out, productive activities with intense environmental impacts have consistently displaced activities with less serious environmental impacts; the pattern has been patently counter-ecological. Ecologically speaking, wood is clearly the most desirable material to use to meet our national housing goals. Because the energy utilized in growing trees is solar, it is free of charge. With sound forest practices, there is little strain on the environment, and wood is perfectly recycleable. An organic matter, it can return to the soil as part of the natural cycle of life. Also, wood is a renewable resource.

Getting back to the demand that we face today, we must realize that 1972 is expected to be a record year for housing starts with around 2,200,000 projected for this year.

We must remember that the total demand for saw-timber is expected to double during the decade of the '70's. How are we going to meet this demand? Research and development at our universities and the abilities of the professional foresters are a part of the solution, but we must also recognize where the resource exists. As we look at the present problem of our forest lands we immediately are confronted with the large resource existing in our national forests. I come from a public land state in which the federal government is owner of more than 50% of our land. This kind of ownership provides some of the great national forests of our country. We must also recognize that in the far West as well as the rest of the nation, we are increasing the recreational opportunities for our people in the national forests. We are committed to this as part of the mutliple-use concept. Lastly, we need to recognize that the need for forest products is an increasing demand upon our forests.

Polarization of recreation and timber interests is unnecessary. Polarization creates the impression that it is either/or; it is either recreation and "environment," or harvest and timber management that produces the forest products. Lack of funding has often caused the squeeze that is responsible for this conflict. I speak a little bit from my experience during eight years as Governor of the state that is the largest forest production state in the nation. Working with the Interior Department and the Forest Service, I have found that over the years many of these agencies of government have been so underfunded, so limited in tools and resources with which to do their work, that much of the criticism and polarization is a direct result of the failure of Congress and the Executive Branch to provide adequate funding. Therefore, it is our responsibility as citizens to correct this inadequate funding. With increased demands and all the multiple uses to be enhanced, the stress must be relieved.

One of the finest examples of what can be accomplished when people concern themselves with the resource rather than trying to advance the interests of their own specific organizations, by reconciling the various interest groups, occurred before the Appropriation Committee of the Senate in the spring of 1971. Industry and conservation groups agreed on a high priority alternative budget, collectively suggesting increases in it by which recreation management would be increased by 76%; wildlife habitat by 51%; forest fire protection by 51%; soil and water management by 31%; and timber management by 7%. To me this is an example of how men can reconcile their differences and keep their eyes upon the management of the resource and its proper conservation. We can and must bridge gaps or misunderstanding and not continue in the false luxury of polarization.

Where are the timberland resources outside of our national forests? By far our greatest resources are on private lands. Only nineteen percent of our commercial forest land is in the national forests and we find that forest industries themselves, mostly the larger ones, have about 13% of the nation's supply of commercial lands. The remainder, about 60%, is in private non-industrial ownership. When we look at this pattern we realize that we must not only do more with lands in public ownership in general, but we must undertake programs that will incorporate the reforestation, utilization, and conservation practices on private lands as well.

We pay about $3 billion a year for farmers to do nothing with their land in America. It is about time we apply public resources to those private lands which once grew trees and, through federal incentives working through state agencies and local governments, reforest some 2 to 3 hundred million acres of land. We need to do this not only from the standpoint of meeting our housing needs, but we find that the beleaguered forest wildlife often will be enhanced, particularly in the East where it is under great strain. An average acre of young trees consumes 5 to 6 tons of carbon dioxide a year and gives off 4 tons of fresh oxygen, obviously a positive environmental by-product that would be provided by reforestation. The net cooling effect of a young tree is equivalent to 10 room-sized air conditioners operating 20 hours a day. Trees also lessen noise pollution. In other words, we are cultivating a resource that has multiple uses, that makes multiple contributions to the environment and to human lives.

This leads to the proposition that government must be a catalyst to bring together these groups, the interests, the various organizations, and provide through its leadership a way to satisfy people who want to see esthetic values maintained while meeting the needs of wildlife, the problems of soil erosion, watershed, and wilderness. Wilderness is not a four-letter word. It cannot be excluded from our vocabulary because it tends to be misused by some who want to turn the whole nation into a wilderness. Wilderness is a legitimate objective of the multiple-use concept and must be so treated. By the same token, we cannot exclude the needs of forest production.

The American Forestry Act, introduced as Senate Bill 350, was intended to rehabilitate the back-log of 5 million acres of unreforested federal lands by providing a funding system which would project management needs years and generations ahead. We cannot conduct a forest management program on an annual budgetary basis. Forests have a 60 to 90 year growing cycle. Many times forest management programs are so constricted by the annual appropriations approach that they cannot provide for future needs. We have 111 million acres of commercial forest land in the United States that have less than 40% tree stocking; we have 35 million acres that are nonstocked; ¾ of this land is in the eastern United States. The American Forestry Act had as its objective the securing of a funding system that would aid reforestation and maintain our commitment to multiple-use principles. The Act also would provide, for the first time, meaningful incentives to reforest private lands.

Under the present policy, the annual harvest from the national forests would have to triple in the 1970's to meet the 1980 demands. It would be unconscionable to put this kind of pressure on national forest lands, but unless we adopt an aggressive and daring new program for reforestation, that's the kind of pressure that will be applied. Sadly, there is little support in comparison with what there should be for this middle-ground approach. One of the best signs that perhaps we have the right approach is the fact that we have had so much criticism from both groups—the environmentalists and industry. We evidently have struck a pretty good middle ground, but unless we can bring these groups together and find a mutually satisfactory approach, we are going to continue to neglect the forest resources of this country. We can build with materials that are ecologically sound at reasonable cost, because 80% of the materials of our homes come from wood, while only 10% of the cost is represented by the wood. Therefore we can meet the demands while we protect our forests and our environment and enhance all the multiple uses of our forest lands.

As you continue an expanded program here at Virginia Tech from 70 students to 600 in your Forest Education program, I am sure you will see not only opportunities to extend and expand the number of students participating in the development of professionals to meet this nation's need, but also we can see in Julian Cheatham Hall additional emphasis on research that must come with the assistance of the federal government. It is a natural and a reasonable cause for federal expenditures. For example, we have about 55 million tons of wood waste annually from our forests and manufacturing plants. A very interesting pilot project has been developed in Pennsylvania under the direction of the Bureau of Mines of the federal government which we plan to expand in Albany, Oregon. The concept is development of a process to convert wood waste to a low-sulfur oil. For each ton of wood waste, one and a quarter barrels of oil can be produced. Look at that from the standpoint of the environment—pests and fire and all other threats that this kind of waste now represents in our forests. If we were able to retrieve only 10% of that wood waste annually it would produce 7 million barrels of oil. We have reached our oil production peak in this country and are on the decline as the demand curve continues upward. This would mean a move in the direction of full utilization of a resource, which is the highest type of conservation practice. It is an opportunity for the forestry departments of our universities to help not only to meet housing needs, but also to practice the highest type of conservation.

NO-FAULT INSURANCE

Mr. SPONG. Mr. President, as a member of the Commerce Committee, I voted to report S. 945 despite having reservations about its high benefit levels and rigid restrictions on the tort system.

There were two major considerations in my support for bringing the bill to the floor.

First, I recognize the shortcomings of the present system for insuring and compensating auto accident victims. So long as recovery of losses is wholly dependent upon proving fault, the individual claimant is at a great disadvantage in seeking compensation from an insurance company. These companies negotiate from the comfortable position of knowing they can always challenge the claim in court and have the resources with which to do it. The legal right available to the claimant, by contrast, is often circumscribed by financial pressures to pay medical and other bills and the uncertain outcome of a long legal battle. Additionally, I believe reforms are long overdue in the matter of cancellations and nonrenewals of policies which has been the issue of greatest concern to constituents writing me.

The second factor favoring consideration of the committee-reported bill is that it takes the form of minimum State standards and no provision is made for Federal intrusion on the States traditional role in the insurance field. I understand, however, that several amendments will be offered to tighten up Federal standards, including one to empower the Secretary of Transportation to pass judgment on State plans to assure that they are in compliance with the standards of S. 945. Such a provision is felt by certain large insurance companies to be critically important to avoid interminable court challenges of State plans on grounds of noncompliance with Federal standards.

In my opinion, the addition of such a provision would radically change the character of the bill and would bring the Federal Government directly into the insurance field.

I concede to those who raise the issue that the bill as now drafted could create confusion and costly delays for insurance companies. I submit, however, that a better approach to the noncompliance problem would be to allow States wider latitude in drafting their own no-fault plans. The more discretion left to the States under the bill, the less chance there will be of a question of noncompliance arising. This course also is counseled by the desirability of having some experimentation and further experience in the field.

The record of State legislatures over the past three or four years may support the case for a Federal minimum standards bill, but I do not believe the situation is yet that urgent or that the States have demonstrated such resistance to the no-fault concept that Congress is justified at this juncture in enacting what in all but name would be a Federal program.

To take one example, my own State of Virginia is often cited as one of the States which has rejected no-fault insurance. The fact is that even proponents of no-fault lobbied against the bill in the last session of the general assembly because it was judged to be deficient in a number of respects. But can the rejection of a bad bill be taken as evidence of opposition to the no-fault concept?

In any event, I believe the Congress should content itself at this time with launching the States on the road to auto insurance reform and not attempt to impose on them a model bill. Whatever first-party benefits are mandated and whatever restrictions on the tort system are required by this bill are, after all, minimum standards only. A State would be free to establish much higher standards if it chose. It should also be free to experiment with different ways of reducing small claims auto cases

In my individual views, printed as part of the committee report, I pointed to the arbitrariness of restricting torts for intangible damages to individuals who suffer a disability of 6 months. Who is to say that a person hospitalized for 3 months with a painful rib or back injury is not as entitled to compensation for his suffering as the man who has a less painful injury but whose recuperation happens to extend to 6 months? I believe the States should be given latitude to establish their own minimums and standards and also the option of trying other approaches such as the evidenciary exclusions used in Delaware. That plan merely restricts use in evidence of tangible losses already recovered. Even so, it is expected to reduce auto accident claims cases by half.

Mr. President, I want to make my position on this bill as clear as possible. I am not one who opposes all action on no-fault insurance. Neither am I one who would support a Federal bill which leaves very little discretion to the States. I will support a bill that is truly a minimum standards approach and which leaves it principally to the States to strike their own balance between first-party protection and restrictions on the tort system.

This is all that I believe we are justified in doing at this time. But in going that far I think we will have accomplished our major objective—to prod the States to reform their auto insurance systems and provide for them some basic directions in which to proceed.

THE 1972 ESKIMO OLYMPICS

Mr. GRAVEL. Mr. President, the uniqueness of Alaska's "Great Land" is best exemplified by some of the Native people who live there. They work hard, live hard, and play hard.

An outstanding example of their unique heritage can be found every year at the Eskimo Olympics. The traditional meet draws rugged Alaskan and Canadian Eskimos to compete in events such as the knuckle hop, ear-pulling, seal skinning, and muktuk eating contests.

An article published recently in the Washington Post recounted the vivid story of the 1972 Eskimo Olympics. The article was written by Lael Morgan, one of Alaska's outstanding reporters and photographers. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Eskimo Olympic

(By Lael Morgan)

Fairbanks, Alaska.—Records were smashed and so were a few of the contenders at the 12th annual Eskimo Olympics. The traditional meet, as tough as the Arctic environment that spawned it, attracted a number of rugged Alaskan and Canadian Eskimos, despite forest fires and erratic plane schedules that deterred some titleholders.

Reggie Joule, a young Alaskan competing for the second year, jumped to victory in the one-foot high kick and blanket toss, while Gordon Killbear of Barrow, Alaska, cracked his own record for the knuckle hop. A Canadian, Mickey Gordon, captured the two-foot high kick record but nearly severed his ear in the process of placing second in a later event.

The games provide tests of pain, endurance and agility that have been handed down for centuries in Arctic villages. Some contests, like seal skinning and fish cutting require practical skills for which competitors must have a good grasp of their native heritage. Others, like the knuckle hop, demand such high tolerance of pain that they were once banned by missionaries because of the potential for crippling and maiming.

The knuckle hop requires the competitor to get down on all fours and hop on his knuckles in a battering push-up fashion. Few men can stand the pain and the average distance covered by Eskimos (hardened by their cold world) is about 20 feet. However, Gordon Killbear broke all records last year by covering 61 feet and came back (20 pounds lighter) this year to hop a grinding 70 feet 5 inches.

"It doesn't pay to practice for this sport," he grinned, brandishing a battered fist. Last year it took his hands two months to heal to a point where he could again compete.

Killbear also won a new event called "Drop the Bomb," introduced by the delegation from Inuvik, Canada. The contest requires a man to stay absolutely rigid while four others carry him by his hands and feet. Muscle strain was so great that all contenders emerged trembling, but Killbear held out a full lap longer than William Day, the Canadian who was second.

Blood was let for the first time this year in the ear-pulling contest, in which a cotton cord is looped from the ear of one contestant to the ear of another. Joe Kaleak pulled with such force he twice broke the string and finally cut deeply into the ear of Mickey Gordon.

"I didn't mean to do it, but he just wouldn't give up," Kaleak said. Gordon, who has a reputation as being immovable, appeared unperturbed by the mishap.

"If you lose an ear, you lose an ear," reasoned one of his teammates. "In Inuvik we have a man who carried 20 pounds in the ear weight contest and went 22 laps. We had to stop him or he'd have lost an ear. He didn't want to give up, either."

Kaleak also was the ear-weight champion, carrying 14 pounds 720 feet. The Olympic record is 17 pounds for 860 feet but Kaleak had worn out one ear pulling with Gordon and was not inclined to try for another round.

The world record for the one-foot high kick is 8 feet 3½ inches, set by Gordon last year at the Canadian Winter Games. He did not arrive at the Olympics in time to compete in that event and Joule, from Kotzebue, took the trophy by kicking 7 feet 10 inches.

Both Gordon and Joule were surpassed in the swing-kick competition, which requires a contentant to place legs and head in a belt loop, lift himself off the ground and swing his feet at the target. The honors went to Buck Dick, a 19-year-old Inuvik Eskimo, who set the mark at 52 inches.

Morgan Segak plodded 32 feet in the body weight contest carrying four men (600 pounds).

Also collecting trophies were Elizabeth Lampe, an Eskimo grandmother from Barrow who skinned a seal in 1 minute 27 seconds, and Roy Katairoak, 17, of Barrow, who won the muktuk eating contest by downing a sizable chunk of whale skin and fat in 20 seconds.

Katairoak believes, like most Eskimo athletes, that muktuk is the breakfast of champions.

"And a beer or two on occasion never hurts, either," concluded Joule, who takes his training seriously.

A FALSE COMPARISON

Mr. DOLE. Mr. President, an article published in the Arizona Republic of July 24, 1972, demonstrates the enduring perceptiveness of a Member of this distinguished body.

That Member, Senator Goldwater, has served his country and his party in many capacities during his years of public service. He has always been a leader and an outstanding example of a forceful and effective public figure.

Oftentimes, aspiring politicians of varying capabilities are compared to established leaders such as Senator Goldwater. And, oftentimes, these comparisons miss the mark.

The following article demonstrates how these "comparison tests" are misleading, confusing, and inaccurate. I ask unanimous consent that the article, from the Los Angeles Times syndicate, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Senator Barry Goldwater

On September 8, 1964, one of my Senate colleagues placed in the Congressional Record his opinion of my candidacy for President on the Republican ticket. It said, "I regard Mr. Goldwater as the most unstable, radical, and extremist ever to run for the Presidency in either political party."

The identity of my well wishing colleague was Senator McGovern, of South Dakota. What happened in Miami Beach on Wednesday, July 12, permits me to relinquish that title.

If there ever was any truth to the claim that my views were radical in 1964, they pale by Mr. McGovern's posture in 1972. If any of my proposals were radical, they were carefully screened by a credible platform committee headed by Secretary of Defense Melvin Laird as chairman and a Congressman named Charles Goodell of New York State as co-chairman. If my ideas were radical or extreme, they were radical and extreme in the right direction; in the direction of strengthening the United States at home and abroad, in the direction of moving in and ending the Vietnam War in the year 1965, in the direction of correcting the vast imbalance for liberalism in the nation's courts for returning law and order to the streets of our nation's capital and throughout the country. Yes, I guess some of my ideas were extreme and radical in the sense that they believed there was a point beyond which permissiveness could not move if we were to stave off anarchy and keep the nation safe.

Ever since McGovern began to move up as the likely Democratic candidate for Presidency, I have read and heard a lot of hogwash from the national pundits to the effect that McGovern's campaign closely resembles the Goldwater effort in 1964. I reject the premise completely, and I believe that as one of the principals I am entitled to a few observations.

(1) If my program was radical, it was that way only because the Democratic liberals in charge of the Congress and the White House had failed to provide leadership and permitted this nation to drift into irresponsibility, lawlessness, and a determined effort to reject our assigned role in the world and become isolationists. I believe that in 1968, when people began to understand what the Republican Party meant, myself included, they opted for responsibility and elected Mr. Nixon.

(2) Anyone who thinks my campaign has any similarity to the one conducted and built by George McGovern better understand that I wouldn't touch, much less vote for, his ideas on amnesty for this nation's deserters and draft dodgers; for his strong views in favor of busing little children, sometimes 30 or more miles, merely to give the appearance of a racially balanced school; or his ridiculous defense proposal which merely suggested cutting $32 billion out of our budget, regardless of what that might do to the nation's security or his plan for unilateral reduction of U.S. forces assigned to NATO, our European shield and his suggestion to cut the number of our aircraft carriers from 16 to 6.

(3) Let me be very frank: Even tacitly I resent any linking of my name with a man whose plans for the security of this country have been called "simple minded" by some of the top experts I know of in this country.

(4) If you want to get radical, you might read carefully McGovern's suggestions for a welfare program to pay $1,000 to every American family or a tax program which would cost $55 billion more per year than is taken in. It is explained glibly that this money would come from steeper taxes on the upper and middle class. Some estimates have claimed that his tax program would cost persons earning $20,000–$25,000 for a family of four an increase over existing taxes of $1,000 and an enormous $4,021 for those on

an income of $25,000 or more. It should be understood that these figures would be in addition to the tax rates already paid.

(5) When you start comparing McGovern with Goldwater, you must remember that I never suggested or threatened to bolt my party on the assumption that it would not go along with what I wanted.

And finally, I should like to have it remembered that Goldwater never changed a single principle in his quest for votes. Mr. McGovern is already paving the way to go back on his word in a number of important areas. His strong protestation for clean politics went right down the drain in Miami when it became necessary to start wheeling and dealing to make a first-ballot nomination. And, accept the fact, even Mr. McGovern's running mate, Senator Eagleton, of Missouri, explained to reporters that he has been chosen because it was felt he would help the ticket by being from a large urban area, by being a Roman Catholic, and a number of other strictly vote-getting propositions. Prior to that, McGovern had stated many times that he wanted primarily a man who could step in and do a good job as President if anything happens to him. With all due respect to my many good Catholic friends, I believe a Protestant could maybe do the job.

LADY LOBBYIST RATES TOPS

Mr. HUMPHREY. Mr. President, I invite the attention of Senators to an article published recently in Roll Call describing the diligent and effective work of Dorothy Ellsworth, one of the few female legislative representatives working in Washington.

Mrs. Ellsworth, a lobbyist for the Brotherhood of Railway, Airline, and Steamship clerks, assumes her responsibility with a serious dedication and dignity that makes her a credit to the lobbying profession and serves as an excellent example of the increasingly important role women are taking in the governing process. When lobbying is sometimes looked upon as a world dominated by cigar-smoking, back-slapping men, Mrs. Ellsworth sets an excellent example of the positive and productive aspects of this profession. She is an intelligent, gracious, and effective spokesman for the union she represents.

I ask unanimous consent that the article entitled "Lady Lobbyist Rates Tops" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LADY LOBBYIST RATES "TOPS"

A female lobbyist?

The image of a Dita Beard, ITT's tough, hard-drinking, chain-smoking, back-slapping representative to The Hill, swirls into mind and flushes any possibility of an alternative from your thoughts.

The existence of Dorothy A. Ellsworth, the soft-spoken, non-drinking, non-smoking legislative representative for the Brotherhood of Railway, Airline and Steamship Clerks proves that such an opposite can and does exist.

Ms. Ellsworth is an attractive blonde mother of an 18-year-old daughter and the first woman to be named as one of the directors of the First Sierra Fund—a fast-growing mutual fund.

The Fund made an excellent choice.

Dorothy Ellsworth is used to being in the minority. There are 1,471 registered lobbyists who flock to Capitol Hill each day, but only 28 of them are women.

Dorothy sees no problem being a woman in the very male-oriented political atmosphere. "I'm treated as an equal on The Hill, although I do think Congressmen enjoy seeing a female on business a little bit more than another man."

Because of the male dominance in the lobbying field, Dorothy feels she must try harder, be dependable and know she can produce. "You really have to prove yourself."

Advantages? "Lobbyists often have to humble themselves walking into an office. Men don't like to do that."

Dorothy says the Hill lobbyists are like a large family. "We respect each other and do anything to help one another." And she means it. One of her cohorts wanted to ask a member Dorothy knows well to be a keynote speaker for a dinner. Dorothy simply planted herself and the other lobbyist in the tunnel connecting the Capitol and the office buildings and waited until the member came hurrying through. She introduced the two and casually excused herself as her friend brought up the topic of the speaking engagement.

Dorothy is serious about her responsibilities as a lobbyist—describing her job as that of a "middleman." "I represent seven modes of transportation—300,000 working men and women.

"It's not glamorous; it's challenging. I depend on followthrough and stamina."

She arrives at work as early as 7:00 AM to have time to get through her mail, do reports on bills and activities, and organize a book she keeps on everything she does. She has coffee and outlines an agenda for the day.

"The agenda may change ten times. Walking around The Hill, you meet numbers of people who are related to BRAC legislation our membership would like to see passed. I stay flexible, but I never waste time."

Dorothy tries to have two or three appointments before 10:00 AM when Committee hearings begin. Members are difficult to see until the hearings end at about 12:00 noon, and Dorothy often has hearings she must sit in on to help her contribute to a weekly newsletter for the BRAC members.

"I walk down a hall and, if I have a little time, I just stick my head in and say hello, or what's going on, or how's the mail? I try to find out any problems in the Congressman's state and get back to my local people to see if anything can be done."

Lunch is always business. You can find her at the Democratic Club or the Republican Capitol Hill Club and even at the Longworth cafeteria.

"I often have two luncheons a day. And if I don't, I'll stick my head in other luncheon places in case someone has some information they need to get to me. That's how I keep in touch."

The afternoon is again filled with appointments aimed at letting the Representatives know how BRAC members feel about certain legislation.

"On a hot bill, I may stop in to see each member on the appropriate committee or his legislative assistant. For example, the Interstate and Foreign Commerce Committee has 43 members. If important legislation is before that committee, I'll see each of those members either in his office or running from one appointment to another."

Dorothy estimates that she can recognize 350 of the 435 Congressional members and just about every Senator. "But, the important thing is, do they know you?"

They do. Chuckling, Dorothy tells how she has sat in the galleries and had members motion her for a thumbs up or down gesture when voting is occurring on the floor.

Rep. Harley Staggers (D-WVa) says Dorothy is "efficient and effective . . . and always does a fine job for her organization." Rep. William Stuckey's (D-Ga) administrative assistant Wallace Jernigan agrees. "She's very effective as well as attractive—and that helps in her field. She has all the attributes a man or a woman needs in that profession."

When she enters a member's office, she is ready for any and all questions. "I do my homework." She has a file on every member which is filled with clippings from the *Congressional Record* and voting needs.

When the going is rough, Dorothy is inevitably in the middle. On one important Committee vote that was expected to be 15–15, it was her job to talk a member into not attending the Committee session.

"I knew the member who could swing the vote and waited outside his door for half an hour. When he walked out I simply walked up to him and said, 'We need to pass this bill. Would you please do what you can to help us in this regard?' This distinguished Congressman simply didn't show and we won."

Dorothy has only two prescheduled meetings each week. One at 10:00 AM Monday morning is a legislative rundown for labor lobbyists giving a breakdown on what is going to happen that week on the floor and what bills to follow. The second is at 2:30 that afternoon—a BRAC strategy meeting which she usually does not have time to attend. She does not often even get back to the office to make phone calls or organize for the following day. "I just never seem to make it back," she shrugged exasperatedly.

Evenings are filled with receptions. Sometimes there are three affairs in one night. "I change shoes a couple of times each day."

Dorothy has only two prescheduled meet-BRAC membership in the fifty states—meetings that are predominantly attended by men. She explains the committees, amendments, what a letter to a Congressman can do, and tries to relate federal action to what is going on in that state. She speaks extemporaneously drawing her audience to her with a smile that encompasses everyone in the crowd—plus she knows her business.

"My travelling is done mostly on weekends, but I often arrive at work and am told at 11:00 AM that I've got to be on a plane at 4:00 that afternoon." She writes the outline for her speech on the plane, gives her presentation at 9:00 the next morning and has left at 3:00 to catch a 1:00 plane back to Washington and returned to California all in one week.

All flights are not as hectic as the one on which she had to monopolize the ladies room changing into an evening gown and a fall in an effort to make a White House correspondents dinner that evening. Dorothy smiles and says she made it in the middle of the meal. "And I think that's pretty good, considering the circumstances."

Dorothy's schedule leaves little time for a personal life. Her dating is further limited by a self-imposed restriction on seeing anyone who works on the Hill. She was explaining to one date how busy her travel schedule was and why she couldn't see him when he yelled "See you in September," and slammed the phone down.

"My boss overheard the conversation and suggested that I should have corrected him and said, 'See you in November.' You know what?—he was serious."

Her words of advice to any female who wants to break into male-dominated lobbying? "You just can't let anything bother you."

REGISTERED NURSES AS FAMILY PRACTITIONERS

Mr. METCALF. Mr. President, earlier this week I discussed the two-pronged health crisis in this Nation. One prong occurs in our overcrowded cities that have an abundance of medical personnel, but where the crowded conditions create seemingly inescapable health hazards. The other prong occurs in our rural areas where we lack sufficient numbers of medical personnel but have healthy living conditions.

I contended that our medical personnel now located in areas subject to air pollution alerts, bordering on air pollution crises, must recognize from their own training the necessity to provide better living conditions for their families and for themselves. I have offered, and I continue to offer, all assistance to any medical personnel in the Washington, D.C., area or elsewhere along the eastern seaboard who wish to escape to practice in the clean air of Montana.

However, I also noted that Montana recognizes the problem of insufficient numbers of medical personnel and is experimenting with innovative approaches to provide quality health care to all its citizens, whether in rural or urban locations. One such innovative approach now being developed offers registered nurses expanded training to develop them into family practitioners. Recently this program was described in the Montana Collegian, published by the alumni association of Montana State University. Since this program may offer insights helpful to other rural areas in meeting their health needs, I ask unanimous consent to place the article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FAMILY PRACTITIONERS

Health care in many isolated rural communities of Montana will improve as a result of a new educational program under development at the MSU School of Nursing.

The project will be carried out by the School of Nursing under a contract with the U.S. Public Health Service.

"Some details of the contract remain to be worked out," Dr. Laura Walker, director of the School of Nursing, said, "but it is expected the agreement will be signed this summer and the program will start with the opening of the fall quarter of school."

"The program," she continued, "is designed to make 'family practitioners' out of registered nurses presently working full or part time in rural communities. The program would include some who graduated ten or 15 years ago and who now want to get further involved in the improvement of the health services of the small towns and rural areas in which they live."

The new program will help nurses expand their responsibilities and areas of service, enable them to better assist individuals and families with their health needs, and direct those they cannot help to the proper physicians or other health authorities for treatment. In some instances these greater responsibilities will help relieve overworked doctors of some of the medical routine of their offices, so they will have more time to devote to the more seriously ill.

Montana physicians have already nominated 45 rural area nurses as first participants in the program. Names of three times as many more who desire this advanced training are on file, Dr. Walker said, and will be considered for training in future courses.

Participants will be assigned one quarter of study in the School of Nursing on the MSU campus. Another quarter will be spent in various medical and health facilities in the Great Falls area, and during the final quarter, under proper guidance, the nurses will put their newly-acquired skills to work in their own communities.

In a departure from usual teaching practices in the School of Nursing, three practicing medical doctors will assist in the teaching program.

Areas of study which will be covered include taking of health histories, making assessments of the general health of patients, giving screening physical examinations, conducting minor laboratory tests and developing a greater knowledge of the use and control of drugs, including alcohol.

Dr. Walker also announced another innovation in the education of nurses at MSU.

Beginning with the 1972 fall quarter, Dr. Walker said, students enrolled in the regular baccalaureate program will be offered the opportunity of expanding their education into some area of concentration such as surgical nursing, emergency room practice, intensive care procedures, pediatrics, medical nursing or geriatrics.

This program of giving undergraduate nurses a field of concentrated study in nursing, together with a broad education in all areas of nursing and health care, will greatly enhance their employability, Dr. Walker pointed out. It will prepare them for positions of greater responsibility, which in turn will command higher salaries and at the same time bring them a wider range of job offerings upon graduation.

Only senior students will be eligible for this advanced preparation, Dr. Walker said, which will be carried out during the final year of their studies.

THE MENTALLY RETARDED CHILD

Mr. KENNEDY. Mr. President, the Senate recently accepted an amendment which I offered to increase the appropriations to $65 million for fiscal year 1973 for the developmental disabilities program. The Development Disabilities Act specifically supports State and local programs for the mentally retarded. Far too little has been done in the past to provide humane care, treatment, and rehabilitation of the Nation's mentally retarded children and adults. The Senate's recent approval with strong bipartisan support increased appropriations for such programs indicates an increasing commitment to assure quality care and rehabilitation for the mentally retarded.

Of vital concern in this area is the need for innovative and creative approaches to develop the inherent potential for rehabilitation in the mentally retarded child. Special interest has focused on methods and techniques to overcome serious impediments and deficits in the retarded child's learning to speak. Mr. D. Balfour Jeffrey, a doctoral student in clinical psychology, has developed a most interesting method to develop the speaking ability in a mentally retarded child. His impressive research and treatment demonstrate the increasing advances being made in treatment of the disabilities of the retarded.

Mr. President, I ask unanimous consent, that an article by Mr. Jeffrey on his recent work, be printed in the RECRD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[Reprinted From Mental Retardation, Vol. 10, No. 2, April 1972]

INCREASE AND MAINTENANCE OF VERBAL BEHAVIOR OF A MENTALLY RETARDED CHILD

(By D. Balfour Jeffrey)[1]

ABSTRACT

Operant and imitative techniques were used in programming generalization of verbal behavior in a child. In the individual training sessions a high rate of phoneme imitation and tacting sounds with pictures was established using contingent positive reinforcement. A self-programming procedure using a Language Master enabled the child to practice independently sounds and words learned with the therapist. In addition, two of the child's peers, who were mentally retarded but verbal, were trained to practice words with the child. The data indicated that the program was able to: (1) increase phoneme imitation from 41% during baseline to 95% during treatment; and (2) increase the rate of classroom verbalization from 15% during baseline to 46% during treatment. Classroom follow-up data indicated the child's average rate of verbalization decreased slightly from the treatment phase, but remained at a level substantially above the baseline level.

Applied research using operant conditioning principles has provided numerous demonstrations that a child's behavior can be modified by the manipulation of consequences (Summaries: Bandura, 1969; Gelfand & Hartmann, 1968; Kanfer & Philips, 1970; O'Leary & Drabman, 1971; Ullmann & Krasner, 1965; Ulrich, Stachnik, & Mabry, 1966). During the past decade, the use of these principles in remedial speech development has increased with particular rapidity. Lovaas (1967), Peine, Gregerson, and Sloane (1970), and Wheeler and Sulzer (1970) were able to establish speech in nonverbal mentally retarded and schizophrenic children by using reinforcement techniques. These and other studies in this area have focused almost entirely on techniques for speech acquisition (e.g., Brookshire, 1967; Girardean & Spradlin, 1970).

In the applied setting, however, it is apparent that techniques for the maintenance and generalization of newly acquired speech are of equal importance. Several investigators have discussed the importance of these issues (e.g., Barton, 1970; Cook & Adams, 1966), but there are few demonstrations of techniques that might be used to promote the generalization and maintenance of verbal, behavior. Baer, Wolf, and Risley (1968) have emphasized that generality is not automatically accomplished whenever behavior is changed; rather it should be systematically programmed. In an article on behavior modification with the severely retarded. Nawas and Brown (1970) discussed general principles for establishing the self-maintenance of behavior, but they did not present specific procedures and data in support of the general principles. Thus the purpose of this case study was to develop a practical program for both the development and maintenance of verbal behavior in a speech deficient mentally retarded child.

METHOD

Subject

Judy was an 11 year old, mentally retarded girl. The school records indicated that she was able to hear and was in good health. Her records also indicated that attempts to administer the Stanford-Binet were unsatisfactory because of her serious verbal deficits. The psychologist who administered the test estimated her IQ at 30. Judy was referred to the behavior therapist by the school staff because she was thought to have few sounds or words in her repertoire. Her teachers indicated that she did not verbally answer their questions, make requests, or speak to her peers in class. They did indicate, however, that she was able to communicate through hand and facial gestures, and did so quite effectively. They also indicated she occasionally had temper tantrums.

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[1] The author is grateful to the staff of the Opportunity Center, Salt Lake School District for help in conducting portions of the study and to Dr. Donald P. Hartmann and Richard Kale for reading earlier drafts of this manuscript.

Assessment procedures

Classroom assessment. After the teachers' initial reports were substantiated by informal observation of Judy's free time classroom behavior, formal assessment procedures were instituted (Johnston & Harris, 1968). These procedures included frequency counts of the following behaviors: (a) auditory discriminative stimuli directed at Judy; (b) Judy's verbal and nonverbal responses; (c) verbal consequences directed at Judy's verbal and nonverbal responses. The following are definitions and examples of the behaviors scored:

(*a*) *Auditory discriminative stimuli directed at Judy.* These cues included any verbal sounds emitted by either the teachers or students which were directed specifically at Judy or at the class in general, and which were understandable to the observer (*O*), who was not more than 15 feet away from Judy. If a student asked Judy a question or if the teacher gave directions to the whole class, the responses were scored.

(*b*) *Judy's verbal and nonverbal responses.* A verbal response was scored whenever Judy emitted verbal sounds which could be heard by O, who was not more than 15 feet away from her. This definition excluded sounds such as whistles, grunts, or coughs. For example, if she said the teacher's name, the response was scored. Nonverbal responses were scored whenever Judy made a hand movement, facial gesture, smile, or head nod that was directed at either the teachers or students. If the child waved her hand to the teacher or shook her head "no," these responses were scored; if she swung her hand in jump rope or kicked a ball, these responses were not scored.

(*c*) *Verbal consequences directed at Judy's verbal and nonverbal responses.* Verbal consequences included any verbal sounds emitted by either the teachers or students which were directed specifically at Judy or at the class in general, and which followed Judy's verbal or nonverbal response within approximately 5 seconds. For example, if Judy said "toast" and the teacher said within 5 seconds "very good," it was scored.

The classroom observations were taken during the free play period a minimum of three times during the baseline, treatment, and follow-up phases of this study. One or more raters coded the three categories of behaviors for 45 consecutive, 20 second time intervals (15 minutes). If any of the three designated categories of behavior occurred in any part of the 20 second time interval, it was scored; if it did not occur in any part of the 20 second time interval, it was not scored for that interval. The total scores for each observational session were then a percent of time intervals in which a particular behavior occurred.

Individual assessment. This assessment consisted of an evaluation of the child's ability to imitate the base phonemes in individual testing sessions with the therapist. Each of 39 phonemes was presented orally to the child. If she imitated them according to the standard phonetic pronunciation (Karr, 1953) it was scored correct. Responses that failed to meet the standard criteria were scored incorrect.

Treatment procedures

Standard treatment procedures. The therapist conducted 15 30 minute individual training sessions one to three times a week with the child. The basic procedures employed were those described in the language studies of Lovaas (1967) and Sloane and MacAulay (1968). The sessions were conducted in a room that contained as few distractions as possible. An outline of the procedures used follows:

1. Nonattending and disruptive behaviors were eliminated by administering time-outs for inappropriate behaviors and contingent reinforcement for appropriate behaviors.
2. Specific sounds were shaped to come under imitative control.
3. A high rate of phoneme imitation was established through the use of contingent positive reinforcement.
4. Two or more sounds were chained together, e.g., my teacher.
5. Objects and pictures were associated with added imitative auditory discriminative stimuli, e.g., the therapist held a picture, vocalized a sound, and then had Judy imitate the sound.
6. Imitative discriminative stimuli were faded from step 6.
7. Single mands were established, e.g., after Judy had learned to name an object, this name was required in appropriate situations before reinforces were dispensed.

The following is an example of a typical training session to illustrate how these procedures were utilized. At the designated time the teacher sent Judy to the training room adjacent to the classroom. The therapist would have a cupful of assorted candies in full view of Judy. He would place himself directly in front of her and then very slowly enunciate a sound or word and have the child imitate the sound after him. If she was correct, he would immediately give her a piece of candy, smile, and say, "very good." If she was incorrect, he would wait for 15 to 30 seconds and would then repeat the sound.

Additional treatment procedures. To help maximize the probability that the verbal behaviors learned in the individual sessions would generalize and would be maintained in the classroom, the following additional strategies and procedures were instigated:

1. *Selection of functional terminal behaviors.* Rather than teaching a long list of words which Judy could have imitated perfectly in the individual sessions but which probably would not have had much relevance to the classroom, Judy was taught in a short list of words which would have maximal relevance to the classroom. The selection of terminal behaviors which have high relevance and/or positive consequences in the environment is a very simple but often overlooked procedure in learning programs.

2. *Practice on a self-managed language training machine.* In order to insure greater practice of her increasing verbal repertoire, Judy was taught to use the Bell and Howell Language Master. This was accomplished by the therapist first modeling how to use the machine and then fading control over to the child until she could operate the machine independently. Use of the Language Master involved the following 4-phase sequence for each word: First, Judy looked at the word card and then sent it through the Language Master and recorded orally her response. Second, she sent the card through the machine on the instruct button which played the correct pronunciation of the picture or word. Third, Judy played her card back to make the discrimination of whether she had a correct or incorrect response. Fourth, if her response was correct, she placed that card in the "good pile" and if it was incorrect, she placed it in the "not so good pile." She was taught to go through the same sequence for each card in her pack without the therapist being in the room. This technique was started after Judy had established a high rate of phonema imitations. It was continued 1 to 3 times a week for about 10 minute durations throughout the treatment phase.

3. *Peer trainers.* To further promote generalization to the classroom, Judy's peers were also involved in the program. After finding out from the teachers who were Judy's two most verbal friends, and gaining their cooperation, the following procedure was instituted: Two 20 minute sessions were spent teaching the two peers how to use the review word cards that Judy had already learned in the individual session. They were tested to make sure they knew the cards, and also taught to praise Judy every time she made a correct verbal response, and to repeat any card she did not do correctly. Judy's two friends then reviewed the cards regularly with her. In addition to the specific formal practice sessions, the peer tutors were encouraged to use the words they formally practiced with Judy in their daily interactions with her.

4. *Teacher training.* The program to train the teachers was minimal. The language program for Judy was explained to them and they were encouraged to positively reinforce any verbal behavior and not to respond to nonverbal behavior. They were also asked to remind the two peer trainers to tutor Judy regularly.

RESULTS

Individual sessions

Figure 1 shows the number of correct phoneme imitations that Judy emitted to the therapist's prompts. During baseline, Judy imitated 16 of the possible 39 phonemes, or approximately 41% of the total possible. During treatment when candy and social consequences were applied to correct imitations, the percentages of correct phoneme imitations stabilized at 95% by the eleventh session. These results were also maintained in the follow-up probe completed approximately 1 month following the last training session. Because Judy had difficulty learning two phonemes (the remaining 5%) and they were not crucial to the development of her verbal behavior, they were dropped from further learning trials. She also learned to name picture-word cards, to use the names of the teachers and other students, and to use social amenities such as "please" and "thank you."

Classroom verbalizations

Figure 2 summarizes the effects of the learning and maintenance program on the percentage of auditory discriminative stimuli and verbal consequences directed at Judy by the teachers or students, as well as the percentage of verbalizations emitted by Judy in the classroom. During baseline (Panel II), Judy's average rate of verbal responses was 16%. Her rate almost tripled to 46% during treatment. The follow-up data for both 1 and 3 months showed a slight decrease in rate (35%) when compared to training, but this rate was substantially higher than baseline. Nonverbal responses remained at a relatively constant rate throughout the study.

The percentage of auditory discriminative stimuli and verbal consequences (Panels I and IIII) directed at Judy by other students increased substantially during treatment and was maintained at a high level through follow-up.[2] There was no substantial change in the teachers' verbal behavior directed at Judy during any of the three phases.

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[2] The classroom observation data excluded any of the formal practice sessions between the peer tutors and Judy.

Reliability

In order to estimate the interobserver reliability of the behavioral categories, four classroom observations were made with two raters present. The interobserver reliability was calculated for each behavior using the percentage of effective agreement procedure (Jensen, 1959). The reliability coefficients varied somewhat across the different behaviors, but in general they were mostly in the .70's and .80's. The coefficients for Judy's verbal behaviors were as follows: .76, .81, .67, and .86.

DISCUSSION

The present program was successful in substantially increasing the rate of verbal responses made by a mentally retarded girl. Furthermore, follow-up data suggested that the program was successful in maintaining these results for at least 3 months after the treatment phase had terminated.

Although this case study has provided data which indicate that the combination of techniques employed increased the child's verbal behavior in the classroom, it obviously does not show the specific functional relations involved nor the relative contributions of the various techniques used. However, the study does suggest some of the important variables, some of the areas in need of further research, and some of the implications of a behavior modification approach.

The effectiveness of the standard operant training procedures, such as contingent reinforcement and shaping have been amply demonstrated elsewhere (Sloane & MacAulay, 1968; Ullmann & Krasner, 1965; Ulrich, Stachnik, & Mabry, 1966). As in other studies these procedures seemed essential to the effectiveness of this study. The additional procedures used in this program also seemed essential for both the acquisition and maintenance of Judy's verbal behavior. One procedure employed was that advocated by Risley and Wolf (1967) in their discussion of generalization training. They argued that the selection of terminal behaviors (sounds or words) should be determined by their functional use in the child's environment. Teaching Judy the basic phonemes would provide her with the basis for learning new words and generalizing her verbal behavior to the classroom. Consequently, her phoneme imitation skills were quickly shaped up to a high level of accuracy during individual training sessions. In addition, words were selected for training which would have immediate positive consequences for her ("I want some candy;" teachers' names, social amenities).

Another technique which may have contributed to the results was practice on the self-managed Language Master. The semi-automated practice sessions were made possible by training the child to use the Language Master in reviewing sounds and words learned in the individual training sessions. The additional time spent in emitting verbal responses and making discriminations of whether the response was correct or incorrect seems to have increased the probability of Judy's verbalizing in the classroom. Other researchers, including Holland and Mathews (1963), have shown that sound discriminations could be taught to school children by using a teaching machine.

A final procedure which may have contributed to the results was the use of two trainers. Judy's mentally retarded peers were trained to quiz her regularly on items learned in the individual training sessions, and thereby provided additional practice sessions and facilitated generalization to the classroom. The use of peers in the formal practice quiz sessions seems to have led, in part, to the increase of verbal interaction in the classroom between Judy and her peers. This intercation was indicated by the increase in both Judy's verbal behavior and consequences directed at Judy by her peers. Other investigators have provided data which indicate that children can modify the behavior of their peers in the classroom and in the laboratory (Surratt, Ulrich, & Hawkins, 1969; Wiesen, Hartley, Richardson, & Roske, 1967). The use of peer tutors holds great promise for many classroom applications and should be further studied to determine how peers can be used most effectively.

The contribution of the teachers' verbal behavior to Judy's speech development is not clear. The fact that there was no substantial change in their pattern of verbal interactions with her suggests that their direct influence was minimal. However, they were helpful in specifying the desired terminal behaviors, sending Judy out to the individual sessions, and reminding the peer trainers to quiz Judy.

Several questions may be raised concerning whether the words learned in individual sessions generalized to the classroom setting. The data indicated that the percent of Judy's classroom verbal responses increased substantially over baseline. Whether the classroom increase included words learned in the individual sessions cannot be determined from the data collection technique used in this study. Additional work with a speech deficient child such as Judy should include data indicating the specific content of the child's verbal repertoire during baseline, as well as during treatment.

A final and more general issue is the growing need to undertake systematic follow-up evaluations to determine the durability of the effects of training programs. In order to accomplish this systematic evaluation, there must be an appropriate assessment of the relevant variables before, during, and after treatment (Goldfried & Pomeranz, 1968). The case study presented attempted to include some of these points by conducting an individual and classroom assessment through all stages of the study.

There is an urgent need to systematically and regularly evaluate some sample of the programs and services that are rendered to determine whether or not they are having any immediate and/or long-term effects. Feedback information of this type is crucial if schools and clinics are to improve their programs and make efficient use of their resources.

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VIETNAM-ERA VETERANS READJUSTMENT ACT OF 1972

Mr. FULBRIGHT. Mr. President, I am particularly pleased that the Senate has passed S. 2161, the Vietnam-era Veterans Readjustment Act of 1972. One of the tragic consequences of the Vietnam war has been the bittersweet homecoming for over five and a half million Vietnam-era veterans. In addition to the obvious problems arising out of an unpopular war, they have come home to face employment and educational difficulties which the present GI bill of Federal benefits has failed to solve.

S. 2161, which I was pleased to cosponsor, marks a good beginning in terms of meeting the pressing needs of the veteran who seeks to further his education or seeks the training which is necessary for gainful employment. It increases the educational assistance and subsistence allowances under the GI bill from $175 to $250 per month, including proportional increases for veterans with dependents. These allowances will be paid under a new system insuring the veteran that his entitlement check will be available at the start of the school year. Corresponding increases have been made in the vocational rehabilitation subsistence allowance from $135 to $200 per month and in the basic rate for full-time farm cooperative training from the present $141 to $201 per month.

The bill includes an expanded loan program under which a returning veteran would be eligible for direct assistance of up to $1,575 per year for educational costs not provided under other Federal loan or grant programs.

Other provisions in this legislation will improve the existing GI bill programs to insure further that the Vietnam-era veteran will receive the readjustment assistance which he so richly deserves.

The predischarge program—PREP—has been expanded so that payments can be authorized to veterans and in-service personnel to allow them to complete secondary school courses toward a high school diploma, and to facilitate their participation in furthering their higher education. A work study, outreach program has been established whereby veterans would be able to earn additional sums above and beyond their basic entitlements for performing services in Veterans' Administration programs.

Important new opportunities are made available to veterans' dependents which will allow them to pursue their education and job training under programs currently available to veterans and the farm cooperative training program and other special programs for educationally disadvantaged veterans and servicemen have been expanded and strengthened by S. 2161.

In addition to these features, the bill is designed to stimulate the employment of veterans through improvements in the operation of the Veterans Employment Service and through employment preferences to be included in Federal contracts for certain Vietnam-era and service-connected disabled veterans.

Mr. President, I have actively supported previous measures to improve the GI bill and to bring the benefits to which veterans are entitled up to levels which are consistent with their needs. In doing so, it has always been my belief that we as a nation have an obligation to those who have disrupted their lives and education to serve in our Armed Forces, and a duty to do everything possible to assist them in readjusting and reestablishing their lives. It is with this in mind that I am gratified to see the Senate meeting its responsibility by passing this much needed legislation.

NEW MILITARY TACTICS AND TECHNOLOGY USED BY UNITED STATES ON VIETNAM

Mr. FULBRIGHT. Mr. President, Mr. Milton Leitenberg, of the Swedish Institute of International Affairs, has sent me a copy of an essay entitled "The War in Vietnam: Vietnam and the United States."

Mr. Leitenberg's essay catalogs the new military tactics and technology used by the United States in Vietnam and discusses the results of these tactics and technological innovations. His essay does not make pleasant reading, but I think that it deserves to be read by thoughtful Americans. I therefore ask unanimous consent that it be printed in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

THE WAR IN VIETNAM: VIETNAM AND THE UNITED STATES

The Vietnam war has been an unprecedented situation in the history of the United States. It would be comforting to be able to foresee now the ultimate effects of the war, on the American population, on the office of the presidency, on the military services, on subsequent US foreign policy and US behaviour overseas. No matter what the severity of the outcome, the foreknowledge would be comforting simply by providing a resolution of events. Unfortunately one cannot, and the inability leaves much to fear. It would also be comforting to be able to know that the several nations in Indochina, Vietnam, Laos and Cambodia and their respective societies will be able to reconstitute themselves. But writing in the beginning of 1972, that too is unanswerable now. Rates of ordnance use continue to rise, and in the last two or three years the earth and the populations in the area have in fact been suffering increasing punishment, with little hint of when the present situation might be expected to cease.

One may roughly group the themes under which the war in Vietnam could be considered as:

The effects on, or the damage done to Vietnam,

The effects on, or the damage done to the United States,

The international political effects and precedents.

Should this essay have been written by a military historian, very general parallels might have been found with United States' action in the Mexican-American War, or with the Spanish-American War and the subsequent suppression of the Philippine insurrection. However, the parallels are probably closer, if not as much in cause, in policy consideration and in goals, then in the manner of operation and in effect, to other and more recent wars which did not directly involve US forces, such as the Italian campaign in Ethiopia and the Japanese invasion of China. The American population has witnessed the simplicity by which the might of a nation can be moved by facile sophistry into a disastrous and unpardonable war of destruction. The context of the war, the reasons for which and the manner in which it has been carried out by the United States are at the bounds of belief, but despite that impeded only in the slightest over the many years of its duration, and supported by a large sector of the national population and of the Congress. We have witnessed how such historical mysteries come to happen, and we have learned the meaning of the broken haunted commandment that "we cling to our humanity by our fingernails in this world."

Perhaps one should look first at Vietnam and the military aspects of the war. The rough outline drawn above arbitrarily omitted mention of France, under whose aegis the war was carried out from 1946 to 1954, and any aspects of the impact of the war on France's political and military development. Such aspects will have to be left for a French author. The United States bore some 80% of the French costs of the war and of the ammunition used in this first phase of the Vietnam war.

The war has seen extensive introduction of new military tactics and technology by the United States. Under tactics one might list the following:

Very extensive use of airborne (helicopter) troops;

The use of herbicides against crops in food denial programs, and against forests in area denial programs;

The use of bulldozing over smaller land areas, also for area denial;

The designation of "free fire zones", which held for artillery as well as for air-dropped weapons, and within which there were few distinctions as to "civilian" and "military" targets;

"Interdiction by fire", again both by artillery and by air-delivered ordnance;

The battlefield use of CS gas, in coordination with conventional firepower; and the use of CS for area denial and for interdiction;

The use of meteorological warfare, the purposeful production of rain;

The intentional "population relocation" programs. At times these were forcible, accompanied by subsequent destruction of local habitation by fire, bulldozing or artillery, at times what might be called semi-forcible, as populations moved from free fire zones as soon as they appeared, and at times populations moved from direct battlefield areas;

"Carpet bombing" by B–52s (the "adaptability" of the B–52), the exceedingly high air ordnance tonnages;

The use of "mercenary" military forces from Thailand, Korea and the Philippines, the costs for which had to be paid for by the USA. This kind of development, as "political" as it is "military", was carried a step further by the entire subsidy of "secret" armies—of 65,000 men in Laos, of 20,000 Cambodian Khmers fighting in Vietnam, often in ambiguous uniform and under unstated leadership,—and of an entire "air force", Air America, by the United States Central Intelligence Agency, in Laos;

Though not "new", the relatively very extensive use of air support;

The extensive use of the incendiary, napalm;

The regular introduction of special forces teams, "SEALS", and irregular mercenaries into North Vietnam for sabotage and for other military purposes; and

Programs of the selective killing of members of the civilian population with communist affiliation, the Phoenix program and some of its predecessors.

In the hundreds of thousands of U.S. bombing sorties executed in the course of the war only a handful involved any air combat with opposing aircraft. There was no opposition to U.S. Naval operations, the aircraft carriers and the "Market-Time" coastal blockades, or to the use of bomber bases in Thailand, the Philippines, Okinawa and Guam.

Gas warfare had not been used since World War I and in Italy's Ethiopian campaign. Despite official denials to the public, the intent of CS use as used in the field in Vietnam was explicitly to increase enemy combat casualties. The use of CS ran a great risk in weakening international restraints against the use of more toxic chemicals in war and was curtailed only after strong international diplomatic opposition, marshalled in the UN General Assembly. There had been only very minor herbicidal operations carried out before, by the British in Malaya and by the French in Algeria. The fact that herbicides had been used in these previous military operations was largely unknown, and had had little impact on international law in the area of chemical and biological warfare, or on military systems in different nations. The large scale use of herbicides in war was thus, in effect, unprecedented. Meteorological warfare is entirely unprecedented, never before recordedly having been used as a weapon of war. The Pandora's box that it opens is awesome. In particular the use of such novel methods by the United States, the world's most advanced and strongest military power, is certain to risk all the more the further deterioration of international restraints.

Under technology, though some of the notations simultaneously include further information on tactical methods of application, one might single out the following:

The development of some 30 delivery systems, mostly for battlefield application, for CS gas;

The use of lightships and "gunships", lighting up the nighttime sky and carrying "miniguns", multiple barrelled machine guns with extraordinary high rates of fire (6,000 rmp per gun: 18,000 rmp, or more per aircraft);

Light gathering and heat gathering devices for nighttime ground based antipersonnel target acquisition;

First actual combat use of (U.S.) Terrier SAMS (Surface to Air Missiles) and Shrike antiradiation (radar) missiles;

Extensive use (against North Vietnam) of antipersonnel air delivered weapons: Cluster Bomb Units (CBU), flechettes, pellet bombs, etc.;

Laser guided and television guided bombs, weapons in the "Pave" and "Eye" series;

Ground based fire location sensors; portable field radars for mortar and artillery location;

Extensive use of special aircraft for airborne tactical air control and electronic countermeasures, largely over the China Sea and North Vietnam. Ground based air navigation electronics was also used in northern Laos;

The use of drone aircraft for photo reconnaissance and for electronic countermeasures; and

The use of ground based sensors to detect personnel and motor traffic movement behind enemy lines, the "McNamara line", which then grew into project Igloo White. These sensors detect in various modalities (seismic, thermal, etc.), telemeter their information to circling aircraft or to drones, which telemeter in turn to ground based computers, which call for aircraft strikes. This system has been popularly referred to as "the electronic battlefield", or "electronic warfare". Airborne sensors capable of detecting tunnel networks were also developed.

The effects of the use of these methods and technology over a period of some ten years has been, not surprisingly, substantial. In the 1946 to 1954 phase of the war, it is estimated that some 1,250,000 Vietnamese, in both North and South, lost their lives. The toll for the 1959 to 1972 period is highly unlikely to be any less, though firm estimates for either the North or the South are not available.

In World War II a little over 2,000,000 tons of bombs were dropped by the USA in the combined African, European and Pacific theatres of war, and a little less than 1,000,000 tons in Korea in 1950 to 1953. Some 6,200,000 tons have been dropped in Indochina between 1965 and the end of 1971. More than half of this total has come in the 1969 to 1972 period, after the exit of the Johnson administration. 140,000 sorties[1] were flown by the U.S. Air Force alone in the single year 1971. This omits the number of strikes flown by U.S. Naval aircraft. Official US figures indicate that attack sorties[1] by fixed wing US aircraft over *South* Vietnam alone totalled 796,262 from 1966 to 1971. 23 million craters have been made and the total cratered area is about the size of the state of Massachusetts. Between 1965 and 1970 air delivered munitions and surface delivered munitions were being used at equal rates, 11,112 million pounds by air and 11,777 million pounds by artillery. Thus the total tonnage of ordnance delivered in the Indochino area is double the bombing figure, although most of the artillery expenditure has been in South Vietnam. All of Indochina is an extended rural Rotterdam.

Some 90,000 tons of US chemical warfare agents have been employed in Vietnam. Seven thousand tons have been CS gas, the remainder herbicides. Herbicide application rates were twelve of fifteen times those used in commercial agricultural operations, and about ten percent of the area sprayed received multiple treatment. Crop cultivation sufficient to feed two million people for a year was destroyed while the program ran, from 1962 till the end of 1970, and affected about ten percent of all the cultivated land in South Vietnam. U.S. data indicates that 20,000 square kilometers (km ^{2}) of forest was sprayed and largely laid waste, about 5½ million acres. 300,000 acres, or half the total coastal and delta mangrove forest area, was destroyed, while the 4,000,000 acres of mature upland forest sprayed comprise about a fifth of the total area of that type in South Vietnam. (The total is again roughly the size of Massachusetts. The Vietnamese claim that three times that area, 58,029 square kilometers, of forest were exposed to herbicide spray.) Attempts were also made to burn already defoliated forests by use of incendiaries and Napalm. The bulldozer, or "Rome Plow", program scrapes the land bare at a rate of 1,000 acres a day (44 million square feet) and by now has cleared an area of 750,000 acres, roughly the size of the state of Rhode Island.

These novel programs have earned the accusation of "ecocide" or "ecological warfare", permanent or very long term large scale military derangement of an area's ecology. The programs came at exactly the time that domestic ecological considerations began to penetrate to the policy making levels of governments in the already developed nations. The decision to use herbicides as weapons of war in Vietnam was made as a further effort to control and to move populations from one area to another within the country. The destruction of crops was expected to achieve this aim, and crop and forest destruction were thus means, and not ends. In that they were successful, but not nearly so much so as were more "conventional" military techniques, the wide-ranging use of unprecedented quantities of high explosive. Despite the fact that the military regarded herbicide as a "gimmick" and an "R & D effort", that official reports found it "ineffective" against enemy combatants, and perceived that it "had its greatest effects on the enemy-controlled civilian populations" and "created widespread misery and many refugees", the herbicide program accelerated rapidly and when publicly criticized was strongly supported by the highest government officials. Only after extensive opposition grew within the US scientific community was the herbicide program phased out in 1970. There is no reason to suppose that it would have been curtailed otherwise, despite its failure to fulfill any military objectives, as it was fulfilling political objectives through its effect on the civilian population, though this is explicitly proscribed by the Laws of Warfare. The program of land clearing by use of bulldozers continues and is increasing.

These various military programs account for the generation of perhaps 85 percent or more of the refugees. For example the generation of nearly all the Loation refugees was extremely rapid and took place in a period of weeks following the shift of bombing sorties from North Vietnam to Laos in 1968. Even when local populations move from direct battlefield areas it is usually to avoid US shelling and bombing, and the certainty that if the area is captured by NLF or North Vietnamese forces it will become a free fire zone and any habitation bombed into rubble. In all one third of the South Vietnamese, Laotian and Cambodian populations are dislocated and are classified as refugees: 6,000,000 South Vietnamese in a population of 18,000,000, from 800,000 to over a million Laotians out of 2–3 million, and 1,600,000 to 2,000,000 Cambodians out of 7,000,000. Large numbers of North Vietnamese have been evacuated from urban areas as well. Physical reconstruction will take extensive time. Rubber plantations and commercial forests have been destroyed in the South, and industry in the North. Numerous towns in both North and South Vietnam have been leveled to the ground with not a wall left standing. Craters will need leveling but the return of their fertility is questionable, once the thin layer of top soil has been spread by the bomb blast, and the underlying lateritic soil is exposed.

The disruption of the Indochinese social fabric has been extensively documented in Congressional testimony. In earlier years of the war various religious and minority groups still held some political power in the South. Their influence disappeared with successive military coups, and especially after the large influx of United States troops. The government in the South is itself somewhat of an anomaly, largely made up of the Catholic minority, many being refugees from the North in 1954. Vietnamese have been fighting Vietnamese since 1946, under the French and under the Americans, mercenaries in their own land. My Lai was to be expected if not inevitable, in a war in which free fire zones were standard operating procedure, in which the enemy was a majority of the civilian population, and in which Vietnamese combatants and non-combatants wore "black pajamas". The Vietnamese claim a hundred or so "My Lais". Yet it is actually foolish to single out My Lai in a context of area saturation weapons such as high altitude pattern bombing, CBU's and miniguns, and criteria as vague as a dead person in black clothing for determining numbers of "VC" in body counts. Operation Phoenix, a part of the "Pacification program" was more specific. Under it some 84,000 members of the "VC infrastructure" in South Vietnam were "neutralized", likely more than half of them killed, in a period between 1967 and 1971. Some years before the initiation of the Phoenix program American military commanders in Vietnam were using the phrases "sanitization" and "sterilization", terms which were transformed into "rural development", and devising relocation camp programs and programs of individual personal identity and location cards for all of South Vietnam. These in turn had been preceded by the strategic hamlets, often little more than internment camps. Some of these programs were unpleasantly reminiscent of WW II German programs in Eastern Europe and in France. Though seldom explicitly, they all pointed back to and revolved around the basic questions:

Who was the enemy;

What was the war being fought for; and

What kind of war was it, or had it become.

Before turning to the second major area of concern, it might be particularly appropriate to remark on the question of availability of information about Vietnam and the nature of the war. In addition the question of information played a significant role in the public debate on Vietnam policy especially in the years 1965 to 1968. I do not think there is much, if anything, that one might want to know that is not available in the open literature. This author knows of over 500 books that have been published in the West on Vietnam since the end of World War II. There are some eleven bibliographies pertaining to Vietnam, well over 150 US Congressional reports and hearings, well over a thousand articles in scholarly journals and in magazines marketed to the general public, another three or four hundred articles in US military journals, and several other categories of printed information, aside from the daily press. By 1968 or 1969 there was no information that could not be found in print somewhere.

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[1] A "sortie" is a single mission by a single aircraft.

Wendell Phillips wrote:

"When a nation sets itself to do evil, and all its leading forces, wealth, party, and piety, join in the career, it is impossible but that those who offer a constant opposition should be hated and maligned, no matter how wise, cautious, and well-planned their courage may be."

So it was in 1964 to 1967 for those who opposed the war in Vietnam. However by late 1968 or 1969, that situation had changed. The reasons are undoubtedly several, among them the role of increasingly available information, the views expressed by prominent senators contradictory to the government's position, and the disaffection of recently resigned high-level government officials. Nevertheless the *effect* of these factors, though reducing the vilification of the opposition, was able to do very little to alter war policy. This is especially true of the availability of information. To quote J. S. Mill this time, "Against a great evil, a small remedy does not produce a small result, it produces no result at all".

American involvement in Indochina began with World War II OSS operations against the Japanese, and our ally in these was none other than Ho Chi Minh and the forces he led. FDR's terse directive to his diplomatic representative in Indochina was "Don't let the French back in". However at the conclusion of the Pacific War a British general on his own authority rearmed the French troops released from Japanese captivity, and with this single simple move the succeeding twenty-seven years of history began. Clubb writes that "In 1945 and 1946 the Ho Chi Minh government looked mainly to the United States and Nationalist China for foreign political support", and communist response was far from enthusiastic to Ho's declaration of independence. But with the entry of the Truman administration prime interest was given to French cooperation in European defense, and as a direct corollary her retention of Indochina was respected and aided in every way. With the entry of John Foster Dulles as Secretary of State in the Eisenhower administration, the policy of American support for the French in Indochina was further intensified, and it was Sec. Dulles that was instrumental in the US abrogation of the Geneva Accords which had ended the first phase of the war.

Perhaps the most important of all the books concerning Vietnam are those that deal the most with "policy process"; Hoopes, Cooper, Pffeffer-Stevenson, Chomsky, Stavins, Barnet, and Raskin, the Pentagon papers. How and why were the decisions made in the United States government at various stages, to go to war in Vietnam, and to carry out the war in the way it has. These decisions and the process of their formulation were mirrored in the practices of the war's operation, and thus before they were explicitly written about they could be reasonably plotted from the best books that described the course of the war in the field, books by Fall, Lacouture, Corson, Halberstam, Browne, the Schells, the CCAS volume, etc. What the documents of the Pentagon Papers achieve is the ability to explicitly link governmental policy, purpose and intent with the readily observable military programs of various sorts.

The effort of various administrations to justify American policy in Vietnam have been manifold and extensive. In justifying to the US Congress the costs of aid to Vietnam, President Eisenhower in one instance invoked the need of Japan for Indochinese markets,[2] and in another instance US requirements itself for various raw materials found in the area. Secretary Rusk and other subsequent administration officials successively invoked an aggression and invasion from North Vietnam, our presence and involvement under the terms of the SEATO Treaty, our invitation by the South Vietnamese governvent, the need to contain China, the "domino theory", and the necessity to remain and fight once involved, whatever the reasons for first having gotten involved lest our "commitments" to other nations be weakened both in the eyes of those nations and/or in in the eyes of our presumptive prime opponents, the USSR and China.

The credibility of administrations was successively shaken on such general bases, as well as on particulars of the war's operation, such as the bombing of civilian targets in the North, the use of anti-personnel weapons in the North, the methods of use of CS gas and herbicides, and the target populations of various military programs in the South. The 1964 Presidential election was won, in part, by the winning candidate pledging no further involvement in Southeast Asia. The promise was by then unintended, and was quickly withdrawn once the election was won. The entire war has been carried out without a declaration of war, and produced on enduring constitutional crisis concerning Presidential war powers and executive-legislative relationships. Some six years after its passage, the tarnished and compromised Tonkin Gulf Resolution was quietly withdrawn by the Senate. As part of the process of misleading the public as to the actual magnitude and consequences of the war, the President delayed revealing war costs, their effects on the national budget, and raising the necessary federal income to meet the additional costs, and initiated an inflationary spiral that still endures. As of 1970 it was calculated that the costs of the war in Vietnam, (combining monies already expended, and which would be subsequently expended in veterans' benefits, survivors' benefits, the war debt, etc.) would reach 300 billion dollars. In the 1965 to 1967 period there were repeated official denials of all the events and decisions that subsequently came to be known, leading to the ironic phrase used by journalists that "the President played the war up his sleeve". The government's White Paper, intended to prove "flagrant aggression" from the North and to act as a moral justification for U.S. intensification of the war, was hastily patched together in a few days and managed instead to prove by its own statistics that there were no North Vietnamese military in South Vietnam, and that 98 percent of the NLF weapons came from captured or purchased U.S. supplies. This process of falsification was to be extended throughout the war and to culminate in the type of blatant cynical euphemism which coined phrases such as "armed reconnaissance" and "reinforced protective reaction". This was a process which would not only corrupt a segment of the public and of the press, but could not fail to have the same effect on the most important segment of the government, the executive branch. The effect would range from the lowest levels of military operations and intelligence in the field to the office of the President. The mechanisms by which information, perceptions, assessments, reports are narrowed and circumscribed by what is perceived as desired by higher officials, from the battlefield to the deliberations of the National Security Council, are pervasive and profound. These are institutional processes, and only time can tell how persistent they will be after the war's end, and how enduring will be the precedents set. These can only damage foreign policy, in all areas, by making the informational and conceptual bases for policy formulation inaccurate, unrealistic, and unreliable. It is also pertinent in this respect that not a single high official resigned in protest over the Vietnam war, though several, even in the cabinet, opposed it, and some spoke out publicly against the war after having left office.

As examples in the field, both the Air Force and the Navy exaggerated the effectiveness of their bombing of North Vietnam. Both recognized that the postwar dispute over the Navy's bombing role—and hence Naval procurement of new aircraft, numbers of aircraft carriers maintained, internal service debates over allocation of the defense budget—would be critically affected by evaluation of their bombing operations in Vietnam. Criteria for categorizing villages as "pacified" were almost completely unrelated to realities of the affiliations of the local population, their attitude towards American forces, Saigon or its field commands, or the effects of various military and "civilian" programs. In 1966 U.S. official government estimates were that the "war will last from three to seven years." In 1972 the Secretary of Defense offered that the war might continue another five years at its level of intensity at the time. In 1965 Languth predicted that "military victory was possible (only) if Vietnam were more or less obliterated," a policy subsequently followed, while officials spoke of a contest "for hearts and minds." When "Munich" was being raised as an analogy to the war by the government, Bernard Fall, flying with U.S. bombing missions, wrote in a journal article "No, rather Barcelona." American—and European—TV viewers were able to see literally hundreds of TV films made by U.S., British, French, and Swedish TV newsmen which portrayed the course of the war. Military operations were often initiated in the very midst of peace initiatives by third parties, effectively destroying any negotiating credibilty scuttling the efforts. While the government felt, and spoke of the link between the war and the perceptions of other nations to our "commitment," the spectacle of the war in reality could not but degrade America's international stature, and the strength with which the nations could subsequently support more legitimate foreign policy concerns. Sec. MacNamara summed up these various effects by saying that the effort "to pound a tiny backward nation into submission on an issue whose merits are hotly disputed . . . would conceivably produce a costly distortion in the American national consciousness and in the world image of the United States—especially if the damage to the North Vietnam is complete enough to be successful." The question of war guilt has come home to roost.

Another important effect of the war pertaining to the United States has been the effects on the military services themselves. Again there are both general and specific effects. The Dominican and Indochinese involvements precipitated substantial re-examination and criticism of the cold-war concepts still underpining much of U.S. foreign policy. Similarly the Vietnam war and the degree of public dissatisfaction with it in the United States certainly contributed in very large measure to the rise of pressure against the "military industrial complex" and the pre-emption of foreign policy formulation and alternatives by extensive international military deployments.

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[2] President Eisenhower: "There is Japan, vital to the security of the free world. Japan is an essential counterweight to Communist strength in Asia. Her industrial power is the heart of any collective effort to defend the Far East against aggression. Her more than ninety million people occupy a country where the arable land is no more than that of California. More than perhaps any other industrial nation, Japan must export to live. For Japan there must be more free world outlets for her products. She does not want to be compelled to become dependent on a last resort upon the Communist empire, should she ever be forced to that extremity, the blow to free world security would be incalculable. One of Japan's greatest opportunities for increased trade lies in a free and developing Southeast Asia. The great need in Japan is for raw materials. In southern Asia it is for manufactured goods. The two regions complement each other markedly. So by strengthening Vietnam and helping insure the safety of the South Pacific, and Southeast Asia we gradually develop a great trade potential between this region rich in natural resources, and highly industrialized Japan to the benefit of both. In this way freedom in the western Pacific will be greatly strengthened and the interests of the whole free world advanced."

In the beginning of the Vietnam war military publications freely discussed the function of Vietnam as a "proving ground":

"Just as Vietnam has become a test-bed for the proof-testing and de-bugging of new hardware, new tactical concepts, new logistics systems, so is it a test of the validity of Defense's basic policy—not an exception to it."[3]

In the early 1960s the nation's military programs and strategic theories had placed heavy emphasis on the ability to contain "brushfire wars" and "wars of national liberation" as well as its reliance on strategic nuclear weaponry. The Statements of defense spokesmen were thus explicit: Sec. McNamara: "We can afford whatever is necessary":[3] "Vietnam is the proof of theory"[4] and Deputy Secretary Vance: "From the lessons we've learned (in Vietnam) we would probably deal with another conflict in the same way"[3] and "The ability to support our forces in Southeast Asia . . . is the acid test".[4] However the questions of the aims of the war, the methods of the war, the relations between Saigon's military forces and efforts (or lack of them) and those of the United States were most immediately and most forcefully experienced by the front line soldier. The effect on the Army was unexpected and decidedly adverse. Deterioration of morale and its effects on discipline and command were widely publicized in the later stages of the war, and are far from trivial matters. Soldiers did not want to fight and did not want to obey. A military publication discussing a case in which orders had been refused by a patrol in the field commented that it "delivered a funeral oration on the U.S. Army in Vietnam".[5] The use of drugs was widespread; marijuana use nearly universal and heroin use had reached proportions such as to introduce concern about the numbers of addicted soldiers being returned to the civilian population upon discharge. My Lai and "fragging", (attacks on officers) were other symptoms of serious trouble. Draft evasion (and desertion) resulted in some 50,000 young Americans in Canada, and the war opposition movement entered the military services themselves and reached to Vietnam. The entire system of draft military service was shaken as a result of the distaste for the war by the prospective soldier. At the same time as military influence was growing stronger and stronger on the course of the war, particularly in Cambodia and in Vietnam, it became a legitimate concern of the military and of the Army as to whether it was not in fact desirable to end the war in order to save the Army, to permit it to return home and to rebuild its morale. Since deterioration of morale had not reached to the Air Force and Navy, the Vietnamization policy not only served to placate American public opinion but ameliorated the Army problem as well.

There is much more concerning Vietnam that could be discussed:

The French re-entry into Vietnam after World War II;

The history of the two warring halves of Vietnam, the legitimacy, or lack of it, in speaking of two separate countries;

The Geneva Accords of 1954 and their destruction;

The war in Laos from 1960 to 1962, and a continual war there since its reinitiation in 1965;

The involvement of Thailand and Korea;

The Buddhist protest against the war in South Vietnam;

The protest movement against the war in the United States;

The effects of the war on the U.S. economy, on youth, on political disillusionment;

The history of some dozen negotiation attempts to end the war;

The kinds of aid given to North Vietnam by the Soviet Union and China, but most important, the obverse of this, the kinds of military aid and involvement not given by these nations in the face of a massive U.S. conventional air and naval attack;

The complete failure of the United Nations to find any means or ability to halt the war, or even to moderate it; and

The lack of effect of Congressional opposition to halt or to moderate the war.

All of these and more are part of the meaning of Vietnam. In 1971 the administration attempted to intimidate the television media because of their reporting of the war. Next it attempted, for the first time in our history, to silence the press by the threat of prior censorship over the issue of the publication of the Pentagon papers. Finally it attacked the constitutional privileges of a member of a co-ordinate branch of government, the Senate, again on publication of the Pentagon papers. Henry Steele Commager has called this:

". . . part and parcel of what can only be described as a concerted campaign to deny the American people that knowledge about the operation of their Government so essential to the sound functioning of democracy."

In the face of what is actually occuring in Vietnam, it is perhaps necessary to apoligize for having stressed the effects of the war on the United States. However the effects are just as real. Our own nation has suffered serious damage, if not of the same sort as has Vietnam. Perhaps worst of all, the brutal, extravagant and unjustifiable military exercise mocks international law and reaffirms every worst cliche concerning the exercise of military power on the world scene. It was a precedent of past history and of other nations that America dare not have acceded to—but did. It was a precedent that America dare not have made for the world—but did.

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[3] *Armed Forces Management*, Nov. 1965.
[4] *Armed Forces Management*, Oct. 1966.
[5] *Armed Forces Journal*, 1972.

ANOTHER RESPONSE ON FEDERAL CONSUMER AGENT INTRUSION

Mr. ALLEN. Mr. President, the Federal Deposit Insurance Corporation is the 34th Federal agency that has responded to my request for a list of the proceedings and activities that would be subject to intrusion by Federal consumer protection agents under S. 1177, a bill now being considered by the Government Operations Committee on which I serve.

FDIC Chairman, Frank Willie, advises me that the bill is "sufficiently broad to encompass any action of the Corporation," and has listed 25 types of FDIC proceedings as examples of areas subject to Federal consumer agent intrusion.

These 25 proceedings bring to 1,206 the total of proceedings in which the new Federal agents could intrude as described by the 34 agencies that have responded to date. Not included in this total are the many general responses from agencies to the effect that all of their actions would be subject to Consumer Protection Agency intrusion.

As I have done on July 17, 25, and 31 and August 7 to prepare the Senate for enlightened debate on S. 1177, I ask unanimous consent to have printed in the RECORD this 34th response from FDIC on the Federal Consumer Protection Agency bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL DEPOSIT INSURANCE CORPORATION,
Washington, D.C., August 4, 1972.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: This responds to your July 27, 1972 letter requesting a list of Corporation activities that would be within the jurisdiction of a new Consumer Protection Agency (CPA) that would be established by S. 1177, 92nd Congress, a bill to be cited as the "Consumer Protection Organization Act of 1972."

Your letter specifically directs our attention to sections 203 and 204 of the bill, which would authorize the CPA to intervene as a party or otherwise represent the interests of consumers in any rulemaking, adjudicatory, or other type of Federal agency proceeding or activity whatever, whether formal or informal. The CPA could also petition any Federal agency to initiate a proceeding or take any other action within the agency's jurisdiction, and the CPA would have standing to seek judicial review of any reviewable Federal agency action and to participate in any civil proceeding to enforce any Federal agency action.

Sections 203 and 204 seem sufficiently broad to encompass any action of the Corporation. An illustrative schedule of Corporation activities which would be covered by the bill is attached.

Because the urgency of your request, we have confined our comments to sections 203 and 204, as you suggested, and have not undertaken a general review of the bill's provisions.

Sincerely,

FRANK WILLE,
Chairman.

FEDERAL DEPOSIT INSURANCE CORPORATION

Activities affected by S. 1177, 92nd Congress, a bill to be cited as the "Consumer Protection Organization Act of 1972."

FORMALIZED PROCEEDINGS

Rulemaking

1. Payment of insured deposits.
2. Receiverships and liquidations.
3. Voluntary termination of insured status.
4. Minimum security devices and procedures of insured nonmember banks.
5. Assessments.
6. Advertisement of membership.
7. Interest on deposits.
8. Clarification and definition of deposit insurance coverage.
9. Insurance of trust funds.
10. Powers inconsistent with purposes of Federal deposit insurance law.
11. Extension of corporate powers.
12. Bank service arrangements.
13. Securities of insured State nonmember banks.
14. Employee responsibilities and conduct.
15. Any other rulemaking proceedings held in accordance with section 4 of the Administrative Procedure Act.

Adjudications

1. Termination of deposit insurance coverage.
2. Issuance of cease-and-desist orders or a

removal or suspension order under section 8 of the Federal Deposit Insurance Act.

3. Any other adjudicatory proceedings on the record as to which a hearing is either required by statute or granted in the Board's discretion.

INFORMAL ACTIVITIES

1. Preparation of competitive factor reports under Bank Merger Act.
2. Applications by nonmember insured banks to establish new branches or to change existing office locations.
3. Applications by State nonmember banks for deposit insurance coverage.
4. Applications for Board approval of mergers resulting in nonmember insured banks.
5. Enforcing compliance by nonmember insured banks with Fair Credit Reporting Act.
6. Enforcing compliance with Truth in Lending requirements applicable to nonmember insured banks.
7. Other investigative, supervisory, and insurance activities as authorized by statute.

SENATOR ALLEN J. ELLENDER, OF LOUISIANA—IN MEMORIAM

Mr. DOMINICK. Mr. President, I join Senators in expressing a great sense of loss with the death of Senator Allen Ellender. Senator Ellender was an inspiration to us all through his vigorous character and persevering nature. His political career, dating from 1921 in Louisiana, has been as distinguished as it has been long. He will be very much missed, I express my deepest sympathy to his family and his staff.

FLOOD AND STORM DAMAGE TO MARYLAND CLAM INDUSTRY

Mr. MATHIAS. Mr. President, the Senate's prompt action on President Nixon's request for flood relief legislation is justified by the urgency of the need. We do not yet have a full account of the total loss or of the ultimate consequences. A story in today's Baltimore Sun of the devastation in the Maryland clam industry is a case in point, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Clam Industry Ravaged: Storm Waters, Heat Kill 90 Percent of Bay Bivalves

(By Barry C. Rascovar)

ANNAPOLIS.—Maryland's $4 million-a-year soft-shell clam harvest has been wiped out this year by tropical storm Agnes and the extended July heat wave, officials of the state Department of Natural Resources said yesterday.

"It's damned near disastrous," one official said, noting that it could be as long as three years before the industry returns to normal.

"It really looks bad," remarked Gordon P. Hallock, the director of the state's Seafood Marketing Authority. "A lot of people are going to be out of work" because of the massive clam mortality rate this season, he said.

He estimated that about 5,000 Marylanders earn their living by harvesting, shucking or shipping the soft-shell clams.

The areas hardest hit by the large clam-kill have been Queen Annes, Anne Arundel and Talbot counties, the areas where the clam harvest is usually the largest.

WIDESPREAD MORTALITY

Other bay areas severely affected include St. Marys, Kent and Calvert counties.

A spokesman for the Department of Natural Resources said that samplings indicate that the clam mortality rate is at least 90 per cent in nearly every portion of the Chesapeake Bay.

"This pretty well shoots the clam business" for at least the next two years, he said.

The combination of too much fresh water and constantly high temperatures was blamed for the high clam-kill rate.

"Possibly the clams could have survived the influx of fresh water (as a result of tropical storm Agnes) if the temperature hadn't been so high," one bay expert concluded.

Agnes washed millions of gallons of fresh water into the bay, drastically lowering the salt content of the water. A minimum level of salinity in the bay is essential for clams and oysters to survive for any length of time.

CLAMS NEED COOL WATER

Then the July heat wave sent temperatures soaring into .the 90's throughout the area. The soft-shell mollusk usually thrives only in cool waters.

"The clams just couldn't take it," one official said.

Compounding the crisis in Maryland are fears that the oyster industry could also be hard hit.

"We don't really know how bad an oyster kill it was," a shellfish expert said. He noted that the department would have a more definitive answer in several weeks after a new sampling of the state's oyster bars.

"Oysters are hardier animals than clams," he said, and can withstand higher temperatures and lower levels of salinity than the soft-shell clams.

But the official added that he believed the oyster situation was "pretty critical." The oyster season is scheduled to open September 15.

Yesterday, Matthew Tayback, an assistant secretary of health and mental hygiene, announced that the department's ban on the harvesting of soft-shell clams would be continued indefinitely, although the bay waters have returned to normal.

CRABBING PERMITTED

The ban covers all areas of the bay except the extreme lower portions, which were not drastically affected by the tropical storm. The ban does not forbid crabbing or catching finfish.

One Health Department official explained that the clams "are not in good enough shape to withstand harvesting. There's nothing else we can do" except continue the ban.

Additionally, James B. Coulter, the secretary of natural resources, announced that his department would ban all softshell clamming in Maryland September 1.

ECONOMIC AID

Mr. Coulter's announcement would extend the ban to all areas of the bay indefinitely.

Mr. Hallock said the state Division of Economic Development and the Department of Natural Resources have begun discussions on what steps might be taken to aid those in the clam industry.

"A lot of fellows are already doing other things to earn a living, like crabbing. But the sale [of crabs] has not been too good," he said.

COMEBACK EXPECTED

A spokesman for the Department of Natural Resources said that chances are good for the clams to make a comeback in 18 to 24 months. "Clams are very good breeders," he said.

State biologists will wait until the fall to see whether the surviving clams are reproducing in sufficient quantities. "If not," the spokesman said, "we will look into artificial means of spawning."

Soft-shell clams make up the bulk of the state's clam industry. They are elliptical in shape with a neck extending from one end. The shell is soft enough for a person to crush in his hand.

Hard-shell clams are rounder in shape and must be pried open like an oyster. These clams are harvested in the southern portions of the bay, which were not severely affected by the tropical storm. Last year, the dockside value of hard-shell clams in Maryland was only $175,000.

THE BUSTLING PORT OF BALTIMORE

Mr. MATHIAS. Mr. President, each State is proud of its individual successes in the area of economic benefits derived from its chief industries. These successes, of course, result in needed jobs, better housing, and an increased standard of living for its citizens.

The Port of Baltimore, the single most important economic contributor to the State of Maryland, each year processes nearly 50 million tons of short cargo valued at $2.2 billion. Marylanders can be proud of the port's performance. The success of the port is indicative of its keeping up with advances in shipping, such as containerization. The Dundalk Marine Terminal, operated by the Port Administration, will have seven 15-story high container cranes in operation by this fall. New container facilities are being built at Dundalk Terminal which will cover about 500 acres.

The Washington Post reported on these important activities of the port in a July 9 article and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Baltimore's Port Is Bustling—Containerization Significant Keystone of Its Growth

(By William H. Jones)

BALTIMORE.—One day last week, a big oceangoing freighter loaded with bananas from Central America docked at a modern pier here operated by the United Fruit Co.

Four big gantry cranes—each 80 feet high—were immediately put to work as were four banana conveyors, unloading boxes from the ship's hull. The machines were dropped down in the hold where workers place boxes of bananas on the conveyor belts for an automated trip through a modern warehouse and on to dozens of waiting trucks.

As the dawn's early light was evident over historic Fort McHenry, across the waters of Baltimore Harbor, trucks loaded with bananas were already departing the United Fruit pier for metropolitan New York and Philadelphia, the food centers around Baltimore, and the giant supermarket warehouses in Prince Georges County that service Giant and Safeway stores throughout the region.

By this weekend, some of the bananas are on the shelves of neighborhood markets and stores throughout the Northeastern states, and the ship either is being loaded with merchandise for export or on its way to calls at other ports.

Elsewhere along 45 miles of the port's shoreline, some 30 other ships of commerce were at the docks and 10 more ships were scheduled to arrive that day.

The Liberian ship Acamar was here for repairs at one of several major shipbuilding and repair yards, the Banat from Yugoslavia carried general cargo, and the Dona Horencia from the Philippines brought sugar.

But the most unusual sight was the American Argosy, a United States ship based in New York that was loaded with several hundred truck-like containers. It appeared impossible that the huge boxes, stacked one on top of the others, could stay in place for an ocean voyage.

Every day of the year, however, the containers do stay in place as more and more tons of merchandise are moved in the boxes that have revolutionized world ocean trade and created a significant keystone for growth of the present Maryland Port of Baltimore.

From zero tonnage in the mid-1960s, when the concept of containerization—shipping merchandise in long boxes that can be transformed into a truck body or hauled by "piggyback" on railroad flat cars—was still controversial, container traffic rose to 1,317,073 tons in 1971 (a gain of 33.4 per cent from 1970).

The 1971 record was achieved despite a two-month strike by East Coast longshoremen and Maryland Port administrator Joseph L. Stanton predicts 1972 container traffic could total 1.8 million to 2 million long tons. Already, Baltimore is second only to New York in container shipping volume.

The average container holds about 13 tons of goods, but has a capacity of 20 tons. Huge unloading cranes built by the Port Administration or private firms can unload about 25 containers each hour from a ship, and transfer the boxes to waiting trucks or rail cars.

As an example of containerization's efficiency, the American Argosy had left port by night, bound for Norfolk.

By this autumn, there should be seven 15-story high container cranes in operation at Dundalk Marine Terminal, operated by the Port Administration, plus an additional crane operated by Sea-Land Service in the Canton area (so named because of earlier trade with China).

Through 1977, the MPA plans to have spent $23 million just to expand container facilities at Dundalk, on about 500 acres. Vast space is needed for storage facilities and parking and transportation facilities for trucking and rail lines.

The Port of Baltimore ranks as third or fourth in the nation, in terms of total tonnage. New York is first, followed by Norfolk Hampton Roads (primarily because of coal shipments), and then Philadelphia and Baltimore in a close race for third place.

The port is considered Maryland's single most important economic contributor, each year processing nearly 50 million tons of short cargo valued at over $2.2 billion. Associated businesses in steel and shipbuilding are the state's biggest employers and economists believe the port is second only to the federal government in its impact on the economy of the Washington-Baltimore region.

Foreign trade volume in Baltimore last year was down to 24.3 million long tons from 29 million tons in 1970, but a rebound is anticipated this year because of an expected rise in the U.S. economy and the absence of a strike.

For the first four months of 1972, however, tonnage has declined because of a 4 per cent drop in imports which has not been offset by a 4.5 per cent gain in exports. Slightly less than 75 per cent of all shipping through Baltimore is currently imports.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business?

If not, morning business is closed.

REMOVAL OF THE NAME OF THE LATE SENATOR ELLENDER AS A CONFEREE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the name of our late departed colleague, Mr. Ellender, be removed as a conferee on H.R. 15417 and H.R. 15586, the appropriation bills for Labor-HEW and public works, respectively.

The PRESIDING OFFICER. Without objection, it is so ordered.

HANDGUN CONTROL ACT OF 1972

The PRESIDING OFFICER. Under the previous order the Chair lays before the Senate S. 2507, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 953 (S. 2507) a bill to amend the Gun Control Act of 1968.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that under the unanimous-consent agreement limiting time on debate, 1 hour from the time on the bill be allocated to the Senator from Illinois (Mr. Stevenson). That time is in addition to the time already agreed upon, giving him 2 hours on his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum briefly, with the time to be taken from neither side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1397

Mr. STEVENSON. Mr. President, I call up an amendment which I have at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page 10, immediately after line 19, insert the following new sections:

"Sec. 5. (a) Chapter 44 of title VIII of the United States Code is further amended by adding immediately after section 923 the following new section:

"'§ 923A. Registration and licensing of handguns; transfer of handguns and handgun ammunition

"'(a)(1)(A) No person other than a licensed importer, licensed dealer, or licensed manufacturer shall knowingly possess any handgun unless such handgun is registered with the Secretary pursuant to this subsection. The Secretary shall not register any handgun, the handgun model for which has been disapproved for sale or delivery by a person licensed under section 923.

"'(B) No person shall transfer possession of any handgun or ammunition of a caliber other than .22 rimfire to another person for use in a handgun unless the transferee (other than a licensed importer, licensed dealer, licensed collector, or licensed manufacturer) displays a Federal handgun license issued under subsection (b) of this section and temporary evidence of registration of the handgun to be transferred (as provided in paragraph (3)(E) of this subsection). Where the transferee is a licensed importer, licensed dealer, licensed collector, or licensed manufacturer, no person shall transfer possession of any handgun or ammunition other than .22 rimfire for use in any handgun unless such transferee displays a license issued under section 923, and in the case of a licensed collector, temporary evidence of registration of the handgun to be transferred (as provided in paragraph (A)(E) of this subsection).

"'(2) Notwithstanding subsection 925(a)(1) the Secretary shall prescribe such regulations as he deems reasonably necessary to provide procedures for the registration of any handgun possessed and for which registration is applied by (i) the United States or any department or agency thereof, or (ii) any State, or department, or agency, or political subdivision thereof. Any regulations so prescribed may authorize any such department, agency, or instrumentality of the United States or any State or political subdivision thereof to prescribe its own procedure for registration of handguns subject to the approval of the Secretary.

"'(3) The application for registration of a handgun shall be filed in such place as the Secretary by regulation may provide and be in such form and contain such information as the Secretary shall by regulation prescribe including—

"'(A) the name, address, and social security or taxpayer identification number of the applicant,

"'(B) the number of the Federal handgun license issued to the applicant pursuant to subsection (b),

"'(C) the name of the manufacturer, the caliber or gage, the model and the type, and the serial number of the handgun,

"'(D) the date, place, and name and address of the person from whom the handgun was obtained, the number of such person's certificate of registration of such handgun if any, and, if such person is licensed under section 923, his license number, and

"'(E) a form containing sufficient copies to allow the applicant to retain a duplicate of the original application which duplicate shall be retained by the applicant and shall be temporary evidence of registration.

"'(4) Each applicant shall pay a fee for registering each handgun as follows—

"'(A) for the first handgun, a fee of $2,

"'(B) for each additional handgun, a fee of $1, and

"'(C) for a collection of handguns (as that term is defined in regulations which the Secretary shall prescribe), a fee of $2.

The provisions of this paragraph shall not apply, and no registration fee shall be charged for registration of any handgun possessed and for which registration is applied by—

"'(i) the United States or any department or agency thereof,

"'(ii) any State, political subdivision, or law enforcement agency thereof.

"'(5) Upon the filing of a proper application and payment of the prescribed fee, the Secretary shall issue to the applicant a numbered registration certificate identifying such handgun and such applicant as the registered owner of such handgun.

"'(6) Any person shall be ineligible to register or to apply to register a handgun pursuant to this subsection who—

"'(A) is under eighteen years of age;

"'(B) is, because of alcoholism, drug addiction, or mental disease or defect, an individual who cannot possess or use handguns safely or responsibly;

"'(C) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

"'(D) is a fugitive from justice;

"'(E) is not of good moral character; or

"'(F) is not qualified under all applicable Federal, State, and local laws to register a handgun pursuant to this subsection.

Any purported registration by any of the persons described in this paragraph shall be void.

"'(7) (A) Any person to whom a handgun registration certificate has been issued by the Secretary under this section shall notify the Secretary of any change in such person's name or address within thirty days of the date of any such change. Such notice shall contain (i) the registration number of each handgun registration certificate issued under this subsection, and (ii) the license number of each Federal handgun license issued to such person under subsection (b) of this section.

"'(B) (i) Any person to whom a handgun registration certificate has been issued by the Secretary under this section who transfers possession of any handgun so registered, shall within five days of such transfer, return to the Secretary his registration certificate, noting on it the name and residence address of the transferee, and the date of such transfer.

"'(ii) Any person licensed under section 923 shall not accept possession of a handgun by way of pledge or pawn without also taking and retaining, during the term of such pledge or pawn, the Federal registration certificates issued under this section. If such pledge or pawn is not redeemed. such licensee shall return such registration certificate to the Secretary and register the handgun in his own name.

"'(iii) The executor or administrator of any estate containing a registered handgun shall promptly notify the Secretary of the death of the registered owner, return the certificate of registration of the deceased registered owner, and register the handgun in the name of the estate according to the provisions of this section. The executor or administrator of an estate containing an unregistered handgun shall promptly surrender such handgun to the Secretary or his designee without compensation and shall not be subject to any penalty for any prior failure to register such handgun.

"'(iv) Any person possessing a handgun shall within ten days notify the Secretary (in a manner to be prescribed by the Secretary) of the loss, theft, or destruction of the handgun, and shall notify the Secretary of any recovery of such handgun occurring subsequent to the date of notification of loss under this clause.

"'(8) Any person to whom a handgun registration certificate has been issued by the secretary under this section shall exhibit his registration certificate upon demand of a law enforcement officer.

"'(b) (1) No person other than a licensed importer, licensed dealer, licensed manufacturer or licensed collector shall knowingly, possess or receive possession of any handgun or ammunition of a caliber other than .22 rimfire for use in any handgun unless such person has filed an application with and received a Federal handgun license from the Secretary pursuant to this subsection.

"'(2) No person (except as provided in subsection (d) of this section), shall transfer possession of any handgun or ammunition of a caliber other than .22 rimfire for use in any handgun unless such person has filed an application with and received a Federal handgun license from the Secretary.

"'(3) No person shall transfer possession of any handgun or ammunition of a caliber other than .22 rimfire for use in any handgun unless the transferee (other than a licensed importer, licensed dealer, licensed manufacturer, or licensed collector) displays a license issued under this subsection. Where the transferee is a licensed importer, licensed dealer, licensed manufacturer, or licensed collector, or person shall transfer possession of any handgun or ammunition other than .22 rimfire for use in any handgun unless such transferee displays a license issued under section 923.

"'(4) the application for a Federal handgun license shall be in such form and contain such information as the Secretary shall by regulation prescribe, including—

"'(A) the name, current address, date of birth, place of birth, and signature of the applicant;

"'(B) a statement signed by the applicant (in such form as the Secretary shall by regulation prescribe) that the applicant may lawfully possess handguns and ammunition under the laws of the United States and of the State and political subdivision wherein he resides; and

"'(C) a complete set of the applicant's fingerprints and a photograph reasonably identifying the applicant.

"'(5) Upon the filing of a proper application and payment of the prescribed fee, the Secretary shall issue a Federal handgun license to the applicant, and such license shall be valid for a period not to exceed three years. Any such license may be renewed upon the expiration of the initial licensing period, and periodically thereafter, for periods (not to exceed three years each) to be prescribed by the Secretary. The Secretary shall by regulation prescribe the application requirements and form for such renewal applications.

"'(6) An applicant for a Federal handgun license shall pay a fee for obtaining such a license in the amount of $5, and a fee for renewing any such license in the amount of $5.

"'(7) The Secretary shall not approve any application submitted under this subsection if—

"'(A) the applicant is under eighteen years of age;

"'(B) the applicant is, because of alcoholism, drug addiction, or mental disease or defect, an individual who cannot possess or use handguns safely or responsibly;

"'(C) the applicant has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

"'(D) the applicant is a fugitive from justice;

"'(E) the applicant is not of good moral character; or

"'(F) the applicant is not qualified under all applicable Federal, State, and local laws.

"'(c) Denials by the Secretary of an application for registration of a handgun, or for a Federal handgun license, or renewals shall be subject to the provisions of chapter 5, title 5, United States Code. Any person aggrieved by the action of the Secretary shall have the right to judicial review of such action in accordance with the provisions of chapter 7 of title 5 of the United States Code.

"'(d) Notwithstanding the provisions of subsection (b), and except as otherwise prohibited by this chapter or by the laws of any State, or political subdivision thereof, any person licensed under section 923, may transfer a handgun or handgun ammunition of a caliber other than .22 rimfire to a person only if such license confirms that the purchaser has been issued a valid Federal handgun license or a Federal dealer's license and notes the number of such handgun or dealer's license in the records required to be kept by section 923(g).

"'(e) (1) Information required to be included in any application, form, certificate, or license submitted to or issued by the Secretary under this section shall not be disclosed by him except to the National Crime Information Center established by the Federal Bureau of Investigation, and to law enforcement officers requiring such information in pursuit of their official duties.

"'(2) When requested by the Secretary, Federal departments and agencies shall assist the Secretary, to the extent permitted by law, in the administration of this section.

"'(f) Whenever the Secretary makes a finding under section 922(n) that a handgun model is not approved for sale or delivery by a licensee under this chapter, the Secretary shall cause notice to be given to all persons in possession of handguns, the handgun model of which has not been approved, of such disapproval. Notwithstanding any other provision of law, not later than sixty days after receipt of such notice, any person so notified may transfer such handgun as provided in section 926. No criminal penalty shall attach by reason by possession of any such handgun in violation of the provisions of this chapter until sixty days have passed since receipt of such notice.

"'(g) For purposes of this section—

"'(1) the terms "possess" and "possession" mean asserting ownership or having custody and control;

"'(2) the term "transfer" means all sales, gifts, bequests, loans, and other means of acquiring possession of a handgun from the transferor to another person;

"'(3) the term "person" means all individuals, corporations, companies, associations, firms, partnerships, clubs, societies, joint stock companies, and estates; and

"'(4) the term "registered owner" means the person in possession of a handgun which is registered under this section and to whom the Federal registration certificate has been issued.'

"(b) The table of sections for chapter 44 of title 18, United States Code, is amended by inserting—

"'923A. Registration and licensing of handguns.'

immediately after.

"'923. Licensing.'.

"Sec. 6. Section 924 of title 18 of the United States Code is amended by adding at the end thereof the following new subsections:

"'(e) Whoever violates any provision of section 923A of this chapter shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"'(f) Whoever knowingly falsifies any information required to be filed with the Secretary pursuant to section 923A of this chapter, or forges or alters any certificate of registration, or license issued or retained under such section, shall be fined not more than $10,000, or imprisoned for not more than five years, or both.'."

Beginning on page 10, line 20, strike out through page 11, line 2, and insert in lieu thereof the following:

"Sec. 7. (a) Section 925(a) of title 18 of the United States Code is amended by—

"(1) inserting in paragraph (1) immediately after 'chapter' the following: '(except as provided in section 923A(a))', and

"(2) inserting in paragraph (2) immediately after 'chapter' the following: '(except as provided in section 923A(a))'.

"(b) Section 925(d)(3) of such title 18 is amended to read as follows:

"'(3) is of a type that does not fall within the definition of a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954; is not a surplus military firearm; and if a handgun, has been approved by the Secretary pursuant to section 922(n) of this title; or'".

On page 11, line 3, strike out "Sec. 6." and insert in lieu thereof "Sec. 8.".

On page 11, after line 24, insert the following new section:

"Sec. 9. Section 927 of such title 18 (as redesignated by section 8 of this Act) is amended to read as follows:

"'§ 927. Rules and regulations; periods of amnesty

"'(a) The Secretary may prescribe such other rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter, including—

"'(1) regulations providing that a person licensed under this chapter, when dealing with another person so licensed, shall provide such other licensed person a certified copy of such license;

"'(2) regulations providing for the issuance, at a reasonable cost, to a person licensed under this chapter, of certified copies of his license for use as provided under regulations issued under paragraph (1) of this subsection;

"'(3) regulations providing reasonable requirements for the marking of handguns that do not have serial numbers; and

The Secretary shall give reasonable public notice and afford to interested parties opportunity for hearing, prior to prescribing such rules and regulations.

"'(b) The Secretary may declare periods of amnesty for the registration of handguns under section 923A or the transfer to any Federal, State, or local law enforcement agency of any handgun under section 926.'."

On page 12, line 1, strike out "Sec. 7." and insert in lieu thereof "Sec. 10.".

On page 12, strike out lines 4 through 6, and insert in lieu thereof the following:

"Sec. 11. (a) The provisions of this Act shall take effect immediately upon enactment, except that sections 3 and 7 of this Act shall take effect sixty days after the date of enactment and section 923A(a) of title 18 of the United States Code, as added by section 5 of this Act, shall take effect as provided in subsection (b) of this section.

"(b) The provisions of section 923A of title 18 of the United States Code (as added by section 5 of this Act), shall become effective six months after the date of enactment of this Act. Each person within any State who possesses any handgun on such effective date shall within sixty days following such effective date complete the registration and licensing required by the provisions of such section 923A. Each person within any State who purchases a handgun after such date shall within sixty days after such date or thirty days following such purchase, whichever is later, complete the registration required by the provisions of such section 923A."

Mr. STEVENSON. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. STEVENSON. Mr. President, I have a modification of the amendment. The principal effect of the modification is to eliminate provisions of the amendment which provide for confiscation of so-called Saturday night specials. The effect of the amendment, as modified, would be to leave intact the prohibitions of S. 2507 against future sales of Saturday night specials by licensed dealers, and add provisions setting up a national system for the registration of all handguns and the licensing of all handgun owners.

I send to the desk a copy of the modification and ask that my amendment be so modified.

The PRESIDING OFFICER. The amendment is so modified.

The modification is as follows:

On page 2, line 1, insert the following: beginning immediately after "subsection", strike out all through "section 923" on page 2, line 4.

On page 2, line 22, strike out "Notwithstanding subsection 925(a)(1) the", and insert in lieu thereof "The".

On page 11, beginning on line 1, strike out all through line 12.

On page 11, line 13, strike out "(g)" and insert in lieu thereof "(f)".

On page 13, between lines 3 and 4, insert the following new subsection:

"(b) Section 925(c) of such title 18 is amended to read as follows:

"'(c) A person who has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of any section of this chapter except section 923A or of the National Firearms Act) may make application to the Secretary for relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of such conviction, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest. A licensed importer, licensed manufacturer, licensed dealer, or licensed collector conducting operations under this chapter, who makes application for relief from the disabilities incurred under this chapter by reason of such a conviction, shall not be barred by such conviction from further operations under his license pending final action on an application for relief filed pursuant to this section. Whenever the Secretary grants relief to any person pursuant to this section he shall promptly publish in the Federal Register notice of such action, together with the reasons therefor.'"

On page 13, line 4, strike "(b)" and insert in lieu thereof "(c)".

On page 13, between lines 13 and 14, insert the following:

On page 11, beginning on line 15, strike out all through "chapter" on page 11, line 17.

Mr. STEVENSON. Mr. President, S. 2507 would simply ban the future sale and delivery of Saturday night specials by licensed dealers, manufacturers, collectors, and importers. It does not apply any controls or restrictions to other handguns. At the present time, 40 percent of all handguns manufactured and sold are Saturday night specials. It does not apply any controls or restrictions to any of the estimated 25 to 30 million handguns already in circulation in the country. It does not in any way affect Saturday night specials now in circulation. It does not affect the future sale of Saturday night specials by persons other than licensed dealers, manufacturers, importers, and collectors.

The rumor is that S. 2507 is aimed at the elimination of one of the chief instruments of crime and violence, the cheap and useless handgun, the so-called Saturday night special. If that is so, then S. 2507 takes very poor aim. In fact, it will have little effect, if any, on the rate of crime and violence in the country. It is difficult for me to see what effect except a higher price in the marketplace for Saturday night specials, as future sales by dealers of these weapons are dried up.

The amendment I am offering is substantially the same as S. 3528, the Federal Handgun Registration and Licensing Act of 1972, which I introduced last April. It requires every handgun to be registered and every person owning a handgun to obtain a Federal license. Excepted from the licensing provision are all authorized military and law enforcement personnel—Federal, State, and local—and those who would be licensed under the 1968 act, such as dealers and collectors.

The amendment would in no way interfere with State and local laws and regulations concerning gun licensing and ownership. It provides for the confiscation of no firearms and has nothing to do with shotguns and rifles.

The system for licensing and registration under this amendment would be administered by the Secreatry of the Treasury. It would require the handgun owner be at least 18 years of age, and that he be free of alcoholism, drug addiction, or mental disease or defect.

It requires that a licensee be free of any criminal conviction carrying more than 1 year's imprisonment. The Secretary of the Treasury could waive that requirement 1 year after conviction. It requires the licensee also not be a fugitive from justice, that he be of good moral character and qualified to own a handgun under applicable Federal, State, and local laws.

To apply for a license, an individual would fill out a simple application form, sign a statement to the effect that he may lawfully possess handguns and handgun ammunition under the laws of the United States and of the State and political subdivision of his residence, and submit a set of his fingerprints and a photograph. Most law-abiding handgun owners, like myself, would gladly go to such minor inconvenience in order to strike a blow for law and order.

There is no provision in the amendment to ban or confiscate handguns except those unregistered or found in the possession of unlicensed owners.

Mr. President, the fear of crime in America is first and foremost a fear of violence by gun: violence against citizens and violence against policemen in the performance of their duties.

Each year more than 20,000 citizens are killed and 200,000 are maimed or injured by guns. Between 1964 and 1971, armed robberies increased 230 percent, about 63 percent of these robberies committed with guns. Also, by the end of this same 8-year period, 65 percent of all murders were being committed with guns.

And in this grisly pageant of crime and death the chief villain is the handgun—too easily obtained and concealed, too easily used to coerce, maim, and kill. Nationally, the crime gun is the handgun. Though only 27 percent of the Nation's firearms are handguns, they account for most firearms crimes: in recent years, nearly 80 percent of firearms homicide, 86 percent of firearms assaults, and 96 percent of firearms robberies have involved handguns. Most violence crimes are committed with handguns. Seventy-five percent of policemen killed in the line of duty are killed at the point of a handgun.

Let me cite Chicago as an example of this increasing handgun violence. In 1965 there were a total of 8,080 armed robberies in Chicago, of which 48 percent were committed with handguns. In 1971, however, there were 16,000 armed robberies, of which 71 percent were committed with handguns. This works out to an armed robbery increase of 92 percent, but an even more astounding increase of 192 percent in the number of armed robberies committed with the use of handguns.

In the decade 1961 through 1970, 633 policemen were murdered in the Nation—most of them with handguns. Last year 125 policemen were murdered 96 percent of them with firearms and 74 percent of them with handguns. And in the first 6 months of this year, 56 more law officers have been slain, most with handguns.

The evidence shows beyond doubt that the crime gun is the handgun, and it demonstrates beyond doubt the need to control access to all handguns, not only the Saturday night specials.

This amendment recognizes the legitimate uses for handguns. It does not confiscate handguns. It does not deprive handgun owners of handguns for legitimate purposes, but it also recognizes that you do not shoot ducks with a snub-nosed .38. Coupled with S. 2507, it would provide a workable and also a fair answer to the plague of handgun violence.

Mr. President. I ask unanimous consent that a letter from Mr. John Gunther, the executive director of the U.S. Conference of Mayors to me, dated today, be placed in the RECORD. The letter supports my efforts at handgun control and in general supports my amendment. I would also like to place in the RECORD a copy of the recent resolution of the Conference of Mayors supporting various handgun control measures.

There being no objection, the letter and resolution was ordered to be printed in the RECORD, as follows:

U.S. CONFERENCE OF MAYORS,
Washington, D. C., August 8, 1972.

HON. ADLAI E. STEVENSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENSON: The United States Conference of Mayors, representing the cities of the nation with populations of 30,000 or more, commend you for your efforts to bring about sensible handgun control. The nation's Mayors know what the uncontrolled manufacture, importation, sale and private possession of handguns means.

The Mayors will do their part in law enforcement, but they believe it is time that the Congress does its part.

Handguns cannot be controlled on a city-by-city basis. National leadership and responsibility are clear. We hope that the Senate will accept this fact and do its duty to the American people.

We enclose herewith a resolution on this subject adopted at the 40th Annual Meeting of the United States Conference of Mayors in New Orleans, Louisiana, June 21, 1972.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

RESOLUTION ON HANDGUN CONTROL

Whereas, over 8,000 Americans were felled by handguns in 1970 and nationally 80% of all homicide victims knew their killers as a relative or friend; and

Whereas, 95% of the policemen killed in the line of duty between 1961 and 1970 were felled by handguns; and

Whereas, gun dealers today sell to the mentally ill, criminals, dope addicts, convicted felons, juveniles, as well as good citizens who kill each other; and

Whereas, those who possess handguns cannot be divided into criminals and qualified gun owners; and

Whereas, handguns are not generally used for sporting or recreational purposes, and such purposes do not require keeping handguns in private homes; and

Whereas, the United States Supreme Court ruled in 1939 that firearms regulation is not unconstitutional unless it impairs the effectiveness of the State militia,

Now, therefore, be it resolved that the United States Conference of Mayors takes a position of leadership and urges national legislation against the manufacture, importation, sale and private possession of handguns, except for use by law enforcement presonnel, military and sportsmen clubs; and

Be it further resolved that the United States Conference of Mayors urges its members to extend every effort to educate the American public to the dangerous and appalling realities resulting from the private possession of handguns, and that we urge the Congress to adopt a national handgun registration law; and

Be it further resolved that (i) effective legislation be introduced and approved by the states not having adequate legislation to that effect; (ii) the proposed legislation shall provide for the registration of all firearms; (iii) state legislation shall require all citizens interested in carrying a weapon to obtain a license after showing just cause and good conduct; (iv) federal legislation shall provide, in addition to existing restrictions, that any person not having a state license to carry a firearm shall commit an offense for transporting such in interstate commerce.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time? Divided time?

Mr. MATHIAS. Divided time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, I yield such time as he may require to the Senator from Kentucky.

AMENDMENT NO. 1413

Mr. COOPER. Mr. President, I call up my amendment No. 1413, which is an amendment to the amendment offered by the distinguished junior Senator from Illinois (Mr. STEVENSON).

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 9, strike out lines 7 through 9.

The PRESIDING OFFICER. The amendment is not in order until all time on the amendment of the Senator from Illinois is either consumed or yielded back.

Mr. STEVENSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENSON. I believe this is an amendment to my amendment. Is it not therefore in order?

The PRESIDING OFFICER. Unanimous consent is still required.

Mr. COOPER. Mr. President, I will explain my amendment now, so that it can be voted on at the proper time.

The language my amendment would strike from the amendment offered by the distinguished Senator from Illinois is found on page 9, lines 7 through 9, which read as follows:

> An applicant for a Federal handgun license shall pay a fee for obtaining such a license in the amount of $5, and a fee for renewing any such license in the amount of $5.

I assume that the purpose of the language is to provide revenue for the cost of administering the program, the cost of obtaining a Federal license, and for renewing it from time to time. It would provide to the Treasury several million dollars for the purpose of administration.

I offer the amendment for a reason, which I will explain. There is opposition in the country to the registration of handguns. The language of my amendment would strike, requiring a fee for registration. I consider the loss of revenue it would be small compared to the value of removing another objection to the registration of firearms. That is the purpose for which I offer the amendment.

I want to explain briefly why I will support the amendment offered by the Senator from Illinois. I did not support the amendment offered by the distinguished Senator from Michigan, Senator Hurt, although it would have clearly removed, as far as possible, the production, and consequently the use of handguns in the perpetration of murder and other crimes and the accidental shooting of persons. I did not support it for a reason, based on the experience of the past. Right or wrong, there exists in our country resistance to the registration of firearms. Senator HART's amendment would have required the confiscation of handguns, with pay. I recall the experience I had when I was a judge in Kentucky during prohibition. The motives of the 18th amendment were good but it provoked such overwhelming opposition from the American people to their right, as they saw it, to meet their personal satisfactions and needs, that opposition to the 18th amendment resulted in a long period of crime. It was a time of great trouble in this country.

I believe, as the Senator from Michigan, Senator HART, a man of rectitude himself stated, that the time has not arrived for his amendment, it could not be supported, and resentful opposition would develop, as with the 18th amendment. I did not support the amendment offered by the Senator from Massachusetts (Mr. KENNEDY) and others because it added to the legislation concerning handguns, the registration of rifles and shotguns.

Today, the amendment of the Senator from Illinois has brought this issue down to the problem which is of greatest importance to our country, and that is the possession and use of handguns.

My State of Kentucky has a tradition of bearing firearms for the security of the State and in the early days personal protection. It grew out of the fact that Kentucky was the first State west of the Alleghenies and settlers had to protect themselves. Firearms were made in Kentucky. They were used in the War of 1812 in Ohio and Michigan and of course in the Battle of New Orleans. That tradition still exists in Kentucky, as well as in other States.

The amendment the Senator from Illinois has offered does not apply to rifles or shotguns but to the illegal possession of handguns, pistols, and revolvers. On this subject I am following the same position I have held on previous bills, I have always voted for handgun control.

Now, the time has come to have stricter controls on handguns, the instruments of death. The amendment of the Senator from Illinois has offered is directed to that end. It would prohibit the possession or the receipt, transfer, of handguns to persons who are enumerated in his amendment. It would not prohibit registration or possession of a handgun by a law-abiding citizen who meets the requirements of his amendment. But his amendment would, by requiring Federal registration, insure that, insofar as possible, the persons to whom possession is prohibited, would not be able to secure or possess a handgun. It would also provide an effective method of tracing ownership of handguns used in the commission of a crime.

Mr. BAYH. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. BAYH. I know that the Senator is operating under a strict time schedule following his responsibility in the Public Works Committee, but I want to direct a question or two to him to try to get his thoughts about the relative merits of the Stevenson amendment which he is describing so eloquently, and in trying to put the Senator's amendment in proper perspective relative to another amendment which will be coming before us. As I understand it, the Senator from Kentucky is striking the key provision of the amendment of the Senator from Illinois, and that the basis for his argument that this is an expense which should be really supported by the Government is that by getting the handguns registered and licensed, that is a price the Government should be willing to pay——

Mr. COOPER. Exactly.

Mr. BAYH (continuing). And that he is not concerned about the cost involved.

Mr. COOPER. I am not. It would not be large. The Senator is correct.

Mr. BAYH. I thank the Senator. Could I ask one further question? I ask it although it may not be specifically relevant, but it is clearly akin to the preceding question. There is a compensating feature in efforts to try to get guns off the market. If an individual wants to turn in a firearm, is it not in the public interest to reimburse that person, as an incentive, to get that gun out of circulation? Does the Senator concur in that policy judgment?

Mr. COOPER. Yes. I believe that is a fair provision. But the point I am making now concerns the fee. I think, to require a person who is not a criminal, who does not fall within the categories to whom possession is prohibited, to pay a fee is a burden and one which should be borne by this country as a whole. The imposition of a fee imposes another argument for opposition to handgun control.

The reason I believe the amendment of the Senator from Illinois is superior to the committee amendment is that we have essentially tried the committee amendment for years. The committee bill strengthens it somewhat by specifying the kind of handgun that could be possessed; but even with that, we have tried this system since 1968 and, as I see it, all that has happened has been an explosion of manufacture and possession of cheap handguns, crime and death.

I believe that a uniform provision for registration throughout the country would bring about stricter compliance with the requirements that those who are prohibited from possessing firearms shall not be permitted to possess handguns, and will lead to more effective detection, prosecution, and convictions of criminals. It will not, except for some inconvenience, affect in any way law-abiding citizens

Mr. BAYH. There is a great deal of merit to that. For procedural reasons on how to make the bill work, I come down on the other side of the question. But there is significant merit to what the Senator from Illinois has to offer and what the Senator from Kentucky says. I will not interrupt further, but I wanted to get the Senator's thinking on the public policy position of the measure that is on the Senator's bill as well as in the bill before us, to compensate those who would voluntarily turn in a weapon and if that makes good sense from a public interest standpoint, I am glad the Senator from Kentucky concurs.

Mr. COOPER. The value of the amendment offered by the Senator from Illinois will far outreach that consideration. If this amendment is adopted, law abiding citizens will still be able, under the conditions laid down by the act of 1968 and this amendment, to possess rifles and shotguns. But what is the reason for the possession of handguns? The bill and the prior law permitting the use or possession of handguns by certain groups—law enforcement officers—will still be the law. Under the Senator's amendment, any person not otherwise prohibited, because of conviction of a felony, or mental defects, or being a fugitive from justice, or a drug addict, could by registering, possess a handgun. But it would prohibit criminals and people who intend to use these handguns for criminal purposes from possessing handguns. What is wrong with this amendment? Nothing I know that some people will object. But the time has come when law-abiding people of this country must bear some burden, some inconvenience, to protect themselves, and protect the public at large against criminals.

I cannot see any other logical course of action. Therefore, I wholeheartedly support the amendment offered by the distinguished Senator from Illinois (Mr. STEVENSON). It is in my view the best amendment that has been offered to make a start toward controlling the crime that can ruin our country.

Mr. STEVENSON. Mr. President, I thank the distinguished Senator from Kentucky for his support.

The Senator from Kentucky recognizes the legitimate interests of most handgun owners. He also recognizes that the handgun is the crime gun in America. He supports the amendment because he believes as I do that it is possible to strike a fair balance between the legitimate interests of the handgun owners and the necessities of law enforcement in the country.

I might add that the public at large agrees with this position.

The most recent Gallup poll taken last May shows that fully 71 percent of the American people favor a law "which would require a person to obtain a police permit before he or she can buy a gun." That is a concept similar to the one I am proposing in my amendment for handguns.

The same poll showed that 62 percent of all handgun owners favor such a permit system as a means of reducing the tides of blood, violence, and crime in the country.

I am very grateful to the Senator from Kentucky for his support. Mr. President, I have just conversed with the Senator from Kentucky about his amendment. Unfortunately, he must now return to a committee meeting.

The licensing and registration fees in my amendment are not intended to be onerous. They provide for a registration fee of $2 for the first handgun, $1 for additional guns registered, $2 for collections, and a $5 license fee. Certainly it is not unusual to require fees in connection with the licensing and registration of possessions and instruments. We do it in connection with automobiles. We do it in connection with dogs. We do it in connection with all sorts of items or property. However, I can see that the licensing fee especially would invite opposition from some quarters and be perceived by others as a form of harassment.

My amendment does require a licensing fee for all handgun owners. It is my understanding that the Senator from Kentucky has offered an amendment which eliminates that licensing fee. I have no objection to his amendment. I have discussed it with him.

I think that the most practical way of

agreeing to his amendment to my amendment would be for me at this point to ask unanimous consent that my amendment be modified to conform with the amendment offered by the Senator from Kentucky, which is:

On page 9, strike out lines 7 through 9.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and the amendment is accordingly modified.

Mr. COOK. Mr. President, will the Senator yield?

Mr. STEVENSON. I yield.

Mr. COOK. Mr. President, I wonder if in the course of the debate on the Senator's amendment as modified, he might put into the Record the language on page 5, particularly the language reading: "is, because of alcoholism, drug addiction, or mental disease, an individual who cannot possess or use handguns safely or responsibly."

Mr. President, I wonder if the Senator would put into the Record how he intends that the interpretation should be made, how he intends to delegate this—to what authority or State official at what level—the decision that an individual is an alcoholic or that an individual has a mental disease or a defect so that we might have some clear expression in the Record of this. For instance, as far as mental disease is concerned, we would have an indication whether it is an adjudication or whether this becomes an objective decision of a licensing individual who can make this decision on his own without any criteria, or just exactly what the Senator intends as the basis for this kind of a decision and who might make the decision.

The reason I ask is that I felt that one of the defects in the Kennedy amendment yesterday was that it had this language. But yet there was no determination as to how it was to be done, whether a local official or county court clerk just says to an individual who wants a license, "I will not give it to you. You are an alcoholic." Is that to be a civil decision, or do we want to render a legal decision and do we have the authority?

The other thing that bothers me is that the Kennedy amendment provided that one could not obtain a license if he is under indictment. There are hundreds of indictable offenses that do not include the use of firearms. I might also say that there are many convictions requiring a term exceeding 1 year that have nothing to do with the utilization of firearms at all. Let us take a case involving income tax problems and that sort of thing.

I am not criticizing the amendment. However, I am merely asking if we could put some things into the legislative history that might shed some light on who makes this interpretation and how it should be made, because it causes serious doubt in my mind as to whether a local official can make this decision on his own and, therefore, deny the right to an individual, not to possess, but to possess a certificate that he is entitled to possess.

Mr. HUGHES. Mr. President, would the Senator yield?

Mr. STEVENSON. I would be glad to yield after I explain this matter.

Mr. HUGHES. I would like to propound a further inquiry, being a cosponsor of the amendment.

Mr. STEVENSON. Mr. President, I yield to the Senator from Iowa.

Mr. HUGHES. Mr. President, I thank the Senator from Illinois.

Mr. President, being a cosponsor of the amendment with the Senator from Illinois and having looked at the provisions in the law, I want to say with respect to the amendment, that I share the concern and I shared the concern on amendments offered yesterday. Being a recovered alcoholic, never having been diagnosed an alcoholic by any physician or any other medical authority at any point in my life, I do not know under the law what sort of application could be held.

I would state also that probably 95 percent of the people who call themselves alcoholics in America have never been so diagnosed by any medical authority or any other authority. They would be excepted under the law.

My fear is that unless the language is added, there would be problems since we have declared, the Congress of the United States and the President of the United States, that alcoholism is an illness that people are basically suffering from, a disease concept of illness in relation to this. I might also add that this concept has been spread to the field of addiction generally. There are some questions raised. I feel that some modification would be in order.

I just do not wish it to be placed in the hands of some local official some place and for that local official to determine whether during a period of drinking over the course of 20 years some man may have been seen in an intoxicated condition a couple of times and, therefore, be deemed unworthy to be a licensee under this section of the amendment.

If the Senator could broaden his concepts and ideas on that, I would appreciate it also.

Mr. STEVENSON. The Senator from Iowa and the Senator from Kentucky have raised two questions, one about the standards for alcoholism, drug addiction, and mental disease, and the other about prior convictions.

The amendment I have offered, as modified, simply incorporates the existing terms of the law which basically are that no one is entitled to own a pistol after conviction of a felony unless the individual receives dispensation from the Secretary of the Treasury. That is what the amendment states, and that is what the law now provides.

The other question raises a more difficult question. It is a question with which I first came to grips in the Illinois Legislature when I offered a similar amendment some 7 years ago. There is no easy way to answer except to say we can do nothing and permit drug addicts and others suffering from mental disease to acquire, own, or use pistols with impunity. Certainly Congress cannot determine which individuals from hundreds of thousands of individuals suffering in one degree or another from these afflictions should or should not be entitled to own a pistol.

This language does not say all persons suffering from alcoholism, drug addiction, and mental disease cannot possess handguns. It does say that those who, because of drug addiction, alcoholism, and mental disease or defect, cannot possess or use handguns safely or responsibly, are not entitled to licenses. The question of who decides whether someone is suffering from one of those afflictions to that degree cannot be determined by Congress on an individual basis, but would have to be determined by someone to whom we delegate the authority. Here that person is the Secretary of the Treasury. It is an authority which can be exercised responsibly and fairly by the Secretary of the Treasury. It will be possible to adopt regulations and standards with the cooperation of experts, including experts from the medical profession, which apply and enforce the provisions of this amendment, not only fairly, but also uniformly throughout the country.

I do not know what else can be done except, as I said, nothing, and continue to make it almost as easy to buy pistols as it is to buy a Kewpie doll.

Mr. HUGHES. My experience is dealing with public officials in relation to alcoholism is almost 100 percent totally negative. There is little, if any, understanding anywhere in this country of the major problems of alcoholism nor is there a general public willingness to admit this. Even after 10 or 15 years the terminology remains the same. The Federal system, after we have passed the law requiring the institution of Federal programs, has been very reluctant to deal with this program.

I am speaking in support of the amendment. I am speaking to suggest what I consider to be a mild modification, that in the event a license application is denied, based on this terminology, the applicant have the right to present a medical certificate stating quite the contrary.

In my opinion this would not be a deterrent to the law and would not deprive, in my opinion, hundreds of thousands of people in this country from being licensed to own handguns who are perfectly normal, capable individuals, in every respect. I see no reason to take the chance of denying those people this right.

Can the Senator respond to that, perhaps?

Mr. STEVENSON. I share the Senator's concern. The amendment does set up an administrative procedure for appealing license denials. It is certainly possible in the course of such a review to present the medical evidence, the certificate of a doctor, and to effectively challenge the determination of the licensing authority. I am not sure we really do not have the protections in the amendment now that the Senator is seeking.

Mr. HUGHES. The Senator from Iowa will point out to the Senator that 99 percent of the people affected by this would not have the knowledge, money, or wisdom to carry out such an appeal without going to exceeding difficulty, expenses, hiring an attorney to represent them, and so forth.

What I am talking about is a simple procedure that would allow the filing of a medical certificate from a person's own personal physician, either along with the application or after the application was denied, if that was the stated reason. I cannot say that this is an appeal procedure entirely, but simply a clarification procedure.

Mr. STEVENSON. I would be glad to accept language, if we could work it out, or alternatively, perhaps, in the legislative record, to make clear our intentions in cases of alcoholism, that the individual should be permitted in those cases of doubt to submit to the Secretary or his representative the opinion of responsible medical authorities to the effect he is qualified to own a handgun and that in such cases the opinion of the medical authority should be accepted by the Secretary.

Mr. HUGHES. Under section (a) on page 5, with reference to the age of 18 years, there are questions with respect to the use of handguns by young men and women under the age of 18 years. This language states that they may not possess or own, if I understand it correctly. Presuming I have a son 14, 15, or 16 years old, who wants to fire and use a handgun I own, and whom I would like to have own a handgun, being responsible for his actions, the nature of his use of it, is there any method where under this amendment the boy or girl, the teenager under 18, can possess or use a handgun?

Mr. STEVENSON. The Senator raises a question that I have been concerned with before. I have young sons and I also go shooting with them occasionally. I have shot handguns with them. I do not believe the Senator has anything to be concerned about in this amendment. The amendment states that the terms "possession and possess" mean asserting ownership, or having custody and control. That is found in section (g) on page 11. I believe in the circumstances the Senator poses, the parent would have the ownership and also exercise the custody and control of the weapon.

In those cases in which it was anticipated that the minor son or daughter would have use of the gun, the Senator would more likely encounter difficulties under State laws, many of which now make it a crime for minors to possess firearms of all descriptions.

Mr. HUGHES. If the Senator will yield further, the Senator from Iowa is aware of that fact. He does not want to further compound the problem in relation to this matter. Having grown up, as the Senator from Illinois did, in the Midwest, in my own instance having used guns from the time of my earliest memory with my father in the field and along traplines, hunting, and every other way, even though I have great objection against the use of weapons when they are used to take human life and when they are involved in crime, I have great reluctance to see the age completely disappear when, under proper supervision, your son or mine could be properly instructed and could be given the opportunity to share in the outdoor relationship in which most of us in my generation have grown up.

I am simply trying to build up the legislative history to try to see that we are not by this amendment eliminating pistol clubs, for example, or the ability of men or women to go out and train teenagers, under proper supervision, in the use of weapons for sport, rather than for death and destruction.

In relation to this question, we are frequently met with the fact that at 18 years old we are still drafting our young men and training them to use weapons for deadly purposes. Perhaps, in relation with this, the legislative background should show it is not the intent of this amendment to deny, under proper supervision, instruction in and utilization of handguns by parental guidance or other guidance.

Mr. STEVENSON. I share the Senator's concern. It is certainly not my intention to do so. The whole intent of this amendment is to strike a reasonable balance between legitimate rights to gun ownership, which the Senator has described, and described eloquently, and the real necessities of law enforcement in the country.

The amendment does not affect rifles and shotguns. It is not its purpose to keep handguns out of the hands of legitimate owners, including, under the supervision of parents, out of their children's hands. The purpose is to keep handguns out of the hands of those most likely to misuse them, and those most likely to misuse them, as the Senator well knows, are children, young people, with too easy access to handguns, causing not only crime but accidental injuries, and doing it without parental guidance, control, and custody.

Those cases—where there is parental guidance and control—would not be affected by this amendment, and certainly that is not the intention. It is the intention of the amendment to keep those guns out of the hands of unsupervised children.

I thank the Senator, I think this colloquy is very useful and does help to clarify the intent of the Senate. I certainly share the Senator's concern.

Mr. HUGHES. Will the Senator yield further?

Mr. STEVENSON. I yield.

Mr. HUGHES. I would like to state now to this body why I support this amendment. As I stated earlier, I had grown up and been instructed in the use of firearms almost since my earliest memory.

The PRESIDING OFFICER. All the time the Senator from Illinois has on the amendment has expired.

Mr. BAYH. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. Five minutes are yielded to the Senator from Iowa.

Mr. HUGHES. I thank the Senator from Indiana.

Among my earliest memories are walking as a young boy the streams and valleys of northwest Iowa and being instructed in the proper use of firearms. My father trapped in the wintertime, not because he enjoyed it but because it was the way he made a living in the depression.

Under those circumstances, today I own eight handguns. In addition to that, I own over 20 so-called long guns. These are guns that I have used and enjoyed for many years, not destructively but creatively, believing fully and wholeheartedly in conservation. I am a hunter. I have hunted all over this Nation, and I make no apologies for it. I enjoy it. I value the lives of animals, birds, and other forms of life as much as any other individual, at least those who eat meat. There are those who value life so highly that they refuse to eat meat under any circumstances.

Under those circumstances, I feel very strongly that we have reached a point in our society when a balance is absolutely essential, when those people who own, possess, and use firearms for sporting reasons, for reasons of producing food for their table under some circumstances, and those who oppose the possession of firearms in our society must come to a reasonable balance. Firearms are being used for purposes of destruction and death in our society when used improperly. There is a method, a way by which we can reach such a balance.

As a sportsman, as an owner of firearms, I have absolutely no objections to the registration of those firearms. I have no objection whatsoever to constructive legislative and legal means for me to own and possess those arms while at the same time keeping out of the hands of those in our society firearms which they should not own, possess, or utilize and who in all probability would use them in destruction and harm to our society.

The reason why I am supporting this amendment is that the short gun, the handgun, is the gun most used in a criminal act in this country and in a destructive way.

I have had reluctance in supporting such legislation in the past because of the history of my own background and own upbringing, but at the same time I recognize the devastation and destruction being reaped as a result of the use of guns by some persons in the social structure of this Nation.

So I think we have finally reached the hour when those of us who own and possess and utilize weapons should strike a balance of supporting decent regulation so that all of us can be protected, including those who are alien to our way in society, and who would use those weapons for purposes of destruction and taking lives and property and causing devastation to law and order in our society.

For that reason I am supporting this amendment, even though I have some doubts and some questions about some sections in it.

I wonder if it would meet with the approval of the Senator if we could have a short quorum call while I might discuss at least one brief possibility of a modification of his amendment?

Mr. PASTORE. Mr. President, will the Senator yield before he makes that request?

Mr. HUGHES. Yes, I yield.

Mr. PASTORE. I want to congratulate the Senator from Iowa. I think what he just said must be considered the creed of this legislation. It is unfortunate we do not have more Senators on the floor who could have heard what he just said. I believe what he said in such a rational way and in such a fair way is the one thing that has motivated the senior Senator from Rhode Island to vote for the Kennedy amendment, and also now I shall vote for the Stevenson amendment.

I agree with him that the time has come when society must strike a reasonable balance between liberty and security in the possession of firearms—between the sportsman and the assassin.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. Mr. President, I yield 2 minutes to the Senator.

The PRESIDING OFFICER. Two minutes have been allocated to the Senator from Rhode Island.

Mr. PASTORE. I believe we have some representatives in the galleries from the National Rifle Association. This is a fine association well represented in Rhode Island. Back home I have been questioned from time to time by sportsmen, "Why do we need a law at all?" The regrettable fact is that when one discusses or debates this law back home, he naturally happens to be talking to a law-abiding citizen, who begins to feel that he is, somehow, being made suspect and penalized by suggested rules and regulations.

The only argument that one can make is that sometimes we must invoke a slight inconvenience on the part of the good people in order to protect society against the bad ones. That is all this amounts to.

Again I congratulate the Senator from Iowa (Mr. Hughes) for one of the finest explanations of this entire matter that I have heard thus far.

Mr. HUGHES. I thank the distinguished Senator from Rhode Island. I would just like to add an addendum, to say that those of us who enjoy the use of sporting firearms are not those who run about the country shooting everything in sight and destroying everything that we see just for the sake of killing. Our value of life is as high as anyone's value of life. Our support of conservation of wildlife in this Nation and in this world will compare favorably with anyone's support of the conservation of wildlife in this Nation and this world. I make no apology for the heritage, the upbringing, or the life history that I have had, and I expect to continue to use sporting firearms probably the rest of my life, or at least as long as I am physically able.

But I believe that somewhere a reasonable balance can be found, and that now is the hour to try to strike it. We should not set up two alien camps opposed to each other, with accusations that one side values life more highly than the other. That is just not true.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUGHES. Will the Senator from Indiana yield time for a quorum call?

Mr. BAYH. The Senator from Indiana wishes to cooperate. I understand that the Senator from Nebraska desires some time on this issue. I am reluctant to yield for a quorum call, because we may run out of time completely. I am prepared to yield now to the Senator from Nebraska.

Mr. HRUSKA. Will the Senator yield me 10 minutes?

Mr. BAYH. I am glad to yield the Senator 10 minutes.

Mr. HRUSKA. Mr. President, I want to say at the outset that I am in full agreement and sympathy with and in active support of any measure, including this amendment, if it will achieve its declared objective. What we have before us, however, is an amendment which is a reenactment, in principle, with a slightly different arrangement, of the amendment that we considered here yesterday, the amendment introduced and sponsored by the Senator from Massachusetts (Mr. Kennedy) and the Senator from New York (Mr. Javits), respectively, for registration of all guns.

That amendment was rejected by a vote of 11 to 78, a pretty precise and emphatic judgment of the Senate on this particular approach to a very vexatious and very serious problem.

Registration and licensing of firearms, Mr. President, have been tried in this country, and have failed dismally and significantly. I recite again a few elements from the experience of New York City, which officially and otherwise boasts of having the most strict gun laws in the country. For over 50 years they have had the famous Sullivan Act. For many years they have had a registration and licensing act within the city of New York, which has been broadened, in more recent years, to cover the entire State.

Yet even there they have estimates, Mr. President, of 500,000 to a million illegally possessed guns, because they are not registered and permits have not been issued on them. Possession of such guns is a State violation as well as a local violation, with severe penalties. Between 9,000 and 10,000 illegal guns are seized on the streets of New York every year. They have a police force there of some 32,000 to 33,000 policemen, but they say that they are unable to cope with the problem.

The use of handguns in the commission of crimes within New York is increasing. Pistols and revolvers will be used in 1972, according to current estimates, three times as often—in three times the number of crimes—as 5 years ago. Mind you, this is in a city where there are only 20,000 permits issued for handguns, and the rest of them, in a city of 8 million people, are not registered and thus illegal.

The same type of experience has been found to be true in Washington, where, in 1968, a registration law was passed. Mr. Hechinger, then President of the Council, testified in our hearings on this bill:

> I must regretfully report the effort was a total failure.

There were reasons for that failure, and he recited the reasons.

In the city of Detroit they have had a similar experience, in connection with which we had testimony from the chief prosecutor of Wayne County, which includes the city of Detroit, to the effect that there are some 500,000 guns within Detroit that are not registered. In one city, 500,000 law violators on this kind of measure.

We could go to Kansas City, Mr. President, we could go to Chicago, or we could go to other cities that were chronicled in our hearings, and receive similar reports.

Why is it that such laws are not successful? It is not only legitimate but necessary that we inquire into that. It is found, and the testimony by these witnesses supports the finding, that the public does not support that kind of law. People do not think it is reasonable. They do not think it is a serious matter to break this law. That is self-evident, when millions of people in the cities, knowing of the law, do not comply with it. They will not support an effort to enforce the law. And, most unfortunate—and what a sad commentary on a nation that purports to exist under a system of law—there is not the necessary sympathy, cooperation, and understanding of the seriousness of the violation of registration laws on the part of the criminal justice systems of these various cities. That has been documented, and it is a part of the Record. I shall not repeat the arguments which I made in yesterday's debate on these similar points.

As I say, those elements which are necessary to make such a law effective are lacking. It is said, in many of these instances, "Well, we cannot enforce this law in New York City, for example, because of the surrounding territory. Guns come in from Pennsylvania, they come in from New Jersey, and they come in from other States."

Mr. President, there is already a national law on the books—the Gun Control Act 1968—that controls and makes illegal such transportation of guns across State lines. So of what avail would another law be, to make that same act illegal all over again?

There is also this proposition, Mr. President: That fundamentally and principally, the enforcement of the laws must rest with the States and with their local authorities. It has to be so under our system of Government. There should be an effort made in America to find those States and those localities where the elements for the successful enforcement of a registration and licensing law will obtain, and then we should go in there and, on the basis of either a State or a city law or ordinance, enact a law and enforce it. But to try to inflict it upon the whole Nation, so as to make widespread over all the 50 States the dismal failure that has existed and exists today in the city of New York, is an exercise in futility and useless expense.

What is the expense, Mr. President? In New York it costs $25 to process the registration of a gun. That cost has been certified to in testimony before our committee. Multiply $25 by 30 million handguns in this country, and we have the magnificent sum of what? $750 million. That is what it would come to. It would be a terrific expense. And that is only the initial cost, because those registrations and those licenses must be kept current with additional costs each time. So the cost itself is a tremendous persuasive item.

It seems to me that it would not be well to vest in the national authority the necessity to administer this law and to enforce it. To do that in 50 States would require the manpower that would be the basis for a national police force.

It is difficult for this Senator to understand that the so-called humanitarian, more liberal members of our society are fearful of a national police force that would investigate and prosecute a system of organized crime, and yet they would suffer the creation of a vast, vast army of enforcers for the purpose of registering handguns and laying the foundation for assignment to that manpower force of other duties by Congress, which becomes very excited and emotional at times. In that evolutionary process would come about a national police force.

No one I know of yet has stood on the floor of this Chamber and asked for the creation of a national police force as such. Yet, we have in a proposal of this kind such a potential.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. I yield 5 additional minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, the objectives are fine, the declared purposes are good, but it is a method which has not worked. It is not working. It is too expensive in terms of money and manpower. It is in the wrong jurisdiction. That problem should be served on a State or local basis. It is said that they will not act. Mr. President, if they will not act, it shows that there is not the public support in that community or in that State to make it possible for that law, wherever it is imposed—locally, statewide, or nationwide—to make it a successful registration or licensing law.

For these reasons, this amendment should be rejected as resoundingly as was done yesterday in the instance of the Kennedy-Javits amendment, which perhaps was arranged a little differently as to its coverage but nevertheless had the same principles, the same arrangements, and the same objectives.

Mr. President, if any time remains, I yield it back.

The PRESIDING OFFICER. The remaining time allocated to the Senator from Nebraska has been yielded back to the manager of the bill.

The manager of the bill has all remaining time.

Mr. HRUSKA. Mr. President how much time remains on each side?

The PRESIDING OFFICER. The Senator from Illinois has no time.

Mr. HRUSKA. How much time remains on either side? Has it all expired on this amendment?

The PRESIDING OFFICER. All time of the sponsor of the amendment, the Senator from Illinois, has expired; 27 minutes remain to the manager of the bill.

Mr. BAYH. Mr. President, I yield 10 minutes to the Senator from Illinois, on the other side of this issue.

Mr. STEVENSON. Mr. President, I am grateful to the Senator from Indiana. I do not intend to use all 10 minutes. I am grateful for a few minutes in which to respond to some of the arguments made by the Senator from Nebraska.

First, it is said that this proposal would be expensive. I do not know how one places a dollar price tag on blood, crime, and violence. I do not know exactly how many dollars this proposal would cost. I am reasonably certain it would not cost very much. And I am convinced that the price would be low indeed, in terms of the bloodshed, crime, and accidental injuries it would prevent.

In fact, as the distinguished Senator from Massachusetts mentioned yesterday in connection with his amendment, I cannot conceive of a less expensive, more simple single step for a country—an advanced country—to take than this one, as a means of striking a balance between the legitimate rights of gun owners and the real necessities of law enforcement.

It has been said that this proposal would create a national police force. It would not create a national police force. The responsibilities of the Secretary of the Treasury are relatively simple. There would be some administrative responsibilities which he would have to exercise with some additional personnel in Washington. Otherwise, all the licensing and registration responsibilities would be delegated to existing authorities in the States and at the local level, including, in the discretion of the Secretary, national authorities throughout the country.

It has been said, also, that it has not worked. The facts are to the contrary. The evidence is strong that in cities such as Boston and New York, where gun control is strict, it has worked. The use of guns in homicides is more than 40 percent less than the national average in New York and 30 percent less in Boston. But we have to go to other nations to find national laws and an experience which will tell us something about the effectiveness of such a national law. Our present laws do not work well.

They are a patchwork. There are approximately 20,000 laws—some ancient, some unenforced or unenforceable, or too narrow and inconsistent to be nationally effective. But that is an argument for, not against, a national law.

Look to the experience in such countries as Great Britain and Japan, and you will find national restrictions on handgun ownership. You will also find rates of violent crime which are a fraction of our own.

It has been said that gun control does not enjoy public support. I do not want to extend the debate, but in the course of this debate it has been indicated by Senator KENNEDY, Senator HART, and others that reasonable restrictions on access to guns is supported by the experts. I might add to what they have said about the experts an exchange which took place in a committee hearing last March between the distinguished Senator from South Carolina (Mr. HOLLINGS) and the late Director of the FBI, J. Edgar Hoover. It was placed in the RECORD of July 28 by Senator HOLLINGS.

At one point, Senator HOLLINGS asked Mr. Hoover if "it"—gun control—could be done. Mr. Hoover's answer was simple:

> Of course it could be done—they say it would hamper law-abiding citizens from having guns but it wouldn't deter the criminal. I don't share that view at all. I think if you have a law that makes it a crime to have a gun unless it is licensed, it will deter a criminal from possessing it because he might be searched by a law enforcement officer.

Mr. Hoover went on to say that he supported gun control. He said:

> My position is that I believe there should be a firm and foolproof gun control act, particularly for handguns.

This amendment, Mr. President, is confined to handguns.

The necessity for reasonable restrictions on access to firearms, especially handguns, is also recognized by the people. There is public support for reasonable restrictions. A most recent Gallup poll taken in late May shows that fully 71 percent of the American people favor a law which "would require a person to obtain a police permit before he or she could buy a gun," a concept similar to the one proposed in this amendment for handguns. That poll also showed that 62 percent of all handgun owners favored such a permit system.

Mr. President, I will conclude by saying that we have heard a great deal in this country, we have heard a great deal in our politics, about law and order. I heard a great deal in Illinois in 1970. I pledged to the people of my State in that election campaign that when I came to the Senate I would do more than just talk about law and order. I pledged that I would introduce a handgun control bill, as I had in the Illinois legislature back in 1965.

The people of Illinois sent me to the Senate by the largest plurality of any Senator from my State. To say that there is no public support for reasonable restrictions on access to the principal instruments of crime and violence in our society is inaccurate. The people recognize the need for a reasonable balance—not prohibitions against gun ownership—but a balance between the legitimate rights of gun ownership and the necessities of law enforcement and a peaceful society. That is all this amendment would do. It would strike that reasonable balance. It would deprive no one entitled to a handgun for any legitimate interest of his handgun.

After a conversation with the Senator from Iowa (Mr. HUGHES) in which he expressed his concern for the standards in this bill particularly regarding alcoholism and how they might be enforced, I should like for the sake of the record to say that it would be hoped and expected that enforcement authorities to whom licensing and registration responsibility was delegated by the Secretary, would, when requested, hold a hearing on the alcoholism, mental disease, or drug addiction, or accept a medical certificate that a man—even though he has an alcoholic history—would be able to possess a handgun safely or responsibly—in order to make a reasonable determination as to whether the individual could be entrusted to own, possess, or use a handgun safely and responsibly.

In this amendment, we do not intend to permit law enforcement authorities to act arbitrarily and deny individuals the right to use handguns for peaceful, harmless purposes.

I thank the Senator from Indiana for yielding.

The PRESIDING OFFICER (Mr. HARTKE). Who yields time?

Mr. HRUSKA. Will the Senator from Indiana yield me 5 minutes?

Mr. BAYH. I am glad to yield 5 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, reference is made to polls and the fact that 70 percent of the public seems to be for gun control.

Yesterday, I gave three examples of polls which belie the question.

The Detroit Free Press asked its readers to comment on this question in 1971:

> Do you agree with Senator Hart's proposal that the Government buy and destroy all handguns in the United States and that a five-year prison sentence be handed out for their possession?

In response, 74.5 percent disagreed; 25.5 percent agreed.

Another instance of a poll which is quite persuasive happened not too long ago. Last November, a public television program carried a debate on this subject. The debate was on a program known as The Advocate, and it was broadcast from Los Angeles and from Boston. The question debated was whether there should be a national ban on handguns, a very simple proposition, totally understandable. The public's response by mail was the second largest in the 3-year history of the program; 31,000 viewers, writing in to express their opinion on this subject answered to the call for an opinion. Eighty-three percent of those writing in, or 25,690 members of the public opposed a national ban on handgun ownership.

About the same time—November 19 of last year, to be exact—Life magazine published an article about the attitude of New York City residents toward crime. Readers were asked to express an opinion by way of a brief questionnaire. The results, based on responses from 43,000 members of the public, were published in Life's issue of January 14. That is a sizable amount in a poll. The result reveals that some 30 percent of those who responded keep a gun at home for protection. The percentage ranged from 20 percent in the larger cities to 36 percent in towns under 50,000. Of particular interest in this regard is Life's observation that:

> Gun control laws, particularly those by Senator Hart of Michigan and Mayor Lindsay of New York, found no sympathy among the letter writers.

These polls and statistics are cited not to indicate that Senators should vote one way or another on the pending amendment, but to suggest that there is a deep feeling in this country in opposition to registration, licensing, or confiscation. It is this feeling which will make the enforcement of this proposal difficult, if not impossible.

Mr. STEVENSON. Mr. President, will the Senator from Nebraska yield so that I might ask for the yeas and nays?

Mr. HRUSKA. I yield.

Mr. STEVENSON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. HRUSKA. Mr. President, in summary, let me say on the subject of polls that we should be guided by specifics rather than a general recitation that there is a public demand for gun control ownership.

Mr. BAYH. Mr. President, I do not intend to use all the 14 minutes that remain to me, but, as floor manager of the bill I have some obligation to expressed an opinion on this issue. I must say, out of deference to my friends from Nebraska, Illinois, and Massachusetts that before the next 48 hours are over, the Senate will be tested as to whether it is willing to stand up and do what is right—and not necessarily what is popular.

We can argue endlessly about who responds to polls and who does not. All the polls that I have ever seen show a significant majority in favor of gun control laws. These polls, such as the recent Gallup poll, are objective, scientific samplings of public opinion.

The political impact of this issue comes not so much from the actual numbers of people who oppose gun control, but from the intensity of their feeling about it. Let us face fact. For that percentage, however small, who oppose gun control, it is a do-or-die issue.

I find myself in a rather difficult position as chairman of the subcommittee and floor manager of the bill. I have listened to the arguments of the Senator from Illinois and the Senator from Iowa, and I find them quite persuasive. I am opposed to stricter controls of rifles and shotguns for the reasons that I mentioned yesterday. They are not the weapons used in street crime. However, handguns, especially the cheap, easily concealed Saturday night specials, are used frequently in street crimes. If I had my druthers, I would prefer to see the amendment of the Senator from Illinois limited to the licensing provision.

I know that some of those in the sportsmen clubs see red when one talks about licensing. However, I cannot see any legitimate purpose in someone walking around the street with a handgun or having one in the car or in the glove compartment of the car without a license. That is a concealed weapon. That is the type of weapon that is used most often in crime. And I certainly am sympathetic to that part of the amendment offered by the Senator from Illinois.

I find myself, as the architect of a very small caliber bill—and I do not mean that as a pun inasmuch as we are dealing with Saturday night specials, most of which are small-caliber weapons—trying to find out how we can make some small inroads into the problems involved in the possession of firearms.

I know that the Senator from Illinois and others in good conscience do not feel that the Saturday night special bill makes a significant contribution.

But, I have listened to law enforcement officials tell me that it does. I have listened to prosecuting attorneys tell me that it does. And I have listened to J. Edgar Hoover and his successor tell me that it does. And I concur.

If this bill passes we will take off the streets about 900,000 of the kind of firearms that now are readily available to criminals. We will not license or register them. We will say, "You cannot even sell them." That is a significant contribution. It is not as significant a contribution as I would like to make. However, I can count. I have looked at the rollcall votes of yesterday. I am deeply concerned that if we go as far as the Senator from Illinois would like to have us go, we will not make any progress at all. I have tried to weigh the situation. And I am no newcomer to the field. Everyone has to make that judgment for himself. I am not asking anyone to let me make that decision for him. He will have to make it for himself.

The Senator from Indiana has made the judgment that the pending bill is as much as we can get adopted in this body this year.

With the deepest respect for my friend, the Senator from Illinois, I will have to vote no.

Mr. PERCY. Mr. President, I am pleased that my colleague from Illinois (Mr. STEVENSON) has offered this amendment to establish a comprehensive system of handgun registration and licensing. The intent of the bill, S. 2507, is to strike at the handgun problem in this country. In attempting to eliminate Saturday night specials, we should also go one step further and require that those citizens who own handguns obtain a license and register the gun itself.

In yesterday's debate we heard that handguns are involved in 52 percent of the murders committed nationwide, while in some parts of the country that figure may go as high as 73 percent. We also heard that one of the prime sources of handguns for criminals are actually stolen weapons.

I therefore believe that we must have a standardized system of registration and licensing which will aid law-enforcement officials and act as a deterrent against those individuals obtaining a handgun who do not meet the minimum standards. It makes little sense for one State—say Illinois—to have strong laws if another State does not.

For my own State of Illinois, this amendment would have only a slight impact, since we already have a statewide system of licensing gun owners. Hence, a citizen will merely have to register his handgun, unless he lives in Chicago, where registration is already mandatory.

It is interesting to note that in a recent Gallup poll 72 percent of the persons polled in the Midwest strongly favor police permits to buy a gun.

Mr. President, I can support Senator STEVENSON's amendment in good conscience because it is not a confiscation measure. It does not affect sportsmen who own rifles and shotguns. I believe that it is a worthwhile addition to the Saturday night special bill.

Mr. STEVENS. Mr. President, although amendment 1397, which was proposed by the distinguished Senator from Illinois (Mr. Stevenson), differs significantly from amendment 1398, which was introduced yesterday by the Senator from Massachusetts (Mr. Kennedy), the licensing and registration of all handguns continue to pose the same problem under both amendments.

The people of Alaska, as I indicated on the Senate floor yesterday, must utilize handguns for protection. Many of them must also utilize these weapons for subsistence. Alaskans often carry these weapons also for use in hunting and fishing in order to dispatch the animals humanely.

Because so many Alaskans live so far from civilization and have such desperate need of these weapons, the comprehensive licensing and registration requirements in amendment 1397 would pose severe hardship to the people of my State. Many of them must purchase handguns by mail and also must acquire ammunition in the same manner.

While I can sympathize with those residents of the inner cities who are particularly susceptible to crimes of violence and while I can also understand the desire to increase the safety factor of all weapons, I do not believe that amendment 1397 utilizes the proper method. The registration and licensing of all handguns under the complex procedures set forth in the bill would impose virtually insurmountable obstacles to many people in Alaska. These people are, in many cases, not skilled in the use of the English language and easily frightened by the Federal bureaucracy. Two results would likely occur were this amendment to be adopted. The first would be a confiscation and criminalization of people throughout Alaska. The second would be a probable widespread violation of the statute. Neither of these results is desirable.

For these reasons, I strongly oppose amendment 1397 and urge Senators to vote against it.

The PRESIDING OFFICER (Mr. Bible). Who yields time?

Mr. BAYH. Mr. President, I am prepared to yield back the remainder of my time. And I think that is all of the time remaining.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Illinois as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from South Dakota (Mr. McGovern), the Senator from Rhode Island (Mr. Pell), the Senator from Virginia (Mr. Spong), the Senator from Louisiana (Mrs. Edwards), and the Senator from Oklahoma (Mr. Harris), are necessarily absent.

I further announce that, if present, and voting, the Senator from Georgia (Mr. Gambrell), would vote "nay."

On this vote, the Senator from Rhode Island (Mr. Pell) is paired with the Senator from Virginia (Mr. Spong).

If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from Virginia would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker) and the Senator from Michigan (Mr. Griffin) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because illness.

The result was announced—yeas 16, nays 75, as follows:

[No. 354 Leg.]

YEAS—16

Brooke
Case
Cooper
Fong
Hart
Hughes
Javits
Kennedy
Mondale
Muskie
Pastore
Percy
Ribicoff
Stevenson
Tunney
Williams

NAYS—75

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cook
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fulbright
Goldwater
Gravel
Gurney
Hansen
Hartke
Hatfield
Hollings
Hruska
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Montoya
Moss
Nelson
Packwood
Pearson
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—9

Baker
Edwards
Gambrell
Griffin
Harris
McGovern
Mundt
Pell
Spong

So Mr. Stevenson's amendment (No. 1397), as modified, was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BROCK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on August 7, 1972, the President had approved and signed the following act and joint resolution:

S. 2945. An act to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies; and

S.J. Res. 208. Joint resolution authorizing the President to proclaim the third Sunday in October of 1972 as "National Shut-In Day."

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Bible) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Joint Committee on Atomic Energy.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 2854) to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 484. An act to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes; and

S. 1819. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs and for an extension of the effective date of the act.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 9198. An act to amend the act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems;

H.R. 11357. An act to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes;

H.R. 15376. An act to amend the Service Contract Act of 1965 to revise the method of computing wage rates under such act, and for other purposes; and

H.R. 15883. An act to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 9198. An act to amend the Act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems; to the Committee on Interior and Insular Affairs.

H.R. 15376. An act to amend the Service Contract Act of 1965 to revise the method of computing wage rates under such Act, and for other purposes; to the Committee on Labor and Public Welfare.

H.R. 15883. An act to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes; to the Committee on the Judiciary.

HANDGUN CONTROL ACT OF 1972

The Senate continued with the consideration of the bill (S. 2507) to amend the Gun Control Act of 1968.

Mr. BROCK. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 11, after line 24, insert the following new section:

Sec. 7. Section 4182 of title 26 of the United States Code is amended by adding the following subsection (d):

"(d) Records—Notwithstanding the provisions of sections 922 (b) (5) and 923 (g) of title 18, United States Code, no person holding a Federal license under chapter 44 of title 18, United States Code, shall be required to record the name, address, or other information about the purchaser of .22-caliber rimfire ammunition."

On page 12, line 1, strike out "Sec. 7" and insert in lieu thereof "Sec. 8".

On page 12, line 4, strike out "Sec. 8" and insert in lieu thereof "Sec. 9".

The PRESIDING OFFICER. The time on this amendment is 1 hour. How much time does the Senator from Tennessee yield himself?

Mr. BROCK. I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BROCK. Mr. President, I ask unanimous consent that the Senator from Oregon (Mr. PACKWOOD) be listed as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROCK. I yield to the Senator from Arizona.

Mr. GOLDWATER. Will the Senator add me as a cosponsor?

Mr. BROCK. Mr. President, I ask unanimous consent to add the name of the Senator from Arizona as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, will the Senator add my name as a cosponsor?

Mr. BROCK. Mr. President, I ask unanimous consent that the Senator from Nevada be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROCK. Mr. President, I rise for the purpose of offering an amendment to eliminate the burdensome, time-consuming and costly recordkeeping requirements adopted by the Internal Revenue Service and applied to the purchase of ammunition under the Gun Control Act of 1968. My amendment is identical to a bill introduced in this and the last sessions of Congress by the distinguished senior Senator from Wyoming (Mr. McGEE). This year the bill has over 40 cosponsors. My amendment would simply eliminate the ammunition recordkeeping requirements only as they apply to .22-caliber rimfire ammunition. This is the most popular type of ammunition commonly used in rifles by sportsmen.

During the first session of the 91st Congress, an exemption was granted shotgun and rifle ammunition from the requirements of the act. Many of us were disappointed when that bill was amended to exclude .22-caliber rimfire ammunition. In December 1970, the Senate Finance Committee favorably reported an identical companion proposal which had overwhelmingly passed the House of Representatives. This, too, would have eliminated .22-caliber ammunition from the 1968 Act.

The most prevalent type of .22-caliber ammunition comes in a small box of 50 cartridges costing only approximately $1. Each time a sale of a box of of these shells is made, the licensed dealer must make a permanent record of information on the purchaser and the type of sale. This process adds substantially to the cost of the retailed businessman's operation and indirectly adds to the price of ammunition which, in most cases, is being purchased by a bona fide sportsman for lawful use. Since the passage of the Gun Control Act, the price of ammunition has continued to increase at a fast pace. Three separate price increases were announced in 1970 alone. This is unfair and punitive in that the persons really affected so adversely are the law-abiding citizens pursuing shooting as a hobby or form of recreation. Furthermore, many small retail outlets have been driven out of business by complicated Federal recording practices.

Mr. President, the recordkeeping provisions for rifle and shotgun ammunition have been eliminated for more than 2 years with no serious adverse effects. My amendment is yet another step toward perfecting the Gun Control Act by removing provisions which have serious impact on legitimate sportsmen.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. BROCK. I yield.

Mr. GOLDWATER. I think it would be wise if the Senator made it clear that he is talking only about .22 rimfire ammunition.

Mr. BROCK. The Senator is correct.

Mr. GOLDWATER. Not the so-called high speed, high velocity .22, .222, and .223 that come as center fire cartridges that can be quite lethal, but are not used for sport. This amendment applies only to the rimfire long and short ammunition that we have used since we were children and first learned how to shoot.

Mr. BROCK. I thank the Senator from Arizona for his clarification. He is absolutely correct. The old .22 rimfire ammunition has limited ability to hit a target, at least with me as the marksman, but this is the sportsman's ammunition. My amendment does not touch those center fire types of ammunition which could have a far more lethal effect than this does.

I appreciate the Senator's contribution.

Three years of experience under the Gun Control Act have demonstrated that ammunition recordkeeping requirements have the sole effect of imposing troublesome redtape on sportsmen, retail dealers, and other law-abiding citizens but have no effect on criminals and do not deter crime.

Moreover, an official of the Treasury Department testified before the House Ways and Means Committee that he knew of no instance where any of the recordkeeping provisions relating to sporting-type ammunition had been helpful in law enforcement. A representative of the Department of Justice has advised that:

> There is not a single known instance, as we have learned from our discussions with IRS, with the firearms people there, not a single known instance where any of this recordkeeping has led to a successful investigation and prosecution of a crime.

I repeat, he knows of no instance in which it has been helpful in a successful investigation and prosecution of a crime.

In fact, the volume of transaction in .22-caliber rimfire ammunition has made the recordkeeping requirements so burdensome that they tend to detract from the enforcement of other significant provisions of the firearms law.

The amendment offered today would exclude only .22-caliber ammunition from the recordkeeping requirements. It should be remembered that persons engaged in the business of selling ammunition must still be licensed and otherwise comply with the terms of the 1968 act. The licensed dealer would still have the responsibility of not selling ammunition to any person who they know or have reasonable cause to believe is a felon, under indictment for a crime punishable by imprisonment for a period exceeding 1 year, a fugitive from justice, an unlawful user of drugs, a mentally incompetent or under 18 years of age. Furthermore, all types of handguns still come within very restrictive provisions of the 1968 Gun Control Act.

Mr. President, perhaps the most compelling reason for granting an exemption to .22-caliber ammunition is the significant step we will be taking in the first eight sections of this bill to control the proliferation of handguns commonly known as Saturday night specials. In the Handgun Control Act we are eliminating the production of a special class of weapons most closely associated with violent crime.

When the recordkeeping provisions for rifle and shotgun ammunition were eliminated more than 2 years ago, there were several arguments offered for maintaining the requirement for .22-caliber rimfire ammunition. Chief among these was that the Saturday night specials used in the commission of countless acts of violence were one of the largest consumers of .22-caliber ammunition. The conclusion drawn by proponents was that by controlling the sale of this type of ammunition, we could limit the use of these lightweight guns in illegal acts.

As I pointed out earlier, that has not been the case. But now, as we are on the threshold of removing any Saturday night special from U.S. sales, there is no longer any basis for maintaining troublesome and ineffective recordkeeping requirements for .22-caliber rimfire ammunition.

Mr. President, with these safeguards and other limitations of the existing gun control law, I believe it is reasonable and desirable to adopt my amendment.

Let me point out the existing situation with regard to the 1968 act, just to illustrate the nature of the problem that we have.

The Internal Revenue Service, pursuant to the requirements of the 1968 Gun Control Act, has issued and established regulations pertaining to the sale of ammunition which still apply to .22-caliber rimfire amunition. In order to illustrate the cumbersome procedure which is required to purchase a box of .22 shells, I would like to state the relevant parts of the regulations—Code of Federal Regulations, section 178.125 (a), (c), and (d):

(a) Each licensed dealer shall maintain records of all ammunition he receives for the purposes of sale or distribution. Such record may consist of invoices or other commercial records which shall be filed in an orderly manner separate from other commercial records he maintains, and be readily available for inspection. Such record shall (1) show the name of the manufacturer and the transferor, and the type, caliber or gauge, and quantity of the ammunition acquired in the transaction, and the date of such acquisition, and (2) be retained on the licensed premises of the dealer for a period of not less than two years following the date of the acquisition.

(c) The sale or other disposition of ammunition, or of an ammunition curio or relic, shall, except as provided in paragraph (d) of this section, be recorded in a bound record at the time such transaction is made. The bound record entry shall show (1) the date of the transaction, (2) the name of the manufacturer, the caliber or gauge or type of component, and the quantity of the ammunition transferred, (3) the name, address, and date of birth of the purchaser (transferee), and (4) the method used by the licensee to establish the identity of the purchaser (transferee). The bound record shall be maintained in chronological order by date of sale or disposition of the ammunition, and shall be retained on the licensed premises of the licensee for a period of not less than two years following the date of the sale or disposition of the ammunition recorded therein. The format required for the bound record is as follows:

Date	Manufacturer	Caliber, gauge or type of component	Quality name	Address	Date of birth	Mode of identification driver's license (x) other (specify)

(d) When a commercial record is made at the time of sale or other disposition of ammunition, or of an ammunition curio or relic, and such record contains all information required by the bound record prescribed by paragraph (c) of this section, the licensed dealer or licensed collector transferring the ammunition, or ammunition curio or relic, may, for a period not exceeding 7 days following the date of such transfer is: (1) maintained by the licensed dealer or licensed collector separate from other commercial documents maintained by such licensee, and (2) is readily available for inspection on the licensed premises until such time as the required entry into the bound record is made.

All I am trying to do, Mr. President, is point out the enormous difficulty involved in a section of the bill which is no longer relevant or meaningful for the purpose for which it was originally intended. In 1968, there was an argument, and I will concede that in one way it was a legitimate argument, that the recordkeeping requirement could be beneficial in some instances in impeding the course of crime in this country. But the fact of the matter is that it has not done so. The fact is that the argument for keeping records on .22 rimfire ammunition, because it pertained to or was used in so-called Saturday night specials, has been eliminated by the provisions of this bill.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BROCK. I am delighted to yield.

Mr. KENNEDY. As I understand, there were no hearings held on this matter in the Finance Committee, were there?

Mr. BROCK. I am not familiar with that.

Mr. KENNEDY. There was an amendment proposed yesterday on licensing and registration. The Senator was present and listening when the principal opponent of those provisions, the distinguished Senator from Nebraska, pointed out that one of the principal reasons not to consider that amendment in the Senate was that hearings had not been held on it.

It is always interesting, about these procedural matters, that it makes a difference whose ox is being gored. Yesterday we were talking about stricter restrictions on gun control, and questions were raised about whether hearings had been held on that measure. Today we have an amendment that has had no hearings before the Committee on the Judiciary or the Finance Committee. But I have heard no one mention that fact about today's issue. I would like to ask the Senator whether he can tell us how many of those policemen who were shot by handguns in the line of duty were killed by .22 rimfire ammunition. Do we not need hearings to get the full story on the number of murders committed with .22 caliber ammunition?

Mr. BROCK. First of all, Mr. President, to say that there were no hearings is not a matter of fact, because there were perfectly adequate hearings held in 1968. The subject was exhaustively discussed at that time.

Mr. KENNEDY. In what committee?

Mr. BROCK. In committee and on the floor, when the matter was brought before the Senate.

Mr. KENNEDY. In what committee was the .22 rimfire ammunition considered? I sit on the Committee on the Judiciary. It is interesting that the .22 rimfire and other ammunition provisions in 1968 were sent to the Judiciary Committee, and then, before we were even able to schedule hearings, they were reintroduced and sent to the Committee on Finance, which reported them out without any hearings. It is interesting to me, as one who has been interested in this issue, that we always hear how we ought to consider adequately the various provisions on stricter gun controls, and that we cannot consider them here because we have not had hearings, and then we have a measure designed to weaken the bill, and have it come right out here on the floor without any hearings whatever.

This is not the principal thrust of my argument. I shall be glad to discuss the issue on the merits. But I think it is important to point out once again that the issue of the adequacy of hearings is really a phony issue, because, as the Senator knows, there have not been any hearings on this proposal this year, and yet we are asked to consider it.

Mr. BROCK. When the bill was first brought out——

Mr. KENNEDY. Which bill is the Senator referring to?

Mr. BROCK. The 1968 Gun Control Act. At that time, the issue was more than adequately discussed. I do not question the wisdom of that, nor the wisdom of the majority leader in taking up this bill without hearings.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. BROCK. I yield.

Mr. GOLDWATER. Are there any moneys that accrue to the United States from the registrations of those people who buy .22-caliber rimfire ammunition?

Mr. BROCK. No.

Mr. GOLDWATER. So would there be any need of the Finance Committee hearing it, inasmuch as it brings no funds into the Treasury at all? I did not think the Finance Committee heard legislation on gun control otherwise; is that correct?

Mr. BROCK. Well, they did in this instance, with what logic I am not entirely sure.

Mr. KENNEDY. That question ought to be addressed to the Parliamentarian. That is where they sent the measure, and it is a matter which is generally controlled by the Treasury Department, as I understand. But let the Parliamentarian respond on that issue. The fact remains that no hearings were held on this amendment this year or last year, and a member of the Judiciary Committee, which considered the 1968 act, I do not remember any specific hearings on it then.

Mr. BROCK. The Senator will certainly remember the debates in which the matter was discussed at some length, and the argument was well made, I think by the Senator from Massachusetts, or certainly by those who share his views, that the reason for their amendment which required .22 rimfire ammunition to be covered by the act and by the recordkeeping situation was that the ammunition could be used in the so-called Saturday night specials.

Now, here is a bill which takes them out, which invalidates the entire premise of the earlier argument.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BROCK. I yield.

Mr. BAYH. I must say that I have listened to that argument about two or three times now, and I think we had better recognize how limited its effect really is.

No one can state with absolute precision how many million Saturday night specials are out on the streets right now, but several million of them are there. I wish there was some practical way to deal with them.

Some sort of provision like this is the only way we have any opportunity to get at them. If we take the Saturday night specials off the marketplace, what the Senator from Tennessee says is accurate so far as future sales of Saturday night specials are concerned, but it does not apply to the millions of weapons already on the street. Is that not accurate?

Mr. BROCK. The Senator says he is concerned about those already on the market. He voted against the measure which would have taken them off the market.

Mr. BAYH. To what is the Senator referring?

Mr. BROCK. The previous amendments in relation to handguns.

Mr. BAYH. The Senator was not even on the floor when I made my explanation as to why I voted that way. If he wants me to repeat it, I will.

Mr. BROCK. I was on the floor. I was in agreement with him. Now we change the argument. Now the shoe is on a different foot.

Mr. KENNEDY. The shoe is not on a different foot so far as this Senator is concerned.

Mr. BROCK. This act has been on the books for 4 years now. In those 4 years I do not know how many millions of these Saturday night specials have been produced; but I do know that there is criticism from the Department of Justice. We have not learned of a single known instance, from discussions with the firearms people there, in which any of this recordkeeping has led to a successful investigation of a crime.

Mr. BAYH. May I ask an additional question? Since the Senator has the hearing record and since the Senator from Indiana has talked to some of the same officials, can the Senator from Tennessee point to one instance mentioned in the record where either IRS or Justice tried to use these records to find a law violation?

Mr. KENNEDY. Perhaps the Senator could tell us how many people are working in that area in the Justice Department.

Mr. BAYH. As a matter of fact, the Justice Department has no interest in pursuing this, and neither does the IRS. They are not taking advantage of the records that are kept now, but that does not mean that an administration that wanted to keep these records could not use them to great advantage.

Mr. BROCK. The Senator knows that the Department of Justice would use any legitimate device to bring a criminal before the court if they could. As a matter of fact, it has not worked.

Mr. BAYH. The Senator from Tennessee cited very specifically the testimony of IRS and Justice that there was not one example of a prosecution or a conviction. Can he cite one example where the Department has tried?

Mr. BROCK. I will put the shoe on the other foot and ask the Senator to demonstrate to me his knowledge that they have not tried.

Mr. BAYH. I will tell the Senator that this has been their clear and persistent attitude. I know that the Senator from Tennessee has not had the opportunity to sit on this committee. I wish he had. The Senator from Massachusetts has had the opportunity. These officials have come before our committee many times. They came in 1970 and told us that there was a glaring loophole in the 1968 act, and they said a million firearms were coming in. Senator Kennedy asked them: "Are you not going to do something about it?" They said, "Yes, we are going to do something about it." A year later, nothing had been done. I succeeded to the chairmanship of that committee, and I asked them, "Are you not going to do anything?" They said, "In 45 days we are going to have a recommendation." That was a year ago, and we still do not have any recommendations.

This alone should be ample proof that the administration is really not trying to pursue the means available to plug up the loopholes. I have seen no evidence that they pursue this recordkeeping with greater diligence.

Mr. BROCK. I do not see why the Senator would want to require the recordkeeping when it does not work. There is no method of tracing these pieces of ammunition. There is no numbering or serialization. The Senator knows that it is not a viable tool in law enforcement as it is written today. If it is not working, why does the Senator want to penalize the legitimate people in this country for something with which they have nothing to do?

Mr. BAYH. I would be glad to respond, but I fear that I have interrupted the Senator from Massachusetts.

Mr. KENNEDY. I wish the Senator would respond. It is right on point.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. I yield time to myself.

The present law suggests that, from the standpoint of public policy, certain categories of individuals should be denied access to ammunition. In the judgment of the Senator from Indiana—the Senator from Tennessee can reach a contrary conclusion—the best screening device to prohibit the sale of ammunition to those who are now denied access to it under the law is for those individuals to know that a record is going to be kept. For the Department of Justice and IRS to say that there is no record of a prosecution or a conviction stemming from this recordkeeping really does not deal with the merits of this requirement as a deterrent, because I do not think they have made an effort to prosecute or even to compile the information that has been collected for them.

Second, how can anybody at Treasury, at IRS, or at Justice know how many people have been deterred from going in and buying ammunition because they know a record is going to be kept? The law says now that you cannot sell to a juvenile. If a juvenile comes into a store and knows that a record is going to be kept and he perjures himself by saying he is not a juvenile and yet the storekeeper sells him ammunition, the juvenile has committeed perjury, under Federal law. He would be much less likely to attempt the purchase because he knew the evidence would be recorded.

I suggest that this is a significant incentive for a young person who does not qualify, who is a juvenile, not to buy ammunition. Neither IRS nor Justice can tell us anything about the tens of thousands of people who may be so deterred.

A drug addict cannot purchase ammunition under the statute. I suggest that the record keeping requirement is a significant deterrent to the drug addict or the felon or someone under indictment. The Senator from Tennessee knows the whole list of people who cannot buy. If they know a record is being kept and they have to perjure themselves, I suggest that it will be a significant deterrent that prohibits them or denies them access to that information.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. BROCK. When I was growing up, I used to ask my dad to buy me ammunition when I wanted to do target practice. That was not a violation of the law.

Mr. BAYH. It is not a violation of the law now.

Mr. BROCK. Does it deter the 14-year-old from asking his dad to go in and buy ammunition today? The Senator said it does that.

Mr. BAYH. I did not say it does.

Mr. BROCK. Does it deter the felon from asking his friend down the street to buy ammunition for him?

Mr. BAYH. I did not suggest that at all.

Mr. BROCK. Then, what purpose does the Senator achieve other than to penalize legitimate people?

Mr. BAYH. There is a much different case to be proved. If I go in and buy .22 caliber rimfire for my son, I know he has it, and I have a responsibility to see how he uses it. That is far different from some 14-year-old or 16-year-old youngster on the street who has purchased a Saturday night special second-hand from a friend, so he would not be excluded from our act, from going in, if he appeared to be a pretty good-sized lad, and buying ammunition. No record need be kept. He gets the .22's. That is an entirely different situation from one in which a father purchases it for his son. It would be so for my son, and I suggest that it would be so for the son of the Senator from Tennessee.

Mr. BROCK. In effect, the Senator is saying that a father should not even be allowed to buy it for his son.

Mr. BAYH. No.

Mr. BROCK. That is what the bill says.

Mr. BAYH. The bill does not say that I cannot buy them with my son and use them with my son.

Mr. BROCK. The bill says that it is a subterfuge at best.

Mr. BAYH. Can the Senator find anything in the law that says a father cannot buy .22 caliber rimfire for his son and then go out and shoot with him?

Mr. BROCK. No.

Mr. BAYH. I have talked with many people who have bought this ammunition. I have talked with store owners. I know that some inconvenience is involved. But I also know that there is a real distinction, and the best case is the one that the Senator from Tennessee just brought up. A real distinction can be made in the case of a father who goes in and buys this ammunition for his son and thus has the moral obligation, and probably the legal obligation, to see that it is used properly. That is entirely different from the situation of a big 14-, 15-, or 16-year-old going in, with no record being kept, and the dealer feeling that he is not accountable and selling the juvenile the ammunition.

Mr. BROCK. No, no. The dealer is accountable—fully accountable.

Mr. BAYH. But there is no way of ever proving a violation of the law if there is no record kept of the sale.

Mr. BROCK. The Senator knows, if we should eliminate the fathers or the friends, we achieve the same purpose for the same reason. To me, the fact is anyone that wants to get ammunition can get it. There is no deterrent here. All we do is create difficult problems for the retailer, the small merchant, and for the customer, and run up the prices. It would have no effect. It would not stop one crime. It would incarcerate not one criminal. All you have done is infringe on the rights of millions of people who are decent and law-abiding citizens.

Mr. BAYH. I appreciate the Senator's remarks.

Mr. KENNEDY. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield.

Mr. KENNEDY. If we were to follow the argument of the distinguished Senator from Tennessee, why do we not do the same thing about liquor? If the Senator is saying that someone can go in and buy some liquor for a juvenile, why not use that same argument and abolish all the liquor laws that keep liquor away from young people? If we are prepared to take that step, let us hear that argument from the Senator from Tennessee. Does he suggest that we register liquor and keep records? The Senator is talking about the question of licensing procedures and the response to the argument made by the Senator is that we cannot possibly police this issue because we are making the father go in to buy ammunition for his son.

I want to go on to a more significant argument in which I would be very much interested. I want to know how the Senator would respond to the strong evidence offered by these figures.

The fact is, of the gun murders in this country in 1968 42 percent were committed with .22 caliber rimfire ammunition. I repeat, 42 percent of all handgun murders were committed with .22 rimfire ammunition.

On the question of long guns used in murders, the ratio was about 1 to 4, with 65 percent of long gun murders committed with .22 rimfire ammunition.

Let us hear the response to that one. It is the height of hypocrisy to go ahead and pass handgun legislation that attempts to do something about Saturday night specials and then open up the door in terms of ammunition. If the Senate is serious—and I am not so sure that it is—about doing something about violence, then let us do it. But we must not hide behind the facade that we can do a little something here on the Saturday night specials which will free up the question of ammunition. If we are interested in doing something about crimes of violence—42 percent of people murdered in one year with .22 caliber ammunition, why does the Senator not respond to that, does the Senator have some figures to show, in terms of murders taking place; can the Senator show that .22 rimfire ammunition has not been used? The fact is that .22 caliber was used in many murders. The Senator knows the issue is a serious one, and the judiciary committee knows it, and every law enforcement officer knows it. Let us not kid around about inconveniencing the sportsman on this matter. We have to balance the inconvenience of the sportsman against the question of security for all the people in this Nation.

We inconvenience those who drive a car, those who go down to get a fishing license, those who go down to get a hunting license. We are inconveniencing them. But when it comes to weaponry and the ability to kill, we back away from it. We are still backing away from it today, just as we backed away in 1969 when we freed up other ammunition from the recordkeeping requirements of the 1968 gun law. At that time the Senate acted, to free up the ammunition for long guns. The Senate recognized that .22 rimfire ammunition was being used primarily in handguns. The Senate, in its good judgment, deferred any kind of action, and here we see the Senate about to consider this amendment to further gut the 1968 act, that is the way I would label this amendment. I think it will have that effect—and the effect is a seriously tragic one.

The Senator talks about the number of sportsmen. Why does he not quote from the law enforcement people? Why does he not repeat what is said by the leading representatives of the Fraternal Order of Policemen and the International Chiefs of Police and every other law enforcement organization in the country? By exempting this ammunition from the recordkeeping requirement, there will be no impact on crimes of violence. But we will not hear that from the Senator from Tennessee. He knows it. I know it. Everyone knows it. The American people know it. The NRA knows it. The Senator and I have heard from them. We have received a great deal of mail on this subject. We know their power. That is why I think this amendment is in danger of passing.

Mr. BAYH. Mr. President, what is the time situation now?

The PRESIDING OFFICER (Mr. Nelson). The Senator from Tennessee has 5 minutes remaining and the Senator from Indiana has 20.

Mr. BAYH. Mr. President, could I address a question to the Senator from Tennessee on my time? I want to try to clarify a statement. The Senator referred in his opening remarks to the number of small businessmen driven out of business by recordkeeping requirements. Could the Senator tell us how many that is?

Mr. BROCK. I do not have any statistics. I have only the testimony from many people in Tennessee who have told me they cannot afford to carry that particular item any more. It is burdensome and not worth it. They have eliminated the product so that the sportsmen there have to go a distance of some 20 to 30 miles to a larger city in order to acquire the ammunition. That is, I think, unfortunate.

Very few Senators can get that kind of information for their statements to back them up. I simply say that what happened is a matter of fact, that there are many sporting stores that simply do not carry this kind of ammunition any more. It is too expensive and too much trouble to administer. Take the small rural general store who sells a variety of products including .22 caliber rimfire ammunition. If he sells 40 boxes of this ammunition per week, that is a gross sale of $40. This means for each sale he must fill out a separate form with separate information on each individual sale. Such a requirement is extra added work for this man and it is particularly noisome to him when he knows it is for no reason at all. This is form filing solely for the sake of form filing.

Mr. KENNEDY. As I understand it in 1968, about 2,200 people were killed in this country with .22 rimfire ammunition. The kind of ammunition the Senator from Tennessee was talking about. I dare say that with this increase in murders generally and in any kind of projection of statistics, we could safely and conservatively say that at least this number—and probably a good deal more, were killed with .22 caliber ammunition in 1971. As we all know the rate of murders has doubled over a period of 4 to 5 years, so that from these statistics we could safely and conservatively say that up to 5,000 people were killed last year with the kind of ammunition we are talking about here today. To try to free up this ammunition from any restrictions and to make it more available because of the interest of sportsmen is a sorry condition.

I would ask the Senator from Indiana if those figures would seem reasonable to him, based on the statistics I mentioned earlier, that 65 percent of those murdered in this country by long guns were killed with .22 rimfire ammunition, and 42 percent of those killed by handguns were also killed by .22 rimfire ammunition?

Mr. BAYH. That is an accurate statistic. And the Senator is correct that more than half of the police officers killed this year will be killed by firearms using .22 rimfire ammunition. More than half of the police officers killed last year were. That is why it seems inconsistent to me that ostensible supporters of law and order do not support these constructive suggestions for dealing with the ultimate weapon of death.

Mr. KENNEDY. Mr. President, I am reminded of the testimony of Mr. Rossides who appeared before the House Judiciary Committee when he was asked about the various reporting and recordkeeping procedures for ammunition. He indicated to the House on June 29, 1972, at page 272 of the hearing record that:

> The point is that we favor anything we can properly analyze as the best way to get the job done; the fellows tell me that the ammunition thing is worthless—they may be wrong and I am going to take a look at it . . .

This is the statement of the fellow in charge of administering the procedures to enforce this ammunition recordkeeping provision. He says that the administration may be wrong in believing the ammunition requirements are difficult to administer and that he will take a look at it to determine a firm position.

I ask the Senator from Tennessee

whether he has a statement from Mr. Rossides on whether he has made a decision and study of the matter. On June 29, 1972, Mr. Rossides indicated that he was going to look at it. And this is the fellow that is charged with the responsibility of administering and enforcing the existing law. He said he was going to review it. I would like to know whether in the preparation for the Senator's argument he has talked to Mr. Rossides or visited with him to find out what conclusions he came to, if any.

Mr. BROCK. Mr. President, the only response I can make to the Senator from Massachusetts is that when one reads the report of the Finance Committee, the testimony from the Treasury and Justice Department officials states that they know of no instance in which the recordkeeping requirement has been helpful. Furthermore, they also say:

> Because of the volume of the transactions on this ammunition, the recordkeeping requirements have become so burdensome that they tend to detract from the other provisions of the law.

I submit there are other provisions far more meaningful and more enforceable and more workable in the combatting of crime. Why would the Senator want to dilute the effect of these provisions?

Mr. KENNEDY. What can the Senator from Tennessee tell me about the administration's position on this? Are they for the amendment?

Mr. BROCK. I have no word on this particular amendment.

Mr. KENNEDY. The Senator must have consulted with those who administer this law to find out whether they favor this or are opposed to it. They are the people who live with this and, not just quoting from comments, the Senator must have heard from them as to what they feel. They have a responsibility. Have they indicated to the Senator and said, "We are right behind you. We do not think it will do the job."

I have testimony here from the administrator, as late as June 29, 1972, where he said, "We will take another look at it."

Mr. BROCK. Mr. President, in 1971 the Treasury Department did support the identical language which was introduced by the Senator from Wyoming (Mr. McGee).

Mr. KENNEDY. We know how they change on different issues. I was interested in whether they had changed on this one.

Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes.

Mr. BROCK. Mr. President, to briefly respond to the Senator and to summarize my position, the argument of the Senator from Massachusetts is that we should not loosen up the law. The fact is that the law is already loose. It is not working. If it were working, that would be a different matter. However, it is not. Not one case has been recorded to commend the continuance of recordkeeping requirements. As a matter of fact, the thrust of the testimony from the enforcement officials is that their recordkeeping sanction makes them spend time in areas that are not productive in reducing the cause of crime. To the contrary, all the legitimate provisions have been damaged.

It seems to me that if we are going to start talking about the number of people killed by .22 rimfire, either from short or long guns, the only way that we can stop this is to eliminate the sale of any ammunition whatever. I have never heard that proposed. However, we know that the law as it is damages legitimate citizens and does nothing at all to help the enforcement officials. It does nothing to impede the cause of crime. It has been ineffective, and it has become burdensome.

I can see no reason for maintaining it despite the statistics, because the statistics have not been affected. If they were, it would be different. However, they have not been.

The fact of the matter is that the 1968 act as written did nothing in this area. I think it is time to remove this burden from the legitimate people of the country.

Mr. BAYH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Indiana has 11 minutes remaining.

Mr. BAYH. Mr. President, I yield 3 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have listened to the argument of the Senator from Tennessee on recordkeeping requirements for .22 caliber rimfire ammunition. We find that the person in charge of administering these procedures is making a study of the matter and is not sure whether it is effective or, if so, how effective it is.

Even given what the Senator from Indiana has stated about the record of this administration generally on the whole issue of gun control, I am reminded of the survey taken by the former chairman of the Juvenile Delinquency Subcommittee, the late Senator Dodd of Connecticut. Senator Dodd dispatched his staff to go into the surrounding Maryland areas to various stores that were selling ammunition at that time. The staff obtained the records of 177 purchases of ammunition that were made. They submitted those records to the FBI for investigation. And of the 177 persons whose names, addresses, and dates of birth were submitted to the FBI 66, or 37 percent, had criminal records.

That was on the basis of a study made by the staff of the Juvenile Delinquency Subcommittee in 1969. Also included was the fact that 250 misdemeanor convictions were involved.

Mr. President, I would like to know, when the Senator comes up with an amendment that would strike out any kind of recordkeeping, what he can tell us about investigations. We find out an investigation was made by the Juvenile Delinquency Subcommittee where they learned that 66 of the 177 persons, or 37 percent, who brought this ammunition, were people with criminal records.

What kind of assurance can the Senator give us that his amendment is not simply another vehicle that would fail to do anything about crime and violence in this country? He cannot do so. He has been unable to. He does not have the figures here today. However, he has asked the Senate to gut the most effective provision of the act.

Mr. BROCK. Mr. President, if the Senator would yield to me——

Mr. BAYH. Mr. President, I am trying to get straight on the allocation of time.

Mr. KENNEDY. Mr. President, the Senator from Tennessee was very generous in allocating time.

The PRESIDING OFFICER. The Senator from Tennessee has 3 minutes remaining.

Mr. KENNEDY. I yield to the Senator from Tennessee any remaining time I have.

Mr. BROCK. I thank the Senator from Massachusetts very much. I would agree with the Senator if there were evidence; however, I cannot find any evidence that it has had any effect in diminishing the rate of crime. I cannot see the argument. I cannot see the logic of that.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. BROCK. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes.

Mr. BROCK. Mr. President, there is not a shadow of doubt that the amendment agreed to in 1968 has worked. And I cannot see after 4 years any reason to maintain this burden for the American people. If it had worked, there would have been an entirely different response on my part, I assure the Senator.

But it has not. There is not one scintilla of evidence that it has worked in catching a criminal or reducing the course of crime.

Therefore, I think the amendment is logical and should be agreed to. I do know this. As the situation is, it has been a burden on the people of this country without any redeeming quality whatsoever.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, will the Senator yield to me for 2 minutes?

Mr. BAYH. I yield 2 minutes to the Senator from Massachusetts. I want to save a few minutes for myself.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I wish to mention again that in the survey conducted by the Subcommittee on Juvenile Delinquency in 1969 that there were 177 purchasers of ammunition in Maryland gun stores.

A summary of the major charges against these ammunition buyers includes: two murders; one attempted murder; 38 assaults, including 14 assaults with dangerous weapons involving at least five guns; 11 grand larcenies; five rapes; eight "carrying dangerous weapons"; seven robberies, including two armed robberies; one sale of marihuana;

seven housebreakings; two "fugitive from justice" charges; 136 drunk charges and related offenses; one possession of a gun after conviction of a crime of violence in the District of Columbia; one interstate transportation of firearms; eight auto thefts; and eight carrying dangerous weapon charges, including at least two guns.

I wonder if we in the Senate want to provide easier access for ammunition to these "sportsmen" and this type "hunter."

Mr. President, I yield the floor.

Mr. BAYH. Mr. President, the final sentence of the concluding thought of the Senator from Massachusetts is probably as good a note to end on as we could find.

As the floor manager of the bill and as the successor to the Senator from Connecticut as chairman of the Juvenile Delinquency Subcommittee, to my knowledge that subcommittee is the only one in Congress ever to hold any hearings on this matter. We have to be very frank with ourselves. Let us look at what happened. Those representatives of the administration who have appeared before the subcommittee—Mr. Santarelli of the Justice Department and others—have been opposed to the Saturday night special ban before us. They have been advocates of a safety test, designed to make a gun safe to the user; they have not been in favor of banning the sale of all Saturday night specials.

I point out that if that is their attitude with respect to the Saturday night special, it is proper to assume they would oppose ammunition controls.

Second, I would like to repeat the argument of the Senator from Massachusetts that .22 rimfire is the one single most prevalent type of ammunition used in committing crimes and murders across the country.

The Senator from Tennessee is accurate and sincere when he suggests that if we ban the sale of Saturday night specials, the ammunition requirements might be seen from slightly different perspective. But the committee bill does not make meaningless the present recordkeeping requirements on ammunition because we still have millions of Saturday night specials that will not be affected by the bill now before us. The only way we can hope to have any impact on the use of .22 caliber Saturday night specials is to keep records of ammunition sales.

Third, I suggest that perhaps this recordkeeping is a small burden on some people—sportsmen and storekeepers. But I suggest that any storekeeper operating on such a fragile profit margin that filling out this simple form is going to make him go out of business is operating on a very fragile margin, indeed. I would also suggest this burden of filling out a very simple form imposed upon the sportsman is really not a very significant burden.

I suggest it is a reasonable burden, perhaps even an obligation, that is borne by the law-abiding sportsmen and merchants, the large majority in both categories. That burden must be weighed against what I feel is a very significant contribution.

I cannot go along with the Senator from Tennessee when he said there is no evidence of this having worked. I suggest the contrary and say that there probably have been hundreds, even tens of thousands of people prevented from having access to this ammunition because records are going to be kept. It just makes good common horsesense to me to suggest that if I plan to commit an illegal act, and I know that they have my name, rank, and serial number when I buy that ammunition, I am going to think about it. I am going to think longer than I would if all I have to do is toss my money on the counter, with no record, before committing my crime.

That is the information we are now gathering. I think this has prevented sales to juvenile delinquents, those using narcotics, and those who are felons.

Mr. President, I think this is a burden that all of us should be willing to share.

Mr. BROCK. Mr. President, again in making a brief and quick summary, I wish to say that the Senator said he has evidence. He does not have any evidence and he has no facts to indicate this section is reducing crime; not a scintilla, not a drop, no fact to demonstrate that it has had any effect at all. He assumes; he bases it on Indiana commonsense. We do not have that evidence at our command.

He talks about these little, simple forms being a tiny burden on a small businessman, and states that a small businessman should not be in business if he is that thin. The fact is there are hundreds of thousands of businessmen in this country who are burdened by people who come in by the droves from Washington. They come in one at a time, but the fact is they are burdened by pressure from Washington.

It cannot be argued that this would make the bill meaningless, when the law today is meaningless. If the bill had any effect we would have seen that effect, but we have had testimony to show that it has not had that effect and has not worked.

Again, I must emphasize that there has not been one criminal indictment, there has not been one man brought to trial or placed in jail after 4 years of application of this law.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. BAYH. Mr. President, does the Senator from Indiana have any remaining time?

The PRESIDING OFFICER. Not on the amendment.

Mr. BAYH. Is it possible to use time on the bill?

The PRESIDING OFFICER. Under the agreement it is possible to use time on the bill.

Mr. BAYH. I yield myself time on the bill.

I do not think there is any need to burden this debate. The Senator from Tennessee has made his argument and we have made ours. But I suggest it will not be possible for the Senator from Tennessee to find any evidence of the Justice Department pursuing prosecutions under this particular provision. You do not have any record of their making prosecutions. Why is that?

It is not that this record is not used in the conviction of some criminal. But if someone has held up a store with a weapon using .22 rimfire ammunition, he is not prosecuted for violating ammunition control laws. That record may be used to help put that person in jail for murder or burglary, but the violation of the ammunition control provisions of the Gun Control Act is not what is going to be on the record.

Mr. BROCK. But the testimony is that it has not even done that. It has not helped bring them to jail.

Mr. BAYH. That is not what the Senator said.

Mr. BROCK. Perhaps I should repeat it: "There is not a single known instance where any of this recordkeeping has led to a successful investigation and prosecution of a crime"—not one.

Mr. BAYH. Is there any evidence of any effort being made to use the record?

Mr. BROCK. If the recordkeeping does not work, if it is ineffective, if it in effect burdens them and keeps them from applying their time in other useful and constructive work which is not done, why should it be maintained?

Mr. BAYH. I am suggesting that there are certain people who do not use the tools available because they do not think firearms control or ammunition control has any place.

Mr. BROCK. The Senator is not talking about that. He is talking about a person who came into the Chamber with the intention of supporting the bill.

Mr. BAYH. I have talked with some of the people who made the statements the Senator is using as the basis of his argument. They do not support this bill. I hope I have not lost the Senator's vote as a result of this colloquy, but these officials do not support this bill for a number of reasons, which I do not think there is any need to discuss at this time. But let me stress the unmeasurable deterrent effect of ammunition recordkeeping. The Senator from Tennessee suggests that the people in Tennessee use horsesense. The Senator from Indiana suggests that horsesense is used in his State. And horsesense suggests that if the purchaser of this kind of ammunition knows that a record is being kept in the full light of day, he is going to be a great deal more careful in the way the ammunition is used.

I have no statistics to prove how many cases are involved. I have to rely on commonsense. I do have statistics showing that over half of the policemen killed in this country were killed with this kind of ammunition, and statistics showing that 15,000 people are killed that way.

Mr. BROCK. The law has been on the books for 4 years. As a result, there were no fewer killed.

Mr. BAYH. How much worse would it have been without a law on the books?

Mr. PASTORE. Mr. President, will the Senator yield for an observation?

Mr. BAYH. I yield.

Mr. PASTORE. We are arguing now that we ought to do away with the old way of keeping records on the sale of narcotics because we still have drug addiction. It is an axiom that nobody is able to prove positively a negative fact. It cannot be done. As the Senator from

Indiana has pointed out, we will never know mathematically just how many people were unable to obtain ammunition because of the legal restraints that were imposed. No one can answer that question one way or the other.

The mere fact that we still have crime does not necessarily prove that everything we have done on the control of weapons has been ineffective. I have heard that argument advanced time and time again by the Senator from Nebraska. That is an impossible statement to prove one way or the other. We know from bitter experience that we still have murder when we have laws against murder from time immemorial and so it may be argued that capital punishment has not discouraged murder. Equally good logic reasons that it has operated as a restraint. We have many laws in many areas requiring licensing. Pawnbrokers for example have to be licensed. The reason for that is so we have proper surveillance. And so on—regulation in every sphere of human contact.

I know that as long as there is man with his human failings, we are going to have crime. Then as we have more and more people, we will probably have more and more crime. But I disagree with the argument made this afternoon that regulations are illogical because it has not been proved that requiring a restraint on the part of certain individuals has been effective—that these individuals otherwise might disobey the law and may not have engaged in violence only because this surveillance was in effect. Of course, it cannot be absolutely proved because one cannot say for sure whether it did or did not so happen. That is the only argument I am making. I cannot be convinced by the argument that if we do have restraints one way or another, we do not discourage certain people from committing crime.

Not too long ago—and, perhaps, this does not prove much—three youngsters boarded a bus here in Washington and, without any provocation at all, put a pistol up against the neck of the operator of that bus and shot him dead. How do these kids get guns?

The argument is made here that just because some improper people get guns, let us forget the whole thing. I do not think we can do that. I do not believe we ought to go that far. I do not think we ought to harass the legitimate gunowner. I do not think we ought to harass the legitimate hunter. As I said before, the unfortunate thing about this problem is that we are quarreling with people who are law abiding. They feel a certain amount of harassment. They feel a certain amount of punishment and fear a certain violation of their constitutional rights, but the law has to work that way time and time again. I have said to good friends of mine that, as far as I am concerned, the only time I ever put my hand on a gun was when I was a prosecutor trying cases against criminals. I do not have a gun. I am indeed afraid of a gun. I do not have a rifle. So this measure does not affect me personally. But there are certain people who enjoy guns and use them legitimately. We are saying to those people, "We realize that we are putting you to a slight inconvenience, but the public good and your own good requires that we do it, and that is the only reason why we are doing it."

There is no man in the Senate who wants to punish a good sportsman. There is not a single Senator here who wants to do that. But we are concerned about crime. Gangsters will always get guns. We know that. If they do not buy them, they will steal them. The underworld will get guns, whatever their source of supply.

They will always get them. What we are trying to do is to make it harder and perhaps keep the guns away from some of these younger people, and older people, too. Let us also make it tough enough that if we catch them, we can throw away the keys to the jail.

I spoke of a busdriver who was murdered by three kids. Not too long ago a Navy man was being tailgated. When he got out of the car his pursuers mercilessly shot him and shot his son. Where do criminals get guns? That is all we are talking about here. That is what this debate is all about. We do not want to punish a good sportsman. I would be the last man in the world to do that. But, somehow, sometime we have to do something about illicit guns.

The committee has come to the Senate with a reasonable bill. Let us hope we can do something with it. We are talking about keeping records. This is one way of restraining the wrong people who otherwise might have ammunition and guns. That is what we want to do. Do not tell me that if we do away with this restraint it is not going to be worse. Let us not excuse inaction by saying nobody will ever be able to prove it one way or the other.

We will have crime as long as we have society. But it is our responsibility to cut crime down as much as we possibly can. That is all we are trying to do with this bill. Let us try to do something about crime. Let us try to cut it down. If some good soul complains because he has to register his rifle or his gun, I will say to him, "You are doing it for the benefit of your family, because while you are out there hunting, some hoodlum is going to burst through your door and shoot your wife and murder your children."

That is the violence we are trying to get at. It is not to take guns away from the good man, but to take them away from the bad guys. That is what this is all about.

I pray we can do something about it in this session.

Mr. BROCK. Mr. President, I ask unanimous consent to add as cosponsors of the amendment the names of the Senator from Texas (Mr. Bentsen), the Senator from Wyoming (Mr. McGee), and the Senator from Kansas (Mr. Dole).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, as a sponsor of this amendment I urge its adoption by the Senate.

Last year I introduced an identical measure, S. 144, together with 38 cosponsors. The Senate will recall that during the 91st session of Congress the House of Representatives passed this measure with a substantial majority. Following the House action, the Senate Finance Committee reported this bill to the floor of the Senate during the last days of the 91st Congress. Unfortunately, there was insufficient time to obtain final passage in the Senate.

The pending amendment would simply exempt .22-caliber rimfire ammunition from the burdensome recordkeeping requirements of the Gun Control Act of 1968. This ammunition is the most popular type used by sportsmen, and therefore, places an unreasonable burden on not only sporting enthusiasts, but also on many small businessmen who make this ammunition available for legitimate purposes.

The Department of the Treasury has recommended that this legislation be adopted in testimony before the House Ways and Means Committee and also in reports to the Senate Finance Committee.

The Internal Revenue Service advises me that there is no known instance where any of the recordkeeping requirements relating to sporting type ammunition, including .22-caliber rimfire ammunition, has been helpful in law enforcement. We are advised quite to the contrary, that the recordkeeping requirements have become so burdensome that they tend to detract from the enforcement of other provisions of the firearms laws.

For these reasons, Mr. President, I again urge adoption of this amendment.

The PRESIDING OFFICER (Mr. Chiles). The question recurs on agreeing to the amendment of the Senator from Tennessee (Mr. Brock). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Rhode Island (Mr. Pell), the Senator from South Dakota (Mr. McGovern), the Senator from Oklahoma (Mr. Harris), and the Senator from Georgia (Mr. Gambrell) are necessarily absent.

On this vote, the Senator from Georgia (Mr. Gambrell) is paired with the Senator from Rhode Island (Mr. Pell).

If present and voting, the Senator from Georgia would vote "yea" and the Senator from Rhode Island would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker) and the Senator from Michigan (Mr. Griffin) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New York (Mr. Buckley) is detained on official business, and, if present and voting, would vote "yea."

The result was announced—yeas 71, nays 21, as follows:

[No. 355 Leg.]

YEAS—71

Aiken
Allen
Allott
Anderson
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cook
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Fannin
Fulbright
Goldwater
Gravel

Gurney
Hansen
Hart
Hatfield
Hruska
Humphrey
Jackson
Jordan, Idaho
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre

Metcalf
Miller
Mondale
Montoya
Moss
Packwood
Pearson
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott

Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—21

Bayh
Brooke
Case
Cooper
Edwards
Ervin
Fong

Hartke
Hollings
Hughes
Inouye
Javits
Jordan, N.C.
Kennedy

Long
Muskie
Nelson
Pastore
Ribicoff
Tunney
Williams

NOT VOTING—8

Baker
Buckley
Gambrell

Griffin
Harris
McGovern

Mundt
Pell

So Mr. BROCK's amendment was agreed to.

Mr. DOMINICK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BROCK. I move to lay that motion on the table.

The motion was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1401

Mr. DOMINICK. Mr. President, I call up my amendment, No. 1401.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 12, line 7, insert the following new section:

(9) Section 924(c) of the Gun Control Act of 1968 (Public Law 90-618; 18 U.S.C. 924(c)) read as follows:

"(c) Whoever—

"(1) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States; or

"(2) carries a firearm during the commission of any felony for which he may be prosecuted in a court of the United States,

shall, in addition to the punishment provided for the commission of such felony, be sentenced for the additional offense defined in this subsection to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years.

"The execution or imposition of any term of imprisonment imposed under this subsection may not be suspended, and probation may not be granted. Any term or imprisonment imposed under this subsection may not be imposed to run concurrently with any term or imprisonment imposed for the commission of such felony."

The PRESIDING OFFICER. Is this one of the Senator's two amendments on which there is a 2-hour limitation?

Mr. DOMINICK. The Chair is correct, although I want to inform Senators that I do not anticipate taking anywhere near 2 hours on this amendment, nor do I think the manager of the bill will do so. I hope we can get to a vote on it—if we have to have a vote on it—at least within an hour or perhaps before that.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. I yield myself 10 minutes.

Mr. President, for the benefit of my colleagues, I first should like to amend my amendment in two respects. These are technical amendments.

First, on line 2, page 1, add the words "as amended to."

Second, on page 2, line 11, the word "or" should read "of."

I modify my amendment accordingly.

The PRESIDING OFFICER. Does the Senator request unanimous consent?

Mr. DOMINICK. I would be happy to do so. I did not think I need to do so. The yeas and nays have not been ordered.

The PRESIDING OFFICER. Unanimous consent is required, because of the specific agreement on this amendment.

Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of this amendment: The senior Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Alaska (Mr. STEVENS), the Senator from California (Mr. TUNNEY), the Senator from Connecticut (Mr. WEICKER), the Senator from Nevada (Mr. BIBLE), and the Senator from Oklahoma (Mr. BELLMON).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, this is not a difficult amendment. We already have in the law what is commonly referred to as the Mansfield amendment to the Omnibus Crime Control Act of 1970, although I must confess that I have taken considerable credit for this myself, having put this kind of amendment in the District of Columbia criminal law when I was serving on the District of Columbia Committee. This amendment is known as 924(c).

Section 924(c) provides that—

(c) Whoever—

(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States,

shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than 10 years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than five years nor more than 25 years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence.

Mr. President, this language has passed the Senate on at least three separate occasions, and this amendment is designed to insure congressional intent in this regard. The intent of Congress in passing Senator MANSFIELD's amendment was to create a separate crime for carrying or using a firearm in the commission of a felony, and to have sentencing for the two felonies run consecutively.

The necessity for this amendment springs from a recent Colorado case, and I ask unanimous consent that the official reports of this case be printed at this point in the RECORD. [*U.S.* v. *Sudduth,* 330 F. Supp. 285 (1971) and 457 F. 2d 1198 (10 Cir. 1972).]

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[U.S. District Court, D. Colorado. July 22, 1971]

UNITED STATES OF AMERICA, PLAINTIFF, AGAINST DALE EDWARD SUDDUTH, DEFENDANT, CRIM. A. No. 71-CR-82

Prosecution on a two-count indictment including a count for the sale of heroin and a count for knowingly carrying a firearm unlawfully during the commission of such felony. The District Court, Winner, J., held that the federal statute providing for additional sentence if a defendant is convicted of a felony prosecutable in a court of the United States and is shown to have used or to have been unlawfully carrying a firearm in the commission of such offense does not and was not intended to create any substantive offense.

Second count dismissed.

Richard J. Spelts, Asst. U.S. Atty., Denver, Colo., for plaintiff.

William R. Young, Theodore B. Isaacson, Denver, Colo., for defendant.

MEMORANDUM OPINION

Winner, District Judge.

Defendant was charged in a two count indictment. Count I charged a sale of heroin in violation of 26 U.S.C. §§ 4705(a) and 7237. A jury convicted him of this offense. Count II of the indictment charged:

"That on or about January 27, 1971, in the vicinity of Denver, State and District of Colorado, Dale Edward Sudduth willfully and knowingly carried a firearm unlawfully during the commission of a felony prosecutable in a court of the United States, that is, the said Dale Edward Sudduth carried a small caliber revolver during the time when he did sell, barter, exchange and give away to Ronald L. Wilson a narcotic drug (approximately 77.4 grams of heroin) not in pursuance of a written order of the said Ronald L. Wilson on a form issued in blank for that purpose by the Secretary of the Treasury or his delegate as required by Section 4705(a), Title 26, United States Code; all of the foregoing in violation of Section 924(c), Title 18, United States Code, as amended January 2, 1971."

Count II of the indictment was dismissed by the Court at time of trial for failure to state an offense since 18 U.S.C. § 924(c) does not create an offense. Instead, 18 U.S.C.§ 924 (c) provides only for an additional sentence if a defendant is convicted of a felony prosecutable in a court of the United States and is shown to have used or to have been unlawfully carrying a firearm in the commission of that offense. The statute is new, and no reported case has been called to our attention, nor have we found a case interpreting the particular subsection of the statute here considered. However, an analysis of that subsection's language and the legislative history leads inevitably to the conclusion that this particular subsection of the statute does not and was not intended by Congress to create a substantive offense.

We start with the Omnibus Crime Control and Safe Streets Act of 1968, and more particularly with Title IV of that Act. 1968 U.S. Code Cong. and Adm. News p. 2163 has to do with "Title IV—Firearms Control and Assistance." At page 2216 et seq., the scope of the Act's coverage is discussed, and it appears that Congress wished to control (a) the interstate traffic in mail-order firearms, other than rifles and shotguns, (b) acquisition of firearms by juveniles and minors, (c) out-of-state purchase of concealable firearms, (d) importation of nonsporting and military surplus firearms, (e) highly destructive weapons, (f) licensing of importers, manufacturers and dealers, and (g) certain record keeping procedures. The sectional analysis of Title IV commences on page 2197 of 1968 U.S. Code Cong. and Adm. News, and it is there said that Sec. 922 sets forth the prohibitions of the Act. Sec. 923 is said to contain the licensing provisions, while Sec. 924 is described as the *penalty and forfeiture provisions* of the Act. Nothing comparable to present Sec. 924(c) was contained in the original Act, [P.L. 90–351—82 Stat. 197] but, rather, Sec. 924(c) of that Act is Sec. 924(d) of the present law.

Section 924 was first amended in 1968 by P.L. 90–618, 82 Stat. 1223, the Gun Control Act of 1968, and that year's U.S. Code Cong. and Adm. News p. 4411 says that the principal purpose of the amended Act "is to strengthen Federal controls over interstate and foreign commerce in firearms and to assist the States effectively to regulate firearms traffic within their borders." With this amendment, a subsection approximating present subsection (c) was added, and effective October 22, 1968, 18 U.S.C. § 924(c) provided:

"(c) Whoever—

"(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States,

"shall be sentenced to a term of imprisonment for not less than one year nor more than 10 years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than five years nor more than 25 years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence."

1968 U.S. Code Cong. and Adm. News p. 4431 comments with reference to the Conference Report on the new subsection as follows:

"Use of firearms in commission of crimes.—The House bill provided—in a provision added to chapter 44 of title 18—for a sentence of from 1 to 10 years for a first offense, and a sentence of from 5 to 25 years for a subsequent offense, where a person uses a firearm to commit, or carries a firearm unlawfully during the commission of, a Federal felony. The House bill further provided that such sentence could not be suspended, that probation could not be granted, and that such sentence could not be imposed to run concurrently with any sentence imposed for such Federal felony committed.

"The Senate amendment provided—in a new chapter 116 added to title 18—for the imposition of an additional sentence of an indeterminate number of years up to life upon any person armed with a firearm while engaged in the commission of certain enumerated Federal felonies. The Senate amendment further provided that in the case of a subsequent conviction, the court could not suspend the sentence or grant probation.

"The conference substitute is identical to the House bill, except that the prohibitions on suspension of sentence and probation are applicable only to second and subsequent convictions and that concurrent sentencing under the section is not prohibited."

As background to the 1968 amendment, in the July 19, 1968, Congressional Record—House, p. 22229 et seq. we find that Mr. Casey offered an amendment seemingly making the use or carrying of any firearm in the commission of specified major offenses separately punishable. Mr. Poff then offered a substitute amendment which later became § 924(c). It is true that Mr. Poff said (p. 22231), "My substitute makes it a separate Federal crime to use a firearm in the commission of another Federal crime and invokes separate and supplemental penalties." However, on the next page of the Congressional Record the following exchange appears:

"Mr. Ichord. * * * Are you contemplating—the gentleman makes it a Federal offense, another separate Federal offense to use a firearm to commit any felony which may be committed. If during the commission of any felony wherein such firearm is used the party may be prosecuted in any court of the United States? Does the gentleman contemplate the second criminal proceeding or can this man be tried in the original proceeding where he was first tried?

"Mr. Poff. * * * The answer (to Mr. Ichord's) question is in the affirmative; namely, it would be expected that the prosecution for the basic felony and the prosecution under my substitute would constitute one proceeding out of which two separate penalties may grow."

In the September 16, 1968, Congressional Record—Senate, p. 26896, we find that Senator Hruska said:

"Penalty Provisions. Section 924 of title I of the committee bill contains an amendment offered by this Senator to increase the maximum penalties for violation of the law * * * *This amendment substantially increases the maximum penalties for violation of the act* but retains flexibility in the hands of appropriate Federal correctional officials to deal with those who show a substantial potential for rehabilitation * * *"

In the next day's Senate Congressional Record it appears that Senator Dominick offered an amendment entitled "Use of Firearms in the Commission of Certain Crimes of Violence." That amendment provided:

"Whoever, while engaged in the commission of any offense which is a crime of violence punishable under this title, is armed with any firearm, may in addition to the punishment provided for the crime be punished by imprisonment for an indeterminate term of years up to life, as determined by the court * * *"

As to his proposed amendment, Senator Dominick said:

"No new crime would be created. Penalties have just been increased when one particular element—a gun—is presented in the perpetration of the enumerated crimes. As a result, there would be no additional strain on already overburdened courts."

This, then, is most of the legislative history of 18 U.S.C. § 924(c) as it was amended in 1968. It is difficult, indeed, to spell out of this legislative history any Congressional intent to create a separate substantive crime, and it is even more difficult to read into the language of the subsection a meaning which would in fact create such a crime.

As has been noted, the indictment here lies under a still later amendment—P.L. 91–644, Title II, § 13, 84 Stat. 1889, effective January 2, 1971. A study of that law discloses that Sec. 924(c) was the only section of 18 U.S.C. Chapter 44—Firearms—which was amended by the 1970 Act, and that study lends no support to the government's argument. The definitions (§ 921), the unlawful acts (§ 922) and the licensing provisions (§ 923) all remain unchanged. The amendment in question appears in Laws of 91st Congress, 2nd Session, at page 2216. The full amendment was:

"TITLE II—STRICTER SENTENCES

"Sec. 13. Section 924(c) of title 18, United States Code, is amended to read as follows:

"(c) Whoever—

"(1) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony for which he may be prosecuted in a court of the United States,

"shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years, and, notwithstanding any other provision of law, the court shall not suspend the sentence in the case of a second or subsequent conviction of such person or give him a probationary sentence, *nor shall the term of imprisonment imposed under this subsection run concurrently* with any term of imprisonment imposed for the commission of such felony."

To us, it is impossible to read this section as creating a separate substantive offense. The statute says only that a person who uses a firearm in the commission of a felony or who carries a firearm unlawfully during the commission of a felony, "shall, in *addition to the punishment provided for the commission of such felony, be sentenced.* * * *" The statute does not say that use of possession of a gun is a separate crime. It deals only with punishment to be imposed upon conviction of "the commission of such felony," i.e., a felony prosecutable in the Federal Court. No other reading could be grammatical.

Admittedly, the Congressional Record underlying the 1970 amendment is somewhat self-contradictory. Senator Scott said as to the amendment [Congressional Record—vol. 116, pt. 26, p. 35734] that the Act "was to provide stricter sentences for criminals using firearms in the commission of Federal felonies." On the same page, Senator Mansfield described the amendment:

"* * * what this does is to make it a crime itself the mere carrying of a gun in the commission of a crime. The sentence imposed will be in addition to and not concurrent, with the sentence for the underlying crime."

However, on December 17, 1970, [Congressional Record, vol. 116, pt. 31, p. 42150, Senator Mansfield said:

"It was for this reason as well that I introduced S. 849, the stricter sentencing bill and am gratified to know that the bill—having passed the Senate unanimously—has become Title II of the pending measure * * * With this stricter gun sentencing provision we have taken an effective step in the right direction."

The same page of the Congressional Record discloses that Senator McClellan said:

"It is quite simple. It means that the gun offender will be required to serve a separate and additional sentence for his act of using a gun. There is no discretion given. There is no way this additional sentence can be avoided."

1970 U.S. Code Cong. and Adm. News p. 5848 describes the amendments as being an amendment of the 1968 Gun Control Act and says:

"AMENDMENT TO THE GUN CONTROL ACT OF 1968

"The Senate amendment contained a provision not in the House bill *amending a section of the Gun Control Act of 1968 that imposes additional penalties for the use of a firearm to commit, or for carriage of a firearm unlawfully during the commission of, a Federal felony.* The Senate amendment reduced the minimum sentence for a second or subsequent offense from five to two years, and also provided that a sentence could not run concurrently with any sentence imposed for the underlying Federal felony. The conference substitute adopts the Senate amendment."

With all of this, the argument of the United States Attorney that 18 U.S.C. § 924 (c) creates a separate substantive offense just does not jell. When Congress devoted several pages to phrasing Sec. 922 which creates the unlawful acts, it is difficult to accent an argument that Congress impliedly intended to create an offense under the section of the Act headed "Penalties." It may well be that from a defendant's standpoint, it doesn't make a whole lot of difference, because, if convicted, and if the factual requirements of Sec. 924(c) are established, he is going to get the same sentence anyway. But, this fact doesn't justify or permit the Government to charge a separate substantive offense, and a defendant can't be required to have a separate count of an indictment submitted to a jury. Also, whether the offense is separate could be of vital importance under some habitual criminal laws.

It is elementary that there are no constructive criminal offenses. United States v. Alpers, 338 U.S. 680, 70 S.Ct. 352, 94 L.Ed. 457. Nothing is better settled than is the proposition that criminal statutes are to be strictly construed. United States v. Gaskin, 320 U.S. 527, 64 S.Ct. 318, 88 L.Ed. 287. We are not here directly concerned with the myriad of cases involving vagueness in a statute; rather, we are confronted with a statute which by its terms does not create an offense, although another section of the same Act spells out in careful detail the acts made unlawful by the statute, but omits from its coverage any suggestion that the act charged in Count II of this indictment is, in and of itself, a separate crime. Sec. 924(c) is not a true recidivist statute, but it has many similarities. It is more nearly a "second offender's" statute, quite similar in impact with 26 U.S.C. § 7237(c), and under that section, counts charging a second substantive offense merely because of a prior conviction are not recognized—rather, the section is treated as one requiring stricter and additional punishment. United States v. Bell, (7 Cir.) (1965) 345 F.2d 354; Munich v. United States, (9 Cir.) (1964) 337 F.2d 356; Sorey v. United States, (5 Cir.) (1961) 291 F.2d 826; United States v. Wilson, (2 Cir.) (1968) 404 F.2d 531; United States v. Beltram, (2 Cir.) (1968) 388 F.2d 449.

In Gryger v. Burke, (1947) 334 U.S. 728, 68 S.Ct. 1256, 92 L.Ed. 1683, under consideration was Pennsylvania's habitual criminal law. The Court there said:

"The sentence as a fourth offender or habitual criminal is not to be viewed as either a jeopardy or additional penalty for the earlier crimes. *It is a stiffened penalty for the latest crime, which is considered to be an aggravated offense because a repetitive one.*"

Here, Congress has directed that where a man is unlawfully carrying a gun in the commission of an offense which is subject to prosecution in a Federal Court, a stiffer penalty must be imposed, and the evidence showed that defendant's possession of a gun was unlawful because of a prior state court conviction. Under that evidence, the stricter penalty demanded by 18 U.S.C. § 924(c) must be imposed, but it is to be imposed after and as a result of defendant's conviction under Count I—not on the basis of an attempt to charge in Count II that defendant violated the sentencing provisions of Section 924(c).

It is for these reasons that Count II of the indictment was dismissed.

[U.S. Court of Appeals, 10th Circuit, No. 71–1423, March 1972 Term]

United States of America, Appellant, Against Dale Edward Sudduth, Appellee

(457 F. 2d 1198 (10 Cir. 1972))

Appeal From The United States District Court For The District of Colorado (D.G. No. 71–CR–82).

Richard J. Spelts, Assistant United States Attorney (James L. Treece, United States Attorney, with him on the Brief), for Appellant.

Tom W. Lamm, Denver, Colorado, for Appellee.

Before Seth and Barrett, Circuit Judges, and Mechem, District Judge.

Seth, Circuit Judge.

The defendant was charged in a two count indictment, Count I thereof being for the sale of heroin in violation of 26 U.S.C. § 4705 (a). Count II charged that the defendant carried a firearm "unlawfully" during the commission of the felony charged in Count I in violation of 18 U.S.C. § 924(c). At the pretrial of the case the trial court dismissed Count II. The trial was had on Count I and the defendant was convicted by a jury and the court imposed a sentence of five years. The trial court also imposed a sentence of one year to run consecutively with the five-year term. This one-year sentence was imposed under 18 U.S.C. § 924(c), the trial court thereby treating the subsection as relating to the matter of the penalty to be imposed. It thereby held that the subsection did not create a separate crime. The trial court also construed the wording of the subsection to require that the one-year term under section 924(c) was required to be a consecutive sentence on the first "offense."

The principal issue on the appeal is whether or not the construction of 18 U.S.C. § 924(c) by the trial court was correct. The Government here urges that the subsection creates a separate crime rather than an enhancement of the penalty as found by the trial court. The issue is also presented as to whether or not the subsection requires the sentence, whether it be an enhancement in penalty or a separate offense, to be consecutive to the confinement imposed under Count I, or whether for a "first offense." 18 U.S.C. § 924(c) reads as follows:

"(c) Whoever—

"(1) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony for which he may be prosecuted in a court of the United States.

"shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years and, notwithstanding any other provision of law, the court shall not suspend the sentence in the case of a second or subsequent conviction of such person or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently wtih any term of imprisonment imposed for the commission of such felony."

Some examination of the legislative procedure which was followed in the enactment of section 924(c) and its predecessor is necessary in order to properly construe the section. This present subsection of Title 18 was part of the original Omnibus Crime Control and Safe Streets Act of 1968. The section originally contained penalties in subsection (a) thereof which related to Chapter 44 as a whole. These penalties thus related directly to the recitation of "unlawful acts" in the body of the Act. Section 924(c) was added and the original section 924(c) was redesignated (d) as a House Floor Amendment during the course of the debates on the Gun Control Act (H.R. 17,735). Apparently no public hearings were held on this Bill. The floor debate in the House was extensive and several amendments were there considered. Finally the amendment which became the basis of section 924(c) in the 1968 Omnibus Crime Control Act was passed by the House. Some of the amendments considered during the course of the floor debate presented somewhat different methods of handling the use of guns during the commission of a felony. It should be pointed out that the use of a gun during the commission of a felony constituted an entirely different subject than had theretofore been considered during the course of the debates on the original Omnibus Crime Control Act of 1968. The penalties in the original Act related to the acts which were declared unlawful in the Omnibus Bill, and which acts were for the most part related to the sale, importation and transportation of firearms.

The Senate considered its Gun Control Bill which was S. 3633, after the House had passed its Gun Control Act considered above. During the course of the Senate debate various methods to increase the penalty under the Omnibus Crime Control Act of 1968 were discussed on the floor and amendments were then offered. Among these amendments was the first by the Senate directly related to the possession and use of a gun while committing a felony. The Dominick amendment to the Gun Control Act was passed by the Senate and the matter went to the House Senate Conference Committee which adopted the House version of section 924 but with some reduction in the penalties originally proposed. The committee report was adopted and the Bill became the Gun Control Act of 1968, P.L. 90–618. It was an amendment to Chapter 44, Title 18 of the United States Code.

In 1970, the matter of the use of firearms during the commission of a felony was again considered, and it arose by way of floor amendments. This was during the course of debate on the Omnibus Crime Control Act of 1970. The provisions were suggested as a "rider" to the Bill. The subject matter thereof had been formerly contained in a separate Senate Bill. The floor debate centered on the matter of increasing the severity of the punishment and the debate was directed to this point. The Omnibus Bill of 1970 with the "rider" referred to was passed by the Senate, went to the House Senate Conference Committee and the Senate version was adopted by the committee and the committee report was adopted by both houses and became the present 18 U.S.C. § 924(c).

The manner in which section 924(c) was adopted by Congress and the fact that it originated in both 1968 and 1970 versions by way of floor amendment helps in understanding why the subsection was placed in the Act where it was. This legislative procedure shows why the subject matter of the subsection is somewhat foreign to the balance of section 924. The subject matter was in fact not related to the basic provisions of the Act which relate primarily as we have indicated to restrictions and control in the sale and transportation of firearms. The Act started with the general penalty provisions relating to such matter and can be related directly to the substance of the Act. We have seen how the present subsection (c) was added to meet a somewhat different problem and one which was not covered in the substance of the Act. It was a new subject which was added and its placement and wording give rise to the doubts which prompted the appeal in this case. This general placement of the subsection obviously causes much of the present concern as to the intention of Congress. The penalty section of the Act was probably the best place to insert such a rider, but as we have seen, it has to stand on its own feet since it cannot be related to any recitations in the body of the Act.

In addition to the placement of the subsection, the construction is complicated and is by no means free from doubt by reason of the fact that it refers to and is dependent upon the basic felony. Its placement and the initial wording thereby gives the appearance that the matter relates to the enhancement of the penalty and not to the creation of a separate crime.

As might be expected, the record of the debates of the floor amendments are not particularly helpful in determining the intention of Congress as the attention of the members was directed to the severity of the penalty rather than how the penalty was to be imposed. The several Senators and Congressmen referred to the subsection as "an offense," or as "a penalty" or as "a crime," or as "a felony." Since the emphasis was otherwise directed, it appears that no unanimity should be expected from such references to the subsection and are not of assistance to us in determining the intention of Congress. The severity and the need for severity of the penalty was debated at length.

An examination of the events surrounding the enactment of section 924(c) and an evaluation of its wording leads us to the conclusion that it was intended to create a separate crime. It is obvious, however, that the matter is by no means free of doubt and we have given careful consideration to the views of the trial judge in this respect, but are led to a contrary result.

If the subsection 924(c) is considered as a separate Act taken out of the context in which it was placed, it takes on the appearance of an ordinary provision defining a crime. As the wording is typical of such a definition, it is perhaps unusual to take such a subsection out of context, but we think it should be done because it is in fact a stranger where it is placed. It is apparent also that the language in the subsection making the crime dependent upon the proof of another crime is unusual, but again it does not necessarily convert it into merely an increase in the penalty for the basic crime. This aspect does not overcome the other indications of the construction of the subsection as an independent crime.

Perhaps the strongest single phrase in the subsection to indicate it as a separate crime is the reference to "... subsequent convictions under this subsection. ..." This, of course, is typical of a definition of a separate crime and provisions relating to the increase in punishment upon the second or third conviction thereof.

In construction of the Act, we must consider the acts sought to be punished as something done which must be demonstrated to have taken place or to have existed during the commission of the basic felony. This showing can in some instances become a relatively uncomplicated matter. Provisions relating to the use of a firearm during the commission of a crime are not unusual in the criminal statutes but for the most part they are facts to be proved by the prosecution during the course of the proof and as part of the basic crime, and not as a separate felony. Under the statutory provision we are considering the basic crime and the use of firearms are separated into two felonies, otherwise the matter is much the same as under statutes where both are combined. The issue will frequently involve a group of facts or inferences which will be disputed or contested and from which different inferences may be drawn. We are of the opinion that these possibilities make the matter properly to be demonstrated to the satisfaction of the jury rather than to be handled, for example, in the manner in which prior convictions are presently demonstrated under most recidivist statutes, as would be done if a penalty only was intended. The proof here used by the trial judge in sentencing the defendant demonstrates the point to a limited extent. The proof on the implementation of the penalty before the trial judge included the testimony relating to certain Denver city records by a witness who apparently handled for the city the matter of issuance or recordkeeping for permits to carry firearms in the city. There was also proof introduced that the defendant was not eligible for a permit, or that he could not lawfully carry a gun in Denver or Colorado by reason of previous convictions. The proof was thus of a relatively simple fact situation, but it is apparent that complications can arise by reason of the place where the felony may have been committed or by reason of the delays in arrest after the commission of the felony and many other situations. We thus conclude that the subject matter of the subsection persuades us to hold that it was intended and should be proved as a separate crime. See United States of America v. Chick, et al, U.S.D.C., District of Arizona, No. CR–71–381–Tuc., which reaches the same result.

As to the question of first offenses, we hold that the limitations on concurrent sentences and suspended sentences in 18 U.S.C. § 924(c) refer only to second and subsequent offenses.

We have considered only the construction of the statute concerned as it relates to the issue of a separate crime or an enhancement of penalty and express no opinion as to whether the 'unlawful" carrying of a firearm refers to state or municipal regulations, and if so whether it creates a federal offense for the violation of a state law, and if it does so, whether this may properly be done.

We thus conclude that the statute was intended to create a separate offense, and that Count II of the indictment here concerned should not have been dismissed. The dismissal of and the sentence on Count II therefore are vacated, the case is remanded to the trial court for further proceedings in conformance herewith.

Mr. DOMINICK. Mr. President, in this case, the defendant was charged with one count of selling heroin and one count of carrying a firearm during the commission of a felony under section 924(c) of the Mansfield amendment. To the best of my knowledge, this is the first reported case involving this new legislation. At a pretrial hearing, the district court dismissed the count under section 924(c) on the grounds that the section did not and was not intended by Congress to create a substantive offense. The defendant was convicted of selling heroin; and the court imposed an additional 1 year consecutive sentence under section 924 (c) on the theory that this section, like habitual criminal statutes, is directed to punishment rather than defining substantive offenses.

On appeal to the 10th Circuit Court of Appeals, the district court was reversed and it was ruled that section 924 (c) did create a separate chargable offense, but the consecutive sentence imposed by the district court could not stand because the second count under section 924(c) was dismissed. The appeals court also ruled that the section's consecutive sentencing provisions apply only to second or subsequent convictions so that a first offender under this section could receive a concurrent sentence.

Mr. President, my amendment would drop the present requirement that the carrying of a firearm be "unlawful" during the commission of a felony. Prosecutors would only have to prove an actual or constructive—within each reach—carrying of the firearm during the crime.

I bespeak the obvious in indicating that one Circuit Court of Appeals decision, while it may be persuasive, is not binding on the other circuits. This issue might be litigated in each circuit. My amendment clarifies this situation and only gives effect to congressional intent as manifested on at least three prior occasions.

This amendment clearly states that use of or carrying a firearm during the commission of a felony creates a separate and distinct chargeable felony, sentencing for which must be consecutive with the sentence imposed for the underlying felony. The terms of imprisonment remain the same as are presently embodied in section 924(c). Upon imposition or execution of the terms imposed by the courts, probation may not be granted and the sentence may not be suspended.

Mr. President, this amendment clarifies existing law as recently interpreted by two Federal courts and clearly establishes in law Congress' intent as expressed on several occasions. It is my earnest hope and belief that this amendment, when compared with a prohibition in the domestic manufacture of Saturday night specials, will operate as a more effective deterrent to the use of firearms in crimes.

Mr. President, we have had three votes indicating that the Senate does not care to go much beyond what the Saturday night special bill does in terms of either registration or prohibiting people from the purchase or use of guns for lawful purposes. There has been an outcry in many areas of the country that we should prohibit all guns because of crimes committed with them. It seems to me that this just does not make sense. I had the decided displeasure—I put it that way—from a listener's or viewer's point of view, of watching a CBS television special, I think it was Saturday night before last, concerning two criminals who had run amuck in Salt Lake City, in which they described with obvious detail and obvious relish their participation in several murders. They also went further than that, to describe in some detail their own sensations while they were going through this. I, for one, thought it was too bad that CBS even put it on because there are enough people in this country who think that if this is the only way to get publicity, maybe they should do exactly the same thing. But, in any event, without criticizing the program, in answer to a question by the interviewer as to what he would think about outlawing all guns, one of the criminals replied very distinctly and carefully, with a broad smile:

> I think that would be wonderful because then the only people who would get guns would be the guys who wanted to commit a crime, and the honest citizen would not have access to them.

What I am trying to point out is that we have been concentrating on the weapon when what we really should be doing in addition is concentrating on the person who uses the weapon. Over and over again, we have been trying to get at the person behind the gun. This was the intent of section 924(c), title XVIII of the Mansfield amendment. This is the intent of the amendment which I am offering here, to act as a deterrent, so that anyone who decides he will commit a crime will realize that if he uses a gun he will be far more substantially punished than he otherwise would be and for purposes of the habitual criminal statute, if he uses a gun in the commission of a felony, he will be convicted of two felonies and be much closer to the habitual criminal law which then would cause him to be incarcerated for a very considerable period of time.

I think it is time we got to the real motivation of criminal activities rather than just concentrating on the instrument used. Let us take hijackers. Presumably, if we carried the wording about barring all guns from the citizens of this country into the hijacking situation, we would bar all airplanes. That is the kind of syndrome that we would have. What I am saying is, let us get to the person behind the gun. Let us not concentrate solely on the guns themselves, which so many people in this country own and use for sporting purposes or for self-protection.

We are trying just as diligently as possible to get at crime and reduce its rate in this country. We have made substantial progress, but obviously we still have a long way to go.

The tragic situation involving Governor Wallace is a classic example of some person who conceives himself as an executioner of some kind.

We have the situation involving the television program that I recounted where two men ran amuck in Salt Lake City. All of us know of hideous crimes that have been committed recently. We want to get a deterrent, and I am trying to get a deterrent that is meaningful rather than one that just looks good on paper.

I would earnestly solicit the support of my colleagues for this amendment which, frankly, does not change existing law very much. However, it does clarify the intent of the Senate as expressed on three other occasions.

Mr. President, I ask unanimous consent that the name of the Senator from Florida (Mr. Chiles) be listed as a cosponsor of my amendment.

The PRESIDING OFFICER (Mr. Weicker). Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I hope that the manager of the bill will take another look at this. I did not have an opportunity to talk to him personally about it. However, I did have an indication from some of his staff members that they did not think he would take it.

To me, this amendment is a very reasonable approach. It is not one that is designed to be injurious to the bill. It is not one that is designed to be injurious to anyone except the man or woman who decides to use a gun in the commission of a felony. And that is exactly the person we are trying to reach.

I would hope and trust that the Senator from Indiana would accept the amendment.

Mr. President, I reserve the remainder of my time.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BAYH. Mr. President, I yield to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I am most interested in the amendment offered by the distinguished Senator from Colorado. Admonishing the "gun" criminal in this fashion has long been of vital concern to me. In this regard, I would point out, so that the Record will be clear, just what title II of Public Law 91-644, H.R. 17825, under date of January 2, 1971, provides. It reads:

Title II—Stricter Sentences

Sec. 13. Section 924(c) of title 18, United States Code, is amended to read as follows:

"(c) Whoever—

"(1) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony for which he may be prosecuted in a court of the United States,

shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years and, notwithstanding any other provision of law, the court shall not suspend the sentence in the case of a second or subsequent conviction of such person or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony."

Is my understanding correct on the basis of the amendment which the distinguished Senator from Colorado has now called up, that there would be a mandatory sentence for a first offense and that this represents a departure from the provision just referred to which is the current law?

Mr. DOMINICK. The Senator is correct. There would be, because there is an additional felony, and, as such, there would be an additional penalty which would be consecutive to that for the other, basic or additional felony committed. In other words, there are two felonies. If one burglarizes a store or hits someone on the head and uses a gun in the process, there are two felonies and two sentences.

Mr. MANSFIELD. Mr. President, I thank the Senator. I recall that the provision of present law covering this matter was based on the mandatory sentencing bill I introduced in the 91st Congress. At the time it was considered, I discussed this matter with the distinguished Senator from North Carolina (Mr. Ervin), and unless I am mistaken—I am not absolutely positive about this—I think I discussed it with the distinguished Senator from Nebraska (Mr. Hruska), the distinguished Senator from Indiana (Mr. Bayh), and the distinguished Senator from North Dakota (Mr. Burdick), as members of the Judiciary Committee.

My original proposal sought to make the first offender sentence mandatory. However, those Senators with whom I talked raised a question concerning the giving of a youngster who was, say, 16, 17, or 18 years of age a chance if the judge in his opinion thought that this might help to bring about the creation of a rehabilitated citizen rather than the beginning of a life as a hardened criminal as taught in so many of the penal institutions today.

We all know, of course, that our prisons leave much to be desired. We all know that rather than rehabilitate, we make a lot of people permanent hardened criminals on the basis of confinement. Prisons too often serve to foster recidivism rather than reconstruction. So, on the advice of these Senators, all of whom are lawyers—and I am not—I went along against my own feelings and made only the second offense of the same nature mandatory with no probation or suspension. At the same time I sought to have both the first and second offenders sentenced consecutively or in addition to the penalty for the crime itself and not concurrently. If there is confusion in the courts on this point as the Senator from Colorado indicates then it should be clarified.

Mr. DOMINICK. Mr. President, would the Senator yield at that point?

Mr. MANSFIELD. Mr. President, I was going to ask the Senator a question as to what the Senator's idea would be on the question of leniency for youngsters who were caught for the first time and who might be sentenced, but who might be given probation by a competent judge who, after assessing the presentence investigative report decides that this may be the only way such an offender may be rehabilitated.

Mr. DOMINICK. Mr. President, I would say first of all to the Senator that in reply to the statement that he was going to have a mandatory consecutive sentence on the first and second crime, not a mandatory one on the first one, but a consecutive sentence, that this is what the court said was not necessarily required. And that is one of the major reasons why I put this in. The court ruled that this could run concurrently. This was the Circuit Court of Appeals that said this. That is what I am trying to prevent. That is why we need the amendment on mandatory sentencing.

I have not been very much disposed toward mandatory sentences myself in the past. I put an option in the law on the District of Columbia so that the judge at his discretion could do it, which would make it non-mandatory.

One judge in the District of Columbia tried to use that law and he immediately got reversed on the grounds, as I recall, that this was some kind of harsh or cruel penalty when he used that law. So, they went back to the original penalty which was very lenient for carrying a gun and committing a crime. If there is a young man who shoots somebody but does not kill him and this is the first offense, there is no reason why he should not spend a year in jail if he is 18, as much as the similarly situated 19-year-old should.

It seems to me that the rehabilitation would come about in whatever way the prisons can provide it. And the option is there for a sentence of from 1 to 10 years for a first offense, and 2 to 25 years for the second offense.

So there is a great deal of flexibility within these provisions as provided by the Senator from Montana, whose amendment I cosponsored last time. I do not think this changes it too much other than to make it two separate and distinct felonies and to make the sentences for each felony run consecutively.

Mr. MANSFIELD. I thank the Senator. I just wanted to raise that question. I appreciate the Senator's response.

Mr. BAYH. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER (Mr. Weicker). The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I have sympathy for the efforts of my friend from

Colorado to accentuate the severity of the punishment when an instrumentality of death is used.

I think the original amendment of the Senator from Montana (Mr. MANSFIELD), as it is now incorporated in the law, is a very salutary provision, and, as I said earlier, I salute the Senator's effort to try to increase the severity of the penalty when the crime committed also encompasses the use of a firearm. This is one of the things we should do to deal with the gun problem.

I concur with his effort to make it clear once and for all that the use of the firearm under these circumstances constitutes a separate Federal offense. I concur with his efforts to end the ambiguity that exists here.

As I said a moment ago, I have no hesitancy to say that if a criminal is going to snatch someone's purse, steal his car, rob the grocery store, or rob a home, and if he is carrying a firearm, that should be a separate penalty. We should not hesitate to prosecute people who misuse firearms.

Despite all this, a problem remains. Unless the Senator from Colorado can convince me otherwise my inclination is to oppose his amendment because of the mandatory provision as far as first offenders are concerned.

The specific example the Senator from Colorado used in response to the Senator from Montana I would say "Amen" to. If there is a young man involved in a holdup, and he shoots someone, add an additional penalty to the crime for which he is convicted. But that particular crime is not necessarily typical of all those in which young first offenders are going to be involved. Take the example of the teenager who gets one of these Saturday night specials we are trying to make it more difficult to secure. Through some channel or another he get hold of one of these $12.98 specials. He has it in his pocket, let us say, and he sees his neighbor's car with the keys in it. He takes that car on a joyride and thus becomes involved in an automobile theft, a crime, a felony, with a penalty that must not be ignored. But if he has this gun in his pocket, although the gun is not used in the commission of the act, according to the amendment of the Senator from Colorado, the sentence might well become mandatory.

I hope I can convey my sincerity to the Senator from Colorado. When someone uses a firearm in the commission of a felony, then I am for putting the hammer on him. I think we have to look at each case on its merits.

For the last year and a half, I have been chairman of the Subcommittee on Juvenile Delinquency. I have had a chance to examine some of the reformatories and institutions available for juveniles. I see the chairman of our committee, who helped create the Subcommittee on National Penitentiaries. He is trying to do something about reforming those institutions.

If we had in each community or in most communities the type institution that the Senator from Colorado would like to have and the Senator from Indiana would like to have, a first offender who was carrying a gun on the streets, could be placed in an institution for rehabilitation. If we had effective rehabilitation programs, then I would not have the reservations that I have. But by mandating the sentence for that young man on the charges described, we are forcing him to be thrown into an institution which more often than not can be described as a snakepit. The hard statistics demonstrate that once a young person gets into that jail or reformatory, or adult institution, 70 percent of the time he is going to be back in there again. If the judge were able to put him on probation or if we were able to strengthen assistance at the State level, then we could do something about this 70-percent recidivism rate.

Following the specifics of the amendment of my friend from Colorado, I do not think that the young man who goes on the joyride in the car should be ignored. The court needs to make that young man realize the importance of the joyride. But the judge, and, indeed, the jury, might look at all the circumstances involved and say, "Given the alternatives available, the best chance to rehabilitate that young person is to put him on probation." But despite that assessment, if that youngster has a firearm in his possession, the judge would not be permitted the discretion to prescribe what he thought was the best avenue of rehabilitation. That is my concern.

Mr. President, once we commit a young person or an older person to a correctional facility, for all intents and purposes there is no rehabilitation, there is really no correction; they are really advancing their skills on how to become more effective criminals. To force the person who makes that first mistake into those environs, might cause him to make two, three, or four subsequent mistakes. In my judgment, this mandatory provision will be self-defeating if we are going to find ways to lessen the causes of lawlessness.

Mr. DOMINICK. Mr. President, will the Senator yield on my time?

Mr. BAYH. Yes, I am glad to yield to my friend.

Mr. DOMINICK. I would just say to the Senator from Indiana that I happen to have devoted what little criminal work I have done to the defense side. I have never been a prosecuting attorney. I have always felt that the law should be used to make the prosecution prove each instance of any crime prior to conviction. So, ideologically, if one wants to put it that way, I am interested in the Senator's concern.

How would the Senator feel if I modified my amendment so that at the top of page 2 we change the word "shall" to "may"? That would give the judge the option to either impose a sentence or not impose a sentence on conviction of the first offense of use of a gun in the commission of a felony? If, however, the judge did impose a sentence, the defendant would not be eligible for probation and would not be eligible for suspension of the sentence imposed. However, upon conviction for a second or subsequent offense of carrying or using a firearm in the commission of a felony, the judge would have no such discretion, and would be required to impose a consecutive sentence, consistent with section 924(c).

It seems to me that if this language were acceptable to the Senator from Indiana, we would still have accomplished my objective of making sure this is a second and separate felony for purposes of the habitual criminal statutes, and it also provides a mechanism by which the court can add another consecutive sentence where a heinous crime has been committed.

I would be willing to accept that suggestion and modify my amendment accordingly if it would take care of the problem which the Senator from Indiana and the Senator from Montana have raised.

Mr. BAYH. I must say to my friend from Colorado that makes it a good deal more palatable, and it may accomplish exactly what I am after. I would like to have a minute or two to discuss it with him, and have our staffs discuss it.

Perhaps if our staffs could get together and look at that specifically now, in the meantime I could address myself to another point I want to raise, which involves a change from the existing law in the printing of the amendment. Perhaps the Senator from Colorado did it intentionally. Perhaps there is a reason for it. On the first page, in subsection (2), the subsection reads: "carries a firearm during the commission of any felony for which he may be prosecuted in a court of the United States." I wonder if we both would not rest a little easier if we had there the wording "carries a firearm unlawfully"?

Mr. DOMINICK. Actually, I will say to the Senator from Indiana, we took that word out on purpose as an artistic word, because then it would have to be proved that the defendant was unlawfully carrying a firearm, in other words, either in violation of a licensing statute or one relating to interstate sales, or whatever it might be——

Mr. BAYH. Before the Senator's amendment can take effect there has to be sufficient proof that a felony has been committed. Is that accurate?

Mr. DOMINICK. That is correct; no conviction could be realized without sufficient proof of a separate felony.

Mr. BAYH. And then in that process, if a person had carried a firearm to help commit that felony, that is unlawful. What concerns the Senator from Indiana—and this may be nit picking, but perhaps, if we are talking about criminal laws, we had better look at our periods and commas—is that he can envision corporate executives sitting down to conspire to fix prices in restraint of trade when, for one reason or another, one had a firearm on his person. I can see John Q. Public sitting down to fraudulently fill out his income tax form when he may, in plain sight, have a weapon on his hip. Yet one could interpret the language to mean that he, too, would come under the provisions of the act. I do not think that is the kind of character we are after. Is it?

Mr. DOMINICK. No, Under those circumstances, as I understand it, he might be guilty of carrying a concealed weapon. What we are trying to do is prevent the use or carrying of the weapon during the commission of a felony, because almost anyone who carries it to start a criminal career sooner or later uses it.

Mr. BAYH. I want to do something about that act, but I do not want to do anything the Senator from Colorado or I do not want to do. We are talking about someone who carries a firearm during the commission of a felony. Does it not make sense to limit the application of the language to situations in which the gun would be of use in the commission of the crime? If a person had in his possession a firearm while he was fraudulently filling out an income tax form, a possible Federal felony, does he not qualify under an exceedingly literal reading of the provisions of the Senator's amendment?

Mr. DOMINICK. I would think so.

Mr. BAYH. Does the Senator really want that result?

Mr. DOMINICK. I see no harm in it. If he is already a crook and he is carrying a gun while doing it, sooner or later he is going to use it. That is what we want to prevent him from doing. It would make it optional. I would think the court is not going to impose any sentence except as a result of prosecuting him, to take the Senator's example, for a fraudulent tax return. If he would commit two felonies rather than one, he is close to being a habitual criminal. That is the purpose of the amendment.

Mr. BAYH. But the habitual type of felony that concerns the Senator from Colorado and I think the Senator from Indiana—I know the Senator from Indiana—is the kind of felony in which the gun can reasonably be expected to be a useful, contributing part. It is the one where a person wants to rob, rape, murder, and in the process he is carrying a weapon. We want to hit him a second lick. I concur in that, but I cannot see that a person sitting with a group of corporate executives, conspiring to restrain trade in violation of an antitrust law, if he happens to be carrying a firearm because he has a license as a result of carrying large amounts of money back and forth to a bank, should be subject to the mandatory penalty. This is especially true since his carrying the weapon could be totally lawful, under the provisions of this amendment.

Mr. DOMINICK. That is a good point, I think, and that is why I said I would be willing to modify my amendment, among other reasons, to make it not mandatory but optional.

Mr. BAYH. Might I suggest a brief quorum call?

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum, to be taken equally from both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I ask to modify my amendment by striking the word "shall" on line 1, page 2, and inserting in lieu thereof the word "may".

The PRESIDING OFFICER. The amendment will be so modified.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

I say to my colleagues that as soon as we can get enough Senators here, I shall ask for the yeas and nays, even though I think we have an agreement. I do this, which I ordinarily would not do, for the purpose of fulfilling certain commitments I have previously made to other people. I also do it for the purpose of showing what I hope will be nearly unanimous agreement of the Senate to this amendment.

I say to my friend from Indiana, the manager of the bill, that what we have done by this modification is say that the first time that a person commits a felony using or carrying a gun, the judge will have the option to determine whether or not he is going to give him an additional consecutive sentence, instead of making such a sentence mandatory. However, on a second or subsequent conviction for a violation of that section, a minimum consecutive sentence must be imposed, and the judge would have no options in such a case. Hence, if we get into first offense and a white-collar type of crime, if one may put it that way, for example, an income tax fraud or something of that nature, the judge would not be required to give the defendant an additional penalty simply because he had a gun on his person, and particularly, of course, if he had a permit for that gun.

But as to cases such as robbery, rape, murder, and other violent crimes, a second count under section 924(c) could be added and upon conviction, a consecutive sentence would be imposed. For example, a great friend of mine was in a drug store one night, picking up some supplies for his family, when two young people came in and said, "This is a holdup." One of them did not have any gun visible. The other had a bulge in his pocket, and my friend figured they were just bluffing. So, although the other two people in the store, the druggist and another person, agreed that it was a holdup, and agreed to do whatever the kids said, my friend just went up to them and said, "I don't believe you." He did not do it in any belligerent manner, he just walked up and started getting closer and closer as he talked to them.

All of a sudden the guy with his hand in his pocket pulled the trigger and shot him. Fortunately, it did not kill him, and he managed, despite the gunshot wound, to attack one of these intruders and did quite a job on him.

All I can say is, if a person does undertake to commit a felony, and has a gun on him, he is very likely to use it. This proposal would give the judge an option, the first time, to give him more or less punishment. However, upon a second conviction, this amendment would insure that a minimum penalty of 2 years in prison would be imposed.

I wish to make one further comment in reply to my friend from Indiana, on the question of recidivism. I have wondered for a long time whether this is the result of what happened to them in prison, or because they had that kind of psychological makeup to begin with, that they are just going to go ahead and do it. Whether that is true or not, very few people inject that type of argument into the situation, but I think it is well worth considering.

I appreciate very much the cooperation of my friend from Indiana, and I hope this will be helpful in the interpretation of the bill.

Mr. BAYH. Mr. President, I yield myself 5 minutes to respond to my friend from Colorado.

I think the Senator has made a distinct improvement in the language of his measure. For that reason, I intend to vote for it when the roll is called.

I am impressed by the observation that the Senator made relative to the reasons for recidivism. I do not think any of us really know, but the evidence that has been brought to our committee indicates that quite often by the time a young person is referred to the penal institution for some reason or other, so many things have had an impact on that youngster that he is a pretty good candidate to become a recidivist. For that reason, I have introduced legislation in this session, and I hope to hold continued hearings over the next year, and for it to be reintroduced in the next session——

Mr. DOMINICK. Mr. President, will the Senator yield so that I may request the yeas and nays?

Mr. BAYH. I yield.

Mr. DOMINICK. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, will the Senator yield? Either of the Senators, whoever has the floor.

Mr. BAYH. Yes, if I may just finish this sentence, I shall be glad to yield to the Senator from North Carolina.

The new approach of this bill is to try to emphasize the need to start those programs of prevention at a very early age, when we have the first signal that a child might be a candidate for a juvenile delinquency center, the boys' school, or the girls' school, and then on up to the State prison.

I hope the Senator from Colorado will have a chance to examine that, because I do not think there is any one simple solution to the problem of lawlessness. I think the earlier we get started in recognizing the imperfections a child has, the better opportunity we will have to deal with it.

I might make one further observation: Is it fair to say, in providing some legislative history and guidance for those judges who may look at what we are doing here today, that the Senator's amendment is directed to the type of crime as it relates to the simple carrying of a gun, in which the gun could reasonably play a part? Is it not true that for the section to be operative the gun would have to be an important part of the act necessary to commit the underlying felony?

Mr. DOMINICK. I would certainly think so. In other words, we are not talking about a man who is carrying a gun with a legitimate permit and signs a fraudulent income tax return. What we are talking about is the fact that someone has a gun on or near him, where that gun might be used. Of course, we have the separate situation where the concealed weapon is involved, but that is another provision of the law and is not combined with other felonies.

Mr. BAYH. The Senator from Colorado put it well in our earlier discussion during the quorum call, when he said that we should make clear in the legislative history that he did not mean this provision to apply to paper frauds. I agree. I would also exclude, as to the carrying provision, the traditional white-collar crime in which the gun happens to be in the accidental possession or the intentional possession of someone, but the weapon is not a part of and does not relate to the commission of the felony or could not reasonably be expected to be part of the commission of the felony.

Mr. DOMINICK. The Senator is correct. As he pointed out, we are not talking about a fellow who is about to go rabbit shooting or gopher shooting somewhere and in the process of this signs a fraudulent tax return.

Mr. BAYH. Mr. President, I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I ordinarily follow the leadership of my distinguished friend from Colorado, but I cannot do it on this occasion.

I am opposed to mandatory sentences. I think mandatory sentences deprive a judge of what I consider the highest attribute of judicial office—that is, the capacity to use his discretion and to judge each case on its own facts.

This amendment, as I understand it, as modified, provides, among other things, that whoever carries a firearm during the commission of any felony for which he may be prosecuted in a court of the United States may, for a first offense, be sentenced to a term of imprisonment of not less than 1 year nor more than 10 years. It is to be noted that this man would be subject to this penalty if he merely carried a gun and did not use it.

A Federal felony, under the law, is any offense punishable by more than a year's imprisonment.

Those of us who, like myself, used to practice law in the moonshiners' and blockaders' convention—namely, the Federal district court—were accustomed to having judges give them a year and a day, because the charge was a felony.

Here is an authorization to a judge to send a man to the penitentiary for a first offense, a first felony, for as much as 10 years in addition to the punishment he receives for the felony, if he carried a gun at the time he committed the felony, even though he did not use the gun. To me, to give a judge the discretionary power to imprison a man for 10 additional years for committing an offense which might only be punishable by a year and a day in prison is rather drastic.

I read from the amendment:

> In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than 2 nor more than 25 years.

I am opposed to such long sentences, because I found in my experience as a practicing lawyer that many judges have an incapacity to distinguish between time and eternity when they start sentencing people.

I have always shared with a great deal of sympathy the view expressed by a North Carolina judge to the effect that before anyone is permitted to be a prosecuting attorney or a judge, he should serve a short term in prison so that he would find out how long a year is in prison, how many long months there are in it, how many long weeks and how many long days there are in a month, and how many long hours are in each day of 24 hours.

I cannot vote for this amendment because of my aversion to mandatory sentences, which disable a judge to exercise his intelligence and to judge each case on its merits, and because I think these authorizations are unduly long, particularly in view of the fact that it says:

> Any term of imprisonment imposed under this subsection may not be imposed to run concurrently with any term or imprisonment imposed for the commission of such felony.

Despite my great respect for the good judgment of the distinguished Senator from Colorado, I cannot go along with his amendment on this occasion, and I felt that I should state my reasons for my inability to do so.

Mr. DOMINICK. I yield myself 3 minutes to respond to the Senator from North Carolina.

I am not sure the Senator was in the Chamber when I modified my amendment. At the top of page 2 I changed the word "shall," which is in the present law, to the word "may." This gives the judge an option, and it is not mandatory for the first offense. It seems to me that all I have done by this, at this point, is to make sure that use of or carrying a gun during the commission of a felony is another felony and a different offense.

Mr. ERVIN. I was aware of the modification the Senator made, and I took note of it in the remarks I made to the effect that for a first offense the judge was given the discretionary power to refrain from imposing additional sentence; but it does provide that he has the authority—which he does not necessarily have to exercise—to give 10 additional years' punishment to a man who was convicted of an offense which may be punishable only by a year and a day in prison. I think that is a little too much extravagant use of another man's time. Of course, the second one is the mandatory sentence.

I thank the Senator for his explanation.

Mr. DOMINICK. I thank the Senator. I can understand his basic philosophical position.

Mr. ERVIN. I might state that I voted against the existing law.

Mr. DOMINICK. I understand that.

Mr. STEVENS. Mr. President, I am very much pleased to join with the distinguished Senator from Colorado (Mr. DOMINICK) as a cosponsor of amendment 1401 to S. 2507. Amendment 1401 strengthens the provisions of subsection (c) of section 924 of the Gun Control Act of 1968 (18 U.S.C. 924 (c)). Section 924 sets forth the penalties for violating the Gun Control Act of 1968.

The major purpose of the Senator from Colorado's amendment is to remove all doubts that it was Congress' intent to require consecutive sentencing, not only for second and subsequent offenses, but for first offenses as well. This amendment makes it crystal clear that if the court finds the defendant guilty under the act, it must, if imprisonment is imposed, sentence the defendant consecutively for first offenses as well as subsequent offenses. The terms of imprisonment may not be suspended, nor may probation be granted.

Mr. President, the carrying as well as the use of firearms in the commission of felonies are themselves serious and distinct offenses. The Alaska Supreme Court said in discussing the Alaska statute, A.S. 11.15.295, that the inherent nature and purpose of a firearm is such as to create a danger of loss of life or serious injury to the person so as to merit the inhibiting force of a law in imposing a minimum prison term for one who commits a robbery in this manner. ***Whitton*** v. *State*, 479 P. 2d 302 (Alaska 1970). This is the case even if the firearm itself is not used. It is the case whether the accused had actual or constructive possession of the firearm; whether he physically carried the weapon or had it within his control in any manner. As such, because the crime creates considerable danger, not only to the intended victim, but to all persons in the area, and to property in the area as well, the use or carriage of a firearm merits strong penalties.

Amendment 1401 achieves one other result as well. In subsection (2) it deletes the requirement that the firearm must be carried unlawfully during the commission of the Federal felony. This will relieve the prosecution from the necessity of introducing records or other evidence indicating an unlawful carriage. Whether or not the firearm was lawfully in the possession of the accused should not be the basis of the crime. The fact a firearm was carried in the commission of a felony is sufficient to merit society's punishment. In fact, I would strongly argue that those persons lawfully carrying firearms and committing felonies indicate a greater need for legislation of this type. We must strike at the root of the evil and prohibit the carriage and use of firearms in all felonies. That is the intent of the amendment.

Mr. President, on February 17, 1971, I introduced S. 794. That bill would also have amended this subsection to increase the penalties for second or subsequent convictions to require from 5 to 10 years imprisonment. Amendment 1401 retains the present imprisonment of 2 to 25 years. However, my introductory remarks on that bill are germane to this amendment as well as to S. 794. I ask unanimous consent to have printed in the RECORD at the close of my remarks my introductory statement on S. 794.

I urge Senators to support this amendment. Its beneficial purpose will certainly be recognized by people across the country. The high crime areas at which S. 2507 is designed to strike should particularly benefit from the inclusion of this amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

S. 794—Introduction of a Bill To Strengthen the Penalty Provisions of the Gun Control Act of 1968

Mr. Stevens. Mr. President, today I am introducing legislation which presents a viable alternative to the onerous provisions of the Gun Control Act of 1968.

My bill would punish those who misuse firearms while preserving the constitutional right of law-abiding citizens to purchase and own guns and ammunition. Specifically, this measure would impose mandatory penalties on those who use a firearm in the commission of a Federal felony or unlawfully carry a firearm during the commission of such a felony. The penalty assessed under this legislation would be in addition to the punishment provided for committing the felony itself. Under my bill, first offenders would be subject to a prison sentence of not less than 1 year nor more than 3 years. If a person is convicted of a second or subsequent offense, he would be subject to a sentence of not less than 5 nor more than 10 years. Notwithstanding any other provision of law, the trial court would be prohibited from suspending the sentence for a first or subsequent conviction. Similarly, the court would not be permitted to impose a probationary or concurrent sentence.

The bill which I have just outlined preserves the right of law-abiding citizens to purchase and own guns and ammunition. Moreover, it takes cognizance of the fact that regulatory legislation, such as the Gun Control Act of 1968, has failed to accomplish any useful purpose. Law-abiding citizens have been unduly burdened and harassed; yet, criminals have been able with great ease to acquire unregistered firearms. Thus, in the period since the enactment of the Gun Control Act, the incidence of crimes involving the use of firearms has significantly increased.

Some people have used these statistics to argue that more stringent regulatory controls should be enacted. I oppose this well meaning but misguided philosophy. More restrictive legislation would do nothing more than create a more lucrative black market in the sale of guns and ammunition. The end result would be to enlarge the already swollen coffers of organized criminal syndicates. Furthermore the enactment of more stringent legislation would leave peaceful citizens at the mercy of gun brandishing hoodlums.

If restrictions on the purchase of guns and ammunition are ever necessary, such controls should emanate from State and local governments, which are uniquely capable of responding to local needs and problems. The gun control problems in my State of Alaska, where many people rely on firearms for their subsistence, are different in nature and scope from those of a State like New York. Hence, a uniform Federal law is not capable of meeting the problems which do exist and necessarily results in the imposition of an extremely onerous burden on many citizens. The most graphic example of the latter observation is in rural Alaska, where the provisions of the Gun Control Act have resulted in great hardship for many citizens living in areas which are not easily accessible to sellers of firearms and ammunition.

For these reasons, I have strongly opposed the onerous provisions of the 1968 act. During the last Congress, we were successful in enacting legislation to exempt rifle and shotgun ammunition sales from the recordkeeping requirements of the Gun Control Act. I am hopeful that this will be but the first step in a total reevaluation of the policy and language of the act. The next logical step would be to eliminate the recordkeeping requirement for .22-caliber rimfire ammunition, since this ammunition is used almost exclusively for sporting purposes. We should also reexamine the advisability of using the interstate commerce clause of the U.S. Constitution to regulate the sale of firearms, a subject which traditionally has been under the exclusive jurisdiction of State and local governments, I am confident that such a reexamination would reveal the dangerous precedent inherent in using the interstate commerce clause to regulate activities of this kind.

Mr. President, for the reasons outlined above, I am hopeful that we will soon adopt the alternative approach which is exemplified by legislation which would impose mandatory penalties on those who abuse their constitutional right to keep and bear firearms.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, if the Senator from Indiana is ready to yield back the remainder of his time, I am ready to do so and to go forward with the vote.

Mr. BAYH. I yield back the remainder of my time.

Mr. PERCY. Mr. President, will the Senator yield me 30 seconds?

Mr. DOMINICK. I am happy to yield.

Mr. PERCY. I should like to indicate my support for the modified Dominick amendment. I think it does a great deal to clarify what I understand to be existing law but which certainly is not clear. I think this amendment clarifies it, and I commend the distinguished Senator for making this proposal.

Mr. DOMINICK. I thank the Senator from Illinois for his help and support.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment, as modified, of the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris) and the Senator from South Dakota (Mr. McGovern) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell) would vote "yea."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. Griffin) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 84, nays 11, as follows:

[No. 356 Leg.]

YEAS—84

Aiken
Allen
Allott
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Fannin
Fong
Fulbright
Goldwater
Gravel
Gurney
Hansen
Hartke
Hatfield
Hollings
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—11

Anderson
Cooper
Ervin
Hart
Hughes
Kennedy
Long
Mathias
Moss
Muskie
Nelson

NOT VOTING—5

Gambrell
Griffin
Harris
McGovern
Mundt

So Mr. Dominick's amendment (No. 1401), as modified, was agreed to.

Mr. DOMINICK. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I yield myself 1 minute on the bill.

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 minute.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1412

Mr. DOMINICK. Mr. President, I call up my amendment No. 1412 and ask that it be reported.

Mr. BAYH. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the Record.

On page 11, between lines 2 and 3, insert the following new section:

"Sec. 6. (a) Section 921(a) of title 18, United States Code, as amended by section 2, is further amended by adding the following:

"'(23) The term "immediate family" means direct lineal descendants (including adopted children) and ascendants of the transferor.

"'(24) The term "sporting firearm" means a firearm which is generally recognized as particularly suitable for or readily adaptable to sporting purposes.'

"(b) Section 922(a)(3) of title 18, United States Code, is amended by redesignating clause '(C)' as clause '(E)', and by inserting after clause (B) the following new clauses: '(C) shall not apply to the importation into the United States of a sporting rifle or sporting shotgun in conformity with the provisions of section 925(d)(3): *Provided*, That not more than one sporting rifle and one sporting shotgun shall be imported by a person during any calendar year; (D) shall not apply to the transportation or receipt of a sporting rifle or sporting shotgun transferred by its lawful owner to a member of his immediate family;'.

"(c) Section 922(a)(5) of such title is amended by redesignating clause '(B)' as clause '(C)', and by inserting after clause (A) the following new clause: '(B) the transfer, transportation, or delivery of a sporting rifle or sporting shotgun by its lawful owner to a member of his immediate family.'

"(d) Section 925(d)(3) of title 18, United States Code, as amended by section 5 of this Act, is further amended by inserting immediately after 'the Internal Revenue Code of 1954' a comma and the following: 'and meets the definition of a sporting firearm as defined in this chapter, excluding surplus military firearms, except that in any case in which a person who is not a member of the United States Armed Forces and is not a licensed importer, manufacturer, dealer, or collector seeks to import a sporting rifle or sporting shotgun by mail order, such person must be at least twenty-one years of age;'.

"(e) (1) Section 926 of title 18, United States Code, is amended by adding at the end thereof the following new sentence: 'The Secretary shall compile and maintain an importation list containing descriptions of rifles and shotguns which he determines to be generally recognized as particularly suitable for or readily adaptable to sporting purposes.'

"(2) The caption of such section is amended to read as follows:

" '§ 926. Rules and regulations: Importation list'.

"(3) Item 926 of the analysis of chapter 44 of such title is amended to read as follows:

" '926. Rules and regulations; Importation list.'."

On pages 11 and 12, redesignate sections "6", "7", and "8" as sections "7", "8", and "9", respectively.

REVISION OF UNANIMOUS-CONSENT AGREEMENT ON AMENDMENT NO. 1412

Mr. DOMINICK. Mr. President, I ask unanimous consent that the 2-hour time limitation on the amendment be reduced to 1 hour, and I presume that amendments to the amendment, if any, will be one-half hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSIDERATION OF NO-FAULT BILL LATER TODAY

Mr. MANSFIELD. Mr. President, first I wish to announce to the Senate that after the Dominick amendment is considered and disposed of, it is the intention in line with the statement made by the joint leadership yesterday that the Senate turn to the consideration of S. 945, the so-called no-fault insurance bill, at which time the motion to recommit made by the Senator from Nebraska will be pending.

The PRESIDING OFFICER. The Chair can hardly hear the Senator from Montana. The Senate will be in order. The gallery will be in order.

Mr. MANSFIELD. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 additional minute.

Mr. MANSFIELD. Mr. President, I yield to my colleague from Montana.

CLASSIFICATION AS WILDERNESS OF CERTAIN NATIONAL FOREST LANDS, MONT.

Mr. METCALF. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 484.

The PRESIDING OFFICER (Mr. WEICKER) laid before the Senate the amendments of the House of Representatives to the bill (S. 484) to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes which were to strike out all after the enacting clause, and insert:

That, the area known as the Lincoln Back Country as generally depicted on a map entitled "Proposed Scapegoat Wilderness", dated May 19, 1972, which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture, is hereby designated as the Scapegoat Wilderness within and as part of the Helena, Lolo, and Lewis and Clark National Forests, comprising an area of approximately 240,000 acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Scapegoat Wilderness with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Scapegoat Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

And amend the title so as to read: "An Act to designate the Scapegoat Wilderness, Helena, Lolo, and Lewis and Clark National Forests, in the State of Montana."

Mr. METCALF. Mr. President, I move that the Senate concur in the House amendment.

Mr. MANSFIELD. Mr. President, before the Presiding Officer acts on that motion, I take this occasion to compliment my colleague, Senator METCALF, for his fine initiative in getting this bill through the Senate three times unanimously and finally getting the House to agree to it with a minor amendment.

I take this occasion to express my personal gratitude and, I am sure, the gratitude of the people of Montana for the passage of the bill finally.

Mr. METCALF. Mr. President, the passage of the bill is directly attributable to the leadership of the Senator from Washington (Mr. JACKSON), the chairman of the Committee on Interior and Insular Affairs, with the assistance of the Senator from Colorado (Mr. ALLOTT), the ranking minority member of the committee, who cooperated and assisted at all stages of the enactment.

The House amendment is only a minor subtraction from the bill which has twice passed the Senate and has had two conferences. It was an example of cooperation on the part of the Democratic and Republican leaders which accomplished this very important and fine result.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Montana.

The motion was agreed to.

HANDGUN CONTROL ACT OF 1972

The Senate resumed the consideration of the bill (S. 2507) to amend the Gun Control Act of 1968.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of the amendment: Senators HRUSKA, MCGEE, ALLOTT, and TOWER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, the amendment is identical in effect to S. 950, which I introduced last year on behalf of myself and 17 cosponsors—Senators ALLEN, ALLOTT, BAKER, BENNETT, BUCKLEY, CURTIS, EASTLAND, FANNIN, HANSEN, HRUSKA, MCGEE, METCALF, MOSS, PEARSON, PROXMIRE, TOWER, and YOUNG. It would amend the Gun Control Act of 1968—Public Law 90–618—in order to permit persons who are not members of the Armed Forces of the United States and are not licensed importers, manufacturers, dealers, or collectors under that act to import into the United States rifles and shotguns used for sporting purposes, and to permit transfers of sporting rifles and sporting shotguns between close family members, regardless of their States of residence.

This amendment would modify certain provisions of the act which I think are unduly restrictive in their application to rifles and shotguns designed for sporting purposes. The amendment would not affect handguns or surplus military firearms. It would apply only to sporting rifles and shotguns, which are defined as those which are "generally recognized as particularly suitable for or readily adaptable to sporting purposes."

The act provides for the licensing of manufacturers, importers, dealers, and collectors of firearms. A person who is not licensed under the act is prohibited, with certain limited exceptions, from transferring a firearm to another nonlicensee who resides in another State. Such a transfer, even where the firearm is only being loaned, must be made through a licensed dealer in the State where the transferee resides. A father, who lives in Virginia and wants to give a shotgun to his son who resides in Colorado, cannot send it to him, or even take it to him personally. Nor, for that matter, can the son receive the shotgun in Virginia and then return to Colorado with it. Arrangements must be made to have the shotgun delivered to a licensed dealer in Colorado, who would then, upon payment of a fee, deliver the shotgun to the son.

Mr. President, the act also provides that, with certain limited exceptions, only federally licensed manufacturers, importers, dealers, and collectors may obtain permits to import firearms into the United States. This means that a sportsman who wants to purchase a hunting rifle or shotgun while abroad, or mail order such a rifle or shotgun from abroad, cannot obtain a permit for importation. He must effect the importation through a licensee in the State where he resides. And the licensee will, of course, charge a fee. Such arrangements may be difficult or impossible to make, especially on short notice. For example, a sportsman who purchases a Browning shotgun while traveling in Belgium and discovers when checking through customs that he cannot bring it back into the United States with him will be forced to leave it with customs while he returns to his home State and makes arrangements for a licensed dealer to apply to the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service for an importation permit. There is an exception to this provision which permits a member of the Armed Forces serving abroad to import sporting and war-souvenir type firearms without going through a licensee.

The ostensible reason for these requirements of the act, together with the recordkeeping requirements imposed on the dealer through which transfers must be made, was to cut down on the flow across State lines of firearms potentially usable in crime, and to give the States better control of firearms within their borders. Well, any firearm is potentially usable in the commission of a crime, and the only way we will ever keep firearms out of the hands of criminals is by confiscating all firearms—including those of the vast majority of gun owners who are law abiding citizens. Mr. President, I will strongly resist any step in that direction. And I would feel that way even if I did not represent a State populated by thousands of avid, law-abiding sportsmen, because there is no place in a democracy for laws which ignore the rights of a majority in order to get at a problem created by a small minority.

Any gun legislation has to strike a proper balance between the competing interests of deterring the use of firearms in crime and protecting the rights of law-abiding citizens to obtain and use firearms for legitimate purposes. I do not believe the 1968 Gun Control Act strikes that balance.

Mr. President, this amendment does not attempt to make all the changes which I think are necessary to achieve a proper balance. Rather, it would make changes to create two very narrow exceptions in the situations I outlined earlier. First, it would permit the lawful owner of a sporting rifle or sporting shotgun to transfer it directly to a member of his immediate family who resides in another State without going through a licensed dealer in the transferee's State. "Immediate family" is narrowly defined to include only direct lineal descendants and ascendants. Thus, direct transfers between brothers and sisters, and other collateral relatives who are not residents of the same State, would continue to be prohibited.

Second, it would enable a person who is not a member of the Armed Forces, and is not a licensee under the act, to obtain a permit to import one sporting rifle and one sporting shotgun annually, without going through a licensee. In order to import such firearms by mail order, he would be required to be at least 21 years of age. In order to expedite the process of obtaining permits, which are issued by the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service—the Secretary of the Treasury would be required to maintain an importation list containing descriptions of rifles and shotguns which meet the definition of "sporting firearms." This would avoid unnecessary delay in the situation where a person acquires a sporting rifle or shotgun on the spur of the moment while traveling abroad, and wants to return to the United States with it.

Mr. President, the 1968 Gun Control Act states that its purpose was not—

> To place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity.

The changes my amendment would effect are, I believe, consistent with this statement of purpose.

I hope the mood of the Senate is to take this amendment.

As I said, it was introduced with 17 cosponsors last year, but the Judiciary Committee did not have time to schedule hearings. I emphasize that it applies only to shotguns and rifles which meet the definition of "sporting firearms" under the act. I think it is totally consistent with the purpose of the 1968 Gun Control Act, and will remove two unreasonable restrictions.

Mr. HUGHES. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I am happy to yield to the Senator from Iowa.

Mr. HUGHES. If I understand the distinguished Senator from Colorado, and I am not as familiar with the law as I should be, if I decided to ship one of my guns to my daughter or son in the State of Iowa where I am presently residing, I could not do that without going through a licensed dealer?

Mr. DOMINICK. The Senator is correct. The Senator would be required to send it to a licensed dealer, who would either deliver it or they would have to get it. It does not make good sense to me to have this restriction in effect.

Mr. HUGHES. Suppose I drive back in my automobile and deliver the rifle to my son or daughter. Would the same thing apply?

Mr. DOMINICK. No. As I understand it, since you both would be residents of the same State under those circumstances, the transfer would not be prohibited.

Mr. HUGHES. Apparently it is all right to transport the gun if it is taken in one's car and then given to them.

Mr. DOMINICK. Yes. But only where you are both residents of the same State, and the transfer takes place in that State. But if you attempted to ship the firearm from your residence in the Washington area, as I understand it, that would be illegal, even though you are also a resident of Iowa. I do not think this restriction deters crime in any way.

Mr. HUGHES. If I understood the Senator, if I go to Belgium and decide to buy a Browning shotgun it would have to be shipped to a licensed dealer in my State who has a permit.

Mr. DOMINICK. Yes, it does have to be sent to a licensed dealer who has a permit from the Alcohol, Tobacco and Firearms Division of IRS to import that specific shotgun. And such arrangements would have to be made with the dealer in advance. This means it would be very difficult to buy the shotgun on the spur of the moment, and get it back into the country with you. Making arrangements with a dealer results, of course, in additional cost and delay.

Mr. HUGHES. I thank the Senator.

Mr. DOMINICK. My amendment would allow a person to import one rifle a year from overseas without going through this Mickey Mouse rigmarole. He would, however, still be required to obtain a permit from the Alcohol, Tobacco and Firearm Division, but this would be greatly facilitated by the requirement in my amendment that the Treasury Department maintain a current list of shotguns and rifles which meet the definition of "sporting firearm." Presumably, the permit could be obtained on the spot while going through customs if the particular model of shotgun or rifle he is bringing back into the country is on the importation list.

Mr. BAYH. Mr. President, I wonder if I could ask my friend from Colorado to engage in a colloquy with me on my time?

Mr. DOMINICK. I am happy to do so.

Mr. BAYH. As I mentioned a moment ago in a private conversation, my hasty perusal of this measure would lead me to see no overriding interest in opposing it. I am a bit concerned about the kind of precedent we would establish if we permit a major act to contain an exception for a minor incident, but perhaps for the individual involved, that minor incident is a major one. I know the Senator from Colorado does not pursue this just in his own behalf.

Let me ask the Senator from Colorado a couple of questions. Is the understanding of the Senator from Indiana correct that this does not involve in any way opening the doors to the importation of military surplus weapons?

Mr. DOMINICK. The Senator is totally correct.

Mr. BAYH. With reference to the transfer between members of a family, is there any requirement that this be done in person, or could it be done by common carrier? I would like the Senator from Colorado to think with me about that for a moment not only as it applies to relatives within a family but, perhaps even more significantly, as it applies to foreign imports.

I have really no reservation at all about the hunter who goes to Belgium or Mexico to participate in a big shoot and finds a weapon particularly suitable to him and wants to buy it and bring it back with him. I am a bit concerned about someone sitting over here in Denver, Colo., or Indianapolis, Ind., who wants to use the secrecy of public transport to secure a weapon. What would be the story on shipping imports?

Mr. DOMINICK. They would be permitted to do so provided they had a permit for the particular type of firearm they were importing. In other words, that particular person has to obtain a permit from the Alcoholic Tax Division of the Internal Revenue Service.

Mr. BAYH. In other words, if I am out on the farm in southern Indiana and want to buy a particular brand of foreign-made sporting weapon, first, that weapon would have to be on a list filed with the Secretary; and, second, I would have to apply in advance and have received permission to purchase that weapon and bring it into the country?

Mr. DOMINICK. Yes; that is correct. That is what the amendment provides. What it does is eliminate the necessity which now exists that it must go from dealer to dealer. Under the amendment, a person could do it directly.

Insofar as the first question the Senator asked is concerned; namely, whether he could send it to his son or a direct descendant, within the United States—I am talking about importing—the answer is, yes, he could. He could do it either by truck or by personal delivery. The reason for that is that when we are dealing with rifles and shotguns of this kind, I think half of the people—those of my age, at least—if they buy them, do so for the purpose of giving them as Christmas presents to their sons or grandchildren, or whoever they may be.

Mr. BAYH. Does the Senator have any thoughts relative to what we can do, if anything—I just raise this for his consideration—to notify somebody in the community where the rifle or shotgun is about to arrive that that shotgun is on its way? I am concerned about shipments going to individuals, and not dealers There is something purifying about going in to a dealer and saying, "Here, I want to buy a weapon. Here I am."

To take perhaps an extreme example, it would be possible, would it not, under the Senator's amendment, to ship a shotgun to a relative? That relative could be one who had been in all sorts of trouble in the community, perhaps was even mentally deranged. Does the Senator have any comment on that? I am not nit-picking. I am just looking for possibilities where this provision might be used in ways in which neither one of us wants it to be used.

Mr. DOMINICK. The act excepts newly inherited firearms from the prohibition of interstate transfers. So, we have a situation now where, let us suppose, a gentleman who has been collecting guns for quite a long time lives in Indiana, whose relatives have moved out West and are now living in Colorado. After he dies, the executor can ship those guns to anyone named in the will or anyone who would get his personal effects. All we are saying is it can be done while he is alive, and not have to wait until he is dead.

Mr. BAYH. Would the Senator have any objection to writing just a brief sentence in his amendment which would read, "*Provided, however,* said relative shall not be in that classification of individuals who would be prohibited from buying a weapon through normal channels"—for example, a felon? The Senator knows the categories of ineligible persons—juveniles, felons, those who are mentally deranged. I do not think we want to open up that Pandora's box just because one person happens to be related to another.

Mr. DOMINICK. I would be opposed to that. What I want to do is not impose on the vast majority of people in our country unnecessary restrictions in order to take care of what might be a miniscule situation.

When we are dealing with shotguns and rifles, I just cannot see any reason for imposing more restrictions with respec' to getting a family transfer, back and forth between father and son—unless it is a "godfather" situation, and there we are not going to do any good under this law, anyhow. That would mean basically that the transferee would have to go down, give his citizenship, tell all he has to tell——

Mr. BAYH. No, that is not what the Senator from Indiana is suggesting.

Mr. DOMINICK. That is what he would do by the time he gets through with the regulations.

Mr. BAYH. No; I am suggesting that if a father wants to ship a gun to a son or to a member of his immediate family, or to one of his relatives up and down the line, that person has the responsibility of knowing that the other person would not otherwise be disqualified from going into a store and buying a gun in his own State of residence. Just because my son is my son and is 12 years old, I should not be able to use the provision of the Senator from Colorado to go ahead and send him a weapon across State lines.

I am not trying to impose any requirement that any application form be procured in advance. I am saying that the sender ought to have that responsibility, of knowing that the person he is sending the gun to is otherwise qualified to receive it.

Mr. DOMINICK. There is no such restriction now. To state an example, if I went to New York and bought a gun, sent it to a licensed dealer in Colorado, my son could go down and pick it up. That is all there is to it now. I cannot see any sense in putting additional restrictions on it.

Mr. BAYH. I would like to read to my friend from Colorado, just so that the record will be clear that his amendment would not negate the present law, Public Law 90–618, section 922(h), which reads as follows:

> It shall be unlawful for any person—
>
> (1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
>
> (2) who is a fugitive from justice;
>
> (3) who is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 21(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or
>
> (4) who has been adjudicated as a mental defective or who has been committed to any mental institution;
>
> to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

Mr. DOMINICK. To the best of my knowledge and belief, and on advice of staff and everyone else I can think of, this amendment does not affect that at all.

Mr. BAYH. All right, fine. If that is the intent of the author of the amendment, I am willing to cease and desist. I just did not want to open up something that neither of us wanted to open up.

Mr. DOMINICK. No, I did not intend that at all. I am glad to have the Senator from Indiana make that record.

I yield back the remainder of my time.

Mr. BAYH. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. WEICKER). All remaining time has been yielded back. The question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mrs. EDWARDS), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. GRIFFIN) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kansas (Mr. DOLE) is detained on official business.

The result was announced—yeas 89, nays 4, as follows:

[No. 357 Leg.]

YEAS—89

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—4

Brooke
Kennedy
Ribicoff
Stevenson

NOT VOTING—7

Dole
Edwards
Gambrell
Griffin
Harris
McGovern
Mundt

So Mr. DOMINICK's amendment was agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMINICK. I move to lay that motion on the table.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield me 2 minutes on the bill?

Mr. BAYH. I yield.

The PRESIDING OFFICER. Does the Senator from West Virginia request unanimous consent? The order indicated that the Senate would proceed right to S. 945.

Mr. ROBERT C. BYRD. I am getting ready to do that shortly, if the Chair will indulge me.

The distinguished Senator from Arizona (Mr. FANNIN), has an amendment to the gun control bill which he will call up at this time and make the pending question, following which the Senate will proceed to the no-fault insurance bill.

Mr. President, I ask unanimous consent that the distinguished Senator from Arizona (Mr. FANNIN) may now be recognized for the purpose of calling up his amendment and having the clerk state it, and that the Senate then proceed to the consideration of S. 945, the National No-Fault Motor Vehicle Insurance Act.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Arizona is recognized.

Mr. FANNIN. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. FANNIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

AMENDMENT No. 1418

On page 8, line 16, strike all after the parenthesis (3) through the period on page 9, line 4.

CHANGE IN TIME FOR VOTE ON GUN CONTROL BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, with reference to the Gun Control Act, that the vote on final passage thereof tomorrow come no later than 5 p.m., rather than 6 p.m., as previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator from West Virginia also request to the Chair that rule XII be waived relative to the vote on S. 2507?

Mr. ROBERT C. BYRD. Yes; I do. For the purpose of having a better understanding of the rules, that rule was waived last evening when the agreement was entered into providing for a final vote on S. 2507 at no later than 6 p.m. tomorrow. Is it necessary to again waive the rule in order to change that vote to 5 p.m.?

The PRESIDING OFFICER. The Chair informs the Senator from West Virginia in the affirmative.

Mr. ROBERT C. BYRD. I thank the Chair.

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately after the two leaders have been recognized under the standing order, the distinguished senior Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 1462) to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 9545) to amend the Revised Organic Act of the Virgin Islands to provide that the Legislature of the Virgin Islands shall prescribe the minimum age for membership in the legislature.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 14106) to amend the Water Resources Planning Act to authorize increased appropriations.

HOUSE BILL REFERRED

The bill (H.R. 11357) to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes, was read twice by its title and referred to the Committee on Labor and Public Welfare.

NATIONAL NO-FAULT MOTOR VEHICLE INSURANCE ACT

The PRESIDING OFFICER (Mr. WEICKER). Under the previous order, the Senate will now proceed to the consideration of S. 945, the National No-Fault Motor Vehicle Insurance Act, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 945) to regulate interstate commerce and to provide for the general welfare by requiring certain insurance as a condition precedent to using the public streets, roads, and highways in order to have an efficient system of motor vehicle insurance which will be uniform among the States, which will guarantee the continued availability of such insurance, and the presentation of meaningful price information, and which will provide sufficient fair, and prompt payment for rehabilitation and losses due to injury and death arising out of the operation and use of motor vehicles within the channels of interstate commerce, and otherwise affecting such commerce.

The PRESIDING OFFICER (Mr. WEICKER). Under the previous order, the distinguished Senator from Nebraska (Mr. HRUSKA) is now recognized to offer a motion to recommit the bill to the Committee on the Judiciary. On that motion, there is 4 hours of debate, to be equally divided and controlled by the Senator from Nebraska (Mr. HRUSKA) and the Senator from Washington (Mr. MAGNUSON), the vote coming no later than 8 p.m. today.

Mr. HRUSKA. Mr. President, I move that the pending bill, S. 945, be committed to the Committee on the Judiciary.

Mr. President, it has been suggested in some quarters that the motion to commit to the Committee on the Judiciary is a dilatory motion, one calculated to result in delay, and not of substance.

My hope is, when we complete the discussion of this motion to commit to the Committee on the Judiciary, any such feeling and any such misgiving will be totally dispelled.

There are serious constitutional questions involved. One of them is the seventh amendment which provides for a guarantee of jury trials in civil suits involving a value of more than $20. Another is the 14th amendment calling for due process. At a later time, those ideas will be elaborated on.

At this time, I want to say that there is some question as to whether the venue of cases brought under the bill, S. 945, will be Federal or whether it will be State. There is very little doubt that if the venue will be a Federal court, the seventh amendment will prevail and jury trials may not be eliminated from the choice of those who want to avail themselves of a jury trial notwithstanding any statute that might have been enacted.

Insofar as the 14th amendment is concerned, there are many questions to which I shall make reference as we go along in this discussion. They are not dilatory. They are not something of small moment. They are significant. They are important. They are of great value to those who possess them. In addition to the two constitutional provisions, however, there is another consideration. Mr. President, starting in 1945, this country adopted and has been following the national policy embodied in the McCarran-Ferguson Act. Again, when we get into a discussion of the McCarran-Ferguson Act and its history and origins, we will go into greater detail.

In brief, however, that act results in the vesting of the jurisdiction for antitrust and monopoly purposes and for supervision and regulation of the insurance industry in America in those States that would undertake to regulate by statute and then to supervise the affairs of insurance companies in the fashion discussed.

On the McCarran-Ferguson Act, all

the States have had, in timely fashion, enacted the requisite statutes. So ever since that time, there has been a regulation and supervision and a taxing of the insurance companies by State jurisdictions.

Now along comes a measure which will drive and which will affect a very substantial breach in that national policy. Ever since the passage of the McCarran-Ferguson Act, the jurisdiction over matters pertaining to that act have been vested, committeewise, in the Committee on the Judiciary. That has been followed for all these 25 or 27 years. That is not to say that there would not be concurrent jurisdiction. That is not to say there would not be supplemental jurisdiction, but this would say that each time a measure has been proposed in the Senate, certainly in this body, that affected this general national policy, it has been referred to the Committee on the Judiciary.

Certainly that was the case in the subcommittee hearings that commenced in 1958 and 1959 under the chairmanship of the late Senator Joseph O'Mahoney of Wyoming. There were two series of hearings at that time that had to do with ocean and aviation insurance as well as general application and condition of the regulation of the insurance companies by the States.

Certainly it was true in the case of the measure introduced in regard to the insolvency of automobile insurers. It was the case in a measure that affected and that what was introduced involving foreign insurers in surplus lines coverage. It was a situation also when measures were introduced for high risk automobile insurance. There are other illustrations as well.

Now then, Mr. President, it just seems to those of us who have followed this line of legislation and the oversight that has been exercised by this body that in order to preserve the effectiveness of this national policy and in order intelligently to consider any exceptions to that national policy, or any amendment thereon, there should be a reference to the parent committee for that line of national policy, so that it can be—and this is in the full text, in the full context of the national policy—thus embodied and further discussed.

Mr. President, a careful review has been made of the record developed by the Senate Commerce Committee on S. 945 to see what the experts had to say on the constitutionality of this bill. I am very frankly, extremely disappointed that the record is almost bare of any discussion of the subject.

I am convinced that the record is not there, not because S. 945 in its present form does not raise many serious constitutional problems, but because the bill which was pending before the Senate Commerce Committee and the subject of public hearings bears little or no resemblance to the bill which we are debating today.

There were two series of public hearings on S. 945. Both sets of public hearings dealt with legislation which would have created an outright Federal preemption of both the automobile reparation system and the automobile insurance system. The bill pending before the Senate, however, purports to establish minimum Federal standards in both these areas. States failing to establish the standards within the required period of time would then be penalized by having the Federal Government preempt both systems.

It seems most unfortunate to me, Mr. President, that the public was not provided an opportunity to express views on the constitutionality of the bill before us. My reading of the bill has created a number of serious constitutional questions in my mind. I would frankly find it very difficult to vote for this bill—even if I favored its contents—without being given the opportunity of discussing the constitutional issues with experts.

Let me give you some examples of the questions which have come to my mind.

There is a basic issue under the Federal constitution as to whether the Federal Government has the constitutional authority to enact legislation which would abrogate the tort remedy in automobile accident cases and, to some extent, eliminate the right to a trial by jury in those cases. I am aware of the publication "Constitutional Problems in Automobile Accident Compensation Reform" published by the Department of Transportation. This study, composed of three papers written by eminent constitutional law scholars does raise some valid constitutional questions. Prof. C. Dallas Sands, of the University of Alabama says specifically:

> The seventh amendment is a serious obstacle to Federal legislation dispensing with jury trials for determining eligibility for compensation.

And:

> Congressional legislation parlaying the power of Congress over interstate movement or over federally financed facilities into a general system of federal law governing automobile loss compensation might get by but it is questionable.

The papers written for the Department of Transportation on the constitutional problems in automobile accident compensation reform are generic in nature. They were written in April 1970 and do not address themselves specifically to the legislation pending before the Senate. Thus, even assuming that the record discusses the generic issue of the constitutionality of Federal accident compensation reform, it is totally silent as it relates to the specific provisions of S. 945.

S. 945 raises a number of constitutional questions concerning the interaction of State and Federal law. Let there be no mistake about it, compliance with title 2 would require the States to adopt laws that contravene their own constitutions. My limited research would indicate that at least eight States have constitutional limitations on the right to prohibit recovery in death and/or injury actions. Arizona, Arkansas, Kentucky, Pennsylvania, and Wyoming prohibit any abrogation of the right to recover for either injuries or death and prohibit the limitation of the amount of damages recoverable. New York, Oklahoma, and Utah prohibit the abrogation of the right to recovery in death cases only.

Assuming that the Federal Government does have the authority to enact legislation providing for Federal standards with respect to automobile accident reparations, including some type of abrogation of the tort remedy, then there arise several questions with respect to compliance to these standards by the States.

Implicit in the Federal standards approach is the option offered to the States of either enacting State legislation conforming to certain minimum requirements or accepting Federal preemption in the field. If a State chooses to enact legislation meeting the minimum requirements, there is still State lgeislation which must meet the tests on constitutional validity under the State's constitution, and the fact that such legislation was enacted in order to meet Federal standards will not operate to stay what is otherwise unconstitutional. As I have said, my research points to the fact that at least eight State constitutions would prohibit the abrogation of the tort remedy contained in title 2 of S. 945, and as to these States, the option between choosing between State legislation and Federal preemption is illusory.

Of course, it can be argued that those States which have a constitutional prohibition are still not precluded from enacting legislation embodying the title 2 Federal standards in that such States wishing to do so could take action to secure a constitutional amendment removing the disability. Even if this were theoretically correct, practically speaking it would seem to be virtually impossible for any State to take such action within the time period contemplated in S. 945, and once having undergone Federal preemption, a State could not at some point in the future, resume control over its reparation system by enacting legislation after a constitutional disability had been removed. S. 945 does not allow this. It would not allow a State to be sent to purgatory. The State is damned forever under Federal control in such an event.

These are the procedures in the eight States for amending their constitutions.

ARIZONA

Article XXI of the Arizona Constitution provides that an amendment may be introduced in either house of the legislature, or may be proposed by an initiative petition signed by a number of voters equal to 15 percent of the voters for Governor in the last general election. The amendment must be approved by a majority vote of both houses and then submitted to a vote of the people at the next election or at a special election called by the legislature. The proposed amendment in order to be effective must be approved by a majority of voters voting upon it.

Arizona also has a procedure whereby the constitution can be amended by constitutional convention, as do the other seven States. However, in all cases this requires action in at least two sessions of the legislature and referral to a popular vote both as to the calling of the convention and approval of the convention's action. Therefore, in all cases this process would be considerably longer than an amendment proposed by the legislature.

ARKANSAS

Article XIII, section 1—This provides that an amendment may be proposed in either house of the legislature and must be approved by a majority vote of both houses. The amendment is then voted on again at the next session of the legislature and must be approved again by a majority vote. It is then submitted to the people at such time as the general assembly shall provide. In order to be effective, it must be approved by a majority of those qualified voters voting for the general assembly.

KENTUCKY

Section 256 of the Kentucky constitution provides that an amendment may be proposed in either house of the general assembly at a regular session and must be approved by 3/5-vote of each house. It is then submitted to the voters at the next general election for Members of the House of Representatives, but not less than 90 days from the date of approval of the proposed amendment by the legislature. The amendment must be approved by a majority of those voting on the amendment and if it fails it cannot be resubmitted for 5 years.

OKLAHOMA

Article XXIV, section 1 of the Oklahoma Constitution provides that an amendment may be proposed in either house of the legislature and must be approved by a majority vote of each house. It is then referred to a vote at the next general election unless the legislature by a 2/3-vote of each house orders a special election thereon. It must be approved by a majority of all voters voting at such election, not merely a majority of those voting upon the amendment.

NEW YORK

Article XIX, section 1 of the New York constitution provides that an amendment may be proposed in either house of the legislature and then referred to the attorney general who shall render an opinion within 20 days as to its effect on the constitution. It must then be approved by a majority vote of both houses. It is then referred to the next legislative session convening after the next election of the general assembly and must be approved again by a majority vote of both houses. It is then submitted to the people for a vote at such time as the legislature provides, and must be approved by a majority of voters voting upon the amendment. The amendment is then effective on the following January 1 after such approval.

PENNSYLVANIA

Article XI, section 1—provides that an amendment may be proposed in either house of the legislature and must be approved by a majority vote of both houses. It must then be resubmitted to the next general assembly chosen after the next general election, and must again be approved by a majority vote of both houses.

The amendment is then submitted to the people at such time as agreed to by the legislature but not sooner than 3 months after approval by the legislature. In order for the amendment to be effective, a majority of those voting upon it must approve. No amendments shall be submitted oftener than once in 5 years.

UTAH

Article XXIII, section 1—provides that an amendment may be proposed in either house of the legislature, and must be approved by a 2/3-vote of all members of both houses. It is the submitted to the voters at the next general election and must be publicized at least 2 months prior to such general election. The amendment must be approved by a majority of voters voting thereon in order to be effective.

WYOMING

Article XX, section 1 of the Wyoming Constitution provides that an amendment may be proposed in either house of the legislature, and must be approved by a 2/3-vote of all members in each house. It is then submitted to the voters at the next general election and must be published for at least 12 consecutive weeks prior to such election. In order to be effective the amendment must be approved by a majority of all voters voting in the election, not merely a majority of all voters voting upon the amendment.

In view of the above procedures in these eight States for amending their constitution, it seems to be that it should be virtually impossible for any one of them to propose and approve a constitutional amendment which would permit them to put into effect a title 2 no-fault motor vehicle insurance plan by the second July 1 following the first day of its first general legislative session after enactment. This should be particularly true in those States which require that the proposed amendment must be submitted to and voted on in two separate sessions of their State legislatures. Therefore, there is a serious question as to whether the Federal Government can enact a law purporting to give the States a choice between enacting legislation containing minimum standards or accepting a Federal preemption when, in fact, some States are constitutionally prohibited from enacting the minimum requirements of the Federal law.

Another issue which should be considered under title 2 is the time period in which the States must act to enact legislation embodying the minimum requirements or be exposed to Federal preemption. If the Federal standards bill purports to give the States an option, then it can be assumed that the States should be given a reasonable time in which to enact legislation conforming to the Federal standards. Obviously, some limitation on the time set for deliberation can be imposed in the Federal bill. However, if the limitation is too short, even those States which are not under a constitutional disability and wish to enact State legislation embodying Federal standards might be precluded by virtue or shortness of time from so doing.

The time period specified in S. 945 should be carefully scrutinized. In effect, it requires State action within one legislative session after the effective date of the Federal law. In view of the fact that a great many States have extremely short annual legislative sessions, I think that there is a serious question as to whether this time limitation is reasonable in providing such States sufficient time for proper consideration.

Assuming a valid Federal standard law providing for Federal preemption in the event that a State either fails or is unable to comply with the Federal standards, then there arises a number of questions with respect to the administration of the law in those States in which the Federal law preempts.

Under title 2, S. 945, there is apparently a great deal of reliance upon the utilization of State officials, including the State insurance commissioner and the State courts, in the administration of the Federal law. How far can the Federal Government go in delegating or mandating authority to State officials to administer provision of the Federal law? No one was able to comment on this issue on the record since this issue was not pending at the time that the Commerce Committee held hearings on this legislation. Yet, it seems vital to me that a record should be developed so that some determination could be made as to what the proper delegation or mandating of authority in this area should be, and if there are apparent limitations, what type of Federal regulatorial authority might be necessary to administer the law in preempted States. In the Department of Transportation report on the constitutionality of a Federal automobile accident compensation reform system, Professor Sands states:

> Although there are no precedents the supremacy clause could hardly be called on to support a federal judiciary remedy to compel state officials to administer a state law which the state's own courts had ruled invalid under the state's constitution.

Another question which arises with respect to the administration of a Federal standards law in preempted States is what effect does this have upon the judicial mechanism. This is a question which, as a member of the Judiciary Committee, bothers me very specifically. Can disputes arising under the Federal law be adjudicated in State courts, as S. 945 would require, or would it be necessary ultimately to transfer this burden to the Federal courts? What problems would this create in an already overburdened Federal judiciary if the bulk of disputes arising under auto reparation laws were to be required to be adjudicated in the Federal courts? Finally, as a member of the Senate Judiciary Committee, I am concerned as to the impact again of S. 945 on Public Law 15—the McClarren-Ferguson Act. A primary objective of Public Law 15 is to insure the maintenance of competition in the insurance business. This is a special concern of the Antitrust and Monopoly Subcommittee. Although we tend to think about insurance as big business this just is not so. In fact, I understand that there are over 3,000 insurance companies in the business of automobile insurance. Many of these companies are very, very small. They can, however, compete with the giants because they have been allowed, under strict State regulation, to post certain of their data in order to develop statistics on their own. Section 108 of the bill would severely limit the extent to which the small companies could pool their statistical data and would cripple many of them in their daily operations. Before I can vote for this bill I would want to hear from State insurance regulators and other experts as to what this section would do to competition in the industry. I am not ready to legislate the small automobile insurance companies out of business and to let the giants operate without the very salutary effects which these small companies have had on the price we all have to pay for our automobile insurance, without further inquiry.

Parenthetically, I mention this aspect of the McCarran-Ferguson law with regard to supervision. There is no question if S. 945 becomes law it will be necessary for the Federal Government to engage in examination, regulation, and supervision of the insurance companies that issue automobile insurance policies. There is no question about that at all. Certainly as to those which will fall under the latter title of the bill, where the States would be preempted, that plan will be under the jurisdiction of the Federal Government, and if there will be any administration of that bill the Federal Government will perforce be compelled to examine, supervise, and regulate the affairs of that company. How long will it be before there will be a dual system of regulation, supervision, and examination and can the business, can the industry, and the consumers of that industry pay for a dual system of regulation and supervision? Can such a dual system survive the conflict and the confusion which will result where the Federal Government will say to a company, "You must do such and so with your reserves," and the State insurance commissioner will say, "No, you must not do it that way; you must do it in another way." All these considerations will creep into the picture and be the displacing force of the national policy embodied in the McCarran-Ferguson Act.

Presently there is a collection by State governments of taxes on premiums, occupation taxes, and other taxes on insurance companies, in the range of a billion dollars a year. If there will come the time when their plan of supervision and regulation will be displaced by Federal regulation and supervision, no longer will they be allowed to collect those taxes and a billion dollars will be much more than in the future, even though it is a considerable sum to reckon with in the financing of a State government.

There are other examples of questions. I shall not extend the discussion too much by way of encyclopedic examples, but among other things are those referred to yesterday by the Senator from Kentucky (Mr. COOK), such as whether the 2 percent in the bill is a tax? If so, is it a revenue measure that we are involved with here? If that is so then the bill must originate in the other body. That is as elementary as any rule and concept we have in Congress.

Is it constitutional for Congress to impose such a levy to be collected by the States and used by them?

Can Congress require a plaintiff awarded a judgment for damages in a court action to do certain acts such as to make use of certain rehabilitation services, in default of which he is deprived of a part of that judgment award? What becomes of our court system if that is permitted?

There are other questions. Anyone who claims there are no serious questions, constitutional questions related to no-fault insurance, or more specifically to S. 945, is kidding himself.

Moreover, they have not been considered in the committee which reported the bill. I will repeat that: They have not been considered in the committee which reported the bill where these specific provisions of S. 945 can be placed under the microscope of legalistic examination to which they are entitled.

The constitutional questions involved are real and substantial. Congress is entitled to the study and recommendation of the Committee on the Judiciary.

Moreover, the consuming public and the public generally are entitled to that kind of study and consideration. Hence, it is my earnest hope that the motion to commit the bill to the Committee on the Judiciary will be agreed to.

Mr. President, I yield 10 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOK. Mr. President, the issue before the Senate is whether to refer S. 945, a measure reported by the Committee on Commerce to the Committee on the Judiciary. Before enumerating some of the vital issues which compel this referral, let me quote to the Members of the Senate from the Standing Rules of the Senate, rule 25(1) (L):

> Committee on the Judiciary, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects: (I) judicial proceedings, civil and criminal, generally (3) Federal courts and judges (4) local courts and the territories and possessions (5) revision and codification of the statute of the United States.

Certainly any legislation which proposes to eliminate or diminish the access of individuals to both Federal, State, and local courts in the United States must surely be referred to the committee which is primarily responsible for consideration of all such measures. Let me add that the standing rules of the Senate do not provide that the committee may have jurisdiction over such legislation. Rather standing rule 25(1) (L) stipulates that the committee shall have jurisdiction over all legislation dealing with judicial proceedings in Federal and local courts. To hold, as the proponents of this legislation do, that S. 945 is essentially a bill dealing with interstate commerce, and thus should be referred to the Committee on Commerce alone, is to defy all logic and to ignore the true impact of this legislation; namely, a severe restriction on the rights of individuals to seek redress of damages on a fault basis in the courts of this country. If however, logic is to be ignored, and apparently that is what we are being asked to do, and the Senate decides that the commerce clause does justify denying referral to the Committee on the Judiciary, there are other constitutional and statutory problems inherent in S. 945 as reported by the Committee on Commerce, which again compel referral to the Committee on the Judiciary.

One of my primary concerns is the provison in section 109(b) that requires any insured person under a no-fault policy who receives benefits for 3 months to avail himself of rehabilitation programs unless he shows good cause to avoid that requirement. If he refuses, the insurer—not any agency of government, Mr. President; the insurer—can withhold up to 50 percent of the insured's benefits.

What does an insurance company want to do? It wants to hold down its claims, and it is going to force certain individuals who have been injured to avail themselves of rehabilitation services. If not, the insurance company makes a judgment that he shall be denied up to 50 percent of his recovery.

This provision poses a serious problem of whether a person can be forced to undergo rehabilitation programs; and second, whether the right to withhold benefits would constitute a breach of contract by the insurer—unless every insurance company in the United States changes its contract, because that contract calls for the payment of a sum of money in the event a judgment is rendered. Under this proposal we impose an additional condition on recovery—namely that a person must be rehabilitated. If a person refuses—even under the Cranston amendment—it still has the right to deny 50 percent of the amount he would have recovered as a result of his injury.

I think that we are treading just about as seriously on due process of law as we can tread. I think we are saying, in effect, that contracts that insurance companies now have with owners of automobiles are going out the window, because there is a new provision we are going to make as a matter of law, and that is that if a person is injured, he needs to be rehabilitated, and if he does not avail himself of rehabilitation services, the insurance company is going to withhold 50 percent of his benefits.

The provision does not say where that withheld amount goes. It does not say to what use it must be placed. As a matter of fact, if one reads the bill, he will find that the insurance company can keep it. They need not do anything with it. It is kept in their pockets, and they therefore reduce their claim costs.

Another serious statutory problem which must be considered by the Committee on Judiciary involves the obvious weakening of the McCarran-Ferguson Act embodied in 15 United States Code, section 1012. This statute specifically provides that all regulation of the business of insurance shall be within the purview of State authority. I quote the pertinent sections of the statute.

Section 1012, subsection A states:

> The business of insurance and every person engaged therein, shall be subject to the laws of the several States which relate to the regulation or taxation of such business.

Subsection B reads:

> No act of Congress shall be construed to invalidate, impair, or supercede any law enacted by any State for the purpose of regulating the business of insurance, or which imposes a fee or tax upon such business, unless such act specifically relates to the business of insurance.

Section 109d of S. 945 requires every insurer writing qualifying no-fault policies pursuant to section 301 to invest, until January 1978, 1 percent per annum of the total amount of premiums collected each year from the sale of qualifying no-fault policies within the State in programs for rehabilitation.

Section 110(c) requires an identical investment for development of emergency medical and transportation services.

As I read the provisions relating to this mandatory 1-percent investment, I cannot construe this provision in any other manner than to be an imposition on the State's authority to tax insurance companies in an area unrelated to the business of insurance, as stipulated in 15 U.S.C. 1012.

Again, I would not argue that Congress has no authority to overturn this provision of the U.S. statute. However, consideration of the statutory authority should certainly be made in reference to the intent of the Congress in passing the McCarran-Ferguson Act initially. No such discussion was conducted during the deliberations of the Committee on Commerce, despite this Senator's attempt to raise that question. I would hope that the Committee on the Judiciary would consider this important statutory problem in greater depth than did the Committee on Commerce.

I might add finally that in the State of Illinois, only last year, a no-fault insurance measure was enacted into law and then ruled unconstitutional by the State supreme court. In the course of moving from the traditional tort system to a newly enacted no-fault system and, following the decision, back to the tort system, insurance companies in the State of Illinois were forced to assume losses in excess of $75 million.

I raise this point to try to give an indication of the magnitude of the system which we are attempting to reform, and also the magnitude of the potential losses which we would impose upon a segment of the economy if we fail in writing an effective, workable no-fault system. It is doubtful that many insurance companies could endure the losses which would be occasioned by a similar set of circumstances on a national level.

Since the Congress has also had to deal from time to time with the proposition of insolvency laws for insurance companies, an area, as a matter of fact, which the Congress decided to leave to the States, I would hope that any bill dealing with national automobile insurance systems would be most carefully considered by everyone whose expertise could be valuable in drafting the most flawless law possible. This I feel cannot possibly be achieved by the Senate if the Committee on the Judiciary does not have the opportunity to view this legislation from the standpoint of its concern with the court system and the effects on existing statutory authority.

I know that the attempt to refer S. 945 to the Committee on the Judiciary has already been labeled as a move to gut the bill, and as an anti-consumer position. I contend, on the other hand, that any effort to avoid constitutional roadblocks either at the State or Federal level will more readily serve the consumer by assuring him that, whatever no-fault insurance bill is passed, be it during this session of Congress or a subsequent session, that system will not be overturned and that system will offer him the maximum protection for the fewest possible premium dollars. As head of a family of five drivers, I would want the assurance that any system that insures my life and health and the health and safety of my family on the highways, would be an effective, balanced, judicious system of insurance.

May I have 5 minutes more?

Mr. HRUSKA. I yield 5 minutes to the Senator.

Mr. COOK. I contend that this can best be achieved by the Senate and the Congress by exposing any proposal to the most careful scrutiny by each committee that might offer constructive input and revision. This is certainly the case in regard to the pending motion to refer S. 945 to the Committee on the Judiciary. I fully support that move and urge my colleagues to join me.

Let me go into something here that I want to put in the Record for the benefit of those who may read the Record later. This bill calls for the States to impose, by reason of a Federal statute, a levy of 1 percent on all insurance premiums paid under the rehabilitation section, and then 1 percent on all premiums under the emergency vehicle section.

Last night I was of the opinion—and I quoted back to 1970—that the premiums amounted to $7 billion. I find I was slightly in error. To show how premium costs have gone up, for 1971 they are more in the magnitude of $14 billion. They would want us to believe, and apparently the chairman of the Commerce Committee is going to argue, that 2 percent of $14 billion that would be imposed by a Federal statute, which amounts to $280 million, is not a tax on insurance companies.

Well, if it is not a tax, what is it? If the States levy this charge and if the insurance companies do not pay it, they will have their license to do business in the respective States taken away from them.

In regard to imposing this type of tax on insurance premiums, I would like to put into the Record two very important cases. One is the case of Aetna Fire Insurance Co. against Jones, Supreme Court of South Carolina. This is a case in which the community in which this case arose sought to impose a $2 tax per $100 of premiums on insurance companies.

This was for the benefit of firemen, and they said obviously this was the public interest, because the firemen were on the public payroll, and they were assuming a responsibility, because, after all, the insurance companies had a great deal to do with the fire departments, and the fire departments, as a matter of fact, saw to it that their losses were less by reason of their duties and services.

The courts had very little trouble saying that this was an unconstitutional levy. As a matter of fact, they not only said it was an unconstitutional levy in Aetna Fire Insurance Co. against Jones, but also in a later case, the City of Hampton against Insurance Co. of North America.

By the way, Mr. President, the 2 percent is going to be levied against the insurance companies, whose funds come from the individuals who pay the premiums; therefore the insured are the only people who will pay this 2 percent; no one else.

There is some very interesting language in the case of City of Hampton against the Insurance Co. of North America. Referring to the assessment of $2 on $100 worth of premium, the court said:

> Under the enactment being considered, the class of citizens who carry insurance must pay the whole of the imposition, while the latter get the benefits and have no burden to bear. On this reasoning, the tax is not uniform.

In this instance, when a pedestrian walks across the street and gets hit, he does not pay 2 percent in, but he automatically collects everything. Passengers in the automobile pay no 2 percent, but they automatically collect.

Mr. President, I ask unanimous consent that the opinions in these two cases be printed in the Record in full.

There being no objection, the opinions were ordered to be printed in the Record, as follows:

(78 S. C. 445)

Aetna Fire Ins. Co. et al. versus Jones, Comptroller General

(Supreme Court of South Carolina. Nov. 6, 1907)

PENSIONS—STATUTES—VALIDITY

Act May 9, 1906, requiring fire insurance companies to pay annually a specified sum on premiums to create a pension fund for disabled firemen, violates Const. art. 3, § 32, prohibiting the granting of pensions except for military and naval services, a pension being an annuity from the government for past services.

Petition by the Aetna Fire Insurance Company and others against A. W. Jones, as Comptroller General of the state, to enjoin respondent from collecting a tax. Granted.

Smythe, Lee & Frost, and King, Spaulding & Little, for petitioners. J. F. Lyon, Atty. Gen., Geo. F. Von Kolnitz, and Mitchell & Smith, for respondent.

Pope, C. J. This is a petition to this court in its original jurisdiction whereby the plaintiff insurance companies, for themselves and others in like situation, seek to have the Comptroller General enjoined from proceeding to collect certain taxes provided for by an act of the General Assembly approved May 9, 1906, on the ground that the said act is unconstitutional, null, and void. Counsel for petitioners discuss at length the preliminary question as to the jurisdiction of this court to hear the cause, but an identical question having been passed upon in the recent case of Ware Shoals Mfg. Co. v. Jones, Comptroller General (S. C.) 58 S. E. 811, September 20, 1907, we proceed at once to the merits of the case.

The title of the act is: "An act requiring the payment of certain premiums to the fire departments of incorporated cities and towns by the fire insurance companies doing business in the state, for the purpose of creating a fund for the benefit of the members of the fire departments of such cities and towns, and providing for the collection and distribution of the same." The act is as follows: "Section 1. Be it enacted by the General Assembly of the state of South Carolina: Every fire insurance company, corporation or association doing business in any incorporated city or town of this state, having or that hereafter may have a regularly organized fire department under the control of the mayor and council, or intendant and council of said city or town, and having in serviceable condition for fire duty fire apparatus and necessary equipments belonging thereto to the value of ($1,000) one thousand dollars, and upwards, shall return to the Comptroller General a just and true account verified by oath that the same is a true account of all premiums received from fire insurance business done in such incorporated cities or towns during the year ending December the 31st, or such portion thereof as they may have transacted such business in such cities and towns.

"Such returns must be made by said companies, corporations or associations within sixty days after the 31st day of December of each year." Section 2 requires such companies to pay within the said 60 days to the State Treasurer the sum of $2 on every $100 premiums collected on fire or lightning insurance business done in said cities and towns. Sections 3 and 4 require said insurance companies to keep accurate books of account of all business done in said cities and towns, and provide a penalty for failure so to do. Section 5 enacts that, in case of failure to pay said tax or any penalty imposed, the Comptroller General shall have power to revoke any license previously issued to said companies. Section 6: "That the State Treasurer shall pay over the money so collected from the insurance companies, associations or corporations doing business within the cities or towns having or that may hereafter have a regularly organized fire department as aforesaid in section 1 of this act, to the treasurer of the Firemen's Relief Association to be composed of the members of the fire departments of such cities or towns, and to be incorporated under the laws of this state; provided that all money so collected from the insurance companies, corporations or associations doing business within the cities or towns having or that may hereafter have a paid department, being such department in which the members are paid for full time or part of their time employed as firemen, and on duty at all times to respond to all duties required of them, and otherwise in accordance with the provisions of section 1 of this act, shall be paid by the State Treasurer to the treasurer of such city, and all the money so received shall be set apart and used by such cities or towns solely and entirely for the objects and purposes of this act by the Firemen's Relief Association of (or) Board of Trustees of Firemen's Pension funds of such cities or towns under such provisions as shall be made by the mayor and council or board of trustees thereof." Section 7: "All money collected and received under the provisions of this act shall be held in trust and used as a fund for the relief of any member of the fire department of such city or town who may be injured or disabled, and for the relief of, or the payment of gratuities to the widow or those dependent upon any member of such fire department who may be killed; for the payment of necessary funeral expenses of any member of such fire department, and for the purchase of accident insurance upon the members of such fire departments: Provided further that the boards of trustees of such cities having pension funds may also use said money for pensions to superannuated and disabled firemen: Provided that the fire department of such city or town should also be a member of the State Firemen's Association of this state."

The act is attacked on numerous grounds, but we think the pivotal question is: Has the General Assembly power to enact such legislation? In other words: Is the Constitution violated, in that the tax here under consideration is not uniform and for no public purpose? That the imposition is an attempted exercise of the taxing power conferred by the Constitution the respondent practically admits, in that it is sought to sustain the exaction on the ground that it is for a public purpose. "A tax," according to Webster's Dictionary, "is a rate or sum of money assessed on the person or property of a citizen by the government for the use of the nation or state." Cooley in his Constitutional Limitations, § 479, says: "Taxes are burdens or charges imposed by the Legislature upon persons or property to raise money for public purposes." Applying either of these rules to the legislation here in question, if it be conceded that the aid of firemen is a public purpose, it clearly falls under the head of taxation for all of the requirements are fulfilled; namely, that it is an imposition on person or property by the government for a public purpose. In the case of Henderson v. Insurance Co., 135 Ind. 23, 34 N.E. 565, 20 L.R.A. 827, 41 Am. St. Rep. 410, where a question almost identical was under consideration, it is said that the decided weight of authority holds that such impositions are attempts at taxation and the cases of San Francisco v. Insurance Co., 74 Cal. 113, 15 Pac. 380, 5 Am. St. Rep. 425, State v. Wheeler, 33 Neb. 563, 50 N.W. 770, Philadelphia Association for Relief of Disabled Firemen v. Wood, 39 Pa. 73, and State v. Merchants' Ins. Co., 12 La. Ann. 802, are quoted as sustaining that view. The respondent here contends, however, that the imposition is not a tax, but is one of the conditions upon which foreign insurance companies are permitted to do business in this state. Such a contention we think cannot be sustained. In the first place, the act is general, applying both to domestic and foreign corporations. In the second place, the act itself does not purport to be conditional. It applies to "every fire insurance company, corporation or association doing business in incorporated cities or towns in this state." The participle "doing" is important here as throwing light on the intention of the Legislature. The word implies that the corporations are already in existence, and are carrying on business. The license has already issued. True, the act does provide that under certain circumstances the certificate shall be revoked, but we regard this as merely a means for securing the collection of the imposition, and not as a condition subsequent. That the Legislature might have imposed such a condition upon foreign corporations, as well as domestic corporations, it is not our duty here to decide. Suffice it to say that no such condition was imposed.

Again, the respondent contends that the present enactment is a lawful exercise of the police power inherent in the state as a sovereignty, the exercise looking to the protection of the property of all the citizens of the state. Perhaps no subject is more fraught with difficulty than is the proper limiting and defining of the police power of a sovereign state. Generally courts refuse to attempt such definition, leaving each case to be decided as it arises. In our state, however, in the comparatively recent case of Stehmeyer v. City Council, 53 S. C. 277, 31 S. E. 331, where this power is discussed at length and numerous authorities are reviewed, the court with deference lays down the following: "The police power is that attribute of sovereignty in a state, by which it clothes the Legislature with power to regulate persons, natural and artificial, and property, in accordance with the provisions of the state Constitution, in all matters relating to the public health, the public morals, and the public safety." Again, in the case of Beer Company v. Massachusetts, 97 U.S. 33, 24 L. Ed. 989, it is said: "Whatever difference of opinion may exist as to the extent and boundaries of the police power, and however difficult it may be to render a satisfactory definition of it, there seems to be no doubt that it does extend to the protection, health, and property of the citizens, and to the preservation of good order and the public morale." In 22 A. & E. Ency. of Law, p. 938, the following proposition sustained by much authority is laid down: "In order that a statute or ordinance may be sustained as an exercise of the police power, the courts must be able to see (1) that the enactment has for its object the prevention of some offense or manifest evil, or the preservation of the public health, safety, morals, or general welfare; and (2) that there is some clear, real, and substantial connection between the assumed purpose of the enactment and the actual provisions thereof, and that the latter do in some plain, appreciable, and appropriate manner tend towards the accomplishment of the object for which the power is exercised. The police power cannot be used as a cloak for the invasion of personal rights or private property, neither can it be exercised for private purposes, or for the exclusive benefit of particular individuals or classes." In other words, the exercise must have in view the good of the citizens of the sovereignty as a whole.

This brings us then to the question as to whether or not the legislation here under consideration has in view a public purpose. The money secured from the imposition on the insurance companies is to "be held in trust and used as a trust fund for the relief of any member of the fire department of such city or town who may be injured or disabled, and for the relief of, or payment of gratuities, to the widow or those dependent upon any member of such fire department who may be killed, for the payment of necessary funeral expenses of any member of such fire department and for the purchase of accident insurance upon the members of such fire departments," and in certain cases to be used for the payment of pensions.

New York and Alabama and perhaps one or two other states, proceeding upon the theory that the prevention of conflagrations is a public duty which prior to the establishment of fire departments devolved upon the community; that in the discharge of these duties the firemen sustain such relation to the public as to become, in the true sense, public servants, have sustained the position that such enactments are for public purposes. Trustees of Exempt Firemen's Benevolent Fund v. Roome, 93 N. Y. 313, 45 Am. Rep. 217; Phoenix Assurance Company of London v. Fire Department of Montgomery, 117 Ala. 631, 23 South. 843, 42 L. R. A. 468. In each of these cases, however, the legislation was sustained on the ground that it provided conditions upon which foreign insurance companies would be permitted to carry on business in the state. The above reasoning as to the publicity of the purpose of such enactments was considered and expressly repudiated by the Indiana court in the case of Henderson v. Insurance Co., supra. A like view is maintained in Philadelphia Association v. Wood, supra, where the court uses this language: "Of course, there was a good motive for this. The relief of disabled firemen is a purpose worthy of society; and firemen contribute much to save insurance companies from losses. And hence it is inferred that insurance companies ought to contribute to the support of those who have been disabled in working for their benefit. But the same argument might be quite as effectually used as a reason for imposing a burden in favor of this society, upon those who obtain insurance, and much more upon those who do not insure at all. Therefore, since the chief characteristic of justice is its equality, the justice of this provision is very far from being apparent. An untrained and unthoughtful benevolence is very apt to be unjust to those interests which do not attract its special attention." Likewise, in Louisiana v. Merchants' Ins. Co., supra, the court says: "But in the case before us there is no property improved or assessed. All is conjectural and arbitrary. One class of corporations is taxed an invariable sum for the benefit of another class. There is no possibility of ascertaining whether the tax is a quid pro quo. The fire companies are not compelled by the law to do anything for the insurance companies. A bounty is secured to the fire department by confiscating the money of the defendants, without providing that any service shall be rendered to the defendants by the fire departments; and, even if this could, for a moment, be regarded as an assessment for benefits conferred, its inequality is glaring. Every owner of buildings and other combustible property in New Orleans, who is either wholly or in part his own underwriter, is presumed to be benefited by the fire department in the same way as the insurance campanies are.

Why should the companies alone pay for this common benefit?" The question is exceedingly close and difficult, and the authorities, as we have seen, are conflicting, but we are inclined to give adherence to the latter view, especially where the benefits go to a Firemen's Benefit Association the public purpose seems to be lacking. Therefore we hold that the act cannot be sustained on the ground that it is a police regulation; the important characteristic, publicity of purpose, being wanting. It cannot be doubted that incidentally the public derives much benefit from fire departments of municipal corporations. Any organization that tends to enhance the value of property or the security of its possession, that gives work to unemployed persons in a given locality, or bridles powers hitherto unused, is certainly after a manner beneficial to the public at large. The wealth and welfare of a state lies in the well being of its individual citizens. Thus, if a factory employing hundreds of hands and annually turning out thousands of dollars worth of products is built, or a mine which yearly puts on the market hundreds of tons of mineral is opened up the incidental benefit to the public is great, yet the highest legal tribunal of the country was held that public funds cannot be appropriated for such a purpose. Loan Association v. Topeka, 20, Wall. (U.S.) 663, 22 L. Ed. 455. A fire department is a municipal institution. Its organization and control is purely a matter of municipal concern. True, interest in the establishment of such agencies would extend further than the municipal boundaries, but whether that interest could be manifested in action on the part of the General Assembly, otherwise than to encourage, seems a matter of doubt; the spirit of our law being that the Legislature may invest municipal governments with power, leaving the exercise of it to their discretion and corporate needs.

In the present case the Legislature has gone further than attempting to raise money for fire departments, municipal organizations, in that it seeks to raise a fund by taxation for what seems to us merely a benevolent purpose. The money collected under the act of 1906 is not for the use of the fire department, but it is to be paid to certain Firemen's Associations for benefits, gratuities, and pensions. These associations are incorporated under the law, and their sole purpose is to take charge of the funds collected and disburse them in the manner provided for by the act. As was said in the cases above quoted from, such a purpose is certainly a worthy one, and it would no doubt be a source of much comfort to the members of the various departments, and would have a tendency to allure men to the vocation; but can this effect justify the seemingly arbitrary appropriation of the income of the insurance companies? It is argued that the fire company by its work saves the insurance company from loss, and therefore the insurance company should compensate them. Let us see what this argument would lead to. It is well known that all insurance companies regulate their rate by the risk and expense relative to the insurance of a certain piece of property. Therefore the only reasonable view is that the insurance companies would in the end make the insured pay gratuities to the associations.

It is likewise well known that in all cities and towns there are numerous persons who do not carry insurance. Now, it cannot be denied that such persons are even more benefited by the fire departments than those who carry insurance, for their entire risk is intrusted to the efficiency of such departments. Under the enactment being considered, the class of citizens who carry insurance must pay the whole of the imposition, while the latter get the benefits and have no burden to bear. On this reasoning the tax is not uniform.

That the fireman's work is a meritorious one, and that he deserves the highest regard of the community for the faithful performance of his duties, are facts that cannot be controverted. Yet his work is not altogether gratuitous. More and more is it the present day tendency to establish paid departments. In these the members are paid for their services. In the volunteer departments, too, the members are usually compensated in one way or another. There is also the fact that, where it is made a permanent vocation, as is usually the case in the paid departments, the individual assumes the responsibility of his own free will. That it is fraught with danger no one will deny, but it is not necessarily more dangerous than other callings in which numbers of men are employed daily. Can the engineer of a locomotive dashing across the country at the rate of from 50 to 90 miles an hour or the miner working hundreds of feet below the surface of the earth be said to be more secure than the fireman who answers the alarm bell? Can one be said to render a greater service to humanity than the other? We think not. Nor can it be said that the fireman's duty is more public than that of the engineer. There are numerous callings in a sense quasi public, but not of such a nature as to justify the state in granting gratuities or pensions on the ground that the services are public. Any speculation as to this subject, however, is estopped by the constitutional inhibition (article 3 § 32) which provides: "The General Assembly * * * shall not grant pensions except for military and naval services." A pension has been defined to be an annuity from the government for services rendered in the past. That the pensions provided for by the act of 1906 fall within this rule is evident. The money is to be obtained by a government enactment, and is to be paid to superannuated or disabled firemen who in time past had been in active service.

We do not deem it necessary to continue the discussion further. In our opinion the act is clearly unconstitutional. Therefore it is the judgment of this court that the petition be granted and the prohibition issue as prayed for.

CITY OF HAMPTON VERSUS INSURANCE CO. OF NORTH AMERICA

(Supreme Court of Appeals of Virginia, April 21, 1941)

1. TAXATION

A city ordinance levying tax on certain stock fire insurance companies for benefit of firemen's relief fund for injured firemen and their dependents, and the statute on which ordinance was based, are violative of constitutional provision requiring uniformity of taxation upon same class of subjects and the levy of tax under general law, since burden was placed upon a limited class of insurers or taxpayers for relief of another limited class. Code 1936, §§ 3144t to 3144w; Const. § 168.

2. TAXATION

The constitutional requisite of "uniformity of taxation" means that all property of the same class shall be taxed alike. Const. § 168.

See Words and Phrases, Permanent Edition, for all other definitions of "Uniformity of Taxation".

Appeal from Circuit Court, Elizabeth City County; John Weymouth, Judge.

Suit by the City of Hampton, etc., against the Insurance Company of North America, etc., to collect a tax on fire insurance companies for the benefit of the city firemen's relief fund. From a decree denying the relief prayed for and enjoining the City from collecting the tax, the City appeals.

Affirmed.

Argued before Holt, Hudgins, Gregory, Browning, Eggleston, and Spratley, JJ.

Walter M. Evans, of Richmond, J. Wilton Hope, Jr., of Hampton, and Virgil R. Goode, of Richmond, for appellant.

J. Gordon Bohannan, of Petersburg, for appellee.

Browning, Justice.

The city of Hampton, Virginia, pursuant to authority vested in it by chapter 387 of the Acts of the General Assembly of Virginia of 1934, passed an ordinance on the 25th of April, 1935, providing, among other things, for the levy of a tax on fire insurance companies for the benefit of what is designated as a "firemen's relief fund", and for assessing and collecting the tax, and for the election of trustees for the administration of said fund, including the method of its payment to the designated beneficiaries. The levy is assessed upon each and "every person, partnership, company or corporation, which contracts on his, their, or its account, to issue policies or contracts for or agreements for fire insurance."

The annual tax is $1 on each $100 of gross premiums, except reinsurance premiums, collected and received by them, less returned premiums, from fire insurance policies covering property situated within the limits of the city during the preceding calendar year. The purpose of the fund so created is the relief of firemen injured or disabled under certain circumstances and the relief of their dependents, and firemen referred to being members of the fire department or fire departments of the municipality.

The ordinance is an extended and detailed one. The above statement of a portion of its provisions is deemed sufficient for the purposes of this opinion.

The statute which is the basis of the ordinance is designated in Michie's Code of Virginia 1936, as sections 3144t, 3144u, 3144v, and 3144w.

The city of Hampton levied the assessment authorized by the statute and the ordinance and sought to collect the amounts of the tax for the years 1936 and 1937, which were $4.19 and $22.11 respectively, by a suit in chancery instituted in the Circuit court of Elizabeth City county, Virginia, the insurance company having refused to pay the same. The trial court denied the relief prayed for by the city and enjoined it from collecting the tax. It declared the act and the ordinance unconstitutional and void. The city appealed from the decree.

The validity of the statute and, of course, that of the ordinance, is now brought in question as being violative of sections 11, 67 and 168 of the Constitution of Virginia, and of section 1 of Article 14 of the amendments to the Constitution of the United States. Section 11 of the Constitution of Virginia provides that no person shall be deprived of his property without due process of law. Section 67 provides for limitations on appropriations by General Assembly to charitable and other institutions, with certain exceptions. Section 168 of the Constitution is as follows:

"All property, except as hereinafter provided, shall be taxed; all taxes, whether state, local, or municipal, shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general law. The general assembly may define and classify taxable subjects, and except as to classes of property herein expressly segregated for either State or local taxation, the general assembly may segregate the several classes of property so as to specify and determine upon what subjects State taxes, and upon what subjects local taxes may be levied."

[1] It is an alleged contravention of the last section that we shall be concerned with. It is, as we see it, the major question. It is the alleged constitutional infraction which is most palpable.

An examination of the Act of 1934 and the ordinance in question imposing the tax reveals its lack of equality and uniformity. It is seen at once that a burden is placed upon a limited class of insurers or taxpayers for the purpose of the relief of a certain other limited class of persons or citizens. Under the guise of taxation, money is taken from the pockets of a certain class or type of persons and put in the tills of another class of persons. When we look for a reason for this apparent disregard of the spirit which underlies all forms of taxation, we find its alleged justification in the suggestion of a quid pro quo; that certain fire insurance companies should be required to pay a tax to provide a fund for needy members of the fire departments of the municipalities in which they are because the fire insurance companies are benefited by the existence and the functioning of the fire departments.

With the thought of the constitutional requirement of equality and uniformity of taxation, we are led a step further to the inquiry, are there others, who are benefited as much or more than those smarting under the tax imposition, who go unwhipped of its burden?

The answer, manifestly, is that, of the persons who own property within the corporate limits of municipalities, there are those who carry no fire insurance at all. They are benefited as much or more than insurance companies by the activities of fire departments. Likewise, there are those who are insured for less than the full value of their property, and they benefit directly from the same cause. If the state, county and municipality own property within the corporate limits, they receive direct benefits. Indeed, the public generally is benefited by the protection afforded from conflagrations which damage and destroy property and subject the public itself to injury and death.

The above is a paraphrase of the enumeration of those benefited which was made by the court in the very illuminating case of Continental Insurance Co. v. Smrha, 131 Neb. 791, 270 N.W. 122, which points out that there can be no question that the duty of a fire department is the same towards all combustible property within the municipality, and that it owes no greater duty towards property insured for its full insurable value than it does to property that is only partly insured, or not insured at all. It is said that if a fire company were faced with the choice of selecting for the duty of quenching a house afire, that was fully insured, or one that was not insured at all, it would, in all human probability, select the one which was uninsured. This was said to be in harmony with human characteristics.

Thus it is seen that as to a classification founded upon benefits bestowed, which this is said to be, uniformity is non-existent.

This court said in Helfrick's case, Helfrick v. Com., 70 Va. 844, 29 Grat. 844, 849:

"If * * * inequality and want of uniformity in the burthen it imposes * * * are stamped upon the face of the law, * * * the law must be pronounced invalid."

[2] The constitutional requisite of uniformity of taxation means that all property of the same class shall be taxed alike. There is a quotation from Mills' Political Economy, book 5, chapter 2, paragraph 2, from the case of Adams v. Mississippi State Bank, 75 Miss. 701, 23 So. 395, 397, which is this:

"Equality of taxation means apportioning the contributions of each person towards the expenses of the government so that he shall feel neither more nor less inconvenience from his share of the payment than every other person experiences."

In the cast of Commonwealth of Virginia v. National Fire Insurance Co. of Hartford, 161 Va. 737, 172 S.E. 448, 451, this court quoted, with approval, from the case of Aetna Fire Insurance Co. v. Jones, Comptroller General, 78 S.C. 445, 59 S.E. 148, 13 L.R.A., N.S., 1147, 125 Am. St. Rep. 818, the following:

"In the present case the Legislature has gone further than attempting to raise money for *fire departments, municipal organizations,* in that it seeks to raise a fund by taxation for what seems to us merely a *benevolent purpose.* The money collected under the act of 1906 is not for the use of the fire department, but it is to be paid to certain Firemen's Associations for benefits, gratuities, and pensions. These associations are incorporated under the law, and their sole purpose is to take charge of the funds collected and disburse them in the manner provided for by the act. As was said in the cases above quoted from, such a purpose is certainly a worthy one, and it would no doubt be a source of much comfort to the members of the various departments, and would have a tendency to allure men to the vocation; but can this effect justify the seemingly arbitrary appropriation of the income of the insurance companies? It is argued that the fire company by its work saves the insurance company from loss, and therefore the insurance company should compensate them.

Let us see what this argument would lead to. It is well known that all insurance companies regulate their rate by the risk and expense relative to the insurance of a certain piece of property. Therefore the only reasonable view is that the insurance companies would in the end make the insured pay gratuities to the associations. It is likewise well known that in all cities and towns there are numerous persons who do not carry insurance. Now, it cannot be denied that such persons are even more benefited by the fire departments than those who carry insurance, for their entire risk is intrusted to the efficiency of such departments. Under the enactment being considered, the class of citizens who carry insurance must pay the whole of the imposition, while the latter get the benefits and have no burden to bear. On this reasoning, the tax is not uniform.

* * * * *

"The act is attacked on numerous grounds, but we think the pivotal question is: Has the general assembly power to enact such legislation? In other words: Is the Constitution violated, in that the tax here under consideration is not *uniform* and for *no public purpose?* That the imposition is an attempted exercise of the taxing power conferred by the Constitution the respondent practically admits, in that it is sought to sustain the exaction on the ground that it is for a public purpose. 'A tax,' according to Webster's Dictionary, 'is a rate or sum of money assessed on the person or property of a citizen by the government for the use of the nation or state.' Cooley in his Constitutional Limitations, § 479 [6th Ed., p. 587], says: 'Taxes are burdens or charges imposed by the Legislature upon persons or property to raise money for public purposes.' Applying either of these rules to the legislation here in question, if it be conceded that the aid of firemen is a public purpose, it clearly falls under the head of taxation for all of the requirements are fulfilled, namely, that it is an imposition on person or property by the government for a public purpose. * * *

"This brings us then to the question as to whether or not the legislation here under consideration has in view a public purpose. The money secured from the imposition on the insurance companies is to 'be held in trust and used as a trust fund for the relief of any member of the fire department of such city or town who may be injured or disabled, and for the relief of, or payment of gratuities to, the widow or those dependent upon any member of such fire department who may be killed, for the payment of necessary funeral expenses of any member of such fire department and for the purchase of accident insurance upon the members of such fire departments,' and in certain cases to be used for the payment of pensions. * * *

"The question is exceedingly close and difficult, and the authorities, as we have seen, are conflicting, but we are inclined to give adherence to the latter view, especially where the benefits go to a Firemen's Benefit Association *the public purpose seems to be lacking.* Therefore we hold that the act cannot be sustained on the ground that it is a police regulation; the important characteristic, publicity of purpose, being wanting. It cannot be doubted that incidentally the public derives much benefit from fire departments of municipal corporations. Any organization that tends to enhance the value of property or the security of its possession, that gives work to unemployed persons in a given locality, or bridles power hitherto unused, is certainly after a manner beneficial to the public at large. The wealth and welfare of a state lies in the well being of its individual citizens. Thus, if a factory employing hundreds of hands and annually turning out thousands of dollars worth of products is built, or a mine which yearly puts on the market hundreds of tons of mineral is opened up the incidental benefits to the public is great, yet the highest legal tribunal of the country has held that public funds cannot be appropriated for such a purpose. Citizens' Sav. & L. Ass'n v. Topeka, 20 Wall. [655], 663, 22 L.Ed. [455], 461. *A fire department is a municipal institution.* Its organization and control is purely a matter of *municipal concern.* True, interest in the establishment of such agencies would extend further than the municipal boundaries, but whether that interest could be manifested in action on the part of the General Assembly, otherwise than to encourage, seems a matter of doubt; the spirit of our law being that the Legislature may invest municipal governments with power, leaving the exercise of it to their discretion and corporate needs." (Italics supplied.)

From the case of Henderson v. London, etc., Ins. Co., 135 Ind. 23, 34 N.E. 565, 568, 20 L.R.A. 827. 41 Am.St.Rep. 410, we quote further as follows:

"It is said that the act is an attempted exercise by the legislature of the power of taxation, and that, being local, *not uniform,* and for no public purpose, is in violation of the taxing powers as conferred by the constitution, (article 10, § 1.) That provision of the construction is as follows: 'The general assembly shall provide by law for the *uniform* and *equal rate of assessment and taxation,* and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literacy, scientific, religious, or charitable purposes as may be specially exempted by law.' Is the enactment of the law before us an attempted exercise of the power of taxation as conferred by the constitution? In several states this character of legislation has been before the courts for construction, and we find the decided weight of authority holding that it is such an attempt.

"Here we have a law enacted in the pretended exercise of the taxing power of the state, exacting a penalty from that part of the class of foreign insurance companies which do business in the four counties of this state having cities with paid fire departments; and the fund thus exacted by the power of the state is not for the benefit of the state, is not for the benefit of those portions of the state whose business with such companies must contribute to said fund. The business done in each of the four counties affected bears the burden of the exaction, and the fund is devoted to the benefit of firemen within four cities only. The property of such counties outside of such cities get no protection from such firemen, and the owners have no pecuniary interest in them.

"Here the taxing power of the state is exerted for the *benefit of a few of the citizens of the state who hold the obligation of their respective cities for their courage and their valued service,* and the purpose is that this power shall be exerted for the discharge of that obligation. We do not regard this as the most objectionable feature of this act. We have 92 counties in this state, whose united power is thus exerted in levying a tax upon certain foreign insurance companies.

As to the state, all foreign insurance companies constitute a class, and of this class all are not subject to the operation of this act,—only those who do business in four of such counties. The *taxing power of the state cannot thus be made the means of levying municipal taxes upon a fraction of a class and of bestowing the tax so levied upon a small fraction of the citizens of the state, all of her citizens standing in like relation to her, unless she owes them some peculiar obligation, not existing in serving as firemen for some city.* The taxing district of the state wherein taxes are directed for the benefit of those serving the state is the whole state. State taxes are not of uniform and equal rate when they apply to a portion of a class only, and omit a portion of the same class, and this is no less true because the class may be divided by county lines.

"*Uniformity in rate as required by the constitution, means that the same rate shall apply alike to all in any given taxing district.*" (Italics supplied.)

The citations quoted elaborate the points to which we have adverted, and are interesting judicial pronouncements of their soundness.

It will be noted that the case of the Commonwealth of Virginia v. National Fire Insurance Co. of Hartford, supra, while very like the case we are considering in the principles enunciated, was predicated upon a different tax structure, the act of 1932.

There can be no question but that the inequality and lack of uniformity of the act and the ordinance we have been considering is glaring. It is the more so when we realize that the tax here is upon certain stock fire insurance companies which are admitted to do business in Virginia, while non-admitted companies, mutual companies, reciprocals, and property owners who insure in such companies, or do not insure at all, or who insure for less than the full value, are not subjected to the onus of the tax, but are advantaged and benefited, as are those against which the tax is imposed.

In the case of Robinson v. Norfolk, 108 Va. 14, 60 S.E. 762, 763, 15 L.R.A., N.S., 294, 128 Am.St.Rep. 934, this court quoted from Cooley on Taxation (2nd ed.) ch. 5, pp. 140, 141, 142:

"A state purpose must be accomplished by state taxation; a county purpose by county taxation; or a public purpose for any inferior district by taxation of such district. This is not only just but it is essential. To any extent that one man is compelled to pay in order to relieve others of a public burden properly resting upon them, his property is taken for private purposes, as plainly and palpably as it would be if appropriated to the payment of the debts or the discharge of obligations which the person thus relieved by his payments might owe to private parties.

"It is certainly difficult to understand how the taxation of a district can be defended where people have no voice in voting it, in selecting the purposes, or in expending it."

And in the opinion in the case last cited, this court said:

"Certainly the legislative department of the government cannot arbitrarily take the property of one citizen to give it to another, and, of course, cannot authorize others to do so."

One of the most instructive and logically reasoned cases to which we have been pointed is that of Lowry, Insurance Commissioner, v. City of Clarksdale, 154 Miss. 155, 122 So. 195, 197. We feel justified in quoting from it at rather unusual length:

"Thus there is at once presented the inquiry, What is the reason, the substantial reason, not one which is merely arbitrary or artificial, for the difference or distinction here made by which a cetrain class, from among all those directly and materially concerned in the subject-matter, is segregated, and upon that class the burden of a certain fixed tax is laid, while no such tax or the relative equivalent thereof is laid upon others likewise concerned? The principal answer that has been offered is that the establishment and adequate maintenance of a fund of this sort tends to attract to the fire-fighting service a better character of men and to make that service a more dependable and loyal branch of the municipal administration, with the result that there will be an improved efficiency in the prevention of fires and the lessening of losses by fire, thereby saving more to insurance companies than the amount of the tax imposed.

"We cheerfully concede the worthiness of the object and the soundness of the considerations mentioned touching the betterment of the service; and the answer made, we may also concede, would be good in point of law if all combustible property in the municipality were insured in admitted companies at or near its full insurable value. Unfortunately, however, in weighing the aforesaid answer, we are confronted, not with the situation last mentioned, but with what is true to the contrary as a matter of common knowledge:

First, that a part of the valuable combustible property is not insured at all; second, that a yet larger part, if not most of it, is not fully insured; and third, that some part is insured in outside companies not formally admitted and which therefore are not subject to the tax in question. There can be no question that the duty of a municipal fire department is the same towards all combustible valuable property within the municipality. It owes no greater duy towards property insured for its full insurable value than it does in respect to property not insured; its duty to partly insured property is the same as that in regard to fully insured property or to property not insured at all, and still the same towards property insured in outside companies. Such is the legal duty, but we may as well be candid enough to admit at the same time that if the average fire department should find that it could save only one of two burning buildings, one of them insured and the other not, the uninsured building would be the more likely to be saved. This would be but a natural human impulse and personal course of action.

If then the legal duty of the firefighting department is as much owed towards uninsured property as towards that which is insured, and if, as we know, the personal element in an extreme emergency would favor the uninsured, it must be obvious that the answer above adverted to becomes no answer at all in point of substantial reason for the attempted distinction or classification; and no other answer as good as that mentioned has been advanced. For instance, among these answers it is in effect argued that although the duty to all species of combustible property insured and uninsured is the same, yet there is in the status of owners as owners, as distinguished from insurers as such, a sufficiency of distinction that upon this difference in status the classification may be legally upheld. It is true that such a difference might serve for a classification for some purpose, but the argument and every similar argument overlooks the requirement that the reason upon which the classification is grounded must be a reason which has a just and substantial relation to the particular object to be accomplished—an object which is a public one, *for it is fundamental that no tax may be laid to raise funds for a mere private or personal purpose.*

The contemplated public object to be accomplished here is the improvement of the service in the fire-fighting department, and since that improvement moves in its benefits and advantages as much and in exactly the same way towards the uninsured owner of property of a certain value as it does towards an insurance company carrying a policy in an equal amount in value on another piece of property, there is no actual difference between the two in relation to the object to be accomplished. And every argument advanced to sustain this tax runs likewise into a corner.

"Under those arguments, if the tax here in question may be imposed upon fire insurance companies, then upon like principles it may be extended and these companies could be required to pay the *entire expense of a city fire department,* and by a parity of reasoning there could be added all the costs of construction, extension, and operation of the waterworks department, since a modern fire-fighting department is essentially dependent upon an adequate water supply. By like, or even by better, reasoning, the banks and jewelers of a city could be required to pay the entire costs of the police department on the ground that banks and jewelry stores are distinct beneficiaries of police protection against burglaries and robberies; and so on as to many other features of municipal administration." (Italics supplied.)

The purpose of this statute and ordinance, and similar ones, is altruistic and praiseworthy, and it seems phlegmatic and stolid to put an obstacle in the way of their being. This impulse, however, must not cause us to hesitate in the preservation of the integrity of the Constitution, which is the foundation of our structure of government.

We are conscious of the fact that efforts to create funds like this one have been a prolific source of litigation, and we are aware that there has not been a unanimity of judicial determination of the matter; but the weight of authority and reasoning, we think warrant the thoughts and expressions we have indulged. Other questions and kindred ones of exceeding importance and interest have been discussed and amplified in the briefs of counsel. To discuss them would far extend this opinion, which is already longer and more detailed than we would have wished it to be.

The statute and ordinance are unconstitutional and void, for the reasons herein expressed.

Affirmed.

Mr. COOK. I would like 5 more minutes, if I may have them, from the distinguished Senator from Nebraska, because I think there are a couple of other things here that are important.

Mr. HRUSKA. Three more minutes. We have other requests, I am sorry to say.

Mr. COOK. All right. Mr. President, we have another very interesting thing here: the right of insurance companies to request, for instance, of other insurance companies, under workmen's compensation laws, that they be paid a specific amount of money.

I pose these questions to the chairman of the Committee on Commerce, and I would like to have something in the RECORD by way of answer:

Can Federal law contravene State workmen's compensation laws, including workers not in interstate commerce, whereby they would be required, under this act, to pay a portion of their insurance benefits into such a program?

Can or should the Federal Government require the executive branch of the State government to interpret and enforce Federal laws?

Can or should Federal law delegate to the States the optional authority to interpret, make regulations for, and enforce a Federal law?

Should a Federal law grant insurers an ambiguous and broad right to reimbursement for benefits paid? And can a Federal statute regulate attorneys' fees in State courts, as this act attempts to do?

Last but not least, Mr. President, can a Federal statute impose a tax, not to be collected by the Federal Government but to be collected by the State government, and then not even to be paid into the State treasury and not even to be allocated by the State legislatures, but to be allocated by the commissioner of insurance in the State?

If the State does not have a rehabilitation program and does not have an emergency vehicle program, the insurance company, to do business in the State, sits down and writes out its 2 percent check to the Secretary of HEW, and it is not accounted for in the Federal Treasury. Those funds are unbudgeted, unappropriated funds. The Secretary of HEW builds himself a little fund, and he writes checks out of it back to the States from whence it came for grants or other programs or private rehabilitation services, all without permission of the insured people, or of any court, in Washington or wherever the case may be.

Mr. President, what we have done is that we started to write a no-fault insurance bill and wound up writing a rehabilitation and emergency vehicle service bill. As a result, it is a revenue measure assessing $280 million a year. Therefore, it should originate in the House of Representatives, because it is a revenue measure and does not belong here to start with. A true no-fault bill would belong here, Mr. President, except for all they have put in it, for all they have imposed on the insured and on the insurer. They have denied him due process by letting an insurance company take away 50 percent of his recovery.

So I can only say, Mr. President, if this legislation does not need a second look, then we as Members of the U.S. Senate care not for due process, care not for the Constitution, and care not for the McCarran-Ferguson Act, which some will not admit we are modifying.

Therefore, I think that without any exception, the bill should be referred to the Committee on the Judiciary.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. COOK. I yield on the Senator's time.

Mr. MAGNUSON. If the two provisions the Senator talked about were eliminated, would he vote for the bill?

Mr. COOK. I would be much more inclined to do so, Mr. President. As I have stated time and time again, I am very much in favor of a no-fault concept. I think it is necessary. As I said on this floor last night, 98 percent of the accidents that occur in this country involve only glass and steel. We should have a program to solve that kind of cases immediately, and there should be no question about it.

Mr. MAGNUSON. I just wanted the Senator's position on that.

Mr. COOK. Mr. President, even if we were to take all of that out relative to rehabilitation——

Mr. MAGNUSON. I know in all honesty the Senator from Nebraska has talked about this 2 percent and 1 percent. It is my understanding that that is permissive in the bill. If it is not, we will make it that way.

Mr. COOK. May I have 1 minute, and say that even if it is permissive, Mr. President, we still would be giving authority to State insurance commissioners, not even the State government; even under the Cranston amendment we are giving the authority to the State insurance Commissioner to impose a 2-percent levy on insurance companies, and I have a notion that even if we made it permissive, we may run into a lot more constitutional and statutory problems, because State insurance commissioners, I would suspect, have no authority to make such a levy at the State government level.

Mr. MAGNUSON. They do not in my State. In my State he would have to get legislative permission. He is an elected official himself, but he would have to get legislative permission.

Mr. HRUSKA. Mr. President, I yield 10 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I join with the Senator from Nebraska in urging that S. 945 be referred to the Committee on the Judiciary for consideration.

This bill would do away with a whole school of law and so should be carefully studied as to its constitutional and legal implications. The only committee which has the requisite knowledge and experience to review these implications is the Committee on the Judiciary. The standing rules of the Senate set out very clearly that all bills concerning judicial proceedings, civil and criminal, generally should be considered by the Committee on the Judiciary.

I know that the Commerce Committee has done a fine job in its work on this bill, particularly because this bill represents such a new and major conceptual change in our automobile insurance system. The Commerce Committee has a great deal of knowledge in the areas of national transportation problems. However, this bill proposes to change a whole school of law which poses problems in which the Committee on Commerce does not have the jurisdiction or knowledge to assess.

The Commerce Committee held its hearings on the original version of S. 945, which was introduced over a year ago. The present bill was introduced on June 20, 1972, and has been changed greatly from its first form. Hearings should be held on this bill because the earlier hearings are not applicable to this substantially different format.

Mr. President, no-fault insurance would also do away with the guaranteed right of trial by jury. Damage payments for personal injury would be made without the benefit of having a jury determine and assess the amount of damages against the wrongdoer. Trial by jury is an essential constitutional right, and there should be no attempt to deprive an insured of this right. I can perceive no legitimate reason to take one who operates an automobile out from under the general common law rule of liability without first considering this aspect. Certainly, hearings would help on this point.

The complexity of the problem regarding the insurance needs of automobile operators has created a large amount of controversy and honest disagreement among informed people as to what remedial measures are necessary. It is true that there exists genuine concern as to the unknown and essentially unknowable price implications of any major change in the automobile insurance system. Obviously, any change would ultimately affect the cost and quality of service to consumers of insurance. Because of these factors, careful study and consideration must be given to our present system before blithely throwing away a whole school of law.

Under the common law, our tort system has historically developed as a sensitive means of determining equities when two parties are involved in an accident. Since its origin, this system has been in an uninterrupted state of evolution. We should not throw out a whole school of thought or body of law without first making sure that the substitution proposed is equitable. It may be that the existing problems within our transportation system can be corrected by changes at the State level, rather than resorting to Federal action. I believe this proposal should be completely studied from all sides before abruptly overturning our present reparations system.

Mr. President, the Senate also needs to consider the fact that S. 945 extensively revises existing statutes and for this reason clearly should be considered by the Judiciary Committee. The bill completely changes the manner in which the Federal court system as well as the State court system deals with tort liability and makes sweeping changes in the relationship of the judicial branch to certain types of proceedings. It would seem most unwise for this body to treat S. 945 as dealing merely with the business of insurance and thus not receive the benefit of the Senate committee established to review changes in existing statutes. It seems to me this is a clear case where the jurisdiction of the Judiciary Committee is involved, and I urge my colleagues to send this bill to the Judiciary Committee.

In closing, Mr. President, I want to say that a very important question here is whether the Federal Government should enter this field. Why cannot each State handle this matter? That is a question, too, that seems to be worthy of consideration by the Judiciary Committee: whether we should preempt the State in this field or in certain aspects of this field and take complete jurisdiction, as this bill would attempt to do in some facets, or whether we should leave the entire matter to the States, to let the States determine what they need in each State.

Mr. President, during the 18 years I have been in the Senate, I have seen the Federal Government enter one field of jurisdiction after another. I have seen Congress preempt one field after another. It has long been my contention that the government closest to the people is the best government, and, therefore, the governments of the States and the cities—the legislatures and the city councils—generally can solve problems much better, more effectively, and with more wisdom than would Congress, sitting thousands and thousands of miles away.

So from any standpoint we look at this question, it seems to me that we should let the Judiciary Committee study this bill and make recommendations to the Senate as to what course should be followed.

The **PRESIDING OFFICER.** Who yields time?

Mr. **HRUSKA.** I yield 10 minutes to the Senator from Tennessee.

Mr. **BAKER.** Mr. President, I have read with interest the comments of my colleagues in the RECORD of yesterday's proceedings regarding S. 945, and I have listened to the debate this afternoon with great interest as well.

I feel that several important issues are involved in this debate, and I am appreciative of the attention which is being given them. This colloquy will assist the Senate in making a careful and objective determination of the appropriate jurisdiction of the bill.

I would call special attention to the memorandum in response to the specific questions of constitutionality raised by the Senator from Nebraska (Mr. CURTIS) which the Senator from Michigan (Mr. HART) submitted last evening. I find these comments very instructive, since questions of constitutionality were extraneous to the insurance program contained in S. 945 and were, therefore, not considered by the Committee on Commerce.

I agree that there are some very difficult questions regarding the constitutionality of S. 945. Basic to most of these is the concept of Federalism which is fundamental to our form of Government. I feel that S. 945 in its present form is a definite encroachment upon the responsibility and jurisdiction of the States in the area of insurance regulation.

In the debate of last evening many considerations were raised over which there exists substantial dispute. But there were several matters over which there can be no question, and which I feel are relevant to the debate today:

First. S. 945 will seriously and substantially curtail the rights of the citizens of the States to bring civil actions. Civil actions are within the jurisdiction of the Judiciary Committee.

Second. S. 945 will have a substantial impact upon the jurisdictions of the courts of the States and of the United States. The jurisdiction of the courts is within the jurisdiction of the Judiciary Committee.

Third. S. 945, if adopted, will force the repeal of every existing no-fault insurance program and will have an obviously devastating impact upon all State insurance programs. The McCarran-Ferguson Act states that it is a matter of congressional policy that the States shall retain jurisdiction over insurance. The McCarran-Ferguson Act is within the jurisdiction of the Judiciary Committee.

I feel that these issues are important and require attention quite aside from the program implications of S. 945, so I shall vote for referral of this bill to the Judiciary Committee.

I strongly support the concept of no-fault insurance. Were there no problem with Federal jurisdiction and were I not from a State in which this bill, S. 945, would impose an inappropriate and costly insurance program, I could vote for some such bill, although not S. 945 in its present form. I feel that there are substantial questions with regard to the administrability of the program and with regard to its impact upon certain classes of claimants. These are issues which can only be answered by experience and experimentation such as is going on in the States at this time.

Mr. President, if the proponents of this bill are interested in proving that their program can meet the criticisms which have been leveled at it in these two regards, I would seriously suggest that the bill might be put into effect in the District of Columbia on a demonstration basis.

There would be no question of usurping the State's role and the cost impact would be the most beneficial which the program is capable of producing since the District is totally urban and has no rural traffic situations.

It is not my purpose to demean the function of the Commerce Committee of which I am a member. I sat and participated in the deliberations of that committee under the able leadership of the distinguished Senator from Washington (Mr. MAGNUSON) and its ranking minority member the distinguished Senator from New Hampshire (Mr. COTTON) as we proceeded through several committee prints.

I listened carefully to the documentation of the arguments, pro and con, as we proceeded through those committee prints, before S. 945 was ordered reported.

Throughout the proceedings, I expressed my concern over the pervasive effect of the bill, but not my opposition to no-fault as a concept because I feel that the time for change is at hand and that no-fault has its place and, I believe, a vital place in the function of our reparations system. But this is no simple no-fault bill. It is a sweeping repeal of every effort made by every State to enact its own no-fault bill. This is the end of experimentation as conducted in Massachusetts, Florida, Delaware, and many other States. This is the final, definitive statement on no-fault insurance on a broad and sweeping basis. I am not prepared to do that until we examine fully the consequences of S. 945 upon the driving public, and until we examine the consequences of killing the judicial system of the United States as it serves the people of this country in the reparations area of automobile accidents.

Mr. President, in the past several days there has circulated a memorandum regarding the four amendments which I have filed on S. 945. This memorandum contained many statements which I feel are fallacious and misleading. I did not receive a copy of this memorandum and was not advised that it was being circulated, so I have not had time to prepare a response to all of the items in that letter which warrant response.

I feel that I owe a duty to those Senators who have expressed support for my amendments and to those who are genuinely seeking information on this complex matter to be able to formulate a sound position to clarify one very major discrepancy contained in that memorandum.

One of the very central issues in the development of these amendments has been the question of costs. S. 945 is an expensive program. The amendment which I have filed and shall offer during consideration of this bill dealing with the benefits levels of the bill will reduce the costs of the bill substantially.

Since the thrust of all of my amendments and this one in particular is to increase the flexibility of the States in responding to their insurance needs, it is impossible to predict the exact costs savings. The States would be free to determine this by the design of their program.

However, during an executive hearing held on this bill after it had been ordered reported, I requested that the three actuaries furnishing information to the committee on S. 945 evaluate the impact of my benefits levels for no-fault insurance.

The following are their reports:

The American Mutual Insurance Alliance stated:

> The exact impact [of the Baker amendments] would necessarily depend on the specific limitations enacted by each state. Assuming, for instance, a "threshhold" of $100, this would reduce costs of package #1 . . . to $105 (a 3.7% reduction over present cost) and would also reduce the cost of package #2 . . . to $192 (a 19% reduction over present cost).

Package No. 1 is a minimum coverage—10/20 BI, 10/20 UM, 5 PD. Package No. 2 is a higher program of coverage—25/50 BI, 10/20 UM, 10 PD, $1000 medical payments, $100 deductible collision and full comprehensive. The threshhold of $100 for civil liability actions is substantially lower than that contained in S. 945 and is lower in fact than threshholds in effect in several of the State programs. Under my amendment the State could increase the threshhold level and increase the cost savings.

The NAII estimated the costs of the amendment with a modest threshhold to be 16 percent less than the present costs for minimum coverages and 4 percent less than the present system for maximum coverage with the threshhold presently contained S. 945.

As the memorandum states the American Insurance Association estimated that the Baker amendments would result in no change in the present costs without any limitation on the right of injured persons to recover all their damages in a civil action.

I hope that this will help to clear up any confusion which may have resulted from the circulation of this memorandum.

HAZARDS OF NO-FAULT INSURANCE

Mr. HANSEN. Mr. President, I fully agree with the distinguished ranking minority member of the Commerce Committee (Mr. COTTON) in his opposition to S. 945, the National No-Fault Motor Vehicle Act, as it was reported by that committee.

In fact, the minority views of Senator COTTON in the committee report and also those of the distinguished Senator from Tennessee (Mr. BAKER) and the able Senator from Maryland (Mr. BEALL) as well as those of the able Senator from Kentucky (Mr. COOK) all confirm my doubts about the benefits that might accrue from such an important and precedent-setting proposal such as this.

In my own State of Wyoming, the distinguished chairman of the Commerce Committee (Mr. MAGNUSON) advises me, the rates will rise an average of somewhere between 14 and 18 percent. But according to one of the major insurance trade associations, premium rates for a motorist carrying minimum coverage would be 41 percent higher, medium coverage 54 percent higher, and full coverage would be 17.7 percent more than present rates.

A look at the actuarial figures shows that people in the more sparsely populated areas—the farmer, the rancher, and the rural resident—would be hardest hit.

Wyoming has, in fact, already taken the initial steps toward adopting a no-fault insurance plan.

Last April, the Joint Judiciary Committee of the Wyoming Legislature completed public hearings on the subjects of no-fault insurance and comparative negligence.

Twenty-two witnesses, representing the insurance industry, bar associations, and consumer interests, testified at the hearings.

The chairman of that committee, Lawrence A. Yonkee, has written me concerning the hearing. I ask unanimous consent that his letter and a news release issued during the hearing be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATE OF WYOMING,
HOUSE OF REPRESENTATIVES,
Sheridan, Wyo., July 31, 1972.
The Honorable CLIFFORD P. HANSEN,
U.S. Senator,
Washington, D.C.
Re: No-Fault Insurance

DEAR SENATOR HANSEN: We understand that no-fault insurance proposals are presently being considered by the Senate. In April of this year our Joint Judiciary Interim Committee held a public hearing on the subject of no-fault insurance. We enclose for your information a copy of the Committee report and a copy of the Committee minutes which are, in part, relevant thereto.

It was generally agreed by our Committee that no-fault insurance would not decrease automobile insurance premiums in Wyoming. In Wyoming we do not have court congestion and some of the other problems which require change or reform in other states. Our Committee did not favor the proposals for federal insurance regulation and national no-fault administered at the federal level.

We recognize that there are improvements to be made in the existing system in Wyoming. We anticipate that bills will be introduced in the coming legislative session which hopefully will improve what is now a reasonably good system for our state. It is quite possible that a modified no-fault proposal will be passed in 1973.

We hope you will find these materials helpful.

Yours truly,
LAWRENCE A. YONKEE,
Chairman, Joint Judiciary Committee.
Enclosures.

Date: April 12, 1972.
From: Representative Lawrence A. Yonkee, Chairman, Joint Judiciary Interim Committee.

The Joint Judiciary Interim Committee of the Wyoming Legislature has completed public hearings on the subjects of no fault insurance and comparative negligence. Twenty-two witnesses, representing the insurance industry, bar associations and consumer interests, testified at the hearings.

Witnesses representing the insurance industry proposed laws requiring a motorist's own insurance company to pay medical expenses, loss of earnings and other economic loss resulting from an automobile accident. Some industry proposals would permit an injured party to sue the other driver for pain and suffering and similar losses. Other proposals would provide that the motorist could not, regardless of circumstances, sue in court for damages.

Wyoming trial lawyers testified that no fault insurance eliminates basic individual rights and prevents an automobile accident victim from receiving full recovery for losses.

With one exception, the witnesses were opposed to federal insurance regulation and national no fault laws. The witnesses generally agreed that no fault insurance would not decrease automobile insurance premiums in Wyoming.

The Committee concluded that it is highly questionable whether no fault insurance would benefit Woming citizens. The Committee is continuing a general study of various no fault insurance proposals and invites any interested party to submit suggestions or recommendations on this subject to the Legislative Service Agency, 213 Capitol Building, Cheyenne, Wyoming 82001.

Members of the Joint Judiciary Interim Committee are: Representative Lawrence A. Yonkee, Chairman, Sheridan County; Senator Harry E. Leimback, Vice Chairman, Natrona County; Representative Marvin E. Emrich, Secretary, Natrona County; Senator John W. Patton, Sheridan County; Senator Robert W. Costin, Albany County; Senator W. G. Vanderpoel, Goshen County; Senator Robert H. Johnson, Sweetwater County; Representative Alan K. Simpson, Park County; Representative John T. Langdon, Washakie County; Representative Harold E. Meier, Fremont County; Representative Walter B. Oslund, Weston County; Representative Edwin H. Whitehead, Laramie County; Representative John R. Smyth, Laramie County; and Representative Gary M. Greenhalgh, Sweetwater County.

In the legal and constitutional realm, there is a serious question as to whether the Federal Government can or should countermand the States' tort law. It is certainly doubtful that the Commerce Clause gives the Federal Government the right to alter application of contract and tort laws in the States. The 10th amendment reserves this area to the States. Extension of the Commerce Clause to allow Federal preemption of matters indirectly involving activities affecting interstate commerce would mean that the Federal Government could change or nullify virtually all of the State law. This would certainly be a shattering blow to the rights of States. As specific examples of this Federal preemption, let me refer you to sections 302 and 303 of S–945, print 3, which would directly abolish State common law, statutory and constitutional rights to sue in tort for almost all automobile accidents. State contract law would be changed by sections 103 and 106 which deal with such subjects as insurance cancellation, and offsets to insurance companies.

Another question is whether the Federal Government can or should require the executive branch of State government to interpret and enforce Federal laws. Sections 107, 110(a) (2), and 302(c) place such burdens upon the States in such areas as assigned risk or assigned claims plans.

Still other questions should be considered by the Senate Judiciary Committee. For example, can or should a Federal law contravene State laws regulating the legal rate of interest on contracts. Section 104(a) (1) provides for interest up to 24 percent per annum on policy claims under certain circumstances.

It is interesting to note, also, that S. 945 would evidently put the Federal Government in the business of repealing State Constitutions. Article X, section 4 of the Wyoming constitution prohibits limiting the amount recoverable for personal injuries and death. The same thing is true in the constitutions of the States of Arizona, Arkansas, Kentucky, and Pennsylvania. It is also my understanding that in several other States limitations on the amount recoverable for death are constitutionally prohibited. This is true in the States of New York, Ohio, Oklahoma, and Utah, according to my information.

Therefore, if these State constitutional questions exist, either these States would have to change their constitutions in order to pass these so-called minimum Federal standards, if S. 945 should become law, or else they would be forced to take a Federal no-fault law immediately.

My preference is that Wyoming's constitution should be changed by Wyoming people to meet needs and conditions in

Wyoming, and that my State of Wyoming should not have Federal insurance laws and regulations imposed on it that are contrary to the Wyoming constitution.

Also, Mr. President, I have just today received a letter from the President of the Wyoming State Bar who opposes S. 945. The American Bar Association is also opposed to any Federal no-fault legislation.

I fully agree with Joseph B. Sullivan, president of the Wyoming State Bar that this is a field which the individual States should solve without Federal interference and I am sure, given the chance, they will.

I fully agree with Senator COTTON who said in his minority views that it is premature to act on this legislation at this time and that we should have at least until early next year during the 93d Congress to see how this matter is being handled and is being worked out at the State levels before proceeding with Federal legislation such as S. 945. I, therefore, will vote to refer the bill to the Judiciary Committee for its determination on the vital issue of constitutionality before it is finally considered here on the Senate floor.

Mr. CHILES. Mr. President, I shall vote today to refer S. 945, the Uniform Motor Vehicle Insurance Act, to the Judiciary Committee.

I believe the principle of no-fault automobile insurance is a very useful one and should continue to be tested at the State level. But to me, the immediate installation of a Federal system of no-fault is not the best way to go about it.

It is the purpose of this measure, as I understand it, to foster State reform of the present inadequate, inefficient, and unfair liability-based automobile insurance system by the establishment of standards for a no-fault automobile insurance system that would save and restore lives. While I am very much aware of the needs of our present system of automobile reparations—the need to reduce the economic waste; to improve scope of coverage and adequacy of compensation; and the need to build incentives into the system which can reduce the waste of human resources—I am reminded that insurance regulation has traditionally been a State function. State activity and reform thus far in Delaware, Illinois, Maryland, Connecticut, New Jersey, and my own home State of Florida has been and will no doubt continue to be subject to solid criticism and careful scrutiny. And I am hopeful these local experiments will eventually lead to better no-fault plans in other areas.

It is my understanding that much of the public support generated for the no-fault concept has depended on the assumption that this system would reduce premium costs to the public. And yet some evidence indicates to the contrary. In fact, I am informed that even in a special session called while the Commerce Committee was marking the bill up in executive session, a variety of actuarial predictions was produced that ranged from a 6-percent decrease in premium to an 18-percent increase if the bill were in effect as reported.

I strongly favor the idea of individual States experimenting with no-fault plans so they can be adapted to local conditions. And I also strongly favor State-level regulation and innovation rather than the creation of yet another national bureaucracy. While I urge the States to respond to this pressing need on a State-by-State basis, I stand opposed to S. 945 as now written which would involve the Federal Government in this insurance reform.

Mr. HRUSKA. Mr. President, I now yield 5 minutes to the Senator from Alabama (Mr. ALLEN).

The PRESIDING OFFICER (Mr. GRAVEL). The Senator from Alabama is recognized for 5 minutes.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Nebraska for yielding me this time so that I might state my position with regard to the pending legislation.

Mr. President, perhaps no topic has monopolized the collective time and energies of the U.S. Congress, the legislatures of the several States, the faculties of our schools of higher learning, the policymakers of the insurance industry, and the executive staffs of memberships of virtually every bar association more than the topic of no-fault insurance.

Countless hours were devoted to investigations of our automobile accident compensation system by committees of both Houses of Congress.

The Department of Transportation expended $2,000,000 and 2 years of time in completing an exhaustive study of the matter.

A special committee of the National Conference of Commissioners on Uniform State Laws was commissioned by the Department of Transportation to develop a uniform law.

Many States have formed various types of committees to study the subject of no-fault.

Where has this intense study led us?

The upshot of the Department of Transportation study was a report from Secretary John Volpe which suggested two highly crucial elements:

First. While improvements are needed, they should be developed through evolutionary means.

Second. The most desirable method of producing meaningful changes would be through State-by-State experimentation.

Secretary Volpe concluded with a recommendation that the Federal Government should consider no alternatives for at least 25 months—a period which has not yet expired.

The special committee of the National Conference of Commissioners on Uniform State Laws has been deliberating on this matter for over a year and I am told have just completed draft No. 10 of a proposal which will be submitted to the national conference in August. From all reports, whether there was unanimity within the special committee, a divergent response is expected of the national conference.

Where "no-fault" proposals were submitted to the State legislatures the results were enlightening, if not conclusive. Many States enacted proposals—no two of which were similar. Many States did not yet feel compelled to act and either delayed further action for the present or rejected the proposals before them. Many States cautiously continue to deliberate, preferring caution to a precipitate action from which it might find it difficult, if not impossible, to extricate itself.

With this background where do we find the U.S. Senate? I believe, Mr. President, we find ourselves in a precarious and inopportune position. We are asked by the sponsors of S. 945 to ignore the recommendations of the Department of Transportation, the efforts and achievements of the Special Committee of the National Conference on Uniform State Laws, and the brief experience thus far gained from States by enacting into law a proposal which far exceeds, by any standard, the types of laws which have heretofore been enacted and which have gained success and acceptance within the States which have most directly addressed themselves to the matter. By what divine revelation does this Senate discern with more accuracy a universal solution to a problem in which State responses have been so divergent?

If I had no reservations whatsoever over the provisions of S. 945, I would still be concerned that we are moving too hastily in an area the very nature of which demands and requires more caution, study and deliberation.

But I have reservations about S. 945.

I am concerned over Federal intrusion at this time into this entire area. And I draw no distinction between a federally mandated law and one which compels State conformity with federally mandated minimum standards. There is no difference. The effect would be the same. Whatever fine distinctions are drawn, I consider them to be the same. Either portends Federal surveillance and control in areas traditionally and appropriately reserved to the several States.

Despite the conflicting views in the matter, I am concerned over the potential impact should the reported cost increase of the proposed system become a reality. We are asked to take responsibility if there is dissatisfaction attendant to a system substantially constricting the right of recovery for pain and suffering and elimination of the right to hold a wrongdoer accountable for his reckless deeds. I do not believe I am prepared to assume a much greater responsibility if a system, which deprives these rights, also must be delivered at a higher cost.

I am also concerned that S. 945, in a most vicarious manner, emasculates, if not destroys, the State regulatory scheme developed under Public Law 15, the McCarran-Ferguson Act. S. 945 would create new stringent and intractable regulatory standards quite inconsistent with prior congressional recognition that what constitutes a valid system of regulation for one State under one set of conditions need not necessarily constitute a universal panacea for all the States. If McCarran-Ferguson needs revision, let us forthrightly address ourselves to it on its own merits, based on its own experience and not through the indirection of a program professing to correct the shortcomings of our automobile accident compensation system.

But if I am concerned over these and a myriad of other provisions of the proposal, I am doubly concerned over the impact which its enactment will impose on the business operations of many fine smaller insurers.

Currently 385 casualty companies are licensed in my home State of Alabama. While many are large multi-State writers, many more are small single State or regional writers. The insurance climate in Alabama is a healthy and vibrant one, and this latter group of companies has contributed a large share to the healthy conditions. In a State in which the factors which influence insurer success differ substantially from the same factors in other States, these parochial insurers have responded to the needs and demands of the people in the locale. In so doing they have created the mold to which the larger out-of-State insurers have conformed, thereby creating an enviable condition for writing insurance and servicing its policyholders and claimants. We are jealous of this condition, and I would imagine that there are other States equally jealous of similar conditions.

The enactment of S. 945 would seriously jeopardize this situation, for it would surely jeopardize the very existence of the smaller companies. A study of the provisions of S. 945 will disclose two features which will produce this impact.

First, the mandatory coverages payable without regard to the fault of the insured create in my judgment a far greater exposure than the current financial responsibility limits of $10,000, $20,000 and $5,000, the $10,000 being for one person's bodily injury; the $20,000 being the limit in any one accident; and the $5,000 being for property damage. With this greater risk many smaller companies presently operating within a safe solvency level will need to consider either a merger with larger insurers or accept the unfortunate choice of withdrawing from the market.

Second, the uniform procedures mandated by S. 945 will create a disproportionate burden on the smaller companies in striving to achieve conformity and, by eliminating one method by which they can control operating costs, will deprive them of an ever critical competitive edge.

It is not the small active auto insurers who are clamoring for a Federal solution. To the contrary, the smaller companies with virtually a single voice are pleading for the retention of state prerogatives and for a good reason. They are pleading to preserve their very existence. I join them in that plea, Mr. President. I again repeat the matter is too urgent and the stakes too high for this Congress at this time to intervene. I urge the continued deliberate study of this whole matter. In my view, the place for such deliberate study is the Senate Judiciary Committee and I heartily recommend the adoption of the motion of the distinguished Senator from Nebraska to commit the bill, S. 945, to the Judiciary Committee.

S. 945 makes several changes in the basic American system of jurisprudence which need further study, but the one which I find really incomprehensible is that it takes away a person's rights to sue for damage to his automobile and it gives him nothing in return. On the bodily injury side, S. 945 would, at least, give new no-fault insurance benefits covering medical expense and wage loss in return for taking away the right to sue for pain and suffering. But collision insurance is available right now, and so it gives nothing in return for taking away property damage liability rights. Now what kind of a benefit to the consumer is this? And remember that, according to the DOT studies, an average motorist is involved in a property damage accident once every 3 years, but only once in 40 years in a bodily injury accident.

Mr. President, this is a facet of this bill that needs study. Workmen's compensation took away common law rights to sue an employer but it gave something valuable in return. No piece of social legislation has ever taken away anything so basic as the right to sue for property damage and give no substitute in return.

For all these reasons I urge that this bill be sent to the Judiciary for much needed study of both technical defects and general legal principles. It is sorely in need of improvements and is too important to pass in its present condition.

Mr. President, I ask unanimous consent that there be printed in the Record excerpts from a speech by Hon. T. M. Conway, chairman of the Alabama State Bar's Auto Insurance Law Committee. These excerpts are from a speech which he is to deliver on August 12, 1972, before the National Conference on Bar Presidents in San Francisco.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpts From Speech by T. M. Conway

There may be some who think the organized bar should not take a position for fear of the "self-interest" criticism. Our position on that is this:

It is true that a segment of our profession earns a portion of its livelihood in representing clients whose rights would be abolished, but the majority of our bar does not. Yet, we are virtually unanimous in our stand. It is our duty to speak out in the public interest on matters where our knowledge and understanding of issues particularly qualifies us to do so. We speak in the interest of the future auto crash victims whose legal rights would be abolished, and of those who pay automobile insurance premiums. They are being misled by misrepresentations that their premiums will be significantly reduced, despite the fact that only the high risks drivers would get meaningful reductions while the good risks—the stable family man in particular—will pay more.

We invite scrutiny of our position and stand ready to defend it on the merits. At the same time we suggest like questioning of the motives of certain insurance companies which are spending vast amounts in advertising and propaganda favoring no-fault. Those are premium dollars they are spending, undoubtedly from the approximately six million dollars pocketed by insurance companies last year in Massachusetts by not having to pay for the rights abolished by that State's no-fault law.

Our basic position is as follows:

The Alabama State bar favors no-fault insuance in the sense that it affords to the public insurance which should pay, promptly, and without regard to fault, medical expense, wage loss and auto damage. We question that it is in the interest of the public to require by law that every car owner buy such insurance regardless of need, desire, or ability to pay for it, in addition to his other similar insurance or wage continuation plans. We vigorously oppose abolition of the present financial responsibility of the guilty to the innocent, and the abolition of the right of the innocent to full and just compensation for his injury. We are dedicated to the preservation of the right to a jury trial where necessary to determine those rights. We believe that moral and legal responsibility go hand in hand to deter recklessness which produced injury, and the elimination of either one of them will tend to increase the frequency and severity of auto accidents.

We specifically criticize the present Federal bill as follows:

Senate bill S. 945, which I call the sledgehammer bill, represents the fifth revision of the fifth Hart-Magnuson bill. The rest were discarded when they proved to be unsound, because among other reasons, they could not promise premium savings. Yet this bill was reported out . . . despite evidence from the National Association of Independent Insurers, made up of companies writing more than 50% of the automobile insurance in the country, showing that it would result in increased premiums across the board nationally. For example, Alabama stands 40th in average premium cost, and if we pass a law to meet the standards it sets, the average premium cost will increase 30.4% for minimum coverage, 42% for medium coverage and 16.3% for full coverage.

The inevitable consequence of passage of this Federal bill would be socialization of the reparations system. The car owners simply cannot pay this increased cost. The Government would take it over for handling under something like social security, and there are those in Senator Hart's camp who advocate just that as the ultimate solution, one of whom recently said in Birmingham that cost is immaterial. The National Association of Mutual Insurance Agents says this about S. 945:

"If this legislation passes in its present form, the ultimate result will be an inversion of the rate structure. Companies will have to make the rates on the basis of sustaining loss rather than on the basis of causing loss. Can you visualize the reaction of your typical married insured with children if his rates are increased significantly and the rates of the irresponsible driver are decreased substantially? Will our customers become so disenchanted with injustice of the system that they will demand that the State or Federal Government write auto insurance directly?"

We don't need in Alabama a Federal bill designed to meet problems existing in Boston, New York, Chicago, Newark, Hartford and Miami. We don't have the kind of problems they have, either in our courthouses or in insurance costs. Our insurance costs less than in 40 States, and in Alabama premiums should now be reduced, either by dividends to policyholders or reductions in next year's rates. One company has just announced a 10% dividend. While in some Alabama courts there is delay in trial of automobile cases, it is due in large part to criminal and priority condemnation cases. In almost all courts, trials may be had with reasonable promptness. On a composite basis, our circuit judges who try civil cases average roughly one automobile case per month. 90% of all claims are settled in Alabama without suit or lawyers. The automobile accident represents only 9% of all circuit court cases and approximately 90% of those are settled without trial.

The bill is opposed by those who understand it best, including President Nixon, the commissioners of insurance from all 50 States, all segments of the insurance industry (including those which press hardest for no-fault legislation at the State level), the American Bar Association, and I believe all State and City bar associations. All of these agree that the States can do a better job of tailoring legislation to meet their own widely divergent needs.

We believe that Alabama's need will be satisfied by a moderate approach, such as that taken by Oregon. There, all policies are required to pay $3,000 in medical expense and $6,000 for income loss, without regard to fault. This will provide immediate relief from economic pressure brought on by auto accidents, and this $9,000 package is 4½ times Massachusetts' no-fault benefits and almost twice as much as Florida's. Reports indicate that the profit picture for insurance companies there was such that this coverage was added without any increase in cost of many policies, though for those who did not carry any medical expense coverage, there was a modest increase.

Oregon's brief experience indicates that more claims are being settled, and quicker. The anticipated ultimate result will be a decrease in the cost of bodily injury liability insurance, and all of this has been done without abolishing the rights of anyone.

We would not oppose enactment of a law such as Oregon's, or those of some other States which have taken somewhat similar action. We are encouraged to see that some four Alabama companies are now offering like coverage, without a law requiring it. Competition will soon force others to do the same.

We agree with USF&G's board chairman who said in the 1971 report to stockholders:

"But Massachusetts is a State by itself, having had compulsory auto insurance for 40 years. Abuses grew up, under which each person involved in an auto accident, knowing the other party had insurance under the compulsory law, brought claim for all he could possibly collect against the party presumed to be at fault. 6.73 claims per 100 cars registered was the 1969 frequency of claims made in Massachusetts. In all other States combined, claim frequency was only 2.09 claims per 100 cars. Thus the rate reduction proposed for 1972 in Massachusetts is not persuasive that the same pattern will occur in other States, nor that adoption of an 'ignore fault' law will develop lower rates in States which already have low claim frequencies." [For Alabama it is 1.70 and declining.]

It would be well for Congress and legislatures to heed the advice of USF&G's president who has notified its agents that since the differences in no-fault laws already adopted are so significant, "shouldn't your legislature refrain from taking any positive action until it is known which, if any, of the no-fault laws is going to operate successfully. Of the no-fault laws already adopted, one type will probably operate more successfully than another type. Who knows which one will operate best? Do you? Do your legislators? Do the owners of the motor vehicles registered in your State know? The answer to these questions is obvious. No one knows. No one will know until these no-fault plans have stood the test of time. Don't let your legislature take the chance of guessing wrong. Urge the legislators to go slowly and learn from the other experiments, then decide which is the best."

Mr. DOMINICK. Mr. President. The no-fault insurance bill (S. 945) which is now before the Senate has prompted a nationwide debate in newspapers, periodicals, television and radio. The concept has been the subject of extended debate before many State legislatures this past year. The letters, telegrams, position statements and reports received in my office have been overwhelming. I have followed the debate before the Commerce Committee and on the Senate floor with interest.

The question of no-fault insurance submitted to the Colorado State Legislature this past year was rejected and will be presented for the consideration of my constituents on the ballot in November. This referendum was initiated by Common Cause in Colorado. We have all heard from the trial lawyers, insurance companies, insurance commissioners, consumer groups, local, State and national bar associations.

Mr. President, I have reviewed this bill, the history of no-fault insurance in this country and the possible impact of this Federal legislation on the people of Colorado. The following facts emerge:

First. The Federal bill imposes extreme standards on each of the States. If a State does not enact a plan that meets the requirements of title II, then title III is automatically imposed on that State.

Second. Massachusetts was the leader in the no-fault field. Legislation has been effective since January 1, 1971—20 months ago.

Third. The following States have adopted some form of no-fault insurance plan—Massachusetts, Delaware, Florida, Connecticut, New Jersey, Maryland, South Dakota, Oregon. Not one of these States would meet requirements of the Federal plan.

Fourth. The plan adopted by Illinois was recently declared unconstitutional. However, the problems as set forth in the court's decision are capable of correction by the Illinois Legislature.

Fifth. Studies of the National Association of Independent Insurers indicate that premiums would increase 40 percent in Colorado under the "minimum" requirements of title II. There has not been ample time to consider such cost implications among the various States.

Sixth. The Federal plan has not been tested and differs from each of the existing State plans. The differences among the various State no-fault plans are obvious because each State has varying needs and circumstances. Some are rural, some are urban, and so forth. This is the reason that insurance premiums vary from State to State at the present time.

Mr. President, S. 945 is simply one more type of no-fault insurance proposal. Eight States have enacted varying no-fault plans and I am certain that more and more States will enact some type of no-fault insurance program as a result of the attention this subject has received. To impose on the States a national no-fault program, such as S. 945, could have disastrous consequences. I oppose a plan which is completely untried and untested—a plan which some studies indicate could result in a substantial increase in premiums to the citizens of Colorado and 25 other States in this country.

Mr. President, evidence presented for reform in the field of compensation for the motor vehicle accident victim is substantial. Such reform is directed toward a system that has developed over a period of several centuries. After ample opportunity for analysis of the cost implications of no-fault, the desirable features of the State programs might be adopted and molded into a reasonable uniform plan.

At that time, we would have the benefit of experience, something that is totally lacking as we consider S. 945. Since no State which has enacted no-fault insurance would qualify under this legislation, and since the most conservative estimate indicates that Colorado premiums would be raised some 40 percent, I will oppose this bill at this time, hoping that State experience and some additional actuarial work will enable us to meld the good features of State bills into better Federal legislation.

Mr. CANNON. Mr. President, as we consider the very controversial no-fault legislation, I suggest to Senators they listen carefully to their Governors and to their State insurance officials. These are the people on the firing line of insurance regulation, and as we so well know, each State has its own problems, that quite often must be handled by an approach that in all probability might not be applicable in any other State.

My own Governor, the Honorable Mike O'Callaghan, of Nevada, has appointed a statewide committee to draft no-fault legislation to be presented to our legislature in the 1973 session. He urges me to oppose S. 945, and leave this matter to the various States.

In addition the board of bar governors has pointed out that a committee is working on proposed legislation to be submitted to the Nevada Legislature.

I agree, at least to the extent that this is not the time to impose a no-fault plan on the Nation. I hope we will give the States additional time to work out their own problems in this area.

I ask unanimous consent that Governor O'Callaghan's letter be printed in the RECORD as well as the letter from the executive secretary of the State bar.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CARSON CITY, NEV., *August 2, 1972.*

Hon. HOWARD CANNON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CANNON: I have learned that the Federal No-Fault Bill, S. 945, will be considered by the Senate in the near future.

After reviewing the provisions of this bill, I urge you to vote against its passage. I feel strongly that the several states should be given more time to develop no-fault measures that fit their individual needs. Nevada's experiences with automobile accident compensation are considerably different in scope than those of Illinois, New York or even California. This proposal represents such a substantial change from the current systems of insurance, that each state should be able to tailor its plan to fit the needs of its citizens.

The enactment of S. 945 would pose a serious threat to the McCarran Act, which provides for the state regulation of insurance, by undermining its entire rationale. In addition, one reliable cost estimate indicates S. 945 would require up to a 41 percent cost increase for Nevada motorists.

I have appointed a state-wide committee to draft no-fault legislation which will be presented to the 1973 session of the Nevada Legislature. I respectfully urge you to vote against S. 945 and give Nevada an opportunity to develop a law to meet its own needs.

Sincerely,

MIKE O'CALLAGHAN,
Governor of Nevada.

STATE BAR OF NEVADA,
Reno, Nev., August 31, 1972.
Senator HOWARD W. CANNON,
Senate Office Building,
Washington, D.C.

DEAR HOWARD: The Board of Governors of the State Bar of Nevada asked me to again write you to express the Bar's opposition to the Federal no-fault legislation now under consideration by the United States Congress.

The No-Fault Insurance Committee of the State Bar of Nevada rendered a report to the Board of Governors in which it recommended that the Oregon type no-fault legislation should be adopted in Nevada. The Committee indicated that it would prepare a bill along these lines to be submitted to the next meeting of the Nevada State Legislature.

In light of the fact that adoption of no-fault legislation at the State level is under serious consideration in Nevada, our Board of Governors believes that it would not be in the public interest to have Federal legislation in this field. The Board solicits you to oppose this Federal legislation. With kindest personal regards.

Yours very sincerely,

ROBERT R. HERZ,
Executive Secretary.

Mr. TOWER. Mr. President, I wholeheartily support the motion by the Senator from Nebraska (Mr. HRUSKA) to commit S. 945, the no-fault insurance bill, to the Committe on the Judiciary. There is no doubt that this bill contains features that could have wide-ranging repercussions on the Federal court system. It could put Federal courts in the business of deciding distinctly local matters where there is not even a hint of a Federal question under currently accepted standards.

I believe that to federalize this system without even so much as a hearing by the Senate committee that is charged by our rules with the oversight of our federal judicial system would be a travesty. The committee must have an opportunity to take testimony from interested parties to determine, to the extent possible, just what the effect on our federal system will be with Federal courts deciding matters where there is no Federal question, where Federal courts are, in effect, substituted for State courts. This is a matter of such precedence that I believe we in the Senate must know what we are doing before we can judiciously act. To make such a change in our system of federalism without the most thorough examination would be most unwise.

There are other questions, Mr. President, that must be closely examined by the Judiciary Committee before we can consider this question in the Senate. Under the McCarran-Ferguson Act, the regulation of the insurance industry was specifically delegated to the States. By the current bill we are proscriptively overriding this delegation, at least as far as automobile insurance is concerned. There have been no hearings on the implications of this matter and I believe that the Judiciary Committee would be the obvious place to examine the effect of S. 945 to the McCarran-Ferguson Act.

Mr. President, I have other reservations to S. 945 at this time. However, I believe that the ones that I have raised to this point must be cleared up before we can proceed to the consideration of this measure on its merits. Without having the answers to these basic questions, we will spend a lot of time debating the peripheral issues of S. 945 without being able to get down to its basics. I commend the distinguished Senator from Nebraska for making this most worthwhile motion, and I urge Senators to support it.

Mr. CHURCH. Mr. President, I shall vote for the motion to commit this bill to the Judiciary Committee. There is no question that the bill would restrict the jurisdiction of the Federal courts in tort cases, a matter which properly lies within the province of the Judiciary Committee. The committee should, therefore, have an opportunity to review the bill.

I can see nothing to be lost by the referral. Even if the Senate were to pass the bill at this time, there is no chance for it to be acted on in the House of Representatives before the end of the session. So the bill will have to be considered anew next year in any case.

At that time, we will have an opportunity to study and debate the measure in an unhurried fashion, which, in the long run, will likely produce the best legislation in this complicated field.

For these reasons, and not because I oppose in principle a well-considered no-fault bill, I shall vote for the motion to refer.

Mr. TUNNEY. Mr. President, I have decided to vote in favor of the Hart-Magnuson no-fault auto insurance bill and oppose its referral to the Judiciary Committee where it will die an untimely death. I support the bill because the present auto insurance system is a disaster and because I believe that the American consumer demands and deserves a better way.

Anyone who examines the present system cannot help but conclude that it perpetuates monumental economic waste and terrible inequities among victims. In March 1971, the Department of Transportation released its final report on a 2-year 24 volume study of the present motor vehicle insurance system. Some of the conclusions of that study were these:

First. The present system returns only about 44 cents in benefits to auto accident victims for each dollar paid in premiums to insurance companies.

Second. One third of claimants with losses between $1 and $500 recovered over 4½ times their medical and wage losses.

Third. Seriously injured victims with medical expenses of $5,000 or more recovered only 55 percent of those expenses while victims with medical expenses of less than $5,000 recovered 90 percent of their losses.

Fourth. Innocent victims with different economic or educational background are treated in vastly different ways. A college educated accident victim receives on the average 63 percent of his loss; but a victim with no formal education or less than 12 years of school gets about 38 percent. Similarly a victim with $10,000 income gets about 61 percent of his loss, but a person with income under $5,000 gets only 38 percent.

Fifth. For fatal accident victims who work, the average loss was $40,000, including lost future wages, yet the average settlement his family received from all recovery resources, including liability insurance, was $2,080 or 5 percent.

Sixth. No benefits are received in many cases such as where both parties are without fault, persons injured in one car accidents, and victims who are themselves at fault.

In other words, those who tell the public that the present system compensates the innocent victim for both economic and intangible—that is, pain and suffering—losses are perpetrating a monstrous hoax. The present system does not even come close to compensating the basic economic loss of a victim, let along his pain and suffering.

In fact, as the Senate Commerce Committee report on the bill puts it: "The odds are better in Las Vegas." And there is some truth in that. Compare the 44 cents on the dollar return provided by auto liability insurance with the fact that the New York Off-Track Betting Corp. returns 83 cents as winnings to bettors for every dollar in wagers.

And not only is reimbursement inadequate; it is also incredibly delayed. A recent New York State Insurance Department study shows that an injured auto accident victim faces delays in collecting under auto liability insurance 10 times as long as delays for collection under other insurance such as collision, homeowners, or theft. And when compared to accident or health insurance, the delay is 40 times as long.

For all of these reasons, I believe the time has come to junk the fault system and adopt a more equitable system of no-fault coverage as provided in S. 945.

This bill provides a Federal minimum standard for no-fault auto insurance and requires each State to adopt a no-fault plan meeting that minimum, or an even stronger Federal plan will go into effect in that State.

Under the no-fault system contained in S. 945, all of a victim's medical and hospital bills up to $25,000, all of his rehabilitation bill up to $25,000 and all of his lost wages—or the lost future earnings of a person who dies—up to $75,000 are paid by his insurance company regardless of who is at fault.

In addition, the proposed system will pay benefits as the loss occurs; if an insurance company tries to delay payment it will get socked with interest payments to the victim at the rate of 24 percent per year. In an era when the consumer must pay finance charges whenever he does not pay on time, it is only fair that insurance companies be treated the same way when they do not pay on time. In addition, if the victim is forced to sue his insurance company to collect, the company must pay for his lawyer.

In summary form, the advantages of this bill are these:

First. A far greater percentage of premiums paid by consumers will be paid out in benefits.

Second. Overpayment of small claims will be ended by eliminating the "nuisance" value of those small claims. Damages for pain and suffering would be available only to those who are seriously injured.

Third. Adequate compensation for fatally and seriously injured victims is provided for the first time.

Fourth. Incentives to reduce the waste in human resources are built into the bill. It pushes injured persons to accept rehabilitation services; it provides sure payment for emergency services; and it encourages stronger, safer cars because the characteristics of a person's own car would affect his rate.

Fifth. Timely payment is assured, with interest at 24 percent per year if a claim is not paid within 60 days.

Sixth. Insurance will be available to everyone, with a maximum limit on any assigned risk pool premium.

COST

A final point is the question of cost. There have been a lot of claims made by all sides about the effect of a no-fault system upon the cost of premiums. I think it is critical that there be a full understanding about the expected cost of no-fault and the reality or unreality of cost estimates.

The Senate Commerce Committee obtained estimates of the nationwide cost effect of its no-fault proposal from four industry sources. The American Insurance Association which favors no-fault, projected a 6-percent premium savings on a nationwide average. The American Mutual Insurance Alliance, which opposes no-fault, projected a 2-percent savings. The National Association of Independent Insurers, which oppose no-fault, projected an 18-percent increase. And State Farm Insurance Co., the largest auto insurer in the United States, projected no change in premium costs.

The committee also attempted where possible to provide separate estimates for individual States. For California, the AIA estimated a 6-percent savings under no-fault. State Farm estimates a 7-percent savings. Allstate Insurance, which plans to sell a more expensive package, estimates a 17-percent increase. The AMIA did not provide a separate State breakdown.

Based upon those estimates and further study conducted by the Commerce Committee it would appear that the effect of a shift to the no-fault system is likely to be a small decrease in premium costs or no change at all. It is possible that a more substantial decrease might result if cost estimates prove too conservative. And it is also possible that no-fault might increase some premium costs.

And therefore, I believe it would be irresponsible to promise consumers dramatic decreases in premiums. There may be some such decreases, but where they are likely to occur is where the present system has had its worst failures—in Massachusetts, for example, where every nickel bumper used to result in a personal injury claim, real or imagined.

The important point is this: The no-fault system is a vastly more equitable system, one which goes a long way toward providing fair and swift compensation for all accident victims. Even if adoption of that system were to result in a modest increase in premium cost, I believe its advantages over the present system make it worth whatever it costs.

The savings in human terms offered by this bill make it one of the most important measures to come before the Senate this year, and I am, therefore, pleased to join in supporting it.

During the past year I have discussed the various no-fault proposals with a great many persons, including extensive discussions with trial attorneys. The principal arguments which have been raised in those discussions have dealt with the effect of no-fault insurance upon recovery for intangible losses—that is, pain and suffering—premium cost, and deterrent effect on bad drivers. I have considered those points with care and have come to the conclusion that S. 945 presents substantial advantages over the present system on each count.

I have already discussed the fact that the present system fails to compensate injured victims for even their direct economic costs, much less their pain and suffering. But in addition, under this bill, persons who are seriously injured retain their right to sue for pain and suffering.

As to cost, I have stated my own conclusion that the advantages over the present system offered by this bill make it worthwhile, particularly when three of the four estimates obtained by the Commerce Committee project no increase in premiums. In addition, through the opportunity for deductible provisions to prevent duplication of benefits and the loss reduction incentives contained in the bill, it is possible that further savings may occur.

Finally, with respect to deterrent effect upon bad drivers, I continue to believe that the most effective deterrent is strict enforcement of our licensing and traffic laws.

Mr. HART. Mr. President, the issue before us today may bear the greatest number of teeth marks of any in recent memory. Reform of the auto insurance system has been chewed on for years, until it is probably impossible to find one facet which has not been the subject of thousands of words of discussion and dissection.

The Antitrust and Monopoly Subcommittee has published 11 volumes of hearings and appendix material—beginning back in 1966. The Commerce Committee added five volumes to that. Backing up and greatly supplementing all this verbiage is the $2 million study done by the Department of Transportation. On top of that are numerous books, papers, and such by academicians and State legislators.

The conclusion reached by each source was that the present auto insurance system is serving consumers poorly.

As elected representatives, we did not need this much study to discover what a dismal job the present system is doing. Many of us—I am sure—has file drawers full of letters from constituents giving chapter and verse on how, when they truly needed it, they did not have the protection they thought they had bought.

During all this time of study, consumers have waited with amazing patience for their elected officials to come up with a solution.

They have done this when 50,000 deaths and 2 million injuries annually were demonstrating dramatically how little protection this system was providing. For each family involved with these accidents, this bill is already too late to help with the problems that are so real to them.

Now, we are asked to pause again and refer this bill to the Judiciary Committee for more study. May I suggest two things: First, such additional study is not needed. The issues have been debated. We are all as aware as we can possibly be before passage of the impact of this legislation. Second—and why blink the fact—a yea vote on this referral is in effect a vote to kill the bill for this session of Congress.

The clock is running—at best guess we have 7 or 8 weeks of time before the end of this session. In that time—if we are to deliver auto insurance reform to consumers—the Senate and the House must both act, and likely a conference report must be accepted by each body. Not a schedule guaranteed to reach the goal, but an effort worth making.

If this session should end without each of these steps taken, we must begin all over again next year. Realistically, then, a vote to refer this bill to Judiciary would mean at least another year will go by without delivering on our promise to reform the auto insurance system.

And for what purpose? So we can talk more about this bill?

Mr. President, for 50 years thoughtful voices have urged us to abandon the negligence principle in the automobile insurance system and go to compensation without regard to fault for victims of automobile accidents. Detailed analyses have been built up over the years, with the DOT study confirming the need to go to no-fault. The bill before us is the end product of thorough and extended hearings. To the extent this congressional system works, it is the product of the system fully engaged. The argument is made that it must go to the Judiciary Committee, because there are some features in the bill with which some Members disagree. But that is not the way to decide whether these features are wise or unwise; in our congressional system such questions should be debated right here and on the merits, propose amendments and then vote. Use this amendment process, not the device of "sending it back." Our committee has given the Senate its best judgment after lengthy study, debate and decision. Let the Senate do the same, now, here.

Mr. HRUSKA. Mr. President, I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 10 minutes.

Mr. BELLMON. Mr. President, I urge the Senate to support the motion to recommit S. 945 to the Judiciary Committee. The reasons for my support are quite simple.

Let me first say, that I have long been aware of the need for reform in our automobile reparations system and that the "no-fault" principle, applied correctly, could alleviate many ills and guarantee a more efficient and less costly system.

The Commerce Committee has worked long and hard studying the various ramifications of this measure, and I wish to commend the chairman and committee members for their efforts. However, there is no question in my mind that this bill, if enacted, will have a dramatic and far-reaching impact on our legal system and traditional legal concepts. Therefore, it is only reasonable that the Judiciary Committee be given ample opportunity to examine this proposal.

This bill, unlike the modified no-fault plans now in effect in Massachusetts, Illinois, Florida, and other States, would drastically limit and alter an individual's fundamental legal right to seek redress in the courts of law. Although I am not an attorney, I do know that inherent in our legal system is the basic principle of personal accountability—the duty of each citizen to use reasonable care not to injure his fellow man, and if he does injure him, to bear the responsibility of compensating him for his injuries.

As the Special Committee on Automobile Accident Reparations of the American Bar Association has so aptly stated:

> There is a deep rooted instinct that one should not profit by his own wrong.

The Judiciary Committee should examine this measure in order to determine the important question of whether the fault principle should be maintained, at least in part, and to decide whether a combination fault/no-fault system, a modified no-fault plan, would be the most reasonable and equitable course to follow in seeking reform.

In addition, I have some very serious reservations concernnig the merits of this bill which, in my view, require additional committee consideration.

First is the question of cost. I am firmly convinced that public support for the "no-fault" concept has largely rested on the presumption that a no-fault plan would reduce the soaring cost of automobile insurance. Due to the high benefit levels in title II, statistics indicate that rather than a reduction, S. 945 would result in significantly increased premium costs to the average American driver.

Mr. President, in recent conferences with representatives of insurance companies and others knowledgeable in insurance matters in my State, I was informed that increases in insurance rates in Oklahoma would likely occur if S. 945 became law as it is presently written. These individuals are not opposed to the no-fault approach. Rather, they felt it was too soon for high-national standards to be set, and unanimously they prefer a State-by-State approach and the gathering of information and opinions before a Federal law was passed.

The various estimates presented to the Commerce Committee and received by my office predict that the average Oklahoma driver could expect an increase in premium costs from 18 to 45 percent. If these estimates are accurate, this legislation would hurt—not help—American motorists.

Second, S. 945 would force the abolition and repeal of all existing State programs and completely eliminate State flexibility in developing a program tailored to meet local conditions. A wiser approach is for each State to develop a program which takes into account local factors, concepts, values, and attitudes. These may vary dramatically from State to State.

Average incomes, medical costs and facilities, motor vehicle programs and geographic conditions which create different accident pictures, vary greatly from State to State. I do not believe that an insurance program which meets the needs of the residents of New York City would necessarily be appropriate for residents of Red Rock, Okla.

In my view, the minimums in S. 945 are excessively high. These high levels would result in increased premiums for many States and a severe limitation on State initiative and ability to deal with their respective problems. More reasonable standards should be required in all jurisdictions.

The better approach is the one advocated by Senator BAKER which would require no more than a $1,000 minimum for medical coverage and $5,500 for other economic categories, including lost wages on a first-party basis without regard to fault. Studies indicate these minimums will reimburse in full more than 95 percent of the victims of automobile accidents without an increase in premium costs and also permit the States flexibility in developing programs geared to their respective needs.

We frequently hear about a taxpayers' revolt. In my opinion the problem is much deeper. What we are witnessing in this country is a citizens' revolt against the growth of government. Premature passage of the legislation in the no-fault field and the subsequent increase in insurance premiums would, in my opinion, produce a policyholders' revolt.

Mr. President, I have in my hand a small sample of the many letters and telegrams received by my office. These communications are heavily in opposition to no-fault insurance and they come from knowledgeable people who have spent their lives, careers, and activities in this field.

For example, I have a wire from Lewis Munn who says:

> We urge you to oppose senate bill 945X as it is not in the best interest of Okla. since several states have enacted this type legislation it would seem appropriate to wait until their experience is available for evaluation. Furthermore it would appear feasible for this type of legislation to be enacted and administered at the state level to fit local needs. Also the level of benefits as written in SB945 appears to be excessive for this area and would cause an increase in rate for Oklahomans. It appears that farm vehicles could be substantially increased.
>
> LEWIS H. MUNN,
> *President, Oklahoma Farm Bureau and Affiliates.*

I have many similar communications and the theme is the same: That it is too soon; that this would mean an increase in rates.

Mr. President, for those reasons I urge that the Senate support the motion to permit the Committee on the Judiciary the opportunity to study the serious problems which this legislation raises.

Mr. MAGNUSON. Mr. President, will the Senator yield on my time?

Mr. BELLMON. I yield.

Mr. MAGNUSON. Does the Senator have any idea when the Committee on the Judiciary would ever report the no-fault bill?

Mr. BELLMON. That question really should be addressed to the Senator from Nebraska.

Mr. MAGNUSON. The Senator knows or should know there would not be any hearings this year or in this session. If I could get assurance there would be hearings, that would be one thing, but I cannot get that from anybody on the Committee on the Judiciary. I refer to hearings in depth, or a date certain when the bill will be reported back. Can the Senator give me that?

Mr. BELLMON. As the chairman knows, I am not a member of the Committee on the Judiciary. Perhaps the Senator from Nebraska, who is in the Chamber, can answer the question.

Mr. MAGNUSON. I should not have asked the Senator.

Mr. HRUSKA. That bill rested in the haven of the Commerce Committee for 16 months. It would be unfair to expect the Committee on the Judiciary to report it back in 16 days after the Committee on Commerce had it for 16 months.

Mr. MAGNUSON. How long does the Senator think they would take on it?

Mr. HRUSKA. If we are going to get in the business of saying we want to pass it this session and we do not care how inadequate or how deficient it is, we want to pass something——

Mr. MAGNUSON. Oh, well.

Mr. HRUSKA. I yield 15 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Is it not a fact that this country has gotten along without a bill like this from the time of George Washington to the present moment and the heavens have not fallen?

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. HRUSKA. I am sorry.

Mr. ERVIN. I would like to ask the Senator a question.

Can the Senator show me where in this bill, if a man is driving a truck on a highway and has a no-fault insurance policy, and he runs off the road and runs into my house, that I can get any damages under the provisions of this bill?

Mr. MAGNUSON. The Senator may sue anybody under section 204, where there is damage to your property.

Mr. ERVIN. Where is that? I have looked for it. I cannot find it in the bill. I have looked from one end to the other.

Mr. MAGNUSON. Section 204. If the Senator will sit down and read it I will be glad to answer his question later.

Mr. ERVIN. Will the Senator tell me the words in section 204. It is a rather short section.

Mr. MAGNUSON. Section 3—Physical Damage to Property Other Than Motor Vehicles in Use.

Mr. ERVIN. I thank the Senator and accept his statement as valid.

Mr. MAGNUSON. I do not want to get into a discussion of the merits. The motion to refer the bill to the Committee on the Judiciary is before the Senate. We are going to debate the merits if the motion is not agreed to and if it is referred to the Committee on the Judiciary the Senator can take it up to the

Committee on the Judiciary and get an answer to his question.

Mr. HRUSKA. I yield 15 minutes to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I do not claim to be an expert on this bill. Like every other Member of the Senate I have had hundreds and hundreds of other tasks to perform and it was only in recent days that I could even get a copy of the bill in its present form. Prior to that time I tried to get copies, but obtained copies that had been substantially changed from time to time.

I say to my good friend from Washington we should not place upon a nation of 200 million people a bill of this importance without affording Congress and the Senate an adequate opportunity to ascertain what is in the bill.

If enacted into law the bill would make the most drastic change in our system of government. Up to the present moment the regulation of all matters of liability——

Mr. MAGNUSON. Mr. President, if the Senator will yield on my time, so the RECORD will be straight, we reported this bill in June, it has been here since June. We have held hearings, all kinds of hearings, we have had a study costing $3 million which lasted 3 years, which was distributed to every Senator. It was reported in June and the Committee on Commerce had many witnesses. The Senator from North Carolina could have submitted amendments. We listened to everybody. We took our time. The bill was reported in June.

Mr. ERVIN. In June——

Mr. MAGNUSON. If I may finish, on my time—it was reported by the Committee on Commerce with three votes against it. The Committee on Commerce looked at it very carefully. So do not suggest we would just come down here last night or the day before yesterday and give the Senate a bill. That is not true.

Mr. ERVIN. This bill was reported on the 20th day of June 1972, a few days before we went into recess and at a time when we had little opportunity to study it. The Senator from North Carolina, who works about all the daylight hours, has had other tasks to perform and has had to stay on the floor of the Senate since we reconvened and he did not get a copy of this bill in its final form until about after the recess. It was some days after it was reported; that is, after the committee acted on it.

Mr. MAGNUSON. We print hundreds of copies of the bill and the report. They are available to the public, to Senators, to everybody. The Senator said he did not get a copy of the bill.

Mr. ERVIN. No.

Mr. MAGNUSON. Who did the Senator ask?

Mr. ERVIN. I have asked your committee a number of times to furnish me copies and it turned out that when the bill came out it was quite different from all previous copies.

Mr. MAGNUSON. Well, we change bills all the time. The Senator does in his committee.

Mr. ERVIN. But the Senator from Washington must recognize that it took his committee about 16 months to study this bill, and this bill is so complicated that other Members of the Senate should have some time to study it, and especially members of the Judiciary Committee. It is not essential to pass the bill this session.

Mr. MAGNUSON. That shows we gave it careful consideration.

Mr. ERVIN. Yes, but the Senator does not seem to want anybody else to have an opportunity to give it careful consideration.

Mr. MAGNUSON. That is not right. The Senator could get a copy of the bill any time he wanted it. All he had to do was ask a page to get a copy of the bill.

Mr. ERVIN. I could not get a copy of the bill until after the bill was reported to the Senate on the 20th of June, and it was not available at that time—only the copy that the Senator reported.

I can understand why some insurance companies like this bill, because it robs every person injured in a motor vehicle accident in the United States of some very basic rights. It virtually robs everybody of the right to recover for damages for physical suffering. Such suffering is classified in the bill as an item of intangible damage. It is well recognized in every State in the Union that in an accident for personal injury the plaintiff is entitled to compensation for his physical pain and suffering directly resulting from the wrongful acts of the defendant.

Under this bill a man cannot recover a single penny for physical pain and suffering unless he suffers a permanent loss of a bodily function or a serious disfigurement or is totally incapacitated for at least 6 months from following his vocation.

Not only that; it is well settled in every jurisdiction of this country that a person has a right to recover damages for mental suffering against the operator of a motor vehicle who is negligent.

Under this bill he cannot recover anything, not a penny, for mental suffering or mental anguish.

He not only has the right under the law of every State of this Union at the present time to recover damages for future pain and suffering; under this bill he cannot recover a scintilla of damages for future pain and suffering, and future pain and suffering, both bodily and mental, is really more serious than a broken leg.

I am going to read a statement from the law of damages:

> A pregnant woman who by reason of injuries negligently inflicted suffers a miscarriage is entitled to recover such damages as will fairly compensate her for the physical and mental pain and suffering and any impairment of her health occasioned by the miscarriage.

I cannot find a syllable in this bill which will permit a woman in that situation to recover a single penny for those injuries.

This is called a consumer bill. It would rob consumers of the right they now have under the law to recover damages for physical pain and suffering in times past from an injury and for future pain and suffering. It would rob them of the right to recover damages for mental anguish, and those injuries, as I say, in most cases, are more serious than such injuries as a broken leg.

There are other bugs in this bill that ought to be considered and removed. For example, it has a provision here, which I shall read to the Senate, on page 36, in regard to attorneys. Now, attorneys may be in low repute in some quarters, but I would say that nobody can get justice in our courts unless he is represented by a competent attorney. In fact, as far as criminal cases are concerned, our Constitution recognizes the right to an attorney as being a basic right by saying that every person charged with crime shall be entitled to the services of an attorney for his defense, and I think the due process clause requires that a person be given the right to the services of an attorney in a civil action. Legal representation is certainly essential to a fair trial.

Let us see what it says on page 36, subsection (b), starting on line 17:

> (b) No part of loss benefits paid under a qualifying no-fault policy or mandatory optional coverages or under an approved self-insurance plan shall be applied in any manner as attorney's fees for services rendered in pursuing a claim under a qualifying no-fault policy. Any contract in violation of this provision shall be illegal and unenforceable, and it shall constitute an unlawful act for any attorney to solicit, enter into, or knowingly accept benefits under any such contract.

This provision outlaws any contract between a client who has sustained an injury in a motor vehicle accident and his attorney for the payment of fees for representing the client in a claim under this act.

And I want to call attention to another provision relating to attorney fees, which is on page 38. This is what it says:

> SEC. 105. A person making a claim under a qualifying no-fault policy or mandatory optional coverages or under an approved self-insurance plan, may be allowed an award of a reasonable sum for attorney's fee (based upon actual time expended) and all reasonable costs of suit in any case in which the insurer or self-insurer denies all or part of a claim for benefits under such policy or plan unless the court determines that the claim was fraudulent, excessive, or frivolous.

It will be noted that this provision stipulates that the attorneys' fees must be calculated, not on the skill of the attorney, not on the difficulty of the case, not upon the experience of the attorney, not upon the wisdom of the attorney, not upon the result of the attorney's efforts, but must be calculated solely upon actual time expended.

In other words, it provides that a professional man must be compensated on an hourly basis ignoring his skill, his experience, the benefit of his services to his client, and the vast experience he may have had in litigating claims.

The language so providing ought to be stricken out. All these matters should be taken into consideration in fixing attorney fees. This is one of the bugs the Judiciary Committee could properly and wisely remove.

I have pointed out that under a previous provision of this bill, which I have read to the Senate, the client is prohibited from making any agreement with his attorney for compensation for the services which his attorney renders him in prosecuting claims for injuries suffered in motor vehicle accidents.

I call attention to another provision, which says, in effect, that the fees of an attorney for a successful claimant must be fixed by the court, and paid by the insurance company. This provision does not really secure for the attorney any fees. It says that the judge "may" allow him compensation. The attorney has no right to his compensation. He cannot make a contract with his client for it, and he cannot compel the court to give him any compensation whatsoever. The judge merely has the discretionary power to award him compensation, and even this judicial power is subject to an exception. The judge cannot award the attorney compensation, no matter how much he recovers for his client, no matter how great his skill is, no matter what the value of his services to his client is, if the claim his client makes is "excessive."

Mr. President, I have spent the major part of my active life in the courtroom, either as a trial attorney or as a judge. With the exception of a few suits on promissory notes and other contracts, I have never yet seen a plaintiff who did not make an excessive claim. By that I mean that plaintiffs always claim more than they ultimately recover.

Under this provision a lawyer, instead of representing his client as he should represent him, is either going to have to be one of those wizards gifted with the uncanny, divine, prophetic power to foretell exactly what the judge or the jury trying the case is going to award his client, or he is going to have deliberately to underestimate the claim of his client in order to get any compensation whatever.

This bill needs to go to the Committee on the Judiciary. I have high respect for my good friend from the State of Washington. I know his zeal for the cause of the consumers. But it took his committee, with all of the staff that they have—and they have an able staff—16 months to reach a conclusion as to this bill; and after they have worked on it for 16 months, the Commerce Committee reports a bill which denies any injured person, for all practical intents and purposes, any right to recover damages for physical pain and suffering or for mental pain and suffering, and in addition to that a bill which is so phrased that the lawyer for a claimant cannot get any compensation if he overestimates the value of his client's claim.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. HRUSKA. I yield the Senator 10 more minutes.

Mr. ERVIN. I cannot understand why the Senate should be reluctant to let this bill go to the Judiciary Committee, which has jurisdiction of court proceedings and questions involving the jurisdiction of Federal courts and State courts.

There should be no great hurry to pass a bill which will take away from the States, for the first time in the history of this Nation, jurisdiction over automobile accidents, and vest it in the Federal Government.

"Oh," Senators say, "the bill will allow the States to carry out its provisions." But the States are required to carry out the orders of Congress, just as they are given in this bill. And I would say, Mr. President, that the necessity of enacting as well as sound legislation wise conduct on the part of the Senate, requires that the Senate vote in favor of the motion of the distinguished Senator from Nebraska that this bill be referred to the Committee on the Judiciary, and that that committee be given an opportunity to look at the bill and improve it.

Personally, I think the bill could be amended so as provide a satisfactory solution to this problem. There is no doubt of the power of Congress to regulate insurance as an interstate business. But I do question the power of Congress to regulate the power of the State, to regulate tort actions within their borders.

Irrespective of that, this bill ought to be studied by the Judiciary Committee, to see if it could not propose amendments which would accomplish the objectives of this bill without destroying the jurisdiction of the States to legislate in respect to tort law within their borders, as this bill would do.

I think this could be done by providing that no insurance policy could issue unless it provides minimum things, in respect to no-fault insurance but that the State could legislate generally outside the scope of the measure if it did not contradict it.

I hope the Senate will send this matter to the Committee on the Judiciary, and I thank the Senator from Nebraska for yielding.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. HRUSKA. There is a provision in this bill, at page 46, which indicates and provides that if a person is entitled to benefits and he refuses, without good cause, to accept rehabilitation services available to him——

Mr. ERVIN. That he loses them.

Mr. HRUSKA. That the insurer is authorized to make deductions from any payment under that judgment——

Mr. ERVIN. Up to 50 percent.

Mr. HRUSKA. Up to 50 percent. Would the Senator have any particular thoughts as to the impact upon the sovereignty of the court, the State court, of that provision, and how it would be impaired by a provision of this kind, notwithstanding going through all of the procedures that are supposed to be given full faith and credit by anyone who is bound by such a judgment?

Mr. ERVIN. I think it would ignore the rights of the States, as well as the rights of the individuals concerned. I do not see why an individual should be denied 50 percent of his damages because he does not choose to undergo rehabilitation. He may not have any faith in the people who are going to rehabilitate him.

Mr. HRUSKA. So, having a secure judgment for damages, and having refused to accept rehabilitation for what he may think is good cause, because he has a difference of opinion with the insurer, he will have to go through another lawsuit to prove that the reason he did not accept those rehabilitation services is for good cause. Is that not about the way it adds up?

Mr. ERVIN. That is exactly what it provides. I think the Senator is making it clear that this bill has many defects which need correcting.

The PRESIDING OFFICER (Mr. GRAVEL). Who yields time? If no one yields time, the time will be charged equally to both sides.

Mr. HRUSKA. Mr. President, is it the intention of the Senator from Washington to take any time at all?

Mr. MAGNUSON. I want to take some time, though not too long, because we do have a serious problem here with many Senators, at least 10 or 12, who must leave before 7 o'clock. So I am not going to take too much time.

Mr. HRUSKA. I thought our time was almost taken up, and I thought perhaps the Senator——

Mr. MAGNUSON. I do not know how much time the Senator has left.

The PRESIDING OFFICER. The Senator from Nebraska has 18 minutes remaining, and the Senator from Washington has 1 hour.

Mr. MAGNUSON. I will say to the Senator that I did not intend to take much time, anyway, because everyone knows what this motion is all about. It buries the bill. It is as simple as that.

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Mr. President, will the Senator yield me 30 seconds?

Mr. HRUSKA. I yield.

Mr. ERVIN. In reply to what the Senator said, it would not bury the bill; because on motion of the Senator from Washington, the Senate at any time, by a majority vote, could bring the bill back and put in on immediate passage.

Mr. MAGNUSON. That is an Alice in Wonderland procedure—to vote to refer and then vote to bring it back. If the majority voted to refer it, the majority would not vote to bring it back. The Senator from North Carolina has been around here long enough to know that.

Mr. ERVIN. I have been around here long enough to know that a majority of the Senate at any time can discharge a Senate committee from further consideration of a bill.

Mr. MAGNUSON. That is true. And I have been around here long enough to know that any Senator who wants a copy of a bill can get it in 5 minutes.

Mr. ERVIN. Not before it is printed.

The PRESIDING OFFICER. Who yields time?

Mr. MOSS. Mr. President, will the Senator yield to me?

Mr. MAGNUSON. I yield 5 minutes to the Senator from Utah.

Mr. MOSS. Mr. President, we are hearing very emotional pleas now to refer his bill to the Committee on the Judiciary, and a little discussion seems to be going on as to whether it will get a violent burial or a decent burial when it gets over there. But I do not think it is anybody's feeling that it will have anything but a burial.

So I agree with the chairman that we will be voting, in effect, on a motion whether or not to kill this bill, at least for this session of Congress, meaning that we would start over again in January if we are to have a no-fault insurance bill.

Mr. President, I believe, with the President of the United States, that no-fault insurance is an idea whose time has come. This, obviously, is the feeling of our committee; because after working for 2 years on this bill—in fact, more than that, because we authorized the study that was made by the Department of Transportation which began over 2 years before our present consideration, and a report was made that no-fault insurance was the appropriate answer to the mess we have in connection with the present tort liability insurance.

As every consumer in this country knows, his insurance premiums go up annually; he is subjected to cancellation without any ceremony, and this particularly strikes at the young, the old, and the minority groups. So something has to be done if we are to give any relief to the consumers in this country.

The Senator from North Carolina seemed to be very exercised, because he said that this bill would take away from those who were injured in automobile accidents their right for recovery under the tort liability law. This is not the case. Their tort liability recovery is limited, and I would submit that this is not an unusual situation. We already have federally legislated workmen's compensation, where the right of a workman who is injured on the job is circumscribed in some degree, and he is assured that he will be able to recover for his injury on the job regardless of contributory negligence. This bill does no more to interfere with the traditional rights of persons who operate motor vehicles than the workmen's compensation law does with those who are injured at work, our railroads and elsewhere.

But the second part, in section 204, provides for tort liability recovery as soon as it goes beyond the categories that are specifically named and guaranteed to every person who is injured in an automobile accident—either injury to his property, physical injury, or loss of wages.

Section 204 of the bill clearly states that the tort liability arising out of the operation, maintenance, or use of a motor vehicle is abolished, except—and then it sets forth five different instances in which tort liability will apply, in which a person has all his rights to go into a court—State court, Federal court, wherever the jurisdiction attaches—and make recovery in any of these areas. Included is the type of injury that the Senator from North Carolina was talking about, where a person has intangible damage, if he dies or sustains permanent, significantly incapacitating, loss of body function, permanent serious disfigurement, or an injury resulting in more than 6 months of complete inability of an injured person to work in his occupation, and so forth.

It gives the details of the situation in which a person may bring a tort action for intangible damages that would be based on negligence; and the general law of negligence would apply, whatever the law is in the State where this applies.

Another thing that perhaps is overlooked is that in this bill provision is made for the States to enact no-fault insurance laws. Certain basic provisions are required; but if the State fails to meet these, the Federal law would attach. If the State, however, adopts no-fault insurance, then the State law would govern entirely.

It is expected fully by the committee that the States would administer this law with their State insurance departments and their proximity to those who are using the highways and driving motor vehicles within their jurisdiction, because the State has the police power there and has capability for administering a law of this sort.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. MOSS. I am glad to yield for a question.

Mr. ERVIN. It says that any State no-fault motor vehicle insurance plan must restrict tort liability to at least the felony extent:

> (a) Tort liability arising out of the authorization, maintenance, or use of a motor vehicle is abolished except as to:
>
> (2) A person engaging in criminal conduct.

Under the law of North Carolina, a man engages in criminal conduct when he drives on the wrong side of the street, when he follows another vehicle too closely, when he drives while drunk, when he drives in a reckless manner, or when he drives above certain speeds. If he does that, then under this provision the whole bill would fall to the ground.

Mr. MOSS. If criminal conduct is involved and the driver is guilty of criminal conduct, then tort liability would attach.

Mr. ERVIN. The violation of a motor vehicle law would be criminal conduct. So that type of situation has not ever been taken care of. That shows that the bill ought to be studied by a committee that would find out exactly what engaging in criminal conduct means.

Mr. MOSS. I think it means that he is driving his vehicle in a manner that is against the law of the State in which he is driving, and he is engaged in criminal conduct if he is involved in that.

Mr. ERVIN. That involves almost every motor vehicle accident.

Mr. MOSS. It might involve a great deal. If he seeks recovery for any of these damages, he has the tort jurisdiction so to do in a case where the driver is engaged in criminal conduct.

Mr. ERVIN. The point I am making is that that shows the bill is worthless, because it would not cover a normal situation which exists.

Mr. MOSS. There is another section where criminal conduct is defined as an offense punishable by more than 1 year in prison.

Mr. ERVIN. It is, but under most laws in most States, driving while drunk or driving in a reckless manner is punishable by more than 1 year in prison——

Mr. MOSS. It might be in some States. It is a misdemeanor in most States—6 months.

Mr. ERVIN. Then why not pass a law making all violations punishable by more than 1 year?

Mr. MOSS. That is where a State, by enacting its own no-fault insurance, can meet the basic conditions put into this statute. We have been talking about no-fault insurance in this country for 10 to 20 years. Some States have moved already in this field. But when the matter came up 2 years ago, the plea from the States was to let them have time to move. About three or four of them are all that have ever taken any action on it.

Mr. ERVIN. This illustrates after 16 months to 2 years, the time they worked on the bill, that they did not come up with the best kind of bill as to phraseology. It says here that a State no-fault motor vehicle insurance plan must abolish tort liability except other than as to a person engaged in criminal conduct. Criminal conduct is defined on page 25 in subsection 3 of section 101 as meaning the conviction of a person. So there is a contradiction here. In other words, criminal conduct means the conviction of a person, that a person must be convicted. A person is not engaging in criminal conduct after his conviction.

Mr. MAGNUSON. The Senator from North Carolina takes a bill that is sent to the Senate for the purpose of amendment, rejection, or approval. The Senator can amend this bill on the floor and his advice would, I think, be sought by many Senators on the legal aspects. This is a complex bill. Why pick at a bill, when this is about the seventh draft we have made of it in committee because it is so complex?

I want to suggest to the Senator that there are 16 members on the Commerce Committee who are lawyers. Does the Senator know that? They all have good backgrounds. Only one member of the committee is not a lawyer. I do not believe that other lawyers in the Senate have any particular monopoly on legal expertise. We looked at this from a lawyer's viewpoint. Some of the very fine lawyers we have on the committee are the Senator from Kentucky (Mr. COOK) and the Senator from Tennessee (Mr. BAKER), and other Senators. So this was not put out by a bunch of nonlawyers on the committee. We went over it word by word and comma by comma. We authorized $2 million on a study which was distributed to every Senator over a year ago. Each one could have looked at and studied it. We have some pretty good lawyers on the committee. The Senator from North Carolina is suggesting we could run around and write a bill not knowing legally what we were doing.

Mr. PASTORE. Mr. President, we are beginning and I think ultimately that we are going to have no-fault, whether we do it in 1972 or whether we do it in 1973. We have recognized the fact that four States have already adopted it.

Now, here is the Senator from Rhode Island who starts out from his home to come to Washington to do his job as an elected U.S. Senator. I have to travel. I have to travel through Connecticut. Connecticut will have a no-fault insurance on January 1, 1973. I have to go through New Jersey. It has no-fault insurance. I am not going to go to Florida, because I do not enjoy being down there too much as I do not have the time nor the money, but the fact still remains that when I go from my home to go to my job in Washington, D.C., I have to go through two States which have no-fault insurance.

I am told that I forfeit my right to sue because Rhode Island does not have no-fault.

One criticism I have made before the committee, and it will be sustained by the Senator from New Hampshire, I am sure, is that if we are going to have no-fault, it has got to be national. That is the trouble. If we do this piecemeal, we will not have a uniform law.

The point I am making here this afternoon—and I realize that this is not a perfect bill, that it can be perfected—is that although it has been disclaimed by the Senator from Nebraska that if it goes to the Judiciary Committee it will not go over to the graveyard, I think that is exactly what will happen to it. It is going to go there to die. Then where are the rest of us left?

Governor Rockefeller is for it—in time it will come; the Governor of Rhode Island is for it, and in time it will come; the Governor of Delaware is for it, so the time will come. The big question is, if it is going to be at all, it has got to be national.

A man has to know where he stands. Just imagine the Senator from Rhode Island traveling through the State of Connecticut and just because Rhode Island does not have no-fault, and some man who is a drunken driver crosses over the median, but he is an operator out of Connecticut, and he strikes my car, do you realize, Mr. President, that I have forfeited my right to sue? I repeat, I have forfeited my right to sue. But I have been hit by a drunken driver out of the State of Connecticut. So, we have got to do something about it. That is what this is all about. I would hope that we would do something about it here this evening.

Mr. MAGNUSON. I thank the Senator from Rhode Island for his remarks.

The President of the United States said recently, and I quote him verbatim, "No-fault insurance is an idea whose time has come."

Now there has been some argument—I shall be brief—about the constitutionality of this bill. Through all the years since I came to the Senate, I have gone through many arguments about the constitutionality of bills. Lawyers have different opinions. Lawyers in the Senate have different opinions, and so do lawyers on the Commerce Committee. I repeat, we have some good legal talent on that committee. It does not all rest in the Judiciary Committee.

Now we pass bills that have been discussed on both sides as to constitutionality. Yesterday I put in the RECORD my opinion of the argument as to the constitutional questions raised by the Senator from Nebraska. He disagrees with me, but we have done that. If every time a bill came up, we would get into arguments as to the bill's constitutionality, we would never pass a bill in this body. So we try to decide its constitutionality before it comes to the floor of the Senate.

I do not care what you do in these bills. I like to think what Shakespeare said in Richard II or Richard III——

Mr. PASTORE. Richard III is right.

Mr. MAGNUSON. Richard the Third. When they were trying to write Magna Carta and they had been arguing and nitpicking with lawyers, and doing everything else—and this had been going on for 4 or 5 days, and they were not getting anywhere—a butcher who was one of the free men at the convention went into town and had a few beers and he came back and got to the platform——

Mr. PASTORE. I hope the Senator does not finish telling the story because he has already said that all but one of the members of the committee are lawyers——

Mr. MAGNUSON. Sometimes this nitpicking with us is all a matter of argument. We lawyers can always find an argument. We can always find a lawyer who thinks that a bill is unconstitutional, no matter what it is.

Anyway, he came to the platform and he said:

> Take all the lawyers back to town and hang them, and we will come back in the morning and start all over again.

No-fault insurance is getting into the situation where there is a legal question here and there. Sure, there are some problems here.

I want to leave one thought with the Senate tonight. I do not think that anyone in the Senate or within the sound of my voice, my friends from the press or anyone else, would disagree with the statement that auto insurance is a mess in this country. It is bordering on a national scandal.

Mr. President, I call the attention of the Senator from North Carolina to this. When the American people pay $14.6 billion in premiums and get back $7.1 billion, something is wrong. And we had better stop and look at all of these things and get going. I think that a referral to the Judiciary Committee will stall us at least a year or two.

Mr. PASTORE. Mr. President, I merely want to say that I do not want to take up too much time. America is on wheels. Most people travel and they travel quite a bit. My point right along has been that in all of this process we can come up with some sort of plan that is a national plan. This idea that one State has one rule, another State has another policy, and another State has another policy in the long run means that Americans will suffer because of this.

If we are going to have no-fault insurance, I say that it has to have national guidelines for the insurance. Otherwise, we will be in serious trouble. Some problems will be more severe in some States than others. Other States will be more lenient.

The fact remains that if a man is going to travel from one State to another, he ought to know pretty much what his rights are. As it stands now we do not know. We have Massachusetts that has a plan. Connecticut will have a plan. New Jersey is going to have a plan. Florida already has a plan.

I tell the Senate that unless we begin to do this on a national level, in the long run the individual American will suffer.

Mr. MAGNUSON. Mr. President, there would be 2 years lost if the motion to commit were agreed to, with a consequent loss to the American public of quite a few hundreds of millions of dollars. I do not think that even the Senator from Nebraska would say that we should not do something about this. According to the best figures we can get, $14.6 billion is paid in. And the best that a person who is hurt can get is only half of what he pays in. Out of every dollar we pay, we get only 50 cents back.

The argument that no-fault will cost more is in dispute. We had all kinds of testimony. The Senator from Tennessee (Mr. BAKER) asked for 2 or 3 days of hearings. and we went through those hearings. Some actuaries said it would cost less. One said he thought that it would cost more. However, even if it cost a little more, at least a fellow has a chance to receive more than 50 percent of what he pays in. Las Vegas has better odds than that, much better.

Something has got to be done. We have 25 volumes of studies, and all come to the same conclusion. We paid something like $2 million for a study we commissioned. Any Senator will have a chance in the coming week to offer amendments to the bill.

I think the Senator from Nebraska may have some good amendments. The Senator from North Carolina may have some. They can present them. The Senate can vote on them. They may agree to some of them. But what is the use of our sitting around and suggesting a commital to the Judiciary Committee. It will delay the matter 2 years, just as sure as I am standing here.

In the meantime the mess is getting worse. It is a national scandal. If there is one thing that affects every American home, it is auto insurance.

Premiums are going up and the payments to the people who get hurt are going down. That is the trend now. And how we can justify a man putting up $1 and only getting 50 cents if he is hurt is more than I can understand. I do not know how any Senator could defend that.

The purpose of the bill is to try to do something about it. On some questions, there may be a difference of opinion, however, Senators can submit amendments. We will be on the bill for a while unless the motion carries. I might vote for some of the amendments. I do not know of any bill that comes from any committee that is not subject to that procedure. Surely I do not suggest that I know every bill that comes out of the Judiciary Committee. I do not know them thoroughly until they get on the floor. If I do not like them, I vote against them. However, if I think they should be perfected, I submit an amendment. If I like a bill, I vote for it. That is the way the Senate works. We cannot all keep track of all the hearings. If some of the Senators were on the Commerce Committee they would find that they were involved in hearings every day of the week.

I do not want the American consumer to sacrifice another $7 billion in 1973.

I am hopeful that the motion will not carry.

Mr. President, let me suggest that in

1933 the first major independent study was made of this problem.

I have good reason to feel that I know something about this theory. When I was in the legislature of my home State in 1933, I introduced the first workmen's compensation bill there and it passed. That is how long we have had this idea. No-fault insurance is not a new idea. It is involved in all kinds and phases of insurance.

I want as good a bill as we can get. However, I do not want to wait 2 more years to clean up this mess. It will cost the American consumers another $14 billion, and they will not get any benefits out of it.

Mr. President, I oppose the proposal to delay a vote on the national no-fault insurance bill by referring it to another committee.

In 1933 the first major independent study of the liability-based automobile insurance system rejected the fault mechanism and proposed no-fault reform. Since 1966 this committee has been seeking the answers to the automobile insurance mess. More than 25 volumes of studies by the Department of Transportation, day after day of committee hearings, page after page of scholarly articles, editorials, public opinion polls, and, most of all, the outraged reaction of American consumers have brought us to a point that further delay becomes intolerable.

If we delay action now meaningful no-fault reform will be postponed for at least 2 more years. In those 2 years consumers will have to spend $28 billion for automobile insurance and receive back in benefits only $14 billion. In other words, supporters of delay will be asking American consumers to sacrifice more than $10 billion while Congress waits for yet another committee to study the problem.

Secretary Volpe has testified that "no-fault insurance is needed and is needed now." President Nixon has said that "no-fault is an idea whose time has come." Let us now vote on the merits of this important legislation.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Arizona.

Mr. FANNIN. Mr. President, I rise to support the motion of the Senator from Nebraska to commit the bill by referring it to another committee. Some have said that the concept of no-fault insurance is an idea whose time has come. Perhaps that may be true, but I do not feel that S. 945 is the medicine that will cure the evils that exist in our auto insurance system today.

Certainly I do not oppose the no-fault concept, but I do feel that the distinguished Senator from Nebraska is correct in his feeling that this bill is of such great consequence that it deserves the study and attention of the Judiciary Committee.

It is difficult, Mr. President, to rationally resolve such complexities on the floor, absent scrutiny by committees concerned. The questions are serious—the consequences widespread—the legal ramifications great—so before we fully consider the issues we must have the input and expertise of the Judiciary Committee.

Certainly, we know there have been many instances where we have recommitted legislation because further study was needed. I feel this applies to this particular bill.

We are proposing the imposition of a national program which will turn our philosophy of automobile insurance a full 180 degrees.

In most States motorists have been required to carry insurance to pay for any damage caused by their negligence. No-fault would require each person to buy first-party insurance to protect himself.

I feel that with the experience we have to date we cannot make some of these decisions without going into it to a greater extent than has been done. It is an untested plan.

It is true several States have enacted some form of no-fault insurance, but still they all have been limited no-fault programs and not the total no-fault concept we are discussing here today. The States which have no-fault systems have not been in operation long enough to give concrete evidence of their reliability. We cannot afford to experiment on a national level.

It is my belief that S. 945 as presently constituted is the wrong approach to implement the concept of no-fault insurance.

I oppose the bill as presently constituted:

First. This is a total no-fault concept which is unproven and even untested;

Second. This bill does not allow sufficient latitude for State governments to adjust the program to meet the different local conditions reflected in different parts of the Nation;

Third. It most likely will bring increases in insurance premiums across the Nation and especially in the more sparsely populated States such as Arizona;

Fourth. Motorists with good traffic records could be penalized while those with poor records would benefit.

In most States motorists have been required to carry insurance to pay for any damage caused by their negligence. The no-fault approach dictates that each person buy insurance to protect himself, that the negligent motorist is no longer responsible for the damage, pain, and suffering he causes others—at least no longer responsible to the victims except in extreme cases.

UNTESTED CONCEPT

Now, let me elaborate on what I mean by saying this is an untested plan. It is true that several States have enacted no-fault legislation in the last few years. But these all have been limited no-fault programs, not the total no-fault concept we are discussing here today. And, I must point out that the programs in the States which have no-fault systems have not yet been in operation long enough to give us concrete evidence as to how well they are operating.

Time and again in the past decade the Congress has enacted programs based on high idealism without any experience as to how they will work out. These programs frequently have been disastrous.

If an idea appears to be good, we should not be afraid of testing it before trying to impose it on the entire Nation.

When we finally decide to impose a new concept or policy on our 50 States, I do not see why we cannot provide for an orderly transition rather than acting with undue haste.

And I do not see why we cannot allow States to have responsible and meaningful options.

INSUFFICIENT LATITUDE

Sometimes I wish that we had this Capitol on wheels and could move it around from State to State during our sessions. Then all Members of Congress would learn that there are, indeed, great differences in the geography and living conditions in our States, and within our States.

The bill we are considering, S. 945, will abrogate every existing State motor vehicle insurance program. It will impose Federal standards that will allow the States no flexibility in determining the program or benefits most appropriate for their various situations.

Any no-fault legislation should give consideration to the fact that there are considerable variations in average incomes, medical costs and facilities, and basic motor vehicle programs in the States.

INCREASED COST

No-fault insurance has been sold to the public as a concept which will lower the cost of insurance and make it easier to collect on claims.

It is obvious to me that under the program we are considering in the Senate the cost of insurance to Arizona motorists will jump significantly. One estimate, by Charles C. Hewitt, actuary of the Allstate Insurance Co., is that the insurance premiums for Arizonans would go up an estimated 35.8 percent as a result of the non-fault program we are discussing.

Rates would rise very little for the highly urbanized States, but would soar in the more rural and the sparsely settled States.

Indications are that there would be some advantages in the densely populated States such as those along the eastern seaboard, but why should the rest of the Nation be penalized in the process.

It has been pointed out that this bill would limit safe driver discounts, thus penalizing the middle-income, middle-aged, average driver. At the same time, drivers who have been considered high risks could benefit.

The new basis for rating policyholders will become the likelihood of their being involved in an accident rather than the likelihood of their causing an accident.

This, I believe, will work to the detriment of the average man.

Mr. President, this is one of those bills—we have had so many of them in recent years—which promises so much but which can deliver so little.

No one can say exactly what effects it will have, and that is perhaps the most powerful argument against it. The chances of it complicating the lives of our citizens is every bit as great as the chance that it will simplify things.

It will limit rather than expand the amount of legitimate damages that most victims of auto accidents can collect. It is very possible that this legislation will not reduce legal redtape as advertised by its proponents.

This bill is an unwise attempt to implement a reasonably sound idea. After all, we have had no-fault insurance for many years in the form of medical payment, collision, and comprehensive coverages.

This concept can be and should be expanded through prudent pilot programs.

To impose it upon the Nation in one fell swoop is irresponsible and foolhardy. We in Congress owe it to our constituents to do more than close our eyes and hope for the best.

Again Mr. President, for the reasons I have expressed and those objections others have expressed on the floor this afternoon I support the motion of the Senator from Nebraska to commit to the Judiciary Committee.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. I thank the distinguished chairman of the committee.

Mr. President, I think it is a good thing that the rule of germaneness expired at 12 o'clock noon today because most of the arguments I have heard here this afternoon since the inception of the no-fault insurance bill have hardly been germane to the issue before the Senate.

The issue before the Senate is not the merits of no-fault insurance, but rather whether or not this bill should be referred to the Committee on the Judiciary.

In opposing such a referral, it is for the very reason I would like to hear the arguments for and against no-fault insurance by those that are now attempting to block even its discussion by a parliamentary maneuver.

To be candid, I can only say if we vote to send no-fault back to the Committee on the Judiciary, the Senate will have used a not so subtle parliamentary maneuver, and the Senate will have perpetrated what can only be labeled as another consumer fraud.

I think it indicative that those arguing for referral to the Committee on the Judiciary have used this occasion to get off their chest the doubts over the benefits, the supposed benefits of the system called no-fault insurance.

Now, let us get to the question of assignment to the appropriate committee. If I am not mistaken, and distinguished members of the Committee on Commerce who have been on the committee longer than I can testify to this; the spadework, the homework, the testimony has been going on not for a matter of weeks, not for a matter of months, but for a matter of years. During the course of those years, or months, or weeks, where were the cries of those who felt this was being done by the wrong committee? Where were those who said it should have been before the Committee on the Judiciary? Not a word, except when the bill comes before the Senate for action. Then, all of a sudden, the question arises as to whether it was before the appropriate committee.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. WEICKER. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. The Senator from Connecticut is an experienced man and he has been a Member of Congress for a long time. I realize this disclaimer is made here that there is no attempt to send this to the graveyard. But that is what is going to happen. No one thus far has argued to send this to the Committee on the Judiciary who is not opposed to no-fault insurance. We are not that naive. Let us stop kidding ourselves. The purpose here is not to vote it down but to send it to the Committee on the Judiciary where it will die a natural death. Everybody knows that.

Mr. WEICKER. Mr. President, I concur with the comments of the distinguished Senator from Rhode Island.

I can stand before this body and I cannot say whether or not I would vote to approve the final bill because I do not know what will be in it. There are some aspects of the final bill I may disagree with or there may be proposals of Senators that would change the import of the bill. But that is the purpose after years of hearings, and not to bury it on the floor of the Senate. The job of the Senate is to take this particular legislation, work on it, mold it, shape it, but not in a quick parliamentary maneuver to go ahead and kill it. There is no question, as I said before, that this is not a perfect piece of legislation, but it is fair to say the public expects us to pass some sort of attitude toward this area of national concern.

That is what we are trying to do if we can get over this particular hurdle. As the arguments have developed, I repeat, go through the RECORD and find out how much was said about the fact that from a technical or parliamentary point of view this legislation should have gone to the Committee on the Judiciary, and not the Committee on Commerce. There were a few remarks by the Senator from Nebraska at the outset, but otherwise it is clear the arguments against no-fault are being made at this time. That is why I say it is fortunate the rule of germaneness expired at 12 o'clock noon, because 90 percent of what was said by opponents has been absolutely nongermane to this motion, and without in any way, shape, or form indicating my attitude toward the legislation, we owe it to the American public to debate the bill back and forth on the floor of the Senate.

I am in an embarrassing position. My State of Connecticut, and I am sure others will rise to make the same claim, but I will get it out first, is generally considered the insurance capital of the world, and insurance people of Connecticut are just about split down the middle as to whether this is good or bad; it is a State where the actuaries themselves disagree. It is possible this is a matter for debate by seriously intentioned persons. This legislation needs our attention, but we cannot do that if the motion of the Senator from Nebraska succeeds.

I think we will have done a disservice to the American public whichever way no-fault comes out. Perhaps by debate and probing we can prove it to be wrong. Fine; that is the result of logic and argument, but it should not be done in this way.

Mr. President, I yield back the remainder of my time.

Mr. MOSS. Mr. President, I yield 3 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I feel responsible to a certain extent for the problem our committee faces in regard to this bill because when the Hart-Magnuson bill was before the committee I, and several other Senators joined me, suggested we should inject into it a concept of Federal standards for State action in order that the States might have the opportunity to act, believing, as I do, that the States, if given the opportunity and they face the alternative of a total Federal system, will enact meaningful and somewhat uniform insurance laws.

I hope the present motion is rejected because I join with the Senator from Connecticut. I have other amendments I would like to present to the bill and I would like to have it hammered out now without regard to its fate in the House of Representatives. I think that the mere action by the Senate in this session would be a signal to State legislatures to get off the dime and enact meaningful no-fault legislation so that Federal legislation in this area will not be necessary.

Mr. President, it is the unqualified and unanimous opinion of the authors of materials and articles on the subject that S. 945 is constitutional. Arguments to the contrary are specious and generally based either on an inadequate understanding of the provisions of the bill or an inadequate study of the relevant constitutional law decisions of the Supreme Court.

Permit me to respond briefly to the two principal constitutional law arguments advanced by opponents of no-fault:

First. The bill is unconstitutional under the 14th amendment and violative of the right to trial by jury under the seventh amendment because an automobile accident victim is deprived of the right to have a jury decide whether the defendant was negligent and the plaintiff free from negligence and, if so, how much damage, including pain and suffering, the plaintiff suffered.

The best answer to this argument is to quote from a decision of the U.S. Supreme Court in 1917, when it upheld the constitutionality of legislation substituting no-fault workmen's compensation for common-law employer liability based on negligence. The Court declared in the case of *New York Central Railroad Co.* v. *White*, 243 U.S. 188 at pages 201 to 202:

> The statute under consideration sets aside one body of rules only to establish another system in its place. If the employee is no longer able to recover as much as before in case of being injured through the employer's negligence, he is entitled to moderate compensation in all cases of injury, and has a certain and speedy remedy without the difficulty and expense of establishing negligence

> of proving the amount of the damages. . . . We have said enough to demonstrate that, in such an adjustment, the particular rules of the common law affecting the subject matter are not placed by the Fourteenth Amendment beyond the reach of lawmaking power.

The same answer was gven in 1971 by the only State supreme court to be faced with deciding whether a true no-fault automobile compensation insurance law was constitutional. The Massachusetts Supreme Judicial Court declared in Pinnick against Cleary:

> We thus perceive no basis for treating a legislative alteration of the tort action for personal injuries differently from an alteration of any other preexisting rule of the common law. . . . [T]he Legislature has not attempted to abolish the preexisting right of tort recovery and leave the automobile accident victim without redress. On the contrary . . . the statute has affected his substantive rights of recovery only in one respect and has simply altered his method of enforcing them in all others. Therefore, c. 670 may be judged by the stricter test which the plaintiff urges upon us and for which there is considerable authority in workmen's compensation cases: whether the statute provides an adequate and reasonable substitute for preexisting rights.

The Massachusetts court held that the limited but true no-fault law of that State met the test. The Supreme Court of Illinois, in a decision that has been widely advertised as "proving" that no-fault is unconstitutional, accords with the rationale of the workmen's compensation cases and the Massachusetts no-fault case but finds simply that the Illinois "overlay" auto insurance law did not make an adequate substitution of benefits for preexisting rights.

Second. It may be constitutional for a State to enact no-fault legislation, but it is not constitutional for the Congress to do so.

Why not? Congress is expressly granted the power to regulate commerce among the States. There is no question but that this includes the power to regulate the use of interstate highways and to impose conditions and requirements on the use of the facilities of interstate commerce. The power to regulate includes also all connecting roads. A condition of participation in a system providing compensation for automobile accident injuries is clearly, from a constitutional standpoint, just like any other condition or requirement regulating commerce among the several States.

Mr. MOSS. Mr. President, we are prepared to yield back our time on this side.

Mr. HRUSKA. Mr. President, we are prepared to yield back the remainder of our time.

The PRESIDING OFFICER. All time on the motion has been yielded back.

Mr. HRUSKA. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. MOSS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska to refer the bill to the Judiciary Committee. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SCOTT. Mr. President, on this vote I have a pair with the Senator from Michigan (Mr. GRIFFIN). If he were present and voting, he would vote "nay." If I were permitted to vote I would vote "yea." Therefore, I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL) is necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BROCK) and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The pair of the Senator from Michigan (Mr. GRIFFIN) has been previously announced.

The result was announced—yeas 49, nays 46, as follows:

[No. 358 Leg.]

YEAS—49

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bentsen
Bible
Buckley
Byrd,
  Harry F., Jr.
Cannon
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Goldwater
Gurney
Hansen
Hatfield
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Mathias
McClellan
Miller
Montoya
Packwood
Randolph
Saxbe
Sparkman
Stafford
Stennis
Talmadge
Thurmond
Tower
Young

NAYS—46

Bayh
Beall
Boggs
Brooke
Burdick
Byrd, Robert C.
Case
Cranston
Gravel
Harris
Hart
Hartke
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Roth
Schweiker
Smith
Spong
Stevens
Stevenson
Symington
Taft
Tunney
Weicker
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Scott, for

NOT VOTING—4

Brock
Gambrell
Griffin
Mundt

So Mr. HRUSKA's motion to refer S. 945 to the Committee on the Judiciary was agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ERVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 2499. An act to provide for the striking of medals commemorating the one hundred and seventy-fifth anniversary of the launching of the United States frigate Constellation; and

S. 3645. An act to further amend the United States Information and Educational Exchange Act of 1948.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate there will be no more yea-and-nay votes tonight.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Mr. ERVIN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1819.

The PRESIDING OFFICER (Mr. TUNNEY) laid before the Senate the amendments of the House of Representatives to the bill (S. 1819) to amend the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs and for an extension of the effective date of the Act, which were to strike out all after the enacting clause, and insert:

That (a) section 207 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1898) is amended by striking out "July 1, 1972," and by inserting in lieu thereof "July 1, 1974,".

(b) Section 211(a) of such Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1974".

(c) Title II of such Act is amended by

adding at the end thereof the following new section:

"INTERIM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION EXPENSES

"Sec. 222. During the period from July 1, 1972, through June 30, 1973, the head of a Federal agency is authorized to advance to a State which is not in compliance with this Act such sums in excess of the first $25,000 of cost as may be necessary to make all payments and provide all assistance required by this Act. All sums advanced to a State under this section shall be repaid by such State as soon as practicable in accordance with regulations adopted by the head of such Federal agency.".

(d) Section 101(3) is amended by inserting immediately after "means" the following: "a State,".

(e) Section 101(6) is amended by inserting immediately after "personal property from real property," the following: "which he lawfully occupies,".

(f) Title II of such Act, as amended by subsection (c) of this section, is amended by adding at the end thereof the following new sections:

"ASSISTANCE TO CERTAIN PROGRAMS AND PROJECTS UNDERTAKEN DIRECTLY BY NONPROFIT ORGANIZATIONS AND PERSONS

"Sec. 223. (a) Notwithstanding any other provision of law, whenever a program or project to be undertaken (A) by a nonprofit organization furnished Federal financial assistance for such program or project under section 202 of the Housing Act of 1959, under title VI of the Public Health Service Act (42 U.S.C. 291), or under the Higher Education Facilities Act of 1963 (20 U.S.C. 701), or (B) by a State agency furnished Federal financial assistance for such program or project under the second proviso of section 10(a) of the United States Housing Act of 1937 for the rehabilitation of public housing, and the Federal financial assistance is furnished by a Federal agency pursuant to a grant, contract, or agreement and such program or project will result in the forced displacement of any person on or after the effective date of this section, the head of the Federal agency furnishing such financial assistance shall require the organization, or the State agency, as the case may be, to provide—

"(1) fair and reasonable relocation payments and assistance to or for such displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 to or for such displaced persons; and

"(3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings to such displaced persons in accordance with section 205(c)(3).

"(b) Notwithstanding any provision of law, whenever a program or project to be undertaken by a person furnished Federal financial assistance for such program or project under section 236 of the National Housing Act, as amended (12 U.S.C. 1715Z–1), by a Federal agency pursuant to a grant, contract, or agreement will result in the forced displacement of any person on or after the effective date of this section, the head of the Federal agency furnishing such financial assistance shall require the person receiving such assistance to provide—

"(1) fair and reasonable relocation payments and assistance to or for such displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 to or for such displaced persons; and

"(3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings to such displaced persons in accordance with section 205(c)(3).

"REMOVAL OF VACANT IMPROVEMENTS

"Sec. 224. No department, agency, or instrumentality of the Federal Government administering any program providing Federal financial assistance shall, for the purpose of assuring compliance with this Act, impose any limitation on the removal of vacant improvements located on real property acquired in connection with such a federally assisted project."

Seb. 2. Section 202(a)(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, is amended by inserting immediately before the semicolon a comma and the following: "except that in any case where it is impracticable to determine such relocation expenses the payment shall be for the actual direct loss".

Sec. 3. Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1898) is amended by adding at the end thereof the following:

"DONATIONS

"Sec. 307. Nothing in this title shall be construed to prevent a person, after he has been tendered the full amount of estimated just compensation as established by the approved appraisal of the fair market value of the subject property, from making a gift or donation of such property or any part thereof or of any of the compensation paid therefor, to a Federal agency, a State or a State agency, as such person shall determine.".

And amend the title so as to read: "An Act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments for two additional years, and for other purposes."

Mr. ERVIN. Mr. President, I move that the Senate disagree to the amendments of the House on S. 1819 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Muskie, Mr. Metcalf, Mr. Chiles, Mr. Brock, and Mr. Gurney conferees on the part of the Senate.

STATES RECEIVE WINDFALL IN FEDERAL FUNDS

Mr. HARRY F. BYRD, JR. Mr. President, in 1967, legislation was enacted providing 75 percent Federal financing of "social services." The States have discovered that, by expanding or charging programs that were already paying for themselves, they can collect from Washington 75 cents out of every dollar spent.

When this proposal was enacted, it was estimated by its sponsor that it would cost the Federal Government $40 million annually. It has soared to such an extent that the cost for the current fiscal year is now estimated to be $4.8 billion—more than 100 times the original estimate.

In the first year of this program, New York State received $57 million in matching grants. This year, New York is asking for $854 million in Federal matching grants for this one program.

One medium size State, which last year applied for $14 million of Federal funds to finance "social services," this year is asking for $440 million.

This is dramatic evidence of just how far out of hand these Federal programs are getting.

Tomorrow I shall ask the Senate Finance Committee, which is considering revenue-sharing legislation, to put a reasonable ceiling on this social services program before it becomes the biggest Treasury raid of the century.

Mr. President, the Federal deficit for fiscal year 1971 was $30 billion. The deficit for fiscal year 1972 was $32 billion. For fiscal year 1973, the administration estimates that the deficit will be at least $38 billion. So in these 3 fiscal years—1971, 1972, and 1973—the total of the accumulated Federal funds deficit will equal or exceed $100 billion.

So I say it is time that Congress begins to give greater consideration and attention to these huge spending programs.

Mr. President, I ask unanimous consent to have printed in the Record an article which appeared on page 1 of today's New York Times, captioned "'67 Law is Giving States Windfall in Federal Funds."

There being no objection, the article was ordered to be printed in the Record, as follows:

'67 Law Is Giving States Windfall in Federal Funds: Plan, Overlooked Until Recently, May Provide $4.8 Billion This Year and Enlarge the Nation's Budget Deficit

(By Edwin L. Dale, Jr.)

Washington, August 7.—Most of the states have belatedly discovered an obscure provision of Federal law that will probably enable them to obtain, virtually "free," an estimated $4.8-billion from the Federal Treasury in the current fiscal year.

This is nearly as much as the states and local governments would receive from the much-debated revenue-sharing plan backed by the Nixon Administration and approved by the House.

The program involved provides 75 per cent Federal financing of "social services" for the poor and others, such as the aged and children. The states have discovered that by making small changes, sometimes a small expansion, in programs that they were already paying for themselves, they can collect from Washington 75 cents out of every dollar spent.

The money amounts to a fiscal windfall for the hard-pressed state governments. But it threatens to enlarge greatly the Federal budget total and the deficit this fiscal year and later.

President Nixon allowed $1.2-billion for this item in his budget. But as more and more states have qualified for the grants, this estimate has soared.

Congressional sources put the latest estimate at $4.8-billion in the fiscal year 1973, which just began, and this is not denied in the Department of Health, Education and Welfare, which administers the program.

The extra money would be provided in a supplemental appropriations bill next spring.

Before the states woke up to the potential bonanza, the program was not only obscure but relatively small. As recently as the fiscal year 1969, total spending under it was only about $370-million.

California was the first to learn how to take advantage of changes in the Federal law enacted in 1967. Illinois was apparently the second, acting in 1970. Now the states are applying for funds in droves.

The procedure is somewhat complicated.

but an example of how the states can take advantage of the program would be an alcohol or drug abuse prevention program that the state had previously financed itself. By purchasing the same service from a private agency, the state would qualify for 75 per cent Federal financing.

Starting in 1970, President Nixon in each year has asked Congress to place an over-all ceiling on allowable grants to the states under this program, which would lead to a sort of rationing of the allotted amount. But each year Congress has refused.

This year, the Senate Appropriations Committee and later the full Senate approved a ceiling of $2.5-billion, double the President's original budget estimate. But the provision was dropped in conference between the House and the Senate.

PRESSURE BY GOVERNORS

Governors have reportedly put strong pressure on the key members of Congress involved to head off any ceiling.

A major problem for the President and Elliot L. Richardson, Secretary of Health, Education and Welfare, is that a cutoff now would leave some states with large Federal grants and others with little.

The program may have led to some actual expansion in social services, but no one in the Federal Government seems to know how much. The suspicion is that the bulk of the Federal money is merely replacing state money that was being spent anyway.

The ultimate solution to the problem, officials believe, is a change in the underlying 1967 law, which was enacted as an amendment to a large and complex Social Security bill.

However, there is no evidence yet of Congressional eagerness or Administration pressure to change the law.

STATE ASKS $854 MILLION

New York State's Department of Social Services has asked for $854-million this year in Federal matching grants under the 1967 law, according to a high official of the department who asked not to be named.

Of that figure, he said, $205-million is for reimbursement of money spent during the 1972 fiscal year.

In the first year of the program, 1967, New York received only $57-million in matching grants, he said, because "the Federal Government was very slow in issuing regulatory material and guideline material."

"The state amended its state welfare plan as soon as the Federal guidelines were available," he said, "and started to make serious claims for this on selected programs during 1970 and 1971."

"Over the past years there has been a major expansion of these programs, in agriculture, mental hygiene, narcotics addiction, youth services and education. We are more fully utilizing the provisions under the Social Security Act towards programs which had been previously funded with state or local funds only."

"It was not just merely a matter of substituting state money with federal money," he said, adding that no state program operating solely on Federal funds and that there were no state programs that would not exist without the grants.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 9:45 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF GUN CONTROL BILL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from New York (Mr. JAVITS) tomorrow, there be no routine morning business but that the Senate proceed immediately to the consideration of S. 2507, to amend the Gun Control Act of 1968.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 9:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR BAYH TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, following the remarks of the two leaders under the standing order tomorrow, that the distinguished Senator from Indiana (Mr. BAYH) be recognized for not to exceed 15 minutes; and that he be followed by the distinguished Senator from New York (Mr. JAVITS) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding, following the remarks of the Senator from New York (Mr. JAVITS) tomorrow, that the Chair will lay before the Senate S. 2507, to amend the Gun Control Act of 1968.

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

ORDER FOR ADJOURNMENT TO 9 A.M. ON THURSDAY, AUGUST 10, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 9 a.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that morning business be concluded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, what is the business now before the Senate?

The PRESIDING OFFICER. The unfinished business was laid aside for the remainder of the day so there is not, really, technically, any business now before the Senate.

Mr. ROBERT C. BYRD. I thank the Chair.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomororw is as follows:

The Senate will convene at 9:30 a.m. After the two leaders have been recognized under the standing order, the distinguished Senator from Indiana (Mr. BAYH) will be recognized for not to exceed 15 minutes, after which the distinguished Senator from New York (Mr. JAVITS) will be recognized for not to exceed 15 minutes.

At the conclusion of the remarks of the distinguished Senator from New York (Mr. JAVITS), the chair will lay before the Senate S. 2507, to amend the Gun Control Act of 1968. The pending question at that time will be on adoption of the amendment No. 1418 by the distinguished Senator from Arizona (Mr. FANNIN), on which there is a 2-hour limitation. If all time is taken, and no additional time is yielded thereto from the time allotted on the bill, the vote on the amendment by Mr. FANNIN would come at about 12 o'clock noon. Undoubtedly that will be a yea-and-nay vote.

Of course, time on the amendments may not all be used. Yea-and-nay votes will occur on the various amendments to the Gun Control Act and the final roll call vote on the bill will occur at no later than 5 p.m. tomorrow.

The unfinished business continues to be Senate Joint Resolution 241, authorizing approval of an interim agreement between the United States and the U.S.S.R.

ADJOURNMENT TO 9:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order that the Senate stand in adjournment until 9:30 a.m. tomorrow.

The motion was agreed to; and at 7:05 p.m. the Senate adjourned until tomorrow, Wednesday, August 9, 1972, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate August 8, 1972:

International Atomic Energy Agency Conference Representatives

James R. Schlesinger, of Virginia, to be the Representative of the United States of America to the 16th session of the General Conference of the International Atomic Energy Agency.

The following-named persons to be Alternate Representatives of the United States of America to the 16th session of the General Conference of the International Atomic Energy Agency:

William O. Doub, of Maryland.
T. Keith Glennan, of Virginia.
Robert H. McBride, of New Hampshire.
Herman Pollack, of Maryland.
Dwight J. Porter, of Nebraska.
James T. Ramey, of Illinois.

CONFIRMATION

Executive nominations confirmed by the Senate August 8, 1972:

Department of Justice

Roger C. Cramton, of Michigan, to be an Assistant Attorney General.

HOUSE OF REPRESENTATIVES—*Tuesday, August 8, 1972*

The House met at 12 o'clock noon.

Rev. Neal T. Jones, pastor of Columbia Baptist Church, Falls Church, Va., offered the following prayer:

Heavenly Father, thank You that divine wisdom is often found walking in the shoes of Congressmen and sounding through the voices of legislators. We thank You that divine gifts are dispersed so that each leader has his share of talent and purpose. Thank You that divine accomplishments come through lawmakers who compromise their opinions without forsaking their convictions. We thank You, God, for the subtle and startling way You work with our leaders. We celebrate in the knowledge that your temple is in each life and this place is sometimes as holy as a temple.

Heavenly Father, we confess that divine wisdom is often locked out by the locks and keys of our pompous opinions of ourselves, and our disregard of the startling insights our opponents present. Our prayer is that You will forgive our littleness and fill us with Your unlimited resources.

In the Master's name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9092) entitled "An act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15692) entitled "An act to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Williams, Mr. McIntyre, Mr. Mondale, Mr. Cranston, Mr. Tower, Mr. Packwood, and Mr. Roth to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3507) entitled "An act to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Magnuson, Mr. Hollings, and Mr. Stevens to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1729. An act to increase the supply of railroad rolling stock and to improve its utilization to meet the needs of commerce, users, shippers, national defense, and the consuming public.

THE REVEREND NEAL T. JONES

(Mr. SNYDER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SNYDER. Mr. Speaker, today we have the pleasure and honor to welcome the Reverend Neal T. Jones to the House of Representatives.

Reverend Jones was born and raised in Jeffersontown, Ky. He is married to the former Betty Adams and has four children: Neal T., Jr., Elizabeth, Jeffrey, and Caroline. He is the son of Mr. and Mrs. Tom Jones. His father, who incidentally attended Sunday school as a child with my father, has been and is a pillar of our community. His mother has served as a religious inspiration to all who know her.

Neal is a graduate of Texas Christian University in Fort Worth, Tex., and the Southwestern Baptist Theological Seminary, also in Fort Worth.

In his distinguished career of service, he has pastored the following churches: Cockrell Hill Baptist Church, Dallas, 1950–55; First Baptist Church, Greenville, Tex., 1955–61; First Baptist Church, Vernon, Tex., 1961–64; Shiloh Terrace Baptist Church, Dallas, December 1964 to March 1969, and Columbia Baptist Church, Falls Church, Va., March 1969 to the present.

In addition to these pastorates, he has served in a number of places of responsibility in the denomination, including the State executive committee; trustee of Howard Payne College, Brownwood, Tex., and director of the Home Mission Board of the Southern Baptist Convention.

Reverend Jones, as pastor of the 2,500 member congregation of Columbia Baptist Church, as in all his previous assignments as a minister of the gospel, has been an exemplary figure as a clergyman and a citizen.

Again, I am happy that Reverend Jones could join us today, and I join all my colleagues here in the House in extending him a warm welcome.

THE NEED FOR FEDERAL RESERVE AUDIT

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, more and more people across the land are asking why the Congress is allowing the Federal Reserve to remain unaudited by the General Accounting Office.

Many are asking why the Congress allows the Federal Reserve to continue to hold $70 billion of bonds which have been paid for once and which should be retired and subtracted from the national debt. Many are asking why the Congress does not require the Federal Reserve to come to Congress for appropriations in the same manner as other agencies.

Later in today's Record, I will discuss some of these issues about the footloose-and-fancy-free operations of the Federal Reserve System and the immense secrecy under which it hides the public's business.

SUSPENSION OF AID TO THAILAND

(Mr. WOLFF asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, I rise to reassert my conviction that the House will perform a valuable service to the Nation by adopting the Foreign Assistance Act of 1972 which provides for a suspension of aid to Thailand until that nation takes adequate steps to control the traffic in heroin through its borders and ports.

The chronology of heroin arrests and seizures in the Far East clearly demonstrates the very crucial impact which the revelations of myself and the gentleman from Illinois (Mr. Murphy) and the gentleman from Connecticut (Mr. Steele) have had not only upon our own antinarcotics programs but upon the governments involved.

Congressional pressure has unquestionably created the atmosphere necessary for the success in fighting drug traffic in recent months.

I call upon my colleagues to join in this effort. I feel very strongly that an expression by a clear majority of the entire Congress on this critical issue will cause even greater cooperation by the Thai Government and even more success in the crackdown on the illicit traffic. Protecting our young people from the scourge of heroin deserves this kind of unified effort.

IMPROVING PROCEDURES OF THE HOUSE

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, yesterday the House procedurally reached a new height of idiocy. In the 6 hours and 34 minutes this House was in session yesterday, six bills were passed: All noncontroversial, and all of relatively little broad importance.

Our trooping back and forth to the floor yesterday for rollcalls on that kind of legislation was a spectacular example of a wasteful use of time.

This House must find a better way to deal more efficiently with noncontroversial matters.

I wonder, for instance, whether an arrangement could be made to post 10 days in advance a list of consent bills scheduled for action.

All of those bills could be considered en masse and handled with one rollcall.

Bills on that list which were signed off by a specified number of Members could still be subjected to separate debate and separate rollcalls.

There may be plenty of impediments to this suggestion, but I would hope that other Members would consider and submit suggestions of their own to the leadership so that next session our time might be spent at least as efficiently as is the case in some legislatures, and that would be a marked improvement.

CHANGE IN LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I take this time to announce a change in the program. The bill H.R. 15927, railroad retirement temporary increase, which was listed on the Suspension Calendar on yesterday, will be considered on tomorrow after the conference reports, under a rule.

CHANGE IN LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader if I am clear on what the schedule is for the next several days. We are going to take up the general debate on the foreign military assistance today, and then possibly also the bicentennial general debate, and then before we get into the reading of the Foreign Military Assistance Act will take up the several conference reports, and then the railroad retirement temporary increase bill?

Mr. BOGGS. That is correct.

Mr. GERALD R. FORD. Then we are going back and start to read the bill for foreign military assistance.

Mr. BOGGS. That is correct.

CALL OF THE HOUSE

Mr. WAGGONNER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 306]

Abourezk
Annunzio
Ashley
Badillo
Biaggi
Blanton
Broomfield
Brown, Mich.
Burlison, Mo.
Carter
Celler
Chamberlain
Chisholm
Clark
Clay
Colmer
Conyers
Davis, Ga.
Derwinski
Dingell
Dorn
Dow
Dowdy
du Pont
Edmondson
Eshleman
Flynt
Ford, William D.
Fountain
Galifianakis
Gallagher
Gray
Hagan
Hanna
Harrington
Harsha
Hathaway
Hébert
Heckler, Mass.
Henderson
Howard
Hungate
Hutchinson
Ichord
Jones, Tenn.
Landrum
Lennon
Long, La.
McClure
McCormack
McDonald, Mich.
McKinney
McMillan
Macdonald, Mass.
Moorhead
Nedzi
O'Hara
Passman
Pelly
Powell
Pryor, Ark.
Randall
Rarick
Rees
Reid
Rooney, N.Y.
Roybal
Ruppe
Ryan
Scheuer
Shoup
Stephens
Stuckey
Talcott
Teague, Calif.
Terry
Vander Jagt
Wydler
Yatron

The SPEAKER. On this rollcall 353 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AMENDING WATER RESOURCES PLANNING ACT

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14106) to amend the Water Resources Planning Act to authorize increased appropriations, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That the Water Resources Planning Act (79 Stat. 244, 42 U.S.C. 1962 et seq.) is amended by striking out the present section 401 and inserting in lieu thereof the following:

"Sec. 401. There are authorized to be appropriated to the Water Resources Council:

"(a) not to exceed $6,000,000 annually for the Federal share of the expenses of administration and operation of river basin commissions, including salaries and expenses of the chairmen, but not including funds authorized by subsection (c) below: *Provided*, That not more than $750,000 annually shall be available under this subsection for any single river basin commission;

"(b) not to exceed $1,500,000 annually for the expenses of the Water Resources Council in administering this Act, not including funds authorized by subsection (c) below;

"(c) not to exceed $3,500,000 in fiscal year 1973 and such annual amounts as may be authorized by subsequent Acts for preparation of assessments, and for directing and coordinating the preparation of such regional or river basin plans as the Council determines are necessary, and desirable in carrying out the policy of this Act: *Provided*, That not more than $2,500,000 shall be available under this subsection for the preparation of assessments: *Provided further*, That the Council may transfer funds authorized by this subsection to river basin commissions and to Federal and State agencies upon such terms and conditions as it determines are necessary and desirable to carry out the above functions in an economical, efficient, and timely manner, and that such commissions and agencies are hereby authorized to receive and expend such funds pursuant to this subsection."

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, H.R. 14106, as passed by the House on June 5, 1972, was amended by the Senate on June 19. The amendment consisted of striking all after the enacting clause and inserting complete new text. The new text makes one major substantive change in the legislation as follows: the House-passed bill authorized an increase of $3,500,000 annually, to be appropriated to the Water Resources Council for the purpose of financing water assessments and coordinating river basin plans. The Senate-passed version of the bill authorized the same amounts but only for the fiscal year 1973. The other differences in the two versions of the bill are in format and drafting style.

In accepting the Senate amendment, the House will be agreeing—in practical fact—to reconsideration of this issue in the 93d Congress as the Water Resources Council will be obliged to send the legislation up again next year. This will afford the Congress a chance to look at the question in greater depth than time allowed this year and may well result in better legislation for our having done so.

For this reason, and in the interest of expeditious enactment of this legislation which must precede final passage of the Public Works Appropriation Act, I strongly urge and recommend that my colleagues accept the Senate amendment.

PUUKOHOLA HEIAU NATIONAL HISTORIC SITE, HAWAII

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the

Speaker's desk the bill (H.R. 1462) to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> Page 2, line 4, after "numbered" insert "NHS-PK."

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MINIMUM AGE FOR MEMBERSHIP IN THE LEGISLATURE OF THE VIRGIN ISLANDS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9545) to amend the Revised Organic Act of the Virgin Islands to provide that the Legislature of the Virgin Islands shall prescribe the minimum age for membership in the legislature, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

> Strike out all after the enacting clause and insert:
>
> 'That subsection (b) of section 6 of the Revised Organic Act of the Virgin Islands is amended by deleting 'twenty-five' and inserting in lieu thereof 'twenty-one.' "
>
> Amend the title so as to read: "An Act to amend section 6(b) of the Revised Organic Act of the Virgin Islands relating to qualifications necessary for election as a member of the legislature."

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, H.R. 9545 as adopted by the House provided that the Virgin Islands Legislature could establish the minimum age for its members. The Senate returned the bill in a different form that simply reduced the age for membership from 25 to 21 years. The Virgin Islands Legislature originally petitioned the Congress to reduce the age for membership to 21 years. The bill as amended by the Senate represents the wishes of the people of the Virgin Islands as expressed by their legislature.

PROVIDING FOR CONSIDERATION OF H.R. 16029, FOREIGN ASSISTANCE ACT OF 1972

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1082 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1082

> *Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith) pending which I yield myself such time as I may consume.

Mr. Speaker, there is nothing complicated about this rule, and so far as I know it is not controversial. Of course, the bill it makes in order is controversial, and there are at least three amendments, I understand, which are very controversial.

The reason why I come to the well instead of just handling the rule routinely is that I wish to announce that tomorrow when presumably the House will be reading the bill for amendment, I will seek recognition in order to offer a motion to strike section 13, the so-called Hamilton-Whalen amendment. I will not explain in detail my argument in favor of that motion to strike today, but I wish to notify the Members of the House that I propose to seek recognition to make that motion. That is the so-called "end the war amendment" authored by the gentleman from Indiana, (Mr. Hamilton).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1082 provides for 3 hours of debate under an open rule for consideration of H.R. 16029, the Foreign Assistance Act of 1972.

Mr. Speaker, I am satisfied that every Member in the House of Representatives knows everything about this bill.

Members will recall that last year the House passed a 2-year authorization. We had difficulty in the other body, and they divided it up into two bills. Eventually it came back here with a rule out of the Committee on Rules striking everything but the enacting clause of both bills and inserting the language of the House-passed bill. The ultimate result was that we ended up with only a 1-year authorization.

This bill provides an authorization for fiscal year 1973 for $2.131 billion. The section that the gentleman from Missouri mentions that he is going to seek recognition on to offer a motion to strike is section 13. That language provides for the withdrawal of U.S. Armed Forces from Indochina not later than October 1, 1972, subject to three conditions: One, a cease-fire to the extent necessary to achieve safe withdrawal of the remaining U.S. forces; two, release of all American prisoners of war; and, three, the accounting for all Americans missing in action.

There are some other controversial items in the bill and a number of separate and supplemental views which have been filed. I anticipate that many amendments will be offered when we reach that stage, hopefully tomorrow.

Mr. Speaker, I urge the adoption of the rule.

Mr. BOLLING. Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on Rules, the gentleman from Mississippi (Mr. Colmer).

Mr. COLMER. Mr. Speaker, following the lead of my friend from Missouri, a member of the Committee on Rules, I just wanted to take this brief moment here to emphasize my own disagreement with section 13 of this legislation, which this rule makes in order.

Mr. Speaker, I can think of no greater disservice that a citizen of this country, whether he be a private citizen or a public official, can do to his country with regard to the ending of this war than to try to drag the rug out from under the feet of the President of the United States, who is trying to negotiate an honorable peace.

This is a matter which should be resolved through a negotiated, political settlement. It is the height of folly for us here in the legislative branch, numerous and divided as we are, to consider negotiating an end to this infinitely complex war. An effort such as this will not only not help the situation, but will unnecessarily confuse and delay any meaningful discussions that may be taking place. Without such action, the United States will have more flexibility at the peace table. Such provision will inevitably encourage the enemy to harden his stand. It is essential, in the complex and sensitive talks in Paris, that the United States speak with one voice.

The President has demonstrated that he will do everything in his power to reach a negotiated solution. Let us not hamper his efforts by the spasmodic, ill-considered maneuvers called for in this provision.

If there is one issue that seems to have virtually unanimous endorsement from all shades of opinion on this war, it is that our most urgent priority is to end the killing and suffering that has been the agony of the Indochinese peninsula for over 25 years. We together with the South Vietnamese. have made this issue central to our negotiating position since we first called for an Indochinawide cease-fire—in October 1970—with all acts of war by all combatants to cease. The President most recently, on May 8, reiterated our views on cease-fire and they were placed officially on the negotiating table in Paris.

Should the enemy choose to negotiate on this compelling issue, an end to the bloodshed could be in sight. Thus far, it has not chosen to do so; instead it has put forward a proposal that cannot be called a cease-fire at all, but is limited to only part of the forces concerned and would not end the killing. This is the kind of cruel cynicism the North Vietnamese go in for when they ask for a cease-fire between their forces and ours only, leaving their troops massively deployed throughout Indochina free to continue their blatant aggression against the South Vietnamese forces and people. And unfortunately this is the sort of cease fire this section 13 puts forward. It is not worthy of us and I reject it.

In addition, I doubt very much that Hanoi would, in fact, release the American prisoners of war it now holds, or cooperate in an accounting of the missing in return only for an end to the U.S. military involvement in the war. They would have no incentive to return our POW's. Passage of the end the war provision would condemn the prisoners of war and those who are missing in action. They would be left to the mercy of the North Vietnamese.

The North Vietnamese and Vietcong spokesmen have made it absolutely clear, time and time again, that it is not only American withdrawal that they want, but the arbitrary replacement of the constitutionally elected Government of South Vietnam by a coalition government cut to Hanoi's pattern, which will be the vehicle for Communist seizure of control. They will not release our prisoners until an American Government has helped them impose their will on the people of South Vietnam or until they are finally convinced that no American Government or Congress will do any such thing and that they cannot accomplish the task by brute military force.

The situation in South Vietnam is still critical but the prospects are hopeful. No action should be taken at this time which would have an adverse effect on the outcome. The actual return of prisoners of war is a negotiable matter and foreign countries cannot be negotiated with in a parliamentary body. Leave it to the negotiators.

Mr. Speaker, this is not a domestic political issue. This is an issue that involves the United States, its prestige, its compassion, and its desires now to end the war.

A great U.S. Senator from the great State of Michigan made an observation back a few years ago that I think deserves repeating.

I think that I can quote it almost verbatim, and that is that partisan politics in the United States stop at the water's edge.

I certainly hope that the House will use its usual goodwill in this matter, when it comes up for consideration and when the gentleman from Missouri (Mr. Bolling) offers the amendment to strike.

Incidentally, I want to take this time to commned the gentleman from Missouri (Mr. Bolling) a man who is regarded in this House as somewhat of a liberal, one obviously not in accord and in step with some of those other people who term themselves as liberals, but with those others in the House who place, as the gentleman does, the welfare of our country above any other issue, domestic or otherwise. So again I commend the gentleman for the stand he is taking in this matter. I believe this House can with profit follow his leadership in this matter.

I urge all of you here to allow the President to continue the constructive policies he has so carefully forged, which will allow him to bring an honorable end to our Nation's involvement. Let us not hamper him in his wide-ranging efforts. Let us give the President of the United States, our Commander in Chief, the constitutional authority to negotiate an end to this war.

(Mr. COLMER asked and was given permission to revise and extend his remarks.)

Mr. BOLLING. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON FLOOD CONTROL AND INTERNAL DEVELOPMENT, COMMITTEE ON PUBLIC WORKS, TO MEET DURING GENERAL DEBATE TODAY

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the Subcommittee on Flood Control and Internal Development of the Committee on Public Works be permitted to meet during general debate today. This has been cleared with the ranking minority member.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 13694, AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1081 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1081

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13694) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield to the gentleman from Califorinia (Mr. Smith) 30 minutes.

Mr. Speaker, as I think all Members know, this bill got a majority, a substantial majority, as I remember it, but failed to pass on suspension. I have not run into any controversy on the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 1081 provides for 1 hour of debate under an open rule for the consideration of the bill, H.R. 13694.

The bill did fail on suspension on June 19. The authority of the Commission expired on June 30, 1972. This extends the authority of the Commission for 1 year at a cost of $6,712,000 with grants to territories and grants to States and certain nonprofit groups and gives the President certain authority to waive legal limitations regarding contracts and expenditures.

Mr. Speaker, I know of no objection to the rule. However, I have heard some Members stating that although they approve of the program, they are a little bit concerned that there does not seem to be much control over the manner in which the money will be spent and they are concerned that some of it may be wasted.

Mr. Speaker, I urge the adoption of the resolution.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FOREIGN ASSISTANCE ACT OF 1972

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16029, with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. MORGAN) will be recognized for 1½ hours and the gentleman from California (Mr. MAILLIARD) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Pennsylvania (Mr. MORGAN).

Mr. MORGAN. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, H.R. 16029, the Foreign Assistance Act of 1972, is one of the most important bills to come before the House this year.

This bill is important for several reasons:

This bill affects, first and foremost, the security of our own Nation. It does this in terms of our position abroad, and our ability to respond promptly and effectively to any outside military threat.

Our oversea bases, our early-warning and communications installations, our military alliances—the whole complicated system of defenses aimed at keeping war from our shores—that system depends in large part on how we live up to our commitments, on our reliability, and our determination to see peace prevail.

This bill is a measure of our national will to keep that defense system working in a world which is still very changeable—and dangerous.

The Foreign Assistance Act of 1972 is also important to our friends and allies. For many of them, it means the difference between insecurity and adequate defense.

This applies especially to those countries which are exposed to the threat of external aggression—countries like Turkey and South Korea, Israel, and Free China, and many others.

It applies also to a country like Vietnam which—if our efforts bear fruit—will still continue to need outside help to cope with the tremendous job of rebuilding its war-torn economy.

In a larger sense, Mr. Chairman, this bill is important to the entire free world—to those who are on the firing line as well as to those in the rear.

All of them—and all of us—want peace and security.

Unfortunately, these do not come free. They must be won, and they must be protected. And that is a job in which all of us have to take part.

H.R. 16029 contains America's contribution to that effort. It is an important contribution—and one without which international security system may not survive.

For these reasons, the passage of this bill is vital to our own national security and the cause of peace in the world.

PROVISIONS OF THE BILL

Mr. Chairman, let me now describe the provisions of the bill.

The principal purpose of H.R. 16029 is to authorize fiscal 1973 funding for those categories of assistance which were not included in the 2-year foreign aid bill that the Congress approved in January.

These categories include grant military assistance, military sales, and security supporting assistance.

In addition, the bill contains funds for refugee relief and rehabilitation in Bangladesh, as well as a number of policy provisions.

The total authorization amounts to $2,131,000,000. This is $120 million less than the amount requested by the Executive. It compares with $1,650,000,000 which the Congress appropriated for these purposes in fiscal 1972.

MILITARY ASSISTANCE

Of the amount recommended by the committee, $730 million is for grant military aid. Our committee has cut that authorization $50 million below the Executive request, trying to keep it down to a minimum, to a barebones budget.

Grant military assistance is necessary to provide our allies, and some friendly governments, with a small portion of the equipment and training which they need for their defense. They pay the major part of the cost of their own defenses. We contribute only that portion which is absolutely necessary but for which they have no more resources.

Of the $730 million, about 70 percent has been programed for only four countries: Republic of Korea, Cambodia, Turkey, and Thailand. The remainder is largely training assistance, and small equipment grants, for 43 other countries.

In addition, this portion of the bill contains $5 million for regional naval training in the Western Hemisphere—training which will be provided at the Inter-American Training Center.

The bill, in section 3, also extends for 1 year the President's special authority to use certain defense stocks, subject to later reimbursement. It also repeals section 514 of the Foreign Assistance Act which deals with local currency deposits. The Executive has found that the carrying out of that section would impose a hardship on the program, and our committee has agreed with them.

SECURITY SUPPORTING ASSISTANCE

The second major authorization—in section 4 of the bill—deals with security supporting assistance.

This type of aid is designed to offset certain exceptional expenditures which some countries are making in the defense field. Frequently, it enables them to support a larger military establishment than they themselves can afford—but which they urgently need for their defense or security. Generally, supporting assistance goes hand-in-hand with military aid and sales, and, again, is concentrated in a very few countries.

In the fiscal 1973 program, 90 percent of supporting assistance has been earmarked for five countries: Vietnam, Israel, Thailand, Cambodia, and Laos.

The committee recommended $769 million for this item—$75 million less than requested by the Executive.

After carefully reviewing the whole program, the committee concluded that this cut could be achieved by reducing or eliminating certain elements, without jeopardizing our whole effort.

The committee also agreed to earmark some supporting assistance funds for certain worthy programs, primarily those dealing with children, orphans and refugees in Indochina. These earmarkings are contained in section 5 of the bill and explained on pages 7 and 8 of the committee report.

MILITARY SALES

The third major authorization is contained is section 10 of the bill. It involves $527 million in new obligational authority for military credit sales, subject to an overall ceiling of $629 million.

Military sales are an important part of our international security effort. Whenever possible, this tool is used rather than direct grants or supporting assistance to help a given country meet its essential defense needs.

Nearly one-half of this authorization for fiscal 1973 is programed for Israel, and so earmarked in the bill.

The committee also recommended several changes in the existing law—primarily to promote the shift from grant-aid to sales, and to permit more effective utilization of excess defense articles. These changes, as well as modifications in the regional ceilings, appear in sections 10 and 11 of the bill.

BANGLADESH RELIEF

Finally, the bill provides $100 million for relief and rehabilitation in Bangladesh.

During the past year, United States humanitarian assistance has contributed significantly to the worldwide effort to help the new state of Bangladesh care for millions of returning refugees and to begin repairing war damage. Most of that effort has been channeled through international organizations and voluntary agencies.

Of the total contributed—some $800 million—the United States gave about one-third: $267 million. The proposed authorization, requested by the President, is necessary to continue the tremendous task of relief and rehabilitation.

POLICY PROVISIONS

In addition to the four authorizations and related provisions which I have described, H.R. 16029 contains six items which deal with policy issues and one which is a sense of Congress expression.

The latter one is in section 12 of the bill. It expresses the sense of the Congress in favor of the establishment of a United Nations Environment Fund. This is not an authorization, and any future U.S. support for such a fund would be subject to the normal congressional review and judgment. Section 12 simply endorses the idea of setting up such a fund, as recommended by the Stockholm Conference, because of the need to tackle environment problems which cross national boundaries.

Four of the policy provisions deal with limitations and restrictions on furnishing assistance.

One of them, in section 6, would enable the President to undertake some initiatives toward a country like Somalia which has found itself in difficulty because of the trade patterns of some ships carrying its flag.

The second, in section 7, would make the furnishing of assistance to Thailand subject to a presidential determination relating to the curbing of illegal narcotics trade. Our committee has been assured that Thailand has an active program under control, and the committee is investigating this matter. In the meantime, until all the facts are in, this particular provision could prove harmful—both to the effort to eliminate illegal trade in narcotics, and to U.S. relations with Thailand.

The third prohibition, also in section 7, relates to Portugal. It would prohibit the carrying out of our part of the agreement relating to our base in the Azores until that agreement is submitted to the Congress for separate approval—either as a treaty or by a resolution of both Houses. This is the first time that I know of that such a requirement is being imposed on a normal base agreement with one of our own NATO allies—and I have some reservations about it.

The fourth restriction, in section 9, would continue a ceiling on U.S. assistance to Cambodia and peg it at $330 million for fiscal 1973. This is $11 million below the ceiling which was in effect in fiscal 1972.

In addition, Mr. Chairman, section 14 contains an amendment to the U.N. Participation Act which would allow the President to fulfill our obligations flowing from that act. This provision does not repeal any part of the law presently in effect. It would, however, give the President, on the grounds of national interest, the authority to decide which course is more appropriate.

VIETNAM

This brings me, Mr. Chairman, to the final, and possibly the most controversial provision of H.R. 16029, the provision relating to Vietnam, section 13.

Section 13 would establish October 1 as the date for our military withdrawal from Indochina subject to a cease-fire, the release of our POW's, and an accounting for Americans missing in action.

This is a fairly flexible mandate which conforms in the overall to the objectives that have been pursued by the President, and our country, for some time.

I realize that some Members will object to setting any specific date for our withdrawal from Indochina. So did I, for a long time, because I believed that it could make all the more difficult, the achievement of peace in Vietnam.

I have, however, had some second thoughts on this subject since the invasion of Cambodia and the involvement of our Air Force in Laos.

Moreover, on two occasions—in 1971 and again earlier this year—the Congress passed legislation declaring for a prompt termination of our military involvement in Indochina. Both of those bills have been signed into law by the President.

I do not believe, therefore, considering the long and tragic history of that conflict, and earlier congressional enactments, that the declaration outlined in section 13 is inconsistent with what the Congress has said before, or with ending the war as promptly as possible. The House, however, must be the final judge in this matter.

CONCLUSION

In conclusion, Mr. Chairman, let me repeat that the bill before us is vital to the security of the United States, of many of our friends, and allies, and to the cause of peace and security in the world.

Large part of the authorizations involved is for Vietnam which is to need it even if a cease-fire comes tomorrow.

Another large part—some $350 million—is for Israel whose security is constantly threatened.

Still another large part is for a handful of other countries whose national life is endangered—countries which are right there, on the firing line.

Then there are our bases and other oversea installations—all a part of our national, and international defense and security system.

We cannot afford to throw that system away.

Mr. Chairman, let me add one last thought:

Funds authorized in this bill are going to be spent primarily in the United States. The equipment made here, and the services provided, will help others defend their security. But the funds stay here.

I urge the House to approve H.R. 16029.

Mr. MAILLIARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the Committee, the bill we have before us today was debated at great length in the committee. It provides funds for military assistance, regional naval training, military credit sales, supporting assistance, and refugee relief.

I have heard conversations about the Chamber which would indicate that some Members, at least, are not aware that this is a bill wholly for military assistance. It does not have the economic assistance program in it as it has had in years gone by.

It does not contain any of what we usually refer to as economic assistance except for humanitarian relief in Bangladesh.

Chairman MORGAN has already described the bill in detail, including the dollar amounts, and I shall not go over that ground again. In my opinion, the amounts approved by the committee are well justified and deserve our support. In some cases I think maybe the figures may be even a little bit too low.

As the United States gradually withdraws its own military presence around the world these funds are absolutely essential if we are to continue to help our friends and allies maintain their own security and contribute to collective security. In my opinion, it is far less expensive and more effective to provide security assistance so they can handle their own defenses than it is to provide American forces for their protection.

I believe also providing such assistance is vital to our own national security interest. On this point I would subscribe to what our chairman said in his opening remarks.

However, there are provisions that were inserted in this bill in the committee that I think are most unwise. When we get to the amending process I know amendments will be offered. I will certainly be prepared to support most of them.

I strongly object to the so-called end the war provision, section 13, added to the bill by a margin of a single vote in committee. It is unwise and unrealistic.

I would point out to the Members that, in the committee report, there is a rather unusually large number of individual and group views expressed on various portions of the bill.

As stated in the supplemental views signed by several Members, it is unlikely to secure the release of American prisoners of war since it does not call for acquiescence in Hanoi's principal demand that we overthrow the present government of South Vietnam and cease all assistance to that government. It would not end the fighting since it does not call for a general cease fire. The limited cease fire mentioned would only cover our withdrawal as the fighting and killing would continue. This provision, if retained in the bill, could well endanger whatever prospects there are for success in private and public negotiations which are now going on with Hanoi. I am sure we do not want that result.

We will go into this in detail, as already mentioned by the gentleman from Missouri (Mr. BOLLING). He intends to offer an amendment to strike this section, and it should be stricken from the bill, in my judgment.

Mr. Chairman, I also view as unwise the so-called Azores provision. If this becomes law—and I hope it does not—it would seriously damage our relations with Portugal, a member of NATO. The United States has base rights agreements similar to those with Portugal with Portugal with almost every NATO country, and to single out Portugal for specific congressional approval can only be seen as a deliberate affront by Portugal which can jeopardize the retention of our military forces in the Azores which are essential for surveillance of the Soviet submarine activities in the Atlantic. It is unwise, I believe, to pass legislation that amounts to a public insult to an ally simply because we do not like some of its domestic policies. Our views on that should be conveyed through diplomacy and not legislation.

Mr. STRATTON. Will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman.

Mr. STRATTON. I want to commend the gentleman from California for his remarks in connection with this provision in the bill that would cut off aid to Portugal and the Azores and indicate to him and to the House that it is my intention tomorrow when we get into the amending process to offer an amendment to strike out this section. I think the gentleman put his finger on the real nub of the matter, which is that this would be very disruptive to the NATO alliance and to our own naval defenses in the Atlantic.

As one who for many years was chairman of the Antisubmarine Warfare Subcommittee of the Committee on Armed Services, I can say that the Azores occupy a very important part in our antisubmarine defense system.

More recently "Jane's Fighting Ships" any many other knowledgeable experts have been telling us about the threat of Soviet submarines. So this anti-Azores provision of the pending bill would cut off our nose to spite our own face. It would be damaging indeed if we were to destroy the arrangements that we have in the Azores now simply because of a hassle as to whether our accord with Portugal ought to be an executive agreement or a treaty.

I do not want to get into that matter. Maybe it ought to be a treaty. But it would be very dangerous indeed for us to destroy the valuable antisubmarine defense arrangements that now exist in the Azores while we wait for treaty ratification .So I advise members of the committee that I will offer an amendment to delete that section when we get to the amending process tomorrow.

Mr. MAILLIARD. I thank the gentleman.

As I have already indicated, I shall certainly support the gentleman's amendment, and I hope that it will be accepted.

Mr. PIRNIE. Mr. Chairman, would the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from New York.

Mr. PIRNIE. Mr. Chairman, I thank the gentleman for yielding, and I would like to take this opportunity to also indicate to the gentleman from New York (Mr. STRATTON) that I believe his approach is realistic in the cause of peace and good will in the world.

In the subcommittee we have devoted a great deal of attention to this one specific problem which is only one phase of the bill which will be before us. It all relates to the relationships that exist between the nations of the world and their commitment toward stabilizing conditions simply by having the strength and the determination to meet initially those situations which can lead to a real world disaster.

I also wish to congratulate the gentleman in the well and the committee for the basic objective of the bill. I trust that when the bill has gone through the amending process, it will reflect a policy which will contribute greatly to the peace of the world and be still of a character that shows the determination of people to be free.

Mr. MAILLIARD. I thank the gentleman from New York for his comments.

Now we come to another example which is very similar. In this bill there is another public insult to a friend and ally in the provision prohibiting assistance to Thailand unless the President determines that the Government of Thailand has taken adequate steps to prevent the illegal production of and traffic in narcotics. Everybody is opposed to narcotics, but in this instance, where the Government of Thailand has made strong efforts to combat this traffic, such a gratuitous legislative insult seems to me not to be productive. Communications by these public means generally, in my judgment, are counterproductive, especially when directed at a nation that has been cooperating with us in many ways, including in this field that has been singled out by this amendment.

There are other provisions which we will come to as we get to the amending process that I think might well be stricken from the bill, but I have mentioned the ones that concern me particularly. I am hopeful that tomorrow and perhaps the next day through the amending process we will be able to remove some of the barnacles that were attached to this bill in committee.

I hope I can support the bill with some enthusiasm, which I cannot do in the form in which it is being considered today.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. HAMILTON).

Mr. HAMILTON. Mr. Chairman, and members of the committee, I would like to direct my remarks to section 13 of the bill.

Section 13 of the 1972 Foreign Assistance Act can help end the U.S. military involvement in Southeast Asia.

It sets three fundamental conditions for an end of all land, sea, and air involvement of U.S. forces in Indochina by October 1 of this year. These conditions are:

First. The release of all American prisoners of war held by the Government of North Vietnam or forces allied with such Government.

Second. An accounting with verification by an international body for all Americans missing in action who have been held by, or known to such Government or such forces.

Third. A cease-fire between the United States and North Vietnam and those allied with North Vietnam to the extent necessary to achieve the safe withdrawal of the remaining U.S. forces from Indochina.

REASONS TO SUPPORT SECTION 13

This section is in our national interest because it will help the President end the war.

First. It advises the President of the acceptable and essential conditions of withdrawal. The President should welcome this step from the Congress because it would allow him to leave Vietnam with congressional and bipartisan support, and upon terms that a majority of Americans find acceptable. It assures the President of broad public support for a reasonable offer that assures the safe return of American prisoners and troops.

Second. This section does not bind or tie the hands of the President. It leaves to the President the ultimate responsibility of negotiating an end to the war and preserves his flexibility. It sets no order for fulfillment of the three conditions and it leaves to the President how those conditions are to be achieved. It does not cut off funds unconditionally for U.S. military involvement in Indochina.

Third. The conditions stated in this section express the overriding interests of the United States in Indochina today. The section does not include conditions which will require us to remain in South Vietnam indefinitely. It does not include conditions which would block acceptance by North Vietnam. These conditions do not give South Vietnam a veto over American actions. I believe that if our negotiating position was based on these conditions, the United States could extricate itself from South Vietnam. The conditions set forth realistic and achievable conditions for withdrawal.

Fourth. This section plainly acknowledges that our national interest does not justify the enormous commitment of resources, human and material, to Indochina.

The cost of U.S. involvement in the military conflict in Southeast Asia is staggering. Over 56,000 American young men have lost their lives; more than 300,000 men have been wounded; over 1,100 are missing; over 500 are known to be prisoners of war. Funds in excess of $120 billion have been spent since 1965. The war has caused us to neglect massive domestic problems; it has created deep divisions within our society.

It is time to acknowledge that the national security of the United States is not jeopardized in Vietnam. North Vietnam does not and cannot threaten us. If our national security is not at stake in Vietnam, our national interest does not justify the investment of lives and treasure we have made and are making. There are simply far more important places, both at home and abroad, for us to commit our resources.

Fifth. This section, if fulfilled, will lower the level of violence in Indochina, and it will encourage political forces in the area to make an accommodation.

If the level of violence is lowered, the opportunity would be improved to find ways and means to heal the wounds and to make accommodation. A reduction in the violence, if not its end, would complement the President's Asian initiatives, and would set in motion new and indigenous efforts for peace. Political forces would emerge and begin discussions leading to an overall settlement.

Sixth. This section does not commit us to a course of high risk. It includes safeguards against North Vietnamese violations of the agreement, and, if the agreement is broken, the U.S. presence would continue. We would, even in that case, be no worse off than we are now.

RESPONSE TO CRITICISMS OF SECTION 13

Several criticisms are made of this section:

First. Criticism: The North Vietnamese will not honor their side of the agreement.

Response: Recent history suggests that although Communist nations have violated some agreements and treaties, they often abide by agreements, particularly when a treaty or agreement serves their interests. We can reasonably expect the agreement envisaged by this section to be kept because it is in the interest of North Vietnam to end U.S. military involvement in Southeast Asia.

Obviously, no absolute assurance can be given that the North Vietnamese will abide by any agreement, whether it is the one proposed in the section or the agreement President Nixon proposes. The best that can be achieved is an agreement that has a high probability of acceptance by the Communists because it is in their interest.

A major goal of North Vietnam has been to get the Americans out of Indochina, and an agreement achieved pursuant to this section would provide a means for them to achieve that goal. It is significant that this section includes safeguards against North Vietnamese violations of the agreement. The U.S. withdrawal from Southeast Asia will not occur until prisoners of war are released, and there is an accounting of all Americans missing in action.

If the agreement is broken, the United States would not be any worse off, and we would not be under any obligation. We could take whatever steps would be necessary to protect our interests and our men.

Second. Criticism: This section does not include the condition of an internationally supervised cease-fire, as proposed by the President.

Response: The President's call for a cease-fire strikes a responsive chord in all of us. If the President can negotiate a comprehensive, internationally supervised cease-fire, it would be desirable. He has our support in such a quest, and this section certainly does not preclude such a general cease-fire.

But the question is not whether we want it, but whether it is an impossible and unrealistic condition for our withdrawal. There are several reasons to believe that a general cease-fire is an unrealistic condition for withdrawal:

Such a cease-fire should not be included because there is a high probability that it cannot be achieved. North Vietnam has repeatedly rejected any cease-fire without a political settlement because they consider it tantamount to losing the war. Any general cease-fire would require them to give up the goal they have sought for decades. Because North Vietnam feels that it has bad experiences in Vietnam ever since 1954 and the Geneva accords, they have been extremely reluctant to accept such a provision.

In July 1971, Le Duc Tho, Hanoi's chief negotiator in Paris, said:

> If President Nixon tries to hinge his agreement on the fixing of a withdrawal date with a cease fire throughout Indochina, there can be no accord.

In a recent appearance before the House Foreign Affairs Committee, Secretary Rogers admitted there had been no progress toward a cease-fire, and not even any discussions of the details of the cease-fire. He said a cease-fire was highly unlikely in light of past positions stated by North Vietnam.

Any agreement for a cease-fire is made exceedingly difficult to achieve because the concept is ambiguous, its provisions complicated to arrange, and its enforcement almost impossible.

A general cease-fire provision raises a large number of difficult questions, including: What is its duration? Is it a standstill cease-fire? Does it imply withdrawal? Who controls disputed areas? Must there be an agreement on how the entire map of South Vietnam looks before a cease-fire agreement? How will conflicts be resolved? What verification methods will be used? Can weapons be kept in place? Can military supplies continue?

The demand for an internationally supervised cease-fire requires the United States to continue fighting indefinitely as the parties wrangle over the details of the cease-fire.

A general cease-fire gives Saigon a veto on American withdrawal from the war. It is not in the interests of the Saigon Government for the Americans to leave soon. President Thieu might well object to a cease-fire for fear his power would be jeopardized. If Saigon were to accept a cease-fire, the United States could leave, and Saigon would find it necessary to reach accommodation with Hanoi that Saigon might not wish to make.

It may, however, be in our interests to require those compromises which have not been seriously considered by the Saigon Government, while we have been in South Vietnam.

The general cease-fire is not necessary to achieve our primary objectives in Indochina. These objectives are stated in section 13 of this act.

In short, the requirements of an internationally supervised cease-fire makes illusory the promise of a commitment to a date certain for our withdrawal, and the record to date simply does not provide any evidence that such a cease-fire can be achieved.

Third. Criticism: Once the United States terminates its military involvement in and over Indochina, the South Vietnamese forces will be overrun by North Vietnamese forces and there will be a bloodbath.

Response: Although a completely peaceful ending to this long struggle probably cannot be reasonably anticipated under any proposal, no absolute assurance can be given for any approach. Nevertheless, the bloodbath fear is overdrawn because:

The best way to stop a bloodbath is to stop the one now in progress. The spector of a future bloodbath should not blind us to the realities of the present bloodbath.

There is no conclusive evidence that the North Vietnamese can overrun South Vietnam given the resources available to South Vietnam. There is much less likelihood of a bloodbath under conditions of an indecisive military situation, and military experts think that a decisive military victory by North Vietnam is not likely. A more likely possibility for the present balance of forces is a stalemate which would force accommodations on both South and North Vietnam.

If Vietnamization has succeeded, as the President claims, a bloodbath is not possible. Section 13 is thoroughly consistent with Vietnamization and it is a natural and logical extension of it.

History gives us no definite answer to the possibility of a bloodbath in Vietnam. Available evidence supports only one conclusion—neither the government in the South, especially the Diem regime, nor the Communist government in the North, refrain from the use of force for political ends. But the reference to previous situations of mass killings is not helpful in predicting the future, because the power relationships between the parties have been altered by events of the last several years.

Fourth. Criticism: The effect of this section would be to permit the Communists to dominate Southeast Asia.

Response: The United States has already done all that any nation has or could ever do for an ally no matter how mesaured. We leave South Vietnam with a heavily armed million-man force with impressive capability. The United States cannot underwrite South Vietnam's survival indefinitely. The United States must place its own national interest first. Our national security is not jeopardized in Vietnam, and we simply cannot justify the investment in lives and treasure we are making. There are more important places to commit our resources.

Present policy assures the continuation of the war. It is time to put South Vietnam on its own, rather than the present alternative of continuing war.

We should take steps to encourage a realignment of political forces in South Vietnam, and let a new political structure emerge.

Obviously, it would be better for the United States if the Communists do not control South Vietnam, but that is not inevitable and, in any event, essential U.S. interests are not involved. They most certainly are not involved to the extent of the loss of life and treasure that this Nation has experienced.

The only sure deterrent to the spread of communism in Vietnam lies in the ability of its leadership to cope with the problems of economic and social development. Only that leadership can bring about peace, reconciliation, and stability.

Fifth. Criticism: The enactment of this section will upset delicate negotiations now in progress.

Response: The 153d session of the Paris talks was held last Wednesday, August 2, with no indications of progress in achieving a settlement of differences. Neither are Dr. Kissinger's private talks showing any signs of progress.

The Secretary of State indicated in testimony before the Foreign Affairs Committee that no progress was being made in the negotiations. Almost all the expert opinion suggests that the negotiations are in slow motion, or in a "holding pattern," or that the outlook is bleak.

Passage of this section will let our negotiators know that the American people and the Congress want to get out of this war.

Sixth. Criticism: The enactment of this section would lead to a collapse of President Thieu's government.

Response: The passage of this legislation by itself merely establishes a framework for negotiations. It does not have any effect on the Thieu regime. If the United States and North Vietnam were to reach an agreement consistent with the provisions of this section, President Thieu would then have to reach an accommodation with the various political forces in South Vietnam. This could lead to a form of government which would accurately reflect the political forces in South Vietnam. There is nothing in current U.S. policy which precludes this outcome.

Seventh. Criticism: The passage of this section would prolong the war.

Response: Unless the President intends to terminate all U.S. military involvement in Indochina prior to the date set in this section, an agreement negotiated pursuant to this section could not possibly prolong the war. If the President wants to terminate U.S. military involvement in Indochina prior to the date in this section, he need only so state and the passage of this section would become moot.

Under present policy, the war continues. Obviously, no absolute assurances can be given, but this section, if fulfilled, would bring an end to American involvement in the war and lower the level of violence. That is a major step toward stopping the fighting. If the level of violence is lowered, the chance that political forces would emerge to make accommodation would be improved.

Eighth. Criticism: The passage of this section will not help free the prisoners.

Response: Any agreement that is negotiated consistent with this section would require that the prisoners of war be released and the missing accounted for as a condition for U.S. withdrawal. The section leaves the President the flexibility to negotiate the precise timing and terms of the release. Present policy has not succeeded in freeing the prisoners. Unless the President can state that his policies will get the prisoners of war home by the date set in the section, agreement consistent with the section would lead to quicker release than pursuit of current policy.

Ninth. Criticism: The passage of this section could affect critical battles now underway in South Vietnam.

Response: Most of the experts see the current military situation as a stalemate. Neither side can realistically hope for military victory on the battlefield. The effect of an agreement negotiated pursuant to this section would be to put an end to the loss of U.S. lives in such battles.

Mr. MAILLIARD. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, it looks from the debate thus far as if the really significant discussion of the issues in this bill will take place tomorrow, or perhaps on Thursday, and maybe that is just as well. However, it does seem to me that we have matters of real substance here, and in my remarks during debate on the bill I would like to mention a few of them.

The chairman of the full committee, the gentleman from Pennsylvania (Mr. MORGAN), has discussed in some detail the specific dollar amounts to be authorized by the bill. He has said that in his opinion this bill is vital to the security of the United States and to our friends and allies.

I concur in that statement. I hope that retention of certain language in this bill or, perhaps, removal of certain language, will not lead to a jeopardizing of the bill. I do not want to see defeat of this legislation, as it was defeated in the other body.

I regret very much that the Committee on Foreign Affairs saw fit to insert certain policy provisions in the bill; policy provisions which in some cases I consider highly controversial. Inclusion of certain provisions conceivably could lead individual Members to vote against the bill itself, especially if the language is not modified or if, indeed, any language with respect to the problem is retained.

Let me mention a few. The gentleman from California has indicated his reservations about the language with respect to providing aid to Thailand. In the committee report I gave my views in some detail as to why I think this language is unwise. Let me read the provision to the committee:

> No assistance shall be furnished under this Act (other than chapter 8 of part I, relating to international narcotics control), and no sales shall be made under the Foreign Military Sales Act or under title I of the Agricultural Trade Development and Assistance Act of 1954, to Thailand.

Period.

> This restriction may be waived when the President determines that the Government of Thailand has taken adequate steps to carry out the purposes of chapter 8 of part I of this Act, relating to international narcotics control.

Mr. Chairman, what is the clear import of language such as this? It seems to say that our committee—and I am glad to say we were divided in our opinion about this language—but our committee feels that if it had its way and had the courage of its convictions, it would provide no assistance to Thailand regardless of how important Thailand is to the efforts that we have been making over a period of years in Southeast Asia. We say, apparently, in so many words that no assistance is to be provided to that country. Then in the next breath in a separate sentence we say, "If the President thinks otherwise, he may resume or continue aid to that country."

I would guess that there was not a member of the committee who did not feel that the escape hatch we were providing by that waiver language would not be used by the President. Most of us must have felt that he would make a finding that Thailand was taking adequate steps to control the traffic in drugs, and therefore should continue to receive assistance. But the clear implication, in my opinion, that this language suggests is that Thailand has not been doing enough.

As the gentleman from California has said, however, do public insults to an ally accomplish anything except to make it more difficult to get that ally to cooperate on what we think is important? Furthermore, is it true that Thailand has been in some particular way doing less than other countries about a problem which is admittedly difficult even for our own country? We have developed an awareness of the danger posed by the traffic in drugs. We have imposed heavier penalties and developed enforcement procedures, but we know that it is not an easy job. For us, in effect, to look down our noses and throw the book at Thailand because it has not been doing something or because we feel that it has not been doing something, in my mind is unwise—and erroneous.

The Thai's have been doing a great deal, and I would very much like to see this language stricken from the bill.

The chairman of the full committee mentioned his own grave reservations about the proposal that the agreement already entered into with Portugal should not be honored unless either the Senate ratifies that agreement as a treaty or unless both Houses of Congress approve, by resolution, the agreement.

Again it seems to me the height of folly for us in this way to be indicating our disapproval of this agreement with Portugal. This agreement, I might point out, is going to expire in February 1974. So we are talking about something which is of relatively short duration, which is of a nature that normally would not require the dignity of a treaty and ratification as a treaty. The Senate has already considered this situation and in effect has approved. I would guess—and I hesitate to probe the reasons why this language was put in—that this language was put in primarily because some are unhappy about what Portugal may or may not have been doing with respect to its colonies in Africa. But again it seems to me the height of folly for us to throw the book with respect to an arrangement which is of advantage to our country, which is basically the continuation of a relationship with an ally which we have had for many years and in a way which would be very disadvantageous to our national interest.

On another point, let me comment, and I refer to the language on page 5 of the bill, the provision which requires that "No assistance shall be furnished and no moneys shall be expended under this or any other Act, including the Export-Import Bank Act, for Portugal until" there is ratification or approval by both Houses of Congress of the agreement. This language, if not modified, would make it impossible for the Export-Import Bank to facilitate arrangements for our own traders to do business with Portuguese firms. As the committee report itself points out, there is something like $400 million involved with respect to exports, which this country badly needs and which presumably would be prohibited.

I might point out the agreement itself makes no formal commitment that the Export-Import Bank will do anything. The State Department simply indicated that normal procedures will be followed by that Bank and, if followed, mutually advantageous trade agreements might result under the terms of the Export-Import Bank Act. Here again, for reasons quite apart from the merits or demerits of the agreement, we seem to be throwing the book at an ally. We seem to be doing this with respect to an arrangement which has been entered into for a considerable period of time, and which is to continue for a period of relatively short duration. To me this makes very little sense. I too share the grave reservations that our chairman has about the wisdom of this language.

Finally, let me touch on what has been called, and which is unquestionably, the most controversial amendment. This is the so-called "end-the-war amendment" incorporated in section 13. The gentleman from Indiana in defense of his own language has suggested that it is going to help the President end the war, that the President can leave Indochina with the knowledge that Congress supports him. Yet he also pointed out that this language leaves the President with the ultimate responsibility of ending the war.

If I felt this was going to end the war, I would be happy to support it, but my guess is that it is not going to shorten the war by one day. It is simply a variation, but a variation with substantial differences, on what the President has already offered the North Vietnamese with respect to what he considers a reasonable settlement.

What are the essential and the most significant differences? The gentleman from Indiana glossed over those differences. One is a set date. He says that a date certain—I do not know exactly how he put it—is of value. I would suggest that whether the date certain is October 1 or whether it is December 1, a date which I understand will be offered as an amendment, that a date certain has a negative value only. It misleads the American people, if they think a deadline has been set to end our participation in the war.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I should just like to respond to some of the statements that were made by my colleague, the gentleman from New Jersey, relative to the amendment on the question of the cessation of aid to Thailand.

To correct an impression that there was a division in the committee on this amendment, there was only one dissenting vote on the amendment, and that was the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield on that point?

Mr. WOLFF. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. The gentleman is incorrect. I know he was there at the time, but there was a voice vote and more than one voice was raised against it. The chairman of the committee, himself, I would guess, has some reservations, even though he may or may not have voted with the gentleman.

I would suggest we confine ourselves to the facts as presented. It was not a single vote in the committee against it. Even if it were so——

Mr. WOLFF. If there was dissent over the amendment only one voice was raised in any event, there was not a great division, which the gentleman indicated, under any circumstances. Eighty-five Members of this House have joined in cosponsoring legislation that is embodied in this amendment.

Mr. Chairman, I refuse to yield further at this point.

In addition to this, a story recently appeared in the New York Times, and I should like to quote from that.

> A Cabinet-level report has concluded that, contrary to the Nixon Administration's public optimism, "there is no prospect" of stemming the smuggling of narcotics by air and sea in Southeast Asia "under any conditions that can realistically be projected."
>
> "This is so," the report, dated Feb. 21, 1972, said, "because the governments in the region are unable and, in some cases, unwilling to do those things that would have to be done by them if a truly effective effort were to be made."
>
> The report, prepared by officials of the Central Intelligence Agency, the State Department and the Defense Department, noted that "the most basic problem, and the one that unfortunately appears least likely of any early solution, is the corruption, collusion and indifference at some places in some governments, particularly Thailand and South Vietnam, that precludes more effective suppression of traffic by the governments on whose territory it takes place.
>
> The report sharply contradicted the official administration position * * *

Now, I will not declassify this report which I hold in my hand. This is the Government's report, which closely parallels those remarks that were made in the paper. This is a report that was made recently by a Presidential task force consisting of the CIA, Department of Defense, and the State Department.

I might go back again to another point that had been made some time ago, that the Thai Government was doing everything it could possibly do.

In all of 1971, there was seized in Thailand 97 pounds of heroin and 645 pounds of opium. This is the extent of Thai cooperation—a total of 750 pounds in an entire year confiscated by Thai authorities. After Congress directed attention to this lack of Thai cooperation and collusion, Gen. Prapass Charusuathiara, second man in command in Thailand, said he burned 26 tons of opium—26 tons, or 52,000 pounds in one night in response to congressional attention to narcotics problems in Thailand—enough to supply 50 percent of the entire demand at the U.S. market for 1 year. After congressional concern was evidenced, Thailand did take some steps. My point in this amendment is very clear. I believe we in the Congress have a responsibility to point out the fact that there is not the type of Thai cooperation needed to stop the opium and heroin traffic from Thailand.

This in no way ties the hands of the President. It actually strengthens the President's ability to be able to deal with the Thais in stopping opium traffic from Thailand.

The President has on a recent occasion said that the problem of narcotics in this country have reached epidemic proportitons. There were more than 1,000 kids in New York City alone who died of overdoses last year. That should certainly point up the extent of the problem here.

I believe that we as a Congress have a responsibility to take every step we possibly can to try to reenforce administration efforts to see that this traffic stops now.

Mr. MAILLIARD. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, today we are faced, once again, in the consideration of this bill, with an amendment called by its supporters, an amendment to "end the war."

No one likes the Vietnamese war; and each and all of us are, in some measure, responsible.

It remains a grave national problem; and it is for these reasons, I believe, that this House has repeatedly refused to undercut national policy by an attempted quick solution through the process of amendment on this floor.

A statesmanlike and responsible understanding of the complexity and importance of the problem has, up to date, prevented such ill-considered action.

What, then, has changed today? The war is in relatively good shape, with the enemy offensive blunted and our allies on the counterattack.

American participation in combat on the ground is almost ended, casualties are much reduced, and the phaseout is proceeding on schedule.

Our involvement in this war is on the way to its end.

It is true that we are now engaged in a national election campaign where one of the candidates for the Presidency has adopted the slogan that he would "rather beg than bomb," and has announced that he will, somehow or anyhow, end the war within 90 days, regardless of the results and heedless of the consequences.

These, however, are the personal positions of the candidate—chosen by him—and not, so far as I know, advocated either by the rank and file or by the experienced and responsible leadership of his party.

I would hesitate to believe that there is any Member of this House who would wish to resolve these high national issues on a partisan political basis; or who would permit the views of any candidate to alter his own long-held and well-considered judgment as a responsible American.

I have said that our involvement in the war is on the way to its end.

The reduction in troop strength and the decline in casualties are dramatic proof that this is so; and all signs point to the progressive continuance of this program.

The President will end this war, because he wants to—and because he must. If we do not foolishly undercut him at a delicate and, it may be, a decisive moment he may well end it by negotiation—if not before then after the election—on terms satisfactory to our Nation and consistent with our objectives.

If a negotiated settlement proves to be impossible the time will come, in my judgment, when American military participation in the war in Vietnam will be brought to an end and our allies there will be left to shoulder the burden alone—as they already are shouldering much of it—with the assistance, only, of our programs for economic and military aid.

It is sophistry to say that this so-called "end the war" amendment will assist the President or will aid our national policy. How can it possibly aid a difficult negotiation to publicly advise the other party that if he will just hold on until a fixed and stated date, he can gain substantially everything he wishes?

I say to you, my colleagues, that, unpopular as this war is, it will be even more unpopular to settle it on the basis of American surrender; and the idea of signaling to the other side at the crisis of a negotiation will not appeal to the American people any more than it has heretofore appealed to the patriotism and to the good sense of this House.

No action of ours here today should destroy the chance of a settlement consistent with our national interests and national objectives; we should, in good conscience and sound judgment, defeat this amendment—which is miscalled an amendment to "end the war."

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I will be glad to yield to the gentleman.

Mr. FRELINGHUYSEN. Turning to the specifics of the proposal in section 13, I wonder if he would care to comment on the allegation by the gentleman from Indiana that a partial cease-fire between the North Vietnamese and the United States will somehow reduce the level of violence.

Does the gentleman think that is likely, since we are really not actively engaged in combat now ourselves, and if a partial cease-fire does not include a reduction of the level of violence, between the South Vietnamese and the North Vietnamese, which is where the violence is presently occurring?

Mr. DENNIS. I would be inclined to agree with the view of the gentleman from New Jersey on that point. I also think, as a practical matter, it would be very hard to envision what a partial cease-fire is; when you are shooting at another person and he is shooting at you, how do you determine which one is legal and which one is not? It seems to me that is a very difficult proposition to really imagine existing.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, first of all, I would like to pay the highest kind of compliment to the chairman of the full committee for the way in which he has presided over the committee in connection with the work on this bill. I think that with all of the difficult problems presented and the very sharp differences of opinion that exist the chairman has been able to keep the committee working in good temper and productivity. We are all very grateful to the chairman for this.

Mr. Chairman, I would just like to make a matter of record a little history of this bill. The chairman mentioned the fact that this bill, assures to Israel $50 million of supporting assistance, of the total amount authorized, and $300 million of military credits, of the total amount authorized. It should be noted that those assurances were added to the bill in the committee, pursuant to amendments which I offered. As the bill came from the executive branch, those assurances of assistance to Israel were not included.

Thus, one of the achievements of the committee was to insert these assurances, just as they were inserted in the bill enacted last year.

It is important to recognize that, even though certain developments in the Middle East seem to be encouraging, there is no assurance whatsoever that the present state of relative peace there will continue. Therefore, the need to provide Israel with supporting assistance and military sales credits continues as acutely as before.

What the committee has recommended doing and what the bill does is to make sure that these amounts which are assured for Israel could not be diverted under any circumstances for Vietnam, Cambodia or elsewhere.

There have been some hints that the funds authorized under this legislation including those for Israel might be jeopardized by the inclusion of the end the war amendment, section 13. I think that, if this is true the threat is an outrageous one: it means that the administration is now willing to put the survival of General Thieu and his government ahead of the survival of Israel, as well as ahead of the achievement of peace in Indochina.

In any case, I do not believe that the threat if it exists is a real one. I do not believe for a moment that the administration is going to allow other provisions of this bill to go down the drain, such as the very large amounts provided in here for assistance to Vietnam and Cambodia. Ways will be found to carry out the intent of this legislation.

It does seem to me extraordinary that the President continues in his apparent determination to disregard the will of the Congress, as indicated by the strongly expressed views of the Congress on the termination of this war. The President failed to consult with the Congress before he escalated the war with the mining of Haiphong and the renewal of extensive bombing in the north. He has rejected as not binding on having a congressional declaration of policy calling for a terminal date. In effect, the President has been saying that he does not care what Congress thinks about this war—he is going to go ahead with his policies anyhow. Thus it is high time that the Congress express its will in a binding and authoritative fashion. As the representatives of the people charged by the Constitution, with the responsibility of declaring war and raising armies, this is our obligation.

I would now like to say a word about the provisions in this bill with regard to the matter of Portugal. Here again, I think it rather strange that some of the Members appear reluctant to have the Congress given a say on the vital question of whether or not the President's agreement with Portugal should go into effect.

That is all this provision is asking for; that the agreement be approved either in the form of a treaty by the Senate or in the form of a resolution by both Houses. This provision of the bill does not pass judgment on the agreement. We are not saying whether it should or it should not be executed and carried out. We are saying that the matter should be debated in the Congress and should be considered by the appropriate committees—that on a matter of this importance the Congress should not be bypassed.

One question about this agreement which ought to be considered and passed upon by the Congress is a most extraordinary misuse of an agecy created by the Congress—the Export-Import Bank.

So far as I know, never in the history of this country has a commitment been made in effect by a President that the Export-Import Bank will lend so much money—$400 million in this case—as part of the quid pro quo for a political agreement, a quasi-military agreement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. BINGHAM. Mr. Chairman, the Export-Import Bank is not for the purpose of bribing other nations to carry out our will. It is for the purpose of encouraging exports. It has been frequently stated on this floor that the Bank's operations are not a form of foreign aid, they are a form of aid to our exporters. Yet the administration's announcement quoted on page 9 of the committee report makes quite clear that the deal included, in effect, a commitment to the government of Portugal that $400 million would be forthcoming in the form of Export-Import Bank loans.

Finally, just a word about section 14 with regard to the problem of Rhodesian chrome. Here the opponents of this provision, which would allow the President a say in the matter, display a complete reversal of their own stance with regard to the proper roles of the executive and the legislative branches.

In the case of Portugal—those who oppose these provisions of the bill say that Congress should have no role. In the case of Rhodesia—the situation is completely reversed. Our opponents are saying that the President should have no role and that the will of Congress should be supreme.

I say that this is a government founded on the principle of partnership among the respective branches, the executive branch and the legislative branch. Accordingly, in both cases, there should be a role for the Congress and for the President—both in the case of the agreement with Portugal—and in the case violating our treaty obligation in regard to importing chrome from Rhodesia.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman.

Mr. FRELINGHUYSEN. Mr. Chairman, I would like to correct the gentleman in connection with his remarks about a so-called commitment by the Export-Import Bank.

The press release issued by the State Department makes no reference to a commitment at all. There was positively no commitment. There was an understanding at the time the agreement was reached that the Export-Import Bank would be willing to consider the application by Portugal in the same terms that it considers any application. The negotiations and discussions had reached a stage, at the time this press release was issued, which made it possible for the Department of State to say that the Bank has declared its willingness to provide such credit.

I do not see how the gentleman can read any commitment of any kind in view of that. It is not a part of an executive agreement, as the gentleman knows, from discussions we have had in our committee.

I do not know why the gentleman should get agitated about the unusual character of the role of the Bank.

Mr. BINGHAM. The gentleman has made his point. I think it is perfectly clear that the Ex-Im Bank offer was part of the deal. It was announced as part of a program of economic assistance we were making available to Portugal, and the amount is even specified at $400 million.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. HALEY).

Mr. HALEY. Mr. Chairman, although this bill before us today is called the Foreign Military Assistance Act of 1972, it appears to me that it is something more than that in that it contains some spending categories which by no stretch of the imagination can be called, realistically, military assistance. To me, the inclusion of these matters makes this just another foreign aid bill—and I am, therefore, opposing it, as I have consistently opposed all foreign aid bills.

The bill, for example, would authorize $100 million for refugee relief in Bangladesh. I do not question that there is a refugee problem in Bangladesh, but I do question that spending U.S. taxpayers' dollars to relieve that problem can be called military assistance. In addition, the bill would authorize $2 million for war relief in Cambodia, $5 million for assistance to South Vietnamese children, and $700,000 for plastic surgery in Vietnam. Humanitarian, these expenditures may be, but I do not think they can be called, reasonably, military assistance. I may add that I am not opposed to necessary expenditures of a humanitarian nature, but I am flatly opposed to any attempt to disguise these matters as military aid.

I also find puzzling some of the bill's provisions regarding items that might be called, properly, military assistance. For example, the bill would provide an identifiable $85.6 milion for Thailand in grant military assistance and security supporting assistance—whatever that is—but directs that none of this be spent until the Thai Government has taken "adequate steps to curb the narcotics traffic. But apparently it contains no provisions for making a determination that the Thai Government has taken those "adequate steps," except to leave the decision in the hands of a President who is opposed to the restriction in the first place, and who might therefore have a less-than-realistic definition of the word "adequate."

If the bill were limited strictly to grant military assistance and military credit sales, it might be acceptable. In its present form, it is not acceptable to me, because in view of our own acutely distressed fiscal situation, I can see no justification for spending the $2.13 billion this bill would authorize.

Mr. MAILLIARD. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, I shall direct my remarks in the time allotted to me to section 13 of the measure which we are considering today. Last Friday I sent a letter to all of the Members indicating that at the appropriate time I planned to present an amendment which would change the effective date of the termination of our involvement in Indochina from October 1, 1972, which is presently in the bill, to December 1, 1972.

In discussing this matter with colleagues on both sides of the aisle I have been persuaded that the amendment which I shall present should be December 31, 1972, rather than December 1, 1972.

There are two reasons for this. First, and I think the more important of the two, this puts this question beyond the realm of partisan politics. If the December 31, 1972, effective date is retained in the bill, it will come at a time 2 months after the election of the President of the United States. It will also come at a time when the 92d Congress will no longer be in existence. The second reason is a matter of reality. That is, December 31, 1972, will give more time to the administration to remove our troops from Indochina.

I next would like to address myself to what I think is the key issue concerning section 13. That is, should the Congress have a role in determining the termination of hostilities in any given war, in the Indochina war in particular? Congress, of course, is coequal with the executive and the judicial branches of Government. Indeed, in matters of war it is my opinion that the Congress not only shares this power with the Presidency, but in many respects has greater responsibility.

Let me cite several reasons. First, the Congress and only the Congress of the United States has the power to declare war. The Congress has the power to enact draft legislation which will provide the manpower to fight such a war. The Congress has the authority to pass a military procurement bill which will authorize the purchase of weapons to conduct the war. The Congress, likewise, through the appropriation process provides funds for these weapons, and pays and supports the troops who are conducting the war.

So, it seems to me that if Congress has these roles in terms of declaring and waging war, Congress also has an equal or an even greater responsibility with respect to termination of hostilities. Indeed, this is what section 13 is doing. Section 13 of this bill, in effect, is a declaration of policy by the Congress of the United States. The Congress is stating in this section that it is no longer in the interests of the United States to be involved in a very costly war in Indochna. We are saying, in effect, that it is in the best interests of this country to terminate these hostilities as expeditiously as possible.

Further section 13 spells out how this policy shall be effectuated. It sets a termination date—December 31, 1972, if my amendment is adopted at the appropriate time tomorrow. Further, it provides these conditions which must be met in order for this disengagement to materialize.

First, there must be a cease-fire with North Vietnam and its allies to assure the safe withdrawal of our troops. Second, our prisoners of war must be returned. Third, there must be a supervised accounting of our missing-in action.

These three conditions meet the three remaining interests which the United States has in Vietnam. What are these interests? The safe withdrawal of our troops as expeditiously as possible; the return of our prisoners of war; accounting for missing-in-action.

As I say, this outlines national policy within which the President will be able to negotiate. I suggest further that there is nothing in this section that would tie the hands of the President. He has full power to negotiate within the framework of these broad policy outlines. I certainly hope, therefore, the provisions of section 13 will be retained in the bill when we debate this issue tomorrow afternoon.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Mr. Chairman, the gentleman said at the outset that if the change in the date, which he would suggest, should be incorporated into section 13, this would put the question beyond the realm of partisan politics because, among other reasons, the 92d Congress would no longer be in existence. I would suppose the 93d Congress does not come into existence until 1973, so the 92d Congress would still be in existence on the 31st of December, if this proposal seeks to put this beyond the reach of this Congress.

My basic question is to what extent partisan politics is involved in this anyway? The gentleman has described this as an effective date. It is effective only if it brings a settlement.

Mr. WHALEN. Let me answer the question the gentleman has raised which is to what extent is and should partisan politics be involved? It should not be involved in this, and this is one of the reasons why I have been very active in sponsoring and supporting this legislation. It seems to me it is in the national interest to terminate hostilities as expeditiously as possible. Section 13 will accomplish this, but there has been a charge made that the October date would come close enough to the election to make this a partisan issue. So what I am doing by offering December 31 as a proposed withdrawal date is to bring it outside Presidential politics and also to remove it from congressional partisanship.

Mr. FRELINGHUYSEN. But I might say, to the extent that politics is involved it will be involved today and tomorrow, as we discuss the wisdom of the language proposing that we set a deadline; even setting a date the next year, is not going to eliminate any element of politics such as may be involved now. I suppose it is, in fact, partly political that we did not accept the President's suggestion of a cease-fire that would apply throughout Indochina. At least one would come to that conclusion.

Mr. WHALEN. This is not my reason for opposing this language in the Committee on Foreign Affairs in the House of Representatives. My reason is that these actions would continue the war much longer than otherwise would be the case.

Mr. FRELINGHUYSEN. If the gentleman will yield again, if our desire is to end this war as expeditiously as possible—and I am sure everybody shares that desire—why does he not declare the date as tomorrow?

Quite obviously any date by itself is not going to end the war. The other body has seen the lack of wisdom of including any calendar date. They have suggested that after a certain length of time or after certain preconditions are met something is going to happen. I would suggest we drop any reference to any date certain.

Mr. WHALEN. If I may respond, in supporting this section it is my belief that Congress should exercise its authority. This is not the President's war, this in reality is Congress' war too. As I have just explained Congress shares responsibility for this war, and by adopting section 13 we are attempting to exercise our authority in seeking to end it. Certainly if we could get out tomorrow I would say fine, I would support that, we should have been out many years ago. But also we are facing a very practical situation where we still have troops there and we will not be able to get them out tomorrow. In my opinion I do not believe it practicable to say we can get out by October 1. This is one of the reasons why I am going to present the December 31 amendment tomorrow.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I thank the gentleman for yielding. I commend the gentleman on his statement.

There is just one point I would like to clarify. I think the gentleman said twice, section 13 would amount to a policy declaration by Congress. It is that, but I am sure the gentleman would agree it is not just that. I am sure the gentleman would mean the provisions would be binding on the President.

Mr. WHALEN. This is the law of the land. However, I say also in proposing section 13 Congress is exercising its policymaking authority. I should have made that more clear. I thank the gentleman for clarifying that point.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. ROUSH).

Mr. ROUSH. Mr. Chairman, more than 25 years and $50 billion ago, we began a heavy reliance on military aid as a tool in U.S. foreign policy. Today an extension of that concept is before you, on one of the first occasions questioned seriously as a workable means of obtaining American aims and defenses abroad. It has over the past 20 years taken on the aura of the sacred cow, and assumed dignity and sanctity merely because of the time span during which we have employed it. But we are questioning it very properly today. My own opinion of these programs since I came to Congress is that they have been ineffective, wasteful, and even destructive of other national interests. Certainly, if nothing else, the bill before you today is expensive. Because of the new requirement that a committee reporting a bill estimate its total cost over the coming 5-year period, the committee report states:

> It is difficult to make any long range estimates as to costs. . . . Nevertheless, the Department of State estimates that grant military assistance, credit sales assistance, and security supporting assistance will cost between $8.384 and $12,084 billion for the fiscal years 1974–78. . . .

What is our cost-benefit ratio, if you will, from a program that is so dear? I do not contest that this policy initially was of great and saving value, but I firmly believe it to be an anachronism now. What is it really doing abroad?

At best, a lot of bumbling. We have just bought 1,700 Italian motor scooters, valued at $660,000, and more than $100,000 worth of color movie film and movie equipment for Cambodia. We are taking care of dental expenses for the Lion of Judah and Monarch of Ethiopia, Haile Selassie, in return for a listening post there, supposedly to buy protection against Russian-backed Somalia and the Sudan. We retain nine MAAG—military assistance advisory group—missions in West European countries where we do not even have military aid programs anymore.

But simple waste is not the worst of this situation. More seriously, our aid abroad is not acting as a deterrent to war, but I am convinced is exacerbating national rivalries and actually encouraging wars. During the 22-day war in 1965 between India and Pakistan, and more recently in the repeat performance, the two armies battered each other with American supplied weapons. Not only did we make these wars possible, and more destructive than they would have been without our advanced weapons, but we took the chance of increasing the hostility between the major powers of the United States and the Soviet Union. Two of our NATO allies, Greece and Turkey, maintain an old rivalry that could lead to the same point, each army equipped by the United States. In 1967 it took a heroic American diplomatic intervention to prevent just that. Then there is the additional example of El Salvador and Honduras. Having looked at many such instances in Latin America, Edwin Lieuwen, author of "Arms and Politics in Latin America," stated:

> Unintentionally and despite its efforts to keep the aid balanced as between the various receiving countries, the United States may be helping to arm Latin America against Latin America. . . . That kind of military aid fails to raise Latin America's capabilities sufficiently to defend itself against an outside threat, but it does provide the military in some countries with the wherewithal to provoke or intensify feuding within the hemisphere.

Another concern is the type of government we support with these programs. In his report to the Congress on foreign policy last February, the President asked for the continuation of this aid by saying:

> Security Assistance is a cornerstone of our foreign policy and of Free World security.

The report which your Foreign Affairs Commitee has issued to accompany this bill is at least more honest than that. It simply states, on page 4:

> The proposed grant military assistance program . . . will enable the United States to provide allied and friendly governments. . . .

Note: we say "allied and friendly," not "democratic" or "free world" governments. For there is little that is either "free" or "democratic" about some governments we are underwriting in these programs. We are shoring up unpopular dictatorships whose survival depends on our military power; it is as simple as that. On the assumption that any government in existence is a better buttress for our security than whatever might follow it, we make pacts with, if not the Devil, dictators, in an attempt to insure their continuance. We have abortively allied ourselves with stasis in a world that is dynamic.

For example, our aid goes to Brazil, a country often accused of torture, and to Pakistan. Jack Anderson on July 24 revealed an interesting request from that country which, if true, is revelatory of some of the internal repression we are supporting in other nations. This included "interrogations powerful lights," "color changer on the lights" for "brainwashing of suspects," "static intercepting devices to intercept unguarded conversations," and a small camera "for unobtrusive photography."

The paramount example of this is, of

course, Greece. Congress tried to stop the aid flow to that country last year but left one loophole in the law which was immediately seized by the President in order to continue our military support there. Even using the broadest definition of democracy, one could not term the military government that has ruled there since 1967 a free government. Stories from emigres which tell of horror and torture have been too numerous for me to elaborate them here. After the firing of the latest cabinet a few days ago, ensconcing the present ruler in power even more firmly, who could disagree that we are supporting a dictatorship there? We do it, apparently, because we began doing so under the Truman doctrine as a defense against Bulgarian expansionism, hardly a serious threat today. In an article written a few months ago by a Washington Post correspondent, an unnamed American military official in Greece was quoted as saying that the ruling junta was "the best damned government since Pericles." Have we actually become apologists to that extent? Perhaps we should be reminded of the words of another Greek; Demosthenes warned that:

> Close alliances with despots are never safe for free states.

His words are as valid today as they were in 345 B.C.

We might view Latin America as a microcosm of the world when checking the effect of our aid on other societies. In societies where civilian and military elements are vying for power, we could be the factor that tips the balance in favor of either retaining or establishing the military as paramount. For example, our aid program must be viewed as an important element that helped to tip the balance in Colombia in 1953, bringing the army back into politics after a half-century of civilian rule. This bill proposes to raise the ceiling on military assistance and sales to Latin America from $100 to $150 million, despite the fact that such aid has engendered antidemocratic, military rule there. The list of some of the allies we have aided in this manner is long and embarrassing to a truly democratic nation: Somoza, Jiménez, Batista, Trujillo, Stroessner, and so on. Spanish-speaking people have a proverb that goes:

> Tell me with whom you walk, and I will tell you who you are.

By that standard, it is no wonder we are looked at as tyrants by many Latin Americans.

We engage in military aid programs under the assumption that so doing will help stem the spread of communism through hemispheric defense. Has it really worked that way? We should listen to one of the recipients. Back in 1937, then Under Secretary of State Sumner Welles suggested the possibility of lending warships to some Latin American countries. A Liberal Party leader from Colombia, Eduardo Santos, plead with him then:

> Don't do this evil to us. The use of armaments is like the vice of morphine. Once begun, the cure is almost impossible.

Santos' allusion to addiction, parenthetically, sounded almost like a statement in an open letter to American taxpayers written a year ago by my fellow committee member, chairman of the Foreign Operations Subcommittee, Mr. Passman. In that he wrote:

> The habit of giving away our wealth is so ingrained in the minds of the bureaucrats who give away this money that they cannot overcome the addiction.

Sr. Santos lived to see his prophecy fulfilled. He was exiled from his country, the result of a military takeover there, when in 1955 he spoke at Columbia University. Rather than looking backward and speaking with bitterness about the first ignored warning from 1937 that caused his presence there, he instead looked to the future once more:

> Then, what we are doing is building up armies which weigh nothing in the international scale but which are Juggernauts for the internal life of each country. . . .
>
> If in Latin America, the dictators prevail, if they continue to discredit freedom and law, a fertile field for Communist harvest will be provided. Why? Because our resistance will be gone. We are poor nations who have no investments or great fortunes to defend. What we would defend against Communism would be our freedoms; but if we have already been stripped of them, we have nothing left to defend. It is thus that the gateway for the Communist invasion is thrown open by the anti-Communists.

So much for what we are actually doing abroad with this program. What is all this doing to us? We have seen the effect on the recipients. What effect, now, has this on the donors?

It is placing an exhorbitant tax burden on a people already taxed heavily, with the threat of still more taxes looming over them. This bill would authorize the expenditure of $2.13 billion for fiscal year 1973, a cost well above the purported value. Our own economy is groaning now. There is red ink spilled all over our own ledger sheets; the latest estimated budget deficit for this fiscal year is between $35 and $38 billion. We just had to raise the public debt limit—again. Congressman Passman's letter to the taxpayers of last summer revealed that, as of the end of 1970, the public debt of the United States stood higher than the estimated public debts of all other nations of the world combined, and it is still higher today. Not only do we have a budget deficit of gargantuan proportions, but we have a trade deficit with the same girth. Abroad our dollar has been devalued, and our trade deficiit for last year was $2,689 billion. For the first half of this year, the balance of payments was in arrears by $3.34 billion.

Since our own ability to pay for the world's defense is seriously in question, I asked the Library of Congress to study some figures relating to the ability to pay for armaments. Specifically, I asked for the latest available figures on the budgets of many of our aid recipients, giving the percentage of the GNP's of those countries devoted to arms expenditures, and whether the country was operating with a deficit or a surplus. Conversion in this matter is quite difficult, so specific figures for budget surpluses and deficits were not provided. The numbers come from such esteemed sources as the U.S. Arms Control and Disarmament Agency and the International Institute for Strategic Studies in London. The list does not cover all countries who would receive aid under this bill. The full catastrophe can be found in Senate report 92–823, chart IV; and the Senate is careful to point out that even that chart, covering 47 countries, does not reveal the entire picture. I should like to insert my chart at this point in the Record.

(Chart mentioned above not printed in the Record.)

You will note that the United States for the last year cited, 1970, spent 7.8 percent of its GNP on defense. Of the recipients of our bounty listed by the Library of Congress, only four countries spent a larger percentage of their GNP's than we: Cambodia, the Republic of China, Saudi Arabia, and Jordan. The others all devoted fewer of their available resources to defense than we did, such as Greece at 4.65 percent, or Ethiopia, 2.1 percent. Three of these recipients did not even have budget deficits, but were operating with surpluses. I should inform you that the figures I am about to provide showing proposed military aid for fiscal 1973 come from the Senate chart I cited above. For some reasons I cannot explain, the House committee felt that a country-by-country listing of proposed aid figures for this year was unwise. It seems unconscionable to me that the only place we can go for this information when debating a bill in the House is to the Senate. Peru, which had a budget surplus in the latest figures available, would according to the Senate chart receive $5,820,000 in military aid during this fiscal year. If we pass this bill, we will be giving Greece $95,954,000 in military aid in fiscal 1973. The other countries on this list with a surplus, the Philippines, is slated in this bill to receive $27,580,000 in military aid this year, and a total of $83,916,000 in all types of foreign assistance in the same time period.

The figures available for Latin America are generally for 1968. They show that those nations spent from 0.1 percent of the GNP—Panama—to a high of 3.1—Peru—of the GNP for defense—well below the U.S. percentage of 7.8 percent. Albeit there are other more pressing domestic needs there which should absorb available funds, but I am baffled as to why we must tax our citizens for those weapons systems.

This foreign military aid program has cost us far more than just money, of course. It has been a snare, a vehicle for involvement far greater than that which we originally intended. Can we forget that it was the military aid program in Vietnam during the Eisenhower and Kennedy years that was the preliminary commitment and entangling alliance that led to the full-scale U.S. presence there? Vietnam, with a cost so dear, is the culmination of a seemingly harmless military aid commitment. We have lost over 56,000 Americans there. More than 300,000 of our own people have been wounded, over 1,000 are missing, and over 500 are prisoners of war. We can count expenditures of at least $120 billion there since 1965. Prior to that, we provided substantial military assistance to the French to carry out their war in Indochina. Estimates have placed the U.S. contribution to the cost of that French war as high as 80 percent.

Lest you consider Vietnam just a fluke, the only example of such escalation, let us take a look at where we stand in Cambodia. In just over 2 years we have provided over $500 million in military and economic assistance to Cambodia. The number of U.S. officialdom was shooting up at such a rate—going from five in March 1970, to about 160 now—that Congress last year imposed a limit of 200 Americans there. If that sounds familiar, listen to the heard-once-more arguments as to why we are in there. We know only what we have lost, are thoroughly confused as to what we might have gained, and yet uncertain as to what prompted us to go there. What follows is an exchange last March 22 in the Foreign Affairs Committee between our colleague Mr. FRASER and Lt. Gen. George M. Seignious II:

Mr. FRASER. Where is the U.S. interest in what happens in Cambodia after our forces are out of Vietnam?

General SEIGNIOUS. There is no definable security interest.

Mr. FRASER. Then why are we doing it?

General SEIGNIOUS. Because I think there is a national interest in trying to prevent the North Vietnamese from overunning the entire Indochina peninsula.

Dominoes, anyone? I get a queasy feeling of deja vu just reading that.

There may be an underlying assumption here, and an erroneous one, that we have learned our lesson and are curtailing these programs. Not so. The authorization is actually larger, as our colleague Mr. GROSS has pointed out in his minority views to this bill's report, than the authorization for last year. Far from a sensible retrenchment, we are proposing to enlarge these programs. There are many references which I could employ here to describe the feeling that we are still being sucked deeper and deeper into this morass: perhaps the metaphor of quicksand would suffice, or better an allusion to the story of Brer Rabbit and the Tar Baby. We have got both hands in there now, and it would not be long before even more of us is stuck. But of all possibilities, I prefer the last two stanzas of a song Pete Seeger composed after an incident involving the death of a platoon member in the Big Muddy River in Louisiana back in 1942:

Well, I'm not gonna point any moral;
I'll leave that for yourself
Maybe you're still walking and you're still talking
And you'd like to keep your health.
But every time I read the papers
That old feeling comes on;
We're waist deep in the Big Muddy
And the big fool says to push on.

Waist deep in the Big Muddy
And the big fool says to push on
Waist deep in the Big Muddy
And the big fool says to push on
Waist deep! Neck deep!
Soon even a tall man'll be over his head
Waist deep in the Big Muddy!
And the big fool says to push on!

I include the following:

THE LIBRARY OF CONGRESS, CONGRESSIONAL RESEARCH SERVICE

MILITARY EXPENDITURES AND RELATED DATA: LATIN AMERICA 1968

[Dollar amounts in millions]

	GNP	Military expenditures	Military expenditures as percent of GNP
Argentina	$17, 111	$380	2. 2
Bolivia	786	17	2. 2
Brazil	27, 253	651	2. 4
Chile	5, 670	127	2. 2
Colombia	5, 638	98	1. 7
Dominican Republic	1, 169	30	2. 6
Ecuador	1, 475	26	1. 8
El Salvador	930	10	1. 1
Guatemala	1, 500	16	1. 1
Honduras	621	9	1. 4
Mexico	26. 310	184	. 7
Nicaragua	697	10	1. 4
Panama	826	1	. 1
Paraguay	511	10	2. 0
Peru	4, 287	132	3. 1
Uruguay	1, 589	23	1. 4
Venezuela	9, 110	194	2. 1

Source: U.S. arms control and disarmament agency. World military expenditures 1970. Washington, U.S. Government Printing Office, 1971, p. 11.

GNP, MILITARY EXPENDITURES AND RELATED DATA NATO COUNTRIES

[Dollar amounts in millions]

	GNP 1970	Defense expenditures 1970	Defense expenditures as percent of GNP	Budgetary status — deficit +surplus [1]
Belgium	$24, 900	$688	2. 8	—
Canada	78, 200	1, 687	2. 5	—
Denmark	16, 000	368	2. 3	+
France	148, 000	5, 982	4. 0	—
Germany, Federal Republic	185, 000	[2] 6, 188	3. 3	—
Greece	9, 200	453	4. 9	—
Iceland	465	(3)	(3)	+
Italy	93, 200	2, 599	2. 8	—
Luxembourg	910	8	. 9	—
Netherlands	31, 300	1, 106	3. 5	—
Norway	12, 460	376	2. 9	—
Portugal	6, 100	398	6. 5	—
Turkey	13, 700	503	3. 7	—
United Kingdom	121, 000	5, 950	4. 9	—
United States	977, 000	76, 507	7. 8	—

[1] Latest available year.
[2] Excluding financial assistance to West Berlin which included would make the entry read: 7,067; percent of GNP 3.8.
[3] Not available.

Source: International Institute for Strategic Studies. The military balance, 1971-1972, London, 1971. Stateman's Yearbook 1971-72. U.N. Statistical Yearbook 1969.

GROSS NATIONAL PRODUCT AND RELATED DATA OF COUNTRIES RECEIVING MILITARY ASSISTANCE

[Dollar amounts in millions]

	GNP 1970	Defense expenditures 1970	Defense expenditures as percent of GNP	Budgetary status —deficit +surplus [1]
East Asia and Pacific:				
Cambodia	910	336	37. 0	—
China, Republic of	5, 500	601. 25	8. 8	—
Indonesia	11, 600	272	2. 3	—
Korea	8, 300	411	4. 0	—
Malaysia	3, 950	186	4. 6	—
Philippines	5, 900	135. 5	1. 9	+
Near East and South Asia:				
Afghanistan	1, 400	31. 1	2. 15	—
Greece	9, 200	337. 9	4. 65	+
India	49, 000	1, 656	3. 4	—
Iran	10, 900	1, 023	7. 1	—
Jordan	640	90. 4	16. 4	—
Lebanon	1, 560	51. 1	3. 28	—
Nepal	[2] 801	(3)	(3)	—
Pakistan	16, 000	714	4. 46	—
Saudi Arabia	4, 100	383	9. 4	(4)
Turkey	13, 700	446	3. 26	—
Europe:				
Austria	14, 300	170. 14	1. 2	—
Portugal	6, 100	398. 1	6. 5	—
Spain	32, 300	681	2. 0	—
Africa:				
Congo	1, 900	84	4. 42	—
Ethiopia	1, 750	35. 64	2. 1	—
Ghana	2, 570	44. 4	1. 73	—
Liberia	[2] 254	(3)	(3)	+
Mali	[2] [5] 264	(3)	(3)	—
Morocco	3, 340	97	2. 5	—
Nigeria	9, 100	243. 6	5. 6	—
Senegal	720	18. 06	2. 5	(4)
Tunisia	1, 240	20	1. 53	(4)
Latin America:				
Argentina	21, 000	477	2. 3	—
Bolivia	938			—
Brazil	33, 660	[2] 579	[2] 2. 6	—
Chile	6, 340		[2] 2. 1	—
Colombia	6, 610		[2] 2. 8	—
Dominican Republic	1, 351			—
Equador	1, 792			—
El Salvador	1, 008			—
Guatemala	1, 844			—
Honduras	681			—
Mexico	31, 580	[6] 210	[6] . 6	—
Nicaragua	832			—
Panama	992			—
Paraguay	582			—
Peru	5, 380			+
Uruguay	2, 036			—
Venezuela	10, 120			—

[1] Latest available data
[2] 1968.
[3] Not available.
[4] In balance.
[5] Estimate.
[6] 1969.

Source: International Institute for Strategic Studies. The military balance, 1971-72, London, 1971. Statesman's Yearbook 1971-72. U.N. Statistical Yearbook 1969. U.S. Agency for International Development. Gross National Product: Growth rate and trend data by region and country. Washington, May 1971. (GNP for Latin American countries.)

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DELLUMS).

(Mr. DELLUMS asked and was given permission to revise and extend his remarks.)

Mr. DELLUMS. Mr. Chairman, today we consider once again the issue of military aid. I believe that this issue is the central problem of our foreign policy today; the main indication of whether we will remain enchained by the dangerous safety of traditional responses or whether we will risk trying to shake ourselves loose and see the world as it really is.

I concede there are attempts in this bill to limit the damage caused by some of the more well-known past failures of a foreign policy based on the arrogance of military technology. Obviously, I support these attempts to limit our losses in southern Africa, in Bangladesh, and in Southeast Asia.

With respect to the latter, I might simply say while I certainly would have supported more aggressive efforts to end our adventurism in Indochina, I certainly support the effort on the part of the majority of the members of the Committee on Foreign Affairs to try to place the U.S. Congress in the position it should be in; that is, to get hold of the warmaking powers and end the war, which I have stated for years is illegal, immoral, and insane.

But these provisions should not blind

us to the real thrust of this bill: To continue and deepen our reliance on a program, and on a way of thinking that has caused these disasters in the first place.

Mr. Chairman, the administration has encouraged us with talk of an emerging structure of peace, of breakthroughs in summitry, of secret diplomacy where world leaders try—as they have tried so often in the past—to impose a stabilized status quo on the world.

Yet consider these figures, Mr. Chairman. The fact that arms purchases from us by other nations have increased under the Nixon administration to seven times what they were under President Eisenhower, and twice what they were during the sixties.

If this is peace, give us back the old war-like days, when there were not so many dangerous weapons about.

And the main tendencies of this bill expand this false course. We are asked to increase regional ceilings on arms sales; to increase—under the heading of "excess defense articles"—the amount of aid that does not count as aid; to increase the ease of credit terms allowed to arms buyers; to merely delay aid to the racist colonial regime in Portugal until deference is shown to Congress; and in general, to increase our subsidization of wasteful arms spending.

These are the less dramatic sections of the bill, and we may lose sight of them in today's and tomorrow's debate.

Yet they are the meat of the bill; its real reason for existing—despite the title "Foreign Assistance Act," despite commendable sections thrown in concerning refugee assistance and ecological concerns.

It is here that the battle for a humane and sensible foreign policy is being fought.

Tomorrow, I will offer three amendments to focus attention on one area of the bill: Our relations to Latin America. A reorientation of our foreign policy might well begin here, because of our long historical association, and because of the visible results of our many past policy mistakes.

The first amendment concerns the allocation of $5 million for an Inter-American Training Center for Latin American naval officers.

Here we are, giving a great deal of taxpayers' money to a specific institution, and yet we really know very little about it. No reference was made to it during the general hearings on the bill, and there was no opportunity to ask questions or inform ourselves.

I believe that before we allocate money to strengthen military capabilities, we should at least know much more specifically whose capability we are strengthening, for what purposes it will be used, and just whose friendship we will be gaining, and whose we will be losing.

I see no need for such military training centers, and, indeed, I think there is great danger in the philosophy which espouses such centers as an extension of American foreign policy. The following study by Michael Klare presents a detailed analysis of the implications of such a policy, and Klare specifically notes the role of military training centers such as the one which my amendment will try to halt. The study follows:

U.S. MILITARY OPERATIONS/LATIN AMERICA: ARMING THE GENERALS

In his report to the President on a 1969 fact-finding mission to Latin America, Nelson Rockefeller warned the nation that:

"Rising frustrations throughout the Western Hemisphere over poverty and political instability have led increasing numbers of people to pick the United States as a scapegoat and to seek out Marxist solutions to their socioeconomic problems. At the moment there is only one Castro among the 26 nations of the hemisphere; there could well be more in the future. And a Castro on the mainland, supported militarily and economically by the Communist world, would present the gravest kind of threat to the security of the Western Hemisphere and pose an extremely difficult problem for the United States."[1]

Although Rockefeller's report was ostensibly concerned with the problems of poverty and underdevelopment in Latin America, it is obvious that the driving force behind his presentation is the fear of "more Castros" in the hemisphere. Thus a considerable portion of the report is devoted to a discussion of proposals for improvements in the Military Assistance Program and other internal security programs sponsored by the United States

Ever since the triumph of the Cuban Revolution, in fact, Pentagon strategists have been developing contingency plans for counterinsurgency operations against the next Castros. Unlike current U.S. planning for Southeast Asia, our plans for Latin America do not envision a significant overt American military presence; the emphasis, indeed, is on low-cost, low-visibility assistance and training programs designed to upgrade the capacity of local forces to overcome guerrilla movements. Between 1960 and 1970, the United States spent some $1 billion dollars on military modernization programs in Latin America; most of this money, as we shall see, was concentrated in the area of counterinsurgency and internal security capabilities.

American military policy in Latin America is based on the premise that while economic and social progress is an important task for the hemisphere, no true development can take place in a climate of instability and rebellion. Before the poorer countries can begin the process of modernization, in this view, they must first be able to maintain an atmosphere of "law and order." For many Latin American nations, Rockefeller indicated in 1959, "the question is less one of democracy or lack of it, than it is simply of *orderly ways of getting along*."[2] [Emphasis added.] In some countries, the armed forces have found it necessary to seize power in order to ensure the maintenance of public order. The United States, in Rockefeller's view, should forget "the philosophical disagreements it may have with particular regimes," and extend support to the military strongmen who now rule two-thirds of the Latin American republics.[3]

Current U.S. programs for support of the Latin American military, and other U.S. military activities in the hemisphere, are discussed in detail below.

THE CHANGING NATURE OF U.S. MILITARY AID

The Military Assistance Program (MAP) constitutes the major instrument of U.S. military policy in Latin America. The origins of this program according to Professor Edwin Lieuwen of the University of New Mexico, "can be traced to the eve of World War II, when Washington, in order to counter the threat of Fascist and Nazi subversion, began to establish military missions."[4] Under the Lend Lease Act of March 11, 1941, Latin American armies were supplied with American arms and equipment in return for access to the region's strategic raw materials and the right to use certain air and naval bases. After the United States entered the war, we continued supplying weapons while Latin America provided temporary bases, stepped up production of strategic materials, and collaborated in antisubmarine and other defense operations.[5]

Military aid to Latin America was suspended in the immediate postwar era; as the Cold War intensified, however, the supply of arms to Latin America's armed forces once again became an objective of United States foreign policy. Under the Mutual Security Act of 1951, funds were made available for the strengthening of Latin American armies in the interests of "Hemispheric defense." A country became eligible for these funds upon certification of bilateral mutual defense assistance pacts with the United States. Such agreements were concluded with Ecuador, Cuba, Colombia, Peru and Chile in 1952, with Brazil, the Dominican Republic and Uruguay in 1953; with Nicaragua and Honduras in 1954; with Haiti and Guatemala in 1955; and with Bolivia in 1958. (The United States has temporarily suspended MAP aid to some nations following coups, and has permanently cut off aid to Cuba and Haiti.) As part of their contribution to the hemispheric defense effort, MAP recipients are pledged to supply the United States with minerals and other strategic raw materials needed by the U.S. war machine.[6]

Throughout the 1950's, the ostensible objective of U.S. military aid to Latin America was to strengthen the region's defense against external (presumably Soviet) attack. Thus as recently as 1960 the principal goal of the MAP program was the development of a strong antisubmarine warfare capability in the Caribbean and South Atlantic. Charles H. Shuff, the then Acting Assistant Secretary of Defense, told a Congressional committee in 1959 that "the most positive threat to hemispheric security is submarine action in the Caribbean sea and along the coast of Latin America."[7] However, when the Kennedy Administration took office in 1961, the threat of armed revolution became the major concern of U.S. military planning in the Third World and the goals of the MAP program were modified according. As noted by Professor Lieuwen, "the basis for military aid to Latin America abruptly shifted from hemispheric defense to internal security, from the protection of coastlines and from antisubmarine warfare to internal defense against Castro-Communist guerrilla warfare."[8]

Funds for counterinsurgency training and supplies were made available to Latin American armies beginning with the fiscal year 1963 MAP program. In the following year, Director of Military Assistance General Robert J. Wood announced that "the primary purpose of the proposed fiscal year 1965 Military Assistant Program for Latin America is to counter the threat to the entire region by providing equipment and training which will bolster the internal security capabilities of the recipient countries."[9] And during the 1967 debate on the Foreign Assistance Act, Secretary of Defense Robert S. McNamara asserted that "the primary objective [of the MAP program] in Latin America is to aid, where necessary, in the continued development of indigenous military and paramilitary forces capable of providing, in conjunction with police and other security forces, the needed domestic security."[10]

Of the $45.5 million requested for MAP grant aid in fiscal 1968, the Pentagon proposed to spend $34.7 million, or 76 percent, on hardware and services related to counter-

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Footnotes at end of article.

insurgency.[11] According to Defense Secretary McNamara, "the [1968] grant program will provide no tanks, artillery, fighter aircraft, or combat ships. The emphasis is on vehicles and helicopters for internal mobility, communications equipment for better coordination of in-country security efforts, and spare parts for maintenance of existing inventories." [12] These priorities have continued to shape the MAP program under the Nixon Administration; thus in 1970 the present Director of Military Assistance, Gen. Robert H. Warren, told a Congressional committee that the objectives of the fiscal 1971 aid program were "to help Latin American nations maintain military and paramilitary forces capable of providing, with police forces internal security essential to orderly political, social and economic development." [13]

Total U.S. military aid to Latin America during the period 1950–1970 amounted to $1.3 billion; this amount includes direct grants totalling $778 million, credits provided under the Foreign Military Sales program for the purchase of U.S. arms valued at $253 million, indefinite loans of U.S. naval vessels worth $201 million, and transfers of "excess" U.S. arms worth another $63 million. (For a country-by-country breakdown of these expenditures, see the Appendix.) As one would expect, the major recipients of military aid have been the larger countries whose armed forces have come to bear the indelible stamp of U.S. military doctrine, equipment and ideology. Thus Argentina, Brazil, Chile, Venezuela and Peru, which together account for about 60 percent of the gross national product of Latin America, received $915 million in U.S. aid between 1950 and 1970, or 70 percent of MAP expenditures in the region (see Table 1).

When, however, MAP recipients are ranked by the percentage of their total defense outlays supplied by the United States, a different pattern emerges; as can be seen in Table 2, the most favored recipients of U.S. aid, on a proportional basis, are the smaller and poorer nations of South and Central America—most of which have experienced guerrilla uprisings in the past decade.

Table 1: U.S. military assistance program expenditures in Latin America, 1950–70 [a]

Includes grants furnished under the Military Assistance Program, credits provided by the Foreign Military Sales program, indefinite loans of U.S. naval vessels, and deliveries of excess U.S. defense articles.

[By fiscal year; dollars in millions]

Country:	*Amount*
Argentina	131.0
Bolivia	25.3
Brazil	378.4
Chile	151.9
Colombia	114.1
Costa Rica	1.8
Dominican Rep	28.0
Ecuador	57.0
El Salvador	6.9
Guatemala	18.7
Haiti (to 1963)	4.4
Honduras	8.6
Jamaica	1.1
Mexico	10.6
Nicaragua	13.1
Panama	4.1
Paraguay	11.6
Peru	147.8
Uruguay	45.9
Venezuela	106.1
Region [b]	27.8
Total	1,294.2

[a] Source: U.S. Agency for International Development, Office of Statistics and Reports, *U.S. Overseas Loans and Grants, July 1, 1945–June 30, 1970* (Washington, D.C., 1971).

[b] Includes $12.4 million to Cuba (1950–60).

TABLE 2.—U.S. MILITARY ASSISTANCE AS A PERCENTAGE OF LATIN AMERICAN DEFENSE EXPENDITURES, 1964–67

[In rank order, dollars in millions]

Country	Total defense expenditures, 1964–67 [1]	U.S. aid as a percentage of defense spending
Panama	4	32.5
Bolivia	57	21.9
Uruguay	51	18.0
Paraguay	30	17.0
Ecuador	100	16.0
Honduras	27	12.9
Guatemala	56	12.5
Colombia	302	10.2
Peru	367	9.8
Chile	321	9.7
El Salvador	38	9.0
Dominican Republic	133	6.3
Argentina	843	2.7
Brazil	2,380	2.1
Venezuela	712	0.6

[1] U.S. Department of Defense, Office of the Assistant Secretary of Defense for International Security Affairs, Military Assistance and Foreign Military Sales Facts.

Source: U.S. Arms Control and Disarmament Agency, World Military Expenditures, 1969 (Washington, D.C., 1969), p. 18.

Although the MAP grant program has been declining steadily over the past few years (from a high of $73 million in fiscal 1968 to $15.7 million in 1971), arms sales to Latin America have been increasing at a spectacular rate: from an average of $30 million per year in the 1960's U.S. sales to Latin American governments under the Foreign Military Sales (FMS) program rose to $72 million in fiscal 1971 and an estimated $144 million in 1972.[14] Among the major customers for U.S. arms were Argentina (with purchases of $79 million between 1950 and 1970), Brazil ($85 million), Peru ($50 million), and Venezuela ($103 million).[15] In order to increase military exports to Latin America through the FMS program, President Nixon was obliged, in May 1971, to waive the $75 million ceiling on arms transfer to the region that had been imposed by Congress in 1968 (under Section 33 of the Foreign Military Sales Act). (For a further discussion of the Arms sales program, see "Arm Now—Pay Later.")

TRAINING

After the supply of arms and equipment the most important function of the U.S. military apparatus in Latin America is to provide training to indigenous military personnel. In recent years, about two-thirds of the MAP grant program has been devoted to this purpose. Training also constitutes the principal day-to-day activity of U.S. officers attached to the military missions in seventeen Latin American countries. The high priority given to training programs was underscored by Defense Secretary McNamara in 1962 as follows:

> Probably the greatest return on our military assistance investment comes from the training of selected officers and key specialists at our military schools and training centers in the United States and overseas. These students are handpicked by their countries to become instructors when they return home. They are the coming leaders . . . I need not dwell upon the value of having in positions of leadership men who have first-hand knowledge of how Americans do things and how they think. *It is beyond price to us to make such friends of such men.*[16] [Emphasis added.]

The United States maintains three training programs for Latin American personnel: first, "in-country" training provided by mobile training teams (MTT's) which are sent to a country on a temporary basis to offer instruction in specialized military skills; second, training at the U.S. military schools in the Panama Canal Zone; and third, training at service schools in the United States. Between 1950 and 1970, 54,270 Latin American officers and enlisted men received training under the MAP program (see Table 3). The various training programs are discussed in detail below.

TABLE 3.—LATIN AMERICAN MILITARY PERSONNEL TRAINED UNDER THE U.S. MILITARY ASSISTANCE PROGRAM, 1950–70 [1]

Country	Number trained in United States	Number trained abroad [2]	Total number trained
Argentina	2,382	426	2,808
Bolivia	410	2,248	2,658
Brazil	6,009	847	6,856
Chile	2,553	1,821	4,374
Colombia	2,126	2,503	4,629
Costa Rica	33	496	529
Cuba (1950–60)	307	214	521
Dominican Republic	609	1,984	2,593
Ecuador	1,538	2,746	4,284
El Salvador	185	886	1,071
Guatemala	626	1,654	2,280
Haiti	444	60	504
Honduras	189	1,389	1,578
Mexico	393	202	595
Nicaragua	615	3,379	3,994
Panama	38	3,110	3,148
Paraguay	287	753	1,040
Peru	2,890	2,117	5,007
Uruguay	933	790	1,723
Venezuela	1,311	2,767	4,078
Total	23,878	30,392	54,270

[1] U.S. Department of Defense, Office of the Assistant Secretary of Defense for International Security Affairs, Military Assistance and Foreign Military Sales Facts (Washington, D.C., 1971).

[2] Mostly in the Panama Canal Zone.

SOUTHCOM

All U.S. training programs in Latin America are supervised by the U.S. Forces Southern Command (SOUTHCOM), located at Quarry Heights in the Panama Canal Zone. SOUTHCOM is the "unified command" headquarters which oversees all Army, Navy and Air Force activities in South and Central America. Ordinarily, the most important activity of SOUTHCOM personnel is the supervision of the seventeen U.S. military missions in Latin America and administration of the MAP program. The advisory missions, or Military Assistance Advisory Groups (MAAG's); range in size from 5 men in Costa Rica to 90 in Brazil; as of July 1, 1971, there were 531 officers, enlisted men and civilian employees assigned to the MAAG's and missions in Latin America. These men provide training in various military and technical skills, and advise the host country military in the development of counterinsurgency and internal security programs.

In addition to its administrative and training functions, SOUTHCOM maintains a communications and logistics network which directs and supplies all U.S. military forces in Latin America. This network is designed to support any U.S. troops that would be deployed in the future interventions or "police actions" in the region.

U.S. ARMY SCHOOL OF THE AMERICAS

The U.S. Army School of the Americas (USARSA), located at Fort Gulick in the Panama Canal Zone, is the only Army training institution catering exclusively to Latin American personnel. It is also the only military school to provide instruction in a foreign language. An element of SOUTHCOM, the School has trained over 26,000 Latin American officers and enlisted men in various military specialties. Most of the courses at the School emphasize counterinsurgency and other internal security functions. According to the September 1968 issue of *Army Digest* magazine, the School's Irregular War-

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Footnotes at end of article.

fare Committee "teaches various measures required to defeat an insurgent on the battlefield, as well as military civic action functions in an insurgent environment."[17] Military cadets who receive their advanced training at USARSA undertake a week-long maneuver known as the "Balboa Crossing" in which they "trek across the isthmus from Pacific to Atlantic shores on a simulated search-and-destroy mission, putting into practice what they have learned about guerrilla warfare and jungle living."[18]

USARSA boasts that "alumni have risen to such key positions as Minister of Defense and Chief of Staff in Bolivia, Director of Mexico's War College, Minister of War and Chief of Staff in Colombia, Chief of Staff for Intelligence in Argentina, and Undersecretary of War in Chile." The United States profits from this arrangement as well: according to *Army Digest*, "training Latin Americans in U.S. military skills, leadership techniques and doctrine also paves the way for cooperation and support of U.S. Army missions, attaches, military assistance advisory groups and commissions operating in Latin America."[19]

INTER-AMERICAN AIR FORCES ACADEMY

Closely related to the Army's School of the Americas is the Inter-American Air Forces Academy (IAAFA) at Albrook Air Force Base in the Canal Zone. Like USARSA, the Academy offers instruction in Spanish and caters primarily to Latin American personnel. By the end of 1970, some 10,000 officers and enlisted men had received training at the Academy. Instruction is provided in aircraft maintenance, electronics, radio, instrument training and repair, engine and weapons mechanics, and medical specialties. As at Fort Gulick, the emphasis is on counterinsurgency and civic action programs. Beginning in 1963, the Academy offered a course on "Special Air Operations" jointly with USARSA and the 24th Special Operations Wing (the Air Force equivalent of the Army's Special Forces); the course includes study of such skills as close air support on the battlefield, supply operations for counter-guerrilla forces, and airborne operations.[20]

EIGHTH U.S. SPECIAL FORCES

Fort Gulick in the Canal Zone is the headquarters of the Eight U.S. Special Forces—the famed "Green Berets." This elite unit consists of some 1,100 officers and enlisted men, who in turn constitute approximately 25 Mobile Training Teams of up to 30 men each. These MTT's have traveled throughout Latin America, supplementing the work of the resident U.S. military missions by providing intensive training in counterguerrilla operations. Since the formation of the 8th Special Forces in 1962, such teams have visited every Latin American country except Cuba, Haiti and Mexico. As noted by MTT's Center for International Studies, MTT activity always peaks when a pro-U.S. regime is threatened by insurgent uprisings.[21]

Visitors to Fort Gulick are told that "the principal mission of the Special Forces is to advise, train and aid the Latin American military and paramilitary forces to conduct counterinsurgency activities, and to do so in support of the objectives of the United States of America within the framework of the Cold War."[22] In fulfillment of this mission, 16 Green Berets headed by Maj. Ralph W. "Pappy" Shelton traveled to Bolivia in April 1967 to train and supervise the Bolivian Army ranger battalion that was used to hunt down the guerrilla band of Ernesto Che Guevara.[23]

The Inter-American Defense College (IADC) was established in 1962 as a senior service school similar to the U.S. National War College, Great Britain's Imperial Defense College, and the NATO Defense College. Located at Fort Lesley McNair in Washington, D.C., IADC occupies a building that was refurbished for its use by the MAP program at a cost of $1 million. The College is administered by the Inter-American Defense Board (IADB), which is composed of military representatives of the 22 member nations of the Organization of American States.

The emphasis at IADC is on the quality, not the quantity, of its students, who come from all Latin American countries except Cuba. Admission requirements include the rank of lieutenant colonel or above graduation from an advanced command and general staff college, and military command experience. IADC, according to an official brochure, is "a military institution of high level studies, devoted to conducting courses on the Inter-American System and the political, social, economic, and military factors that constitute essential components of Inter-American defense." The nine-month course of study stresses Cold War ideology and the need for joint action against "Castro-Communist" guerrillas. The curriculum also includes several sessions on the theory and practice of military civic action and related counterinsurgency activities. Most instruction is given in Spanish; as of June 1970, some 230 students had graduated from IADC.[24]

INTERNATIONAL POLICE ACADEMY

The International Police Academy (IPA), located in the Georgetown section of Washington, D.C., is sometimes referred to as the "West Point" of the international law enforcement community. Administered by the Office of Public Safety (OPS) of the Agency for International Development, IPA provides instruction in various police and paramilitary skills to foreign police commanders. Originally known as the Inter-American Police Academy and located in the Panama Canal Zone, IPA was moved to Washington in 1964 and its scope broadened to include students from throughout the Third World (Latin Americans still constitute a majority of the student body, however). By 1969, over 3,000 foreign police officials had graduated from IPA.

Although IPA provides instruction on such conventional subjects as fingerprint identification and firearms maintenance, the emphasis is on internal security and riot control. Students at the Academy spend three days at the John F. Kennedy Special Warfare Center at Fort Bragg, N.C., for a series of briefings on "civil-military relationships in counterinsurgency operations and police support in unconventional warfare."[25] Prior to graduation, IPA students test their knowledge of anti-riot tactics in a facility known as the Police Operations Control Center (POCC). One journalist who visited IPA reported: "At the front of the POCC is a magnetic game board on which has been constructed the map of a mythical city, Rio Bravos . . . From the control booth, faculty field commanders alert the students to a communist-inspired riot at the city's university, or to a bombing attempt by communist subversives from the neighboring country, Maoland. The students deploy their forces on the board and plan strategies, much as they would from a real police control center."[26]

SERVICE SCHOOLS IN THE UNITED STATES

Over 140 Army, Navy, and Air Force installations in the United States provide training for foreign military personnel under the MAP program (see Appendix for a list of these facilities). Although precise figures on the numbers of Latin Americans attending each of these schools is not available, it is known that the Army has tailored the curricula of two of the schools to emphasize military operations in underdeveloped areas. These installations are the Special Warfare School at Fort Bragg, N.C., and the Civil Affairs and Military Government School at Fort Gordon, Ga.

The Special Warfare School (part of the John Kennedy Center for Military Assistance) offers courses on counterinsurgency, unconventional warfare, and psychological operations. Most of the students are U.S. military personnel who have been assigned to military missions or Special Forces units in the Third World; however, it is known that several hundred Latin American officers have also received training at the School.[27] In 1963, Assistant Secretary of State Edwin Martin reported that Latin American military personnel were receiving training at Fort Bragg "in riot control, counterguerrilla operations and tactics, intelligence and counterintelligence, and other subjects which will contribute to the maintenance of public order."[28]

The Civil Affairs School is the principal center in the United States for training in the administration of military civic action programs. As at Fort Bragg, most students are U.S. military personnel assigned to a military mission, military assistance advisory group, or mobile training team in the Third World. The civic action course includes instruction in the theory of economic development, organization and logistics for civic action projects, and psychological operations in counterinsurgency.[29]

U.S. military assistance to Latin American armed forces has often provoked criticism from the world press, particularly when U.S.-equipped armies have seized power from democratically-elected governments. In response to this criticism, Secretary of Defense Robert S. McNamara stated in 1964 that "the essential role of the Latin American military as a stabilizing force outweighs any risks involved in providing military assistance for internal security purposes."[30] McNamara acknowledged that discontent would not disappear from Latin America until the underlying problems of poverty and underdevelopment were overcome; it was for this purpose, he indicated, that the United States had launched the Alliance for Progress. But U.S. policy is firm on one point: "the goals of the Alliance," he insisted, *"can only be achieved within a framework of law and order."*[31] [Emphasis added.] Current U.S. policy as we have seen, calls for the use of the Latin American military as the prime instrument of "law and order." American bases in Puerto Rico, the Canal Zone and the U.S. mainland constitute a logistical and communications apparatus that would be used to support any future intervention operations. SOUTHCOM's Canal Zone facilities have already been described; in the following section, we will look at some of the installations in Puerto Rico that contribute to America's intervention capability in Latin America.

PUERTO RICO INSTALLATIONS

Puerto Rico performs for the U.S. Navy the same pivotal role performed for the Army by the Panama Canal Zone. The island "Commonwealth" is the headquarters of the Commander, South Atlantic Force (COMSO LANT) and of the 10th Naval District commanding the Caribbean Sea Frontier. The Navy's offices in San Juan and at the Roosevelt Roads Naval base command all Navy activity in the Caribbean and in the Atlantic Ocean south of the Tropic of Cancer. Other Navy bases, at Guantanamo Bay in Cuba, Chaguaramas in Trinidad and St. Thomas in the Virgin Islands, are also under the jurisdiction of the Puerto Rico commands. The naval blockade of Cuba and Navy support operations during the 1965 intervention in the Dominican Republic were both directed from Puerto Rico.[32]

Roosevelt Roads is an all-purpose Naval base located on the east coast of Puerto Rico. It has three harbors, the largest of which can berth dozens of major warships at one time (thus serving as the South Atlantic equivalent of Pearl Harbor in the Pacific). The facilities at Roosevelt Roads can accommodate any warship in the world, including the giant aircraft carrier Enterprise, which

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Footnotes at end of article.

trained here before sailing to the waters off Vietnam. The base also encompasses a large Naval Air Station, which house several squadrons of jet interceptors and reconnaissance aircraft.

Vieques is an island located just off the east coast of Puerto Rico which is largely devoted to military use. Of the island's 35,000 acres, some 26,000 have been appropriated by the U.S. Navy for training facilities and other installations, including a huge underground ammunition storage depot. Vieques acquires special prominence periodically during the year as the site of the Atlantic Fleet's training exercises. A New York Times dispatch of April 10, 1965 describes one of these exercises as follows: "about 4,000 Marines and Army paratroopers fought a sham war today across the sun-baked brown hills of Vieques. . . . . The troops, supported by a Navy amphibious force and Air Force, Marine and Navy planes, continued Quick Kick VII, a combined airborne-amphibious assault." It is clear from this and other reports that these exercises are designed to prepare the Atlantic Fleet for future interventions in Latin America which would require an amphibious landing.

Culebra is a small island located off the eastern tip of Puerto Rico which is used by the Navy for bombing and shelling practice exercises, and for tests of new non-nuclear munitions. In the past few years, Culebra residents have organized a campaign to expell the Navy gunners from their island. After a Congressional investigation and many protests by the Culebrans, the Navy agreed in 1971 to find alternative sites for its shelling exercises.

Ramey Air Force Base is the only Strategic Air Command (SAC) base in Latin America. Ramey normally houses two reconnaissance wings and one bomber wing composed of B–52 heavy bombers. The base also has a full complement of heavy transport aircraft capable of airlifting almost every type of military equipment, plus large numbers of troops, to airstrips in the Caribbean and elsewhere in Latin America. During the Dominican crisis of 1965, Ramey provided logistical support to General Wessin y Wessin's blockaded troops at San Isidro airbase, and later was used to ferry U.S. troops to the Dominican Republic. Massive airlift operations of this type have come to assume a crucial place in U.S. intervention strategy, and it is safe to predict that Ramey will play a pivotal role in any future "police actions" in the Western Hemisphere.

FOOTNOTES

[1] Nelson A. Rockefeller, "Quality of Life in the Americas," Report of a Presidential Mission for the Western Hemisphere," *Department of State Bulletin*, December 8, 1969, p. 507.

[2] *Ibid.*, p. 515.

[3] *Ibid.*

[4] Edward Lieuwen "The Latin American Military," a report incorporated into U.S. Senate, Committee on Foreign Relations, Subcommittee on American Republics Affairs, *Survey of the Alliance for Progress*, Compilation of Studies and Hearings (Washington, D.C.: Government Printing Office, 1969), p. 113.

[5] *Ibid.*

[6] For text of the agreement with Ecuador (which served as a model for the others), see: *Department of State Bulletin*, March 3, 1952, p. 336 ff.

[7] U.S. House of Representatives, Committee on Appropriations, *Mutual Security Appropriations for 1960, Hearings*, 86th Cong., 1st Ses., p. 736.

[8] Lieuwen, p. 115.

[9] General Robert J. Wood, Address before the Los Angeles World Affairs Council, December 3, 1964.

[10] U.S. House of Representatives, Committee on Foreign Affairs, *Foreign Assistance Act of 1967 Hearings*, 90th Cong., 1st Ses., p. 117. (Hereinafter cited as *Foreign Assistance 1967*.)

[11] *Ibid.*

[12] *Ibid.*, p. 118.

[13] U.S. House of Representatives, Committee on Appropriations, *Foreign Assistance and Related Agencies Appropriations for 1971, Hearings*, 91st Cong., 2d Sess., Part I, p. 389.

[14] U.S. Department of Defense, Office of the Assistant Secretary of Defense for International Security Affairs, *Military Assistance and Foreign Military Sales Facts* (Washington, D.C., 1971), p. 21.

[15] Ibid., p. 23.

[16] U.S. House of Representatives, Committee on Appropriations, *Foreign Operations Appropriations for 1963, Hearings*, 87th Cong., 2d Sess., Part I, p. 359.

[17] "Bridge of the Americas," *Army Digest*, September, 1968, pp. 12–13.

[18] "U.S. Army School of the Americas," *Military Review*, April, 1970, pp. 90–91.

[19] "Bridge of the Americas," p. 14.

[20] C. Neale Ronning and Willard F. Barber, *Internal Security and Military Power* (Columbus, Ohio: Ohio State University Press, 1966), pp. 162–3.

[21] Geoffrey Kemp, *Some Relationships Between U.S. Military Training in Latin America and Weapons Acquisitions Patterns, 1959–1969* (Cambridge, Mass.: MIT Center for International Studies, 1970), pp. 16–56.

[22] Quoted in Philippe Nourry, "Camping Tonight, Camping Tonight," *Atlas, May*, 1968, p. 19. (Translation from *Le Figaro*, Paris.)

[23] See Andrew St. George, "How the U.S. Got Che," *True*, April, 1969, p. 30 ff.

[24] See "Inter-American Defense College," *Military Review*, April, 1970, pp. 20–27, and "Inter-American Defense College Educates Officers of 22 Nations," *Army Research and Development*, March, 1968.

[25] "The IPA Faculty," *IPA Review*, January, 1967, p. 11. (The *IPA Review* is the official publication of the International Police Academy, Washington, D.C.)

[26] David Sanford, "Agitators in a Fertilizer Factory," *The New Republic, February* 11, 1967. p. 17.

[27] Barber and Ronning, p. 149.

[28] Edwin Martin, "Communist Subversion in the Western Hemisphere," *Department of State Bulletin*, March 18, 1963, pp. 406–7.

[29] Barber and Ronning, pp. 152–4.

[30] U.S. House of Representatives, Committee on Appropriations, *Foreign Operations Appropriations for 1964, Hearings*, 88th Cong., 1st Sess., Part II, p. 84.

[31] *Foreign Assistance 1967*, p. 117.

[32] For background on U.S. military activities in Puerto Rico, see: Richard Krushnic, "United States Military Bases in Puerto Rico and Their Strategic Function," a paper available from Student World Relations, 475 Riverside Dr., New York, N.Y. 10027.

U.S. ARMS SALES TO THE THIRD WORLD—ARM NOW PAY LATER

(NOTE.—Charts not printed in the RECORD.)

One of the fastest growing markets for industrial products in the world today is the defense systems of Third World nations. Total military spending by the underdeveloped nations is growing at a rate of nine percent a year—twice that of developed countries, and also twice the rate of economic growth in the Third World.[1] One survey of worldwide defense spending indicates that Third World expenditures on military hardware increased from $3.3 billion in 1968 to an estimated $5.5 billion in 1972—an increase of 67 percent in five years.[2] Since most countries seek to acquire increasingly complex and sophisticated weapons, the production of such equipment tends to be concentrated in a handful of the most advanced industrial nations: between 1950 and 1969, four countries—the United States, Soviet Union, Britain and France—supplied 87 percent of the major weapons systems acquired by underdeveloped countries.[3] The United States, faced with mounting balance-of-payments deficits, has sought to encourage and exploit the growing appetite for advanced weapons in the Third World by mounting an aggressive and well-organized sales campaign.

The Pentagon's arms sales effort, known as the Foreign Military Sales (FMS) program, was developed as an adjunct to the grant system of Military Assistance Program (MAP). Thus FMS shared the MAP program's Cold War goal of strengthening "Free World" defenses against anticipated Soviet invasions. George Thayer, who discusses the U.S. sales effort in his book *The War Business*, has written that: "Our arms aid program was originally conceived to promote the defensive strength of the West against the communist threat and to promote the concept of cooperative logistics—i.e., the use of common weapons systems—among allies. It was grounded in the knowledge that most of our allies were militarily vulnerable and in the belief that the Soviet Union was about to march into Western Europe and several other areas. Thus, the United States began to ship large quantities of weapons to its allies who, it was hoped, would help stem the Soviet tide."[4] Since, in the immediate postwar era, most of our allies were unable to shoulder the burden of their own and the common defense, the United States gave generously of its own resources to remilitarize Western Europe and the "forward defense areas" on the borders of the Soviet Union in Asia. Between 1945 and 1961, the United States gave away weapons worth a total of $25 billion, while arms sales in the same period amounted to only $2.5 billion, or ten percent of the grant effort.

When President Kennedy took office in 1961, the goals of the FMS program changed radically. Defense Secretary Robert S. McNamara, who sought to expand the Pentagon's conventional warfare capabilities, recognized that overseas deployment of U.S. troops (and other war-related activities in Southeast Asia) would contribute to an ever-increasing balance-of-payments deficit. In order to compensate for increased U.S. military spending abroad, therefore, he sought to persuade our allies in Western Europe and Asia to make substantial purchases of U.S. weapons.[5] At the same time, McNamara discovered that Congress was increasingly unwilling to subsidize the defense expenditures of our less-fortunate allies (MAP grant aid to Third World countries dropped from $1.3 billion in fiscal 1963 to $678 million in 1967), and thus he established an elaborate program of credits and loans to enable poor countries to borrow funds for the purchase of U.S. arms at attractive interest rates.[6] McNamara's new arms sales policies were summarized in 1963 in Department of Defense Directive Number 5132.3, which affirmed: "Consistent with overall security objectives, maximum effort will be made to promote the program of selling U.S.-produced military equipment and services to friendly nations."[7]

In order to facilitate overseas purchases of U.S. arms, McNamara in 1961 established a Pentagon sales agency, the International Logistics Negotiations (ILN) Office, and appointed Henry J. Kuss, Jr. to head the FMS promotion campaign. Often compared to Sir Basil Zaharoff, the original "Merchant of Death," Kuss was promoted to Deputy Assistant Secretary of Defense in 1964 for his success in boosting military sales. "Henry wore a homburg," one of his associates later recalled, "but he wasn't a Zaharoff . . . McNamara simply appointed him vice-president and general manager in charge of pushing arms in the far corners of the globe—and Henry pushed them."[8] While heading the ILN office, Kuss converted the Pentagon's

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Footnotes at end of article.

military aid missions abroad into agents for the U.S. arms industry—a function they still serve (see below). The results of this campaign were striking: between 1961 and 1967, U.S. arms sales increased sixfold—from $300 million to $1.8 billion annually.[9]

During the Kuss regime, the Pentagon's sales campaign was directed primarily at the developed nations of Western Europe, as well as Japan, Canada and Australia. Between 1962 and 1968, FMS sales to developed countries mounted to $10.5 million while sales to underdeveloped nations came to only $1.1 billion.[10] As the 1960's progressed, however, the market for American military products in the developed nations began to shrink: worried that the increased sophistication of modern arms would lead to the monopolization of weapons development by the Soviet Union and the United States, many European nations (and later Japan) expanded their own arms industries in order to be assured that they would not be "frozen out" of advanced military technologies. U.S. sales to developed countries reached a peak of $1.6 billion in fiscal 1966, and then dropped to an average of $900 million annually in the succeeding five years (see Chart A). In order to make up for this decline in foreign sales, the Pentagon began to encourage substantial arms purchases by the Third World nations dependent upon the U.S. for economic and military aid: no longer would our underdeveloped allies receive gratis the weapons we wanted them to have—instead they would be obliged to further tax their citizenry in order to pay for the military equipment we persuaded them to buy. As a result of a vigorous promotional campaign, FMS sales to underdeveloped countries rose from $96 million in fiscal 1965 to $1 billion in 1971—a 1,000 percent increase. (See Chart A).

Increased U.S. weapons sales to the Third World is a major component of President Nixon's military policy. Under pressure from an aroused public and a war-weary Congress, the Administration has been obliged to withdraw American combat troops from Asia and to reduce the rate of defense spending at home. In order to protect American interests abroad from the threat of armed liberation movements, Nixon has forced our client regimes in the Third World to purchase substantial quantities of U.S. arms and to supply mercenaries for U.S.-led counterinsurgency operations. The Administration's plan was spelled out by Deputy Secretary of Defense David Packard in 1970 as follows:

"The Nixon Doctrine places the Military Assistance Program and Foreign Military Sales in a special position in our foreign policy. It is now more important than ever that these two instruments of U.S. policy be put to optimum use in helping to reduce both the monetary and the manpower burden we now carry in honoring international obligations. I believe that the best hope of reducing our overseas involvements and expenditures lies in getting allied and friendly nations to do even more in their own defense. To realize that hope, however, requires that we must continue, if requested, to give or sell them the tools they need for this bigger load we are urging them to assume.

"That is why, in the interests of maintaining an adequate defense posture at minimum cost, the growing use of credit-assisted sales of military equipment, as well as increased military assistance, seem clearly indicated for the immediate future.[11]

TABLE 1.—FOREIGN MILITARY SALES TRENDS, 1965–71

[By fiscal year; dollars in millions]

	1965	1966	1967	1968	1969	1970	1971	Total, 1965–71
FMS Sales to developed nations	1,147	1,556	966	784	1,170	688	834	7,143
FMS sales to underdeveloped nations	96	204	128	299	515	227	1,048	2,515
FMS sales to international organizations	6	25	34	30	34	19	15	167
Total FMS sales[1]	1,248	1,785	1,128	1,113	1,720	933	1,898	9,825
Commercial sales[2]	274	312	345	335	329	567	416	2,578
Grand total, sales	1,522	2,097	1,473	1,448	2,049	1,500	2,314	12,403
Total military-assistance grants[3]	1,236	1,062	814	719	589	538	702	5,622
MAP grants to developing nations	1,042	965	678	640	584	538	702	5,149

[1] Source: U.S. Department of Defense, Office of the Assistant Secretary of Defense for International Security Affairs, Military Assistance and Foreign Military Sales Facts (Washington, D.C.: 1971).

[2] Source: Department of States Bulletin, Feb. 22, 1971, p. 226.

[3] Source: U.S. Agency for International Development, Office of Statistics and Reports, U.S. Overseas Loans and Grants. Preliminary fiscal year 1971 and Trend Data (Washington, D.C.: 1971).

On the basis of this argument, Nixon in 1971 sought approval for the largest FMS program in United States history: $510 million in credits and loan guarantees was requested to help finance total arms purchases estimated at $2.15 billion—a 700 percent increase over the pre-1961 average of $300 million a year and twice the average rate during the 1960's.

In its effort to increase arms sales to the developing areas, the Nixon Administration has had to overcome the resistance of a handful of Congressmen who—in an attempt to prevent more Vietnam-type wars—have sought to limit military exports to Third World nations. Led by Senators J. W. Fulbright and Stuart Symington of the powerful Foreign Relations Committee, these dissidents have been able to impose several restraints upon the FMS program. The Foreign Military Sales Act of 1968 limits annual arms exports to Latin America and Africa to $75 million and $40 million respectively, and suspends all U.S. economic and military aid to underdeveloped countries which divert an "excessive" amount of their resources to the acquisition of weapons. Amendments to the Foreign Military Sales Act and Foreign Assistance Act have further restricted the transfer of advanced military equipment (particularly supersonic aircraft) to Third World countries.[12]

The 1968 Foreign Military Sales Act and subsequent legislation constitute a significant obstacle to President Nixon's effort to increase arms sales to the Third World, and Administration officials have campaigned vigorously to overcome these restrictions. In a 1969 statement to the Senate Subcommittee on Western Hemisphere Affairs, Assistant Secretary of State Charles A. Meyer reported that "Latin Americans have become puzzled and even suspicious of our motives. Strong nationalist resentment has arisen over what is seen as United States efforts to infringe on the sovereign rights of a country to determine its own military requirements." While these countries would prefer to obtain American equipment for their armed forces, he argued, Congressional restraints on the sale of sophisticated weapons are forcing them to turn to more expensive European substitutes.[13] Since major sales agreement are normally accompanied by the provision of on-site training and technical assistance, the switch to European (or Soviet) producers would involve a corresponding decline in American influence upon the indigenous military. Backed by these arguments, the Administration is pressuring Congress to raise the ceilings on arms exports to Latin America and Africa. Meanwhile, not content to await the outcome of this legislative campaign, President Nixon in 1971 exercised his opinion, under Section 33c of the Foreign Military Sales Act, to waive the $75 million ceiling on arms transfers to Latin America.[14]

U.S. ARMS SALES PROGRAMS

In its drive to secure increased exports of military hardware to the Third World, the Department of Defense can employ a variety of methods for consummating and financing such sales.

FMS Credit Sales: Under the Foreign Military Sales Act, the Pentagon is authorized to extend credit to underdeveloped nations for the purchase of American arms. Such funds must be appropriated by Congress, and when repaid, returned to the U.S. Treasury. Credit terms are generally favorable: interest rarely exceeds 6 percent annually, and up to 10 years are allowed for repayment. (Recently, the Pentagon has requested approval of "concessionary" credit terms—3 percent interest and 20 years to pay—in order to further encourage purchases by Third World nations.[15] Between 1950 and 1970, the Pentagon provided a total of $1.86 billion in credits under the FMS program, and another $1.34 billion is programmed for 1971–1972. (See Table 2 for a breakdown of FMS credits by region; credits to individual countries are provided in *NACLA Newsletter*, Vol. V, No. 2, April, 1971.)

FMS Loan Guaranties: In order to generate additional funds for purchase of U.S. weapons the Pentagon is authorized to guaranty loans by private banks and lending institutions to foreign governments for the purpose of obtaining American military goods. Under the Foreign Military Sales Act, the Department of Defense must maintain a reserve equivalent to 25 percent of all outstanding loans; funds for this purpose are voted annually by Congress. In the past, such guaranties have amounted to approximately $100 million annually (entailing an appropriation of $25 million for the reserve fund).

FMS Cash Sales: Under the Foreign Military Sales Act and other legislation, the Department of Defense is authorized to arrange direct government-to-government sale of American military hardware. Such sales totalled $11.13 billion between 1950 and 1970, and were expected to reach $13.84 billion by the end of fiscal 1972. As can be seen in Table 2, Western Europe, Canada and Japan have been the largest customers for our military products.

Footnotes at end of article.

TABLE 2.—MILITARY SALES BY REGION, 1950–72

[By fiscal year; dollars in millions]

	Total, 1950–64	1965	1966	1967	1968	1969	1970[1]	Estimated		Total, 1950–72		Grand total 1950–72
								1971	1972	Cash sales	Credit sales	
East Asia and Pacific	445	268	174	135	164	158	173	259	245	1,546	462	2,008
Near East and Southeast Asia	222	154	355	354	346	607	246	1,031	711	1,864	2,153	4,017
Europe and Canada	4,015	793	1,181	525	522	863	472	500	1,029	9,786	110	9,896
Africa	9	6	2	38	3	21	7	21	18	73	53	125
Latin America	267	22	47	43	48	36	16	72	144	313	377	690
International organizations	136	6	25	34	30	34	19			257	23	280
Unallocated credit								15			15	15
Total FMS sales	5,095	1,248	1,785	1,128	1,113	1,720	933	1,898	2,146	13,838	3,193	17,031

[1] No FMS credits appropriated in fiscal year 1970.

Export-Import Bank Loans: Since 1963, the U.S. Government's Export-Import Bank (Eximbank) has been authorized to serve as an agent for the Department of Defense by providing funds for the purchase of U.S. arms. Principal Eximbank borrowers have been the advanced nations of Western Europe—but Third World countries have also obtained funds from the bank under a program known as "Country-X" loans, in which the identity of the borrower was known only to the Department of Defense.[16] Country-X loans were prohibited by the Foreign Military Sales Act of 1968, and now the Eximbank is only allowed to make loans to developed countries. So far, six countries have made use of this service: Britain ($810 million), Australia ($614 million), Italy ($153 million), Spain ($120 million), New Zealand ($55 million), and Austria ($31 million); together, these countries have borrowed a total of $1.78 billion from the Eximbank.[17]

Direct Commercial Sales: Under existing legislation, direct sales of military hardware by private U.S. firms to foreign governments are under the purview of the Department of State and Treasury. The Mutual Security Act of 1954 requires that firms wishing to engage in such trade must obtain a license from the State Department's Office of Munitions Control. Once a license has been issued (presumably after it has received the blessing of the Department of Defense), the Office has no authority to supervise a sales agreement or to publish reports of such transactions.[18] Total commercial sales for 1862–69 amounted to $3.5 billion, while sales for 1970–71 came to an estimated $983 million.[19] Europe, Canada and aJpan accounted for the bulk of such purchases.

Licensed Overseas Production: The 1954 Mutual Security Act and associated legislation enable the State Department's Office of Munitions Control to permit private U.S. firms to sell licenses for the overseas production of American arms by foreign firms or governments. Such transactions can involve merely the sale of blueprints, or the construction of entire munitions factories (an example of the latter is the arrangement whereby Colt Industries, Inc. will supply equipment for and supervise construction of an M-16 rifle assembly plant in South Korea). Recent licensing agreements involve the production of Sikorsky CH-53G Sea Stallion helicopters in West German, and McDonnell-Douglas F-4 Phantom fighter-bombers in Japan (see Appendix).

"Third Country" Arrangements: Occasionally, the United States will permit a foreign government to sell its U.S.-supplied weapons to another country, or a private U.S. firm to arrange for the licensed production of U.S. arms in one country for sale to another country. Thus, Boeing-Vertol CH-47C Chinook helicopters now being assembled in Italy are eventually destined for sale to Iran. Such third-country transactions are often employed when direct American sales would prove embarrassing to the U.S. Government. United States regulations require that all third-country deals receive the approval of the U.S. Government; needless to say, such mandates are extremely difficult to enforce while, in many cases, there is no desire to enforce them. Thus a study team organized by the Senate Foreign Relations Committee reported in 1967 that some North American F-86 Sabre fighters manufactured under license in Canada for use by the West German air force and later "sold" to Iran had ultimately wound up in the hands of Pakistan—despite an "official" U.S. policy of halting arms transfers to that country.[20]

Actual sales and credit agreements under these various programs for the years 1965–71 are summarized in Table 1, "Trends in Foreign Military Sales," and in Table 2, "Foreign Military Sales Summary by Region." During this period, FSM sales to underdeveloped countries rose steadily from $96 million in fiscal 1965 to $1.05 billion in 1971, amounting to a total of $2.5 billion for the entire period (the dramatic increase in FMS sales to Third World nations is indicated in Chart A). Military Assistance Program grant aid declined in these years from $1.24 billion in fiscal 1965 to $680 million in 1971; total MAP aid during this period amounted to $5.6 billion, or less than half the amount of sales. (The shift in emphasis from grant aid to FMS sales is vividly demonstrated in Table B.) As can be seen in the Appendix, the principal beneficiaries of the growing sales program are the aerospace companies which produce the jet fighters, transport planes, light aircraft, and helicopters currently sought by foreign armed forces. (For a list of major U.S. arms transfers 1968–1972, see Appendix.)

THE U.S. SALES APPARATUS

In order to provide greater coordination of U.S. military export programs at the command level, President Nixon on August 11, 1971, created the Defense Security Assistance Agency (DSAA) as the sixth Defense-wide management organization (other such organizations are the Defense Supply Agency, Defense Communications Agency, and Defense Intelligence Agency). DSAA assumed most of the functions of the Office of the Deputy Assistant Secretary of Defense for Military Assistance and Sales (the successor of the International Logistics Negotiations Office originally headed by Henry Kuss), which had shared authority over the FMS program with the sales agencies of the separate services. The new head of DSAA, Army Lt. Gen. George M. Seignious II, has direct access to the Secretary of Defense as well as increased authority over the service sales agencies. The new Agency's charter (embodied in Department of Defense Directive Number 5105.38) specifies that, among other functions, DSAA will:

Conduct international logistics and sales negotiations with foreign countries, as directed by the Assistant Secretary of Defense (International Security Affairs) and in coordination with the Assistant Secretary of Defense (Installations and Logistics).

Maintain liaison with and assist U.S. industry in the export of military supplies, equipment and services.

Manage governmental and government-supported private sources of credit financing of foreign military sales.[21]

If the Director of DSAA is the Pentagon's "Vice-President and General Manager for sales," then the principal salesmen in the field are the military advisors assigned to U.S. Military Assistance Advisory Groups (MAAG) in 45 countries. MAAG personnel are specifically charged with the responsibility to "further the sale of U.S.-produced military equipment to meet valid requirements."[22] MAAG functions under the FMS program include supplying the Pentagon with data on host country capabilities, resources and requirements, and acting as a go-between for the host country and the U.S. Government in processing and implementing sales transactions. Specifically, the MAAG's are enjoined with the responsibility to:

Analyze and survey potential needs and requirements of the country, keeping higher logistics headquarters informed, and requesting [data on the] availability (or future availability) of U.S. material that could be sold to meet these needs.

As appropriate, develop plans and programs to demonstrate and promote the sale of such available (and future available) material to the country.

Work directly with military departments and appropriate military area commands in arranging for receipt and transfer of military sales material, training and services.

Provide assistance to the country in preparation of purchase or loan requests.[23]

The wealth of information supplied to Pentagon salesmen in Washington by MAAG personnel gives the United States a distinct competitive advantage when negotiating for the sale of American equipment. As noted by the Arms Control Project of MIT's Center for International Studies, "it can also be suggested that any state interested in selling its arms to other countries is at a tremendous advantage when it has military advisers capable of providing sales information in such detail assigned to advise its potential sales customers."[24] Under current Department of Defense regulations, U.S. military advisers are also mandated to cooperate with private industry in promoting the sales of American arms abroad. Thus the Air Force manual on Military Assistance Sales indicates: "When directed by appropriate authority, [MAAG personnel will] cooperate with representatives of specified U.S. firms in furthering sales of U.S.-produced military equipment to meet valid country requirements."[25] Not only are the MAAG's enjoined to provide private firms with information, but also to actively promote such commercial sales: the same manual notes that it is U.S. Air Force (USAF) policy "to encourage direct transactions between eligible recipients and U.S. manufacturers or suppliers, for defense articles and services which are not available from USAF stocks or resources."[26]

Footnotes at end of article.

Concluding that significant host country purchases of U.S. arms will win Washington's approval and thus advance their careers, many MAAG officers develop a personal interest in the FMS program, and thus, as noted by the MIT arms control project, generate independent momentum for the sales effort.[27]

In their efforts to further the sale of American weapons to the Third World, MAAG personnel benefit from the program which sends thousands of Third World military personnel to armed forces schools in the United States and the Panama Canal Zone every year for training in various military specialties. Between 1950 and 1970, 319,000 foreign military officers and enlisted men received training at schools in the United States and at U.S. bases abroad. Of this number, the great majority came from Third World countries: thus Latin America accounted for 54,000 men, East Asia 144,000 and the Near East 50,000.[28] Although ostensibly this program is designed to improve the defense capabilities of underdeveloped countries, a very real—if unspoken—goal is to inculcate a familiarity with, and appetite for, American-produced weapons.

In supporting this program, Pentagon officials calculate that when such students return to their country, they will request purchases of the American equipment they had become accustomed to using in training exercises. It is argued, for instance, that Latin American pilots who receive technical instruction at the Inter-American Air Forces Academy at Albrook Air Force Base in the Canal Zone will naturally seek to fly in American planes (the kinds they are most familiar with) when they rejoin their own air forces.[29]

In summarizing the Government's arguments on behalf of the Foreign Military Sales program, Assistant Secretary of Defense Paul C. Warnke commented in 1968 that "in a perfect world we wouldn't have to deal with arms sales. But we are no more in a position to discontinue our supply of arms to our friends than we are in a position to disarm unilaterally, and I think in effect if we were to foreclose our sales of military equipment . . . to our friends throughout the world, we are disarming ourselves." Warnke went on to suggest:

> In many instances these are the cheapest defense dollars that we spend. By equipping the indigenous people to contribute to their own defense and hence to the defense of the free world, we make it unnecessary for ourselves to get directly involved in (Vietnam-type) situations. Hopefully, we will be able at some point to talk with the Soviets both about the mutual disarmament and about control over arms races. Until that day comes, however, I believe it is absolutely essential that we retain the ability to supply those countries that are willing to work with us toward a program of collective security.[30]

Since, as we have seen, the United States Government is determined to expand weapons sales to the Third World in order to further enrich the U.S. arms industry while arming America's client regimes, it is unlikely that the day will come soon when the United States will cooperate in the control of overseas arms races.

FOOTNOTES

[1] U.S. Arms Control & Disarmament Agency data, as cited in *The New York Times*, Mar. 23, 1970.

[2] "Worldwide Procurement Potential for Military Arms and Equipment, 1972," *Government Business Worldwide*, December 20, 1971.

[3] Stockholm International Peace Research Institute, *The Arms Trade with the Third World* (Stockholm: Armquist & Wilksell, 1971), p. 9. (Hereinafter cited as *Arms Trade/3rd World*.)

[4] George Thayer, "American Arms Abroad," *The Washington Monthly*, January, 1970, p. 63.

[5] Thayer, "American Arms Abroad," p. 64. *See* also *Arms Trade/3rd World*, pp. 170–71.

[6] For discussion of these programs, see: U.S. Senate, Committee on Foreign Relations, *Arms Sales and Foreign Policy*, Staff study, 90th Cong., 1st Sess., 1967, pp. 5–7; and *Arms Trade/3rd World*, pp. 171–4.

[7] Cited in U.S. Department of the Air Force, *Military Assistance Sales*, Air Force Manual 400–3 (Washington, D.C.: 1966), pp. 2–3.

[8] Quoted in Peter T. Chew, "Purveying Weapons to World's 'Needy,'" *National Observer*, February 16, 1970.

[9] *Arms Sales and Foreign Policy*, p. 3.

[10] *Congressional Record*, vol. 115, pt. 22, p. 30274.

[11] Quoted in Chew, "Purveying Weapons."

[12] Statutory restraints on the FMS program are summarized in U.S. Department of the Air Force, Directorate of Military Assistance and Sales, *Information and Guidance on Military Assistance Grant Aid and Foreign Military Sales*, 12th ed. (Washington, D.C.: 1970), pp. 17–19. See also discussion in *Arms Trade/3rd World*, pp. 175-8.

[13] Charles A. Meyer, "U.S. Military Assistance Policy Toward Latin America," *Department of State Bulletin*, August 14, 1969, p. 102.

[14] *The New York Times*, May 19, 1971.

[15] U.S. House of Representatives, Committee on Foreign Affairs, *Foreign Assistance Act of 1971, Hearings*, 92nd Cong., 1st Sess., 1971, 55.

[16] *Arms Sales and Foreign Policy*, pp. 5–7. See also discussion in *Arms Trade/3rd World*, pp. 171–4.

[17] U.S. Agency for International Development, Office of Statistics and Reports, *U.S. Overseas Loans and Grants, July 1945–June 30, 1970* (Washington, D.C.: 1971).

[18] *Arms Sales and Foreign Policy*, pp. 7–8.

[19] *Congressional Record*, vol. 115, pt. 22, p. 30274; and *Department of State Bulletin*, February 22, 1971, p. 226.

[20] *Arms Sales and Foreign Policy*, p. 3.

[21] Department of Defense Directive 5105.38, August 11, 1971, cited in "Defense Security Assistance Agency," *Government Business Worldwide*, October 28, 1971.

[22] U.S. Military Assistance Institute, "MAAG Duties," Memorandum, December 3, 1964, cited in James Refson, *U.S. Military Training and Advice: Implications for Arms Transfer Policies*, Arms Control Project, Center for International Studies (Cambridge, Mass.: Massachusetts Institute of Technology, 1970), p. 10. (The MIT study is hereinafter cited as *Military Training and Advice*.

[23] U.S. Department of the Army, *General Policies and Principles for Furnishing Defense Articles and Services on a Sale or Loan Basis*, Army Regulation 795–2–4, Washington, D.C., January 20, 1966, cited in *Military Training and Advice*, p. 42.

[24] *Military Training and Advice*, p. 46.

[25] U.S. Department of the Air Force, Manual 400–3 op. cit., p. 2–3.

[26] *Ibid.*, p. 2–3.

[27] *Military Training and Advice*, pp. 49–50.

[28] U.S. Department of Defense, Office of the Assistant Secretary of Defense for International Security Affairs, *Military Assistance and Foreign Military Sales Facts* (Washington, D.C., 1971), p. 15.

[29] For discussion of U.S. training programs for Latin Americans, see: Willard F. Barber and C. Neale Ronning, *Internal Security and Military Power* (Columbus, Ohio: Ohio State University Press, 1966); Michael Klare, "U.S. Military Operations—Latin America," *NACLA Newsletter*, II (October, 1968), p. 1–8; and U.S. House of Representatives, Committee on Foreign Affairs, *Reports of the Special Study Mission to Latin America*, Committee Print, 91st Cong., 2nd Sess., 1970.

[30] U.S. Senate, Committee on Foreign Relations, *Foreign Military Sales, Hearing*, 90th Cong., 2nd Sess., 1968, p. 42.

My second amendment duplicates an amendment I offered last year at this time. It cuts off military aid to Brazil until we are sure we are not thereby subsidizing torture. When I offered the amendment last year, we were assured that the brutal repressive policies in Brazil were merely local overreactions to difficult problems. While I have no reason to doubt the sincerity of these assurances, a year's experience has proved them wrong. It would now be difficult to deny that recourse to torture is systematic policy on the part of the Brazilian Government. I do not think it is necessary to make a long argument here; it should be sufficient to point to the facts and say, "we have no business being mixed up in this. Our participation must end—it must end now." But, I am afraid that information about torture in Brazil is limited and must be brought before this body. After reading the following articles, I find it difficult to see the torture employed in Brazil as examples of "isolated incidents." These articles follow:

SOCIAL GAP WIDENS IN BRAZIL

(By Richard Bourne)

The president of the Central Bank of Brazil, Senhor Ernane Galveas, believes that Brazil may have the highest growth rate in the world this year. At a Latin American bankers' conference he forecast that the increase in the gross national product, expected to be between 10 and 11 per cent, may turn out to be even higher than Japan's.

All of this says nothing much about the distribution of wealth—and 85 per cent of business is in foreign ownership—nor does it immediately help the "flagellated ones" in the Brazilian north-east, who are still on the poverty line. But it is a great source of pride and an important political card of the military-backed revolutionary Government.

If Brazil has the highest growth rate it will not be for the first time. In the late 1950s, under the expansive presidency of Juscelino Kubitschek, who founded Brasilia, a similar claim was made. The difference now is that inflation is running at scarcely 20 per cent a year, and that the bargaining power of organised labour has been broken by the tight restriction on trade union and political activity.

Since the nineteen-forties the Brazilian middle classes, well represented in the cities of the centre-south from Sao Paulo down to Porto Alegre, have been becoming both stronger and converted to the virtues of development. "The result, now that there is a powerful middle-class Government pursuing a private enterprise policy with some dirigiste elements, is that the rich cities look like islands transported from Europe or North America, while the military technocrats set about the north-east, Amazonia, and the oceans of underdevelopment with the zeal of Victorian missionaries.

With the country open for foreign capital and a high rate of domestic saving there is plenty of visible progress in fields like housing, road-building, and the car industry. After a faltering start, the car industry is now the world's tenth, with a forecast output of a million units in 1975. Foreign exchange reserves are a healthy $1,500 millions and exports are twice that figure annually, and a fifth of the exports is now made up of manufactured goods.

There is little doubt that some at least of this economic progress has been passed on to Brazil's poor. But the minimum salary for a worker in Rio de Janeiro is only around £4 a week and, without even going into the countryside, it is not hard to find a scale of under-employment, malnutrition, and social need which would be regarded as an endemic scandal in the less developed parts of Europe.

Such paradoxes make some observers in Brazil wonder whether it is right to describe the present economic progress as "development," or merely "development of the under-development." Booming stock markets and a literacy drive designed to enable a million more adults to read each year may be insufficient to ensure that magical "take-off" so beloved of economists a few years back. The steady extension of the middle classes with their beach clubs and cars is almost certainly in advance of the rate of progress of peasants and workers who are being so firmly excluded from politics.

Brazil, with 95 million people and awe-inspiring natural and mineral resources, could continue its present economic policy for years before hitting labour shortages and unstoppable wage pressures. It could be a "Japanese miracle" over again, with the special advantage of enormous domestic resources at a time when the rest of the world is running short.

The vision rests on two assumptions: that the workers and peasants will continue to be kept out of the game by force, and that the military will go on preferring a capitalist to a nationalist economic strategy. Bearing in mind the nationalist tradition in Brazil's armed forces both assumptions must be insecure in the long run, which explains why the present Government seeks to emphasize that the development is in the national interest and that everyone is getting something out of it.

In the meantime Senhor Delfim Neto, Minister of Finance, takes every opportunity to claim that his policy is designed to underpin a more open and plural political system—as if to assuage middle class consciences about the illiberal political price. But if his political aim was achieved his economic policy would at least be modified, and for the present the ends are strictly subordinate to the means.

[From the Wall Street Journal, April 21, 1972]

While Brazil Booms, Big Areas Stay Poor, Millions Barely Subsist

(By Everett G. Martin)

Recife, Brazil.—In the past few years, Brazil's economy has bounded ahead at one of the world's fastest rates of growth. But try telling this to Maria Souza.

"Times are worse now," says the gaunt, underfed Mrs. Souza. "Now we got only two eggs a week. We buy no more oranges, no more bananas." The 30-year-old mother lives in a mud hut near here and wonders how to support her five children (two others died) on her husband's earnings from unsteady construction work.

The Souza family suffers from a situation that seems nearly incredible at first: While Brazil's real economic growth has averaged 9.8% in the last four years, the boom has had practically no impact at all on well over half the country's 95 million citizens. In fact, millions are actually poorer now than they were five years ago.

The reason, apparently, is that while factories spring up everywhere in this nation they have no use for the millions of unskilled workers; indeed, they tend to throw older workers out of their jobs. Moreover, to combat inflation, the government has held down wage increases so that in most cases a worker's earnings buy less every year. To compound the problem, the poor people as a whole reproduce so rapidly that even though some unskilled workers are being trained and getting jobs the lower class, as a whole, is growing instead of shrinking.

For more than a decade, the Brazilian government, industry and U.S. aid programs have poured hundreds of millions of dollars into projects designed to alleviate this problem. Yet those projects that stressed industrial development have produced more than their share of frustration and failure. Now Brazil is trying a different approach that stresses agricultural development. If it works, it may offer lessons that can be applied elsewhere.

A THREAT TO THE BOOM

Success in this area is plainly crucial to the poor—and perhaps to the affluent as well. Continuation of unalleviated poverty in a period of national boom obviously poses at least a potential threat to the stability of the military regime, which took over in a coup in 1964. It also threatens the boom itself.

"Only 20 million people in the whole country can readily be called consumers," explains a banker in Rio de Janeiro. "The government wants to push this to 35 million in the next two years. They have to do something before all our new industries run out of customers."

The problem is most crucial here in northeastern Brazil, a hot, drought-ridden area that is nearly four times the size of California. Nearly one-third of all Brazilians live here, but they share only 15% of the nation's output. The area is so much poorer than the rest of Brazil that the U.S. aid programs treat it almost as a separate country. In the last 10 years, the American government has spent almost $400 million to help develop the region.

Paradoxically, Brazilian government statistics show that the Northeast is growing faster economically than the rest of the nation. Yet most of the tangible results of this growth accrue to the affluent few.

"Real incomes of employed and partially employed workers for the lower two-thirds of the labor force have not increased in the past five years and probably have decreased," says a U.S. State Department report on the region. ("Real incomes" are earnings adjusted to exclude the effect of inflation on purchasing power.)

LIFE ON $50 A YEAR

Factories lured to the area by government tax incentives and other factors now employ about 900,000 workers. But nearly two-thirds of these workers earn less than the $30 a month that the government figures it costs to subsist in the cities. And on the farms, fully 80% of all families earn less than $50 a year.

The situation forces thousands of Northeasterners each year to migrate to the South in hopes of better jobs. There they usually live in wretched shantytowns like the notorious *favelas* of Rio de Janeiro. Yet even these represent a step up from the poverty of Mrs. Souza—and of more than 25 million other poor Northeasterners who share her plight.

Mrs. Souza lives in Ponce de Carvalhos, a sprawling collection of 4,000 huts made of mud plastered on sticks. The roofs are mainly rusting sheet metal. They leak a lot. The huts have no hot water, sewage or electricity.

New factories line the highway that runs alongside Ponce de Carvalhos, but few of the plants bring any benefit to the 20,000 people who live in the huts. The modern plants need skilled workers. Most of the people in the settlement can't even read.

In one group of 50 families, only four men hold regular jobs. As for the other workers, six days a week at four o'clock in the morning trucks haul them off to work in the sugar cane fields until dusk. The temperature often soars into the 90s. A cane harvester can earn 60 cents a day if he's really good. And part of this he must kick back to the hiring boss.

While the work lasts, it feeds a family. But the work lasts only six months a year. In the other six months, the men scrounge for foods such as the small crabs they catch in the rivers.

Far from helping such workers, Brazil's modernization actually victimizes thousands. When a salt company bought new equipment, efficiency soared—but 7,000 people lost their jobs. In Ponce de Carvalhos, many suffer indirectly from the mechanization of sugar plantations in far-off parts of Brazil; this has made the local plantations uneconomic. Thus, many plantation owners near here have turned their land over to cattle grazing, which requires far less labor than growing sugar.

A 60-year-old woman who had worked 20 years on one plantation says she and 1,000 other workers were told to "harvest your crop, plant grass for cattle and get out." She now earns $6.50 a month washing clothes. A 41-year-old man who worked 18 years at the Mary-of-Mercy sugar mill now peddles bread by the roadside for 54 cents a day.

According to official estimates, 17% of all workers in the Northeast are either unemployed or underemployed. But everybody agrees that statistics in Brazil have a quality of fantasy about them that infuriates economists; Antonio Delfim Neto, the finance minister, once told a friend that to be an economist in Brazil you must also be a poet. Most economists think the region's rate of joblessness and underemployment is really about 30%.

THE MALE EGO

To aggregate misery, the Northeast region's annual birth rate is about 40 per 1,000 inhabitants, one of the world's highest and more than double the U.S. rate. But a U.S. aid official says any mention of birth control in Brazil meets real resistance. He contends that the main reason for this resistance is not the doctrine of the dominant Catholic Church, but rather the ego of the typical Brazilian male who thrives on his reputation for potency. For example, one jobless man here boasts that he has 19 children by four women—and supports none of them.

Indeed, it is estimated that as many as half of Brazil's children are illegitimate. One reason, of course, is that many couples simply cannot afford the fee for a marriage license, about $10.

In addition to these woes, disease is rampant. According to the 1970 census, the rate of infant mortality was a staggering 165.3 per 1,000 live births here in Recife, triple the 52.9 in Rio de Janeiro and about eight times the U.S. rate. Numerous youngsters in Ponce de Carvalhos have legs deformed by rickets.

Fully 20% of the children in the region's coastal belt suffer from malnutrition so severe that it has damaged their brains for life, says Dr. Nelson Chaves, a nutritional expert working in the area. Numerous children have bellies that bulge from poor diets. Moreover, millions in the area of all ages fall prey to debilitating diseases that sap their energy and lead to an early death.

WALKING TO RECIFE

Debilitating illnesses have made Manuel Jose, only 37, too weak to work in the cane fields. So this Ponce de Carvalhos resident walks the 15-mile round-trip to Recife three days a week to beg. He must support a pregnant wife and three children. His other five children have already died.

Yet many Brazilians in the booming South feel little sympathy for the impoverished Northeasterners. "Their trouble is that they are lazy," declares a young American-educated Rio matron.

Such Southerners often resent the money that is being spent to develop the Northeast, especially since many of the projects have so far proved frustrating. As the biggest spur to investment in the area, the government waives up to half of a corporation's income-tax obligation if the company invests the funds in approved Northeast development projects. Individuals can deduct from their taxable income 30% of any approved investments they make in the area.

Combined with some government arm-twisting, these incentives have indeed spurred rapid industrial growth in the region. Last year alone, the government approved 152 projects worth $108 million. The projects are expected to create 11,000 jobs directly and 41,000 jobs indirectly, government officials say.

EVEN SALVADOR CAN'T KEEP UP

The cities of Salvador and Recife, each with a population of about one million, get most of these investments. But the only solid benefit is seen around Salvador, which is located nearer the big consumer markets of the South. And even there, new jobs aren't being created fast enough to keep up with the growing supply of unskilled labor, says Mario Kertesz, the local planning minister.

Recife, which is 1,100 miles from Rio de Janeiro, is so remote from big markets that most industries can make money only by selling their products locally. Yet most of the local people don't have enough money to buy. Result: Factory after factory operates at only a fraction of capacity.

For instance, Ford Motor Co. assembles only 13 little "Rural" station wagons a day at its Recife plant. The plant is so uneconomic that management is considering using it to make something else such as uniforms for workers in the big Ford plants in São Paulo. Simply for lack of customers, General Electric Co.'s light bulb factory here is also doing poorly. Yet because of the tax breaks many plants will be able to operate this way forever.

A German businessman observes: "After all, if building a plant in Recife were such a good investment, the government wouldn't have to offer such liberal incentives." Israel Klabin, head of Brazil's largest paper company (which has invested in the region), adds: "We have produced an underdeveloped, highly industrialized region."

BACK TO THE FARM

Realizing that industry alone hasn't provided the answer, the government is trying a new approach. Now, a large share of the tax incentive money will be used to develop agriculture and agriculturally based industries to use the Northeast's natural production. Another big chunk of the money will go into developing the Amazon region, partly in hopes that new opportunities there will draw surplus workers out of the Northeast. In addition, new vocational training programs are planned for the Northeast.

Many economists think that if the shift in emphasis works, it may offer valuable lessons to other developing nations that have met frustration in stressing rapid industrialization instead of agriculture.

Yet some doubt that the Northeast will ever catch up with the rest of Brazil, at least not within the lifetime of the children in Ponce de Carvalhos. "It is a problem that is just too damn big," says Mr. Klabin, the paper mill executive. Adds an American observer: "You have probably 26 million people with no education, mentally stunted by malnutrition, suffering from diseases—what can any underdeveloped country do for so many marginal people?"

Brazilian Blemishes

In spite of the air of euphoria with which the City of London regards Brazil today, there are signs that not all is well with the economy and that the problems will not easily be solved.

This week the City's enthusiasm for Brazil will rise to a new peak with the arrival of a large trade mission led by the 33-year-old Minister for Trade and Industry, Marcus Pratini de Morais, whose chief aim is to boost Brazilian exports of manufactured goods.

The enthusiasm is based on the phenomenal growth of Brazil's national product (11.3 per cent last year), the generous welcome offered to foreign capitalists at a moment when other doors around the world are closing fast, and the extremely skillful and sophisticated diplomacy practised by the Brazilian Foreign Ministry.

The appeal of Brazil to foreign investors is similar to that proclaimed by Nigeria in a recent series of disagreeable advertisements accepted by some national papers:

"People are making huge profits in Nigeria, why don't you?" was the alluring headline. Among the reasons for investing were plentiful labour at £1.20 a week and a stable political environment. Investors would get their money back in three years, which may be translated into annual profits of 33.3 per cent after tax.

Similar claims — expressed rather less crudely—are made for Brazil, and there is no shortage of takers.

Volkswagen operates one of the largest integrated car manufacturing plants in the world; Ford is about to manufacture Pinto engines for Detroit in Sao Paulo (the ones Henry II decided not to make in Britain?); and Nippon Steel from Japan is thinking about building one of the world's largest steel mills for exporting semi-fabricated products to the rest of the world.

The Brazilian boom is indeed sending shock waves around the world, and the Japanese are extremely interested—for various reasons. In the first place, Brazil is perhaps the greatest store of untapped natural resources in the world—with the possible exception of the Soviet Union.

Secondly, there are links with Japan going back to the beginning of this century, with almost a million Brazilians being descended from Japanese immigrants; thirdly, Brazil seems oblivious of the dangers of pollution in its headlong quest for industrial growth; and fourthly, it has a currently inexhaustible supply of cheap labour.

All these factors make Brazil a suitable base for Japanese manufacturing operations. Apart from the steel industry, Japanese companies are deeply involved in Brazil's shipbuilding and petro-chemical industries.

An intriguing recent rumour has it that the Japanese are considering a deal whereby whole factories would be transferred from Taiwan to Brazil—with financial assistance from the Brazilian Government. It is hard to pin the report to a source but it is certainly believed in well-informed quarters.

It is quite irrelevant to the investment decisions of Japanese, North American, or European businessmen that Brazil is a military dictatorship, in which political dissent is punished with exile (at best) or torture and death.

Political freedom can be argued so many ways, and the average visitor (for business or pleasure) is no more aware of the repressive apparatus than he is in, say, France. And anyway there is no sign of international investors shrinking from South Africa, where the exploitation of one class by another is perhaps more naked than anywhere else in the world.

The businessmen may, however, be interested to hear about the battles which are currently going on inside the Brazilian administration, battles which are just now coming to the surface and providing the first crack in the facade of prosperous stability which has been maintained since President Emilio Garrastazu Medici came to power in 1969.

His years in office have seen the virtual liquidation of the urban guerrillas as well as victory in the World Cup, a period of dramatic growth in the Brazilian economy, improving relations with the rest of the world, and the election of a Brazilian Miss World. It has seemed as if nothing could go wrong.

Paradoxically, Finance Minister Antonio Delfim Neto, who is frequently seen as the architect of the "Brazilian miracle," is at the centre of the present storm, which concerns the management of the economy as it affects Brazilians, rather than as it is presented to the outside world.

Inflation is still a major problem: in spite of the Government's promise to cut it back to 10 per cent in 1973, it is still bowling obstinately along at 20 per cent a year.

The President, in his best parade ground manner, as befits a general, has said that inflation will be brought down to 15 per cent this year and 10 per cent next year. Delfim is working on it with little hope of success.

The impact of inflation on the middle classes—and most significantly on the whole officer class—has been made worse by a nine-month-long bear market on the stock exchange.

The index climbed and climbed through 1969 and 1970 and at the beginning of 1971 stood at 2,600. By May it had reached 3,400, and in June it reached its high-water mark at 5,600. Today it is back at around 2,600.

The importance of this may be illustrated by a nice if improbable story which is going the rounds in Rio. Last June Delfim Neto is supposed to have told a group of senior officers who were demanding a pay rise that they should instead invest their savings on the stock exchange.

True or not, Delfim is under pressure from the military to get the market up again and measures have been taken to this end. Officially-controlled funds are being pushed into the market, and the issue of new shares is being controlled.

Of course, there are other reasons for the present attacks on Delfim Neto. The Foreign Minister, Mario Gibson Barbosa, is jealous of the Finance Minister's increasing influence over the making of Brazilian foreign policy.

Delfim Neto is constantly making trips abroad, feted by bankers and politicians wherever he goes, and is reported to be seeking to create a foreign trade ministry—responsible to the Finance Ministry—which would inevitably reduce the authority of the Palacio de Itamaraty, as Brazil's prestigious foreign ministry is called, after the building in which it was originally housed.

The effect of inflation on middle class standards of living, the decline on the stock market, and power struggles within the Government may all be adduced as reasons for the pressure on Delfim.

The larger problems, underlying the squabbles, are more complicated. Basically the problem is that if Brazil is to emerge (as the generals desire) as a major world power—a member of the Group of 10 rather than the Group of 77, as it is sometimes expressed—its industries require larger markets.

This is not a straight choice between enlarging the domestic market and boosting exports, as the domestic market must be allowed to grow if unit costs are to be kept sufficiently low to make Brazilian products competitive.

In order to maintain the pace of industrial development, a number of decisions have been taken.

Wages have been deliberately held down, and statistical evidence shows that real wages of factory workers in Sao Paulo—the largest industrial centre in the southern hemisphere of the world—have been almost halved over the past 10 years. Family incomes have only kept pace by workers working longer hours and wives going out to work.

Foreign capital has been given a warm welcome, and no attention has been paid to whether the industries being set up are capital or labour intensive. In fact, the problem is not just that modern low-cost plants do not employ many workers, they actually put thousands of workers out of work in companies which cannot compete.

In spite of all expedients, and the rapid growth of manufactured exports, the balance of payments is still giving cause for concern. Last year, there was a deficit on current account of $1,287 millions, which was put into surplus by foreign loans and equity investment.

Brazil is taking urgent steps to borrow more eurodollars—in fact this will be the primary task of the European Brazilian Bank which Delfim Neto will be coming to London to open this week.

EUROBRAZ, as it likes to be called, is jointly owned by the Bank of America, Union des Banques Suisses, the Deutsche Bank, and Banco do Brasil.

This is a very high-class group, and it is a measure of Brazil's current financial success that it could put it together. There was a queue of international bankers wanting to participate—including Barclays, who were turned down flat.

Nevertheless, while the bankers and industrialists are rubbing their hands together and counting out the money, more and more Brazilians are discussing the distributive effects of the economic miracle—and some are even going so far as to ask whether it would be possible at all without taking from those who have not and giving to those who have.

[From the Los Angeles Times, June 21, 1972]

BRAZIL MILITARY REGIME CRITICIZED IN STUDY BY ITS OWN WAR COLLEGE

(By Leonard Greenwood)

RIO DE JANEIRO.—Brazil's military government, already facing mounting protests against its repressive policies, is being further aggravated by widespread publication of a study by its own Superior War College advocating press freedom and the right to criticize.

Copies of the study were made available to newsmen at the War College for unknown reasons, and details have been appearing piecemeal in the Brazilian press in recent days—in such leading newspapers as Rio's Journal do Brasil and O Estado de Sao Paulo.

The disclosures came at a particularly awkward time for the government of President Emilio Garrastazu Medici.

In the past two weeks the country's lawyers, the decree-weakened opposition in Congress and the more courageous sectors of the press have pointed the Roman Catholic Church in telling the government that Brazilians are chafing increasingly at their lack of freedom, insecurity and instances of torture after eight years of military rule.

LANGUAGE MODERATE

The protests have been couched in moderate language but with a firmness, boldness, and unity not shown in this country since the government suspended guarantees of freedom under Institutional Act No. 5 in December, 1968.

* * * * *

Political commentators attribute the government's silence to its total surprise over the disclosure. These sources add, however, that government and military leaders already are making it clear in private talks that no changes are contemplated in the situation.

The study, one of a Superior War College series this year, was concerned with social communications in a contemporary society. It was carried out by three psychologists and an artillery colonel, led by Otto Julio Marinho, an assistant in the college's psycho-sociological department.

The report said that to create a good image the government must explain to the people what it is doing and tell them about its successes, but it must also admit its failures.

"Trying to hide facts so that the image of an administration should not be damaged, or hiding failures or imprudences, causes a loss of confidence on the part of the people in the communications media and in the voice of the government," said the study. "It provokes rumors, veiled comments and scandals. Responsible criticisms must exist. It is the only way for a government to have a real concept of the situation."

NEED FOR FACTS

The study said a democratic society depends on freedom of information and the free flow of ideas and opinions because "conformity signifies death by self strangulation."

"In the search for truth men need all the information they can get and access to all ideas—not only those others want to give him," said the study.

* * * * *

The study dealt at length with censorship of the press and said this violates the rights of free expression and might lead to tyranny. However, it added, liberty of the press is limited by responsibility and there must be laws to protect individuals and groups against defamation, to control obscenity, and to prevent the publication of violence.

The press in Brazil is rigidly censored and the government deals severely with critics, thus severely restricting free discussion and a free flow of ideas. President Medici himself has made it clear, for instance, that any discussion of who will be his successor in 1974 would be considered against the national interest.

OTHER PROBLEMS

The publication of the study and the series of protests are not the only delicate problems the government has on its hands at present. There has recently been a surge of discussion about Brazil's political future even among people who by no stretch of the imagination could be described as subversives.

These have included the former secretary general of the Ministry of Justice, Manoel Doncaldes Serreira Filho: a government party member of Congress, Etelvino Lins, and writer and sociologist Gilberto Freyre.

While there are no obvious signs of collusion between the different groups, the fact that they all have spoken out so strongly within a few days of each other, after long periods of silence, indicates an undercurrent of discussion of these subjects throughout the country.

Political observers say it may be an attempt by intellectuals to show the government that if it wants to break way from the right-wing military factions which pressure it, and move toward the democracy it professes to desire, it will have widespread support.

STATE OF LAW

The National Bar Assn., representing more than 80,000 lawyers, called on the government to return Brazil to a state of law, to respect human freedoms and to restore habeas corpus to people accused of political crimes.

Presidents of all the country's regional bar associations meeting in Curitiba, capital of the southern state of Parana, agreed unanimously to a declaration that amounted to a complete denunciation of repression.

The lawyers demanded respect for the physical and moral integrity of prisoners and observing of all rights of the defense, including notification of judicial authorities when arrests are made, enforcement of time limits in which prisoners may be held incommunicado and without trial, and freedom for defense lawyers to carry out their duties.

Many lawyers here say the frustration of these rights has become almost routine in the cases of political prisoners in recent years.

They rejected the government's claim that it has suspended freedoms to enable the country to grow economically in peace. . . .

[From the Los Angeles Times, June 22, 1972]

BRAZIL CLAMPS LID ON TALK OF LIBERALIZATION

(By Leonard Greenwood)

RIO DE JANERIO.—Brazil's military government has cracked down on all public discussions of ideas advocating liberalization of federal controls of the press and open debate.

It has told newspaper editors not to publish any more stories on a report by its own Superior War College, championing press freedom and the right of people to criticize the government.

It has also banned further discussion in the press of suggestions by former Justice Ministry Secretary General Manoel Goncaldes Ferreira Filho and writer-sociologist Gilberto Freyere for a future political model for Brazil.

Informed sources say the orders went out in a formal request for cooperation of the press and ending stories which have provoked a lively discussion and become embarrassing for the government. But one source added:

ALMOST IGNORED

"When a request of this kind is made; anyone who ignores it will be asking for trouble."

Brazilian newspapers and news magazines have given widespread coverage to the Superior War College report and item by item they have distilled and analyzed the suggestions of Goncaldes Ferreira and Freyere.

But overnight there was so little mention of the subject in the main newspapers such as Rio's Jornal do Brasil and Sao Paulo's O Estado, it was almost as if the whole * * *

The government's ban on further discussion did not come as a surprise. It was a surprise that the debate in the newspapers was allowed to go on for so long unchecked. It had been the most open press examination of Brazil's political future since the military government passed Institutional Act No. 5 in December, 1968, taking upon itself dictatorial powers.

VAGUE DEFINITIONS

Among other tough measures, the act gives the president power to suspend Congress indefinitely, to remove members from it and to cancel the political rights of any Brazilian. It also suspends the writ of habeas corpus for any person accused of crime against national security. This provision is so vague that national security can be interpreted to mean almost anything the government wants it to mean.

Under these conditions thousands of Brazilians have been arrested in the past four years, hundreds have been imprisoned and some are still held. Only a week ago the Roman Catholic Church accused the authorities of permitting conditions to exist under which political prisoners have been mutilated and even killed.

The Superior War College study, which inexplicably was made available to the press, zeroed in on the subject of press freedom and said censorship violates the right of free expression and can lead to tyranny. It also said that while it is legitimate for a government to tell the people about its successes it must also admit its failures and permit responsible criticism.

FUTURE PATTERNS

Some sources say senior military men within the government are examining why the report was released.

Goncaldes Ferreira and Freyers made the suggestions for future political patterns for Brazil in studies prepared at the request of Arena, the government party in Congress. Copies of the report were passed on to the press.

The main theme of the discussion that has arisen among the country's politicians and intellectuals as a result of these reports is that the time is right for Brazil to start moving toward political liberalization.

[From the Miami Herald, June 30, 1972]

IAPA PRESIDENT CHIDES BRAZIL

The president of the Freedom of the Press Committee of the Inter-American Press Association (IAPA) has criticized Brazil for squashing "an undercurrent of liberalism" in that nation.

German Ornes, in a statement released in

Miami, specifically criticized a Brazilian decision to prevent any public discussion of a report from Brazil's own War College in favor of freedom of expression and opinion.

"The report and the liberty with which newspapers were discussing it had filled us with satisfaction and optimism," Ornes said.

"We hope that the prohibition will be temporary and that the Brazilian government take into consideration the advice of its own Superior War College."

[From the Miami Herald, Apr. 11, 1972]

BRAZIL ARMY SHUNS ECONOMICS, CONCENTRATES ON MODERNIZATION

RIO DE JANEIRO.—The Brazilian Army has shifted its priorities from international-national economic development to military modernization, according to military sources.

Until this year, army reorganization got a low priority because it took second place to development goals, the sources said. This occurred although since the 1964 coup d'etat, the army has held the real political power in Brazil.

"The general feeling in the army now is that it is about time that they had a bigger slice of the pie," one military source said.

As it pursues military modernization and reorganization, the army is paying less attention to political events, especially police activities, the sources said.

"More and more the army prefers to act indirectly and let the civilian police have more control." the sources said. "Apparently they feel that terrorism is something they do not have to worry about as much."

According to the sources, the "new look" of the army was launched in December by Gen. Alfredo Souto Malan, chief of staff, who said: "We can permit ourselves perspectives of what we call gradual disengagement of the armed forces."

A month before the Malan speech, President Emilio Garrastazu Medici ousted the air force minister, Air Marshal Marico de Souza e Melo, who was identified as one of a group of officers who wanted to continue to involve the air force in political repression. With the replacement of Melo, the air force returned to its traditional military orientation, military sources said.

With less worry about politics, the army found that its structure was outmoded, they said. Its divisional organization was based on World War II patterns with cumbersome and separate artillery, infantry and armored divisions.

"The Brazilian Army is now substituting its divisions with brigades, which have a better mix of armored, infantry and artillery units. This gives it more mobility and flexibility," the sources said.

At the same time, the army is emphasizing the production of weapons at home rather than their purchase abroad, according to the sources.

The Engesa Company of Sao Paulo has built prototypes of an amphibious troop carrier and a scout vehicle with a 32mm gun that are currently undergoing tests and may be ready for production within five years, the sources said.

A military expert described the Brazilian arms production effort as "modest." The weapons would help give Brazil a defensive, but not an offensive, capability, and Brazil still ranks behind Argentina in the sophistication of its cavalry units, the expert said.

[From the Miami Herald, Aug. 29, 1971]

EUROPE RAPIDLY REPLACES UNITED STATES AS MAIN LATIN ARMS SOURCE

(By Frank Soler)

Western Europe is rapidly replacing the United States as the most important arms salesman in Latin America.

The trend has represented a loss for the U.S. military complex of more than $1 billion in arms sales to Latin nations over the past decade.

Within the past two years alone, a large slice of the estimated $750 million spent by the Latins in military hardware has been scooped up by the European traders.

More importantly, the intensifying trend evidences a serious loss of heretofore undisputed U.S. influence in Latin military circles.

At least seven countries on the South American continent—Argentina, Brazil, Peru, Colombia, Ecuador, Chile and Venezuela—have made major military purchases in Western Europe recently, shunning the U.S. market.

And at least one Central American nation, economically hard pressed Honduras, is also reported to have purchased some vintage U.S.-made jet fighters from Europe.

In an effort to reverse the trend, President Nixon recently waived the $75-million annual ceiling on American arms sales to the Latins and requested that Congress double the figure to $150 million.

The measure was quite drastic, inasmuch as the ceiling had been imposed by Congress in 1967 to throttle any possibility of an armaments race that would divert funds from badly needed social reform programs in Latin America.

The President's move, however, probably amounts to too little and comes too late.

Most Latin nations that needed—and could afford—to modernize their armed forces already have done so by buying or contracting to buy jet fighters, fighter-bombers, tanks, ships and even nonnuclear surface-to-air and air-to-sea missiles from Western Europe.

By the time another modernization is needed, say 10 or 15 years from now, these countries should possess the technology required to develop their own armaments without having to shop abroad for them.

Thus America's hand-me-down war material, such as the World War II vintage Sherman tank, for years one of the most distinctive trademarks of Latin America's military, now appears destined for the scrap heap there.

The trend can be laid to a variety of reasons, with the 1967 congressional decision to limit the sale of arms to the Latins serving as the catalyst.

Long before that, however, young nationalistic military officers in Latin America had expressed their displeasure with the antiquated carcasses they got from the United States and had demanded more modern equipment to replace them.

The governments themselves, spurred by simmering border disputes and the suspicion with which many neighbors eyed each other because of them, also had realized the need to improve their national defenses.

When the congressional ceiling on arms was imposed, it left the Latins with an alternative: continue to equip their armed forces with vintage materiel or look elsewhere. They chose to look elsewhere.

Almost immediately, they found a cluster of European arms salesmen knocking on Latin America's door—a door that for more than 20 years had opened practically only for the United States.

The Europeans offered modern equipment and rockbottom prices.

The Latins bought and have continued to do so in increasing proportions since, especially from France, Great Britain, West Germany and Italy.

The first substantial breakthrough for the European salesmen came in late 1967 when Peru bought a squadron of 18 French-made Mirage jet fighters at an estimated cost of more than $40 million.

Brazil, Argentina and Colombia followed suit rapidly, buying more Mirage aircraft, a plane described as a "thoroughbred . . . a pilot's aircraft and a very sound interceptor."

Colombia, which had been tangled in a lengthy border feud with Venezuela, ordered 18 Mirage jet interceptors to counter its neighbor's air superiority.

Subsequently, it was reported that Venezuela planned to spend $72 million for 36 Mirage fighters and purchase an additional 36 Phantom fighters from the United States to checkmate Colombia's move.

Brazil, which since 1967 has spent nearly $500 million in weapons, ordered 16 of the $3-million, 1,500 mile-per-hour aircraft.

Peru, delighted with its acquisition, added five more.

But the biggest Mirage buying spree was pulled off by Argentina, which ordered the first of what will eventually be a total order of 90.

Argentina also bolstered its air force with 25 Skyhawk fighter-bombers from the United States and 12 Canberra bombers from Great Britain.

Neither Argentina nor any of the other weapon-buying nations have limited their purchases to aircraft, however.

In March 1968, Argentina bought 60 French-made AMX13 light tanks at a total cost of $10 million. It also purchased a French tank production line, for which it paid $80 million, which reportedly will allow that nation to manufacture and export armored vehicles in the near future.

Argentina's navy was strengthened with two guided-missile frigates from Great Britain at a cost of $72 million. The frigates are not only equipped with the ultramodern Sea-Dart missile system but also with fully automatic deck guns.

Two submarines also were purchased from the United States and two others from West Germany; the latter are to be assembled in Argentina.

Even the Netherlands got into the act, selling Argentina a refurbished U.S.-made aircraft carrier for reportedly $3 million.

Brazil has not lagged far behind.

That nation bought 112 Aero-Macchi Italian-made jet trainer planes for a total cost of $70 million; six British Vosper-Thorneycroft frigates at $40 million each, two British Oberon-class submarines for $30 million each; four West German minesweepers; a supply tanker; and trucks, jeeps, rifles and ammunition totaling $35 million.

In addition, Brazil is negotiating an $80-million purchase of eight French-made Breguet anti-submarine patrol aircraft, which carry homing torpedos and air-to-sea missiles, as well as 24 Albatross air-to-sea missiles.

The Brazilian government also is said to be negotiating the construction of a Mirage aircraft factory in Brazil and a contract to service all the Mirage aircraft that its maker, France's Dassault, sells in Latin America.

Both Argentina and Brazil are also seeking to buy the British-made Marconi radar air defense system.

Other countries buying weaponry from Western Europe include Chile, which purchased 21 Hawker Hunter British jets recently; Ecuador, which brought some tanks from France as well as some coastal patrol craft; and Honduras, which reportedly bought several U.S.-made F86 jets from West Germany.

[From the New York Times, Aug. 24, 1971]

THE CONCORDE WILL VISIT LATIN LANDS NEXT MONTH

(By Henry Giniger)

PARIS, August 23.—The Concorde, the French-British supersonic airliner, will make its longest test flight when it goes looking for business in South America next month.

Aerospatiale, the state-owned aircraft and space concern, announced that the French prototype 001 would leave Toulouse in southern France on Sept. 1 for Rio de Janiero, São Paulo and Buenos Aires. When it returns on Sept. 17, it will have flown 8,000 to 9,000 miles.

On board, in addition to officials of Aerospatiale, will be two members of the French Government, Valery Giscard d'Estaing, the Minister of Finance, and Jean Chamant, the Minister of Transport.

CAPE VERDE ISLES FIRST

The Concorde will go first to the Cape Verde Islands off Senegal, West Africa, and then to Cayenne in French Guiana. With some Brazilian journalists aboard, the plane will then fly to Rio and from there to São Paulo, where a big commercial fair, France 71, is scheduled to open on Sept. 9.

The Concorde will apparently be the main attraction. Its builders today noted that some of the major pioneering efforts in intercontinental air travel were flights between South America and Europe. South America, they said, "constitutes a particularly interesting territory for this new stage in the progress of commercial aviation."

LATIN INTERESTS SOUGHT

Sixteen companies have taken 74 options on the plane, but none is South American. Aerospatiale, which will also show the plane in Buenos Aires, will seek to interest Varig of Brazil, Aerolineas Argentinas, Viasa of Venezuela and Avianca of Colombia. A spokesman here emphasized that those four companies all maintain intercontinental routes that "tomorrow will be considerably shortened by supersonic flight."

It will be the second time the Concorde has bridged two continents. In May, just before the opening of the Paris air show, the Concorde made a relatively short flight to Dakar in West Africa.

The more ambitious technical and commercial effort involving South America emphasizes the French and British desire to capitalize on the lack of United States competition in the supersonic field in a market traditionally dominated by the United States.

[From the Washington Post, Sept. 12, 1971]

FRANCE COURTS BRAZILIANS WITH STYLE AND HARDWARE

(By Lewis H. Diuguid)

SAO PAULO, September 11.—France sent its finance minister, a huge trade fair and the supersonic Concorde this week to pledge its allegiance to Brazil as the market of importance in South America.

Finance Minister Valery Giscard d'Estaing made clear his vote of confidence in Brazil's approach of growth through military-controlled capitalism. The other emergent option on this continent is the socialism exemplified by Chile, Peru to a lesser extent, and at least until the last coup, Bolivia.

"We are impressed with the rate of development of Brazil, and what is more important, with the evenness of that rate," said Giscard d'Estaing. " . . . I believe in the Brazilian miracle."

Brazil's growth rate has been measured at about nine per cent in each of the last three years, performance unparalleled in Latin America.

To the extent that the French capture markets here for the glossy products at the trade fair, it will be at the expense of U.S. business—which has thoroughly dominated sales of imports in Brazil.

The fair opened Thursday in an immense exhibition hall set against the smoggy, craggy skyline of this industrial center of over 8 million people.

A French team had worked two years to assure that goods displayed would not duplicate industrial goods produced here, which are considerable and which are the object of an intense and government-orchestrated national pride.

Displays included sophisticated chemical, medical and electronic equipment, reflecting the expanded needs of this economy. With 93 million people and territory bigger than the pre-Alaska United States, Brazil is literally half of South America. International monetary fund figures indicate that of $2.2 billion in Brazilian imports in 1969, $682 million came from the United States and only about $80 million from France.

Giscard d'Estaing said the buyers at the fair could expect prices and credit competitive with any other countries. And he suggested that with the international crisis of the dollar the French offerings should be even more appealing. France's share of exports to the rest of Latin America is even less than that here, compared to the United States. Likewise French investments are said to be under 7 per cent of the total foreign investment, compared to 50 per cent from the United States.

The arrival of the Concorde gained the trade fair whole editions of publicity. Wealthy Brazilians visit Europe often, and the prospect of a five-hour hop to Paris has great appeal. The British role in the plane's development went almost unnoticed.

A feature of the fair were models of French aircraft, including the Mirage fighter that has been purchased by Brazil as well as other Latin countries.

On opening night, the fair had a touch of Jacques Tati, a sort of Mr. Hulot's samba holiday. A machine for packaging liquids in plastic containers went berserk. It splashed viewers and flooded the floors. French lovelies in long hair and short skirts discovered that the Portuguese they had crammed in Paris wilted in Sao Paulo. There were only enough tour maps to serve a few visitors.

But Sao Paulinos said it was better organized than most such events here. An American machinery firm took an ad in the newspapers cautioning against the glitter and reminding that a (smaller) trade fair from the north would be along later. If the French government had any qualms about too close association with the military government, often alleged to be brutally repressive, they were not showing it. Giscard d'Etaing's host and guide was Finance Minister Delfim Netto, hero of the Brazilian economic miracle and an urbane former economics professor. Said one dismayed opposition leader: "nobody introduced to Brazil by Elfim could believe repression occurred here."

[From the Washington Post, Apr. 20, 1972]

GERMAN ROCKET AT BRAZIL BASE DRAWS SOVIETS

(By Dan Griffin)

NATAL, BRAZIL.—At precisely 07:32:53 on a recent Wednesday morning, a West German rocket shot up from a launching pad near here and soared 140 miles out to sea, landing within 20 miles of the spot where a Soviet tracking ship had been sighted two days earlier.

The launch had been delayed while Brazilian air force planes made sure that the Soviet ship, the Yuri Gagarin, had left the 200-mile territorial waters that Brazil claims.

Undoubtedly, the Yuri Gagarin had been in the area less to learn about the relatively unsophisticated rocket—a 25-foot-long, two-stage, solid-fuel weather rocket of German design and Canadian manufacture—than to remind the Germans that they are still forbidden, under rules imposed by the Allies following World War II, to build or launch rockets within their own territory.

If the Soviets were there to warn Bonn, the Germans' presence, in turn, was a clear demonstration of their interest in keeping German rocket and space technology alive and developing, despite the restrictions imposed after the war.

Earlier the same week, in fact, two similar West German launches had been attempted from a base in India, with rockets identical to the one launched in Brazil, but both failed. One blew up on the pad, the other went astray.

BRAZIL GAINS TECHNOLOGY

For their part, Brazil's military leaders are making use of the rocket program to gain the technology necessary to overcome the country's overall underdevelopment and become a modern industrial nation.

The question that remains is why West Germany and a number of other countries as well have chosen to launch their rockets in Brazil. What does the vast, underdeveloped Brazilian Northeast—known mainly for its periodic droughts and chronic poverty, and often called the largest single concentration of misery in this hemisphere—have to offer rocket and space programs?

The answer: An ideal location, in more ways than one.

Ten miles from this state capital, on a good road—especially by local standards—is a place called Barreira do Inferno, "Barrier of Hell," a name far older than the rocket base that the Brazilian military government began building there in late 1964.

The base, only five degrees from the geographic equator and almost on the magnetic equator, allows an eastward shot (taking advantage of the earth's rotation) over hundreds of miles of open water—all factors useful for the new science of telemetry.

NUMEROUS ADVANTAGES

The area has other advantages, such as low population density, little sea and air traffic, minimal rainfall, favorable winds and—not least—the backing of a government that has more interest in space than money for a space program.

The location attracts foreign space specialists for joint programs which allow Brazilian scientists and technicians to piggyback on other countries' expenditures, thereby gaining far greater experience than their own country's space budget alone could provide.

For example, the German weather rocket's total cost—vehicle, payload, tests, launch and recovery—was estimated by Brazilian observers at nearly $1 million, all of which West Germany paid.

And the German rocket is far from an isolated example. Since the base was inaugurated, in December of 1965 with a Nike Apache, 382 launches have taken place there. an average of more than one a week.

For foreign space programs, Barreira do Inferno is simply a handy place to set off rockets. But Brazil has a much longer-range interest: An ambitious program called Project SACI (for Advanced Satellite of Interdisciplinary Communications) is under way, aiming at an eventual Brazilian-owned and Brazilian-controlled synchronous radio and TV satellite which will one day "provide universal educational opportunity for Brazil."

The space technology involved is only one aspect of Project SACI. In a crisp little air-conditioned building near the base—halfway between the blockhouse of the launching pad and a mud-and-wattle hut occupied by a typical Northeastern family of peasants, scratching out a meager existence on the parched and barren soil—a team of Brazilians and Americans is at work planning the educational and community-development parts of the program.

PILOT PROJECTS

At the Federal University of Rio Grande do Norte, in Natal, others plan the classes and work on pilot school projects; while in offices in Natal, Brasilia, Rio de Janeiro and Sao Paulo, still others are writing specifications and letting bids for the electronic systems needed for ground installations.

Project SACI's critics tend to point to the conspicuous failure of previous programs the country has launched to "integrate the Brazilian backlands" into national life. The mere addition of technology, these critics suggest, isn't enough to make this project turn out differently.

Nonetheless, the present Brazilian government, with an eye on the hidden costs of underdevelopment—the lack of skilled workers, managers and technicians; of consumers as well as of people who can finance and direct the country's industrialization program—counts Project SACI as an investment bound to pay off.

As the military regime need not justify its programs or expenditures to the voters, the government is moving firmly to make that investment, despite occasional criticisms.

But if education and development are Brazil's conscious goals in implementing the project, another one can be detected underneath: The Brazilian government—and increasingly the Brazilian public at large—sees Brazil as serving its apprenticeship to greatness, as South America's leading country.

[From the New York Times, May 21, 1972]

BRAZIL IS BUYING RADAR EQUIPMENT

(By Joseph Novitski)

RIO DE JANEIRO, May 20.—Brazil has announced the purchase, from French manufacturers, of a $59-million air-traffic-control and air-defense radar system, bringing the cost of equipping the country with one squadron of French-built Mirage jet fighters to over $100-million.

A French Government loan to cover the cost of equipping Rio de Janeiro, São Paulo and Brasilia, the country's capital with modern, interconnected air-control centers was announced yesterday in Paris by Prof. Antonio Delfim Neto, the Brazilian Minister of Finance.

According to reports published today, the Thomson C.S.F. company will supply the system. It is believed that the equipment will make Brazil the only Latin-American country to have an adequate ground-control system for the supersonic combat Mirages.

A squadron of 16 Mirages * * * plases is scheduled to begin arriving here in July. The announced cost of the squadron of 13-single-seat interceptors and three two-seat trainers, fully equipped and with all supporting equipment, was $35-million. The cost of building a new air force base to house the squadron at Anápolis, 90 miles northwest of Brasilia, was about $17-million.

RISE IN MILITARY APPROPRIATIONS

Peru was the first Latin-American country to purchase Mirage fighters. Brazil, Argentina, Colombia and Venezuela, in that order, have followed suit.

Such arms purchases, made despite heavy American pressure, have contributed to an increase of 348 per cent in military appropriations made each year between 1940 and 1970 by Argentina, Brazil, Chile, Colombia, Peru and Venezuela.

In 1970, Brazil, the largest nation in Latin America, had the largest military establishment and the largest budget, $792-million, according to a statistical study made for the United States Government last year.

Perhaps as a result of United States prohibitions on sales of modern arms to Latin-American countries, which Congress has written into military aid legislation, almost all recent Latin-American arms deals have been made in Western Europe.

Brazil has signed up in the last year to buy two submarines and six frigates from British shipyards. According to a report published today in the newspaper O Estado de São Paulo, Brazil is negotiating with West Germany and France for ground-to-air and ground-to-ground missiles for her army.

[From Information Brazil]

BRAZIL'S ECONOMIC FOREIGN POLICY

(By Erika Gordon)

It is no secret in Latin America that Brazil was flying planes on Bolivia's borders in case the military coup needed air assistance. The August 1971 coup occured two days before a trade agreement between Bolivia and Chile was to go into effect, an agreement that would have added strength to the beleaguered attempt to establish an Andean subregional common market and that would have given Bolivia access to Chilean ports for shipping their goods. There is no disagreement among development economists that a common market in Latin America would be of tremendous aid in modernization of the member countries. Because of the restricted markets of individual countries, an integrated industrial production profile is impossible to achieve singly.

A common market is not necessarily restricted to regional economic development but can set up a pattern of cooperation that could lead to an inter-country development of an adequate research and development infrastructure enabling them to break their dependency on the developed nations for technological inputs and expertise and thus have a greater flexibility in making the shift to modern technology without needing to strain their foreign exchange reserves beyond their capacity. This cooperation could extend into areas of sectoral development (education, urbanization, health, transportation) making for more rapid advances in social development.

However, the development of inter-country research and development facilities would put the sub-regional Andean area well on their way to taking full responsibility for their own development—the stated goal of our aid program. The Banzer government in Bolivia has shown no interest in establishing trade relations with Chile. In this light Brazil's action can only be seen as counter to the development needs of the entire sub-regional area, as well as, perhaps, counter to the real needs of Bolivia.

This action has created an additional guaranteed market for Brazilian goods, as the Banzer government has aligned itself with Brazil accepting substantial amounts of both money and credit (Enclosure 1) largely for the purchase of Brazilian goods. During the Uruguayan elections Brazil brought troops close to the Uruguayan Border, it is not clear whether they intended to invade Uruguay if the Broad Front, a coalition of Marxist and other leftist forces, won the November 1971 elections or if they were there simply to back up the Uruguayan army in any action they might take.

A New York Times article on November 17, 1971 reported that the Brazilian Army cancelled division maneuvers that were to have taken place two weeks before the election and only 60 miles north of the border, and that earlier the minister of the Army, Gen. Orlanda Guisel, had declared in a speech that Brazil had no imperialist goals. On July 23, 1971 the Magazine Marcha released a report of a Brazilian contingency pan to intercede in Uruguayan affairs if the Frente Ampla or one of the traditional parties were to win the election; this plan, however, dated from 1965.

The goal of our military aid program is to provide assistance for mutual defense and for the preservation of stability for development. Last years events raise the very serious question of how much military aid is necessary to maintain stability and whether our military aid is underwriting Brazilian shipments of military supplies to Bolivia.

[From the New York Times, Apr. 9, 1972]

BRAZIL: NOW IT'S GORILLA, GO HOME!"

(By Joseph Novitski)

RIO DE JANEIRO.—From a small river city in the middle of South America, Brazil last week announced to the world at large and to South America in particular that she was in the foreign aid business as a donor and Bolivia was her largest client.

That was the ostensible result of a meeting on Wednesday between Gen. Emilio G. Médici, the President of Brazil, and Col. Hugo Banzer Suárez, the President of Bolivia. The two Presidents signed agreements that gave formal shape to Brazil's seven-month-old program to aid her small neighbor, but here and there in South America there were people who saw the presidential meeting in Corumbá as another sign of slow shifts in the local balances of power on the continent that, until recently, were held in place by the overwhelming official presence of the United States.

The people who saw the meeting that way and wondered—diplomats, political scientists, military strategists and nationalists—are people who remember their history and sometimes worry. They are people who know that Peru's armed forces are organized and trained on the assumption that someday the country might try to win back the territory lost to Chile in the 19th century in the War of the Pacific; that Ecuador has never learned to live with the loss of a huge hunk of the Amazon basin in a Peruvian invasion in 1942; and that half of the Brazilian army has for years been stationed in the southern third of the immense country, waiting for an invasion from Argentina.

War is nowhere imminent and few people even take the possibility seriously. However, as the official United States mantle was drawn away from South America by President Nixon, the natural rivalries of the region have begun to reappear.

Brazil, by the sheer size of her sprawl over more than half the continent and the potential strength of her population of 96 million, has occupied center stage. Then, too, the last eight years under a conservative, repressive, military government that believes in economic development above all have driven Brazil into explosive growth. Runaway inflation has been bridled down to a rate of 20 per cent each year and the gross national product has grown at over nine per cent each year since 1969.

The country last year began an official hunt for industrial export markets in Latin America that eventually drew the government into the foreign aid to small, backward neighbors, like Bolivia, that were not yet ready markets. This has awakened fears of Brazilian domination.

The military Government of Argentina, the Marxist Government of Chile and the Christian Democratic Government of Venezuela have made it clear that they will not allow any such development. President Alejandro Lanusse of Argentina has been trying for almost a year to unite the Spanish-speaking republics to South America on the sometimes explicit assumption that the unity would be in defense against Portuguese-speaking Brazil.

Colombia, Peru and Ecuador have been polite but independent. That left Bolivia, Paraguay, Uruguay and Guyana—small bordering countries where Brazil's aid effort and political influence have been concentrated.

As one result, in Uruguay the same high school students who slop signs on walls reading "Yanky, go home," will shout at a passing car bearing Brazilian license plates: "Gorilla, go home."

Yet, in the light of international financial statistics, the whole uproar seemed slightly unreal. Brazil, with an official foreign debt of $5.3-billion, is herself one of the largest recipients of foreign aid in the world. She is the largest single borrower on the books of the World Bank and in debt to government agencies and private investors from the United States, Western Europe, Japan and Canada. "They're just endorsing our checks and passing them on," one Western diplomat said in acid comment on Brazil's foreign aid effort.

Bolivia To Purchase 18 Jets From Brazil for $10 Million

La Paz, Bolivia, December 7.—Bolivia will purchase 18 Brazilian-built jet aircraft valued at more than $10 million in a move to modernize her air force, La Paz newspapers reported today.

El Diario quoted official sources as saying that the purchase will involve 18 Xavante jets built by the Brazilian state aircraft company.

The Xavante is a subsonic, two seat, twin-jet aircraft designed for training and close air support and is built in Brazil under license from Aermacchi of Italy. The planes have a maximum speed of 450 miles an hour and a range of 1,500 miles.

Bolivia now has World War II-vintage P-51 fighters.

[From the Miami Herald, May 22, 1972]

Brazil Starting To Throw Weight

(By Georgie Anne Geyer)

Rio de Janeiro.—Booming Brazil, the emerging industrial giant of Latin America, is involving itself more and more in the internal affairs of its neighbors.

To Brazil, which long has had an apocalyptic view of itself as the "great power" of Latin America, this is simply a natural extension of her destined role on the continent and in the world.

But to her wary neighbors—in particular the "southern cone" of Uruguay, Argentina, Paraguay, Chile and Bolivia—it is a dangerous sign of a reawakened Brazilian imperialism.

In particular, the Brazilian military government of President Emilio G. Medici, which has taken a politically conservative but economically innovative road to its burgeoning power, is concerned about Marxism in Uruguay and Chile. And they have taken some concrete, little known steps to contain it.

To deal with Chile's Marxist President Salvador Allende, the Brazilian military originally supported with arms and recently has continued to strengthen the Bolivian military regime of President Hugo Banzer.

Banzer's moderate faction in the Bolivian army took over from the far leftist military government of President Juan Torres last August. In recent meetings between Presidents Medici and Banzer, ties between the two regimes have been strengthened.

Banzer has continued to Wage an all-out verbal war against Chile, accusing the Allende Government of allowing Bolivian Marxist guerrillas to operate from that country.

"There is no question that the Brazilians see a friendly, Boliva as a buffer state between them and Chile," commended one well-connected diplomat here, "and that they see Bolivia as a means of eventually gaining a port on the Pacific.

"They know there is restlessness in the Chilean armed froces," the same diplomat continued, "and they keep telling the Chilean officers that they are 'behind them.'"

In Uruguay the Brazilian plans were the most deliberate. Had the Broad Front, a coalition of Marxist and other leftist parties, won the presidenial elections last November and had Chile's President Allende visited Uruguay, as was planned, the Brazilians were prepared to move.

They had troops brought up close to the Uruguayan border at the time, although it is unclear whether they intended actually to invade Uruguay or simply to back up the Uruguayan army on any action it might take. One invasion plan, which actually dated from 1965, was made public at the time.

The Brazilians also have helped in Uruguay to train what are referred to here as the "good Tupamaros."

The real Tupamaros are the Castroite urban terrorists who have wreaked havoc in Uruguay for the last nine years. The "good Tupamaros" are rightist paramilitary forces who fight the Tupamaros by taking the law into their own hands much as the extra-military Brazilian death squads have done for the last eight years.

All of this indicates a new aggressive attitude on the part of the highly conservative Brazilian Military, who have run this mammoth country since 1964. This new attitude has grown over the last three years, as the economic power of the country has leaped forward.

[From the Miami Herald, May 11, 1972]

Five Prisoners Samba Way Free

Rio De Janeiro, Brazil.—Five musically inclined prisoners in the city jail of the small Brazilian town of Franco da Rocha samba-ed their way to freedom, Rio newspapers reported.

While four of the inmates beat out samba rhythms using drinking glasses, combs and matchboxes, the fifth provided added percussion by scraping a saw against the bars of the cell, the newspapers said.

After the music stopped, the jailer, who had been enjoying the show from another room, went to investigate and found the cell empty.

[From the New York Times, Nov. 17, 1971]

Brazil Acts To Assure Uruguay, Nervous if Leftists Win Election

(By Joseph Novitski)

Santa Ana Do Livbramento, Brazil, November 12.—Little Uruguay has gone into the final two weeks of a strong leftist drive in her presidential election campaign, with occasional nervous glances north across the border at huge Brazil, whose military Government is uncompromisingly hostile to the Marxist left.

Many Uruguayans, particularly those who support the candidate and platform of a leftist coalition built around the Communist and Christian Democratic parties, feared earlier this year that their country would be invaded from the north if the left won the presential election on Nov. 26.

"There is no doubt that a really leftist govern in Uruguay would be against Brazil's interests," a Brazilian Government source said six months ago. "The question is what to do about it?"

After several months of silence that sounded ominous in Uruguay, Brazil has recently made two public gestures aimed at reassuring the Uruguayans—while maintaining a military presence, as usual, near the frontier.

MANEUVERS WERE CANCELED

Late last month, the Brazilian Army canceled divisional maneuvers that were to have taken place two weeks before the election and only 60 miles north of the border here. Earlier the Minister of the Army, Gen. Orlando Guisel, had declared in an army day speech that Brazil had no imperialist goals.

Brazilian Army officials, passing the word to reporters in Brasilia without any official announcement, said the maneuvers along the border had been canceled because spokesmen for the Uruguayan left had charged that they would prey on voters' fears of an invasion.

The idea of an invasion was never taken very seriously on the Brazilian side of the border. On the Uruguayan side the cancellation of the maneuvers does not seem to have erased it.

There are no signs of hostility along the virtually unguarded border, which here becomes an imaginary line through the middle of a public park. It separates Livramento, in Brazil, from the Uruguayan town of Rivera, but only on the map. The border park is the principal public square for both towns and Uruguayans and Brazilians are able to work on whichever side of the frontier they prefer.

INCREASING WITH DISTANCE

The farther south one goes from the border into Uruguay, however, the more readily Uruguayans, particularly those with leftist sympathies, express fear of Brazil.

"We really don't think the Brazilians will invade us if the left wins the election," said a Uruguayan rancher with land about 60 miles south of the border. He added that he planned to vote for the leftist coalition, called the Broad Front.

In Tacuarembó, 72 miles south of the border, Broad Front campaign posters identify Brazil and the United States as the two "imperialist enemies" of Uruguay and high-school students shout "imperialist" after a car with Brazilian license plates.

Brazil, the largest nation in Latin America, with 92 million inhabitants and the largest standing army on the continent, looms over Uruguay, with barely three million inhabitants and a standing army outnumbered by the Brazilian Third Army, which has 60,000 men.

Before the Third Army left the maneuver area last month, its commander, Gen. Breno Borges Fortes, said in a speech made available to Brazilian newspapers that a two-day exercise had demonstrated the great mobility and firepower of the new armored cavalry units stationed along the border.

Brazil's Military Purchases

(By Erika Gordon, Information Brazil)

The following tables and charts indicate the source of military arms and the breakdown of arms by item produced in Brazil and bought from foreign suppliers. The AID chart indicates that Brazilian expenditures for arms was at the level of 2.7% of GDP in excess of the 2% recommended maximum that should be expended by developing countries. The Conte-Long amendment and the Symington amendment of 1967 provided for curtailment of economic aid if the recipient country were buying arms above their real security needs from foreign suppliers.

Brazil had under consideration the purchase of Mirage jets from France from 1967, an action that we warned them could lead to the curtailment of aid, but when the purchase was made in 1970 no action was taken. Although the purchase cost of Mirage jets is not excessive there are no stipulation made for servicing or the supplying of replacement parts—this purchase has a built in cost escalator; the initial cost is only a percentage of the total cost of the jet during its period of operation.

Although the estimate of our military aid is only $0.9 million for fiscal 1972 the sale of arms is scheduled at twenty million. Nonetheless our aid in previous years has been well above this level. None of the other arms suppliers provided military aid to Brazil, but our aid program could well have served as a cushion for such extravagant and unnecessary expenses as the Mirage.

The problem goes well beyond this—the Brazilian military is not united in their attitudes toward development or arms needs and there is much internal dissent that is not publicly visible. In a healthy political process heterogeneity of opinion is important to the decisionmaking process, but in a country where conflicting ideas are so little tolerated our continued military aid can only serve to protect those interested in excessive military expenditures by making their errors of judgment less glaringly obvious.

The Fifth Institutional Act of December 1965 centralized decisionmaking powers by the enforced recess of Congress. Since the government makes all the decisions regarding expenditures and establishes the priorities, all decisions should be viewed as essentially political in nature. They have emasculated the trade unions, outlawed the National Students unions, suspended virtually all individual freedoms, intimidated the press into enforcing its own self-censorship and reorganized party politics in such a way that they have become a farce (Los Angeles Times, Oct. 10, 1971). What little possibility there is for dissent is within the ranks of the military, it is within this context that consideration of continued military assistance should be made.

There are still very serious problems confronting Brazil, the cycle of drought and starvation in the Northeast has not been alleviated, there are still substantial problems with inflation and illiteracy, with income distribution and inadequate medical care, unemployment is still large among unskilled workers. The 1968 AID study prepared for Congress reports that the educational system is grossly inadequate to the needs of an industrial nation. Although a program of comprehensive educational reform has been instituted the analysis of the results are mixed.

One educational advisor was assigned to developed educational technology in the preparation of program instructional material to be used in teaching the teachers. There were supposed to be a total of 500 television programs prepared in the first "package" for teaching the teachers but by the time that the advisor arrived "there were none when we got there" "I doubt there is anybody down there who knows what the plan means." The program was devised by Brazil's Institute for Space Research and was known as project SACI (Advanced Satellite Interdisciplinary Research Communications). One of the previous project coordinators estimated the cost in U.S. aid money as somewhere between $5 and $10 million dollars. (Miami Herald, June 12, 1972)

The Superior War College has been known as the arena where most of Brazil's policy decisions are made, but in a recent study in widespread circulation, the Superior War College advocated Press Freedom and the right to criticize. Brazil's government moved quickly to still all public discussions of ideas advocating liberalization of the federal controls on the press and open debate. The reports of both these developments occurred within a day of each other as reported in separate accounts by Los Angeles Times staff writer, Leonard Greenwood.

A report in the Miami Herald of April 11 stated that the Brazilian Army had shifted its priorities from economic development to military modernization. Although this was viewed as a move toward gradual disengagement of the armed forces from direct involvement in political affairs, since coping with internal insurgency is largely the task of the police forces, the military role of the armed forces is limited in the absence of armed conflicts in the region. The demand for weapons can be closely correlated to the political role of the armed forces in any given Latin American country. The high level of arms purchases by Brazil can only be viewed as serving a bureaucratic need, according to the estimate of one Brazilian General the capability of Brazil is about five to one in relation to Argentina, her major competitor.

No observer in Latin American can foresee at this time armed conflicts at a very high level of intensity, and Brazil is economically incapable of competing in an international cost-escalating arms race, nor in fact should it. The U.S. is in the paradoxical position of supplying arms and training to countries throughout Latin America that view each other as historical enemies. Certainly if we can negotiate with the Soviets to reduce arms shipments to the Middle East to alleviate tensions we should be able to negotiate with our allies to curtail arms sales to Latin America that can only divert attention from the much more important goal of social and economic development.

An analysis of Latin American military needs and supplies in the Stockholm International Peace Research Institute's comprehensive report on "Arms to the Third World" is included as a valuable perspective on the Latin American arms race.

ECONOMIC AND SOCIAL DATA, LATIN AMERICA

[Dollar amounts in millions]

Country	Gold and foreign exchange [1]			Central government finances [2]							
				Expenditures						Domestic revenues	
				Total		Defense expenditures					
				Amount		Amount		As percent of GNP [3]			
	1969	1970	1971	1970	1971	1970	1971	1970	1971	1970	1971
Bolivia	$42	$46	$54	$180	$229	$19	$20	2.1	2.1	$112	$128
Brazil	656	1,186	1,744	5,401	6,517	948	1,117	2.7	2.8	5,073	6,439
Chile	344	389	[4] 278	2,187	3,807	164	277	2.2	3.3	1,750	2,182
Colombia	221	206	203	775	954	91	115	1.4	1.6	711	847
Dominican Republic	40	32	54	294	351	30	31	2.2	2.0	276	317
Ecuador	65	83	65	(5)	(5)	31	36	2.0	2.0	(5)	(5)
Guyana	21	20	26	69	83	2	3	.9	(5)	57	68
Haiti [6]	4	4	10	46	55	(5)	(5)	(5)	(5)	45	53
Jamaica [7]	141	165	205	306	368	6	7	.5	(5)	266	304
Panama [8]	182	304	[9] 419	209	217	2	2	.2	.2	160	186
Paraguay	10	18	21	89	110	11	12	1.9	1.9	71	78
Peru	167	329	240	1,068	1,175	180	234	3.0	3.5	1,018	1,044
Uruguay	184	175	176	374	580	50	91	2.1	3.6	332	408
Venezuela	933	1,021	1,522	2,529	2,795	204	216	2.1	2.0	2,111	2,686
Central American common market:											
Costa Rica	29	16	28	172	264					153	164
El Salvador	64	63	65	139	186	11	13	1.1	1.2	134	142
Guatemala	72	78	94	192	208	29	18	1.6	.9	166	174
Honduras	31	20	22	115	126	7	9	1.0	1.2	87	90
Nicaragua	44	49	59	113	126	12	12	1.5	1.3	81	90

[1] Official reserves, gross basis, end of year, end 1971 gold is valued at $38 an ounce and foreign exchange at realigned exchange rates.

[2] Converted at 1970 exchange rates; 1971 data are estimates.

[3] Derived from current price data.

[4] August.

[5] Not available.

[6] Government finances data for fiscal years ending Sept. 30.

[7] Government finances data for fiscal years beginning Apr. 1.

[8] Gold and foreign exchange data include commercial bank hold ings.

[9] June.

U.S. MILITARY ASSISTANCE TO BRAZIL

U.S. involvement is not only financial. The US also trains personnel both in Brazil—formerly through the Office of Public Safety (OPS) program of AID—and in the US, through the Military Assistance Program of the Defense Department.

TABLE A.—POLICE ASSISTANCE TO BRAZIL 1961–69

Year:	Amount
1961	$718,000
1962	596,000
1963	1,292,000
1964	1,098,000
1965	774,000
1966	754,000
1967	699,000
1968	623,000
1969	862,000
Total	7,416,000

Source: U.S. AID, Statistics and Reports Division, Operations Report, data as of June 1961, through June 30, 1969. The earlier editions of this publication were issued by the International Cooperation Administration, AID's predecessor.

TABLE C.—U.S. MILITARY ASSISTANCE EXPENDITURES IN BRAZIL 1950–68

[Dollars in millions]

Year or period	Brazil	Latin America (total)
1950–63	$150.6	$388.8
1964	9.1	52.1
1965	11.4	55.9
1966	9.5	58.4
1967	13.4	59.1
1968	12.6	72.8
Total, 1950–68	206.7	687.0

Source: U.S. Department of Defense, Military Assistance Facts (Washington, D.C., 1969), pp. 16–17.

TABLE D.—BRAZILIAN MILITARY PERSONNEL TRAINED UNDER MAP (MILITARY ASSISTANCE PROGRAM) IN THE UNITED STATES

Period	Brazil	Latin America
1950–63	3,416	24,421
1964–68	2,255	22,058
Total	5,671	46,479

Source: Department of Defense, Military Assistance Facts (Washington, D.C., 1969), p. 21.

TABLE 4A.18.—CENTRAL AMERICA: CONSTANT PRICE FIGURES

[U.S. $mn, at 1960 prices and 1960 exchange rates (final column, X, at current prices and exchange rates)]

	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960
Costa Rica	1.4	1.9	2.0	2.0	2.2	2.2	2.2	2.5	2.5	5.7	5.8)
Cuba [1]											(175.0)
Dominican Republic									33.5	41.7	33.4
El Salvador	5.2	5.4	6.6	6.9	6.6	6.6	7.0	8.0	7.5	6.2	6.1
Guatemala	5.5	5.4	6.3	6.2	5.8	7.2	8.2	8.6	9.2	9.6	9.6
Haiti		3.4	3.6	5.1	4.5	4.4	4.8	4.8	6.2	6.6	5.5
Honduras	3.2	3.3	3.7	3.4	3.3	3.1	4.6	4.5	5.0	4.6	4.1
Mexico	56.4	58.3	55.2	62.8	50.0	56.9	64.2	76.0	74.4	74.5	81.7
Nicaragua								7.4	5.9	6.2	6.7
Panama											(11.0)
Total Central America	(270.0)	(270.0)	(270.0)	(280.0)	(260.0)	(270.0)	(280.0)	(300.0)	(300.0)	(310.0)	(330.0)

	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1970X
Costa Rica	5.6	5.7	5.6	5.3	5.8	(5.8)	(5.8)	(5.8)	(5.8)	(5.8)	[1] 2.2
Cuba [1]	(175.0)	(200.0)	(200.0)	200.0	213.0	230.0	250.0	300.0	(300.0)	290.0	290.0
Dominican Republic	34.4	33.4	30.8	33.3	30.8	29.5	28.3	29.5	27.8	28.1	31.6
El Salvador	6.3	8.9	8.6	7.9	9.0	9.2	9.4	8.9	10.1	(10.0)	[3] 10.5
Guatemala	9.3	9.0	9.3	10.9	14.1	14.5	16.1	15.2	14.7	15.8	17.2
Haiti	5.1	6.0	5.7	6.2	6.1	5.3	5.6	5.5	5.5	5.5	7.2
Honduras	7.1	7.0	7.3	4.9	5.0	5.3	5.2	5.3	5.7	6.9	8.8
Mexico	18.1	97.9	108.0	121.0	121.3	126.0	146.9	152.9	165.6	168.4	218.0
Nicaragua	6.9	6.9	7.1	6.9	7.2	7.4	8.4	8.1	(8.0)	(8.0)	[4] 9.8
Panama	(1.0)	(1.0)	(1.0)	1.0	1.0	1.0	1.0	1.0	(1.0)	(1.0)	(1.0)
Total Central America	340.0	380.0	380.0	395.0	410.0	435.0	475.0	530.0	(545.0)	(540.0)	(595.0)

[1] 1965. [2] Figures for Cuba are at current prices. [3] 1969. [4] 1968.

TABLE 4A.19. CENTRAL AMERICA: CURRENT PRICE FIGURES

[Local currency, current prices]

	Currency	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959
Costa Rica	Mn. colones	6.8	9.6	9.8	9.9	11.2	11.6	12.0	13.6	13.2	13.3
Cuba	Mn. pesos										
Dominican Republic	Mn. pesos									34.5	42.6
El Salvador	Mn. colones	9.9	11.9	12.7	15.4	14.5	16.4	17.4	19.2	19.0	15.6
Guatemala	Mn. quetzales	5.1	5.6	6.0	6.0	6.7	8.0	8.8	9.3	9.3	9.8
Haiti	Mn. gourdes	17.7	19.8	22.9	26.3	25.7	25.9	27.2	29.7	35.9	34.4
Honduras	Mn. lempiras	5.7	6.4	6.5	6.1	6.4	6.4	9.3	8.9	9.1	9.3
Mexico	Mn. pesos	346	398	435	479	405	533	632	792	862	883
Nicaragua	Mn. cordobas										
Panama	Mn. balboas										

	Currency	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
Costa Rica	Mn. colones	13.6	13.5	14.1	14.4	15.4	14.4					
Cuba	Mn pesos					200	213	230	250	300		290
Dominican Republic	Mn pesos	33.4	31.6	33.1	34.0	37.0	35.0	32.4	31.2	32.5	31.0	31.6
El Salvador	Mn colones	15.3	15.5	21.7	21.3	20.0	22.6	23.0	23.7	23.1	26.2	
Guatemala	Mn quetzales	9.4	9.2	9.3	10.2	12.7	14.3	14.7	16.4	15.7	15.6	17.2
Haiti	Mn gourdes	32.8	31.7	31.6	33.5	38.8	36.8	35.4	35.8	35.8	(35.8)	35.8
Honduras	Mn lempiras	8.2	14.4	14.5	15.4	10.8	11.4	12.4	12.3	12.9	14.2	17.5
Mexico	Mn. pesos	1,021	1,111	1,258	1,388	1,589	1,651	1,789	2,148	2,285	2,548	2,723
Nicaragua	Mn. cordobas			51.0	55.0	53.2	57.2	60.4	70.5	69.3		
Panama	Mn. balboas					1	1	1	1	1	1	

TABLE 4A.20.—SOUTH AMERICA: CONSTANT PRICE FIGURES

[U.S. $ mn, at 1960 prices and 1960 exchange rates (final column, X, at current prices and exchange rates)]

	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960
Argentina	268.3	281.5	247.8	270.1	291.7	231.4	292.6	247.0	279.1	253.7	284.9
Bolivia				4.2			2.4	2.5	2.1	2.8	4.0
Brazil	219.4	246.2	238.8	241.7	235.3	268.4	323.8	359.1	367.6	288.8	267.3
Chile	78.1	73.7		132.3	84.7	126.3	120.9	129.8	121.0	96.4	103.5
Colombia	23.2	29.3	40.8	54.4	64.1	63.4	61.7	54.9	50.8	42.2	47.3
Ecuador			7.5	12.1		18.2	20.1	19.3	18.4	16.5	22.2
Paraguay							4.8	4.8	(5.8)	(5.1)	(4.9)
Peru	31.3	36.2	35.0	34.2	32.2	34.3	56.5	50.9	57.7	50.8	50.1
Uruguay										(9.4)	(10.8)
Venezuela	63.5	63.5	70.5	71.1	69.6	111.4	139.2	117.6	186.2	195.1	174.6
Total South America	(710.0)	(760.0)	(760.0)	(830.0)	(810.0)	(870.0)	(1 030.0)	(990.0)	(1 100.0)	960.0	970.0

	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1970X
Argentina	260.4	269.8	262.6	288.6	276.0	310.7	246.7	260.5	306.5	320.0		450.0
Bolivia	4.6	4.7	6.0	12.1	14.3	13.1	12.1	13.0	14.2	[15.0]		[1] 19.1
Brazil	245.1	264.6	259.8	276.8	406.9	340.5	478.9	480.4	529.4	434.6		1,387.0
Chile	106.2	111.6	95.9	94.2	111.5	116.1	127.8	127.1	121.2	(157.1)		135.2
Colombia	56.2	88.8	97.1	94.6	101.6	101.6	104.7	137.9	128.3	136.3	(138.0)	172.7
Ecuador	21.1	20.1	17.4	19.8	22.2	24.0	21.9	24.2	24.5	[25.0]		[1] 22.6
Paraguay	4.2	4.8	5.3	5.5	5.9	7.2	9.2	9.2	10.2	[11.0]		[1] 23.6
Peru	[60.0]	[70.0]	80.7	78.7	78.8	78.4	99.6	99.7	94.9	[95.0]		[1] 155.6
Uruguay	14.9	14.9	20.3	19.8	22.4	21.6	24.3	17.9	[18.0]	[18.0]		[2] 21.2
Venezuela	151.9	157.8	188.3	197.6	219.1	231.8	259.4	257.2	243.4	247.8	(257.0)	200.2
Total, South America	948.0	1,010.0	1,030.0	1,085.0	1,260.0	1,245.0	1,385.0	1,425.0	1,490.0	[1,460.0]		2,590.0

[1] 1969. [2] 1968.

TABLE 4.11.—LATIN AMERICA: LONG- AND SHORT-TERM TRENDS IN THE VOLUME OF MILITARY EXPENDITURE[1]

[Based on constant price figures]

	Average percent change per year—						Size of military expenditure in 1970, US$ mn, current prices and exchange rates
	Long-term trend 1950–70	Year-to-year changes— 1966–67	1967–68	1968–69	1969–70	Budgeted change in 1971	
South America:							
Argentina	+0.9	−21.4	+5.6	+17.7	+4.4		450.0
Brazil	+3.5	+40.7	+ .3	+10.2	−17.9		1,387.0
Chile	+3.6	+10.1	−.5	−4.6	+29.6		135.2
Colombia	+9.2	+3.1	+31.7	−7.0	+6.2	+1.2	172.7
Peru	[2] +6.0	+27.0	+.1	−4.8			[3] 155.6
Venezuela	+7.0	+11.9	−.8	−5.4	+1.8	+3.7	200.2
Central America: Mexico	+5.0	+16.6	+4.1	+8.3	+1.7		218.0

[1] Figures are given for those countries whose military expenditure in 1970 exceeded $100,000,000 (at current prices and exchange rates). Cuba is not included because reliable figures are not available for most of the period.

[2] 1950–69.

[3] 1969.

TABLE 6.8.—PRELIMINARY SURVEY OF GOVERNMENT-FINANCED WEAPONS DEVELOPMENT PROJECTS UNDERWAY 1960–68

0=number of new versions of weapon systems under development.
0=number of modified versions of existing systems under development.
(0)=number of modified versions of foreign-designed systems under development.

1960–69 average annual military expenditure (B): By country (A) (millions of U.S. dollars)	1960–69 av. an. Mil. R&D expen. (in millions of U.S. dollars) (C)	Nucl. test expl. 60–68 D	Missile systems: ABM E1	Anti-land based target, range: Long E2	Int. E3	Med.-Sh. E4	Anti-air E5	Anti-tank, anti-ship E6	Arm. veh.: Main Bat. tank F1	Other F2
Over $35,000:										
U.S.A	7,955	286	2	6 1	3 1	11 7	7 21	4	1	11
U.S.S.R		29	1	6	3	8	6	5	1	9
$4,500 to $5,500:										
United Kingdom	705	4				2	7 7	2(1)	1	2
France	465	29			2	7	5	5	1	2
FRG	175						1	3	2	5
China		8			1					
$700 to $1,900:										
Sweden	80					1	1	3	1	2 1
Canada	70									
Australia	40							1		
India	15								(1)	
Japan	15					1	2	1		
Italy	15						(1)			
Netherlands	7									1
Poland										
Czechoslovakia										2(1)
GDR										
$200 to $500:										
Switzerland	7								1	1 1
Norway	4							2		
Belgium	2									1
Spain	1									
Greece	<1									
Denmark	<1									
Turkey	<1									
Romania										
Egypt						1 1				
Brazil										
Yugoslavia								1		(1)
Israel						2		1	(1)	1
Argentina										
Iran										
Hungary										
Portugal										(1)
S. Africa							2			
Others										

1960–69 average annual military expenditure (B): By country (A) (millions of U.S. dollars)	Military aircraft and aeroengines: Aeroengines: Jet G1	Other G2	Fighter. jet tr.: Sup. G3	Sub. G4	Bomber trans. G5	Hel., VTOL G6	Light plane G7	Drone G8	Combat ships: Submarine: Nucl.-pow. H1	Conv.-pow. H2	Air.-car. H3	Other displ. over 1000 t. H4
Over $35,000:												
U.S.A	11 24	9 25	4 25	4 12	8 54	31 36	12 8	8 7	3 1	1 4	1 1	10 13
U.S.S.R			7 12		8 14	6 1	3		5 1	2 3	1	4 5
$500 to $5,500:												
United Kingdom	12 4	1 7	5 9	2 4	7 11	13 7	3 4	1	4		2 4	4 4
France	7 3	9 12	6 5	2	4 3	5 1	1 2	2	1 2	2	1 1	55 2
FRG	2 1	4 10	1	1	2	5 1	1 2	2		1		(1)
China	1 1		1									1
$700 to $1,900:												
Sweden	(1)		1 5	1 2			3 1			2 1		2
Canada	1	4	(3)	1 2	1 1	1 1	2 2	1		(1)	2	2 1
Australia								1 2			1	1 (1)
India	1	1	1 3		(1)		3 1					
Japan	1		1		3 6	(4)	2 6	1		2	2 1	3 1
Italy				2	1 (1)	2 (2)	3 (1)	2		1	2	1 3
Netherlands							1			1	1	1
Poland	1			1								
Czechoslovakia	1	6		2		3	4 3					
GDR												

1960-69 average annual military expenditure (B): By country (A) (millions of U.S. dollars)	Military aircraft and aeroengines: Aeroengines: Jet G1	Aeroengines: Other G2	Fighter, jet tr.: Sup. G3	Fighter, jet tr.: Sub. G4	Bomber, trans. G5	Hel., VTOL G6	Light plane G7	Drone G8	Combat ships: Submarine: Nucl.-pow. H1	Submarine: Conv.-pow. H2	Air.-car. H3	Other displ. over 1000 t. H4
$200 to $500:												
Switzerland							1 6					
Norway										1		1
Belgium								1				
Spain				2 2	1		1			2	1 1	2
Greece												
Denmark											1	1
Turkey												1
Romania												
Egypt	1		1									
Brazil						1	5 2	(1)			(1)	
Yugoslavia				2 2			3 5			1		
Israel				(1)	(1)		1 (1)			(1)		
Argentina							3 2					
Iran												1 (1)
Hungary												
Portugal							(1)					
S. Africa						1	1 1			(1)		
Others												

TABLE HEADINGS AND NOTES

A—Countries for which military R&D expenditure estimates are not available are listed second, with names in italics. For further detail on the order in which countries are listed, see text, page 183.

B—Average annual level of total military expenditure in 1960–1969, Estimates converted to dollars at current prices and official exchange rates, except in case of Warsaw Pact countries and China. For further detail on the latter, see appendix 4A, page 74.

C—Average annual level of military R&D expenditure in 1960–1969, at current prices and official exchange rates.

D—Minimum number of nuclear test explosions conducted over the period from 1960 to 1968, as estimated in chapter 13, page 361.

E1—Anti-ballistic missile systems.

E2-E4—Missile systems designed to attack land-based targets other than tanks. Intended targets may include grounded missiles or aircraft, radar systems, cities, etc.

E2—Long-range missiles: range over 4000 km, (2500 miles).

E3—Intermediate-range missiles: range 900–4000 km. (550–2500 miles).

E4—Short- and medium-range missiles: range under 900 km. (550 miles).

E5—Antiaircraft missiles. Some missiles capable of intercepting other missiles are included.

E6—Antitank and antishipping missiles.

F1—Main battle tank.

F2—All other tanks, armoured cars, armoured personnel carriers, tracked support vehicles, and self-propelled artillery.

TABLE 4A.21.—SOUTH AMERICA: CURRENT PRICE FIGURES

Currency	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960
Argentina (mn. pesos)	1, 952	2, 747	3, 320	3, 775	4, 246	3, 809	5, 420	7, 115	9, 831	17, 686	24, 027
Bolivia (mn. pesos)				1.7		4. 7	9. 7	23. 9	35. 0	41. 0	39. 0
Brazil (bn. cruzeiros)	6. 3	7. 6	9. 3	11. 3	13. 0	17. 8	26. 2	34. 6	40. 8	43. 9	54. 8
Chile (mn. escudos)	3. 7	4. 5	6. 0	11. 7	13. 2	34. 3	51. 7	73. 1	82. 2	91. 1	109. 0
Colombia (mn. pesos)	81	110	150	214	275	272	283	289	306	272	317
Ecuador (mn. sucres)		88	113	181	250	295	298	289	282	247	336
Paraguay (mn. guaranis)											
Peru (mn. soles)	398	508	522	562	551	618	1, 066	1, 039	1, 265	1, 259	1, 340
Uruguay (mn. pesos)											
Venezuela (mn. bolivares)	182	201	212	210	270	338	382	496	601	607	540

Currency	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971
Argentina (mn. pesos)	27, 367	33, 608	40, 188	45, 158	64, 703	96, 229	98, 933	120, 431	152, 121	180, 000	
Bolivia (mn. pesos)	57. 9	61. 0	66. 0	147. 0	178. 0	175. 0	179. 0	203. 0	226. 0		
Brazil (bn. cruzeiros)	69. 6	114. 5	194. 5	338. 5	924. 0	1, 157. 0	2, 066. 0	2, 574. 0	3, 492. 0	3, 420. 0	
Chile (mn. escudos)	119. 3	144. 1	178. 5	256. 0	369. 0	472. 0	614. 0	774. 0	964. 0	1, 654. 0	
Colombia (mn. pesos)	410	664	965	1, 072	1, 218	1, 467	1, 627	2, 263	2, 321	2, 639	(2, 806)
Ecuador (mn. sucres)	336	329	307	370	428	483	456	527	566		
Paraguay (mn. guaranis)			1, 348	1, 436	1, 613	2, 016	2, 592	2, 605	2, 968		
Peru (mn. soles)			2, 614	2, 824	3, 286	3, 575	4, 994	5, 957	6, 022		
Uruguay (mn. pesos)	187	221	365	509	900	1, 500	3, 200	5, 300			
Venezuela (mn. bolivares)	533	509	613	650	734	796	890	894	867	901	959

REGISTER 34. ARMS SUPPLIES TO BRAZIL

Date	Number	Item	Supplier	Comment
		AIRCRAFT		
1953–54	62	Gloster Meteor F.8	UK	
1953–54	10	Gloster Meteor T.7	UK	
1955	25	Republic F–47 D Thunderbolt.	USA	
1956	12	Fairchild C–119 Packet	USA	
1956–60	30	Lockheed T–33	USA	
1957	12	Sikorsky S–55	USA	
(1957)	4	Lockheed VC–60 Lodestar	USA	
1957	2	Bell 47	Japan	
1957	24	Douglas B–26 B/C Invader.	USA	
1957–59	95	Fokker Instructor S–11	Netherlands/ Brazil.	Produced under license in Brazil.
1958	14	Lockheed P–2V–7 Neptune.	UK	Ex-RAF.
1958	2	Westland Widgeon	UK	
1960	12	Bell 47G–2	USA	
1960	14	Grumman HU–16A Albatross.	USA	
1960	3	Westland Whirlwind	UK	
1960	20	Lockheed F–80C	USA	
1960	30	Morane Saulnier M.S. 760 Paris.	France	
(1960–62)	70	Fokker Instructor S–12	Netherlands/ Brazil.	Produced under license in Brazil.
(1961)	(10)	LAS L–1049 Super Constellation.	USA	
(1961)	(10)	Bell 47J	USA	
1961	6	Sikorsky S–58	USA	
1961	6	Sikorsky S–55	USA	
1961–62	13	Grumman Tracker S–2A G. 89.	USA	
(1962)	11	Douglas C–54	USA	
(1962)	(12)	Cessna 0-1 Birddog	USA	
1962	6	Fairchild C–119 Packet	USA	
1962	2	BAC Viscount	UK	
(1963)	(6)	Fairchild C–119 Packet	USA	
1963	6	Pilatus Porter P–3	Switzerland	Cost: $176,000.
1963	6	NA T–28	USA	
1963	6	HS–748 Mk. 2	UK	
1963	(5)	Beech H–18	USA	
(1963)	(38)	Beech E–18	USA	
1964	12	Beech Super H–18	USA	
1964	2	Beech H–18	USA	
1964	12	Sud T–28 Fennec	France	
(1964)	6	Hughes 269A	USA	
1964	1	Douglas EC–47	USA	
1965	6	Lockheed T–33A	USA	
1965	3	Westland Wasp AS.1	UK	
1965	3	Lockheed C–130E Hercules.	USA	
1966	3	Westland Gnome Whirlwind 3B.	UK	
1966	2	Lockheed C–130E Hercules.	USA	
1966	20	Hughes 200	USA	
1967	5	Lockheed T–33A	USA	
1967	5	Cessna T–37	USA	
1967	6	Bell UH–1D Iroquois	USA	
1967	5	Lockheed C–130 Hercules.	USA	

REGISTER 34. ARMS SUPPLIES TO BRAZIL—Continued

Date	Number	Item	Supplier	Comment
1967	4	YS-11	Japan	
1968	12	DHC-5 Buffalo	Canada	u.c. $1.7 mn.
1968	2	BAC-111	UK	Cost: $2.4 mn.
(1968)	11	Hughes 500	USA	
1968	5	Lockheed T-33	USA	
1968	6	Fairchild Hiller FH-1100	USA	
1968–69	7	Potez Super Magister	France	In exhcange for 23 M.S.760.
1968–69	6	Hawker Siddeley HS.125	UK	u.c. $856, 900.
1968–69	7	Bell 206A Jet Ranger	USA	
1969	6	Bell UH-1D Iroquois	USA	
1969	5	Lockheed C-130 Hercules	USA	
1969	2	Westland Whirlwind Series 3.	UK	
1969–70	4	Sikorsky S-61B	USA	
1969–70	25	Cessna T-37	USA	
1970	12	DHC-5 Buffalo	Canada	
	15	Douglas A-4F Skyhawk	USA	On order.
	112	EMBRAER/Macchi M.B.326 GB.	Italy/Brazil	To be produced under license in Brazil.
(1972)	12	Dassault Mirage III E	France	On order.
(1972)	4	Dassault Mirage III B	France	On order.
		MISSILES		
1966	(50)	Seacat	UK	
		NAVAL VESSELS		
(1950)	2	Oiler	USA	Ex-US tankers; completed. 1944–45. Displacement: 2228 t.
1951	1	Cruiser, "St Louis" class.	USA	Completed 1938. Displacement: 10,000–13,500 t.
1951	1	Cruiser, "Brooklyn" class.	USA	Completed 1938. Displacement: 9,700–13,000 t.
1953	6	Tug	Netherlands	Completed 1953. Displacement: 130 t.
1954	2	Transport, "Pereira" class.	Japan	Completed 1954. Displacement: 4,800–7,300 t.
1954	3	Tug	USA	Launched 1954. Displacement: 534–835 t.
1955	10	Corvette	Netherlands	Launched 1954–55. Displacement: 911 t. standard.
1956–57	2	Transport	Japan	Completed 1956–57. Displacement: 2,228 t.
1957	2	Submarine, "Gato" class.	USA	Completed 1943. Displacement: 1,525 t. standard, 1,816 t. surface, 2,425 t. submerged.
1958	2	Survey ship, "Frigate" type.	Japan	Completed 1958. Displacement: 1,463 t. standard.
1959	2	Destroyer, "Fletcher" class.	USA	On extended 5-year loan; completed 1942–43. Displacement: 2,100-3,050 t.
1960	2	Coastal minesweeper	USA	Completed 1942–43. Displacement: 270-350 t.
1961	1	Aircraft carrier, "Minas gerais."	UK	Completed 1945; reconstructed in Netherlands 1957–60. Delivered 1961. Cost $9 mn; reconstruction: $27 mn. Displacement: 15,890–19,890 t.
1961	2	Destroyer, "Fletcher" class.	USA	Completed 1943–44. Displacement: 2,000 t.
1962	1	Repair ship	USA	Loaned under MAP. Completed 1945. Displacement: 1,625-4,100 t.
1963	2	Submarine, "Balao" class.	USA	Completed 1943–44. Displacement: 1,526 t. standard, 1,816 t. surface, 2,400 t. submerged.
1967	1	Destroyer, "Fletcher" class.	USA	Completed 1944. Displacement: 2,100–3,050 t.
1968	1	Oiler	(Brazil/ Japan)	Built by Ishikawajuma Do Brazil Estaleisos. Displacement: 10,500 t. dead weight.
1968	1	Destroyer, "Fletcher" class.	USA	Built 1943: Displacement: 2,100–3,050 t.
(1973)	2	Submarine, "Oberon" class.	UK	Displacement: 1,610 t.
	4	Fast minesweeper	W. Germany	On order.
	2	Gunboat	USA	Being built for Brazil under MAP.
		ARMOURED FIGHTING VEHICLES		
1966	55	M-41	USA	

THE ARMS TRADE WITH THE THIRD WORLD, 1970–71

Supplier	Number and item	Description	Comment	Date: number of items	
				Ordered	Delivered
France	2 Submarine "Oberon" class	Displacement: 1,610 tons	New; $26,400,000	1969	1972–73.
	12 Dassault Mirage IIIE	Fighter		May 1970	1972.
	4 Dassault Mirage IIIB	Trainer	$70,000,000		
	Aerospatiale MM 38 Exocet	Naval S-A missile	To arm 3-4 new Vosper Mk 10 frigates	Late 1971	1976–79.
France/FR Germany	7 Breguet Atlantic	Trainer	German content of the export: $2,500,000	June 1971	1971.
Canada	12 DHC-5 Buffalo	STOL transport	$30,000,000, including spares and support. In addition to 12 delivered in 1969.	1968	March to October 1970.
Italy/Brazil	112 Aermacchi/Embraer: EMB 326 GBTF-26 Xavante.	Trainer	Licensed production. Projected cost: $70,000,000. Mainly Brazilian components from 1975. Planned production rate: 2 per month over 5 years.	May 1970	1971:4.
FR Germany	4 Fast minesweeper, "Schütze" class.	Displacement 230 tons	New; 6 more are projected	April 1969	

[From: "Arms to the Third World", by Stockholm International Peace Research Institutes]

CHAPTER 21. LATIN AMERICA

I. INTRODUCTION

Compared with those of Asia and the Middle East, military budgets in the twenty-three Latin American countries are relatively low and equipment supplied relatively unsophisticated. Total military budgets average $1.5 billion yearly—1 per cent of world military expenditures and 10 per cent of military expenditures in developing countries. In addition, Latin American countries have received $75 million a year in military aid from the United States since 1952—or 3 per cent of total US military aid to developing countries.[1]

Only 10 per cent of the Latin American military budgets is devoted to arms purchases. Imports of major weapons have averaged $95 million a year since 1950. Of this, six countries—Argentina, Brazil, Chile, Cuba, Peru and Venezuela—account for 85 per cent. Brazil is the largest recipient in this region, accounting for 28 per cent of the total; Cuba is the second largest, accounting for a further 17 per cent. Cuban arms imports were concentrated in a four-year period, 1960–63, when Cuba received $265 million worth of major weapons, mainly from the Soviet Union. Cuba has received the most sophisticated weapons, including MiG-21s, Guideline and Atoll missiles, and "Komar" class patrol boats armed with the Styx missile, although some of these were later returned to the Soviet Union.

Until Peru purchased the Mirage 5 in 1968, no Latin American country, apart from Cuba, possessed supersonic aircraft. Three countries, Chile, Argentina and Brazil, possess missiles—the British ship-to-air missile, Seacat. Two countries, Brazil and Argentina, possess aircraft carriers. All the five major recipients[2] possess rather old destroyers and submarines, although new ones are on order. All five possess a number of second-generation jet combat aircraft, including F-86 Sabres, Hunters and Canberras. The remaining Latin American countries are mainly equipped with surplus World War II materiel. In a study prepared for the Senate Foreign Relations Committee in 1967, Professor Lieuwen concluded that "Latin America's armed forces are badly trained and ill equipped. Short term conscripts, who never develop much in the way of military skills, make up most of the troop strength in larger countries, while an assortment of obsolete hand-me-downs, white elephants, and heirlooms still make up the bulk of the heavy naval, army, and air force equipment."[3]

Two main factors account for the low level of arms imports until recently. The first is the dominant position of the United States which, up to the end of the 1960s, minimized supplier competition in the region. The second, which is probably related to this, is the absence of armed conflicts in the region. Since coping with internal insurgency is largely the task of the police forces, the military role of the armed forces is limited. The demand for weapons thus stems only from the political role of the armed forces, which is of considerable importance.

Footnotes at end of article.

TABLE 21.1.—PATTERN OF MAJOR WEAPON SUPPLIES TO CENTRAL AMERICA, 1950–69

[All figures at 1968 prices]

Country and supplier	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969
Cuba:																				
United States	1	1	1	1	1	1	1	1	1	1										
United Kingdom	1								1	1										
U.S.S.R											2	3	4	2	2	1	1	1		
Other									1											
Dominican Republic:																				
United States	1	1	1	1		1	1	1		1	1	1	1		1	1	1	1		
France										1				1	1					
Other				2		1	1													
El Salvador:																				
United States					1					1						1			1	1
United Kingdom										1										
Guatemala:																				
United States						1			1		1	1		1	1					
Other										1										
Haiti: United States	1		1	1		1	1	1			1	1								
Honduras: United States	1	1	1	1	1	1			1	1	1	1		1	1					
Jamaica:																				
United States														1	1		1	1		
United Kingdom																1				
Other																			1	
Nicaragua:																				
United States	1			1					1	1			1		1	1	1			
Other					1															
Trinidad and Tobago: United Kingdom															1	1				

[1] 1=less than $10 mn; 2=$10–50 mn; 3=$50–100 mn; 4=more than $100 mn.

Source: SIPRI worksheets.

TABLE 21.2.—PATTERN OF MAJOR WEAPON SUPPLIES TO SOUTH AMERICA, 1950–69

[All figures at 1968 prices]

Country and supplier	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969
Argentina:																				
United States	1	2	1	1	1	1	1	2	2	1	2	1	1	1	1	1	1	2	1	1
United Kingdom	1							1	2		1					1	1		2	
France							1				1	1	1	1			1			1
Other	2	2													1	1		1	1	2
Bolivia:																				
United States			1	1		1	1		1		1				1		1		1	
Other									1		1									
Brazil:																				
United States	1	1			1	1	2	2	1	1	2	3	2	2	1	2	2	2	1	2
United Kingdom				2	2				2		1	3	1	1		1	1		2	1
France											1				1				1	1
Other				1	2	3	1	1	2		1	1	1	1				1	2	
Chile:																				
United States		1	1	1	2	1	1	1		1	1	2	1	1	1	1	1	1		
United Kingdom						1					2				1				1	2
France							1													
Other			1	1				1		1		1				1	1	1		
Colombia:																				
United States		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		1	1	1
Other	1	1			1		1		2	1				1	1		1			
Ecuador:																				
United States				1	1	1	1		1	1	1		1	1	1	1		1	1	
United Kingdom					1	1														
Other					1	1														
Guyana:																				
United States																			1	
United Kingdom																			1	
Paraguay:																				
United States	1										1	1	1	1	1	1		1		
Other											1		1		1			1	1	
Peru:																				
United States			2	1	1	2		2	1	1	1	2	1	1	1	1		1	1	
United Kingdom		1				1	1		1	1	1					2	1			
France							1				1	1	1							2
Other	1					1	1	1			1			1		1		1	1	
Uruguay:																				
United States	1	1		1	1	1	1	1	1		1	1		1	1	1	1			
Other			1	1									2							
Venezuela:																				
United States		1	1	1	1	1	1	1	2	1	1	1	1	1	1	1	1			
United Kingdom	1		1	2	2	2	2	1						1		1	1		1	
France					1	1	1		1								1	1		
Other							2	2									2			

Note: 1= less than $10 mn; 2=$10–50 mn; 3=$50–100 mn; 4=more than $100 mn,

Source: SIPRI worksheets,

TABLE 21.3.—LATIN AMERICA: SUPPLIES OF MAJOR WEAPONS, BY SUPPLIER

[In millions of U.S. dollars, at constant (1968) prices]

Supplier	1950–54		1955–59		1960–64		1965–69		1950–1969	
	Annual average	Percent	Annual average	Percent	Annual average	Percent	Annual average	Percent	Total	Percent of total
U.S.A	27	42.7	41	39.8	51	37.0	31	40.8	747	39.2
United Kingdom	21	33.2	21	20.4	22	15.9	16	21.1	401	21.1
France		0.5	3	2.9	3	2.2	6	7.9	61	3.2
U.S.S.R					54	39.1	2	2.6	286	15.0
Other	15	23.7	38	36.9	8	5.8	21	27.6	409	21.5
Total[1]	63	100.0	103	100.0	138	100.0	76	100.0	1,904	100.0

[1] Figures may not add up to totals due to rounding.

Source: SIPRI worksheets.

The role of Latin American military establishments as "guardians" of the political institution is explicitly recognized by the constitutions of some Latin American countries. Generally, the armed forces intervene in politics when civilian governments are paralyzed or seem likely to take measures which might threaten the status quo. On occasion, the armed forces have intervened with the object of taking radical measures of reform. The military establishments are not unified. Indeed, most of the combat experience since 1942 has been gained in battles fought between different branches of the armed services, generally over the issue of granting civilian rule. For example, in 1962 the Ecuadorean Air Force, which supported civilian rule, defeated the army, which supported military rule. In May of the same year, the Venezuelan Marine Corps was defeated in battle by a combination of the army and air force, after attempting to overthrow the civilian government. Other examples of inter-service battles are Argentina in 1963, the Dominican Republic in 1965, and Bolivia in 1970.

In this context, weapons have been demanded to maintain the prestige of the military establishments, both vis-a-vis the military establishments of other countries and vis-à-vis the different factions within the military establishments. Few governments have been prepared to risk their position by impairing the independence of the armed forces to determine the size and nature of their arms procurement.

Yet because of the US hegemony over Latin America—the dependence of Latin American countries on US investment, the ability of the USA to intervene militarily, the various collective security arrangements and assistance programmes which bring Latin American countries more closely into the US orbit—the choice of weapons has in the past been heavily influenced by US decisions. Latin America is often described as the United States' "back door". The United States has always displayed special concern with the situation in the region and US policy towards the region has been different in kind from its policy towards the rest of the world. Latin America was never the object of US isolationism before the war. In the early part of the century, there were a number of US military interventions in Central American countries and, in the inter-war period, the USA undertook military training assistance and sent military advisory missions to Latin American countries. Latin America was exempted from the various restrictions imposed on arms exports in inter-war legislation. US military assistance must be seen within the framework of a general policy towards Latin America, which, ever since the enunciation of the Monroe Doctrine in 1823, has been based on the dual aim of stability and the prevention of extra-regional incursions. Since World War II, the prevention of extra-regional incursions has been aimed primarily at the socialist countries. Cuba is the only country which received Soviet military aid. The purchase of Czechoslovak small arms by Guatemala in 1954 provided the justification for indirect US military intervention there.

The main importance of US military assistance lies in the opportunities it creates for fostering close ties between the United States and the military establishments. For this reason, there has been an emphasis on the training of Latin American officers and large, permanent US military missions have been maintained in Latin America. For a short period under the Kennedy Administration, the USA attempted to dissociate itself from Latin American armed forces in order to demonstrate that there existed a non-communist alternative to military or military-supported regimes. The policy did not succeed and while, for the most part, the armed forces remain the "strongest bulwark" against communism, radical tendencies displayed by certain military establishments, notably in Peru and Bolivia, have posed a dilemma for the policy-makers.

The USA has always opposed the extension of influence by other countries through the sale of weapons and the missions that accompany them. To minimize competition with European suppliers, the USA has employed two methods. During the fifties, the administration was able to justify to a critical Congress the gift of weapons, which would undercut European rivals, on the grounds that the USA was defending the Western hemisphere against external attack. During the sixties, when the shock of the Cuban revolution, among other factors, led to an emphasis on the internal threat, Congress was no longer willing to authorize large grants for the delivery of sophisticated weapons. Instead, the USA tried to persuade Latin American countries to refrain from purchases of sophisticated weapons altogether. Various legislation in 1967 and 1968 provided backing for this policy by enabling the United States to withhold economic assistance to countries which purchase sophisticated weapons.

In the face of this policy, Latin American purchases of weapons from European sources have represented an assertion of independence. As Deputy Assistant Secretary of State for American Affairs, Crimmuns, put it: "our refusal or inability to respond to these reasonable requests [for aircraft] touches upon very critical areas of sovereignty, that the state of the military establishment is a singular attribute of sovereignty."[4]

Latin American countries have recently embarked on a round of air force and naval equipment purchases from Europe, as well as expanding their domestic defense industries.[5]

II. THE DEMAND FOR WEAPONS

The justification for possessing a military establishment must always be strategic. Yet the strategic function of Latin American armed forces is extremely limited. Disputes between Latin American states have been few and shallow and, on the whole, the Organization of American States (OAS) has been remarkably successful in arbitration. Although there was an increase in internal insurgencies in the early sixties, Latin American armed forces regard their primary role as that of "national defence", relegating counterinsurgency to the large and well-equipped police forces.[6] Contribution to collective security is a strategic role that has been stressed by the United States. One aspect has been regional cooperation against an external enemy—a possibility which is remote and which, in any case could be met by the United States alone. Another is the notion of a Latin American peace-keeping force to maintain stability in the area despite the forces sent by Costa Rica, Brazil, Honduras, Paraguay and Nicaragu to the Dominican Republic after the US intervention in 1965, few Latin American countries have evinced interest in an Inter-American Defence Force of a more permanent nature.

Yet although the strategic function of Latin American armed forces is minimal, the political function—the power to make and unmake governments—is of primary importance. Weapons are not so much instruments of war as symbols of the power of the military establishment.

Undoubtedly, there is a relationship between the political role of the armed forces and the level of military spending. In only two Latin American countries apart from Cuba—Mexico and Costa Rica[7]—are the armed forces firmly under civilian control. These two countries devote the lowest proportion of GNP to defence in Latin America—0.7 per cent and 0.5 per cent, respectively, compared with 1.8 per cent for Latin America as a whole, during the years 1960–64.[8] Beyond this, however, the relationship is difficult to ascertain and there are several reasons why attempts to relate the frequency of military coups and degrees of autocracy to levels of defence spending or arms procurement are bound to fail.[9]

First of all, long periods of civilian rule are not necessarily evidence of politically weak military establishments. Governments, whether civilian or military, remain in power on military sufferance. To retain their support, most governments will assure the armed forces of a steady proportion of the budget and independence in military policy-making. In an examination of the parliamentary debates in Argentina, Brazil and Chile in 1965, it was found that defence expenditures are rarely questioned.[10] This is true even in periods of financial stringency. In an austerity drive of 1958, General Stroessner of Paraguay struck 1,500 government jobs held by his own party members but he did not reduce the armed forces personnel by one man. In 1967, despite Peru's considerable external debt and despite US pressures, President Belaúnde Terry went ahead with the purchase of the Mirage 5 from France and gave the armed forces authority to float a $120 million loan to purchase military equipment. The loan was to be repaid by the government over a period of five years. Belaúnde was reported to have admitted privately that any attempt to impede the purchase of supersonic aircraft would have ruptured his relations with the military beyond repair.[11]

Chile has experienced a very long period of civilian rule. Yet, the tank mutiny of 26 October 1969[12] led to an increase in officer's pay by in some cases 100 per cent, and in no case less than 70 per cent. Foreign Minister Valdez returned from London having concluded "Chile's biggest arms purchase in this century".[13]

Two exceptions to this rule are Perón in Argentina and Goulart in Brazil. Between 1948 and 1952, Perón attempted to reduce the power of the military by drastically reducing military expenditures and by "peronizing", that is to say, making political appointments in the armed forces. At the same time he tried to build up support among organized labour. Growing opposition led him to modify this policy somewhat after 1952. Nevertheless, he was overthrown in 1955 and military expenditures increased by 30 percent. Although his powers were severely limited by the military establishment. Goulart,[14] who was Vice President of Brazil from 1955–61 and President from 1961–64, tried to pursue a similar policy. After his overthrow in 1964, military expeditures rose by 50 per cent.

A second reason for the difficulty in finding a relationship between military coups and military expenditures is the fact that political issues are likely to take priority over military issues. The armed forces rarely overthrow governments merely to secure an increase in military expenditures, just as civilian governments rarely risk losing power merely in order to reduce military expenditures. More important issues are at stake. Indeed, periods in which the armed forces are preoccupied with political problems are often periods in which their demand for weapons are relatively low. 1962 and 1963 were peak years for military coups and inter-service battles. Military coups took place in Argentina, Guatemala, Peru, Ecuador, Honduras and the Dominican Republic. Inter-service battles took place in Argentina, Guatemala, Ecuador and Venezuela. The coups were all directed at the prevention of populist governments. The battles were over

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Footnotes at end of article.

who should rule. Yet 1962 and 1963 were low years for major arms imports and were not noticeably high for military expenditures.

Thus, to sum up, any government, whether civilian or military, with the exception of the two examples given above, will meet the demands of the military establishment. This, in turn, will ensure the continuance of the political role of the military establishment. The function of weapons in reinforcing the position of the military establishment is reflected in two features of Latin American arms procurement.

The first is inter-service rivalry. Military establishments are rarely unified. To generalize very broadly, the divisions between various services tend to follow a similar pattern in different countries reflecting recruitment from different sections of society. The navies are generally recruited from wealthy urban and landowning families. They tend to play a conservative role in Latin American politics, supporting military intervention whenever a government shows radical tendencies. Thus, for example, it was the navy which provided the main opposition to Perón in Argentina. Similarly, it is the navy which is most opposed to the new leftist government in Chile. While the army and air force support proposals to expel the US military mission, the navy is anxious that US advisors should remain.[15] In contrast, the armies generally have the lowest class composition of the three services and have, on occasion, been radical in their demands. The recent Peruvian and Bolivian coups are examples of this. Often, the armies have been divided in their political loyalties, with some factions supporting the navy and other factions supporting the air force. Air forces have tended to play a moderate role, supporting civilian rule, where this does not seriously threaten the status quo.

The divisions are often reflected in the acquisition of similar types of weapons by different branches of the armed services. Several navies have marine corps. In Argentina, Brazil and Peru there are naval and army air arms in addition to the air force. In the Dominican Republic, the National Guard acquired tanks in order to offset the tanks possessed by the air force.

The divisions are also reflected in the disputes over arms procurement and in the timing of arms supplies. Once again, it is useful to take Brazil and Argentina as examples. After Goulart became President of Brazil in 1961, the armed forces were divided between those who believed that his powers should be limited by constitutional means, comprising a faction of the army supported by the air force, and those who believed that he should be overthrown, comprising another faction of the army supported by the navy. The dispute was symbolized in the attempts by the air force to prevent the navy from acquiring aircraft to operate from the newly purchased aircraft carrier. The navy managed to acquire some aircraft in 1963, but the dispute over who should operate them continued until the armed forces closed ranks to overthrow Goulart in 1964. In April 1965, the new president issued a decree stipulating that the air force should operate fixed-wing aircraft and the navy should operate roating-wing aircraft.[16]

It is possible to trace the inter-service rivalry in Argentina since 1950 through an examination of Argentinian arms procurement. As in several other countries, the Argentinian Navy has supported conservative army factions while the air force has supported moderate army factions.

Perón was elected President of Argentina in 1945, after the Group of United Officers, a group of colonels of which he was one, had seized power from the ruling conservative government in 1943. As stated above, he progressively tried to reduce the power of the armed forces and build up support among organized labour. In addition to cutting military expenditure, he reduced the size of the army by one-third and progressively civilianized the cabinet. He established a worker's militia and undertook a number of far-reaching economic and social reforms. The one service he did not neglect was the air force. He purchased large quantities of aircraft in the late 1940s including 100 Meteors, making Argentina the first Latin American country to acquire jet fighters. He also expanded the aircraft industry; between 1945 and 1950 four different fighters reached prototype stage.

By the early fifties, his support was becoming eroded. He lost the support of the peasants, the Church, and above all the armed forces. Difficulties in the aircraft industry led to the cutback of the aircraft programme. The navy had always been strongly opposed to the regime; there had been two attempted naval coups in 1944 and 1945. Despite the purchase of two cruisers in 1951, it was the navy which enabled a divided army to overthrow Perón in September 1955.

The military junta which succeeded Perón was dominated by the army and the navy. The President was General Aramburu from the army; the Vice President was Admiral Isaac Rojas of the navy. Only one member of the five-man junta came from the air force. During this period, the naval air arm was greatly expanded. Sixty F–4U Corsair naval fighter-bombers, six Lockheed Neptune reconnaissance aircraft, 12 F-9F Panthers and an aircraft carrier were purchased. A number of aircraft were also purchased for the army. An order for Canadian Sabre fighters for the air force was cancelled; the aircraft production programme was further reduced; and all plans for indigenous fighter aircraft were abandoned.

By 1958 the process of "de-peronizing" the armed forces was sufficiently complete for elections to be held. They were won by a wing of the radical party, led by Frondizi, with the support of the Peronists, who were barred from participating in the elections. The new government ordered 28 Sabre fighters from the United States and various other air force equipment. In 1960, a U.S. Air Force mission was established. Work on combat design projects was reinitiated. Argentina also received two submarine and destroyers on loan from the United States during this period, but this was a consequence of the U.S. naval aid programme rather than any particular Argentinian demand.

Frondizi was re-elected in March 1962. In this election, the Peronists were allowed to participate and gained a third of the votes. Two weeks after the election, the new government was overthrown in a military coup. After the coup, there emerged two factions in the armed forces: The Gorillas, centered in the navy, infantry and engineering units, believed that Argentina was not ready for democracy and demanded indefinite military rule. The Legalists, centered in the cavalry, which included the mechanized brigades, and the air force, believed that the military should stay out of politics unless the alternative is chaos or dictatorship. The acknowledged leader of the Legalists was the cavalry officer General Ongania. In April 1963 the issue was resolved in a pitched battle in which the air force destroyed the naval air arm.

As a result of the air force victory, elections were held the same month. They were won by Illia, leader of the other wing of the radicals. In 1965, the Argentine government persuaded the United States to supply 50 A–4 Skyhawks for the air force and M–41 tanks for the cavalry. The regime was dependent upon the support of the Legalists.

This support was not to last long. On 28 June 1966, Lieutenant-General Ongania led a coup to overthrow Illia. Disagreement had arisen over Illia's refusal to send troops to the Dominican Republic, his lack of enthusiasm for an Inter-American Force, and his refusal to intervene in the universities to "clean out the Communists". More important, it appears that the military were afraid of a Peronist victory in the elections due in 1967.[17]

A week before the coup, the United States had decided to suspend delivery of 25 of the 50 Skyhawks, following a protest in the Senate Preparedness Investigating Subcommittee that the U.S. Naval Air Reserve Wing had been receiving "substantially inferior" types.[18] After the coup, the USA also reversed its decision to deliver M–41 tanks.

The Argentinian response was to launch the Europa Plan in 1967. The plan was intended to expand the domestic defence industry with European help. It is evidence of the new military unity that the first two major projects will be the assembly of French AMX–13 tanks and the assembly of two West German submarines.

A second feature of the demand for weapons in Latin America is interstate rivalry. From an examination of the correspondence between arms procurement in the five major Latin American recipient countries—Argentina, Brazil, Chile, Peru, and Venezuela—it might be inferred that the level of armaments considered commensurate with the status of the military establishment in any one country is judged with reference to the level of armaments possessed by the military establishment of an other country.

There were peaks in major arms imports to Peru, Chile, Brazil, and Venezuela in the period 1954–56, and to Argentina, Brazil, Chile and Peru in 1960–61. In the period 1965–69, major arms imports to Peru, Brazil and Argentina have been rising. In 1969, Chile also ordered substantial quantities of new equipment.

Argentina and Brazil, as the largest recipients, tend to compete with one another. Chile generally follows the Argentinian lead. Peru, which has always displayed special concern with Chile's military posture—a concern which dates back to the war in the 1870's which Chile annexed a large part of Peruvian territory—justifies rather large purchases in terms of Chile's acquisitions. In the past, Venezuela has maintained a superiority in air force equipment to all other Latin American countries, but has made no attempt to match naval procurement—this may well reflect different political roles for the services in Venezuela. In 1953, for example, Brazil purchased 70 Meteors from Britian. Argentina ordered F–86 Sabres from Canada in 1955, although the order was cancelled after the 1955 coup. Chile acquired B–26 bombers from the United States and five Vampires from Britain. Peru over-reacted by acquiring not only B–26 bombers and F–86 Sabres, but also Hawker Hunters and Canberras. Between 1955 and 1957, Venezuela acquired 15 British Venoms, 25 F–86 Sabres from the United States and 10 Canberras from Britain. In 1958, Argentina and Brazil ordered aircraft carriers within weeks of each other, although the Brazilian aircraft carrier was not delivered until 1961.

Footnotes at end of article.

TABLE 21.4.—5 MAIN LATIN AMERICAN RECIPIENTS: SUPPLIES OF SOPHISTICATED WEAPONS[1]

	Argentina	Brazil	Chile	Peru	Venezuela
1950					24 Vampires.[2]
1951	2 cruisers, Brooklyn class.	1 cruiser, St. Louis class; 1 cruiser, Brooklyn class.	2 cruisers, Brooklyn class.		
1952			17 F–47 D Thunderbolts.	3 destroyer escorts, Bostwich class.	6 Canberras.[2]
1953		72 Meteors[2]			2 destroyers.[2]
1954			32 B–26 Invaders.	2 submarines, Abateo class.	
1955		25 F–47 D Thunderbolts; 10 Corvettes.[2]	5 Vampires[2]	14 F–86 F Sabres'; 8 B–26 Invaders.	15 Venom and Sea Venoms[2]; 22 F–86 Sabres; 3 Vampires.[2]
1956	10 F–4U Corsairs			16 Hawker Hunters; 8 Canberras.[2]	1 destroyer; 3 frigates, Almirante class.[2]
1957	12 F–9F Panthers; 52 F–4U Corsairs.	24 B–26 Invaders; 2 submarines, Gato class.		2 submarines, Abateo class; 60 Sherman M–4's.	10 Canberras; 3 frigates, Almirante class.[2]
1958	1 aircraft carrier[2]				15 AMX–13.[2]
1959		2 destroyers, Fletcher class.	20 F–80C Shooting Stars.	1 Hawker Hunter[2]; 10 F–80C Shooting Stars; 1 cruiser, Almirante class.[2]	
1960	28 F-86 Sabres; 2 submarines, Balao class.	20 F-80C Shooting Stars.	2 destroyers, Almirante class[2]	1 cruiser, Almirante class[2]; 1 destroyer, Fletcher class; 2 corvettes.	1 submarine, Balao class.
1961	3 destroyers, Fletcher class.	1 aircraft carrier;[2] 2 destroyers, Fletcher class.	2 submarines, Balao class.	1 destroyer, Fletcher class; 40 M–24 Chaffees.	
1962					
1963		2 submarines, Balao class.	2 destroyers, Fletcher class.		
1964			Seacat[2]		
1965	Seacat[2]				1 submarine, Balao class.
1966	12 A–4 Skyhawks	Seacat;[2] 55 M–41s		2 Canberras[2]	3 Canberras; 74 Fiat F-86 Sabres.[2]
1967	13 A–4 Skyhawks; 2 destroyers, Fletcher class.	1 destroyer, Fletcher class.	4 escort destroyers.		
1968	1 aircraft carrier[2]	1 destroyer, Fletcher class.			
1969	60 AMX–13;[2] Cobra[2] missile, Nord[2] AS 11, AS 12 missile.		21 Hawker Hunters[2]	14 Mirage 5's; 78 AMX–13[2]	

[1] Sophisticated weapons include: jet combat aircraft, aircraft carriers, destroyers, frigates, corvettes, crusiers, submarines, tanks and missiles.

[2] Purchased from Europe; all other items were supplied by the United States.

Source: SIPRI country registers.

More recently there has been a round of combat aircraft purchases and naval re-equipment. In part this reflects the strengthening and unification of the armed forces in Argentina and Brazil. In part it represents a reaction to US policy and will be discussed in greater detail in that context. Nevertheless, the infectiousness of the recent orders is of considerable interest. In 1965, the United States agreed to sell the A–4 Skyhawk to Argentina. Chile requested the same plane but finally acquired refurbished Hawker Hunters from Britain. Peru again over-reacted by buying the Mirage 5. Venezuela purchased 74 surplus F–86 Sabres from Canada. After long deliberation, Brazil decided to acquire the Skyhawk and in 1970 ordered the Mirage, after which Argentina and Colombia also ordered the Mirage. Chile acquired additional Hunters and, at present, the possible purchase of the US F–5 or Mirage is under consideration.

The same pattern is discernible in recent naval orders. In 1964 and 1966, Chile, Brazil and Argentina all purchased the British Seacat ship-to-air missile. In 1968, Argentina ordered two submarines from West Germany, to be assembled in Argentina. Chile and Brazil followed suit by ordering two "Oberon" class submarines each from Britain. In 1969 and 1970 all three countries ordered fast frigates from the UK.

In the past, this rivalry has been supported by the United States and, in particular, the United States has been careful to maintain a balance between Peru and Chile. Over the entire period, US military aid to Peru has only been $15 million higher than military aid to Chile, or roughly 1 per cent of the total US military aid extended to Peru. In 1951, the United States sold two cruisers each to Argentina, Brazil and Chile and in 1959 embarked on a naval aid programme under which it supplied four refurbished "Fletcher" class destroyers to Brazil, three to Argentina, and two each to Peru and Chile. The USA also supplied two "Balao" class submarines each to Argentina, Brazil and Chile and one to Venezuela.

TABLE 21.5.—LATIN AMERICA: U.S. MILITARY ASSISTANCE, SALES AND SUPPLIES OF MAJOR WEAPONS

[U.S. $mn]

	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959
MAP grants[1]			0.2	11.2	34.5	31.8	23.3	26.6	45.1	30.9
Vessel loans[2]				(2.0)	(2.0)	(2.0)	(2.0)	(2.0)		8.5
Military assistance sales[3] (excludes commercial sales)		0.8	15.9	9.7	8.7	12.3	8.4	13.2	18.1	(30.7)
U.S. major weapons exports[4]	15.0	22.9	29.2	18.1	48.0	47.7	32.9	57.1	43.3	24.7

	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
MAP grants[1]	31.4	44.0	53.2	49.9	57.4	55.9	58.4	59.1	72.8	37.9	724.9
Vessel loans[2]	10.3	54.2	71.5	24.5	19.1	2.4					200.5
Military Assistance Sales,[3] (excludes commercial sales)	(30.7)	(30.7)	23.4	16.7	47.7	21.5	47.3	38.0	47.0	28.5	449.3
U.S. major weapons exports[4]	72.5	98.4	32.3	33.9	15.6	29.3	29.5	43.4	20.0	32.6	746.5

[1] 1952-55 from, H. A. Hovey, United States Military Assistance, New York 1965. 1956–69 from, Military Assistance Facts (annual publication of the Office of the Assistant Secretary of Defense for International Security Affairs), Washington 1966–1970,

[2] U.S. Overseas Loans and Grants, Agency for International Development, Washington, March 1967, March 1968, and May 1969.

[3] 1950-58 from, Composite Report of the President's Committee to Study the United States Military Assistance Program (Draper Report), Washington 1959, and 1959–70, from U.S. Military Assistance and Sales Facts (annual), Washington 1967 and 1970.

[4] SIPRI worksheets,

Total foreign military sales to Latin America including commercial sales, 1950–69, were $1089.7 million.

III. THE ROLE OF THE UNITED STATES

As the sole donor of military assistance to Latin America, the United States has in the past had considerable influence over the size and nature of Latin American arms procurement. Charts 21.6 and 21.7 also show the correspondence between US military aid and Latin American major weapon imports. Brazil, as the biggest recipient of major arms, is also the biggest recipient of US military assistance, accounting for 30 per cent of the total.[19] The closest correspondence between the trends in military assistance and major arms imports can be found for Peru and Chile.

The United States has a monopoly of all military missions in Latin America. Excluding Cuba, the United States accounts for over 45 per cent of all major weapon imports to Latin America, as a whole, and 60 per cent of all major weapon imports to Central America. The proportion of total arms supplied by the United States is likely to be much higher. There is a tendency for Latin American countries to buy a higher proportion of their sophisticated naval and air force equipment than other types of equipment from European sources. Except for a few French tanks, the Latin American armies, which possess most of the smaller types of weapons, are almost exclusively equipped by the United States.

US military assistance to Latin America has a longer history than that to any other third world region. US training assistance began before World War I and continued during the 1920s. In particular, the USA played an important role in training the armed forces in those Central American coun-

Footnotes at end of article.

tries which were temporarily occupied by the US Marines. In the inter-war period, various legislation broadened the power of the US president to offer training assistance. Although the permanent foreign military missions were, at that time, predominantly European, the USA sent 32 military training and advisory missions to Latin America between 1921 and 1938. Latin American countries were exempted from the restrictions on arms exports imposed in the Neutrality Acts of 1923 and 1936.

With the rise of Fascism and the imminence of war in Europe, the United States began in 1938 to undercut its European rivals. Military missions and military equipment were offered at less than cost. In some cases, coercion and economic discrimination were uesd. When Argentina proved intransigent, Roosevelt instructed Brazil to place two or three divisions on the border "to impress the present military gang in control of Argentina".[20] By 1940, the United States had a virtual monopoly over the permanent military missions in Latin America.

In June of the same year, the Pittman Act empowered the president to authorize the manufacture, procurement and repair of army and navy equipment and munitions on behalf of the government of any American republic. A programme for the cash purchase of $400 million of equipment over a period of years was elaborated. The Pittman Act was superseded by lend-lease in 1941. Eighteen Latin American countries signed lend-lease agreements—that is, all except Argentina, Chile, Bolivia, Honduras and Paraguay. These agreements committed their signatories to provide such defense articles, services or information as they could to the United States. By the end of World War II, Latin American countries had received $300 million under lend-lease, exclusive of ships. The total including ships, has been quoted at $500 million.[21]

After World War II, US military assistance to Latin America increasingly met with congressional opposition. The Inter-American Cooperation Act, designed to provide arms at reduced cost to Latin American countries, was not passed by Congress. Reimbursable aid was provided for under the Mutual Defense Assistance Act of 1949, but it was not until the Mutual Security Act of 1951 that Congress authorized military grant aid to Latin America.

Military assistance to Latin America has continued to be the subject of the closest congressional scrutiny and criticism of nearly all aid programmes. From 1959, Congress imposed a number of ceilings on military grant aid deliveries to Latin America—$67 million in 1959, $57.5 million in 1961 and $55 million in 1963. In 1966, Congress imposed a ceiling of $85 million on grant aid plus sales to Latin America, excluding training assistance; this was reduced to $75 million in 1967. This ceiling was maintained in the Foreign Assistance Act of 1968, but the ceiling on grant aid deliveries was reduced from $55 million to $35 million. Of this, $10 million was to be used for "coastal patrol activities directed against landings by Communists or other subversive elements originating in Cuba."[22]

A general restriction imposed by Congress is section 507 (c) of the Foreign Assistance Act, which provides that no further military assistance shall be furnished to a Latin American country except: 1. to fulfill prior commitments, 2. for civic action, or 3. unless the President finds that such assistance "is necessary to safeguard the security of the United States or to safeguard the security of a country associated with the United States in the Alliance for Progress against overthrow of a duly constituted government."[23]

A major part of the congressional criticism has been directed towards the use of military assistance to shore up military regimes. An amendment to the Military Sales Act of 1970 would limit arms deliveries to military regimes which "deny social progress". For this reason, the justifications for the military assistance programmes have generally been couched in strategic terms.

THE STRATEGIC JUSTIFICATIONS

Until 1960, the main strategic justification for military assistance was collective defence of the Western hemisphere against external attack. This concept dates back to the Panama Declaration of 1939, when the American Foreign Ministers pledged themselves to resist the spread of Nazi ideology and proclaimed the neutrality of all American republics. They established a zone of security embracing all the normal maritime routes between the countries of the Americas, except Canada. The principles of collective security and reciprocal assistance were reaffirmed in the Havana Declaration of 1940.

The measures taken in World War II[24] contributed to the establishment of a collective security system. In the Act of Chapultapec in 1945, the American states proclaimed their adherence to the concept of a regional security system. On 2 September 1947, the Treaty of Reciprocal Assistance was signed at Rio de Janeiro by all American states.

The outbreak of the Korean War enabled the US Administration to justify military grant aid to Latin America to support the external defence of the Western hemisphere. This assistance was to be reciprocal. No equipment was to be granted except on the basis of bilateral agreements, providing *quid pro quos* from the recipient countries. For example, Lt. General C. L. Bolte, then chairman of the Inter-American Defense Board, when giving testimony before the Senate Foreign Relations Committee on the Mutual Security Act of 1951, explained that the United States would only allocate assistance to Venezuela if Venezuela could guarantee an uninterrupted supply of oil. The first Mutual Defense Assistance Pact was signed with Ecuador in 1952. It stated that "assistance shall be so designed as to promote the defense and maintain the peace of the Western Hemisphere and be in accordance with defence plans under which both governments will participate in missions important to the defense and maintenance of peace in the Western Hemisphere". Ecuador undertook "to facilitate the production and transfer . . . of raw and semi-processed strategic materials required by the United States as a result of deficiencies or potential deficiencies in its own resources and which may be available in Ecuador" and "to cooperate with the government of the United States of America in measures designed to control trade with nations which threaten the security of the Western Hemisphere", and generally to build up its own defence capabilities.[25] Similar agreements were signed with Cuba, Colombia, Peru and Chile in 1952; with Brazil, the Dominican Republic and Uruguay in 1953; with Nicaragua and Honduras in 1954; with Guatemala and Haiti in 1955; and with Bolivia in 1958. Missile-tracking site agreements were signed with Brazil and the Dominican Republic.

Defence of the Western hemisphere against external attack continued to be stressed until 1960. As late as 1959, the United States launched a naval aid programme to improve the anti-submarine capabilities of Latin American nations. The Senate Foreign Relations Committee was told: "The most positive threat to hemispheric security is submarine action in the Caribbean Sea and along the coast of Latin America."[26] Ship loans under the "Vessel Loan" legislation reached their peak of $71.5 million in 1962.

It is clear that the US military aid programme during the fifties was not intended to develop military forces capable of resisting an external enemy. Little was achieved by the Inter-American Defence Board established for cooperative planning. Since details of Latin American forces were known only to the United States, it was in any case incapable of preparing any comprehensive military plans.[27] Military assistance was provided, in part, as payment for the assurances given in the bilateral treaties. Provisions such as the "control of trade with nations which threaten the security of the Western Hemisphere" ensured the United States a continuing support in foreign policy. Even under the naval aid programme, it is unlikely that the United States really supposed that the refurbished World War II destroyers and submarines could provide adequate defence against a sophisticated enemy.

Aid was provided in a haphazard manner. Each of the services had its own military mission in the different Latin American countries. There was no coordination between them and there was a tendency for US services to transfer their own rivalries and prejudices towards each other to their Latin American counterparts, thus exacerbating inter-service factionalism.[28] There were also several programmes outside the scope of the military assistance programme. The "Vessel Loan" legislation was one; the army and air force training programmes were others. At their training schools in the Canal Zone the US Army and the US Air Force trained 4619 students between 1950 and 1958 compared with 5560 trained under MAP at the same schools.[29]

The policy changed in 1960. The summary presentation of the proposed Mutual Defense and Assistance Program for FY 1964, stated:

"Military assistance programs for Latin America were orientated to hemispheric conditions prior to 1960. As it became clear that there was no threat of significant external aggression, emphasis shifted to strengthening internal security capabilities for use against Castro-Communist activities or other internal disruption or banditry and to actions designed to contribute to economic and social development. Limited assistance is also given for such activities as harbor defense, coastal patrol, and surveillance."

TABLE 21.6.—LATIN AMERICA (EXCLUDING CUBA): SUPPLIES OF ITEMS SUITABLE FOR COUNTERINSURGENOY

	U.S. supplies			Non-U.S. supplies		
	Helicopters	Trainers	Patrol boats[1]	Helicopters	Trainers	Patrol boats[1]
1950–59	78	369	12	24	58	21
1960–69	352	426	43	48	134	19
1950–69	430	795	55	72	192	40

[1] Including gunboats, motor torpedo boats.

Source: SIPRI country registers.

The swiftness of the change is striking. The 1959 Mutual Security Act stipulated that "Internal security shall not, unless the President determines otherwise and promptly reports such determination to the Senate Committee on Foreign Relations and to the Speaker of the House of Representatives, be the basis for military assistance programs for American Republics."[30] In 1960, 97 per cent of the grant aid request was for hemispheric security.[31] In 1961, 28 per cent was requested for "anti-subversive" equipment.[32] By FY 1963, 52 per cent of the programme was for internal security and 15 percent for civic

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Footnotes at end of article.

action, and by FY 1967, 76 per cent was devoted to internal security.[33] Table 21.6 shows the increase in COIN helicopters, patrol boats and trainers supplied by the United States to Latin America during the sixties. There has not been a similar increase in supplies of helicopters and patrol boats from non-US sources.

While the US Administration is undoubtedly seriously concerned with the possibility of another Cuban-type revolution and is committed to counter such a possibility, in Latin America, with considerable efficiency, the importance of counterinsurgency in the military aid programme can be exaggerated. To policy-makers finding it increasingly difficult to justify a programme based on the external threat to the Western hemisphere, the Cuban revolution and Khrushchev's oft-quoted speech of January 1961 calling for wars of liberation, presented the opportunity to give the military aid programme a "new look". It must have been with relief that the State Department was able, in 1964, to describe hemispheric defense as an "outmoded concept."[34] In fact, the United States was still able to supply conventional sophisticated equipment under the credit sales programme and under the vessel loan legislation. In 1965, the USA agreed to supply Skyhawks and M–41 tanks to Argentina, M–41 tanks and destroyers to Brazil, and F–86 aircraft to Peru. Countries such as Chile, Argentina and Brazil continued to receive a major share of the military assistance programme although they faced no internal "threat".

The change from emphasis on hemispheric defence to emphasis on internal security was part of a general reform and re-definition of the aid following the recommendations of the *Draper Report* in 1959.[35] First of all, there was much greater coordination in the administration of military aid programmes. The US Commander of Land, Sea and Air Forces in the Caribbean was given control of the military assistance programmes to Latin America. Both the Eisenhower and Kennedy Administrations issued directives that the ambassador should be in ultimate control of the military assistance programmes to each country. President Kennedy requested each ambassador to prepare internal defence plans.

Secondly, the military aid programme was recognized as part of a general policy aimed at countering revolutions. The Alliance for Progress was an important expression of this. On the premise that revolutions arise out of poverty, accepted in the last days of the Eisenhower Administration and made one of the slogans of the Kennedy Administration, economic assistance to Latin America, which previously had been minimal, became essential.

There were two other aspects of the new policy. The first was the attempt to prevent Latin American nations from acquiring sophisticated weapons, which might divert resources from economic development and create instability. The second was the increased emphasis on training and civic action programmes—both of which were at least partly designed to influence the military and alter or exploit their political role. They were part of the political elements of the programme which had been dominant throughout the period.

THE POLITICAL FEATURES

The political features of the military aid programme are basically twofold and are connected. First, the military aid programme is useful in influencing the military establishments. Secondly, the United States opposes the extension of influence by other countries either through arms sales or, more importantly, through establishing military missions.

ATTITUDE TO THE MILITARY

It has been shown how the call for collective security—the bilateral assistance agreements with Latin American nations—served to ensure their political cooperation. The presence of U.S. military missions, the training programmes and, more recently, the civic action programmes are also means to that end. In his book, *Arms and Politics*, Professor Lieuwen states:

"The great importance attached to military assistance in securing Latin America's political cooperation flows in large measures from the political role of Latin America's armed forces and their continuing desire for more arms. . . . Because of the roles military personalities play in government and politics, the United States, through its military programmes makes a pointed effort to influence them. The mission programme, for example, which . . . serves no important military purpose, is nevertheless most useful in providing opportunities for cementing political as well as professional relationships between the sending and the recipient governments. Also the practice of training Latin American officers in the United States helps to secure their political sympathies."[36]

During the fifties, the United States made little attempt to discourage the political role of the military. With the exceptions of Rojas Pinilla in Colombia and Trujillo in the Dominican Republic, there was no reluctance to provide assistance to military regimes. The Eisenhower Administration granted Legion of Merit citations to General Perez Jimenez of Venezuela and Odria of Peru, and was involved in the overthrow of the Arbenz regime by the Guatemalan armed forces in 1954.

Yet the support given to such governments has not been without criticism. A continuing congressional and Latin American criticism of the programme has been directed towards this aspect. The amendment to the Mutual Security Act of 1959, proposed by Senator Wayne Morse, that "internal security shall not . . . be the basis of the military aid program", was expressly intended to prevent the use of military aid to support the position of military regimes.

The Alliance for Progress was intended to demonstrate that there was a middle way between socialism and military dictatorship. President Kennedy declared at Punta del Este in August 1961: "There is no place in democratic life for institutions which benefit the few while denying the needs of the many."[37]

The Kennedy Administration encouraged the non-communist left—the liberals—and indicated disapproval of military regimes. When Trujillo of the Dominican Republic was assassinated in 1961, the CIA apparently had foreknowledge and "let the conspirators know that the United States would have no objection if the Benefactor were removed from the scene".[38] In the following two years, the US Ambassador to the Dominican Republic attempted to promote a moderate civilian government. When Juan Bosch, the elected president, was overthrown in a military coup in 1963, the US Administration withheld aid and diplomatic recognition. In 1962, the United States attempted to cut off aid and withhold recognition after the coups in Argentina and Peru. However, persuasive arguments from the military, pressure from US business groups, and the lack of diplomatic support from other countries made these actions shortlived. Already by 1963, the attitude was weakening. No disapproval was indicated for the coups in Guatemala and Ecuador where the overthrown governments had not been in favour in Washington. And although aid and recognition were withheld from the Dominican Republic and Honduras after the coups of September and October 1963, within a few weeks of the new Johnson Administration both were restored. By the time of the 1964 Brazilian coup which overthrew Goulart, the USA was ready to send "warm wishes" in a telegram to the government.[39] By 1965 the United States was ready to intervene in the Dominican Republic to protect the very same regime against the very same man, Bosch, whose overthrow it had condemned only two years previously.

The change in attitude must be seen in the context of the new military assistance programme. The new policy-makers faced a dilemma. The emphasis on internal security was necessary not only to put down insurgencies but also to ensure the stability necessary for the Alliance for Progress. At the same time, as critics have often pointed out, such aid would help to perpetuate "undemocratic" regimes. In 1961, it was possible to argue that militarism was on its way out. In 1954 there had been 12 military regimes. In 1961 there was only one—Paraguay. But the civilian leadership did not prove altogether satisfactory to the United States. In several countries, radical forces remained strong: Peronism continued to be important in Argentina. In Brazil, there was Goulart, who had been labour minister under the radical Vargas regime of 1950–54. In Venezuela, there were suspicions about the radical tendencies of Betancourt who was president from 1954–64. The fact that these doubts were often shared by the military establishments and other internal pressure groups prevented many governments from taking the actions necessary for economic and social development.

The armed forces, on the other hand, could not be abandoned overnight. As Senators McClellan, Mansfield, Smith, Bible and Hruska concluded after a visit to seven Latin American countries in 1961: "Military officers who have been trained in the United States are among our staunchest supporters. They are a strong anti-Communist core."[40]

It was hoped that if the military could be influenced by US ideals and their image could be improved, they might be able to make a positive contribution to the Alliance for Progress. The summary presentation for FY 1964 stated: "The use of military assistance for internal security purposes is predicated upon the fact that military forces have an essential role as a stabilizing force in these countries." And, in a similar vein, McNamara told the House Committee on Appropriations in 1963: "The essential role of Latin American military as a stabilizing force outweighs any risks involved in providing military assistance for internal security purposes."[41]

Two means were used to ensure their stabilizing role: training and civic action.

Training. Training has always been an important part of the military assistance programme to Latin America. The proportion of military assistance devoted to training purposes has been roughly double the worldwide proportion. During the sixties, the emphasis has increased. The share of military assistance devoted to training averaged 8 per cent in the period 1950–64. By 1967, this proportion had risen to 16 per cent.[42]

This increased emphasis was accompanied by an increased emphasis on the non-military aspects of training programmes. During the fifties it was argued that training was necessary to ensure the proper use of weapons.

During the sixties, this aspect has been rarely mentioned. Training has been justified on the following grounds. First, contact with US officers will develop the notion of a professional, that is, non-political army. According to J. J. Johnson:

"If Latin American must continue to content itself with militarism, which seems likely, it might benefit from having at least a hard core of officers who, trained in the United States, might at times serve military colleagues of either the right or the left, who would selfishly usurp power and impose totalitarian dictatorships.[43]

Footnotes at end of article.

Secondly, Latin American officers trained in the United States "are exposed to democratic principles and The American Way of Life. The United States of America—our democratic government, our mode of life—makes a deep impression on those who see us at work and as we really are. Returnees tell the story to their relatives and friends and it is believed."[44] Thirdly, training programmes can encourage the modernizing, educative role of the Latin American forces.

In recent years, priority has been given to training in counterinsurgency. The bulk of Latin Americans are trained at the Army School in the Caribbean, renamed the School of the Americas, and at the USAF School in the Caribbean, both in the Canal Zone. Also stationed in the Canal Zone is the "Special Action Force for Latin America 8th Special Force", which has 17 mobile training teams for teaching counterinsurgency skills ready for dispatch all over Latin America.[45] Latin Americans are also trained at the Special Warfare School in Fort Bragg. Between 1960 and 1962, 112 Latin Americans were trained there.

Training in counterinsurgency is not only confined to military skills. At the School of the Americas, the Department of Internal Security "provides instruction in every aspect of counterinsurgency: military, paramilitary, political, sociological, and psychological".[46] The same is also true of the course at Fort Bragg.

In 1962, despite the objection of Mexico and Brazil, the United States sponsored the establishment of the Inter-American Defense College at Fort MacNair in Washington. The College provides a six-month advanced programme for 25 to 35 senior general staff officers:

"The purpose of this training goes beyond teaching technical or tactical skills. It is intended to be a means by which Latin American officers become acquainted with their U.S. counter-parts, to improve relations between them, and to instill in them professional skills and attitudes in developing effective and sound relations.[47] "

These programmes have been least successful in separating professional and political interests. Many of the officers trained in the United States—among them, General Onganía of Argentina—have participated in military coups. The fact that political subjects are taught in the training programmes suggests that this aspect has never been very important. More important are the ties developed between the U.S. and Latin American military establishments and the commitment to defeat communism that such contacts may bring about.

Civic action. While the U.S. government may recognize the progressive character of the military establishments, their view is not always shared by other sections of the local population. To ensure wider acceptance of this view is one of the main purposes of military civic action, that is, the use of military forces for projects which contribute to economic and social development. In his book *The Essence of Security,* R. S. McNamara pointed out that in Latin America, these programmes have a powerful effect in altering "the negative image of the military man as the oppressive preserver of the stagnant status quo".

President Kennedy was an enthusiast for the programme, quoting, as many others have since, the role of the U.S. Army Engineers in opening up the West. Funds have been drawn from both AID and MAP. In 1965, 14 per cent of the military assistance programme was spent in civic action. The proportion has fallen since then. In 1967 it was 7.5 per cent.[48]

The Latin Americans did not demonstrate the same enthusiasm. Civic action is not very new in Latin America. In many countries, the armed forces have always been responsible for transportation to remote areas, for providing schools and other facilities. In some countries, the new emphasis has met opposition from local civilians. There was opposition, for instance, from road building and building contractors in Paraguay and Venezuela, who felt that the armed forces were harming their business interests. It was also felt that the use of the armed forces for this purpose might detract from their essentially military tasks. Resolution XLVII of the Inter-American Defense Board approving civic action specified that:

"The use of military personnel for this purpose, to the extent and degree that the specific condition in each country may determine, should not compete with private civilian activity nor decrease the capability of their Armed Forces for the accomplishment of their specifically military tasks required by the General Military Plan.[49] "

Civil action under MAP reached its peak of $14 million in 1963. Only $3.9 million was proposed for FY 1968. Mention of civic action in discussion of the aid programme has become less frequent. [50] This is not surprising. The programmes are not particularly popular with either the military or the civilians. There is no real evidence to show that they improve the military image. The fact that such programmes have not done so in the past suggests that they will not do so in the future. With no less than 10 military regimes and many more countries threatened with such regimes it is better to ensure that the military are friendly than that they are reformist. The main role of the military remains to prevent communism. As General Porter, CINC South, told the House of Foreign Affairs Committee in 1967:

"The military has frequently proven to be the most cohesive force to assure public order and support of resolute governments attempting to maintain internal security . . . The Communist and Communist supported elements will exploit the paths of least resistance. It follows, therefore, that in most countries any weakening of the armed forces to the extent that they could not cope successfully with insurgency, riots or other threats to law and order would encourage militant communists to undertake campaigns of violence as the most expedient means of attaining their goals.[51] "

To ensure that the "cohesive force" was directed in the right directions, the United States tried to ensure that its monopoly over military assistance was maintained. Outside influence in the form of arms sales or the missions that might accompany them was firmly discouraged.

OPPOSITION TO NON-U.S. SUPPLIERS

Since 1940, the USA has maintained a monopoly over military missions. But it has been less successful in maintaining a monopoly over equipment supplies. This is particularly true of deliveries of sophisticated weapons, that is, combat aircraft, destroyers, cruisers, frigates, submarines, aircraft carriers, missiles and tanks. During the whole period, 60 per cent of Latin American imports of sophisticated weapons came from Europe. (Sophisticated weapons include combat aircraft, naval vessels heavier than . . .

The proportion of combat aircraft purchased outside the United States rose strikingly during the sixties. Britain, as an important supplier of naval vessels, is the largest outside supplier, although France, supplying Mirages and AMX–13 tanks, has recently gained in importance.

The Inter-American Cooperation Act, proposed and rejected immediately after the war, was primarily designed to undercut European rivals. The advent of the Korean War and the acceptance of the concept of hemispheric security provided a new justification for keeping out competitors. From 1955 onwards, it was repeatedly argued that unless the USA responded to reasonable requests for military equipment and training, Latin American countries would turn to Europe and this would adversely affect collective defence and standardization.[52] In fact, the equipment of Latin American nations was never standardized either collectively or individually. Argentina, for example, had five different types of rifles.[53]

There were probably two reasons why Latin American countries bought sophisticated equipment from Europe during the fifties. First, it represented, as it still does, a sign of independence from the United States. For example, in Brazil, during 1952, there was some resistance to compliance with the eligibility requirements for military aid. During the same period, Brazil ordered 70 Meteor fighters from Britain.[54] Secondly, it is probable that with constant congressional supervision, there were simply insufficient funds to meet all Latin American demands. It is difficult to see how, for instance, the gift or reduced-cost sale to Peru of a US equivalent of Hawker Hunters and Canberras could have been justified the year after a gift of F–86 Sabres and B–26 bombers.

During the sixties, when the "outmoded" concept of hemispheric defence had been abandoned it was impossible to defend sales of sophisticated weapons either on the grounds that they were needed or through the appeal to standardization. The United States appealed to Latin American nations not to buy sophisticated weapons at all. At Punta del Este in April 1967, the presidents of the Western hemisphere were persuaded to express their intention "to limit military expenditures in proportion to the actual demands of national security, in accordance with each country's constitutional provisions, avoiding those expenditures, that are not indispensable for performance of the specific duties of the armed forces and, those pertinent, of international commitments that obligate their respective governments." [55] The wording was intentionally vague. The Latin American presidents rejected a US suggestion that they should pledge themselves not to buy or manufacture supersonic aircraft, naval vessels heavier than destroyers, missiles, or tanks over 30 tons. In October 1967 at Rio de Janeiro, the Inter-American Committee on the Alliance for Progress (ICAP) voted to consider military expenditure and birth-control measures as factors in granting aid to alliance members. The same year, two amendments to the Foreign Assistance Act—the Symington and Conte-Long amendments—required that economic assistance be curtailed to any country buying sophisticated weapons it does not need and cannot afford. These amendments were incorporated into the Military Sales Bill of 1968, and expanded to cover military credit sales. In explaining this provision, Paul Warnke, Assistant Secretary of Defense for International Security Affairs, told the Senate Foreign Relations Committee:

"What we are concerned about is the fact that these are sovereign nations, we can't control their ability to buy from other sources. What we are concerned about is the possibility that these countries may buy from foreign countries an amount of military hardware which we shall regard as excessive." [56]

That the main concern was with "their ability to buy from other sources" is demonstrated by the recent history of Latin American arms purchases. When Argentina began negotiations for French Mystères, the United States Air Force recommended that Argentina be supplied with F–5s. It was argued that if the United States supplied key weapons to Latin American nations, it could maintain greater control over their use and over proliferation. The suggestion was overruled and the administration agreed to supply 50 A–4 Skyhawks. In congressional testimony in 1966, Secretary McNamara acknowledged that the A–4s were supplied

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to prevent the sale of British planes to Argentina. When asked what use A-4s had for internal security, he replied: "Nothing, absolutely nothing".[57] The cost of the Skyhawks was only $7 million.[58] Argentina was given a $21 million Export-Import Bank Loan guaranteed by the U.S. Defense Department to pay for them and other U.S. purchases. Only 25 A-4s were delivered because of the shortages in Viet-Nam.

Following the Argentine lead, Peru, overreacting, began to make inquiries about supersonic fighters. Peru requested the F-5 from the United States and the Lightning from Britain. At the time, some sources suggested that Peru was negotiating for Lightning in order to persuade the United States to release the F-5 before 1969.[59] Later it was revealed that Washington had put pressure on Britain not to supply Lightning.[60] The United States refused to supply F-5 before 1969 but offered Peru 12 F-86 Sabres. The offer was refused. In 1967, the United States blocked the sale of six Canberras to Peru; these had been built in Britain with U.S. aid. The United States argued that the sale would cause too much financial strain and would be inconsistent with the Alliance for Progress. The same arguments were used to dissuade Peru from buying the Mirage. There was also the added argument that the purchase of the supersonic Mirage would mean the introduction of a new type of weapon into Latin America and would lead to a new arms race. Negotiations for the Mirage were underway in 1967. Brazil was also negotiating for the Mirage.

In October 1967, French sources reported that a deal to supply 12 Mirage 5s to Peru had been signed in August.[61] Two weeks later the United States offered the F-5 to five Latin American nations—Argentina, Brazil, Chile, Peru and Venezuela. The State Department spokesman, McCloskey, said: "We expect the purchases of F-5s to be spread over several years and will not sufficiently affect the economic development expectations of the interested countries."[62] The following year, after Peru had announced its intention to buy the Mirage, Secretary Clifford defended the offer of F-5s to the Senate Foreign Relations Committee on the grounds that it was a less sophisticated plane than the Mirage.

"They obviously were going into a more modern plane. The F-5 is a rather unsophisticated plane, and it would serve their purpose well."

Senator Gore. Perhaps better for internal security than the sophisticated one.

Secretary Clifford. Much better, we felt. . . . They wanted something much more sophisticated, so they apparently started to purchase the French plane. Now, this very likely will bring into focus the Conte-Long amendment and the Symington amendment, so that this Government will have to face up to that question.[63]

Yet the Mirage 5 Peru purchased is a simplified version of the Mirage III, developed in the same way as the F-5, especially for the developing countries' market. Although probably more expensive, there is no reason to suppose that it is significantly more sophisticated or inferior for internal security purposes.

The purchase of Mirages and 78 AMX-13 tanks was announced by Peru in April 1968. In early May, it was reported that Britain was selling Peru six Canberras which had been built entirely with British finance. On 16 May, a day before Secretary Clifford gave his testimony, foreign aid officials warned Peru that they would "be unable to come to any decisions" on "new loans" for projects and programme work if Peru's budget for 1968 included "unnecessary military expenditure", if Peru persisted in buying the Mirage.[64]

A report in the *International Herald Tribune* on 2 November 1967 stated that US diplomats had quietly warned Brazil that the purchase of the Mirage might jeopardize the US aid programme to Brazil. The following day the State Department denied that any sort of threat had been issued but pointed out that Congress was responsible for decisions on aid and that Congress was opposed to excessive military purchases.

On 23 November 1967, the Brazilian Air Minister announced that Brazil had decided to purchase equal numbers of F-5s and Mirages. He said that it was a technical and not a political solution.[65] In January 1969 the Air Minister presented a report to President Costa e Silva, favouring the purchase of Mirages. Among other reasons, it was stated that the French had offered the most favourable terms—partial payment in coffee and raw materials over a period of ten years.[66] No decision was taken.

In February, Brazil ordered six HS 125 transports from Britain. It was reported that State Department officials were considering whether this was subject to the Symington Amendment.[67] The same month, the U.S. Ambassador to Brazil informed the Brazilian President that the United States was reducing the volume of military aid to Latin American countries, in particular to Brazil. He said that this had nothing to do with the purchase of HS 125s from Britain.

It is clear from the fact that while the United States is prepared to offer the F-5, roughly the equivalent of the Mirage 5, and the A-4, only marginally inferior to the Mirage III, and yet apply pressure to prevent the purchase of Mirages that the main concern is with maintaining the US monopoly.

Even the economic argument is not convincing. To judge by the report of the Brazilian Air Minister, the French terms are probably as favourable as those offered by the United States. The AMX-13s which Argentina ordered in 1967 are to be paid for on five-year credit at 3 per cent interest.[68] These terms do not differ substantially from those offered on a typical country X loan.[69] It is difficult also to find a convincing justification for the veto on the Canberras to Peru. Since the planes had been in service with the RAF for several years, they cannot have been very expensive. Nor did they represent the introduction of a new type of weapon into the area. Peru had already purchased eight Canberras in 1956; Venezuela had purchased ten in 1957. Perhaps the most ironic feature of the US attempts at arms control was the sale by the United States of seven F-51 Mustang fighters to El Salvador in 1968. These were all destroyed in the brief conflict with Honduras in July 1969.

Subsequently there has been a more determined effort to increase military independence from the United States. Both Argentina and Brazil have launched programmes to develop their domestic defence industries. The Brazilian Admiral, Hector Lopez de Sousa, stated that "a nation is only truly independent when it manufactures its own equipment".[70] While Argentina is developing its vehicle and ordnance production, with a view to export, Brazil is to produce the Macchi jet trainer under licence.[71]

The search for European combat aircraft has also intensified. The day after the USA announced the sale of 16 Skyhawks to Argentina and its willingness to supply 50 Skyhawks or F-5s to Brazil, Chile and Colombia, Brazil announced on 18 May 1970 the purchase of 16 Mirage IIIs. Argentina ordered 14 Mirage IIIs, later on in the year.[72] And in December, Colombia announced the purchase of 18 Mirage 5s, and an arrangement for 43 pilots to train in France. In the meantime, Argentina had ordered 12 refurbished Canberras from Britain and Chile had ordered a further nine Hawker Hunters.

Naval programmes were also launched. On Navy Day Admiral Benigno Varela, Commander-in-Chief of the Argentine Navy, issued a declaration demanding that Argentina stop depending on loaned US vessels. Argentina has declared a 200-mile coastal limit, which is not recognized by the United States. He pointed out that if Argentina seized US fishing vessels, within the 200-mile limit, the USA would cancel the loan agreement. He also pointed out that loaned vessels can only be used in what the lenders determine as "legitimate defence". This does not include clashes with Chile or US fishing vessels.[73] Argentina refused to a US offer to loan two submarines; instead two submarines were ordered from West Germany to be assembled in Argentina. Argentina also purchased an aircraft carrier from the Netherlands and ordered two missile-firing frigates from Britain. Brazil and Chile followed Argentina's lead and each ordered "Oberon" class submarines from Britain. Chile also ordered two "Leander" class frigates, while Peru purchased two second-hand "Daring" class destroyers from the British Ministry of Defense. In September 1970, Brazil ordered six Vosper Thorneycraft frigates, at a cost of $280 million, armed with missiles, of which two are to be built in Brazil. Other purchases from Europe include six West German coastal minesweepers for Brazil, Exocet missiles for Peru, and AMX-13 tanks and Panhard armoured cars for Ecuador.

Already by March 1970, General Warren, responsible for the aid and sales programmes, was admitting that "the USA is losing the military equipment market of Latin America".[74] Congressional restrictions have hampered the ability to offer favourable credit terms. According to official US information, repayment periods are 5-7 years, with down payments of 10-15 per cent. Private commercial credit charges interest rates of 11 to 12 per cent, while US government credit, which cannot exceed 50 per cent of the total contract, is made available at the same rate incurred by the US government in borrowing the money—7⅞ per cent, as of April, 1970. Private credit, guaranteed by the US government is generally not less than 10 per cent. In contrast, British and French aircraft are offered at rates ranging from 5 to 8 per cent, for periods of 8 to 10 years, with down payments of 6-15 per cent.[75] Terms are likely to be similar for other weapon deals. For example, $235 million of the $280 million deal for frigates, signed between Brazil and Britain, is to be financed by a consortium of British banks, backed by the Export Credit Guarantee Department. The remaining $48 million concerns local expenditure, incurred in building two of the frigates in Brazil. Payment is over 8 years at 5½ per cent interest.[76]

At the same time, there has been a drastic reduction in grant aid programmes. In FY 1969, programmes to Argentina, Brazil and Peru were all curtailed. The number of US military personnel posted to military missions in Latin America fell from 791 in July 1969 to 498 in November 1970. This was due partly to restrictions on funds, and partly to the recommendations of Senators and politicians, such as Governor Rockefeller, who after his visit to Latin America in the autumn of 1969, presented a report in which he recommended increased arms sales but stated that the permanent military missions "too often have constituted too large and too visible a United States presence".[77] It was also due to the action of Peru, which in response to the public announcement in May 1969 of the suspension of military sales in February 1969, after the seizure of a US fishing vessel within its declared 200-mile limit,[78] expelled the 70 man US military mission. Later, Peru admitted seven officers and enlisted men to oversee US equipment, as required by US law.

It seems that US policy to Latin America is approaching a crisis, similar to or more serious than that which occurred at the end

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Footnotes at end of article.

of the fifties. The radical nature of the regimes in Peru, Bolivia and Chile is causing considerable concern. As one US official stated: "We may no longer have anyone to assist if the military in Latin America become part of the official leftist establishment and the guerrillas turn respectable." [79] At the same time, the ability to influence the conservative regimes is reduced by the restrictions on military aid and by their increasing arms purchases from Europe. Congress is no longer so willing to authorize military equipment for counterinsurgency. After the war between El Salvador and Honduras, Senator W. Fulbright called for a complete halt in military aid to Latin America. When Assistant Secretary of State Charles A. Meyer told the Senate Foreign Relations Committee that military aid played a "fundamental role in strengthening counterinsurgency forces where inadequate and inequitable economic and social structures" made governments vulnerable to subversion, Senator Church asked: "Why shouldn't they be subverted?" [80]

FOOTNOTES

[1] This chapter does not deal with Latin American police forces, which are relatively large and well-equipped. In contrast to military expenditures and US military aid, police expenditures and US police aid, under the AID Public Safety Program, have been rising rapidly. A more complete picture of the pattern of arms supplies to Latin America should take into account the role of Latin American police forces, which is not dealt with this study.

[2] Argentina, Brazil, Chile, Peru and Venezuela.

[3] Survey of the Alliance for Progress, *The Latin American Military,* (a study prepared by E. Lieuwen) at the request of the Subcommittee on American Republics Affairs of the Committee on Foreign Relations, US Senate, 90th Congress, 1st session, Washington 1967, p. 17.

[4] *Aircraft Sales to Latin America,* Hearings before the Subcommittee on Inter-American Affairs, Committee on Foreign Affairs, US House of Representatives, 29 and 30 April 1970, p. 2.

[5] The most important Latin American defence production takes place in Argentina and Brazil; see chapter 22.

[6] The exceptions are Colombia, Costa Rica, Mexico and Panama. In Costa Rica and Panama there are no armed forces as such, only a national guard. In Colombia, where rural banditry has always been rife, the "Lancero units are developing into crack counterinsurgency forces". MIT, Center for International Studies, *Regional Arms Control Arrangements for Developing Areas,* C/64–26, Cambridge, Mass. 1964 (*CIS, MIT C/64–25*).

[7] la Costa Rica, the armed forces were disbanded after the revolution of 1948 and replaced by a national guard. The barracks were turned into a national art museum.

[8] Joseph Loftus, *Latin American Defence Expenditures,* 1935–1965, Rand RM–5310.

[9] See, for instance, Charles Wolf, Jr., *The Political Effects of Military Programs: Some Indications from Latin America,* Rand RM–3676, for an attempt to compare military aid, defence expenditures, etc. with the Fitz Gibbon indices for political development. See also J. Loftus, *op. cit.,* for an attempt to relate the level of defence expenditures with political developments in Venezuela.

[10] *CIS, MIT C/64–25, op. cit.*

[11] *Washington Post,* June 1967.

[12] The mutiny was related to pay and procurement, and probably had some connection with the forthcoming elections.

[13] *Financial Times,* 16 December 1969.

[14] Goulart had been Labour Minister during Vargas' return to power, at the head of the Brazilian Labour Party, in 1950–54. Vargas, who had already been President up to 1945, displayed radical tendencies although his powers were restricted by the military. When asked by the armed forces to resign in 1954, he committed suicide.

[15] *New York Times,* 1 November 1970.

[16] *Flight International,* 15 April 1965.

[17] B. G. Burnett and K. F. Johnson, *Political Forces in Latin America,* Belmont 1968.

[18] *Aviation Week & Space Technology,* 30 June 1966.

[19] Brazil has always received preferential treatment. A joint US-Brazilian military commission was established in 1947 and, since then, most Brazilian naval and air purchases have been made through the Brazilian military mission in Washington, D. C.

[20] Cordell Hull's memoirs, quoted in Edwin Lieuwen, *Arms and Politics in Latin America,* New York 1961.

[21] *CIS, MIT C/64–25.* For details of the programmes before and during World War II, see W. A. Brown and R. Opie, *American Foreign Assistance,* Brookings Institution, Washington 1953.

[22] *Foreign Assistance Act of 1968,* Report of the Committee on Foreign Relations, US Senate on H. R. 15263 to amend further the Foreign Assistance Act of 1961, Washington 1968, p. 33.

[23] For this and other details of congressional restrictions, see *Aircraft Sales to Latin America, op. cit.,* pp. 26–27.

[24] The main contribution of the Latin American nations on World War II was to allow the United States to construct bases and facilities on their soil and to provide the USA with strategic raw materials. Only Brazil and Mexico contributed troops. Brazil, Cuba, Haiti, Mexico, Panama, Peru and Venezuela all permitted the construction of bases and other facilities.

[25] *Documents on American Foreign Relations,* 1952, Council on Foreign Relations, New York 1953.

[26] Quoted in *The Latin American Military, op. cit.*

[27] See *CIS, MIT* C/64–25, *op. cit.*

[28] See H. A. Hovey, *United States Military Assistance. A Study of Policies and Practices,* New York 1965, chapter 4.

[29] See the *Draper Report, op. cit.*

[30] *Foreign Assistance Act of 1961.*

[31] Hovey, *op. cit.*

[32] *New York Times,* 4 July 1961.

[33] Hovey, *op. cit.;* and *The Latin American Military, op. cit.*

[34] "Points in Explanation of U.S. Military Assistance Program for Latin America", quoted in W. F. Barber and C. N. Ronning, *Internal Security and Military Power, Counterinsurgency and Civil Action in Latin America,* Mershon Center for Education in National Security, Ohio State University 1966, p. 33.

[35] See chapter 3.

[36] Lieuwen, *op. cit.*

[37] Quoted in Burnett and Johnson, *op. cit.*

[38] Quoted in Richard J. Barnet, *Intervention and Revolution, The United States in the Third World* New York 1968.

[39] Quoted in J. Gerassi, *The Great Fear: The Reconquest of Latin America by Latin Amercans,* London 1967.

[40] US Congress, Senate, Committee on Appropriations, *Special Report on Latin America: United States Activities in Mexico, Panama, Peru Chile, Argentina, Brazil and Venezuela;* 87th Congress, 2nd session, 1962, quoted in Hovey, *op. cit.,* p. 68.

[41] Quoted in Barber and Ronning, *op. cit.*

[42] See *Military Assistance Facts,* May 1966 and March 1968; and *Military Assistance and Foreign Military Sales Facts,* May 1967.

[43] *Survey of the Alliance for Progress,* Hearings before the Subcommittee on American Republics Affairs, Senate Foreign Relations Committee, 90th Congress, 2nd session, 1968, on the role of the military in underdeveloped countries.

[44] Senate "Study Mission to South America", February 1962, quoted in Hovey, *op. cit.*

[45] These teams, known as MTTs, were responsible for training the Bolivian Rangers, which captured Che Guevara and also for the successful counterinsurgency effort in Colombia. See *New Republic,* 16 December 1967.

[46] Quoted in Barber and Ronning, *op. cit.,* p. 147.

[47] *CIS, MIT C/64–65, op. cit.*

[48] Barber and Ronning, *op. cit.; The Latin American Military, op. cit.*

[49] Quoted in Barber and Ronning, *op. cit.,* pp. 82–83.

[50] See Barber and Ronning, *op. cit.*

[51] Quoted in *The Latin American Military, op. cit.*

[52] *Ibid.*

[53] Geoffrey Kemp, in *World Today,* September 1967.

[54] This was the period of Vargas' short-lived return to power.

[55] Quoted in the *St. Louis Post Dispatch,* 30 April 1967.

[56] *Foreign Military Sales,* Hearing before the Committee on Foreign Relations, US Senate, 1967.

[57] *New York Times,* 21 July 1967.

[58] *Flying Review International,* January 1966.

[59] *Washington Post,* 17 December 1966.

[60] *Washington Post,* 18 June 1967.

[61] *New York Times,* 5 October 1967.

[62] *Baltimore Sun,* 11 November 1967.

[63] *Foreign Assistance Act of 1968, Part 2,* Hearings before the Committee on Foreign Relations, US Senate, 90th Congress, 2nd session, on S. 3091, 17 May 1968, p. 436.

[64] *Washington Post,* 17 May 1968.

[65] *International Herald Tribune,* 24 November 1964.

[66] *Le Monde,* 7–8 January 1969.

[67] *Flight International,* 29 February 1968.

[68] *New York Times,* 4 October 1967.

[69] These are Export-Import Bank loans, guaranteed by the Defense Department; see chapter 3.

[70] *Financial Times,* 20 May 1970.

[71] For more details, see chapter 22.

[72] The Mirages for Argentina may be those returned to France by Lebanon in exchange for equipment which is easier to handle.

[73] *Christian Science Monitor,* 7 June 1968.

[74] *Financial Times,* 20 May 1970.

[75] *Aircraft Sales to Latin America, op. cit.,* p. 24.

[76] *Financial Times,* 29 September 1970.

[77] *International Herald Tribune,* 12 May 1970.

[78] Military sales to Ecuador were also suspended in December 1968, after the seizure of a US fishing vessel.

[79] *New York Times,* 1 November 1970.

[80] Quoted in *New York Times,* 9 July 1969.

My final amendment concerns the ceiling on military arms sales to Latin America, which we are asked to raise by a huge 50 percent.

Mr. Chairman, I believe congressional policy behind ceiling provisions is a very good one. We should not chip away at that policy making the imposed limits meaningless by continually raising them. The ceilings were instituted for a very good reason: to end U.S. participation in the wasteful diversion of absolutely needed scarce resources, and to avoid strengthening internal elites whose control of the means of violence makes them in the best of circumstances a dangerously unbalancing element in any emerging country's politics.

We must ask ourselves a very basic question: Can we rely on the military to solve the real problems of these countries, or will we only be solving pseudo-problems that merely consolidate the hold of unresponsive elites?

Sometimes it seems as if the main reason for raising these ceilings is the consideration that if we do not make these sales, other countries will. If Biblical concepts are not out of place in these deliberations, I would remind you that we are told there that although evil will be done in the world, woe unto him who is the agent of evil. And I really think that our time and effort would be better spent trying to negotiate a general limit to arms sales to developing countries, than to make a fast buck on other people's misery.

These three amendments are only a start, only a step in the right direction. But until we take the decision to turn around, until we decide we cannot wait for the world to do it for us, we will never start down that long road away from a foreign policy based on military power to a foreign policy based on the possibility of genuine contribution to the world's human problems.

Mr. MORGAN. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania (Mr. Dent).

Mr. DENT. Mr. Chairman and members of the Committee, we have a very, very aggressive and stubborn group of Members in this House, and they have proven it on many occasions. They do not know what it is to be defeated.

Mr. GAYDOS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Forty Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 307]

Abernethy
Abourezk
Alexander
Annunzio
Ashbrook
Badillo
Biaggi
Blackburn
Blanton
Boggs
Bolling
Broomfield
Brown, Mich.
Burlison, Mo.
Carter
Chamberlain
Chisholm
Clancy
Clay
Conable
Conyers
Coughlin
Davis, Ga.
Derwinski
Devine
Dingell
Dowdy
du Pont
Dwyer
Edmondson
Edwards, Calif.
Esch
Eshleman
Evins, Tenn.
Findley
Flynt
Ford, William D.
Fountain
Fraser
Galifianakis
Gallagher
Gibbons
Gray
Hagan
Hansen, Wash.
Harrington
Hébert
Henderson
Hillis
Horton
Howard
Hungate
Hutchinson
Ichord
Jonas
Jones, Tenn.
Kuykendall
Landgrebe
Landrum
Lennon
Long, La.
McClure
McCormack
McDonald, Mich.
McKinney
McMillan
Meeds
Miller, Calif.
Moorhead
Nedzi
O'Hara
O'Neill
Passman
Patman
Pelly
Pepper
Pike
Pirnie
Pryor, Ark.
Railsback
Randall
Rarick
Reid
Rooney, N.Y.
Rosenthal
Ruppe
Ryan
Scheuer
Slack
Smith, Calif.
Springer
Stanton, James V.
Stephens
Stokes
Stuckey
Talcott
Teague, Tex.
Thompson, Ga.
Tiernan
Udall
Ullman
Wilson, Charles H.
Wydler
Yatron

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Price of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 16029, and finding itself without a quorum, he had directed the roll to be called, when 328 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. PRICE of Texas. Mr. Chairman, last year the U.S. Congress adopted legislation which prohibited the President from banning the importation of a strategic commodity from a free world country as long as it was being imported from a Communist country. This is reasonable. Why should we make overtures to the Communist dictators and depend upon them for our strategic materials, when a friendly nation such as Rhodesia would gladly provide us with a better grade chrome at cheaper prices?

Today, once more, we find legislation before us; namely, section 14 of the Foreign Aid Authorization bill, which could easily again place us in a position of dependence upon the Communists for vital defense materials such as chrome ore—a commodity which is critical to the manufacture of such basic U.S. defense items as jet aircraft, missiles, and nuclear submarines. Since the unfair imposition of sanctions on Rhodesia, 60 percent of our chrome imports have come from the U.S.S.R. It does not require much imagination to realize how much strategic leverage this situation gives Russia in its relations with us. Should the Communists decide to cut off our until-recently one major source of chromium supply we would be rendered helpless and vulnerable before them. Is it logical to seek our defense-related materials from our enemies instead of our friends?

Rhodesia is the principal chrome producing nation in the world. It has two-thirds of the world's reserves. Yet we have singled out that friendly nation as a pariah, while we continue to trade with Russia, Poland, Hungary, Algeria, Chile, notwithstanding their alien ideologies and hated dictatorial practices.

We must be able to distinguish our enemies from our friends and not compromise our freedom by siding with those who would readily destroy us. Does it appear reasonable to bend our knee before those who would wish to bury us and ask them for the weapons to forestall that destruction?

Let us keep in mind this Nation's overriding goal—to protect the cherished principles of freedom and democracy which we stand for and which we must be ready to defend with the steel sword if necessary. For, unfortunately, the steel sword and iron strength are the only language which our enemies respect and understand; and our sword must have chrome to give it strength.

I therefore urge that we in the Congress defeat section 14 of the Foreign Aid Authorization Act which would foolishly compromise our national security and render us vulnerable before our enemies.

Last year Congress adopted as part of the Military Procurement bill, the Byrd amendment which would allow us to import our strategic materials from friendly nations—nations like Rhodesia. For our Nation's sake, that law must be allowed to stand.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. Dent) is recognized.

Mr. DENT. Mr. Chairman, before I was interrupted by the rollcall, I started to talk about section 14 of the bill before us dealing with a subject matter that has been thoroughly discussed in this House.

This House has acted upon it. But, as I said many times, there are certain groups amongst us who never say die—who never quit—who insist that all things must be as they designed them—and must, in every instance, be exactly what the minority wants, which in some way or another has now become the right of the minority to rule the majority.

I am speaking of a very serious matter, one that goes far beyond the so-called underlying principle that was the factor which decided the action of the U.N. And I am talking about the so-called U.N. embargo of ore from Rhodesia.

This Nation can little afford to join in a luxury position taken by those who never intended to obey the dictum of the U.N., and never have.

Metallurgical grade chromite ore is found principally in Rhodesia. Sixty-eight percent of all the world's reserves are in Rhodesia.

Another 26 percent—the greatest supply of known ore, after the Rhodesian ore—at least the exploited ore, is in the Soviet Union.

The United States in 1961, against the advice of its own governmental agencies, decided to stop producing chrome ore in the United States. We are entirely dependent upon the importation of chrome ore, the one ingredient that allows the production of specialty steels—the one steel that is essential to the life and production of goods for life in peace and in war in this or any other nation.

Without the importation of ore, because of our foolish positions that we took in 1961, we are without doubt at the mercy of any aggressor within a short period of time after the start of hostilities.

In 1965, Rhodesia unilaterally declared itself free and independent of British colonial control—somewhat reminiscent of the action of the 13 States, and for somewhat similar reasons.

Great Britain up until that time had the same type of government that they had in 1965 and have now. Great Britain never asked anybody to embargo Rhodesian ore. The only time that Great Britain awakened to the situation was when Rhodesia declared itself independent of British rule. At that point, all of a sudden, it became imperative that the internal disorders in Rhodesia due to racial situations beyond our control became the reason for embargoing Rhodesian ore.

What has happened during those years of embargo? I am told by a very close friend of mine, a member of the Committee on Foreign Affairs that certain statements were made in that committee relative to this embargo and its effect upon American production. I am told that there will be an argument that some steelworkers official told him that there were no jobs lost. Well, I happen to have five plants in my district and, if they do not think any jobs have been lost, I will send them the unemployed steel workers from our steel plants and see if they have room for them in their agricultural territories or in the city of New York where some of the scientists come from.

This sanction resolution was unanimously adopted by the U.N. As of the date of the repeal of the sanction by this Congress, only two nations on the face of the earth producing steel were abiding by the sanction.

Only Great Britain and the United States, and we were only abiding by the sanction in the position of buying ore direct from Rhodesia. We cannot survive without Rhodesian ore. All of the ore that we have is imported. The Soviets have sent us in 1969 68 percent of all the ore that we consume. That is all they could give us.

The Japanese have today the largest reserve of ore above ground of any nation in the world. When the sanctions were put into effect we were in 100 percent production of defense steels in this country. One plant in my district is the only plant in the United States making a certain alloy without which you cannot produce the last 3 airplanes developed by the United States, without this alloy that we make.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield for a very short question, yes. I only have limited time.

Mr. DOW. Is it not true that a great deal of the chrome that we import is wasted in a luxurious fashion on door knobs and automobile bumpers and all that sort of flashy metal that we use in our automobiles?

Mr. DENT. Well, I do not know. A lot of people in this country like flashy metal. I do not see that they should be denied it. There are a lot of people in this country who like automobiles, and I am not in a position to say that what you have said is true, since I own a car made in America by the American Motors Corp., which, incidentally, does not have any flashy metal on it. I do not know what kind you own, but I will take a look at it.

Fellow Members, if that is the only argument you have to support a sanction, God help this country! Imagine such an important issue as the very lifeblood of this nation depending upon whether you like an automobile with flashy metal. The truth of the matter is that the year before the sanction was the largest productivity of ore in Rhodesia in its history, and yet after the sanctions went into effect in 1967 the production dropped from 625,000 to 350,000 tons, but in 1971 after all these years of sanctions, the production in Rhodesia in the American-owned production facility was up to 650,000 tons.

Is that a sanction? I will tell you what the sanction has done. It has increased the cost of American ore that we have to buy from third-party nations from 15 cents per pound to 25 cents per pound. Since we introduced the amendment that lifted the embargo, we have been able to get our ore price reduced 18 cents per pound, or $1.40 per ton.

Now, the argument made by the proponents of this amendment is that we are buying less ore now than we bought in 1968 and 1969. Well, why would we not? If that is the purpose, to buy less ore, then, of course, all you have to do is keep this policy up and we will not have to buy any because we will not have any production.

We lost 30 percent of our production in those 3 years, and no one can tell me—steelworker or nonsteel worker—that you can lose 30 percent of your production in any item and not lose employment.

An amendment was offered to the Foreign Relations Act to reimpose that sanction. Why? Where do you get the basic argument? Oh, they say the blacks have to have it because of the fact that it is a question dealing with something other than the production of goods. If that is the case, I could name you a lot of countries to be embargoed. I defy any of you——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MORGAN. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. DENT. How many of you would decide to embargo Russia because of the treatment they have given to the Jews?

Some people might say we ought to be embargoed for the treatment we gave the Indians in this country. These are internal problems of nations. They are not settled now, they have not been settled for centuries, and they may not be settled for centuries.

If the embargo is to work, why do we allow ores to come into this country from Rhodesia through third party nations? Why do we allow steel to come into this country which was made with ore from Rhodesia, which not only deprives our country of exports, but also deprives our people of jobs.

I am sick and tired of people who put on their sleeves their love of this country and minorities, and then the minute the minorities are no good to them politically, they divorce the minorities as quickly as they would a bad wife.

Mr. GROSS. Mr. Chairman, will the gentleman yield

Mr. DENT. I yield to the gentleman from Iowa.

Mr. GROSS. Rhodesia was one of the few countries before that embargo was slapped on with which we had a favorable balance of trade.

Mr. DENT. Let me tell the Members something else. There is not 1 ton of ore above ground in Rhodesia. Why? Because it is all being shipped out. I was told it is being shipped to Portugal and to South Africa. All the ore they use could be put in a thimble and if one would rattle it, it would wake one up. These people are not using 650,000 tons of ore from their own facilities.

Before the embargo we were the largest producer of specialty steel and the largest consumer of chrome ore. We have gone from $38 a ton of raw ore to $80. Since the embargo was lifted it has been reduced to $50 a ton. Why? Because we broke the back of the Soviet Russian monopoly on ore to the United States of America. The only other source of any consequence is what we are getting from Soviet Russia, beyond the ore from Rhodesia, and much of the Soviet ore comes from Rhodesia also.

The statement was made in the committee that not one pound comes from Russia. Where would we get it? Where do Members think we get it? It is not something that can be sneaked into the country in a pocket like pot. It comes in, it is visible, and it comes in in ships and can be measured.

If the Congress again puts our own interest secondary to that of the Russians, we deserve everything we will get from those who are going to give it to us some day. Even the bill itself is impossible—impossible—of fulfillment if we do not have chrome ore. The argument is made that there is not a shutoff of ore, that we can get it, that Rhodesia is still producing it.

The very persons who come here and ask us to reinstate the embargo admitted openly before a committee that the embargo is not working, that we are buying chrome ore from Rhodesia, but they want us to pay more for it. Why? Do they want to weaken this Nation's ability to defend itself in war and prosper in peace? Is that what the purpose is? I can find no other purpose.

I searched my mind last night as deeply as I could, I searched in the back pages of our history on metal production, and I can find no worthy reason to weaken this Nation in its ability to defend itself in wartime and to defend itself in peacetime prosperity. We were the most prosperous nation on the face of this earth until we started telling other nations how to behave. We do not know ourselves how to behave. Some of very people who are the promoters of this embargo are the same ones who are condemning the Democratic Party because we have listened to the voices of the young people. They are listening to the voices of people who do not even live on this continent. They are listening to people who have absolutely defied every pressure that can be put on them to employ these sanctions although they signed the U.N. resolution.

I want any Member of this Congress to show me what nation on the face of the earth that produces steel and is obeying the sanction, other than Great Britain and the United States. I say to this House if anyone shows me one nation that produces steel that is not buying Rhodesian ore and also signed the manifesto and embargo, I will resign from the House of Representatives and go back where I belong with my honest people.

It may be crazy, but I will do it, because it is not worth it for me to sit here and see my great country go down the drain on a false premise. I am 64. I have never supported a false premise, and I never will.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Illinois.

Mr. PUCINSKI. The gentleman is telling us that other countries are buying chrome from Rhodesia and selling it to us at a profit, but this resolution would bar us from buying it directly from Rhodesia.

Mr. DENT. That is exactly what has happened since 1965. They never shut down the Rhodesian production, but we had enough for our reduced production, but we had to pay exactly 100 percent more than the French, the Italians, the Japanese, the Germans, and the Australians.

There is one more thing before I close. I want this clearly understood. We have been trying to buy Turkish chrome. Why? When it comes down to basics, they have not had the productivity to give enough of it, but some of the best ore in the world, equal to and some of it better than the Rhodesian ore. We have not put enough money into the Turkish ore to get the production, but when we do they will find something against Turkey. They will probably ask us to put some kind of an embargo on, because Russia has made a deal. I charge this for the record: Russia has made a deal to barter to the United States for the production of machinery, to barter ore, float glass, liquefied gas, and other products natural to Russia, and they are getting $3.2 billion worth of goods for the products we are to buy.

The Russian interest is the compelling interest on the part of some, in the amendment before us.

Mr. MAILLIARD. Mr. Chairman, I have no further requests for time.

Mr. MORGAN. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman and members of the Committee, I come here to beseech you to support that part of the bill which would cut off military and economic aid to Thailand.

It is sometimes difficult for those of us who come from different communities to recognize some of the problems that we have in our international agreements with other nations. Yet, as we see in the drug epidemic's explosion, many of us recognize today more than ever before that this is not a medical problem or a social problem restricted to the inner cities. Indeed, it probably shocked the consciences of many Members of Congress to find that those of us who were anxious to see our boys return home as heroes found that they returned home as junkies.

It is difficult to understand how when the State Department, the CIA, the Bureau of Narcotics and Dangerous Drugs and all those agencies which have the power to go out and attempt to control the international traffic in drugs pinpoint the nations which are the biggest violators, we find when we return to the Chambers of Congress that we are asked time and time again to support these nations.

There are reports, classified and unclassified, that substantiate—without being refuted by the administration—the fact that the Thai Government is not only actively engaged in the trafficking of drugs but also is using the very same military vehicles we appropriate funds for to do this.

I am saying as I read the legislation that the only sanction against providing funds for that Government which has been termed corrupt by our own State Department, the only restrictions are that the legislation gives the President of the United States an opportunity to see what inroads we have made. This is an opportunity to test the cooperation of that Government. If in fact in the view of our Commander in Chief, our Chief Executive, that Government is cooperating in stopping the international flow of drugs which has a direct affect on the quality of life of hundreds of thousands of people in this country, then that money which is authorized to be appropriated in prior sections will become available to be distributed to the Government of Thailand.

It will be difficult indeed for me and many Members of Congress to justify to the returning GIs who are seeking drug addiction rehabilitation care and to speak to the thousands of youngsters hooked by this tragic disease to explain why we as Members of the United States Congress continue to give economic support to those nations which do not recognize that their action is indeed a threat to our national security.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to H.R. 16029 because of several provisions contained in the bill which would be detrimental to our Nation's foreign policy and would severely impede President Nixon's effort to bring America into closer accord with nations throughout the globe. My main objection is to section 13 of the bill known as the Hamilton amendment. However, I am also opposed to the sections which deal with our relations with Thailand, Portugal and Southern Rhodesia. These provisions are direct slaps in the face to three strong and longstanding allies of ours who are taking steps to change policies of their countries with which some Members of Congress evidently disagree because of philosophical reasons.

I am not sure we have the right to dictate internal policy of another nation through legislative edict. We can accomplish the same objective in a much more harmonious fashion by allowing the various departments of our Government to continue their negotiations on the matters involved. Such high-handed and uncalled for tactics on the part of the U.S. Congress as contained in sections 7 and 14 serve absolutely no useful purpose.

As I stated earlier, my main objection to this legislation is because of section 13, and I have several reasons to oppose this so-called end-the-war amendment.

First, the amendment would seriously undermine President Nixon's bargaining leverage in Paris, as well as secret and public negotiations with the enemy.

Second, the cease-fire proposal would not bring an end to the fighting. It would only delay the fighting while we withdraw our troops. We should make every effort to end the fighting, period.

Third, the amendment addresses itself only to the release of American prisoners of war and information on those U.S. servicemen listed as missing in action. Are we going to be so inhumane as to forget about the fate of our allies who are held as prisoner?

Fourth, I feel that this piece of legislation is not the proper place to attach this amendment. An issue of this importance should be debated and voted on as a separate measure. I would suggest that the Foreign Affairs Committee bring to the House floor House Joint Resolution 1225 so that the Members may work their will on that bill which deals with the same subject.

Mr. Chairman, there is not a single Member of the House or Senate who likes the thought of war. It is abhorred by all. There is not a single Member who would not be extremely gratified to see an end to the fighting in Indochina. Unfortunately, this amendment will not accomplish that goal. In fact, I feel the amendment would only serve to prolong the fighting and killing of troops and captivity for the prisoners of war. I urge my colleagues to vote for a lasting and honorable peace by striking section 13 from the bill.

Mr. MORGAN. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. Dow).

Mr. DOW. Mr. Chairman, let me express the strongest kind of support for the Morgan-Hamilton-Whalen provision to end U.S. participation in the Indochina war by October 1972. The terms of the provision are well known to every Member of Congress, so I am not going to dwell on that. Instead, Mr. Chairman, by way of supporting the Morgan-Hamilton-Whalen provision, I want to condemn in the strongest terms continued U.S. military activities in Southeast Asia.

Since the United States has placed itself in the friendliest posture with the great centers of Communist power at Moscow and Peking, our campaign against "communistic aggression" in a small corner of Asia is clearly a vestigial remainder of an abandoned policy.

In pursuing this warfare with such demonic fury, our Nation is appearing before the world as a monster practitioner of cruelty. Our former Attorney General, Ramsey Clark, has just reported that the United States has recently bombed a hospital and killed innocent civilians in North Vietnam, to say nothing of bombing the dikes. I myself have seen moving pictures of the hideous suffering visited by our air warfare on the civilian population. The limbs of living people have been burned off by phosphates of American bombs, their flesh has been torn by small metal arrows called fletchettes, although this kind of weapon was ruled out under the principles of the Hague Convention more than half a century ago.

Instead, President Nixon continues, in spite of his pious expressions of hope for peace, to attach to his peace proposals various qualifications which would protect the continued role of the Saigon regime in South Vietnam. We went to war to protect that regime. The peace proposals of the President contain provisions for protecting that regime, and are not solely focused on peace. As long as our peace terms contain the protection of the Saigon regime, the President is not asking for peace but for the victory that has escaped us for 7 years.

Instead, the President should be held to his goal of peace. On October 9, 1968, he said:

> Those who have had a chance for 4 years and could not produce peace should not be given another chance.

I would give him another chance. He can accept the Morgan-Hamilton-Whalen provision, and so can we.

Mr. MORGAN. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. Long).

Mr. LONG of Maryland. Mr. Chairman, I strongly support the provision in this bill to end U.S. involvement in the Indochina war by October 1, 1972, subject to a cease-fire to achieve safe withdrawal and release of all American prisoners of war.

I have never ceased to wonder why we sent 600,000 American troops, of which my son was one, to protect 1 to 2 million South Vietnamese fighting men against a quarter of a million Communists. Whatever the original justification, it is no longer clear what our current objectives in Vietnam are.

If our objective is to contain the Communist Chinese, the only real threat, we may be weakening our position by destroying North Vietnam. We may find ourselves supporting North Vietnam against Communist Chinese aggression within the lifetime of many of you listening to this speech. If this is a possibility, it is not in our interest to destroy the North Vietnamese, who—as the only real fighters in Southeast Asia—offer the only long-run buffer against Chinese thrust to conquer that area.

If our objective is to destroy communism, we would hardly be exchanging amenities with the Communists in New York, Peking, Moscow, and elsewhere. If our objective is to win, we would not have pulled out all but about 10 percent of our troops.

We have surely done all we can be expected to do for the South Vietnamese. The South Vietnamese have all the equipment and troops they need to defend themselves. They have everything except possibly the will to do so. If our 10 years of being there has not instilled some will in them, who can believe that our being there longer will do so?

The United States cannot continue indefinitely to give the lives of our young men in a war which should be fought by the South Vietnamese.

Our only objective apparently left is to obtain the release of our American prisoners. But the longer we fight, the more prisoners the Communists will capture. Through this bill, we are telling the Communists that we will get out completely if they release all our prisoners. This is our best hope for getting our men back.

What Congressman here in this room can honestly tell the mothers and fathers in his district that with our present no-win policy there is any real objective left that is worth the loss of a single American boy?

Mr. MORGAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America assembled, That this Act may be cited as the "Foreign Assistance Act of 1972".

Mr. MORGAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Price of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes, had come to no resolution thereon.

THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. DONOHUE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13694) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts (Mr. Donohue).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13694, with Mr. Gonzalez in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Massachusetts (Mr. Donohue) will be recognized for 30 minutes, and the gentleman from New York (Mr. Smith) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. Donohue).

Mr. DONOHUE. Mr. Chairman, the bill, H.R. 13694, was introduced in accordance with the recommendations of an Executive communication from the American Revolution Bicentennial Commission. As outlined in the executive communication, the enactment of the amendments contained in this bill are now required to enable the Commission to carry forward its work. At the present time, an important aspect of its work includes giving assistance and advice in connection with developing programs and activities planned by the States and local communities, civic, and service organizations, Federal agencies and foreign governments.

Previously, the Bicentennial Commission has been engaged in preparing a basic blueprint for a national commemoration. Now, during the year 1973, the Commission will be emphasizing the actual initiation of programs and activities in connection with the observance of the bicentennial. Thus the authorization for appropriations for fiscal year 1973 contained in this bill is the first authorization which would have the purpose of beginning to fund implementation of the Commission's national plan.

This bill would authorize the amount of $6,712,000 to be appropriated for fiscal year 1973, and this figure would include provision for $2,400,000 for the second and final year of equal grants to the States, a program initiated in fiscal year 1972. Under Public Law 92–236, approved March 1, 1972, the 2-year program of grants to each State, the District of Columbia, the Commonwealth of Puerto Rico and the territories was authorized to assist in the establishment and implementation of bicentennial commissions.

Section 2 of the bill, H.R. 13694, adds two new subsections to section 9 of the joint resolution establishing the American Revolution Bicentennial Commission. Section 9 concerns grants in aid and includes in subsection 1 the provision for grants in aid to the States which I have just referred to. The new subsection 2 which would be added by this bill, as amended by the committee, would make grants to nonprofit entities, including States, Territories, the District of Columbia, and the Commonwealth of Puerto Rico, or their subdivisions for the purpose of assistaing them in developing or supporting bicentennial programs or projects. It is further provided that these grants may be up to 50 percent of the total cost of the program or project to be assisted. At the hearing it was explained that projects would be reviewed by the Commission and approved for grant support under the authority provided in the new subsection 2 on the basis of general criteria now being developed by the Commission.

At the hearing on April 13, 1972, the witness representing the Commission stated that the grant programs contemplated under section 9 are viewed as an essential inducement and stimulus for a truly national bicentennial commemoration. The Commission takes the position that these actions on a State and local basis both deserve and require encouragement and support by the Federal Government. It is contemplated that the limited financial support provided by the programs for Federal grants will have a catalytic effect in other areas of the public and private sector.

New subsection 3 added to section 9 of the bill authorizes the Commission to accept donations, bequests, or devises earmarked for specific nonprofit entities for bicentennial programs or projects. The Commission would be authorized to grant that money or property to the specified nonprofit entity, plus an amount not to exceed the value of the donation, bequest, or device on the condition that the recipient will agree to match the combined value of the grant for the program or project. It is hoped that these programs can be financed without the need of any appropriated funds. It was explained at the hearings that no appropriated funds were authorized or requested for these grants in fiscal year 1973. It is contemplated that the Commission will use revenues generated from the sale of bicentennial commemorative medallions and possibly from other licensing programs and donations for such grants during fiscal year 1973. It was stated that it is the Commission's hope that revenues and donations of this character will be adequate in subsequent years to preclude the need for appropriations.

Section 3 of the bill adds a new section 11 to the existing law which would authorize the President when he determines it to be in furtherance of the purposes of the act creating the American Revolution Bicentennial Commission to authorize the Commission to carry out its functions without regard to specified provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property and the expenditure of grant funds. The committee amendment is to provide that this authority would be granted for a period of 1 year from the effective date of the section. The new section added by section 3 has the purpose of permitting a determination by the President that a waiver authorized by the section would further the purposes of the act. In the executive communication transmitted to the Congress on March 7, 1972, it is pointed out that the pressing time schedule under which the Commission is presently operating, together with the absolute deadline of the years 1975–76, as a practical culmination of its efforts for commemoration of the bicentennial dictates a requirement of flexibility in its operations.

At the hearing it was pointed out that the language of proposed section 11 is patterned after section 108a of the Mutual Educational and Cultural Exchange Act of 1961, as amended. (22 U.S.C. 2458a). It was explained at the hearing that the Commission had concluded that the considerations which led to the enactment by the Congress of the waiver provisions contained in the Mutual Educational and Cultural Exchange Act are also valid consideration for granting similar authority to the American Revolution Bicentennial Commission. It is also relevant to note that the legislation providing for the George Rogers Clark Sesquicentennial Commission (45 Stat. 723) and the Civil War Centennial Commission Act (36 USC 745(b); 71 Stat. 626) contain similar language.

The fourth and final section of the bill would amend section 6 of the law by the addition of a new subsection 4 which would authorize 10 super grade positions to carry out the functions of the Commission.

At the hearing it was explained that these positions are necessary in view of the expansion of the scope of the Commission's work as the observance gains its full momentum. It was explained that the positions will be subject to applicable Civil Service Commission procedures under section 5108 of title 5 of the United States Code. These procedures permit a position to be placed in GS–16, 17, or 18 only by action or approval by a majority of the Civil Service Commissioners. In addition, the qualifications of the individuals to be placed in such positions must be approved by the Civil Service Commission. The committee further notes that new subsection 4 expressly provides that the provisions authorized under that section will be limited to the life of the Commission.

The committee has concluded that these amendments are necessary to the effective functioning of the Commission and it is recommended that the bill be considered favorably.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. DONOHUE. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, on section 3, new section 11, which would authorize the President to set aside any provision of the law if it furthered the purpose of the Commission, I would like to ask the gentleman for the record for some rather specific responses to these questions. Does this authority granted to the President by section 3, new section 11 give the Commission the right or does the Commission have the right to expend funds above the authorized level?

Mr. DONOHUE. My understanding is that it does not.

Mr. KYL. Is the answer then that it does not give the President that right?

Mr. DONOHUE. Yes.

Mr. KYL. Does this language, the unusual language giving the President the right to set aside the law, does that language then permit the President or the Commission the right to set aside the new fourth amendment regarding the civil service law? Could the President set aside the Civil Service regulations?

Mr. DONOHUE. My response to the gentleman from Iowa is that the President would not have that authority. He would be governed by the provisions contained in this bill and in existing law.

Mr. KYL. This language occurs in the amendment: "The acquisition and disposition of property." As the gentleman knows, we have had a considerable number of problems in regard to this big bicentennial celebration because of some rather overt moves to trade properties, to exchange some property downtown on Pennsylvania Avenue for some excess Federal property in Boston, for instance, or Philadelphia and elsewhere. Does this section 3, new section 11 give the President or the Commission the right to make exchanges of property regardless of other provisions of law?

Mr. DONOHUE. In my opinion I would say it does not authorize them to so do. In other words the amount we are seeking here in this authorization bill is a sum of money needed to permit the committee to function, in other words its operating costs.

Mr. KYL. If the gentleman will yield further, if what the gentleman says is correct, then why do we need an amendment which says specifically that it:

> Would authorize the President, when he determines it to be in furtherance of the purposes of the Act creating the American Revolution Bicentennial Commission, to authorize the Commission to carry out its functions without regard to specified provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property and the expenditure of grant funds.

Why do we need that language if the President or the Commission is not going to do any of these things we have been speaking about?

Mr. DONOHUE. In response to the gentleman may I say, as it was explained to us, because of the pressing time schedule under which the Commission is presently operating, together with the deadline of 1975 or 1976, such a requirement of flexibility was necessary in order for the Commission to operate.

Mr. KYL. If the gentleman will yield further, what laws are we going to authorize the President or the Commission to set aside?

Mr. DONOHUE. My understanding is, on the basis of an example, presented at the hearing that is would cover; Any provision of law or limitation of authority to the extent that such provisions or limitation would limit or prohibit construction of buildings by the United States on property not owned by it.

Any provision of law or limitation of authority to the extent that such provision or limitation would limit or prohibit, first, receipt of admission fees or payments under contracts through advances or otherwise, for concessions, services, space, or other consideration, and the credit of such receipts to the applicable appropriation, and second, rental or lease for periods not exceeding ten years of buildings and grounds.

It is directed, first, that all waivers of statutes and limitations of authority effected by the foregoing provisions of this section shall be utilized in a prudent manner and as sparingly as may be practical, and second, that suitable steps should be taken by the administrative agencies concerned to insure that result, including as may be appropriate, the imposition of administrative limitations in lieu of waived statutory requirements and limitations of authority.

Mr. KYL. If that is the only purpose, would it suit the gentleman's pleasure to take out the language which talks about the disposition of property and the acquisition of property? If we are not going to use that language we should not have it in there to clutter it up, should we?

Mr. DONOHUE. I assume, in answer to the gentleman's query, that it is entirely up to the President; and I assume that the President will not transgress any existing law.

Mr. KYL. Mr. Chairman, will the gentleman yield one more time?

Mr. DONOHUE. I yield.

Mr. KYL. Does this amendment give the President of the United States the authority, if he deems it to be in the interest of the Bicentennial Commission, to trade a piece of surplus public property in the city of Boston for a hotel downtown on Pennsylvania Avenue, if he deems that to be essential to the operation?

Mr. DONOHUE. I would say that at the hearings that particular proposition was not developed or was not inquired into and, therefore, was not answered. I would say that with the language in this bill the President would have authority to carry out a situation such as the gentleman from Iowa points out.

Mr. KYL. I thank the gentleman for his honesty.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DONOHUE. I am pleased to yield to the gentleman from Iowa.

Mr. GROSS. I have listened intently to the colloquy between the gentleman from Iowa (Mr. KYL) and the gentleman from Massachusetts who is handling the bill on the floor. I would say to the gentleman that his response was that the provision is necessary in the law to provide flexibility. This goes far beyond flexibility. I have never seen a provision in law delegating a wider grant of power to the President—by that I mean any President. I do not know how anyone could write a wider grant of power.

I say, with all due respect for my good friend from Massachusetts, I do not believe the gentleman has adequately answered the questions of the gentleman from Iowa (Mr. KYL) with respect to why this delegation of power was requested in this bill. There can be no question about the fact that under the terms of this delegation of power the President would have the authority to acquire and dispose of property, and make expenditures of Government funds as he sees fit, with absolutely no limitation except as to the amount of money appropriated, in this case several million.

Mr. DONOHUE. Well, the language necessarily is general in its scope. I cannot say I disagree with the gentleman from Iowa as to the precise nature of the implementation of that language.

Mr. GROSS. If the gentleman will yield further, for what reason is this kind of power given to the President? Any President. It has got to go beyond flexibility.

Mr. DONOHUE. I am quoting from the testimony that was offered before the committee that reported this bill out.

Mr. SMITH of New York. Will the gentleman yield?

Mr. DONOHUE. I will be pleased to yield to the gentleman.

Mr. SMITH of New York. I thank my colleague from Massachusetts.

I would like to say that in this regard the purpose of the proposed section 3 is merely to facilitate the functions of this commission. Due to the fact that the Commission has a relatively short life and because of the short time period before 1976, which is the bicentennial year and the actual termination of the Commission, sometimes a long leadtime is required in contracts and so forth and it requires some flexibility.

Mr. SMITH of New York. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I am pleased to join my good friend and colleague on the Committee on the Judiciary, the distinguished gentleman from Massachusetts (Mr. DONOHUE), in urging the House today to pass the bill, H.R. 13694, as reported by the committee.

This bill, as amended by the committee, is intended to serve five purposes:

First, to authorize appropriations of $6,712,000 for the work of the American Revolution Bicentennial Commission for fiscal year 1973.

Second, to authorize the Commission to make grants to nonprofit entities of up to 50 percent of the cost of developing or operating bicentennial programs or projects. These grants are to be made from nonappropriated funds.

Third, to authorize the Commission to match the value of specific gifts or bequests made to it for the purpose of assisting designated nonprofit entities in carrying out bicentennial programs or projects, provided that the recipient of such an award also agrees to match the value of the total award. These grants also would be made from nonappropriated funds.

Fourth, to authorize the President, during the first year following enactment of the act, to waive such provisions of law relating to the making or performance of contracts, the acquisition of property or the expenditure of funds by the Commission as he may specify.

And fifth, to authorize the Civil Service Commission to place no more than 10 positions on the Bicentennial Commission staff in the GS–16, GS–17, and GS–18 levels.

Of the full appropriations for fiscal year 1973 authorized by the bill, $2,400,000 is attributable to implementation of the existing statutory authorization for the Commission to make equal grants in 2 successive years of not to exceed $45,000 annually to each State, territory, the District of Columbia, and the Commonwealth of Puerto Rico to assist in the establishment or implementation of State bicentennial commissions. Since such grants were first made to the States during fiscal year 1972, the current fiscal year is the second and last year in which expenditures for this particular purpose will be made.

The remaining $4,312,000 portion of the authorization is to allow funding of programs and activities which will constitute actual implementation of the Commission's national plan for celebration of the bicentennial, as well as to conduct the day-to-day operation of the Commission itself.

The Commission and its staff presently have 277 projects in various stages of development, including the conduct of a feasibility study on a plan for creation of Bicentennial Parks in each of the 50 States. These projects are approved and overseen by three committees composed of Commission members, aided by advisory panels consisting of distinguished Americans from all walks of life and representative of all groups composing the American people. The three committees are denominated, respectively: "Heritage '76," which emphasizes the historical aspects of this celebration; "Horizon '76," which emphasizes the concept of "where do we go from here" in this country; and "Festival USA," which is the program of the actual celebration in 1976. The latter committee includes the distinguished gentleman from Massachusetts (Mr. DONOHUE), among its members.

Mr. Chairman, it is only natural that a Commission delegated the responsibility of organizing and overseeing the official celebration of the 200th birthday of a nation of more than 200 million people would have the benefit of at least 200 times as much thoroughly well-meaning advice on how to do its job as any one group of men and women could possibly assimilate or act upon.

I doubt that there is a single Member in this Chamber who is not at one time or another convinced that he or she could plan a better, more impressive, more meaningful bicentennial celebration than has the Commission. But would that not be so, no matter what blueprint or specific projects the Commission might initiate or approve?

Let us face it—this is the kind of thing about which all of us have opinions. We enjoy participating in the fun of devising components of the celebration, and that is as it should be.

But let us also face another cardinal fact: Ours is a complicated, pluralistic society. Our people are heterogeneous—racially, ethnically, religiously, even linguistically to some extent. We live in more than 50 political subdivisions, united in a complex federal system of law and government.

And to boot, we are a fiercely individualistic and—a mixed blessing—extraordinarily antiauthoritarian people. Let us in Congress who may be quick to criticize the American Revolution Bicentennial Commission for its seeming slowness in "gearing up" or its hesitance in charting directions remember what kind of nation it is whose birthday we prepare to celebrate. The enormity of the task which we have delegated to them should never be underestimated.

This bill should not bear the burden of every Member's complaint or second-guessing of the Commission's decisions. Fifty Solomons could not satisfy this House unanimously.

The central question before us today is, are the amounts requested to be authorized for the Commission's funding during the current fiscal year reasonable, adequate, and necessary amounts to be expended for such an important and worthwhile purpose?

I think the answer to that is clearly "yes."

Are the other authorities granted to the Commission by the bill reasonable ones for such a relatively short-lived body with such special functions to possess?

Again, I think the answer is clearly "yes."

General oversight hearings on the Commission's operations have only recently been held in the other body, and I would be the first to assert the legitimacy of Congressional inquiry into the way in which a body of our own creation spends public funds and otherwise carries out the mandate which we have given it.

But, Mr. Chairman, the bill now before the House is an imminently sound and reasonable measure, and disagreements which we as individual Members of Congress, or even as dissenting members of the Commission itself, may have with the Commission as a whole, or its staff, should not be allowed to obscure that overriding consideration.

Mr. Chairman, I urge the House today to pass this bill, H.R. 13694, in the form reported by the committee.

Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. WHITEHURST).

Mr. WHITEHURST. Mr. Chairman, I rise in support of H.R. 13694. I have been a member of the American Revolution Bicentennial Commission since 1969 and have followed with interest its development. It will be recalled that Congress established the Commission in 1966, recognizing that the 200th birthday of the Republic is a major historic event, one which is unique in world history. We have enjoyed two centuries of freedom, a privilege which has been an inspiration to much of the world. President Nixon, on September 11, 1970, declared that the goal of the Commission should be—

> To forge a new national commitment, a new spirit of 1976, a spirit which vitalizes the ideals for which the Revolution was fought; a spirit which will unite the nation in purpose and dedication to the advancement of human welfare as it moves into its third century.

The Commission has not been without its growing pains. There has been uncertainty as to where emphasis should be placed on the bicentennial celebration. Various proposals have been brought forward and discarded. Other proposals, such as the nationwide bicentennial parks concept, have drawn skepticism from many of my colleagues. I have considerable doubts of my own about the proposal. But I think that the principal reason the Commission is under fire is the poor communication that has developed between the Commission leadership and the Congress. Although there are four Members of the House and four Members of the Senate on the Commission, only one of each is on the Executive Committee. I believe that Congresswoman HANSEN has performed an excellent service on the Executive Committee, but I feel that there should be larger congressional representation on the committee. My colleague, Mrs. HANSEN, agrees and we are recommending that the congressional representatives on the Commission be added to the Executive Committee. I believe that if this is done, the Congress will have a surer hand on the decisionmaking process and much of the misunderstanding that has occurred will be resolved.

I think, however, it is in our best interest to approve this bill. Not to do so at this point would be to arrest the development of the bicentennial plans, which are just now beginning to take shape. The hour is late, and no barrier should be thrown in the way of what Congress originally intended and what I believe the Nation expects—and that is a meaningful celebration reminding us of the sacrifices of the past, and a renewed dedication to preserve our liberty.

Mr. SMITH of New York. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Chairman, this is the second time that this proposal for authorization is before this body. It failed the last time of passage because it did not get the two-thirds majority needed. I was one of those who was opposed to the bill for the extension of the authorization at that time. I opposed it not because I am against a commemoration of the bicentennial, indeed, I am very much in favor of a Congressionally Funded Bicentennial Commission.

I said on the floor that day, and I will repeat it—"The Commission at the present time has not measured up to its opportunity."

This is not because of the membership of the committee—there are some wonderfully fine people on it. I would have some suggestion on its make-up, but I will not go into that. I have confidence, generally speaking, in the members of the Commission.

But, as has already been pointed out, the members of the Commission have not had very much to say. It has been run by an executive committee, more or less. The great criticism that I level is about the leadership that has been hired, and I say to the Members of this House that until and unless we do something about improving the leadership within the Commission, it cannot and will not ever measure up.

I speak to you more than just as a citizen or a Member of the House—I also speak as an historian.

Many people call me an amateur and I guess I am very amateur. I wish at times I could be more than an amateur, but I just do not have the time to be more than an amateur and take of the jobs and responsibilities that I have as a Congressman.

But I can say to you that none of the historical community is excited or really approves what the Commission has done so far.

The members of the prestigious American Historical Association have some objection, as do leaders of the prestigious American Association for State and Local Histories.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. Does the gentleman mean to tell me that the American Historical Association has told you people that they are opposed to the Archives program?

Mr. SCHWENGEL. No; there are aspects of this program which are very good, but there are aspects of the program that are very weak. We have the opportunity to do a very great job with this very momentous opportunity that the 200th anniversary of our birth presents.

I reiterate, the American Association of State and Local History is a really important group; I know something about them because we enlisted their interest and their talent in a Civil War Centennial Commission that I was a member of, and they were wonderfully cooperative. What we got from them was at no cost to the taxpayer largely, and it was a mighty significant contribution that they made to the meaning of the centennial of the Civil War. We should seek their help and give them encouragement. This they have not done yet, and I speak for its president, Mr. William Alderson, who testified before the Senate committee the other day. He had many more critical observations than I had when I appeared before that same committee.

One of the reasons I have taken a position is that they have made some wrong decisions. The people have come here and talked about the Bicentennial Park System. I look at that and wonder what the leadership was thinking about when they conceived that idea. Generally speaking, historians laugh about it, and it is laughable. They propose to spend from $15 million to $20 million in each State for panoramic parks and pavilions of some kind. It looks as though they intend them all to be the same thing. How boring that would be.

This is the responsibility of the leadership of the Commission. They are spending now $150,000 to study the feasibility of it. They would not have to do that because they have at their beck and call the talent of the finest park system in the world, which is our national park system. It is the envy of the world. What a shame that they were not consulted.

Now, if we are going to use our parks, and I am not against using parks, if we do want in some way to use parks and structures for the commemoration then we ought to enlist, and use the talents, experience, and dedication of the National Park Service.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SMITH of New York. Mr. Chairman, I yield 2 additional minutes to the gentleman from Iowa.

Mr. SCHWENGEL. Now, to get at the problem and make it possible for the present Commission to function, I would like to suggest to this body that tomorrow I will present an amendment to the bill which will provide that the Commission itself will elect the chairman and vice chairman of the Commission. Then you will have an arrangement where the chairman or vice chairman will be responsible first of all to the members of the Commission, most of whom have been appointed by the President, or serve by virtue of their office, or appointed by the leadership of the House and Senate.

This is not the case now, very obviously, and there is a great deal of evidence which tends to show that. I want to point out to the House another thing: This is consistent with the precedent when the Civil War Commission was formed in the Eisenhower administration. We provided that the Commission itself name its chairman and vice chairman. What happened was that the committee came up with a name and they went to the White House and said, "This is the person whom we have in mind. We hope there is nothing offensive about him," and so it proceeded. We had some difficulties on that Commission, but because of the way it was organized we took care of our own difficulties.

In the Kennedy administration the suggestion was made that President Kennedy appoint the chairman. He said no. I talked to President Kennedy about this. He said, "This is a fine format; let it alone; this is fine. Let the Commission solve the problem," and they did solve its problem to the satisfaction of all.

We ended up with Allen Neville as chairman, one of the finest and most capable historians in the United States heading that commission, and as a result we had a wonderfully successful program.

Let me tell you something about the cost of that program. Here, we are asking for $6 or $7 million. The Civil War Centennial Commission cost the taxpayers $100,000 per year, but they took advantage of all kinds of opportunities to commemorate without cost.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. SMITH of New York. Mr. Chairman, I yield the to gentleman from Iowa 1 additional minute.

The CHAIRMAN. The gentleman from Iowa is recognized for 1 additional minute.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. Yes, I shall be glad to yield to the gentleman from New York.

Mr. SMITH of New York. Mr. Chairman, is it not a fact that the Civil War Centennial Commission in its celebration was engaged almost entirely in celebrating a past event, the great Civil War which tore this country apart and eventually brought it together?

Is it not a fact that the concept of this American Bicentennial Commission is working on and trying to get a handle on not only our heritage and our part of that revolution and what came out of it but also a celebration for the year 1976, looking back and looking forward to a concept of where this country goes from here in this continuing revolution?

Mr. SCHWENGEL. The gentleman is absolutely correct. In the Civil War Centennial Commission there was a commemoration and study to show how we could bring unity to the country. In this commemoration it is a demonstration to the world of how freedom works. It is a wonderful opportunity for us to reflect on the most successful story in the history of freedom and liberty.

Mr. Chairman, the following is a statement I made before the Senate Committee on the Judiciary that bears on this subject:

Statement of Congressman Fred Schwengel

Mr. Chairman, thank you for this opportunity to appear before you on behalf of the bicentennial commemoration plans. First, let me commend the Committee for deciding to have some additional hearings on the important question of the bicentennial. Availing yourselves of an opportunity to make critical appraisal and to hear of the activities of the Bicentennial Commission so far is very much in the public interest. Many of us believe that this is a critical time in the life of the Bicentennial Commission. It will either move forward with intelligent dedication and adequacy, or completely fail. You and we can benefit from the experience and counsel of others, especially from the community of historians, who also have a great concern and growing interest in a successful commemoration of our 200th birthday. Indeed, a great majority of acknowledged historians in the country are anxious because of the lack of leadership and are fearful we will miss the greatest opportunity in our history for a worthwhile commemoration.

From the record and from personal knowledge, you will know of my interest in American history and I can assure you that since I have become a Member of Congress and have become active in the United States Capitol Historical Society, my interest has grown. Before taking the route of opposition on the House floor and availing myself of the opportunity to come here, I would like the record to show I have tried sincerely to work with the Commission and responsible leaders at the White House on the solution of the many shortcomings that are so evident, but to no avail. Those of us who have tried to influence the Commission and especially its leaders have failed to impress them with the urgency and with the inadequacies that are so in evidence today.

From the public and Congressional records, you also know that I have been skeptical of the actions, the inadequacies, the grave mistakes, and the apparent lack of understanding of what should be the role of the bicentennial.

So, Mr. Chairman, I appear before this Subcommittee not as an opponent of the bicentennial celebration, but as a firm believer in the wisdom of a Congressionally funded and supervised agency to direct the celebration and/or commemoration of the American Revolution. That momentous period and the high moments of that period reveal so much of what is good in the American heritage. From these early hard beginnings, we can learn anew and find the guidelines that can lead us as we are reminded again that the Revolution was about something and that it won something that is alive today. It gives meaning to our existence as a great people, something, indeed, that may be our greatest reliance as we move into the final decades of this bewildering 20th century. It was fought for the basic freedoms—freedoms not only for this country, but for the world.

Every citizen of this country and leaders of all the foreign countries that had a direct and indirect part and interest in our Revolution will want an invitation and an opportunity to cooperate and participate in this commemoration.

Most of all, Mr. Chairman, the commemoration of the Revolution deserves dedicated, imaginative, well informed, and dynamic leadership. I regret to say that in recent years that kind of leadership is found wanting. What I have said and will say in my testimony here is confirmed by Dr. James I. Robertson, Jr., Chairman of the Department of History of the Virginia Polytechnic Institute in Blacksburg, Virginia, and former Executive Director of the Civil War Centennial Commission. Dr. Robertson is an acknowledged and highly respected historian, author of many books, and considered one of the best young historians in America today. Dr. Robertson states,

"Its (Bicentennial Commission) seeming indifference to the public desires, its apparent disregard for pertinent historical commemoration, and its woeful lack of progress after an expenditure of millions of dollars, have triggered an adverse reaction that is both nationwide and deep."

"Allow me to offer a few explanations for the open contempt with which the ARBC is held on various levels of our society."

"The Civil War Centennial Commission was concerned with highlighting how a war produced the unity that is our national blessing. The ARBC is concerned with highlighting how another war produced the freedom that is also a national heritage. Hence, the scope and work of the two agencies should be somewhat comparable. Nothing could be further from the truth."

"On the one hand, the CWCC had a maximum staff of seven persons and an appropriation of $100,000 annually. It relied heavily on state and local centennial commissions, historical societies and similar groups to carry out major programs, for the CWCC always felt that commemorations were most successful when conducted by the people on community levels. The best indication of what the CWCC ultimately achieved—both for the good of the nation and for increased brotherhood among its citizens—can be seen in that commission's final publication: *The Civil War Centennial: A Report to the Congress* (Washington, 1968)."

"The ARBC is a marked and almost pitiful contrast. With a staff twelve times larger, and an annual appropriation of at least thirty times greater than that which the CWCC possessed, the ARBC has spent the better part of six years in producing nothing more concrete than a statement of a three-pronged program it plans someday to implement. A general absence of coordination, innovation and initiative has marked its life to date. For too long, the ARBC has relied for policy-making either on the whims of the Chairman and Executive Director or on advisory groups that rarely meet."

"Even more tragically, the one consistent achievement made by the ARBC to date seems to have been to alienate every historical body or group that could have been of inestimable assistance to it. Many ARBC members themselves have openly voiced astrangement with much that the Commission has and has not done. Numerous historians, historical society leaders, newspapermen, librarians, archivists and other Americans with reverential pride in our nation's birth have expressed concern to me about the ARBC. Their opinions range from resentment and hostility to cynicism and disgust. It is my understanding that a number of state Bicentennial commissions have already banded together into a confederation of their own because of a failure to receive needed and expected cooperation from the ARBC. If this be true, it is a shameful indictment of the federal agency."

"In addition to discounting state Bicentennial commissions and similar organizations whose work is indispensable to the success of the Bicentennial observance, the ARBC leaders have demonstrated a blissful, fatal ignorance of the general role of history in the Bicentennial effort. Neither the Chairman nor the Executive Director has contacts in the historical profession. More inexcusable, neither has demonstrated any desire to cultivate historians, historical societies, state archivists, prominent persons with an active interest in history, and others who could have assisted actively, uniquely and valuably. The rude treatment given by the ARBC leadership to Carl Haverlin, founder of Broadcast Music, Inc., and an internationally recognized student of history, is but a single case in point."

"The failure of the ARBC to honor requests from all who would like to be on the mailing list for the Commission's newsletter is an insult to citizens whose taxes give existence to the Commission. I am one whose request was ignored."

"Newspapers, magazines and various columnists are justifiably increasing their attacks on the ARBC, and these molders of public opinion are accelerating the almost universal dissatisfaction that exists with the Commission. It seems apparent that the nation has little remaining intention of supporting the present leadership and direction of the ARBC."

"Meanwhile, that agency has but three years left to carry out a program it was commissioned in 1966 to begin. The prognosis is unfavorable, for nothing associated with the present ARBC gives any promise of changing the non-progress that has so far marked the Commission's existence."

"Of all groups that should be involved in a single, concerted effort, the worst repercussion to the nation will come on the diplomatic level. Some foreign countries will delight in emphasizing the inability of the United States to mark its 200th birthday with foresightedness, solidarity and dignity. Moreover, such a failure by America will surely cast an international shadow on the values we hold on the freedom of man."

Mr. Chairman, when the present leadership saw that all was not well in its office and in its program, they engaged the company of Arthur D. Little, Incorporated, to make a study and report of the activities of the Commission. That report is now available and with the exception of their small praise of the bicentennial parks system, there is little that the present Commission can be proud of in that report. Indeed, it is a very gloomy report suggesting inadequacies and failure if things do not change.

Mr. Chairman, I hope you will grant unanimous consent to have this report placed in the record for the benefit of the Committee. This is very impressive evidence that there must be change or there will be no commemoration worthy of the name.

Now, let me speak on the proposed network of bicentennial parks advanced by the Commission. This they advanced in February, 1972, as a major bicentennial project. The announcement of the proposed ARBC nationwide park program is described in the Bicentennial Newsletter, Volume 3, No. 1, entitled Special Bicentennial Park Issue. I have a copy here with pictures and I declare before this Committee that this is one of the most ill-conceived, costly and most poorly planned projects I have ever seen proposed for a commemoration. They say it will cost $15 to $20 million for each pavilion in each State or a possible total cost of $1 billion. This is a boondoggle of proportions never before seen in any commemoration in our history and it has little or no prospects of adding to the spirit of the bicentennial. They say in this publication that the utility system would be identical in each park. They have the grandiose idea to use this as headquarters for circuses, marching bands, and folk festivals. They propose an amphitheater for the performing arts. They propose recreational facilities, botanical gardens, ecological centers, and international exhibitions and foods. They propose to put these on government land and turn them over to the States and not knowing where the logical places are in each State for the pavilion. So far as I know, no responsible committee or people within a State has been contacted to see (1) if the State is interested, (2) determine if there is a good central place of government land, and (3) if the State would be willing to maintain and operate this bicentennial park. I reiterate the bicentennial parks program as described in the Special Bicentennial Parks Issue is a boondoggle and almost a total waste of taxpayers money. It is in the wrong hands, poorly planned, and ill-conceived.

Mr. Chairman, I am not against using our park system, state or national, to recall, reveal and display American history or for using the park system for anything that would be desirable and needed for a particular area. But if we are going to do this, we ought to enlist the talent and capabilities of the greatest park service in the world, the National Park Service. Mr. Chairman, if the National Park Service, a part of the Department of the Interior, is called upon and they should be, we could enlist the competent historians and experienced talent of the Park Service. The competence of this organization in cooperation with state and city systems for planning, experience and know-how is unmatched anywhere in the world. They would be able to find ways and means to coordinate with state park systems and state leaders and would be the logical people to enlist in using, developing, and extending the park system to commemorate the bicentennial.

SUGGESTIONS

Mr. Chairman, some constructive suggestions that I would like to see noted and considered are as follows:

A. The involvement of education—all schools at all levels.

B. Program for books for publication.

C. Enlist and cultivate the interest of foreigners.

D. Religious leaders.

E. Libraries and weekly school publications.

F. Arrange for and encourage the development of speakers for all kinds of organizations.

G. Call on and use the talents of the American artists.

H. Suggest a challenge to the dramatists and musicians of America to produce drama and music for the occasion.

I. Suggest the creation of a committee to draft a proposal for reenactment of the birth of the Declaration in Philadelphia, July 4th, 1776 and consider using present day Congressmen and Senators.

A. THE INVOLVEMENT OF EDUCATION—ALL SCHOOLS AT ALL LEVELS

In my opinion, the proper function of the Bicentennial Commission lies in educating the public about the American Revolution's meaning and legacy, the dimension of which, at the present time, with the exception of its heritage program, the Commission's leadership has been indifferent to, as well as inadequate, if not hostile toward the educational community and especially the historians.

B. PROGRAM FOR BOOKS FOR PUBLICATION

The American Revolution in 1776 produced a nobility of spirit and intention which could be a tonic to the nation today, but the people of our nation must first understand the Revolution. To do that, the Bicentennial Commission can foster that understanding by sponsoring, with competent leaders available all over the United States, regional and national symposia on the Revolution. At these gatherings, historians, writers of drama, professional people and lay people, could be given a forum to analyze the Revolution for the benefit of local and national audiences. Out of this series of symposia could come the information to produce a series of books to show the impact of the Revolution on our development and growth to greatness. This would not necessarily be just a self-glorification program for there would be many to show us the mistakes we made, mistakes from which we could learn and mistakes from which we have learned.

C. ENLIST AND CULTIVATE THE INTEREST OF FOREIGNERS

The potential of enlisting the help of foreigners is immense. We need only refer to the bicentennial of the birth of George Washington in 1932 reports to note how the foreign nations, even in their own countries with their own talent, celebrated that commemoration and shared their observations which I am sure could be developed with the proper leadership in this bicentennial.

D. RELIGIOUS LEADERS

No student of history could deny that religion has been important in our own development. The early pioneers who came for religious freedom and while some wanted to inflict their own version on others which is worthy of note, there were also people like Roger Williams and his magnificent leadership. Some have dubbed him a minority of one. The observation and evaluation that could come from competent studies of religious history could help us understand the importance of religion in its proper place in our society. Active liaison with religious leaders, councils, and denominations could be very enlightening.

E. LIBRARIES AND WEEKLY SCHOOL PUBLICATIONS

A great service could be rendered to all the libraries if responsible members of the Commission sat down with the Library of Congress and check over their publications on the Revolution as a recommended list to pick from for a library. Also, an urgent need is a weekly or monthly publication to all schools in America which would be an outline or summary of something about the bicentennial that would be stimulating and pertinent to the educational needs.

F. ARRANGE FOR AND ENCOURAGE THE DEVELOPMENT OF SPEAKERS FOR ALL KINDS OF ORGANIZATIONS

The Commission should arrange for and encourage and develop a corps of speakers for all kinds of organizations and occasions throughout the period.

G. CALL ON AND USE THE TALENTS OF THE AMERICAN ARTISTS

There are artists all over America who must be yearning for the opportunity to use their talents. What would be more challenging than asking them to use their brushes and their oils that would put in picture form the great events, and the great developments that led to the Declaration. Originals of these could become a prize collection of special American bicentennial art and some would be worthy for copying for the public.

H. SUGGEST A CHALLENGE TO THE DRAMATISTS AND MUSICIANS OF AMERICA TO PRODUCE DRAMA AND MUSIC FOR THE OCCASION

Reading history as I do and sensing the drama from time to time and after seeing the play "1776", I am convinced that dramatists could be challenged, as well as musicians, to work to bring about important stories with their talent and medium. The Commission could encourage this.

I. SUGGEST THE CREATION OF A COMMITTEE TO DRAFT A PROPOSAL FOR REENACTMENT OF THE BIRTH OF THE DECLARATION

Based upon experience of the reenactments of the Lincoln first and second inaugurals, I think it would be worthwhile for the Commission to create a committee to draft a proposal for reenactment of the signing of the Declaration of Independence, possibly using present day Congressmen and Senators.

Mr. Chairman, these are just a few of the suggestions I have that ought to be dealt with in earnest and in depth and with a sense of dedication that any leaders or group of leaders within the Commission could involve themselves. Others will have other ideas. I am well aware that in some of these areas something has been done or thought of, but there has not been the kind of intelligent effort put forward by the Commission that could and should be possible.

My concern, Mr. Chairman, is that the present Commission has not defined its task properly, has not realized that it has neither the time nor the resources to rebuild this country or girdle it with a network of parks. It can, however, educate the country about the glories and deficiencies of its beginnings and in the process render a service worthy of the bicentennial of the American Revolution.

Mr. Chairman, let me suggest that we do our best to seek to draw from past history of our race inspiration and encouragement which will cheer our hearts and fortify and purify our resolution as we seek not only a greater comradeship for ourselves, but a comradeship with the world. The Declaration is not only a great American document, but is a world document. It came from the experience of others, from reading by our patriots who learn from the experience of others, for history. From this experience and from this renewal of the spirit, we can learn anew wherever men seek to frame policies or constitutions which are intended to safeguard the citizen, be he rich or poor, on the one hand from the shame of despotism and on the other from the miseries of anarchy, which are devised to combine personal liberty with respect for the law and love of country, and wherever these desires are sincerely before the makers of constitutional law, it is to this original inspiration, which is the product of the English soil, which is the outcome of the Anglo-Saxon mind, it is to that that they will inevitably be drawn.

Mr. Chairman, from this experience we can grasp again the impact that the Declaration has had. It remained for a young lawyer from the mid-west, in a dramatic and critical time in our history to articulate so well what I think is a fitting conclusion to my statement.

"I am filled with deep emotion at finding myself standing here, in this place, where were collected the wisdom, patriotism, the devotion to principle, from which sprang the institutions under which we live."

"You have kindly suggested to me that in my hands is the task of restoring peace to the present distracted condition of the country. I can say in return, sir, that all the political sentiments I entertain have been drawn, so far as I have been able to draw them, from the sentiments which originated and were given to the world from this hall. I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence. I have often pondered over the dangers which were incurred by the men who assembled here and framed and adopted the Declaration of Independence. I have pondered over the toils that were endured by the officers and soldiers of the army who achieved that independence."

". . . I have often inquired of myself what great principle or idea it was that kept this confederacy so long together. It was not the mere matter of the separation of the colonies from the mother land, but that sentiment in the Declaration of Independence which gave liberty, not alone to the people of this country, but, I hope, to the world for all future time. It was that which gave promise that in due time the weight would be lifted from the shoulders of men. This is the sentiment embodied in the Declaration of Independence. Now, my friends, can this country be saved on this basis?

If it can, I will consider myself one of the happiest men in the world if I can help to save it. If it cannot be saved on that principle it will be truly awful. But if this country cannot be saved without giving up that principle, I was about to say, I would rather be assassinated on this spot than surrender it. . . . I have said nothing but what I am willing to live by, and if it be the pleasure of Almighty God, to die by."

Mr. SMITH of New York. Mr. Chairman, I yield 8 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS), a member of the Commission.

Mr. WILLIAMS. Mr. Chairman, as an active member of the American Revolution Bicentennial Commission—ARBC—I am most concerned with the plans and progress of the ARBC toward the celebration of the American Revolution Bicentennial in 1976. I am most concerned with its activities, to date, and I am most anxious for the celebration in 1976 to be a success.

On September 16, 1971, I was appointed to the American Revolution Bicentennial Commission by you, Mr. Speaker, upon recommendation of the Republican Leader of the House, the Honorable GERALD R. FORD. My appointment to the Commission was a result of the resignation of my colleague, JOHN SAYLOR. I was very pleased to accept this position and I enthusiastically looked forward to the opportunity to help fulfill the goal of the Commission. I firmly believed at the time that the Commission would assist in the formulation of plans to help the people of this country properly celebrate its 200th birthday, rekindle a new spirit for modern America, and forge a purposeful new national commitment leading toward a rewarding future. Today, less than 10 months after my appointment to the ARBC, I do not believe all of these goals can be reached by the bicentennial year, because of the manner in which the Commission is operating.

Since coming to the Commission, and reviewing much of its past history, the ARBC has been endorsing one concept after another, as constructive and exciting, and, to date, none of these ideas has ever reached the first plateau of reality. There was the "Polis 1976" high-speed rail system for the east coast to transport visitors more efficiently from place-to-place during the bicentennial year; there was the project of a "National Birthday Cake" a piece of which would be available in supermarkets across the Nation; there were the plans for an International Exposition in Philadelphia, which were even endorsed by our President until a certain point in time, and I could go on and on. Now, it seems, a concept for a State bicentennial park system for all 50 States is the newest venture. However, feasibility of such a project has not been determined.

Millions of dollars have been spent on studies and proposals for these various plans, not only on a Federal level, but on a State level, too. The city of Philadelphia and the State of Pennsylvania spent $3 million to develop a proposal and plans for an International Exposition in Philadelphia, only to discover, in May of this year when the proposal was submitted to the Commission for approval, that the Commission deemed the concept too costly at a figure of $600 million; yet, the bicentennial parks proposal is estimated at $1.25 billion, and a feasibility study has not and will not be available until September to determine if this figure is correct.

I would like to dwell for just a moment on the rejection of the plans for an International Exposition in Philadelphia. My district, the Seventh District of Pennsylvania, borders the city of Philadelphia. Much of my time, and the time of many other individuals, was devoted to the selection of a site, the feasibility of the plans, and the formal proposal. By the time the Expo plans were to be presented to the ARBC on May 16, 1972, in the full Commission meeting in Boston, Mass., Philadelphia had selected a site that was acceptable to everyone on a local level. Mr. William L. Rafsky, president of the Philadelphia 1976 Bicentennial Corp. made an excellent presentation to the members of the full Commission. In my estimation it was a feasible, workable plan.

At the May meeting, I was more than concerned with the fact that many of the congressional members of the Commission were not present to vote on the proposal, but had given proxy statements to Chairman Mahoney, in advance, to vote against the Philadelphia proposal. These members were not present to witness the presentation, but yet had cast their vote, and nowhere in the ARBC procedures does it state that proxy votes can be used.

Just recently, I have discovered that Mr. Mahoney had been in contact with Hon. Maurice H. Stans, Secretary of Commerce and Hon. George P. Schultz, Director of the Office of Management and Budget, as long ago as August 2, 1971, informing them of his decision that the International Exposition was not feasible for the ARBC to endorse. All of his prematurely stated reasons were outlined on a two-page summary dated September 1, 1971, and attached to a letter to Mr. Schultz and Mr. Stans. In checking with my colleagues who are members of the Commission, they have indicated to me that they have no copies of any such letter or summary in their files, nor does the copy in my possession indicate any distribution to members of the ARBC. It is my feeling that Mr. Mahoney spent much of his time between September 1971, and May 1972, in a lobbying effort among the Commission members, and other individuals in high office, to discourage plans for an International Exposition in Philadelphia. If this is the case, and it is very obvious to me that it is, then why was Philadelphia and the State of Pennsylvania allowed to continue spending money on their proposal between September 1971, and May 1972, for a total of $3 million, when unofficially the decision had already been made.

Now, to get back to the activities of the ARBC, some projects the ARBC has officially endorsed, to date, as commemorative activities, are items such as the Mount Rushmore National Memorial, the Rainbow Center urban-renewal project in Niagara Falls, N.Y., the Colorado Winter Olympics of 1976, and the program of the National Medical Association to combat sickle-cell anemia. Of course, we all are aware that all of these projects have been administered by or funded through other departments or agencies of the Government, and none of them is the result of any effort put forth by the ARBC. I definitely agree that these projects are all well and good and will be beneficial to our country. I do ask, however, what do these projects have to do with celebrating the 200th birthday of the American Revolution?

What I have mentioned to you is typical of the waste of time, effort, and tax dollars that continues by the ARBC. To cite another instance, it was on February

21, 1972, that the ARBC voted unanimously that the ARBC staff would conduct a feasibility study on the State bicentennial parks concept and report back to the full Commission as soon as possible. Please keep in mind that the unanimous vote was to have the feasibility study begun; yet, when the concept was presented before the National Governors' Conference for their endorsement a short time later, it was indicated to them that the State bicentennial park system had the full endorsement of the ARBC.

Instead of the ARBC staff proceeding with the mandate issued by the full Commission to begin the feasibility study by utilizing information that could be obtained from representatives of the ex-officio members, at an approximate cost of $50,000, it was decided by the executive committee of the ARBC that Booz, Allen, & Hamilton, Inc., would be given a contract to conduct a feasibility study at the cost of $150,000. In accordance with a resolution passed by the Commission on February 21, 1972, information for the study could be obtained from the "Federal and State Governments, the State Bicentennial Commissions, and the private sector." The reference made to the "private sector" does not necessarily justify the letting of a contract in the amount of $150,000 without the full Commission being at least consulted on the amount and the type of information asked for. The contract with Booz, Allen, & Hamilton, Inc., was agreed upon in April 1972, by the executive committee, and the contract was signed on July 10, 1972, under executive committee authority. I did not receive, as a member of the full Commission, any documentation that this was the amount of the contract and what information the ARBC will receive in return. Just today, approximately 1 month after signing of the contract, I received a letter from the Chairman of the ARBC explaining that the contract price to Booz, Allen, & Hamilton, Inc., was $66.045. The additional moneys have been set aside to fund certain authorized reimbursables.

In a memorandum delivered to my office on July 28, 1972, it was stated that the contract with Booz, Allen, & Hamilton, Inc., is for only phase I of the study; how much is phase II going to cost us? Also, it is very apparent to me that the hastily prepared "Chronology of the Feasibility Study of the Bicentennial Parks" that was attached to the memo delivered to my office on July 28, was a timely attempt by the ARBC staff, at the direction of the executive committee, to justify its actions.

I firmly believe that this study costing $150,000, or more, is not necessary. The ARBC staff, with the information from the various representatives of the executive branch of the Government could have undertaken and have completed the feasibility study by now. As I stated on the floor of the House, on June 19, 1972:

> No one knows exactly what anybody is doing about the past, the present, or the future in the ARBC, even though as of June 2, 1972, we had 87 employees.

I, myself, have verified that when you attempt to obtain information about a particular item from the appropriate people at the ARBC, it takes days for them to get the information to you, and you are always referred to the Director to verify the information. This totalitarian effort has to stop. We are supposed to have responsible individuals in positions on the ARBC staff. However, when it comes to obtaining information or a decision from them it must be cleared through the Director.

Based on the present salaries, this year alone, the total ARBC staff payroll will be in excess of $1.7 million. We have 21 people being paid on the basis of a projected annual salary of $30,000. This brings to mind that recently the legislation for the ARBC appropriations, which failed to pass the House, contained a provision for additional "supergrades,' obviously to accommodate our already rather highly paid staff. It would appear to me that with the caliber of people, as indicated by their salary ranges, the expertise for making decisions, assembling information and, last but not least, compilation of the feasibility study on the bicentennial parks should exist within the scope of that staff. However, the Director, and the Executive Committee of the ARBC with its endless authority, think otherwise.

If we are going to accomplish our aim of celebrating properly the 200th birthday of this country, we are not going to do it with this type of organization. I voice my criticism of the ARBC's lack of progress, but I am not critical of the entire Commission membership or their projects. I think we have many very knowledgeable people aboard and some excellent ideas. I must be sharply critical of the leadership of the Commission and of the structuring within the ARBC of the 10-member Executive Committee which makes almost all of the decisions for the full Commission. The manner in which this operation is run defeats the purpose and original intent of the legislation which created the ARBC. The American people, comprised of minority groups, ethnic groups, immigrants, women, the people who make up and have helped form these United States have very little to do with decisions made by the Executive Committee.

It is true that the President agreed that eight new public members should join the Commission, to represent "Middle America." In April 1972, the eight new public members were appointed, which included three blacks, a Chicano, and an American Indian. All of this is a step in the right direction; however, it leaves a lot to be desired as, with the Executive Committee making the decisions, the role of the Commission is a most minor one.

Dissatisfaction with the Commission's present mode of operation in representing "Middle America" is totally clear, leaving way for the upspring of organizations such as the Peoples American Revolutionary Bicentennial Commission, the Afro-American Bicentennial Corporation, and others, crying out to be recognized. The Youth Advisory Committee of 25, headed by John D. Rockefeller III, resigned from the Commission expressing the determination that the youth of this country and their ideals were not truly represented in the operations of the Commission. The Bicentennial Service Corporation, publisher of the newsletter USA 200, is managed, and the newsletter is edited by past employees of the ARBC that are determined to give a true accounting to the people of the activities of the ARBC.

The groups that I have just mentioned to you are only a portion of the dissension that presently exists, not only among the people of this country, but among the Commission members themselves, my colleagues on both Houses of Congress, as well as most of your people here today. All of this disenchantment has been well publicized in newspaper articles, magazines, in statements on the floor of the House and, of course, was reflected in the recent overwhelming vote by the House not to suspend the rules and pass the appropriations bill for the ARBC for fiscal year 1973.

I think the most recent documentation and confirmation of the poorly run organization and incompetence of the leadership of the ARBC is the Arthur D. Little, Inc., report, authorized by the executive committee, to study the operations and individuals involved with the Commission. This study cost the ARBC $25,000 and only told us what most of us have been aware of for months. This study was ordered by the Director and commenced the first week of January 1972; it was basically a 6-to-8 week study, ending approximately the end of February. The final report, delivered to my office on July 5, 1972, was highly critical of the ARBC.

The consultant's study found management of the ARBC:

> In a state of incipient failure with staff "resentment and low morale" and a lack of "basic clarity of goals."

I firmly believe that the items I have mentioned to you, today, play an important role in the obvious failure of the ARBC to produce anything meaningful for 1976. I am wholly in agreement with, and urge you, as Members of the U.S. Congress, to see that the following suggestions be implemented before more time and tax dollars are wasted on any further nonsense. I positively believe that leadership and decisionmaking on important issues should be returned to the full Commission. In the past, the full Commission has rarely adopted resolutions on major policy issues; this has got to stop. In this respect, the ARBC Procedure Manual should be altered in a manner as to spell out that all major decisions be made by the full Commission and the Commission should establish guidelines for minor decisions.

I firmly believe that because of the little or no accomplishment status given to the ARBC, that the full Commission should meet monthly, or, at the least, bimonthly until some progress is shown. At least in this manner, the Commission members that seek representation in their areas may be present to make a decision, and it will eliminate the executive committee of making decisions for the full Commission. The way the Commission is presently structured, the executive committee makes all of the decisions. Out of the 10 committee members, only six need be present to make a quorum, and, then, only four votes on any one issue could make a decision. Does this represent a cross-section of the Nation participating in plans for the 1976 celebration?

All of these facts that I express to you, today, have in some manner been publicized in the barrage of news items that have appeared on a national level making a complete fiasco of the entire American Revolution Bicentennial Commission. I, as a member of that Commission, resent the fact that the public is of the opinion that the entire Commission is at fault when the blame rests on the shoulders of a handful of individuals who, as a result of poor management and lack of expertise have given the whole organization a bad name due to lack of progress and under-the-table operations.

I am of the firm opinion that with the implementation of my suggestions, along with those of other members of the Commission, and utilizing the Arthur D. Little, Inc., findings, the ARBC could still prepare some excellent programs for the 1976 celebration. We must act immediately to take these steps so that we have an American Revolution Bicentennial Celebration in 1976 which will be worthy of our great country.

In order to facilitate this, tomorrow I will offer the following amendment:

On page 3, immediately after line 22, add the following new section:

SEC. 5. Section 6(b)(3) is amended to read as follows:

"(3) The Commission shall delegate such powers and duties to the Director (with the power to redelegate) as necessary for the day-to-day, efficient operation and management of the Commission staff. All major decisions shall be made by the full Commission. All proposals from advisory committees and panels, including any executive committee, shall be approved by the full Commission. The Commission shall meet at least bimonthly and special meetings of the Commission may be called by the Chairman."

Mr. DONOHUE. Mr. Chairman, I yield 5 minutes to the gentlewoman from Washington (Mrs. HANSEN).

Mrs. HANSEN of Washington. Mr. Chairman, in 5 minutes you cannot cover the details of all the problems and discussions which have been held, but I would like to reply to some of the statements that have been made and to support H.R. 13694, although I shall probably offer two amendments.

Last week I appeared before the Senate Judiciary Committee on behalf of the American Revolution Bicentennial Commission and congratulated that committee for holding public hearings because, interestingly enough, in reviewing the history of the legislation I do not find where either the House or Senate committees ever held public hearings of such scope that details of a bicentennial program were ever proposed.

These hearings should have been held throughout the Nation several years ago because the criticism accruing today is partially a result of many minds at work with many voices.

The bicentennial has been under constant and continuing attack for a wide variety of reasons. As you are well aware, there are some people in this country who do not want an American commemoration of our Declaration of Independence at all, but who would prefer instead to have a "blood-and-guns" revolution.

Two, there is a group, and a wide group, of people who think the bicentennial should be entirely that of commemorative events related to military actions; that it should be limited to dressing people in a uniform and having reproductions of military events during the course of our historic fight for independence.

I would like to point out that 1976 is not only the commemoration of military activities for, in many instances, they were yet to come. Instead, it is a statement of certain political truths. It was a statement by the courageous and thoughtful people of the colonies setting forth the reasons they could no longer support continuation of association with Great Britain. And they asked for the support of this Declaration with a firm reliance on the protection of Divine Providence, and pledged to each other their lives, their fortunes, and their honor.

Thus, in this context we should think of 1976.

Third, there are those who see the bicentennial as an opportunity to attract tourists and to promote merchandising.

Fourth, there are those who are genuinely committed to making the American Revolution Bicentennial serve as a focal point for the reevaluation of America's tremendous needs as we look ahead toward our next hundred years.

And, fifth, there are those of us who believe that an American Revolution Bicentennial should encompass historical commemoration, and provide an opportunity for international visitors to come to our Nation, participate with us as "people-to-people," learn to understand us, know our past—how we began, when we began, and to see how we are tackling the problems of the future.

We also believe that we can look forward at this time, in the years between now and 1976, to setting some goals nationally that will mean a restatement of our commitment to the very principles of the Declaration of Independence; to again state that "we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed."

This magnificent statement is the guideline for those of us who believe that we commemorate, invite, and plan; that we sit down and during these next years commit ourselves to reviewing the social, spiritual, and physical needs of this great Nation, and that we take those steps of leadership by involving all of us together as one nation to put together goals for America that will say at the 300th anniversary of our Nation, "we saw, we began and did the things that make for life, liberty, and the pursuit of happiness."

The bicentennial program has been adopted with these goals—Heritage, Open House, and Horizon. Of these I will speak later.

There is a certain frustration among people because we are a wide variety of Americans—210 million of us, and, like all Americans, each one having a different opinion. This, fortunately, is our salvation, because we have the opportunity to speak about it and to voice these opinions. To some it seemed almost mandatory that we have a fair, that we have slogans, that we have stump speeches, that we have parades in the connotation of John Adams' statement. Yes, this is a part of a celebration but at this point in time of America, it would be insensitive of the needs and demands of millions of Americans to involve ourselves only in fireworks. Most Americans are dedicated to making this Nation a better place to live, think, and do.

But, may I repeat, because of these varying viewpoints, there is frustration.

Your congressional Members are not appointed by the President. The Democrats are appointed by the Speaker, and the Republicans are named by their leadership.

Let us look at what we have had, what we are doing, and where we are going. I have chaired the Subcommittee of Interior and Related Agencies Appropriations since the first appropriations proposal came to our subcommittee. The appropriations requested and given were extremely small.

The first authorization bill passed in July 1966. The first appropriation of $150,000 was made for the year 1969. The total appropriated for the years 1969–70, 1971–72 was $4,845,000, of which $2,400,000 was earmarked for the States with a grant of $45,000 to each State and smaller amounts to the territories.

At this time there were also private contributions in small amounts. The appropriated amounts were not provided promptly, and usually through the supplemental route, for in each year the authorizations have been late and subject to a point of order in an appropriations bill. I would suspect much planning has had to be in a crisis state.

I have been rereading the hearings of our Appropriations Committee and the first notable achievement was the preparation by a force of mission of a report to the President incorporating specific recommendations. This was July 4, 1970. In October 1971, the Commission testified before the committee reporting their activities for the supplemental budget again.

This year they appeared before us on March 15, 1972, with a detailed justification statement but at that time I warned them that they had better secure the passage of the authorization or again we would be subject to a point of order.

The 1973 appropriations bill of necessity did not carry any appropriations for the American Revolution Bicentennial due to this point-of-order problem.

At this time the House and the Senate

are confronted with the fact that if no authorization bill is passed by this Congress, the American Revolution Bicentennial will automatically die.

Of necessity, Congressmen are busy people. The time that we have to attend meetings is relatively limited for as we serve our districts and our Nation and preside over committees, our time is usually fully consumed. Therefore, management details are of necessity incumbent upon others.

I was placed on the Executive Board, presumably because I am a Democrat and a woman. I have served there and am slightly intrigued by some of the comments that have been made that this is an arbitrary group or a clique. Well, if there is anything less cliqueish than a woman and a Democrat, I would doubt it. Any action that I have taken as an executive member has been to try and reflect the sentiment of Americans. For example, in one conversation in an executive board meeting, I said that I felt, when we had so many unfunded necessities in the United States, it would be difficult to get several hundred million dollars from Congress for a particular exposition. This was at a moment when I could not even get through the Office of Management and Budget requests for spending which would build $90 million worth of Indian hospitals. I think this Commission will understand why I had some genuine misgivings about committing several hundred million dollars to an exposition, desirable as it may be.

I have also warned the Commission, reflecting, I think, opinions of Members of Congress, that the State park program proposed would have very rough going because, first, we already have a splendid national park system and we already have a land and water conservation fund of $300 million per year for the acquisition of land. And, knowing the fiscal problems of Congress, I simply felt that additional State parks would be a most difficult program to push, particularly in areas that already have parks, and I still feel so. On the other hand, this was one idea presented to be discussed.

Also, I would call to your attention that Congressman St Germain of Rhode Island has prepared for Congress a bill asking for the authorization of national parks in 20 States having none and asking that the completion of this activity be done by 1976. This could serve as a splendid alternative. But, again, may I point out that this is one of a number of subjects under discussion. At each meeting there are dozens of ideas presented. This, I think, speaks to the point of the Executive Committee. This committee serves rather in the same context as a congressional committee or subcommittee trying to channel for the sake of time, a myriad of programs. I certainly do not consider myself and my participation in the Executive Committee as arbitrary or cliqueish.

Let me now proceed to other operations of the Commission. Lay committees from the Commission, ably assisted in all instances by experts from the fields under consideration, were appointed. The Committee on Heritage is historical and is ably chaired by the very distinguished gentleman from Philadelphia, Mr. James Biddle, with whom I have had the privilege of working on the American historic preservation program, which has become one of the most enthusiastically supported programs in the United States. Mr. Biddle and his very distinguished panel have developed and presented to the ARBC a proposal for a national historic records program, something to give America a greater legacy of knowledge of its past.

The Horizons Committee is busy with their program. And it is this third program, Horizons, where so much controversy comes about. The goal set to make this Horizons program reflect, as stated in the ARBC Guideline, is "A nationwide challenge to every American acting individually or with others to undertake at least one principal project which manifests the pride, the priorities and the hopes of this community. The Commission encourages every group, especially our youth and those young in spirit, to pool their resources and their talent in a constructive effort to demonstrate concern for human welfare, happiness and freedom."

It is through this program that the women of the United States have become interested in our participation as representatives of groups to focus on current and future priorities. Monday last, the Executive Board of the Commission passed a resolution approving the goal asked by women for "resources centers." I cannot emphasize too strongly the meaningfulness of the participation of women in this program. I also cannot stress too strongly the participation of our blacks, our Indians, and our Spanish people in working for goals of commitment to make this a better Nation.

I have urged the appointment of black women, young people, and I have worked continually at executive meetings to try and make sure that there is focus on these activities. I think it is important and mandatory in this turbulent part of this century to recognize that a long-range look into the continuing problems of our people as to education, food, shelter, and health are part of the American dream and the American goal to provide life, liberty, and the pursuit of happiness.

It is this part of our consideration that has stirred up probably more tempest in the ARBC than anything else. However, I shall continue to believe that these are meaningful, necessary parts of our long look ahead and that they are coequal with Heritage.

To do easily and well the transformation from merely commemorative to goal-setting is difficult. I heard a woman not long ago say, "this should not be just a celebration of statutes."

In Philadelphia 3 years ago, a distinguished citizen said to me, "I would trust the Bicentennial becomes a feast of reason and soul-reaching and not a county fair." A member of my subcommittee said, "We don't want public works projects."

There are thousands of people who advocate continuing scholarships as to the reasons why and how the Declaration of Independence came to be. There are others who advocate cultural and artistic grants.

It is all these wide and diverse opinions which create problems. There is as much disagreement about them as there was about the language of the Declaration in 1776. But I would remind you today, nothing can be done without money and there cannot be any money without an authorization. If we want a women's group working, we have to expect to have the staff to do it. If we want blacks cooperating and Indians participating and the States programing continued, we have to have the money.

Before we proceed on the authorization may I compare for you a 1970 report and a 1971 report to Congress.

A COMPARISON BETWEEN THE 1970 REPORT TO CONGRESS, AND THE 1971 REPORT TO CONGRESS

The 1970 report, issued in February of 1971, mentioned only one panel—coins and medals—and only 15 programs planned by cities which were considering cooperation with the ARBC.

The 1971 report to Congress, issued this year, mentions eight panels, in addition to the Communications Committee, and about 50 programs in cooperation with Federal, State, and city organizations.

The panels represent a cross-section of expertise from all over the Nation.

The expansion and increased activity of the ARBC coincides with the addition of Mr. Mahoney as Chairman in October of 1970.

Section II had a great deal of discussion on this floor. Many questions were raised. My understanding is that the major point was to provide contracting for computers.

I am offering an amendment which provides the removal of the words "the acquisition and disposition of property" because this is to many people that portion of the section which would put us in the pork business without congressional authorization.

Section 4 relating to supergrades was also controversial. I would propose an amendment to limit these supergrades to five, recognizing that if you are going to have top-flight people it is necessary to provide the ability to hire them.

For example, a professor of history or a top specialist in this field will not come to the Commission inexpensively.

We were discussing Mount Rushmore and Niagara Falls a moment ago. The whole concept of the bicentennial this year has been based upon an attempt to get all Americans involved in their celebration, their commemoration of the American Declaration of Independence, and the revolution. Therefore, all 50 States are participating.

Now as to the $6,712,000 authorization. Some $2.4 million of this goes to the States. Of the last appropriation $2.4 million went to the States.

You have heard about the executive committee. Well, I think the chairman of the Commission got a little frustrated with rather poor attendance. When you have 25 people plus secretaries and others on a commission people just do not all show up, so, like any good businessman, he assumed a board of directors could clear the air and perhaps go through the details looking at salient and important points and referring those to the full commission.

It is rather like Congress. I hear criticisms about Congress. They say you have committees and subcommittees; why is not everything done on the floor? Well, you know, I am looking around here. Just imagine if we were going to try to transact whatever business the Congress has to transact here on the floor.

The second thing I want to say is, I have to agree with Mr. WILLIAMS that all major decisions should be made by the full commission and that the Director should be appointed by the full commission.

I think the gentleman from Iowa has another idea about electing the chairman. That is one idea, however, the decision was made here in 1966 giving the President the right to appoint the chairman. He appoints the chairman of the arts council and appoints the chairman on humanities and all of similar groups. I would not treat a Republican President any differently than I have treated Democratic Presidents, because whomever is appointed has to go down to the Office of Management and Budget after authorization, then come up here and ask for funds. Therefore, I would think there should be some discussion with the White House on budget and some responsibility.

You have heard about State parks. I am one of those "horrible" members of the executive committee. I am sure I was appointed because I am a woman and a Democrat. I have no illusions. I am a minority on both counts.

I said at the executive committee that I felt the State parks program is infeasible. We have a great national park system and anyway I cannot go to the Congress of the United States and ask for money on this scale when I cannot even get $90 million to build Indian hospitals.

However, I will tell you what I have stood for on that Commission, and I am not ashamed of it. We have the heritage program. What is our heritage? It is freedom. It is also the magnificent words of the Declaration of Independence, which guarantee us the right of life, liberty, and the pursuit of happiness.

I will tell you what I am concerned about in this part of this century. I am concerned about looking ahead and using the principles that were part of the Declaration of Independence to declare some goals for us. I want to see the people of this Nation fed; I want to see them housed; I want to see them have the opportunity of education. These are all part of our goals.

Several years ago President Nixon and your Congress said we are going to make the establishment of the Navajo college one of the goals of the bicentennial. That college has been built.

It will be in operation in 1976. This is a small thing, but an accomplishment.

What else do we want? We want to make sure that we have innovative programs. True, there are not just commemorative activities but they reflect these goals that our very courageous ancestors stood for and for which they faced the King of England and said, "We want people to be free."

There are certain basic truths.

The CHAIRMAN. The time of the gentlewoman from Washington has expired.

Mr. DONOHUE. Mr. Chairman, I yield 2 additional minutes to the gentlewoman from Washington (Mrs. HANSEN).

Mrs. HANSEN of Washington. Mr. Chairman, may I say this, if I felt that the only purpose of this celebration was to dress people up in buff-colored uniforms and have them marching around on some parade ground, I would say to heck with it. Because I am for people, and I am for people's lives. I want to look at the America that it is going to be 100 years from now. I am proud of my heritage, but I am prouder yet of the Nation we are going to be if we can do things together to make it better.

Mr. WILLIAMS. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Chairman, I want to compliment the gentlewoman from Washington (Mrs. HANSEN), who has rendered outstanding service on the American Revolution Bicentennial Commission and, of course, the Executive Board. I think the gentlewoman has done a tremendous job.

One of the things that has bothered me, and I think it is known to the Chairman, is the attendance at the meetings of the Commission. May I say that the next set of meetings that we have scheduled are set for September 7 and 8. I believe that it will be the first time that the meetings have ever been scheduled on a Friday when most of the eight Congressmen will be able to attend.

Mrs. HANSEN of Washington. I could not agree with the gentleman from Pennsylvania more. I think the meetings should be scheduled when we can have a maximum attendance. I may say that I would hope that there will be more Congressmen, if we are going to have an executive board—and whether they have one or not does not mean a thing to me, because it is nothing but extra work—but I believe our Nation is entitled to a great celebration, not only of our past, but what we are going to do for the future.

Mr. WILLIAMS. Mr. Chairman, I thank the gentlewoman for yielding to me, and I would add that I have certainly enjoyed the comments made by the gentlewoman from Washington.

Mr. SEIBERLING. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I am happy to yield to my distinguished colleague, the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I would like to associate myself with the goals that have just been cited so eloquently by the gentlewoman from Washington (Mrs. HANSEN). I would like to ask the gentlewoman a few questions.

I voted against this bill in the Committee on the Judiciary, as the chairman knows, and others, because I was troubled as to what visible signs of progress were being made for all the millions of dollars that have already been spent by this Commission.

Mrs. HANSEN of Washington. May I say to the gentleman from Ohio that the total amount of money that has been expended has not been huge; a sizable portion of the money has gone to the States. In order to achieve the goals that have been set, it must have members on the Commission who can pave the way for the future.

The second point I would raise is that we have tried to get a coalition of the women, and to get the blacks, the Indian people and yes, the young people, involved in the program. The pressure now is that most people feel they are not getting enough money.

The Indians the other day said they did not get a commitment, but, very frankly, on a request of this kind you cannot make a commitment of money now, for there is no authorization.

I want to see these people working together, and doing the things within their own communities that will build a better America.

The CHAIRMAN. The time of the gentlewoman from Washington has again expired.

Mr. DONOHUE. Mr. Chairman, I yield 2 additional minutes to the gentlewoman from Washington (Mrs. HANSEN).

Mrs. HANSEN of Washington. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this additional time.

Mr. SEIBERLING. Mr. Chairman, if the gentlewoman will yield further, and I would say that I am sorry I am keeping her standing in the well all this time, but just a few weeks ago a very brilliant young man came into my office. He happens to be the son of one of my constituents. But, this young man has made a very successful movie, and I think that last year it grossed some $20 million.

He said he is taking the money from that film and he is going to make another movie on—and I do not want to reveal the title—but it is going to be on the theme of the American Revolution. He said—Do you know every single great country in this world has an epic film—the Russians had "War and Peace" and so forth—except the United States of America. He said, "I am not going to fool around with the Government, because it is never going to get done." He said, "I am taking my money and I am going to take $8 million and I am going to make a film about the American Revolution and it is going to be a commercial and artistic success."

Now that is the kind of spirit that we really need to get this thing going. What I would like to know is between now and 1976 is there some way that we here in the Congress can get a picture as to just what concepts this Commission is working on to see whether it is worth continuing to put this kind of money into this thing because the prime need is for this money.

Mrs. HANSEN of Washington. I think they will because, for example, the Women's National Club has asked for a resources center.

We have asked for programs in the arts.

Mrs. Hanks called me last night to tell about the work she is doing in the arts for the bicentennial.

But, I will be very frank—there has been more commotion, because we want to involve people more than anything else. Every American, all 210 million of us, have our own opinion—and when you try to boil these down, it is difficult—you know how hard it is for Congress to get together.

But I would hope it would be the challenging story of what made us and what keeps us going.

Mr. WILLIAMS. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman.

Mr. WILLIAMS. I think I can help to answer that question.

One thing that the ARBC failed to do is to develop close cooperation with the States. This, I think, we must do. Every State either has their own State ARBC or has designated the duties of a State ARBC to one of their departments.

Now Virginia, for example, is planning a celebration around Yorktown—on a very important part of American history.

The CHAIRMAN. The time of the gentlewoman from Washington has expired.

Mr. SMITH of New York. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington.

Mr. WILLIAMS. So all I say is—I think all of our 50 States, and not just the 13 Colonies have places that play an important part in the development of the United States and we should cooperate to the fullest extent with them even to the point of giving them some Federal financing for their various projects.

Mrs. HANSEN of Washington. May I say to the gentleman, it is the importance of the participation of these 50 States—and not only the 50 States, but of our territories that have magnificent programs underway.

Many people think this money was first granted to the ARBC in 1967. It was not. The first appropriation did not begin until 2 years later, and all the appropriations have come about as a result of a supplemental bill.

The authorizations have been slow each year, therefore, I think they have always operated in a crisis state. I have been on the Commission less than 2 years and I certainly am not going to accept any credit—or all the blame. But I do say this, and I say to this House—America is worth every dime we put in to celebrate her past and plan her future.

Mr. SMITH of New York. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman.

Mr. SMITH of New York. The gentlewoman mentioned the fact that she has only been on the Commission for 2 years.

Mrs. HANSEN of Washington. Less than 2 years.

Mr. SMITH of New York. Who are the House Members who serve on the Commission?

Mrs. HANSEN of Washington. The House Members who serve on the Commission are the gentleman from Virginia (Mr. WHITEHURST), the gentleman from Pennsylvania (Mr. WILLIAMS), the gentleman from Massachusetts (Mr. DONOHUE), and myself.

Mr. SMITH of New York. Are you on the Executive Committee?

Mrs. HANSEN of Washington. I told you—I admitted to that great sin.

I said I was on it, because I was a woman and a Democrat, I am in the minority on either side.

Mr. SMITH of New York. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. I am concerned that William Alderson, for instance, who heads the great association of American Association of State and Local Historians, tried repeatedly to get in touch with members of the staff and got the cold shoulder. He had some ideas which he wanted to explore in the endorsement a series of publications some planned to reach into every school. There was no response. Only a cold shoulder.

Further, to answer your question on film, a Carl Haverlin was invited here at my suggestion and spent 2 weeks here counseling people on the staff. He never got to see the chairman once, and he got to see the Director for an hour. Now, Carl Haverlin of Broadcast Music, Inc., deals with all communications services. He wanted to talk to them about free programs, at no cost, the very thing you are talking about.

In our discussions he needed some kind of endorsement, some kind of encouragement. He even made trips to New York to meet with people of the media. They are ready and willing but there was no leadership, no encouragement, no help, and that is the reason I am in favor of a change.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SMITH of New York. Mr. Chairman, I yield myself the remainder of the time on this side.

Mr. Chairman, I think we have talked generally about this bill that is before us today, H.R. 13694, and I must say that I, for one, who does not serve on the Commission, feel that if we were to amend this bill or the basic organic law of this Commission in any substantial form, that we probably would be doing a great disservice to the implementation and the development of the bicentennial celebration and program which I feel is just now at the point where their contacts and their programs with each individual State are at the point of maturing.

So, I hope that tomorrow when we meet to consider amendments to this bill, that the House will vote down such amendments.

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended as follows:

Section 7(a) is amended to read as follows:

"SEC. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act and to remain available until expended $6,712,000 for fiscal year 1973, of which not to exceed $2,400,000 shall be for grants-in-aid pursuant to section 9(1) of this Act."

Mr. DONOHUE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GONZALEZ, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13694), to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, had come to no resolution thereon.

SEC STUDY ON PENN CENTRAL

(Mr. STAGGERS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, on June 21, 1970, an event took place in this country which had a grave impact on our national economy, and called into serious question the adequacy of the law. I am speaking of the bankruptcy of the Penn Central Railroad. The loss which has been sustained by many Americans who were investors in the company, shareholders, bondholders, and others is now measured in billions of dollars. The common stock of the Penn Central stood at $35 per share in January of 1970. Six short months later, June 22, 1970, the day after the declaration of bankruptcy, the stock had fallen to $6.50 a share. But figures alone cannot tell the story of the real loss that has been suffered here. It was a loss that fell in many cases upon those who could ill afford to bear it. I have reference particularly to the more than 100,000 small shareholders, many of whom were older people. They entrusted their savings in the Penn Central securities thinking that these were secure investments for their old age.

The collapse of the Penn Central forces us to question whether our laws are adequate to protect the investing public. And it forces us to question whether those agencies, which the Congress has set up to defend the public interest, are equal to the task.

After the declaration of the Penn Central bankruptcy, I asked the SEC to look into the stock market trading in Penn Central stock. In September of 1970, the Special Subcommittee on Investigations of the House Commerce Committee held a public hearing on the Penn Central matter. We specifically wanted to know from the ICC and the SEC what they had been doing while the Nation's largest transportation company plunged into bankruptcy. I asked that the SEC provide us with a detailed account of how this greatest of all bankruptcies in our history had taken place. After 2 years we now have that report; it is one of the most extensive and detailed studies ever compiled by the Commission's staff in a single investigation. I have directed the staff of our subcommittee to review this report carefully. In view of its great significance, I am also directing that the report be printed as a subcommittee document. This report deserves wide circulation and wide discussion. I commend it to the attention of the Members of this House.

I believe one of the immediate lessons taught by the collapse of the Penn Central is that we cannot continue to have one standard of regulation over the securities of rail and motor carriers, and a different standard over the securities of all other businesses in America. This has been the result of exceptions which were written into the securities laws many years ago by which the ICC, and not the SEC, regulates the issuance of securities by rail and motor carriers. I have introduced H.R. 12128 to eliminate the distinction and to insure that minimum standards of responsibility are clearly imposed for the protection of the investing public. I think the need for other legislative measures may become apparent once this report has been fully evaluated.

I commend the SEC for the job they have done on this report. It is going to be a valuable reference for the public and for the Congress.

The Penn Central disaster should not have taken place. We must do everything we can to make sure it does not happen again.

SEVENTY-FIFTH ANNIVERSARY OF THE SCRANTONIAN

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. McDADE) is recognized for 5 minutes.

Mr. McDADE. Mr. Speaker, for the past 75 years, the people of Scranton, Pa., have awakened on Sunday to a hearty breakfast, and with that breakfast an equally hardy Sunday newspaper, the Scrantonian, which is celebrating its 75th anniversary this year.

I want to take this opportunity to offer my most heartfelt congratulations to the people who produce the Scrantonian weekly, and to offer my equally sincere wishes that the Scrantonian will be on the Sunday morning tables 75 years from today.

Newspapers do not live by looking back. They are the voice of today and can look only to the future, as the Scrantonian looks to the future. But while we also look to the future with them, I hope we may also look to the past.

The Scrantonian was founded by the Little and Goodman families in Scranton. They had already brought into being the distinguished morning daily, the Scranton Tribune, and in the creation of the Sunday newspaper, filled out the seventh day in news gathering for the people of the area. For three generations this family has been working in the publication of have brought a sense of civic responsibility to their work in the field of the press work as the copublishers of the papers, that is most commendable. Richard Little II, and Herman Goodman today work as the copublishers of the papers, and Richard Little III, and Nelson Goodman are executives working with their parents.

I know that all of my colleagues will join me in wishing the happiest possible 75th birthday to the Scrantonian. The press has been the guardian of American freedom from our earliest days, and as long as such distinguished newspapers as this serve the people of America in keeping the citizenry informed, we may be certain that this Nation will remain free and strong in the years to come.

With your permission, Mr. Speaker, I will append here an editorial from the Scranton Tribune concerning its sister paper, the Scrantonian:

[From the Scranton Tribune, Aug. 1, 1972]

SCRANTONIAN MILESTONE

For The Scranton Tribune, the current observance by The Scrantonian of its 75 years of publication is a family celebration and it is in the spirit of shared joy and pride that the "morning paper" takes note of The Scrantonian's history of "3900 Sundays."

The Tribune, a lively 116-year-old, has been published since 1938 by the Goodman and Little families who brought The Scrantonian into being. Richard Little, who established The Scrantonian in 1897 later was joined in its publication by M. L. Goodman. Both publishers enjoyed long careers and they were succeeded by the present copublishers, Richard Little II and Herman S. Goodman. A third generation of the two families now is represented in the executives of The Scrantonian and The Tribune by Richand Little III and Nelson Goodman.

This brief summation illustrates that there is strong stability and continuity behind the publication of the newspapers. It is most appropriate to recognize that in this era of the conglomerate, the proliferation throughout the nation of chain newspapers controlled and managed more or less from afar, the endurance of The Scrantonian as an independently owned newspaper, published for a community and area by people whose roots in the community and area are deep, is heartening and reassuring.

The Scrantonian has, under the leadership of its publishers, improved itself constantly in all aspects, principally as a medium dedicated to the progress of the region and the welfare of its citizens. This has won for the newspaper the acceptance and loyalty which have made possible a history of three-quarters of a century of publication.

Anniversaries are an occasion for looking forward rather than backward. The Scrantonian pledges for the years ahead the same adherence to sincerity, truthfulness and accuracy which has won for it an esteemed and respected place in the journalism of our region, state and nation. With that pledge, the 75 great years of The Scrantonian are a promise of still greater years to come.

WOMEN'S TALENT POOL TAPPED BY REPUBLICAN PARTY

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, as a delegate to the 1972 Republican National Convention, I am pleased to comment on the improved scenery compared with the 1968 convention. And I am not talking about the terrain in Miami Beach.

Forty-three States show an increase in the number of women delegates to the 1972 Republican Convention. There will be a total of 933 Republican women delegates and alternates in Miami Beach August 21–28.

It should be noted that the number of women delegates has almost doubled since the 1968 convention. And equally as important as the increase is the fact that these gains were not brought about at the gun point of artificial quotas. Rather, they resulted from increased involvement in the Republican Party by qualified citizens who happened also to be women. These women were selected without force or coercion and without a massive upheaval in the rules of the game.

Perhaps one important reason for the upswing in the tapping of the pool of talent possessed by Republican women is the leadership provided by President Nixon. The degree of progress under his tutelage can be measured in many ways. Just one example is the comparison of Presidential appointments at top-grade levels. In 3 years, President Nixon has appointed 105 women to top positions, while Presidents Kennedy and Johnson appointed a total of 45 women over a total of 8 years.

So, while I will enjoy the improved view in Miami, I will also enjoy the realization that this is real progress toward equal opportunities for women as opposed to an artificial, divisive quota system. While others may spend valuable time debating the use of such terms as chairperson and chairwoman, the Republican Party will be making real, meaningful advances toward equal rights for women.

UNEMPLOYMENT COMPENSATION

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. HARVEY) is recognized for 15 minutes.

Mr. HARVEY. Mr. Speaker, during the past 2 years, the Congress has attempted to combat the suffering and economic hardship associated with rising unemployment by providing extended unemployment compensation benefits to those individuals who find themselves without work for a prolonged period of time. While unemployment compensation cannot and does not attack the root of our unemployment problem, it does provide our jobless with the means to supply food and shelter to themselves and to their families for a limited period of time. It has become indispensable in permitting our workers to keep their heads above water while seeking new employment.

Under the recent congressional extensions of the unemployment compensation programs, American workers are eligible for a maximum of 52 weeks of compensation. The first 26 weeks of unemployment compensation is provided by the States out of funds collected from employers under the insured unemployment compensation program.

In 1970, the Congress enacted the Federal-State Extended Unemployment Compensation Act—Public Law 91–873—which extended unemployment compensation for a period of 13 weeks under certain circumstances. There were both national and State triggers for these extended benefits, which are shared on a 50 to 50 basis by the State and Federal Governments.

On the national level, if insured unemployment equals or exceeds 4.5 percent, seasonally adjusted, for 3 consecutive months, all States become eligible for these extended benefits. Of course, if insured unemployment falls below the 4.5 percent level, seasonally adjusted, the "off-indicator" is triggered and benefits cease.

Individual States can receive this extra compensation if insured unemployment for a 13-week period equals or exceeds 120 percent of the average of such rates for the corresponding 13-week period, ending in each of the preceding 2 calendar years, and that rate equals or exceeds 4 percent. Both of these criteria must be met before the State can qualify, and if one or the other is not satisfied, the State loses its extended benefits.

Under the extended benefit program, a State cannot be "triggered off" regardless of its insured unemployment picture, if the national "on" indicator is still effective, but once the State's insured unemployment falls below the 120-percent or the 4-percent rates and the national indicator is "off," it will lose its extended benefits. If the national indicator is "off," a State can be triggered "on" provided it meets the two above-mentioned requirements.

A similar situation exists under the Emergency Unemployment Compensation Act of 1971—Public Law 92–224—which was just recently extended for 6 months by the House. This program, when operating, provides an additional 13 weeks of 100-percent, federally funded unemployment compensation when a State's insured unemployment averages 6.5 percent for 13 consecutive weeks. If the rate falls below 6.5 percent, the emergency compensation is discontinued.

I should like to mention at this point a note concerning the rate of insured unemployment as used in both Public Law 91–373 and Public Law 92–224. This "rate" is not the same unemployment rate that is calculated by the Labor Department in determining the national average. Rather, it is the rate of insured unemployment, meaning the number of people receiving State and Federal unemployment compensation in comparison with the total work force. The rate of insured unemployment is naturally lower than the actual rate of unemployment because it does not include the many people who are jobless and whose compensation has expired. Because it does not include these people, it creates certain anomalies. For example, if a person draws his last unemployment check but still has not found a job, he is no longer considered "unemployed" for the statistical purpose of these laws. Thus, when a State's extended and emergency unemployment compensation programs are terminated, the rate of insured unemployment declines, even though the actual number of unemployed individuals remains the same. Without this necessary Federal assistance, States are often unable to provide adequate compensation for their unemployed citizens, especially if they are plagued by pockets of unusually high unemployment.

This seemingly absurd development occurred recently in my Eighth Congressional District in Michigan. Unemployment in Bay, Tuscola, and Arenac Counties, according to the latest figures, is approaching 15 percent; in Sanilac County the rate exceeds 18 percent; and in Huron County the figure is a whopping 21.3 percent. Saginaw and Lapeer Counties, the remaining two counties in my district, have 7.5 percent and 7.3 percent unemployment rates, respectively. Yet, despite these totally unacceptable figures, the people in my district no longer are eligible to receive either extended or emergency unemployment compensation.

The Federal-State extended benefits "triggered off" in Michigan on April 1, when the statewide rate of insured unemployment dipped below the 120-percent requirement. On July 29, the emergency unemployment compensation ended also, leaving my constituents with the minimum of 26 weeks of unemployment compensation.

Mr. Speaker, I cannot sit by and watch the unemployed in my district go without compensation. Today, I am introducing legislation that will correct this intolerable situation. The bill that I am introducing amends both the Federal-State Extended Unemployment Compensation Act of 1970 and the Emergency Unemployment Compensation Act of 1971 by changing the "off trigger" to take into account pockets of severe unemployment in States that have otherwise lost their extended and emergency compensation benefits.

Under the provisions of this bill, simply stated, no State will lose either extended or emergency unemployment benefits so long as any county's unemployment rate remains above the level prescribed for that State's "off" indicator. In other words, even though a State's overall statistics might cause a loss of Federal unemployment benefits, that State will continue to receive these extended and emergency benefits so long as even just one county remains above the acceptable unemployment limits.

This legislation is aimed at providing additional unemployment assistance to those pockets of persistent unemployment that occasionally burden a State. In Michigan, for example, the counties in my congressional district would continue to receive these extra benefits, even though the statewide figures would be low enough to trigger the preestablished "off" indicators. In this way, federally assisted unemployment compensation will be available for as long as a county needs it.

Mr. Speaker, this Congress must take the necessary steps to alleviate the nagging unemployment problems in our Nation. Unemployment compensation, as I have noted, is not the final answer. It will ease some of the hardships that unemployment causes, but it cannot provide the training and the jobs that are so necessary for an expanding, healthy economy. Just last week, I spoke to the House on the pressing need for comprehensive manpower programs. I asked that Congress give "top priority" to the Nation's unemployment crisis. Today, I reiterate that plea and again urge that the appropriate committees in the House and Senate move immediately to consider the necessary legislation, especially my Comprehensive Manpower Act (H.R. 15829), that will remove the suffering of so many of our citizens.

LAST MINUTE NAVY CLAIMS PAYMENT

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, in order to obey Adm. Elmo Zumwalt's order to spend extra cash during fiscal year 1972, Navy officials paid $73.4 million worth of claims to defense contractors in June.

Between January 1 and June 1 of this year, only one claim of $7.6 million was paid. Suddenly after June 1 the floodgates opened and more than $73 million was paid.

Mr. Speaker, I believe that the Navy is guilty of making last-minute decisions in order to spend extra cash before the fiscal year closed last June 30. I have asked the General Accounting Office to thoroughly investigate these last-minute payments to determine if the contractors truly deserve these large sums.

I believe these kinds of last-minute quickie deals are an example of the almost parasitic relationship that seems to exist between some defense contractors and the Pentagon.

As many of my colleagues may remember, in January of this year Admiral Zumwalt ordered Navy officials to spend an extra $400 million during fiscal year 1972 reflecting increased outlay targets adopted by the Nixon administration. Admiral Zumwalt told the Navy brass in a memorandum that the Navy budget would be cut if the $400 million were not spent and he suggested that claims and provisional payments on claims should be accelerated.

The timing of these payments strongly suggest that the legitimacy of the contractor's claim is not an important factor in making the decision. As a result I have asked the GAO to investigate.

The names of the companies and the amounts paid and my letter to the General Accounting Office follow:

COMPANY, CONTRACT, AND AMOUNT PAID

Newport News Shipbuilding & Drydock Co.; nuclear submarines; $20.5 million.

General Dynamics (Quincy, Mass.); one submarine tender and one assault ship; $16.2 million.

North American Rockwell Corporation; Condor missile; $28.5 million.

Westinghouse Electric Co.; Mark 48 torpedo; $8.2 million.

Total, $73.4 million.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 7, 1972.

Mr. ELMER STAATS,
Comptroller General,
U.S. General Accounting Office,
Washington, D.C.

DEAR MR. STAATS: The General Accounting Office, several members of Congress and the Department of the Navy have been very concerned about the resolution of contractor claims, in particular, shipbuilding claims.

Between January 1st and June 1st this year, the Navy settled only one claim valued at $7.6 million. Between June 1st and June 30th, the Navy settled a series of claims valued at $73.4 million.

I am writing to you today to request that the General Accounting Office thoroughly investigate these last minute payments to determine if the contractors truly deserve these large sums.

Before submitting my specific questions, I would like to outline the claims that I hope can be investigated.

(1) Newport News and Shipbuilding and Dry Dock Company has received $20.5 million on claims concerning the use of HY-80 steel. (2) North American Rockwell Corporation has received a $28.5 million on the Condor missile. (3) The Westinghouse Electric Company has received $8.2 million in payments of claims on the Mark 48 torpedo program. However, Westinghouse, I understand, is planning to file an appeal with the Armed Services Contract and Control Appeal Board for $45.6 million in additional payments for the Mark 48 claims. (4) The General Dynamics Corporation has received a total of $16.2 million in provisional payments for a submarine tender and an assault ship.

I hope that the GAO will be able to answer the following questions concerning the Newport News and North American Rockwell claims:

Did the company provide sufficient documentation to justify their claims settlements?

Did the Navy adequately attempt to independently evaluate the company's claim?

What were the original dollar amounts of the contractor claims and their justification?

Did the Navy or the contractor provide historical cost data or develop standards for evaluation of their claim? Was the Defense Contractor Audit Agency consulted concerning the estimating system of contractors?

Did the contractor provide a factual basis for proposed prices during the life of the contract?

In the case of Westinghouse, it is not my desire to inject the GAO into ongoing negotiations between the Department of the Navy and Westinghouse. However, it is my hope that the same questions outlined above could be answered for the portion (i.e. $8.2 million) of the claim that has been settled between Westinghouse and the Navy.

The case of General Dynamics—Quincy Division has not truly been settled. However, Navy regulations dictate that before provisional payments are made, that the contracting officer or authorizing agents must determine that the final contractor claims settlement will be in excess of the provisional payment. Did competent Navy authorities make this determination before the provisional payments were made to General Dynamics—Quincy? Was adequate documentation and accurate price information provided to the Navy to justify these $16.2 million provisional payments to General Dynamics—Quincy? In the case of Newport News, I hope that you could determine whether defective or deficient HY-80 steel was the basis of the Newport News claim.

I hope that you will be able to report to me specific answers to all of the questions that I have outlined and any other information that is pertinent to the expeditious and judicious settlement of contractor claims with the Navy. If members of your staff have any additional questions, please contact a member of my staff, Mr. Bill Broydrick.

Thank you very much for your cooperation.

Sincerely,

LES ASPIN,
Member of Congress.

A BILL TO CREATE A NEW ENGLAND POWER AND ENVIRONMENTAL PROTECTION AGENCY

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, today I rise to introduce a bill to create a New England Power and Environmental Protection Agency. I am taking this action because I believe that an alternative is needed to New England's present situation of constantly spiraling electric bills, unreliable service, and a commitment to the protection of the environment on the part of the utility industry that is minimal at best.

New England is one of the few regions of the country without a significant Federal electric power system. There is the TVA and the Southeastern Power Administration in the Southeast, the Bureau of Reclamation's power system in the Midwest, the Southwestern Power Administration in the Southwest, the Bonneville Power Administration in the Northwest, and the Alaska Power Administration in Alaska.

These Federal systems have provided low-cost power for the people in their service areas, and serve as a yardstick by which private utility rates can be measured. There is no good reason why New England should be denied a Federal presence granted every other region of the country.

Historically, New England has always had among the highest electric rates in the United States. Residential consumers pay 30 percent more for their electricity than does the average American. Massachusetts' average monthly residential power bill ranks higher than the average bill of 47 of the 50 States, despite the fact that Massachusetts residents use about 24 percent less electricity than do residents in the rest of the country. Connecticut ranks 34th highest; New Hampshire 48th; Maine 46th; Rhode Island 43d; and Vermont 16th.

The industrial power situation is even worse. Industrial users pay over 60 percent more for their power—a fact that helps account for the inability of New England to attract new job-producing industry. A large firm can expect its power bills to rise $20,000 or more if it locates in New England.

The figures I just quoted were based on 1968 statistics. Since then, New England has witnessed an unprecedented series of rate increases. If presently requested rate increases are approved, some residents will find their monthly bills increased 60 percent—$40 or more a year. But these increased bills will only partially reflect the true cost of the increases, because when the cost of power goes up, the effect is multiplied throughout the entire economy because electricity is involved in every stage of the production-distribution process.

Yet this is just the beginning of a spiral of rate hikes. In the next 4 years, New England's utilities will request approximately $500 million in additional increases. By 1985, electric power revenues will be more than double what they are today.

As I speak to you today, New England is experiencing the worst power shortage in its history. Electric power reserves are at an intolerably low level, and the possibility of a massive power blackout is all too real.

Why does this emergency exist? Part of the answer lies in delays in bringing new equipment on the line—construction delays, licensing delays, accidents. But part of the answer also lies in actions taken by certain elements of the utility industry to restrict the development of additional power sources. I refer here to the well-organized lobby campaign against the Dickey-Lincoln hydroelectric project, against the importation of low-cost Canadian power, and against legislation which would allow publicly owned utilities to build facilities to meet their share of the load.

One further problem must be considered. Between now and 1990, it is estimated that at least 26 new generating facilities will have to be built to meet New England's power requirements. In addition, 2,500 miles of transmission lines will have to be built. The impact of these facilities on the environment will be substantial. The present haphazard system of dealing with environmental problems will simply not be adequate in the future. We must design new decision-making structures to assure that the new power facilities will be built with the least possible adverse impact on the environment.

These three factors—the rate problem, the reliability problem, and the environmental problem—add up to an electric power crisis in New England. It is a crisis that must be dealt with now.

The utility industry's solution to the problem, the NEPOOL agreement, is inadequate. It is not even acceptable to segments of the utility industry itself, and its legality is currently being challenged before the Federal Power Commission.

The time has come to develop new alternatives. In 1970, a study of New England's electric power situation done for the New England Regional Commission recommended that a public agency be created to be responsible for all new generation and transmission facilities in the region.

Today, I am introducing a bill which will establish such an agency. The New

England Regional Power and Environmental Protection Agency, which will be financed by the sale of revenue bonds, will have responsibility for coordinating New England's power operation, and building and operating all new facilities necessary to meet the region's power needs. It is estimated that the agency will save New England's consumers $695,000 over its first 10 years of operation.

However, the agency will be equally concerned with assuring that only a minimum number of new facilities will be built, and that those facilities will be built with a minimum adverse impact on the environment. The agency, while it is an independent Federal agency, will still have to meet all of the environmental standards which the States themselves have established. In addition, it will also have to obtain all licenses required by a regional powerplant siting agency.

The solution I am proposing today is far reaching, but one which I believe reflects the growing public awareness that electricity is a public good—one that is essential to public health, life, and economic survival. The present electric power system in New England has failed to meet the needs of the people—it is now time to reform that system to make it more responsive to the public interest.

Mr. Speaker, at this point I include a section-by-section analysis of the bill:

SECTION-BY-SECTION ANALYSIS

Title: The New England Regional Power and Environmental Protection Act.

TITLE I

Sec. 101. Definitions.

Sec. 102. Establishes the New England Regional Power and Environmental Protection Agency to establish and operate a bulk power supply system to supply wholesale power to utilities throughout New England, and to establish interconnections with other regions, a national grid if one should be established, and Canada.

b. Establishes the primary purpose of the Agency as the provision of bulk power with the minimum adverse impact on the environment. Establishes a research and development program.

c. Provides for the Agency to acquire generating and transmission facilities through construction, purchase, lease, condemnation or other procedure.

d. Mandates uniform rates to utilities throughout the region.

e. Authorizes Agency to acquire facilities necessary to supply the power needs of all utilities in the region.

f. Prohibits utilities from building new facilities, once the Agency determines that it has acquired generation and transmission facilities necessary to meet all the electric power needs of New England.

g. Designates the Agency as the sole marketing agent for all power produced by Federal projects located in New England. Provides preference to utilities not doing business for profit.

h. and i. Designates the Agency as the sole agency for the importation of Canadian power.

Sec. 103, a. and b. Provides for a regional siting study done in cooperation with state, regional, and federal agencies with responsibility for environmental protection. Establishes specific subjects to be covered by the study.

c. Mandates a comprehensive regional siting plan.

d. Requires public hearings during planning stages, and full public access to all documents and records.

e. Provides for siting plan to follow State land use plans as closely as possible.

Sec. 104. Establishes a research and development program.

TITLE II—GENERAL PROVISIONS

Sec. 201. Establishes a seven-man board of directors appointed by President with advice and consent of Senate. At least one director must come from each of the New England states. Provides that six-year terms for directors and sets a salary schedule.

Sec. 202. Establishes provisions for officers and employees of the Agency.

Sec. 203. Establishes corporate powers of the Agency.

Sec. 204. Establishes criteria for accounts and contracts.

Sec. 205. Provides for the issuance of U.S. guaranteed revenue bonds to finance the activities of the Agency.

Sec. 206. Authorizes the Agency to institute condemnation procedures.

Sec. 207. Provides for payments in lieu of taxes to states and local governments.

Sec. 208. Provides for annual reports to the President and Congress.

TITLE III—ENVIRONMENTAL PROTECTION

Sec. 301. The Agency shall be subject to Federal and State environmental standards.

Sec. 302. Facilities built by the Agency shall be subject to the provisions of the National Environmental Policy Act of 1969.

Sec. 303. The Agency shall obtain all licenses and approvals required by a power plant siting agency for the region, should one be established either by an Act of Congress or an Interstate Compact.

TITLE IV

Sec. 401. Authorizes appropriations necessary for the Agency to fulfill the purposes of the Act.

FACTS SOUGHT ON VD EXPERIMENT

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. METCALFE) is recognized for 5 minutes.

Mr. METCALFE. Mr. Speaker, additional facts are still being uncovered concerning the Federal experiment on syphilitic victims which began in Tuskegee, Ala., some 40 years ago.

It was disclosed in a New York Times article today that a Government doctor who was then employed by the Alabama Public Health Service, said he was instructed not to treat men who were involved in the experiment.

According to the article, Dr. Reginald G. James who is now a medical adviser to the Social Security Administration, said he believes the men who were victims in the experiment were told not to take the syphilis treatment in exchange for certain benefits such as treatment for other ailments, payment for burial expenses and a $50 benefit.

Dr. James' statement contradicts a previous statement by Dr. John R. Heller, a former U.S. Public Health Service doctor. Dr. Heller said treatment was not deliberately denied to any of the men and that they were not coerced into the program through offers of benefits.

I believe the true facts in this experiment must be sought and must be made public. The blatant contradictions in facts suggest that a "cover-up" attempt is being made on the part of those responsible for this most inhuman experiment.

I have spoken to you on three other occasions about this experiment and I feel that I cannot emphasize enough the importance of continuing to investigate this case in order that the whole truth may be found.

I call your attention to this most recent article on the subject which I am inserting in the RECORD and I ask for your continued support in my efforts to have the facts in this case completely disclosed:

[From the New York Times, Aug. 8, 1972]

DOCTOR SAYS HE WAS TOLD NOT TO TREAT MEN IN VD EXPERIMENT

WASHINGTON.—A Government doctor said today that he had been instructed not to treat men involved in a Federal syphilis experiment in Alabama and when he had insisted on treating them, the men never appeared again.

Dr. Reginald G. James said he believed the men had been told not to take the syphilis treatment.

The 40-year-old experiment, called the Tuskegee Study, was run by the United States Public Health Service in Tuskegee and surrounding Macon County, Ala., to determine the effect of untreated syphilis. During the experiment, some 400 black men never received syphilis treatment and several died.

"I was distraught and disturbed whenever one of the patients in the study group appeared," Dr. James said in an interview. "I was advised that the patient was not to be treated. Whenever I insisted on treating such a patient, he never showed up again. They were being advised they shouldn't take treatments or they would be dropped from the study.

"BENEFITS PROFFERRED PATIENTS

"At that time certain benefits were proffered the patients such as treatment for other ailments, payment of burial expenses and a $50 cash benefit," he said. "To receive these benefits, the patient had to remain in the study."

Dr. James directly contradicted a former United States Public Health Service doctor who played a key role in administering the Tuskegee Study. Dr. John R. Heller said in an interview 10 days ago that the Public Health Service had not intended that men involved in the syphilis experiment should be deliberately denied treatment.

"It was not the intention of the study that the participants should be intentionally deprived of treatment and it was not built into the project that treatment would be withheld," Dr. Heller said.

And, he added, it was his impression that all of the study's participants had received syphilis treatment from private doctors and Tuskegee-area clinics.

"NO COVERT ATTEMPT

"Naturally, you'd rather have the study population untreated," Dr. Heller said, "but there was no covert attempt to keep these people untreated."

Informed of Dr. James's statements, Dr. Heller said: "I don't know who told him not to treat them. This is a chapter I'm not familiar with. This is a completely new chapter to me."

Dr. James, who is now a medical adviser to the Social Security Administration here, said his encounters with the experiment occurred between 1939 and 1941 when he worked for the Alabama Public Health Service.

"It was my task to find, diagnose and treat venereal diseases in Macon County, using a mobile clinic to travel into the remote areas," he said.

Dr. James said his assistant was a United States Public Health Service nurse, Eunice Rivers, whose job it was to keep tabs on the participants in the Tuskegee Study.

"She was on loan to the county health department from the United States Public Health Service," Dr. James said. "She traveled with me and she was my nurse. When we found one of the men from the Tuskegee Study, she would say, 'He's under study and not to be treated.' "

The nurse, who is now retired, could not be reached immediately for comment. During attempts to interview her in Tuskegee after disclosure of the syphilis experiment, she said she did not want to discuss it.

According to the Public Health Service's Center for Disease Control in Atlanta, at least seven men died as a direct result of untreated syphilis and the figure could be higher.

The center has released no figures on the number of participants who may have suffered side effects of syphilis that include deafness, blindness, bone deformations, central nervous system decay, heart disease and insanity.

An investigation of the Tuskegee Study is being conducted by the Department of Health, Education and Welfare. Officials there say they are particularly concerned about a decision made after World War II not to treat study participants with penicillin when its use could have helped or saved some participants.

GOLDEN ANNIVERSARY TRIBUTE TO AHEPA

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, I am pleased to join my colleagues in paying tribute to the Order of Ahepa, The American Hellenic Educational Progressive Association, on its 50 years of service and accomplishment, particularly in the fields of education, citizenship, Hellenic culture, disaster relief, and the nurture of family life and good character. Founded on July 26, 1922, in Atlanta, Ga., AHEPA's 430 local chapters are located in 49 States, Canada, and Australia.

AHEPA has, in its 50-year history, made many worthy contributions to this country and to charitable causes. One of the most significant areas of achievement is in support of education. AHEPA has also fought for freedom and self-respect for minorities in its justice for Greece and Cyprus programs, and is actively engaged in promoting citizen responsibility and participation. The Order of Ahepa has made notable contributions in the wake of disasters to give relief to victims of floods, earthquakes, and hurricanes, both in this country and abroad.

I would like to make special mention of the local chapter officers in Los Angeles, Calif.: President Harry Siafaris, Vice President Jim Papadatos, Secretary Andrew Malakates, and Treasurer Nick Elias. In addition, we are fortunate to have the following district lodge officers from the city of Los Angeles: Gov. Nicholas G. Wallace, and Advisor John Siamas.

The Order of Ahepa has as its primary goal the "improvement and betterment of our social, moral, and family life." Its contributions toward this end are most gratefully recognized on the occasion of its golden anniversary, with best wishes for the next 50 years of service.

BLACK BANKING: 1970–71

(Mr. DIGGS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DIGGS. Mr. Speaker, Mr. Andrew F. Brimmer, a distinguished member of the Board of Governors of the Federal Reserve System, has prepared a most concise and informative report on "Recent Developments in Black Banking: 1970–71."

This report will, I believe, provide a most useful reference for the study of the economics of the ghetto and the role in which black-owned banks have played in the flow of capital in those areas. As Mr. Brimmer points out, the banks are in an anomalous position: while they exert considerable effort to attract Federal Government deposits to enhance their ability to lend in the black community, they are, at the same time, investing a disproportionate share of their total resources in Federal Government securities.

Mr. Brimmer's report is based on thorough investigation of trends and developments among black banks during 1971, and I would like to submit it for inclusion in the RECORD at this time:

RECENT DEVELOPMENTS IN BLACK BANKING: 1970–71

(Report by Andrew F. Brimmer)

During 1971, banks owned and controlled by blacks continued to expand their deposits at a faster pace than did commercial banks in the country as a whole. While the bulk of the gain in deposits originated with the private sector, the largest relative gains occurred in deposits attracted from the Federal Government. The black banks also continued to increase their earning assets at a faster pace than that achieved by all insured commercial banks. However, reflecting the limited outlets for funds in the black community, the black banks channeled a significant share of their new deposits into loans and investments outside the area that is the principal focus of their activities.

In particular, they greatly expanded their holdings of U.S. Government securities. In fact, the black banks seem to be in an anomalous position: they exert considerable effort to attract Federal Government deposits to enhance their ability to lend in the black community; at the same time, they invest a disproportionate share of their total resources in Federal Government securities. So while trying to serve as a magnet to attract U.S. Government funds to the black community, the black banks (because of difficulties inherent in lending in the urban ghetto) perhaps inadvertently may be diverting resources from the black community into the financing of the national debt.

These are some of the main conclusions which emerge from a review of trends and developments among black banks during 1971. The review was based on statistics from the "Consolidated Report of Condition" ("Call Report") collected by Federal bank supervisory agencies each quarter for all insured commercial banks.[1] Part of the information in the Call Report must be published by each bank in a newspaper in its hometown, and it is this information that is being used here. Last October, in response to inquiries about data relating to black banks, a special statistical tabulation was prepared, and it was indicated that additional reports would be made following receipt of data from the June and December Call Reports. Because of the time required to process and analyze the statistics, the reports may not be ready until four or five months following the receipt of the Call Reports. The present report is based on statistics from the Call Report as of December 31, 1971. The data are presented in four attached tables. Tables I A–D show data as of December 31, 1970; Tables II A–D show data as of June 30, 1971, and Tables III A–D show data as of December 31, 1971. In each case, Table A is a summary of assets and liabilities for all black banks combined. Table B shows principal assets of individual black banks, and Tables C and D show for each bank principal liabilities, reserves and capital accounts. Table IV shows deposit growth and changes in selected types of assets of black banks during 1971.

All of the statistics in the tables are from that part of the Call Report which each bank must publish locally. The individual bank reports are presented here as a matter of convenience.

TREND IN ASSETS OF BLACK BANKS

On December 31, 1971, there were 29 banks owned and operated by blacks in the United States. Three of these institutions had been started within that calendar year. Eleven of the banks were members of the Federal Reserve System, and 18 were insured nonmembers. Ten of the banks had national charters (and thus they were required by law to be members of the Federal Reserve). And 18 had State charters. Among the latter, only one had elected to join the Federal Reserve System.

At the end of last December, the 29 black banks had total assets of $460 million. Two-fifths of this total ($189 million) was held by member banks. During 1971, total assets of black banks rose by $138 million, or by 43 per cent. The assets of member banks expanded by $65 million—a rate of growth not quite as rapid as that recorded by nonmembers. The three newly-chartered banks accounted for about $12 million of the increase in assets. Over three-quarters of the 1971 rise in the black banks' total assets ($105 million) occurred in the last six months of the year. As one would expect, the highest growth rates were generally recorded by the newest banks. But several of the older banks also expanded their assets at rates well above the group average.

Black banks expanded their assets in 1971 about four times as fast as did all insured commercial banks (43 per cent vs. 11 per cent). Consequently, their combined assets rose to 0.072 per cent of the total for all insured banks at the end of last year—compared with 0.056 per cent at the end of 1970, and 0.049 per cent at the close of 1969. Nevertheless, the average black bank remains about one-third the size of the average bank in the country. For instance, as of December 31, 1971, the average insured U.S. bank had assets of $46.8 million; the average black bank had assets of $15.8 million.

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[1] The reports by national banks are received by the Comptroller of the Currency; reports by Federal Reserve member banks are received by the Federal Reserve Board; and reports by insured nonmember banks are received by the Federal Deposit Insurance Corporation.

SOURCES OF FUNDS: GROWTH OF DEPOSITS

At the end of last December, total deposits of black banks amounted to $419 million. This was a rise of $131 million (or 46 per cent) during the year. Nearly three-fifths of the increase centered in time and savings deposits. At the end of 1970, the black banks' total deposits were divided roughly 50–50 between checking accounts and time and savings balances. The general structure of deposits at black banks seems to be roughly the same as that at other banks. As of last December 31, total deposits of both groups of banks were distributed as follows: 49 per cent demand and 51 per cent time. During 1971, the black banks raised slightly their share of total deposits in the banking system. At the end of last year, they held 0.078 per cent of the total—compared with 0.060 per cent a year earlier and 0.053 per cent at the end of 1969.

However, the extent to which black banks have attracted deposits from broad segments of the economy varies considerably. As mentioned above, these institutions held 0.078 per cent of total deposits as of last December 31. On the same date, they held 0.071 per cent of private deposits (i.e., deposits of individuals, partnerships, and corporations). Their share of deposits of State and local governments was 0.102 per cent. In the case of the Federal Government, the proportion was 0.492 per cent. Thus, in relation to their size in the banking system as a whole, the black banks had performed best in attracting deposits of the Federal Government, and State and local units were next in line. The black banks' holdings of Federal Government deposits are examined further below.

USES OF FUNDS: SCARCITY OF LOAN DEMAND

Black banks have demonstrated clearly their ability to attract deposits. Yet, they continued to face difficulties in finding reasonably secure outlets for their funds in the black community. At the end of 1971, they recorded $172 million in loans to businesses and individuals. This amount represented 41.1 per cent of their total deposits. For all insured banks, loans represented 64.5 per cent of deposits at the end of last year. Over the last few years, the ratio of loans to deposits has been shrinking for all banks. Black banks have exhibited the same trend, but the relative decline in the ratio has been somewhat greater for them. In the case of all insured banks, the proportion declined from 67.9 per cent at the end of 1969 to 64.5 per cent last year—a drop of 3.4 percentage points. For black banks, the decline was 6.0 percentage points—from 56.8 per cent to 50.8 per cent. To some extent, the lag in the growth of loans reflects the economic sluggishness associated with the 1969–70 recession. The black banks may have been affected by the same factors, but more fundamental circumstances may also have been at work.

The fact that black banks face a much higher degree of risk in extending loans than do banks in the nation as a whole is widely recognized: the lower income of the typical individual borrower, the smaller size of the average black business, and the higher incidence of crime in urban areas—all combine to compound the exposure of black banks to loan losses. The results can be traced in the evidence on relative loan losses and profitability.

Reflecting this experience, the black banks have been cautious in channeling their new deposits into loans. For example, in the two years ending last December, the black banks lifted their share of total loans outstanding at all insured commerical banks from 0.044 per cent to 0.062 per cent. However, this relative increase was less than the rise in their share of total deposits—which rose from 0.053 per cent to 0.078 per cent. Thus, there was a widening of the gap between the ability of the black banks to attract funds and their ability to lend the funds in the black community.

Because of these limited outlets for loans in their local communities, the black banks have relied heavily on the acquisition of investments as earning assets. They have concentrated particularly on U.S. Government issues, but obligations of States and political subdivisions have also been acquired in substantial amounts. At the end of last December, total investments in marketable securities by the black banks amounted to $177.8 million. These holdings consisted of $138.9 million in U.S. Government and agency issues, $30.0 million in State and local obligations, and $8.9 million of other securities (including corporate stocks). In the aggregate, these investments represented 42.4 per cent of the black banks' total deposits. On the same date, at all insured commercial banks, investments amounted to $169.6 billion—or 31.5 per cent of their total deposits.

Over the last few years, the black banks have come to rely even more heavily on sales of Federal funds as deposit outlets. These funds represent short-term lending of member banks' excess reserves at Federal Reserve Banks. Usually smaller institutions supply such funds to the largest banks on an over-night basis. This allows them to employ their money at little cost and at a fairly good rate of interest—depending on money market conditions. For example, the Federal funds rate averaged about 4.91 per cent in June; interest rates on 3-month U.S. Treasury bills averaged 4.74 per cent; yields on residential mortgages were about 7.38 per cent, and interest rates charged on small business loans probably were even higher.

At the end of last December, black banks as a group had sold about $41.4 million in Federal funds. This represented about 9.9 per cent of their total deposits. Both the level and ratio of Federal funds to deposits have been rising over the last few years. At the end of 1969, the percentage was 6.2, and it rose to 7.8 by December 31, 1970. Moreover, if Federal funds sold are classified as loans, the increased reliance on such outlets is still noticeable. As a proportion of total loans, fund sales rose from 10.9 per cent in 1969 at 14.3 per cent in 1970 to 19.4 per cent at the end of last year.

Sales of Federal funds by all insured commercial banks have also been rising relative to total deposits, but the pace has been somewhat slower than at black banks. For example, at the end of 1969, the Federal funds/deposit proportion for all insured banks was 2.2 per cent; this rose to 3.3 per cent at the end of 1970 and to 3.7 per cent at the end of last year. Again if sales of Federal funds are classed as loans, the percentage rose from 3.2 in 1969 to 4.8 in 1970 to 5.4 at the end of last year.

Furthermore, participation in the Federal funds market by black banks has risen substantially in the last few years. At the end of 1969, 13 of the 22 black banks (59 per cent) has sold such funds. One year later, 22 of the 26 institutions (85 per cent) had done so; and at the end of last year, 23 out of 29 (80 per cent) were carrying fund sales on their books.

As one would expect, the dependence on sales of Federal funds varied appreciably from one bank to another. While for all banks fund sales represented 19.4 per cent of total loans at the end of 1971, the proportion was 50 per cent or more at two banks. It was between one-quarter and one-half at six other banks. To some extent, the heavy reliance on sales of Federal funds reflects the fact that several of the banks were recently opened for business. As is generally known, it takes time to develop loan outlets for deposits, so the banks put their liquid funds to work in the short-term money market. Yet, a number of the older banks seem to do so because of a scarcity of sound loan prospects.

BLACK BANKS AND THE FEDERAL GOVERNMENT

In the last year or so, black banks have made a special effort to attract deposits of the Federal Government. They have argued that such funds would help them strengthen their lending in the black community. Partly in response to those arguments, a special $100 million-deposit program was announced on October 2, 1970, to be achieved within one year. The Federal Government's share of this total was set at $35 million, and the rest was to come from State and local governments and the private sector.

The goals apparently were achieved by the target date—October 2, 1971. A few months later—December 31—the black banks held $50.3 million in U.S. Government deposits. This was an increase of $20 million (or two-thirds) over the $30.3 million outstanding at the end of 1970. As mentioned above, the black banks' total deposits rose by 46 per cent during 1971. By the end of last year, U.S. Government deposits amounted to 12.0 per cent of total deposits at black banks—compared with 6.5 per cent at the end of 1969 and 10.4 per cent at the close of 1970. The corresponding figures for all insured banks were 1.1 per cent in 1969, 1.6 per cent in 1970, and 1.9 per cent at the end of last year.

Thus, the black banks have clearly demonstrated their ability to attract deposits from the Federal Government. What is less clear is the extent to which they have been able to use the funds to expand lending in the black community. Instead, it appears that black banks may be in the anomalous position of campaigning for U.S. Government funds which they then use to finance a disproportionate share of the Federal debt.

As indicated above, black banks have channeled a much larger proportion of their total deposits into U.S. Government issues than have banks generally. As of December 31, 1971, black banks held $88.2 million of U.S. Treasury securities and $50.6 million of Federal agency issues—for a total of $138.9 million of Federal Government obligations. During the course of 1971, this total rose by only 43 per cent in the same period. So at the end of last year, Federal Government securities represented 30 per cent of the black banks' total assets. In contrast, as of December 31, 1971, all insured commercial banks held $82.5 billion of Federal Government securties—consisting of $64.7 billion of Treasury issues and $17.8 billion of obligations of United States agencies. During 1971, this total rose by $7.9 billion—or by 11 per cent. These banks' total assets expanded by 11 per cent. Thus, Federal Government securities accounted for 13 per cent of the total assets of all insured commercial banks at the end of 1971.

To some extent, of course, the greater proportion of Federal Government issues in the portfolios of black banks reflects the relatively small size of these institutions. In general, smaller banks tend to hold a higher proportion of their assets in U.S. Government securities than do larger banks. But even after allowing for this fact, the black banks are still much more dependent on U.S. Government securities as outlets for their deposits. While these investments obviously provide black banks with earnings—and thus make a positive contribution to their progress—they also represent a use of funds alternative to the expansion of loans in the black community.

TABLE I-A.—CONSOLIDATED REPORT OF CONDITION FOR BLACK BANKS AS OF DEC. 31, 1970

[In thousands of dollars]

	National[1]	State member[2]	All member[3]	Non-member[4]	Total
ASSETS					
1. Cash and due from banks	17, 538	3, 955	21, 593	18, 500	39, 993
2. U.S. treasury securities	24, 636	704	25, 340	22, 105	47, 445
3. Obligations of other U.S. Government agencies and corps	14, 902	86	14, 988	20, 019	35, 007
4. Obligations of States and political subdivisions	3, 009	10, 111	13, 120	9, 884	23, 004
5. Other securities (including corporate stocks)	699	62	761	3, 130	3, 891
6. Trading account securities	0	0	0	0	0
7. Federal funds sold	9, 150	1, 550	10, 700	11, 725	22, 425
8. Other loans	51, 107	11, 520	62, 627	72, 284	134, 911
9. Bank premises, furniture and fixtures	2, 380	4, 589	6, 969	4, 461	11, 430
10. Real estate owned other than bank premises	486	108	594	480	1, 074
11. All other assets	1, 679	205	1, 884	1, 457	3, 341
12. Total assets	125, 586	32, 890	158, 476	164, 045	322, 521
LIABILITIES					
13. Demand deposits, IPC	41, 425	15, 035	56, 460	49, 229	105, 689
14. Time and savings deposits, IPC	48, 907	8, 838	57, 745	68, 525	126, 270
15. Deposits of U.S. Government	12, 641	1, 513	14, 154	16, 118	30, 272
16. Deposits of States and political subdivisions	8, 506	791	9, 297	10, 144	19, 441
17. Deposits of foreign governments, official institutions	0	0	0	0	0
18. Deposits of commercial banks	226	0	226	437	663
19. Certified and officers checks, etc	2, 125	382	2, 507	3, 262	5, 769
20. Total deposits	113, 830	26, 559	140, 389	147, 715	288, 104
(A) Total demand deposits	57, 111	17, 282	74, 393	73, 184	147, 577
(B) Total time and savings deposits	56, 719	9, 277	65, 996	74, 531	140, 527
21. Federal funds purchased	0	0	0	150	150
22. Mortgage indebtedness	111	3, 200	3, 311	879	4, 190
23. All other liabilities	2, 393	522	2, 915	2, 915	5, 830
24. Total liabilities	116, 334	30, 281	146, 615	151, 659	298, 274
25. Minority interest in consolidated subsidiaries	0	0	0	19	19
26. Total reserves on loans and securities	288	179	467	625	1, 092
CAPITAL ACOUNTS					
27. Capital notes and debentures	825	0	825	350	1, 175
28. Preferred stock	0	0	0	0	0
29. Common stock	4, 181	880	5, 061	5, 552	10, 613
30. Surplus	2, 140	1, 171	3, 311	5, 111	8, 422
31. Undivided profits	1, 811	175	1, 986	514	2, 400
32. Reserves for contingencies and other capital reserves	7	204	211	315	526
33. Total capital accounts	8, 964	2, 430	11, 394	11, 742	23, 136
34. Total liabilities, reserves, and capital accounts	125, 586	32, 890	158, 476	164, 045	322, 521

[1] Number of banks, 8.
[2] Number of banks, 1.
[3] Number of banks, 9 .
[4] Number of banks, 17.

TABLE I-B.—PRINCIPAL ASSETS OF BLACK BANKS AS OF DEC. 31, 1970

[Amounts in thousands of dollars]

	Cash and due from banks	U.S. Treasury securities	Obligated government agencies and corporations	Obligated States and political subdivisions	Other securities	Trading account securities	Federal funds sold	Other loans	Bank premises and furnishings	Real estate	All other assets	Total assets
Unity Bank & Trust Co., Boston, Mass	941	288	2, 392	0	0	0	1, 300	5, 521	409	0	85	10, 936
Freedom National Bank, New York, N.Y	6, 773	8, 589	10, 020	0	113	0	2, 200	16, 187	605	486	671	45, 644
Unity State Bank, Dayton, Ohio	205	629	0	0	0	0	475	923	55	0	32	2, 319
Industrial Bank of Washington, D.C	1, 953	4, 348	2, 483	3, 532	2, 893	0	0	7, 955	506	64	53	23, 787
United Community National Bank of Washington, D.C	1, 177	2, 072	0	0	35	0	2, 775	3, 879	126	0	107	10, 171
Mechanics and Farmers Bank, Durham, N.C	1, 475	3, 288	4, 177	2, 443	3	0	2, 200	9, 347	847	11	247	24, 038
Victory Savings Bank, Columbia, S.C	143	483	333	344	0	0	500	1, 458	50	3	48	3, 362
First State, Bank, Danville Va	345	393	0	803	101	0	1, 250	2, 719	49	3	4	5, 667
Consolidated Bank and Trust, Richmond, Va	2, 066	1, 058	800	1, 191	0	0	1, 300	7, 262	221	0	138	14, 036
Citizens Trust Co., Atlanta, Ga	3, 955	704	86	10, 111	62	0	1, 550	11, 520	4, 589	108	205	32, 890
Carver State Bank, Savannah, Ga	701	1, 364	100	286	0	0	0	1, 454	47	0	1	3, 953
Citizens Savings Bank and Trust, Nashville, Tenn	2, 189	955	1, 760	15	0	0	0	2, 415	29	0	0	7, 363
Highland Community Bank, Chicago, Ill	239	300	1, 006	0	0	0	650	38	25	0	35	2, 293
Independence Bank of Chicago, Chicago, Ill	2, 715	1, 933	3, 701	0	0	0	1, 000	6, 577	134	11	170	16, 241
Seaway National Bank of Chicago, Illinois	3, 777	3, 768	1, 600	3, 009	42	0	0	12, 621	631	0	403	25, 851
First Independence National Bank, Detroit, Mich	1, 250	2, 414	901	0	446	0	2, 000	1, 727	215	0	101	9, 054
Gateway National Bank, St. Louis, Mo	1, 189	2, 528	880	0	13	0	600	5, 152	240	0	92	10, 694
Tristate Bank of Memphis, Memphis, Tenn	937	2, 380	298	379	50	0	800	6, 747	250	39	110	11, 990
First Plymounth National Bank, Minneapolis, Minn	688	3, 911	200	0	11	0	125	1, 987	203	0	45	7, 170
Douglass State Bank, Kansas City, Kans	1, 525	1, 582	226	891	13	0	250	6, 194	484	174	62	11, 401
Swope Parkway National Bank, Kansas City, Mo	1, 770	854	0	0	23	0	900	5, 974	102	0	192	9, 725
American State Bank, Tulsa, Okla	432	196	0	0	0	0	100	719	57	0	12	1, 516
Riverside National Bank, Houston, Tex	914	500	1, 301	0	16	0	550	3, 580	258	0	158	7, 277
Bank of Finance, Los Angeles, Calif	1, 740	1, 289	1, 934	0	69	9	900	10, 056	884	175	364	17, 411
Freedom Bank of Finance, Portland, Oreg	342	1, 065	0	0	1	0	300	636	200	0	47	2, 591
Liberty Bank of Seattle, Seattle, Wash	552	554	809	0	0	0	700	2, 263	214	0	49	5, 141

TABLE I-C.—PRINCIPAL LIABILITIES, RESERVES, AND CAPITAL ACCOUNTS OF BLACK BANKS AS OF DEC. 31, 1970

[Amounts in thousands of dollars]

	Demand deposits IPC	Time and savings deposits IPC	Deposits U.S. government	Deposits states and political subdivision	Deposits foreign governments	Deposits commercial banks	Certified and officers checks, etc.	Total deposits	Total demand deposits	Total time and savings deposits	Federal funds purchased	Mortgage indebtedness
Unity Bank & Trust Co., Boston Mass.	3,253	4,583	1,619	50	0	5	493	10,003	5,420	4,583	0	0
Freedom National Bank, New York N.Y.	15,718	18,423	2,195	5,753	0	70	898	43,057	19,074	23,983	0	0
Unity State Bank, Dayton, Ohio	610	586	421	0	0	0	56	1,673	1,087	586	0	0
Industrial Bank of Washington, D.C.	8,289	12,768	1,113	0	0	0	231	22,401	9,633	12,768	0	0
United Community National Bank of Washington, D.C.	3,495	4,002	1,181	0	0	0	100	8,778	4,767	4,011	0	0
Mechanics and Farmers Bank, Durham, N.C.	7,734	10,307	1,463	1,789	0	0	339	21,632	10,570	11,062	0	248
Victory Savings Bank, Columbia, S.C.	931	1,465	418	182	0	0	20	3,016	1,406	1,610	0	0
First State Bank, Danville, Va.	1,002	3,324	467	225	0	0	39	5,057	1,533	3,523	0	0
Consolidated Bank and Trust, Richmond, Va.	3,569	7,355	1,483	239	0	0	86	12,732	5,377	7,355	0	0
Citizens Trust Company, Atlanta, Ga.	15,035	8,838	1,513	791	0	0	382	16,559	17,282	9,277	0	3,200
Carver State Bank, Savannah, Ga.	474	2,038	428	538	0	15	68	3,561	1,029	2,532	0	0
Citizens Savings Bank and Trust, Nashville, Tenn.	2,637	2,839	485	794	0	0	43	6,798	3,699	3,099	0	0
Highland Community Bank, Chicago, Ill.	397	496	614	0	0	0	95	1,602	1,106	496	0	0
Independence Bank of Chicago, Chicago, Ill.	5,314	6,081	2,230	1,414	0	0	197	15,236	7,847	7,389	0	0
Seaway National Bank of Chicago, Ill.	9,016	11,444	1,085	1,260	0	20	387	23,212	10,572	12,640	0	0
First Independence National Bank, Detroit, Mich.	1,935	3,348	2,218	101	0	0	63	7,665	4,217	3,448	0	0
Gateway National Bank, St. Louis, Mo.	3,583	4,429	744	708	0	0	317	9,781	4,850	4,931	0	111
Tri State Bank of Memphis, Memphis, Tenn.	3,186	5,298	998	1,098	0	0	85	10,665	4,402	6,263	0	0
First Plymouth National Bank, Minneapolis, Minn.	1,213	1,447	3,417	354	0	0	85	6,516	4,769	1,747	0	0
Douglass State Bank, Kansas City, Kans.	2,859	4,464	900	1,702	0	14	169	10,108	4,840	5,268	0	205
Swope Parkway National Bank, Kansas City, Mo.	4,278	2,962	969	0	0	135	112	8,456	5,494	2,962	0	0
American State Bank, Tulsa, Okla.	257	251	10	109	0	395	9	1,031	695	336	0	0
Riverside National Bank, Houston, Tex.	2,187	2,852	832	330	0	1	163	6,365	3,368	2,997	0	0
Bank of Finance, Los Angeles, Calif.	6,490	4,496	2,184	1,372	0	0	1,284	15,826	10,840	4,986	0	339
Freedom Bank of Finance, Portland, Oreg.	620	715	322	302	0	0	14	1,973	958	1,015	0	0
Liberty Bank of Seattle, Seattle, Wash.	1,607	1,459	963	330	0	8	34	4,401	2,742	1,659	150	87

TABLE I-D.—PRINCIPAL LIABILITIES, RESERVES, AND CAPITAL ACCOUNTS OF BLACK BANKS AS OF DEC. 31, 1970

[Amounts in thousands of dollars]

	All other liabilities	Total liabilities	Minor interest in consolidated subsidiary	Reserves on loans and securities	Capital notes and debt	Preferred stock	Common stock	Surplus	Undivided profit	Reserves for contingencies	Total capital accounts	Total liabilities reserved, capital accounts
United Bank & Trust Co., Boston, Mass.	619	10,622	0	231	0	0	600	315	−832	0	83	10,936
Freedom National Bank, New York, N.Y.	497	43,554	0	82	400	0	876	400	325	7	2,008	45,644
Unity State Bank, Dayton, Ohio	64	1,737	0	0	0	0	254	211	117	0	582	2,319
Industrial Bank of Washington, D.C.	329	22,730	0	23	0	0	248	606	175	5	1,034	23,787
United Community National Bank of Washington, D.C.	98	8,876	0	54	0	0	750	250	241	0	1,241	10,171
Mechanics and Farmers Bank, Durham, N.C.	299	22,179	19	157	200	0	565	803	115	0	1,683	24,038
Victory Savings Bank, Columbia, S.C.	38	3,054	0	31	0	0	112	118	47	0	277	3,362
First State Bank, Danville, Va.	40	5,097	0	30	0	0	50	375	10	105	540	5,667
Consolidated Bank and Trust, Richmond, Va.	251	12,983	0	61	0	0	300	625	67	0	992	14,036
Citizens Trust Company, Atlanta, Ga.	522	30,281	0	179	0	0	880	1,171	175	204	2,430	32,890
Carver State Bank, Savannah, Ga.	35	3,596	0	15	0	0	149	56	82	55	342	3,953
Citizens Savings Bank and Trust, Nashville, Tenn.	75	6,873	0	0	0	0	250	182	58	0	490	7,363
Highland Community Bank, Chicago, Ill.	5	1,607	0	0	0	0	300	300	−64	150	686	2,293
Independence Bank of Chicago, Chicago, Ill.	151	15,387	0	5	0	0	400	267	182	0	849	16,241
Seaway National Bank of Chicago, Ill.	659	23,871	0	61	425	0	625	430	439	0	1,919	25,851
First Independence National Bank, Detroit, Mich.	87	7,752	0	0	0	0	750	350	202	0	1,302	9,054
Gateway National Bank, St. Louis, Mo.	267	10,159	0	30	0	0	235	185	85	0	505	10,694
Tri State Bank of Memphis, Memphis, Tenn.	400	11,065	0	44	0	0	340	385	156	0	881	11,990
First Plymouth National Bank, Minneapolis, Minn.	181	6,697	0	16	0	0	250	100	107	0	457	7,170

	All other liabilities	Total liabilities	Minor interest in consolidated subsidiary	Reserves on loans and securities	Capital notes and debt	Preferred stock	Common stock	Surplus	Undivided profit	Reserves for contingencies	Total capital accounts	Total liabilities reserved, capital accounts
Douglass State Bank, Kansas City, Kans.	187	10, 500	0	6	0	0	375	397	123	0	895	11, 401
Swope Parkway National Bank, Kansas City, Mo.	458	8, 914	0	40	0	0	375	225	171	0	771	9, 725
American State Bank, Tulsa, Okla.	2	1, 033	0	3	0	0	290	145	45	0	480	1, 516
Riverside National Bank, Houston, Tex.	146	6, 511	0	5	0	0	320	200	241	0	761	7, 277
Bank of Finance, Los Angeles, Calif.	369	16, 534	0	0	150	0	667	60	0	0	877	17, 411
Freedom Bank of Finance, Portland, Oreg.	5	1, 978	0	0	0	0	400	100	113	0	613	2, 591
Liberty Bank of Seattle, Seattle, Wash.	46	4, 684	0	19	0	0	252	166	20	0	438	5, 141

TABLE II-A.—CONSOLIDATED REPORT OF CONDITION FOR BLACK BANKS AS OF June 30, 1971

[In thousands of dollars]

	National	State member	All member	Nonmember	Total
ASSETS					
1. Cash and due from banks	14, 370	4, 773	19, 143	20, 190	39, 333
2. U.S. Treasury securities	27, 557	1, 923	29, 480	27, 900	57, 380
3. Obligations of other U.S. Government agencies and corporations	19, 025	65	19, 090	21, 896	40, 986
4. Obligations of States and political subdivisions	4, 542	7, 263	11, 805	12, 200	24, 005
5. Other securities (including corporate stocks)	1, 836	62	1, 898	5, 316	7, 214
6. Trading account securities	0	0	0	0	0
7. Federal funds sold	9, 575	0	9, 575	10, 974	20, 549
8. Other loans	54, 483	13, 260	67, 743	80, 978	148, 721
9. Bank premises, furniture and fixtures	2, 775	5, 013	7, 788	4, 541	12, 329
10. Real estate owned other than bank premises	589	41	630	536	1, 166
11. All other assets	1, 224	188	1, 412	1, 776	3, 188
12. Total assets	135, 976	32, 588	168, 564	186, 307	354, 871
LIABILITIES					
13. Demand deposits, IPC	42, 314	9, 771	52, 085	59, 218	111, 303
14. Time and savings deposits, IPC	61, 201	9, 314	70, 515	83, 010	153, 525
15. Deposits of U.S. Government	9, 806	293	10, 099	11, 475	21, 574
16. Deposits of States and political subdivisions	9, 101	5, 646	14, 747	11, 053	25, 800
17. Deposits of foreign governments, official institutions	0	0	0	0	0
18. Deposits of commercial banks	76	0	76	538	614

	National	State member	All member	Nonmember	Total
19. Certified and officers checks, etc.	1, 836	241	2, 077	2, 927	5, 004
20. Total deposits	124, 334	25, 265	149, 599	168, 221	317, 820
(A) Total demand deposits	(56, 468)	(14, 232)	(70, 700)	(77, 430)	(148, 130)
(B) Total time and savings deposits	(67, 866)	(11, 033)	(78, 899)	(90, 791)	(169, 690)
21. Federal funds purchased	0	1, 300	1, 300	650	1, 950
22. Mortgage indebtedness	306	3, 195	3, 501	860	4, 361
23. All other liabilities	2, 316	500	2, 816	3, 544	6, 360
24. Total liabilities	126, 956	30, 260	157, 216	173, 275	330, 491
25. Minority interest in consolidated subsidiaries	0	0	0	20	20
26. Total reserves on loans and securities	206	−13	193	620	813
CAPITAL ACCOUNTS					
27. Capital notes and debentures	825	0	825	450	1, 275
28. Preferred stock	0	0	0	33	33
29. Common stock	4, 181	880	5, 061	5, 837	10, 898
30. Surplus	2, 282	1, 171	3, 453	5, 397	8, 850
31. Undivided profits	1, 519	86	1, 605	659	2, 264
32. Reserves for contingencies and other capital reserves	7	204	211	16	227
33. Total capital accounts	8, 814	2, 341	11, 155	12, 392	23, 547
34. Total liabilities, reserves, and capital accounts	135, 976	32, 588	168, 564	186, 307	354, 871
Number of banks	8	1	9	18	27

TABLE II-B.—PRINCIPAL ASSETS OF BLACK BANKS AS OF JUNE 30, 1971

[Amounts in thousands of dollars]

	Cash and due from banks	U.S. Treasury securities	Obligated Government agencies and corporations	Obligated States and political subdivisions	Other securities	Trading accounts securities	Federal funds sold	Other loans	Bank premises and furniture	Real estate	All other assets	Total assets
Unity Bank & Trust Co., Boston, Mass.	637	509	1, 842	0	429	0	1, 050	4, 464	405	0	161	9, 497
Freedom National Bank, New York, N.Y.	4, 561	9, 289	11, 064	530	124	0	0	16, 904	584	539	416	44, 011
Unity State Bank, Dayton, Ohio	286	693	0	0	0	0	500	1, 748	59	0	44	3, 330
Industrial Bank of Washington, D.C.	2, 263	4, 792	2, 258	3, 649	4, 360	0	800	8, 284	490	86	64	27, 046
United Community National Bank of Washington, D.C.	1, 199	2, 575	750	0	38	0	4, 000	2, 971	123	0	86	11, 742
Mechanics and Farmers Bank, Durham, N.C.	2, 481	3, 751	4, 577	3, 714	3	0	400	10, 022	835	12	254	26, 049
Victory Savings Bank, Columbia, S.C.	223	483	356	377	0	0	450	1, 539	69	3	42	3, 542
First State Bank, Danville, Va.	319	687	0	793	101	0	1, 100	2, 713	50	2	4	5, 769
Consolidated Bank & Trust, Richmond, Va.	1, 759	1, 552	1, 840	1, 145	0	0	500	7, 403	240	0	186	14, 625
Citizens Trust Co., Atlanta, Ga.	4, 773	1, 923	65	7, 263	62	0	0	13, 260	5, 013	41	188	32, 588
Carver State Bank, Savannah, Ga.	648	1, 510	100	386	0	0	0	1, 513	48	0	0	4, 205
Citizens Savings Bank & Trust, Nashville, Tenn.	1, 974	954	1, 861	416	0	0	0	2, 385	29	0	0	7, 619
Highland Community Bank, Chicago, Ill.	511	1, 201	953	0	0	0	1, 200	1, 961	46	0	78	5, 950
Independence Bank of Chicago, Chicago, Ill.	2, 958	2, 802	2, 703	309	0	0	1, 050	9, 853	134	11	223	20, 043
Seaway National Bank of Chicago, Ill.	3, 332	4, 864	1, 696	4, 012	52	0	0	13, 656	785	0	240	28, 637
First Independence National Bank, Detroit, Mich.	1. 053	3, 453	1, 973	0	1, 559	0	2, 300	2, 764	212	0	160	13, 474

TABLE II-B.—PRINCIPAL ASSETS OF BLACK BANKS AS OF JUNE 30, 1971—Continued

[Amounts in thousands of dollars]

	Cash and due from banks	U.S. Treasury securities	Obligated Government agencies and corporations	Obligated States and political subdivisions	Other securities	Trading accounts securities	Federal funds sold	Other loans	Bank premises and furniture	Real estate	All other assets	Total assets
North Milwaukee State Bank, Milwaukee, Wis.	224	801	46	0	0	0	150	938	23	0	11	2,193
Gateway National Bank, St. Louis, Mo.	1,480	2,365	2,040	0	13	0	1,100	5,546	241	50	120	12,955
Tri State Bank of Memphis, Memphis, Tenn.	1,253	3,105	714	415	50	0	1,500	6,617	241	7	134	14,036
First Plymouth National Bank, Minneapolis, Minn.	211	1,814	200	0	12	0	1,000	2,330	352	0	68	5,987
Douglass State Bank, Kansas City, Kans.	1,207	1,591	1,275	996	13	0	624	6,482	486	197	138	13,009
Swope Parkway National Bank, Kansas City, Mo.	1,455	2,647	0	0	23	0	200	6,516	173	0	8	11,022
American State Bank, Tulsa, Okla.	446	495	0	0	225	0	100	1,344	95	0	11	2,716
Riverside National Bank, Houston, Tex.	1,079	550	1,302	0	15	0	975	3,796	305	0	126	8,148
Bank of Finance, Los Angeles,	1,871	907	2,296	0	135	0	0	10,733	865	218	315	17,340
Freedom Bank of Finance, Portland, Oreg.	500	1,416	0	0	0	0	700	670	206	0	44	3,536
Liberty Bank of Seattle, Seattle, Wash.	630	651	1,075	0	0	0	850	2,309	220	0	67	5,802

TABLE II-C.—PRINCIPAL LIABILITIES, RESERVES, AND CAPITAL ACCOUNTS OF BLACK BANKS AS OF JUNE 30, 1971

[Amounts in thousands of dollars]

	Demand deposits, IPC	Time and savings deposits, IPC	Deposits, U.S. Government	Deposits, States and political subdivisions	Deposits, foreign governments	Deposits, commercial banks	Certified and officers checks, etc.	Total deposits	Total demand deposits	Total time and savings deposits	Federal funds purchased	Mortgage indebtedness
Unity Bank & Trust Co., Boston, Mass.	3,229	4,933	854	61	0	2	193	9,272	4,319	4,953	0	0
Freedom National Bank, New York, N.Y.	15,713	19,845	1,884	3,656	0	70	412	41,580	18,480	23,100	0	0
Unity State Bank, Dayton, Ohio	908	1,052	586	0	0	0	26	2,572	1,520	1,052	0	0
Industrial Bank of Washington, D.C.	9,338	14,821	1,095	0	0	0	249	25,503	10,682	14,821	0	0
United Community National Bank of Washington, D.C.	3,331	5,291	1,525	0	0	0	143	10,290	4,990	5,300	0	0
Mechanics and Farmers Bank, Durham, N.C.	8,672	11,496	353	2,447	0	0	598	23,566	10,599	12,967	0	242
Victory Savings Bank, Columbia, S.C.	915	1,605	378	242	0	0	21	3,161	1,411	1,750	0	0
First State Bank, Danville, Va.	994	3,487	275	356	0	0	33	5,145	1,358	3,787	0	0
Consolidated Bank and Trust, Richmond, Va.	3,867	8,161	887	202	0	0	82	13,199	5,038	8,161	0	0
Citizens Trust Company, Atlanta, Ga.	9,771	9,314	293	5,646	0	0	241	25,265	14,232	11,033	1,300	3,195
Carver State Bank, Savannah, Ga.	671	2,281	380	455	0	15	21	3,823	1,072	2,751	0	0
Citizens Savings Bank and Trust, Nashville, Tenn.	2,883	3,022	451	660	0	0	39	7,055	3,483	3,572	0	0
Highland Community Bank, Chicago, Ill.	1,562	1,855	1,659	100	0	0	60	5,236	3,281	1,955	0	0
Independence Bank of Chicago, Chicago, Ill.	7,577	9,168	1,057	835	0	0	254	18,891	8,920	9,971	0	0
Seaway National Bank of Chicago, Chicago, Ill.	8,979	13,907	1,073	1,830	0	0	379	26,168	10,434	15,734	0	0
First Independence National Bank, Detroit, Mich.	1,792	6,333	1,969	1,873	0	0	79	12,046	5,413	6,633	0	0
North Milwaukee State Bank, Milwaukee, Wis.	637	514	163	300	0	0	57	1,671	857	814	0	0
Gateway National Bank, St. Louis, Mo.	4,607	5,489	222	1,290	0	0	371	11,979	5,563	6,416	0	106
Tri State Bank of Memphis, Memphis, Tenn.	3,713	6,320	860	1,622	0	0	137	12,652	4,764	7,888	0	0
First Plymouth National Bank, Minneapolis, Minn.	1,426	1,948	1,471	231	0	0	113	5,189	3,039	2,150	0	200
Douglass State Bank, Kansas City, Kans.	3,218	4,955	645	2,166	0	14	162	11,160	5,118	6,042	0	200
Swope Parkway National Bank, Kansas City, Mo.	3,748	5,054	978	0	0	5	139	9,924	4,870	5,054	0	0
American State Bank, Tulsa, Okla.	543	712	222	199	0	499	25	2,200	1,313	887	0	0
Riverside National Bank, Houston, Tex.	2,718	3,334	684	221	0	1	200	7,158	3,679	3,479	0	0
Bank of Finance, Los Angeles, Calif.	7,774	5,395	514	577	0	0	804	15,064	9,379	5,685	650	332
Freedom Bank of Finance, Portland, Oreg.	1,093	970	368	390	0	0	16	2,837	1,567	1,270	0	0
Liberty Bank of Seattle, Seattle, Wash.	1,624	2,263	728	441	0	8	150	5,214	2,749	2,465	0	86

TABLE II-D.—PRINCIPAL LIABILITIES, RESERVES, AND CAPITAL ACCOUNTS OF BLACK BANKS AS OF JUNE 30, 1971

[Amounts in thousands of dollars]

	All other liabilities	Total liabilities	Minority interest in consolidated subsidies	Reserves on loans and securities	Capital notes and debentures	Preferred stock	Common stock	Surplus	Undivided profit	Reserves for contingency	Total capital accounts	Total liabilities, reserves, and capital accounts
Unity Bank & Trust Co., Boston, Mass	150	9, 422	0	178	0	0	600	314	−1, 017	0	−103	9, 497
Freedom National Bank, New York, N.Y	541	42, 121	0	44	400	0	876	424	143	3	1, 846	44, 011
Unity State Bank, Dayton, Ohio	170	2, 742	0	0	0	0	258	215	115	0	588	3, 330
Industrial Bank of Washington, D.C	376	25, 879	0	33	0	0	248	606	275	5	1, 134	27, 046
United Community National Bank of Washington, D.C	165	10, 455	0	57	0	0	750	350	130	0	1, 230	11, 742
Mechanics and farmers Bank, Durham, N.C	351	24, 159	20	138	200	0	569	857	106	0	1, 732	26, 049
Victory Savings Bank, Columbia, S.C	32	3, 193	0	31	0	0	112	140	66	0	318	3, 542
First State Bank, Danville, Va	139	5, 284	0	30	0	0	50	375	30	0	455	5, 769
Consolidated Bank and Trust, Richmond, Va	289	13, 488	0	82	0	0	300	625	130	0	1, 055	14, 625
Citizens Trust Co., Atlanta, Ga	500	30, 260	0	−13	0	0	880	1, 171	86	204	2, 341	32, 588
Carver State Bank, Savannah, Ga	32	3, 855	0	15	0	0	150	56	118	11	335	4, 205
Citizens Savings Bank and Trust, Nashville, Tenn	8	7, 063	0	0	0	0	250	182	124	0	556	7, 619
Highland Community Bank, Chicago, Ill	117	5, 353	0	1	0	0	300	300	−4	0	596	5, 950
Independence Bank of Chicago, Chicago, Ill	229	19, 120	0	21	0	0	400	267	235	0	902	20, 043
Seaway National Bank of Chicago, Chicago, Ill	424	26, 592	0	62	425	0	625	440	489	4	1, 983	28, 637
First Independence National Bank, Detroit, Mich	174	12, 220	0	0	0	0	750	350	154	0	1, 254	13, 474
North Milwaukee State Bank, Milwaukee, Wis	19	1, 690	0	0	0	0	275	165	63	0	503	2, 193
Gateway National Bank, St. Louis, Mo	289	12, 374	0	36	0	0	235	185	125	0	545	12, 955
Tri State Bank of Memphis, Memphis, Tenn	382	13, 034	0	50	0	0	341	387	224	0	952	14, 036
First Plymouth National Bank, Minneapolis, Minn	132	5, 521	0	17	0	0	250	100	99	0	449	5, 987
Douglass State Bank, Kansas City, Kans	735	12, 095	0	18	0	33	375	397	91	0	896	13, 009
Swope Parkway National Bank, Kansas City, Mo	389	10, 313	0	−19	0	0	375	225	128	0	728	11, 022
American State Bank, Tulsa, Okla	32	2, 232	0	3	0	0	290	145	46	0	481	2, 716
Riverside National Bank, Houston, Tex	202	7, 360	0	9	0	0	320	208	251	0	779	8, 148
Bank of Finance, Los Angeles, Calif	275	16, 321	0	1	250	0	668	100	0	0	1, 018	17, 340
Freedom Bank of Finance, Portland, Oreg	146	2, 983	0	0	0	0	400	100	53	0	553	3, 536
Liberty Bank of Seattle, Seattle, Wash	62	5, 362	0	19	0	0	251	166	4	0	421	5, 802

TABLE III-A.—CONSOLIDATED REPORT OF CONDITION FOR BLACK BANKS AS OF DEC. 12, 1971

[In thousands of dollars]

	National	State member	All member	Non-member	Total
ASSETS					
1. Cash and due from banks	24, 496	4, 626	29, 122	21, 588	50, 710
2. U.S. Treasury securities	43, 172	2, 878	46, 050	42, 178	88, 228
3. Obligations of other U.S. Government agencies and corporations	23, 079	343	23, 422	27, 210	50, 632
4. Obligations of States and political subdivisions	6, 316	7, 444	13, 760	16, 237	29, 997
5. Other securities (including corporate stocks)	2, 124	62	2, 186	6, 602	8, 788
6. Trading account securities	0	0	0	0	0
7. Federal funds sold	22, 226	0	22, 226	19, 200	41, 426
8. Other loans	61, 944	13, 156	75, 100	96, 422	171, 522
9. Bank premises, furniture and fixtures	3, 317	6, 051	9, 368	4, 494	13, 862
10 Real estate owned other than bank premises	652	43	695	483	1, 178
11. All other assets	1, 594	249	1, 843	2, 201	4, 044
12. Total assets	188, 920	34, 852	223, 772	236, 615	460, 387
LIABILITIES					
13. Demand deposits, IPC	52, 843	10, 571	63, 414	66, 559	129, 973
14. Time and savings deposits, IPC	72, 611	10, 101	82, 712	95, 755	178, 467
15. Deposits of U.S. Government	25, 822	1, 944	27, 766	22, 530	50, 296
16. Deposits of States and political subdivisions	20, 771	5, 185	25, 956	22, 638	48, 594
17. Deposits of foreign governments, official institutions	0	0	0	0	0
18. Deposits of commercial banks	101	0	101	696	797
19. Certified and officers checks, etc	2, 631	431	3, 062	7, 946	11, 008
20. Total deposits	174, 779	28, 232	203, 011	216, 124	419, 135
(A) Total demand deposits	(83, 137)	(16, 628)	(99, 765)	(102, 728)	(202, 493)
(B) Total time and savings deposits	(91, 642)	(11, 604)	(103, 246)	(113, 396)	(216, 642)
21. Federal funds purchased	0	0	0	0	0
22. Mortgage indebtedness	103	3, 465	3, 568	842	4, 410
23. All other liabilities	3, 465	726	4, 191	3, 840	8, 031
24. Total liabilities	178, 347	32, 423	210, 770	220, 806	431, 576
25. Minority interest in consolidated subsidiaries	0	0	0	21	21
26. Total reserves on loans and securities	381	25	406	832	1, 238
CAPITAL ACCOUNTS					
27. Capital notes and debentures	825	0	825	2, 675	3, 500
28. Preferred stock	0	0	0	34	34
29. Common stock	5, 044	897	5, 941	6, 007	11, 948
30. Surplus	2, 615	1, 171	3, 786	5, 954	9, 740
31. Undivided profits	1, 670	132	1, 802	214	2, 016
32. Reserves for contingencies and other capital reserves	38	204	242	72	314
33. Total capital accounts	10, 192	2, 404	12, 596	14, 956	27, 552
34. Total liabilities, reserves, and capital accounts	188, 920	34, 852	223, 772	236, 615	460, 387
Number of banks	10	1	11	18	29

TABLE III-B.—PRINCIPAL ASSETS OF BLACK BANKS AS OF DEC. 31, 1971

[Amounts in thousands of dollars]

	Cash and due from banks	U.S. Treasury securities	Obligated Government agencies and corporations	Obligated States and political subdivisions	Other securities	Trading account securities	Federal funds sold	Other loans	Bank premises and furniture	Real estate	All other assets	Total assets
Unity Bank & Trust Co., Boston, Mass	615	508	4, 247	0	382	0	2, 600	5, 032	387	0	206	13, 977
Freedom National Bank, New York, N.Y	7, 967	10, 536	10, 257	1, 581	123	0	6, 500	15, 468	585	601	543	54, 161
Unity State Bank, Dayton, Ohio	579	1, 585	0	0	0	0	400	2, 376	76	0	85	5, 101
Industrial Bank of Washington, D.C	1, 810	4, 752	2, 657	3, 990	5, 579	0	900	8, 756	489	72	45	29, 050
United Community National Bank of Washington, D.C	1, 563	2, 594	2, 300	0	38	0	4, 851	4, 518	121	0	99	16, 057
Mechanics and Farmers Bank, Durham, N.C	3, 553	4, 253	5, 188	5, 235	4	0	4, 600	10, 181	838	24	286	34, 162
Greensboro National Bank, Greensboro, N.C	275	450	130	0	367	0	0	712	66	0	11	2, 011
Victory Savings Bank, Columbia, S.C	267	489	384	403	0	0	500	1, 687	62	1	19	3, 812
First State Bank, Danville, Va	674	0	1, 191	1, 018	133	0	1, 050	3, 084	44	2	4	7, 200
Atlantic National Bank, Norfolk, Va	460	99	900	0	24	0	0	1, 971	241	0	30	3, 725
Consolidated Bank & Trust, Richmond, Va	1, 460	1, 013	2, 494	1, 665	0	0	1, 300	9, 135	197	0	193	17, 457
Citizens Trust Co., Atlanta, Ga	4, 626	2, 878	343	7, 444	62	0	0	13, 156	6, 051	43	249	34, 852
Carver State Bank, Savannah, Ga	1, 009	1, 576	100	380	0	0	200	1, 676	49	0	0	4, 990
Citizens Savings Bank and Trust, Nashville, Tenn	948	1, 258	1, 860	458	0	0	350	2, 507	27	0	0	7, 408
Highland Community Bank, Chicago, Ill	722	3, 984	736	0	0	0	0	2, 884	49	0	52	8, 427
Independence Bank of Chicago, Chicago, Ill	3, 039	8, 706	1, 902	629	0	0	1, 500	13, 109	137	10	349	29, 381
Seaway National Bank of Chicago, Ill	5, 825	8, 296	1, 398	4, 219	52	0	0	14, 272	929	0	322	35, 313
First Independence National Bank, Detroit, Mich	2, 527	7, 102	2, 668	0	1, 347	0	6, 600	4, 297	211	0	167	24, 919
North Milwaukee State Bank, Milwaukee, Wis	445	3, 103	0	0	0	0	950	1, 453	36	0	37	6, 024
Gateway National Bank, St. Louis, Mo	1, 789	3, 687	2, 589	516	22	0	1, 000	6, 855	238	51	156	16, 903
TriState Bank of Memphis, Memphis, Tenn	1, 048	3, 010	711	1, 476	50	0	1, 200	7, 803	762	18	152	15, 730
First Plymouth National Bank, Minneapolis	1, 280	5, 532	200	0	112	0	800	3, 038	361	0	79	11, 402
Douglass State Bank, Kansas City, Kans	1, 099	1, 893	1, 107	983	7	0	1, 300	6, 786	496	209	150	14, 030
Swope Parkway National Bank, Kansas City, Mo	1, 463	3, 670	1, 125	0	23	0	1, 400	6, 234	264	0	22	14, 201
American State Bank, Tulsa Okla	526	690	0	0	231	0	100	1, 634	93	0	10	3, 284
Riverside National Bank, Houston, Tex	1, 374	1, 206	1, 512	0	16	0	1, 075	4, 579	301	0	165	10, 228
Bank of Finance, Los Angeles, Calif	1, 832	2, 598	3, 004	0	205	0	1, 500	14, 428	834	112	451	24, 964
Freedom Bank of Finance, Portland, Oreg	371	1, 975	100	0	0	0	750	793	197	0	84	4, 270
Liberty Bank of Seattle, Seattle, Wash	1, 591	785	1, 529	0	11	0	0	3, 098	221	35	78	7, 348

TABLE III-C.—PRINCIPAL LIABILITIES, RESERVES, AND CAPITAL ACCOUNTS OF BLACK BANKS AS OF DEC. 31, 1971

[Amounts in thousands of dollars]

	Demand deposits IPC	Time and savings deposits IPC	Deposits U.S. government	Departments States and political subdivision	Departments foreign governments	Departments commercial banks	Certified and officers checks, etc.	Total departments	Total demand departments	Total time and savings departments	Federal funds purchased	Mortgage indebtedness
Unity Bank & Trust Co., Boston, Mass	3, 414	4, 931	2, 243	1, 128	0	70	188	11, 974	7, 018	4, 956	0	0
Freedom National Bank, New York, N.Y	16, 300	20, 941	4, 766	9, 073	0	70	660	51, 810	22, 397	29, 413	0	0
Unity State Bank, Dayton, Ohio	1, 537	1, 610	643	402	0	0	41	4, 233	2, 433	1, 800	0	0
Industrial Bank of Washington, D.C	9, 910	16, 169	1, 005	0	0	0	228	27, 312	11, 143	16, 169	0	0
United Community National Bank of Washington, D.C	6, 188	6, 614	1, 432	0	0	0	132	14, 366	7, 752	6, 614	0	0
Mechanics and Farmers Bank, Durham, N.C	10, 028	13, 259	1, 285	6, 413	0	0	496	31, 481	13, 182	18, 299	0	236
Greensboro National Bank, Greensboro, N.C	480	413	116	280	0	25	13	1, 327	634	693	0	0
Victory Savings Bank, Columbia, S.C	1, 028	1, 860	319	176	0	0	35	3, 418	1, 393	2, 025	0	0
First State Bank, Danville, Va	1, 503	3, 720	375	919	0	0	45	6, 562	1, 752	4, 810	0	0
Atlantic National Bank, Norfolk, Va	907	1, 015	205	404	0	0	157	2, 688	1, 303	1, 385	0	0
Consolidated Bank and Trust, Richmond, Va	4, 569	8, 346	1, 336	1, 595	0	0	201	16, 047	6, 001	10, 046	0	0
Citizens Trust Co., Atlanta, Ga	10, 571	10, 101	1, 944	5, 185	0	0	431	28, 232	16, 628	11, 604	0	3, 465
Carver State Bank, Savannah, Ga	814	2, 678	372	645	0	15	49	4, 573	1, 256	3, 317	0	0
Citizens Savings Bank and Trust, Nashville, Tenn	2, 326	3, 412	307	670	0	0	78	6, 793	2, 811	3, 982	0	0
Highland Community Bank, Chicago, Ill	1, 992	2, 621	2, 142	800	0	60	60	7, 675	4, 254	3, 421	0	0
Independence Bank of Chicago, Chicago, Ill	8, 417	11, 895	4, 479	2, 398	0	0	294	27, 483	13, 230	14, 253	0	0
Seaway National Bank of Chicago, Ill	11, 121	15, 161	2, 998	2, 970	0	0	471	32, 721	14, 509	18, 212	0	0
First Independence National Bank, Detroit, Mich	3, 174	8, 529	8, 016	3, 380	0	0	162	23, 261	11, 857	11, 404	0	0
North Milwaukee State Bank, Milwaukee, Wis	1, 006	1, 588	2, 398	370	0	0	55	5, 417	3, 529	1, 888	0	0
Gateway National Bank, St. Louis, Mo	4, 551	7, 146	2, 203	1, 019	0	0	600	15, 519	7, 125	8, 394	0	103

	Demand deposits IPC	Time and savings deposits IPC	Deposits U.S. government	Departments States and political subdivision	Departments foreign governments	Departments commercial banks	Certified and officers checks etc.	Total departments	Total demand departments	Total time and savings departments	Federal funds purchased	Mortgage indebtedness
Tri State Bank of Memphis, Memphis, Tenn	4,453	6,881	1,053	1,778	0	0	129	14,294	5,837	8,457	0	0
First Plymouth National Bank, Minneapolis, Minn	2,720	3,818	3,446	607	0	0	137	10,728	6,313	4,415	0	0
Douglass State Bank, Kansas City, Kans	3,298	5,426	900	2,660	0	15	189	12,488	5,941	6,547	0	196
Swope Parkway National Bank, Kansas City, Mo	4,525	5,084	1,559	2,060	0	5	0	13,233	6,856	6,377	0	0
American State Bank, Tulsa, Okla	645	1,086	69	350	0	528	48	2,726	1,315	1,411	0	0
Riverside National Bank, Houston, Tex	2,877	3,890	1,081	978	0	1	299	9,126	4,391	4,735	0	0
Bank of Finance, Los Angeles, Calif	7,266	6,837	2,279	1,152	0	0	5,628	23,162	15,543	7,619	0	325
Freedom Bank of Finance, Portland, Oreg	1,521	1,243	425	449	0	0	36	3,674	2,066	1,608	0	0
Liberty Bank of Seattle, Seattle, Wash	2,832	2,193	900	733	0	8	146	6,812	4,024	2,788	0	85

TABLE III-D.—PRINCIPAL LIABILITIES, RESERVES, AND CAPITAL ACCOUNTS OF BLACK BANKS AS OF DEC. 31, 1971

[Amounts in thousands of dollars]

	All other liabilities	Total liabilities	Minor interest in consolidated subsidiary	Reserves on loans and securities	Capital notes and debentures	Preferred stock	Common stock	Surplus	Undivided profit	Reserves for contingency	Total capital accounts	Total liabilities reserve capital account
Unity Bank & Trust Co., Boston, Mass	133	12,107	0	334	1,985	0	600	314	−1,363	0	1,536	13,977
Freedom National Bank New York, N.Y	1,014	52,824	0	0	400	0	876	50	11	0	1,337	54,161
Unity State Bank, Dayton, Ohio	256	4,48)	0	0	0	0	266	227	119	0	612	5,101
Industrial Bank of Washington, D.C	391	27,703	0	27	0	0	248	649	398	25	1,320	29,050
United Community National Bank of Washington, D.C	299	14,665	0	54	0	0	750	350	238	0	1,338	16,057
Mechanics and Farmers Bank, Durham, N.C	475	32,192	21	145	190	0	580	967	67	0	1,804	34,162
Greensboro National Bank, Greensboro, N.C	13	1,340	0	0	0	0	280	280	111	0	671	2,011
Victory Savings Bank, Columbia, S.C	54	3,472	0	33	0	0	112	140	55	0	307	3,812
First State Bank, Danville, Va	159	6,721	0	30	0	0	50	375	24	0	449	7,200
Atlantic National Bank, Norfolk, Va	187	2,875	0	12	0	0	500	300	33	0	838	3,725
Consolidated Bank and Trust, Richmond, Va	309	16,356	0	77	0	0	300	675	49	0	1,024	17,457
Citizens Trust Company, Atlanta, Ga	726	32,423	0	25	0	0	897	1,171	132	204	2,404	34,852
Carver State Bank, Savannah, Ga	63	4,636	0	16	0	0	150	56	86	46	338	4,990
Citizens Savings Bank and Trust, Nashville Tenn	99	6,892	0	0	0	0	250	189	77	0	516	7,408
Highland Community Bank, Chicago, Ill	187	7,862	0	2	0	0	300	263	0	0	563	8,427
Independence Bank of Chicago, Chicago, Ill	407	27,890	0	51	250	0	550	450	190	0	1,440	29,381
Seaway National Bank of Chicago, Chicago, Ill	448	33,169	0	82	425	0	625	450	558	4	2,062	35,313
First Independence National Bank, Detroit, Mich	375	23,636	0	17	0	0	750	350	166	0	1,266	24,919
North Milwaukee State Bank, Milwaukee, Wis	80	5,497	0	0	0	0	275	165	87	0	527	6,024
Gateway National Bank, St. Louis, Mo	394	16,016	0	60	0	0	318	352	157	0	827	16,903
Tri State Bank of Memphis, Memphis, Tenn	436	14,730	0	59	0	0	341	387	212	1	941	15,730
First Plymouth National Bank, Minneapolis, Minn	228	10,956	0	18	0	0	250	100	78	0	428	11,402
Douglass State Bank, Kansas City Kans	280	12,964	0	46	0	34	375	556	55	0	1,020	14,030
Swope Parkway National Bank, Kansas City, Mo	271	13,504	0	113	0	0	375	175	0	34	584	14,201
American State Bank, Tulsa, Okla	29	2,755	0	12	0	0	290	145	82	0	517	3,284
Riverside National Bank Houston, Tex	236	9,362	0	25	0	0	320	208	313	0	841	10,228
Bank of Finance, Los Angeles, Calif	390	23,877	0	0	250	0	669	168	0	0	1,087	24,964
Freedom Bank of Finance, Portland, Oreg	30	3,704	0	0	0	0	400	100	66	0	566	4,270
Liberty Bank of Seattle, Seattle, Wash	62	5,959	0	0	0	0	251	128	10	0	389	7,348

TABLE IV.—DEPOSIT GROWTH AND CHANGES IN SELECTED TYPES OF ASSETS OF BLACK BANKS, DEC. 31, 1970, TO DEC. 31, 1971

[Amounts in thousands of dollars]

Name of bank	Total deposits		Total assets		Changes in major types of assets							
					Cash and due from banks		U.S. Government and agency securities		Federal funds sold		Other loans	
	Amount (Dec. 31, 1971)	Rate of growth, 1971 (percent)	Amount (Dec. 31, 1971)	Rate of growth, 1971 (percent)	Amount (Dec. 31, 1971)	Percent of change in total assets	Amount (Dec. 31, 1971)	Percent of change in total assets	Amount (Dec. 31, 1971)	Percent of change in total assets	Amount (Dec. 31, 1971)	Percent of change in total assets
Unity Bank & Trust Co., Boston	1,971	19.7	3,041	27.8	−326	−10.7	2,075	68.2	1,300	42.7	−489	−16.1
Freedom National Bank, New York	8,753	20.3	8,517	18.7	0	----------	2,184	25.6	4,300	50.5	−719	−8.4
Unity State Bank, Dayton	2,560	153.0	2,782	120.0	374	13.4	956	34.4	−75	−2.7	1,453	52.2
Industrial Bank of Washington, D.C	4,911	21.9	5,263	22.1	−143	−2.7	578	11.0	900	17.1	801	15.2
United Community National Bank, Washington, D.C	5,588	63.7	5,886	57.9	0	----------	2,822	47.9	2,076	35.3	639	10.9
Mechanics & Farmers Bank, Durham	9,849	45.5	10,124	42.1	2,078	20.5	1,976	19.5	2,400	23.7	834	8.2
Victory Savings Bank, Columbia	402	13.3	450	13.4	124	27.6	57	12.7	0	----------	229	50.9
First State Bank, Danville	1,505	29.8	1,533	27.1	329	21.5	798	52.1	−200	−13.0	365	23.8
Consolidated Bank & Trust, Richmond	3,315	26.0	3,421	24.4	−606	−17.7	1,649	48.2	0	----------	1,873	54.8
Citizens Trust Co., Atlanta	1,673	6.3	1,962	6.0	671	34.2	257	13.1	−1,550	−79.0	1,636	83.4
Carver State Bank, Savannah	1,012	28.4	1,037	26.2	308	29.7	212	20.4	200	19.3	222	21.4
Citizen's Savings Bank & Trust, Nashville	−5	−.7	45	.6	−1,241	−2,757.8	403	895.6	350	777.8	92	204.4
Highland Community Bank, Chicago	6,073	379.1	6,134	267.5	483	7.9	3,414	55.7	−650	−10.6	2,846	46.4
Independence Bank of Chicago	12,247	80.4	13,140	80.9	324	2.5	4,974	37.9	500	3.8	6,532	49.7
Seaway National Bank, Chicago	9,509	41.0	9,462	36.6	0	----------	4,326	45.7	0	----------	1,651	17.4
First Independence National Bank, Detroit	15,596	203.5	15,865	175.2	0	----------	6,455	40.7	4,600	29.0	2,570	16.2
Gateway National Bank, St. Louis	5,738	58.7	6,209	58.1	0	----------	2,868	46.2	400	6.4	1,703	26.4
Tri State Bank of Memphis	3,629	34.0	3,740	31.2	111	3.0	1,043	27.8	400	10.7	1,056	28.2
First Plymouth National Bank, Minneapolis	4,212	64.6	4,232	59.0	0	----------	1,621	38.3	675	15.9	1,051	24.8
Douglass State Bank, Kansas City, Kans	2,380	23.5	3,629	23.1	−426	−16.2	1,192	45.3	1,050	40.0	592	22.5
Swope Parkway National Bank, Kansas City, Mo	4,777	56.5	4,476	46.0	0	----------	3,941	88.0	500	11.2	260	5.8
American State Bank, Tulsa	1,695	164.4	1,768	116.6	94	5.3	494	27.9	0	----------	915	51.8
Riverside National Bank, Houston	2,761	43.4	2,951	40.6	0	----------	917	31.1	525	17.8	999	33.9
Bank of Finance, Los Angeles	7,336	46.4	7,553	43.4	92	1.2	2,379	31.5	600	7.9	4,372	57.9
Freedom Bank of Finance, Portland	1,701	86.2	1,679	64.8	29	1.7	1,010	60.2	450	26.8	157	9.4
Liberty Bank of Seattle	2,411	54.8	2,207	42.9	1,039	47.1	951	43.1	−700	−32.7	835	37.8
Memorandum: All black banks	131,031	45.5	137,866	42.7	10,717	7.8	56,625	41.1	19,001	13.8	36,611	26.7

WHY IT IS IMPORTANT THAT THE FEDERAL RESERVE BE FULLY REVIEWED AND SUBJECTED TO ITS FIRST AUDIT BY THE GENERAL ACCOUNTING OFFICE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, it is time for the Congress to take a close look at its relationship with the Federal Reserve and the Federal Reserve's relation to the President. The Fed, as it is known, is both the creation and creature of Congress. No one denies this. Yet it goes its own way doing what it wishes when it wishes unconstrained by the Congress or the President. Sam Rayburn recognized this when he said, in 1959:

> I have been forced to the conclusion that the Federal Reserve authorities * * * consider themselves immune to any direction or suggestion by the Congress, let alone a simple expression of the sense of Congress.

Mr. Rayburn's statement applies as well to recent experience as to his times. The Joint Economic Committee, which I have the honor of being cochairman of, has recommended that the growth of the money supply be kept between 2 and 6 percent per year. The Federal Reserve authorities, however, have ignored these guidelines with terrible consequences for the economy and people of this country, contributing alternately to inflation by causing the volume of money to grow faster than 6 percent per year and to recession by allowing the growth rate to fall below 2 percent per year. The Fed's behavior is just plain irresponsible.

Responsibility in government means responsible to the electorate either directly as is the case with the Congress, the President and other elected officials, or indirectly through supervision and direction by elected officials. Making the Federal Reserve responsible to the electorate by making it responsive to the guidelines of the Congress, and direction of the President within the guidelines, should be given top priority by the Congress. Congress must redefine now its relationship with the Fed and the Fed's relation to the President.

Two essential steps are:

First. Require that the volume of money grow between 2 and 6 percent per year except at the instruction of the President.

Second. Subject the Federal Reserve to the normal budget review and GAO audit.

These are essential and proper proposals. At a time in our history when Presidential boards are enforcing wage and price guidelines, constraining the freedom of business enterprises and labor alike, it is incredible and unacceptable that the monetary authorities be free to do what they wish, when they wish, to the Nation's money supply and credit, unconstrained by either congressional guidelines or Presidential directives. There is thus a clear and compelling need for Congress to set monetary growth guidelines, permitting deviations only by Presidential direction.

The need for subjecting the Fed to the normal appropriations and audit processes is just as compelling. It is as wrong as wrong can be to exempt the Fed from the normal budget review and GAO audit. Why? What is the reason? The fact is that there is no good reason. Rather, the exemption is rooted in bad accounting practice.

The Fed now is exempt from the budget review and GAO audit because, while mismanaging our money and credit, it has accumulated over the years more than $70 billion of Treasury bonds, notes, and bills. The interest income from this portfolio more than covers any conceivable annual expenditures the Fed could possibly want to make. In fact the Fed spends only part of the interest on the $70 billion, remitting the bulk of it to the Treasury.

Because it is permitted to receive the interest on the $70 billion portfolio and to spend several hundreds of million dollars of this interest the Fed is not obliged to come to the Congress for its appropriations or to submit to a GAO audit. But the Fed should not be allowed to receive and spend, as it sees fit without congressional approval or audit, any of the interest on the $70 billion. The $70 billion belongs to the people and only the Congress should determine public spending priorities. Representative government is diluted and polluted by allowing the Fed to authorize its own spending programs and appropriations and to spend the money without a GAO audit.

To restore to Congress power to determine and supervise what is done with public funds we need to subject the Fed to the budget review process and GAO audit. This can be accomplished by transferring to the Treasury all securities purchased by the Fed, with provision for transfer out of the Treasury to the public via Federal Reserve banks in executing open market sales. It is right and proper that this be done. The Fed monetizes the debt when it purchases it on the open market. Securities purchased by the Fed are paid for by issuing currency and crediting member bank reserve balances in Federal Reserve banks. Put otherwise, the Fed purchases securities with its cash obligations.

Because it is the agent of all taxpayers, the Fed's cash obligations are the obligations of the Government. Its currency or note issues are signed, every one of them, by the Secretary of the Treasury and the Treasurer of the United States. Definitely, Federal Reserve currency or notes are the Government's obligations. So, too, are member bank reserve balances.

Balances in Reserve banks, which incidentally are less than half as large as Federal Reserve note issues, are convertible into note issues upon demand. This is how the Fed furnishes "an elastic currency" as it was established to do. So no one can deny the Fed's cash obligations, Federal Reserve notes or currency and member bank reserve balances, are the Government's cash obligations—the liabilities of all taxpayers. But, of course, this means that the assets purchased by issuing Federal Reserve cash obligations also belong to the Government, to all the taxpayers, that is.

The conclusion is inescapable that the Fed's $70 billion portfolio belongs to all the people, to the Government. Congress cannot allow, therefore, the Federal Reserve to receive and spend any interest from the securities it purchases. Representative government requires that the elected representatives of the people, and they alone, should determine what is done with public moneys. The case is clear. We must enact legislation retiring monetized debt and requiring the Federal Reserve to submit its spending plans to the normal budget review and appropriations process and its expenditures to GAO audit.

The retirement of these bonds will make it possible, of course, to reduce the national debt by a whopping $70 billion. In other words, our debt, which is approaching $450 billion, could be reduced to around $380 billion and we would not need further requests for an increase in the debt in the foreseeable future.

FEDERAL RESERVE SECRECY CONTRIBUTES TO ECONOMIC UNCERTAINTY

Mr. Speaker, it has become increasingly clear that the state of the economy is the No. 1 issue before the Congress and in the current campaign. We know our problems are very real. We discuss our fiscal responsibilities and taxes because we must. The American people are listening and they want to know what we think and what we plan to do. But we are missing a great opportunity to let them in on a secret. We have been remiss in meeting our responsibilities and our presidential candidates will fail in meeting their responsibilities if we do not let the people know how important the management of their money by the Federal Reserve is to their economy and to their everyday lives.

The consequences of Federal Reserve secrecy at their most serious level—the level at which all the efforts of the Congress and the President in setting economic policy hinge on whether or not the Federal Reserve will agree or decline to support that policy—is set forth in an article by Lindley H. Clark, Jr., in the July 31 edition of the Wall Street Journal. The article goes on to discuss as well the way in which this secrecy affects investors in Government bonds and that section is of less interest for our purposes because it fails to give weight to the interests of all the taxpayers of the country in what happens to the market for Government bonds.

In recommending that Members read the article, I would also add that it fails to take note of the fact that the Federal Reserve is able to maintain secrecy concerning its operations and its policies because it has an independent income. It does not come before Congress like other Government agencies with a request for appropriations to meet expenses. It need not request funds from Congress because it claims that the bonds it buys with the Government's money belong to the System and not to the people who are responsible for the Government's obligations—namely, the taxpayers. The Federal Reserve is like a dishonest trustee who takes the money a man puts aside for his family and buys bonds with it and then claims that he and not the family of the man who gave him the money, owns the bonds. That is exactly what the Federal Reserve does and what it has done for years. It has taken a law passed by Congress in 1945 for the purpose of supporting the Government bond market and interpreted it for its own benefit.

In 1971 the Federal Reserve held approximately $70 billion of Government bonds in its portfolio. The interest on these bonds was about $4 billion. The Federal Reserve called that interest its "earnings." It took $4 billion from the Treasury, spent what it pleased and gave back the rest. How it spends that money, the Federal Reserve says, is its own business. Because I think it is our business, I have called for an audit of the Federal Reserve by the General Accounting Office.

My request for an audit has a larger purpose as well. In 1971, the System's total transactions in Government bonds—buying, selling, repurchase agreements and redemptions—were over $145 billion. It paid commissions on these transactions to 20 dealers which it has approved and sponsored. A GAO audit of these dealers which I requested revealed that their transactions for the year 1970 totaled over $738 billion—almost three times the volume of purchases and sales of the New York Stock Exchange and the American Stock Exchange. These 20 dealers had a 5-year average rate of return of 31 percent on net worth, a rate which is substantially larger than that for other business enterprises. We would not have known this if we had not requested this audit by the General Accounting Office. And it is important to know it because it indicates that the subsidies which the Federal Reserve pays these 20 dealers are significant in terms of profits. It also indicates the size and significance of the Government bond market in our financial structure. And it points up the importance of my proposal to audit the Federal Reserve itself.

Congress has a direct responsibility for the Government securities which the Federal Reserve buys and sells. We are the body which has been given authority to tax the people to pay interest and principal on the Government's obligations. We must know and take responsibility for the way in which these obligations are handled by the Federal Reserve.

Mr. Speaker, in requesting that the article mentioned above be attached at the conclusion of my remarks, I wish to add that I do fault the author for his concern that Federal Reserve secrecy may have harmful effects on investors in Government securities. His concern is, of course, appropriate to the publication for which he writes. But what is important in considering this article is that it testifies to the growing recognition of the fact that the secrecy which surrounds Federal Reserve policy contributes to economic uncertainty.

The article follows:

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

Though the administration is pleased with the progress of the economy, Chairman Herbert Stein of the Council of Economic Advisers concedes, "We remain confronted with problems and uncertainties." One of those uncertainties, now, as in the past, is the future course of Federal Reserve System policy.

Most economists look for upward pressure on interest rates later this year and in 1973. In the past the Fed has often tried to fight such pressures by pouring reserves into the banking system. Will it do so again, and thus possibly increase inflation fears?

On the other hand, the federal budget deficit is large and growing. If the deficit is financed largely through the banks the result could be highly inflationary. Will the Federal Reserve try to prevent such a result by tightening up on reserves—and thus possibly curbing business expansion?

Questions such as these are considered by the Federal Open Market Committee, which meets about once a month in Washington. The committee, which includes the seven Reserve Board members and five of the 12 Reserve Bank presidents, decides the course of monetary policy, insofar as it is carried out by buying or selling government securities.

The actual buying and selling are of course done by the securities department of the Federal Reserve Bank of New York. The head of that department, the manager of the system open market account, acts on the basis of a policy directive drawn up by the Open Market Committee, although he is in regular consultation with committee members between meetings. If the policy calls for putting reserves into the banking system the manager will buy government securities; if it calls for reducing reserves he will sell.

All of this is done in an atmosphere of great secrecy. The Open Market Committee's directive to the system account manager, for instance, is not made public until three months after the manager receives it. The Fed argues the secrecy is necessary because early information on the operations of its huge government securities portfolio could be highly valuable to speculators.

Speculators and the general run of investors naturally try to figure out what the Fed is doing anyway. An unending flood of market letters pours out of banks, securities houses and research firms to tell the public what is really going on. While many of the letter-writers are highly sophisticated and intelligent, the Fed's curtain of secrecy means that the letters must remain at least partly guesswork.

Thus, in one recent week, Richard Scott-Ram, chief economist of DuPont Glore Forgan Inc., wrote, "The slightly tightened conditions in the money markets compared with a month ago continue to be mostly, but not entirely, due to increased demand for funds in the market . . . rather than a change in Fed policy. Monetary policy may have contributed a little to the recent tightening, but subtly and slightly."

The analysts were at least agreeing that the Federal Reserve has been allowing money to tighten up a bit in recent weeks. Paul J. Markowski, chief economist at Weis, Voisin & Co. Inc., had this comment earlier this month: "The Federal Reserve has recently gone through a reappraisal of its monetary posture. From the statements of Federal officials and the movement of monetary indicators, it appears that the decision has been made to moderate the rate of expansion of the money aggregates in the months ahead."

That's probably right, too. At any rate, a couple of weeks after Mr. Markowski made his comment the Federal Reserve finally released the report on the Open Market Committee's meeting last April. And at that meeting, the report disclosed, the committee did vote for a "somewhat more moderate" rate of increase in the money supply.

Informed assessments, such as those of Messrs. Markowski and Scott-Ram, however, are not all that the Fed must contend with. Many people still watch the weekly reports issued by the Federal Reserve; these tell of changes in the Fed's government securities holdings, bank reserves and other figures. If there is a sudden bulge in reserves or in the system's securities holdings, some observers are only too likely to scent a shift in Federal Reserve policy.

As the Fed continually tells anyone who will listen, though, statistics for a single week, or even for several weeks, may well be entirely meaningless. Totally unexpected developments in the economy can cause unintended bulges in the figures.

So at least some of the speculation about what the Federal Reserve is doing, has been doing and is going to do is ill-informed and can lead to wrong and expensive market decisions. The result is an increase in confusion and uncertainty.

What can be done? Well, Homer Jones, who retired last year as research chief at the St. Louis Federal Reserve Bank, argues that the Open Market Committee should make its reports public immediately.

Mr. Jones has no desire to unduly enrich speculators. But the committee's directives to the New York Fed, he points out, do not say to buy or sell $100 million of this security and $500 million of that one. Their vagueness could hardly help anyone make a market killing, he contends.

In March, for instance, the directive reviewed the past month's developments and then announced that it was the committee's policy to foster sustainable growth and increased employment, to ease inflation and to work for equilibrium in the balance of payments. To implement this policy, said the committee, it sought "to achieve bank reserve and money market conditions that will support moderate growth in monetary aggregates over the months ahead."

Mr. Jones and the St. Louis Fed have long been known as mavericks in the Reserve System; they have even urged a fixed policy of slow, steady growth of the money supply, along the monetarist line urged by University of Chicago Professor Milton Friedman.

That sort of policy, which the system is still firmly resisting, would ease the uncertainty that now surrounds monetary matters. So too, argues Mr. Jones, would a partial lifting of the Federal Reserve's curtain of secrecy.

—Lindley H. Clark Jr.

THE SHERIFFS' ASSOCIATION OF TEXAS—STRONG ON LAW AND ORDER

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, at a time when the efficiency and dedication of our law enforcement officials is of utmost importance to all citizens, I would like to commend the Sheriffs' Association of Texas for their outstanding public service and unflagging devotion to the maintenance of law and order. Over the past 94 years, this splendid organization has worked diligently to improve State and local law enforcement procedures, practices, and operations. The following resolution adopted by the Sheriffs' Association of Texas reflects their concern and interest in better and more effective law enforcement.

Resolution

Whereas, over a period of many years members of the Sheriffs' Association of Texas have witnessed deterioration of the processes of law enforcement, due primarily to encroachment into and assumption by the federal judiciary of government reserved by the Constitution of the United States to the legislative branch,

Specifically:

1. Arrest—Procedural restrictions by many court decisions have resulted in undue delays, unavailability of valuable evidence and the ultimate escape of the guilty from punishment.
2. Searches and Seizures—The powers given to law enforcement by the Constitution have been virtually emasculated by technicalities.
3. Interrogation—Decisions go far beyond praise-worthy goals of protection of the defendant's privilege against self-incrimination and guaranteeing due process of law to the point that truth becomes a minor consideration.
4. Care and Custody of Prisoners—More recent federal court decisions clearly indicate usurption of local authority in matters concerning jail security.
5. Post Conviction Relief—The courts have exhibited an extremely unrealistic attitude in accepting for review, convictions of prisoners, and in remanding their cases on flimsy procedural technicalities, even in cases where the accused has confessed guilt.
6. Penalties—The action of the U.S. Supreme Court in nullifying statutes of a majority of the states with respect to the imposition of the death penalty, clearly ignoring the will of the people as expressed through their legislature—and;

Whereas, the trends reflected by the above in protecting rights of the accused have often ignored the rights of the law-abiding citizen to be protected against those who commit criminal acts; and

Whereas, as sheriffs and concerned and responsible citizens, we recognize the rights of all citizens to be protected in their persons and property now, therefore

Be it resolved that the Sheriffs' Association of Texas meeting in 94th Annual Conference in Beaumont, Texas, this 26th day of July, 1972, urges you, Mr. President, to use the influence of your good office to recommend legislation to the Congress to reverse the trend of the federal encroachment and return traditional law enforcement functions to state and local governments; and

Be it further resolved that copies of this resolution be forwarded to the following:

Vice President Spiro T. Agnew

Hon. Mike Mansfield, Speaker of the House of Representatives

All members of the Texas delegation to the U.S. Congress

Hon. Richard Kleindienst, U.S. Attorney General.

And other concerned officials and Associations.

Unanimously adopted July 26, 1972

THE CITY OF NEW YORK MUST PROVIDE BETTER SERVICES FOR THE LOWER EAST SIDE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, sanitation is a big problem in New York and many other cities throughout the country. On Manhattan's Lower East Side, in my congressional district for example, the city seems incapable of delivering the services necessary to keep the area clean. This apparent failure of adequate sanitation services can only embitter local residents who hear a good deal of rhetoric about the need to improve the quality of our urban environment, but see little action.

One must not underestimate the enormity of the sanitation problem but the city's inability to provide even the most fundamental sanitation services compounds the problem. On the Lower East Side for example, in a 10-block area along Avenue B, from Second to 12th Streets, there is not one public waste disposal basket at the intersections whereas throughout most other areas of my district there is invariably at least one basket at most intersections.

Robert E. Simon Junior High School between Fourth and Sixth Streets, Avenue B and C is a disgrace. The school grounds are littered with papers, tin cans, bottles, and boxes; the school play yard has garbage and broken glass all over; an alley directly behind the school and playground has heaps of uncollected garbage, piled where the alley joins Fourth Street; and this last street, in addition to being strewn with rubble, has three abandoned cars stuffed with debris which according to the local residents have been there for several weeks. The fact that this block is an officially designated play street for children emphasizes, with tragic irony, the city's neglect. The city's failure to maintain the school grounds makes it appear as if it is no longer willing or able to attempt to provide decent, sanitary conditions in the neighborhood.

Not only does such a situation pose a serious health hazard—I have asked the city to inspect the worst areas—but it also breeds anger and frustration among local residents, and that in the long run is a disease which affects us all.

BUSING MORATORIUM BILL ASSAILED AS UNCONSTITUTIONAL

(Mr. CELLER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CELLER. Mr. Speaker, earlier this year I placed in the RECORD comments on the proposed Student Transportation Moratorium Act (H.R. 13915) from six constitutional law authorities and members of the faculties of Harvard Law School, Columbia Law School, and the University of Pennsylvania Law School—CONGRESSIONAL RECORD, April 28, 1972, pages 14925–14929.

In an effort to further assist my colleagues to assess fully constitutional objections to the busing moratorium bill, I insert in the RECORD a scholarly legal memorandum filed August 1, 1972, with the Committee on the Judiciary by John Doar and Lloyd Cutler, cochairmen of the Lawyers Committee for Civil Rights under Law. The memorandum raises serious constitutional questions concerning the validity of the proposed moratorium legislation.

The material follows:

SUPPLEMENTAL MEMORANDUM OF LAW TO ACCOMPANY THE STATEMENT OF APRIL 12, 1972, BY JOHN DOAR AND LLOYD CUTLER BEFORE THE HOUSE COMMITTEE ON THE JUDICIARY

In response to this Committee's invitation, we submit a Supplemental Memorandum of Law to accompany and amplify our testimony of April 12, 1972.

Proponents of H.R. 13916—the Moratorium Bill—have urged that Congress may lawfully impose a stay on the effectiveness of future judicial orders providing specific relief for an adjudicated impairment of a constitutional right, when Congress finds the stay necessary to allow it time to enact another measure intended to provide standardized and at least equally effective remedies.[1]

The question so framed is one of the first impression;[2] one that, in our judgment, would be very difficult to answer. However, it is not the question we see posed by H.R. 13916. For this bill—whether taken on its own terms or in conjunction with the companion Equal Educational Opportunities Bill that the Administration has also proposed (H.R. 13915)—has not been shown to be necessary for, or likely to result in, the enactment of standardized and equally effective remedies for adjudicated impairments of constitutional rights. To the contrary, and accepting its stated intentions, it appears on its face to enact a congressional limitation on judicial remedies for previously adjudicated constitutional rights, while Congress considers other measures that would impose still further limitations on those rights and **remedies.**

Footnotes at end of article.

I. ENACTMENT OF THE STUDENT TRANSPORTATION MORATORIUM ACT WOULD BE AN UNCONSTITUTIONAL INFRINGEMENT UPON THE JUDICIAL BRANCH

In defending the Bill, the Attorney General emphasized the power that Congress has over the jurisdiction of the lower federal courts and Supreme Court.[3] He argued:

"It seems clear that, if Congress has the power to create or abolish courts and to grant, withhold or revoke jurisdiction, it has the lesser power to grant or deny remedies to the federal courts or, as outlined in the President's proposals, to minimally alter some of the equitable remedies." (Kleindienst Testimony at 1262.)

We, of course, agree that Congress has constitutional power to create lower federal courts and to define their jurisdiction, as well as power to make exception to the appellate jurisdiction of the Supreme Court. But it does not follow from that point, nor is it by any means clear, that Congress could abolish all the lower federal courts. Indeed, no less a constitutional authority than Justice Story thought that Congress could not. *Martin v. Hunter's Lessee*, 14 U.S. (1 Wheat.) 304 (1816); 3 Story, Commentaries on the Constitution 449 (1833), and other authorities have supported Justice Story's view.[4]

Subsequently, there have been court dicta to the contrary; but of course no court has ever so held since Congress has never tried to abolish all of the lower federal courts.

Even accepting the Attorney General's view of Congress' power over the jurisdiction of the federal courts, it by no means follows that the power over jurisdiction justifies legislation prohibiting all federal courts—even for a one-year period—from ordering busing when such busing is, in the judgment of the court, the only promptly available means of enforcing the constitutional right to equal protection.

Like any other governmental power, the power of Congress over the jurisdiction of federal courts is not an absolute one. For example, no one would suggest, we assume, that Congress could enact a statute denying original or appellate access to any federal court for claimed violations of First Amendment rights. The federal judicial power granted under Article III extends to "*all* cases in law and equity arising under this Constitution" (emphasis supplied) and Congress cannot constitutionally bar *all* federal courts from exercising this power. To take an even more obvious example, Congress could hardly define the jurisdiction of the federal courts to require that, notwithstanding the Sixth and Seventh Amendments, all cases must be tried without juries.

Congress, in the guise of a jurisdictional statute, cannot deprive a party either of a right created by the Constitution or of any remedy the courts deem essential to enforce that right. No case that we know of, including those cited by the Attorney General, refutes this basic premise.

The Norris-La Guardia experience is not to the contrary. An employer does not have a constitutional right to have a federal court issue an injunction in a case involving or growing out of a labor dispute. Thus, Congress may validly place appropriate limits on the jurisdiction of federal courts to enjoin strikes. Such a limitation does not deprive employers of a constitutionally protected right or remedy, and when the Supreme Court upheld the Act, it had no need to consider any such issue. *See Lauf* v. *E. G. Shinner Co.*, 303 U.S. 323 (1938), upholding the Norris-LaGuardia Act's removal of jurisdiction to enjoin strikes except after a full evidentiary hearing. Such a statute does not dilute or eliminate any constitutional right; if anything, the Norris-LaGuardia statute serves to implement the First Amendment right to peaceful, non-coercive picketing. *See, Thornhill* v. *Alabama*, 310 U.S. 88 (1940). Finally, it should be noted that the carefully and narrowly drawn Norris-LaGuardia Act does not prohibit all injunctions, but instead expressly preserves to the courts power to issue an injunction after a full evidentiary hearing whenever the courts find one necessary to prevent irreparable injury.[5]

Similarly, Congress may limit the courts' injunctive powers in suits challenging the collection of taxes (while providing other fully adequate, exclusive remedies). *See, Snyder* v. *Marks*, 109 U.S. 189 (1883); *Phillips* v. *Commissioner*, 283 U.S. 589, 596–97 (1931) (Brandeis, J.) (prohibition of injunctive relief in tax cases constitutional: "Where only property rights are involved, mere postponement of the judicial enquiry is not a denial of due process, if the opportunity given for the ultimate judicial determination is adequate.") However, Congress cannot, even in tax cases, limit equitable jurisdiction so as to deprive a person of property without due process of law. *See, Enochs* v. *Williams Packing Co.*, 370 U.S. 1 (1962); *Miller* v. *Standard Nut Margarine Co.*, 299 U.S. 498 (1932) (tax enjoined).

Similarly, cases upholding 28 U.S.C. § 2283, which in general forbids federal injunctions of state court proceedings,[6] do not support the moratorium. In fact, such cases support the principle that Congress may not use a jurisdictional limitation to limit constitutional rights. *Younger* v. *Harris*, 401 U.S. 37 (1971) (Black, J.), the most recent case construing this statute, states that generally no constitutional right is infringed by a statute forbidding injunctions of state proceedings: "[T]he moving party has an adequate remedy at law and will not suffer irreparable injury if denied equitable relief." *Id.* at 43–44 However, the Court made it clear that the statute could not be applied to prevent the issuance of an injunction where necessary to prevent irreparable constitutional injury. It noted, quoting *Fenner* v. *Boykin*, 271 U.S. 240 (1926):

"*Ex parte Young*, 209 U.S. 123, and following cases have established the doctrine that when absolutely necessary *for protection of constitutional rights* courts of the United States have power to enjoin state officers from instituting criminal actions. But this may not be done except under extraordinary circumstances where the danger of irreparable loss is both great and immediate." 401 U.S. at 45 (emphasis added).

And *Younger* approved the issuance of an injunction in *Dombrowski* v. *Pfister*, 380 U.S. 479 (1965), because the facts of that case showed that equitable relief was necessary to prevent irreparable injury to constitutional rights.[7] 401 U.S. at 47–49.

As we have already maintained before the Committee, and for the reasons set forth later in this Memorandum, a denial of a busing remedy may, in the facts of a given case, amount to a denial or equal protection for which there is no adequate remedy at law.

A corollary to the principle that Congress cannot limit the courts' power to issue enforceable judgments is that it cannot enact legislation which prescribes a particular result in a case. Thus, in *United States* v. *Klein*, 80 U.S. (13 Wall.) 128 (1871), the Court held that a congressional attempt to prescribe a rule of decision in order to make a case come out in a particular way is unconstitutional, even though the statute was phrased in terms of a limitation of the courts' jurisdiction:

"Congress has already provided that the Supreme Court shall have jurisdiction of the judgments of the Court of Claims on appeal. Can it prescribe a rule in conformity with which the court must deny to itself the jurisdiction thus conferred, because and only because its decision, in accordance with settled law, must be adverse to the government and favorable to the suitor? This question seems to us to answer itself." *Id.* at 147.

See also, Hart and Wechsler, The Federal Courts and the Federal System (1953) at 317–318 (Congress has no power to tell a court how to decide a case); *see generally*, Ratner, *Congressional Power Over the Appellate Jurisdiction of the Supreme Court*, 109 U.Pa.L. Rev. 157 (1960).

The basic principle established is that any power of Congress to limit federal court jurisdiction is subject (like the exercise of any other congressional power) to express limitations in the Constitution, including the Fifth and Fourteenth Amendments. See *Battaglia v. General Motors Corp.*, 169 F. 2d 254, 257 (2d Cir.), *cert. denied*, 335 U.S. 887 (1948) (jurisdictional power must not be exercised so "as to deprive any person of life, liberty, or property without due process of law or to take private property without just compensation").

Exparte McCardle, 74 U.S. (7 Wall.) 506 (1868), much relied on by the Attorney General, may be thought to support the Moratorium Act; actually, it indicates that the Moratorium Act would not be constitutionally permissible. In *McCardle*, the Court upheld a post-Civil War Act of Congress that deprived the Supreme Court of appellate jurisdiction over lower federal court decisions in habeas corpus case.[8] But the Court took care to distinguish this statute from other cases in which courts had struck down "the exercise of judicial power by the legislature, *or legislative interference with courts in the exercising of continuing jurisdiction.*" *Id.* at 514 (emphasis added). As an example of this distinction, *McCardle* cited with approval *State v. Fleming*, 7 Humphreys 152 (Tenn. 1846), which had held that the legislature "has no power to interfere with the administration of justice, either criminal or civil, in the courts; . . ." *Id.* at 154. Similarly, the Court approved *De Chastellux v. Fairchild*, 15 Penn. State 16, 21 (1850), where the Court said that it was self-evident in the structure of government that the legislature has no power to exercise judicial functions. "[I]t is not more intolerable in principle [for the legislature] to pronounce an arbitrary judgment against a suitor, than it is injurious in practice to deprive him of a judgment, . . ." (emphasis added).[9]

We therefore conclude that the proposed Moratorium Act, even if it were rewritten in the guise of a jurisdictional statute, would be unconstitutional.

Neither can the Moratorium be justified as a stay of court orders while the orders themselves or the courts' authority to enter them are being reviewed by Congress. The Supreme Court has held many times that the congressional authority to grant or remove jurisdiction in broad classes of cases does not include the authority to review decisions within a court's jurisdiction before permitting those decisions to become effective, or to require the courts to decide such cases in congressionally specified ways.

The earliest relevant decisions in this area were written in 1792—when the Constitution and the Judiciary Act of 1789 were only three years old. Congress had enacted a statute in 1792 to govern pensions for disabled veterans of the Revolutionary War. It empowered federal and state courts, upon application of a veteran, to determine what pension, if any, should be paid. The decision of the court was to be transmitted to the Secretary of War; he might decline to follow the decision if he suspected a mistake or imposition. The Secretary's decision was then to be transmitted to Congress, and if Congress agreed with the decisions of the court and the Secretary, it would appropriate the necessary pension funds. The Circuit Court for the District of Pennsylvania refused to consider the pension application of one William Hayburn under this statute, and the Attorney General sought a writ of mandamus in the Supreme Court. *Hayburn's Case*, 2 U.S. (2 Dall.) 408 (1792).

In *Hayburn's Case*, Congress wisely avoided a constitutional confrontation by amendatory legislation before the Supreme Court actually ruled. The Court's opinion was analogous to a dismissal for mootness under modern practice. Nevertheless, the Court incorporated in the margin of its opinion some of the earliest and most authoritative thinking on the constitutional metes and bounds that separate the legislative from the judicial function.

Cited in *Hayburn's Case*[10] are court opinions holding under the principles of separation of powers that a court decision subject to review by Congress is nonjudicial in nature, and that the courts are powerless to exercise nonjudicial functions; whenever a court is exercising Article III judiciary power, no legislature may review such a decision. The Circuit Court for the District of New York, consisting of Chief Justice Jay, Justice Cushing and a district judge, had unanimously held: "[B]y the constitution, neither the secretary at war, nor any other executive officer, nor even the legislature, are authorized to sit as a court of errors on the judicial acts or opinions of this court." 2 U.S. (2 Dall.) at 410 n. (a). The Circuit Court for the District of Pennsylvania (consisting of two Supreme Court Justices and a district judge) had jointly written the President in 1792 protesting the Pension Act (*id.*, at 411 n. (a)):

"It is a principle important to freedom, that in government, the *judicial* should be distinct from, and independent of, the legislative department. To this important principle, the people of the United States, in forming their constitution, have manifested the highest regard. They have placed their *judicial* power not in congress, but in 'courts.' They have ordained that the 'judges of those courts shall hold their offices during good behavior,' and that 'during their continuance in office, their salaries shall not be diminished.'

* * * * *

"Such revision and control [of judicial decision by a legislature] we deemed radically inconsistent with the independence of that judicial power which is vested in the courts; and consequently, with that important principle which is so strictly observed by the constitution of the United States." (Emphasis in original.)

And the Circuit Court for the District of North Carolina (consisting of a Supreme Court Justice and a district judge) had also written the President (*id.* at 413 n. (a)):

". . . whether the power in question is properly of a judicial nature, yet, inasmuch as the decision of the court is not made final, but *may be at least suspended in its operation*, by the secretary at war, if he shall have cause to suspect imposition or mistake; *this subjects the decision of the court to a mode of revision, which we consider to be unwarranted by the constitution;* for though congress may certainly establish, in instances not yet provided for, courts of appellate jurisdiction, yet such courts must consist of judges appointed in the manner the constitution requires, and holding their offices by no other tenure than that of their good behavior, by which tenure the office of secretary at war is not held. And we beg leave to add, with all due deference, that *no decision of any court of the United States can, under any circumstances, in our opinion, agreeable to the constitution, be liable to a revision, or even suspension, by the legislature itself, in whom no judicial power of any kind appears to be vested,* but the important one relative to impeachments." (Emphasis added.)

A year after *Hayburn's Case*,[11] in 1793, the separation of powers doctrine was further clarified in an exchange of correspondence familiar to every law student. Thomas Jefferson, then Secretary of State, asked the Supreme Court for a legal opinion on the effect of certain treaties. The Court refused, explaining to President Washington in a letter dated August 8, 1793, that courts may not constitutionally give advisory opinions. *See* 3 Johnston, *Correspondence and Public Papers of John Jay*, 486–89 (1891).

A court decree that has no effect until Congress implements it or allows it to be enforced amounts to an advisory opinion. In *Gordon* v. *United States*, 117 U.S. 697 (1864), an act of Congress conferring appellate jurisdiction on the Supreme Court for review decisions of the Court of Claims was held unconstitutional because Court of Claims judgments (even after Supreme Court review) could not then be paid until the necessary appropriation had been estimated by the Secretary of the Treasury and approved by the Congress on a case-by-case basis. Chief Justice Taney pointed out (in an opinion published after his death) that the entire purpose of the Supreme Court was to ensure its impartiality and complete independence from the legislative power (117 U.S. 701). Taney explained that inherent in the exercise of judicial power and essential to any judgment of a court and to its independence is the award of relief and the possibility of execution on final judgment.

"Without such an award the judgment would be inoperative and nugatory, leaving the aggrieved party without remedy. . . . unless Congress should at some future time sanction it, and pass a law authorizing the court to carry its opinion into effect. Such is not the judicial power confided to this Court . . . ." (*Id.* at 702)

See *Muskrat* v. *United States*, 219 U.S. 346, 354 (1911), citing *Gordon* with approval and noting Chief Justice Taney's opinion as one of "great learning."

In a school desegregation case over which a federal district court has jurisdiction and in which the court has found deprivation of a constitutional right, the court may in the exercise of its equity power enter an order requiring some busing in order to fashion an effective remedy. The Student Transportation Moratorium Act would render such an order "inoperative and nugatory, leaving the aggrieved party without remedy" unless Congress some time between now and July 1, 1973 decides otherwise.[12] *See Schneiderman* v. *United States*, 320 U.S. 118, 168–69 (1943), where Justice Rutledge stated, concurring, that Congress may not make:

". . . an adjudication under Article III merely an advisory opinion or prima facie evidence of the fact or all the facts determined. Congress has, with limited exceptions, plenary power over the jurisdiction of the federal courts. *But to confer the jurisdiction and at the same time nullify entirely the effects of its exercise are not matters heretofore thought, when squarely faced, within its authority.*" (Footnotes omitted; emphasis added.)

This basic principle—rooted in the independence of the judiciary and the doctrine of the Separation of Powers—was again reaffirmed by Justice Jackson, speaking for the Court in *Chicago & Southern Air Lines v. Waterman Steamship Corp.*, 333 U.S. 103, 113 (1948), when he observed:

"Judgments within the powers vested in courts by the Judiciary Article of the Constitution may not lawfully be revised, overturned or refused faith and credit by another Department of Government."

One of the most recent of these cases is *Glidden v. Zdanok*, 370 U.S. 530 (1962), a case upon which the Attorney General has relied. In *Glidden*, Mr. Justice Harlan, speaking for the Court, held that the Court of Claims and the Court of Customs and Patent Appeals were Article III courts of the Constitution (and not legislative courts). Mr. Justice Harlan, in considering the history of

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Footnotes at end of article.

the Court of Claims, noted—as we explained above—that the Supreme Court, early in the history of the Court of Claims, had held that the Court of Claims was not an Article III court because its judgments were subject to case-by-case review by the Secretary of the Treasury before he recommended an appropriation to pay each judgment. Subsequently, Congress repealed the statute which gave the Secretary of the Treasury the power to review each judgment on a case-by-case basis before an appropriation was made. The Supreme Court then exercised its Article III judicial review of the Court of Claims. Later, when the Secretary of the Treasury sought to reassert this power to review a judgment of the Court of Claims—that is, the Secretary refused to pay part of a judgment—the Supreme Court held the refusal unwarranted: the Executive may not review judicial power. 370 U.S. at 555. By the same token, Congress may not review court orders. The constitutional method of reversing lower courts is the appellate process within the judicial branch.

Mr. Justice Harlan did agree that Congress has power over both the jurisdiction of the lower federal courts and the Supreme Court's appellate jurisdiction. 370 U.S. 530, 567. But Mr. Justice Harlan, in the very next sentence added an important *caveat:*

"*The authority* [*over jurisdiction*] *is not, of course, unlimited.* In 1870, Congress purported to withdraw jurisdiction from the Court of Claims and from this Court on appeal over cases seeking indemnification for property captured during the Civil War, so far as eligibility therefor might be predicated upon an amnesty awarded by the President, as both courts had previously held that it might. Despite *Ex parte McCardle, supra,* the Court refused to apply the statute to a case in which the claimant had already been adjudged entitled to recover by the Court of Claims, calling it an unconstitutional attempt to invade the judicial province by prescribing a rule of decision in a pending case. *United States* v. *Klein,* 13 Wall. 128. Surely no such concern would have been manifested if it had not been thought that the Court of Claims was invested with judicial power." 370 U.S. at 568 (emphasis added).

In the light of these cases and the constitutional principles that underlie them, the Student Transportation Moratorium Act would unconstitutionally interfere with the authority of courts to issue judgments in cases over which they have jurisdiction.

II. THE STUDENT TRANSPORTATION MORATORIUM ACT WOULD IMPOSE CONTINUING 14TH AMENDMENT INJURY ON SCHOOL CHILDREN AND WOULD THEREFORE VIOLATE THE FIFTH AMENDMENT

A. Legal Context of Busing

Consideration of the constitutionality of the proposed Student Transportation Moratorium Act of 1972 should begin with a review of the authority by which and the circumstances under which courts order busing.

Courts order school desegregation only where they have found that the segregated conditions are due, at least in part, to official conduct in violation of the Fourteenth Amendment.[13] Once a court has found a constitutional violation, however, the Fourteenth Amendment requires the discriminating agency to "effectuate a transition to a racially nondiscriminatory agency to "effectuate a transition to a racially nondiscriminatory school system," *Brown* v. *Board of Education,* 349 U.S. 294, 301 (1955) (*Brown II*) and to "take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch." *Green* v. *School Board of New Kent County,* 391 U.S. 430, 437–38 (1968). The authority of the federal courts to issue orders requiring such affirmative action is inherent in their equity power. *Brown II, supra.* The validity of court orders is not affected by the fact that they may be difficult or burdensome:

"All things being equal, with no history of discrimination, it might well be desirable to assign pupils to schools nearest their homes. But all things are not equal in a system that has been deliberately constructed and maintained to enforce racial segregation. The remedy for such segregation may be administratively awkward, inconvenient, and even bizarre in some situations and may impose burdens on some; but all awkwardness and inconvenience cannot be avoided in the interim period when remedial adjustments are being made to eliminate the dual school systems." *Swann* v. *Charlottee-Mecklenburg Board of Education,* 402 U.S. 1, 28 (1971).

As Chief Justice Burger observed in *Swann, supra,* at 30, busing is one "remedial technique . . . within [the] court's power to provide equitable relief . . ." in a case of constitutional injury to school children.

"[W]e find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. Desegregation plans cannot be limited to the walk-in school." *Ibid.*

Other techniques include teacher transfers, majority-minority "free" student transfers, rezoning (gerrymandered or "satellite" or both), pairing, and new school construction. Courts order busing in combination with other techniques.

"The scope of permissible transportation of students as an *implement of a remedial decree* has never been defined by this Court and by the very nature of the problem it cannot be defined with precision. No rigid guidelines as to student transportation can be given for application to the infinite variety of problems presented in thousands of situations." *Swann, supra,* at 29 (emphasis added).

That busing may be found to be an *indispensable* ingredient for effective and speedy desegregation is illustrated by *North Carolina State Board of Education v. Swann,* 402 U.S. 43 (1971), in which the Court unanimously struck down as unconstitutional North Carolina's Anti-busing Law. The state law "operate[d] to hinder vindication of federal constitutional guarantees." *Id.* at 45. Chief Justice Burger observed:

"The legislation before us flatly forbids assignment of any student on account of race or for the purpose of creating a racial balance or ratio in the schools. The prohibition is absolute, and it would inescapably operate to obstruct the remedies granted by the District Court in the *Swann* case." *Id.*

Busing plans are therefore appropriate ingredients of effective remedies by which unconstitutional segregation can be eliminated root and branch, speedily, and effectively. In some cases, effective relief may be found to be impossible without busing. With this in mind, we turn to an analysis of the proposed Student Transportation Moratorium Act of 1972. The bill would operate to stay the implementation of any court-ordered busing plan, notwithstanding the district court's proper jurisdiction, its findings of unconstitutional state action, and its determination that busing is an appropriate ingredient of the action required to achieve the effective desegregation required by the Constitution.

B. Irreparable harm in further delay

As we have already pointed out, constitutionality of the Moratorium Bill would depend on whether it could be clearly demonstrated that the moratorium was needed to enable Congress to enact the contemplated remedial legislation, and that in the remedial legislation Congress intended to protect and enforce rather than to limit the Fourteenth Amendment rights involved, and to provide at least equally effective remedies for their impairment.

It would be difficult to demonstrate that a moratorium is necessary in order to allow Congress calmly, and with deliberation, to fashion appropriate subsequent legislation. The question is one of jurisdictional fact and would be subject to review by the courts. *Sterling v. Constantin,* 287 U.S. 378, 403 (1932) (Hughes, C.J.); *Ng Fung Ho v. White,* 259 U.S. 276 (1922). Since Congress—without a moratorium— is now considering substantive legislation in a "very calm, very deliberate, very unemotional" atmosphere (Remarks of Cong. McClory, Apr. 13, 1972 at 1412), a moratorium appears unnecessary. As HEW Secretary Richardson acknowledged, "the deliberations of this committee fully deserve the characterization [Congressman McClory has] given them." *Id.* at 1413.

Nor may it be argued that because seventeen years have already passed since the Supreme Court issued its opinion in *Brown v. Board of Education,* 349 U.S. 294, 301 (1955) (*Brown II*), Congress may now delay effective relief for an additional year. That argument fails because it does not take into account the long line of Supreme Court cases holding not only that the Fourteenth Amendment requires effective remedies to eliminate racial segregation in the public schools, but also that delays in the implementation of effective means are now intolerable. Delays are intolerable because the constitutional injury of segregation inflicted upon school children is "devastating [and] often irreparable. . . ." *Dandridge v. Jefferson Parish School Board,* 404 U.S. 1219, 1220 (1971) (Justice Marshall, in chambers). "[T]he rights of school children to schooling under nondiscriminatory and constitutional conditions cannot be recaptured for any school semester lived under discrimination practices. Nor can any court thereafter devise an effective remedial measure." *Kelley v. Metropolitan County Board of Education,* 436 F. 2d 856, 862 (6th Cir. 1970).

Eighteen years ago, the novelty of the decision in *Brown v. Board of Education of Topeka,* 347 U.S. 483 (1954), and the anticipated difficulty and complexity of fashioning appropriate relief led the Supreme Court to order something less than immediate results. The Supreme Court ordered "all deliberate speed" in desegregation but required school districts to make a "prompt and reasonable start toward full compliance," holding that: "The burden rests upon the defendants to establish that [additional] time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date." *Brown v. Board of Education of Topeka,* 349 U.S. 297, 300 (1955) (*Brown II*).

The "deliberate speed" time factor established by *Brown II* was allowed to stand for nearly a decade. In 1963, in *Goss v. Board of Education of Knoxville,* 373 U.S. 683, 689, the Supreme Court referred to the "deliberate speed" language of *Brown II* and observed. "[E]ight years after this decree was rendered and over nine years after the first *Brown* decision, the context in which we must interpret and apply this language to plans for desegregation has been significantly altered." In 1964, in *Griffin v. County School Board of Prince Edward County,* 377 U.S. 218, the Court observed at 234: "The time for mere 'deliberate speed' has run out, and that phrase can no longer justify denying these Prince Edward County school children their constitutional rights to an education equal to that afforded by the public schools in the other parts of Virginia." *See Calhoun v. Latimer,* 377 U.S. 263, 264 (1964), remanding for further consideration a desegregation plan adopted by the Atlanta Board of Education in 1964, on the basis of petitioners' assertion that it would not achieve desegregation "until sometime in the 1970's."

Footnotes at end of article.

By 1968, in the *Green* case, delay for purposes of allowing "freedom of choice" a chance to work had become constitutionally intolerable. The Court found (391 U.S. at 438–39):

"[A] plan that at this late date fails to provide meaningful assurance of prompt and effective disestablishment of a dual system is . . . intolerable. . . . The burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work *now*." (Emphasis in original.)

Conceding that "freedom of choice" might in some circumstances put an end to desegregation, the Court nevertheless said (391 U.S. at 441):

"[I]f there are reasonably available other ways, such for illustration as zoning, promising *speedier* and *more effective* conversion to a unitary, nonracial school system, 'freedom of choice' must be held unacceptable." (Emphasis added.)

The test established by *Green* was effectiveness, and the Court made it clear that a critical element of effectiveness is speed.

The immediacy of the relief required by the Fourteenth Amendment was firmly established in 1969. On August 21 of that year, the Justice Department moved the Fifth Circuit to allow more time for desegregation of the Holmes County, Mississippi, public schools. The private plaintiffs applied to Justice Black for a stay of the Fifth Circuit's decision granting the motion. Mr. Justice Black denied the stay, but he invited the applicants to present the issue to the full Court at the earliest possible opportunity and he wrote:

"[T]here is no longer the slightest excuse, reason or justification for further postponement of the time when every public school system in the United States will be a unitary one, receiving and teaching students without discrimination on the basis of their race or color." *Alexander v. Holmes County Board of Education*, 396 U.S. 1218, 1220 (1969) (Black, Circuit Justice, in Chambers).

"I would . . . hold that there are no longer any justiciable issues in the question of making effective not only promptly but at once—*now*—orders sufficient to vindicate the rights of any pupil in the United States who is effectively excluded from a public school because of his race or color.

"It has been 15 years since we declared in *Brown I* that a law which prevents a child from going to a public school because of his color violates the Equal Protection Clause. As this record conclusively shows, there are many places still in this country where the schools are either 'white' or 'negro' and not just schools for all children as the Constitution requires. In my opinion there is no reason why such a wholesale deprivation of constitutional rights should be tolerated another minute." *Id.* at 1222.

Two months later, in October, 1969, the full Court per curiam followed Justice Black's lead and held:

"[T]he Court of Appeals should have denied all motions for additional time because continued operation of segregated schools under a standard of allowing 'all deliberate speed' for desegregation is no longer *constitutionally permissible*. Under explicit holdings of this Court, the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools." *Alexander v. Holmes County Board of Education*, 396 U.S. 19, 20 (emphasis added).

Thereafter, the United States Court of Appeals for the Fifth Circuit, in *Singleton v. Jackson Municipal Separate School District*, 419 F. 2d 1211, 1216 (1969), conceded that the *Alexander* opinion "shift[ed] the burden from the standpoint of time for converting to unitary school systems." In language very significant for Congress' consideration of the present proposal for a Moratorium, the Fifth Circuit observed:

"The shift is from a status of litigation to one of unitary operation pending litigation. The new modus operandi is to require immediate operation as unitary systems. Suggested modifications to unitary plans are not to delay implementation. Hearings on requested changes in unitary operating plans may be in order but no delay in conversion may ensue because of the need for modification or hearing." *Id.*

The Fifth Circuit nevertheless did allow, in the twelve consolidated cases before it, a one-semester delay in the implementation of pupil transfer plans because the order came in the middle of a school year, Plaintiffs went back to the Supreme Court. There, under the name of *Carter v. West Feliciana Parish School Board*, 396 U.S. 290, decided January 14, 1970, the Court held per curiam that even a one-semester deferral of student desegregation misconstrued the immediacy required by its holding in *Alexander*.

Justices White and Harlan, concurring, offered as a yardstick "the conclusion that in no event should the time from the finding of noncompliance with the requirements of the *Green* case to the time of the actual operative effect of the relief, including the time for judicial approval and review, exceed a period of approximately eight weeks. This, I think, is indeed the 'maximum' timetable established by the Court today for cases of this kind." 396 U.S. at 293. Justices Black, Douglas, Brennan and Marshall, however, disassociated themselves even from the eight-week timetable, because they believed "that those views retreat from our holding in *Alexander* . . . ." *Ibid.*

See also Dowell v. Board of Education of Oklahoma City Public Schools, 396 U.S. 269 (1969), reversing an order of the Tenth Circuit staying implementation of a desegregation plan: "[T]he Court of Appeals should have permitted [the plan's] implementation pending argument and decision of the appeal." 396 U.S. at 271.

It is clear from the foregoing that in school desegregation cases, the Fourteenth Amendment requires effective relief; that "effective relief" means immediate relief; and that the courts may not permit delays in the implementation of effective relief, because delays continue irreparable, constitutional injury to the school children involved. In cases where federal courts find that busing orders are necessary to provide effective relief for denials of equal protection found to have occurred, every day of the pendency of a moratorium enacted by Congress would inflict further constitutional harm on the school children involved.

School boards thus may not delay implementation of school desegregation plans that promise to work "now." *Griffin, Green, Alexander, supra*. State legislatures and governors may not hamper the implementation of effective remedies, whether by anti-busing statutes, *North Carolina State Board of Education v. Swann*, 402 U.S. 43 (1971) [14] or by other kinds of delay and interference with court-ordered desegregation. *Griffin v. County School Board of Prince Edward County*, 377 U.S. 218 (1964); *Cooper v. Aaron*, 358 U.S. 1 (1958). Congress has no less stringent constitutional responsibilities in this regard than any state agency.

Yet, if Congress were to enact the Student Transportation Moratorium Act of 1972, it would be implicating itself in exactly the kind of delaying activity prohibited for school boards, state legislatures and governors. The Moratorium would be the direct cause of continuing denial of equal protection where a constitutional violation has already been found and where busing has been decreed a necessary part of the effective remedy. In short, by staying implementation of an effective remedy, Congress would be acting in aid of racial discrimination and therefore in violation of the due process clause of the Fifth Amendment. *Bolling v. Sharpe*, 347 U.S. 497 (1954); *Gautreaux v. Romney*, 448 F. 2d 740 (7th Cir. 1970). *See Green v. Kennedy*, 309 F. Supp. 1127, 1136 (D.C. C.C. 1969), *dismissed for want of jurisdiction sub nom. Coit v. Green*, 400 U.S. 986 (1971). *Cf. Battaglia v. General Motors Corp.*, 169 F. 2d, 254, 257 (2d Cir.), *cert. denied* 335 U.S. 887 (1948).

Moreover, in light of the stay provisions of the recently enacted Education Amendments of 1972, 86 Stat. 235 (June 23, 1972), a moratorium becomes unnecessary and even more difficult to justify. Under the stay provisions, busing orders issued by lower courts are automatically stayed pending appeal.[15] Thus any errors by lower courts in ordering busing when such busing is not warranted by law may be corrected through the normal judicial process.

C. Section 5 of the 14th amendment

The proposed Moratorium is not made lawful by Section 5 of the Fourteenth Amendment, which authorizes Congress "to enforce, by appropriate legislation," the equal protection guarantee.

In the first place, the Moratorium Act, on its face, does not purport to enforce the guarantees of the Fourteenth Amendment. The statement of purposes of the Act mentions the Amendment only in noting that courts are likely to require implementation of desegregation plans "that impose a greater obligation than required by the Fourteenth Amendment. . . ." Section 2(a)(5). And, since the Act does no more than stay execution of busing orders for a time, it is plainly not itself an expression of equal protection standards or means for their enforcement. The intent of the Moratorium is not to enforce the guarantees of the Amendment, but rather to protect interests not protected but perhaps threatened by the Amendment from injury by allegedly overzealous enforcement of the Amendment's guarantees.[16]

In the second place, even assuming that the Moratorium Act can reasonably be viewed as an effort by Congress to enforce what it believes to be the command of the Fourteenth Amendment, it can find no support in Section 5.

Those who would base the Act on Section 5 rest their argument on the Supreme Court's opinion in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), which upheld Congress' power under Section 5 to prohibit enforcement of a State literacy requirement. The argument for the Moratorium is that under Section 5 Congress may conclude that the Fourteenth Amendment does not require busing, even though the courts, in the absence of congressional action, might have thought busing necessary to achieve constitutional guarantees. This argument is seriously flawed.

Section 5 is a remedial provision which, while authorizing Congress to *enforce* Fourteenth Amendment protections, does not empower Congress to define the scope of those protections. This was made clear in *Oregon* v. *Mitchell*, 400 U.S. 112 (1970), in which the Supreme Court struck down a provision of the Voting Rights Act Amendments of 1970 which lowered the minimum voting age in State and local elections from 21 to 18.

Three of the nine Justices had maintained that Congress was empowered by Section 5 to determine that denial of the franchise to persons between the ages of 18 and 21 was a denial of equal protection, regardless of whether the courts could so find absent such a statute. But the Supreme Court rejected that view. Justice Stewart, in an opinion joined by Chief Justice Burger and Justice Blackmun, expressly rejected the notion that Congress had the power "to determine as a matter of substantive constitutional law

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Footnotes at end of article.

what situations fall within the ambit of the [Equal Protection] clause, and what state interests are 'compelling.'" 400 U.S. at 296.

Justice Harlan, in his separate opinion, reasoned as follows:

"In Article V, the Framers expressed the view that the political restraints on Congress alone were an insufficient control over the process of constitution making. The concurrence of two-thirds of each House and of three-fourths of the States was needed for the political check to be adequate. To allow a simple majority of Congress to have final say on matters of constitutional interpretation is therefore fundamentally out of keeping with the constitutional structure. Nor is that structure adequately protected by a requirement that the judiciary be able to perceive a basis for the congressional interpretation. . . ." 400 U.S. at 205.

Furthermore, whatever the force of Section 5 in Congress' relations with the states, that Section does not augment Congress' power vis-a-vis the federal courts. The history of Section 5 plainly demonstrates that its purpose was simply to enable "Congress, in case the States shall enact laws in conflict with the principles of the amendment, to correct that legislation by a formal congressional enactment." Remarks of Senator Howard, who reported the Amendment to the Senate from the Joint Committee on Reconstruction, *Cong. Globe*, 39th Cong., 1st Sess., 2766, 2768 (1866). That Section 5 was not intended to give Congress greater power than the federal courts to define constitutional rights is unequivocally demonstrated by the history of Section 1 of the Fourteenth Amendment. The first draft of that Section provided that "Congress shall have power to make all laws . . . to secure . . . to all persons . . . equal protection. . . ." This draft was rejected in large part because it failed to entrench the stated guarantees against a future unsympathetic Congress. *See* Burt, *Miranda and Title II: A Morganatic Marriage,* 1969 Sup.Ct.Rev. 81, 92–93 (1969). Thus, the Amendment as adopted leaves the Courts with the last word in defining the rights protected by the Constitution.

The cases which have arisen under Section 5 reinforce the view that that Section concerns only questions of federalism—the Federal Government's relations with the states—not issues of checks and balances between Congress and the Federal Judiciary. In both *Morgan* and *Oregon* the issue was whether Congress had the power to find state laws unconstitutional where the courts had made no decision. In neither case was there a question of whether Congress could override an inconsistent determination by a federal court. The early cases, too, focused on the relations between Congress and the states and stressed the requirement that the object of legislation under Section 5 be to uphold the rights protected by the Amendment against State action. *See Ex parte Virginia,* 100 U.S. 339 (1879); *Virginia v. Rivers,* 100 U.S. 313 (1879); *Strauder v. West Virginia,* 100 U.S. 303 (1879). Some cases went so far as to strike down federal legislation where the court rejected the judgment of the Congress that the action at which the statutes were directed was violative of the Fourteenth Amendment. *Civil Rights Cases,* 109 U.S. 3 (1883); *United States v. Harris,* 106 U.S. 629 (1882).

Moreover, regardless of the power of Congress to *extend* by its legislation the rights protected by the Fourteenth Amendment, it is not permitted by Section 5 to *limit* those rights. As the Court noted in *Morgan:*

"§ 5 does not grant Congress power to exercise discretion in the other direction and to enact statutes so as in effect to dilute equal protection and due process decisions of the Court." We emphasize that Congress' power under § 5 is limited to adopting measures to enforce the guarantees of the Amendment; § 5 grants Congress no power to restrict, abrogate, or dilute these guarantees. Thus, for example, an enactment authorizing the States to establish racially segregated systems of education would not be—as required by § 5—a measure 'to enforce' the Equal Protection Clause since that clause of its own force prohibits such state laws." 384 U.S. at 651 n. 10.

See also Oregon v. *Mitchell,* 400 U.S. 112, 128–29 (1970) (Black, J.).

Any other reading of Section 5 would conflict with the congressional purpose to secure Equal Protection Guarantees against a hostile Congress. Indeed, to read Section 5 as permitting restrictions of Equal Protection Rights would be to ignore the command of the Fifth Amendment that the federal government, including the Congress, as well as the States, is bound by the Equal Protection Clause. *Morgan* itself recognized this and made it perfectly clear that the lawfulness under the Equal Protection Clause of a congressional enactment is to be tested by the courts, even if the enactment purports to "enforce" the Clause under Section 5. 384 U.S. at 656.

To read Section 5 as authorizing only extensions of Fourteenth Amendment guarantees, and not restrictions of those guarantees, not only accords with the language of *Morgan* and the command of the Fifth Amendment, it also makes good sense in our constitutional scheme. As former Solicitor General Archibald Cox has noted:

"There is no a priori reason for linking power to expand constitutional safeguards with power to dilute them. One can assert without logical fallacy that, since the chief function of the Supreme Court is to protect human rights, it should never defer to any legislative determination which restricts those rights without making its own investigation and characterization of the interest affected, even though it welcomes any legislative determination that extends human rights and is subject to challenge only as an unconstitutional extension of federal power at the expense of the States." Cox, *The Role of Congress in Constitutional Determinations,* 40 U. Cinn. L. Rev. 199, 253 (1971).

In sum, nothing in Section 5 or in the *Morgan* case justifies congressional interference with constitutional decisions of the federal courts. Perhaps, as Professor Cox has suggested, Congress could revamp America's educational system in a way which would comply with equal protection guarantees and render unnecessary certain court-ordered remedies such as busing. But until that revamping is an accomplished fact, where federal courts have found busing necessary to achieve compliance with the constitutional command, Congress may not—under the guise of "enforcing" the Equal Protection Clause—simply prevent the enforcement or execution of the Court's order.

CONCLUSION

It is our view that the proposed Moratorium and Equal Opportunities Bills are unconstitutional. They infringe on the Judicial Branch in violation of Article III of the Constitution. If the Bills were redrawn in the guise of jurisdictional statutes, they would still be unconstitutional because the courts have held that segregated schools cause irreparable injury, which, under certain circumstances, can only be remedied by some constitutionally required busing. Congress, it is true, has power under Section 5 of the Fourteenth Amendment to implement and enforce that Amendment; and Congress could enact a pervasive, regulatory scheme to deal with the problem of school segregation, which scheme would not run afoul of the Fourteenth Amendment if the courts found that all congressional remedies were adequate to protect constitutional rights. But where federal courts have found busing necessary to achieve compliance with the constitutional command, Congress may not—in the guise of "enforcing" the Equal Protection Clause—simply prevent the enforcement or execution of the court's order.

FOOTNOTES

[1] *E.g.,* Testimony of HEW Secretary Richardson (Apr. 13, 1972) at 1372, 1382, 1420 (hereinafter cited as "Richardson Testimony"). Testimony of Acting Attorney General Kleindienst (Apr. 12, 1972) at 1279–80, 1284 (hereinafter cited as "Kleindienst Testimony").

[2] The only Supreme Court decision dealing with a legislative moratorium on judicial action is *Home Building & Loan Ass'n v. Blaisdell,* 290 U.S. 398 (1934), which sustained a Minnesota statute allowing courts to extend the redemption period of mortgages and thus postpone judicial foreclosure, but did so on the ground that the mortgage contract was inherently subject to modification by state law so that the constitutional ban on impairing the obligation of contracts had not been violated. The case is no precedent for a moratorium which by definition postpones the only relief a court finds effective for the adjudicated impairment of a constitutional right.

[3] Kleindienst Testimony at 1261–62.

[4] For example, Professor Goebel in his definitive work, *The Oliver Wendell Holmes Devise History of the Supreme Court of the United States: Antecedents and Beginnings to 1801* (P. Freund, ed. 1971), concludes at 243, n. 228, that the Constitution "robbed Congress of discretion whether or not to create inferior [federal] courts and left only discretion as to what courts were to be set up and to make changes." *See also id.* at 246–47; *Eisentrager v. Forrestal,* 174 F. 2d 961, 965–66 (D.C. Cir. 1949) (Prettyman, J.), *rev'd on other grounds, sub nom. Johnson v. Eisentrager,* 339 U.S. 763 (1950).

[5] 29 U.S.C. § 107 provides: "No court of the United States shall have jurisdiction to issue a temporary or permanent injunction in any case involving or growing out of a labor dispute, as defined in this chapter, except after hearing the testimony of witnesses in open court (with opportunity for cross-examination) in support of the allegations of a complaint made under oath, and testimony in opposition thereto, if offered, and except after findings of fact by the court, to the effect—" [the statute here requires a showing of substantial injury, no adequate remedy at law, etc.]

[6] 28 U.S.C. § 2283 provides: "A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments."

[7] *See also Oesterlich v. Selective Service Board,* 393 U.S. 233, 243–44 (1968), where Mr. Justice Harlan, concurring, notes that if § 10(b) (3) of the Military Selective Service Act of 1967—which limits the courts' jurisdiction to review selective service cases—were interpreted to preclude the opportunity to raise a constitutional issue in a competent forum, the statute would raise "serious constitutional problems." *See also id.* at 243, n.6.

[8] Even after this statute was enacted, the Supreme Court still had original habeas corpus jurisdiction as well as power to review lower court habeas corpus decisions by writ of certiorari. *Ex parte Yerger,* 75 U.S. (8 Wall.) 85 (1868); *cf. Ex parte McCardle,* 74 U.S. (7 Wall.) at 515.

[9] *See also* the great deal of respectable authority holding that there could be no legislative meddling with the Supreme Court's appellate jurisdiction except for a narrow regulation of minor housekeeping items. So concludes Goebel, *The Oliver Wendell Holmes Devise History of the Supreme Court of the United States: Antecedents and Beginnings to 1801* (P. Freund, ed. 1971) at 240 ("exceptions clause" in Article III grants of appellate

jurisdiction must be interpreted in light of contemporary state practice in which "regulations had been confined largely to such details as setting appealable minima or periods of limitation, and 'exceptions' of certain proceedings where neither error nor certiorari has been traditionally available."); *see also* Merry, *Scope of the Supreme Court's Appellate Jurisdiction: Historical Basis,* 47 Minn. L. Rev. 53 (1962).

[10] Note (a) to 2 U.S. (2 Dall. at 410 explains:

"As the reasons assigned by the judges, for declining to execute the first act of Congress, involve a great constitutional question, it will not be thought improper to subjoin them, in illustration of Hayburn's case."

[11] The decisions reported in the margin of *Hayburn's Case* have been approved and relied on as a correct interpretation of the Constitution in subsequent cases, including, *e.g., Muskrat* v. *United States,* 219 U.S. 346, 352–53 (1911), and *United States* v. *Ferreira,* 54 U.S. (13 How.) 40 (1852) (Taney, J.) (see especially *id.* at 52–53—"Note by the Chief Justice, Inserted by Order of the Court").

[12] *Cf. Sterling v. Constantin,* 287 U.S. 378, 403 (1932) (Hughes, C.J.): "If the matter is one of judicial cognizance, it is because of an alleged invasion of a right, and the judicial power necessarily extends to the granting of the relief found to be appropriate according to the circumstances of the case."

[13] *Swann v. Charlotte-Mecklenburg Board of Education,* 402 U.S. 1, 16 (1971); *Deal v. Cincinnati Board of Education,* 369 F.2d 55, 62 (6th Cir. 1966); *Bell v. School City of Gary,* 324 F.2d 209 (7th Cir. 1963), *cert. denied* 377 U.S. 924 (1964); *U.S. v. School District 151 of Cook County, Illinois,* 286 F. Supp. 786, 797 (N.D. Ill. 1968); *aff'd* 404 F.2d 1125 (1968); *Taylor v. Board of Education of City of New Rochelle,* 191 F. Supp. 181, 182–83 (S.D.N.Y. 1961), *aff'd* 294 F.2d 36 (2d Cir. 1961), *cert. denied* 368 U.S. 940 (1961).

[14] In this case a unanimous court, speaking through Mr. Chief Justice Burger, struck down a North Carolina statute banning involuntary busing.

[15] Section 803, 86 Stat. 372, provides:

"Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired. This section shall expire at midnight on January 1, 1974."

[16] Indeed, far from *enforcing* the provisions of the Fourteenth Amendment, the Act—by encouraging delay, resistance, and intransigence to constitutionally required desegregation—may involve the Federal Government in unconstitutional denials of equal protection. As the Supreme Court held in *Reitman v. Mulkey,* 387 U.S. 369 (1967), even government action which is otherwise permissible may be unconstitutional if, after examination of its "immediate objective," its "ultimate effect" and its "historical context and the conditions existing prior to its enactment," it appears that the action "encourages" discrimination.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Fish) and to revise and extend their remarks and include extraneous matter:)

Mr. Hansen of Idaho, for 30 minutes, today.

Mr. McDade, for 5 minutes, today.

Mr. Edwards of Alabama, for 5 minutes, today.

Mr. Harvey, for 15 minutes, today.

(The following Members (at the request of Mr. Corman) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 5 minutes, today.

Mr. Aspin, for 5 minutes, today.

Mr. Harrington, for 5 minutes, today.

Mr. Metcalfe, for 5 minutes, today.

Mr. Patman, for 5 minutes, today.

Mr. Danielson, for 5 minutes, today.

Mr. Dent, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Roush, during debate on H.R. 16029, and to include certain charts, tables, and other extraneous matter.

Mr. Diggs, notwithstanding it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $1,900.

Mr. Aspinall, to extend his remarks following concurrence with Senate amendments to H.R. 14106 and H.R. 9545.

Mr. Celler, notwithstanding it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $892.50.

Mr. Dellums and to include extraneous matter with remarks made in the committee on H.R. 16029.

(The following Members (at the request of Mr. Fish) and to revise and extend their remarks and include additional matter:)

Mr. Scherle.

Mr. Thompson of Georgia.

Mr. Bell.

Mr. Hansen of Idaho.

Mr. Wyman in two instances.

Mr. Collins of Texas in two instances.

Mr. Springer in three instances.

Mr. Steiger of Arizona.

Mr. Wiggins.

Mr. McClory.

Mr. Whitehurst.

(The following Members (at the request of Mr. Corman) and to revise and extend their remarks and include additional matter:)

Mr. Edwards of California.

Mr. Murphy of New York.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Hanna in two instances.

Mr. Badillo in three instances.

Mr. Brooks.

Mr. Rangel.

Mr. Anderson of California in two instances.

Mr. Galifianakis.

Mr. Patten.

Mr. Pike.

Mr. Mahon.

Mr. Dow.

Mr. Rodino.

Mr. Harrington in two instances.

Mr. Eckhardt.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1729. An act to increase the supply of railroad rolling stock and to improve its utilization to meet the needs of commerce, users, shippers, national defense, and the consuming public; to the committee on Interstate and Foreign Commerce.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2499. An act to provide for the striking of medals commemorating the 175th anniversary of the launching of the U.S. frigate *Constellation;* and

S. 3645. An act to further amend the U.S. Information and Educational Exchange Act of 1948.

ADJOURNMENT

Mr. CORMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Wednesday, August 9, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2234. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report on the amount of Export-Import Bank loans, insurance, and guarantees issued in February–June 1972, in connection with U.S. exports to Yugoslavia, pursuant to the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

2235. A letter from the Deputy Assistant Secretary of the Interior, transmitting a report for the 6 months ended June 30, 1972, on Geological Survey examinations conducted in areas outside the national domain, pursuant to 43 U.S.C. 31(c); to the Committee on Interior and Insular Affairs.

2236. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of June 30, 1972, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

2237. A letter from the Chairman, Commission on Highway Beautification, transmitting an interim report of the Commission, pursuant to section 123 of the Federal-Aid Highway Act of 1970 (Public Law 91–605); to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

2238. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released in July 1972, by the General Accounting Office, pursuant to section 234 of the Legislative Reorganization Act of 1970 (Public Law 91–510); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EVINS of Tennessee: Select Committee on Small Business. Report on the concentration by competing raw fuel industries in the energy market and its impact on small business, volume 2, Tennessee Valley area (Rept. No. 92–1313). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRASER: Committee on Foreign Affairs. House Joint Resolution 1211. Joint resolution to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission. (Rept. No. 92–1314). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL: Committee on Rules. House Resolution 1084. Resolution providing for the consideration of H.R. 15375, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973. (Rept. No. 92–1315). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 1085. Resolution providing for the consideration of H.R. 15927, a bill to amend the Railroad Retirement Act of 1937 to provide a temporary 20 percent increase in annuities, and for other purposes. (Rept. No. 92–1316). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 1086. Resolution providing for the consideration of S. 3824, an act to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities. (Rept. No. 92–1317). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BELL (for himself, Mr. Corman, Mr. Waldie, Mr. Danielson, Mr. Boland, Mr. Bob Wilson, Mr. Derwinski, Mr. Frenzel, Mr. Winn, Mr. Halpern, Mr. Mailliard, Mr. Hanna, and Mr. Anderson of California):

H.R. 16231. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, to create the bicentennial film program; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho:

H.R. 16232. A bill to amend the Manpower Development and Training Act of 1962 to provide financial assistance for special manpower training and employment program for criminal offenders and for persons charged with crimes, and for other purposes; to the Committee on Education and Labor.

By Mr. BIAGGI (for himself, Mr. Terry, Mr. Fisher, Mr. Bray, Mr. Stratton, Mr. Pirnie, Mr. Clancy, Mr. Lennon, Mr. Hagan, Mr. Daniel of Virginia, Mr. Montgomery, and Mr. Powell):

H.R. 16233. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and for other purposes; to the Committee on Armed Services.

By Mr. CELLER (for himself and Mr. McCulloch):

H.R. 16234. A bill to amend Section 215, title 18, United States Code, Receipt of Commissions or Gifts for Procuring Loans, to expand the institutions covered; to encompass indirect payments to bank officials; to make violation of the section a felony; and to specifically include offerors and givers of the proscribed payments; and for other related purposes; to the Committee on the Judiciary.

By Mr. DANIELS of New Jersey:

H.R. 16235. A bill to provide financial assistance to the States for improved educational services for handicapped children; to the Committee on Education and Labor.

By Mr. DOW:

H.R. 16236. A bill to protect confidential sources of the news media; to the Committee on the Judiciary.

H.R. 16237. A bill to amend title 38 of the United States Code to prevent loss of veteran compensation and pension benefits as a result of increases in social security benefit payments under Public Law 92–336; to the Committee on Veterans' Affairs.

By Mr. GONZALEZ:

H.R. 16238. A bill to provide financial assistance to the States for improved educational services for handicapped children; to the Committe on Education and Labor.

H.R. 16239. A bill to amend the Education of the Handicapped Act to provide for improved opportunities for handicapped persons, and for other purposes; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 16240. A bill to provide a program of pollution control in the river basins and waterways of the United States through comprehensive planning and financial assistance to local governments and regional water basin management associations for the construction of waste treatment facilities; to the Committee on Public Works.

By Mr. HARRINGTON:

H.R. 16241. A bill to authorize the Secretary of Labor to provide financial and other assistance to certain workers and small business firms to assist compliance with State or Federal pollution abatement requirements; to the Committee on Banking and Currency.

H.R. 16242. A bill to establish a New England Regional Power and Environmental Protection Agency for the purpose of assuring adequate and reliable low-cost electric power to the people of New England, protecting and enhancing the environment, and providing a vehicle for research and development programs; to the Committee on Interstate and Foreign Commerce.

By Mr. HARVEY:

H.R. 16243. A bill to provide that the determination of a State "off" indicator for purposes of the emergency and extended unemployment compensation benefit programs shall be made on the basis of whether the unemployment rate in each county in that State has fallen below the level prescribed for that State "off" indicator; to the Committee on Ways and Means.

By Mr. KEMP:

H.R. 16244. A bill to provide additional relief to the victims of Hurricane and tropical storm Agnes, and to the victims of the South Dakota flood disaster, and for other purposes; to the Committee on Banking and Currency.

By Mr. MOSS (for himself, Mr. Eckhardt, Mr. Carney, Mr. Broyhill of North Carolina, and Mr. Ware):

H.R. 16245. A bill to regulate commerce to protect health and the environment against toxic chemical substances; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN:

H.R. 16246. A bill to prescribe procedures with respect to the disclosure of financial information by financial institutions concerning their clients, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROE:

H.R. 16247. A bill to provide for the striking of medals in commemoration of the 500th anniversary of the birth of Nicolaus Copernicus (Mikolaj Kopernik), the founder of modern astronomy; to the Committee on Banking and Currency.

H.R. 16248. A bill to provide for the issuance of a commemorative postage stamp in commemoration of the 500th anniversary of the birth of Nicolaus Copernicus (Mikolaj Kopernik), the founder of modern astronomy; to the Committee on Post Office and Civil Service.

By Mr. SCHNEEBELI (for himself and Mr. Green of Pennsylvania):

H.R. 16249. A bill to amend the Internal Revenue Code of 1954 to provide a special rule for industrial development bonds issued for reconstruction of certain disaster area losses; to the Committee on Ways and Means.

By Mr. THOMPSON of Georgia:

H.R. 16250. A bill to amend chapter 23 of title 38, United States Code, in order to authorize the Administrator of Veterans' Affairs to provide, under certain circumstances, a casket or urn for the burial of certain eligible veterans; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas:

H.J. Res. 1277. Joint resolution to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, to extend under certain circumstances, the expiration date specified in a power of attorney executed by a member of the armed forces who is in a missing status; to the Committee on Veterans' Affairs.

By Mr. GUDE:

H. Con. Res. 680. Concurrent resolution calling on the President to seek an international agreement prohibiting environmental warfare; to the Committee on Foreign Affairs.

By Mr. BROOKS:

H. Res. 1087. Resolution to provide for the printing of a committee print entitled "Court Proceedings and Actions of Vital Interest to the Congress"; to the Committee on House Administration.

By Mr. COLMER:

H. Res. 1088. Resolution authorizing the Speaker to recognize for motions to suspend the rules on Monday, August 14 and Friday, August 18, 1972; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Tennessee:

H.R. 16251. A bill to release the conditions in a deed with respect to certain property heretofore conveyed by the United States to the Columbia Military Academy and its successors; to the Committee on Armed Services.

By Mr. CRANE:

H.R. 16252. A bill for the relief of Jack T. Arnold; to the Committee on the Judiciary.

By Mr. REES:

H.R. 16253. A bill for the relief of Stephanie Kahn and Barbara Heyman; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

268. The SPEAKER presented petition of Richard W. Bowman, Graterford, Pa., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

OIL INDUSTRY CLAIMS "FISHY"

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. HARRINGTON. Mr. Speaker, recently, the oil industry has developed a new ploy to sell the development of offshore oil to the American people. They now claim that offshore oil rigs actually enhance commercial fishing operations.

Undoubtably, the oil industry is prepared to spend millions of dollars to promote this new idea. Evidence of this can be seen in the 27-minute film which was on the beneficial assets of oil rigs recently shown to congressional staff members.

But there is serious doubt that this claim is true. A report prepared for the Environmental Policy Center by Dr. Edward T. LaRoe, executive director of the Collier County Conservancy, who holds a Ph. D. in marine biology, disputes the oil industries' claim that oil rigs stimulate commercial fishing operations.

I recommend this report, which follows below, to those Members who are interested in the tremendous environmental questions raised by the possibility of massive offshore oil operations on all three coastlines.

The report follows:

REPORT FROM THE ENVIRONMENTAL POLICY CENTER

(By Dr. Edward T. LaRoe)

Representatives of several petroleum companies and the API have recently seized a new publicity ploy which they are emphasizing to an increasing extent. They are claiming that offshore oil rigs have actually increased fish production and fish yield or fish catch in the Gulf of Mexico. What started as a simple comment that offshore oil rigs attract fish has now been blown into a full-fledged claim that such rigs are actually increasing the fish population and fish catch. The claims have gotten more and more exaggerated as they have remained uncriticized during the past year until recently several people are suggesting a specific correlation between offshore rigs and fish yield. This claim was repeated by many persons at the Engineering Foundation Conference on Offshore Oil Technologies on July 2–7 in Berwick, Maine. Mr. Louis Rupp of Mobil Oil and Mr. Warren Marshall of Shell Oil, among others, both specifically commented that if one were to plot fish catch in the Gulf of Mexico for the past two decades and oil production or oil rigs in the Gulf of Mexico for the same period, that the curves would "exactly correspond."

Such claims are unfactual, unscientific and completely false and should be countered by precise information.

The problem is a very complex one and there are several aspects which need to be commented upon. First, a simple look at the fish catch statistics shows that the claims of direct correspondence or correlation between fish catch and petroleum production are simply not supported. It is true that fish catch in the Gulf has been high for the past two years but there has been no, definitely no, continuing trend or increase in catch for the past decade. As an exemple of the variations, the total fish catch for the Gulf of Mexico for 1965–69 has been:

[In billion pounds]

1965	1.46
1966	1.20
1967	1.18
1968	1.29
1969	1.61

Over the past 20 years there have been some large increases in fish catch from the Gulf of Mexico. The basic cause for this has been the introduction of a new fishery, the menhaden fishery which until the 1950's was primarily centered off the Atlantic Coast and during the 1950's primarily relocated to the Gulf Coast. Some petroleum personnel have had the temerity to suggest that the fishery relocated because the fish migrated from the Atlantic to the Gulf Coast due to the petroleum rigs in the Gulf States. This statement is simply untenable and without any scientific support.

In fact, the shift was made to the Gulf for economic reasons; the Atlantic menhaden fishery was simply overfished, became depleted and unprofitable and was simply not competitive with the newly discovered Peruvian anchovy fishery. The fishery then shifted to the Gulf. The Gulf menhaden had existed all along, and is in fact a different species of fish. The fishery relocated to this new, more competitive source—the fish did not translocate.

In addition to the change in species caught, which have accounted for the major change in the fish catch landings in the Gulf, there are several other explanations. During the 20-year period 1950–1970, a great many innovations have occurred in fishing. These have included newer and more technologically advanced gear, better designed nets, the use of planes as spotters for fish schools, the increased use of more sophisticated fish spotting and echo-location devices, etc. These were developed in conjunction with newer ships with better refrigeration and holding capabilities, with greater cruising distances, and spending longer times at sea. These have all contributed to the increased yield of fish in the Gulf.

The most important aspect, however, to the entire problem is not whether the fishing yield has increased but whether the yield per unit effort has increased. In fact there are more fishermen and more vessels now than there were in 1950 and a close examination of the statistics indicates that the catch per unit effort has decreased. With more people fishing, an increased market, and new species of fish being caught, one would certainly expect that the total fish catch would increase, but in reality the increased fish catch has not kept up with the increased fishing effort. Despite the increased effort, the increased number of fishermen, the new technologies, the new markets and the new species, the catch per unit effort has decreased over the past decade in the Gulf of Mexico.

One should also point out that the fish catch off Florida has increased even more greatly than the fish catch off Louisiana, and there are no oil wells off Florida. Indeed, beef production has increased over the last 20 years, as has color TV production. To correlate these with increased offshore oil production and imply a cause and effect relationship would be patently ridiculous. The spurious use of selected statistics by the petroleum industry to imply a causal relationship between the fish catch and Gulf oil production is just as ridiculous.

There is some possible truth, and I emphasize the word possible, to the claim that offshore oil rigs may increase sport fishing (as distinguished from commercial fish or total fish catch as the petroleum industry is now claiming). Certainly oil rigs do tend to concentrate some species of sport or recreationally valuable fish. The offshore rigs act in a manner similar to artificial reefs. But even the claim that this leads to increased sport catch is open to question. First, as direct evidence that these rigs have increased the sport fish catch, the petroleum industry recites the concomitant growth of the offshore oil industry and the sport fishing industry catch.

Again such statistics are not a scientifically valid method for proving correlation or cause and effect. It again should be pointed out that in the same period that sport fish catch has increased in Louisiana it has also increased in Florida, and again Florida has no offshore wells. To a large extent such an increase is largely a change in market values, increased leisure time, and again increased fishing pressure. Second, it cannot be denied that oil rigs do concentrate certain species of fish. It is uncertain however whether these concentrations are actually the result of increased fish productivity or whether they simply result from the same number of fish which have congregated in a few discreet locations.

Although oil rigs do attract or congregate certain species of fish, their effect on total fish production or productivity is still uncertain. Such factors as turbidity, disruption of habitat, damage by low level oil contamination, and disposal of waste, etc., do appear to reduce the plankton life and possibly the benthic organisms in the immediate vicinity of the rig. Thus oil platforms cause damage to the basic food chain.

In conclusion then, despite the clever use of chosen statistics, the oil companies have not and cannot show any increase in fish productivity caused by offshore oil rigs. In fact, over the past 20 years the catch per unit effort has decreased. Offshore wells or rigs have not been shown to cause any increase in total production although they do congregate selected species of a few types of recreational fish. This is possibly balanced by a reduction in lower forms of life which, while not directly exploitable, are necessary to the continued maintenance of the entire aquatic system.

TELEPHONE PRIVACY—XXXII

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. ASPIN. Mr. Speaker, I reintroduced the telephone privacy bill on May 10, 1972, with a total of 48 cosponsors.

This bill would give individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the name of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates or organizations, and opinion polltakers. Also not covered would be debt collection agencies or any other individual or companies with whom the individual has an existing contract or debt.

I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 30th sampling of these letters into the Record, since they describe far more vividly than I possibly could, the need for this legislation.

These letters follow—the names have been omitted:

Des Plaines, Ill., *July 31, 1972.*

Re Bill H.R. 14884.
Representative Les Aspin,
Washington, D.C.:

I am definitely in favor of this bill passing.

A phone should be for private conversations, not for pestering peddlers.

Thank you,

——— ———.

Palatene, Ill.,
July 14, 1972.

Dear Representative Aspin:

Please let it be known that I support bill H.R. 14884 which you have introduced. I strongly believe my privacy should not be continually interrupted by the "nuisance phone calls." Thank you.

——— ———.

Freeport, Ill.

Dear Sir: I woud like very much to urge the adoption of bill H.R. 14884. These nuisance calls are extremely irritating to our family. I heartily approve of your action in introducing H.R. 14884.

Sincerely,

——— ———.

Naperville, Ill., *July 18, 1972.*

Representative Les Aspin,
Racine, Wis.

Sir: I have recently learned that you and 48 co-sponsors have introduced a bill to prevent telephone nuisance calls.

I am indeed hopeful that your bill (H.R. 14884) is adopted, as having been one of thousands too frequently annoyed by solicitors.

Please add me to your list of supporters for this bill.

——— ———.

Westchester, Ill., *July 20, 1972.*

Honorable Sir: I strongly concur with others who are annoyed by promotional telephone calls regarding sale of resort property; you have my support of bill H.R. 14884.

Good Work!

Sincerely,

——— ———.

Arlington Heights, Ill.,
July 24, 1972.

Hon. Les Aspin,
U.S. Representative,
Madison, Wis.

My Dear Mr. Aspin: I read in the newspaper recently that you are co-sponsor of bill HR 14884 that would keep the nuisances off my telephone.

Telephone solicitation, particularly during dinner, is most annoying especially when I am paying the bill for private and personal use. I know the phone company tells us to hang up but that is against my up-bringing and I have already been disturbed or interrupted when I have to answer the phone. The solicitors are often very pushy and even rude. It doesn't seem fair to pay an extra charge for an unlisted phone in order to avoid this nuisance and I am told that system isn't fool-proof.

I wish you success in the adoption of this bill and I wish I could vote for you.

Sincerely,

——— ———.

Naperville, Ill.,
July 24, 1972.

Re H.R. 14884.
Hon. Les Aspin,
U.S. Representative,
House Office Building,
Washington, D.C.

Dear Sir: I am strongly in favor of adoption of H.R. 14884 to protect my privacy from the throng of telephone solicitors who constantly insist that we can't survive without their many products and properties. Their methods are a nuisance and an invasion of privacy.

——— ———.

THE 1968 CAMPAIGN ETHICS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 7, 1972

Mr. DERWINSKI. Mr. Speaker, in the last 2 weeks, the personality clashes and personal problems of the new Democratic Party leadership have dominated the news and, therefore, the issues on which the McGovernite party will try to bamboozle the public have been obscured.

I deem it most appropriate, therefore, to place in the Record a column by the distinguished international correspondent of the Copley Press, Dumitru Danielopol, which appeared in the San Diego, Calif., Union of July 22, which turns to precise statements of Senator McGovern, thus clearly establishing the issues of the campaign.

The article follows:

[From the San Diego (Calif.) Union, July 22, 1972]

1968 Campaign Ethics Regarding War Ignored

"A presidential campaign while delicate peace negotiations are in progress confronts our democratic system with a grave test. It demands of the candidates the utmost restraint, discretion and patriotism."

Richard Nixon made that statement four years ago when he was running for the presidency.

He refused to comment on Vietnam lest he jeopardize the peace talks President Johnson was pursuing in Paris.

"We can have only one president at a time," Mr. Nixon said.

He knew that if he offered anything that the Reds might believe to be a better deal, he would be encouraging the enemy to stall at Paris while American and Vietnamese lives continued to be lost.

"The negotiations could be tragically upset, our peace hopes dashed, by an ill-timed or incautious word," he said one week before the elections.

That attitude contrasts dramatically with the stance of the 1972 Democratic presidential candidate, Sen. George McGovern.

The senator says flatly that if elected he will halt all bombing on inauguration day and that within 90 days every American soldier and every American prisoner will . . . be back in America."

McGovern doesn't say how he will achieve this, though he has said he will go to Hanoi "and beg" if necessary.

Just how Americans and other nations would respond to the sight of a U.S. president "crawling" before Hanoi's cutthroats is something McGovern might ponder.

He also has promised to cut all aid to the Thieu regime and everyone else in Indochina. In other words, his plan is total surrender of that part of the world to Communist aggression.

Let's face it:

McGovern would quit cold, run home and throw our friends to the wolves.

"Let us choose life, not death (in Vietnam)," McGovern said in his acceptance speech. But he didn't mention that his plan would expose the people of South Vietnam to a massacre.

He has gotten this far catering to the war protesters, radical elements, hippies, the frustrated minorities and the pro-Communist groups in this country. He would carry out his program. His supporters would leave him no alternative.

Indeed at the 1971 congress in Colorado of the National Students' Association, the South Dakota senator signed a document called "people's peace treaty," concocted in Hanoi. It pledged unconditional surrender of South Vietnam.

McGovern has been changing his mind about a lot of things, but he hasn't repudiated that treaty.

LEE HAMILTON'S WASHINGTON REPORT TO INDIANA'S NINTH CONGRESSIONAL DISTRICT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the Record, I include the text of my Washington Report on rural development:

Washington Report of Congressman Lee Hamilton, July 31, 1972

Every poll I have taken of Ninth District residents, and hundreds of conversations I have had with them, demonstrates their intense preoccupation with the growth and revitalization of their communities. Few questions come to me more often than: "How can we attract new industry?", "How can we get more jobs in town?", or "How can we build a golf course . . . a fire house . . . a sewer system?"

These are not easy questions to answer, but the Congress is on the verge of passing legislation (the Rural Development Act of 1972), which responds to the growing concern over the deterioration of our rural areas. If used wisely, this legislation can help revitalize small communities.

While the nation's attention has been riveted on the problems of the cities, our rural areas have stagnated. Today, 60 percent of our inadequate housing is in rural America, and 14 million of this nation's poor live in rural areas. Some 30,000 small towns do not have public water systems, and more than 30,000 communities lack adequate sewage disposal systems. More than 130 rural communities are without a doctor, and, predictably, maternal deaths, infant mortality rates, and death and disability from accidents are higher in rural areas. In virtually every index of education, health, jobs, political power, and transportation, the people of rural America lag behind urban residents.

The problem is not a rural problem alone; it is a national problem. In 1920, the nation was equally divided between rural and urban residents. In the intervening years, rural residents have flooded the cities of America, leaving only 26 percent of the nation's population in the rural areas. As a result, our metropolitan areas have been reeling under massive overcrowding, traffic congestion, pollution, and deteriorating housing.

The concern of the Congress is to make rural life more attractive. National polls, showing that more than half of our citizens would rather live in a rural environment, offer encouragement, as do examples of prosperous rural communities across the nation.

The Rural Development Act is designed to enhance the quality of rural life by opening new avenues of assistance to rural business, to entice new industry, to help hard-pressed rural communities, and beleagured family farmers. The legislation is urgently needed, but even so, it is only a partial solution. The task of correcting years of neglect is so complex it cannot be solved with a single approach or a single program. It does answer some of the most immediate needs of our rural areas, however, and it concentrates on two primary objectives, jobs and community services:

1. Rural Loans. Administered by the Farmers Home Administration (FHA), development loans are provided for public, private, profit and non-profit projects to improve, develop, or finance business, industry and employment in rural areas. Loan guarantees are preferred over direct or insured loans.

2. Community Loans. Also administered by FHA, this program will provide loans for such community projects as community centers, industrial parks, firehouses and fire and emergency equipment.

3. Small Business Loans. An FHA program to provide loans to rural residents to acquire or establish small businesses.

4. Farm Operating Loans. Increases the ceiling on FHA farm operating loans from $35,000 to $50,000 and permits more young people, short of collateral, to enter farming. Loans will be insured to eliminate the dependence on Congressional appropriations and possible "freezing" of funds.

5. Water and Sewer. Increases annual authorizations for rural water and sewer programs from $100 million to $300 million and increases project grant ceilings from $15 million to $30 million.

6. Cost-Sharing. Permits cost-sharing on water development and pollution control projects.

Perhaps most significantly, the bill designates the Secretary of Agriculture to coordinate all federal rural development activities. This would help bring order into the federal programs, which in the past have been marked by duplication, lack of coordination, and inefficiency.

VIRGINIA DEMOCRATS SUPPORT NIXON

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. SPRINGER. Mr. Speaker, during the coming campaign which promises to be one of the most spirited in American history, there will probably be a lot of crossing of party lines and many of my colleagues will want to follow that closely.

Yesterday, 19 members of the Virginia General Assembly—18 Democrats and one Independent—were welcomed by President Nixon at the White House for supporting his reelection campaign.

It is not only those in the legislative body who came to Washington, but also many of those who have been of statewide prominence in the great State of Virginia who are supporting the President's reelection. This group is headed up by former Democratic Governor, Mills E. Godwin, Jr., who will head up the Virginia committee to reelect the President. This will include former National Democratic Committeeman Sidney S. Kellam, who directed President Johnson's 1964 campaign in Virginia, the only time a Democratic President has carried the State since 1948. He will be associated with former Lieutenant Governor, A. E. S. Stephens, of Smithfield.

There will be approximately 1,200 people in the State campaign advisory group which will include several other Democratic legislators and many city councilmen and members of the boards of supervisors.

The article follows:

NIXON GETS SUPPORT OF VIRGINIA DEMOCRATS

(By George M. Kelley)

RICHMOND, August 7.—Nineteen members of the Virginia General Assembly—18 Democrats and one independent—were personally thanked by President Nixon today for supporting his reelection campaign.

The trip to the White House and the special recognition for the Democrats came as the climax to a day in which more than 1,200 prominent civic, business, and political figures from across the state joined the Virginia campaign to reelect the President.

The names of the 1,200-plus—including about 400 from Northern Virginia—were made public at a morning press conference by former Democratic Gov. Mills E. Godwin, Jr. He said the names comprise the advisory committee he will head up for the Virginia Committee to Reelect the President.

Included in the massive array of names were such former "straight-ticket" Democrats as veteran Virginia Beach political leader Sidney S. Kellam (he directed President Johnson's 1964 campaign in Virginia, the only time Democrats have carried the state since 1948) and the former Lt. Gov. A. E. S. Stephens of Smithfield.

Godwin disclosed that he will recommend Kellam to former Treasury Secretary John B. Connally of Texas for the chairmanship of the Virginia Democrats for Nixon. Connally is leading the nationwide effort to align Democrats with the Nixon reelection effort.

The trek to the White House by 19 of Virginia's 140 legislators, accompanied by Godwin, began during the noon hour. Harry S. Dent, special counsel to the President, was host at a special luncheon and then Mr. Nixon spent about 15 minutes greeting the group.

"We are deeply appreciative of the indication of support in Virginia for the President's reelection," a statement from Dent's office said.

The President, Godwin said, expressed his pleasure over the early support he is getting in Virginia.

In the group at the White House were:

State Sens. Herbert Bateman of Newport News, Leslie D. Campbell of Hanover, Frederick T. Gray of Chesterfield, William F. Parkerson of Henrico, Paul W. Manns of Bowling Green, and Edward E. Willey of Richmond.

From the House of Delegates were Democratic Dels. Russell M. Carneal of Williamsburg, B. R. Middleton of Virginia Beach, William Dudley of Lynchburg, Calvin W. Fowler of Danville, Charles W. Gunn of Lexington, Walther B. Fidler of Sharps and George N. McMath of Onancock.

Also Edward E. Lane of Richmond, B. French Slaughter Jr. of Culpeper, W. Roy Smith of Petersburg, Robert B. Ball of Henrico, R. O. Reynolds of Chatham.

And Lacy Putney of Bedford, an independent.

In the party also were former Del. Thomas R. Glass of Lynchburg, former Seventh District Congressman John O. Marsh, both Democrats, and State Republican Chairman Richard D. Obenshain of Richmond.

The list of 1,200-plus persons on the state campaign advisory group included several other Democratic legislators and many city councilmen and members of county boards of supervisors.

NEED FOR PARAPLEGIC RESEARCH

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. HANSEN of Idaho. Mr. Speaker, in an effort to keep my colleagues apprised of current efforts aimed at eventually finding a cure for paraplegia, I wish to have inserted into the RECORD at this time a speech which was recently delivered by Dr. William F. Windle. Dr. Windle has been awarded two significant awards this year for his efforts concerning paraplegia, and his remarks before the Paralyzed Veterans of America articulately summarize the need for additional neuroscientific research.

The speech follows:

INCREASING INCIDENCE OF SPINAL CORD INJURIES

(By William F. Windle)

Mr. Chairman, members of Paralyzed Veterans of America, ladies, and gentlemen: I am honored to accept your "Speedy Award" for contributions in the field of paraplegia. This handsome plaque, I take it, symbolizes your determination to speed the day when the curse of that affliction shall have been lifted from the lives of veterans of our country's wars. That day cannot arrive too soon. I applaud your efforts to achieve this goal.

The population of paraplegic and quadraplegic citizens of the United States is steadily growing. Though I do not have exact figures, the present total appears to be over 100,000, and it is expected to double during the lifetime of most of you unless some radically new attacks are made upon the problems of prevention and cure. There are at least 12,000 war veterans in this population. Many of them could not be with us tonight, because they are institutionalized in V.A. Hospitals—approximately 6,000 of them, counting both service- and nonservice-connected spinal cord injury cases. This is more than at any time in our nation's history.

Paraplegics of the first world war numbered roughly 400, only about one-tenth of whom survived for one year after their injury. There were some 2,500 spinal cord injuries from the second world war, and nearly 1,000 in the Korean conflict. Great medical advaces during the war and postwar periods, including development of antibiotics and new systems of treatment and rehabilitation, made it possible for many of these veterans to leave the hospitals and return to their homes. Some of them are active in your organization today.

Your association comprises the largest unified group. You can raise the most effective voice toward solution of the problems confronting the paraplegic veterans. You can speak also for the civilian paraplegics and quadraplegics. Our country's youth comprise the most accident-prone group. Injuries from automobile, sports, and other accidents cause more deaths during the first half of the life span than cancer, heart disease or stroke. The most recent figures indicate that there are each year over 10,000,000 traumatic injuries, of which 400,000 produce permanent disability. Many of the latter are, of course, spinal cord injuries.

What is being done and what can you do? Obviously, there must be strong support of efforts to promote highway safety and eliminate other hazards including those of war and crimes of violence.

There must also be improvement in the immediate treatment of spinal cord injuries. The use of helicopters and small ambulance planes to rush the injured to early-treatment centers has proved to be very effective in other countries, but we are only beginning to plan these facilities here. The effort needs to be increased; large-scale funding will be required. Your voices must be heard in your local communities, state legislatures and in the halls of Congress.

Great strides in rehabilitation medicine have been made in America, initiated after the second world war by Dr. Howard A. Rusk at New York University. Emphasis has been placed upon vocational as well as physical rehabilitation of the paraplegic. The effectiveness of these programs will be greatly increased when treatment of spinal cord injuries can be started earlier.

Basic research in the field of spinal cord injury has lagged because of the conviction, on the part of many, that the situation is hopeless. The most recent book on "Physical Basis of Rehabilitation Medicine", published in 1971, does not even mention central nervous regeneration. The dogma of defeatism has plagued efforts to find a cure.

There has never been adequate financial support of basic research. Just compare figures: Federal expenditures per person per year run about $400 for defense ($122 for Vietnam alone); $40 for highways; $30 for the space program; and $7 for all kinds of medical research. I don't know what part of that $7 goes for research toward a cure for paraplegia, but I can assure you that it is only a few cents.

Some research on spinal cord injury, especially on central nervous regeneration, has been going on for at least a century. Sporadic interest has accompanied each major war. The distinguished Spanish neurologist, Nobel laureate Ramón y Cajal, published his work on central nervous system degeneration and regeneration at the beginning of World War I. In the United States at that time considerable attention was paid to repair of peripheral nerve injuries. However, between the two great wars there was little effort made to support research on these subjects and scientific interest flagged.

When we entered World War II, our Office of Scientific Research and Development sponsored medical research relevant to the war effort, including studies of the mechanics of head and spine injuries. My colleagues and I experimented with injuries of the spine induced by high-velocity missiles at that time. We published an article (now forgotten) in "The Military Surgeon" in which we noted that paraplegia resulted from fractures of the vertebrae of cats without involving the spinal cord directly. Most of our animals recovered from this transient paraplegia. The war ended, contracts were cancelled, and so this kind of research stopped. Once more scientific interest flagged.

We found ourselves engaged in central nervous system regeneration studies again during the early 1950's as a byproduct of research on the neurological basis of fever. The neural growth that we obtained in spinal animals was substantial, but the process could not be maintained long enough to restore unequivocally motor and sensory functions in animals with severed spinal cord. Once more the interest of medical scientists diminished. It took another war to rekindle the flame of interest in pursuing the enigma of central nervous regeneration.

Today we are experiencing a resurgence of effort by scientists of several countries studying fundamental mechanisms of nerve growth and regeneration by employing the newer technologies of medical research. They have met twice in conferences at Palm Beach—in February 1970 and again in May of 1972—pooling their knowledge and exploring new horizons. These two conferences were productive and engendered a spirit of optimism. No longer can it be maintained that central nervous regeneration is impossible. A solution of this enigma need no longer be considered beyond the realm of possibility. Some of us here tonight may not live to witness the day when a cure for paraplegia is accomplished, but that day is surely coming.

We have seen the conquest of other diseases, long considered hopeless. We have seen the conquest of atomic energy, undreamed of by our fathers. We have seen the conquest of travel to the moon which surely was inconceivable to anyone but Jules Verne when I began my career. So, too, will there be a break-through in the conquest of paraplegia.

What can you do to speed that moment? Your association can play an essential role. You can refute the dogma of defeatism. You can resist recurring efforts to economize on governmental funds for health research. You can lend a strong voice toward support of early treatment centers and for rehabilitation. You can work toward prevention of wars and promotion of safety on highways. And you can publicize the present inadequacy of facilities in V.A. Hospitals to care for the growing number of victims of the Vietnam war. Your efforts on their behalf can be most rewarding. The Congress of the United States is becoming aware of your problems and the need to support research to solve them. Don't let that awareness lapse.

You have conferred upon me a great honor and the privilege of addressing you tonight, and I thank you.

PRELIMINARY BUDGET RESULTS, FISCAL YEAR 1972

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. MAHON. Mr. Speaker, for the information of Members and others who may be interested, I am including in its entirety a statement issued jointly on July 28, 1972, by the Secretary of the Treasury and the Director of the Office of Management and Budget on the Federal budget results for the fiscal year 1972 that ended on June 30, 1972.

I would point out that the spending, receipt, and deficit figures used in the release are on the unified budget basis which combines both general Federal funds and the various trust funds such as social security. The more realistic figures, in my judgment, from the standpoint of the true condition of general Federal finances are the ones relating to Federal funds, that is, excluding the trust funds which are dedicated to specific purposes. Funds temporarily in surplus in these trust funds are borrowed with interest for general Federal expenditure purposes, but of course must eventually be repaid.

I include figures on recent budget deficits on both the unified basis and the Federal funds basis:

[In millions of dollars]

	Federal funds deficit	Unified budget defict
1. Fiscal year—		
1968	−$28,379	−$25,162
1969	−5,490	+3,236
2. Fiscal year—		
1970	−13,143	−2,845
1971	−29,866	−23,033
1972	−28,933	−23,023
1973 (estimate as of June 5, 1972)	−37,800	−27,000

The estimate for the current fiscal year, that is, the $37.8 billion estimate with respect to Federal funds, is subject to many uncertainties. It would well go higher; in my judgment, it may well exceed $40 billion.

The statement referred to follows:

JOINT STATEMENT OF GEORGE P. SHULTZ, SECRETARY OF THE TREASURY AND CASPER W. WEINBERGER, DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

SUMMARY

The June Monthly Statement of Receipts and Expenditures of the United States Government is being released today. It shows the following preliminary budget totals for fiscal year 1972, which ended on June 30:

Receipts of $208.6. Receipts were $1.6 billion above the June 5 Midsession Review, and almost $10.8 billion above the January budget estimate.

Outlays of $231.6. Outlays were about $1.4 billion below the midsession estimate and $5 billion below the January estimate.

A budget deficit of $23 billion. This is $3 billion below the Midsession Review estimate and $15.8 billion below the January budget estimate.

On a full employment basis, the 1972 deficit was $3.6 billion, $1.4 billion less than estimated in June and $4.5 billion less than the budget estimate. This decrease is due to the decline in 1972 outlays which are now estimated to be $228.6 billion on the full employment basis.

BUDGET TOTALS, FISCAL YEARS 1971 AND 1972

[In billions of dollars]

	Fiscal year 1971 actual	Fiscal year 1972		
		January budget	Midsession review	Actual
Budget receipts	188.4	197.8	207.0	208.6
Budget outlays	211.4	236.6	233.0	231.6
Deficit (−)	−23.0	−38.8	−26.0	−23.0
Full-employment receipts	214.1	225.0	225.0	225.0
Full-employment outlays	209.2	233.1	230.0	228.6
Full-employment surplus or deficit (−)	4.9	−8.1	−5.0	−3.6

RECEIPTS

Budget receipts in fiscal year 1972 increased $20.2 billion from 1971 and were $10.8 billion above the January estimate. Income tax receipts accounted for nearly all of the increase over the January estimate, with individual income taxes up $8.3 billion from the January estimate and corporate income taxes up $1.9 billion.

Withheld income taxes were more than $7 billion greater than estimated in January. In addition, final payments on calendar year 1971 liabilities, particularly capital gains income, were greater than expected.

The increase in corporate taxes above the January estimate results largely from higher estimated payments on 1972 liabilities. Final payments on 1971 liabilities were also somewhat higher than originally estimated.

Receipts from all other taxes were about $500 million above the budget estimate. Excise taxes, estate and gift taxes, customs duties, and miscellaneous receipts were all higher. Contributions for social insurance were somewhat lower, in part because the increase in the social security tax base was deferred from January 1972 to January 1973.

OUTLAYS

Total outlays in fiscal year 1972 were $231.6 billion, an increase of $20.2 billion over the prior year, but $5.0 billion short of the January budget estimate. The change in the total was the net result of many increases and decreases.

The principal increases above the January estimates were:

Treasury Department outlays, excluding general revenue sharing were $264 million above the budget estimate. Higher than estimated payments for interest on the public debt were partly offset by lower payments for claims and judgments.

Outlays of the *National Aeronautics and Space Administration* were $244 million more than the budget estimate, reflecting adjusted phasing of the workload in several programs.

Outlays for the *Department of Housing and Urban Development* were $195 million greater than the budget estimate. Home mortgage insurance claims paid by Federal Housing Administration and disbursements for Urban Renewal grants were higher than anticipated. These increases were partially offset by lower disbursements in various other programs.

Net outlays of the *Department of the Interior* were $182 million over the budget estimate. Receipts (which are netted against outlays) were lower due to the deferral of an outer continental shelf general sale. This was partially offset by lower than expected spending in several programs.

These and other increases were substantially exceeded by shortfalls below the January estimate. The largest of these shortfalls were:

Delay in the enactment of *general revenue sharing* accounts for the largest single decrease in outlays. The January budget estimated outlays of $2,250 million for this program in fiscal year 1972. It is expected that when enacted, revenue sharing will be made retroactive to January 1972 and, therefore, be added to fiscal year 1973 outlays.

Net outlays by the *Department of Agriculture* were $614 million below the budget estimate. Outlays by the Commodity Credit Corporation were $501 million below the budget estimate due to better market conditions. Outlays for Food Stamps were down by $195 million because of delays by States in implementing new regulations. These and other outlay decreases were partly offset by lower than anticipated asset sales by the Farmer's Home Administration.

Outlays of the *Environmental Protection Agency* were $524 million below the budget estimate largely because new authorizing legislation, which would enable the agency to make larger grants and reimbursements for the construction of waste treatment plants, has not yet been enacted.

Department of Labor outlays were $418 million below the budget estimate. Outlays for unemployment benefits and emergency employment assistance were lower than anticipated, while outlays of manpower work and training programs were higher.

The *Veterans Administration* underran the January estimate by $390 million, due to a delay in enacting legislation included in the budget and because the caseload for readjustment benefits was lower.

Department of Transportation outlays were $326 million below the expected level.

Postal Service net outlays were $285 million below the budget estimate reflecting a reduction in the expected rate of construction activities, and savings that resulted from more efficient operations, offset in part by lower than anticipated receipts.

BUDGET RECEIPTS AND OUTLAYS

[Fiscal years; in millions of dollars]

Description	1971 actual	1972 Budget estimate	1972 Actual	1972 Change from budget estimate
RECEIPTS BY SOURCE				
Individual income taxes	86, 230	86, 500	94, 824	+8, 324
Corporation income taxes	26, 785	30, 100	32, 038	+1, 938
Social insurance taxes and contributions:				
Employment taxes and contributions	41, 699	46, 367	46, 119	−242
Unemployment insurance	3, 674	4, 364	4, 376	+12
Contributions for other insurance and retirement	3, 205	3, 361	3, 434	+73
Excise taxes	16, 614	15, 200	15, 484	+284
Estate and gift taxes	3, 735	5, 200	5, 412	+212
Customs	2, 591	3, 210	3, 285	+75
Miscellaneous	3, 858	3, 525	3, 624	+98
Total receipts	188, 392	197, 827	208, 596	+10, 769
OUTLAYS BY MAJOR AGENCY				
Legislative branch and the judiciary	526	649	660	+12
Executive Office of the President	47	63	56	−8
Funds Appropriated to the President:				
Appalachian regional development programs	235	289	241	−48
International security assistance:				
Military assistance programs	999	800	806	+6
Economic supporting assistance programs	460	584	713	+129
Multilateral assistance	330	497	474	−23
Bilateral assistance	975	1, 043	845	−198
Office of Economic Opportunity	1, 485	1, 051	1, 029	−22
Other	−33	169	140	−29
Agriculture:				
Commodity Credit Corporation, foreign assistance and special export programs	3, 819	5, 660	5, 159	−501
Other	4, 741	5, 950	5, 837	−113
Commerce	1, 188	1, 289	1, 248	−41
Defense:				
Military	74, 546	75, 000	74, 964	−36
Civil	1, 376	1, 655	1, 530	−125
Health, Education, and Welfare	61, 866	71, 911	71, 781	−129
Housing and Urban Development	2, 890	3, 462	3, 656	+195
Interior	225	1, 053	1, 235	+182
Justice	916	1, 230	1, 179	−51
Labor	7, 923	10, 466	10, 048	−418
State	468	545	567	+22
Transportation	7, 248	7, 851	7, 525	−326
Treasury:				
Interest on the public debt	20, 959	21, 400	21, 849	+449
General revenue sharing		2, 250		−2, 250
Other	31	474	289	−185
Atomic Energy Commission	2, 275	2, 358	2, 392	+34
Environmental Protection Agency	701	1, 287	763	−524
General Services Administration	501	511	597	+86
National Aeronautics and Space Administration	3, 381	3, 180	3, 424	+244
U.S. Postal Service	2, 183	1, 943	1, 659	−285
Veterans Administration	9, 756	11, 101	10, 711	−390
Civil Service Commission	3, 164	3, 606	3, 768	+163
Railroad Retirement Board	1, 907	2, 103	2, 127	+24
Small Business Administration	333	538	450	−88
U.S. Information Agency	199	200	198	−2
Other Independent Agencies	1, 182	1, 770	1, 563	−207
Allowances for:				
Pay increases (excluding Department of Defense)		250		−250
Contingencies		300		−300
Undistributed intrabudgetary transactions:				
Federal employer contributions to retirement funds	−2, 611	−2, 687	−2, 7^{7}1	−83
Interest credited to certain Government accounts	−4, 765	−5, 190	−5, 094	+97
Total outlays	211, 425	236, 610	231, 619	−4, 991
Budget surplus (+) or deficit (−)	−23, 033	−38, 783	−23, 023	+15, 759

Note: Detail will not necessarily add to totals because of rounding.

AN UNCOMMON CELEBRATION

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. SCHERLE. Mr. Speaker, the people of Malvern, Iowa, celebrate the Fourth of July each year in truly magnificent style. Malvern is not a big city by any means, but it takes second place to none in its annual expression of patriotism. This year's ceremonies were marked by a special luster because the Dutch Gun Club of Malvern was celebrating its 25th consecutive year of sponsoring the festivities.

It happens that 1972 also represents a banner event for the U.S. Air Force, which is commemorating the silver anniversary of its own independence from the Army this year. The two occasions were very happily remembered in Malvern last month. We were fortunate enough to have Maj. Gen. Warren D. Johnson, Chief of Staff, Strategic Air Command, to address the citizens of Malvern and all those who, like myself, converged on the town from miles around to join the revels.

The Dutch Gun Club's Independence Day celebration is always distinguished by the quality of its speakers. Prominent public figures from many professions have always been honored to accept an invitation to address the assembly, and their contribution adds a thoughtful note to the day's rejoicing. General Johnson's remarks this year on the "uncommon man" struck just the right note of candor and eloquence. His message is unequivocal, strong and timely, and I would share with my colleagues the benefit of his reflections:

FOURTH OF JULY 1972 SPEECH AT MALVERN, IOWA

It is difficult for me to realize that I have been in the military for thirty years—that just twenty-nine and a half years ago, the United States Army turned me out of Officer Candidate School as a fuzzy-cheeked twenty-year-old second lieutenant, and assigned me as a platoon commander in an armored division. I know my superiors must have fearfully contemplated the prospect. It was good that the Germans and Japanese did not have a better intelligence system. If they had known what was happening, they could have dramatically improved the morale of their people.

You know that was in the time when, if you had an aptitude test score of 110 or better, you were eligible for OCS. Then one doctor looked into your mouth while another examined the other end. If they didn't see each other, you were on your way to becoming a second lieutenant.

Everything was simpler in those days. An enemy had attacked the United States at Pearl Harbor and there was no doubt in anyone's mind that to survive we had to fight. Our enemies had misread the will of the American people. It wasn't difficult to be patriotic. In fact, it was difficult not to be patriotic.

The threat was sanguinely apparent. The German subs were blowing our ships out of the sea in the Atlantic, and the Japanese had virtually wiped out the Navy and the Air Force in the Pacific. It was apparent that Hitler was determined to rule the world, and Japan had joined forces with him. France had fallen, Britain was being bombed unmercifully, and the Jews were being slaughtered.

Yet, just a short time before, there had been throughout the United States an appalling apathy. There were almost none who recognized that the Nazis posed any real threat. Fewer still would have dreamed the Japanese would attack.

Many Americans were demanding that we disassociate ourselves from the growing conflict in Europe. But that philosophy of isolation was shattered on the 7th of December 1941 when Japanese bombs fell on Pearl Harbor.

The days that followed were black indeed. They were days of great trouble and near disastrous defeat. It very well could have been the era in which history would have recorded the demise of American democracy. Yet we survived somehow, to prosper into the present.

Yes, as millions of others did—I joined the Army then as a buck private because my country had been attacked. I was an American civilian who became overnight an American soldier. I never expected to see a general, much less be one. I never expected to remain in the Army nor in the Air Corps to which I later transferred and, even in 1947 when the Air Force became a separate service, I could not have possibly foreseen myself as a major general speaking to such a group of interested Americans in Malvern, Iowa, on the 4th of July 1972—twenty-five years later.

Yes, twenty-five years ago this next September, the United States Air Force began its existence as a separate military service. While the official history of the Air Force starts in 1947, the heritage of flight goes back to the beginning of powered flight—and even farther. The United States Air Force Silver Anniversary theme for this year, "Pride in the Past, Faith in the Future", stresses the continuity from the Wright brothers to the landings on the moon.

This event tonight is also the Silver Anniversary of your special Fourth of July Celebration. I have been told that bad weather conditions in 1947 had washed out bridges and roads in this area. Since you couldn't drive away to other celebrations and displays, you put one together on your own here in Malvern. That was commendable; it was an *uncommon thing* to do.

As a professional military man and a professional American, I would like to speak tonight about the "uncommon".

As a professional American, I am greatly concerned about a delusion under which many persons labor today; that is, the dangerous illusion that the average is good enough, and only the common good should be served. Much has, in fact, been said about the so-called "common man".

The common man is often the apparent object of respect and admiration, and many place the common man in a position of greatness. With all due respect to the common man, I submit to you that what this world needs today is *uncommon* men. Certainly, the dramatic changes we encounter and the problems we face are the products of an uncommon era.

This great nation is proud of its heritage in which its founding fathers stressed the point that "All men are created equal." I, too, am proud of that heritage, but I contend that our great society is also based on the proposition that all men should have the *equal opportunity* to become just as unequal as their individual capabilities and aspirations permit them to be. I contend that the men who founded this country were not common men—that they were uncommonly brave—uncommonly determined to live as free men. They perceived a heritage of great value—one for which they were willing to fight—a heritage that had been created by *uncommon men.*

A little over 500 years ago on a windswept plain in England, a group of uncommon men wrested from a tyrant king some individual freedoms which form a basis for that heritage. They wrote those freedoms on a piece of paper and compelled the king to sign it. That was the Magna Carta.

Four centuries later, another group of uncommon people on a ship at sea restated those individual freedoms and again recorded them. That document was the Mayflower Compact.

A century and a half later, some uncommon men recorded another distinctive and historical document—proclaiming man's right to be free. That was the Declaration of Independence.

Written by Thomas Jefferson, it was a statement of a farseeing attorney and statesman. Jefferson was not writing history, he was making it through what has been called the "World's Greatest Editorial." The formal declaration cleared the air like a thunder shower on a muggy day. The Declaration left an impact on the outside world like that of no other American document. It has been a source of inspiration to countless movements against arbitrary authority. LaFayette hung a copy of it on his wall, but he left a space beside it for a future French Declaration of the Rights of Man—a declaration that was officially born thirteen years later.

Jefferson was an uncommon man. The Declaration of Independence is an uncommon document.

A few years later, another forty-two uncommon men walked into a red brick building in Philadelphia and penned one of history's most noble documents—the United States Constitution.

Thus was built the heritage these uncommon men had seen, and this is the heritage we know as ours today.

It seems to me, that unless we discover uncommon men with an uncommon will, that heritage will not prevail. Unless this great nation continues to produce those uncommon men who are willing, if necessary, to fight for that heritage, we do not deserve it, and that heritage will become history instead of making history.

This great nation has some faults which demand to be corrected—but with all its faults, I would hate to trade it for any other. Winston Churchill once said, "Democracy is the worst possible form of government except all those others we've tried from time to time."

Most important, democracy provides within its own framework the means to correct its faults. It is important that we fully realize this and exercise that right. It is significantly vital in this election year, because there are those who would destroy our form of government and impose theirs instead, and there are others who would destroy all government and substitute anarchy.

Yes, not only are we threatened from without, but we are also threatened from within. Yes, threatened by political irresponsibility and governmental illiteracy—by the people who will not go across the street to vote—and also threatened by those who do not believe their heritage and their nation are worth fighting for.

So, today we need, as never before, uncommon men—men who are aware of their heritage and determined it will prevail.

Now, I will spend a few minutes talking about a few "uncommon men" I know. I am the Chief of Staff of the Strategic Air Command. SAC's motto is, "Peace is our Profession." It may seem strange for a military organization such as SAC to have that kind of motto, but it fits the mission we perform, the type of work we do every day. SAC's mission is deterrence—to deter the outbreak of nuclear war that would destroy the peace those men established. Deterrence means, in simple terms, that the air and ground and naval forces of the United States are so prepared to retaliate that any potential enemy nation that would attack this country would only invite its own destruction.

Constant alert is a way of life in SAC. Nearly all of the intercontinental range ballistic missiles—Titan II and Minuteman—are on continuous alert. More than 98 percent are ready to go to war in an instant. This means that men whose duty stations are beneath the ground in missile capsules are on alert duty for long periods of time, constantly ready to react to orders from the President.

The same way of life applies to the bombers, tankers, and their crews. There are not as many bombers on alert—we are only authorized to maintain approximately 40 percent of them in this status—but these aircraft are also cocked and ready to go. The men who fly them live nearby the aircraft in what we call "alert shacks"—always on alert. When the alert sounds, they are able to get the aircraft into the air within minutes—well before enemy missiles could impact on the U.S. In addition, SAC also has an airborne command post—called "Looking Glass"—in the air all of the time. One of these aircraft has been in the air continuously for more than eleven years now. It is up there because it has the capability to take over the direction of the nation's deterrent force without any interruption in case this country is attacked and the SAC ground-based command posts are destroyed. I'm sure you have seen it flying overhead, without knowing what its mission was. It's flying somewhere above us in this general area right now.

You can imagine what sort of dedication it requires for these men to commit themselves to such grueling and demanding activity. When they are on alert, they are on continuous duty until relieved. SAC's missile and aircraft combat crews are alert twenty-four hours every day—around the clock. This means every day of the week, 365 days out of the year. There is no 4th of July holiday for these men on alert. SAC has maintained this alert posture for many years and will continue to do so.

There are dozen of others behind each crew member in support roles, making sure that the combat crews can do their jobs if it ever becomes necessary. These support people include mechanics and secretaries, plumbers and police, computer operators and almost every other type of profession you can name. They are all doing their jobs. They are all doing it because they hold the same reverence for this nation and all it stands for as those who have given their lives. Their patriotism is not just an occasional thing. It is a thorough commitment.

Some say patriotism is different today than in preceding generations. In another day it was an assumed thing. Dramatic changes in the past decade have brought a new generation to the forefront—a generation that takes little for granted. It is a popular effort in some circles today to criticize the coming generation for all sorts of irresponsibilities. There is some evidence why this is a popular attitude; but I, for one, disagree with that approach. Let me explain why.

SAC's personnel strength today is slightly over 160,000. About 60 percent, or 100,000 of these people of SAC, belong to the "under thirty" generation. They entered military service from all geographic, cultural, and economic walks of life. Thus, they mirror a reflection of all America. There are some who turn out to be malcontents, or incompetents, but their numbers are infinitesimal. Like the great majority of civilian counterparts—they are concerned and responsible citizens. And that means they are devoted to their country.

They recognize its faults and their eyes are open. They will not tolerate shoddiness, dishonesty, or "glossing-over". They speak plainly and—to borrow one of their phrases—"Tell it like it is." When we recognize this and heed it, relationships with them are not difficult. Sometimes the challenges they pose require us to generate an extra measure of energy and patience, but that is good, too. They are busy today trying to capture the "Establishment". Tomorrow they will be the establishment.

This is truly American. The Charge of the Light Brigade—"Theirs not to reason why, theirs but to do or die."—is definitely not an American characteristic. Americans have to know the reason why—then they will not be stopped.

This younger generation holds an attitude that it will not be taken in; yet, they are probably more committed to things they understand than many who are my age. Where they are uncertain, they will not follow. Explain it to them—"communicate" is the popular word for this today—and they are unconquerable. It is this generation that provides the specialists who are maintaining the aircraft and the missiles. They are the ones who man the controls of these weapon systems, constantly on alert—constantly on guard. They are the ones who will protect and defend this nation now and in the future. I live with them every day. I am confident in them and their patriotism.

This type of patriotism does not need a marching band or a parade or other outward show. It is evident in the thorough commitment to the ideals of this nation. It is a dedication to protect those ideals against any who would destroy them.

These, truly, are "uncommon men"—uncommon men dedicated to the preservation of that great heritage I earlier described. But they cannot do this job alone. They can only succeed if supported by a nation of uncommon men and women. They cannot protect those who do not have the will to preserve this great nation and its heritage of freedom and progress.

We have been fighting one of the most unpopular wars in our history, and it has become popular to damn the military man and everything that he does. Today it often seems it is the old adage placed in rhyme by Rudyard Kipling:

"For it's Tommy that and Tommy this,
  And toss him out, the brute.
But it's savior of his country
  When the guns begin to shoot."

The denigration of the military—of these men I described—is debilitating and destructive, and may well cause those who would impose their form of government on America to misread the will of the American people. In doing so, those who would destroy us might well be led to believe that America no longer has the will to prevail—that Americans no longer cherish that priceless heritage. That could then lead to the devastation and horror of the war all sane people seek to avoid.

Those people of SAC, and indeed of all the Armed Forces, whom I described to you deserve your support, particularly against those who scorn and deride them. They deserve to be acknowledged as the patriots they are.

Indeed, I am convinced this nation still has many patriots, uncommon men and women who cherish their heritage and are willing to fight for it if necessary. I just hope that America will not require another Pearl Harbor before that patriotism is rekindled.

It seems to me, tonight, that I've found a group of uncommon people whose patriotism is already afire. If I read correctly the vital signs of the uncommon people here in Iowa tonight, I can be sure this nation and its heritage will prevail.

FRIENDS OF ART, DOWNTOWN ASSOCIATION FOCUS ATTENTION ON MILWAUKEE'S RIVER

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. REUSS. Mr. Speaker, the courses of rivers have determined the locations of virtually all of our great cities. Since the first days of our Nation, they have been the arteries which carried the lifeblood of our commerce and industry. And, importantly, as cities grew on their banks, our rivers gave the urban dweller some continuing contact with nature, satisfying his esthetic side as well.

But, more recently, the mushrooming growth of technology and of the pollution it has brought with it have left our urban rivers, in too many cases, little more than open sewers.

That fate has been threatening the Milwaukee River, which courses through the heart of downtown Milwaukee.

But I am pleased to report, Mr. Speaker, that now citizen groups in the city have determined that the river will not simply be left to die.

This week, August 7 to 11, the Friends of Art of the Milwaukee Art Center and the Downtown Association are jointly sponsoring River/Life, a set of activities designed to stimulate interest in the river and call attention to its esthetic potential.

River/Life is bringing to the long-neglected river concerts and bookstalls, boat rentals and riverside food service, flower vendors and puppet shows. Awards are being given to riverfront property owners who have enhanced their properties. There is every reason to hope that enthusiasm will continue high after River/Life week runs its course and that the Milwaukee's potential will be increasingly recognized and exploited.

I salute Milwaukee's Friends of Art and the Downtown Association on their imagination and enterprise, and wish them success in their efforts to rescue the river.

BARONESS MARTHA VON BLOMBERG, AMBASSADRESS WITHOUT PORTFOLIO

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Tuesday, August 8, 1972

Mr. COTTON. Mr. President, with our Nation reaching out each day to seek ever increasing peace and good will in all corners of the world, it seems particularly appropriate at this time to recall how a dedicated resident of Hampton, N.H., the late Baroness Martha von Blomberg, achieved such inspiring success through similar individual efforts of her own.

An account of her outstanding work in a role which she herself described as "an ambassadress without portfolio"—a role which, incidentally, took her hundreds of thousands of miles into more than 120 countries—was presented in Foster's Daily Democrat, of Dover, N.H., I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BARONESS VON BLOMBERG: AN AMBASSADOR WITHOUT PORTFOLIO

(By Carolyn d'Entremont)

HAMPTON—"She went home to be with the Lord she loved and served so much," a friend of the late Baroness Martha von Blomberg quietly said after her death April 9.

In the service of God, the Baroness armed with 15 passports traversed over 120 countries and six continents, carrying out "The great commission, 'go ye into all the world and preach the Gospel to every creature,' " as she told this reporter in the last interview shortly before her death.

She called herself, "missionary extraordinary," or "an ambassadress without a portfolio," in her journeys that saw, "roads turn into trails and trails dwindle out in tractless wilds."

Her death in her 76th year saw the fulfillment of years of dedication to Christ through her "international vision of the Lord's work," and the void caused by the loss of the great ambassadress and her talents is sure to be mourned by the many national and international contacts she had cultivated through her work.

Born in Hamburg, Germany, the writer poetress and ordained minister attributed her worldly views to her background and the influence of "my broad minded parents."

Nuturing love and respect of other nationalities apart from her own, her parents aided in broadening her concepts of other ways of life and their respective contributions to the world.

She came with her parents to the United States, who later went on to become naturalized in 1896.

It was at the age of eight that she was filled with the spirit of God, accepting Christ as her savior and receiving his call to preach the gospel to those in all walks of life.

Two of the many addages the Baroness related to were, "Life's experiences have taught, among a few things, that one cannot skip a class in the school of life without running the risk of forfeiting the good it contains." And, as she told me in her concise, well thought manner, "As one cannot hurry the tick of a clock beyond its determined precision, so one cannot rush the divine Hand of Providence."

A unique woman in all aspects, she had been received by Royalty and nobility, and was conferred with the title "Countess de Andros," by decree of the Royal House of Palelogue, which dates back to the Byzantine era, for recognition of her world missionary career.

It obviously pleased the genteel woman that Ethiopian Emperor Hailie Selassie held her in such esteem that he once commented: "The latch of the palace door is always open to her, for she comes to give and asks nothing."

One could not begin to capsularize the world works and contributions the Baroness gave and made from her self, conducted through her deep and abiding love of Christ and his peoples of the world. . . it is from these experiences she expanded her horizons and knowledge of life far more significantly than book learning could, she liked to point out.

She penned six books on world missionary surveys motivated through the desire to "meet the need of humanity, especially in these days of problems international; to give comfort and encouragement in the stress and strain of our times; to point the Human heart to God in his concern for them through the gospel."

During World War I, she and her parents lived through internment in Germany (as American citizens) due to a mix-up on the part of the Consul General, for the duration of the war. "The last ship had sailed," she dispiritedly recalled.

Times were more than lean then; the Baroness and her family often subsided on two slices of bread daily, made of turnips, chaff and some grain. "As the war prolonged, our bodies grew weaker, our loneliness more intense."

But they strove to maintain an aura of happiness, despite the devastation of spirit and body brought on by the war. After six years detention, they fled to Holland on a provisional passport that was later exchanged for an official one at the Hague.

Not only was her love of God mirrored in her writing, or life-style, but it sprang vividly to life in anthems she composed that were sung by a choir of 300 Chinese Christians in Shanghai. In 1928, the World Wide Intercessory Prayer Band was founded in China by the Baroness, who dispatched letters that were to link these Chinese with nearly every country in the world. It is this group that she attributes, paved the way for her world wide travels.

As a woman traveling alone (for reasons she described as red-tape) she was a forerunner of her time as she ventured into heretofore off-limit areas for women. A smile crossed her serene face and gentle eyes glimmered as she declared her longest flight by air was 53,000 miles, with total distance traveled tallied as nearly a million miles.

Perhaps the most adventursome sojourn the Baroness participated in was in the Xingu Jungles of Brazil in search of the late Colonel P. H. Faucett who disappeared. As well as disseminating the findings of this trek which lead into the bowels of the jungles to Sir Ralph Pagets, then the Ambassador of Great Britain to Brazil, she shared data on primitive tribes with the Carnegie Institute. Her courage was unfailing, armed with her deep belief.

The Baroness acquired her title by marriage in 1959 to Baron Richard Fritz Von Blomberg, first cousin of the late Field Marshall. Within six months of their marriage, the Baron died, leaving as his inheritance, "his personal approval and blessing on the work he wished me to continue," she declared. The von Blomberg name dates back to Charlemagne.

In a short autobiography of her life, she said, "My vision has in no ways dimmed but rather grown brighter through the years of experience. I now better know the fields of the world and their particular needs. Times may change, but God never."

So with vision undimmed, the Baroness, though admittedly hampered in her travels by age, projected her life's teachings to her community and those she served while in residence in the gracious home of her cousin, Baron Frary von Blomberg.

And so it was that the inner desires and strivings of the great lady became reality, "I wanted to accomplish something worthwhile in life, something that would benefit mankind for the Glory of God."

THE PACIFIC TROPICAL BOTANICAL GARDEN, EDEN ON THE GARDEN ISLAND

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. MATSUNAGA. Mr. Speaker, on the slopes of Lawai Valley, on the beautiful Garden Island of Kauai in my home State of Hawaii, lies the Pacific Tropical Botanical Garden. Its 176 acres provide Hawaii with one of the foremost centers for tropical plant research, in one of the world's most ideal locations.

This congressionally chartered botanical garden, located within walking distance from the place I was born, is in need of Government assistance in order to survive, but not in the form of Federal funds. Rather, the garden seeks a change in its charter to allow them to remove the present limit on the number of trustees, thereby further encouraging private citizen participation from all parts of America.

My bill to remove the trustee limit, H.R. 9135, has already passed the House, and I trust that the Senate Judiciary Committee, and the full Senate, will approve this legislation before the rush to adjournment begins.

At this point I offer a Honolulu Star-Bulletin article which further tells of the garden's work and plans:

Pacific Eden Blooms

(By Loretta Robinson)

Lawai, Kauai.—While bull-dozers are noisily chewing up tons of Island vegetation, an ambitious project to preserve and study plant life, Pacific Tropical Botanical Garden, is quietly building what may be the most important research garden of the century.

It is located on the slopes of Kauai's Lawai Valley, and satellite gardens on other islands are being planned.

A simple low-key ceremony this past weekend dedicated the project's first laboratory, a small single room, to the late Frederick G. Krauss.

Money to build it had been donated by friends and relatives of Krauss, a botanical innovator who lived in the Islands and made the first case for diversified agriculture here. He also was the first to envision a center for tropical plant research in Hawaii, and even went as far as to draw up plans.

As his daughter, Beatrice Krauss, University of Hawaii professor of ethnobotany, recalled, her father's "dream was Moanalua Valley from the Koolau Mountains to the sea, the valley which is being talked about so much now—too late."

When he had suggested the plan for Moanalua then, in 1929, all of the members of the Damon family but one had agreed so it was dropped, she said.

The Lawai Valley which was selected as the site after the gardens were created by Act of Congress, has advantages and potential of its own.

Its 176 acres border the 100-acre John Gregg Allerton estate, a botanical wonder in itself. Every acre is landscaped with rare plants, pools, waterfalls, statuary and gazebos.

Although Allerton's gardens are strictly private (he rarely admits strangers), he said his will stipulates they will be left to Pacific Tropical Botanical Gardens "if everything goes well."

"I intend to give another 22 acres from the sea to the back road," he added, "and the State has some land in between, 106 acres, which I'm trying to trade for 160 acres I have on the Na Pali Coast.

"I'm giving them some of the most dramatic land in the world," he commented wryly. "We're only getting a swamp."

In spite of that he admitted to technical difficulties involved in the trade because of State policies against giving or trading land.

He is not the first Allerton to endow the PTBG. His adoptive father, the late Robert Allerton, donated the initial $1 million that went toward the purchase of the garden's site.

Both Robert and John shared their interest in the estate's gardens and traveled all over the world to collect plants and art treasures to fill it. Although John has a permanent staff of about nine workers to help him keep the gardens in their perpetual well-manicured state, he exhibited work-worn hands, stained from the soil.

"I was trained as an architect," he explained, "but I also learned about landscaping."

The end product which he has created is termed by PTBG scientific director William Stuart "as valuable as a Picasso or a Rembrandt or anything else that is a work of art."

"It is nicer than a Picasso or a Rembrandt," he added, "because you are a part of it. I know John Allerton feels this way."

As in any masterpiece, the details are exquisite.

"The music of the waterfalls is no accident," Stuart commented, as he passed a series of red clay roof tiles through which water flowed. "John often plans these water courses so that they make a certain sound."

One waterfall described as a Buddhist water wheel played a melodic series of notes as the water fell through bamboo tubes.

In the Diana garden, so named for the several stone statues of Diana there, a long rectangular pool reflects a Parthenon-style shelter and clear spring water feeds into a gurgling waterfall below.

Derral Herbst, botanist for PTBG, pointed out that John Allerton is botanically recognized as "a pioneer in the use of ground cover to control weeds." Throughout the gardens there rarely is a spot that is either left bare or allowed to be lost in weeds.

Cascades of bougainvillea color the hillsides. Rare palms and ferns and vines fill a good deal of the land below. But the variety of plants is far from being easily categorized. The job of cataloguing the plants in the event the gardens are given to PTBG, Herbst predicted "would be quite a chore."

By contrast, the upper hills belonging to PTBG appear strikingly unfinished, but there is a good reason.

The Allerton estate originally was owned by Queen Emma who began by planting some of the bougainvillea when she had her summer home on the beach there. It then belonged to the McBryde Sugar Co. whose owners' botanical interests preceded the Allertons'.

PTBG was formally dedicated only last January. Yet, the first plantings already have been installed and horticulturist Keith Woolliams is anxious to begin planting materials from the nursery.

"These are unique gardens," he emphasized. "There is nothing in the world like them. It is purely a research garden. We want to grow the plants and do research—taxonomy and physiology."

Neither is the effort merely a local one. Advisers for the garden have been chosen from all over the world. "Generally, a garden has only one adviser," Woolliams commented.

As yet, PTBG is not open to the public. The small staff is too busy devoting itself to development of the garden. The Krauss laboratory was designed to help visiting botanists and the gardens also are primarily for the scientists—to serve the public with their findings.

However, Stuart mentioned the garden is open to the public four times a year and will be open more often in the future with loop tours for visitors.

For the present, the garden's staff is most concerned about putting in the eucalyptus, figs, jacaranda, tree ferns, ginger and fruit plantings.

INEXCUSABLE VIOLATION OF INTERNATIONAL LAW

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. DOW. Mr. Speaker, in response to a request by a constituent, Mr. Hugh Bergknoff of Highland Mills, N.Y., I have been trying nearly every day for the past 2 weeks to call a Jewish family in the Soviet Union, the Korenfelds of Moscow. Mr. Bergknoff has himself been involved in calls to this family, and tells me that telephone communication has been a lifeline to the family for moral support and information from the rest of the world. Since applying for visas to leave for Israel, the Korenfelds have been deprived of a livelihood, and subjected to repeated harassment and even arrest.

My attempts to call—not just the Korenfeld family, but two other individuals as well, Vladimir Slepak and Prof. Alexander Lerner—now number 20. Not a single call has been completed. The Moscow operators have repeatedly stated that though the phones are in service, the parties do not answer. It is inconceivable to me that for a period of 2 weeks, at approximately 8:30 in the evening Moscow time, all of the individuals I have tried to call have been continually away from their homes or phones. It is clear to me that my attempts to telephone Soviet Jews have been intentionally disrupted.

Freedom of international phone communication is guaranteed by the Montreux Tele-Communication Treaty of 1965, to which both the United States and the Soviet Union are parties. Soviet disruption of the attempts of a Member of the Congress of the United States, or any American citizen, is in flagrant violation of that treaty. I deplore this interference with my right to freedom of communication. Today, I have called upon the Secretary of State to demand explanation from the Soviet Union, and assurances from that Government that these violations of the law shall not occur in the future.

WHY HANOI'S OFFENSIVE FAILED

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. TEAGUE of Texas. Mr. Speaker, the August 7, 1972 issue of U.S. News & World Report carried a copyrighted article written by a good friend of mine, Col. William C. Moore, U.S.A.F., in which he analyzes the Hanoi offensive and explains why he thinks it failed.

Colonel Moore has served as a planner at U.S. Headquarters in the Pacific and with the Strategic Plans Group of the Joint Chiefs of Staff. He has written many fine articles relative to military tactics and I commend this article to my colleagues.

The article follows:

WHY HANOI'S OFFENSIVE FAILED

(By Col. William C. Moore, U.S. Air Force)

The author of this report is a military analyst who has served as a planner at U.S. headquarters in the Pacific and with the Strategic Plans Group of the Joint Chiefs of Staff.

It now is clear that Hanoi's great "Easter offensive" has been a failure.

The offensive, as executed tactically, must surely have been a second choice for North Vietnam's legendary Gen. Vo Nguyen Giap.

The overt drive south across the demilitarized zone last March 30 doesn't make sense as a main effort. It would have had to succeed far beyond what any military tactician planning such an attack could reasonably have expected unless he thought the South Vietnamese would panic—a thin reed upon which to base military plans.

Some tactical successes were achieved, but even those have been negated by South Vietnam's stoic defense of An Loc and Kontum and by its current counterattack to recapture Quang Tri Province. Moreover, Hanoi's problems in Vietnam go far beyond the merely tactical.

For a long time now, the leaders in Hanoi have desperately needed to reverse a progressively worsening strategic situation and to discredit the Vietnamization program. They have needed also to seize control of sizable portions of South Vietnam in order to reinforce their demand for "a national government of concord" as unveiled by the Viet Cong representatives at the Paris talks.

No one can say precisely what type of offensive the military leaders in Hanoi originally had in mind, but certainly the drive to capture Quang Tri Province and the city of Hue was not the whole story. More likely, the military operations conceived by Hanoi's tacticians involved a strategic turning movement coupled with envelopment. This is a classic military maneuver which, when successful, guarantees dramatic results—the kind Hanoi needed.

Application of such a maneuver to South Vietnam would have involved a main force capturing Kontum and Pleiku in the Central Highlands and then slashing straight across South Vietnam along Highway 19 to the South China Sea. This highway would subsequently have served as the focus for a defense line against counterattack from the South.

Simultaneously with the attack from the Central Highlands, secondary attacks would have been launched toward Saigon from Cambodia. Hit-and-run attacks would have been conducted against important installations in the Mekong Delta. The objective of these secondary attacks would have been to keep South Vietnam forces in defensive positions protecting Saigon and the Delta, thereby preventing them from going north to attack the Communists slicing the country in half.

Slicing South Vietnam in half would have placed South Vietnamese forces in untenable positions north of the Communist-held corridor along Highway 19. Their only recourse then would have been to turn and move south to protect their lines of communication. As they moved south, North Vietnamese forces crossing the demilitarized zone from the north would have hit them from the rear.

The South Vietnamese forces would have been trapped in a gigantic squeeze play between Communist forces attacking across the demilitarized zone and those attacking from the Central Highlands. It would have applied the *coup de grace* to Vietnamization.

Admittedly, a turning movement of this magnitude is a grandiose concept in the light of North Vietnamese capabilities. Nevertheless, it is the only concept which makes military sense.

The idea that a gigantic strategic turning movement was originally intended is creditable for two reasons:

First, the offensive of the North Vietnamese, as finally executed, contained all the elements of the scenario envisioned. The action deviated only in the feebleness of the attack launched in the Central Highlands and in the timing of the attack across the demilitarized zone.

Second, during the build-up for the offensive, the Communist forces in the Central Highlands received more troops, supplies and attention than a diversionary attack normally receives.

Why, then, did General Giap not do the militarily sound? The reason is that he could not. The main attack in the Central Highlands was spoiled; it was disrupted. The Communists never could "get it all together." Supplies were destroyed by American B–52s and tactical aircraft; troop concentrations were broken up by South Vietnamese sweeping operations; captured prisoners gave parts of the plans away, and time began to run out.

Finally, the North could wait no longer and decided to launch the attack across the demilitarized zone. That move will be judged in history as a failure. Students of military tactics will recognize the basic mistakes made by the leaders in Hanoi. The fundamental law of all military tactics and strategy is: Be strongest at the decisive point. Many techniques are used to achieve this—the most basic being concentration of forces.

Contrary to this axiom, the North Vietnamese leaders spread their forces thin in three areas—the demilitarized zone, the Central Highlands and Saigon (An Loc)—none of which were mutually supporting. Consequently, Hanoi's forces suffered what, in military jargon, is "defeat in detail."

The strategic implications of this defeat are still to be determined. Given time, Hanoi may be able to recoup after the military setbacks suffered during the offensive. Clearly, however, the enemy has lost momentum, and the chances to regain it do not appear promising.

Moreover, case histories in military annals offer Hanoi little comfort. Second choices have not often accomplished much more than limited tactical gains in the short run. Most often they have proved to be strategically disastrous in the long run.

KEEP AMERICA'S SECURITY TOP PRIORITY

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. COLLINS of Texas. Mr. Speaker, once again we are faced with a showdown vote on American security. Will we be forced to turn again to Russia as our primary source of supply for chromium?

Chromium is what makes stainless steel stainless. The issue is clouded by international diplomacy. There is one basic issue—do we give America's security top priority?

I just received an excellent factual summary from the American Iron and Steel Institute. If you did not receive a copy on your desk, I recommend you review the facts. Here is the report titled "Rhodesian Chromium and United States Foreign Policy":

RHODESIAN CHROMIUM AND U.S. FOREIGN POLICY

BACKGROUND

Availability of chromium

Metallurgical grade chromite ore (45 percent or more chromium content) is found in relatively few places. Rhodesia, with known reserves exceeding 300 million long tons, controls over 65 percent of the world's supply. The Eastern bloc countries, including the Soviet Union, have reserves of about 26 million tons. No chromite ore has been mined in the United States since 1961; this country is entirely dependent upon imports for its chromium requirements.

History of the Rhodesian sanctions

In 1965 Rhodesia unilaterally declared itself independent of British colonial control. After several months of unsuccessful negotiations, Great Britain requested the United Nations to impose economic sanctions against its former colony. A "sanctions resolution" was adopted by the United Nations in 1966. By Executive Order, President Johnson committed the United States to abide by the sanctions in early 1967.

The sanctions resolution and concurrent Executive Order effectively prevented all trade between the United States and Rhodesia. During the sanctions period, the United States procured increasing amounts of its metallurgical grade chromium requirements from the Soviet Union as illustrated by the following chart:

Imports of metallurgical grade chromite from the Soviet Union

Year—Gross Tons—% of All Imports

1965, 210,658	35%
1966, 251,167	42%
1967, 267,244	55%
1968, 299,527	68%
1969, 266,698	57%
1970, 365,312	57%

As the United States became increasingly dependent upon Russian ore, the prices for Soviet chromite rose over 200 percent.

During the sanctions period, the American-owned Rhodesian chromium facilities continued to operate under Rhodesian government control. Although Univex, the government corporation currently operating the facilities, has not revealed production statistics during the past five years, most observers estimate the following:

	Tons
1965	625,000
1967	350,000
1968	420,000
1969	400,000
1970	550,000
1971	650,000

The price of Rhodesian ore increased slightly during the sanctions period, but was rarely more than half that charged by the Russians to United States consumers. In October, 1971, the Senate adopted an amendment to the Military Procurement Bill (P.L. 92-156; 85 Stat 423) which effectively lifted the embargo on Rhodesian chromium. This legislation became effective on January 1, 1972.

In May, 1972, an amendment was offered to the Foreign Relations Authorization Act which would have re-imposed the sanctions. By a vote of 40 to 36 the Senate again refused to continue the embargo.

Currently pending before the House of Representatives is a provision which would seriously compromise the present lifting of the Rhodesian sanctions. Section 14 of the "Foreign Assistance Act of 1972" (H.R. 16029) would require reimposition of the embargo unless the President determined it is in our "national interest" not to abide by such sanctions.

Issues

Several basic issues are raised by the pending legislation.

1. Essentiality of Chromium

Chromium is one of the most important strategic materials. In 1939 it was the first metal to be designated for stockpiling by Congress. The Bureau of Mines has noted that, "Chromium is a strategic and critical commodity, essentially steel oriented, whose importance to defense and industrial needs is unlikely to diminish by the year 2000. Stockpiles of both ore and alloys will remain a necessity and foreign relationships with producing countries will remain essential to insure a continued supply."

2. The Soviet Union as a Source of Supply

Not only is our current dependence upon the Soviet Union for this critical material questionable from a national security perspective, but the Russians have exploited their position as prime suppliers, to the detriment of American consumers. While "world" prices (primarily Rhodesian) for chromium remained relatively stable during the sanctions period, the price of Russian ore skyrocketed. As soon as the embargo was lifted in January, 1972, the price of Russian chrome dropped over 35 percent. This price decrease was not due to increased United States imports from Rhodesia; our trade with the Soviet Union has continued at about sanction levels and only two small shipments of Rhodesian ore have been imported in the past seven months. The price drop was caused by the destruction of the Russian monopoly, graphically demonstrating the huge profit margins the Soviet Union made on United States sales during the sanctions period.

3. Competitiveness of American Steel Products

As previously cited, Rhodesia's chromium production now exceeds presanction levels. Although exact statistics as to whom this chrome is sold are lacking, all available evidence points to Japan, West Germany, France and Italy. Modern ferrochrome facilities have recently been constructed in Rhodesia by an Italian consortium. The streets of Salisbury are filled with new Datsuns and Toyotas. The Germans and French are the largest exhibitors at Rhodesian industrial fairs. When the United States Ambassador to the United Nations accused these and other countries with breaching the sanctions, none even bothered to deny the charge.

These countries and others are major competitors of the United States steel producers. Since stainless steel generally contains in excess of 20 percent chromium and foreign producers buy this commodity at less than half the price paid by Americans, the United States industry has been placed at a severe competitive disadvantage. Differential chromium prices are at least partially responsible for the inroads foreign stainless steel products have made in the United States market. The inflated Russian prices cost American steelmakers over $20 million more than what they would have spent had they been allowed to purchase at world market prices. These costs were necessarily reflected in the price of U.S.-made stainless steel products, but were absent from foreign-produced goods.

4. United States Stockpile

The United States stockpile of metallurgical grade chromite ore has been decreasing rapidly in recent years. There is currently only enough usable ore in the stockpile to meet the United States requirements for one year. Further, Congress has failed to release sufficient chromium from the stockpile to meet even current needs. Should the Rhodesian embargo be reimposed, the United States will become even more dependent upon the Soviet Union than it was during the original sanction period.

5. Balance of Payments

The $20 million extra it costs American steelmakers to deal with the Russians rather than the Rhodesians was a total loss for the United States balance of payments. This loss was compounded by the increased imports of foreign-made stainless steel which would not have entered because of competitive factors had the embargo on Rhodesian chromium not been in effect.

Summary

The embargo on Rhodesian chromium has served the interests of no one except the Russian chromium brokers and foreign steel producers. The sanctions caused the price of chrome ore to American consumers to rise to unprecedented levels, and placed the United States ferrochrome industry at a severe competitive disadvantage. Aside from making the United States dependent upon the communist bloc for a strategic material, the economic consequences of the embargo caused losses of jobs, increased imports of foreign-made steel and contributed substantially to an unfavorable balance of payments.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

PUBLIC BROADCASTING BILL

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. SPRINGER. Mr. Speaker, the President rightfully vetoed a 2-year public television broadcasting bill because it did not place "adequate emphasis on localism." Norman Marks of the Chicago Daily News Service has written an excellent article titled, "An OK Veto." The article hits the nail squarely on the head and I know many of my colleagues will want to read it.

The article follows:

AN OK VETO: NIXON'S ACTION MAY EVENTUALLY STRENGTHEN PUBLIC TELEVISION

(By Norman Mark)

I'd like to make one thing perfectly clear, and that is that I agree with President Nixon on one domestic issue—his veto of the bill to finance public TV broadcasting (PTV) for the next two years. In years to come, that veto may be looked upon as an act that eventually strengthened the PTV system.

It was only President Nixon's 15th veto, and he released it on June 30, saying that PTV's first two-year funding bill was "a poor approach to public broadcast financing."

It was.

Mr. Nixon feared that the bill, which would have given the Corporation for Public Broadcasting $65 million in 1973 and $90 million in 1974, did not place "adequate emphasis on localism."

When the veto was the first revealed, President Nixon became the Oscar-the-Grouch of TVland. It was said that a vote for President Nixon this fall would be a vote against "Sesame Street."

Nonsense, CPB's current $35 million appropriation will continue, and a one-year authorization for $45 million in 1973, representing a 30 percent increase in CPB's federal funds, now looks certain to pass Congress. The President will sign that bill into law because he originally suggested it.

The bill he vetoed on June 30 was dangerously flawed, and zipped through Congress with the help of some fascinating political chicanery. President Nixon then vetoed it, partly out of political self interest, because he feared PTV would lean even more to the political left than it now does. Yet his veto was deserved.

The funding bill, as passed by the House and Senate, would have forced CPB to give 30 percent of its federal funds to local stations. Unfortunately, the bill did not say how CPB was to dole out the money.

A spokesman for CPB told me that each station would get between $64,000 and $153,000 the first year, depending on its total operating budget. This was not spelled out in the bill because CPB wanted financial flexibility.

Thus, as the bill stood, CPB could have punished any station that risked its displeasure by cutting off the station's funds. CPB says it would never do such a thing, but there were no guarantees in the language of the bill to prevent such action.

As the PTV funding bill wended its way through Congress, several strange things happened.

Rep. Torbert Macdonald (D-Mass.) introduced an amendment to an appropriations bill that would have slashed the funding for the Office of Telecommunications Policy, a White House advisory group, from $3 million to $1 million a year.

The attempt was defeated. But later, the OTP became the chief adviser to the president on the public TV funding bill, which had been supported by Rep. Macdonald. No one can say that Macdonald's attempted appropriations more hurt public television's funding bill, but it couldn't have helped its chances.

In the Senate, meanwhile, administration officials were told that there would be no hearings on the funding bill.

Suddenly, Sen. John O. Pastore (D-R.I.), chairman of the Senate Communications subcommittee, turned a pro forma hearing on the qualifications of the five newest CPB board members into an impromptu hearing on the bill. The ranking Republican on the subcommittee, Sen. Howard Baker (R-Tenn.) did not attend the hearing.

In the House, the hearings became a brutal duel between Clay T. Whitehead, director of the OTP, and Rep. Macdonald, chairman of the subcommittee on communications. Macdonald used the hearings as a pretext for baiting Whitehead, repeatedly asking him whom he advises and with whom he consults.

If there is one recurring administration theme that best explains the veto, it is public television's news and public affairs policies. The president fears, and with good reason, that PTV is becoming a tool of that old bogey man, the eastern Liberal Establishment.

Administration spokesmen constantly point to the hiring of Sander Vanocur as political spokesman for PTV, despite the fact that he is generally regarded as an outspoken liberal who rose to fame because of his close association with the Kennedy administration.

Only a few weeks ago, Nixonites found new reason to suspect public television. WNET, which is one of the busiest production centers in PTV, broadcast a 5½-hour local show titled, "The War Watch." The program had 39 anti-administration spokesmen and only one Nixon supporter. Afterward the host told an interviewer one Nixon supporter was one too many.

If public television is ever going to get federal funds insulated from political pressures, the Republican politicians are going to have to stop placing so much theoretical faith in local stations.

On the other hand, PTV will also have to assure the Republicans that it is not a propaganda arm for every liberal in the country.

MR. GWYN B. PRICE RETIRES

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. GALIFIANAKIS. Mr. Speaker, it is a pleasure for me to join with the friends of Mr. Gwyn B. Price in extending our best wishes on the occasion on his retirement after 32 years as chairman of the North Carolina Rural Electrification Authority.

The many whose lives he has touched through his work will agree that he is to be commended for his dedication to making the dream of rural electrification a reality, and is well-deserving of the title Mr. Rural Electrification. Mr. Price and his fine organization are to be congratulated for their substantial contributions in North Carolina—for example—99 percent of our North Carolina farms with central electric service; 95,000 subscribers in rural areas with telephone service through 19 REA telephone borrowers, including both the companies and telephone membership corporations.

This special person certainly deserves our congratulations for he has labored many hours in the service of others. He has served with honor and distinction and we wish him the best in his retirement.

HOUSE JOINT RESOLUTION 1186

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. SCHMITZ. Mr. Speaker, I have introduced House Joint Resolution 1186, a constitutional amendment to guarantee the right to life from the moment of conception. Some, who share my convictions regarding the right to life, have objected to this amendment on the grounds that it allegedly implies that the existing Bill of Rights does not protect the unborn child. No such implication was intended or exists. The need for my amendment is demonstrated by the fact that Federal courts are, in this as in so many other instances, not abiding by the intent of the Constitution itself or even bothering to inquire into that intent, but are interpreting it to fit their own ideas on this subject and to make them the law.

This is affirmed in a letter from Prof. Charles E. Rice of Notre Dame Law School, sent to a group of supporters of House Joint Resolution 1186, which follows:

NOTRE DAME LAW SCHOOL,
Notre Dame, Ind., July 18, 1972.

MR. STEPHEN J. GARGER,
New Milford, N.J.

DEAR MR. GARGER: Thank you for sending me the material distributed by the 1186 Group in support of a constitutional amendment to protect the right to life of the child in the womb "from the moment that he is conceived."

I strongly support this amendment, both in principle and in terms of practicality. It will be objected by some that by proposing a constitutional amendment we are conceding that the Constitution does not presently protect the rights of the child in the womb. On the contrary, those rights are already implicit in the Constitution. As a result of the simple fact that the child in the womb is a living human being from the moment of his conception, his right to life is entitled to protection from that point. The need for a constitutional amendment arises because some courts have widely misconstrued the matter and there is little reason for optimism that the Supreme Court will fully protect the rights of the child in the womb. To prevent misconstruction, to put the matter beyond the power of any court to obscure, and to affirm the determination of the American people to protect innocent life at all stages, we ought to adopt a constitutional amendment.

At a time when hundreds of thousands of children are being killed every year by abortion in this country, we ought not to quibble over the legalistic and abstract question of whether a constitutional amendment is theoretically appropriate. Such an amendment is urgently necessary because the courts so far have failed to perform their plain duty to protect the child.

I wish you every success in your efforts. We must work hard and pray to achieve that success.

Sincerely,

CHARLES E. RICE,
Professor of Law.

TEAMSTERS PENSION FUND AND ORGANIZED CRIME—FIRST OF THREE ARTICLES

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. STEIGER of Arizona. Mr. Speaker, I would like to draw your attention to a series of articles that is startling and worth your time to read in view of the trucking industry claim that everything we use "came by struck." The first in a series of three articles is included below:

MANIPULATOR OF MEMBERSHIP'S MONEY CONVICTED ON KICKBACK CHARGES

Most truckers, it would be safe to say, have never heard of Allen Dorfman or Rick Ben-Veniste, nor do they know of the circumstances which led them to meet one another. That they should—particularly if they're members of the Teamsters Union—is a gross understatement, to say the least. In order to learn about these men, it is necessary to unravel an intricate series of financial maneuvers conducted over the years by Allen Dorfman; maneuvers, as we will show, which demonstrate that the Central States Pension Fund has become the personal bankroll of the Mafia, Teamsters leaders, trucking company executives and other unsavory characters.

The Central States Pension Fund's job, according to its executive secretary Francis J. Murtha, is "to provide pensions for the employees." The Fund receives its income from employers in 22 southeastern and southwestern states who contribute $13 per week for each of their 437,000 employees, who have taken the option of a future pension rather than a present increase in pay. So that the Fund will have adequate money to pay these pensions, the 16 trustees (8 from the Teamsters Union and 8 representing the trucking companies) decide where to invest the money so that it will grow in size.

That's what spokesmen from the Fund say. The best estimates as to how much money is currently in the Fund come from outside experts on the subject. They say that the Fund should now be worth the staggering sum of $1.4 billion, making it the largest and richest pension fund in the world. An intensive, year-long investigation by Overdrive, though, has discovered that not only is this figure incorrect, but that the Fund is perilously close to bankruptcy. In fact, say sources close to the Fund, so little cash has been on hand within the last year that the Fund has had to borrow money from banks on two occasions simply in order to pay pensions which were due.

This state of affairs is not, as might at first be concluded, because any of the above figures are inaccurate; rather, they are understated, if anything. The truth of the matter is that the money flowing into the Fund has gushed right back out in an endless progression of incredibly reckless loans.

The trustees, of course, are the ones technically responsible for what kind of loans are made with Central States money. But technicality has no relationship with fact when it comes to the Central States Pension Fund. Except for Jimmy Hoffa (prior to his going to jail, and until he reassumes power next year), the one man who can flatly say yes or no to a loan from the Fund, and who is not even an official of it, is Allen Dorfman. How the 49-year old Dorfman came to wield such enormous influence over such a vast amount of money can be traced from events which began in 1950.

HOFFA'S INTRODUCTION TO THE MAFIA

By 1949, Hoffa was the unchallenged Teamsters leader in Michigan. He was, however, without power beyond the borders of that state. Knowing that Chicago was the key to union influence throughout the midwest, Hoffa developed close ties with Paul (Red) Dorfman (he died last year), and who also is Allen's father. Besides being head of the Chicago Waste Handlers Union (he was kicked out by the AFL–CIO in 1957 for corruption), Dorfman was a powerful underworld figure. He was closely linked with Tony Accardo, who took over as head of the Chicago syndicate after Al Capone's death. In exchange for introducing him to organized crime, Hoffa gave the Dorfman family the insurance business for the Central Conference of Teamsters Welfare Fund.

At the time he turned this over to the Dorfman's quickly-formed Union Casualty company, the broker who would handle it, Allen Dorfman, was slightly unprepared. Red Dorfman's son did not even have an insurance brokerage license, let alone an office, when the insurance contract was to be awarded. That didn't deter Allen, and he quickly swung into action.

Eight years later, these were the facts: Allen and his mother Rose had received over $3 million in commissions from Teamsters business. Of that amount, it was estimated that $1.2 million was in excessive commissions, another $400,000 was in excess "service" fees, and $1.6 million was simply the total of the kickbacks made to the Dorfmans. At one point, Allen simply took $51,000 in premiums and deposited it in his own bank account.

Between 1952 and 1954, Hoffa apparently saw how poorly Dorfman was doing because he let him increase his commissions as well as the rates, but cut back on the benefits paid to members. In 1956, Hoffa allowed the benefits to be cut still further. All in all, an outstanding example to Teamsters members of how to pay more and get less.

HOFFA AND DORFMAN—MANIPULATING THE FUND

Moving into the 1960's Dorfman's talents began to bloom. The Central States Pension Fund had recently been created, and Hoffa and Dorfman lost no time in reaping the bonanza. As the years passed, Dorfman formed new companies to manipulate his various projects. His involvement with Reliable Insurance Company of Ohio is an accurate portrait of Dorfman at work.

In 1963, a man by the name of Bernie Nemerov purchased Reliable with a $4 million Central States Pension Fund loan; a loan obtained through Dorfman's efforts. Immediately after the loan was granted, and for 2 years thereafter, $25,000,000 of premiums from Central States insurance were funneled into Reliable and another Nemerov company, California Life Insurance, via Dorfman-affiliated agencies. California Life carried half of the group accident, health and life business; the other half was covered by Republic National of Texas, a company which has Dorfman as their representative, and had its own ties into Mafia-connected loans.

The Dorfmans did not openly assume ownership of Reliable until mid-1966. At that time, they drew up a contract stating that they owned 100% of Reliable, and that the company had these debts: $150,000 to Health Plan Consultants, Inc. (a company owned by Dorfman), $1.2 million to American National Bank in Chicago (where Dorfman has always had dealings), and $4.9 million to the Fund (the original loan was $4 million, suggesting that Reliable had never repaid any part of the 1963 loan). The contract further stated that they would sell 75% of Reliable to a group of 4 companies and, as sole agents for insurance placement for the Fund, direct millions of dollars in premium money to these companies. Within a year, one of the 4 companies was on the verge of bankruptcy. Others filed lawsuits, claiming that none of them had gotten the promised business; that Dorfman had kept it himself.

HOME IS WHERE THE MONEY GOES

Publicly, it is said that Allen Dorfman's main base of operations is Chicago. His residence is Deerfield. Behind the scenes, though, it appears that Dorfman's home is where the Central States money goes.

Information has been obtained that Dorfman spends most of his time in Southern California; San Diego County, to be exact. The scene of his operations there is the 3,000 acre luxury resort of the very wealthy known as la Costa. In addition to being a watering hole for famous sports figures, the show biz crowd and politicians, La Costa is also a relaxing spot for the top leaders of organized crime throughout the country, Law enforcement investigators say most forms of gambling are available around the premises; and for high stakes, they add.

Records show that Allen Dorfman is the owner of Lot 166, La Costa Valley Unit Number 4 as of September 18, 1968. As a "coincidence," Dorfman might say, La Costa has also been entirely funded by loans from the Central States Pension Fund. The press has estimated La Costa's value at $12 million, and Fund loans totaling $18.8 million are reportedly to have been to the development. Overdrive has learned, though, that Central States loans totaling just about $46 million have been pumped in since November, 1964, and that most of the money has never been repaid. This, in spite of the fact that Fund rules say that loans are not to exceed ⅔ of the value of the property; in this case, $8 million.

Up the road apiece in Los Angeles, Dorfman's name has popped up in connection with another land development project—Beverly Ridge Estates. Those involved with this operation have been variously charged with perjury, income tax evasion, wire fraud and mail fraud. Dorfman has claimed that he was involved only to the extent that he had 2 lots, "maybe half an acre." Information has been uncovered, however, showing that Dorfman actually received 5.7 acres of land without having to pay any money; land, it might be added, which was selling for $15,000 per acre. Dorfman, then, was the beneficiary of $85,500 worth of land, an act of pure charity. Beverly Ridge, as some might have suspected, was the recipient of $12 million in loans from the Fund, none of which was paid back. Almost from the date of its first loan from the Fund (December, 1964), Beverly Ridge was in trouble. At present, the project is tied up in bankruptcy proceedings and numerous lawsuits. It was reported that authorities were prepared to return a number of criminal indictments against those involved, but it developed that the records of the companies involved have been spirited out of the country.

Moving east now, a quick stop in Denver. Here, Allen Dorfman is a director of the Villa National Bank. By another quirk of fate, the Villa National Bank borrowed $200,000 from the Central States Pension Fund in 1967. Five years later, it still owes the Fund a balance of $184,000.

In Wisconsin, Dorfman has a summer place at Eagle River. Also in Wisconsin are two loans for land development totaling $1.6 million, and made as far back as 1967. To date, $1.3 million is still outstanding on that amount.

DORFMAN'S CAPERS IN FLORIDA

Streaking down to Florida, one comes to Dorfman's condominium in Miami Beach. In the same building, it has been discovered that one of his neighbors is William Presser, Vice-President of the International and a

Teamsters leader in Ohio (how much time Presser spends there is unknown as he usually is under indictment a lot of the time for extortion, kickbacks, etc.). Presser's son has also been a half owner in some of Dorfman's Florida property. Another neighbor of Dorfman in the building just happens to be Frank Fitzsimmons, who is gracing the stage none too effectively until Hoffa returns.

It also so happens that the condominium complex was built by Cal Kovens of Kovens Construction Company in Miami. One of Kovens' companies in Plantation, Florida, borrowed $3.4 million from the Fund in 1966, and so far still owes $3 million on the loan. In 1964, Kovens was convicted, along with Hoffa, of wire and mail fraud involving other Central States swindles. One of his other recent involvements was with Beverly Ridge Estates.

Dorfman acquired another property without a cash outlay. This occurred in Miami Beach in 1966. At that time, Lou Poller, a frequent multi-million dollar borrower from the Fund, was having trouble with a $2 million Fund loan on property at 8101 Biscayne Blvd. in Miami Beach. Poller asked Dorfman for help. Apparently Dorfman "helped," although how is not clear. Dorfman got 50% of the property as a result, but the loan is yet to be repaid.

About the same time, Dorfman, together with Al Baron, an attorney for the Fund, made another shrewd move. They took over the Cove Inn, Naples, Florida, by assuming its overdue Central States Pension Fund loan of $1.7 million without any outlay of money. In December, 1968, Dorfman and Baron sold it. Part of the deal was that the new owners would take over the Fund loan at $1.9 million, giving Dorfman and Baron a neat $200,000 profit. Today, the loan has a balance of $1.8 milion.

Another company Dorfman exhibited interest in was World Wide Realty. So interested was he, in fact, that he had 25,000 shares of stock in the company. At that time, World Wide owned the Boca Teeca Country Club Estates near Boca Raton, Florida. Also at that time—February, 1968—Boca Teeca managed to get $5.1 million in Fund loans pumped into it. Today, $4.7 million is still owed on that loan. Whoever knows where that money went certainly isn't talking.

SPREADING THE FUND AROUND

Although Dorfman's special position with the Fund makes it unnecessary for him to have dealings with others, it appears that he isn't adverse to spreading his benevolence around. Some of his partners in a venture called Lakeshore Investment are: Albert Matheson, an employer trustee of the Fund, and secretary of the Automobile Transporters Welfare Fund (Dorfman's agency handles the insurance on this fund, too); and Donald Peters, employee trustee of the Fund, president of a Chicago Local and general organizer for the IBT. He apparently does a lot of work because he receives almost $100,000 per year from the Union; hard work no doubt appreciated by the membership. Another partner is an employer trustee for the Fund, Thomas Duffey from Milwaukee.

The money doesn't all go to the employer segment of trucking. Take Murray (Dusty) Miller. 4th Vice-President of the International and Director of the Southern Conference. Dusty was a trustee of the Fund from its formation in 1955 until 1968. Before he left, Dusty borrowed $1.6 million in 1965 from the Fund to buy Trinity Sand & Gravel in Dallas. Almost immediately, the Fund foreclosed on the company without a single penny having been paid on the loan. Almost as instantly, a new corporation was formed which borrowed another $1.4 million from the Fund. This corporation—Metropolitan Sand & Gravel—was set up by St. Louis attorney Morris Shenker, and his ownership in it is 45%. Shenker is probably right behind Dorfman when it comes to having influence over the Fund. Shenker, though, specializes in dealing with the Mafia, a subject to be covered thoroughly in our next article. The 2,800 acres of land now controlled by Shenker, it appears, now is valued at $300 million, thanks to a federal decision to build a multibillion dollar barge channel through it from Dallas-Fort Worth to the Gulf of Mexico. This good fortune doesn't seem to have affected the company's payments to the Fund: $1.1 million loan (This does not include the $1.6 million. That is gone. Just ask Dusty.)

A few of the other companies through which Dorfman spins his intricate webs are American Overseas Insurance Union Insurance Agency, Amalgamated Insurance Company, Conference Insurance Consultants, Inc. All of course, are in some way concerned with "providing" coverage for members of the Teamsters Union. Although not directly connected with insurance (except to wrangle loans from Central States), yet another Dorfman enterprise is Aetna Resources Association in New York. Dorfman has several partners in this one, including James Hoffa, Jr.

"CUT A NEW HOLE IN HIS HEAD"

All is not sweetness and light when the dealings with Dorfman don't go to his liking. One person who discovered this was Stewart Hopps. The arrangement between Dorfman and Hopps went something like this: premiums from Teamsters insurance were to be directed to Intercontinental, a Hopps' Panamanian insurance company with offices in Nassau, the Bahamas, Dorfman discovered that $100,000 that was supposed to be there was transferred to another company of Hopps. Dorfman, in an attempt to get the money back, offered "to cut a new hole" in Hopps' head, outfit him with a concrete overcoat, and as a finale, threatened his grandchildren.

The Justice Department and the IRS have long been aware of the hundreds of millions of dollars that have flowed through Dorfman's hands, not to mention the dozens of questionable loans he has been involved in. Because of Dorfman's uncanny knack of financial fast-shuffle, plus the sheer volume and complexity of his operations, they have been unable to make anything stick. Not that they haven't tried. Literally scores of Federal agents have spent thousands of hours and untold amounts of money trying to untangle his purposely-hidden affairs. But they have consistently failed. Dorfman has been indicted for jury tampering and extortion, but has never been convicted.

Although Dorfman was the unofficial right hand man of Hoffa when it came to tapping the Central States "money well," he finally received a status of legitimacy in 1967. Or so said the executive secretary of the Fund, Francis Murtha. When Hoffa went to prison in March, 1967, he had previously made arrangements so that his alter ego was in charge of disbursing Teamsters funds to the assorted Mafia figures and their cronies who had come to depend upon the Fund as a source of easy money.

THE "SPECIAL CONSULTANT" ARRIVES

A letter dated March 23, 1967 (reprinted here) was sent by Albert Matheson to Dorfman, appointing him "special consultant" to the Fund. Although no specific duties were cited, it has apparently been assumed by the trustees that this official confirmation of Dorfman was a blanket OK to do whatever he wanted. When asked what he "consults" about, Dorfman has said, "general administration." Based upon Dorfman's past inventiveness, the limits of the definition of that term are boundless.

The letter just referred to states that Dorfman's appointment was authorized by a motion passed by the trustees. Through considerable effort, Overdrive has been able to obtain a copy of the minutes of the trustee meeting which supposedly authorized his appointment. They are reprinted here. As is clearly evident from these minutes, no such authorization was intended so that Dorfman would receive any such sweeping powers as he now exercises.

This is the letter appointing Dorfman as "special consultant" to the Fund. A careful reading of the Board meeting minutes which supposedly authorized this show that no such sweeping powers were to be given Dorfman:

MARCH 23, 1967.

Mr. ALLEN DORFMAN,
Chicago, Ill.

DEAR MR. DORFMAN: This is to confirm the fact that in accordance with a motion passed by the Trustees of the Central States, Southeast and Southwest Areas Pension Fund, I as Chairman of the Employers Group do hereby appoint Allen M. Dorfman as a Special Consultant to the Fund.

All of his traveling expenses are to be paid by the Fund.

Very truly yours,
ALBERT D. MATHESON,
Trustee.

AND A LEAR JET AT $30,000 PER MONTH

Further evidence to support this is another document recently obtained by Overdrive. Accordingly to Matheson's letter, Dorfman was not appointed as a paid consultant of the Fund until March 23, 1967. As such, he was not entitled to have the Fund pay his expenses. Yet this document shows that Dorfman was charging travel expenses to the Fund at least as early as February 8. Perhaps this fast and loose kind of operation is shocking to some, but at the Fund, it's "business as usual." In keeping with Central States business practices, Dorfman has pulled another typical caper: he bought a 6-seat Lear jet, then leased it to the Fund at $30,000 per month. Whether the Fund actually needs its own jet plane is open to question; particularly since Dorfman uses it most of the time. Also, no one has given any answer as to why the Fund wouldn't buy one on its own.

And if anyone had any doubts about Dorfman's power, in March, 1967, one event quickly dispelled them: as soon as Hoffa went to prison, and Dorfman was "appointed," one found that Dorfman was using Hoffa's personal office in Teamsters headquarters to conduct business.

THE HORVATH LOANS

The loans made to one George Horvath is a recent example typifying Dorfman and his style. It also shows that Dorfman's manipulations were not good enough, for a change. Because of one loan made to Horvath, and the kickback he paid to obtain it, the net closed on Allen Dorfman. What dozens of investigators had failed to do before finally came to pass: Dorfman was convicted of accepting a kickback. While this conviction has not stopped Dorfman, nor the looting of the Fund, it has shed some light on its operation, and has put a significant crack in the once-impenetrable wall of secrecy surrounding it.

The person who nailed Dorfman is an unlikely sort. Rick Ben-Veniste is the 29-year-old (yes; that's 29) U.S. Attorney in New York who accomplished it. Although he's had less than 4 years experience with the Justice Department, Ben-Veniste has proved to be a formidable and excellent prosecutor. He is responsible for convicting Messrs. Sweig and Voloshen for bribery, perjury, and influence-peddling through the office of the Speaker of the House of Representatives. A New York Mafia figure, Salvatore Granello, also came under his gun and was convicted of income tax evasion. Two other individuals who have been prominent in bilking the Pension Fund were convicted by him in a case involving kickbacks: Sam Burger, a friend of

Dorfman, and James (Jimmy Doyle) Plumeri, a powerful figure in the Luchese family, one of New York's ruling Mafia groups. Doyle did not serve his sentence, however; last September, he was discovered with his necktie around his throat. Wound very tightly, we might add.

SOME $16.9 MILLION BORROWED—$16.6 MILLION STILL OWED

The Horvath routine actually began in November 1963, when he borrowed $4.4 million from the Fund for a company called Massachusetts Mohair Plush Company. In June, 1964, Horvath took out three more loans: $644,000 went to his Buckeye Corporation, $2.2 million to an outfit called Boott Mills, and $624,000 was funneled into his Hettrick Manufacturing Company. By March 1967, every one of these loans was almost hopelessly past due. Through the efforts of "friends," though, Horvath was able to obtain a $5.8 million loan for the Montmarte Hotel in Miami Beach. A short time after that, on June 30, 1967, Horvath obtained yet another loan: $1.5 million to a company created just to receive the loan, Neisco, Inc. It was this last loan which led to Dorfman's conviction.

Just prior to the approval for the Neisco loan, even the usual rubber-stamping attitude of the Fund trustees was unsettled because of Horvath's disastrous financial history. It seems that the trustees were actually against it. But not for long. Dorfman told Horvath that for a mere $55,000 payoff, the loan would go through, no sweat. Horvath obtained the money by making a phony business transaction in Switzerland, and having Henri Jacques, a Swiss banker, fly the cash into the United States. Horvath then took the money—in $20's, $50's and $100's—to Dorfman's office in Chicago and made the payoff there. Instantly, the trustees changed their mind and the loan was made.

While on the subject of Horvath's loans, an interesting sidelight should be noted: the total amount borrowed by Horvath was $16.9 million. Overdrive has recently learned that the outstanding balance on these loans is still $16.6 million.

WHY WOULD NOT JACQUES TESTIFY?

The only witness for the government was George Horvath. Repeated attempts were made to have the Swiss banker, Henri Jacques, testify. Jacques, though, declined to appear, although he gave no reason. Overdrive recently contacted Jacques at his home in Geneva, Switzerland, in an effort to learn why he refused to appear. Besides refusing an answer on that question, Jacques denied any knowledge about Horvath and the entire matter. His comments in that regard, however, are overwhelmingly refuted by the mass of documentation proving his involvement in the transaction. At this point, almost any speculation could be made as to his refusal to come to the United States.

In April, Dorfman was sentenced on 6 counts of conspiracy and fraud. His "punishment:" one year in prison and a $15,000 fine on each count. The catch is that each sentence is to run at the same time. Dorfman, as one might expect, is free (without having to put up any bail) as the anticipated appeal is going on.

DORFMAN SENTENCED

At the sentencing hearing, Dorfman's lawyer droned on for 45 minutes about his client's war record, his charitable acts, and how many people were dependent on his presence outside of prison. All these were no doubt true, particularly the last comment. By contrast, Ben-Veniste's remarks to the judge were brief low-key and to the point. He noted that the "people most concerned with this case, but who were not present, were the members of the Central States Pension Fund who were betrayed by Dorfman for his own personal profit." The law, Ben-Veniste continued, was designed "to protect the rights and aspirations of working people covered by the Fund. Frequently, these men give up demands in collective bargaining for wage increases in exchange for pension benefits, and they rely on the federal government to enforce the laws."

GUIDING PRINCIPLES OF THEFT TO CONTINUE

Some have ventured the opinion that Dorfman's conviction would bar him from any further connection with the Fund. When asked about that recently, Murtha, the executive secretary of the Fund (and who insiders say is without any power whatsoever) said: "I'm not in a position to answer that." Apparently no one else is, based upon the non-availability of trustees to answer that question. It has been learned, however, that the Board of Trustees has the matter "under consideration," and that it is an "open question."

To expect Dorfman to be ousted from his impregnable position within the Teamsters Union is to misunderstand the guiding principles upon which the Central States Pension Fund have their way, the mortal enemy of the Teamsters Union—honesty—will never be allowed to raise its ugly head.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting in the RECORD the August 7, 1972 edition of the news bulletin of the American Revolution Bicentennial Commission. I take this action to help my colleagues be informed of developments across the Nation leading to the 200th anniversary in 1976. The bulletin is compiled and written by the ARBC communications committee staff. The bulletin follows:

BICENTENNIAL BULLETIN

ARBC Director Jack I. LeVant resigned on August 1, prior to Senate hearings on the Bicentennial by the Judiciary Subcommittee on Federal Holidays, Charters and Celebrations. In a letter to Chairman Mahoney, LeVant stated, that he was resigning so that "my own continued service not serve as a controversial and distracting issue during the important hearings relating to the Commission."

During the Senate Hearings Chairman Mahoney told the legislators, "We are proud of our record and aware of our shortcomings. There is inevitable and healthy disagreement as to means, methods, and programs, but there is general enthusiasm for a significant, nationwide observance of this milestone in our history. Our aim is to develop programs encompassing that enthusiasm, programs which will involve all of our citizens, because, as President Nixon has said the observance of our nation's 200th anniversary must go directly to the people."

In his statement to the Subcommittee Commission Member Kenneth Beale stated, "I've been kept busy on the Commission in that it practices what it preaches. I'm a youth of 19 with all the rights and powers of any other Commissioner which is a real credit to the ARBC in that many organizations put youth in positions of authority in name and not in practice."

George E. Lang, Chairman of the Festival USA Committee summarized during the hearings his Committee's activities: "Our major efforts this past year have been to create a solid base for the development of programs in the arts, in travel, hospitality and exchange. With this accomplished, with the selection of our excellent panelists and their concomitant commitment to programs of excellence."

White House curator Clement Conger stated in a recent letter that he hopes the James Monroe Sitting Room and the James Madison Dining Room in the Department of State can be changed architecturaly in time for the Bicentennial to fit the collection of federal furniture there.

Msgr. Wilfrid J. Nash, President of Gannon College in Erie, Pa., announced the initiation of a Bicentennial Program which would be directed toward "continuing the preparation of the leadership that is necessary to the realization of the moral and social goals expressed in the Declaration of Independence." The college intends to relate the educational experiences of its students to the significant responsibilities they will have to assume in the United States in the next four years. Assisting in the implementation of the college's Bicentennial Program is a Bicentennial Committee of 76 men and women.

On the Fourth of July, the Lancaster County Bicentennial Corporation announced that "The Hands of Liberty" had been selected as the theme for the county's bicentennial commemoration. The theme alludes to contributions made by early settlers of Lancaster County to the country's struggle for independence almost 200 years ago.

For the Bicentennial, the Chesapeake Bay Museum at St. Michaels, Md. is considering the construction of a replica of the British ship, the "Peggy Stewart," which was burned in the Annapolis Harbor in 1774.

In mid-September of this year, the Albermarle-Charlottesville American Independence Bicentennial Commission of Virginia will present its master plan for the county/city's bicentennial commemoration. The proposed master plan lists ideas from a variety of sources, including many suggestions from the public. Some of the proposals to be presented are:

HISTORIC

Graves.—Program to clean and restore graves in city and county of Revolutionary Era, by Youth Bicentennial Committee and U.S. Army Reserve, monthly, 1972–1976.

EDUCATIONAL

Exchange Program.—City and County, through possible "sister city" program, sponsor two high school students yearly to England, and host two here, 1974–1976.

CULTURE

Sculpture.—Plan sculpture competition for city's new park, beginning 1975.

FESTIVE

Festive.—Request NCAA national track finals, 1976.

TOURISTIC

Information Center.—Continue work on Bicentennial Information Center with opening planned July 4, 1974.

The Albermarle-Charlottesville Commission believes that its group is one of the first in the USA to hold a public hearing to consider adoption of a bicentennial master plan.

The religious developments of the American Revolutionary Era will be studied at a conference planned in 1973 by the American Society for Church History and the Institute of Early American History and Culture. To be held in Williamsburg, Va. on March 30 and 31, the conference will consider the causes and effects of the growth of sectarianism which followed the war. A program committee of scholars concerned with church history is drawing up a program which will bring together church historians and others.

During last week's Senate Hearings Ms.

Hortense Boutell, representing Women in Community Service, stated that her group of women strongly support the expressed goals of the ARBC and the Resolutions of the Women's Coalition Task Force thus far advanced." She also stated that her group favors legislation to provide the necessary authorization and appropriations to this end.

Charles "Pat" Hall, photographer and writer for Cheyenne newspapers, was hired as executive director of the Wyoming Bicentennial Commission. Commission Chairman Peggy Simson Curry, Casper, said Hall will be headquartered in the offices of the State Archives and Historical department.

"MEET THE AMERICANS" WILL FIND 1,000,000 HOSTS FOR AMERICA'S BICENTENNIAL GUESTS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. HANNA. Mr. Speaker, in his Fourth of July message this year, President Nixon said:

> Our bicentennial era is a time for Americans to say to the world, "You helped to make us what we are. Come and see what wonders your countrymen have worked in this new country of ours. Come and let us say 'Thank you.' Come and join in our celebration of a proud past. Come and share our dreams for a brighter future."

If the spirit of the President's message is carried out in 1976, the 200th anniversary of government by the people may also go down in history as the birthday of genuine people-to-people diplomacy. In that case, the dream expressed by the President and the open warmth and hospitality of the American people will have moved the world a great step forward international understanding and friendship.

But between such a dream and its realization lies an immense gulf that can be bridged only by practical planning and hard, persistent work. And this practical spadework has been going forward for more than 2 years now, quietly carried on by such private organizations as Meet the Americans, a nonprofit task force specifically designed for the task of making the American bicentennial celebration the greatest expression of home and community hospitality the world has ever seen.

At this date, no one can say how many hundreds of thousands of people from other nations will respond to our invitation—we can only be sure that it will be the greatest friendly convergence of peoples in history. From all over the world, private citizens will come to spend a few days, not as tourists or spectators, but as a part of the American experience—to live as a part of an American family, to explore its community, visit its cultural, industrial, and scenic attractions, meet its neighbors, and learn about its life and work and problems.

And to guarantee that wherever they go in the United States, our guests will be personally welcomed by American families who will serve as their volunteer hosts and guides in the communities, Meet the Americans has embarked on the gigantic task of enlisting 1 million American volunteer host families between now and 1976.

Meet the Americans was conceived and organized by Tom and Frances Murphy, the able directors of the American Host Foundation, and its host plan closely follows the foundation program under which thousands of European teachers have been brought into closer contact with the American reality over the past decade. Like the foundation hosts, each Meet the American host family will have an opportunity to correspond with its guest or guests before arrival, and will be responsible for helping to work out—in cooperation with any participating local organizations—suggestions for the guest's activities, for meeting the guest and treating him or her as a house guest for a stay of from 3 to 7 days.

But in recognition of the gigantic challenge of the bicentennial. Meet the Americans has gone far beyond the home hospitality concept to set up models for groups, communities and cities in the United States to follow in organizing bicentennial exchange visits with comparable groups in other nations. The first of 10 Meet the Americans pilot programs got under way in September 1971, with a highly successful visit of 160 businessmen from Dusseldorf, Germany, as guests of the chamber of commerce and city of Long Beach, Calif., and plans for a reciprocal visit to Dusseldorf this fall. A second model exchange—between St. Louis, Mo., and Offenbach, Germany—will take place in 1973.

Some groups, such as the Jaycees, are already deeply involved in planning for 1976. The Meet the Americans program is sufficiently flexible that local, national, or international groups of virtually any composition or interest can plan a small or large exchange visit with a compatible group in another nation. The national Meet the Americans office, at the Commodore Hotel, Park Avenue at 42d Street, New York City, N.Y., 10017.

I am proud to be among nearly 100 congressional sponsors of this great adventure in international friendship, and I urge everyone who is proud of our Nation's heritage and concerned for its future to take part in it. If the bicentennial year makes a significant contribution to international goodwill, as I believe it can, it will be because of the vision of such people as Tom and Frances Murphy and the good work of such organizations as Meet the Americans.

NAACP RESOLUTIONS

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. DIGGS. Mr. Speaker, for 36 years the Detroit branch of the National Association for the Advancement of Colored People has led the struggle of blacks for full freedom and equality of opportunity, not only in Detroit, but in the entire Nation.

Detroit, which hosted the 63d annual convention of the NAACP on July 3–7 of this year, represents in a very real sense the patterns of growth and change which have manifested themselves in the past decades. It has been in the forefront of every effort to break through the barriers of race and color that have impeded the legitimate aims and aspirations of black citizens.

Following in that tradition, the 63d convention adopted resolutions pertaining to the major questions concerning blacks today. I would like to include at this time a copy of those resolutions for the attention of my colleagues:

II. EMERGENCY RESOLUTIONS

1. NIXON AND BUSING

The National Association for the Advancement of Colored People has consistently relied on the judicial process as one avenue for vindicating constitutional rights. In no field has the record of the NAACP been more marked with success than in public education.

NAACP lawyers led the assault upon the cancerous "separate-but-equal" doctrine promulgated by the Supreme Court in 1896. That sustained attack culminated in the historic decision in *Brown v. Topeka Bd. of Education*, in 1954, which sounded the death knell to legally-supported segregated education.

The victory reaffirmed the faith of black Americans in the efficacy of law as an instrument of change. This faith held fast even in the face of evasions, deceit and outright resistance on the part of school officials and state authorities.

As the focus of the attack on segregated education shifted to the North, the NAACP exposed the subtleties at work that led to the segregation of black children with the resultant denial of equal education to as pervasive a degree as existed in the South.

As the NAACP removed the cover from one Northern school system after another, there was exposed to full view state-induced segregation. Nowhere was the expose more dramatic than in the Detroit school desegregation case, *Bradley et al. v. Milliken*. The evidence in that case showed how a northern community encouraged and perpetuated segregation by shaping school attendance boundaries, transporting black students past white schools to other black schools, formulating and modifying attendance zones, purposely building limited capacity schools in white areas so as to restrict attendance of blacks, and allowing educational choice to be influenced by white community sentiment.

What has been true of Detroit can be found to exist in nearly every major urban area. The judge in the San Francisco Unified School District Case (197) said the "law is settled that school authorities violate the Constitution by providing for the construction of new schools or enlargement of existing ones in a manner which continues or increases substantial racial imbalance." Courts have moved to correct this evil by directing the use of traditional educational tools such as busing, consolidation, pairing, etc. One of the educational tools, bus transportation, has been provided by the states over a half century. Forty percent of all school children currently arrive at their school doors on a bus provided by the state. Adding to that the number of those who use public transportation, the percentage rises to sixty-five percent.

Busing for educational purposes is not a new phenomenon in America. It has been widely accepted as one of the necessary tools of modern day education. Now that its use is being called in to aid desegregation, political opportunities and racists are declaring it to be an evil. The President of the United States has picked up the "never never" battle cry and is leading the mob in its assault upon the Fourteenth Amendment's equal protection clause. He is invading the prerogative of a co-equal branch of government, the judiciary, by proposing legislation designed to interfere with the power of the courts to correct constitutional violations. He is arousing passions of hate and bitterness.

President Nixon has even made a thinly veiled threat to encourage the campaign for the enactment of a constitutional amendment forbidding busing for the purpose of desegregation if the Congress does not act in plainer language on his request for a moratorium. His obsession with this angle is revealed by the fact that the major portion of his remarks on the signing of the Higher Education Bill were in support of his anti-busing stance.

This is a divisive strategy totally destructive to a constitutional form of government. Furthermore, coming as it does at a time when courts have begun to effectively deal with deeply rooted institutional segregation, it amounts to changing the rules in the middle of the game.

The NAACP goes on record as reaffirming its commitment to the judicial process as one means of redressing grievances. We reaffirm our commitment to a single society. We will continue to resist with all of our resources any strategy or device designed to inhibit or interfere with the power of courts to utilize busing as a tool for correcting constitutional violations.

We call upon all units of the NAACP and all of America, to reject both the crude and the sophisticated attempts at perpetuating dualism in American society by keeping black children contained in segregated educational compounds.

IV. CIVIL RIGHTS

1. PRIVATE CLUBS

Whereas the granting of liquor licenses or all other special privileges by states to private clubs that discriminate on the basis of race, creed, color or national origin places the state stamp of approval upon such discrimination, and

Whereas such discrimination has been approved by a recent decision of the majority of the Supreme Court of the United States,

Be it resolved, that we call upon the Congress to exercise its authority under the 13th and 14th Amendments to enact legislation prohibiting the issuance of liquor licenses, the granting of tax exemptions or all other special privileges to applicants that discriminate on the basis of race, creed, color or national origin.

2. IMPLEMENTATION OF NAACP NATIONAL DOMESTIC POLICY

Whereas, the present federal administration has steadily eroded those domestic programs aimed at alleviating the plight of inner city blacks, other minorities and the poor, and

Whereas, the process of the Model Cities program, despite its shortcomings, is presently one of the few major federal programs that can be an effective social and physical development tool for blacks, other minorities and the poor, but the administration has withheld adequate funds for Model Cities and has persisted in its efforts to terminate that program; and

Whereas, blacks, other minorities and the poor, are left with a situation where, for the first time in ten years, there is no nationally concerted effort by government to implement a comprehensive, indepth national domestic program, and the needs of blacks, other minorities and the poor are being ignored or soft-pedaled by the national administration;

Be it resolved that the NAACP force the issue and the need for implementing a comprehensive domestic policy by adopting the following strategy:

1. Follow-up the NAACP presentation of its domestic policy to the platform committees of the major political parties and presentation to all presidential candidates and requesting and publishing the position, if any, taken by each of these candidates, and

2. Direct all units of the NAACP to express our dissatisfaction to elected congressional officials regarding the current reactionary attitude of the present administration with respect to domestic programs which affect the lives of blacks and other minorities and the poor;

3. Consider working with other groups who have a common stake in a national domestic program to achieve the goals of decent housing, adequate schools, full employment and comprehensive health services.

4. Urge the postal service to restore the funding of the Postal Street Academies in the six major cities which provided economic and other assistance to more than 3,000 poor and disadvantaged youth.

3. PENAL REFORM

Whereas, the NAACP is concerned with fair and equal justice and treatment for all people. Whereas, minority people are not adequately represented on policy and decision making commissions, boards, committees and agencies concerned with reform of penal institutions, administration, rehabilitation, and enforcement procedures; and whereas, the confinement of first offenders with hardened criminals is deemed objectionable and a deterrent to the rehabilitation of these first offenders, and

Whereas, rehabilitation of these first offenders is considered a first priority,

Be it resolved, that all units of the NAACP call upon Federal and State prison and correctional institutions, and administrators to strongly urge the immediate provision of separate minimum security facilities for first offenders convicted of non-heinous crimes, and the preparation of plans and budgetary requirements for the future construction of such minimum security correctional facilities, as an aid to rehabilitation.

Be it further resolved, that all units of the NAACP become actively concerned participants in Penal Reform programs.

Be it further resolved, that state officials initiate construction of state prisons in smaller sizes in vicinities of larger cities to facilitate visitation by families of inmates and recruitment of blacks for employment in such correctional institutions as guards, counselors, and all other personnel having direct association with inmates.

Be it further resolved, that to facilitate the recruitment of blacks and other minorities that it be incumbent upon the state to provide suitable and convenient housing for the personnel.

Be it further resolved that the NAACP urges Federal and state governments to initiate an affirmative action program to facilitate active recruitment of blacks and other minorities for such employment in existing institutions.

4. JURY PANELS

The Constitution of the United States mandates that persons accused of crimes be tried by a jury of their peers is almost always ignored where the defendant is black. The composition of petit and grand juries is almost never representative of the makeup of the total community. Few blacks ever serve on grand juries. The poor and those with limited formal education are generally excluded from both petit and grand juries. We believe this to be in violation of the Constitution of the United States.

In many instances prosecutors use the device of peremptory challenge to exclude blacks and other minorities from serving on petit juries.

Therefore, be it resolved, that the jury selection method presently practiced throughout the United States that fails to guarantee a defendant a jury of his peers be restructured.

Be it further resolved, that persons called to serve on any jury receive sufficient compensation to avoid imposing financial hardship. That the qualifications for jurors be no greater than the qualifications for voting in national elections. That the makeup of jury panels conform as nearly as practical to numerical representation of minorities that exist in the total community and further that the practice of excusing women from jury service solely because of their sex be discontinued.

Be it finally resolved that the delegates to the 63rd annual convention of the National Association for the Advancement of Colored People in session in Detroit, Michigan, call upon the Congress of the United States and the State Legislatures to enact the proper legislation to effect the foregoing changes without delay.

Be it further resolved that NAACP branches undertake an action education program to inform the community of what is required to be included on the rolls from which jurors are selected, i.e., registering property and taxable assets and exemptions to be placed on jury rolls.

5. LEGAL ACTION FOR EQUAL OPPORTUNITY

Whereas, the NAACP has filed an omnibus suit in a United States District Court naming as defendants Gov. Ronald Reagan of California and eight state agencies responsible for administration of programs in such areas as education, employment, and housing; and

Whereas, the NAACP fully expects to bring similar types of suits in other states in an effort to speed the death knell of racial discrimination; and

Whereas, for Negroes to have to sue district by district, city by city, will continue to frustrate and prolong the achievement of equal opportunity; be it hereby

Resolved that all NAACP units consider similar legal action as may be appropriate in their jurisdiction including techniques of fund raising for litigation.

6. UNANIMOUS JURY TRIALS

Be it resolved that in light of recent Supreme Court decisions approving jury verdicts in criminal cases where such verdicts are less than unanimous, we call upon all NAACP branches throughout the country to contact their state legislators to enact legislation that would bar any criminal conviction of defendants where such verdicts were not agreed to by the entire jury.

7. RESTRICTIVE PRACTICES IN PROFESSIONAL SPORTS

Whereas, the draft, reserve clause and other restrictive practices of professional sports, despite some of the high salaries paid, constitute a form of involuntary servitude, and

Whereas, so far as baseball is concerned, the Supreme Court has permitted these practices notwithstanding the growing commercialization of the game.

Therefore, we call upon the Congress to outlaw those restrictive practices and subject professional sports to anti-trust laws so players will be able to negotiate freely for their services.

8. CIVILIAN REVIEW BOARDS

The NAACP reaffirms its prior resolution in favor of civilian review boards of police as a means of holding checks and balances over police departments in relation to minority citizens.

9. EQUAL RIGHTS AMENDMENT

Whereas, women have made untold contributions to this country and to this Association, and

Whereas, the proposed 26th amendment to the Constitution of the United States, the Equal Rights Amendment, is presently being submitted to state legislatures for ratification, and

Whereas, ratification by 38 states is required,

Be it resolved that the NAACP go on record supporting the ratification of the Equal Rights Amendment.

WOMEN IN THE MILITARY

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. PIKE. Mr. Speaker, recently a subcommittee of the House Armed Services Committee which I had the honor to chair studied the manner in which the military utilizes its manpower, including its womanpower. The report of that subcommittee was forwarded to Chairman F. EDWARD HÉBERT of the Committee on Armed Services on June 28, was approved for printing by him on July 10, and printed at that time.

One of the recommendations of the subcommittee was as follows:

> There is mere tokenism by the Department of Defense and the military service in the utilization of women. We are firmly convinced that reliance on the draft could be lessened if more vigorous efforts were made to recruit women throughout this nation, and more meaningful job opportunities were provided once the women entered the military. One of the first steps that could and should be taken is the elimination of any law which discriminates between men and women serving in the Armed Forces.

I was delighted to see in today's New York Times a story stating that the Army announced yesterday that it would double the Women's Army Corps by 1978 and give the WAC's a far larger variety of assignments, such as missile repair crewmen, radar technicians, electronic specalists, and heavy equipment operators.

While I will not claim that our subcommittee, consisting of Representatives SAMUEL S. STRATTON of New York, CHARLES H. WILSON of California, CARLETON J. KING of New York, G. WILLIAM WHITEHURST of Virginia, with Counsels William H. Cook and James F. Shumate, Jr., accomplished this miracle, I cannot help feeling that it contributed, and I congratulate the Army for having made a real breakthrough from mere tokenism to real participation.

Despite the article which follows, the subcommittee plans no further investigation of skirt lengths:

WOMEN'S ARMY CORPS TO GROW WITH MORE JOBS AND NEW STYLES

WASHINGTON, August 7.—The Army said today that it would nearly double the size of the Women's Army Corps by 1978, give Wacs almost any type of assignment except combat and maybe put them in pantsuits.

The program to use more women in the military is expected to ease the Army's problems in achieving an all-volunteer Army by next summer.

"By bringing in more women, the Army will be able to reduce the number of men required in noncombat jobs," Brig. Gen. Mildred C. Bailey, the WAC director said.

She told a news conference that the 13,320-member corps would be expanded to 15,900 by next June and that by June 1978, it would total 24,000, the largest number since World War II when it had nearly 100,000 members.

STYLE NOTES

To help attract enlistees, General Bailey said that the green uniform would be restyled to make it more feminine, more comfortable and easier to maintain. A pant suit for work is being considered, she said.

In the meantime, the Wacs have been authorized to wear more stylish black patent-leather shoes and black berets in place of the World War II-style caps.

Skirt lengths, however, will remain unchanged—one inch above or one inch below the knees. "We feel this is a good, reasonable skirt length for our uniform," the 52-year-old general remarked.

The Wacs, now mostly in clerical and administrative jobs, will soon work beside men in such jobs as missile-repair crewmen, radar technicians, electronics specialists and heavy equipment operators.

Up to now women were allowed to fill only 139 of the 484 Army assignments, but now only 48 are forbidden, to women, and they all involve carrying a rifle.

The opening of new job opportunities to women followed a report last month by a House Armed Services subcommittee that accused the Defense Department of "mere tokenism in the utilization of women in the armed services."

PATRICIA NIXON, "AMBASSADOR FOR PEACE"

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. THOMPSON of Georgia. Mr. Speaker, Mr. Hubert F. Lee, editor of Dixie Business magazine, published in Atlanta, Ga., has published a warm tribute to Mrs. Nixon for her continued efforts to bring peace to the world. The article is published in the summer issue and is written by his daughter, Sara Ivey, and is entitled "Patricia Nixon, 'Ambassador for Peace.' " I insert it in the RECORD for the benefit of all my colleagues:

PATRICIA NIXON, "AMBASSADOR FOR PEACE"

(By Sara Ivey)

We were thrilled and proud as we watched the TV when the First Lady, was shown with the President on the mission of Peace in China and Russia.

The President and his top aides did the bargaining.

But it was the First Lady, Pat Nixon, who won the hearts of the Chinese people and the Russian people with her graciousness, simplicity, genuine concern and interest in the people, their accomplishments and way of life.

Pat Nixon maintained poise and excited interest and the leaders and people responded with smiles and appreciation.

She was an "Ambassador for Peace"—without portfolio . . . on a radiant mission of good will.

A gracious proof that the American people want only friendship and peace over the world.

She was the Pat Nixon who in 1957 was acclaimed in a Gallup Poll as one of the "most admired women."

Here was the Pat Nixon who also in 1957 was named the "Nation's Ideal Housewife" by Homemakers Forum—communicating to the homemakers of China and Russia the kinship of mothers the world over.

The TV and the reporters made it clear that she was just a man's wife helping her husband by just being his wife.

Helen Thomas, UPI's outstanding White House reporter, who covered the trips, told the UPI breakfast meeting in NX that "Everything was news, and it was a joy to have my editors ask via trans-Pacific satellite: "What's Pat Wearing."

When the Atlanta Constitution ran an editorial "Winning Hearts" praising Mrs. Nixon, my father wrote her:

JUNE 3, 1972.

DEAR MRS. NIXSON: The Atlanta Constitution had an editorial this morning about you with the caption "Winning Hearts."

For a few months, you have become to the world one of the "World's 10 Greatest Women."

I saw you on TV two decades ago with Mr. Nixon when he came before the bar of the nation and I was impressed with the old saying that behind every Great man is a Great wife.

I wonder if you would give me a few quotes on your trips to China and to Russia—from 10 to 1,999 words.

I would also appreciate an autographed picture—glossy print.

Twenty years ago, we set out to name the "World's 10 Greatest Women." The 10 for 1952 included:

Helen Keller.
Helen Rogers Reid.
Oveta Culp Hobby.
Lila Acheson Wallace.
Mary Roberts Rinehart.

In 1952, we added Mrs. Mamie Doud Eisenhower.

And in 1954, Queen Elizabeth.

I couldn't make a judgment on the future of India, so we didn't make a selection in 1955 or the following years.

Also we began naming the "A Great American" in 1955. On that list we have included Helen Keller, Oveta Culp Hobby, etc. . . .

Sincerely,

HUBERT LEE.

Mrs. Nixon's response:

THE WHITE HOUSE,
Washington, D.C., June 13, 1972.

DEAR MR. LEE: Your generous response to our travels to the Soviet Union is a most meaningful expression of friendship and support.

Knowing that we carried with us the spirit of goodwill from the hearts of the American people contributed immeasurably to the significance of our mission.

As mankind attains new thresholds of understanding and communication, all citizens of the world will be greatly enriched and enlightened through mutual cooperation and exchange of the goals and accomplishments of peace.

With deep appreciation for your warm message,

Sincerely,

PATRICIA NIXON.

When Mrs. Eisenhower was added in 1953 to the list of the "World's 10 Greatest Living Women" it was announced in the Editor's Whirligig in the issue featuring Colonel James C. Self as the "Man of the South" for 1952.

Ten—Last year the editors of Dixie Business started out to pick the Ten Greatest Living Women. We named only 5 in 1952—with the idea of adding one a year, making it a six year project. The first 5 included Oveta Culp Hobby, Helen Keller, Helen Rogers Reid, Lila Acheson Wallace and Mary Roberts Rinehart.

Sixth is Mamie Eisenhower, helpmate of General and President Dwight D. Eisenhower.

Oveta Culp Hobby, whose picture adorned the Spring, 1951 issue of Dixie Business when she became the first woman named to the South's Hall of Fame, wrote:

"To select a name for the World's Ten Greatest Women list for this year, as you request, is difficult. I might however, suggest the name of Mamie Eisenhower who qualifies as a great woman in woman's most important role . . ."

The editors of Dixie Business name Pat Nixon as one of the "World's 10 Greatest Living Women" for the same reasons Mrs. Eisenhower was named in the year 1953 as "a great woman who qualifies in woman's most important role . . ."

THE SUMMER OF 1972 BY ERIC JOHNSON

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. WIGGINS. Mr. Speaker, I am proud to count among my constituents Eric Johnson, a young man from Glendora, Calif. Eric is 16 years old and graduated this June from Glendora High School.

Notwithstanding his youth, Eric was recognized as a student with unusual perception and judgment. For these reasons and others, he was invited to deliver one of the speeches upon his graduation.

A copy of Eric Johnson's speech has been called to my attention. It reflects a degree of awareness of world events and America's role in them that one seldom finds in young persons, 16 years of age. I commend Eric's speech, "The Summer of 1972," to my colleagues and I insert the text at this point in the RECORD:

THE SUMMER OF 1972

There have been many graduation ceremonies and graduation speeches. I would hesitate to guess how many. Our country has expanded public school education as no other nation in history and with that expansion has grown the traditional graduation exercises and the graduation speech. Most of these speeches have been predictably optimistic and often full of cliches. However, in recent years it has become popular to berate our parents with the "generation gap", paint a future full of gloom and possible doom, and, in general, to be negative and foreboding.

I believe that this happens to be a happy time, I feel no desire to crucify you parents or to condemn the "establishment" for a whole series of grievances or to blame everything wrong with the world on "the system."

Rather, I would prefer to compare the Class of '72 with a few past graduations which I believe will place our hopes, our concerns and our problems in better perspective, I have entitled my speech. "The Summer of '72."

First, I would like to go back 40 years to the summer of 1932. This graduation class was coming out of high school in what is now called the "Great Depression". I don't suppose that anyone who was a graduate in the year 1932 thought of it as "great." Rather, it was a time of economic chaos, of national dejection, and for a great many people a time of worry over the most basic of concerns such as food, clothing and shelter.

What was a person graduating in the summer of 1932 to do? Those "New Deal" measures which were later to be instituted by the Roosevelt administration had not yet come to pass. A graduate of '32 was lucky to get a job and the vast majority could not afford college.

Yours was a time of depression and fear and the problem must have appeared overwhelming. Your parents must have been concerned about your prospects and undoubtedly had much advice to give. However, their advice was based upon their own experiences and like most 18 years olds, you thought you were smarter than your parents.

In the midst of all this despair, you went out and got a job, you married, you had children and, to your everlasting credit, you outsmarted the doubters and the negative thinkers. You hung in there and eventually with the coming of World War II, the economic problems of the nation changed drastically. Mr. Roosevelt's famous remark to the country in 1933 "that all we have to fear is fear itself," turned out to be true after all. We admire your courage, your stamina and your faith in this great country.

In the summer of '42, we find that those graduating in that year had a whole new set of problems. The winds of war had finally blown their way and this country was now engaged in a great international struggle. The factories, farms and transportation systems were being put into high gear and jobs were plentiful.

Those of you who graduated in this fateful year will remember that there were many empty chairs at those graduation ceremonies, some of the 18 year olds had been drafted and others had volunteered. Those who had not yet gone to war on graduation day were soon to make their departure.

So, as we look at the summer of '42 we see yet another set of problems. This was a time of great crisis. The allies weren't doing too well, and the tide of battle had not yet turned in the summer of '42, so these people were faced with an uncertain future and a sense of urgency. The older generation said to these kids—"don't get married during a war." But, many did. It was perhaps a time of "live while you can." This class of '42 must have appeared to be a group of irresponsible, pleasure-seeking, jitterbugging, selfish individuals.

However, it seems to me that this was a time of national unity and patriotism. That same class and others like it went out and won an awfully big war.

The class of '42, first called GI's and then "Vets," came home and invaded the old American college and shook the "establishment" with your smoking on campus, your beer drinking sessions, and also with your seriousness. No longer was Harvard gentleman "C" good enough for you and you demanded more than the old standard answers from your professors. You defined tradition, but in your wake you have created a better system for us to enjoy.

As the class of '42 was leaving the scene and becoming a part of the "establishment," along came the class of '52. In the summer of '52, we were knee deep in Korea, the cold war was ever present, the Strategic Air Command was building its huge nuclear bomber force and, in general, the world had a new set of problems. The class of '52 was the first to have an "undeclared war" which had the country all up-tight. The great United Nations envisioned by its architects was showing itself to be a great debating society and Sen. McCarthy was sowing the seeds of doubt throughout the land.

So what was the class of '52 to think? Most would face the draft to conduct some "police action," the threat of World War III was very real and the economics of a large budget and deficit spending to support half the world and huge expenditures for defense were all new and uncertain.

But, in reflecting back over the last 20 years, I feel that the class of '52 has already begun to make their mark. Many of this group have been involved in our tremendous space program. This group is only now reaching the point of power and influence. They had a whole set of problems in the summer of '52, unlike anything that had preceded it. They too, have survived.

The summer of '62 is too young to assess. But do you remember that summer? Vietnam and Southeast Asia were becoming a serious problem that no one knew how to solve. The Cuban Missile Crisis was very real and for a few days the world hung in a delicate balance. The Civil Rights Movement was in full gear and has had a tremendous impact on our domestic lives. Bigger missile sites were being placed around the country and John Glenn was the hero of the day. The class of '62 was in a dilemma. These are people who are in their late 20's. They are children of another era and are yet to be heard from.

Now as we face the summer of '72, we are filled with the same fear, and anticipations as the generations before us. We live in good times, but there are still many problems which confront us.

The Vietnam War is still with us after all of these years and unless there is an extremely abrupt change in our policy many of us will be faced with the draft and the prospect of entering this war.

Crime and violence still persist in many of our larger cities. It appears that this is a reflection on the ever growing pressures of our society.

Air, water and noise pollution are growing menaces to our society. With the environmental problems present, our ability to perform our daily routine in a natural manner, has been greatly endangered. We are advised by experts that the population explosion will be a problem in the not too distant future if measures are not taken to curb our growth.

Inflation is our economic problem of the day and for the first time since the Korean War, we have wage and price controls. We have the continuing social problem of minority rights. We have the Black Movement, the Chicano Movement, the American Indian Movement and now even our women want their liberation. Our society is undergoing tremendous changes at an ever increasing rate.

So, these are not easy times to be graduating from high school. Some of us, will be entering college and some will be going to work. However, I have the confidence and optimism that, like the graduating classes of other summers, we will rise above our problems with courage and determination.

Even with the problems facing us, these are vigorous and exciting times. Our role in society is much different than the graduating seniors of the previous years. We have been given more responsibility and have been forced to make more decisions which will determine the course of our lives. But, with these responsibilities, we have obtained a newly found freedom. The freedom to speak about what is on our minds and actually be heard. We have even been given the right to vote for our public officials. This is a historic moment and obtaining this most precious right makes us different from those classes that have preceded us. We should accept this gift as a challenge.

It is impossible to imagine what the future holds in store for us for these are complex times. However, we can look at the problems and worry about why they are present and say we can't and we won't; or—we can look at the future as a challenge and say we can and we will . . . we can and we will.

As Senator Robert Kennedy once said "Some men see things as they are and say why, I dream things that never were and say, why not?"

We maintain the same aspirations, hopes, and concerns as the classes before us. The circumstances are different, but the dreams are the same.

After tonight, everyone will be going their separate ways and the days at Glendora High School will be left behind us. Regardless of whether the past three years have been rewarding or disappointing, we must now look upon Glendora High as an experience in the past.

We look hopefully to the future, for now, we are a part of the Summer of '72.

THE PENN CENTRAL FIASCO

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. ECKHARDT. Mr. Speaker, yesterday I introduced House Joint Resolution 1275 which would provide for the potential takeover of the Penn Central Transportation Co. by a Federal corporation. I had been considering such legislation ever since Congress was first approached in 1969 for loan guarantees to save the line, and I became more convinced that such a measure was needed when Penn Central began its drastic reductions in service. When I saw the "Staff Study of the Financial Collapse of the Penn Central Co." I became convinced that Federal interests and money were in jeopardy as long as the railroad was being run largely by second-rung officers trained by the ousted first-rung officers whose peccadillos are exposed in the report.

It has now become clear that this company will never be able to function profitably under their direction except at the very high cost of drastic service abandonment and work-force reductions. Total Penn Central trackage has already been reduced from 40,000 to 20,000 miles and the company now wants to go to 11,000 miles. Six thousand to 7,000 employees face the loss of their jobs. Ever since the company went bankrupt, the question of profitability has become moot; the real concern now is viability. The effect on the national economy of a final collapse of the Penn Central would be so damaging that I think it is incumbent upon the Congress to act to prevent such an occurrence.

House Joint Resolution 1275 establishes a Commission on Railroad Transportation in the Northeast to monitor the health of the Penn Central Transportation Co. Whenever the Commission finds that there is no reasonable prospect of achieving a traditional income-based reorganization of the Penn Central Transportation Co. without the abandonment or subsidization of lines of road reasonably needed for useful transportation, or the reduction of its work force to a degree not consistent with efficient, nonburdensome and safe operations, or, finally, the subsidization of intercity or commuter passenger operations to a degree more favorable than those generally prevailing, all property, real and personal, of the company shall become property of the United States. A Federal corporation will be created entitled "the Northeast Transportation Authority." Just and reasonable compensation for this property will be determined by the courts as in ordinary condemnation proceedings.

These are sweeping actions but the need is overwhelming. As I said yesterday, House Joint Resolution 1275 is not intended as a step toward the nationalization of the railroads, but in the case of the Penn Central there appears to be no other choice. In light of the revelations in the SEC report I feel that it is imperative to change the whole system of operations of the company. The old directors were so derelict in their duties and the officers were so self-serving, and such a pattern was set of disregard and even contempt toward the public interest, that anything short of a complete reorganization under a new form of ownership appears doomed to failure. It will be said that the present trustees are doing their best, but they tacitly admit failure of ability to restore—perhaps "create" is the better word—a conventional, earnings-based institution.

The facts uncovered by the SEC border on the unbelievable. The story of intrigue, ineptitude, desperation, and personal selfishness, verging on, if not entering, the area of criminality, will go down as one of the blackest marks on the record of American industry. As SEC Chairman Casey said in his letter to Chairman Staggers, the actions of the Penn Central demonstrate "a failure to recognize in timely fashion and bring to public attention a crumbling structure in which shippers, passengers, creditors, investors, governments, and the public at large had such a major interest."

What brands this conduct as unethical, not just inept, is the almost total lack of candor on the part of the officers. "We get a picture of high euphoria and inflated prospects—with the manifest difficulties ignored or overlooked." Furthermore, as Chairman Casey pointed out:

> When these difficulties emerged as painful realities, they were inadequately disclosed.

The SEC report relates how—

> Throughout the entire period from February 1, 1968 until June, 1970 when top management and Penn Central parted company, the public were being fed misleading information on a virtually continuous basis.

Accounting manipulations used to hide the true situation were scandalous. But credit must go to the professionalism of the accounting department personnel who offered some resistance on the basis of their concern "with possible criminal liability arising out of the schemes which were being suggested."

The actual personal conduct of top officers of the company can only make one hope that their standards of conduct have not permeated throughout all levels of management. The bizarre business deals—deals which prudent businessmen could never have conceived to be in the interest of the stockholders, the transfer of company funds to unknown foreign bank accounts and the operation of a mysterious private investment club composed mainly of company officers—all these indicate that the Justice Department, not just the SEC, should be conducting an investigation.

The facet of this fascinating story that has attracted the most attention is the sale of Penn Central stock by company management during the period the company was being run into the ground and the public was being deceived. Also implicated is the investment firm, Goldman, Sachs & Co., which failed to disclose the Penn Central's situation to investors. Equally damning is the fact that, contrary to usual practice, Goldman, Sachs refused to hold any Penn Central paper for its own account at the same time it was touting its worth.

House Joint Resolution 1275 is strong medicine but, as you see, Mr. Speaker, Penn Central had a serious infection which, I fear, is not altogether cured. If the virulent, raging fever of avarice linked with lack of candor is not present, then at least there remains the malaise of indifference to public service.

A copy of House Joint Resolution 1275 with some minor corrections follows. A clean bill will be introduced next week.

The copy follows:

H.J. Res. 1275

Joint resolution to provide for the continued operation of the transportation properties owned or operated by Penn Central Transportation Company, to protect the security interest of the United States in such properties and to provide for the payment of just and reasonable compensation therefor

Whereas the Penn Central Transportation Company has been in bankruptcy reorganization proceedings since 1970; and

Whereas the Report of the Trustees in Bankruptcy, dated February 15, 1972, shows that any reasonable prospect of reorganizing the railroad as a private corporation is dependent on (1) the abandonment of or continued operation under some new form of subsidization of some 9,000 miles of its 20,000 miles of road, (2) the reduction of its work force by nearly 10,000, to the point at which, in the judgment of Congress, the safety of operations would be gravely jeopardized, and (3) reimbursement for its performance of intercity passenger service on terms more favorable than those generally prevailing and outright subsidization of its commuter passenger service; and

Whereas the trustees for the bondholders under the several mortgages outstanding on the properties of Penn Central Transportation Company have urged the bankruptcy court to set an early deadline for a determination of whether a traditional income-based reorganization to continue the operation of the Penn Central properties under private corporate management is possible; and

Whereas the conditions on which a traditional income-based reorganization of Penn Central Transportation Company as a private corporation are reported by the bankruptcy trustees to be dependent are not consistent with the requirements of the United States, including the public, for transportation service or the requirements for having such service safely and economically conducted; and

Whereas, the United States has a security interest in the Penn Central properties potentionally exceeding $100,000,000: Therefore be it

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That there is hereby established a Commission on Railroad Transportation in the Northeast. The Secretary of Transportation shall serve ex officio as Chairman of the Commission. There shall be six other members of the Commission consisting of the Chairman of the House Committee on Interstate and Foreign Commerce and two members of that Committee designated by such Chairman, and the Chairman of the Senate Committee on Commerce and two members of that Committee designated by such Chairman. No member of the Commission shall receive additional compensation for his service as such member. Determinations of the Commission shall be made by majority vote of the Commission members other than the Chairman.

Sec. 2. It shall be the duty of the Commission on Railroad Transportation in the Northeast to keep itself closely informed on all developments in In the Matter of Penn Central Transportation Company, Debtor No. 70–347, United States District Court for the Eastern District of Pennsylvania. Whenever the Commission finds that there is no reasonable prospect of achieving a traditional income-based reorganization of Penn Central Transportation Company without the abandonment or subsidization of lines of road reasonably needed for useful transportation, or the reduction of its workforce to a degree not consistent with efficient, non-burdensome and safe operations, or the subsidization of intercity or commuter passenger operations to a degree more favorable than those generally prevailing, then the Commission shall so determine and declare.

SEC. 3. There is hereby created a Federal corporation which shall be known as the Northeast Transportation Authority. The Secretary of Transportation shall serve ex officio, as Chairman of the Board of Directors of the Northeast Transportation Authority without additional compensation. Four additional directors shall be appointed by the President and shall be compensated in such manner and in such amount as the President shall determine. The directors appointed by the President shall each serve at the pleasure of the President.

SEC. 4. Promptly after all the members of the Board of Directors of the Northeast Transportation Authority have been named, they shall meet and determine what offices of the Authority will be needed to conduct all transportation operations now conducted under the direction of the Trustees of Penn Central Transportation Company, fix the duties of such offices and, as needed, appoint persons to fill such offices and fix their compensation and tenure. The Northeast Transportation Authority shall have and may exercise all corporate powers that Penn Central Transportation Company has and which are not inconsistent with this Act.

SEC. 5. If and when the Commission on Railroad Transportation in the Northeast, pursuant to section 2 of this Act, makes a determination and declaration that there is no reasonable prospect of achieving a traditional income-based reorganization of Penn Central Transportation Company that meets the requirements of section 2 hereof, then all property, real or personal, owned or operated under the direction of the Trustees of Penn Central Transportation Company and which is used or useful in the conduct of transportation shall become the property of the United States of America. Title thereto, with power to deal therewith pursuant to its corporate powers, shall be vested in the Northeast Transportation Authority. As promptly as reasonably possible after the determination and declaration of the Commission, the chief executive officer of the Northeast Transportation Authority shall certify to the Trustees of Penn Central Transportation Company which of its properties are not deemed used or useful in the conduct of transportation. Any properties so certified shall not become the property of the United States of America. Funds on hand at the time title passes to the United States and funds thereafter collected as a result of prior operations, together with the proceeds of subsequent operations, shall be available to the Northeast Transportation Authority without appropriation to meet the expenses of conducting its operations.

SEC. 6. Promptly after the Commission on Railroad Transportation in the Northeast makes a determination and declaration pursuant to section 2 of this Act, the Commission shall negotiate with the bankruptcy Trustees in an effort to agree upon a sum of money that will constitute just and reasonable compensation for the property passing to the United States under section 5 of this Act. In such negotiations the Commission and the Trustees shall be guided by the standards of just and reasonable compensation that are set forth for the guidance of the Court of Claims in section 7 of this Act. Any agreement negotiated pursuant to this section shall be subject to approval by the bankruptcy court before it becomes binding on either party.

SEC. 7. The Trustees of Penn Central Transportation Company shall be entitled, at any time before an agreement pursuant to section 6 of this Act becomes binding, to bring suit in the United States Court of Claims and to recover from the United States for the bankruptcy estate of the Debor the just and reasonable compensation for the property passing to the United States under section 5 of this Act. In arriving at the just and reasonable compensation recoverable by the Debtor under this section, the Court of Claims shall give due consideration to the security interest the United States has in the property of the Debtor pursuant to the "Emergency Rail Services Act of 1970," Public Law 91–663, 91st Congress, 84 Stat. 1975, the ability or inability of the Debtor to pay taxes or other fixed charges or to earn any return on the investment in its property or to reorganize under conditions acceptable to the United States, the marketability of its transportation properties under conditions in which no railroad transportation may be available, and such other factors as the Court may find relevant to a proper determination.

SEC. 8. The Trustees shall distribute the proceeds of just and reasonable compensation for the transportation properties of the Debtor, as determined under section 6 or section 7 of this Act, together with the proceeds of liquidation of such other properties as the Debtor may own, to the creditors and holders of other interests in the Debtor in accordance with the laws applicable to bankruptcies and under the direction of the bankruptcy court. Such distribution shall constitute full and final discharge of the United States of all liabilities to any creditor or holder of any other interest in the Debtor and to Penn Central Transportation Company.

SEC. 9. The Northeast Transportation Authority shall be deemed a common carrier by railroad within the meaning of section 1(3) of United States Code Title 49 and shall be subject to all provisions of the Interstate Commerce Act. Further, the Authority shall be subject to the same laws and regulations with respect to safety and with respect to the representation of its employees for purposes of collective bargaining, the handling of disputes between carriers and their employees, employee retirement, annuity and unemployment systems, and other dealings with its employees as any other common carrier subject to part I of the Interstate Commerce Act. The Northeast Transportation Authority shall not be subject to any Federal, State or local taxes, but the Authority may, after all tax liabilities of Penn Central Transportation Company have been discharged, enter into such arrangements as it deems equitable for the payment of moneys to States and localities in lieu of property taxes. The Northeast Transportation Authority shall not be subject to the restrictions of the Civil Service or other laws generally applicable to Federal agencies, but its accounts shall be audited by the General Accounting Office and the General Accounting Office shall report the results of its audits to Congress not less frequently than once each year.

SEC. 10. At the time title to the property described in section 5 of this Act passes to the United States the Northeast Transportation Authority shall become the employer of all employees and subordinate officials then employed by the Penn Central Transportation Company (as those terms are used in the Railway Labor Act) and shall assume all obligations arising from prior employment as employees or subordinate officials, other than those which will be satisfied from the assets of Penn Central Transportation Company.

SEC. 11. The primary objective of the Northeast Transportation Authority's operations shall be to provide the public with the most attractive, safe and useful railroad transportation service that can be furnished, while maintaining for its employees rates of pay, rules, and working conditions equivalent to the standard of those generally prevailing in the railroad industry in the United States. Another principal objective of its operations shall be to serve as a yardstick for the development of policies to govern the regulation and development of railroad carriers throughout the United States. The net proceeds of operations, if any, after the liguidation of liabilities payable therefrom shall be covered into the Treasury as miscellaneous receipts.

SEC. 12. There is hereby authorized to be appropriated from any monies in the Treasury not otherwise appropriated such sums as the Board of Directors may show to be necessary to meet the expenses of organizing and staffing the Northeast Transportation Authority in preparation for the takeover and such sums as may be shown from time to time to be necessary, in addition to the proceeds of operation, to conduct the operations of the Northeast Transportaton Authority in accordance with this Act.

METRIC CHANGEOVER PLAN NEEDED NOW

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. McCLORY. Mr. Speaker, with the adjournment of this Congress fast approaching, it seems almost unthinkable that no action whatever is to be taken in support of the Bureau of Standards report recommending conversion to the metric system of weights and measures.

The United States remains virtually the last great industrial nation to persist in the hodgepodge system which has developed throughout the period of our history.

My attention has been drawn to an article in Sunday's Chicago Tribune—reporting on the systematic and effective changeover which is being accomplished by Great Britain. I should add that my frequent demands for action by this administration and by the committees of this House have seemingly fallen on deaf ears. Needless to say, our continued delay in taking some official action is costly in terms of confusion and loss of business and prestige among the nations of the world.

I am attaching, hereto, the informative and encouraging article regarding acceptance of the metric system by the people of Great Britain. I regret that a similarly promising report cannot be made for the United States of America.

The article follows:

BRITAIN SWITCHES MEASURES TO METRIC SYSTEM QUIETLY

(By Joseph Cerutti)

LONDON, August 5.—The metric system is making its way quietly into British life, with many people unaware that the multibillion dollar switch of traditional weights and measures to meters, liters, grams, and cubic centimeters is taking place.

To give industry and the public time to adopt, the government decided the change should be gradual. There will be no M-Day in the way that there was a D-Day last year when Britain adopted decimal currency but the program will be completed by the end of 1975.

Trade and industry strongly support the switch and so far there has been little public opposition. The only organized resistance comes from the British Measures Research but Britons indefinitely will be Group, an offshoot of the antidecimal Group which condemned the switch as a confidence trick and estimated it will cost about $12½ billion.

The government answered that metric measures have been legal in Britain since 1897 but the spread of the system thruout the world as well as Britain's entering the Common Market makes it "most desirable in the interests of economic prosperity that the maximum practicable progress toward the metric system should be made."

Manufacturers, particularly those involved in export trade, were quick to change.

Already customers find wallpaper is sold at 19-meter rolls instead of 11-yard lengths. Metric measure cans of paint have replaced quarts and pints. Many tailors used metric when measuring a man for a suit. New maps include kilometers tho the government has shown no urgency about changing existing speed limits and other road signs.

Products in supermarkets increasingly carry metric equivalents altho few customers appear to have noticed them. Pharmaceuticals and toiletries are almost all metric and buyers get a 5-milligram spoon to make sure they take the correct dose.

The construction industry has adopted the metric system. Aluminum producers have completed the change, and so have makers of electric cables, cement, flat glass, nonferrous metals, and paper. The timber trade has switched.

Some canned and bottled beers are in metric measures but Britons indefinitely will be allowed to buy beer for consumption in pubs in pints. The milk industry also will retain the present system.

Metric beds and sheets are in the stores. Footwear will go metric when agreement is reached on an international sizing system.

THE BURNING OF BOOKS—THE TEMPLE UNIVERSITY LAW LIBRARY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. PATTEN. Mr. Speaker, on Tuesday afternoon, July 25, 1972, a fire broke out in the second story of the Charles Klein Library of the Temple University Law School in Philadelphia. The end result of the five alarm blaze that lasted less than 2 hours was the near total destruction of the library and the loss of thousands of irreplaceable volumes, some of which were rare manuscripts dating back to the 16th century. Damage estimates for the 180,000 volume library range from $2 to $4 million worth, plus numerous priceless books.

Book-rescuing efforts intensified the following week with a massive day long—from 9 a.m. to 11:50 p.m.—attempt on Saturday, July 29, and morning and afternoon sessions on Sunday. Scores of students, faculty, alumni, friends, community people, and technical specialists from the Library of Congress struggled long and hard to save the books from the destructive effects of water, mud, and mildew. Book brigades were organized to carry the books from the burnt-out building, wrap the wet and warped volumes in paper, package them in cardboard boxes and load them onto refrigerated trucks for freezing. The books had to be treated within the week or else all hope of restoration would fade due to the formation of mold and mildew.

One of my summer interns—Arthur Goldsmith of South River, N.J.—a second year student at Temple Law School, participated in the weekend rescue efforts and reported back as to the gratifying spirit of cooperation. Although many more people could have been put to work, he indicated that the people involved exceeded the limits of reasonable human effort. The nature of the cause certainly contributed to that. Nonetheless, I feel that such human activity should be duly noted and praised; and that a few names, although I will miss many deserving recipients, should be singled out for special praise.

Newly appointed Law Dean Peter J. Liacouras and his wife and four children worked diligently that week and on Saturday from the early morning hours until they fell asleep in his office late that evening. Law Librarian Erwin Surrency, to whom credit must be given for building the library up to one of the largest and best equipped law libraries in the country, supervised much of the rescue efforts. Profs. Keith Hey, Jerry Sloan, Larry Stapleton, Joe Passon, Robert Hachenburg, and William Traylor deserve special recognition. Countless others too numerous to mention gave unstintingly of their time and energies.

The burning of a library was indeed a tragic event, but the human efforts of people to save the books is indeed worthy of congressional commendation. I urge that all available Federal aid for library assistance and book replacement be placed at the disposal of the Temple officials.

Ralph Waldo Emerson one wrote:

> Books are the best type of the influence of the past, and perhaps we shall get at the truth—learn the amount of this influence more conveniently—by considering their value alone. . . . They are for nothing but to inspire.

Emerson also added:

> I had better never see a book than to be warped by its attraction clean out of my own orbit, and made a satellite instead of a system.

The books brought out of the burnt-out library were warped and neither attractive nor clean. But the Temple law students were not the only losers. The whole society loses a little when books cannot be put to their right use—to inspire and to influence active minds. The loss of inspiration and influence is what really went up in flames that Tuesday afternoon.

LEE HAMILTON'S WASHINGTON REPORT TO INDIANA'S NINTH CONGRESSIONAL DISTRICT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the text of my recent Washington report concerning Indiana's Federal tax dollar return:

CONGRESSIONAL LEE HAMILTON'S WASHINGTON REPORT

The complaint is often heard that Indiana pays out more in federal taxes than the state receives in federal assistance. According to the Tax Foundation, Inc., New York, the complaints are true. The Foundation reports that in Fiscal Year 1971, Indiana paid the highest price of any state for federal assistance—$1.61 in federal taxes for each $1 in federal aid.

Indiana residents paid $695 million in federal taxes in FY 1971, while getting back $431 million in federal assistance. The Foundation reported that 21 states were in the same category, the "over-payers", ranging from Indiana's $1.61 for each aid dollar, to Washington's $1.02 for each dollar returned. The "under-payers" ranged from Rhode Island's 99 cents for each federal dollar returned, to Alaska's 33 cents, and the District of Columbia's 23 cents, for each $1 in federal assistance.

The quick explanation for Indiana's low return on federal tax dollars sent to Washington is that this apparently is the way Hoosiers prefer it.

The amount of federal aid a state receives is determined largely by its own willingness to support state programs which are financed in part by federal funds. For years, Indiana has spent less on a per capita basis on its citizens than most states. In FY 1970, Indiana ranked 47th among the states in total general expenditures on a per capita basis.

Indiana's low rating in federal assistance is due, in large part, then, to the state government's unwillingness to participate in a variety of federal grant-in-aid programs now available. Obviously, the state's share of the finances for many of these programs must come from state and local taxes. States, and local governments, may choose not to qualify for federal assistance, either by not legislating matching funds for particular programs, or by not applying for federal funds. Indiana and local governments often made this choice.

Federal assistance to states is allocated mainly by (1.) formula apportionment grants, and (2.) project grants. Formula grants, which make up about 60 percent of all federal aid allocations, are those in which federal funds are apportioned on a predetermined ratio, i.e., the federal government contributing as much as 90 percent of the cost (as for interstate highways), and the remainder by the state government. These formulas vary considerably from one program to another, but many are based on population or income factors in the states.

Project grants are allocated for specific public assistance applications, such as municipal water systems.

The two largest federal assistance programs are public assistance (welfare) and highways. In Indiana's case, the state is known as a low public service state, with low expenditures in the categories of public health and public assistance. Since Indiana's own appropriations for public assistance are low, and its eligibility requirements to receive assistance are strict, the state spends less—and receives less federal help—for its welfare program.

Indiana also has been among the last to join such efforts as Medicaid, aid to the aged, childcare, and adult training and allowance programs. Even now, the level of participation in such programs is lower than other states, contributing to the low return of federal money to Indiana.

On the other hand, Indiana does very well in receiving federal assistance for highways, receiving far more than most states.

Indiana's response to the offering of federal assistance to construct pollution control facilities further illustrates the point. Water pollution control facilities can be constructed with 50 percent federal money, 25 percent state money, and 25 percent local money. In FY 1971, the Indiana General Assembly appropriated $11.4 million to take full advantage of the $25 million of available federal funds for Indiana. In FY 1972, the state appropriated $3.6 million, and received only about $7.2 million of the $41 million apportioned to Indiana. For FY 1973, no funds were appropriated for pollution control, and apparently the state will receive no federal monies for this effort.

MONTHLY GAO REPORT

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. BROOKS. Mr. Speaker, many Members of the Congress are familiar with the monthly list of GAO reports which the Comptroller General of the United States is required to provide the Congress under the Legislative Reorganization Act of 1970. A copy is sent monthly to each Member. However, in order to give this list the widest possible congressional and public circulation, I attach the monthly list of GAO reports issued or released during the month of July.

I would like to draw special attention to three of the reports on this list. Two of the reports deal with procurement of major weapons systems. On July 17, GAO sent to Congress the results of the third annual GAO review on the status of the acquisition of a large number of weapons systems. In addition, on July 24, GAO reported on the Defense Department's theory and practice of cost estimating for major acquisitions. The third report, issued on July 6, contains GAO's findings concerning the potential for increasing U.S. exports.

I commend the entire list to the attention of every Member:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., August 4, 1972.

THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES: Public Law 91-510, the Legislative Reorganization Act of 1970, directs the Comptroller General, in Section 234, to prepare and transmit each month to the Congress, its committees, and Members a list of reports of the General Accounting Office of the previous month.

Reports issued or released in July 1972 are listed on the attachment.

The title of each report, file number, date of issuance and agencies reviewed or affected are provided.

Copies may be obtained from GAO's Report Distribution Section, Room 6417. Telephone: code 129–3784 or 386–3784.

COMPTROLLER GENERAL
OF THE UNITED STATES.

GAO REPORTS ISSUED AS RELEASED IN JULY 1972

I. REPORTS TO CONGRESS, COMMITTEES, OR MEMBERS

Community development and housing

Examination of financial statements pertaining to insurance operations of the Federal Housing Administration fiscal year 1971. Department of Housing and Urban Development. B–114860 of July 20.

This report is required by the Government Corporation Control Act to show the results of GAO's annual examination of FHA's financial statements pertaining to its insurance operations and other information considered necessary to keep the Congress informed of the operations and financial condition of the agency.

The financial statements of FHA pertaining to insurance operations present fairly its financial position at June 30, 1971, and the results of its operations and source and applications of its funds for the fiscal year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year and with applicable Federal laws.

Education and manpower

Assessment of the Teacher Corps program. Office of Education, Department of Health Education, and Welfare. B–164031(1) of July 14.

Because committees and members of the Congress have expressed interest in the Teacher Corps, GAO has reviewed the program, nationwide. This report summarizes the strengths and weaknesses of the program and concludes that the Teacher Corps has been successful but that more could be achieved.

General Government

Improvements needed in policy for establishing regulatory fees by the District of Columbia. B–118638 of July 12.

The District of Columbia has not developed an adequate policy for the establishment of regulatory fees. They are required for business, occupational, and professional licenses and for permits and certificates of compliance with housing and building codes.

Before December 1970, the fees established were revised once in 14 years.

The report states that the D.C. Government should develop a policy for establishing fair and equitable regulatory fees that takes into consideration direct and indirect costs applicable to regulatory activities and the public interest served. The policy should require that costs of regulatory activities be reviewed periodically and that adjustments be made in the fees as necessary.

Health

Functioning of the Florida system for reviewing the use of medical services financed under medicaid. Social and Rehabilitation Service, Department of Health, Education, and Welfare. B–164031(3) of June 9, released by the House Committee on Ways and Means, July 5.

This is the second of four reports on GAO reviews of the functioning of State systems for reviewing the use of medical services financed under Medicaid, a grant-in-aid program administered by the Social and Rehabilitation Service of HEW. GAO reviews were made in Florida, Maryland, Massachusetts and Missouri. This report describes the review system in Florida.

Maternal and child health programs authorized by title V, Social Security Act. Department of Health, Education, and Welfare. B–164031(3) of June 23, released by the House Committee on Ways and Means, July 5.

Effective July 1, 1972, Federal authority to fund special project grants for maternal and child health under title V of the Social Security Act will be terminated. Such funds will be distributed to the States through formula grants.

For fiscal year 1972, about $100 million was made available to the States under formula grants and about $119 million was made available for the special project grants scheduled for termination June 30 that year.

This termination of authority and change in distribution of the money previously available for these grants will change substantially the amount of funds made available to many States.

The change in the methods used to distribute funds also could result in a substantial shift in emphasis from maternal and child health programs to crippled children's programs and could have a substantial impact on the health services currently being provided within the States.

Although title V specifically required the change on July 1, 1972, HEW had made no plans for an orderly transition. Because plans had not been made at the Federal level, few States had made plans for the transition.

Compliance with antidiscrimination provision of Civil Rights Act by hospitals and other facilities under medicare and medicaid. Department of Health, Education, and Welfare. B–164031(4) of July 13, released by the Chairman, House Committee on the Judiciary, July 21.

Shortly after Medicare and Medicaid were enacted, HEW made extensive efforts to enforce compliance by hospitals, extended care facilities, and nursing homes with title VI of the Civil Rights Act. This provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program receiving Federal financial assistance.

Since then HEW has reduced its activities in this area significantly and relies more on information reported by institutions participating in Medicare and Medicaid; on compliance reviews by State and local agencies; and on complaints by beneficiaries, physicians, and others to identify institutions which may require enforcement action.

HEW officials believe that title VI has helped to remedy overt discrimination in health care. However, these officials, as well as representatives of civil rights organizations, believe that title VI may not be adequate to deal with the more complex forms of discrimination—such as the general attitudes of whites toward nonwhites or the lack of understanding by white hospital staff of the cultural or economic backgrounds of minority-group patients.

According to HEW officials, it may be necessary to modify the law so that instances such as a disproportionate number of minority patients in a hospital compared with the number in the community population are considered sufficient evidence for HEW to compel a facility to take action to increase the number of its minority patients or demonstrate why more minority patients are not served.

Narcotic addiction treatment and rehabilitation programs in the county of Los Angeles. B–166217 of July 21, released by the Chairman of Subcommittee No. 4, House Committee on the Judiciary, July 27.

This is the second of five GAO reports on programs for treating and rehabilitating narcotic addicts in Chicago, New York, Los Angeles, San Francisco, and Washington, D.C.

A reliable estimate of the number of addicts in Los Angeles County was not available; estimates ranged from 15,000 to over 60,000. Determining the number of addicts with any degree of reliability was complicated by the absence of an acceptable definition for the term "narcotic addict" and by the absence of a complete and reliable reporting system.

State and county officials, program administrators, and addicts informed GAO of the following needs of drug rehabilitation and treatment programs in Los Angeles County.

Improved coordination and planning.

Increased effort to define and evaluate the effectiveness of programs.

More staff members, better trained.

More supportive services for patients, particularly job placement.

More and better facilities.

Capability to treat more addicts.

Narcotic addiction treatment and rehabilitation programs in San Francisco and Alameda Counties. B–166217 of July 24, released by the Chairman of Subcommittee No. 4, House Committee on the Judiciary, July 27.

This is the third of five reports on programs for treating and rehabilitating narcotic addicts in Chicago, Los Angeles, San Francisco, New York, and Washington, D.C.

State and local officials estimated that the number of heroin addicts in San Francisco County ranged from 4,500 to 7,200 and that a minimum of 5,000 resided in Alameda County. They informed GAO that:

Narcotic treatment programs needed to be registered and licensed to insure quality treatment.

Standards needed to be developed as to the type of data to be used in measuring program results and to compare different types of programs.

Lack of facilities in the San Francisco-Oakland area was hampering the effectiveness of the State's program for the civil commitment of narcotic addicts.

International affairs and finance

Aspects of U.S. assistance to disaster-stricken East Pakistanis. Agency for International Development, Department of State; Department of Agriculture. B–173651 of June 29, released by the Foreign Operations and Government Information Subcommittee, House Committee on Government Operations, July 10.

Several factors indicate that it was appropriate for the United States to provide wheat to rice-eating East Pakistani victims of the November 1970 cyclone. No wheat was provided to the Government of India for refugee feeding.

In Pakistan dollar assistance was used to finance the foreign exchange costs of items not available within that country. In contrast, almost one-half—about $13.7 million—of the U.S. dollar assistance given to India through the United Nations was used to buy goods and services within the country. The result was additional free foreign exchange for India.

About fifty 16-foot assault boats, furnished by the United States at a cost of $63,000 for relief assistance after the cyclone were confiscated by the West Pakistan military at the outbreak of civil hostilities in late March 1971.

Improved foreign market analyses can increase U.S. exports. Departments of State and Commerce. B–172255 of July 6.

GAO attempts to identify factors that business must deal with to increase its sales of U.S. goods in other countries and concludes that improved foreign market analyses by the Commerce Department could assist in alleviating present U.S. balance of trade problems.

The report focuses on the system of collecting and reporting commercial information by the Foreign Service and states that present methods do not develop the underlying reasons affecting the U.S. share of foreign country markets. Government and business officials contacted by GAO agreed that existing reports lacked the details and analyses necessary to be of use to U.S. exporters.

Suggestions for changes in U.S. funding and management of pacification and development programs in Vietnam. Department of Defense, Department of State, and Agency for International Development. B–159451 of July 18.

The Civil Operations for Rural Development Support (CORDS) organization in Vietnam was created to consolidate administration of all U.S. support for pacification under the U.S. Military Assistance Command. It served well in a war environment.

CORDS is an administrative device designed to meet the exigencies of the situation in 1967; it operated with resources and personnel from several agencies. CORDS does not have responsibility for financial stewardship or financial reporting and receives funds from DOD, AID and other U.S. agencies.

Through fiscal year 1971 the U.S. has spent about $2.1 billion for pacification and development programs. Most of these funds came from DOD and AID appropriations. Financial controls over other programs administered by CORDS were loose.

The Congress may wish to reexamine the need to continue funding assistance to Vietnam under this system. By appropriating these funds as military assistance under the Foreign Assistance Act, the Congress could exercise more control over the amount of assistance to be provided and the purposes for which the aid will be used.

National defense

Procurement of high-yield steel plate without competition or cost or pricing data—The effectiveness of secretarial waivers. Department of Defense. B–148722 of July 7.

HY80/100 steel plate was bought competitively by the Defense Industrial Supply Center and by two prime shipbuilding contractors. Newport News, the largest purchaser, for the most part placed orders prior to October 1971 on the basis of identical bids. Thereafter, a third steel producer began competing and received about one-third of the orders.

The steel companies that submitted identical bids to Newport News for procurements over $100,000 were requested to furnish certified cost or pricing data for HY steel plate but refused to do so. The Navy consented to the purchases without obtaining secretarial waivers required by law.

The law does not require contractors to furnish cost or pricing data even though the head of the agency determines that such data are necessary to establish the reasonableness of the prices. If such data were obtained, they would provide the agency with a basis for determining whether offered prices were fair and reasonable. If such data indicated that the offered prices were not reasonable, agency officials would have a basis for attempting to negotiate lower prices and, if unsuccessful, for considering what further action was warranted.

Conversely, acceptance of the contractors' prices after contractors' refusals to furnish data and after the issuance of secretarial waivers, casts doubts on the reasonableness of such prices.

At the present time there is no provision in Public Law 87–653—the Truth-in-Negotiations Act—or in any other legislation requiring contractors to submit cost or pricing data.

Acquisition of major weapon systems. Department of Defense. B–163058 of July 17.

This third annual review provides the Congress with an independent appraisal of the complex problems associated with weapon systems development and procurement by DOD. The estimated cost of 77 weapon systems has increased by about $28.7 billion (31 percent). This increase represents the difference between the original estimates and the current estimates of total program cost, down from last year's 40-percent increase reported on 61 systems.

The change can be attributed primarily to the addition of a number of new systems to GAO's review, which reduces the base on which the percentage computation is made. The other reason is the significant number of quantity decreases on many of the 77 systems.

Cost changes amounted to about $30.8 billion for the 46 systems for which complete data was available at June 30, 1971. Almost $12.2 billion is related directly to changes in the quantity to be purchased, and nearly all of that, or $11.7 billion, resulted from decreased units to be bought.

The effect of that kind of change is obvious—program costs go down and individual unit costs go up. Not so obvious, but perhaps far more significant, is the impact of these quantity reductions on interrelated weapon programs, all of which are part of an overall plan.

Theory and practice of cost estimating for major acquisitions. Department of Defense. B–163058 of July 24.

In this report GAO provides an independent evaluation of the practices and procedures associated with cost estimating for major weapons acquisitions by the Department of Defense. It shows that uniform guidance was lacking on cost-estimating practices and procedures which would be the basis for formulating valid, consistent, and comparable estimates throughout the three military services.

Each service issued its own guidance for the estimating function, which ranged from a detailed estimating manual to a few general statements. Guidance was often ignored by the estimators.

Cost estimates for a specific system frequently are a succession of revisions; the current cost estimate is derived by refining and revising the preceding cost estimate. Accurate revision of both the original and updated cost estimates requires documentation showing data sources, assumptions, methods, and decisions basic to the estimate.

In virtually every system GAO reviewed, documentation supplying such information was inaccurate or was lacking.

Letter reports

Three reports in the form of letters from the Comptroller General were released during July.

To the Chairman, Senate Committee on Finance—evaluating Department of Health, Education, and Welfare proposed regulation changes affecting Medicare reimbursements to hospitals. B–164031(4) of March 24, released July 18.

To Senator Charles H. Percy—identifying the various Federal agencies operating programs designed to benefit the criminal offender. B–171019 of May 17, released July 28.

To Senator William Proxmire—concerning the change from cost contracts to fixed-price contracts for 155 mm casings production at the Army Ammunition Plant, Shreveport, Louisiana. B–167724 of June 29, released July 17.

II. REPORTS TO HEADS OF DEPARTMENTS AND AGENCIES

Savings by greater use of surface transportation for shipments of unaccompanied baggage. (To the Secretary of Defense.) B–133025 of July 31.

The Department of Defense can realize substantial savings by making greater use of commercial surface transportation to deliver baggage shipments within the continental United States. GAO estimates that DOD can save over $600,000 annually on shipments from the three bases reviewed—McGuire, Dover, and Travis Air Force Bases. Corrective action already taken at Travis should result in savings of about $130,000 annually.

Air transportation, in GAO's opinion, had been used at these bases because information concerning the time required for surface delivery was not available, not being used, or inaccurate.

The General Accounting Office issued two reports in the form of letters to heads of agencies.

To the Secretary of Defense, concerning the cost-plus-incentive-fee phase of an Air Force contract for design, development, and manufacture of the F–15 aircraft. B–159344 of July 6.

To the Secretary of Agriculture, making recommendations to improve the fee assessment policies and practices of the Agricultural Stabilization and Conservation Service. B–163484 of July 13.

OFFICE OF MANAGEMENT AND BUDGET STATEMENT OF BUDGETARY RESERVES

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. STOKES. Mr. Speaker, on July 26, I was one of several members who participated in the special order called by the gentleman from Texas (Mr. PICKLE) to discuss the Office of Management and Budget. I feel that OMB has become a very powerful policymaking agency. It is time for the Congress to reassert control over the Federal budget. The special order contributed much to an understanding of OMB's role. In the interest of encouraging the continuation of this debate, I insert here the Statement of Budgetary Reserves as of June 30, 1972:

BUDGETARY RESERVES, JUNE 1972

Under authority delegated by the President, the Office of Management and Budget operates a system of apportioning the funds provided by the Congress. The apportionments generally are for the current fiscal year and limit the amounts the agencies may obligate during specified periods.

There are occasions when the amounts of available funds are not fully apportioned. That is, some amounts are either withheld from apportionment, or their use is temporarily deferred. In these cases, the funds not apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by both Republican and Democratic Administrations as a customary part of financial management.

The reasons for withholding or deferring the apportionment of available funds usually are concerned with routine financial administration. They have to do with the effective and prudent use of the financial resources made available by the Congress. The provisions of the Antideficiency Act (31 U.S.C. 665) require the President to establish reserves of appropriated funds for such reasons as a change in conditions since they were appropriated or to take advantage of previously unforeseen opportunities for savings. Thus, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of necessary organization and designation of accountable officers to manage the programs, (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available.

Table A, attached, lists the items and amounts being reserved on June 30, 1972, for such routine financial administration. They total $9.1 billion, which is a reduction of nearly $1.5 billion since January of this year. This reduction is indicative of the fact that amounts are frequently released from reserve—and put to use—during each fiscal year as plans, designs, specifications, studies, project approvals, and so on are completed.

The reserves established for reasons of routine financial administration are recognized by all concerned to be temporary deferrals, and their need or wisdom is usually not questioned. In addition, however, there has been a long-standing and consistent practice in both Republican and Democratic Administrations to establish some—a much smaller amount of—reserves for reasons other than routine financial administration. It is these latter reserves which have sometimes been criticized as "impoundments" of funds.

Amounts being held in reserve for reasons other than routine financial administration generally could be used (i.e., obligated) during the apportionment time period. They have not been apportioned from time to time for such reasons as the Executive's responsibility to (1) help keep total Government spending within a congressionally-imposed ceiling, (2) help meet a statutory limitation on the outstanding public debt, (3) develop a governmentwide financial plan for the current year that synchronizes program-by-program with the budget being recommended by the President for the following year, or (4) otherwise carry out broad economic and program policy objectives.

Table B, attached, lists the items and amounts held in reserve on June 30, 1972, for reasons other than routine financial administration. They total $1.5 billion, a reduction of more than $200 million from the amount so reserved in January of this year. Of the $1.5 billion total, almost $450 million was released and apportioned on July 1, 1972, as indicated in the various footnotes on Table A.

The total of all current reserves (i.e., Tables A and B) is 4.6% of the total unified budget outlays for fiscal 1972. The comparable percentage at the end of fiscal years 1959 through 1961 ranged from 7.5% to 8.7%. At the end of fiscal 1967, it stood at 6.7%, and a range in the neighborhood of 6% has been normal in recent years.

Attachments.

TABLE A.—*Budgetary Reserves for routine financial administration, June 30, 1972*

AGENCY, ACCOUNT, AND AMOUNT

Executive Office of the President:

National Security Council, $33,000. This amount was in excess of 1972 needs.

Special Action Office for Drug Abuse Prevention, $682,000. Represents the balance of appropriation which cannot be utilized by the Office in 1972 due to late enactment of legislation. Release will occur as needed in 1973 operations.

Funds Appropriated to the President:

Appalachian Regional Development Program, $40,000,000. Apportionment awaits development of approved plans and specifications.

International Security Assistance: Foreign military credit sales, $15,350,000. Because of increased private financing, the legislated program ceiling was achieved without the use of the full budget authority appropriated.

International development assistance:

Prototype desalting plan, $20,000,000. Apportionment awaits development of approved plans and specifications.

Inter-American Foundation, $41,624,000. Amount represents balance of initial funding from AID transfer to cover first four years of the Foundation's operations. Apportionments will continue to be made annually as plans and specifications are developed.

Department of Agriculture:

Agricultural Research Service, construction, $70,000. Represents residual amount of appropriation for planning that is not required for that purpose. Apportionment awaited additional appropriation for construction.

Scientific Activities Overseas (special foreign currency program, $352,000. Amount shown here was in excess of 1972 needs.

Animal and Plant Health Service, $2,049,000. This amount was in excess of 1972 needs.

Farmers Home Administration:

Mutual and self-help housing grants, $729,000. Amount shown here was in excess of 1972 needs.

Direct loan account (farm operating loans limitation), $12,453,000. Amount reflects release of $37 million for last quarter of fiscal 1972. The balance of loan authority is being held pending demonstration of further need.

Consumer and Marketing Service:

Consumer protective, marketing, and regulatory programs, $760,000. Amount shown here was in excess of 1972 needs.

Perishable Commodities Act Fund, $1,000. Amount shown here was in excess of 1972 needs.

Forest Service—Forest protection and utilization:

Cooperative range improvement, $624,000. Amount shown here was in excess of 1972 needs, and was released and apportioned on July 1, 1972, to fund the 1973 program.

Youth Conservation Corps, $1,730,000. These funds were released from reserve and apportioned in July 1972 for the CY 1972 program.

Forest roads and trails, $402,040,000. Reserve reflects amount of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.

Expenses, brush disposal, $13,303,000. Amount shown here was in excess of 1972 needs.

Forest Fire Prevention, $115,000. Amount shown here was in excess of 1972 needs.

DEPARTMENT OF COMMERCE

Social and Economic Statistics Administration:

19th Decennial Census, $11,028,000. These funds had been held in anticipation of the need to pay printing costs. They were released and apportioned for this purpose on July 1, 1972.

Regional Action Planning Commissions:

Regional Action Planning Commission, $300,000. Funds will be released when Mississippi Valley Regional Commission is formed.

Promotion of industry and commerce:

Trade adjustment assistance (financial assistance), $50,000,000. Amount shown here was in excess of 1972 needs.

Inter-American Cultural and Trade Center, $5,446,000. Funds will be released when plans for participation in U.S. Bicentennial are completed and approved.

National Oceanic and Atmospheric Administration:

Research, development, and facilities, $214,000. These funds are for disaster relief to fisheries. Apportionments are made as applications from the States are processed following contingencies under which the funds must, by statute, be made available.

Research, development, and facilities (special foreign currency program), $286,000. These funds were released and apportioned on July 1, 1972, to fund the 1973 program.

Promote and develop fishery products and research pertaining to American fisheries, $257,000. Amount shown here was in excess of 1972 needs, and was released and apportioned on July 1, 1972, to fund the 1973 program.

National Bureau of Standards:

Plant and facilities, $1,495,000. Funds are for a new laboratory now in the planning stage. Apportionment waits development of approved plans and specifications.

DEPARTMENT OF DEFENSE—MILITARY

Shipbuilding and conversion, $1,388,946,000. For use in subsequent years; these projects are fully funded when appropriated.

Other procurement programs, $21,020,000. For use in subsequent years; these projects are fully funded when appropriated.

Military construction and family housing, $171,304,000. Apportionment awaits development by the agency of approved plans and specifications.

Civil defense programs, $1,277,000. Amount was in excess of 1972 needs, and was released and apportioned on July 1, 1972, to fund the 1973 program.

Special foreign currency program, $4,903,000. Apportionment awaits development by the agency of approved plans and specifications.

DEPARTMENT OF DEFENSE—CIVIL

Corps of Engineers:

Construction, General: Lafayette Lake, Indiana, $183,000. Funds are being held in reserve because of local opposition to initiation of construction of the project.

Lukfata Lake, Oklahoma, $450,000. Construction funds are being held in reserve pending the completion of a new general design memorandum leading to an environmental impact statement.

New York Harbor Collection and Removal of Drifts, $80,000. Funds are being held in reserve because, although the project has been authorized by the Congress for initiation and partial accomplishment, initiation of construction must await approval of the Secretary of the Army and the President. The Secretary of the Army forwarded the proposal to the President on June 21, 1971, and his recommendations are currently under review.

Panama Canal Government:

Capital outlays, $850,000. These FY 72 funds, reserved at the request of the Panama Canal Government, will be combined with the 1973 appropriation for the purchase of major items of capital equipment.

Wildlife conservation, $474,000. Includes estimated receipts not needed for current year program. Will be used in subsequent years.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health:

Buildings and facilities, $2,565,000. Apportionment awaits development by the agency of approved plans and specifications.

Office of Education:

School assistance in federally affected areas, $4,996,000. Apportionment awaits development by the agency of approved plans and specifications. Construction obligations will be incurred subsequently.

Higher education, $1,462,000. Apportionment awaits development by the agency of approved plans and specifications.

Educational activities overseas (special foreign currency program, $16,000. Apportionment of this amount awaits development of approved plans and specifications by the agency.

Social Security Administration:

Construction, $12,095,000. Apportionment awaits development of approved plans and specifications by the agency.

Special Institutions:

Gallaudet College, $516,000. This amount was in excess of funds which could be effectively used in 1972.

Howard University, $3,714,000. Apportionment of this amount awaits development of approved plans and specifications. Construction obligations will be incurred subsequently.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Model cities programs, $105,000,000. This amount was released on July 1, 1972. Its earlier reserve enabled several cities to count on proceeding with their FY 1973 programs.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management: Public lands development, roads and trails, $16,694,000. Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.

Bureau of Indian Affairs: Road construction, $53,699,000. Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.

Bureau of Outdoor Recreation: Land and water conservation fund, $30,000,000. Consists of 1972 annual contract authority which was made available by P.L. 91–308, approved July 7, 1970. It has not been used because the Federal agencies purchasing park lands have found annual contract authority cumbersome to administer. Instead, they prefer ordinary appropriations to finance such land purchases. The 1973 budget proposes appropriation of the full $300 million annual authorization for the fund, of which about $98 million is for Federal land purchases in 1973.

Bureau of Mines: Drainage of anthracite mines, $3,623,000. Funds are spent on a matching basis with Pennsylvania as that State and the Department of the Interior develop projects for this purpose. Apportionment awaits development of approved plans and specifications in FY 1973.

Bureau of Sport Fisheries and Wildlife: Construction, $9,075,000. Appropriated funds for D.C. Aquarium withheld because authorized facility cannot be constructed within the funding limits established by the authorization. The Appropriations Committees of the House and Senate have directed that the funds be used in fiscal 1973 for the construction of other facilities. Release is scheduled shortly.

National Park Service:

Parkway and road construction, $72,621,000. Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.

Bureau of Reclamation:

Construction and rehabilitation, $1,055,000. Funds are being held in reserve pending completion and review in FY 1973 of the economic restudy to determine the most effective use of funds for the Second Bacon Siphon and Tunnel Unit, Wash.

Operation and maintenance and replacement of project works, North Platte project, $84,000. This amount fulfilled the legal requirements for this account of an annually established contingency reserve.

DEPARTMENT OF JUSTICE

Federal Prison System:

Buildings and facilities, $4,299,000. The apportionment awaits development of approved plans and specifications.

DEPARTMENT OF LABOR

Grants to States for unemployment insurance and employment services, $20,192,000. Late enactment of supplemental appropriations and lower unemployment insurance workloads permitted savings to be made.

DEPARTMENT OF STATE

Education exchange fund (earmarked proceeds of payment by Finland on World War I debt), $22,000. This amount was released and apportioned on July 1, 1972, to fund the 1973 program.

Bureau of Educational and Cultural Affairs:

International Educational Exchange Activities (special foreign currency program), $5,000. Funds represent recent recovery of prior year obligations in excess of current year needs. These funds were released and apportioned on July 1, 1972, to fund the 1973 program.

DEPARTMENT OF TRANSPORTATION

Coast Guard:

Acquisition, construction and improvements, $7,607,000. Funds are for equipment or improvements and will not be needed until construction on seven projects is in an advanced stage. They will be released when needed.

Alteration of bridges, $1,000,000. Apportionment awaits development of approved plans and specifications.

Federal Aviation Administration:

Facilities and equipment (Airport and Airway trust fund), $115,897,000.

Grants-in-aid for airports (Airport and Airway trust fund), $6,368,000.

Construction, National Capital Airports, $900,000.

Civil Supersonic aircraft development termination, $4,506,000.

Other, $2,200,000.

Apportionment of the above FAA accounts awaits development of approved plans and specifications.

Federal Highway Administration:

Territorial Highways, $5,000,000. New program established by the 1970 Highway Act, effective December 30, 1970. No appropriation was provided until August 1971, although $4.5M of contract authority was authorized for each of 1971 and 1972. Territories were not prepared to handle program and have only recently begun to organize agencies and prepare studies for use of the funds. Total obligations through December 31, 1971, were about $93,000.

Federal-aid highways:

(1) 1973 contract authority, $5,700,000,000.

(2) Remaining balance from reductions made in prior years, $246,798,000.

Urban Mass Transportation Administration:

Urban mass transportation, $299,970,000. The Congress provided a total of $3.1B of contract authority for the five-year period 1971–1975. Executive Branch apportionments resulted in $1.0B of this amount being used by June 30, 1972, another $1.0B (including this $300M) will be apportioned for fiscal 1973, leaving $1.1B, or $550M per year for the fiscal years 1974 and 1975. By appropriation action in fiscal years 1971 and 1972, the Congress effectively limited the amount of the contract authority that could be used each fiscal year. Thus, the $300M shown is the difference between the $600M apportioned for 1972 and the $900M upper limit for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation: "Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating more than $900,000,000 in fiscal year 1972."

TREASURY DEPARTMENT

Office of the Secretary:

Construction, Federal Law Enforcement Training Center, $22,239,000. Apportionment awaits development by the agency of approved plans and specifications.

Expenses of administration of settlement of World War Claims Act of 1928, $1,000. Amount shown here was in excess of 1972 administrative costs.

Bureau of the Mint:

Construction, $79,000. Apportionment awaits the completion of studies for the effective use of funds.

ATOMIC ENERGY COMMISSION

Operating expenses:

Reactor development—Funds held in reserve for the Liquid Metal Fast Breeder Reactor (LMFBR) demonstration plant awaiting the completion of detailed negotiations now underway involving AEC and the Commonwealth Edison Company and TVA, $43,350,000.

Biomedical Research—Funds held in reserve pending development of a plan for effective utilization, $370,000.

Plant and capital equipment:

Funds held in reserve awaiting AEC's development of firm plans or specifications for two projects in the nuclear materials and weapons programs, $175,000.

Funds held in reserve awaiting AEC's completion of feasibility studies or the results of research and development efforts for the national radioactive waste repository and two other projects, $2,533,000.

Funds held in reserve for possible cost overruns and other contingencies, $2,200,000.

ENVIRONMENTAL PROTECTION AGENCY

Operations, research and facilities, $7,294,000, reflects release of $28M for Cincinnati laboratory. Remainder awaits completion of EPA study of requirements for other laboratory facilities.

GENERAL SERVICES ADMINISTRATION

Construction, public buildings projects, $17,971,000; $10,803 thousand is being held for fuure obligation. The projects are not ready for construction and financing is under review. Apportionment awaits completion of this action—$7,160 thousand is reserved to meet possible contingencies that might arise in the course of construction.

Sites and expenses, public buildings projects, $11,567,000. Reserved to meet possible contingencies or for use in subsequent years.

Operating expenses, property management and disposal service, $769,000. Amount shown here was not needed in 1972 for stockpile disposals.

VETERANS' ADMINISTRATION

Grants to States for extended care facilities, $8,420,000. State plans and requests for funds were not presented to the extent originally expected. Amount shown will be available for program in future years.

OTHER INDEPENDENT AGENCIES

Cabinet Committee on Opportunities for Spanish-speaking Peoples, $5,000. This amount was in excess of 1972 needs.

Federal Communications Commission:

Salaries and expenses, (construction), $460,000. These funds are intended for replacement of a monitoring station. Funds remain in reserve until results of study requested by Congress are available regarding the need of continuation of fixed monitoring stations.

Federal Home Loan Bank Board:

Interest adjustment payments, $46,888,000. Funds which could be effectively utilized by the Board in fiscal year 1972 were apportioned. This amount was not needed.

Foreign Claims Settlement Commission:

Salaries and expenses, $19,000. This amount was in excess of 1972 needs.

Payment of Vietnam and Pueblo prisoner of war claims, $150,000. Apportionment awaits arrival of contingencies under which the funds must, by statute, be made available.

Smithsonian Institution:

Salaries and expenses, Woodrow Wilson International Center for Scholars, $11,000. Reserved for contingencies. Will be apportioned if and when needed.

Temporary Study Commissions:

Commission on Highway Beautification, $25,000. Amount being held for completion of Commission's work in 1973.

Commission on Population Growth and the American Future, $30,000. A small contingency amount was set aside to cover any increases in contracted costs after the Commission completed its work in May, 1972. No increases occurred and the funds are not needed to complete the work of the Commission.

National Commission on Consumer Finance, $50,000. For terminating the Commission in 1973 after the report is completed.

Aviation Advisory Commission, $587,000. These funds were released and apportioned on July 1, 1972 to carry Commission through its expiration date of March, 1973.

Commission on Government Procurement, $1,300,000. $1.4 million to remain available until expended was appropriated in the Second Supplemental Act of 1972. $100 thousand was apportioned for 1972; the remainder will fund the Commission's operations through April 1973.

United States Information Agency:

Salaries and expenses (special foreign currency program), $407,000.

Special international exhibitions, $746,000. These amounts were released and apportioned July 1, 1972.

Water Resources Council:

Salaries and expenses, $25,000. Funds were held in reserve pending establishment of new river basin commissions.

Total, $9,110,078,000. Of this total, $467 million was released at the start of fiscal 1973.

TABLE B.—*Reserves for reasons other than routine financial administration, June 30, 1972*

[In thousands of dollars]

Agency and Account:	
Department of Agriculture:	
Rural Electrification Administration—	
Loans	[1] $107,000
Farmers Home Administration:	
Sewer and water grants	[2] 58,000
Department of Housing and Urban Development:	
Rehabilitation loans	[1] 53,042
Grants for new community assistance	[1] 5,000
Basic water and sewer grants	[3] 500,000
Department of Transportation:	
Federal-aid highways	623,000
Rights-of-way for highways	50,000
Urban mass transportation	[4] [299,970]
Atomic Energy Commission	[5] 17,655
NERVA-Nuclear Rocket	(16,990)
Plowshare	(665)
National Aeronautics and Space Administration:	
NERVA-Nuclear Rocket	21,914
National Science Foundation:	
Educational and institutional support	[1] 21,000
Graduate traineeships	[6] 9,500
Reserves established pursuant to President's August 15, 1971, directive to curtail previously-planned Federal employment levels	[7] 61,750
Total	[8] 1,527,861

[1] This amount was released and apportioned on July 1, 1972.

[2] Of this amount, $42 million was released and apportioned on July 1, 1972.

[3] Of this amount, $200 million was released and apportioned on July 1, 1972. This remainder is being held for subsequent apportionment.

[4] This amount was released and apportioned on July 1, 1972. It is listed here because of public and congressional interest. It is not counted in the total of Table B because its use is consistent with congressional intent. The Congress provided a total of $3.1 billion of control authority for the five-year period 1971–1975. Executive Branch apportionments result in $1.0 billion of $3.1 billion total being used by June 30, 1972, another $1.0 billion (including this $300 million) is being apportioned for fiscal 1973, leaving $1.1 billion, or $550 million shown per year for the fiscal years 1974 and 1975. The $300 million shown is the difference between the $600 million apportioned for 1972 and the $900 million *upper limit* for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation:

"SEC. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating *more than* $900,000,000 in fiscal year 1972." (Italic supplied.)

[5] Pending enactment of 1973 appropriations, it is planned that these funds be applied to AEC's total program needs for 1973.

[6] Apportionment awaiting NSF review of how these funds can be used effectively to help meet the Nation's scientific and engineering manpower needs without stimulating an oversupply of manpower with specialized capabilities.

[7] These funds are the remainder of $280 million in reserves established initially under the President's directive of August 15, 1971. The originally reserved amounts were largely released to meet costs of pay raises and other essential purposes.

[8] Of this $1.5 billion total, $447 million were released and apportioned on July 1, 1972 (as itemized in the preceding footnotes).

COPERNICAN THEORY IS BASIS OF MODERN SCIENCE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. DULSKI. Mr. Speaker, on July 27, the House approved my bill, House Joint Resolution 1026, requesting the President to designate February 19, 1973, as "Nicolaus Copernicus Day."

I deeply appreciate the courtesy and cooperation of my colleague, the gentleman from California (Mr. EDWARDS), chairman of the Judiciary Subcommittee No 4, the members of the committee, and all my colleagues in the House for their support of this measure.

The year 1973 marks the quinquecentennial of the birth of Copernicus, the great Polish astronomer, churchman, physician, economist, and soldier.

It was Copernicus who determined the teachings of the Bible and the accepted theory of the homocentric universe were in error. Rather than the universe revolving around the earth, as was then contended, Copernicus determined that the universe revolves around the sun. Copernicus' finding was literally the beginning of modern science.

It is most fitting—particularly in view of the great ventures in space in the past score of years—that the nations of the world join with their scientific communities in reflecting on the work of Copernicus in the year ahead.

The National Academy of Sciences is leading the way and many observances are being arranged.

On July 31 at the University of California, Berkeley campus, five distinguished scientists took part in a series of lectures on the "Copernican Revolutions in the 16th Century and in Modern Times."

Leadoff speaker was Dr. Jerzy Neyman, professor of statistics emeritus and director of the statistical laboratory at the university. Dr. Neyman is vice chairman of the special committee of the National Academy of Sciences heading up arrangements for the quinquecentennial observance.

Other lecturers at the Berkeley session were Rainer K. Sachs, professor or mathematics, and physics, University of California, Berkeley; John Hammersley, fellow of Trinity College, Oxford; Michael Kasha, professor of chemistry and director of the Institute of Molecular Biophysics, Florida State University; and Glenn T. Seaborg, university professor of chemistry, and associate director, Lawrence Berkeley Laboratory, University of California, Berkeley.

These lectures are based on essays to be published in the Copernican Volume, a project of the National Academy of Sciences.

Mr. Speaker, as part of my remarks I include the text of Dr. Neyman's excellent lecture:

NICOLAUS COPERNICUS AND HIS REVOLUTION

(By Dr. Jerzy Neyman)

Nicolaus Copernicus was born in Torun, Poland, on February 19, 1473. Currently, in a number of countries, including the United States, preparations are in progress to celebrate the 500th anniversary of this event.

Among other things, the U.S. National Academy of Sciences is preparing to publish a volume, the "Copernican Volume," addressed to the general public and intended to explain the meaning of the Copernican revolution.

This is understood to mean the abandonment of a firmly-established preconception. The particular point that the Volume will emphasize is that quasi-Copernican revolutions keep recurring up to the present time.

Frequently, they are followed by remarkable advances in the particular domains of science and technology in which they occur. They differ from the original Copernican revolution in the range of their effects.

A modern quasi-Copernican revolution affects developments primarily in one domain of study, such as astronomy, biology, physics, etc., as described in separate chapters of the Copernican Volume.

On the other hand, due to special circumstances that existed in the sixteenth century, the original Copernican revolution was all-inclusive and marked the beginning of all modern science.

Roughly, there are two broad categories of intellectual revolutions. A revolution of one kind, the Copernican category, begins with someone recognizing that a well-established customary premise of our thinking has no backing other than tradition. This preconception is then abandoned in favor of something new which, in the words of Copernicus, is more "pleasing to the mind."

If the abandoned preconception is really well-established, then the revelant "establishment" resents the novel conceptualization and there is a struggle, occasionally a fierce struggle. However, if the new idea, more "pleasing to the mind," is really fruitful, then in due course it gains acceptance and a fresh domain of study becomes open.

The non-Copernican revolutions also open new vistas. They differ from Copernican revolutions in that there is no abandonment of an important preconception. In these cases, the opening of new horizons is the result of a gradual accumulation of many relatively small gains. The phenomenon is similar to the opening of broad vistas to a mountain climber who, after a prolonged and strenuous effort, finally reaches the summit.

Scholarly thinking in the epoch of Copernicus was dominated by the teachings of several Greek philosophers, particularly of Aristotle and his followers. These teachings, from logic to astronomy to what are now called biology and physics, were accepted literally as unquestionable truths.

When some disputes occurred, the issues were judged not on their own merits, but on the degree of their agreement with traditional dogmas. In our times, this state of affairs is difficult to visualize, and illustrative quotations appear a necessity.

A statement attributed to Martin Luther illustrates the way of thinking of educated people in the Copernican era. Luther had heard of the work of Copernicus before it was published and, perhaps surprisingly, condemned it harshly:

". . . 'the new astronomer who wants to prove that the Earth goes round, and not the heavens, the Sun and the Moon; just as if someone sitting in a moving wagon or ship were to suppose that he was at rest, and that the Earth and the trees were moving past him. But that is the way nowadays; whoever wants to be clever must needs produce something of his own, which is bound to be the best since he has produced it! The fool will turn the whole science of Astronomy upside down. But, as the Holy Writ declares, it was the Sun and not the Earth which Joshua commanded to stand still.' "

Here, then, the work of Copernicus is judged not on its merits, but on the degree of its consistency with the words attributed to Joshua. An entirely different frame of reference is adopted by Copernicus himself in his Commentariolus, in which he criticizes the Ptolemaic system of planetary motions.

"Hence a system of this sort seemed neither sufficiently absolute nor sufficiently pleasing to the mind."

The two sentences emphasized here above epitomize the essence of the Copernican Revolution and explain its all inclusiveness. The standard for judgment of scholarly work was changed: not the agreement with dogmas proclaimed by some authority, however high, but consistency with the facts and conceptual elegance.

Copernicus had the intellectual courage to abandon just one of the dogmas underlying the astronomy of Ptolemy, which was the adopted doctrine of his time. This Ptolemaic dogma was that Earth is in the center of the Universe and that the Sun and all the planets rotate around the Earth.

Copernicus was familiar with an alternative idea, also inherited from the Greeks, but generally ignored: this was that the Sun is the immovable center of the Universe and that Earth and the other planets rotate around the Sun.

He found this idea more "pleasing to the mind" and, for some 30 years, worked to calculate the distances of the Earth and the other planets from the Sun, etc. The book of Copernicus appeared convincing and the fall of one dogma had a "domino effect."

In spite of the harsh resistance of the contemporary establishments, both Catholic and Protestant, other Ptolemaic dogmas fell, mainly due to Kepler, leading to Newton. The resulting developments, first in astronomy and then elsewhere, were tremendous.

However, it is the change in the point of view on matters of all research, the change in the yardstick with which to measure its quality, from references to authorities to comparisons with facts and to "pleasures of the mind," that is the most significant feature of the Copernican Revolution. This change affected all domains of thought and marked the birth of all our present science.

The four distinguished speakers this afternoon are authors of essays now being prepared for the Copernican Volume of the National Academy. Each of them will describe a different impressive revolution in science or technology, probably both, which occurred in modern times.

I think it is safe to say that perhaps to a varying degree, these four revolutions are Copernican in character. However, when there is some thought at all, there must be disagreements.

In fact, if there were no thoughts that generate disagreements and sharp disputes, life could perhaps be simpler than it is, but it would be much less interesting. It happens that the only thing on which one of the speakers, Dr. Hammersley, and I are agreed is that we agree to differ.

In this spirit, the audience is invited to judge which of the revolutions we are going to hear about is fully Copernican, which is only partly Copernican and which is altogether non-Copernican.

THE FAILURE OF THE NIXON PROGRAM TO EMPLOY SPANISH-SPEAKING AMERICANS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. BADILLO. Mr. Speaker, in a futile attempt to win support among Spanish-speaking Americans, the Nixon Administration has been referring to its highly touted 16-point program as a success. Fortunately, however, the Spanish-speaking community is able to see through this sham and realizes that the program is a complete failure.

Earlier this year our distinguished colleague from California, Mr. EDWARDS, chairman of the Civil Rights Oversight Subcommittee very aptly observed that the Federal agencies are not taking the program seriously. Noting that the 16-point program failed to raise the percentage of Spanish-speaking employment in the Federal Establishment by even one-tenth of 1 percent, Mr. EDWARDS cautioned that—

> Unless the President acts his Sixteen Point Program will be just another set of broken promises to the Spanish-speaking community.

The fact of the matter is that the President has not acted and Puerto Ricans, Chicanos, Cubans, and other Latin peoples continue to be barred from Federal employment or, in those few instances where they are hired, they remain in the lowest level positions.

The failure of the Nixon Administration to provide full and equal employment opportunities for Spanish-speaking citizens was recently the subject of a communication from Spanish-speaking employees of the Department of Health, Education, and Welfare to Secretary Richardson. In a 3-page memorandum to the Secretary, the DHEW Spanish-speaking employees caucus cited the fact that, although Spanish-speaking Americans represent approximately 7 percent of the Nation's population, they account for only 1.85 percent of DHEW employees and are generally relegated to the lowest grades. This tragic state of affairs is just one isolated example and is repeated throughout virtually every department and agency of the Federal Government.

In order that our colleagues and the American public may become more aware of this pressing problem and the failure of the present administration to take affirmative and effective action, I present herewith, for inclusion in the RECORD, the memorandum to Secretary Richardson:

JULY 20, 1972.

MEMORANDUM

To: The Secretary.

Through: Rodney Brady, Assistant Secretary for Administration and Management.

From: The Spanish speaking employees caucus.

Subject: An affirmative action plan for the Department.

BACKGROUND

There are approximately 15,000,000 Spanish-speaking and/or Spanish surnamed

Americans in the United States. This, the second largest "minority" group, is composed mainly of Mexican-Americans, Puerto Ricans, and Cubans.

The Spanish-speaking have been in this country longer than any other group, save the the American Indian. The Spanish-speaking are the second most neglected peoples in these United States.

Despite the size of the group, the amount of time we have been here and the conditions prevalent amongst our peoples it was only recently that the Federal Government recognized that the group had needs which were not being met.

In November of 1970, President Nixon enunciated his 16 Point Program to accelerate the employment of Spanish-speaking peoples within the Federal Government. Vice-President Agnew added his voice to the President's in urging implementation of the 16 Point Program.

In March, 1971, you Sir, directed remarks at the uniqueness of the Spanish-speaking population and the hope that we would continue to enrich our society through the preservation of that uniqueness.

These officially expressed desires have not been carried out at line management levels.

The DHEW recently recognized that the services which it provides were not reaching the Spanish-speaking. To try to rectify this the Chicano and Puerto Rican studies were funded by SRS.

Ceiling reductions and average grade constraints imposed during the various "freezes" brought about an even more pronounced lessening of efforts to hire the Spanish-speaking by the various agencies.

Significantly, however, although the number of new positions increased, few, if any, Spanish-surnamed were selected from these positions. The percentage of Spanish-speaking employees in the Department remains a low 1.85% versus the national population of approximately 7%.

The administration and delivery of services to the Spanish-speaking population can be enhanced by the hiring of Spanish-speaking administrators and practitioners. The attainment of equal employment opportunity within DHEW, therefore, is a matter of highest priority for this Caucus and its constituents in the barrios of the Southwest, Midwest, Northwest, Northeast, and Southeast.

THE FACTS

On June 30, 1971, the Spanish-speaking accounted for 1.7% of the employees of this Department. Despite the existence of a 16 Point Program, an Upward Mobility Program, an Equal Employment Opportunities Program, and all the high level pronouncements, as of April 30, 1972 the Spanish-speaking accounted for only 1.85% of the employees of the Department (i.e., only 1,804 Spanish-speaking employees out of a complement of 97,645 persons employed by the Department as of April 30, 1972).

Of these 1,804 Spanish-speaking employees only five are GS–16's; only 20 are GS–15's.

Approximately 75% of all Spanish-speaking employees are concentrated below the GS–9 level.

The much-heralded 16 Point Program within the Department is headed by a GS–13, and as if this were not enough of an obstacle to effective implementation, it has been buried in a lower layer of the hierarchy, thus further detracting from the importance of this program.

Of 20 professional positions assigned to the 10 regions to work in the area of Equal Employment Opportunity, zero went to Spanish-speaking individuals despite the heavy concentration of our people in many of these regions.

Almost all the staff of the Executive Manpower Board is at the GS–15 level or above. The sole Spanish-speaking member of that staff is a GS–13.

The USOE Contracts Office has only one Spanish-speaking person. He holds a Doctorate in Jurisprudence and was hired and is still at a GS–9.

With only a few exceptions, all minority recruiters are other than Spanish-speaking.

The same disregard of the Spanish-speaking and the President's 16 Points exists in the areas of Fellowships, Internships, New Careers, etc.

Despite the expressed concerns the Office for Spanish Surnamed Americans, OS is understaffed and is continually downgraded.

The DHEW has one of the poorest records in government vis a vis the hiring of Spanish-speaking.

RECOMMENDATIONS

If the DHEW is to be in any way instrumental in the eradication of those "conditions that stunt dignity, growth and development" of our people, then Affirmative Action is called for *now*!!

If the DHEW is to reverse this trend of exclusion of the Spanish-speaking from its ranks and from positions where they can influence policies and programs, then it is imperative that you direct all agency, bureau, and line management personnel to the effect that:

1. One out of every five persons hired in DHEW during the coming fiscal year be Mexican, Puerto Rican, and Cuban descent.
2. 75% of all Mexican, Puerto Rican, and Cubans hired must be grade 13 or higher.
3. All the Spanish-speaking currently employed should be reviewed with an eye to promotions and upgrading.
4. A Spanish-speaking woman be selected to fill at least one of the senior-level management vacancies which presently exist in FWP.
5. The OSSA/OS and the Office of the 16 Point Program be elevated so that the position of director in those offices can at least be graded at the GS–15 level.

QUESTIONNAIRE REPORT FROM THE 34TH CONGRESSIONAL DISTRICT OF CALIFORNIA

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. HANNA. Mr. Speaker, as one who has consistently felt it to be of the utmost importance to keep in the people a sense of awareness of Government action and a feeling of participation in Government decisions, I send periodic questionnaires to my constituents. This practice provides a two-way flow of communication. The constituent learns what matters are of immediate concern in Washington, D.C., and as a Representative, I learn of the attitudes and positions of the people I represent. In a recent poll on basic questions concerning Vietnam and tax reform, the people of my district—the 34th in California—made their disposition known as indicated below. In this survey, 15 percent of the canvassed persons returned their questionnaires.

The questionnaire follows:

A. The President announced on May 8th that he had ordered the mining of North Vietnam ports. Do you favor this action?

1. Yes, 82%.
2. No, 15%.
3. Undecided, 3%.

B. We now have approximately 60,000 troops in South Vietnam. What do you think we should do about our current troop strength?

1. Leave them there until the invasion by North Vietnam is defeated, 13%.
2. Leave them there until our P.O.W.'s are returned, 37.5%.
3. Continue the policy of gradual withdrawal, 22%.
4. Withdraw them by the end of 1972, 6.5%.
5. Send more troops in, 4%.
6. Withdraw the 60,000 immediately, 15%.
7. Undecided, 2%.

C. An issue that the Congress and the President will face in the near future is that of amnesty for those who left the United States to avoid the draft. Under what conditions, if at all, would you favor amnesty?

1. Never, under any conditions, 53%.
2. After the P.O.W.'s are returned and all of our troops are out of Vietnam, 5.5%.
3. On condition that they are subject to the draft, 10%.
4. On condition that they perform some kind of alternate public service for 1-2 years, 24.5%.
5. Grant amnesty now, 7%.

D. Do you favor cutting the current oil depletion allowance?

1. Yes, 57%.
2. No, 20.5%.
3. Undecided, 22.5%.

E. Do you favor increasing state and federal support for schools as a means of lowering property tax?

1. Yes, 61%.
2. No, 30%.
3. Undecided, 9%.

F. Do you favor a national Value Added (sales) Tax as a means of lowering local property tax?

1. Yes, 32%.
2. No, 57%.
3. Undecided, 11%.

G. Do you favor federal Revenue Sharing with state and local governments?

1. Yes, 60%.
2. No, 25%.
3. Undecided, 15%.

H. Do you favor increasing the tax on capital gains?

1. Yes, 53%.
2. No, 39%.
3. Undecided, 8%.

I. Do you favor eliminating the tax exemption given to income from municipal bonds?

1. Yes, 51%.
2. No, 40%.
3. Undecided, 9%.

J. Do you favor taxing philanthropic foundations?

1. Yes, 58%.
2. No, 30%.
3. Undecided, 12%.

PERSPECTIVE ON NUCLEAR SAFETY

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. HOSMER. Mr. Speaker, on March 30, 1972—page 11387—I commented in the RECORD that many of those who frequently berate those nuclear powerplants with allegations of unsafety rarely find time to publicize the fact that they, in turn, are frequently berated for quoting people out of context. This lack of objectivity continues.

It recently came to my attention that Dr. Edward Teller of the University of California's Lawrence Livermore Laboratory directed a complaint on July 14, 1972, to a gentleman from Alaska (Mr.

GRAVEL) to the effect that he—Dr. Teller—had been quoted by the Alaskan on June 30 "in a thoroughly misleading fashion."

Dr. Teller further stated in his July 14 letter:

> I hope that you will take the trouble to set the record straight.

He—Teller—even drafted a proposed statement that the Alaskan (Mr. GRAVEL) could handily use for the purpose.

Since I have not noted any attempts to correct any misimpressions of Dr. Teller's consideration of nuclear powerplant safety, I include in the CONGRESSIONAL RECORD at this point the above-mentioned letter by Dr. Teller and the suggested statement which he proposed that the Alaskan utilize to define the true sense of Teller's concerns.

The letter and proposed draft follow:

LAWRENCE LIVERMORE LABORATORY,
July 14, 1972.

Hon. MIKE GRAVEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRAVEL: It is kind of you to send a copy of your statement of June 30, 1972. On page 3 (of the copy I received) you quoted me in a thoroughly misleading fashion. I hope that you will consider it fair and proper to correct the wrong impression which has been given. In order to make my position more clear, I have enclosed a proposed statement for your use. I should be most grateful if you would include it or something similar to it as a supplement to your statement of June 30th.

It is obvious that by picking out individual sentences and fractions of sentences that a person has said, the meaning can be distorted. I furthermore hope and believe that in the case of your use of my statements, this distortion was not intentional on your part. In view of the extremely great responsibility you carry and of the importance of the topic that you address, I hope that you will take the trouble to set the record straight.

I would like to use this occasion to tell you that of the various proposals you discussed for solving the energy crisis, the use of solar power is indeed an excellent one in certain areas of the world if employed in small units for domestic use. In spite of diligent study I could not find a plausible proposal for the big scale usage.

On the other hand, another suggestion which you mentioned, the gasification of coal, appears more hopeful. This process has of course been used both in Germany and in Russia without significant success. But a new proposal is discussed which exploits deep deposits of coal (at a depth as great as half a mile). In these proposals moderate amounts of conventional explosives are used (adapted to the thickness of the coal seam). The procedure has the advantages of eliminating human labor under hard conditions, of exploiting plentiful resources which according to present practice are beyond our range, of leaving the earth surface unscarred by excavations and waste products, and the producing of rather clean fuel. The proposal is made by Dr. Gary Higgins of the Lawrence Livermore Laboratory.

Sincerely yours,

EDWARD TELLER.

THE FOLLOWING STATEMENT IS PROPOSED FOR THE USE OF SENATOR MIKE GRAVEL

In my statement on "Federal Energy Research and Priorities," dated June 30, 1972, I have referred to Dr. Edward Teller in the following paragraph:

"Because a single large nuclear power plant produces as much long-lived radioactivity in a year as the explosion of 1,000 Hiroshima bombs, Dr. Edward Teller has said that a nuclear bomb is 'relatively safe instrument' compared with a power plant. 'In my mind, nuclear reactors do not belong on the surface of the earth,' he wrote in the *Journal of Petroleum Technology*, May 1965. He reiterated this position on CBS television in the summer of 1970. Dr. Teller favors their construction 'deeply underground'."

Dr. Teller informs me that he has consistently considered reactors as safe instruments. He has advocated and is now strongly advocating the construction of nuclear reactors, located deeply underground. The reason is a further increase of safety since not a single serious accident can be tolerated. He is confident that such construction can be carried out at a moderate cost and with practically complete elimination of every serious hazard. He further emphasizes that nuclear explosions can be carried out (in the "Plowshare" program) under conditions where any damage can be kept under close surveillance and where the whole operation can be performed according to the highest standards of safety. It is in this sense that he referred to nuclear explosives as safe instruments.

TO PAY TRIBUTE TO RABBI URI MILLER OF BALTIMORE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. LONG of Maryland. Mr. Speaker, the members of Beth Jacob Congregation, Baltimore, and the American people, have suffered a grave loss in the death of my friend, Rabbi Uri Miller. On July 9, a memorial service was held to pay tribute to Rabbi Miller. I should like to share with my colleagues my eulogy and the names of those who participated in the service:

EULOGY OF RABBI URI MILLER BY CONGRESSMAN CLARENCE D. LONG

The death of Rabbi Uri Miller has saddened the nation. That Rabbi Miller was a brilliant spiritual leader is, of course, well known, but he was also a man of action. In government he served as co-chairman of the President's Commission on Civil Rights nearly a decade ago. In religion he served as chief executive of many distinguished national organizations. His compassion was deep—for the young, for the old, and for the people of the Jewish faith who have been trapped in the Soviet Union.

The Jewish people with their thousands of years of cultural, economic, and intellectual leadership can be described as the great success story of the human race. Rabbi Uri Miller can be described as one of the great success stories of the Jewish people.

I valued him as a friend, I respected him as a leader, and I shall miss him as you will miss him. I am deeply proud to have been his Representative in the Congress of the United States.

LIST OF PARTICIPANTS IN THE SERVICE

Rabbi Samson R. Weiss, Jerusalem, Israel.

Father Thomas Peterman, Perry Point VA Hospital, Perry Point, Md.

Rabbi Louis J. Lehrfield, Hebrew Theological College, Skokie, Ill.

Rabbi William Herskowitz, Rabbinical Council of America, New York, N.Y.

Rabbi Jacob Weinberg, Ner Israel Rabbinical College, Baltimore, Md.

Rabbi Leon Adler, Synagogue Council of America, New York, N.Y.

Mr. Fred Neal, Mayor's Office, Baltimore, Md.

Hon. Theodore R. McKeldin, Baltimore, Md.

Rabbi Benjamin Bak, Baltimore, Md.

Rabbi David S. Goldstein, Baltimore Hebrew Congregation, Baltimore, Md.

Rabbi Albert Pattashnich, Talmudical Academy, Baltimore, Md.

Hon. George L. Russell, Jr., Tower Building, Baltimore, Md.

Rabbi Israel Goldman, Chizuk Amuno Congregation, Baltimore, Md.

Judge Solomon Liss, Baltimore, Md

PROBLEMS AND PROGRESS IN THE POSTAL SERVICE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. CARTER. Mr. Speaker, the U.S. Postal Service has been an independent corporation for 13 months now. It is still too early, I think, to make a definitive judgment as to whether the new system will justify the high expectations that many of us had for it when the Postal Reorganization Act was passed.

It is encouraging to note, however, that Postmaster General Ted Klassen himself recognizes existing shortcomings and has cautioned his people that "Service and customer courtesy must once again become a way of life throughout the entire Postal Service."

The Postal Service has outlined a letter to me some of the difficult problems that must be overcome before it can consistently and uniformly "give our customers the kind of service they deserve—and that we ought to provide."

The letter offers a perspective that all of us, friends and critics of the Postal Service alike, should consider. I insert in the RECORD the text of the letter:

LETTER FROM POSTMASTER GENERAL TED KLASSEN

Your constituents are entitled to know the basic reasons why delivery service is not always satisfactory and what we are doing to correct a situation that is as intolerable to us as it is to them.

In 1968, the President's Commission on Postal Reorganization concluded that ". . . the postal system as presently organized (is not) capable of meeting the demands of our growing economy and our expanding population."

The postal system, as it then existed, was found by the Commission to be in "serious trouble because of decades of low priorities assigned to modernization and management needs . . . because of years of lagging productivity . . . because of a hodgepodge of postal laws 200 years in the making that constrained managerial judgment and initiative . . ."

Congress responded to the crisis by creating the independent U.S. Postal Service in August 1970 and giving management broad authority to operate the Corporation according to sound business principles. We believe that the Postal Service has and is making significant progress toward its goal of providing the fastest, most dependable mail service that is humanly possible. But we recognize that we still have a long way to go—problems 200 years in the making cannot be wiped out overnight.

Let me cite a few of the really tough problems that beset the Postal Service and what we are doing to overcome them:

1. Sheer volume. In 1967, the nation's post offices handled 78 billion pieces of mail. By 1970, the volume was up to 88 billion pieces, and this year it will exceed 90 billion. The problems inherent in handling such a tidal wave of mail—some 250,000,000 pieces a day—would challenge even the most sophisticated processing system.

But the truth is that our 32,000 post offices simply are not equipped to process the volumes that confront them. In this electronic age, for example, the basic mail sorting device remains the pigeonhole case that was invented by Benjamin Franklin nearly two centuries ago and in which letters are manually placed one by one.

The new Postal Service is studying the feasibility of installing high-speed mail processing equipment in major post offices from coast to coast. The centralization of mail processing from 32,000 post offices into some 180 highly-mechanized facilities, would, we believe, significantly increase the timely delivery of mail.

2. Transportation. Just moving 250,000,000 pieces of mail a day from one point to another is a monumental task. For many years the postal transportation system was built around the nation's network of railroads. More than 10,000 trains once hauled the mail and gave postal managers a wide choice of schedules from which to meet delivery requirements.

Today, however, the regular mail train is a thing of the past. We must depend primarily on air and highway transportation. Unfortunately, more than 800 scheduled air flights have been discontinued in recent years, thus further constricting service options available to us.

The Postal Service is moving rapidly to overcome these transportation problems.

We just recently added six new chartered jet flights between 11 major cities in the East and Midwest, bringing the total, nationwide, to 160. This service is enabling us to more consistently meet our goal of delivering *overnight* at least 95 percent of all airmail letters destined for specified cities within a 600-mile radius. We also are committed to the first-day delivery of first-class intra-city mail. We are meeting these goals with increasing consistency.

The Postal Service also has inaugurated direct rail service between Chicago and the West Coast. Specially chartered trains, each transporting up to a million pounds of parcel post and bulk mail, are cutting three days off our former delivery schedules.

3. Productivity. Productivity in the old Post Office Department lagged far behind that of the nation's work force as a whole. One study suggested that the output in some postal facilities could be increased by as much as *fifty percent* through systems engineering techniques common to private industry.

The Postal Service is adopting new techniques in management, processing and distribution. As a result, productivity increased by 3.5 percent in the 1971 fiscal year. During the prior 14 years, under the old system, productivity increased by an average of less than one-half of one percent a year.

4. Bulk Mail. The Postal Service in encountering particularly difficult problems in the timely, damage-free delivery of bulk mail parcels. One result is that we are losing a substantial segment of this business to our competitors.

The Postmaster General is cognizant of the shortcomings in the bulk mail area and is bound and determined to correct them.

We are currently developing a system of 33 specially-designed, automated plants to expedite the handling and damage-free distribution of bulk mail. The system will be fully operational in three years and will give our customers the kind of service they deserve—and that we ought to provide.

I hope that you and your constituents will bear with us during the transitional period that the postal system is now going through. We have made tremendous progress in facing up to problems that were generations in the making. Still greater progress is on the way.

ULYSSES S. GRANT: STORY BY MISCHA SPELLER

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. MURPHY of New York. Mr. Speaker, as part of the activities for the National Book Week, April 10–16, 1972, the North Salem, N.Y., Free Library sponsored a book composed of writings by local school children under the title of "Your Story Will Make a Book." There were no topics assigned, no rules, and no limitations. Everything submited was accepted with the writing in the original except for errors in spelling.

One of the interesting articles submitted was by 7-year-old Mischa Speller, son of Jon P. Speller, vice president of Robert Speller & Sons, publishers of New York, editor of East Europe, and author on the subject of U. S. Grant.

Because of the unique quality of the story by one so young, I quote it as part of my remarks and commend the North Salem Free Library for its efforts to stimulate youthful talent:

ULYSSES S. GRANT

(By Mischa Speller)

Ulysses Grant was born April 27, 1822 in Point Pleasant, Ohio. One year later his family moved to nearby Georgetown. He had three sisters and two brothers. When he was seventeen his father asked him if he wanted to go to West Point. The answer was yes. When he went to West Point, there was one thing he did not like. It was parading. He thought it was a waste of time. Then the cadets heard that they were to parade for General Winfield Scott. He was marching his best. When he saw the General, he thought that he would come back and watch the cadets march, too.

In his last year at West Point, he was the best rider. Then he was ordered to Jefferson Barracks. One of his roommates said, "My family lives near there." One day he rode out to the Dent family where he met his future wife. They soon got engaged to get married. Before their plans were made, the Mexican War started. He was placed in charge of the mule pack train. This was dull work. It took all of his patience to keep 1,000 mules going. The U.S. won its first battles easily. But they got harder. Soon the war was over. He and Julia were married. Their first child was Frederick. He was 39 when the Civil War started. He wrote to General McClellan but the general was too busy to see him. The Governor of Illinois said that he would make him a colonel. When he met his regiment the soldiers howled because he didn't have a uniform. His uniform had holes at the elbows. He had a red hankerchief instead of an officer's red sash. He carried a stick instead of a sword.

He did have a fine horse. A friend lent him some money to buy a good uniform. He heard the Southerners were on the banks of the Mississippi River. At first the Northern soldiers seemed to be winning. Then more southern soldiers came. The North finally lost this battle. After that he was promoted to General. He heard that the Southerners built two forts in Tennessee. He asked for permission to attack Fort Henry. The answer was no. He was sure he could take the fort. So finally, he got the permission from General Halleck. He captured Fort Henry and without permission attacked Fort Donelson. He captured it too. Then he took Vicksburg. Congress gave him a gold medal. Lincoln told him to attack Robert E. Lee in West Virginia. Lee surrendered to him. Six days after Lee surrendered, Lincoln was shot.

Grant felt crushed. He had lost a friend. Before Lincoln was shot, he made him Chief General of all the armies of America. Many Northern leaders wanted to punish the South. The new President could not do much to keep them from starting another war. Grant became President after Andrew Johnson and no war started. After he was President, he went to China and talked to Li Hung-Chang. He died in 1885. The entire nation mourned his death. A tomb was built for him. It is 35 miles down the river from West Point.

FEDERAL DISCRIMINATION OF MEXICAN AMERICANS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. ANDERSON of California. Mr. Speaker, the Federal Government has accused the city of Los Angeles of discriminating against Mexican Americans by using hiring policies and practices which exclude Mexican-American applicants.

I have long condemned discrimination in its many forms, and I applaud Federal actions to put the heat on those who discriminate against Mexican-Americans. At the same time, I feel that we must not fail to put the heat on the Federal Government, since the Federal bureaucracy itself is lagging far behind in employment equality.

Across America, Mexican-American young men are coming home from the war in Vietnam only to find that Uncle Sam considered the Mexican-American adequate as cannon fodder, but inadequate for employment in the Federal Government.

While 15 percent of the Vietnam combat deaths among Californians consist of Mexican Americans, only 5.9 percent of the Federal Government's employees in California are Chicanos.

While Mexican Americans consist of 17 percent of southern California's population, they hold less than 6 percent of the 150,000 Federal jobs in the area.

Mr. Speaker, not only are Mexican Americans discriminated against in entering the Federal job structure, once hired, they rarely wind up with the top-level positions.

While 70 percent of the agricultural work force in California is Mexican American, only 6 of the Federal Department of Agriculture's 3,643 middle- or high-level decisionmakers are Mexican Americans.

In Los Angeles, the Federal Government employs 1,342 middle- and high-level, decisionmakers, with a General Service rating of 14 and above. Yet, only 25 of these positions are filled by Mexican Americans. Even more startling is the fact that no Mexican Americans are employed in the GS–16 through 18 category.

The Postal Service in Los Angeles employes 650 middle- and high-level decisionmakers, with a rating of PFS 10 through 21. Yet only 12 are Mexican-Americans.

Mr. Speaker, if this great employment disparity were based on education, training, or skill deficiencies, it might be excursable. For no one wants or expects the Government to hire the unqualified. However, the Federal Government's pattern of exclusion shows the lack of serious commitment to Mexican-American employment.

The Federal Government must embark on a course which will bring Mexican-Americans into Federal service. Such a course must include:

The hiring of Mexican Americans in a reasonably equivalent ratio to their percentage of the population.

An intensified drive to recruit Mexican Americans to serve especially in those areas populated by Mexican Americans.

An expanded agency, staffed by Mexican Americans, to pinpoint problem areas that are unique with the Mexican-American population, and with the capability to promulgate standards designed to eliminate the problem areas.

A greater emphasis on enhancing advancement opportunities for all levels of Federal employment for Mexican Americans.

A requirement that Federal managers assure equal opportunity for employment and upward mobility in Federal agencies for Mexican Americans.

A program to hire Mexican-American high school and college interns to give them a greater understanding of the Federal Government.

A special effort to inform Mexican-American veterans of the availability of Federal employment opportunities.

Mr. Speaker, the Federal Government must assume the lead in effort to end discrimination. A government that is viewed as a "gringo government" is unjust and a danger to our democracy.

DRAFT EVADERS AND MEDIA ACCURACY

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 8, 1972

Mr. SPRINGER. Mr. Speaker, Mark Twain once wrote that "there are three kinds of lies: lies, damned lies, and statistics."

I am reminded of this by an article in the may 1972 issue of the Progressive magazine entitled "All Those Draft Resisters Up There," written by Russel Nye, the Michigan State University English professor who won a Pulitzer prize for his biography of George Bancroft.

For the "statistics" used by the news media in reporting the number of deserters and draft evaders who fled to Canada defy intelligent analysis. For instance, New York Times vice president James "Scotty" Reston, in an article for the New Republic, put the number of deserters and draft resisters in Canada at 50,000. The Times itself used figures all the way from 4,000 to 60,000. The higher Times' estimate has been picked up by numerous other media, including the Canadian Broadcasting Co. The Toronto Globe and Mail put the number between 30,000 and 100,000 while good old Mike Wallace on "60 Minutes" boosted the ante to 100,000 and David Brinkley, "with oracular finality," settled for the 75,000 to 100,000 range.

Apparently none of them thought to go to the official Canadian sources for more accurate information. It is very probable, based on Canadian immigration figures which, as Professor Nye points out, are available to anybody asking for them, that there are around 10,000 young Americans who are in Canada to avoid military service in the United States. Around the same number of Canadians have volunteered for service in the U.S. Army.

If there ever was a case for Abraham Kalish's organization, Accuracy in Media, this is one. Right on, Mr. Kalish.

I know my colleagues will be interested in reading Professor Nye's entire article, which follows:

All Those Draft Resisters Up There

(By Russel B. Nye)

When it comes to facts, I have never really trusted newspapers very much. A youth spent in what Colonel Robert R. McCormick used to call "Chicagoland," reading the *Tribune*, and twenty-five years of historical research have convinced me that newspapermen are highly fallible sources of information. When I heard Martin Nolan of *The Boston Globe* remark confidently on televison (October 24, 1971) that there were "over 50,000 war resisters in Canada," I thought he might really know. The figure seemed to me important, so I wrote to Nolan, asking his source.

Nolan's reply was not helpful. He cited James Reston, who had used the 50,000 figure in *The New Republic* without attribution. Newspapermen quoting other newspapermen arouse my suspicions, so I wrote to Reston. I received no reply (I was told later that this was a journalistic gaffe; one just doesn't *ask* Reston) so I thought I'd look it up, especially when that 50,000 began turning up all over the media.

I began in 1968. That year a writer in *The Progressive* thought there were "at least 10-000" draft evaders in Canada. *U.S. News and World Report* gave estimates varying from 300–400 to 25,000. Edmund Taylor, in a well-researched article in the soon-to-be-defunct *Reporter*, cited a *New York Times* estimate of 4,000; another by a Toronto antidraft group of 10,000; and Canadian press estimates of 14,000 up. *The Atlantic*, using the Toronto group's figure, came up with 3,000–10,000.

In 1969 amazing things happened. *The New York Times* in April settled for "several thousand" draft evaders in Canada. In December, however, it raised that to 60,000 on the basis of estimates from the Toronto draft-resisters' group—a number soon to be enshrined in the American press. That the figure represented a spectacular increase of 56,000 over its 1968 news report bothered nobody at the *Times*, while CBC's "Public Eye" program, perhaps carried away by the *Times*, also estimated 60,000.

In 1970 things settled down a bit, but not for long. The *Times* shifted its estimate to 6,000–60,000 (a delightfully flexible figure, I thought) as well as quoting an "independent estimate of 20,000." The Toronto group (which used 10,000 in 1968) now placed the number at 60,000 (the *Times* again?) which other papers dutifully printed. Stewart Alsop, in *Newsweek*, fixed for no discernible reason on 25,000–30,000. Roger Williams, of the Toronto group, used the *Times'* 60,000 but insisted that "qualified observers" calculated "many more than that." (This seemed to me an interesting situation, in which draft evaders in Canada quoted the *Times* which quoted draft evaders in Canada.) Vance Garner, of the Montreal Resisters' Council, entered the field with a statement that there were 14,000 draft-age landed immigrants "here now," a figure I found impossible to derive from any known Canadian immigration reports. He escalated things further by claiming that there were actually "three to four times that many" *illegally* in Canada, i.e., 42,000–56,000. A staff worker for the Clergy and Laymen Concerned About Vietnam told the press that there were 60,000 draft evaders in Canada (once more the *Times*), a figure which included 50,000 in Toronto alone.

The year 1971 was wilder. *Newsweek* cited 50,000–70,000, doubling what their man Alsop said a year before. *Parade*, apparently quoting the Clergy and Laymen group, said there were 30,000 in Toronto. The Toronto *Globe and Mail*, for its part, chose 30,000–100,000. Mike Wallace on "Sixty Minutes" used a new Montreal Resistors' estimate of 100,000, noting that it was perhaps inflated, but offering no alternative. Nolan, citing Reston, and Reston, citing nobody, said "over 50,000."

The most curious statistics of 1971, howeve, appeared in Roger Williams's book, *The New Exiles*, which had few footnotes and no bibliography. Williams on different pages cited both 40,000 and 60,000 (the *Times* again!) for 1970. On another page he put the number in mid-1967 at 5,000–6,000, representing an increase of 34,000–55,000 in less than three years, certainly one of the least-noticed mass migrations in modern history. On two other pages he reported 25,000 evaders and deserters *legally* in Canada, and on yet another page, by adding wives and children, he got the number (legal or illegal?) to 50,000–60,000. Finally, at the close of his study, he increased this to 50,000–100,000.

1972 may be a banner year for inflation. *Newsweek* led off in January with "75,000, mostly in Canada," while David Brinkley, with oracular finality, made it 75,000–100,000. Senator Robert Taft, in an interview given to *The Los Angeles Times* news service, estimated there are "about 20,000 of these men in Canada." Senator Taft, who has initiated legislation, and Brinkley, who was commenting on it, differ by 55,000–80,000, the variance seems significant. They can't both be right.

In January, Gannett News Service used the figure "60,000–100,000," which strikes me as having a generous margin of built-in error. In February, UPI settled on 70,000. The last four references I have seen in January and February, 1972, choose 70,000.

What emerges from all this, and I have not by any means exhausted examples, is clear evidence of extremely sloppy journalism. Newspaper and television reports on draft evaders and deserters in Canada have, over those two years, varied from 10,000 to 100,000, a margin of error that ought to have stirred a twinge of doubt in some newspaperman's breast somewhere. Most striking in the stories was the almost complete lack of plain legwork. I found no journalist who had consulted easily obtainable Canadian immigration figures, and with one or two exceptions, none who had researched the realities of Canadian immigration laws. One cannot, as Alsop wrote, simply walk across the Canadian border and "fade into the economy," or, as *Newsweek* misleadingly implied, gain landed immigrant status simply by asking at the border. Canadian embassy and consular sources that have no ax to grind will, if asked, estimate about 10,000 American draft evaders in Canada (about the same number of Canadians have volunteered for the U.S. Army), but nobody asks them.

As for me, I trust the press no more than before, nor do I have any more information than before. I don't know how many draft evaders there are in Canada or elsewhere, but in the light of the growing debate over amnesty, I'd like to know as accurately and honestly as possible.

SENATE—*Wednesday, August 9, 1972*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, giver of every good and every perfect gift, we beseech Thee to look with favor upon this land and its people. Though undeserving, Thou hast made us great and strong among the nations and we must ever remember that all we are and have is given as a trust to use in Thy service. Make us faithful stewards of Thy bountiful goodness. Spare us from pride and arrogance, from the misuse and abuse of power. May our national purpose be to advance Thy kingdom. We commend to Thy care and guidance all who serve in public office praying that Thou wilt guide them by Thy spirit. For Thine is the kingdom and the power and the glory forever. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

The 1971 Annual Report of the Department of Housing and Urban Development is herewith transmitted to you.

RICHARD NIXON.

THE WHITE HOUSE, *August 9, 1972.*

REPORT ON A FEDERAL-INTERSTATE COMPACT FOR THE HUDSON RIVER—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

In accordance with Section 3, of Public Law 89–605 as amended by Public Law 91–242, I am pleased to transmit a report by the Secretary of the Interior on the progress made in negotiations on a Federal-Interstate Compact for the Hudson River.

RICHARD NIXON.

THE WHITE HOUSE, *August 9, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of William T. Hines, of the District of Columbia, for appointment as a Foreign Service information officer of Class 5, a consular officer, and a secretary in the Diplomatic Service of the United States of America, which nominating messages were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, August 8, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Antitrust and Monopoly Subcommittee of the Committee on the Judiciary, the Committee on Banking, Housing and Urban Affairs, the Committee on Armed Services, the Committee on Interior and Insular Affairs, and the Committee on Government Operations be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of measures on the calendar beginning with Calendar No. 963 through 973, with the exception of Calendar No. 971.

The PRESIDING OFFICER. Without objection, it is so ordered.

VEE VACCINATIONS

The Senate proceeded to consider the bill (S. 2516) to authorize the Secretary of Agriculture to reimburse owners of equines and accredited veterinarians for certain expenses of vaccinations incurred for protection against Venezuelan equine encephalomyelitis.

VENEZUELAN EQUINE ENCEPHALOMYELITIS

Mr. TOWER. Mr. President, during the summer of 1971, Texas stockmen were confronted with a serious outbreak of Venezuelan equine encephalomyelitis—VEE. To prevent this disease from spreading into other parts of the United States, mass inoculation of all horses, mules, and donkeys was needed. Each horse owner took it upon himself to provide this vaccine against VEE when it was approved for use until July 16, 1971, when the Department of Agriculture began providing the vaccine free of charge. The Government was to pay $4 for each inoculation following the national emergency designation by the Secretary of Agriculture.

Due to the tremendous cooperation of veterinarians, Department of Agriculture officials, Public Health officials, and others, the epidemic was contained in Texas. Many of those responsible for this fast action were not recipients of the free vaccine, having acted prior to July 16, and I think it only fair that they be reimbursed for the expenses they incurred at the determined rate of $4 per inoculation. This payment would go to those horse owners and veterinarians who provided the vaccination.

To a large degree, these responsible citizens prevented the disease from spreading into neighboring States and possibly the entire southern part of the United States.

The fight continues again this year. Every horse owner has been urged to vaccinate against VEE, and the Government has launched an intensive oversight program to watch for signs of another outbreak. Fortunately, there have been no reported cases of VEE in Texas this year.

Mr. President, I urge Senators to join me in supporting this measure.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to reimburse owners of equines and accredited veterinarians for certain expenses incurred by them in connection with the vaccination of equines against Venezuelan equine encephalomyelitis. Such expenses must have been incurred within the State of Texas during the period beginning June 25, 1971, through July 15, 1971, after which period the expenses of equine vaccinations against Venezuelan equine encephalomyelitis were paid by the Federal Government upon a determination by the Secretary of Agriculture of an emergency animal disease outbreak threatening the livestock industry of the United States.

SEC. 2. The amount of reimbursement shall be $4 for each equine vaccinated against Venezuelan equine encephalomyelitis which was the amount paid by the Federal Government for such services beginning on July 16,

1971. Payment will be made to each owner upon submission of a record satisfactory to the Secretary of Agriculture of each equine vaccinated and a certification by the owner that payment was made to an accredited veterinarian. Payment will be made to each accredited veterinarian upon submission of a record satisfactory to the Secretary of Agriculture of services performed in administering Venezuelan equine encephalomyelitis vaccine and a certification that no payment was received for such services. Payments made to owners of equines and accredited veterinarians shall relieve the Federal Government of any and all claims in connection with the equine vaccinations covered under this Act.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to reimburse owners of equines and accredited veterinarians pursuant to this Act.

SEC. 4. All claims for reimbursement under this Act shall be submitted to the Secretary of Agriculture not later than six months after the date of enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1013), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION

This bill would authorize and direct the Department of Agriculture to reimburse owners of equines and accredited veterinarians for certain expenses incurred for the vaccination of equines against Venezuelan equine encephalomyelitis.

Those animals that were vaccinated at private expense during the period June 25, 1971, through July 15, 1971, would definitely have been among the first to be vaccinated at public expense beginning on July 16, 1971. Thus, there can be no doubt that this voluntary vaccination effort contributed beneficially to the subsequent efforts undertaken by this Department on July 16, 1971, at Federal expense to protect the horse industry and the public health. In retrospect, the voluntary vaccination program was, in fact, an integral part of the total effort to bring the VEE epidemic under control.

Because of this, many horse owners do not understand why they cannot be reimbursed for an expense which their neighbors did not incur because they did not have their horses vaccinated before July 16, 1971, after which date it was accomplished at Federal expense.

ESTIMATED COST

In accordance with section 252 of the Legislative Reorganization Act of 1970, cost estimates submitted by the Department of Agriculture total $300,000. However, based upon other information presented it, the committee feels that this estimate may be high and could total less than half the Department estimate.

MRS. WANDA MARTENS

The bill (S. 82) for the relief of Mrs. Wanda Martens was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Federal Employees' Compensation Act, as amended, Mrs. Wanda Martens, of Havre, Montana, widow of Jesse Otha Martens, shall be deemed to be entitled to receive payments of benefits and compensation under such Act, from and after the date of the death of the said Jesse Otha Martens, in like manner as if the Secretary of Labor had found that the death of the said Jesse Otha Martens on July 9, 1960, resulted from an injury sustained by him while in the performance of his duties as an Immigrant Inspector, Immigration and Naturalization Service, Department of Justice.

SEC. 2. Any amounts payable by reason of the enactment of this Act with respect to any period prior to the date of such enactment (including funeral and burial expenses) shall be paid in a lump sum within sixty days after the date of enactment of this Act.

SEC. 3. The provisions of section 23 of the Federal Employees' Compensation Act, as amended, shall be applicable with respect to any claim for legal services or for any other services rendered in respect to any claim for benefits or compensation by the said Mrs. Wanda Martens covered by the preceding sections of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1016), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this bill is to provide that in the administration of the Federal Employees' Compensation Act, as amended, Mrs. Wanda Martens, of Havre, Mont., widow of Jesse Otha Martens, shall be deemed to be entitled to receive payments of benefits and compensation under such act, from and after the death of the said Jesse Otha Martens, in like manner as if the Secretary of Labor had found that the death of the said Jesse Otha Martens on July 9, 1960, resulted from an injury sustained by him while in the performance of his duties as an immigrant inspector, Immigration and Naturalization Service, Department of Justice.

STATEMENT

A similar bill for this claimant in the 91st Congress was approved by the committee and passed by the Senate, but no action was taken on it in the House of Representatives.

The facts in the case are set forth by the Department of Justice as follows:

"The decedent, Jesse Otha Martens, suffered a fatal heart attack, after returning home from the performance of his duties as officer in charge of the Immigration and Naturalization Service office at St. Thomas, Virgin Islands. As indicated by the personnel records of the Service, Mrs. Martens filed a formal claim with the Bureau of Employees' Compensation, Department of Labor, which was considered and initially denied January 7, 1964. On appeal to the Employees' Compensation Appeals Board, this decision was affirmed October 8, 1964, on the ground that the fatal heart attack was not casually related to the employment. The purpose of the bill, therefore, is to overrule the administrative decision."

The Department of Labor opposes the bill, saying:

"One of the objectives of the Federal Employees' Compensation Act is to provide uniform and equal treatment of civil employees of the United States injured in the performance of their duty. There appears to be no justification for the preferential treatment afforded by S. 783 for the consequences of heart disease not casually related to employment. Accordingly, we oppose its enactment."

REFERENCE OF S. 2884 TO THE U.S. COURT OF CLAIMS

The resolution (S. Res. 344) relating to reference of S. 2884 to the U.S. Court of Claims was considered and agreed to, as follows:

Resolved, That the bill (S. 2884) entitled "A bill for the relief of certain corporations, associations, and individuals", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant. Such report shall also indicate, insofar as is possible, (a) the extent to which the claims in question are for the cost of labor and materials actually furnished to complete Army Contract Numbered DA–36–109–ENG–7520, dated September 23, 1963, and (b) whether the claims in question could be brought against the debtor in the bankruptcy proceedings now pending in relation to the debtor.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1017), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the resolution is to refer the bill (S. 2884) entitled "A bill for the relief of certain corporations, associations, and individuals," now pending in the Senate, together with all the accompanying papers, to the Chief Commissioner of the U.S. Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant. Such report shall also indicate, insofar as is possible (a) the extent to which the claims in question are for the cost of labor and materials actually furnished to complete Army Contract numbered DA–36–109–ENG–7520, dated September 23, 1963, and (b) whether the claims in question could be brought against the debtor in the bankruptcy proceedings now pending in relation to the debtor.

STATEMENT

The bill being referred to the Court of Claims is identical to a bill for these claimants in the 91st Congress which was approved by this committee and reported favorably to the Senate on September 16, 1970.

In the 90th Congress, a number of bills for these claimants were before the committee. The Department of the Army opposed the bills in a report to the committee dated August 31, 1967. A subcommittee of the committee, with Senator Sam J. Ervin presiding, heard representatives of the claimants and of the Department of the Army in a hearing on May 24, 1968.

The Department of the Army renewed its opposition to the proposed legislation in the 91st Congress in a report to the committee dated January 13, 1970.

In the 91st Congress, the proponents of

the legislation set forth the basis for equitable relief by the Congress as follows:

I. SUMMARY

S. 2229 is designed to provide equitable relief for certain individuals who, as subcontractors and materialmen, furnished labor and material under contract No. DA-36-109-ENG-7520, dated September 23, 1963, of the Department of the Army. The bill provides in pertinent part:

"That each corporation, association, and person named in section 2 of this Act is entitled to be paid the amounts set forth beside its or his name in such section. Such amounts represent payments due for the furnishing of labor and materials in the construction of a public work consisting of the construction of four hundred and eighty-eight prefabricated family housing units for national defense use, under contract numbered DA-36-109-ENG-7520, dated 23 September 1963, but which payments have not been made by the United States, its contractors, Home Building Contractors, Incorporated and Construction Components, Incorporated, and none of which payments were protected by the bond required by the Miller Act, section 270(a) of title 40, United States Code Annotated."

The Department of the Army stated concerning the Miller Act:

"As laborers and materialmen can acquire no lien on a public building or a public work, substitutes have been provided. The present general statute of this nature is the act of August 24, 1935, *supra*. This act, the so-called Miller Act, gives mechanics and materialmen who furnish labor and material to public work contractors protection comparable to that enjoyed by mechanics and materialmen furnishing labor and material for private construction (*United States* v. *Munsey Trust Co.*, 332 U.S. 234, 67 Sup. Ct. 1599, 91 L. ed. 2022; *Title Guarantee & Trust Co.* v. *Crane Co.*, 219 U.S. 24 Sup. Ct. 140, 55 L. ed. 72; *Arthur N. Olive Co.* v. *United States*, 297 F. 2d 70; S. Rept. No. 165, 77th Cong., first sess. (1941); H. Rept. No. 388, 77th Cong., first sess. (1941); S. Rept. No. 366, 84th, Cong., first sess. (1955); H. Rept. No. 208, 84th Cong., first sess. (1955)) by providing:

" '(a) Before any contract, exceeding $2,000 in amount, for the construction, alteration, or repair of any public building or public work of the United States is awarded to any person, such person shall furnish to the United States the following bonds, which shall become binding upon the award of the contract to such person, who is hereinafter designated as "contractor": * * * (2) A payment bond with a surety or sureties satisfactory to such officer for the protection of all persons supplying labor and material in the prosecution of the work provided for in said contract for the use of each such person * * * ' (40 U.S.C. 270a)."

The Department of the Army awarded the contract on September 23, 1963, to Home Building Contractors, Inc., for the construction of 488 family housing units. The contract provided for the houses to be constructed, manufactured, packaged for overseas shipment, and delivered to Port Royal, S.C., by March 1, 1964, and for these houses to be erected on various sites throughout the world for the use of Army personnel.

On February 7, 1964, because the prime contractor was unable to successfully construct, fabricate, and assemble a prototype model, the Department of the Army permitted the contract to be subcontracted or assigned to the Lusk Corp. The construction, however, was to be performed by Construction Components, Inc., a wholly owned subsidiary of the Lusk Corp. The Department of the Army extended the entire contract from March 1, 1964, to August 31, 1964, but the final houses were not delivered until May 21, 1965.

On June 4, 1964, the Department of the Army amended the contract to add 22 additional units, making a total of 510 units to be constructed and manufactured instead of 488, and increased the contract price from $3,873,504, to $4,048,803.

Payments have been made by the Army to its price contractors of the entire contract price, including a net increase in the contract price of $93,000.

In 1966 the contractor of the Army—and before the payment of increased contract price of $93,000 was made—became the subject of a chapter X reorganization in a bankruptcy proceeding in the U.S. District Court for the District of Arizona, Tucson division, bankruptcy No. B-5720. All payments by the Army since the filing of the bankruptcy proceedings have been made to the Trustee in Bankruptcy. The bill provides that should any payments under the bankruptcy proceedings be made by the Trustee in Bankruptcy to the claimants and beneficiaries named in the bill. they have agreed and will execute assignments in a form satisfactory to the United States assigning any such payments to the United States.

The Department of the Army has taken the position that the contract for the construction of the 510 houses for the use of personnel of the Army is a supply contract and is not a construction contract and, therefore, the Miller Act is not applicable. Investigation into the matter and a review of the testimony concerning the underlying facts discloses that the Army in all contracts of this character prior to the execution of the contract described in the bill has required bonds under the Miller Act for protection of subcontractors and material-men furnishing labor and material in connection with the construction of such houses which are public works. This investigation and testimony further reveals that in all similar contracts for the construction of such houses after the date of the contract described in the bill, the Army has required bonds under the Miller Act for the protection of such contractors and materialmen who furnished labor and material in the construction of such houses or public works.

Paragraph 10-104-2 adopted by the Department of the Army as amended August 15, 1962, provides for Miller Act bonds in all construction contracts exceeding $2,000. This regulation was in force and in effect when the contract described in the bill was executed, on the dates when that contract was amended and during the dates of the construction and payment periods provided for in that contract, as amended. The subcontractors and materialmen named in the bill assumed under practices of the Army that this construction contract would be and was bonded by a Miller Act bond for their protection. When the subcontractors and materialmen during the course of the construction of the houses discovered that the contract was not bonded as provided for in the Miller Act, appeals were made to the Department of the Army in order to see to it that payments owed to them by the contractor of the Army were paid.

Notwithstanding these appeals and notwithstanding the subcontractors and materialmen named as beneficiaries in the bill furnished labor and materials in order that the houses being constructed could be completed for the Army, the Army did not require the contractor to pay these subcontractors and materialmen for such labor and materials in the regular course of business. The contract (pp. 30-34) authorizes progress payments and the contractor of the Army requested progress payments. The contract provides, as the work progresses, progress payments among other things may include the amount of progress payments paid and payable to subcontractors. It further provides that unpaid progress payments of subcontractors, when approved, may be the basis for progress payments, but that the subcontractor must be paid, therefore, by the contractor in the ordinary course of business. Ordinary course of business is defined in the contract as not later than a reasonable time after payment of the equivalent amounts by the Government to the contractor.

The contract provided (p. 31) that the Army may reduce or suspend progress payments whenever it is found that the contractors of the Army are delinquent in payment of the cost of the performance of the contract in the ordinary course of business. Notwithstanding the requirements that progress payments made up of payments made to or due subcontractors had to be paid by the contractor in the regular course of business, as such progress payments were made to the Government's contractor, the Army took no action to see that the terms of the contract were complied with by its contractor and that the subcontractors and materialmen were paid. In fact, the Army paid the mentioned sum of $665,592.61 in progress payments (list of payments under contract No. 36-109-ENG-7520, furnished by the Department of the Army, dated June 12, 1968), which if properly applied was a sufficient sum to pay the beneficiaries named in the bill for the work, labor, and materials furnished by them.

The houses described in the contract were not in existence at the time the contract was executed. To come into existence they had to be constructed under the plans and specifications which are a part of the contract. As the houses had to be constructed and as houses are public works under the Army's regulation (par. 10-104-2), this contract should have been covered by a Miller Act bond because it exceeded the sum of $2,000. In addition, the Army had the power under the contract and the obligation to see that the progress payments totaling $665,592.61 were paid to the subcontractors and materialmen furnishing labor and materials in connection with the construction of the houses, as pointed out earlier. These progress payments amounted to more than enough money to insure payment to the subcontractors and materialmen named as beneficiaries in the bill, as their claims total $509,645.38.

The beneficiaries to the bill in good faith furnished labor and materials which were used in the construction of the 510 houses, as provided for in the construction contract with the Army. These beneficiaries had the right to rely upon the practices of the Department of the Army in the past requiring Miller Act bonds in the construction of such houses. They further had the right to rely upon the Army, in the absence of a Miller Act bond under the contract, seeing to it—as progress payments were being made by the Army—that these progress payments were used by the Army's contractor, as required by the contract, to pay subcontractors and materialmen (beneficiaries named in the bill) in the regular course of business.

Decisions in the Federal courts, including the court of claims, bar the beneficiaries named in the bill from a legal remedy against the United States.[1] Relief for the beneficiaries

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[1] In *United States* v. *Smith*, 324 F. 2d 622 (C.C.A. 5, 1963), the court of appeals reversed the district court which held that the failure of contracting officers for the Government to obtain payment bond under the Miller Act gave a cause of action for damages in tort against the United States under the Federal Tort Claims Act and the court of appeals held such failure was based upon a breach of contract, and because the subcontractor had no contract with the United States, judgment should be entered for the United States.

In *Armiger et al. Estates* v. *United States*, named in the bill rests solely with the Congress.[2]

The amounts of the claims of the beneficiaries named in the bill are no longer in dispute. The full contract price, including a $93,000 addition thereto, has been paid by the Army. No back charges or claims of any kind have been asserted against the claims of the bill's beneficiaries. The amounts of the claims have not been disputed in the bankruptcy proceedings. These claims have been established by sworn affidavits and testimony.

The facts in the case as reported to the committee by the Department of the Army, and, in brief, the Department's opposition to the bill, are set forth in the letter of January 13, 1970, from the Department to the committee as follows:

"Reference is made to your request to the Secretary of Defense for the views of the Department of Defense on S. 2229, 91st Congress, a bill "For the relief of certain corporations, associations, and individuals." The names of the 76 claimants and the amounts claimed are enumerated in the bill. The claims total $512,314.84. The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this bill.

"The bill provides in pertinent part: 'That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each corporation, association, and individual named in section 2 of this Act, the amount set forth opposite its or his name. The payment of such sums shall be in full settlement of all their claims against the United States for payments due for the furnishing of labor and materials in the construction of 488 prefabricated family housing units for national defense use under contract numbered DA-36-109-ENG-7520, dated September 23, 1963, such payments having not been made by the United States or its contractors, Home Building Contractors, Inc. and Construction Components Inc., and none of such payments having been covered by the payment bonds required of contractors by the first section of the Act of August 24, 1935, as amended (49 Stat. 793; 40 U.S.C. 270a).'

Department of the Army records disclose that contract No. DA-36-109-ENG-7520 was a supply contract awarded on September 23, 1963, to Home Building Contractors, Inc. (hereafter referred to as the prime contractor), for 488 prefabricated family housing units. The contract provided for all component parts of the houses to be maanufactured, packaged for overseas shipment, and delivered to Port Royal, S.C. by March 1, 1964. The total contract price, as amended, was $4,048,803. The completion date for the entire contract was extended to August 31, 1964, but the final units were not delivered until May 21, 1965.

On February 7, 1964, the prime contractor, being unable successfully to fabricate and assemble a prototype model within the period specified in the contract, subcontracted the entire contract to the Lusk Corp. (hereafter referred to as the subcontractor). The work was to be performed by Construction Components, Inc., a wholly owned subsidiary of the subcontractor.

Payments made by the United States to the prime contractor from May 29, 1964, until December 14, 1965, totaled $3,964,223.19. Seven claims totaling $245,454.09 were submitted by the prime contractor, but the Government made a setoff against him for $179,446 for deficiencies in the units discovered after they reached their overseas destinations. The amounts due under the contract and other disputes were made the basis of a number of appeals by the prime contractor to the Armed Services Board of Contract Appeals. On October 9, 1968, an agreement was reached between the prime contractor and the United States. The appeals were dismissed on May 21, 1969. The settlement agreement provides for payment of a net increase of $93,000 to the contract price. As of September 15, 1969, only $8,300 remained to be paid to complete the settlement. When the foregoing payments are made, the Department will have fully discharged its obligations under the contract.

In 1966, the subcontractor became the subject of a chapter X reorganization, which was brought in the bankruptcy courts for the benefit of the creditors of the subcontractor. As the time of the writing of this report a plan for reorganization is still pending (In the matter of the Lusk Corp., No. B5720 (U.S.D.C., Ariz. Tucson Div., filed 1966). This Department was informed that some, if not all, of the present claimants are parties to the proceeding and will probably qualify for a distribution if a plan is approved.

The Department of the Army on behalf of the Department of Defense, is opposed to the enactment of the bill.

A more detailed analysis of the facts and a discussion of legal issues involved are contained in the earlier report attached hereto. Summarizing the position taken therein, the Department of the Army reasserts that the claimants are not entitled to relief for the following reasons:

First, by its very terms the act of August 24, 1935, the so-called Miller Act (49 Stat. 793; 40 U.S.C. 270(a) et seq.), only requires surety bonds for the protection of laborers and materialmen (*Arthur N. Olive Co., Inc.* v. *U.S.*, 297 F. 2d 70 (1st Cir. 1962)); also the statute is limited to cases of "construction, alteration, or repair of public buildings or public works." The contract in question is clearly a supply contract, and the bonding requirement imposed upon a contractor under the Miller Act is not applicable.

Second, even assuming that this contract was for a public work, the act of April 29, 1941 (55 Stat. 147), as amended by the act of June 3, 1955 (69 Stat. 83; 40 U.S.C. 270e) modified the Miller Act by providing for waiver of required bonds by the Secretaries of the military departments. This waiver action was taken on the present contract.

Claimants were aware of, or with the exercise of reasonable care could have easily determined, the nature of the contract, that is, supply and not public works. Even if they mistakenly assumed it to be a construction contract, they should have, in view of the rather broad waiver provisions, made inquiry as to the existence of a bond.

In addition to the lack of any legal basis for this claim, it is apparent that there is equally absent any basis in equity. The Department of the Army records disclose that many of these claimants are nothing more than general creditors of the bankrupt firms and that their claims did not accrue as a direct result of labor or materials furnished under this particular contract. Further, as late as September 15, 1969, the Department of the Army was informed that the bankruptcy proceedings involving the subcontractor were still pending. This being so, and assuming some legal or equitable liability on the part of the United States, the remedy here requested is premature and indeed inaccurate as the damages suffered, if any, are not certain.

The Department of the Army, on behalf of the Department of Defense, previously submitted a report, dated August 31, 1967, to your committee on bills introduced in the 90th Congress. A copy of that report is enclosed. Seventy-five of the claimants and the amounts claimed in the present bill are the same as those presented in the six bills introduced in the 90th Congress. One claimant was added. The Department of the Army is of the opinion that the claims are without merit, and on behalf of the Department of Defense opposes the bill.

The cost of the bill, if enacted, would be $512,314.84.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

The committee believes that it is proper to refer this bill to the Chief Commissioner of the Court of Claims for his findings and recommendations.

LESTER L. STITELER

The Senate proceeded to consider the bill (H.R. 10676) for the relief of Lester L. Stiteler, which had been reported from the Committee on the Judiciary with an amendment in line 4, after the word "to", strike out "comprise" and insert "compromise".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-1018), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the proposed legislation is to authorize the U.S. Postal Service, on such terms as it deems just, to compromise, release, or discharge in whole or in part the liability of Lester L. Stiteler, assistant superintendent of the Alcott Station Post Office, Denver, Colo., to the United States for the loss resulting from the burglary at the Alcott Station Post Office, Denver, on November 23, 1967.

STATEMENT

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

In its report to the committee on the bill the Postal Service stated that it favored enactment of the measure.

On the night of November 23, 1967, burglars forcibly entered the Alcott Postal Station and pried open the outer doors of two safes. One of the safes was equipped with an inner security chamber, known as a burglar-resistant chest. This chest was opened by the burglars without the use of force. Evidence disclosed that the chest was not filled to capacity or locked on full combination, as required by postal regulations.

In an affidavit dated November 28, 1967, Mr.

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339 F. 2d 625 (Ct. Cl. 1964), the Court of Claims held the failure to supply insurance by the United States did not give rise to a legal claim against the United States.

[2] In *Armiger* the Court of Claims held the negligent failure to provide insurance, even though not required by law or by a regulation of the military, did give rise to an equitable claim against the United States and that court on a congressional reference that the widows of the bandsmen were each entitled to $25,000 because a chief petty officer of the Navy failed to circulate applications for flight insurance which could have been purchased for $1 for $25,000 coverage per person.

Stiteler stated: "* * * To the best of my recollection, the burglary resistant chest was left on day lock. It is normal practice to fully secure the combination on the aforesaid chest before leaving the office. However, when I go to lunch it has been the practice to leave it on day lock. Since there was no occasion to get into it during the afternoon preceding the burglary, it was inadvertently left on day lock at the end of the day."

Because of his negligence in failing to fill the burglar-resistant chest to capacity, and in not locking the chest on full combination, Mr. Stiteler was held liable for the sum of $6,911.10, representing an amount equal to the cash and the value of postage stamps in his custody that was stolen from the Alcott Postal Station.

In its report to the committee the Postal Service noted that the newly enacted Postal Reorganization Act provides that an employee may be relieved of a claim such as that involved here on substantially the terms stated in this bill, 39 U.S.C. 2601, the Comptroller General has ruled (B–171785, April 15, 1971) that the new authority may not be used to reopen cases decided by the General Accounting Office prior to the commencement of operations of the new Postal Service, July 1, 1971. The rationale of the Comptroller General's decision also applies to cases that were finally determined by the Post Office Department prior to the commencement of operations of the Postal Service. The present case was finally determined adversely to the claimant by the Claims Division, Law Department, prior to such date. Accordingly, the Postal Service stated that it believes that relief for Mr. Stiteler must initiate with the Congress.

The committee agrees that this bill provides a practical means of according this employee the same sort of consideration, which would be available currently to similarly situated employees under applicable law. Accordingly it is recommended that the bill be considered favorably.

The committee believes the bill is meritorious and recommends it favorably.

JAMES E. FRY, JR. AND MARGARET E. FRY

The bill (S. 633) for the relief of James E. Fry, Jr., and Margaret E. Fry was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of clause (1) of section 2733(b) of title 10, United States Code, or any regulation promulgated thereunder, the Secretary of the Army is authorized to receive, consider, settle, and pay any claim filed under such section by James E. Fry, Junior, and Margaret E. Fry of Brighton, Colorado, within one year after the date of enactment of this Act, the said James E. Fry, Junior, and Margaret E. Fry having allegedly suffered damage to their property in 1966 as the result of the contamination of a stream, running under the land of the said James E. Fry, Junior, and Margaret E. Fry, by chemical waste disposed of by personnel at the Rocky Mountain Arsenal in Colorado. Nothing in this Act shall be construed as an inference of liability on the part of the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report—No. 92–1019—explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the Secretary of the Army to receive, consider, settle, and pay any claim filed under section 2733(b) of title 10, United States Code, or any regulation promulgated thereunder, by James E. Fry, Junior, and Margaret E. Fry of Brighton, Colorado, having allegedly suffered damage to their property in 1966 as the result of the contamination of a stream, running under the land of the said James E. Fry, Junior, and Margaret E. Fry, by chemical waste disposed of by personnel at the Rocky Mountain Arsenal in Colorado.

STATEMENT

The facts of the case as contained in the report of the Department of the Army are as follows:

The effect of the bill would be to lift the statute of limitations so that the Department of the Army can consider the claim on the merits.

The Department of the Army is not opposed to the bill.

Department of the Army records reveal that:

(a) The Frys are the sole owners of a tract of land consisting of 391.56 acres situated in the northwest quarter of section 14, Township 2 South, Range 67 west, and the western half of the southwestern quarter of section 11, Township of 2 South, Range 67 West, Adams County, Colorado.

(b) There is evidence to support the Frys' allegation of some casual relation between the property damage to their land and crops due to water pollution and the activities of the Rocky Mountain Arsenal in Denver, Colorado.

(c) In 1954 the Frys first heard complaints from surrounding neighbors about water pollution caused by the Rocky Mountain Arsenal and at that time they were aware that claims against the United States were being filed.

(d) On January 8, 1960, tests were conducted by local state health officials, on land surrounding the Frys' tract. Letters were sent by the Tri-County District Health Department, Aurora, Colorado, during the months of January and February 1960, which informed land owners in the area that the chloride content of their wells exceeded 200 parts per million. Two hundred fifty parts per million was the acceptable limit.

(e) In 1964 and 1965, Mr. Fry planted corn crops and noticed early signs of retardation, but later these crops developed satisfactorily and showed no further signs of damage. During that time, he stated that he "suspected the water".

(f) Sometime prior to 1965 Mr. Fry was informed by a member of the United States Geological Survey that the water contamination in the area might disappear in 20 to 30 years.

(g) On January 20, 1967, the Frys filed a claim for property damage against the United States under the provisions of section 2733, title 10 United States Code, as follows:

1. Contaminated wells with a total flow of 885 gallons per minute	$75,640.00
2. Abandonment of tile line	1,247.00
3. Abandonment of holding pond	967.80
4. Damage to 1966 crops and land	1,274.00
5. Claim for digging well to replace those contaminated	3,961.81
Total claim	74,090.61

(h) By letter dated October 6, 1967, the U.S. Army Claims Service notified the Frys that their claim had been disapproved because, under the applicable Colorado law, they were deemed to have known that their water was contaminated, and that the Rocky Mountain Arsenal was the source of the contamination, in 1964. Thus, on January 20, 1967, the two-year limitation period for the filing of administrative claims under section 2733 of title 10, United States Code, had elapsed.

The Frys appealed the decision denying their claim (on the grounds discussed later). Their appeal was denied by the Deputy Assistant Secretary of the Army (Financial Management) on January 23, 1968.

As noted earlier, there is evidence that property belonging to the Frys was damaged by the Department of the Army. The only controversy is whether the Frys filed their claim in a timely manner. In denying the Frys' claim, the Department of the Army asserted that:

(a) Under clause (1) of subsection (b) of section 2733 of title 10, United States Code, all claims for property damage must be presented within two years "after it [the claim] accrues." Determination of when a claim accrues under this provision of Federal law depends on the applicable law of Colorado which was the situs of the tort.

(b) Under Colorado law, a claim of the type asserted by the Frys accrues: (1) when the land is known (or should be known) by the claimant to be damaged, and (2) the source of the damage is known (or should be known) by the claimant. *Zimmerman* v. *Hinderlander*, 97 P. 2d 443 (Colo. 1939); *Middlecamp Bessimer Irrigating Co.*, 103 P. 280 (Colo. 1909); *Rose* v. *Agricultural Ditch and Reservoir Co.*, 202 P. 112 (Colo. 1921).

(c) The record discloses that, prior to January 20, 1965, the Frys knew (or should have known) that their land had been damaged by chemical contamination, and that the probable source of that contamination was the U.S. Army Rocky Mountain Arsenal.

The Frys have consistently maintained the following position:

(a) The claim first accrued on June 20, 1966, because the Tri-County District Health Department then received the results of a sample which had a content of 510 parts per million of chloride. This content was well above the acceptable limit of 250 parts per million. At about the same time, the damage to crops was also shown, for the claimants then had side by side comparisons made of crops watered by contaminated and uncontaminated wells.

(b) The Frys did not have any clear notice of the contamination of wells before 1966. They substantiated this contention by a letter dated March 20, 1968, from Mr. Thomas E. Vigil of the Tri-County District Health Department to the effect that the records were reviewed and showed that the Health Department had not notified the Frys of any earlier reports that the well water pollution exceeded the standards set forth by the U.S. Public Health Service. Mr. Fry further states that he asked the Army to notify him of any contamination in the wells which he gave the Army permission to drill.

(c) In the spring of 1964 the Frys only suspected the water, but since they used herbicides they could not be sure of the source of any contamination. Also, in irrigating the land after the original retardation there was no noticeable ill effects, which could conclusively be attributed to the water or herbicides, in three out of four tests. The Frys further state that this claim is supported by a statement from one Norval Daniels who was employed as a ditch rider for the Burlington Ditch Company and in his job passed claimants' field of corn daily. Mr. Daniels noted that one end of the cornfield was irrigated from the wells in question and the other was not, but at harvest time the corn appeared equally good at both ends of the tract.

After reviewing these contentions, it is the opinion of this Department that the claimants have not exhausted their judicial remedies because they can seek a judicial determination, within six years of the date of the alleged injury, as to whether the administrative statute of limitations had run. The pursuit of this remedy, however, would be burdensome upon the claimants and upon the Department of the Army and would probably result in an affirmance of this Department's determination that the two-year administrative statute had run. No matter what the court's decision, the claim would still be unresolved. If a favorable decision to the claimant were made, the Department would still be required to hear the claim on its merits. If, on the other hand, the decision were adverse to the claimants, they could seek a private relief bill to remove the time bar.

In view of these considerations, the Department of the Army on behalf of the Department of Defense has no objection to the enactment of the bill. This conclusion is based upon the fact that the claimants have presented persuasive reasons for their failure to take timely action. Although these reasons do not provide a legal basis for tolling the statute they do raise compelling, equitable considerations and indicate that the claimants' assigned reasons for this forbearance in filing a claim represented an honest desire to avoid filing until they were convinced that an injury had resulted and also that the United States was responsible. The good faith of the claimants is also demonstrated by the fact that the claimants continued to plant the crops in 1964 and 1965 and did not seek to recover for any damages to crops during that period.

In agreement with the views of the Department, the Committee recommends that the bill be favorably considered.

COMDR. HOWARD A. WELTNER, U.S. NAVAL RESERVE

The bill (S. 884) for the relief of Comdr. Howard A. Weltner, U.S. Naval Reserve, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Commander Howard A. Weltner, United States Naval Reserve, is hereby relieved of all liability for repayment to the United States of the amount of $8,567.53 representing overpayments of active duty pay as a member of the United States Naval Reserve in the years 1951 through March 1970 which he received as the result of an erroneous computation of creditable service for longevity purposes in establishing an incorrect pay entry base date.

SEC. 2. The Secretary of the Treasury is authorized and directed. to pay, out of any money in the Treasury not otherwise appropriated to the said Commander Howard A. Weltner the sum of any amount received or withheld from him on account of the payments referred to in the first section of this bill.

No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–1020), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill is to relieve Commander Weltner of liability to repay to the United States the amount of $8,567.53, the sum he received in overpayment of active-duty as a member of the naval service from September 16, 1955, to March 18, 1970.

STATEMENT

The Department of the Navy interposes no objection to this legislation.

The facts of the case as contained in the report of the Department of the Navy to the chairman of the committee on an identical bill (S. 4084) of the 91st Congress are as follows:

The records of this Department show that Commander Weltner served as an enlisted man in the U.S. Navy from January 31, 1951, until September 6, 1951. On September 7, 1951, he began service as a midshipman, U.S. Naval Reserve, with the Naval Reserve Officer Training Corps program. He continued in that status until August 3, 1954, and was commissioned as a regular officer in the U.S. Navy on August 4, 1954. Commander Weltner served as a regular officer until May 31, 1957, and on June 1, 1957, his status was changed to that of a Reserve officer. He has continually served on active duty as a Reserve officer since June 1, 1957.

The records of the Department further show that on September 16, 1955, Commander Weltner's pay entry base date was established as January 31, 1951, the day his original enlisted service in the Navy began. This pay entry base date erroneously included the period from September 7, 1951, to August 3, 1954, while Comander Weltner was serving as a midshipman. On March 18, 1970, Commander Weltner's pay entry base date was reestablished as December 28, 1953; the computation of this date excludes the period of his midshipman service, although it properly excludes his enlisted service. The records of the Department do not specifically reveal why Commander Weltner's pay entry base date was recomputed in the early part of 1970. However, it appears that the recomputation was the result of a routine verification of certain information contained in the data bank of the automatic data processing records maintained in the Bureau of Naval Personnel.

Although the total overpayment in this case is a substantial sum, it is one which was built up over a period of almost 15 years. The overpayment was the result of an administrative error. There is nothing in the records of this Department to indicate that the error was caused by any fault on the part of Commander weltner or that he was not acting in good faith.

In agreement with the views of the Department, the committee recommends favorable consideration of the bill (S. 884).

VILLAGE OF RIVER FOREST, ILL.

The bill (H.R. 631) for the relief of the village of River Forest, Ill., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–1021), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to pay the village of River Forest, the sum of $5,096.50, in full settlement of its claims for reimbursement for one-half of the cost of certain civil defense communications equipment purchased by the village in November of 1962 at the urging of civil defense officials and in the belief that such reimbursement would be made.

STATEMENT

The Department of the Army in its report to the House Judiciary Committee stated that it is not opposed to the legislation. The Department further stated that River Forest Ill., is a small village with a population of approximately 12,695 ("1970 Commercial Atlas and Marketing Guide," Rand McNally & Co.). The civil defense establishment of the village relied heavily on volunteer personnel who were not conversant with the complexities of Government procurement. In 1962, the Federal Government was encouraging municipalities to participate in a nationwide civil defense program. Communities were urged to develop civil defense facilities on a "50–50" matching fund basis. This was a period of national danger and concern because of the Berlin and Cuban missile crises.

The Department further stated that in 1962, the Regional Director, Office of Civil Defense, then under the Office of Secretary of Defense (now under Office, Secretary of the Army) approved the River Forest grant for installation of a siren and generator for an approved public warning system. Newspaper advertisement was accomplished, sealed bids were received, and public bid openings were conducted. In November 1962 contracts were duly awarded, and the siren and equipment were procured and installed. On January 25, 1965, the village submitted its request for contribution under the Federal civil defense program (50 U.S.C., app. 2281), and submitted a billing under approved project application OCD No. I 11,600–27(65) to the State civil defense office in the amount of $5,096.50 for the Federal share. The State civil defense office refused to process the billing for payment submitted by the village under the approved application because the equipment had been installed prior to the application. The (Federal) Office of Civil Defense required the submission and approval of a project application prior to the procurement of the equipment, and prohibited retroactive Federal payments to local governments for obligations incurred prior to the beginning date of the Federal appropriation available for obligation (32 C.F.R. 1801.8(a); 31 Comptroller General 308; 32 C.F.R. 180128 (b)).

In order to further explain the background and the circumstances surrounding the difficulties encountered by the village, the Department of the Army quoted from a letter of the sponsor of the bills. This letter referred to the difficulties encountered by the village in filing the project application forms, including the fact that apparently a set of application forms had become lost and a new set had to be prepared. Unfortunately the village was unable to complete and file the application form when it was received because by that time the equipment had been installed.

The Department of the Army further noted that on October 7, 1969, a review of the same claims was conducted, by the (Federal) Office of Civil Defense, in connection with H.R. 389 and 390, 91st Congress. That office noted the unauthorized procurement prior to approval, and the fact that the wage scale paid to electricians was equal to the local wage ($4.75 per hour) but was less than $5 per hour determined by the Department of Labor to be the prevailing rate.

The agency concluded that the procurement was proper in all other respects. On June 21, 1971, (Federal) Office of Civil Defense reported that insofar as claims of this nature are concerned, they have steadily decreased in number. None was enacted in the last Congress, and the present claims are the only ones introduced in the present Congress.

In indicating that it had no objection to relief in this situation, the Department of the Army stated:

"In view of the apparent reliance of the village officials on the 1962 approval of the River Forest grant by the regional director, Office of Civil Defense, the Department of the Army is not opposed to the enactment of the bill. No prejudice or detriment was suffered by the Federal Government. In fact, the civil defense program received the full value of the property and the additional benefit of a timely installation of equipment in a period of national crisis. The Department of the Army is of the opinion that it would be inequitable to deny relief to a small community which acted in good faith not only due to reliance on the statements of responsible Federal officials but also because of the inexperience of its volunteer staff and the then existing emergency conditions, proceeded with a premature procurement. Although River Forest later lost or misplaced the project application forms, it clearly appears that the State director knew of the project and the delay in submission as early as July 1963. There is no indication that the grant of relief would result in an influx of similar bills."

In view of the circumstances of the case and the statement of the Department indicating that it has no objection to relief, it is recommended that the bill be considered favorably.

ESTATE OF CHARLES ZONARS, DECEASED

The bill (H.R. 2127) for the relief of the estate of Charles Zonars, deceased was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1022), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay to the estate of Charles Zonars, deceased, $6,400 from the war claims fund in settlement of the claims of the decedent arising in connection with loss, damage or destruction by military operations during World War II of property located in Greece.

STATEMENT

The facts of the case as contained in the House Report 92–86 are as follows:

"The Foreign Claims Settlement Commission in its report to the committee on an earlier bill stated that it would have no objection to a bill providing for payment out of the war claims fund.

"The bill H.R. 2127 would authorize a payment out of the war claims fund to the estate of an individual in an amount equal to the amount the person would have been awarded under title II of the War Claims Act of 1948 (Public Law 87–846 approved October 22, 1962), based on his interests in certain property. As is noted in the Foreign Claims Settlement Commission report on a similar bill in the 91st Congress, the Supreme Court decision in the case of *Afroyim* v. *Rusk*, 387 U.S. 253 (1967) ruled unconstitutional the section of the Nationality Act of 1940 which provided that an individual could lose his U.S. citizenship by voting in a political election in a foreign state. A claim filed by Mr. Charles Zonars with the Foreign Claims Settlement Commission for compensation for the losses referred to in the bill was denied on the basis that his voting in an election in Greece on March 31, 1946, had caused his expatriation. He made a timely objection to this ruling on the same basis ultimately upheld in the *Afroyim* decision. The Commission rejected his contentions and affirmed its proposed decision. The claims program was completed just 12 days prior to the decision in the *Afroyim* v. *Rusk* case. The Commission has reported to the committee that if that decision had been decided before May 17, 1967, the Commission would have recognized Mr. Zonars' claim. The report of the Commission stated:

"'It is to be noted that the *Afroyim* case was decided on May 29, 1967, which was 12 days after the completion date of the war claims program. If the *Afroyim* case had been decided before the May 17, 1967, completion date, the Commission would have, of course, acted on Mr. Zonars' claim. Undoubtedly, an award in the amount of $6,400 would have been granted to Charles Zonars for his 40-percent interest in the damaged corporation. The Commission is unaware of any other war damage claim which would be affected by the *Afroyim* decision.'

"The claim which is the subject of this bill is one included under title II of the War Claims Act which provided, among other things, for claims of nationals of the United States for loss or destruction of, or physical damage to, real and tangible personal property located in certain European countries, including Greece, which loss, destruction, or physical damage occurred during the period beginning September 1, 1939, and ending May 8, 1945, as a direct consequence of military operations of war or special measures directed against property because of its enemy ownership.

"Section 204 of title II of the act expressly precluded the Commission from granting awards in these claims unless the property involved (or the portion thereof involved) was owned by a national of the United States on the date of the loss, damage, or destruction and unless the claim arising therefrom had been continuously owned thereafter by a national of the United States until the date of filing with the Commission.

"Charles Zonars and his brother, Constantine Zonars, filed a claim (No. W–2743) based upon the destruction during World War II of property owned by the Zonars Corp. in Athens, Greece, in which they had ownership interests. By its decision dated October 13, 1966, the Commission found that Constantine Zonars owned 315 shares in the corporation (the equivalent of a 28-percent ownership interest) during the period between January 1943 and January 1945 when certain of its property was damaged or destroyed due to military operations. It was also found that the value of the property so lost was $16,000.

"Constantine Zonars was a national of the United States on the date of the loss and had maintained this status continously to the date that the claim was filed with the Commission on March 11, 1964. On the other hand, Charles Zonars, who became a national of the United States by naturalization on March 31, 1905, was held to have been expatriated under section 401(e) of the Nationality Act of 1940 (54 Stat. 1137, as amended, 38 Stat. 746, 8 U.S.C. 901) as the result of voting in a political election held in Greece on March 31, 1946.

"Based on the foregoing, Constantine Zonars was granted an award in the amount of $4,480 based upon his 28-percent ownership interest in Zonars Corp. The claim of Charles Zonars, based upon his 40-percent ownership interest in such corporation, was denied because of the ruling on expatriation. The claim therefore was denied on the single ground that it had not been continuously owned by a national of the United States from the date of loss to the date of filing with the Commission, a statutory requirement for granting an award. The remaining 28-percent interest in the corporation was owned by non-U.S. nationals for which no claim was filed under the statute.

"Objections were filed by both claimants with respect to the value of the property as found by the Commission and with respect to the denial of the claim by Charles Zonars. It was contended in behalf of Charles Zonars that the statute providing for the loss of his U.S. citizenship by virtue of his having voted in a political election held in Greece was unconstitutional.

"By final decision dated January 4, 1967, the Commission affirmed its proposed decision in all respects. The contention regarding the constitutionality of the statute under which Charles Zonars expatriated himself was specifically rejected based upon the decision of the Supreme Court of the United States in *Perez v. Brownell* (356 U.S. 44, 78 S. Ct. 568 (1958)), which upheld the constitutionality of the statute in question. As had been observed in this report, on May 29, 1967, the Supreme Court reversed the *Perez* v. *Brownell* decision in its decision in the case of *Afroyim* v. *Rusk*, and specifically ruled unconstitutional the section of the Nationality Act of 1940, as amended, which provided for the loss of U.S. citizenship by voting on a political election in a foreign state.

"In seeking to assert his rights as clarified in the *Afroyim* decision, Charles Zonars continued his efforts to have his claim recognized. Mr. Zonars attempted to assert his rights under the Supreme Court decision, first by petitioning the Commission for a reconsideration and secondly by action in the U.S. District Court for the District of Columbia. The Commission advised him that they could not reconsider their previous action because the war claims program had been terminated in accordance with the enabling law. His attempt to gain relief by court proceedings ending when the court held that it lacked jurisdiction. He therefore appears to have exhausted all remedies which might have been open to him and his only recourse was to have appealed to Congress for relief.

"Thus, notwithstanding the fact that Mr. Zonars was considered to have maintained his U.S. nationality continuously from the date of his naturalization, there was no way in which the prior adverse determination based on the findings of expatriation could be changed in order to grant an award in the same manner as was done in the case of his brother concerning the same property. The Foreign Claims Settlement Commission in its report to the committee states that the claim is deemed to have met the nationality requirements under the statute in light of the finding concerning the citizenship of the claimant so that the claim is considered to have been continuous by a U.S. national from the date of the loss to the date of filing. The Commission further stated that the death of a qualified claimant after the filing of a claim would not preclude the issuance of an award to non-U.S. national heirs.

"In stating that it has no objection to enactment of the legislation, the Commission noted that payment should be made out of the war claims fund instead of the unappropriated funds in the Treasury. It was noted that the use of unappropriated funds as originally provided in the bill in the 91st Congress for the payment of war damage claims would be an undesirable precedent.

The committee agreed and in reporting the bill in the 91st Congress (H.R. 7955, 91st Cong., 1st Sess.) the committee recommended an amendment to provide for payment from the war claims fund. The bill now embodies the language providing for payment from the war claims fund. The Commission has stated that while there is presently no money left in the war claims fund to pay additional claims, it is anticipated that money will be made available by the Attorney General for transfer into the fund possibly within the near future. It is also noted that since the award would not exceed $10,000, the heirs of Mr. Zonars would be entitled to receive the full amount of the award.

"In view of the circumstances of the case and the position of the Foreign Claims Settlement Commission indicating it has no objection to relief, it is recommended that the bill be considered favorably.

"The committee is advised that an attorney has rendered services in connection with this matter and accordingly, the bill carries the customary provision limiting the amount of attorneys fees."

In agreement with the views of the Foreign Claims Settlement Commission and the action of the House of Representatives, the committee recommends that the bill be considered favorably.

VINCENT J. SINDONE

The bill (H.R. 11632) for the relief of Vincent J. Sindone was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1024), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The proposed legislation would authorize the Postmaster General, on such terms as he deems just, to compromise, release, or discharge in whole or in part, the liability of Vincent J. Sindone, postmaster of the post office at River Edge, N.J., to the United States for the loss resulting from the burglary at the main office of the River Edge Post Office on May 20, 1967.

STATEMENT

The facts of this case, as contained in House Report 92–1092, are as follows:

"The Postal Service in its report to the committee on the bill stated that it favors enactment of the measure.

"On May 20, 1967, burglars forcibly entered the River Edge Post Office, and through prying and peeling opened the outer doors of three safes. An inventory disclosed that the loss to the Postal Service in stamps was $34,849.07. The Postal Service reports that two of the three safes burglarized were equipped with an inner security chamber, known as a burglar resistant chest. One chest was unlocked and was used for old time records, and the other was locked and contained blank money orders.

"In its report, the Postal Service made the point that prior to the issuance of Postal Bulletin No. 20646, dated May 30, 1968, instructing employees concerning the priority of protection to be given funds, stamps, and money orders, numerous postmasters considered blank money orders to have the greatest intrinsic value requiring maximum available protection. The loss at the River Edge Post Office occurred well before Postal Bulletin No. 20646 was issued, defining for employees the proper protection to be accorded stock and funds. On this basis, the General Accounting Office held on April 29, 1971, that the Postmaster was not negligent in using one of the burglar-resistant chests for blank money orders, and relief was granted in the amount of $20,879.07. However, GAO held that the Postmaster was negligent in using the second burglar resistant chest for storing old timecards, and he was held liable for the loss of $14,000 in stamp stock, the amount the chest could have contained had it been properly utilized for stamps. (This bill concerns that portion of the loss—$14,000.)

"The appeal for private relief is made in this instance because while the Postal Reorganization Act provides that the Postal Service may, on such terms as it deems just and expedient, relieve an employee of a claim such as that involved here, 39 U.S.C., section 2601, the Comptroller General has ruled (B–171785, Apr. 15, 1971) that the new authority may not be used to reopen cases decided by GAO prior to the commencement of operations of the new Postal Service, July 1, 1971. The Postal Service states that since this case was determined adveresly to the claimant prior to that date, relief for Postmaster Sindone must initiate with Congress.

"The Postal Service in its report in summarizing the basis for its favorable position on the bill stated: 'In view of his negligence in failing to properly utilize the burglar resistant chest, we believe that under rules of strict legal accountability Postmaster Sindone was properly held liable for the loss of $14,000 in stamp stock. However, we believe that equitable relief should be considered in this case. Accordingly, inasmuch as H.R. 11632 would authorize the Postmaster General to grant relief in whole or in part, on such terms as he deems just, the Postal Service favors enactment of the measure."

"It is recommended that the bill be considered favorably."

In agreement with the views of the House of Representatives, the committee recommends that this legislation be considered favorably.

RELIEF FOR CERTAIN POSTAL EMPLOYEES AT THE ELMHURST, ILL., POST OFFICE

The Senate proceeded to consider the bill (S. 655) for the relief of certain postal employees at the Elmhurst, Ill., Post Office, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, on such terms as he deems just, the Postmaster General is hereby authorized to compromise, release, or discharge in whole or in part, the individual liabilities of Louis H. Linneweh, Howard D. Slavik, Edith J. Fainter, William W. Higgins, Thomas Newett, Roger Olson, and the estate of Joseph J. Holloway, employees at the Elmhurst, Illinois, Post Office, to the United States for the loss resulting from the burglary at the post office on February 21, 1965.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1025), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENT

The purpose of the amendment is to incorporate the recommendations of the Post Office Department as committee policy.

PURPOSE

The purpose of the proposed legislation as amended is to authorize the Postmaster General, on such terms as he deems just, to compromise, release, or discharge in whole or in part, the individual liabilities of certain employees of the Post Office at Elmhurst, Ill., for losses resulting from a burglary at that post office on February 21, 1965.

STATEMENT

The facts of the case contained in the report from the Post Office Department on a similar bill (S. 1035) of the 91st Congress are as follows:

"The main post office at Elmhurst was burglarized sometime between 8 p.m. Saturday, February 20, and 4:40 a.m. Sunday, February 21, 1965. Investigation disclosed that the entire amount of the Government loss was obtained by the burglars from one four-drawer steel letter-size file cabinet and from wood screenline drawers containing the fixed credits (funds and stamp stock) of the clerks. The post office has two vaults which are adequate for the needs of the office. However, the vaults were not utilized by the employees for overnight storage of their fixed credits. Of the total loss amounting to $10,874.87, the sum of $9,338.75 was disallowed because of negligence in protecting stamp stock and funds.

"In a letter dated November 6, 1967, the General Accounting Office held deceased former Postmaster Joseph J. Hollowoy and retired Assistant Postmaster Roger Olson jointly and severally liable for the loss of $9,338.75 in funds and stamp stock because they failed to ascertain that the regulations for safeguarding stamps and funds were not being followed. The GAO further held that the clerks were each liable for the amounts stolen from their individual fixed credits because they had failed to place their stamps and funds in vaults or safes after their tour of duty ended, as required by section 321.2, Postal Manual. Losses experienced by the individual clerks for which they have been determined to be liable are:

"Mr. Louis H. Linneweh	$3, 525. 00
Mr. Howard D. Slavik	2, 085. 00
Mrs. Edith J. Fainter	2, 147. 00
Mr. William W. Higgins	1, 351. 75
Mr. Thomas Newett	230. 00
Total	9, 338. 75

"Under existing law the Department has no alternative but to charge losses of this character to the postmaster and other employees whose negligence contributed to the loss. This practice is not in accord with current viewpoints of enlightened personnel management. Although liability is expressed in terms of compensating the Government for its loss, it must be looked upon realistically as a punishment and its enforcement as a deterrent against future negligence. The assessment of liability as punishment is capricious. This is illustrated by this case in which the liability of the clerks varies from $3,525 to $230 although their fault was the same. Other equitable consideration likewise cannot be evaluated under current law.

"We believe some relief should be granted to these employees. However, consideration should also be given to the fact that the employees were negligent. For the foregoing reason, we believe the bill should be amended to provide that the Postmaster General, upon a determination that it is appropriate to do so, is authorized to relieve the employees named on such terms as the Postmaster General deems just and expedient of liability in whole or in part with respect to the transaction involved."

The committee is in agreement with the facts and opinions expressed by the Department. Accordingly, it is recommended that the bill be passed as amended.

AMENDMENT OF PUBLIC HEALTH SERVICE ACT RELATING TO COOLEY'S ANEMIA

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15474.

The PRESIDENT pro tempore laid before the Senate H.R. 15474, to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, it is with great pleasure to me that the Senate has the opportunity to take up the National Cooley's Anemia Control Act. This bill, H.R. 15474, was overwhelmingly passed by the House earlier this month, and I am hopeful that today the Senate will reaffirm that action, such that the President can rapidly sign this important piece of health legislation into law. In the Senate, an identical bill to the House bill has been introduced by my close friend and colleague, the senior Senator from Connecticut, Mr. RIBICOFF. I certainly applaud his effective leadership in relentlessly pursuing the efforts to assure congressional passage of this vital legislation.

Mr. President, the distinguished majority leader, on behalf of myself and other Senators, will offer two amendments to the House-passed bill. These amendments are cosponsored by Senator RIBICOFF; the distinguished ranking minority member of the Senate Labor Committee, the Senator from New York, Mr. JAVITS; and by my colleague and close personal friend, a member of the Senate Health Subcommittee, the Senator from Rhode Island, Mr. PELL.

Mr. President, I do not believe these amendments will be controversial, though they are both important. The first amendment increases the authorization of appropriations for education and public information programs in respect to Cooley's anemia to $1 million a year. It is crucial that HEW be authorized to conduct a vigorous program of public information such that those Americans who may be affected by this terrible disease can have at their hands all of the relevant information with respect to combating its effects. In my judgment, the House bill, with its authorization of $25,000 a year, does not deal adequately with this important aspect of the program. And our amendment is designed to give more adequate recognition to this aspect of the national program.

Our second amendment, Mr. President, is simply designed to correct a technical error in the House-passed bill. As I read the House-passed bill, it has the effect of deleting from existing law a provision of title XI of the Public Health Service Act with respect to sickle cell anemia which requires the Secretary of Health, Education, and Welfare to give priority to programs operating in areas which he determines to have the greatest number of persons in need of services provided under the program. I doubt that the House intended to delete this important provision, which by the way is included in H.R. 15474 with respect to Cooley's anemia. The amendment we offer simply makes a technical and conforming change to the provision of the House bill which restores the effect of this provision regarding sickle cell anemia.

Mr. President, I am delighted to have this opportunity to bring the National Cooley's Anemia Control Act before the Senate. This legislation would establish for the first time a national program to combat Cooley's anemia, an invariably fatal genetic blood disease which may affect as many as 200,000 Americans. H.R. 15474 would authorize a total of $8,175,000 over a 3-year period to establish needed programs in research, prevention, and education to combat this lethal affliction. The bill closely parallels legislation passed by the Congress in May to combat sickle cell anemia, and equally devastating genetic blood disorder. Passage of H.R. 15474 with the amendments I propose to offer would provide the resources to mount an effective attack against Cooley's anemia and would elevate a program for its prevention and control to its rightful priority among the Nation's health concerns.

Cooley's anemia, known also as Mediterranean anemia or Thalassemia Major, is an inherited blood disease which occurs primarily among individuals who have migrated to this country from the Mediterranean Basin. First classified by Dr. Thomas Cooley in 1925, the disease is caused by a genetically determined deficiency in the production of hemoglobin, the substance in red blood cells which enables them to carry oxygen to the tissues of the body. The resulting structural abnormalities in hemoglobin and in the red blood cells produce severe anemia and shorten the victim's average life expectancy to 20 to 25 years. Only through the administration of frequent and often harmful blood transfusions can the patient lead a relatively normal life for even this period of time.

Although victims of Cooley's anemia may be found in almost any country in the world, the disease appears to have originated in the area surrounding the Mediterranean Sea. There, it is postulated, the inheritance of a single gene for the disorder may have had the benefit of conferring immunity against malaria. Today, the incidence of the disease is still high in that region—especially among individuals of Italian and Greek descent—although centuries of intermarriage have introduced the gene into other populations. In the United States, the true incidence of Cooley's anemia is unknown; but it is estimated that as many of 5,000 individuals of Mediterranean origin may have the disease and as many as 200,000 may carry the trait. Thus, the disorder may affect a substantial segment of the American population.

As with sickle cell anemia, Cooley's anemia may be inherited in both major and minor forms. Those who receive two genes for the disorder—one from each parent—suffer the severe consequences of the disease and generally do not live beyond the age of 20. Those who receive only one gene for the disorder bear the "trait" and are not likely to suffer from any of the symptoms of the disease. If two such carriers produce children, however, they run a 25-percent chance of bearing a child with the severe form of the disease and a 50-percent chance of producing a child with the trait. This is a probability based upon mendelian inheritance; in actual outcome all of the children of carriers may have the disease.

Because Cooley's anemia is caused by a genetic impairment in the synthesis of adult hemoglobin, the disease generally becomes manifest during the first year of life. A child unfortunate enough to have inherited the disorder may show early signs of listlessness, loss of appetite, and irritability—in addition to the anemia which will continue to progress relentlessly throughout his life. Organs connected with the metabolism of these defective red blood cells are also affected so that a child with Cooley's anemia often has an enlarged spleen and liver. In addition, stunted bone growth leads to various structural deformities; and victims of Cooley's anemia are often marked by retarded physical development and an altered facial appearance. These children are unable to engage in strenuous physical activity but with the aid of transfusions are often able to pursue otherwise normal school careers.

Although significant advances have been made in prolonging the life of the Cooley's anemia victim, there is no real cure for the disease. Treatment is purely supportive and consists of frequent blood transfusions to alleviate the constantly recurring anemia. The frequency with which a patient must undergo these periodic transfusions depends upon the severity of his disease process. Some children must undergo such treatment as often as two to three times a month. In addition, as the illness progresses, the iron from these transfusions accumulates in various tissues producing the potentially lethal side effect of iron overload. This iron accumulation may affect the endocrine glands, the heart and other vital organs and, in itself, may contribute to the death of the patient. The development of an effective chelating agent to remove the accumulated iron is desperately needed.

As devastating as the clinical picture of this disease may be, it does not take into account the tremendous financial and psychological burden suffered by the victim and his family. Dr. James A. Wolff, director of pediatric hematology at the babies hospital in New York City has estimated, for example, that the cost for clinical and hospital admissions for a child who requires transfusions at 3-week intervals throughout his life is approximately $72,000 from birth to possible death at the age of 20. In addition to this financial burden, the family of a Cooley's anemia victim must endure the severe emotional strain involved in comforting and supporting a child with a debilitating, deforming, and eventually fatal disease.

Although recent medical advances have made it possible to lengthen the average life expectancy of the Cooley's anemia victim—from 1 year in 1925 to over two decades today—a tremendous amount of research remains to be undertaken. Three broad categories of research require attention. The first and perhaps most important of these involves research into the basic genetic mechanism underlying the disease. Research leading to an understanding of this genetic disorder will provide the groundwork for devising effective means of treatment and prevention and will have implications for the understanding of other human genetic defects. Second, there is a widely recognized need for the development of an effective form of therapy to alleviate the constant suffering of those who are plagued with the disease. Blood transfusions are not only costly, but are ineffective in treating the cause of the problem. They may cause serious side effects of their own, and in doing so pose an additional threat to the life of the patient. Without the availability of a safe and effective agent to prevent iron accumulation, they provide only a palliative form of therapy. Third, there is a need for the development of a reliable and inexpensive test for the detection of the Cooley's anemia trait. With the development of such a test, it will be possible to provide assistance to those with the trait who seek assistance in preventing further inheritance of the disease.

Mr. President, I am convinced that this country has both the ability and the concern to provide the necessary research resources to mount an effective attack against this crippling killer. Accordingly, the National Cooley's Anemia Control Act would provide a total of $5,100,000 over the next 3 years for research programs designed to accomplish these important objectives. Although progress has been made through research programs sponsored by the National Institutes of Health and by private research organizations such as the Cooley's Anemia Blood and Research Foundation for Children, Inc., the legislation now before you would for the first time provide substantial Federal assistance to initiate a coordinated national program. Research in the diagnosis, treatment, and prevention of Cooley's anemia would be supported at a level commensurate with the seriousness of the problem, and the bill would specifically encourage research to develop efficient and inexpensive detection tests for those who carry the trait. There is no question in my mind that a major Federal investment would soon reap visible research results and would provide hope for present victims of the disease as well as for those yet unborn who could be afflicted with its unfortunate consequences.

In addition to marshalling the funds needed for the expansion and intensification of the Nation's research effort, H.R. 15474 would authorize expenditures of $3,000,000 over a 3-year period for the initiation and operation of Cooley's anemia screening, treatment, and counseling programs. We are all aware that the most important factor in the control of any disease is prevention. As there is at present no known cure for the disease once it is inherited, the best means by which to prevent its occurrence is through the establishment of voluntary screening and counseling programs for those who carry the trait. The National Cooley's Anemia Control Act would not only provide for the inauguration of these services but would also authorize use of the Public Health Service facilities for similar purposes. Participation in any of these programs would be wholly voluntary and the results of all tests would be held in strict confidentiality. Accordingly, individuals who had reason to be concerned about the possibility of bearing a child with Cooley's anemia could seek the testing, guidance, and counseling necessary to aid in prevention of the disease.

Finally, the National Cooley's Anemia Control Act would authorize $3,000,000 over a 3-year period for the purpose of initiating a Federal program to develop and disseminate educational materials on Cooley's anemia to the medical profession and to the public generally. The importance of education cannot be overemphasized. As we saw with sickle cell anemia—and as we now see with Cooley's anemia—lack of public education regarding these diseases has resulted in low visibility for an inadequate attention to their research programs and in unnecessary suffering for parents and children at potential and actual risk. In recent statements before the House Subcommittee on Public Health and Environment, numerous experts have testified to the need for the development of sound information and education programs. They have indicated that these programs should be specifically targeted to reach those groups of Americans at greatest risk in order to inform them of the availability of screening tests and of the genetic implications of possessing the disease or trait. In addition, they have called for the development of intensive informational campaigns which would include the use of mass media, symposia, films, and pamphlets for both laymen and health professionals. Only through sound education programs such as these will it be possible to offer meaningful choices to those affected by the trait or disease.

Mr. President, the National Cooley's Anemia Control Act deserves our urgent consideration. I believe it entirely fitting that the Congress, after taking the initiative in promoting cancer, heart disease, and sickle cell research, should lead the way in mounting a campaign to eliminate a disease which seriously affects yet another segment of our population. H.R. 15474 would provide for a comprehensive attack on this serious problem—by providing for prevention of the disease through voluntary screening and counseling programs and by encouraging research into potential cures for those who are its unfortunate victims. Taken together with the sickle cell legislation, it would mount a coordinated attack on two of the Nation's most prevalent genetic blood disorders.

Mr. President, I urge passage of this important legislation.

Mr. MANSFIELD. Mr. President, I call up two amendments on behalf of the Senator from Massachusetts (Mr. KENNEDY) for himself and the Senator from New York (Mr. JAVITS), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Rhode Island (Mr. PELL).

The PRESIDENT pro tempore. The first amendment will be read.

The legislative clerk read the amendment, as follows:

On page 4, line 4, strike "$25,000" and insert in lieu thereof "$1,000,000".

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 5, line 15, strike the word "part" and insert in lieu thereof "title".

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I support the passage of H.R. 15474, the National Cooley's Anemia Control Act. Through this measure, Congress can wage war on this disease. The bill establishes a national commitment to provide research support in Cooley's anemia—a genetic blood disorder, whose tragic disease incidence is estimated at 5,000 individuals of Mediterranean origin and affects 200,000 others as carriers of the trait—and support for screening, counseling and education to minimize the possibility of more children being affected by the disease, which results in pain, suffering and early death.

The legislation under consideration is similar to what Congress has accomplished under Public Law 92-294 for sickle cell anemia. Cooley's anemia is also a hereditary blood disease. If two parents have the gene—both father and mother carry the trait—one child, according to the Mendelian law, will more than likely have the disease; two will carry the gene or the trait; one will be free of the trait. In other words, one-fourth of the youngsters born to families in which both mother and father carry this particular gene will have Cooley's anemia.

The Senate amendments I have cosponsored would place greater emphasis on the initiation of Federal programs to develop and disseminate educational materials by increasing the authorization for these purposes from $25,000 annually to $1 million annually. Educational programs specifically targeted to reach those groups of Americans at risk—similar to what was done for sickle cell anemia—so they can be informed of screening tests and the genetic implication of the disease need increased funding if they are to be appropriately stimulated. The most effective means by which to control a disease—particularly Cooley's anemia—is prevention of its occurrence.

Also, the Senate amendment's "technical" provision will assure the continuation of appropriate community representation in the development and operation of programs funded under this act.

The PRESIDENT pro tempore. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. RIBICOFF. Mr. President, I am pleased that the Senate has passed legislation almost identical to S. 3856, the legislation I introduced on July 28 to establish a program to combat Cooley's anemia, an inherited blood ailment that afflicts about 200,000 Americans of Italian and Greek descent. Similar legislation, introduced by Connecticut Congressman Robert Giaimo and Congresswoman Ella Grasso, passed the House on August 1.

The disease, first described and classified by Dr. Thomas Cooley in 1925, is caused by a genetic defect in the makeup of hemoglobin—the substance in red blood cells which enables them to carry oxygen to the body's tissues.

Onset of the disease occurs early in childhood and is relentlessly progressive. Bones grow unevenly and become brittle, resulting in structural deformities and altered facial appearance. Organs such as the spleen and liver become enlarged. And the child with Cooley's anemia is listless—unable to engage in normal physical activity. Individuals who have the disease generally do not live beyond the first or second decade of life and must undergo frequent blood transfusions in order to maintain an adequate supply of red blood cells.

Cooley's anemia, also known as Mediterranean anemia or Thalassemia major, was originally limited to the Mediterranean area. As many as one in 100 children in some parts of Italy are thought to have the disorder.

Due to intermarriage and emigration of large numbers of people of Italian and Greek descent, the disease is now fairly widespread. There are presently no reliable statistics regarding the incidence of Cooley's anemia in the United States, but it has been estimated that the disease affects as many as 200,000 individuals in this country.

At present, there is no known cure for Cooley's anemia and no breakthroughs in prevention and treatment have been made in the 40 years since the disease was classified. However, diagnosis of the disease can be made during the first year of life and palliative measures to prolong life can be undertaken. In 1925 the life expectancy of a Cooley's victim was 1 year. Today, with the aid of blood transfusions, the average lifespan is approximately 20 years.

While research efforts at the National Institute of Arthritis and Metabolic Disease and the National Heart and Lung Institute have begun to reveal the genetic mechanism responsible for the malady, more basic research is necessary. Present blood therapy treatment programs of transfusion are costly, debilitating, painful and dangerous to life. Progress, then, is needed in both research and treatment.

Ultimately, the solution lies in prevention—whether through an effective program of screening and counseling or through the future development of some form of genetic therapy.

At present, voluntary screening and counseling programs offer the best means by which to prevent occurrence of the disease. Coupled with sound education programs, they can provide reliable information to those affected.

The legislation adopted by the Senate, the National Cooley's Anemia Control Act, authorizes a 3-year program to combat this disease—$1 million would be authorized for each of 3 years for the establishment and operation of Cooley's anemia screening, treatment, and counseling activities.

A second program would authorize expenditures of $1.7 million for each of 3 years to set up research projects on the diagnosis, treatment, and prevention of this disease—$3 million is authorized over a 3-year period for the Secretary of Health, Education, and Welfare to develop information and educational materials relating to Cooley's anemia and to distribute such information and materials to medical personnel and the public generally.

I urge the President to sign this bill into law at the earliest possible time so that the vital research and education programs needed to defeat this disease can get underway.

TAX REFORM BILL MAY CUT BACK BEQUESTS TO ISRAEL

Mr. SCOTT. Mr. President, while I suppose no Member of this body expects serious congressional consideration of a tax reform bill this year, I think it would be educational, at the least, to point out what one of the pending bills will do. As reported in the press, it would cut back "bequests made by Americans to institutions abroad, including those in Israel."

Among the principal cosponsors of this bill, which would cut back "bequests made by Americans to institutions abroad, including those in Israel," is the Senator from South Dakota (Mr. McGovern).

I ask unanimous consent to place this news article, which is from the Jewish Exponent of August 4, 1972, in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Tax Reform Bill May Cut Back Bequests to Israel

Washington.—The Nelson tax reform bill, now in the hands of the Senate Finance Committee, contains a provision that may affect bequests made by Americans to institutions abroad, including those in Israel, it was learned last week.

Senate committee staff members observed that England, France and Israel are among the countries ranking high among those whose institutions receive such bequests.

The Nelson bill, introduced by Sen. Gaylord Nelson (D., Wisc.), has among its 50 provisions one that says a bequest by an American "shall be deductible (for income tax purposes) only if it is to be used predominantly within the United States or any of its possessions." The word "predominantly" in the bill's context has not been defined precisely.

No hearings have been scheduled for any section of the measure, and it is considered unlikely that it will be discussed on the Senate floor at this session.

The Nelson bill is co-sponsored by 11 Democrats. They are Sens. Hart, Kennedy, Eagleton, Tunney, McGovern, Mondale, Church, Harris, Hughes, Humphrey and Metcalf.

ORDER FOR RECOGNITION OF SENATORS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders for the recognition of Senators today be reversed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New York is recognized for 15 minutes.

CRISES AND OPPORTUNITIES IN UNITED STATES-JAPANESE RELATIONS

Mr. JAVITS. Mr. President, today we are in a new and critical stage of United States-Japanese relations. As a major world surplus Nation, the situation calls for Japan to make forward moves in the international economic area now and in this sense the fate of United States-Japan relations is in Japan's hands. I know it will take bold and skillful statesmanship in Japan, but the stakes are no less than the future direction of that nation. Japan today is at the crossroads—one road could lead to ever greater participation and leadership in the world, the other to old and tragic nationalism.

The political leadership of Japan has just undergone a significant change. Longstanding political, military, and economic policies are under review. The first high-level contact between this new leadership and U.S. officials took place in late July when Prime Minister Tanaka, Trade and Investment Minister Nakasone, and other ranking Japanese officials met with a high powered U.S. trade negotiating team led by Ambassador William D. Eberle, the President's special representative for trade.

This will be succeeded at the end of this month by an exceedingly important summit meeting in Honolulu between President Richard M. Nixon and the new Japanese Prime Minister Kakuel Tanaka. This meeting is likely to have important ramifications for the future of Asia and the free world, and for the negotiations now underway between free world nations and the U.S.S.R. and the People's Republic of China.

Prime Minister Tanaka is the first of a new, postwar generation of political leaders to assume power in Japan. There are certain parallels between Prime Minister Tanaka and Chancellor Willy Brandt in that both men are of a postwar generation and both men's political future partially is tied to their policies of "ostpolitik." Prime Minister Tanaka's "ostpolitik" concerns itself with the future shape of relations which will be hammered out between Japan and the People's Republic of China in the months and years ahead. The nature and development of these relations will have a crucial effect on the future peace, stability, and economic growth of the countries of the Pacific basin, and in turn will have a profound impact on the policies of the United States and U.S.S.R. toward this area and toward each other.

I consider the recent history of relations between the United States and Japan as being troubled and not in the optimum interest of either nation. The long festering textile dispute of 1970–71 had major political repercussions and adversely affected United States-Japan relations. We will have to leave it to history to judge as to whether there was a political commitment linking textiles and the Okinawa reversion and in turn whether the textile dispute played a role in the breakdown of prior consultations on U.S. relations with the People's Republic of China.

In turn, Japan was slow to recognize its rapidly changing and greatly strengthened international economic position in the late 1960's and early 1970's. The moment of truth came when West Germany and other European countries allowed their currencies to increase in value in May 1971 while Japan insisted on maintaining the longstanding dollar-yen parity despite the fact that it was obvious that the yen was enormously undervalued. This sequence of events contributed to the President's new economic policy of August 15 which, I understand, goes under the heading of the second Nixon shock in Japan.

I make these historical points since they are germane to the upcoming summit between President Nixon and Prime Minister Tanaka. The first issue at the summit will be the type of personal relationship which will be forged between the political leadership of the two most economically powerful countries in the free world. The personal relationship that develops, of course, cannot be divorced from the issues. President Nixon is in the heat of his reelection campaign and Prime Minister Tanaka is likely to face the Japanese electorate in the near future. Both leaders have problems with their legislatures. Both leaders know that the health of their domestic economies loom large as political issues; however, both countries seem to be emerging from an economic recession; with the U.S. recovery phased slightly ahead of the Japanese recovery. Both countries are in the process of redefining their future role in the Pacific basin as the United States continues its withdrawal from Vietnam. Both countries also are redefining their relationships with the People's Republic of China and the Soviet Union. And, finally, because of these factors, United States-Japan relations are in a state of unusual flux.

It is my hope that the summit conference between President Nixon and Prime Minister Tanaka will lead to a strengthened and renewed partnership between Japan and the United States and that the deterioration in relations of the recent past will be reversed. Achieving this goal in which both countries have a mutual interest will depend heavily on Japanese statesmanship and clear-sightedness over both the short and long term.

Press reports indicate that one of the key issues of the summit will be the pace of normalization of Japan's relations with the Peoples' Republic of China. Perhaps this could be phrased in terms of whether Japan is to establish diplomatic relations with the Peoples' Republic before the United States does so. It seems clear to me that on the economic side, the United States has under high level review trade relations with all nonmarket economies, including MFN, lists of permitted items of trade and investment guarantees. Japan, no doubt, has similar matters under review. These, not diplomatic relations, will dominate future discussions, particularly when the Indochina conflict is over.

Also, in my view, another priority issue which must be on the agenda of the two nations is the continued economic development of the Pacific basin in the context of a post-Vietnam war. Future Japanese-United States cooperation in this area is essential. Indeed, joint cooperative planning should begin now as to the future integration of a reconstructed Indochina into the Pacific basin complex. Japan and perhaps only Japan has the know-how, capital, and most importantly the political will to undertake a leadership role in developing the Marshall plan-like program that will be needed to reconstruct Indochina as well as to lift the peoples of all of Southeast Asia out of their centuries of economic bondage. Clearly the hour is at hand for the formulation of a grand design for the development of Asia. In implementing such a grand design, the United States would continue playing a positive, forthcoming role since lingering World War II sensitivities regarding Japan dictate a multilateral approach to the serious problems of the area.

The economic reconstruction and development of this region would establish a stronger demand for the kinds of Japanese products and technology which Japan is so well able to produce and export. Many of these products are encountering increased market resistance in the developed country markets of the world, such as the United States and Western Europe. Clearly also, Japanese capital will be needed if the petroleum and other resources of South Asia and the South China Sea are to be developed just as American and Japanese capital will be needed to develop the oil and natural gas resources of the Soviet Union.

In addition to increased Japanese foreign investment, would it be unreasonable to expect a significant expansion in the official Japanese aid program in the years ahead—the bulk of which would flow to Asia? Over the past few years Japan has significantly increased its overall resource transfers to the developing world and is approaching the one percent of GNP target established by the United Nations. However, since approximately half of Japan's "aid" is trade credits, Japan remains far short of the 0.7 percent target for official development assistance. As Japan's GNP approaches $300 billion by 1975, Japan as a strong surplus nation with minimal defense expenditures should be expected to move towards an official AID program in the $750 million to $1 billion yearly range. Numbers in this range do begin to approach Marshall plan magnitude particularly if they are additional to significant U.S. efforts as the Vietnam war ends.

Viewing matters in this broader context, I must point to a possible potentially virulent fly in the ointment. It would be my hope that this irritant could be removed so that both countries could get on with the broader tasks facing them.

I am concerned over the recent press reports which indicate that the recent discussions between U.S. Ambassador William Eberle and Japanese Government officials have not been very successful. It is distressing that at a time when the Japanese trade surplus with the United States has reached $3.2 billion in 1971 and is estimated to increase to some $4 billion in 1972, Japan reportedly is willing to make immediate trade concessions only in the minor $50 million range in addition to the commitment to buy at least $160 million worth of U.S.-enriched uranium through advance payments.

This action raises serious doubts whether Japan will really shoulder the new obligations which go along with being a mature industrial democracy. It raises the question of whether Japan under Prime Minister Tanaka will be willing to carry its fair share of its responsibilities of world economic and political leadership. Carrying this fair share as a major surplus nation would help insure the maintenance of stability of the international economic system of the free world—a system which has made such a signal contribution to promoting Japan's sensational economic growth and stability.

Present policies which do not emphasize trade liberalization also give short shrift to the Japanese consumer. Liberalized trade would contribute to betterment of the Japanese diet, increase consumer choice, and bring downward pressure on prices. Also, it is my feeling that if this negative Japanese position on trade is not altered, it is likely to backfire and lead to renewed speculative pressures for a further revaluation of the Japanese yen over the near future. Prime Minister Tanaka has indicated that such a revaluation is not acceptable to his government yet we know that exigencies of the market can overtake even the most earnest political pledges.

A factor contributing to this pressure is the fact that following the December 1971 currency realinement, many Japanese exporters have only partially passed on the effect of the currency realinement by accepting reduced yen proceeds from export sales rather than raising export prices. This has reduced the effectiveness of the currency realinement and raises the question whether many Japanese industries are engaging in exporting at less than fair value.

In turn, the present Japanese policies will delay the expected improvement in the U.S. balance-of-trade position which is necessary if the U.S. Congress is to pass liberal and forward looking legislation to maintain open trade in the world during the next Congress.

Let me caution that trade legislation can no longer be put off indefinitely. The President has reaffirmed old commitments such as generalized preferences for the developing world and is in the process of making new commitments such as MFN for the Soviet Union. His authority to negotiate trade concessions has long ago expired.

It is my view that there will be a major trade battle in the Congress within 2 years and the balance of trade position of the United States at that time with specific reference to our bilateral trade relations with Japan could emerge as a major factor in the debate and vitally affect the nature of the legislation eventually passed.

Clearly the maintenance of a liberal, relatively open trading policy in the United States assumes particular importance when the continuing difficulties Japan is having in expanding their trading relations with the European Common Market countries is considered. In turn, as Western Europe moves toward a free trade zone for Western European industrial products in the years ahead, the impact of trade discriminatory policies could become more severe for major trading nations outside Europe such as Japan and the United States.

It is my hope that the expanded European Common Market—EEC—and the countries which will become associated with the EEC will opt for an outward looking, liberal trading order. However, the United States and Japan, based on the past record of the EEC, must begin now to develop contingency plans in case the EEC chooses the inward-looking protectionist rule. I would regret this and fear for the Atlantic Alliance and for the future economic and political growth of the free world as the consequence of a crystallization of protectionism. But I cannot rule out the possibility that Western Europe may turn inward and go protectionist just as I cannot rule out that the U.S. Congress may also opt for this self-defeating protectionist course, too. I continue to hope that West German and British influences will moderate the worst of France's intransigence on trade and monetary matters and in turn that the Smithsonian agreement over time indeed will strengthen the U.S. balance-of-trade position.

Finally, as regards Japan, the events of 1970 and 1971 have proven that Japanese responses in the international economic areas—which in the past could be characterized as "too little, too late"—have had enough serious political consequences to provoke much thoughtfulness in Japan. It would be my hope that the Tanaka government will take this into consideration as new trade, aid, and monetary policies are formulated.

Future relationships between our two countries should not be crucified on the cross of a mercantilism which demands an ever larger national trade surplus. The trade surplus position of Japan has grown explosively in recent years and respected Japanese economists indicate that this surplus could increase in the years ahead. Let me bluntly state that a $4 billion deficit on the trade account with Japan is unacceptable in the United States; it is unacceptable because of the immediate and concentrated impact this surplus has on American jobs and American employment. Since this problem is so clearly evident and since the failure to resolve this problem would have such grave consequences, it would be my expectation that responsible political leadership in Japan can take the necessary steps to deal with it before events get out of hand.

It is my fervent hope that the upcoming summit meeting will be successful and that the basis for a new, cooperative relationship between the United States and Japan will be laid. Since the nature of the United States-Japanese relationship in the years ahead will directly influence evolving relations with the Peoples' Republic of China and the Soviet Union of both countries, the renewal of close United States-Japanese relations is of the highest priority on the foreign policy agenda of both nations.

Some may think me forehanded in calling rather dramatic attention to these opportunities as well as dangers. But so critical are the future relations between the United States and Japan to world peace and world prosperity that I believe it is imperative that the authorities in both countries and the people of both countries be aware of the perils of continuing on the present course with particular regard to trade relations and the urgent need for major decisions which will reverse the present trend which could lead toward deterioration, rather than a strengthening of our vital relations.

PROTEST OF FINANCE COMMITTEE ACTION ON REVENUE SHARING

Mr. JAVITS. Mr. President, yesterday's Finance Committee action in adopting a substantially different formula from the House version of the revenue-sharing bill, marks a setback for States and cities which sorely need revenue sharing now.

Industrial States where the urban crisis is the worst, like New York, California, Illinois, and Ohio, are singled out by the Finance Committee proposal. For example, compared with the House bill, New York loses $142 million through the Finance Committee bill. This is more than any other State.

The chief difference between the Finance Committee bill and the House bill appears to be the absence of the factors of urbanized population and income tax effort—as opposed to general tax effort—in the distribution formula. Considering that urban areas are where the fiscal problems are the worst, and considering the need to encourage State and local income taxes, the Finance Committee formula is a big step backward for States which need revenue sharing the most.

Together with other Senators I must do my best to get the whole Senate to reverse this discriminatory action.

I ask unanimous consent to have printed in the RECORD a list of States that will suffer most under the Senate Finance Committee proposals. This list also indicates the difference in revenue flows to the States between the Senate and House bill under the first year of operation of the program.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

STATES WHICH GET PENALIZED BY FINANCE COMMITTEE PROPOSAL

	Million
Alaska	$1.1
California	100.4
Connecticut	15.1
Delaware	4.4
District of Columbia	11.9
Hawaii	3.2
Illinois	50.8
Maryland	22.7
Massachusetts	35.5
Michigan	32.8
Minnesota	5.9
New Jersey	37.1
New York	142.5
Ohio	42.0
Pennsylvania	10.7
Rhode Island	2.8
Virginia	5.9

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Indiana (Mr. BAYH) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged against the time of Mr. BAYH.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ANNUAL REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY

Mr. BAYH. Mr. President, there have been widely published reports that certain key chapters of the annual report of the Council on Environmental Quality, presented to Congress on Monday, were deleted because they dealt with "politically sensitive issues."

According to these report, the missing chapters dealt with energy, recycling, and the Delaware River Basin. Since these first two subjects are of crucial importance in the battle to save our environment, and since they are not discussed at all adequately in the published report, there is reason to believe the accuracy of the news accounts which said the report had been censored.

If this is the case, Mr. President, I regard this as an extremely alarming action—one which violates the spirit and perhaps the letter of the National Environmental Policy Act. That act stipulated that the President provide the Congress with an annual report on the environment. In requiring that the annual report be filed the law says that the report—

> Shall set forth . . . current and foreseeable trends in the quality, management, and

> utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation. (42 U.S.C. 4341.)

Under this provision of the law the lack of adequate attention in Monday's report to energy and recycling raises serious questions about whether or not the law is being complied with by this report. I would respectfully suggest to the four standing committees of the Senate to which this report was referred that it might be in order to determine, by hearings or through appropriate study, whether or not the report is adequate as presented or whether it should be returned to the White House as being inadequate with a request that a complete report be filed immediately.

Let us look at the three areas reportedly deleted from the report.

ENERGY

It may well be, Mr. President, that there is no single environmental issue of greater importance that the problems posed by the competing demands for more and more energy and, on the other hand, the drive for greater and greater protection of the environment.

The Senate has recognized the urgency of what has been properly called an "energy crisis" by passing Senate Resolution 45, offered by the distinguished chairman of the Public Works Committee, Mr. RANDOLPH, which has led to a study—now underway—by the Interior Committee to help develop a coordinated national energy policy.

Certainly, the issues involved in resolving the choices between energy demands and environmental protection pose sensitive political issues. This is why, we read, that this chapter was deleted from the report on the environment. But it is precisely because of the political sensitivity of these issues that they should have been included in the report. It is important, in this election year, that these issues receive a full, public airing, instead of being brushed under the rug. We do not need censorship of such crucial national issues; we need candor, public debate and education of the people.

One might wonder why such material might have been deleted from the report. Imagine that the professional staff of the Council on Environmental Quality had serious reservations about the oil import quota system. Certainly major oil companies, despite their known political inclinations, would have been sensitive to any challenge to the quota system.

Or imagine that the professional staff was urging a "go slow" policy on Atlantic coast offshore oil drilling at a time when the oil companies wanted to charge ahead in this area.

Perhaps there was a discussion in that reportedly deleted chapter dealing with the pricing of natural gas.

Or maybe there were some questions about the fast breeder nuclear reactor program and a suggestion that fusion research was more relevant to meeting long-range energy needs.

Yes, Mr. President, these and other fundamental questions about energy and the environment are politically sensitive. It also happens a discussion of such questions should be, and are not, in the report.

I am not here to take positions on these issues, Mr. President. If I had the wisdom to resolve them all today, I would share that with the Senate. But I do know that these issues and their resolution are of legitimate and great concern to the American people and that if the reports of censorship are true then a terrible disservice has been done to the public.

The irony, of course, comes when one asks: Suppose the reports of censorship are untrue? Well, if that is the case then the report falls far short of the standard of thoroughness which it should meet.

RECYCLING

While my greatest concern about the material said to have been deleted from the report is with the chapter on energy, we must not ignore the fact that the subject of recycling wastes is also of growing importance. Solid waste management is going to be one of the key tests of the success with which we handle our environmental crisis. And effective solid waste management will obviously require significantly stepped-up recycling.

Since the matter of recycling receives so little attention in the report, and since that little attention is not addressed to the economics of this issue, once again the glaring absence of important material from the report lends strength to the allegations that certain material was deleted from the report. In this instance, as in the case of energy, the absence of important questions and discussions from the report runs contrary to the specific criteria for the report quoted above. Can there be any question that discussion of energy and recycling are essential to the "social, economic, and other requirements of the Nation?"

The third chapter reportedly deleted from the report was said to have dealt with the management of the Delaware River Basin. Frankly, I am puzzled as to why this type of material, far less controversial than recycling and energy, may have been deleted. If the reports are true, however, then it is a logical assumption that there was something within that chapter which offended someone's political sensitivity. There is no statutory authority for deleting portions of the report on this ground.

Mr. President, the question of whether material was censored from this report raises issues that go beyond the chapters and issues reportedly deleted. It goes to the question of whether we are—in this extremely important election year—being spoon fed only that material which the White House wants us to receive. How can the electorate be expected to make responsible, thoughtful decisions at the polls if they do not have all relevant information about the issues before them?

If censorship did take place in this instance, how many times has it taken place without coming to the attention of the public?

How can we ask millions of Americans, young and old, who are skeptical about the political process to have faith in a system in which such political censorship may well take place?

There is a limit, Mr. President, to the extent of mistrust and cynicism which the political system can withstand before irreparable damage is done. And we are periously close to that point. Let us hope that we can restore trust and eradicate corrosive cynicism before it is too late.

I am not willing, Mr. President, to let this issue of the environmental report rest here. I am today sending a letter to Chairman Russell Train, of the Council on Environmental Quality, asking him to respond to the charges which have been leveled and asking him to forward to the Congress immediately any relevant material which may have been left out of the report. If the news accounts are inaccurate, this must be proven. If they are accurate, the censored material must be made public immediately.

Under no circumstances can the matter be allowed to go unchallenged; we need no more straws on the camel's back of loss of confidence in Government. We cannot afford the risk of letting any straw break that camel's back.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of my letter to Mr. Train and articles from the Washington Post and the New York Times about the alleged deletions from the environmental report.

There being no objection, the letter and the articles were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., August 9, 1972.

Hon. RUSSELL E. TRAIN,
Chairman, Council on Environmental Quality, Washington, D.C.

DEAR CHAIRMAN TRAIN: It has been widely reported that the Annual Report of the Council on Environmental Quality made public Monday lacked three chapters which were deleted at the request of the White House. According to reports the chapters in question dealt with energy, recycling, and the Delaware River Basin.

As you well know, the Congressional mandate for the Annual Report requires that it "shall set forth . . . current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation." (42 USC 4341) Certainly the issues of energy and the environment, recycling and the Delaware River should have been included under this provision of the law.

I am particularly concerned about the matter of energy, since the question of meeting the nation's growing energy needs with minimum environmental impact is an important and growing national issue. It has been reported that this chapter of the Report was deleted because it would "raise sensitive political issues."

Certainly, the issues involved in resolving the competing demands of energy needs and environmental protection do raise crucial political issues. But instead of being taken from the public arena these issues should be fully and openly debated in this election year. Instead of brushing these issues under the rug, as some apparently would like to do by denying the public the benefit of the Council's expertise in this area, everyone should welcome the fullest possible circulation of the Council's views. Thus I am deeply disappointed that a subject as important as energy and the environment was not dealt with in full in our Report. Because you and your professional staff fully understand the crucial nature of these questions, the lack of discussion of them in the Report gives credence to the charges of censorship. I cannot help believing that the spirit of the National Environmental Policy Act is being violated in this instance.

While my greatest concern about the material said to have been deleted from your Report is with the chapter on energy, we must not ignore the fact that the subject of recycling wastes is also of growing importance. Solid waste management is going to be one of the key tests of the success with which we handle our environmental crisis. And effective solid waste management will obviously require significantly stepped-up recycling. Yet the matter of recycling receives surprisingly little attention in the Report, and the economics of recycling are not touched on at all. The glaring absence of this important material from the Report lends strength to the allegations that certain material was deleted.

It seems to me that the Report's failure to discuss and analyze the crucial issues of energy and recycling is inconsistent with the Congressional mandate for the Annual Report. Can there be any question that discussions of energy and recycling are essential to the "social, economic and other requirements of the Nation?"

The third chapter reportedly deleted from the Report was said to have dealt with the management of the Delaware River Basin. Frankly, I am puzzled as to why this type of material, far less controversial than recycling and energy, may have been deleted. If the reports are true, however, then the only logical conclusion is that there was something within that chapter which offended someone's political sensitivity. There is no statutory certainly for deleting portions of the Report on this ground.

Moreover, I think that in your capacity as Chairman of the Council on Environmental Quality you must direct yourself to the implications of such alleged information management and censorship by officials within the Executive Office of the President. If important information of national concern is withheld from the public because of an unwillingness to deal openly with "politically sensitive issues," where is the line to be drawn without subverting the national interest?

Because of the urgency with which I regard the issues posed by the reported withholding of these chapters of your Report, and because of the overriding importance of the national question of balancing the demands of energy and the environment, I would appreciate you letting me know promptly whether this highly relevant material was left out of the final Report and why. If such material of importance was left out I believe it is your responsibility to forward this material to Congress immediately in compliance with the statute stipulating that Congress have a complete, annual report on the environment.

Thank you.

Sincerely yours,

Birch Bayh,
U.S. Senator.

[From the Washington Post, Aug. 8, 1972]

U.S. Unit Finds Air Cleaner—But Waterways Are Dirtier, Hill Is Told

(By Elsie Carper)

The Council on Environmental Quality reported yesterday that the nation's air is getting cleaner, that rivers and waterways are dirtier than ever, and that the costs of pollution control are going up.

The report was delivered to the White House by the three presidentially appointed members of the council and then sent to Congress.

In a message forwarding the report to Capitol Hill, Mr. Nixon said "there should be a sober realization that we have not done as well as we must, that changes in laws and values come slowly, and that reordering our priorities is difficult and complicated."

But the President also found much to praise. He said he was "pleased . . . that the quality of the air in many of our cities is improving. Across the nation, emissions from automobiles—a significant portion of local emissions—are declining. We can expect these welcome trends to accelerate as the new standards and compliance schedules called for by the Clean Air Act of 1970 become fully effective."

And the President said he also was encouraged "by the growing capacity of a people able to assess their problems, take stock of their situation and get on with the unfinished business of shaping . . . a satisfying and healthful environment."

Discussing the good news in the report, Council Chairman Russell E. Train told a White House news conference that "with some variation the overall air quality is improving on a national basis."

Water quality was a different story. The report found concentrations of phosphates and nitrogen compounds—which cause eutrophication, or dying, or lakes—had increased "in a large proportion of both urban and rural river basins. This, the report said, was apparently due to increased use of fertilizers. Oxygen-demanding wastes also were found to be increasing, mostly in high-population, high-industry basins.

Train said there is every indication that water quality will not improve materially in many river basins until pollution is controlled from water run-off from farms, feed lots and urban streets.

"While we carry on our major efforts to clean up pollution from municipal and industrial sources, we must increasingly turn our attention to land runoff—of nutrients, fertilizers, pesticides, organic materials, and the soil particles that often transport the others," the report said.

On costs, the report estimated that current standards will require an outlay of $287.1 billion in the decade of the 1970's. This was nearly three times last year's estimate of $105.2 billion but that figure covered six years while the new figure is for ten.

Annual costs are estimated to rise from $10.4 billion in 1970 to $33.3 billion in 1980.

The figures include expendituers by businesses and industries as well as by government at all levels.

The report said that while pollution abatement costs seem large they are in the aggregate relatively small compared with such measures of total economic activity as the Gross National Product—the cost of goods and services.

During the 1971 to 1980 period, the GNP is expected to total over $213.2 trillion. Consequently, total environmental costs would represent 2.2 percent.

The report estimated that $106.5 billion will be spent for air pollution abatement, $87.3 billion on water pollution, $86.1 billion for disposing of solid wastes, $5.1 billion to reclaim land ravaged by strip and surface mining, $2.1 billion for radiation control, and $900 million to $2.7 billion for noise control.

The report, the third to be produced by the council, was expected to include sections on energy and recycling, but both were eliminated after the report was reviewed by the Office of Management and Budget and by the White House.

The energy chapter, which discussed pricing of electricity and conservation of fuels, was said to raise sensitive political issues, while the chapter on recycling was deleted because the administration has not yet determined whether it will propose tax incentives and subsidies to encourage reuse of materials.

Mr. Nixon spent 45 minutes with Train and the other two members of the council, Robert Cahn and Gordon F. J. MacDonald. Both Cahn and MacDonald are leaving the council. Sucessors have not been named.

[From the New York Times, Aug. 8, 1972]

Report Finds Nation's Air Cleaner but Water Dirtier

(By Robert B. Semple, Jr.)

Washington, August 7.—The Council on Environmental Quality, in an expurgated edition of its third annual report on the state of the environment, said today that the nation's air was getting cleaner but that its water was growing dirtier.

The report was delivered to President Nixon this morning with three chapters missing. According to council sources, the White House and the budget bureau asked that publication of chapters on energy, recycling and pollution in the Delaware River Valley be delayed until after the election.

The sources said that the White House feared that the chapters might cause controversy in a political year and that all three subjects were sensitive and complex and required further study.

AIR QUALITY IMPROVED

The council reported that by most available measurements "air quality on a nationwide basis improved between 1969 and 1970."

According to widespread samplings, the council said, emission of carbon monoxide dropped 4.5 per cent during the year and particulates 7.4 per cent, primarily through controls applied to smokestacks.

However, the council said, water pollution from such sources such as municipal sewer systems and industry has not diminished.

The council also warned that the nation's waterways were likely to deteriorate further as a result of runoffs from farms and construction projects, a source of pollution that the council said it had underestimated until this year.

POLLUTION INCREASING

"Land runoff from farms and even urban land, as opposed to discharges from cities and factories, has a much greater impact than we realized," the three-member council wrote in part. "In all types of river basins, the concentration of nutrients is increasing."

The three members of the Council—its chairman, Russel E. Train, Dr. Gordon McDonald and Robert Cahn—met with Mr. Nixon for 45 minutes this morning. They reported afterward that the President discussed environmental issues with interest and urged the council to educate ordinary Americans on environmental issues.

Mr. Nixon said at one point that the environment was in danger of becoming an "élitist" issue and that the council should "reach down and include the fellow who never went to college."

In a preface to the report, Mr. Nixon chided Congress for not acting on some 20 legislative proposals aimed at curbing pollution. Some Democrats have offered alternative and in some cases more costly remedies of their own.

"The time for deliberation has passed" Mr. Nixon said. "It is now time for action."

ABOUT $287 BILLION ESTIMATED

The council estimated that it would cost at least $287.1-billion to solve the country's major pollution problems over the next decade, with annual spending from private and public sources rising from $10.4-billion in 1970 to $33.3-billion in 1980.

MISSING CHAPTERS

The most expensive items are air pollution, $106.8-billion, and water pollution, $87.3-billion. The council also urged broader attacks on the problems of solid waste disposal, noise pollution, radiation and land reclamation.

Details of the three missing chapters, which were to have been sent to the President in a seperate volume, were not disclosed.

Officials at the council, however, said the chapter on recycling urged the adoption of tax incentives to encourage recycling among consumers and in industry, a technique the Treasury Department vigorously opposes on economic grounds. The sources also said the chapter might have exposed the fact, if only in indirection, that the Administration has yet to develop a comprehensive solid wastes program.

The chapter on the Delaware River basin was said to have contained some implicit criticisms of the management of the basin by a joint Federal-state authority.

The chapter on energy treated such politically sensitive questions as oil imports, the Alaska pipeline, gas pricing policies and offshore drilling. It also contained pointed criticisms of industry.

Mr. BAYH. Mr. President, one closing thought—every Member of this body is a conscientious and sensitive individual, all of us being only human. We do not like criticism. At least, I have never reached the place where I enjoyed criticism, although I must say that some of it has been constructive in shaping my views, thoughts, and directing my attention to certain issues. But it is important in this election year that the Senate, the House, indeed the Government, not run for cover whenever a politically sensitive issues is raised. If a politically sensitive issue comes up involving the conflict between energy and the environment, it is better to throw it out on the table, bring the best minds to bear on it, vote the courage of our convictions, stand up and be counted, and find the best solution that we can. There will be no easy, simple solution to some of the complicated problems in today's society.

I remind the Senate of the admonition that Harry Truman offered, which I think is most appropriate, when he said:

> If you cannot stand the heat, you had better get out of the kitchen.

All of us in the Senate are in the kitchen and most of us want to stay here. Also, we had better do all we can to see that those in the executive branch, and others responsible for denying Congress and the public all the information available and necessary, be advised that they, too, be prepared to stand the heat or get out of the kitchen.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, prior to laying before the Senate the gun control bill, I ask unanimous consent that there be a brief period for the transaction of routine morning business for not to exceed 9 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER (Mr. GURNEY). Without objection, it is so ordered.

FEDERAL SPENDING UNDER THE LABOR-HEW APPROPRIATIONS BILL

Mr. ROTH. Mr. President, when the Senate passed the Labor-HEW appropriations bill on June 27, it contained a ceiling of $2.5 billion on social services spending under title IV of the Social Security Act.

In conference, this ceiling—which was not a part of the House-passed bill—was dropped. It is now estimated that without this ceiling, Federal spending for social services will be at least $4.8 billion during this fiscal year. This is, of course, four times the original budget request of $1.2 billion and almost twice as much as the Senate approved ceiling of $2.5 billion. Some estimate that during the next fiscal year expenditures for this program could increase to as much as $8 billion.

I was greatly concerned over this problem when this bill first passed the Senate, and voted against an amendment that would have removed the ceiling. And, I now intend to work to see that this ceiling is returned to the bill. When the conference report is presented to this body, I will make certain motions, the purpose of which is to return the legislation to conference with instructions that Senate conferees insist upon the ceiling.

When the bill comes before the body, I will speak to it further. But in the meantime, I ask unanimous consent to have printed in the Record for the consideration of my colleagues, three articles which have appeared recently in newspapers concerning this program: two are from the Washington Post and one is from the New York Times, as well as an article on this program which appeared in the latest issue of U.S. News & World Report.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Aug. 8, 1972]

The 1967 Law Is Giving States Windfall in Federal Funds: Plan, Overlooked Until Recently, May Provide $4.8 Billion This Year and Enlarge the Nation's Budget Deficit

(By Edwin L. Dale, Jr.)

Washington, August 7—Most of the states have belatedly discovered an obscure provision of Federal law that will probably enable them to obtain, virtually "free," an estimated $4.8-billion from the Federal Treasury in the current fiscal year.

This is nearly as much as the states and local governments would receive from the much-debated revenue-sharing plan backed by the Nixon Administration and approved by the House.

The program involved provides 75 per cent Federal financing of "social services" for the poor and others, such as the aged and children. The states have discovered that, by making small changes, sometimes a small expansion, in programs that they were already paving for themselves, they can collect from Washington 75 cents out of every dollar spent.

The money amounts to a fiscal windfall for the hard-pressed state governments. But it threatens to enlarge greatly the Federal budget total and the deficit this fiscal year and later.

President Nixon allowed $1.2-billion for this item in his budget. But as more and more states have qualified for the grants, this estimate has soared.

Congressional sources put the latest estimate at $4.8-billion in the fiscal year 1973, which just began, and this is not denied in the Department of Health, Education and Welfare, which administers the program.

The extra money would be provided in a supplemental appropriations bill next spring.

Before the states woke up to the potential bonanza, the program was not only obscure but relatively small. As recently as the fiscal year 1969, total spending under it was only about $370-million.

California was first to learn how to take advantage of changes in the Federal law enacted in 1967. Illinois was apparently second, acting in 1970. Now the states are applying for funds in droves.

The procedure is somewhat complicated, but an example of how the states can take advantage of the program would be an alcohol or drug abuse prevention program that the state had previously financed itself. By purchasing the same service from a private agency, the state would qualify for 75 per cent Federal financing.

Starting in 1970, President Nixon in each year has asked Congress to place an over-all ceiling on allowable grants to the states under this program, which would lead to a sort of rationing of the allotted amount. But each year Congress has refused.

This year, the Senate Appropriations Committee and later the full Senate approved a ceiling of $2.5-billion, double the President's original budget estimate. But the provision was dropped in conference between the House and the Senate.

PRESSURE BY GOVERNORS

Governors have reportedly put strong pressure on the key members of Congress involved to head off any ceiling.

A major problem for the President and Elliot L. Richardson, Secretary of Health, Education, and Welfare, is that a cutoff now would leave some states with large Federal grants and others with very little.

The program may have led to some actual expansion in social services, but no one in the Federal Government seems to know how much. The suspicion is that the bulk of the Federal money is merely replacing state money that was being spent anyway.

The ultimate solution to the problem, officials believe, is a change in the underlying 1967 law, which was enacted as an amendment to a large and complex Social Security bill.

However, there is no evidence yet of Congressional eagerness or Administration pressure to change the law.

STATE ASKS $854-MILLION

New York State's Department of Social Services has asked for $854-million this year in Federal matching grants under the 1967 law, according to a high official of the department who asked not to be named.

Of that figure, he said, $205-million is for reimbursement of money spent during the 1972 fiscal year.

In the first year of the program, 1967, New York received only $57-million in matching grants, he said, because "the Federal Government was very slow in issuing regulatory material and guideline material."

"The state amended its state welfare plan as soon as the Federal guidelines were available," he said, "and started to make serious claims for this on selected programs during 1970 and 1971."

"Over the past years there has been a major expansion of these programs, in agriculture, mental hygiene, narcotics addiction, youth services and education. We are more fully utilizing the provisions under the Social Security Act towards programs which had been previously funded with state or local funds only."

"It was not just merely a matter of substituting state money with federal money," he said, adding that no state program operating solely on Federal funds and that there were no state programs that would not exist without the grants.

[From the Washington Post]

A $5 Billion Error in Social Policy

Impossible though it sounds, the federal government has apparently backed itself blindly into a multi-billion dollar promise to subsidize states' social services. The fiscal drain is not only unexpected but, under the present law, uncontrollable. Worse, this fluke of federal legislation is encouraging the states in a massive turn in precisely the wrong direction for our national social policy. It is a classic example of a great decision that was made without forethought, without public debate, and without any deliberation on the other and better choices.

In her article on this page Monday, Jodie Allen of the Urban Institute examined, in detail, the growth and implications of this legislation. It now constitutes an open-ended commitment to match three or more federal dollars for each dollar that a state spends on social services to the poor. The definition of social services covers almost anything imaginable except, unfortunately, education.

It was some years before the states began to realize the full possibilities of this legislation. But the word has been spreading rapidly. In fiscal 1971, the total disbursed was a bit less than $700 million. In fiscal 1972, it doubled to more than $1.3 billion. This year, the applications indicate that it may quadruple into the range of $5 billion. A bung of considerable dimensions has been driven into the U.S. Treasury and, having learned where to find it, the states are now turning the tap on full.

If this money were all being spent wisely on programs that actually lifted families out of poverty, the states could justify all this great outpouring and more. But there are no federal controls or standards on the quality of the state programs that it finances. It even appears that the federal authorities do not know with any precision what it is being spent on. Undoubtedly many of the state services are essential and justify expansion. But no one in Washington knows which, or how much.

Social services have never been demonstrated to reduce poverty efficiently. The sudden increases in funding are doubly dubious because these services require skills that are in short supply.

As Mrs. Allen observed, states like Maryland and Mississippi propose social service programs this year that, if limited to welfare recipients, would cost more than $1,600 per person. That approaches $6,500 for a family of four. The country has rejected the idea of cash grants at anything approaching that scale. We are apparently prepared to provide the poor with the services of social workers, psychiatrists, homemakers, therapists and counselors up to any cost. But, in contrast, we decline to provide the one essential support that they need; cash.

Welfare reform, in any orderly and intentional sense of the term, is dead this year. President Nixon and the congressional leadership have given up on the bill. But at the same time, Austin Scott reports elsewhere in this morning's paper, the President has silently decided to do nothing about this hemorrhage of social services funds until after the election. The country now finds itself saddled with a massive and inadvertent expansion of ineffective social programs, while getting none of the reforms that Mr. Nixon promised three full years ago.

[From the Washington Post, Aug. 7, 1972]

How the Feds Bought Mississippi: Back Door Revenue Sharing—And on a Big Scale

(By Jodie Allen)

While debate rages in the halls of the Congress and the administration over revenue sharing and welfare relief for hard-pressed states and localities, a multi-billion dollar program of fiscal relief for states is quietly being implemented under a little noticed provision of the Federal welfare law which provides federal matching for state expenditures on "social services" for needy persons. A recent action by the Senate-House Conferees on the 1973 HEW appropriation bill on August 2 seems to assure that almost $4 billion for "social services" will be added to the President's budget with little debate and with virtually no public attention.

Program increases of this magnitude are usually front page news, particularly in an administration highly concerned over the prospect of a record-breaking budget deficit. The reason for this strange turn of events lies in the peculiar history and characteristics of the social service program.

There are three features of the social service authority which explain its unique potential for breaking the federal bank. The first is that the language of the social service provisions, as modified by a series of liberalizing amendments during the 1960s, is remarkably broad. The services covered include any "services to a family or any member thereof for the purpose of preserving, rehabilitating, reuniting or strengthening the family, and such other services as will assist members of a family to attain or retain capability for the maximum self-support and personal independence." Furthermore such services may be provided not only to current welfare recipients but, since 1965 to former or potential recipients as well.

Without even stretching the imagination it would seem that practically the entire gamut of services provided by state and localities for their citizens—including vocational rehabilitation, job training and counselling, child care, foster care, family planning, family counselling and referral, protective services for dependent persons, mental health and mental retardation services, community health services, homemaker services, non-formal or compensatory education, and information and referral services of all sorts—might easily be justified at least in part as deserving of federal support under the amendments. In fact the only services specifically excluded from support are public school education and institutional care and the only additional limitation appears to be a vaguely worded caveat in a HEW memorandum to the states that they must "significantly expand" not merely re-fund existing services. And to make it all easier, since 1967 the law has allowed the states not only to provide such services themselves but to purchase such services from other public and private agencies with federal support.

The second striking feature is that the terms of the federal support are extremely attractive. For every $25 the states or localities proffer for these services the Feds will supply another $75. The Talmadge amendments of 1971 went this one better and allowed 90 federal dollars for every 10 state or local dollars if the services provided were such as to enhance the employability of current, former or potential welfare recipients. (This largesse should be compared the relatively miserly 50 per cent matching which is all most large states can receive on actual cash grants to recipients.)

Last and best there is the "open-end" financing provision—which means exactly what it sounds like. Unlike most federal authorizations for which a fixed amount is appropriated by Congress each year, the social service fund is essentially a bottomless pit. As is the case for public assistance cash payments, whatever amount of money states and localities express willingness and ability to spend for social services in a given year, the federal government must stand ready to match at $3 or more for 1.

Given these generous provisions, the only thing that is hard to understand about the social service program is why it is not already the largest domestic program in the federal budget. In fact most states were slow to recognize the potential of the social service program. In 1964 only $75 million in federal dollars went to social services. By 1968 the federal cost had risen to the still modest level of $230 million and by 1969, even after a one year increase of 59 per cent the federal share was still only $366 million. A few sharp state officials however were beginning to catch on. One state, California, had by 1970 managed to corner almost 40 per cent of the total social service budget of $500 million for that year largely through the cleverness of a consultant to the California State Assembly, Tom Joe. In a fascinating article in the June 17, 1972, issue of the "National Journal," John Iglehart has traced the subsequent involvement of the ingenious Mr. Joe who, as part of the entourage accompanying former HEW Secretary Finch to Washington from California, has subsequently stayed on at HEW. There, in an informal capacity, he has spread the glad tidings of largesse to other less favored states—to the ultimate discomfort of the administration.

For discomforted indeed are HEW budget managers. From a sleepy little sub-billion dollar program, social services has in the last several months skyrocketed with a multi-billion dollar flare likely to eclipse in importance both the much heralded revenue sharing proposals now being debated in the Senate Finance Committee and the now beleagured welfare reform package with its promise of some $2 billion in state welfare savings.

Picking up the thread of our chronology we find that by fiscal year 1971 the federal share of social service expenditures had climbed to almost $700 million with the Congress ignoring a request by the administration in its budget for that year to impose a 10 per cent ceiling on expenditure increases over the previous year (a request repeated and again denied in the administration FY 72 budget). In FY 72 social services again surprised everyone by outstripping the original administration estimate of $838 million by at least another $450 million and, by some estimates by perhaps, as much as $750 million. In either case the federal government is thus already spending at the rate of over $1.3 billion a year on social services—an amount almost twice that expended in the previous year and already larger than the administration's $1.2 billion request for the upcoming fiscal year, 1973.

But that discrepancy must be counted as minor. For while the Congress has been considering the HEW request, the states have quietly been revising drastically their estimates of federal dollars required in FY 73. In May to the consternation of HEW officials a new estimate of $2.2 billion, almost twice the administration's 1973 budget request of $1.2 billion, was computed. The Senate Appropriations Committee, alerted to the danger added to the HEW appropriation bill a ceiling of $2.5 billion on social service expenditures. But pressure from governors and state officials anxious to cash in on the bounty proved too strong and, with virtually no public attention, the limitation was dropped in the Conference Committee despite assertions in the conference report issued on August 2 that the conferees "agreed with the basic premises of the Senate amendment: (1) to insure fiscal control over a program which is presently increasing at an alarming rate and (2) to insure that funds are disbursed prudently and effectively."

But the conferees literally didn't know the half of the matter. For by the end of June the states had set their sights far higher than a mere $2.2 billion—in fact having doubled the estimate once, they decided to do it again this time submitting a total FY 73 request of almost $5 billion, a quadrupling in expenditures over the previous year to an amount equal to the much publicized revenue sharing program. And there is unanimous agreement on the Hill and in HEW that that estimate is probably too low.

Fortunately it is not necessary to question the efficacy or relative utility of social services in order to question the desirability of this turn of events. It is fortunate in that no one seems to have any clear idea of what the money is being spent on.

But apart from the merits of social services per se three things are abundantly clear:

1. A huge sum of taxpayer money is being distributed among states in a quixotic fashion unrelated either to relative need or to the ability and willingness of states to use the money constructively.

2. It is not possible for states and local governments to achieve a four-fold expansion in services of any kind in one year (on top of a doubling the previous year) and particularly not in services of a type for which no clearly successful record of performance has yet been demonstrated, even on a modest scale.

3. Even if the money is in fact expended for the purposes intended, serious imbalances are occurring within state expenditures patterns between social service activities for low income populations and other forms of assistance and service both to this population and to other groups in the population.

To illustrate these points one need only look at a few states. In 1971 Mississippi spent about $950,000 on social services. Its estimated expenditures for 1972 increased by 88 per cent to $1.8 million. In 1973 Mississippi now estimates it will spend some $460 million on social services, over 250 times the amount it spent the previous year.

Two other comparisons are equally interesting. If Mississippi's social service benefits were spent entirely on welfare recipients, it would turn out that Mississippi would be spending some $1,625 per welfare recipient on social services, or about $6,500 per year on a family of four (a number familiar to the National Welfare Rights Organization). Apart from the striking generosity of this allotment it is interesting to compare this expenditure with the maximum welfare cash grant which such a family if it had no other income could receive in Mississippi. That amount is $720. And lastly it is interesting to observe that if, as is likely, most of the $460 million in federal dollars is used simply to support existing state and local services in Mississippi, this amount alone will account for over half of the current total Mississippi state budget.

Other examples abound. Maryland's estimated expenditures will grow from a 1971 level of $15 million to an estimated level of almost $420 million in 1973. At this point Maryland will be spending some *$1,650* per welfare recipient or about *$6,600* for a family of four. Georgia plans to expand its program from a 1971 level of $12 million to a 1973 level of over $220 million. New York will expand from $67 million 1971 to $850 million, Illinois from $24 million to over $180 million. Faced with an unplanned increase in the President's budget of at least $3.6 billion and the frightening potential of even more staggering increases to come (the estimates are from $6 to 8 billion in the next fiscal year) there appears to be little that the administration can or, perhaps, wants to do to stem the flowing tide. To "close the end" on social services would require legislative action and, as has already been demonstrated by the recent action of the appropriation conferees, such action is unlikely to be forthcoming, particularly in an election year, given the opposition to such a change that would be generated by enthusiastic state and local officials who have suddenly discovered that there is indeed a pot of gold at the end of the federal rainbow.

There is also the difficult problem of devising a formula which, at once, distributes the fund among the states in at least some vague relationship to need and current fiscal effort; maintains each of the states at least at their current level of expenditures and probably allows some increase (a practical necessity to ensure acceptance of any formula); and, at the same time sets a reasonable dollar limit on the total budget.

Despite the practical and political difficulties involved, however, it is clear that something constructive must be done, not simply to control a runaway program, but to insure that the monies are distributed equitably among states and that real and needed public services are produced in the process. Surely some more rational basis must exist for distributing several billion dollars of taxpayer money than one depending upon the relative ambition and ingenuity of a few states and federal officials.

[From the U.S. News & World Report, Aug. 14, 1972]

SERVICES TO THE POOR AND THEIR RUNAWAY COSTS

Boiling up now is a new crisis in federal spending to help the poor.

U.S. budget analysts are worried by explosive growth of the social-service program funded by the Department of Health, Education and Welfare.

With State after State rushing to cash in on what one Government official calls "a questionable form of revenue sharing," costs of the program have spiraled—as shown by the accompanying chart.

What is involved is a law, passed in 1962 and liberalized in 1967, under which the Federal Government pays 75 per cent of the costs of social services rendered by States and localities to people on relief and to past and "potential" welfare recipients.

The idea is to help some people get off relief rolls and to keep others from swelling the ranks of welfare cases, now numbering more than 15 million.

WIDE RANGE

Services provided range from child care to centers for the needy aged, from literacy education and job counseling to treatment for alcoholism or drug addiction.

The program is virtually open-ended. With no ceiling set, costs in federal funds have skyrocketed from 387 million dollars to more than 2 billion in the last three years. Officials estimate that the outlay could reach 6 billion in another two years unless a lid is applied.

The Nixon Administration has urged Congress to set a limit. The Senate approved a 2.5-billion-dollar ceiling, but the House of Representatives rejected a definite lid. Senate-House conferees agreed August 1 on legislation urging federal officials and the States to tighten the program without setting a definite figure. Somewhat stricter rules now are to be implemented.

John D. Twiname, administrator of the Social and Rehabilitation Service of HEW, which runs the social-services program, compares the situation to the early days of medicaid. Costs of that health-care program for the needy soared so spectacularly that Congress was forced to legislate a cutback.

The cost potential is even greater in social services, according to Mr. Twiname, because what can be provided is not spelled out as clearly as in medicaid. Another point that is made by the HEW official:

Some States are just now realizing that the 1967 liberalization provided that welfare agencies could purchase services from other public or private agencies, with the Federal Government committed to payment of $3 for every dollar spent by the State.

WAITING LINE

Applications currently are pending with HEW from 27 States, either for new social-service programs or expansion of existing programs.

Some States have been able to cut their own welfare spending by converting services previously paid for with State funds into those that can be financed under the matching arrangement, with the Federal Government paying 75 per cent and the State or locality only 25 per cent.

Social services are defined under the program as those that serve the purpose of "preserving, rehabilitating, reuniting or strengthening the family, and such other services as will assist members of a family to attain or retain capability for the maximum self-support and personal independence."

Thus the range is wide. Some examples of the kinds of services offered, besides those already listed:

Adoption services, foster homes for children, help for unmarried mothers, child-protection services, money management, help in finding housing, job training, homemaker instruction, help for the mentally retarded, rehabilitation of the handicapped, meals-on-wheels for elderly shut-ins.

A single family may qualify for a number of the services offered. In the last year, HEW officials report, one or more services provided under the program went to about 6 million persons in welfare families, plus an estimated 400,000 families and 100,000 individuals qualifying as former or "potential" welfare recipients.

THE PINCH

Because welfare costs have risen so fast, 19 States and the District of Columbia have cut relief payments in the last two years. Officials say that the money crunch in many States is a main reason for the rush to have the Federal Government take over much of the burden for social services.

A comment from Mr. Twiname:

"It is unrealistic to expect States to do much about increasing their share at a time when most States are cutting back welfare, or at least holding their own."

The program administrator added:

"We are making certain that these grants do result in expanded services, even though States are shifting much of the cost to the Federal Government."

The contention that expansion of social services is a way to cut down welfare rolls brought this observation from a top official of HEW:

"Nobody really knows whether this is so. There is no information now about the correlation between the intensive application of services and any absolute reduction of rolls.

"It is premature to say that services will decrease dependency. But these services are mostly those that are clearly needed."

Of major concern to this official is the lack of information on how effectively federal funds are being used. He called for a two-step approach:

"First, a dollar limit on spending. That is vital.

"Next, there has to be a hard look at how the program is being run. There has been too much emphasis on getting the dollars.

"It has been too much of a fiscal shell game, a money rush by the States. Even States with good programs have been more concerned about getting the money than improving the services."

TIGHTER RULES

New regulations drafted by HEW are designed to make the States more accountable. Reports in greater detail on how federal money is spent are to be required. A federal official explained:

"What this means is that a State must try to set up the program so that the dollars will be applied more systematically toward solution of a problem—not simply to expand services helter-skelter. The State planners must prove the need for a service before it will be financed.

"We ought to know where the money is going. We don't want to dictate what they must or must not do, but it must fit into some rational pattern."

Strong pressure has come from Governors and other State officials against imposition of a dollar limit on the program. One reason, HEW sources say, is that a ceiling would exclude from the program States that have been slow to expand social services and would virtually rule out further expansion by States already participating.

As federal officials seek to cope with rapid growth of the program, these questions are being raised in Congress and elsewhere in the Government:

Is the money flowing from Washington helping to keep people off welfare or to get them off? Or is it giving the States a chance to reduce expenses by substituting federal funds for their own?

What do State welfare officials say about expansion of social services? What services are producing the best results? Just how is the money being spent? Is the whole thing, as some experts contend, a "boondoggle"?

To get answers, staff members of "U.S. News & World Report" examined the program closely in States which have been among the leaders in making use of federal dollars for social services.

The survey turns up some sharply conflicting views. Findings follow:

California

As the first State to make broad use of the liberalized approach to social-service spending, California at one point was receiving about 25 per cent of the federal money available.

Experts disagree on results.

Says Charles Hobbs, the State's deputy director of social welfare:

"The goal was reduced dependency by providing social services. That concept has not paid off."

But Betty Pressley, director of social welfare for Marin County, contends that if expanded social services had not been provided, welfare rolls would "probably be a lot bigger."

And Dr. William Gee, head of the On Lok day-care center for old people in San Francisco's Chinatown—*On Lok* is Chinese for "safe and happy residence"—says this:

"It does reduce the welfare burden. That's one of our big selling points."

On Lok is being funded at $110,000 a year, for three years.

In Santa Cruz County, Mrs. Mary Wallace of the social-welfare department says that "the federal money has been a huge help for us." She points out, as an example, that a day-care program for children enabled mothers to take advantage of educational-training services, and notes that in just one month—last April—mothers of 80 children went off welfare.

WORKER CUTBACK

In Los Angeles County, federal funds are being used in a new system which has led to a drastic reduction of the number of trained social workers on the county payroll.

Under the system, "eligibility workers," rather than trained social workers, take on the job of counseling welfare recipients. A spokesman explained:

"We once assumed that if someone was on welfare, he or she had a social problem that required the services of a highly trained social worker.

"But the more we looked at the problem, the more we realized that the recipient only needed help in learning how to live on a budget or in getting specialized help from some other agency, private or public."

With less training required, "eligibility workers" draw pay considerably below the scale for professional social workers, the county official said.

The system is designed to give the welfare recipient greater responsibility for his own betterment. According to Mr. Hobbs, the State's deputy director of welfare, it is a "first step toward a solution" of the problem of "the breakdown in responsibility" among those on relief rolls.

New York

Federal financing is enabling the State of New York to more than double spending on social services this year, compared with last year, without increasing the State's own outlays.

Total spending is 787 million dollars, of which 590 million is in federal funds. The State's share is 197 million.

Federal aid, State officials said, means a massive expansion in family service, mental health, narcotics treatment and other programs aimed at keeping people off welfare.

Barry L. Van Lare, executive deputy commissioner of the State's Department of Social Services, had this comment on the infusion of Government funds:

"In New York, the federal dollars will lead to a continued expansion of services available to the poor."

Some State legislators have been critical because New York appeared to lag in taking advantage of 75 per cent federal reimbursement for social-service spending.

Now that New York is getting the federal funds, Mr. Van Lare remarked that "it appears that federal dollars are merely replacing State dollars which were designed to provide services for the poor." But, he added:

"In effect, what we have is that the State has been prefinancing programs since 1967 which were eligible for Federal funding. What we are dealing with now is the availability of federal funds and procedures for securing funds to allow the Government to provide the level of support it intended in 1967."

TOWARD INDEPENDENCE

This additional comment from Mr. Van Lare:

"There is no doubt that this array of services is vital to our ability to move people off welfare. Each of the programs has a very specific objective aimed at moving people along from total dependency to total independency."

Preliminary estimates are that from two-thirds to three-fourths of the 590 million dollars in federal reimbursement money will benefit New York City, which has more than a million people on welfare.

Jule M. Sugarman, the city's human resources administrator, said the financial transfusion is "absolutely essential." Citing examples of services to be expanded, Mr. Sugarman added:

"In day care for children, we are now providing only 10 to 15 per cent of what we should provide. In treatment for drug addiction, we're providing for about 25 per cent of the number of people who should be included."

Texas

A federal windfall of nearly 180 million dollars in social-service payments is allowing Texas to avoid new taxes without cutting back on any of its existing programs.

State welfare officials estimate that about 100 million dollars of the federal money will be used to support services for which the State previously was footing the entire bill. The rest will be used to expand existing programs and start new ones.

The Texas Department of Welfare will spread the money across 11 State agencies. New programs include a 4.1-million-dollar plan to provide day care for 12,432 children of welfare mothers. The mothers are enrolled in job-training programs in 16 cities.

Because the Texas program is just getting started, welfare officials say that it is impossible to judge its effectiveness in reducing relief rolls.

But Jerry Chapman, assistant commissioner of welfare, said that strict federal regulations have forced State agencies to tighten screening procedures "to make sure that they are delivering services to the right people."

Georgia

Welfare programs in Georgia have been carefully restructured to take advantage of more federal dollars.

Spending on social services in the year that began July 1 has a "potential total" of 222 million dollars, compared with 42 million in the previous year, officials say.

Herschel Saucier, who directs family-aid programs, explained:

"We don't expect to spend the 222 million this year, but during the last quarter of the fiscal year—next April, May and June—we ought to approach that rate of spending."

Funds going into contract services provided by private agencies have spiraled from about 2 million dollars on June 30, 1971, to approximately 38 million contracted for as of June 30, 1972.

Of this, about 15 million dollars is allotted to day-care centers serving 11,000 children. A year ago, there were only about 1,000 children in such centers.

A "homemakers" project in Atlanta for 100 persons, to cost $58,416.

A $144,000 "tutoring and counseling" contract with the Boys' Club of Macon.

"Test-taking training" for 850 persons, under a $109,533 contract with the Atlanta Urban League.

"Family-life education" provided by a branch of the Young Men's Christian Association in Atlanta. Cost: $475,152.

"Group and vocational counseling" by the Salvation Army in Atlanta for 2,000 persons, $73,134.

The State prison system has a contract for $1,635,360 for its new program of counseling provided to inmates and their families.

The State narcotics-treatment program is to get $71,908 for a computer and $148,490 for a drug-information center.

The Sickle-Cell Foundation of Georgia has a $32,000 contract for "planning and research" directed toward efforts to combat sickle-cell anemia.

Mr. Saucier said that the State does not now have an evaluation of the effectiveness of the various service projects, but is working with the Department of Health, Education and Welfare in Washington to establish a monitoring program.

Illinois

Officials in Illinois say they are unable to gauge the effect of the flow of federal funds for social services.

This year, the State expects to get 205 million dollars from Washington to help finance services to the poor. This equals the total of grants received from HEW in the two prior years.

None of the money is going for new services. Instead, it is paying for existing ones

Services range from day care in Chicago public-housing projects to counseling of convicts, help for the mentally ill and advice to people who have trouble managing their budgets.

Are the services reducing the relief load? Says Bruce Thomas, director of the Illinois Institute for Social Policy, a State agency set up to examine social-service programs:

"No one knows the effectiveness of these programs. It's probably our primary concern right now.

"There's an extraordinary gap in our knowledge."

From Bruce Ferguson, of the Illinois Department of Public Aid:

"If information on which we can make sound judgments isn't forthcoming within six months or so, I'm afraid people will become so fed up that the whole program of federal grants will face cutbacks."

Michigan

The State spent 28 million dollars on expansion of social services last year and expects to receive 21 million in federal reimbursement.

Chief effect of the federal funds, said Joseph La Rosa, assistant deputy director of the Michigan Department of Social Services, was "to expand our base to people not reached before."

Asked if the programs are getting people off welfare, Mr. La Rosa said the question was unanswerable, adding:

"Frankly, one of the weaknesses has been the inability to demonstrate effectiveness of the various programs."

Ohio

This State spent 45 million dollars to expand social services last year, of which the Government provided 36 million.

An official commented: "We are so busy just writing up contracts to get the federal money that we haven't had the opportunity to evaluate results of these services."

Washington

This State, which spent about 15 million dollars for social services last year, will spend 70 million this year.

Federal funds are being used "for program enrichment, not to raid the U.S. Treasury," said Dean Morgan, deputy director of the Department of Social and Health Services.

But some States are raiding the treasury, Mr. Morgan declared, adding: "So there is a real danger that they may kill the goose that lays the golden egg."

New Effort: Food for Elderly

At a time when the Government is worrying about the increasing cost of services for poor people, the White House is launching a special effort to get more of this group to accept food at federal expense.

President Nixon's announcement of this program, dubbed "Project FIND," came on August 2.

It is aimed specifically at elderly men and women who are eligible to get food subsidized by the Federal Government but who have not yet signed up to do so.

The Social Security Administration has sent out pamphlets, prepared by the Department of Agriculture, to all people getting old-age benefits or related social-security payments.

Each of the pamphlets explains the food programs that are available and the regulations for making use of them. A postage-free postcard was included, so that people who are interested in the program can request help in applying for foods or food stamps.

At the same time, thousands of volunteers, trained by the American Red Cross, will seek old people throughout the nation who can qualify and who may not be on the Social Security mailing list.

STAMPS OR FREE FOOD

Two types of assistance will be called to their attention by the volunteers:

There is free food distributed through 36 States, the Navajo Nation, Puerto Rico and the Virgin Islands. Included are such things as canned meat, canned vegetables, canned juices, butter, cheese, beans, shortening, dried prunes, peanut butter and some cereals.

Food stamps are the other possibility. These are in use in 47 States and the District of Columbia.

Eligible people can get the stamps free, if their incomes are low enough, or they can buy them at a sliding scale of rates that still enables them to save money in their grocery shopping.

One or both plans operate in all but seven counties in the U.S.

INCOME LIMITS

To be eligible for either food plan, an elderly person must have an income of $178 a month or less and own no more than $1,500 in assets, not counting the value of a home, life insurance policies and personal property. The asset limit for a couple 60 years of age or older is $3,000 on the same basis, and the income limit is $233 a month.

A person living alone pays nothing for food stamps, if his income is less than $200 a month. He get stamps that will entitle him to buy $36 worth of groceries. A couple with an income of $233 would pay $44 for food stamps with a retail buying power of $64.

President Nixon said special steps to reach old people with the food-distribution schemes are necessary because "tens of thousands, or perhaps hundreds of thousands" are "unaware of these and other resources, private and public, which could do so much to improve the quality of their lives."

Food stamps alone are now costing the Federal Government about 1.9 billion dollars a year, eight times as much as they did three years ago.

There was no estimate of how much these costs might increase as a result of the latest effort to reach more of the elderly poor.

COMMITTEE MEETINGS DURING THE SENATE SESSION TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on the District of Columbia may be authorized to hold hearings today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Public Works may be authorized to meet during the Senate session today in executive session to continue the consideration of the Foreign Aid Highway Act of 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet in executive session today on routine committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETING DURING THE SENATE SESSION TODAY, TOMORROW, AND FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce be authorized to meet during the session of the Senate today, tomorrow, and, if necessary, on Friday, to consider only those matters of pending business which are either House-passed measures or otherwise crucial.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with amendments:

S. 32. A bill to authorize the National Science Foundation to conduct research, education, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes (Rept. No. 92–1028) (together with supplemental views).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with amendments:

S. 2166. A bill to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes (Rept. No. 92–1029).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

John E. Hirten, of California, to be an Assistant Secretary of Transportation; and

Kelly E. Taggart, and sundry other persons, for permanent appointment in the National Oceanic and Atmospheric Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ALLEN (for himself and Mr. SPARKMAN):

S. 3896. A bill to provide for the settlement of claims resulting from participation in a Public Health Service study to determine the consequences of untreated syphilis. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 3897. A bill for the relief of Bhuminder Singh. Referred to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 3898. A bill to recognize the fifty years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two Commissions on the Organization of the Executive Branch, and his service as 31st President of the United States, and in commemoration of the one hundredth anniversary of his birth on August 10, 1972, by providing grants to the Hoover Institution on War, Revolution and Peace. Referred to the Committee on Labor and Public Welfare.

By Mr. PELL (for himself, Mr. BROCK, and Mr. ROTH):

S. 3899. A bill to amend chapter 25, title 44, United States Code, to provide for two additional members of the National Historical Publications Commission, and for other purposes. Referred to the Committee on Government Operations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN (for himself and Mr. SPARKMAN):

S. 3896. A bill to provide for the settlement of claims resulting from participation in a Public Health Service study to determine the consequences of untreated syphilis. Referred to the Committee on the Judiciary.

Mr. ALLEN. Mr. President, I introduce on behalf of my distinguished senior colleague (Mr. SPARKMAN) and myself, a bill for appropriate reference to compensate individuals for losses sustained as a result of participation in a continuing experiment conducted by the Public Health Service in Macon County, Ala., beginning in 1932, the purpose of the experiment being to determine the mental and physical consequences of untreated syphilis on certain individuals. I request unanimous consent that the bill be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. Mr. President, I was shocked and dismayed to learn that the U.S. Public Health Service had conducted such an experiment over a period of 40 years, reportedly involving some 400 men infected with syphilis and a control group of 200 uninfected subjects, for the sole purpose of observing and recording the ravages of this crippling and deadly disease in the absence of treatment for it.

It has been reported that at least seven deaths resulted from nontreatment of syphilis in the human subjects of this experiment. At this point, no one can know with certainty the extent of disabilities or deaths causatively connected with a failure to provide available medication and treatment which in the early forties was available and recognized as a specific cure for this potentially deadly disease. In any event, few will question an ethical responsibility on the part of the U.S. Government to compensate individuals or their dependents for deaths, disabilities, loss of earnings, or other costs reasonably attributable to the purposeful withholding of treatment by the Public Health Service. This bill recognizes that responsibility, establishes a legal right to compensation, and provides the administrative machinery for recovery.

Briefly, the bill authorizes the Secretary of Health, Education, and Welfare or his designee to receive, investigate, settle, and pay all claims against the United States based on the death or permanent mental or physical injury resulting from a failure by the Public Health Service to treat the disease of syphilis during the period an individual participated in the experiment. The Secretary or his designee will determine the eligibility of claimants and the amount of compensation to which each may be entitled with maximum recovery for any one claim limited to $25,000.

Mr. President, it is not our purpose or desire to fix blame or responsibility for the tragic consequences of this experiment. Nor do we question the motive of those responsible for this experiment. Yet, I am profoundly disturbed by an assumed power and right in the scientific community to subject human beings to experiments of this nature without full knowledge of the individual subjects involved in such experiments. Human judgments of right and wrong are determined not alone by the motive which may have prompted a particular course of action, but also by the consequences of such an action. Our sole purpose is to do justice by the innocent victims who have suffered adverse consequences from the experiment.

On Tuesday, August 1, 1972, the Evening Star and the Washington Daily News editorially commented on this subject and persuasively speaks on certain aspects of the problem which are not reached by this legislation. However, the editorial accurately reflects my opinion concerning congressional responsibility in this matter and I request unanimous consent that it be printed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Evening Star and the Washington Daily News, Aug. 1, 1972]

THE CRUEL EXPERIMENT

Let's hope, and insist by all available political means, that there are no more medical experiments like the one that left hundreds of black Alabamans untreated for syphilis. The United States Public Health Service can produce nothing from its 40-year-old Tuskegee Study that could possibly be worth the human cost, or the erosion of faith in the methods of science.

The PHS set out in 1932 to record the ravages of syphilis in some 400 men, with about 200 uninfected subjects to compare with. What might have seemed a valuable medical investigation at the time became academic in the 1940s, when penicillin became available as the cure for the grim disease. Yet, the surviving syphilitics in the study group went untreated and some remain so.

Seven deaths are attributed directly to syphilis, but some others probably should be blamed on the disease and on the failure of the PHS to provide the obvious remedy.

The catastrophe can be traced to a certain arrogance in the scientific community, which likes to employ guinea pigs among us ignorant laymen, and found its willing subjects among Tuskegee's Depression-era blacks. The secrecy of the project is indicated by the recollections of doctors who had been employed to examine some of the syphilis-study objects but were not told why. The continuance of the study until today can be attributed in part to the inertia of a bureaucracy where faces change but lazy ways go on. It is a mystery, however, that no one blew the whistle on this particular outrage until now.

Little can be salvaged from this PHS misdeed, but the government should compensate the survivors and their families. Beyond that, there should be assurance, in the form of legislation, that governmentally and privately sponsored research stay within more humane limits in the future.

EXHIBIT 1

S. 3896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress recognizes and assumes the compassionate responsibility of the United States to pay for losses sustained by individuals who participated in a continuing study conducted by the Public Health Service in Macon County, Alabama, beginning in 1932, to determine the medical consequences of untreated syphilis. It is the purpose of this Act to compensate such individuals for losses sustained by them as a result of participating in such study.

SEC. 2. As used in this Act, the term—

(1) "Secretary" means the Secretary of Health, Education, and Welfare; and

(2) "settle" means consider, ascertain, adjust, determine, and dispose of a claim, whether by all or partial allowance or by disallowance.

SEC. 3. The Secretary or his designee is authorized to receive, investigate, settle, and pay all claims against the United States for death or permanent mental or physical injury resulting from participation in the study referred to in the first section of this Act.

SEC. 4. (a) The Secretary is authorized to issue such rules of procedure for the consideration and disposition of claims filed under this Act as he deems appropriate.

(b) Claimants, or their authorized representatives, shall submit their claims in writing to the Secretary, under such rules as he may prescribe pursuant to subsection (a), within six months after the date of the enactment of this Act.

(c) The Secretary shall determine and pay the amount of awards, if any, in the case of each claim within twelve months from the date on which the claim was submitted.

SEC. 5. (a) With respect to claims filed and awards paid pursuant to the provisions of this Act, the Secretary shall determine—

(1) whether losses sustained resulted from a failure by the Public Health Service to treat the disease of syphilis during the period the claimant participated in the study referred to in the first section of this Act;

(2) the amounts to be awarded as compensation for such losses; and

(3) the persons entitled to receive such awards.

(b) Claims for awards based on death shall be submitted only by authorized legal representatives.

(c) No claim for death or permanent mental or physical injuries may be approved by the Secretary in an amount in excess of $25,000.

SEC. 6. (a) The payment to any person of an award pursuant to a claim filed under the provisions of this Act shall be in full settlement and discharge of all claims of such person against the United States resulting from participation in the study referred to in the first section of this Act.

(b) No claim cognizable under the provisions of this Act shall be assigned or transferred, except to the United States.

SEC. 7. The Secretary shall, within two years after the date of the enactment of this Act, transmit to the Congress a report setting forth—

(1) each claim settled by him and paid pursuant to the provisions of this Act, with a brief statement concerning the character and equity of each such claim, the amount claimed, and the amount approved and paid; and

(2) each claim submitted to him in accordance with the provisions of this Act which has not been settled by him, with supporting papers and a statement of his findings of facts and recommendations with respect to each such claim.

SEC. 8. There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this Act.

By Mr. PELL (for himself, Mr. BROCK, and Mr. ROTH):

S. 3899. A bill to amend chapter 25, title 44, United States Code, to provide for two additional members of the National Historical Publications Commission, and for other purposes. Referred to the Committee on Government Operations.

Mr. PELL. Mr. President, I am introducing today, for myself, Senator BROCK and Senator ROTH, legislation to expand the membership and the funding authorization for the National Historical Publications Commission.

I have had the privilege of serving since 1967 as the Senate member of the Commission. During that time, I have been consistently impressed with the invaluable work done by the Commission, with a very modest budget.

The Commission is charged with responsibility for recommending grants to nonprofit educational institutions for collecting, editing, and publishing documentary source material important to American history.

During the first 7 years of its existence, actual appropriations for the Commission grant program have averaged $350,000 a year. And during the same period, recipients of grants have made available an average of nearly twice as much—$656,000 a year. The willingness of the private institutions to come forward with substantial matching funds indicates, I believe, the importance with which those institutions view the program, and the wisdom of the Congress in investing in the collection and editing of the irreplaceable documents of our national history.

The Commission now faces, however, two major challenges. First, the costs of collecting, editing, microfilming, and publishing have increased greatly during the past several years while the Commission's budget authorization has remained constant at $500,000.

Second, the Commission is expected to make a major contribution to the observance of the bicentennial by expanding the availability of source documents on the American Revolution and the founding of the Federal Government.

The legislation which I am introducing would enable the Commission to meet these challenges by eliminating the $500,000 authorization limit for the next 5 fiscal years.

The legislation would also expand the Commission membership to include two members of the Organization of American Historians, the largest national organization of historians concerned specifically with the history of the United States.

Mr. President, this legislation is recommended by the Commission, and I understand has the endorsement of the administration. I believe it is an important step in preserving and making more widely available the documentary history of our Nation, especially during the bicentennial era, and I hope that it will be given early and favorable consideration.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 325

Mr. BEALL. Mr. President, yesterday I placed in the RECORD the 40 Senators who have joined me in the cosponsorship of S. 325, a bill to provide for a survivor benefits program for our military personnel. I am pleased to ask unanimous consent that the distinguished senior Senator from Alabama (Mr. SPARKMAN) be added as a cosponsor of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. Mr. President, now that the Armed Services' Special Subcommittee on Survivors Benefits has completed its hearings I certainly urge the subcommittee to begin its executive deliberations so that the bill may be recommended to the full committee and ultimately the Senate in the near future.

S. 2516

At the request of Mr. TOWER, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 2516, a bill to authorize the Secretary of Agriculture to reimburse owners of equines and accredited veterinarians for certain expenses of vaccinations incurred for protection against Venezuelan equine encephalomyelitis.

S. 3759

At the request of Mr. JAVITS, the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 3759, to provide for the humane care, treatment, rehabilitation, and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes.

S. 3841

At the request of Mr. HANSEN, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of S. 3841, to amend the Internal Revenue Code of 1954 to provide for an estate tax charitable deduction in the case of certain charitable remainder trusts.

S. 3852

At the request of Mr. CRANSTON, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 3852, a bill to amend the Railroad Retirement Act to provide a 20-percent increase in annuities.

SENATE JOINT RESOLUTION 226

At the request of Mr. PERCY, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of Senate Joint Resolution 226, to authorize the President to designate the period from September 17, 1972, through September 23, 1972, as "National Bank-Women's Week."

ENROLLED BILLS SIGNED

The President pro tempore today, August 9, 1972, signed the following enrolled bills, which had previousy been signed by the Speaker of the House of Representatives:

S. 2499. An act to provide for the striking of medals commemorating the 175th anniversary of the launching of the U.S. frigate *Constellation*; and

S. 3645. An act to further amend the U.S. Information and Educational Exchange Act of 1948.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, August 9, 1972, he presented to the President of the United States the following enrolled bills:

S. 2499. An act to provide for the striking of medals commemorating the 175th anniversary of the launching of the U.S. frigate *Constellation*; and

S. 3645. An act to further amend the U.S. Information and Educational Exchange Act of 1948.

AMENDMENT OF JOINT RESOLUTION ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION—AMENDMENTS

AMENDMENTS NOS. 1422 THROUGH 1424 AND 1427

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY submitted four amendments, intended to be proposed by him, to the bill (S. 3307) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

ESTABLISHMENT OF A SELECT COMMITTEE TO STUDY QUESTIONS RELATED TO SECRET AND CONFIDENTIAL GOVERNMENT DOCUMENTS—AMENDMENT

AMENDMENT NO. 1425

(Ordered to be printed and to lie on the table.)

Mr. JAVITS (for himself, Mr. ERVIN, and Mr. PERCY) submitted an amendment, intended to be proposed by them, jointly, to Senate Resolution 299, to establish a select committee to study questions related to secret and confidential Government documents.

RAISING OF NEEDED REVENUES BY REFORMING CERTAIN TAXES—AMENDMENT

AMENDMENT NO. 1426

(Ordered to be printed and referred to the Committee on Finance.)

Mr. NELSON. Mr. President, one of the sections of S. 3378, which I introduced on March 21 along with Senators HART, KENNEDY, MONDALE, CHURCH, EAGLETON, HARRIS, HUGHES, HUMPHREY, MCGOVERN, METCALF, and TUNNEY, provides that a charitable bequest will be deductible for estate tax purposes only if it is to be used predominately within the United States or its possessions. This provision was put into the bill as a result of a drafting error. It was not the intention of the sponsors of this bill to discourage contributions to philanthropic organizations abroad.

We all recognize that there are hundreds of charitable operations in countries all over the world—both religious and nonreligious—which have been widely supported by American contributors for many years. These involve a wide range of causes, such as helping homeless children, providing relief to victims of natural disasters and many other meritorious activities.

S. 3378 is an extremely complicated bill, running to 85 pages and containing 55 sections and over a hundred major changes in the tax laws. Along with the other cosponsors, I was not aware of the drafting error in question when S. 3378 was introduced.

Therefore, on behalf of Senators MCGOVERN, HUGHES, and myself, I am submitting an amendment to S. 3378 which would delete this section from the bill.

ADDITIONAL STATEMENTS

THE HATCH ACT—TOO AMBIGUOUS

Mr. MOSS. Mr. President, it is an accepted fact today that many Federal employees avoid even the most basic participation in the democratic process for fear of sanction. Some go so far as to conceal their political preferences even in private circumstances.

Their apprehension is understandable. For more than 30 years Government workers had had to lean over backwards to avoid violating an ambiguous piece of legislation known as the Hatch Act. Drawn up in the later days of the New Deal as a means of protecting Federal officials from political coercion, this statute has had the net effect of restricting their freedom altogether. Today, many are afraid to do anything more than vote for fear of prosecution under the act.

Last Sunday, the New York Times contained an interesting article which pointed out some of the many ambiguities which continue to surround enforcement of the Hatch Act. As the Senate reviews various proposals for reforming this statute, I believe a thorough public discussion of the issues involved here is essential.

We must define those activities which a Federal employee might safely pursue without prejudicing his official position and move to guard his right to pursue these activities.

I ask unanimous consent that the Times article, written by Robert M. Smith, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 6, 1972]

HATCH ACT: JUST WHAT DOES IT PROHIBIT?

(By Robert M. Smith)

WASHINGTON.—Can an employe of the Federal Government make a speech at a rally held by a political party? Can he participate in voter registration drives? Can he put a political sticker on his car? Can he become actively involved in such local issues as civil rights and taxes?

The answer under the Hatch Act, the Federal statute governing civil servants' behavior in political matters, is no to the first two questions and yes to the second pair. But there is widespread confusion on the matter, and when 1,000 Federal employes were surveyed in 1967 about the permissibility of 10 activities—including the ones above—only about one person in three understood what he could or could not do in six or more of the situations stipulated.

It is partly for this reason—vagueness—that a three-judge panel of the Federal district court for the District of Columbia last week declared the Hatch Act unconstitutional. "The defect," Judge Gerhard A. Gesell declared for the court, "lies not in the basic underlying purpose to limit certain partisan political activities by Federal employees but rather in its drafting. . . . No one can read the act and ascertain what it prohibits."

The court also held that the act was too broad. Judge Gesell wrote: "Restrictions may not be achieved by means which sweep unnecessarily broadly into First Amendment areas" of free speech and association. "Ours is not a form of government," he remarked, "that will prosper if citizens, particularly Federal Government servants, must live by the mottoes, 'Better be safe than sorry' and 'Don't stick your neck out.'"

The immediate practical effect of the court's decision was left in doubt. On the one hand, the court enjoined the Civil Commission from enforcing the Hatch Act; on the other hand, it stayed the injunction until the United States Supreme Court could rule on an expected government appeal.

At week's end, the Civil Service Commission had made it known that—until the Supreme Court speaks—it will enforce the act. There appeared to be little doubt that the Government would appeal: The act is 33 years old, it was upheld by the Supreme Court in 1947, it affects millions of people, one of the three Washington judges dissented, and some Congressmen might be very unhappy if there were no appeal.

The act—its official name is "An Act to Prevent Pernicious Political Activities"—had a dual purpose: to give the country an efficient and neutral civil service based on the merit system rather than political patronage and to protect civil servants from being bludgeoned into unwanted or improper activity.

The means the act chose, in the words of Thomas C. Matthews Jr., the lawyer who argued the case against it, was "to set up a broad prophylactic screen against potential abuse." It tells an estimated three million employes that "no officer or employe in the executive branch of the Federal Government . . . shall take any active part in political management or political campaigns." (By an extension based on the use of federal funds, it tells about three million state employes the same thing.)

Mr. Matthews, a volunteer lawyer for the American Civil Liberties Union, likened the prohibition to a gate at a national park. "Rather than letting people in and telling them what they could not do," he explained, "the act just tells them they can't go in at all."

What Mr. Matthews and a good many others would like to see is a narrower statute allowing voluntary partisan activity, but outlawing such practices as intimidation and coercion. Above all it would explain clearly to Government workers what they may and may not do.

Two measures have been introduced on Capitol Hill to change the law. One sponsored by Senator Gale W. McGee, Democrat of Wyoming and chairman of the Post Office and Civil Sevice Committee, would allow most activities except running for political office. The other, sponsored by Senator Frank Moss, Democrat of Utah, would allow a civil servant to run for local political office but would not allow him to serve as campaign manager for a candidate seeking state or national office. Neither has been acted on by the committee.

In the end, the effect of a narrower Hatch Act, or of no act, on partisan politics is foggy. The 1967 survey asked Government employes: "If federal workers were allowed to do more things in politics, what differences would this make in your own political activities away from work?" Only eight per cent of the civil servants interviewed said they would be considerably more active. Sixty per cent said their political activities would stay about the same.

BOMBING OF RED RIVER DIKES IN NORTH VIETNAM

Mr. GOLDWATER. Mr. President, I take strong issue with the contention of Senators KENNEDY and TUNNEY and other Senators who insist that the United States is embarking on a policy of deliberate bombing of the Red River dike system in North Vietnam. I should like right at the beginning to label this whole attempt to smear the Nixon administration and the U.S. Government as a deliberate propaganda drive designed by Hanoi and carried out by her friends including Jane Fonda, Ramsey Clark, and other pro-North Vietnam dupes in this country.

Mr. President, I believe this whole attempt to convince the American people that their Government is deliberately embarked upon a "scorched earth" attempt to murder civilian noncombatants in Indochina is one of the most insidious efforts ever devised by the Communists in Southeast Asia.

Mr. President, when the whole truth is known about the dike damage in North Vietnam and how it came about and what is being done to correct it, it takes on an aspect as sinister as the tales which were once woven about that epitome of oriental evil—Dr. Fu Manchu.

Mr. President, there is even reason to believe that the Communists have deliberately risked the lives of millions of their own people in an effort to discredit the U.S. conduct of the war which Mr. Nixon inherited from President Kennedy and Johnson. Let me explain:

For many centuries, the people of North Vietnam have lived in a posture of constant defense against the raging Red River which winds through their country. Since time immemorial, any damage to the elaborate, 3,000-mile dike system in North Vietnam brought immediate repair efforts. At times as many as 300,000 men, women, and children were pressed into service to repair primary and secondary dikes which protect the civilian population of North Vietnam.

But this year something different has been happening, and this can be proved by aerial reconnaissance photographs taken of North Vietnam since the devastating flood season of 1971.

To understand the propaganda campaign now being waged by Hanoi with the help of anti-Nixon figures in this country, it should be known that every year August and September bring a flood season to North Vietnam which is always damaging and often ruinous. The flood season last year was one of the worst in the long history of the Red River Valley. Torrential rains last year damaged hundreds of dikes and weakened many others. Although the flooding in 1971 was more severe than usual, it was not impossible to remedy. But this time the Hanoi government spent its time and its manpower mounting an offensive against the South Vietnamese below the DMZ rather than looking to their defenses against the raging Red River.

Indeed, until only several weeks ago, Hanoi had made no move to mount its annual effort to mobilize the population for a general dike repair operation. Photographs taken of the dikes and the damage done to the dike system as a result of the 1971 floods and as a result of some American bombs but more Communist bombs, show that the repair effort is the latest ever recorded by U.S. photographic planes, beginning at least 2 months later than the usual time for repairs aimed at protecting the dike system against the rainy season just ahead.

All of which, Mr. President, brings me to the point of my remarks, and that is that North Vietnam expects another devastating flood season in August and September of this year, and they are making every effort to place the blame for any loss of life that occurs squarely on the shoulders of the U.S. Air Force.

That is what all the fuss is about, and believe me it is an especially filthy chapter in the waging of propaganda warfare. You actually have a government which is making feeble and belated attempts to protect its civilian population from a known danger in the hope that their military enemy can be blamed for a callous slaughter of defenseless civilians.

Mr. President I reject completely the contentions of Hanoi, Jane Fonda, Ramsey Clark, and Senator KENNEDY that the United States is deliberately attempting to destroy the dike system of North Vietnam.

In his remarks of August 4, Senator KENNEDY remarked:

> We see today only a pale shadow of the truth.

I have to agree with my colleague from Massachusetts on this point and credit him with playing a major role in the deception. In his remarks, Senator Kennedy said:

> Observers speak in terms of tens of millions of bomb craters in Indo-China and liken parts of North Vietnam to the lunar landscape in describing the devastation we have caused.

Senator KENNEDY does not identify the observers he quotes, but I believe it is a fair assumption that they have a deep sympathy for Communist causes and a direct interest in smearing the U.S. Military Establishment.

There are more responsible reports on bomb craters in North Vietnam. One of them was released by the State Department in an unusual move and showed aerial reconnaissance photos to support its assertion that only a dozen bomb craters on the dikes have been caused by U.S. action. It said even the largest of these could be repaired in a day by a crew of less than 50 men with wheelbarrows and hand tools.

American officials have explained that dikes are as integral a part of North Vietnam as highways are in other countries. They point out that placing an absolute quarantine on hitting dikes from American airmen would be like telling kids to stay off the sand while they are at the beach. And because of the prevalence of dikes in all parts of North Vietnam, ranging from primary 50-foot high dikes to channel the Red River into the Gulf of Tonkin to tertiary dike channels which distribute water from the larger dams to North Vietnamese farmers, the tops of some have necessarily had to be used by the Communists for antiaircraft guns, missile implacements, pumping stations for oil pipelines, and storage areas for surface-to-air missiles. Many dikes also are topped by roads along which trucks move with military equipment. Thus it is that some of the dikes, by reason of the use they are being put to to facilitate the killing of American men, are legitimate targets in the aerial bombardment.

Mr. President, I believe we all know that journalists, movie actresses, and left wing spokesmen from this country are given guided tours of the damaged dikes in the Hanoi area whenever they visit the enemy capital. They are told, of course, that all the bomb craters are a result of deliberate U.S. bombing of the water protection system. In fact, any damaged dike is described as a casualty of American inhumanity, whether that damage resulted from a misdirected aerial bomb or from the devastating flood waters which swept over that country in 1971.

There is another factor, however, especially where crater damage is involved in the Hanoi and Haiphong areas. And that factor involves crater damage from Communist, rather than American bombs. The highly authoritative and respected magazine Aviation Week raises a very important point in this regard. Editor-in-Chief Robert Hotz points out that surface-to-air missiles supplied to North Vietnam by the Soviet Union carry 420-pound high explosive warheads. He further points out that when these missiles are fired at American planes and fail to hit their targets, they fall back on the dam system and explode there. The magazine estimated that since April, more than 2,000 surface-to-air missiles have been fired in North Vietnam and only a handful of those exploded near U.S. planes. Crater damage around Hanoi and Haiphong from the SAM missiles "must be enormous" Aviation Week observes.

So, Mr. President, the question presents itself of how American observers can tell SAM craters caused by the Communists from bomb craters caused by American raids. The answer is that there is no way. And this fact alone "gives the lie" to the statements by people like Jane Fonda and Ramsey Clark, and it is important for the American people to understand this.

In conclusion, Mr. President, let me reiterate that the whole furor over American bombing of the Red River dikes is nothing but an effort by Hanoi to let this year's floods come and do their worst while they and their friends blame the United States—in advance—for any disaster that might occur involving the wholesale death of North Vietnamese civilians.

AFRICAN LIBERATION MOVEMENTS

Mr. McGEE. Mr. President, this morning's Washington Post contains a book review by journalist Bruce Oudes. The book is entitled "African Liberation Movements: Contemporary Struggles Against White Minority Rule." It was written by black journalist Richard Gibson.

I have had the occasion to discuss issues with Mr. Oudes as they relate to Africa. I find his perceptions very extraordinary as they relate to Africa and, therefore, I feel there is no better qualified individual to accurately assess writings of this nature than Mr. Oudes.

I would urge Senators to peruse Mr. Oudes' review of this book and suggest that it would be worthwhile for all of us to obtain copies of Mr. Gibson's journalistic efforts. Our relations with sub-Sahara Africa have been marked by neglect, apathy, and a lack of knowledge of, and concern for, the aspirations of these nations.

I ask unanimous consent that the book review be printed in the RECORD.

There being no objection, the book review was ordered to be printed in the RECORD, as follows:

AFRICA: A JUST REBELLION

(Reviewed by Bruce Oudes)

It doesn't take long to get an idea of where, in the current idiom, Richard Gibson has his head. Before the introduction he quotes Thucydides: "I began my history at the very outbreak of the war in the belief that it was going to be a great war. . . ."

Gibson is a partisan; he's also a black American, a journalist, and an expatriate of the Paris-in-the-1950s generation. Each of these factors has had a bearing on what he has produced: the first volume ever written by a black American that is wholly dedicated to all the southern Africa race conflicts.

It is an important and controversial book, one that should be widely read and discussed in black studies courses around the country. However, it is doubtful that the movers and shakers of American foreign policy at this stage will give it anything like the attention it unquestionably is getting in the governing circles in Portugal, South Africa, and Southern Rhodesia.

The Nixon administration will see it as merely confirming "The Myth of the Guerrilla," J. Bowyer Bell's button-down and seersucker post-mortem on liberation movements. To understand its implications for the future of U.S. foreign policy and the not-unrelated question of the climate of domestic opinion would require a good deal more sensitivity to black nationalism's foreign policy than the White House seems willing to offer.

In brief, Gibson does an unprecedented hatchet job on the black African exile organizations, which generally have done more fighting among themselves than against the white minority regimes. He does it, however, with the object of cleaning house, puting an end to the petty bickering in order to organize for the long-term struggle.

He believes that white repression leaves the blacks no choice but violence in southern Africa. He qualifies this only by adding that black Africans who are espousing nonviolence are doing so out of "tactical necessity rather than a deeply held commitment."

To the extent that journalism and scholarship must be uncommitted, Gibson's effort has serious, unquestionable faults. To the extent that a partisan is not supposed to tell tales, Gibson is not a good revolutionary. He is somewhere in between, trying to define for himself that anomaly known as the "black American journalist."

If it is possible to be both hard-nosed and leaning toward the Maoist view of the Sino-Soviet conflict, Gibson turns out to be just that. He is particuarly disenchanted with the Soviets for what he sees as their half-hearted help for the liberation cause. Rather than in helping to hasten the day of African victory, he believes they wish to see the conflict prolonged as an embarrassment to the West.

It would be much easier for critics to dismiss "African Liberation Movements" as just another bit of prattle from the Afro-kooks if Gibson didn't have such impeccable backing as London's prestigious Institute of Race Relations. He draws on a wide variety of written sources to back his description and analysis of the intra-African warfare. It is, of course, difficult to comment on the accuracy of some of the dirty linen he exposes. However, his airing of it will force those who feel themselves unfairly maligned to attempt to set the record straight. Then at least there will be a record rather more complete than the fragments now available to the general reader.

Gibson's interest in the subject of African revolution apparently dates from the late

'50s and early '60s when, among other things, he worked for CBS News in New York, attended Columbia University on a CBS fellowship, and serve a stint in Algiers as editor of "Revolution Africaine." Now he lives in London and writes for Tuesday Magazine and Negro Press International.

Such credentials would seem evidence that, while pro-revolution, he is by no means entirely anti-West. He is not writing only for black people or Communists; he appears to be sending the white West a message: In his conclusion he cites a British church organization that concluded an analysis of southern Africa a couple of years ago by saying, "There can be a just rebellion as well as a just war and we cannot sincerely withheld support from those who have decided to face the certain suffering involved in such rebellion."

The Democratic Party's platform committee recently rejected a proposal by Rep. Charles Diggs along virtually identical lines, one that would have the United States recognize the right of blacks in Africa to gain liberation "by whatever means necessary." Diggs, Gibson, and others are slowly forcing on a reluctant white community a discussion of their responsibility for continuing white rule over black majorities in Africa.

Gibson isn't bothering with a parlor debate on these questions. His priorities are clear.

PUBLIC DISCLOSURE BILL

Mr. CASE. Mr. President, I am delighted to learn that the Subcommittee on Privileges and Elections chaired by Senator CANNON of Nevada has reported to the full Rules Committee a slightly modified version of S. 343, a bill to require public disclosure of income and financial activities of top officials in all three branches of Government.

It was in 1958 that I first introduced this bill. Each Congress since then I have reintroduced it with a growing number of cosponsors including the majority and minority leaders of the Senate.

In the last session a hearing on this bill was held by the subcommittee at which I was glad to testify along with Senator SPONG, who has taken a lively interest in the whole matter.

It is my hope that the full committee will act to report the bill to the Senate before our recess begins.

At a time when the executive branch is vigorously seeking to root out corruption in public office, I can think of no more salutory action than passage of our bill. It would do more, as the short title states, "to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States" than any other single action we could take.

Specifically, the bill would apply to all persons earning $15,000 or more in the legislative, executive, and judicial branches of Government. Each employee would have to report, on behalf of him and his spouse, the amount and source of each item of income—including gifts exceeding $100 in value—the value of each asset and the amount of each liability in excess of $1,000, any transactions in securities and commodities if the amount exceeds $1,000 and any real estate transactions other than the purchase or sale of his personal residence which exceed $1,000.

Reports would be filed annually with the General Accounting Office and, most important of all, be open to public inspection.

NEED TO COMBAT GYPSY MOTH THREAT

Mr. ALLEN. Mr. President, the Committee on Agricutlure and Forestry on June 7 reported H.R. 10729, a bill designed to protect man and the environment. One provision of the bill was designed to encourage research into new and safer methods of controlling pests by insuring the researcher of the exclusive rights to the fruits of his research. It would not give him a monopoly. Anyone else could perform the same experiments or upon payment of an agreed price, could use his test data.

The whole purpose of the provision is to encourage the work that has to be done to protect our environment. The Committee on Commerce has reported an amendment to strike this provision from the bill. The adoption of the amendment of the Committee on Commerce would be a great mistake.

The Wall Street Journal yesterday published a graphic description of the terrible depredation the gypsy moth is inflicting on this country. I think we all ought to agree that if anyone could come up with a solution to this problem, he ought to be not only well paid for his work, but also ought to receive the gratitude of everyone who faces the danger of an environmental infested with the gypsy moth.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Aug. 8, 1972]

INSECT EXPANDS ITS AREA IN UNITED STATES, DEFIES ATTEMPTS AT BIOLOGICAL CURBS, MAY EAT INTO STATE ECONOMIES

(By Burt Schorr)

BLUE MOUNTAIN, PA.—The calendar and the thermometer read August, but December appears to rule this finger of the Appalachians.

The red, black and scarlet oaks, the chestnut and white oaks, the aspen and black birch, even the ground-hugging huckelberry are only winter skeletons. Except for a dragonfly or two, no insect is in evidence. Missing, too, are the flash of forest birds and the scuttle of chipmunks and squirrels.

Everywhere, though, is the August sun, burning what ordinarily would be the dark, cool interior of thick woods—52,000 defoliated acres in all, stretching away on all sides from the Port Clinton fire tower here. Looking out over the desolation, State Forester Nevin Slusher observes, "Everything on the forest floor—the leaves and dead limbs—is fuel. A day or two in the sun, and it's ready to burn."

This is ecological havoc on an awesome scale, and its cause isn't a mystery. The stripper of Blue Mountain's greenery is the blue-and-red-dotted caterpillar of the gypsy moth, which has been chewing on foliage in Northeastern states for over a century. Yet the presence of the swarming larvae here on the northern edge of Pennsylvania Dutch Country is a troublesome portent to foresters and etomologists.

In 1869 a few adult moths escaped from an amateur French naturalist who had imported them from Europe in the hope of establishing a new strain of silkworm in North America. Since then, the caterpillar mostly has been confined to New England and eastern New York. Its repeated defoliation of trees—chiefly oaks whose leaves are preferred—altered forest composition in those states over the decades but had little economic impact.

EXPANSION OF TERRITORY

But now heavy moth infestations in New Jersey and Pennsylvania indicate that the insect rapidly is expanding its territory in a southwesterly direction (though wet conditions this year apparently slowed the advance). Directly in the path of the breakout: more than 100 million acres of predominantly oak forests growing along Appalachian ridges like this one. Many foresters believe that trees in the threatened region, which stretches from western Pennsylvania to Georgia, are especially vulnerable to death from defoliation because they are growing in poor, relatively dry soils. Barring unexpectedly quick success in finding ways to control the gypsy moth biologically—efforts to do so chemically on a wide scale have been abandoned as fruitless—tree losses in the affected areas could run as high as 80%, foresters estimate.

"That whole region from Pennsylvania to Georgia looks like one big gypsy-moth garden to me," says Robert Campbell, an ecologist at Hamden, Conn. Mr. Campbell heads a federal team seeking to develop the first computer model able to pinpoint where the caterpillars are most likely to turn up next.

Lack of solid intelligence on the moth's movements is only one of numerous knowledge gaps that students of the insect are attempting to span. Current research also is directed at finding additional gypsy-moth parasites able to establish themselves in vulnerable areas; it is also aimed at increasing the efficiency of a bacterial spray that is fatal to the caterpillars.

PROBLEMS OF FUNDING

At present levels of state and federal funding, though, progress in biological control promises to be slow. New Jersey, the most advanced state in seeking gypsy-moth parasites, currently counts only seven species of wasps and flies and one predacious beetle on the job within its borders—and in numbers too few to check exploding caterpillar populations.

One of New Jersey's marauders is the pinhead-size wasp Ooencyrtus kuwanae, which injects its eggs into the eggs of the gypsy moth, killing the unborn larvae. Unfortunately, Ooencyrtus doesn't have an egg depositor long enough to reach beyond the outer layers of the moth-egg cluster.

If Ooencyrtus was only a partial success, Exorista segregata seems to have been an outright failure. Exorista is a fly native to Spain that slays caterpillars by depositing its eggs inside them. For five years New Jersey has propagated Exorista by the tens of thousands; now it has stopped, because the parasite has apparently failed to take hold.

Meanwhile, the gypsy moth is clearly on the march. In the Northeast, this year's affected area will at least equal the record 1.9 million acres totally or partly stripped in 1971, Forest Service experts estimate. As recently as 1968, only 80,000 acres were being chewed by the gypsy larvae. Here in Pennsylvania, where the caterpillars have been knifing steadily westward from the New Jersey border, state officials believe that some 500,000 acres suffered heavy defoliation this year compared with a mere 60 acres four years ago.

In 1958, after 3.5 million acres were sprayed with DDT from the air in a federal-state push to "eradicate" the moth, defoliation shriveled to a scant 125 acres. But the spraying set off an environmental furor, and the chemical was abandoned as a weapon against caterpillars. During the 1960s, with DDT phased out of control programs, the area ravaged by the caterpillars doubled and doubled and doubled again; simultaneously, the moth began moving south and west at the fastest rate since 1920.

Carbaryl (sold under the trade name of Sevin by Union Carbide Corp., the sole U.S. maker) has been used to protect trees in populated and recreation areas. But wider-scale use of any insecticide would be futile, experts now agree. The Pennsylvania Department of Environmental Resources, for example, cities the high cost involved, the "erratic control" yielded by some replacements for DDT and the harm done to natural enemies of the moth in any indiscriminate spraying.

RIDING THE RAILS

One particularly hard-hit locality this year was Jackson Township, N.J., where large numbers of yard trees and some 10,000 acres of woodlands were stripped. Local lawns, terraces and swimming pools swarmed with caterpillars—which bristle with hair and can reach 2½ inches in length—and there came a steady rain of caterpillar wastes from the trees. One resident found thousands of caterpillars crawling in his attic, and rails slick with migrating caterpillars even immobilized a freight train temporarily.

"This is like living in a horror movie. My sons are even having nightmares about the worms (caterpillars)," Mrs. Raymond H. Marine, a Jackson Township housewife, wrote the local newspaper. Mr. Marine, blinded in World War II, couldn't touch the grass or a bush "without coming up with a handful of worms," she continued. Moreover, nearly every leaf on the 2¼-acre Marine lot—including those on holly trees, ornamentals and rosebushes—was consumed.

It is true that vigorous trees and shrubs do leaf out again once the caterpillars stop eating and transform themselves into the dark-brown pupal stage. Nearly always, too, population buildup during the second successive year of heavy defoliation causes the caterpillars to die in massive numbers from starvation and disease. Here on Blue Mountain, nearly all the stripped trees have put out a second canopy of new—if somewhat smaller—leaves. Heavy rainfall has helped the regrowth and also fostered spread of the wilt disease, a caterpillar virus that left piles of dead larvae heaped on the ground.

The flush of new greenery can conceal a tree's weakened condition, however. "After two years of defoliation, food reserves in the tree may become critical," says James O. Nichols, forest pest-control supervisor for the Pennsylvania Environmental Agency. At that stage, oaks are an easy prey for the chestnut borer. By constructing tunnels beneath the bark, the borer stops the flow of nutrients and water, which can kill a tree in one summer.

One ridge-top tract under study in Passiac County, N.J., was heavily defoliated in 1968 and 1969. By 1971, about 80% of the white oaks (which make up about 9% of the tract's total trees) were dead and another 17% in poor shape. Of the chestnut oaks (40% of the stand), three-fifths were dead and more than a fourth in poor condition. Although they fared a bit better, 57% of 77% of the red, scarlet and black oaks and eastern hemlocks also had died or declined seriously. Many of the affected trees were among the oldest and largest on the tract.

EATING INTO THE ECONOMY

All this is especially bad news for states like Virginia, West Virginia and North Carolina, where forests play big roles in the economy. Hardwood cutters there are faced with loss of income, while pulp and paper mills, furniture makers and other forest-supplied enterprises expect higher raw-material costs. Revenue from tourists and sportsmen also are likely to decline; a mountainside of dead oaks would entice few scenery buffs and produce few acorns for deer.

The moths are taking far bigger cross-country leaps on campers, trailers, mobile homes and other vehicles that they usually board as caterpillars.

Brown-winged adult males have turned up during the past three summers as far west as Alabama and Wisconsin in traps baited with disparlure, a synthetic version of the sex attractant generated by the nonflying, white-winged females. This spring, newly hatched caterpillars and buff-colored egg masses turned up in a Missouri mobile-home park; state and federal investigators traced them to a mobile home from Connecticut.

The Agriculture Department has established a quarantine of sorts against the pest. It covers the movement of nursery stock, timber, lumber, quarry products and mobile homes from infested to noninfested areas. Trailers and campers are exempted, though, and 30 agriculture inspectors assigned to spot-checking such vehicles at major highway rest stops in the Northeast this summer have been turning up the insect about 5% of the time.

The department reckons that the odds are only one in 20 that a hitchhiking female will lure a male to fertilize her eggs and that hatched larvae will find favored trees to feed on, rather than resistant species like the ash, butternut, tulip-poplar and most maples.

But Thomas McIntyre, coordinator of Agriculture's moth-control efforts, says that the few females that do mate will then produce 800 to 1,000 eggs each. He isn't too optimistic either about natural barriers to the moth's progress. Based on the gypsy moth's range from Northern Europe to North Africa, he says that "there is no reason this insect can't survive in every state of the U.S."

HOW MANY TUSKEGEES? HUMAN EXPERIMENTATION ABUSE MUST BE STOPPED

Mr. HUMPHREY. Mr. President, Tuskegee, Alabama., has been put on the map because of an opproborious, 40-year syphilis experiment involving several hundred black patients.

For decades after the establishment of penicillin as a recognized medical treatment for venereal disease, such treatment was denied these patients by the Public Health Service and the prestigious foundations conducting the study.

How many Tuskegees are there?

And how ironic that Tuskegee should achieve notoriety as the site of this inhuman study, rather than gain its proper recognition as an important seat of learning for blacks.

The eminent Dr. George Washington Carver conducted some of his most important scientific research at Tuskegee University. How ironic that elsewhere in Tuskegee and in Macon County the Public Health Service was conducting "human experimentation."

Since the recent disclosure of the experiment, other abuses in the area of human experimentation have been brought to the attention of Congress. I have just become aware of a tragic death due to experiments with carbon dioxide treatments for drug and alcohol addicts. Though the death occurred last February, a medical evaluation is just now getting underway.

We must put a stop to abuses in human experimentation.

We must devise a mechanism for the regulation of such experimentation. The taxpayers of our Nation should not be required to pay the bills for such deplorable studies.

We can no longer rely upon press disclosure or well-publicized deaths as a result of experimentation, to bring the abuses to light.

Today, the Washington Star, in an article written by Jean Heller, has disclosed that questions had been raised regarding the Tuskegee study in 1966, but that the decision to continue the study, without treating the participants for syphilis, was apparently not forthcoming until 1969.

Six hundred men were involved in this experiment. None of the participants knew the nature of the study or had given his consent to participate.

Now we learn that the Tuskegee participants might have received treatment, but may have been coerced into avoiding treatment by the lure of the $50 cash payment and burial expenses.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SYPHILIS STUDY REORDERED AFTER INQUIRY ON MORTALITY

(By Jean Heller)

Six years ago an employe of the U.S. Public Health Service questioned the morality of a federal syphilis study in Alabama. The result was an internal inquiry and an official decision to take no action.

Peter Buxtum, who worked in the veneral disease branch at San Francisco, said he raised the issue in 1966. In 1969 he was told nothing could be done for the participants in the Tuskegee Study, a 40-year experiment conducted in Macon County, Ala., to determine the effects of untreated syphilis.

Four hundred black men with the disease in 1932 were enrolled in the experiment and never received any treatment for the disease itself. At least seven died as a direct result of untreated syphilis and the figure could be higher.

DOCTOR FOILED

A government doctor said yesterday he was instructed not to treat the men involved, and when he insisted on treating them, the men disappeared.

Dr. Reginald G. James said he believes the men were being told not to take the syphilis treatment.

OPPOSITE STORY

"At that time certain benefits were proffered the patients such as treatment for other ailments, payment of burial expenses and a $50 cash benefit," he said. "To receive these benefits, the patient had to remain in the study." They were told that if they took treatment they would be dropped, he said.

James directly contradicted a former Public Health Service doctor who played a key role in administering the Tuskegee Study. Dr. John R. Heller said in an interview 10 days ago that the PHS did not intend that men involved in the experiment be deliberately denied treatment.

And, he added, it was his impression that all of the study's participants had received treatment from private doctors and Tuskegee-area clinics.

"Naturally, you'd rather have the study population untreated," Heller said, "but there was no covert attempt to keep these people untreated."

Even after World War II, when penicillin was known to cure syphilis and the drug was readily available, it was denied to participants in the experiment.

And that fact first started Peter asking questions. Buxtun has since left the PHS and recently graduated from law school. He gave copies of letters he wrote to PHS Center for Disease Control in Atlanta and its responses to The Associated Press.

KEPT IGNORANT

"It seemed to me that the ———formed about what they had volunteered for and what exactly was going to be happening to them," Buxtun said of the participants in the study. "Nobody was apparently concerned with moral or legal issues involved."

In 1967, Buxtun said, CDC flew him to Atlanta where he met with four PHS people, including Dr. William Brown, then in charge of the venereal-disease branch at CDC.

Buxtun said: "They began thinking in terms of a review of the study. In 1969, the decision was made not to treat any of the participants" because of their age.

Because massive penicillin therapy, the treatment for syphilis, can cause serious side-effects and because it was believed the syphilitic condition of the survivors of the Tuskegee Study was dormant, there would be no treatment, Brown said in a letter to Buxtun.

Buxtun said that after he received Brown's report on the review, he wrote again.

"I asked if any thought had been given to compensating families of people who died in the experiment," he said. "I received no answer to that letter."

THE MALAISE THAT HAS DAMPED THE AMERICAN SPIRIT

Mr. MATHIAS. Mr. President, a number of quotations have been engraved on the walls of the Capitol and other Government buildings in Washington. Some of them are worthy to be remembered.

But nowhere have I seen Wordsworth's well known reminder that—

> The world is too much with us, late and soon.

I do not have the authority to inscribe them on any wall, but I can and do quote them in the RECORD at this point. I think we should reflect on them and undoubtedly, but improbably, should react to them. In Congress as in the other branches of Government and in much of our professional and commercial life we are so occupied in swabbing the decks, chipping paint, and polishing bright work that no one has the time to plot the course. Our preoccupation with the daily grubbing of our lives at the expense of fresh visions of the horizons ahead is a self-perpetuating condition. The busier we get, the less time we have to think about what we are doing.

Fortunately, our society has not totally overlooked the need for some contemplative view of human affairs. One of the men in America who helps to fulfill that need is James Reston. In the New York Times of August 6, 1972, Mr. Reston has probed for the nature of the malaise that has damped the American spirit. It is a speculation that requires much more wisdom and perception than the mere identification of symptoms.

It is a speculation not beneath the dignity of the Senate or of any officer or institution of government. It may, in fact, be the most pressing business of the Senate and the Nation.

I ask unanimous consent that Mr. Reston's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NATION OF STRANGERS

(By James Reston)

FIERY RUN, VA., August 5.—In this lovely hilly corner of Virginia most of the old eighteenth- and nineteenth-century houses have changed hands since the last war, some of them several times, and there has been a steady migration, which illustrates a much larger national problem.

Many of the young blacks from the Little Africa community on Rattlesnake Mountain have drifted away to Washington or Baltimore. Affluent businessmen and middle-class civil servants and professional people, weary of the urban turmoil, have retired into the old mansions and tenant houses, seeking the beauty and privacy the blacks have left behind.

Then there are the part-timers, or weekenders, like Eric Sevareid, Frank McGee, Tom Wicker and James Kilpatrick, who have found modest hideaways in these coves and valleys, thinking they will escape the tyranny of the deadline, and never quite managing to get the grass cut back by Sunday night, when they have to go back to their typewriters.

My colleague and neighbor in another place, Vance Packard, has made a detailed study of the causes and consequences of this nomadic American life in a remarkable and important book soon to be published, "A Nation of Strangers."

"The exploration," he says, "has led me to believe that at least forty million Americans now lead feebly rooted lives. We are seeing so deep an upheaval of life patterns that we are becoming a nation of strangers." He notes the following:

- About 42 million Americans change their home addresses at least once a year.
- By 1975, the Census Bureau estimates 65 per cent of all Americans will be living in metropolitan areas. In the twenty years between 1940 and 1960, 17.5 million people left the farms—more than half the total living on the land in 1940.
- Meanwhile, there is a countermovement of young people away from the cities, not into the settled life of the countryside but into a life of almost chronic movement, separated from traditional male-female relationships, from traditional religious beliefs and from steady work because of rapid technological and social change.

Packard sees some hopeful signs of revolt against this gypsy existence but is generally pessimistic about the deeper trends toward a widespread feeling of loneliness and frustration.

"While the footlooseness of Americans as pioneers was a source of vitality and charm," he says, "several of the new forms that the accelerating rootlessness of Americans is takings should be a cause for alarm. Great numbers of inhabitants fell unconnected to either people or places and throughout much of the nation, there is a breakdown of community living. In fact, there is a shattering of small-group life. A number of forces are promoting social fragmentation. We are confronted with a society that is coming apart at the seams."

Well, it is not a new lament, but it would be a bold man who could face Packard's well-documented indictment without a sense of anxiety, and one of the odd things about it is that we are having a Presidential election to determine the leadership of the nation for the next four years and there has been very little talk about the fundamental issues.

Both President Nixon and Senator McGovern have recognized the problem, both favor a wider distribution of industry and jobs, a more equal standard of welfare payments and tax reform which would produce a fairer redistribution of wealth.

But they differ wildly about the means of achieving these common goals. The President is saying, in effect, that it is possible to have $80-billion defense budgets and enough billions left over to win the domestic battle for social order and to maintain a vigorous expansion of private rewards. Senator McGovern is questioning this fundamental assumption and insisting that the Government is faced with truly radical problems and must choose radical reforms to meet them.

But far more time and space have been devoted to Tom Eagleton's health than to the health of the nation. Far more to the question of the Vice-Presidency than to the question of vice. Far more to Ed Muskie's migrations between Washington and Maine and his final withdrawal from the Vice-Presidential race than to the vast migrations of the American people.

It is widely assumed, for example, that the question of the security of the United States is primarily a question of the size of the defense budget and the negotiations with the Russians about the control of old and new weapons systems. But we may very well be coming into a new phase of world history where the major question of security lies not in a confrontation of armies but in a confrontation of societies.

Mr. Lincoln emphasized the point over a hundred years ago when the American people were divided over what kind of society this was to be. Foreign armies and problems were not the major threat, he insisted, but internal dissension and confusion could weaken and threaten the Republic. This is still a great issue for debate, and the vast, restless migrations of the American people are only part of it.

But in essence this problem comes down to simpler things. "To be deeply rooted in a place that has meaning is perhaps the best gift a child can have," Christopher Morley wrote long ago. "If that place has beauty and a feeling of permanence, it may suggest to him unawares that sense of identity with this physical earth which is the humblest and happiest of life's intuitions."

DID JOHN BIRCH SEEK DEATH?

Mr. McGEE. Mr. President, last Sunday's Washington Post, contains an article entitled "John Birch: Did He Seek Death?" written by Wesley McCune.

Mr. McCune utilized military records surrounding the death of Capt. John Birch in China shortly after the surrender of Japan. These records were released only this year. The article points to the inherent weakness of extremist organizations—the distortion of truth and reality in promulgating their causes while utilizing the basest of human instincts.

I believe the article to be an important comment on the John Birch Society, which used the incident to promote its doctrine of fear and hatred in our country. It is well that Senators read what Mr. McCune has written.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOHN BIRCH: DID HE SEEK DEATH?

(By Wesley McCune)

(NOTE.—The author, a former correspondent for Time and Newsweek, is director of Group Research, Inc., a Washington organization that monitors right-wing activities.)

In 1954, a candy manufacturer named Robert Welch wrote a book, "The Life of John Birch," which told how an American Baptist missionary who had turned intelligence officer in China during World War II became the first casualty of World War III—the war against communism. Birch was killed by Chinese Communist soldiers 10 days after Japan's surrender on Aug. 14, 1945.

In 1958, Welch organized the John Birch Society, and he remains its leader. Several governors have proclaimed John Birch Day on the late captain's birthday, and Birch's parents participate in the society's activities. When the organization's existence became public, in 1961, most of the publicity centered on Welch's charge that President Eisenhower was a "dedicated, conscious agent of the Communist conspiracy," but there was also a little speculation about who Capt. John Birch really was.

A few authorities suggested that he had provoked his own death, but the government refused to make public an official version. Welch injected the charge that Washington suppressed the news of Birch's death because of Communist influence. This was part of his "grand conspiracy" theme, and his basic speech during the early months of 1962 included this passage:

"With his death and in his death the battle lines were drawn, in a struggle from which either communism or Christian-style civilization must emerge with one completely triumphant and the other completely destroyed. Partly for these reasons, but even more because John Birch—in all of his short but outstanding career—so typified the best of America, we have named our organization in his memory."

A 16-page tabloid distributed by the Society in 1965 through millions of Sunday newspapers used a color photograph of Birch in uniform on the cover and opened with two pages depicting him as a martyr to the causes of the United States and Christianity. Included in the publication was a picture of his flag-draped casket.

SECRET DOCUMENTS

Requests for Army records on the circumstances of Capt. Birch's death were refused at the time on the grounds that they were classified "secret." However, persistent efforts by Samuel J. Archibald, director of the Washington office of the Freedom of Information Center at the University of Missouri, have resulted in declassification of the documents after nearly 27 years.

About 50 pages of official reports make it clear that Capt. Birch, whose record had been very good, provoked a group of Chinese Communist soldiers into killing him and almost killing his Chinese adjutant, a Lt. Tung, by being demanding, threating and arrogant.

Nine days after Japan's surrender, Capt. Birch was assigned to lead a small group of U.S., Chinese and Korean personnel to Suchow in the interior of China to collect Japanese files and check the airport for the Office of Strategic Services. Although the war was supposedly over, this territory was occupied by Japanese and their puppets and there was still hostility.

Nationalist forces under Generalissimo Chiang Kai-shek had been fighting the Japanese, as had Communist Chinese forces under Mao Tse-tung and Chou En-Lai.

Gen. Albert C. Wedemeyer, Commander of U.S. forces in China, was also chief of staff to Chiang, and the United States had an observer group at Communist headquarters in Yenan. The two Chinese forces were not cooperating, but nevertheless, both were supposed to know the location of American missions. In this case they didn't, however because the area was occupied by the Japanese.

DON'T MIND IF THEY KILL ME

The Birch Group found the Japanese cooperative the first day of the mission, but was warned of danger if it proceeded into the Communist area. Despite the warning, Birch led his group forward, and they encountered some Communist troops. Birch, who was fluent in Chinese, was allowed to pass, but according to the records, Lt. Tung noticed that Birch's attitude was "a little severe." He told Birch he thought his conduct was "dangerous," but the captain replied: "Never mind, I want to see how the Communists treat Americans. I don't mind if they kill me, for America will then stop the Communist movement with atomic bombs."

Nevertheless, Birch let Tung do the talking to the next two groups, and there were no incidents. At Hwang Kao railroad station that afternoon, the Chinese were more belligerent. Tung reported that fact to Birch who reacted by taking a hands-on-hip stance and telling one of the Chinese: "Well! So you want to disarm us. At present the Americans have liberated the whole world, and you want to stop us and disarm us. Are you bandits?"

By this time, the Birch party was surrounded by 60 or 70 armed Chinese. After some delay, they told the party it could proceed, but Birch refused to be satisfied until taken to the commanding officer. When a Communist soldier started to lead them back to where they had just been, Birch grabbed him at the back of the collar and said: "After all, what are you people? If I say bandits, you don't have the appearance of bandits. You are worse than bandits."

LEFT FOR DEAD

A short distance farther, the leader of about 20 armed Communists ordered his men to load their guns and disarm Birch. Tung tried to intervene again, but was shot. He lost consciousness after hearing another shot and hearing Birch say he was hit in the leg and could not walk. A third shot apparently killed Birch, and he was bayoneted as well. Both men were left for dead, but Tung was rescued and returned to an American base, where he was interrogated at length. He lost an eye and a leg.

The others in the Birch group were detained nearly two months, and reported later that they were treated fairly well. Three of the Americans made out a joint report which substantiated Tung's, especially as to Birch's attitude and the warnings he had been given.

Birch's body was recovered from a shallow grave, and after a Catholic service was buried with military honors on a hillside near Suchow.

A 10-page report on the incident, submitted to Gen. Wedemeyer by the judge advocate for the theater and dated Nov. 13, 1945, relied substantially on the eyewitness accounts by Lt. Tung. It concluded that "although Capt. Birch's conduct immediately prior to his death indicated a lack of good judgment and failure to take proper precautions in a dangerous situation, nevertheless the actions taken by the Chinese Communist Army personnel fell short of according the rights and privileges due even to enemy prisoners of war and constituted murder." It added: "The shooting was done maliciously . . . the killing was completely without justification."

With that conclusion, however, was the following statement: "Since the presence of the Birch party in the area had not been announced to the Communists, Nationalists or the Yenan Observer Group . . . and because the Communists were still in battle action, it was entirely proper for them to hold Birch and Tung until satisfied that they were friendly groups. Further, in view of Birch's attitude and actions, the Communists were to a degree properly resentful at being termed 'bandits' and were not inclined to be immediately helpful."

BELLIGERENT, CONTEMPTUOUS

The report also concluded: "From T. Tung's testimony, it seems clear that Birch was in no mood to treat with the Communists and that his actions toward them were belligerent and contemptuous."

Gen. Wedemeyer wrote Aug. 31 to Mao Tse-tung about the incident, expressing gratitude for past cooperation and asking for a prompt investigation report. A reply from Yenan asserted that Birch and Tung had approached from the enemy's direction, had cursed the Communists who challenged them, and were shot in self-defense.

Wedemeyer also wrote Chiang Kai-shek asking for help in bringing the perpetrators to justice. Several months later, having received no reply, Wedemeyer reminded the generalissimo of the request and received a message that the Nationalists had repeatedly asked the Communists for help in court-martialing those responsible but had received no response. However, the message went on, the matter was being taken up with Chou En-lai.

That was March 15, three years before Chou and Mao drove Chiang (and the United States) out of China.

About 10 years later, Wedemeyer wrote an article for Robert Welch's new journal, One Man's Opinion, and soon was listed on its editorial advisory committee. In 1958, Welch secretly organized the John Birch Society and changed the name of his magazine to American Opinion. Wedemeyer remained an adviser through the October issue of 1961, several months after the right-wing organization became public, but a few weeks later he told Newsweek magazine that he had left Welch.

"I knew John Birch was a captain in China," he said. "He provoked the attack on himself; he was arrogant. I warned Welch not to make a hero of Birch. That's why I quit . . . I think Welch is a dedicated, fine American, but he lacks good judgment."

Ironically, the military records which were finally released were held up a few additional days so that their disclosure could not cause embarrassment during President Nixon's trip to China earlier this year.

THE GENOCIDE CONVENTION AND THE BILL OF RIGHTS

Mr. PROXMIRE. Mr. President, one of the most persistent arguments against the Genocide Convention has been the contention that the treaty would override portions of the Bill of Rights. The greatest concern is that the freedoms guaranteed by the first amendment would be put in jeopardy.

The Honorable Arthur Goldberg has addressed the Subcommittee of the Committee on Foreign Relations of the U.S. Senate on this matter. As a former member of the Supreme Court of the United States as well as our former Ambassador to the United Nations, he is eminently qualified to comment on the relationship between our Constitution and this treaty.

Mr. Goldberg's opinion is very clear and is very well-founded. He states:

> The Constitution, of course, is supreme. It would be unthinkable that even a treaty could override, for example, the clear commands of the first amendment to the Constitution of the United States . . . The Supreme Court has so decided and on this point I do not detect any lack of unanimity. This is our supreme document and *Reid v. Covert* is a controlling precedent which I do not think is in jeopardy by any further proceedings.

The Reid against Covert decision affirms that all treaties made are the supreme law of the land, but that does not imply that treaties may be contrary to the Constitution. Rather, any law or treaty must comply with the Constitution. The reasoning behind this argument is impeccable. If any court declared that treaties may supersede sections of the Constitution, it would be advocating an amendment procedure which is not sanctioned by article V of the Constitution.

The supremacy of the Constitution over treaties has been repeatedly reaffirmed in court decisions. There is no reason to fear that the Genocide Treaty will take away rights guaranteed to us by the first amendment. I urge Senators to vote in favor of the Genocide Treaty.

EXTENSION OF COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOL PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

Mr. TOWER. Mr. President, 2 years ago, I cosponsored the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (P.L. 91-616). I have noted with satisfaction the significant progress we have made toward the development and implementation of a comprehensive program to address the problems of alcohol abuse and alcoholism. Today, I am cosponsoring S. 3644, a bill to extend the authority of the act for an additional 3 years.

The true extent of the problem of alcohol abuse and alcoholism is just being realized. Dr. Merlin K. DuVal, the Assistant Secretary for Health, and Scientific Affairs, has stated that alcohol is the most abused drug in the United States today.

There are over 9 million alcoholics or problem drinkers in America. The most visible victims of alcoholism are the inhabitants of skid rows across the Nation. Yet, they represent only 3 to 5 percent of the alcoholic population of the United States. Most alcoholics are in the Nation's working and homemaking population and it is apparent that alcoholism represents a significant drain on our Nation's productivity.

The Texas Commission on Alcoholism estimates that there are 425,000 alcoholic persons in Texas. They represent approximately 4 percent of the State's population.

The consequences of alcoholism and alcohol abuse are tragic. Alcohol is responsible for 28,000 traffic deaths each year. Alcoholics die 10 to 20 years earlier than the average American. In addition to intoxication, the illnesses associated with alcohol abuse and alcoholism include emotional disorders and chronic and progressive diseases of the central nervous system and of the liver, heart, muscles, gastrointestinal tract, and other bodily organs and tissues. It is difficult to estimate the social price the Nation is paying in terms of broken homes, unemployment, and poverty. We have been able to determine that alcoholism drains the economy of some $15 billion annually.

Public intoxication and alcohol-related offenses account for more than 40 percent of the arrests in the United States annually. Our judicial system is already overburdened, but more importantly, judicial action provides no lasting solution to the alcoholism problem because it does not provide for rehabilitation.

I am encouraged that we are finally recognizing that alcoholism is not a criminal act. It is an illness which requires rehabilitation through a broad range of health and social services tailored to persons at different stages of alcohol abuse and alcoholism. The criminal law is not an appropriate device within itself for preventing or controlling health problems. Alcoholism and alcohol abuse are masive public health problems.

It was to address this problem that we worked so diligently to enact the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. The act created the National Institute of Alcohol Abuse and Alcoholism which has two principal overall goals—to assist in making the best alcoholism treatment and rehabilitation services available at the community level and to develop effective methods of preventing alcoholism and problem drinking. To achieve these objectives, the NIAAA fosters, develops, conducts, and supports broad programs of research, training, development of community services, and public education.

One of the vital parts of the act was the authorization of State formula grants to enable the States to develop comprehensive and integrated treatment and rehabilitation programs on the community level. I am most pleased that Texas was the first State to have its State plan approved by NIAAA and was the first State to receive its block grant—which amounted to $1,637,247. Texas has received a total of more than $4,800,000 in Federal funds during the past 2 years from NIAAA.

I have been most pleased with the programs that have developed in the short span of 2 years. All 50 States have already developed their State plans. Congress now needs to extend and expand the program of alcohol rehabilitation begun by the 1970 act by passing S. 3644.

I ask unanimous consent to have printed in the RECORD a table showing grants and contracts awarded in the State of Texas.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

NIAAA GRANTS AND CONTRACTS AWARDED IN STATE OF TEXAS, FISCAL YEARS 1971 AND 1972

	City	Type	Amount
Fiscal year 1971:			
St. Joseph Hospital	El Paso	H-16	$520,735
Bexar MH/MR	San Antonio	H-16	384,851
McIsaac	Houston	Research	40,519
Davis	do	do	43.473
Geller	San Antonio	do	20,537
Baer	Houston	do	[1] 83,310
Haber	Galveston	do	29,730
Subtotal			1,123,155
Fiscal year 1972:			
St. Joseph Hospital	El Paso	H-16 (V)	755,290
		H-16 (III)	130,730
		H-16 (III)	65,093
Bexar MH/MR	San Antonio	H-16 (V)	501,850
		H-16 (III)	$44,099
Project Bravo	El Paso	R-18-CA	96,521
Indian alcoholism program (Williams).	Dallas	R-18-SSA	93,750
Bell County MH/MR	Belton	R-18-SSD	204,945
Shanbour	Houston	Research	36,100
Geller	San Antonio	do	21,131
Baer	Houston	do	62,295
Haber	Galveston	do	29,741
Davis	Houston	do	46,131
State occupational			49,896
State formula			1,631,247
Subtotal			3,768,819
Total			4,891,974

[1] Continuation of fiscal year 1970 funds.

RELEASE OF COMMITTEE REPORT ON PROBLEMS OF ELECTRICAL POWER PRODUCTION IN THE SOUTHWEST

Mr. JACKSON. Mr. President, on August 4 the Committee on Interior and Insular Affairs submitted to the Senate its first interim report under the authority of Senate Resolution No. 45 which authorized a national fuels and energy policy study. The interim report has been printed and copies are now available for distribution.

The interim report is entitled "Problems of Electrical Power Production in the Southwest," and the situation covered by the report is quite specific. It is a situation, however, which involves and exemplifies many broad energy problems and public policy issues which are of growing importance to all parts of the Nation.

The geographical region of concern in this report includes parts of Colorado, New Mexico, Arizona, Utah, and Nevada commonly referred to as the "Four Corners" area. In recent years, large scale coal-fired powerplants have been planned and are being constructed in this area which may ultimately result in an energy complex of tremendous capacity.

The major plants usually associated with this development are: the Four Corners and San Juan plants in New Mexico; the Navajo plant in Arizona; the Kaiparowits and Huntington Canyon plants in Utah, and the Mohave plant in Nevada.

At present, only two of these plants are in operation. They account for about

3,700 megawatts of capacity. Ultimately, all of the plants will provide over 12,000 megawatts—enough to serve about 9 million people.

As the analysis in this report displays, the major part, at least, of the energy planned to be produced by these plants will be urgently needed. Furthermore, development of the plants would bring employment and economic activity to the desert region which will provide new opportunities for the residents, particularly the Indian people. This has been a national social objective for some time.

It is evidenced by the existence of a joint Federal-State Commission established especially to assist in the economic development of the Four Corners area.

At the same time, it appears equally certain that development of the energy resources of the Four Corners region, regardless of the very best measures which technology can provide, will have significant adverse environmental impacts. The desert area, until recently, has remained sparsely populated and undeveloped. Its unparalleled scenery and unique ecological systems have been largely undisturbed by the works of man. Development will surely result in significant changes.

The tradeoffs between the preservation of environmental values and economic development which supports other major social goals, such as equal opportunity, are among the most difficult questions of energy policy. The study has significance far beyond the immediate questions of Federal responsibility for the situation which exists in the Southwest and Federal involvement in future decisions concerning the Southwest energy complex. Reference to the case will be useful in the committee's further consideration of major energy policy issues. Among the issues to which it has relevance are:

The long-term implications of continuing present growth rates of energy demand, especially for electrical power;

The increasing trend toward the employment of environmental regulation for local zoning or control of local development with the attendant impact on regional and national development;

The institutional structure of the electrical utility industry and the industry's responsiveness to public planning needs;

Increasing public concern over massive strip mining of the coal resources of the West, and the implications of the use of this extensive coal resource in meeting future energy requirements;

The organizational structure of Federal energy agencies and its effect upon their capabilities to make and implement public decisions;

The state of technology of electrical power generation and transmission and the adequacy of research and development in the field; and

Evolving environmental protection law and regulations and their relationships to other social objectives and needs.

Perhaps the most significant realization to come out of the study is that despite the important statewide, regional, and national interests in the resources of the Southwest desert region, many critical commitments of those resources have been made based upon very narrow and short-term considerations.

The situation which presently exists in the Four Corners area is the cumulative result of numerous resource management decisions, each of which was made without adequate consideration of alternatives and without adequate knowledge of the long-rang impacts. The commitments which have already been made greatly constrain the options which remain open to the region for the future. The energy being produced by the existing plants and mines and those which are presently being developed will be essential to the region's power system. In the near term, there are no viable alternatives to those developments. The water and the coal which are committed to their operation are foreclosed to other potential uses. The environmental impacts of the siting choices may be mitigated, but the decisions can no longer be retrieved. We still do not have the essential information to judge the ultimate consequences of these commitments.

The report is realistic in its appraisal of the shortcomings of past Federal actions, and it is blunt in recognizing the complexity of the problems. But it does offer constructive recommendations both of a general nature and in the specific issue areas of energy demand, air quality, strip mining, the interests of the Indian people of the region, and water resources.

Our principal objective now should be to confront the problems honestly, openly, and in a cooperative spirit. To take as an example only one aspect of the situation, the strip mines at Black Mesa and Four Corners are among the largest in the world. Reclamation efforts have thus far proceeded at a very slow pace. They should be accelerated. We should find out exactly what can be accomplished and what the shortcomings are and apply all of the abilities of government and industry to seeking better methods.

In the light of that experience—rather than in speculation and controversy—we can realistically appraise new proposals for such mining developments for powerplants and coal gasification in the Southwest, in the much larger prospective developments in Wyoming and Montana, and elsewhere. In each area of concern covered by the report there are similar needs and opportunities to improve the existing situation and to lay groundwork for better future decisions.

The findings and recommendations which are set forth in this report do not exhaust the committee's interests in the case. Some of the broad national policy issues will be treated further in the final report of the national fuels and energy policy study. The findings and recommendations in this interim report are, however, of great significance both to the Southwest region and to the Nation. I am hopeful that those in the Congress, in the executive agencies, and outside of the Federal Government who have interests and responsibilities regarding the Nation's energy resources will consult the report in its entirety. The recommendations call for actions on the part of Federal officials and other participants in the development of the Southwest energy complex. Some of them refer directly to congressional action. I intend to strive for expeditious action wherever congressional actions are indicated which are within the jurisdiction of the Interior Committee. I am hopeful that recommendations involving the jurisdiction of other committees will be considered by those committees as constructive suggestions which are made in the cooperative spirit of Senate Resolution No. 45.

Mr. President, I ask unanimous consent that the findings and recommendations of the report be printed in the Record. However, I urge Senators to consider them not standing alone but along with the introductory and background chapters of the report itself.

There being no objection, the material was ordered to be printed in the Record, as follows:

Findings and Recommendations

A. GENERAL

1. Findings

1. There is a national commitment, which has been given expression by the Congress in legislation such as the National Environmental Policy Act, the Clean Air Act, and the Federal Water Pollution Control Act, that the quality of the nation's environment must be prescribed to protect and enhance the quality of life for this and future generations of Americans. This commitment must provide the basis for decisions regarding Federal responsibilities and actions concerning the development of the southwestern desert regions.

2. The national interests in and the attendant Federal responsibilities for the energy complex now being developed in the Four Corners area are particularly significant because of the Federal trustee relationship with the Indian people of the region, the extensive Federal ownership of public lands and the important national park system units which will be affected by the development, and the significant Federal investment in resource development for the region.

3. The Department of the Interior, along with other Federal agencies, has long had responsibilities and authority to consider the conservation and preservation of areas of unique natural beauty and of historical and scientific interest. This objective is set forth explicity in the Presidential approval of policies for water and related land resource planning, printed in 1962 as Senate Document No. 97, 87th Congress.

4. The Federal interests and involvement in coal-fired powerplant development in the Four Corners area are unique because of the direct Federal financial participation in the Navajo powerplant, the special responsibilities of the Secretary of the Interior regarding the waters of the Colorado River System, and the extensive commitments of Indian and nationally owned natural resources to the development.

5. The cooperative planning efforts of utilities participating in the Western Energy and Supply Transmission Associates planning group and the Federal involvement in resource and siting decisions in the Southwest provide some measure of unified planning for regional energy resource management. There is evidence, however, that public information about utility plans until recently has been inadequate, and that public participation in planning would be greatly improved by the procedures contemplated in powerplant siting legislation presently pending in the Congress. More important, the problems now being experienced in the Four Corners area will be more severe in other regions of the country where the Federal in-

volvement is limited or nonexistent unless institutional arrangements and procedures to improve planning and build public confidence in utility, State and Federal planning for meeting electrical power requirements are strengthened.

6. Despite the extent of the Federal involvement in and responsibility for the development of the region's energy resources, there has been and still is insufficient available information upon which to base sound resource management decisions. This inadequacy of information relates to baseline environmental data, to the day-by-day activities associated with the planning, construction, and operation of the Southwest thermal powerplant complex, and to basic knowledge of the physical and physiological environment impacts of such developments.

7. The present Four Corners situation reflects the cumulative effect of numerous resource management decisions, each of which was limited in the scope of its objectives and of its geographic concern. Private and public utilities, local, State, and Federal agencies, Indian tribes, corporations, and individuals collectively and severally have participated in decisions which were made to achieve limited and relatively short-term goals and which often were made without full knowledge or adequate consideration of the full range of alternatives, the potential regional impacts, or the long-range desirability of the actions involved.

In 1968, for example, the Congress in accordance with a recommendation of the Executive Branch authorized the Secretary of the Interior to become a financial participant in the Navajo thermal powerplant. This participation was viewed as an attractive alternative to the construction of major hydroelectric dams on the Colorado River primarily because of environmental opposition to the dams. The long-term environmental impact of the thermal-electric alternative, however, was not subjected to study in detail equivalent to that of the dams.

This and other single objective decisions have resulted in investments of natural resources and commitments to courses of action which will seriously constrain the remaining opportunities to achieve optimum resource and environmental management throughout the region.

8. The prospects for achieving sound regional economic and environmental management conditions in the Four Corners region have been seriously hampered by inadequate planning and coordination among the several parties, governmental and private, involved in the present development. Piecemeal decision-making on powerplant proposals may have the long-range impact of, in effect, "zoning" the region for a single purpose—power generation—by allocating scarce natural resources and preempting for that purpose the capacity of the region to absorb pollutants.

9. The special set of circumstances in the Southwest, particularly the extensive Federal involvement and the broad range of environmental problems encountered, must be viewed as an opportunity and responsibility to explore new mechanisms for cooperative environmental research and planning involving all legitimate values and all levels of government and private industry. The "laboratory" provided by the existing activities must be utilized to define problems and discover solutions applicable both in the Southwest and elsewhere. There is abundant evidence that as large coal-fired powerplants are proposed and come under development in the States of the Upper Colorado Basin; in Wyoming, Montana, North Dakota, South Dakota; and in other regions of the country, many of the issues found in the Four Corners area will be duplicated throughout a vast portion of the nation.

10. The Four Corners Regional Commission, a joint Federal-State planning body, provides an existing organization with a potential for coordination of Federal and State interests for the purpose of improving the economic and environmental well-being of the Region's residents. The Commission would appear particularly suitable as a coordinating body because of its Congressional charter. The Commission was established after initial Federal involvement in the region's power development had begun. To date, moreover, the capability of the Commission to undertake comprehensive economic and environmental management planning has been limited by inadequate funding and restrictions on statutory authority. How many, if any, of the current issues could have been avoided had the Commission been in existence at the inception of the power development can not be known.

2. Recommendations

1. The Secretary of the Interior, in conjunction with the Four Corners Regional Commission and other Federal agencies, should develop a general, region-wide study of the long-range economic and environmental impact of current Federal decisions and activities concerning the Southwest energy complex. Despite the inadequacies of information and the uncertainties inherent in such a complex analysis, the best possible projections of future conditions should be developed and updated periodically as better information becomes available. This study should provide a framework for public consideration of future decisions about individual resource development proposals.

The Secretary of the Interior should be authorized and directed to report annually to the President and to the Congress on the status of activities associated with thermal powerplant development in the Southwest and other Western States, on the Federal interest and responsibilities therein, and on the actual and anticipated environmental effects of those activities along with his recommendations concerning Federal action to prevent or mitigate environmental impacts of regional and national concern.

The Secretary should also be directed to cooperate with other appropriate Federal and State agencies in establishing and maintaining an appropriate data gathering and research program to support these reports.

2. Pending legislation to establish a Federally assisted land use planning program should be enacted to (1) provide financial assistance and encouragement to the States to develop the information and institutional mechanisms necessary to make long-term resource management and development decisions; (2) insure cooperative Federal-State consideration of state-wide, regional, and national needs and interests in major land-use decisions; and (3) to encourage multi-objective planning on the basis of appropriate geographic areas so that environmental management can accommodate needed natural resource developments with minimum environmental degradation.

3. Legislation designed to improve power plant siting decisions should be enacted to establish procedures for open long-range planning; timely siting decisions; and smooth, predictable construction schedules. The legislation should include provision for: (1) long range (at least 10 years) advance planning through a public forum on at least a regional basis; (2) effective public participation at all stages of the planning and approval process to improve responsiveness to a broad range of issues, improve the quality of the decision-making process, and insure agency credibility; (3) early identification of alternative sites suitable for power plants; (4) establishment of a certification program that achieves so far as possible one-stop approval at the state or regional level of proposed power facilities with Federal certification of Federal facilities or where the state or region has failed to establish qualified certification bodies; (5) periodic review of power plants to determine the feasibility and practicability of retrofitting operating plants with the latest technological developments to improve safety or reduce environmental impacts; (6) an efficient, expeditious form of judicial review on contested issues which will result in early decisions and which will avoid economic waste and the risk of low power reserves.

4. The Secretary of the Interior and other Federal officials who have responsibilities for Federal decisions involving the development of the powerplant complex in the Southwest should view the procedures established under the provisions of the National Environmental Policy Act both as an opportunity and an obligation to provide a basis for well-informed advance public participation in major resource decisions. Federal officials should strive to make the maximum use of environmental impact statements to provide the national, regional, and local publics with full information on the need for, the alternatives, and the long-range implications of specific proposals for development.

5. In view of the deficiencies in information concerning the long-range regional impacts of the development of coal-fired powerplants; the uncertainties concerning the timing and nature of emerging competitive uses for land, minerals, water, and other natural resources; the limited capacity of the regional environment to absorb pollution; the transitional state of pollution control technology and regulation; and the lack of comprehensive regional planning; and in the face of incontrovertible need for electric energy in the Southwest, additional powerplant development decisions will have to be made under conditions of insufficient knowledge of the long-term impacts and with inadequate time for optimum planning in order to meet future energy requirements. The immediate implementation of appropriate research and investigations which will provide sound information for planning is imperative. In the interim, until adequate information is available, irretrievable commitments of resources should be limited to the minimum necessary to meet the regional power requirements. Premature commitments should be avoided both in regard to additional development in the Southwest or to major new energy developments involving Federal resources in other regions.

6. Legislation to develop new institutions and procedures for planning the use of the public lands, for setting new standards and requirements which reflect changed conditions, and to update the land laws to reflect such changed conditions should be adopted. At a minimum, this legislation should provide for: (1) coordinated Federal-State planning in areas of mutual concern and interest; (2) a resource inventory and a survey of projected demands which will be placed on the public lands for recreation, transportation, mineral development, the generation and transmission of energy resources and other demands; (3) a system of Federal planning and management authority which takes into consideration and accommodates the diverse and legitimate requirements of the immediately affected public, operators of essential utilities, local and State governments, and the Federal government; and (4) public participation at early and appropriate stages in the planning process.

7. The Four Corners Regional Commission should undertake the necessary studies to incorporate development plans and projects in the 92 county region to insure that the natural qualities of the Region are preserved in the course of proposed economic growth. The Congress should give consideration to whether the authority of the Commission should be expanded as necessary to facilitate the optimum use of the joint Federal-State partnership available in the Commission toward an integrated and coordinated approach to eco-

nomic planning and development for the Four Corners Region.

B. ENERGY DEMAND IN THE SOUTHWEST

1. Findings

1. Based upon the assumption of the minimum probable growth energy demands in the Southwest, and assuming the maximum probable development of nuclear, hydroelectric, and other fossil fuel power generation, there will be a remaining requirement for a substantial amount of coal-fired generating capacity to be developed in the region before 1980 and probably between 1980 and 1990.

2. There are a number of potential sites in the Southwest which could support coal-fired powerplants of 1000 megawatt capacity or greater. Important planning decisions remain to be made concerning the selections among these potential sites, the sizes of individual developments, and the timing and sequence of construction of future powerplants. These planning decisions should benefit from the past experience in the region. They should incorporate the best available information on environmental impact and the best available technology for the production of clean electrical energy. Selection of particular sites and commitments to particular developments should be based upon a careful evaluation and examination of the regional environmental, social and economic consequences of each potential site.

3. The demand for energy in the Southwest is not substantially created by "frivolous" or "unnecessary" uses. However, the continued promotional advertising by utilities in the region, in the face of growing public opposition and in view of the problems posed by the projected growth in demand, contributes to public frustration and lack of credibility in the projections.

4. Existing public policy expressed in the Federal Power Act and elsewhere which requires utilities to provide abundant, reliable power to all customers and which primarily stresses the maintenance of low rates as the primary public concern in regulation has fostered a tradition in the electrical industry which clashes with emerging public attitudes and values. These new attitudes and values stress costly environmental protection and conservation of resources and question the advisability of encouraging unlimited growth.

5. The siting of major powerplants involves public interests of regional scope. With load centers hundreds of miles from the power plant sites, benefits and impacts are distributed beyond State jurisdictions. National assets and resources are involved and the economic tradeoffs affect interests far beyond those of the utilities or even of their customers or the local and state governments with jurisdiction over the locations of power source and demand.

6. The level of support for research and development in the conventional technologies of electrical generation and transmission is not adequate to accommodate the increasingly stringent public demands for reliability, environmental protection, and flexibility in siting of facilities.

7. The timing of powerplant construction in the foreseeable future will be a critical factor in the preemption of water, land and mineral resources by powerplants in preference to emerging potential competitive uses such as coal gasification and oil shale development. The urgency of the need for powerplants is also a critical factor in decisions as to whether or not to accept environmental impacts. Many of these decisions are rightfully public decisions because they necessitate commitments of publicly owned resources and involve the responsibilities of Federal agencies. There are, however, no independent Federal determinations of projected power demands and supplies except those based upon projections by the utilities which propose the developments.

8. Historically, electric utilities in the United States have evolved an institutional responsibility to meet the demands of all customers without deliberate limitation. Most power systems have little physical ability to selectively reduce service even in emergencies. The present inflexible situation poses the threat of general shortages or total blackouts of systems whenever peak loads might exceed system capacity. The social and economic consequences of such uncontrolled shortages and the inability to selectively manage critical peak conditions are serious constraints upon trade-off decisions where power needs and environmental concerns are in conflict.

9. Although the current controversy over the power development in the Southwest has not greatly highlighted transmission lines, it is probable that the ultimate transmission grid contemplated will pose the most severe problems of aesthetic insults to the region. There is no evidence that the environmental impacts of transmission lines have been adequately considered in powerplant site selection.

2. Recommendations

1. In a broad sense, the National Fuels and Energy Study authorized by S. Res. 45 will address a detailed consideration of the possible significant changes in public attitudes regarding increased use of power and regarding continued growth generally.

2. In the course of the Committee's study of national fuels and energy policy, consideration will be given to empowering an appropriate Federal agency to prepare and maintain independent projections of regional power supplies and demands as a basis for public decisions, and authorizing and directing an appropriate Federal agency to undertake an in-depth study of the extent of the opportunity for, and the alternatives available to reduce the growth in demand for electric power such as revising the electric rate structure, internalizing social and environmental costs associated with power production, recommending conservation practices that would permit more efficient use of existing capacity and available fuels, and studying whether a system of contingency planning utilizing end-use controls as a means to ration electrical energy is a practical policy option.

3. The design of future power plants should incorporate the greatest possible flexibility for the modification or supplementation of air pollution control equipment during or after construction as new technologies become available.

4. The Secretary of the Interior, in cooperation with other appropriate Federal agencies, should initiate a study of the potential for the development of coal gasification plants in the Southwest. The study should develop preliminary information of the probable requirements for sites, water, coal, and other resources for such installations and on the probable environmental effects. In future decisions regarding powerplants, consideration should be given to such developments as an alternative source of energy.

5. Legislation should be enacted to establish a balanced and sustained Federal program of research and development to reduce environmental impacts of power facilities, improve generation and transmission efficiencies, and develop new sources of clean, reliable energy. Such a program is needed to develop options for meeting projected electrical demands within the constraints imposed by environmental protection requirements and other public planning needs. This program should be funded by an assessment on electricity consumption and directed by an independent commission with provisions to insure high visibility and public accountability.

C. AIR QUALITY

1. Findings

1. The existing and proposed powerplants are and will be major sources of manmade air pollution in the Southwest.

2. Emissions of existing powerplants have measurably degraded air quality in the region. Even with employment of the best pollution control technology, development of proposed additional plants probably will result in further degradation.

3. The relatively recent establishment and rapid evolution of air quality law and regulations at all governmental levels when coupled with the long lead times necessary for planning and construction of powerplants and the developmental, or even experimental, nature of many of the advanced pollution control technologies available have introduced serious uncertainties into utility planning for power supplies in the Southwest.

4. The monitoring of air quality which presently is underway in the region is extremely limited even in the immediate vicinity of operating powerplants. Monitoring of regional effects is confined to a few special, short-term studies. There do not seem to be plans for the establishment of comprehensive, reliable monitoring programs by any governmental entity. It will continue to be impossible to determine reliably the impact which powerplants are having until adequate measurement of air quality indicators are made. Furthermore, if baseline measurements are not made before any more plants are put in service it will be difficult or impossible to determine the impact they are having at a later time.

5. The development of coal-fired, thermal power generating capacity in the West is still at an early stage. The sound selection of future plant locations will depend upon extensive data which only can be obtained from research and monitoring at existing plants. This essential information is not being obtained because of the limitations of existing monitoring and research.

6. Available data on meteorology and air quality in the region are not adequate to determine reliably the extent of the impacts of existing powerplants on regional ambient air quality or on biota or to develop reliable analytical models to predict regional ambient air quality under assumed future conditions. Uncertainties as to the capabilities of future pollution control technology, lack of basic meteorological data, and the inability of existing models to predict reliably the dispersal of pollutants make the prediction of ambient air quality uncertain as new powerplants are brought on line.

7. It seems unlikely that without Federal assistance the States can fund the installation and maintenance of air quality and meteorological data monitoring systems adequate to provide a data base for accurate measurement of the effects of existing plants and reliable prediction of the effects of proposed plants.

8. The present level of knowledge concerning pollutants such as small particles; radionuclides; heavy metals; and other trace elements from coal-fired powerplants in the Southwest is inadequate to dismiss conclusively the potential dangers alleged to result from such pollutants.

9. The present research effort is inadequate to predict the long-range impacts of sulfur oxides, nitrogen oxides, and other pollutants upon humans, animals, and vegetation in the region.

10. Operating powerplants have not been able to comply with the increasing stringent air quality standards being imposed by Federal, state, and local regulations. The capability of available pollution control equipment to meet these standards utilizing the coal of the region has not been demonstrated in sustained operation.

11. The improvement in pollution control achieved by the installation of venturi scrubbers on units 1, 2, and 3 of the Four Corners powerplant exemplifies the kinds of results which are attainable when efforts are made to improve the technology of environmental management. The fact that these efforts were not made at the time the plant was constructed is symptomatic of the general lack of concern for avoidable pollution which has been a national attitude until recently. The costly problems which have been experienced in the installation and operation of the equipment are typical of the practical difficulties which result from hurried applications which do not provide for deliberate development and testing of equipment.

12. The inability of the existing powerplants to meet applicable air quality standards is due in part to the recent establishment of such standards and the rapid evolution of air quality legislation, in part to the inadequacy of antipollution technology, and in part to the reluctance of the utilities to anticipate and plan for the changing legislation in their original decisions.

2. Recommendations

1. The Environmental Protection Agency (EPA) in cooperation with the National Oceanographic and Atmospheric Administration (NOAA) should be authorized and directed to design a network of air quality monitoring and meteorological stations in the desert region of the Southwestern states. The network should be adequate to:

(*a*) measure the impacts of existing powerplants and other point sources upon the air quality of the region;

(*b*) provide basic data for the construction of models capable of predicting the impacts of the proposed new sources of air pollution on the ambient air quality of the region.

2. EPA in cooperation with NOAA should participate with the states and with industry in the financing, installation, and operation of a regional air monitoring network, the collection and analysis of the data, and the development of predictive models. The results of this effort should be made available to industries and to state and Federal agencies to assist in evaluation and planning of future powerplants and other industrial developments.

3. The Secretaries of Interior and Agriculture in cooperation with the Administrator of EPA should be authorized and directed to initiate a program of research on the long-term effects of air pollutants on water quality, fish and wildlife, and vegetation on the public and Indian lands in the region.

4. Any required Federal approval of the selection of sites for additional coal-fired thermal powerplants in the West should be made only after more extensive monitoring and research data collection are done on the existing plants in the Southwest. There should be a substantial upgrading of the monitoring and research efforts both of the government agencies and the companies involved, so that future site selections may be based upon broader information and experience.

5. Premature commitments to specific proposals and designs for future coal-fired powerplants in the Southwest should be avoided so that Federal requirements placed upon such plants may be based upon the latest advances in technology and the greatest experience from existing installations.

6. The EPA should expand and expedite its existing research and development efforts in cooperation with the utilities to utilize the Four Corners powerplants as practical field experiments to develop air pollution control techniques. The agency should establish a regular program of reporting upon the progress made in this work and upon its evaluation of the actual operating capabilities of the most advanced pollution control installations in actual operation in the region and elsewhere.

7. The Administrator of EPA should be authorized and directed to undertake a detailed study of the long-term energy policy, regional planning, power plant siting and land use management implications of the present provisions of Federal air quality law which establish minimum standards which State and local government must meet, but which do not establish maximum standards. Under existing arrangements Federal, State and local jurisdictions exercise varying degrees of authority over air quality regulation. The exercise of this authority has created a situation where within a given geographical region or air shed there are inconsistent and often overlapping standards promulgated by different units of government. As a consequence, all regional planning involving power plant siting and other decisions concerning major development activities are subject to considerable uncertainty and specific planning and siting decisions for the region are, to some extent, the product of "forum shopping" for the most favorable standards. This creates important problems of uniformity as between different governmental units located in the same region.

8. The Administrator of EPA should be authorized and directed to conduct research to identify and evaluate the environmental advantages and disadvantages associated with the gasification of coal, both for the production of gas as a fuel and for combined cycle generation of electric power. The Administrator in cooperation with the Secretary of the Interior should initiate research into methods of mitigating any apparent adverse environmental impacts of coal gasification plants.

9. The Secretary of Interior should be directed to accelerate research and development efforts on the gasification of coal as a fuel for combined cycle operation in view of the potential for both reducing pollution and extending the resource base through the higher efficiencies attainable in combined cycle operations.

D. STRIP MINING

1. Findings

1. Two coal strip mines—Navajo and Black Mesa—are currently operating as parts of the thermal power generating complex in the Southwest. The size of these operations is expected to increase greatly in the near future and these mines may become prototypes for similar operations elsewhere in the West.

Insufficient effort is being made at these sites to obtain environmental information and experience related to strip mining, and to demonstrate the success of available technology.

At the Navajo mine, 1400 acres have been mined since 1963, but only 100 acres have been reclaimed. A portion of the mined area is to be used as a disposal site for ash from the Four Corners powerplant, however, making liberal allowances for this purpose, more reclamation work should have been accomplished.

It is essential that full advantage be taken of these opportunities to obtain information and experience in minimizing the environmental impact of surface mining, and in reclaiming the land after mining.

2. The attempts at revegetation at the Navajo mine have not been successful. There has been insufficient effort to improve upon this record and to provide a convincing demonstration that effective reseeding is possible.

3. There is a lack of data and there has been practically no research on the actual and potential effects of wind or water dispersal of various trace elements from open pits, spoil areas, fly ash disposal areas, or coal processing facilities.

4. The role of the Interior Department as trustee for the Indian tribles demands that, notwithstanding the role of any other agency or party to the contracts, it is the responsibility of the Department of the Interior to inspect these mines and insure compliance with all provisions contained in leases, contracts, and mining plans.

2. Recommendations

1. Reclamation operations at the Navajo and Black Mesa mines should be accelerated. The demonstrated feasibility of reclamation should be a prerequisite to any further exercising of the Secretary's discretion under the mineral leasing laws to lease coal resources on public lands. The Secretary should promptly develop and submit to the Congress a timetable for reclamation of the approximately 1000 acres at the Navajo mine which have been mined and are not needed for ash disposal.

The timetable for reclamation should be accompanied by a statement of the authority of the United States to compel reclamation work at the Navajo and Black Mesa mines under the Secretary's present legal authority and under the terms of the leases.

2. The Secretary of Agriculture should be authorized and directed to undertake a research and demonstration program for the revegetation of strip mined areas in the Southwest, both to develop information on the environmental impact of proposed operations and to assist in the reclamation of those areas already being mined.

3. A research program should be initiated, under the direction and existing authority of the Secretary of the Interior, to determine the chemical characteristics of the coal, spoil piles, and fly ash and to evaluate the actual and potential water pollution effects caused by drainage and dispersed airborne contaminants originating in the strip mining, coal processing, and fly ash disposal operations.

4. The Department of Interior should reinforce the program of inspection and enforcement to ensure compliance with all provisions of Indian and Federal contracts and leases and approved mining plans for the Southwest mines, and with other applicable Federal laws and regulation. The Secretary of the Interior should submit to the Congress his recommendations concerning any additional funding and personnel necessary to provide for an inspection and reporting system concerned with environmental considerations of strip mine operations.

5. Appropriate legislation establishing criteria for the operation and reclamation of surface mines should be expeditiously enacted to provide adequate controls over future surface mines on non-Federal lands which will be required to serve energy requirements in the Southwest and in other regions, and which would not be susceptible to regulation under existing Federal laws or through the provisions of contracts with the Federal Government.

E. INDIAN INTERESTS

1. Findings

1. The development of the power generating complex on the Indian reservations of the Southwest represents a most significant departure from the traditional cultural and economic patterns of Indian life. It is not unexpected that a change of such magnitude should be accompanied by considerable controversy. The conflict between the desires for economic and material benefits as opposed to concerns for nonmaterial values is similar to conflicts currently reflected in American society as a whole.

2. The incentives to commit the land, water, and mineral resources of the Navajo and Hopi reservations to the development of thermal electric powerplants have principally rested upon the need of the region for an alternative source of electricity. The decisions of the Indian tribes were apparently predicated on their desire to capitalize upon

an opportunity to enhance economic development on the reservations.

No long-range evaluation of the comprehensive resource management options for the reservations were available, and the long-range impacts of powerplant development apparently were not thoroughly evaluated by either the Indian tribes or the Department of the Interior.

3. The Tribal governing bodies of the Navajo and Hopi Tribes are the only democratic mechanisms available to determine and represent the collective interests of the tribes in business dealings involving contractual arrangements. The Secretary of the Interior and the Federal Government in general must look to the Tribal governing bodies, which have the benefit of independent legal counsel, for the principal expression of the desires of the Indian people they represent.

4. As any democratic institution, the Tribal governing bodies can function best when they enjoy the full participation of the people they represent and when the people are adequately informed on the issues so that they can responsibly participate. There is evidence that substantial improvements could be made both in communication and participation in the operation of the Navajo and Hopi Tribal governing bodies. Some Navajo and Hopi Tribal members, for deep-seated cultural reasons, do not accept the role of their Tribal governments, and therefore do not believe their views are being adequately considered. Other Tribal members deny that they have been fully advised of the decisions by the governing bodies.

5. The equity of payments being made under contracts for the land, water, and minerals by the Indians has been questioned by Tribal members and others.

2. Recommendations

1. The Secretary of the Interior should be authorized and directed to undertake a comprehensive assessment of the potential for natural resource development on Indian lands. A comprehensive resource development plan, considering the broadest range of alternatives and the long-range social, economic, and environmental implications of each alternative, should be prepared and maintained for each reservation. The plan should be developed with full participation of the representative tribal leaders and should serve as a guide for future decisions regarding the commitment of resources.

2. The Secretary of the Interior, acting in accord with his responsibilities for public information under the Administrative Procedure Act, the National Environmental Policy Act, and other provisions of general law and in his trustee relationship to the Indian people, should take every possible opportunity to develop and disseminate information on the implications of Federal decisions which have impacts on Indian Reservations. The Secretary shares with the representative Tribal leaders a responsibility to fully inform the Indian people of decisions regarding Indian reservations and to facilitate their informed participation in their Tribal government.

3. The Comptroller General should be requested to review the provisions of contracts entered into by the Navajo and Hopi Tribes with utilities and coal companies regarding development of coal mines and powerplants and to report to the Congress on his analysis of the comparison of royalties and other payments to the Indians with payments received on the public lands and elsewhere for similar types of contracts.

F. WATER RESOURCES

1. Findings

1. The existing and proposed thermal powerplants are and will be significant consumers of the scarce remaining uncommitted water supplies of the Southwest. The decisions to preempt this water for powerplant development to the exclusion of alternative potential uses are important public decisions and should be viewed as such by Federal, State, and local governments involved.

2. The consumption of relatively high-quality surface water by the powerplants will contribute to the concentration of salinity of downstream flows. The impacts of the powerplants are not significantly different in this regard from any alternative consumptive use of equivalent amounts of water under the existing legal entitlements of the several basin States. The overall salinity problem on the Colorado River, however, is becoming critical and may ultimately curtail further beneficial consumption of water. It must be considered a factor in any decision regarding new commitments of water.

3. Point source pollution of surface waters by effluents from mining and powerplant operations have occurred. The existing body of water quality law and existing enforcement mechanisms, however, appear adequate to correct these problems.

4. Insufficient research and monitoring are being done to evaluate effectively the occurrence and impact on the quality of surface and ground waters as a result of diffused drainage and secondary effects of airborne contaminants originating in mining and powerplant operations.

5. The evidence concerning the long-range effect of groundwater depletions at Black Mesa to provide slurry water for the pipeline to the Mohave plant is inconclusive.

2. Recommendations

1. Where Indian and Federal resources are involved, the Secretary of the Interior should consider the full range of alternative uses of water prior to making further commitments to powerplants. To the extent possible, contracts for water supplies should incorporate options for their termination after economically feasible terms of service to permit flexibility in long-range resource management.

2. The Secretary of the Interior should expedite work on the salinity control studies currently being carried on by the Bureau of Reclamation and should recommend to the Congress any additional legislation necessary to provide for an optimum program of salinity control for the Colorado River Basin.

3. Notwithstanding the responsibilities of State and local jurisdiction and other Federal agencies to enforce laws and regulations regarding water quality control, the Secretary of the Interior should carry out continuing and independent monitoring of the powerplant and mining operations to insure compliance with the provisions of contracts, permits, and leases to which the Secretary and the Indian tribes are parties. Wherever infringements are found to exist, the Secretary should take whatever action is indicated to insure compliance, through existing water quality enforcement procedures or if necessary through legal action under the contract provision.

4. The Congress should authorize and direct the Secretary of the Interior, in cooperation with the Administrator of the EPA, to initiate a program of research and monitoring to determine the impacts of mining and powerplant operations on water quality as a result of dispersed drainage and seepage, and as the result of the secondary effects of airborne contaminants from the operations and the operating areas. The program should provide for measurements and evaluation of actual effects of existing operations, projections of potential effects of operations under construction and proposed, and extension of the information and analyses to similar mining or industrial applications elsewhere in the United States. As information is gained, the program should be extended to encourage and assist industry in developing methods of mitigating adverse impacts of such operations upon water quality.

5. As a part of his regular inspection and monitoring of the mining operation at Black Mesa, the Secretary of the Interior should monitor and evaluate the impact of groundwater depletions upon the wells used by the Navajo and Hopi Indians. In the event that any indications of impairment of the groundwater supply are found, the Secretary should take immediate steps under the provisions of the contract with the Peabody Coal Company to remedy the situation.

INTERNMENT IN ULSTER—A TRAGIC FIRST ANNIVERSARY

Mr. KENNEDY. Mr. President, today, the people of Northern Ireland, caught amid the new bloodshed and destruction that have shocked the world in recent weeks, mark the unhappy first anniversary of Great Britain's cruel and repressive policy of internment.

Perhaps there is no step that can be taken now in Northern Ireland that is capable of stemming the ferocious tide of violence threatening to consume the people of Ulster, Protestant and Catholic alike. But I believe that an end of the unconscionable policy of internment must rank at the top of the list of available steps that can and should be taken if there is to be any hope at all of bringing an early and peaceful end to the killing and violence.

No nation that calls itself a democracy can justify a policy of internment for its citizens. In the case of Northern Ireland, the shame of internment has been twice compounded—first by the evidence of torture in the internment camps, the facts of which were established beyond dispute in the recent Compton report; and second, by the incredibly unfair manner in which internment has been applied—"For Catholics Only" has been Britain's internment policy, and it has been overwhelmingly applied in practice.

What about the UDA? What about the Protestant gunmen? What about the Protestant assassination squads who have been so active in recent weeks? I hold no brief for the IRA, or for the violence and destruction so wantonly inflicted by members of the Catholic minority in Ulster. But surely, British justice is a farce in Northern Ireland today, when only Catholics are interned and Protestant gunmen roam free.

Today, when passions in all the Catholic communities in Ulster are rising high against Great Britain, because of the British invasion of the "no-go" areas and the British occupation of Catholic districts, and when the obvious absence of comparable steps against Protestant violence is making a mockery of Britain's claim to even-handed justice, it is long past time to confront the issue of internment.

And so on this tragic first anniversary, I renew the appeal I have made so often in the past. I urge Prime Minister Heath and Secretary Whitelaw to act now to end internment, and to restore the reputation of justice and decency and fairness for which Britain has always been renowned.

NONPAYMENT OF INCOME TAXES BY CERTAIN INDIVIDUALS

Mr. SCOTT. Mr. President, allegations have been raised in certain quarters that because 100 individuals with adjusted gross incomes over $200,000 paid no tax during 1970, the tax deductions which benefit several million other taxpayers should be summarily thrown out.

I believe that those who advocate such a move should take note of the actual income situation of these 100 individuals, which was recently discussed by Edwin S. Cohen, Assistant Secretary of the Treasury.

I ask unanimous consent that excerpts from Mr. Cohen's remarks, which were made before the Federal Tax Institute of New England, be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Persons With High Adjusted Gross Income

Much has been said recently about the fact that about 100 individuals in the United States in 1970 had "adjusted gross incomes" above $200,000 without paying any tax. Some have argued that this handful of cases shows that the system is unfair and that the rich do not pay taxes. I shall talk further about those few cases in a moment.

But I do not think we should let that small group of individuals obscure the fact that, according to our preliminary data, there were in 1970 a total of some 15,300 persons in the country with adjusted gross incomes above $200,000, and that some 15,200 of them paid an average federal individual income tax of $177,000 each—a total of some $2.7 billion. This is an effective rate of 44.1 percent of their adjusted gross income and 59.5 percent of their taxable income.

From this it is perfectly clear that in general the rich are paying federal income taxes in large amounts. And they are paying more than they were in 1968 while other taxpayers are paying less.

Let me now refer to the cases of the few nontaxable persons with adjusted gross income above $200,000. The statistical data now show that there were 106 such persons. The number of these nontaxable persons was down from 300 in 1969. The adjusted gross income on these 106 returns was less than 17 percent of that on the 300 returns in 1969.

We have now done some further analysis on these returns and have classified them according to the five principal causes of nontaxability: foreign tax credit, deductions for taxes paid, deductions for charitable contributions, deductions for interest payments, and miscellaneous deductions.

As to the seven cases in which nontaxability was due primarily to the foreign tax credit, it is interesting to note that these seven taxpayers paid income tax to foreign countries of about $1.5 million, an average of more than $200,000 tax per taxpayer. This represented an effective foreign income tax rate of 62 percent of their adjusted gross income and 70 percent of their taxable income. It is clear that while these individuals were not required to pay U.S. income tax, they were subjected to heavy income taxes abroad.

Another group of 12 individuals whose adjusted gross income aggregated $4.1 million, paid no 1970 federal income tax because their deductions for state and local taxes exceeded $4.1 million. Substantially all these deductions were for state income taxes. A review of these returns suggested that these individuals had large amounts of nonrecurring income in 1969 on which they paid substantial state income taxes in the spring of 1970, which were deductible on their 1970 federal income tax returns. To check out this hypothesis, we have now obtained data as to the 1969 federal income tax returns of 11 of these 12 individuals and have found that the 11 persons paid 1969 federal income tax totalling about $18 million, an average of more than $1.6 million of tax per individual. The fact that they paid no federal tax for 1970 after paying huge taxes for 1969 is simply a result of the cash basis of accounting which is used by most individuals, and the fact that the state taxes on their large 1969 income were paid in the spring of 1970. To change the tax laws to overcome this result for these dozen individuals would produce undue complexities and require additional expense for many thousands or millions of other taxpayers. This would not be worth the effort. No tax system can achieve perfection, certainly not without incredible complexities and expense.

Another 12 cases involved individuals with adjusted gross income of $8.5 million whose principal deductions consisted of charitable contributions aggregating $4.2 million. The 1969 Act terminated the "unlimited charitable contributions deduction" provision of prior law and set the contribution deduction limit at 50 percent of adjusted gross income. It was recognized that if charitably inclined individuals can deduct their contributions up to one-half of their adjusted gross income, there will necessarily be a few cases in which other deductions for interest, taxes, medical expense, etc., will exceed the other half of adjusted gross income and result in nontaxability.

In 55 of the cases interest paid was the principal deduction, aggregating $17.3 million. But in these returns dividends and interest received aggregated $16.5 million. In general, when interest is paid to borrow money needed to make investments on which dividends and interest income is received, the interest paid should be charged against the interest and dividends received and only the net profit goes into adjusted gross income. But for simplicity sake, the tax law for many years has said that where this occurs in an investment situation, the gross dividend and interest income is reflected in his adjusted gross income—and makes him appear on the surface to be in a high income category—while the offsetting interest expense that he incurs is classed as a personal deduction along with taxes, charitable contributions, casualty losses, alimony, etc. Possibly we should change the definition of "adjusted gross income" so that net investment income is treated like net business income.

There are, however, some cases in this group in which the interest paid exceeds the investment income by substantial amounts. In these cases, as well as some others, there are indications that the minimum tax may be due for 1970 and may be assessed on audit. For 1972 and subsequent years, investment interest paid that exceeds by more than $25,000 the taxpayer's investment income may be disallowed as a deduction under the 1969 Tax Reform Act.

The final category consists of 20 cases in which the principal deduction was miscellaneous deductions, aggregating $10.5 million. Of this total, more than $5.5 million represents items described in the returns generally as loss of securities pledged to secure loans, losses on guarantees of loans, and payments in settlements of litigation. Another $2.2 million of miscellaneous deductions represents an aggregate of accounting, bookkeeping and professional fees, and investment counsel and management fees. If these items are properly deductible—and this can only be determined after audit—it is because they represent expenses of earning business or investment income and may indicate that we should change the definition of "adjusted gross income" to drop these people out of the high income category.

To illustrate, consider one of the returns that reported as the only income more than $400,000 of gambling gains and reported an equal amount as gambling losses under miscellaneous deductions, for a net income of zero. This return, too, will be audited; but if the return stands up under audit, we might consider levying an amusement tax, but the income tax is supposed to apply only to the successful gamblers.

Now, I do not mean to imply from this review of the 106 cases that there is not a constant need for vigilance and improvement in the tax laws. Most assuredly there is a definite need. I mean only to indicate that there is relatively little guidance to be gained from these particular returns in relation to major issues of tax policy, and the attention that has been devoted to them is unwarranted and unwise.

PROPOSED COUNCIL ON ENERGY POLICY

Mr. McGEE. Mr. President, there is a growing awareness in this country that we are facing an energy crisis.

As our energy needs are growing at an alarming rate, our sources of energy are decreasing at an equally alarming rate. To further complicate the picture, the production of energy has, in many cases, had very serious environmental consequences. In spite of this set of circumstances, we have yet to draw upon the best minds in our country to formulate an energy policy for the United States.

As a result, I have joined in sponsoring legislation introduced by the distinquished Senate from South Carolina (Mr. Hollings) which would establish a Council on Energy Policy in the Executive Office of the President.

The Washington Sunday Star and Daily News of August 6 contains an article written by Mr. S. Fred Singer. Mr. Singer presents some thought-provoking ideas regarding the need for a national energy policy and what should be taken into consideration in formulating that policy.

I ask unanimous consent that Mr. Singer's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Need for an Energy Policy

(By S. Fred Singer)

To most of us energy represents a double-faced coin. On the one hand it has produced the highest level of material well-being for about one-fifth of the world's population. On the other hand, it produces most of the world's pollution and is in the final analysis responsible for the world's population explosion.

Paradoxically, our very progress may destroy our ecosystem, or cause cataclysmic international upheavals, or both.

Yet, if we manage our social institutions wisely, and if we apply technology in the right, way, we can avoid these dual catastrophes and achieve a generally high level of welfare for the human race as a whole. The key to this Utopia is a continuing supply of abundant and low-cost energy.

Abundance and cost are, of course, related by the laws of economics, but through technology they are in some sense independent. If fuels become scarce, then their cost will certainly rise rapidly. On the other hand, if fossil fuels are largely replaced, e.g. by nuclear energy in the form of breeder reactors or fusion reactors, then we will have abundant energy; but its cost may be high enough to become a substantial factor in the cost of finished products, or when measured as a fraction of the Gross National Product.

Right now we spend about 3 percent of the

GNP on various energy fuels; if this fraction were to rise appreciably, the cost of all goods would go up in turn. Such a development would make it more difficult to advance the living standards of the poor and could trigger social upheavals.

An increase in fuel costs reflects itself very directly as an increase in the cost of living, in the costs of food and other necessities, transportation, heating and electricity.

But the worst crisis of all would be created if alternate energy sources were not to become available and energy itself became scarce.

ENERGY FACTS

It is useful to review a few basic facts about energy. First of all, energy is transformed; starting with primary sources like a chemical source or solar or nuclear sources, energy must end up ultimately in the form of heat.

In the intermediate stage the energy may do useful things: as mechanical energy in the running of machines or as electrical energy in producing light.

The second fact is that the value of energy depends on its temperature; the higher the temperature the larger the fraction of energy available for transformation. For example, there is a great deal of heat energy in the ocean, or in the cooling water from power plants; but its temperature is too low, and it is not available for producing useful work. According to its availability, we speak of high-grade and degraded forms of energy.

In every energy conversion process we should aim to lose as little as possible of the energy as waste heat; i.e., we should strive for efficiency and we should not degrade it unnecessarily.

In electrical systems we have devices, such as electric motors and transformers, which have efficiencies that are of the order of 80 or 90 percent. But, on the other hand, one of our largest energy users, the internal combustion engine, converts the chemical energy of gasoline into mechanical energy with an efficiency of about 20 percent.

Keep in mind that doubling efficiency means reducing by two the amount of fuel required. Efficiency also means conservation. If houses were better insulated so that the amount of energy escaping was reduced by a factor of two, then the amount of fuel would be reduced correspondingly.

When I state that our aim must be to provide and ensure a continuing supply of abundant low-cost energy, there are two major constraints: one is environmental, and the other has to do with national security.

Before turning to these, and to the many so-called practical political constraints, let me discuss the situation of an ideal free market and speak about efficiency in an economic sense. Economic efficiency is obtained by what the economist calls efficient pricing. The cost of energy should be that arrived at in a free and competitive marketplace.

If energy is too cheap it is wasted. If energy is artificially overpriced, then other inefficiencies are produced. In general, every institutional restraint, every artificial regulation, will distort the market and will result in a lower economic efficiency.

There is, of course, another point to watch for. Whenever restraints or regulations or subsidies are introduced in order to achieve a desired effect, we have to ask ourselves periodically, say every few years, whether they are still serving that purpose. Unfortunately, the tendency is towards persistence of laws, unless an automatic review feature is introduced in the enabling legislation.

THE INFORMED CONSUMER

How do we achieve this ideal situation of highest economic efficiency? Our aim should be to do this with a minimum of regulation, using market forces as much as possible.

But to get a truly free market we need, first of all, what I call the "perfectly informed consumer," that is a consumer who understands what is best for him.

This consumer will always purchase the lowest-cost package. This consumer not only looks at the initial cost of a house, but also asks about the cost of upkeep and thereby forces the builder to provide better insulation. This consumer looks not only at the price tag of an air-conditioner unit, but also asks about its efficiency and electricity consumption.

In practice, we may have difficulty developing such a consumer. The average consumer does not even look at the price tag; he only looks at the down-payment.

The environmental constraints are well understood, and are in any case economic rather than absolute and fundamental. By this I mean that if we are willing to pay the costs of pollution control and add them to the other costs which make up the cost of energy, then we have arrived at a rational way for the efficient pricing of energy which includes all of the social costs.

There seems to be little dispute among all the parties concerned that this is the way to proceed. I have estimated that the additional costs of electricity production will be on the order of 0.2 percent of the GNP—not an exorbitant increase.

National security considerations distort the energy picture in a different way. The emphasis here must be on reasonable self-sufficiency, and the question is: how can we achieve this at the lowest over-all cost, not only in the short term but also in the long term.

I believe that we need a credible scheme of conservation. Perhaps we even need a credible rationing scheme; otherwise we will surely be "held up" by foreign suppliers of fuels, or at least we will be restricted and restrained in the way we apply foreign policies to benefit the security of the United States.

Incidentally, I would charge all of the costs that are incurred on behalf of national security to the Defense Department. It is very important to have a proper form of bookkeeping. If, as is generally claimed, depletion allowances are supposed to develop domestic supplies for the sake of national security, then I submit that the cost of the depletion allowances should be billed to the defense budget.

It is often argued that we must restrict oil imports for the sake of national security, because foreign supplies are not as dependable as domestic supplies. This is such an important question for the national welfare, both now and in the future, that it must be carefully re-examined.

We shoulld be able to find a way which does several things at the same time: (1) allows us to import lower cost fuels, (2) provides an incentive for exploration of domestic supplies to increase the size of domestic reserves; but (3) conserves domestic supplies by not limiting imports; yet (4) is fair to domestic producers who have invested a great deal in exploration and production facilities.

I believe that once it is accepted that price appreciation of fuels is a fact of life, then this price appreciation will protect domestic supplies from early over-exploitation. Since the bulk of the reserves are likely to be in public lands offshore, the government has a vested interest and incentive to develop an optimum policy.

There are many other public-policy issues which have to be examined and re-examined in the development of a national production, the depletion allowance with respect to oil and gas, price regulation of natural gas, the proper assignment of environmental costs of fuel extraction (particularly for strip mining) and of energy production.

PROPER ROLE

I see a proper role for government investments in research and development to develop better ways of producing, transforming and conserving energy: from nuclear fusion power and nuclear breeder reactors to MHD—magnetohydrodynamics to produce electricity more efficiently; high efficiency transmission lines; coal desulfurization, gasification and liquefication; and also all the ways of capturing solar power.

There is little incentive for private industry or for public utilities to undertake any of these very expensive and risky developments.

But if the job is to be done by government, then where and by whom? Unfortunately, the institutional picture is a patchy one.

There is no single agency in the government which can deal with energy research in an overall balanced manner, not to mention the problems of energy supply, use, regulation, or the environmental and security aspects.

As a result, no agency "pushes" such things as research in solar power or geothermal power, in the same way in which the AEC "pushes" nuclear power, or the Department of Interior coal.

And frequently, agencies pursuing their major missions will be at cross purposes with each other. One of the important priorities of any national energy policy is to create immediately a focal point, preferably in the White House, to coordinate the scattered efforts of the many government agencies now involved in various aspects of the energy business.

THOUGHTS ON THE YOUNG

Mr. BUCKLEY. Mr. President, I commend to the Senate a thoughtful article entitled "Thoughts on the Young," written by William V. Shannon, and published in last Sunday's New York Times.

It is one of the best defenses I have read of the need, in his words, for "holding students to rigorous standards of exact knowledge, of inculcating in them a respect for the past and a knowledge of its wisdom, and requiring of them civility and discipline."

I ask unanimous consent that Mr. Shannon's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THOUGHTS ON THE YOUNG

(By William V. Shannon)

Washington, August 5.—Throughout history, the old and the middle-aged have tried to reach across the generations and share the benefits of their hard-won experience with the young. It is an effort which can never entirely succeed. Not all of yesterday's wisdom exactly fits today's problems. Each of us has to make some mistakes on his own. Yet not all of the mistakes of the past have to be repeated. Indeed, human progress, if it is possible at all, is possible only because we benefit from the incremental wisdom of the past.

In that belief, I recently attacked the unhealthy trend toward the intellectual devitalization of higher education. I argued that if the trend is not reversed, colleges may be producing not educated men and women but a swelling tribe of new barbarians.

The column evoked emphatic agreement from many professors across the country who feel themselves beleaguered by colleagues, administrators and students, all clamoring for what is seemingly new, innovative and relevant. But some younger readers took particular exception to any statement that college students "rarely know what is in their own intellectual best interest for the whole of their lives."

Determining what should be taught in

college requires perspective and a measure of wisdom. The opinions and desires of undergraduates should be taken into account, but they cannot be decisive. As philosopher Ralph Barton Perry used to say when he was arguing against the unrestricted elective system at Harvard, "Students do not know what it is that they do not know."

My defense of required courses in a range of different fields is based in part on my own experience. When I was an undergraduate, my dominant interests were literature and history. If I had been asked to vote on abolishing two years of laboratory sciences as a requirement, I would have been first in line to vote "yes." How was I to know at 17 that nuclear scientists were then harnessing atomic energy? Insofar as I understand nuclear power, radar, television and other technical forces which shape our world, I owe much today to that year spent studying physics.

How was I to know that as I grew older I would develop an interest in conservation? Much of what I know about the physical environment I learned in a year studying geology, another course I thought tedious at the time. Now, in my 25th reunion year, my regret is not that I was required to take two years of science by a faculty which knew more about what was good for me intellectually than I did. Instead, I regret that I did not also study biology to gain a better understanding of the biosphere.

Yet one academic writes that "forcing students to learn things has been shown to have a stultifying effect on their individual growth and development." When professors make intellectually irresponsible statements of this kind, no one can blame young students for wanting to do what is fun and avoiding courses which are difficult or not immediately appealing.

One could as well argue that it is "stultifying" to earn one's living or to fulfill one's family responsibilities or to care for the sick and the aged. Each of these human necessities involves doing much that is not "relevant" to what a person might really like to be doing.

This destructive educational trend is part of a more widespread and corrosive hedonism. Through most of history, only the idle rich could devote themselves to seeking pleasure. Now in this richest of nations with its private swimming pools, its two-car and three-car families and its rising standard of living, millions of people can envisage lives given over wholly or in large part to pleasure.

Moral philosophers have always observed the emptiness and ultimate frustration of lives which are lived according to the hedonistic principle. Work which taxes one's highest intellectual or physical powers, sacrifice for one's ideals and sharing with others, these are much more likely routes to personal fulfillment than the direct pursuit of pleasure.

The young with their instinctive and admirable idealism know that best of all. In their best moments, they can do prodigious amounts of work, sacrifice themselves and share unreservedly. But they also have the freedom to be hedonists.

Thus, it is all the more tragic when colleges are afraid of holding students to rigorous standards of exact knowledge, of inculcating in them a respect for the past and a knowledge of its wisdom and requiring of them civility and discipline. If colleges become a fun-filled fantasy world where students only study what interests them, where grades disappear and standards go slack, then colleges are conforming to the worst of the larger society rather than preserving and encouraging the best. The young who should be challenged and tempered are the losers.

COURT TEST OF PRESIDENT'S POCKET VETO POWER

Mr. KENNEDY. Mr. President, I have today filed a complaint in the Federal district court in Washington, D.C., in an effort to seek a judicial determination of the important legal and constitutional issues surrounding the President's pocket veto power.

As Members of the Senate and House are aware, the issue was clearly raised by President Nixon's use of the pocket veto during a brief Christmas recess in 1970 to disapprove an important health bill passed by Congress—the Family Practice of Medicine Act. The bill had been approved overwhelmingly by both Houses of Congress, and the pocket veto was used in an effort to prevent a vote in Congress to override the veto. I believe that the President's use of the pocket veto in these circumstances was unconstitutional, and I am hopeful that the case I have initiated in court today will settle the issue.

Mr. President, I ask unanimous consent, that a statement describing the issue in more detail and the text of the complaint I have filed in the case be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement of Senator Kennedy Announcing Court Action Challenging President's Use of Pocket Veto Power

Senator Edward M. Kennedy today filed a court action against two officials of the Nixon Administration, challenging the constitutionality of the President's attempt to pocket veto a Federal health bill in December 1970.

The complaint in the case, called an action in the nature of mandamus, was filed by Kennedy in the Federal District Court in Washington, D.C. The defendants are Arthur F. Sampson, head of the General Services Administration, and Thomas M. Jones, Chief of Records in the White House. Kennedy's complaint asks the Court to declare the President's pocket veto invalid, and to order the defendants to carry out their responsibility to publish the bill as part of the official laws of the United States.

The bill in question, the Family Practice of Medicine Act, was passed by Congress to deal with certain aspects of the nation-wide shortage of physicians. It authorized a three-year, $225 million program of Federal grants to hospitals and medical schools for the purpose of training family doctors. The bill was approved in the Senate by a vote of 64–1, and in the House of Representatives by a vote of 346–2, and was sent to the President in mid-December that year.

Under Article I, Section 7, Clause 2 of the Constitution, the President must either sign or veto a bill within ten days after he receives it from Congress:

If the President signs the bill, it becomes law.

If he vetoes the bill, it is returned to Congress, where votes may be taken to override the veto.

If he fails to sign the bill, but does not veto it, the bill becomes law without his signature. However, if the ten-day period expires while Congress is adjourned, and the President has not signed the bill, the bill does not become law—in this case, the President can veto a bill simply by "putting it in his pocket," hence the term "pocket veto."

In the case of the Family Practice of Medicine Act involved in Senator Kennedy's lawsuit, the ten-day period expired on December 25, 1970, at a time when Congress was on a brief four-day recess for the Christmas holidays. The Senate returned to session on December 28, and the House of Representatives returned on December 29, so that Congress would have had the opportunity to consider the President's action if he had used the regular veto procedure to disapprove the bill. Instead, President Nixon used a pocket veto to reject the bill, thereby preventing Congress from acting against the veto. Kennedy's complaint asks the Court to declare that the use of the pocket veto was improper in these circumstances, and to hold that the bill became law on December 25, 1970, without the President's signature.

In filing the complaint, Kennedy cited the need for the Family Practice of Medicine legislation in order to help meet the nation's health care crisis, especially the shortage of health manpower.

Kennedy also emphasized that the President's use of the pocket veto "raised a separate and extremely serious question, a question that goes to the very heart of the constitutional relationship between Congress and the President with respect to the enactment of Federal legislation." Kennedy called the President's action a "promiscuous use of the pocket veto power, a transparent but unconstitutional attempt to prevent an embarrassing vote by Congress to override a regular veto, and another example in the long line of actions by the Administration in derogation of the powers of Congress under the Constitution."

In defending the use of the pocket veto power in the present case, the Department of Justice relies on broad language in a 1929 Supreme Court decision. The Department also cites a historical practice of previous Administrations in using the pocket veto during relatively brief adjournments of Congress, but recognizes that the issue has been a bone of contention between Congress and the President over the years.

Kennedy noted that the 1929 decision, as well as a 1938 decision by the Supreme Court, had not ruled on the specific issue involved in the present case. Kennedy said those precedents could easily be read as supporting his view that the pocket veto provision of the Constitution was intended to apply only in circumstances involving a final adjournment at the end of a Congress or at the end of a session of Congress, and was not intended to apply to brief recesses of Congress within a session, such as the Christmas holiday recess involved in the pocket veto of the Family Practice of Medicine Act. Otherwise, said Kennedy, Congress could not even recess for a weekend without risking a pocket veto of important legislation awaiting the President's signature.

Kennedy also said that the sporadic historical practice of pocket vetos by prior Administrations was more a tribute to the difficulty of challenging the validity of a pocket veto in the courts, rather than a legitimate justification for the Administration's position. Kennedy said that other avenues to challenge the validity of the pocket veto of the Family Practice of Medicine Act had been pursued by Congress and other interested groups without success, and that he was filing the present court action in order to obtain a definitive judicial determination of the issue.

After the pocket veto in 1970, Congress appropriated $100,000 to fund the Family Practice of Medicine program, but the Department of Health, Education and Welfare declined to make the funds available. Also, in a case involving a private claim bill which was pocket vetoed on the same day as the Family Practice of Medicine Act, the Foreign Claims Settlement Commission avoided the issue of the pocket veto by deciding on another ground to accept the claim of the beneficiary under the private bill. Therefore, Kennedy said, the court action he was filing was the best remaining approach to resolve the important constitutional issue at stake.

A copy of the complaint filed by Senator Kennedy is attached.

[In the U.S. District Court for the District of Columbia]

EDWARD M. KENNEDY, PLAINTIFF, AGAINST ARTHUR F. SAMPSON, ACTING ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION, WASHINGTON, D.C., AND THOMAS M. JONES, CHIEF, WHITE HOUSE RECORDS, THE WHITE HOUSE, WASHINGTON, D.C., DEFENDANTS

COMPLAINT FOR MANDAMUS, INJUNCTIVE AND DECLARATORY RELIEF

I

Statement as to jurisdiction

1. This is an action in the nature of mandamus, or in the alternative for a permanent injunction, to require the defendants, who are the Acting Administrator of the General Services Administration of the United States and the Chief of White House Records, to publish S. 3418 (91st Congress, 2d Session), the Family Practice of Medicine Act, as a validly enacted law of the United States, in accord with their ministerial, non-discretionary duty under 1 U.S.C. 106a, 1 U.S.C. 112, and 1 U.S.C. 113. This action also seeks a declaratory judgment that the action of the President of the United States in disapproving the bill under the Pocket Veto provision of Article I, Section 7, Clause 2 of the Constitution was not in accord with the requirements of that provision, and that therefore the bill became a law of the United States without the signature of the President, in accord with other provisions of that Clause.

2. This action arises under the Constitution and the Laws of the United States. The matter in controversy exceeds $10,000.00, exclusive of interest and costs. The jurisdiction of this Court rests upon 28 U.S.C. 1331, 28 U.S.C. 1361, and 28 U.S.C. 2201.

II

Parties

3. Plaintiff Edward M. Kennedy is a citizen of the United States and a taxpayer of the United States. Plaintiff is also the senior United States Senator from the Commonwealth of Massachusetts and is the Chairman of the Subcommittee on Health of the Committee on Labor and Public Welfare of the United States Senate.

4. Defendant Arthur F. Sampson is an officer or employee of the United States. He is sued in his official capacity as Acting Administrator of the General Services Administration of the United States. It is his duty, pursuant to 1 U.S.C. 106a, 1 U.S.C. 112, and 1 U.S.C. 113, to receive bills that have become laws of the United States and to publish them in slip form and in the United States Statutes at Large.

5. Defendant Thomas M. Jones is an officer or employee of the United States. He is sued in his official capacity as Chief of White House Records. It is his duty to receive enrolled bills from the Congress and, pursuant to 1 U.S.C. 106a, to deliver bills that have become laws of the United States to the Administrator of General Services for publication in slip form and in the United States Statutes at Large.

III

Statement of the claim

6. On Thursday, December 10, 1970, the Congress of the United States cleared for the President of the United States S. 3418 (91st Congress, 2d Session), the Family Practice of Medicine Act. The bill had been approved by the Senate by a vote of 64 to 1 and by the House of Representatives by a vote of 346 to 2. It authorized the Congress to appropriate $225 million for the fiscal years 1971, 1972, and 1973 for grants to public and private non-profit hospitals and medical schools, in order to assist them in establishing special departments and programs in the field of family practice of medicine, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine. A copy of Report No. 91–1668 (91st Congress, 2d Session) of the House of Representatives, containing the text of the bill as approved by the Congress, is attached as Appendix A.

7. On Monday, December 14, 1970, the Clerk of Enrolled Bills in the Office of the Secretary of the Senate delivered the enrolled bill S. 3418 to the defendant at the White House, and the Secretary of the Senate reported to the Senate that he had presented S. 3418 to the President of the United States.

8. On Tuesday, December 22, 1970, the Congress recessed for the Christmas holidays. The Senate, in which S. 3418 originated, was in recess until Monday, December 28, 1970, and the House of Representatives was in recess until Tuesday, December 29, 1970. During the recess of the Senate, the Secretary of the Senate was specifically authorized to receive messages from the President of the United States. The Second Session of the 91st Congress adjourned sine die on Saturday, January 2, 1971.

9. On Thursday, December 24, 1970, the President of the United States issued a Memorandum of Disapproval announcing that he was withholding his signature from S. 3418. The bill was not returned by the President to the Senate with his objections. In effect, the President sought to disapprove the bill by reliance on the Pocket Veto provision of Article I, Section 7, Clause 2 of the Constitution. A copy of the President's Memorandum of Disapproval is attached as Appendix B.

10. On Friday, December 25, 1970, S. 3418 not having been returned to the Senate by the President with his objections within ten days (Sundays excepted) after it had been presented to him, and the Congress not having prevented its return by their adjournment, the bill became a Law of the United States, in like manner as if the President had signed the bill, in accord with Article I, Section 7, Clause 2 of the Constitution and notwithstanding the Memorandum of Disapproval issued by the President on December 24 1970.

11. By letter of June 5 1972 the plaintiff requested the defendant Thomas M. Jones to deliver S. 3418 to the Administrator of General Services for publication as a law in slip form and in the United States Statutes at Large. By letter of June 12 1972, Mr. John W. Dean III, acting as Counsel to the President, refused to honor the plaintiff's request, stating that S. 3418 was never enacted into law, since it had been disapproved by the President through the exercise of the President's pocket veto power under Article I, Section 7, Clause 2 of the Constitution. Copies of the request and refusal are attached as Appendices C and D.

12. By letter of June 5, 1972, the plaintiff requested the defendant Arthur F. Sampson to receive S. 3418, and to publish it as a law in slip form and in the United States Statutes at Large. By letter of July 17, 1972, the defendant Arthur F. Sampson refused the request on the basis of his understanding that S. 3418 had been vetoed by the President in accordance with the President's interpretation of the Constitution, and that he was unable to honor the request until such time as the bill becomes a validly enacted law of the United States. Copies of the request and refusal are attached as Appendices E and F.

13. The acts of the defendants have injured the plaintiff as a United States citizen in that they have deprived him of his rights as a citizen to have the Executive Branch of the Federal Government treat as law the valid enactments of his elected representatives in the Congress.

14. The acts of the defendants have injured the plaintiff as a United States taxpayer in that they have deprived him of his right as a taxpayer to have tax monies received by the Federal Government allocated and expended as the Congress authorizes by validly enacted laws.

15. The acts of the defendants have injured the plaintiff as a United States Senator by denying him the effectiveness of his vote as a member of the United States Senate. The plaintiff, who was among the 64 Senators voting in favor of S. 3418, has a plain, direct, and adequate interest in maintaining the effectiveness of his vote and in the acceptance of S. 3418 as a validly enacted law of the United States.

16. The acts of the defendants have injured the plaintiff as Chairman of the Subcommittee on Health of the Committee on Labor and Public Welfare of the United States Senate, in that the plaintiff has the responsibility to initiate and preside over the passage through the Congress of legislation in the area of health care, including legislation in the area of the family practice of medicine which is new before the Congress and whose development is specifically impeded by the refusal of defendants to treat S. 3418 as a validly enacted law.

Wherefore plaintiff prays:

A. That this Court declare and adjudge that S. 3418 (91st Congress, 2d Session) became a validly enacted law of the United States on December 25, 1970, without the signature of the President, in accord with Article I, Section 7, Clause 2 of the Constitution.

B. That this Court issue an order in the nature of mandamus, or in the alternative a permanent injunction, requiring defendants to publish S. 3418 as a validly enacted law of the United States, in accord with their ministerial, nondiscretionary duty under 1 U.S.C. 106a, 1 U.S.C. 112, and 1 U.S.C. 113.

C. That the reasonable costs incurred by the plaintiff in this action be ascertained and the defendants ordered to pay the same to the plaintiff forthwith.

D. That this Court award the plaintiff such other and further relief as may be just and equitable under the circumstances.

Respectfully submitted,

EDWARD M. KENNEDY,
Pro Se.

Date: August 9, 1972.

APPENDIX A

TRAINING OF FAMILY PHYSICIANS

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—FAMILY MEDICINE

SEC. 101. Part D of title VII of the Public Health Service Act is amended to read as follows:

"PART D—GRANTS TO PROVIDE PROFESSIONAL AND TECHNICAL TRAINING IN THE FIELD OF FAMILY MEDICINE

"DECLARATION OF PURPOSE

"SEC. 761. It is the purpose of this part to provide for the making of grants to assist—

"(1) public and private nonprofit medical schools—

"(A) to operate, as an integral part of their medical education program, separate and distinct departments devoted to providing teaching and instruction (including continuing education) in all phases of family practice;

"(B) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a medical school or as separate outpatient or similar facility;

"(C) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine; and

"(D) to operate, or participate in, special training programs to teach and train medical personnel to head departments of family practice or otherwise teach family practice in medical schools; and

"(2) public and private nonprofit hospitals which provide training programs for medical students, interns, or residents—

"(A) to operate, as an integral part of their medical training programs, special professional training programs (including continuing education) in the field of family medicine for medical students, interns, residents, or practicing physicians;

"(B) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a hospital or as a separate outpatient or similar facility;

"(C) to provide financial assistance (in the form of scholarships, fellowships, or stipends) to interns, residents or other medical personnel who are in need thereof, who are participants in a program of such hospital which provides special training (accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education) in the field of family medicine, and who plan to specialize or work in the practice of family medicine; and

"(D) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 762. (a) For the purpose of making grants to carry out the purposes of this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1971, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973.

"(b) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for the purpose for which appropriated until the close of the fiscal year which immediately follows such year.

"GRANTS BY SECRETARY

"SEC. 763. (a) From the sums appropriated pursuant to section 762, the Secretary is authorized to make grants, in accordance with the provisions of this part, to carry out the purposes of section 761.

"(b) No grant shall be made under this part unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall have prescribed by regulations which have been promulgated by him and published in the Federal Register not later than six months after the date of enactment of this part.

"(c) Grants under this part shall be in such amounts and subject to such limitations and conditions as the Secretary may determine to be proper to carry out the purposes of this part.

"(d) In the case of any application for a grant any part of which is to be used for major construction or remodeling of any facility, the Secretary shall not approve the part of the grant which is to be so used unless the recipient of such grant enters into appropriate arrangements with the Secretary which will equitably protect the financial interests of the United States in the event such facility ceases to be used for the purpose for which such grant or part thereof was made prior to the expiration of the twenty-year period which commences on the date such construction or remodeling is completed.

"(e) Grants made under this part shall be used only for the purpose for which made and may be paid in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"ELIGIBILITY FOR GRANTS

"SEC. 764. (a) In order for any medical school to be eligible for a grant under this part, such school—

"(1) must be a public or other nonprofit school of medicine; and

"(2) must be accredited as a school of medicine by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirements of this clause shall be deemed to be satisfied, if (A) in the case of a school of medicine which by reason of no, or an insufficient, period of operation is not, at the time of application for a grant under this part, eligible for such accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application.

"(b) In order for any hospital to be eligible for a grant under this part, such hospital—

"(1) must be a public or private nonprofit hospital; and

"(2) must conduct or be prepared to conduct in connection with its other activities (whether or not as an affiliate of a school of medicine) one or more programs of medical training for medical students, interns, or residents, which is accredited by a recognized body or bodies, approved for such purpose by the Commissioner of Education.

"APPROVAL OF GRANTS

"SEC. 765. (a) The Secretary, upon the recommendation of the Advisory Council on Family Medicine, is authorized to make grants under this part upon the determination that—

"(1) the applicant meets the eligibility requirements set forth in section 764;

"(2) the applicant has complied with the requirements of section 763;

"(3) the grant is to be used for one or more of the purposes set forth in section 761;

"(4) it contains such information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this part;

"(5) it provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require (pursuant to regulations which shall have been promulgated by him and published in the Federal Register) to assure proper disbursement of and accounting for all Federal funds paid to the applicant under this part; and

"(6) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 65 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate a separate department devoted to the teaching of family medicine unless the Secretary is satisfied that—

"(A) such department is (or will be, when established) of equal standing with the other departments within such school which are devoted to the teaching of other medical specialty disciplines; and

"(B) such department will, in terms of the subjects offered and the type and quality of instruction provided, be designed to prepare students thereof to meet the standards established for specialists in the specialty of family practice by a recognized body approved by the Commissioner of Education; or

"(2) a hospital to establish or operate a special program for medical students, interns, or residents in the field of family medicines unless the Secretary is satisfied that such program will, in terms of the type of training provided, be designed to prepare participants therein to meet the standards established for specialists in the field of family medicine by a recognized body approved by the Commissioner of Education.

"(c) The Secretary shall not approve any grant under this part unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"PLANNING AND DEVELOPMENTAL GRANTS

"SEC. 766. (a) For the purpose of assisting medical schools and hospitals (referred to in section 761) to plan or develop programs or projects for the purpose of carrying out one or more of the purposes set forth in such section, the Secretary is authorized for any fiscal year (prior to the fiscal year which ends June 30, 1973) to make planning and developmental grants in such amounts and subject to such conditions as the Secretary may determine to be proper to carry out the purposes of this section.

"(b) From the amounts appropriated in any fiscal year (prior to the fiscal year ending June 30, 1973) pursuant to section 762 (a), the Secretary may utilize such amounts as he deems necessary (but not in excess of $8,000,000 for any fiscal year) to make the planning and developmental grants authorized by subsection (a).

"ADVISORY COUNCIL ON FAMILY MEDICINE

"SEC. 767. (a) The Secretary shall appoint an Advisory Council on Family Medicine (hereinafter in this section referred to as the 'Council'). The Council shall consist of twelve members, four of whom shall be physicians engaged in the practice of family medicine, four of whom shall be physicians engaged in the teaching of family medicine, three of whom shall be representatives of the general public, and one of whom shall, at the time of his appointment, be an intern in family medicine. Members of the Council shall be individuals who are not otherwise in the regular full-time employ of the United States.

"(b)(1) Except as provided in paragraph (2), each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year, after the date of appointment.

"(2) The member of the Council appointed as an intern in family medicine shall serve for one year.

"(3) A member of the Council shall not be eligible to serve continuously for more than two terms.

"(c) Members of the Council shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service, employed intermittently.

"(d) The Council shall advise and assist the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this part. The Council shall consider all applications for grants under this part and shall make recommendations to the Secretary with respect to approval of applications for, and of the amount of, grants under this part.

"DEFINITIONS

"Sec. 768. For purposes of this part—

"(1) the term 'nonprofit' as applied to any hospital or school of medicine means a school of medicine or hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(2) the term 'family medicine' means those certain principles and techniques and that certain body of medical, scientific, administrative, and other knowledge and training, which especially equip and prepare a physician to engage in the practice of family medicine;

"(3) the term 'practice of family medicine' and the term 'practice', when used in connection with the term 'family medicine', mean the practice of medicine by a physician (licensed to practice medicine and surgery by the State in which he practices his profession) who specializes in providing to families (and members thereof) comprehensive, continuing, professional care and treatment of the type necessary or appropriate for their general health maintenance; and

"(4) the term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings and initial equipment of any such buildings, including architects' fees, but excluding the cost of acquisition of lands or offsite improvements."

TITLE II—MALNUTRITION

Sec. 201. (a) The Secretary of Health, Education, and Welfare shall conduct a study, in cooperation with schools training health professional manpower, of the feasibility and desirability of establishing at such schools courses dealing with nutrition and problems related to malnutrition, and of establishing research programs and pilot projects in the field of nutrition and problems of malnutrition.

(b) The Secretary is authorized to make grants to health professional schools, in connection with the study provided for by subsection (a), for the planning of programs at such schools, and for the conduct of pilot projects at such schools, to assist such schools in the establishment of courses dealing with nutrition and problems related to malnutrition.

(c) The Secretary shall report to the President and to Congress by July 1, 1972, the results of such study, together with such recommendations as he deems advisable.

(d) There is authorized to be appropriated $5,000,000 to carry out the purposes of this section.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows: Amend the title so as to read: An Act to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine and to provide for a study relating to causes and treatment of malnutrition. And the House agree to the same.

Harley O. Staggers,
John Jarman.
Paul G. Rogers,
Tim Lee Carter,
James F. Hastings,
Managers on the Part of the House.

Ralph W. Yarborough,
Harrison A. Williams,
Edward M. Kennedy,
Gaylord Nelson,
Thomas F. Eagleton,
Alan Cranston,
Harold E. Hughes,
Peter H. Dominick,
Jacob K. Javits,
George Murphy,
Winston Prouty,
William Saxbe,
Managers on the Part of the Senate.

Statement of the Managers on the Part of the House

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all after the enacting clause of the Senate bill and substituted a new text. The conference agreement is a substitute for both the text of the Senate bill and the House amendment.

Except for technical, clerical, clarifying, and conforming changes, the differences between the House amendment and the conference substitute are as follows:

The Senate bill provided specific authority for programs of continuing education in the field of family medicine, and the conference substitute is the same in this regard as the text of the Senate bill.

The Senate bill authorized a five-year program, at total authorizations of $425,000,000, and the House amendment was limited to three years, at a total authorization of $225,000,000. The conference substitute is the same in this regard as the House amendment.

The Senate bill authorized not to exceed $10,000,000 for any fiscal year for planning and developmental grants for the purpose of assisting medical schools and hospitals to plan or develop programs or projects for the purposes of carrying out training in the field of family medicine. The House amendment limited the sums to $5,000,000 a year, and did not specifically cover developmental grants.

The conference substitute authorizes $8,000,000 for planning and developmental grants. The purpose of these grants is to assist medical schools and hospitals in actually getting programs and projects underway, and is intended to expedite the development of programs at schools and hospitals for the training of family physicians.

The Senate bill contained a provision authorizing grants and contracts to universities, medical schools, graduate schools, hospitals, laboratories, and other public or private institutions, and individuals for research into malnutrition. This provision also authorized the establishment of courses at medical schools, graduate schools, and nursing schools in malnutrition, and would have authorized fellowships and other financial assistance to students in this area.

The House amendment contained no comparable provision. The conference substitute authorizes the Secretary of Health, Education, and Welfare to conduct a study, in cooperation with health professional manpower schools of the feasibility and desirability of establishing courses at such schools in the fields of nutrition and problems relating to malnutrition. $5,000,000 is authorized for such grants, and for planning of programs and pilot projects, with a report being required to the President and to the Congress before July 1, 1972, together with such recommendations as the Secretary deems advisable.

Harley O. Staggers,
John Jarman,
Paul G. Rogers,
Tim Lee Carter,
James F. Hastings,
Managers on the Part of the House.

Appendix B

Memorandum of Disapproval of a Bill To Promote Training in Family Medicine, December 26, 1970

I am withholding my signature from S. 3418, a bill designed to promote training in family medicine. The authority provided in this bill is unnecessary and represents the wrong approach to the solution of the nation's health problems.

In my press conference on December 10, I stated that a health program will be one of the highest priority proposals I will submit to the Congress next year. We will propose a broad pattern of reforms to deal with the nation's health problems and needs on a systematic and comprehensive basis. In contrast, the piecemeal bill I am rejecting today simply continues the traditional approach of adding more programs to the almost unmanageable current structure of Federal Government health efforts.

The Federal Government already has at

least four programs on the books that provide funds which can be used to promote the training of family medicine practitioners. Moreover, the entire concept of American medicine is in an evolutionary stage. There are differing opinions on how best to organize and train personnel to provide comprehensive and continuing care to individuals and families.

Under these circumstances, I do not believe it wise to place heavy emphasis on the establishment of separate departments of family medicine in medical schools, as S. 3418 would do. This is only one—and not necessarily the most efficient—method of achieving our national health care objectives, and should not be fixed in law.

RICHARD NIXON.

THE WHITE HOUSE, *December 24, 1970.*

(NOTE: The memorandum was dated December 24, 1970, and released December 26, 1970.)

APPENDIX C

U.S. SENATE,
Washington, D.C., June 7, 1972.

Hon. THOMAS M. JONES,
Chief, White House Records,
The White House,
Washington, D.C.

DEAR MR. JONES: It is the purpose of this letter to request you to deliver S. 3418 (91st Cong., 2d Sess.) to the Administrator of General Services, so that, in accord with his statutory duties under 1 U.S.C. 106a, 1 U.S.C. 112, and 1 U.S.C. 113, he may publish the bill in slip form as a law of the United States, and include it in the United States Statutes at Large as a validly enacted law of the United States. I am also sending a letter to the Administrator of General Services on this subject.

Final action in the Congress on S. 3418 was completed by the Senate and the House of Representatives in December 1970. The bill, the so-called "Family Practice of Medicine Act," authorized a three-year $225 million program of Federal financial assistance for the field of the family practice of medicine, as well as a one-year $5 million program for the study of certain aspects of nutrition.

On December 14, 1970, Congress presented the enrolled bill to the President for his signature. Subsequently, Presiednt Nixon sought to disapprove the bill through the exercise of the "pocket veto" power under Article I, Section 7, Clause 2 of the Constitution, which permits such a veto during certain types of "Adjournment" by Congress.

The "Adjournment" in question in this case was the four-day Christmas holiday recess taken by Congress in December 1970. It is my view, which is shared by a number of experts in constitutional law, the pocket veto power is not applicable to such a brief recess of Congress, that the power was not validly exercised in the case of S. 3418, and that, therefore, in accord with the Constitution, the bill has become law without the signature of the President. For your information, I am enclosing a copy of a hearing held on the pocket veto issue in January, 1971, by the Senate Subcommittee on Separation of Powers, which contains a number of useful legal materials on the subject.

As Chairman of the Senate Subcommittee on Health, I am directly involved in the initiation and development of legislation in the area of health, including the family practice of medicine. It is essential to me, therefore, in the course of my official duties in the Senate, to have a clear determination of the validity of S. 3418, in order that I may formulate appropriate plans for additional legislation that may be needed in the important area of the family practice of medicine. I look forward to your reply, and to your prompt favorable action on the delivery of S. 3418 to the Administrator of General Services.

Respectfully,

EDWARD M. KENNEDY.

APPENDIX D

THE WHITE HOUSE,
Washington, D.C., June 12, 1972.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: This will acknowledge receipt and thank you for your letter of June 5, 1972 requesting that S. 3418 (91st Congress, 2nd Session) be delivered to the Administrator of General Services for publication as a law of the United States.

The subject bill was disapproved by the President through the exercise of his "pocket veto" power, and pursuant to Article 1, section 7, clause 2 of the Constitution it was never enacted into law. Since S. 3418 was vetoed by the President and never enacted into law, we must respectfully decline to honor your request.

Sincerely,

JOHN W. DEAN III,
Counsel to the President.

APPENDIX E

U.S. SENATE,
Washington, D.C. June 7, 1972.

Hon. ARTHUR F. SAMPSON,
Acting Administrator,
General Services Administration,
Washington, D.C.

DEAR MR. SAMPSON: It is the purpose of this letter to request you, in accord with your statutory duties under 1 U.S.C. 106a, 1 U.S.C. 112, and 1 U.S.C. 113, to receive Senate Bill 3418 (91st Cong., 2d Sess.), to publish the bill in slip form as a law of the United States, and to include and publish the bill in the United States Statutes at Large, as a validly enacted law of the United States. I am also sending a letter on this subject to the Chief of the White House Records Office.

Final action in the Congress on S. 3418 was completed by the Senate and House of Representatives in December 1970. The bill, the so-called "Family Practice of Medicine Act," authorized a three-year, $225 million program of Federal financial assistance for the field of the family practice of medicine, as well as a one-year $5 million program for the study of certain aspects of nutrition.

On December 14, 1970, Congress presented the enrolled bill to the President for his signature. Subsequently, President Nixon sought to disapprove the bill through the exercise of the "pocket veto" power under Article I, Section 7, Clause 2 of the Constitution, which permits such a veto during certain types of "Adjournment" by Congress.

The "Adjournment" in question in this case was the four-day Christmas holiday recess taken by Congress in December 1970. It is my view, which is shared by a number of experts in constitutional law, that the pocket veto power is not applicable to such a brief recess of Congress, that the power was not validly exercised in the case of S. 3418, and that, therefore, in accord with the Constitution, the bill has become law without the signature of the President. For your information, I am enclosing a copy of a hearing held on the pocket veto issue in January, 1971, by the Senate Subcommittee on Separation of Powers, which contains a number of useful legal materials on the subject.

As Chairman of the Senate Subcommittee on Health, I am directly involved in the initiation and development of legislation in the area of health, including the family practice of medicine. It is essential to me, therefore, in the course of my official duties in the Senate, to have a clear determination of the validity of S. 3418, in order that I may formulate appropriate plans for additional legislation that may be needed in the important area of the family practice of medicine. I look forward to your reply, and to your prompt favorable action on the publication of S. 3418 as a slip law and its inclusion in the Statutes at Large.

Respectfully,

EDWARD M. KENNEDY.

APPENDIX F

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., July 17, 1972.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: This is in response to your June 7, 1972, letter, requesting me to receive Senate Bill 3418 (91st Cong., 2d Sess.), and publish the bill in slip form as a law of the United States, and to include and publish the bill in the United States Statutes at Large as a validly enacted law of the United States.

Receiving and publishing bills which are validly enacted laws of the United States is a statutory function of the Administrator of General Services under 1 U.S.C. 106a, 1 U.S.C. 112, and 1 U.S.C. 113.

This function is merely a ministerial duty placed on the Administrator of General Services by Congress. As such, it is beyond my responsibility to decide constitutional issues of the type here present. It is my understanding that S. 3418 has been vetoed by the President in accordance with his interpretation of the Constitution and, therefore, is not a validly enacted law of the United States.

As soon as this or any other bill becomes a validly enacted law of the United States, I will carry out my aforementioned statutory responsibilities and cause the bill to be published.

Sincerely,

ARTHUR F. SAMPSON,
Acting Administrator.

CREDIT UNION INSURANCE PROGRESS REPORT

Mr. BENNETT. Mr. President, I have just received a letter from Gen. Herman Nickerson, Jr., the Administrator of the National Credit Union Administration, in which he reports on the status of the 2-year provisionally insured credit unions. In December of last year, we enacted legislation requiring the National Credit Union Administration to issue insurance certificates insuring member accounts for a period of 2 years in all Federal credit unions which could not qualify for permanent insurance. In January of this year, 1,078 Federal credit unions were issued temporary insurance certificates. General Nickerson reports that 228 of those have now met the standards necessary to obtain permanent insurance. Others have either merged with another credit union or have entered voluntary liquidation so that there are now 771 remaining Federal credit unions which have not qualified for permanent share insurance. He also reports that 284 of these have reserve deficits totaling $1,340,754 and shares of $35,253,360.

I commend General Nickerson and the staff of the National Credit Union Administration for their untiring efforts to assist Federal credit unions to meet insurance standards so that they will be able to obtain permanent insurance. I also commend those credit union organizations and individual credit unions which have pledged and are using some of their resources to assist in the effort of upgrading credit unions which need assistance. This is a demonstration of the self-help approach which is basic to the credit union philosophy, General Nickerson states, that National Credit Union Administration personnel will continue to work with credit union organizations and encourage their participation in providing financial and technical assistance as well as management training and counseling.

Despite the commendable progress that has been made, the task ahead will require even greater efforts and to the greatest of cooperation and willingness on the part of strong credit unions and credit union organizations to assist the National Credit Union Administration to improve the operations of the remaining 771 Federal credit unions before the end of next year so that liquidations will be held to a minimum and credit union services continued for members of these credit unions.

Mr. President, I ask unanimous consent that General Nickerson's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL CREDIT
UNION ADMINISTRATION,
Washington, D.C., August 4, 1972.

Hon. WALLACE F. BENNETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENNETT: This letter will be longer than my normal "monthly" report since I believe you will be interested in having a detailed analysis of the status of the two-year provisionally insured credit unions.

Public Law 92–221, December 23, 1971, directed me to grant temporary insurance certificates (which are valid for a period up to two years) to insure member accounts in all Federal credit unions that could not qualify for permanent insurance. The Act also provided that I offer technical assistance, management counseling and training to such groups so as to enable the maximum number of them to up-grade their financial condition to the point where they qualify for permanent insurance.

I am pleased to report that 228 of the 1,078 Federal credit unions which were issued temporary insurance certificates on January 3, 1972 have met insurance standards and now have permanent insurance. The boards of directors of 71 of these Federal credit unions voted on their own accord either to merge with another credit union or to enter voluntary liquidation. They decided not to continue operations primarily because of poor financial condition and inability to obtain officials. The additional decrease of 8 results from the following three factors: Federal credit unions recorded as eligible for two-year insurance entered into liquidation prior to the certificates being issued; Federal credit unions in liquidation as of January 3, 1972, subsequently were able to resume operations and receive two-year certificates; and Federal credit unions converted to state charters. Of the 771 remaining two-year insured Federal credit unions, 284 have share impairments (reserve deficits) totaling $1,340,754, and shares of $35,253,360.

During the six months' period ending June 30, 1972, National Credit Union Administration examiners made 928 examinations and 640 supervisory contacts with the credit unions holding temporary insurance certificates. It required more than 28,000 hours to complete the examinations and 5,100 hours to perform the supervision contacts. The supervision contacts were made at a cost to NCUA of approximately $82,000. In addition, many mandays of time have been spent in this program by regional and Washington office personnel.

Leaders of state leagues and trade associations pledged the use of their resources in testimony before Congressional committees which were considering PL 92–221. Therefore, Regional Directors of the National Credit Union Administration have met with representatives of the leagues, other trade associations, and individual credit union officials in an effort to gain their support and assistance. During these meetings, 46 leagues pledged technical, managerial, and/or training assistance. Twenty-two leagues have indicated a willingness to commit funds for financial assistance, and nine other leagues reported the possibility of providing such help.

Information subsequently received from leagues discloses that, thus far, the following assistance has been rendered to the two-year insured Federal credit unions: recordkeeping problems—62 cases; supervisory committee audit work—52 cases; loan delinquency problems—72 cases, and general managerial type assistance—110 cases. Financial assistance was provided to five FCUs which received pledges or grants totaling $52,000. In addition, league dues were waived for two FCUs, and one received assistance in paying salaries, and one league and pledged to provide financial assistance to a liquidating FCU. Three leagues have held nine training sessions for officials of these FCUs.

The National Association of Federal Credit Unions (NAFCU) has also pledged assistance to help the two-year insured Federal credit unions. On June 13, 1972, I furnished a listing of 17 selected two-year insured Federal credit unions to NAFCU. I have reecived indications that assistance programs are underway.

The Alaska Credit Union Association has pledged its assistance to the five two-year insured Federal credit unions in Alaska.

Navy Federal Credit Union, the world's largest, has held training classes for officials of the two-year insured credit unions. I have been informed that these classes will be continued.

NCUA personnel will continue to work with credit union organizations and encourage their participation in providing financial and technical assistance as well as management training and counseling.

The assistance given by NCUA is costly. Our program is self-supporting from fees paid by Federal credit unions. Nevertheless, we plan to continue our efforts to assist the remaining two-year insured Federal credit unions.

On July 28, 1972, we insured our 1,141st State-chartered credit union.

Sincerely,

HERMAN NICKERSON, Jr.,
Administrator.

REVENUE SHARING

Mr. CRANSTON. Mr. President, I am pleased to announce my cosponsorship of S. 3651, the general revenue sharing bill. The State and Local Fiscal Assistance Act of 1972 passed the House on June 22. It is a badly needed and long-overdue effort to ease the financial burdens of local governments through revenue sharing with the Federal Government.

S. 3651, a bill identical to that passed by the House last month, provides $29.575 billion in aid to State, county, city, and township governments over a 5-year period. Under a carefully worked out distribution formula, $3.5 billion would be allocated each year directly to local governments. These funds are available for certain limited categories of expenditures; that is, maintenance and operating costs for public safety, environmental protection, and public transportation, and for capital expenditures for sewage collection and treatment, refuse disposal systems, and public transportation.

The distribution formula for the first 1½ years of the plan gives equal weight to three determinants: Population, extent of urbanization, and financial need based on income levels of residents of the area. During the latter part of the 5-year period, the State legislatures are given the opportunity and authority to modify somewhat the distribution formulas, thereby retaining the basic responsibility for meeting the problems of their localities.

The $1.8 billion allocated to the State governments in completely unrestricted aid, is distributed on an incentive basis. The distributions are based one-half on a comparison of State and local tax collections relative to personal income levels, and one-half on the collection of personal income taxes, in States where this measurement is applicable. Minimum and maximum percentages are set, however, so that Federal aid will not constitute more than 50 percent of a locality's total revenues from other sources.

A final feature of the bill provides for Federal collection of State-imposed individual income taxes, if the various States so desire. Eligible States would be those whose individual income taxes closely conform to Federal individual income taxes. The service, to be performed by the Secretary of the Treasury, would be available if at least five States, comprising at least 5 percent of the tax returns, wish to make such an arrangement. This would free the States involved from having to make annual collections.

The concept of revenue sharing is new. It represents a new approach to meeting the financial needs of local governments. It seeks to replace the old concept of separation of governmental functions—Federal and State-local—with a form of cooperative federalism. It seeks to achieve basic reform in the manner in which the Central Government provides aid to the States and localities.

On all the above points, the idea has been attacked by its critics. I would like, Mr. President, to review the objections along with the benefits.

On meeting the financial needs of local governments, some critics would prefer to see local units increase their taxes and raise additional funds through existing revenue sources. They say that funds needed to pay for serivces provided at the State and local level should be raised at those levels.

This approach to financing has brought us to our current plight. City, county, and municipal governments throughout the Nation are caught in a hopeless bind, between spiraling costs of essential services and tax rates already too high and often discriminatory.

Expenditures by State and local governments increased by 138.7 percent during the decade of the 1960's. This compares with an 84.9 percent increase in expenditures of the Federal Government during the same period. The main contributing factors to this increase—growing population, urbanization, and inflationary costs—are not likely to show signs of slackening in the foreseeable future.

The local revenue sources which are supposed to meet these needs are primarily property and sales taxes. The property tax is, in my opinion, a highly discriminatory and regressive mode of revenue collecting. It places an equally heavy burden on the homeowner living on a fixed income and on the real estate investor. It fails to distinguish between the elderly homeowner whose life savings are invested in his property and the wealthy real estate investor who has numerous other sources of income. Seventy percent of our Nation's elderly own their own homes and are forced to pay increasing assessments on their property to help offset the high costs of schooling, youth and neighborhood centers, and other services for which they do not benefit.

Apart from these objections, property and sales taxes as a source of increased revenue have been exhausted. Nationwide, property taxes have increased 14.3 percent since January 1971. There are few, if any, localities where taxpayers would tolerate further increases. The taxpayers' revolt extends more and more to the voting booths, where bond issues and other means of raising funds for such essential services as education, highway construction, police and fire protection, are regularly voted down. Local tax structures have reached the saturation point.

A further weakness of relying on locally raised revenues is the resulting inequity. Some governmental bodies are more efficient than others in making use of available revenue sources. At best, the primary revenue sources of State and local governments—property and sales taxes—are less efficient and more difficult to collect than Federal income taxes. These taxes combined tend to provide less revenues per increase in gross national product than does the Federal individual income tax. The job of collecting revenues left to local units will be better performed by some than by others. As a result, either the amount or the quality of services provided by poor governments will suffer. The people served by such governments are the losers in the end.

The revenue sharing proposal, while easing the burden of revenue collection by the States and localities, provides incentives to local governments to improve their own tax collection. This is accomplished through the formula devised to determine the amounts distributed to the various States. Allocation of the $1.8 billion each year to State governments is made half on the basis of total State and local taxes and half on the basis of individual income tax collections. I would prefer, in fact, to see this formula revised so that localities are not encouraged to make maximum use of presently existing property taxes.

On the subject of revenue sharing representing a new form of cooperative federalism, some critics are reluctant to break down the tradition of separation of governmental functions. For decades we have assigned certain functions and services to the Central Government and others to State and local governments. Some of these lines of responsibility have become archaic, causing on the one hand local governments to be saddled with problems that have grown much too big to be handled by these jurisdictions—for example, welfare—and on the other hand causing the Federal Government to get involved in areas where it is too far removed from the people and their needs to be fully effective.

The structure of our federal system has become top heavy. The trend has been toward seeking solutions to difficult problems at the Federal level. More and more, Federal programs have proliferated on the theory that if we throw enough Federal dollars and Federal bureaucracy at a problem it will be resolved. The end result of this activity, in addition to its having created an unwieldly, inefficient bureaucracy, is that the people and agencies responsible for dealing with critical human problems have become increasingly removed from those people who are affected. The generation of new programs has too often not produced the hoped-for solutions. In fact, it may have caused them to worsen, along with our ability to solve them effectively at the local level.

Finally, the revenue-sharing plan before the Senate draws criticism from some sources for attempting to reform the method by which the Central Government aids State and local governments. An elaborate array of grants-in-aid has been the primary means of assistance by the Federal Government to the States and localities in recent years. In the 10-year period between 1960 and 1970, direct grants to State and local governments more than tripled, reaching a total annual value of $24 billion. This amount is expected to increase to $38.3 billion for the current year, 1972.

There are numerous shortcomings in these programs. As discussed before, they have contributed to the proliferation of Federal bureaucracy with its resulting high cost, inefficiency, and lack of responsiveness to the needs of the people the programs are intended to serve.

Revenue sharing will enable Federal funds to be distributed more equitably among States and localities. With the present grants-in-aid programs, it is difficult for some of the poorer States to take advantage of the available aid, due to stringent matching requirements. Often, if they are able to meet the requirements, it is at the expense of other vital services. Simply stated, poorer States cannot afford to provide levels of service equal to these of richer States.

The amount of assistance provided to each State and locality under the revenue-sharing plan is determined by a complex set of formulas. The end result is to emphasize assistance to poorer areas, particularly at the local level, where the $3.5 billion annual allocation is made one-third on the basis of population weighted inversely by per capita income.

Mr. President, in my opinion the proposed legislation is among the most important issues remaining before the 92d Congress. Federal sharing of revenues with States and local municipalities is an absolute necessity if we are to save these governmental institutions from financial chaos and, perhaps, complete breakdown. The increasing costs of local government, particularly in education, welfare, and law enforcement, have reached the breaking point in many cities and counties.

The answer does not lie in more and higher local taxes. The local taxpayer is already overburdened. The only realistic solution to the impasse of spiraling costs and saturated tax structures is for the Federal Government to assist in meeting expenses.

It is my urgent hope that revenue sharing will become a reality in this session of Congress.

ORDER OF AHEPA

Mr. PELL. Mr. President, the Order of Ahepa, the American Hellenic Educational Progressive Association, recently observed the golden anniversary of its founding.

During its 50 years, this civic and fraternal organization has made oustanding contributions—charitable, educational, and patriotic—to our society, and has in addition added substantially to a general appreciation of the great debt all of Western civilization owes to Hellenic culture.

As a member of AHEPA, I have a particular appreciation of the worthy goals and the broad range of its public-spirited activities. In my own State of Rhode Island, there are three chapters of AHEPA and its members rank among the most valued and respected of our citizens.

I am most happy to extend to the members of AHEPA my congratulations on the 50th anniversary of their organization and my best wishes for continuation of their fine work.

NEW YORK CITY BAR REPORT ON ANTIBUSING LEGISLATION

Mr. JAVITS. Mr. President, the Committee on Education and Labor of the House of Representatives yesterday reported H.R. 13915, a revised version of the so-called Equal Educational Opportunities Act, transmitted by the President to the Congress on March 18. Besides being unwise policy it will halt any significant further school desegregation required to correct unlawful segregation. Also, I believe this legislation is likely to prove to be unconstitutional.

The Association of the Bar of the City of New York represents as outstanding a collection of legal talent as can be found anywhere in the Nation. I have received from the association a report titled "The Administration's 'Antibusing' Legislation," compiled by its committees on Federal Legislation and civil rights. This report concludes, after careful and thorough analyses, that the proposed legislation is indeed unconstitutional. I ask unanimous consent that the report together with the names of the members of the committees be printed in the RECORD.

There being no objection, the report was ordered printed in the RECORD as follows:

The Administration's Proposed "Antibusing" Legislation by the Committee on Federal Legislation, the Committee on Civil Rights

The Administration has introduced two bills—the "Student Transportation Moratorium Act (STMA), and the "Equal Educational Opportunities Act" (EEOA)—which would severely restrict and in a number of cases eliminate entirely the use of busing by Federal courts as a means of alleviating racial separation in the schools. They would be applicable whether that separation constitutes *"de jure"* segregation deliberately imposed by governmental authority or *"de facto"* segregation arising out of other factors, such as segregated housing patterns. We believe that the proposals are unconstitutional as well as most unwise.*

I. PRELIMINARY ANALYSIS

Set forth below is a summary of the principal provisions of the proposed legislation together with a preliminary discussion of the Constitutional and policy problems raised thereby.

The Administration's two bills purport to rest on certain legislative findings as to students' rights to desegreation, the current status of school desegregation, and the asserted excesses of pupil transportation ("busing") for the purpose of desegregation. The STMA seeks to halt implementation of all new orders for desegregatory pupil busing until the enactment of the EEOA or until July 1, 1973.

Both bills purport to find that educational agencies have been required to implement excessive pupil busing, thereby diverting funds from use in improving educational quality (STMA § 2, EEOA § 3). The EEOA contains legislative findings to the effect that the elimination of dual school systems has been "virtually completed", they assert that great progress has been made toward elimination of the vestiges of those systems, and that excessive busing causes disruption and substantial hardship to school systems and creates serious risks to students health and safety. (§ 3(a)). Neither bill directly defines excessive pupil transportation but both suggest that Fourteenth Amendment requirements have been exceeded.

EEOA § 403(a) prohibits an order for the busing of pupils in the sixth grade or below which exceeds the average daily distance or the average daily time of travel or the average daily number of such students transported in the preceding school year. In computing these averages, however, the Court is directed to disregard busing resulting from the student's change in residence, his or her advancement to a higher level of education, or his or her attendance in a new school. To the extent that this section serves to define excessive busing to mean only busing directed pursuant to an order requiring racial desegregation, it is plainly discriminatory and in violation of Constitutional guarantees.

It should be noted that the prohibitions of § 403(a) apply regardless of how short the distance or time involved, or how small the number transported, so long as any one of these is greater than in the preceding year. Moreover, this section would operate to prohibit or restrict most other desegregation remedies, such as pairing, rezoning or education parks, since these usually indirectly involve some increased busing.

EEOA § 403(b) has similar provisions for students in the seventh grade or higher but provides that such transportation cannot be ordered in the absence of clear and convincing evidence that no other method set out in § 402 will provide adequate remedies. Moreover, busing orders for students in the seventh grade or higher are explicitly made subject to § 407 which provides that all such orders expire after five years. In addition, such orders must be part of a long-term plan involving the other remedies provided in § 402, and all transportation orders are to be stayed upon timely application to a court of appeals. EEOA § 403(c) contains additional language that pupil transportation shall not be ordered if it poses a risk to the health of students or constitutes a significant impingement on the educational process. This merely repeats current judicial doctrine.[1]

The assertion in the bills that transportation funds are diverted from other educational uses (STMA § 2(a)(6); EEOA § 3(a)(5)), neglects the consideration that desegregation is itself a goal of education. Moreover, it is far from clear that funds used for transportation would be used for other purposes. In varying degrees, the states reimburse local school districts for providing school transportation and, given the relatively small number of students transported because of desegregation, it is unlikely that the amount of funds "diverted" is significant.

In any event, the claim of excessiveness in desegregation of transportation does not withstand scrutiny. The Department of Transportation recently reported that the annual increase in desegregation of transportation accounts for less than 1% of the total number of students comprising the annual increase.[2] The Department of Health, Education and Welfare has estimated for the eleven southern states during 1967–1970 a 3% increase in busing for all purposes, including desegregation.[3] By any comparison, therefore, desegregation accounts for a statistically insignificant amount of transportation for the 43.5% of the total public school enrollment, or 18,975,939 pupils, transported daily.[4] Part of the reason for this minimal increase has been the reluctance of Federal courts to order busing except where it has been constitutionally required. Furthermore, desegregation often rationalizes a transportation system by eliminating segregated busing.

By asserting that transportation "impinges" on the educational process (STMA § 2(a)(2); EEOA § 3(a)(5)), the bills ignore the fact that bus transportation may enhance education by making available larger facilities for use by a greater number of students and by reducing the danger that walking may pose to younger children. A recent report of the National Safety Council indicates that the accident rate for boys transported by school bus is .03 per 100,000 student days compared with .09 for walking. For girl students, the accident rate is .03 when riding a bus and .07 when walking.[5]

EEOA §§ 101–102 permit the Department of Health, Education and Welfare to provide funds for compensatory education for disadvantaged students. These provisions clearly seek to make attractive the segregated schools perpetuated by the bill's impediments to busing. Implicit in this is a rejection of the holding of *Brown* v. *Board of Education*[6] that a segregated education is inherently unequal as a constitutional matter. Moreover, there are no reliable data which demonstrate that compensatory education is sufficient to overcome defects in educational background or to compensate for the denial of constitutional rights to desegregation.

EEOA § 202, which provides that the failure to achieve racial balance in the schools is not a denial of equal protection or equal educational opportunity, exceeds the provisions of the 1964 Civil Rights Act which merely defined "desegregation" as not meaning pupil assignment to overcome racial imbalance.[7] The bill fails to explain the distinction between a denial of "equal educational opportunity" and a denial of "equal protection". The term "balance" is also not defined.

EEOA § 203 supplements § 202 by providing that the assignment of students to neighborhood schools is not a denial of equal opportunity unless such assignment is "for the purpose of segregating students on the basis of race, color, or national origin . . ." or the school to which children are assigned was located "for the purpose of segregating students." This language appears to be at odds with constitutional requirements as outlined by the 4th Circuit Court of Appeals in *Brewer* v. *School Board of the City of Norfolk, Va.*[8]

"If residential racial discrimination exists, it is immaterial that it results from private action. The school board cannot build its exclusionary attendance areas upon private racial discrimination. Assignment of pupils to neighborhood schools is a sound concept, but it cannot be approved if residence in a neighbrhood is denied to Negro pupils solely on the ground of color." (footnotes omitted)

EEOA § 404 purports to validate lines drawn by a state, dividing its territory into separate school districts except where it is established that the lines were drawn for the purpose and have the effect of segregating children.

Only when a test requiring both wrongful purpose and effect is met can remedies under § 401 or § 402 be permitted. This would appear to mark a backward step in applying the Fourteenth Amendment. Courts have held that a consistent course of conduct resulting in segregation supports an inference of discriminary intention; in short, from the effect of segregation the Fourteenth Amendment supports an inference of wrongful purpose.[9]

It is a cornerstone of our constitutional system that Congress may not impose its interpretation of the Constitution upon the courts.[10] But just as "Congress may not authorize the States to violate the Equal Protection Clause."[11] Congress may not impose its view of a constitutional violation upon the court where that view restricts the full measure of a constitutional guarantee.

EEOA § 402 directs that in formulating a remedy "for denial of equal educational opportunity or denial of equal protection of the law", a federal court or agency may no longer simply adopt the necessary remedy but must weigh and "make specific findings on the efficacy in correcting such denial" pursuant to a descending order of preferability of various remedies, the last and least of which is pupil transportation. The vice here is that needed flexibility of the courts' traditional equity powers would be severely hampered where most or all of the specified remedies in a given case would be necessary to achieve maximum school desegregation. Plainly the severe restriction on the use of busing, without its outright prohibition, is an attempt to deal with the unanimous decision upholding busing in *North Carolina State Board of Education* v. *Swann*.[12]

In lieu of a direct ban on busing, EEOA seeks to make its utilization difficult by requiring the exhaustion of all other remedies prior to any busing. This, too, does not accord with constitutional doctrine. A unanimous court held in *Swann* v. *Charlotte-Mecklenberg Board of Education:*[13]

"Desegregation plans cannot be limited to the walk-in school. . . .

"District courts must weigh the soundness of any transportation plan in light of what is said in [this opinion] above. It hardly needs stating that the limits on time of travel will vary with many factors, but probably with none more than the age of the students. The reconciliation of competing values in a desegregation case is, of course, a difficult task with many sensitive facets but fundamentally no more so than remedial measures

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Footnotes at end of article.

courts of equity have traditionally employed."

Equity's traditional powers to fashion an appropriate remedy are constitutionally compelled where the questions in issue relate to fundamental rights. A unanimous court so held in *Davis* v. *Board of School Commissioners of Mobile County:*[14]

"Having once found a violation, the district judge or school authorities should make every effort to achieve the greatest possible degree of actual desegregation, taking into account the practicalities of the situation. A district court may and should consider the use of all available techniques including restructuring of attendance zones and both contiguous and noncontiguous attendance zones . . . The measure of any desegregation plan is its effectiveness . . .

The scheme proposed by EEOA § 402 would impose virtually insuperable barriers before complete school desegregation could be achieved. To achieve an appropriate remedy, plaintiffs would be obliged to prove the efficacy of a host of other remedies with all attendant expenses and without necessarily yielding any definitive answer. This negative feature of the EEOA is reinforced by § 305 which provides that attorneys' fees may be collected by the prevailing party other than the United States and that the United States shall be liable for costs to the same extent as a private person. Section 305 is clearly aimed at civil rights plaintiffs because § 406 provides that educational agencies may reopen a court order or desegregation plan to achieve compliance with the EEOA.

To permit the recovery of attorneys' fees against civil rights plaintiffs is to reject the rationale of Title II of the 1964 Civil Rights Act as interpreted by *Newman* v. *Piggie Park Enterprises, Inc.*[15] where the court stated that a plaintiff under Title II of that act obtains an injunction not for himself alone but also as a "private attorney general." In fact the 1964 Civil Rights Act and the 1968 Fair Housing Act provides that attorneys' fees are recoverable by plaintiffs under certain circumstances in accord with the public-interest nature of such litigation.[16]

The prospect that a plaintiff may lose a civil rights action and therefore be required to pay substantial attorneys' fees would have an "in terrorem" effect on attempts to vindicate civil rights. The problem is highlighted by other provisions of EEOA which make it likely that decrees heretofore obtained by civil rights plaintiffs will be reopened.

Moreover, to allow a court to charge attorneys' fees to an unsuccessful plaintiff is quite contrary to the spirit of American justice which has not allowed the taxation of costs so high as to discourage plaintiffs from commencing litigation to obtain what they deem to be their rights.[17]

EEOA §405 permits voluntary adoption of remedies going beyond those provided in the Act, a permission not likely to be availed of in the absence of vigorous enforcement, which this bill makes virtually impossible.

EEOA § 406 permits the reopening of court-ordered desegregation plans to conform them with the provisions of the bill. While this is arguably permissible under the usual doctrine that equity decrees are always subject to review because of change of circumstances, this is in fact an invitation to reverse the school desegregation of the past eighteen years, particularly in school districts where desegregation has long been achieved. Presumably in such districts, the alleged disadvantages of pupil transportation have long since been overcome. It is cynical in the extreme, therefore, to permit new rounds of litigation where successful adjustment to constitutional order exists.

Footnotes at end of article.

II. CONSTITUTIONALITY OF LEGISLATION IN LIGHT OF ITS EXPLICITLY RACIAL BASIS

Recent Supreme Court decisions have made it clear beyond doubt that "compensatory" discrimination in a variety of respects (pupil assignment, faculty assignment, site-selection, etc.) is not only permitted but *required* where necessary to correct the effects of past unlawful segregation.[18] Among the remedies specifically so sanctioned by the Supreme Court in its most recent opinion, in the *Swann* case, is the use of a pupil-transportation plan to achieve integration where this is not otherwise attainable.[19] As the preceding analysis of the bills indicates, there are very serious Constitutional objections to legislation of the type proposed, in the following specific respects:

A. Denial of any increased busing in certain cases

It is clear from decisions of the Supreme Court that operation by any state (or its local subdivisions) of dual educational systems for the races is a violation of the Fourteenth Amendment and that the Federal Courts are obliged to grant plaintiffs who succeed in establishing such violations remedies which effectively remove the burden of such practices from the plaintiffs and those similarly situated.[20]

It is also clear that in some cases it may be impossible to effectuate such relief without the issuance of an order which among other things calls for some modifications of and/or additions to the presently obtaining patterns of pupil transportation within the school district(s) affected.[21] Although Section 5 of the Fourteenth Amendment invests Congress with the power to implement its guarantees with appropriate legislation,[22] it cannot be seriously contended that the prohibition of busing by the proposed legislation is authorized by Section 5: the Supreme Court has stated that that Section does not include the power to *contract* the scope of the Amendment.[23] If a school system is in violation of the Fourteenth Amendment with respect to its students in the sixth grade and under, and if a judicial decree ordering a certain amount of busing (within the limits set by Chief Justice Burger for the Court in *Swann*)[24] is the appropriate remedy for such violation, it is difficult to see how any Act of Congress can validly destroy the plaintiffs' right to such a remedy. The Supreme Court has in one of the *Swann* cases held that a state may not by act of its legislature forbid the assignment of pupils on a racial basis or the transportation of pupils so assigned.[25] Chief Justice Burger, speaking for a unanimous Court, made the following statement about the need for busing as a remedy in such cases:

". . . [A]n absolute prohibition against transportation of students assigned on the basis of race, "or for the purpose of creating a balance or ratio," will . . . hamper the ability of local authorities to effectively remedy constitutional violations . . . [B]us transportation has long been an integral part of all public educational systems, and it is unlikely that a truly effective remedy could be devised without continued reliance on it."[26]

The Supreme Court also has recently affirmed without opinion a three judge Federal District Court opinion to the same effect where the racial imbalance complained of was considered by the lower court to be *de facto* rather than *de jure*.[27] The Supreme Court declared in one of the original *School Desegregation Cases*[28] that the Federal government is by virtue of the due process clause of the Fifth Amendment bound equally with the states to refrain from segregation in public education. Accordingly, it seems clear that any Act of Congress with purports to deprive the Federal courts of the power to remedy Constitutional violations of the type complained of in *Swann* must be a violation of that Amendment, and therefore invalid.

B. Definition of the Scope of Equal Protection

The reasons discussed above which prevent Congress from denying to the Federal courts power to remedy particular violations of the equal protection clause appear sufficient also to render ineffective any attempt by Congress to narrow the definition of what constitutes such a violation. There are some Federal court decisions to the effect that racial imbalance within schools does constitute a violation of equal protection, whether produced by or merely passively acquiesced in by the local school authorities;[29] there are also numerous decisions holding that the assignment of students on a "neighborhood" basis does not necessarily insulate school authorities from successful attack on the ground of improper discrimination.[30] If Congress cannot limit the scope and effect of the Fourteenth Amendment in general, it certainly cannot do so by a mere declaration that certain acts do not constitute violations of that Amendment's guarantees, if the acts in question would—in the absence of such legislation—be held improper as violations of equal protection.

C. Limitations Upon, and Delay of, Court Orders of Pupil Transportation to Implement Racial Desegregation

As noted above, the Supreme Court has held that a state may not constitutionally prohibit any attempt to implement racial integration by means of pupil transportation.[31] As the Federal government is subject equally with the states to the requirement that it refrain from invidious racial distinctions in the field of education,[32] the principle of such decisions should apply equally to Acts of Congress. It might be argued that those provisions of the proposed legislation which merely stay the effectiveness of integration orders and require the courts to utilize busing only as a remedy of last resort are not the functional equivalent of such "anti-busing" statutes, because they merely impose certain procedural burdens upon the employment of such a remedy without actually prohibiting it. However, this argument is answered by another recent series of Supreme Court opinions involving racial discrimination.

In *Reitman* v. *Mulkey*,[33] the California Supreme Court had invalidated a newly-adopted provision of that state's constitution prohibiting any interference with the individual's right to dispose of his property to whomever he should in his discretion see fit, on the ground that in the context of an existing State Fair Housing Law such an amendment was designed to permit and even foster the practice of racial discrimination in the sale of property within the state. The Supreme Court upheld the California court's judgment, on the ground that it could not say that the California court had erred in finding that the state had by adopting this constitutional provision involved itself to a significant degree in private discrimination.

By itself, *Reitman* could perhaps be explained away as judicial deference to the fact-finding of a lower court. In *Hunter* v. *Erickson*,[34] however, the Court in order to reach a similar result had to reverse the Supreme Court of Ohio. The city of Akron, Ohio, had previously adopted a fair housing ordinance, generally forbidding discrimination on the ground of race or color in the scale of private housing. Later, by a majority of the voters in a general election, the city adopted a charter provision requiring that any ordinance (including the one already on the books) regulating the sale or lease of property on the basis of race or color be approved by a majority of the voters at a general election before taking effect.

Striking down this charter provision, the Court stated plainly that the "explicitly racial classification" was the defect. The Court conceded that Akron could simply have repealed its fair housing ordinance, and that it could also validly have chosen to subject city ordinances in general to such a requirement of voter approval. What the city (which unquestionably wielded "state power," the Court noted) could *not* do was to place "special burdens" on racial minorities in securing the benefits of law under the political process. The majoritarian character of the provision did not render it immune, since as the Court pointed out "the majority needs no protection against discrimination."[35]

Although both *Reitman* and *Hunter* involved discriminatory burdens on the minority's resort to the legislature, not the courts, it appears that the time principle should apply to the proposed busing legislation. To the extent that this legislation would impose an arbitrary stay on the implementation of court orders, or require plaintiffs to bear a burden of proof not borne by plaintiffs in analogous suits not involving racial discrimination, it would appear to put members of the affected minority at a distinct disadvantage in securing their rights by the litigation process. Such a racial classification bears a "far heavier burden of justification" than is normally borne by legislation;[36] whether this burden could be met is extremely doubtful. Particularly in light of the provision which would permit the reopening of past integration orders and require their modification to comply with the proposed legislation (Section 406), the apparent intent of the proposed Equal Educational Opportunities Act—and its likely effect, whatever the intent—would appear to be the undoing of much of the remedial action taken during the last 18 years[37] and a definite impairment of future plaintiffs' ability to secure the remedies to which, under the original *School Desegregation Cases* and succeeding opinions, they may be entitled. As this would constitute a substantial intervention by the Federal government against the interests of members of racial minorities, we believe it would amount to a denial of due process of law, under the Fifth Amendment to the Constitution.

III. CONGRESSIONAL CONTROL OVER JURISDICTION OF FEDERAL COURTS

Proponents of the proposed legislation have argued that it merely restricts the jurisdiction of Federal courts, denying or limiting the use in these courts of a particular remedy, and that Congress has clear power to do this under Article III of the Constitution as well as existing case law.

Article III of the Constitution vests the judicial power of the United States in the Supreme Court "and in such inferior Courts as the Congress may from time to time ordain and establish." It provides among other things that the judicial power shall extend to "all Cases . . . arising under this Constitution." It gives the Supreme Court original jurisdiction in certain specified cases and provides that that Court shall have appellate jurisdiction "with such Exceptions and under such Regulations as the Congress shall make." The few cases arising under this Article have made it clear that the Congess has substantial power to restrict the jurisdiction of the Federal Courts, including the appellate jurisdiction of the Supreme Court. *Ex Parte McCardle*.[38] In *McCardle*, Congress had enacted a statute withdrawing jurisdiction from the Supreme Court to hear appeals in habeas corpus cases. The statute was passed during the pendency of a particular appeal, with the deliberate intent to prevent Supreme Court review of the case. The Supreme Court upheld the power of Congress to do so, and dismissed the case, citing the provisions of Article III of the Constitution, giving Congress the power to make exceptions to the Appellate jurisdiction.

But the *McCardle* case, assuming *arguendo* that it is still good law,[39] does not stand for the proposition that Congress has unlimited power to prevent the Supreme Court from considering Constitutional claims. The Supreme Court retained the power to issue writs of habeas corpus in the exercise of its original jurisdiction. The withdrawal of appellate jurisdiction therefore merely closed one avenue and did not prevent access to the Court. Indeed, within months after the *McCardle* decision the Court held that it had the power in the exercise of its original jurisdiction to resolve the substantive issues raised by the *McCardle* case. *Ex Parte Yerger*.[40]

Aside from the *McCardle* case, there appears to be little authority to support Congressional interference with the courts in enforcing the Constitution.

While the Emergency Price Control Act of 1942 prohibited the Federal District Courts from reviewing the validity of regulations made pursuant to the Act, the legislation also established a special court, the Emergency Court of Appeals, to adjudicate these controversies. Its decisions were made reviewable by the Supreme Court. That legislation was upheld because it preserved a full remedy in the Federal Courts. See *Yakus* v. *United States*[41] and *Lockerty* v. *Phillips*.[42]

The line of cases under the Norris-LaGuardia Act,[43] which declares that the Federal Courts have no "jurisdiction" to issue injunctions in certain labor disputes, do not involve Constitutional matters. That Act therefore does not purport to deny the right to an injunction to vindicate Constitutional rights.

In the present situation it is apparent that in many cases, as a practical matter, no effective alternative to busing exists in carrying out the mandate of *Brown v. Bd. of Education*[44] to desegregate schools where segregated residential patterns exist. In many such situations, the denial of busing as a remedy will constitute the denial of any effective remedy in redressing the unconstitutional condition of segregated schools. Thus, while purporting only to prohibit or restrict a particular remedy, Congress would in fact be requiring the courts to reach a particular result at odds with previous court decisions as to what is constitutionally required.

Article III has to be read with the rest of the Constitution, and, as shown above, we believe that the proposed legislation clearly violates the Fifth Amendment. Leaving aside the question of whether or not Congress may take away from an individual the opportunity to obtain a judicial determination in a Federal court of constitutional rights, it can scarcely be seriously contended that, under the guise of limiting the jurisdiction of the Federal courts, Congress may do indirectly what it may not do directly, that is, restrict the scope of the Fourteenth Amendment.

In short, as stated by Professor Bickel, the proposed legislation is "plainly aimed not at regulating jurisdiction, but at mandating a desired result. The power of Congress to regulate judicial jurisdiction has never been held to enable Congress to change specific Constitutional results. It should not be, and cannot be—not consistently with *Marbury v. Madison*."[45] It seems abundantly clear that Article III is not to be interpreted to allow such a result.

IV. POLICY CONSIDERATIONS

As is evident from the preceding analysis, the effect of the proposed bills would be not merely to "chill" the impetus towards desegregation generated by court decisions since *Brown*, but, by reopening past decrees, actually to roll back much of the progress already made. Regardless of constitutional considerations, we think that this is indefensible as a matter of public policy. The net result of such legislation could only be further to divide our nation, to encourage racial strife, and to interfere with the realization of what are generally recognized to be desirable educational goals.

While it is recognized that such is not the intention of all of the proponents of the proposed legislation, we think that this would be its essential effect. Moreover, as pointed out above, statistics show that the evil sought to be remedied—allegedly excessive busing—is more apparent than real. We think the problems which concededly may exist in particular instances with long distance or massive busing are better dealt with in individual cases than by any attempt to establish general legislative restrictions on the use thereof.

Moreover, even assuming that Congress had the constitutional power thus to constrict the jurisdiction of the Federal courts, we think such interference with the role of the judiciary is both unwarranted and unwise. It would tend to place the legislative and judicial branches in conflict, and to impair the Supreme Court's historical role as the final arbiter of constitutional matters.

CONCLUSION

We strongly oppose this legislation. Regardless of intent, it would have the effect of condoning and indeed fostering continued segregation in schools. There is no doubt that it would, in many instances, remove the only effective remedy for the violation of an individual student's constitutional rights. We think that the proposals are in violation of the Fifth Amendment to the Constitution. Moreover, we think that, even if free of constitutional infirmities, such legislation should have no place on the national agenda. Accordingly, for all of the foregoing reasons, we urge that the proposed legislation be rejected.

Dated: New York, N.Y., June 30, 1972.

Respectfully submitted,

Association of the Bar of the City of New York

Committee on Federal Legislation, Sheldon H. Elsen, *Chairman*, Mark H. Alcott, Michael F. Armstrong, Stephen E. Banner, Donald J. Cohn, Peter M. Fishbein, Peter E. Fleming, Jr., Robert L. Friedman, Richard A. Givens, George J. Grumach, Jr., Arthur M. Handler, Conrad K. Harper, Thomas V. Heyman.

Charles L. Knapp, Arthur H. Kroll, David M. Levitan, Standish F. Medina, Jr., Eugene H. Nickerson, William B. Pennell Bruce Rabb, Martin F. Richman, Benno C. Schmidt, Jr., Thomas J. Schwarz, Beatrice Shainswit (Hon.), Brenda Soloff.

Committee on Civil Rights, Robert M. Kaufman, Chairman, Charles R. Bergoffen, Michael Cardozo, Jack David Raymond S. Calamoro, Simeon Golar, William S. Greenwalt, Eastman Birkett, Porter R. Chandler, John R. Fernback.

Stephen J. Friedman, Murray A. Gordon, Alan U. Schwartz, Paul L. Trachtenberg, Eric L. Hirschhorn, Maria L. Marcus, Donald S. Shack, Donald J. Sullivan, Alfred J. Law, John J. Kirby, Jr., Susan F. Teich, Milton L. Williams.

FOOTNOTES

* On June 8, 1972, Congress completed action upon, and sent to the President for approval, and on June , 1972 the President approved an education bill into which there has been interpolated, in the final stages of Congressional action on the bill, certain provisions relating to busing. Among other things, these provisions would delay, until all appeals were exhausted or until July 1, 1974, the effectiveness of district court orders requiring the "transportation or transfer" of students for the "purpose of achieving a balance among students with respect to

race, sex, religion or socioeconomic status." While these provisions appear to be less restrictive than the totality of the Administration's antibusing proposals, we believe that similar Constitutional and policy objectives apply to both.

[1] Swann v. Charlotte—Mecklenburg Bd. of Educ., 402 U.S. 1, 30–31 (1971).

[2] U.S. Dept. of Transportation, Report on School Busing 1 (March 24, 1972).

[3] HEW Memorandum from Constantine Menges to Christopher Cross 3 (March 30, 1972).

[4] Id. at 1.

[5] National Safety Council, Accident Facts 90–91 (1971 ed.).

[6] 347 U.S. 483 (1954).

[7] 42 U.S.C. § 2000c(b) (1964).

[8] 397 F. 2d 37, 41–42 (4th Cir. 1968) (en banc).

[9] Brewer v. School Board of City of Norfolk note 8, *supra;* Spangler v. Pasadena City Board of Education, 311 F. Supp. 501, 522 (C.D. Calif. 1970); Davis v. School District of City of Pontiac, 443 F. 2d 573 (6th Cir.), cert. denied, 404 U.S. 913 (1971).

[10] Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803).

[11] Shapiro v. Thompson, 394 U.S. 618, 641 (1969).

[12] 402 U.S. 43, 46 (1971).

[13] Note 1, supra.

[14] 402 U.S. 33, 37 (1971).

[15] 390 U.S. 400, 402 (1968).

[16] 42 U.S.C. §§ 2000a–3(b) and 2000e–5(k) (1964): 41 U.S.C. § 3612(c) (Supp. 1970).

[17] Farmer v. Arabian American Oil Co., 379 U.S. 227, 235 (1964).

[18] United States v. Montgomery County Bd. of Educ., 395 U.S. 225 (1969); Swann v. Charlotte-Mecklenburg Bd. of Educ., Note 1, supra; Davis v. Board of School Comm'rs of Mobile County, Note 13, supra (1971); McDaniel v. Barresi, 402 U.S. 39 (1971).

[19] Swann v. Charlotte-Mecklenburg Bd. of Educ., Note 1, supra.

[20] Note 8, supra.

[21] Note 9, supra.

[22] This section was applied in Katzenbach v. Morgan, 384 U.S. 641 (1966), to uphold The Voting Rights Act of 1965.

[23] Id. at 651, n. 10 (Brennan, J., for the Court); Oregon v. Mitchell, 400 U.S. 112, 128–29 (1970) (Black, J., for the Court).

[24] Swann v. Charlotte-Mecklenburg Bd. of Educ., Note 1, supra at 29–31 (1971).

[25] North Carolina State Bd. of Educ. v. Swann, Note 12, supra (1971).

[26] Id at 46.

[27] Lee v. Nyquist, 318 F. Supp. 710 (W.D. N.Y. 1970), was affirmed by the Court without opinion, 402 U.S. 935 (1971); three Justices (Burger, C. J., Black and Harlan) voted to note probable jurisdiction and set the case for argument.

[28] Bolling v. Sharpe, 347 U.S. 497, 500 (1953):

"In view of our decision that the Constitution prohibited the states from maintaining racially segregated public schools, it would impose a lesser duty on the Federal Government." (Warren, C.J., for the Court.)

[29] Holland v. Board of Pub. Instruction of Palm Beach County, 258 F. 2d 730 (5th Cir. 1958); Barksdale v. Springfield School Comm., 237 F. Supp. 543 (D. Mass. 1965), vacated and remanded for dismissal, 348 F. 2d 261 (1st Cir. 1965); Blocker v. Board of Educ. of Manhasset, 226 F. Supp. 208 (E.D.N.Y. 1964); Branche v. Board of Educ. of the Town of Hempstead, School Dist. No. 1, 204 F. Supp. 150 (E.D.N.Y. 1962). The Supreme Court has not yet passed on this question of the Constitutionality of racial imbalance not resulting from *de jure* segregation.

[30] Davis v. School Comm'rs of Mobile County, 402 U.S. 33 (1971) (previous *de jure* segregation); an example from the lower Federal courts is Dowell v. School Bd. of Okla. City, Pub. Schools, 244 F. Supp. 971 (W.D. Okla. 1965).

[31] Notes 25, 26 and 27, supra.

[32] Note 28, supra.

[33] 387 U.S. 369 (1967).

[34] 393 U.S. 385 (1969).

[35] Id. at 391. The importance of the racial factor in Reitman and Hunter is emphasized by the Court's decision in James v. Valtierra, 402 U.S. 137 (1971), where no violation of equal protection was found in a referendum provision designed to discourage low-income public housing; the Court in its opinion in James stressed the absence of the racial factor, and declined to extend Hunter to nonracial discrimination. Id. at 141. Justices Marshall, Brennan and Blackmun dissented.

[36] McLaughlin v. Florida, 379 U.S. 184, 194 (1964).

[37] Acting Attorney General Kleindienst testified before the Senate Judiciary Committee on April 12, 1971, that the proposed legislation would "permit the reopening of every school desegregation case in the country," according to The New York Times New York Times, April 13, 1972, at 1, col. 1.

[38] 74 U.S. (7 Wall.) 506 (1869).

[39] The *McCardle* case has been criticized in recent years. See *Glidden Company* v. *Zdanok*, 370 U.S. 530, 605 n. 11 (1962) (Douglas, J. dissenting).

[40] 8 Wall. 85 (1869).

[41] 321 U.S. 414 (1944).

[42] 319 U.S. 182 (1943).

[43] 29 U.S.C. §§ 101–115.

[44] 347 U.S. 483 (1954).

[45] Bickel, What's Wrong with Nixon's Busing Bills?, The New Republic, April 22, 1972, at 21.

COMMENTS ON LABOR-HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS BILL

Mr. PROXMIRE. Mr. President, so that my colleagues may see exactly how the Labor-Health, Education, and Welfare appropriation bill would help libraries in their States I ask unanimous consent to insert in the RECORD at this point a summary of what each State would receive under the various library programs if this bill is enacted into law:

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

OFFICE OF EDUCATION, LIBRARY RESOURCES

TITLE I.—LIBRARY SERVICES AND CONSTRUCTION ACT GRANTS FOR LIBRARY SERVICES

	1972 appropriation [1]	1973 estimate [1]	Conference report [1]
Total	$46, 568, 500	$30, 000, 000	$62, 000, 000
Alabama	810, 520	524, 744	1, 059, 361
Alaska	252, 774	228, 491	275, 396
Arizona	509, 562	367, 124	642, 256
Arkansas	535, 902	381, 344	679, 885
California	3, 684, 797	2, 081, 346	5, 178, 548
Colorado	585, 796	408, 119	750, 738
Connecticut	729, 574	485, 902	956, 575
Delaware	295, 726	251, 680	336, 759
Florida	1, 385, 770	840, 165	1, 894, 048
Georgia	1, 001, 565	632, 743	1, 345, 154
Hawaii	334, 465	272, 594	392, 103
Idaho	324, 526	267, 228	377, 904
Illinois	2, 141, 046	1, 247, 917	2, 973, 071
Indiana	1, 107, 070	689, 702	1, 495, 883
Iowa	693, 391	466, 368	904, 882
Kansas	592, 798	412, 061	761, 170
Kentucky	762, 250	503, 543	1, 003, 257
Louisiana	836, 278	543, 509	1, 109, 017
Maine	373, 542	293, 691	447, 931
Maryland	885, 043	569, 836	1, 178, 686
Massachusetts	1, 193, 608	736, 422	1, 619, 517
Michigan	1, 750, 025	1, 036, 816	2, 414, 440
Minnesota	864, 552	558, 773	1, 149, 411
Mississippi	587, 182	409, 029	753, 146
Missouri	1, 016, 903	641, 024	1, 367, 068
Montana	321, 278	265, 475	373, 263
Nebraska	459, 143	339, 904	570, 224
Nevada	$285, 358	$246, 082	$321, 946
New Hampshire	328, 835	269, 555	384, 060
New Jersey	1, 451, 913	875, 874	1, 988, 543
New Mexico	377, 443	295, 797	453, 504
New York	3, 376, 997	1, 915, 172	4, 738, 809
North Carolina	1, 087, 577	679, 178	1, 468, 035
North Dakota	307, 891	258, 248	354, 139
Ohio	2, 060, 365	1, 204, 360	2, 857, 807
Oklahoma	646, 971	441, 307	838, 565
Oregon	565, 258	397, 193	721, 826
Pennsylvania	2, 259, 795	1, 312, 027	3, 142, 723
Rhode Island	365, 868	289, 548	436, 967
South Carolina	652, 431	444, 255	846, 365
South Dakota	316, 361	262, 820	366, 239
Tennessee	885, 352	570, 003	1, 179, 126
Texas	2, 155, 499	1, 255, 720	2, 993, 719
Utah	385, 001	299, 877	464, 301
Vermont	277, 672	241, 933	310, 966
Virginia	1, 011, 855	638, 298	1, 359, 855
Washington	795, 408	521, 445	1, 050, 629
West Virginia	504, 629	364, 461	635, 208
Wisconsin	971, 588	616, 559	1, 302, 328
Wyoming	258, 056	231, 343	282, 942
District of Columbia	332, 124	271, 330	388, 758
American Samoa	44, 850	42, 618	46, 776
Guam	55, 182	48, 196	61, 208
Puerto Rico	673, 654	455, 713	876, 685
Trust Territory	57, 743	49, 579	62, 691
Virgin Islands	51, 038	45, 959	55, 587

[1] Estimated distribution of funds with a minimum allotment of $200,000 to the 50 States, District of Columbia, and Puerto Rico, and $40,000 to the other outlying areas; the remainder distributed on the basis of total resident population, April 1, 1970. Required matching expenditures computed on the basis of fiscal year 1972–73 "Federal Share" percentages.

OFFICE OF EDUCATION, LIBRARY RESOURCES

TITLE II.—LIBRARY SERVICES AND CONSTRUCTION ACT CONSTRUCTION OF PUBLIC LIBRARIES

	1972 appropriation [1]	1973 estimate	Conference report [2]
Total	$9,500,000		$15,000,000
Alabama	170,495		262,383
Alaska	106,185		114,247
Arizona	136,279		183,568
Arkansas	139,366		190,678
California	508,399		1,040,735
Colorado	145,178		204,066
Connecticut	162,063		242,961
Delaware	111,219		125,842
Florida	238,966		420,104
Georgia	193,939		316,386
Hawaii	115,759		136,299
Idaho	114,594		133,616
Illinois	327,480		623,994
Indiana	206,304		344,867
Iowa	157,823		233,193
Kansas	146,034		206,038
Kentucky	165,893		251,782
Louisiana	174,568		271,766
Maine	120,338		146,849
Maryland	180,283		284,931
Massachusetts	216,445		368,229
Michigan	281,654		518,436
Minnesota	177,882		279,399
Mississippi	145,376		204,521
Missouri	195,737		320,527
Montana	114,213		132,740
Nebraska	130,370		169,957
Nevada	$110,003		$123,043
New Hampshire	115,099		134,780
New Jersey	246,717		437,960
New Mexico	120,795		147,902
New York	472,327		957,643
North Carolina	204,019		339,605
North Dakota	112,644		129,126
Ohio	318,025		602,214
Oklahoma	152,383		220,662
Oregon	142,806		198,603
Pennsylvania	341,396		656,051
Rhode Island	119,439		144,777
South Carolina	153,022		222,136
South Dakota	113,637		131,412
Tennessee	180,319		285,014
Texas	329,174		627,896
Utah	121,681		149,942
Vermont	109,103		120,968
Virginia	195,145		319,164
Washington	169,779		260,733
West Virginia	135,701		182,236
Wisconsin	190,426		308,294
Wyoming	106,804		115,673
District of Columbia	115,484		135,667
American Somoa	20,568		21,280
Guam	21,779		24,007
Puerto Rico	155,510		227,865
Trust Territory	21,294		24,288
Virgin Islands	22,079		22,945

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[1] Distribution of $9,500,000 with a minimum allotment of $100,000 to the 50 States, District of Columbia, and Puerto Rico, and $20,000 to the outlying areas; the remainder distributed on the basis of the total population, Apr, 1, 1970 (preliminary).

[2] Distribution of $15,000,000 with a minimum allotment of $100,000 to the 50 States, District of Columbia, and Puerto Rico, and $20,000 to the outlying areas; the remainder distributed on the basis of the total population, Apr. 1, 1970 (revised).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION, LIBRARY RESOURCES

TITLE III.—LIBRARY SERVICES AND CONSTRUCTION ACT—INTERLIBRARY COOPERATION

State and outlying areas	1972 appropriation [1]	1973 estimate [1]	Conference report [1]
Total	$2,640,500	$2,730,000	$7,500,000
Alabama	48,695	50,190	129,879
Alaska	40,763	40,894	47,885
Arizona	44,475	45,244	86,255
Arkansas	44,855	45,690	90,190
California	90,372	99,034	560,695
Colorado	45,572	46,530	97,600
Connecticut	47,655	48,971	119,129
Delaware	41,384	41,622	54,303
Florida	57,140	60,087	217,177
Georgia	51,587	53,579	159,769
Hawaii	41,944	42,278	60,092
Idaho	41,800	42,110	58,607
Illinois	68,058	72,882	330,030
Indiana	53,112	55,366	175,534
Iowa	47,132	48,358	113,722
Kansas	45,678	46,654	98,692
Kentucky	48,127	49,525	124,011
Louisiana	49,197	50,779	135,072
Maine	42,509	42,940	65,931
Maryland	49,902	51,605	142,359
Massachusetts	54,363	56,832	188,464
Michigan	62,405	66,258	271,604
Minnesota	49,606	51,258	193,297
Mississippi	45,597	46,559	97,852
Missouri	51,808	53,839	162,061
Montana	41,753	42,055	58,121
Nebraska	43,746	44,390	78,721
Nevada	$41,234	$41,446	$52,754
New Hampshire	41,862	42,183	59,250
New Jersey	58,096	61,208	227,060
New Mexico	42,565	43,006	66,513
New York	85,923	93,820	514,704
North Carolina	52,830	55,036	172,621
North Dakota	41,560	41,828	56,121
Ohio	66,891	71,515	317,974
Oklahoma	46,461	47,572	106,786
Oregon	45,280	46,188	94,577
Pennsylvania	69,774	74,894	347,773
Rhode Island	42,398	42,180	64,784
South Carolina	46,540	47,664	107,602
South Dakota	41,682	41,971	57,387
Tennessee	49,907	51,610	142,405
Texas	68,266	73,127	332,189
Utah	42,674	43,134	67,643
Vermont	41,123	41,316	51,606
Virginia	51,735	53,753	161,307
Washington	48,607	50,086	128,965
West Virginia	44,403	45,161	85,517
Wisconsin	51,153	53,071	155,290
Wyoming	40,839	40,983	48,675
District of Columbia	41,910	42,238	59,742
American Samoa	10,070	10,082	10,709
Guam	10,219	10,257	12,218
Puerto Rico	46,847	48,024	110,773
Trust Territory	10,256	10,301	12,373
Virgin Islands	10,160	10,187	11,630

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[1] Estimated distribution of funds with a minimum allottment of $40,000 to the 50 States, District of Columbia, and Puerto Rico, and the $10,000 to the other outlying areas; the remainder distributed on the basis of total resident population, Apr. 1, 1970. The Federal shares is 100 percent.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION, LIBRARY RESOURCES

TITLE II.—ELEMENTARY AND SECONDARY EDUCATION ACT SCHOOL LIBRARY RESOURCES

State and outlying areas	1972 appropriation [1]	1973 estimate [2]	Conference report [3]
Total	$90,000,000	$90,000,000	$100,000,000
Alabama	1,460,724	1,418,801	1,576,446
Alaska	135,215	139,291	154,768
Arizona	768,689	792,454	880,504
Arkansas	807,949	809,699	899,666
California	8,564,292	8,600,381	9,555,979
Colorado	990,955	1,003,301	1,114,779
Connecticut	1,300,672	1,327,073	1,474,526
Delaware	255,228	256,300	284,778
Florida	2,554,308	2,622,351	2,913,723
Georgia	1,949,172	1,924,921	2,138,801
Hawaii	352,543	355,708	395,231
Idaho	321,960	323,922	359,913
Illinois	4,830,114	4,834,821	5,372,023
Indiana	2,311,952	2,310,548	2,567,276
Iowa	1,285,267	1,268,482	1,409,424
Kansas	966,108	947,185	1,052,428
Kentucky	$1,348,968	$1,352,354	$1,502,616
Louisiana	1,681,489	1,655,142	1,839,047
Maine	460,371	460,638	511,820
Maryland	1,740,544	1,778,776	1,976,418
Massachusetts	2,364,332	2,388,192	2,653,547
Michigan	4,252,744	4,146,542	4,607,269
Minnesota	1,814,858	1,790,212	1,989,124
Mississippi	1,017,833	946,480	1,051,644
Missouri	2,115,431	2,049,233	2,276,926
Montana	328,651	325,253	361,392
Nebraska	658,196	638,354	709,282
Nevada	218,942	226,416	251,573
New Hampshire	316,168	326,695	362,994
New Jersey	2,993,829	3,057,083	3,396,759
New Mexico	510,703	511,032	567,813
New York	7,408,582	7,343,552	8,159,503
North Carolina	2,063,424	2,069,406	2,299,340
North Dakota	282,965	275,377	305,974

State and outlying areas	1972 appropriation [1]	1973 estimate [2]	Conference report [2]
Ohio	$4, 737, 404	$4, 754, 550	$5, 282, 833
Oklahoma	1, 076, 331	1, 091, 264	1, 212, 516
Oregon	874, 006	875, 475	972, 750
Pennsylvania	4, 896, 472	4, 975, 170	5, 527, 967
Rhode Island	386, 997	396, 958	441, 064
South Carolina	1, 134, 518	1, 125, 332	1, 250, 369
South Dakota	313, 952	305, 768	339, 742
Tennessee	1, 580, 795	1, 594, 892	1, 772, 102
Texas	4, 960, 462	5, 037, 176	5, 596, 863
Utah	527, 142	526, 457	584, 952
Vermont	197, 886	202, 468	224, 964
Virginia	1, 940, 673	1, 939, 360	2, 154, 844
Washington	$1, 495, 705	$1, 485, 090	$1, 650, 100
West Virginia	709, 655	705, 179	783, 532
Wisconsin	2, 094, 174	2, 074, 956	2, 305, 507
Wyoming	154, 056	153, 539	170, 599
District of Columbia	291, 472	285, 269	316, 966
American Samoa	30, 000	30, 000	30, 000
Guam	67, 596	73, 459	81, 342
Puerto Rico	1, 841, 850	1, 847, 346	2, 045, 600
Trust Territories	83, 812	86, 754	96, 064
Virgin Islands	38, 850	30, 000	43, 693
Bureau of Indian Affairs	133, 014	127, 563	142, 325

[1] Estimated distribution of funds to the 50 States and District of Columbia on the basis of total estimated public and nonpublic elementary and secondary school enrollment, fall 1969; 2.5 percent of the 50 States and District of Columbia amount distributed to the outlying areas on the basis of total public and nonpublic elementary and secondary school enrollment, fall 1969, with a minimum of $30,000.

[2] Estimated distribution of funds to the 50 States and District of Columbia on the basis of total estimated public and nonpublic elementary and secondary school enrollment, fall 1970, 2.5 percent of the 50 States and District of Columbia amount distributed to the outlying areas on the basis of total estimated public and nonpublic elementary and secondary school enrollment, fall 1970 except American Samoa, public school, fall 1969; B.I.A., fiscal year 1970; Trust Territory, nonpublic school enrollment, fiscal year 1969. Outlying areas each receive a minimum of $30,000.

SUPPORT FOR NATIONAL PARK SERVICE DIRECTOR HARTZOG

Mr. HANSEN. Mr. President, the Director of the National Park Service has been accused of degrading the Park Service. I would like to express my support for George Hartzog and the work he has done as Park Service Director. The position of Park Service Director is primarily that of a manager, and I believe George Hartzog has emphatically shown his managerial expertise.

A park service director must tread the delicate balance between increasing the use of the parks for the pleasure of the public, and at the same time be flexible enough to have a viable response to environmental problems. George Hartzog has demonstrated that he is equal to the challenges a park director must face.

George Alderson, who is legislative director of the "Friends of the Earth," recently released to the press a letter that he had written to Secretary Rogers C. B. Morton taking issue with the handling of the National Park Service by Director Hartzog.

Mr. President, so that Senators can be apprised of the response to the points that Mr. Alderson made in his letter, I ask unanimous consent that both Mr. Alderson's original letter and Secretary Morton's response be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FRIENDS OF THE EARTH,
Washington, D.C., June 6, 1972.

Hon. ROGERS C. B. MORTON,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: The National Park Service is going downhill fast, and taking the national parks with it. Ever since George Hartzog was appointed Director, there has been a trend away from protection of the parks. Instead of working with us, Mr. Hartzog is constantly working against us, and against the public interest in the national parks. We will cite some examples:

1. Instead of actively seeking protection of the national parks under the Wilderness Act, Mr. Hartzog has tried every trick to sabotage the Wilderness Act and keep the parks out of the Wilderness System. Even now, after being overruled by the Nixon Administration on his ill-advised "wilderness enclaves" policy, Mr. Hartzog has let his top assistants agitate against the new policy. The Hartzog policy would leave areas of 3 acres to 400 acres unprotected in the middle of the wilderness.

2. In one of the newest national parks, the North Cascades (Washington State), Mr. Hartzog seeks to intrude upon the wilderness with two tramways—of which there are none in existing national parks—and with mountain hotels to be operated by private concessioners.

3. In Mammoth Cave National Park (Kentucky), Mr. Hartzog favors no wilderness protection at all, and he has allowed the concessioner there to stir up local opposition to the wilderness proposals of citizen conservation groups and to agitate for more developments inside this small national park.

4. In many national parks, Mr. Hartzog wants to open "motor nature trails," which would only establish auto traffic in wild areas where there are no cars now, despoiling the wilderness that the National Park Service should be protecting.

5. Mr. Hartzog has allowed the concessioners—private businesses operating tourist facilities in the parks—to keep their business affairs a secret from the public. Requests by us to see the financial reports filed with the National Park Service have been turned down, despite the fact that these are businesses operating under contract with the U.S. government.

6. Mr. Hartzog has made political deals involving the giveaway of lands in the National Park System for totally incompatible purposes—such as the Alexandria waterfront high-rise development, the use of national memorial grounds in Washington, D.C., for freeways, and the deletion of Dry Mesa from Arches National Monument (Utah).

7. Mr. Hartzog is seeking to abolish park rangers, and turn the management of the parks over to mere administrators. Mr. Hartzog, himself never a ranger, is prime evidence that this will hurt the parks. The National Park Service should be staffed and run by professionals who understand ecology, and who will put their love for the land above political wheeling and dealing.

8. The Hartzog personnel policy has resulted in such rapid transfer of rangers and park superintendents that most parks are being run by people who have no more than a passing acquaintance with their areas. Superintendents often are being transferred after only one to three years at a park. The rapid-transfer policy prevents rangers and superintendents from learning about the lands in their charge, and discourages them from caring about those lands.

9. The use of transfers as a reprisal technique also discourages park employees from trying to save the parks. If a park naturalist, like one at Glacier National Park earlier this spring, warns against practices and developments that will hurt the park, he can be transferred to Omaha the next day. The reprisal technique is hurting the parks, and it is also breaking down the esprit de corps that has always made the National Park Service a great agency.

Mr. Secretary, it is time for a change of leadership in the National Park Service. Mr. Hartzog is intentionally letting the national parks be destroyed through piecemeal development. In contrast, the employees down the line care about the parks and want to save them for public use. Please give them, and the public, a new Director drawn from the ranks of the National Park Service, who will defend the parks, and not let them be frittered away for political expediency.

Sincerely,

GEORGE ALDERSON,
Legislative Director.

DEPARTMENT OF THE INTERIOR,
Washington, D.C., July 27, 1972.

Mr. GEORGE ALDERSON,
Legislative Director, Friends of the Earth,
Washington, D.C.

DEAR MR. ALDERSON: I reject your belief that the Director of the National Park Service has been working "against the public interest." The National Park System has experienced a great period of expansion under Director Hartzog's determined leadership. Throughout this period the goals of the National Park Service have been met.

I would like to address your complaints in the order that you present them in your recent letter.

1. Recent changes in our guidelines for preparing wilderness proposals will result in changes in our maps and the deletion of most management zones but the basic management practice for which the management zones were originally established will not be changed. Those areas not designated wilderness will not be unprotected as you stated but will continue to be protected by the National Park Service as they have in the past.

2. The National Park Service is charged with interpreting the natural areas in our parks as well as protecting them. Tramways are one method of enabling large numbers of our citizens to enter this unique area and experience its natural wonders without seriously degrading the area. This certainly fits in with the recommendation from conservation groups asking that we restrict the use of cars in the National Parks and utilize other transit systems.

I assume you do not want to prevent all who do not backpack from seeing the North Cascades National Park. The location of any tramway would necessitate a careful site plan, the preparation of a 102 statement and Congressional approval.

3. There is no area in Mammoth Cave National Park that does not show evidences of human habitation. Perhaps, if it continues to receive the protection the National Park Service has given it in the past, it will regain its primitive nature, as Shenandoah has, and

could qualify as wilderness. Until this occurs we will recommend against wilderness designation for Mammoth Cave National Park.

4. Motor Nature Trails can be an effective way of enabling park visitors to see our national parks. There is reason to reject their use in many areas but they have their place and will not be rejected categorically.

5. Regarding paragraph 5, upon the advice of the Solicitor's Office, the National Park Service has consistently refused to divulge annual financial reports submitted by concessioners who provide visitor services and facilities in National Park Service areas pursuant to contractual arrangements. The Solicitor's Office has informed us that, in its opinion, the disclosure of such financial data is forbidden by the provisions of 18 U.S.C., Section 1905, and the reports containing the data come within the third and fourth exemptions of Subsection (b) of Section 552, United States Code (commonly referred to as the Freedom of Information Act). As you may be aware, this matter is presently being litigated in the United States District Court for the District of Columbia in the case *National Park and Conservator Association* v. *Morton, et al.*, and we will, of course, be guided in the future by the Court's determination on this question.

6. The Congress requested the National Park Service to study the Alexandria Waterfront. I have personally been involved with every state of the Alexandria Waterfront dispute and vehemently object to the inference that a "political deal" on Alexandria Waterfront has been made. The Congress will clearly spell out its intent and I will follow that intent to the letter of the law.

7. Mr. Hartzog is not abolishing the Ranger Force. The Park System requires more than ecological knowledge; it demands managerial expertise. Obviously, what is needed is a balanced mixture of employees throughout the Park System.

8. The transfers of rangers and park superintendents were necessitated by expansion and normal retirement. Director Hartzog assures me that this situation is stabilizing and that I can anticipate less rapid shifts of personnel. I favor shifts to avoid the "home park syndrome" but look forward to a period of longer service at the various sites of the System.

9. The Glacier situation has been blown totally out of perspective by highly inaccurate and inflammatory articles.

A superintendent deserves and must count on the support of his fellow Park Service employees. This is the backbone for all effective organizations. Appeals of decisions can be made through legal and well understood channels. Loyalty to the System does not mean accepting abuses, but there is no excuse for willfully disregarding accepted standards of conduct.

Your unsupported allegation that Mr. Hartzog is intentionally destroying the National Parks is totally and absolutely rejected by this office. We recognize that National Park management must undergo change in response to the environmentally degrading forces of our growing population. I believe the present National Park Service administration has the expertise and desire to solve the problems caused by these forces and accomplish the goals as set forth by Congress.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business be concluded.

The PRESIDING OFFICER. If there is no further business, morning business is concluded.

HANDGUN CONTROL ACT OF 1972

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate S. 2507, which the clerk will report.

The assistant legislative clerk read as follows:

> Calendar No. 953 (S. 2507) a bill to amend the Gun Control Act of 1968.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The pending question is on amendment No. 1418, offered by the Senator from Arizona, on which there shall be 2 hours of debate, to be equally divided and controlled between the Senator from Arizona (Mr. FANNIN) and the manager of the bill.

Mr. ROBERT C. BYRD. Mr. President, if the Senator from Arizona will yield, I ask unanimous consent that the time on amendment No. 1418, offered by the Senator from Arizona, be reduced from 2 hours to 1 hour, to be equally divided and controlled as previously ordered.

I might state that this request has been cleared.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, my amendment would strike paragraph 3 of section 4 of S. 2507. This paragraph gives the Secretary of the Treasury the authority to promulgate new regulations in addition to the ones that are provided in this bill. Paragraph 3 reads as follows:

> (3) the handgun model also meets such additional standards as the Secretary may by regulation promulgate, after consultation with the Chief of Army Ordnance and the Secretary of Commerce, if the Secretary has determined that changes in the technology or manufacture of handguns, or actions tending to circumvent the intent of this subsection (which is to allow the approval of only those handgun models which are generally recognized as particularly suitable for sporting purposes), have rendered inadequate the standards set forth in paragraphs (1) and (2) of this subsection: *Provided*, That under no circumstances may any such regulation be promulgated which would permit the approval for sale or delivery of any handgun model which could not have been approved in the absence of such regulation.

Let me state emphatically that I share the concern of most Members of this Congress who want to stop the manufacture and sale of guns known as Saturday night specials. These guns have been very appropriately described as "small, lightweight, easily concealable, dangerous, and cheap handguns which have no legitimate sporting purpose."

Five pages of this bill are devoted to setting elaborate standards which would make it illegal to manufacture or sell "small, lightweight, easily concealable, dangerous, and cheap handguns." These standards are not only adequate to eliminate the Saturday night specials, but they go much further and most likely eliminate some legitimate, safe guns which have a legitimate sporting purpose.

The standards set forth in this bill are more than adequate without giving the Secretary of the Treasury carte blanche to promulgate additional regulations.

Section 4(n) of the proposed bill would establish the standards a handgun must meet before the Secretary of Treasury could approve its sale. Section 4(n) 1 sets forth an elaborate point system for pistols, the purpose of which is to weed out cheap and readily concealable handguns that are loosely referred to as "Saturday night specials." Section 4(n) 2 is a similar type point system for revolvers and includes the so-called drop test.

Despite these complex and elaborate statutory standards to determine the suitability of handguns, section 4(n) 3 would grant to the Secretary of the Treasury the power to promulgate by regulation any additional standards he may deem necessary or desirable "if the Secretary has determined that changes in the technology or manufacture of handguns, or actions tending to circumvent the intent of this subsection * * * have rendered inadequate the standards set forth in paragraphs (1) and (2)."

The only check on this discretionary, carte blanche power is that the Secretary must consult with the Chief of Army Ordnance and the Secretary of Commerce.

This carte blanche provision should be deleted from the bill because:

First. The legitimate manufacturers of quality handguns, who have large investments in plant and equipment and who employ thousands of skilled employees, would not know from day to day whether already complex standards will be changed arbitrarily in a fashion that technically disqualifies a legitimate product. Section 4(n) 3 would create an intolerable uncertainty that would discourage investment and production. There is no provision for legitimate manufacturers to have any voice in the promulgation of these unknown additional standards and review of such standards even if that possibility existed, would be expensive and time consuming during which time their product would be banned from commerce.

Second. Congress would in effect surrender its control if, having established technical standards in the law, these could be changed or eliminated by discretionary promulgation of new and different standards by the Secretary of the Treasury.

Thus section 4(n) 3 which appears at page 8, lines 16–25 and page 9, lines 1–4 of the committee print of S. 2507—June 27, 1972, versions—should be deleted.

Paragraph 3 is not only unnecessary but inconsistent with the purposes of this legislation.

We hear a lot of talk about loopholes these days.

This bill was proposed to close an unexpected loophole in the 1968 Gun Control Law. It is intended, we are told, to stop the practice whereby parts for cheap guns are imported and then assembled in the United States to circumvent the intent of the 1968 law.

As I have said, I am in sympathy with this intent.

But I believe subparagraph 3n takes us much, much further down the road.

We are, in effect, giving the Secretary of the Treasury virtual power to outlaw the manufacture of all handguns. He could conceivably change the regulations we have set forth in the bill so that it would be impossible to manufacture a legal handgun within the United States.

Even if we assume that no Secretary of the Treasury would ever go that far, we still have problems created by this paragraph of the bill.

What about the uncertainty that is inevitable as a result of this paragraph?

No legitimate manufacturer could be certain that the guns he plans to put on the market in coming years would meet any additional standards set by the Secretary.

It also seems to me that we owe our citizens who are buying handguns for legitimate purposes some assurance that what they buy today would not be illegal tomorrow.

Passage of my amendment would remove uncertainty, it would give some consistency to the legislation, and it would ease the mind of law-abiding sportsmen who fear that there is a "hooker" in this bill—a provision that will go much, much further than sponsors of this bill have advertised.

Mr. President, the argument has been put forward that the Secretary of the Treasury should have the authority to change the regulations because of possible advances in technology. I reject this argument. There have not been any major changes in technology in several decades which would have any impact on the legislation before us. If there are changes in technology, I would have to say they are much more likely to be of a nature that would call for a reduction of some of the standards that we have set rather than a stiffening of the regulations. So paragraph 3n, of course, gives the Secretary the power to promulgate more stringent regulations—not reduce the specifications.

Furthermore, what if there should be some great new strides in handgun technology? There is nothing that precludes the Congress from updating the regulations next month, next year, or at any other time. I am certain that we do not intend to pass this law, then turn our backs and walk away from the issue of firearms use once and for all. It is my experience that each year there are new proposals for gun control legislation, so I do not believe this will be our final consideration of the matter.

Mr. President, I believe we should agree to this amendment to remove an inconsistent paragraph from the bill. I feel the adoption of the amendment would be very beneficial.

Mr. President, I reserve the remainder of my time.

Mr. BAYH. Mr. President, I will use some of my time to enter into a colloquy with the distinguished Senator, my friend and colleague from Arizona.

Mr. FANNIN. If the Senator so desires I would be very pleased to do so.

Mr. BAYH. I know the Senator from Arizona is very sincere in expressing the concern that he has expressed. These concerns are not new to the Senator from Indiana and I think it is important that they be discussed.

But I suggest to my friend from Arizona that if one would read the language in the light of the intent of the authors of the bill, and the committee that reported the bill, perhaps the concerns of the Senator at this moment might be somewhat relieved.

The specific language is as the Senator read, with only slight additions which I think indicate what the standards to be applied by the Secretary are going to be. The words are:

> If the Secretary has determined that changes in the technology or manufacture of handguns, or actions tending to circumvent the intent of this subsection (which is to allow the approval of only those handgun models which are generally recognized as particularly suitable for sporting purposes), have rendered inadequate the standards set forth in paragraphs (1) and (2) of this subsection.

It would seem to me that that language, first of all, specifically states that the Secretary can only consult with the Chief of Army Ordnance and the Secretary of Commerce if he has determined that there is either a change in technology or actions tending to circumvent the intent of the subsection, the sporting purposes test.

In order to relieve the concern of legitimate firearm manufacturers and citizens that we are slipping something over on them, we go back to paragraphs (1) and (2) which enumerate in detail the criteria of the sporting purpose test.

Mr. FANNIN. I say to the Senator from Indiana that I know of his sincerity and I agree with him in part but let us go to the point the Senator from Indiana makes. It still gives the Secretary the power to promulgate regulations. This is a tremendus power that is unchecked.

Congress is asked to abdicate its responsibility. The Secretary would obtain legislative prerogatives.

Mr. BAYH. The Secretary "may" revise the criteria if those criteria are not useful as a result of advanced changes in technology. I do not know what that means because I cannot envision what would happen—perhaps, if there is some action taken which is specifically designed to contravene the clear intent of the bill. The best example I can find is one which is not specifically on the point, I admit, but it is something that is going on that has been of clear concern to me and to my friend from Nebraska, and he is on the opposite side of this measure by the Senator from Indiana. But we are both deeply concerned about one particular foreign manufacturer. That foreign manufacturer today is shipping into this country a weapon which under the 1968 act was clearly prohibited as a Saturday night special under the criteria laid down by the Secretary. This ingenious foreign exporter ships the same doggone weapon, but he has changed it by a couple of inches on the barrel. He shipped it into Florida where they have a hacksaw operation. When the gun comes in, the barrel is zipped off, and when it goes on the market it is the same type weapon that was prohibited under the 1968 act. That is a clear violation of the intent of Congress.

We dealt with that, thanks to the cooperation and assistance of the Senator from Nebraska. We made it a violation of Federal law to saw off the barrel of a pistol, just as we had earlier made it a violation to saw off the barrels of shotguns.

But it is that kind of ingenious attempt to get around the obvious intent of the law that we are concerned with.

Mr. FANNIN. I would say to the Senator that he has just given the reasons why this is unnecessary. We have made the changes necessary to correct that situation. Congress can certainly do that in the future. There is no reason why we should delegate our responsibility to the Secretary of the Treasury. We certainly have the power to change the law. I do not see that there is any argument because the Senator agrees we have already made that change that was necessary in the law.

Mr. BAYH. But let me point out that in using that as an example, it is not an example specifically on point, and we are trying to suggest that if something like that happens we should not have to come back here and change the law, but we give the Secretary an opportunity to change those criteria himself. That is our effort. It is tied clearly to the fact that any change which the Secretary makes must be authorized by the specific wording of the amendment that the Senator seeks to delete, directed to those changes which go to the characteristics of the firearm in a gun which may be particularly suitable for sporting purposes. That is the whole sporting purpose test.

Also, we strictly limit the Secretary's authority to changes which meet the criteria in sections 1 and 2. That is precisely why we put that in there, so the Secretary cannot go out on a toot of his own and consider anything he wants. No changes can be made unless technology has rendered inadequate the specific language in sections 1 and 2.

Mr. FANNIN. The Secretary may be very sincere in interpreting what is included in this particular paragraph. He may be sincere, but his interpretation may be entirely different from what many of the citizens of our country feel should be done.

I know that in the West we have an entirely different situation than in the East. So if the Secretary were basing his interpretation on what was proper to take care of some situation in New York, it would not necessarily apply in Arizona.

Mr. BAYH. I would suggest that point is not really relevant to what the Secretary has authority to do under this section. The Secretary's authority is limited very specifically.

Mr. FANNIN. It is the Secretary's interpretation of the law that would control.

Mr. BAYH. But the interpretation of the Secretary is limited to the intention of the bill we are discussing right now on the floor.

Mr. FANNIN. Nonetheless, I would say

the Secretary would have great latitude in his interpretation of this section.

Mr. HRUSKA. Mr. President, will the Senator yield me 3 or 4 minutes?

Mr. FANNIN. I am pleased to yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I am in support of the amendment of the Senator from Arizona. I hope it will be adopted. It should be approved. Briefly stated, here is the reason: The bill spends four printed pages saying what will be prohibited by way of Saturday night specials for importation or manufacture with respect to handguns. Then it says, "Just in case we leave anything out, just in case somebody will invent a way to circumvent those four pages of specifications, we will let the Secretary of the Treasury legislate on our behalf."

It is an utter abdication of legislative responsibility on our part, and it vests the Secretary of the Treasury with that legislative power.

It is said that he has to stay within the intentions of the bill, he has to stay within "sporting purposes," and if he strays from that, he cannot do it. The fact is, the gate is wide open. The Secretary can say, "We object to the manufacture or importation of Model 2-X because it is not designed for a sporting purpose," and having said that, there it is.

Mr. BAYH. The Senator is wrong, if I may interrupt.

Mr. HRUSKA. No; let me finish my argument.

There is nothing in that section that limits him except if he determines that there are actions tending to circumvent the intention of this subsection, which is to allow the approval of only those handguns particularly suitable for sporting purposes. All he has to do is to say, "A particular gun is not designed for sporting purposes; therefore I will not allow its importation or manufacture." That is all he has to say.

Mr. BAYH. If the Senator will permit me to read the rest of that sentence——

Mr. HRUSKA. Go ahead and read it.

Mr. BAYH. "Have rendered inadequate the standards set forth in paragraphs (1) and (2)."

Mr. HRUSKA. That is right. All he has to say is model 2-X is not for a sporting purpose, and the four printed pages of legislation have been rendered inadequate.

Mr. BAYH. He has to be specific as to why they are inadequate.

Mr. HRUSKA. It simply says the purpose is to limit it to guns for sporting purpose.

Mr. BAYH. If I may say to my dear friend from Nebraska, if it were not for the language which he accidentally omitted, I would say he would have a good point, but the Secretary cannot sit down and say "Model 55-X no longer meets the sporting purpose."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. I yield myself time, and I apologize to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. He and I have discussed this matter rather extensively.

The PRESIDING OFFICER. How much time does the Senator from Indiana desire to yield to himself?

Mr. BAYH. Five minutes. In fact, I must say—and I am sure the Senator from Nebraska does not want to claim credit for this—that he suggested there might be a new change in technology that might render the specifics inadequate. Now we find objection to putting them in. I do not want to open Pandora's box.

If the Senator will read the language, it is not enough for the Secretary to say that model X no longer meets the sporting purpose, but he has to show why. The Administrative Procedure Act's protections would be available to any aggrieved manufacturer. So the Secretary would have to show, under the provisions of the Administrative Procedure Act, that some change in technology had rendered some of the specific criteria inadequate and caused him to issue new regulations banning a gun.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. HRUSKA. The Senator from Nebraska contended that "sporting purpose" is such a vague and subjective term that we could spend another four printed pages trying to qualify a gun for that purpose, and we would still be right back where we were to begin with, if subsection (3) is retained.

The basis of the objection was—and it was turned down by the committee; they thought they had greater wisdom than I have—that "Your idea of basing this turns on reliability and safety, which is no good. We are going to go back to sporting purpose." I say, on the basis of findings by H. P. White Laboratories, if it were put on the basis of safety and reliability, they could fasten down the specifics and we would not have to let the Secretary of the Treasury legislate on our behalf. I do not think any Cabinet officer or any other executive official of the Government should go into the legislative business. I think it is for the Senate and the House to do that and for the President to sign bills into law. We are the ones who ought to legislate. If he is going to say, "This is being circumvented and I am going to invent a new rule, and I am going to change this," he would be legislating. I do not think he should.

Mr. BAYH. I do not want him to legislate, if I may say so to my friends from Nebraska and Arizona. The Senator and I have decided differences as to whether we should make the gun safe for the user or whether somebody on the other end of the weapon should be safe. But we are both trying to stop the sale of Saturday night specials. The Senator from Nebraska wants to make them safe. But we do not have a real difference of opinion as far as concerns the desire to give the Secretary omnipotent power to go out and impose factors that are not involved. That has been resolved. I accept the Senator's desire to enumerate as specifically as possible in the bill the criteria which he can apply.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield.

Mr. HRUSKA. It is suggested that the desires and suggestions of the Senator from Nebraska were complied with. I respectfully submit that they were not complied with, because the specifications contained in these four pages of print are based upon sporting tests. The suggestions I had, which were turned down by the committee, were that the specifications should be based upon safety and reliability. Such specifications can be spelled out precisely and in adequate fashion. That has been discarded, and we are back to the conditions we have in the statute now; namely, sporting purposes.

And what are they? Even a 3-inch barrel can have sporting purposes, because, as the Senator knows, many deer hunters go out and wound a deer with a .30-.30, and they follow him and use that little target gun to dispatch him.

That is a different criterion than safety and reliability. Safety and reliability are readily defineable and determineable, and they can be set up, insofar as a sporting purpose is concerned, in the mind of the Secretary of the Treasury, to permit or prohibit almost anything.

Mr. BAYH. Mr. President, if I may suggest, to go back over a lot of these arguments——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAYH. I yield myself 5 more minutes.

The Senator talks about safety versus sporting purposes. The H. P. White Laboratory test, which is the only test the Federal Government has run on these weapons, indicated that they were unable to reach a determination as to what is and what is not safe. That is point 1.

Point 2 is, I think Congress has to decide whether to make a legitimate effort to get these belly guns, these mankillers, these Saturday night specials, whatever you want to call them, out of the marketplace. If not, let us admit it. If we want to make it safer for a guy to stick up a corner grocery store, all right, but I think that has no proper place in public policy.

Let me go back, if I may, to the concern my two friends have expressed about what authority the Secretary is given, because I concur with them as far as our goals are concerned. I want to mention some specifics that might, indeed, occur to the ingenuity of a few unscrupulous gun manufacturers. Most gun manufacturers make a good, sound weapon. They are honest, legitimate manufacturers. Unfortunately, there are always a few characters who resort to making a fast buck, and we have to come along and legislate to get them instead of being able to rely on all the members in a community to meet the high standards set by the reputable majority of its members.

Before the Secretary can make a change, he has to find that—

> Changes in the technology or manufacture of handguns, or actions tending to circumvent the intent of this subsection . . . .

have rendered inadequate the standards set forth in paragraphs (1) and (2) of this subsection.

Now, what are those standards? He cannot make a change unless something comes along, a new change in technology, that renders inadequate the standards set forth in paragraphs (1) and (2). That is the only thing he can do. He cannot go out here and take into consideration just anything that is new. It has to be something that changes and renders inadequate the standards which we have specifically enumerated in the four pages, as my friend from Nebraska points out.

One of those matters that the Secretary may take into consideration is weight. That is specified. It is one of the criteria.

Let us suppose that unscrupulous manufacturer Y finds a way to ingeniously increase the weight of the butt or the handgrip of a rifle by a removable 4-ounce weight, that can be screwed out very readily. Then you could have a weapon which, with that weight screwed in there, is all right, but all you have to do is take a screwdriver and screw it out, and automatically it is disqualified.

The Secretary could take that into consideration and say, "Wait a minute, mister, you can not do that."

Suppose, through some ingenious manner, unscrupulous manufacturer Z is able to develop some new plastic or alloy that puts a different type of safety mechanism or trigger guard on to this weapon. Safety mechanisms, handgrips, and different types of trigger guards get extra points under the criteria. That is specifically enumerated. If you have a certain type of handgrip or trigger guard, you get the extra points.

All right, a fellow may come along who is really not concerned about a safe weapon; all he wants to do is circumvent the act.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAYH. I yield myself another 5 minutes.

We might have these particular safety mechanisms made of some kind of easily meltable plastic, so that when the Secretary tests it, the safety guard is there, and he gets the extra point.

Then the gun is sold to a fellow who wants to use the weapon in an illegal manner. He puts it in a pot of boiling water, the plastic melts off, and the safety guard disappears. Perhaps this is a ridiculous example, but this is the kind of thing the Senator from Indiana is concerned about. Of course, the Secretary could take this into account even without the provision we are debating, but that provision would make it clearer.

Another type of specific criterion that might be circumvented is this: We have allowed extra points for various kinds of sights, click sights and drift adjustable sights, because such sights have a relationship to sporting purpose.

Suppose manufacturer XY comes up with a kind of click sight that can be easily removed; all you have to do is screw it out of there. Thus, with the sight on there, it meets the test, but you want to take the sight off because it might catch on your pocket when you go into the grocery store to hold it up.

This is a kind of thing that the Secretary would be able to take into consideration in making the change, and none other.

I am sure, from the look on the face of my friend from Nebraska, that he is even more pained now that he was when I sought to ease his pain and discomfort over the provision of the bill, but I say with all my heart that is what this section is designed to do, no more and no less, and I think the legislative history is rather clear.

Mr. FANNIN. Has the Senator's time expired?

The PRESIDING OFFICER. The Senator's time has not expired.

Mr. BAYH. I am sorry; I meant my friend from Arizona, not Nebraska, because he does not have a pained look on his face.

Mr. FANNIN. Does the Senator from Indiana yield the floor?

Mr. BAYH. I yield the floor.

The PRESIDING OFFICER. Does he yield back the remainder of his time?

Mr. BAYH. I do not want to prevent my friend——

Mr. FANNIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Arizona has 17 minutes remaining.

Mr. FANNIN. Mr. President, I would just say to the Senator from Indiana that what he has said illustrates the capacity of the formula he is utilizing in this bill to further complicate the problem of the Secretary of the Treasury in making any decision in this regard.

It would seem there is less of an inherent danger in having an unscrupulous manufacturer than an arbitrary decision by the Secretary of the Treasury. The manufacturer to circumvent the law with new technology must incur capital outlays, tooling up expenses, and so on. Furthermore, he must have customers for this new handgun that circumvents the law. The things the Senator from Indiana is talking about would not give a manufacturer any great market. If he were required to have those special little devices on the pistols that would circumvent the intent of the law, it seems to me that the number of guns that could be sold under that interpretation would be very small. Who wants to buy such a gun and pay for it, when he can go out and get a gun—speaking of a criminal getting at, they are readily available to the criminal, along with any other type of gun.

Mr. BAYH. Mr. President, if the Senator will permit me to respond briefly, I think the same argument can apply to the manufacturer producing guns with extra long barrels and shipping them into Florida, who eventually chose to saw them off. To suggest that there is not a ready market for those weapons that are readily concealable is foolish.

If you go down to the District jail or the police department and talk to the police officers, you find that these are the kinds of weapons criminals want to use. Right now they can buy them for $8.98.

Mr. FANNIN. I am in agreement, if the Senator is talking about Saturday night specials, but he is not just talking about Saturday night specials. Under what would be provided, the Secretary could be given the power to outlaw even sporting pistols, so far as that is concerned, if he is of that opinion. Of course, I understand that the standards are set forth but it is his interpretation of those standards that count.

Mr. BAYH. If the Senator runs out of time, I will use mine. Does the Senator from Arizona agree with the Senator from Indiana, as he reads the language, that the Secretary cannot get involved unless he finds something to happen which has rendered inadequate the standards set forth in paragraphs (1) and (2)?

Mr. FANNIN. His interpretation is controlling.

Mr. BAYH. Does it say that or does it not?

Mr. FANNIN. What I am trying to say is this: We have elaborate standards enumerated in section 4 of this bill—why do we need to formulate these standards and in the same bill allow the Secretary to change them at his discretion? After all how long has it been since there has been any real changes in technology with respect to pistols and revolvers?

Mr. BAYH. It all depends on what kind of technology the Senator is talking about.

Mr. FANNIN. The same kind the Senator from Indiana is attempting to have the Secretary make new standards for.

Mr. BAYH. Let me give a pertinent example of that. Yesterday the distinguished Senator from Iowa was telling me about a new rifle he purchased which is smaller than a .22 and has a muzzle velocity of more than 4,000 feet per second. That is a very new development. So technology is coming along. And this would be relevant on testing the guns under this bill's standards.

Mr. FANNIN. We are talking about pistols, are we not—handguns?

Mr. BAYH. That is a change in technology. It could have just as well been a pistol.

Mr. FANNIN. I just asked a simple question as to how long it has been since there has been a change in technology as to handguns, and that is a very simple question to answer.

Mr. BAYH. I do not know with exact precision. Changes occur all the time.

Mr. FANNIN. Ten years, 25 years?

Mr. BAYH. If we are talking about the development of new safety devices, I would say that probably in the last couple of years there have been new types developed to make weapons safer.

Mr. FANNIN. As to major technology, 50 years or 100 years. We can look at a pistol 100 years old and see there has not been much change. The technology argument as an argument to allow the Secretary unbridled authority to change the standards without any review by higher authority is not persuasive.

Mr. BAYH. As I stated earlier, as a legislator, I have to be placed in the position of trying to anticipate what some character out here is going to do contrary to what the general practice of the industry will be.

The Senator from Arizona agreed that the change considered by the Secretary would have to deal with rendering inadequate the standards set forth in paragraphs (1) and (2).

Mr. FANNIN. I said his interpretation of what would be required, and that is certain giving him great latitude.

Mr. BAYH. How can he have any less latitude than the words in this bill give him?

Mr. FANNIN. I say that does give him the great latitude. In fact, he could practically outlaw any type of handgun if he so desired.

Mr. BAYH. How?

Mr. FANNIN. Just by his interpretation of what sections (1) and (2) mean.

Mr. BAYH. Let me suggest that in the 1968 act we have given the Secretary the authority to outlaw the importation of any hand weapons that do not have a sporting purpose, which is a much broader definition than this.

Mr. FANNIN. That is exactly what I am talking about that is wrong with it. That is the effect it would have.

Mr. BAYH. It is not at all the same thing, I say to the Senator; because instead of giving him broad leeway to apply only the sporting purpose test, we say that the only time he can use this authority in subsection 3 is if the change in technology has rendered inadequate the standards set forth in paragraphs 1 and 2. We have taken the very criteria established by the Secretary of the Treasury with a blue ribbon committee comprised of a number of distinguished citizens: Donald Flohr, of H.P. White Laboratories; Harold Johnson, U.S. Army Foreign Science and Technology Center; Daniel Musgrave, Washington representative of the Mauser Works of Germany; John Richards, Potomac Arms Corp.; Jeptha Rogers, International Association of Chiefs of Police; and Lt. Col. Joseph S. Smith, Deputy Director of Civilian Marksmanship. Those are the people with whom the Secretary consulted in establishing these criteria.

Mr. FANNIN. How many sportsmen are involved in that list?

Mr. BAYH. I do not know whether the man who represents the Mauser Works is representing sportsmen or not. He certainly represents gun sellers.

Mr. FANNIN. I do not believe he represents the sportsmen.

Mr. BAYH. The Potomac Arms Corp. represents someone selling weapons. The Senator cannot say that the Deputy Director of Civilian Marksmanship is contrary to hunters and sportsmen, can he? I think sportsmen's interests were therefore taken into account.

Mr. FANNIN. I think the Senator is correct in that one instance. But that committee of advisers is not representative of a cross section of sportsmen.

I am not saying that just because some groups feel differently, we should write the legislation as they desire. From the best available information, it appears that this measure might eliminate from manufacture and sale at least 11 handguns designed and intended purely for sporting use.

Mr. BAYH. It would do what?

Mr. FANNIN. It would outlaw them—in other words, eliminate them from manufacture.

Mr. BAYH. Can the Senator give me the source of the information?

Mr. FANNIN. It is a cross-section that was compiled by the Publications Division of the National Rifle Association.

Mr. BAYH. With all respect is that exactly what one would call an objective publication?

Mr. FANNIN. Is this a correct statement?

Mr. BAYH. If we are concerned about the objectivity of this committee, let me suggest——

Mr. FANNIN. I should like to finish my comments.

It seems to me that this list is available to the Senator. If he wants to dispute it, that certainly is his privilege. It continues:

> This is because the bill prescribes a point system of approval or disapproval based not only on barrel length but also on overall dimensions, weight, and several mechanical features.

It lists the sporting handguns that are definitely banned under **S. 2507** and **goes** on:

> Handguns, often carried as kit guns or sidearms by sportsmen, which also would be banned under S. 2507:

I just say that I am using this illustration because the Senator used another illustration. He said this would be biased. Why should it not be considered from a sportsman's standpoint? I realize that the people whose names the Senator read are respected individuals, but they are not looking at this situation from the standpoint of the sportsmen. I am not here to represent the National Rifle Association—if their statistics are incorrect, then the public is entitled to know the truth.

Mr. BAYH. Let me suggest to the Senator, who was talking about weapons that are going to be outlawed by this proposal, that the list I read includes two manufacturers' representatives.

Mr. FANNIN. I realize that.

Mr. BAYH. That lends objectivity. I do not want to vouch for this list. I do not know these people personally. All I suggest is that I do not see how it is possible for any Secretary of the Treasury—whether it is the Senator from Arizona or the Senator from Indiana or the Senator from Nebraska—to go out on his own and make this determination.

I do not want to beat this subject to death, but let me suggest to the Senator the kinds of concern that may sound ridiculous. If you have a barrel length, for example, where you add a couple of inches to it by some plastic tube and cut it off by a knife later, or the sights can be removed by shearing them off, which is put on there obviously just as a subterfuge, or using a cheap piece of plastic instead of the legitimate sights on a sporting weapon, or increasing the weight that could be put in and is detachable from the barrel, that is what we are talking about. Again, let me make it clear that the Secretary would be expected to refuse to accept such obvious shams under this bill without the provision in question. I am just trying to illustrate my point.

Mr. FANNIN. If anything like that takes place, we are in session and we have the power to go ahead and change the legislation. I cannot see that that is a valid argument now. I do not claim to be a technician in this field but I would ask the Senator if he feels that we are excluding sporting handguns under the standards of this act?

Mr. BAYH. No, I do not.

Mr. FANNIN. The Senator feels that we are not?

Mr. BAYH. No; we may have a different result between us so far as how the words are used. We may define the intent differently, but we may reach the same goal by this means; but I confess I am not trying to take off the market legitimate sporting type weapons. These tests have been used since 1968. There has not been any effort on the part of the firearms industry to use the provisions of this act to get the standards changed. They are available, if they are unreasonable tests or criteria. They have been applied to foreign imports since 1968, and I am suggesting that we apply them to domestic production.

I do not think there is anything further to say but I want the record to show that insofar as the manager of the bill is concerned, I am not after legitimate producers of sporting weapons or trying to give the Secretary carte blanche authority to get involved in legislating. I am suggesting to the Senator from Arizona that it is really naive—well, "naive" is not a good word because the Senator from Arizona is not naive—but I think the word "unrealistic" would be a better assessment. Some say slight modifications can be made easily in Congress. "All we have to do is to come back here and deal with this little old amendment." But, my God, whatever we do, do not touch the firearms bill or the walls will hit the streets. I do not know whether the Senator has read the letter sent out by one of the organizations which imputes motives to me which never entered my mind. Whenever we want to make a change in firearms legislation, right away the membership is told, "The next step is they will confiscate your shotgun or take away your sporting pistol." That is what will happen, if we come back here and make even a minor adjustment. That is the history of the legislation in this area, and I do not believe it will change overnight.

Mr. FANNIN. I do not question the Senator's motives. He is sincere in wanting to accomplish what he feels is for the best interests of the country. But I do not feel that he has taken into consideration the problems existing for the sportsman in this legislation he promulgated, or which he helped to write or to sponsor. So I cannot feel that the answers that have been given will take care of the very serious problem of the question of the Secretary of the Treasury entering this picture. It goes much farther than the Senator intends, or than Congress intends in making a decision in this regard.

I am in favor of controlling those Saturday night specials. But our standards ought to reflect our intent and not outlaw legitimate sporting handguns.

The PRESIDING OFFICER (Mr. STEVENSON). All time of the Senator from Arizona has expired.

Mr. BAYH. Mr. President, let me read from an article from the Gun World——

The PRESIDING OFFICER. The Senator from Indiana has 8 minutes remaining.

Mr. BAYH. I shall not use the 8 minutes unless someone wants to take advantage of it, but I would like to show a specific example by reading from an article in the Gun World of April, 1970, entitled "Gun Test: Walther's—New PPK/S .380 Auto"

It reads in part:

> Then came the Gun Control Act of 1968! Based upon the "point system" set up for the importation of such sidearms—the original PPK did not fall within the measurements-specifications guidelines, as spelled out by the Alcohol, Tax & Firearms branch of the Treasury Department. Strange as it seems, however, this inadvertently has turned out to be a blessing, at least for U.S. shooters, who soon will be able to check-out for themselves a revamped model of this famous auto-loading pistol. Our Eastern editor, Bob Zwirz, feels that revamp is an improvement, in several ways, over the original model. It also is acceptable, measurement-wise, under the rulings governing imported handguns.

Mr. President, I read the excerpt to show the Senate my intentions. I am sure the Senator from Arizona believes them, although there may be some listening here, or in the gallery, who do not.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. HRUSKA. By way of summary, I think this is the situation: We have legislated certain standards for these guns by the sections prior to that which the Senator from Arizona wants to delete. Now in this section we say that if the Secretary considers those standards to be inadequate, he may contrive and put into force additional standards.

When that is done, it means we engaged in the legislative process which we engaged in here by putting in four printed pages of regulations into the form of law for no purpose. If I understand correctly the provision of the Senator from Arizona (Mr. FANNIN), he objects to that legislative assignment to the Secretary of the Treasury.

I do, too. I support the amendment. I hope that it will be agreed to.

Mr. FANNIN. I thank the distinguished Senator from Nebraska. I believe my amendment will materially assist in preventing an abuse of discretion and overall achieve our goal of closing the loophole in the 1968 law as far as Saturday night specials go.

Mr. BAYH. Mr. President, I yield myself 1 minute and that will be all. I have said all this before. The Secretary can get involved in legislating, according to the specific words of this bill, as well as the adequately expressed intention of the principal sponsor, is whether when changes in technology or manufacture tend to circumvent the intent of paragraphs (1) and (2).

He is limited to safety device, length and weight, frame construction, caliber, safety features. These are the things that are specifically covered. These are the things specifically enumerated in the bill.

Mr. HRUSKA. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BAYH. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been used or yielded back. The question is on agreeing to the amendment of the Senator from Arizona. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), and the Senator from Arizona (Mr. GOLDWATER) are detained on official business.

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from New Jersey (Mr. CASE). If present and voting, the Senator from Colorado would vote "yea" and the Senator from New Jersey would vote "nay."

The result was announced—yeas 58, nays 33, as follows:

[No. 359 Leg.]

YEAS—58

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Cannon
Chiles
Church
Cook
Cotton
Curtis
Dole
Eagleton
Eastland
Ervin
Fannin
Gravel
Gurney
Hansen
Hatfield
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
McClellan
McGee
McIntyre
Metcalf
Montoya
Moss
Packwood
Pearson
Proxmire
Saxbe
Schweiker
Smith
Spong
Stafford
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—33

Bayh
Boggs
Brooke
Byrd, Robert C.
Cooper
Cranston
Edwards
Fong
Fulbright
Griffin
Hart
Hartke
Hollings
Hughes
Humphrey
Inouye
Javits
Kennedy
Long
Mathias
Miller
Mondale
Muskie
Nelson
Pastore
Percy
Randolph
Ribicoff
Roth
Scott
Stevenson
Tunney
Williams

NOT VOTING—9

Case
Dominick
Gambrell
Goldwater
Harris
McGovern
Mundt
Pell
Sparkman

So Mr. FANNIN's amendment (No. 1418) was agreed to.

Mr. HRUSKA. Mr. President I move to reconsider the vote by which the amendment was agreed to.

Mr. FANNIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I have an unprinted amendment at the desk that I call up at this time.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> On page 5, line 21, and page 8, lines 8 and 24, insert the words "or for personal protection" after the phrase "sporting purposes."

Mr. ROBERT C. BYRD. Mr. President, may we have order? We cannot hear the clerk.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STEVENS. Mr. President, the amendment I proposed would insert the words "or for personal protection" after the words "sporting purposes" where those words appear in three sections of the proposed committee substitute.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Robert Bates may be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the purpose of this amendment is to clarify the intention of the proposed act, to make it clear that the act does not prohibit handguns for personal protection.

I have previously discussed with the Senator from Indiana why I feel handguns are a necessity for self-defense in many parts of the Nation, particularly in my State and the more rural areas of the United States, and I pointed out that in the State of Alaska when a person is hunting or fishing, a handgun is a necessity for self-protection.

Furthermore, I think that the RECORD is clear that the legislative intent of the Gun Control Act of 1968 was to include personal protection.

I would like to read the declaration of that section of Public Law 90–618, which specifically states:

> The Congress declares that . . . it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity . . .

As I read the bill—and I pointed this out to the Senator from Indiana in the opening debate on the bill—in three places the bill before us refers to the suitability for sporting purposes of handguns. At one point it states specifically:

> If the Secretary has determined that changes in the technology or manufacture of handguns, or actions tending to circumvent the intent of this subsection (which is to allow the approval of only those handgun

> models which are generally recognized as particularly suitable for sporting purposes) . . .

Mr. ROBERT C. BYRD. Mr. President, may we have order? There are too many staff aides at the desk. The Senator should have the courtesy of being heard while he explains his amendment.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STEVENS. I thank the Senator from West Virginia.

I take it that the language which is in the bill at the present time would in fact be a change in direction from the original Gun Control Act of 1968, in which the Congress specifically stated it was not trying to put unnecessary restrictions or burdens on law-abiding citizens, and particularly with regard to their right to have handguns for self-defense, for personal protection.

We have used in this amendment the specific language of the 1968 declaration. It would permit the Secretary to approve handgun models which are generally suitable for sporting purposes or for personal protection. I think it is absolutely essential to state that in the bill so that there can be no misunderstanding by anyone, particularly in terms of the burdens placed by the bill on the Secretary of the Treasury.

I would hope the Senator from Indiana would join me in this concept, because I do not think we should put people in the position of having to violate the law in order to get a gun for their own self-protection. Under the bill, a person could buy a gun if it was for a sporting purpose, and if the Secretary found it was suitable for sporting purpose, but there is no reason why we should place restrictions on a person who has no intention of hunting, or no intention of using a gun for trapshooting or target practice, or of using the gun for a sporting purpose, when the gun is for self-protection.

We ought not to change the Gun Control Act of 1968 and state, as it does in this bill—and again I want to emphasize that the bill states—that the intention of this subsection is "to allow the approval of only those handgun models which are generally recognized as particularly suitable for sporting purposes." There are handgun models which are not suitable for sporting purposes which are usable for self-protection, and if they meet the tests set out in the bill they ought to be models that would be approved by the Secretary of the Treasury.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. HRUSKA. Mr. President, I rise in support of the amendment. After all, self-protection is a lawful activity. There is no logic to limiting guns only for sporting purposes; we need to consider other lawful and legitimate purposes. The Senator from Alaska is correct in saying that this amendment will meet the spirit and the context of the law and make it more thorough and more complete, in view of the language contained in section 101 of the 1968 Gun Control Act, the pertinent part of which reads as follows:

> It is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity—

And that—

> This title is not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes—

Certainly, personal protection being expressly mentioned, and being doubly assured for consideration because it is a lawful purpose, it would be well to include the language of the amendment expressly in the bill.

Mr. PASTORE. Mr. President, will the Senator from Alaska yield so I may ask him a question?

Mr. STEVENS. I yield.

Mr. PASTORE. The suggestion of the Senator from Alaska, that the purpose of the amendment is for personal protection, is very appealing to the Senator from Rhode Island, but who makes the decision—who determines the definition?

Mr. STEVENS. Under this bill, the Secretary of the Treasury can review all handgun models and determine whether they meet the criteria of the bill, and it provides for those that are suitable only for sporting purposes. The amendment would require the Secretary of the Treasury to make a decision as to whether these models met the tests set forth in the bill for either sporting purposes or personal protection.

Mr. PASTORE. Before a person bought a gun for personal protection, would he have to register the gun in any way?

Mr. STEVENS. Yes. We are not changing the 1968 Gun Control Act. If a person wanted to buy a gun for self protection, he would have to give his name, address, and identification. We are not changing those provisions of the law.

Mr. PASTORE. In order to clarify this discussion, in other words, if the gun is bought and permitted for personal protection, society is protected, because the gun has to be registered?

Mr. STEVENS. The purchaser has to be registered under the Gun Control Act of 1968.

Mr. PASTORE. That is what I mean.

Mr. STEVENS. We are talking about new guns. In order to get a new gun, a person would have to give his name, address, and proper identification; but the bill says the Secretary can approve only those handgun models which are particularly suitable for sporting purposes. We believe he should have to approve them if they are for sporting purposes or for personal protection of an individual.

Mr. PASTORE. But if a person proceeds to acquire a gun for personal protection, is he required by some State, local, or Federal authority to hold a license to have that gun?

Mr. STEVENS. At the present time that is determined by State law. In the State of New York, for example, a person would have to have a license. In the State of Alaska, he would not. But in either jurisdiction, under the 1968 gun control law, before he could buy a gun, he would have to give his name, address, and identification and qualify under the 1968 Gun Control Act.

Mr. PASTORE. I would like to get this cleared up. What we are doing here is eliminating certain classifications of guns, that are called Saturday night specials.

Mr. STEVENS. That is right.

Mr. PASTORE. I do not know precisely what a Saturday night special is. As a matter of fact, I am not a gun fancier. I have never possessed a gun and I have never fired a gun. I think I would be a little afraid to do it. But the fact is that certain individuals who are not avowed criminals have acquired guns, and, after they possessed the guns, they have committed criminal acts. What I want to know is, Is there any control over that individual by any State, local, or Federal authority which makes him responsible for the acquisition and the possession of the gun?

Mr. STEVENS. The existing Federal law.

Mr. PASTORE. There is existing Federal law?

Mr. STEVENS. The 1968 Gun Control Act.

Mr. PASTORE. I wish that the Senator from Indiana would explain that, too, in due time.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. JACKSON. It seems to me that the heart of the problem here is as follows: How do you distinguish between a handgun that is used for one's defense, the defense of his home and family, and at the same time distinguish it from the handgun that is used by the individual to perpetrate a stickup or an assassination?

Mr. STEVENS. The answer to the question of the Senator from Washington is this: The bill already provides standards in terms of concealability, in terms of length of the gun, in terms of the overall size and the barrel. We are not changing that. We are only saying that if the Secretary finds these guns meet the criteria, then guns for personal protection shall be approved. There are specific criteria in the bill. I have another amendment dealing with that, but there are specific criteria in the bill which the Senator from Indiana brought from the committee setting forth what is an acceptable size of gun, but it also says that the Secretary of the Treasury can only approve that gun if it is suitable for sporting purposes.

There are guns suitable for personal protection that are not necessarily suitable for sporting purposes, but if they meet the tests the Senator from Indiana has already set out for eliminating Saturday night specials, and are intended for personal protection instead of sporting purposes, we believe that the Secretary should be able to approve such a handgun model if it is for personal protection, even though it is not suitable for sporting purposes. That is the purpose of the amendment.

Mr. JACKSON. Mr. President, I am

heartily in accord with the Senator's objective, but I cannot, in my own mind, visualize how one is classified in one case as for personal protection and the other classified as one that could easily be used for a stickup or for a personal assault on another person.

Mr. STEVENS. We have, by virtue of this bill, as I understand the proposal of the Senator from Indiana, proposed that certain handguns are more suitable for the Saturday night special classification by virtue of the size of the barrel—the overall length of the gun——

Mr. JACKSON. Concealment is what we are talking about.

Mr. STEVENS. Concealment is the important thing. We are not changing that. We are saying that guns that meet and go beyond the specifications the Senator from Indiana has laid down, but are not necessarily suitable for sporting purposes, ought not to be eliminated for that reason.

Mr. PASTORE. Mr. President, can the Senator name one gun suitable for personal protection that is not a Saturday night special? What is a Saturday night special; can someone answer me that?

Mr. STEVENS. Let me answer the Senator from Rhode Island this way: All the guns eliminated by the measure of the Senator from Indiana are still eliminated. My amendment deals with the question of guns that could otherwise be approved. We are not changing that. We are saying that if the gun meets all the requirements of the bill that are designed to eliminate Saturday night specials, and that gun is suitable for personal protection though not necessarily for sporting purposes, it should be approved.

Mr. PASTORE. All the Senator from Rhode Island is concerned about is that guns get only into the hands of legitimate people, and that they are responsible to some authority for the possession of that gun.

The PRESIDING OFFICER. All time of the Senator from Alaska has expired.

Mr. BAYH. Mr. President, I think I am prepared to accept the amendment of my friend from Alaska. I have some misgivings, not because of what it says or does, but because of possible misinterpretations of its effect on other parts of the bill. For that reason, let me just ask him a couple of questions.

The amendment of the Senator from Nebraska——

Mr. STEVENS. Alaska.

Mr. BAYH. That is what I said, the Senator from Alaska. It just bounced off the Senator from Nebraska on the way. I apologize to both my colleagues.

Mr. STEVENS. I am honored.

Mr. BAYH. The amendment of my friend from Alaska in no way affects the criteria established on pages 4 and 5 of the bill as far as safety devices are concerned?

Mr. STEVENS. That is correct.

Mr. BAYH. As far as overall length is concerned?

Mr. STEVENS. That is correct.

Mr. BAYH. As far as frame construction is concerned?

Mr. STEVENS. That is also correct.

Mr. BAYH. And as far as pistol weight is concerned?

Mr. STEVENS. Yes. We do not change any of the criteria for determining what is not a Saturday night special.

Mr. BAYH. Fine.

Mr. STEVENS. But we change the concept in that the Secretary need not find that that handgun is useful only for sporting purposes, which we think would be a limitation upon the Senator's criteria.

Mr. BAYH. I am tempted to ask the same question that either the Senator from Rhode Island or the Senator from Washington asked, can the Senator name one weapon that meets these criteria but which would not be in the sporting purpose category?

We are not trying to deny the opportunity for people to defend themselves. We are simply trying to classify Saturday night specials—small weapons, easily concealed, and thus the most acceptable weapons for the criminal—and say to the Secretary "You cannot allow those."

If you want to have a weapon above a particular size, not for hunting rabbits, but for protecting yourself, I have no objection. I am deeply concerned about the other side of the coin, that a small weapon might be excluded from the ban simply because the purchaser wants it for protection. But I gather from the colloquy with the Senator from Alaska that his amendment would not do that.

Mr. STEVENS. That is correct.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. PASTORE. Just so the RECORD will be clear, I am going to ask again for the RECORD, the regulations under which guns are acquired. This is because this is a very complicated bill as it is a complex problem, all of us know what we are trying to avoid: We are trying to avoid the indiscriminate possession of weapons which might lead to crime. As I said yesterday, guns sometimes get into the hands of very young people. Under the influence of drugs, perhaps, and without any provocation or justification at all, they have killed innocent, unoffending citizens. That has happened several times here in the District of Columbia, I have cited instances and I do not want to get into that again.

The point I am making here now is this: Will someone please clarify for the RECORD just what are the requirements, what is demanded of an individual when he buys this gun, owns this gun, and keeps this gun for self-protection? What is it he has to do? I do not care who states it for the RECORD whether it is the Senator from Alaska, the Senator from Nebraska, or the Senator from Indiana, but will someone please explain to me what are the requirements for anyone to possess any kind of a gun? What does he have to do in order to buy it? What are the restrictions upon him, and what are the restrictions for him to either own it, carry it, or keep it in his home, for whatever purpose?

Mr. HRUSKA. Mr. President, if the Senator will yield, insofar as national legislation is concerned, when one buys a gun from a licensed dealer, he fills out a form in which he gives his name and address, he says that he has not been convicted of a crime within a given number of years, and that he is not a fugitive from justice. I do not know whether the requirement is found there that he is not under indictment. I believe that was stricken because obviously an indictment is an accusation; it is not proof of guilt of crime, or conviction. That he has not been adjudicated mentally incompetent, and that he is over 18, in the case of a rifle or shotgun, and over 21 if it is a handgun.

He must attest to his residency within the State, and that is about all. But that record must be kept by the licensed dealer.

Now, beyond that, if there is a State law, he must comply with that State law. In New York City, the regulations are very stringent for handguns. Only 20,000 permits have been given, to law enforcement officers, guards, and others of that kind, security people who are licensed and recognized. So in a city of 8 million people there are 20,000. The Senator can see how strict the law is.

In other States, there are no restrictions whatever. In my State, in the city of Omaha, we have a registration requirement and have had it for 30 or 35 years. There it is also a matter of residence and age.

Mr. PASTORE. I thank the Senator from Nebraska. I thought that at this juncture the RECORD ought to be clear as to what is required.

Mr. BAYH. Mr. President, one last observation. I am prepared to accept the Senator's amendment. I would like to pose one question.

Is it accurate to say that before the language which is offered by the Senator from Alaska can have any effect, all the other criteria already provided in the bill must have been met by the weapon in question?

Mr. STEVENS. That is not correct. We have not changed the criteria. I have another amendment to do that. Let us be honest about this. I have an amendment with which I seek to follow up on the conversation we had at the opening of this bill, dealing with safety reliability as opposed to these purposes. Assuming that the bill is enacted in its present form, we want to make certain of personal protection.

Mr. BAYH. I am perfectly happy to accept the amendment of the Senator from Alaska.

Mr. STEVENS. Would the Senator permit me to make a statement?

Mr. BAYH. Will the Senator withdraw the request for the yeas and nays?

Mr. STEVENS. I will do so.

The Parliamentarian just pointed out to me that Senator FANNIN's amendment amended the portion on page 8, line 24, that my amendment seeks to modify or amend. Therefore, I ask unanimous consent to delete from my amendment the last reference to sporting purposes on page 8, line 24, because that language is no longer there, in view of the adoption of the Fannin amendment just prior to this amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEVENS. With the understanding that the Senator from Indiana will accept the amendment, I ask unanimous consent that the order for the yeas and nays be rescinded.

Mr. BAYH. The Senator from Indiana makes no objection, but in order to be able to make one further explanation and not lose my time, I would wait one moment before accepting the amendment.

I think it is important in building legislative history that the RECORD show clearly that the blanket sporting purpose test—the general authority as it exists in the 1968 act—has been taken out of this bill. It has been replaced by specific criteria originally designed to help the Secretary define sporting purpose. For that reason, it is the judgment of the Senator from Indiana that once the Secretary determines that a gun meets the specific criteria written into the bill, which identify a weapon designed to be used for sporting purposes, he has no alternative but to approve it, regardless of the purpose to which the owner of the weapon desires to put that handgun.

Mr. STEVENS. I might state the converse—that is, if the Secretary of Commerce finds that a handgun meets all the criteria that have been set down and he finds that that gun has no sporting purpose but does have a utility for self-protection, he might approve it.

Mr. BAYH. I think we are playing with words. The Senator from Alaska is free to phrase it in his own inimitable fashion. The Senator from Indiana would prefer his own phrasing. We are really talking about the Secretary of Treasury now, not the Secretary of Commerce.

Mr. STEVENS. That is my error.

Let me state to the Senator, so that we are sure that the intent of what I am saying is clear, that the purpose of this bill is not to change the intent of the 1968 gun control law; and the adoption of this amendment will assure those people throughout the country who have looked at it and have interpreted this as being a narrowing of the intent of Congress in the 1968 gun control law that that is not the case.

Mr. BAYH. I agree that the 1968 Gun Control Act is still in force and effect. We are just applying the same criteria that were originally promulgated by the Secretary under that act. He has applied them to imported models, we are applying the same test to those that are manufactured domestically. If someone wants to use one of these models to defend himself, I have no objection.

Mr. STEVENS. That is the total intent of this amendment, to assure people throughout the country that lawful activity of people who possess handguns includes self-protection as well as the use of handguns for sporting purposes. I think that the way the bill is stated, it could have been interpreted as limiting the original intent of the 1968 Gun Control Act.

I am pleased that the Senator from Indiana is prepared to accept the amendment.

Mr. BAYH. I accept the amendment.

Mr. STEVENS. Mr. President, has the order for the yeas and nays been rescinded?

The PRESIDING OFFICER. Without objection, the order for the yeas and nays is rescinded.

The question is on agreeing to the amendments en bloc, as modified, of the Senator from Alaska.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1414

Mr. HRUSKA. Mr. President, I call up my amendment, No. 1414.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. HRUSKA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

Strike out all of line 17 on page 2, through line 13 on page 4, inclusive, and insert in lieu thereof the following:

"SEC. 3. Section 922 of title 18 of the United States Code is amended by adding at the end thereof the following new subsections:

" '(n) It shall be unlawful for any licensed manufacturer or licensed importer to sell or deliver a handgun manufactured or imported into the United States after the effective date of this Act, if such handgun is of a model which has been disapproved by the Secretary pursuant to section 922(o) of this title.'

" '(o) The Secretary may disapprove for sale or delivery by a licensed manufacturer or licensed importer any handgun model manufactured or imported into the United States after the effective date of this Act, if he has caused to be evaluated and tested representative samples of such handgun model, and has found that such model fails to meet the following criteria:'."

On page 9 letter sections (o), (p), and (q) as sections (p), (q), and (r).

Mr. HRUSKA. Mr. President, referring to section 922(b) of the bill, we find the language as follows which is pertinent to an understanding of my amendment:

> It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer or licensed collector to sell or deliver . . .

Then there are several subsections which are not pertinent to my amendment, until we come to subsection (6), which reads as follows:

> Any handgun model unless such handgun model has been approved by the Secretary pursuant to section 922(n) of this Title.

The bill as thus drawn including the above quotation, would summarily and instantaneously put an end to all sales and delivery of any and all handguns of whatever model until such a time as the Secretary of Treasury acted to approve gun models in accordance with section 922(a) of the title.

I point out that no time element is specified for the Secretary of the Treasury to issue any such order. If there were any reason why he did not want to do it promptly, he would not have to. In the meantime, all citizens of America would be prohibited from buying and all organizations selling would be prohibited from selling or delivering any and all types of handguns.

Throughout the United States, with its 160,000 dealers and collectors and 150 manufacturers and importers, all sales and deliveries of handguns would come to an abrupt and a complete standstill upon enactment.

Thereupon all would stand by to await the pleasure and convenience of the Secretary of Treasury to make his decisions as to which handguns he would approve and which he would withhold from an accepted list.

The above-numbered amendment, No. 1414, would reverse this process.

It would allow the present arrangement of sales and delivery to continue, subject to such orders as the Secretary would subsequently issue disapproving and disqualifying certain specified gun models. In that way we would have a continuance of the lawful business of sale and delivery of handguns as it is now, subject to those orders issued by the Secretary of the Treasury who would say, pursuant to the provisions of the bill, that models he would specify would no longer qualify and they would be illegal in the stream of commerce.

It should not be the intention or effect of this bill to go as far beyond the field of Saturday night specials as to completely close to all law-abiding citizens the opportunity to buy or sell through licensed dealers the handguns they want for lawful purposes.

Any power granted to the Secretary should be within the scope of the declared objectives of the bill; namely, to deal effectively with Saturday night specials, not against all handguns. The Senate has spoken clearly and emphatically on the issue of abolishing private ownership of handguns, or even of federally registering them or licensing them.

The bill as written brings on a host of difficulties.

One difficulty is enforcement. By including licensed dealers, we encounter the necessity of considering 160,000 licensed dealers and collectors throughout the 50 States. The manpower on the Federal payroll necessary to monitor and check out this volume for the purposes provided in the bill would be formidable, indeed. I do not know how many it would take. I do not know of any computation which has been made on what the number would be, but we would be faced with the alternative of putting the bill in the form of a statute and just having it there, or making some attempt to administer and enforce its provisions.

Another difficulty lies in placing upon those dealers the burden of correctly interpreting and applying the highly technical and complex standards to each transaction in the selling of a handgun.

The chief difficulty would be in determining which handguns are in conformity and which are not.

It is impossible to test them all. The number of models and their variations are legion, almost unlimited.

It is one thing to test and approve current models and prospective ones, as to import or manufacture. But it is virtually impossible to test and even identify those made in the past and widely distributed in a fashion to determine qualification under the proposed law.

Most dealers are not gun identification experts. Fewer still are engineers or metallurgists.

The point system of the bill requires highly refined and sophisticated determination of identity, measurement, and testing. Models often differ in minor, sometimes internal details, not readily discernible but frequently critical to proper determination.

Individuals who made even honest, good-faith mistakes would be subject to Federal felony criminal prosecution if they guessed wrong. Even if they made a conscientious and honest effort to form a good, sound judgment and say, "Yes, this gun is not prohibited by such and such an order," they would still be subject to Federal prosecution.

It is a truism that rounding up the Saturday night specials at their distribution point in large numbers will be far more effective than trying to obtain them in groups of ones and twos at the thousands of dealerships across the Nation. It would be relatively simple to ban from sale by the manufacturer a projected production run of 100,000 noncomplying handguns of the same model; it is an incredible undertaking to try to enforce a ban from commerce of the same 100,000 after they have been dispersed among the citizenry over 50 States and mixed in with thousands of other models and variations.

This method proposed in the amendment No. 1414 will also be more just and fair in that the penalties will fall on the importer and the manufacturer rather than the one-man dealers who number in the thousands who may have a couple of these guns in a display case and who do not have the resources to absorb such a loss.

In effect, the way the bill is now written, if it were enacted into law, it would mean the confiscation of all stocks in the hands of importers or factories or dealerships in the Nation. It is fair to assess the penalty on the importer and the manufacturer, but insofar as the risk to the dealer is concerned, it is my judgment it would be unfair and is not necessary, in addition to being highly impractical and unenforceable.

Additionally, the proposed amendment would insure that the trading in used firearms would be carried on lawfully and with due regard to the Federal recordkeeping and recording requirements that are an important part of present law. It would be regrettable, but yet it is realistic to expect that the option of S. 2507 without such a safeguard as this pending amendment, will result in the creation of a black market in presently existing guns.

Let me explain why that would happen.

Under the terms of this bill as reported, the owner of a gun prohibited by the terms of the bill will not be able to use the services of a dealer to transfer it. The dealer would be barred by the present language of the bill. He would not be willing to accept a used gun as a trade-in for a new and approved weapon. This is because the dealer will have no way of knowing whether the used gun meets the Secretary's standards; if it does not meet those standards, he will not be able to sell it. He cannot afford to take a chance on jeopardizing his license.

Therefore, it would make no sense for him to accept trade-ins. Thus, for the private citizen with a gun, the only way to dispose of it will be to enter into a private sale with another citizen. Such a sale will be outside the present Federal laws which require adequate recordkeeping and recording on the part of licensed dealers. Thus, the provisions of the 1968 gun control law will be effectively nullified in this regard.

S. 2507 has strayed much too far afield in this particular from its declared objectives of dealing effectively with Saturday night specials. It would only complicate and confuse the effort.

The proposed amendment No. 1414 would clarify and correct in suitable fashion.

It should be approved.

Mr. President, let me point out that if this bill is enacted into law, we are not going to dispose of or cause to vanish from the scene the millions of guns that will not be qualified for further manufacture or further importation. Those guns are here in this country. Passage of this bill will not cause them to be obliterated from existence. They will be here. The question is, how are we going to deal with them in the regular stream of commerce where we can have a record made, where any sales by licensed dealers will be recorded, or where we will have them recorded in that way, or by a black market that will spring up where there will not even be that bit of practical handling of a very difficult situation?

My hope is that the amendment will be approved. It will greatly improve the bill. It will make it acceptable to many who otherwise would not find it possible to vote in its favor.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, what is the time limitation on the amendment?

The PRESIDING OFFICER. There is a 2-hour time limitation on the amendment.

Mr. BAYH. Mr. President, I find myself rising in opposition to the amendment of the Senator from Nebraska with only two other Senators in the Chamber. And whether I do this at this moment or do it after the lunch hour remains to be seen. However, I am very much inclined to ask for a live quorum because, from a very practical standpoint, this amendment would gut the whole bill. And it would be very difficult for any of us to defend what remains.

I have in my 18 years of legislative life been forced on many occasions to accept a half a loaf instead of a full one. However, rather than being a half a loaf in this instance, it is a handful of crumbs that remain. I must say that I am not prepared to make a final judgment on whether a handful of crumbs is better than a half a loaf at this moment. However, I am compelled to rise to suggest that anyone who believes he can hold his chest out proudly and say to the innocent victims of Saturday night specials and to the patrolman who protects his community: "I stood up and was counted as wanting to take the handguns out of the hands of the criminals who killed your buddy last night" is either intentionally or unintentionally perpetrating a hoax upon the individual in question.

My friend, the Senator from Nebraska, says that this measure would make it more acceptable to a number of people who would otherwise be inclined to oppose the Saturday night special bill. It ought to. It not only opens the barn door, but it also takes off the roof and one side. I think we ought to face it for what it is.

Mr. President, I do not want to force anyone to listen to my interpretation of the amendment of the Senator from Nebraska. However, I want my friends to be advised that I am about to tear into it with unlimited tenacity, because I think this bill goes to the heart of this matter. And it is going to destroy the efforts we have made to try to get those criminal weapons off the streets.

Mr. President, I have approached this matter as patiently and as reasonably as I know how. But I felt that I had a responsibility in advance to alert all Senators and all interested parties as to what we were trying to do. Being chairman of the Juvenile Delinquency Subcommittee and seeing the ricocheting on the gun control issue throughout the country, I know how easy it is to misrepresent and misinterpret the legislative effort in this regard. So, I sat down with the parties involved and I said: "Mr. Washington Lobbyist and my colleagues in the Senate, this is specifically what we are trying to do. We do not want to take away your rifle; we do not want to take away your shotgun; we do not want to take away your sporting hand weapon; we do not want to take away your target weapons. All we want to try to get off the streets are those belly guns, those mankillers that are killing policemen and innocent citizens. That is all we are trying to do."

When I read the publications and when I read letters to my colleagues and even hear speeches on the Senate floor to the effect that we are opening the door to make it possible to confiscate and take away weapons, I must point out that that has never been in the mind of the Senator from Indiana.

Now, with that background, let me address myself to the amendment of the Senator from Nebraska. I have great respect for him. I consider him a friend. I also know that he is an astute enough lawyer that he knows exactly what this would do. It would gut the bill. This issue was fought out in the Judiciary Committee, and I am proud to say that after a thorough analysis of the position of the Senator from Nebraska and that of the Senator from Indiana, the distinguished senior Senator from North Carolina came down on the side of the Senator from Indiana.

If we are going to have effective firearms control as far as Saturday night specials are concerned, we are going to have to have something with teeth in it instead of a handful of legislative Pablum.

And if we are to accept the well intentioned amendment of my friend, the Senator from Nebraska, it will not even be 100-percent Pablum. This amendment would indeed shift the presumption. I certainly concur with that assessment. The Senator from Nebraska has not tried to conceal that. He has been very forthright in describing the fact that his amendment shifts the presumption from disapproval to approval.

The Senator is concerned about this. He talks about the time limit required for testing. Let me just ask the Senator from Nebraska if there is any acceptable time limit that the Senator would find agreeable. Sixty days is provided for in the bill. Would the Senator rest easier with 90 or 100 days?

Mr. HRUSKA. Mr. President, I do not understand just how the Senator would bring the case before the Secretary. Would it be his thought that there would have to be an application on the part of each licensed dealer with reference to the models in his stock?

Mr. BAYH. Mr. President, the committee bill requires the Secretary to publish every year a list of weapons acceptable for sale under the criteria. And he would promulgate regulations covering procedures for receiving approval.

Thus the question of whether the weapon could be sold or not and the doubt resting in some minds on that matter could be easily resolved by looking at the list published by the Secretary.

The Senator expresses a legitimate concern on whether weapons will have to be tested in order to be put on the Secretary's list. The bill as passed by the committee provides for a 60-day period before the act becomes effective. Thus the Secretary has 60 days in which to compile a list of weapons that would meet the standards.

My question is directed specifically to this matter of timing. Does the Senator believe that 90 days would be more equitable? I am not trying to impose any hardship or to be unjust.

Mr. HRUSKA. Mr. President, what happens if the Secretary does not act? Is there any provision in the bill in the event he does not act? Suppose that he does not act. That is one point.

Another point is that the designation of a certain period of time will not meet the basic defects here. It is the Secretary that should take action to say that this kind of model is not approved or will not be manufactured or imported.

Mr. BAYH. Mr. President, let me say to my friend, the Senator from Nebraska, that in the committee bill the Secretary does have the responsibility of acting.

Mr. HRUSKA. He does indeed.

Mr. BAYH. Only, instead of saying that this model is prohibited, he would say that this model is permitted.

What we are doing, and let us put it on the RECORD, is opening the doors and destroying the provisions of the 1968 Gun Control Act covering importation of hand weapons. As soon as this becomes the law of the land, if it is enacted, any firm that wants to import into the United States any hand weapons that do not have sporting purposes—weapons such as the 900,000 annually which have been prohibited since 1968—can start shipping them here. And these weapons could not be refused entry until the Secretary says "Wait." Manufacturer X in Wiesbaden, Germany, can ship in a couple of boatloads to be distributed all over the country before the Secretary finds out and says, "You cannot do that." Then the importer would change the model slightly and begin again. He could import again until the Secretary again says "No." We are opening the door to all sorts of foreign imports.

I thought we had agreed in 1968 to stop this The Senator from Nebraska would be opening the doors to foreign imports

Mr. HRUSKA. That is not the idea or the understanding of the Senator from Nebraska. For any imports or any domestically manufactured guns the application would have to come from the importer or manufacturer to the Secretary, and if the Secretary said yes, they may manufacture and sell it if it qualifies under the law then they can go forward, but if he said no they will either not manufacture or import or they will appeal the case and get a ruling in the courts to which they have access.

But that is a different situation than dealing with guns that are now in existence. What would the Senator do with those guns? What disposition would be made of them? Passage of this will not cause them to vanish. They will be here and the alternative is to either have them engage in the black market which automatically will be created, or allow the dealers to sell them and deal with them and have recording of the sale as required by present law.

Passage of this bill is not going to cause those guns to vanish.

Mr. BAYH. Is the Senator talking about guns now in the hands of dealers or guns in the hands of individual owners?

Mr. HRUSKA. Both. Those in the hands of licensed dealers and those in the hands of individual people. Those in the hands of individual owners are going to be there and the bill does not touch that.

Mr. BAYH. Neither has the Senator from Nebraska touched that in his amendment. What the Senator from Nebraska does is change significantly the way we deal with weapons in the hands of dealers.

I suggest if you remove dealers from the reach of the prohibition, as the Senator from Nebraska does, you make no effort to stop the sale of those weapons, which Congress, by passing this act, says it is bad public policy to sell.

To suggest there is going to be a black market is almost humorous, because in the act we make it possible for any dealer to turn these weapons over to the Secretary or whatever law enforcement agency he designates and to be reimbursed for those weapons. We say the same thing to the manufacturer, and to an individual.

The millions of weapons already in the hands of individuals are not touched by this act, but we say that any citizen who wants to turn one of them in voluntarily may be reimbursed. That any mayor or chief of police who wants to mount a community-wide effort to get these guns out of the homes—guns that can go off in the middle of the night in vain defense of the home, or when a youngster climbing on the bureau gets a gun—that any community that wants to do so can do so voluntarily by reimbursing any person who turns them in

If we are going to eliminate dealers from the coverage of S. 2507, as the Senator from Nebraska does, we are seriously limiting our effort to get the Saturday night special off the street. The large stocks of Saturday night specials are now in the hands of dealers. We are not punishing a dealer or taking away his property without just compensation. In fact, we have written into the bill our intent to reduce the availability of Saturday night specials. We say, "It is bad for you to sell these guns, Mr. Dealer, but we are not going to confiscate them." We are saying, "Mr. Dealer, if Congress changes the present policy, we are going to pay you for turning in your Saturday night specials. You do not have to do so."

There are still a large number of police forces that do not provide their policemen with firearms. They have to go out and buy them individually. The amendment of the Senator from Nebraska states they would have to go to a manufacturer to buy them, if these police departments want the patrolman to have them. What the Senator from Indiana is saying is give the dealer the option of keeping a few of these highly specialized models which might be purchased by the policeman in his locality, or give him the option of turning them all in and being reimbursed by the Government.

We make every effort in the world to be fair to dealers. I must say the Senator from Indiana has been subject to some criticism by those who fear, first of all, we do not go far enough, and those who feel we should reimburse the dealers. I think a very good constitutional case can be made that the U.S. police power gives us the authority to go in and tax these weapons as contraband and not to reimburse anybody. But we are not taking that approach. Most of the dealers I have talked to, and a number of gun manufacturers have said, "We will be glad to have an excuse to stop selling these things. We do not make much money selling the Saturday night special. We make money selling legitimate weapons." Thus, we are being infinitely fair to the dealer by reimbursing him and giving him advance notice with respect to what weapons can and cannot be sold.

I want to suggest that if we adopt the amendment of the Senator from Nebraska we are placing in great jeopardy our efforts to prohibit Saturday night specials. The Senator's bill would require the Secretary to ferret out every garage operation and every small business that gets into manufacturing Saturday night specials, and he has to say, "Do not sell." If he says, "Do not sell that one model," they can change it a little bit and start selling it again. It may take 5 or 10 years before anybody finds out about it.

If these weapons that J. Edgar Hoover said should be taken off the streets should be taken off the streets, for God's sake let us give the Secretary the power to do it. Let us not leave the gaping loophole in here that would be provided by my friend from Nebraska.

I think we need to recognize that it is reasonable to assume that if anybody is making these prohibited weapons and is really trying to peddle them to a sinister section of our society, he is going to contest this prohibition in court. Under the Senator's amendment, all the while this legal contest is going on, the weapons might continue to be sold even if they have absolutely no sporting purpose whatever.

The Senator from Nebraska said, in response to the question, "What if the Secretary does not act?" "Well, I must say that is a very good question." The bill as it passed out of committee, after a laborious effort to deal with all the facts, provides that if the Secretary does not act, no Saturday night specials can be sold. Under the amendment of the Senator from Nebraska, if the Secretary does not act, any kind of Saturday night special can be sold. That is the distinction. One cannot argue with it. Either argument has to be based on the premise that there is a Secretary downtown who does not want to enforce the law.

If the Secretary does not act, under the bill, these police murder weapons, the Saturday night specials, cannot be sold. Given the Senator from Nebraska's amendment, if the Secretary does not act, they can be sold, and that can go on forever.

We sat on the committee and asked the appropriate officials at IRS and at the Treasury Department, "When are you going to come up here with a bill? When are you going to deal with the problem of the loophole in the 1968 act?" Mr. Rossides and Mr. Santarelli observed 2½ years ago that the 1968 act left a great big loophole through which a million guns were coming into the country.

We were told, "Senator, we recognize that. We are busy working on an amendment to close up the loophole." Here we are 2 years later. Still no bill. Now I wonder, if we change the presumption, and say that Saturday night specials can be sold until the officials down at the Department say they cannot be sold, when 2½ years have gone by and they have not yet come up here with legislation to correct a loophole which they say existed, what is going to happen if they have the whole decision to determine whether certain weapons shall be sold or manufactured. They will not do anything, and as a result, the bill will not be worth any more than the paper it is written on.

There is another matter that I think it is important for us to recognize. We have accepted the amendment of the Senator from Alaska dealing with personal protection. I think defending one's own person and home is certainly a part of the American way of life, despite the fact that all the police officials who testified before our committee testified that there are four times as many persons killed in self-defense as criminals. Nevertheless, if one wants to defend himself or his home, I would not deny him that opportunity. All we say is, at least defend yourself with a weapon that is more difficult to conceal and less adaptable to the trade of the criminal.

A hard fact of life is that there are millions of weapons in circulation today, in the hands of private owners, that are not going to be touched by the bill. As I mentioned, we give to each local community the option of structuring a program in which citizens are asked to turn in their weapons voluntarily and to be reimbursed for them. I must say that criticism can be directed at the Senator from Indiana on the ground that the bill does not go far enough, because it does not touch the weapons in the hands of so many people. I think that is justifiable criticism. The question is, Where do you draw the line? How far can you go?

The Senator from Indiana has felt that if we can at least draw the line now and say, we now have 20 million Saturday night specials, or 10 million Saturday night specials—I do not know what the number is; say x Saturday night specials—and if we put our hand in the dike now and say, next year we are going to stop selling them, so that next year there will not be x plus 1 million, and the year after that there will not be x plus 2 million, and the year after that there will not be x plus 3 million, we will at least have made some progress.

The Senator from Nebraska suggests that we should make no effort whatsoever to prohibit the sale of stockpiles that are now in the hands of every single dealer in the country. He says this is going to be a hardship on the dealer. I do not know how it could possibly be a hardship on the dealer, because he can sell those guns to Uncle Sam at the fair market value as of the time the bill passes. He can get his money back. But what we are saying is that we are going to do something about the hundreds of thousands of weapons now on the counter, ready to be sold. If they are bad, why wait for tomorrow? If they are bad, why wait for next year. This is going to give every manufacturer and dealer an opportunity to gear up. During the timelag between the passage of the bill and its effective date, regarding the provision having to do with sales from the wholesalers and retailers, the guns prohibited by Congress are going to multiply many times in an effort to hoard them and have them ready so that they can be sold after Congress says it is no longer in the public interest to sell them.

Let us stop the sale of these weapons now. Let us not say, on the one hand, the weapon which meets these criteria is bad, but we are going to go ahead and let dealers sell them. Let us be honest with ourselves. Let us say either that we do not want any criteria at all or that we want to apply only some of these criteria, as the Senator from Nebraska has honestly said. But let us not kid ourselves. If one kind of weapon, according to Acting Director Gray and according to the late FBI Director Hoover, is bad business as far as the public is concerned, let us stop selling it now.

Another weakness that must be recognized if the amendment of the Senator from Nebraska is adopted is that, in addition to those weapons——

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. KENNEDY. I know the Senator was going to make some additional remarks, and I do not want to interrupt the continuity of his thoughts. But I wanted to join him in some of the points he is making, and to support those views. I am glad to do so.

Mr. BAYH. I would certainly like to have the Senator's opinion, if I could just have 2 minutes to finish the continuity of this thought.

Mr. President, I think it is obvious, from reading and studying the amendment of the Senator from Nebraska, that he would permit the sale of new weapons that are now in the hands of dealers. But what is not obvious is that even after the effective date of this act, he would be permitted to continue the traffic in secondhand weapons.

What does this mean? The studies that I have seen indicate that fully 54 percent of all hand weapons are bought secondhand, bought used. And if we are not to say to the dealer, "Thou shalt not sell," if we are to exclude the dealer and confine our efforts to eliminating the manufacturer, we are absolutely decimating any and every effort which gives us a chance of getting those secondhand guns out of possession.

What will happen under the amendment of the Senator from Nebraska, since dealers are not covered, is that there will continue to be a traffic in secondhand weapons, which Congress by law will have said are bad public policy only if they are new.

What kind of sense does that make, for Congress to stand here and pass a bill which says, "Gun x is bad, we are not going to permit you to sell it if it is new, but every dealer in America can sell it if it is used?"

I think if we are concerned, as the Senator from Indiana is, not with trying to limit the wholesome sporting use of firearms, but about getting these criminal weapons out of production, then let us have a system that creates an incentive to get as many of them out of possession as we can, and if a gun owner out in Indiana, Nebraska, Massachusetts, or wherever it may be wants to come in and sell a used gun to a dealer, let us permit him to do it, but then let us prohibit that dealer from selling it out again to the public, but require him to turn it in and be reimbursed for the cost that he has involved.

I yield to the Senator from Massachusetts.

Mr. KENNEDY. Will the Senator yield me 6 minutes?

Mr. BAYH. I am glad to yield the Senator 6 minutes.

Mr. KENNEDY. Mr. President, while listening to the debate today as well as the debate for the last couple of days, we have seen a series of amendments that have been proposed to weaken the bill approved by the Judiciary Committee which is a very modest proposal to attempt to reduce the problem of the

Saturday night special. In the early part of the debate, we attempted to recognize what the overwhelming majority of Americans have recognized as reflected in the polls conducted in this country and, perhaps what is most important, what has been recognized by the chief law enforcement personnel in this Nation, who have spent a lifetime in study, commitment, and dedication to meeting the problems of crime and violence in this country, as well as by the four presidential commissions, made up with bipartisan representation, to study the problems of crime and violence in this Nation. They have all recommended that the best way to do something to curb crime and violence is by doing something about the control of guns, particularly handguns, in this Nation.

But now at this point, in the final hours of the debate, we see another amendment proposed which would cut at the very heart and guts of this proposal. Listening to the debate here today, I hear crocodile tears shed about the problems of the dealers, and what we are going to do about all of these dealers who have these Saturday night specials. What we do not hear is any crocodile tears about the American people who are the ones that really deserve protection. When is the Senate going to start putting their interests first? Obviously, we have a responsibility, if we are going to seize property and confiscate it, but I think the Senator from Indiana has pointed out that there could be a very strong argument made, in this matter, that we ought not offer any compensation at all to the gun manufacturers.

This is a very complex issue, which has been written into this act, and I am not sure that all of us want to agree, as a matter of public policy, that Congress is going to make it a matter of public policy in connection with such seizures to provide full compensation. This is similar to the question of the drug companies that manufacture DES, a cancer-causing drug, or the cyclamates, which have been found to be cancer producing, and of who is going to assume the risk in those cases. Should it be the taxpayer, or those who would otherwise make extraordinary profits on such items?

When we start shedding "crocodile tears" for those dealers of junk handguns, we ought to recognize that there are anywhere from 300 to 500 percent markup on these weapons, that some of the most profitable business in this country has been from the sale of Saturday night specials handguns, the only purpose of which is to kill people. We do not hear any argument made here on the Senate floor this afternoon that Saturday night specials are used for hunting in this country. That argument cannot be made and will not be made.

Yet Senators are trying to find some means, by weakening this legislation, to frustrate what has been the expression of so many of those who have appeared before the Committee on the Judiciary in the areas of law enforcement and public policy, who say there is no role for such weapons in our society other than to harm individuals. Now it is sought to stir up sympathy for those who have, as I say, paid anywhere from $2 to $3 for these weapons, and are selling them at anywhere from a $10 to $15 sale price. It is sought to have the Senate say to them, "You can go ahead, even though we make a clear definition and declaration as a public policy matter that Saturday night specials have no role in our society," and Senators are trying to find some way to circumvent that very basic, fundamental, and well-supported principle.

It is also rather interesting to me that the prosposer of this amendment, in his comments about the amendment of the Senator from Arizona (Mr. FANNIN), in talking about certain provisions of this bill which gave authority to the Secretary to consider other criteria, made the argument, "Well, we are giving extraordinary discretion to the Secretary, extraordinary discretion, and we have responsibilities here in this legislative body to legislate and not to grant discretion to the Secretary."

Yet here, by this amendment, we would give even greater discretion to the Secretary. He can go out and make a recommendation as to what weapons will be tested, and even if he finds that the weapon fails all the various tests that have been put out, he still does not have to ban it; it is completely up to him.

Mr. President, the American people ought to understand that one of the most significant and powerful lobbies in this country will be leaning over that Secretary, just as they have leaned over this administration, just as they have leaned over the Attorney General of the United States who appeared before the Judiciary Committee and refused to take a stand on this issue.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. KENNEDY. Just as the President of the United States has only made a cursory, passing remark about the dangers of Saturday night specials to the American people, indicating that we are working with appropriate Members of Congress and their staffs and are hoping to do something about it. Why will he not speak out on this issue—an administration that says it is committed to the problems of law and order in this country? When it comes to wiretapping, they are ready to go ahead and wiretap and increase wiretapping in this Nation to do something about crime and organized crime.

They are ready to call the grand juries when there is any kind of talk about Dan Ellsberg and the Pentagon Papers, ready to call the grand juries and give immunity on those matters.

The PRESIDING OFFICER (Mr. BURDICK). The time of the Senator has expired.

Mr. KENNEDY. Mr. President, will the Senator yield me 3 additional minutes?

Mr. BAYH. I yield.

Mr. KENNEDY. They are ready to repeal the rights of individuals to come down here and even protest and get parade rights in Washington, D.C. They are prepared to exercise law and order in those areas, but they will not do it on Saturday night specials.

I say that every American ought to understand the sham of that position, and it is a sham.

Here we have an amendment to further weaken those provisions that breathe some life into this legislation. I understand that we are going to have further amendments to cut back on it.

I hope that the Senate will reject this amendment. I wish I could say that I was optimistic about the Senate doing so. I certainly hope that the Senate, in its good judgment, would recognize what this amendment places first, this amendment puts the interests of dealers in this country over the interests of public safety. I feel that the approach that has been included in this provision is fully adequate and provides the kinds of protection for those dealers and the compensation which meet our responsibilities to them. I hope the amendment will be defeated.

Mr. President, I yield the floor.

Mr. HRUSKA. I yield myself 10 minutes.

Mr. President, this matter ought to be put into perspective. After all, the bill takes the position that a perfectly legitimate and lawful business activity must cease in its tracks. That will be the situation when and if the bill is enacted; that is exactly what would happen. There could be no sales or deliveries of handguns until the Secretary acted. I presume that he would act in good conscience and good faith and get busy; and he would issue his order saying that some models are allowed and others are not allowable. In fact, he would not have to say that others are not allowable. All he would do is say that certain models are allowable, and those he does not mention would be illegal, the way the bill is drawn. The burden is put in the wrong place when that happens. The public is denied its opportunity to buy guns which are lawful and proper. That involves a considerable number of people. Two and a half million handguns a year are produced and sold in this country. It is a lawful, legal business, and we ought to face it.

The point of controversy between the Senator from Indiana and the Senator from Nebraska is this: After the guns that will be surrendered voluntarily have been determined in number, a certain residue will be left. How will we deal with those numbers of guns that are not turned in and destroyed by the Government? I presume that we would destroy them. I would hope so. How are we going to deal with them? There is one way suggested by the Senator from Nebraska. He suggested that they be put through the regular course of commerce, have them sold by the dealers.

The dealers, pursuant to the Gun Control Act of 1968, would record the name of the purchaser, his address, his residence, and his qualificaions to buy that gun. The alternative suggested by the Senator from Indiana is that that would not happen. We cannot engage in that way of dealing with those guns. It is a certainty that many of them will trade ownership. How will it be done? In informal sales and black market sales and in a fashion in which there will be no record? I would hope not. That is the difference between the two viewpoints.

Let me review the course of this legislation. I have been working at it now for some 12 or 14 years.

In 1968, we passed a law which forbade the importation of the so-called Saturday night specials. We have heard many impassioned speeches here about the atrocities committed with the Saturday night specials; and if some of the energy devoted to that type of rhetoric and that type of dramatic presentation were centered on the point of controversy and focused on means to solve that problem rather than denouncing the problem, it would be helpful.

The importation of Saturday night specials in their assembled form was prohibited by the 1968 act. At that time, as the Senator from Indiana knows and as the records show, this Senator said that is the wrong approach. If they are bad, they are bad not because of their point of origin, not because they are made in Europe or some place else, but because they are intrinsically bad, and they should be prohibited from importation and prohibited from manufacture in this country. What happened? Instead of shipping the whole gun here, those who brought them in ordered the component parts and assembled them in factories in America. So the flow of these guns from abroad continued and is continuing today.

It is said that we are going to take action to close that loophole. What loophole? The production and sale of Saturday night specials that will not qualify under the criteria contained in the bill before the Senate. How much does that amount to?

We have evidence before the committee that the production of this type of Saturday night special was approximately 700,000 in 1969, and it is estimated to be presently approximately a million a year. Are we making progress with this bill? Yes; we are. We are making progress to the extent of forbidding the importation or the manufacture of a million prohibited handguns a year. That is a great deal of progress.

But we will still have the residue in this country. What are we going to do with them? Are we going to handle it properly, or will it be done on the black market? I say that the proper way to do that is to encourage voluntary surrender as much as possible, and it is being done. But some still will remain. Are we going to handle it on the black market, under the counter, under the table, in secretive meetings, and so forth, or are we going to do it as a legitimate article of trade where we will have a record and have some idea of what is happening? That is really what is involved here.

We get to the practical situation of how we are going to enforce it as to these dealers—160,000 of them. How many men would the U.S. forces have to have in order to police and monitor that many dealers? The effective way to do it, the proper way to do it, is to require the manufacturer, whenever he wants to manufacture a gun, to go to the Secretary and say, "Here is the type of gun I am going to make. Will it pass the test? I think it will." The Secretary will say yes or no and the same thing will occur with the importer. He will say, "I want to bring this gun in. Will I get a certificate of approval for it?" It is either granted or it is not. They will have control of the situation from the standpoint of adding to the supply of guns in this country.

Mr. BAYH. Is the Senator suggesting to the Senate that that is the way his measure would work, that that is required under his measure. Because if he is, he is reading it differently than I am. As this amendment is written, I would not have to go to the Secretary. I could make a weapon anywhere and still sell it. I do not have to go to the Secretary and say, "I think this gun will pass," and have the Secretary say beforehand whether I could or could not sell it.

Mr. HRUSKA. As to existing guns, that is true, but I do not see anything in the bill before us that will say the private ownership of this gun is prohibited and made illegal. So far as new models are concerned, that is the way it would work.

Mr. BAYH. There is nothing in the Senator's proposal that would prohibit me from going down to southern Indiana, going into the basement of a country store, and starting to manufacture and sell Saturday night specials. Even if Congress specifically says that a gun of that kind should not be sold, there is nothing in the Senator's amendment that would require me to go to the Secretary to get permission. That is the distinction between the position of the bill as passed by the Judiciary Committee and the position of the Senator from Nebraska.

The committee bill says, before you sell a gun, go to the Secretary and say, "Mr. Secretary, here is what I want to sell," and he says, "OK, sell it." But the Senator from Nebraska's measure would not provide that at all. It would impose on the Secretary the burden of finding every gun being manufactured, then making the determination of whether the gun conforms to the standards that Congress says is good or bad.

Mr. HRUSKA. If that is the effect of the amendment, I would be willing to entertain a change in it so as to require, as to any import or any manufacture of new models, that they get clearance from the Secretary. It is a simple operation. The way it works is that, for their own protection, the manufacturer or the importer would want to get advance approval because if they come in here and make a run of 100,000 imports or 100,000 manufactured items, and the Secretary disapproves of that particular model, they will be stuck, and rightly so. We would do this for their own protection. I would be happy to make a change in the amendment requiring importers and manufacturers to cooperate with the Secretary in this fashion. No difficulty there at all. That is where we have to deal with it, to make this an effective law. We have to take care of this at its source not after the guns are distributed.

Mr. BAYH. Is the Senator also aware that in section (o) of his amendment, page 2 thereof, the Secretary is not even required to disapprove a model that he has already determined does not meet the standards established by Congress. It says, "The Secretary may disapprove." It does not say, "shall." Even if the Secretary has found the source of supply and determined that these weapons do not meet the criteria established by the bill we are dealing with right now, he still does not have to disapprove it.

He can still yield to political pressure and not prohibit the sale of these Saturday night specials.

The PRESIDING OFFICER (Mr. BURDICK). The 10 minutes of the Senator from Nebraska have expired.

Mr. HRUSKA. Mr. President, all my time?

The PRESIDING OFFICER. The 10 minutes allotted to the Senator.

Mr. HRUSKA. I yield the floor then, so that I can continue the colloquy with my colleague.

Mr. BAYH. I appreciate the chance to continue the colloquy with my colleague but, as I recall, the RECORD will show that the ball is in the Senator's court, that the Senator from Indiana has exposed a rather serious imperfection in the enforcement mechanism of the amendment before us. I wonder whether the Senator from Nebraska was aware of its existence.

Mr. HRUSKA. The basic objection which this Senator has to the present form of the law is twofold. One is the burden placed on licensed dealers in trying to find out what they can and what they cannot sell. There should be a deferment at the source of supply, either of the importer or the manufacturer.

The second point would be the instantaneous cessation of the business. I think that would be unfair. I do not believe that the public should be denied the right and privilege they have of buying any gun they want to that is lawful.

Mr. BAYH. I appreciate the two concerns expressed by the Senator from Nebraska, but he has not been responsive to the shortcomings I have just pointed out. There can be no denying the fact that when it says the Secretary "may" disapprove for sale or delivery——

Mr. HRUSKA. That is right.

Mr. BAYH. That this means the Secretary can go through all the assessments required by the criteria that the committee, because of the concern shown by the Senator from Nebraska, has specifically enumerated in the bill—the Secretary can make a judgment that that gun is unable to meet the criteria established by Congress, and yet we do not even say that he "shall," then disapprove of the sale. In addition to the other shortcoming that, really seems surprising to me, I am always willing to accept the Senator's assessments of what he intended to do. However, this is like being shot by an empty gun.

Although he does not intend for the Secretary to have to go out and search for all these manufacturers, the amendment he proposes has no requirement that a manufacturer bring in his firearms for approval or disapproval. On the contrary, it shifts the whole of the burden onto the Secretary.

Let me suggest that those two faults or shortcomings are there. The Senator may not intend them, but they are there.

Let me address myself to the concerns that he has and that I have held are legitimate concerns inasmuch as they deal with differences he and I have regarding the bill.

Mr. President, I ask unanimous consent that there be a quorum call for the time to be taken out of both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Williams). Without objection, it is so ordered.

Mr. BAYH. Mr. President, I yield 1 minute to the distinguished majority leader.

COMMITTEE SERVICE

Mr. MANSFIELD. Mr. President, I send to the desk a resolution which I should have presented last Monday. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

Resolved, That the Senator from Indiana, Mr. Bayh, is hereby excused from further service on the Committee on Public Works as of August 2, 1972.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the resolution (S. Res. 348) was considered and agreed to.

Mr. MANSFIELD. Mr. President, by way of explanation, the Senator from Indiana (Mr. Bayh) has been placed on the Appropriations Committee. In order for him to serve on that committee, he had to be excused from duty on the Committee on Public Works.

QUORUM CALL

Mr. BAYH. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be taken equally from both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURDICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE IN CONFEREES

Mr. TOWER. Mr. President, I ask unanimous consent that with respect to the conference between the House and Senate on H.R. 15692, the disaster assistance bill, the previous order appointing conferees be amended to designate Senator Taft to take Senator Packwood's position on the conference.

The PRESIDING OFFICER (Mr. Cannon). Without objection, it is so ordered.

AMENDMENT OF TITLE 28, UNITED STATES CODE

Mr. BURDICK. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2854.

The PRESIDING OFFICER (Mr. Williams) laid before the Senate the amendment of the House of Representatives to the bill (S. 2854) to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices, which was to strike out all after the enacting clause and insert:

That section of title 28, United States Code is amended to read as follows:

"(a) The Director of the Administrative Office of the United States Courts shall pay to the surviving widow of a justice of the United States who died on or before the date of enactment of this section, while in regular active service or after having retired or resigned under the provisions of this chapter, an annuity of $10,000.

"(b) The surviving widow of a justice of the United States who is in regular active service or is retired or resigned under the provisions of this chapter on the date of enactment of this section, shall, if the justice gives written notice to the Director of the Administrative Office of the United States Courts within six months of the date of enactment of this section of his election to become subject to the provisions of section 376 of this chapter, be paid an annuity of $5,000 or an annuity in accordance with the provisions of section 376, whichever is the greater.

"(c) The surviving widow of a justice of the United States who is in regular active service or is retired or resigned under the provisions of this chapter on the date of enactment of this section, shall, if the justice fails to give timely written notice of his election to become subject to the provisions of section 376 of this chapter, be paid an annuity of $5,000.

"(d) The widow of a justice of the United States who is appointed after the date of enactment of this section shall be ineligible for an annuity under this section.

"(e) An annuity payable under this section shall accrue monthly and shall be due and payable in monthly installments on the first business day of the month following the month for which the annuity shall have accrued. Such annuity shall commence on the first day of the month in which a justice dies, and shall terminate upon the death or remarriage of the annuitant."

Sec. 2. Section 376 of title 28, United States Code, is amended by inserting "justice or" or "justice's or" prior to the word "judge" or "judge's", as appropriate, wherever those words appear therein, except in subsections (q), (r), and (s).

Sec. 3. (a) The heading of chapter 17, title 28, United States Code, is amended to read as follows:

"Chapter 17. RESIGNATION AND RETIREMENT OF JUSTICES AND JUDGES".

(b) The analysis of chapter 17 of title 28, United States Code, is amended by striking out the item relating to section 376 and inserting in lieu thereof the following:

"376. Annuities to widows and surviving dependent children of justices and judges of the United States.".

(c) The catchline of section 376 of title 28, United States Code, is amended to read as follows:

"§ 376. Annuities to widows and surviving dependent children of justices and judges of the United States".

Sec. 4. Section 604(a) (7) of title 28, United States Code, is amended by striking "Regulate and pay annuities to widows and surviving dependent children of judges," and inserting in lieu thereof "Regulate and pay annuities to widows and surviving dependent children of justices and judges of the United States,".

Mr. BURDICK. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

QUORUM CALL

Mr. BURDICK. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be taken equally from both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Burdick). Without objection. it is so ordered.

Mr. McGEE. Mr. President, will the Senator from Nebraska yield us 2 minutes on the bill so that we might proceed to the conference report on the agricultural appropriation bill?

Mr. HRUSKA. I am happy to yield 2 minutes to the Senator from Wyoming for that purpose.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 2 minutes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that Mr. Moorhead of Pennsylvania had been appointed as a conferee at the conference on the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans, vice Mr. Ashley, resigned.

The message announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 15580) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McMillan, Mr. Cabell, Mr. Stuckey, Mr. Nelsen, and Mr. Broyhill of Virginia were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15690) making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 31 to the bill and concurred therein; and that the House receded from its disagreement to the amendments of the Senate Nos. 30, 35, 36, and 48 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 484) to designate the Scapegoat Wilderness, Helena, Lolo, and Lewis and Clark National Forests, in the State of Montana.

The ACTING PRESIDENT pro tempore (Mr. METCALF) subsequently signed the enrolled bill.

AGRICULTURE ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1973—CONFERENCE REPORT

Mr. McGEE. Mr. President, I submit a report of the committee of conference on H.R. 15690, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BUCKLEY). The report will be stated by title.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15690) making appropriations for the Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1973, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD, volume 118, part 20, page 26528.

Mr. McGEE. Mr. President, the pending measure contains new obligational authority of $13,434,032,700. This is $481,842,300 above the budget estimate, $537,021,800 above the amount recommended by the House, and $127,023,100 below the sum contained in the Senate bill.

For title I of the bill—Agricultural Programs—a total of $6,200,669,200 has been provided. This amount is $21,040,800 above the budget estimate, $238,983,800 more than the House bill, and $35,245,600 less than the Senate bill. It is $521,141,350 less than was appropriated for in title I in fiscal year 1972.

For title II—Rural Development—the bill contains $1,026,436,000, which is $276,150,000 over the budget estimate, $127,133,000 more than the House bill, and $58,350,000 less than the Senate bill. It is $80,044,000 more than was provided for in fiscal year 1972.

For title III—Environmental Programs—the bill contains $2,951,648,000. This amount is $17,475,000 over the budget estimate, $6,963,500 more than the House bill, and $33,337,000 less than contained in the Senate bill. This is $538,265,877 less than was appropriated for these programs in fiscal year 1972.

For the various consumer programs—title IV—there is appropriated $3,255,279,500, which is $167,176,500 over the budget estimate, $163,941,500 more than the House bill, and $90,500 less than the Senate bill. This amount is $447,897,500 more than appropriated for these programs in fiscal year 1972.

Mr. President, the major items for which we provided increases over the budget estimates were, in approximate figures:

	Millions
Rural electrification loans	$157
Rural telephone loans	20
Department of Agriculture science and education programs	20
Rural water and waste disposal grants	92
Conservation programs, including Soil Conservation Service and Rural Environmental Assistance	100
Food and nutrition programs	164

The conference committee met and resolved the differences in this bill at a lengthy session on August 2. I believe, and the record will show, that the Senate conferees did an excellent job in sustaining the position of the Senate on the various items which were at issue. I would like to express my appreciation to my colleagues on the conference committee, and who were of such great assistance in resolving these matters as they developed during the conference.

Also, I would like at this time to pay tribute to the chairman of the House Appropriations Subcommittee on Agriculture, Environmental, and Consumer Programs, the Honorable JAMIE L. WHITTEN. I know of no subcommittee chairman who is more knowledgeable of his subject or who handles that subject with more thoroughness, with greater precision, and in more detail than does the gentleman from Mississippi. As a result, when we get the bill from the House it is a good bill, and one that has been carefully and thoroughly considered. This makes it imperative that any changes or modifications suggested by the Senate must also be meritorious and sound. I think the amendments we provided this year—some 48 numbered amendments—met that test.

I shall not go into detail on the conference since the report of the committee of the conference has been filed and is available to all of the Members of the Senate. I would like to say a few words, however, about the Environmental Protection Agency. For fiscal year 1972, this agency's operating budget was provided on a single item—operations, research and facilities. The administration budget proposed the same procedure for fiscal year 1973. The House, however, separated this single account into five separate appropriations and five separate titles:

Agency and Regional Management.
Research and Development.
Abatement and Control.
Enforcement.
Facilities.

In taking this action, the House thought that such a separation of this major account would provide Congress with a better opportunity to review the budget estimates and the financial requirements of the agency.

The agency appealed this action to the Senate, and we honored that appeal and suggested that we return to the single appropriation concept for the current fiscal year and develop a procedure which would be satisfactory to all concerned for subsequent fiscal years. This was one matter, however, on which the Senate had to recede in conference.

It soon developed during the conference that there was very little disagreement over the concept of the multi-title appropriation as provided in the House bill. With this appropration item approaching a half billion dollars, it was both logical and sound that it should be broken into the smaller, more identifiable accounts, but the timing of the proposed change was the subject of long and detailed analysis by the conference.

The Senate would have preferred to postpone this change until next year, but the House conferees were both unified and adamant that the change should take place as soon as possible and that view prevailed only after it was obvious that the House would not agree to the proposal of the Senate.

In order to be of all possible assistance to the agency, however, we did reach a compromise that will allow the agency some degree of flexibility in managing their overall program under the multiple-account concept. We agreed to give the agency authority to transfer funds between the several accounts up to 7 percent. This should give them the flexibility they need in their operations.

The Senate also receded on the amounts we added to this bill in the category of research and development. When the House considered this item, there was added $18 million over the 1973 budget estimate for a total of $185,223,700. This amount is more than $17 million greater than the appropriation for this item in 1972. With this substantial increase already contained in the bill, the House conferees were most reluctant to approve any additional increases, particularly in view of the fact that the agency has substantial funds carried over from 1972 for the solid waste program which is of such great interest to many Members of this body.

Mr. President, I believe that gives the Senate a summary of the major action and decisions of the conference committee. As I indicated, there are many more detailed matters I have not taken the time to discuss, but these are contained in the conference report and the joint explanation statement which has been filed. I shall be happy, however, to entertain any questions any Members might have to propound in connection with the conference on this bill generally.

Mr. President, I move the adoption of the conference report.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: $11,112,000, of which $3,464,000 shall be available for the Office of Information and

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert $150,000,000

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 35 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

RESEARCH AND DEVELOPMENT

For research and development activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate of GS–18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; $182,723,700, to remain available until expended: *Provided,* That not later than the date set forth in section 102(c) of the joint resolution approved July 1, 1972 (Public Law 92–334), as amended, this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1973.

For an amount to provide for independent grant and contract review advisory committees for the review of the Agency's priorities to assure that such contracts and grants are awarded only to qualified research agencies or individuals, $2,500,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 36 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

ABATEMENT AND CONTROL

For abatement and control activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; $208,935,700, to remain available until expended: *Provided,* That not later than the date set forth in section 102(c) of the joint resolution approved July 1, 1972 (Public Law 92–334), as amended, this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1973.

For an amount to provide for independent grant and contract review advisory committees for the review of the Agency's priorities to assure that such contracts and grants are awarded only to qualified agencies or individuals, $2,000,000.

Not to exceed 7 per centum of any appropriation made available to the Environmental Protection Agency by this Act (except appropriations for "Construction Grants" and "Scientific Activities Overseas") may be transferred to any other such appropriation."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 48 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following:

$2,500,000,000, of which $158,854,000 shall be placed in contingency reserve by the Office of Management and Budget to be released upon determination of need.

Mr. McGEE. Mr. President, I move that the Senate concur in the amendments of the House to Senate amendments Nos. 1, 30, 35, 36, and 48.

The motion was agreed to.

Mr. McGEE. Mr. President, I ask unanimous consent that the table prepared by the conference which was included by the House when it acted on the pending report on August 9, 1972, be incorporated in the Record at this point by reference. This table gives the complete results of the conference in tabular form, and shows a comparison of the conference action with new budget authority made available in fiscal year 1972, the budget estimates for fiscal year 1973, the House bill, and the Senate bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

HANDGUN CONTROL ACT OF 1972

The Senate continued with the consideration of the bill (S. 2507) to amend the Gun Control Act of 1968.

The PRESIDING OFFICER (Mr. Buckley). All time on the amendment of the Senator from Nebraska (Mr. Hruska) has expired.

The question is on agreeing to the amendment of the Senator from Nebraska.

QUORUM CALL

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE ON FINANCE TO MEET DURING THE REMAINDER OF THE WEEK AND NEXT WEEK WHILE THE SENATE IS IN SESSION

Mr. MANSFIELD. Mr. President, after consultation with the distinguished minority leader, the Senator from Pennsylvania (Mr. Scott), and with his approval, I ask unanimous consent that the Committee on Finance be allowed to meet for the rest of this week while the Senate is in session and all of next week while the Senate is in session.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HANDGUN CONTROL ACT OF 1972

The Senate continued with the consideration of the bill (S. 2507) to amend the Gun Control Act of 1968.

Mr. HRUSKA. Mr. President, at this time I withdraw amendment numbered 1414, and I send to the desk an amendment which I should like to call up at this time.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The clerk will state the amendment offered by the Senator from Nebraska.

The assistant legislative clerk proceeded to read the amendment.

Mr. HRUSKA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Hruska's amendment is as follows:

Strike out all of line 17 on page 2, through line 13 on page 4, inclusive, and insert in lieu thereof the following:

"Sec. 3. Section 922 of title 18 of the United States Code is amended by adding at the end thereof the following new subsections:

" '(n) It shall be unlawful for any licensed manufacturer or licensed importer to sell or deliver a handgun manufactured or imported into the United States after the effective date of this Act, if such handgun is of a model which has been disapproved by the Secretary pursuant to section 922(o) of this title.'

" '(o) All licensed manufacturers and licensed importers shall submit an application for approval of models of handguns thereafter manufactured or imported along with representative samples of such handgun models for determination of approval by the Secretary. Such determination shall be made within nintey days after the date of the filing of the application unless the Secretary determines in writing that for good cause shown an additional ninety days is required for the determination under this subsection to be made. After evaluating each submitted handgun model and application, the Secretary shall determine whether the handgun model meets the following criteria:'."

On page 9 letter subsections (o), (p), and (q) as subsections (p), (q), and (r).

Mr. HRUSKA. Mr. President, I allow myself 5 minutes.

This amendment will remain the same as amendment numbered 1414 as to page 1.

Mr. MAGNUSON. Mr. President, I wonder if the Senator will yield to me, without any time being charged to him, which I ask unanimous consent to do, in order that I may call up a conference report.

Mr. HRUSKA. I yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATURAL GAS PIPELINE SAFETY ACT OF 1968—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on H.R. 5065, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the House bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That the first sentence of section 5(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674(a)) is amended by striking out "two years" and inserting in lieu thereof "five years".

SEC. 2. Section 5(c)(1) of such Act (49 U.S.C. 1674) (c)(1)) is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "Except as otherwise provided in this section, if an application is submitted not later than September 30 in any calendar year, the Secretary shall pay out of funds appropriated or otherwise made available up to 50 per centum of the cost of the personnel, equipment, and activities of a State agency reasonably required, during the following calendar year to carry out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section; or to act as agent of the Secretary with respect to interstate transmission facilities. The Secretary may, after notice and consultation with a State agency, withhold all or any part of the funds for a particular State agency if he determines that such State agency (A) is not satisfactorily carrying ou a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section, or (B) is not satisfactorily acting as agent of the Secretary with respect to interstate transmission facilities.".

SEC. 3. Section 13 of such Act (49 U.S.C. 1682) is amended by adding at the end thereof the following new subsection:

"(d) The Secretary is authorized to consult with, and make recommendations to, other Federal departments and agencies, State and local governments, and other public and private agencies or persons, for the purpose of developing and encouraging activities, including the enactment of legislation, to assist in the implementation of this Act and to improve State and local pipeline safety programs.".

SEC. 4. Section 15 of such Act (49 U.S.C. 1684) is amended to read as follows:

"APPROPRIATIONS AUTHORIZED

"SEC. 15. For the purpose of carrying out the provisions of this Act over a period of three fiscal years, beginning with the fiscal year ending June 30, 1972, there is authorized to be appropriated not to exceed $3,000,000 for the fiscal year ending June 30, 1972; not to exceed $3,800,000 for the fiscal year ending June 30, 1973; and not to exceed $5,000,000 for the fiscal year ending June 30, 1974.".

SEC. 5. The Secretary of Transportation shall prepare and submit to the President for transmittal to the Congress on March 17, 1973, a report, which shall contain—

(1) a description of the pipeline safety program being conducted in each State;

(2) annual projections of each State agency's needs for personnel, equipment, and activities reasonably required to carry out such State's program during each calendar year from 1973 through 1978 and estimates of the annual costs thereof;

(3) the source or sources of State funds to finance such programs;

(4) the amount of Federal assistance needed annually;

(5) an evaluation of alternative methods of allotting Federal funds among the States that desire Federal assistance, including recommendations, if needed for a statutory formula for apportioning Federal funds; and

(6) a discussion of other problems affecting cooperation among the States that relate to effective participation of State agencies in the national pipeline safety program.

The report shall be prepared by the Secretary after consultation with the cooperating State agencies and the national organization of State commissions.

SEC. 6. Section 6(f)(3)(A) of the Department of Transportation Act (49 U.S.C. 1655 (f)(3)(A)) is amended by striking out "and pipeline".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same.

WARREN G. MAGNUSON,
VANCE HARTKE,
HOWARD W. CANNON,
TED STEVENS,
L. P. WEICKER, Jr.,
Managers on the Part of the Senate.

HARLEY O. STAGGERS,
TORBERT H. MACDONALD,
LIONEL VAN DEERLIN,
WILLIAM L. SPRINGER,
HASTINGS KEITH,
Managers on the Part of the House.

Mr. MAGNUSON. Mr. President, this is the conference report on the National Pipeline Safety Act. There was not much disagreement between the House and the Senate. The bill is now ready for action.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

HANDGUN CONTROL ACT OF 1972

The Senate resumed the consideration of the bill (S. 2507) to amend the Gun Control Act of 1968.

Mr. HRUSKA. Mr. President, the second page of the new amendment, however, will have new text from that which appeared in the printed amendment which we have heretofore been considering. The substance of the new text is that all licensed manufacturers and licensed importers shall submit an application for approval of models of handguns which they would want to manufacture or import. The Secretary will be given 90 days in which to act upon that application, and an additional 90 days would be permissible if, in the Secretary's discretion, good cause is shown for such extension of time.

After evaluating each submitted handgun model and application, the Secretary will then be called upon to determine whether or not the criteria set out in the bill are met. After he shall approve the application, thereupon the importer or manufacturer may proceed to import or make the model that was thereby approved. If there is disapproval, of course the Secretary shall so indicate.

The bill as drawn provides, in another section, that such a denial may be appealed to the District Court, pursuant to procedures already outlined in the bill. If it is disapproved, under the amendment, of course, it shall be unlawful for any manufacturer to make or importer to sell or deliver a handgun manufactured or imported the application for which has been disapproved by the Secretary.

It is a clarification of what the Senator from Nebraska had discussed with the manager of the bill by way of an improvement of the bill.

If I have any time left on the time allotted to me, I reserve it for future use.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, sooner or later the Senate is going to have to determine whether it is willing to stand up and be counted on effective Saturday night special legislation, or not. There is only one way of making that assessment, and that is to put the question to a vote.

There have been a number of amendments, some of which I have accepted and voted for. A couple that I opposed have nevertheless been adopted. Although I would prefer that they not be in the bill, in trying to look at what we are trying to do, I do not think the bill is significantly altered. I was just discussing this matter with the Senator from North Carolina, who, along with the Senator from Kentucky, worked on the drafting of the bill. I think they agree with me we still have a bill now which sets out to accomplish the purpose we intended.

I intend to oppose the amendment of my distinguished friend from Nebraska, and any other amendment that strikes out what I feel is a vital part of this bill. If I fail to persuade the Senate to go along with that, I intend to do everything I can to defeat final passage of the bill.

I sat as chairman of the Juvenile Delinquency Subcommittee for a year and a half and listened to witnesses testify about poor people being shot down and about policemen being shot in the belly by cheap hoods with Saturday night specials.

I have heard the great political law and order cry. But the time has come to see whether the people who have made all these protestations and expressed all this concern are willing to stand up and pass effective legislation to deal with the problem.

I hope my friend from Nebraska in no way considers this a personal affront to him, because I have the greatest respect for him. But he is dead wrong on the merits, in the judgment of the Senator from Indiana.

We have been detained in this body, now, for the past hour and a half. The Senator from Nebraska first offered an amendment which was so full of loopholes that it has taken about an hour and a half, sitting back there with some Justice Department attorneys, trying to decide whether he better withdraw it. We are now considering another amendment, which has been considered for at least 45 minutes, to determine whether this measure is going to be substituted in place of the considered judgment of a committee of the Senate and a subcommittee of the Senate, documented with rather voluminous hearings to sustain the position of the committee.

The key question right now, and the difference between the position of the Senator from Nebraska and the Senator from Indiana on this amendment, is twofold:

First of all, the question is whether we are going to deal with some effort to control Saturday night specials that are in the hands of dealers.

The Senator from Nebraska has consistently suggested that we should not address ourselves to the problem of Saturday night specials in the hands of dealers. The Senator from Indiana has said that we should. The committee went so far as to say to the dealers, "We will compensate you for the weapons you have now. We are not going to use the police power to come in and say they are contraband, and confiscate them. We are going to pay you for them; but if the Senate of the United States goes on record as saying a Saturday night special as defined in this bill is bad, we are going to do everything we can to stop its sale at all levels."

The Senator from Nebraska would say, "We are going to use this mechanism, after another 90 days delay, ultimately, we hope, to stop their manufacture, but we are not going to do anything about the hundreds of thousands of weapons which we admit by passing this law are bad; we are going to let you go ahead and sell them."

That is just like making a policy judgment that heroin is bad, but that if a retailer has it on hand, he may go ahead and sell it through retail channels. That would make just about as much sense.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. BAYH. I yield to the Senator from Idaho.

Mr. CHURCH. If the amendment offered by the Senator from Nebraska is adopted, how would it be possible to enforce the provisions of this bill? In other words, if I understand the amendment correctly, the Saturday night specials that are presently in the inventory of licensed dealers could be sold, but the dealer could not acquire new guns for sale of the category prohibited by the bill.

How, under those circumstances, could it ever be determined whether a given gun sold by a dealer was in fact a part of his inventory at the time of the passage of the bill, or whether it was not? Does this not create impossible enforcement problems for those charged with carrying out the provisions of the bill?

Mr. BAYH. The only way that this could be enforced, if the Senator from Idaho is referring to the dealers, would be to go to the serial number on the weapon in question.

We are about to test the judgment of the committee, supported by such distinguished members as the Senator from North Carolina, the Senator from Kentucky, and a pretty broad cross section of support, that the best way to deal with this problem is at the dealer level. The committee bill provides a dealer or a manufacturer cannot sell a Saturday night special and reimburses those who now possess them, because we are taking property. Any individual who wants to turn such a weapon in to any recognized, appropriate agency, may do so. We would require the Secretary of the Treasury to promulgate annually a list of weapons which do or do not meet the test, so that the dealer can see.

This is not a matter of hieroglyphics, and it is not a matter requiring a great deal of testing, because we have gotten away from the safety and responsibility testing. For such a test, you have to hire someone like the H. P. White Co., spend $200,000 or $300,000, and come up with a test which is inconclusive, according to White's own definitions.

The criteria which has been applied by law to foreign imports since 1968 are very simple: You weigh the weapon, measure the size of it, check the caliber of the ammunition, and see whether it has certain safety features that either meet the criteria or do not. It is very simple. You do not have to have a Ph. D. to make the determination, and you do not have to have 180 days.

Mr. President, I hate to oppose my own creature, but if the Senate goes on record as so demeaning the work of our committee and so distorting the thrust of our legislation as to make it look like a charade to the public, I am going to vote against it. I think too many people today are sick and tired of public officials saying, "I am against Saturday night specials: I want to take away the criminal's weapons, but . . . " and I do not want that to happen here.

Mr. CHURCH. Mr. President, if the Senator will yield again——

Mr. BAYH. I apologize to the Senator from Idaho and the Senator from Nebraska for yielding to emotion, but I have been battered from the left and from the right. There are those who say, "You are not going far enough, Bayh; you ought to take away shotguns and rifles, license them, or register them, too." Others say we ought to do away with all control of weapons.

After reading about 20,000 of those communications, I have come to the conclusion that if we can take 900,000 criminal weapons off the street without in any way impinging on the weapons used by hunters and sharpshooters, that would be a contribution. It may not be enough, but let us not kid ourselves. If we cannot do that, let us admit we have failed, instead of attempting to pawn off some charade on the public.

I yield to the Senator from Idaho.

Mr. CHURCH. Mr. President, I understand the position of the Senator from Indiana. I am just trying to get some information.

Under the provisions of the bill, do I understand correctly that Saturday night specials presently in the inventory of licensed dealers would be acquired by the Government, and the dealers would be paid adequate compensation?

Mr. BAYH. That option is open to the dealers.

Mr. CHURCH. The option is open to the dealers?

Mr. BAYH. The option is open to the dealers, for two reasons. The dealer cannot sell to the public; however, since there are a number of large metropolitan police departments that still require the individual patrolman to buy his weapons, and since some of these sophisticated and expensive weapons that are so easy to conceal have a useful purpose in the hands of a law enforcement officer, we felt that the dealer, where he has a market as far as policemen are concerned, should be able, if he wishes, to keep a dozen or two in stock to sell to local policemen. He can do that.

Mr. CHURCH. But, in any event, it is the dealer's option; he is going to be paid for the weapons he cannot sell under the provisions of the bill?

Mr. BAYH. That is accurate.

Mr. CHURCH. Mr. President, may I just take a moment, with the Senator's consent ——

Mr. BAYH. I am glad to yield.

Mr. CHURCH. As the Senator knows, I oppose the bill—I have stated my reasons and need not repeat them now—because I do not believe the passage of this bill will constitute a meaningful deterrent to the criminal. I think that any allotted to me, I reserve it for future use. criminal determined to possess a weapon will easily enough be able to acquire one. At the very most, once these cheap pistols are removed from the market, the criminal would be obliged to buy a better one. At the very least, he could steal a weapon. Therefore, I think that this bill, like the other so-called gun control bills, will not actually constitute a deterrent to the criminal. I realize that the Senator from Indiana and the Senator from Idaho are in disagreement on that score. But I have yet to be persuaded, on the basis of any objective evidence, that these measures are in fact effective in dealing with the criminal problem.

So I will vote against this bill on final passage. If the Senate votes it down, so be it. But I have no desire to render the bill farcical. The adoption of this amendment would make a farce of the measure.

I am persuaded by what the Senator from Indiana says that, regardless of our disagreement on the merits of the bill, we ought not emasculate it in a way that renders it farcical. It would seem to me to be rather hypocritical to adopt this kind of amendment and then, for those who are going to vote for the bill to say that they voted to put an end to the Saturday night specials and to take them off the market.

We should decide this question one

way or the other, but the adoption of this amendment would represent an attempt to have it both ways. Therefore, I shall vote against the amendment, even as I shall vote against the bill.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. BAYH. I yield myself 1 minute on the bill.

Mr. President, I appreciate the analysis of the Senator from Idaho. He and I have privately discussed this issue on the merits, and I feel sincerely that he looks at all the facts and comes to a different conclusion on the merits of the bill than does the Senator from Indiana. That is a matter of judgment.

Mr. HRUSKA. I yield myself 5 minutes.

Mr. President, by way of quick recapitulation, the suggestion has been made that there is objection to 180 days' delay by this amendment. Let us get straight in our thinking as to the 180 days. It is the application to the Secretary of the Treasury for permission to import or to make a gun to which this refers. Until that application is granted, they cannot make nor can they import that handgun. So if a delay is involved, it is not in the meantime being exploited by the production of a gun that is not approved.

What is really involved is this: Here is a proposal to set down criteria for the approval of handguns—those that will be considered Saturday night specials, and therefore barred, and those that will not. There is provision that those that are not qualified and will be barred from future import or making can be surrendered by the present owners, who would be paid market value or $25, whichever is greater. But there will be a residue of that type of gun which will not be surrendered, and the question is what to do with those.

This Senator believes that it would be better to put them in the legitimate stream of commerce, where a record will be kept of those to whom such guns are sold, rather than to make the guns the subject material for a black market that will arise in that field. You are going to have them. The passage of this bill is not going to cause these present guns to vanish. We are going to have them; there is no question about it. There is a different way, however, of trying to dispose of them.

As to the procedure for any gun that will be made or imported from now on, what more commonsense way is there than for the manufacturer or importer to have determined in advance whether or not that model is going to comply with the law? If it does not comply, he does not manufacture it. The Secretary will deny the application.

That is the purport, that is the thrust, of the amendment.

I do not know that there is anything sacrosanct about offering amendments to amendments. We do it here every day. We worked for a year and a half on this bill. It is my effort to improve this bill to the point where some people can vote for it who will not vote for it without some improvements it needs. My amended suggestion was introduced in a good-faith attempt on my part to meet what I understand to be the Senator's objections. It was an attempt to reach an agreement.

To inveigh against the Saturday night specials and say, "We don't like the belly guns; they're being used to hold up people," is fine. It is fine to engage in that rhetoric. But we have to do something about it. There are two ways of doing it. One is to allow the guns to be disposed of on the black market. If they are not going to be surrendered, there is going to be a trade-in. The other is to put them through the regular channels of commerce.

It is said that if these guns are bad, why do we allow the guns to be continued in sale? Let me suggest that if these guns are bad, why does not the bill provide that their existence shall be made illegal and that we shall confiscate them or call them in and that people may not own them any more? The reason is that that is impracticable, and it would be an unenforceable proposition to try to forfeit those guns.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. BAYH. And it could not pass.

Mr. HRUSKA. And it could not pass. Exactly. It could not pass because it is unenforceable and unacceptable.

Mr. BAYH. The Senator from Indiana is not willing to go that far, but I think the Senator from Nebraska gets to the crux of it.

Mr. HRUSKA. The reason for it is that that form of law would be unacceptable and unworkable and unenforceable. That is the reason for it.

I say it is better to put it on the basis of an above board dealing as to those guns until they eventually disappear, and they will. In the meantime, we will have a bill what will prevent the injection into the gun sales of this country of approximately 1 million of these objectionable handguns per year. That is a great deal of progress, and I say it is worthwhile.

That is the sum and substance of the amendment, and I think the amendment should be adopted.

Mr. BAYH. Mr. President, do I have further time?

The PRESIDING OFFICER. Not on the amendment.

Mr. BAYH. I yield myself 5 minutes on the bill.

Mr. President, I invite the attention of Senators to the language of the Senator from Nebraska. He may not realize exactly what it does, just as there was some question about the effect of the previous amendment, which he subsequently withdrew, because he found out it did the very thing that the Senator from Indiana suggested.

I read from page 1, subsection (n):

> It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer or licensed collector to sell or deliver a handgun manufactured or imported into the United States after the effective date of this Act if such handgun is a model which has been disapproved by the Secretary.

There is the crux of one of the differences between the Senator from Nebraska and the Senator from Indiana. He says that you cannot sell until you get approval. By the wording of his amendment, you can sell until it has been disapproved. It says, "which has been disapproved by the Secretary." That means for 90 days, for 180 days, or for whatever length of time, you can go ahead and sell this weapon until the Secretary makes a determination of disapproval.

The second part of the amendment reads as follows:

> After evaluating such submitted handgun model and application, the Secretary shall determine whether the handgun model meets the following criteria.

It does not say that if the handgun model does not meet the criteria, we cannot sell it. It does not say that if the handgun fails to live up to the standards of the bill, it shall be disapproved according to the previous section. It says only that the Secretary shall determine whether the handgun model meets the criteria. We are still not mandating someone in the Government to make the assessment of whether the gun is good or bad and, after saying that it is bad, that no one will be able to sell it.

One last word about the gun stocks in commerce today. There was an assessment by the committee that if we are going to say that a Saturday night special is bad, we should make a reasonable effort to stop its sale. We made the assessment for a number of reasons, that we could not, should not, and would not try to deal with the weapons now possessed by individuals. If anyone wants to turn in his gun, fine, we will pay him for it. But, we thought, if we are really going to make a determination that a gun is bad—it is too small, too dangerous, or has been used to kill 10 policemen—the criteria that would make it a Saturday night special, we should say to the dealer as well as the manufacturer, "Stop selling, fellows. Stop selling."

The suggestion that this will create a black market is rather ridiculous, I may say to my friend from Nebraska I do not know why a dealer would want to risk violating Federal law to sell a weapon and be legal about it, or turn in that illegal weapon and get paid for it by the Federal Government in order to get it out of commerce.

If the Senate goes on record and adopts this amendment, it would make about as much sense as if we were to pass a bill saying that heroin and opium are bad but if you have got them at the retail level we will let you go ahead and sell your stock anyhow, for fear you will sell it on the black market if we do not.

The Senate has to stand up and be counted on this. We must either make a good faith effort to deal with the problem of Saturday night specials or say that we just do not have the courage to stand up and be counted on it.

This is a key amendment. As I said earlier, if we accept it, we might as well close up shop and go home. I am not going to be part of legislation like this, when we beat our breasts and say that we have got to deal with the zip guns, the zap guns, the belly guns, and the guns that J. Edgar Hoover and his successor, Mr. Gray, and others have said are bad, weapons that the Fraternal Order of Police have said are bad.

I do not know whether anyone is listening to me or not. But I have sat in committee and listened to policemen come and testify and for the first time in history the Fraternal Order of Policemen have gone on record as being opposed to firearms.

And what do they say? I am not a law enforcement official. I do not have to ride in a prowl car. I do not have to walk a beat. But those who do, say that this kind of legislation will help to save their lives. I am willing to accept their judgment.

The PRESIDING OFFICER (Mr. Buckley). The time of the Senator from Indiana has expired.

Mr. BAYH. I think it is probably appropriate.

Mr. HRUSKA. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HRUSKA. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nebraska has 7 minutes remaining on the amendment.

Mr. HRUSKA. Mr. President, I am willing to yield back my time now.

Mr. BAYH. Mr. President, I am glad to yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Nebraska (Mr. Hruska).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell) and the Senator from Wyoming (Mr. McGee) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 27, nays 70, as follows:

[No. 360 Leg.]

YEAS—27

Allen
Baker
Beall
Bellmon
Bennett
Bible
Brock
Cotton
Curtis
Eagleton
Edwards
Fannin
Goldwater
Gravel
Hansen
Hruska
Metcalf
Miller
Moss
Packwood
Saxbe
Schweiker
Stafford
Stevens
Thurmond
Tower
Weicker

NAYS—70

Aiken
Allott
Anderson
Bayh
Bentsen
Boggs
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Dole
Dominick
Eastland
Ervin
Fong
Fulbright
Griffin
Gurney
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Mondale
Montoya
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Scott
Smith
Sparkman
Spong
Stennis
Stevenson
Symington
Taft
Talmadge
Tunney
Williams
Young

NOT VOTING—3

Gambrell
McGee
Mundt

So Mr. Hruska's amendment was rejected.

Mr. BAYH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT OF DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1958

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15580.

The PRESIDING OFFICER (Mr. Buckley) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 15580) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. EAGLETON. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Buckley) appointed Senators Eagleton, Inouye, and Mathias conferees on the part of the Senate.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

HANDGUN CONTROL ACT OF 1972

The Senate resumed the consideration of the bill (S. 2507) to amend the Gun Control Act of 1968.

AMENDMENT NO. 1407

Mr. BROOKE. Mr. President, I call up my amendment, No. 1407, on behalf of myself and Senator Allott, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 11, immediately after line 24, insert the following:

Sec. 7. Section 924 of title 18 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) A trial of any crime involving use of a firearm shall have priority on the calendar of any court of the United States. Upon receipt of the copy of such complaint, it shall be the duty of the presiding judge to assign the case for hearing at the earliest practicable date, and to cause the case to be in every way expedited."

On page 12, line 1, strike out "Sec. 7" and insert in lieu thereof "Sec. 8".

On page 12, line 4, strike out "Sec. 8" and insert in lieu thereof "Sec. 9".

Mr. ROBERT C. BYRD. Mr. President, we cannot hear a word. Would the Chair please get order in the Senate?

The PRESIDING OFFICER. Senators will please be seated or retire to the cloakrooms. The Senate will be in order.

Mr. BROOKE. Mr. President, I ask unanimous consent that the name of the junior Senator from New York (Mr. Buckley) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I ask unanimous consent that the name of the distinguished senior Senator from New York (Mr. Javits) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I ask unanimous consent that the name of the Senator from New Hampshire (Mr. Cotton) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I ask unanimous consent that the name of the Senator from Florida (Mr. Gurney) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I ask unanimous consent that the name of the Senator from Alaska (Mr. Stevens) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. COOK. Has the Senator modified his amendment so that it does take absolute precedence with respect to what would be considered, in the nature of accelerated docket?

Mr. BROOKE. No. I have not modified the amendment because I believe it states——

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. BAYH. I call to the attention of the Senate that we have a 5 o'clock deadline by unanimous consent. I think we need to be aware of that. This is an important amendment. I have discussed it at some length with the Senator from Massachusetts.

I had the same immediate concern that the Senator from Kentucky has and if we can let the Senator from Massachusetts explain the way in which he uses the word "priority" on the docket, so that this would not mandate a firearm case taking precedent over an airline hijacker or a case of someone cutting up his family with a butcher knife, I think we can move along more rapidly.

Mr. COOK. Mr. President, that is my point. Under those circumstances I would like to be a cosponsor of the amendment.

Mr. BROOKE. I can assure the Senator from Kentucky and the distinguished manager of the bill that it is the intent of the Senator from Colorado (Mr. Allott) who is a cosponsor of the amendment and me that the presiding judge would have flexibility "to assign the case for hearing at the earliest practicable date." If a presiding judge has a case, such as the Senator from Indiana suggested, a hijacking case, he could give that case precedence and, of course, that would be within his right to do so. By this amendment we are trying to assure that where firearms are used in the commission of a crime in felony cases, that these cases not take 4 and 5 months to be disposed of, and that there be swift and sure justice.

I think under the language of the amendment that the problem the distinguished Senator from Kentucky referred to and that the distinguished Senator from Indiana referred to, would be dealt with.

Mr. COOK. Under those circumstances I would like to ask that my name be added as a cosponsor.

Mr. BROOKE. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Kentucky (Mr. COOK) and the name of the distinguished Senator from Tennessee (Mr. BROCK) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I believe we in the Senate are agreed that crimes committed with firearms are particularly menacing to society. That is the basic premise and intent of S. 2507. To reinforce this intent, the Senator from Colorado (Mr. ALLOTT) and I have introduced an amendment to provide priority treatment in the Federal courts for all cases involving the use of firearms.

Our amendment will make it clear to offenders and would-be offenders that justice in the case of crimes committed with firearms will be particularly swift and sure.

While this amendment affects only Federal courts, it should serve as an example to other courts in our Nation's judicial system. I believe a clear expression of this priority by Congress would echo through the courthouses of our Nation.

To mandate such a priority is not to reflect adversely on the present handling of cases involving the use of firearms. Rather we seek merely to assist the Federal courts in establishing their priorities. Ample precedent exists in this regard. The public accommodations section of the 1964 Civil Rights Act mandates "expedited treatment of civil rights cases." In addition, the notes of the advisory committee on rule 40 of the Federal Rules of Civil Procedure list numerous examples of statutes, which establish the precedence of certain cases.

Facts as well as precedence compel the extension of priority treatment to cases involving firearms In 1971, 46,674 individuals were prosecuted in the Federal courts for criminal acts. No record exists as to how many of these cases involved the use of firearms However, it is known that carrying a firearm was the principle charge in 1,983 of these cases, which represented a sixfold increase in such charges from 1967.

In 1971, on the average 4.3 months elapsed from the filing of the complaint to the final disposition of an illegal firearms case. Even in cases where a guilty plea was entered this interval was an extraordinary 3.5 months. Let me repeat, 3.5 months were required to adjudicate the typical Federal firearms case involving a guilty plea Considering that 52 percent of all firearms cases are disposed of by a guilty plea, this fact compels a prompt remedy.

Early in 1969, the Justice Department made known its intention to accelerate the processing of criminal cases. The results have been successful, most notably in the dramatic reduction in the backlog of criminal cases in the District of Columbia. However, neither the courts nor the U.S. attorneys have had the requisite authority to expedite the litigation of firearms cases.

Senator ALLOTT and I believe that this authority should be granted to Federal court officials and should apply to all cases involving the use of firearms. Congress must take strong steps to stem the alarming increase in the number of deaths and injuries caused by gun-related incidents. The pending bill to prohibit the sale and distribution of all handguns, except those used for law enforcement purposes and for legitimate sporting activities, is an important step in establishing meaningful limitations on the trafficking in firearms.

But the effort to limit and regulate the distribution of firearms must be accompanied by a clear and effective policy of prosecuting those who violate firearms statutes. If the potential criminal realizes that the penalty for his action will be promptly imposed, then we can begin to reverse the frightening 100 percent increase in violent crimes since 1965. By reducing the incidence of crimes of violence, we can lessen the fear that pervades so many American homes. Absent this fear, millions of well-intentioned Americans may no longer believe that they need firearms in their homes for self-protection.

It has been said many times that the increase in the number of firearms in our nation is a cyclical phenomenon. Enactment of this amendment will mark an important step in extricating ourselves from the dizzying pace of our domestic "arms race"

I urge my colleagues to accept this amendment as a clear expression of congressional intent that individuals charged with any crime involving the use of a firearm should be prosecuted with all deliberate speed.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. GOLDWATER. The Senator's amendment reads in part, "a trial of any crime involving use of a firearm—."

Does it require that the firearm be used?

Mr. BROOKE. No.

Mr. GOLDWATER. Does it require that it be loaded?

Mr. BROOKE. No.

Mr. GOLDWATER. In other words, if a man uses a firearm to jimmy a window open, or is caught in the act of a crime with a gun on his person, this would apply.

Mr. BROOKE. If I understand the question correctly——

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. BROOKE. One, it does not require that the firear be used. Two, it does not require that the firearm be loaded.

As the Senator from Arizona knows, many of these crimes are committed with unloaded guns. In the case of a robbery, it was not our intent that the firearm be loaded.

Mr. GOLDWATER. I thank the Senator. I think this is a step in the right direction. I hope that some day in every State it would be illegal and that it would require an immediate 10-year automatic sentence for carrying a weapon.

If the Senator would not mind, I would like to ask to have my name added as a cosponsor of the amendment.

Mr. BROOKE. I am pleased to have the Senator as a cosponsor.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from Arizona be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. BROOKE. I yield.

Mr. COTTON. Will the Senator from Massachusetts think about this suggestion in order that it would be perfectly clear with respect to the intent, and so that there would be no question about it:

> A trial of any crime involving use or possession of a firearm.

That means if someone goes into a grocery store or bank, or somewhere else, with a gun in his possession it makes it perfectly clear it does not have to be actually fired or displayed. Would that violate the intent of the Senator's amendment?

Mr. BROOKE. I do not know if the Senator from Colorado (Mr. ALLOTT) would disagree, but I strongly support the proposed amendment of the Senator from New Hampshire. I certainly would be willing to accept that change in the language because it is my intention, and I assume the intention of the Senator from Colorado, that if there is a gun in the possession of the offender at the time he commits the crime, then that case should be given priority on the calendar, even though the offender may not, as the Senator said, show the firearm or use it.

Yes, I would agree to that.

Mr. President, I ask unanimous consent to modify my amendment by adding, on line 6, page 1, after the word "use" the words "or possession", so as to read, in subparagraph (e):

> A trial of any crime involving use or possession of a firearm shall have priority—

And so forth.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. BROOKE. I thank the distinguished Senator from New Hampshire for his contribution.

I yield to the distinguished Senator from Colorado (Mr. ALLOTT).

Mr. ALLOTT. Mr. President, I thank my distinguished colleague, because I think this may well be, and very well could be, a historic amendment because it is a way, a new method, of getting at a problem which has perplexed the country.

I do not like to speak of my own past experience, but I do speak from 5 years of experience as a district attorney and a prosecuting attorney, some 25 years of practice involving also the defense of criminals, and 4 years as chairman of the board of parole of the State of Colorado, which have given me a little background.

It seems to me it is becoming clearer all the time that one of the great impetuses to crime is the fact that people are almost certain that they have a good chance of never being brought to trial and that, as the time for the trial goes on for 3 or 4 or 5 years, witnesses are either unavailable or else their memories have become so faulty and blurry that they cannot support the prosecution.

This proposal is a means of attacking the problem in a new way, in which people who attempt to commit crimes with firearms are going to be tried as quickly as possible and brought to justice. That is the real purpose of this amendment.

It could be that during the years ahead this will be seen as the most significant amendment that was offered to the bill.

I congratulate my colleague for his fine work on this amendment and, of course, as the cosponsor, I support it wholeheartedly.

Mr. BROOKE. I thank my distinguished colleague from Colorado, the cosponsor of this amendment, for his contribution and for what he has said relative to the significance of this amendment.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from Hawaii (Mr. Fong) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, as has been stated, this is a very simple amendment. I think the colloquy on the floor has been very helpful in describing the intent of the amendment and in broadening the amendment to include possession as well as use of a firearm in the commission of a crime.

I hope that my distinguished colleague from Indiana, the floor leader, will see fit to accept the amendment.

Mr. BAYH. Mr. President, I am glad to accept the amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. BAYH. I yield back my time.

Mr. BROOKE. Mr. President, I yield back my remaining time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendments (No. 1407) as modified, of the Senator from Massachusetts.

The amendments, as modified, were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STEVENS. Mr. President, I have an unprinted amendment which I have sent to the desk, and which I now ask to have called up.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, beginning with line 9 strike out through page 8 line 15 and insert the following:

"(n) "The Secretary shall prohibit the importation or manufacture of any handgun which has not been submitted for testing in accordance with this section, or which, having been tested, fails to comply with the standards established for that particular model in accordance with this section.

"The Secretary shall administer, or cause to be administered under such contractual or other arrangements as he shall deem suitable, all testing under this section. In prescribing regulations under section 927 of this title which contains both the standards to be applied to handgun models as well as the tests under which compliance with the standards will be determined, the Secretary will be guided by considerations of safety and reliability. Prior to promulgating such standards and tests he will consult with the Chief of Army Ordnance and the Secretary of Commerce. The Secretary will insure that regulations prescribed in implementation of this section provide that:

'(1) each test shall be reasonable, practicable, and appropriate for the particular model of handgun for which it is prescribed and for the standards which relate to such model, and shall as far as possible be stated in objective terms;

"(2) each standard and relevant test shall be formulated and applied solely to determine whether a handgun model (A) reveals, after repeated firing, a substantial defect evidenced by material failure, structural deformation, or malfunction caused by excessive wear which would preclude safe and reliable performance in normal usage, and (B) reveals a design or structural characteristic which permits discharge by shock equivalent to that which could be expected if the handgun were jarred or dropped in normal usage; and

"(3) only a handgun model, a sample or samples of which have been tested in accordance with this section, may be found by the Secretary to be not in compliance with the revelant standards, except that under no circumstances shall the Secretary approve any handgun model which, in the case of a pistol model, is less than six inches in overall length or which, in the case of a revolver model, has a barrel length of less than three inches.

Mr. STEVENS. Mr. President, this amendment goes to the matter of the discussion that I had with the Senator from Indiana at the beginning of the debate on the bill. The amendment would change the standards or the criteria that are set forth on page 4 of the bill, the point system concept, to a concept of safety, reliability, and concealability.

I think the Senator from Indiana pointed out in the original debate that there are guns which are larger than the standard set by his provisions which would not be barred by that test because of the point system.

As I pointed out, I believe that the objective should be to assure the American public which purchases guns under the Gun Control Act of 1968 that the guns they are purchasing are safe, reliable pistols or revolvers. The amendment would specifically exclude any of the handguns which have a barrel of less than 3 inches or an overall length of less than 6 inches. It is the same standard the committee used for concealability.

Having read the report that has come from the committee, I know the committee's viewpoint and the viewpoint of the Senator from Indiana about the concept of safety and reliability as opposed to the criteria which apply a certain number of points for frame construction, et cetera. I think he has a subjective test, and that this is an objective test.

I know his point of view is that the safety, reliability, and concealability tests are subjective, and that is set forth on page 18 of the committee's report, but I would say this amendment will actually remove more guns from the American scene than tests or criteria which would remove handguns as set forth in the bill. We say that tests for safety and reliability characteristics and for concealability be specific and be mandatory, and that no handguns will be approved of less than 6 inches in overall length and less than 3 inches as far as the barrel is concerned.

This is a better approach. It is an approach based on standards for each handgun. It will eliminate many unfortunate accidents that result from the use of handguns today, which handguns do not have the safety characteristics that most good sportsmen insist upon when they buy those handguns. Those who buy handguns, and have a legitimate purpose in keeping them and are eligible under the Gun Control Act of 1968 will know that when they buy guns in this country they are buying guns that have specific safety and reliability standards. We would prohibit the sale or importation of any gun which would not meet the concealability test.

As I said, I am aware of the viewpoint of the Senator from Indiana as set forth in the committee report. To me, there is a difference in approach. I do not know of any sportsman, I do not know of anyone who is involved in the controversy around the concept of increased gun control, who would disagree with the safety and reliability test. I do believe that the criteria laid down for the first time conditions on domestic commerce which we have never used before and which have nothing to do with safety and which have nothing to do with reliability, and which are primarily arbitrary tests. Again I would point out that the concept of the bill is that there are criteria that would be used to determine the sporting uses of handguns.

I believe that instead of using that type of criterion, we should use the concept of safety, reliability, and concealability, and that is what this amendment would do.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I rise in support of the amendment offered by the

Senator from Alaska. The basis of the criteria which he puts in his amendment is safety and reliability of a weapon, not whether it is suitable for sporting purposes, and not whether it is suitable for personal protection—vague and very undefiniable terms that are not specific and definite even in their description. It is his purpose, rather than a more concrete judgment that can be rendered as to the value of the gun, to consider the safety and reliability of that gun to the user threof.

The tests provided for and the method of testing the guns spelled out in the amendment would be objective rather than subjective. Those points which are contained in the bill as reported by the committee are primarily the factoring criteria which were inserted there. They were taken from the regulations of the Secretary of the Treasury. However, those regulations never were applied or used to a great degree, for this reason: It was known that they would be disqualified under the law if the guns were imported in their assembled form. So the component parts were shipped in, and the assembly occurred within the United States, and therefore escaped any necessity for having these criteria apply.

Rather than being subjective, rather than having as untried and undemonstrated a set of criteria as those, we have in this amendment of the Senator from Alaska a greatly superior set of instructions to the Secretary of the Treasury, for the purpose of determining whether a gun is safe and reliable. It will, in my judgment—and I am pleased to hear the Senator from Alaska say so—result in a more strict application of standards than the ones now contained in the bill. It expressly retains the length of the barrel and also the overall length, in the case of pistols. In that regard, it is the same as the criteria set out in the pending bill. But it is considered feasible—H. P. White said so—to develop a testing procedure that will provide an objective evaluation of the safety of a handgun, and once the test criteria are established, objective handgun evaluation can be implemented economically, efficiently, and effectively. That is the type of testing that is provided for in this amendment, and I urge its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator from Indiana yield me 4 or 5 minutes?

Mr. BAYH. Yes.

Mr. KENNEDY. Mr. President, this is another of the amendments put forward by those who want to gut this Saturday night special bill. Only a little while ago we were listening to how we had to protect the rights of the dealers, and permit them to continue to sell Saturday night specials even though, in the legislation and from every law enforcement point of view, obviously they add to the problems of crime and violence in this country. Now we have an amendment on the question of safety and reliability.

It is most interesting that we hear amendments concerned about safety and reliability for those who are pulling the trigger or sighting the gun, when we ought to be talking about safety and reliability for the millions of people in this country who are going to be on the other end of that weapon, the people who will receive that bullet or be harassed and intimidated by someone holding the gun.

I do not have to review for the Members of the Senate the statistics about the weapons involved in murder and crimes of violence in this country. They have been documented in the hearing record. They have been mentioned here on the floor of the Senate. Unfortunately, they have apparently not been convincing to the majority of Senators. But I think what we ought to be thinking about is safety and reliability for the American people, rather than safety and reliability for those who are going to be using the weapons. That is the question that should be uppermost in our minds.

But in spite of that fact, we are seeing a series of amendments proposed by those who want to gut this whole bill, weaken it, damage it, and take out the heart and soul of it. I was encouraged by the last vote, rejecting an amendment which also would have had an enormously disastrous effect on the bill, and I would hope that Senators, in meeting our responsibilities, would be more interested in safety and reliability to the average citizen who may be a victim of a gun crime, rather than the question of the safety and reliability to the people who are using and shipping handguns, whose only purpose is to kill and maim their fellow human beings.

I thank the Senator from Indiana.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Alaska has 6 minutes.

Mr. STEVENS. I yield myself 3 minutes.

Mr. President, from the statement of the Senator from Massachusetts, I would say I understand full well his point of view with respect to this bill.

The bill, as presently written, tries to control Saturday night specials on the basis of price only. If you can make a Saturday night special that meets these criteria—and it can be done—I am looking for the comment the Senator from Indiana made before on the laboratory test.

Mr. BAYH. Will the Senator yield?

Mr. STEVENS. On the basis of the bill before us, it is just a question of price, in terms of controlling Saturday night specials. My amendment prohibits any gun with a 3-inch barrel or less, and any gun 6 inches or less in overall length. That is what I originally thought we were talking about here when we spoke of Saturday night specials.

We find there are guns that would meet the criteria of the bill and would still be dangerous, but they could be approved by the Secretary of the Treasury. They would not have to have double action devices, they would not have to stop the firing pin between chambers, or employ devices designed to protect those who legitimately use the guns.

I think we are properly concerned with the control of the Saturday night specials. I think the very fact that we have eliminated the small concealable handguns indicates that. But should not the person who legitimately has the handgun also be assured that the Treasury Department is looking at the handgun and saying, "We shall prohibit the manufacture or sale of any gun that is dangerous, per se, whether to the person on the firing end or on the other end of the gun?"

I happen to believe that the safety and reliability test would eliminate many more guns than would be eliminated by the criteria now in the bill.

Mr. KENNEDY. Mr. President, I wish the Senator from Alaska had made such an eloquent address when we had before the Senate the Hart amendment, which really would have done the job.

Mr. STEVENS. I do not agree with the Hart amendment.

Mr. KENNEDY. We were not arguing, then, about 6 inches or 8 inches, or safety and reliability; we would really have taken the step of eliminating the handgun with the Hart amendment. The Senate had the opportunity to vote on that issue, and unfortunately we ended up with 6 or 7 votes.

There we were really attacking the problem, and the Senate was trying to do something about those concealable weapons used in crimes of violence in this country. I wish we had been able to obtain such enthusiastic support for the Hart amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I salute my friend from Alaska for what I feel is a very genuine and sincere interest in keeping the law-abiding user of hand weapons from being injured. I suggest not that this is his intention but that, in fact, this is the major battle and the major difference that has existed since the inception of our effort to do something about Saturday night specials. To suggest that the criteria of this bill just deal with price is just not true because some of the most critical invective directed at the Senator from Indiana is that there are a few very expensive weapons that you can still hide in your fist.

What we have tried to do is to apply an objective criterion that does not need further, subjective evaluation as the very well intentioned but almost meaningless test of the Senator from Alaska would have to be evaluated and structured. His amendment would lead we know not where.

I suggest that the test which is presently in the committee bill has been applied since 1968 very effectively to foreign weapons. We know what it means. It is very specific. We know how to apply it, and we are not opening new ground and applying a new test that really has never been tried and about which we know almost none of the specifics.

I invite the attention of Senators to what Mr. Harold A. Serr, Director of the Alcohol, Tobacco, and Firearms Division of IRS for 6 years—until he retired in July of 1970—said about this subject. He is one of the acknowledged experts on firearms. He was directly responsible for administering the factoring criteria with which we have been operating since 1968.

When he testified before our committee, he had this to say about the safety test:

> There are certain prescribed safety tests.

He was referring to the safety tests which are now in the factoring criteria. We already consider certain aspects of firearms with respect to safety and points in the present tests. In referring to those, he said:

> There are certain prescribed safety tests. These safety tests could be greatly expanded, although from the standpoint of the user of the weapon or even society, there is little statistical basis for doing so. In all my experience at the Alcohol, Tobacco, and Firearms Division, I do not recall a single complaint of a handgun user being injured from a faulty weapon.

Mr. President, I just have to repeat what I said earlier. I know that the Senator from Alaska has not been a part of this debate——

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. STEVENS. I happen to know a young man who serves in the State legislature in Alaska who was out target practicing with a .357 Magnum. He put it down and picked it up to move it aside to get something else. He picked it up by the barrel, and that gun did not have a safety device on it, and the projectile went right through his neck. He happens to be alive today, by a miracle. That gun should have had a double-action trigger and a grip safety on it. If it had, he would not have been injured.

Some of us understand guns well enough to check them when we buy them, to see what they are like. Many people do not understand that.

We are saying that these standards ought to be involved in the consideration and should not be a point test based upon pistol weight, upon caliber, upon frame construction. The concept of the Senator from Indiana is that you have to have a total of 75 points, under these criteria—so many points for a .22 caliber, so many more points for 7.65 millimeters. That has nothing to do with the safety of the weapon.

The Senator from Indiana challenged me. I challenge the Senator from Indiana to tell me one gun that would be prohibited by this amendment that would be cleared by mine. All I say is that beyond the standards of 6 inches and 3 inches on concealability, we would put specific safety standards in the law so that these guns, whenever they are sold, to whomever they are sold, would meet the specific standards.

Again I say that I do not know of one weapon that the Senator's bill would prohibit that mine would authorize.

Mr. BAYH. The Senator from Alaska talks about the standards of the Senator from Indiana. This criteria established in the bill are not my creation. These standards have been established and used since 1968 for foreign weapons. And they include safety factors. They have been very effective in keeping out approximately 900,000 weapons, we are told—at least, that is the importation. We do not know what the test of the Senator from Alaska is going to mean. It has never been used.

Our bill will result in safe weapons, but I do not care how safe a weapon is. If it is small enough, you can stick it in your vest pocket and go into somebody's home or somebody's store or assault them on the street. That kind of weapon has no sporting purpose. J. Edgar Hoover said that those are criminal weapons, that we ought to abolish them. His successor, Mr. Gray, says they ought to be abolished.

Let us not kid ourselves. Let us get on with this bill. Let us not just say that we are passing a consumer protection bill; because if that is all we have, I say, with all respect to my friend from Alaska, I am going to vote against it. I am going to do everything I can to defeat it, because I do not want to perpetrate another subterfuge on the people of this country. I do not intimate that motive to the Senator. But, in final analysis, that is the wrong approach. We fought that out in committee.

This is an effort to detract from our efforts, from the real purpose, and that is to keep these small, easily concealed weapons out of circulation.

This bill is not a panacea. But if we can stop the sale of these weapons I think we will have made a contribution. We know what test is being applied under my bill. We do not know what test is going to be applied by the Senator from Alaska. Let us put this aside, pass this bill, and recognize that we have not come up with a panacea but that we have made some progress and at least know the direction in which we are headed.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. KENNEDY. On the question of safety and reliability, as I understand—I wish the Senator would correct me if I am wrong—under the criteria established in the 1968 Gun Control Act for sporting weapons, the concept of safety was built into the test that was used in the 1968 act. I wish the Senator would correct me if I am wrong. As I understand, a point system was developed which gives a credit for various safety factors. Included in the criteria are such safety factors as: the lock; the breech mechanism, which is an indication of whether the chamber is loaded; a firing pin lock; different kinds of safety on grips and magazines, and other devices to insure that the weapons do not fire accidentally.

It seems to me that those have been built into the tests of the 1968 law; and I am sure that if there were additional suggestions, other than those which have been included, the Secretary would include in the report or would certainly make the additional suggestions or recommendations that are needed.

Am I not correct in my observation about the matter of inclusion of safety as well as the matter of reliability in the 1968 act as it applies to sporting weapons?

Mr. BAYH. The Senator is accurate. I do not know when the weapon referred to by our friend from Alaska was purchased, but I should like to refer him to the criteria in the bill which specifically rules out that particular kind of weapon if it has that kind of mechanism. I refer to the following criteria that deal specifically with safety:

A pistol or a handgun model must have a positive manually operated safety device. Then, on the safety features: Five points if the pistol has a locked breech mechanism; five points if the pistol has a loaded chamber indicator; three points if the pistol has a grip safety; five points if the pistol has a magazine safety; and 10 points if the pistol has a firing pin block or lock.

Further down, where we are talking about revolvers—and this is mandatory as a safety device—either automatically in the case of a double action firing mechanism, or by manual operation in the case of a single action firing mechanism, causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge.

That criteria is written right into the bill. That is what is being applied now to foreign weapons. We are suggesting, let us apply the same safety criteria to domestically produced weapons as well as size criteria.

Mr. STEVENS. If the Senator will yield, as I understand the Senator's bill in terms of point criteria, it will be possible to have 75 points or 45 points under either provision of the bill without having safety features in subsection (b) or small section 5 on page 5; that is, five points for a locked breech mechanism, five points for a loaded chamber indicator, three points if the pistol has a grip safety, five points if the pistol has a magazine safety, and 10 points if the pistol has a firing block or lock. Those are extra things. Those are extra things if you have extra safety. Our concept is you have to have those, period. You cannot have a gun clear the requirement without having any of them. You are not eliminating unsafe Saturday night specials. You are not eliminating unsafe small guns.

Mr. BAYH. With all respect to my good friend from Alaska, that is not an accurate description of present law. Certain extras are in the safety area on page 5 and page 4 that give extra points. There are also some mandatory safety features.

Mr. STEVENS. I concede that.

Mr. BAYH. There is the positive manually operated safety device. As I just pointed out, that deals specifically with firing upon the dropping of a gun. The specific test that would have been applied to the weapon that shot your State legislator friend in the neck is applied now to foreign imported weapons and would prohibit that kind of weapon from being imported because it would not pass the mandatory test. It does not have anything to do with additional points.

Mr. STEVENS. I would say again that there is not one gun that would be barred by the criteria test that would be legalized by my amendment, but as the Senator stated at the very beginning of this debate in terms of the bill before us, he stated that the test of the White Laboratories found that some of the most expensive guns did not—repeat, did not—meet the criteria of the bill. The criteria that has been used by the Treasury Department was limited to importing for sports purposes. They were sports guns. That was the only criteria involved. There were no safety criteria involved and no concept of reliability.

Those criteria were developed and determined as to whether the guns were supposed to be for sports purposes. That provision of the existing law that has been the one under which the criteria were drawn. I am sure the Senator from Indiana would agree.

Mr. BAYH. Mr. President, I ask for 2 minutes on the bill because I do not want the record to show that silence on my part would indicate agreement to what the Senator has just stated.

We have applied since 1968 a whole series of safety requirements. Here again I do not in any way impugn the motives or insinuate anything other than the kindest of intentions on the part of my good friend from Alaska, but the effort here is to strike out the test that has been used since 1968, specifically designed to say that we will get small weapons—I repeat, small weapons—out of production and to substitute some test that has never been tried.

I do not know what kind of test the Secretary will apply. We do not know what kind of test will be applied. I, for one, if this amendment is adopted, feel that it will so go to the guts of the bill that we cannot, in good faith, go to the public and say that we have done anything constructive for them, and I will find myself in the same position I was on the last one, of having to vote against my own bill.

The Senator from Alaska has no obligation to change his position because I feel that strongly, but this is one of those areas that those who do not want any effective gun control have resorted to because we are substituting a proven, and well used test which has worked effectively and which has been applied to foreign weapons. It is substituting that for something that has never been applied, that is not specific, and that we do not know what we will wind up with.

Mr. STEVENS. Mr. President, I would close by saying in regard to one thing the Senator from Indiana said, that the tests have to be applied to all weapons. My amendment would apply to the test of reliability and safety, yours applies to the point system whereby if you come in on a total minimum amount you would have a gun that would clear. It is not a prohibition. It is a point system clearance concept.

Mr. BAYH. Does the Senator deny the assertion of his friend from Indiana that the specific safety provisions that concerned him about his friend in Alaska, the drop test, that that is mandated and would be required for all weapons in our criteria?

Mr. STEVENS. I may have misled the Senator from Indiana. My friend did not drop the gun. He pulled it toward him. The gun trigger went off. It did not have a double safety concept in it. If it had had that concept in it, where you had to have your palm on the handle of the revolver before it could go off, as would be one of the secondary tests under your criteria, it would not have gone off. It went off because it had a hair trigger on a double action concept. We want a second safety feature; I would say to my friend, as I have said it twice now, that there is no gun that would be legalized by my amendment that would not be by yours. I can tell you categorically that many guns would be prohibited by my amendment that would not be touched by your criteria.

Mr. BAYH. Inasmuch as I have had a chance to read the Senator's amendment only once, I cannot answer that specific allegation, but I have read it that one time and I do know that it does not specifically enumerate specific safety requirements. There is no specific requirement that the very thing the Senator is concerned about is required in this bill. We do specifically require two or three important fundamental safety features that have been required since 1968.

In addition, we give points to the manufacturer who wants to go beyond a specific requirement. The drop test is one. That has caused a number of fatalities because, when you drop the weapon, it is sitting on that cartridge and it goes off, bang, and you are dead.

Mr. HANSEN. Mr. President, I rise in support of the amendment proposed by the Senator from Alaska to change the basic control scheme of S. 2507 from sporting purposes to safety and reliability.

Since 1968 we have been controlling handguns through a device known as the factoring criteria. These criteria consist of a point system, established by the Secretary of the Treasury with the concept of sporting purposes in mind, under which an imported handgun must meet a minimum score before it can be admitted to this country for distribution. As all Senators who have been following the progress of the pending measure are aware, this point system has been incorporated into S. 2507 as the central means of control over all handguns, domestic and foreign.

Mr. President, the fatal flaw in S. 2507 is the manner in which it perpetuates the sporting purposes test through the incorporation of the factoring criteria—and through the addition of proposed section 922(n)(3), under which the Secretary of Treasury can put out additional criteria in furtherance of this sporting purposes test.

What is a sporting purpose? The 1968 Gun Control Act does not say. S. 2507 does not say. And yet this is the standard under which we are to control all handguns in this country if the bill before us becomes law. Is self-protection a sporting purpose? Probably not. And yet the 1968 act reaffirms the right of all Americans to own firearms for lawful self-protection.

Mr. President, under S. 2507 it is the Secretary of the Treasury who has decided, and who will decide, what is a sporting purpose—without any legislative guidance whatsoever. It is a bootstrap operation to take the present factoring criteria in Treasury regulations, incorporate them virtually verbatim into law, and then to say Congress has worked its will in deciding what sporting purposes means. S. 2507 represents an abrogation of congressional responsibility of the same type that occurred in 1968 when we allowed the Secretary of the Treasury to have absolute discretion over the importation of handguns.

Those who favor the continued use of the sporting purposes test claim it has worked since 1968 to exclude the Saturday night special. But has it really? Where have many of these deadly handguns come from which S. 2507 now seeks to eliminate? From the same good folks who gave us the original imported Saturday night special, of course. They have been importing parts instead of whole handguns. In short, they have not even bothered trying to comply with the Treasury Department's factoring criteria point system—they have simply circumvented it.

The Senator from Alaska is to be commended for having advanced an alternative to the sporting purposes test. Under the safety and reliability standards proposed in his amendment, handguns could be controlled on the basis of their actual performance, rather than on some subjective and undefined standard.

Safety and reliability are capable of reduction to objective standards. In order to pass tests under these standards, manufacturers will have to make a quality firearm. This will accomplish the stated purpose of S. 2507 in a more efficient and equitable way. The so-called Saturday night specials are not quality handguns. No matter what you do to the sights, grips, barrel length, and other external features which relate to the sporting purposes concept, you will not improve the safety of such guns. To put out a good firearm requires time, skill, and quality controls. No proliferation of Saturday night specials would result under these conditions.

Mr. President, this is a key amendment. I have been most impressed with the discussion of the principles involved in the individual views of the Senator from Nebraska contained in the committee report on S. 2507. I urge all Senators to consult these views prior to voting on this amendment.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Georgia (Mr. GAMBRELL), the Senator from Wyoming (Mr. MCGEE), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), would vote "nay."

Mr. SCOTT. I announce that the Senator from South Dakota (Mr. MUNDT), is absent because of illness.

The Senator from Michigan (Mr. GRIFFIN) is detained on official business.

The result was announced—yeas 35, nays 57, as follows:

[No. 361 Leg.]

YEAS—35

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Brock
Buckley
Cotton
Curtis
Dole
Dominick
Eagleton
Fannin
Goldwater
Gravel
Gurney
Hansen
Hruska
Jordan, Idaho
Mansfield
Metcalf
Miller
Packwood
Pearson
Proxmire
Saxbe
Schweiker
Stafford
Stevens
Thurmond
Tower
Weicker
Young

NAYS—57

Anderson
Bayh
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cook
Cooper
Cranston
Ervin
Fong
Fulbright
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mathias
McClellan
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Percy
Randolph
Ribicoff
Roth
Scott
Smith
Sparkman
Spong
Stennis
Stevenson
Symington
Taft
Talmadge
Tunney
Williams

NOT VOTING—8

Chiles
Eastland
Edwards
Gambrell
Griffin
McGee
McGovern
Mundt

So Mr. STEVENS' amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 3, 21, 64, 68, and 70 to the bill and concurred therein; and that the House receded from its disagreement to the amendments of the Senate numbered 19, 24, 51, 52, 54, 66, and 76 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 9545. An act to amend section 6(b) of the Revised Organic Act of the Virgin Islands relating to qualifications necessary for election as a member of the legislature; and

H.R. 14106. An act to amend the Water Resources Planning Act to authorize increased appropriations.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. METCALF).

HANDGUN CONTROL ACT OF 1972

The Senate continued with the consideration of the bill (S. 2507) to amend the Gun Control Act of 1968.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. ROBERT C. BYRD. Mr. President, would the Chair please clear the well?

The PRESIDING OFFICER. Senators will please clear the well and return to their seats or go to the cloakrooms.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

At the end of the bill add a new section as follows: That section 925(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting immediately after paragraph (4) the following new paragraph:

"(5) The provisions of this chapter shall not apply with respect to the transportation, shipment, receipt, or importation of any lawfully acquired firearm or ammunition intended to be used, solely for testing of any such firearm or ammunition for a professional journal or sporting magazine, pursuant to regulations issued by the Secretary of the Treasury." It shall be unlawful to use any such firearms for any purpose other than testing and evaluation.

Mr. MANSFIELD. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I have discussed this matter with the distinguished Senator from Indiana (Mr. BAYH), the manager of the bill and chairman of the subcommittee, and also with the distinguished ranking Republican Member, the Senator from Nebraska (Mr. HRUSKA).

The amendment would, in my opinion, correct a serious inequity that has arisen in the gun law of 1968. It is really of a technical nature and would simply provide for bona fide writers for sporting journals and magazines who evaluate weapons as part of their business.

The Secretary of the Treasury would be authorized to issue regulations that would carefully limit this exception. This group of professionals seek firearms and could obtain firearms provided gratuitously to test them and then to reduce to writing their impressions, among others, of the weapon's technical performance for publication in sporting magazines or journals. That is all. The Secretary of the Treasury is empowered to issue regulations requiring that the individual establish beyond question that he is bona fide, that he is legitimately employed in this specific occupation or profession, that his interest in obtaining a weapon is based solely upon a twofold professional objective: The testing of the firearm and the writing of the results for publication. The Secretary would make certain as well that the disposition of any such firearm is carefully controlled.

I should point out that just as a particular hardship exists for legitimate collectors, certain Army personnel and others under the gun law for which special consideration was provided, so, too, has an unjust burden been placed upon the special category of professionals known as the "outdoor writer" for which consideration should be given. In large part, his livelihood is dependent greatly upon his ready access to weapons and it is for this reason that I seek here to modify the law. I understand that only about 500 to 1,000 such persons exist in this category all across the land.

In this regard, the plight of the outdoor writer was brought to my attention by Mr. Norman Strung, a member of the Outdoor Writers Association. I think his case, and the case of all those who share his particular professional endeavor was stated clearly and convincingly in his letter to me of some time ago. I quote that letter:

I don't want to compete with local gun dealers who have to make a living through sales, and who have a great deal of overhead tied up in their places of business. In other words, I think I have a perfectly legitimate reason to have a firearms permit, yet that permit was denied me. As a result, my job as an outdoor writer is just a little tougher, and will prove a lot more expensive. That, sir, seems to be unfair and inequitable "gun control" . . . hardly in the interest of public safety, and detrimental to my legitimate business and the gun-owning public.

Mr. President, I urge the adoption of the amendment.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BAYH. Mr. President, I have examined the amendment carefully and I have discussed it with the staff of the committee. This problem was studied during the hearings. We are talking about the very few highly specialized individuals who are really professionals in the field and who are going to be using these weapons for tests only. Any other use would be unlawful.

I have no objection to the amendment. I think this is a legitimate amendment. I am glad to add my support to it.

Mr. President, I yield back the remainder of my time.

Mr. MANSFIELD. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. LONG. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

At the end of the bill add a new section:
That section 1202(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out the words "in commerce or affecting commerce".

(b) Section 1202(b) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out the words "in commerce or affecting commerce".

Mr. LONG. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, this amendment seeks to achieve what we thought we did with the bill that passed a year ago when the Senate with the House concurring made it against the law for a convicted felon to possess or carry a firearm. Unfortunately by a divided decision of the Supreme Court it was ruled the act was not sufficiently clear as to whether a felon could be found guilty for possessing a firearm, regardless of whether he had been transporting the firearm in commerce or not.

The purpose of this amendment is to make clear what Congress had in mind, that is, that the possession of a firearm by a convicted felon is a crime.

That is what we thought we did. All the editorial comments that I saw in the newspapers and magazines at that time were to the effect that it was very unfortunate that the decision went in that fashion, or, assuming the court was right, it was unfortunate that it was not sufficiently clear that Congress meant to make it unlawful for a convicted felon to possess a firearm.

This amendment would seek to make clear what I thought we did, and what I certainly thought I was doing when I offered the amendment. The Senate agreed to it and the House agreed to it in conference with the Senate.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. DOMINICK. When we talk about possession, what happens to a person who serves a 1-year term, for example, and then is released?

Mr. LONG. If he had been convicted of a felony, he could not possess a firearm.

Mr. DOMINICK. Under any circumstances? The Senator is not talking about a concealed weapon; he is talking about a gun?

Mr. LONG. A person who is convicted of a felony loses the right to carry a firearm.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. STEVENS. Do I understand that this amendment would apply to regular sporting rifles and shotguns as well as handguns? The bill before us does not apply to anything other than handguns. The Senator's amendment would mean that if one of my native people from northern Alaska was convicted of a felony and then returned to his home, he could not own a shotgun or a rifle.

Mr. LONG. It is all right with me if a Governor wants to restore that right to him when he pardons him. It is very well if a Governor of a State wants to pardon a man and restore his right to do that, but it would be a bad predicament for someone who had been convicted of murder or a felony to be permitted to carry firearms. The right to do that is one of the things a convicted felon loses.

This is what the Senate voted on when it voted on the matter before.

If in any respect this amendment goes too far, I would suggest that it could be left to the conference between the Senate and the House to settle it. I think it is ridiculous to permit anyone who was convicted of armed robbery to carry a firearm—I do not care whether it is a shotgun or a rifle or any kind of firearm. That is what the Senate and the House thought before.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MILLER. Suppose the felon has been convicted of a nonviolent crime such as income tax evasion or embezzlement.

Mr. LONG. Embezzlement comes under the theft statutes in our State. I assume that if he had been convicted of theft, he should be limited.

As I have said, if the amendment goes too far, the matter could be worked out in conference between the Senate and the House.

I think if we were going to err, I would rather err in favor of limiting the freedom of convicted felons to carry weapons than to permit a murderer—or even a multiple murderer—to go around carrying a high-powered rifle. If I were going to make an error, I would rather make it in favor of stopping a convicted murderer, especially one who had taken more than one life, from carrying a high-powered weapon, rather than permitting someone who had committed a felony of a nonviolent nature to carry one. If it goes too far, it is something that can be worked out in conference.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. SPARKMAN. The Senator has used the terms "carry" and "possess." If a person has been convicted and has served his time, and all the time he was serving a shotgun was hanging over his mantle or over his door, does the Senator mean he is going to have to get rid of the shotgun when he comes back home?

Mr. LONG. If he is a convicted felon, yes. It is not intended to apply to constructive possession in his house, but, if he has it in his hands, that is possession of a firearm.

The case that makes this amendment necessary is the case of a convicted felon who was arrested on the street for carrying a weapon. He had been convicted of a felony, but due to the fact that he had not been convicted of transporting a weapon in interstate commerce, the court felt there was sufficient vagueness in the law, and a majority of the court held that because the prosecution had failed to prove that it was in interstate commerce, conviction was not sustained.

As I have said, if this amendment goes too far in any respect, then I would suggest to the manager that the conferees might want to limit this amendment to violent felons; but I would rather go too far, when I am dealing with convicted felons, as make the mistake of not going far enough.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BAYH. I think I raised this question with the Senator from Louisiana when it was first brought to my attention. I want to suggest to my colleagues that it is against the law now. We are talking about whether this penalty be limited to a violent crime, or a crime associated with a firearm. That determination has already been made.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. BAYH. If I may continue, then I shall be glad to yield to the Senator from Massachusetts. Frankly, I would feel more comfortable if it were more limited, but his amendment deals with what I feel is really a circumvention of the intent of the Senate when we passed it. It does not make any difference whether a person received his weapon in interstate commerce or not if he shot someone or robbed someone with it. We intended that this statute would apply.

I wonder if this question could be handled in dialog as legislative intent, and I would be glad to have any opinion here, and certainly the opinion of the Senator from Louisiana.

Public Law 90–618—the Gun Control Act of 1968 is what we are talking about—section 921, subsection (20) reads as follows with respect to the exemptions:

> The term "crime punishable by imprisonment for a term exceeding one year" shall not include (a) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate, or (b) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of 2 years or less.

So when we passed the bill originally, we did not intend to apply it to white collar crime. I wonder if, by making it the subject of dialog here today, we would not be enforcing the letter and the spirit of the law. I wonder if that is what the Senator intends.

Mr. LONG. I thank the Senator. All I have in mind with this amendment is simply to make it clear that we do not have to prove that the man carried the weapon in commerce, or even that the weapon had moved in commerce, in order to convict a person convicted of a felony of carrying a firearm.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BROOKE. The whole issue raises a serious constitutional question. I am not going to address myself to that, but I do see a constitutional question involved. However, for clarification purposes, Does the Senator from Louisiana mean the felon would have had to use a firearm in the commission of a felony for him to be denied the right to carry a rifle, say, at any time in his life after he had been convicted of that felony?

Is that the state of the law as the distinguished Senator from Louisiana sees it?

Mr. LONG. The Senator from Louisiana points out that the language of the statute as it presently exists does not refer to so-called white collar crimes like antitrust violations.

In other words, this amends the Firearms Control Act, which defines the term as follows:

> The term "crime punishable by imprisonment for a term exceeding one year" shall not include (A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate, or (B) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

Mr. BROOKE. I have voted for all gun control legislation, and shall continue to do so, but as I interpret what the Senator says, just for hitting a man with a rock, a man could then be denied the right to go hunting for the rest of his life.

Mr. LONG. You would have to do a man a pretty grievous injury with that rock to go to jail for 2 years.

Mr. BROOKE. Well, you can do a pretty grievous injury with a rock.

Mr. LONG. If the court thought enough of it to make it a felony and put you in the penitentiary for 2 years, yes.

Mr. BROOKE. So the man does not have to use a firearm in the commission of the felony in order to be denied his constitutional right to carry or go hunting with a rifle.

Mr. LONG. No, he does not. For example, it could be armed robbery with a knife.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BAYH. I would like to bring something else to the attention of the Senate which was brought to my attention by the Senator from Illinois. I thought I knew all about the Gun Control Act of 1968, but my attention has just been called to one section of which I was unaware. It says:

> A person who has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act) may make application to the Secretary for relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of such conviction, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest.

So one who does have such a disability, if he will apply to the Secretary, can have that disability removed.

Mr. LONG. Mr. President, to supplement what the Senator has said, this was not an ill-considered act when the Senate passed it. It was not an ill-considered act of the Senate nor of the House of Representatives when we legislated against convicted felons, having in mind serious crimes of violence, not antitrust violations, and also had in mind that the right could be restored where the crime was not the type of felony that ordinarily you would want to preclude the criminal from using a firearm again. This matter was carefully considered by the Senate and the House of Representatives when we legislated, but the problem was that this was an amendment to a Commerce Committee bill, and the language was drafted to give us a clear right to do under the commerce clause, by using the phrase "in interstate commerce" or "affecting interstate commerce."

Unfortunately, when the Supreme Court had this matter before them, involving a felon who was arrested with a firearm, the Supreme Court, by majority vote, said that from the language of the bill it would appear that the transportation of the gun in interstate commerce was an essential element of that crime. The minority, including the Chief Justice, said at that point it was sufficiently clear to them that Congress did not intend the movement of the weapon, including the movement in interstate commerce, to be an essential part of the offense, but that the use of the weapon by that convicted felon was sufficient, that it was clear from the language of the act that the Court should hold that the mere possession of a weapon by a convicted felon is sufficient to constitute the offense. That is what my amendment would spell out.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. ERVIN. Since the amendment has no relationship whatever to the bill we are considering, and as the Senator from Massachusetts says, it does involve a serious constitutional question, does not the Senator think he had better introduce it as a separate bill and send it to the Committee on the Judiciary?

Mr. LONG. Mr. President, I have introduced it as a separate bill. It is up at the desk now, printed as a bill. I sent it to the Judiciary Committee, and I have been waiting quite awhile for the Judiciary Committee to report it. Quite frankly——

Mr. ERVIN. If the Senator will let his bill come to the Judiciary Committee, I will certainly promise him that we will bring it up or at least I will ask the committee to act on it as the next meeting.

I have serious doubts about the constitutional power of Congress to make it a crime for a man merely to possess a pistol or a rifle within the borders of a State. I think it is necessary, to make it constitutional, that the possession have some relation to interstate commerce. Congress has no power to make crimes out of things which merely occur within the borders of a State, unless they are related to some power given it by the Constitution.

I hope the Senator will withdraw his amendment and let his bill be acted on by the Judiciary Committee. I cannot conscientiously support the amendment, and I would be inclined to vote against the bill if it is incorporated in the bill.

Mr. LONG. Mr. President, may I ask the Chair to have the clerk read the date on the bill?

The **PRESIDING OFFICER.** The cerk will state the date.

The assistant legislative clerk read as follows:

January 28, 1972.

Mr. LONG. So it has been in the Judiciary Committee since January of this year.

Mr. ERVIN. If the Senator asks the Judiciary Committee to take action on it, we would certainly do so. Fifty-four percent of all the bills that come to the Senate come to the Committee on the Judiciary. If we took up all the bills on our own motion and without any request for action, we would get little work done.

Mr. LONG. That is why I sent it there. I am satisfied, from a review of the Supreme Court decisions, that the Court will uphold it.

Mr. ERVIN. The Supreme Court turned this man loose because there was no evidence that the gun had been transported in interstate commerce.

Mr. LONG. And the fact that the statute referred to the movement in interstate commerce, or affecting interstate commerce. That is what the Court said it took out.

Mr. ERVIN. Yes. The Court said that the statute, which was constitutional because it required movement in interstate commerce, required that, and there was no evidence that it had been moved in interstate commerce, and that therefore he was not guilty.

That is not a decision to the effect that Congress could make it a crime merely for a man to possess a gun within the borders of a State.

Mr. LONG. Well, if this is enacted we will certainly find out whether we can make it unlawful for a felon, a murderer, or a burglar to possess a gun. There is one good way to find out whether it is against the law to prevent that felon from doing what the Supreme Court turned him loose for doing, and that is to pass this amendment, because I am satisfied that we have the power to make it against the law for a convicted felon to carry a firearm again. That is why I offered the amendment. I am satisfied we have the power. Maybe we ought to have a constitutional amendment for that purpose. The decisions of the Supreme Court have gone so far in saying what we can do in matters affecting commerce that there is not the slightest doubt in my mind that they will uphold it. If they will not uphold it, I would like to find that out, and that is the reason I offered the amendment.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, will someone give me about 5 minutes?

Several Senators addressed the Chair.

Mr. DOMINICK. Mr. President, who yields time for the opponents?

Mr. BAYH. Mr. President, I do not know what position the Senator from North Carolina is going to take, but he has been such a constructive force—one of the most able and helpful members of the committee—in the consideration of this measure that I yield him 5 minutes, regardless of what position he may take.

Mr. ERVIN. In the first place, this amendment is not germane to the purpose of this bill. The reason the bill has progressed this far is that it exclusively deals with Saturday night specials.

The Senator from Louisiana talks about assassins and murderers. I do not know whether the Senator from Louisiana has represented such people, but I have represented people who operated blockade stills, and that act is a felony. After a man who has run a blockade still has served his sentence and paid his debt to society, he could be punished under this amendment if he was out rabbit hunting or bird hunting with a shotgun. Certainly, there ought to be some place for repentance after a man has paid his debt to society. Not only is this amendment not germane; it would say that even though a man had paid his debt to society and, like Esau, he sought repentance with tears, he could not obtain it. He would be denied the right to go rabbit hunting or bird hunting just because he had been convicted of running a blockade still.

I think this amendment has no place in this bill. The amendment probably would be unconstitutional, because it strikes out the reference in the Omnibus Crime Act to interstate commerce. I do not know of anything in the Constitution that says that Congress has the power to pass a law making the mere possession of a gun within the borders of a State, in the absence of any evidence that it had any connection with interstate commerce, a Federal crime.

I sincerely hope the Senate will reject this amendment. I hate to be in opposition to my good friend from Louisiana. I usually follow him, but I think he has gone off on the wrong trail at this time.

Mr. LONG. Mr. President, if the Supreme Court of the United States construed the powers of Congress under the Constitution as closely and as limited as does the Senator from North Carolina, then those of us from the South would not have wasted all the time we spent filibustering against the Civil Rights Act of 1964. We wasted a great deal of time arguing about the right to regulate a barbershop or to regulate a hotel or a great number of other acts which were regulated that had the slightest connection with commerce.

I do not have the slightest doubt that the decisions of the Supreme Court since Franklin D. Roosevelt became President of the United States, right or wrong, have gone beyond anything necessary to define the power of Congress to regulate the possession of a firearm by a convicted felon. We did it, and the majority of the Court did not hold the man subject to punishment, for the reason that we did not make it clear that we meant to outlaw the criminal possession of a firearm by the convicted felon and failed to make clear that we were not trying to regulate commerce but to regulate the right of the convicted felon to possess the firearm, and the conviction was overturned.

I have no doubt in my mind that if we made clear to the Supreme Court that we do not want a convicted felon carrying a firearm or using a rifle or any other firearm, regardless of whether or not it moved across a State boundary, the Supreme Court would uphold it.

Frankly, Mr. President, I have seen enough of these convicted felons being turned loose on technicalities when they commit further crimes. This amendment would make it clear that when a man has committed a crime of violence, and if he has not been pardoned for it and the right to carry a firearm has been restored, it is a crime to carry a firearm.

I am satisfied that it is much easier for me to explain to my constituents why I wanted to go so far to protect the rights of citizens.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. I yield the Senator 1 minute on the bill.

Mr. LONG. I would rather go home and explain to my constituents that I wanted to go the extra mile to protect the rights of the citizens, rather than see convicted felons turned loose on technicalities when they proceed to take these firearms and commit further crimes.

Mr. BAYH. Mr. President, I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, I do not like to oppose the Senator from Louisiana on this, but I believe that the Senator from North Carolina has pointed up the constitutional question very well. It may be that the Supreme Court would decide that such an amendment would be constitutional, but that is not certain. The precedents would seem to support the Senator from North Carolina.

I suggest this to the Senator from Louisiana: Assuming that this amendment is of doubtful validity, why not let the State legislatures legislate with respect to the possession of a firearm by a felon convicted of a violent crime when its possession does not involve interstate commerce but merely involves what is happening within the borders of the State? The legislatures of this country are not powerless. If it is thought to be necessary for the protection of the public interest, let the State of Iowa, the State of Louisiana, or the State of North Carolina legislate, instead of our doing it in Congress. I think Congress has been meddling too much in the affairs of States in many cases. This would be an example of where I think we might exercise some restraint.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. I would be glad to yield time. Five or six Senators have not asked for any time.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. All time on the amendment has expired.

The Senator will state the parliamentary inquiry.

Mr. BAYH. Mr. President, I understand that there is a unanimous consent agreement to vote on passage of the bill at 5 p.m. Is that correct?

The PRESIDING OFFICER. Not later than 5 p.m.

Mr. BAYH. If the amendment of the Senator from Louisiana is voted on at this time, do we immediately go from there to a vote on passage of the bill?

The PRESIDING OFFICER. No further debate would be in order on any amendment, although amendments could be offered.

The question is on agreeing to the amendment of the Senator from Louisiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that if present and voting; the Senator from Georgia (Mr. GAMBRILL) would vote "nay".

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 20, nays 72, as follows:

[No. 362 Leg.]

YEAS—20

Anderson
Bayh
Case
Edwards
Fannin
Fulbright
Hart
Hartke
Hollings
Humphrey
Inouye
Kennedy
Long
McClellan
Pastore
Ribicoff
Saxbe
Stafford
Stennis
Stevenson

NAYS—72

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Ervin
Fong
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hatfield
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
Mathias
McIntyre
Metcalf
Miller
Montoya
Moss
Muskie
Nelson
Packwood
Pearson
Percy
Proxmire
Randolph
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—8

Chiles
Eastland
Gambrell
McGee
McGovern
Mondale
Mundt
Pell

So Mr. LONG's amendment was rejected.

The PRESIDING OFFICER (Mr. KENNEDY). The bill is open to further amendment.

Mr. HUMPHREY. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without

objection, it is so ordered; and the amendment will be printed in the RECORD.

Mr. HUMPHREY. Mr. President, the balance of the amendment not read is a definition of terminology.

The amendment is as follows:

At the end of the bill add a new section:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1116. Murder, manslaughter, or attempt to commit murder or manslaughter of State law enforcement officers, firemen, or prison guards

"(a) Whoever commits murder or manslaughter, or attempt to commit murder or manslaughter, or aids or abets another in the commission of such murder or manslaughter, or attempt to commit such murder or manslaughter, of any State law enforcement officer, fireman, or prison guard while such officer, fireman, or guard is performing official duties, or because of the official position of such officer, fireman, or guard, shall be punished as provided under section 1111, section 1112, or section 1113 of this title.

"(b) As used in this section, the term—

"(1) 'law enforcement officer' means any officer or employee of any State who is charged with the enforcement of any criminal laws of such State;

"(2) 'fireman' means any person serving as a member of a fire protective service organized and administered by a State or a volunteer fire protective service organized and administered under the laws of a State;

"(3) 'prison guard' means any officer or employee of any State who is charged with the custody or control in a penal or correctional institution of persons convicted of criminal violations; and

"(4) 'State' means any State of the United States, the Commonwealth of Puerto Rico, any political subdivision of any such State or Commonwealth, the District of Columbia, and any territory or possession of the United States.".

(b) The chapter analysis of such chapter is amended by adding immediately after item 1115 the following new item:

"1116. Murder, manslaughter, or attempt to commit murder or manslaughter of State law enforcement officers, firemen, or prison guards.".

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Mr. President, is the parliamentary situation such that the Senator from Indiana, as manager of the bill, is prohibited from speaking out in support of the amendment of the Senator from Minnesota at this time.

The PRESIDING OFFICER. No debate is in order.

Mr. BAYH. Then the Senator for that reason will not speak out in support of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. CHILES. Mr. President, I strongly support passage of S. 2507, the bill to amend the Gun Control Act of 1968. Congress has been wrestling with this problem for a number of years now and still no final solution to the problem of firearms has been found. Clearly, the gun control law of 1968 has failed in keeping firearms from the criminal element, even though this legislation was passed when assassinations were heavy on the minds of everyone. Improvements in this area are badly needed if we are to have any degree of control over crime, and yet every effort must be made not to infringe upon the rights of individual citizens to purchase firearms for lawful purposes.

I support this measure to control the sale and delivery of domestically produced Saturday night special handguns, which because of their cheapness, low quality, ease of concealment, and availability present a special problem for law enforcement and general public safety. I am a hunter and a sportsman myself and own several guns. But the weapons we are talking about in this bill have no legitimate sporting purpose and have been shown to be the predominant firearm used in crime.

The implementation of the 1968 import prohibition has been effective in prohibiting the importation of assembled Saturday night specials. But the problem is still very much with us since the domestic manufacture and assembly of these weapons is not controlled and great increases in domestic assembly and manufacture have occurred since the 1968 act. Another aspect to consider is the fact that at least seven foreign nations have claimed that our action to forbid the importation of foreign Saturday night specials while not controlling sales of the domestic variety has constituted a clear violation of our obligations under the General Agreement on Trade and Tariffs. The GATT requires uniform treatment for "like products." This is interpreted to mean that we should permit any firearm to be imported that we permit to be produced domestically. And today, though we have virtually no restriction on domestic production of firearms, we do restrict their importation.

I concur with Commissioner Nichols of the Detroit Police Department when he stated before the Judiciary Committee that statistics alone are inadequate as a measure of this problem. But they do give us an indication of the seriousness of the situation and they do tell us clearly that we have more homicides than ever before and almost all of the additional homicides are being committed with handguns. In fact, the number of handguns in the country is increasing by approximately 2.5 million annually.

There are several measures concerning firearms legislation pending before the Judiciary Committee, several of which would ban all handguns entirely with certain very limited exceptions. I feel those measures demand further study and careful research to determine whether their enactment would constitute an infringement upon the rights of individual citizens. But the measure we have before us has already been given thorough study. It involves, really, the implementation of existing importation criteria to domestic sale and delivery. These criteria have been used for more than 3 years in the determination of eligibility for handgun importation and ought to be applied domestically as soon as possible.

Harold Bergan, a staff aide to Congressman YATES, of Illinois, put it well, I believe, when he stated before the subcommittee:

> Each day that passes without this legislation will mean that an additional 2 thousand cheap handguns will find their way into the American market. The time to stop is now.

Mr. WILLIAMS. Mr. President, I rise in support of the bill presently before the Senate, S. 2507, designed to amend the Gun Control Act of 1968. This bill would close the loophole that now exists in the 1968 act, by applying the same ban on the sale and delivery of domestically made cheap and inaccurate handguns, referred to as "Saturday night specials," that now applies to these foreign-made firearms.

This legislation is absolutely necessary. The bill, when enacted, would serve to greatly slow down the horrifying weapons traffic within our society.

The weapons referred to in this legislation are small, inexpensive revolvers, usually of .22 caliber or .25 caliber design. They are weapons that are unsuitable for sporting purposes—with the only possible use being the killing and crippling of other human beings. This bill would not, as described by the National Rifle Association, "mistakenly deprive millions of law-abiding citizens of a type of firearm particularly suited for the defense of their families and businesses."

In fact, by the adoption of an amendment on the Senate floor today, the bill exempts all handguns that are privately owned and intended for personal protection and which are approved by the Secretary of the Treasury pursuant to the criteria of the bill. In this way, those handgun models which are not suitable for sporting purposes but are usable for self-protection, and meet the standards established by this act, can still be legally sold and delivered. I believe that if handguns are to be permitted in some form other than exclusively for law enforcement officers, the personal safety of all citizens must be an important concern of the Members of this body of Congress.

The handguns to which S. 2507 applies are easily accessible to anyone who wishes to purchase one. These deadly instruments are also extremely plentiful. It has been estimated that 700,000 of these Saturday night specials were manufactured in this country in 1969, and approximately 1 million produced in 1970. It is now believed that these unsafe and unsuitable weapons account for approximately 40 percent of the annual proliferation of the 2.5 million hand-held guns manufactured for private sale in the United States each year.

Because of their accessibility and the ease with which these particular guns may be concealed, the Saturday night specials are becoming increasingly misused by criminals in this country. In 1970, handguns accounted for some 8,000 homicides in the United States, or 60 percent of all homicides in that 1 year. Of these handgun homicides, 43 percent were caused by the Saturday night special.

Pistols and revolvers have become increasingly dangerous to this country's police officers. In 1970, 100 policemen were fatally struck down, 73 of which were murdered by handguns. In 1971, the total number of policemen killed in the United States increased to 121, with 94 murdered by handguns.

Saturday night specials must be controlled. The majority of our citizens and law enforcement officers realize the danger of these guns and are willing to accept strict controls. L. Patrick Gray, Acting Director of the FBI recently reiterated this belief when he stated, as quoted in a Washington Post editorial:

> These firearms have been utilized in so many of our homicides that we ought to control them.

He also stated, in referring to the Saturday night specials:

> They ought to be banned totally, completely, and thoroughly.

I strongly support the bill before us, S. 2507. However, as a U.S. Senator, I have continually and actively supported more stringent controls on all firearms. I believe that the controls on these weapons must go further than just banning the domestic sale and delivery of the Saturday night special. With deep personal conviction, I believe that several of the amendments introduced to this bill, such as those of Senators HART, KENNEDY, and STEVENSON, would have adequately and effectively strengthened our existing laws in order to curb this immoral attack on our citizens.

As a cosponsor of the amendment offered by Senator KENNEDY, I truly believe that the registration of all firearms and the licensing of every gun owner would greatly reduce criminal possession of firearms and, in turn, help to curb the violent crimes that are destroying the lives of innumerable Americans.

My own State of New Jersey has had a licensing and registration program in effect since 1966. It is one of the few States which has adopted such stringent controls. New Jersey's program is most similar to the provision offered by Senator KENNEDY in calling for national licensing and registration, and the aims and principles of our program comport with those of Senator KENNEDY's amendment.

In addition, New Jersey's program has been very successful. It has not proven to be an enormous burden on the citizens of that State, but has, rather, been very effective in keeping firearms out of the hands of those ineligible and unfit to own these weapons. Within the first 2 years of operation, 1,795 people were denied application for permits. Approximately 65 percent of these denials were because of criminal records—including first-degree murder, rape, burglary, and breaking and entering. Other reasons for denials included public health, safety, and welfare reasons, medical and mental reasons, and narcotics and alcoholism problems.

In 1969, the Duke University Law Journal published a study in which data analysis techniques were employed to examine the efficacy of State and municipal controls on handguns. The authors concluded that New Jersey's gun control legislation saves 21 to 32 lives per million population per year. And on a nationwide scale they estimated that such control would save 4,200 to 6,400 lives per year.

These statistics clearly indicate the need for more stringent legislation on gun control.

In addition, after serious consideration and complete and careful analysis of the consequences, I supported the amendment offered by Senator HART that called for a ban on the ownership of all handguns.

My action was a result of my personal belief that there is no substantial and responsible justification for private ownership of the handgun.

The 25 million handguns in this country have been proven to be a threat to public safety. They have caused severe and fatal injury and repeated heartache to innumerable citizens of this Nation. Although handguns are only 27 percent of all firearms in the United States, these weapons account for the majority of firearm injuries and assaults that occur.

The handgun has been involved with crimes that have repeatedly caused both personal and national tragedy in the United States. We have seen leaders of this Nation struck down by the easily concealed weapon. There is no doubt that if a handgun had not been available, Lee Harvey Oswald would have lived to stand trial, Robert Kennedy would be here to care for his children and provide inspiration to millions, and George Wallace would not be confined to a wheelchair.

But we are not just concerned with national leaders and politicians. We are deeply concerned with the lives of every citizen in this country. It is time to stop this national fratricide in our streets, our homes, and our businesses.

These weapons are purchased by law-abiding citizens with sincere intent of protecting their homes. But I believe we are only kidding ourselves in believing that a handgun in the home is truly in one's best interest.

It has been determined that a great percentage of handguns confiscated from criminals by law enforcement authorities are stolen weapons from homes.

More tragically, however, it is not just the criminal who is injuring and killing our citizens. As it was brought out in the debate on this amendment, 81 percent of the cases of killings here in Washington, D.C., were either of a member of the household, or a neighbor or friend.

This is a sad reality. We must face up to the facts and figures before us and begin to protect our families and friends. The citizens of this Nation must be made to realize that handguns can and do kill people, and that unless we face this issue soon, we will inevitably face a grimmer and more bloody future. This reality must be fully and completely understood.

Mr. President, it has been with deep personal conviction that I have supported the amendments to this bill that would have strengthened and improved our gun control laws.

I am confident that the banning of the domestic sale and delivery of the "unsafe and unsuitable" deadly weapons known as Saturday night specials will begin to curb a grave national problem whose dimensions are so tremendous as to lull us into a state of acquiescence, to be shaken only when the prominent among us become victims. The battle against the terrible misuse of firearms in our country must be fought to a successful conclusion. For upon that conclusion rests questions of life and death.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. BAYH. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. METCALF (when his name was called). On this vote I have a live pair with the Senator from Minnesota (Mr. MONDALE). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from Wyoming (Mr. MCGEE).

If present and voting, the Senator from Georgia would vote "yea" and the Senator from Wyoming would vote "nay."

I further announce that, if present and voting, the Senator from Mississippi (Mr. EASTLAND) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 68, nays 25, as follows:

[No. 363 Leg.]

YEAS—68

Aiken
Allott
Anderson
Bayh
Beall
Bellmon
Boggs
Brock
Brooke
Buckley
Burdick
Byrd,
 Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Edwards
Ervin
Fong
Fulbright
Griffin
Gurney
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McGovern
McIntyre
Miller
Muskie
Nelson
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Scott
Smith
Sparkman
Spong
Stevenson
Symington
Talmadge
Thurmond
Tunney
Williams
Young

NAYS—25

Allen
Baker
Bennett
Bentsen
Bible
Cannon
Church
Dominick
Fannin
Goldwater
Gravel
Hansen
Mansfield
McClellan
Montoya
Moss
Packwood
Saxbe

Schweiker
Stafford
Stennis
Stevens
Taft
Tower
Weicker

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Metcalf, against.

NOT VOTING—6

Eastland
Gambrell
McGee
Mondale
Mundt
Pell

So the bill (S. 2507) was passed, as follows:

S. 2507

An act to apply the same standards to prohibit the sale of domestically produced Saturday night special handguns as have been applied to foreign-made Saturday night special handguns since adoption of the Gun Control Act of 1968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Handgun Control Act of 1972".

SEC. 2. Section 921(a) of title 18 of the United States Code is amended by inserting after paragraph (20) the following:

"(21) The term 'handgun' means a firearm designed to be fired by the use of a single hand. The term also includes a combination of parts in the possession or under the control of a person from which a handgun can be assembled. The term does not include antique firearms.

"(22) The term 'handgun model' means a handgun of a particular design, specification, and designation."

SEC. 3. Section 922(b) of title 18 of the United States Code is amended by

(a) striking out at the end of paragraph (4) thereof the word "and";

(b) striking out at the end of paragraph (5) thereof the period and inserting in lieu thereof a semicolon;

(c) adding after paragraph (5) thereof the following:

"(6) any handgun model unless such handgun model has been approved by the Secretary pursuant to section 922(a) of this title."; and

(d) deleting the final sentence, which begins with the words "Paragraph (4) of this", and inserting in lieu thereof the following:

"Paragraphs (4) and (6) of this subsection shall not apply to a sale or delivery to any research organization designated by the Secretary. Paragraph (6) of this subsection shall not apply to the sale or delivery of any firearm to the United States or any department or agency thereof, or to any State, department, agency, or political subdivision thereof, or to any duly commissioned law enforcement officer of the United States or any department or agency thereof or of any State, department, agency or political subdivisions thereof (including but not limited to members of the Armed Forces and police officers) properly authorized to carry such firearms in his official capacity. Paragraph (6) of this subsection shall not apply to the sale or delivery by a licensed importer, licensed manufacturer, or licensed dealer to a licensed dealer of any firearm intended to be sold or delivered to any government or agency thereof or person entitled pursuant to this paragraph to have such firearms sold or delivered to him. Paragraph (6) of this subsection shall not apply to the sale or delivery to a licensed collector or licensed dealer of any firearm which is a curio or relic, as the Secretary shall by regulation define. Paragraph (6) of this subsection shall not apply to occasional, sporadic sales of single handguns by a licensed collector who is not a dealer, as defined by section 921(a) of this title."

SEC. 4. Section 922 of title 18 of the United States Code is amended by adding at the end thereof the following new subsections:

"(n) The Secretary shall not approve for sale or delivery by a licensed dealer, licensed importer, licensed manufacturer, or licensed collector any handgun model unless he has caused to be evaluated and tested representative samples of such handgun model and has found that:

"(1) in the case of a pistol, the handgun model:

"(A) has a positive manually operated safety device; and

"(B) has a combined length and height in excess of 10 inches with the height (right angle measurement to the barrel without the magazine or extension) being at least 4 inches and the length being at least 6 inches; and

"(C) attains a total of at least 75 points under the following criteria:

"(i) Overall length: one point for each one-fourth inch over 6 inches;

"(ii) Frame construction: (a) 15 points if investment cast steel or forged steel, (b) 20 points if investment cast HTS alloy or forged HTS alloy;

"(iii) Pistol Weight: one point for each ounce, with the pistol unloaded and the magazine in place;

"(iv) Caliber: (a) zero points if the pistol accepts only .22 caliber short or .25 caliber automatic ammunition, (b) three points if the pistol accepts either .22 caliber long rifle ammunition or any ammunition within the range delimited by 7.65 millimeter and .380 caliber automatic, (c) 10 points if the pistol accepts 9 millimeter parabellum ammunition or over, (d) in the case of ammunition not falling within one of the classes listed above, such number of points not greater than ten (following the classification schedule above as nearly as is practicable) as the Secretary shall determine appropriate to the suitability for sporting purposes or for personal protection of handgun models designed for such ammunition;

"(v) Safety features: (a) five points if the pistol has a locked breech mechanism, (b) five points if the pistol has a loaded chamber indicator, (c) three points if the pistol has a grip safety, (d) five points if the pistol has a magazine safety, (e) 10 points if the pistol has a firing pin block or lock; and

"(vi) Miscellaneous equipment: (a) two points if the pistol has an external hammer, (b) 10 points if the pistol has a double action firing mechanism, (c) five points if the pistol has a drift adjustable target sight, (d) 10 points if the pistol has a click adjustable target sight, (e) five points if the pistol has target grips, (f) two points if the pistol has a target trigger; and

"(2) in the case of a revolver, the handgun model:

"(A) has an overall frame length of four and one-half inches measured on a line parallel to the barrel; and

"(B) has a barrel length of at least three inches; and

"(C) has a safety device which, either (i) automatically in the case of a double action firing mechanism or (ii) by manual operation in the case of a single action firing mechanism, causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge. Once activated, such safety device must be capable of withstanding the impact of a weight, equal to the weight of the revolver, dropped a total of five times from a height of 36 inches above the rear of the hammer spur onto the rear of the hammer spur with the revolver resting in a position such that the line of the barrel is perpendicular to the plane of the horizon; and

"(D) attains a total of at least 45 points under the following criteria:

"(i) Barrel length: one-half point for each one-fourth inch that the barrel is longer than 4 inches;

"(ii) Frame construction: (a) 15 points if investment cast steel or forged steel, (b) 20 points if investment cast HTS alloy or forged HTS alloy;

"(iii) Revolver weight: one point for each ounce with the revolver unloaded;

"(iv) Caliber: (a) zero points if the revolver accepts only .22 caliber short or .25 caliber ACP, (b) three points if the revolver accepts .22 caliber long rifle or ammunition in the range between .30 caliber and .38 S&W, (c) four points if the revolver accepts .38 caliber special ammunition, (d) five points if the revolved accepts .357 magnum or over, (e) in the case of ammunition not falling within one of the classes listed above, such number of points not greater than five (following the classification schedule above as nearly as practicable) as the Secretary shall determine appropriate to the suitability for sporting purposes or for personnel protection of handgun models designed for such ammunition; and

"(v) Miscellaneous equipment: (a) five points if the revolver has either drift or click adjustable target sights, (b) five points if the revolver has target grips, (c) five points if the revolver has a target hammer and a target trigger.

"(o) It shall be unlawful for any person to reduce the length of the barrel or the overall length of a handgun previously approved by the Secretary for sale and delivery if as a result of such modification the handgun no longer meets the standards for approval set forth in subsection (n) of this section.

"(p) The Secretary shall give written notification of the results of evaluation and testing conducted pursuant to subsection (n) of this section to the licensee submitting samples of a handgun model for such evaluation and testing. If any handgun model fails to meet the standards for approval, the Secretary's notification shall state specifically the reasons for such finding. Any such notification of approval or failure shall be published in the Federal Register. At least once each year the Secretary shall compile a list of all handgun models which are then approved for sale or delivery under subsection (n) of this section, which list shall be published in the Federal Register and furnished annually to each licensee under this chapter.

"(q) Any licensee submitting to the Secretary for testing a handgun model which is subsequently found not in compliance with relevant standards shall have ten days from receipt of notification of noncompliance within which to submit in writing specific objections to such finding and a request for retesting such model, together wtih justification therefor. Upon receipt of such a request the Secretary shall promptly arrange for retesting and thereafter notify the aggrieved party of the results, if he determines sufficient justification for retesting exists. Should he determine that retesting is not warranted, the Secretary shall promptly notify the aggrieved party as to such determination. In the event that upon retesting the Secretary's finding remains adverse, or that the Secretary finds retesting is not warranted, the aggrieved party may within sixty days after the date of the Secretary's notice of such finding file a petition in the United States district court in the district in which the aggrieved party has his principal place of business in order to obtain judicial review of such finding. Such review will be in accordance with the provisions of section 706 of title 5, United States Code."

SEC. 5. Section 925(d)(3) of title 18 of the United States Code is amended to read as follows:

"(3) is of a type that does not fall within the definition of a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954; is not a surplus military firearm; and if a handgun, has been approved by the Secretary pursuant to section 922(n) of this title; or"

SEC. 6. (a) Section 921(a) of title 18, United States Code, as amended by section

2, is further amended by adding the following:

"(23) The term 'immediate family' means direct lineal descendants (including adopted children) and ascendants of the transferor.

"(24) The term 'sporting firearm' means a firearm which is generally recognized as particularly suitable for or readily adaptable to sporting purposes."

(b) Section 922(a)(3) of title 18, United States Code, is amended by redesignating clause "(C)" as clause "(E)", and by inserting after clause (B) the following new clauses: "(C) shall not apply to the importation into the United States of a sporting rifle or sporting shotgun in conformity with the provisions of section 925(d)(3): *Provided*, That not more than one sporting rifle and one sporting shotgun shall be imported by a person during any calendar year; (D) shall not apply to the transportation or receipt of a sporting rifle or sporting shotgun transferred by its lawful owner to a member of his immediate family;".

(c) Section 922(a)(5) of such title is amended by redesignating clause "(B)" as clause "(C)", and by inserting after clause (A) the following new clause: "(B) the transfer, transportation, or delivery of a sporting rifle or sporting shotgun by its lawful owner to a member of his immediate family.".

(d) Section 925(d)(3) of title 18, United States Code, as amended by section 5 of this Act, is further amended by inserting immediately after "the Internal Revenue Code of 1954" a comma and the following: "and meets the definition of a sporting firearm as defined in this chapter, excluding surplus military firearms, except that in any case in which a person who is not a member of the United States Armed Forces and is not a licensed importer, manufacturer, dealer, or collector seeks to import a sporting rifle or sporting shotgun by mail order, such person must be at least twenty-one years of age;".

(e)(1) Section 926 of title 18, United States Code, is amended by adding at the end thereof the following new sentence: "The Secretary shall compile and maintain an importation list containing descriptions of rifles and shotguns which he determines to be generally recognized as particularly suitable for or readily adaptable to sporting purposes.".

(2) The caption of such section is amended to read as follows:

"§ 926. Rules and regulations: Importation list".

(3) Item 926 of the analysis of chapter 44 of such title is amended to read as follows:

"926. Rules and regulations; Importation list.".

SEC. 7. (a) Sections 926, 927, and 928, of title 18 of the United States Code, and all references thereto, are redesignated as sections 927, 928, and 929, respectively.

(b) Title 18 of the United States Code is amended by inserting after section 925 the following new section:

"§ 926. Compensation for reasonable value of handguns voluntarily transferred to law enforcement agencies

"(a) A person may at any time transfer to any Federal, State, or local law enforcement agency designated by the Secretary any handguns owned or possessed by such person.

"(b) In the case of transfer pursuant to subsection (a) of a handgun model which the Secretary has evaluated and tested pursuant to section 922(n) of this title and not approved for sale or delivery by a licensee under this chapter, the person transferring such handgun shall, upon proof that such handgun was lawfully acquired and lawfully owned by such person prior to enactment of the Handgun Control Act of 1972, be entitled to receive from the United States a payment equal to the reasonable value of such handgun, such value to be determined as of the day before enactment of the Handgun Control Act of 1972."

SEC. 8. Section 4182 of title 26 of the United States Code is amended by adding the following subsection (d):

"(d) RECORDS.—Notwithstanding the provisions of sections 922(b)(5) and 923(g) of title 18, United States Code, no person holding a Federal license under chapter 44 of title 18, United States Code, shall be required to record the name, address, or other information about the purchaser of .22-caliber rimfire ammunition."

SEC. 9. Section 924(c) of the Gun Control Act of 1968 (Public Law 90-618; 18 U.S.C. 924(c)) is amended to read as follows—

"(c) Whoever—

"(1) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States; or

"(2) carries a firearm during the commission of any felony for which he may be prosecuted in a court of the United States, may, in addition to the punishment provided for the commission of such felony, be sentenced for the additional offense defined in this subsection to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years.

"The execution or imposition of any term of imprisonment imposed under this subsection may not be suspended, and probation may not be granted. Any term of imprisonment imposed under this subsection may not be imposed to run concurrently with any term or imprisonment imposed for the commission of such felony."

SEC. 10. Section 924 of title 18 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) A trial of any crime involving use or possession of a firearm shall have priority on the calendar of any court of the United States. Upon receipt of the copy of such complaint, it shall be the duty of the presiding judge to assign the case for hearing at the earliest practicable date, and to cause the case to be in every way expedited."

SEC. 11. Section 925(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting immediately after paragraph (4) the following new paragraph:

"(5) The provisions of this chapter shall not apply with respect to the transportation, shipment, receipt, or importation of any lawfully acquired firearm or ammunition intended to be used solely for testing of any such firearm or ammunition for a professional journal or sporting magazine, pursuant to regulations issued by the Secretary of the Treasury. It shall be unlawful to use any such firearm for any purpose other than testing and evaluation."

SEC. 11. Section 925(a) of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1116. Murder, manslaughter, or attempt to commit murder or manslaughter of State law enforcement officers, firemen, or prison guards

"(a) Whoever commits murder or manslaughter, or attempts to commit murder or manslaughter, or aids or abets another in the commission of such murder or manslaughter, or attempt to commit such murder or manslaughter, of any State law enforcement officer, fireman, or prison guard, while such officer, fireman, or prison guard is performing official duties, or because of the official positon of such officer, fireman, or guard, shall be punished as provided under section 1111, section 1112, or section 1113 of this title.

"(b) As used in this section, the term—

"(1) 'law enforcement officer' means any officer or employee of any State who is charged with the enforcement of any criminal laws of such State;

"(2) 'fireman' means any person serving as a member of a fire protective service organized and administered by a State or a volunteer fire protective service organized and administered under the laws of a State;

"(3) 'prison guard' means any officer or employee of any State who is charged with the custody or control in a penal or correctional institution of persons convicted of criminal violations; and

"(4) 'State' means any State of the United States, the Commonwealth of Puerto Rico, any political subdivision of any such State or Commonwealth, the District of Columbia, and any territory or possession of the United States.".

(b) The chapter analysis of such chapter is amended by adding immediately after item 1115 the following new item:

"1116. Murder, manslaughter, or attempt to commit murder or manslaughter of State law enforcement officers, firemen, or prison guards.".

SEC. 13. There are hereby authorized to be appropriated such sums as may be necessary to effect the purposes of this Act.

SEC. 14. The provisions of this Act shall take effect immediately upon enactment, except that sections 3 and 5 of this Act shall take effect sixty days after the date of enactment.

Mr. BAYH. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAYH. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make such technical and clerical corrections in the engrossment of the bill as may be necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

The title was amended, so as to read: "A bill to apply the same standards to prohibit the sale of domestically produced Saturday night special handguns as have been applied to foreign-made Saturday night special handguns since adoption of the Gun Control Act of 1968."

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 1462) to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes.

PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader, first, whether we have worked enough today, or does he desire a night session, and, second, if he does not, what is the coming order of business so far as he can foretell it, without the help of Jean Dixon or Ruth Montgomery?

Mr. MANSFIELD. Mr. President, may I say I appreciate the humor of the distinguished Republican leader. He knows very well that there will be no further votes this evening and the Republicans will be able to attend their shindig en masse.

Mr. SCOTT. I appreciate that, because

we are going to pay our high compliments to the Senator from Kentucky, Senator COOPER, who is retiring, and we decided the best way to show our appreciation was to go to his home and accept his invitation.

Mr. MANSFIELD. Well, I do not think you could accept the invitation of a nicer or a better man or a man of greater integrity. Everything has fitted into place, thanks to the cooperation of the Senate as a whole, so that we are really, legitimately, concluding our business at this time as far as votes are concerned.

Mr. SCOTT. I certainly agree, and I have said to the distinguished Senator from Montana that I hope the Senate will be as kind to the majority leader and the minority leader when the time comes to have our farewell dinners.

Mr. MANSFIELD. I would not want to wait that long, but just have us do it on a day-to-day basis.

Mr. President, it is the intention to bring up three noncontroversial treaties and get to a final reading of them. Votes on those treaties will occur tomorrow, and there will be three separate votes.

I have been informed by the distinguished chairman of the Subcommittee on HEW that the conference report will be ready for the Senate tomorrow, and he has stated that there will be a rollcall vote on that conference report.

Then there is S. 3755, a bill to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs, and so on. That could be called up. It may well be that there will be some discussion on that, and very likely some votes.

Then it is anticipated that Calendar No. 925, S. 3307, a bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, will be brought up. There is no time limitation on that, though the leadership would be prepared to consider such a limitation at any time. Nor is there any time limitation on the airport and airway development bill.

It is the hope—and there seems to be a reasonably good possibility—that the Finance Committee may well report the revenue-sharing measure tonight, and if that is done, we will give serious consideration to laying it before the Senate tomorrow, and perhaps get started on it, if time permits, and then turn to it on Friday.

Mr. SCOTT. Mr. President, if the distinguished majority leader will permit, I would like the Senate to know that we have not lost track of the interim agreement, and we are trying to work out a schedule on that as well. We will do the best we can.

Mr. MANSFIELD. That is correct. At the present time it is in what we call an indeterminate state.

Mr. SCOTT. It is in nebulae; if not that, in limbo, but not a very long limbo; more of a short limbo.

Mr. MANSFIELD. You know, Mr. President, there will come a time when I will have the last word in this exchange.

Mr. COTTON. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. COTTON. I think that perhaps I should report to the distinguished majority leader—this is after conference with the distinguished Senator from Washington, chairman of the Subcommittee on HEW—that there could be as many as three rollcalls, and there may be motions to recommit.

Mr. ROBERT C. BYRD. Mr. President, we cannot hear the Senator. Can we have order?

Mr. COTTON. There could be two such motions.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I am indebted to the distinguished Senator from New Hampshire, ranking Republican member of the Appropriations Subcommittee on HEW.

I note that the distinguished assistant majority leader is in the Chamber. I assume he will get out a new notice in the next 12 or 18 hours. In that it may be well to note that the chairman of the committee has indicated there will be two votes, and the ranking Republican member of the committee has indicated there may be two or three.

Mr. COTTON. There may be two.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent to call up Executive B (92d Congress, 2d sess.), a Convention on Ownership of Cultural Property; Executive D (92d Congress, 2d sess.), Tax Convention with Norway; and Executive I (92d Congress, 2d Session), a Convention Establishing an International Organization of Legal Metrology, and I ask that they be taken up singly in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVENTION ON OWNERSHIP OF CULTURAL PROPERTY

The Senate, as in Committee of the Whole, proceeded to consider Executive B (92d Cong., 2d sess.), the Convention on Ownership of Cultural Property, which was read the second time, as follows:

CONVENTION ON OWNERSHIP OF CULTURAL PROPERTY

ARTICLE 1

For the purposes of this Convention, the term "cultural property" means property which, on religious or secular grounds, is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or science and which belongs to the following categories:

(*a*) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;

(*b*) property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artists and to events of national importance;

(*c*) products of archaeological excavations (including regular and clandestine) or of archaeological discoveries;

(*d*) elements of artistic or historical monuments or archaeological sites which have been dismembered;

(*e*) antiquities more than one hundred years old, such as inscriptions, coins and engraved seals;

(*f*) objects of ethnological interest;

(*g*) property of artistic interest, such as:

(i) pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand);

(ii) original works of statuary art and sculpture in any material;

(iii) original engravings, prints and lithographs;

(iv) original artistic assemblages and montages in any material;

(*h*) rare manuscripts and incunabula, old books, documents and publications of special interest (historical, artistic, scientific literary, etc.) singly or in collections;

(*i*) postage, revenue and similar stamps, singly or in collections;

(*j*) archives, including sound, photographic and cinematographic archives;

(*k*) articles of furniture more than one hundred years old and old musical instruments.

ARTICLE 2

1. The States Parties to this Convention recognize that the illicit import, export and transfer of ownership of cultural property is one of the main causes of the impoverishment of the cultural heritage of the countries of origin of such property and that international cooperation constitutes one of the most efficient means of protecting each country's cultural property against all the dangers resulting therefrom.

2. To this end, the States Parties undertake to oppose such practices with the means at their disposal, and particularly by removing their causes, putting a stop to current practices, and by helping to make the necessary reparations.

ARTICLE 3

The import, export or transfer of ownership of cultural property effected contrary to the provisions adopted under this Convention by the States Parties thereto, shall be illicit.

ARTICLE 4

The States Parties to this Convention recognize that for the purpose of the Convention property which belongs to the following categories forms part of the cultural heritage of each State:

(*a*) Cultural property created by the individual or collective genius of nationals of the State concerned, and cultural property of importance to the State concerned created within the territory of that State by foreign nationals or stateless persons resident within such territory;

(*b*) cultural property found within the national territory;

(*c*) cultural property acquired by archaeological, ethnological or natural science missions, with the consent of the competent authorities of the country of origin of such property;

(*d*) cultural property which has been the subject of a freely agreed exchange;

(*e*) cultural property received as a gift or purchased legally with the consent of the competent authorities of the country of origin of such property.

ARTICLE 5

To ensure the protection of their cultural property against illicit import, export and transfer of ownership, the States Parties to this Convention undertake, as appropriate for each country, to set up within their territories one or more national services, where such services do not already exist, for the protection of the cultural heritage, with a qualified staff sufficient in number for the effective carrying out of the following functions:

(*a*) Contributing to the formation of draft laws and regulations designed to secure the protection of the cultural heritage and particularly prevention of the illicit import, export and transfer of ownership of important cultural property;

(*b*) establishing and keeping up to date, on the basis of a national inventory of protected property, a list of important public and private cultural property whose export would constitute an appreciable impoverishment of the national cultural heritage;

(*c*) promoting the development or the establishment of scientific and technical institutions (museums, libraries, archives, laboratories, workshops . . .) required to ensure the preservation and presentation of cultural property;

(*d*) organizing the supervision of archaeological excavations, ensuring the preservation "in situ" of certain cultural property, and protecting certain areas reserved for future archaeological research;

(*e*) establishing, for the benefit of those concerned (curators, collectors, antique dealers, etc.) rules in conformity with the ethical principles set forth in this Convention; and taking steps to ensure the observance of those rules;

(*f*) taking educational measures to stimulate and develop respect for the cultural heritage of all States, and spreading knowledge of the provisions of this Convention;

(*g*) seeing that appropriate publicity is given to the disappearance of any items of cultural property.

ARTICLE 6

The State Parties to this Convention undertake:

(*a*) To introduce an appropriate certificate in which the exporting State would specify that the export of the cultural property in question is authorized. The certificate should accompany all items of cultural property exported in accordance with the regulations;

(*b*) to prohibit the exportation of cultural property from their territory unless accompanied by the above-mentioned export certificate;

(c) to publicize this prohibition by appropriate means, particularly among persons likely to export or import cultural property.

ARTICLE 7

The States Parties to this Convention undertake:

(*a*) To take the necessary measures, consistent with national legislation, to prevent museums and similar institutions within their territories from acquiring cultural property originating in another State Party which has been illegally exported after entry into force of this Convention, in the States concerned. Whenever possible, to inform a State of origin Party to this Convention of an offer of such cultural property illegally removed from that State after the entry into force of this Convention in both States;

(*b*) (i) to prohibit the import of cultural property stolen from a museum or a religious or secular public monument or similar institution in another State Party to this Convention after the entry into force of this Convention for the States concerned, provided that such property is documented as appertaining to the inventory of that institution;

(ii) at the request of the State Party of origin, to take appropriate steps to recover and return any such cultural property imported after the entry into force of this Convention in both States concerned, provided, however, that the requesting State shall pay just compensation to an innocent purchaser or to a person who has valid title to that property. Requests for recovery and return shall be made through diplomatic offices. The requesting Party shall furnish, at its expense, the documentation and other evidence necessary to establish its claim for recovery and return. The Parties shall impose no customs duties or other charges upon cultural property returned pursuant to this Article. All expenses incident to the return and delivery of the cultural property shall be borne by the requesting Party.

ARTICLE 8

The States Parties to this Convention undertake to impose penalties or administrative sanctions on any person responsible for infringing the prohibitions referred to under Articles 6(b) and 7(b) above.

ARTICLE 9

Any State Party to this Convention whose cultural patrimony is in jeopardy from pillage of archaeological or ethnological materials may call upon other States Parties who are affected. The States Parties to this Convention undertake, in these circumstances, to participate in a concerted international effort to determine and to carry out the necessary concrete measures, including the control of exports and imports and international commerce in the specific materials concerned. Pending agreement each State concerned shall take provisional measures to the extent feasible to prevent irremediable injury to the cultural heritage of the requesting State.

ARTICLE 10

The States Parties to this Convention undertake:

(*a*) To restrict by education, information and vigilance, movement of cultural property illegally removed from any State Party to this Convention and, as appropriate for each country, oblige antique dealers, subject to penal or administrative sanctions, to maintain a register recording the origin of each item of cultural property, names and addresses of the supplier, description and price of each item sold and to inform the purchaser of the cultural property of the export prohibition to which such property may be subject;

(*b*) to endeavour by educational means to create and develop in the public mind a realization of the value of cultural property and the threat to the cultural heritage created by theft, clandestine excavations and illicit exports.

ARTICLE 11

The export and transfer of ownership of cultural property under compulsion arising directly or indirectly from the occupation of a country by a foreign power shall be regarded as illicit.

ARTICLE 12

The States Parties to this Convention shall respect the cultural heritage within the territories for the international relations of which they are responsible, and shall take all appropriate measures to prohibit and prevent the illicit import, export and transfer of ownership of cultural property in such territories.

ARTICLE 13

The States Parties to this Convention also undertake, consistent with the laws of each State:

(a) To prevent by all appropriate means transfer of ownership of cultural property likely to promote the illicit import or export of such property;

(b) to ensure that their competent services cooperate in facilitating the earliest possible restitution of illicitly exported cultural property to its rightful owner;

(c) to admit actions for recovery of lost or stolen items of cultural property brought by or on behalf of the rightful owners;

(d) to recognize the indefeasible right of each State Party to this Convention to classify and declare certain cultural property as inalienable which should therefore *ipso facto* not be exported, and to facilitate recovery of such property by the State concerned in cases where it has been exported.

ARTICLE 14

In order to prevent illicit export and to meet the obligations arising from the implementation of this Convention, each State Party to the Convention should, as far as it is able, provide the national services responsible for the protection of its cultural heritage with an adequate budget and, if necessary set up a fund for this purpose.

ARTICLE 15

Nothing in this Convention shall prevent States Parties thereto from concluding special agreements among themselves or from continuing to implement agreements already concluded regarding the restitution of cultural property removed, whatever the reason, from its territory of origin, before the entry into force of this Convention for the States concerned.

ARTICLE 16

The States Parties to this Convention shall in their periodic reports submitted to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, togeter with details of the experience acquired in this field.

ARTICLE 17

1. The States Parties to this Convention may call on the technical assistance of the United Nations Educational, Scientific and Cultural Organization, particularly as regards:

(*a*) Information and education;

(*b*) consultation and expert advice;

(*c*) co-ordination and good offices.

2. The United Nations Educational, Scientific and Cultural Organization may, on its own initiative conduct research and publish studies on matters relevant to the illicit movement of cultural property.

3. To this end, the United Nations Educational, Scientific and Cultural Organization may also call on the co-operation of any competent non-governmental organization.

4. The United Nations Educational, Scientific and Cultural Organization may, on its own initiative, make proposals to States Parties to this Convention for its implementation.

5. At the request of at least two States Parties to this Convention which are engaged in a dispute over its implementation, Unesco may extend its good offices to reach a settlement between them.

ARTICLE 18

This Convention is drawn up in English, French, Russian and Spanish, the four texts being equally authoritative.

ARTICLE 19

1. This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.

2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

ARTICLE 20

1. This Convention shall be open to accession by all States not members of the United Nations Educational, Scientific and Cultural Organization which are invited to accede to it by the Executive Board of the Organization.

2. Accession shall be effected by the deposit of an instrument of accession with the Di-

rector-General of the United Nations Educational, Scientific and Cultural Organization.

ARTICLE 21

This Convention shall enter into force three months after the date of the deposit of the third instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

ARTICLE 22

The States Parties to this Convention recognize that the Convention is applicable not only to their metropoltian territories but also to all territories for the international relations of which they are responsible; they undertake to consult, if necessary, the governments or other competent authorities of these territories on or before ratification, acceptance or accession with a view to securing the application of the Convention to those territories, and to notify the Director-General of the United Nations Educational, Scientific and Cultural Organization of the territories to which it is applied, the notification to take effect three months after the date of its receipt.

ARTICLE 23

1. Each State Party to this Convention may denounce the Convention on its own behalf or on behalf of any territory for whose international relations it is responsible.

2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation.

ARTICLE 24

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States members of the Organization, the States not members of the Organization which are referred to in Article 20, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance and accession provided for in Articles 19 and 20, and of the notifications and denunciations provided for in Articles 22 and 23 respectively.

ARTICLE 25

1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall become Parties to the revising convention.

2. If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession, as from the date on which the new revising convention enters into force.

ARTICLE 26

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Done in Paris this seventeenth day of November 1970, in two authentic copies bearing the signature of the President of the sixteenth session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the State referred to in Articles 19 and 20 as well as to the United Nations.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization during its sixteenth session, which was held in Paris and declared closed the fourteenth day of November 1970.

In faith whereof we have appended our signatures this seventeenth day of November 1970.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT), I will make the explanations for the treaties this evening. I do so because he is engaged at the present time as a member of the Finance Committee in seeking to bring about the reporting out of that committee of the Revenue Sharing Act.

Mr. President, the main purpose of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property is to combat the increasing illegal international trade in national art treasures, which has led to wholesale depredations in some countries. The United Nations Educational, Scientific, and Cultural Organizations became concerned with this problem as early as 1970 and its work has resulted in the present convention.

According to the President's letter of transmittal:

> Under the Convention, each state undertakes to protect its own cultural heritage and agrees to cooperate in a number of important but limited respects to help protect the cultural heritage of other states. Perhaps the heart of the Convention from the standpoint of the United States is Article 9, which establishes an important new framework for international cooperation. Under this Article, the states parties undertake to participate in a concerted international effort to determine and to carry out the necessary corrective measures in cases in which a state's cultural patrimony is in jeopardy from pillage of archaeological or ethnological materials.
>
> The Convention also requires states parties to prohibit the import of cultural property stolen from museums, public monuments or similar institutions and to take appropriate steps, upon request, to recover and return such cultural property. In addition, they pledge to take what measures they can, consistent with existing national legislation, to prevent museums and similar institutions within their territory from acquiring cultural property orginating in another state party which has been illegally exported after entry into force of the Convention.

The committee held a public hearing on this Convention on August 3, 1972, and unanimously ordered it favorably reported to the Senate during an executive session held on August 8, 1972.

The PRESIDING OFFICER. If there be no objection, Executive B (82d Congress, 2d sess.), will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on November 14, 1970 at the Sixteenth General Conference of the United Nations Educational, Scientific and Cultural Organization (Executive B, 92d Congress, 2d Session), subject to the following reservation and understandings:

The United States reserves the right to determine whether or not to impose export controls over cultural property.

The United States understands the provisions of the Convention to be neither self-executing nor retroactive.

The United States understands Article 3 not to modiffy property interests in cultural property under the laws of the states parties.

The United States understands Article 7(a) to apply to institutions whose acquisition policy is subject to national control under existing domestic legislation and not to require the enactment of new legislation to establish national control over other institutions.

The United States understands that Article 7(b) is without prejudice to other remedies, civil or penal, available under the laws of the states parties for the recovery of stolen cultural property to the rightful owner without payment of compensation. The United States is further prepared to take the additional steps contemplated by Article 7(b)(ii) for the return of covered stolen cultural property without payment of compensation, except to the extent required by the Constitution of the United States, for those states parties that agree to do the same for the United States institutions.

The United States understands the words "as appropriate for each country" in Artcle 10(a) as permitting each state party to determine the extent of regulation, if any, of antique dealers and declares that in the United States that determination would be made by the appropriate authorities of state and municipal governments.

The United States understands Article 13 (d) as applying to objects removed from the country of origin after the entry into force of this Convention for the states concerned, and, as stated by the Chairman of the Special Committee of Governmental Experts that prepared the text, and reported in paragraph 28 of the Report of that Committee, the means of recovery of cultural property under subparagraph (d) are the judicial actions referred to in subparagraph (c) of Article 13, and that such actions are controlled by the law of the requested State, the requesting State having to submit necessary proofs.

TAX CONVENTION WITH NORWAY

The Senate, as in Committee of the Whole, proceeded to consider Executive D (92d Congress, 2d sess.), the Tax Convention with Norway, signed at Oslo on December 3, 1971, which was read the second time, as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF NORWAY FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME AND PROPERTY

The United States of America and the Kingdom of Norway, desiring to conclude a convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and capital have agreed upon the following articles:

CHAPTER I

Scope of Convention

Article 1

Taxes covered

(1) The taxes which are the subject of this Convention are:

(a) In the case of the United States, the Federal income taxes imposed by the Internal Revenue Code, hereinafter referred to as the "United States tax", and

(b) In the case of Norway:

(i) The national and municipal taxes on income (including contributions to the tax equalization fund) and capital;

(ii) The national dues on the salaries of nonresident artists;

(iii) The special tax in aid of developing countries;

(iv) The municipal tax on real property; and

(v) The seamen's tax;

hereinafter referred to as "Norwegian tax".

(2) This Convention shall also apply to taxes substantially similar to those covered by paragraph (1) which are imposed in addition to, or in place of existing taxes after the date of signature of this Convention.

(3) For the purpose of Article 25 (Nondiscrimination), this Convention shall also apply to taxes of every kind imposed at the National, State, or local level. For the purpose of Article 28 (Exchange of Information) this Convention shall also apply to taxes of every kind imposed at the National level.

CHAPTER II

Definitions

Article 2

General definitions

(1) In this Convention, unless the context otherwise requires:

(a) (i) The term "United States" means the United States of America; and

(ii) When used in a geographical sense, the term "United States" means the States thereof and the District of Columbia. Such term also includes (A) the territorial sea thereof and (B) the seabed and subsoil of the submarine areas adjacent to the territorial sea, over which the United States exercises sovereign rights, in accordance with international law, for the purpose of exploration and exploitation of the natural resources of such areas, but only to the extent that the person, property, or activity to which this Convention is being applied is connected with such exploration or exploitation.

(b) (i) The term "Norway" means the Kingdom of Norway; and

(ii) When used in a geographical sense, the term "Norway" includes (A) the territorial sea thereof and (B) the seabed and subsoil of the submarine areas adjacent to the territorial sea, over which Norway exercises sovereign rights, in accordance with international law, for the purpose of exploration and exploitation of the natural resources of such areas, but only to the extent that the person, property, or activity to which this Convention is being applied is connected with such exploration or exploitation.

However, the term "Norway" does not include Spitzbergen (including Bear Island), Jan Mayen, and the Norwegian dependencies outside Europe.

(c) The term "one of the Contracting States" or "the other Contracting State" means the United States or Norway, as the context requires.

(d) The term "person" includes an individual, a partnership, a corporation, an estate, a trust, or any body of persons.

(e) (i) The term "United States corporation" or "corporation of the United States" means a corporation which is created or organized under the laws of the United States or any State thereof or the District of Columbia or any unincorporated entity treated as a United States corporation for United States tax purposes; and

(ii) The term "Norwegian corporation" or "corporation of Norway" means any corporation or any entity which is treated as a body corporate for tax purposes under Norwegian tax law and is created or organized under the laws of Norway.

(f) The term "competent authority" means:

(i) In the case of the United States, the Secretary of the Treasury or his delegate, and

(ii) In the case of Norway, the Ministry of Finance and Customs or its authorized representative.

(g) The term "State" means the United States, Norway, or any other National State.

(h) The term "international traffic" means any voyage of a ship or aircraft operated by a resident of one of the Contracting States except where such voyage is confined solely to places within a Contracting State.

(2) Any other term used in this Convention and not defined in this Convention shall, unless the context otherwise requires; have the meaning which it has under the laws of the Contracting State whose tax is being determined. Notwithstanding the preceding sentence, if the meaning of such a term under the laws of one of the Contracting States is different from the meaning of the term under the laws of the other Contracting State, or if the meaning of such a term is not readily determinable under the laws of one of the Contracting States, the competent authorities of the Contracting State may, in order to prevent double taxation or to further any other purpose of this Convention, establish a common meaning of the term for the purposes of this Convention.

Article 3

Fiscal residence

(1) In this Convention:

(a) The term "residence of Norway" means:

(i) A Norwegian corporation, and

(ii) Any person (except a corporation or any entity treated under Norwegian law as a corporation) resident in Norway for purposes of its tax, but in the case of a partnership, estate, or trust only to the extent that the income derived by such person is subject to Norwegian tax as the income of a resident.

(b) The term "resident of the United States" means:

(i) A United States corporation, and

(ii) Any person (except a corporation or any unincorporated entity treated as a corporation for United States tax purposes) resident in the United States for purposes of its tax, but in the case of a partnership, estate, or trust only to the extent that the income derived by such person is subject to United States tax as the income of a resident.

(2) Where by reason of the provisions of paragraph (1) an individual is a resident of both Contracting States:

(a) He shall be deemed to be a resident of that Contracting State in which he maintains his permanent home. If he has a permanent home in both Contracting States or in neither of the Contracting States, he shall be deemed to be a resident of that Contracting State with which his personal and economic relations are closest (center of vital interests);

(b) If the Contracting State in which he has his center of vital interests cannot be determined, he shall be deemed to be a resident of that Contracting State in which he has a habitual abode;

(c) If he has a habitual abode in both Contracting States or in neither of the Contracting States, he shall be deemed to be a resident of the Contracting State of which he is a citizen; and

(d) If he is a citizen of both Contracting States or of neither Contracting State the competent authorities of the Contracting State shall settle the question by mutual agreement.

For purposes of this paragraph, a permanent home is the place where an individual dwells with his family.

(3) An individual who is deemed to be a resident of one of the Contracting States and not a resident of the other Contracting State by reason of the provisions of paragraph (2) shall be deemed to be a resident only of the first-mentioned Contracting State for all purposes of this Convention, including Article 22 (General Rules of Taxation).

Article 4

Permanent establishment

(1) For the purpose of this Convention, the term "permanent establishment" means a fixed place of business through which a resident of one of the Contracting States engages in industrial or commercial activity.

(2) The term "fixed place of business" includes but is not limited to:

(a) A branch;

(b) An office;

(c) A factory;

(d) A workshop;

(e) A warehouse;

(f) A mine, quarry, or place of extraction of natural resources; and

(g) A building site or construction or installation project which exists for more than twelve months.

(3) Notwithstanding paragraphs (1) and (2), a permanent establishment shall not include a fixed place of business used only for one or more of the following:

(a) The use of facilities for the purpose of storage, display, or delivery of goods or merchandise belonging to the resident;

(b) The maintenance of a stock of goods or merchandise belonging to the resident for the purpose of storage, display, or delivery;

(c) The maintenance of a stock of goods or merchandise belonging to the resident for the purpose of processing by another person;

(d) The maintenance of a fixed place of business for the purpose of purchasing goods or merchandise, or for collecting information, for the resident;

(e) The maintenance of a fixed place of business for the purpose of advertising, for the supply of information, for scientific research, or for similar activities which have a preparatory or auxiliary character, for the resident; or

(f) The maintenance of a building site or construction or installation project which does not exist for more than twelve months.

(4) A person acting in one of the Contracting States on behalf of a resident of the other Contracting State, other than an agent of an independent status to whom paragraph (5) applies, shall be deemed to be a permanent establishment in the first-mentioned Contracting State if such person—

(a) Has, and habitually exercises in the first-mentioned Contracting State, an authority to conclude contracts in the name of that resident, unless the exercise of such authority is limited to the purchase of goods or merchandise for that resident, or

(b) Maintains substantial equipment or machinery within the first-mentioned Contracting State for more than twelve months.

(5) A resident of one of the Contracting States shall not be deemed to have a permanent establishment in the other Contracting State merely because such resident engages in industrial or commercial activity in that other Contracting State through a broker, general commission agent, or any other agent of an independent status, where such broker or agent is acting in the ordinary course of his business.

(6) The fact that a resident of one of the Contracting States is a related person (as defined under Article 7 (Related Persons)) with respect to a resident of the other Contracting State or with respect to a person who engages in industrial or commercial activity in that other Contracting State (whether through a permanent establishment or otherwise) shall not be taken into account in determining whether that resident of the first-mentioned Contracting State has a permanent establishment in that other Contracting State.

(7) The principles set forth in paragraphs (1) through (6) shall be applied in determining whether there is a permanent establishment in a State other than one of the Contracting States or whether a person other

than a resident of one of the Contracting States has a permanent establishment in one of the Contracting States.

CHAPTER III

Taxation of Income

Article 5

Business profits

(1) Industrial or commercial profits of a resident of one of the Contracting States shall be exempt from tax by the other Contracting States unless such resident is engaged in industrial or commercial activity in that other Contracting State through a permanent establishment situated therein. If such resident is so engaged, tax may be imposed by that other Contracting State on the industrial or commercial profits of such resident but only on so much of such profits as are attributable to the permanent establishment.

(2) Where a resident of one of the Contracting States is engaged in industrial or commercial activity in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to the permanent establishment the industrial or commercial profits which would be attributable to such permanent establishment if such permanent establishment were an independent entity engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the resident of which it is a permanent establishment.

(3) In the determination of the industrial or commercial profits of a permanent establishment, there shall be allowed as deductions expenses which are reasonably connected with such profits, including executive and general administrative expenses, whether incurred in the Contracting State in which the permanent establishment is situated or elsewhere.

(4) No profits shall be attributed to a permanent establishment of a resident of one of the Contracting States in the other Contracting State merely by reason of the purchase of goods or merchandise by that permanent establishment, or by the resident of which it is a permanent establishment, for the account of that resident.

(5) The term "industrial or commercial activity" includes the conduct of manufacturing, mercantile, insurance, agricultural, fishing or mining activities, the operation of ships or aircraft, the furnishing of services, the rental of tangible personal property, and the rental or licensing of motion picture films or films or tapes used for radio or television broadcasting. Such term does not include the performance of personal services by an individual either as an employee or in an independent capacity.

(6) (a) The term "industrial or commercial profits" includes income derived from industrial or commercial activity. Such term also includes income derived from real property and natural resources and dividends, interest, royalties (as defined in paragraph (2) of Article 10 (Royalties), and capital gains but only if the property or rights giving rise to such income, dividends, interest, royalties, or capital gains is effectively connected with a permanent establishment which the recipient, being a resident of one of the Contracting States, has in the other Contracting State, whether or not such income is derived from industrial or commercial activity.

(b) To determine whether property or rights are effectively connected with a permanent establishment, the factors taken into account shall include whether the rights or property are used in or held for use in carrying on industrial or commercial activity through such permanent establishment and whether the activities carried on through such permanent establishment were a material factor in the realization of the income derived from such property or rights. For this purpose, due regard shall be given to whether or not such property or rights or such income were accounted for through such permanent establishment.

(7) Where industrial or commercial profits include items of income which are dealt with separately in other articles of this Convention, the provisions of these articles shall, except as otherwise provided therein, supersede the provisions of this article.

Article 6

Shipping and air transport

(1) Notwithstanding Article 5 (Business Profits), income which a resident of the United States derives from the operation in international traffic of ships or aircraft registered in either Contracting State or in a State with which Norway has an income tax convention exempting such income shall be exempt from Norwegian tax.

(2) Notwithstanding Article 5 (Business Profits), income derived by a resident of Norway, or an international consortium of which a resident of Norway, or an international consortium of which a resident of Norway and residents of other States with which the United States has an income tax convention exempting such income are the sole members, from the operation in international traffic of ships or aircraft shall be exempt from United States tax.

Article 7

Related persons

(1) Where a resident of one of the Contracting States and any other person are related and where such related persons make arrangements or impose conditions between themselves which are different from those which would be made between independent persons, any income, deductions, credits, or allowances which would, but for those arrangements or conditions, have been taken into account in computing the income (or loss) of, or the tax payable by, one of such persons, may be taken into account in computing the amount of the income subject to tax and the taxes payable by such person.

(2) A person is related to another person if either person owns or controls directly or indirectly the other, or if any third person or persons own or control directly or indirectly both. For this purpose, the term "control" includes any kind of control, whether or not legally enforceable, and however exercised or exercisable.

Article 8

Dividends

(1) Dividends derived from sources within one of the Contracting States by a resident of the other Contracting State may be taxed by both Contracting States.

(2) The rate of tax imposed by one of the Contracting States on dividends derived from sources within that Contracting State by a resident of the other Contracting State shall not exceed—

(a) 15 percent of the gross amount actually distributed; or

(b) When the recipient is a corporation, 10 percent of the gross amount actually distributed if—

(i) During the part of the paying corporation's taxable year which precedes the date of payment of the dividend and during the whole of its prior taxable year (if any), at least 10 percent of the outstanding shares of the voting stock of the paying corporation was owned by the recipient corporation, and

(ii) Not more than 25 percent of the gross income of the paying corporation for such prior taxable year (if any) consists of interest or dividends (other than interest derived from the conduct of a banking, insurance, or financing business and other than dividends or interest received from subsidiary corporations, 50 percent or more of the outstanding shares of the voting stock of which is owned by the paying corporation at the time such dividends or interest is received).

(3) Paragraph (2) shall not apply if the recipient of the dividends, being a resident of one of the Contracting States, has a permanent establishment in the other Contracting State and the shares with respect to which the dividends are paid are effectively connected with such permanent establishment. In such a case, see paragraph (6) (a) of Article 5 (Business Profits).

(4) Dividends paid by a corporation of one of the Contracting States to a person other than a resident of the other Contracting State (and in the case of dividends paid by a Norwegian corporation, to a person other than a citizen of the United States) shall be exempt from tax by that other Contracting State. This paragraph shall not apply if the recipient of the dividends has a permanent establishment in that other Contracting State and the shares with respect to which the dividends are paid are effectively connected with such permanent establishment.

Article 9

Interest

(1) Interest derived from sources within one of the Contracting States by a resident of the other Contracting State shall be exempt from tax by the first-mentioned Contracting State.

(2) The term "interest" as used in this Convention means income from bonds, debentures, Government securities, notes, or other evidences of indebtedness, whether or not secured and whether or not carrying a right to participate in profits, and debt-claims of every kind, as well as all other income which, under the taxation law of the Contracting State in which the income has its source, is assimilated to income from money lent.

(3) Paragraph (1) shall not apply if the recipient of the interest, being a resident of one of the Contracting States, has a permanent establishment in the other Contracting State and the indebtedness giving rise to the interest is effectively connected with such permanent establishment. In such a case, see paragraph (6) (a) of Article 5 (Business Profits).

(4) Where any interest paid by a person to any related person exceeds an amount which would have been paid to an unrelated person, the provisions of this article shall apply only to so much of the interest as would have been paid to an unrelated person. In such a case the excess payment may be taxed by each Contracting State according to its own law, including the provisions of this Convention where applicable.

(5) Interest paid by a resident of one of the Contracting States to a person other than a resident of the other Contracting State (and in the case of interest paid by a Norwegian corporation, to a person other than a citizen of the United States) shall be exempt from tax by the other Contracting State. This paragraph shall not apply if—

(a) Such an interest is treated as income from sources within the other Contracting State under paragraph (2) of Article 24 (Source of Income), or

(b) The recipient of the interest has a permanent establishment in the other Contracting State and the indebtedness giving rise to the interest is effectively connected with such permanent establishment.

Article 10

Royalties

(1) Royalties derived from sources within one of the Contracting States by a resident of the other Contracting State shall be exempt from tax by the first-mentioned Contracting State.

(2) The term "royalties" as used in this article means—

(a) Payment of any kind made as consideration for the use of, or the right to use, copyrights of literary, artistic, or scientific works (but not including copyrights of motion picture films or films or tapes used for radio or television broadcasting), patents, designs, models, plans, secret processes or formulae, trademarks, or other like property or rights, or knowledge, experience, or skill (know-how), and

(b) Gains derived from the sale, exchange, or other disposition of any such property or rights to the extent that the amounts realized on such sale, exchange, or other disposition for consideration are contingent on the productivity, use, or disposition of such property or rights.

(3) Paragraph (1) shall not apply if the recipient of the royalty, being a resident of one of the Contracting States, has in the other Contracting State a permanent establishment and the property or rights giving rise to the royalty is effectively connected with such permanent establishment. In such a case, see paragraph (6) (a) of Article 5 (Business Profits).

(4) Where any royalty paid by a person to any related person exceeds an amount which would have been paid to an unrelated person, the provisions of this article shall apply only to so much of the royalty as would have been paid to an unrelated person. In such a case the excess payment may be taxed by each Contracting State according to its own law, including the provisions of this Convention where applicable.

Article 11

Income from real property

(1) Income from real property, including royalties in respect of the operation of mines, quarries or other natural resources and gains derived from the sale, exchange, or other disposition of such property or of the right giving rise to such royalties, may be taxed by the Contracting State in which such real property, mines, quarries, or other natural resources are situated. For purposes of this Convention interest on indebtedness secured by real property or secured by a right giving rise to royalties in respect of the operation of mines, quarries, or other natural resources shall not be regarded as income from real property.

(2) Paragraph (1) shall apply to income derived from the usufruct, direct use, letting, or use in any other form of real property.

Article 12

Capital gains

(1) A resident of one of the Contracting States shall be exempt from tax by the other Contracting State on gains from the sale, exchange, or other disposition of capital assets unless—

(a) The gain is derived by a resident of one of the Contracting States from the sale, exchange, or other disposition of property described in Article 11 (Income from Real Property) situated within the other Contracting States,

(b) The recipient of the gain, being a resident of one of the Contracting States, has a permanent establishment in the other Contracting State and the property giving rise to the gain is effectively connected with such permanent establishment, or

(c) The recipient of the gain, being an individual who is a resident of one of the Contracting States—

(i) Maintains a fixed base in the other Contracting State for a period or periods aggregating 183 days or more during the taxable year and the property giving rise to such gains is effectively connected with such fixed base, or

(ii) Is present in the other Contracting State for a period or periods aggregating 183 days or more during the taxable year.

(2) Notwithstanding Article 5 (Business Profits) and paragraph (1) of this article, gains which a resident of one of the Contracting States derives from the sale, exchange, or other disposition of ships or aircraft which are operated in international traffic shall be exempt from tax by the other Contracting State.

(3) The provisions of paragraph (1) of this article shall not affect the right of Norway to tax gains which an individual derives from the sale or exchange of stock consisting of at least a 25-percent interest in a Norwegian corporation if such individual was a national and a resident of Norway at any time during the five year period immediately preceding such sale or exchange.

(4) In the case of gains described in paragraph (1) (a), see Article 11 (Income from Real Property). In the case of gains described in paragraph (1) (b), see paragraph (6) (a) of Article 5 (Business Profits).

Article 13

Independent personal services

(1) Income derived by an individual who is a resident of one of the Contracting States from the performance of personal services in an independent capacity, may be taxed by that Contracting State. Except as provided in paragraph (2), such income shall be exempt from tax by the other Contracting State.

(2) Income derived by an individual who is a resident of one of the Contracting States from the performance of personal services in an independent capacity in the other Contracting State may be taxed by that other Contracting State, if:

(a) The individual is present in that other Contracting State for a period or periods aggregating 183 days or more in the taxable year, or

(b) The individual maintains a fixed base in that other Contracting State for a period or periods aggregating 183 days or more in the taxable year, but only so much of it as is attributable to such fixed base, or

(c) The individual is a public entertainer, such as a theater, motion picture, or television artist, a musician, or an athlete, and the income is derived from his personal services as a public entertainer provided that he is present in that other Contracting State for more than a total of 90 days during the taxable year or such income exceeds in the aggregate 3,000 United States dollars or its equivalent in Norweigian kroner during the taxable year.

Article 14

Dependent personal services

(1) Subject to the provisions of Articles 15 (Teachers), 16 (Students and Trainees), 17 (Governmental Functions), and 18 (Private Pensions and Annuities) wages, salaries, and similar remuneration derived by an individual who is a resident of one of the Contracting States from labor or personal services performed as an employee may be taxed by that Contracting State. Except as provided by paragraph (2), such remuneration derived from sources within the other Contracting State may also be taxed by that other Contracting State.

(2) Remuneration described in paragraph (1) derived by an individual who is a resident of one of the Contracting States shall be exempt from tax by the other Contracting State if—

(a) He is present in that other Contracting State for a period or periods aggregating less than 183 days in the taxable year;

(b) He is an employee or a resident of the first-mentioned Contracting State or of a permanent establishment maintained in that Contracting State by a resident of a State other than that Contracting State; and

(c) The remuneration is not borne as such by a permanent establishment which the employer has in that other Contracting State.

(3) Notwithstanding paragraph (2), remuneration derived by an individual who is a resident of one of the Contracting States from the performance of labor or personal services as an employee aboard ships or aircraft operated by a resident of the other Contracting State in international traffic or in fishing on the high seas may be taxed by that other Contracting State if such individual is a member of the regular complement of the ship or aircraft.

Article 15

Teachers

(1) Where a resident of one of the Contracting States is invited by the Government of the other Contracting State or by a university or other recognized educational institution in that other Contracting State to come to that other Contracting State for a period not expected to exceed two years for the purpose of teaching or engaging in research, or both, at a university or other recognized educational institution, and such resident comes to that other Contracting State primarily for such purpose, his income from personal services for teaching or research at such university or educational institution shall be exempt from tax by that other Contracting State for a period not exceeding two years from the date of his arrival in that other Contracting State.

(2) This article shall not apply to income from research if such research is undertaken primarily for the private benefit of a specific person or persons.

Article 16

Students and trainees

(1) (a) An individual who is a resident of one of the Contracting States at the time he becomes temporarily present in the other Contracting State and who is temporarily present in that other Contracting State for the primary purpose of—

(i) Studying at a university or other recognized educational institution in that other Contracting State, or

(ii) Securing training required to qualify him to practice a profession or professional specialty, or

(iii) Studying or doing research as a recipient of a grant, allowance, or award from a governmental, religious, charitable, scientific, literary, or educational organization, shall be exempt from tax by that other Contracting State with respect to amounts described in subparagraph (b) for a period not exceeding five taxable years from the date of his arrival in that other Contracting State.

(b) The amounts referred to in subparagraph (a) are—

(i) Gifts from abroad for the purpose of his maintenance, education, study, research, or training;

(ii) The grant, allowance, or award; and

(iii) Income from personal services performed in that other Contracting State in an amount not in excess of 2,000 United States dollars or its equivalent in Norwegian kroner for any taxable year.

(2) An individual who is a resident of one of the Contracting States at the time he becomes temporarily present in the other Contracting State and who is temporarily present in that other Contracting State as an employee of, or under contract with, a resident of the first-mentioned Contracting State, for the primary purpose of—

(a) Acquiring technical, professional, or business experience from a person other than that resident of the first-mentioned Contracting State or other than a person related to such resident, or

(b) Studying at a university or other recognized educational institution in that other Contracting State, shall be exempt from tax by that other Contracting State for a period of twelve consecutive months with respect to his income from personal services in an aggregate amount not in excess of 5,000 United States dollars or its equivalent in Norwegian kroner.

(3) An individual who is a resident of one of the Contracting States at the time he becomes temporarily present in the other Contracting State and who is temporarily present in that other Contracting State for a period not exceeding one year, as a participant in a program sponsored by the Government of that other Contracting State, for the primary purpose of training, research,

or study, shall be exempt from tax by that other Contracting State with respect to his income from personal services in respect of such training, research, or study performed in that other Contracting State in an aggregate amount not in excess of 10,000 United States dollars or its equivalent in Norwegian kroner.

(4) The benefits provided under Article 15 (Teachers) and paragraph (1) of this article shall extend only for such period time as may reasonably or customarily be required to effectuate the purpose of the visit, but in no case shall any individual have the benefits provided therein for more than a total of five taxable years from the date of his arrival.

Article 17

Governmental functions

Wages, salaries, and similar remuneration, including pensions or similar benefits, paid by or from public funds of one of the Contracting States, or a political subdivision or local authority thereof, to a citizen of that Contracting State for labor or personal services performed for that Contracting State, or for any of its political subdivisions or local authorities, in the discharge of governmental functions shall be exempt from tax by the other Contracting State.

Article 18

Private pensions and annuities

(1) Except as provided in Article 17 (Governmental Functions), pensions and other similar remuneration paid to an individual who is a resident of one of the Contracting States in consideration of past employment shall be taxable only in that Contracting State.

(2) Alimony and annuities paid to an individual who is a resident of one of the Contracting States shall be taxable only in that Contracting State.

(3) Child support payments made by an individual who is a resident of one of the Contracting States to an individual who is a resident of the other Contracting State shall be exempt from tax in that other Contracting State.

(4) As used in this article—

(a) The term "pensions and other similar remuneration" means periodic payments made after retirement or death in consideration for services rendered, or by way of compensation for injuries received, in connection with past employment;

(b) The term "annuities" means a stated sum paid periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration (other than services rendered);

(c) The term "alimony" means periodic payments made pursuant to a decree of divorce, separate maintenance agreement, or support or separation agreement, which is taxable to the recipient under the internal laws of the Contracting State of which he is a resident; and

(d) The term "child support payments" means periodic payments for the support of a minor child made pursuant to a decree of divorce, separate maintenance agreement, or support or separation agreement.

Article 19

Social security payments

Social security payments and other public pensions paid by one of the Contracting States to an individual who is a resident of the other Contracting State shall be taxable only in the first-mentioned Contracting State. This article shall not apply to payments described in Article 17 (Governmental Functions).

Article 20

Investment or holding companies

A corporation of one of the Contracting States deriving dividends, interest, royalties, or capital gains from sources within the other Contracting State shall not be entitled to the benefits of Articles 8 (Dividends), 9 (Inerest), 10 (Royalties), or 12 (Capitol Gains) if—

(a) By reason of special measures the tax imposed on such corporation by the first-mentioned Contracting State with respect to such dividends, interest, royalties, or capital gains is substantially less than the tax generally imposed by such Contracting State on corporate profits, and

(b) 25 percent or more of the capital of such corporation is held of record or is otherwise determined, after consultation between the competent authorities of the Contracting States, to be owned directly or indirectly, by one or more persons who are not individual residents of the first-mentioned Contracting State (or, in the case of a Norwegian corporation, who are citizens of the United States).

CHAPTER IV

Taxation of Capital

Article 21

Capital taxes

(1) Capital represented by property referred to in Article 11 (Income from Real Property) may be taxed in the Contracting State in which such property is situated.

(2) Subject to the provisions of paragraph (3) below, capital represented by assets, other than property referred to in paragraph (1), which are effectively connected with a permanent establishment of a resident of one of the Contracting States may be taxed in the Contracting State in which the permanent establishment is situated.

(3) Ships and aircraft of a resident of one of the Contracting States and assets, other than property referred to in paragraph (1), pertaining to the operation of such ships or aircraft shall be exempt from tax by the other Contracting State.

(4) All other elements of capital of a resident of a Contracting State not dealt with in this article shall be exempt from tax by the other Contracting State.

CHAPTER V

General Rules

Article 22

General rules of taxation

(1) A resident of one of the Contracting States may be taxed by the other Contracting State on any income from sources within that other Contracting State and only on such income, subject to any limitations set forth in this Convention. For this purpose, the rules set forth in Article 24 (Source of Income) shall be applied to determine the source of income.

(2) The provisions of this Convention shall not be construed to restrict in any manner any exclusion, exemption, deduction, credit, or other allowance now or hereafter accorded—

(a) By the laws of one of the Contracting States in the determination of the tax imposed by that Contracting State, or

(b) By any other agreement between the Contracting States.

(3) The United States may tax its citizens or residents as if this Convention had not come into effect .

(a) This provision shall not affect the rules laid down in Articles 19 (Social Security Payments), 23 (Relief from Double Taxation), 25 (Nondiscrimination), 26 (Diplomatic and Consular Officers), and 27 (Mutual Agreement Procedure).

(b) This provision shall not affect the rules laid down in Articles 15 (Teachers), 16 (Students and Trainees), and 17 (Governmental Functions), upon individuals who are not citizens of the United States and who do not have immigrant status in the United States.

(4) Norway may tax its diplomatic and consular officers as if this Convention had not come into effect.

(5) The United States may impose its personal holding company tax and its accumulated earnings tax notwithstanding any provision of this Convention. However, a Norwegian corporation shall be exempt from the United States personal holding company tax in any taxable year if all of its stock is owned, directly or indirectly, by one or more individuals who are residents of Norway (and not citizens of the United States) for that entire year. A Norwegian corporation shall be exempt from the United States accumulated earnings tax in any taxable year unless such corporation is engaged in trade or business in the United States through a permanent establishment at any time during such year.

(6) The competent authorities of the two Contracting States may prescribe regulations necessary to carry out the provisions of this Convention.

Article 23

Relief from double taxation

Double taxation of income shall be avoided in the following manner:

(1) In accordance with the provisions and subject to the limitations of the law of the United States (as it may be amended from time to time without changing the principles hereof) regarding the allowance of a credit against United States tax of tax payable in any country other than the United States, the United States shall allow to a citizen or resident of the United States as a credit against the United States tax the appropriate amount of Norwegian tax. Such appropriate amount shall be based upon the amount of tax paid to Norway, but the credit shall not exceed the limitations (for the purpose of limiting the credit to the United States tax on income from sources within Norway or on income from sources outside of the United States) provided by United States law for the taxable year. For the purpose of applying the United States credit in relation to taxes paid to Norway, the rules set forth in Article 24 (Source of Income) shall be applied to determine the source of income. For purposes of applying the United States credit in relation to the taxes paid to Norway the taxes referred to in paragraph (1)(b) of Article 1 (Taxes Covered) other than the national and municipal taxes on capital and the municipal tax on real property shall be considered to be income taxes.

(2) In the case of income derived from sources in the United States, relief from double taxation shall be granted in Norway in the following manner:

(a) Where a resident of Norway derives income or owns property which, in accordance with the provisions of this Convention, may be taxed in the United States or is exempt from United States tax under Article 15 (Teachers) or Article 16 (Students and Trainees), Norway shall, subject to the provisions of subparagraphs (b) or (c) of this paragraph, exempt such income or property from tax but may, in calculating tax on the remaining income or property of that resident, apply the rate of tax which would have been applicable if the exempted income or property had not been so exempted.

(b) Where a resident of Norway derives income which, in accordance with the provisions of this Convention may be taxed in both Contracting States, Norway shall allow as a credit against the tax on the income of that resident an amount equal to the tax paid in the United States. Such credit shall not, however, exceed that part of the tax, as computed before the credit is given, which is appropriate to the income derived from sources in the United States under the rules set forth in Article 24 (Source of Income).

(c) In determining its tax on a Norwegian corporation receiving dividends from a United States corporation in which it owns 10 percent or more of the stock, Norway shall allow a credit against the tax otherwise payable by the Norwegian corporation for the appropriate amount of United States tax imposed on the United States corporation on the profits out of which the dividends were paid. However, the deduction allowed such a Norwegian corporation for dividends paid out by it shall be reduced by the net amount of dividends received from the United States corporation (after all United States taxes imposed on such dividends).

Article 24

Source of income

For purposes of this Convention:

(1) Dividends shall be treated as income from sources within a Contracting State only if paid by a corporation of that Contracting State.

(2) Interest shall be treated as income from sources within a Contracting State only if paid by such Contracting State, a political subdivision or a local authority thereof, or by a resident of that Contracting State. Notwithstanding the preceding sentence—

(a) If the person paying the interest (whether or not such person is a resident of one of the Contracting States) has a permanent establishment in one of the Contracting States in connection with which the indebtedness on which the interest is paid was incurred and such interest is borne by such permanent establishment, or

(b) If the person paying the interest is a resident of one of the Contracting States and has a permanent establishment in a State other than a Contracting State in connection with which the indebtedness on which the interest is paid was incurred and such interest is paid to a resident of the other Contracting State, and such interest is borne by such permanent establishment,

such interest shall be deemed to be from sources within the State in which the permanent establishment is situated.

(3) Royalties described in paragraph (2) of Article 10 (Royalties) for the use of, or the right to use, property or rights described in such paragraph shall be treated as income from sources within a Contracting State only to the extent that such royalties are for the use of, or the right to use, such property or rights within that Contracting State.

(4) Income from real property, and royalties from the operation of mines, quarries, or other natural resources (including gains derived from the sale of such property or the right giving rise to such royalties) shall be treated as income from sources within a Contracting State only if such property is situated in that Contracting State.

(5) Income from the rental of tangible personal (movable) property shall be treated as income from sources within a Contracting State only if such property is situated in that Contracting State.

(6) Income received by an individual for his performance of labor or personal services, whether as an employee or in an independent capacity, shall be treated as income from sources within a Contracting State only to the extent that such services are performed in that Contracting State. Income from personal services performed aboard ships or aircraft operated by a resident of one of the Contracting States in international traffic or in fishing on the high seas shall be treated as income from sources within that Contracting State if rendered by a member of the regular complement of the ship or aircraft. Notwithstanding the preceding provisions of this paragraph, remuneration described in Article 17 (Governmental Functions) and payments described in Article 19 (Social Security Payments) shall be treated as income from sources within a Contracting State only if paid by or from the public funds of that Contracting State or a political subdivision or local authority thereof.

(7) Income from the purchase and sale of intangible or tangible personal (including movable) property (other than gains defined as royalties by paragraph (2) (b) of Article 10 (Royalties)) shall be treated as income from sources within a Contracting State only if such property is sold in that Contracting State.

(8) Income from gains described in paragraph (3) of Article 12 (Capital Gains) shall be treated as income from sources within Norway.

(9) Notwithstanding paragraphs (1) through (7), industrial or commercial profits which are attributable to a permanent establishment which the recipient, a resident of one of the Contracting States, has in the other Contracting State, including income derived from real property and natural resources and dividends, interest, royalties (as defined in paragraph (2) of Article 10 (Royalties)), and capital gains, but only if the property or rights giving rise to such income, dividends, interest, royalties, or capital gains are effectively connected with such permanent establishment, shall be treated as income from sources within that other Contracting State.

(10) The source of any item of income to which paragraphs (1) through (9) are not applicable shall be determined by each of the Contracting States in accordance with its own law. Notwithstanding the preceding sentence, if the source of any item of income under the laws of one Contracting State is different from the source of such item of income under the laws of the other Contracting State or if the source of such income is not readily determinable under the laws of one of the Contracting States, the competent authorities of the Contracting States may, in order to prevent double taxation or further any other purpose of this Convention, establish a common source of the item of income for purposes of this Convention.

CHAPTER VI

Special provisions

Article 25

Nondiscrimination

(1) A citizen of one of the Contracting States who is a resident of the other Contracting State shall not be subjected in that other Contracting State to more burdensome taxes than a citizen of that other Contracting State who is a resident thereof.

(2) A permanent establishment which a resident of one of the Contracting States has in the other Contracting State shall not be subject in that other Contracting State to more burdensome taxes than a resident of that other Contracting State carrying on the same activities. This paragraph shall not be construed as obliging a Contracting State to grant to individual residents of the other Contracting State any personal allowances, reliefs, or deductions for taxation purposes on account of civil status or family responsibilities which it grants to its own individual residents.

(3) A corporation of one of the Contracting States, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which a corporation of the first-mentioned Contracting State carrying on the same activities, the capital of which is wholly owned or controlled by one or more residents of the first-mentioned Contracting State, is or may be subjected.

(4) The provisions of this article shall not be construed as obliging Norway to grant to citizens of the United States who are not born in Norway of parents having Norwegian nationality, the exceptional tax relief which is accorded pursuant to section 22 of the Norwegian Taxation Act for the Rural Districts and section 17 of the Norwegian Taxation Act for the Urban Districts, to citizens of Norway and individuals born in Norway.

(5) A citizen or resident of the United States shall, for purposes of Norwegian income tax, be allowed to deduct interest expenses which are incurred with respect to a mortgage or other evidence of indebtedness on real property which is situated in Norway to the same extent that such expenditures would be deductible for purposes of Norwegian income tax if incurred by a resident of Norway.

(6) In accordance with paragraph (3) of Article 1 (Taxes Covered) this article shall apply to taxes of every kind imposed at the National, State, or local level.

(7) The provisions of paragraph (2) shall not be construed as preventing Norway from taxing the total profits attributable to a permanent establishment which is maintained in Norway by a United States corporation at a rate at which the undistributed profits of a Norweigian corporation may be taxed. However, the amount of such tax shall not exceed the tax that would be imposed on a corporation and its shareholders if such profits were derived by a Norwegian corporation that distributed to its United States shareholders, owning at least 10 percent of its voting stock, the same percentage of its profits as such United States corporation maintaining such permanent establishment distributed to its shareholders from its total profits.

Article 26

Diplomatic and consular officers

Nothing in this Convention shall affect the fiscal privileges of diplomatic and consular officials under the general rules of international law or under the provisions of special agreements.

Article 27

Mutual agreement procedure

(1) Where a resident of one of the Contracting States considers that the action of one or both of the Contracting States results or will result for him in taxation not in accordance with this Convention, he may, notwithstanding the remedies provided by the national laws of the Contracting States, present his case to the competent authority of the Contracting States of which he is a resident. Should the resident's claim be considered to have merit by the competent authority of the Contracting State to which the claim is made, it shall endeavor to come to an agreement with the competent authority of the other Contracting State with a view of the avoidance of taxation contrary to the provisions of this Convention.

(2) The competent authorities of the Contracting States shall endeavor to resolve by mutual agreement any difficulties or doubts arising as to the application of this Convention. In particular, the competent authorities of the Contracting States may agree—

(a) To the same attribution of industrial or commercial profits to a resident of one of the Contracting States and its permanent establishment situated in the other Contracting State;

(b) To the same allocation of income, deductions, credits, or allowances between a resident of one of the Contracting States and any related person; or

(c) To the same determination of the source of particular items of income.

(3) The competent authorities of the Contracting States may communicate with each other directly for the purpose of reaching an agreement in the sense of this article. When it seems advisable for the purpose of reaching agreement, the competent authorities may meet together for an oral exchange of opinions.

(4) In the event that the competent authorities reach such an agreement, taxes shall be imposed on such income, and refund or credit of taxes shall be allowed, by the Contracting States in accordance with such agreement.

Article 28

Exchange of information

(1) The competent authorities of the Contracting States shall exchange such information as is pertinent to carrying out the pro-

visions of this Convention and of the domestic laws of the Contracting States concerning taxes covered by this Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons other than those (including a court or administrative body) concerned with assessment, collection, enforcement, or prosecution in respect of the taxes which are the subject of this Convention.

(2) In no case shall the provisions of paragraph (1) be construed so as to impose on one of the Contracting States the obligation—

(a) To carry out administrative measures at variance with the laws or the administrative practice of that Contracting State or the other Contracting State;

(b) To supply particulars which are not obtainable under the laws, or in the normal course of the administration, of that Contracting State or of the other Contracting State; or

(c) To supply information which would disclose any trade, business, industrial, commercial, or professional secret or trade process, or information, the disclosure of which would be contrary to public policy.

(3) The exchange of information shall be either on a routine basis or on request with reference to particular cases. The competent authorities of the Contracting States may agree on the list of information which shall be furnished on a routine basis.

(4) The competent authorities of the Contracting States shall notify each other of any amendments of the tax laws referred to in paragraph (1) of Article 1 (Taxes Covered) and of the adoption of any taxes referred to in paragraph (2) of Article 1 (Taxes Covered) by transmitting the texts of any amendments or new statutes at least once a year.

(5) The competent authorities of the Contracting States shall notify each other of the publication by their respective Contracting States of any material concerning the application of this Convention, whether in the form of regulations, rulings, or judicial decisions by transmitting the texts of any such materials at least once a year.

Article 29

Assistance in collection

(1) Each of the Contracting States shall endeavor to collect on behalf of the other Contracting State such taxes imposed by that other Contracting State as will ensure that any exemption or reduced rate of tax granted under this Convention by that other Contracting State shall not be enjoyed by persons not entitled to such benefits. The competent authorities of the Contracting States may consult together for the purpose of giving effect to this article.

(2) In no case shall this article be construed so as to impose upon a Contracting State the obligation to carry out administrative measures at variance with the regulations and practices of either Contracting State or which would be contrary to the first-mentioned Contracting State's sovereignty, security, or public policy.

Article 30

Extension to territories

(1) Either one of the Contracting States may, at any time while this Convention continues in force, by a written notification given to the other Contracting State through diplomatic channels, declare its desire that the operation of this Convention, either in whole or in part or with such modifications as may be found necessary for special application in a particular case, shall—

(a) In the case of the United States, extend to all or any of the areas (to which this Convention is not otherwise applicable) for whose international relations it is responsible and which impose taxes substantially similar in character to those which are the subject of this Convention, and

(b) In the case of Norway, extend to all or any of the areas (to which this Convention is not otherwise applicable) for whose international relations it is responsible and in which taxes are imposed which are substantially similar in character to those that are the subject of this Convention.

When the other Contracting State has, by a written communication through diplomatic channels, signified to the first-mentioned Contracting State that such notification is accepted in respect of such area or areas, and the notification and commnication have been ratified and instruments of ratification exchanged, this Convention, in whole or in part, or with such modifications as may be found necessary for special application in a particular case, as specified in the notification, shall apply to the area or areas named in the notification and shall enter into force and effect on and after the date or dates specified therein. None of the provisions of this Convention shall apply to any such area in the absence of such acceptance and exchange of instruments of ratification in respect to that area.

(2) At any time after the date of entry into force of an extension under paragraph (1), either of the Contracting States may, by six month's prior notice of termination given to the other Contracting State through diplomatic channels, terminate the application of this Convention to any area to which it has been extended under paragraph (1), and in such event this Convention shall cease to apply and have force and effect, beginning on or after the first day of January next following the expiration of the six-month period, to the area or areas named therein, but without affecting its continued application to the United States, Norway, or to any other area to which it has been extended under paragraph (1).

(3) In the application of this Convention in relation to any area to which it is extended by notification by Norway or the United States, reference to "Norway" or the "United States", as the case may be, shall be construed as referring to that area.

(4) The termination in respect of the United States or Norway of this Convention under Article 32 (Termination) shall, unless otherwise expressly agreed by both Contracting States terminate the application of this Convention to any area to which the Convention has been extended under this article by the United States or Norway.

CHAPTER VII

Final provisions

Article 31

Entry into force

(1) This Convention shall be ratified and the instruments of ratification shall be exchanged at Washington, D.C., as soon as possible. It shall enter into force two months after the exchange of the instruments of ratification. Its provisions shall for the first time have effect—

(a) in the case of the United States—

(i) As respects the rate of withholding tax, to amounts paid on or after the date on which this Convention enters into force;

(ii) As respects other income taxes, to taxable years beginning on or after January 1, 1971;

(b) in the case of Norway—

(i) As respects the rate of withholding tax to amounts paid on or after the date on which this Convention enters into force;

(ii) As respect other taxes, to income years beginning on or after January 1, 1971.

(2) The Convention between Norway and the United States of America for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income signed at Washington, D.C., on June 13, 1949, modified and supplemented by the Supplementary Convention signed at Oslo on July 10, 1958, shall terminate and cease to have effect in respect of income to which this Convention applies under paragraph (1) of this article.

Article 32

Termination

(1) This Convention shall remain in force until terminated by one of the Contracting States. Either Contracting State may terminate the Convention at any time after five years from the date on which this Convention enters into force provided that at least six months' prior notice of termination has been given through diplomatic channels. In such event, the Convention shall cease to have force and effect as respects income of taxable years or income years beginning (or, in the case of taxes payable at the source, payments made) on or after January 1 next following the expiration of the six-month period.

(2) Notwithstanding the provision of paragraph (1), and upon prior notice to be given through diplomatic channels, the provisions of Article 19 (Social Security Payments) may be terminated by either Contracting State at any time after this Convention enters into force.

DONE at Oslo duplicate, in the English and Norwegian languages, the two texts having equal authenticity, this Third day of December 1971.

For the United States of America:
[SEAL] PHILIP K. CROWE.
For the Kingdom of Norway:
[SEAL] ANDREAS CAPPELEN.

Mr. MANSFIELD. Mr. President, the Tax Convention with Norway was signed on December 3, 1971, and transmitted to the Senate on February 3, 1972. It is accompanied by an exchange of notes relating to understandings with respect to certain provisions of the Convention which are explained below. Upon entry into force, the Convention will terminate and replace the Convention of June 13, 1949, as modified and supplemented by the Convention of July 10, 1958.

According to the administration, the new Convention with Norway follows the general pattern of bilateral income tax Conventions now in force between the United States and a number of other countries. It takes into account changes in United States and Norwegian tax laws and developments reflected in recent tax treaties concluded by the two countries with other countries. In addition, so far as policy and technical considerations permit, the convention follows the model draft Convention of the Organization for Economic Cooperation and Development published in 1963, and its substance is similar to Conventions recently concluded by the United States with France, Belgium and Japan.

PROVISIONS OF CONVENTION

The Convention with Norway consists of seven chapters containing 32 articles which deal with such matters as taxation of business profits, shipping and air transport profits, dividends, interest, royalties, income from real property, capital gains, income from teaching or research, remittances of various kinds to students and trainees, remuneration for performance of governmental functions, private pensions and annuities, social security payments, and income of investment holding companies. It also contains general rules concerning taxation, relief from double taxation, and source of income, as well as special provisions regarding nondiscrimination, diplomatic and consular officers, mutual agreement procedure, exchange of information, assistance in collection, and extension to territories.

Mr. President, this Convention was analyzed by the staff of the Joint Committee on Internal Revenue Taxation and Mr. Laurence N. Woodworth, the Chief of Staff of that Committee, informed the Committee that:

> I see no problems with this treaty nor am I aware of any objections which have been raised to the treaty.

Accordingly, the Committee on Foreign Relations unanimously ordered it favorably reported to the Senate during an executive session which was held on August 8.

The PRESIDING OFFICER. Without objection, the Convention will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

> Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the convention between the United States of America and the Kingdom of Norway for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and property, signed at Oslo on December 3, 1971 (Ex. D, 92-2).

CONVENTION ESTABLISHING AN INTERNATIONAL ORGANIZATION OF LEGAL METROLOGY

The Senate, as in Committee of the Whole, proceeded to consider Executive I, (92d Cong., second sess.), The Convention Establishing an International Organization of Legal Metrology, signed at Paris on October 12, 1955, as amended, which was read the second time, as follows:

CONVENTION ESTABLISHING AN INTERNATIONAL ORGANIZATION OF LEGAL METROLOGY

The States Parties to the present Convention, wishing to resolve internationally the technical and administrative problems raised by the use of measuring instruments and aware of the importance of coordinating their efforts in order to achieve this end, have agreed to create an International Organization of Legal Metrology defined as follows:

CHAPTER I—PURPOSE OF THE ORGANIZATION

Article I

An International Organization of Legal Metrology is hereby established:

The purpose of this Organization is to:

1. Set up a center for documentation and information:

On the one hand, on the different national services concerned with the inspection and checking of measuring instruments subject or liable to be subject to legal regulation,

On the other hand, on the aforementioned measuring instruments considered from the standpoint of their conception, construction and use;

2. Translate and edit the texts of legal requirements for measuring instruments and their use in force in the different States, with all the interpretations stemming from the constitutional and administrative law of those States which are necessary for the complete understanding of such requirements;

3. Determine the general principles of legal metrology;

4. Study, with a view to the unification of methods and regulations, the problems of legal metrology, of a legislative and regulatory character, the solution of which is of international interest;

5. Establish model draft laws and regulations for measuring instruments and their use;

6. Draw up an organizational plan for a model service for the inspection and checking of measuring instruments;

7. Determine the necessary and adequate characteristics and standards to which measuring instruments must conform in order for them to be approved by Member States and for their use to be recommended internationally;

8. Promote closer relations between the Weights and Measures services or other services responsible for legal metrology in each of the Member States of the Organization.

CHAPTER II—CONSTITUTION OF THE ORGANIZATION

Article II

The State Parties to the present Convention shall be Members of the Organization.

Article III

The Organization shall comprise:

an International Conference on Legal Metrology,

an International Committee of Legal Metrology,

an International Bureau of Legal Metrology, which are dealt with below.

International Conference on Legal Metrology

Article IV

The purpose of the Conference shall be to:

1. Study questions concerning the aims of the Organization and to take all decisions with respect thereto;

2. Ensure the establishment of the directing bodies called upon to carry out the work of the Organization;

3. Study and approve the reports submitted upon conclusion of their work by the various legal metrological bodies set up in conformity with the present Convention.

All questions which concern the legislation and administration of a particular State shall be excluded from the competence of the Conference, except at the express request of that State.

Article V

The States Parties to the present Convention shall belong to the Conference as Members, shall be represented therein as laid down in Article VII and shall be subject to the obligations defined by this Convention.

Aside from the Members, the following may take part in the Conference as Corresponding Members:

1. States or territories which cannot or do not yet wish to become parties to the Convention;

2. International Unions pursuing an activity connected with that of the Organization.

Corresponding Members may not be represented at the Conference but may appoint observers to it in a purely advisory capacity. They shall not pay subscriptions as Member States, but they shall bear the cost of providing such services as they may request and the cost of subscriptions to publications of the Organization.

Article VI

Member States undertake to provide the Conference with all documentation in their possession which, in their opinion, will enable the Organization to carry out the tasks entrusted to it.

Article VII

Member States will delegate a maximum of three official representatives to meetings of the Conference. In so far as possible one of them shall be an official employed in his country in the Weights and Measures or other service dealing with legal metrology.

Only one of them may vote.

These delegates need not be provided with "Full Powers" except at the request of the Committee in exceptional cases and for matters clearly defined.

Each State shall bear the costs arising out of its representation at the Conference.

Members of the Committee not appointed by their Governments shall have the right to take part in meetings in an advisory capacity.

Article VIII

The Conference shall decide on recommendations to be made for common action by Member States in the fields specified in Article I.

Decisions of the Conference may become effective only if the number of Member States present is at least two-thirds of the total number of Member States and if they have received a minimum of four-fifths of the votes cast. The number of votes cast shall be at least four-fifths of the number of Member States present.

Abstentions and blank or null votes shall not be considered as votes cast.

Decisions shall immediately be communicated, for information, consideration and recommendation, to the Member States.

The latter are morally obligated to implement such decisions in so far as possible.

However, for all votes concerning the organization, management, administration, and rules of procedure of the Conference, the Committee and the Bureau and all analogous matters, an absolute majority shall suffice to give immediate effect to the decision in question, the minimum number of Members present and of votes cast being the same as above. The vote of the Member State whose delegate is in the chair shall be decisive in the event of a tie.

Article IX

The Conference shall elect from among its members, for the duration of each of its sessions, a President and two Vice-Presidents, assisted by the Director of the Bureau, as secretary.

Article X

The Conference shall be convened at least every six years by the President of the Committee or, if he is unable to do so, by the Director of the Bureau if the latter receives a request therefor from at least half the members of the Committee.

The Conference shall fix, at the end of its work, the place and date of its next meeting or shall delegate this responsibility to the Committee.

Article XI

The official language of the Organization shall be French.

However, the Congference may provide for the use of one or several other languages for its work and proceedings.

International Committee of Legal Metrology

Article XII

The tasks specified in Article I shal be undertaken and carried out by an International Committee of Legal Metrology, the working body of the Conference.

Article XIII

The Committee shall consist of one representative of each of the Member States of the Organization.

Those representatives shall be appointed by the Governments of their countries.

They shall be officials employed in the Service concerned with measuring instruments or individuals having official duties in the field of legal metrology.

They shall cease to be members of the Committee as soon as they cease to comply with the above conditions, and it shall then rest with the Governments concerned to appoint their replacements.

They shall give the Committee the benefit of their experience, advice and work, but shall not commit their Government or their Administration.

Members of the Committee shall take part of right and as advisers in meetings of the Conference. They may be one of the delegates of their Government to the Conference.

The President may invite to meetings of the Committee, as an adviser, any person whose attendance appears to him of use.

Article XIV

Individuals who have played a role in metrological science or industry or former members of the Committee may, by decision of the Committee, receive the title of Honorary Member. They may take part in meetings in an advisory capacity.

Article XV

The Committee shall select from among its members a President, a first, and a second Vice-President who shall be elected for a period of six years and shall be eligible for re-election. However, should their mandate expire in the interval between two sessions, it shall automatically be extended until the second of those sessions.

The Director of the Bureau shall assist them as secretary.

The Committee may delegate certain of its duties to its President.

The President shall discharge the tasks delegated to him by the Committee and shall replace the Committee when decisions are urgent. He shall bring these decisions to the attention of the members of the Committee and shall report on them in detail.

When questions of common interest to the Committee and related organizations are liable to be raised, the President shall represent the Committee before such organizations.

In the event of the absence, inability to serve, removal from office, resignation or death of the President, his duties shall be temporarily assumed by the first Vice-President.

Article XVI

The Committee shall be convened at least every two years by the President or, if he is unable to do so, by the Director of the Bureau, if the latter receives a request therefor from at least half the members of the Committee.

Except for special reasons, the regular sessions shall take place in the country where the Bureau has its administrative headquarters.

However, meeting for information purposes may be held in the territory of any of the Member States.

Article XVII

Committee members unable to attend a meeting may delegate their vote to one of their colleagues who shall then be their representative. In such event, a single member may not have more than two votes in addition to his own.

Decisions shall be valid only if the number of those present and represented is at least three-quarters of the number of persons appointed as members of the Committee and if they are supported by a minimum of four-fifths of the votes cast. The number of votes cast shall be at least four-fifths of number of those present and represented at the session.

Abstentions, blank and null votes shall not be considered as votes cast.

Between sessions, and in certain special cases, the Committee may deliberate by correspondence.

Resolutions adopted in this way shall be valid only if all members of the Committee have been called upon to give their opinions and if the resolutions have been approved unanimously by all those voting, on condition that the number of votes cast be at least two-thirds of the number of appointed members.

Abstentions and blank votes or null votes shall not be considered as votes cast. Failure to reply within the time-limit specified by the President shall be considered as an abstention.

Article XVIII

The Committee shall entrust the special studies, experimental research and laboratory work to the competent services of the Member States, after having first obtained their formal agreement. If such tasks entail certain expenditure, the agreement shall specify what proportion of such expenditure shall be borne by the Organization.

The Director of the Bureau shall co-ordinate and assemble such work.

The Committee may entrust certain tasks, permanently or temporarily, to working groups or to technical or legal experts, acting in accordance with the terms and conditions it has laid down. Should such tasks entail payment of any remuneration or compensation, the amounts shall be determined by the Committee.

The Director of the Bureau shall provide the secretariat for such working groups or groups of experts.

International Bureau of Legal Metrology

Article XIX

The operation of the Conference and of the Committee shall be ensured by the International Bureau of Legal Metrology, under the direction and control of the Committee.

The Bureau shall be responsible for preparing Conference and Committee meetings, for establishing liaison between the various members of those bodies, and for maintaining relations with the Member States or with the Corresponding Members and their services concerned.

It shall also be responsible for carrying out the studies and work defined under Article I as well as for keeping official records and editing a bulletin, which shall be sent free of charge to Member States.

It shall constitute the documentation and information center provided for under Article I.

The Committee and the Bureau shall be responsible for the implementation of the decisions of the Conference.

The Bureau shall carry out no experimental research or laboratory work. It may, however, have the use of rooms suitably equipped for the study of the form of construction and working of certain apparatus.

Article XX

The Bureau shall have its administrative headquarters in France.

Article XXI

The personnel of the Bureau shall consist of a Director and assistants appointed by the Committee as well as employees or agents, either permanent or temporary, recruited by the Director.

The personnel of the Bureau and, should the occasion arise, the experts referred to in Article XVIII shall be salaried. They shall receive salaries or wages, or compensation the amount of which shall be determined by the Committee.

The rules and regulations covering the Director, the assistants and the employees or agents shall be determined by the Committee, particularly with respect to conditions of recruitment, work, discipline, and pension.

The appointment, dismissal or removal of the Bureau's agents and employees shall be ordered by the Director, except in so far as regards assistants appointed by the Committee, who may only be subject to such measures by decision of the Committee.

Article XXII

The Director shall be responsible for the working of the Bureau under the control and the direction of the Committee, to whom he shall be responsible and to whom he must present, at each ordinary session, a report on the conduct of business.

The Director shall collect the revenue, prepare the budget, be responsible for all disbursements in respect of personnel and equipment, and control the funds.

The Director shall, by right, be secretary of the Conference and of the Committee.

Article XXIII

The Governments of the Member States declare that the Bureau shall be recognized as being of public utility, that it shall have legal status and that, in general, it shall benefit from the privileges and facilities commonly granted to intergovernmental bodies under the laws in force in each of the Member States.

CHAPTER III—FINANCIAL PROVISIONS

Article XXIV

For a financial period equal to the interval between its sessions, the Conference shall decide:

The overall amount of credits necessary to cover the Organization's operating expenses;

The annual amount to be placed in reserve to meet emergency expenses, and to ensure the execution of the budget in case of insufficient income.

The credits shall be calculated in gold francs. The parity of the gold franc and the French franc shall be that quoted by the Banque de France.

During the financial period, the Committee may call on Member States if it considers that an increase in credits is necessary in order to meet the obligations of the Organization or because of a change in economic conditions.

If, upon the expiration of the financial period, the Conference has not met or has not been able to hold a valid debate, the financial period shall be extended until the next valid session. The original credits shall be increased in proportion to the duration of this extension.

During the financial period the Committee shall determine, within the credit limits granted, the amount of its operating expenses pertaining to budget periods equal in duration to the interval between its sessions. It shall also supervise the investment of available funds.

If, upon the expiration of the budget year, the Committee has not met of has not been able to hold a valid debate, the President and the Director of the Bureau shall decide upon renewal, until the next valid session, of all or part of the budget for the financial year just ended.

Article XXV

The Director of the Bureau shall be authorized to undertake and make payments on his own authority in respect of the organization's operating expenditures.

But he may not:

Pay extraordinary expenses, or

Draw money from the reserve established for the purpose of ensuring the implementation of the budget in the event of insufficient receipts,

without first obtaining the consent of the President of the Committee.

Budget surpluses shall remain available for use throughout the entire financial period.

The Director's management of the budget must be submitted to the Committee which shall examine it at each of its sessions.

Upon the expiration of the financial period, the Committee shall submit the balance sheet of its management to the Conference.

The Conference shall decide what is to be done with any budget surplus. The amount of such surplus may either permit a corresponding reduction in the dues of the Member States or may be added to the reserve funds.

Article XXVI

The Organization's expenses shall be covered:

(1) By annual contributions of the Member States.

The total contributions for a given financial period shall be determined according to the amount of credits granted by the Conference, taking into account an evaluation of the receipts referred to in paragraphs 2 to 5 below.

To determine the respective shares of the Member States, the latter are divided into four categories, according to the total population of the home country and territories represented.

Class 1.—population of 10 million inhabitants or less;

Class 2.—population between 10 million exclusive and 40 million inclusive;

Class 3.—population between 40 million exclusive and 100 million inclusive;

Class 4.—population of over 100 million.

The population figures are rounded off to the lower million.

When the use of measuring instruments in any State is clearly below the average, the State may apply to be put in a lower category than that assigned to it according to its population.

Depending on the class, contributions are proportional to 1, 2, 4 and 8.

The share of a Member State shall be equally distributed over all the years of a financial period in order to determine its annual contribution.

With a view to establishing a margin of safety from the very beginning in order to compensate for any fluctuations in receipts, the Member States agree to make advances on their future annual dues. The exact amount and duration of such advances shall be determined by the Conference.

If, upon the expiration of the financial period, the Conference has not met or has been unable to hold a valid debate, the annual contributions shall be renewed at the same rates until a valid session can be held:

(2) By proceeds from the sale of publications and proceeds from the rendering of services to Corresponding Members;

(3) By income from the investment of funds;

(4) By contributions for the current financial period and admission fees of new Member States—by retroactive contributions and admission fees of reinstated Member States—by the back dues of Member States resuming their payments after having interrupted them;

(5) By subsidies, subscriptions, donations or legacies and miscellaneous receipts.

To finance special work, extraordinary subsidies may be allotted by certain Member States. They shall not be included in the general budget but shall be placed in special accounts.

Annual contributions shall be calculated in gold francs. They shall be paid in French francs or in any convertible currency. Parity between the gold franc and the French franc shall be that quoted by the Banque de France, the applicable rate being that of the day of payment.

Contributions shall be paid at the beginning of the year to the Director of the Bureau.

Article XXVII

The Committee shall prepare financial regulations based on the general provisions of Articles XXIV to XXVI above.

Articles XXVIII

A State which becomes a member of the Organization during one of the periods indicated in Article XXVI shall be bound until the expiration of this period and shall be subject, from the time of its accession, to the same obligations as existing Members.

A new Member State shall become joint owner of the property of the Organization and must, therefore, pay an admission fee determined by the Conference.

Its annual contribution shall be calculated as if it had joined on the 1st of January of the year following that of the deposit of its instruments of accession or ratification. Its payment for the current year shall be as many twelfths of its contribution as there are months remaining to the year. This payment shall not modify the contributions laid down for the current year for the other Members.

Article XXIX

Any Member State which has not paid its contribution for three consecutive years shall be automatically considered as having resigned and shall be struck off the list of Member States.

However, the situation of certain Member States who may find themselves in a period of financial difficulty and may not for the time being be able to meet their obligations shall be examined by the Conference which may, in certain cases, grant them extensions of time or remissions.

Insufficiency of receipts resulting from the removal of a Member State from the list of Member States shall be compensated for by drawing from the reserve funds, constituted as indicated in Article XXIV.

Member States voluntarily resigning and Member States automatically considered as having resigned shall lose all rights of joint ownership of the property of the Organization.

Article XXX

A Member State which has voluntarily resigned may be readmitted at its own request. It shall then be considered as a new Member State, but the entry fee shall be payable only if its resignation took place more than five years previously.

A Member State automatically regarded as having resigned may be readmitted at its own request, on condition that it settle its unpaid contributions due at the time it was removed from the list of Member States. Such retroactive contributions shall be calculated on the basis of the contributions for the years prior to its readmission. It shall thereafter be considered a new Member State, but the admission fee shall be calculated by taking its previous contributions into account, in proportions to be fixed by the Conference.

Article XXXI

In the event of the dissolution of the Organization, the assets shall be distributed among all Member States proportionally to the total amount of their previous dues, subject to any agreement which may be made between those Member States which have paid their dues up to the date of dissolution and to the rights contracted or acquired by personnel in active service or retired.

CHAPTER IV—GENERAL PROVISIONS

Article XXXII

The present Convention shall remain open for signature until December 31, 1955, at the Ministry of Foreign Affairs of the French Republic.

It shall be ratified.

Instruments of ratification shall be deposited with the Government of the French Republic, which will notify each of the signatory States of the date of their deposit.

Article XXXIII

States which have not signed the Convention may accede to it upon the expiration of the time limit provided for under Article XXXII.

Instruments of accession shall be deposited with the Government of the French Republic, which will notify all signatory and acceding Governments of the date of their deposit.

Article XXXIV

The present Convention shall enter into force thirty days after the deposit of the sixteenth instrument of ratification or accession.*

It shall enter into force for each State which ratifies it or accedes to it after that date, thirty days after the deposit of its instrument of ratification or accession.

The Government of the French Republic will notify each of the Contracting Parties of the date of entry into force of the Convention.

Article XXXV

Any State may, at the time of signature, of ratification or at any other time, declare, by notification addressed to the Government of the French Republic, that the present Convention is applicable to all or a part of the territories it represents internationally.

The present Convention shall apply to the territory or territories designated in the notification from the thirtieth day following the date on which the Government of the French Republic has received the notification.

The Government of the French Republic will transmit such notification to the other Governments.

Article XXXVI

The present Convention is concluded for a period of twelve years to be counted from the date it enters into force.

Thereafter, it shall remain in force for successive periods of six years as between those Contracting Parties that have not denounced it at least six months before the expiration of the preceding period.

Notice of termination shall be sent in writing to the Government of the French Republic, which will then advise the Contracting Parties.

Article XXXVII

The Organization may be dissolved by decision of the Conference, in so far as the delegates are provided with "Full Powers" to that effect at the time of the voting.

Article XXXVIII

If the number of parties to the present Convention is reduced to less than sixteen, the Convention may consult the Member States to decide whether the Convention should be considered to have lapsed.

Article XXXIX

The Conference may recommend amendments to this Convention to the Contracting Parties.

Any Contracting Party accepting an amendment shall notify the French Government of its acceptance in writing, so that the latter may, in turn, notify the other Contracting Parties of the receipt of such notification of acceptance.

An amendment shall enter into force three months after the receipt of notifications of acceptance from all the Contracting Parties by the Government of the French Republic. When an amendment has been accepted by all the Contracting Parties, the Government of the French Republic will advise all the other Contracting Parties as well as the signatory Governments, informing them of the date of its entry into force.

After an amendment has entered into force, no Government may ratify the present Convention or accede to it without also accepting such amendment.

Article XL

The present Convention shall be drawn up in the French language in a single original, which shall be deposited in the archives of the Government of the French Republic, which will send certified copies to all the signatory and acceding Governments.

PARIS, October 12, 1955.

(Amended in January 1968 by amendment of Article XIII.)

Mr. MANSFIELD. Mr. President, the Convention Establishing an International Organization of Legal Metrology is designed:

To serve as a center for documentation and information; to foster close working relations with national weights and measures services and other concerned organizations; and to furnish advisory assistance to interested countries.

To determine the general principles of legal metrology; to recommend uniform international requirements for measuring instruments; and to work out model laws and regulations for consideration by member countries.

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*Formality fulfilled on May 28, 1958.

The science of metrology comprises measuring units and their standards, measuring instruments, and the methods of measurement and legal metrology relates to the compatibility of standards of measurement and the legislation or regulations which may affect them. The Convention on Legal Metrology entered into force in 1958 and is now in force for 36 countries, mostly European, including all of Eastern Europe. The President states that:

> Accession . . . would now be of clear advantage to the United States. As the world's largest trading nation and as a world leader in the standards field, we would be better able to assume a positive role in the setting of international standards for measurements, and in so doing, to expand our international trade.

According to the administration, the benefits to the United States of participation in this organization are:

To improve opportunities for exporting measurement instruments and help our balance-of-payments position;

To obtain better information regarding measurement techniques in the field;

To influence internationally adopted measurement techniques so U.S. procedures will not be put at a disadvantage;

To ensure that the United States can influence the adoption by developing countries of model laws and uniform procedures in order to avoid having the United States put at a disadvantage vis-a-vis European and other countries;

To facilitate the development of an international standards program for the United States in this area.

The 1972 budget of the organization is approximately $108,000. If the United States joins, its estimated contribution will be a little over $14,000, plus a one-time payment of the same amount as an entry fee.

The committee held a public hearing on this convention on August 3, 1972, and unanimously ordered it favorably reported to the Senate during an executive session held on August 8, 1972.

The PRESIDING OFFICER. Without objection, the convention will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the accession of the United States of America to the Convention Establishing an International Organization of Legal Metrology, as amended. (Ex. I, 92-2.)

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later, this order was modified to provide for the Senate to convene at 10:30 a.m. tomorrow.)

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. HRUSKA. Mr. President, several weeks ago the Subcommittee on Federal Holidays, Charters, and Celebrations held legislative oversight hearings concerning the American Revolution Bicentennial Commission. This was in connection with the consideration of S. 3307, a bill now pending on the Senate calendar, calling for reauthorization of the Commission. A total of about 30 witnesses were heard, and there was general discussion and a disclosure of the plans of the Commission, of their progress, of some of the things they had done, and of some of the experiences they had had in developing a system of advisory panels as well as implementing the bill passed last year to enlarge the Commission.

By and large, the hearings were very informative. It was the conclusion of this Senator that good progress is being made, and that the concept originally embodied within the statute has been substantially followed in spirit as well as in letter.

The testimony of David J. Mahoney, chairman of the commission, was especially useful, and gave an overall picture of what was transpiring and what was being planned. I ask unanimous consent that a summary statement of his testimony be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF DAVID J. MAHONEY

Mr. Chairman, Members of the Judiciary Committee, my name is David J. Mahoney, Chairman of the American Revolution Bicentennial Commission. I have a prepared statement which is before you that I would like to submit for the record. That statement goes into detail on specific aspects of the Commission, its advisory panels and on the programs being developed in the three theme areas of Horizons '76, Heritage '76 and Festival USA.

With your approval, Mr. Chairman, I will summarize the highlights of my statement and discuss some of the problems of the Commission. In particular, I will touch upon those matters of concern to the Committee as indicated in its favorable report on S. 3307, to amend the basic legislation of the ARBC.

First, I want to thank the Subcommittee for this opportunity to talk about the American Revolution Bicentennial Commission. I accepted the honor of serving as Commission Chairman without any illusions that the job would be easy, and with a deep commitment to the commemoration as an important milestone in our national life.

The President appointed me as Chairman of the ARBC in September 1970. Prior to that time, the Commission had existed primarily on paper. For most of the first three years of its life, the Commission was without appointees, without staff and funding. When I assumed the chairmanship in September 1970, the Commission had just submitted its blueprint for a national commemoration to the President, who transmitted it to the Congress with his strong endorsement. The Bicentennial guidelines were now fixed. The course was set. The time for action was now.

Our job was to mount a grassroots nationwide program in all 50 States, the Territories, the District of Columbia and the Commonwealth of Puerto Rico, involving all segments of our pluralistic society. At that time the Commission budget was $373,000 with a staff of about a dozen people.

The first need was for some kind of organization at the State level to organize the State Bicentennial effort. Few States had Bicentennial Commissions, and most were as yet not aware of the impending commemoration. The President had called for each State to establish a Bicentennial Commission and, under the national Bicentennial plan, these Commissions were to be the network upon which the Bicentennial was to be developed.

So we initiated legislation to authorize grant funds for the establishment and development of State Bicentennial Commissions to plan and develop their own programs. Grant funds for the State Bicentennial Commissions were finally appropriated in May of this year—14 months later. I might add that all grants were awarded by ARBC within 60 days.

The Commission's report had invited Philadelphia to stage an international exposition as a major focal point for international participation in the Bicentennial. At the President's direction the Commission was required to review the substantive exposition planning and the budget prior to final approval. The Commission, in good conscience, bent every effort to make the exposition a reality. Thousands of man-hours were devoted to this effort only to see the exposition fail because of an inability of the sponsors to agree to a suitable site and to an acceptable budget. Not only did the Philadelphia exposition issue drain a major part of the Commission's time and energy, but its unresolved status for almost two years inhibited the commitment of private industry, foreign governments and others in alternate Bicentennial plans until the fate of the exposition was settled in May of this year.

In early 1971, draft legislation was submitted to the Congress for a Bicentennial commemorative medals program. The program was important to the ARBC planning because it would provide a means of reaching the general public with a physical manifestation of the Bicentennial and because it would be a source of revenue for ARBC. The medals authorization bill was passed by the Congress only in February of this year—12 months later.

I might add that our first commemorative medal was designed, produced, promoted and on sale in four months. As a businessman I must admit I don't think that private industry can beat that record. Incidentally, more than 700,000 medals have been purchased to date.

I would also like to note in passing, that this commemorative medals program authorized by the Congress is the only ARBC program that can be considered "commercial." It also results in revenue available to ARBC for Bicentennial programs; thus, reducing the need for appropriations and spares the taxpayers.

In early 1971, draft legislation was submitted by ARBC to the Congress to authorize 8 additional public members to the Commission to permit a wider representation of minority and ethnic groups, youth, women, etc.

Only on March 17 of this year, one year later, was the legislation approved and 2 blacks, an Indian, 4 youths under 25, and 2 women were added to the Commission.

The legislation passed on March 1 also authorized a number of substantive ARBC activities such as a computerized Bicentennial Calendar of national, international, State and local Bicentennial events; an information clearinghouse on Bicentennial events; awards, competitions and the commissioning of Bicentennial literally, dramatic, historical and other works; exhibits, films, and publications, etc. After a year delay in enactment of this legislation, we are now further delayed in initiating these important programs because our FY 1973 appropriations have not yet been approved.

I point out these matters because the Committee, in its report, urges the Commission to speed its planning and programs without delay. We are keenly aware of the impending 1976 date and the need for accelerating our efforts. However, blame for the many delays in Bicentennial planning—and I readily admit such delays—have not all been the Commission's fault. Congress must share the blame with the Commission. Both the Commission and the Congress must cooperate fully to assure the required speed up in Bicentennial planning and programming.

I would hope that a recently approved ARBC National Historic Records Program will be given prompt and favorable congressional consideration as an example of such cooperation.

This program under the Heritage '76 theme was designed by 5 major national historical associations of the United States, concerned with the care and preservation of historical sources. This program is an example of ARBC reliance on the nation's historical sources, as specified in the Committee report. A bill to authorize this important historical program will soon be introduced in the Congress. I commend this program to you and submit that it is worthy of congressional support.

One of the purposes of this hearing, as stated by the Committee, is to give all groups a chance to air their views as to whether the Commission is proceeding in the right direction. I believe we are moving in the right direction. But we are receptive to suggestions and criticisms. May I point out that since my appointment as Chairman of the ARBC, we have made every effort to involve the active support, participation and approval of the Congress in all of our plans and programs. ARBC has made 11 appearances before 7 Congressional Committees during my 22 months as Chairman, an average of one appearance every two months.

Our plans, programs and activities have been explained and defended before the various Committees and without exception enacted into law. We have assumed that since our plans and programs have been sanctioned by the Congress, that they represent the collective judgment of the Congress as well as the judgment of the Commission.

The mission of the Commission has been a subject of public debate and considerable misunderstanding. I want to point out that the legislation initially passed by the Congress establishing the Commission, authorized it to *plan, encourage, develop* and *coordinate* a nationwide Bicentennial program.

The Commission *is not* an action agency to carry out projects of ecological improvements. The Commission is not an agency to find a cure for cancer or heart ailments. The Commission *is not* an agency for social action, civil rights or public welfare.

The Commission's function as determined by the Congress, is to encourage and coordinate the individual efforts of States, communities, patriotic and service organizations, historians and others and to channel them along the guidelines set forth in the ARBC national report. A major guideline of the report is that the Bicentennial be a time for Americans to review and reaffirm the basic principles on which the nation was founded. We believe that the ARBC emphasis in all 3 major theme areas, Horizons '76, Heritage '76 and Festival USA, are consistent with the Committee guidance that the Bicentennial program should be an enunciation of the basic principles upon which our Republic was founded.

At this time the Commission has no funds to support specific programs or activities of the patriotic and service organizations, women's groups and others, no matter how needy or meritorious. Groups and organizations with splendid ideas for the Bicentennial must be turned away when they request even minimal financial support. So the Commission is criticized by these groups for not providing funding for programs it has encouraged and promoted.

The enactment of S. 3307 favorably reported by the Judiciary Committee would provide for matching project-grants (using non-appropriated funds) to the States, local communities and non-profit groups and organizations for worthy Bicentennial programs and activities. Such grants would be funded with revenues and other non-appropriated funds and would be important far beyond their intrinsic worth as a commitment of the ARBC to such projects at no cost to the taxpayers. I urge the enactment of S. 3307 as soon as possible.

As urged by the Judiciary Committee report, the ARBC has created Advisory Panels consisting of more than 100 individuals and organizations to tap the rich, historical, patriotic resources of this country and is working with women, youth, minority and ethnic groups to assist in developing programs under each of its three themes: Horizons '76, Heritage '76 and Festival USA. These panels include major national historical, educational, professional, performing arts and other groups, and eminent individuals in the arts and humanities. It should be noted that both the Daughters of the American Revolution and the Sons of the American Revolution are represented on the ARBC Advisory Panel for Commemoration and Convocations. However, while we have attempted to involve all these groups, we have no funds to bring these people together. We are once more being criticized for inaction. It is a valid criticism, but our answer is—we don't have the funds to pay even the travel expenses of dedicated and concerned people who are willing to donate their valuable time and energy in the service of the Bicentennial.

As you know, ARBC is operating under a Continuing Resolution with no FY 1973 appropriation since the authorization for the appropriation is not yet approved by the Congress. Our FY 1972 appropriations became available in March, with only 3 months remaining in the fiscal year. While the need to operate under a Continuing Resolution may not be very damaging to the operations of an agency with a steady budget level, it is crippling when an agency such as ARBC is attempting to accelerate its programs with a substantial increase in appropriation level.

An important element in the concept of a 50-State Bicentennial commemoration is an ARBC-conceived series of urban-oriented Bicentennial Parks which could be constructed on federally owned lands. These Parks would serve as the focal point for Bicentennial activities, exhibits, performing arts, historical and commemorative activities, etc. during 1976 and remain as a permanent legacy of the Bicentennial for enjoyment of future generations. This concept is now being studied and if found feasible, may be recommended as a major Bicentennial program.

Whether or not the Bicentennial Parks plan will materialize (and that would ultimately be determined by the Congress) the State Bicentennial Commissions remain the key to a grassroots, nationwide program involving all of our citizens. The State Bicentennial Commissions, most of which are just now being organized, have now received $2.4 million dollars in Federal grant support. They have already invested $2.5 million of their own funds. This is just about the total amount appropriated for ARBC to date.

These State Bicentennial Commissions, created at the urging of the President and ARBC and now being staffed and funded, involve more than 1,000 persons who are actively engaged in the Bicentennial. This is where the action is and they need our help!

In my judgment, at long last, the vision of Congress in establishing the American Revolution Bicentennial Commission is to be fulfilled. The nationwide mechanism now exists for a Bicentennial commemoration that will result in a renaissance of our national spirit.

We are on the threshold of the Bicentennial. Many programs are in progress. Many more are in varying stages of development. The totality of these programs will result in a nationwide grassroots commemoration worthy of this great occasion.

I hope the Committee will agree with this assessment. The fate of the Bicentennial is in your hands and those of the entire Congress.

THE $30 BILLION REVENUE SHARING PROPOSAL

Mr. HARRY F. BYRD, JR. Mr. President, I have given a great deal of thought during the past several months to the State and Local Fiscal Assistance Act, the so-called revenue sharing legislation. I have kept an open mind.

This proposal, H.R. 14370, was passed by the House of Representatives on June 22 and since then has been under consideration by the Senate Committee on Finance.

It has been endorsed by President Nixon and has the support of most, if not all, of the Governors of the 50 States and most of the mayors throughout the Nation.

Under its provisions, the Federal Government, over a 5-year period, would distribute $30 billion in additional Federal funds to the 50 States and to 39,000 units of local government. Distribution in the current fiscal year would total $8.1 billion.

This, of course, would be helpful to

State and local governments. The Governors and mayors have told the Congress that they need additional assistance over and above the vast sums which already are being returned to the States in a multitude of Federal programs. The legislation assumes all States and localities have a fiscal crisis common in nature and magnitude with which they are equally unable to cope. Of course, such an assumption is not an accurate assumption.

I realize that it would be more popular to support than to oppose the State and Local Fiscal Assistance Act.

But in considering this matter there are at least three issues of major concern. The first and foremost is this: Where is the revenue to share?

The Federal funds deficit for fiscal year 1971 was $30 billion; for fiscal year 1972, the deficit was $32 billion; the administration estimates that the deficit for the current fiscal year will be at least $38 billion.

So in 3 fiscal years the Federal funds deficit will equal or exceed $100 billion.

This means that more than 20 percent of the total national debt will have been incurred during this 3-year period.

Never before in any other 3-year period in the history of the American Government have there been such deficits, except during World War II, when we were fighting in both Europe and the Pacific and when we had 12 million Americans under arms.

When 12 of the Nation's Governors testified before the Senate Finance Committee, I made this assertion: No State in the Union is in as bad shape financially as is the Federal Government. No Governor disputed this statement.

The annual interest on the national debt is $22.7 billion.

Of every personal and corporate income tax dollar paid into the Federal Treasury, 17 cents goes to pay the interest charges.

As I view it, the dominant domestic problem facing our Nation is the desperately bad condition of our Federal finances. As a result of increased deficit spending, the purchasing power of the American dollar has declined. Deficit spending by the Federal Government is the major cause of inflation, which is a hidden tax on the earnings of the working people.

What Congress is considering in the revenue-sharing legislation, is an additional program—over and above the present programs—with an average cost of approximately $6 billion per year for each of 5 years, beginning now.

The second issue of major concern is the division of public accountability. State and local governmental units would expend public funds which they have no responsibility for raising.

Under the House-passed legislation, 40 percent of the funds will be distributed to five States—New York, California, Illinois, Michigan, and Pennsylvania.

I might add, parenthetically, that under the Senate Finance Committee proposal, 35 percent of the total funds will go to those five States.

These States have gone into expensive programs which they find difficult to maintain. Now they are seeking assistance from the Federal Government.

Is it wise to separate the responsibility for collecting taxes from the authority to spend revenues? The 50 States and the 39,000 localities dispensing tax funds will be relieved of the obligation to weigh carefully the benefits of increased public expenditures against the burdens imposed on their community through increased taxation.

The third area of major concern is that the House-passed legislation seeks to dictate to the States the tax structure each State should have. It also requires each local government, as a condition of receiving funds under the bill, to obtain approval from the Secretary of the Treasury as to its wage rates on construction financed in whole or in part by revenue sharing funds.

Thus, from its inception, this new revenue sharing program incorporates dictation from Congress to the States and to the localities.

Through the years, Federal grants-in-aid and shared revenues to the various States have increased tremendously.

I had the Library of Congress prepare a table which shows the amounts of Federal grants-in-aid and shared revenues in Virginia over 5-year intervals beginning with 1950. The information derived from this compilation shows that the Federal Government has been sharing revenues on an increasingly large basis for a number of years.

Omitting the trust funds, namely, the Federal highway trust funds payments, the social security trust fund payments, and unemployment payments, Federal aid payments for Virginia were as follows:

Year	*Amount*
1950	$27,347,603
1955	60,720,683
1960	72,490,049
1965	112,780,354
1970	353,385,602
1971	421,742,387

One will note from the above table that Federal aid to Virginia is 17 times as great as it was in 1950. The other States, I feel sure, have had similar increases.

To give a dramatic example of just how far out of hand some of these Federal programs have gotten, I cite the following:

A few years ago, legislation was enacted providing 75 percent Federal financing of social services. The States have discovered that, by expanding or changing programs that they were already paying for themselves, they can collect from Washington 75 cents out of every dollar spent.

When this proposal was enacted, it was estimated by its sponsor and by HEW that it would cost the Federal Government $40 million annually. It has soared to such an extent that the cost for the current fiscal year is now estimated to be $4.7 billion—more than 100 times the original estimate.

In the first year of this program, New York State received $57 million in matching grants for this program. This year, New York is asking for $854 million in Federal matching grants for this one program.

The State of Mississippi, which last year applied for $1 million of Federal funds to finance social services, this year is asking for $453 million—about the size of the State's entire budget last year. This is just one of many Federal spending programs.

If the revenue sharing proposal now under consideration were being recommended as a replacement for other, less flexible programs, I would greatly prefer the flexibility of the new program.

But the legislation now under consideration is in addition to all of the other programs.

The Federal Government obtains its funds from the same sources as do State and local governments, from working men and women. Costly Federal programs must be paid for by more taxes, or by more inflation, or both.

I feel I cannot vote for costly new programs at a time of unreasonably high deficit spending.

Last November, I felt compelled to take another unpopular stand; namely, in opposition to a tax reduction which lowered revenues at a time of large Federal deficits.

Similarly, this year, I must vote against the revenue sharing proposal, which calls for a large increase in Federal spending.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KENNEDY). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 3307 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, at such time as S. 3307, a bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, is called up and made the pending business before the Senate, I ask unanimous consent that time for debate thereon be limited to 30 minutes, with the time to be equally divided and controlled by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Nebraska (Mr. HRUSKA); that time on any amendment be limited to 20 minutes, to be equally divided and controlled between the mover of such and the Senator from Nebraska (Mr. HRUSKA); that time on any amendment to an amendment be limited to 10 minutes, to be equally divided and controlled between the mover of such and the author of the amendment in the first degree, except in any instance in which the mover of the amendment in the first degree favors such, in which case, time in opposition be under the control of the distinguished majority leader or his designee; that time on any debatable motion or appeal be limited to 10 minutes, to be divided between the mover of such and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10.30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, this agreement has been cleared on both sides of the aisle and I have discussed it with the able Senator from Massachusetts (Mr. KENNEDY), and the time agreement meets with the approval of all parties.

Mr. President, I also ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, following the remarks of the two leaders under the standing order tomorrow, that there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair lay before the Senate S. 3307 and that the unfinished business, Senate Joint Resolution 214, be temporarily laid aside and remain in a temporarily laid aside status until disposition of S. 3307.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL FRIDAY AT 9 A.M.; AND FROM FRIDAY TO 9 A.M. ON SATURDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 9 a.m. on Friday, August 11, 1972; and that when the Senate completes its business on Friday, it stand in adjournment until 9 a.m. on Saturday, August 12, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE ON FINANCE TO HAVE UNTIL MIDNIGHT TO FILE A REPORT ON THE REVENUE SHARING BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance may have until midnight tonight to file a report on the revenue sharing bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON FRIDAY, AUGUST 11

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday next, following the remarks of the two leaders under the standing order, the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY ASIDE TEMPORARILY THE UNFINISHED BUSINESS (S.J. RES. 241) TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business, the Interim Agreement between the United States and the U.S.S.R. (S.J. Res. 241), remain in a temporarily laid-aside status until such time on tomorrow as the distinguished majority leader or his designee may deem it advisable to call up that measure or until the close of business tomorrow, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10:30 a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair will lay before the Senate S. 3307, a bill to amend the joint resolution establishing the American Revolution Bicentennial Commission. There is a time limitation on that bill and on amendments thereto. It is possible and even likely that one or more yea and nay votes may occur on the bill and amendments thereto.

During the day, Mr. President, there will be a rollcall vote on the conference report on the HEW appropriation bill. I am not in a position to say at what time that vote will occur or what the order of business will be following the disposition of S. 3307, the bill to amend the joint resolution establishing the American Revolution Bicentennial Commission. However, it can also be stated Mr. President, that there will be three yea and nay votes on the following treaties:

Executive B, 92d Congress, second session, a Convention on Ownership of Cultural Property;

Executive D, 82d Congress, second session, the Tax Convention with Norway; and

Executive I, 92d Congress, second session, the Convention Establishing an International Organization of Legal Metrology.

In all likelihood, there will also be a vote or some votes on S. 3755, a bill to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act.

There is presently no time limitation on S. 3755, but at some time during the day the leadership will call up that bill and the Senate will proceed to work its will thereon.

In summation, Mr. President, there will be at least four yea-and-nay votes tomorrow and undoubtedly more, the four sure votes being the vote on the adoption of the HEW appropriations conference report and the three votes on treaties and conventions. And as I have already stated, a vote or votes are indicated on the Bicentennial Commission bill and on the Airport and Airway Development Act.

Tomorrow will be a busy day, a reasonably long day, and a day on which there will be several yea-and-nay votes.

ADJOURNMENT TO 10:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 a.m. tomorrow.

The motion was agreed to; and at 6:11 p.m., the Senate adjourned until tomorrow, Thursday, August 10, 1972, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate August 9, 1972:

TREASURY DEPARTMENT

James E. Smith, of Virginia, to be a Deputy Under Secretary of the Treasury. (new position.)

U.S. ATTORNEY

Frank D. McCown, of Texas, to be U.S. attorney for the Northern District of Texas for the term of 4 years vice Eldon B. Mahon, resigned.

WITHDRAWAL

Executive nomination withdrawn from the Senate August 9, 1972:

DIPLOMATIC SERVICE

William T. Hines, of the District of Columbia, for appointment as a Foreign Service Information Officer of Class five, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America, which was sent to the Senate on June 20, 1972.

HOUSE OF REPRESENTATIVES—*Wednesday, August 9, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God is our refuge and strength, a very present help in trouble.—Psalms 46: 1.

Eternal Father, who makest Thyself known not in the whirlwind nor in the earthquake, but in the still, small voice, we now quietly and reverently bow our spirits at this altar of prayer following the faith of our Founding Fathers. Before we talk to one another, before we plan for the welfare of our country, we would first open our hearts to Thee. In the midst of the demands of this difficult day and the differences which disturb us, we would be still and know that Thou art God.

As we pray, grant unto us the wisdom and the courage to favor and to fashion legislation which expresses the glorious ideals of faith and freedom. May we who here work for our Nation be exponents of Thy laws, possess an experience of Thy love, and give expression to Thy truth. Send us forth—

To serve the present age,
  Our calling to fulfill;
O may it all our powers engage
  To do our Father's will.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 755. An act to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 484. An act to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1819) entitled "An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs and for an extension of the effective date of the act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MUSKIE, Mr. METCALF, Mr. CHILES, Mr. BROCK, and Mr. GURNEY to be the conferees on the part of the Senate.

The message also announced that the name of the late Senator from Louisiana, Mr. Ellender, be removed as a conferee on the bill (H.R. 15586) entitled "An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes."

The message also announced that the name of the late Senator from Louisiana, Mr. Ellender, be removed as a conferee on the bill (H.R. 15417) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes."

RESIGNATION AND APPOINTMENT AS CONFEREE ON H.R. 15692, INTEREST RATE ON SMALL BUSINESS ADMINISTRATION DISASTER LOANS

The SPEAKER laid before the House the following resignation as a conferee:

AUGUST 9, 1972.

The SPEAKER,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby resign as a conferee in connection with the conference between the Senate and the House of Representatives on the bill, H.R. 15692.

Sincerely,

THOMAS L. ASHLEY.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Pennsylvania (Mr. MOORHEAD) as a conferee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H.R. 15692, to fill the existing vacancy.

The Clerk will notify the Senate of the change in House conferees.

DISASTER RELIEF SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MAHON, from the Committee on Appropriations, reported the bill (H.R. 16254) making certain disaster relief supplemental appropriations for the fiscal year 1973, and for other purposes (Rept. No. 92–1318) which was read a first and second time and, with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. BOW reserved all points of order on the bill.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORTS ON H.R. 15586, PUBLIC WORKS APPROPRIATIONS, 1973, AND H.R. 15097, DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1973, ON THURSDAY, AUGUST 10, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on tomorrow, Thursday, August 10, to call up the conference reports filed last Monday on the bill (H.R. 15586) public works appropriations, 1973, and the bill (H.R. 15097) the Department of Transportation appropriations, 1973.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman if this is simply for the purpose of again avoiding the rules of the House as to the requisite number of days that such a report must be printed and in the hands of Members—or at least available to them—under the Reorganization Act of 1970?

Mr. MAHON. The reports were filed on Monday. The conference reports would be eligible for consideration on Friday. For the purpose of expediting the business of the House and for the convenience of the Members it was thought that tomorrow, if the schedule would permit, it would be well to bring these conference reports to the floor 1 day earlier than the rule provides.

Mr. HALL. In other words, the answer to my question is "Yes," and the gentleman further explains that for the expediency of the House, and to expedite our business, and to go along with the leadership and perhaps avoid a session on Friday, he requests this unanimous-consent permission. Is that a fair statement?

Mr. MAHON. Well, they could be. The reports could be brought up next week, but we have a heavy schedule next week, and I do not think these are conference reports about which there will be a great deal of controversy in the House.

Mr. HALL. Be that as it may—and the gentleman's word is certainly good enough for me—the answer to my question is still "Yes." Is that not correct?

Mr. MAHON. Well, I do not like the speaker to put words in my mouth. I am trying to say precisely what we are trying to do, and I think my friend from Missouri understands.

Mr. HALL. For that purpose I would like to be answered "Yes" or "No" without——

Mr. MAHON. I do not think we should require our colleagues to answer "yes" or "no" on questions.

Mr. HALL. That is quite within the prerogative, on a unanimous-consent request, of all 435 duly elected Members. I well remember the gentleman from Texas standing down there and fanning the air with arms and oratory about the prerogatives and rights of the individual elected Members when it comes to unanimous consent and waiving points of order in a recent bill affecting appropriations. I am simply asking the same question.

Mr. MAHON. I will be glad if the gentleman will phrase the question and let me use my own words in answer.

Mr. HALL. Well, of course, it is awfully easy for me just to say two words and stop this colloquy.

Mr. MAHON. Right.

Mr. HALL. I have asked twice, and in my opinion I have not received a direct answer either time.

Mr. MAHON. I thought you had.

Mr. HALL. My only question is this: Is it not the intent of the gentleman to expedite the business of the House by asking unanimous consent in violation of the rules of the House?

Mr. MAHON. The gentleman is correct. That word is exactly correct.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF CONTINUING APPROPRIATIONS JOINT RESOLUTION NEXT WEEK

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on any day after Monday of next week to consider a joint resolution making further continuing appropriations for the fiscal year 1973 beyond August 18, which is the expiration date of the present continuing resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the chairman of the Committee on Appropriations if it is contemplated that this will be a similar continuing resolution to the one last passed by this body?

Mr. MAHON. The resolution has been introduced and the Committee on Appropriations took action today authorizing this action. It simply provides for a continuation of the present continuing resolution except for a change in date. Of course, there is quite a bit of our appropriation business that will have been completed—at least six major bills—during the last 2 or 3 weeks prior to August 18.

Mr. HALL. So the simplistic answer to my question is again affirmative. Is that correct?

Mr. MAHON. The gentleman is correct.

Mr. HALL. Mr. Speaker, further reserving the right to object, may I ask the gentleman from Texas if he plans to have a copy of this continuing resolution in the hands of the Members before he calls it up next week?

Mr. MAHON. It is available at this time here, and it will be dropped into the hopper and I will be glad to provide any Member with a copy of the resolution at this time.

Mr. GROSS. Will the gentleman yield?

Mr. HALL. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. I ask the distinguished gentleman from Texas if this continuing resolution will give us any real clue to sine die adjournment of this dawdling session of Congress.

Mr. MAHON. The simplistic answer is probably "No," but I think——

Mr. HALL. I want to congratulate my friend from Iowa. He got a direct answer. I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 15580, DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1958

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15580), to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? The Chair hears none, and appoints the following conferees: Messrs. McMILLAN, CABELL, STUCKEY, NELSEN, and BROYHILL of Virginia.

PROGRESS MADE IN NEGOTIATIONS ON A FEDERAL-INTERSTATE COMPACT FOR THE HUDSON RIVER—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

In accordance with Section 3, of Public Law 89-605 as amended by Public Law 91-242, I am pleased to transmit a report by the Secretary of the Interior on the progress made in negotiations on a Federal-Interstate Compact for the Hudson River.

RICHARD NIXON.

THE WHITE HOUSE, *August 9, 1972.*

1971 ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—(H. DOC. NO. 92-338)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency and ordered to be printed with illustrations:

To the Congress of the United States:

The 1971 Annual Report of the Department of Housing and Urban Development is herewith transmitted to you.

RICHARD NIXON.

THE WHITE HOUSE, *August 2, 1972.*

DEMOCRATIC PARTY NEEDS NO ENEMIES

(Mr. STEED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEED. Mr. Speaker, the woods are full of those who criticize some Democrats, especially Members of the House, who find some difficulty in being wildly enthusiastic about the Democratic national ticket. But after the blatant insult heaped upon House Democrats at the national committee session last night, a session carried on prime time national television, this situation has not improved. With Speaker CARL ALBERT sitting on the platform, with numerous House Democratic leaders in the audience, not one House Member was recognize or introduced. Even when Senator McGOVERN stepped in to bridge the gap his own handpicked party leaders had created in failing to recognize key Democratic Senators, the total disregard for the House continued. With this kind of planners and leaders for friends, the Democratic Party needs no enemies.

THE CONSTRUCTION MIRACLE IN VIETNAM

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the most massive construction program ever undertaken by this or any other nation now is drawing to an end in South Vietnam. Recent announcement has been made that the construction combine known as RMK-BRJ has ended Vietnam operations after more than 10 years of outstanding service to the United States and to the cause of freedom.

This combine, made up of the Morrison-Knudsen International Co. of Boise, Idaho, Raymond International and Brown & Root of Houston, and the J. A. Jones Construction Co. of Charlotte, N.C., accomplished tasks in Southeast Asia which, because of their enormity, were considered impossible. It was the biggest construction effort in world history and, despite all the obstacles which had to be overcome, it was accomplished in a remarkably short time.

With more than $1.9 billion in Government contracts, the combine placed enough concrete to build a 5-foot wall around South Vietnam, laid enough asphalt to build a highway from Saigon to Paris, and built hundreds of facilities including airfields, deep-draft seaports, hospitals, bridges, radar sites, and hundreds of miles of highways, all under the most difficult conditions.

What is even more notable is that all of this was done without scandal and in keeping with the best standards of our mission in Vietnam. I like to remind my colleagues that the man who headed this giant undertaking was Bertram L. Perkins of Boise. He demonstrated some of the most effective leadership ever shown in the history of military construction projects. Bert Perkins enjoyed the confidence of coworkers and he earned the praise of our Nation's leaders for his outstanding services. Regretfully he lost his life in an automobile accident shortly after leaving his work in Vietnam and returning to his company in Boise.

Combine personnel and others who participated in this gigantic undertaking deserve the thanks of the Congress and of the American people. It has again been proven that private enterprise, when given the opportunity, can accomplish miracles.

CONFERENCE REPORT ON H.R. 15690, AGRICULTURE ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1973

Mr. WHITTEN. Mr. Speaker, I call up the conference report on the bill (H.R. 15690) making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 2, 1972.)

The SPEAKER. The gentleman from Mississippi (Mr. WHITTEN) is recognized.

Mr. WHITTEN. Mr. Speaker, we are here first, today, by reason of the kindness of the leadership and of my colleague on the Committee on Appropriations. Our colleague in the Senate who is my counterpart has an engagement which requires him to leave the country late this afternoon. I appreciate very much all those cooperating so that we might bring this conference report to your attention early.

In bringing this conference report to the House, I call attention once again to the fact that this subcommittee now has jurisdiction over quite a big segment of the national budget.

I shall not take up much time because we wrote a rather thorough report on this bill prior to when it passed the House. The other body likewise wrote a thorough report. I think all of the matters in the bill have been carefully explained.

There are several things I think it might be well to remember, for example, while we have created the Environmental Protection Agency—a comparatively new agency—as early as 1963, the Agricultural Yearbook recognized the need for paying attention to man's impact on his environment and the need for doing many of the things that are being done through that agency.

In addition, this committee handles consumer protection. Certainly all Members are aware of the efforts made by the Congress at the recommendation of this subcommittee on meat inspection and the thousand and one things that go toward giving fine food to the American consumer.

Also included in this bill is the Food and Drug Administration. The committee this year had an investigation to see what might be done to help this agency. This was reported to that agency and we went over it with Dr. Edwards and we feel the $39.4 million increase we are making in this bill will speed up that degree of protection that that agency gives to the American people all the time.

We also have the Federal Trade Commission with its responsibilities for keeping fair competition and riding herd on many of the activities in our form of business to see that competition is fair and open.

Here, too, we had an investigation and we made our recommendations to the chairman and we had cooperation in each of those instances with the committee. Here again we saw the need to add $2.1 million above the budget.

In the Environmental Protection Agency, we found that this new agency has not really gone through its shakedown period. We found, as we pointed out in our earlier report when the bill passed the House, that in many areas it appeared to the committee that they do not have experts who are trained to make these important decisions.

In many instances, as we there enumerated, we find substitutes required which had nothing like the degree of testing that the original has had which may be outlawed or prohibited by this agency.

In this bill by far, the greater part of the money that is provided goes to related or other activities rather than actual operation of the Department of Agriculture. In fact, the operation of the Department of Agriculture proper is $1,247,717,200. In addition $4,057,952,000 is chargeable in the final table to the Commodity Credit Corporation and $895,000,000 is chargeable to our export activities under Public Law 480.

Beyond the general and widespread impact of this bill I must again point out that if we did not have agriculture and those who are engaged in agriculture—if we did not have any food—then there would be no Environmental Protection Agency and there would be no work for it to do.

If the American people did not produce food and maintain a healthy agriculture, industry and labor would lose their best market. If it were not for the relative few, about 5 percent, and their work in the field of production for the American consumer, we would have no need for the Federal Trade Commission, because there would not be any money with which to buy. Nor would there be a need for the Food and Drug Administration because there would be no food to inspect. Behind it all is the necessity to keep that small group of agricultural producers in business so that we will have something to regulate, something to inspect, something to buy—in other words, our whole economy. It ties right back to the protection of agriculture, and while we have dealt with these other agencies and tried to take the actions that would help them best to do their job, we must not ever lose sight—and your committee has not lost sight—that it is all tied to healthy agriculture, healthy not only in terms of the economy, but to enable them to continue and improve their way of life at home on the farm and not crowded into big cities.

One of the saddest things from one point of view, and one of the most dangerous things viewed from another, is the fact that those on the farm continue to leave at the rate of 400,000 annually. If they ever all leave the farm—and there is no law yet that requires them to stay there—we are all going to feel it.

We bring you a bill that we think is well balanced and in the best interests of the country.

In many areas as you have to do in conferences, we have agreed with the other body to split differences to keep some items, to go along with other items and to reduce certain items. In order that we might be sure that nothing was done in the temper of the times and the mood of the Congress to jeopardize the food and fiber of this Nation, the conference, in my opinion, took a real sound action. I should like to read to you the last statement in our conference report:

> The conferees agree that any additional expenditures which result from new obligational authority authorized in this bill should be in addition to any outlay limitation currently or hereafter imposed on the Department of Agriculture and under no conditions should reduce current levels of expenditures for authorized programs.

In other words, the increases that circumstances required us to agree to, or perhaps required us to include in the first instance, shall not be taken out of existing levels of agricultural operations. I think that is essential; otherwise some of these consumer programs in which we all believe might in turn dry up the source of that which we consume.

Mr. Speaker, in this connection I call attention to actions of the Appropriations Committee in the Report of Public Works, page 4, the following language:

> Yazoo Basin: Within the funds provided the Committee directs that initial planning be undertaken on a pilot program to meet the soil erosion and bank caving problems of the streams in the Yazoo Basin, including the foothill area, in cooperation with the Soil Conservation Service, as authorized by Public Law 46, 84th Congress, as amended by Public Law 91–566, 91st Congress.
>
> The allocation for the Yazoo Basin includes $845,000 for continued planning on the Upper Auxiliary Channel or other alternate means of main drainage facilities to meet the flood control needs of the Upper (Delta) Yazoo Basin, the Ascalmore-Tippo, and the Opossum Bayou drainage projects. The Committee reiterates its directive that planning shall proceed from South to North so as not to aggravate prevailing conditions.

I wish to point out here that the Soil Conservation Service is expected to use its appropriated funds to install measures determined necessary in the pilot program contemplated.

This is a big bill. It totals $13,434,032,700. Though there are reservations with regard to a number of programs, a majority of the Congress, as well as the American people, have provided legislation calling for the funding which this conference report provides.

It is this bill that includes the funds to keep the farmer producing for all of us, for it attempts to see that he has adequate return for the highest quality production. It is this bill that enables consumers to spend only 16 percent of their average income for food.

It provides clean, high-quality food products through agricultural grading, meat and poultry inspection, and the activities of the Food and Drug Administration. It provides for better marketing and marketing practices and it provides for the many activities for improving the environment, including the new activities undertaken with the rural environmental assistance program.

Though this bill is above the budget most of the increases are to make available funds which will not be expended except where necessary and which if used would be repaid with interest. In fact much represents programs and funds held up from last year's appropriations.

TITLE I—AGRICULTURAL PROGRAMS

The committee carefully reviewed the budget proposals and additions were primarily in the areas involving cooperative efforts with the States. Of the increase $12,500,000 was appropriated to the Extension Service to enhance its work in the proven 4–H program and to further make this program available to urban youth. The sum of $3,500,000 was added to the cooperative State research program principally for the forestry research grant program, which has rocked along at a fairly low level for several years as our forest requirements have skyrocketed. And $3,446,000 was added to the budget for the activities of the Animal and Plant Health Inspection Service, including $1.4 million above the budget for the tuberculosis indemnity program clearly made necessary by a change in the Department's regulations affecting the salvage value of infected animals. This program, too, is administered in cooperation with the States.

The most important addition to the Federal programs is represented by $800,000 added above the budget for the information activities of the Department. As the committee stated in its report:

> Through the years, the Office of Information of the Department of Agriculture has concerned itself with publication of agricultural bulletins. Its news media efforts have been largely limited to programs for those engaged in agriculture.

The committee has earmarked these funds within the appropriation for departmental administration subject to all its former limitations, but with the intent that this office work more closely with the Secretary to get the agriculture message across to the American people.

Title I appropriates a total of $6,200,669,200. This is $521,141,350 below the 1972 budget and $21,040,800 above the 1973 budget request.

TITLE II—RURAL DEVELOPMENT

Included in this title are the loan programs of the Rural Electrification Administration. Loans—for which repayments will be made—to see that electric power keeps pace with the growth in demand for electric power and telephones in rural areas. In 1972 the Congress provided $545,000,000 for electric loans of which $107,000,000 was never released by the Office of Management and Budget. This action has received much attention in the Congress. This committee recommended and the House approved a loan program of $545,000,000; $107,000,000 above the budget, which really means the reappropriation of funds frozen last year. The Senate added $50,000,000 above the House figure. The conference went along with the Senate figure in recognition of the large and growing backlog of applications, placing first emphasis on getting the $545,000,000 released.

A similar backlog situation exists in the telephone loan program for which the conference added $20,000,000, with the expectation that it, too, will be released to meet the growing demands for communications in rural areas.

A similar fundamental need exists in rural areas for new and expanding water and sewer systems. Meeting this need requires many different approaches, all leading to better quality water and water resources. The conference agreed to add $50,000,000 more than was made available in 1972 and $92,000,000 more than the budget request for 1973. In providing for a total program of $150,000,000 the conference agreed with the House report stating that the Department should set up not less than 20 percent of the funds to strengthen existing systems to assure that they are expanding to take in unserved customers and to improve service in their designated service area.

The conferees further agree that where full area coverage is not presently feasible a program of individual or small group loans shall be stressed with a view to full coverage in the future. An amendment will be offered making this program level subject to further authorization. An adequate authorization level has passed the House in the rural development bill (H.R. 12931).

Title II includes a total of $1,026,436,000 for rural development programs. This is $80,044,000 above the 1972 appropriation, and $276,150,000 above the 1973 budget request.

TITLE III—ENVIRONMENTAL PROGRAMS

The major increases above the budget for environmental programs included in the bill are:

An increase of $3 million for training grants and fellowships for the Environmental Protection Agency to restore the program to its 1972 level; $15 million for solid waste demonstration grants as authorized by section 208 of the Resource Recovery Act; and $3 million for demonstration of a basinwide effort to control sediment pollution in the Great Lakes under section 15 of the Federal Water Pollution Control Act.

An increase of $85,500,000 to provide for a rural environmental assistance program of $225,500,000 in 1973. The House managers have agreed that in the announcement of the 1973 REAP program of the Department of Agriculture not more than $30 million shall be identified for the new pollution abatement practices and such amount as is used shall be paid from funds available to the Environmental Protection Agency.

An increase of $13,975,000 for the environmental programs of the Soil Conservation Service. Major changes are an increase of $5 million above the budget for conservation operations and $8,412,000 above the budget for watershed and flood prevention operations.

In addition, two other major actions have been taken by the committee which are not reflected in the amounts covered by the bill. In order to accelerate the special Great Lakes program, the committee directed that $100 million in water and sewer funds previously appropriated to the Department of Housing and Urban Development, and frozen by OMB, be used to fund this demonstration program. In connection with the HUD water and sewer programs, the budget had proposed using only $200 million in 1973 of the $500 million appropriated by Congress in 1972 and now frozen by OMB. The committee, however, directed that HUD use all $500 million of these funds in 1973.

This title includes $2,371,014,000 for the many programs of the Environmental Protection Agency, including $1.9 billion for waste treatment facilities. Both the House and Senate versions of the Federal Water Pollution Control Act amendments contain a provision for the use of contract authority; therefore, it would not be necessary to appropriate any additional funds for the waste treatment construction grant program at this time. However, the committee fully recognizes the importance of this program and has recommended $1.9 billion be available until the new legislation becomes law.

I would like to call the attention of the House to several recommendations contained in our committee's report. We are not a legislative committee and, therefore, we are unable to provide for such legislation; nevertheless we feel that these proposals merit serious consideration by the House.

COST OF ENVIRONMENTAL IMPACT STATEMENTS

Testimony before the committee has indicated that in fiscal year 1973 Federal agencies will be required to spend approximately $65 million to prepare environmental impact statements as required by the National Environmental Policy Act. The estimated cost by agency follows:

RESOURCE REQUIREMENTS FOR PROSECUTION OF NATIONAL ENVIRONMENTAL POLICY ACT (SEC. 102(2)(C))

Agency	1971	1972	1973
Department of Agriculture	730,000	2,934,000	3,932,000
Appalachian Regional Commission	23,000	35,000	35,000
Atomic Energy Commission	1,376,000	6,823,000	8,194,000
Department of Commerce	558,000	659,000	1,593,000
Department of Defense:			
Air Force		87,000	116,000
Army		2,664,000	3,543,000
Army Corps of Engineers	4,860,000	12,330,000	19,870,000
Navy		3,711,000	1,478,000
Delaware River Basin Commission	25,000	98,000	223,000
Environmental Protection Agency	1,140,000	2,028,000	2,601,000
Federal Power Commission	320,000	544,000	577,000
Department of HEW	450,000	450,000	450,000
Department of HUD	173,000	880,000	1,095,000
Department of Interior	4,249,000	8,995,000	14,267,000
International Boundary and Water Commission, United States and Mexico	35,000	43,000	61,000
National Aeronautics and Space Adminstration	436,000	506,000	498,000
National Science Foundation	8,000	9,000	15,000
Tennessee Valley Authority	1,425,000	2,138,000	1,888,000
Department of Transportation	1,296,000	2,972,000	4,219,000
Department of Treasury	5,000	171,000	281,000
Total	17,109,000	48,077,000	64,936,000

Note: Outlay estimates were compiled by the Office of Management and Budget from data submitted by the various agencies. The information was submitted in accordance with the April 1972 request by OMB for information on outlays associated with the cost of preparing, processing, reviewing, and commenting on environmental impact statements.

The committee is strongly opposed to the cost of preparing impact statements used as a part of the cost/benefit ratio and perhaps thereby defeat or prevent needed public works projects throughout the United States. In addition, undue delays associated with the preparation of impact statements on necessary public works projects could seriously affect the economy of our country. As we make the conversion to a peacetime economy, it is vital that we divert this extra effort to the good of our people.

The committee takes this position because of the increasing emphasis being placed on detailed impact statements. Requirements for additional information, if carried to extremes, can be a costly and time-consuming process. In order to hold requests for detailed information to only that necessary to evaluate the statement, the committee recommends that consideration be given to making EPA responsible for all or some portion of the cost of all environmental impact statements.

Therefore, the committee recommends that the Office of Management and Budget consider establishing procedures or regulations that would allow the Environmental Protection Agency to either finance or refund the cost of preparing impact statements.

INDEMNITY PAYMENTS FOR ECONOMIC OR PHYSICAL INJURY

The committee takes note of the action by the Administrator of the Environmental Protection Agency banning the use of DDT in this country effective December 31, 1972, except for use on green peppers, onions, and sweet potatoes in storage. In taking this action, the Administrator overrode the findings of the Federal hearing examiner, who ruled, based on the evidence at hand, that no reason existed for banning DDT.

In issuing his decision, the Administrator also urged quick passage of the pesticide legislation submitted by the administration which has been pending in Congress and stated.

> The present law is completely inadequate to allow me to regulate the use of pesticides for beneficial uses on a restricted basis.

Such authority may well be used to further ban or at least restrict other essential pesticides prior to the development of satisfactory alternatives.

The committee also takes note of the fact that the Administrator's order does not affect export of DDT to other countries. However, by our action the Administrator is indirectly telling them that they should likewise ban its use. This raises the question as to whether we are following a course that will, if carried forward, allow the underdeveloped countries to develop toward our own level while we, at the same time, drift backward toward their level of health, length of life, and standard of living.

The committee is convinced that the Administrator's decision on DDT raises serious questions. DDT has been widely used throughout the world and has reportedly saved millions of human lives through increased food production and disease eradication. According to information provided to the committee, throughout the many years of use, DDT has produced no known harmful effect to human health when properly used. The decision is within the power of the Administrator though doubtless this matter will eventually have to be settled by the courts.

It is to be noted that the Administrator says that in many respects the best substitutes constitute a real hazard—so much so that he has asked the committee, and the committee has acted favorably, for a training program for the substitutes.

He plans to turn to substitutes with which we have far less experience, are readily admitted to be highly toxic, and require a far greater frequency of application for a lesser result. The committee believes that funds should be available for indemnity payments to individuals who suffer economic or physical harm from the use of Government-forced substitutes.

Therefore, the committee recommends that the Environmental Protection Agency give serious consideration to establishing an indemnity program, similar to others now in existence throughout the Federal Government.

TAX CREDIT FOR POLLUTION ABATEMENT COSTS

The committee is convinced that a tax credit should be made up to probably 50 percent of the cost of pollution abatement in many cases. The committee is without authority to provide for such legislation, but strongly urges both the EPA and the appropriate legislative committee to cooperate in the passage of such legislation.

While the committee did not specifically address this item in the conference report, we are convinced that the unique problems associated with the proposed sewer demonstration project at Bend, Oreg., may well be of national significance. Therefore, the committee urges the Environmental Protection Agency to carefully review this proposal in light of its possible application to similar problems of many cities across the Nation. The House concurs with the Senate report language on this item.

This title, which includes programs for environmental protection totals $2,951,648,000, which is $17,475,000 above the budget and $33,337,000 below the Senate bill.

TITLE IV—CONSUMER PROGRAMS

The conference committee has agreed with the Senate figure of $2,500,000,000 for the food stamp program, which is $300,000,000 above 1972 and $158,854,000 above the budget but has provided that the amount above the budget shall be placed in contingency reserve by the Office of Management and Budget to be released upon determination of need. The total nutrition programs funded in this bill are in excess of $4 billion.

While the committee recognizes the value of these food programs, it is disturbed at the great amount of criticism and charges of waste and violations of regulations and even the law partially caused by the split responsibilities for the food stamp program. The House report noted that—

> This complicated program, with divided responsibility, has created an almost impossible situation where charges of violations are so numerous that the Department of Justice in most cases has not had sufficient personnel to prosecute and still meet its responsibilities with major cases. With one agency certifying eligibility and another having to administer the program, it appears that correction of abuse is impossible.
>
> In view of this, the committee considered transferring the funds for the food stamp program to the Department of Health, Education, and Welfare, the agency which, through welfare, certifies eligibility. Then in cases of violation, eligibility can easily be withdrawn, thus putting the program on a sound basis; however, it has been decided it would be better to make this change in an orderly manner.

The committee will expect serious consideration of this proposal to transfer the food stamp program before next year's budget is submitted to the Congress.

Although the dollar increases are not as large in absolute terms, in terms of potential impact on the average consumer the increases for the Food and Drug Administration and the Federal Trade Commission may be the most significant in the history of either agency and should help to greatly strengthen the programs of both.

The $159,623,000 for the Food and Drug Administration will provide for an additional 1,391 personnel, a 27-percent increase over the number of people available in 1972. The $39,365,000 increase is the largest yearly increase in the history of the agency. In fact, this increase exceeds the increases for the last 5 years combined.

When added to the $8,000,000 provided in the 1972 second supplemental, the total funds available will provide for over 19,000 inspections of food plants in 1973, as compared to only 8,000 in 1972. This dramatic increase should greatly reduce the problems of inadequate surveillance of food and drug plants.

The $5,285,000 increase in the Federal Trade Commission is also the largest single-year increase in its history and is equally significant. The increase will provide for an additional 205 employees, and will permit better program planning and increased economic analysis of major concentrated industries. Attorney and support personnel, especially in regional offices, have also been increased to assure that the Commission will be able to effectively enforce compliance with past orders and to pursue new orders where justified.

Title IV provides a total of $3,255,279,000 for consumer programs. This is $477,897,000 above 1972, and $167,176,500 above the budget request.

The following table shows the effect of the conference agreement in detail:

DEPARTMENT OF AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION—H.R. 15690

COMPARATIVE STATEMENT OF CONFEREE RECOMMENDATIONS AND NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1972 BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE HOUSE AND SENATE BILLS FOR 1973

Agency and title	New budget (obligational) authority enacted to date, fiscal 1972	Budget estimates of new budget (obligational) authority fiscal 1973	New budget (obligational) authority recommended in House bill 1973	New budget (obligational) authority recommended in Senate bill 1973	New budget (obligational) authority recommended by Conferees	Increase (+) or decrease (−) Conferee recommendations compared with—			
						1972	1973 budget	1973 House bill	1973 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—AGRICULTURAL PROGRAMS									
DEPARTMENT OF AGRICULTURE									
Departmental Management									
Office of the Secretary	$9,485,000	$10,312,000	$11,112,000	$10,312,000	$11,112,000	+$1,627,000	+$800,000	----------	+$800,000
Office of the Inspector General	14,354,000	14,519,000	14,519,000	14,519,000	14,519,000	+165,000	----------	----------	----------
Transfer from Food Stamp	(4,077,000)	(4,250,000)	(4,250,000)	(4,250,000)	(4,250,000)	(+173,000)	(----------)	(----------)	(----------)
Total, Office of the Inspector General	(18,431,000)	(18,769,000)	(18,769,000)	(18,769,000)	(18,769,000)	(+338,000)	(----------)	(----------)	(----------)
Office of the General Counsel	6,560,000	6,666,000	6,666,000	6,666,000	6,666,000	+106,000	----------	----------	----------
Office of Management Services	3,889,000	4,147,000	4,110,000	4,174,000	4,147,000	+258,000	----------	+$37,000	----------
Total, Departmental Management	34,288,000	36,644,000	36,470,000	35,644,000	36,444,000	+2,156,000	+800,000	+37,000	+800,000
Science and Education Programs									
Agricultural Research Service:									
Research	176,746,500	177,814,000	181,922,000	201,018,400	188,036,600	+11,290,100	+10,222,600	+6,114,600	−12,981,800
Transfer from Sec. 32	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(----------)	(----------)	(----------)	(----------)
Special fund (reappropriation)	2,000,000	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	−2,000,000	(----------)	(----------)	(----------)
Scientific activities overseas	10,000,000	20,000,000	10,000,000	20,000,000	10,000,000	----------	−10,000,000	----------	−10,000,000
Total, Agricultural Research Service	188,746,500	197,814,000	191,922,000	221,018,400	198,036,600	+9,290,100	+222,600	+6,114,600	−22,981,800
Animal and Plant Health Inspection Service	252,514,650	285,858,000	287,404,000	295,454,000	289,304,000	+36,789,350	+3,446,000	+1,900,000	−6,150,000
Cooperative State Research Service	82,948,000	87,938,000	89,938,000	94,138,000	91,438,000	+8,490,000	+3,500,000	+1,500,000	−2,700,000
Extension Service	172,279,000	181,831,000	191,831,000	[1] 197,331,000	194,331,000	+22,052,000	+12,500,000	+2,500,000	−3,000,000
National Agricultural Library	4,142,750	4,226,750	4,226,750	4,226,750	4,226,750	+84,000	----------	----------	----------
Total, Science and Education Programs	700,630,900	757,667,750	765,321,750	812,168,150	777,336,350	+76,705,450	+19,668,600	+12,014,600	−34,831,800
Agricultural Economics									
Statistical Reporting Service	21,088,000	22,836,000	22,800,000	22,936,000	22,834,200	+1,746,200	−1,800	+34,200	−101,800
Economic Research Service	16,471,000	18,022,000	17,086,000	18,572,000	17,829,000	+1,358,000	−193,000	+743,000	−743,000
Total, Agricultural Economics	37,559,000	40,858,000	39,886,000	41,508,000	40,663,200	+3,104,200	−194,800	+777,200	−844,800
Marketing Services									
Agricultural Marketing Service:									
Marketing Services	32,069,000	34,174,000	34,174,000	34,210,000	34,210,000	+2,141,000	+36,000	+36,000	----------
Payments to States and Possessions	1,600,000	1,600,000	1,750,000	2,500,000	2,500,000	+900,000	+900,000	+750,000	----------
Total, Agricultural Marketing Service	33,669,000	35,774,000	35,924,000	36,710,000	36,710,000	+3,041,000	+936,000	+786,000	----------

DEPARTMENT OF AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION—H.R. 15690—Continued

COMPARATIVE STATEMENT OF CONFEREE RECOMMENDATIONS AND NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1972 BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE HOUSE AND SENATE BILLS FOR 1973—Continued

Agency and title (1)	New budget (obligational) authority enacted to date, fiscal 1972 (2)	Budget estimates of new budget (obligational) authority fiscal 1973 (3)	New budget (obligational) authority recommended in House bill 1973 (4)	New budget (obligational) authority recommended in Senate bill 1973 (5)	New budget (obligational) authority recommended by Conferees (6)	Increase (+) or decrease (−) Conferee recommendations compared with— 1972 (7)	1973 budget (8)	1973 House bill (9)	1973 Senate bill (10)
Commodity Exchange Authority	$2,843,000	$2,906,000	$2,906,000	$2,906,000	$2,906,000	+$63,000			
Packers and Stockyards Administration	4,005,650	4,062,650	4,026,650	4,062,650	4,062,650	+57,000			
Farmer Cooperative Service	1,909,000	1,955,000	1,955,000	2,155,000	2,055,000	+146,000	+$100,000	+$100,000	−$100,000
Total, Marketing Services	42,426,650	44,697,650	44,847,650	45,833,650	45,733,650	+3,307,000	+1,036,000	+886,000	−100,000
International Programs									
Foreign Agricultural Service	25,536,000	26,074,000	25,536,000	26,074,000	25,805,000	+269,000	−269,000	+269,000	−269,000
Transfer from Sec. 32	(3,117,000)	(3,117,000)	(3,117,000)	(3,117,000)	(3,117,000)	(------)	(------)	(------)	(------)
Total, Foreign Agricultural Service	(28,653,000)	(29,191,000)	(28,653,000)	(29,191,000)	(28,992,000	(+269,000)	(−269,000)	(+269,000)	(−269,000)
Public Law 480	1,320,400,000	895,000,000	895,000,000	895,000,000	895,000,000	−425,400,000			
Total, International Programs	1,345,936,000	921,074,000	920,536,000	921,074,000	920,805,000	−425,131,000	−269,000	+269,000	−269,000
COMMODITY PROGRAMS									
Agricultural Stabilization and Conservation Service:									
Salaries and Expenses	165,039,000	169,235,000	169,235,000	169,235,000	169,235,000	+4,196,000			
Transfer from CCC	(77,256,000)	(78,346,000)	(78,346,000)	(78,346,000)	(78,346,000)	(+1,090,000)			
Total, Expenses, ASCS	(242,295,000)	(247,581,000)	(247,581,000)	(247,581,000)	(247,581,000)	(+5,286,000)			
Sugar Act program	86,000,000	84,500,000	84,500,000	84,500,000	84,500,000	−1,500,000			
Cropland adjustment program	67,100,000	52,500,000	52,500,000	52,500,000	52,500,000	−14,600,000			
Dairy and beekeeper indemnity programs	7,500,000	3,500,000	3,500,000	3,500,000	3,500,000	−4,000,000			
Federal Crop Insurance Corporation:									
Administrative and operating expenses	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000				
FCIC fund (premium income)	(3,587,000	(3,654,000)	(3,654,000)	(3,654,000)	(3,654,000)	(+67,000)	(------)	(------)	(------)
Total, administrative and operating expenses FCIC	(15,587,000)	(15,654,000)	(15,654,000)	(15,654,000)	(15,654,000)	(+67,000)	(------)	(------)	(------)
Subscription to capital stock	10,000,000					−10,000,000			
Total Federal Crop Insurance Corporation	22,000,000	12,000,000	12,000,000	12,000,000	12,000,000	−10,000,000			
Commodity Credit Corporation:									
Reimbursement for net realized losses	4,213,331,000	4,057,952,000	3,832,952,000	4,057,952,000	4,057,952,000	−155,379,000		+225,000,000	
Limitation on administrative expenses	(40,200,000)	(39,900,000)	(39,900,000)	(39,900,000)	(39,900,000)	(−300,000)			
Total, Commodity Credit Corporation	4,213,331,000	4,057,952,000	3,882,952,000	4,057,952,000	4,057,952,000	−155,379,000		+225,000,000	
Total, Commodity Programs	4,560,970,000	4,379,687,000	4,154,687,000	4,379,687,000	4,379,687,000	−181,283,000		+225,000,000	
Total, Title I, Agricultural Programs	6,721,810,550	6,179,628,400	5,961,685,400	6,235,914,800	6,200,669,200	−521,141,350	+21,040,800	+238,983,800	−35,245,000
TITLE II—RURAL DEVELOPMENT									
DEPARTMENT OF AGRICULTURE									
Rural Development Service	250,000	500,000	250,000	500,000	400,000	+150,000	−100,000	+150,000	−100,000
Resource conservation and development	20,867,000	20,600,000	20,867,000	26,600,000	26,600,000	+5,733,000	+6,000,000	+5,733,000	
Rural Electrification Administration:									
Loan authorization:									
Electrification	545,000,000	331,000,000	438,000,000	488,000,000	488,000,000	−57,000,000	+157,000,000	+50,000,000	
Unobligated balances available		(107,000,000)	(107,000,000)	(107,000,000)	(107,000,000)	(+107,000,000)			
Total available	(545,000,000)	(438,000,000)	(545,000,000)	(595,000,000)	(595,000,000)	(+50,000,000)	(+157,000,000)	(+50,000,000)	
Telephone	124,100,000	125,000,000	125,000,000	145,000,000	145,000,000	+20,900,000	+20,000,000	+20,000,000	
Total, loans (authorization to spend debt receipts)	669,100,000	456,000,000	563,000,000	633,000,000	633,000,000	−36,100,000	+177,000,000	+70,000,000	
Rural Telephone Bank	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000				
Salaries and expenses	16,706,000	16,720,000	16,720,000	16,720,000	16,720,000	+14,000			
Total, Rural Electrification Administration	715,806,000	502,720,000	609,720,000	679,720,000	679,720,000	−36,086,000	+177,000,000	+70,000,000	
Farmers Home Administration:									
Direct loan account:									
Operating loans	(350,000,000)	(275,000,000)	(350,000,000)	(350,000,000)	(350,000,000)	(------)	(+75,000,000)	(------)	(------)
Soil conservation loans	(8,700,000)	(24,000,000)	(24,000,000)	(24,000,000)	(24,000,000)	(+15,300,000)	(------)	(------)	(------)
Total, direct loan account	(358,700,000)	(299,000,000)	(374,000,000)	(374,000,000)	(374,000,000)	(+15,300,000)	(+75,000,000)	(------)	(------)

Footnotes at end of table.

Agency and title	New budget (obligational) authority enacted to date, fiscal 1972	Budget estimates of new budget (obligational) authority fiscal 1973	New budget (obligational) authority recommended in House bill 1973	New budget (obligational) authority recommended in Senate bill 1973	New budget (obligational) authority recommended by Conferees	Increase (+) or decrease (−) Conferee recommendations compared with—			
						1972	1973 budget	1973 House bill	1973 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE II—RURAL DEVELOPMENT—Continued									
DEPARTMENT OF AGRICULTURE—Continued									
Farmers Home Admin.—Con.									
Rural Housing Insurance Fund:									
Reimbursement for interest and other losses	$23,663,000	$51,461,000	$51,461,000	$51,461,000	$51,461,000	+$27,798,000			
Direct loans	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)				
Insured loans	(1,605,000,000)	(2,114,000,000)	(2,144,000,000)	(2,144,000,000)	(2,144,000,000)	(+539,000,000)			
Total, Rural Housing Insurance Fund	(1,638,663,000)	(2,205,641,000)	(2,205,461,000)	(2,205,461,000)	(2,205,461,000)	(+566,798,000)			
Agricultural Credit Insurance Fund:									
Reimbursement for interest and other losses	37,192,000	56,762,000	56,762,000	56,762,000	56,762,000	+19,570,000			
Insured real estate loans	(372,000,000)	(370,000,000)	(370,000,000)	(470,000,000)	(370,000,000)	(−2,000,000)			(−$100,000,000)
Insured water and waste disposal loans	(300,000,000)	(300,000,000)	(300,000,000)	(300,000,000)	(300,000,000)				
Total, Agriculture Credit Insurance Fund	(709,192,000)	(726,762,000)	(726,762,000)	(826,762,000)	(726,762,000)	(+17,570,000)			(−100,000,000)
Rural water and waste disposal grants	44,000,000		42,000,000	142,000,000	92,000,000	+48,000,000	+$92,000,000	$+50,000,000	−50,000,000
Unobligated balance available from previous years	(56,000,000)	[2] (58,000,000)	(58,000,000)	(58,000,000)	(58,000,000)	(+2,000,000)			
Total, rural water and waste disposal grants	(100,000,000)	(58,000,000)	(100,000,000)	(200,000,000)	(150,000,000)	(+50,000,000)	(+92,000,000)	(+50,000,000)	(−50,000,000)
Rural housing for domestic farm labor	2,500,000	2,500,000	2,500,000	7,000,000	3,750,000	+1,250,000	+1,250,000	+1,250,000	−3,250,000
Mutual and self-help housing	2,000,000	3,000,000	3,000,000	3,000,000	3,000,000	+1,000,000			
Salaries and expenses	110,114,000	112,743,000	112,743,000	117,743.000	112,743,000	+12,629,000			−5,000,000
Transfer from loan accounts	(2,750,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(−1,250,000)			
Total, salaries and expenses	(102,864,000)	(114,243,000)	(114,243,000)	(119,243,000)	(114,243,000)	(+11,379,000)			(−5,000,000)
Total, Farmers Home Administration	209,469,000	226,466,000	268,466,000	377,966,000	319,716,000	+110,247,000	+93,250,000	+51,250,000	−58,250,000
INDEPENDENT AGENCIES									
Farm Credit Administration:									
Limitation on administrative expenses	(5,200,000)	(5,545,000)	(5,545,000)	(5,545,000)	(5,545,000)	(+345,000)	( )	( )	( )
Total, Title II, rural development	946,392,000	750,286,000	899,303,000	1,084,786,000	1,026,436,000	+80,044,000	+$276,150,000	+127,133,000	−58,350,000
TITLE III—ENVIRONMENTAL PROGRAMS									
INDEPENDENT AGENCIES									
Council on Environmental Quality and Office of Environmental Quality	2,300,000	2,550,000	2,550,000	2,550,000	2,550,000	+250,000			
Environmental Protection Agency:									
Agency and regional management	34,460,400	41,460,400	41,960,400	491,514,000	41,960,400	+7,500,000	+500,000	−30,000,000	−24,500,000
Research and Development	168,154,018	167,223,700	185,223,700		185,223,700	+17,069,682	+18,000,000		
Abatement and Control	186,142,800	207,435,700	[3] 240,935,700		210,935,700	+24,792,900	+3,500,000		
Enforcement	21,345,100	28,894,200	28,894,200		28,894,200	+7,549,100			
Facilities	28,000,000	1,000,000				−28,000,000	−1,000,000		
Employment savings	2,418,000					−2,418,000			
Construction grants	2,000,000,000	2,000,000,000	1,900,000,000	1,900,000,000	1,900,000,000	−100,000,000	−100,000,000		
Scientific activities overseas	7,000,000	7,000,000	4,000,000	4,000,000	4,000,000	−3,000,000	−3,000,000		
Total, Environmental Protection Agency	2,447,520,318	2,453,014,000	2,401,014,000	2,395,514,000	2,371,014,000	−76,506,318	−82,000,000	−30,000,000	−24,500,000
National Commission on Materials Policy	500,000	1,300,000	1,300,000	1,300,000	1,300,000	+800,000			
DEPARTMENT OF COMMERCE									
National Pollution Control Council	316,059	323,000	310,000	323,000	323,000	+6,941		+13,000	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
Grants for basic water and sewer facilities	500,000,000					−500,000,000			
Unobligated balance available from previous years	(200,000,000)	(500,000,000)	(500,000,000)	(500,000,000)	(500,000,000)	(+300,000,000)	( )	( )	( )
Less: Amounts frozen by OMB	(500,000,000)	(300,000,000)	( )	( )	( )	(+500,000,000)	(−300,000,000)	( )	( )
Program	(200,000,000)	(200,000,000)	(500,000,000)	(500,000,000)	(500,000,000)	(+300,000,000)	(+300,000,000)	( )	( )

DEPARTMENT OF AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION—H.R. 15690—Continued

COMPARATIVE STATEMENT OF CONFEREE RECOMMENDATIONS AND NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1972 BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE HOUSE AND SENATE BILLS FOR 1973—Continued

Agency and title	New budget (obligational) authority enacted to date, fiscal 1972	Budget estimates of new budget (obligational) authority fiscal 1973	New budget (obligational) authority recommended in House bill 1973	New budget (obligational) authority recommended in Senate bill 1973	New budget (obligational) authority recommended by Conferees	Increase (+) or decrease (−) Conferee recommendations compared with—			
						1972	1973 budget	1973 House bill	1973 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
DEPARTMENT OF AGRICULTURE									
Soil Conservation Service:									
Conservation operations	$154,734,000	$155,069,000	$155,069,000	$165,069,000	$160,069,000	$+5,335,000	+$5,000,000	+$5,000,000	−$5,000,000
River basin surveys and investigations	10,091,000	11,607,000	11,607,000	11,607,000	11,607,000	+1,516,000	----------	----------	----------
Watershed planning	6,740,000	7,122,000	7,122,000	8,122,000	7,622,000	+882,000	+500,000	+500,000	−500,000
Watershed and flood prevention operations	132,099,000	125,137,000	132,099,000	135,000,000	133,549,500	+1,450,500	+8,412,500	+1,450,500	−1,450,500
Great Plains conservation program	18,113,500	18,051,000	18,113,500	20,000,000	18,113,500	----------	+62,500	----------	−1,886,500
Total, Soil Conservation Service	321,777,500	316,986,000	324,010,500	339,798,000	330,961,000	+9,183,500	+13,975,000	+6,950,500	−8,837,000
Agricultural Stabilization and Conservation Service:									
Rural environmental assistance program:									
Advance authorization (contract authorization)	195,500,000	140,000,000	195,500,000	225,500,000	225,500,000	+30,000,000	+85,500,000	+30,000,000	----------
Transfer from Environmental Protection Agency	(----------)	(----------)	(30,000,000)	(----------)	(----------)	(----------)	(----------)	(−30,000,000)	(----------)
Program level	(195,500,000)	(140,000,000)	(225,500,000)	(225,500,000)	(225,500,000)	(+30,000,000)	(+85,500,000)	(----------)	(----------)
Liquidation of contract authorization	(150,000,000)	(195,500,000)	(195,500,000)	(195,500,000)	(195,500,000)	(+45,500,000)	----------	----------	----------
Water Bank Act program	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	----------	----------	----------	----------
Emergency conservation measures	12,000,000	10,000,000	10,000,000	10,000,000	10,000,000	2,000,000	----------	----------	----------
Total, Agricultural Stabilization and Conservation Service	217,500,000	160,000,000	215,500,000	245,500,000	245,500,000	+28,000,000	+85,500,000	+30,000,000	----------
Total, Title III—Environmental programs	3,489,913,877	2,934,173,000	2,944,684,500	2,984,985,000	2,951,648,000	−538,265,877	+17,475,000	+6,963,500	−33,337,000
TITLE IV—CONSUMER PROGRAMS									
INDEPENDENT AGENCIES									
Office of Consumer Affairs	977,000	1,118,000	1,033,000	1,118,000	1,075,500	+98,500	−42,500	+42,500	−42,500
Consumer Products Information Coordinating Center	457,000	643,000	823,000	823,000	823,000	+366,000	+180,000	----------	----------
National Commission on Consumer Finance	625,000	(4)	320,000	413,000	365,000	−260,000	+365,000	+45,000	−48,000
DEPARTMENT OF AGRICULTURE									
Food and Nutrition Service:									
Child Nutrition programs	363,876,000	471,296,000	471,296,000	471,296,000	471,296,000	+107,420,000	----------	----------	----------
Transfer from sec. 32	(232,043,000)	(119,165,000)	(119,165,000)	(119,165,000)	(119,165,000)	(−112,878,000)	(----------)	(----------)	(----------)
Total, child nutrition programs	(595,919,000)	(590,461,000)	(590,461,000)	(590,461,000)	(590,461,000)	(−5,458,000)	----------	----------	----------
Special milk program	104,000,000	92,123,000	92,123,000	97,123,000	97,123,000	−6,877,000	+5,000,000	+5,000,000	----------
Food stamp program	2,200,000,000	2,341,146,000	2,341,146,000	2,500,000,000	2,500,000,000	+300,000,000	+158,854,000	+158,854,000	----------
Total, Food and Nutrition Service	2,667,876,000	2,904,565,000	2,904,565,000	3,068,419,000	3,068,419,000	+400,543,000	+163,854,000	+163,854,000	----------
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
Food and Drug Administration:									
Food, Drug, and Product Safety:									
Appropriation	112,258,000	148,423,000	154,123,000	154,123,000	154,123,000	+41,865,000	+5,700,000	----------	----------
Prior year unobligated balance	(----------)	(----------)	(1,600,000)	(1,600,000)	(1,600,000)	(+1,600,000)	(+1,600,000)	(----------)	(----------)
Program level	(112,258,000)	(148,423,000)	(155,723,000)	(155,723,000)	(155,723,000)	(+43,465,000)	(+7,300,000)	(----------)	(----------)
Buildings and facilities:									
Appropriation	----------	5,000,000	----------	----------	----------	----------	−5,000,000	----------	----------
Prior-year unobligated balances	(8,000,000)	(----------)	(3,900,000)	(3,900,000)	(3,900,000)	(−4,100,000)	(+3,900,000)	(----------)	(----------)
Program level	(8,000,000)	(5,000,000)	(3,900,000)	(3,900,000)	(3,900,000)	(−4,100,000)	(−1,100,000)	(----------)	(----------)
Total, Food and Drug Administration:									
Appropriation	112,258,000	153,423,000	154,123,000	154,123,000	154,123,000	+41,865,000	+700,000	----------	----------
Prior-year unobligated balances	(8,000,000)	(----------)	(5,500,000)	(5,500,000)	(5,500,000)	(−2,500,000)	(+5,500,000)	(----------)	(----------)
Program level	(120,258,000)	(153,423,000)	(159,623,000)	(159,623,000)	(159,623,000)	(+39,365,000)	(+6,200,000)	(----------)	(----------)
INDEPENDENT AGENCIES									
Federal Trade Commission	25,189,000	28,354,000	30,474,000	30,474,000	30,474,000	+5,285,000	+2,120,000	----------	----------
Total, Title IV, Consumer programs	2,807,382,000	3,088,103,000	3,091,338,000	3,255,370,000	3,255,279,500	+447,897,500	+167,176,500	+163,941,500	−90,500

Footnotes at end of table.

Agency and title (1)	New budget (obligational) authority enacted to date, fiscal 1972 (2)	Budget estimates of new budget (obligational) authority fiscal 1973 (3)	New budget (obligational) authority recommended in House bill 1973 (4)	New budget (obligational) authority recommended in Senate bill 1973 (5)	New budget (obligational) authority recommended by Conferees (6)	Increase (+) or decrease (−) Conferee recommendations compared with— 1972 (7)	1973 budget (8)	1973 House bill (9)	1973 Senate bill (10)
RECAPITULATION									
Title I—Agricultural Programs	$6,721,810,550	$6,179,628,400	$5,961,685,400	$6,235,914,800	$6,200,669,200	−$521,141,350	+$21,040,800	+$238,983,800	−$35,245,600
Title II—Rural Development	946,392,000	750,286,000	899,303,000	1,084,786,000	1,026,436,000	+80,044,000	+276,150,000	+127,133,000	−58,350,000
Title III—Environmental Programs	3,489,913,877	2,934,173,000	2,944,684,500	2,984,985,000	2,951,648,000	−538,265,877	+17,475,000	+6,963,500	−33,337,000
Title IV—Consumer Programs	2,807,382,000	3,088,103,000	3,091,338,000	3,255,370,000	3,255,279,500	+447,897,500	+167,176,500	+163,941,500	−90,500
Total, New budget (obligational authority)	13,965,498,427	12,952,190,400	12,897,010,900	13,561,055,800	13,434,032,700	−531,465,727	+481,842,300	+537,021,800	−127,023,100
CONSISTING OF									
1. Appropriations	13,098,898,427	12,356,190,400	12,138,510,900	12,702,555,800	12,575,532,700	−523,365,727	+219,432,300	+437,021,800	−127,023,100
2. Reappropriations	2,000,000					−2,000,000			
3. Contract authorization	195,500,000	140,000,000	195,500,000	225,500,000	225,500,000	+30,000,000	+85,500,000	+30,000,000	
4. Authorizations to spend from debt receipts	669,100,000	456,000,000	563,000,000	633,000,000	633,000,000	−36,100,000	+177,000,000	+70,000,000	
MEMORANDUMS									
1. Appropriations to liquidate contract authority	150,000,000	195,500,000	195,500,000	195,500,000	195,500,000	+45,500,000			
2. Appropriations including appropriations to liquidate contract authority	13,248,988,427	12,551,690,400	12,334,010,900	12,898,055,800	12,771,032,700	−477,865,727	+219,342,300	+437,021,800	−127,023,100
3. Transfers from Sec. 32	250,160,000	137,282,000	137,282,000	137,282,000	137,282,000	−112,878,000			
4. Transfer from CCC	77,256,000	78,346,000	78,346,000	78,346,000	78,346,000	+1,090,000			

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[1] The Senate approved a floor amendment which increased the "Payments for Rural Development work under Section 3(d)" by $3,000,000 over the Committee Bill. However, the amendment failed to increase the "in all" provision. Consequently there are no funds in the Bill to carry our the ncrease.

[2] The Budget proposed to use $42,000,000 of this amount.

[3] Includes $30,000,000 to be transferred to the Rural Environmental Assistance Program.

[4] Because of a lack of authorizing legislation, no formal budget request was submitted. However, OMB permitted testimony in support of a $500,000 appropriation.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I will be glad to yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding. I direct the gentleman's attention to amendment 23 on page 8. This indicates that the conference report approves almost $200 million more in restoration of Commodity Credit Corporation resources, as contrasted with the House proposal.

Can the gentleman explain why this increase, and if this brings it up to the full reimbursement, why the House language did not seek full reimbursement?

Mr. WHITTEN. There is a difference of viewpoint as to the House and as to the Senate. In the House we were faced with certain realities of life. I, for one, have held that it is not necessary to add money to the capital reserves of this Corporation if present projection of need indicate that it is not warranted.

On the other side, they feel that the Corporation should be kept fully intact. I say to my friend from Illinois that I am one of those who, with all the things I see around me, cannot argue about having a completely solid Commodity Credit Corporation, in view of what I see in every direction I look. Here is a Corporation to which we can look in case hard times do come, and as we do get more and more urbanized.

So we yielded to the other body. In the first place, we had to, or we could not reach agreement. In the second place, money will not be drawn from the Treasury until it is used. It will not be spent until it is required under the law. So really it is a bookkeeping item and does not affect actual expenditures. It might be worth its weight in gold when we come to a period when we might not be able to get a proper appropriation for those who need it.

Mr. FINDLEY. Can the gentleman explain whether this fully reimburses all the impairment that was occurred during the previous year?

Mr. WHITTEN. To my knowledge it does and was so represented to the committee in our hearings.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, I am not trying to judge the goodness or the badness of the Wholesome Meat Act, at this time. But since this is an appropriation conference report, I do want to call to the chairman's attention a series of incidents.

Under the Clean Meat Act the State was supposed to come up with a program which was equal to the Federal program. Thus we might expect the State would end up having a State inspection or a Federal inspection as the result of that act. What we have now is a multiple inspection system. Illustration: The State man inspects a plant. The next day a Federal inspector inspects the plant to see if the State inspector has done his job properly, in an "equal to Federal" fashion. The next day someone from the Inspector General's Office comes out to see if the Federal inspector did his job properly. Finally the General Accounting Office comes to see if the three previous individuals functioned according to law. In other words, instead of one man we have four.

In another instance the State secretary of agriculture reported he had several different Federal people in his office at one time from a multiplicity of offices, checking up on the administration of the act.

Another small plant operator, in a very small plant, reported he had five different inspectors with five different automobiles at his plant at one time, all of them ostensibly inspecting the plant.

I would hope, I say to the gentleman, that the committee will give a little oversight to this operation, because regardless of the efficacy of this Wholesome Meat Act, the administration of it is becoming in many instances a ridiculous proposition and in other instances, it is intolerable. The operator does not know which master to serve.

Mr. WHITTEN. I thank the gentleman from Iowa. I, too, can see many problems arising in the area of meat inspection. I see some of the demands made by some of the consumer groups without any awareness of the processes which increase the cost, but the result will be in some instances that people will quit producing food, as I said earlier.

We have tried to do what we can in this area. As the gentleman knows, this is a program where if the State does not meet the standards the Federal Government steps in. I have had several other administrative problems which do deal with administration of these acts, and I think we have in the Secretary a very fine person to work with in trying to bring about a minimum of dislocation in these programs.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as I recall the House appropriation bill as presented to this body, was below the request of the executive branch. Of course, the President's budget request showed a total deficit of about $25 billion, but, nevertheless, a great many of us rejoiced that the appropriation bill for Agriculture and related agencies was within what the President had asked for. I take this time merely to point out to my colleagues that here is an example of how the budget deficit keeps growing. We started out here believing we were living within the President's request at least, and we wound up with a conference report which is almost one-half billion dollars more in the red than the House version. With the President's budget $25 billion in the red, the effect of this bill alone is to raise that to $25.5 billion.

Mr. WHITTEN. We must remember it is not only the expenditures involved, but also there is a restoration of the Commodity Credit Corporation, which will not be needed in the coming year. I know it will not be, but it does keep the corporation intact.

Mr. Speaker, I yield to my colleague, the ranking minority Member from North Dakota (Mr. ANDREWS).

Mr. ANDREWS of North Dakota. Mr. Speaker, I should like to join the chairman in the remarks he has made and commend to the House the report of the conferees, as well as the report of the House subcommittee in the first place.

I would point out again to our colleagues that the increase over the original House version includes $225.5 million, as has been pointed out, for reimbursement of the CCC. This is money which will have to be spent whether or not it is in this bill.

There is another $158 million increase over the original House version for food stamps. This amount of money for food stamps has been placed in a budgetary reserve to be used only if needed in an emergency.

These two items constitute almost $400 million, a majority of the half billion dollars we have talked about as being over the original House version.

There are increases of $50 million for REA and $20 million for RTA which are not grant funds but are loan funds and will be returned to the Treasury with interest.

I commend this bill to my colleagues and I urge support of the conference report.

Mr. MATSUNAGA. Mr. Speaker, the conference report on H.R. 15690 is a composite bill providing 1973 appropriations for a wide variety of programs. It is inevitable that the final version of the measure will contain so much that it is very difficult to focus on individual items, no matter how important.

However, there are relatively small sums included in H.R. 15690 for two vital programs, which I would like to bring to the attention of the House.

First, tropical and subtropical agriculture research authorized by the 1966 Food for Peace Act, and

Second, research into combating "smut," a sugarcane disease which has invaded Hawaii and threatens other sugar-producing areas of the United States.

The $500,000 for tropical agriculture research would begin to implement the program of research and training which Congress authorized 6 years ago when it adopted the Matsunaga amendment to the Food for Peace Act.

More than half of the world's population reside in warmer climates, and we find there large numbers of developing countries with basic problems in feeding their people.

In some of these areas research on a limited scale has already produced noteworthy results. The "Green Revolution" in cereal grains, for example, has diminished the specter of starvation. Now, it is necessary to make similar dramatic breakthroughs with regard to tropical fruits, vegetables, and livestock products. The research centers which the $500,000 in H.R. 15690 would be used to plan would deal with these present shortcomings.

Of course, the new technologies developed at the research centers would also be usable to a certain extent in those areas of the continental United States having a warm climate.

The other item contained in the conference report is $200,000, urgently needed to cobmat the spread of a devastating and fast-spreading sugarcane disease called smut. The result of smut infection is a serious reduction in sugar yield of any canefield in which smut is found.

There is no record of smut disease having been found in the United States before the recent outbreak in Hawaii. It is found, however, in many of the sugarcane-growing countries of the world.

It is possible that the spores of the disease organism arrived in Hawaii on the shoes or clothing of visitors. It is also possible that spores could soon find their way to other U.S. cane-growing areas in the same way. Thus, this disease poses a serious economic threat to the sugarcane-growing areas in Hawaii, Louisiana, Florida, and Puerto Rico.

Mr. Speaker, I urge the adoption of the conference report on H.R. 15690 so that work may be carried on in these important areas.

Mr. WHITTEN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BOLLING). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DEVINE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 317, nays 80, not voting 35, as follows:

[Roll No. 308]

YEAS—317

Abbitt
Abernethy
Abourezk
Abzug
Adams
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Baker
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Blanton
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Celler
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Collins, Ill.
Conover
Cotter
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Dellums
Denholm
Dennis
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Duncan
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Leggett
Link
Lloyd
Long, Md.
Lujan
McClory
McCollister
McFall
McKay
McKevitt
McMillan
Macdonald, Mass.
Madden
Mahon
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Runnels
Ruppe
Ryan
Sarbanes
Scherle
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Udall
Ullman

Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Wilson, Charles H.
Winn
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—80

Anderson, Calif.
Archer
Ashbrook
Bell
Betts
Biaggi
Bow
Burke, Fla.
Byrnes, Wis.
Cederberg
Clancy
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conte
Conyers
Corman
Coughlin
Crane
Davis, Wis.
Delaney
Dellenback
Devine
Dickinson
Dulski
du Pont
Edwards, Ala.
Erlenborn
Eshleman
Fascell
Findley
Fish
Frelinghuysen
Frenzel
Frey
Grover
Gubser
Hall
Hastings
Hosmer
Jonas
Keith
Landgrebe
Latta
Lent
McCloskey
McDade
McEwen
McKinney
Mailliard
Mosher
Pike
Pirnie
Robinson, Va.
Rousselot
Ruth
St Germain
Sandman
Satterfield
Saylor
Scheuer
Schneebeli
Shriver
Smith, Calif.
Smith, N.Y.
Spence
Terry
Van Deerlin
Veysey
Waldie
Ware
Whalley
Wiggins
Williams
Wilson, Bob
Wolff
Wyatt
Young, Fla.

NOT VOTING—35

Addabbo
Badillo
Blatnik
Boggs
Broomfield
Colmer
Davis, Ga.
Dowdy
Dwyer
Edmondson
Flynt
Gallagher
Gray
Hagan
Hébert
Lennon
Long, La.
McClure
McCormack
McCulloch
McDonald, Mich.
Miller, Calif.
Minshall
Nedzi
O'Neill
Passman
Pelly
Powell
Rarick
Rooney, N.Y.
Roybal
Schmitz
Stuckey
Thompson, N.J.
Tiernan

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Broomfield.
Mr. Rooney of New York with Mr. Pelly.
Mr. Addabbo with Mr. Minshall.
Mr Boggs with Mr. Powell.
Mr. O'Neill with Mr. Miller of California.
Mr. Blatnik with Mr. Gallagher.
Mr. Lennon with Mr. McClure.
Mr. Thompson of New Jersey with Mrs. Dwyer.
Mr. Tiernan with Mr. McCulloch.
Mr. Gray with Mr. Roybal.
Mr. McCormack with Mr. Schmitz.
Mr. Nedzi with Mr. McDonald of Michigan.
Mr. Passman with Mr. Hagan.
Mr. Davis of Georgia with Mr. Colmer.
Mr. Edmondson with Mr. Badillo.
Mr. Flynt with Mr. Rarick.
Mr. Stuckey with Mr. Long of Louisiana.

Messrs. MIKVA and PEYSER changed their votes from "nay" to "yea."

Mr. BYRNES of Wisconsin changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 1: On page 2, line 14, strike "$11,112,000" and insert $10,312,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$11,112,000, of which $3,464,000 shall be available for the Office of Information and".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 30: On page 28, line 11, strike "$100,000,000" and insert "$200,000,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 30 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment insert "$150,000,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 31: Page 28, line 17, insert: "*Provided*, That this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1973."

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 35: page 31, line 18, strike out:

"RESEARCH AND DEVELOPMENT

"For research and development activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate of GS 18; purchase of reprints; library memberships in societies or associations which issue publications to members only at a price to members lower than to subscribers who are not members; $182,723,700, to remain available until expended: *Provided*, That this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1973.

"For an amount to provide for independent grant and contract review advisory committees for the review of the Agency's priorities to assure that such contracts and grants are awarded only to qualified research agencies or individuals, $2,500,000."

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"RESEARCH AND DEVELOPMENT

"For research and development activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate of GS–18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; $182,723,700, to remain available until expended: *Provided*, That not later than the date set forth in section 102(c) of the joint resolution approved July 1, 1972 (Public Law 92–334), as amended, this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1973.

"For an amount to provide for independent grant and contract review advisory committees for the review of the Agency's priorities to assure that such contracts and awards are awarded only to qualified research agencies or individuals, $2,500,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 36: page 32, line 10, strike out:

"ABATEMENT AND CONTROL

"For abatement and control activities including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; $208,935,700, to remain available until expended: *Provided*, That this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1973.

"For an amount to provide for independent grant and contract review advisory committees for the review of the Agency's priorities to assure that such contracts and grants are awarded only to qualified research agencies or individuals, $2,000,000.

"For an amount to provide for conservation and pollution abatement practices including animal waste storage and diversion facilities and disposal of solid wastes, to be transferred to the Rural Environmental Assistance Program of the Department of Agriculture for liquidation of contracts under the 1973 program $30,000,000, to remain available until expended.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 36 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"ABATEMENT AND CONTROL

"For abatement and control activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; $208,935,700, to remain available until expended: *Provided*, That not later than the date set forth in section 102 (c) of the joint resolution approved July 1, 1972 (Public Law 92–334), as amended, this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1973.

"For an amount to provide for independent grant and contract review advisory committees for the review of the Agency's priorities to assure that such contracts and grants are awarded only to qualified agencies or individuals, $2,000,000.

"Not to exceed 7 per centum of any appropriation made available to the Environmental Protection Agency by this Act (except appropriations for "Construction Grants" and "Scientific Activities Overseas") may be transferred to any other such appropriation."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 48: Page 45, line 9, strike "$2,341,146,000" and insert in lieu thereof "$2,500,000,000."

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 48 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$2,500,000,000, of which $158,854,000 shall be placed in contingency reserve by the Office of Management and Budget to be released upon determination of need."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to, and that I may revise and extend my own remarks and insert certain tables on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PROVIDING FOR THE SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES ON MONDAY, AUGUST 14, 1972

Mr. McFALL. Mr. Speaker, I ask unanimous consent that notwithstanding the provisions of clause 1, rule XXVII, it shall be in order for the speaker to entertain motions to suspend the rules on Monday, August 14, 1972.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 15417, DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1973

Mr. FLOOD. Mr. Speaker, I call up the conference report on the bill (H.R. 15417) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 2, 1972.)

The SPEAKER. The gentleman from Pennsylvania (Mr. FLOOD) is recognized.

Mr. FLOOD. Mr. Speaker, I regret that we do not bring to the House a unanimous conference report. Three of the managers on the part of the House had reservations so serious that they did not sign this report. Of course, those who are opposed to it are quite capable of speaking for themselves, but, as I understand it, the major complaint is that the conference report is too high.

However, Mr. Speaker, in my opinion, the House conferees did a very good job within the range available to them. The bill that the House sent to the Senate was already about $1¼ billion above the President's budget, in large part because of the so-called Hathaway amendment which I opposed. Then, as you all know, the Senate added considerable sums to the House-passed bill.

It was, therefore, completely out of the realm of possibility for the conferees to bring back a report anywhere near the President's budget. I do not consider it a sin to deviate from the budget, but it is quite natural that those who are opposed to large increases over the budget would be opposed to this Conference Report.

Mr. Speaker, the House bill was $28,603,000,000 and the Senate bill was $31,355,00,000. The conference agreement was $30,539,000,000. This is a reduction of $816,000,000 from the Senate bill, and an increase of $1,936,000,000 over the House bill.

This comparison is misleading; however, since the Senate considered $1,449,000,000 of estimates not considered by the House, mostly due to the fact that they were not submitted until after the House had acted, I think it is quite realistic to assume that the House would have allowed these estimates had they been received in time for consideration.

Assuming this, the House bill would have been $30,052,000, and the conference agreement that is before the House now would be $487,000,000 over the House, and $816,000,000 under the Senate. It is this comparison on which I base the statement that the managers on the part of the House did a very good job within the range in which they could operate.

The conference report was printed as a House document and was in the CONGRESSIONAL RECORD on August 2. Thus, it has been available for a full week for Members to study. I, therefore, do not intend to take the time of the House to go into the details of this report. I will, however, place a table in the RECORD at the end of my remarks that will go into much more detail even than that included in the conference report and the joint explanatory statement.

The two areas that account for the considerable increase over the budget are the health and medical programs and the education programs. The group of appropriations under the heading, "Health Services and Mental Health Administration," total $2,391,000,000, which is $163,000,000 over the House bill, $150,000,000 under the Senate bill, and $427,000,000 over the budget. The group of appropriations under the heading, "National Institutes of Health," total $2,724,000,000, which is $183,000,000 over the House, $208,000,000 under the Senate, and $531,000,000 over the budget. The group of appropriations under the heading, "Office of Education," total $4,126,000,000, which is $126,000,000 over the House, $157,000,000 under the Senate, and $791,000,000 over the budget. These three groups total $1,749,000,000 more than the President's budget request, almost all of the net total of $1,762,00,000 by which the total bill exceeds the budget.

I am sure that no one at the conference realized, until after the conference had been completed and the staff had calculated the totals, that the increase over the budget, percentagewise, is almost exactly the same for the education programs as for the health and medical programs. The education programs are 24 percent over the President's budget, and the health and medical group is 23 percent over his budget.

So much for the dollar figures. There was more interest evidenced by Members of Congress, Governors, and many others, in amendment No. 63 than in any other amendment or group of amendments in the Senate bill. Amendment No. 63, as you will recall, Mr. Speaker, is the one that would limit the amount that could be spent for social services to $2½ billion of the amount carried in the bill for grants to States for public assistance.

I am happy to say that the conferees did not agree to this amendment. However, they did agree to include language in the joint explanatory statement indicating their agreement that some system of fiscal restraint with regard to these programs is needed. A pertinent portion of that language reads:

> The conferees expect the Department of Health, Education, and Welfare to submit to both the House and Senate Appropriations Committees no later than the commencement of the second quarter of fiscal year 1973, a comprehensive plan for a system of fiscal restraint and programmatic accountability in social services programs.

I feel confident that such a report will be submitted, and, if legislative action is needed, that the Congress will take such action to assure a system of fiscal restraint that will be more equitable than the harsh provision of placing an arbitrary limit at this time when a portion of the fiscal year to which it would apply has already passed.

Mr. Speaker, in view of the fact that there has been some discussion concerning labor opposition to this conference report, I will place in the RECORD a telegram I received today from Andrew J. Biemiller, director of the Department of Legislation of the AFL–CIO indicating the strong support of that organization:

AUGUST 9, 1972.

Hon. DANIEL FLOOD,
U.S. House of Representatives,
Washington, D.C.:

The AFL–CIO strongly supports the Labor-HEW appropriations conference report. The increased funding of education and health programs is needed by the Nation. AFL–CIO urges House to vote for the conference report.

Mr. Speaker, I think, under all the circumstances, that this conference report deserves the support of the House.

(Mr. FLOOD asked and was given permission to insert a table at this point in the RECORD.)

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1973 (H.R. 15417) NEW BUDGET (OBLIGATIONAL) AUTHORITY—CONFERENCE SUMMARY

TITLE I—DEPARTMENT OF LABOR

Agency and item	1972 comparable appropriation[1]	1973				Conference agreement compared with—			
		Budget estimate[2]	House bill	Senate bill	Conference agreement	1972	Budget 1973	House	Senate
MANPOWER ADMINISTRATION									
Salaries and expenses	$36,852,000	$37,904,000	$37,704,000	$37,704,000	$37,704,000	+$852,000	−$200,000		
	(26,923,000)	(26,602,000)	(3)	(3)	(3)				
Trust fund transfer	(25,847,000)	(26,989,000)	(26,989,000)	(26,989,000)	(26,989,000)	(+1,142,000)			
Manpower training services	905,349,000	719,554,000	758,554,000	719,554,000	719,554,000	−185,795,000		−$39,000,000	
	(776,717,000)	(875,862,000)	(3)	(3)	(3)				
Emergency employment assistance	1,000,000,000	1,250,000,000	1,250,000,000	1,250,000,000	1,250,000,000	+250,000,000			
Federal unemployment benefits and allowances	856,600,000	475,000,000	475,000,000	475,000,000	475,000,000	−381,600,000			
Advances to the extended unemployment compensation account	600,000,000	120,000,000	120,000,000	120,000,000	120,000,000	−480,000,000			
Federal grants to States for employment services		66,700,000	66,700,000	66,700,000	66,700,000	+66,700,000			
Limitation on grants to States for unemployment insurance and employment services	(832,000,000)	(800,300,000)	(820,300,000)	(800,300,000)	(800,300,000)	(−31,700,000)		(−20,000,000)	
Total, Manpower Administration	3,398,801,000	2,669,158,000	2,707,958,000	2,668,958,000	2,668,958,000	−729,843,000	−200,000	−39,000,000	
LABOR MANAGEMENT SERVICES ADMINISTRATION									
Salaries and expenses	22,568,000	25,624,000	25,202,000	25,202,000	25,202,000	+2,634,000	−422,000		
EMPLOYMENT STANDARDS ADMINISTRATION									
Salaries and expenses	48,935,000	49,721,000	48,889,000	49,889,000	49,139,000	+204,000	−582,000	+250,000	−$750,000
Federal workmen's compensation benefits	112,000,000	81,992,000	81,992,000	81,992,000	81,992,000	−30,008,000			
Total, Employment Standards Administration	160,935,000	131,713,000	130,881,000	131,881,000	131,131,000	−29,804,000	−582,000	+250,000	−750,000
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION									
Salaries and expenses	35,884,000	69,207,000	69,207,000	80,000,000	72,207,000	+36,323,000	+3,000,000	+3,000,000	−7,793,000
BUREAU OF LABOR STATISTICS									
Salaries and expenses	37,300,000	45,984,000	44,784,000	45,240,000	45,240,000	+7,940,000	−744,000	+456,000	
DEPARTMENTAL MANAGEMENT									
Salaries and expenses	20,619,000	25,406,000	24,156,000	24,196,000	24,196,000	+3,577,000	−1,210,000	+40,000	
Trust fund transfer	(772,000)	(797,000)	(797,000)	(797,000)	(797,000)	(+25,000)			
Special foreign currency program	100,000	309,000	100,000	309,000	100,000		−209,000		−209,000
Total, Departmental Management	20,719,000	25,715,000	24,256,000	24,505,000	24,296,000	+3,577,000	−1,419,000	+40,000	−209,000
Total, new budget (obligational) authority, Department of Labor	3,676,207,000	2,967,401,000	3,002,288,000	2,975,786,000	2,967,034,000	−709,173,000	−367,000	−35,254,000	−8,752,000

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency and item	1972 comparable appropriation[1]	Budget estimate[2]	House bill	Senate bill	Conference agreement	1972	Budget 1973	House	Senate
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION									
Mental health	611,294,000	613,823,000	743,823,000	851,525,000	783,323,000	+172,029,000	+169,500,000	+39,500,000	−68,202,000
Saint Elizabeths Hospital (indefinite)	27,806,000	30,664,000	30,664,000	30,664,000	30,664,000	+2,858,000			
Health services planning and development	467,856,000	330,187,000	462,073,000	510,573,000	489,573,000	+21,717,000	+159,386,000	+27,500,000	−21,000,000
Health services delivery	667,006,000	751,295,000	751,295,000	844,797,000	798,046,000	+131,040,000	+46,751,000	+46,751,000	−46,751,000
Trust fund transfer	(4,719,000)	(4,719,000)	(4,719,000)	(4,719,000)	(4,719,000)				
Preventive health services	145,104,000	157,372,000	159,872,000	223,872,000	209,372,000	+64,268,000	+52,000,000	+49,500,000	−14,500,000
National health statistics	16,125,000	19,264,000	18,514,000	18,514,000	18,514,000	+2,389,000	−750,000		
Retirement pay and medical benefits for commissioned officers (indefinite)	24,660,000	29,163,000	29,163,000	29,163,000	29,163,000	+4,503,000			
Buildings and facilities		19,457,000	19,457,000	19,457,000	19,457,000	+19,457,000			
Office of the Administrator	12,497,000	13,126,000	13,126,000	13,126,000	13,126,000	+629,000			
Medical facilities guarantee and loan fund	80,000,000					−80,000,000			
Total, Health Services and Mental Health Administration	2,052,348,000	1,964,351,000	2,227,987,000	2,541,691,000	2,391,238,000	+338,890,000	+426,887,000	+163,251,000	−150,453,000
Consisting of—									
Definite appropriations	1,999,882,000	1,904,524,000	2,168,160,000	2,481,864,000	2,331,411,000	+331,529,000	+426,887,000	+163,251,000	−150,453,000
Indefinite appropriations	52,466,000	59,827,000	59,827,000	59,827,000	59,827,000	+7,361,000			

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1973 (H.R. 15417) NEW BUDGET (OBLIGATIONAL) AUTHORITY—CONFERENCE SUMMARY—Continued

	1972	1973				Conference agreement compared with—			
Agency and item	comparable appropriation[1]	Budget estimate[2]	House bill	Senate bill	Conference agreement	1972	Budget 1973	House	Senate
NATIONAL INSTITUTES OF HEALTH									
Biologics Standards	$9,294,000	$9,528,000	$9,528,000	$9,528,000	$9,528,000	+$234,000			
National Cancer Institute	378,885,000	432,205,000	492,205,000	492,205,000	492,205,000	+113,320,000	+$60,000,000		
National Heart and Lung Institute	232,688,000	255,280,000	300,000,000	350,000,000	320,000,000	+87,312,000	+64,720,000	+$20,000,000	−$30,000,000
National Institute of Dental Research	43,404,000	44,415,000	46,991,000	54,000,000	49,795,000	+6,391,000	+5,380,000	+2,804,000	−4,205,000
National Institute of Arthritis, Metabolism, and Digestive Diseases	153,325,000	159,089,000	167,316,000	182,000,000	173,190,000	+19,865,000	+14,101,000	+5,874,000	−8,810,000
National Institute of Neurological Diseases and Stroke	116,722,000	117,877,000	130,672,000	145,000,000	136,403,000	+19,681,000	+18,526,000	+5,731,000	−8,597,000
National Institute of Allergy and Infectious Diseases	109,156,000	112,649,000	113,414,000	135,000,000	122,048,000	+12,892,000	+9,399,000	+8,634,000	−12,952,000
National Institute of General Medical Sciences	173,472,000	175,960,000	183,171,000	206,000,000	192,302,000	+18,830,000	+16,342,000	+9,131,000	−13,698,000
National Institute of Child Health and Human Development	116,510,000	127,244,000	130,429,000	160,000,000	142,257,000	+25,747,000	+15,013,000	+11,828,000	−17,743,000
National Eye Institute	37,132,000	37,384,000	38,562,000	45,000,000	41,137,000	+4,005,000	+3,753,000	+2,575,000	−3,863,000
National Institute of Environmental Health Sciences	26,408,000	29,013,000	30,956,000	32,000,000	31,374,000	+4,966,000	+2,361,000	+418,000	−626,000
Research resources	74,981,000	75,009,000	75,073,000	83,000,000	78,244,000	+3,263,000	+3,235,000	+3,171,000	−4,756,000
John E. Fogarty International Center for Advanced Study in Health Sciences	4,357,000	4,545,000	4,666,000	6,000,000	5,200,000	+843,000	+655,000	+534,000	−800,000
Subtotal, NIH research institutes	1,476,334,000	1,580,198,000	1,722,983,000	1,899,733,000	1,793,683,000	+317,349,000	+213,485,000	+70,700,000	−106,050,000
Health manpower	673,562,000	533,628,000	738,628,000	927,178,000	846,428,000	+172,866,000	+312,800,000	+107,800,000	−80,750,000
National Library of Medicine	24,127,000	28,568,000	28,568,000	29,068,000	28,818,000	+4,691,000	+250,000	+250,000	−250,000
Buildings and facilities	3,565,000	8,500,000	8,500,000	33,480,000	12,580,000	+9,015,000	+4,080,000	+4,080,000	−20,900,000
Office of the Director	11,324,000	12,042,000	12,042,000	13,042,000	12,542,000	+1,218,000	+500,000	+500,000	−500,000
Scientific activities overseas (special foreign currency program)	25,545,000	25,619,000	25,619,000	25,619,000	25,619,000	+74,000			
Payment of sales insufficiencies and interest losses	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000				
General research support grants	(55,212,000)	(54,624,000)	(60,700,000)	(60,700,000)	(60,700,000)	(+5,488,000)	(+6,076,000)		
Total, National Institutes of Health	2,218,457,000	2,192,555,000	2,540,340,000	2,932,120,000	2,723,670,000	+505,213,000	+531,115,000	+183,330,000	−208,450,000
OFFICE OF EDUCATION									
Elementary and secondary education	1,776,893,000	1,786,893,000	2,034,393,000	2,036,393,000	2,034,393,000	+257,500,000	+247,500,000		−2,000,000
School assistance in federally affected areas	611,880,000	430,910,000	671,405,000	749,955,000	681,405,000	+69,525,000	+250,495,000	+10,000,000	−68,550,000
Education for the handicapped	110,090,000	131,109,000	143,609,000	181,859,000	162,359,000	+52,269,000	+31,250,000	+18,750,000	−19,500,000
Vocational and adult education	540,127,000	542,127,000	643,460,000	674,768,000	659,162,000	+119,035,000	+117,035,000	+15,702,000	−15,606,000
Library resources	211,209,000	122,730,000	184,500,000	274,500,000	247,000,000	+35,791,000	+124,270,000	+62,500,000	−27,500,000
Educational renewal	(13,000,000) 168,390,000 (155,165,000)	(14,000,000) 215,500,000 (147,500,000)	(3) 219,190,000 (3)	(3) 259,240,000 (3)	(3) 238,315,000 (3)	+69,925,000	+22,815,000	+19,125,000	−20,925,000
Educational activities overseas (special foreign currency program)	3,000,000	5,000,000	3,000,000	5,000,000	3,000,000		−2,000,000		−2,000,000
Salaries and expenses	64,160,000	68,360,000	68,360,000	69,360,000	68,360,000	+4,200,000			−1,000,000
Student loan insurance fund	12,765,000	29,047,000	29,047,000	29,047,000	29,047,000	+16,282,000			
Payment of participation sales insufficiencies	2,961,000	2,921,000	2,921,000	2,921,000	2,921,000	−40,000			
Civil rights education	19,799,000					−19,799,000			
Total, Office of Education	3,521,274,000	3,334,597,000	3,999,885,000	4,283,043,000	4,125,962,000	+604,688,000	+791,365,000	+126,077,000	−157,081,000
SOCIAL AND REHABILITATION SERVICE									
Grants to States for public assistance	12,215,134,000	13,344,704,000	13,369,704,000	13,344,704,000	13,344,704,000	+1,129,570,000		−25,000,000	
Work incentives	259,198,000	455,133,000	(3)	455,133,000	455,133,000	+195,935,000		+455,133,000	
Grants for construction and staffing of rehabilitation facilities	3,051,000			20,000,000		−3,051,000			−20,000,000
Grants for the developmentally disabled	49,540,000	44,465,000	(3)	102,825,000	51,250,000	+1,710,000	+6,785,000	+51,250,000	−51,575,000
Nutrition programs for the elderly		100,000,000	100,000,000	100,000,000	100,000,000	+100,000,000			
Research and training activities overseas (special foreign currency program)	8,000,000	10,000,000	8,000,000	8,000,000	8,000,000		−2,000,000		
Salaries and expenses	44,817,000	60,215,000	60,215,000	60,215,000	60,215,000	+15,398,000			
Trust fund transfer	(400,000)	(600,000)	(600,000)	(600,000)	(600,000)	(+200,000)			
Total, Social and Rehabilitation Service	12,579,740,000	14,014,517,000	13,537,919,000	14,090,877,000	14,019,302,000	+1,439,562,000	+4,785,000	+481,383,000	−71,575,000
SOCIAL SECURITY ADMINISTRATION									
Payments to social security trust funds	2,465,297,000	2,475,485,000	2,475,485,000	2,475,485,000	2,475,485,000	+10,188,000			
Special benefits for disabled coal miners	591,839,000	1,526,500,000	[4]557,788,000	1,526,500,000	1,526,500,000	+934,661,000		+968,712,000	
Limitation on salaries and expenses	(1,167,394,000)	(1,256,498,000)	(1,256,498,000)	(1,256,498,000)	(1,256,498,000)	(+89,104,000)			
Limitation on construction	(18,194,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(−17,194,000)			
Total, Social Security Administration	3,057,136,000	4,001,985,000	3,033,273,000	4,001,985,000	4,001,985,000	+944,849,000		+968,712,000	

See footnotes at end of table.

TITLE III—RELATED AGENCIES

Agency and item	1972 comparable appropriation[1]	1973				Conference agreement compared with—			
		Budget estimate[2]	House bill	Senate bill	Conference agreement	1972	Budget 1973	House	Senate
SPECIAL INSTITUTIONS									
American Printing House for the Blind	$1,580,000	$1,696,500	$1,696,500	$1,696,500	$1,696,500	+$116,500			
National Technical Institute for the Deaf	7,619,000	4,694,000	4,694,000	4,694,000	4,694,000	−2,925,000			
Model Secondary School for the Deaf	17,491,000	4,625,000	4,625,000	4,625,000	4,625,000	−12,866,000			
Gallaudet College	13,371,000	9,486,000	14,446,000	15,082,000	15,082,000	+1,711,000	+$5,596,000	+$636,000	
Howard University	61,341,000	58,881,000	58,881,000	58,881,000	58,881,000	−2,460,000			
Total, Special Institutions	101,402,000	79,382,500	84,342,500	84,978,500	84,978,500	−16,423,500	+5,596,000	+636,000	
OFFICE OF THE SECRETARY									
Office of Civil Rights	10,816,000	13,587,000	13,587,000	13,587,000	13,587,000	+2,771,000			
Trust fund transfer	(1,049,000)	(1,180,000)	(1,180,000)	(1,180,000)	(1,180,000)	(+131,000)			
Departmental management	52,141,000	56,893,000	56,893,000	56,893,000	56,893,000	+4,752,000			
Trust fund transfer	(5,955,000)	(6,875,000)	(6,875,000)	(6,875,000)	(6,875,000)	(+920,000)			
Total, Office of the Secretary	62,957,000	70,480,000	70,480,000	70,480,000	70,480,000	+7,523,000			
Total, new budget (obligational) authority, Department of Health, Education, and Welfare	23,593,314,000	25,657,867,500	25,494,226,500	28,005,174,500	27,417,615,500	+3,824,301,500	+1,759,748,000	+1,923,389,000	−587,559,000
Consisting of—									
Definite appropriations	23,540,848,000	25,598,040,500	25,434,399,500	27,945,347,500	27,357,788,500	+3,816,940,500	+1,759,748,000	+1,923,389,000	−587,559,000
Indefinite appropriations	52,466,000	59,827,000	59,827,000	59,827,000	59,827,000	+7,361,000			
Cabinet Committee on Opportunities for Spanish-Speaking People	890,000	1,260,000	1,260,000	1,000,000	1,000,000	+110,000	−260,000	−260,000	
Commission on Railroad Retirement	492,000	101,000	101,000	101,000	101,000	−391,000			
Federal Mediation and Conciliation Service	10,410,000	10,650,000	10,650,000	10,650,000	10,650,000	+240,000			
National Commission on Libraries and Information Science	200,000	406,000	406,000	406,000	406,000	+206,000			
National Commission on Marihuana and Drug Abuse	1,228,000	1,140,000	1,440,000	1,140,000	1,440,000	+212,000	+300,000		+300,000
National Labor Relations Board	48,468,000	50,456,000	50,456,000	50,456,000	50,456,000	+1,988,000			
National Mediation Board	2,796,000	2,888,000	2,888,000	2,888,000	2,888,000	+92,000			
Occupational Safety and Health Review Commission	1,633,000	5,979,000	5,979,000	5,979,000	5,979,000	+4,346,000			
Railroad Retirement Board:									
Payments for military service credits	20,757,000	21,645,000	21,645,000	21,645,000	21,645,000	+888,000			
Limitation on salaries and expenses	(19,663,000)	(19,822,000)	(19,822,000)	(19,822,000)	(19,822,000)	(+159,000)			
U.S. Soldiers' Home (trust fund appropriation):									
Operation and maintenance	11,583,000	11,596,000	11,596,000	12,591,000	12,591,000	+1,008,000	+995,000	+995,000	
Capital outlay	80,000	244,000	244,000	2,114,000	2,114,000	+2,034,000	+1,870,000	+1,870,000	
Corporation for Public Broadcasting	35,000,000	45,000,000	(3)	65,000,000	45,000,000	+10,000,000		+45,000,000	−20,000,000
Consisting of—									
Definite appropriations	(30,000,000)	(40,000,000)	(3)	(65,000,000)	(40,000,000)	(+10,000,000)		(+40,000,000)	(−25,000,000)
Indefinite appropriations	(5,000,000)	(5,000,000)	(3)		(5,000,000)			(+5,000,000)	(+5,000,000)
Total, new budget (obligational) authority related agencies	133,537,000	151,365,000	106,665,000	173,970,000	154,270,000	+20,733,000	+2,905,000	+47,605,000	−19,700,000
Consisting of—									
Definite appropriations	128,537,000	146,365,000	106,665,000	173,970,000	149,270,000	+20,733,000	+2,905,000	+42,605,000	−24,700,000
Indefinite appropriations	5,000,000	5,000,000			5,000,000			+5,000,000	+5,000,000

TITLE IV—GENERAL PROVISIONS

Agency and item	1972 comparable appropriation[1]	Budget estimate[2]	House bill	Senate bill	Conference agreement	1972	Budget 1973	House	Senate
Office of Emergency Preparedness				200,000,000					−200,000,000
Grand total, new budget (obligational) authority	27,403,058,000	28,776,633,500	28,603,179,500	31,354,930,500	30,538,919,500	+3,135,861,500	+1,762,286,000	+1,935,740,000	−816,011,000
Consisting of—									
Definite appropriations	27,345,592,000	28,711,806,500	28,543,352,500	31,295,103,500	30,474,092,500	+3,128,500,500	+1,762,286,000	+1,930,740,000	−821,011,000
Indefinite appropriations	57,466,000	64,827,000	59,827,000	59,827,000	64,827,000	+7,361,000		+5,000,000	+5,000,000

[1] Includes supplemental appropriations.

[2] Includes budget amendments and other estimates totaling $1,449,310,000 which were not considered by the House, but were considered by the Senate.

[3] Not considered.

[4] Budget amendment of $968,712,000 was not considered by the House

Mr. ABOUREZK. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from South Dakota.

Mr. ABOUREZK. Mr. Speaker, there is much that is good in this conference report, especially in the area of health and education. Despite the threat of veto, I feel that Members of Congress have the right and the duty to make known their sense of priorities. It is a good sign that Congress is willing to spend more to improve the quality of health care and education in this country and less to meddle in the affairs of people abroad where we have no business being in the first place. If the administration disagrees with this order of priorities, I would be more than willing to take the case to the people and let them decide what is more important.

I also know that there is a great deal of concern about the language added to the HEW-Labor appropriations bill which would prohibit use of any of the funds appropriated by this act to pay the salaries of any employees of the Federal Government who inspect firms employing 15 persons or less. There has been no sharper critic of the manner in which the OSHA law has been administered than I. The examples of bureaucratic blundering that have come to my attention from South Dakota alone are grounds to call this whole law into question.

Nonetheless, my constituents and I recognize that the workingmen of America are entitled to safe working conditions. This is particularly so in the case of the construction industry which is a hazardous occupation in terms of both frequency of accidents and their severity. Both management and labor in this industry recognize this fact. I think that we in Congress must also do what we can to promote industrial safety in this field.

If this language is retained, both Congress and the Department of Labor will be given 1 year's notice that this matter must be looked at closely. Ways to promote safety for America's workingmen without harassing America's small businesses and farmers must be found. I would hope that this vote will be taken as a mandate for that kind of review. We must have a close examination of the OSHA law and a report from the Department of Labor on its management of that law. We must look at ways to amend and change that law that will protect areas like the construction industry while eliminating the kind of experiences that characterized its implementation in other businesses in South Dakota.

In support of the many quality programs in education and health which this appropriation will fund and in support of a meaningful revision of the OSHA law, I support this conference report.

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Chairman Flood has already given you the figures that indicate why this bill is a prime candidate for a Presidential veto. We are $958 million or 23 percent over the budget for the health items, and $791 million, or 23.6 percent over the budget for education.

And, so far as welfare is concerned, we have left a gaping hole in the U. S. Treasury which may cost an additional $3.5 billion or more over the budget request in payments to the States for social services.

Think about it for a moment. The estimated Federal deficit for fiscal 1973 is already $7 billion higher than the January estimate, and here we are preparing to send the President a bill that calls for spending a cool $5 billion or more over the budget.

And, this is only part of the problem. We still have nearly $5 billion in budget requests that have not even been considered because the authorizations were not ready when we worked on this bill this spring. We have not funded higher education, emergency school assistance, OEO, vocational rehabilitation, and some programs for the aging. How much above the budget are we going to wind up with for these items?

Normally, conference reports are handled in a rather perfunctory manner, and there is seldom any problem in getting Members to sign the report.

Several members of our subcommittee who signed this report, however, do have some very serious reservations about the bill, and consented to sign only for the purpose of bringing it to the floor for discussion and disposition. They, of course, can speak for themselves.

I did not sign the report because I feel that this bill is so terribly out of line in the aggregate that the President will have no recourse but to veto it.

I find myself in a rather peculiar position, though, because while I could not sign the report, even if it is defeated, I do not see how we could go back to conference and bring you a bill that the President could sign.

Chairman Flood said he thought the House conferees did a very good job within the range available to them. I would agree with several significant reservations. Your colleagues on the conference committee are to be commended for their contributions.

We dealt the best hand we could from a bad deck, and that is reflected in the fact that, if you add in the late budget estimates, the conference agreement is some $816 million under the Senate figure, and $487 million over the House, but, the House was nearly $1.3 billion over the budget before we even went into the conference, so the range of the conferees was definitely restricted.

And that is why I say that even if this conference report is defeated, I do not see how we could go back and bring you a bill that would not be vetoed.

It looks to me as though we are simply going to have to go through the motions here and adopt the conference report with what I hope will be a sufficient number of votes cast against it to sustain a veto when we get one. Then, it will be our laborious task to go back again over each and every one of these line items and do the best we can to bring it into line with what can be accommodated by those who have the responsibility of keeping expenditures in line with revenues.

In looking over the specific increases in this bill again, it occurs to me that there might have been more justification for some of these huge additions to the budget request if Congress or the President had been tight-fisted in the areas of health or education in prior years. But, just the opposite is true.

For instance, the President's request for fiscal 1973 for the Health Services and Mental Health Administration was some 52 percent over the comparable 1969 appropriation. For the National Institutes of Health it was 56 percent more. Those items had been increased by one-third last year and by more than 17 percent the year before.

Within those two appropriation items, between fiscal 1969 and 1972, Congress and the President increased mental health funding by some 75 percent, and health services delivery—including health centers and crippled children's services—by 44 percent.

Preventive health services have been more than doubled since 1969, and health services planning and delivery—including research and regional medical programs—have been increased some 50 percent.

The National Cancer Institute budget has been increased more than 100 percent, and the Heart and Lung Institute some 40 percent, with further sizable increases requested in the budget for fiscal 1973.

The President's budget request for the education items in this bill was 25 percent over the comparable 1969 level, and this does not even include higher education or the separate request this year for a billion dollar program of emergency school assistance for elementary and secondary education.

Within the education appropriation, impacted area aid—that granddaddy of boondoggles—was increased 18 percent between fiscal 1969 and 1972.

The Elementary and Secondary Education Act funds, most of which go through title I for educationally deprived children, have grown by about one-third.

Vocational and adult education funds have nearly doubled, and the appropriation for education for the handicapped has increased nearly 50 percent.

The programs now carried under the heading "Educational Renewal" have grown more than 100 percent since 1969, with further sizable increases requested in the budget for fiscal 1973.

Now, perhaps some will react to this with a "so what—that is all in the past, and what have you done for us lately?"

Others may say "you have not done enough—it does not meet the need." Either reaction would be wide of the mark, for the point is that health and education programs have not been neglected and are not being short-changed by either the legislative or the administrative branch.

And, as far as need is concerned, we could drain the Treasury dry and still not meet the needs in this country. If the administration has not done enough, then this Congress has not done enough by way of providing new tax revenues to pay for the doing, and I do not see any of the numerous candidates for public office around here falling all over themselves to increase taxes.

Now, let us just take a look at some of the specific increases that push this bill so far out of line with the budget.

The mental health appropriation is $169.5 million over the budget request. One of the major increases—$63 million—is for the alcoholism grant program. We all recognize the seriousness of alcoholism, but there are limits to the rate that a program can expand and still operate effectively. This bill would represent almost a 1,000 percent funding increase for this program in just 2 years.

An additional $60 million would go for construction and staffing of community mental health centers—a worthy objective, certainly, but can a 40 percent increase over the budget be justified?

The bulk of the $159 million add-on for health services planning and development is for hospital construction programs. We have had a running debate on this one, but the fact of the matter is that we have a loan guarantee program now through which much more construction can be supported by each Federal dollar. But, it is not as attractive, because it is not free money, as in the grant programs. The question is whether those health institutions that are capable of generating the resources for repayment should be asked to assume a greater part of the health facilities construction burden. As of July 31, HEW had received requests for 78 loan guarantees, and awards have been made to 31 of the applicants, with a total loan value of $241 million. The budget requested enough in Federal guarantees to support more than $600 million worth of construction loans, but despite this fact, this bill would continue to fund this program through direct grants costing more than $197 million.

Much of the extra $47 million for health services delivery is added to programs already expanded in the budget request, as is the case with the additional $52 million for preventive health services.

The President has given the Nation his clear and unequivocal commitment to ask for all the funds that can be put to effective use in the fight against cancer, yet an unrequested $60 million is included in this bill for the National Cancer Institute. The budget request for the Institute this year is $432 million, $53 million over the 1972 level and nearly $200 million over 1971.

In like manner, the National Heart and Lung Institute would receive some $65 million over the budget request.

In the education area, the $247.5 million addition to the budget request for elementary and secondary education ignores the administration's request for a billion dollar emergency school assistance program, a portion of which would be used for the same purposes.

And, I have expressed my feelings here many times as to the inequities of the impact aid program. But, now, hidden down in that $250 million add-on to the budget for impact aid, we have a seemingly insignificant little $10 million item that may just blast you out of your chair in a year or two. This is the public housing provision—the "C" students—funded in this bill for the first time. Do not blink your eyes, or you may open them to find a $200, $300, or $400 million item here in a year or two.

I would be willing to wager that nine out of 10 Members of this House supporting the Hathaway amendment had no idea that secreted away in that amendment was this money for public housing. The whole program itself is bad enough without opening up this new boondoggle. This was badly conceived in the first place and we only compound the felony by making this initial token appropriation. Those of you who are receiving legitimate impacted aid funds for military personnel in your district surely ought to see the inherent dangers in our getting off onto this tangent.

There is a $117 million add-on for vocational and adult education. As I mentioned earlier, this appropriation has nearly doubled since 1969, and now some serious questions have been raised as to how well these programs are really meeting current needs. The administration requested $55 million in new money this year in several programs to test new approaches to career education, yet here we are increasing the old ones as well.

Now, let me turn to two very controversial items—OSHA in the Department of Labor and social services.

Members will recall our having adopted a limitation here in the House excluding employers from OSHA who had 25 employees or less. The Senate bill carried a similar limitation excluding employers with 15 or fewer employees. Your conferees agreed on the lower figure, but I think the important thing to remember here is this is only a limitation on an appropriations bill and if it is to be vetoed, we will undoubtedly be operating for an extended period of time under the continuing resolution, so this limitation will have no effect in the foreseeable future, and your small employers who have been so concerned about this thing should be made aware that they still have to comply with the law as it is presently written, with no modification or exclusion, as we wrote into this appropriation bill originally.

I think it is fair to state, however, that in any reworking of this bill, there will probably be some kind of limitation for Members of both bodies were simply reflecting the grave concern of their people back home.

Now, let me turn to this festering problem of social services.

The social services program is authorized by the Social Security Act (49 Stat. 620) and finances numerous forms of assistance to recipients of aid to families with dependent children—AFDC—and persons who qualify for welfare in the aged, blind or disabled adult categories.

Between 1956 and 1967 Congress approved three major amendments to the Social Security Act. The 1962 and 1967 amendments set forth the basic purpose of public assistance social services in very broad terms as provided in this language: "Services to a family or any member thereof for the purpose of preserving, rehabilitating, reuniting or strengthening the family, and such other services as will assist members of a family to attain or retain capability for the maximum self-support and personal independence." Furthermore, such services may be provided not only to current welfare recipients but, since 1965 to former or potential recipients as well.

The 1967 amendments authorized 75 to 25 percent Federal-State matching for State and local costs of providing these social services, specified in an approved State plan, to public assistance recipients and former recipients.

Also approved in 1967 was a purchase-of-service provision, providing that State welfare agencies could purchase services from other public or private agencies, and quality for the 75- to 25-percent matching reimbursement rate.

You do not have to stretch your imagination very far to see that practically the entire gamut of services provided by State and localities for their citizens—including vocational rehabilitation, job training and counseling, child care, foster care, family planning, family counseling and referral, protective services for dependent persons, mental health and mental retardation services, community health services, homemaker services, nonformal or compensatory education, and information and referral services of all sorts—could qualify under the amendments.

Federal costs for the social services program are skyrocketing as States are finding new ways to qualify for reimbursement. Outlays amounted to about $354 million in 1969. By 1970, they had risen to $522 million and they reached $750 million in fiscal year 1971.

Although the HEW budget estimated fiscal 1972 costs at $1,710 million, it is possible that they could reach $3.5 billion or higher with no limitation as written into the Senate bill.

Costs for fiscal 1973 are currently estimated by HEW at $2,162 million—May estimate—but recent State projections indicate a possible $4.8 billion cost figure.

This program is simply out of control, and remember that in this conference report is an overall figure of $13.3 billion in grants to the States for public assistance.

There is an almost complete lack of accountability in the present system. We do not know how the money is being spent, nor how effective the funds are in reducing dependency.

For instance, I find that on the purchase of services provision, there is no accountability requirement whatsoever, so there is no way to tell if the people who are supposed to be receiving the services are actually getting them.

We find that States can contract away their responsibilities to other State or private agencies without those other agencies being subject to the same standards as the State welfare department.

We also find that some contracts did not require any progress reports by the contractors, and some failed to specify who has title to equipment or supplies purchased under the contract.

Contracts are not awarded on a competitive basis, with no documentation available to determine whether or not the negotiated amounts were reasonable.

An investigation will disclose open-end contracts with provision for funding increases without any corresponding change in the number of people served or the time period covered by the contract.

There are contracts calling for lump-sum payments with no minimum performance requirements.

Many cases can be cited where ineligible clients are served because the contractor has been given the responsibility of determining eligibility, and has used very liberal standards; and on top of that, families with excessive income receiving services because the contractor did not verify or update the income information it had on those families.

It is very clear to me that many States are using purchased services as a means of multiplying funds. And it looks as though about 80 percent of the increase in this whole social services item for fiscal 1973 will be in purchased services.

This is the only service program not subject to congressional control, accountability, and limitation. It is so wide open that about the only real limit on it is the ingenuity of the States in identifying social programs which meet the broad requirements of the law, and in finding ways to fit them within the Federal regulations.

It is possible now for the States to finance almost anything under this system. For example, one State financed a half million dollar TV documentary with social services money.

In another State, social service funds have gone into the State highway department.

In one State program funds are going for advice on personal grooming to potential parolees from the State prisons.

Another State is financing a prekindergarten education program with these funds.

And the list goes on and on. In many States as much as 80 percent of their Federal funding under this program is going for refinancing of what were formerly State-financed services. State welfare departments, who are supposed to exercise control over these expenditures, are becoming little more than fiscal conduits. Some States have even gone so far as to formally appropriate private funds—like UGF, and so forth—so they will qualify for Federal matching money.

A big part of the problem, too, is that there is no formula for insuring an equitable distribution of social services money among the States. What we have done is open up a wild chariot race among the States for Federal funds, with the strongest and most aggressive getting the lion's share.

You have Alaska, for example, spending nearly $1,400 per welfare recipient for social services, compared with $242 in New York, $237 in Florida, $35 in Texas, and $7 in Mississippi.

And, of course, that is why we have this tremendous pressure against a limitation of any kind. Because every State wants an equal chance to get a piece of the action.

But, that is just exactly why we must get a handle on this thing, because this is a race that has no finish line—it just goes on and on with the only real limit being the size of the U.S. Treasury. I have taken the floor several times now in recent weeks to point out the manner in which the Federal Government is being taken to the cleaners by the States. Whether you are for or against revenue sharing, you have it here—in spades—and none of us in this Chamber has any opportunity whatsoever to determine how this is spent.

We are nullifying our own budget decisions, our own priorities by allowing this to continue, because the social service programs become the place where programs can be financed that are not successful in competing for Federal dollars in other Federal programs.

At this juncture, I am happy to yield to the gentleman from Maryland.

Mr. LONG of Maryland. I think the gentleman came close to answering the question that I wanted to ask.

All of these things are presented to us in terms, of course, which evoke our sympathies. We have sympathy for the blind and for the crippled and so on and we want to help them. But I get the impression that this is a program which really does not so much help these people whom we want to help as it does to divert sums into all kinds of programs which we have no intention of helping and no way of controlling.

Mr. MICHEL. The gentleman is absolutely correct. As I indicated, it is just completely wide open.

Mr. LONG of Maryland. It is back-door revenue sharing.

Mr. MICHEL. And we have no control whatsoever. You know, when we sat in that conference and I heard these members pleading, "Surely you have got $10 million or $20- or $30 million for something like crippled children, or aid to this group or that group," and you are fighting for a compromise on a figure, before you know it, you are opening up the back door here, and you are letting $3½ billion go out of here, and we do not even have one nickel's worth to say about how it is to be spent. It is unconscionable; it is just terrible.

Mr. LONG of Maryland. This is back-door revenue sharing.

Mr. MICHEL. It surely is.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I would be happy to yield to the gentleman from Texas, my chairman.

Mr. MAHON. Mr. Speaker, I commend the gentleman from Illinois for making a very interesting and helpful statement. I also commend the chairman of the subcommittee, the gentleman from Pennsylvania, (Mr. Flood), for the statement he has made.

The gentleman from Illinois has pointed out very clearly that the President, himself, in his budget has asked for increases all along the line.

The President, in his recent special message of July 26, proposed that the Government spend some $18.4 billion more in the current fiscal year than the Government spent in the fiscal year 1972 just recently closed. The problem on the pending bill is that Congress is adding so much beyond the budget estimates that it is adding to an already aggravated fiscal situation. As recently as June 5, the executive branch reestimated the budget deficit for the current fiscal year—at $27 billion on the unified basis and at $37.8 billion on the more significant Federal funds basis.

At this stage on the pending bill, as a member of the conference committee faced with the very practical necessity of getting a vital appropriation bill out of conference and sent to the President, I know of nothing to do other than vote for the conference report. The bill total is too high under present circumstances.

I opposed the $364 million Hathaway amendment in the House. I supported the lower House amounts in the conference. The House conferees did their best to scale this bill down. But to get a conference report, the House conferees had to compromise with the Senate. We did the best we reasonably could under difficult circumstances.

Mr. Speaker, I commend the gentleman from Pennsylvania and the gentleman from Illinois for bringing into the discussion on this conference report certain vitally important facts that should be surfaced before the House of Representatives and the American people.

Mr. MICHEL. I thank my chairman for his comments. I think we certainly want to make it clear here that much as we think our recommendations as a subcommittee to the full Committee of the Whole House on the State of the Union are pretty good ones, we do not foreclose Members from making amendments to our bill. However, I hope we will learn one thing, if we have not learned something from all of this procedure by the time it runs its course, and that is that this package amendment routine has just got to go. It does not augur well for the future in expressing the will of this House and its individual Members on some really very important items. Lumping them all together in this package kind of thing that runs into unconscionable hundreds of millions of dollars is the wrong way of doing business. I hope Members will speak out against this kind of thing whenever it rears its ugly head and vote that kind of proposition down. Members should offer individual amendments on items they are specifically interested in and know something about. That is the way this body ought to enact legislation.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I will be happy to yield to the gentleman from Ohio (Mr. Bow).

Mr. BOW. I thank the gentleman for yielding. I would like to commend him for the very excellent attempt he has made here today in pointing out the reasons why this conference report should be voted down. The gentleman has gone into detail after detail; many standing alone would be sufficient. Where we have here a conference report with $1,726,000,000 over the budget, I would urge that the gentleman be followed and that this conference report be voted down.

It seems to me that a vote for this conference report is a vote for higher taxes, and that is something I am sure we do not want.

Mr. MICHEL. I thank the gentleman for his comments.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I will be happy to yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I, too, would like to join the distinguished chairman of the Appropriations Committee and the others who have spoken this afternoon, and applaud the gentleman from Illinois for the very excellent statement he has just made.

It just has occurred to me that the details he has provided this House on the open-ended nature of the funding of these very social services programs under the various titles of the Social Security Act—those facts alone provide sufficient documentation to support a vote against this conference report, and I think that regardless of party or regardless of how worthwhile we may feel, and we do feel, many of the items in this bill are, the matters to which he has addressed himself this afternoon are of such consequence that I think there is only one clear vote, and that is against this conference report.

When the President formally embraced the full-employment budget concept, and by implication deficit spending during periods of economic slack, in his budget message of 1971, he was widely acclaimed by many who had been persistent critics of Republican economic policies; his position was widely praised as a major step forward toward effective and enlightened economic management policies. I strongly supported the President's position and the concept of the full-employment budget, and think we can see today in the vigorously recovering economy the fruits of the stimulative fiscal policy that followed from it.

But this afternoon I want to remind you that there is another side to the full-employment budget coin. And that is when the economy begins to move rapidly down the road to recovery and full utilization of resources the happy days of spending more than we take in come to an end. As I am sure all of my colleagues recall, the essence of the full-employment budget concept is to peg expenditures to the approximate level of revenues at full employment. In times of economic slack and recession this allows for a considerable Federal budget deficit. But as the economy moves toward full employment, the gap between actual revenues and hypothetical full-employment revenues diminishes and eventually disappears. And if the economy is to be managed responsibly, if new demand-pull inflationary pressures are not to be unleashed, the budget deficit must shrink correspondingly.

Now obviously, the economy has not yet recovered completely and there is still considerable room for expansion of economic activity. But it is also the case that we are in the midst of a strong recovery: last quarter real GNP rose at the nearly unprecedented rate of 9 percent; in the last year total civilian employment has risen by almost 3 million; since last August the index of industrial production has climbed 20 percent; and in contrast to the almost static level of new investment spending last year, businesses expect to increase investment outlays by almost 15 percent during 1972. There are, of course, many other indicators that could be cited to demonstrate the strong expansionary path on which the economy is moving; but the fundamental point is this: by the end of this fiscal year we will no longer be just in the early stages of recovery, but rather will be nearing the approach to full employment. And at that point it is essential that fiscal policy not get out of control. For if it does, it is almost guaranteed that this Nation will be destined for a repeat of the whole agonizing process of first an overheated economy, and then the subsequent need for deflation, that began under the reckless fiscal policies of the Johnson administration in 1967-68. Nobody, I am sure, wants to go through that again.

Yet if we allow the potential $5 billion overrun of the President's budget that is contained in this Labor-HEW appropriations bill to go into effect, I am afraid that this is exactly what we are heading for. According to the latest estimates the gap between full-employment revenues and actual revenues during fiscal year 1973 will be in the range of $20 to $25 billion, and in adherence to the full-employment concept, the President's budget allows for a deficit of about that magnitude. Yet by adding $5 billion today on top of the social security increase, the overwithholding that will have to be refunded next spring, appropriations increases that have already been enacted, and potential further expenditure increases resulting from enactment of pending legislation like the water pollution control amendments, by doing these things we are asking for, indeed probably guaranteeing, a Federal deficit in the range of $35 to $40 billion for fiscal year 1973.

And such a development would mean two things which fly squarely in the face of the full-employment budget concept that has been such a comfort to some advocates of big spending during the last 2 years: we would incur a full-employment deficit, not just a Federal budget deficit, of about $15 billion, and instead of moving in a decreasing direction that deficit would be increasing. Now there is only one other period during the recent past in which you had that kind of situation—a growing deficit at a time of rapid economic expansion—and that was during late 1967 and the first half of 1968. At that point the economy was moving toward full capacity, yet the Johnson administration incurred full-employment deficits of almost $15 billion. And you know the result well: the economy quickly became overheated and the worst inflation this country has experienced since World War II was touched off—an inflation that only 4 years later have we been able to get under control.

So to repeat, when the economy is recovering rapidly, as it is now, and when it begins to approach full employment, as it will be toward the end of this fiscal year, you simply cannot incur a large full-employment deficit; and even more essential, you can not be in a position in which the size of that deficit is increasing. Yet by approving this bill, along with the other budget over-runs that I have mentioned previously, we run the risk of a $15 billion full-employment deficit, and perhaps a $35 to $40 billion Federal deficit that is almost guaranteed to touch off a new round of runaway inflation, and undo the difficult and painful progress that we have made since last August in stabilizing prices and wages.

Mr. Speaker, if every penny of funds appropriated by this bill was absolutely essential, the considerations I have just outlined would not carry so much weight this afternoon. Certainly, the threat posed by the kind of deficit I have mentioned would be just as great; but if these appropriations were absolutely essential, we would simply have to take it upon ourselves to find other areas in which offsetting reductions could be made.

Yet in looking over the increases called for by this measure, I find it difficult to draw such a conclusion.

You have already heard much about the dangers posed by the conference deletion of the $2.5 billion limit on the open-ended social services appropriations, and it would serve no useful purpose to dwell on it further. I can only observe that when you have a program growing at a geometric rate, or with expenditures nearly doubling every year, a program over which there is little accountability or Federal control, and concerning which there is an almost complete lack of knowledge as to the purposes for which millions are being spent, then I think it is very difficult indeed to say that these expenditures are absolutely essential and that solutions to our great national problems are vitally dependent upon them.

But even if we look at the $1.7 billion overrun in the remainder of the bill, I am not firmly persuaded that every increase called for by the conference is beyond question. The conference report for instance, calls for an addition to the President's budget for mental health of almost $170 million. Now no one would deny the importance of these programs or suggest that they should bear the entire burden of fiscal responsibility and budgetary restraint. But let me point out that during the Nixon administration—since fiscal year 1969—expenditures for these programs have increased by more than 83 percent, or three times more rapidly than the budget as a whole. So the record is clear that this administration has made strong efforts in the mental health area; and it is also clear that there is a limit as to how fast you can expand programs like these and still retain their effectiveness. Thus, in light of the need for budgetary restraint, and in light of the fact that there will always be greater demands on the budget than can possibly be satisfied, there is some question in my mind as to the need for the large increase recommended by the conference in this area.

Much of the same can be said for a number of similar programs. For example, in the area of preventive health programs, the $157 million requested by the administration is increased by an additional $52 million. Yet even at the level requested by the administration, program expenditures for preventive health will have doubled since fiscal year 1971—just 2 years ago.

Or to take a final example, the conference report increases institutional aid under the Health Profession Assistance Act by nearly $58 million or 22 percent above the President's request. Yet again, the fact is that expenditures will have increased by more than 111 percent since 1971 for that program, even at the funding level proposed by the administration.

Mr. Speaker, if we were starving these programs, if there were sufficient revenues to finance the endless series of demands on the budget, and if the fiscal situation were different than it is today, all of these appropriations increases might be justifiable. But the fact is, none of these conditions actually pertain. Many of these programs have already experienced rapid increases in funding during the last few years; others need to be phased out or changed as the President has proposed, for instance, in the case of the Hill-Burton program; and in the final analysis the revenues just are not there to finance them no matter how worthy they may appear in the abstract.

So in light of the fiscal considerations I mentioned at the outset, and in light of the thus far unproven need for all of these additional appropriations I think I have no choice but to vote no on this appropriations bill, and would urge my colleagues to do likewise.

Mr. MICHEL. I thank the gentleman.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I will be happy to yield to the gentleman from California.

Mr. ROUSSELOT. I wish to compliment the gentleman for pointing out today many of the so-called sacred cow areas where the Congress has "overappropriated" and overspent hard earned taxpayers' dollars. Members individually may be misled into believing that if they oppose either part of this appropriation legislation or the whole bill, even though it is billions of dollars over what the budget is supposed to be, that they will be voting against education or they will be voting against health services. As the gentleman from Illinois has shown today, that implication is unfair and incorrect. A local government unit or a local private institution has to live within given budget restrictions. Why should this Congress not have to act under like constrictions?

We have gone mad here in this House in not being willing to stand up to some of these so-called sacred cow institutions. We have allowed ourselves to be cowed into the position of overspending to escape the reputation of being against "education" or "health care." When are we going to consider the taxpayer who must pay for this?

By increasing this huge U.S. debt and continuing this wild spending spree, we could well put this country into the kind of disastrous shape that, say, Germany was during the twenties. If this country does not, as our distinguished chairman (Mr. Mahon) has said and the distinguished gentleman (Mr. Mitchell) has said, begin to face up to its responsibilities, we will find ourselves in increasing difficulty. We are voting our taxpayers into a hole, and every Member eventually is going to be held accountable for this kind of irresponsible action.

Mr. Speaker, I compliment the gentleman for his remarks.

Mr. MICHEL. Mr. Speaker, I thank the gentleman from California for his kind remarks. He is a very valuable Member of the House, and I could not applaud him more highly for the remarks he has just made.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Iowa, my colleague, a member on the subcommittee who has some ideas of his own, and who worked very hard to try to reach a reasonable compromise. I think the gentleman would agree, too, that we had a bad deck to start with.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Speaker, some say we should vote the conference report down, but the parliamentary situation is such that if we were to go to conference, we could not come back with a bill that would coincide with the gentleman's ideas anyway. Is that not correct?

Mr. MICHEL. Correct. I tried to make that clear in my opening remarks. Certainly it is clear what this Member's views are, because I did not sign the conference report, but what I was trying to do in asking Members to vote against it is to gain a sufficient number of votes against it to insure that a veto would be sustained.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I associate myself with the remarks of the gentleman in the well, and I rise in opposition to the conference report.

Mr. Speaker, I rise in opposition to the adoption of the Labor-HEW appropriations conference report. As the debate today has clearly pointed out, the $1.76 billion in increases over the President's budget requests are neither prudent, nor are they, in my judgment, in the best interests of the taxpayers and the Nation.

I am also deeply disturbed by the approach of the legislation in the area of occupational safety and health. Safety and health hazards are not simply a factor of the size of a business or the number of employees. A more constructive approach to the legitimate concerns that have been raised by small businessmen lies in the area of providing technical assistance to those who request help in how the standards apply to their operations. I will be introducing in the immediate future an amendment to the Williams-Steiger Occupational Safety and Health Act of 1970 that will allow the Department of Labor to provide onsite consultation in a responsible and effective way. I am confident that this is the approach that should prevail in the Congress to deal with this important matter.

For these reasons, I hope the conference report will be defeated. I do so with some reluctance because I was particularly pleased with the provisions adopted concerning the National Institute for Arthritis, Metabolism, and Digestive Diseases (NIAMD). The conference report provides for a needed increase in funds and personnel in the area of diabetes research, and includes the language of the Senate report calling for the initiation of four to six regional research centers throughout the Nation. It also calls for a report of the progress made in these matters to be presented at next year's appropriations hearings.

My colleagues may remember the debate on the floor of the House on May 3, 1972, concerning diabetes research. At that time, the gentleman from Michigan (Mr. Vander Jagt) offered an amendment to elevate the level of research on diabetes within the Institute. He was joined in this effort by Minority Leader Ford, the gentleman from Florida (Mr. Frey), and myself. The amendment was withdrawn on the assurances of the distinguished chairman of the Interstate and Foreign Commerce Committee (Mr. Staggers) that hearings would be held on this problem. I strongly feel that these provisions in the Labor-HEW appropriations bill are another solid step in the right direction, and I hope that they will be included in any further legislation considered by this body.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I join in commending the gentleman on his excellent presentation of his opposition to the conference report.

Mr. Speaker, when the bill was before the House, the gentleman from Pennsylvania (Mr. Flood) gave us some figures indicating that the total funding for these purposes would be in the neighborhood of more than $100 billion. Is it true that this bill, involved with deficiencies of the supplementaries, plus the social security trust fund would be in the neighborhood of $100 billion?

Mr. MICHEL. As the chairman has pointed out, it is the biggest bill we have to contend with, over and above the defense bill, when we take into account the social security trust fund. It is now at an overall level of $96 billion but then as I indicated, we have not funded higher education and emergency school assistance and OEO and vocational rehabilitation and some programs for the aging, and that will take it well over $100 billion. This is a whopping big bill.

(Mr. FINDLEY asked and was given permission to revise and extend his remarks at this point in the Record.)

Mr. FINDLEY. Mr. Speaker, H.R. 15417 as reported by the conference committee includes a provision which has the effect of exempting employers with 15 or fewer employees from enforcement of the Occupational Safety and Health Act for 1 year. This provision resulted from floor amendments in both the House and Senate which reflected the deep concern of a majority of Representatives and Senators over the treatment of small business under OSHA. The House amendment provided:

> None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing twenty-five persons or less for compliance with the Occupational Safety and Health Act of 1970.

An identical amendment was rejected by the narrow margin of only three votes in the Senate. Senator Curtis then offered an amendment, which differed only in that it specified firms employing 15 persons or less, and this amendment was approved by the Senate. The conference committee has adopted the number of "15 or fewer" employees.

As the author of the amendment, it

was my intention that the term "firms" as it appears in the provision be used in the broadest sense as a term applicable to any type of employer in any type of business or manufacturing establishment regardless of his association or affiliation with larger entities, whether they be corporate, partnership or other.

The debate during consideration of my amendment supports this interpretation. Discussion focused exclusively upon the number of employees of businessmen who should be subject to OSHA inspection. The supporters of the amendment mentioned a wide variety of small businesses which have faced severe difficulties in attempting to comply with the requirements of OSHA, including automobile dealers, farmers, body shops, homebuilders, wash plants, barber shops, grocery stores, sheet metal and roofing companies, petroleum marketers, country grain elevators, service stations, plumbing and heating companies, paint shops, and boat yards. It was my intention, and that of those Congressmen who mentioned the above businesses, that they be excluded for 1 year if the number of employees in each business establishment is 15 or fewer. The problems arose because of the small size of the business establishment involved and the relief sought should be extended equally to those small businessmen who are affected.

Both the supporters and opponents of the provision in both Houses used the terms "firms," "employers," "businesses," "operators," and "establishments" interchangeably indicating a common understanding that the provision is not concerned with the nature of the business involved or its relationship with other businesses. There was no discussion relating to whether the exemption should be based on any other factor than size.

Debate on the provision centered around the question of whether there should be any exemption on the basis of size, and if so where the cutoff should be. As one supporter of the provision acknowledged, the figure 25 was chosen because the "figure of 25 employees is one commonly used in Federal legislation to denote small businesses and is a reasonable one." Opponents estimated that placing the cutoff at 25 would exempt 90 percent of the firms now covered by OSHA. This estimate seems clearly based on the assumption that all employers with 25 or fewer employees would be exempt. Opposition based on the large number of employers which would be exempt appears to have been the determining factor in the Senate defeat of the amendment setting the cutoff at 25, and an amendment setting the cutoff at 15 was later approved.

Mr. Speaker, I make these comments at this time in order to help clarify the intent of Congress in enacting this 1-year moratorium on OSHA inspections of small businessmen. It is my firm belief that it is the intention of the Congress that the most inclusive definition possible be given to the term "firms." And I know it is also the hope of the Congress that the rules and regulations which have been drawn up pursuant to the Occupational Safety and Health Act will be reviewed carefully to eliminate all unnecessary burdensome aspects.

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Speaker, I have a question concerning conference item No. 70 which you might clear up. The language in question provides that appropriations to special institutions, such as Howard, Lighthouse for the Blind, and Model Secondary School for the Deaf, be treated as lump-sum grants.

My question is, "Will this language effect in any way the existing contracts between the Secretary of HEW and Gallaudet College for the Deaf and NTID which were required in the provisions of Public Law 89–694 and Public Law 89–36 for the purpose of supervising the establishment of our programs for deaf education?" As you will recall, Mr. Speaker, HEW is now supervising the establishment of our mandated programs for these two institutions.

Mr. FLOOD. I can say to the gentleman that the purpose of this language is to allow the special institutions to account for their funds on the same basis that other colleges and universities across the Nation, who receive federally appropriated funds, do. It is not our intention to contravene preexisting contracts which were undertaken by HEW at our direction to supervise our mandated program for MSSD and NTID. This language does not affect the contracts between HEW and NTID and Gallaudet College for MSSD.

Mr. SHRIVER. I thank the gentleman.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman from Pennsylvania. I certainly feel that the gentleman from Illinois made a very presentable case, but we worked long and hard in the committee. We thought we brought out a good bill here.

I voted against the Hathaway amendment when it was offered on the floor.

I might say that the chairman and the committee have worked hard in the conference, laboriously hour after hour and day after day. I do not like everything in this bill, but it is the best we could get, therefore I am voting for the conference report.

Mr. Speaker, I rise in support of the conference report on the fiscal 1973 Labor-HEW appropriations bill. The bill represents literally thousands of hours of work on the part of both the House and Senate subcommittee members and I would hope my colleagues will endorse our efforts. I believe the House conferees did a commendable job in eliminating $816 million of the Senate increases which were written into its version of the bill.

There is no need to catalog all the many important programs for which funds are contained in this measure. These were discussed in sufficient detail during floor consideration in June. Suffice it to point out that this bill contains funds for such important actvities as mental health; alcoholism and drug abuse programs; disease prevention; assistance to our hard-pressed medical and nursing schools; elementary, secondary, and vocational education; libraries and instructional equipment.

These programs affect the lives of millions of people in a vital and immediate way.

There are those who claim that this bill which contains $30.5 billion in controllable expenditures is unconscionably high. I reject that assertion. The administration is requesting over $85 billion in defense spending for fiscal 1973. Is 35 percent of that figure too much to spend on the health, education and working conditions of our citizens?

There are those who claim that adding $1.7 billion to the administration's budget request, which this bill admittedly does, is irresponsible. Yet the administration itself has added some $4 billion to its defense program requests since the beginning of this year. Moreover the Federal Government provides billions of dollars each year in the form of direct and indirect subsidies to private industries. Weighed in balance, is a $1.7-billion increase for the welfare of the public an irresponsible action? I think not.

I urge the House to adopt the conference report on H.R. 15417 by an overwhelming margin.

Thank you, Mr. Speaker.

Mr. VEYSEY. Mr. Speaker, the House has before it today a bill intended to continue and expand important social and educational programs. Unfortunately, the pressures to "look good while doing good" seem to have triumphed at the expense of responsible action to deal with our real needs.

The schools, colleges, and hospitals in my district urgently need the funds the President requested for this bill. But election-year politics have pressured the other body into promising much more than we can deliver. President Nixon requested a $28.77 billion Labor-HEW appropriation this year; nearly $8 billion more than we spent in this area just 2 years ago. The proposed budget includes major increases for mental health, health research, elementary and secondary education, vocational education, jobs for welfare recipients, and social security programs.

The House of Representatives added new funds for disadvantaged children, bilingual education, impact aid, and vocational education. I think these increases were justified. I supported them and will continue to support them.

But the tendency to pile promises higher and deeper brings to us today a bill nearly $2 billion more than the President requested. And this bill does not include the massive costs of the new Higher Education Act, $2 billion; the new 20-percent social security increase, $3.7 billion; the new desegregation aid bills, $2 billion; and the new vocational rehabilitation and aging bills—all of which would properly be funded in a Labor-HEW appropriation bill.

Title IV of the Social Security Act, the "social services" section is included, however, and, as recent newspaper articles have demonstrated, this program alone is expected to end up overrunning the budget up to $3.5 billion more.

The dollar figures glitter before us, but what we are really facing is the probability of a veto, a long delay, and a tax increase if we pass this bill. My friends in education know how much a veto costs them in time and effectiveness and therefore I am confident they will understand why I will not support this conference report.

The only way we will get the funds educators desperately need is to send the President a responsible bill. The one before us is not.

Mr. Speaker, for the benefit of my colleagues I would like to include some background material on the budget figures and recent investigations that underlie my decision on this bill.

THE SECRETARY OF
HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., August 7, 1972.

Hon. VICTOR V. VEYSEY,
House of Representatives,
Washington, D.C.

DEAR MR. VEYSEY: The HEW part of the FY 73 Labor and HEW Appropriation Conference Report is $1.8 billion over the Administration's budget request and fails to limit the rapidly increasing and uncontrolled spending under Title IV of the Social Security Act. The Federal deficit would be seriously enlarged by enactment of this bill, an analysis of which is enclosed.

It is anticipated that the Conference Report on the FY 73 Labor and HEW Appropriation Bill will reach the Floor of the House of Representatives next Tuesday, August 8. I urge you to vote against the Conference Report when it comes before you.

With best regards,
Sincerely,

ELLIOT RICHARDSON,
Secretary.

FACTS ABOUT LABOR-HEW APPROPRIATION BILL—H.R. 15417

1. THE FIGURES

1972 appropriation	$27,403,058,000
1973 appropriation:	
President's budget	28,776,633,000
Conference action	30,538,919,000
Excess over budget	+1,762,286,000

1973 President's request compared to House, Senate, and conference action

President's original request	$27,344,351,000
Presidential amendments resulting from new legislation	+1,432,282,000
President's request, as amended	28,776,633,000
Congressional increases:	
House increase	+1,269,856,000
Senate increase over House	+1,308,441,000
Senate bill	31,354,930,000
Less: Conference Action	−816,011,000
Conference bill	30,538,919,000
Net increase of conference over President's amended request	+1,762,286,000

In summary, the Conference bill would appropriate $30.5 billion for programs of the Departments of Labor and Health, Education, and Welfare, and related agencies. This is nearly *$1.8 billion higher* than the President's budget request. This increase is entirely in the HEW portion of the bill.

2. THIS IS NOT THE WHOLE STORY ON HEW APPROPRIATIONS

A. There remains $4.7 billion requested last January—but not yet considered by Congress and not included in this bill because of lack of timely authoriaztions—for higher education, emergency school assistance, economic opportunity programs, vocational rehabilitation, and programs for the aging. Only time will tell what final Congressional action produces by way of budget overruns for these items.

B. The dollar totals carried in the bill do not show an increase for so-called social services for welfare recipients that will have the effect of increasing Federal matching in 1973 by as much as $3.5 billion over the President's request. This is a hidden time bomb. The Senate bill attempted to put a ceiling on social service expenditures which would have reduced this hidden overrun by $2.3 billion. The Conference rejected the Senate proposal, thus setting the stage for a 1973 supplemental of as much as $3.5 billion.

C. *The Conference bill ignores the President's appeal to restrain Federal spending.* The appropriations recommended would aggravate the Federal deficit which must be brought under control. In a special message of July 26, the President said that the estimated 1973 deficit is already $7 billion higher than the January estimate. He also said: "Let there be no misunderstanding: If bills come to my desk calling for excessive spending which threaten the Federal budget, I will veto them."

[Dollars in millions]

	1971 comparable	1972 comparable	1973 President's budget	1973 Conference bill
Department of Labor	$1,342	$3,676	$2,967	$2,967
Department of Health, Education, and Welfare:				
Health:				
Mental health	412	639	645	814
Other health delivery and services	1,111	1,413	1,320	1,577
Health manpower	429	674	534	846
Health research	1,253	1,544	1,659	1,878
Subtotal, Health	3,205	4,270	4,158	5,115
Education:				
Elementary and secondary education	1,723	1,777	1,787	2,033
School assistance in federally affected areas	550	612	431	681
Vocational and adult education	$484	$540	$542	$659
Other education	467	592	575	752
Subtotal, Education	3,224	3,521	3,335	4,126
Social and Rehabilitation Service:				
Public assistance	9,682	12,215	13,345	13,345
WIN	98	259	455	455
Other SRS	74	106	215	219
Subtotal, SRS	9,854	12,580	14,015	14,019
Social Security Administration	2,942	3,057	4,002	4,002
Other DHEW [1]	131	164	149	155
Total, DHEW	19,356	23,592	25,659	27,417
Related agencies	85	134	151	154
Grand total, Labor-HEW bill	20,783	27,403	28,777	30,538

[1] Includes special institutions (e.g., Howard University and Gallaudet College) and the Office of the Secretary.

[From the Washington Post, Aug. 7, 1972]

BACK DOOR REVENUE SHARING—AND ON A BIG SCALE

(By Jodie Allen)

While debate rages in the halls of the Congress and the administration over revenue sharing and welfare relief for hard-pressed states and localities, a multi-billion dollar program of fiscal relief for states is quietly being implemented under a little noticed provision of the Federal welfare law which provides federal matching for state expenditures on "social services" for needy persons. A recent action by the Senate-House Conferees on the 1973 HEW appropriation bill on August 2 seems to assure that almost $4 billion for "social services" will be added to the President's budget with little debate and with virtually no public attention.

Program increases of this magnitude are usually front page news, particularly in an administration highly concerned over the prospect of a record-breaking budget deficit. The reason for this strange turn of events lies in the peculiar history and characteristics of the social service program.

There are three features of the social service authority which explain its unique potential for breaking the federal bank. The first is that the language of the social service provisions, as modified by a series of liberalizing amendments during the 1960s, is remarkably broad. The services covered include any "services to a family or any member thereof for the purpose of preserving, rehabilitating, reuniting or strengthening the family, and such other services as will assist members of a family to attain or retain capability for the maximum self-support and personal independence." Furthermore such services may be provided not only to current welfare recipients but, since 1965 to former or potential recipients as well.

Without even stretching the imagination it would seem that practically the entire gamut of services provided by state and localities for their citizens—including vocational rehabilitation, job training and counselling, child care, foster care, family planning, family counselling and referral, protective services for dependent persons, mental health and mental retardation services, community health services, homemaker services, nonformal or compensatory education, and infomation and referral services of all sorts—might easily be justified at least in part as deserving of federal support under the amendments. In fact the only services specifically excluded from support are public school education and institutional care and the only additional limitation appears to be a vaguely worded caveat in a HEW memorandum to the states that they must "significantly expand" not merely re-fund existing services. And to make it all easier, since 1967 the law has allowed the states not only to provide such services themselves but to purchase such services from other public and private agencies with federal support.

The second striking feature is that the terms of the federal support are extremely attractive. For every $25 the states or localities proffer for these services the Feds will supply another $75. The Talmadge amendments of 1971 went this one better and allowed 90 federal dollars for every 10 state or local dollars if the services provided were such as to enhance the employability of current, former or potential welfare recipients. (This largesse should be compared the relatively miserly 50 per cent matching which is all most large states can receive on actual cash grants to recipients.)

Last and best there is the "open-end" financing provision—which means exactly what it sounds like. Unlike most federal authorizations for which a fixed amount is appropriated by Congress each year, the social service fund is essentially a bottomless pit. As is the case for public assistance cash payments, whatever amount of money states and localities express willingness and ability to spend for social services in a given year, the federal government must stand ready to match at $3 or more for 1.

Given these generous provisions, the only thing that is hard to understand about the social service program is why it is not already the largest domestic program in the federal budget. In fact most states were slow to recognize the potential of the social service program. In 1964 only $75 million in federal dollars went to social services. By 1963 the federal cost had risen to the still modest level of $230 million and by 1969, even after a one year increase of 59 per cent the federal share was still only $366 million. A few sharp state officials however were beginning to catch on. One state, California, had by 1970 managed to corner almost 40 per cent of the total service budget of $500 million for that year largely through the cleverness of a consultant to the California State Assembly, Tom Joe. In a fascinating article in the June 17, 1972, issue of the "National Journal," John Iglehart has traced the subsequent involvement of the ingenious Mr. Joe who, as part of the entourage accompanying former HEW Secretary Finch to Washington from California, has subsequently stayed on at HEW. There, in an informal capacity, he has spread the glad tidings of largesse to other less favored states—to the ultimate discomfort of the adminstration.

For discomforted indeed are HEW budget managers. From a sleepy little sub-billion dollar program, social services has in the last several months skyrocketed with a multi-billion dollar flare likely to eclipse in importance both the much heralded revenue sharing propsals now being debated in the Senate Finance Committee and the now beleaguered welfare reform package with its promise of some $2 billion in state welfare savings.

Picking up the thread of our chronology we find that by fiscal year 1971 the federal share of social service expenditures had climbed to almost $700 million with the Congress ignoring a request by the administration in its budget for that year to impose a 10 per cent ceiling on expenditure increases over the previous year (a request repeated and again denied in the administration FY 72 budget). In FY 72 social services again surprise deveryone by outstripping the original administration estimate of $838 million by at least another $450 million and, by some estimates by perhaps, as much as $750 million. In either case the federal government is thus already spending at the rate of over $1.3 billion a year on social services—an amount almost twice that expended in the previous year and already larger than the administration's $1.2 billion request for the upcoming fiscal year, 1973.

But that discrepancy must be counted as minor. For while the Congress has been considering the HEW request, the states have quietly been revising drastically their estimates of federal dollars required in FY 73. In May to the consternation of HEW officials a new estimate of $2.2 billion, almost twice the administration's 1973 budget request of $1.2 billion, was computed. The Senate Appropriations Committee, alerted to the danger added to the HEW appropriation bill a ceiling of $2.5 billion on social service expenditures. But pressure from governors and state officials anxious to cash in on the bounty proved too strong and, wtih virtually no public attention, the limitation was dropped in the Conference Committee despite assertions in the conference report issued on August 2 that the conferees "agreed with the basic premises of the Senate amendment: (1) to insure fiscal control over a program which is presently increasing at an alarming rate and (2) to insure that funds are disbursed prudentally and effectively."

But the conferees literally didn't know the half of the matter. For by the end of June the states had set their sights far higher than a mere $2.2 billion—in fact having doubled the estimate once, they decided to do it again this time submitting a total FY 73 request of almost $5 billion, a quadrupling in expenditures over the previous year to an amount equal to the much publicized revenue sharing program. And there is unanimous agreement on the Hill and in HEW that that estimate is probably too low.

Fortunately it is not necessary to question the efficacy or relative utility of social services in order to question the desirability of this turn of events. It is fortunate in that no one seems to have any clear idea of what the money is being spent on.

But apart from the merits of social services per se three things are abundantly clear:

1. A huge sum of taxpayer money is being distributed among states in a quixotic fashion unrelated either to relative need or to the ability and willingness of states to use the money constructively.

2. It is not possible for states and local governments to achieve a four-fold expansion in services of any kind in one year (on top of a doubling the previous year) and particularly not in services of a type for which no clearly successful record of performance has yet been demonstrated, even on a modest scale.

3. Even if the money is in fact expended for the purposes intended, serious imbalances are occurring within state expenditures patterns between social service activities for low income populations and other forms of assistance and service both to this population and to other groups in the population.

To illustrate these points one need only look at a few states. In 1971 Mississippi spent about $950,000 on social services. Its estimated expenditures for 1972 increased by 88 per cent to $1.8 million. In 1973 Mississippi now estimates it will spend some $460 million on social services, over 250 times the amount it spent the previous year.

Two other comparisons are equally interesting. If Mississippi's social service benefits were spent entirely on welfare recipients, it would turn out that Mississippi would be spending some $1,625 per welfare recipient on social services, or about $6,500 per year on a family of four (a number familiar to the National Welfare Rights Organization). Apart from the striking generosity of this allotment it is interesting to compare this expenditure with the maximum welfare cash grant which such a family if it had no other income could receive in Mississippi. That amount is $720. And lastly it is interesting to observe that if, as is likely, most of the $460 million in federal dollars is used simply to support existing state and local services in Mississippi, this amount alone will account for over half of the current total Mississippi state budget.

Other examples abound. Maryland's estimated expenditures will grow from a 1971 level of $15 million to an estimated level of almost $420 million in 1973. At this point Maryland will be spending some $1,650 per welfare recipient or about $6,600 for a family of four. Georgia plans to expand its program from a 1971 level of $12 million to a 1973 level of over $220 million. New York will expand from $67 million 1971 to $850 million, Illinois from $24 million to over $180 million. Faced with an unplanned increase in the President's budget of at least $3.6 billion and the frightening potential of even more staggering increases to come (the estimates are from $6 to 8 billion in the next fiscal year) there appears to be little that the administration can or, perhaps, wants to do to stem the flowing tide. To "close the end" on social services would require legislative action and, as has already been demonstrated by the recent action of the appropriation conferees, such action is unlikely to be forthcoming, particularly in an election year, given the opposition to such a change that would be generated by enthusiastic state and local officials who have suddenly discovered that there is indeed a pot of gold at the end of the federal rainbow.

There is also the difficult problem of devising a formula which, at once, distributes the fund among the states in at least some vague relationship to need and current fiscal effort; maintains each of the states at least at their current level of expenditures and probably allows some increase (a practical necessity to ensure acceptance of any formula); and, at the same time sets a reasonable dollar limit on the total budget.

Despite the practical and political difficulties involved, however, it is clear that something constructive must be done, not simply to control a runaway program, but to insure that the monies are distributed equitably among states and that real and needed public services are produced in the process. Surely some more rational basis must exist for distributing several billion dollars of taxpayer money than one depending upon the relative ambition and ingenuity of a few state and federal officials.

Mr. RYAN. Mr. Speaker, I urge the passage of the conference report on H.R. 15417, appropriating funds for fiscal year 1973 for the Departments of Labor and Health, Education, and Welfare.

No section of the entire Federal budget deals more directly with the well-being of every citizen than does the legislation now before us. The more than $30 billion which it provides fund essential programs in employment, manpower training, health, and education—programs that constitute the very guts of our struggle to turn around our Nation's priorities.

There is a long list of specific items in this legislation which, given time, I would like to discuss in detail. However, I would like to make special note of one program in particular—the Federal assault against childhood lead poisoning, for which this bill provides $14 million.

Undoubtedly, there are some who feel that lead poisoning is a small thing—a little horror compared to the war in Southeast Asia or the fact that many of our urban centers resemble the barren craters of the moon. But as Jack Newfield has written, this "little horror" of lead poisoning in a very special prism through which we can see with piercing clarity, a rainbow of the much larger horrors that plague our society: Racism, decaying cities, inadequate health care, demented priorities.

Sometimes it is called the "silent epidemic," sometimes it is referred to as "ghetto malaria." But no matter what it is called, the fact remains that childhood lead poisoning continues needlessly to plague the children of America. Each year thousands of young children are afflicted by this dread disease. The exact number of youngsters poisoned remains unknown, for there are still far too few programs to screen children for this disease. Even so, the Department of Health, Education, and Welfare has estimated that each year some 400,000 children are subjected to lead-based paint poisoning.

As a result, some 16,000 youngsters require treatment. An additional 3,200 suffer moderate to severe brain damage. And 800 are so severely afflicted that they require institutionalization for the remainder of their lives.

And for another 200 children there is no future at all—not even the empty existence of a lifetime of hospital care—for they will die as a result of this crippler of young children. Two hundred children a year.

In the words of HEW's Bureau of Community Environmental Management, what this adds up to is a "disease more prevalent than polio before the advent of the Salk vaccine."

But the real tragedy is that the disease of childhood lead poisoning is totally manmade and totally preventable. It is not some rare malady waiting for a miracle cure. It exists only because we let it exist.

Three years ago I introduced legislation to begin a Federal program to come to grips with this crippler and killer of young children. Subsequently, Senator Kennedy introduced companion legislation in the Senate. Finally, after 2 years of intensive effort, with the special aid of our distinguished colleague from Pennsylvania (Mr. Barrett) our Lead-Based Paint Poisoning Prevention Act was signed into law on January 13, 1971. In enacting this law, President Nixon committed this Nation to a massive assault to eradicate the plight of childhood lead poisoning. That commitment remains unfulfilled.

Much of the reason for this is as simple as it is intolerable: The victims of lead poisoning are the poor and disadvantaged youngsters of our inner cities, destined to live in slum housing, without enough to eat, and without adequate medical care. They are America's forgotten children, her invisible children. And the attitude of this administration toward these youngsters has been one of cruel and callous disregard. This unconscionable neglect can only be measured in the unnecessary suffering of thousands of young children.

For far too long, this Government has been allowed to close its eyes to the plight of these children. It is imperative that the Congress now sustain a comprehensive and meaningful program which will safeguard their health from this dread disease.

In good part the reason that lead poisoning continues to be a national peril is that neither the Congress nor the administration has been willing to provide sufficient funding to meet the menace of lead-based paint poisoning. Despite the fact that the Lead-Based Paint Poisoning Prevention Act authorized $30 million for fiscal years 1971 and 1972, the Nixon administration steadfastly refused to request any money to fund this act for fiscal year 1971 and only after great pressure from myself and other concerned citizens did it belatedly submit an amended budget request for $2 million for fiscal year 1972. The Congress—with great credit to the distinguished chairman, Mr. Flood, and the members of the subcommittee which helped shape the legislation now before us—recognized the total insufficiency of this request. But still it provided only $7.5 million in appropriations for fiscal year 1972—still woefully inadequate to meet the need. For fiscal year 1973, the fiscal year which is the subject of the conference report now before us, the administration requested $9.5 million. Fortunately both the House and Senate committees recognized the inadequacy of that request and the bill which we are now considering has a total of $14 million for fiscal year 1973.

While I commend the conferees for not being constrained by the administration's totally insufficient budget request, I do not believe that $14 million is yet anywhere near sufficient. For fiscal year 1972, which ended on June 30, the regional health directors of HEW had received—as of May 5, 1972—61 grant applications from communities totalling about $16 million. This means that actual grant requests—with 2 months of the fiscal year still remaining—exceeded by more than 100 percent the available funds. And certainly the amount of requests would have been much greater but for the discouragement potential applicants received upon finding how little moneys were available and how dilatory the administration was being in releasing funds. I understand, for instance, the city of Philadelphia had originally planned to apply for $3 million in grant aid, but in light of the little funding available revised that request to $700,000.

Clearly, all factors indicate that grant requests for fiscal year 1973 will far, far exceed the $14 million provided in the conference report.

The most compelling testimony to the need for far greater funds was registered, perhaps, by the administration itself. At page 428 of the House Appropriations Subcommittee's hearings, part 3, an administration statement acknowledges that—

> An expenditure of $25 million would support a program for approximately 60 percent of the children at risk.

Thus, even an appropriation almost twice that provided by H.R. 15417 would still leave 40 percent of the children, who risk lead poisoning, unscreened and untreated.

And at page 473 of the same volume, another administration statement acknowledges that, given the administration's request of $9.5 million, which is only $4.5 million less than that provided in the bill before us, only "40 percent of the estimated high risk population will be under surveillance as a result of the screening programs."

The figures are clear. We are simply consigning children to total lack of screening for lead poisoning, and care, if they in fact have this dread disease.

On the first day of this session of the 92d Congress, I introduced legislation (H.R. 12466) to extend and expand the Lead-Based Paint Poisioning Prevention Act. And I am pleased to note that subsequently, Senator Kennedy introduced companion legislation (S. 3080) in the other body.

It is my firm belief that passage of this legislation is an integral part of the program which we must launch to eradicate the plight of lead based paint poisoning from the face of this country. This legislation provides the bare minimum in funding necessary to carry out the program under the Lead-Based Paint Poisoning Prevention Act—$50 million for fiscal year 1973 and each fiscal year thereafter. I am pleased to note that this legislation—amended to make it even more potent—has already passed the Senate. My bill has been reported out by the Subcommittee on Housing to the full House Banking and Currency Committee, with much credit going to that subcommittee's distinguished chairman, Mr. Barrett, a gentleman who has consistently been in the forefront of the battle against this tragic crippler and killer of young children. Hopefully this legislation will soon reach the House floor, so that we can begin to truly combat this dread disease.

I would like to note that 65 members of the House have joined with me in cosponsoring legislation to greatly increase the lead poisoning authorization. I believe that both bipartisan nature and widely differing geographic representation of these cosponsors indicates the growing awareness throughout this Nation that childhood lead poisoning must be eliminated and that the Federal Government must lead the way in that effort.

Edmund Burke once remarked that all that is necessary for the forces of evil to win the world is for enough good men to do nothing. So it is with lead poisoning. Either we embark upon a meaningful effort to eradicate this disease or we fail. The devasting menace of childhood lead poisoning will not fade away by our ignoring it.

Mr. HARRINGTON. Mr. Speaker, I intend to vote for the Labor-HEW appropriations conference report, but I am very disturbed by one section of the bill.

On one hand, it contains badly needed money for health and education and social welfare programs, programs essential for a decent life in America. The bill continues our commitment to improving medical aid by encouraging construction of facilities and providing grants to institutions and individuals engaged in the training of doctors, nurses, dentists, and related health professions. The bill continues our commitment to raising the quality of education through direct aid to school systems and schools of higher learning, as well as scholarships for students, and special innovative programs. The bill continues our belief that every American is entitled to a decent living when he or she is unable to work. It provides money for the aged, for the disabled, for the veteran, for the unemployed.

But amendments 8 and 9, Mr. Speaker, are pernicious, regressive measures that would negate the effects of the Occupational Safety and Health Act by exempting business who employ less than 15 workers.

Two years ago, this House passed that act by an overwhelming vote of 309 to 60. It intended that every American worker be protected from unsafe working conditions. It realized that an average of 55 workers a day were being killed on the job. It realized that more than 2.2 million people were injured annually on the job. It realized that a yearly average of 390,000 workers reported occupational diseases, such as lung cancer, asbestosis, and heart disease, with thousands of cases unreported.

Now, the Congress would exclude approximately 15 million workers from safety rules and inspections provided for under the Occupational Safety Act.

These amendments are wrong, but I will vote for the bill because under House rules it cannot be amended and, I would not deny the benefits under the education, health, and social welfare provisions to the many millions of citizens who need the chance those programs provide to break out from the viciousness of poverty, illiteracy, ill health, and unemployment.

The President has threatened to veto this appropriations bill not because it exempts so many workers from safety standards but because he claims it allocates too much money. I would hope that the Congress would override any veto, realizing that if the President spent less money on wasteful defense budgets that help to finance stupid, immoral wars, and spent more money on trying to improve the quality of human life, his budget would eventually balance.

H.R. 15417 is not a great bill, but it is better than any administration alternative, and I reluctantly reiterate my support for it.

Mr. ROSTENKOWSKI. Mr. Speaker, today I rise in support of the conference report on H.R. 15417, the Labor and Health, Education, and Welfare appropriations request for fiscal year 1973. Incorporated in this report is a $269.9 million request for maternal and child health care.

Mr. Speaker, on June 24, 1972, I introduced a bill which would amend title V of the Social Security Act to extend for 1 year the period within which certain special project grants, namely, maternal and child health care, could be made. This bill (H.R. 9410) was signed into law by the President on July 10, 1972, and it provides the necessary authorization for this particular health care appropriation.

At this time I would like to congratulate the members of the appropriations conference committee for their concern and awareness in the area of maternal and child health care. The proposed increase of $18 million over last year's funding for this program represents a significant step for infant health care in the United States.

For too long now, our national pediatric health care programs have fallen short of the demand. In both urban and rural areas alike, our children have been grossly neglected by the overall national health scheme. Only recently have we begun to fund special programs to insure all of our children the basic right to preventive, as well as corrective medical services.

Mr. Speaker, I strongly urge the full support of all of my distinguished colleagues for this conference report.

Mr. BADILLO. Mr. Speaker, I rise in support of this urgently needed legislation and urge that we adopt this conference report without delay.

I am very gratified that the House and Senate conferees have had the wisdom and foresight to increase the appropriations for bilingual education by $15 million beyond that originally appropriated by the House in June. I am especially pleased as this is the amount by which I sought to amend the original bill.

As I have observed on countless occasions, the bilingual education program has been seriously underfunded from its inception. Only a very small percentage of the estimated 5 million children who are considered to be in need of special bilingual education have been reached. Although the need is far more critical today than when the bilingual education program was initiated some 5 years ago, the administration requested hardly more than 30 percent of the amount authorized for such programs.

Therefore, it is appropriate that the Congress take the initiative—in the absence of any leadership from the administration—in renewing our commitment to providing meaningful bilingual/bicultural education and in seeing to it that there are sufficient funds to implement these programs. While the total amount is still less than half of the $135 million authorization, it will still enable the Office of Education to expand bilingual programs to locations now denied this aid or where there are only a limited number of programs. By increasing title VII—ESEA—appropriations by $15 million, to a level of $60 million, it has been estimated that 110 new projects can be initiated and approximately 90,000 more children—almost double the present number—can be reached. These additional funds will be particularly important in enabling the Office of Education to achieve a greater degree of balance in the allocation of title VII moneys without having to shortchange certain areas. Furthermore, significantly increased funds are desperately required if the needs of Spanish-speaking and other foreign language-speaking children are to be met and if these youngsters are to be afforded full and equal educational opportunities.

Mr. Speaker, in calling upon our colleagues to support this and certain other increases agreed to by the conferees, I also want to express my very grave concern over some speculation that this measure may be vetoed. Such an ill-conceived move can only do irreparable damage to countless educational, social welfare, job training, employment, and manpower programs. While the conference report is higher than the President's budget request, it is only because the administration has failed to take substantive action to reorder its own distorted program priorities and to furnish any semblance of leadership. A veto of this critical money bill would be wholly unjustified and I would urge the President and his advisers to very carefully reconsider any possible moves in this direction.

Mr. ROGERS. Mr. Speaker, after working for many months on various pieces of health legislation, both I and the members of the Subcommittee on Public Health and Environment were pleased to see the Appropriations Subcommittee on Health give health legislation proper funding levels.

When the House passed the Labor-HEW appropriations bill, I voted for it because of the need to improve the health of Americans.

But now we are about to vote on the conference report on this appropriation which includes considerably more money than the House approved in areas in which I believe the House adequately funded. For example a single item in this conference report—benefits for coal miners—is the cause for a $1 billion increase over the level which the House approved.

Increases resulting from a conference are to be expected as the natural result of honest compromise.

In reading the report, I find that the increases are not the result of even increases for worthy programs, but instead the total figure is boosted radically by this one item.

Despite the merits which I feel are contained in almost all other portions of this bill, the extreme increase of $1 billion forces me to vote against the conference report. I certainly feel that the health funding figures as agreed to in the conference are appropriate and I support the agreements reached in conference on this portion of the bill.

I think this is another example of how the vast bureaucratic maze of HEW is thwarting the Congress opportunity to draw clear-cut decisions on pressing important domestic issues.

Despite the overall benefits that would be realized by major portions of this bill, we find ourselves voting up or down without being able to correct ourselves on specific items. Additionally this points up the need for a separate Department of Health. Only by separating all health programs from this giant bureaucratic maze can we move forward.

Mrs. GREEN of Oregon. Mr. Speaker, I agree with many of the statements made by the gentleman from Illinois (Mr. MICHEL). Adding this additional $2 billion does not necessarily improve the health, education, or welfare of the American people.

Fewer categorical programs with high administrative costs might well be one way we could get more of the dollars and more of the help to the intended beneficiaries. But, Mr. Speaker, a higher degree of accountability also must be demanded from the Office of Education.

For the past 2 years I have been conducting a study of contracts and grants administered by the U.S. Office of Education. I focused on the Office of Education—OE—and on selected programs within the Department of Health, Education and Welfare—HEW—because I believe we must not let the headlines of defense misspending dull our senses. We must be made aware that the Pentagon is not the only place where Federal mismanagement occurs. In fact, in my investigation of OE and HEW I have found mismanagement that rivals and in many cases exceeds the reports of slipshod management of Defense.

Unfortunately attention has not focused on the administration of Federal social and educational programs, because their noble goals have shielded from outside examination and adverse public criticism the Federal bureaucracies responsible for their administration. My position has been that waste of our tax dollars in the social sector is more heinous than waste in defense, where our goals are obviously of a less noble nature.

Former Secretary of Defense Robert McNamara once stated that competition among defense firms for Government contracts saved the Government 25 percent over the price of noncompetitive contracts. The Defense Department today, according to the latest figures available, has let 43.7 percent of the total worth of all its contracts on a competitive basis. The Office of Education, on the other hand, let many millions of dollars in contracts and grants between July 1, 1971, and April 30, 1972, of which only 10.5 percent went through the competitive process. Without competitive bidding in 90 percent of their transactions, OE has cleared the way for numerous ill-conceived and over-priced projects which have been negotiated quickly and quietly. On the receiving end of these agreements are the consultants, think tanks, university based groups and other research organizations, many of them on the rebound from Federal cutbacks in the "hard sciences."

The 90 percent lack of competitive procurement mentioned previously includes all of OE's so-called discretionary contracts and grants for the first 10 months of fiscal 1972. Discretionary awards encompass all of the education laws we have passed which give the Office of Education some say over the administration of programs. On the other end of the scale are the nondiscretionary programs where the money is usually allocated to the States for their administration.

In recent hearings I conducted on OE's contracting activities, I asked the agency's top officials for the total number of "live" contracts and grants which require some kind of Federal stewardship. The figure these officials gave at the hearings was 50,000. That's 50,000 contracts and grants, either this year or continuing from past years, all requiring some kind of monitoring by OE. To this monumental task, the OE officials added, they have assigned a contracts and grants staff of 51 strong.

With the no-priority given contracts and grants management, it is no wonder that good management and useful educational research have been elusive goals for the Office of Education. I am particularly irked because at a time when local school districts are scraping for thousands of dollars, OE at the Federal level allows millions of educational dollars to fall between the cracks. To explain what I mean by bad management and useless educational projects, let me give a small sampling of the "lemons" in OE's files. These are not necessarily the worst projects, in fact, one OE official recently confided to me that I have just begun to scratch the surface.

The National Reading Center. After 2 years and $3 million of OE's money, the center has produced: a stack of press releases and reports 18 inches high; two national surveys on the extent of illiteracy—and a third one on its way—1,000 people who are supposed to train a corps of volunteer reading tutors; and, one and a half million milk cartons carrying messages designed to encourage children to read.

The Center was first funded in August 1970 by OE's discretionary money under the Cooperative Research Act. Congress intended the act, as its title implies, to fund educational research. Instead, the Center's well paid staff set themselves up in Washington, D.C., office space that put all congressional offices to shame. After the Center had allegedly misspent $305,300 of their first year's budget, OE finally caught up with them, followed shortly thereafter by the General Accounting Office.

What the OE auditors found was an executive director of the Center who was making $50,000 a year—$14,000 more than the Commissioner of Education—$113,300 for public relations expenditures, and $176,900 for architects' fees and redecorating expenses. After months of negotiations, OE quietly agreed to collect only one-third the alleged misexpenditures of $305,300 that OE, itself, had outlined in its original audit. Not only is OE unwilling to enforce its own audit report, it also maintains there is a need to continue the Reading Center. The Commissioner of Education has taken the position that the Nation needs something such as the National Reading Center to stimulate involvement of the private sector in ending the Nation's illiteracy. Meanwhile, the Office of Education has its own program, called Right to Read, also directed at the Nation's illiteracy problem.

The $3 million already poured down a hole in funding the National Reading Center, if placed in Multnomah County could have nearly quadrupled the $800,000 we recently had to take out of our library budget where funds actually go for reading. The $1.5 million Portland must take out of our school budget to cut teaching slots—including remedial reading teachers—has been the average annual budget of the National Reading Center. As we keep cutting our library and education budgets, the National Reading Center keeps grinding out press releases, holding useless conferences, and turning out reports which are never read.

A $198,759 contract with System Development Corp., to conduct a set of "traveling reading seminars." Of all places, OE dipped into discretionary funds under the Vocational Education Act of 1963 to fund this project. The idea behind this contract was for OE to drum up local support for its right to read program.

System Development Corp.—this think tank is an offshoot of Rand Corp.—held conferences in eight cities around the country where Federal officials came and klatched with local officials over what could be done to improve the Nation's reading skills. After the chatting sessions were over, System Development produced a 269-page report which, in its bulk, contains page after page on the minute arrangements that went into the sessions. On educational grounds, the report is useless.

Actually, OE was supposed to get, for its money, seminars in 10 cities. But after the contract was let, SDC submitted a "potential cost overrun in the amount of $40,029." So OE cut the number of seminars from 10 to 8. There is considerable question whether there was need for any of these talkathons or if, in fact, they served any constructive purpose.

In Multnomah County the nearly $200,000 spent on this contract could have helped finance the operation of Edgefield Lodge. The facility is the only publicly supported one in the State for emotionally "disturbed children." Instead, the money for traveling reading seminars supported a myriad number of conferences, seminars, and discussion groups, all with the associated expenditures of travel, hall rentals, and staff reports—three of the conferences lasted 2 days.

NEDC fund, in cooperation with the National Economic Growth and Reconstruction Organization. This project was supposed to be for drug rehabilitation, $300,000 worth. In this instance, the Office of Education was so anxious to spend the $300,000 before July 1 that it sent a letter on June 23 offering the organization $15,000 in Federal money even before it had received from the organization a satisfactory work statement required by OE regulations. Fortunately, the money was never spent. Why? Not because of OE's acumen, but because the letter OE sent the organization was returned with "addressee unknown" and "moved, left no forwarding address."

The reason OE was so anxious to get rid of $300,000 is that it was faced with its annual, enigmatic problem known as "end of year fiscal rush." This is compulsion of a Federal agency to spend by

June 30 all of the funds Congress has appropriated for it in a given fiscal year. Each year this rush results in incomprehensible mountains of paperwork—where correct contracting procedures are discarded out of expediency—during 2 weeks in mid-June.

A grant of $198,000 to an organization for the study of the needs of American Indian school libraries. This could have been a worthy goal had OE officials known of any special unmet needs of Indian school libraries. But the contracting officials were again hurrying at the end of the fiscal year. Shortly after OE awarded the grant, the organization turned around and subcontracted $124,000 out of the $198,000 total to a university to do most of the work, a bald admission that the organization had little competence in the field. Ironically, OE gave me the file on this grant because they considered it to be a "model" of OE administration. An OE official later told me that after searching OE for "model" contracts and grants for 2 days this project and four others—just as bad if not worse—were the best they could produce

I had hoped that the hearings I conducted in April and May would provide an incentive for the Office of Education and its parent, the Department of Health, Education, and Welfare to improve their contracts and grants administration. Since then, I have witnessed gestures in the direction of reform, but nothing more.

What is even more disconcerting is that before OE and HEW accomplish any reform, we must witness the creation of the latest idea for a new cornucopia of educational research and development—the National Institute of Education (NIE). The recently enacted legislation promises that over the next 3 years we are going to plug $550 million additional into the same research organizations, think tanks, consultants, and other, which the Office of Education has managed to keep solvent under 105 existing Federal education programs.

Imagine what the $550 million spent on NIE could do at the local level. In comparison to the NIE authorization, the following cuts we face in our Portland school budget appear minuscule: $100,000 from career education; $110,000 out of supplementary programs for disadvantaged children and community school programs; $129,000 from summer school; $144,000 out of our counseling program.

It does not make much sense to dramatically increase the funding for educational research and development when existing Federal research programs are being badly mismanaged. And why create new programs for research at the Federal level when school districts can barely buy erasers and chalk, let alone the latest educational materials produced through research?

We must begin an effort to divert Federal money misspent and mismanaged at the Federal level to the local level where the need is greatest. Our Federal education programs have become too numerous and complicated to administer in Washington. We must consolidate these programs, eliminate the bad ones, and direct more aid directly to States and localities.

Mr. BADILLO. Mr. Speaker, I rise in support of this urgently needed legislation and urge that we adopt this conference report without delay.

I am very gratified that the House and Senate conferees have had the wisdom and foresight to increase the appropriations for bilingual education by $15 million beyond that originally appropriated by the House in June. I am especially pleased as this is the amount by which I sought to amend the original bill.

As I have observed on countless occasions, the bilingual education program has been seriously underfunded from its inception. Only a very small percentage of the estimated 5 million children who are considered to be in need of special bilingual education have been reached. Although the need is far more critical today than when the bilingual education program was initiated same 5 years ago, the administration requested hardly more than 30 percent of the amount authorized for such programs.

Therefore, it is appropriate that the Congress take the initiative—in the absence of any leadership from the administration—in renewing our commitment to providing meaningful bilingual/bicultural education and is seeing to it that there are sufficient funds to implement these programs. While the total amount is still less than half of the $135 million authorization, it will still enable the Office of Education to expand bilingual programs to locations now denied this aid or where there are only a limited number of programs. By increasing title VII (ESEA) appropriations by $15 million, to a level of $60 million, it has been estimated that 110 new projects can be initiated and approximately 90,000 more children—almost double the present number—can be reached. These additional funds will be particularly important in enabling the Office of Education to achieve a greater degree of balance in the allocation of title VII moneys without having to short-change certain areas. Furthermore, significantly increased funds are desperately required if the needs of Spanish-speaking and other foreign language-speaking children are to be met and if these youngsters are to be afforded full and equal educational opportunities.

Mr. Speaker, in calling upon our colleagues to support this and certain other increases agreed to by the conferees, I also want to express my very grave concern over some speculation that this measure may be vetoed. Such an ill-conceived move can only do irreparable damage to countless educational, social welfare, job training, employment and manpower programs. While the conference report is higher than the President's budget request, it is only because the administration has failed to take substantive action to reorder its own distorted program priorities and to furnish any semblance of leadership. A veto of this critical money bill would be wholly unjustified and I would urge the President and his advisers to very carefully reconsider any possible moves in this direction.

Mr. VANDER JAGT. Mr. Speaker, while I oppose adoption of the conference report on appropriations for the Departments of Labor, and Health, Education, and Welfare, I want to express my strong support for the provisions included therein that would expand Federal research activities in the field of diabetes.

The conferees retained language adopted by the Senate Appropriations Committee calling upon the National Institute of Arthritis, Metabolism, and Digestive Diseases to utilize an increase in its funding to initiate four to six regional diabetes research centers throughout the Nation. The Senate committee expects to receive a report on the development of this program in next year's hearings.

Members of the House of Representatives may recall that during the debate of May 3, 1972, on legislation renaming this component of NIH, Congressmen GERALD R. FORD, WILLIAM A. STEIGER, and LOUIS FREY, JR., joined me in urging expansion of research on diabetes within the Institute. Upon receiving the assurances of Chairman STAGGERS of the Committee on Interstate and Foreign Commerce that comprehensive hearings would be held on Federal research efforts on this disease, I withdrew an amendment that I had offered aimed at this objective.

Mr. Speaker, I look forward to this extensive congressional inquiry, and urge that it be convened at the earliest opportunity. And I am very pleased that the need for further Federal activities in this field has been recognized by members of the appropriations committees. The regional diabetes research centers would represent a major step forward, and would bring new hope to millions of Americans afflicted with this disease.

Mr. KOCH. Mr. Speaker, today we are voting on the Labor-HEW appropriations bill (H.R. 15417), which some have said President Nixon will veto. It therefore becomes even more essential that Congress now indicate its overwhelming support for the health, education, welfare, and labor programs embodied in this bill—programs which Congress has spent considerable time debating and authorizing.

Earlier in the legislative process, I supported the Hathaway Quality Education Amendments, which are included in the present bill and which made important increases in the administration's funding request for the Office of Education's disadvantaged children, title I programs and its school libraries, vocational education, and adult education programs. Without such a real commitment to the educational needs of our country's children, we will not even begin to provide every child an equal educational opportunity so that he or she can share in the future of this country.

Similarly, if the funding levels provided in this bill for health manpower training, medical facilities construction, and biomedical research are not enacted into law or are rejected by a Presidential veto, the American public will be denied the benefits of improved health delivery programs, additional medically trained personnel, and potentially lifesaving medical research. Inadequate funding of health programs now will lead to greater expenses for disability, welfare, medicare, and medicaid later. I consider the improvement and extension of our health-care system to be one of the most important priorities we have, and I am appalled at the callous threats of a veto.

One program in particular which will have a better chance for receiving Federal funding because of these increased appropriations is the Laboratory for Experimental Medicine and Surgery in Primates—LEMSIP. This laboratory has functioned since 1965 as an interuniversity facility connected with the Associated Medical Schools of New York and New Jersey and under the administration of the New York University Medical Center, and has proved to be a valuable facility for medical research. This laboratory's continuance is now in jeopardy; and though it has so far operated without significant Federal funding, it now requires Federal funding to assure that its quality contributions to medical research will continue. I hope that Federal financial assistance for LEMSIP will be forthcoming shortly.

The President complains that H.R. 15417 appropriates $1.9 billion over his budget request. These increases in funds were made in several important areas—in particular, for health and mental services and for the National Institutes of Health—$126 million of the total increase was in education, including $15 million for bilingual education, $19 million for education of the handicapped, $63 million in reenacted programs in NDEA title III, and $20 million for State adult and vocational education programs.

If the administration is really intent on reducing the level of the national debt, it ought to begin first in paring down its overwhelming military expenditures. How can the President conceivably veto the constructive programs incorporated in this bill—programs which will improve, enrich, and extend the lives of American citizens—and at the same time request this year an additional $3.25 billion for the destruction of life and property in Vietnam?

I support H.R. 15417, and I hope the Congress will register by its vote its determination to see this bill enacted into law.

Mr. CLEVELAND. Mr. Speaker, I rise in opposition to the conference report on the Labor-HEW appropriations bill. I do so with reluctance, because included in it are funds for many desirable programs.

When this appropriations bill first came before the House, I voted for the so-called Hathaway amendment, which added $364 million for certain educational programs. These included vocational and adult education, libraries, impacted aid, and title I ESEA for disadvantaged children, areas of the greatest need. Then I voted for final passage of the House version of the appropriations bill, although it was more than $1.2 billion above President Nixon's budget request. This was a considerable increase but despite the need for fiscal restraint, I felt these programs were important.

The Senate, however, then proceeded to add another $1.3 billion. The bill as it emerged from the conference committee contained over $500 million more than the House version and over $1.8 billion more than the President requested. It is not as if we are not spending very much on these programs. The President has increased his budget request for Labor–HEW by $8 billion since 1971.

NEW REVELATIONS

An important additional consideration is the recent revelation that the States have discovered a program in this bill which gives them a blank check to spend as much as they want for loosely defined "social services" for welfare recipients. The cost of this program has increased by 280 percent in the last 2 fiscal years and although there is no way to tell how much it will increase this coming year, estimates are that this single program may exceed its budget by as much as $3.6 billion. In 1969 it cost the Federal Government $354 million; in 1971, $750 million; in 1972, is estimated to cost about $2 billion, and for next year more than $4 billion.

As the Washington Post recently pointed out, if the money were all being spent wisely on programs that actually lifted families out of poverty, the States could justify this great outpouring. But there are no Federal controls or standards on the quality of the State programs that it finances. It even appears that the Federal authorities do not know with any precision on what it is being spent. A situation like this is not only expensive, it is a runaway threat to fiscal restraint. Estimates indicate that a supplemental request of at least $2 billion more will be necessary to cover these now uncontrollable expenditures.

FISCAL RESTRAINT

Up to this point, Congress has in fact exercised considerable budget restraint. Appropriations bills have been under budget requests in four of eight cases and up less than 1 percent in two of those remaining. Only two have ben substantially over the amounts requested and Labor-HEW is by far the most. This record is commendable, and necessary if we are not to undermine President Nixon's efforts to get our economy moving forward without massive and destructive inflation. It would be regrettable for the House to now throw this record to the wind, and approve this conference report.

Mr. McKEVITT. Mr. Speaker, I do not oppose funds for education just as I do not oppose motherhood, the flag, or apple pie.

However, I must vote against the conference report on the Labor-HEW appropriations bill. Those of us who oppose this conference report will be criticized. This vote will be an issue in some political campaigns. However, facts are facts and the truth is truth even though there are times when the latter hurts.

Fiscal responsibility is more than a cliche—more than just a catchword. It is vital to the economic security of this Nation. The total budget, which includes education as only one of its multitude of segments, has to be kept in the confines of the budget. The same goes for defense spending; the same holds true for every area of the Federal Government, especially at a time when we are attempting to curb inflation.

The Labor-HEW appropriation bill approved by the House increased the administration's amended fiscal 1973 request by $1.27 billion. Additional increases agreed upon by the conference committee added $492 million, bringing the total appropriations increase to $1.76 billion. We are not talking about peanuts. We are talking about an increase over the budget of $1.76 billion Where does this money come from? The already overburdened taxpayer. That is where it comes from. It does not come from some "money tree," it does not come from the Bureau of Printing and Engraving which simply prints more money. It comes from the taxpayer. Those are the people we are supposed to be representing. Those are the people who pick up the tab. Those are the people "where the buck stops" and where it begins.

Mr. Speaker, I could go on to list the various segments of this bill, where the increases are flagrantly above budget and committee recommendations. However, there is no need to go into such detail.

On occasion, I have voted for increases in spending. Those votes have been cast in good conscience and in areas of vital social concern.

But this conference report is different. I do not make any accusations. I do not point a finger at anyone. But in this instance I see increases included for the sake of politics and with little thought on how the money will be spent, administered or eventually used.

The President has also made it clear that he will veto any bill which exceeds his budget estimates excessively. This bill was $1.2 billion over the budget when it cleared the House. It is nearly $1.8 billion over as it comes out of conference. A veto seems certain.

The bill holds out empty hopes. I simply believe we should "go back to the drawing board" on this appropriations bill and come up with something more realistic and responsible.

Mr. FLOOD. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. MICHEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 240, nays 167, not voting 25, as follows:

[Roll No. 309]

YEAS—240

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Bell
Bergland
Bevill
Biaggi
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Buchanan
Burke, Mass.
Burton
Byrne, Pa.
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Celler
Chamberlain
Chisholm

Clark
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fraser
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Howard
Hull
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Leggett
Link
Long, Md.
McClory
McCloskey
McDade
McFall
McKay
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Railsback
Rangel
Rees
Reid
Reuss
Riegle
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Shipley
Shriver
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steed
Steele
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taylor
Thomson, Wis.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Whitten
Widnall
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NAYS—167

Abbitt
Abernethy
Anderson, Ill.
Archer
Arends
Ashbrook
Baker
Belcher
Bennett
Betts
Blackburn
Bow
Bray
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Crane
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fish
Fisher
Ford, Gerald R.
Fountain
Frelinghuysen
Frenzel
Frey
Gettys
Goldwater
Goodling
Green, Oreg.
Griffin
Gross
Grover
Gubser
Haley
Hall
Hansen, Idaho
Harsha
Hastings
Hogan
Hosmer
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Karth
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lent
Lloyd
Lujan
McCollister
McCulloch
McEwen
McKevitt
McKinney
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Md.
Mizell
Montgomery
Nelsen
Pettis
Pirnie
Poff
Powell
Price, Tex.
Quie
Quillen
Randall
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Scott
Sebelius
Shoup
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
Whitehurst
Wiggins
Williams
Winn
Wydler
Wylie
Wyman
Young, Fla.
Zion

NOT VOTING—25

Blatnik
Broomfield
Davis, Ga.
Dowdy
Edmondson
Flynt
Gallagher
Hagan
Hébert
Lennon
Long, La.
McClure
McCormack
McDonald, Mich.
Miller, Calif.
Minshall
Nedzi
Passman
Pelly
Rarick
Rooney, N.Y.
Schmitz
Stuckey
Thompson, N.J.
Tiernan

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Hébert against.

Mr. Thompson of New Jersey for, with Mr. Rarick against.

Mr. Blatnik for, with Mr. Pelly against.

Mr. Tiernan for, with Mr. Schmitz against.

Until further notice:

Mr. Nedzi with Mr. Broomfield.

Mr. Flynt with Mr. McClure.

Mr. McCormack with Mr. McDonald of Michigan.

Mr. Passman with Mr. Minshall.

Mr. Stuckey with Mr. Miller of California.

Mr. Edmondson with Mr. Lennon.

Mr. Davis of Georgia with Mr. Long of Louisiana.

Mr. Hagan with Mr. Gallagher.

Mr. ROBERTS changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: page 2, line 16, insert: "*Provided,* That the amounts appropriated herein for title II, parts A and B of the Manpower Development and Training Act of 1962, as amended, for expenses of the Private Sector On-the-Job Training and the Special Targeting programs authorized under that title shall not be subject to the apportionment of benefits provisions of section 301 of the Manpower Development and Training Act.

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 19: page 11, line 1, strike out $751,295,000" and insert "$844,797,000,".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$798,046,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 21: page 12, line 3, after "317" insert "318,".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 24: page 13, line 12, strike out "$159,872,000" and insert "$223,872,000".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$209,372,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 51: page 22, line 18, insert:

ELEMENTARY AND SECONDARY EDUCATION

"For carrying out, to the extent not otherwise provided, title I ($1,810,000,000), title III ($171,393,000), and title V, parts A and C ($55,000,000), of the Elementary and Secondary Education Act, $2,036,393,000: *Provided,* That the aggregate amounts made available to each State under title I–A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972: *Provided further,* That the requirements of section 307(e) of Public Law 89–10 as amended shall be satisfied when the combined fiscal effort of the local education agency and the State for the preceding fiscal year was not less than such combined fiscal effort in the second preceding fiscal year."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"ELEMENTARY AND SECONDARY EDUCATION

"For carrying out, to the extent not otherwise provided, title I ($1,810,000,000), title

III ($171,393,000), and title V, parts A and C ($53,000,000), of the Elementary and Secondary Education Act, $2,034,393,000: *Provided*, That the aggregate amounts made available to each State under title I–A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972: *Provided further*, That the requirements of section 307 (e) of Public Law 89–10 as amended shall be satisfied when the combined fiscal effort of the local education agency and the State for the preceding fiscal year was not less than such combined fiscal effort in the second preceding fiscal year."

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 52: page 23, line 7, insert:

"SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

"For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $749,955,000, of which $704,045,000, including $41,450,000 for amounts payable under section 6 and $40,000,000 for complying with section 403(1) (C) shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 3, 1950, as amended and $45,910,000, which shall remain available until expended, shall be only for providing school facilities as authorized by section 5 and subsections 14(a) and 14(b) of said Act of September 23, 1950: *Provided*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 84 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(b) of title I: *Provided further*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(a) of said title I if the number of children in average daily attendance in schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 52 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

"For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $681,405,000, of which $645,495,000, including $41,450,000 for amounts payable under section 6 and $10,000,000 for complying with section 403 (1)(C) shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 3, 1950, as amended, and $35,910,000, which shall remain available until expended, shall be only for providing school facilities as authorized by section 5 and subsections 14(a) and 14(b) of said Act of September 23, 1950: *Provided*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 77 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(b) of title I: *Provided further*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(a) of said title I if the number of children in average daily attendance in schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 54: page 24, line 11, insert:

"VOCATIONAL AND ADULT EDUCATION

"For carrying out, to the extent not otherwise provided, section 102(b) ($29,898,000), parts B and C ($454,682,000), D, F ($38,322,000), G ($29,500,000), H ($10,524,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and the Adult Education Act of 1966 (20 U.S.C. ch. 30) ($75,000,000), $674,768,000, including $24,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1974, and not to exceed $28,000,000 for research and training under part C of said 1963 Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1971: *Provided further*, That grants to each State under the Vocational Education Act shall not be less than grants made to such States in fiscal year 1972."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 54 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"VOCATIONAL AND ADULT EDUCATION

"For carrying out, to the extent not otherwise provided, section 102(b) ($29,898,000), parts B and C ($449,682,000), D, F ($38,322,000), G ($24,500,000), H ($10,524,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and the Adult Education Act of 1966 (20 U.S.C. ch 30) ($75,000,000), $659,162,000, including $20,000000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1974, and not to exceed $23,000,000 for research and training under part C of said 1963 Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1971: *Provided further*, That grants to each State under the Vocational Education Act shall not be less than grants made to such States in fiscal year 1972."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 64: Page 29, line 1, insert:

"WORK INCENTIVES

"For carrying out a work incentive program, as authorized by part C of title IV of the Social Security Act, including registration of individuals for such program, and for related child care and other supportive services, as authorized by section 402(a)(19) (G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, and $150,000 for transfer to the appropriation for 'Departmental management', $455,133,000, which shall be the maximum amount available for transfer to the Secretary of Labor and to which the States may become entitled pursuant to section 403(d) of such Act, for these purposes for the current fiscal year."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 64 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 66: Page 29, line 21, insert:

"GRANTS FOR THE DEVELOPMENTALLY DISABLED

"For carrying out, except as otherwise provided, sections 301 and 303 of the Public Health Service Act, parts B, C, and D of the Developmental Disabilities Services and Facilities Construction Act and the Vocational Rehabilitation Act contingent upon enactment into law of authorizing legislation, $102,825,000, of which $65,000,000 shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act, to remain available until June 30, 1975: *Provided*, That grants made from these funds after June 30, 1973, will be for construction only as specified in section 132(a) (3) of such Act; $14,250,000 for grants under part B of the Developmental Disabilities Services and Facilities Construction Act, to remain available until expended: *Provided further*, That there may be transferred to this appropriation from the appropriation 'Mental Health' an amount not to exceed the sum of the allotment adjustment, made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 66 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"GRANTS FOR THE DEVELOPMENTALLY DISABLED

"For carrying out, except as otherwise provided, sections 301 and 303 of the Public Health Service Act, and parts B, C, and D of the Developmental Disabilities Services and Facilities Construction Act. $51,250,000, of which $32,500,000 shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act, to remain available until June 30, 1975, and $9,250,000 shall be for grants under part B of the Developmental Disabilities Services and Facilities Construction Act, to remain available until expended: *Provided*, That grants made under part C of the Developmental Disabilities Services and Facilities Construction Act after June 30, 1973, shall be for construction only as specified in section 132(a)(3) of such Act: *Provided further*, That there may be transferred to this appropriation from the appropriation "Mental Health" an amount not to exceed the sum of the allotment adjustment, made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 68: Page 31, line 25, strike out "$557,788,000" and insert "$1,526,500,000, to remain available until expended:"

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 68 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 70: Page 38, line 2, after the word "College" insert; "shall be awarded to these institutions in the form of lump-sum grants and expenditures made therefrom."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 70 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 76: Page 45, line 6, insert:

"PAYMENT TO THE CORPORATION FOR PUBLIC BROADCASTING

"To enable the Secretary of the Treasury to make payment to the Corporation for Public Broadcasting, as authorized by section 396(k)(2) of the Communications Act of 1934, as amended, for expenses of the Corporation, $65,000,000, to remain available until expended: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 76 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"PAYMENT TO THE CORPORATION FOR PUBLIC BROADCASTING

"To enable the Department of Health, Education, and Welfare to make payment to the Corporation for Public Broadcasting, as authorized by section 396(k)(1) of the Communications Act of 1934, for expenses of the Corporation, $40,000,000, to remain available until expended: *Provided*, That in addition, there is appropriated in accordance with the authorization contained in section 396 (k) (2) of such Act, to remain available until expended, amounts equal to the amount of total grants, donations, requests or other contributions (including money and the fair market value of any property) from non-Federal sources received by the Corporation during the current fiscal year, but not to exceed a total of $5,000,000."

The SPEAKER. The gentleman from Pennsylvania (Mr. FLOOD) is recognized.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to my friend, the gentleman from Iowa.

Mr. GROSS. This appropriation for public broadcasting has not been authorized; is that correct?

Mr. FLOOD. It conforms exactly with the bill that is coming up.

Mr. GROSS. That may well be. But it has not been authorized.

Mr. FLOOD. That is correct and that is why we are bringing it to the House for a separate vote.

Mr. GROSS. In other words, the authorizing bill is presently pending before the House; is that not correct?

Mr. FLOOD. Yes, that is right.

Mr. GROSS. Therefore, if we approve of this amendment here this afternoon, we will be engaging in a futile gesture relative to consideration of the public broadcasting bill; is that not correct?

Mr. FLOOD. My opinion is that the legislative bill will pass without any doubt at all. I have no doubt about it.

Mr. GROSS. The fact of the matter is that adoption of the gentleman's motion will nullify the authorizing process in the House of Representatives.

Mr. FLOOD. If the President signs this bill?

Mr. GROSS. Let us assume that he will.

Mr. FLOOD. I suppose he might.

Mr. GROSS. I think he will probably veto it, but if he does——

Mr. FLOOD. Then your question is academic.

Mr. GROSS. But there is reason to believe the President will sign the bill.

Mr. FLOOD. I am not a member of the palace guard; I do not know.

Mr. GROSS. So by virture of the motion presently offered by the gentleman, the House will have nullified the authorizing procedure with respect to the Public Broadcasting Act.

Mr. FLOOD. I do not like the word "nullify." I do not think it really fits this situation.

Mr. GROSS. That is the effect of it.

Mr. FLOOD. That is a matter of opinion.

Mr. MICHEL. Mr. Speaker, will my chairman yield?

Mr. FLOOD. Yes, I yield, of course, to the gentleman from Illinois.

Mr. MICHEL. I think the word "nullify" is a little bit strong.

Mr. FLOOD. It is very strong.

Mr. MICHEL. As a matter of fact, the authorizing legislation will have some conditions over which we have no control whatsoever. We just simply thought that here in the interest of time and efficiency and, as a matter of fact, in trying to save the taxpayers a few dollars by appropriating in this method, we would stand a much better chance of having it limited to a level of $45 million, rather than $60 or $70 million.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Iowa.

Mr. GROSS. By what logic does the gentleman say the Appropriations Committee is saving the taxpayers several millions of dollars?

Mr. FLOOD. I did not say that.

Mr. GROSS. If the House had an opportunity to consider the authorizing bill, it might save more money than you are perhaps proposing to save here.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FLOOD).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 373, nays 27, not voting 32, as follows:

[Roll No. 310]

YEAS—373

Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collins, Ill.
Colmer
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Landrum
Latta
Leggett
Lent
Link
Lloyd
Lujan
McClory
McCloskey
McClure
McCollister
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin

Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton,
  J. William
Stanton,
  James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson,
  Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—27

Abbitt
Ashbrook
Baring
Betts
Burleson, Tex.
Collier
Collins, Tex.
Crane
Daniel, Va.
Derwinski
Devine
Downing
Findley
Goldwater
Goodling
Gross
Haley
Hall
Hays
Hogan
Landgrebe
Long, Md.
Mathis, Ga.
Poage
Powell
Rousselot
Smith, Calif.

NOT VOTING—32

Blackburn
Broomfield
Davis, Ga.
Dowdy
Edmondson
Evins, Tenn.
Flynt
Ford,
  William D.
Frey
Gallagher
Gray
Hagan
Hawkins
Hébert
Ichord
Kuykendall
Lennon
Long, La.
McCormack
McDonald,
  Mich.
Miller, Calif.
Minshall
Nedzi
Passman
Pelly
Rarick
Rooney, N.Y.
Ruppe
Schmitz
Stuckey
Tiernan
Veysey

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Broomfield.
Mr. Hébert with Mr. Pelly.
Mr. McCormack with Mr. Blackburn.
Mr. Tiernan with Mr. Kuykendall.
Mr. Stuckey with Mr. Ruppe.
Mr. Hawkins with Mr. Schmitz.
Mr. Davis of Georgia with Mr. Veysey.
Mr. Evins of Tennessee with Mr. McDonald of Michigan.
Mr. Flynt with Mr. Minshall.
Mr. William D. Ford with Mr. Frey.
Mr. Gray with Mr. Rarick.
Mr. Nedzi with Mr. Gallagher.
Mr. Hagan with Mr. Edmondson.
Mr. Lennon with Mr. Ichord.
Mr. Passman with Mr. Miller of California.

Mr. DOW changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 15927, TEMPORARY INCREASE IN RAILROAD RETIREMENT ANNUITIES

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1085 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1085

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15927) to amend the Railroad Retirement Act of 1937 to provide a temporary 20 per centum increase in annuities, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1085 provides an open rule with 1 hour of general debate for consideration of H.R. 15927, the purpose of which is to provide a temporary increase in railroad retirement annuities.

Annuitants would receive a temporary 20-percent increase in retirement benefits effective with respect to annuities accruing after August 1972, to terminate June 30, 1973. Temporary increases which were enacted in 1970 and 1971 have the same termination date.

The Commission on Railroad Retirement which was created to make a study of the system and its financing is presently in the process of preparing its report and recommendations. When the report is completed and properly evaluated, permanent legislation will be introduced. In the meantime, the railroad annuitants are entitled to some relief from the rising costs of living.

Mr. Speaker, I urge the adoption of the rule.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the remarks made by the gentleman from New York (Mr. DELANEY) in explanation of the rule. We had this bill, H.R. 15927, on the suspension list for Monday, but we did not reach it, so we granted a rule yesterday, House Resolution 1085.

The bill will increase by 20 percent the retirement benefits until June 30, 1973. I remember when I presented these increases a couple of times before we were concerned that this fund eventually may become depleted, because there are not as many railroad employees now working to take care of the approximately 700,000 retired people. There has been some suggestion made that we should wait until this Commission reports—and I understand their report is either at the printer or is being submitted to the printer at the present time—so we can have permanent legislation rather than this temporary legislation.

There are some problems, there are some minority reports, and some amendments will be offered, but as far as the rule is concerned, I urge its adoption.

Mr. DELANEY. Mr. Speaker, I move the previous question on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE A PRIVILEGED RESOLUTION UNTIL MIDNIGHT TOMORROW

Mr. DELANEY. Mr. Speaker, in the name of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tomorrow night to file a privileged resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

TEMPORARY INCREASE IN RAILROAD RETIREMENT ANNUITIES

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15927) to amend the Railroad Retirement Act of 1937 to provide a temporary 20-percent increase in annuities, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15927, with Mr. Green of Pennsylvania in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. Staggers) will be recognized for 30 minutes; and the gentleman from Illinois (Mr. Springer) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the House, this is a very simple bill. It will provide a temporary increase in railroad retirement benefits, to conform to the social security amendments adopted on June 30, when social security benefits were raised 20 percent.

The railroad retirees and their spouses and widows are in the same fix as those men and women who are under social security. Prices have gone up for them. They certainly are in the same fix as beneficiaries of social security. They need additional benefits now.

When Congress provided a temporary increase in 1970, we realized we would have to have some revisions in the Railroad Retirement Act. We set up a Commission of five Members—two from management, two from labor, and one from the general public appointed by the President—to resolve this issue. We asked them to report back to the House by July 1, 1971. They came to the committee and said they had not had time enough, so we provided for an extension of a year, which made the reporting date July 1, 1972.

I understand their report has been made, but it has not come to the House yet. It is at the printer's.

There has been a suggestion that probably we should wait for the report and then act. This will be impossible, due to the closing of this Congress. I do not know how soon that report might come to the Congress. After that it would be necessary to get legislation through the House, through the Senate, and to have it signed, for the people to get their benefits, and that probably would run into the middle of next year.

I do not believe it would be fair to a lot of people I know, and I dare say to a lot of people Members know in their districts, to deny them a 20-percent raise in railroad retirement benefits just because we do not have the Commission report to act on now. I do not believe that would be right.

This is a temporary raise, something which we have done twice before. All three temporary raises are to expire July 1, 1973.

We know full well that the Congress must act before July 1, 1973, on a permanent plan to finance the fund.

The fund at the present time has some $4.6 billion in it. This temporary raise will cost $11 million on an actuarial basis. That is all the temporary increase will cost.

I cannot see any fairness at all to not enacting this into law right now.

I do not think I could face some of the people from my hometown or others who ask me why they are not treated like the social security people are, and they will not be treated that way if we do not act now.

The social security benefit increase takes effect on September 1.

We hope if we enact this bill today, it will be enacted just as it is now by the Senate immediately, and every one of those on railroad retirement will get an increase in their checks on the same date the social security beneficiaries get theirs.

There were amendments offered in the committee to raise the assessments against the railroads and against the workers on the railroads to pay for this. It was voted down overwhelmingly in the committee.

This is only a temporary bill, as I have said. It will go out of effect, according to law, on July 1 of next year. So we know we will have to act before that time.

I believe every Member of this Congress sitting in this House listening to me will agree that those widows and those on pensions now deserve an increase in that pension right now and not next year. It would be an injustice to try to wait for the recommendations of the Commission. We set that Commission up and we asked them to report back on July 1 of last year. They asked us for more time and said they did not have enough time. They asked for another year, until July 1 of this year. We gave them the additional year, and they have made a report. It is a big report, as I understand it, with different recommendations in it. This House ought to have the benefit of those recommendations when the experts citing them have taken the time to do it. We should not say either today or later in the future that we will raise the assessments on the railroads and on those who work on the railroads willy-nilly and by a certain sum without hearings and without the advice of the body of experts that we set up to give us the advice.

That is the essence of the bill. It is a simple one and is only temporary. It goes on until July 1 of next year and goes out of business by law at that time. There will have to be other laws enacted to keep it in effect. We have $4.6 billion in the fund now. I think with that explanation we ought to enact this bill immediately.

Mr. PEPPER. Mr. Chairman, will the gentleman yield to me?

Mr. STAGGERS. I am glad to yield to the gentleman.

Mr. PEPPER. I want to commend the able gentleman for bringing this bill forward to the House. It is a meritorious bill and certainly it seems to be fair that the people on the railroad retirement system should receive the same increase in their annuities as those who are on social security are receiving by action of the Congress which was approved by the President. Again I want to commend the distinguished chairman and assure him of my support.

Mr. STAGGERS. I thank the gentleman.

Mr. SAYLOR. Will the gentleman yield to me?

Mr. STAGGERS. I am glad to yield to the gentleman from Pennsylvania.

Mr. SAYLOR. First I would like to commend the committee for bringing this bill out. I think it is proper. I happen to be one of those who believe it should have been permanent instead of temporary.

However, I am disturbed by figures which I see on page 7 of your report, which show the amount of money that you say is in the fund. If I remember correctly, you said there were about $4.6 billion in the fund and the cost of this bill would only be $11 million. Yet when you get to the first paragraph on page 7 it says:

> The actuarial surplus shown in the table above is equivalent to 1.48 percent of future taxable payroll if the temporary increases are allowed to expire. If the increases are not allowed to expire, there would be an actuarial deficiency of 6.70 percent of taxable payroll which would result in exhaustion of the funds of the railroad retirement program in a relatively short time.

How can the $11-million increase in costs have such a substantial effect?

Mr. STAGGERS. I would like to explain that to the gentleman in this way. As you say, the report says "In a relatively short time." Well, we can reconcile that fact with the fact that it will be depleted if these increases were to go into effect and be made permanent, but by law they go out of existence on July 1 of next year. We also know that without these in effect the fund would not only be sound, but the money would be pouring into it at a fairly good rate, $87.5 million each year.

As I say, these will go out of effect next July 1, and at that time we will have to enact a law here and take a position on it.

I would further say that in mentioning the $11 million, that on a long-term basis the cost would be $11 million per year, representing interest on the amount paid out of the fund from September 1 of this year to next July 1. On a short-term basis it would be at the rate of about $250 million for that period.

Further, I might say to the gentleman that under the social security bill as we passed it in June 30, one-third of all of the railroad retirees in America benefit under the Railroad Retirement Act as a result of the social security increase. So all we are talking about are the two thirds who will not receive a raise unless we act.

So there are one-third who already have it, and we say that in all fairness the other two-thirds ought to have it.

Mr. SAYLOR. I thank the gentleman for his reply. Now that he has explained the $200 plus million I can understand the variation in the figures in the report.

Again I commend the gentleman.

Mr. STAGGERS. I thank the gentleman.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have been on this committee for 20 years, and I was on the Subcommittee on Transportation and Aeronautics for some 12 years, and I think every single raise that has ever been suggested or enacted by this body has had some kind of a hearing which I thought would justify the increase.

Let me give you a picture of what happens if you put this into effect—and it is not pleasant for me to come here and have to give you these facts. I have never condemned those who have other opinions, and I do not mean to by what I say here on the floor. I think that those who do not feel as I do are just as earnest and just as sincere and have just as high an integrity as I do.

But the actual fact is that you have raised this figure, percentagewise, in the last 3 years by 55 percent—35 percent up until today—and this 20 percent makes 55 percent.

You have some 900,000 men and women who are now receiving money from this fund, some of whom are retirees and some who are spouses of retirees.

But there are over 900,000 recipients of railroad retirement at this point.

There are slightly over 600,000 paying into this fund at the present time. Now just get this in mind—a little over one-half a million paying into this fund and almost 1 million drawing on the fund, and you are proposing to make a 20-percent increase, making a total increase of 55 percent.

Now my good chairman and friend has said that this is only temporary. Have any of you ever known of a temporary increase that did not become permanent?

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. Not at this point, but I will in just a second since I have mentioned the gentleman's name. I certainly will be glad to yield to the gentleman.

Now this was a rather hurried up kind of hearing. It lasted one morning. The Railroad Retirement Commission was formed and appointed to make a study of this and I will read to you a letter written to me on July 27, which was the day after the hearing:

> COMMISSION ON
> RAILROAD RETIREMENT,
> *Washington, D.C., July 27, 1972.*
> Hon. WILLIAM L. SPRINGER,
> *U.S. House of Representatives,*
> *Washington, D.C.*
>
> DEAR MR. SPRINGER: Pursuant to our conversation yesterday, I am enclosing a copy of the summary portion of our report, plus a suggested introductory statement which you might wish to consider.
>
> If I can be of any further assistance to you in this respect, please give me a call on 382-2043.
>
> Sincerely,
> MICHAEL S. MARCH,
> *Executive Director.*

Further, in the summary of the report they say:

> First, the Commission, after consultation with a group of the most eminent actuaries in the country has found that the railroad retirement system, as it now stands, is headed for bankruptcy. The projected annual deficit, using realistic assumptions, will reach $330 million in 1980, $578 million in 1985, and will exceed $1 billion in the year 1995 to 2000. From 1971 to 2000 the cumulative annual deficit added up to $17 billion.
>
> The present fund stands at about $5 billion. The Commission projects that the system will be bankrupt in the year 1988. By the year 2000 the unfinanced deficit, the so-called "debt" of the system, will total $12 billion.
>
> Second, the enactment of a 20% increase in railroad retirement benefits by H.R. 15927 will speed up the bankruptcy of the system. The increase under the bill is technically "temporary", but everyone knows that the Congress does not "take back" benefit increases that it once provides. Thus, the approval of the bill would represent a *de facto* permanent commitment to a 20% increase. The added increase in the first full year will be on the order of $300 million. Between 1973 and the year 2000 the added expenditures will be $12 billion. According to information provided the House Committee by Dr. Theodore O. Yntema, the Chairman of the Commission on Railroad Retirement, and inserted in the hearing record, the present reserve in the fund will be entirely used up by 1985 and the system will have a debt of $23 billion in the year 2000, if the 20% increase in railroad benefits is made permanent, as it surely will be.
>
> Third, the 20% increase would represent irresponsible financial handling of the railroad retirement system. In 1970 a 15% increase and in 1971 a 10% increase were enacted without providing any additional taxes to cover the costs. Now a third increase of 20% will be added, again without providing any new financing. The compound increase in benefits will thus be 53% in 3 years—without any provision for added taxes. This sort of legislation is a threat to future benefits of present railroad retirement workers—who are being asked to pay contributions to a system which is sure to go bankrupt.
>
> Fourth, the argument that a 20% increase for railroad beneficiaries must be provided, as a matter of simple equity if social security recipients are given a 20% increase is not valid. The average monthly age retirement benefit in December 1971 was $222 per month as compared to the average social security benefit of $132. (Wives benefits, which in most cases are about 50% extra, are in addition.) Thus, a 20% increase for a railroad beneficiary would be 1.7 times as large as for a social security recipient. The social urgency of the basic social security benefits is quite different than of the bigger railroad benefits. The social security system is not threatened with bankruptcy as is the railroad retirement system, which depends on a railroad industry in which 6 railroads are in bankruptcy.

Now, I do not know how many of you have those in your districts who are paying into the fund. But may I say, we have always operated, at least up until now, on the theory that we will never give an increase in this unless the fund justified it.

I think we tried to follow that very carefully up until a couple of years ago. I do want to say, if we are going to bankrupt the fund in less than 15 years, you are going to have to answer to every single one of your railroad employees in your district who are not going to be able to receive any money out of this fund when they retire. That is exactly what you are faced with in this instance.

The actuary of the Railroad Retirement Board was before our committee. I asked him—there now being railroads paying 9.5 percent approximately into the fund and also employees are paying into the fund 9.5 percent.

I asked the actuary in the presence of all of our committee what it would take to raise this sufficiently to bring it into balance, and he said it would be necessary to raise the payment made by the employer, the railroads, and the employee, each 13.3 percent from 9.5. I introduced that amendment. I felt that if such a raise was justified, then we ought to be able to have payments into this fund sufficient to keep it in balance, and that was the purpose of my amendment. My recollection is that it was defeated, I believe, by something like 21 to 7. This gives you a picture of what the committee did with reference to trying to bring some kind of order and balance out of this fund.

I am going to introduce this amendment. I do not know how far I am going to get with it, but I simply cannot be financially responsible to the people back home in my district—and I have a lot of railroaders in my district. I have not had a letter from one single railroader—not one single railroader in my district—who is working and paying into this fund asking me to support this legislation—not one. If any of you have, that is more than I have—and I suppose you may have.

I have had a lot of letters from those who are recipients who are not going to pay another nickel into this fund, and I do not blame them a bit for that. I might even feel that way about it myself, if I did not know what the condition of this fund was. But it would be the most irresponsible thing I can think of for me now to vote a 20-percent increase, a total of 55 percent in the last 3 calendar years, when we know this is going to break the fund in the next 15 years.

There certainly will be, I suppose, something done about this, and nobody yet has proposed anything. I personally felt that although they had not completed all of their hearings, that this special committee that was appointed to make a study of this, and which was to report by July 1 of this year and had not quite gotten it done—that we ought not to have done anything until we had that hearing. But instead of this, we are now plunging ahead with 20 percent additional on top of this in order to put this fund in a worse deficit position than it was before.

I just do want to say to you that if you do want to go back home and face those—and out of this is going to come a lot of publicity—and cannot help it—those who are paying into this fund, who are paying into a fund that is going to become bankrupt by 1985 if nothing is done about it. I have not seen any solid proposals by anyone who is going to do anything about it.

Labor testified before the committee as far as I know, they had no concrete suggestion at this time as to what was proposed should be done in the form of legislation to put this back in balance. All those years all those who have received from this fund have paid into this fund.

I think I am financially responsible to see that those who are now paying into the fund will at least have something coming to them when the time comes for them to retire.

The gentleman from Pennsylvania asked a rather pertinent question here a moment ago about the deficit. If you want to look at it, you ought to turn to page 7 and see that actuarial deficiency—and it is the truth exactly as he has put it there. Mr. Habermeyer is Chairman of the Railroad Retirement Board. There are three men on the Railroad Retirement Commission. There is one from management and one from labor, and then there is one that is independent. Mr. Habermeyer, who is Chairman of the Commission, is retired, and he has not been replaced, so there are only two on the Commission at this time.

Mr. Quarles, the management member of the Board, is not in favor of the increase, but Neil P. Speirs, the labor member of the Board, supports the bill. So you have got a split on simply a management-labor division equally between the two members. That is just exactly where you sit at this point. I just want to be sure that those of you who are here and listening are sure that you understand what the financial condition of the railroad retirement is at this time, so you will not be voting under any misapprehension that something has been done, or that there is any legislation in the mill to do anything about this. There is not anything being proposed at this point.

You have talked about social security for a minute, and I think I ought to go back to that, because I think that is worth talking about. If you recall, we did raise social security some 20 percent, I believe, here, some weeks ago, and you are saying these people are entitled to 20 percent, too. Perhaps they are. I do not find anything particularly wrong with that. Social security, as you well know, did two things. First, they raised the rate; and second, they raised the amount that was taxable per person, so that you had a lot of people—millions of people—paying into the fund a very small amount of increased tax in order to make possible to a small number of people a rather sizable 20-percent increase.

I think in using those words—and I will stand corrected if I am not correct—those are almost exactly the words the gentleman from Arkansas, the chairman of the House Ways and Means Committee used. May I repeat that. In social security we have millions of people paying into a fund, a very small amount of money in order that a very small number of people could receive a very sizable percentage increase in their social security benefits. What do we find in this fund? What we actually find is a very small number of people who will be paying into the fund in which there is no increase in the percentage, no increase in the tax base of those people who are paying in, some 600,000, but there are 900,000, up by 50 percent, more people receiving than there are paying into the fund.

I think Members can see the only course to take if we are going to give the 20-percent increase and be financially responsible is to have an increase in the amount that is to be paid in. The actuary said the amount needed in order to do this was 13.3 percent, up from 9.5 percent.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I thank the gentleman for yielding. All I want to say to the gentleman is this, that the fund will never be depleted unless this Congress acts, and it will have to act between now and next July, because these are only temporary increases. If the increases are discontinued, then the fund will have a surplus coming into it year after year after year. So we are leaving it for the next Congress. After we have had the recommendations of the Commission as to what we should do, then we can take action. The fund will never be depleted unless we see fit to do it, and we are only voting this as a temporary thing.

The increase goes out of existence in July. It means we will have to come back and take another look at it and act on it. Otherwise the rate of benefits reverts back to the permanent rate, and under that situation there will be a surplus coming into the fund at all times.

Mr. SPRINGER. I do not find those figures to be that. I do not know of any reliable testimony before our committee which indicates the latter part of what the gentleman said. If I understood correctly what the gentleman was trying to imply, it was that there would always be sufficient money in this fund to pay off in the future those who would receive this assistance. Is that what the gentleman said?

Mr. STAGGERS. No.

Mr. SPRINGER. Would the gentleman repeat that portion of his remarks.

Mr. STAGGERS. I would be happy to. I said these temporary increases will go out of effect by law on July 1, of next year, and unless we act, then from that time on, there would be a surplus coming into the fund with the present assessments without the temporary increases. We will have to act to extend the increases. I would assume and certainly if I am chairman and come back, although I do not know what the good Lord has in store, but if I am back and I am chairman, it would certainly be my intention to put this fund on a sound basis. But I say to the gentleman this, that only if we act next July 1 will these temporary increases be extended. Otherwise they will go out the window, and without them there would be a surplus coming into the fund next year.

Mr. SPRINGER. May I say I think what the gentleman said strictly speaking is true, that if we drop these next year, there would be a surplus coming in each year, but the point is we have not made up the 55 percent which we have drawn on in these 3 years, and we can never recover that unless there is some legislation to recover the 55 percent which we have lost during the last few years.

Mr. STAGGERS. Unless this House acts by next July 1, these are automatically dropped. There is no way they will be continued unless we by passage of a law in this House continue them.

Mr. SPRINGER. No one is disputing that, but I do not believe—and I do not believe the gentleman in his heart believes—they will not be extended.

I do not believe, in other words, that next July 1 we are going to cut the amount the recipient is receiving on next July 1. If we do not extend the increases, the amounts will be cut 55 percent.

Mr. STAGGERS. The gentleman still does not get it. Unless we act next July 1—and we have to act on the commission's report and put this on a sound basis—these increases will not be extended.

Mr. SPRINGER. But I do not believe the gentleman visualizes that is exactly what is going to happen, and I do not see anything in the mill—although I will not be here—to indicate that is going to happen. The intention is to go from crisis to crisis.

Mr. STAGGERS. I do not think so.

Mr. SPRINGER. From crisis to crisis, and then they will try in some way to unload this on the Federal Government. That is the only way out of it I can see. This is the way in which, as I see it, those pursuing this legislation in the end expect to see something done about it.

I believe the chairman has tried to give his viewpoint fairly about it. I have tried to give my viewpoint. I wanted to be sure the Members understood what they were doing if they went ahead to enact this legislation without taking care of some form of payment into this fund by both the railroadmen and management.

Later on I will have an amendment on this which I hope the Members will consider. I did not feel I could leave this Congress without doing something, because I believe I have stood by this railroad retirement system and have insisted on every occasion that we try to be financially responsible. I believe we will be if we will go ahead and pass that amendment.

If we go ahead and put it at 13.3 percent, I believe the Members will find there will be people rushing in immediately to see that this legislation does not go any further, because I can assure the Members that the railroad worker himself does not want to pay the increase from 9.5 to 13.3 percent.

Mr. STAGGERS. Mr. Chairman, I am happy to yield such time as he may consume the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. I thank the chairman for yielding.

Mr. Chairman, I have reservations about what we are doing on this formula today.

I was a member of the subcommittee 2 years ago when we held similar hearings, and it was made plain that if we did not change our formula, from an actuarial standpoint, this fund would get into danger. We had to take some positive steps.

If Members will read the report of 2 years ago, they will find it was very plain. We decided at that time to appoint a commission to study this and to give us the full benefit of a deep study.

The problem we face today is that the Commission either was slow in getting underway, due to the fact of slow performance, or they could not act quickly enough, or perhaps there was a problem of volume of testimony. But the fact is that the Commission report has not yet been printed.

The committee met last week on this, and I was hesitant to participate. We did not have a report before us. We do not have it now, although we do know that the Commission views with grave reservations the action we are taking today.

It seems to me that if we do not take action we are going to penalize the railroad retirees. The gentleman from Illinois is exactly correct, in my judgment, that we are going to break the fund at some point unless we change the formula.

At this point I do not see how we can do anything, from the standpoint of equity, except to approve this bill with an understanding that between now and next June 30 this matter will be brought to our committee and that we will ask for action on the Commission report, we are going to have to change this formula if we are going to keep the fund on a permanent basis, or else take away the increased amounts we seek to give them today.

Would the chairman say that this would be his intention between now and June, to hold these meetings and to get this report so that we can change the formula or reduce the funds?

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the chairman.

Mr. STAGGERS. I would say to the gentleman, that depends on many things. The first is the fact that I would be elected to Congress again. Next would be that it would be a Democratic Congress.

Mr. PICKLE. Those are obvious. What is the third thing?

Mr. STAGGERS. The third thing is it is obvious that between now and next July there will have to be hearings held, because these increases run out automatically by law. They do not run on. They run out by law.

There is no one—and I do not care who it is; even the President—who can keep them running.

I would say there would have to be hearings. I can assure the gentleman, with everything I know, there will have to be hearings, and they will be held.

We asked that commission when we appointed it to come up with recommendations. We asked them to give us the recommendations for a permanent way to do this job.

Mr. PICKLE. This is temporary, then?

Mr. STAGGERS. That is right.

Mr. PICKLE. And we must change it between now and June 30. We will not try to extend it?

Mr. STAGGERS. That is right. We will not try to extend it, because I think it would be wrong. We have to face up to the fact that the law will expire at that time.

Mr. Chairman, I yield whatever time he may require to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in support of H.R. 15927.

I want to point out to the Members of the House that this feature of not only the retirement law but the social security law is a problem we will have to face very quickly.

I want to point out in foreign countries such as Scandanavia, England, Ireland, Germany, and others their method of raising social security funds is to collect one-third from the employer, one-third from the employee, and the rest from the general revenues.

That is the way social security was first sent up to the Congress, but there have been people trying to hold down the benefits and maintain a tax of 50 percent for the employer and 50 percent for the employee and ignoring the fact that these programs have been freighted down with programs formerly supported by State and local governments or the Federal Government. In fact, the trust fund for the social security fund had been subsidizing the U.S. Government through the actions of the Government in borrowing money from the trust fund and paying it back at a lower rate of interest than they received from the private sector. We will have to look into this area and put the responsibility on the shoulders of those people who should be paying their share but are today going scot free.

When you look at medicare and medicaid and you see in the local governments where they formerly supported their local hospitals and in the State governments where they formerly supported their State hospitals, now they are being relieved of a great deal of that burden as a result of social security. You can then recognize the fairness of a one-third, one-third, one-third formula. That is what we should be looking into here.

I have been advocating it on the House Committee on Ways and Means. I believe even the administration is beginning to look into this area. We should do it the way the other countries do. I believe it would be a much fairer system to pay far more and higher benefits and at the same time have those in our economy who should do so carry their fair share of the load.

For that reason I rise in support of this bill at this time.

The elderly people in this country are confronted with high inflation. They are being squeezed more than anyone else in this Nation as a result of inflationary rises. That is why this bill has to be put through here. We are concerned with human needs and problems, and the enactment of this bill is called for right now.

Mr. STAGGERS. I thank the gentleman for his contribution.

I yield 1 minute to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts. Mr. Chairman, I merely rise to raise my voice in support of this bill and associate myself with the remarks of the distinguished chairman of the full committee, who has done an outstanding job with regard to this acknowledged difficult problem.

I would like to point out while there is some merit to what has been said about the long-range planning in this regard—and I think I agree with those arguments—I feel confident that we will do this with the assurance of the gentleman from West Virginia, our chairman, who has always kept his word in anything that he has ever said to the House or to our committee. This matter right now needs more thorough investigation and hearings, but at the moment timeliness calls for us to make up our minds as to what those who need it most should get. They cannot buy food with food stamps or promises. They need the money not in 2 or 3 or 4 years from now but right now.

I agree with our chairman that this is a temporary matter that will be more thoroughly looked into and will be handled, I am sure, expeditiously in proper time.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STAGGERS. Mr. Chairman, I yield 1 additional minute to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts. Mr. Chairman, in closing I would like to compliment the gentleman from West Virginia (Mr. STAGGERS) for his fine work on this legislation.

Mr. SPRINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I rise in support of the bill H.R. 15927. I think that simple equity requires that we support this bill because we have given those covered by social security a 20-percent increase. I do not dispute the fact that the railroad retirement program as now structured is unsound actuarially, but the chairman has pointed out that the Congress will be required within the next year to take a look at this. If we do not take a look at it, if we take no action, the benefits will drop and, based upon the amount being paid in there, there will be a surplus and the program will, of course, then be actuarially sound.

I do not think any of us feel that Congress is not going to act, and Congress will act because we simply would not allow the railroad workers, those who are retired, to have their benefits cut because of the failure of this Congress to act. But when the Congress does act we also will have an opportunity to try to correct the fiscal problem we have in the railroad retirement fund.

I do not know precisely what the action will be in that regard. There have been some suggestions that we may consider merging this fund and the social security fund.

There is one very interesting fact that has not been brought out, and that is the fact that if you take the benefit received by railroad retirees and the amount of money that is paid in percentagewise, actually a higher percentage is paid in by them for the benefits they receive than those on social security.

So it is very evident that those on social security are, in fact, receiving more benefits for the amount of money that they are paying in than do the railroad brotherhood retirees.

So, Mr. Chairman, I intend to support this bill. I am supporting it not with my eyes closed; my eyes are wide open. I recognize that were we to continue the fund on the same basis as now, this fund would go bankrupt in 1988, but I have confidence in the Congress that the Congress is going to act, and we are going to find a solution. As I said, it may be through merging this fund with some other fund. But, basically, the only money that the railroad retiree receives during his retirement comes from this, and the supplemental plan. A person on social security, in addition to his social security, most often has a company pension plan that increases the amount of retirement money he has. Sometimes that pension plan is paid in full by the employee, sometimes it is paid in full by the employer, and sometimes it is shared.

But we in the Congress must take a strong look at this, and I say that equity in this instance demands a vote in favor of H.R. 15927.

Mr. SPRINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. Keith).

Mr. KEITH. Mr. Chairman, I have long been concerned about the solvency of the Railroad Retirement Fund, or Account, as it is called. And in 1960, when we debated other aspects of this, we had a very heated argument as to its solvency and as to what would happen in the future if we continued to raise these benefits on an other than actuarially sound basis. It is my understanding that even without these benefits that we will vote for today on a temporary basis that by the year 2000 this fund will be bankrupt to the extent of about $11 billion.

This very discouraging situation is one of the main reasons why we authorized the commission to look into this and why we must look ahead very seriously to the recommendations that they will make.

The chairman has made an observation that this increase in benefits is only temporary. This is a temporary law. But I think there is another law that is almost permanent, although it is not written, and that is the law that says that the Congress will seldom, if ever take away anything that they have given, even if on a temporary basis.

So we are creating benefits which will have to be paid for and what concerns me, is that if we keep these benefits after the next year without increasing the contributions, we are putting the beneficiaries into a situation similar to that which confronted the employees of the bankrupt Studebaker Corp.

It is my understanding that the participants in that pension plan were lucky to get 10 cents on the dollar. We are, in fact, standing as trustees of this pension plan because we have to agree to a formula which determines the costs and benefits—and accordingly the long-run solvency of the pension fund. It is unfortunate that we do not have the Commission's recommendation now. Hopefully we can, with their help, come up with a sound and fair plan in the next Congress.

But it is my further understanding that tomorrow, or in the near future, the Senate will be holding hearings and will have the advantage of evidence offered by the Chairman of this Commission, and very hopefully he can come up with some recommendations which in conference might make it possible for us to make this even more sound legislation by reason of amendments which they could offer.

So, Mr. Chairman, as part of my swan song on my departure from this Congress, I would plead with my colleagues to take their responsibility insofar as this retirement plan is concerned most seriously because it could only further destroy confidence in the system and perhaps in the long run cause it to fail completely.

Mr. PICKLE. Mr. Chairman, I yield to the gentleman from California (Mr. Burton) such time as he may consume.

Mr. BURTON. Mr. Chairman, at this point in our deliberations of the matter before us, it just is impossible to come to grips with the problem I would like to relate and call to the attention of our colleagues on this side of the Capitol, and hopefully to all those who read this Record.

That point simply stated is this: When we approved the 20-percent social security increase, there were some 3 million elderly blind and crippled poor who had offsetting dollar-for-dollar reductions in their public asistance grants. Therefore, that 20-percent social security increase really will result in no increased income at all.

I would hope before the railroad retirement adjustments are completed that those public assistance recipients who also receive some small railroad retirement payment will have this increase disregarded as income for public assistance purposes so that they can retain in part at least this increase.

The failure to include such a provision before this legislation reaches the President's desk would only result for some smaller number among this special category of 3 million aged blind and disabled. The failure to include such a provision will mean that those who concurrently receive some railroad retirement with supplementation from public assistance will net no increase in their income at all.

Obviously, that is not what we collectively would want to see result, and I hope that the influential Members of this House, and hopefully the other body, will see that this injustice is not perpetuated in this legislation as we now lamentably find ourselves with reference to the recent social security increase.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes, which I believe is the remaining time on our side, to the gentleman from Texas (Mr. Collins).

Mr. COLLINS of Texas. Mr. Chairman, much discussion has been had about this railroad retirement compared with social security. Let us all understand railroad retirement represents one of the great pension plans in this country, and social security has many deficiencies from an actuarial viewpoint. I hope that we never let this railroad retirement fund fall into the same financial chaos that we have in social security, because we literally have deficiency reserves in social security.

The railroad retirement system was designed to be a fiscally independent and responsible fund which could meet the continuing test of actuarial soundness. It was designed in great part by railroad labor for railroad labor as an independent system supported by the employers and employees and administered by them. It was written into law partly as a safeguard against unthinking or precipitous change.

For many years common sense seemed to prevail and changes in benefits were invariably accompanied by changes in contributions to support them. At times these changes took long and hard consideration by the participants to determine how much benefits could be increased consistent with the burden necessarily placed upon those on the payrolls to support the increases. Until a few years ago the integrity of the fund was jealously guarded with the support of those intended to benefit therefrom.

Suddenly, a little over 3 years ago, this concept was scrapped when social security was increased by 15 percent. Recipients of railroad retirement clamored for a similar increase, and it was evident that a properly balanced increase raising contributions as well as benefits would work a real hardship upon the workers in the railroad industry. It was then that the idea of a temporary increase was first brought forth. It was a bad idea from the very beginning because it could result in nothing but trouble for the fund in the long run and the setting of a dangerous precedent in the short run.

Before long another 10-percent increase in social security came along. Now it was easy to employ the expedient already used to avoid facing the realities. It was even easier because a study group was supposed to be finding ways to make it all right and whole again—a classic sacrifice at the shrine of wishful thinking.

Now for the third time in 3 years, before the recommendations of the study commission are even available for consideration, we are asked to raise the temporary increases by another 20 percent to match a similar increase in social security—again without any provision for financing it. This amounts to putting the fund out of balance by nearly $400 million per year. Because adjustments have not been required in those cases where recipients also draw social security, the total increases in the 3-year period amount to 55 percent. If these increases were to be made permanent it would require a 13.3-percent contribution by employer and employee to support it over the years. This is probably unacceptable to those who work in the industry, and it is irresponsible to give the benefits under those circumstances.

It should also be noted that annuities under the Railroad Retirement System run about 68 percent higher than the average pension under social security. In addition, the system provides greater benefits than most pension plans. Testimony before the committee indicated that the benefits of a married railroader and his spouse together are higher than those to be expected in nine out of 10 other public or private pension plans.

That the representatives of railroad labor would support these increases against the advice of the actuaries charged with the maintenance of the fund is hard to understand.

The increases recommended by the committee should be refused. The whole matter of benefits and contributions should now await the Commission report and the thoughtful consideration of all parties of its recommendations.

I would like to emphasize two or three

issues that disturb me. We talk about this being a temporary increase, and it is a temporary increase. But we cannot think of one single example here in Congress where a temporary increase that had to do with a pension plan did not become permanent. Just a few minutes ago this very afternoon, we approved an appropriation bill before the authorization bill was confirmed. We know that this plan is going to be perpetuated, but what we need to keep in mind is that a railroader working today on the railroad who is under 50 years of age is not putting his money into a plan that is not going to exist unless we do something about it. We ought to think also of these old people who are drawing this money, because if we start paying out too much money, the well is going to run dry one day when they are going to need it.

The point is that: We have increased this pension plan by 55 percent in the past 3 years. We have done it under temporary moves. We have increased 55 percent in 3 years. Right now actuaries tell us we need 6.7 percent of the railroaders taxable payroll in order to meet the commitments.

What we ought to do is to be fair about it. We should do what we did with reference to social security—provide the tax with the pension increase.

My colleague from Illinois is going to offer an amendment, which will bring the issue squarely in focus. If we really mean to establish a sound pension plan out of railroad retirement, I recommend we give serious consideration to the amendment to provide for adequate funding.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise today in support of H.R. 15927, a bill to provide a 20-percent increase in railroad retirement benefits. I strongly urge my colleagues to give this bill their utmost consideration and I would like to stress the importance of its passage. The conditions in my own district have made me acutely aware of the vital significance this increase holds for the recipients of railroad retirement.

Essentially, the bill provides a temporary increase to parallel the increase we have already passed for social security. In upgrading the social security benefits, we recognized the need to provide, for our retired citizens, some measure of relief against the ravages of inflation. I supported that increase, and I will continue to support any legislation which gives the recognition due these citizens who have contributed so much to this Nation. I will never join hands with those who would ignore the plight of our senior citizens and I will never support any legislation which ignores those who carried this Nation through its darkest days.

In Hudson County, I have witnessed the difficulties which face the recipients of railroad retirement. The combined effect of spiraling costs and fixed income proves difficult at best, but when it must be dealt with in an urban setting, near New York, it proves impossible to live with any degree of comfort.

It is no secret that the residents of my district pay dearly for their proximity to New York. The unrealistically high price levels which pervade the metropolitan area work and extreme hardship on those living on the fixed annuity of railroad retirement. Moreover, the urban problems which inflict the area have driven taxes skyward and this taken with the higher prices they must pay for food and clothing squeeze our senior citizens in an overwhelming financial vise.

Mr. Chairman, I cannot be strong enough in voicing my support for this bill. By making the increase temporary, we allow ourselves time to study the problems created by the dwindling railroad retirement fund. At the same time, we do not make the recipients of railroad retirement bear the cost of this study. The time has come for us to act, let us do so swiftly.

Mr. SANDMAN. Mr. Chairman, I support H.R. 15927 providing for a 20-percent increase of railroad retirement benefits on a temporary basis. I believe that retirement benefits to retired railroad employees should be increased now, even on a temporary basis while studies as to the actuarial soundness of the fund are being conducted by the Commission on Railroad Retirement. These retirees are feeling the same pinch in the rising cost of living which has affected those under social security and veterans benefits.

Since this Congress has approved legislation giving some relief to those under social security and veterans pensions it would be very unfair to withhold an increase in retirement benefits to our retired railroad employees. If the actuarial soundness of this fund requires an increase in contributions I am certain the Congress upon receiving the report and recommendations of the Commission on Railroad Retirement will undertake immediate consideration. I am certain our retired railroad employees will have the overwhelming support of the Members of the House and that this measure will be approved.

Mr. MOORHEAD. Mr. Chairman today we have an opportunity to pass legislation to provide our retired railroad workers a much needed 20 percent increase in retirement annuities.

I hope that a majority of this House will vote as I do and grant this necessary increase to those retired workers.

As we all know well from contact with our constituents, living on a fixed income today is a crushing responsibility, especially when that income is a meager retirement benefit.

I cannot see how the Republican administration can oppose this effort to bring a small sense of peace of mind to those Americans who labored long and hard on our railroads.

We should not refuse this increase. The inflationary policies of the Nixon regime have hit the elderly the hardest.

This 20-percent increase is simple justice. I urge we pass it promptly.

Mr. PRICE of Illinois. Mr. Chairman, today we are considering legislation to increase railroad retirement pensions 20 percent, comparable to the increase in social security benefits approved July 1.

The railroads have always played an important role in the national economy, but would not hold this position but for the services of the hard-working railroad employees who have devoted their lives to serving the Nation's best interests. These dedicated Americans deserve an increase in pension comparable with the social security increase.

The legislation before us today would increase by 20 percent the pensions of railroad workers, their spouses, and survivors, effective after the month of August 1972. Railroad employees do not receive social security, and its only fair that they be paid comparably.

Mr. Chairman, I urge my colleagues to support this measure. It is owed to the loyal Americans who helped make this country strong.

Mr. FISH. Mr. Chairman, I rise in support of H.R. 15927, which provides for a temporary 20-percent increase in railroad retirement benefits. This legislation is virtually identical to a measure which I introduced—H.R. 15894—soon after the 20-percent increase in social security became law.

This legislation puts these increases on a temporary basis due to the fact that the Commission on Railroad Retirement will very shortly be reporting to us, hopefully recommending long overdue reforms for the financing of the fund. I am eagerly looking forward to the Commission's findings and recommendations. But certainly, equity and fairness demand that the 1,047,000 recipients of annuities and survivors benefits under the Railroad Retirement Act be treated in the same manner as the recipients of social security benefits. Thus, I strongly urge my colleagues to support this legislation.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 3(a) of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following new paragraph:

"(5) The individual's annuity computed under the preceding provisions of this subsection and that part of subsection (e) of this section which precedes the first proviso shall be increased by 20 per centum.".

(b) Section 2(e) of such Act is amended—

(1) by striking out "section 3(a) (3) or (4) of this Act" and inserting in lieu thereof "section 3(a) (3), (4), or (5) of this Act";

(2) by striking out the second sentence of the last paragraph; and

(3) by adding at the end thereof the following new paragraph:

"The spouse's annuity computed under the other provisions of this section shall (before any reduction on account of age) be increased by 20 per centum. The preceding sentence and the other provisions of this subsection shall not operate to increase the spouse's annuity (before any reduction on account of age) to an amount in excess of the maximum amount of a spouse's annuity as provided in the first sentence of this subsection. This paragraph shall be disregarded in the application of the preceding two paragraphs."

(c) Section 2(i) of such Act is amended by striking out "the last two paragraphs" and inserting in lieu thereof "the last paragraph plus the two preceding paragraphs".

(d) Section 5 of such Act is amended by inserting at the end thereof the following new subsection:

"(p) A survivor's annuity computed under the preceding provisions of this section (except an annuity in the amount determined under the proviso in subsection (a) or (b) shall (before any reduction on account of age) be increased by 20 per centum."

SEC. 2. All pensions under section 6 of the Railroad Retirement Act of 1937, all annuities under the Railroad Retirement Act of 1935, and all survivor annuities deriving from joint and survivor annuities under the Railroad Retirement Act of 1937 shall be increased by 20 per centum.

All widow's and widower's insurance annuities which are payable in the amount of the spouse's annuity to which the widow or widower was entitled, shall, in cases where the employee died prior to October 1, 1972, be increased by 20 per centum.

Joint and survivor annuities shall be computed under section 3(a) of the Railroad Retirement Act of 1937 and shall be reduced by the percentage determined in accordance with the election of such annuity.

SEC. 3. All recertifications required by reason of the amendments made by this Act shall be made by the Railroad Retirement Board without application therefor.

SEC. 4. For the purposes of approximating the offsets in railroad retirement benefits for increases in social security benefits by reason of amendments prior to the Social Security Amendments of 1971, the Railroad Retirement Board is authorized to prescribe adjustments in the percentages in the Railroad Retirement Act of 1937 and laws pertaining thereto in order that these percentages, when applied against current social security benefits not in excess of the primary insurance amount applicable for an average monthly wage of $650, will produce approximately the same amounts as those computed under the law in effect, except for changes in the wage base, before the Social Securtiy Amendments of 1971 were enacted.

SEC. 5. (a) The amendments made by this Act shall be effective with respect to annuities accruing for months after August 1972 and with respect to pensions due in calendar months after September 1972.

(b) The first three sections of this Act, and the amendments made by such sections, shall cease to apply as of the close of June 30, 1973. Annuities accruing for months after June 30, 1973, and pensions due in calendar months after June 30, 1973, shall be computed as if the first three sections of this Act, and the amendments made by such sections, had not been enacted.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. SPRINGER

Mr. SPRINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SPRINGER: Page 4, after line 7, insert the following new section (and renumber the succeeding section accordingly):

SEC. 5. (a) Section 3201 of the Railroad Retirement Tax Act is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by adding "and" at the end of paragraph (5); and

(3) by inserting after paragraph (5) the following new paragraph;

"(6) 13.3 percent of so much of the compensation paid to such employee for services rendered by him after August 31, 1972,".

(b) Section 3221(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by adding "and" at the end of paragraph (5); and

(3) by inserting after paragraph (5) the following new paragraph:

"(6) 13.3 percent of so much of the compensation paid by such employer for services rendered to him after August 31, 1972,".

Page 4, line 12, after "sections" insert "and section 5".

Mr. SPRINGER. Mr. Chairman, I believe this is the only amendment that will be offered. I think it is an important one, as I tried to point out under general debate.

(By unanimous consent, Mr. SPRINGER was allowed to proceed for 5 additional minutes.)

Mr. SPRINGER. Mr. Chairman, those of us who were here understand what I said to be the purpose of my amendment, which is simply to increase the percentage that is paid in by those who are now employed on the railroads and to increase the percentage paid by the employers, the railroads, to be paid into the fund to make this actuarially sound.

A little over a year ago we appointed the Railroad Retirement Study Commission. My distinguished chairman made a statement, for which I certainly give him credit for good faith, that they have not finished the report and do not have it on file.

They did ask to testify and were not allowed to testify. I do not go into that, but I do want to present to my colleagues a summary as of July 27, showing that they made their findings and what they felt the recommendations ought to be if we were to make this fund actuarially sound.

If we are to provide for the 55-percent increase which we have made in the last 3 years, including this 20 percent if it is adopted, there are four things of which I wish to remind the members, and I am going to point them out because these things are in writing by the Railroad Retirement Study Commission. They have been given to me in several pages summarizing the whole of their report which had not been made available at the time of this hearing. Technically their report was not on file, but they did want to testify, because their findings were completed, and I do want to give the Members the four reasons why it would be unsound, unless we adopt this amendment, which would increase the rates from 9.5 or roughly 9.6 to 13.3 percent, and increase the rates for the railroads also from 9.5 or 9.6 to 13.3 percent, making a total of 26.6 percent, if we are going to make this actuarially sound.

I will read now from their summary. First, the Commission, after consultation with a group of most eminent actuaries in this country, has found the Railroad Retirement System as it now stands is headed for bankruptcy. The present fund stands totally at about $5 million. The Commission projects the system will be bankrupt in the year 1988.

Second. The enactment of the 20-percent increase in railroad retirement benefits by H.R. 15927 will speed the bankruptcy of this system. The increase under the bill is technically temporary, but everyone knows Congress does not take back benefits increases once they are provided. Thus approval of this bill would represent a de facto permanent commitment to a 20-percent increase.

The added increase in the first full year will be on the order of $300 million. Between 1973 and the year 2000, the added expenditures will be $12 billion. According to information provided the House Committee by Dr. Theodore D. Yntema, Chairman of the Commission on Railroad Retirement, and inserted in the hearing record, the present reserve of the fund will be entirely used up by 1985, and the system will be in debt $23 million by the year 2000.

Third. The present increase would represent irresponsible financial handling of the Railroad Retirement System. In 1970, a 15-percent increase, and in 1971, a 10-percent increase were enacted without providing any additional taxes to cover the costs. A third increase of 20 percent will be added again without providing any new financing.

The compound increase will be 53 percent in 3 years without any provision for added increase in taxes. This sort of legislation is a threat to future benefits of present railroad retirement workers who are being asked to contribute to a system which is sure to go bankrupt.

Fourth. The argument that a 20-percent increase for railroad beneficiaries must be provided as a matter of simple equity if social security recipients are given a 20-percent increase is not valid.

The average monthly railroad retirement benefit in December 1971 was $222 per month as compared to an average social security benefit of $132. Thus a 20-percent increase for railroad beneficiaries would be 1.7 times as large as for a social security recipient. The social urgency of the social security benefits is quite different than for the bigger railroad benefits. The social security fund is not threatened with bankruptcy as is the Railroad Retirement System which depends on an industry in which six railroads are now in bankruptcy.

I have given these four reasons why they believe this. This is from the study group, which the chairman pointed out has not made a report. I wanted to be sure the Members had this in a thumbnail sketch before them, because they are going to have to explain this to 600,000 employees.

Just think of this, gentlemen: This fund will go bankrupt by 1989. That means if a man is now 46 years old, working for the railroad now—and all the younger than 46—if this is put into effect and this system is maintained, when that man becomes eligible at age 65 he will not be able to draw a penny out of this fund.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the minority leader.

Mr. GERALD R. FORD. I wish to compliment the gentleman from Illinois for offering the amendment and pointing out the circumstances of the fund, on which so many railroad retirees are depending.

Let us be honest and frank. It is very doubtful and dubious that the gentleman's amendment will prevail. The facts of life are that myself and for sure the gentleman from Illinois will not be here in 1985, but let me say that some people who are here and who may vote to end the soundness of this fund may at some later date regret the action they are taking here today.

I intend to vote for the amendment offered by the gentleman from Illinois. I believe it is sound. I believe it is proper. I have no illusions about its success.

I commend the gentleman for letting the Members and the public know what the facts are.

Mr. SPRINGER. I thank my distinguished leader for those kind words in support of this amendment.

I just wish that some week or 2 weeks ago I had sent out a letter to every single Member of this body and asked every Member to poll every single railroad worker in his district, to give him the facts which were contained in this report of the Railroad Retirement Study Commission. Then I wish I had asked that they ask them to sign ballots saying whether they were in favor of this legislation.

I am not a betting man—at least not on this floor, under the rules—but I would wager, I suppose, if I were outside this room, 10 to 1 they would not get 5 percent of the employees of the railroads in their districts who would support this legislation, if they had a copy of this summary of the Railroad Retirement Study Commission in their hands to read.

With this going bankrupt by 1988 or 1989, I believe Members would see a great majority of those employed on the railroads would certainly consider this to be unsound and irresponsible, for us to vote this kind of an increase when we are voting them into bankruptcy.

I believe it is just as important to think about employees who are going to be on retirement some day as it is to think about those who are on retirement at the present time. I hope there will be those who consider this a financially responsible amendment. I am going to support it, because I am willing to give 20 percent, but I believe it ought to be financed.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

In response to the gentleman I might say that in the early part of 1970 when we passed the first temporary increase we realized something had to be done about the financial situation facing the fund. I believe the committee acted responsibly in appointing a commission to come back with positive recommendations to the committee and to the Congress as to what should be done.

Now, they have not reported to me, the chairman of the committee. When the ranking minority Member gets some reports and I do not get them, I do not know what is in those reports. I did not hear one positive recommendation.

They were supposed, under the order given to them, to come back to us with positive recommendatitons as to what was to be done.

The only thing I heard the ranking minority member say was there were some fears expressed, and he kept repeating about the bankruptcy of the fund in 1989. This cannot happen unless the Congress votes programs that will bankrupt it. This bill goes out of effect in 1973. All of this talk about bankruptcy is wrong because we will vote on changes in the program before it happens. I have said this bill is temporary and it goes out of effect by its terms.

Another thing I want to say is this: Because of the raises in tax votes and the tax base under social security, the assessment on railroad employees is raised on January 1 of next year to 10.25 percent automatically and also the base pay on which it is levied goes from $750 a month to $900 a month. That is the law now. It will automatically be raised that much.

This talk about bankruptcy to me is mistaken, because this is only a temporary raise. I want the House to know it expires as of July 1 of next year. Unless we pass it now those in need will not be getting it.

The gentleman from Illinois spoke of the amounts that railroad pensioners get and that social security pensioners get. He did not say to us that railroad pensioners pay in almost twice as much. They ought to get back twice as much. Is that not fair? Yet there are many widows of railroaders who get less than $100 a month and some $80 or $90 a month. They cannot live on that. They need a 20-percent increase now. Not next year but now. Next year we can work on it on a permanent basis, and I am sure we will do it as a Congress.

We will not let this die. I do not believe this Congress will say that we are going to extend these benefit raises and then let the fund go bankrupt. I do not believe any Member of this House believes that. I believe every man here knows we will try to act responsibly and make this a sound fund. On the basis of that, I hope this amendment is defeated and you do what should be done for those in need and those who expect it now.

I ask for a vote.

Mr. COLLINS of Texas. Mr. Chairman, I move to strike the necessary number of words.

I yield to the gentleman from Illinois.

Mr. SPRINGER. I thank the gentleman for yielding.

My distinguished chairman made a statement that I wanted to answer, because I thought I was being positive in response and I want to leave it to the House as to whether or not I was. My chairman said that I had not come forward with anything positive.

If a suggestion in the form of an amendment to increase the payment from 9.6 to 13.3 percent is not positive, then I do not know anything which is.

Mr. STAGGERS. Will the gentleman yield?

Mr. SPRINGER. In just a moment. I do not have the time, but I am sure my colleague from Texas will be glad to yield to the chairman.

I think that is about as positive as you can be. It is about as forward-looking as you can be, because this fund is attempting to be kept actuarily in balance. It is responsible morally and responsible financially and it is responsible as a Member of this body, which has the legislative jurisdiction over this fund to act in that way.

That is my opinion with reference to whether or not what I have said is responsible.

I did bring out many things here, because these were the findings, not mine or not the committee's or the chairman's, but they were the findings in summary of the Railroad Retirement Study Commission which the chairman was talking about to you.

I was trying to give you the findings of a nonpartisan body that made a study of this and came up with what it felt were the actual facts. I felt before you voted on this and voted on the amendment that you wanted to have these facts in mind and to know exactly what they said about this kind of legislation increasing it 55 percent in the last 3-year period.

May I say I think my distinguished chairman said one thing truthfully here, and I was not intending to imply that it was not true. He said they pay in twice as much as those under social security, so they ought to get twice as much now. There is nothing wrong with that. If they pay in more money, they ought to get more in return.

I think that is not the question involved. The question is whether or not you are going to keep the fund actuarially sound. That is the only issue that I see in this bill insofar as I am concerned.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I am sorry if the gentleman from Illinois (Mr. SPRINGER) thought I had referred to him as not being responsible. I say that it was the Commission I referred to, and I referred particularly to the Commission. I would never infer in any way that the gentleman from Illinois had not acted responsibly. I do not believe I would ever do that, because the gentleman has always acted responsibly. In the years I have known the gentleman he has been responsible, and has always acted in a fashion that has been open and above board.

I referred to the commission. I said that if that is the only recommendation that they can make, that they had not acted according to the directive that we gave them, and that was to come to us with recommendations to make this fund whole.

That was the extent of my reference. I am sorry if the gentleman from Illinois interpreted my statement to include him, or to impugn to him as being not responsible, because that is the last thing I would ever do, and I want to reassure the gentleman from Illinois on that point.

Mr. KEITH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask my minority leader on the committee, the gentleman from Illinois (Mr. SPRINGER), if in his discussion of this proposed raise or assessment he recognizes that this is a regulated industry, and that the railroads have to charge an adequate rate for the goods they transport. It would seem to me that this will increase the rates and then the truckers and the airlines would get an increased share of the freight business. It seems to me that that would have an adverse reaction on the solvency of the railroads.

I believe that this is a pretty important factor for us to take into consideration.

The better thing to do might be to do as we have done in previous years under the so-called pass-through provision, and eliminate duplication of social security benefits.

But I would like to know if the gentleman from Illinois (Mr. SPRINGER) would care to comment on the cost of the increased assessment being passed on to the carrier or others for whom they are shipping the freight?

Mr. SPRINGER. If the gentleman will yield, I do not have the figures, but I can say to the gentleman from Massachusetts without any equivocation that it would be substantial, because when you increase the amount on 600,000 employees by some 4 percent of what they are paying up to a certain figure, which is in the neighborhood of $800 or $900 a month, it is a substantial amount of money.

I personally believe that they ought to have some kind of an increase, and that is the reason I am doing this.

I think the gentleman from Massachusetts has raised a very valid point that this would force the railroads to go in and ask for some kind of an increase to cover this 4 percent, and the same would be true, of course, of the employees. So this is a sacrifice, as I say, on the part of the corporate body, and the employee himself.

This is not an easy matter when you are talking about raising by 50 percent the amount that the employer and employee pay, I realize that, but I do believe it is financially responsible if we are going to continue with this.

Mr. KEITH. I think it would be counterproductive.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I yield to the gentleman.

Mr. ADAMS. As one who has spent over the last few years a lot of time listening to the testimony of all the actuaries, I think the agreement was made by the subcommittee, so you know we being responsible, that this increase was—all of these temporary increases terminate in July of next year. During that period of time, between the 1st of January and July of next year, the Commission report will be before us. It has not been up until now. We then have to decide whether this should be merged into the social security system—a different passthrough formula used and an increase established in terms of the amount contributed—a different ratio used between employers and employees—or which solution should be selected.

But as the chairman attempted to do in this bill, we have tried to balance it up with the social security system for this temporary period and in July of next year not only this increase, but others before terminated—and we must do the whole system over.

So it is a temporary thing and I hope the amendment will be defeated so that we can take one whole package and bring it before this Congress in the spring of next year. I know you have a commitment from the Interstate Committee that that will be done.

We know it has to be done and I hope we will wait until then before making a piecemeal attack on the rest of it.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, let me make one or two additional observations.

It is my own personal conclusion that by the action we are taking today, we are, in effect, ending at some later date the railroad retirement program as we have known it. In effect, we are writing its doom and, in effect, we are saying that eventually it is going to be absorbed by social security.

I am not sure I approve of that, but I think this action today is a forerunner—and 5 years from now or maybe 10 years from now, what we have known for so long a time to be a responsible fund for the retired railroad employees, will no longer be with us.

Before I yield to any of my colleagues, I would like to yield to my friend, the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Chairman, I think it is important for my colleagues to know who is on this Railroad Retirement Study Commission.

Were these people knowledgeable in their field? Were they the kind of people who could make an impartial study? Were they acquainted with the facts?

Just let me read to you whom this Commission was made up of, that gave this report, the summary of which I have given most of it to you today.

The Commission was chaired by Dr. Theodore O. Yntema, who has high credentials in research and finance. The vice chairman was Dean Kenneth Black of Georgia State University. The third public member was George E. Leighty, former president of the Telegraphers and former chairman of the Railway Labor Executives Association, which is composed of union officials. The labor member was Charles L. Dennis, who is the president of the Brotherhood of Railway and Airline Clerks. The management member was Louis W. Menk, the chairman of the board of the Burlington Northern, Inc.

Now is that not a pretty good cross section of America?

There were labor representatives—two.

Management—two representatives there.

Also, two public members.

They had no interest in this whatever. But this is the result of what the Commission came to as its conclusion. I think with that kind of a distinguished Commission to study this, it certainly ought to be taken into consideration in your vote on the kind of amendment that should be made, and what I have said here today.

I thank the distinguished minority leader for yielding to me.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished chairman of the Committee on Interstate and Foreign Commerce.

Mr. STAGGERS. Mr. Chairman, I respect the gentleman's views. We have talked this over in the past and for many years. The gentleman from Michigan is interested in the railroad workers in his district, and I am too. I am a former railroad worker myself and several members of my family have been.

I want to assure the gentleman that I would not do anything knowingly—and I think we have kept on top of this—I would not do anything knowingly to bankrupt this fund.

I have every hope that within the time between now and next July, out of the five or 10 different plans that have been suggested, that we can work out one that will make this fund solvent.

This temporary raise is not going to hurt any more than the other two temporary raises did. It will give us time then to sit down and to work it out in committee and have full hearings.

We will have the Commission report before us. I say, and as the gentleman from Illinois (Mr. SPRINGER) said, they are responsible men and we will know what the possibilities are and can act responsibly at that time.

Mr. GERALD R. FORD. Thank you very much, and I will conclude by this simple observation. I applaud the action suggested by this amendment. I intend to vote for it. I have no illusions about it being successful. Solely on the guarantee of the gentleman from West Virginia that sometime between now and next June 30 there will be an affirmative action by his committee, I will vote for the bill, but I will be terribly disappointed and completely disillusioned if we do not come up with a better answer in 1973 than we have in 1972.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise for the purpose of asking the gentleman from West Virginia a question. I am not debating; I am simply seeking some information. Would the gentleman advise me as to this: Should the amendment of the gentleman from Illinois carry and become part of this proposal, would that in any way interfere with a further or more proper solution of this matter a year from now or whenever the committee acts?

Mr. STAGGERS. Not to my knowledge, it would not, but I think that we would run into a lot of difficulties not only with the employees, but with the railroads at the present time. I certainly would want them to have an opportunity for hearings before we act on something as large as this is involving them. I am certain that the railroads would say that they do not feel that at the present time with the rates they are receiving it would be the proper time. I am sure the employees would say the same thing. Certainly we ought to have hearings. We have not had hearings on this. I do not think we should legislate on the floor on something so important as this is, with the significance that it would have in the future on the fund and the railroads, and, as I say, on the employees.

Mr. KYL. Before I yield to the gentleman from Washington, may I ask for clarification on the point the gentleman just made?

You say the railroads and the employees both would feel that the economic condition does not warrant charging them more for the operation of the fund. Is that what I understand you to say?

Mr. STAGGERS. I would say this, that they certainly deserve to have a hearing to give their views. We have not had hearings on it to hear any one of them express their views on this particular amendment and what the significance is.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Washington.

Mr. ADAMS. The problem of whether or not the fund is going to be actuarily in balance has been before us now for about a year and a half. That was the reason for the creation of the Commission. I agree with the distinguished gentleman from Illinois. It is a very good Commission. They have not recommended the step that is suggested by the gentleman from Illinois. We have to have their recommendation, then the witnesses from the industry, the witnesses from labor, and the witnesses from the public. In any event, we do have to do this fund over. What we are suggesting by this is that we temporarily keep it even with social security, which has been the policy in the past, and that during the spring of this next year we take not only the Commission's recommendation but the actuarial testimony of the various groups that would be coming in, and then decide whether taxes go up, the benefits go into a tier system that is closer to social security, or perhaps even merge into the social security system. That is what we are trying to explain to the gentleman is the problem. There is no question that this fund is in trouble and has been in trouble because of the declining number of people in the railroad industry, having nothing to do with the amounts paid in and paid out.

Mr. KYL. The gentleman says that the Commission does not recommend the action suggested by the gentleman from Illinois. Did the Commission recommend the increased benefits?

Mr. ADAMS. They did not. The Commission's recommendations we have not even had before us yet. That is the reason why we have not been able to legislate on the whole package. We have been waiting before holding the hearings and completing final action on the bill to bring to this floor legislation in order that the Congress can work its will as to what it wants to do with the Railroad Retirement Fund.

Mr. KYL. Mr. Chairman, I yield back the balance of my time.

Mr. HARSHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to urge the adoption of the legislation which I have cosponsored, to provide a temporary 20-percent increase in railroad retirement benefits. As Members know, social security benefits and railroad retirement benefits are usually increased in the same amounts at approximately the same time.

The increase provided by this bill is in the same amount as the social security benefit increases provided earlier this year.

Sufficient retirement income is essential to the human dignity of those who have worked long years and contributed to a retirement system which they believed would adequately provide for them after their active working years were over.

In view of the continuing inflation in the United States, I do not think it is necessary to list the reasons why this increase is needed, since all Members are aware of the problems created for persons living on fixed incomes.

Two years ago the Congress established the Railroad Retirement Commission to study the railroad retirement system and make recommendations concerning the best method of providing adequate levels of benefits, and financing for those benefits.

I trust that the Commission's report to the Congress recommends the comprehensive reform of the railroad retirement system which I have long urged.

Mr. Chairman, I lend my full support to the passage of this temporary measure and am hopeful that the full scale reforms we have long awaited will become a reality in the not too distant future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. SPRINGER).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. COLLINS of Texas. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. COLLINS of Texas. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the chairman appointed as tellers Messrs. STAGGERS, SPRINGER, COLLINS of Texas, and PICKLE.

The Committee divided, and the tellers reported that there were—ayes 104, noes 290, not voting 38, as follows:

[Roll No. 311]

[Recorded Teller Vote]

AYES—104

Abbitt
Archer
Arends
Ashbrook
Belcher
Bell
Betts
Bray
Brotzman
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Byrnes, Wis.
Cabell
Camp
Carlson
Cederberg
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Conover
Crane
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Devine
Dickinson
du Pont
Erlenborn
Eshleman
Findley
Fisher
Ford, Gerald R.
Frelinghuysen
Frenzel
Goldwater
Goodling
Gross
Grover
Gubser
Gude
Haley
Hall
Hammerschmidt
Hansen, Idaho
Hosmer
Hull
Hutchinson
Jarman
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lloyd
Lujan
McClory
McCloskey
McClure
McCulloch
Mahon
Mallary
Martin
Miller, Ohio
Mills, Md.
Mizell
Montgomery
Mosher
Myers
Patman
Pirnie
Poage
Powell
Price, Tex.
Rhodes
Roberts
Robinson, Va.
Satterfield
Schneebeli
Scott
Smith, N.Y.
Spence
Springer
Stanton, J. William
Steed
Talcott
Teague, Calif.
Veysey
Waggonner
Ware
Whalley
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wydler
Wylie
Wyman
Young, Fla.

NOES—290

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Brown, Mich.
Broyhill, N.C.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hungate
Hunt
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kyros
Leggett
Lent
Link
Long, Md.
McCollister
McDade
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mailliard
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Poff
Preyer, N.C
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rangel
Rees
Reid
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarbanes
Saylor
Scherle
Scheuer
Schwengel
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Stanton, James V.
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Whalen
White
Widnall
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—38

Abernethy
Blackburn
Bow
Broomfield
Davis, Ga.
Dowdy
Dwyer
Edmondson
Flynt
Gallagher
Hagan
Hébert
Heckler, Mass.
Henderson
Jonas
Kee
Lennon
Long, La.
McCormack
McDonald, Mich.
McEwen
McMillan
Michel
Miller, Calif.
Minshall
Nedzi
Passman
Pelly
Quillen
Rarick
Rooney, N.Y.
Sandman
Schmitz
Smith, Calif.
Staggers
Stuckey
Thompson, N.J.
Tiernan

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOLLING) having resumed the chair, Mr. GREEN of Pennsylvania, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 15927) to amend the Railroad Retirement Act of 1937 to provide a temporary 20 per centum increase in annuities, and for other purposes, pursuant to House Resolution 1085, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 399, nays 4, not voting 29, as follows:

[Roll No. 312]

YEAS—399

Abbitt
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Colmer
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McDade
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—4

Collins, Tex.
Jonas
Michel
Springer

NOT VOTING—29

Abernethy
Blackburn
Boland
Broomfield
Davis, Ga.
Dowdy
Edmondson
Flynt
Gallagher
Hagan
Hanna
Hébert
Jones, N.C.
Lennon
Long, La.
McCormack
McCulloch
McDonald, Mich.
Miller, Calif.
Minshall
Nedzi
Passman
Pelly
Quillen
Rarick
Rooney, N.Y.
Sandman
Schmitz
Tiernan

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Broomfield.

Mr. Hébert with Mr. McCulloch.

Mr. Davis of Georgia with Mr. McDonald of Michigan.

Mr. Flynt with Mr. Blackburn.

Mr. Passman with Mr. Minshall.

Mr. Tiernan with Mr. Pelly.

Mr. Nedzi with Mr. Quillen.

Mr. Lennon with Mr. Sandman.

Mr. Miller of California with Mr. Schmitz..

Mr. Boland with Mr. Gallagher.

Mr. Nedzi with Mr. Rarick.

Mr. Hanna with Mr. Long of Louisiana.

Mr. Edmondson with Mr. Jones of North Carolina.

Mr. Hagan with Mr. McCormack.

Mr. TEAGUE of California changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CONFERENCE REPORT ON H.R. 5065, NATURAL GAS PIPELINE SAFETY ACT

Mr. STAGGERS submitted the following conference report and statement on the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968:

CONFERENCE REPORT (H. REPT. NO. 92–1322)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the House bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That the first sentence of section 5(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674(a)) is amended by striking out "two years" and inserting in lieu thereof "five years".

SEC. 2. Section 5(c)(1) of such Act (49 U.S.C. 1674(c)(1)) is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "Except as otherwise provided in this section, if an application is submitted not later than September 30 in any calendar year, the Secretary shall pay out of funds appropriated or otherwise made available up to 50 per centum of the cost of the personnel, equipment, and activities of a State agency reasonably required, during the following calendar year to carry out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section;

or to act as agent of the Secretary with respect to interstate transmission facilities. The Secretary may, after notice and consultation with a State agency, withhold all or any part of the funds for a particular State agency if he determines that such State agency (A) is not satisfactorily carrying out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section, or (B) is not satisfactorily acting as agent of the Secretary with respect to interstate transmission facilities.".

Sec. 3. Section 13 of such Act (49 U.S.C. 1682) is amended by adding at the end thereof the following new subsection:

"(d) The Secretary is authorized to consult with, and make recommendations to, other Federal departments and agencies, State and local governments, and other public and private agencies or persons, for the purpose of developing and encouraging activities, including the enactment of legislation, to assist in the implementation of this Act and to improve State and local pipeline safety programs.".

Sec. 4. Section 15 of such Act (49 U.S.C. 1684) is amended to read as follows:

"APPROPRIATIONS AUTHORIZED

"Sec. 15. For the purpose of carrying out the provisions of this Act over a period of three fiscal years, beginning with the fiscal year ending June 30, 1972, there is authorized to be appropriated not to exceed $3,000,000 for the fiscal year ending June 30, 1972; not to exceed $3,800,000 for the fiscal year ending June 30, 1973; and not to exceed $5,000,000 for the fiscal year ending June 30, 1974.".

Sec. 5. The Secretary of Transportation shall prepare and submit to the President for transmittal to the Congress on March 17, 1973, a report which shall contain—

(1) a description of the pipeline safety program being conducted in each State;

(2) annual projections of each State agency's needs for personnel, equipment, and activities reasonably required to carry out such State's program during each calendar year from 1973 through 1978 and estimates of the annual costs thereof;

(3) the source or sources of State funds to finance such programs;

(4) the amount of Federal assistance needed annually;

(5) an evaluation of alternative methods of allotting Federal funds among the States that desire Federal assistance, including recommendations, if needed for a statutory formula for apportioning Federal funds; and

(6) a discussion of other problems affecting cooperation among the States that relate to effective participation of State agencies in the national pipeline safety program.

The report shall be prepared by the Secretary after consultation with the cooperating State agencies and the national organization of State commissions.

Sec. 6. Section 6(f)(3)(A) of the Department of Transportation Act (49 U.S.C. 1655 (f)(3)(A)) is amended by striking out "and pipeline".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same.

Harley O. Staggers,
Torbert H. Macdonald,
Lionel Van Deerlin,
William L. Springer,
Hastings Keith,
Managers on the Part of the House.

Warren G. Magnuson,
Vance Hartke,
Howard W. Cannon,
Ted Stevens,
L. P. Weicker, Jr.
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendments struck out all of the House bill after the enacting clause and inserted a substitute text and provided a new title for the House bill, and the House disagreed to the Senate amendments.

The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate to the text of the House bill, with an amendment which is a substitute for both the text of the House bill and the Senate amendment to the text of the House bill. The committee of conference also recommends that the House recede from its disagreement to the amendment of the Senate to the title of the House bill.

The differences between the text of the House bill, the Senate amendment thereto, and the substitute agreed to in conference are noted below, except for minor drafting and clarifying changes.

DEADLINE FOR STATE LEGISLATION

House bill

The first section of the House bill amended the first sentence of section 5(a) of existing law (the Natural Gas Pipeline Safety Act of 1968) to extend from August 12, 1970, until August 12, 1972, the deadline by which a State must have in force legislation providing for the imposition of monetary and injunctive sanctions to enforce pipeline safety standards in order to be able to certify compliance with existing law and thereby qualify to enforce Federal safety standards.

Senate amendment

The first section of the Senate amendment amended the first sentence of section 5(a) of existing law to extend from August 12, 1970, to August 12, 1973, the deadline for State legislation.

Conference substitute

The conference substitute is the same as the Senate amendment.

GRANTS-IN-AID FOR STATES

House bill

Section 2 of the House bill amended section 5(c)(1) of existing law to make it mandatory for the Secretary of Transportation to pay to the States, out of funds specifically appropriated for such purposes, grants-in-aid of up to 50 percent of the cost of State safety programs.

Senate amendment

Section 2 of the Senate amendment amended section 5(c)(1) of existing law to permit the Secretary of Transportation to pay to the States grants-in-aid of up to 50 percent of the cost incurred by a State agency to act as agent of the Secretary in enforcing Federal safety standards for pipeline facilities or the transportation of gas subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act, in addition to grants-in-aid of up to 50 percent of the cost of State safety programs. This section of the Senate amendment did not make payment of grants-in-aid to the States by the Secretary mandatory. It continued in effect existing law, which merely authorizes such payments to be made.

Conference substitute

The conference substitute makes it mandatory for the Secretary of Transportation to pay to the States grants-in-aid of up to 50 percent of the cost of State safety programs, and up to 50 percent of the costs incurred by the State acting as agent of the Secretary in enforcing Federal safety standards for interstate pipeline facilities. The conference substitute also provides that the Secretary may, after notice and consultation with a State agency, withhold all or any part of grants-in-aid for a State when he determines that such State is not satisfactorily carrying out a State safety program, or is not satisfactorily acting as agent of the Secretary in enforcing Federal safety standards for interstate pipeline facilities.

COOPERATION WITH STATE AND FEDERAL AGENCIES

House bill

No provision.

Senate amendment

Section 3 of the Senate amendment amended section 13 of existing law to grant the Secretary specific authority to consult with, and make recommendations to, other Federal departments and agencies, State and local governments, and other public and private agencies or persons, for the purpose of developing and encouraging activities (including the enactment of legislation) to assist in the implementation of the Natural Gas Pipeline Safety Act of 1968 and to improve State and local pipeline safety programs.

Conference substitute

The conference substitute is the same as the Senate amendment.

STUDY OF STATE PROGRAMS AND RESOURCES

House bill

No provision.

Senate amendment

Section 5 of the Senate amendment required the Secretary of Transportation, after consultation with the cooperating State agencies and the National Organization of State Commissions, to prepare and submit to the President for transmittal to the Congress a study of the pipeline safety programs being conducted in each State and the amount of funds required and available to implement such programs. The study would also contain an estimate of the amount of Federal assistance required, an evaluation of alternative methods of allotting such assistance to the States, and a discussion of other problems relating to effective State participation in the national pipeline safety program.

Conference substitute

The conference substitute is the same as the Senate amendment.

JURISDICTION OVER LIQUID PIPELINES

House bill

No provision.

Senate amendment

Section 6 of the Senate amendment amended section 6(f)(3)(A) of the Department of Transportation Act to transfer authority over liquid pipeline safety matters from the Federal Railroad Administrator to the Secretary of Transportation.

Conference substitute

The conference substitute is the same as the Senate amendment.

Harley O. Staggers,
Torbert H. Macdonald,
Lionel Van Deerlin,
William L. Springer,
Hastings Keith,
Managers on the Part of the House.

Warren G. Magnuson,
Vance Hartke,
Howard W. Cannon,
Ted Stevens,
L. P. Weicker, Jr.,
Managers on the Part of the Senate.

FOREIGN ASSISTANCE ACT OF 1972

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. Morgan).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 16029, with Mr. Price of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through the first section ending on line 4, page 1 of the bill. If there are no amendments to be offered to this section, the Clerk will read.

The Clerk read as follows:

Sec. 2. Section 491 of chapter 9 of part I of the Foreign Assistance Act of 1961, relating to refugee relief assistance is amended by striking out "1972" and inserting in lieu thereof "1973" and striking out the figure "$250,000,000" and inserting in lieu thereof "$100,000,000".

Sec. 3. Chapter 2 of part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(a) In section 504(a), relating to authorization, strike out "$500,000,000 for the fiscal year 1972" and insert in lieu thereof "$730,000,000 for the fiscal year 1973".

(b) At the end of section 504, add the following new subsection:

"(c) There is authorized to be appropriated to the President for the support of regional naval training activities in the Western Hemisphere, in addition to funds otherwise available for such purpose, $5,000,000 for the fiscal year 1973. Amounts appropriated under this subsection are authorized to remain available until expended.".

(c) In section 506(a), relating to special authority, strike out "1972" each place it appears and insert in lieu thereof "1973".

(d) Section 514 is hereby repealed.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dellums: On page 2, strike lines 8 through 13.

Mr. DELLUMS. Mr. Chairman, this amendment concerns the allocation of $5 million for an Inter-American Training Center for Latin American Naval Officers. Here we are, giving a great deal of taxpayers money to a specific institution, and yet we really know very little about it. No reference was made to it during the general hearings on the bill, and there was no opportunity to ask questions so as to inform ourselves on the merit of the request.

I believe that before we allocate money to strengthen military capabilities. We should at least know much more specifically, first, whose capability we are strengthening, second, for what purposes it will be used, third, just whose friendship we will be gaining, and, fourth, whose we will be losing.

I have found it a little difficult to gather information on this project, but what I have been told is enough, in my opinion, to cast some serious doubts on the project. I do not think the floor of the House is the appropriate place for the sort of technical and far-reaching discussion that a proposal like this needs. But what I do hope to make clear today is that this project's worth is far from self-evident, and that there are serious questions that need to be asked.

For example, what exactly is the threat which this Inter-American Naval Center is meant to answer? Admiral LaRoque, present head of the Center for Defense Information, and former Chairman of the Inter-American Defense Commission, has announced that in his opinion this project is a completely unnecessary expenditure dealing with a nonexistent threat. The navies of the Latin American countries are perfectly capable of dealing with Soviet surveillance ships or with a very unlikely Cuban presence.

Furthermore, I am told that this will be a small-craft training school. We will not be giving them any great new weapons or technological expertise. The Latin American navies are perfectly capable of handling their own training programs. I think it is almost an unconscious racism to assume that they need our help in running their navies. We are not smarter than they are, only richer.

Another pressing reason why a project like this should not be pushed through without discussion is that it has very definite foreign policy implications. "Regional cooperation" is a phrase that indicates that a common external threat is implied. And this can only be Cuba. For the present, let us overlook the fact that many serious experts completely discount any chance of an armed thrust from Cuba's navy. I want to emphasize that this anti-Cuban move will have wide repercussions at a time when most countries in the Hemisphere are trying to reach a more flexible position. I especially call upon those who are loath to upset delicate negotiation by clumsy congressional moves to support my amendment and make greater discussion of this hasty move possible.

It is not only this specific proposal that needs more work. It is our whole policy of providing training for the military elites of other countries. I think we want to ask ourselves some basic questions about this policy—first, about the effect of subsidizing military predominance; second, about wasting taxpayers' money on useless institutions; third, about whether we want the United States to become the training ground, not for peaceful endeavor, but for specialists in violence.

For all these reasons, Mr. Chairman, I urge my colleagues to support this amendment to delete this $5 million and to maintain more control over the taxpayers' money.

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment.

This committee has concerned itself for a long time with a sharing of responsibility of military operations in the Western Hemisphere. With respect to naval activities, as far back in 1968, we had specific legislation dealing with this subject. Also regional military training as a concept has existed for many years. So the idea is not new.

We find that although the Army and the Air Force have for some time had hemispheric training activities in the Canal Zone, the Navy has not. I am not anxious to add any additional activities to the Canal Zone training center and the bill does not add any. The Navy is now conducting training activities, at a variety of places.

The committee feels that it would be more economical and efficient to conduct it at a single facility in the United States.

This is, therefore, the continuation of a present program which we hope will be more economical and will do a better job. It is supported by the Secretary of Defense, the Secretary of the Navy, and by the Secretary of State.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I am glad to yield to my colleague from Florida.

Mr. YOUNG of Florida. Will the gentleman from California tell us what unconscious racism is, No. 1, and whether or not he considers himself guilty of it?

Mr. FASCELL. Well, I am not guilty of it, if I knew what it was, but I did not get the reference of that comment made by the gentleman from California. I am going to yield to him now so he can answer your question.

Mr. DELLUMS. If the gentleman is in doubt about what unconscious racism is, what I am simply pointing out is that in Latin American countries you are talking about racial minorities who live there. It is their country. The point I am trying to make it is rather presumptuous on the part of this Nation to assume that the people in Latin America do not have the technical capability and competence to train their own navies. It is rather arrogant on the part of this country and the leadership of this country to assume that we need to spend $5 million of the taxpayers' money when we need hospitals and we need jobs. We need the whole range of things. We need to spend our money in this country for people who are destitute rather than foster military competition on a continent where they have the capacity and the capability to do this themselves. Their naval capability is already on record.

If you look at the Congressional Record, I put in several pages, and if the gentleman would take the time out of his busy schedule to read it, he would more than understand that those Latin American nations do have the capability to train their own navies. That is the point I am making.

Mr. FASCELL. Mr. Chairman, I do not subscribe to that particular definition, although I do understand what the gentleman is talking about. The truth of the matter is that the Latins participate in this program voluntarily. They have also voluntarily participated in training programs of the Army, and the Air Force.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Of course, this provision of the bill is a good provision, and it is a continuation of the administration's program to establish more mature relations with out sister republics. It is not something that was just dreamed up by the Committee on Foreign Affairs. It is something that is necessary for hemispheric naval training, especially with language training, such as the Portuguese language and the Spanish language. I think it is very necessary that this new training program be continued. I am glad that Key West, Fla., was chosen for this center, and I am sure that many Latin-American countries will be taking part in this training, with enthusiastic support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DOW

Mr. DOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dow: On page 2, line 5, strike out "$730,000,000" and insert in lieu thereof "$460,500,000".

Mr. DOW. Mr. Chairman, the amendment I am offering would reduce the amount authorized in the bill of $730,000,000 for military assistance by a figure of $269,500,000. This would eliminate from the bill the amount of military assistance allocated in the committee report for Cambodia, $209,500,000, and for Thailand, $60,000,000.

It is perfectly obvious to anyone that these sums of military assistance for Southeast Asia serve only to continue the fighting, destruction, and bloodletting for which the United States is responsible in Southeast Asia. The military assistance program supplies countries with weapons, supplies, and military training needed for making war. These sums continue our involvement in places where we have no business whatsoever, where we have been meddling to the tune of hundreds of millions of dollars of the taxpayers' money. The passage of this amendment would be an express instruction from this House that the military activities we have been carrying on in Southeast Asia must come to an early conclusion.

Since we will pass this bill with a deadline for ending the war on October 1, Let us also eliminate from the bill mechanics of continuing the violence in Southeast Asia any longer.

Last year I offered an amendment similar to this one, striking out funds for military activities in Cambodia. Now I see that the bill's authorization for Cambodia is rising from $200,000,000 to $209,500,000. More alarming is the fact that the authorization for Thailand is rising from zero to $60,000,000. This betokens, of course, the fact that while we are winding down the war in Vietnam and saving American lives, we are winding it up through our bases in Thailand and destroying lives of innocent people all over Southeast Asia.

This is undoubtedly the most shameful and murky picture in American history. To think that the United States would lend itself to this cruel, shabby, and pointless violence so far away from our shores is truly disillusioning. This is especially so to one like myself and some of you, who were taught to believe that the U.S. policy was one of courage, nobility, and consideration for others. Our performance in Vietnam shows only traces of these qualities. It is replete with lies, corruption, bloody hands, inept military tactics, and wretched diplomatic strategy.

I could continue, Mr. Chairman, with further expressions of indignation about the willful policy that has been followed by the United States in Vietnam. Rather than to lament overlong about the past, why do we not correct ourselves promptly for the future, cutting from this bill those evil provisions that perpetuate the shameful mistakes of the recent past. Let us discontinue any further staining of American history.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from New York offers an amendment to cut to $460,500,000 from the $730 million for worldwide grant military assistance. The administration, when it presented this bill, asked for an appropriation of $780 million for this worldwide grant military assistance program. I want to assure the gentleman from New York that the committee made a detailed study of the requirements for Cambodia before we cut the executive request by $50 million. A reduction down to $460 million would apply to the whole MAP program. Even though the gentleman says it is a cut of funds for Cambodia, his amendment does not earmark this cut for Cambodia. It is a cut applying to the entire MAP grant assistance program.

Let us see what the cut involves. Of the $730 million, $250 million is programed for South Korea, $209 million is programed for Cambodia, $60 million is programed for Thailand, and $88 million is programed for Turkey. The gentleman's cut applies across the board. This is a meat ax cut approach which cuts $269,500,000 from worldwide military grant aid.

I want to say that the committee took a long look at our needs in Cambodia. The administration requested a $341 million ceiling on the total of military aid and supporting assistance for Cambodia. The committee cut that to $330 million.

We went into it item by item, especially the MAP assistance needed for Cambodia and the economic assistance needed for Cambodia as well as the Public Law 480 funds. We felt it would take a bare bones minimum of $330 million to operate the Cambodian program.

The Cambodian program is one program which is very successful and moving along. I would hate to see the House approach this with a meat ax which cuts the entire MAP assistance program.

I believe at this point in the game Cambodia is holding its own with our help. I would hate to see any cut of the MAP assistance at this time.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the distinguished gentleman from New York.

Mr. DOW. The distinguished chairman said that $730 million is allocated at the discretion of the Executive—essentially what he said—and therefore any attempt to pinpoint any of this money for Cambodia is going to confuse the allocation.

I must say to the distinguished chairman, I believe it is pretty irresponsible that the committee would allow this latitude to the Executive, so that they could take all of this $730 million, if they wanted, and spend it on the fearful holocaust in Southeast Asia without any oversight from the Congress. I believe it shows a lack of responsibility, Mr. Chairman, that we do not exert more influence over the spending of this $730 million.

Mr. MORGAN. As I said, the administration requested $780 million. The responsible committee, which I believe the gentlemen regards as an irresponsible committee, cut the program by $50 million.

A detailed presentation of the Cambodian programs was made to the committee. I read the major items. The committee did go into all the needs of all the countries in the program.

Most of this money is programed for four countries: South Vietnam, Thailand, Cambodia, and Turkey. That is about 70 percent of all MAP funds.

The gentleman offers an amendment to cut $269 million. We do not know whether the administration will cut it out of Cambodia or not. The amendment does not require it. This amendment would ruin the whole MAP program.

Mr. DOW. May I say a word in reply to the chairman? Does it not seem that by passing this amendment and by reading the record of these proceedings in the Congress the Executive would understand very clearly that this cut is intended for Cambodia and Thailand exclusively?

Mr. MORGAN. I will say to the gentleman that I have been around here a long, long time. I have never known the Executive, whether it was a Democratic administration or a Republican administration, to pay very much attention to what appears in the CONGRESSIONAL RECORD.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time in view of the comments made earlier by the distinguished gentleman from New York (Mr. Dow) and some of the accusations he read into the RECORD. I should like to read some information into the RECORD, to let it be known that his charges and accusations do not go unchallenged, and that his criticisms of the United States are not supported by fact.

This is a United Press International news report dated yesterday, August 8, 1972, with a Washington dateline:

> The State Department says that North Vietnamese troops engaged in mass murder of South Vietnamese civilian refugees during the beginning stages of Hanoi's spring offensive.
>
> Department spokesman John King also confirmed reports Monday that Communist political officers publicly executed hundreds of South Vietnamese government officials and imprisoned thousands during their occupation of Binhdinh Province.
>
> Concerning the attacks on refugees, King said that American military advisers and Red Cross members saw from 1,000 to 2,000

> civilian refugees fleeing south along Route 1 from Quang Tri killed by the North Vietnamese troops between April 24 and 30.
>
> King said that a convoy of refugees, making their way on motor scooters or on foot, were ambushed by North Vietnamese forces a few kilometers south of Quang Tri.
>
> "The North Vietnamese ambushed the convoy," King said. "They blew the convoy to pieces" with weapons normally used against combatants in battle, he said.
>
> The North Vietnamese attack on the refugees "littered the fields with bodies," King said.
>
> King said that on April 29 and 30, another convoy of refugees fleeing Quang Tri were ambushed by North Vietnamese. "They were attacked, ambushed, and there were considerable casualties," he said.
>
> King said the North Vietnamese fired shells into the convoy of elderly women, children and other non-combatants, "literally shredding the refugee column. The shells fired numbered in the hundreds."
>
> The spokesman said that more than three months later Buddhist and Roman Catholic priests were still combing the area, trying to identify for relatives the bodies still strewn on the fields, and conducting funerals.

Mr. Chairman, the gentleman's position on this amendment is his business, but his derogatory statements about the United States are my business.

Mr. ANDERSON of Illinois. Will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. ANDERSON of Illinois. I must confess even at this late hour in the afternoon the gorge rises in my throat a little bit when I listen to the indiscriminate language used by the gentleman from New York, in quotes, "the evil assistance we are rendering the Cambodian Government."

His amendment, I think, comes at a very peculiar juncture when you consider, in addition to the news story we just listened to, that the New York Times carried a story yesterday that the North Vietnamese Government launched yet another savage attack against the Cambodian Government and against Cambodian troops—not to defend North Vietnam, no, but in order to capture Highway 13 between Phnom Penh and Saigon in order to carry out their efforts to take over the Government of South Vietnam.

You might be able to argue with regard to South Vietnam that there is a civil war going on in South Vietnam. You certainly cannot argue that there is a civil war going on between the Cambodian Government and the North Vietnamese Government. They are guilty of invading a country that would like to stay out of this whole mess.

For the gentleman to stand up here and accuse the U.S. Government—and I do not stand as a complete apologist for all of the mistakes that have been made in Southeast Asia—Lord knows, to the contrary, I deplore the mistakes we have made—but I cannot sit idly by and listen to the gentleman from New York attack this Government and this committee and this House for rendering assistance to a government that is defending itself against the kind of wanton aggression being practiced by the North Vietnamese.

Mr. DOW. Will the gentleman yield?

Mr. YOUNG of Florida. I will be happy to yield.

Mr. DOW. Let me say one of the rationalizations about our activities in Vietnam is this constant harping on atrocities committed by North Vietnam. I am sure it is true, but I would like to say that the world all over is full of evil and atrocities; there are concentration camps in Siberia, and there is cruelty and slavery going on in South Africa and in South America, with one class shooting the Indians. There are all kinds of atrocities everywhere. That is no excuse for us to take on solely the problem of atrocities in North Vietnam or South Vietnam.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the gentleman's amendment.

I have no quarrel with the gentleman taking the position he does, but there is one statement, and I heard him make it. I realize we have an opportunity to correct the RECORD but he said this outrageous war that we are perpetrating on Southeast Asia. I would say to the gentleman from New York that the facts do not really lie in that direction. We have fewer than 50,000 men in South Vietnam. Who is invading Cambodia? Who is invading Laos? Who is invading South Vietnam? Who is invading Thailand? Not the United States of America.

The only thing we are doing is giving some weapons to these people to defend themselves from an invader.

Now, I happen to think that if we are not going to give any weapons to these people then we should not give weapons to anybody. Maybe that is the position we should take. But, on the other hand, I am not willing to destroy this bill when there is money in it for Israel to defend itself, for one thing. I am not willing to do that.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, is there any grant of military assistance in this bill to Israel?

Mr. HAYS. No, there is no grant for military assistance, but there is plenty of loan money in the bill for Israel. And the gentleman knows, and I know that they could not buy their weapons if we did not give them the money.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield further?

Mr. HAYS. No; I will not yield any further, because the gentleman knows that I did not ask him to get into this argument. I was talking to the gentleman from New York (Mr. Dow).

But the gentleman knows and I know that Israel is going to get money in this bill, $350 million worth of it. And if the gentleman from New York——

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. HAYS. Not at this point.

Mr. ROSENTHAL. Just yield calmly and nicely?

Mr. HAYS. If the gentleman does not want to vote for the bill then vote against it, and he can go home and explain it to his constituents as to why he did it.

I can vote against it because, as I have told you many times, this is not a political thing with me because I have fewer Jews in my district than I have Arabs. But I voted for aid for Israel because I believe in it; because I have been there a few times, and I have seen the valiant fight that these people have put up. And if the gentleman from New York has not read it, then I recommend that he read this new book that is called "Oh, Jerusalem".

I do not have a drop of Jewish blood in my veins, but I tell you, that book moved me. And I know that what that book says is true because I have been there and talked to some of these people themselves.

Now I will yield to the gentleman if he has anything of value to add.

Mr. ROSENTHAL. I have no request for the gentleman to yield to me.

Mr. HAYS. The gentleman does not want me to yield? That is great. I did not want to yield to the gentleman, anyway. I was just trying to be polite.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New York.

Mr. DOW. Let me say that my amendment does not go to the Israel portion of this bill.

Mr. HAYS. I understand.

Mr. DOW. It is very distinct.

Mr. HAYS. I understand very well, and I meant no implication that the gentleman's amendment did. But I was comparing in my own mind the fact that there is money in here for Israel, and there is money in here for Cambodia, and there is money in here for Laos, all three of those countries, and I think the two situations are comparable because, while Israel is not being invaded at the moment, it stands the threat of an invasion. And although I do not believe all the rhetoric that comes out of Cairo, if I were the Prime Minister of Israel I would have to consider the fact that almost daily the President of Egypt talks about a holy war to drive the Israelis into the sea.

I just happen to think that the two situations are somewhat comparable. I did not mean to imply that the gentleman's amendment did anything at all to Israel, but I was saying in my mind that giving aid to Israel and giving aid to Southeast Asia are two comparable situations.

Mr. Chairman, I hope the amendment offered by the gentleman from New York (Mr. Dow) is defeated.

Mr. DOW. Mr. Chairman, if the gentleman will yield further, I must differ with the gentleman from Ohio in his judgment that the two situations are comparable. There are a great many distinctions, and I will not take the time of the House to detail them, but I do think that the gentleman from Ohio is not as perceptive as I always thought he was on this matter.

Mr. HAYS. I will say that the gentleman from New York has a right to disagree with my evaluation, just as I have the right to disagree with the gentleman in the amendment he is offering. And that is one of the things that I hold dear about the House of Representatives, in that people can have different opinions about specific subjects.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ROSENTHAL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time merely to put the discussion in perspective. I find it most regrettable and personally offensive that the gentleman from Ohio, on every occasion that I can ever remember since I have been in the House, when he opposed an amendment striking assistance to Southeast Asia—somehow, somewhere in the thread of his argument came a discussion of military assistance to Israel. He seems to enjoy some special satisfaction in making that comparison. I find no factual comparison whatsoever.

The fact of the matter is, as the gentleman well knows, this amendment deals with military grant assistance. It deals with grant assistance of $215 million for Korea; $209 million for Cambodia; $60 million for Thailand; and the rest for some 18 or 19 countries.

The gentleman from Ohio knows well that in the past, I would guess about 20 years, Israel has never received any grant military assistance. It may have been about 1948—I am not sure—during the early years of the mutual security assistance program that Israel received some grant military assistance.

But, the fact is that for the past 18 or 20 years, they have received no grant military assistance.

I think what this House ought to do is to step back a moment and not concern itself so much about this bill or this amendment—but to ask itself how long—and without getting into the rhetoric that flew back and forth across this floor this afternoon—for how long ought the United States continue its major responsibility for granting arms and military systems to countries around the world.

I believe that that is a fair and reasonable question. As the gentleman from New York says, he full well acknowledges that atrocities exist in every combat area, and I am sure that they do. But, what we have to address ourselves to is our larger role as humanitarians and inquire as to our role as grantors of military arms.

I merely ask you to ask yourselves before you decide on this amendment—how many millions of dollars should we provide for that particular area of the world—and what are the objectives that we seek to obtain by continuing this system?

It would seem to me that one ought to reflect seriously on the amendment offered by the gentleman from New York. It may well be the time will come for us to say to these nations—you have to develop a viable economy and a viable political system and a viable society so that at the minimum you can buy military arms and assistance as many other countries have done.

But we cannot indefinitely have an open-ended gift of these kinds of articles of war. That is all I ask you to review. I think if we can cut through some of the nasty rhetoric that preceded my remarks, I would hope we could reflect on the principal issue of for how long should we continue this open-ended intervention in other parts of the world. That, to me, is a very serious question.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I am happy to yield to the gentleman.

Mr. MAILLIARD. I think I can supply at least a partial answer.

Of course, the gentleman knows as a member of this committee that we have been moving away from grant aid toward these other categories at a steady rate over a period of years.

I think the answer is, if you are talking of what the gentleman from New York is trying to do—is that just as long as the Communist countries pour in grant aid to the people attacking those countries.

The CHAIRMAN. The question is on the amendment by the gentleman from New York (Mr. Dow).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 4. Section 532 of chapter 4 of part II of the Foreign Assistance Act of 1961, relating to authorization for security supporting assistance, is amended by striking out "for the fiscal year 1972 not to exceed $618,000,000," and inserting in lieu thereof "for the fiscal year 1973 not to exceed $769,000,000".

Sec. 5. Chapter 4 of part II of the Foreign Assistance Act of 1961, relating to security supporting assistance, is amended by adding at the end thereof the following new sections:

"Sec. 534. Refugee Assistance in Cambodia.—Of the funds appropriated pursuant to section 532 for the fiscal year 1973, not less than $2,000,000 shall be available solely for refugee relief and war victims assistance in Cambodia.

"Sec. 535. Center for Plastic and Reconstructive Surgery in Saigon.—Of the funds appropriated pursuant to section 532 for the fiscal year 1973, not less than $715,000 shall be available solely for furnishing assistance to the Center for Plastic and Reconstructive Surgery in Saigon.

"Sec. 536. Assistance to South Vietnamese Children.—(a) It is the sense of the Congress that inadequate provision has been made (1) for the establishment, expansion, and improvement of day care centers, orphanages, hostels, school feeding programs, health and welfare programs, and training related to these programs which are designed for the benefit of South Vietnamese children, disadvantaged by hostilities in Vietnam or conditions related to those hostilities, and (2) for the adoption by United States citizens of South Vietnamese children who are orphaned or abandoned, or whose parents or sole surviving parent, as the case may be, has irrevocably relinquished all parental rights.

"(b) The President is therefore authorized to provide assistance, on terms and conditions he considers appropriate, for the purposes described in clauses (1) and (2) of subsection (a) of this section. Of the funds appropriated pursuant to section 532 for fiscal year 1973, $5,000,000 shall be available until expended solely to carry out this section. Not more than 10 per centum of the funds made available to carry out this section may be expended for the purposes referred to in subsection (a)(2) of this section. Assistance provided under this section shall be furnished, to the maximum extent practicable, under the auspices of and by international agencies or United States voluntary agencies."

Mr. KASTENMEIER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as sponsor of the Vietnam children's care agency legislation, I want to commend the members of the House Foreign Affairs Committee for adding this measure as an amendment in the form of section 536 to the Foreign Assistance Act of 1972.

It is estimated that there are about 700,000 children in South Vietnam who are orphaned or abandoned as a result of the war. These children have suffered terribly during the course of the conflict, and many are victims of our military operations in South Vietnam. They will continue to suffer even more as our servicemen withdraw from that Nation. The problem of caring for these youngsters is immense, far beyond the capabilities of the present South Vietnamese Government. To abandon these young victims of the war would be cruel and inhuman. Thus, it is both necessary and appropriate that our Government begin to assume the moral obligation to help care for these children.

Section 536 of the 1972 Foreign Assistance Act authorizes $5 million, most of which will be allocated for the establishment, improvement, and expansion of South Vietnamese day care centers, orphanages, hostels, school feeding programs, and related programs in health, welfare, and education for South Vietnamese children. A second purpose of section 536 is directed toward those South Vietnamese children who have no family or guardians, and are, therefore, eligible for adoption, and for whom an acceptable home can be found in the United States. While emphasis will be focused on facilitating the adoption of the thousands of orphaned or abandoned children of American fathers, by no means does this exclude the adoption of all-Vietnamese children who are homeless. At present, those Americans wishing to adopt Vietnamese children experience interminable delays and are required to pay exorbitant fees. This measure would seek to untangle the bureaucratic snarl that has developed in the United States-Vietnamese adoption process and would serve to expedite procedures when any complications arise.

Mr. Chairman, although the $5 million authorized by section 536 is, admittedly, a rather modest amount, it, nonetheless, does represent the beginning of the commitment the United States must make in acknowledging this problem and in assuming our responsibility to help these innocent children.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 6. Section 620(n) of chapter 1, part III, of the Foreign Assistance Act of 1961 is amended by striking out the period at the end of such subsection and inserting in lieu thereof a comma and the following: "unless the President finds and reports within thirty days of such finding to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives that such assistance is in the national interest of the United States.".

Sec. 7. Section 620 of chapter 1 of part III of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance is amended by adding at the end thereof the following new subsections:

"(x) No assistance shall be furnished under this Act (other that chapter 8 of part I, relating to international narcotics control), and no sales shall be made under the Foreign Military Sales Act or under title I of the Agricultural Trade Development and Assistance Act of 1954, to Thailand. This restriction may be waived when the President determines that the Government of Thailand has taken adequate steps to carry out the purposes of chapter 8 of part I of this Act, relating to international narcotics control.

"(y) No assistance shall be furnished and no moneys shall be expended under this or any other Act, including the Export-Import Bank Act, for Portugal until and unless the Senate advises and consents to the agreement of December 9, 1971, with Portugal continuing United States base rights in the Azores, or both Houses of Congress approve of such agreement by resolution."

AMENDMENT OFFERED BY MR. MONAGAN

Mr. MONAGAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MONAGAN: On page 5, line 2, strike out "subsections" and insert in lieu thereof "subsection".

On page 5, strike out line 12 and all that follows down through line 18.

Mr. MONAGAN. Mr. Chairman, the purpose of this amendment, of course, is to eliminate subsection (y) of section 7 on page 5 referring to the agreement between the United States and the Government of Portugal for the use of the air base in the Azores.

The situation, of course, is that from 1951 and until 1962 there did exist an agreement between the two countries under which we were permitted to use this base. This agreement terminated, and for a time we were permitted to use the base without any agreement. In fact, that situation continued up to the time when the new agreement was concluded on December 9, 1971.

I suggest that this requirement should not be in the bill. In other words, we should not provide that no assistance should be furnished to Portugal until this agreement has been either ratified by the Senate or delivered to both Houses of Congress for their approval through a resolution.

There are two matters I think important in connection with this question. First of all, what about the merits of the situation, that is, the existence of this agreement between the United States and Portugal? It seems to me it is unquestionably in the interest of our country to have the use of these facilities. It is not a question of whether or not we like the Portuguese Government or whether we approve of all the measures that they take domestically or in their policies throughout the world. Whatever we do here is not going to hurt the country of Portugal. The question is what is for the benefit of the United States, and the value of the base facilities has been proven to us in the past in connection with the war in Israel in 1968 and also in connection with the Congo relief prior to that time.

I might say also that as far as the actual operation of this base is concerned, the Portuguese certainly have been most cooperative with us, and to impose requirements other than those which our own best interests demand certainly is not the way we should act in connection with this legislation.

It is possibly true that as a general principle executive agreements should come to the House. I certainly do not disagree with the general principle. I think we should be informed. I should think we could well be better informed than we have been in the past. But to act in this instance would be an ex post facto action. This is a legal action which has already taken place, and I suggest that not only would it be against our own security interests, but it also would be a breach of contractual obligation, a breach of faith on our part not to go forward with this agreement.

So, Mr. Chairman, I hope very much that this amendment will be adopted.

Mr. MAILLIARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I said in general debate yesterday when I thought this amendment was going to be offered by my good friend, the gentleman from New York (Mr. STRATTON)—but as a member of the committee, my good friend, the gentleman from Connecticut usurped that position properly, if that was his wish to do it—this amendment obviously ought to be supported.

The arguments have been given. I do not want to take a great deal of time, but the very way in which the provision is worded is pretty unfair to a nation with which we have made an agreement which they have every right to rely upon. If the Congress should fail to act in a timely fashion, we would be abrogating the terms of an agreement already entered into.

The committee is in agreement that we are going to provide that we be advised about these agreements.

Also, to single out Portugal when we have similar agreements with almost every other member of NATO and demand that this particularly extraordinary procedure be resorted to with one country with the same type base agreement as we have with other countries, is just a gratuitous insult and one, I think, the Congress should not indulge in.

I might also point out this agreement expires in February 1974, so almost before the Congress could probably act, the agreement will have to be renegotiated, so there is just no point in leaving a foolish provision in, that I think, quite properly, another government could take offense at when its real force and effect is so minimal. It is using the wrong way to get at a totally unrelated problem and at the same time it could very easily jeopardize our ability to maintain our operations in the Azores which are so critical, as I am sure the gentleman from New York will stress, to the surveillance of the ocean areas of the Atlantic.

Mr. ZABLOCKI. Mr. Chairman, I rise to support the amendment of the gentleman from Connecticut (Mr. MONAGAN) to delete that portion of section 7 of the bill prohibiting expenditure of funds to carry out the agreement with Portugal relating to American base rights in the Azores.

This amendment should be opposed for the three principal reasons:

First, this provision singles out one international executive agreement from among dozens which the United States has concluded with nations allied with us in the North Atlantic Treaty Organization.

For decades the Congress has permitted the President to make agreements which carry out NATO treaty obligations without specific prior approval of Congress or without the necessity of submitting each such agreement to the Senate and House after it has been concluded.

Now—suddenly—we are being asked to select out for congressional approval, this one agreement with Portugal.

The executive branch makes more than 200 international agreements annually. Is the Congress prepared to approve each one of those agreements?

If we are not, then how should we presume to single out one agreement for special legislative attention? By what criteria do we ascertain that congressional approval is more necessary for this agreement than for another?

Since no such criteria have been put forward in defense of this provision of the Foreign Assistance Act, we must assume that the action is capricious and does not deserve to stand.

My second reason for opposing this provision is that the agreement does not make an extraordinary commitment, either military or financial, to Portugal.

The agreement provides $400 million in Export-Import Bank credits to Portugal—but that could have been concluded even in the absence of a base agreement.

In fact, because the credits are being provided under normal commercial terms, it is difficult to see this as being "foreign aid." In fact, the greatest benefit will be to our own American industry.

Similarly, the Public Law 480 food assistance included in the package will benefit America's farmers.

If both the Export-Import Bank credits and the Public Law 480 food is subtracted from the package. the remaining amounts of aid are very small.

I believe our negotiations with Portugal on the Azores bases agreement were very successful. As a result of them, we have continued use of an important strategic facility at a very modest price.

My third reason for opposing this prohibition on proposed U.S. programs in Portugal is that it would surely create a severe strain in our relations with that country. The Portuguese would see such action as an affront.

And can we blame them? For it would appear to them that after having bargained in good faith with the United States to reach an agreement the whole question was being thrown open once more.

The United States would not want to be treated that way. We should not expect it of others.

If we change the rules in the fourth quarter of the ball game, we should not be surprised when the other team quits playing and goes home.

If this provision is approved, the United States will be changing the rules. Who could blame the Portuguese if they decided that they would be better off without Americans on the Azores?

Mr. Chairman, I have myself long been concerned about abuses related to the execution of international executive agreements. Too often in the past, I fear, the Congress has not been adequately informed about such agreements.

To remedy that situation I have sponsored and worked for legislation which would require that the texts of all executive agreements be submitted to Congress within 60 days after their signing. It is my hope that the legislation will soon be approved by this body.

At the same time, I do not see the agreement with Portugal as one which entails any abuse. The text is not secret. The agreement does not exceed Executive power. The terms are favorable to our interests.

Let the United States-Portuguese agreement on the Azores stand, therefore, by supporting the Monagan amendment to strike the provision from the bill.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the distinguished chairman.

Mr. MORGAN. I said yesterday during my remarks in general debate that this provision in the bill has caused me considerable discomfort.

I felt during the markup of the bill when I opposed the amendment to put this provision into the bill—and I so stated—that it would cost several billions of dollars to replace this great base in the Atlantic Ocean.

I feel since we are only on first base in the SALT talks, that it would be absolutely senseless to destroy relations with Portugal at this time.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. ZABLOCKI was allowed to proceed for 1 additional minute.)

Mr. ZABLOCKI. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. I just want to say the committee vote was very close, as the gentleman knows, and there was real opposition to putting this particular provision in the bill. Of course, I intend to support the Monagan amendment.

Mr. ZABLOCKI. I thank the gentleman for his contribution.

I want to underscore the fact that it would not be in our national security interest to break the agreement we now have with Portugal.

Mr. HOLIFIELD. Will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from California.

Mr. HOLIFIELD. I want to aline myself with the position that the gentleman has taken as well as the two preceding speakers (Mr. MAILLIARD and Mr. MONAGAN), in support of the amendment and compliment the gentleman on his statement.

Mr. BUCHANAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, section 7(y) constitutes an attack on the most recent extension of our 1951 agreement for the stationing of U.S. forces in the Azores. This agreement, like the similar agreements with Belgium, Canada, Denmark, Germany, Greece, Iceland, the Netherlands, Turkey, and the United Kingdom, was concluded under article 3 of the North Atlantic Treaty, which, as we all know, was ratified by an overwhelming majority in the Senate. I fail to understand, therefore, why this latest extension of a 20-year old arrangement is being made the subject of such special attention at this time.

Leaving aside the possible adverse effect of section 7(y) on our national security, I would like to point out that it would have a very damaging effect on U.S. exports by denying U.S. exporters their right to seek assistance from the Export-Import Bank in competing for business in Portugal. I would like to remind my colleagues that the purpose of Export-Import Bank credits is to assist American exporters by enabling them to compete with the financing terms offered by their European and Japanese competitors. At the time of the signing of the Azores base agreement Secretary Rogers gave the Portuguese Foreign Minister a letter in which he noted that Portuguese and American technicians had reviewed Portuguese development projects with a total value of some $400 million, including airport construction, railway modernization, bridge building, electric power generation, mechanization of agriculture, and so forth. He added that:

> The U.S. Government is willing to provide through the Export-Import Bank of the United States, financing for U.S. goods and services to be used in these projects, *in accordance with the usual loan criteria and practices of the Bank.*

This simply means that if American firms are able to get the contracts for these projects, the Eximbank would consider loan applications in support of the contracts, as it would even if there were no Azores agreement. Section 7(y), however, would deny this U.S. Government assistance to U.S. firms. Their European and Japanese competitors can certainly count on export credits from their governments and would therefore step in and take the business away from the American companies.

In this connection it is interesting to note that shortly after the announcement of the Azores agreement the British Ambassador in Lisbon made a public statement that:

> The authorities and institutions of the United Kingdom always were and continue to be disposed and ready to grant identical facilities to those offered by the United States Export-Import Bank in conjunction with the joint Portuguese-American declaration of December 9 last.

He added that British export credits extended to Portugal have totaled approximately $500 million.

The effects of section 7(y) would be felt most sharply by American exporters.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. BUCHANAN. I will be glad to yield to the gentleman.

Mr. FRELINGHUYSEN. I thank the gentleman.

Yesterday I mentioned my own reservations about the language that is now proposed to be stricken. I, too, rise in support of the amendment to strike this language. It would be very unwise to attempt to pass judgment on an agreement which has been in effect for some time now and involves no major change of status with an ally and in connection with a base which we have had for a number of years in the Azores. It would be a very wise move if we should strike this altogether.

Mr. BUCHANAN. Mr. Chairman, as indicated in my earlier remarks, I completely agree with the gentleman and find him most wise in his position.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Mrs. HECKLER of Massachusetts. Will the gentleman yield?

Mr. BUCHANAN. I yield to the gentlewoman.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I should like to identify myself with the remarks of the previous speakers and Congressmen MAILLIARD and MONAGAN.

I feel very strongly an ally such as Portugal should be treated as such. I feel it would be truly deplorable if this larger question, for which I have so much sympathy, should be applied to a very small nation with a small amount of money at a time when the economy of Portugal needs the economic assistance which would be provided and at a time when the Azores particularly are in need.

Under the 1971 agreement, the United States provides some $420 million a year in assistance to Portugal. To shut this off, Mr. Chairman, on a point of legislative prerogative does a disservice to the Congress, to the country, and certainly to Portugal.

This nation has been a traditional ally, in letter and in spirit. It is an ally we know we could count on completely if the friendship were ever tested.

Our recent history is replete with instances of our pouring massive aid into a country to buy its loyalty and friendship with no guarantee of either. We already have Portugal's loyalty and friendship, and we did not buy them.

Foreign assistance of this kind benefits both this country as the giver, in terms of American goods and services bought on the extended credit, and the recipient in terms of shoring its wobbly economy and helping it to achieve a respectable place in world commerce and industry and build a better life for its citizens.

Portugal has not only given us the benefit of its navigation and exploration, its foods and wines and other products, it has also given us many of its citizens who have become decent, hard-working, productive Americans. The ties between our nations are strong and deep. A great many Portuguese-Americans live in my congressional district, Mr. Chairman, and I can testify to the contributions they are making to this country.

We are asked to make such a small contribution to Portugal in return for so much.

It seems to me a good idea in principle for this Congress to examine all of the agreements. I believe it is penalizing an ally like Portugal, however, and jeopardizing the many other interests which are involved here. I believe this is the wrong time and the wrong place to ponder the larger question. I support this amendment.

Mr. BUCHANAN. Mr. Chairman, I thank the gentlewoman for her contribution, and I urge the adoption of this amendment.

Mr. STRATTON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as the gentleman from California said, I had thought I was going to be the Member to offer this amendment, but I have no chagrin at all in having it come from my good friend on the committee.

Since members of the committee have all spoken in support of this amendment it shows the very substantial divisions within the committee itself.

I still want to take the time to discuss this issue, however, because this amendment deals not only with matters of foreign policy but also has very sweeping implications for our defense policy. It would be disastrous if we were, in an emotional reaction to some of the policies of Portugal, for example, to do devastating harm to our Nation's defenses. The language in section 7(y) of the bill would deny all aid to Portugal until this agreement for continuing our base rights in the Azores had been approved either as a treaty by the other body or as a resolution by both Houses.

Goodness knows how long that would take, especially in the other body. But the fact of the matter is that the quid pro quo for retaining our Azores base rights is economic aid to Portugal, including aid through the Export-Import Bank. So if this provision of section 7(y) were to remain in the law we would literally have to abandon our bases in the Azores.

Additionally, as has already been pointed out, the base agreement that we now have in the Azores—and, incidentally, these are the Azores right here in the middle of this chart I am pointing to—and the basic agreement that we have been following since 1952—in spite of all this talk about whether executive agreements or treaties ought to prevail, are actually both in existence pursuant to the original NATO treaty which was duly ratified by the Senate of the United States back in the 1950's.

I do not know just how many times we have to come back here to Congress for approval, because article III of that NATO treaty provides that you can set up regional defense arrangements between NATO partisans; and this is one of those regional arrangements. We have another one with Iceland; we have another one with Denmark; we have another one with Canada, and with several other countries.

But the important thing about the Azores is that if you take our present Azores base away you destroy our ability to conduct effective anti-submarine warfare operations in the Atlantic Ocean. And everyone whose knowledge of defense extends only to Jane's Fighting Ships, is aware of the fact that the Soviets possess a great submarine fleet, and its size and capacity is growing by leaps and bounds.

This yellow circle shows the range of aerial surveillance over the Soviet submarine fleet that can be provided from the Azores base. These red lines represent the extent of aerial surveillance that can be provided from Bermuda, from Rota, Spain, from Iceland, from Newfoundland and from England in the north. And you can see clearly that if we take the Azores coverage out and leave only the coverage provided from those other bases, there is a great big gap right in the middle of the Atlantic where we would be blind to a Soviet submarine threat. And that blind area is 10 times the size of New York or, if you want to put it another way, two times the size of Texas.

So if we leave section 7(y) in the bill we would be destroying our ability to protect ourselves against this submarine threat.

Let me also point out that these black lines, which are even more visible on this chart, represent our oil lifelines to our allies with oil from the Middle East coming around the cape and heading into the Mediterranean, heading into northern Europe, and heading over here to the United States of America. And notice that all of them go between the Azores and Portugal.

So if we are going to try to protect those oil lifelines, if we are going to try to save those tankers from the Russian submarines when the balloon goes up, then we have got to be able to conduct aerial antisubmarine surveillance from the Azores.

That is precisely what we are doing now, from the Azores, and that is precisely the kind of thing that would be eliminated by this section 7(y) of the committee's bill.

Now is this naval importance anything new about the Azores? No; the truth is that the original base agreement, signed in 1951, expired in 1962. But President Kennedy, as a former Naval Reserve officer, knew how important the Azores were to the NATO defense. So he selected Adm. George Anderson, who had just stepped down as Chief of Naval Operations, to become the new Ambassador to Portugal. Why? Because the President of Portugal at that time—not the Premier, not Dr. Salazar, but the President—was an admiral; and Admiral Anderson's sole mission from President Kennedy was to keep this base going in the Azores until we could work out a new agreement. And the one thing that Admiral Anderson was able to do was to keep flying out of the Azores even though our two countries never could seem to come to a formal written agreement. He kept us there for 9 years, in fact, 9 valuable years. And then in December of 1971 we finally signed a new succeeding agreement which was predated to December 1969, and which, as the gentleman from California, Mr. MAILLIARD has said, comes up for renewal again in 1974.

So President Kennedy and Admiral Anderson worked for 9 years to keep those bases. Are you and I going to throw them away in an afternoon just because we do not happen to like some of the things that Portugal does, or because we think maybe every implementing detail of the original NATO treaty ought also to come back to the Senate to be considered as another treaty and be argued for many, many afternoons?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. STRATTON (at the request of Mr. SEIBERLING) was granted permission to proceed for 3 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield for a question.

Mr. STRATTON. I am delighted to yield to the gentleman.

Mr. SEIBERLING. Mr. Chairman, I think the gentleman from New York has made a very impressive presentation here.

But, if it is that important—and I am willing to concede that it is, without any evidence to the contrary—what is the matter with the executive branch simply submitting an agreement to the Senate and having done with all of this debate? Maybe I am naive—but what is the answer to that?

Mr. STRATTON. There are two reasons. The first is the one I have already given you; namely, that this agreement is pursuant to another treaty already ratified. Surely you cannot expect to have everything we do handled as a treaty. The original treaty spelled out the broad arrangements of NATO and this Azores base agreement is simply one of the minor arrangements permitted under the NATO Treaty which was designed for the mutual protection to which NATO is addressed and in which the Senate heartily concurred some 20 years ago.

The Senate gave its support to that treaty. They have not revoked that support, thank God. They certainly do not have to go back over every jot and tittle and over every dotted "i" and every crossed "t" of every decision taken to carry out the intentions and purposes of that treaty.

The other answer, if the gentleman will permit me, is that this is, after all, a temporary arrangement.

It has only got 2 more years to go. If we were to handle it as a treaty, it would appear to be some permanent thing. This is a temporary arrangement; and I think any student of foreign affairs—and I do not pretend to be one—but we have a lot of experts on the committee—any student will tell you there is a distinction between the kind of thing you want ratified by a treaty and those lesser more temporary arrangements that you want to apply by virtue of executive agreement.

Mr. SEIBERLING. If the gentleman will yield further, does the gentleman agree that this is a technical argument that he made? But the point he made previously is a matter of substance and it seems to me, if all we are talking about is whether it should be submitted as an agreement, the simple solution would be to submit it to the Senate and be done with it.

Mr. STRATTON. I do not object to submitting it over there, but the thing I do object to is destroying the present base while the Senate argues.

After all President Kennedy fought for 9 years to keep this base going because he knew how vital it was to our defense. And now are you and I going to destroy it this afternoon? I certainly hope not.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman.

Mr. HAYS. The gentleman put his

finger right on the argument—because the way the Senate Foreign Relations Committee is operating now, deliberately all the time trying to embarrass the President, they would not get around to bringing this out of the committee in the next 18 months.

Mr. STRATTON. The gentleman has made a very good point.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman.

Mr. ZABLOCKI. Further funds for Portugal would cease in the fourth year of our agreement until there would be a ratification by the Senate or a resolution passed by both Houses of Congress.

We would, indeed, be reneging on the agreement we made in 1971—predated to 1969.

Mr. STRATTON. The gentleman is absolutely right. I think it would be an insane way to conduct our foreign policy.

Mr. ANDERSON of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Tennessee, a former officer in the Navy who knows much more than I do by far about antisubmarine as well as submarine warfare.

Mr. ANDERSON of Tennessee. Mr. Chairman, I appreciate the gentleman yielding. I had planned on speaking in length with regard to the amendment, but I think it has been covered very, very well by the gentleman from Connecticut who introduced it and by the gentleman in the well and by other Members.

I think, in analyzing this situation, we can be quite assured that if this amendment fails—if this section is not stricken out of the bill, we will indeed seriously jeopardize our continued use of the Azores for some very, very viable military purposes.

Mr. STRATTON. Mr. Chairman, I thank the gentleman for his valuable contribution. His words I know will be heard with great respect by every Member of this body because of his distinguished service in the U.S. submarine service.

Mr. Chairman, under leave to extend my remarks, I include a letter on this subject which I received from Secretary of State Rogers under date of August 8, 1972, and also two fact sheets on the strategic value of our base at Lajes in the Azores which will, I believe be of interest and value to every member of the committee:

THE SECRETARY OF STATE,
Washington, August 8, 1792.

Hon. SAMUEL S. STRATTON,
House of Representatives.

DEAR MR. STRATTON: As you know, on July 19 the House Foreign Affairs Committee approved H.R. 16029, a bill to amend the Foreign Assistance Act of 1961. The Commitee added a new section, 7(y), which would provide that:

"No assistance shall be furnished and no monies shall be expended under this or any other Act, including the EX-IM Bank Act, for Portugal, until and unless the Senate advises and consents to the Agreement of December 9, 1971, with Portugal continuing U.S. base rights in the Azores, or both Houses of Congress by resolution approving of such an agreement."

I understand that, during debate on H.R. 16029 this week, you are proposing an amendment to strike the above section. I write to you now in unqualified support for your action and to explain the reasons for such support. I have written a similar letter to Congressman Gerald R. Ford. On December 9, 1971 I concluded an exchange of notes with the Portuguese Foreign Minister extending until February 4, 1974 our rights to station forces in the Azores in time of peace. These rights stem from the bilateral agreement of September 6, 1951, concluded pursuant to Article 3 of the North Atlantic Treaty. This was only one of a number of executive agreements negotiated under the North Atlantic Treaty for the stationing of United States forces in NATO countries. We have concluded similar agreements with Belgium, Canada, Denmark, Germany, Greece, Iceland, the Netherlands, Turkey, and the United Kingdom. Thus, the agreement with Portugal was concluded in a manner consistent with our long-standing practice in concluding agreements implementing the NATO Treaty.

On the occasion of Portuguese Foreign Minister Patricio's visit to Washington in November 1970 a joint statement was issued stating that the United States was offering to initiate a PL-480 program in Portugal, that the Ex-Im Bank would give due consideration to applications relating to specific development projects in Portugal, and that an oceanographic research vessel would be supplied to Portugal. At the time of the exchange of notes on the Azores base rights I gave the Foreign Minister a letter outlining the above offers and, in addition, an offer of $1 million to assist Portugal's educational reform program and up to $5 million in excess nonmilitary property. These offers were all authorized by United States legislation in effect at the time, and neither government had any reason to suspect that an effort might be made to modify that legislation.

The agreement with Portugal does not require the United States to use facilities in the Azores, or to station forces or establish a base there and it does not in any way alter the security commitment to Portugal under the North Atlantic Treaty. In fact, to conclude the agreement either as a treaty or a formal agreement pursuant to joint resolution of Congress might imply a degree of permanence and importance not warranted by the agreement. Moreover, Congress already has power to review the Azores or other base agreements by consideration of appropriations for the base.

I urge Congress to consider the impact which this provision would have on our overall security posture. Failure to delete it will be seen as a deliberate affront to a NATO ally. It would also jeopardize retention of our military facilities in the Azores which are very important for surveillance of Soviet submarine activity ir the mid-Atlantic and for aircraft staging in that area.

I realize that the Congress has a continuing interest in the form in which agreements, such as the agreement with Portugal, are concluded and that the pending amendment reflects that concern. The Department of State will make every effort to keep the appropriate congressional committees informed of important agreements under negotiation and to consult with those committees whenever there is a serious question whether an international agreement is to be made in the form of a treaty, executive agreement submitted to the Congress, or otherwise. I hope, however, that Congress will not allow its concern for working out mutually satisfactory arrangements in this respect to force the United States to backtrack on this important agreement with Portugal.

With best personal regards,
Sincerely,
WILLIAM P. ROGERS.

LAJES AIR BASE

The strategic mid-Atlantic position of Lajes Air Base, on Terceira Island in the Azores, makes continued unrestricted use of the airfield essential to our nation's antisubmarine warfare (ASW) and ocean surveillance posture, and—in the event of hostilities—also essential to NATO's control of the Central Atlantic. The Azores occupy a key position astride vital commercial shipping lanes from the oil-rich Persian Gulf and the South Atlantic to Europe, North America, and the Mediterranean. Consequently, the islands are a natural choke point and ideal support base for ASW and ocean surveillance operations.

Our facilities agreements relative to the Azores are of precisely the same nature as those entered into with our other European allies in implementation of the North Atlantic Treaty; we use their facilities in the course of fulfilling our NATO obligations, as well as in support of our strictly national plans.

In the current fiscal climate, and within existing or projected maritime patrol squadron or ASW aircraft carrier force levels, there are no acceptable risk alternatives to use of the Azores. To provide a continuous, on-station ASW and surveillance capability equivalent to that afforded to us through use of the Azores would require either more ASW aircraft carriers, more patrol aircraft squadrons, or some combination of both. For example: to keep one aircraft on continuous patrol 360 miles west of the Azores currently requires 10 aircraft operating from Lajes; it would take 30 aircraft operating from Rota, Spain—our closest alternate—to accomplish this same coverage. (In the absence of Lajes, there would be a gap in our ASW and surveillance coverage that would be over twice the size of the state of Texas, a gap plainly evident to the Soviets.)

Due to the geometry of High Frequency Radio Direction Finding, our HFDF facility in the Azores is an essential element in the Atlantic HFDF net. This net provides extremely valuable information about ship and aircraft movements across the North and Central Atlantic. The facility on the Azores is the only station capable of providing 360 degrees coverage of the area.

The Portugese recognize that the quid pro quo we provided in connection with the present agreement is exceedingly modest. They have watched the proceedings related to the Malta base rights agreement—and the generous settlement they produced—with great interest. Since this piece of real estate is so important to our maintaining control of the North Atlantic in the event of hostilities it is essential that we keep our operating rights while we endeavor at the same time to keep the costs to the US as low as possible. Alternative force levels that would be required to offset the loss of Azores operating rights would be prohibitively expensive. The more attention devoted to the issue of the US military presence on the Azores, the more we can expect to pay for renewal of our rights there when the existing agreement expires in two years.

STRATEGIC IMPORTANCE OF LAJES AIR BASE

The Azores occupy a very key strategic location, covering vital commercial routes from the South Atlantic as well as the approaches to the Mediterranean. As such they can act as a choke point for ASW operations, and provide a support base for surveillance operations and protection of convey routing.

The Atlantic sea lines of communication are vital to the reinforcement of NATO in the event of hostilities.

The major portion of Europe's fuel supply must pass through the sea areas surrounding the Azores.

On any given day there are 1400 Western flag ships on the routes between Freetown and Brest, fully one third of the Western flags in the Atlantic.

Loss of Azores operating rights would have the following impact on NATO and U.S. strategic posture:

Leave an ASW/ocean surveillance gap in

the mid-Atlantic twice the size of the state of Texas, a gap that would be plainly evident to the Soviets.

Require a manifold increase in patrol plane assets to cover the area from the nearest operating base, i.e. areas that 10 aircraft could cover would require 30 aircraft from the next nearest base (Rota).

In the event of hostilities in Europe, reinforcement routes to NATO via the sea lines would be forced northward into higher threat areas. This would be necessary in order to provide some ASW support to shipping from other bases around the Atlantic rim.

Defense against the Yankee class SLBM submarines operating in the area of the mid-Atlantic would be severely weakened. There is simply no strategic alternative which will provide the reaction time, time on station or economy of ASW assets now available through our operating rights at Lajes.

Peacetime operations provide the basic knowledge of Soviet operating procedures and locations that are essential to wartime success. There is no alternative to Lajes for peacetime or wartime operations in the mid-Atlantic area.

Mr. HOSMER. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I simply want to join those who have spoken in behalf of the amendment offered by the gentleman from Connecticut (Mr. MONAGAN) and I urge that it be passed.

If we had our druthers around the world in a lot of situations, those situations would be different. Our philosophy is not the same philosophy of many of those who control much of the real estate of the globe.

But when it comes to an important and vital piece of that real estate—a piece that affects the national interest and the national defense of the United States of America, then we must look to our own self-interests, That is why I support the gentlemen who have spoken in behalf of the amendment and urge that it be passed.

Mr. FRASER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I commend the author of this amendment that appears in the bill. I think the committee deserves to understand what lies behind the amendment.

Portugal is expending most of its defense resources and has deployed most of its armed forces in excess of two-thirds, if my memory serves me correctly, in an effort to maintain control over territories in South Africa, and the southern part of Africa—Angola and Mozambique.

This has been an enormous drain on Portugal's economy.

The Africans are united in opposition to Portugal's efforts to maintain territorial control in the southen part of Africa. They see in the U.S. policies of the past an alliance between the United States and Portugal which assists Portugal in its efforts to maintain this colonial control. Portugal does not acknowledge that it is trying to maintain colonial control. It asserts that these territories, Angola and Mozambique, are actually part of Portugal and that there are indigenous civil wars going on in each of these areas.

All of Africa sees the United States locked firmly into an embrace with the Government of Portugal, which itself has little or no claim to being founded on the consent of the governed. This is a traditional case of the United States being in partnership with a government which does not respect the basic values upon which our Government is grounded—the consent of the governed, the right of free speech, the right of free assembly, and the right to self-determination. This is why I think the Senate, the other body, voted to advise the President that these kinds of agreements relating to the use of the Azores should be submitted to the Senate for ratification. The President took note of this and apparently had no interest in following it.

There was a study made by the Pentagon several years ago as to how important the Azores are. At that time the determination was that the Azores were not essential to the defense of the Western World. It may be that changes have occurred that now make it essential, but that is why this provision calls for submission of the agreement to the Congress so that our colleague from New York (Mr. STRATTON), who is an expert in defense, could appear before the appropriate committees and make the case, as could the Pentagon—the Navy, and the other armed forces. In other words, they ought to explain why it is important for the United States to be locked into this kind of a relationship with an undemocratic government which is expending most of its resources not in support of NATO.

If you look at the force structure of Portugal, you will find that they have virtually nothing to contribute to the NATO defense except perhaps some geography. Their resources are dedicated to the preservation of their African empire. This is not a position I think the United States want to endorse or imply its consent to.

That is the point. Why not submit this agreement to the Congress and have this discussion, and then if the case can be made that this is sufficiently important so that we override our basic concerns for human dignity and decency—if that case can be made, then, of course, Congress will accede and pass the resolution.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I will be glad to yield to the gentleman from New York.

Mr. BINGHAM. Is it not also a fact—and I commend the gentleman for his statement—that this agreement is extraordinary in another respect in that it involves the use or nonuse of an agency, the Export-Import Bank, as a kind of bribe for a political purpose? Reference has been made that this involves a small amount of money, I think, by the gentlewoman from Massachusetts. This involves $400 million of Export-Import Bank funds as a kind of quid pro quo for a political agreement. This is the sort of thing that should be submitted to the Congress in the first place for approval. It is out of the ordinary; it is extraordinary; it is not just another executive agreement, and it should have been brought here for full consideration.

Mr. FRASER. I wonder, too, if the gentleman would agree with me that if Portugal is a NATO ally, Portugal would find it in her interest to provide the Azores without charging us for them.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(By unanimous consent Mr. FRASER was allowed to proceed for 2 additional minutes.)

Mr. BINGHAM. Mr. Chairman, will the gentleman yield further?

Mr. FRASER. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I certainly would agree with that statement. I think this has been perfectly clear that over the years Portugal wants to have the United States in the Azores, and that, therefore, there is not the slightest basis for the fear that if this provision were to stay in the bill we would lose the right to use the Azores in the meantime.

Mr. FRASER. My understanding is, and I may be mistaken, that we do not pay anything for the submarine base at Holyloch. I think the British find that our presence there is in their interest and in our interest under the NATO Treaty. Portugal, for some reason, extracts from us substantial economic concessions which contribute to her capacity to wage this colonial war in the southern portion of Africa. This is what is disconcerting.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding to me. I would like to commend the gentleman for his candid and articulate remarks. I think he has made the point very clearly. I associate myself with the gentleman's remarks.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, is it not true that if the language that is in the bill would remain, we would be breaking the agreement? What the gentleman says is that Congress was not advised, which is valid, but in view of the fact that the agreement has 1 more year to run, I see no valid reason to abrogate that agreement for whatever reason. When it is renegotiated, that would be the time to bring up the proposition that the language in section 7(y) proposes to deal with, but it does not belong in the bill at this time, I submit.

Mr. FRASER. I would only say to the gentleman, we have the same effect when we refuse to appropriate money, as we have recently, and we have broken some international agreements. There seems to be no concern about breaking international agreements. It seems to me the review of this agreement is not an extraordinary thing.

Mr. KEITH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I have over 40,000 Portuguese Americans in my constituency. While I have not been to Angola and Mozambique, I have been on several occasions to Portugal, and I am in intimate contact with many Portuguese Americans in this country.

In my view Portugal has made great strides with the economic assistance and to some extent the military assistance we have contributed. They are making great strides in the fields of education and social programs and, yes, they are leaning toward becoming a more democratic nation.

Certainly if we can approve the rapprochement with China and with Russia, whose democracy is nowhere near that which we find in Portugal, we can have hopes for Portugal's future. I believe that in this case benefits will accrue to us and to the Portuguese that will far exceed those which we can hope in the immediate range to flow from our arrangements with Russia and China.

I would hope we will be patient with Portugal and its problems. The Portuguese have made great progress, and I know they can make more as they come into closer and closer contact with us and other democratic nations.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I would like to clarify very briefly the connection that the Export-Import Bank has with the agreement that was entered into with respect to Portugal. The gentleman from New York (Mr. BINGHAM) charged just now and he made a similar assertion yesterday, that there was some kind of abuse of normal procedures, to which he objected. As I recall it, the gentleman said there was some kind of bribe involved.

That is quite obviously not the case, Mr. Chairman. I think the gentleman from New York may be deceiving himself into thinking there has been some kind of abuse, and I am afraid he might conceivably be confusing others.

Let me read the statement about the lease from page 9 of the committee report:

> The United States has agreed to provide a 2-year Public Law 480 program in the amount of $15 million per year. Also, the Export-Import Bank of the United States has declared its willingness to provide, in accordance with its usual loan criteria and practice, the financing for U.S. goods and services for development projects in Portugal.

There is nothing under cover. There is nothing unusual about this procedure. There is no kind of bribe involved at all. These are the normal practices followed by the Bank, and I think the situation needs to be clarified, to eliminate any possible misunderstanding that the remarks of the gentleman from New York might have left.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I do not want to take further time on this, but, as I pointed out yesterday and as is very clear in the committee report, the program of economic assistance is very clearly stated to have been in lieu of a formal payment for the base rights, and the program of economic assistance included $400 million of Export-Import Bank loans.

If the normal procedure for the Export-Import Bank were to be followed there would be no figure and there would be no assurance. The projects would be listed one at a time on their merits.

It is perfectly clear that the administration made a commitment that Portugal was going to get $400 million of Bank loans in return for the base rights.

I thank the gentleman for yielding.

Mr. ANDERSON of Tennessee. Mr. Chairman, I strongly support the amendment offered by the distinguished gentleman from Connecticut.

If his amendment fails, we will seriously jeopardize our continued use of the Azores Islands for vital military purposes.

These islands, and the facilities which the Government of Portugal makes available to U.S. forces, are essential to our Nation's antisubmarine warfare and ocean surveillance efforts. They would play a central role in winning a battle of the Atlantic and in reinforcing our forces in Europe in time of war.

From the Azores Air Base, our patrol squadrons are able to maintain surveillance over some of the most important sea lanes in the Atlantic, including the vital tanker routes from the Persian Gulf to Western Europe. As we become more dependent upon Middle East oil, the Azores will become even more important to our own security.

Loss of this base would create an enormous ASW/ocean surveillance gap in the Central Atlantic, about twice the size of Texas. This gap would be plainly evident to the Soviet Union and could easily be used either against allied shipping or as a sanctuary for their ballistic missile submarines. To cover the same area from Rota, the nearest other airfield, would require at least three times as many patrol aircraft as we would use from the Azores. In short, we cannot place our use of this air base in jeopardy, without seriously considering the greater effort and money otherwise required.

Another facility which we cannot afford to lose is the high frequency direction finding facility now located in the Azores. Both geography and the geometry involved in radar direction-finding makes the Azores facility the indispensable hub to our Atlantic direction-finding network. This network provides invaluable information on ship and aircraft movements across the North and Central Atlantic.

We all understand the necessity for our Armed Forces to conduct peacetime operations in areas which could become wartime theaters. Only in this way can the procedures and patterns of a potential enemy be made familiar to our forces.

At the same time, our forces gain the invaluable experience of actually operating in areas of critical wartime importance. More important, our readiness in peacetime is fundamental to the deterrence of aggression. Current operations from the Azores are a central part of that deterrent posture.

To summarize, the security of the United States and of the NATO Alliance depends heavily on the continued unrestricted use of facilities in the Azores by our Armed Forces. The present agreement between the United States and Portugal providing for this necessary usage was properly executed under the provisions of the North Atlantic Treaty and need not be made subject to a separate treaty ratification as the amendment being discussed would do. Therefore, I urge your support in deleting section 7(y) from the Foreign Assistance Act of 1972 and pass Mr. MONAGAN's amendment for deletion.

Mr. LEGGETT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I believe the vote on this amendment is not whether to approve or disapprove of Portugal's policies in Africa, but really and particularly whether or not we consider that the expertise of the gentleman from New York (Mr. STRATTON) and some others, who point up that the Azores are critical for American national defense, is of importance.

I wish to add my reservations about the language in section 7(y) of the amendment to the foreign aid bill of 1972. The amendment will jeopardize the use of facilities in the Azores that are of vital importance to the security of the United States and to NATO.

The strategic location of the Azores permits our Navy to operate its long-range patrol aircraft into the central and North Atlantic. Loss of these operating privileges would require a tenfold increase in patroling aircraft to approximate the same coverage. Even then, thousands of square miles of ocean would not be covered at all. The increased threat to the United States from Soviet ballistic missile submarines is obvious.

Loss of the operating bases in the Azores would degrade the ASW protection for the vital sealanes that link the Mediterranean, Europe, and the United States including Europe's lifeline of oiler tankers from the Persian Gulf.

Peacetime operations from these bases provide the knowledge and experience necessary for wartime success in the area. Lajes Airbase in the Azores also provides invaluable staging and support facilities for replacement of tactical aircraft for our air and naval forces in Europe and the Mediterranean.

The high frequency radio direction finding facility in the Azores is the indispensable hub of the entire Atlantic direction finding network. Its loss would render incalculable harm to the U.S. surveillance effort in the Atlantic.

The agreement which allows our unrestricted use of facilities in the Azores was properly concluded with Portugal under the North Atlantic Treaty and is similar to those agreements we have with our other NATO allies regarding operating rights. Enactment of this amendment would give unneeded publicity to this present agreement and could lead to difficulties in renewing it.

Without the facilities in the Azores, many more ships and aircraft would be required in order to gain control of the Central Atlantic. The fiscal realities of the day make that kind of funding unlikely. Therefore, I believe it imprudent for the Congress to risk precipitating an action which would require major expenditures to avoid compromising the Nation's security.

I urge the deletion of section 7(y)

from the Foreign Assistance Act of 1972 by passing Mr. MONAGAN's amendment to strike this section of the bill.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I certainly yield to the majority leader.

Mr. BOGGS. I commend the gentleman on his statement. I believe he is exactly correct.

Mr. Chairman, I strongly support the esteemed Congressman from Connecticut in his proposed amendment to strike section 7(y) from the Foreign Assistance Act. A number of my colleagues and I have become increasingly concerned about this section and the dangerous consequences which it would have for the security of the United States. From my contacts with responsible officials in the State and Defense Departments, it is apparent that my concerns are unanimously shared at all levels within those Departments as well. This section which was approved by the House Foreign Affairs Committee as an amendment, provides that all assistance and expenditures in support of the Azores agreement will be terminated unless the Senate advises and consents to the agreement or both Houses of Congress approve of such agreement by resolution.

The offers made by the United States to Portugal under the agreement dated December 9, 1971 were all in accordance with existing congressional legislation. They consisted of the initiation of a Public Law 480 program; consideration of specific Portuguese development projects by the Export-Import Bank; an oceanographic research vessel; $1 million to assist Portugal's educational reform program; and up to $5 million in excess nonmilitary property. Action taken now in the form of a proposed amendment to modify this legislation would undermine a commitment made by the United States and negotiated in good faith by the two governments concerned.

I am particularly concerned that this action could jeopardize our retention of key military facilities in the Azores and thus have serious consequences in respect to our security interests in the Atlantic and European/Mediterranean areas.

As you are well aware, the Azores continue to be of major strategic importance to the United States. Specifically, our facilities located there contribute to U.S. security needs as follows:

The naval expansion of the U.S.S.R. serves to increase the strategic significance of the largely ASW-related ocean surveillance activities conducted from the Azores.

Favorable weather conditions generally prevailing in the area cause the Azores air base to be regarded as extremely valuable for aircraft refueling and staging over that part of the Atlantic.

The Azores communications facilities and navigational aids contribute importantly to the effectiveness of air and naval operations in the mid-Atlantic.

The base serves as a key installation for search and rescue operations and as an emergency landing facility.

The Azores base is an important link in our defense arrangements pursuant to the North Atlantic Treaty and has a significant role in the United States' ability to move materiel and reinforcements to Europe and to the Mediterranean area. Further, the Azores provide the United States with the most economical means of accomplishing its security missions in the mid-Atlantic. Considerable costs would be required to try to duplicate these facilities elsewhere. Moreover, from an operations standpoint, significant elements of the mission of the Azores-based units could not be carried out satisfactorily at other locations.

In view of the above, I am hopeful that my colleagues will see fit to join me in supporting the Monagan amendment to delete section 7(y) from the Foreign Assistance Act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. MONAGAN).

The amendment was agreed to.

Mr. HEINZ. Mr. Chairman, today and tomorrow as we consider the Foreign Assistance Act of 1972 and I rise to express grave concern about at least one area of this funding proposal.

It has come to my attention, and is being thoroughly investigated by both my Washington and Pittsburgh staffs, that the Government of South Korea is involved in what appears to be an alleged incident that hints at impropriety, if not outright extortion, involving an American citizen and constituent of mine from the 18th Congressional District of Pennsylvania.

I will relay the facts as I have them:

Some months ago in Korea, Capt. and Mrs. Robert Verona were approached by a Korean woman who indicated that her infant son, fathered by an unidentified American, would have a better environment in which to grow if he were adopted by Americans, specifically the Veronas.

The child, Sin-Li Ki, was placed in the custody of the Veronas by the mother who signed away her legal right to the child and formal adoption proceedings were begun. These were successfully completed in May of this year and shortly thereafter, as the Veronas were due for return to the States, formal application for a passport was made with the official government passport agency in Seoul.

Due to processing circumstances, the Veronas were forced to return to this country without their new son, who is now known as Anthony Richard "Ricky" Verona. He was placed for the time being with American friends of the Veronas, the Dunns, in Korea.

When the Dunns attempted to resolve the situation, they were informed by the passport agency officials, that an additional $200 "fee" was necessary before the child's papers could be finally processed.

This prompted the Dunns to contact the U.S. Government Administration Counselors Office in Seoul where they were told, after an investigation by that office, that everything was in order and that no additional payment was to be made.

When the Korean passport office officials were informed of this, they then told the Dunns that a "new" complication had come up and that the child would have to be placed in an orphanage for a period estimated at some 45 days until the matter could be resolved.

I am shocked and greatly disturbed by this information, which is being verified by Korean Embassy staff personnel here in Washington.

I reiterate the story to emphasize to my colleagues that I am serving notice that I will not rest until this matter is fairly and quickly resolved. I fully intend to wage an all-out battle on the floor of this Chamber to postpone or delete any appropriation of funds for Korea when the foreign aid appropriation comes before us later if I determine that the Korean Government is guilty of perpetrating such an extortion on American citizens. It is one thing to assist a friendly nation through foreign aid. It is quite another to bankroll irresponsible government that condones the equivalent of kidnapping helpless children.

Mr. COTTER. Mr. Chairman, I want to commend the constructive action of the Foreign Affairs Committee in its decisions on programs dealing with Israel. I well know of the strong bonds our country has with the beleaguered nation of Israel. Our country has never refused to provide needed assistance to this courageous nation and the funds provided in the foreign assistance bill continues this commitment.

By this action Congress will provide over $50 million of supporting assistance and earmark over $300 million, almost one-half of the entire military sales program, to be available solely to Israel.

This action assures that Israel will not be without the assistance of the United States. I am proud to support this legislation and I will oppose any effort to limit this needed aid to Israel.

Mr. BADILLO. Mr. Chairman, I harbor some very grave concerns over a number of aspects of our foreign assistance program and I continue to be troubled by certain policies on which our giving of aid is based. However, I rise in support of this legislation as it affords the House another opportunity to clearly go on record that we are opposed to a continuation of the senseless, bloody, immoral and illegal military misadventure in Southeast Asia.

Section 13 of this measure calls for the termination of American military activities in Indochina before the end of this year, contingent upon the release of U.S. prisoners of war, an accounting of the missing and a limited cease-fire. Surely action on such a modest proposal is long overdue and the Congress must not shirk from the responsibility of taking the initiative to bring an end to the war in Indochina.

Congress has already made clear its intent that all military operations of the United States should be terminated in Southeast Asia. Last November we enacted Public Law 92–156. Last year we also repealed the Gulf of Tonkin resolution which had repeatedly been cited as the legal basis for our intervention in Indochina. I believe that by taking this action we attempted to clarify that the

President had authority to follow one and only one course of action in Vietnam—to withdraw U.S. troops and end the war.

However, Mr. Nixon apparently failed to receive the message. Instead of taking meaningful action to bring an end to our involvement in this disastrous and costly war, he moved to escalate our military involvement by resuming the bombings of the north and mining the harbors of North Vietnam. Further, he has, through one means or another, discouraged the efforts of the negotiators in Paris. The efforts of his personal emissary, Dr. Kissinger, have been completely fruitless and the national security adviser has returned from secret negotiations empty-handed. In the process of continuing to vigorously prosecute the war and needlessly escalate our presence and involvement in it, Mr. Nixon has done grave damage to the very foundations of this republic by ignoring provisions of the Constitution and by disregarding international agreements to which the United States is a party.

Mr. Chairman, our Democratic colleagues mandated the Foreign Affairs Committee to report legislation establishing a date certain by which all U.S. military involvement in, around, and over Indochina would be terminated. Such legislation is now before us and I commend the committee for taking such action. We have no alternative but to lend our fullest possible support to the letter and spirit of section 13 and enact legislation to bring a prompt end to the war. Our constituents fully expect us to take such action as poll after poll indicates that the vast majority of Americans are sick of being lied to and deceived, of hearing the daily counts of dead and wounded, of having to sacrifice solutions to pressing domestic problems so that the war machine can contribute to rumble along and of seeing the very principles upon which this country was founded ignored or abrogated.

We can wait no longer. In the absence of any leadership by the President to bring about a prompt and effective end to the war in Southeast Asia, the Congress must move to bring a halt to it. I urge our colleagues to support this effort and to firmly resist any attempts to weaken section 13. Let us end at once this darkest of chapters in American history and get about the business of developing solutions to the many and varied problems with which we are beset—housing, education, unemployment, job training, minority rights, health, and countless other difficulties facing us, a great number of which are the direct result of our preoccupation with this war and our grossly distorted national priorities.

Mr. FINDLEY. Mr. Chairman, section 4 of H.R. 16029 amends the Foreign Assistance Act of 1961 to provide an authorization for the appropriation of $769 million for security supporting assistance for fiscal year 1973. According to the committee report, of this amount, $50 million is specifically earmarked for Israel. It also makes available assistance to other nations, including two others in the Middle East.

The committee report goes on to state that—

> Security supporting assistance is an essential element in helping our friends and allies defend themselves. The criteria for providing this supporting assistance and military grant and sales assistance are similar.

In the case of Israel, the $50 million "will allow the Israeli Government to meet the expenditures caused by such extraordinary requirements as the resettlement of new immigrants and increased military burdens."

Few will object to providing assistance to Israel for resettlement of immigrants and to meet its legitimate defense needs. I certainly favor such support.

In fact, I recognize that Israel has been under military threat in the past and may have such problems in the future. Legitimate interests must be recognized, and the United States has a special responsibility in this regard.

Our Government has a similar responsibility to other nations of the area, as expressed in the Middle East Resolution enacted by Congress in 1958 and more recently in our support of United Nations Security Council Resolution 242 which was enacted in 1967.

That support, enunciated by Secretary of State Rogers and restated as recently as April of last year, specifies that—

> The Arab governments concerned should accept a permanent peace based on a binding agreement with Israel, and that the Israelis should withdraw from territories occupied in 1967 when their own territorial integrity and security and their right to exist as a nation were assured as envisaged in the Security Council resolution. That position called for agreement on secure and recognized boundaries in which any alterations from the 1967 lines should be insubstantial.

Today's action should not be interpreted as lessening our commitment as a nation to the implementation of the United Nations resolution. By supporting the U.N. resolution, our Government declares that Arab governments must recognize the right of Israel to exist as a nation and to have the integrity of its territory protected, and that Israel should withdraw from territories occupied in 1967.

The peoples of the Middle East retain a great frienship for Americans. This was made abundantly clear to me on my recent trip to Egypt and Israel, where I was warmly received everywhere I went.

At a time when the status of Soviet influence in Egypt is so fluid, and when the need for peace and stability in the Middle East is so important, it behooves the Congress to make clear its own continuing support for adherence to the 1967 United Nations resolution, and its determination to recognize and support the legitimate rights of all nations in that area of the world.

Mr. BIAGGI. Mr. Speaker, I rise in support of the foreign assistance bill. I especially support section 7 of the bill which calls for the suspension of assistance to Thailand because of their significant contributions to our drug problems. My distinguished colleague from New York (Mr. WOLFF) should be especially cited for his efforts in this field of combating the flow of dangerous drugs into the United States.

I have long been a supporter of efforts aimed at eliminating the illicit traffic of narcotics. Attempts must be made to stop the growth of the drug problem at the source, the overseas supplier. I was an original cosponsor of legislation which called for the cutting off of all economic and military aid to countries who have failed to take appropriate steps to halt illegal narcotic traffic into the country.

It seems tragically ironic that those countries who are receiving our assistance, are at the same time significant contributors to our drug abuse problem. I think the time is long overdue for us to take appropriate actions to halt this outrage. I support the concept of foreign aid, but I vigorously oppose the dispensing of aid to countries who flagrantly abuse our generosity, such as Thailand.

I feel that section 7 of this bill represents a significant step in eliciting cooperation from recipients of our foreign assistance. It is no secret that the opium production in Thailand is quite extensive, and very easily brought into the country. We have seen documentaries on national television and read accounts of the Thailand operations in major newspapers throughout the United States. Yet there are some who will say that it is not in our best interests to stop sending money to Thailand because they are an ally, and it might strain our relations. However, is it not more indicative of an ally to have Thailand cooperate with us in trying to rid the United States of its dreaded drug abuse problem? That is the real issue here.

I urge my colleagues to pass this amendment unanimously and begin to show other countries that we will no longer tolerate the ruination of countless lives by the poison opium.

Mr. VANDER JAGT. Mr. Chairman, the United States and Portugal have significant policy differences over the future status of the Portuguese African territories. Portugal considers them to be integral parts of the Portuguese nation, while the United States under three successive administrations has consistently recorded its position as favoring self-determination for the peoples living in the territories. I strongly support this position. The question of Portuguese Africa, however, has nothing to do with our use of the base facilities in the Azores.

It has been suggested on this floor that in the December 9, 1971, agreement the U.S. Government paid an exorbitant amount in exchange for rights to station troops in the Azores. It has even been suggested that this huge infusion of financial help to the Portuguese Government will permit it to carry on its policies in Africa.

The facts simply do not support such suggestions. What are the facts? First, the figure bandied about as representing the amount of aid that the United States agreed to supply Portugal is around $435 million. If it were true that this Government had made any such deal with Portugal for base rights, I might find myself supporting this section of the foreign assistance bill and opposing the amendment that would strike this section. The truth is, however, far removed from such suggestions. The aid promised Portugal only consists of the loan of a research vessel, $1 million for educational reform, $5 million in nonmilitary excess equipment—figured as its new acquisition cost, not current value—and a 2-year Public Law 480 program under which we will sell Portugal $15 million in corn per year under deferred payment terms. Portugal will pay for the grain in dollars and with interest. That is it—there is nothing more, and the Portuguese Government would be the first to acknowledge that that is all it got for bases which the United States clearly needs.

At the time that the agreement was reached, the Export-Import Bank announced its willingness to consider—I repeat consider—applications for the export of U.S. goods and services to Portugal in connection with development projects being undertaken there. The Bank clearly stated that these applications would be considered "in accordance with the usual loan criteria and practices of the Bank." Export-Import Bank credit facilities can only be considered assistance in the sense that they assist American companies seeking contracts abroad in competition with foreign firms seeking the same business.

Second, the modest amounts of assistance that I have elaborated on here were specifically made available for projects in European Portugal, not in Portuguese Africa. Some critics would say that such a distinction is artificial, and that any assistance at all which is given to Portugal aids in the retention of the African territories or frees funds for the prosecution of colonial wars. To anyone who is familiar at all with Portugal, this is a clear absurdity. Portugal has been fighting three wars in Africa for the past 10 years without any assistance from the United States. We have a military embargo on equipment for the Portuguese territories, and Portugal as a result manufactures its own war material or gets it elsewhere. Finally, I might point out that Portuguese foreign exchange reserves are now at an all-time high and total roughly $2 billion. Clearly, Portugal has the wherewithal to remain in Africa without depending on the small amount of assistance promised on connection with the extension of the Azores base.

I hope that Members who have been concerned with Portuguese policy in Africa in connection with this agreement will take account of the real facts of the situation and join me in voting for the amendment striking this section from the bill.

Mr. MORGAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may have 5 days to revise and extend their remarks during debate on the bill H.R. 16029, to amend the Foreign Assistance Act of 1961.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

LETTUCE BOYCOTT

(Mr. DIGGS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DIGGS. Mr. Speaker, on July 31, I circulated a letter among the Members of the House asking their support and signature of the following letter addressed to all Cabinet officers:

> JULY 31, 1972.
>
> DEAR MR. SECRETARY: There is currently a national campaign, involving unions, religious and consumer groups, to boycott iceberg lettuce which does not carry the seal of the United Farm Workers.
>
> This boycott has developed as the last resource available to thousands of agricultural workers in the western United States who are forced to work under sub-standard and difficult conditions for sub-standard salaries.
>
> We are asking you, in the name of hundreds and thousands of concerned citizens both here in the District and throughout the United States, to instruct Government Services Incorporated to suspend their purchases and deliveries of non-UFW lettuce to your departmental cafeteria.
>
> This would be a significant step toward ending any exploitation of citizens who work in the agricultural industry.

In response one of our colleagues stated that such action would be interfering in a jurisdiction dispute between two labor unions, the United Brotherhood of Teamsters, and the United Farm Workers.

Mr. Speaker, there is no jurisdiction dispute. The jurisdictional dispute that did arise soon after the termination of the grape strike was settled over 16 months ago on March 26, 1971, in Los Angeles, Calif. This information was reconfirmed by conversations with representatives of the two unions here in Washington, and with officers of the Western Conference of Teamsters in California.

Let me address myself to two questions raised in a communication mailed to all congressional offices which was a direct response to my own letter.

First. It is understood that there is no strike in progress at the present time. What we are most concerned about is the national boycott of lettuce. The strike, which ended in 1970, is important only insofar as it indicates workers' support for and cooperation with the United Farm Workers Union.

Second. To say that 90 percent of all lettuce in California is harvested by union labor says little, and also misses the point. Growers, Teamsters, and UFW are all aware of that, but that is not important.

What is important is that the growers have refused to act on the fact that the Teamsters and the United Farm Workers have agreed that the UFW should represent the field workers.

At issue here is a dispute between the unions and the large agribusinesses that dominate much of the lettuce growing industry in the West.

On March 26, 1971, the leaders of the two unions met and resolved the key questions that affected the two unions and the agricultural workers.

The Teamsters, it was mutually agreed, would have jurisdiction over all workers engaged in packing and processing the lettuce. The United Farm Workers, on the other hand, was given jurisdiction to organize and represent field workers; that is, those who prepare the fields for planting, cultivating, and engage in manual harvest. Having reached this agreement, the Teamsters then announced they would step out of the contracts with the growers, and allow the UFW to enter into new contracts with them.

From that point on until today there has been no question of interunion disputes.

Rather, the question becomes this one: "Will the lettuce growers accede to the joint Teamsters-UFW agreement and allow the UFW to organize the field workers in the lettuce industry?" The response from the growers has been a long and consistent "No."

Further, they maintain that certain UFW demands concerning hiring hall practices and rights to strike during harvest are impossible to accept.

It is becoming increasingly clear that agricultural workers, particularly minority workers in this area, are demanding the same rights and the same kinds of benefits enjoyed by industrial workers.

I urge my colleagues who are interested in manifesting their support for the United Farm Workers in a meaningful way to cosign this letter to the Secretaries of the departments and the heads of the independent agencies.

I repeat that this is not a jurisdictional dispute between two competing unions. Those issues are resolved. The issue is whether or not the growers will agree to let the UFW organize the field workers, as the unions among themselves have agreed is the correct and just path to take.

HANOI'S DIKE DUPLICITY

(Mr. GROVER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROVER. Mr. Speaker, it is important that the true facts about North Vietnam's antiquated flood dike system be known by the American people in anticipation of a cresting in September by both the Red River and Hanoi's propaganda harpies at home and abroad.

The story is well stated in a recent editorial by William Randolph Hearst, which I set forth for the RECORD:

A MEMO ON DIKES

(By William Randolph Hearst, Jr.)

SAN FRANCISCO.—Today's column consists of a memo to me from Bill McCullam, our chief editorial writer in New York City, in which he enlarges at my request on an eye-opening editorial he wrote and sent to our papers.

The editorial appears in today's papers—and I think you will be as interested as I was in reading this incisive run-down on the important and controversial question it discussed—is the United States deliberately bombing the dikes of North Vietnam?

This question has made a lot of news recently, and it's going to make a lot more for reasons which will become clear. So, being more or less on vacation, I am happy to be able to knock off my own writing this week in favor of what follows—and here 'tis:

Dear Bill: As stated in my editorial, it was less than six weeks ago that Hanoi launched what I called one of its most diabolic and successful propaganda offensives. It is most important to understand the timing of the campaign, and how carefully it has been orchestrated.

Having seen them first hand, you know that those primitive dikes are nothing like those in Holland. Instead they are a 2500-mile-long maze of interconnected earthen levees, hundreds of years old, whose prime function is to control the annual floodwaters of the Red River Delta.

In 1954 literally millions of the 15 million peasants living in the Delta died by drowning or famine when the dikes failed. Last year, with the dikes in disrepair because of war-caused manpower shortages, a similar tragedy struck.

This year the dikes are in worse shape than they have ever been, largely because normal erosion and collapses have gone untended. Manpower for repairs is in far shorter supply than ever. And meanwhile the floodwater season of September is as imminent as the potential mass disaster that season involves.

With this factual background, and under this looming threat of nature, the North Vietnamese in late June began their latest propaganda offensive—pushing charges that the U. S. is deliberately bombing their system of dikes and dams.

Xuan Thuy, Hanoi's chief negotiator at the Paris talks, was one of the first to make the charge. He alleged that the U. S. is "purposefully creating disaster for millions of people during the coming flood season." He still was repeating the charges in Paris last Thursday.

Simultaneous with the launching of their allegations, the North Vietnamese Communists began conducting guided tours of the labyrinthian dike system. The Swedish ambassador to Hanoi and various correspondents of European newspapers there were escorted to selected areas where damage had clearly or presumably been caused by bombs.

In no time at all the haters of America, and those here at home seemingly willing to act as Communist agents, began echoing the enemy claim—that the U.S. was engaged in a calculated and monstrous crime against millions of helpless people.

At the same time Hanoi's invitations continued. Actress Jane Fonda, the far left activist who seems to be testing the limits of free speech, went and returned to vast television coverage with a movie showing damaged dikes which she claimed showed how they "are being bombed on purpose."

Right now, at Hanoi's invitation, former U.S. Atty. Gen. Ramsey Clark is in North Vietnam to study alleged dike bombing as a member of a Swedish-Russian hatchet group called "The International Commission of Inquiry into U.S. Crimes in Indochina." Its early and predictable report undoubtedly will make headlines in much of our own press.

A major propaganda coup for the enemy came when Kurt Waldheim, who succeeded U Thant as Secretary-General of the United Nations, returned from a trip to Moscow and said that on the basis of what he had heard from "unofficial sources" the bombing of dikes was deplorable and should be stopped.

As noted in my editorial, this was too much for President Nixon. He said, appropriately: "I note with interest that the Secretary-General, like his predecessor, (has) seized upon enemy-inspired propaganda."

And that's exactly what it is. Mr. Nixon and others of our top officials freely admit that some American bomb damage inevitably has been done to the dikes near military roads and targets. But, as he said, if we were deliberately bombing the dike system it would by this time be in a stage of complete ruin.

What the enemy doesn't admit, meanwhile, is that a good portion of the military damage to the dikes unquestionably has been caused by the fallback of its own SAM missiles.

As many as 500 of these big surface-to-air missiles have been fired at American planes in a single 48-hour period—mostly missing. When these missiles return to earth, often near or on dikes and dams, they can and do create very considerable craters.

The whole point, Bill, is that the enemy is faced with a looming mass tragedy in the coming flood season and is seeking—all too successfully—to blame us in advance for the disaster they fear.

Millions of people around the world, thanks to the Jane Fondas, the Kurt Waldheims and others now being indoctrinated and soon to be heard from, already are either convinced or suspect that we are indeed bombing the dikes deliberately.

It is really astonishing how effectively a lie can be spread when the Communist transmission belt works overtime. In this case you would think that official denials would be unnecessary. Common sense should convince anybody that a mass, sustained aerial attack on Hanoi's dike system would be verified at once and without any question whether it had happened.

There has been no such attack—and now there never will be, even though it was deliberate bombing of dikes which led directly to a halt of enemy hostilities in the Korean war. President Nixon has said, in answer to the enemy charges, that such bombing "is not our policy now, and will not be in the future."

What I tried to show in my brief editorial was that Hanoi thus not only has shifted blame for a possible mass tragedy from its own shoulders to ours—it also actually has defended its dike system from any truly deliberate attack, using propaganda alone.

I repeat what I said in my editorial—any way you look at it, the latest Hanoi propaganda offensive is a masterpiece of successful duplicity.

Signed—Bill McCullam.

POLITICS IN THE SPANISH SURNAME GRANT PROGRAM

(Mr. KOCH asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, in May of this year, several Puerto Rican constituents came to see me about the allocation of funds to Spanish surname projects by the Departments of Labor and Health, Education, and Welfare and the Office of Economic Opportunity in what they felt was a blatantly political way. They advised me that while applications for poverty funds from groups other than the Spanish surname groups were processed regionally, the Spanish surname applications were processed centrally in Washington. The reason, they suggested, for this central allocation was to funnel moneys into a special sector of the Spanish surname grouping which would be disposed to vote Republican. They pointed out that the overwhelming number of grants went to the Southwest States to deal primarily with the needs of Mexican-Americans.

To ascertain the validity of their allegations, I wrote to each of the three Departments asking seven questions, by letter dated June 1, 1972. A copy of this letter is appended at the end of this statement, as is the correspondence had on the matter.

Mr. Speaker, I would think that the questions raised could have been readily responded to by any Department conversant with the matter. And yet as of today, only the Department of Labor has attempted to answer my questions point by point; the Department of Health, Education, and Welfare has sent a partial answer. None, however, has answered the basic question of why the Spanish surname projects are centrally funded in contradistinction to all other poverty projects which are regionally funded.

However, Phillip Sanchez, Director of OEO, last weekend let the cat out of the bag. He was interviewed on various radio programs, one of which I happened to hear in New York City. The inference of his remarks was that the Spanish surname projects were, indeed, subject to political use and the President was seeking to win approval of particular groups through the use of funds. I am in no way condemning the use of funds to aid Mexican Americans or any other group eligible to receive the limited poverty funds available. But, it is not fair that Puerto Rican citizens, who are less likely to vote Republican, should suffer financially by being unfairly treated by the various executive departments charged by Congress with the equitable distribution of funds made available to them.

Congress of the United States,
House of Representatives,
Washington, D.C., June 1, 1972.

Mr. Fred Romero,
Research and Planning,
Department of Labor,
Washington, D.C.

Dear Mr. Romero: I have received complaints from Puerto Rican constituents who believe that the present distribution of funds allotted for Spanish surname projects, by your Department, to be inequitable vis a vis the Puerto Rican community. They have advised me that there are four Spanish surname groups to wit: Mexican-Americans, Puerto Ricans, Cuban-Americans, and Latin-Americans.

Furthermore, they advise me that while poverty groups other than these four, e.g. Blacks and Jews, have their needs and applications processed locally, the Spanish surname group applicants are processed centrally in Washington. The net effect, it is alleged, of such centralization is that the overwhelming monies earmarked for Spanish surname groups have gone to the Southwestern states to deal primarily with the needs of Mexican-Americans.

In order for me to respond to the constituents request for support, it would be most helpful to have answers to the following questions:

1. What ethnic or cultural communities make up the Spanish surname group for your purposes?
2. What is the numerical population breakdown of each such defined community?
3. In the current fiscal year how much money has been allotted by your Department for each of such communities within the Spanish surname group?
4. What cities and states have received Spanish surname grants from the current fiscal year appropriation, covering which groups within the Spanish surname group, and in what amounts?
5. Are there funds still remaining within this year's fiscal budget which have not yet been allocated?

6. What are the reasons for having Spanish surname applications processed centrally? And, have you under consideration any request that Spanish surname groups be regionalized for processing of applications so that the prospective beneficiaries of these grants would have greater input in the decision making process?

7. Are any changes contemplated by your Department for the next fiscal year to deal with the problems raised by my constituents—and if so what are they?

I would like to thank you in advance for your consideration of this matter, and I look forward to hearing from you soon.

Sincerely,

EDWARD I. KOCH.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 31, 1972.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: Thank you for your recent letters to Mr. Fred E. Romero which he referred to me for response. In reference to issues which you raised in your letter regarding equitable distribution of manpower dollars among Spanish-surname groups, I believe that the following information will be of use to you:

The ethnic or cultural communities which make up the Spanish-speaking group for our purposes are as follows: (1) Mexican Americans, 5.1 million; (2) Puerto Ricans, 1.5 million; (3) Cubans, 565,000; (4) Central and South Americans and other persons of Spanish-speaking subgroups; a large diverse group making up 23% of the Spanish-speaking population.

The Manpower Administration recognizes and is concerned with the needs of all Spanish-speaking people in general and, therefore, does not give priority emphasis in manpower planning and dollar allocations to any particular subgroup(s) within the Spanish-speaking community. The size of funds provided for programs for the Spanish-speaking is determined by local universe of need in *conjunction* with innovative and results-oriented programs. We are not able to give you a specific accounting of monies allocated to serve one particular subgroup since most programs funded are geographically located to cover as many or all of the subgroups within the Spanish-speaking community.

However, the following current Department of Labor efforts will give you some indication of manpower programs funded in areas with high concentration of Puerto Ricans and other subgroups of Spanish origin:

1. A $2.8 million Veterans Outreach Program was funded with the American G. I. Forum to serve 12,000 to 13,000 returning Vietnam veterans. The services to be provided include outreach, counseling and referral to educational institutions, job training and jobs. The program will operate in 22 cities, and includes the cities of Paterson, Newark and Camden/Philadelphia which are largely populated by Puerto Ricans. The American G. I. Forum will subcontract for services in these areas with a Puerto Rican organization.

2. A national contract was let with the Puerto Rican Forum in New York City to render technical assistance to manpower operators in the use of the Basic Occupational Language Training (BOLT) system. Additionally, at the request of the New York Regional Office the Puerto Rican Forum contracted to teach Spanish to about 15 federal employees in the New York Regional Office.

3. Developed an English training plan using English as a Second Language methodologies in 27 different locations across the United States. Included are the States of New York and New Jersey, which are largely populated by Puerto Ricans. This effort is funded for $2.5 million and will involve several Spanish-speaking organizations delivering services to approximately 750 trainees.

4. Sixteen to eighteen year old Puerto Rican NYC Out-of-School enrollees in New York City are offered five hours per week classroom instruction to improve their English.

5. Five-hundred thousand dollars was used to provide Mayors CAMPS committees in 40 cities with additional Spanish-speaking staff positions. Twelve of the 40 cities earmarked to receive the additional CAMPS grants are largely populated by Puerto Ricans.

6. Operation SER, recognized as the largest manpower delivery vehicle for the Spanish-speaking was funded for $9.5 million to provide manpower services for approximately 4,000 trainees in 29 major cities. Three of the 29 program locations are largely populated by Puerto Ricans.

The following programs have been funded and are located in cities reported as having high concentration of Spanish-speaking in need of manpower services:

1. Approximately 1,900 participants will be served in four correctional manpower projects funded at a cost of $1,663,000. They are located in San Antonio; Albuquerque; Denver and the California Bay Area. These cities are largely populated by Mexican Americans.

2. A $4 million contract was let with the National Urban League to prepare 2,180 minority workers in 42 cities for apprenticeship or full journeyman status in construction unions. Eight of the 42 cities have Hispanic-American quotas and are largely populated by Mexican Americans and Cubans.

3. The DOL provided $431,843 in funds to the U.S. Civil Service Commission to establish an upgrade training facility in San Antonio which is largely populated by Mexican Americans.

4. Project SABER in Miami, Florida was funded at a cost of $597,000 for one year to provide work experience and basic education to approximately 225 Cubans and other Spanish-speaking adults residing in that area.

5. Forty-five Spanish-Speaking NYC In-School enrollees (juniors) from across the country were selected to participate in a Summer Intern Program.

The above programs represent part of the Manpower Administration's overall plan to improve manpower services to the Spanish-speaking during fiscal year 1972.

The Department of Labor recently compiled an official list of 47 cities which reflect Spanish-speaking populations of 10,000 and above. Priority emphasis is given to these cities in program planning and allocation of funds to insure that the target groups' needs are met. Twelve of the 47 cities are reported to have high concentration of Puerto Ricans.

Our policy regarding the processing of applications from Spanish-surname and other racial/ethnic groups at the national and local levels is consistent with the Administration's current thrust towards decentralization of manpower planning and decision-making. The vast majority of funds for manpower training programs are allocated to the Department of Labor's Regional Offices for distribution to states within their jurisdiction. Therefore, funding of programs must be accomplished through the state mechanism which accommodates area manpower plans funded from the Apportioned Account.

Programs receiving first year funds from the Unapportioned Account are considered experimental and demonstrational pilot projects. If they are to continue, subsequent requests for funds must be submitted through regular channels, i.e., funding of projects at the state and local levels. Spanish-surname groups will, therefore, be better able to lessen their dependence on national and regional authorities for funding of local projects and will have greater input in the strategic planning of manpower programs at the local level.

Exceptions are made by the Manpower Administration with major manpower delivery systems funded from the National Unapportioned Account on a year-to-year basis, i.e., Operation SER, OIC, etc., which require National Office planning, development, and implementation. These contracts are retained at the National level until it is determined that a transfer of program responsibilities and activities to the regional level will be in the best interest of the program.

Inasmuch as all funds have been committed for fiscal year 1972, the Department of Labor will continue to develop and implement specific action plans which will benefit the Spanish-speaking and other minority groups during fiscal year 1973.

The Department of Labor recognizes that, in spite of all its efforts, much more personal effort by every person involved in manpower is required in order to correct inequities and improve manpower services to the Spanish-speaking people. A task committee has been appointed to develop plans to insure that all Spanish-speaking citizens receive their equitable share of manpower programs and dollars and they will be dealing with the very issues raised by your constituents.

I am hopeful that I have been of assistance to you in this matter. If you have further questions or need more information, please do not hesitate to contact me.

Sincerely,

FREDERICK L. WEBBER,
Special Assistant for Legislative Affairs.

OFFICE OF ECONOMIC OPPORTUNITY, EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., August 4, 1972.

Hon. EDWARD I. KOCH,
Congress of the United States,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN KOCH: Thank you for your letter of June 1, 1972, addressed to Mr. Pete Mirelez, and please accept our apology for the delay in answering.

In June, 1971 the Office of Economic Opportunity allocated just over $3.2 million to fund ten (10) special emphasis programs for disadvantaged Mexican Americans, Puerto Ricans, Cuban Americans, and Latin Americans. Enclosed you will find summaries of each of the ten programs.

Six bilingual educational programs received a total of $1,660,649. Of these six, five are located in the Southwest, where 87% of the Spanish speaking population lives. The remaining program, ASPIRA, is located in New York, and in specifically for Puerto Rican students. It is funded for $498,086.

Additional, three multi-regional programs which are designed to serve Spanish speaking communities nationwide have been funded for $1,528,939.

Also, a Cuban American Manpower Research Program located in Miami, Florida, is being funded for $75,000.

The United States Census Bureau has no numerical population breakdown of each defined community. However, their statistics show that there are 8.1 million people in the Continental United States with Spanish surnames. Of these 1,450,000 are Puerto Ricans. According to these statistics, the Puerto Rican community should receive approximately 20% of our Spanish speaking funds. In actuality, however, more than 25% of our total Spanish speaking program budget, including educational housing and manpower programs, is spent in Puerto Rican communities. This also includes the $1,000,000 which was allocated to six Regional offices (Denver, San Francisco, Dallas, New York, Chicago and Atlanta) for the funding of Spanish speaking programs. Attached you will find a breakdown of the programs funded by the regions.

The Office of Economic Opportunity is presently operating under a continuing resolution. Because we have not yet received our

FY '73 appropriation, we have not set any priorities for FY '73 funding of Spanish speaking programs. We do intend, however, to continue developing programs at a national level, as well as locally, which are multi-regional in scope, and which will offer solutions to the wide range of problems faced by Spanish speaking communities across the country.

Thank you for your interest in the Office of Economic Oportunity.

Sincerely,

ROY E. BATCHELOR,
Assistant Director for Operations.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., July 12, 1972.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: Please forgive my delay in answering your letter of June 1. One reason for my delay was the process of recovering from an operation on my leg in late May; thus your first letter was not brought to my personal attention until I received your note of June 30.

The questions which you have asked require, in some cases, significant and comprehensive research throughout the Department. In particular, it will take me some period of time to develop accurate and complete answers to your questions numbered three through seven.

With regard to your first two questions:

As far as I am concerned, the Spanish-speaking community of this country is composed of Mexican Americans, Puerto Ricans, Cubans, and others of Spanish descent from the Caribbean Islands, Central and South America, and Spain.

The preliminary census figures in the 1970 Census indicate that there are 5 million Mexican Americans, 1.5 million Puerto Ricans, and 626 thousand Cubans in the United States. There are no figures available on others of Spanish descent.

With regard to the rest of your questions, I am asking the Office of Education, the Social and Rehabilitation Services, the National Institutes of Health, and the Health Services and Mental Health Administration to provide me with the information you have requested.

Additionally, I have requested Mr. Phillip Garcia, Deputy Director, Office of Spanish Surnamed Americans, to contact your staff as soon as we receive the appropriate information from the above HEW Agencies. Please feel free to call on me (962–0742) or Mr. Garcia (963–6952) for a status report.

Again let me apologize for the delay in replying to your request. I trust that we will be able to satisfy your needs as soon as possible.

Sincerely,

CHARLES M. COOKE, Jr.,
Director, Office of Special Concerns.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 8, 1972.

ROY E. BATCHELOR,
Assistant Director for Operations, Office of Economic Opportunity, Executive Office of the President, Washington, D.C.

DEAR MR. BATCHELOR: I have your letter of August 4 which responds to my earlier letter of June 1. Thank you for the answers which you have provided, but I do want to call your attention to the fact that you have not responded to questions #6 and #7 which relate to the underlying philosophy determining how grants should be made. What is the reason for treating Spanish surname group applications differently from other OEO poverty grants, the latter being regionally processed and the former centrally directed from Washington?

Over the weekend, Director of the OEO, Phillip Sanchez, was quoted on the radio, in effect, that grants were being used by the Administration for political purposes. The explanation for that was that anyone in office who seeks reelection has to respond to needs, and by responding, hopes to get support from the community served. No one would quarrel with such a proposition except where sectors of the community are preferred over other sectors of that same community, as is apparently the case, for blatant political ends.

Mr. Sanchez indicated in his radio comments that a special emphasis is being given to the Mexican-American sector. Many in the Puerto Rican community primarily situated in the Northeastern region of the United States believe that their needs are not being recognized by the Administration because they are less likely to vote Republican than Spanish surname groups in the Southwest.

The statistic of 1,450,000 Puerto Ricans in the continental United States which you cite in defense of the allocation of monies is meaningless in that the Puerto Rican population is not carried in the census past the first generation. The grandchildren of persons born in Puerto Rico who continue to live in the Barrio are not included in the census tract as Puerto Ricans and therefore your allotment for that community is not proportionate with the actual number identifying themselves as Puerto Ricans and living in communities served by the poverty grant.

I should appreciate your addressing yourself to these issues in your response to this letter.

Sincerely,

EDWARD I. KOCH.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., August 8, 1972.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: As per my letter of July 12, the U.S. Office of Education, the National Institutes of Health, the Health Services and Mental Health Administration (HSMHA) and the Social Rehabilitation Service (SRS) were requested to supply our Office with the information you requested in your letter of June 1, 1972.

Enclosed herewith are copies of the replies from SRS and HSMHA. As soon as the rest of the information is received, it will be forwarded to you.

Sincerely yours,

CHARLES M. COOKE, Jr.,
Director, Office of Special Concerns.

MEMORANDUM

Date: July 25, 1972
To: Phillip L. Garcia, Deputy Director OSSA/OS
From: Assistant Associate Administrator for Regional Offices
Subject: Information for Response to Congressman Koch's Letter of June 1, 1972 Regarding Spanish Surname Projects.

Dr. Wilson has asked that I respond to your memorandum of July 14 requesting information for use in preparation of a response to Congressman Koch's questions concerning CCOSS projects. Inasmuch as the Director, Office of Special Concerns has already answered the first two of Congressman Koch's questions, we have limited our information below to questions 3 through 7.

Question No. 3: In the current fiscal year how much money has been allocated by your Department for each of such communities within the Spanish surname group?

Answer: See the attached table reflecting the total amounts allotted in Fiscal Year 1972 by location and Spanish surname group.

Question No. 4: What cities and States have received Spanish surname grants from the current fiscal year appropriation, covering which groups within the Spanish surname group, and in what amounts?

Answer: The answer to this question is incorporated in the table referred to in No. 3 above.

Question No. 5: Are there funds still remaining within this year's fiscal budget which have not yet been allocated?

Answer: The deadline for submission of project proposals from the Regional Offices to headquarters for approval was May 1, 1972, and the projects listed in the attached table were approved and funded. Funds appropriated for 1972 are, of course, no longer available for obligation.

Question No. 6: What are the reasons for having Spanish surname applications processed centrally? And have you under consideration any request that Spanish surname groups be regionalized for processing of applications so that the prospective beneficiaries of these grants would greater input in the decision-making process?

Answer: The HEW Regional Office reviewed all Spanish surname applications submitted in Fiscal Year 1972 and forwarded approved applications to headquarters for statutory requirements review and determination of appropriate funding source. Projects falling within the program authority of a decentralized HSMHA program were funded at the Regional level. Projects to be funded by programs not yet decentralized were funded centrally.

Question No. 7: Are any changes contemplated by your Department for the next fiscal year to deal with the problems raised by my constituents—and if so what are they?

Answer: In Fiscal Year 1973, Spanish surname projects applications will compete with all other applications submitted for review and approval.

ALVIN E. HARVEL.

Attachment.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—CABINET COMMITTEE ON SPANISH-SURNAMED PROJECTS

State and city	Group	Amount
Arizona:		
Phoenix	Mexican-American	$50,000
Tucson	do	50,000
Total, Arizona		100,000
California:		
Pico Rivera	Mexican-American	30,000
Sacramento	do	73,987
San Jose	do	38,916
San Ysidro	do	20,000
Santa Barbara	do	38,286
Union City	do	67,000
Total, California		268,189
Colorado:		
Denver	Mexican-American	128,000
Fort Lupton	do	20,000
Pueblo	do	27,000
Total, Colorado		175,000
Florida: Miami	Cuban-American	145,000
Illinois: Chicago	Mexican-American	50,000
Michigan: Detroit	Puerto Rican	112,760
New Mexico:		
Santa Fe	Mexican-American	74,500
Truchas	do	87,826
Total, New Mexico		162,326
New York: New York	Puerto Rican	106,150
Ohio: Toledo	Mexican-American	19,000
Texas:		
Dallas	Mexican-American	118,230
San Antonio	do	57,690
Zavala County	do	239,000
Total, Texas		414,920

State and city	Group	Amount
Utah: Ogden	Mexican-American	$37,000
Wyoming: Rawlins	do	50,000
Total grants		1,640,345
Mexican-American		(1,276,435)
Puerto Rican		(218,910)
Cuban-American		(145,000)

MEMORANDUM

To: Phillip L. Garcia, Deputy Director, Office of Special Concerns, OS

From: Administrator, Social and Rehabilitation Service

Subject: Congressional Inquiry Regarding Funding of Spanish Surnamed Projects

The following is provided in response to your July memorandum asking for information requested in Congressman Koch's letter to Mr. Cooke of June 7, 1972.

In your July 12 letter to Koch you provided answers to the first two questions that he asked concerning the ethnic makeup of the Spanish surnamed and the numerical population breakdown for each.

The following identifies the additional questions asked by Koch and provides brief answers to each question:

In the current fiscal year how much money has been allocated by your Department for each of such communities within the Spanish surname group?

In fiscal year 1972 there was no predetermined allocation by SRS for either the Spanish surname group or its constituent elements, i.e., Chicano, Puerto Rican, and Cuban. Spanish surname groups competed for both the R&D funds earmarked for minorities only, and for the non-earmarked R&D monies as well. The SRS training grants policy (copy attached) emphasizes the funding of the education of minority persons and specifies the specific goal of expending at least 25% of all training monies for minority students by fiscal year 1974.

What cities and states have received Spanish surname grants from the current fiscal year appropriation, covering which groups within the Spanish surname group, and in what amounts?

A comprehensive summary is now being completed on all minority R&D and training grants made by SRS in fiscal year 1972. A copy of this report will be forwarded within the next ten days.

Are there funds still remaining within this year's fiscal budget which have not yet been allocated?

All fiscal year 1972 funds have been obligated.

What are the reasons for having Spanish surname applications processed centrally? And, have you under consideration any request that Spanish surname groups be regionalized for processing of applications so that the prospective beneficiaries of these grants would have greater input in the decision making process?

In our minority studies program we have the routine procedure of processing grant applications through the Regional Office. Regional Office critiques of applications and recommendations for funding are forwarded to the Central Office for consideration. This process should provide the prospective beneficiaries significant opportunity to have input to the decision making process. The monitoring of the minority grants is the responsibility of the Regional Offices.

Are any changes contemplated by your Department for the next fiscal year to deal with the problems raised by my constituents—and if so what are they?

We will be meeting with the leaders of each of the minority groups that we have funded during August to review past procedures, successes and failures, and to plan together for future activities in the minority studies area.

John D. Twiname.

Congress of the United States,
House of Representatives,
Washington, D. C., August 8, 1972.

Alvin E. Harvel,
Assistant Associate Administrator for Regional Offices, Health Services and Mental Health Administration, Parklawn Building, Rockville, Md.

Dear Mr. Harvel: I have received a copy of your memorandum to Phillip Garcia of July 25 in response to my inquiry concerning the funding of Spanish surnamed projects, and I appreciate receiving the information.

In that memorandum, you state that "projects to be funded by programs not yet decentralized were funded centrally". I would appreciate your informing me if this group of projects are specifically designed for Spanish surnamed group applications, or if it also includes other minority programs.

Thank you for your attention to this matter.

Sincerely,

Edward I. Koch.

Congress of the United States,
House of Representatives,
Washington, D. C., August 8, 1972.

John D. Twiname,
Administrator, Social and Rehabilitation Service, Washington, D.C.

Dear Mr. Twiname: I have received a copy of your memorandum to Phillip Garcia of August 1 in response to my inquiry concerning the funding of Spanish surnamed projects, and I appreciate receiving the information.

In that memorandum you state that as a routine procedure the grant applications for minority programs are processed through the regional office first and then forwarded to the central office for further consideration. Am I then correct in assuming that all applications for Spanish surnamed groups are treated in the same manner as are applications for other community groups?

Thank you for your attention to this matter.

Sincerely,

Edward I. Koch.

SCHOOLBUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. Edwards) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the House Education and Labor Committee has reported out its version of President Nixon's bill to make busing a limited, last-resort measure in school segregation cases. I stress the phrase "its version" of the President's bill. For this is a gutted, emasculated version which might provide some relief for future busing, but none for the busing decrees which are already on the books in the South.

We in the South have learned that if we are to receive the same treatment in this sensitive area as other regions of the country, we must all sit down together at the same table with the same menu. If busing is wrong in certain parts of the country, then it is wrong everywhere.

The busing ban in this bill would benefit all those school districts in the North that are faced with court orders, but the proposed ban would have no effect on these school boards which are already under court orders.

I said last year, I said earlier this year, and I am saying it again—I cannot vote for anything that will take the pressure off the North while we in the South continue with our same situation. I call on this body to insert a "reopener provision" in this bill when it comes to the floor. If this fails, then I urge that the bill be defeated.

LABOR-HEW APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Heinz) is recognized for 5 minutes.

Mr. HEINZ. Mr. Speaker, today the House has passed, with my support, H.R. 15417, the conference report on the appropriation for the Departments of Labor and HEW for fiscal year 1973. Some have criticized this bill as being too expensive.

I sincerely share the concern that Federal expenditures must be kept in line with revenues and I, too, have several specific reservations concerning over one-half billion dollars of items which have been injudiciously added to this bill. I am particularly concerned about our appropriations for the areas of health services construction, library resources funds, and Federal impact aid. I am pleased to note, however, that for the first time school aid for category "C" children under Public Law 874 has been funded. This will bring relief to several unfairly penalized school districts in my 18th Congressional District in Pennsylvania.

I have always felt very strongly about the need to improve the quality of education, and one major item in this bill that I support is the appropriation strengthening the Office of Education programs in this regard. I would add that, earlier this year, I supported the quality education amendment to the original House appropriations bill to obtain these expanded programs.

I believe that we have to pay for what we get and, therefore, I have consistently voted to trim expenditures where out of line. I have particularly opposed the development of unsatisfactory weapon systems in the Defense Department, such as the F-14, and unnecessary and wasteful duplication of programs such as those contained in the Emergency Community Facilities and Public Investment Act of 1972.

It is my conviction that we can and must direct our national priorities more toward human beings—specifically the young—and away from programs that give us few and doubtful benefits. By doing so, we can maintain a necessary balance between expenditures and income while making a vital investment in the development of our most important national resource, the children of this Nation.

CITIZENS PRIVACY PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, today I introduced a bill called the Citizens Privacy Protection Act of 1972. It is designed to curb powers recently asserted by the Treasury Department under 1970 law designed to provide information on secret foreign bank accounts.

The Treasury Department's interpretation of the 1970 law would seem to force banks to reveal every citizen's personal financial transaction. The Treasury Department would make our banks, savings and loans and credit unions an arm of the Federal Government rather than agents of their customers.

I believe that privacy of personal financial records is a fundamental right which should receive protection under the first and fourth amendments to the Constitution. I do not believe that financial institutions should be forced to become stool pigeons for the Treasury by revealing what are obviously personal and private financial transactions to the Treasury which can then be referred to other agencies of Government. Apparently other groups feel as I do. Legal objections have already been filed by the California Bankers Association and ACLU.

This bill was introduced in the Senate on July 21 by Senator MATHIAS, Republican of Maryland. Its intention is to protect the ability of the Treasury to receive information on truly international transactions while at the same time protecting the right of the individuals so that his personal financial records are safe from disclosure as they would be in his own home.

The bill would require disclosure only on consent of the individual or under a court order which would give a person time to take legal defensive action himself.

I would hope that the Treasury Department would solve the breach of privacy problem by modifying its interpretation and administrative rules. Since it has shown no inclination to do so, it is important that the Congress act to preserve all of our citizens personal privacy by passing the Citizens Privacy Protection Act of 1972.

ADMINISTRATION INACTION ON AIR POLLUTION TAX PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, 22 other Members and I recently wrote to the distinguished chairman of the Ways and Means Committee (Mr. MILLS) asking him to consider holding hearings as soon as possible on the air pollution tax bills presently before Congress.

As you know, 24 Members and I have introduced legislation that would place a 20-cent-per-pound tax on all sulfur emissions by 1975. The administration has oftentimes expressed its support of a somewhat weaker sulfur tax bill that would tax sulfur emissions on a regional basis starting in 1976.

Unfortunately, the administration's much heralded support of an air pollution tax has vanished by sleight of hand. While the administration has been talking up a sulfur tax for 2 years now it has still not found a Republican sponsor for its bill—its main environmental legislative proposal for this year—more than 6 months after the administration said the bill was being sent to Congress. In fact, out of frustration with the administration's refusal to introduce its own bill, three Democratic Congressmen introduced a bill in May while noting that their introduction of the bill did not indicate support.

In short, Mr. Speaker, it is becoming increasingly clear that the administration's supposed commitment to its own air pollution tax proposal is nothing but hot air. They have done everything possible to insure that neither of the sulfur tax proposals gets a hearing in Congress.

THE LATE A. EMMANUEL RIDGELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, the passing of Mr. A. Emmanuel Ridgell, Superintendent of the House Office Buildings, on Sunday, August 6, leaves all of us in the House, both Members and staff with an irreplaceable loss, for his was a life of a most singular and unique devotion.

Mr. Ridgell, who was born in Scotland, St. Mary's County, Md., on November 3, 1912, began his career on Capitol Hill in 1932. He worked here for 40 years, beginning at the age of 20 as a messenger, and with the drive and ambition of the great American spirit he worked his way up to being appointed Superintendent of the House Office Buildings on July 1, 1948, by David Lynn who was then the Capitol Architect.

Between 1932 and 1948 Mr. Ridgell held several positions. He held various clerical jobs until 1940 when he was made Second Assistant Superintendent. In 1947 he was made Assistant Superintendent and finally in 1948 he was appointed Superintendent.

Mr. Ridgell's job became an ever expanding one as the country grew and the Members elected to the House of Representatives grew also. The Rayburn Building was added to his responsibilities in 1966 which greatly enlarged his staff, but he met the new challenges with increased vigor, determined to continue to provide the fine service for which he was so well known.

One of Mr. Ridgell's main responsibilities was to work closely with the Speaker of the House in assigning office space. This is certainly no easy task considering the constantly changing status of the House Members, and his interest and concern in pleasing all of the Members was always greatly appreciated.

The many whose lives he has touched through his work here on the Hill will sorely miss him, and I want to take this opportunity to extend my deepest sympathies to the Ridgell family at this time of great personal loss.

INTRODUCTION OF LEGISLATION TO PROHIBIT WEATHER MODIFICATION FOR MILITARY PURPOSES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, I am today introducing legislation that would prohibit the United States from engaging in weather modification, including cloud seeding, for military purposes.

This bill has been prompted by the recent revelations that the United States has been seeding clouds over Indochina and made a number of unsuccessful attempts to start firestorms in the forests of Vietnam. The Defense Department's studied refusal to discuss the question of cloud seeding leaves little doubt that it has been utilized—and may still be going on—in Southeast Asia.

Despite the claims of some that it has little or no ecological effect, tests have shown that cloud seeding can cause clouds to grow explosively and produce up to three times as much rain as unseeded clouds. This sort of climate modification combines with such other ecological stresses as air pollution, herbicides, and pesticides to cause catastrophic environmental effects. Once our bulldozers, herbicides and bombings clear hundreds of square miles of natural vegetation and thereby destroy the water-holding capacity of the land, the increased rainfall resulting from cloud seeding leads to extensive flooding, loss of life, and soil erosion.

The great trouble with rain, as is pointed out in the Sermon on the Mount, is that it falls on the just and unjust alike. The same cloudbursts that may flood the Ho Chi Minh Trail also drown innocent civilians and wash out their homes and fields. Congress must exercise its constitutional authority over military policy and spending to prohibit the use of weather modification techniques as weapons of war. This bill would do just that.

Mr. Speaker, I include the text of my bill, my statement to the Subcommittee on Oceans and International Environment of the Senate Committee on Foreign Affairs, and a relevant news article in the RECORD at the conclusion of my remarks:

H.R. 16255

A bill to prohibit the United States from engaging in weather modification activities for military purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that, notwithstanding any other provision of law, none of the funds authorized to be appropriated by any Act may be obligated or expended for the purpose of—

(1) weather modification activities (including, but not limited to, cloud seeding) as weapons of war;

(2) the type of activities carried out by the Department of Defense in Vietnam under the code names of Operation Sherwood Forests, Operation Hot Tip, and Operation Pink Rose in which so-called fire storms or fires over a large area were, or were attempted to be, intentionally ignited;

(3) entering into or carrying out any contract or agreement providing agents, delivery

systems, dissemination equipment, or instructions for the military application of weather modification techniques, or for deliberately igniting so-called fire storms or fires over large areas for military purposes (as described in clause (2)); or

(4) procuring or maintaining agents, delivery systems, or dissemination equipment for the purpose of modifying weather conditions for military purposes, or igniting so-called fire storms or fires over large areas for military purposes (as described in clause (2)).

STATEMENT OF REPRESENTATIVE BELLA S. ABZUG

Mr. Chairman, Members of the Subcommittee, I am pleased to have the opportunity to present my views on the issue of weather modification for military purposes. Let me begin with two quotations:

"Today, black is the dominant color of the northern and eastern reaches of the Plain [of Jars]. Napalm is dropped regularly to burn off the grass and undergrowth that covers the Plain and fills its many narrow ravines. The fires seem to burn constantly, creating rectangles of black."

That is from "Plain Facts", an article by T. D. Allman which appeared in the Far Eastern Economic Review of January 18, 1972.

There is evidence that herbicides can cause genetic damage:

"Within the last two years, there have been numerous reports of increasing birth abnormalities throughout South Vietnam, and photographs of grotesquely deformed babies have begun to appear in Vietnamese newspapers."

According to *The Indochina Story*, written by the Committee of Concerned Asian Scholars, and published by Bantam in 1970.

In addition to the horrors of napalm and herbicide, we are using geophysical warfare in Vietnam. An article by Seymour Hersh in The Washington Evening Star of July 3, 1972, quoted a former CIA agent as saying: "We first used that stuff [silver iodide to seed the rain clouds] in about August of 1963, when the Diem regime was having all that trouble with the Buddhists." The former agent continued, "They would just stand around during demonstrations when the police threw tear gas at them, but we noticed that when the rains came they wouldn't stay on."

As documented in the New York Times by Seymour Hersh, the middle 1960's saw an expansion of the cloud seeding activities to the Ho Chi Minh Supply Trail in Laos. By 1967, the Air Force had become involved in the cloud seeding operations. Yet the results weren't always as expected. One government official has said, as quoted in the July 3, Hersh story, "Once we dumped seven inches of rain in two hours on one of our Special Forces Camps." Professor Jerzy Neyman, director of the University of California's Statistical Laboratory, who has headed a Navy research project analyzing weather control experiments since 1965, "is convinced . . . that cloud seeding does indeed yield significant results—but that the results have often proved far different from what was intended . . . "I consider that, indeed, the cloud seeding in Vietnam could have increased the rainfall considerably, '[Neyman has said] . . ' A substantial decrease could also have occurred."

Neyman also found that in Arizona, "during seven years of experimental efforts to relieve drought by cloud seeding, the experiments yielded a significant loss of rainfall over the Santa Catalina Mountain target area, and caused an average 40 per cent loss of rainfall over an area 65 miles away."

Despite the unpredictability of cloud seeding, it still appears to be taking place in Indochina. On March 18, 1971, Jack Anderson reported that "Intermediary-Compatriot" a "hush-hush" project which "increased the precipitation over the jungle roadways during the wet seasons . . . would be going on from May to September, 1971."

To go into somewhat more detail, Dr. Matthew Meselson, Professor of Biology at Harvard University, has stated that:

"It is obvious that weather modification used as a weapon of war has the potential for causing large scale and quite possibly uncontrollable and unpredictable destruction. Furthermore, such destruction might well have a far greater impact on civilians than on combatants. This would be especially true in areas where subsistence agriculture is practiced in food-deficit areas, and in areas subject to flooding."

The amount of damage we can do through weather modification is tremendous. Tests in Florida in 1968 and 1970 showed that seeded clouds grew explosively and produced more than three times as much rain as unseeded clouds. Other tests have shown the increase in rain production in seeded clouds could range from 30%-50% to as much as 10 or 20 times that amount. However, even a 50% increase can have tremendous impact.

In their book, "Ecological Effects on Weather Modification: A Problem Analysis," C. F. Cooper and W. C. Jolly refute many of the old theories on weather modification. The false argument that weather control has little or no biological effect because the amount of change is rejected. Instead, the authors state that the weather modification combines with other ecological stresses such as air pollution, herbicides, and pesticides to cause a greater effect than the sum of the individual effects. By using bulldozers, herbicides, and bombings, we clear hundreds of kilometers of natural vegetation, thus destroying the water-holding capacity of the land. Adding the increased rainfall caused by weather modification, the land is plagued with extensive flooding, loss of life, and soil erosion. This destroys the ecological balance as well as the possibility of further vegetation.

Two other reports on the ecological damage done by weather modification, "Hydrologic Consequences of Rainfall Augmentation" by Alan M. Lumb which appeared in American Society of Civil Engineers Hydraulics Division Journal of July 1971 and "Possible Effects of Precipitation Modification of Stream Channel Geometry and Sediment Yield" by Albert Rango, published in Water Resources Research in December 1970, agree that increased rainfall causes much land erosion and changing sedimentary patterns.

Weather modification alters the structure of plant and animal communities due to changes in three different biological rates in weather-sensitive species: reproduction, growth, and mortality. These changes may take several years to become evident, but their destructive capacity is considerable.

The most widely used cloud seeding chemical is silver iodide, AgI. The silver ion released from the breakdown of this chemical is one of the most toxic heavy metal ions, especially with regard to microorganisms and fish, but the ion sometimes forms insoluble compounds harmless to animals. The silver from cloud seeding will retard the growth of algae, fungi, bacteria, and fish in fresh water. This in turn interferes with food and nutrient cycles and the return of nutrients to the water. Other biological effects include changes in temperatures, oxygen concentration, presence or absence of other cations, and pH (acidity). So far as we now know, the iodine ion in silver iodide poses no environmental danger.

According to the July 3rd Washington Star article, the use in Indochina of a chemical agent, different from silver iodide, and only effective in warm stratus clouds, has been causing an acidic rainfall which affects trucks, tanks, and radar, especially Surface-to-Air Missiles (SAM) radar. This acidity also affects the pH and thus the ecological balance of the ecosystems on which it is dropped.

There has been some dispute as to the suitability for seeding of the types of cloud patterns over North Vietnam. Some have said that the clouds over the northern part of Vietnam are stratus and therefore cannot be seeded successfully with silver iodide. However, Mr. Donald Moore, Assistant Administrator of the National Oceanic and Atmospheric Administration, has stated that, he has seen no significant difference in cloud patterns over various areas of Vietnam. He has said that significant cloud pattern changes come with climactic, rather than with minor geographic changes. During the monsoon season, cumulus clouds, which definitely can be seeded sucessfully, prevail over all of Vietnam. Also, Mr. Schloemer, the Assistant Director of the Environmental Data Service of N.O.A.A., has confirmed Mr. Moore's statement and has added that in the upslope and mountain areas (which would include the Ho Chi Minh trail) there may be a 10% or 15% increase in rain, which means an extra heavy rainfall.

Furthermore, even if they are not suitable for silver iodide seeding, stratus clouds can be seeded by means of the acidic chemical which I mentioned earlier.

On March 17, 1972, Senator Pell submitted Senate Resolution 281, expressing the sense of the Senate that the United States should seek negotiation of a treaty to prohibit the use of environmental or geophysical modification. I applaud and support this action, but I do not think we can wait to negotiate a treaty. We must end the indiscriminate killing and ecological destruction in Indochina now, and I will soon be introducing legislation which would end the United States' use of geophysical warfare.

Congress must take the initiative. Inordinate power has been arrogated to the President, despite the fact that our Constitution establishes the power of Congress to declare war and to make military appropriations. We must—for the sake of the American people and all humanity—reassert our constitutional responsibilities.

The only trouble with rain, as is pointed out in the Sermon on the Mount, is that it falls on the just and unjust alike. The same cloudbursts that flood the Ho Chi Minh trail also wash out the homes and fields of innocent civilians. It is our responsibility to stop the use of weather modifiation techniques as a weapon of war.

[From the Washington Star, July 3, 1972]

UNITED STATES MAKES RAIN AS VIET WEAPON

(By Seymour M. Hersh)

New York Times News Service

The United States has been secretly seeding clouds over North Vietnam, Laos and South Vietnam to increase and control the rainfall for military purposes.

Government sources, both civilian and military, said during an extensive series of interviews that the Air Force cloud-seeding program has been aimed most recently at hindering movement of North Vietnamese troops and equipment and suppressing enemy antiaircraft missile fire.

The disclosure confirms growing speculation in congressional and scientific circles, reported earlier this year in The Star, about the use of weather modification in Southeast Asia. Despite years of experiments with rainmaking in the United States and elsewhere, scientists are not sure they understand its long-term effect on the ecology of a region.

The weather manipulation in Indochina,

which was first tried in South Vietnam in 1963, is the first confirmed use of meteorological warfare. Although it is not prohibited by any international conventions on warfare, artificial rainmaking has been strenuously opposed by some State Department officials.

It could not be determined whether the operations are now being conducted in connection with the current North Vietnamese offensive and the renewed American bombing of the North.

Beginning in 1967, some State Department officials protested that the United States, by deliberately altering the natural rainfall in parts of Indochina, was taking environmental risks of unknown proportions. But many advocates of the operation have found little wrong with using weather modification as a military weapon.

"What's worse," one official asked, "dropping bombs or rain?"

All of the officials interviewed said that the United States did not have the capability to cause heavy flooding during the summer in the northern parts of North Vietnam, where serious flooding occurred last year.

Officially, the White House and State Department declined comment on the use of meteorological warfare. "This is one of those things where no one is going to say anything," one official said.

Most officials interviewed agreed that the seeding had accomplished one of its main objectives—muddying roads and flooding lines of communication. But there were also many military and government officials who expressed doubt that the project had caused any dramatic results.

RAIN IS ACIDIC

The sources, without providing details, also said that a method had been developed for treating clouds with a chemical—that eventually produced an acidic rainfall capable of fouling the operation of North Vietnamese radar equipment used for directing surface-to-air missiles.

In addition to hampering SAM missiles and delaying North Vietnamese infiltration, the rainmaking program has had the following purposes:

Providing rain and cloud cover for infiltration of South Vietnamese commando and intelligence teams into North Vietnam.

Serving as a "spoiler" for North Vietnamese attacks and raids in South Vietnam.

Altering or tailoring the rain patterns over North Vietnam and Laos to aid U.S. bombing missions.

Diverting North Vietnamese men and material from military operations to keep muddied roads and other lines of communication in operation.

The cloud-seeding operations necessarily were keyed to the two main monsoon seasons that affect Laos and Vietnam. "It was just trying to add on to something that you already got," one officer said.

According to interviews, the Central Intelligence Agency initiated the use of cloud seeding over Hue, in the northern part of South Vietnam. "We first used that stuff in about August of 1963," one former CIA agent said, "when the Diem regime was having all that trouble with the Buddhists."

"They would just stand around during demonstrations when the police threw tear gas at them, but we noticed that when the rains came they wouldn't stay on" the former agent said.

The CIA expanded its cloud-seeding activities to the Ho Chi Minh supply trail in Laos sometime in the middle 1960s, a number of government sources said. By 1967, the Air Force had become involved although, as one former government official said, "the agency was calling all the shots."

The state of the art had not yet advanced to the point where it was possible to predict the results of a seeding operation with any degree of confidence, one government official said. "We used to go out flying around and looking, for a certain cloud formation," the official said. "And we made a lot of mistakes. Once we dumped seven inches of rain in two hours on one of our Special Forces camps."

The Laos cloud-seeding operations provoked a lengthy and bitter, albeit secret, dispute inside the Johnson administration in 1967.

The general feeling of opponents was summarized by one former State Department official who said he was concerned that the rainmaking "might violate what we considered the general rule of thumb for an illegal weapon of war—something that would cause unusual suffering or disproprlate damage." There also was concern, he added, because of the unknown ecological risks.

PROTECTING OUR PROTECTORS—THE FIREFIGHTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Dent) is recognized for 10 minutes.

Mr. DENT. Mr. Speaker, there is a large group of men in this country who daily risk their lives for the health and safety of all our citizens. The Nation's newspapers are filled daily with accounts not only of their diligence in performing their duties, but also of their frequent acts of bravery and heroism that can only be motivated by a concern for human life. They are the Nation's 160,000 professional firefighters.

It is only fair that Congress extend its best protection of health and safety to those who are committed to protecting ours.

A 1970 survey of fire chiefs reported that for every 100,000 firefighters, 115 died on the job during that year. This rate is higher than that of mining and quarrying—100 deaths—or law enforcement—73 deaths—or construction—72 deaths—occupations well known to be extremely hazardous.

Further, these tragic deaths are only those that occurred to firemen while on duty. During 1970 an additional 233 deaths were recorded from occupational diseases: 96 due to heart and cardiovascular disease, 126 due to lung and respiratory diseases, and 11 due to other related causes.

Firefighting is an occupation which is doubly vulnerable, vulnerable to sudden and fatal injuries as well as to long and painful illnesses often ending in heart failure and death.

Our intent when formulating a comprehensive national policy of worker safety was to create a minimum level of protection for the majority of American employees. In its statement of purpose the law reads that:

> Congress declares it to be its policy . . . to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources.

Thus, I am introducing a bill amending the Occupational Safety and Health Act to include under its standards firefighters employed at the Federal, State, and municipal levels of government.

H.R. 16258

A bill to amend the Occupational Safety and Health Act of 1970 to extend its protection to firefighters.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(5) of the Occupational Safety and Health Act of 1970 is amended by inserting before the period at the end thereof the following: ", except that a State or political subdivision of a State shall be deemed an employer with respect to its employment of firefighters".

Sec. 2. Section 3 of such Act is amended by adding at the end thereof the following new paragraph:

"(15) The term 'firefighter' means an individual employed primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment."

Sec. 3. Section 18(c)(6) of such Act is amended by striking out ", to the extent permitted by its law," and by inserting before the comma at the end thereof the following: ", provided that, except in the case of firefighters, this requirement shall be applicable only to the extent permitted by the law of the State".

EDUCATION FOR HANDICAPPED CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentlemen from New Jersey (Mr. Daniels) is recognized for 5 minutes.

Mr. DANIELS of New Jersey. Mr. Speaker, yesterday I introduced legislation which will give greater assurance that our handicapped children can develop into independent citizens and contribute to society.

As former chairman of the Select Subcommittee on Education I fully appreciate the necessity to develop adequate programs to provide effective educational opportunities for handicapped children. I am proud to have been the sponsor of the Handicapped Children's Assistance Act of 1968 which provided for model educational centers for 5.5 million handicapped children and passed the House unanimously.

Mr. Speaker, since 1968 we have learned a lot about handicapped children and their needs. With the passage of time new problems must be faced and dealt with. This new legislation, also introduced by the present chairman of the Select Subcommittee on Education, my good friend the Honorable John Brademas, recognizes that one of the major reasons that States have not been able to increase educational opportunities for their handicapped children is that they cannot afford to take needed resources from their already overburdened public school system.

Because of the tremendous costs involved in the education of handicapped children, only 40 percent of the 7 million handicapped children in America receive the special education they need to become productive and contributing citizens. This new legislation seeks to resolve that problem by authorizing the Federal Government to pay to State governments at least 75 percent of the additional cost involved in the education of a handicapped child.

Under this bill, in order for a State to participate it must establish an advisory council representative of groups involved in education of handicapped children; submit a State plan to the Commissioner of Education; and apply uniform criteria to determine the number of handicapped children to be served.

REMARKS OF HON. HALE BOGGS DELIVERED AT UNITY LUNCHEON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, I would like to insert in the RECORD the remarks of the distinguished majority leader, HALE BOGGS, which he delivered at the unity luncheon at the Sheraton Park Hotel. The majority leader drew attention once again to the failures of the Nixon administration with regard to national economic policy. I commend the leader on his eloquent speech and suggest that all interested Members read his remarks.

REMARKS AT UNITY LUNCHEON

Monday, Clark MacGregor, President Nixon's campaign manager, made one of the most outlandish statements of this political year. He declared that the economy is in such good shape that President Nixon, should he be re-elected, will not have to ask Congress for a tax increase in the next two years.

But if the Republicans plan to use the shape of the economy as one of their rallying points in the campaign for Mr. Nixon's re-election, they must be looking at a different set of economic indicators than we are. For almost *four full years,* this Administration has exhibited a callous and calculated indifference to the chronic unemployment plagueing the nation. Yet while the economic soothsayers at the White House are tolerant of a 5.5% unemployment rate, I know that the American working man is not. And neither is the Democratic Party.

Yet Mr. MacGregor has done a service to the American people, and to our Democratic Party by focusing attention on the economic policies of the present Administration. While the Democratically-controlled Congress passed the Economic Stabilization Act, giving the President authority to invoke wage and price controls, the President vowed he would never use such drastic measures to control the economy. It was not until a full 18 months after the passage of the Economic Stabilization Act that President Nixon announced the specifics of Phase I. While the President hedged for these 18 months, millions of more Americans joined the ranks of the unemployed, and inflation continued at alarming rates.

When Congress acted to give jobs to millions of unemployed workers through the Randolph-McFall accelerated Public Works Program, the President vetoed the bill as inflationary. In 1970 the President vetoed the HEW-Labor-OEO appropriations bill on the same basis, elaborating further that over four-fifths of the increase in funds was for education. Today the President calls on the Congress to appropriate money for quality education, when that is what we have been doing right along.

The Nixon Administration followed on the heels of one of the most prosperous periods in economic history. Under the Johnson Administration, unemployment dipped below the magic 4% for several months. Yet within a year's time the President sent our economy into a tailspin. Republican economic policies have resulted in the loss of more than 40 billion in Government revenues. And although the President chides Congress for overspending in the areas of human need, like education, and housing, his budget policies have given us the largest deficits in peacetime history.

Mr. MacGregor also stated that if re-elected President Nixon would be able to balance the budget by eliminating some of the Great Society programs now on the books. It is obvious from this statement that to the Republican Administration balancing figures is more important than furnishing medical care for the aged, or insuring that our children receive good education, or guaranteeing that hungry Americans are fed. For looking at Mr. MacGregor's record in Congress, one is not surprised by these statements. He voted against Medicare when he was in Congress, he opposed the Elementary and Secondary Education Act, and he opposed the issuance of food stamps to poor people.

I hope that Mr. MacGregor will continue to make such statements as the campaign wears on, for I am sure that the American people will repudiate the Republican approach to solving this nation's problems. I am also confident that balancing the budget is not nearly so important to American working men as being gainfully employed, as being able to afford good education, and as being able to obtain adequate health care treatment. While the President may attempt to wipe out the landmark social legislation of the 1960's, he cannot wipe out unemployment, or provide equal educational opportunities through such backward and unresponsive economic policies as those he has pursued to date.

I can guarantee that the Democratic Congress is not going to sit idly by and allow the Republican Administration to dismantle major legislative commitments of the past, just so they can balance the budget. The American people deserve much more, and they will get it from the Democratic Party.

THE PROBLEM OF GUN CONTROL

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I recently testified before the Judiciary Committee on a subject about which I have deep feelings—the matter of additional controls on the sale and possession of guns.

I feel strongly that the problem which confronts America is one of enforcement of the law and punishment of criminals, not passage of additional laws. This applies in the field of gun control as well as elsewhere.

In 1901 President William McKinley was shot and died a week later. Forty-five days later his assassin died in the electric chair. In 1968 Senator Robert F. Kennedy was assassinated. Now 4 years later his assassin's sentence has been commuted to life imprisonment and he is seeking a parole. There was more law and order then. There is more crime and violence now. All the gun legislation did not improve the situation.

There is an obsession among some Americans that the way to control crime is to pass laws against the private ownership of weapons. Invariably these obsessions surface after some dramatic and deplorable incident in which a public figure is shot. This occurred very recently in the case of Gov. George Wallace.

Scarcely had the smoke cleared from that insane act than the cry arose for new controls against the ownership of handguns. Those in favor of these gun controls seemed to be telling us and the world that if law abiding citizens, sportsmen, and gun collectors were more tightly controlled, such a shooting of a presidential candidate would not have taken place. They have suggested to us that if all handguns were registered and, as has been loudly suggested, handguns ultimately outlawed, that George Wallace would not have been shot, that overall crime would be reduced, and America would be a far safer place for us all.

To my view, this is absurdity to the extreme. Gun control laws now on the Federal and State statute books, if enforced, would have prevented the shooting of George Wallace. The man accused in the Wallace shooting had earlier been involved in a firearms incident. He transported the weapon across several State lines. On at least one prior occasion he had been picked up and questioned as a suspicious person while awaiting the arrival of Governor Wallace at a Wisconsin rally.

In short, Mr. Speaker, the emotion which has again surfaced following the terrible incident in Maryland has no relation to the need for new and more restrictive gun control legislation.

As for the contention that crime will be reduced with additional gun controls, that argument has been discounted by a great many responsible people. It is quite obvious that a person intent upon using a gun to commit a crime will not first rush to his nearest police station in order to register his weapon. I can conceive of no circumstance whereby a criminal would be more willing to abide by gun control laws than he would the laws against armed robbery.

By the same token, I can see no validity to the argument that to register the guns of law abiding citizens, collectors, and sportsmen will make our streets safer. These are not the people who roam the city streets robbing, mugging, and looting. Again, it is the criminal who has nothing but disdain for laws who takes a weapon to which he is not legally entitled and uses it in committing crimes.

And so, Mr. Speaker, we come to the essence of the problem.

I am as interested as any man in America in lowering the crime rate in this country. I want to see our streets safe for decent human beings once again. I do not like it when law-abiding citizens must huddle in their homes at night behind chained and locked doors and barred windows while the animals of society, armed with guns, knives, and clubs take over the streets.

But I can assure you, Mr. Speaker, that to pass a law which says these law-abiding citizens must register their guns and ultimately surrender them will not alter the present state of affairs for the better.

What we do need is effective enforcement of the law and prompt and vigorous handling of criminal cases by the courts. If any law is to be strengthened it should be the law concerning the use of weapons—any weapon, be it a firearm, a knife, or a stick of dynamite—used in the commission of a crime. Once the criminals of America are taught that to use a weapon in crime is to assure them, upon capture and conviction, of a long jail term with little or no hope of parole, then the crime rate will be reduced in this country.

I challenge supporters of stricter gun control legislation to detail their logic in suggesting that stricter laws against the ownership of weapons will modify the situation under present laws which allow the criminal to go free minutes after his arrest, laws which allow that same criminal to accumulate a long list of violations before he ever comes to trial on any one of them, and how the continuation of this laxity in law enforcement on the part of police and courts will serve the interests of law-abiding citzens.

What is being suggested by proponents of new gun controls is to penalize 99 percent of the gun owners of America in the faint hope that a few of the 1 percent who use guns illegally will somehow come around to a better way of thinking.

I was interested to hear some remarks on a recent NBC television program. The program, entitled "Thou Shalt Not Kill" was an interview with two men in Utah who had been convicted of killing six persons during a 5-day spree a couple of years ago.

One of these men—one who had killed five of the six victims, one by stabbing and four by gunshot—said he hoped laws would be enacted taking guns away from the law-abiding citizen. He said that if such were accomplished, those of his ilk—those who use guns to commit crime—would no longer have to fear that in the commission of their crimes, the criminal would find himself facing a gun owned by his intended victim.

This was a most enlightening statement, Mr. Speaker. It showed me and millions of Americans, that, instead of deterring crime, stricter and restrictive gun legislation would give the criminal more courage, more boldness, and less fear of personal danger in the commission of his crime.

The principal thrust of the legislation which has been approved by a Senate committee and which is one objective of measures being considered by your committee is to reduce the availablity of the so-called Saturday night special, the short barreled, cheap handgun which is found more and more in the hands of irresponsible individuals. Here I think is an area which deserves careful exploration. There is indeed a place for legislation of this type if it is soundly based to accomplish the desired purpose and not used simply as a vehicle to achieve registration and licensing. One such bill is by Senator HRUSKA. It is a bill that this Congress could well consider and one which I support in principle. I do have concern for the fact that cheap handguns are readily available even within a very few miles of the U.S. Capitol, and the fact that increasing numbers of these weapons in the hands of irresponsible individuals does add to the likelihood of crime.

The Hruska bill establishes new standards of safety and reliability against which all handguns would be tested. The control machinery under which this bill would operate is based on standardized testing on a technical basis premised on established standards of safety and reliability. The standards and tests would be promulgated in coordination with the Chief of Army Ordnance and the Bureau of Standards. The Hruska approach would eliminate the dangerous and unreliable handgun including those which are readily concealable and at the same time guarantee sportsmen and gunowners that quality firearms will be available for sporting purposes and lawful self-protection. The Hruska bill and its prohibitions would apply at the level of the manufacturer and importer. This is preferable to including the dealer and collector in the control process which would generate vast confusion and recordkeeping for both law enforcement and business.

I know that the Congress does not want to adopt legislation which will have the effect of increasing the crime rate. Certainly that would not be intent of legislation, yet I have firm convictions that the effect would be exactly that. Let us look at the broad picture. First, the effect would be to violate the Constitution of the United States which provides that every citizen shall have the right to keep and bear arms. This constitutional protection does not extend to the criminal user any more than the right of free speech extends to the traitor who sells our Nation's secrets to our enemies.

I realize this is an election year, Mr. Speaker. Particularly it is a time when the American people look to those seeking public office to come forward with solutions to our Nation's problems. Certainly crime is among our most serious problems. But I believe we, as elected representatives of the people, would be doing those people a disservice if we were to recommend legislation which the people are led to believe will solve crime problems when, in fact, it could do the opposite.

Insofar as I can determine, the legislation under consideration by the House Judiciary Committee is much broader than should be adopted. The Bayh bill in the Senate is also very objectionable from my standpoint. The Hruska bill, which was considered and rejected in the Senate, is a more reasonable bill and should be the basis for our deliberations in the House.

I do not support legislation which would impose unrealistic burdens on the States, threaten those States with the loss of funds, deprive sportsmen in those States of money to protect wildlife, and, in effect, legislation which places the onus of criminality on the legitimate gun owner and not the criminal.

Mr. Speaker, let us go about the business of reducing crime by going to the source of that crime. And that source, I suggest, is not to be found with the sportsman, the collector, or the man concerned for his life and the lives of his family.

The sources of the trouble lies, very simply, in the fact that a criminal today can come into possession of a gun at almost any time he wants it. He can take that gun, commit a crime with it, and go scot free. The criminal scorns the law because he has no fear of it. But he applauds further restrictions on the ownership of guns by those he, the criminal, sees as his enemy—the law abiding citizen—because the criminal does fear to face a gun.

Let us continue to allow the gunowner with legitimate purposes to have his guns for sport, as a hobby, or for protection, without penalty. But, at the same time, let us embark on a concerted drive to rid America of the type of man who uses these guns for evil and illegal purposes.

Otherwise, we are deluding ourselves and, more importantly, we are misleading the American people into believing that no guns will mean no crime.

THE NEW YORK PORT AUTHORITY MUST PAY TO REMEDY THE MASS TRANSIT PROBLEMS IT CREATES

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the Port Authority of New York-New Jersey is an agency mandated to promote transportation and commerce in New York City's port district. It has almost entirely ignored the first part of its mandate, however, by refusing to invest in urgently needed mass transit facilities.

In 1962 when transit operations in New York were rapidly deteriorating, the Port Authority, which was under public pressure to aid mass transit, devised a cynical compromise with the New York and New Jersey legislatures whereby the authority agreed to take over the Hudson tubes, a commuter rail line for New Jersey residents, on two conditions: first, that it be allowed to construct the World Trade Center; and second, that the enabling legislation be drawn so as to limit and virtually prohibit future Port Authority investments in mass transit.

In short this public authority got the right to make enormous profits in a grandiose real estate venture while flaunting its own mandate through a refusal to invest these profits in ailing transit operations. It is adding 9 million square feet of office space, in a pointless competition with private real estate developers, when an estimated 34 million square feet of available office space in the city will be unrented even before the World Trade Center's completion in 1974. It is also creating a new burden for the city's overtaxed transit facilities.

At least 130,000 people will travel, mostly by subway, to the World Trade Center each day. Clearly new and improved transit facilities are needed to service the World Trade Center and lower Manhattan. And clearly the Port Authority should be made to pay for these facilities for it has created the problem. It is not right that the MTA, which controls our already deficit-ridden subways, and the taxpayers who suffer in them should be forced to pay for the needed improvements. That would be tantamount to the Port Authority, which has done nothing over the years to help public transit in the city, rubbing salt in the publics' wounds.

The Second Avenue subway is scheduled for completion in the 1980's. The Port Authority should be required to pay for a transit facility linking the Trade Center to this new subway. The Port Authority should also be required to pay for other, more immediate, transit improvements in the area.

William Roman, vice chairman of the Port Authority and chairman of the MTA, has himself said that the 1962 covenant does not really prevent the Port Authority from investing in mass transit. The Port Authority has the resources available to improve transit facilities in the World Trade Center area—they also have a moral obligation to do so. It is time for their public-be-damned attitude to stop. In the past this attitude has only contributed to the deterioration of our subways and the discomfort of New Yorkers.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Veysey) and to revise and extend their remarks and include extraneous matter:)

Mr. Kemp, for 15 minutes, today.

Mr. Edwards of Alabama, for 5 mintes, today.

Mr. Frelinghuysen, for 60 minutes, today.

Mr. Heinz, for 5 minutes, today.

Mr. Frenzel, for 5 minutes, today.

(The following Members (at the request of Mr. Mazzoli), to revise and extend their remarks and include extraneous matter:)

Mr. Aspin, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mrs. Abzug, for 10 minutes, today.

Mr. Dent, for 10 minutes, today.

Mr. Daniels of New Jersey, for 5 minutes, today.

Mr. O'Neill, for 5 minutes, today.

Mr. Hébert, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Seiberling, and to include extraneous material in his remarks today during consideration of H.R. 16029, Foreign Assistance Act of 1972.

Mr. Koch and to include extraneous material, notwithstanding an estimated cost of $467.50.

Mr. Anderson of Illinois to revise and extend his remarks on conference report on H.R. 15417, Labor and HEW appropriation bill.

Mrs. Green of Oregon to extend her remarks prior to the vote on the conference report on the HEW appropriation bill, today.

Mr. Stratton to include extraneous matter with his remarks made in the Committee of the Whole, today, on the Monagan amendment.

(The following Members (at the request of Mr. Veysey) and to include extraneous matter:)

Mr. Findley.

Mr. Derwinski in two instances.

Mr. Wyatt.

Mr. Hammerschmidt.

Mr. Kemp in three instances.

Mr. Wydler.

Mr. Vander Jagt.

Mr. Veysey in two instances.

Mr. Scherle.

Mr. Winn.

Mr. Betts.

Mr. Hunt.

Mr. Ashbrook in two instances.

Mr. Brotzman.

Mr. Baker.

Mr. Frenzel.

Mr. Broyhill of Virginia.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous matter:)

Mr. Rarick in three instances.

Mr. Gonzalez in three instances.

Mrs. Abzug in 10 instances.

Mr. Patten.

Mr. Leggett.

Mr. Jacobs.

Mr. Ashley.

Mr. Waldie in two instances.

Mr. Cotter in two instances.

Mr. Hungate in three instances.

Mr. Mann in two instances.

Mr. Caffery.

Mr. Harrington.

Mrs. Hansen of Washington.

Mr. Pepper in two instances.

Mr. Mikva.

Mr. Carey of New York.

Mr. Vanik in two instances.

Mr. Griffin in two instances.

Mr. Mahon.

Mr. Ryan.

Mr. Boggs.

Mr. Zablocki in two instances.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1462. An act to provide for the establishment of the Puukohola Heiau National Historic Site in the State of Hawaii, and for other purposes;

H.R. 9545. An act to amend section 6(b) of the Revised Organic Act of the Virgin Islands relating to qualifications necessary for election as a member of the legislature; and

H.R. 14106. An act to amend the Water Resources Planning Act to authorize increased appropriations.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 484. An act to designate the Scapegoat Wilderness, Helena, Lolo, and Lewis and Clark National Forests, in the State of Montana.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Thursday, August 10, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2239. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated January 17, 1972, submitting a report, together wtih accompanying papers and illustrations, on Blackwater Bay and River and East Bay, Fla., requested by resolutions of the Committees on Public Works, U.S. Senate, adopted January 26, 1966, and House of Representatives, adopted May 5, 1966; to the Committee on Public Works.

2240. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the accountability of the Treasurer of the United States, Department of the Treasury, for fiscal years 1970 and 1971; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee on Appropriations. H.R. 16254. A bill making certain disaster relief supplemental appropriations for the fiscal yaer 1973, and for other purposes (Rept. No. 92-1318). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 1278. Joint resolution making further continuing appropriations. for the fiscal year 1973, and for other purposes (Rept. No. 92-1319). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee on House Administration. House Resolution 890. Resolution authorizing payment of compensation for certain officers of the House of Representatives (Rept. No. 92-1320). Referred to the House Calendar.

Mr. HOLIFIELD: Committee on Government Operations. Report on saving lives in nursing home fires (Rept. No. 92-1321). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of Conference. Conference report on H.R. 5065 (Rept. No. 92-1322. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MAHON:

H.R. 16254. A bill making certain disaster relief supplemental appropriations for the fiscal year 1973, and for other purposes.

By Mrs. ABZUG:

H.R. 16255. A bill to prohibit the United States from engaging in weather modification activities for military purposes; to the Committee on Armed Services.

By Mr. CAFFERY:

H.R. 16256. A bill to designate the post office and Federal office building to be constructed in Houma, La., as the "Allen J. Ellender Post Office and Federal Office Building"; to the Committee on Public Works.

By Mr. CAREY of New York (for himself, Mr. Roy, and Mr. Wolff):

H.R. 16257. A bill to provide payments to States for public elementary and secondary education and to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 16258. A bill to amend the Occupational Safety and Health Act of 1970 to extend its protection to firefighters; to the Committee on Education and Labor.

By Mr. FREY:

H.R. 16259. A bill to amend the act incorporating the Veterans of World War I of the United States of America; to the Committee on the Judiciary.

By Mr. FULTON:

H.R. 16260. A bill to amend title 38 of the United States Code to provide that the statutory social security benefit increase effective September 1, 1972, be disregarded in computing income for the purpose of determining eligibility for compensation and pension under such title; to the Committee on Veterans' Affairs.

By Mr. GRAY (for himself, Mr. Blatnik, Mr. Kluczynski, Mr. Clark, Mr. Wright, Mr. Johnson of California, Mr. Dorn, Mr. Grover, Mr. Kee, Mr. Howard, Mr. Miller of Ohio, Mr. Mizell, Mrs. Abzug, Mr. Begich, Mr. Rangel, Mr. Rodino, Mr. Broyhill of Virginia, Mr. Bob Wilson, Mr. Young of Texas, Mr. Whalley, Mr. Anderson of Illinois, Mr. Rosenthal, Mr. Matsunaga, Mr. Quillen, and Mr. Vander Jagt):

H.R. 16261. A bill to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes; to the Committee on Public Works.

By Mr. GRAY (for himself, Mr. Bevill, Mr. Biester, Mr. Blackburn, Mr. Gude, Mr. Riegle, Mr. Wiggins, Mr. Ware, Mr. Badillo, Mr. Danielson, Mr. Roy, Mr. Seiberling, Mr. Conover, and Mr. Fauntroy):

H.R. 16262. A bill to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes; to the Committee on Public Works.

By Mr. HELSTOSKI:

H.R. 16263. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to institute programs designed to reforest and restore the quality of public and private forest lands; to enhance and expend recreational opportunity on such lands; to provide financial incentives to improve management of State and private forest lands; to establish a Federal forest lands management fund; to facilitate public participation in Federal resource management; and to enhance the quality of the environment and the resources of the public lands; to the Committee on Agriculture.

H.R. 16264. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

H.R. 16265. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 16266. A bill to establish rewards for information leading to the conviction of certain kidnapers; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 16267. A bill to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes; to the Committee on Banking and Currency.

H.R. 16268. A bill to provide that emergency unemployment compensation will be payable in a State if its rate of unemployment exceeds the national average rate of unemployment, and to lower the 120-percent requirement for purposes of the extended unemployment compensation program to 110 percent; to the Committee on Ways and Means.

By Mr. STEIGER of Arizona:

H.R. 16269. A bill to facilitate the incorporation of the reclamation townsite of Page, Ariz., Glen Canyon unit, Colorado River storage project, as a municipality under the laws of the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of California:

H.R. 16270. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON:

H.R. 16271. A bill to declare that the United States holds in trust for the Bridgeport Indian Colony certain lands in Mono County, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. BAKER:

H.R. 16272. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for income tax purposes of certain expenses incurred by the taxpayer for the education of a dependent; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 16273. A bill to provide payments to States for public elementary and secondary education and to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 16274. A bill to regulate trade in drugs and devices by prohibiting the dispensing of drugs or devices by medical practitioners and their participation in profits from the dispensing of such products, except under certain circumstances, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 16275. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself, Mr. Conyers, Mr. Ryan, Mr. Mikva, Mr. Drinan, Mr. Railsback, Mr. Biester, Mr. Fish, and Mr. Coughlin):

H.R. 16276. A bill to establish an independent and regionalized Federal Board of Parole, to provide for fair and equitable parole procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 16277. A bill to amend Public Law 90-335 (82 Stat. 174) relating to the purchase, sale, and exchange of certain lands on the Spokane Indian Reservation; to the Committee on Interior and Insular Affairs.

By Mr. FRENZEL:

H.R. 16278. A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing the disclosure of information to Government agencies; to the Committee on Banking and Currency.

By Mrs. HICKS of Massachusetts:

H.R. 16279. A bill to amend title II of the Social Security Act to increase the amount of a widow's or widower's benefit from 82½ to 100 percent of the insured individual's primary insurance amount; to the Committee on Ways and Means.

H.R. 16280. A bill to amend title II of the Social Security Act to provide a 50-percent across-the-board increase in benefits thereunder, with the resulting benefit costs being borne equally by employers, employees, and the Federal Government, and to remove the present limitation on the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits; to the Committee on Ways and Means.

By Mr. JARMAN (for himself, Mr. Dingell, Mr. Adams, Mr. Podell, Mr. Helstoski, Mr. Metcalfe, Mr. Devine, Mr. Harvey, Mr. Kuykendall, and Mr. Thompson of Georgia):

H.R. 16281. A bill to restore and maintain a healthy transportation system, to provide financial assistance, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KEMP:

H.R. 16282. A bill to provide that the determination of a State "off" indicator for purposes of the emergency and extended unemployment compensation benefit programs shall be made on the basis of whether the unemployment rate in each county in that State has fallen below the level prescribed for that State "off" indicator; to the Committee on Ways and Means.

By Mr. KYROS:

H.R. 16283. A bill to amend chapter 81 of subpart G title 5, United States Code, relating to compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

By Mr. McKINNEY:

H.R. 16284. A bill to promote more effective operations and management of the Federal parole system by reorganizing certain functions and creating new organizations, and for other purposes; to the Committee on the Judiciary.

By Mr. MALLARY:

H.R. 16285. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits at least half of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. MIKVA:

H.R. 16286. A bill to amend the act entitled "An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966; to the Committee on Interior and Insular Affairs.

By Mr. MILLS of Maryland:

H.R. 16287. A bill to amend the Commercial Fisheries Research and Devolopment Act of 1964 to establish a comprehensive program of reimbursement with respect to losses sustained by commercial fisheries as a result of natural and environmental disasters, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PEPPER:

H.R. 16288. A bill to amend the Small Business Act, to provide financial assistance for handicapped individuals establishing or operating small business concerns and for other purposes; to the Committee on Banking and Currency.

H.R. 16289. A bill to provide that meetings of Government agencies shall be open to the public, and for other purposes; to the Committee on Government Operations.

H.R. 16290. A bill to amend the Federal Aviation Act of 1958 in order to provide a more effective program to prevent aircraft hijacking, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.R. 16291. A bill to provide for the awarding of a Medal of Honor for Policemen and a Medal of Honor for Firemen; to the Committee on Banking and Currency.

H.R. 16292. A bill to insure international cooperation in the prosecution or extradition to the United States of persons alleged to have committed aircraft piracy against the laws of the United States or international law; to the Committee on Interstate and Foreign Commerce.

H.R. 16293. A bill to permit collective negotiation by professional retail pharmacists with third-party prepaid prescription program administrators and sponsors; to the Committee on the Judiciary.

H.R. 16294. A bill to provide payments to States for public elementary and secondary education and to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. ROGERS:

H.R. 16295. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 16296. A bill to provide for increases in annuities payable from the civil service retirement and disability fund; to the Committee on Post Office and Civil Service.

By Mr. MAHON:

H.J. Res. 1278. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes; to the Committee on Appropriations.

By Mr. ROGERS:

H.J. Res. 1279. Joint resolution to authorize the President to designate the period from September 17, 1972, through September 23, 1972, as "National Bank-Women's Week"; to the Committee on the Judiciary.

By Mr. SCHERLE:

H.J. Res. 1280. Joint resolution authorizing the President to proclaim the fourth Monday in March of each year as "Agriculture Day"; to the Committee on the Judiciary.

By Mr. CELLER:

H. Con. Res. 681. Concurrent resolution to provide for the printing of 1,000 additional hearings entitled "Corrections" parts I through VI; to the Committee on House Administration.

By Mr. PEPPER:

H. Res. 1089. Resolution to provide that meetings of committees of the House of Representatives shall be open to the public; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. HICKS of Massachusetts:

H.R. 16297. A bill for the relief of Maurice H. Haddad; to the Committee on the Judiciary.

H.R. 16298. A bill for the relief of George Francis Hoo; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A DATE TO REMEMBER: FIFTH ANNUAL FAMILY REUNION DAY, SUNDAY, AUGUST 13, 1972

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. MANN. Mr. Speaker, Kiwanis International and Freedoms Foundation at Valley Forge invite all Americans and Canadians to celebrate Family Reunion Day next Sunday, August 13. When these splendid organizations suggest that we celebrate—not just declare—this fifth annual family day, they honor and serve us all, the individual, our nations, all men everywhere.

The essential spirit of Family Reunion Day is different from that of most national events. It urges every family to plan its own activities, perhaps a reunion dinner, picnic, or outing. The day is cited as an occasion for getting family members up to date on addresses, birthdays, other anniversaries, deaths, and significant events. Kiwanis groups, in some cases, use intensive publicity to insure the entire community's awareness of and participation in the occasion. Some Kiwanis clubs will hold special Family Reunion Day celebrations—athletic events and outings, or Kiwanis family meetings at which speakers will be chosen to interest children, or wives. The importance of the spirit of the day, to both the public and the private good can scarcely be overestimated.

This one observance, increasing in importance each year, might well merit on its own the words used opposite the title page of Oren Arnold's book, "The Widening Path, An Interpretive Record of Kiwanis":

> Suddenly we realize that the service clubs are perhaps the most important groupings of men in the world today; the most influential, the most impervious to criticism. If they wish to, they are now strong enough to control the nation. It is comforting to know that they work only for good.

That was true when written. It is true today and, if anything, more important.

Home, the keystone of the nations' strength, and of any society's, once called "the nursery of the infinite," is having a hard time of it everywhere today, assaulted from without, and weakened from within. It appears that we must be reminded of the obvious—the dignity of the home, its goodness and beauty, its absolute primacy in the life of the individual and of the Nation.

> In all areas, the menace of mediocrity is obviously upon us . . . rampant are powers which cheapen life, which lessen the worth of the person . . . we were a most useful people, a happier people when we had each man hitching his wagon to a star. Too long now have we said "Search not the skies for opportunity, lower your head and seek security close at hand." . . . In place of this we (Kiwanians) must have a high goal, to lift the heart and set the soul to dreaming—a goal which will impel us to besiege and batter those forces which would destroy us . . . When man feels himself a cog in a wheel, a number, he shoots his own morals, blasts his own morale . . . we make of ourselves a pygmy people when we content ourselves with less than our best . . . As never before, we in Kiwanis must build the sovereignty, the dignity, the worth, responsibility and accountability of the individual.

Those thoughts, and some below, are taken from the Kiwanis 50th anniversary address by the then president of Kiwanis International, Edward B. Moylan, Miami. Surely they apply to the work of the American home in a day when, after being advised for years that "The family that prays together stays together," some of our public counsellors are also urging us, as I heard just this week, "The family that eats together, stays together." They point up the ever-alert wisdom of Kiwanis, and Freedoms Foundation, which several years ago had some 13,000 programs to promote family prayer at meals, and family church attendance. This year the need is greater, the problems more acute. Fittingly the program is, if possible, even more fundamental, touching the family at home, asking family members to pause, consider themselves and their intra-family relationships, and plan their own celebration there, in the home. Kiwanis has been said to have the most inspiring ideal known, second only to the Christian ideal of which it may be counted a part. Home and family are surely vital to that ideal.

The men who founded Kiwanis in Detroit in 1915 wanted a name more meaningful than the wordy titles in vogue at the time, for a club which they foresaw as a vital local group with a potential top membership of 5,000. The name they discovered is quite as apt now that Kiwanis International, in 39 countries, lists not 5,000 members but more than 5,000 clubs with nearly 300,000 members. The motto derived from the name is quite as appropriate for Family Reunion Sunday, August 13, 1972, as it is for the organization itself. "Kiwanis" is taken from "Nun Kee-wan-nis," a phrase of the Otchipew Indian tribe which, freely translated, is "We enjoy trading, we find joy in sharing our talents." This is the spirit of the name Kiwanis, and of the Kiwanis motto, "We build."

> "To build" is instinctive, intrinsic, and innate . . . building is essential to progress. It is equally essential to preservation. The ancient Noah was intrusted to "build an ark to the saving of his household." That militant, missionary apostle of the early church, Paul, used building as the criterion for judging every social indulgence. He said: "Does building edify? Does it build up?" . . . Because building is so basic to human nature, poets have used this analogy to express all kinds of development.

Here again I quote from Edward Moylan's address. Are all Americans building homes—not houses, homes? A house requires a contractor, and many craftsmen. A home is built by parents, often—of necessity—by one parent. A contemporary child psychologist says:

> One trouble with children is that they all have mothers and fathers, but some of them do not have parents.

If they have real parents working at the most important job on this our earth, children will have real homes, be they the poorest places of only a room or two.

Said Josiah Holland:

> Home in one form or another is the great object of life.

The late J. Edgar Hoover wrote in an article, "What I Would Tell a Son," which appeared some years ago in Family Weekly:

> Above all, I would teach him to tell the truth . . . Truth telling, I have found, is the key to responsible citizenship. The thousands of criminals I have seen in 40 years of law enforcement have had one thing in common: every single one was a liar.

Of parents, we are told many things worth recalling. Said Theodore Hesburgh, college president, of fathers:

> The most important thing a father can do for his children is to love their mother.

On mothers and motherhood, I take particular pleasure in quoting May Roper Coker, of Hartsville, in my own State of South Carolina, who said, on being named Mother of the Year some years ago:

> I never thought that you should be rewarded for the greatest privilege of life.

The American ideal-come-true was once the boy, or girl, who came from a real home, no matter how deprived the neighborhood, to work his or her way to success, fulfillment, happiness, service to others. What happened to that dream? I believe it is still working well. But you do not see it in the headlines often. And many seem to have lost faith in it.

We should all be grateful to Kiwanis International and to Freedoms Foundation at Valley Forge for their creative, farseeing vision and efforts on behalf of the family, and for bringing into focus once again that universal ideal of the home that is a home, however humble—and for reminding us that it is not too late for each of us to hitch his wagon to a star if it has somewhere along the line become disconnected. Their efforts deserve all the support we can possibly give them. I urge you to celebrate Family Reunion Day on Sunday in the way you find best for you. Be sure, too, to listen and watch for the radio and TV announcements of the day to be made by Bob Hope, the 1972 national chairman.

As a member of Kiwanis in my city of Greenville, S.C., I, for one, am proud to salute both of the sponsoring organizations, and to offer them any assistance I can give to this truly noble work.

THE SICK(?) SOCIETY

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. WINN. Mr. Speaker, it was a pleasure for me to read in the August 3, 1972, issue of the Silver City Record, an editorial which pointed to the admirable aspects of American life. Too often, as the author stated, we fail to do this.

While we must not be blind to the many problems confronting our Nation, we should nonetheless proclaim with pride the accomplishments of our people. I know my colleagues will enjoy reading this:

The Sick(?) Society

Gloom purveyors love to call the United States the "sick" society. Because the U.S. fails to measure up to their utopian standards, they claim that revolutionary changes are necessary. Hardly ever do they mention some of the benefits of living in this nation.

We have the highest living standard in the world. Our national income equals that of the next six highest nations combined. While half of the world subsists on $100 per capita income a year, the U.S. enjoys an average of $3600. Even the highly developed West European nations have per capita incomes of only about $1600. Russians, living in an alleged "workers' paradise," average $800 a year.

A mere six percent of the world's population lives in the U.S. Yet, it graduates as many from high school as all the nations in the world combined. We also have more college graduates than the total of all the other nations.

Professional pessimists often cite the number of American poor, some 15 percent of our population. But if 15 percent are poor, 85 percent are not poor. Most countries would be pleased if they had such low poverty figures. Many Americans, however, make a point of always looking at the negative side.

Adherents to the sick society myth believe that the good life cannot be measured in material terms alone. They are correct. The U.S. allows more personal freedom than any other nation. An American can freely travel from New York to Los Angeles. There are no commissars to check papers at state lines, and our high standard of living has given most Americans enough wealth and leisure time to afford the trip.

Under our capitalist system, any citizen can start the enterprise he wants. He has a free market in which to dispose of his product. Besides the freedom to work where he wants, an American can worship where he chooses, travel where he pleases and write what he wants. We have no state regulations against personal freedoms. Perhaps those who call this a sick society are sick.

A BILL TO ALLOW TAX DEDUCTIONS FOR THE EDUCATION OF DEPENDENTS

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. BAKER. Mr. Speaker, I am today introducing legislation to allow a tax deduction of up to $400 a year or $200 a semester for the education of a dependent attending any primary, secondary, or higher educational institution.

Financial crises are plaguing our nonpublic primary and secondary schools and our colleges and universities. Enrollments are climbing and expenses are climbing. The result is all too often an increase in tuition and various fees.

These increasing costs for elementary, secondary, and higher education, along with increasing Federal, State, and local taxes, are making it just about impossible for low- and middle-income families to exercise their right to choose to send a youngster to nonpublic grade and high schools, much less send that youngster on to college.

I remain opposed to any violation of the first amendment and believe we must maintain the separation between Church and state. And, of course, Federal assistance all too often proves to be a double-edged sword.

However, if this is truly the Nation I believe it is—a nation where there is unity without uniformity and diversity without division, then we must find practical means to assist the parents of nonpublic schoolchildren. We must seek and find constitutional ways to protect the rights of parents to freedom of choice in education.

Indeed, improving the quality of education is one of our most important goals. An integral part of this goal, it seems to me, is the survival of nonpublic schools in this land.

This tax deduction proposal will not challenge or destroy the significance of public education. I believe this proposal is equitable, will be workable, will be constitutional, and will fulfill our obligation to those parents who are trying to furnish their children with a good education.

Indeed, we must provide this much needed tax relief to the lower- and middle-income taxpayer who is shouldering the ever-increasing burden of providing for the education of his own children as well as for all the children across the country. And, the economic benefit will improve both public and nonpublic sectors. In our search for new methods of school financing, this type of legislation is necessary and appropriate. And, I am confident this search will continue to receive broad bipartisan support.

RETIREMENT LEGISLATION

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, on July 27, it was my privilege to appear before the Post Office and Civil Service Subcommittee holding hearings on retirement legislation.

In my remarks, I pointed out that the recent increase in social security benefits warrants a review of the benefits paid to annuitants under the Civil Service Retirement System.

On July 12, 1972, the Springfield, Va., Chapter of the National Association of Retired Federal Employees adopted a resolution seeking an increase in annuities to correspond to the social security adjustment.

Mr. Speaker, the social security increase was 20 percent, but the civil service retirees did not ask for a like amount. Rather, they asked for only 15 percent, being willing to accept the 4.8 percent August first cost-of-living increase as a part of the total. In my opinion, there is a very definite need to increase the annuities of low-income civil service retirees. The position of the Springfield Chapter of the National Association of Retired Federal Employees is commendably moderate.

Mr. Speaker, I insert in the Record the resolution in question.

The resolution follows:

Resolution Adopted Unanimously by Springfield Chapter, No. 893

Whereas, the National Association of Retired Federal Employees has for several years sought relief for the hundreds of thousands of retirees and their survivors caught between sharply rising living costs and inadequate annuities, and

Whereas, latest figures available from the U.S. Civil Service Commission show that some 698,000—more than two-thirds of the 900,000 persons involved—are now receiving less than $300 a month, and

Whereas, federal employees have made larger contributions toward their annuities than have those under the Social Security system and also have to pay income taxes on their annuities, while those drawing Social Security benefits do not, now therefore

Be it resolved that Springfield (Va.) Chapter, No. 893, NARFE, hereby calls for a 15% increase in annuities of less than $500 a month (taking into consideration the 4.8% increase effective this month) in accord with the recognition of the economic situation by the Congress evidenced in the 20% across-the-board increase just granted Social Security recipients, and that copies of this request for immediate action be sent to the Virginia Federation of Chapters and the National Officers of NARFE for further action and to Senators Byrd and Spong and Representatives Broyhill and Scott asking for their early and serious consideration of this request.

GEN. "CHAPPIE" JAMES SPEAKS TO YOUNG AMERICANS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. KEMP. Mr. Speaker, coming to Congress as I do from the very competitive world of professional football, I am keenly aware of what it is to develop within our young Americans an attitude of excellence and a commitment to be the best, whatever the circumstances or the handicaps. In many speeches before hundreds of young audiences, I have sought to stress the power of that kind of personal attitude and have attempted to convey the idea that limitations, the severest limitations placed on our performance as individuals, are self-imposed—doubt, fear, and skepticism.

The history of all professions—sports, business, government, whatever—are replete with instances of persons overcoming great handicaps to achieve success. In this era, in this country, one of the most difficult struggles being faced by some of our citizens is the struggle to overcome what should not be, but nevertheless remains, the handicap of race. The 14th amendment and scores of antidiscrimination laws have not eliminated the sad and very real fact that discrimination remains a handicap to success.

To all Americans, and black Americans particularly, I bring to your attention the remarks of Maj. Gen. Daniel James, Jr., USAF. In more eloquent terms than I, "Chappie" James describes the dedication, the perseverance, and the "never give up attitude" which brings success no matter the handicap. This personal attitude has brought to him the position of highest ranking black officer in the U.S. military.

I greatly admire his personal achievements and commend him on his promotion to major general in the USAF. His remarks give hope and encouragement to all Americans, particularly those black Americans who at times find themselves without hope; General James is a case-study in the power of a "never take no attitude."

The article follows:

[From the Wall Street Journal, July 25, 1972]

NOTABLE AND QUOTABLE

Air Force Brig. Gen. Daniel ("Chappie") James, deputy assistant secretary of public affairs, a noted fighter pilot and one of the highest-ranking black military officers, in remarks at the National Association of Secondary School Principals:

My young life was filled with orders, advice and encouragement.

I was told to eliminate one by one all the reasons some bigot might say I was not capable of standing beside him or deserving of equal opportunity. If he says you are dirty, make sure you are clean. If he says you steal, make sure you don't.

If he says you are dumb, make sure you learn. If he says you are scared, make sure you are brave, my son. And if there ever comes a time to fight for your country, don't you run away and hide.

And don't you ever, no matter what the provocation or the invitation, turn your back on your God or your country or that flag.

Remember, they said, you are not African. You are an American and this is your land. Many of those who will suggest you go back to Africa cannot trace their ancestors in this country as far back as you can trace yours.

This is your nation and don't you get so busy practicing your right to dissent that you forget your responsibility to contribute. If she has ills you hold her hand until she is well and then work for constructive change within the system.

Let your own contribution to the problems of your race be a by-product of your achievement in your chosen field. You will prosper in proportion to your contribution to the nation.

Remember that with the heritage of being an American goes the responsibility for developing that heritage and passing it on to your kids in better shape than you got it.

Don't stop to argue with the ignoramus on the street who calls you nigger. You don't have time. Press on. Perform. Perform. Excel. Excel. And when you drive back by in the limousine of success, that ignoramus will still be standing there on the corner wrapped in his hate.

The power of excellence is overwhelming. It is always in demand and nobody cares about its color.

THE DAILY IBERIAN—A NEWSPAPER THAT CARES

HON. PATRICK T. CAFFERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. CAFFERY. Mr. Speaker, at the top of the front page of each day's edition, the Daily Iberian in New Iberia, La., carries the motto, "Good communities are the result of citizens who care." This is a statement with which no man will find quarrel, but I believe it is appropriate to expand upon that by adding that a community's life is enriched and enlivened when it has the benefit of a newspaper that cares.

As a regular reader, I know that the Daily Iberian is a newspaper whose concern and affection for the area it serves is manifest daily in its superb chronicling of events and personalities in New Iberia and the entire Iberia Parish area.

Its publisher, M. A. "Red" Wolcott, long ago won my respect as well as the respect of his other readers and his colleagues, as a journalist of unimpeachable fairness and integrity.

He and his enterprising staff do indeed keep New Iberia apprised of national and international developments, but, more importantly, they have never lost sight of a newspaper's premier obligation to keep its readers abreast of developments and personalities in the immediate area. This is done not only through the Iberian, but also through the weekly Enterprise, which covers activities in Jeanerette, some 15 miles to the east.

The Daily Iberian news columns are objective, its editorial comment always fair and informed. Red Wolcott is not afraid to call things as he views them, but, because he is neither driven by malice nor encumbered by blind ideology, his career holds lessons for other, more heralded members of the journalism profession.

Too rarely, Mr. Speaker, do we stop for a moment to observe and appreciate those institutions in our own communities whose guiding principles are service to the people. The Daily Iberian is one such medium that has met this obligation well and is continuing to do so. Not merely because it is my hometown newspaper, I am proud to commend its achievements to the Members of this body.

TRIBUTE TO NICHOLAS COPERNICUS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. EILBERG. Mr. Speaker, February 14, 1973, marks the beginning of the 500th anniversary celebration of the birth of Nicholas Copernicus, the great Polish scientist and father of modern astronomy. The Copernican revolution, which placed the sun—rather than the earth—at the center of the then-known universe, provided the basic foundations for development of the knowledge that has finally enabled man to break the bonds which held him to this little spaceship, earth, and unravel the mysteries of the universe. Thus, in acknowledgment of the debt that we owe to Copernicus, and as a fitting tribute to him, the National Aeronautics and Space Administration has named the astronomical satellite which it will launch from Cape Kennedy this month in his honor.

The Copernicus satellite will orbit for 1 year, collecting scientific data on ultraviolet and X-ray emissions which hold vital clues to the composition, density, and nature of the celestial bodies from which they originate. It will carry experiments designed by University College, London, as well as Princeton University, and the data collected will be shared by Polish and other scientists throughout the world, in an international exchange of good will and technical information.

Americans of Polish descent can take great pride in the Copernican heritage that laid the foundation for the science and technology of today. In the 500 years since Copernicus was born, man has taken many strides toward discovering the secrets of the universe, but it was Copernicus who pointed the way. Furthermore, he made and published his discoveries in an age when knowledge was bound by rigid dogma, and thus he symbolizes for us the Polish heritage of dedication to individual liberty and intellectual freedom. It was that same dedication to freedom that drew Pulaski and Kosciusko to America to join our fight for independence.

Thus, I am pleased and honored to join my colleagues in paying tribute to Nicholas Copernicus, one of the greatest scientists and humanists of all times, and in hailing the U.S. contribution in honor of the worldwide celebration of the 500th year aniversary of his birth.

A PROFESSIONAL VIEW OF DES

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. SCHERLE. Mr. Speaker, the debate over DES, the hormone used to induce faster growth in cattle, has aroused much heated controversy. Some of it is informed and based on scientific evidence; much of it unfortunately relies on distortion and scare tactics to marshal the weight of public opinion against this important economic aid to the beef industry and the consumer. When the smoke of battle clears—which may not be for months—those who advocate and those who oppose the ban recently imposed by the Food and Drug Administration on DES in cattle feed will still have to deal with the facts.

The cattle raisers' defense of DES deserves an open-minded hearing, and there could be no better forum for reasonable deliberations on this issue than the proceedings of this body. On Friday, August 11, the Beef Business Bulletin, a responsible spokesman for the industry, will publish the following editorial. It contains a concise and sensible summation of the principal arguments against a blanket ban on DES and for a rational reform of the law requiring it. This article should be read by anyone who wishes to understand the professional's view of the current controversy over DES.

EDITORIAL FROM BEEF BUSINESS BULLETIN

The beef cattle industry is deeply disappointed with the decision of the Food and Drug Administration to ban the use of DES in cattle feeds effective January 1, 1973. This move is particularly hard to take because only two weeks ago authoritative representatives of FDA and others told the Senate Health Subcommittee there was no solid evidence that residues of any estrogen, such as DES in beef livers, is even remotely related to cancer in humans.

This FDA action is but another in the series deriving from the inflexible, although well-intended, requirements imposed by the Delaney Clause of the Food, Drug, and Cosmetic Act. This much-misunderstood clause defies reality and prevents the exercise of sound scientific judgment. It is dangerous because it demands black-or-white judgments which, as any competent scientist will affirm, simply cannot be made on the basis of the best available present knowledge.

Some "consumer advocates" have, of course, claimed that the Delaney Clause is a "model consumer protection law" in that, once a substance is shown to be carcinogenic in laboratory animals, that substance is forbidden; no further scientific inquiry is necessary because Congress has decreed a ban. There is a prevalent view among scientists, however, that there are no-effect levels of all biologically active materials, and that these levels should be considered in arriving at safety determinations.

The Delaney Clause was nobly intended to eliminate any possibility of substances used in foods, cosmetics, or animal feed additives triggering human cancer. But with ultrasensitive assay techniques already available, not to mention those on the drawing boards, residues are certain to be found where once we could find no trace of the suspect chemical. As these techniques are refined, minute traces of "carcinogens" will be found virtually everywhere we look, bearing not the slightest relationship to the public health or safety. We all should remember that FDA has acknowledged publicly that the residue levels of DES found in beef livers, when they are found at all, are infinitesimal, comparable to two seconds in 32 years.

All of this underscores the need for additional data on no-effect levels, dose-response relationships, and benefit-risk ratios which can be used as a basis for bringing the outdated Delaney Clause into line with modern scientific judgment. Even the toughest of the truly qualified public health guardians agree that this short-sighted law is overue for modification. Until it is altered, the use of all animal drugs and other agricultural chemicals will be in jeopardy, subjected to irrational attack and possible cancellation of use in utterly unjustified situations.

A BILL TO PROVIDE FOR A 20-PERCENT INCREASE IN ANNUITIES PROVIDED UNDER THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. WALDIE. Mr. Speaker, the Subcommittee on Retirement, Insurance, and Health Benefits met on July 27 to consider legislation that is urgently needed by a most important segment of our population—those retired Americans who dedicated their lives to the service of their Nation.

These Federal retirees, their dependents and their survivors, basically rely upon the annuity they receive each month from the Federal Government.

In too many cases that annuity is cruelly small.

Last year the subcommittee held a day of hearings on the problems confronting the Federal annuitant. That session was notable in that we of the subcommittee came away with the feeling that the basic structure of the Federal retirement system was sound, but needed some review.

Later, the subcommittee adopted one of the main proposals brought forth at the earlier hearing and amended the bill to increase the Government's contribution of employee health insurance to allow retirees who left the Government service prior to 1960 a chance to join the Federal program.

We met with the intention of hearing the various proposals to increase Federal annuities to keep pace with inflation and the cost of living—especially for those Federal annuitants whose income is very low.

The subcommittee heard testimony from representatives of the Civil Service Commission and public witnesses on the merits of such bills as H.R. 7805 which provides for a graduated increase in Federal annuities so that the lower-income group gains the greatest benefits.

We also heard testimony regarding H.R. 15973 and H.R. 15974 which also provide specific assistance to those lowest on the income scale.

During that hearing, Mr. Speaker, some very informative testimony was presented by several Federal employee unions and associations. In particular, the testimony of Mr. Thomas G. Walters, president of the National Association of Retired Federal Employees, was of extreme value in spotlighting many of the financial problems facing the Federal retiree today. I include Mr. Walters' very excellent statement at that hearing in the RECORD at this point:

STATEMENT BY THOMAS G. WALTERS, PRESIDENT, NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES BEFORE THE SUBCOMMITTEE ON RETIREMENT INSURANCE AND HEALTH BENEFITS, COMMITTEE ON POST OFFICE AND CIVIL SERVICE ON LEGISLATION TO INCREASE CIVIL SERVICE ANNUITIES AND ESTABLISH A MINIMUM ANNUITY AMOUNT, JULY 27, 1972

Mr. Chairman and Members of this Subcommittee, I am Thomas G. Walters, President of the National Association of Retired Federal Employees (NARFE). This is our Association's 51st year of incorporation, and today we have a membership of some 160,000 Federal retirees and survivors, organized into some 1100 chapters throughout the fifty states, Puerto Rico, the Canal Zone and the Philippines.

Mr. Chairman and Subcommittee members, I am appearing here today, on behalf of NARFE's entire membership, to urge this Subcommittee and the full Committee on Post Office and Civil Service to act early and favorably on pending legislation to provide an increase in Civil Service annuities, and to establish a minimum annuity for all retirees of the Federal Government and their survivors. I cannot emphasize strongly enough the desperate need for immediate action on such legislation.

The Senate Special Committee on Aging, the 1971 White House Conference on Aging, and various other groups concerned with the aged and aging, have identified the Number One problem facing this country's retirees as "inadequate income". I know for a fact, from personal conversations and thousands of letters from our members, that "inadequate income" is certainly the major problem of most Federal retirees. This need for an annuity increase was, in fact, voted by the delegates at our 1970 National Convention as the "paramount" legislative aim in the 92nd Congress. So far in this Congress, more than twenty separate bills have been introduced by our friends in Congress to increase Civil Service annuities, on the basis of granting the highest percentage increase to those with the present lowest annuities. Many of these bills have been introduced by members of the Post Office and Civil Service Committee, such as your bill, H.R. 7805, Mr. Chairman, which was co-sponsored by Mr. Hogan of this Subcommittee. We are deeply appreciative to each Member who has sponsored this legislation, but our problem now is to get a good measure out of this Committee and onto the floor of the House for a vote, so that we can get a measure on its way to the White House before the end of this 92nd Congress. In my opinion, we are today working on an emergency measure.

There has long been a dire need for this legislation, and the lack of a substantial increase in the past, has caused the financial situation of many retirees to continually worsen. However, I feel that the 20 percent increase recently enacted for Social Security recipients, has changed the status of the annuity increase from one of dire need to emergency.

Though much publicity is often given to the effect that Federal retirees receive good retirement benefits and are riding on a bandwagon in comparison to other retirees, statistics prove this is not the case. You must keep in mind, Mr. Chairman, that many of these annuitants retired a number of years ago when salaries were much lower and the retirement computation formula much less liberal than it is today. The annuities these retirees receive from a career of Federal service is simply not enough to provide them with adequate living incomes in today's economy.

The latest available statistics show that some 266,000 retirees and survivors receive less than $100 per month; more than 496,000 receive less than $200 per month; and about 700,000 receive less than $300 per month. These are from a total of approximately 960,000 survivors and annuitants on the Civil Service Retirement rolls. In quoting such statistics in the past, we have often been confronted with the argument that the majority of these low income annuitants were "short term" Federal workers, who actually only worked a few years of their careers in the Government service, and thus would not be entitled to a large annuity.

We have never agreed that this theory was fully correct, and about a year ago we polled our members to see just what the story was. We asked that our members notify us if they had more than 15 years of service and received a monthly annuity of less than $350 per month. The staff of this Committee has already seen the volume of mail we received on this subject, and the Committee was earlier told of many of the individual cases involved. I think it is worth pointing out, however, that in the category of persons having more than 40 years of service, there were cases reported of incomes under $300 per month. This, Mr. Chairman, I believe points out the inequity of forcing thousands of career Federal employees to live their retirement years on incomes which do not correspond to today's living costs.

Although Federal retirees do receive periodic cost-of-living increases, these increases have no equalizing value in helping low income annuitants meet day to day living costs, as a 4 percent increase on a $100 per month annuity provides no substantial gain in buying power. What we need is a substantial increase, especially in these low annuities, so that future cost-of-living increases will have a more realistic base, thereby providing the financial relief intended. As one of our low-income annuitants recently put it, they are forced to buy food at "caviar prices" on "salt pork" pensions. I don't know anyone, Mr. Chairman, who does not wish he had more money, but legislation to increase annuities is not just fulfilling a whimsical desire of retirees for additional money for "extras", it is fulfilling a case of *real need* to meet necessary costs for survival.

Effective September 1, Social Security recipients will have their monthly pensions increased by 20 percent. I certainly do not begrudge them this increase, for I know it was needed and deserved. On the other hand, I firmly believe, as I know you do Mr. Chairman, that the need for such an increase is just as great and equally as deserved by retirees of our own Government. Since 1960, Social Security benefits have increased 65 percent. During the same period of time, Civil Service annuities have increased by 42.7 percent, a difference of 22.3 percent less than Social Security.

Social Security has an established income floor, which under the new law is $84.50 per month. I believe and firmly recommend that a minimum annuity level should exist for Civil Service annuitants in like manner to Social Security. I urge this Committee to favorably recommend passage of legislation such as H.R. 2187 by Mr. O'Konski and H.R. 4441 by Mr. Schwengel, establishing a monthly minimum annuity of $100 per month for a single person and $200 per month for a couple. Certainly, no Civil Service annuitant should receive less than the minimum granted Social Security recipients, and I do not believe anyone could, in good conscience, vote against such a measure. Any measure adopted along this line should provide that minimum Civil Service annuities never fall below the minimum benefit of Social Security.

Another point in comparison with Social Security, which I should like to call to your attention for action is the percentage of survivor benefits. Most Civil Service survivors receive 55 percent of their spouses' annuities, while Social Security survivors presently receive 82½ percent of the retirees' benefits, and H.R. 1, now pending Senate action would increase this to 100 percent. In our opinion, Civil Service survivors should be accorded equal annuities to those received by their retiree spouses.

I realize as well as anyone, Mr. Chairman, that there is a cost factor involved here, but there is also the factor of human survival and dignity involved. These retirees and survivors are not asking for, and do not want, mere welfare handouts, but they did spend their working years in the service of the Federal Government—years ago when salaries were much lower and the working hours much longer. The sincere dedication and patriotism of the vast majority of these annuitants cannot be questioned, and they certainly should be able to spend their late years free from poverty. It is my opinion that these annuitants and survivors who are suffering the most financially had the least to do with today's inflation. In our rapidly changing society, it simply cannot be argued that these Senior Citizens are receiving what they were promised when they went to work for the Federal Government. When I went to work for the Government they told me that after so many years of service I would be able to retire on $100 per month, which I thought would be a wonderful retirement income. I thank my lucky stars every day, that I don't have to exist on such a pitiful sum today, but there are thousands of retirees who are not so fortunate, and do have to eke out an existence on this type of income. It is on their behalf that I am pleading for a substantial annuity increase.

At this point, Chairman Waldie, I should like to go on record as being one hundred percent in favor of two bills you introduced last week to assist these low-income annuitants. H. R. 15973, would provide a monthly annuity for all retirees and survivors of $84.50 per month, the same income floor which is now granted Social Security beneficiaries, providing that any increase in the Social Security minimum would automatically trigger a like increase in the Civil Service annuity floor. This bill would apply to more than 145,000 annuitants and survivors, who are presently receiving less than $84.50 per month. Certainly no one can object to this measure for it only corrects a situation which is now putting Civil Service annuitants in an inequitable financial position with Social Security recipients.

The second bill which I am endorsing is H. R. 15974, which would provide a $20 per month increase to most annuitants below the $200 per month level, by granting a flat $20 per month increase to those now receiving less than $181 per month, and a proportionately lower increase for those in the $181 to $199 per month bracket, whatever figure would be necessary to bring them to a level of $200 per month. It cannot be denied that any one receiving less than $200 per month is in dire need of financial assistance, and though it is rather frightening to know, it is a fact that some 448,000 retirees and survivors today receive less than $200 per month and would thus benefit from the provisions of H. R. 15974. I urge this Subcommittee and the full Committee to promptly give these two bills a favorable report.

I would hope, Mr. Chairman, that after these hearings have been concluded, the Subcommittee and its staff could come forth with a clean bill which would incorporate the provisions of H.R. 15973 and H.R. 15974, along with provision for an equitable graduated scale increase in annuities of more than $200 per month, with the greatest increase being in the lower annuities and graduating to a smaller percentage increase in the present higher annuities. This could be accomplished along the lines of H. R. 7805.

I cannot stress strongly enough to this Subcommittee and the entire Congress the real and basic need of today's elderly retirees for a substantial increase in all annuities. NARFE will cooperate in any way, Mr. Chairman, to see equitable legislation enacted to provide these former Government employees financial relief. The need is there and the time for action is NOW!

There is no question but what our paramount aim is to secure an increase for all annuitants, but there are several other matters I would like to call to this Subcommittee's attention for early consideration. Of major concern to thousands of our members is the fact that a retiree is forced to take a percentage reduction in his annuity to provide survivor benefits, but if predeceased by the designated survivor, this reduction is still withheld and a new survivor cannot be named, unless the retiree remarries and a second spouse is available to receive the survivor benefits.

Though the provisions of the Second Spouse Act, allowing the naming of a second wife or husband as beneficiary, has benefitted thousands of survivors and potential survivors, it remains that many retirees do not remarry after the death of the designated survivor. That these annuitants should have to continue to pay a reduction for a benefit which will never be derived is, to my way of thinking, a gross inequity in the retirement law, and one which deserves immediate attention and correction by the Congress. Pending bills, such as H.R. 3617, H.R. 7805 and others, would correct this inequity. I trust that due consideration will be afforded this legislative need.

I should also like to point out a situation which has caused undue hardship to many survivors and will continue to do so until corrected. There were some retirees who did not elect a survivor annuity at the time of retirement because they did not feel they could exist on the annuities they would receive after the survivor reduction. Most of these persons are the older retirees who retired years ago when annuities were much lower and the percentage reduction for survivor benefits much larger than today's. I would like to suggest that this situation could be corrected equitably by giving them a second opportunity to designate a survivor, provided they make this election within a given period of time, such as January through December 1973, or such a time period.

I should also like to recommend that two limitation dates in the present Civil Service Retirement Laws be eliminated, so that we eliminate discriminating between various survivors because of the date they remarried, or the date they lost their spouses. The first date I should like to see eliminated from the law is July 18, 1966, contained in Sec. 205 of P.L. 91–93. Survivor annuitants who remarried after that date are allowed to continue their survivor annuities, but those who remarried before that date are penalized by the loss of their survivor annuity. I believe this is nothing more than plain and simple discrimination, and deserves to be corrected.

The second date which I should like to see eliminated is the January 8, 1971 date in the Second Spouse Law, P.L. 91–658. In order for a second spouse to receive survivor benefits under this law, the annuitant had to be living on the date of the bills enactment, namely January 8, 1971. Therefore, many second spouses whose retiree husbands had died before that date were left without any survivor benefits, despite the fact that their husbands had been paying the survivor reduction for years before their deaths. The date of the husband's death does not change a survivor's need for retirement income, but these second spouse widows, whose husbands died before the Second Spouse Law was enacted, are now left without any annuity benefits. To my way of thinking, this limiting date should be eliminated from P.L. 91-658.

Mr. Chairman, I have on numerous occasions urged Congress to give equal tax treatment to Civil Service annuitants, who are presently taxed on their entire annuity income, while Social Security and Railroad Retirement benefits are exempt from Federal Income Tax. I know that this Subcommittee can not legislate on this particular issue, but I do urge the Members here today to use their influence with Members of the House Ways and Means Committee, urging them to give this correcting legislation due consideration. It is impossible for any of us to understand why our Government pensions are taxed by the Federal Government and others are not. We only ask for a fair hearing on this subject and consideration of our plight.

Mr. Chairman, the items which I have covered here today are some of the most glaring inequities in the Civil Service Retirement Law, which our Association believes should be corrected by the 92nd Congress. I am sure you realize that because of age, thousands of annuitants and survivors who are alive today, will not be here next year, so the need for correcting measures in retiree legislation are needed today, as tomorrow may be too late.

I thank this Committee for the beneficial legislation you have advocated and had enacted for us in the past, and I am hopeful that when the 92nd Congress is adjourned, there will be other laws to assist retirees on the statute books, especially a good law to increase Civil Service annuities, for this is certainly our foremost need at the present. I should be happy to work with Members of this Committee and your staff, in an attempt to work out equitable, just legislation which will benefit retirees and their survivors.

This hearing today has special meaning to me, as it is to advocate the enactment of annuity increase legislation for which we have worked so long; but it is also a rather nostalgic time for me, because after 34 years on Capitol Hill, working for better living and working conditions for Federal employees and retirees, this is probably my last official appearance before a Congressional Committee. I am pleased that this last hearing was before the Post Office and Civil Service Committee, because it is here that I have spent the most time testifying and receiving counsel from past and present Committee Members. There is no question but what working and financial conditions of Government employees and retirees have greatly improved over the past 34 years, and I like to think that I was somewhat instrumental in having some of these improvements brought about. My greatest hope, however, is for the future, and I hope to see the day when all annuitants and survivors can live their retirement years free from undue financial hardship. The legislation discussed here today would go a long way in making this hope a reality.

I thank all of you for the courteous treatment, words of wisdom and friendship which have been extended to me over the past 34 years. I shall always be personally thankful for the opportunities and experiences which have been mine in working with you and the members of your efficient staffs.

Mr. Chairman, I shall be pleased to attempt to answer any questions you or other Members of the Subcommittee may have.

I am hopeful that, as a result of that hearing, the Subcommittee will be able to meet and present a fair and equitable bill that will give Federal retirees an even break.

The Congress has not granted an actual increase in Federal annuities since 1961, although cost of living increases have been given. However, even those cost of living increases have not really benefited the lower income retiree.

In approving the recent 20 percent increase in Social Security benefits, the President pointed the direction for Congress to act on behalf of the Federal annuitant.

In view of the President's action I am introducing a bill today to mandate similar action for civil service annuitants. Mr. Speaker, I believe that the same factors that justified the 20-percent increase in social security benefits apply to those Americans who dedicated their careers to serving the public and their government. It would be an outrage to exclude those persons from a deserved increase in benefits which is vitally necessary to meet the increased demands of our inflationary economy.

I expect favorable congressional action on this legislation Mr. Speaker, and I am hopeful of administration approval as well.

INDIANA DUNES PARK: A LEGACY OF LETHARGY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. MIKVA. Mr. Speaker, I am pleased to join with my colleagues in the House and the Senate in introducing legislation providing for a $4.6 million increase in the authorization for development of the Indiana Dunes National Lakeshore.

After years of hard work by Senator Paul Douglas, Congress in 1966 authorized the development of the Nation's first major urban national park. Eight years later we are still hearing excuses from the National Park Service why the park has not been developed. After spending nearly $28 million to purchase 50 miles of shoreline between Chicago and Michigan City, the public has only limited use of the park. Six years after creation of the park, there are still no lifeguards, no restrooms, and no tours of the historic dunes.

In fiscal year 1972, the National Park Service did not budget a single dollar for development of the Indiana Dunes National Lakeshore.

Under the 5-year plan established by the Department of the Interior, $2.5 million was to be spent in fiscal year 1973 to build roads, parking, trails, picnic sites, and other facilities at the Dunes park. But when Congress received the budget request of the Park Service, it contained only $1.2 million for this purpose. Fortunately the House Appropriations Committee responded to the pleas of Congressmen from the Great Lakes area, and increased the funds for development to $2.3 million.

So far the administration's legacy of parks looks more like a legacy of lethargy.

In an effort to keep prodding, those of us who are interested in seeing the Indiana Dunes National Lakeshore become a reality for the millions of residents in the Illinois-Indiana area met with Mr. George Hartzog, Director of the National Park Service, to discuss three problem areas. First, we were concerned about the serious erosion of the natural dunes aggravated by the construction of a breakwater near Michigan City. Second, we sought a commitment for prompt official dedication of the new park. And third, we asked the administration to support legislation I have cosponsored to expand the park's borders to include areas omitted by the original authorizing legislation.

Mr. Hartzog was pessimistic about the likelihood of obtaining funds to protect the dunes from erosion. He further doubted that the administration would support expansion of the park. And on the third point, he said he hoped that formal dedication could take place next year.

The one positive note to emerge from the meeting was Mr. Hartzog's promise that the Park Service would support legislation increasing the authorization for funds to develop the park, so that development work could proceed more quickly. I am pleased to join with the junior Senator from Illinois, Senator STEVENSON, in introducing legislation to accomplish that purpose.

In addition, I am pleased to note that our prodding has paid off and that formal dedication of the park has now been scheduled for September 8.

I am hopeful that after 6 years of lethargy and bureaucratic delay, we are finally on the way to developing the Indiana Dunes National Lakeshore to its full potential.

TRIBUTE TO MR. HOMER PHILLIPS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. HUNGATE. Mr. Speaker, our governmental system works because of the untiring and unselfish efforts of loyal and dedicated men and women in each of our political parties. Such a Democratic leader was Mr. Homer Phillips of Macon, Mo., who died August 7, 1972.

He was a county official for 16 years, and a party leader all his life.

He will be sorely missed by his own community, Missouri, and the Nation. Some details of his career are set forth in the following article in the Macon Chronicle-Herald:

MR. HOMER PHILLIPS

Mr. Phillips was born May 25, 1912, at Aullsville, the son of S. P. and Gabriella Harrison Phillips. He was married June 20, 1936 at Macon to Margaret Ayers, who survives.

Besides his wife of the home, Mr. Phillips is survived by: two sons, Larry of Edina and Scott of Macon; one sister, Mrs. Aileen Purdy of Washington, Mo.; and five grandchildren.

He had been preceded in death by his parents and a twin sister, Hazel, who died at birth.

Mr. Phillips owned and operated the Phillips Insurance Agency in Macon for some 15 years and also operated his farm southwest of Macon.

He served as Macon County Assessor from 1952 through 1968 and received the Distinguished Merit Award from Gov. John M. Dalton as one of five outstanding county assessors of the State of Missouri. He was twice appointed as one of Gov. Warren Hearnes' Honorary Colonels.

Mr. Phillips served as chairman of the Macon County Democratic Committee for many years and was treasurer of the 9th Congressional District Democratic Committee. He was Hudson Township Special Road District Commissioner for a number of years.

Mr. Phillips was a member of the First Baptist Church here and of the Macon County Historical Society.

RESULTS OF PUBLIC OPINION POLL OF OHIO'S 17TH DISTRICT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. ASHBROOK. Mr. Speaker, we have just completed tabulation of my 12th annual opinion poll of the residents of the 17th Congressional District of Ohio. I am indebted to my constituents for always making this survey such a success. The response was excellent and the sincere concern of many persons was again expressed by the hundreds of personal notes, letters, and marginal memos.

The questionnaire prompts many people who might not otherwise write to give me the benefit of their views on a wide range of subjects. From my standpoint, the additional letters are as valuable as the results of the questionnaire itself.

The opinion poll was sent to every registered voter in the district, or in the case of nonregistration counties to those who voted in the last election. The difference of opinion expressed on many of the questions reflects the fact that all political persuasions were represented.

Although opinion was fairly well divided on a number of questions, we found decisive unanimity of sentiment on several controversial issues. It is clear, for example, that feeling runs high against U.S. involvement in the internal problems of foreign countries. Four-fifths of those responsing voted against a policy of providing arms, military advisers, troops or funds to assist foreign governments in putting down internal rebellions.

Another overwhelming "no" was recorded on the question of whether the Federal Government should legalize possession and use of marihuana in the home. More than 81 percent are against such legalization. Yet there is fairly strong sentiment in favor of reducing the severity of existing penalties for possession and use of marihuana for the first offense. Approximately 44 percent of those replying would approve of a lesser penalty, such as automatic probation, for first-time offenders.

Opposition to continuing to underwrite more than one-third of the costs of the United Nations was clearly indicated by the citizens of the 17th District. Nearly 79 percent favored reducing our contribution to a proportionate share based on our vote.

We also found strong opposition to granting unconditional amnesty—either now or after the fighting in Vietnam ends—to draft evaders and deserters. More than 90 percent believe amnesty should not be granted at all or that it should be conditioned on some alternate service. The breakdown was 51.4 percent totally opposed to amnesty, 35.4 favoring conditional amnesty, 5.2 percent supporting unconditional amnesty now and 3 percent after the war is over.

The question of how to end the Vietnam war and secure the release of our prisoners is still of great concern to us all and the frustration and disillusionment is evident. Slightly more than half of those responding would agree to withdrawing our support from the South Vietnamese Government if this demand were the only way to terminate the war and get our prisoners back.

Numbered among the "split decisions" was the preferred course of action the United States should pursue if the North Korean Communists were to invade South Korea again, whether the United States should establish diplomatic relations with Cuba, and whether we should expand trade relations with Communist China and the U.S.S.R.

Interestingly enough, percentages may not always tell the full story. One person voting in favor of expanding trade with Communist Russia added "Send them Bibles."

I again tried to cover a broad range of domestic and foreign policy questions in this poll and to word the questions in a fair and impartial manner. As I have often said before, representing the people of the 17th District in the Congress is a two-way street. Having the benefit of their views on the issues covered by this opinion poll, as well as thousands of comments on a variety of other topics, works to our mutual advantage.

The results of the opinion poll follow:

1972 PUBLIC OPINION POLL OF 17TH OHIO DISTRICT

	Percent	Yes	No	No opinion
1. The United States has approximately 50,000 troops stationed in South Korea. If the North Korean Communists again invade South Korea as they did in 1950, based on our Vietnam experience, which of the following would more closely approximate your opinion as to our response. (Check only one.)				
(a) Withdraw the troops and do not become involved	25.8			
(b) Withdraw the troops but give tactical support to the South Koreans	20.4			
(c) Dispatch more troops to South Korea to fight the invaders but fight to win	22.7			
(d) Use massive retaliatory air and sea striking power against the invaders but do not commit ground troops	29.1			2.0
2. The prisoners of war issue is the main stumbling block in terminating our military role in South Vietnam. If the Communists do not yield and the last issue to be resolved is their demand that we withdraw our support from the South Vietnamese government, would you agree to this demand to terminate the war and get our prisoners back?		54.6	38	7.4
3. Which assessment of the President's trip to Communist China most closely parallels your thinking? (Check only one):				
(a) It has helped relieve world tensions and will benefit the United States	42.5			
(b) In general it seems that we made most of the concessions and the Red Chinese made few if any	23.2			
(c) The United States gave away more than it got and undermined the future security of Taiwan	26.7			7.6
4. As a general policy, do you believe the United States should provide arms, military advisers, troops, or funds to assist foreign governments to put down internal rebellions in foreign countries?		11.6	80.9	7.5
5. Do you favor the United States establishing diplomatic relations with:				
(a) Communist China		51.9	41.0	7.1
(b) Cuba		40.5	50.1	9.4
6. Do you favor expanding trade relations with:				
(a) Communist China?		45.1	47.7	7.2
(b) Soviet Russia?		42.9	46.7	10.4
7. Total yearly costs of the United Nations run more than $1,000,000,000 of which we pay about 36 percent. Should we reduce our contribution to a proportionate share based on our vote?	77.8	8.8	13.4	
8. A Presidential blue ribbon defense panel reports that the Soviet Union is achieving military superiority over the United States Should we (Check one):				
(a) Maintain at least military equality with Russia?	47.7			
(b) Seek clear-cut military superiority over Russia?	32.1			
(c) Place reliance on negotiated agreements rather than military superiority?	20.6			0
9. Which approach most closely approximates your opinion regarding the question of amnesty for draft evaders and deserters? (Check one)				
(a) Unconditional amnesty now	5.2			
(b) Unconditional amnesty after the fighting in Vietnam ends	3			
(c) Amnesty conditioned on some alternate service such as 2 years in peace corps, VISTA, etc.	35.4			
(d) Amnesty should not be granted	51.4			5
10. Do you favor no-fault auto accident insurance whereby insurance companies would compensate policyholders regardless of who is at fault?		59.6	30.5	9.9
11. Do you believe the Federal Government should legalize possession and use of marihuana in the home?		13.3	81.5	5.2
12. Would you favor reducing the severity of existing penalties for possession and use of marihuana such as automatic probation for 1st offense?		44.2	53.5	2.3
13. Do you favor a constitutional amendment to limit the President to one 6-year term?		26.0	68.4	5.6
14. Should Federal and public employees have the right to strike?		34.1	58.3	7.6
15. Do you favor a national health insurance program to cover catastrophic or prolonged illnesses?		54.6	36.6	8.8
16. At present, 5.2 percent of your paycheck up to $9,000 is deducted for social security. The employer pays an equal amount. To finance increased benefits, would you be willing to have deductions:				
(a) Increase up to 7 percent	23.6			
(b) Increase up to 10 percent	5.2			
(c) No change	61.4			9.8
17. If you had to rank the major causes of inflation today, in what order would they be? (Please rate 1, 2, 3, etc.)				
(a) Excessive price increases (3).				
(b) Excessive wage demands (2).				
(c) Excessive business profits (4)				
(d) Excessive government spending and deficits (1).				
(e) Balance of trade deficits (5)				
(f) Other (6)				

AS ENERGY CRISIS GROWS BROADER

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. BOGGS. Mr. Speaker, for some time now we have been hearing about an impending "energy crisis." It is now painfully apparent that the energy crisis is upon us and not likely to improve or pass away easily.

A shortage of energy is a new and disturbing phenomenon for Americans. Our country has never faced a shortage of energy, the ultimate raw material of production. Now that the demand for energy is outdistancing supply, we are increasingly subjected to brownouts and blackouts, and shortages of natural gas and heating fuels.

The time may not be far off when Americans will find that the light switch is occasionally dead or that the corner filling station is periodically without gasoline.

To correct this situation will require imaginative and innovative policies designed to stimulate the production of clean, inexpensive energy.

The energy crisis was the subject of a timely and perceptive editorial which recently appeared in the Times-Picayune of New Orleans:

AS ENERGY CRISIS GROWS BROADER

Talk about the nation's energy shortage remains to some persons just that—"talk." But not to those who, in other areas, have already experienced brownouts.

Later on this summer, some motorists are going to pull into service stations and find that "fill 'er up" won't fill 'er up. Gasoline shortages are due in some places, says Hollis M. Dole, assistant secretary of the interior.

Declaring there will be "trouble, trouble, trouble" across the whole energy field, he asserts, "There are unmistakable signs that even gasoline, which most people take for granted just as much as the air they breathe, may become in tight supply in certain sections of the country by late summer."

Rising demand for gasoline has brought four price boosts in recent months, he reports. East of the Rockies, consumption has increased 6 per cent; west of the Rockies, 10 per cent.

Appearing before a subcommittee of the House Public Works Committee, he urged concentration on finding oil and gas resources on the Atlantic coastal plain. He cited an estimate that the area's reserves might be as high as 19 billion barrels of oil and 46 trillion cubic feet of gas.

Another manifestation of the energy crisis cropped up this week at Pascagoula with announcement that a $250 million refinery may be built to transform crude oil into synthetic natural gas and fuel oil.

Pennzoil Co., through its United Gas Pipe Line Co., would base its operation on foreign crude. The synthetic natural gas would go into the United Gas interstate system.

The Oil and Gas Journal estimates that synthetic natural gas plants projected, planned or under construction could produce 4.1 billion cubic feet a day. As in other areas of the energy problem, a chief question is government's position on pricing.

The energy crisis will bear down on the consumer in terms of scarcity and rising costs. To spare him as much pain as possible calls for a fine-tuned coordination of governmental authority and private initiative.

COLORADO SECOND DISTRICT 1972 OPINION POLL RESULTS

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. BROTZMAN. Mr. Speaker, I am today making public the results of the annual Colorado Second District opinion poll, and as is my custom I insert the gleanings of this questionnaire in today's edition of the CONGRESSIONAL RECORD.

As is usually the case, this poll elicited an extremely high response, with more than 35,000 residents of the second district taking part. Those colleagues who have conducted similar polls will recognize the fact that the participation is perhaps the greatest of any project of this type in the United States.

I should explain, Mr. Speaker, that one of the reasons for this fine participation is the fact that I utilize a brief questionnaire on which respondents can register their opinions, in a very few minutes, simply by punching out small squares in "yes," "no," or "undecided" columns.

One bonus of this format is the fact that the questionnaires can be tabulated, rapidly and completely, by modern, computerized business equipment. Thus, the information I am about to present constitutes a completely current sampling of the attitudes and opinions of my constituents.

And because, historically, the residents of my district have accurately represented the attitudes of the citizens of this Nation as a whole, I think this data might well be studied with particular care.

Among the highlights of the sampling were the following:

A huge majority—81 percent—approved of further increased scientific and trade contacts with the Soviet Union. This certainly is a resounding vote of confidence for this Nation's current policy of rapprochement with the largest of the Communist bloc nations.

By a margin of 50.2 to 40.1 my constituents indicated support of the current U.S. strategy in Southeast Asia. The balance were undecided or listed no opinion.

And on the question of whether the current economic policies of the U.S. are working, 52.7 percent indicated that they do not believe so. However, this question also drew the largest "undecided" response of the poll, an unusually-high 21.6 percent.

Finally, I would like to point out that a proposal which I have recently made in this body—that an "Envornmental Quality Corps" be formed to put our unemployed veterans and other young people to work upgrading our physical environment—received the highest "yes" response of the 10 questions, 82.5 percent. Ten percent answered "no," with 5.6 percent undecided and 1.9 percent not responding. Incidentally, this proposal was the substance of H.R. 15537, which I introduced on June 15, 1972 and which 26 of my colleagues have subsequently introduced.

The complete results of the questionnaire tabulation are as follows:

TABULATION OF COLORADO'S SECOND CONGRESSIONAL DISTRICT 1972 OPINION POLL

[Result in percent]

1. Do you favor further increases in U.S. diplomatic contact with Communist China?

Yes	81.0
No	11.6
Undecided	5.7
No Response	1.7

2. Do you favor increased scientific and trade contacts with the Soviet Union?

Yes	80.7
No	12.3
Undecided	5.3
No Response	1.7

3. Do you generally support the current U.S. strategy in Southeast Asia?

Yes	50.2
No	40.1
Undecided	7.7
No Response	2.0

4. Should the power of the President to commit U.S. troops to combat without prior consent of the Congress be reduced?

Yes	55.4
No	35.4
Undecided	7.2
No Response	2.0

5. Should some form of amnesty be granted now to those young Americans living abroad to avoid serving in the armed forces in Vietnam?

Yes	24.8
No	65.9
Undecided	7.4
No Response	1.8

6. Do you favor proposals for an all-volunteer military except in terms of grave national peril?

Yes	72.6
No	19.6
Undecided	6.0
No Response	1.8

7. Do you favor a federal program to make health insurance for catastrophic illnesses available to all citizens?

Yes	63.1
No	22.3
Undecided	12.4
No Response	2.2

8. Do you believe the Administration's current economic policies are working?

Yes	23.6
No	52.7
Undecided	21.6
No Response	2.1

9. Would you favor an Environmental Quality Corps to put unemployed youth and veterans to work improving the environment?

Yes	82.5
No	10.0
Undecided	5.6
No Response	1.9

10. Should the Indian Peaks area northwest of Boulder, Colorado, be accorded National Wilderness Area status?

Yes	78.2
No	5.2
Undecided	14.2
No Response	2.4

(Figures shown above may not add to exactly 100% due to rounding.)

ARTHUR L. HODGES

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. WYDLER. Mr. Speaker, Arthur Lewis Hodges recently passed away. He was a fine gentleman above all, but he was also managing editor of the Garden City News. Mr. Hodges had a distinguished career in Long Island journalism standing almost half a century. He came to Long Island from the Lexington Herald in his native Kentucky in 1925 to serve as city editor of a chain of weekly newspapers owned by the late Col. Lloyd C. Griscom and in 1926 joined the staff of the Nassau Daily Review, Long Island's first daily newspaper. There he remained for 26 years as Long Island started its enormous growth. During that time he served as city editor, associate editor, and finally editor. While there he was elected president of the New York State Society of Newspaper Editors, the youngest man to ever hold that position. After the Nassau Daily Review-Star was sold to the Newhouse organization to become merged in the Long Island Press, Mr. Hodges became editor of two South Shore weeklies, the Freeport Leader and the Tri-Town Leader of Lynbrook, remaining in his post for 6 years. He was editor of the Long Island Commercial Review in 1958 and 1959, one that was owned by Arthur Hug, Jr., now president of the Long Island Trust Co., and Mrs. Dora M. Whitmore, now in charge of the trust company's public relations. Since 1960, Mr. Hodges had been public relations director for the County Federal Savings and Loan Association of Rockville Centre. Mr. Hodges came to the Garden City News in 1968 as associate editor under Winchell A. Royce. On Mr. Royce's retirement in 1970, Mr. Hodges became managing editor. Intensely interested in local history, Mr. Hodges was a trustee of the Nassau Historical Society since 1936 and was president from 1960 to 1964. In collaboration with Preston R. Bassett, he wrote a book "The History of Rockville Centre," and many years earlier "The History of Long Island." Mr. Hodges was a director of the South Nassau Communities Hospital in Oceanside, of the Legal Aid Society of Long Island, and the Nassau County Historical Museum. He was a member of Grolier Club, the Dealine Club, and the Silurians. He was a man with a distinguished career in journalism and a distinguished life in his community. Upon his passing the Garden City News had an editorial concerning him which follows:

ARTHUR HODGES

He was already an accomplished newspaper man when he came from his native Kentucky 47 years ago to be City Editor of a group of North Shore weeklies. Through the following years he was to become the most widely known and respected figure in Long Island journalism, as Editor of the Nassau Daily Review-Star, of the Freeport Leader, the Long Island Commercial Review, and at the end Managing Editor of this newspaper.

A cultured man, he had far-reaching interests in other fields. Years ago he wrote a history of Long Island, and in 1970, as Village Historian, he wrote in collaboration with Preston Bassett "The History of Rockville Centre". He was president for four years of the Nassau Historical Society, and a director for 36. He was a Trustee of the South Nassau Community Hospital, and of the Legal Aid Society, and of the Friends of Historic St. George's, Hempstead.

But we at the News will remember Arthur Hodges as much more than that. He was a man of patience as well as competence who would ride out the labor pains of producing a newspaper under stress with grace and optimism. He was a good companion, interesting and stimulating, universally liked and respected.

Newspaperman, scholar, gentleman—a fitting epitaph for Arthur Hodges; above all, Gentleman in the word's finest sense, a gentle man.

SBA HEAD SUITS ENTHUSIASM TO JOB

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. HAMMERSCHMIDT. Mr. Speaker, I call attention to a recent column in the Arkansas Gazette concerning a former Member of the House of Representatives, Thomas S. Kleppe. The column deals with Tom Kleppe's activities as Administrator of the Small Business Administration.

Knowing of the great interest of the House in these matters, it is a great pleasure to enter for the RECORD the July 27 column of Leland DuVall written after Tom Kleppe visited Little Rock. The article follows:

SBA HEAD SUITS ENTHUSIASM TO JOB

(By Leland DuVall)

Under a different set of circumstances, Thomas S. Kleppe might have become an evangelist, the director of a success-motivation program or (in the days when athletics was more a matter of inspiration than skill) a football coach. He is none of these; he is the national administrator of the Small Business Administration.

Kleppe was at Little Rock Tuesday for an official visit to the office of the SBA and to meet bankers who, under the regulations of the agency, play a key role in government-sponsored credit. In a morning press conference, and later at a luncheon with bankers, Kleppe exhibited the enthusiasm and the inspirational attitude that would have made him successful as an evangelist or as a coach.

Kleppe employs his enthusiasm to support "small" business. While other observers of the commercial and industrial scene are worried over the threat that "big" business may swallow up the little companies, Kleppe is convinced that small business will survive and will continue to play an essential part in the nation's economy. He noted that 95 per cent of the companies in this country qualify as "small" businesses under the official definition of the SBA. (Incidentally, the SBA has the only legal and official definition of the term.) These companies account for 37 per cent of the Gross National Product and hire 44 per cent of the labor. (There was no effort to trace the trend line and determine whether "small" businesses are improving their position or losing ground to the corporate giants.)

Even the SBA definition of a "small" business is a little hazy. In general, it applies to (1) a manufacturing company with fewer than 500 employes or (2) a commercial business with annual sales of less than $1 million for a retailing firm or $5 million for a wholesale company. These figures are subject to adjustments to cover special cases.

Having determined that a business qualifies for financing under its definition, the SBA is prepared to accept applications for loans or for loan guarantees. As a general rule, many of these companies are not prime candidates for loans from their friendly banks unless someone will assume a major part of the risk. The SBA, in effect, signs the notes of eligible companies (for up to 90 per cent of the face amount) so that the bank can make the loan.

"We are not in competition with banks," Kleppe said. "SBA tries to fill that niche which is not bankable without a guarantee. We take risks that banks won't touch because that's our job."

Kleppe's enthusiasm surfaced noticeable when he discussed the strategy of the SBA in making the loans attractive to banks. In this program, he said, private capital is brought into use through an agency of the federal government—a plan that has a special appeal to President Nixon. He rejected as "the negative view" a suggestion that the banks found the package attractive because there was a practically no risk involved in a profitable loan. His "positive" analysis was that the SBA had cut the red tape and removed the hindrances so that the banks could afford to consider an SBA-guaranteed loan. Under the old arrangement, he said, the amount of paperwork required for a guaranteed loan was so great that banks simply could not afford to handle too much of the business. Now the number of forms has been reduced and the time lag has been shortened so that the loans clear quickly.

Kleppe said that the SBA was "bogged down in red tape" when he became administrator; now, the paperwork has been reduced to one third of the former requirement. The time needed to process a loan application has been cut in half (more in some cases), and the improved service is being provided with a much smaller staff than was formerly on the payroll.

"Bankers simply cannot afford to pass up the opportunity to use our guarantee service," he said.

On the Arkansas scene, Kleppe predicted that 30,000 new job openings would be needed in the next three years. Labor Department figures indicated that almost 60,000 new jobs would be needed in the first five years of this decade but part of these have been provided.

"SBA cannot do the job alone," he said, "but it has the resources and the expertise to help Arkansas reach that goal—particularly through the economic development program."

He said the agency's local development program had helped create or save more than 2,000 Arkansas jobs and had supported a total investment of more than $13 million. In the fiscal year that ended June 30, he said, the SBA had loaned $9 million in the Little Rock area.

Nationally, the SBA apparently is in a period of rapid growth. Kleppe said the lending authority had been doubled in two years and was due for further expansion. He said losses on loans were running about 5 per cent while the "trouble rate" had declined in two years from 10.5 per cent to 8.6 per cent.

Kleppe's visit to the Little Rock office is part of a national tour that will take him to 40 offices throughout the country. He insisted, however, that there was no political significance in the fact that the tour is being made in a campaign year.

"We simply want all the people in the agency to be good public relations representatives of the SBA," he said. "President Nixon happens to believe that government should be brought as close as possible to the people and that is what I am trying to accomplish."

If this be politics, make the most of it.

ABSTRACT QUOTAS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. WYATT. Mr. Speaker, columnist John Chamberlain has very recently written a perceptive article on the subject of quotas for national political conventions. In view of the experience gained by the Democrats at their recent convention, and in view of the interest being expressed for some additional reform of rules for future Republican conventions, I think this column is of considerable interest to those of us who are interested in the problem. I commend the reading of this column to my colleagues of both parties:

ABSTRACT QUOTAS

(By John Chamberlain)

I can't say that I believe in a single prescription for saving the nation that has appeared in the Village Voice, which is the "with it" organ of the New York Left.

Nevertheless, the voice is the vehicle of one leftist who knows how to read a crystal ball. He is Jack Newfield, who told us, long in advance, that a new wave of populism was in the making and that the "prophetic minority" on Vietnam would someday be forcing the issue of winding up a detested war.

Newfield went to the Democratic national convention as a member of the New York delegation. The Democrats, he says, "did not make room for the white ethnic workingman." The McGovern guidelines "created quotas for women, youth and blacks, but none for poor people, or senior citizens, or ethnic minorities—Irish, Italian, Polish." In his own New York delegation Newfield couldn't find 40 Irish or Italian Catholics out of 278 people. It so happens that the Italians outnumber the blacks by two to one in New York State.

In the name of inclusion, then, the McGovern rules have become the engine of a new exclusion.

The political error is bad enough; the Irish and the Italians who supported the Conservative party's Jim Buckley for the Senate in 1970 on the law-and-order issue will be that much more confirmed in their feeling that the Democratic party is no longer their party. But the deeper error is one of law. The idea of proportional representation by classes, ethnic groups, sex and age brackets runs head on into the constitutional guarantee that the privileges and immunities of the citizens shall be equal regardless of origins or economics. It is spelled out in the Fourteenth Amendment which the Supreme Court has invoked time after time in recent years: No person shall be denied "the equal protection of the laws."

A quota system that specifies people must be black, or under 25, or female in fixed proportions in order to stand for election as delegates in a primary denies the right of individuals to compete as individuals or to vote for whatever representatives they choose. What the quota does is to assign arbitrary classification to people, which is to deny their common humanity. It tells blacks that they must be represented by blacks, women by women, young people by young people. But the Constitution calls all people citizens. The citizen has a right to be represented by any agent he chooses to represent him or her, irrespective of class, age, sex or whatever.

Thirty years ago, when I was teaching a course in journalism at Columbia University, my Jewish friends used to rib me on the subject of quotas that effectively kept the proportion of Jews in American colleges from going above 10 per cent. The Columbia School of Jounalism insisted at the time that enrollees must represent a geographical mix. The argument was that kids from Grand Street in New York should get to know boys and girls from the plains of Oklahoma and mountains of Colorado. It was a plausible reason, but my Jewish friends questioned its sincerity. They insisted, quite justly, that this discriminated against their right to compete in the race to become journalists in accordance with standards of ability.

Quotas exclude even more than they include. Surely the courts, which have ruled time and again that the Fourteenth Amendment gives the cover of equal protection to every individual as an individual (one man, one vote), will have to take a hard look at the McGovern rules before we have another Jack Newfield complaining that the Irish, Italians and Poles couldn't make it to a national convention.

"SANDY" CAMPBELL, OUTSTANDING ERIE COUNTY ATHLETE, IS OLYMPIC BOUND

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. KEMP. Mr. Speaker, I was very proud and pleased to learn that Dwight G. "Sandy" Campbell of the village of East Aurora in my district has been selected as a member of the U.S. Olympic team in the kayak and canoeing competition.

Sandy, a 1967 graduate of Dartmouth and a member of the faculty of Hampshire College, Amherst, Mass., earned a further honor 2 weeks ago by finishing second in the U.S. Olympic whitewater slalom trials at Bloomington, Md.

The canoe-and-kayak squad will be leaving for Germany August 10 and will be the first full U.S. team to arrive on the Olympic scene. The course at Augsburg, Germany, will not be new to Sandy Campbell and most of the team. They financed themselves, paying their own air flight, hotel and food bills, last June for a week's practice at Augsburg and to compete in the world international championships in Czechoslovakia.

Sandy has described the Olympic course as the most demanding ever used for international competition, but he believes that the team's June experience will put most of them up in the standings.

Augsburg is an artificial course on the Eis Canal, converted through prestressed concrete walls and obstacles into a wild, rapid stream. There are tricky eddies, a boil and curl to the swift flowing water. The course is 800 meters and like a slalom course in skiing has some 30 gates and direction poles.

Sandy teaches canoeing and kayaking as part of the outdoor sports curriculum at Hampshire College, which is for high IQ students. He was a varsity swimmer at East Aurora High and learned canoeing as a boy in Algonquin Park. He acquired his interest in kayaking while at Dartmouth.

Sandy has made frequent trips to Europe and has competed in kayak and canoe racing in the world championships in Czechoslovakia, where he finished 23d and was the second American; and in England, France, Germany, Norway, Switzerland.

Thirteen were selected for the U.S. Olympic team, three in the kayak singles, three in canoe singles, two two-man canoe teams, and three women in kayak singles.

Sandy Campbell has been chosen as the No. 2 kayak racer. This honor is the culmination of many years of hard work and dedication and I know that it is richly deserved.

I will be meeting Sandy in my office tomorrow to present him with proclamations from the citizens of the county of Erie, N.Y., and his home village of East Aurora. We congratulate him on the great honor he has received. I am confident that Dwight G. "Sandy" Campbell will be an outstanding representative of the people of Erie County and of our Nation. Our thoughts and hopes will be with him as he competes in Germany this month.

Mr. Speaker, I include for the interest of my colleagues the proclamations from the county of Erie, N.Y., and the village of East Aurora:

PROCLAMATION

Whereas, Dwight G. "Sandy" Campbell of the Villege of East Aurora, New York, has been honored by being selected as a member of the 1972 United States Olympic Kayak-and-Canoe Squad, and

Whereas, this honor has been earned by many years of hard and diligent training on his part, and

Whereas, as a member of this esteemed group of athletes, he will represent all of the people of the United States of America and especially the people of the Village of East Aurora, New York, and

Whereas, as a member of the Olympic team, he will serve as a good-will ambassador and help promote understanding and friendship amongst the nations of the world.

Now, therefore, I Robert B. Kelly, Mayor of the Village of East Aurora, New York, do hereby call the attention of all of the people of our village to this great honor that has been bestowed upon Dwight G. "Sandy" Campbell and through him to the Village of East Aurora, and urge all of them to support our 1972 Olympic team, and on behalf of all of the people in the Village of East Aurora, I congratulate Dwight G. "Sandy" Campbell on his being honored by being selected as a member of the United States Olympic team and want him to know our thoughts and prayers will be with him as he competes in Germany this month.

PROCLAMATION

Whereas, Dwight G. "Sandy" Campbell of East Aurora, Erie County, New York, has been honored by being selected as a member of the 1972 United States Olympic Kayak-and-Canoe Squad; and

Whereas, this honor has been earned by many years of hard and diligent training on his part; and

Whereas, as a member of this esteemed group of athletes, he will represent all of the people of the United States of America and especially the people of Erie County, New York; and

Whereas, as a member of the Olympic team, he will serve as a good-will ambassador and help promote better understanding and friendship amongst the nations of the world, Now, therefore, I Edward V. Regan, County Executive of Erie County, New York, do hereby congratulate Dwight Campbell and acknowledge the great honor he has brought to Erie County, and urge Erie County citizens to support our 1972 Olympic team. Our thoughts and hopes will be with him as he competes in Germany this month.

TREATMENT FOR CHILDHOOD AUTISM

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. HARRINGTON. Mr. Speaker, childhood autism, like other mental illnesses, is a little understood disease. Only in the past decade have techniques been developed to treat autism.

During this past session, I have inserted into the RECORD several articles about childhood autism. Today, I would like to draw attention to an article which appeared in the Journal of Autism and Childhood Schizophrenia. Written by Robert Holter and Bertram A. Ruttenberg, "Initial Interventions in Psychotherapeutic Treatment of Autistic Children" describes nine children who were treated for autism. One of them is now an honor student in college.

The article follows:

INITIAL INTERVENTIONS IN PSYCHOTHERAPEUTIC TREATMENT OF AUTISTIC CHILDREN [1]

(By F. Robert Holter [2] and Bertram A. Ruttenberg)

(NOTE.—General considerations (conceptual approach, anamnesis, and group observations), and individual aspects of initiating treatment are discussed in light of psychoanalytically oriented therapeutic experience. Brief clinical examples from case histories of nine children, diagnosed in accordance with Kanner's (early infantile autism) and Mahler's (primary and secondary autism) descriptions, and exposed to intensive outpatient treatment, both in a day-care center and in private practice, are presented to illustrate the approach. Suitable interventions are made by following the child's cues within a developmental frame of reference. Such interventions yield significant common experiences which are remembered rather than shut out, and can be utilized to establish widening dialogues, an interaction and, eventually, a relationship between the child and therapist.)

Although infantile autism was recognized as a separate clinical category and reported by Kanner in the early 1940's, the development of specific treatment techniques is relatively recent (Wenar & Ruttenberg, 1969). Since most treatment methods either focus on, or at least encompass the initiation of relationships between the child and the therapist (variously referred to as "establishing contact," "developing trust," "motivating," "engaging the child's interest," or "developing rapport"), the principles and techniques of initial approaches or interventions in psychotherapeutic treatment of autistic children merit discussion and a sharing of experience.

This paper reflects our work with autistic children in private practice and at the Developmental Center for Autistic Children since 1956. At the Center, most children are treated on a long-term, outpatient hospital basis, 5 days per week. Parental involvement is a part of the treatment process (Ruttenberg, 1971). Our diagnoses of primary or early infantile autism are based on descriptions by Kanner (1949). Secondary autism is diagnosed in accordance with Mahler's (1958) concept of regression to the use of autistic defenses when the symbiotic level of development cannot be achieved or maintained. Both primary and secondary autism are conceptualized as deviations from a normal development which progresses from an undifferentiated (Hartmann, 1958) or autistic (Mahler, 1958) phase. Our concepts are derived from long-term psychotherapeutic experience.

In order to illustrate the general considerations and individual aspects of our approach to initial therapeutic interventions, we selected 9 suitable examples from 45 case histories detailing relevant information about our young autistic patients. The four boys and five girls, six with primary autism, two with secondary and one with early infantile autism were exposed to our treatment for periods ranging from 1½ to 7 years as shown in Table 1.

TABLE 1.—DIAGNOSIS AND AGE OF SELECTED CHILDREN IN PSYCHOTHERAPEUTIC TREATMENT

Name and diagnosis of autism	Age (years)	
	At commencement of treatment	At termination of treatment
Georgia, primary	5	[1] 7¾
Sam, early infantile	4	6½
Larry, secondary	7	14
Robert, primary	7	8½
Kay, primary	[2] 8	[1] 8½
Eddie, secondary	4	7
Gretchen, primary	3	5
Mary, primary	4½	8
May, primary	8½	[1] 9½

[1] Present age, treatment continues.
[2] With new therapist.

GENERAL CONSIDERATIONS

Conceptual approach

Autism, whatever the cause of this disorder, leads to a disturbance in the child's ability to use his mother, first as a need-filling object and then as a human object which he can ultimately recognize as one that is not himself. If treatment is to produce a psychically viable human being it must address itself to this deficit. While a variety of treatment techniques may be of benefit at certain later stages, we believe that the initial task is to enhance the mother-child relationship. This can be accomplished by direct aid to the mother or by the child-therapist relationship—a temporary supplementation. After pediatric and neurological examinations we proceed to evaluate the child and his mother, separately and as a unit. We strive to determine the child's developmental level and assess the patterns of communication between mother and child. It is useful to think of the child in terms of his autonomous ego functions and capacity for object relationships. We believe that an important interrelationship appears to exist between these two capacities.

Psychotherapeutic treatment of autistic children is extraordinarily demanding. It calls for "looking and feeling in depth," an extensive knowledge of the first 3 years of human development, and also an ability to function empathetically at the borders of self and not self. The therapist must be intimately attuned to the feelings of the autistic child. He must develop an ability to recognize the child's needs and shift, momentarily, to meet such needs. An ability to distinguish between the rage of a primary autistic child whose repetitive patterns have been interrupted and the anxiety or panic of a child who struggles to emerge from his autistic state can be of crucial significance. If the panic is not recognized the child can be driven to regressively reinforce his autistic defenses.

Georgia, a nonverbal girl, is an example. Treatment in a new setting was moderately successful. She had begun to give up some of her more autistic and self-destructive behavior, allow for more eye contact, enjoy rhythmic play, permit some body contact; and use her child-care worker in a part object manner. Lack of understanding of Georgia's signs which pointed to beginnings of a deviant symbiotic relationship caused the overzealous child-care worker to press too soon for excessive physical contact. The worker's failure to recognize the developing panic caused Georgia to regress markedly. In her overwhelmingly helpless state she began to scream, run aimlessly, rock and beat her head and thighs with her fists. The worker, pressing to regain the previous level of contact caused the child's regressive rejection of the previously accepted body contact and rhythmic play. Even after the sources of Georgia's panic were recognized, the autistic defenses considered, and the symbiotic needs properly gratified, many weeks were devoted to the reinstatement of the child's previous level of functioning. She has now recovered that level.

Anamnesis

Assessment of historical and developmental material, chiefly obtained from parents, is made to ascertain the child's highest level of object relationship and achievement of autonomous ego functions, as well as his current level of functioning in any of his relationships.

All mothers weigh the cues which they receive from their infants in a manner related to their own personalities and needs. We must, therefore, assess the mother's ability to read such cues. Of special significance are cues that the mother misinterprets, overresponds to, or repeatedly misses. Identifying the patterns of "cue weighing" is an important part of the initial appraisal of the mother-child unit. It helps us to detect the ways in which the mother can grasp, or fails to sense her child's capacities and needs.

Sam's parents detailed a history suggesting secondary autism and relating the onset of his autistic symptoms to a high fever at the age of two. During the course of a home visit we noted the above-average capacities of his 1½-year-old sister. The mother remarked that Sam had been even more capable at that age, and had received more love and attention than his sister. Our study of home movies reflecting this period of Sam's life, revealed a withdrawn, inactive boy, functioning at a subnormal level, handled stiffly and with detachment by his mother, who seemed depressed. These retrospective observations were supported by earlier films prompting us to change the diagnosis from secondary to early infantile autism.

Group observations

We evolve our more individual approaches to the autistic child from relevant information in his background, from observations of his interactions with parents, with other adults (including staff) and his behavior in a group of children.

Larry's secondary autism was first noted when he was hospitalized in his fourth year of life due to seclusiveness and delayed speech. These symptoms had developed at the age of two and one-half when a brother was born. He ignored his brother and all other children. Seclusiveness was also in evidence with respect to hospital personnel and parents. History and observations in the hospital milieu revealed keen interest in mechanical objects. Accordingly, at the initial phase of his treatment, the boy was allowed for months to go to the Center's basement when he traced the plumbing pipes from one end of the building to the other. He received the therapist's undivided attention and no attempt was made to involve him with other people for a considerable period of time. Thus, a treatment dialogue was initiated, evolving into a treatment relationship which has made his marked recovery possible.

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[1] This study was supported in part by National Institute of Mental Health Grant MH19483 (formerly, MH16419).

[2] Requests for reprints should be sent to Dr. F. Robert Holter, Development Center for Autistic Children, 120 North 48th Street, Philadelphia, Pa. 19139.

INDIVIDUAL ASPECTS

Emotional availability

We are keenly interested in the child's ability to give cues of relationship direction or prerelationship behavior and believe that the therapist is the "instrument" for their measurement. Accordingly, bearing in mind all cues provided by background material and nonparticipant observations, the therapist makes himself emotionally available and follows the child's cues, frequently improvising and innovating on the spot. The therapist's *undivided* attention is invested in observing the child from a neutral position which facilitates detection of approach behavior or contact cues. We feel that the autistic child cannot remain unaware of a nonthreatening adult who invests all of his emotional energy in observing that child. The therapist soon detects some contact cues or combination of approach and avoidance behavior which offer useful information and guidance for the next step.

Robert repeatedly threw himself on the floor and resisted or ignored all attempts to involve him in activities or a relationship. Repeated traumata including numerous hospitalizations for physical illness were a part of his life. The therapist consistently devoted periods of intense attention to the child. He noted one day that Robert had begun to prepare for his arrival and look in his direction when the therapist was not observing him. Soon the boy walked by and moved close enough to establish a fleeting body contact. In time, it was possible to initiate dialogues in which there was touching and expressions of pleasure and excitement prompted by the therapist's emotional and physical contact. A relationship had evolved causing Robert to give up his autistic withdrawal.

Reading the cues

Cues related to avoidance of contact, such as refusal to establish eye contact and retreat to a neutral position, are easier to read than those which indicate a desire for contact. When sequences or patterns of behavior of autistic children are studied, contact cues such as the struggle against a desire to look, furtive glances, circling, or tangential approaches (walking back and forth), and increases in motor activity when the therapist is within a given radius, tend to merge. We have found that a *long timetable* must be projected for observing responses of autistic children. The delay is usually quite long. It may cause the responses to be missed or not related to the cue. The therapist must observe substantially longer and in greater depth. He must also guard and protect his emotional investment from wavering lest the sequence be interrupted.

Kay exhibited 26 varieties of stereotyped movements. She was hyperactive and aimless in her wandering about the play-therapy room, approaching others only when she wanted something. Kay had been treated previously for some time, attaining only the part object level of a relationship. She remained fixed at this persistent need gratifying plateau. The new therapist, employing emotional availability, stood in the therapy room investing all of his attention in the girl for 30 to 40 minutes at a time. As she came nearer, he began to respond to one of her stereotyped movements, a rhythmic patting on the wall, by gently repeating "pat, pat, pat," in the cadence of her movement. Kay would run away and appear uninterested for 5 or 10 minutes. She began to return when the therapist continued to exhibit interest and availability. His hands were offered, palms up, and Kay began to pat them furtively, giving up her patting on the wall. This was the beginning of a widening interaction that enabled Kay to achieve the stage of object relationship which Spitz (1959) calls libidinal object proper.

Responses to cues

Successful responses have to be flexible and in accord with the nature of the child's cues. Creative dialogues between therapist and child, often initiated by intuition, are highly individualistic. Observations and intuitive responses are objectively evaluated when the therapist proceeds to examine his own responses, reaches an understanding of the child's behavior, and a sequence of therapeutic steps. Responding to a reversal in vocalization provides an example.

Eddie, a hyperactive boy, bounced, rolled, and somersaulted, giving only fleeting attention or eye contact. Whenever the therapist caught Eddie's glance, he averted his gaze. Intuitively the therapist chose to echo the child's vocalizations, which at first resembled wild screeching. Gradually screams changed to an "ee-ah" sound which tended to increase as Eddie came closer to the therapist. One day, after Eddie's vocalizations were echoed in an exchange lasting several minutes, the child suddenly reversed the sequence of the sound, looked at the therapist, and laughed. The therapist responded with the reversed "ah-ee" and also laughed. Thereafter Eddie mixed his vocalizations and laughed as the therapist responded in similar fashion. Awareness of the child's minimal interest cues, of the opportunity for vocal contact, and alertness to the reversal of sounds enabled the therapist to join the child's world and commence a relationship. Eddie's contact was gradually extended to the rest of the staff and his vocal interchanges eventually evolved into communicative speech.

Selective participation in the child's discharge phenomena

Since autistic children tend to function largely on physiological and discharge levels of behavior, selective participation in feeding, vocalizations, motor activity, and in other outlets to discharge excitement and affect appear to be most difficult for them to ignore. Initially, patterns serving to discharge diffuse tension are carefully distinguished from those serving to discharge specific effects.

Gretchen, a large, hyperactive, whining, and frantically anxious girl, allowed no eye or body contact when she came to the Center. The child repeatedly used her fists to strike the side of her head and bruised her knuckles rubbing the edges of furniture or pounding on walls. When she whined and pressed herself against the wall, rocking and rubbing her body, the therapist joined in, proceeding to imitate the rocking and vocalization. Within 5 minutes, the whining stopped and Gretchen began to glance at the therapist and smile faintly. She put her thumb into her mouth and accepted brief eye and body contact. Gradually her aggression directed against herself became markedly reduced and her acceptance of human contact increased.

Affect sharing

Anger, rage, panic, quiescence or excitement are among the affective states of autistic children. *External affect sharing* is essential to helping the psychotic child to emerge from his state of withdrawal. Excitement deserves special mention because autistic children appear to develop a capacity for unrelated discharges of excitement with adeptness at isolating such discharges from apparent relationships. Prolonged participation in discharges of excitement should be generally avoided.

Mary's therapist could use her affectomotor discharges to increase excitement and its discharge or to facilitate a relationship behavior. Beating activity rhythms on a drum would cause her to run back and forth and jump up and down in response to the rhythmic intensity. Participation devoid of other inputs would tend to yield no more than a discharge. However, eye contact, vocalization, and upturned palms offered for a patting routine prompted the child to move toward an everwidening involvement in affectomotor expressions directed at her therapist. The dialogue developed into a relationship in which Mary initiated holding and rocking.

Inclusion in memory traces

If the described interactions are successful, the autistic child should be able to include them in his shut-off memory so that a meaningful and revealing exchange with the therapist can be established.

May had a wide variety of stereotyped hand and facial movements. Her vocalizations were limited to primitive sounds. In order to encourage these vocalizations, her therapist took a small cardboard box which she liked to hold close to her face and used it as an echo chamber. May briefly used the box imitatively. The next day the child picked up the box, incorporated it in her bizarre hand movements, and indicated a desire that the therapist should make some sounds. The girl thus showed that she has remembered the shared experience and signaled her desire to repeat it. The therapist responded to that wish and gradually mobilized May's interest in using her mouth and voice. She is now making prespeech vocalizations in the context of seeking out physical and visual interactions with the therapist.

CONCLUSIONS

Our brief clinical sketches of nine autistic children merit a note on their progress. Three girls are still in treatment. Georgia's rage and panic reactions have disappeared. Kay continues to develop her psychotherapeutic relationship at the Center. May developed pre-speech vocalizations within 1 year. Two boys left us when their families moved to another area. Sam managed to develop a relationship with his child-care worker, while Robert proceeded to use intermittent verbal communications. Mary's treatment was discontinued after her therapist and child-care worker left the Center. She mourned the loss of both adults. Eddie was transferred to a residential center. At that time, he used communicative speech and had a capacity to form relationships. Gretchen reached symbiosis and plateaued. Larry, however, succeeded beyond expectations. At the age of 19, he completed his first semester in college after some years as an honor student in a public high school.

The nine children were exposed to psychotherapy and the initial interventions intended to commence and facilitate such treatment. Seven advanced to a degree, one regressed at a point of possible advancement and one reached the heights of possible recovery. Our initial therapeutic interventions were neither unique nor necessarily superior to other possible approaches. However, they were instrumental in moving us to the higher stages of more visible and more encouraging therapeutic progress.

We believe that suitable initial therapeutic interventions prompt significant common experiences which will be remembered rather than shut out by the autistic child. Such experiences can be effectively utilized to establish a widening dialogue between the child and therapist. The dialogue facilitates our understanding of the child's fixations and formulation of further approaches which can evolve into pre-relationship, and then into relationship behavior. Step by step, the fixation and defensive patterns can be identified and removed through a painstaking process of constant appraisal, formulation, devising of therapeutic interventions, and continued observation, reappraisal and reformulation.

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DEATH, DISEASE, AND THE BLOOD MARKET—PART I

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. VEYSEY. Mr. Speaker, an article in the Evening Star, July 16, 1972, contained an informative summary on what is wrong with our Nation's blood supply and some excellent examples of what we could do to improve it.

The article, entitled "Death, Disease and the Blood Market," is especially worthy of attention because it is the work of Miss Judith Randall; one of the most respected writers in medical journalism. The most recent recognitions of Miss Randall's expertise are the Albert Lasker Award for Medical Journalism, which was given to her in 1970; the Florence Claude Bernard Award of the National Society for Medical Research, given to her in 1971; and the Front Page and Bill Pryor Awards of the Washington-Baltimore Newspaper Guild, which were also given to her in 1971.

The first part of Miss Randall's article describes some of the tragedies that have resulted from the use of "bad blood." She explains the current effort in Congress to deal with this problem and then details the reasons why there are so few reliable statistics in the field.

I will be adding to this report a part II tomorrow.

From the Evening Star, Sunday, July 16, 1972:

DEATH, DISEASE AND THE BLOOD MARKET

(By Judith Randal)

Late last summer, a middle-aged Long Island housewife checked into a local hospital for a complex operation which was carried out with apparent complete success. But 2½ weeks after she went home she had to be admitted to another hospital and within 10 days she was dead.

The culprit? Serum hepatitis, an infection of the liver acquired from the blood she had received during the surgery.

This medical tragedy was repeated about 3,500 times last year, and another 135,000 Americans who received transfused blood contracted serum hepatitis but did not die. Indeed, experts estimate conservatively that of the 31 million patients who annually enter the nation's hospitals, about 22 million require blood transfusions, and about 10 percent of these develop the disease.

In 1963, the Journal of the American Medical Association reported that one out of every 150 transfusions given to people over 40—the age group most likely to need blood—caused the death, from serum hepatitis, of the recipient.

Since then the number of cases has been steadily climbing as population growth, the use of artificial kidneys and advances in heart surgery, cancer therapy and the treatment of other diseases such as hemophilia, have raised the nation's blood needs by about 10 percent a year.

Because some serum hepatitis is not reported to the government's Center for Disease Control in Atlanta and some goes unrecognized for what it is, scientists have reason to believe that there is from two to 10 times as much of the disease as the official figures suggest.

LEGISLATION

This grim assessment has led to a bill, introduced in the House by Rep. Victor V. Veysey, R-Calif., and in the Senate by Charles Percy, R-Ill., that would put the nation's hodgepodge of blood banking arrangements under coordinated federal supervision. It also figured in President Nixon's decision last year to have a Department of Health, Education and Welfare task force look into the situation in depth.

The task force, headed by Dr. Ian Mitchell, a government physician, will make no recommendations until after a $427,000 study being made for HEW by a management consulting firm is completed in early fall. Meanwhile, specifics and statistics in this field are hard to come by. Statistics are not even sure, for example, whether hepatitis acquired from transfusions and ordinary infectious hepatitis acquired by other kinds of person-to-person spread are caused by the same virus or how many viruses are involved. Indeed, no hepatitis virus has yet been isolated at all.

Nor is there any sure-fire test that detects the presence of hepatitis infection in blood. Since July 1 the so-called Australia antigen test, which picks up what is thought to be a footprint of the virus, has been required for all blood handled by blood banks that are subject to the interstate commerce law—about 80 percent of the total. But the test is only about 25 percent accurate and even a more sensitive version that has been developed by Abbott Laboratories and is now under study by the government promises to be no more than 50 percent reliable.

If, however, the scientific aspects of the situation are clouded one thing is crystal clear—that the crux of the hepatitis problem lies in the fragmented nature of blood banking and its complex and uneasy mixture of altruism and private enterprise.

Says Mitchell: "We have tended to pin our hopes on technology rather than on reorganizing the way we do things. Sooner or later we are going to have to pull our socks up and face this reality head on.

When most people think of blood they think first of the American National Red Cross, whose 59 regional blood centers do, in fact, collect about 40 percent of the estimated 8 million pints of this tissue now being transfused into the veins of Americans each year.

Another 40 percent is collected by the 1,500 members of the American Association of Blood Banks (AABB)—a trade association with both nonprofit and profit-making elements. In addition, however, there are an unknown number of independent, primarily commercial, shops that do not belong to either organization. While they may collect some whole blood they are primarily engaged in a procedure called plasma-pheresis.

This is a technique that enables blood collecting agencies to withdraw whole blood from the donor and then return the red cells to him by intravenous injection, retaining the colorless plasma. The plasma is then sold to drug companies or other processors which separate it into its various components such as gamma globulin, serum albumin and the blood fractions that are routine life and death necessities for some 20,000 patients with one type or another of hemophilia.

No one has any real idea of how many firms make their living by this practice or how much blood they draw. What is known is that plasmapheresis is a mushrooming industry and a large part of the reason why blood-banking as a whole is at least a $300 million-a-year business.

This tangled web of blood banking arrangements has had two major consequences. One is that although the AABB runs a clearing-house system in which many banks participate, about 20 percent of the whole blood collected in this country goes to waste because it is not used within the three weeks safety limit. The AABB system is only a partial system, and a true allocation network has yet to take shape. The result is an annual multi-million dollar loss.

PURCHASED BLOOD

The other major consequence is that the United States is the only nation in this hemisphere that relies heavily on paid as well as volunteer donors. Dr. J. Carrott Allen, a Stanford University professor of surgery, regarded by many as the leading authority on the subject, estimates that 35 percent of the nation's blood is bought rather than given—a figure the government corroborates—and that 92 percent of the serum hepatitis is due to purchased blood.

While some "professional"—i.e. paid—donors are, he says, soldiers or college students in search of a little extra cash, more are skid-row derelicts or prisoners who have reason to conceal the fact that they may not be in the best of health or have had hepatitis or some other blood-borne disease such as malaria in the past. The mere fact that so many commercial collecting centers are in run-down inner city neighborhoods, he charges, is evidence that they wish to attract this type of person.

A donor of this kind typically gets $5 to $10 for a pint of blood, which is sold to blood banks for $40 to $50—more if it is blood of a type that is scarce. The Red Cross is not involved in this traffic and makes no charge for the blood it supplies, but other nonprofit banks—including some that belong to the AABB—often add a further mark-up charge. The result is that a great deal of blood banking is profitable on both the wholesale and retail levels.

To supplement its supply of plasma, the blood industry also draws on plasmapheresis firms in medically backward nations where the jobless poor often find their very tissues their only livelihood. A Florida businessman who owns such a company in Haiti and who plans to open branches elsewhere in Latin America is one of the many entrepreneurs who make a handsome profit in the bargain. So is a Louisville, Ky. doctor. His refrigerated trucks pick up foreign plasma in Miami and take it to destinations as far away as California.

Refrigeration, however, is no guarantee of safety because the hepatitis virus or viruses—no one is sure which—can only be reliably destroyed by heat. While some blood fractions can be thus sterilized and are, other fractions would be destroyed by high temperatures. In any case, the U.S. government rarely if ever inspects these foreign operations, leaving it up to the U.S. drug companies that process the plasma to be sure—to the extent of their abilities and conscience—that the raw material they use is infection-free.

Washingtonians probably have less cause to worry than many Americans since virtually all the blood used for transfusions in the greater metropolitan area is given voluntarily and collected by the Red Cross. However, should they find themselves in an out-of-town hospital and in need of a transfusion, they will get whatever is in the refrigerator, and it may be purchased blood. Similarly plasma fractions administered by local hospitals may have been made from material obtained from paid donors.

Dr. Allen, a self-confessed zealot on this subject, brings impressive evidence to his claim that blood that is paid for tends to be high-risk blood. The data, to be published this summer by the Commonwealth Fund, a foundation in New York City, is based on 11,627 scientific reports that Allen collected over a period of 18 years and had analyzed by professional statisticians.

"If a national voluntary blood program is enacted," he said in a recent interview, "It will certainly save more lives than I could have saved had I spent 24 hours a day all these years performing an operation nobody else could perform."

Nor is Allen alone in this view. In Veysey's office are 11 different reports from scientific journals in the last two years that compare the rates of hepatitis between patients receiving purchased and volunteer blood. The studies were made by testing a total of more than 250,000 pints of blood for the presence of Australia antigen and following the progress of the patients into whom they were transfused.

Despite the fact that the test misses more contaminated blood than it turns up, these studies demonstrate that the risk of serum hepatitis is 11 to 70 times greater, depending on the experience of the hospital in question, when a transfusion is not obtained from a volunteer source.

The author of one of the studies—Dr. David J. Gocke of the Columbia-Presbyterian Hospital in New York—recently concluded that "one might anticipate a greater decline in post-transfusion hepatitis by transfusing only volunteer blood than by (the present practice of) screening donors for Au (Australia antigen)."

In fact, the AABB is planning to phase out paid donors by 1975, and some of its members have already taken steps in that direction. On paper there seems to be no reason why its members and the Red Cross regional centers could not in tandem expand their operations to meet the country's entire needs and so drive the "commercials" out of business.

But one reason the AABB was organized after World War II was to fight the encrochment of the Red Cross on hospital blood banks, and the two groups have a long history of mutual suspicion and competition. Their philosophical differences continue to run deep, making prospects for their joining forces dim.

In an April speech, for instance, George M. Elsey, president of the Red Cross said that his organization will "willingly accept any responsibility the Congress and the executive entrust to it . . . that will provide safe, high quality blood, components and derivatives to anyone in the United States who may need them, regardless of previous donations or ability to replace."

The AABB, on the other hand, sees blood banking in a different light. Its members, like all blood banks—including those of the Red Cross—charge a processing fee that covers the costs of overhead, salaries, and the laboratory tests that type blood and match the donor and the recipient. But unlike the Red Cross and in addition, they also require a $25 deposit for each pint transfused. It is returned only if the pint is replaced.

AABB OPPOSITION

Furthermore, some of the largest and most affluent AABB members have long counted primarily on paid donors and these members have been well represented among the association's officers. This may help to explain why the AABB opposes such measures as labeling blood as either purchased or volunteer. In fact, the AABB also opposes the creation of a single nationwide voluntary blood donation system on the grounds that it would be "monolithic" and would "stifle research."

At issue, too, is whether volunteer donors would or could supply enough blood to meet the nation's needs. The commercial blood bankers, for example, say that purchased blood is a necessary evil and better than no blood at all.

Others with long experience, both in government and the nonprofit end of the business, say that no matter what the scheme to encourage giving, it only works during the heat of a publicity campaign. Furthermore, they argue, even a country like Canada, which relies entirely on volunteers for transfusion purposes, imports some blood components and blood derivatives for the treatment of various disorders and for diagnostic tests.

The other side of the coin is that there would be more than enough blood to go around for all Americans if only 5 percent of the population gave a pint once each year. Leo Perlis, director of community relations for the 14-million member AFL–CIO and, together with Dr. Allen, the most persistent advocate of a wholly volunteer system scoffs at the idea that the public wouldn't respond if it understood what is involved.

"Blood is a living tissue that strikes right at the heart of human values," says Perlis. "We have never really tried a volunteer system. We could always phase it out if it didn't work."

Perlis believes that the Red Cross could do the job alone if it took the task more seriously. Allen would prefer a national commission, comparable to the Atomic Energy Commission, which would set and enforce standards and award contracts for carrying out services. Perhaps, he suggests, a postcard could be sent to everyone from 19 to 23 years old on his birthday. He points out that if even half of these young people responded to the appeal for a donation, there would then be enough blood for all.

Meanwhile, the regulations that do apply to blood-banking do not come to grips with the donor issue and might best be described as largely laissez-faire.

For example, the Division of Biologic Standards, a part of the National Institutes of Health, has had much the same power to license and inspect blood banks as the Food and Drug Administration has to license and inspect the manufacturers of drugs. But the law that gives the federal government this authority applies only to banks engaged in interstate commerce and has not, in the view of DBS officials, allowed it to tell even these banks that they must use volunteer blood or label blood as purchased or volunteer.

On July 1 DBS was transferred to the Food and Drug Administration and rechristened the Bureau of Biologics, Dr. Harry M. Meyer, director of the new bureau, is giving the blood problem a high priority and is confident that changes are possible even without the passage of further legislation by Congress.

However, by no means all of his colleagues agree. Dr. John N. Ashmore, chief of the bureau's blood and blood products laboratory, long a key regulatory official, thinks that many of the suggestions made by the would-be reformers are, to put it kindly, naive.

"The present law only gives us the power to inspect and to insist that certain standards involving cleanliness and the like are met," he says. "As for labeling blood, the blood bank that did this might just as well hang out a shingle saying 'going out of business' and then there wouldn't be enough blood to go around."

Critics of the past performance of DBS scoff at this assessment and say FDA can take steps the old agency balked at taking if it is so inclined. They point out that when DBS became convinced four years ago that pooling the plasma of many donors increased the risk of hepatitis they ended the practice by simply forbidding blood banks in their jurisdiction from continuing it. Because these blood banks handle 85 percent of the blood used for transfusions, the others also complied lest they become involved in liability suits in the federal courts.

Says Kenneth Hagerty, a staff aide to Rep. Veysey, one of many congressional champions of an entirely voluntary system: "The trouble with DBS was that it tended to see the problems that beset the industry it regulated as looming larger than the public interest. There is nothing in the law that says federal agencies must insist on volunteer blood, but there is nothing that says they can't either."

Whatever the merits of this argument, it is indisputable that blood bankers and DBS rarely quarreled openly. In its 17 years of operation, the agency forced compliance with its standards through court action just four times. No other disciplinary legal measures have been taken with regard to blood since the federal statute governing "the purity potency and safety" of biologic products became law in 1902. Whether this pattern will change now that FDA holds the reins remains to be seen.

CONGRESSMAN REID MOVES TO HALT SKYJACKERS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. BADILLO. Mr. Speaker, we are all deeply concerned over the increasing number of skyjackings and the unending reign of terror which is being perpetrated against airlines and airline passengers. Last week's Delta Airlines skyjacking to Algeria brings to 28 the number of such incidents so far this year. Clearly these demented acts demand the strongest possible measures by the United States and the community of nations.

One of the major problems contributing to the rising trend of air piracy is the refusal of certain nations either to extradite accused skyjackers or to prosecute them in their courts. In a forceful attempt to plug this serious gap, our distinguished colleague from New York (Mr. Reid) has recently introduced legislation which would close all American airports to any foreign airline which operates in any country refusing to prosecute or extradite skyjackers. The skyjacking crisis demands prompt and effective action by all nations and Mr. Reid's legislation represents a very important development in this area. I am pleased to be a cosponsor of this long-overdue measure.

The August 6 Sunday News devoted its lead editorial to supporting Congressman Reid's bill. I commend this editorial to our colleagues' attention and insert it herewith for inclusion in the Record:

[From the New York Sunday News, Aug. 6, 1972]

No Place To Hide

Rep. Ogden Reid (D-N.Y.) has sponsored a sweeping measure that could seal off the ratholes into which skyjackers now scuttle after pulling their crimes.

The bill would ban from U.S. airports the commercial craft of those nations that either (1) give refuge to air pirates, or (2) provide service to nations that refuse to punish skyjackers or return them to the countries where their crimes were committed.

It is the latter provision that cuts to the heart of the matter and, in our opinion, would most effectively deter international skyjacking.

Algeria and Cuba, to name just two havens favored by aerial outlaws, can afford to thumb their noses at Uncle Sam when he demands the return of skyjackers. They have no air traffic with the U.S. that could be harmed by purely American sanctions.

But both nations are served by free world and Communist airlines. Under the Reid bill, outfits like Aeroflot, Air France, Alitalia and British Overseas Airways would lose U.S. landing privileges if they failed to quarantine the protectors of skyjackers.

Such drastic reprisals would provoke a storm of laments and curses from the international aviation community. So be it.

It is American planes that are the most frequent target of skyjackers, and American citizens whose lives are most often imperiled by these outrageous crimes.

We urge Congress to approve the Reid bill without delay. It's time we stopped begging other countries to cooperate in squashing air piracy and started twisting a few arms.

COST OVERRUN ON SRAM MISSILE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. ASPIN. Mr. Speaker, the Boeing Aircraft Corp. is suffering more than $300 million in contract cost overruns in the development and production of the SRAM air-to-surface missile.

More than 600 changes in the design of this missile are the principal cause of a 50-percent cost overrun. If the Air Force had designed a decent missile to begin with, these problems would not occur.

As my colleagues may know, the SRAM is a nuclear-tipped missile designed to be carried by B-52 Stratofortresses, the F-111B bomber, and the proposed B-1 bomber in order to neutralize enemy ground defenses when the bombers approach enemy territory to attack.

Boeing and the Air Force have concluded three separate contracts—one for research and development and two production contracts. The cost of producing 465 SRAM missiles under the 1972 contract with Boeing recently has jumped an additional $31 million. More changes in design and inflation have caused these new cost overruns.

Depite the fact that the Air Force has concluded these three separate contracts for more than 500 missiles, only 85 of the missiles have actually been delivered to the Air Force.

Mr. Speaker, I believe this cost overrun is a reflection of the poor planning, inadequate technical information, and the military's consistent underestimation of the cost of all new weapon systems.

BUDGET SCOREKEEPING REPORT NO. 5

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. MAHON. Mr. Speaker, I am inserting, for the information of Members, their staff, and others who may be interested, a few excerpts from the most recent "budget scorekeeping" report for the session, prepared by the staff of the Joint Committee on Reduction of Federal Expenditures.

The report reflects the impact of congressional actions on the President's budget requests through August 4.

The report contains considerable information for those who have need for details, and a copy has been sent to all Members.

The excerpts I am including—that is, the text "highlights" and the main scorekeeping table of the report—are more or less self-explanatory.

I would add that these scorekeeping reports, now in their fifth year, are the most comprehensive current source of information on what is happening legislatively to the President's budgetary recommendations. They are authoritative, being carefully prepared by an experienced staff dedicated to complete objectivity, reporting the facts as best they can be ascertained. Some estimating is necessary, especially in respect to legislative actions affecting outlays—expenditures.

The following material is excerpted from the "1973 Budget Scorekeeping Report, No. 5," as of August 4, 1972:

EXCERPTS FROM 1973 BUDGET SCOREKEEPING REPORT NO. 5

HIGHLIGHTS

Fiscal 1973 scorekeeping to date

The impact of congressional action to date, August 4, 1972, on the President's fiscal year 1973 requests for budget authority, budget outlays and budget receipts, and the projected unified budget deficit, as shown in this report, may be summarized as follows:

[In million of dollars]

	House	Senate	Enacted
Budget authority increase:			
Appropriation bills	+479	+3, 68	+2, 092
Legislative bills	+15, 365	+6, 30	−585
Total, budget authority increase	+15, 844	+9, 996	+1, 508
Outlay increase:			
Appropriation bills	+270	+2, 100	+1, 063
Legislative bills	+5, 126	+4, 276	+3, 228
Total, outlay increase	+5, 395	+6, 376	+4, 292
Revenue decrease (increases deficit)	−59	−1, 585	−1, 602
Deficit increase	+5, 454	+7, 961	+5, 894

In terms of completed congressional action to date, major scorekeeping actions affecting the President's budget requests include:

Black lung benefits—increase of $969 million in budget authority and outlays;

Social security benefits—increase of $2.1 billion in outlays due to enactment of a 20% benefit increase instead of a 5% increase as requested;

Social security taxes—decrease of $1.6 billion in revenue due to delay in effective date of proposed wage base increase.

Labor-HEW appropriations (pending conference report)—increase of $1,762 million in budget authority and approximately $725 million in outlays.

Ten regular 1973 appropriation bills have been considered to date. Action is shown in this report for seven appropriation bills at the completed stage reflecting a net outlay increase of $973 million, mainly due to the increase in the Labor-HEW bill. For the remaining three pending appropriation bills, House action indicates a net outlay decrease of $169 million and Senate action indicates a net outlay increase of $52 million.

Also pending are several legislative bills containing "backdoor" or mandatory spending authorizations. One major bill, the multibillion dollar Water Pollution Control Act, is in conference. House action on general revenue sharing legislation reflects the shift of retroactive fiscal 1972 costs into fiscal 1973 due to delay. Other significant pending legislative measures relate to federal employee health benefits, veterans benefits, railroad retirement and disaster relief. These and other actions are shown in scorekeeping table No. 1, p. 6.

Fiscal year 1973 budget deficit

The following is an analysis of the budget deficit for fiscal year 1973, reflecting budget revisions, amendments and congressional action to date, August 4, 1972:

[In millions]

	Deficit estimate
Original deficit estimate, January 1972	$25, 472
Budget revisions, as of June 5, 1972:	
Net outlay increase due to certain congressional actions, mainly black lung benefits	+895
Shift of fiscal 1972 revenue sharing request into fiscal 1973, assuming enactment of retroactive provisions of pending legislation	+2, 250
Net outlay changes, including interest	+583
Revenue revisions	−2, 200
Revised deficit estimate, as of June 5	27, 000
Amendments to the 1973 budget estimates, as transmitted to date:	
Additional outlays for Vietnam war	+1, 200
Disaster-relief outlays incident to Hurricane Agnes, etc	+900
Additional outlays for drug abuse programs	+100
Deficit estimate, as revised and amended	29, 200
Congressional action to date (in addition to amounts included in the June 5 budget revisions):	
Social Security:	
Payments, 20% increase	+2, 100
Revenue loss (due to delay in effective date)	+1, 600
Estimated outlay increase in the Labor-HEW appropriation bill	+725
All other outlay changes, net	+574
Deficit estimate, as revised and amended, and adjusted by Congressional action to date	34, 199

This fiscal 1973 deficit estimate of $34.2 billion is on the unified budget and reflects a federal funds deficit of $41.3 billion and a trust fund surplus of $7.1 billion.

Fiscal year 1972

Final figures for fiscal year 1972 recently announced indicate that actual outlays were $231.6 billion and receipts were $208.6 billion, and the unified budget deficit for fiscal year 1972 was $23 billion (reflecting a federal funds deficit of $28.9 billion and a trust fund surplus of $5.9 billion).

TABLE NO. 1.—ESTIMATED EFFECT OF CONGRESSIONAL ACTIONS DURING THE 2D SESSION OF THE 92D CONGRESS ON INDIVIDUAL BILLS AFFECTING BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES) (AS OF AUG. 4, 1972)

[In thousands of dollars]

Items acted upon	Congressional actions on budget authority (changes from the budget)			Congressional actions on budget outlays (changes from the budget)		
	House (1)	Senate (2)	Enacted (3)	House (4)	Senate (5)	Enacted (6)
FISCAL YEAR 1973						
Appropriation bills (changes from the 1973 budget):						
1972 Foreign assistance and related agencies (Public Law 92-242)				[1]−105,000	[1]−105,000	−105,000
Legislative branch (Public Law 92-342)	−6,022	−4,625	−5,560	−5,500	−4,300	−5,200
Second Supplemental, 1972 (Public Law 92-306)				−100,000	+550,000	+95,000
State, Justice, Commerce, the Judiciary and related agencies (H.R. 14989)	−100,884	+116,391	(‡)	−74,000	+42,000	(‡)
Housing and Urban Development, Space, Science and related agencies (H.R. 15093)	−454,695	+325,187	††−132,232	−3,500	+94,000	††+61,000
Transportation and related agencies (H.R. 15097)	−117,567	−2,187	(‡)	−75,000	−39,000	(‡)
District of Columbia (Public Law 92-344)	−11,000	−29,600	−26,913	−11,000	−29,600	−26,913
Labor, Health, Education, and Welfare and related agencies (H.R. 15417)	+1,275,856	+2,578,297	†+1,762,286	+530,000	+1,150,000	†+725,000
Interior and related agencies (H.R. 15418)	+9,218	+23,769	††+21,781	−7,100	+14,800	††+5,900
Treasury, Postal Service, and General Government (Public Law 92-351)	−9,458	−9,417	−8,776	−37,000	−37,000	−36,500
Public Works and Atomic Energy (H.R. 15586)	−51,331	+82,638	(‡)	−20,000	+49,000	(‡)
Agriculture and Environmental and Consumer Protection (H.R. 15690)	−55,179	+608,868	†+481,842	[2]+78,000	[2]+315,000	†[2]+250,000
Supplemental, 1972, disaster relief (Public Law 92-337)				+100,000	+100,000	+100,000
Subtotal, appropriation bills	+478,938	+3,689,319	+2,092,428	+269,900	+2,099,900	+1,063,287
Legislative bills with "backdoor" spending authorizations (changes from the 1973 budget):						
Higher education—student loans (borrowing authority) (Public Law 92-318)	Indefinite	Indefinite	Indefinite	NA	NA	NA
Housing Act of 1972 (contract authority) (S. 3248)		+300,000			NA	
Highway emergency relief (Public Law 92-361)	−50,000	−50,000	−50,000			
Airport and airways development (contract authority) (S. 3755)		†+840,000				
General revenue sharing (H.R. 14370)	[3]+2,800,000			[3]+2,550,000		
State bond subsidy (permanent) (S. 3215)		†+29,000			†+29,000	
Water pollution control (contract authority) (S. 2770, H.R. 11896)	[4]+11,000,000	+3,000,000	(‡)	+550,000	+150,000	(‡)
Freight car loan guarantee (borrowing authority) (S. 1729)		+2,000,000			NA	
Subtotal, "backdoor"	+13,750,000	+6,119,000	−50,000	+3,100,000	+179,000	
Legislative bills with mandatory spending authorizations (change from the 1973 budget):						
Wage board pay (H.R. 9092)	[1]+30,000	[1]+30,000	†+30,000	[1]+30,000	[1]+30,000	†+30,000
Full District of Columbia Congressional representation (H.J. Res. 253)	†+960			†+960		
Federal employee health insurance (H.R. 12202)	+267,900	+39,600	(‡)	+267,900	+39,600	(‡)
Council on International Economic Policy (S. 3726)	−1,341			−1,316		
School lunch (H.R. 14896)				+90,000		
Equalization of military retired pay (H.R. 15495)		+6,000			+6,000	
National Guard retirement (S. 855)		+7,900			+7,900	
Additional military travel allowance (H.R. 3542)	+2,414			+2,414		
POW and MIA leave (H.R. 14911)	+13,400			+13,400		
National Foundation for Higher Education (Public Law 92-318)	[1]−90,000		−90,000	[1]−27,000		−27,000
Black lung benefits (Public Law 92-303)	[1]+968,712	+968,712	+968,712	[1]+968,712	+968,712	+968,712
Social security tax and benefit amendments (Public Law 92-336)		[5]−1,600,000	[5]−1,600,000		+2,100,000	+2,100,000
Revenue sharing, HUD (S. 3248)		−490,000			−490,000	
Air traffic controller retirement (Public Law 92-297)	[1]+31,500	+31,500	+31,500	[1]+31,500	+31,500	+31,500
Early retirement—customs inspectors (H.R. 440)	+3,200			+3,200		
Handgun control (S. 2507)		†+10,000			†+10,000	
Veterans advance educational allowance (H.R. 12828, S. 2161)	+128,700	†+692,000		+124,700	†+900,900	
Veterans medical care (H.R. 10880)	(+29,658)	+150,850	(‡)	(+29,658)	+150,850	(‡)
Veterans nursing home care (H.R. 460)	(+6,900)			(+6,900)		
Veterans paraplegic housing (Public Law 92-341)	+3,500	+5,000	+3,500	+3,500	+5,000	+3,500
Veterans national cemeteries (H.R. 12674)	+39,600			+39,600		
Veterans compensation increase (Public Law 92-328)	+114,900	+169,000	+114,900	+114,900	+169,000	+114,900
Civil Service retirement—firemen (S. 916)	+6,700	+6,330	††+6,700	+6,700	+6,330	††+6,700
Disaster relief, SBA (H.R. 15692)	+94,772	+159,952	(‡)	+94,772	+159,952	(‡)
Minority enterprises (S. 3337)		+883			+883	
Railroad Retirement—20 percent increase (H.R. 15927)				†+261,600		
Subtotal, "mandatory"	+1,614,917	+187,727	−534,688	+2,025,542	+4,096,627	+3,228,312
Subtotal, legislative bills[6]	+15,364,917	+6,306,727	−584,688	+5,125,542	+4,275,627	+3,228,312
Total, fiscal year 1973	+15,843,855	+9,996,046	+1,507,740	+5,395,442	+6,375,527	+4,291,599
FISCAL YEAR 1972						
Appropriation bills (changes from the revised 1972 budget):						
Foreign assistance and related agencies, 1972 (Public Law 92-242)	[1]−353,230	[1]−353,230	−353,230	[1]−50,000	[1]−50,000	−50,000
Second Supplemental, 1972 (Public Law 92-306)	−820,808	+197,574	−518,245	−365,000	−230,000	−265,000
Supplemental, 1972, disaster relief (H.J. Res. 1238)	+100,000	+100,000	†+100,000			
Legislative bills (changes from the revised 1972 budget):						
Black lung benefits (Public Law 92-303)	[1]+5,000	[1]+5,000	+5,000	[1]+5,000	[1]+5,000	+5,000
Emergency school assistance (Public Law 92-318)			−500,000			−80,665
National Foundation for Higher Education (Public Law 92-318)	−3,000		−3,000	−1,000		−1,000
National Institute of Education (Public Law 92-318)			−3,000			−2,500
Housing Act of 1972 (contract authority) (S. 3248)		+15,000			NA	
AMTRAK (borrowing authority) (Public Law 92-316)	+100,000	+250,000	+150,000	NA	NA	NA
Legislative inaction on proposals included in the 1972 budget (see tables 4 and 5 for details):						
General revenue sharing	−2,500,000	−2,500,000	−2,500,000	−2,250,000	−2,250,000	−2,250,000
Other	−117,011	−371,111	−208,017	−52,483	−210,583	−210,583
Total, fiscal year 1972	−3,589,049	−2,656,767	−3,830,492	−2,713,483	−2,735,583	+2,854,748

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[1] Enacted figure used for comparability.

[2] Excludes estimated outlay increase of $655,000,000 for certain water pollution reimbursements contingent upon enactment of pending water pollution control legislation (S. 2770 and H.R. 11896) now in conference.

[3] Due to delayed action, includes effect of shift into fiscal 1973 of $2,500,000,000 in authority and $2,200,000,000 in outlays, together with increases of $150,000,000 in authority and outlays for both fiscal years 1972 and 1973.

[4] Consists of $5,000,000,000 provided for fiscal 1973 and advance availability of $6,000,000,000 provided for fiscal 1974. Action on Administration request of $2,000,000,000 in direct appropriations for similar programs may result in some offset.

[5] Decrease in budget authority for social security reflects less than anticipated tax revenues for trust fund.

[6] Excludes actions taken in 1st Session of 92d Congress, shown in parentheses above.

‡Subject to or in conference.

NA—Not available.

†Committee action.

††Pending signature.

RABBI MEYER M. ABRAMOWITZ

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. FINDLEY. Mr. Speaker, one of Springfield, Ill., most outstanding citizens, and a leader of the Jewish community, is Rabbi Meyer M. Abramowitz. As the Representative of Springfield, it has been a distinct pleasure indeed for me to introduce Rabbi Abramowitz to the Members of the House of Representatives. He is one of a select group of guest ministers in the country to be invited to open a session of the House with prayer this year. The message he brought us is fresh, alive, and relevant to the times in which we live.

Rabbi Abramowitz is from Temple B'rith Sholom in Springfield. He was educated at Columbia University—B.S., 1943, the Jewish Theological Seminary of America—B.J.P., 1943, and was ordained at the Hebrew Union College—Jewish Institute of Religion—1946, MARL, HUC–JIR, 1969, and doctor of divinity, HUC–JIR, 1971.

Rabbi Abramowitz served as cantor, director or religious education and rabbi at the Jewish Center of Forest Hills West, Long Island—1940–48, as rabbi of Temple Beth Israel, Sharon, Pa.—1948–56, as rabbi of Temple Judea, Reseda, Calif.—1956–57, and since 1957 as spiritual leader of Temple B'rith Sholom, Springfield, Ill. Life tenure was bestowed upon him by members of Temple B'rith Sholom on December 1, 1967.

A participant in civic and communal organizations, he has been actively engaged in community affairs and has been an officer and member of such organizations as the United Fund—chairman, professional division, United World Federalists—vice president, Springfield Chapter, United Negro College Fund—chairman, Sharon, Pa., executive board of the Alumni Association of Hebrew Union College—Jewish Institute of Religion, and president of the Inter-faith Clergy Fellowship of the Springfield area. For 5 years he was chairman of the Fair Employment Practices Commission of Sharon, Pa.

He has served as a public member of the Springfield Labor-Management Commission, as vice chairman of the Human Relations Commission of Springfield, Ill., as a member of the Board of Mental Health Commissioners, State of Illinois—appointed by Governor Kerner in February 1968, and vice chairman of the Sangamon County Ministerial Fellowship. He has served on the executive boards of the Springfield Mental Health Association, the Illinois Heart Association, the National Association for the Advancement of Colored People, the Senior Citizen's Center of Sangamon County, the Consumer's Credit Counseling Service, the Central Conference of American Rabbis, and the Springfield Jewish Federation. He is a member of the religious faculty, Lincoln Academy of Illinois, and a chaplain at the Jacksonville State Hospital, the Illinois School for the Deaf, and the Illinois Sight Saving and Braille School.

Mr. Speaker, Rabbi Abramowitz has lectured at many universities and colleges representing the Jewish Chautauqua Society. He has received the Distinguished Service Medal from the Jewish Veterans of the U.S.A. in recognition of his religious leadership in interfaith activities, an award from the American Jewish Tercentenary Committee, the radio station WTAX Civic Salute, and a Community Service Award from the United Community Services.

Rabbi Abramowitz was born in Rochester, N.Y., on September 22, 1918, and married the former Doris Rosenberg on November 25, 1943. Their three children are Ann Lois Ballon, Ira Michael, and Joel Hillel.

TENNESSEANS COMMEND CONGRESSMAN ED JONES

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. GRIFFIN. Mr. Speaker, all of us take pride in the achievements and success of our colleagues in the House. Quite often, many of us feel that our special efforts and our complete dedication do not receive the attention and recognition which, immodestly, we feel that we might deserve.

I am delighted to report an exception by the people of the Seventh Congressional District of the great State of Tennessee. Their Congressman, ED JONES, has distinguished himself in many ways. He is personable, popular, resourceful, and fully committed to improving the life of Americans, giving special emphasis to rural Americans who lack many of the opportunities of their city cousins.

In a short period of time, ED JONES has manifested those qualities of leadership which will make him a prominent name in history.

It was a real pleasure for me to note that the Tennessee Association of Conservation Districts adopted a resolution commending Congressman ED JONES. While Members of the House are fully familiar with the outstanding work of a great Tennessean, nevertheless, I feel it appropriate to include with my remarks a copy of this resolution. It follows:

RESOLUTION COMMENDING CONGRESSMAN ED JONES

Whereas, the progress of soil conservation districts is contingent upon the technical assistance made available by the Soil Conservation Service, and

Whereas, the Soil Conservation Service is dependent upon the availability of funds appropriated annually by the U.S. Congress, and

Whereas, the distinguished Congressman from the Seventh Congressional District, the Honorable Ed Jones, serves on the House Agriculture Committee and has supported all proposals that would improve agriculture and co-sponsored the Rural Development Bill now pending in congress, and

Whereas, Congressman Jones personally has appeared before the House Subcommittee on Appropriations each year and presented a statement in support of appropriations for the Soil Conservation Service, and

Whereas, Congressman Jones has devoted his lifetime to the betterment of agriculture in Tennessee and particularly in his native West Tennessee.

Be it resolved, that the West Tennessee Division of the Tennessee Association of Conservation Districts hereby expresses its sincere gratitude to Congressman Ed Jones for his untiring efforts in working for the conservation of our soil and water resources. Especially, do we appreciate his efforts in the Rural Development Program, some parts of which affect the Small Watershed Program, and to his effective support of Soil Conservation Service appropriations.

Be it further resolved, that a copy of this resolution be sent to Congressman Jones as a means to inform him of our appreciation and support.

This action taken this first day of August 1972 at the West Tennessee meeting of soil conservation districts and watershed directors held at Lambuth College, Jackson, Tennessee.

AWARD PRESENTED TO NARF

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. MILLER of California. Mr. Speaker, on May 5, 1972, the Naval Air Rework Facility, Alameda, Calif., was presented the highest award in the Department of the Navy's zero defects program—the Sustained Craftsmanship Award. I am very proud that this installation is part of the Eighth Congressional District which I represent. On May 11, 1972, before members of the American Society of Performance Improvement in Washington, D.C., Adm. Isaac C. Kidd, Jr., Chief of Naval Materiel, stressed the need for top craftsmanship within governmental and industrial support facilities to provide the fleet with the dependable equipment it needs and all too often does not get. During his remarks he commended the personnel of NARF Alameda as follows:

> Within the Naval Material Command we have just presented our first Sustained Craftsmanship award to the Naval Air Rework Facility at Alameda. This is the highest level of recognition available under the Navy's Zero Defects program, and it is the first time that such an award has been granted to an entire field activity. They should be very proud—I'm proud to have such performance within the Naval Material Command, and I hope this accomplishment implies a trend for the future.

At this time, I would like to share with my colleagues the following statement which describes the award presented to NARF:

> On 5 May 1972, the Naval Air Rework Facility, Alameda, was presented the highest award in the Department of the Navy's Zero Defects program: The Zero Defects sustained craftsmanship award. The Zero Defects program began at the Naval Air Rework Facility on 6 February 1968. Since its inception, the primary focus of this program has been to motivate every employee of the facility to take a personal interest in his job and do it

right the first time. Although the concept of Zero Defects as practiced at the Naval Air Rework Facility may be *stated* very simply, it becomes very complex in its applications, and sustainment for a large group of people.

The Zero Defects program at NARF Alameda is dedicated to a re-emphasis of pride in perfromance and pride in product. It is pointed directly toward each individual employee, no one can be excluded, because quality of the end product is everyone's business. Success of the Z.D. program must begin with its acceptance by each employee at NARF.

All employees are constantly reminded of the aims of the zero defects program. This is done through monthly management briefs, posters, newspaper articles and person to person visits.

Sustainment of a vital zero defects program is one of the most difficult challenges any facility must accept. The Naval Air Rework Facility has developed various means of publicity and other ideas to assure program highlights are promulgated throughout the organization.

The zero defects program's steering and awards comimttee includes representatives of all service departments and production divisions. These members provide a program tailored to the needs of the organization they represent. NARF Alameda also participates in the northern California Chapter of the American Society for Performance Improvement. This assures up to date information to the facility on new innovations from member organization. It also provides an excellent opportunity to publicize the facility's efforts to continue the production of quality products.

That the Naval Air Rework Facility has been successful in sustaining the level of interest in its Z.D. Program is evidenced by its receipt of the following awards from the Department of the Navy:

1969, Participation Award.
1969, Achievement Award.
1970, Craftsmanship Award.
1972, Sustained Craftsmanship Award.

NARF Alameda is very proud of the fact that it is the *first* and to date, *only* facility within the Department of the Navy to win the coveted sustained Craftsmanship Award. To earn the Gold Star in the sustained Craftsmanship Award Flag was an "all hands" effort; Captain W. L. Hinkle, the former commanding officer of the facility, gave outstanding support and participation to the Z.D. program; Cdr. Keith Nelson, the present commanding officer of NARF, continues the precedence set by Captain Hinkle and actively participates in the Z.D. program. This support and participation is active in nearly all of the departments, divisions, etc. of NARF.

Enclosed are clippings, letters, and other publicity pursuant to the zero defects activities at this facility.

FISCAL RESPONSIBILITY

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. FRENZEL. Mr. Speaker, today I voted against two important appropriation conference reports, Agriculture, and Health, Education, and Labor. The agriculture appropriation was about $½ billion over budget—about 4 percent—and that HEW appropriation was nearly $1.8 billion over the budget request.

Both bills contain needed funding for needed programs. My negative votes were not intended as criticism of specific programs although there are a few I do not favor. Rather, my votes were a protest against the congressional propensity to spend over and above a budget already $25 billion in the red.

The awful truth, about which few people dare to speak, is that such spending can lead only to increased taxes or to bankruptcy.

There is no magic in the budget request figures. They can be exceeded where necessary. But they should be exceeded with great caution, especially in a huge deficit year. Excess spending of $1.8½ billion is hard to defend under any circumstances.

We need the services, to be sure. But we also must impose on ourselves some internal discipline. If we accept the President's proposal to impose a $250 billion total spending limit, we could then force ourselves to make the hard priority decisions of how to allocate that total amount.

QUALIFIED CANDIDATES WILL BECOME HARDER TO FIND

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. DERWINSKI. Mr. Speaker, a very sober, penetrating analysis of the Eagleton affair and its relationship to the problems that many public officials hold was carried in an editorial in the Star-Sentinel newspapers of Thursday, August 3, by its editor, Paul Coffman.

In my judgment, this is not only a very timely commentary, but well worth serious consideration by readers of the Record:

The Way It Looks to Me: Qualified Candidates Will Become Harder To Find

(By Paul D. Coffman)

I very seldom comment on national politics unless it concerns our local representatives or senators, but every once in a while something happens on the national level that makes me realize that politicians at all levels of government face a close scrutiny of their personal, as well as public life at all times.

The recent controversy over the health of Senator Eagleton and his eventually being forced to resign his nomination for the Vice Presidency of the United States brings out the fact that any politician must be of the highest moral caliber, enjoy good health to the nth degree and be as honest as the day is long, otherwise he will find himself investigated by every watch dog organization in existence and will come under the scrutiny of the press to the extent that his private life will be an open book with all of the pages flung open to every event that has transpired in his lifetime.

I am a strong believer that anyone who accepts a political office should be thoroughly honest, should have the welfare of his community as one of his uppermost concerns and should be willing to give unstintingly of his time in the performance of his elected duties, but I still think what he does with his private life is his own affair and should not be made a public record.

With the divisiveness that exists in all sectors of our land, most politicians (no matter how honest they might be) find that they cannot satisfy all of the people all of the time and as a result are condemned for a number of existing conditions over which they have little or no control.

From my experiences in the past, I have found it very difficult to get well qualified candidates to subject themselves to the scrutiny of the voters during a political campaign simply because they feel that no matter how unblemished their public and private lives might be, they are still going to find themselves facing unfounded rumors that are taken as the "gospel truth" by many members of the community.

It is too bad that candidates cannot be taken at their face value when seeking public office and elected as a result of their approach to the issues rather than being subjected to a personality assassination.

Unless we see a change in the attitude of the public and the press in their treatment of candidates, we are going to find the quality of our elected officials to continue to deteriorate simply because qualified individuals will not subject themselves to such an encounter.

A MEMO ON DIKES

HON. JACKSON E. BETTS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. BETTS. Mr. Speaker, there is nothing quite so contemptible as a person who has taken advantage of our free society and who has materially advanced as a result of the capitalist system and then turns right around to aid its enemies. Recently, two notable American citizens, "alleged actress" Jane Fonda, and former "ace" crime fighter, Ramsey Clark, fell into this category completely. They also fell into an age-old propaganda trap sprung by the masters of propaganda, the North Vietnamese Communists. Acting as stewards for the government of North Vietnam, Fonda and Clark have informed the world that it is U.S. policy to deliberately bomb the dike system in North Vietnam. Nothing could be further from the truth, but it is often difficult for the American people to get the other side of a story, especially if it is pro-America. Therefore, I commend the following article on the North Vietnam dike controversy to my colleagues and the Nation in the hope that those who accept the babbling of apologists for America without examining both sides of the question will at least pause to reflect.

The article follows:

A Memo on Dikes

(By William Randolph Hearst, Jr.)

San Francisco.—Today's column consists of a memo to me from Bill McCullam, our chief editorial writer in New York City, in which he enlarges at my request on an eye-opening editorial he wrote and sent to our papers.

The editorial appears in today's papers—and I think you will be as interested as I was in reading this incisive run-down on the important and controversial question it discussed—is the United States deliberately bombing the dikes of North Vietnam?

This question has made a lot of news recently, and it's going to make a lot more for reasons which will become clear. So, being more or less on vacation, I am happy to be able to knock off my own writing this week in favor of what follows—and here 'tis:

Dear Bill: As stated in my editorial, it was less than six weeks ago that Hanoi launched what I called one of its most diabolic and successful propaganda offensives. It is most important to understand the timing of the campaign, and how carefully it has been orchestrated.

Having seen them first hand, you know that those primitive dikes are nothing like those in Holland. Instead they are a 2500-mile-long maze of interconnected earthen levees, hundreds of years old, whose prime function is to control the annual floodwaters of the Red River Delta.

In 1954 literally millions of the 15 million peasants living in the Delta died by drowning or famine when the dikes failed. Last year, with the dikes in disrepair because of war-caused manpower shortages, a similar tragedy struck.

This year the dikes are in worse shape than they have ever been, largely because normal erosion and collapses have gone untended. Manpower for repairs is in far shorter supply than ever. And meanwhile the floodwater season of September is as imminent as the potential mass disaster that season involves.

With this factual background, and under this looming threat of nature, the North Vietnamese in late June began their latest propaganda offensive—pushing charges that the U.S. is deliberately bombing their system of dikes and dams.

Xuan Thuy, Hanoi's chief negotiator at the Paris talks, was one of the first to make the charge. He alleged that the U.S. is "purposefully creating disaster for millions of people during the coming flood season." He still was repeating the charges in Paris last Thursday.

Simultaneous with the launching of their allegations the North Vietnamese Communists began conducting guided tours of the labyrinthian dike system. The Swedish ambassador to Hanoi and various correspondents of European newspapers there were escorted to selected areas where damage had clearly or presumably been caused by bombs.

In no time at all the haters of America, and those here at home seemingly willing to act as Communist agents, began echoing the enemy claim—that the U.S. was engaged in a calculated and monstrous crime against millions of helpless people.

At the same time Hanoi's invitations continued. Actress Jane Fonda, the far left activist who seems to be testing the limits of free speech, went and returned to vast television coverage with a movie showing damaged dikes which she claimed showed how they "are being bombed on purpose."

Right now, at Hanoi's invitation, former U.S. Atty. Gen. Ramsey Clark is in North Vietnam to study alleged dike bombing as a member of the Swedish-Russian hatchet group called "The International Commission of Inquiry into U.S. Crimes in Indochina." Its early and predictable report undoubtedly will make headlines in much of our own press.

A major propaganda coup for the enemy came when Kurt Waldheim, who succeeded U Thant as Secretary-General of the United Nations, returned from a trip to Moscow and said that on the basis of what he had heard from "unofficial sources" the bombing of dikes was deplorable and should be stopped.

As noted in my editorial, this was too much for President Nixon. He said, appropriately: "I note with interest that the Secretary-General, like his predecessor, (has) seized upon enemy-inspired propaganda."

And that's exactly what it is. Mr. Nixon and others of our top officials freely admit that some American bomb damage inevitably has been done to the dikes near military roads and targets. But, as he said, if we were deliberately bombing the dike system it would by this time be in a stage of complete ruin.

What the enemy doesn't admit, meanwhile, is that a good portion of the military damage to the dikes unquestionably has been caused by the fallback of its own SAM missiles.

As many as 500 of these big surface-to-air missiles have been fired at American planes in a single 48-hour period—mostly missing. When these missiles return to earth, often near or on dikes and dams, they can and do create very considerable craters.

The whole point, Bill, is that the enemy is faced with a looming mass tragedy in the coming flood season and is seeking—all too successfully—to blame us in advance for the disaster they fear.

Millions of people around the world, thanks to the Jane Fondas, the Kurt Waldheims and others now being indoctrinated and soon to be heard from, already are either convinced or suspect that we are indeed bombing the dikes deliberately.

It is really astonishing how effectively a lie can be spread when the Communist transmission belt works overtime. In this case you would think that official denials would be unnecessary. Common sense should convince anybody that a mass, sustained aerial attack on Hanoi's dike system would be verified at once and without any question whether it had happened.

There has been no such attack—and now there never will be, even though it was deliberate bombing of dikes which led directly to halt of enemy hostiles in the Korean war. President Nixon has said, in answer to the enemy charges, that such bombing "is not our policy now, and will not be in the future."

What I tried to show in my brief editorial was that Hanoi thus not only has shifted blame for a possible mass tragedy from its own shoulders to ours—it also actually has defended its dike system from any truly deliberate attack, using propaganda alone.

I repeat what I said in my editorial—any way you look at it, the latest Hanoi propaganda offensive is a masterpiece of successful duplicity.

Signed—Bill McMullam.

SET THE RECORD STRAIGHT

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. HUNT. Mr. Speaker, as a matter of public record, it appears necessary to point out that the Congressional Quarterly is not, repeat not, an official publication of the Congress or any other governmental body.

Some publicity has been generated in my district concerning the official travel of all the Members of Congress and there is an inference of impropriety as a result of my not responding to a questionnaire issued by the Congressional Quarterly. To begin with, I do not subscribe to the publication nor do I have any moral or legal obligation to devote my time to responding to this or any other questionnaire. As we in the Congress receive hundreds of questionnaires during the course of the year, it is plainly evident that if I were to respond to them diligently and responsibly, it would be at the expense of other congressional matters that are of considerably more importance to my constituents.

So far as my travels are concerned for official committee business, there are absolutely no secrets and the particulars can be found in the April 20, 1972 issue of the CONGRESSIONAL RECORD, the only official record of the Congress, on page 13689.

THOMAS E. HAMILTON: GREAT FRIEND OF SENIOR CITIZENS

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. PATTEN. Mr. Speaker, today I want to commend a truly great public official—a man who has a deep interest in people, and a special love for senior citizens—Thomas E. Hamilton, of Edison, N.J., executive director of the Middlesex County Office on Aging.

I have known thousands of public officials in my career, but I have never known a man who is as fervent and dedicated in his work as Tom Hamilton. Somehow, the adjectives generally used in trying to describe a tremendous person are not adequate in his case—outstanding, distinguished, great—Tom Hamilton is all of these, but much more.

The respect, the admiration, and even the love that senior citizens have for him reveal the kind of executive director and man Tom Hamilton is. But, above all, he is a leader, a man of remarkable competence, a man of action, and a man of compassion.

Except for Freeholder Director George Otlowski, I do not think there is a public official in Middlesex County who writes to me or phones me more than Tom. This is because he is really concerned about the problems and needs of senior citizens, because he cares 24 hours a day, 7 days a week. Whether their problems involve the outrageous rent increases they are often forced to pay, physical or mental problems, or insufficient food, Tom Hamilton is there, working and fighting for the rights of senior citizens and always hoping for the day when they will finally enjoy the security and peace they have earned.

Tom is a man of many achievements. Besides being the father of eight children, he graduated from Seton Hall University, majoring in philosophy and later obtaining a master's degree in economics from that university. He is articulate, energetic, and warm—and almost impossible to keep up with because his concern about human problems always keeps him busy.

He is often invited to attend seminars and institutes and lecture and talk on the social aspects of aging. In Middlesex County the educational field has become involved in the aging problem, where he devotes much of his speaking and lecture time.

Tom is also active in a senior citizens preventive and health care maintenance program conducted at Roosevelt Hospital, Edison, since September 1970. As a result of this program, over 70 percent of the senior citizens who have taken part, had continued treatment for diseases and illness because of the medical tests they received.

Besides being executive director of the Middlesex County Office on Aging, which requires planning and coordination of various aging programs, he is also a member of the advisory committee of the aging education project conducted by the Adult Continuing Education Center at Montclair State College. In addition, he was one of the organizers of the New Jersey Gerontological Society and serves as a trustee.

Mr. Speaker, Cicero wrote that a person "may grow old in body, but never in mind." Despite his many talents, Tom Hamilton cannot keep the bodies of his beloved senior citizens young, but he has kept them young in spirit. He is an inspiration to not only senior citizens, but to all who have the privilege and honor of knowing him. I am proud that he is one of my constituents, but even prouder that Tom Hamilton is my friend.

TRIBUTE TO PAUL REPPETO

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mrs. HANSEN of Washington. Mr. Speaker, in these times of controversy, conflicting interests, polarization of opinion, and mutual suspicion, it is refreshing to note that these tendencies of modern man are sometimes overcome by the actions and influence of a single, strong personality.

One example was that shown at the death of John Paul Vann. The concept of "hawk" and "dove" was laid aside as everyone paid tribute to a man of unusual courage and dedication to his own convictions.

Likewise, in my own district of western Washington—America's great forest area—the myth that the great Northwest logger was automatically a despoiler without regard for nature or his environment—was laid to rest with the recent passing of one of our well-known, modern-day loggers, Paul Reppeto.

Paul Reppeto belied that image and probably here, in one individual, speaks the heart of the average logger and his love and respect for nature, his environment, and the great outdoors in which he operates. Paul exemplified this appreciation for these God-given surroundings and truly tells in his own words that a logger is not a creature bent on senseless destruction, but rather a man doing a job that must be done, a job that is an integral part of the economy of a nation that must house its people, and a giant contributor to the economic base that permits these same people to live and with self-respect. Loggers, like Paul Reppeto, stay in their rugged work because they love the woods and the closeness to nature that their jobs bring.

The unique relationship between woodsman and wilderness is inescapable for a man who lives his life in the timber-vaulted cathedral of our great forests. It is a bond that thrives on mutual respect and mutual sustenance.

Perhaps a diamond in the rough, Paul Reppeto was capable of expressing the thoughts of one who spends his lifetime in the wilds of timber country. He wrote with reflection inspired by a lifetime among the living monuments to God's majesty, distilling into words the innermost feelings of his fellow loggers.

It is an honor today to submit for the RECORD a few brief samples of the poetry of Paul Reppeto, a treetopper. Following is a brief passage written by his granddaughter, who gives some insight into the character of this woodsman. Both the poetry and Mrs. Ina Greer's thoughts appeared in the May 1971 issue of Loggers World:

SAMPLES OF POETRY OF PAUL REPPETO

A little more tired at the end of the day,
A little less anxious to have my way,
A little less care for bonds or gold,
A little more zeal for the days of old;
A little less ready to judge or blame,
A little more care for a brothers name.

A little more love for the friends of youth,
A little more zeal for established truth,
A little more charity in my views,
A little less thirst for the daily news;
And soon I'll be folding my tent away,
And passing in silence the end of day.

A little more ready to sit and dream,
A little more real the things unseen,
A little nearer to those ahead,
With visions of those long-lived and dead;
And soon I'll be going where all must go—
To the place the living can never know.

Blessed too is the thought that amid the gay cheer,
Some kind voice would murmur;
"I wish he were here"!

You may break, you may shatter the vase if you will—
But the scent of the roses will cling round it still.

I will return in ways you'll understand,
No trilling lark, no Wordsworth & affodel
A woodpecker will light at four a.m.
And start his maddening racket on your window sill—
And when you've waked and heard
I'll laugh to hear you mutter
"Damn that bird."

I haven't time to linger long, or loiter on the way.
I'll always live my life as though I only had today.
Just borrowed time that God lent me, Yet can I question why?
This lovely life is just a road, and I'm just passing by.
Perhaps I'll stop to share a smile, or dream a dream or two,
To pluck a rose along the way, and send my love to you.
Just doing all each day will hold, and living it with zest.
Loving, laughing, working too, but always just my best!

ABOUT PAUL REPPETO

(By Ina Greer)

"Timmbberr," echoed over the hill tops as the "High Climber" made the last cut in the top of a majestic fir. Loggers scattered to safety as the top fell, leaving the climber aloft and alone to watch the top descend. Everytime a top comes down the "High Climber" plays with death; for if it splits or goes the wrong way, he falls too or is left dangling by his belt on the snag. The mortality rate is high among this unique group of men who thrill at the view from the top. It takes a man who loves this job to continue in it—a keen man to live past 50 unharmed. Paul Reppeto belongs to this unique group of men. I see a different side of him . . . to me, he is Grandfather.

All 5 of his granddaughters, of which I am one, love to watch him climb, as we all say "fast as a tailess monkey." He loves to perform for us because he knows that the thrill of watching is almost as great as climbing yourself. You breathlessly await each upward motion of the big belt and hope the spurs will sink deep enough to hold, yet not deep enough to cause a stumble. Looking up and watching the fir sway in the wind makes your stomach churn! I used to wish I could look away but feared that if I did he would fall or I might miss the call from the top. You see, when Grandpa climbs for fun, he reaches the top and crows "Helm the Lee" as he looks over the horizon. My sisters and I would take up the cry, spurred on by the echoes. We must have sounded like a bunch of squirrels! While Grandpa came down, we would speculate on his reaching the ground standing up and do a lot of laughing and giggling while hunting wild berries, cones, flowers and other forest treasures.

Whenever Grandpa arrived for a tansy pull or thistle cutting expedition, we could count on his bringing us goodies in his pack sack. Usually it was cheese, hardtack and fruit. Once though, the pack was empty, but our faces beamed as he took off his tin hat and revealed a bat perched atop that bald head. Another time a large gash from a spliced cable brought a more sober expression.

I would like to have met our Great-Grandfather, a Doctor in the Port Townsend area, because Grandpa speaks often of his compassion and courage. He taught Grandpa these qualities early in life and also passed along the Reppeto philosophy; aid the underdog, especially if a good fight is in the making. Also he taught that hard work is worthwhile and can be as full of fun as you make it. Grandpa taught us to be thankful for being lucky enough to have parents who love us and a dairy farm nestled in the Boistfort Valley to roam in. He did not use the tactics of the "outcuss, outyell, outdrink" logger to teach those around him. Rather the method of bringing just the right quotation to his tongue to make the offender feel ½ inch tall, then let the offender figure out how wrong he is.

Yes, making whistles and windmills, hiking through the woods looking for deer sign and scanning the skies for birds. Learning to respect nature who will be kind and provide for us if we only listen to it, learn from it and protect it, was a way of life for me when I followed Grandpa around. He loved each of us in a special way in each age that we grew through. I am often reminded of his witty sayings and stories as I walk with my children. Looking back, I see how his love of good books and his optimism left a mark on our family. I pray I can leave as good a heritage to my grandchildren but for now, I am thankful that God allowed me to be the Granddaughter of Paul Reppeto.

With Love,

INA.

August 1971.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

RUSSIA DOES NOT OWE ITS LEND-LEASE DEBT!

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. WALDIE. Mr. Speaker President Nixon says that he will not back down from insuring that Russia pay its lend-lease debt. But, what debt is it? As Mr. Robert Kahn, a business consultant and columnist has so accurately stated, the Russians—the soldiers and the civilians alike—gave their lives during the Second World War, and they gave their land.

We supplied money in our combined effort to defeat the Nazi enemies on the eastern front. The money, the materials, and the men were directed for a particular moment in our history. The Russians and the Americans alike had a common objective to be obtained by the dollars and the manpower, namely, the defeat of the Nazis. The goal was fulfilled; the contributions of both nations paid for that goal. The defeat of Germany on the Russian front immeasurably contributed to the defeat of Germany by the United States and our allies on the western front. Why need we retain lists of dollars that were spent 25 years ago, and dollars which paid for themselves by helping to win the war? Mr. Kahn cites as the best example of Russia paying for its part, D–Day, 1944.

I request permission to enter Mr. Kahn's article from the Lafayette Sun, July 14, 1972, his article "Russia Does Not Owe Its Lend-Lease Debt!"

[From the Lafayette Sun, July 14, 1972]

Russia Does Not Owe Their Lend-Lease Debt!

(By Bob Kahn)

The above heading ought to let some of my readers say a few things about that leftist (pink? Commy? traitor?) Bob Kahn. But hear me out and perhaps you will agree with me. You see, I spent two years in Iran, in sun temperatures that exceeded 170 degrees (that is not a misprint—170 degrees) every afternoon during the summer. And despite those temperatures, we delivered to the Russians thousands of combat aircraft—P–40 Warhawks, P–39 Aircobras, A–20 and A–26 Douglas Bombers and B–25 Billy Mitchell Bombers (for those not familiar with those names, ask anyone over 50). And other guys in the Persian Gulf Command were delivering tens of thousands of Studebaker and GMC 6x6 trucks, while trainload after trainload of supplies ran from Bandar Shahpur and Khorramshahr on the Persian Gulf to Bandar-e Shah on the Caspian Sea.

It is reported that one of the snags in the US-USSR negotiations is the amount that Russia should pay of the balance still carried on Lend-Lease from World War II. Reports indicate that Nixon ("I won't be the first American President to forgive a Lend-Lease debt") wants about $500 million more than the Russians propose paying—and about four percent more interest (his Wall Street instinct).

Aside from the fact that $500 million (which, after all, is only a half billion dollars) is of little significance to a government that projects $25 billion deficits (who would even suggest changing the figure to $24½ billion?), there is the sound moral argument that the debt has already been paid.

How has it been paid? With the lives and blood of Russians—and the reduced deaths and casualties to Americans. In this day when we open fire in a plane full of people over a matter of $800,000, and say that we are sorry that a Canadian got killed, it may easily be that we (a) place a much lower value on the life of Americans or (b) just a much lower value on the life of non-Americans. In any case, the USSR lost about 7,500,000 people from all causes during World War II while our deaths were about 410,000.

Most of those planes we delivered did not last but the war—and when they went down, after bringing down their share of Germans, they had a Red Star instead of a White Star painted on the outside and the pilot was a Russian and not an American. When their forward bases were bombed and straffed by the Luftwaffe, the ground crews had Commissars instead of absentee ballots. And when the tanks and trucks were lost—the crews were Cossacks and Ukranians and Azerbajanians instead of Okies and Texans and Utes.

The dollars that we talk about today are just numbers. But to those of us who delivered the materials, it was mainly equipment just like we were sending to our guys to use—and die in. They were willing to accept it—and use it—and die in it—against the same guys we were fighting. We may have had different reasons for fighting—but we were fighting the same enemy.

And what did we get for our money?

In 1944 we fought our way back into France. D-Day, June 6, 1944. The young people have seen "The Longest Day"; but there are thousands of older ones who lived through it. We thought we took heavy casualties that day—and the days that followed. There are many American families who still visit graves on June 6th and 7th and 8th—and remember our losses.

This happened despite the 1,400 bombers who tried to clear the way (by dropping less poundage than is being dropped daily on isolated villages in Viet Nam). This happened despite the greatest naval armada ever assembled. This happened despite the tremendous air superiority that we established.

But Americans do not know—or if they knew. have forgotten—that D-Day came in 1944 instead of 1945 or 1946, and the losses came in thousands instead of tens of thousands, because the Russians, with our Lend-Lease tanks, our Lend-Lease trucks were engaging the bulk of the German Army on the Eastern Front.

France and the Lowlands were defended by 25 divisions and the Coastal Defense Commands. There were 125 German divisions facing Russia. There were about 40 German divisions in reserve—but closer to the Eastern front.

In my book, Russia repaid their Lend-Lease debt on June 6, 1944.

KIDNAPING LEGISLATION

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. JACOBS. Mr. Speaker, today I am introducing legislation authorizing the Attorney General to offer a reward in the amount of a ransom demand for information leading to conviction of a kidnaper who kills the victim.

Obviously, the purpose of this legislation is to give overwhelming incentive to any kidnaper to think twice—or as many times as the dollars he or she demands—before killing a helpless victim.

In naming the amount of ransom, the kidnaper would be naming the reward on his or her head if the victim should die. Friends of kidnapers could get mighty unfriendly with such reward available—despite so-called honor among thieves.

SPECIAL AID FOR THE UNEMPLOYED OF ERIE COUNTY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. KEMP. Mr. Speaker, the Congress recently passed legislation, which I voted for, to provide for a 6-month extension of the Emergency Unemployment Compensation Act of 1971. This legislation has since been signed into law, but before an unemployed worker is eligible, the unemployment rate must be 6.5 percent before the State qualified for Federal funds. Therefore, New York State, which has an unemployment rate of 5.95 percent, does not qualify and the unemployed in New York are not eligible for extended benefits. While it is good to see that figure moving down, unemployment in Erie County has gone up to 8.2 percent which is unacceptable to me and I cannot sit by and watch the unemployed in my district go without compensation.

Today I am introducing legislation that will help correct this situation by taking into account pockets of severe unemployment in States that have otherwise lost their emergency compensation benefits. Under the provisions of this bill, even though a State's overall statistics might cause a loss of Federal unemployment benefits, that State will continue to receive extended and emergency benefits so long as even just one county remains above the acceptable unemployment limits.

Mr. Speaker, I would like to have the text of my bill printed at this point in the Record.

The text of the bill follows:

H.R. 16282

A bill to provide that the determination of a State "off" indicator for purposes of the emergency and extended unemployment compensation benefit programs shall be made on the basis of whether the unemployment rate in each county in that State has fallen below the level prescribed for that State "off" indicator

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202(c)(3)(B)(ii) of the Emergency Unemployment Compensation Act of 1971 (Public Law 92–224) is amended by striking out "is less than 6.5 per centum" and inserting in lieu thereof "in each county in such State is less than 6.5 per centum".

(b) Section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (Public Law 91–373) is amended by striking out "was not satisfied" and inserting in lieu thereof "was not satisfied with respect to each county in such State".

SEC. 2. (a) The amendments made by the first section of this Act shall apply only with respect to unemployment compenstaion for weeks beginning after the date of the enactment of this Act.

(b) For purposes of subsection (a), the benefit period under the Federal-State Extended Unemployment Compensation Act of 1970 and the benefit period under the Emergency Unemployment Compensation Act of 1971 in any State for which such a period existed at any time before the date of the enactment of this Act shall be deemed to have been in existence for the most recent week beginning on or before such date of enactment and shall not be deemed to have terminated by reason of a State "off" indicator or "emergency off" indicator unless it would have terminated for a week beginning after such date of enactment pursuant to a State "off" indicator or "emergency off" indicator determined by taking into account the applicable amendment made by the first section of this Act.

(c) For purposes of the amendments made by the first section of this Act, in any State where, for part or all of its geographic area, the next unit of local government below the State is a city or other unit, such unit shall be treated as a county with respect to that portion of the State's geographic area.

HOUSE OF REPRESENTATIVES—*Thursday, August 10, 1972*

The House met at 12 o'clock noon.

Rev. Harold Burlingame, Bliss Baptist Church, Bliss, N.Y., offered the following prayer:

Almighty God, with whom all things are possible, look down with favor upon us as we seek to keep alive the spirit of loyalty that has made our free Nation a bulwark of democracy.

O Lord, may the persistence of our leadership help others to know that "The weapons of our warfare are not carnal, but mighty before God."

Our Father, as we continue to maintain our freedom, help us not to be discouraged by difficult tasks. Encourage us, as we experience anew the therapy of "the Master Physician."

Grant that our President, our Speaker, and all our dedicated leaders will never surrender their talents or seek deliverance from their God-given responsibilities.

In Christ's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On August 7, 1972:

H.R. 736. An act to designate certain lands in the Cedar Keys National Wildlife Refuge in Florida as wilderness; and

H.R. 8708. An act to extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments, and for other purposes.

On August 8, 1972:

H.R. 15951. An act to authorize the Secretary of the Army to undertake a national program of inspection of dams.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 631. An act for the relief of the village of River Forest, Ill.;

H.R. 2127. An act for the relief of the estate of Charles Zonars, deceased; and

H.R. 11632. An act for the relief of Vincent J. Sindone.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 10676. An act for the relief of Lester L. Stiteler; and

H.R. 15474. An act to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15580) entitled "An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EAGLETON, Mr. INOUYE, and Mr. MATHIAS to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 2854. An act to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15690) entitled "An act making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 30, 35, 36, 48 to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5065) entitled "An act to amend the Natural Gas Pipeline Safety Act of 1968."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 82. An act for the relief of Mrs. Wanda Martens;

S. 633. An act for the relief of James E. Fry, Jr., and Margaret E. Fry;

S. 655. An act for the relief of certain postal employees at the Elmhurst, Ill., Post Office;

S. 884. An act for the relief of Comdr. Howard A. Weltner, U.S. Naval Reserve;

S. 2507. An act to apply the same standards to prohibit the sale of domestically produced Saturday night special handguns as have been applied to foreign-made Saturday night special handguns since adoption of the Gun Control Act of 1968; and

S. 2516. An act to authorize the Secretary of Agriculture to reimburse owners of equines and accredited veterinarians for certain expenses of vaccinations incurred for protection against Venezuelan equine encephalomyelitis.

The message also announced that Mr. TAFT was appointed to replace Senator PACKWOOD as a conferee on H.R. 15692, to liberalize SBA loan programs in order to assist victims of disasters which occurred between January 1, 1971, and June 30, 1972.

AN IMPORTANT STEP FORWARD IN THE DEMOCRATIC PARTY

(Mr. LEGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEGGETT. Mr. Speaker, it is most gratifying to hear that the Democratic National Committee yesterday took another major step along the road of reform politics by adopting a wise and well-thought-out resolution that had been submitted by former Massachusetts Gov. Endicott Peabody.

The resolution calls for establishing a special commission on the method of selection of the Democratic nominee for Vice President. The commission will hold hearings and make studies and submit its report by January 1, 1974. That report, with any revisions made by the DNC, will become part of the temporary procedural rules of the 1976 Democratic National Convention.

It is particularly appropriate that the DNC action resulted from a recommendation by Governor Peabody, who truly made a pioneering effort this year. As you know, he was himself a candidate for the Democratic nomination for Vice

President—the first ever to actively campaign for the office—and he conducted a vigorous 7-month campaign in 37 States. He entered the only vice-presidential primary available to him—New Hampshire's, in March—and he got 85 percent of the vote.

In his campaign, Governor Peabody set forth these principles on the Vice-Presidency:

That the Vice President belongs to the people and should be elected in a free and open convention;

That selection of the vice-presidential nominee by the party leader demeans the office and the man;

That, considering that the Vice President historically has one chance in three of becoming President, he should have a "mandate from the people"; and

That vice-presidential aspirants should campaign for the office, and the convention delegates "should have a choice, not an edict."

Mr. Speaker, there is no one else in our Nation as well qualified in this area as Chub Peabody. I am sure that he will be named a member of the commission that his resolution inspired, and nothing could be more fitting than that he should be the chairman of the commission.

CONFERENCE REPORT ON H.R. 15586, PUBLIC WORKS APPROPRIATIONS, 1973

Mr. EVINS of Tennessee. Mr. Speaker, pursuant to the order of the House of yesterday, I call up the conference report on the bill (H.R. 15586) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 7, 1972.)

Mr. EVINS of Tennessee (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. The gentleman from Tennessee is recognized.

Mr. EVINS of Tennessee. Mr. Speaker, we bring to the House today the conference report on the Public Works-AEC Appropriation bill for fiscal year 1973.

Let me briefly summarize—when this appropriation bill passed the House on June 26, 1972, it was passed by a vote of 345 to 17. The bill passed the Senate on June 30, 1972, by a vote of 73 to 3.

The original House bill provided total appropriations of $5,437,727,000. This was a total of $51,331,000 below the budget estimate. I repeat—that is $51,331,000 less than the amount recommended by the President.

The Senate bill provided a total of $5,571,696,000. This was $82,638,000 above the budget estimate and $133,969,000 above the House bill. We have brought this amount down and have been able to make some reductions.

We are recommending today an appropriation of $5,504,914,000. This final amount is $15,856,000 over the budget estimate and $67,187,000 over the House bill. But it is $66,782,000 below the recently passed Senate bill.

The conference action is $710.8 million above the appropriation for 1972, including the budgeted increase of $695.0 million. Concerning the increases carried in the bill over 1972, I would point out that $339,030,000 is for the AEC; $230,631,000 is for the Corps of Engineers; and $98,278,000 is for the Bureau of Reclamation.

The increase over 1972 for AEC includes $188.7 million for operating expenses and $150.4 million for additional plant and capital equipment.

The major programs involved in the increases are for the weapons program, including nuclear materials, and for reactor development, including initiating the protoype for a new submarine reactor.

For the Corps of Engineers and Bureau of Reclamation we are providing some increases to provide optimum funding levels for projects already under construction.

The committee strongly endorses this policy—increases provided in the budget to expedite work on going projects.

The committee has deplored the slowdown, stretchout, and delays of projects in recent years, including the impoundment and freezing of funds appropriated by the Congress.

The reversal of this policy will result in significant savings in project construction costs and speed up the date on which essential flood control, water supply, power, and other water resource benefits will be available.

Considering the relatively small amounts of appropriations involved in water resources construction in relationship to other public works and the overall Federal budget, we urge the administration to continue its current policy of optimum funding levels in future budgets in order that projects underway can be completed as soon as possible at the least cost to the Government.

With respect to new starts, the bill reflects a continuation of the practice in recent years of approving new planning and construction starts on only a limited basis, and generally for projects involving a small total cost. Only $22.8 million is included in the bill for this purpose.

Because of the large unfunded backlog of projects, I feel that at an early date we must make more adequate provision for new starts. However, because of the need to give highest funding priorities at the present time to projects under construction, the bill makes provision for only 46 planning starts for the Corps of Engineers and the Bureau of Reclamation, including 10 proposed in the budget, and only 32 construction starts, including 15 in the budget request. The number of new planning and construction starts is less than the average number funded annually over the last 10 years.

Concerning the conference action on the Appalachian Regional Development Commission portion of the bill, the bill includes a total of $327 million for the Appalachian regional development program. This is $25 million above the budget request and this increase is for the highway development program to expedite high priority projects and to assist those States which are fully utilizing their current allocations and are prefinancing with State funds, the Federal share of urgent projects.

In summary, this is a good bill serving the needs of our Nation. However, when we consider the large backlog of authorized projects which are urgently needed to provide water quality and supply, additional power generation, flood control, and other water resource requirements, this bill might well be considered an austere bill.

I strongly urge that we must proceed with our planning and construction schedule at a deliberate pace, or we will face a greater water and power crisis in the future. The demand for these vital resources are growing by leaps and bounds annually.

Mr. Speaker, this is a well considered and prudent report. The amounts recommended are minimal to carry forward valuable programs essential to the Nation. I repeat, we have cut and reduced the Senate appropriation by $66,782,000.

We have made adjustments in the President's request, and have rearranged the priorities in many instances. However, I repeat that the bill is only $15.8 million over the budget.

So, we urge approval of the conference report.

I will insert at this point a table outlining the conference action by appropriation item compared with the 1972 appropriation, the 1973 budget estimate and the actions of the House and Senate.

The table follows:

PUBLIC WORKS-AEC APPROPRIATION BILL, FISCAL YEAR 1973—SUMMARY TABLE

Item	New budget (obligational) authority, fiscal year 1972 (enacted to date)	Budget estimates of new (obligational) authority fiscal year 1973 (as amended) [6]	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended in conference action	Conference action compared with—			
						New budget (obligational) authority fiscal year 1972 (enacted to date)	Budget estimates of new (obligational) authority fiscal year 1973	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—ATOMIC ENERGY COMMISSION									
Operating expenses	[1] $1,952,974,000	[6] $2,126,182,000	$2,129,000,000	$2,150,635,000	$2,138,800,000	+$185,826,000	+$12,618,000	+$9,800,000	−$11,835,000
Plant and capital equipment	[1] 341,406,000	[7] 530,910,000	486,860,000	500,110,000	494,610,000	+153,204,000	−36,300,000	+7,750,000	−5,500,000
Total, title I, new budget (obligational) authority, Atomic Energy Commission	2,294,380,000	2,657,092,000	2,615,860,000	2,650,745,000	2,633,410,000	+339,030,000	−23,682,000	+17,550,000	−17,335,000
TITLE II—DEPARTMENT OF DEFENSE—CIVIL									
DEPARTMENT OF THE ARMY									
Corps of Engineers—Civil									
General investigations	50,714,000	[7] 54,445,000	54,200,000	57,750,000	55,975,000	+5,261,000	+1,530,000	+1,775,000	−1,775,000
Construction, general	[2] 1,025,084,000	[7] 1,193,704,000	1,181,098,000	1,222,722,000	1,201,493,000	+176,409,000	+7,789,000	+20,395,000	−21,229,000
Flood control, Mississippi River and tributaries	86,000,000	95,000,000	105,000,000	119,115,000	110,620,000	+24,620,000	+15,620,000	+5,620,000	−8,495,000
Operation and maintenance, general	[2] 388,519,000	427,109,000	400,000,000	417,479,000	409,100,000	+20,581,000	−18,009,000	+9,100,000	−8,379,000
Flood control and coastal emergencies	5,000,000	7,000,000	7,000,000	7,000,000	7,000,000	+2,000,000			
General expenses	[2] 29,723,000	31,483,000	31,483,000	31,483,000	31,483,000	+1,760,000			
Total, Corps of Engineers—Civil	1,585,040,000	1,808,741,000	1,778,781,000	1,855,549,000	1,815,671,000	+230,631,000	+6,930,000	+36,890,000	−39,878,000
Cemeterial Expenses									
Salaries and expenses	22,588,000	29,170,000	28,920,000	28,920,000	28,920,000	+6,332,000	−250,000		
Total, title II, new budget (obligational) authority, Department of Defense—Civil	1,607,628,000	1,837,911,000	1,807,701,000	1,884,469,000	1,844,591,000	+236,963,000	+6,680,000	+36,890,000	−39,878,000
TITLE III—DEPARTMENT OF THE INTERIOR									
BUREAU OF RECLAMATION									
General investigations	22,400,000	21,400,000	23,000,000	24,627,000	23,827,000	+1,427,000	+2,427,000	+827,000	−800,000
Construction and rehabilitation	[3] 217,200,000	271,546,000	267,625,000	275,014,000	271,425,000	+54,225,000	−121,000	+3,800,000	−3,589,000
Upper Colorado River storage project	27,889,000	45,550,000	45,750,000	47,300,000	46,720,000	+18,831,000	+1,170,000	+970,000	−580,000
Colorado River Basin project	1,775,000	11,000,000	11,000,000	11,500,000	11,200,000	+9,425,000	+200,000	+200,000	−300,000
Colorado River Basin project (appropriation to liquidate contract authorization)	(31,500,000)	(53,000,000)	(53,000,000)	(53,000,000)	(53,000,000)	(+21,500,000)			
Operation and maintenance	[3] 71,990,000	78,505,000	77,000,000	78,000,000	77,500,000	+5,510,000	−1,005,000	+500,000	−500,000
Loan program	11,395,000	19,170,000	22,380,000	19,680,000	20,380,000	+8,985,000	+1,210,000	−2,000,000	+700,000
Emergency fund	1,000,000	1,000,000				−1,000,000	−1,000,000		
General administrative expenses	[3] 15,890,000	16,765,000	16,765,000	16,765,000	16,765,000	+875,000			
Total, Bureau of Reclamation	369,539,000	464,936,000	463,520,000	472,886,000	467,817,000	+98,278,000	+2,881,000	+4,297,000	−5,069,000
ALASKA POWER ADMINISTRATION									
General investigations	500,000	597,000	597,000	597,000	597,000	+97,000			
Operation and maintenance	457,000	631,000	631,000	631,000	631,000	+174,000			
Total, Alaska Power Administration	957,000	1,228,000	1,228,000	1,228,000	1,228,000	+271,000			
BONNEVILLE POWER ADMINISTRATION									
Construction	91,000,000	90,563,000	90,000,000	99,000,000	94,500,000	+3,500,000	+3,937,000	+4,500,000	−4,500,000
Operation and maintenance	27,825,000	31,020,000	31,020,000	31,020,000	31,020,000	+3,195,000			
Total, Bonneville Power Administration	118,825,000	121,583,000	121,020,000	130,020,000	125,520,000	+6,695,000	+3,937,000	+4,500,000	−4,500,000
SOUTHEASTERN POWER ADMINISTRATION									
Operation and maintenance	870,000	900,000	900,000	900,000	900,000	+30,000			
SOUTHWESTERN POWER ADMINISTRATION									
Construction	[4] 870,000	820,000	700,000	700,000	700,000	−170,000	−120,000		
Operation and maintenance	[4] 5,180,000	5,098,000	5,098,000	5,098,000	5,098,000	−82,000			
Total, Southwestern Power Administration	6,050,000	5,918,000	5,798,000	5,798,000	5,798,000	−252,000	−120,000		
OFFICE OF THE SECRETARY									
Underground electric power transmission research	875,000	1,000,000	1,000,000	1,000,000	1,000,000	+125,000			

See footnotes at end of table.

						Conference action compared with—			
Item (1)	New budget (obligational) authority, fiscal year 1972 (enacted to date) (2)	Budget estimates of new (obligational) authority fiscal year 1973 (as amended) [6] (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	New budget (obligational) authority recommended in conference action (6)	New budget (obligational) authority fiscal year 1972 (enacted to date) (7)	Budget estimates of new (obligational) authority fiscal year 1973 (8)	New budget (obligational) authority recommended in House bill (9)	New budget (obligational) authority recommended in Senate bill (10)
TITLE III—DEPARTMENT OF THE INTERIOR—Continued									
OFFICE OF THE SECRETARY—Continued									
Total, title III, new budget (obligational) authority, Department of the Interior	$497,116,000	$595,565,000	$593,466,000	$611,832,000	$602,263,000	+$105,147,000	+$6,698,000	+$8,797,000	−$9,569,000
TITLE IV—INDEPENDENT OFFICES (EXCLUDING AEC)									
Appalachian Regional Commission: Salaries and expenses	1,113,000	1,217,000	1,217,000	1,217,000	1,217,000	+104,000			
Appalachian regional development programs (funds appropriated to the President)	297,000,000	302,000,000	327,000,000	327,000,000	327,000,000	+30,000,000	+25,000,000		
Delaware River Basin Commission:									
Salaries and expenses	[5] $65,000	$69,000	69,000	69,000	69,000	+4,000			
Contribution to the Delaware River Basin Commission	179,000	216,000	216,000	216,000	216,000	+37,000			
Total, Delaware River Basin Commission	244,000	285,000	285,000	285,000	285,000	+41,000			
Federal Power Commission: Salaries and expenses	22,200,000	23,890,000	23,500,000	23,500,000	23,500,000	+1,300,000	−390,000		
Interstate Commission on the Potomac River Basin: Contribution to Interstate Commission on the Potomac River Basin	20,000	34,000	34,000	34,000	34,000	+14,000			
National Water Commission: Salaries and expenses	1,200,000	760,000	760,000	760,000	760,000	−440,000			
Susquehanna River Basin Commission:									
Salaries and expenses	[5] 51,000	68,000	68,000	68,000	68,000	+17,000			
Contributions to Susquehanna River Basin Commission	75,000	150,000	150,000	150,000	150,000	+75,000			
Total, Susquehanna River Basin Commission	126,000	218,000	218,000	218,000	218,000	+92,000			
Tennessee Valley Authority: Payment to Tennessee Valley Authority fund	67,150,000	63,700,000	60,800,000	64,550,000	64,550,000	−2,600,000	+850,000	+3,750,000	
Water Resources Council: Water resources planning	5,960,000	6,386,000	6,886,000	7,086,000	7,086,000	+1,126,000	+700,000	+200,000	
Total, title IV, new budget (obligational) authority, independent offices	395,013,000	398,490,000	420,700,000	424,650,000	424,650,000	+29,637,000	+26,160,000	+3,950,000	
Total, new budget (obligational) authority, titles II, III, and IV (excluding AEC)	2,499,757,000	2,831,966,000	2,821,867,000	2,920,951,000	2,871,504,000	+371,747,000	+39,538,000	+49,637,000	−49,447,000
Total, new budget (obligational) authority, titles I, II, III, and IV	4,794,137,000	5,489,058,000	5,437,727,000	5,571,696,000	5,504,914,000	+710,777,000	+15,856,000	+67,187,000	−66,782,000
Memoranda:									
Appropriations to liquidate contract authorizations	(31,500,000)	(53,000,000)	(53,000,000)	(53,000,000)	(53,000,000)	(+21,500,000)			
Total appropriations, including appropriations to liquidate contract authorizations	(4,825,637,000)	(5,542,058,000)	(5,490,727,000)	(5,624,696,000)	(5,557,914,000)	(+732,277,000)	(+15,856,000)	(+67,187,000)	(−66,782,000)

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[1] Reflects transfer of $2,844,000 from "Plant and Capital Equipment" to "Operating Expenses" in Second Supplemental Appropriation Act, 1972.

[2] Reflects transfer of $4,519,000 to "Operation and Maintenance, General" and $723,000 to "General Expenses" from "Construction, General" in Second Supplemental Appropriation Act, 1972.

[3] Reflects transfer of $490,000 to "Operation and Maintenance" and $365,000 to "General Administrative Expenses" from "Construction and Rehabilitation" in Second Supplemental Appropriation Act, 1972.

[4] Reflects transfer of $180,000 from "Construction" to "Operation and Maintenance" in Second Supplemental Appropriation Act, 1972.

[5] Includes $1,000 appropriated in Second Supplemental Appropriation Act, 1972.

[6] Includes budget estimates contained in H. Doc. 92–267 and H. Doc. 92–269.

[7] Reflects transfer in the estimates of $296,000 from "Construction, General", to "General Investigations" for restudies of previously authorized projects.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I concur completely in what the gentleman from Tennessee has said and associate myself with his remarks.

This is, I think, a well-considered conference report and as he has said, it is practically on the budget figure. I do not think you can come much closer to the budget on a bill which is over $5 billion.

Mr. Speaker, most of the increases which were added by the other body were modest increases. They were for small projects, mainly for flood control and along the lines of policy which had previously been adopted by the House committee.

Mr. Speaker, I hope the conference report will be adopted.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. I shall be glad to yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, we bring to the House of Representatives and to the Congress an excellent conference report which I know will be approved promptly.

It is a pleasure to serve on this Appropriations Subcommittee under the chairmanship of the able gentleman from Tennessee, Hon. JOE EVINS, and with other members of the subcommittee.

Mr. Speaker, when the public works bill was first before the House on June 26, 1972, pages 22428 and 22429, I discussed in some detail provisions of the bill. Today, I wish to point up two matters especially.

THE APPALACHIAN PROGRAM

First when the Appalachian program was enlarged to include my State of Mississippi, our State and several others were not included in the existing highway corridor program for funding. Though we have not participated in this phase, we have greatly benefited from many other phases which I shall not mention here, including access roads.

HIGHWAY CORRIDORS

When our committee first held our hearings on this bill, I pointed out the need for highway corridors in my State and others. The inclusion of the States not now included would have to be accepted by members of the Appalachian Commission and the particular highway corridor and under the law would be selected and initiated by the State. However, whichever highway or highways are selected, the selection of these highways would leave that much more for other highways in the regular road program—pages 1375, 1377, part 3 of hearings.

HOUSE REPORT

In our House bill, we provided an additional $25,000,000 to enable Mississippi and other States not presently included in funding to be included—page 66 of the report. This action was concurred in by the Senate under the chairmanship of my friend and colleague, Hon. John Stennis.

Thus we have included this extra $25,000,000 for the corridor highway program, in part for this purpose in this conference report and we hope the Commission will act expeditiously.

YAZOO BASIN

Mr. Speaker, in the House bill, we also provided for special attention to the Yazoo Basin. This is set out on page 47 of the House report as follows:

> Yazoo Basin: Within the funds provided the Committee directs that initial planning be undertaken on a pilot program to meet the soil erosion and bank caving problems of the streams in the Yazoo Basin, including the foothill area, in cooperation with the Soil Conservation Service, as authorized by Public Law 46, 84th Congress, as amended by Public Law 91-566, 91st Congress.
>
> The allocation for the Yazoo Basin includes $845,000 for continued planning on the Upper Auxiliary Channel or other alternate means of main drainage facilities to meet the flood control needs of the Upper (Delta) Yazoo Basin, the Ascalmore-Tippo, and the Opossum Bayou drainage projects. The Committee reiterates its directive that planning shall proceed from South to North so as not to aggravate prevailing conditions.

In this connection, yesterday in presenting the Conference Report on the bill making appropriations for Agriculture, Environmental and Consumer Protection, page 27523 of the Congressional Record of August 9, 1972, as chairman and floor manager, I quoted this language and pointed out that, quote: "The Soil Conservation Service is expected to use its appropriated funds to install measures determined necessary to the pilot program contemplated."

The language is repeated here for it is part and parcel an essential part of the program authorized and directed in the preceding language.

Again, Mr. Speaker, I appreciate the opportunity to serve on this subcommittee of the Committee on Appropriations.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. Yates).

Mr. YATES. Mr. Speaker, if there were any need for further proof of the Nixon administration's almost total lack of concern for the American consumer, that proof was given last week. With administration support, an order was entered by the Federal Power Commission, which will inevitably result in the additional payment by American gas consumers of hundreds of millions of dollars to the Nation's largest oil and gas corporations.

The order is bound to stimulate inflationary pressures at a time when such pressures should be restrained.

The wholesale price index will rise again, as it does every month. The price of gas for heating and cooking will go up in the same way as the prices of food continue to go up. And afterward, some administration spokesman, like Dr. Herbert Stein, the Chairman of the Council of Economic Advisers, will hold a press conference to rationalize the rise in prices by saying, "Oh, it's not as bad as it might have been."

Mr. Speaker, I would like Dr. Stein or some other administration spokesman to try to rationalize the administration's support for the order entered by the Federal Power Commission last week—an order, which in effect destroyed the protection assured American gas consumers by Congress in the Natural Gas Act of 1938. The purpose of that bill was to prevent the consumers of this country from being exploited by greedy producers. And almost immediately following its passage, the big oil and gas companies began their fight to nullify its provisions.

In 1949 the companies tried, through the Kerr-Harris bill, to remove the Federal Power Commission jurisdiction over well-head gas prices. That bill was passed by a narrow margin, President Truman vetoed the bill.

In 1954 the oil and gas companies made another effort to escape from Federal Power Commission rate regulation and again they won in Congress by a few votes. President Eisenhower vetoed that bill.

The Nixon administration has abandoned the Presidential tradition of protecting the consumer from being gouged. Instead of acting as President Truman and President Eisenhower had done, this administration has taken its stand with the big corporations which control the production of natural gas. As the Federal Power Commission said itself of its order, "the well-head price of new natural gas will be allowed to rise." Wrapped in that simple phrase, Mr. Speaker, is the prospect that hundreds of millions of dollars will be allowed to be taken from the pockets of gas consumers to swell the profits of the companies producing natural gas, companies which pay little or no income tax for their gas producing activities.

Mr. Speaker, this outrageous order is almost a complete triumph for the producers in their long fight to escape the rate regulation provided for in the Natural Gas Act of 1938.

This order adds insult to injury, for it was only little more than a year ago that the FPC granted a substantial increase to natural gas producers. The cost of that increase to consumers amounted to over $4.75 billion, yet there is no evidence suggesting that the increase was necessary to foster or that it will foster increased exploration in a region that contains about one-third of the natural gas consumed by the public.

We have been told that without the proposed increase our gas reserves will go unexplored and unexploited. Yet the Commission has specifically refused to require the natural gas producers to plow back all or at least part of the increased rates into exploration for new gas in the country. For all we know this increase will result in increased profits for producers or lead to increased exploration of gas and oil abroad—all financed by the consumers who the FPC has failed to protect.

Mr. Speaker, the Commission action shows a gross disregard for American people who are already facing ever-increasing price rises in their living costs. To grant a price increase for natural gas at this time is patently irresponsible. I strongly urge the Commissioners to reconsider their order and to meet their regulatory obligation to protect the consumers.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. EVINS of Tennessee. I yield the gentleman 30 additional seconds.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, the gentleman from Illinois is making a very important statement, but it is not necessarily a factual statement when he states that the administration was involved in a ruling of the Federal Power Commission. The gentleman knows full well that the Federal Power Commission is an administrative tribunal and decides cases on its own without reference to the administration in power.

The SPEAKER. The time of the gentleman from Illinois has again expired.

Mr. EVINS of Tennessee. I yield 30 additional seconds to the gentleman from Illinois.

Mr. YATES. I will tell the gentleman that I used the phrase "with administration support." The Secretaries of Commerce and Interior have indicated they favored the order issued by the Federal Power Commission. They made known their position to the Commission. I did not say the administration controlled the Commission. I said the Commission had the administration's support in entering that order; and I say this, too, that in my opinion had administration officials opposed the order rather than favoring it, I feel certain the FPC would not have approved it.

Mr. BAKER. Mr. Speaker, I rise in support of this conference report on fiscal year 1937 appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the Interior, and the Appalachian regional development programs, the Federal

Power Commission, the Tennessee Valley Authority, and the Atomic Energy Commission.

Last year Congress appropriated about $2.3 billion for the Atomic Energy Commission. This year we are going for $2.6 billion.

Many people question the spending of so many tax dollars on atomic energy, and I think it proper to emphasize at this point the tremendous returns our investment in atomic research and development is yielding.

These funds expended on atomic energy research have produced a number of what can be called peaceful civilian benefits—innovations in industry, improvements in consumer products, and environmental improvement benefits.

On the nonmilitary side, significant amounts are allocated this year for the reactor development program, and about 13 percent of the operating expenses budget is devoted to basic physical research. However, there are many programs of the AEC which are still perhaps not as well known, such as the development of long-life lightweight power sources for use in space missions and our communications satellite; the cardiac pacemaker, and recently, the development of a drain tile manufactured from discarded glass which holds out the hope of utilization of one source of nondegradable solid waste.

I have spoken previously on the importance I attach to the continuation of the research and development work on breeder technology—liquid metal fast breeder reactor, light water breeder reactor, molten salt breeder reactor—which is being done exclusively at Oak Ridge—and the gas-cooled fast breeder reactor. And, I am pleased with the increased funding for the reactor development program.

I am particularly pleased that the conferees have seen fit to retain the $1,000,000 increase added by the Senate for the civilian power reactor program. These funds are to be used for thorium utilization to accelerate the development of technology for commercial recycling of uranium-233 produced in high temperature gas reactors and light water breeder reactors.

Naturally enough, I am glad to note that about $358 million of these reactor development appropriations will go to Tennessee—and, for the most part, these funds will be used to continue the vital research being done at Oak Ridge, vital research which will continue to produce benefits for all of us.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on H.R. 15586.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

THE 15TH AND 16TH ANNUAL REPORTS OF THE HEALTH RESEARCH FACILITIES CONSTRUCTION PROGRAM FOR ACTIVITIES DURING FISCAL YEARS 1970 AND 1971—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-339)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

I transmit herewith the Fifteenth and Sixteenth Annual Reports of the Health Research Facilities Construction Program for activities during fiscal years 1970 and 1971.

RICHARD NIXON.

THE WHITE HOUSE, *August 10, 1972.*

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 313]

Alexander
Arends
Ashley
Blackburn
Boland
Broomfield
Chisholm
Clark
Clay
Colmer
Crane
Davis, Ga.
Devine
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Fisher
Flynt
Foley
Ford, William D.
Gallagher
Hagan
Hanna
Hébert
Hogan
Hunt
Kee
Lennon
Long, La.
McCormack
McDonald, Mich.
Macdonald, Mass.
Minshall
Nedzi
Nichols
Passman
Pelly
Powell
Price, Tex.
Railsback
Rarick
Reid
Rooney, N.Y.
Rosenthal
Ryan
Satterfield
Scheuer
Schwengel
Shipley
Springer
Teague, Tex.
Thompson, N.J.
Tiernan

The SPEAKER. On this rollcall 378 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FOREIGN ASSISTANCE ACT OF 1972

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 16029, with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the Clerk had read section 7, ending on page 5, line 18.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DELLUMS: On page 5, insert the following language after line 18:
>
> "(z) No assistance shall be furnished under this or any other Act, and no sales shall be made under the Foreign Military Sales Act, to Brazil until such time as the President reports to the Congress that the Inter-American Commission on Human Rights has determined that the Government of Brazil is not engaging in the torture of political prisoners."

Mr. DELLUMS. Mr. Chairman, this amendment duplicates an amendment I offered last year at this time. It cuts off military aid to Brazil until we are sure we are not thereby subsidizing torture, as time does not permit a detailed refutation of all the arguments raised against this amendment last year and proper information to the Congress. When I offered the amendment last year, we were assured that the brutal repressive policies in Brazil were merely local overreactions to difficult problems. While I have no reason to doubt the sincerity of these assurances, a year's experience has proved them wrong. To name just one example, last year we were told that a prosecutor in Sao Paulo was bringing charges against police excesses. This was true, and I admire this man's courage. But since he has since been forcibly dismissed from his post, I doubt whether we can take his action as representative of the regime.

It would be difficult to deny that recourse to torture is systematic policy on the part of the Brazilian Government. I have newspaper articles here dated June 1972 which tell of torture, censorship, and repression. We simply can no longer fool ourselves that the regime is merely going through growing pains.

If we are giving Brazil a substantial amount of money, then we are directly implicated in a repressive and barbaric policy. If the amount is not substantial, as we are assured by my distinguished colleague from Florida, then we are selling our souls for nothing at all. If the removal of our aid would not damage Brazilian interests, valid or otherwise, then we have no reason to continue the aid.

We may not feel this aid is important, and the Brazilian generals may realize that it is not important, but no one else in Latin America feels it is unimportant. The use of our good name is covering up repressive policies. Just like the Greek generals, the Brazilians are letting everyone know of our friendly support.

Taking away our aid may infuriate the Brazilian generals, but a lot of other people will be greatly encouraged.

It is simply not the case that the regime is loosening up in general—if anything, it is even tightening up. It is even hostile to criticism from within the military elite, as the documentation I inserted in the Record yesterday shows. It would be difficult for anyone to claim that the promising signs come close to the gloomy signs for Brazil's future.

South Africa is a good analogy: for years people have been telling us that for some reason economic growth brings liberalization. But in South Africa they have had a very good growth rate for years, and are just as viciously repressive as they always were.

Besides, the economic growth rate should not be an excuse for barbarities. It was not in Stalin's Russia or Hitler's Germany, it should not be here. Furthermore, Brazil's growth rate so far is so unevenly distributed that it cannot be said to be doing the majority of Brazilians any good at all.

Can we really teach them so very much about internal security and counterinsurgency efforts? Our track record in Vietnam does not make us look like the experts in the field. One would have thought that Vietnam would have taught us not to be advisers in other people's counterinsurgency efforts.

There is another reason we should not be subsidizing the Brazilian military. Brazil is expanding diplomatically and threatens to expand militarily. Part of its diplomatic expansion consists in giving aid to other Latin American countries. Why should a country embarked on its own aid program expect aid from us? They are just endorsing our checks and passing them on, buying influence with our money.

But, I do not think it is really necessary to make a long argument about this issue. It should be sufficient to point to the facts—torture, repression, and cynical elitism—it should be sufficient to point to these and say, "We have no business being mixed up in all this. Our participation must end—it must end now."

Again, I ask you to join with me in this vote to withhold aid from Brazil until there are concrete signs that the Brazilian Government is not engaging in torture of prisoners.

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we all understand and share the gentleman from California's deep concern over the abhorrent reports of the torture of political prisoners and others in Brazil. There is no doubt that there has been physical abuse. The Government of Brazil has admitted it. Our own country has taken up the issue with them.

The trouble I find with this amendment which would terminate all aid is on three scores: One is moral; another is it will not work, and the final one is it may damage irreparably the friendly relations we have with the Government of Brazil besides doing damage to some Brazilian programs which provide important benefits to the citizens of that country.

Torture and violence are part of human life all over the world. As abhorrent as the terms "torture," "violence," and "cruelty" are, I wonder whether we in the United States should point our finger at anybody else.

Mr. Chairman, I do not think I have to remind Members of this House, brutality in the ghettoes of our own country, and our own high level of violence as demonstrated in shootings and assassinations.

Brazil, too, has had to struggle with similar problems and with many others as well. They had a foreign ambassador who was kidnaped and diplomats who were otherwise harassed. They had a real problem not only with law and order in their own country, especially with those who sought power through terrorism.

It is a difficult problem. There is no question about that. I think we can all state what we feel should be done and our opinion about what our Government has done so far with respect to representations to the Brazilian Government.

I think we all can and should express our opinion in the Record today about how we feel on this important subject, but I think it would be wrong to attempt to write our own moral judgments into punitive law.

Mr. DELLUMS. Will the gentleman yield to me?

Mr. FASCELL. As far as the amendment itself is concerned, it will not work, because, as the gentleman from California has already pointed out, Brazil is thriving economically with a growth rate which is the highest in the world, more than 11 percent last year. In view of such a thriving economy, the programs that we have there are of relatively marginal importance. One of them, however, which would be stricken out, in addition to the small item for military training, is $21.9 million for the feeding and care of children. It seems to me that you have to balance off these moral issues.

While I take a very strong stand againt violence and torture wherever it exists, whether in Africa, Brazil, or the United States, it seems to me that striking out our aid program seems to me to be dollar diplomacy at its worst. What this amendment says is that we should express our displeasure by eliminating all assistance to the people of Brazil and not just assistance to the government. That does not seem to make much sense to me. If we are really trying to do something to help the people of Brazil, certainly if we want a more liberal and more democratic government—and we are all striving to see that that is accomplished—we should not take this kind of action.

In a world where torture, violence, abuse, and brutality, and man's inhumanity to man exist, there can be no question that this amendment, directed at one specific government, would be interpreted as a direct slap at that particular government.

If we want to accomplish what it is we are all after, it would also be wise for us to take into consideration the possibility that it might be politically unwise to express our displeasure in this way since it might actually rally a great many Brazilians, with a sense of nationalism to the defense of the present government and then have a result opposite to that which the gentleman from California is seeking.

Let us continue to urge our Government to take this matter up with the Brazilian Government, but let us not legislate here on the floor something which could seriously impair and damage our relationship with a government which has been working closely with the United States to resolve all of the matters in dispute between us.

So I would join in hoping that we will continue to voice our displeasure with each country which engages in torture and oppression, and that we continue to condemn, deny its use. I do not think that this amendment is the proper way to proceed.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(On request of Mr. Dellums, and by unanimous consent, Mr. Fascell was allowed to proceed for 2 additional minutes.)

Mr. FASCELL. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding to me, and I appreciate the comments made by the gentleman in the well, but I would only point out that every one of the arguments presented by the gentleman from Florida parallel almost exactly the arguments raised against the amendment to strike Greece from the Foreign Assistance Act, and when we struck it from the Foreign Assistance Act, as the gentleman from Florida will recall, in that debate, and it was very heated, and even at some points very angry, but yet we won that and we struck Greece from the Foreign Assistance Act on the grounds that this country, a democracy, a nation trying to bring democracy to the world, should not in fact be subsidizing a military dictatorship in Greece.

So what I am suggesting is that we voted against Greece being included in the Foreign Assistance Act, and therefore I see no rhyme or reason for not voting against Brazil on foreign assistance, and it at least raises the same moral question as with respect to Greece, and it raises the same parallels as with Greece, and it raises the same questions with respect to the amendments relating to Greece. I am saying that here on this continent that in Brazil we have a very similar issue, and if we took the moral position that it is antithetical to the democratic process to subsidize a military dictatorship, in Greece, then what I am suggesting to you is that we should take the same moral position that we took with Greece and its dictatorship, to Brazil and its political prisoners.

Would the gentleman in the well respond to that? Because I think the gentleman in the well joined with me and took a stand against the inclusion of Greece in the Military Assistance Act.

Mr. FASCELL. There were a lot of other similar issues. That was one of them, but if we are going to apply that kind of criteria across the board we would not be doing business with anybody; we could just stop all our diplomacy, regardless of assistance programs, because we just would not have relations with many countries.

The question of morality that the gentleman from California raises is one of the facts that we must live with every day, but we also must face the pragmatic necessity of doing business every day and the combination makes you judge each individual case on its merits.

The fact is that in South America for a long time——

The CHAIRMAN. The time of the gentleman from Florida has again expired.

(By unanimous consent, Mr. FASCELL was allowed to proceed for 1 additional minute.)

Mr. FASCELL. As I started to say, the fact was that in South America we were all concerned for a long time because almost all international relations in South America came to a halt due to violence, torture and oppression against diplomats, our own diplomats and those from other countries as well. All of us joined in expressing our concern that something be done. The matter was even raised in the OAS and, as the gentleman knows, the matter has been raised here. But if we are going to continue our day-to-day international relationships something has to be done in terms of trying to bring about some internal security, when your ambassadors are getting killed, and when they are being kidnaped or tortured.

I do not advocate torture, nobody does, but brutality is a fact that we have to face. Every government does. Therefore I do not believe in or see any purpose in taking issue with this government on that score. If you want to talk about it in a total moral sense, that is fine.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. BUCHANAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take much time of the House, but I would like to say that of course I agree with both the gentleman from California and the gentleman from Florida that brutality, torture and repression are abhorrent to every decent human being, and we ought to do whatever we can to stop such things from happening in the world.

I would certainly concur with the gentleman from Florida that these things are widespread generally and not confined to the nation of Brazil.

I would support the thrust of the argument of the gentleman from Florida, therefore, that we should proceed with this assistance and this program, but, Mr. Chairman, I cannot but take exception to the remarks of my colleague, the gentleman from Florida concerning torture, repression, and brutality as applied to the United States.

If there is anything we need to do in our time, it is to distinguish the things which differ and to use words with more care by precise definition and not throw smear words around.

I must say that I know of no instance of Government-sponsored torture in the United States, and I am unaware of such things as Government-sponsored brutality and repression here.

I can readily understand, however, how this general feeling might exist on the part of my friend because the gentleman is a Democrat from Florida and given what happened in Miami a few weeks back, I can certainly understand how he might feel that there is such a thing as torture in the United States.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California.

The gentleman from California offered this amendment last year. I opposed it then and I oppose it now.

We are dealing here with about a third of the population of Latin America. Brazil has a population of 100 million people. That is a third of the entire population of the continent.

Both the gentleman from California and the gentleman from Florida said that Brazil is now a going concern—its economic condition is improving steadily—possibly more rapidly than any other country in the world.

Our program for the fiscal year 1973 is a small program—it includes a small amount of technical assistance.

Our military grant program is very small. It is only a training program of less than $1 million.

We do have a development lending program and we have a military credit sales program, both of which programs are modest ones.

I would hate to think that we are going to take unilateral action against this friend of the United States. Brazil stood fast with us both during World War I and World War II and has sided with us on other important issues.

To say that we are going to take unilateral action here to terminate the program of assistance that we have been extending over a period of years to this important and friendly country, would not be in our best interests—I would hate to think that we would do that.

This is strictly a problem I feel for the Human Rights Commission of the Organization of American States. They are a going organization for dealing with such issues. If there are any problems of political torture in Brazil, it should be referred to that organization. That is where it should be dealt with. We cannot deal with this matter on the floor of this Congress, where we would be barging in and saying to one-third of the people of Latin America that we want to tell them what to do.

We belong to the Organization of American States, and I feel that question should be settled in the Organization of American States and not here on the floor of Congress.

Mr. Chairman, therefore, I oppose the amendment.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman.

Mr. MAILLIARD. Mr. Chairman, I simply want to join the chairman of our committee in opposing this amendment and to add one more significant point which I think he omitted. That is that the biggest program going in Brazil is the Public Law 480 program to feed the children in Brazil. I would think we would not want to cut that off just simply to show our disapproval of something that is going on.

Mr. MORGAN. That is correct. The program is a $21 million program—the Public Law 480 program—this is the program we have for Brazil.

Mr. DERWINSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I will try to be brief. I wish to point out to the House, it is obvious that the chairman of the committee and the ranking minority member in a very statesmanlike, diplomatic, and knowledgeable fashion made the proper argument for the defeat of this amendment. I am, therefore, going to be less technical and point out, especially to the author of the amendment, the gentleman from California, that I have been here in this body for 14 years and, as a result, I have developed a sort of brotherly attitude toward aggressive, energetic, and talented new freshmen Members like the gentleman when they arrive.

I would merely suggest in the spirit of this big brother attitude, toward this well-intended new Member, that the gentleman recognize that one of the virtues one must maintain in a legislative body is that of consistency. I listened carefully to the gentleman but his rapid-fire style is such that some of his arguments were going by too quickly to comprehend. But one of the points which the gentleman did mention was that we should not support any government that practices some form of brutality against its citizens.

In this bill we have a substantial program in support of the Government of Zaire where political suppression is a known fact.

If the gentleman were consistent, he would offer an amendment to strike aid to that country, but I do not think he should.

The gentleman also stated that we should not be giving aid to any country that, in turn, has its own aid program. One of the most effective aid programs in the world is conducted by the State of Israel. Certainly, we should not cut off support to the State of Israel because they, in turn, maintain support and aid programs to a few other countries.

So, I say to the gentleman from California that I respect his energy and the very special interest which he has given to our foreign affairs, but this type of amendment is so glaringly inconsistent that the gentleman would be wise not to permit it to be soundly defeated; he would be much wiser if he just withdrew the amendment.

Mr. DELLUMS. Will the gentleman yield to me?

Mr. DERWINSKI. I yield to the gentleman for a question.

Mr. DELLUMS. I have no question of the gentleman. I just want to point very simply——

Mr. DERWINSKI. Mr. Chairman, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment, and I yield to my distinguished colleague from California.

Mr. DELLUMS. I thank the gentleman from Michigan. I would only say to the previous speaker that perhaps I should slow down in my presentation, because frankly, you have not addressed yourself to one single argument which I have made, so the next time I make an argument I will slow down, because I do not like to have my arguments so thoroughly distorted. I think the Record will point out very clearly, and I have a copy of it, which I read and read clearly—if you wish to read it, you may find that the assumptions and conclusions which you have reached are totally and thoroughly distorted.

Mr. DERWINSKI. Will the gentleman, as long as he has time from his colleague, comment on not giving aid to any country that is conducting its own aid program?

Mr. CONYERS. I am sorry, Mr. Chairman, I have not yielded to the gentleman from Illinois.

I would like to ask the gentleman from Florida who made the original argument against the amendment: Is there not something that the Congress can do? The gentleman from Alabama wanted us to feel properly aggrieved. Is there no remedy for the very able point that has been made by the amendment that has been brought to this floor for 2 years consecutively? Is there anything this body can do? Do we merely put in protest remarks in the Congressional Record, or do we move deliberately to cut off aid as a demonstration of our desire to correct this wrong that everyone has admitted exists, and even exists in this country?

I was intrigued by the casual remarks of the gentleman from Alabama about the fact that there is brutality and coercion and abuse in this country. He has never heard of it. I presume that that follows because perhaps his State has many instances of violations, governmental violations, as my State does. I can point out to the gentleman in a further aside that every instance of police brutality is a Government action. It is a violation of the law by the Government. I am sure he must have heard of some in some States, if not his own or mine, somewhere in these 50 States, so I emphasize to the House that this amendment has been very deliberately brought up in the course of 2 years, and it should be supported. I urge its adoption.

Mr. BUCHANAN. Will the gentleman yield? He used my name.

Mr. CONYERS. I will be glad to yield to the gentleman from Alabama.

Mr. BUCHANAN. I will say to my friend that I understand his point of view. However, I would ask him to name a single instance of government-sponsored torture in this country. I am aware of charges of police brutality; I am aware of unlawful actions by policemen in instances, but I am aware that the acts charged greatly exceed the charges proven. I would like to know if there is an instance of government-sponsored torture in this country, in my State or his own.

Mr. CONYERS. If the gentleman does not recognize that the acts that have been complained of in the prisons across the country, of which there have been some evidences of torture, that there has been evidence of brutality that are equated with torture in the police prisons across our land.

I would be very happy to compile a list for the public record and insert it in the Congressional Record. We had a little incident at Kent State that amounted to a very brutal police action that has been construed as an overt governmental action. At Jackson State we had students killed by police action, which is governmental action. I think without going too far away from the thrust of this amendment this might be a subject that all Members of the House might join in examining a little more carefully.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Alabama.

Mr. BUCHANAN. I will say if the gentleman can point to one single instance that can be proven of Government-sponsored torture or brutality in this country, I will join the gentleman in action to correct it.

Mr. CONYERS. If the gentleman will check the court files of all the cases in which juries found that the Government or that the law enforcement agency or the individual officer was guilty, he will find some instances. Unfortunately there is no shortage of such instances.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I do so because I think the arguments on the amendment have gotten pretty far afield. I, of course, do not condone Government-sponsored brutality and I do not think any Member of this body does. But if we were going to have an amendment such as this, it seems to me it ought to apply to a great many more countries than Brazil. I pick out just one. What is wrong with including Algeria? One might say, what has happened in Algeria? And I will ask this question: Does anybody in the room know where Mr. Ben Bella, the former Prime Minister of Algeria is? I am not sure where he is, but I know a very knowledgeable fellow who knows a great deal about Algeria and some years ago he said, "He is 6 feet under the basement floor of the present dictator in Algeria, Mr. Boumedienne." I do not know if that is exactly true, or how they killed him, whether they hit him on the head or cut his throat or strung him up or whatever, but I imagine at the time he thought, as long as he could think, that it was pretty much some kind of governmental brutality.

Algeria receives hijacker after hijacker after hijacker, and we have not cut off relations with them or cut out anything. In the latest episode the hijackers landed in Algeria and they were received, and the hijackers alleged they were political refugees and talked about brutality, but they were not specific about it and I doubt if any existed.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, the gentleman raised the question of Algeria. In checking with the chairman of the committee and other members of the committee, I find we are not giving aid to Algeria.

Mr. HAYS. Not at the moment, but we did give a great deal in the way of food and so on right after the Algerian revolution, and nobody at the time raised a question. I could go on and on.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, the latest incident is that Uganda has just declared stateless and ordered the expulsion from the country of 55,000 Asians who are citizens of Uganda.

That is done merely because they are a different race.

Mr. HAYS. Somebody raised the question of Zaire. I cannot keep up with all the changes in names but I believe that the Congo was the maiden name of that country which is now Zaire. They change every few days. But the record is full of illustrations.

I simply think if we want to insult, as the chairman has said, a third of the population of Latin America, if we want to really add fuel to the fire of anti-Americanism down there, as stated by the gentleman from Florida, this is the way to do it.

I do not want to raise any great point here that will upset anybody, but I do not think this amendment got a half dozen votes last year and I do not think it ought to get more than a half dozen votes, if that many, this year.

I believe that is the wrong way to go at the situation.

As almost everybody who preceded me pointed out, if there is a substantial case that can be made, let it be made in the United Nations; then let the United Nations take whatever sanctions they feel worthwhile, if the case is made.

When one analyzes the gentleman's amendment, he is asking that we cut off aid until a decision has been made.

We really do not hang the prisoners before we have the trial, and I do not believe we ought to in this case. Let us see if the U.N. comes up with a decision in the matter.

I do not really have all that great regard for the United Nations, because I believe about as much political "Jiggery Pokery" goes on there as any place on earth; but I would suppose that if they came up with a decision that there was government-sponsored and condoned brutality certain sanctions could be taken.

Again I repeat, this is a case of hanging the accused before the trial is held.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. Hays was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from California.

Mr. DELLUMS. On this latter point the gentleman mentioned, that we should not victimize a person before a trial, the gentleman is aware of the indictment procedure in this country where, if there is adequate evidence to support an alleged crime, a person is indicted and the trial held.

I am suggesting there is more than enough information, detail after detail and article after article, that would at least allow us in this body to bring the indictment question, and then let the Commission on Human Rights have the trial.

Mr. HAYS. I will go along with that, but the gentleman is also, in his amendment, proposing a punishment during the indictment time. I am saying that if the indictment stands and the country in this instance is found guilty, and we come back here with the United Nations decision, I will listen to the gentleman on an amendment for sanction, but I am not going to buy an amendment for sanction before the indictment is held. That is all I say.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Minnesota.

Mr. FRASER. I thank the gentleman for yielding.

I did not want to take issue so much with what the gentleman was saying, but with what the gentleman from Maryland has said. The gentleman from Maryland said that Asians were asked to leave Uganda who are citizens of Uganda. My information is that they are those with British passports, not citizens of Uganda.

This is similar to an earlier action in Kenya. I do deplore the action of the Uganda Government.

Mr. LONG of Maryland. They are no longer British subjects, but they were also citizens of Uganda.

Mr. HAYS. Let me say to the gentleman from Minnesota that the dictator in Uganda first said he was going to expel all 55,000 who held British passports, and the next day he had a dream, he said, and he is expelling all 330,000, including the 275,000 some odd people who do not hold British passports but happen to be of Indian extraction.

Mr. JACOBS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is a problem of definition of terms that has bothered me, even years before I came to the Congress. That is this apparent confusion between the concept of recognizing a government and the concept of supporting or contributing to a government. Those two concepts are not synonymous; far from it.

People where I come from are not terribly enthusiastic about foreign aid, about giveaway programs, about sending money indiscriminately to other countries. The people where I come from have all gone through the American school system. They have studied the question of democracy. Nearly every one of them is for that idea. They are also for reality and practicality.

They know that the Communists control Soviet Russia. That is a fact that has been pretty well established. And belatedly the people of the United States have even discovered that effective control of mainland China has been asserted by a Communist government.

I do not support legislation to take money out of the pockets of the people I represent to support a Communist government in Russia or to support a Communist government in China or any totalitarian government be it Communist or Fascist or anything you want to call it.

If I ask my people at home to be generous and charitable to the less fortunate in the world, I would ask them to support the kind of government that they believe in. I would not ask them to support or to sacrifice their dollars to contribute anything or to give money to, to give their hard-earned money to, governments that they do not believe in. It is as simple as that to me.

Recognize the Government of China? Why, that is commonsense which recognizes the reality of something that actually exists. Recognize the effective Government of Brazil? Of course. It exists. It is in effective control.

As I study international law, recognition means nothing more than that. But to support such a government is a far different thing.

When the gentleman from Florida suggests that the United States of America, my country, is in no position to point a finger at an absolute, out-and-out military dictatorship someplace in the world, and that the skirts of my country, the skirts of my democracy, and the land I love are so dirty that we cannot point a finger—not the finger of withdrawing recognition but simply the finger that withholds generosity and support and withholds hard-earned American money and refuses to contribute or give a gift or largess to such a government—when he suggests that my Government is so devoid of democracy and kindness and human out-and-out military dictatorship, then I disagree. I resent it on the part of everybody who lives in Indianapolis, Ind., and everybody who lives any place in the United States of America who has sweated and sacrificed and believed in and built up the kind of Government which we have in this country.

In the main it is a kindly Government.

The argument of the gentleman from Florida has forced me beyond question to vote for this amendment, because in order to vote against this amendment, I would have to accept the argument that the United States skirts are not clean enough to point a finger at a dictatorship in the world.

Therefore, I support the gentleman's amendment.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to say to the House that I agree in part with my colleague from Indiana who just left the well, but only in part. There are a couple of other things we ought to keep clear in our minds.

Recognition and approval of a country are different. Foreign aid and approval are different, too, in my book.

I agree with the gentleman from Indiana that this is our money. We take it from our taxpayers, and in my judgment there is only one real excuse for doing it and that is if it is somehow, directly or indirectly, to our interest.

We do not give money to Brazil, or we should not, in order to reward Brazil or to say that is a nice country. Nor do we withhold it from them because we think they have a poor kind of government. We give it to them, if there is any sensible reason for doing it, because somehow it is to our interest to do it.

I do not know too much about whether it is to our interest to do it with Brazil or not, but we had this same thing up here yesterday in the matter of Portugal. I think it is perfectly obvious that it is to our interest to have a base in the Azores.

Therefore it is all right to pay for it. And whether we like the Portuguese Government or not is utterly irrelevant and immaterial. We are not approving of the Portuguese Government. We are not rewarding it, we are getting something that we need; and that is the basis on which this thing ought to be looked at, and the only basis upon which you can justify it, in Indianapolis, Ind., or Richmond, Ind., or anywhere else.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. DELLUMS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. DELLUMS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. DELLUMS, FASCELL, BUCHANAN, and CONYERS.

The Committee divided, and the tellers reported that there were—ayes 65, noes 325, not voting 42, as follows:

[Roll No. 314]

[Recorded Teller Vote]

AYES—65

Abourezk
Abzug
Anderson, Calif.
Aspin
Badillo
Barrett
Biaggi
Biester
Bingham
Brademas
Brasco
Burton
Clay
Collins, Ill.
Conte
Conyers
Corman
Coughlin
Dellums
Diggs
Dow
Drinan
Eckhardt
Edwards, Calif.
Ford, William D.
Fraser
Green, Pa.
Gude
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Wash.
Jacobs
Kastenmeier
Koch
Leggett
Link
Long, Md.
McCloskey
McDade
Metcalfe
Mikva
Mink
Mitchell
Moss
Nix
Rangel
Reuss
Riegle
Roncalio
Rosenthal
Roush
Roybal
Ryan
Scheuer
Seiberling
Stokes
Symington
Van Deerlin
Vanik
Waldie
Young, Fla.

NOES—325

Abbitt
Abernethy
Adams
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Ashbrook
Ashley
Aspinall
Baker
Baring
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Cotter
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Dickinson
Dingell
Donohue
Dorn
Downing

Dulski
Duncan
du Pont
Dwyer
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Heinz
Henderson
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Smith, Iowa
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Staggers
Stanton, J. William
Stanton, James V.
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Wilson, Bob
Wilson, Charles H.
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Wolff
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NOT VOTING—42

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Clawson, Del
Crane
Davis, Ga.
Devine
Dowdy
Edmondson
Edwards, Ala.
Flynt
Gallagher
Goldwater
Hagan
Hansen, Wash.
Hébert
Hogan
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Hunt
Kee
Lennon
Long, La.
McCormack
McDonald, Mich.
Murphy, N.Y.
Nichols
O'Neill
Passman
Pelly
Price, Tex.
Quillen
Rarick
Rooney, N.Y.
Schwengel
Shipley
Smith, Calif.
Springer
Tiernan
Wiggins

So the amendment was rejected.

AMENDMENT OFFERED BY MR. REID

Mr. REID. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REID: Page 5, line 18, after "agreement by resolution." strike out the quotation marks.

After line 18 insert: "(z) The President shall be authorized, at his discretion, to suspend assistance in whole or in part under this Act to any nation which does not agree, when requested by the United States, to prosecute or extradite to the United States any particular person alleged by the United States to have committed aircraft piracy in violation of section 1472(i) of Title 49 of the United States Code or of any similar provision of international law."

Mr. REID. Mr. Chairman, this amendment provides the President with explicit authority to be used at his discretion to suspend foreign aid in whole or in part under this act to any nation which refuses to prosecute or extradite accused skyjackers when requested to do so by the United States.

Mr. Chairman, this amendment represents an expression of serious concern by the Congress over the growing rate of hijacking over the last year and ransom losses which have increased 650 percent. In all of 1971 there were 27 hijackings and $200,000 ransom paid. Already in 1972 there have been 28 hijackings and $1.3 million paid in ransom.

This amendment is further meant to demonstrate that public patience is running thin over the failure of the majority of the nations of the world to ratify the Hague Convention. The Hague Convention requires a contracting state to extradite or prosecute skyjackers without exception whatsoever.

This Convention, as members of the committee know, was ratified by the United States on September 14, 1971, and entered into force in October 1971, but to date only 40 states have formally ratified or acceded to it. A parallel convention, the Montreal Convention on Air Piracy, has been ratified by only nine states.

Five countries today have some 114 fugitive skyjackers of U.S. aircraft. It is time, Mr. Chairman, that these countries know of the growing U.S. concern and our determination to take appropriate action. Piracy in the air should no more be tolerated now by the international community than piracy at sea.

While the Hague and Montreal Conventions can serve as a legal basis for extradition if the contracting states so agree, it is a fact that we presently have extradition treaties covering the crime of skyjacking with only 14 countries.

I, therefore, urge the adoption of my amendment to help curb the very serious outbreak of skyjacking.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the distinguished chairman of the committee.

Mr. MORGAN. Even though as chairman of the Foreign Affairs Committee, I am reluctant to accept the amendment, I would like to ask the gentleman from New York some questions about the termination of assistance. I have examined the gentleman's amendment very closely. Do I understand that it follows the Hague Convention in reference to the country prosecuting or returning hijackers, and, that, therefore the gentleman's amendment conforms to both provisions of the Hague Convention?

Mr. REID. The chairman is entirely correct. The amendment has been drafted to be entirely consistent with the Hague Convention on this point, as the chairman mentioned.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the distinguished chairman of the Judiciary Committee.

Mr. CELLER. Mr. Chairman, the gentleman stated there were five nations that harbor skyjackers, and I presume they have refused extradition?

Mr. REID. That is correct. With respect to those skyjackers who are U.S. citizens we have requested extradition, and such requests have been refused.

Mr. CELLER. Which are those five countries?

Mr. REID. The chairman has requested the facts on the five states that presently have fugitive hijackers. Cuba has 100. Algeria has seven. Egypt has three. Syria has two. And Jordan has two. Although in the case of the Hashemite Kingdom they are a signatory to the Convention, but they apparently do not have custody or control over the skyjackers involved, since there were guerrillas involved, since they were guerrillas.

Mr. CELLER. What nations receive our aid, of those five?

Mr. REID. In the past Algeria has had some, and today, of course, Jordan receives some aid.

The amendment makes it very clear that this is discretionary on the part of the President, and it would only be implemented at his direction, and if there had been a failure to accede to the Hague Convention de jure or de facto.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. REID. I am happy to yield to the gentleman from Connecticut.

Mr. MONAGAN. I fully support what the gentleman is trying to do, but I have just one question.

This amendment refers to any particular person, and I do not know why it says that, but the expressed basis for its operation is that the actor is alleged by the United States to have committed aircraft piracy. What about the question of probable cause? If the United States simply alleges something, does that require a foreign nation to extradite, even though there might be no prior proceeding which would demonstrate probable cause?

Mr. REID. The gentleman has asked a very good question. What this legislative history should show is that we interpret this in effect to implement the Hague Convention, which the gentleman knows has a clear process to take jurisdiction under recognized principles of due process.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. REID was allowed to proceed for an additional 2 minutes.)

Mr. REID. A nation under this would have to proceed legally and judicially under article 4 of the Convention, and only if they did not proceed along that line would it be in my judgment a matter on which the President would wish to act pursuant to this amendment.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the chairman of the committee.

Mr. MORGAN. After a further examination of the amendment on this side of the aisle, and considering the flexibility and the aims of the gentleman's amendment, we would be glad to accept the amendment.

Mr. REID. I thank the chairman of the committee.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the gentleman from New York.

Mr. BIAGGI. I commend the gentleman from New York on the quality of his amendment, and on the basis of the facts involved, I rise in support of the amendment.

It seeks to cut off foreign aid to any nation which refuses to prosecute or extradite accused skyjackers.

Mr. Chairman, in 1971 there were 27 attempted or successful hijackings from the United States involving over $200,000 in ransom payments. Thus far in 1972, there have been 28 hijackings and $1.3 million in ransom payments. We have thus experienced more hijackings in the first eight months of this year than in all of 1971. Moreover, the amount of ransom payments has increased sixfold. This trend must be reversed.

This amendment could have just that effect. Coupled with our other efforts to detect hijackers before they embark on a plane, this measure could be an effective tool by removing the promise of asylum that is currently offered by some countries.

The proposal gives the President discretionary authority to cut off the aid. Thus he is able to weigh the circumstances surrounding a particular incident and take the action which he feels will be most effective in dealing with the problem.

The amendment also puts other nations of the world on notice that the United States intends to take a tough stand against aerial piracy. We cannot and should not tolerate a foreign country protecting such criminals.

Economic sanctions have worked in the past to convince a recalcitrant nation to take action. I am convinced they can work again in this instance.

When we have so many lives at stake and such a great loss of property involved what seems to be a drastic measure is put into perspective. Weigh the loss of a Boeing 747 jet with over 400 passengers aboard against cutting off aid to a foreign country and I think you will agree it is a realistic balance.

Mr. Chairman, I urge my colleagues to join me in supporting this measure. We must take the steps now to assure that our skyways will be made safe for travel once again without the fear of aerial hijackings.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the distinguished ranking minority member of the committee, the gentleman from California.

Mr. MAILLIARD. The gentleman was kind enough to discuss this amendment with me yesterday. While I did express some reservations, I believe those points have been pretty well cleared up by the discussion on the floor, and I have no objection to the amendment.

Mr. REID. I thank the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I commend the gentleman from New York (Mr. Reid) and I am proud to join with him as a cosponsor of this amendment. Countries offering haven for these air pirates are doing far more than merely thumbing their noses at the United States; they are encouraging more skyjackings.

To sit idly by without taking every possible means to get these accused skyjackers back to the United States for trial is only encouraging these characters to attempt even more hideous skyjackings. There have been more skyjacking attempts so far this year than all of last year—28 so far in 1972 as against 27 throughout the entire year of 1971.

Let us act now before this number grows even more. Let us act now before we have a major disaster such as a 747 airliner exploding and carrying several hundred passengers to their deaths as a result of another horrible skyjacking.

I hope that the Reid-Hechler amendment will receive enthusiastic support and will pass overwhelmingly.

Mr. REID. I thank the gentleman from West Virginia for his helpful remarks.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Reid).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 8. Section 625 of the Foreign Assistance Act of 1961, relating to employment of personnel, is amended by adding at the end thereof the following new subsection:

"(k) (1) In accordance with such regulations as the President may prescribe, the following categories of personnel who serve in the Agency for International Development shall become participants in the Foreign Service Retirement and Disability System:

"(A) Persons serving under unlimited appointments in employment subject to section 625(d) (2) of this Act as (i) Foreign Service Reserve officers and (ii) Foreign Service staff officers and employees who have completed at least ten years of continuous service, excluding military service, in employment pursuant to said section 625(d) (2); and

"(B) A person who previously served under an unlimited appointment pursuant to said section 625(d) (2) or a comparable provision of predecessor legislation to this Act and who is serving in a position to which he was appointed by the President, whether with or without the advice and consent of the Senate.

"(2) Upon becoming a participant in the Foreign Service Retirement and Disability System, any such officer or employee shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended. Thereafter, compulsory contributions will be made with respect to each such participating officer or employee in accordance with the provisions of section 811 of the Foreign Service Act of 1946, as amended.

"(3) The provisions of section 636 and title VIII of the Foreign Service Act of 1946, as amended, shall apply to participation in the Foreign Service Retirement and Disability System by any such officer or employee.

"(4) If an officer who became a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection is appointed by the President, by and with the advice and consent of the Senate, or by the President alone, to a position in any Government agency, any United States delegation or mission to any international organization, in any international commission, or in any international body, such officer shall not, by virtue of the acceptance of such an appointment, lose his status as a participant in the system.

"(5) Any such officer or employee who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection, shall be mandatorily retired at the end of the month in which he reaches age seventy.

"(6) Whenever the President deems it to be in the public interest, he may extend any participant's service for a period not to exceed five years after the mandatory retirement date of such officer or employee.

"(7) This subsection shall become effective on the first day of the first month which begins more than one year after the date of its enactment, except that any officer or employee who, before such effective date, meets the requirements for participation in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection may elect to become a participant in the system before the effective date of this subsection. Such officer or employee shall become a participant on the first day of the second month following the date of his application for earlier participation. Any officer or employee who becomes a participant in the system under the provisions of paragraph (1) of this subsection, who is age fifty-seven or over on the effective date of this subsection, may retire voluntarily at any time before mandatory retirement under paragraph (5) of this subsection and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

"(8) Any officer or employee who is separated for cause while a participant in the Foreign Service Retirement and Disability System pursuant to this subsection, shall be entitled to benefits in accordance with subsections 637 (b) and (d) of the Foreign Service Act of 1946, as amended. The provisions of section 625(e) of this Act shall apply to participants in lieu of the provisions of sections 633 and 634 of the Foreign Service Act of 1946, as amended."

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that section 8 be considered as read, printed in the Record, and open to amendment at any point. The section goes through line 22 on page 8.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BURKE of Massachusetts. Mr. Chairman, I move to strike the last word.

I rise today in a more optimistic mood than ever before. This could well be one of the most historic votes cast in recent years in this House. Before us is an annual authorization bill which is probably the subject of more intense interest and expectation than any foreign aid bill in recent memory. For included in this year's bill, and totally overshadowing it in import, is the Morgan-Hamilton-Whalen amendment setting a certain date to end the war in Vietnam.

Now it has already been pointed out that this amendment is fairly mild and really has a number of conditions which qualify it too much. However, I find myself agreeing with those who see in this amendment a major policy statement and historic legislation. If passed, it would put this House on record for the first time against the continuation of the tragedy that is Vietnam and serve notice to the administration now in its fourth year of war that it can no longer count on the obsequious complicity of this body in its bankrupt policies. More partisan amendments with an earlier cutoff date might be more attractive to those who have been waging the good fight against this war for so many years. But in its bipartisan approach, in its very simplicity, in its very moderateness rests this amendment's chief hope for passage and success.

The work of the House Foreign Affairs Committee has been cut out for it these past few months. Yet with its action in favorably reporting out the amendment before us today, the committee can be justifiably proud of its work and can rightly be viewed as a model of the new spirit of a truly responsive House.

The lobbying against this modest measure by the administration has been intense. This is understandable. The handwriting on the wall is even apparent to the powers that be. After all, with the caucus vote requesting the amendment before us today, the majority party had taken a historic stand. Today it is up to the whole House—Republican and Democratic representatives of the people alike—to take a stand and end the sorry spectacle of fruitless debate over a date certain which has tied up this body on so many past occasions.

It is my sincere hope that today's date certain will be the final date certain—the last in a whole series. The end of the killing. The return of our loved ones. The freeing of the prisoners of war and men missing in action. The last day in a dark chapter of this Nation's history. The start of something new—a world of genuine peace and prosperity at home and abroad.

Mr. ROUSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, prior to the consideration of the next section of the bill I rise to continue a discussion I brought up day before yesterday on the folly of our foreign assistance program. I wish today to reiterate a position I have taken during my almost 12-year tenure in Congress; namely, that economic assistance information should be totally available to the public, the taxpayers who foot the bills.

Twelve years ago when I first approached the Congress on this subject, as a then freshman member of this august body, foreign aid was considered a popular and progressive policy. I opposed the program at that time for many of the same reasons that are surfacing today; because such assistance involves us needlessly in the affairs of other nations who frequently scoff at our generosity; and because the massive expenditures of these tax dollars lead us to neglect priorities here at home for dubious projects abroad.

Also, 12 years ago, when foreign aid bills came to the floor of the House, I endeavored to lift the veil of secrecy that shrouded the way our Nation was financing countries all over the world. When I introduced an amendment to the mutual security bill in 1959 for this purpose, I clearly stated that I was not trying to remove the secrecy lid from military aid for foreign nations—since at that time such assistance seemed related to our own security and the need for secrecy on military assistance was at least arguable—but only from economic assistance. I was at that time out of tune with the times and so unsuccessful in my attempt. I was a voice crying in the wilderness.

However, I am happy to report that in the last few years the Congress has attuned itself to a new strain, emanating primarily from the voices of the public who seriously question the need for and value of billions of dollars for tribute in the nature of foreign aid. Accordingly, in the last few years both economic and military assistance have been in large part declassified, the military most recently in just the last year—declassification is not complete on the military for which the total figures are now unclassified, descriptions of the programs and the congressional presentations are not public.

I am gratified at this development, but my enthusiasm and optimism are tempered by the fact that this was an administrative decision without the force of law. So last year when the foreign aid bill was on the floor of the House, knowing that economic assistance was no longer classified, I attempted to impose an amendment guaranteeing the continuance of that open policy, for I was fearful that what had been given by fiat, could be taken away by fiat, and I felt that the Congress should make its will known by law on this matter of secrecy about foreign economic assistance. I specifically included only economic assistance in my amendment; I thought this almost unarguable. I could not see why there would be any objection to giving the force of law to the practice adopted of not classifying economic assistance.

My amendment did not prevail and in discussion on the floor, Mr. MORGAN, chairman of the House Foreign Affairs Committee, stated, to my surprise, that "some of the material presented to us is always classified" in reference to security supporting assistance. Security supporting assistance is economic assistance to select countries to promote or maintain their economic or political stability. Those same countries generally receive military assistance, but security supporting assistance is economic. So it seemed to my amazement that economic assistance existed in a limbo of being both classified and nonclassified.

Once again this year I have tried to resolve this issue. We are now considering a foreign aid bill which is essentially military since we passed a 2-year authorization for economic aid last year. But security supporting assistance has come up again, although economic assistance is provided special nations faced with an immediate security threat to help them avoid, as the congressional presentation for fiscal 1973 puts it "simultaneous deterioration of the national economy as much as possible."

Now I find in researching this security supporting assistance that it is both classified and not, as seemed the case last year. I am assured by the Department of State under which this program operates, that anyone who wrote in or asked for information in the congressional presentation document could receive that information. But I am also told that there are details or aspects to the planning of the program that are classified, and these sometimes become the subject of special closed hearings.

I have in hand a copy of one of these hearings, this one before the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Senate Foreign Relations Committee on Aid Activities in Laos. In April of this year these secret hearings were held before that subcommittee and AID funding under the supporting assistance title of the Foreign Assistance Act was discussed. In July a "sanitized" version of these hearings was printed and the full information regarding which funds were spent for what kinds of programs in Laos was denied the public. That is a story unto itself which I will not get into today.

What concerns me is the secrecy element. I cannot see that our security is threatened by a full revelation of our fiscal commitments, our economic commitments in Laos, or anywhere else. I do believe that fiscal responsibility to the taxpayer is greatly threatened thereby. Has not the taxpayer a right to know exactly how we will spend two-thirds of the security supporting assistance funds in Vietnam in fiscal 1973, $585 million for economic assistance at a time when the American people are being taxed to provide billions in war materials to destroy important economic assets in that same country?

This raises the profound question: Are documents secret when their publication would call into question policies that are either unpopular or indefensible, or because, as Senator STUART SYMINGTON suggests in a preface to the report on Laos, there is evidence that funds are shifted around by the executive department depending upon " 'policy considerations' of the moment"?

Perhaps gradually the whole fabric of both economic and military assistance will be made available to the public. It seems to me that secrecy is maintained until pressure is exerted by the Congress and the public; then secrecy is lifted. If there is no more justification than this for secrecy, it is obviously not needed. If there is a compelling rationale, then we should all know it. Most of all, we should know, as Members of Congress and the public should be informed, specifically what is and what is not classified information, whatever the degree of classification from confidential through top secret and why.

I tend to believe that in each case, if the reasons for classification of economic assistance information were rendered, these reasons would not be compelling or convincing enough to stand the light of day or reason. Then in that happy future the public would clearly perceive where and how and when and why tax dollars were being spent for foreign economic assistance. Then the Congress could be truly held responsible for these expenditures.

The CHAIRMAN. Are there further amendments to be proposed to section 8? If not, the Clerk will read.

The Clerk read as follows:

SEC. 9. Section 655 of chapter 3 of part III of the Foreign Assistance Act of 1961, relating to limitations on assistance to or for Cambodia, is amended as follows:

(a) In subsection (a), strike out "$341,000,000" and "1972" and insert in lieu thereof "$330,000,000" and "1973", respectively.

(b) In subsection (b), strike out "$341,000,000" and "1972" and insert in lieu thereof "$330,000,000" and "1973", respectively.

SEC. 10. The Foreign Military Sales Act is amended as follows:

(a) In section 23 of chapter 2, relating to credit sales, strike out "ten" and insert in lieu thereof "twenty".

(b) In section 31(a) of chapter 3, relating to authorization, strike out "$400,000,000 for the fiscal year 1972" and insert in lieu thereof "$527,000,000 for the fiscal year 1973".

(c) In section 31(b) of chapter 3, relating to aggregate ceiling on foreign military sales credits, strike out "$550,000,000 for the fiscal year 1972," and insert in lieu thereof "$629,000,000 for the fiscal year 1973".

(d) In section 33(a) of chapter 3, relating to aggregate regional ceilings, strike out "$100,000,000" and insert in lieu thereof "$150,000,000", and strike out "of cash sales pursuant to sections 21 and 22,".

(e) In section 33(b), relating to aggregate regional ceilings, strike out "of cash sales pursuant to sections 21 and 22,".

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS: On page 9, strike lines 19 through 22.

Mr. DELLUMS. Mr. Chairman, I am offering this amendment to strike out a section of this bill that raises the ceiling on military arms sales to Latin America by a huge 50 percent—from $100 to $150 million.

Mr. Chairman, in my opinion congressional policy behind the ceiling provisions is a very good one. We should not chip away at that policy by making the imposed limits meaningless by continually raising the ceiling. The ceilings were instituted for a very good reason: To end U.S. participation in the wasteful diversion of absolutely needed scarce resources, and to avoid strengthening internal elites whose control of the means of violence makes them in the best of circumstances a dangerously unbalancing element in any emerging country's politics.

We must ask ourselves a very basic question: Can we rely on the military to solve the real problems of these countries, or will we only be solving pseudo-problems that merely consolidate the hold of unresponsive elites?

Sometimes it seems as if the main reason for raising these ceiling is the consideration that if we do not make these sales, other countries will. If biblical concepts are not out of place in these deliberations, I would remind you that we are told there that although evil will be done in the world, woe unto him who is the agent of evil. And I really think that our time and effort would be better spent trying to negotiate a general limit to arms sales to the developing countries, than to make a fast buck on other people's misery.

At a time when we are making arms limitation agreements with the Russians, it looks very bad to be encouraging the arms race in underdeveloped countries. This contradiction must be considered racist: The white people in the United States and the Soviet Union are worth protecting from the expense and danger of an arms race, but who cares what happens to brown and yellow people? Let them kill each other off, and why not make a profit while we are at it.

Another irony is that we can almost be said to afford our arms race, when compared to the problems that face underdeveloped countries. There, the diversion of resources is not an annoyance but a matter of life and death.

We should not fool ourselves that the arms race in underdeveloped countries is less dangerous to us. The examples of the Middle East and Southeast Asia should show us the dangers to our direct interests. In Latin America today, Brazil and Argentina are making threatening noises at each other while we arm both sides. Did we learn nothing from the Bangladesh debacle? Does not that disaster teach us the dangers of arming countries with traditional hatreds and with foreign policy ambitions, such as Brazil is today?

So what if Europe is taking these markets? We can not wait for the world to be good. That would make it too easy for us. I want the United States to have the honor to be the first to take the first step down that long road from greed and war to humanity and peace.

We must take the initiative. We must start trying to negotiate a general limitation on arms sales to the third world—stopping misery, not profiting from it. Surely if we can negotiate with the Soviet Union, we can negotiate this sort of thing with our allies.

But we can not take the initiative until our hands are clean, until we have shown we can make the puny economic sacrifice involved, until it is evident that our motive is not simply to get our fair share of the market. Let us begin that initiative today, and strike out this section.

Mr. MONAGAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I find much that is admirable in the argument that has been made by the gentleman from California, but I would say to the gentleman that the House has been down this road several times before. I well recall the times when the gentleman from Massachusetts (Mr. CONTE) rode in on his white horse, brandishing his lance, and offered amendments to appropriation bills of exactly the same tenor of the one that is proposed here today.

The answer to these suggestions that legal provisions here can limit Latin arms purchases is that they do not work. They have not worked in the past. I supported the limitations that we put on the provision of arms for Latin America, and the Congress agreed on this, and we tried—the theory being that these countries would not spend on the acquisition of arms if we put a limitation on this acquisition. That has turned out not to be the case. The fact is that they have spent hundreds of millions since we imposed a limitation in 1965.

Listen to these figures on the acquisition of armaments from third countries in Latin America:

In 1966, $79 million; in 1967, $89 million; in 1968, $290 million; in 1969, $395 million; in 1970, $760 million, for a total of $1,611 million over this period of 4 years.

Now we are proposing to reduce the limiting amount by $50 million. I proposed the amendment, in the original bill that raised this limit to $150 million. It could be $125 million—it could be $175 million. the question is—What is a reasonable amount? I think this figure of $150 million is reasonable.

Now let us not forget that with a provision such as this, we can keep some control over the escalation of military equipment in Latin American countries. We were able to keep the planes of these countries from the type of sophistication that they have acquired in the last few years as with the purchase of the Mirage planes that have been bought in the country of Peru.

So it is not that we want to become merchants of armaments. It is not that we are going into this for the purpose of making money. It is to have some influence in this market. In view of the history of the last 4 years, it is quite obvious that a complete ban or limitation of these amounts beyond what is reasonable will not achieve the purpose that the gentleman seeks in his amendment.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman.

Mr. MAILLIARD. Mr. Chairman, I want to join my friend, the gentleman from Connecticut, and to make perhaps one additional point.

This ceiling was unrealistically low and had the actual effect of having more money spent for arms in third countries than would have been had it been available here in the United States.

The gentleman from California points out that we are encouraging money to be diverted from other needs. We know from past experience that those Latin American governments are going to acquire the arms they need and deem necessary in one way or another. We have no way of preventing that. In fact, it has cost them more to buy the more sophisticated planes like the Mirage from France, had we been able to give them something more suitable to their needs.

Mr. MONAGAN. In any case, it does involve the acquisition of equipment that is appropriate and normal in carrying on the regular activities of policing and the protection of their coasts and so forth.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman.

Mr. DOW. Mr. Chairman, I admire the gentleman from Connecticut—in fact, I accompanied him on a tour of South America.

Mr. MONAGAN. It was an unforgettable experience——

Mr. DOW. Not because of me, I am sure. But anyhow I admire the gentleman's understanding of South America.

Nevertheless, I would like to point out that we have had this program running for some years now. It is at a level of $100 million.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. MONAGAN asked and was given permission to proceed for 2 additional minutes.)

Mr. DOW. The level now is about $100 million. Yet, the gentleman read figures which show that the gross purchases and acquisitions of military armaments by the South American countries was going up at an astronomical rate—nearly up to $1 billion a year at the present time.

I think this points to the bankruptcy of our policy. If our policy is not controlling the arms increase there, it seems to me we had better abandon it and save the $100 million or the $150 million for appropriate purposes that are required here in our own domestic economy.

Mr. MONAGAN. Limitation was the policy we did follow and did support. Obviously, it has had no effect and, therefore, if these purchases are going to be made, by these countries, as they are, we should exercise some influence in these purchases. We were able to keep them at a relatively unsophisticated level while we had some leverage. That is what we hope to do.

Mr. DOW. It seems to me that it is a stage of sophistication when they have nearly a billion dollars a year.

Mr. MONAGAN. I think they are wrong, but that is not the point.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman.

Mr. CELLER. I have listened to the argument made by the gentleman from California. Would not that same argument hold against $100 million as it would against $150 million?

Mr. MONAGAN. Exactly—yes—I think in essence that argument is one for complete elimination.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 11. Section 8(b) of the Act of January 12, 1971, entitled "An Act to amend the Foreign Military Sales Act, and for other purposes" (84 Stat. 2053), is amended by striking out "$185,000,000" and inserting in lieu thereof "$245,000,000".

SEC. 12. It is the sense of the Congress that the President, acting through the United States Delegation to the United Nations, should support in the United Nations General Assembly the resolution adopted at the United Nations Conference on the Human Environment calling for the establishing of a United Nations Environment Fund to finance new international programs which deal with problems of the international environment.

SEC. 13. Notwithstanding any provision of this or any other Act, the involvement of United States land, sea, and air forces, for the purpose of maintaining, supporting, or engaging in hostilities in or over Indochina shall terminate and such forces shall be withdrawn not later than October 1, 1972, subject to a cease-fire between the United States and North Vietnam and those allied with North Vietnam to the extent necessary to achieve safe withdrawal of such remaining forces, and subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The accounting for the American prisoners of war and missing in action referred to above shall be subject to verification by the International Red Cross or by any other international body mutually agreed to by the President of the United States and the Government of North Vietnam.

AMENDMENT OFFERED BY MR. WHALEN

Mr. WHALEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHALEN: On page 10, line 18, after the word "than" strike "October 1" and insert "December 31".

Mr. WHALEN. Mr. Chairman, this amendment simply changes the effective date of section 13 from October 1, 1972, to December 31, 1972.

As I indicated Tuesday afternoon, this amendment is intended to accomplish two objectives: First, it recognizes the legislative realities inasmuch as it is apparent that the foreign assistance bill probably will not complete its legislative course until mid-September at the earliest; second, this amendment, if adopted, will remove any taint of partisan politics that might otherwise become involved.

Mr. MORGAN. Will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, I want to say that I heartily endorse the gentleman's amendment. In order to be realistic, we are leaving here on August 18 and will be in adjournment until September 5. The other body has taken the foreign aid bill and defeated it. It included a somewhat similar antiwar amendment. I expect, from what I hear by the grapevine, that the other body will take this bill, if the House approves it and it gets over there, and strike out the enacting clause and start working it over. That will take so long that the October 1 date is very unrealistic.

I congratulate the gentleman for setting the date of December 31. I feel it is a realistic date. It is a date which I have always supported, and I strongly support it now, because, as the gentleman from Ohio said, it takes this antiwar amendment out of the election and extends it to December 31. By that time the President can continue his negotiations, and the secret negotiations can go on.

I have before me an information sheet from the State Department saying that there have been 153 sessions of the Paris peace talks since 1969. The President announced that from August 1969 through 1971 there have been 12 private meetings between the North Vietnam representatives in Paris and the Americans, and they have had several more sessions this year. This amendment will give them another 3 or 4 months to continue those negotiations. The President himself on May 8 made a proposal which he said, if it was accepted, it would require 4 months after that when there would be withdrawal. I think the 4 months provided by the gentleman's amendment would cover that.

Mr. Chairman, I strongly urge support of the gentleman's amendment.

Mr. WHALEN. I thank the gentleman.

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment gives us some idea of the ridiculousness of this whole situation. The gentleman from Ohio (Mr. WHALEN) has been very hot for an amendment to get the war over by October. Part of his argument was that we are going to get it out of the election campaign. Now he wants to draw it on right through the election campaign.

I suppose there is a certain amount of publicity value of having this thing up and down and back and forth and in the papers and out of the papers and across the headlines, but I do not know exactly whether that is going to be the kind of publicity that is going to do any good in the coming election.

If we are going to get it out of the election, why drag it back to December 31 if we really want to get out? I do not know.

I am not able to determine what the motivation is exactly. I think I know what the motivation is. The motivation is to make it a little more palatable for some people to vote to let the Vietcong insist that we not only get our troops out but also—and I will tell the Members what they are going to insist on when we get the troops out—they are going to insist we turn over all of South Vietnam to them before they release prisoner No. 1.

I think it is significant that the gentleman refused in the committee to entertain or to vote for an amendment, which I voted for and which the press did not report, that called for a cease-fire as well as a troop withdrawal. Oh no, they do not want a cease-fire. They want the killing to go on, but they want a political cease-fire to help the Vietcong achieve their aims.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the minority leader.

Mr. GERALD R. FORD. Mr. Chairman, I deeply appreciate what the gentleman from Ohio is saying. I think he is entirely right. If we assume the arguments are sound for the Hamilton-Whalen amendment and particularly the background and theory of that proposal, they assume that Congress by this amendment offered by the gentleman from Ohio will end the war by December 31. It is paradoxical to me that they are now willing to concede by an amendment that they are willing to extend the war for 90 more days. I happen to think there is more validity—a little, but some—to the October 1 date, but when they want to extend the war for 90 more days, all their credibility in my opinion goes down the drain.

Mr. HAYS. They want to extend the war so they can pick up a couple more votes, but it seems to me the acid test is whether these people are willing to include a cease-fire. I have heard the moaning and the groaning and the going on in the committee about let us stop the killing. Well, let us stop the killing. I am strong for stopping the killing. Let us stop all the killing. Let us put a cease-fire in, and let us say we will get out October 1 and there will be a cease fire and they will repatriate the prisoners. What is wrong with that?

I am not going to be taken in by any political mumbo-jumbo or any extension of the date to pick up a couple more votes on the floor. I am not going to be taken in by any of this because I have told them in the committee and I will state it here, if we write the amendment so it stops the war and stops the firing and stops the killing, I will vote for it as I voted for it in the committee, but there is no way on earth that I am going to vote to extend the killing another 90 days. No, I do not buy that.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think it is clear the purpose of the amendment is to afford the administration reasonable time in which to negotiate, as the chairman pointed out, the disposition of the matters that are embraced in the resolution, and I think those who are opposing it at this point are doing so because they feel that by opposing the amendment they can advance their position on the main amendment.

This will make the amendment more realistic, and I would strongly urge its adoption.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. If the gentleman's argument as just stated is logical, why include any date at all? Why not give the President sufficient time to negotiate without a date? Then, when the conditions are met and when there is a cease fire and the killing of all the people in Vietnam, north and south, stops, this can be done. That is what we really want, is it not? Why not disregard the date entirely?

Mr. FRASER. As the gentleman knows, I have been opposed to American involvement for over 6 years. I am willing to provide a reasonable time for the administration to disengage. That is all that is involved in this amendment, and for that reason I believe it should be supported.

Mr. ZABLOCKI. Mr. Chairman, will the genlteman yield further?

Mr. FRASER. No; I decline to yield.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Ohio (Mr. WHALEN), during debate on this bill a couple of days ago, indicated he was going to change the so-called deadline in section 13 from October 1 to December 31. Just previous to that he announced he was going to change the deadline to December 1.

I am not sure why he is suddenly getting so concerned about the change in the calendar date. My concern is with respect to any calendar date, and most particulraly the significance of the language of the provision itself.

In my opinion, changing the date to December 31 will surely not give the President time to negotiate in a reasonable way as has been alleged. The fact is that the provisions itself undercuts his position as a negotiator, and in my opinion there is no possibility that we could conceive of this other than as constituting a serious undercutting of the President's position as a negotiator.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Ohio.

Mr. HAYS. The gentleman from Minnesota said he had been against the war for 6 years but he is willing to extend it another 90 days. In other words, the message I get from that is he is willing to extend it so he can talk about it right up through and including election day.

Mr. FRELINGHUYSEN. The sad part is that there is such an election year flavor about this debate, as there has been about the discussion of the war. But legislation, unfortunately, is not going to end the war, nor is extending the date of this deadline in this particular provision going to eliminate, as the gentleman from Ohio naively hopes, any taint of partisan politics.

I should like to point out what is obvious to members of the Foreign Affairs Committee. We have approved an appropriate vehicle to discuss the kind of legislation we should like to develop with respect to the role of the United States at this point, and what we believe should be done in the immediate future.

On June 13 we reported out House Resolution 1225. Unfortunately, the report on that resolution was not filed until August 3, 2 days after this foreign assistance bill was reported. In that resolution we made a proposal which resembles very closely what the President suggested on May 8. It proposes that we will get out 4 months after certain conditions are met.

I should think that anybody would see the wisdom of not giving a calendar date but of saying "Meet certain conditions and we will do certain things at a certain period after that time."

I should add that there was substantial opposition to what the committee decided on in June with respect to this so-called end the war resolution. Similarly there was substantial opposition in committee to section 13. Let me read the reasons for opposing the joint resolution by reading from the minority's own views. They begin their statement explaining why they are opposed to the particular language that the committee endorsed by saying that and I quote, on April 20, 1972, the Democratic caucus of the U.S. House of Representatives adopted a resolution which read in part as follows:

> *Resolved further*, That the national interest in obtaining a permanent peace with security would best be served by promptly setting a date to terminate all U.S. military involvement in and over Indochina, subject only to obtaining the release of our prisoners of war and all available information on the missing in action . . .

This quite obviously was a political call to action to the majority of our committee. Their response has been muffled by their inability to develop a clear majority in favor of anything. Finally, in the middle of June when the committee came up with something which, for some reason, the at-that-moment minority, felt was not complying with the demand of the Democratic caucus.

So, whether we like it or not—and I regret this very much—politics is mixed up in this. It was the demand of the Democratic caucus that led to the compulsion on the part of certain members of the Foreign Affairs Committee to come up with language.

What I am saying is our committee has developed a separate resolution. We have available for immediate attention a resolution dealing only with this difficult subject. My suggestion is that we accept that resolution as a vehicle for working our will. We should not clutter up a bill which, as I said on Tuesday, could be quite possibly jeopardized if the language as it is now written should be left in it.

In my opinion, this section does not belong in this foreign aid bill. It should receive seperate consideration. Inevitably when we have that separate consideration, even if we consider a December 1973 deadline, politics will be involved, because at least part of the membership of this House is under the compulsion of the Democratic caucus.

Mr. BURTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio (Mr. WHALEN).

I yield to no person in this House in terms of my credentials with reference to opposition to the war in Southeast Asia. I stood in this well time and again and predicted some things that look all too prophetic today. I think that the time has come for the House of Representatives to put on the statute books of this land a specified date to end this miserable war.

This is not and should not be considered a partisan effort. I was every bit as critical, if not even more so, when my own party's President led this Nation to deeper involvement in Southeast Asia.

The simple, plain, unadulterated fact of life is that some of our friends and colleagues who have never voted on any occasion with that growing number of us that want to end our country's involvement have contrived a tortured rationale trying to convince the Members of this House to vote against the Whalen amendment.

Their argument is just sheer nonsense. Certainly the Whalen amendment is a realistic effort, including the note of realism about the inevitable time that it may well take after the passage, hopefully, of this legislation and its being sent to the President.

The issue is plain and simple: This will be a bipartisan effort if the Members on both sides of the aisle support the Morgan amendment. You will characterize by your own vote whether you do or do not want to stand up and state, as an elected Representative of the people of this country that America, should get out of this war. If you think we ought to stay in, vote against the Whalen amendment, and vote against the basic amendment, and your constituents and my own will have occasion to pass judgment on the wisdom of that vote.

I fear that the defeat of the Whalen amendment will result in the defeat of the Morgan resolution.

I urge my fellow antiwar colleagues not to fall into the trap of voting against the Whalen amendment.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise not to consume 5 minutes or to make a statement, even but I would like to ask a question, and I address my question to either one of the two authors of what is designated as the Hamilton-Whalen amendment.

I have received a total of four telegrams from my area, two within the district and two outside of the district, and I have received a special delivery letter this afternoon, and the language is almost the same. It says, "We urge you to be sure to vote for the Hamilton-Whalen amendment because it will end the war."

Now, because I had a similar question that I asked when we had the Nedzi-Whalen amendment before us, if the House approves this amendment, or the amendment to the amendment, is it the opinion of the authors that this would terminate the war?

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I will be delighted to yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Chairman, we have said in our statement that this amendment will help end the war. We know that the Congress of the United States cannot negotiate an end to the war, and we are not seeking to do that. All we are seeking to do is set forth for the President the acceptable conditions, the essential conditions, for a withdrawal of American troops from Southeast Asia. We think that the President's proposal that is now on the negotiating table, which calls for an internationally supervised cease-fire, is unrealizable, and has no real chance of acceptance in the near future. The purpose of this amendment, then, is to set forth the condition for the President, which would permit him to negotiate on the basis that we think might help end the war.

Mr. GONZALEZ. But, in and of itself, if enacted it would not necessarily end the war?

Mr. HAMILTON. Mr. Chairman, if the gentleman will yield further——

Mr. GONZALEZ. I will be glad to.

Mr. HAMILTON. It would depend on what the President did after that. The mere enactment of the provision does not end the war.

Mr. GONZALEZ. That is the question I asked, and I will be glad to accept the answer. And I want to say why I am asking the question—because it is not just an idle thing, and it means a lot—is because apparently reflected in the special delivery letter, which of course is more explicit than the telegrams, it states that she is under the impression that whatever statements were made, or whatever she read, or whatever she was being urged to do—and I suspect it might have been an organized effort, because I understand Common Cause is lobbying pretty hard for this amendment—she makes it plain that she is asking for your vote in order to bring about approval of the amendment because it will end the war. And I just wanted to clarify it because naturally I think everybody is concerned about what the Congress does or does not do in this connection.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I will be delighted to yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I think the House understands this but, to make it crystal clear, the original Hamilton-Whalen amendment set a cutoff date of October 1.

Now, regardless of anything my distinguished friend, the gentleman from California (Mr. Burton) has said—and he is my friend, and a close friend—a vote for the present Whalen amendment, the pending amendment, is simple a vote to extend the war to the 31st day of December.

There are two separate amendments—the original Hamilton-Whalen amendment which has a cutoff of October 1 is in the mill.

This is another Whalen amendment to extend the war. You can argue all you want to, and I will come in and I will come into any of your constituencies and you can come to any of mine and debate it. But, if you vote for the Whalen amendment which is pending now, you are voting for nothing more nor less than to extend the war by congressional sanction until the 31st of December.

Mr. GONZALEZ. I just wanted to ask a question of the distinguished gentleman from Ohio in view of that.

I am afraid that is straying from the central point of the question. I will ask you, because you are an eminent member of the committee and have been for some time—regardless whether the date in the amendment is October or December, is it your judgment that the action taken by the Congress, assuming it approves either version, would terminate the bill? Is it inherent in the congressional power reflected by the passage of this amendment, in case it is, that it would tend to terminate the war?

Mr. HAYS. It would not—of course, it would not terminate the war. The only way you are going to terminate the war—and the gentleman from California (Mr. Leggett) showed me some language of Madame Binh—and I do not happen to have it with me—she said that "the only way we would terminate this war is for the United States to withdraw and turn over the Government of South Vietnam to us."

The CHAIRMAN. The time of the gentleman has expired.

(Mr. GONZALEZ (at the request of Mr. Gerald R. Ford) was granted permission to proceed for 3 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman will the gentleman yield?

Mr. GONZALEZ. I am delighted to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, I think the gentleman from Texas has raised two excellent points.

In my judgment, the enactment of the Hamilton-Whalen amendment with the October 1 date would not, if approved by the Congress, end the war. It is my opinion, nevertheless, that people who favor that provision, the various organizations have sold your constituents and some of mine honestly believed that it will end the war.

So let us assume that they are right—which I disagree with—this Whalen amendment would extend the war 90 days more. I do not understand the rationale or the logic of that point of view.

If they want to really end the war—and I do not assume that their arguments are persuasive—I cannot understand why, now at this late date—and I will not try to analyze their motives—I do not understand why they now want to extend it 90 days more. This amendment will add to the tragedies and casualties in Vietnam.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman.

Mr. JACOBS. It seems to me, in order to say that the Whalen amendment would extend the war 90 days, a great revelation has been brought into this Chamber today—namely, that the war is going to end on October 31.

Some of us have always suspected that all along.

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman.

Mr. WHALEN. I think the implication of the remarks of both the gentleman from Ohio and the distinguished minority leader is not that the President is going to be able through his own negotiating efforts to end the war either. Thus, they are seeking to put the onus for extending this through December 31 on the Members of Congress.

If they have that much faith that the President can end the war at the negotiating table before this time, I would think that this would not matter insofar as what date is contained in section 13.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman from Texas yield so that I may respond to that?

Mr. GONZALEZ. I am glad to yield to the gentleman.

Mr. GERALD R. FORD. The President is daily seeking to end the war by negotiations. I do not think an October 1 date and I do not think a December 31 date will help that effort in any way whatsoever.

Now, if this amendment of yours prevails, it acknowledges that we want to extend the war for 90 days. I think it will be even more harmful than helpful.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman.

Mr. FRELINGHUYSEN. I think that the deadline is not only illusory, but there is no reason to think that anything dramatic is going to happen because the deadline is written into this legislation. That is one of my worries about any deadline. It does give the average citizen, and perhaps even some of us on the floor, the feeling that something dramatic will happen by a date certain. One more point, section 13 sets minimal conditions for negotiating. These are different than the conditions the President has set as our own position in negotiations.

Mr. BURKE of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Whalen amendment and intend to vote in support of the motion to delete all of section 13 from the Foreign Assistance Act of 1972, H.R. 16029, when this amendment is offered later.

While I support a strong national security program, including military assistance to friends and allies such as Israel, I cannot support the bill as reported out by the Foreign Affairs Committee.

In my dissenting views, which were made part of the committee report, I pointed out that section 13 contains an "end the war" provision, which calls for a limited cease-fire, and seeks only to save our skins as we withdraw. In my opinion it is more political than honest.

It seems inconsistent to me, for those that talk about the suffering and the inhumanity of the Vietnam war, to simultaneously attempt to guarantee the safety of U.S. prisoners of war without properly negotiating for the release of the South Vietnamese, and other prisoners of war, who were taken prisoner while fighting as our allies in Vietnam. To be sure, I strongly endorse bringing home our American boys who are being held as prisoners of war as quickly as possible, but my interest in humanity compels me to view the prisoner-of-war situation in its entirety in the name of mankind, rather than to view it on the basis of the United States taking care of its own, and thereby willfully allowing the prisoners of war of our allied nations, and, in fact, many civilians to remain interred, and perhaps, even condemn them to death by our negotiations.

As a member of the world family of nations, we should not abandon principle because we wish to leave the field of battle. Behavior such as is contemplated by the present language of section 13 is unbecoming to any civilized nation, and, it would be even more unbecoming to our Nation which purports to be humane, and to be the most powerful and wealthy country on earth. It would hardly reassure our friends anywhere, whether it is in the Middle East, Asia, or other parts of the world, where we have mutual security interests to uphold by way of agreements and treaties.

Mr. Chairman, is it not ironic, also, that while we coldly turn our back on our allies' prisoners of war, are those who would by H.R. 16029, also censure the behavior of two other nations.

In fact, it seems to me that those that take this view have lost sight of our principles of fair play, and of our own future security interests, in their haste to assuage certain loud, vocal, factions who demand that we get out of Vietnam at any price.

We do not live in the best of all possible worlds, and while we may hope for improvements in human conditions elsewhere around the globe, our experiences since the end of World War II should have taught us that we have no right to insist that other people behave the way that we feel they should behave.

Why then, should we place in jeopardy the continued use of our base in the Azores, with a prohibition against the obligation or expenditure of funds to carry out our agreement with Portugal without the consent of the Senate? Why, also, should we stop the importation of chrome from Rhodesia, as section 14 provides, when chrome is essential to our manufacturing, and must be bought from the Soviet Union and other sources at higher prices? Dependency on the Soviet Union at this time, when world conditions are as they are today, in my opinion, borders on lunacy.

The unhappiness of some, with Portugal's policy toward Africa, should not be permitted to adversely influence agreements that are important and essential to our national security. Also, the unhappiness of some, with Rhodesia's white government and its policies, should not be permitted to further impair our own international balance of payments particularly when this imbalance continues to grow.

To me, the real question should be, how can the United States serve the best interests of world peace and bring human dignity to the world's peoples? Can we honestly say that this is our aim when we attempt to save U.S. POW's at the cost of the lives of our allies' POW's? I say no, Mr. Speaker, it is not. Nor, do I feel it is being done when we jeopardize a vital base in the Azores in the hope that we can coerce Portugal to change its policy toward those living in its African possessions. Nor, can I bring myself to believe, Mr. Speaker, that we are helping our Nation when we impair our balance of payments by forbidding the importation of Rhodesian chrome in the hope that such sanctions will corce Rhodesia to hasten black involvement in its governmental policies.

Mr. Chairman, I urge the defeat of section 13 of H.R. 16029, the so-called end the war provision, which, will, I am sure, cost the lives of thousands of our allies' prisoners of war, and thousands of civilians who will be left to the capriciousness of our enemies. For this reason, I urge that my colleague reassess their views, and, if they really care for human dignity of man to vote against the Whalen amendment and in favor of the amendment to delete section 13 in its entirety when it is offered.

Mr. MADDEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was rather amused at the statement that was made by the gentleman from New Jersey that he is somewhat fearful that politics has entered into this end-the-war amendment. Why, politics has been in this Southeast Asia mess for some time. I remember 4 years ago when a very distinguished statesman was going over this country, a Republican candidate for President, who said he had an immediate plan to end this war. People took him at his word. He won the election in a photo finish over Vice President HUMPHREY. I am going to talk just about the State of Indiana. I am not going into the details of the right or wrong of this Vietnam war, but I would like my colleagues to know about what the voters in Indiana did in 1970. Richard Nixon as the presidential candidate carried Indiana in 1968 by 284,000 votes, a landslide. Eighty percent of his campaign issue there, I would say, was on his plan of bringing this horrible war mess in Southeast Asia to a termination. That is the prime reason why he carried Indiana by 284,000 votes.

Two years passed and the 1970 November election brought bad news for the Republican Party in Indiana.

When those 2 years passed, many people in Indiana said, "We have been misled." The "Vietnam war is still raging."

But we had some help in Indiana. There was a U.S. Senator from Indiana running for reelection named Senator HARTKE. The opposition spent about $2 million to defeat Senator HARTKE in that election. They called him a Vietnam sympathizer and said he was misleading the people. The gentleman who is no longer here is my friend, Dick Roudebush, HARTKE's opponent. He was on the side of President Nixon on the Southeast Asian war. Richard Nixon visited twice in that campaign. Also, SPIRO AGNEW came out to Indiana and fought Senator HARTKE on the Vietnam war issue. He spoke four times for Congressman Roudebush.

That was the issue between Roudebush and HARTKE. Even some prominent Democrats in September of 1970 thought HARTKE would be defeated by about 200,000 votes. I know most of my Republican friends said in September that HARTKE would be defeated by as big a landslide as HUMPHREY lost the Hoosier State 2 years before. But they did not know that the voters in Indiana remembered what President Nixon told them in 1968 and on which he evidently forgot during his first 2 years in office. Candidate Nixon said "He had a plan." You Members remember what happened? Senator HARTKE did not get defeated by 250,000, as some said he would in August 1970. When the curtain was pulled in the polling places on election day and the voters in Indiana, both Republican and Democrat voted, they did not have anybody near to call them unpatriotic if they said they were against Vietnam, and they voted for HARTKE. It was close, but he had been billed as losing by 250,000 and he won a great victory in the Republican State against a $2 million Republican campaign fund.

So Mr. Chairman, I am for this amendment to terminate the war on condition our war prisoners are released.

We must get back to the congressional work and defeat inflation, high prices, unemployment, education, antipollution, public works, education, et cetera, et cetera.

The people of America are "fed up" with broken promises by the national Republican administration.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I cannot help but wonder what the President of the United States by the name of Lyndon Johnson said in Indiana in the Presidential election year of 1964 about American boys not being used to fight Asian wars. I wonder if he gave the people of Indiana any indication that he was going to send 500,000 Americans into Vietnam in 1965? I wonder if Indiana's people ever heard of Lyndon Johnson's Secretary of Defense McNamara, who said in 1964 in preparation for the Johnson election that fall, that the war was being won?

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Just a minute.

The war was being won, said McNamara, and they would have American troops out of Vietnam by the end of 1965.

I yield to the gentleman, if he can give me a good answer about the operation of Lyndon Johnson in Indiana in 1964.

Mr. MADDEN. I believe the gentleman read the newspapers, and some papers said "that when Lyndon saw how bad that Vietnam war was going he decided to get out of the picture."

Mr. GROSS. That happened to be 4 years later in 1968.

Mr. MADDEN. Now, I see that his man Friday, former Democratic Governor Connally, who has jumped over on the other side, and he is on the television about every day persuading Democrats to follow what Lyndon Johnson ran away from back in 1968.

Mr. GROSS. Let me say to the gentleman that I believe there is enough bad management of the Vietnam war to go all around.

Mr. BINGHAM. Mr. Chairman, I rise in support of the Whalen amendment.

Mr. Chairman, first it seems to me worth noting that up to now every speech made in opposition to the Whalen amendment has been made by people who are against the Morgan-Hamilton-Whalen amendment whatever the date. Whether it is October 1 or December 1 or December 31 they are against it.

The only reason they are coming here to urge us to oppose the Whalen amendment is that they are afraid if the date is moved back to December 31 they might fail in their effort to kill the end-the-war amendment altogether.

I challenge any one of the opponents who have spoken against the Whalen amendment so far to say that he will vote for the Hamilton-Morgan amendment if the Whalen amendment is defeated and we stick to the October 1 date.

I would love to see the October 1 date. I would love to see us out of Vietnam yesterday. But the December 31 date is a practical date.

Most of all I want to see the Morgan-Hamilton-Whalen provision prevail, and I believe it has a chance to prevail if we adopt the Whalen amendment.

Another point that has not yet been made is that a very good reason for moving the date back by 2 months was that the original language of section 13 of this bill developed by Mr. Hamilton was developed about 2 months ago. We should not stick blindly to a date that the opponents of any date for withdrawal can argue is unrealistic.

I should like to say a word in response to the question raised by the gentleman from Texas (Mr. Gonzalez), and to make a suggestion to him as to what he might answer to the lady on the question, "Will this action by the Congress end the war?" Of course it will not automatically end the war. What it will do is reveal that this House no longer wants to continue to fight in Vietnam for the purpose of keeping the Thieu regime in power in South Vietnam.

That is the fundamental issue. That is the fundamental difference of opinion.

There are two reasons why the cease-fire proposed by the President, a general internationally supervised cease-fire, is not an acceptable or practical proposition: first, that it is unacceptable to Hanoi, second, that the successful working of such a cease-fire would depend on the cooperation of the Thieu regime. That cooperation would not be forthcoming because that regime does not want an end to the war. General Thieu and his associates are doing just fine so long as the war continues.

We can only end this war if the Congress will declare it effectively to be the policy of the United States that we want the war ended whether or not we are able to save in power the present regime in South Vietnam, a regime which among other things has just closed down any semblance of a free press.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. I appreciate the gentleman's yielding.

I am completely amazed by what appears to be a concession to his advocacy of the Whalen amendment, that he now wants to keep, under his argument, the Thieu regime in power 90 days longer.

Mr. BINGHAM. Will the minority leader tell us whether he will vote for the Hamilton amendment if the Whalen amendment is defeated?

Mr. GERALD R. FORD. Of course not. And I have always said it in any argument that I have made today. I do not assume that the argument for the Hamilton-Whalen amendment in its original version is sound. I think it is even made more obnoxious by the Whalen amendment now where it is proposed to extend the war 90 days longer. According to the gentleman's own words, I believe it would keep the Thieu regime in power 90 days longer. I do not understand the rationale.

Mr. BINGHAM. That would not necessarily be the result of the amendment; and that would be up to the President's negotiations.

I would like lastly to raise a question in the minds of those who might be influenced by the strategy of the minority leader to vote against the Whalen amendments so that we will have a better chance to beat the Hamilton amendment: They are going to have a tough time explaining to their constituents why they voted against the Whalen amendment to put the date back 3 months and then voted against the Morgan-Hamilton amendment itself.

Mr. CEDERBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, some of us have been here for some time and we have been through the Cuban crisis and through all of the period that led up to the problem we have in Vietnam now.

I cannot help but remember as a Member of this body during this period when the now distinguished Speaker, was the majority leader, and the majority leader now, who was the majority whip at that time, and the gentleman from Indiana, Mr. Halleck, the minority leader, and our present distinguished minority leader (Mr. Ford) who was involved, and we faced these crises for our Nation and they all stood together in support of the Chief Executive whoever he was because we thought he knew the best way to handle these perplexing problems.

Well, here we are today. I recognize we are 2 months before an election, and we have a great tendency to become political at a time like this.

I yield to no man and I know of no one who has a greater desire to wind up the war in Vietnam and return our men home and have peace in that area than I. I do not attribute any ulterior motives to anybody on either side of this question. I resent having anybody attribute those motives to me, because I am just as interested in a conclusion to our problems in South Vietnam as anybody else is. I do not think there is a Member of this House on either side who does not feel that way.

But we have a problem here, and I think it is a sad problem. We are dividing ourselves over a date as to whether it is in October or in December, thinking somehow that this is going to bring about a utopia and conclude all of our problems in Southeast Asia. It just is not going to happen that way.

I think one of the tragedies I see around this country is when people in high office and out of office go around this land and divide the country and give false ideas that somehow a solution can be found in a very simple, simple manner; when I see a former Attorney General of the United States, the son of a former distinguished member of the Supreme Court, go to the enemies of this country, to Hanoi, and talk about our bombing of the dikes when he knows it is nonsense.

Let me say this to you, also: What we need today is a healing of the wounds on both sides. The fact is that the President of the United States is doing his dead level best to try to remove us from that area in an honorable and sensible way and to prevent further bloodshed.

I do not hear any of these advocates of an easy solution condemn the enemy when we see reports of what happened in Hue during the Tet offensive and the slaughter of thousands then and the slaughter of civilians that has taken place recently in South Vietnam. The South Vietnamese did not do that. The North Vietnamese went into South Vietnam. It is time that you get a little balance in your criticism.

We never hear you condemn any of the actions of the enemy.

This disturbs me a great deal.

Now, if you want to get partisan, I will put the Republican record against the Democrat record as wars are concerned.

But that is not the point, Members of the House. The point here is to unite. If we can do that we will get this war over.

Do you think that Hanoi does not read the newspaper reports on the kind of debate we have here? Of course they do, and they take heart each time they see people in high places dividing us. Let us not fall into the trap that somehow we in the Congress by a certain date are going to solve it. Why did we not have an amendment from that side or this side in 1964, 1965, 1966, 1967, 1968? Where were all the amendments then? We did not see any of them then.

Let us join with the President, all of us, get together so we can try to bring about sensible negotiations that we would all like to see, and so that we can have a meaningful peace in Vietnam. That is what we are for.

Mr. ROSENTHAL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, it is with some reluctance that I rise in opposition to the Whalen amendment, but I do so because I believe October 1 is a far more meaningful date than December 31.

Furthermore, from a pragmatic point of view I do not subscribe to the theory that if we change it from October 1 to December 31 we will obtain more votes for the amendment. My own judgment is we probably will not obtain any more, except maybe to decide the issue on the basis of our own convictions.

The kind of speech my good friend, the gentleman from Michigan (Mr. CEDERBERG) just made is the kind of thing we have been hearing for 6 years now, "Join with the President, unite with the President, let us solidify our position, let us do this, let us negotiate an end to the war." I would ordinarily agree with that. I think there is merit in it, but after 6 years one begins to doubt the efficacy and the integrity of those kinds of arguments—not that the Member who made it does not believe and subscribe to this, I believe he does. But it would seem to me that the gentleman should have learned, as many of us have, that this war will never end unless Congress takes a hand itself, and says, "The time has come to end the war."

Mr. CEDERBERG. Will the gentleman yield?

Mr. ROSENTHAL. I will be glad to yield to the gentleman from Michigan.

Mr. CEDERBERG. Just one thing. The gentleman said he would not be able to join me in my suggestion of unity for peace but there is a saying that is going around these days, and that is, "Try it," because "I think you will like it." That is why I think we should all unite for real peace.

Mr. ROSENTHAL. That is a very good television expression. I think we have been the victims of those sorts of things for far too long.

It just seems to me, Mr. Chairman, that October 1 is better. The time has come for the Congress to declare its independence from the executive branch. The American people I believe have made a judgment that the war ought to be terminated. It is never going to be terminated until you tell the regime in Saigon that the United States will no longer support that regime. We find much fault with the regime in North Vietnam, but there are things around the world and circumstances around the world that we do not have the force or the ability to change, and I can cite a number of cases.

But the issue today is quite simple. I am not interested, as my colleague, the gentleman from New York said in listing the Members who want to continue the war. That is not my concern. My concern is not a partisan political one. I made the same suggestion when we had a Democratic President. This Congress itself is the final alternative to this war dragging on.

So long as we have Americans serving in our ground forces there, so long as we have our Navy and Air Force there, so long as we are committed to the perpetuation of the present Thieu regime in office, this war will never end. So long as we seek the cease-fire that the President wants, which gives Hanoi a veto power over American operations, the war will never end.

The Congress must declare once and for all that we will no longer fund this war—that we direct the President to withdraw all American forces from Southeast Asia.

If it were our will, we would like to have a nicer regime over there—a finer climate, a government more to our liking. But we do not have the opportunity to do that. It seems to me that the day and the hour has come here now, and I would urge my colleagues—do not extend the date to December 31. That time is of no value. We have extended it 6 years, 7 years now—and 2 or 3 months only brings more disaster and more trouble and more pain.

It seems to me, very frankly, if you want to keep the President alert to understanding the wishes of the American people, then the way to do that is by October—before November—rather than December, after November.

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the debate has made plain that the Whalen amendment is by no means some bipartisan effort to achieve a compromise on the basic issues before us in the Hamilton-Whalen provision, so-called, of this legislation.

Indeed, it is a strategy by the proponents of the end-the-war amendment, so-called, the opponents of what the President is trying to do now in his peace proposals, composed in the main of people on the majority side of the aisle and of a handful of people on the President's own side of the aisle. This is a joint attempt of those who would bring about the most rapid withdrawal from Vietnam at any price to gain a few votes by moving this date back to December 31. It is a matter of participation of the President's own left flanks in an attempt to shoot him out of the saddle—it is not any bipartisan compromise at all.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman.

Mr. HAYS. I tried to get the gentleman from New York (Mr. BINGHAM) to yield, but he did not. He kept talking about what President Thieu thinks and what President Thieu wants.

He seems to have some kind of omniscient information about what goes on in President Thieu's mind.

I was just curious—if he has some of that kind of information about what goes on in the Communist General Giap's mind because, it seems to me, he really has more control over whether there is going to be a cease fire than President Thieu or President Nixon for that matter.

Mr. BUCHANAN. The gentleman's point is well taken. We cannot control what the other side does. We can, however, here today take a stand in support of our President's position, which can increase the likelihood his adversaries at the negotiating table will recognize the necessity of action toward peace on their part rather than a stand which will encourage them to continue their invasions and aggressions against their neighbors, and frustrate the President's efforts toward peace.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman.

Mr. BLACKBURN. It seems to me there is a misnomer being applied quite often in the subject, before the Congress and that is the term "end-the-war resolution."

It is not an end-the-war resolution.

We are talking of a date of surrender resolution. I think the sooner we start using that term, the more clear will be the understanding of the subject under debate.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. We have perhaps not discussed sufficiently the significance of the provision itself. The gentleman has expressed some concern about the so-called deadline. I share that concern, whatever the date is.

Also I wonder whether we are not, if we should approve this language, seriously modifying the conditions under which the President may be able to operate.

As an example, suppose the negotiators in Paris found that there was a possibility of getting a cease-fire throughout Indochina—but not within the deadline that is proposed? Would their hands, therefore, be tied? They would be at the negotiating table, but would they be able to maintain as a negotiating position any consideration of something that would not take place within a few weeks or at most a few months?

It seems to me, we should be discussing whether the result would not be a serious lack of flexibility on the part of the negotiators which might make it more difficult to get an honorable settlement instead of making it easier. We keep talking of the date as having some significance, but the important significance is that we would be reducing the opportunity for a reasonable settlement by imposing overly rigid conditions.

Mr. BUCHANAN. I think the gentleman raises a very valid question.

What, in fact, is the issue here is whether or not for the first time in the history of this House or this Congress, we will dictate to an American President the specific terms on which that President must terminate ongoing hostilities, hence dictating to him the terms of negotiation with an enemy.

The President has made a proposal. Apparently, the Russians think it was reasonable. They sent Podgorny to Hanoi and shortly thereafter the North Vietnamese officials came back to the conference table and it was apparent the Russians felt the President's proposal for peace was a reasonable proposal.

Yet we here today would telegraph this message to Hanoi and to Saigon and to the American people and around the world——

The CHAIRMAN. The time of the gentleman from Alabama has expired.

(By unanimous consent, Mr. Buchanan was allowed to proceed for 2 additional minutes.)

Mr. BUCHANAN. We would telegraph the message to Hanoi, "Hold on, we will help you. We will force upon our President concessions beyond those which he has made. We will do your job for you if you hold on and await our instructions to our President."

Now, this is the essence of the issue before us, and this is the issue. The gentleman's amendment has no substance, it is merely cosmetic in terms of its dealing with that question. I oppose his amendment, because there may be those who would be so misled as to believe that that is some kind of compromise which somehow satisfies the basic issues, but the issue is, what will you telegraph to Hanoi, to Saigon, and to the American people? Will it be that we will strengthen the hand of our President, or that we will cut the ground out from under him as he seeks to negotiate with the enemy?

Mr. KAZEN. Mr. Chairman, I move to strike the requisite number of words.

And if Hanoi does not release the prisoners of war, does not meet all the other requirements of cease-fire and so forth, then what would happen?

Mr. WHALEN. The section would not be effective.

Mr. KAZEN. What is the meaning of the section then?

Mr. WHALEN. The meaning of the section is that we are directing the administration to remove our troops by either October 1, as is presently written, or by December 31 as this amendment proposes, subject to three conditions.

As was pointed out previously, if these three conditions are not met in the negotiating sessions, then, of course, this section has no effect.

Mr. KAZEN. Then suppose that after the date provided for in this section they do meet those conditions, what is the provision of the President and who is going to enforce what? Or, is there anything left to be enforced?

Mr. WHALEN. It would seem to me that after that date it would be up to the negotiators on our side to determine whether or not they agree with those three conditions at that point.

Mr. GONZALEZ. Mr. Chairman, would the gentleman yield?

Mr. KAZEN. I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank my colleague from Texas for yielding. He is following the line of questioning that I wish I had time to follow through, but honestly, from the answers received from both the authors of the amendment as well as those supporting the amendment, as well as those against the amendment, it is quite obvious that actually if we were to approve this amendment, it would not, in fact, be an end-the-war amendment. It would be a sense of Congress, an expression of the sense of the House.

It seems we have already done this as far as the majority party is concerned. We did it in the Democratic caucus. We did it before when the Mansfield amendment was approved. The President said that he would not follow the Mansfield amendment when he signed the bill to which it was attached, but I take advantage of this time now, because the name of President Johnson was injected here a while ago, and also President Nixon.

It was said categorically even by a friend from Indiana, that President Johnson did not seek the election in 1968 because he was scared of the verdict of the people because of the decisions made by the President with respect to Indochina.

I want to put the charge of a base lie to that contention, because I happen to know that President Johnson did not seek reelection for the very reason that was poignantly and dramatically and sadly revealed to us earlier this year when he suffered another heart attack. He knew that. He was told that at the time he made up his mind not to seek another 4 years, because he did not want that to happen if he were in power—and there is no doubt in my mind he would have been.

The implication is that President Johnson was a warmonger. Let me say that is as far from the truth as anything I know. It has been our privilege to know President Johnson. A man more compassionate or a more sensitive soul I have never known in or out of politics. His role as Commander in Chief and as President of the United States led him to the decisions based on his past judgment. Let me assure the Members that President Johnson when the final history is written will go down as an eminent, in fact a preeminent President with great insight and masterful judgment. The history has not been written yet. Yet we have all these smug and graceless and know-it-all smarties after the event, these pundits and panjandrums and experts.

I will tell the Members, no man was more meanly treated than President Johnson was. I can still remember: "Hey, hey, L. B. J., how many babies have you killed today?" Where are all the smart alecks now who said that then? Most are in Canada—or somewhere else.

The President of the United States Lyndon Johnson is a man who has been meanly treated. I think our country is not ungrateful and now recognizes his compassion and his efforts and his contributions in spite of the efforts by some Republicans and Democrats to try to throw him back into the dust of history.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. Kazen was allowed to proceed for 3 additional minutes.)

Mr. KAZEN. Mr. Chairman, I yield to the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. Mr. Chairman, again I thank my colleague from Texas.

Mr. Chairman, I think it is time that some things were said. There are some Democrat leaders who are scared poopless to mention or render tribute to President Johnson even though they know in their heart of hearts that President Johnson was and is and will continue to be a great man.

Yes, sure, there is confusion. I know as a matter of fact that President Johnson would have just as gladly and willingly ended the war, as any of the loudmouths who were protesting he did not—and maybe he wanted to do it more than they. I am equally sure President Nixon would do it if he could. I do not know President Nixon as well as I have known President Johnson, but I feel secure in my heart and conscience that if President Nixon could, he would terminate the war—but not at the price of willy-nilly forgetting the best interests of the Nation and the country's future.

This is what is at issue.

Awhile ago when I asked a question, the gentleman who is a coauthor of this amendment said in effect that the difference is a matter of judgment whether the congressional purpose or expression of intent is superior to that of the President. Well, that answered my question. It satisfied me. I think I know exactly how to answer the inquiries and questions and how my decision on the vote will come. But I still think that the recriminations that are made against our country, in and out of this country, which our country is still pathetically a victim to, are most damaging to the best interest of this Nation. I know it.

I am not an advocate of passively accepting Presidential mandates, but I am a respecter of the Constitution and of the balance of power. I think as much as I have resisted the encroachment of the executive on the legislative branch, I am equally sensitive to the encroachment of the legislative on the executive.

Mr. KAZEN. Mr. Chairman, before the gentleman takes up all my time, I want to associate myself with the remarks of my colleague concerning President Johnson, who I consider as one of the most able Presidents in history.

Mr. GONZALEZ. I say to the Members, let us be fair, let us not be ungrateful, and let us forever and a day leave aside any thought that a President such as President Johnson was acting in callousness, because I can assure the Members he acted with a full heart and a full mind and full knowledge and complete compassion in the best interest of the United States of America.

Mr. DELLUMS. Mr. Chairman, I rise in opposition to the amendment.

It is clear that every time the issue of our involvement in Southeast Asia comes to this floor there is a very dramatic attendance on the part of Congressmen and Congresswomen on both sides of the aisle. We spend hours in debate

Virtually everything has been said that needs to be said about our involvement in Southeast Asia. It is clear that if there is one single important thing that this 92d Congress can do it is to end the war in Southeast Asia which I consider to be illegal, immoral, and insane.

What we have before us at this moment is an amendment to move back the date from October 1 to December 1. It is to that question I should like to address myself.

One of the major problems with respect to America's involvement in Indochina has been numerous political decisions. What this amendment does is to move politics back into this consideration.

What we are saying here is that for 2 additional months more Vietnamese people can be killed, more American troops can risk their lives, more American personnel can risk becoming prisoners of war, for no other reason than the politics of this question.

Just a few minutes ago we saw a dramatic example of our colleagues on both sides of the aisle willing to applaud political statements but not to applaud peace and humanity and justice in this country and on the part of this country.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I do yield to the gentleman.

Mr. HAYS. The date is December 31.

Mr. DELLUMS. Thank you very much.

That means 3 months more for people to die, 3 months more for prisoners of war to be taken, for more American GI's and untold numbers of Vietnamese to die.

That is the point that needs to be made. Politics of this issue should have nothing to do with the question.

What about humanity? What about peace?

This is supposed to be the body which assumes leadership in this country. We talk about the balance of power, yet the U.S. Constitution clearly points out that you and I have the warmaking power, not the President of the United States.

Let us not move this date back. Let us stop this insanity now. All the eyes of America are on this chamber today.

My hope is that every single one who does not come forward with the integrity of dealing with the issue of peace and humanity will be voted out of office in November, if unwilling to say that this war must come to an end in October.

The time has come to stop playing political games with human lives, whether those lives are American or the Vietnamese people.

We have stood here and answered technical questions about bombing this and bombing that. The fact of the matter is that this Nation must assume the role of peacemaker in this world, and not continue to be murderers, bombers, and killers, as we have been in Vietnam.

Hundreds of thousands of young GI's have come back from Vietnam and have said, "I thought I was fighting for freedom and justice and self-determination, but it is clear today that I have murdered people in Vietnam."

Let us bring them back home October 1. This war should have been over many years before October 1, 1972. Let us stop playing political games, to protect someone from something in an election in November.

All of us have to go to the polls. It means nothing to talk about ending the war in December. Both political parties and all of us here today should stand and face their moral responsibility to say whether this country should continue to be involved in violence, death and destruction, as opposed to being the leader of peace, justice, and humanity.

The ultimate question we all have to address ourselves to in this Chamber is whether you and I are going to help the Congress solve the one big problem of human injustice, an injustice that takes the form of dropping bombs on a tiny nation 10,000 miles away which poses no clear and imminent danger for America.

Let us stop playing games, Republicans and Democrats, and let us start trying to stand here as men and women who are human beings, who believe in human life much more than we believe in politics.

We all must have the courage to vote our integrity. It is much more important to end the insanity of the war in Vietnam than for any one of us to come back to the Congress.

It is too much to assume that we should allow one more human being to be killed in this conflict on political grounds. What about all of the POW's that are being exploited? What about the lives of human beings we want to protect, when we come to the well and make speeches and write reams about human life? But when it comes to the vote, we will find a way to "cop out."

The Foreign Affairs Committee has put an October 1 deadline on this issue. We ought to leave it at October 1, and not to give this country 90 more days to continue this killing.

Mr. MORGAN. Mr. Chairman, the real debate is to come on the elimination of section 13. I wonder if we could agree to a unanimous consent request that all debate on the so-called Whalen amendment end in 10 minutes.

Mr. SEIBERLING. Mr. Chairman, I object.

Mr. MORGAN. Mr. Chairman, I hate to move this. I wonder if the gentleman from Ohio will agree to all debate ending in 15 minutes.

Mr. SEIBERLING. Half an hour, and I will accept it.

Mr. MORGAN. There are only three Members standing. This is only on the issue of moving it back.

Mr. Chairman, I ask unanimous consent that all debate on the Whalen amendment end at a quarter to 4.

Mr. DENNIS. Mr. Chairman, reserving the right to object, does the chairman's request apply only to the pending amendment dealing with the date?

Mr. MORGAN. Only to the pending amendment dealing with the date. That is correct.

Mr. DENNIS. In that case, I have no objection. I withdraw my reservation.

Mr. SEIBERLING. Mr. Chairman, reserving the right to object, how many Members already plan to speak on that amendment between now and 20 minutes from now? That has something to do with it.

The CHAIRMAN. The Chair cannot state how many Members will wish to speak.

Mr. SEIBERLING. Mr. Chairman, I object.

MOTION OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Chairman, I move all debate end at a quarter to 4.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I appreciate the fact that I am being given 1 minute to speak on this important amendment.

When all else fails, let us take a look at the words of the proposed statute, which states that such forces shall be withdrawn not later than October 1, or December 31 according to the amendment. The words are "not later than." It does not say that the President has to wait until the 11th hour. Most of the opponents of this amendment are not really for an earlier date. Their real position is that they don't want the policy of this section.

In answer to the gentleman from Texas (Mr. GONZALEZ), if we adopt this policy, then the belief of the people supporting it is that the President, if he complies with it, will be able to negotiate a successful withdrawal at an early date. There is nothing in the amendment that requires the President to keep the killing going on until the last day of the year. That is the point. That is why it makes sense to support December 31 as the cut-off date.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, you will have to forgive me, please, as a "lameduck," but I can answer the question asked by the gentleman from Texas (Mr. GONZALEZ) and that is, that the people do think that if this Congress acts, that it will end the war. That is why this Congress should act immediately to end the war. I am willing to accept October 1. I am not willing to accept December 31, and the reason I am not willing to accept December 31 is because we are killing, Members of the House, killing people almost daily; we are using the most inhumane and uncivilized methods such as bombing the dikes—and there is evidence to that effect—flooding the rice paddies—yes, you may make all the sounds you wish, but there is evidence that we are bombing the dikes. There is evidence that we are cloud seeding, and that more prisoners of war being taken—not being freed. Seventy American prisoners have been taken since President Nixon promised to give us a peace plan, and he has not.

The facts are that this Congress must act to set a date to force the President to act in response to the demands of the American people.

So, Mr. Chairman, I ask the Members to defeat the amendment to extend the date to December 31. Let us stop this killing.

The CHAIRMAN. The Chair recognizes the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Chairman, I want

to state that I resent the words of the gentleman from California (Mr. DELLUMS) referring to the armed services of the United States as "murderers."

There is a Communist invasion of South Vietnam underway. The effect of the bill before us today will be to require that our forces be withdrawn and all U.S. military help be cut off on a day certain whatever may be the situation of the Communist invasion.

We have a commitment to the South Vietnamese. We are honorably helping them to defend their lives, their homes and their families against murdering and pillaging invading forces. How anyone can twist the truth concerning the situation before the American people to such a gross extent as has the gentleman from California is beyond me.

The CHAIRMAN. The Chair recog- (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I think the gentleman from Ohio has made a good-faith effort to try to perfect the amendment to section 13, although obviously he is not going to be successful. We might have a more clear-cut provision in connection with this if we would have a vote along the line of December 31, but, considering the fact that apparently no one wants to perfect this amendment then I say let us defeat it, and then let us get on with the debate on the motion that is going to be made by the gentleman from Missouri (Mr. BOLLING), to take this section out of the bill.

I think that this amendment has been classed as an end-the-war amendment. Probably it is not going to end the war, but it will do something to break the stalemate.

I think that this Congress can play a part in bringing about an end to the war. I think it is time for us to get off our backsides and take some action in this Congress.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, the act of the Congress in passing this "end-the-war" amendment would be a symbolic act; it is an act by which at last we could state our determination to recover the warmaking powers that we have abdicated, and to have something to say about the termination of this bloody war that has drained us dry, morally, economically, and politically.

So I ask my colleagues to defeat this weakening amendment and reaffirm the importance of recovering the warmaking powers given to us under the Constitution.

We should not weaken the symbolic importance of reseizing our constitutional authority and responsibility over warmaking—and hence—over peacemaking—by deferring by 1 day—our disengagement from that wasteful, futile, and tragic conflict.

I have opposed the war in Vietnam since my first election to Congress in 1964. At that time, I was convinced that our massive commitment to that bloody war could not be justified as essential to our national security. Nothing has occurred since that time to change my views. Indeed, I have become more convinced than ever that the war was and is a monstrous mistake which has resulted in the loss of hundreds of thousands of American and Asian lives, grave harm to our domestic economy, and the creation of bitter divisions in our society which will take years to heal.

I have supported every effort to end the war through the political process, ranging from my support of Senator Eugene McCarthy for President to my sponsorship of and support for legislation to stop the war, and I shall vote today for the "end-the-war" amendment to the foreign aid bill added by the committee.

However, I shall vote for this bill whether or not the amendment is retained.

The bill provides aid for 50 countries, nine in East Asia and the Pacific, 12 in the Near East and South Asia, eight in Africa, 17 in Latin America, and four in Europe.

The aid to the countries of the Near East, especially the aid destined for the state of Israel, is of particular concern to me.

There are profound and fundamental differences between our tragic involvement in Vietnam and the role we have played and must continue to play in the Middle East.

The difference in the origins and merits of the two conflicts and the inability and legitimacy of the regimes whose survival we wish to insure, degree of Soviet commitment on the other side; the importance to our national security of both areas; and the degree and quality of American involvement in the two conflicts.

Unlike Vietnam, the conflict in the Middle East cannot in any way be characterized as a civil war.

Unlike Vietnam, we are supporting a truly democratic government with the massive and united support of its own people in the Middle East.

Unlike Vietnam, the Soviet Union is heavily and directly involved in the Middle East—the arena in which we face a real and long term threat of Soviet attempts at hegemony—based on geopolitic and oil.

Unlike Vietnam, American combat forces are not and will not be involved in the Middle East.

Unlike Vietnam, the real politik and natural resources of the Middle East are important to our security and the security of Western Europe.

These differences between the two conflicts convince me that a militarily strong State of Israel is vital to our national interest.

This foreign aid bill is a key element in the maintenance of a strong Israel.

Israel is strained to capacity by the crushing burden of its defense costs and the cost of absorbing a welcome but formidable influx of Soviet refugees. Israel's defense budget now amounts to between one-quarter and one-third of its gross national product. As a result of this cost and the cost of absorbing Soviet emigrees, Israelis now owe more in external debt and pay more in income taxes, on a per capita basis, than the citizens of any other country in the world.

The bill which is before us will provide Israel with at least $300 million in military credit sales and at least $50 million in supporting assistance. This aid will be of inestimable value to the Israeli economy and will thus further our goal of maintaining a strong Israel.

Although, for the reasons I have mentioned, I favor this bill, I would like to mention one reservation.

I am disappointed by my understanding that most of the money contained in the bill for military grants to countries in the Near East and South Asia is destined for Greece and Turkey with the remainder allocated to Jordan, Lebanon, and Saudi Arabia. I fail to fully appreciate why none of the military grants are allotted to Israel.

As I have already noted, Israel is faced with an almost crushing defense burden. Her people are already taxed to capacity.

Despite these facts, we make military grants to countries, such as Cambodia, Greece, Spain, and South Korea, which bear less of a burden and which, judged by the democratic nature of their governments and their importance to our national security, are less deserving of grant aid than Israel.

To remedy this inequity, I introduced a bill with 17 cosponsors to provide Israel with $500 million in grant assistance for fiscal year 1973. This bill would have relieved Israel of some of her extraordinary external debt and removed the apparent inconsistency involved in making grants to other less meritorious countries but not to Israel.

I shall not offer this bill as an amendment to the foreign aid bill, much as I might desire to do so. The controversy surrounding the "end the war" amendment is too great to permit serious consideration of an amendment of this nature and, such an amendment might also have the effect of further jeopardizing the passage of the bill. Thus, instead, I urge the committee to give serious consideration to such a provision when it again considers foreign aid.

Mr. Chairman, I urge my colleagues to support this bill regardless of the fate of the "end the war" amendment. Foreign aid has been an integral part of our foreign policy a number of years. It is an essential element in our support of countries, such as Israel, which are important to our national security.

We must continue to vigorously oppose the war in Vietnam and to finally bring our involvement to an end. But, we must not permit our determination to end this war to cause us to become "world weary" to the point of deserting longtime allies.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. CASEY).

Mr. CASEY of Texas. Mr. Chairman, the pending amendment seeking to change the so-called end-the-war date from October 1 to December 31, 1972, is in my opinion rather immaterial. I personally intend to vote to strike section 13 when that amendment is offered.

Section 13 of the Hamilton-Whalen amendment to the bill has been called an end-the-war amendment with the proponents proclaiming that this will show the Congress intends to extricate us from the war in Indochina.

In support of this section, the proponents hold out the hope to the American public that with the passage of this section, it will all be over upon whatever date is finally determined.

In the debate upon this one amendment, partisanship has developed and irresponsible charges have been made concerning the present President of our great country and past Presidents. Some of these charges were leveled at President Johnson. I wish to heartily commend my colleague from Texas (Mr. Gonzalez) for his very eloquent statement of the facts concerning our great President Lyndon Johnson on his conduct of our involvement in Vietnam, as well as the reasons behind his decision not to seek reelection. I heartily endorse his statement and proudly associate myself with his remarks.

What kind of a war have we been fighting in Vietnam? What have been our overtures to try to end this war?

We have not been fighting a war to win—that is for certain. We have fought a restrained war, and yet you hear on the floor of this House, great cries of protest because we have been bombing irrigation dikes. In previous wars our forces were applauded when major dams of the enemy were destroyed. Now you hear protests when any concerted action by our military forces which might force the enemy to the negotiating table.

We have, little by little, in our effort to bring about a negotiated peace, exposed all of our cards with the exception of one. That hole card is an important remaining one, and that is, "On what date will we get completely out of Vietnam?"

The President in his efforts to negotiate a peace has offered practically the same terms as are contained in the Hamilton-Whalen section, but North Vietnam has refused to accept it. The only difference between the President's proposal and the one in this section is that the President wants the conditions of a cease-fire, release of our prisoners of war, and an accounting of the missing in action to be agreed to before a complete withdrawal date is set.

The Hamilton-Whalen amendment is nothing more than an attempt to negotiate peace by legislative action with no assurance whatsoever that North Vietnam will in any way accept.

Earlier it was stated by one of the authors of the amendment, in reply to a question from the gentleman from Texas (Mr. Kazen) that, should the section be adopted, and the date set therein reached without acceptance of the conditions by North Vietnam, then we would be back to trying to have the President settle it by negotiation.

I state emphatically that this is not an end-the-war amendment, but is a nose-under-the-tent amendment. If you pass this section, and, as the authors said, nothing happens within the time limit set and the conditions are not met by North Vietnam, then the President is at a disadvantage to try further negotiation because the North Vietnamese will sit back and say: "We can now hang on and wait for other congressional action and the Congress in its desire to withdraw will eliminate some of the conditions for withdrawal."

Will you who are so anxious to end this war, and I assure you I am anxious to end, be so determined to set a date certain as to eliminate the release of our prisoners of war and an accounting of those missing in action and take the attitude that they are expendable? Not I. I will never abandon our prisoners in the hands of North Vietnam and its allies. Nor will I ever turn my back on those missing in action. The adoption of this section is most surely the first step toward doing just that.

Let us delete section 13 and allow our President to negotiate with as strong a position as possible. Let us show the North Vietnamese that we are not weakening in our desire to extricate ourselves from Vietnam with honor, but, on the contrary, are determined to end the war, and in doing so will demand nothing less than good faith on their part in a true peaceful settlement with release of our prisoners and accounting of our missing in action.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Koch).

Mr. KOCH. Mr. Chairman, more than 30 years ago I saw a movie which was called "All Quiet on the Western Front." I remember the final scene in which a young German soldier, who was reaching across the barbed wire to touch a butterfly, was killed just as the Armistice was sounded.

The question I have is—what will we tell the parents in this country of those young men who die in Vietnam between October 1 and December 31? What will we tell the parents and relatives of the Vietnamese who die in that same period?

We have no good reason to allow the war to go on an additional day. This is why I am against this amendment which would give congressional sanction to 3 more months of killing. Those who vote for the amendment thinking it will bring additional support from our colleagues for the end the war provision in the bill will find that few, if any, who now support the war, will change their position and vote to end the war on December 31, 1972.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. Waggonner).

Mr. WAGGONNER. Mr. Chairman, a few moments ago the gentleman from New York (Mr. Scheuer) said—and I want you to listen to what he said again—

> That for us to write a date into this legislation now to end our involvement would be symbolic.

He is exactly right. It would be more symbolic, however, to the North Vietnamese than to anybody else because we would be saying to them: "Jus' sit tight and we will do the job for you." Do not give them that message. The result is the same no matter what date you talk about. To talk about any date is foolishness and will work to the detriment of this country. Believe you me, you are being shortsighted if you say to the world that when a certain date comes, we are going to quit.

I want you to read this language. It does not say there will even be a cease-fire between the North Vietnamese and the United States. It says—

> Subject to a cease-fire between the United States and North Vietnam and those allied with North Vietnam to the extent—and only to the extent—necessary to achieve safe withdrawal of such remaining forces.

They are not even talking of a total cease-fire between the United States and North Vietnam. Do not do this to your country. Vote down this amendment and then let us strike all of section 13.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Dow).

Mr. DOW. Mr. Chairman, a good many of those on the other side of the aisle wonder why we do not join in the purpose of our President to seek a goal of peace.

Let me say, the reason is that he has another purpose, and that other purpose is one that we cannot join in. That purpose is to preserve the Saigon government. In every peace proposal, mark my words, the President includes measures to save the Saigon government. Sometimes it is a cease-fire. Sometimes it is an election with international supervision.

I submit to you—you cannot have your cake and eat it too. That is what the President is attempting to do and that is why we, on this side, will not go along with him. Whether the date is October 31 or December 31, we are going with this measure in some form, because it concentrates on peace—and does not serve the President in his other purpose.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the pending amendment to change the end-the-war amendment date from October 1 to December 31, 1972, is a mere skirmish in this legislative war. With all respect it is a foolish amendment—because if one truly believes—as I do not—that the Hamilton-Whalen amendment will end the war, then it seems obvious to me that we ought to end it just as soon as we can. The fact that this particular amendment is offered is proof that its sponsors realize that their original end-the-war amendment will do no such thing—nor will this pending amendment. Let us vote it down and get on to Mr. Bolling's expectant motion to strike section 13—the end-the-war amendment—from the bill. That motion I will support, and I hope to have an opportunity to speak in its favor.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. Mr. Chairman, first I want to commend my colleague, the gentleman from Texas (Mr. Gonzalez) for his very bold and forthright statement in defense of President Johnson and the previous administration. Under that administration I supported any effort given to Vietnam because I thought our President then and our country was right. I have supported the efforts of this administration because I thought our President was trying to carry on and bring this war to an honorable end.

I must say to you though, I think we do come to a point where we must say to South Vietnam—you must carry on this effort by yourselves. I think we have reached that point. I think the Democratic caucus resolution setting December 31, in effect, was notice 18 months ago that we had reached this point. I say this without any desire or effort of partisanship because I supported both Presidents. I think though the time has come; December 31, 1974, is a reasonable date.

I think we could be criticized if we set October 1 or an earlier date, and I just simply say to you as one individual who has supported both administrations, we have a right to say at the end of 1972, we shall have disengaged.

Mr. Chairman, under two Presidents, I have supported the American policy in Indochina. I have believed, and I still believe, that the decision of five Presidents to maintain a U.S. involvement in Indochina was right. Whatever may have been the wisdom or folly of specific decisions I believe the United States acted out of a commitment made long ago to prevent any nation from imposing its will on its neighbor by force of arms.

We have poured much blood and treasure into South Vietnam to keep this commitment, and I do not think that our sacrifices have been in vain.

However, I believe there comes a time to end our direct military involvement in South Vietnam, for I believe we have done all we can or all that should be expected of us as a nation, and as the leader of the free world.

It has always been my position that we should remain in Vietnam until the South Vietnamese could defend themselves. I think that the failures of the current North Vietnamese offensive prove that the Army of the Republic of Vietnam can meet and defeat the best their enemies can throw at them. I believe we have achieved our goal of helping make them self-reliant.

Furthermore, I believe that under our system of government, no policy, be it foreign or domestic, can be long continued without the support of the American people. It is my belief that the majority of Americans, under certain troubled conditions, now want an end to direct American military involvement in Indochina including our bombing and shelling of North Vietnam.

On March 31, 1971, the House Democratic Caucus passed the Dent-Bolling resolution calling, in essence, for a withdrawal from Indochina by January 3, 1973, subject to the release of our prisoners of war.

In the past, every time I have voted not setting a date specific for withdrawal because I felt this would give the opposing side all the advantages. I have not wanted to tie the President's hands. I have not tried to play President. I don't feel this amendment will tie the President's hands—or I would not support it. I do not fault President Nixon. I commend him for his efforts to end the war.

I would still prefer to support an amendment which says we will withdraw in 30 or 60 days after the prisoners are released and after a cease-fire is established or to have no amendment at all.

But that is not the question before us at this moment. When we passed the Dent resolution in the Democratic caucus we did not set a date specific for withdrawal, but we did set a specific time frame—the time frame of the 92d Congress. I supported the Dent amendment at that time—18 months ago.

Therefore, although the amendment before us today would set a specific goal for the cessation of direct American military involvement on the condition of a cease-fire and release of the prisoners, the determining factor to me is that the time has arrived when we must say to South Vietnam that that nation must be able to carry on the contest itself.

As I said above, so far as I am concerned, giving them the chance to carry on the fight themselves was the primary reason we first entered this conflict. We have given them over 7 years of concentrated aid. There must come a time when that nation must rise or fall on its own. I think we have reached that time.

However, I am also deeply concerned about the tragically long list of American prisoners of war and missing in action. Too many wives and mothers already wait for word that has never come as to the fate of their young men lost in the jungles of Indochina. Too many women and children have already waited too long for their loved ones to return from the prisons of North Vietnam. I believe that any action taken by the United States to end our direct military involvement must also assure that every American now imprisoned or missing in Indochina is accounted for.

The amendment before us now does take steps to see that our missing are accounted for, and our prisoners returned.

I will support appropriations to maintain a residual ground force in Southeast Asia, to maintain air and naval forces in Southeast Asia, or whatever proves absolutely necessary to insure the return of our prisoners and missing in action.

In addition, when our last man is accounted for and our direct involvement ends, I do not believe our policy should be to abandon the people of South Vietnam who have already suffered so much. Nor do I believe we can risk betraying the sacrifice of the Americans who have served and who have died in Vietnam. We must never forget the war is far from over for the South Vietnamese. They still face a fanatical and well-equipped foe. Therefore, so long as China, or Russia, or other nations, supply arms to the North Vietnamese, I intend to support military and economic assistance to South Vietnam.

I cannot know how history will judge us for our actions today or in the whole of the Indochina involvement. I hope that the high court of history will find our policy just and our actions wise. I know it will find that we acted with courage and with honor. At worst, I believe it will find us guilty of nothing more than misguided good intentions.

But now the time has come for us to choose the means by which we will end this long struggle. This is the last great decision for which history will stand in judgment upon us. We must select a course that will assure a prompt peace but which also will maintain the honor of our land and the integrity of our international commitments. If we so choose, I am confident that we will be judged by history to have acted in the best interest of our Nation and the world.

Mr. Chairman, I believe the amendment before us now offers us that honorable course out of Vietnam that we have been searching for. I believe the time is right. I believe the reasoning of the amendment sound, and I shall support it.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I urge the House to hold to the original Hamilton-Whalen October 1 "end-the-war" deadline. There are difficulties of time perhaps, but I have a secret plan that would make the deadline work. I shall reveal that plan after the elections, so this will not be a partisan political issue.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, I yield to the gentleman from Washington (Mr. HICKS).

Mr. HICKS of Washington. Mr. Chairman, when the Nedzi-Whalen amendment was offered to the Military Procurement Authorization Act on June 17, 1971, I voted against it. My reason, very simply, was that the President seemed to be winding down the war, and I felt that the proposed December 31, 1971, cutoff date was too soon and pressed the President too hard. On the other hand, there was talk of leaving a residual force in Vietnam, and I was and still am opposed to that.

Thus, when Congressman PEPPER offered an amendment to the same military procurement bill fixing an end-the-war date of June 1, 1972, I supported it. In my opinion, the withdrawal date proposed by Congressman PEPPER would have allowed the President a realistic period of time in which to disengage our forces. Since then, I have consistently supported fixing a date after June 1, 1972, for the removal of all our troops.

The reasons for my votes are these: My arrival in this body in 1965 closely coincided with the greatly expanded U.S. involvement in Vietnam. I supported this policy with little hesitation until the spring of 1968 when my views began to change.

In August of 1968, I addressed the convention of the Washington State Labor Council, AFL–CIO, and I expressed the view that our commitment to South Vietnam had been fulfilled. I stated that:

> Some have said that our reason for being in South Vietnam is to prevent the takeover of that nation through coercion, terror, and military force, directed and supported from outside the country, and to establish stability under which the South Vietnamese people may choose freely their own form of government and way of life. That is true, as far as it goes.
>
> If that were the only reason, however, we

would have been in Hungary, in Cuba, in Czechoslovakia.

The additional and distinguishing reason, as I understand it, is that in South Vietnam we honor a commitment made by both Democratic and Republican administrations—made with full bipartisan support. To dishonor that commitment would be to raise doubt throughout the world as to the value of a promise of the United States and conceivably could cause all of Southeast Asia to turn its back on the West.

We have honored our commitment. We have indeed prevented the takeover of the South by the North. We have responded successfully to every new threat posed by the enemy, beginning with the march southward by North Vietnamese regulars in the summer and fall of 1964, which changed the entire complexion of the war.

We responded first by commencing bombing north of the 17th parallel in February 1965, after 126 Americans were wounded in a Vietcong attack on the U.S. Air Force barracks at Pleiku. Among the purposes of the bombing was to bolster sagging morale and confidence in Saigon and the rest of anti-Communist Southeast Asia. It was a success. Rolling Thunder—code name for the program—almost instantly boosted morale and confidence, according to our then Ambassador to Vietnam. A secondary purpose was to make it difficult for the North to send men and material south; the results in this case were disappointing, as they were in the more easily found targets of Korea some years earlier.

Our next response was to send 50,000 men to Vietnam in July 1965. . . . Buildup followed buildup until we found ourselves with more than 500,000 men in Vietnam.

Back to our commitment.

We agreed to protect the South against external aggression. But for how long, and what cost? The fair answer, it seems to me, is "long enough for the South Vietnamese people to put their house in order so they themselves could repel aggression from the North".

Shortly after taking office in 1969, President Nixon started bringing our ground combat forces home. I approved. Then, in May 1970 he ordered the invasion of Cambodia. At the time I feared that such an incursion would widen the war and delay the withdrawal of our troops. Nevertheless, the President continued to bring home troops, and this I applauded.

Now we have the current condition which began with the invasion by North Vietnam across the DMZ into South Viet Vietnam. How would a date certain terminating our involvement in South Vietnam influence the outcome? Obviously, matters would be more difficult for the South.

According to the administration, however, "Vietnamization"—a word it has coined to describe the condition whereby South Vietnam is capable of defending itself against the North and Vietcong—has worked. Vietnamization, of course, is exactly what we have been trying to do from the time we started sending advisers to South Vietnam in the late 1950's. Where others had failed, the present administration says it has succeeded.

Since the President says the Vietnamization policy is a success, it seems to me that our commitment to South Vietnam is fulfilled. The South Vietnamese can now successfully defend themselves. If not now, then when? Thus, it follows, as far as I am concerned, that Congress should establish a fixed termination date for U.S. military activity in Indochina subject only to the return of our prisoners of war and an accounting of our missing in action.

For these reasons, Mr. Chairman, I support the Hamilton-Whalen provisions and the proposed amendments fixing December 31, 1972, as the date when all U.S. forces should be out of Indochina, subject to the above-stated conditions.

Mr. WHITE. Mr. Chairman, I think this whole question before us now is as to the date. I think the gentleman from Ohio (Mr. Seiberling) stated a point that had been overlooked, that this amendment would state that the involvement of the United States shall terminate not later than December 31.

December 31 is in accordance with the will of the Democratic caucus. I think that for a number of reasons expressed by Mr. Pickle, the gentleman from Texas, and other reasons for which insufficient time exists to expound on, December 31 is far superior to October 1. Whether you vote to retain on this section later or not, I think certainly we should take December 31 as more practical.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Zion).

Mr. ZION. Mr. Chairman, our Internal Security Committee interviewed a medical missionary who had spent 7 years of his life trying to patch up the broken bodies of the victims of Communist terrorists in Laos. He was interrupted in his testimony two times, because he was overcome with emotion as he talked about the tactics of terror and intimidation practiced by the Communists. Their typical pattern was one of murder. We are not talking about setting a date to end the war; we are talking about setting a date to begin the massacre of thousands of people whose only crime is that they do not want to live under godless communism.

Then there are those who would say that if we set a date for surrender, somehow or other the Communists are going to return our prisoners of war. I would like to know if there is one instance in the history of the world when a defeated nation dictated the terms of surrender.

I urge the defeat of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Hamilton).

Mr. HAMILTON. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Whalen).

Mr. WHALEN. Mr. Chairman, I think section 13 certainly is a very valid subject for debate, but let us focus on the pending amendment, the change of date. I believe Chairman Morgan clearly explained the need for this change. As he pointed out, it is legislatively impossible to complete action on this bill until probably some time near October 1. Therefore, an October 1 date is completely unrealistic. I would like to reiterate a remark made by the gentleman from New York (Mr. Bingham), who pointed out that many of those who spoke against this amendment also either voted against the Hamilton-Whalen provision in committee or intend to vote against it on the House floor this afternoon. I do not know whether to be amused or provoked by their reasoning when they argue that the Whalen amendment seeks to extend the war 3 months. I simply would point out the fact that we have been in combat since 1961. We have been at the peace table in Paris for more than 4 years, and we have not, through negotiations, achieved peace. So to put the blame on Whalen for 3 additional months of war, I think is certainly ridiculous to say the least.

Section 13 represents a new approach. A new approach, a new condition for settlement. In the words of the gentleman from Michigan (Mr. Cederberg), "Let us try it."

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Morgan) to close debate on the amendment.

Mr. MORGAN. Mr. Chairman, again I want to emphasize that the date of October 1 is impossible. The Senate will not complete action on this legislation in the 3 remaining weeks after we return on September 5. Anybody who is interested in a realistic date will support the amendment of the gentleman from Ohio (Mr. Whalen).

On March 31, 1971, a Democratic caucus directed the Democratic Members of the House to work for ending the U.S. war in Indochina and bring about a release of all prisoners of war at a time certain during the 92d Congress. December 31 is at the end of the year. The new Congress will be convening on January 3. The dates are very close. I think those Members who attended the caucus on May 9, 1971, and supported that resolution by a vote of 138 to 62 realize this is going to be the last time to vote on an amendment of this kind within the 92d Congress. I hope they stand up here today and support the Whalen amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Whalen).

The question was taken; and the Chairman announced that the "noes" appeared to have it.

TELLER VOTE WITH CLERKS

Mr. WHALEN. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. WHALEN. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chair appointed as tellers Messrs. Whalen, Hays, Frelinghuysen, and Fraser.

The Committee divided, and the tellers reported that there were—ayes 109, noes 304, not voting 20, as follows:

[Roll No. 315]

[Recorded Teller Vote]

AYES—109

Abourezk
Adams
Albert
Anderson, Calif.
Anderson, Tenn.
Ashley
Aspin
Baring
Barrett
Begich
Bergland
Bingham
Blatnik
Boggs
Boland
Brademas
Burke, Mass.
Burton
Carey, N.Y.
Collins, Tex.
Corman
Cotter
Culver
Curlin
Danielson
Donohue
Dow
Downing
du Pont
Dwyer
Eilberg
Evans, Colo.
Fascell
Ford, William D.
Fraser
Frenzel
Galifianakis
Giaimo
Gonzalez

Grasso
Gray
Halpern
Hamilton
Hanna
Hansen, Wash.
Hathaway
Heinz
Hicks, Wash.
Karth
Kastenmeier
Kazen
Long, Md.
McCulloch
McDade
McKay
McKinney
Macdonald,
  Mass.
Mallary
Mann
Mathis, Ga.
Mayne
Mazzoli
Meeds
Mikva
Monagan
Morgan
Mosher
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Neill
Pettis
Pickle
Pike
Preyer, N.C.
Pryor, Ark.
Rees
Reid
Reuss
Robison, N.Y.
Roncalio
Rostenkowski
Roy
Sarbanes
Schwengel
Seiberling
Smith, Iowa
Smith, N.Y.
Snyder
Stanton,
  James V.
Sullivan
Symington
Taylor
Thompson, N.J.
Udall
Van Deerlin
Vander Jagt
Whalen
White
Whitehurst
Wilson,
  Charles H.
Wolff
Wright
Yates
Yatron
Zablocki
Zwach

NOES—304

Abbitt
Abernethy
Abzug
Addabbo
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews,
  N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Badillo
Baker
Belcher
Bell
Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Bolling
Bow
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen,
  Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Colmer
Conable
Conover
Conte
Conyers
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Dorn
Drinan
Dulski
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Goodling
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Hammer-
  schmidt
Hanley
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lent
Link
Lloyd
Lujan
McClory
McCloskey
McClure
McCollister
McEwen
McFall
McKevitt
Madden
Mahon
Mailliard
Martin
Mathias, Calif.
Matsunaga
Melcher
Metcalfe
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Montgomery
Moorhead
Moss
Murphy, N.Y.
Myers
Nelsen
O'Hara
O'Konski
Patman
Patten
Pepper
Perkins
Peyser
Pirnie
Poage
Podell
Poff
Powell
Price, Ill.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rhodes
Riegle
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Spence
Springer
Staggers
Stanton,
  J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Ullman
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalley
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion

NOT VOTING—20

Davis, Ga.
Dowdy
Edmondson
Flynt
Gallagher
Hagan
Hébert
Lennon
Long, La.
McCormack
McDonald,
  Mich.
McMillan
Miller, Calif.
Nichols
Passman
Pelly
Price, Tex.
Rarick
Rooney, N.Y.
Tiernan

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BOLLING

Mr. BOLLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLLING: On page 10, beginning with line 14, strike out section 13 of the bill and renumber the following section accordingly.

Mr. BOLLING. Mr. Chairman, I have listened very carefully to all the debate on this bill, and I find it a terribly painful experience to listen to such a debate. Not that I have any criticism for anybody who has spoken or who will speak, because I know that in truth every Member of the House very strongly feels his position. I think this is an issue on which there are no politicians. This is not to say that I am not aware that there are political overtones in the discussion—that is inevitable, that is what we are, we are a political body. Nor am I unaware of the fact that what we say and what we do here is heard in places other than in this Chamber. But it seems to me that one thing is clear, regardless of whether we are Democrats or Republicans, regardless of how we see it, regardless of whether we were hawks, or called ourselves doves, or called ourselves chicken hawks or dawks, or whatever—there is virtually no one in this Chamber who is not for getting the war over.

I would not do what for me is very unusual, and that is inject myself into the consideration of a matter of foreign affairs and defense, unless I felt very strongly that in some way many of us missed a fundamental point.

I do not question the motives of the author of the provision that I seek to strike out. I know he feels very strongly that this will assist in bringing the war to an end. But somehow all of us, I think, Republicans and Democrats as well, miss the point. We have a government of divided powers. The American people made a decision, which I fought and of which I disapproved, a long time ago—they decided who was going to be President of the United States for 4 years. The present President is going to be President until January 20.

The present President is going to be President until the 20th of January, and the present President has made it absolutely crystal clear that he does not and will not accept as limitations on the bargaining powers of his emissaries provisions as narrow as those in section 13 of this bill.

The President has made it so clear—and I have no line to the White House—that it is possible to say as a Democrat that it makes no sense to contend to the American people that this provision, if passed by this House and even by the Senate, will become law.

It is a real provision. If it is constitutional, it will be the law of the land. It will be binding if it is constitutional. It is a very important provision.

But I have watched Mr. Nixon as long as most people, and Mr. Nixon has made it unequivocally clear as to the limits to which he will go to obtain a settlement—and that is his business and his right, and he has a power that nobody has mentioned here—that makes this exercise significant but by no means final.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(Mr. BOLLING asked and was given permission to proceed for 5 additional minutes.)

Mr. BOLLING. Mr. Chairman, everybody forgets a very simple fact. The President is the Executive, but he also has the single most powerful legislative power of the country. All he has to do is to disapprove a piece of legislation and the requirement for passage is raised from a majority of one more than half to one of 2 to 1. There is not a person who seriously believes that there is a 2-to-1 majority in the House of Representatives or even in the Senate for a limitation on the terms of negotiation with which the President totally disagrees.

So in good faith, the proponents of this provision in the bill are saying at the same time it is both more and less than it is.

It cannot, in logic, ever be allowed to become effective by the President of the United States. I submit that it is a cruelty to the American people to pretend otherwise.

Now I am aware that there are many people who honestly believe that this is a valid political issue in their districts.

While I would like to believe that we could eliminate politics from all things that affect anything beyond our borders, I have been here too long to believe that that can happen. But it is very easy for people to take a position that benefits them politically and that coincides with the majority views in their district without doing something that is really meaningless, and at the same time potentially destructive. Our people yearn for peace, and they have been too often told by some that they could help them achieve peace when in fact they could not.

I say under a government of divided powers, there is no way at this stage of the game for the Congress to make the President accept terms that he finds undesirable. Furthermore, I say that this President is the only President there is until January 20. All of that is obvious.

All of that is true, and if a Member wishes to support section 13, he should vote for it with the full realization that it is not what some have said in this debate it is.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from New York.

Mr. ROSENTHAL. Has the gentleman ever voted for legislation here in this body that he expected or anticipated the President would veto?

Mr. BOLLING. I have done it on many occasions. But I voted with a full awareness that I was seeking only to bring pressure. That is the desire of those who have been saying that this would have a certain effect. That is a different thing. But I do not believe that there is a majority in this institution who want to use this limitation on the President's powers to bargain to achieve peace as a method merely of bringing pressure.

I have voted sometimes with only six or eight or 10 other Members as a protest. I am not speaking to those who wish to protest; I am speaking to those who wish to do something. You cannot speed the achievement of the peace. There is only one person who can achieve that peace, who can negotiate a peace between now and the 20th of January, and that is the point. The only person who can negotiate the peace before the 20th of January is the man whom the American people elected President of the United States more than 3½ years ago.

So trying to put limitations on the President that he cannot accept is an entirely negative action.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. WYMAN

Mr. WYMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYMAN: On page 10, in line 22, insert "prior" immediately before "release".

Mr. WYMAN. Mr. Chairman, this amendment is offered at this time because of the parliamentary situation. I understand it is essential for me to offer it at this time in order to have it before the House before we vote on Mr. BOLLING's motion.

It seems to me that over the years, particularly the last few months, the history of the Mansfield amendment, and of "end-the-war" amendments generally has been that it has not been clear that there shall be a condition precedent that we have our prisoners, the Americans held captive in North Vietnam, in our hands and returned, before provisions such as those in the bill before us are to take effect. The language of the present section is vague. All my amendment does is to make it clear that the cutoff requirements in the bill will not take effect unless the Americans held prisoner are first returned. More importantly, I think it should be clear to this body, and to all of the people in this country, that unless this amendment is adopted, should this provision in this bill become law, those who vote for it will be voting for a cutoff in Southeast Asia without the prior return of our prisoners of war.

Mr. Chairman, I hope the amendment will be adopted and urge its adoption.

Mr. HAMILTON. Mr. Chairman, I rise in opposition to the amendment to strike offered by the gentleman from Missouri.

Mr. Chairman, first I want to express my appreciation to the gentleman from Missouri for his generous assessment of the motives of members of this committee. It seems to me those were words that needed to be said, and I appreciate them.

In his usual manner, very forcefully and eloquently, he has made the argument that only the President can negotiate an end to this war. Section 13 of this bill recognizes that fact. It does not bind or tie the hands of the President in negotiations. It leaves to the President the responsibility for negotiating an end to the war. Section 13 only informs the President of the conditions which the Congress, if this section is enacted, deems essential as prior conditions for the withdrawal of American troops from Indochina.

The gentleman from Missouri describes these conditions as narrow, but they are not narrow conditions at all. They are conditions I am sure that every person in this Chamber would support and would like to see achieved: The safe withdrawal of American troops, the return of the prisoners, and the accounting for those missing in action. Section 13 does not set any order in the fulfillment of these conditions and it leaves to the President how these conditions are to be achieved.

This section does, however, and here we differ from the gentleman from Missouri, call upon the Congress to play an important role in extricating our troops from South Vietnam. I think that it is time for the Congress to speak on this matter. It is true, of course, that we have only one President, but the thing that concerns me is that several Presidents now have seen us involved in Indochina and they have been unable to extricate us from that unhappy land. It is time for the Congress to play a role in trying to extricate American troops from Indochina.

Mr. Chairman, it is also argued that section 13 will prolong the war, but the overriding fact is that the war under present policies, and under policies of the preceding administration as well, has continued and continues. It is time to take a new approach. That is what section 13 seeks to do.

Let me address just a few comments to the really fundamental issue between those who support section 13 and those who support the President. Section 13 does not call for an internationally supervised cease-fire, as the President has proposed. It does not call for it because, in my judgment at least, an internationally supervised cease-fire cannot be achieved, and if it stays in as a condition of negotiations, then the war will go on indefinitely.

North Vietnam has repeatedly rejected a general cease-fire with international supervision because they consider it tantamount to losing the war. Secretary Rogers in his testimony before the House on this issue said that there has been absolutely no progress made in the negotiations on a general cease-fire. And he said more. He said they had not even begun to discuss the details of a cease-fire. A cease-fire is highly unlikely, and an internationally supervised cease-fire is highly unlikely given the past history of negotiations.

Moreover, it would be and is exceedingly difficult to accomplish because it raises many difficult questions. A general cease-fire gives Saigon the right of veto on American troop withdrawal. It is obviously not in the interest of the Saigon Government for all American troops to withdraw, because when that happens President Thieu's power is jeopardized. A general cease-fire certainly is not necessary in my view to achieve the essential conditions of the overriding national objectives of this Nation.

Mr. Chairman, I urge the members of this committee to retain section 13 and to vote down the amendment to strike.

Mr. BOGGS. Mr. Chairman, I rise in support of the motion.

Mr. Chairman, it seems to me that as a legislative body we must always consider whether what we are doing is simply an empty and useless expression, or whether there is some genuine hope of realizing our objective.

We will adjourn this House for 3 weeks on August 18. We will come back the day after Labor Day, September 5. The other body has already killed the foreign aid bill. There is no chance whatsover of this section, as now constituted, ever becoming law. It just cannot happen. There is no time for this bill to reach the Executive before October 1.

I voted, along with the Speaker, a moment ago, for the December 31 cutoff date with the other language in section 13. I voted that way because the members of my Democratic caucus voted early in this Congress as I did, for legislation intended to end U.S. involvement in Vietnam by the end of this present Congress. We sought legislation which would be meaningful, more than an empty gesture. I had every intention today of voting for this provision with a December 31 cutoff date, and I would have voted for it.

But I am not going to stand here now to do something which I consider a vain and useless thing and which could be misinterpreted all over the world.

I am well aware of the arguments here. I have profound respect and admiration for the people on both sides of this issue. I have never tried to classify myself as a hawk or a dove or any of these words people conjure up. I have sought to do what I thought was best for my country, which I believe is true of every Member of this body.

I believe the thing for us to do now is to support the motion before us. The chairman (Mr. MORGAN) himself says that the withdrawal deadline provision cannot come to pass in the manner intended by his committee. It would be a poor reflection upon the judgment of the House of Representatives for us to enact an ineffectual provision today.

It is also true, as the distinguished gentleman from Missouri (Mr. BOLLING) said that there are very great complexities involved here involving the responsibilities and prerogatives of the President, whomever he may be.

Another reason why I voted for the December 31 date was I felt it tended to move the issue beyond the presidential election, and therefore out of partisan electoral politics.

Only recently I had the experience, along with my colleague from Michigan (Mr. Gerald R. Ford) of talking for many hours with Chou En-lai, Premier of the People's Republic of China, and other Chinese leaders. While I am not at liberty to reveal some of the things that were said, I can say that there is great apprehension over the growing Soviet military influence and intentions in the world, particularly in areas in Southeast Asia. I believe this is a part of the difficulty in negotiating the end of this conflict.

So here we are this afternoon about to vote on a provision which cannot possibly become law even if passed today. I say with all due deference and with all respect for my colleagues that I am as dedicated to world peace and to the end of U.S. involvement in Vietnam as any man in this body. But, as one to whom you have trusted some degree of leadership, I cannot in good conscience do anything other than to support the gentleman from Missouri (Mr. Bolling).

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the outset, since my distinguished colleague, the gentleman from Louisiana (Mr. Boggs) has mentioned our recent trip to mainland China, I want to say in the presence of a near capacity on the floor of the House that the gentleman from Louisiana, as one of the two representatives from this body on this trip, could not have been a finer representative for the President or the American people, and I want each and every one of you to know that. I was there.

Mr. Chairman, I have served almost 24 years in this body. I have listened to many, many debates. It is my observation after listening to the debate pro and con this afternoon that the House has acted, in my judgement, in the highest traditions of this body. The debate has been heated; it has been without rancor. No one, to my knowledge, has challenged the motives of those who might have a different opinion from one another. I hope and trust that during the remaining time of our debate on this important measure we maintain that high degree of responsibility.

The first year I came to this body was the third year of a bipartisan foreign policy. It really began after World War II in the term of President Truman at the time of the 80th Congress when the Republicans were in the majority in the Congress. It seemed to me then and it seems to me now that the continuation of a bipartisan foreign policy is in the best interests of the American people and of peace throughout the world.

During this period of some 24 years we have had a Democratic President and a Republican Congress. We have had a Republican President and a Democratic Congress. We have had strange combinations. We have a divided Government, as the gentleman from Missouri has said, but somehow in the main this bipartisanship has stuck together. As I look back over this history it seems to me that that has been one of the strengths of the free world and certainly one of the strong points of America's diplomacy during this period.

I happen to believe that President Truman did his utmost to solve the problem at its very inception in Vietnam. I happen to believe that President Eisenhower during his 8 years of office did the same. I happen to believe that the late President Kennedy during the period of time he served did his utmost as he saw fit in the best interests of the United States to solve the problems of Vietnam. I certainly think that President Johnson did, and I certainly believe that the present President, President Nixon, is seeking to do his utmost to solve this complex, controversial, and almost unbelievably difficult problem.

During the terms of those Presidents I have mentioned we have had Democratic and Republican Congresses, and in each case, whether it was Democratic or Republican, those Congresses tried to work with those Presidents that I have named. I think those Congresses did their utmost, too.

Therefore, Mr. Chairman, I hope that this tradition of helping a President, our President, is continued in the future.

Mr. Chairman, we have heard the arguments, we have read the columns, we have read the editorials about the merits of the Congress taking an initiative such as in section 13 of this bill.

You can read what you want and be convinced by what you read, but I think there is one newspaper in this country that has a complete and total nonpartisan reputation.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. Gerald R. Ford was allowed to proceed for 3 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman, I speak of the Christian Science Monitor. I have never heard anybody challenge their nonpartisanship, their great reputation for objectivity, and editorial honesty. I am a consistent reader of the Christian Science Monitor because of its reputation.

I have in my hand here an editorial that appeared in the August 4 issue of the Christian Science Monitor, and it speaks of whether or not the Congress at this hour ought to interject itself with some legislative proposal in an attempt to end the war. And I repeat what others have said: everyone here in the House, on both sides of the aisle, seeks that objective.

But let me quote the title of the editorial and a few lines from it, because I think it is highly appropriate at this hour.

The title of the editorial is, "Don't Rock The Boat." It goes on to say, in part, in its text, and I quote:

> Now, at the most propitious moment in the history of the peace talks for some real settlement, Congress is ill-advised to rock the boat by trying to recoup the reins it long ago handed over to the President. . . . But for the sake of the Vietnamese people, north and south, and for the prisoners and their families, even the dim possibility of a negotiated settlement ought not to be jeopardized by a vote that could not in any case end the war.

I hope and trust the good counsel and advice of this newspaper is followed. I think it is in the best interest of the United States. I strongly favor the Bolling amendment.

Mr. ZABLOCKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from Missouri (Mr. Bolling).

As my colleagues know, I have long been an observer of the conflict in Indochina. In fact, a congressional study mission, of which I was the chairman, was the last ever to visit Hanoi. This was in 1953.

Throughout the years I was very unhappy and frustrated over the developments in Vietnam. All of us have been. Certainly events have not been to our liking. Certainly, mistakes have been made in that conflict. But errors are not made aright by compounding them, and the House by approving section 13 would be making a grave error.

The error is in the attempt made by this provision to put the President, his advisers, and our representatives at the Paris peace talks into a negotiating straitjacket.

None of us is wise enough to see whether a negotiated settlement is indeed on the horizcn. Many observers believe that because the North Vietnamese attack has been blunted in the South the laders in Hanoi will very likely be more tractable.

Let us hope this is so.

But if we cannot predict with confidence where events will take us without section 13, we can be fairly certain what will occur if section 13 passes today.

The North Vietnamese will surely interpret approval of section 13 as a signal that the United States has tired of its efforts at checking naked aggression in South Vietnam and is looking only for a way out.

Any chance for negotiations which might secure a lasting peace for Indochina will be doomed.

I have always believed that the Congress has the right and indeed the obligation to assert its responsibilities and express itself on the subject of Vietnam—and to that end I offered compromise language in the Committee on Foreign Affairs.

My language was rejected in favor of the unwise and unworkable provision which is before this body today.

Section 13 will not bring true negotiations since the concessions it makes will give us nothing to bargain with.

Section 13 will not bring peace, for it contemplates that the killing of Vietnamese by Vietnamese would go on unabated.

Section 13 will not bring honor, for in effect it provides that the United States will abandon an ally during a time of great need.

Section 13 will not bring domestic tranquility, because our people will be forced to watch as the recent bloodbath of Hue is repeated again and again throughout South Vietnam.

What section 13 will give us, Mr. Chairman, is another political misjudgment to fling on the slag heap of past political misjudgments about Vietnam and Indochina.

Mr. Chairman, it should be obvious to all that Hanoi will not accept anything short of complete capitulation and liquidation of the Government of South Vietnam and a complete takeover of Indochina.

In this regard when testimony on the so-called end-of-the-war and termination of our involvement in Vietnam was being heard in our committee, former Secretary of Defense, Mr. Clark Clifford was one of the witnesses. He was positive in his view that if the United States would only follow the provisions and recommendations of the resolution before us, Hanoi would be willing to end the war.

I asked Mr. Clifford whether he has any documentary evidence of Hanoi's sincerity and willingness to keep their agreements and to end the war. He replied: "There is no documentary proof with reference to this:

He further said:

> What I am saying to you is that it is my belief, based upon my experience, that this proposition here is sufficiently desirable to Hanoi that we could make an agreement with them.

Further, he said:

> Now, it is my belief that it is sufficiently desirable to them and that they will accept it, and stop this enormous expenditure.

Mr. Chairman there was and is no definite proof. No documentary evidence or promise was received from North Vietnam.

Further, Mr. Chairman, when our colleague the gentleman from Wisconsin (Mr. THOMSON) inquired of the former Secretary of Defense, Mr. Clifford, as to how his views differed today from those he held in 1969.

Shortly after he left the Cabinet, he was quoted in the Washington Star on Oct. 15, 1969 in reference to Senator Goodell's withdrawal proposal. Mr. Clark Clifford was quoted that Senator Goodell's proposal to withdraw all American troops from South Vietnam by December 1, 1970, "is both unrealistic and impractical and would result in a blood bath in that country. He said that Goodell's plan would result in the collapse of the military and the collapse of the government in that country. The resulting blood bath, he said, would be on our conscience for a long period of time."

I submit nothing has changed in Vietnam, only Clark Clifford has changed.

Mr. Chairman, I strongly support the amendment of Mr. Bolling and urge that the committee strike sec. 13. Such action by this body will certainly be noted by the Communist leaders in Hanoi. Then, perhaps, meaningful negotiations will begin in Paris. Only then will the war end and followed by lasting peace in Vietnam.

Mr. MAILLIARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not wish to prolong this debate, and I am sure there are a lot of people who want to speak. I want to express my views which are very strongly in support of the statements just made, and particularly those of the ranking majority member of our committee. Also, I would like to address a few specific points which I think have been pretty muddled up.

This so-called end-the-war provision, I believe, as others have expressed, simply cannot achieve the purpose for which its proponents have been making a case here this afternoon. I think that there is no reason to believe that these conditions can be met, and that, therefore, will end the war.

Now, the more emotional speakers here a little earlier were saying, "Stop the killing; don't change the date to December 31; leave it at October 1 and stop the killing in Indochina."

Well, the provisions that are in this Hamilton amendment cannot possibly achieve that result. They do not even provide for any kind of real cease-fire, but just reduce hostilities to permit us to withdraw our troops, so they leave the killings going on as if we had no interest whatsoever in the humanitarian objectives that have been advocated on this floor by people who are supporting this amendment.

It could not stop the killing. I do not think it could even extricate us under these terms, because I do not believe these terms can be met. Every indication we have had from Hanoi is that they will not stop hostilities until they are assured that the regime in Saigon has been brought down.

Now, let us take a look, a little bit of a look, at the claims that have been made as far as the effect of the amendment is concerned. The gentleman from Missouri pointed out that under our Constitution we have a divided Government with constitutional responsibilities separated in the various branches. It is interesting to note that when the Constitution was being written, this question was raised, because the prior Government under the Articles of Confederation specifically gave to the Legislature not only the power to make war, but the power to make peace. If you will look at the proceedings of the Constitutional Convention, you will find that this was discussed and voted upon and it was decided that the legislative branch of the Government could not make peace; that only the Executive as a practical matter could negotiate the end of hostilities.

So, there is a very grave constitutional question, one which has never been settled by the courts, but which the legislative history of the Framers of our Constitution would lead us to believe that, not inadvertently but intentionally, they did not grant the Congress when they granted the warmaking power—they did not grant specifically the powers for the Congress to negotiate the end of hostilities.

Now if this proposal is constitutional, the notion that it is merely advisory simply is not borne out by the language. The language uses the word "shall." If it becomes the law of the land it is not a sense of Congress provision. So if it is signed by the President, which I think is, as has been pointed out by the majority leader, not very probable, it would become the law of the land. If it is in fact constitutional it would be binding on the President in its detailed provisions. He would be locked into doing exactly what is in this provision regardless of what other opportunities he had to negotiate a satisfactory end to the war.

So I think some of these things that are being said so lightly, including those by the author of the amendment that, well, this is just giving the President guidance, I think those of you who are lawyers at least will look at the language and come to know if it becomes adopted and if it is constitutional it becomes the law of the land.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, most Americans want the conflict in Indochina ended on a responsible basis that will bring about the return of all American prisoners of war, while bringing peace to Indochina in a way that will not encourage Communist aggression in other parts of the world.

This so-called end the war provision will not contribute to that responsible goal. It is politically deceptive. Its cease-fire proposal is not in fact a cease-fire. It is at best a temporary truce between Communist forces and American forces to cover our withdrawal. The cease fire proposal is not unsimilar to the so-called cease-fire between the United States and NLF forces proposed in point 1 of the NLF's July 1, 1971, seven points.

I believe that most Americans want the return of all American prisoners, an accounting of all missing in action, and an end to the conflict. A genuine peace in Indochina is not for most Americans a political or partisan issue, even in an election year.

Without effective international supervision, North Vietnam would be free to continue its invasion of neighboring countries and endanger the lives of those friends and allies with whom we have been associated in stopping aggression. They deserve the opportunity to build their future in peace. The President is trying to bring about an honorable and lasting peace in keeping with the desires of most Americans.

This provision, coming at a time when he is conducting delicate negotiations through public and private channels, would undercut his efforts to end the war on a responsible basis so as to stop the conflict and bring all of our boys home.

Some months ago, the Democratic caucus instructed the Democratic members of this committee to report out a bill that would set a date terminating U.S. military involvement in and over Indochina, subject only to obtaining the release of our POW's and all available information on those missing in action.

This directive was rammed through the Democratic caucus at a time when the North Vietnamese offensive was penetrating South Vietnam at many points.

The action by the caucus gave me a great deal of concern over the precedent of a majority of the majority, which in turn is a minority of the Congress, using high-pressure tactics in an attempt to deny members of their party the right to exercise their own judgment as to what is in the best interest of our Nation and their constituents.

Subsequent to the directive of the caucus, President Nixon announced the mining of Haiphong Harbor and other North Vietnamese ports, and he went on to the summit conference in Moscow which was unhampered, and perhaps strengthened, by this action in Indochina.

Neither Moscow nor Peking has openly challenged the blockade and public opinion in the United States has rallied to the President's support. On the military front, South Vietnamese forces are reclaiming much of their territory taken during the North Vietnamese invasion.

Mr. Chairman, this so-called end-the-war amendment should also be criticized on one other point, and that is the careless phraseology which is surprising in view of the great amount of time the authors had to prepare it. At the risk of hurting the feelings of the proponents of this provision, I would suggest that, if sustained, it would be as damaging to the cause of lasting peace as were Jane Fonda's statements in Hanoi.

Therefore, I support the amendment to strike this negative language from the bill.

Mr. O'NEILL. Mr. Chairman, I would be remiss as a Member of Congress if I did not take the floor today to speak against this amendment, in view of the fact that I have been in this well so many times in the last 5 years in opposition to this war. Each time I have taken this floor I have always said that I got up here in a nonpolitical manner. When a man casts his vote today, he should vote with his heart and with his conscience and with his mind, what he thinks is right for the country. There is no political issue on either side.

I heard our great majority leader get up here today—and I have the greatest respect for him, and I know he was speaking as an individual—to tell us how he felt on this amendment and explain the technicality of the amendment. I heard our minority leader speak, and I know he expresses his views exactly the same way.

For 18 years I have sat in the Committee on Rules next to the gentleman from Missouri (Mr. BOLLING). There is nobody in this Congress for whom I have more respect, for his knowledge, ability, vision, and the courage he always portrays. But the amendment as offered by the gentleman from Missouri (Mr. BOLLING) is stating that Congress has no role to play in determining American foreign policy. The Constitution says that Congress has the right to declare war. This amendment makes clear that Congress has no right, has no stake in ending the war in Indochina.

But I say this. If Congress does have a role in declaring a war, it does have a role in ending the war.

Do we play a part in foreign policy? We set no foreign policy, but believe me, we play a part. I remember taking this well and I remember the debates in this Congress when our troops were entering Laos. I honestly believe that if it had not been for the debate and the colloquy on the floor of this Congress, we would have been all the way across Laos. Then, Laos would have been directly involved in this war. I can remember also the invasion into Cambodia and how upset America was about it. I can remember well, with others, taking the floor on that issue. We drew back from Cambodia because we did not want to spread our forces throughout all of Indochina.

Did we set a policy? No, we did not set a policy. But we helped the administration administer a policy because we told them what the true feeling of the American public was.

There is no question in my mind that those of us in the minority—and I can read this Congress, it is one of my duties as majority whip to be able to read this Congress—will not prevail. I do not expect that the Bolling amendment can be defeated today.

What is the situation over there now? As I understand it, we have 33,000 troops, and 1,000 of them in active service. I honestly believe they will be out of there by November 1. I hope and pray that they are out of there by November 1. But today, it is a different war. The Army does not tell us truthfully what is going on. The dikes that are struck are not hit by Army planes. The war is run by the Navy now. It is a whole new ball game.

Do we set foreign policy? No, we do not set foreign policy. But we are the voice of the grassroots, the voice of the people of America, and the people of America are fed up with this war. They want us out of there. They want us to spend the money on the priorities that will get America rolling again. That is what this is all about.

I admire the courage of all those who speak on either side of this issue today. The colloquy is good for the American public.

The Morgan-Hamilton provision, regardless of what may possibly happen and though it may never be enacted into law, I believe is an expression of how the American people feel about this war.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in wholehearted support of striking out section 13. I believe the debate on this bill and the various provisions in it has been on a high level. I believe the majority leader made a very courageous and forthright statement when he declared that in his view it would be a vain and useless thing for us to include section 13 in the bill.

The debate indicates the nature of the problem which the Committee on Foreign Affairs had. We have not had an easy talk in agreeing on any language. Section 13 was included in the bill by a vote of 18 to 17. That same committee, 6 weeks earlier, by a vote of 19 to 18, took a different position, one which would be supportive of the President's offer to the North Vietnamese, with a cease-fire throughout Indochina, a withdrawal within 4 months of their acceptance of his conditions, and an accounting for these missing in action and a return of prisoners of war.

My view is that this section would constitute very unwise legislation. If we want to act I believe we could act on the separate resolution with regard to the so-called end the war amendment which has come out of our committee.

What worries me is that there is a possibility that this section might be accepted. Yet we have had no serious discussion about the significance of the language, or the impact of acceptance of the language by both the House and the Senate.

The gentleman from Indiana (Mr. HAMILTON) says that his provision does not tie the hands of the President. I find it difficult to believe that the gentleman thinks it would not tie the President's hands. Quite obviously it attempts to set different conditions for negotiations from those the President has proposed. That surely is a restriction, and a serious restriction, on the President's responsibility.

The gentleman from Indiana (Mr. HAMILTON) also said that it would be unlikely the enemy would accept a general cease-fire, and that the result might be a prolongation of hostilities. Has anyone asked what would be the significance if the enemy should decide to accept an offer by Congress that there be a partial cease-fire only? Would this, as the gentleman from Indiana (Mr. HAMILTON) suggests, reduce the level of violence? Or would it perhaps encourage an increase in the level of violence against the South Vietnamese?

This would be tying our hands. We would be destroying the possibility of a general cease-fire as a negotiating point in Paris.

So I believe, if we should make the decision of accepting section 13, we would be moving a long step down the road which would be basically leading nowhere.

The gentleman from Massachusetts (Mr. O'NEILL) in a very eloquent speech said that this section represents the voice of grassroots America. I cannot see how he can honestly contend that this represents what grassroots America is saying. What Americans of all stripes want is for this war to end. I would guess that there would be very few Americans who would take this particular route to that end as the only one to accomplish our objective.

If we are to have meaningful negotiations, I would suggest we should not set a calendar date which may mean something to some people, which may have an impact on the American public who may feel that somehow the war is going to end as of a certain date, but which in fact may reduce the possibility of a settlement. And this is the only way we are going to get an end to hostilities.

So I do hope that the majority whip is right when he says there is every likelihood that the section will be defeated. I think it should be.

Mr. FASCELL. Mr. Chairman, I move

to strike the requisite number of words.

Mr. Chairman, as I recall this debate when it started out, the language in question was referred to as illusory, it had no effect, and it was not legal. Now the debate has turned around. The language is very important, it is serious and it has a binding effect. We heard that if we voted for one date, we would extend the war, but we hear no discussion of the fact that if wou do not vote for a date, it might extend the war forever. I do not believe either one of those arguments. I think we ought to dispense with all that kind of talk anyway.

We know what the issues are. They are very clear and simple. Let us go back just one bit.

We started out in Vietnam with about $1 billion a year to support an ally. Then the United States put some men in and then we put more men in and the United States became enmeshed in a seemingly interminable war. Where was Congress all this time? I will tell you what I was doing. I was supporting the President of the United States; I was supporting my country; I was by acquiescence or by actual vote ratifying an active war. There was no formal declaration of war. We appropriated the money and we ratified the action.

Then came the Gulf of Tonkin Resolution. The Congress with few dissenting votes granted the Executive full power to prosecute the war in language short of a formal declaration of war. The President was supported on that issue and on the first supplemental for $700 million. We ratified it in that way, and we went right on. The Congress played its role. The Congress then repealed the authority of the Gulf of Tonkin Resolution. But the war went on.

This is a historic day; not that this issue is new or political, because it is close to election. We know that is not really true. We have been debating this issue as far as the Congress taking a part in it since before 1969, so it is no surprise to anybody that the issue is here today. We all know that.

To argue otherwise is to misunderstand the knowledge and intelligence of the American people. I do not make that mistake, and I am sure you do not. They are way ahead of us on this issue and they have been for some time. That is the reason why the issue finally got to the Congress of the United States. That is where it belongs. That is why some expression ought to be given here.

It is historic, because for the first time the Committee on Foreign Affairs in open, prolonged consideration and debate, albeit by a close vote, finally came out with the language which is in this bill.

And it may well be that it would be historic for this House to take a position the same way.

I understand full well that if this section is stricken from the bill, the Congress, that is, the House, will have spoken and in that fashion will have participated in a different way. But I think that the debate up to this point is quite clear.

The Hanoi regime is not about to accept anything or at least not the very generous terms that the President has laid down. It is difficult, for him, to make a change. However, the Congress can lay down a guideline, and it will not become law unless the President wants to sign it. If he does sign it, it will become law and he will bind himself. He will not arbitrarily be bound. We all know that. So he has complete discretion.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. FASCELL was allowed to proceed for 1 additional minute.)

Mr. FASCELL. Mr. Chairman, all we are doing here if we adopt the language that is in the bill, and vote down the amendment offered by the gentleman from Missouri (Mr. BOLLING), who has stated the case quite clearly and accurately as far as I am concerned, is simply broadening the base upon which the President can negotiate if he wants to. We, the House of Representatives, will have spoken and laid the predicate to make it possible for the President to take a slightly different course. The President thinks, as I do, that he has given a very generous offer and one in the best interest of the United States. But we are practically at an impasse—and the war goes on. What we are saying in this language is, "Mr. President, we in the Congress, also representing the people as you do, say that you can negotiate on a different basis and the Congress thinks you should."

Mr. BUCHANAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, at this point may we see how many more Members wish to speak on this amendment so that perhaps we can arrive at some time upon which to end the debate?

Mr. Chairman, there are about 15 Members standing.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 6 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BUCHANAN. Mr. Chairman, there are men of sincere conviction on both sides of this issue, and that is without question, but I would be remiss if I did not express my personal appreciation for the statesmanship of the author of this amendment, the majority leader of the House of Representatives, the ranking majority member and others on our committee, and the many other Democrats who will stand up and support this amendment under these circumstances in this election year.

I believe they are doing something for their country, and I appreciate it.

Mr. Chairman, we will send from this Chamber today one of two messages. We will either say we support the President's effort toward peace, the only President we have, the man whom the gentleman from Indiana (Mr. HAMILTON) the author of this section, himself, has said is the only one who can negotiate. We shall either strengthen his hand as he goes to negotiate with the Communists—or we will send out a message to the Communists, "We will do your job for you, and will strengthen your hand."

We clearly face that choice here today.

I address myself next to the substance of the amendment itself for just a moment.

The gentleman from New Hampshire has offered an amendment which deals with one of the issues, that of release of prisoners, but, Mr. Chairman, I would submit that the only language that would assure the return of our prisoners would be "the return of all American prisoners of war" as a condition of our withdrawal. In Korea in various instances the Communists said they had released the prisoners of war, but they never showed up. So not even prior release is good enough to accomplish their full protection.

Second, there is no real cease-fire as has been mentioned, in this proposal. This is a very partial cease-fire which will not stop the killing, and will encourage wanton slaughter on the part of the invaders of South Vietnam, Cambodia, and Laos, against innocent people in the future.

Finally, Mr. Chairman, I would point out to this committee that we have another instrument if we want to speak on this subject, reported out by the House Committee on Foreign Affairs, and supportive of the President's position, reported by a slightly larger majority than that which supported section 13, the so-called Hamilton amendment. There is, therefore, no need to add this burden and complication which may threaten the passage of this needed military assistance legislation, as in fact has been the case in the other body. We can deal with this issue separately and fully through bringing House Joint Resolution 1225 to this floor for consideration if we so desire. We do not need to threaten passage of needed legislation by leaving this controversial provision within it.

Again, Mr. Chairman I would urge this committee not to do the job of the Communist aggressors for them but to here take a stand which I believe will lead toward peace, and is the best stand to take for peace.

The question here today is not an issue between those who are for and those who are against peace, but how to achieve peace. With the adoption of the amendment we can help our President in his continuing effort to bring peace to our country. I urge the adoption of the amendment, as a vote for peace in Indochina and a step toward peace with justice in our time.

Mr. ROBISON of New York. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman.

Mr. ROBISON of New York. Mr. Chairman, once again we are engaged in our seemingly endless quest to find a legislative way to end the war in Vietnam, and—I say in all kindness—there is reflected here in this latest attempt a bit of the attitude exhibited by the politician in that old story about "there go the people, and I must follow because I am their leader." Or, in its updated version, "there goes our presidential nominee, and we must follow because he is our leader."

My own position on the American involvement in the tangled affairs of the people of former Indochina ought to be clear by now, Mr. Chairman, at least to my own constituency. For I have been saying that such involvement was a foreign policy blunder of tragic proportions—or words to that effect—for some 6 or 7 years now, with some of those early speeches which also called for an end to that involvement at the earliest practicable date being made in such places as American Legion halls where my then-audiences were not all that approving.

Prior to that, I made—as the record will show—a number of 1-minute speeches here in the House in the spring of 1965 suggesting, as the American role in Vietnam changed and began escalating insofar as troops were concerned, that our Committee on Foreign Affairs ought to investigate what we were getting into. I do not say, now, that I would have been smart enough then—even if we had had such hearings—to have opposed what was happening, but at least it is true that when the other body finally got around to the so-called Fulbright hearings a year later, the die had been cast so that, ever since, we have been trying to find a proper way to correct what nearly everyone now agrees was a mistake in policy.

I probably would have supported Mr. Nixon's candidacy 4 years ago anyway, but the fact that he seemed to offer the best chance for correcting that mistake gave me added reason for doing so. And, after his election, I enthusiastically supported his Vietnamization policy as a practical, if unduly gradual, way of beginning that process.

To be perfectly honest about it, however, I had some early doubts about exactly what it was that Mr. Nixon had in mind as the end result of "Vietnamization"—and I expressed those doubts from time to time, Mr. Chairman, both here in the House and to my constituents, as well as to the President, directly. I wished, among other things, to make sure that he was committed on an irreversible course to a policy of total withdrawal of an American presence in or over former Indochina—and that he did not somehow harbor, as did his predecessor, some sort of vision of "victory" in Vietnam, for I have never believed that we could produce any such a result except at a prohibitive cost both to ourselves and the supposed beneficiaries thereof.

Accordingly, as some here will recall, I either offered, sponsored or voted for a number of earlier legislative attempts at "ending" the war—attempts which I conceived to be both responsive in nature and in line with our constitutional role in foreign policy. The main thrust of this effort was to encourage, if in some small way I could, not only an "end-the-war" consensus among my own constituents, who were then as uncertain over what the Nixon policy was as over what it ought to be, but also a similar consensus here in the Congress. My major ambition was to help guide the President toward a negotiating position that would have enough attraction to Hanoi to have some reasonable chance of success, for I repeatedly argued that this tragic conflict could only really be "ended" through a political settlement arrived at by negotiations.

Two years ago, I was sent to Indochina by our then-Speaker as a member of the so-called "Select Committee on U.S. Involvement in Southeast Asia." A valuable and instructive experience this was, and one reinforcing my previous views about the need for establishing a national policy of total withdrawal on an irreversible course, as well as leading me to believe it was time to think in terms of a "date certain" for ending our ground combat role. Accordingly, in September of 1970, I introduced a resolution—House Congressional Resolution 756 in the 91st Congress, and the first of its kind, I believe—stating that it was "the sense of Congress" that U.S. troop withdrawal from Indochina "should continue on an irreversible basis," and further stating that all such troops should be withdrawn from ground combat activities on or before May 1, 1971. Interestingly enough, as the gentleman from Indiana (Mr. HAMILTON), coauthor of the language in the bill before us, will recall—he also having been a member of that select committee—I urged him to join me in offering that resolution, but he replied, as I remember, that he was not then ready to go "that far."

In any event, early in this Congress I reintroduced a slightly modified form of my prior resolution—it is House Joint Resolution 462 in this Congress—which calls also for troop withdrawals from Indochina to be continued, on an irreversible basis, until all United States personnel are withdrawn, and then adds a sense of Congress statement to the effect that our role in ground combat should be terminated by June 1, 1971.

That last-mentioned date has, of course, come and gone without congressional action and, to the President's credit, the American role in ground combat in Indochina has, to all intents and purposes, been ended. Besides which all troop levels in South Vietnam have been reduced close to that residual force that some argue it is necessary for us to maintain at least until there is some resolution of the prisoner-of-war issue.

However, it is also worth mentioning, I believe, that I did offer a substitute to the so-called Nedzi-Whalen amendment to last year's military procurement bill, when it was before this House in June of 1971. That substitute, had it been adopted, would have extended the Nedzi-Whalen cutoff date—or deadline—by 4 months, that is, from December 31, 1971, to April 30, 1972, but would have conditioned the application of that cutoff date upon the happening, prior to April 30, 1972, of two related events: The arrangement of a cease-fire either by the parties involved in the hostilities, or by the United Nations, or by any group of neutral nations, and the consummation of an agreement between those same hostile parties for the identification and exchange of all prisoners-of-war held by either side in former Indochina.

I argued then—though in vain—that Nedzi-Whalen's only possible effect would be to end our own involvement in the war, and our own anguish. And I cited in support of that position—as the CONGRESSIONAL RECORD will show—the then-recent comments of former Senator Eugene McCarthy to the effect that any congressional mandate forcing a withdrawal of our forces from Vietnam could well be counterproductive in that it would invite chaos in Vietnam, Laos, and Cambodia, and that such action would constitute an abdication of congressional, as well as national, responsibility for the combined military, political, and economic problems we have helped create in former Indochina. Specifically, I quoted former Senator McCarthy as saying:

> The answer is that we should negotiate now!

Since then, of course, we have gotten around—again without congressional action—to President Nixon's current negotiating position, which is simple and straightforward enough. He proposes, as we all know, a total withdrawal of all forces from Indochina and to "stop all acts of force throughout Indochina"—which must be taken to mean "in or over" Indochina—within 4 months after the release of American prisoners of war and the establishment of an internationally supervised cease-fire in Indochina. And we are told, by some observers, that as a result of his other initiatives Mr. Nixon has gotten both Russia and Red China to at least privately encourage Hanoi to accept such terms.

I welcomed this Presidential neogtiating position when he stated it last April, for it paralleled so closely the bargaining position I had been urging, and which I thought had a chance of success. Unfortunately, as we know, Hanoi has not yet seen fit to accept it, and the sponsors and supporters of the language now before us argue that it never will since the kind of cease-fire Mr. Nixon contemplates is an "unrealistic and unrealizable" condition of American withdrawal.

They may well be right, but I wonder how they can be so sure, and it is at least worthy of note—even if it is only for the purpose of "coppering his bet" on the outcome of the American presidential election—that Hanoi's chief negotiator, despite the absence of outward signs of progress, continues to receive the President's chief negotiator, Dr. Kissinger, in private discussions of his proposal.

Mr. Chairman, given my consistent position regarding the need to correct our mistake in Vietnam—as now compounded throughout Indochina—the language in the "end-the-war" amendment now before us is very attractive to me. It is especially attractive in that the "dates certain" which I previously had in mind for total U.S. withdrawal have come and gone, though the effect of this language could still only be to end American involvement in the war, just as was the case with prior amendments including the one I have mentioned.

That point still bothers me deeply. A cease-fire would certainly be difficult to arrange—as Mr. HAMILTON and Mr.

WHALEN point out in their separate views—and it may prove, in time, to be as "unrealizable" as they also claim. Nevertheless, it would be a desirable thing to accomplish, if we could, elsewise we would be for all the world like a careless driver who—after causing a fatal accident—walks away from the scene and the casualties he had left behind, muttering something like: "Sorry about that!" I know that there is a point of view—and we have heard it expressed here again—that those casualties will, after we thus leave, somehow pick themselves up, dust themselves off, and put everything back together again, so to speak. As the amendment's authors argue:

> If the level of violence is lowered, finding ways and means to heal the wounds, and make accommodation, would be enhanced.

Perhaps. But that they also think the war, at least as between the people of Indochina will go on, is evidenced by the fact that this same bill carries authority for "security supporting assistance" to Vietnam, Cambodia, Laos and Thailand in the amount of $735.4 million to help them—as the report states— ". . . take over the burden of [their] defense," and provides authority for another $269.5 million in "military assistance" to Cambodia and Thailand. Besides which, the current disclosures of Communist executions of South Vietnamese Government officials and the imprisonment of "Saigon collaborators" during the recent weeks when they held Binhdinh Province in South Vietnam—which disclosures do not seem to be controverted—while not ensuring a "bloodbath," do give added reason to understand why Mr. Nixon is haunted sufficiently by such a vision to at least want to "stop the killing" through a cease-fire before we leave Indochina altogether.

So, Mr. Chairman—though it has by no means been an easy decision—I have determined not to vote for this supposed opportunity to "end" this tragic war. Its authors claim it will "help" the President to end the war. But I fail to see how, at this precise moment, it can do anything other than hamper him as he makes what may well be his last bid for peace on what he considers appropriate terms. As the Washington Post said, rather surprisingly, in a recent editorial on the comparable attempt to this in the other body—and it equally applies here:

> It cannot amount to more than a shattering vote of no confidence in a difficult and delicate effort, now presumably under way, to translate weeks of pulverizing bombing attacks into a negotiated settlement . . . [and] undermine the last chance he has to make good, before election day, on 4 years of promises to end American participation in the war.

Mr. Chairman, the pressure is on the President to end this war—for all participants, if he can—through negotiations. That is the only way it can be ended. That is the way it should be ended. By my vote today I intend to give him the opportunity to try to do so without interference—and I have confidence that he will do his best.

To summarize, Mr. Chairman, surely there have been moments in the past when Congress would have been well advised to take courage in its hands and bring its powers to bear on halting the continuing escalation of the Vietnam conflict. That, we did not do. We did not even inquire into the justification for such escalation until, as I said, the die had been cast for us and the bills, toted up in terms of death and destruction as well as dollars, came due. Since then, our problem—our task—has been to work with President Nixon toward fashioning an acceptable policy of withdrawal leading to total disengagement at the earliest practicable moment while, at the same time, moving on a parallel track toward a negotiating stance wherefrom our influence could be used to encourage the warring parties to settle their political differences.

My efforts, over the past 3½ years of the Nixon administration, have all been aimed in those directions. It may only be coincidence, but the only two end-the-war amendments which, late last year, became law—the two so-called Mansfield amendments—bear close resemblance in both content and language to the kind of initiatives I began in 1970, and I think it clear that, although he stated his unhappiness with them, President Nixon's course has undoubtedly been influenced thereby.

I have no knowledge that the President's current efforts will bear fruit. I am not even optimistic about that chance—merely hopeful. Still, let me say again, that, at what could be the most propitious moment in the long history of Vietnam peace talks, Congress would be ill advised to rock the boat in the fashion now contemplated.

For the longer range future, as I have said all along, there must come a time when South Vietnam will have to stand alone—and by that I mean completely alone in its own defense, with possibly American logistical help if the war has to go on, but without American air support or any other kind of direct military assistance.

We have, most assuredly, gone the proverbial "last mile" and then some in our effort—however unwisely undertaken—to help its people. If President Nixon cannot, under the existing more favorable circumstances even through the use of the punishing kind of air strikes that are being carried on against the North day after endless day, now bring about a negotiated settlement of the conflict including a cease-fire, so that, however temporarily, the killing stops, then, perhaps, that is a goal that is simply beyond our grasp.

If that, unhappily, becomes the event—and we should know by the time the 93d Congress convenes in January—it would be my intention at the earliest opportunity for doing so to support and vote for a true "end-the-war" amendment of the sort offered a week or so ago in the other body by Senator COOPER of Kentucky. Senator COOPER's bill directs, by way of a cutoff of funds, the total withdrawal of all U.S. forces from Indochina, without conditions other than the protection of such forces as they were withdrawn. That is a direct, and clean-cut proposal, with no ifs, ands, or buts; and, difficult though it might then be for our Nation to accept, the time may come when we will have no real alternative.

But I cannot close those remarks without expressing again my sense of repugnance for our continuing, strategic bombing of targets in North Vietnam. I claim no military expertise in this area, and frankly do not know whether or not these massive bombing attacks have had a major impact on the North's ability to support its military thrust into the south. One assumes that the bombing has, at the least, made that military chore considerably more difficult. It is less certain, however, that the hundreds of thousands of tons of bombs we have dropped on the North will have any long-range military effect. Nor, is there any concrete evidence that the pressure exerted by means of such bombing has any impact on the North's negotiating stance in Paris.

For these reasons, it is disquieting to consider the impact such bombing must have on the people of North Vietnam. Bombs—even "smart" ones—do more than physical damage. They also kill people, and they have no way of discriminating between soldier and civilian, or between man and child. They also wreak havoc with the environment—both the natural ecological system and the man-made environment. In the latter case in North Vietnam, of course, is that extensive system of dikes and waterways which protect the low-lying areas of the country from massive flooding. It is the President's policy not to deliberately damage the dike system, and I am thankful for that. But it is obvious that some dikes will be damaged, and have been damaged, if not totally destroyed, when bombing has taken place in their vicinity—whether such was the intended result or not.

In short, whatever military benefits have accrued from saturation bombing of the North must be weighed against the human costs involved. I have tried to judge the two in my own mind—and, frankly, I do not think the bombing is worth it. Foreign correspondents have reported instances of severe civilian casualties—including the devastation of hospitals and schools. Doubtless the North attempts to "propagandize" as best it can, and it takes foreign correspondents only where it wants them to go; but, on the other hand, one does not easily simulate the after effects of a B-52 bombing raid.

U.S. war planes roam the skies of North Vietnam virtually uninhibited. The North's air defenses have been shattered in most areas of the country, meaning that most of the territory—and most of the inhabitants of that territory—are now totally defenseless against such attacks. The picture of the world's greatest military power pulverizing a nation of 21 million by air is not appealing. The relentless nature of our bombing attacks weighs heavily on my conscience—as it must on those of many Americans.

The bill we discuss, today, is not an appropriate vehicle for consideration of an amendment to either end, or limit, the scope of such bombing attacks. But if such attacks are not discontinued by that time, the House might be well advised to consider such an amendment when the defense appropriations bill comes before us—as it will probably sometime in September. But I need not wait that long to again call upon the President to recognize the dimensions of human tragedy being caused by such punishment, and to ask him to direct a halt in, or at least a substantial reduction of, these bombing attacks at the earliest possible moment consistent with his effort to obtain meaningful negotiations, which judgment, I would hope, would be tempered by his own humanitarian impulses.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman.

Mr. HORTON. Mr. Chairman, I rise in support of the Bolling amendment.

Mr. Chairman, once again, we are faced with the difficult task of determining the effect of specific legislative language on the chances for peace in Southeast Asia. I refer of course to the Hamilton-Whalen amendment contained in section 13 of H.R. 16029, the Foreign Assistance Act of 1972.

The purpose of this language, as stated by the supporters of this amendment, is to set forth by congressional enactment, a reasonable set of terms under which American involvement in the Vietnam conflict could be terminated in the eyes of the Congress of the United States. The terms set forth in the Hamilton-Whalen language do not coincide with those set forth by the President in his speech of last May, since they do not specify that an Indochina-wide, internationally supervised cease-fire is a condition of total withdrawal. However, the terms contained in this amendment are by no means unreasonable, as one can see from reading the language of section 13 itself:

H.R. 16029—FOREIGN ASSISTANCE ACT OF 1972

SEC. 13. Notwithstanding any provision of this or any other Act, the involvement of United States land, sea, and air forces, for the purpose of maintaining, supporting, or engaging in hostilities in or over Indochina shall terminate and such forces shall be withdrawn not later than October 1, 1972, subject to a cease-fire between the United States and North Vietnam and those allied with North Vietnam to the extent necessary to achieve safe withdrawal of such remaining forces, and subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The accounting for the American prisoners of war and missing in action referred to above shall be subject to verification by the International Red Cross or by any other international body mutually agreed to by the President of the United States and the Government of North Vietnam.

The provision for total withdrawal of U.S. air, sea, and land forces, conditioned on the release of all U.S. prisoners of war, on a full accounting of all Americans listed as missing in action, and on a guarantee by the North Vietnamese that U.S. forces would not be attacked during the withdrawal process constitutes terms for conclusion of our involvement which I and most other Members of Congress would welcome.

The question, however, is not whether the amendment's language constitutes an acceptable grand design for termination of our involvement, but is rather what actual effect would the adoption of this amendment have on the prospects for any settlement of this war in the near future.

Regardless of the wording of such an amendment at this time, Congress is not sitting at the negotiating tables in Paris. I say tables because at the present time, not only are the relatively meaningless public negotiations proceeding in Paris, but the more promising private talks between our Government and Hanoi are also in progress.

It is well known, and frequently admitted in the public statements of the Hanoi government, that the North Vietnamese are extremely sensitive to the trend of public opinion in the United States and in the Congress. They have even hinted strongly that they might be waiting out the results of the November elections in our country, undoubtedly to determine whether they might secure a deal more favorable to their interests at the peace table next year.

While it is possible that terms such as those contained in section 13 of this bill could well constitute a compromise agreement at the bargaining table, the effect of Congress enacting such language while secret negotiations are proceeding would be to undermine and weaken the bargaining positions which our country has set forth in these talks.

Let me analyze it this way. There is no question that all of us in Congress, and all Americans would welcome a peace agreement which would result not only in a withdrawal of all U.S. military personnel, but which would also put a stop to all of the killing and maiming of the populations of Indochina by providing for a cease-fire between all parties to the conflict. The prospect of North and South Vietnam, Laos, and Cambodia being free of hostile fire, free of bombs, of booby-traps, and of destruction and injury to the civilian populations is almost too beautiful to imagine, after this long and bloody struggle which has gone on nearly 30 years. This could be accomplished if the President's terms of cease-fire were accepted by the other side.

By continuing to bargain for a cease-fire in Indochina, our negotiators could very possibly arrive at a compromise with the North Vietnamese which would not include a total cease-fire, but which would guarantee the return of our prisoners, as well as the other terms contained in the language of the amendment we are considering.

On the other hand, if Congress adopts this language, it would have the effect of immediately canceling out any question of a total cease-fire at the bargaining table. The Congress would, in effect, be saying to the President, "delete the cease-fire from our bargaining position." Knowing the North Vietnamese from our years of experience at the bargaining table with them, they would then see this as another sign that the longer they wait and continue the war in the three neighboring nations of Laos, Cambodia, and South Vietnam, the closer the American Government will come to meeting all of their demands for settlement. Since the leaders of Hanoi have yet to offer a return of all prisoners for total U.S. withdrawal without, in addition, the ending of the Saigon government, there is almost no reason to hope that they would accept the terms set forth in this amendment. Instead, what is more likely, they will bargain for some compromise which will either not guarantee return of the prisoners, or which will not assure a safe withdrawal or an accounting of those missing in action.

Thus, while I would welcome a settlement based on the terms of this amendment, I feel the effect of enacting this language while U.S. troops are being withdrawn, and while secret talks are in progress, would be to lessen the chances that a settlement such as that called for in the amendment could be achieved.

Therefore, Mr. Chairman, I will cast my vote in favor of the motion to delete the language of section 13 from this bill, in the hope that such a vote will be construed in Hanoi as supportive of our current efforts to negotiate not only an end to U.S. military involvement in this way, but also of our efforts to win a cease-fire and the peace that it could bring.

The CHAIRMAN. The Chair has noted the names of Members standing at the time of the unanimous-consent request to limit debate.

Mr. CELLER. Mr. Chairman, the Bolling amendment is tantamount to making Congress a mere cipher—a political eunuch.

Congress is nearer the people than the President. People speak directly to Congress. They want peace—now. They do indeed want the holocaust ended. The President has failed to harken to the people. When the President fails to listen, are the people helpless? They have resources to Congress.

Congress cannot compel the President to end the war but we can and have the power to persuade and exhort by legislative edict.

The Founding Fathers set up independent but coordinated branches of Government but they did not denude the legislative branch of power vis-a-vis the President and his right to direct any war.

They provided us with the power to declare war and gave us power over the purse strings to defray the expenses of war.

There is no hermetically sealed separate compartments of government. Then, too, there is frequent overlapping of powers of the separate branches.

Congress has often urged the President, by legislative mandate, to act or not to act. He may not listen but that is his responsibility. This section, if stricken, would be a signal to the world that Congress is indifferent as to the course of the war—is apathetic as to ending the war that would be fatal.

We do have the right to speak out. Speaking forthrightly on the war is a proper exercise of our constitutional authority. Our annals of history make manifest numerous congressional outcries against actions of the Executive anent war.

The amendment should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, if we defeat this amendment and keep section 13, it means that we urge the President to change his negotiating terms. I hope we will be successful, and I hope he will change his negotiating terms. But, I think what we also have to understand is what happens if we delete section 13.

If we do that, then we sign a blank check for more blood and money for this war for who knows how long into the future. I do not think many of us perhaps realize what the cost of these Nixon negotiating terms have already been for the last 3½ years.

If you add them up, it is $59 billion we have already spent on these negotiating terms—$59 billion—and we, in Congress, share responsibility for that expenditure. There are an additional 20,000 American dead and an additional 109,000 American wounded. We have dropped an additional 3.6 million tons of bombs; 200 pounds of bombs for every man, woman, and child in both North and South Vietnam combined.

How much should this country and this Congress be prepared to spend on behalf of these negotiating terms? Yes, we can ignore these facts and continue to sign a blank check as we have done for the last 10 years, but I think we have a right and a responsibility to ask the President to consider changing his negotiating terms; a different set of terms that can end the war and bring our American prisoners of war back.

It happens that these negotiating terms that now exist have already cost another 70 prisoners of war, 70 more Americans sitting in North Vietnam prisons than there were 3½ years ago; 470 more Americans missing in action than we had 3½ years ago. So the queshtion is, Do we want to continue signing the blank checks?

I think everyone has made up his mind that we proceed, that we will once again avoid facing up to the issue. Well, I think that is wrong. I want to commend those who have had the courage to stand up today, and those who fought previously in the committee for some language to put an end to the war, and if the President, as was said earlier by the gentleman from Florida, wants to veto the bill, he can turn his back on the expression of this body. But I think we have a right to say that it is time to stop signing these blank checks. This is not undercutting anyone. This is helping this country.

Mr. Chairman, I now place in the RECORD certain data on Vietnam war costs—all unclassified information—that deserve careful analysis.

Until today, I do not think we have seen an accurate summary of what the Nixon 3½-year peace plan has cost America.

It is standard practice for the administration to express its Vietnam war policy with a single major graph—one with a downward slope reflecting the staged withdrawal of American ground forces.

That data, by itself, is highly misleading. In fact, the Nixon peace plan could more accurately be called a war plan. Thus far it has cost America:

Over 20,000 American dead.

Over 109,000 additional American wounded.

Over $59 billion—or some $1,200 for every American family of four.

Seventy more American POW's.

An additional 3.6 million tons of bombs. Some 200 pounds of bombs for every man, woman, and child in both North and South Vietnam combined. Total U.S. World War II bomb tonnage was 2.2 million tons.

In adding up these costs over the past 3½ years, we actually find the kind of costs curves displayed behind me. And this list is only part of the cost—it does not include such additional things as:

The thousands of young American servicemen who became drug addicts in Indochina in the past 3½ years;

The thousands of other young Americans who lost their eyes or legs or arms;

The facts that the war has expanded into two other countries;

The additional Asian dead, wounded, and refugees that certainly number in the millions; and

Or almost unbelievable devastation of the Indochina countryside.

And countless other measurements of the wholesale waste of lives and resources. Yet, despite all this—in the name of a peace plan, we do not have peace—the war goes on——

We have not secured the release of American POW's; in fact, several dozen more American POW's are now in North Vietnam prison camps;

Other Americans continue to be killed, wounded, and taken captive in the war zone; and

The war continues to drain billions of dollars desperately needed for other constructive purposes.

These facts lead to one overwhelming conclusion: We cannot afford—in human or physical terms—to pursue the Nixon peace plan. It is bankrupting America's resources and its spirit.

The time has come for a new peace plan—one built upon a compromise political settlement in South Vietnam. Undoubtedly that means the creation of a new coalition government in South Vietnam, including Vietcong representation. It means ending our blind support of the dictatorial Thieu regime. In light of the bloody record of the past several years and the unconscionable devastation raining down on Indochina today, it is the only justifiable course left for America. It is time the Vietnamese settled their own internal differences without further American interference.

That we have failed to accept this reality sooner is a failure shared both by the Congress and the executive branch. It is imperative that the campaign pledge of 1968—to end the war—be redeemed now before one more life or dollar is wasted.

The war must stop and we in the Congress must act now, with the President, to face these facts and change an American policy that has failed.

I urge my colleagues to carefully examine the following statistical data:

COST OF NIXON'S WAR PLAN IS BEGINNING TO EXCEED THE JOHNSON ADMINISTRATION'S WAR COST

	Nixon	Johnson
Dollars:		
Previous	$59,000,000,000	$69,000,000,000
Fiscal year 1973	$7,000,000,000	
Wounded	110,000	193,000
American dead	20,000	35,000
Fixed-wing sorties	469,000	403,586
Helicopter sorties	20,800,000	15,848,000
Cumulative bomb tonnage	3,600,000	2,866,000

Source of Data: Department of Defense, Defense News Branch, Public Affairs Office.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, I thank the Chairman. Due to a commitment I have made, I will not be able to be here on the floor to vote on this amendment. I did want an opportunity to state my position. I would vote against the motion offered by the gentleman from Missouri and to sustain the Foreign Affairs Committee in limiting the continuation of the war under the conditions specified in the bill, not to exceed October 1.

I appreciate the opportunity, Mr. Chairman, to state my position. I would vote for the bill, and I would hope that the bill would finally pass.

Mr. CULVER. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Iowa.

Mr. CULVER. Mr. Chairman, I rise in strong support of section 13 of the Foreign Assistance Act, which sets three fundamental, realistic, and achievable conditions for an end to all land, sea, and air involvement of U.S. forces in Indochina.

The cost of American involvement in the military conflict in Southeast Asia since 1950 has been staggering. Over 56,000 American men have lost their lives. More than 300,000 men have been wounded, 1,126 are missing, and 520 are known to be prisoners of war. Funds in excess of $120 billion have been used in this effort, an amount which reflects expenditures only since fiscal year 1965.

The majority of the American people do not want their Government to continue to commit our national resources to this military conflict; it is simply not in the national interest. It is time that we recast our priorities and direct our resources to the many more important needs and purposes we share both at home and abroad.

I urge passage of this section which sets forth provisions for an honorable withdrawal and at the same time injects the considered judgment of the vast majority of the American people as well as of the Congress into the negotiating process.

To adopt this section is not only an expression of national will; it also asserts our proper role both as a leader in world affairs and as a nation earning both self-respect and the regard of others.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I think that we ought to give a moment's more consideration than we have as to whether or not this measure we are considering, section 13, is a constitutional measure, if we adopt it.

Under article II of the Constitution, the President, of course, is the Commander in Chief of the Armed Forces. Never in our history so far as I am advised, when a war was going on and was in progress—I am not talking about starting a war now—have we in this body, by legislation, attempted to direct the Executive as to the disposition and use of the forces, and when and where he shall use them, and when he has to stop using them, as we are trying to do in this measure here.

The question never has been actually passed upon, but here is what the Court said in the case of ex parte Milligan in the course of its opinion:

> Congress has the power not only to raise and to support armies, but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as Commander in Chief.

That is the law.

As for the merits, the American people realize that the President has got to consider the effect of what he does in Southeast Asia not only now but also the effect on Southeast Asia in the future, as well as our credibility all around the world, and the effect on the people, there and elsewhere—as, for example, in the Middle East—who depend upon us. The people know that for that reason they should not try to second guess the President at this time and that they ought not to signal to the other side the end date of negotiations. There were 85 percent of them in my recent constituent poll in a politically closely divided district, in a political battleground State, who supported the President for that reason, in a nonpartisan way, just as we will do here.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Chairman, I rise in opposition to the Bolling amendment.

I have great admiration and respect for my friend and neighbor from Missouri, however I cannot in good conscience be a party to continuing to consign young men to their death in Vietnam. I have supported every President from Mr. Eisenhower to Mr. Nixon in the defense of our country. I have voted for foreign aid to less fortunate nations, however the time has come to free our prisoners of war from their horrible existence in prisoner-of-war camps. The only way to free our prisoners and stop the war is to get out of South Vietnam.

Surrender, no. The South Vietnamese should be able to defend themselves. The 40,000 U.S. troops that are still there are in no way able to defend South Vietnam. The Air Force and Navy bombing has not been effective in stopping the flow of supplies to the south.

Only, I repeat, only the 1 million men under arms in South Vietnam will be able to stop aggression and bring peace. Let us get out and let them do it. We have stayed longer and done more than they could expect. Our bombs and our no-win policy has failed. Let us be big enough to recognize it. We will get credit for helping the South Vietnamese build up their military forces sufficiently to defend themselves. What more can they ask?

As a former combat veteran in World War II and a former commander of the American Legion and Veterans of Foreign Wars I honestly feel our continued presence in Vietnam is actually prolonging the war. Until we get out we will never get our prisoners back or get a peace agreement from North Vietnam. Let us stay with the committee bill.

Thank you.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. CARTER).

(By unanimous consent, Mr. YOUNG of Florida yielded his time to Mr. CARTER.)

Mr. CARTER. Mr. Chairman, I thank the distinguished gentleman for yielding.

Mr. Chairman, I have been vitally interested in the war in Vietnam since its inception. In 1965, at my own expense, in company with Congressman WILLIAM STANTON and JOHN DUNCAN, I visited South Vietnam for the first time. We visited the 1st Infantry Division "The Big Red One," commanded at that time by General Seaman.

On that day he had lost 14 men killed and 65 wounded, on the first day of combat for his division. We visited the 12th Cavalry at Ankhe. Maj. Gen. E. B. Roberts, at that time Colonel Roberts—from the district I represent—was chief of staff of that division.

We were permitted to visit a neighboring village which was said to be pacified and was called "Happy Valley." We were briefed by General Westmoreland's staff.

Even at that time, I was convinced that the war in South Vietnam was a mistake. To contain communism 11,000 miles from the United States, where it existed 90 miles off our shore in Cuba, did not make commonsense. Further complicating the problem was the proximity of the Soviet Union and the People's Republic of China.

Again, in 1966, as a member of the Speaker's Committee of Fourteen, approved by the President of the United States, I again visited South Vietnam. We revisited the 1st Cavalry Division. I found them firing from the division perimeter, and the village near the 12th Division Headquarters at Ankhe was no longer "Happy Valley," but was off limits.

We visited Gen. Lew Walt at Da Nang and various installations throughout that area and throughout Vietnam. I became further convinced that we were not winning the war.

When our committee reported to the President, of the 13 members who reported, one Congressman did not appear. Twelve members told the President that they supported the war in Vietnam and strongly supported our military efforts, of the group, I alone dissented I must say that I have never in any way castigated or said evil of President Johnson.

Not long after that, before we had become hopelessly immeshed in the most tragic military involvement of our history, I spoke on the floor of this House and advocated withdrawal while we were yet winning and before our losses had become so great.

Our military efforts were controlled directly from the Capital. Our men were held in large areas where a very few Vietcong or North Vietnamese could attack with recoilless rifles and with devastating effects, then would fade into the jungle.

Search and destroy procedures were carried out, in which our men were sent into Vietcong controlled areas and then withdrawn. The effectiveness of our military efforts were less than successful, they were pyrrhic. We won most of the battles, but we were losing the war.

This war had intensified since 17,000 troops had been sent to Vietnam by the late beloved and admired President John F. Kennedy.

When the present administration came into office in 1969, a gradual withdrawal of all forces was instituted. A military invasion of the Parrots Beak and surrounding areas of Cambodia was executed. At that time, I was greatly fearful and spoke against this incursion. By this time, Maj. Gen. E. B. Roberts was commanding the 12th Cavalry Division. He is a man of great ability and of absolute integrity. I received word from him that the Cambodian invasion was the most successful move of the war in Vietnam up to this time. However, public opinion was strongly solidified in opposition to the incursion, so that the follow-up Laotian invasion was not made by American troops but by the South Vietnamese. It was less than successful.

If public opinion had permitted action by the American troops in the Laotian invasion, the war might well have ended at that time.

Removal of combat troops in Vietnam continued, until at the present time there are approximately 40,000, which means that 500,000 of our men have been removed. No further soldiers will be sent to Vietnam except with their consent.

For a period of approximately 1 year after the Cambodian invasion, military action by the North Vietnamese and the Vietcong was minimal. However, in March and April of this year, when our forces were greatly depleted, a massive invasion by the North Vietnamese was attempted. Without our airpower and seapower, South Vietnam would have been completely overrun.

In the past year, by brilliant statesmanship, good rapport has been established with both the Soviet Union and the People's Republic of China. There is no doubt that both of these countries are anxious to see an end to this disaster.

I support this administration's moves to end the war, and the removal of the troops, which I am assured will continue. We all know today that this administration is trying with all of its power to bring this war to a conclusion as quickly as possible. We have all read that Lincoln was often driven to his knees during the many crises of the Civil War. I have no doubt that our President, Richard M. Nixon, although he is not a man to disclose his personal feelings, has also been driven to his knees, asking a divine providence for a cessation of hostilities.

If today we pass the Whalen-Hamilton resolution which is being offered, we undercut his efforts to bring this tragic war to a conclusion. If we suppose that this resolution should pass, that our troops would be removed from South Vietnam, and that our prisoners would be returned, we would yet have 40,000 South Korean troops there at our request, first-class fighting men, at the mercy of the invading hordes of North Vietnamese.

There is no provision to keep the Soviet Union or the People's Republic of China from continuing their supply of military materiel to the North Vietnamese. It would be inevitable that North Vietnam would overwhelm and crush the South Vietnamese and our friends, the ROCS, and that 55,000 American lives will have been lost in vain and our billions of dollars wasted.

On August 7, 1964, under great emotional stress, this body passed the Tonkin Gulf resolution, which permitted our action in South Vietnam. Calmness, coolness, and reason did not prevail that day. Since that time, our Nation has become strongly opposed to this involvement. A wave of emotionalism exists today in this House.

Let us today dispell this wave of emotionalism and act calmly and cooly. Let us recognize the many worthwhile efforts this administration has made. Let us work with the administration to attain a just and lasting peace.

Mr. Chairman, I strongly urge every Member of this body to remember the more than generous offers presented by this administration, and let us support the amendment of the gentleman from Missouri (Mr. Bolling) to strike section 13.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. Bennett).

Mr. BENNETT. Mr. Chairman, first I should like to ask if there could be a clarification on this one amendment, on line 22, because it is important to me and I believe it would be to others. Is that an acceptable amendment? I believe it is to add the word "prior."

Perhaps the gentleman does not want me to ask this at this point, but it does make a lot of difference.

Mr. MORGAN. So far as the chairman and this side are concerned, the amendment is acceptable.

Mr. FRELINGHUYSEN. I have taken no poll, but I take it, it would be acceptable on this side.

Mr. BENNETT. Could we clarify that, and take a vote now, Mr. Chairman? Could I yield my time for that purpose? Is it to put the word "prior" before the word "release" on line 22.

Mr. SEIBERLING. Mr. Chairman, a point of order. Would that not be out of order?

The CHAIRMAN. It would not be out of order.

Mr. BENNETT. Mr. Chairman, I will discuss it without the amendment being voted on just now as the author of the amendment is not apparently here now, but I want to say it does make a difference to me. Since it has been offered, it throws a new connotation on the bill's provisions. I had planned to vote for the section of the bill as it now stands, but now that this has been offered as an amendment to line 22 my vote will now depend upon whether the amendment of the word "prior" is added: If not added the effect would then leave a connotation in the legislative process meaning something different from what the bill originally meant. So it is important that we do something promptly to accept the addition of the word "prior."

Mr. Chairman, for years I supported this war because I felt it was a part of my duty to do so. I thought it was the right thing to do.

The decision was made somewhere in history, and I do not know just where, to end this war. I am not laying blame on anybody for starting it or ending it. But it is now essentially not the objective of our country to win this war. Under these circumstances I believe it is unconscionable to ask our military men to lose their lives and to ask their families to suffer what they have suffered and to ask the country to suffer what it has suffered in a war we do not intend to fight to win.

This particular section 13 simply says that when the prisoners of war come back, if they come back prior to all our armed forces getting out, we will not continue the war. I think that makes good common sense. That is what the country wants to do at this point.

I do not believe it will embarrass or impede the President. I believe it is thoroughly constitutional for Congress to take this action. In fact I believe it our duty to take this action.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Bingham).

Mr. BINGHAM. Mr. Chairman, I believe it was very well stated a moment ago by the gentleman from Michigan (Mr. Riegle) that what is basically involved here is a direction by the Congress to the President to change his negotiating position. It is not all that drastic a change, either.

It would call primarily for the abandonment of the President's insistence on an internationally supervised and general cease fire, which is not, in the judgment of those of us who favor the end-the-war amendment, a practical proposition.

That is true, first, because such a general cease-fire will be rejected, and it has been consistently rejected, by Hanoi; and, second, because an internationally supervised cease fire, any kind of total cease fire, could be wrecked by the Thieu regime.

As I indicated a few minutes ago, there is no doubt in my mind, and there never has been, that the Thieu regime and the people around General Thieu do not really want a negotiated peace. They can preserve their own power, their own prestige, their own income so long as this war lasts. If we allow the Thieu regime a veto power over the U.S. desire to withdraw from the war, that desire will be frustrated indefinitely.

I should like to speak briefly on the constitutional question. It seems to me quite preposterous to suggest that the Congress, which has the power to declare war, does not have the power to declare an end to war. There might be some question about that if there had been a declaration of war, but where there is no declaration of war and where the war has been carried on only with the consent, whether tacit or otherwise, of the Congress, the Congress clearly has the authority constitutionally, as well as the responsibility, to declare an end to an undeclared war under certain conditions if it decides that is what must be done.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Findley).

Mr. FINDLEY. Mr. Chairman, as I understand the facts, there is nothing presently on the statute books which gives the President any military direction in Indochina. The Tonkin Gulf resolution has been wiped from the statute books. The only thing that remains is the reserve power of the President as Commander in Chief to withdraw military forces from that region in order to protect them.

If we enact the bill before us with this language in it, I would like to suggest we are actually giving new direction to the President in regard to the presence and use of military power in Indochina which may be quite beyond what any of the sponsors of the language really intend.

Careful reading of the amendment might lead to the conclusion that it sets as absolute, inflexible conditions three different items: First, accounting for all Americans missing in action; second, the establishment of a limited cease-fire; and third, of course, the release of all American prisoners of war.

These are all very appealing conditions, but does the Congress at this juncture really want to put on the statute books these three conditions as inflexible, permanent conditions which we want met before the President gets all of our forces out of Indochina? I think not. Any expression of military policy in Indochina should be very carefully drafted. I suggest the language before us now is not such language and that we would be very prudent to strike it from the bill.

By this amendment the Congress establishes as policy the withdrawal of all U.S. land, sea, and air forces not later than October 1, 1972, provided three conditions are met: First, establishment of a cease-fire "to the extent necessary to achieve safe withdrawal" of remaining U.S. forces; second, the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such government and third, an accounting of "all Americans missing in action who have been held by or known to such government or such forces."

Since the repeal of the Gulf of Tonkin Resolution, the President has military authority only to proceed with troop withdrawals. Other actions, such as bombing and harbor mining are constitutionally and lawfully sanctioned only to the extent that they are required to facilitate the safe withdrawal of remaining U.S. forces.

I question whether those who vote for

this amendment really want to direct the President to keep and use U.S. military forces in Vietnam for other purposes, but that could be the effect of this language.

If it is not removed, then an important aspect needs clarification. Does this language set forth terms which the Congress considers to be absolute, final, and inflexible?

Is the Congress telling the President to hold out for the fulfillment of all three conditions no matter how long the conflict drags on? I would hope this is not the case, but the President could certainly be excused if he so interprets the language.

The amendment would seem to state minimum terms for total withdrawal. In my view, these should not be considered as absolute minimum terms. Future events and factors may dictate different terms, which may not include all three conditions.

In these closing days of our involvement in Vietnam, when the President is proceeding so resolutely and effectively down the right path, the Congress should resist the temptation to hastily establish new policy language. In an understandable impulse to surpass the President in expressing its desire for a quick U.S. departure from Vietnam, Congress runs the risk of handing the Commander in Chief a new military mandate of uncertain size and duration.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the Bolling amendment.

I have great respect for the two gentlemen who sponsored section 13, but I really see no useful purpose in the section and sincerely believe that the proposal would prolong the war.

Let us face it. The Hamilton amendment is a better deal for the enemy than the Nixon proposal of May 8. If I were the enemy, sure I would continue to wait until the best proposal is offered.

In a July 27 letter to the majority leader of the Senate, Mr. MANSFIELD, the President of the United States said in effect that he accepted the responsibility of ending the war and additional end-the-war amendments would only undermine and undercut his present proposals. I say let us give the President this responsibility if he wants it.

The North Vietnamese, Mr. Chairman, are the cruelest enemy we have ever fought. I really do not trust them in any way. However, the North Vietnamese do respect force. I believe if we continue to have a sea blockade of North Vietnam and if we continue to hit the enemy on military targets, we will be able to negotiate some type of terms for the release of American prisoners of war and find out something about those listed as missing in action and bring about some type of peace in the Far East.

I hope we will adopt this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman—

> We cannot bomb people into democracy, nor can we bomb people into negotiations.

It is well over 7 years since I stood in this very Chamber and voiced those words. The occasion was the first vote in the House of Representatives on appropriations to fund the war in Vietnam—a day on which only seven of us cast our ballots against that tragic conflict.

The 7 years that have since passed have been 7 long and bloody years; years in which our Nation, rather than following the path to peace, has fueled the fires of death and destruction in Indochina.

Today, we once again have an opportunity to bring the killing to an end. To bring the devastation to an end. To give peace a chance. This opportunity is embodied in section 13 of H.R. 16029, the Foreign Assistance Act of 1972.

This provision states that:

> Notwithstanding any provision of this or any other Act, the involvement of United States land, sea, and air forces, for the purpose of maintaining, supporting, or engaging in hostilities in or over Indochina shall terminate and such forces shall be withdrawn not later than October 1, 1972, subject to a cease-fire between the United States and North Vietnam and those allied with North Vietnam to the extent necessary to achieve safe withdrawal of such remaining forces, and subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The accounting for the American prisoners of war and missing in action referred to above shall be subject to verification by the International Red Cross or by any other international body mutually agreed to by the President of the United States and the Government of North Vietnam.

This provision is a direct extension of the action taken by the Democratic caucus on two occasions. The first was on March 31, 1971, when the caucus approved by an overwhelming majority a resolution calling for House action "to end U.S. military involvement in Indochina during the 92d Congress." The second was on April 20, 1972, when the Democratic caucus directed the Democratic members of the House Committee on Foreign Affairs to prepare and report out legislation "setting a date to terminate all U.S. military involvement in and over Indochina, subject only to obtaining the release of our prisoners of war and all available information on the missing in action."

As one who has long fought to get the caucus on record in support of a prompt end to the hostilities in Southeast Asia by congressional action, I am gratified to see that we have come this far. But one thing remains certain: We will not have come far enough until every American soldier has left Indochina.

Personally, section 13 of the Foreign Assistance Act of 1972 is not as strong as I would like, but it is an assertion of congressional responsibility. There should be no conditions. This war should not be allowed to continue for another moment—let alone until October 1. But it is a start. It would constitute a legal mandate by the Congress to bring the war to an end—a mandate that the Executive could not evade.

Let one thing be clear. If this ghastly conflict is to end, it is the Congress that must end it. The President's policy is not a resolution of the Vietnam war, it is a policy to feed it. As each day goes by, the war drags on, bringing more and more senseless destruction, following the same litany of disaster that was heard time and time again during the Johnson years. That was a mistaken policy then, and it remains so today.

After so many years, after so many lives, you would think that this administration would have learned that military adventurism is not the path to peace. You would think that it would have learned that bombing will not halt the killing. You would think that it would realize that the corrupt military dictatorship of General Thieu does not promote the self-determination of the Vietnamese people. You would think that it would learn that the only course for this Nation to take is to extricate itself entirely from the conflict.

But the President—rather than learning from the mistakes of the past—is intent on repeating them. It was Richard Nixon who said on October 8, 1968, that—

> Those who have had a chance for 4 years and could not produce peace should not be given another chance.

The President has had his chance, his opportunity to bring the war to a conclusion. He has not brought peace, he has brought only more bombs, more slaughter, more war. Rather than heeding the voices of the American people—who have steadfastly voiced their opposition to this dreadful conflict—he has turned a deaf ear. Rather than abiding by the mandate of the Congress set forth in section 601 of the Military Procurement Act of 1971 (Public Law 91–156) he has turned a cold shoulder. That section specifically declares it to be the policy of the United States to terminate at the earliest practicable date all U.S. military operations in Indochina and to provide for the withdrawal of all U.S. military forces at a date certain subject to the release of all American prisoners of war.

At the time the President signed this provision into law, he stated that he did not intend to abide by this provision. He has lived up to his word. While the administration speaks out of one side of its mouth for peace citing troop withdrawals, it opts for military escalation out of the other. The war is not winding down—it is raining down, raining down ton after ton of devastation dropped from American war planes. Vietnamization must now be seen for what it is: A device to screen from the American people the bankruptcy of our military intervention in Southeast Asia. It is a public relations effort to tranquilize the American people, while the administration heaps coals upon the fires of war in Indochina.

In an effort to keep this policy from coming apart at the seams for all to see, President Nixon has escalated the bombing policy of the North. The failure of this bombing policy has been apparent throughout the past 7 years, and it is glaringly apparent now. It has not broken the will of the North Vietnamese, but it has yielded untold death, destruction, and refugees. Under President

Nixon, the air war has more than escalated; it has skyrocketed, with more bomb tonnage being dropped during 1969, 1970, and 1971 than in the previous years of the war. The underlying policy in Vietnam has not changed, and this administration has no intention of changing it.

Now it is up to the Congress. As I have said repeatedly, the Congress must assert its responsibilities which it has abdicated throughout the tragic years of presidential warmaking in Vietnam. For far too long ths House has ignored its responsibilities under the Constitution. The Congress—and only the Congress—has the power to declare war. Yet, time and time again it has abdicated those responsibilities. No more. This House cannot turn its back on ending this terrible war any longer. This body can no longer shirk its responsibilities. No longer can it be allowed to close its eyes to a war which has drained our resources and stained our conscience. No longer can it be allowed to close its eyes to this war which has taken the lives of over 56,000 of our most precious possession—our young men. No longer can it be allowed to hide its face from the fact that this war has warped our priorities, wreaked havoc on our economy, divided our people.

On every occasion that an appropriation to fund the war in Vietnam has come before this House, I have called upon my colleagues to vote with me in using the power of the purse to end this senseless war. I am forced to recall that on that day in May of 1965 when this body first considered appropriations for Vietnam, only seven of us cast our ballots against that conflict. Seven of 435. Outside this House that number has swelled from a handful to the vast majority of the American people. Inside this Chamber far too many Members have so far failed to heed their call. Today we must.

The prices we have paid for this tragic venture has been incalculably high—in terms of lives lost and bloodshed; in terms of opportunities missed and treasure squandered; in terms of our standing in the world and the health of our society at home in America.

In the name of peace we have brought only death and destruction.

In the name of democracy we have helped to enslave the people of South Vietnam to a corrupt military dictatorship that depends on war for its survival.

For the supposed sake of honor, we have trampled on our principles.

The course out of Vietnam is clear. It has been so for a long time. The Congress must exercise its power of the purse and cutoff funding this war. We can delay no longer. Another day is one too many. Not another life should be sacrificed in this tragic conflict.

Let Congress at last give voice to the yearning of the American people for an end to the war and for a new era of peace.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, a while back I was visiting a campus and a student discussing this issue came forth with a phrase that I resented at the time, where he said "Old men talk and young men die." I thought at the time that that was not correct. I am becoming increasingly convinced that that is absolutely correct except for the modifications that are now required.

The gentleman from Missouri suggests that we should not pass the bill with the end-the-war amendment included because we could not get it enacted within time.

As the gentleman said, there is not much time left in the session, and that is so because we are going to go on vacation, and we have a Republican Convention, and we want to get back and campaign, so we should amend the phrase to read, "Old men talk, go on vacations, go to campaigns, and go to conventions, while young men die."

Then the further reason as to why we ought not address ourselves to ending the war by the provisions in this bill, as the gentleman from Missouri maintains and cautions us, is that if we were to pass it the President would pay no attention to it, and would veto it and we would then have to get a two-thirds vote to override his veto. So then we ought to reword the phrase to read, "Old men talk, recess, go to conventions, and go on vacations, and are not able to stand up as Members of the Congress against the President of the United States, and their actions are fruitless, while young men die."

And that is precisely where I believe this Congress now stands.

I thought this body was a constitutionally created body with powers that were separate but equal, and surely the powers must be equal when you are dealing with the most important issue in this land, the ending of the war in Vietnam—a war that under a Democratic President was intolerably conducted. Whatever admiration I possess, and that is considerable, for President Johnson, his policy in Vietnam was a disaster for this country, and there is no gainsaying that. Whatever admiration I possess for President Nixon, and it is considerable, his policy in Vietnam has been an equal disaster, and there is no gainsaying that.

Whatever admiration I possess for the House of Representatives, and it is considerable, our failure to act is a disaster for this Nation, and there is no gainsaying that.

Old men do talk, old men in Congress do talk, while young men die. We ought to stop talking and start acting to prevent young men dying, and we can do a little in that direction of acting by passing the Whalen-Hamilton amendment.

In conclusion, Mr. Chairman, I want to associate myself thoroughly and completely with the remarks of the gentleman from Florida (Mr. FASCELL).

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, no conflict in our history has so divided our Nation and indeed traumatized the American conscience as the war in Southeast Asia. While I do not for a single instant challenge the sincerity of the proponents of the so-called Hamilton-Whalen amendment, they have no monopoly on the deep and earnest desire to end our involvement in Indochina. However, I submit that their proposal, well-intentioned as it may be is fatally defective, because it does not include the essential requirement of an internationally supervised cease-fire which could thus bring a total cessation of hostilities.

For this Congress to go on record as favoring only a partial and extremely limited cease-fire is to practically guarantee the continuation on a protracted basis of a war that has already caused untold devastation and suffering for friend and foe alike.

I am compelled to the inexorable and logical conclusion that this amendment if implemented by Executive action would amount to a license to the Government of North Vietnam to continue its attacks and depredations against South Vietnam, Laos, and Cambodia and perhaps eventually to expand the war even beyond those borders.

We heard a lot of debate yesterday and today on earlier amendments involving United States relations with other countries where many of the same people who are now supporting the Hamilton-Whalen proposition objected to policies of our Government which they said gave moral sustenance and approval to regimes with whose policies we disagree.

I submit that the adoption of the language of section 13 is to notify the rest of the world that despite its invasion of the borders of three different countries in the Indochina Peninsula—South Vietnam, Laos, and Cambodia, the North Vietnamese can continue their attacks on innocent civilian populations—attacks that are going on at this very moment—and we are totally disinterested—indeed we will give them carte blanche to continue.

We cannot rewrite history and pretend that we were never involved. If these attacks had been made at a time when we had never held out either the hope or promise of our aid—I believe that our moral responsibility would be quite different than what it is after a decade of American involvement and participation.

Frankly I do not agree with the argument that American prestige and honor are at stake—at least I do not believe that those arguments would carry much weight with me if honor is defined as national pride and trying to prove that we were right from the very beginning.

Quite to the contrary, I believe our earlier policy decisions, whether based on the domino theory or some other theory, of foreign policy were wrong.

But we have now succeeded by virtue of those errors to another duty and that is to end this war and to end it for all the people in that war-torn, battle-scarred part of the world. This is the humane, decent, and moral position as far as I personally am concerned.

It is not to emulate Pilate as the story is recounted for us in Matthew 27:24.

When Pilate saw that he could prevail nothing, but that rather a tumult was made, he took water and washed his hands before the multitude saying, "I am innocent of the blood of this just person, see ye to it."

Do we now, like Pilate, wash our hands

while the world watches in order to quiet the tumult in our midst and declare our innocence of the bloodshed that will continue while we simply say to the Government of North Vietnam, "See ye to it."

I cannot by ratifying a mere partial and limited cease-fire—so easily expunge my moral responsibility for the tragedy of Vietnam.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, this Congress has a lot of unexercised constitutional power. The only power I hear being talked about here today is the power to continue a war which we have never declared, as has been well pointed out by previous speakers.

There is a tremendous resistance to the exercise of the power which this body has to stop the war. Outside, the American people want us to stop the war.

We have the power to cut off funds, which we have not done and which the Morgan-Hamilton-Whalen provision does not do.

We have the power to cut off all military aid to the Thieu government, which we have not done and which the Morgan-Hamilton-Whelan provision does not do.

We have the constitutional power to enact the Morgan-Hamilton-Whalen provision, which would finally set a date certain for total withdrawal from Vietnam.

Constitutionally, only Congress has the authority to declare war. The President has absolutely no authority in this regard; his power as Commander in Chief does not and cannot authorize him to make war if Congress has not declared it. Even if the Gulf of Tonkin resolution somehow gave him such power—and I do not believe that it did—that legislation was repealed almost 2 years ago.

The President "shall take care that the laws be faithfully executed." He is constitutionally required to follow the laws—with regard to military policy or any other policy. Insofar as military policy is concerned, his authority as Commander in Chief only permits him to act in interstitial areas wherein no policy has been set as a matter of law.

These and other constitutional points have been ably made by others here today, and I do not desire to indulge any longer in the procedural alley into which the mover of this amendment has diverted us.

Section 13 of this bill states simply that under certain conditions—and they are by no means the soundest of conditions—we should withdraw all of our soldiers from Vietnam by October 1, 1972. It does not propose to cut off funds as of that date, though it should. It does not cut off all military assistance to the Thieu government, though it should. And yet, you all resist it.

The fact is that the Congress of the United States is our only hope—our only hope to curb the excessive powers of the President.

What is going on is not a withdrawal or a winding down of the war. None of us speaking here today has even said that.

We have fewer troops and equipment there on the ground, perhaps, but we have more who are now in the air. We have more in the Navy. We are now bombing the dikes. We are now cloud seeding and perpetrating uncivilized and inhumane war against the Vietnamese without the authority of this body and without the authority of the people of this country.

The Committee on Foreign Affairs is to be complimented for finally taking a step, albeit by a vote of 18 to 17.

I think it is time that this House would earn its name, namely, the House of Representatives—Representatives—and begin to represent the dream and the hope and the tremendous need of the people of this country to end this ugly war—yes, to end it.

It does not matter whether you are Republican or Democrat. All people have suffered as a result of this war.

I oppose the Bolling amendment and urge its rejection.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I want to commend the committee for having a bill before this House with a clause in it like section 13, however, short-lived that section might be.

I read the tenor of this House and, unfortunately, it does not look good for section 13 at this time.

Unfortunately, the form of the amendment is obfuscating the nature of our debate.

The President of the United States took over some 4 years ago after this country had virtually bankrupted itself on the Vietnam war under the Gulf of Tonkin policy, and we wisely now have repealed that policy.

President Nixon said:

> I have a secret program to end the war and you elect me and we are going to implement that program.

He was rather dove-ish for about 6 months and then we had this massive invasion of Cambodia which allegedly we needed to allow for the withdrawal of American troops from Southeast Asia so that we could have this secret plan implemented.

They have never fired on any of our withdrawing troops and I say that the Cambodian exercise was nearly all in the minds of the Pentagon advocates.

As to how critical that particular exercise was, I just ask you to read the ticker tape in the outside room which indicates that Phnompenh today is under fire and perhaps the capital of that country—how tragic it might be—perhaps may be falling within days.

The President, of course, then came forward with his Vietnamization program. That had been tried by a previous administration. That was not a new program and, unfortunately, we did not Vietnamize—we Americanized because the Saigon army cannot survive unless it has got the 80-percent logistic tail of the American Army and has got the planes and the Navy and so forth.

The President then came up with a program that he wanted to go to Peking. Then he wanted to go to Moscow—and this was going to solve the problem.

Mr. Chairman, I will revise and extend my remarks and say some of the things that, unfortunately, one cannot say in 2 minutes.

And then Adviser Kissinger went back to Moscow and Peking, and Hanoi representatives were supposed to meet Kissinger in Peking. All this and nothing happens. The Communists are still in concrete with a capacity for an offensive besides.

Mr. Nixon is entitled to credit for reduction of U.S. presence on the ground in Vietnam—some 500,000-man reduction. But where is Mr. Nixon going? When we thought the Vietnamization program might work, Mr. Nixon reescalated the air and sea war to the point where virtually every surplus B-52 and aircraft carrier and ship in the Pacific Fleet has been detailed to Vietnam.

At a time when the American people are expecting a reorganization of priorities, the Pentagon is telling us to expect a $6 billion supplemental request.

Nixon's deficits in 4 years equal one-fourth of the national debt accumulated in the total 200-year history of the United States—all to fight a war half hearted but with the whole hearts of too many American dead soldiers and POW's.

The Nixon escalation of blockade nearly busted the SALT and Berlin agreements. The Soviet and Red Chinese Navies were exposed for the hollow shells that they are—they could do nothing.

It appears from the news that the blockades are not outrageously effective—there is no rationing in Hanoi, they are conducting offensives against Phnompenh and Hue and the zeal of the Communists is unsurpassed—they are almost in euphoric paranoia as is evidenced by their daily reports in the Foreign Broadcast Information Service publication of our Department of Defense.

So what do we do—we have nearly spent ourselves to death; destroyed our aerospace industry, desecrated our economy.

We must now de-Americanize the Saigon army—they must stand on their own feet. This amendment, section 13, should stay in the bill and be enacted as a first step.

This section does not affect logistics to Saigon, either military or economic.

The United States is not of a frame of mind to invade North Vietnam and neither is Saigon. Nixon, and he appears to have a majority of this House with him, is not prepared to destroy overtly the Saigon government, and frankly, I do not blame him.

We want our POW's back but Madame Binh has stated in concrete as has Xuan Thuy of North Vietnam since the first of the year, that they are not prepared to simply trade troops for prisoners—they want the Saigon army disestablished with the Vietcong and North Vietnam forces in place, and they would then conduct elections under a new government, and then all POW's of both sides would be returned.

We can not agree to the Communist demands on the one hand. We should not do what we are doing because America is split and outraged, but neither should we shoot down the Saigon government.

Having talked at length to the American mission in Paris and with all the

Communist parties in Paris, twice in the past year, I know wherein I speak. My conferences are all a matter of public record.

The pending amendment is perhaps only a token expression that will not pass.

What we should do is deescalate American posture over the next 6 months. Such that in all of Southeast Asia we only provide an equal and opposite reciprocal force vis-a-vis South Vietnam, as the Soviets and Red Chinese assume toward their Communist counterparts.

We have lost $200 billion and obligated ourselves for $200 billion in Vietnam benefits. The Communists have spent $10 billion, per Secretary Melvin Laird.

We have lost 56,000 American dead boys and we hope the Communists have 500 of our POW's. The Soviets and Chinese have zero in these categories.

The United States flys daily bombing missions and daily shells the beaches of North and South Vietnam. The major Communist nations do not do this.

The Soviets and Chinese supply the North Vietnamese, Pathet Lao, and Vietcong.

The United States should provide only equal and reciprocal supplies to South Vietnam, Laos, Cambodia, and Thailand.

We could assume this posture in 4 months neither winning, nor surrendering and let the Southeast Asians themselves determine who among them in a fair contest is the fittest.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Dow).

Mr. DOW. I admire Congressman Bolling from Missouri, but I must say that I oppose his amendment, which throws before us a great constitutional issue. If we strike section 13, it will be an abdication of Congress as a coordinate body of this Nation. We, as a Congress, have already abdicated too much. We have failed to declare war, if that were necessary, in Vietnam. We allow the President unlimited power to roam the globe under his so-called authority as Commander in Chief, and we have given him the power of preserving secrecy in State papers; just to name a few of our abdications.

Now, the distinguished minority leader said a little while ago, "Do not rock the boat." Mr. Chairman, I submit that that advice is anesthesia to inoculate the Congress and turn it into a limp and spineless creature.

The minority leader should not lend himself to such a weakening of this body. It is pandering to the Executive. It is pulling the cornerstone out of our constitutional system. It is pulling down the temple around our ears.

There are those of you who say that Congress can do nothing, therefore, why have this provision relating to the war; but we can override the veto if the President should veto the bill with this provision contained therein. It is possible that we can, and we should try. Otherwise we will have what our forefathers fought so painfully to avoid, and that is a monarchy.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Wolff).

Mr. WOLFF. Mr. Chairman, the war goes on and on and on. The killing continues. Cities are destroyed. The land is laid waste. The promise of peace is only that—a promise. Idealism becomes cynicism, patience is replaced by despair, the years fade away and a decade is at hand, and no man can say, not even the President of the United States, that he knows the war's end.

They said that there was "light at the end of the tunnel" and we have stumbled blindly on seeking its source but finding only more darkness. We have waged a mindless war toward no appreciable end. Bullets have been spent, bombs dropped, new weapons unleashed, lives lost, bodies maimed, and all in the name of some distorted idea of freedom. "We had to destroy the village to save it," they said. Well they destroyed more than the village.

One may speak with moral outrage at this mindlessness, and I do, but not every Member of this body considers it a moral question. It is not my intent, Mr. Chairman, to raise here again the matter of American morality in terms of the war in Vietnam—although it deserves our concern—but rather to speak for a moment as to the war's cost and the toll it has taken upon this country. To place it then, not in its moral context, but to ponder its consequences in terms of its practical effects upon this Nation and how it has so greatly weakened our posture elsewhere in the world.

I shall not attempt then to recite again what this war has cost, what it has denied to the people of America, but rather to quote for the benefit of those who still insist that it go on, what the Secretary of Defense has said in that Department's annual report:

> This built-in Soviet advantage has been greatly enhanced at our expense since 1965 because of the costs of the war in Vietnam . . . from 1965 through 1972 the Soviets have had substantially more funds available to apply to the development of their total military capabilities. Since 1966, when the net available to the Soviet Union first exceeded that for the U.S., the Soviet Union has had some $21 billion more available for modernization than has the U.S. This difference has had a significant and adverse impact on the military posture of the United States relative to that of the Soviet Union.

Well there you have it, gentlemen, the Secretary of Defense, no less, telling us that the war in Vietnam, the war his administration promised to end, has weakened the defense posture of the United States vis-a-vis the Soviet Union. This must not be allowed to pass unnoticed, think of it, the Soviet Union has had $21 billion more to modernize their military than we—all because of Vietnam.

If the Secretary is correct and if you vote to continue this war by failing to mandate its end, then you are voting to weaken the defense position of the United States. If, after all these years of war, after all the destruction, after all the hundreds of billions wasted, you are still unmoved that it must stop; then at least consider what it is doing to this Nation in terms of our own security and military needs.

Consider it, and vote to end the war in Vietnam.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Seiberling).

Mr. SEIBERLING. Mr. Chairman, it seems almost an exercise in futility to add more words to the millions that have already been spoken on the issue that has divided this country more than any issue since our own Civil War.

For a long time, this action by our Government divided the American people themselves. But as the casualties mounted, as the cost to our young people and to the people of Vietnam escalated, as the inflation and the disruption of our Nation's economy spiraled, and as the cloak of bureaucratic secrecy was ripped open to reveal the delusions of our so-called leaders and their cynical deception of the American people, the nature of the division created in our Nation by this military misadventure changed.

For as the people have come to understand the truth about their Government's actions in Vietnam, the division in our country has become less and less a division among the people and more and more a division between the people and their Government.

The people, by an overwhelming majority, want out of Vietnam and see no moral or practical basis for our continuing military presence. On the question of the POW's, the people have come to the realization that the only way we are likely to get our POW's back is by getting our Armed Forces out.

How much longer can the Congress allow itself to endorse a course of action which continues to be so deeply, so bitterly opposed by the overwhelming majority of the American people? What does that do to the faith of our people, young and old alike, in the democratic process?

Mr. Chairman, this issue transcends politics. It can no longer be contained within the tradition of supporting the President in matters of foreign policy. It is not merely that a succession of Presidents have been proven wrong about Vietnam. It is because there is a far deeper tradition at stake here, involving the sense of humanity and decency of the American people and the ideals on which the Nation was founded.

Last week, in an article in the August 2 Washington Post, former Ambassador Charles W. Yost, one of the Nation's most distinguished diplomats, got to the heart of the matter. In questioning the military and moral justification for our continued savage bombing of North Vietnam, Ambassador Yost referred to President Nixon's recent complaint that critics of his bombing policy were applying a "double standard." The Ambassador points out:

> It has always been the proud boast and belief of Americans that our democracy embodies certain principles which make us worthy of admiration and emulation by the rest of the world. We have been the first to claim a "double standard" which distinguishes us from totalitarian states and our behavior from theirs. Now much of the rest of the world is beginning to see less and less moral difference between us and the adversaries we seem more and more to imitate.
>
> The cold hard truth is that we cannot beat a small enemy "back to the stone age",

abandon moral and military restraints in our war against him, without dangerously sapping the reservoir of international respect which our forefathers built up over two centuries and on which any claim we may have to world leadership must rest. Is the erosion of that respect worth "victory" in Vietnam or anyone's victory in November?

On the day following Mr. Yost's article, an editorial in the Akron Beacon Journal made a similar point. I ask that both Mr. Yost's article and the Beacon editorial be printed at the end of my remarks, but here would like to quote just briefly from the editorial:

> We are uncomfortable setting the standards for our own great nation's behavior by the brutalities stubborn Hanoi leaders will tolerate—and punishing a whole civilian population for those brutalities.

Surely, Mr. Chairman, nothing is at stake in Vietnam which can possibly justify any further erosion of our own treasured institutions and ideals. Surely the time has come to take the first step toward restoring our Nation's unity and morale by fixing a final deadline to our military presence in Vietnam.

Today, this House has what may be its last opportunity to take this step, by approving this bill with section 13 in it.

The article follows:

[From the Washington Post, Aug. 2, 1972]

Bombing of Dikes, Dams?—Argument Misses Heart of the Matter

(By Charles W. Yost)

The argument between the administration and its critics as to whether or not the United States is bombing dikes and dams in North Vietnam misses what seems to me the heart of the matter.

Bombing of North Vietnam on the vast scale we have done over the past three months cannot, as the administration itself says, help hitting some of the dikes which crisscross so much of that country and on which its food supply depends. The real point, however, is that it does not make much difference to noncombatant men, women and children whether they are starved, drowned or blown up. As long as we continue bombing of the present magnitude—with such a loose application of the term "military objectives" and such reliance on the infallibility of "smart bombs"—we cannot help killing substantial numbers of noncombatants, whether or not we hit the dikes.

It will be argued that we and our allies engaged in World War II in large-scale bombing which incidentally killed many civilians and that this played a part in winning the war. The obvious difference is that at that time we were fighting against two regimes that we believed threatened both our national existence and western civilization. Even the most extravagant "hawks" would not make that claim about the regime in Hanoi in the summer of 1972. The question is whether there can be any justification, military or moral, for so lethal and prolonged a bombing at the present time and place.

This particular bombing campaign—by far the most severe since we entered the war seven years ago—was begun in response to Hanoi's offensive of last April, in order to prevent a disastrous defeat of the South Vietnamese and "humiliation" of the President just before the Moscow summit. That offensive has now been repulsed and rolled back. The Moscow summit is long since over and was a substantial success. Yet the bombing continues.

It will also be argued that the bombing of the North is still necessary to prevent a buildup and dispatch southward of supplies which would be used in another offensive at a later date. However, President Johnson should be able to testify, on the basis of considerable experience, that even continuous bombing of the North does not prevent the dispatch southward of sufficient supplies to mount repeated offensives, that it tends to toughen rather than soften North Vietnamese morale, and that offensives will recur as long as the war continues.

Finally, the bombing can no longer be excused as essential to protect United States ground forces, since most of them have been withdrawn and the rest could be in a very short time. Indeed it is hard to see how the continuation of large-scale bombing of the North any longer has an American rationale except as a factor of the United States elections.

It would not seem unreasonable to presume that the bombing of the North is being continued—after the special reasons for it cited at the beginning of May have ceased to exist—as a means of pressure on Hanoi to accept before November 7 our terms for ending the war. Such a result might be a decisive factor in the elections, causing th average voter to forget momentarily that the Republican plan for ending the war, promised in 1968, was carried out only after four years and 20,000 additional American dead.

Every American wants an agreement in Paris and an end to the fighting but are we to be wholly indifferent as to how we go about getting it? Mr. Nixon has often spoken of the "respect" which he seeks for this country and the Presidency. Can he be unaware that the respect is being daily eaten away by what seems to many Asians and Europeans, not to mention Americans, to be a casual indifference to massive human suffering which we inflict, a moral unscrupulousness about the means by which we as a great power achieve our ends? Our new partners in creating a "structure of peace," the Soviet Union and China, may be prepared to swallow this behavior, but will all the others who have looked up to us in the past?

Of course the North Vietnamese have for years been committing, and still are, unspeakable atrocities in the South. But how relevant is that? It has always been the proud boast and belief of Americans that our democracy embodies certain principles which make us worthy of admiration and emulation by the rest of the world. We have been the first to claim a "double standard" which distinguishes us from totalitarian states and our behavior from theirs. Now much of the rest of the world is beginning to see less and less moral difference between us and the adversaries we seem more and more to imitate.

The cold hard truth is that we cannot beat a small enemy "back to the stone age," abandon moral and military restraints in our war against him, without dangerously sapping the reservoir of international respect which our forefathers built up over two centuries and on which any claim we may have to world leadership must rest. Is the erosion of that respect worth "victory" in Vietnam or anyone's victory in November?

[From the Akron Beacon Journal, Aug. 3, 1972]

Peace-by-Bomb Subtleties Can Confuse the Naive

In the Washington terms of the times, it has become "naive" to take seriously complaint from Hanoi that the United States is careless of the lives of Asian peasants as it strews its bombs in the civilized search for peace with honor.

To show such naiveness is bad form, and reveals that you don't understand the situation.

The most prominent citizen to fall into this social blunder in recent days is United Nations Secretary General Kurt Waldheim.

Naively, he accepted at face value propaganda that American bombs have damaged North Vietnamese dikes, threatening disaster to civilians whose personal involvement in the war is only that they are residents of North Vietnam. Further, he was capable of giving serious consideration to the absurd allegation that this "damage" was intentional.

Compounding his gaffe, he failed to note two central and obvious facts:

That the most powerful nation in the world could, if it chose, demolish North Vietnam in an afternoon—and that if it were truly that nation's intention to smash the dikes, they would long since have been smashed.

And that the North Vietnamese, as authors of what President Nixon seems to see as the most heinous invasion in history, are far more deserving of censure than the United States—and have forgone any right to complain about what is done to them in retribution.

With embarrassment, we confess to being almost as naive as Mr. Waldheim. Maybe not quite.

Obviously, American air power could cause massive damage to the North Vietnamese dike system if its force were deliberately concentrated on this purpose. So the assumption has to be that it is not.

It seems less than cause for a glow of pride that the official series of American responses to allegation of dike damage has followed the familiar pattern:

First, flat dismissal of them as enemy lies.

Next, concession that there may have been some accidental small damage, regrettable but unavoidable spillover effects of justified air attacks on legitimate military targets.

Then assertion that the damage was limited to small breaches at 12 points, all in minor and non-critical components of the dike system—based on three-week-old aerial photography so subject to misinterpretation in the enemy's favor that it could not be released for public inspection.

Despite this confidence-shaking typical sequence, we can accept the official characterization of the damage as accidental—or, at most, as no more than token effort intended to suggest to Hanoi's leaders what may happen unless they become more tractable.

But we are naive enough to be unable to see a clear difference in the practical effect between accidental or token breaching of a dike and deliberate, systematic destruction. To simple minds the drowning in either case seems essentially the same.

Perhaps if the necessity or usefulness of this clinical, antiseptic rain of destruction on roads, power plants, factories turning out what seem to be non-military necessities, and other "military targets" were as clear to us as it is to the White House, so might be the nice distinction between drowning by accident and drowning by design.

Also, we have some difficulty with the superlatives of evil applied to North Vietnam's current "invasion."

We are not at all clear on what Hanoi's leaders hope to gain by their offensive in the South. It seems stupid and senselessly destructive.

But it is the act of a group that, rightly or wrongly, views the conflict as a civil war—a desperate group worn down by decades of trying and bleeding. For savagery, if you subtract American bomb damage, it is not much of a match for Sherman's march to the sea.

We are uncomfortable setting the standards for our own great nation's behavior by the brutalities stubborn Hanoi leaders will tolerate—and punishing a whole civilian population for those brutalities.

So color us socially inept. We clearly don't understand this sophisticated, lethal game, and would, naively, much rather see it over.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. Blackburn).

Mr. BLACKBURN. Mr. Chairman, at

the very moment this Congress is being asked to withdraw unilaterally from South Vietnam, a withdrawal that would come while almost 10 Communist divisions still roam within the south, a withdrawal that makes not the slightest mention of peace, we are confronted with the horror of what it means for citizens of South Vietnam to come under the domination of the enemy. Reports now reaching us from three formerly Communist-controlled districts in Binh Dinh Province attest to the savagery with which the Communists eliminate all those who are even potential stumbling blocks in their path of conquest.

I speak not just of soldiers or government officials but of ordinary citizens, teachers, doctors, and nurses, pacification workers. Some are murdered quickly; others are tortured brutally and then put to death. No attempts at reconciliation are made. The Communists simply wipe out all elements of leadership and in the process leave the bulk of the population, in their own words, frozen with fear. The reign of terror we have now witnessed in Binh Dinh is nothing new; it merely follows the familiar pattern of events in those societies with the misfortune to fall under the control of communism.

The mass executions following Communist consolidation of power in North Vietnam are historic fact. The murders in Binh Dinh resemble events of Tet 1968 when in an orgy of slaughter, the enemy butchered thousands of the leading citizens of Hue.

The people of South Vietnam have no problem understanding the consequences of an enemy victory, for hundreds of thousands of them have chosen to flee their homes rather than join the other side. The grisly chain of events which would unfold should be no less clear to us. The obligation rests squarely with us to spare our South Vietnamese friends the unspeakable suffering that will be their lot if the enemy emerges victorious. We cannot, we must not, remove all of our troops, until we can gain from the North Vietnamese an agreement to leave their neighbors in peace or until the South Vietnamese otherwise have a reasonable chance to determine their own destiny. There are a number of reasons for deleting section 13. But none is more persuasive than our undertaking to avoid presenting the Communists with further opportunities to impose their reign of terror on the South Vietnamese people.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Wright).

Mr. WRIGHT. Mr. Chairman, in these brief 2 minutes I would like to focus if I can upon one central issue which heretofore has not been adequately covered.

The heart of President Nixon's overtures for peace and the cornerstone of his negotiating posture is the proposition that both sides should agree in advance to permit the people of South Vietnam to determine the fate of their own country by ballots rather than by bullets, through fair, open and free elections supervised by an impartial international agency.

This is the focal point of the negotiations. The North Vietnamese have steadfastly refused to consider any such proposal, even though President Thieu of South Vietnam has publicly agreed to resign and thus permit such elections.

Section 13 of this bill very significantly deletes any reference to that central negotiating posture of the United States. Do we want to abandon that principle? Adoption of section 13 would have that effect. It would not in any sense end the war. It merely would leave the resolution of the central issue—the issue of the future of South Vietnam—to be determined by military force. Do we want to do that? I for one do not.

To adopt this bill with section 13 included not only would pull the rug from under the President and his negotiators, it also would do as the gentleman from Michigan (Mr. Riegle) has suggested. It would say to the President that we do not support the fundamental basis of his peace proposal, the proposition of free elections. No principle is more deeply imbedded in the political character of the United States nor more hallowed in the political history of this country than the principle of nonviolent local self-determination and free elections. It provides in my opinion, the only fair and just basis for a negotiated settlement.

For these reasons, Mr. Chairman, I support the amendment offered by the gentleman from Missouri (Mr. Bolling).

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Jacobs).

Mr. JACOBS. Mr. Chairman, the only problem I have with the statement of my friend in the well a moment ago is that history shows very clearly that we did not believe very much in elections in 1956, when our country supported the Saigon regime in scuttling the elections agreed to in the Geneva Accords, when President Nixon predicted Ho Chi Minh would win.

I should like to read the last paragraph of a letter from a former high American Government official to an individual who wrote to him alleging that the President had the warmaking power and that the Congress should not tie the hands of the President:

> The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where Kings have always stood.

That was signed by Abraham Lincoln, February 15, 1848, and received by William Herndon.

Mr. Chairman, after everything is said that can be said the fact will remain that the "secret plan" of this administration to end this war turned out to be a bomb.

As a Member of the Indiana delegation, I commend with pride the work of my colleague, Mr. Hamilton, and his eloquence on the floor this day. History will remember him kindly for it.

The CHAIRMAN. The Chair recognizes the gentleman from South Dakota (Mr. Denholm).

Mr. DENHOLM. Mr. Chairman, for more than 7 years and I suspect after more than 7,000 speeches this issue provokes the minds of reasonable men. Yet, we are left in an exercise of futility for this legislative body cannot legislate peace.

The Constitution, on the contrary, expressly imposes and reserves to the joint session of Congress the power to declare war, but the Constitution is silent on the frustrating issue of declaring peace.

I will support the Bolling amendment not because I want the war to continue. My record is clear on that issue. I voted against the amendment to extend our miserable involvement in Vietnam to December 31. I will vote for the Bolling amendment because there is a day between the dates of October 1, 1972, and December 31, 1972, which will provide a time for a national referendum to the people of America.

We have reached an impasse. This legislative body cannot make a decision on a date certain to end our military involvement in Vietnam unless we vote against the appropriations that have through the years made it possible for the executive branch of this Government to prosecute the war in Indochina. I have voted consistently against this proposition. I have faith in the people of America and the system of government of this great land. I support the right of the people to decide and they shall be heard in the referendum on November 7, 1972.

I regret that the President should commit 1 more dollar, one more life or 1 more day to a cause conceived in error and pursued in error—for years and years. I regret that the Congress has for years and years errored in funding a cause of no victory. But, Mr. Chairman, the date, the debate, the hours—of failure or success, of this body in acting upon a date certain cannot have any great significance on the ears or the eyes of those that refuse to hear what is here to be heard and to see what is here to be seen.

The issues are clear—the candidates are articulate. I trust in God. The people shall respond. And at this 11th hour, after years and years, may that message in the great referendum on the first Tuesday of November 1972, voice the sentiments of a great people sick of war. And may it be recorded forever in the annals of history for all to see that no President shall again shame the highest law of this land and circumvent the expressed language so ably written by our forefathers at section 8 of article I of the Constitution of the United States of America.

The CHAIRMAN. The Chair recognizes the gentleman from Maine (Mr. Hathaway).

Mr. HATHAWAY. Mr. Chairman, I rise in behalf of the provision to end U.S. involvement in the war in Indochina.

It is time—and past time—that we in Congress exercise our constitutional right and responsibility to decide whether or not this country shall continue to fight a war.

For 7 long years, this Nation has been

engaged in a tragic conflict in Southeast Asia. That conflict has been costly—in terms of 55,000 American lives lost and 300,000 casualties; in terms of $100 billion drained away; in terms of distorted priorities; and in terms of the bitterness, frustration, and dissension among our people.

The congressional authorization for U.S. involvement in Southeast Asia, the Gulf of Tonkin resolution, has been repealed. We cannot simply sit on our constitutional rights and watch this war continue.

In 1970, at the time of the Cambodian incursion, I joined in the introduction of the first end the war resolution. Since that time we have seen that amendment and successive amendments go down to defeat on the floor of the House. And we have seen the war in Indochina drag on.

I have supported every end the war amendment to come before this body, and I support this amendment. Furthermore, I feel an increasing sense of urgency that something must be done, that we must end this agonizing involvement in war.

The people of this country have spoken out and said that they want peace. Our Democratic Caucus has spoken out and, by a vote of 144–58, demanded this legislative provision.

Now I urge this Congress, as the body which is supposed to represent the people, as the body which is supposed to declare war when necessary but above all is supposed to preserve the peace, to pass this end-the-war provision.

(By unanimous consent, Mr. HATHAWAY yielded the remainder of his time to Mr. WHALEN).

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. HAMILTON).

Mr. HAMILTON. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, earlier this afternoon I felt like the bird who returned to its nest with feathers missing and ruffled. When asked by its nestmate what happened he indicated he was flying over a park and flew low to see what was going on down there and got caught in the darnedest badminton match he had ever seen.

I certainly was caught just like that early this afternoon by both sides.

Mr. Chairman, I would like to address myself to the two principal arguments raised in behalf of the Bolling amendment and against the Hamilton-Whalen provision.

The first is whether or not the Congress should have authority to involve itself in peace negotiations. The courts clearly answered "Yes," we do have that authority. Mr. Louis Fisher, who is a very distinguished staff member of the Library of Congress, researched this and put his findings in a book which will soon be published entitled "The President and Congress—Power and Policy." In this book Mr. Fisher states as follows:

> The Supreme Court has consistently handled that issue as a political question to be resolved by the Congress and the President.

This view was reaffirmed this past Monday by a panel of three Federal judges in the city of Philadelphia. I quote from a Washington Post article of August 8:

> In calling the Vietnam war a political question a three-judge Federal panel today dismissed a suit seeking to declare the war unconstitutional. The court said that Congress possesses whatever power is necessary to end the war.

Let me repeat this decision. The key phrase says "The court said that Congress possesses whatever power is necessary to end the war."

So, indeed, Congress does have this authority, and we are endeavoring to exercise it in section 13. I urge you to uphold this authority by voting down the Bolling amendment.

Second, the question has been raised about limiting the President's negotiating authority. As Congressman HAMILTON pointed out, section 13 provides three conditions within which the President negotiates. The President also has insisted on three conditions. Two of these are exactly the same as those contained in section 13—the returning of prisoners of war and the accounting for the missing in action. The difference is in the way in which we would withdraw. Section 13 states that it is in the interests of our country to have a cease-fire between North Vietnam and the United States to assure safe withdrawal of our troops. The President and his predecessor during the peace negotiations for these past 4½ years insisted that there be an internationally supervised cease-fire throughout Indochina. Of course, this has been the rub, because it is unacceptable to the North Vietnamese government. To be acceptable to North Vietnam such a cease-fire would have to be preceded by a political agreement—after all, this is what the fighting is all about. To involve the United States in a political agreement will mean the war will continue, for the Government of South Vietnam will sabotage any possible understanding with which it may disagree.

What we are doing in section 13 is to give a new direction to our negotiating posture. As Congressman RIEGLE indicated, it is in the interests of our country to limit the cease-fire to the United States and North Vietnam to assure the safe withdrawal of our troops rather than endorse a continuation of the Indo-China cease-fire approach which inevitably will prolong the war.

Mr. RHODES. Will the gentleman yield?

Mr. WHALEN. I yield to the gentleman.

Mr. RHODES. Mr. Chairman, some would have us believe that if proposals such as the section 13 provision were adopted and the Communists were to take over South Vietnam, their rule would be benign and that though some South Vietnamese would prefer not to be under Hanoi's control, they have nothing personally to fear from such an eventuality. Do they dismiss as an aberration the infamous "land reform and rent reduction" program which took place in North Vietnam in 1955 and 1956 and which is variously estimated to have caused the execution of between 50 to 150 thousand people? Ho Chi Minh himself, after the firing squads had completed their work, admitted that the Party may have gone too far.

Have they never heard of the North Vietnamese peasant revolt in November 1956 which took place in Nghe An Province, Ho Chi Minh's birthplace, and which was surpressed by the 325th Division of the North Vietnamese army at the cost of approximately 6,000 farmers deported or executed? The 325th Division, incidentally, is now engaged in the fighting in Quang Tri Province.

Do they ignore the cold-blooded, systematic execution of thousands of people in Hue by the Communist occupation forces during the Tet offensive of 1968? Do they not read the daily press when we are beginning to see reports that the Communists have executed between 250 to 500 people during their recent 3 months occupation of three districts of northern Binh Dinh Province in South Vietnam? There have also been substantiated reports of executions in the areas of Binh Long Province which have been held by the Communists.

Now, this may be yet another aberration in the Communists' behavior. Perhaps the nine old men in the Hanoi Politburo really would not continue such activities were they to gain control of South Vietnam. I for one, however, am inclined to believe, after considering their record, that they see mass execution and terror as a normal political tool and that if South Vietnam were so unfortunate as to fall to the Communists, they would carry out a policy of extermination of those that they perceive as their opponents, a policy which would, no doubt, result in the execution of masses of people.

Section 13, which envisages the abandonment of South Vietnam, would likely lead to the type of tragic situation I have described above. This is one of the major reasons why section 13 is unacceptable and should be deleted from this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman.

Mr. YATES. Mr. Chairman, DICK BOLLING and I came to the Congress together in 1949. I have come to know him well over the years. There is not a more able Member of the House. Only on rare occasions have we differed in our positions on the issues and in our votes. This is one such occasion. I will vote against his amendment.

I do so because I cannot accept his argument that the Congress has no responsibility in the fashioning of our foreign policy. The Congress does have the power to declare war which is certainly the ultimate in a statement of foreign policy. The Congress, too, has the power over the purse strings. This, too, is a powerful and pragmatic constitutional authority. And finally, the Congress speaks for the people. It is their voice and their voice should be influential upon executive decisions. Therefore Mr. Chairman, I am certain that the Congress has the right to state its views in the form of section 13 as the course for our Nation to take.

Too long have we argued, too long have we delayed. The war which should have been ended long ago still goes on and on. The Congress must express itself in favor of bringing the war to an end.

Mr. Chairman, I support the committee bill. I will vote against the Bolling amendment.

Mr. WAGGONNER. Mr. Chairman and Members of the House, I support the amendment offered by the gentleman from Missouri (Mr. BOLLING). I believe that section 13 of this bill should be struck from the bill. I support striking it from the bill for the reasons that he has so eloquently expressed.

I support the views expressed by the distinguished majority and minority leaders as well as the views expressed by others who believe, as I do, that we should strike section 13 from the bill. Every human I know wants to end this war just as I do, just as our President does.

To keep this section in the bill will not have any effect toward ending the war. It will not serve the immediate or long-range interests of this country.

Some of you have at some point in time engaged in debate in high school or in college.

There is an elementary rule that when the adversary admits he is wrong then there is nothing to further debate or rebut. And in closing the debate on the Whalen amendment earlier this afternoon the distinguished chairman of the committee, the gentleman from Pennsylvania (Mr. MORGAN) said to the House, and the RECORD will show it tomorrow, "The effective date in this amendment, October 1, is impossible." And he used the word "impossible." Who would better know than the distinguished chairman of the House Committee on Foreign Affairs? Take his word for it. It is impossible. It cannot happen. It will not happen. And we should take the gentleman's word and strike this language from the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. MORGAN) to close the debate on this amendment.

Mr. MORGAN. Mr. Chairman, one of my closest friends in the House, a man I have known for a great many years, and a man to whom I go for advice on many, many things, to secure his recommendations, is the author of this amendment, the gentleman from Missouri (Mr. BOLLING).

Back in March of 1971, in a situation where I had a problem, I went to my good friend, the gentleman from Missouri, and I said:

> Five distinguished Members of my party, the gentleman from Florida, Mr. GIBBONS, the gentleman from Massachusetts, Mr. BOLAND, the gentleman from New York, Mr. BINGHAM, the gentleman from Tennessee, Mr. ANDERSON, and the gentleman from Hawaii, Mr. MATSUNAGA, have introduced an antiwar resolution which they plan to bring up at the Democratic caucus.

And I asked his advice. He devised a little amendment that said that we would end our military involvement in Indochina and bring about the release of all of our prisoners "in a time certain." And we brought that to the floor of the Democratic caucus. We got into some trouble but then my colleague, the gentleman from Pennsylvania (Mr. DENT) added the words, "during the 92d Congress."

Now, the 92d Congress is about to go out of business. It has 4½ months left—that is all—4½ months. If we are ever going to do anything about what I was led to believe by my Democratic colleagues in the House that we should do to end this war, then we must do it now.

On March 31, 1971, the Democratic Caucus, by a vote of 138 to 62, adopted a resolution which called for House action "to end U.S. military involvement in Indochina and to bring about the release of all prisoners in a time certain during the 92d Congress."

I was fully aware of the purpose and the objective of that resolution which my good friend from Missouri helped to shape.

I was also aware, however, that negotiations were going on in Paris—and I thought that the President should be given every chance—and so I waited and did not come.

Fall came. I was advised that Dr. Kissinger was conducting secret negotiations with the North Vietnamese. I did not want to spoil the President's chances of achieving peace through those secret talks—so, again, I waited.

Winter came. The President was going to Peking. He hoped to make some progress on the Vietnam situation. I did not want to interfere. And so I continued to wait.

Spring came. The President was going to Moscow and our friends were pleading: "Don't rock the boat." So I waited, and did not move on the resolution of the Democratic Caucus.

Now another summer has come—and nearly gone. The President has been to Peking and Moscow. Mr. Kosygin went to Hanoi. Dr. Kissinger went back to Paris to resume secret negotiations. But nothing has happened to bring peace in Vietnam. The war—the bombing—and the killing continue.

I have finally decided that I have waited long enough to carry out the sentiments which my good friend from Missouri (Mr. BOLLING) helped to articulate on March 31, 1971—and to help the President end the U.S. involvement in Vietnam.

I have, therefore, supported section 13 of H.R. 16029—and I intend to continue to support it against the amendment of my friend from Missouri (Mr. BOLLING).

I urge that his amendment be defeated.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. PRICE of Texas. Mr. Chairman, there are two distinct categories of persons in this Chamber—those who want to end the war and those who want to end the war. Yes, I said two categories, because there are some Members of this House who act as though they have a monopoly on truth insofar as ending the war is concerned. These persons imply by their rhetoric that those who do not agree with their position are somehow therefore in favor of war. I thoroughly reject that idea and am convinced that every Member of Congress in both the Senate and the House is against war and wishes to see the present Vietnam conflict brought to a conclusion. However, before engaging in a debate about "ending the war," we ought to first define our terms; this is why I have said there are two categories of persons who want to end the war. To some, ending the war means an abrupt, precipitous, unencumbered, and irretrievable cessation of all activity in the present theater of conflict. Such a position irrespective of its modifications is like the mythical nine-headed hydra which regardless of the number of times it is decapitated, still manages to rear its ugly head. And so the debate goes on whether we should cut off funds as of a certain date, whether troops should be withdrawn by a certain time, and all the many other propositions which are dredged up and presented for discussion and a vote without regard to the very important questions that must be considered and resolved as part of a responsible "end the war" proposal.

The fact is, such proposals would end the battle but would not end the war. Without adequate safeguards any such peace obtained would be a prelude to a larger more dangerous confrontation. For this reason, I would rather associate myself with the second category of persons who would end the war in the context of a meaningful settlement. To me, ending the war means more than troop withdrawals; it means the establishment of a honorable and workable peace. As part of any end the war agreement, I expect the complete and prompt repatriation of and accounting for all Americans presently held captive as POW–MIA's under the most barbaric conditions by Communist North Vietnam and the Vietcong. Five of my personal friends who were my flying buddies in the Korean war are today some of those men who are languishing in the twilight zone waiting for the day that their country shall redeem them from their hellish fate.

Furthermore, it would be an abomination to the memory of the 50,000 fine Americans who paid the supreme sacrifice in the service of their Nation that we would lose within the walls of this Chamber the war that they won on the battlefield. The Communists cannot win the Vietnam war, but if we enact legislation to tie the hands of the President in this time of critical negotiations as he seeks an honorable peace settlement, the Congress will be guilty of the most disgraceful sellout ever achieved in American history.

Mr. DRINAN. Mr. Chairman, I rise to support the Morgan-Whalen-Hamilton provision of H.R. 16029, the Foreign Assistance Act of 1972. Now more than ever it is the moral imperative of this Congress and this Nation to end the bloody tragedy of our intervention in

Indochina. Let us act—finally—to end this unconstitutional and immoral war.

This provision is a reasonable and workable means through which the United States can withdraw from Indochina. If anything, it suffers from its moderation. It certainly does not "tie the hands" of the President. It does not compel theearly termination of all funding that many, myself included, have advocated. It does not commit the United States to a course of risk.

What this language does is to provide for the termination of American military involvement throughout Indochina this year, subject to three conditions: a release of all prisoners of war, an accounting for all missing in action, and a cease-fire between the United States, North Vietnam, and its allies, to the extent necesary to achieve a safe withdrawal of U.S. forces.

President Nixon has failed to end this war. He has failed by his own standards, as anyone can judge who remembers his words—his unconditional pledge—spoken just piror to the 1968 election:

> I want to make one thing clear: those who have had a chance for four years and could not produce peace should not be given another chance.

President Nixon has had 4 years, and peace is not in sight. He has had his "chance," and he has failed dismally. It is now incumbent upon Congress to act where the President cannot. This President has dropped more bombs and has caused more unjustified human suffering than any President in the entire history of the United States.

Can anyone doubt the cruel magnitude of the tragedy that our Nation has inflicted on Indochina?—56,000 American men have been killed in the Indochina war, 22,000 of them since President Nixon assumed office—30,000 American women have been made widows, and 80,000 surviving parents have suffered and continue to suffer the sorrow of a lost son. And at least 350 more Americans have become prisoners of war in the last 4 years.

In all, the Indochina war, by the most conservative official estimates, has brought death to over 1 million human beings, over 700,000 of them Vietnamese. It is clear that the civilians of Indochina have suffered most. By President Nixon's own admission there have been over 600,000 civilian casualties in South Vietnam since 1965. And, according to the President, in the last 3 months 45,000 more civilians have become casualties.

The fabric of Indochinese society and culture has been deliberately ravaged, and will probably never recover. One out of every 15 Vietnamese has been killed in the present conflict, and 6 million, or 1 out of every 4 Vietnamese, have been forced to become refugees. In the 43 months since President Nixon assumed office more than 2 million Cambodians and over 400,000 Laotians have been forced, principally by American bombing, to become refugees.

Since 1965, 23 billion pounds of munitions have been dumped on Indochina. The total tonnage of bombs dropped in this war exceeds the combined amounts of World War II and the Korean war. More than 3.3 million tons of bombs have been dropped by the Nixon administration alone.

The effect of this massive shelling and bombing has been the creation of at least 26 million bomb craters spread over a land area no larger than New England. More than 100 million pounds of lethal herbicides—agents orange, blue, and white—have been dropped on Indochina.

Five million acres of crops and forest lands—one-seventh of the total area of Vietnam—have been laid to waste. Thus it is that men and women the world over have called our policy "ecocide."

We have twisted nature itself into a weapon of war, in the form of "weather-modification" programs to increase rainfall on the Ho Chi Minh trail. We have created an Asian Dresden with our efforts at eliminating forests through firestorms. We have bulldozed massive areas of the Vietnamese countryside. We have set fire to hundreds of villages and hamlets. We have, in our alleged effort to save Indochina, come close to destroying it.

We have introduced the most sophisticated and deadly weapons in the history of warfare, and turned them upon the Vietnamese. We have devised the automated battlefield and antipersonnel weapons of unprecedented brutality and lethality. Indochina has become a grotesque testing-ground for the lethal side of our technology. The skies are filled with deadly laser-guided bombs, television guided bombs, remotely piloted bombers, and other exotic and horrible implements of destruction.

We have spent more than $20 billion to arm the South Vietnamese military apparatus, and created from scratch the sixth largest air force in the world, with at least 275 operational combat aircraft and 120 helicopters. We have trained, armed, and equipped an army of 1 million men, an army under the control of a corrupt, tyrannical dictator. Our military aid to South Vietnam has exceeded by 300 percent the total aid given to North Vietnam by the Soviet Union and the People's Republic of China.

We have stationed one-half of our B–52 strategic bomber force in the Indochina theater and have deployed approximately 900 attack bombers in Vietnam, Thailand, and the South China Sea—the largest assemblage of tactical airpower ever seen. And, we have deployed as many as six aircraft carriers and more than 55 other Navy combat ships around the coasts of Vietnam.

We have mined harbors, assassinated political opponents, and divided the people of the United States as they have not been divided since the era of our own Civil War.

We have done all this, and so much more, at a cost of $135 billion. And, unless the United States now terminates its involvement in this war, the people of our country will continue to pay an enormous sum for this killing and ravaging.

But the real costs—the human costs—of this war are graver still. We have seen thousands of servicemen return to their homes permanently disabled and still other thousands burdened with drug-addiction and disease. We have seen a war-generated inflation. We have seen the morale of our Armed Forces fall dramatically. We have seen American war crimes. We have seen the alienation of our youth. We have been the bitterness of the veteran who returns to find no job. We have seen our society torn, fragmented, and deeply frustrated.

But all that this heinous war has done to damage our Nation is miniscule indeed when compared to what our country has done to Indochina.

Whatever our original purpose was in Vietnam, we have now fallen into the predicament so wisely foreseen by the late Senator Robert F. Kennedy:

> The danger of this war is that we will become just as our enemy is. Look at the history. We accuse the enemy of bombing innocent civilians. We accuse the enemy of assassination and we developed the Phoenix program of assassination and destruction. We accuse them of invasion . . . and yet we invade ourselves, country after country. We accuse them of torturing the citizens of the countryside and they have, and yet we have tortured these same citizens of the countryside.

It is true, of course, that where we once had 550,000 ground troops in Vietnam there are now approximately 50,000. And it is also true that American casualties have declined in recent years. But it is sadly not true that this reduction in American troop-strength and casualty levels has resulted in a corresponding reduction in the American contribution to the total level of violence of the war; for it has been the policy of the Nixon administration to try to accomplish through bombing that which could not be achieved through the use of ground troops.

The American role in the war has simply moved from the ground to the air. While there are now 46,000 ground troops in Vietnam, there are well over 80,000 American soldiers and air personnel in Thailand and in the South China Sea whose function is to maintain the automated air war and the blockade of North Vietnam.

If anything, the American contribution to the level of violence in the war has increased. Because of the massive and indiscriminate bombing campaign, civilian casualties have risen from a monthly rate of 95,000 under President Johnson to an average of 130,000 under the Nixon administration. In 1 day during May of this year, American aircraft flew 426 bombing sorties, compared to the peak of 400 in 1968. Even as we debate this bill, bombs rain down on Indochina from American planes.

In recent months President Nixon has more than doubled the number of attack bombers operating in Indochina and more than tripled the number of B–52 heavy bombers in use. An average mission of three B–52's leaves a swath of destruction 1¼ miles long and six-tenths of a mile wide. It requires only 12 typical B–52 missions to equal the power of the atomic device exploded on Hiroshima. In fact, every month the United States drops on Vietnam enough explosives to equal 2½ Hiroshima-sized weapons. Approximately 22 tons of American bombs have been exploded on every square mile of Vietnam.

Perhaps the worst tragedy of the United States savage bombing campaign is President Nixon's apparent decision to free the Air Force from the targeting restrictions that had been in effect even during the peak years of the late 1960's. Few if any targets are now out of bounds. Recently we have seen persuasive evidence that the United States has deliberately bombed sections of North Vietnam's dike system in the Red River Valley.

No single act of the entire war could possibly approach the horrifying possibilities of bombing the dikes. No single act would so needlessly threaten the lives of the thousands upon thousands of peasants who live under the protection of the dike system. An American attack upon the North Vietnamese dikes, for the meaningless purposes that characterize our involvement in this war, would be a brazen crime against humanity of a magnitude never exceeded in the history of our planet. The President of the World Council of Churches has protested; the Secretary General of the United Nations has protested—but our President does not listen.

Mr. Chairman, we are shedding the blood of thousands and spending billions of dollars in support of a corrupt and dictatorial regime. We have no strategic stake in Indochina. We face no military threat from North Vietnam. We have no more reason for continuing this devastation than that so well stated by the former Secretary of Defense, Clark Clifford:

> We are in Vietnam today only because we got into Vietnam yesterday.

Our actions in Indochina are not only wasteful and immoral, they are unconstitutional as well. Whatever authority President Nixon once had to conduct this war was withdrawn when Congress belatedly repealed the Gulf of Tonkin resolution. The President's claim that his authority derives from the powers vested in him as Commander in Chief, and thus his responsibility for the recovery of American prisoners of war, is specious.

It is transparently clear that the goal of the President is not to recover our prisoners, but to attempt to maintain a non-Communist South Vietnam through a military victory—or a devastation so savage that it will be a victory through the exhaustion of Indochinese culture and society. This policy is well demonstrated in the negotiating position of the United States at the Paris peace talks.

I regret that I cannot agree with the President when he claims, as he did on July 27, that:

> At this point the chance for a negotiated settlement is better than it has ever been before.

We will not get our prisoners back until we have withdrawn from this war. The time has come to recognize that whatever obligation we had to South Vietnam, if there ever was an obligation, has been fulfilled hundreds of times over. The time has come to realize that our continuing involvement in Indochina serves neither the interest of the American people or the Indochinese people.

I say to my colleagues—stand up—be counted—throw the overwhelming weight of this catastrophe off the shoulders of our people—pass this provision—end this war.

Mr. BOLAND. Mr. Chairman, I rise in support of the provision calling for an end to all U.S. military activities in Indochina by the end of the year. This provision must pass intact, free of any amendments muddling its language or blunting its thrust. I will vote against any such attempt to emasculate the provision. Called the Morgan-Hamilton-Whalen amendment, after its principal architects on the Foreign Affairs Committee, the provision stems from two resolutions of the Democratic caucus: one enacted on April 20, 1972, by a vote of 144 to 58—this explicitly instructed Democratic members of the Foreign Affairs Committee to draft such legislation and clear its path to the floor—the other on March 31, 1972, by a vote of 138 to 62.

As you know, Mr. Chairman, both resolutions sought what the newspapers like to call a "date certain" for the withdrawal of all U.S. forces—contingent, of course, on the release of all American POWs and an accounting for all MIA's. The provision now before us would achieve precisely that goal, bringing home all U.S. troops by October 1 once we are assured the POW's will be freed and the MIA's accounted for. Two clauses in the provision—neither of them, I should point out, was specified in the Democratic caucus resolutions—call for some limited cease-fire to protect American forces as they withdraw from Indochina: a sort of laissez-passer for the garrison force of U.S. troops still lingering on there. The second calls on an appropriate international body—the Red Cross, for example—to verify the accounting for POW's and MIA's. These two sections of the provision are eminently reasonable, expediting withdrawal rather than encumbering it.

Here is the full text of the provision as it now stands:

> SEC. 13. Notwithstanding any provision of this or any other Act, the involvement of United States land, sea, and air forces, for the purpose of maintaining, supporting, or engaging in hostilities in or over Indochina shall terminate and such forces shall be withdrawn not later than December 31, 1972. Subject to a cease-fire between the United States and North Vietnam and those allied with North Vietnam to the extent necessary to achieve safe withdrawal of such remaining forces, and subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The accounting for the American prisoners of war and missing in action referred to above shall be subject to verification by the International Red Cross or by any other international body mutually agreed to by the President of the United States and the Government of North Vietnam.

I need hardly point out, Mr. Chairman, that we have trod this ground before—month after month, year after year. Still, however weary we may be of these legislative skirmishes over "end of the war" amendments, the need for American withdrawal remains as compelling as ever. The bloodletting in Vietnam continues, as does the squandering of our resources.

The Paris peace talks—where North Vietnam and the Vietcong dally for months at a time on pro forma exercises in sword rattling and breast beating, where the Nixon administration continues to press "peace proposals" it knows are unpalatable to our adversaries—have achieved next to nothing.

Similarly, the accelerated bombing of North Vietnam and the mining of her major harbors have yet to yield anything even remotely akin to a peace settlement—even though these disquieting tactics may have slowed the Communist thrust into South Vietnam.

What I want to emphasize above anything else, Mr. Chairman, is that we may remain mired in Southeast Asia for decades unless the Congress acts today.

Can we tolerate such a chilling prospect—indeed, such a terrifying prospect?

Can we continue debating and dithering over this war while Americans die on Vietnam's battlefields or fall into the hands of enemy forces there?

I say we cannot.

I say we must end the bloodshed.

We have a clear mandate here today—not only from Democratic Members of the House, but from the American people themselves: polls demonstrate that up to 80 percent of them want the United States to quit this futile war.

Let us honor that mandate.

Mr. VANIK. Mr. Chairman, today, this body of Congress has yet another opportunity to terminate American involvement in the endless and destructive war in Vietnam. This is a war in which American soldiers have been dying for more than a decade, and yet, despite a tremendous loss of American lives, we are no closer to achieving our goals in Vietnam than we were a decade ago. It is senseless to continue our support of a military dictatorship in an area of the world in which we have no real national security interests.

The present administration apparently intends to continue the pursuit of some kind of an elusive "secret plan," a policy which has not worked and which could keep this country knee deep in the quagmire of Vietnam for an indefinite period of time to come. This policy was actually predicted by Prof. Hans Morgenthau in an article written in March of 1970. At that time, Professor Morgenthau wrote that President Nixon would eventually be forced to either disengage completely or reescalate the war "to the point where the complete destruction of the South Vietnamese countryside will dispose once and for all of the question of who will govern it."

The administration has apparently chosen the destruction of South Vietnam alternative. We have sprayed herbicides on one-tenth of the South Vietnamese cropland and on nearly one-third of the total forest acreage of South Vietnam. We have attempted to change the weather in Indochina by seeding clouds with silver iodide crystals. We have attempted to cause large-scale forest fires in Vietnam's rain forests through the use of magnesium incendiary bombs. We have leveled 3-acre areas throughout Vietnam through the use of 15,000-pound concussion bombs. We have leveled with bulldozers some 800,000 acres of South Vietnamese land, an area roughly equivalent to that of Rhode Island. Needless to say, the effect of these programs and other similar ones on South Vietnam's evironment and economy has been simply staggering.

Mr. Chairman, I find the use of these weapons to be particularly unconscionable, since our ultimate goal in this has been and continues to be the preservation of a corrupt military dictatorship. The regime which is presently in power in Saigon has repeatedly imprisoned and tortured political dissenters, has maintained inhuman "tiger cage" cells, has protected and aided heroin sellers, and has continually intimidated the South Vietnamese press. In fact, just this past weekend, the Thieu government further restricted the freedom of the South Vietnamese press by ruling that only those publishers able to post bonds of about $43,000 will be allowed to publish. Surely this is not the type of government for which we should allow our soldiers to be maimed and killed.

Some defenders of our involvement in Vietnam have argued that the North Vietnamese have also ravaged the South Vietnamese countryside and that the North Vietnamese have also suppressed individual freedom and freedom of the press and that the North Vietnamese have also tortured and murdered political dissenters. But, Mr. Chairman, I do not believe that these reprehensible actions by the North Vietnamese justify some of the actions which have been committed by ourselves and our allies. I always have felt that America had to act on a higher moral level than our enemies. In the Washington Post of August 2, 1972, Charles Yost, former U.S. Ambassador to the United Nations, wrote:

> It has always been the proud boast and belief of Americans that our democracy embodies certain principles which makes us worthy of admiration and emulation by the rest of the world. We have been the first to claim a "double standard" which distinguishes us from totalitarian states and our behavior from theirs. Now much of the rest of the world is beginning to see less and less moral difference between us and the adversaries we seem more and more to imitate.

As the late Senator Robert F. Kennedy said, "The danger of this war is that we will become just as our enemy is."

The need to terminate our involvement in Vietnam is greater now than it has ever been before. There is simply no reason for the killing or maiming or the capture of one more American soldier or the expenditures of one more American dollar. Yet, this administration refuses to end the American involvement in Vietnam.

No nation has ever done more for an ally than we have done for South Vietnam. In terms of human lives, the cost of America's actions in Southeast Asia since 1950 has been nothing short of overwhelming: 56,000 American men have been killed, 300,000 men have been wounded or maimed, 1,126 men are missing, and 520 men are known to be prisoners of war. In addition, since fiscal year 1965, we have spent $120 billion to finance our activities in Southeast Asia. Finally, by 1973, we will have spent $20 billion for armament for the South Vietnamese. I for one do not know what more can be done to demonstrate a commitment to an ally. If the South Vietnamese cannot make it on their own after the expenditure of all of this American blood and treasure, then they will never be able to make it on their own.

Thus, it is up to the Congress to act, just as the framers of the Constitution expected them to do. The Nixon administration constantly argued that the Congress does not and cannot know all of the facts about the negotiations that are going on between ourselves and the North Vietnamese and that, therefore, the Congress is likely to undermine those negotiations if it does not follow the wishes of the administration. According to this logic, the Congress would have no greater role in getting us out of Vietnam than it had in getting us into Vietnam.

The framers of the Constitution divided the war powers between the executive and the Congress for the very reason that they stated in the debates on the Constitution that:

> It should be more easy to get out of war, then into it.

And that they were:

> For clogging rather than facilitating war; but facilitating peace.

The right of Congress to act is clear.

Mr. Chairman, the Members of this body must no longer abdicate this "duty to act," and, therefore, I urge the support of section 13—the end of the war amendment—of H.R. 16029, the Foreign Assistance Act of 1972. The provisions of section 13 of this bill are a particularly good method for terminating our involvement in the Vietnam conflict. The "end the war" provisions of this section with a date certain are all subject to the release of all American prisoners of war held by the Government of North Vietnam and its allies, an accounting for all Americans held by or known to those governments, and finally, a cease-fire between the United States and North Vietnam and its allies. The emphasis of these conditions is on the return of American prisoners of war and the withdrawal of American forces from Vietnam. In contrast, the President's proposals emphasize the cessation of hostilities throughout Indochina, an objective which would undoubtedly prolong our involvement in Vietnam both because of its unacceptability to the North Vietnamese and its reliance upon the cooperation of the Thieu Government, a government whose interests are very different from our own.

Finally, as noted in the additional views of the gentleman from Indiana (Mr. HAMILTON) and the gentleman from Ohio (Mr. WHALEN) in the committee report on this bill, section 13 would allow the President to "leave Vietnam with congressional and bipartisan support, and upon terms that a majority of Americans find acceptable."

Mr. Chairman, enough American boys have died in Vietnam and enough American dollars have been spent on Vietnam and enough American prestige has been wasted on Vietnam. This war has divided our country in a way in which it has not been divided since the Civil War, and in so dividing us, it has eroded our spirit. The time to end this war has come. Let us move to end it, and then, at last, let us begin the arduous task of fulfilling the great potential of this country.

Mr. MURPHY of Illinois. Mr. Chairman, on April 20, the Democratic caucus charged the Democratic members of the House Foreign Affairs Committee, of which I am a member, to report out legislation setting a date certain for the cessation of American involvement in the war in Southeast Asia. I wish everyone to note that I said the war in Southeast Asia. It used to be the war in Vietnam but it has spread considerably in the last few years. That is the depressing fact of the matter.

The committee prepared an amendment, section 13 to the Foreign Assistance Act of 1972, sponsored by Representatives MORGAN, HAMILTON and WHALEN. I wish now to express my support for this amendment.

As written, it contains three very important points: First, the release of all American prisoners held by North Vietnam or its allies; second, an accounting by an international body for all Americans held by these Governments; and third, a cease-fire between the forces of the United States and North Vietnam to the extent necessary to achieve a safe withdrawal of remaining American forces. I feel these proposals will allow America to end its involvement in this senseless conflict that is surely the wish of the American people.

There is no need to go through the entire record of this tragedy. But it is important to point out that the present administration was elected with a "secret plan" to end the war. We have yet to see any evidence of that plan. We are constantly reminded that the troop levels have been reduced in Vietnam, but it is just as appropriate to remind ourselves that the intensity of the air war has been increased. The simple fact is that if you are killing effectively from the air, you do not need a great number of ground troops.

We are told repeatedly that the war will be over soon if we will just be patient. I would respond by saying that we have lost 21,000 American lives, and more bombs have been dropped than in any previous time in man's history. How much patience can a country and its citizens have in the face of all that has happened?

The administration is fond of saying we are getting out. What purpose does it serve then to continue the bombing unless there is some ulterior motive? What purpose does it serve to continue spending millions of dollars to support a dictatorial regime? What purpose does it serve to lose more pilots and other troops? These are the questions I have to answer each and every day, posed by those I represent.

Shall we sit by and do nothing while we are told all is going well? Congress is the only branch of Government authorized to conduct a war, if that is how we can truly refer to this situation. And Congress now has the opportunity to set a date for our complete withdrawal as the people demanded in 1968 and as they are demanding now.

It is not a case of leaving our allies defenseless. If Vietnamization has worked as well as we are told, then the Army of South Vietnam is one of the best-equipped in the world. All the more reason for us to withdraw and allow them to decide their political future. We have sacrificed more than any nation can be expected to sacrifice.

I call upon Members of this body to support the end-the-war amendment as a beginning in reordering our national priorities and the start of new national pride in America by its people.

Mr. KEMP. Mr. Chairman, I find myself opposed to section 13, the so-called Hamilton provision, for a number of reasons.

Looking back over the past year I think we can all be gratified over the significant new era in foreign affairs which our President has initiated through his visits to China and the Soviet Union. The President has succeeded in reversing the sterile attitudes inherited from the days of the cold war and in moving toward a significant reduction of the tensions which have dominated international relations. These developments have been widely applauded, not only here at home but throughout the world community.

It is incumbent on us now to consolidate these important advances by achieving peace—a just and a real peace—in Indochina. Any Indochina solution short of this would undercut these recent historic breakthroughs in world relations that offer such great promise for the future.

Frankly, I do not believe that the provisions of section 13 would lead to the just and real peace that we are seeking in the area. The limited cease-fire proposed would not stop the fighting. Rather, conclusion of the arrangement envisaged would almost certainly lead to a renewed North Vietnamese effort to subjugate South Vietnam by force. Retention of this provision would represent a heavy blow to the South Vietnamese people at a time when they are literally fighting for their lives. Our abandonment of these valiant and long suffering people would little serve to enhance respect for the role of the United States at home or abroad.

President Nixon is now embarked on the most intensive and serious peace endeavors in Paris. He, like President Kennedy in the Cuban missile crisis, deserves bipartisan support. He has made a most reasonable and generous proposal on May 8 which might serve as the basis for discussions. The United States is now trying to determine whether Hanoi may finally be prepared to move in the direction of serious negotiations. There is a chance at least that this will happen since the enemy cannot but realize the futility of his military offensive as well as the changed international environment following President Nixon's trips to Peking and Moscow. Now is not the time to cut our bargaining leverage and undermine these difficult negotiations—which would be the effect of the Hamilton section. Now is the time to give every support to the President in his quest for a just and lasting peace in Indochina.

Mr. COTTER. Mr. Chairman, once again this House faces the issue of Vietnam. This is not the first time the Congress has expressed its dissatisfaction with the continuing conflict in Southeast Asia. Unfortunately, despite clear statements of both the Congress and the overwhelming majority of the American people, the fighting goes on.

I fully support this proposal to legislate a fixed withdrawal date for U.S. troops, subject only to the return of our POW's and the full accounting of those men missing in action. I have consistently supported this position since coming to Congress.

This Congress must act to end the killing and maiming in Southeast Asia. The President has been unable or unwilling to end the war as he promised 4 years ago. In 3½ years, while the administration has "Vietnamized" South Vietnam and "wound down the war," over 40 percent of U.S. casualties have occurred, 20,000 Americans have died, and countless Asians have been killed or wounded.

Is the cause of peace any stronger for our efforts in Southeast Asia? Is the security of the United States enhanced by these efforts?

Tragically, the answer to these questions is no. The war in Vietnam has accomplished nothing positive and has led only to a disasterous series of negative domestic effects, and an impediment to the efforts of our Nation and other world powers to achieve world peace.

The time is long past for the end to this war. Congress has the obligation to act to end it. We must make our peace today in Vietnam and get on with the business of creating a condition of stable world order and rebuilding our Nation.

I urge this Chamber to support the provision which will set a fixed date to end our military effort in Southeast Asia to cut off funds for that war. The interest of the American people, the interest of those fine young men who have fought and died in Southeast Asia, and most importantly the interest of those brave Americans in the prison camps of North Vietnam demand that this Congress act immediately.

Finally, Mr. Chairman, I want to congratulate the distinguished chairman of the Foreign Affairs Committee, Doc MORGAN. I believe that Chairman MORGAN deserves our support because of his efforts in bringing this legislation before us today. The gentleman from Pennsylvania has heard this Nation's call for peace and has heeded it.

I believe that section 13 of the bill before us is the most constructive amendment to date to end the war, and I insert in the RECORD at this time the wording of this amendment.

> SEC. 13. Notwithstanding any provision of this or any other Act, the involvement of United States land, sea, and air forces, for the purpose of maintaining, supporting, or engaging in hostilities in or over Indochina shall terminate and such forces shall be withdrawn not later than December 1, 1972, subject to a cease-fire between the United States and North Vietnam and those allied with North Vietnam to the extent necessary to achieve safe withdrawal of such remaining forces, and subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The accounting for the American prisoners of war and missing in action referred to above shall be subject to verification by the International Red Cross or by any other international body mutually agreed to by the President of the United States and the Government of North Vietnam.

Mr. WALDIE. Mr. Chairman, I have consistently voted against Department of Defense appropriations and foreign assistance appropriations since December 1969 as an expression of my total opposition to the Vietnam war. I hesitated to do so from 1967 through 1969 though during that period I was also in total opposition to our Vietnam policy. In 1969 I finally concluded the only expression of opposition to Vietnam that was meaningful for a Congressman was to vote against funds for that war. It was and is my opinion that the Constitution provides that control over the purse of the Executive by the legislative branch and if a Congressman truly wished to do all he could to end the war he, in all conscience, must vote against funding of the war.

I regretted that the parliamentary procedures prevailing did not permit separate votes on items within the military appropriations bill and the foreign assistance bill. There were and are many worthwhile programs within those omnibus bills that I personally support.

For example, I am convinced that our Nation's security is closely bound to a secure Israel; a secure Korea and other areas in the world.

I would have supported such items in these appropriations bills. Similarly, I believe a strong military is a necessary item of national security and there were many provisions in these bills that I would have supported to further that belief.

But I was not afforded the luxury of selecting the good from the bad. When the final vote was taken on all such appropriation bills, it always included an approval of Vietnam-related expenditures. I believed during those years that it was more important to register as strongly and constitutionally as I could, my objections to the Presidents' war in Vietnam whether that President was Johnson or Nixon.

I still despise that policy. I still abhor the persistence of President Nixon in sacrificing American lives and dollars; in destroying a culture of long duration, for no discernible American purpose other than the ignoble one of "saving face."

But I now believe the Mideast situation has become critical. I am alarmed by the bellicose statements of Egypt's leaders of late. I am concerned that any lessening of American support of Israel would encourage Egypts' leadership to prolong the tensions and the peril of the present situation involving Israel and the Arab countries.

I am hopeful that understandings will ultimately prevail in the Arab leadership that beginning negotiations directly with Israel is the only route to a successful and just resolution of the differences existing between the states involved.

That such negotiations is the only course that will enable the peoples of that area to live in peace, in harmony and in dignity.

Such understandings will not come to pass if American resolution on behalf of the integrity and security of Israel is deemed by Arab observers—or Russian observers—to be faltering in any substantial way.

South Korea and North Korea now seem to be taking small but important steps that are in the direction of lessening the tensions between those nations. Perhaps the dream of all Koreans is a little closer, that being the unity of Korea and the Korean peoples into one nation once again. But certainly these small indications of a lessening of intransigence on the part of the North Korean leadership would not have occurred had any lessening of resolve on the part of the United States to insist on the integrity and the strength of South Korea been discernible.

These events seem to me to be hopeful and encouraging.

The defeat of the foreign assistance bill might very well be interpreted by observers as a lessening of the will of America to assist its friends; Israel and South Korea.

Though I remain adamant in my view that the Vietnam war is a disaster for America, I now believe at this critical juncture that an even greater disaster might be threatening; namely the renewal of the Mideast war and the renewal of the Korean war if tensions in those areas are not diminished.

I will vote for the Foreign Assistance Act in its final form though I will do all possible to enact the proposed end the war amendment to that act.

Mr. ADDABBO. Mr. Chairman, I rise in support of the end the war provision contained in H.R. 16029, the Foreign Assistance Act of 1972, and to urge my colleagues to vote against a further amendment to be offered to change the date of October 1 established by the Committee on Foreign Affairs. This important provision was included in the legislation before the House following an expression of support for an end the war amendment by the House Democratic caucus. That expression of support represents, in my opinion, the feeling of an overwhelming majority of Americans who are frustrated and tired of the continuing U.S. military involvement in Indochina.

There is no logical reason, other than the most partisan one, why the administration should oppose this provision for it is consistent with the stated objectives and policies of the President and consistent with Vietnamization of the war. The Congress has a responsibility to express its desires and to see to it that the President does not cease or change the withdrawal of U.S. troops from Indochina.

The end the war amendment is contingent upon the release of U.S. prisoners of war and upon an internationally supervised cease fire in Indochina. This affords more than adequate protection for any alleged U.S. interest in that area of the world. Last week the other body passed a similar but even stronger end the war amendment calling for total U.S. troop withdrawal based only upon the release of prisoners of war. I hope that this Chamber will concur with the Senate and make clear to the President the will of the Congress.

The question of a date for withdrawal should not be a controversial subject as this provision is drafted because the entire provision is contingent upon the release of prisoners and the establishment of a supervised cease fire. For that reason, we should be more than willing to meet our part of the bargain within weeks rather than months. I therefore will vote in favor of the end of the war provision and against the proposed amendment to change the date for withdrawal from October 1 to December 1.

Mr. Chairman, in recent years the number of Members of the House voting to support various end the war amendments has consistently increased reflecting concern among all Americans for a speedy end to this tragic war which has claimed more than 50,000 American lives and countless Vietnamese lives. The policy of Vietnamization has been slow to implement as illustrated by the loss of more than 20,000 American lives in the past 3 years. It is time for Congress to end U.S. participation in this tragic war and to present a clear and unequivocal position to the President. I have voted for a number of the end the war amendments in committee and on the House floor and I will continue to support such measures whenever the opportunity to do so is presented. May this be the winning opportunity and may we in the House respond by calling for an end to the loss of American lives and the disruption of American homes.

Mr. MONAGAN. Mr. Chairman, I support the Hamilton amendment and I am going to vote against the motion to strike this amendment from the bill. I voted for the amendment in our committee where it passed by a vote of 18 to 17. The amendment constitutes a strong statement to the President that in our opinion the people of the United States want a prompt and complete ending to our military involvement in Vietnam. It provides that U.S. military involvement would terminate on October 1 on condition that American prisoners of war be released that a cease-fire between the United States and North Vietnam be arranged to achieve a safe withdrawal of U.S. forces.

I supported the amendment to change the date from October 1 to December 31 but this proposal was defeated.

The resolution when it was originally proposed accorded with the time period set by the President and it should be noted that the language of this section includes a cease-fire even though one different in character from that advocated by the President. Also contained in this section is the vital condition that American prisoners of war be released.

I believe that the great majority of the people of this country support the objective of terminating the war and would find such termination acceptable if reached on the conditions which I have set forth in section 13 of the bill. This judgment has been recently confirmed by the results of a questionnaire which I sent to all the people in my congressional district about 2 months ago and to which 68.2 percent of the first 1,000 responding favored the setting of a specific date for complete withdrawal of all American forces contingent upon the release of the prisoners of war.

I realize that to some extent any action here is an action which cannot be translated into results. The capacity to achieve results rests solely with the President. Even if this language were to remain in the bill and be passed into law the President could veto the bill and quite probably would do so. Nevertheless, it does seem to me that our passage of this bill would constitute an admonition to the President that action is demanded and that the time has come to bring our activities in Vietnam to a conclusion.

I have come to this position by a slow and somewhat painful process but I have held it for some time and I take this position without any feeling of disloyalty or lack of patriotism.

The policy of bombing Hanoi into submission has been tried by two succeeding administrations of different parties. It has recently been carried on with ferocious intensity but it has not brought any solutions and it seems clear that it will not bring the solution which the President has proclaimed as necessary. Of course, the private approaches of the President and Mr. Kissinger have in the past been characterized by a greater willingness to compromise and this may well be the case in the current exchanges.

As an expression of my personal views and what I consider to be the opinion of the majority of the people of the country I support the language of the bill and hope that it will remain in the law as a statement of the intent of the Congress.

Mr. FRENZEL. Mr. Chairman, I support section 13 of the Foreign Assistance Act, the Whalen-Hamilton provision to terminate U.S. involvement in the war in Indochina, including the amendment by the authors to move the deadline to December 31, 1972. I concur in the belief that setting a postelection termination date would eliminate any possible political implication the earlier date might have had.

I have stated many times in the past, and repeat today, the importance of Congress playing a role in ending the war in Indochina. I applaud the President for his many efforts to end the war. I know his serious negotiations in Paris have been rebuffed by the North Vietnamese. But I feel that the United States should provide the new inputs included in this section into the deadlocked Paris peace talks to achieve real progress.

An important bargaining point in the bill is the request for a cease fire to the extent necessary to protect our withdrawing forces. However, I do not support efforts which would attempt to provide for a total cease fire. Not only have the North Vietnamese refused to accept a total cease fire in the past, but any of us would be hard pressed to define a total cease fire, and describe exactly how it would be accomplished.

Section 13 provides the best alternative so far for Congress to participate in the ending of the staggering U.S. commitment of manpower and resources to the seemingly never-ending war in Indochina. I would urge my colleagues to support its passage, with only the change in deadline.

Mr. HANLEY. Mr. Chairman, I do not intend to support the Hamilton-Whalen end the war amendment attached to this Foreign Assistance Act.

In view of my past support for several similar amendments, I feel that a statement on my part is in order. First, my personal views on the war in Vietnam remain unchanged. The United States should end its participation in the war by negotiating a cease-fire and having all U.S. prisoners returned along with a full accounting of those who are missing in action.

A number of things have changed since the House last voted on an end-the-war amendment, but the most important factor is that the President's personal representative, Henry Kissinger, is deeply involved in secret negotiations with representatives of North Vietnam. These negotiations resumed after the House vote on the so-called Harrington amendment, and they are the first glimmer of hope we have had since the President resumed full-scale bombing of North Vietnam and mined the harbors.

Because negotiations are underway now, I feel that it is a mistake to vote on the Hamilton-Whalen amendment at this time. It is important to remember that the conditions set forth in the amendment are similar to the ones stated by the President. They are conditions which can be met only through the process of negotiation. They are conditions which will have to be agreed upon. If there is no negotiated agreement, there will be no end to the war under the terms of the Hamilton-Whalen amendment.

In other words, at this juncture, the amendment has little meaning, because it adds little to the present negotiations. However, it is open to the misinterpretation that it is an effort to tie the hands of the President at the negotiating table.

Such an interpretation of the amendment is wrong and grossly unfair, but it will be made. The President is firmly in command of the negotiating process, and it should be evident that he desperately wants to reach an agreement.

In my view, then, Congress is well advised to give the President an unencumbered opportunity at this crucial juncture in the negotiations to reach a settlement. Even though the talks in Paris are secret, we are given to believe that a breakthrough is in the offing, and the President has made it clear that he does not want to see a division created between Congress and himself at this point in the negotiations.

I feel that Congress can best cooperate with the President by supporting the current round of negotiations and by praying fervently that there will be an agreement. If there is no agreement, no settlement, the American people will have an opportunity in 3 months to express themselves on the way to end the war. They may give their stamp of approval to the President's approach or they may reject it. However, it will be their decision.

I continue to believe that Congress has an obligation to make contributions toward a settlement, particularly when there is little hope that progress is being made.

Mr. SYMINGTON. Mr. Chairman, I support section 13 of the bill because it expresses in a practical and not damaging fashion what the American people want from this Congress. The argument has been made that the Congress ought to give the President a free hand in the current negotiations. That principle is a noble one which has stood the test of many years and many wars.

At one time it even stood the test of this one, or so it seems. At any rate, in my view, it no longer does so. It should recede, I think, before the steadily advancing tide of public disappointments, frustration, and incredulity. The public continues to hope that the President can extricate us from this war, but it no longer has the confidence that he can do so without assistance from the Congress even if that assistance should take the form of broadening negotiating options he would prefer to narrow.

Section 13 gives him this opportunity. He can reject it. He can veto the bill. He can refuse, as he so often says, to take the easy road, and he can limit his offer and counteroffer in Paris to those which spring full blown from his own mind. In doing so he would be making a judgment which all of us would have to respect as being his best judgment in the premises. That the best judgments of American Presidents serving during this conflict have presented the Nation with a huge war debt, inflation, inattention to domestic needs, a historic balance of payments deficit, great loss of blood, treasure, and confidence of our people old and young in the "system," does not diminish the right and duty of the incumbent President to exercise his judgment. But neither does it absolve the people and their other elected representatives, the Congress, from offering alternatives to that judgment where they feel and feel deeply that such alternatives are essential to our security and welfare.

Thus to declare, or even ruefully wish, the matter could be considered outside of politics is to complete the gratuitous slander accorded over the years to that exercise of human will, intellect, and organization which made Athens great and freedom forever grateful.

Yet should there be regret that this question is raised during an election period, whose fault is that? Certainly not that of the Members of Congress who have raised it every year since this administration took office. Their voices have been clear enough in nonelection years to be heard by the public, yet not persuasive enough to move the President. Very well, what is the axiom of election protocol that should silence them now?

Are we all subject to the rules of some kind of political parchesi where the President's piece periodically moves onto safe spaces, untouchable, and arrives at 1 to 3 months prior to the date of his reelection? No, I think it is fitting, albeit ironic, that the President's campaign pledges of 4 years ago must be redeemed with firm congressional help 20,000 combat deaths and $60 billion later, and within 2 months of the next election.

Moreover, unless some such effort is made, what is to dissuade the next administration from pursuing a similar course? To those who would say "it cannot be," I would refer the record. It has "been" and could well "be" again unless we stand by section 13. I said at the outset that the section was practical and not dangerous. It is not dangerous because it widens the President's options. It does not diminish them. It is practical because it assures every objective America could reasonably define at this juncture—withdrawal, a cease-fire to protect it, return of the prisoners, and an accounting of the missing in action. Those who argue that a limited cease-fire would not stop all killing must be reminded that there is no purely American initiative that can accomplish that miracle. There is no "made in U.S.A." seal of Good Housekeeping that can serenely resolve struggles and ambitions whose roots extend deep in time and history, predating the Caribbean landfall of the Santa Maria by 1,000 years or more.

That being so, what is the obligation of Congress as an institution invested with the power and duty, as and when necessary, to levy taxes, raise armies and declare war? What is the obligation of the individual Member such as myself who was grilled by a skeptical electorate 4 years ago, and specifically asked by it what I would do "to end the war"? What of the congressional class of 1970, which just 2 years ago, after the undeclared wars in Cambodia and Laos, became answerable to an even more demanding constituency which insisted on firm pledges and early action to end our participation in that struggle?

Should we have promised only to affirm Presidential initiatives smoothly described by generals with maps and pointers, and expertly explained by a Presidential assistant virtually unknown to the general public before Mr. Nixon took office? Was that our mission? Or was it to study to the limit of our means and resources, the likely consequences of various approaches to the cessation of America involvement, choose one that appeared to be the least harmful, and argue for it?

What magic has attached to any Presidential approach to this war that renders it so compelling in concept, and so sure of success as to warrant cheers from this body, or even silence for that matter? I say if Presidents want this kind of blind support for undeclared war policy they had better fashion one that can be grazed at least by the wide, groping sweep of our white cane.

No; this President of ours, who boasts of his deescalation, has, in the name of American honor, unleashed naval and air actions unprecedented in fury and risk in our entire history. Should it bring our small but determined enemy to his knees, before November, we shall be grateful for release from the bondage of this war, of course.

Whether we will or should be satisfied that the result, and the form it takes, justify the blood and treasure spent to achieve it, is quite a different question. It is a question whose answer we once again anticipate by trying at long last to share in the lonely burden of decision. If "victory" it is to be, only history can define its parameters. Let us hope it does not occupy the niche preempted to date by King Pyrrhus of Greece.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New Hampshire (Mr. WYMAN).

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. BOLLING).

TELLER VOTE WITH CLERKS

Mr. HOSMER. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. HOSMER. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. BOLLING, HAMILTON, FRELINGHUYSEN, and FASCELL.

The Committee divided, and the tellers reported that there were—ayes 229, noes 177, not voting 27, as follows:

[Roll No. 316]

[Recorded Teller Vote]

AYES—229

Abbitt
Abernethy
Albert
Anderson, Ill.
Andrews, Ala.
Archer
Arends
Ashbrook
Baker
Baring
Belcher
Bell
Betts
Bevill
Blackburn
Boggs
Bolling
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Crane
Daniel, Va.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fish
Fisher
Flowers
Foley
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Garmatz
Gettys
Goldwater
Gonzalez
Goodling
Griffin
Gross
Grover
Gubser
Haley
Hall
Halpern
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Hastings
Hays
Henderson
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Kazen
Keating
Kee
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lent
Lloyd
Lujan
McClory
McClure
McCollister
McDade
McEwen
McFall
McKay
McKevitt
McMillan
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Mills, Md.
Minshall
Mizell
Mollohan
Montgomery
Murphy, N.Y.
Myers
Nelsen
O'Konski
Patman
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Price, Ill.
Purcell
Quie
Quillen
Railsback
Randall
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rousselot
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shoup
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Spence
Springer
Stanton, J. William
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NOES—177

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Begich
Bennett
Bergland
Biaggi
Biester
Bingham
Blanton
Blatnik
Boland
Brademas
Brasco
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Dellums
Dent
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Ford, William D.
Forsythe
Fraser
Frenzel
Fulton
Fuqua
Galifianakis
Gaydos
Giaimo
Gibbons
Grasso
Gray
Green, Oreg.
Green, Pa.
Gude
Hamilton
Hanna
Hansen, Wash.
Harrington
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Howard
Hungate
Jacobs
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Koch
Kyros
Leggett
Link
Long, Md.
McCloskey
McKinney
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Miller, Ohio
Mills, Ark.
Minish
Mink
Mitchell
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Perkins
Podell
Preyer, N.C.
Pryor, Ark.
Pucinski
Rangel
Rees
Reid
Reuss
Riegle
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Snyder
Staggers
Stanton, James V.
Steele
Stokes
Sullivan
Symington
Thompson, N.J.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Wolff
Yates
Yatron
Zwach

NOT VOTING—27

Aspinall
Davis, Ga.
Dowdy
Edmondson
Flynt
Gallagher
Griffiths
Hagan
Hébert
Hunt
Keith
Kluczynski
Lennon
Long, La.
McCormack
McCulloch
McDonald, Mich.
Metcalfe
Miller, Calif.
Nichols
Passman
Pelly
Pepper
Price, Tex.
Rarick
Rooney, N.Y.
Tiernan

So the amendment was agreed to.

Mr. ROUSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the defeat of the "end-the-war" amendment has strengthened my conviction that this bill should be defeated. This House has refused to take a positive legislative stand which would have supported our efforts to terminate our involvement in the war in Vietnam. For us now to vote $2.131 billion in foreign military assistance is to add insult to injury. We seem bent on pursuing a course which says "military action can solve the problems of the world." I do not believe it. At a time when we cry peace we are placing tools of war in the hands of those who find war to be a way of life. We set nation against nation. We insist on arming corrupt dictatorships. We provide for other countries that which they do not find important enough to provide for themselves. We are on a course which every day is impugning our credibility as a peace-loving nation. We have a determination to spend money we do not have on a program void of reason or understanding. Just yesterday we engaged in earnest debate as to whether to spend $1.8 billion more than the administration asked for for the health and education of the people of this Nation. There is a threat of veto hanging over that bill. The administration spokesmen who ask us to vote against funds for health and for education are now not just asking but are insisting that we now vote $2.131 billion in this bill for foreign aid. Where are our priorities? Which is more important, the health and education of the people of the United States or the furnishing of military assistance to Greece with its military dictatorship, or Turkey, or Thailand—the narcotics pipeline to America—or Cambodia? For me, the answer is not difficult. I would take the welfare and education of my people first. I shall vote against this bill and I urge my colleagues to do the same.

Mr. GROSS. Mr. Chairman, during the general debate on this bill and amid all of the amendments to the policy provisions of the bill, there has been almost no discussion of the amount of money that the House will soon be called to approve or reject.

This bill calls for $2.1 billion. The comparable figure for last year was $1.7 billion. Thus, we are seeing here today only part of the tip of the foreign-aid iceberg.

Adding economic assistance, which is already authorized and which was $948 million last year, the total in this bill would be $3.1 billion, a billion-dollar increase over last year's outlay—an increase that cannot possibly be justified.

There is no way that bills carrying this kind of an increase can be made to conform to the President's request for a $250 billion ceiling on expenditures in this fiscal year. There ought to be a drastic cut in the foreign-giveaway program, not an increase, and the President ought to have demanded it.

For 25 years, Mr. Chairman, and through the various foreign-handout programs, this Government, including Congress, has tried to be all things to all people. It has failed.

Foreign aid has made a contribution to the deficits and debt of this country of some $220 billion. It has made and continues to make a substantial contribution to inflation that has driven this country to the brink of bankruptcy.

Moreover, Mr. Chairman, the other body has defeated the counterpart of this bill, and I do not propose here today to breathe life into a foreign aid corpse that has been laid to rest in the Senate.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to my friend from Missouri.

Mr. HALL. I appreciate the gentleman's yielding, Mr. Chairman.

I join in the gentleman's thoughts. I am not much of an expert on icebergs or how to get rid of them, but I know a lot about amputation. Would the gentleman not recommend that we amputate this bill right after the enacting clause?

Mr. GROSS. That would be an excellent idea, the best suggestion I have heard today.

Mr. Chairman, I simply want the Members to be on notice as to what they will be voting on after the disposal of the next amendment.

Mr. Chairman, I am opposed to this bill.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am delighted now, after our recent differences to find myself again associated, I believe, in a bipartisan way with my distinguished friend the chairman of the Committee on Foreign Affairs. I am sure he will urge that this legislation be approved by the House.

I strongly hope that for the national security of the United States as well as the well-being of the free world this legislation is approved. I think it is in our interest and the interest of all free nations.

The amount of money that is authorized by this legislation, in my opinion, is necessary and essential. The Committee on Appropriations will have an opportunity at some subsequent date to pass judgment on the precise dollars, but we need this authorization and we need favorable action on this bill.

I plead particularly in this instance with my Republican friends and I hope that by an overwhelming vote the House of Representatives will approve this foreign aid military authorization bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 14. Section 5(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(a)) is amended by adding at the end thereof the following new sentence: "Section 10 of the Strategic and Critical Materials Stock Piling Act (60 Stat. 596; 50 U.S.C. 98–98h), as amended by section 503 of Public Law 92–156 (85 Stat. 423), shall apply to prohibitions or regulations established under the authority of this section only upon a determination by the President that the application of section 10 to such prohibition or regulations is required in the national interest of the United States.".

AMENDMENT OFFERED BY MR. DENT

Mr. DENT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DENT: On page 11, strike out line 7 and all that follows through line 17.

Mr. DENT. My dear colleagues, I do not intend to take a long time and belabor this question at any length.

While it is a later date, the issue is still the same; it is still the same issue that we discussed in this House at length, and by a large vote we decided in this House that the issue then was to be resolved by lifting the embargo on Rhodesian ore.

Opponents of American trade with Rhodesia in this area have once again introduced legislation seeking to prevent the importation of chromium from that country. The importation of chromium from Rhodesia is absolutely essential to the welfare, the security, and the well-being of this Nation of ours.

I know that there are some underlying emotions in this thing that deal with something other than economics, but in this day and age there can be nothing but the economics of this situation to be discussed here, and in my humble judgment, it will be decided upon that issue.

Immediately after the embargo was placed on chromium ore we were forced into the position of becoming entirely dependent upon Soviet Russia for our source of this very, very essential metal.

A minute ago or not more than 5 minutes ago, the Democratic majority leader spoke about his trip to Red China and in talking about it he made this remark: He said that he could tell us without divulging everything that was said in their 6½-hour discussion with the leaders of Red China that there was a real serious concern about Soviet Russia taking over many of the Eastern countries and moving in. Those remarks from the distinguished gentleman from Louisiana ought to give each and every one of us reason enough to accept my amendment, because if there is a threat in that direction, then what kind of a threat do you think it poses for this Nation that has become so entirely dependent for its source of chromium?

I have said on this floor before, and I repeat, no nation can survive in war, nor can it prosper in peace without specialty steel. A trip to the moon would still be only a dream. Our everyday lives would certainly be shallow if we did not have the capability of producing specialty steels.

The price of chromium went up over 100 percent within a few short months after the embargo was placed. Seven months ago the embargo was lifted. There have been only two small shipments from Rhodesia, but there was a reason for that, we have opened up our stockpiles, and we are going to diminish those stockpiles to a very dangerous low and make us even further dependent upon Russian ore unless you adopt my amendment.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. DENT was allowed to proceed for 3 additional minutes.)

Mr. DENT. Within a very short period of time after the embargo was lifted the price of chromium went down 7 cents a pound, $140 a ton, which took from Russia $50 million on the amount of sales they made into the United States of America.

Letters have been sent out to all of the Members that do not contain facts. It is said in those letters, for instance, that "We are only interested in protecting the holdings of two American companies in Rhodesia."

Let me give you the record. These two American companies in 1965, the year before the embargo was placed, produced 625,000 tons of chromium. In 1971, after the embargo had been on for 6 years, they produced 650,000 tons, because they had been taken over by the Rhodesian Government and operated by them. Rhodesia is working 7 days a week. There is not 1 pound of chromium ore above ground, it is being shipped out as fast as it is being produced. Sixty-five percent of all the chromium comes from Rhodesia. Who is using the chromium? If there is a sanction, and there are 104 nations of the U.N. against the purchase of this chromium, then where is it going? And included in these 104 nations are all the nations in the world that produce steel. They cannot produce it without Rhodesian ore. There are only two countries that make a direct embargo on purchasing directly from Rhodesia, and yet these two countries have had to buy Rhodesian ore through a third-party nation. If you really want to put an embargo and you mean to put a social aspect upon it, and I do not say that is wrong, there is only one thing to do, if you defeat this amendment, then pass the next amendment that I will give you, and that amendment will bar the importation of any chromium ore or chromium products, before or after manufacture, that contain within them Rhodesian ore. Then if you place that kind of a sanction it is meaningful to those people, and you will have a sincere and honest motive in voting for an embargo, or in trying to keep an embargo.

But this is a farce. The only sanctions that have been placed by the U.N. are upon the American steel industry, and upon the American workers. That is exactly how it has reacted; that is all it has been.

I have been told that it does not mean anything to a worker, but the regional director of the steelworkers in my district—where I have five plants that produce specialty steel—sent me a telegram, and said flatly, "I urge you to defeat section 14."

I ask the Members to support my amendment.

Mr. FRASER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the Committee, it would be a tragedy if this Committee were to vote on this amendment under the representations that have just been made by our distinguished friend, the gentleman from Pennsylvania (Mr. DENT).

Let me make very clear what this section says, and what the Dent amendment would strike out. The Committee language says the President shall have the discretion to determine whether in the national interest we are required to observe United Nations sanctions against the importation of chrome ore or whether in his judgment the United States should not be compelled to observe these sanctions.

That is the only issue before the committee this afternoon.

Do you want to give the President some leeway—some discretion—to determine what the national interest is? Or do you want to adopt the amendment of the gentleman from Pennsylvania (Mr. DENT) which takes that discretion away and mandates that the United States shall be in violation of international law—in violation of its obligations under the United Nations Charter and in violation of a commitment to the world community.

Who has the greatest interest in what goes on here? Well, you would think that the people who work in the steel plants have that interest.

I have received a letter from Mr. I. W. Abel, president of the Steel Workers. He says that the United Steel Workers of America support the intent of the embargo and its continuation.

Now mark you—we are not saying that we want the embargo to continue as a matter of law.

All we are saying is that we want to restore to the President the right to make that decision as to what the national interest requires.

If you pass the Dent amendment, you destroy that discretion and you force the President and this administration to violate international law, no matter what the findings are that they may make.

Now note one other thing. Imports from the Soviet Union of chrome ore were about at the same level in 1971 as they were before sanctions were imposed.

The fact of the matter is that the Soviet Union is no more an important source of chrome under the sanctions than it was before the sanctions began.

One of the principal reasons is that Turkey has built up its production of chrome ore and is now a major supplier for the United States.

Now I might say, my friend, the gentleman from Pennsylvania, says that what we ought to do then is to bar the import of steel products which contain chromium which comes from Rhodesia. I do not think that is such a bad idea and I think that is perhaps something that we should explore. Because you know what is at stake here. We are dealing with the question of whether the United Nations is ever going to have the capacity to deal with international problems short of the use of force.

Remember the League of Nations days when Italy invaded Ethiopia and the League of Nations imposed sanctions on Italy, and then there was a disregard because of economic considerations. That spelled the end of the League of Nations and it spelled the end of collective security.

This is precisely the same issue that we have here today. Are the interests of Union Carbide and Foote Mineral, two steel companies in the United States, to determine the U.S. policy in this field irrespective of the findings of the President?

I hope this House will not agree. Let us give the President some discretion. Let us let him comply with these sanctions if he finds that compatible with our national interest. And if he finds he must ignore or violate the sanctions then let us give him that discretion as well.

Mr. REID. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. REID. Is it not true that if we are to be one of three member nations of the U.N. in open violation of international law that our relations with Africa would clearly suffer and our moral position in the world would be partly undermined?

But more than that—is it not true that the United Steel Workers——

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(Mr. FRASER (at the request of Mr. REID) was granted permission to proceed for 2 additional minutes.)

Mr. REID. If the gentleman will yield further, is it not true that the steelworkers union in its letter to you stated:

> It may be argued that as Americans we should have no concern for the rights of people in other nations.

So be it, but the United Steelworkers of America think we do, and for that reason it supports the United Nations sanction. Finally, did not that same letter make this point:

> The issue is not whether the imports of chrome would affect American steelworkers' jobs in the specialty steel industry. The union maintains that it is the importation of specialty steel itself that affects jobs and not the importation of chrome ore. It seems to me the steelworkers' position is clearly in support of sanctions and clearly in support of the United Nations keeping its pledge to the United Nations.

Mr. FRASER. The gentleman is quite right. Against the Dent amendment are the AFL, the Steelworkers, the Foreign Affairs Committee. Who is for the Dent amendment outside of Foote Mineral and Union Carbide?

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from California.

Mr. MAILLIARD. I just rise to say that I agree with the gentleman. There is only one central issue if we are going to be a member of the United Nations: Are we going to abide by the provisions of the charter or are we by law going to take exception to the charter?

I realize the Congress made this judgment, but I think it is the wrong judgment, and if we proceed logically it gives the United Nations absolutely no means by which to bring any pressure to bear in international problems except by resorting to force. I think that is just most unfortunate.

Mr. FRASER. I thank the gentleman. I hope that will sustain the position.

Mr. BURKE of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the motion by my colleague from Pennsylvania to delete section 14 from the Foreign Assistance Act of 1972, H.R. 16029, and thereby enable the United States to continue purchasing chrome from Rhodesia.

I was the sponsor of bill, H.R. 10836, which was identical to the Byrd amendment to the military procurement bill last year which amended the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition of the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law.

Section 14 of H.R. 16029 does not directly repeal the law passed last year—the Byrd amendment—it leaves the issue up to the President. The aim of the sponsors and supporters of section 14 however, is clear. They intend it to stop the imports of Rhodesian chrome.

The Department of State supports section 14 because they say we are now under heavy criticism in the United Nations and that our relations with key African states are subject to considerable strain as a result of our purchases of chrome from Rhodesia.

Economic sanctions are not particularly successful diplomatic weapons. The U.N. sanctions against Rhodesia can probably be regarded as a failure. The Rhodesia sanctions have been in effect, almost 5½ years without, apparently, achieving their objective. The sanction has been frequently violated. More than 110 cases of sanctions violations have been reported to the U.N. Sanctions Committee, including 32 which deal with chrome.

Sir Alec Douglas-Home, the British Foreign Secretary, told Parliament on June 12, 1972, that "exports from Rhodesia have recovered to 97 percent of what they were before sanctions were imposed." He also told Parliament:

> A lot of exports are going to countries which are members of the United Nations and which are supposed to be supporting the sanctions. That is beyond dispute; 170 recommendations have been made that breaches of sanctions should be looked into and in only four cases, have prosecutions been made.

There are important national security considerations involved in our current reliance on the Soviet Union for the bulk of our national needs for chrome. We have no domestic production of chrome ore. The only domestic source for chrome is from disposals from the U.S. stockpile of strategic and critical materials. The Soviet Union was the source of nearly 60 percent of U.S. chrome imports in 1969 and 1970. The Russians supplied more than 40 percent in 1971. The other major suppliers were Turkey and South Africa. The purpose of the U.S. stockpile is defeated by reliance on the Soviet Union as a major source of chrome.

Like other minerals, chrome must be mined where it is found. Most of the major sources of metallurgical grade chrome ore are countries with which the United States may have moral or political differences. Rhodesia and South Africa are both under the control of governments which practice discrimination against blacks. The Soviet Union, of course, discriminates against Jews, Lithuanians, and many other racial and religious groups. The United States, to put it plainly, would cut off its nose to spite its face if we refused to buy chrome produced in countries whose policies we do not agree with.

As the dominate supplier of chrome, the Russians have driven the price from a presanction level of about $25 per ton to a 1971 high of more than $61 per ton. Witnesses from the American Iron and Steel Institute testified before Congress that this increase in the price of chrome cost U.S. consumers of stainless steel more than $100 million a year.

The U.S. consumption of metallurgical grade chrome was 911,000 tons in 1970. Most of this went into stainless steel and other types of high performance steels. There is no adequate replacement for chromium in the manufacture of these steel products.

About 10 percent of the domestic production goes directly into military and defense applications. In the electric power generating industry, stainless steel is required for steam turbine blades because of its corrosion and heat resistance properties. Stainless steel is essential to many transportation uses including jet engine components. Stainless steel is also used in industries where cleanliness and sanitation are critical because of its corrosion resistance. Household appliance and kitchen tools also use chrome, but only about 5 percent of the domestic production.

Regrettably, foreign producers of stainless steel have increased their penetration of the U.S. steel market. This is due in part to the fact that they benefited from the sanctions against Rhodesia by buying from Rhodesia in defiance of the U.N. sanction. In 1971, imports of cold rolled stainless steel sheets accounted for 32.9 percent of the domestic supply, imported stainless steel wire for 48.3 percent of domestic supply, and imports of stainless wire rod for 46.3 percent of the domestic supply. Clearly, imports at this level have a serious impact on employment and production in the domestic steel and ferroalloys industries.

The effect of the U.N. sanction has been to help foreign competitors of the U.S. steel industry and to hurt the domestic economy. What is more there is some reason to believe that the U.N. sanction has not hurt the Rhodesian economy at all.

In the presanction era, chrome exports accounted for only 2 percent of Rhodesia's export trade. In 1964, for example, Rhodesia's total exports were valued at $354 million but only $7 million came from chrome. Rhodesia has never stopped producing or marketing chrome ore and the Byrd amendment did not make more chrome ore available on the world market. It only enabled U.S. firms to legally import chrome that would otherwise have gone to other steel producing countries.

The Byrd amendment did produce a reduction in the world price of chrome ore. The published price of Russian chrome ore today is $7 to $9 per ton lower than the 1971 price. However, this reduction does not help Rhodesia, it helps the United States. Rhodesia is likely to receive a reduced amount of foreign exchange for the sale of its chrome ore.

I believe section 14 of H.R. 16029 is not only unwise but leads to a policy which is ridiculous. The purpose of any economic relations with a foreign nation should be to aid our own economic interests. Chrome is essential to our manufacturing. Why should we, therefore, buy chrome from the Soviet Union and elsewhere at higher prices than we can buy it from Rhodesia? Economic sanctions such as section 14 would impose are illogical and gain us nothing. Instead, they will tend to further impair our own international balance of payments and impair our own economy at home.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I may have the attention of the membership I promise I will not take the 5 minutes. I just want to correct the statement made by the gentleman from Minnesota about the importation of Russian chrome. The fact of the matter is that the importation of Russian chrome went from 210,000 tons in 1965, steadily upward, to 365,000 tons in 1970. As the United States became more dependent on Russian chrome, the price went up 200 percent. What happened when we started buying chrome from Rhodesia? The price dropped that very day 10 cents a pound.

The chairman of the committee is for this Dent amendment to strike this garbage out of the bill and let American industry be competitive with the industry in 38 other nations that are buying chrome from Rhodesia, all of whom belong to the United Nations.

Mr. CLARK. Mr. Chairman, I am in full agreement with the gentleman from Pennsylvania. I am presenting background and evidence as to why we should all support the Dent amendment.

AVAILABILITY OF CHROMIUM

Metallurgical grade chromite ore (45 percent or more chromium content) is found in relatively few places. Rhodesia, with known reserves exceeding 300 million long tons,[1] controls over 65 percent of the world's supply. The eastern bloc countries, including the Soviet Union, have reserves of about 26 million tons.[2] No chromite ore has been mined in the United States since 1961; this country is entirely dependent upon imports for its chromium requirements.

HISTORY OF THE RHODESIAN SANCTIONS

In 1965 Rhodesia unilaterally declared itself independent of British colonial control. After several months of unsuccessful negotiations, Great Britain requested the United Nations to impose economic sanctions against its former colony. A sanction resolution was adopted by the United Nations in 1966. By Executive order, President Johnson committed the United States to abide by the sanctions in early 1967.

Mr. CLARK. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Pennsylvania.

Mr. CLARK. Mr. Chairman, the sanctions resolution and concurrent Executive order effectively prevented all trade between the United States and Rhodesia. During the sanctions period, the United States procured increasing amounts of its metallurgical grade chromium requirements from the Soviet Union as illustrated by the following chart:

Imports of metallurgical grade chromite from the Soviet Union[3]—Year, gross tons, and percentage of all imports:

1965	210, 658	35
1966	251, 167	42
1967	267, 244	55
1968	299, 527	68
1969	266, 698	57
1970	365, 312	57

As the United States became increasingly dependent upon Russian ore, the prices for Soviet chromite rose over 200 percent.[4]

During the sanctions period, the American-owned Rhodesian chromium facilities continued to operate under Rhodesian Government control. Although Univex, the government corporation currently operating the facilities, has not revealed production statistics during the past 5 years, most observers[5] estimate the following:

	Tons
1965	625, 000
1967	350, 000
1968	420, 000
1969	400, 000
1970	550, 000
1971	650, 000

The price of Rhodesian ore increased slightly during the sanctions period, but was rarely more than half that charged by the Russians to U.S. consumers. In October 1971, the Senate adopted an amendment to the Military Procurement Bill (P.L. 92–156; 85 Stat. 423) which effectively lifted the embargo on Rhodesian chromium. This legislation became effective on January 1, 1972.

In May 1972, an amendment was offered to the Foreign Relations Authorization Act which would have reimposed the sanctions. By a vote of 40 to 36 the Senate again refused to continue the embargo.

Currently pending before the House of Representatives is a provision which would seriously compromise the present lifting of the Rhodesian sanctions. Section 14 of the Foreign Assistance Act of 1972 (H.R. 16029) would require reimposition of the embargo unless the President determined it is in our "national interest" not to abide by such sanctions.

ISSUES

Several basic issues are raised by the pending legislation.

1. ESSENTIALITY OF CHROMIUM

Chromium is one of the most important strategic materials. In 1939 it was the first metal to be designated for stockpiling by Congress. The Bureau of Mines has noted that—

> Chromium is a strategic and critical commodity, essentially steel oriented, whose importance to defense and industrial needs is unlikely to diminish by the year 2000. Stockpiles of both ore and alloys will remain a necessity and foreign relationships with producing countries will remain essential to insure a continued supply.[6]

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[1] *Bureau of Mines Bulletin 650*, 1970 Edition, Mineral Facts and Problems at p. 251.

[2] *Id.*

[3] FT–246, *Imports, TSUSA*, Department of Commerce, Bureau of Census, 1965–1970.

[4] See appendix A.

[5] *See, e.g., Washington Post*, November 21, 1971, p. A-8; Metal Statistics 1972, *American Metal Market*.

[6] Bureau of Mines Bulletin, *supra*.

2. THE SOVIET UNION AS A SOURCE OF SUPPLY

Not only is our current dependence upon the Soviet Union for this critical material questionable from a national security perspective, but the Russians have exploited their position as prime suppliers, to the detriment of American consumers. While world prices—primarily Rhodesian—for chromium remained relatively stable during the sanctions period, the price of Russian ore skyrocketed. As soon as the embargo was lifted in January, 1972, the price of Russian chrome dropped over 35 percent. This price decrease was not due to increased U.S. imports from Rhodesia; our trade with the Soviet Union has continued at about sanction levels and only two small shipments of Rhodesian ore have been imported in the past 7 months. The price drop was caused by the destruction of the Russian monopoly, graphically demonstrating the huge profit margins the Soviet Union made on United States sales during the sanctions period. I urge the adoption of the amendment.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, let us cut right through the verbiage and get down to the facts. This amendment is before us because Rhodesia is largely black and its government is white. As a result of this the United Nations imposed sanctions and we were stupid enough to embrace those sanctions. It is to our advantage to trade with Rhodesia for a very particular reason—strategic materials. I do not know why we should be bound to the semantics of the United Nations. Everyone knows they are meaningless. Other nations do a thriving business with Rhodesia even though they are members of the U.N. France and West Germany are good examples. Never mind what the official records show. In Rhodesia you can see the name of the country of origin on the rolling stock, the machinery and equipment which are pouring in. Other nations trade with Rhodesia simply because it is to their advantage to do so.

How far are we prepared to go in protesting government by minority groups? Are the proponents of this amendment ready to offer an amendment to stop trade with Russia? Russia has a minority government. The Russian Government is all Communist in its makeup, but there are only a few Communists in Russia. If we are going to be consistent, let us send the Russian Ambassador packing, stop all the efforts toward world peace and trade with that nation.

The Byrd amendment permits U.S. firms to resume importation of chrome from Rhodesia despite U.N. sanctions. The amendment before us would put us right back where we were. It would stop importation of critical materials from Rhodesia. We must have chrome.

Do you know who will be the principal beneficiary under this amendment? Red Russia, the nation which still plans to destroy the American system of free enterprise. During the time that we were not buying chrome from Rhodesia we were buying from Russia, but we were paying twice as much. Many people will tell us we were buying Rhodesian chrome through Russia and Russia was making a whopping profit. The price has gone down because we opened the market to Rhodesia. Let us have the commonsense to place America's interests first and not be led around by the nose by the U.N. which never places America's interests first.

Mr. Chairman, may I say I also have a copy of a letter from the Steelworkers and I note this in the closing paragraph:

> The debate on the embargo should turn on its effectiveness as a tool and our responsibility as a Nation.

The embargo was not effective. We have a responsibility to America to look after America's interests. That means we should vote for the Dent amendment.

Mr. HAYS. I will just say in closing, Mr. Chairman, I have a great deal of fondness and respect for I. W. Abel. He was born and grew up in my district. I attended only 2 weeks ago tonight a big homecoming for him in the little town where he was born, the biggest thing they have ever had.

I am one of two people from Ohio who have a 100-percent vote, according to the AFL–CIO. Of course, I voted for the SST and I voted for a few other things, to make jobs, and that is how I got that rating.

But this is one time I am not going to pay any attention to the letter from the AFL–CIO. I am going to vote for American jobs and American industry and against the exportation of them to other countries.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Pennsylvania.

Mr. DENT. I just want to say that jobs have been mentioned, and who should know better about jobs than a man who has five plants in his district. I called one plant yesterday. At the first of the year, before the embargo was lifted, that plant had gone from 1,800 to 1,300 jobs. In tube steel that is a lot. By the time the embargo was lifted, the first of this month, they were back up to 1,500 jobs, and that is $2 million.

Mr. HAYS. I thank the gentleman.

Mr. DIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I recognize that at this hour further comments may be counterproductive, but I cannot help but rise to remind all of the Members that last night this House alined itself with the poorest, most imperialistic dictatorship in all of Western Europe when it supported the amendment to take out the references to the Azores.

Now my respected friend from Pennsylvania—and he is my respected friend from the State, the home of Foote Minerals, one of the two biggest beneficiaries of this entire Rhodesian chrome matter—wants us to aline ourselves with racist Rhodesia, where 250,000 immigrant whites control the body, the soul, the destiny of 5 million Africans.

That is what it is all about.

I would remind all of the Members, as the gentleman from Minnesota pointed out, this merely passes along to the President the discretion to use this provision when he feels it is in the national interest. So all the talk we have heard in the well here on this debate about jobs being jeopardized and about free American enterprise and all the rest is completely irrelevant, unless, of course, one lacks faith in the President of the United States in his use of this discretionary power.

I should like to say in conclusion that I am shocked by the silence on this side of the aisle, because I am unaware that the President or the Secretary of State or any other person who has anything to do with the whole complex of matters pertaining to this has been out here in support of the amendment being offered by the gentleman from Pennsylvania. On the contrary, they have worked vigorously to try to repeal the so-called Byrd amendment. This is not a repeal of that amendment. This gives them an opportunity for expression.

Mr. MAILLIARD. Will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from California.

Mr. MAILLIARD. I want to let the RECORD show no one on this side has spoken against the amendment.

Mr. DIGGS. I appreciate the gentleman's comment.

Mr. DICKINSON. Will the gentleman yield?

Mr. DIGGS. I yield to the gentleman.

Mr. DICKINSON. I thank the gentleman for yielding.

I would like to say it has been my observation in the almost 8 years that I have served here that any time a bill comes up and it cannot stand on its own merits there is always a tendency to make it race related, that is, between black and white, and I for one am tired of it. I will vote for this bill on its merits and not on that issue.

Mr. DIGGS. I hope the gentleman will vote for it on its merits. I did not inject this into the issue. It was injected into the issue by the gentleman himself.

Mr. DICKINSON. Who else did it but the gentleman in the well?

Mr. WAGGONNER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I find it rather amusing at this point to find some of the same people who just a few minutes ago on the so-called end-the-war amendment very much opposed to giving the President any discretionary authority that might benefit this country and now they turn around and take the opposite position and advance the argument that all they want to do is give the President the authority to do whatever he thinks is in the best interests of the United States.

Mr. ASHBROOK. Mr. Chairman, the closer one looks at the U.N. sanctions on Rhodesia, the more ludicrous the U.N. effort appears, and is. Several years ago the Indianapolis News ran a short, to-the-point editorial pointing out the double-standard tactic of clobbering the small, relatively powerless country while ignoring or explaining away abuses of giants such as the Soviet Union. The editorial follows:

A Double Standard

Does the United Nations Charter mean anything in the world body's deliberations?

One wonders in view of recent U.N. actions in the field of "human rights." Displeased by Rhodesia's restrictive voting policies, the U.N. has asserted the power to intervene in the country's internal affairs and initiated harsh diplomatic and economic sanctions. But in responding to "human rights" violations in the Soviet Union, the U.N. stated recently it has "no power" to interfere with a nation's internal policies.

In October, relatives of imprisoned members of Russia's so-called "dissenting Baptists" denomination presented the U.N. documentary evidence of suppression of religious freedom by Soviet authorities. They told of members sentenced to prison for exposing children to religion, prayer meetings broken up by police, homes and personal property of believers confiscated, and a group of Baptists beaten when they petitioned for redress of grievances.

In January, the U.N. acknowledged receipt of the appeal with a one-paragraph letter stating the world body has no authority in this area. The "dissenting Baptists" were told that "the Commission on Human Rights recognizes it has no power to take any action in regard to any complaints concerning human rights."

The statement is, of course, impeccably accurate. The U.N. Charter forbids the organization to involve itself in a nation's internal affairs.

In its relations with Russia, the U.N. has acknowledged this fact. We wonder if the world body will now apply the same standard to Rhodesia and lift its illegal economic and diplomatic sanctions.

To put the situation in proper perspective as it relates to section 14 of H.R. 16029, which has been under consideration for several days by the House, the text of the so-called Rhodesian amendment reads as follows:

Sec. 14. Section 5(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(a)) is amended by adding at the end thereof the following new sentence: "Section 10 of the Strategic and Critical Materials Stock Piling Act (60 Stat. 596; 50 U.S.C. 98–98h), as amended by section 503 of Public Law 92–156 (85 Stat. 423), shall apply to prohibitions or regulations established under the authority of this section only upon a determination by the President that the application of section 10 to such prohibition or regulations is required in the national interest of the United States.".

As explained in the report on the bill, section 14 of the bill amends the United Nations Participation Act to provide that section 10 of the Strategic and Critical Materials Stock Piling Act as amended, shall apply to prohibitions or restrictions established pursuant to the former only upon a determination by the President that the application of section 10 is required in the national interest of the United States. The effect of this provision is to restore the President's authority to prohibit or regulate the importation into the United States of strategic materials from such countries as Southern Rhodesia when the United States is obligated to control or prohibit such importation as a consequence of the conditions of membership in the United Nations.

When Rhodesia declared herself to be independent of Great Britain in 1965, the British requested the U.N. to impose economic sanctions against her former colony. In 1966, the U.N. adopted a "sanctions resolution" which was followed in early 1967 by President Johnson's Executive order, thus committing the United States to follow the U.N. action.

The U.N. resolution and President Johnson's Executive order effectively boycotted all trade between the United States of America and Rhodesia.

However, in October 1971, the Senate adopted an amendment—by Senator Harry F. Byrd, Jr.—to the military procurement bill (P.L. 92–156; 85 Stat. 423) which lifted the embargo on Rhodesian chromium, effective January 1, 1972.

In May 1972, an amendment was offered to the Foreign Relations Authorization Act which would have reimposed the sanctions. The Senate rejected this new anti-Rhodesian amendment to restore the embargo.

The United States is entirely dependent upon chromium imports for its requirements and has been since 1961, the last year that the ore was mined domestically.

Chromium is a strategic and critical commodity, according to the Bureau of Mines, and its importance to defense and industrial needs is unlikely to decrease by the year 2000. Its vital necessity is testified to by the fact that it was the first metal to be designated for stockpiling by Congress in 1939.

Metallurgical grade chromite ore is found in but few areas. Rhodesia's known reserves, exceeding 300 million long tons, represent over 65 percent of the world's supply. By contrast the U.S.S.R. and its Eastern European satellites have reserves of 26 million tons.

From 1965 to 1970 the United States became increasingly dependent upon Soviet ore—which is a much lesser quality ore—as imports from the U.S.S.R. increased from 210,658 to 365,312 gross tons during that period. This represented, as a percentage of all imports from the U.S.S.R., an increase of 35 percent to 57 percent.

As the United States became increasingly dependent upon Soviet ore, the prices for Soviet chromite rose over 200 percent. The American-owned, Rhodesian chromium facilities, which continued to operate under Rhodesian Government control during the U.N. boycott, only increased their prices modestly but was rarely more than one-half those charged by the U.S.S.R. to U.S. consumers. The skyrocketing Soviet ore prices decreased only after the embargo was lifted in January 1972. However, the drop in Soviet prices was not caused by any significant increase in Rhodesian ore imports here, but by the destruction of the U.S.S.R. monopoly caused by the huge profits realized by the Soviets which were made on U.S. sales during the embargo period.

The U.S. economic problem has been compounded as a result of the sanctions against Rhodesia because other major Western Powers who compete with the United States in products containing this metal have reportedly not been abiding by the U.N. resolution. Our loss has been their gain thus placing this country at a severe competitive disadvantage in such areas as the specialty steel industry. This industry, to mention but one, employs over a quarter million workers whose jobs are now threatened by low-cost imports from Western producers of such commodities as stainless steel products.

The embargo on Rhodesian chromium has benefited, in short, only the U.S.S.R. chromium-using industry, and the foreign steel producer.

The U.N. resolution has done more harm to the United States than to Rhodesia whose government has not fallen as expected—and doubtless will not because of the increasing interest shown in that area by European and Japanese producers, U.N. members have purchased millions of dollars of Rhodesian products annually and are, therefore, in no position to demand of this nation that which they refused to deny themselves. Who are the largest exhibitors at Rhodesian trade fairs? The Germans and the French. Who has recently constructed a modern ferrochrome facility in Rhodesia? An Italian consortium.

It was stated that if the United States breaks the Rhodesian boycott it will affect U.S. relations with other nations of black Africa. If this is true, then why is it that most of the black countries of that continent traded extensively with Rhodesia during the sanction period? Two years ago, Rhodesia approved a $1.4 million foreign aid loan to one black African state. Last year Zambia purchased over $2 million in maize. Malawi is dependent on Rhodesian trade and, in fact, depends on the latter to employ her workers.

The U.N. resolution branded Rhodesia a "threat to world peace." Indeed. When and what countries has Rhodesia attacked with her military forces?

Is it Rhodesia who is pumping tanks, planes and missiles into Vietnam, Cambodia, or Laos?

Is it Rhodesia who is building naval facilities in Cuba or helping Castro to build up a military force out of all proportion to its needs.

Is it Rhodesia who so dominates the Egyptian Army that the latter cannot call its military forces its own?

Is it Rhodesia who is aiding and abetting guerrilla warfare movements throughout selected countries in the three subcontinents of the world?

Was it Rhodesia who invaded Czechoslovakia in 1968—2 years after the U.N. voted its sanctions? Has she completely controlled a wide arc of nations stretching from the Baltic to the Black Sea?

Does Rhodesia possess sites for massive missiles zeroed to the world's population centers?

Who kidded whom with such a hypocritical resolution? But perhaps it is only fitting that the U.N.'s major supporter should be the major beneficiary of that body's major sanctions whose effects cripple our industries—or that the U.N.'s most degrading member should benefit so handsomely by those same sanctions.

Mr. BUCHANAN. Mr. Chairman, I rise in support of the Dent amendment.

Whatever condemnation one may feel for the policies of the Rhodesian Government, certain facts are clear. The boycott allegedly imposed against that government by the United Nations action has not been observed in fact by most nations.

Apparently, only the United States and Great Britain have taken it seriously. One can observe in Rhodesia today a brand new Italian factory producing chrome in a country filled with German and Italian cars, doing an active trade with the French and generally prospering.

During the period in which we have observed the boycott, the Soviet Union, a pious party to the alleged boycott, is apparently buying chrome from Rhodesia and reselling it to us at a tremendous profit.

Rhodesia is an important source of chrome, a material important to our defense. That country is not only selling all she can produce at this time, she is forming relationships with and moving into commitments to other customers to whom she may well be obligated in the future for all the chrome that nation can produce. Japan, France, Germany, Italy, the Soviet Union, and practically everyone else on earth is doing business with Rhodesia, notwithstanding the alleged holy boycott.

The net result of this performance of hypocrisy by other nations is that unless we take this honest action in protection of our national interest, we will lose for our country an important present and future source of supply for a material important to our defense as well for other purposes.

We likewise will rob our exporters of a substantial amount of business and American workers of jobs.

Finally, Mr. Chairman, we will render ourselves dependent upon the Soviet Union as the source of a material for which they have consistently overcharged us but, more importantly, one which is vital to our own defense.

Such a situation is intolerable and I urge the adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. DENT).

The question was taken; and the chairman announced that the ayes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. FRASER. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. FRASER. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. DENT, FRASER, HAYS, and MAILLIARD.

The Committee divided, and the tellers reported that there were—ayes 253, noes 140, not voting 39, as follows:

[Roll No. 317]

[Recorded Teller Vote]

AYES—253

Abbitt
Abernethy
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Baker
Baring
Belcher
Bennett
Betts
Bevill
Biaggi
Blackburn
Blanton
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Conte
Coughlin
Crane
Curlin
Daniel, Va.
Daniels, N.J.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dennis
Dent
Derwinski
Dickinson
Devine
Dorn
Downing
Dulski
Duncan
Edwards, Ala.
Erlenborn
Eshleman
Evins, Tenn.
Fisher
Flood
Flowers
Ford, Gerald R.
Fountain
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Goodling
Gray
Green, Oreg.
Griffin
Gross
Grover
Gubser
Haley
Hall
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Hastings
Hays
Heinz
Henderson
Hillis
Hogan
Hosmer
Hull
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lent
Long, Md.
Lujan
McClory
McClure
McCollister
McDade
McEwen
McFall
McKevitt
Madden
Mahon
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Melcher
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Mollohan
Montgomery
Morgan
Myers
Nelsen
O'Konski
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rhodes
Roberts
Robinson, Va.
Rogers
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Snyder
Spence
Springer
Stanton, J. William
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Ullman
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NOES—140

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Ashley
Aspin
Badillo
Barrett
Begich
Bell
Bergland
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Burke, Mass.
Burton
Carey, N.Y.
Celler
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Culver
Danielson
Dellenback
Dellums
Denholm
Diggs
Dingell
Donohue
Dow
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Findley
Fish
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Gaydos
Gonzalez
Green, Pa.
Gude
Halpern
Hamilton
Hanna
Hansen, Wash.
Harrington
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Howard
Hungate
Johnson, Calif.
Kastenmeier
Keating
Koch
Kyros
Leggett
Link
Lloyd
McCloskey
McKay
McKinney
Macdonald, Mass.
Mailliard
Matsunaga
Meeds
Mikva
Minish
Mink
Mitchell
Monagan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Podell
Preyer, N.C.
Price, Ill.
Rangel
Rees
Reid
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rosenthal
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Smith, Iowa
Smith, N.Y.
Staggers
Steele
Stokes
Symington
Thompson, N.J.
Udall
Van Deerlin
Vanik
Waldie
Whalen
Wolff
Yates

NOT VOTING—39

Aspinall
Cotter
Davis, Ga.
Dowdy
Dwyer
Edmondson
Flynt
Foley
Gallagher
Grasso
Griffiths
Hagan
Hébert
Hunt
Keith
Kluczynski
Lennon
Long, La.
McCormack
McCulloch
McDonald, Mich.
McMillan
Metcalfe
Miller, Calif.
Moorhead
Nedzi
Nichols
Passman
Pelly
Pepper
Price, Tex.
Pryor, Ark.
Rarick
Rooney, N.Y.
Stanton, James V.
Terry
Thone
Tiernan
Wilson, Bob

So the amendment was agreed to.

Mrs. ABZUG. Mr. Chairman there has been much debate here yesterday and today on the question of our continued presence of Vietnam and our support of the government of President Thieu. I have already spoken to that particular point, and will not repeat myself here except to note that to really accomplish peace in Vietnam, we must withdraw our men unconditionally and cut off all military assistance to the Thieu regime. Only then can we reasonably expect to see our prisoners of war return home. Only then can we really hope for peace in South Vietnam under a coalition government including representatives of the National Liberation Front and the other groups now excluded, as well as representatives of the present government other than Mr. Thieu.

In stark contrast to the puppet government of Mr. Thieu is the democratically elected government of Israel, which would receive some $50 million in military assistance and $300 million in military credit sales under this legislation. No one-man elections or press censorship here—numerous political parties and journalistic activities flourish in Israel, and the people truly have a full voice in deciding how they will be governed. Instead of supporting a one-man regime in Saigon which cannot exist for a day without our aid and which is completely rotten from within, we should be offering aid to a nation which is fully prepared to defend itself and which has a government put there by its people alone.

Mr. ROUSH. Mr. Chairman, it must be ironic that, having fought for various provisions in this bill, I now intend to vote against it.

It is true that there are worthy programs in this bill. We include certain assistance to Israel which is necessary to the maintenance of a balance of power in the Middle East. We include a provision for trying to pick up the pieces in Southeast Asia and give back to some Vietnamese that which Americans consider a birthright: An eye, a face, an ear, or a bit of unscarred skin. Other funds are earmarked for the children of South Vietnam for their food, orphanages, and other benefits. We have added our help to a world-wide effort to protect this planet's environment.

Why, then, with these provisions included, do I intend to vote against this bill? On June 20, 1848, Abraham Lincoln stood before this body and said:

> There are few things *wholly* evil, or *wholly* good. Almost everything, especially of governmental policy, is an inseparable compound of the two; so that our best judgment of the preponderance between them is continually demanded. On this principle the president, his friends, and the world generally, act on most subjects. Why not apply it, then, upon this question?

The issue we consider now is different from the one to which Lincoln referred, but the question he posed is as applicable to this as it was to the bill before the House then. For reasons which I have already explained at length, I believe that the preponderance between good and ill in this measure lies heavily with the latter. The good points in this bill we should sever and pass in other forms if need be, but let us reject this bill.

Finally, I should like to say something about the charge that those of us who feel as I do are "new isolationists." For my part, there is nothing new in what I advocate today; I have felt and voted this way since I came to Congress in 1959. That leaves us with only the word "isolationist" with which to deal.

We are not so simple as to believe that America can once more retreat into her infant-years solitude, building a seawall and living like the Dutch behind that. The world has become too close and pressing for that. President Eisenhower put it this way:

> What we call foreign affairs is no longer foreign affairs. It's a local affair. Whatever happens in Indonesia is important to Indiana. Whatever happens in any corner of the world has some effect on the farmer in Dickinson County, Kansas, or on a worker in a factory.

It is true that some of our motives in this aid dispersal have been other than altruistic. We were motivated by a fear of a Communist shadow that was slowly covering the earth, and we felt that simple self-interest demanded that we exercise a degree of control, a leverage, over other countries, which we implemented through arms aid. But, for the most part, I sincerely believe that our giving has not been a purely egocentric thing. It was done, as President Kennedy said in his inaugural address, "not because the Communists may be doing it, not because we seek their votes, but because it is right." Americans are very caring and selfless people who genuinely want to help others if they believe others are endangered. They have a very real sense of concern.

We have been like parents who have seen fledgling countries emerge or rebuild themselves. And now, having helped them come to adulthood, we must be mature enough to perform what any parent will agree is one of the hardest acts of all—that of relinquishment. We have helped when the situation was critical militarily. These nations are now in a position to provide for their own defense, and it is time we turned our attention inward and dealt with our own needs. What is needed is a degree of introversion, but it is not isolation. I prefer to call it not a "new isolationism," but a "new maturity."

I urge you to vote against this bill.

Mr. WOLFF. Mr. Chairman, the adoption by the House of my amendment to suspend aid to Thailand because of its major role in the international narcotics traffic is a significant step in the battle to halt the deadly flow of narcotics into this country.

Since my return from a Far East narcotics study mission some 9 months ago, I have attempted to focus the attention of the American people, and the efforts of the Congress on the drug traffic through Thailand. Increased public awareness and congressional pressure has unquestionably created the kind of atmosphere that has led to recent successes by combined United States-Thai narcotics agents in the Far East.

However, much more must be done. The Congress has today demonstrated its complete commitment to the goal of halting heroin traffic by enacting my amendment. This is not necessarily a punitive measure; rather it is an effort to strengthen the representations which our Government can make to the Thai Government on this critical matter. I feel very strongly that this expression by the Congress will yield even greater cooperation by the Thai Government and even more success in the crackdown on the illicit traffic.

Let the adoption of this provision of the Foreign Assistance Act serve notice not only on the Thai Government, but upon all governments that the United States considers the interdiction of narcotics traffic, and thereby the protection of our young people from heroin, to be our most important priority. I hope and trust that this message will be heard and acted upon by the Thais, and that the President will soon be able to resume the aid programs based on positive action by the nation.

Mr. MURPHY of Illinois. Mr. Chairman, I rise to voice my support for the provision of the Foreign Assistance Act to cut off foreign aid to the Government of Thailand until it is ready to cooperate with us in ending the illegal growing and shipping of heroin to the United States.

We have heard that it is not in our best interest to stop sending money to Thailand. We have heard that they are an ally and that it would cause a chasm in our friendship. If they were truly our friends, they would do all within their power to stop those who are trading in narcotics. Instead, we receive token gestures such as the burning of 25 tons of opium recently and it remains to be proven that the entire substance destroyed was opium.

Let us not fool ourselves. When our allies are in need of money, food or other assistance, the United States is always there with an open pocketbook. I believe the American people are tired of footing the bill for other countries and not getting any cooperation in return. Foreign aid is a two-way street and we should expect better results from other governments when it is necessary.

Call it foreign assistance, foreign aid, or whatever, the American taxpayers bear the expense. They are tired of their children becoming dope addicts while other countries let the drug trade flourish when it is within their power to stop it. I am totally against other countries becoming rich using the needle-marked arms of our young Americans.

Let me clarify one point: I favor most foreign aid. I believe it is our responsibility to help developing nations as best we can, but I also believe we should expect some cooperation when our country is faced with a problem of this magnitude. And we are not receiving that cooperation from Thailand.

I believe the American people are tired of reading day after day how we are in the midst of a drug crisis, a drug menace or whatever you want to call it, and we are seemingly powerless to do anything to stop it.

It is time we act. We know that opium is grown and refined in Thailand, we know it is shipped from there and we know the Thai Government has done little to prevent it whether intentionally or not. We must demonstrate that America and its citizens are bewildered over the lack of cooperation we are receiving. We must not allow a generation of misery to grow up while others profit from financial aid. The American people will not stand for that kind of action from the Congress.

It should be noted that this amendment gives the President the discretion to give or withhold the funds as he sees fit. But it is, in fact, an expression that the Congress won't sit idly by as long as narcotics represent a major business in other countries.

Let us therefore pass this amendment unanimously and initiate what could become the first of many serious efforts to urge other countries to cease drug trafficking before it is too late.

Mr. FRENZEL. Mr. Chairman, I rise in support of the Foreign Assistance Act of 1972. I should like to pay special tribute to the committee for putting into the bill a prohibition against giving aid to Thailand until that country makes substantial, effective action to prevent its opium products from reaching foreign shores, including ours.

The fact that Thai opium products are produced on a large scale and find their way into our country is no secret. On Friday, July 28, on NBC, the television public of this country viewed one of many heavy-guarded mule caravans of opium moving through the Thai countryside. On July 24, the New York Times cited a February 1972 confidential report of the Cabinet Committee on International Narcotics Control concerning air and sea smuggling. The report was prepared in cooperation with the State Department and CIA. It is stated that there is apparently no way to stop opium traffic due to "corruption, collusion, and difference" of many government officials involved, notably the Thais.

Therefore, Mr. Chairman, I am pleased to support strongly this provision in the committee bill. In addition to other members of the committee, I would personally applaud the efforts of Congressmen STEELE of Connecticut and WOLFF of New York. These men have led the fight to keep drug poisons out of our country.

Mr. SIKES. Mr. Chairman, I am certain everyone in the House wants an end to the war in Vietnam. The supporters of the end-the-war section of the bill are not alone in their desire for peace. They are not alone in the desire to have our prisoners released and a full accounting made for those missing in action. But those who seek approval of the language in the bill are unable to show the slightest evidence that their procedure will accomplish an end to the war and a return of American POW–MIA's. The Communists have never agreed to anything. They hope to achieve an American surrender. The things that have been said on Capitol Hill have kept that hope alive.

The Communists have not said they will return our POW–MIA's if we stop the fighting. They have not promised to return them even if we withdraw all American forces at a date certain. If past experience is an indication of things to come, we must assume that, once they gain the objectives proposed in this bill, they will simply raise the price for a return of POW–MIA's. I don't know what the new price would be. They have learned that their American prisoners possess a very high value as hostages. They are sufficiently inhuman to try to extract the very last measure of tribute—the last possible ounce of flesh for their return. The language of the bill will serve only to give new hope to the North Vietnamese and to encourage them to continue the fight.

Now let us look at the other side of the picture. Those who oppose end-the-war resolutions at a date certain—and American surrender in Indochina—see a shaping of events which can mean an end to the war within the months ahead.

The North Vietnamese have made it clear that they want to talk. Secret talks, the only kind that offer hope or progress, are again underway. For the first time, the North Vietnamese homeland is being made to feel in some measure the pressures they have brought to bear on the South Vietnamese. There has been no brutal invasion, but there has been a throttling of supply lines which make effective fighting possible. The North Vietnamese are now being told through leaflets and radio exactly what is happening to their sons and fathers at the fighting fronts and they are being told about the objectives of their own leaders. They are uncertain and uneasy. They see the destruction of military installations and munitions plants. They hear the bombs bursting. They know now it is a two-sided war, even though we have not warred on civilians.

Their ports are bottled up, their railways are cut, 50,000 and more of their young men will never come home again as result of the latest onslaught into South Vietnam. At least as many more will come home crippled if they get there at all. North Vietnam is feeling the pinch of war. At long last they have learned that America is not a paper tiger.

Through all of this there has been an open and generous invitation to end the war on terms that are highly advantageous to North Vietnam. All they have to do is to stop the fighting, agree to meaningful negotiations and return our POW–MIA's. They will be left holding a very substantial part of Indochina and Laos and Thailand and even South Vietnam while the negotiations are in progress. You and I know they probably will never agree to give up an inch of this captured territory, but the fighting would be stopped and South Vietnam would have its opportunity to continue to gain strength under its own chosen government. Anything further than that is outright surrender. You cannot change this with fancy language or pious hopes. Anything further means turning South Vietnam over to North Vietnam for butchery and persecution. That is what the war is all about. That is what the Communists have been fighting for. Do not make a mockery out of the services and sacrifices of every American who served in Vietnam. The language of this section is a cruel hoax on the American people.

Mr. COLLINS of Texas. Mr. Chairman, as my distinguished colleagues may recall, I introduced the original bill from which section 503 of the Military Procurement Act ultimately followed. It enabled us to restore our trade in chrome with Rhodesia and end the Russian monopoly on this critical material.

The vote at that time was 250 to 100. The House felt that continuation of the sanctions against Rhodesia as far as chrome ore was concerned amounted to an intolerable compromise of our national security, Mr. Chairman, our national security is still the issue. As long as we spend billions on maintaining defense parity with the Russians we cannot possibly afford to put ourselves in a position of reliance on Russia as our chief supplier of chrome.

Chrome is essential to the production of stainless steel and, therefore, utilized in almost every kind of defensive weapon from rifles to jet airplanes to missiles. We have long recognized its strategic military value. In fact, in 1939, when Congress anticipated the need to stockpile certain critical resources, chrome was the first on the list.

We have not mined chrome ore in this country since 1961. We are totally dependent on imports. And yet, the U.S. chrome consumption each year is one-quarter of the world's production of 5,635,000 tons.

It is not surprising that the Russians jumped in to fill the vacuum left when Rhodesian imports were cut off by the U.N. sanctions of 1967. Rhodesia is the source of over 65 percent of the world's supply of chrome. With Rhodesia out of the way there was no competitive factor in the world chrome market. Between 1967 and 1972, we were forced to rely on Russia for 60 percent of our yearly chrome requirements. The Russians took full advantage of their monopoly position. Our cost price for Russian chrome zoomed from $31 a ton in 1965, to $75 a ton in 1971.

With the enactment of section 503 and the lifting of the sanctions against Rhodesian chrome in January of this year we have seen a tremendous turndown in the price of Russian chrome. The Russians have recognized that their artificial monopoly is over and have dropped their price 35 percent to bring themselves in line with realistic market conditions.

Mr. Chairman, the Russians have made tremendous profits in the past few years at the expense of American consumers and American National Security. We were placed in this situation because the United Nations Security Council has ruled that the small country of Rhodesia is a threat to world peace. This is the same U.N. Security Council that refuses to discuss Vietnam and does not recognize that a crisis situation exists in Vietnam at all. If we fail today to eliminate section 14 from the Foreign Assistance Act, it will once again be the U.N. Security Council and not the Congress of the United States which determines American security policy.

Mr. BUCHANAN. Mr. Chairman, I urge the passage of this legislation.

Earlier in debate, questions were raised implying the President had not delivered on his promise to lead this Nation to peace and that he had no effective plan which would result in an end to our involvement in the Vietnam conflict.

The opposite is, in fact, the case. Mr. Nixon has a plan in progress which gives real hope for an honorable peace in Indochina and a generation of world peace in our time.

When he came into office, more than 550,000 Americans were committed to a shooting war in Vietnam with no clear plan in progress either to win that conflict or to extract them from it.

His Vietnamization and phased withdrawal program now has reduced that number to less than 50,000 with none but air forces engaged in a combat responsibility and even those engaged because of a new invasion and incursion by the North Vietnamese.

It is my conviction this House has rendered a service to our country by voting to strengthen his hand in this plan for peace in Indochina a few minutes ago.

The President also has a plan in progress for a generation of peace. Essential to it is the substitution of military and economic assistance to nations to whom we have commitments or which we deem vital to our national security for the kind of combat involvement of American forces as has been the case in Korea and Vietnam.

This, coupled with the new communication with Red China and a changing relationship to the Soviet Union, forms a valid basis for hope that we can achieve with his leadership the generation of peace for which he strives.

As a part of this strategy for peace, this legislation deserves the support of the Congress. I have come to a conviction of the importance of foreign aid generally in promoting U.S. foreign-policy interests in a large and vital area of the world. As you know, the developing countries contain fully two-thirds of the world's population. The most deep-felt need in most of these countries is economic development. They work hard at it and they devote a good deal of their resources to it. On the average, 80 percent of the investment outlays in the developing countries come from their own resources. There is no doubt that, if the United States were to disassociate itself with this effort by terminating the aid program, our relations with the underdeveloped world would suffer considerable damage.

Our interests go beyond this, however. We stand to benefit directly from whatever success is achieved by these countries. To the extent that they are able to strengthen their economies and raise their standards of living, they will be in a better position to adopt sound and pragmatic policies in the international sphere and, also, maintain political stability at home. While this will not guarantee that these countries will always act in our interest or that political disruptions will not occur periodically in that part of the world, there is no doubt that in the absence of economic development in these countries political stability cannot be maintained.

I think it is important to note here that the U.S. effort to assist the developing countries is not a unilateral one. In the last decade the U.S. share of total foreign assistance to these countries has dropped from about 60 percent in the early 1960's to 43 percent in 1970. During this same period the percentage of our GNP that we devote to foreign assistance has dropped from 0.6 percent to 0.3 percent which ranks the United States 12th among the 16 major aid donors in aid disbursements relative to GNP. In other words, although the United States has the largest per capita GNP in the world, there are 11 other countries that devote a greater share of their GNP to foreign assistance than we do. The issues of whether or not we could do more can be argued but it is obvious that we are not alone in our efforts to assist the poor countries of the world.

The part of our aid programs with which we are concerned today is security assistance. This covers military credit sales, grant military assistance, and economic supporting assistance. The bulk of our credit sales goes to Israel to help maintain a military balance in that part of the world. The largest recipients of our grant military assistance are Korea and Cambodia. Our program in Korea is directed at troop modernization and will advance the time when we will be able to terminate our large-scale military presence in that country. In Cambodia, our assistance provides the necessary weapons and logistics for that country to defend itself against continuing aggression from North Vietnam.

Ninety percent of our security supporting assistance is for Southeast Asia: Vietnam, Cambodia, Laos, and Thailand. These countries are spending large amounts of resources for defense against external threats and insurgency. Our assistance enables them to continue their efforts while maintaining a minimum level of economic stability and growth.

The security assistance program is one of the most important instruments of U.S. national security policy. At a time when the United States is altering its role abroad, security assistance provides the incremental resources to bolster the self-defense capabilities of friends and allies. As President Nixon has pointed out, our assistance provides the foundation that permits these nations to "define the nature of their security and determine the path of their own progress." In short, security assistance is the means by which the United States expects to move allied and friendly nations toward increasing self-reliance.

Mr. **WILLIAM D. FORD.** Mr. Chairman, I want to express my support of section 13 of the Foreign Assistance Act. The provisions of this section call for a termination of all U.S. military involvement in Indochina by October 1, 1972, subject only to the release of all prisoners of war, an accounting of all servicemen missing in action, and a ceasefire between the United States, North Vietnam, and its allies.

I have supported every effort that has been put forth on the floor of the House of Representatives to bring about an end to the war and I strongly urge my colleagues to approve this effort today.

I believe these provisions set forth reasonable and responsible conditions for American withdrawal. The conditions will not impair any current negotiations because the ultimate responsibility for determining how the conditions are to be met still rests with the President. Furthermore, these provisions will not increase the risks to American troops because they include adequate safeguards in the event of North Vietnamese violations of any agreement.

However, for far too many years, Congress has acquiesced to threats from the White House that any attempts by Congress to set conditions for troop withdrawal would jeopardize peace negotiations. And for too long, we have been deluded by the administration's false promises that an end to the war is just within reach.

Today, once again, Congress has been called upon to exercise its constitutional powers in an effort to redirect the course of our policies in Southeast Asia. For 4 years, the American people have waited for the unveiling of President Nixon's "secret" plan to end the war, and for 4 years all we have seen is an expansion of the war into surrounding countries, an escalation of bombing, the mining of the harbors of North Vietnam, and an ever-mounting drain on the human and material resources of our country.

It seems unbelievable to me that after 4 years—and after the majority of Americans have overwhelmingly expressed their desire to get out of Vietnam—we are still continuing to debate this issue in Congress while the death and destruction goes on in Southeast Asia.

The length, cost, and horrors of this war are almost incomprehensible. The war has killed 56,000 Americans, 700,000 Vietnamese; 300,000 Americans have been disabled or wounded; 6 million Vietnamese have been made refugees; 1,600 prisoners of war or missing in action have not been returned or accounted for; and the expenditure of over $135 billion has distorted our national priorities and depressed our economy.

Furthermore, the country which we have been fighting to "save" has been the victim of incredible devastation to its land and people, and our own country has suffered beyond measure from the divisiveness within our society and from the people's increasing sense of distrust of the Government as a result of the continuation of the war.

It should be quite apparent to all of us that whatever commitment we had to South Vietnam has now been more than fulfilled. At the end of this year, we will have spent more than $20 billion to arm South Vietnam and to train the South Vietnamese army, which now numbers close to 1 million men. It is time that South Vietnam be allowed to determine its own political future; and it is time for the United States to redirect its resources to meet our responsibilities here at home and to face the challenges of a new era of world peace.

Mr. **MITCHELL.** Mr. Chairman, how does a nation live up to its potential for greatness? It does so by reaching back into its history and extracting therefrom the finest and the best principles and applying these to its present and future course of action. As we debate the committee report—Foreign Assistance Act of 1972, we in this House have an opportunity to reach into the past and apply principles derived from integrity, and decency and justice, and compassion to our present and future course in international relations.

To vote down the end the war provision would be violative of all that is just and decent and compassionate. There have been too many deaths in this unwanted war. Too many have been physically and psychologically maimed to the point that they may never again function as whole people in their respective societies. Too many of us have been duped by vague, politically expedient promises to end the war in Southeast Asia some day. But the killing goes on day after day, week after week, year after year. Too many, who were formerly anguished by frustration have been lulled into silence by the promise that "we are winding down the war." But the killing and maiming and dying goes on, day after day, week after week, year after year.

My colleagues, human life—all human life is precious. When shall we stop the insanity of the war in Indochina? The answer is "perhaps never" unless—unless this body finds within itself today the capacity for greatness. Unless this House finds today its capacity for integrity, decency, justice and compassion. Let us now act. Let us now set a date certain to end the war. Let us here today provide an answer to the question hundreds of thousands of people are now asking, "why did you let the madness continue?" If indeed we act today, we can answer that question not only for this generation but for future generations. If we act then, we can respond to the question by saying, "we saw the madness and we stopped it—we saw the destruction and we ended it—we witnessed the tragedy but we caught the vision of hope for peace."

How does a nation live up to its potential for greatness? There are many ways but there is one sure way to deny that potential. That is to maintain economic and political ties with those nations of the world who continue to act out 18th and 19th century white supremacy, imperialist roles in these, the closing years of the 20th century. To jeopardize the Azores provision in this report would mean that this House has given open, unqualified support to the racist nation of Portugal. Similarly, if we change the provisions of section 14—the Rhodesian chrome problem—we indicate that this House gives open and unqualified support to the racist nation of Portugal.

Only because of a state of virtual slavery existing in Zimbabwe did the United Nations apply economic sanctions on the Ian Smith regime. Until September of last year the only countries to break that embargo were South Africa and Portugal. But this was to be expected, because a minority dictatorship exists in South Africa and because minority rule is maintained over the Portuguese colonies of Angola, Mozambique, and Guinea-Bissau. It was expected because Portugal and South Africa are fraternal brothers with Rhodesia. The three of them are the symbols throughout the world of white supremacy and black subjugation.

But in September of last year the Senate of the United States acted in such a way that it brought the eyes of all of black America and freedom loving people across the world upon it. Our Senate passed the controversial Byrd amendment, which in effect permitted the United States to import chrome from Rhodesia and thereby reverse its previous stance of strict adherence to the United Nations sanctions. With the passage of the Byrd amendment, the United States joined Portugal and South Africa as international outlaws. It was made clear to us in the Congress that this policy change reflected the majority sentiments of the Senate when a negating amendment introduced by the Senator from Wyoming (Mr. McGEE) was voted down in May.

Black people around the world gave pause then to consider the rationale behind these actions. No black man in this small world can consider himself free while a black man anywhere is kept in chains simply because of the color of his skin. Whenever the U.S. Government willfully and with a total absence of concern for the human suffering involved enters into collusion with a racist government that oppresses people solely because their skins are black, then we in the black community of America can never be safe.

Throughout the reign of madness in the Senate during the making of this racist foreign policy, one voice in particular rose in unison with black America. That voice was the voice of labor.

The president of the United Steelworkers of America unequivocally stated his union's opposition to the Byrd amendment. The AFL-CIO went on record as having strong reservations about such a policy.

But the crucial rejection came from the workers whose responsibility it is to unload the cargoes, the International Longshoremen's Association. Their president, Thomas Gleason, made clear the dockworkers position in the strongest of language:

> We of the American trade union movement are committed to freedom and democracy of all peoples in our countries . . . we will continue to enforce the United Nations sanctions.

How does a nation live up to its potential for greatness?

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes, pursuant to House Resolution 1082, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WHALLEY

Mr. WHALLEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WHALLEY. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. WHALLEY moves to recommit the bill H.R. 16029 to the Committee on Foreign Affairs.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 221, nays 172, not voting 39, as follows:

[Roll No. 318]

YEAS—221

Abzug
Addabbo
Alexander
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Badillo
Barrett
Bell
Betts
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bow
Brasco
Bray
Brooks
Broomfield
Brotzman
Brown, Mich.
Buchanan
Burke, Mass.
Byrne, Pa.
Byrnes, Wis.
Caffery
Carey, N.Y.
Carlson
Carney
Cederberg
Celler
Chappell
Clancy
Clark
Conable
Conover
Conte
Corman
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Wis.
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dow
Drinan
du Pont
Dwyer
Eilberg
Erlenborn
Esch
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Frelinghuysen
Frenzel
Frey
Fulton
Garmatz
Gaydos
Giaimo
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Gubser
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hathaway
Hays
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Johnson, Calif.
Jonas
Jones, Ala.
Karth
Kazen
Keating
Kee
Kemp
King
Koch
Kuykendall
Kyl
Kyros
Latta
Leggett
Lent
Lloyd
Long, Md.
McClory
McCloskey
McCollister
McDade
McEwen
McFall
McKay
McKevitt
Madden
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Matsunaga
Mayne
Mikva
Minish
Mink
Mollohan
Monagan
Morgan
Murphy, Ill.
Murphy, N.Y.
Nelsen
Nix
O'Hara
O'Neill
Patman
Patten
Perkins
Peyser
Pickle
Pirnie
Poage
Podell
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quie
Railsback
Rees
Reid
Rhodes
Roberts
Robison, N.Y.
Rodino
Roe
Rooney, Pa.
Rosenthal
Rostenkowski
Ruppe
Ryan
Sarbanes
Scheuer
Schneebeli
Schwengel
Sebelius
Seiberling
Shriver
Sisk
Smith, Iowa
Smith, N.Y.
Spence
Springer
Stanton, J. William
Steele
Steiger, Wis.
Stratton
Symington
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Udall
Vander Jagt
Vanik
Waldie
Ware
Whalen
White
Widnall
Wiggins
Williams
Wilson, Charles H.
Wolff
Wright
Wydler
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—172

Abbitt
Abernethy
Abourezk
Adams
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Archer
Ashbrook
Aspin
Baker
Baring
Begich
Belcher
Bennett
Bergland
Bevill
Blanton
Blatnik
Brademas
Brinkley
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Cabell
Camp
Carter
Casey, Tex.
Chamberlain
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conyers
Crane
Daniel, Va.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Diggs
Dorn
Downing
Dulski
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eshleman
Evans, Colo.
Evins, Tenn.
Fountain
Fraser
Fuqua
Galifianakis
Gettys
Gibbons
Goldwater
Goodling
Griffin
Gross
Grover
Haley
Hall
Hammerschmidt
Hansen, Wash.
Hastings
Hawkins
Hechler, W. Va.
Henderson
Hosmer
Hull
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Landgrebe
Link
Lujan
McClure
Macdonald, Mass.
Martin
Mathis, Ga.
Meeds
Melcher
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mitchell
Mizell
Montgomery
Mosher
Moss
Myers
Natcher
Obey
O'Konski
Pettis
Pike
Poff
Powell
Pryor, Ark.
Quillen
Randall
Rangel
Reuss
Riegle
Robinson, Va.
Rogers
Roncalio
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Schmitz
Scott
Shipley

Shoup
Sikes
Skubitz
Slack
Smith, Calif.
Staggers
Steed
Steiger, Ariz.
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Taylor
Thompson, Ga.
Thomson, Wis.
Ullman
Van Deerlin
Veysey
Vigorito
Waggonner
Wampler
Whalley
Whitehurst
Whitten
Winn
Wyatt
Wylie
Wyman
Zwach

NOT VOTING—39

Cotter
Curlin
Davis, Ga.
Dowdy
Edmondson
Flynt
Gallagher
Grasso
Griffiths
Hagan
Hébert
Hunt
Keith
Kluczynski
Landrum
Lennon
Long, La.
McCormack
McCulloch
McDonald, Mich.
McKinney
McMillan
Mazzoli
Metcalfe
Miller, Calif.
Moorhead
Nedzi
Nichols
Passman
Pelly
Pepper
Price, Tex.
Rarick
Rooney, N.Y.
Snyder
Stanton, James V.
Thone
Tiernan
Wilson, Bob

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Lennon against.

Mr. Moorhead for, with Mr. Passman against.

Mrs. Grasso for, with Mr. Rarick against.

Mr. Cotter for, with Mr. Nichols against.

Mr. Price of Texas for, with Mr. Landrum against.

Mr. Tiernan for, with Mr. McMillan against.

Mr. Kluczynski for, with Mr. Snyder against.

Mr. Pepper for, with Mr. Dowdy against.

Until further notice:

Mr. Nedzi with Mr. Hunt.

Mr. Metcalfe with Mr. Miller of California.

Mr. James V. Stanton with Mr. McDonald of Michigan.

Mr. McCormack with Mr. Keith.

Mr. Flynt with Mr. McCulloch.

Mr. Rooney of New York with Mr. McKinney.

Mr. Davis of Georgia with Mr. Thone.

Mrs. Griffiths with Mr. Bob Wilson.

Mr. Mazzoli with Mr. Gallagher.

Mr. Edmondson with Mr. Curlin.

Mr. Hagan with Mr. Pelly.

Messrs. TEAGUE of Texas and THOMPSON of New Jersey changed their votes from "nay" to "yea."

Messrs. CARTER and O'KONSKI changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the Whalen and Bolling amendments and on the bill (H.R. 16029), the Foreign Assistance Act.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONFERENCE REPORT ON H.R. 15692, DISASTER RELIEF LOANS

Mr. PATMAN submitted the following conference report and statement on the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans:

CONFERENCE REPORT (H. REPT. NO. 92-1332)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That (a) subsection (b) of section 7 of the Small Business Act (15 U.S.C. 636(b)) is amended by striking out the matter following the numbered paragraphs and inserting in lieu thereof the following:

"No loan under this subsection, including renewals, and extensions thereof, may be made for a period or periods exceeding thirty years: *Provided*, That the Administrator may consent to a suspension in the payment of principal and interest charges on, and to an extension in the maturity of, the Federal share of any loan under this subsection for a period not to exceed five years, if (A) the borrower under such loan is a homeowner or a small business concern, (B) the loan was made to enable (i) such homeowner to repair or replace his home, or (ii) such concern to repair or replace plant or equipment which was damaged or destroyed as the result of a disaster meeting the requirements of clause (A) or (B) of paragraph (2) of this subsection, and (C) the Administrator determines such action is necessary to avoid severe financial hardship: *Provided further*, That the provisions of paragraph (1) of subsection (c) of this section shall not be applicable to any such loan having a maturity in excess of twenty years. Notwithstanding the provisions of any other law, and except as otherwise provided in this subsection, the interest rate on the Administration's share of any loan made under this subsection shall not exceed 3 per centum per annum, except that in the case of a loan made pursuant to paragraph (3), (5), (6), or (7), the rate of interest on the Administration's share of such loan shall not be more than the higher of (A) 2¾ per centum per annum; or (B) the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of 1 per centum plus one-quarter of 1 per centum per annum. In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

"In the administration of the disaster loan program under paragraphs (1), (2), and (4) of this subsection, in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a disaster as determined by the Administrator which occurs on or after January 1, 1971, and prior to July 1, 1973, the Small Business Administration, to the extent such loss or damage or injury is not compensated for by insurance or otherwise—

"(A) may make any loan for repair, rehabilitation, or replacement of property damaged or destroyed without regard to whether the required financial assistance is otherwise available from private sources;

"(B) may, in the case of the total destruction or substantial property damage of a home or business concern, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that (1) in the case of a business concern, the amount refinanced shall not exceed the amount of the physical loss sustained, and (2) in the case of a home, the amount of each monthly payment of principal and interest on the loan after refinancing under this clause shall be not less than the amount of each such payment made prior to such refinancing;

"(C) may, in the case of a loan made under clause (A) or a mortgage or other lien refinanced under clause (B) in connection with the destruction of, or substantial damage to, property owned and used as a residence by an individual who by reason of retirement, disability, or other similar circumstances relies for support on survivor, disability, or retirement benefits under a pension, insurance, or other program, consent to the suspension of the payments of the principal of that loan, mortgage, or lien during the lifetime of that individual and his spouse for so long as the Administration determines that making such payments would constitute a substantial hardship;

"(D) shall, notwithstanding the provisions of any other law and upon presentation by the applicant of proof of loss or damage or injury and a bona fide estimate of cost of repair, rehabilitation, or replacement cancel the principal of any loan made to cover a loss or damage or injury resulting from such disaster, except that—

"(i) with respect to a loan made in connection with a disaster occurring on or after January 1, 1971 but prior to January 1, 1972, the total amount so canceled shall not exceed $2,500 and the interest on the balance of the loan shall be at a rate of 3 per centum per annum; and

"(ii) with respect to a loan made in connection with a disaster occurring on or after January 1, 1972 but prior to July 1, 1973, the total amount so canceled shall not exceed $5,000, and the interest on the balance of the loan shall be at a rate of 1 per centum per annum.

With respect to any loan referred to in clause (D) which is outstanding on the date of enactment of this paragraph, the Administrator shall—

"(i) make such change in the interest rate on the balance of such loan as is required under that clause effective as of such date of enactment; and

"(ii) in applying the limitation set forth in that clause with respect to the total amount of such loan which may be canceled, consider as part of the amount so canceled any part of such loan which was previously canceled pursuant to section 231 of the Disaster Relief Act of 1970.

"Whoever wrongfully misapplies the proceeds of a loan obtained under this subsection shall be civilly liable to the Administrator in an amount equal to one-and-one-half times the original principal amount of the loan."

(b) The last paragraph of the amendment made by subsection (a) shall apply only with respect to loans made on or after the date of enactment of this Act.

(c) Any person who (1) suffers any loss or damage as a result of a major disaster as determined by the President which occurred prior to the date of enactment of this Act, (2) is eligible for assistance under the amendment made by subsection (a), and (3) is otherwise eligible for benefits greater than those provided by the amendment made by subsection (a), may elect to receive such greater benefits.

SEC. 2. (a) Section 7(b) of the Small Business Act is amended—

(1) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(2) by inserting after paragraph (6) a new paragraph as follows:

"(7) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist, or to refinance the existing indebtedness of, any small business concern directly and seriously affected by the significant reduction of the scope or amount of Federal support for any project as a result of any international agreement limiting the development of strategic arms or the installation of strategic arms or strategic arms facilities, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph.".

(b) Section 4(c) of the Small Business Act (15 U.S.C. 633(c)) is amended—

(1) by inserting "7(b)(7)," immediately after "7(b)(6)," in paragraph (1) thereof; and

(2) by inserting "7(b)(5), 7(b)(6), 7(b)(7)," immediately after "7(b)(4)," in paragraph (2)(A) thereof.

Sec. 3. The President shall conduct a thorough review of existing disaster relief legislation, and not later than January 1, 1973, he shall transmit to the Congress a report containing specific legislative proposals for the comprehensive revision of such legislation in order to—

(1) standardize the amount of benefits available to persons affected by disasters so as to achieve fairness and consistency with regard to the amount of benefits provided to such persons and to preclude the need for separate legislation to aid persons affected by future disasters;

(2) improve the execution of the Government's disaster relief program by eliminating unnecessary administrative procedures and reducing the number of agencies involved in disaster relief or increasing individual agency authority and responsibility; and

(3) prevent the misuse of benefits made available under the program.

Sec. 4. (a) The Congress hereby finds and declares that there has been substantial damage to educational institutions as a result of hurricane and tropical storm Agnes; that disaster relief for public educational institutions is adequately covered by legislation heretofore enacted; that nonprofit private educational institutions are not provided disaster relief benefits comparable to those provided to public educational institutions; that nonprofit private educational institutions have a secular educational mission; that students attending nonprofit private educational institutions that have been damaged or destroyed will have to be provided for in public institutions if the former institutions are not restored; and that these facts compel enactment of special measures designed to provide nonprofit private educational institutions which were victims of this catastrophe with disaster relief benefits comparable to those provided for public educational institutions.

(b) To the extent such loss or damage or destruction is not compensated for by insurance or otherwise, the President may make grants to nonprofit private educational institutions in major disaster areas as designated by the President for the repair, restoration, reconstruction, or replacement of educational facilities, supplies, or equipment which have been lost, damaged, or destroyed as a result of hurricane and tropical storm Agnes, if such facilities, supplies, or equipment were owned on the date of such loss, damage, or destruction by an organization exempt from taxation under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954 and the facilities, supplies, or equipment were being used to carry out the purposes for which such organization was accorded that exemption; except that no grant may be made under this section for the repair, restoration, reconstruction, or replacement of any facility for which disaster relief assistance would not be authorized under Public Law 81–815, title VII of the Higher Education Act of 1965, or the Disaster Relief Act of 1970 if such facility were a public facility.

(c) The amount of a grant made under this section shall not—

(1) exceed 100 per centum of the cost of—

(A) repairing, restoring, reconstructing, or replacing any facility on the basis of the design of such facility as it existed immediately prior to the disaster referred to in subsection (b) and in conformity with applicable codes, specifications, and standards; and

(B) repairing, restoring, or replacing equipment or supplies;

as they existed immediately prior to such disaster;

(2) in the case of any facility which was under construction when damaged or destroyed as a result of such disaster, exceed 50 per centum of the cost of restoring such facility substantially to its condition prior to such disaster, and of completing construction not performed prior to such disaster to the extent that the cost of completing construction is increased over the original construction cost due to changed conditions resulting from such disaster;

(3) be used to pay any part of the cost of facilities, supplies, or equipment which are to be used primarily for sectarian purposes; or

(4) be used to restore or rebuild any facility used or to be used primarily for religious worship; replace, restore, or repair any equipment or supplies used or to be used primarily for religious instruction, or restore or rebuild any facility or furnish any equipment or supplies which are used or to be used primarily in connection with any part of the program of a school or department of divinity.

(d) For the purposes of this section—

(1) the term "educational institution" means any elementary school (as defined by section 801(c) of the Elementary and Secondary Education Act of 1965), any secondary school (as defined by section 801(h) of the Elementary and Secondary Education Act of 1965), and any institution of higher education (as defined by section 1201(a) of the Higher Education Act of 1965); and

(2) the term "school or department of divinity" means a school or department of divinity as defined by section 1201(e) of the Higher Education Act of 1965.

Sec. 5. Subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961–1967), is amended by adding at the end thereof the following new section:

"Sec. 328. (a) Notwithstanding any other provision of law, in the administration of this subtitle and the rural housing loan program under section 502 of title V of the Housing Act of 1949, as amended (42 U.S.C. 1472), in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a natural disaster as determined by the Secretary of Agriculture which occurred after June 30, 1971, and prior to July 1, 1973, the Secretary—

"(1) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, (A) shall cancel the principal of the loan, except that the total amount so canceled shall not exceed the greater of (i) 50 per centum of the original principal amount of such loan but not more than $5,000, or (ii) the per centum that would be canceled of a loan of the same size by the Small Business Administration under section 7(b) of the Small Business Act, as amended (15 U.S.C. 636(b)), and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan, except that any such deferred payments shall bear interest at a rate per annum to be determined by the Secretary of the Treasury under section 234 of the Disaster Relief Act of 1970 (42 U.S.C. 4453), or that established by the Small Business Administration under section 7(b) of the Small Business Act, as amended (15 U.S.C. 636(b)), whichever is lower: *Provided,* That no one borrower shall be eligible to receive more than one such cancellation for any single disaster.

"(2) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, may grant any loan for repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required loan is otherwise available from private sources: *Provided,* That in the case of any loan for refinancing, either under clause (3) of this subsection or under section 322 of this subtitle, require the borrowers to demonstrate that they are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time.

"(3) may, in the case of the total destruction or substantial property damage of homes or farm service buildings and related structures and equipment, refinance any mortgage or other lien outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. Any such refinancing shall be subject to the provisions of clauses (1) and (2) of this subsection.

"(4) shall require the recipient of any emergency loan made under this section to execute the agreement to refinance required by section 333(c) of this title: *Provided,* That any such loan shall be reviewed at not less than two-year intervals to determine if the agreement to refinance shall become applicable.

"(b) Notwithstanding any other provision of law, the provisions of subsection (a) of this section shall also apply to the administration of the programs referred to in such subsection in the case of any property loss or damage or injury, including loss or damage to agricultural crops, resulting from flood or excessive prolonged rain, drought, or other natural disaster occurring after June 30, 1971, and prior to July 1, 1973, in any area determined by the President to be a major disaster area or in any area determined by the Secretary of Agriculture to have suffered a natural disaster during such period.

"(c) Any loan made under this section shall not exceed the current cost of repairing or replacing the disaster loss or damage or injury in conformity with current codes and specifications. Any loan made under this section shall bear interest at a rate per annum to be determined by the Secretary of the Treasury under section 234 of the Disaster Relief Act of 1970 (42 U.S.C. 4453), or that established by the Small Business Administration under section 7(b) of the Small Business Act, as amended (15 U.S.C. 636(b)), whichever is lower.

"(d) In the administration of any Federal disaster loan program under the authority of this section, the age of any adult loan applicant shall not be considered in determining whether such loan should be made or the amount of such loan.

"(e) The benefits provided under this section shall be applicable to all loans qualifying hereunder, whether approved before or after the date of enactment of this section.

"(f) The President shall conduct a

thorough review of existing disaster relief legislation as it relates to emergency loans and housing loans administered by the Farmers Home Administration of the United States Department of Agriculture, and not later than January 31, 1973, he shall transmit to the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report containing specific legislative proposals for the comprehensive revision of such legislation in order to—

"(1) adjust the benefits and the coverage available to persons affected by disasters;

"(2) improve the execution of the program by simplifying and eliminating unnecessary administrative procedures; and

"(3) prevent the misuse of benefits made available under the program."

SEC. 6. Section 231 of the Disaster Relief Act of 1970 is amended by—

(1) inserting "(a)" after "Sec. 231."; and

(2) adding at the end of such section the following new subsection:

"(b) Loans to which this section applies may also be made for the purpose of providing small business concerns with working capital, the payment of operating expenses, and any purpose for which loans may be made under section 7(a) of the Small Business Act (15 U.S.C. 636(a))."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

WRIGHT PATMAN,
WM. BARRETT,
LEONOR K. SULLIVAN,
HENRY S. REUSS,
WILLIAM S. MOORHEAD,
ROBERT G. STEPHENS, Jr.,
WILLIAM B. WIDNALL,
ALBERT W. JOHNSON,
J. WILLIAM STANTON,
C. P. WYLIE,
Managers on the Part of the House.
HARRISON WILLIAMS,
T. J. MCINTYRE,
WALTER F. MONDALE,
ALAN CRANSTON,
JOHN TOWER,
ROBERT TAFT, Jr.,
W. V. ROTH, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

RETROACTIVITY, FORGIVENESS, AND INTEREST RATE

The Senate receded to the House with an amendment concerning the retroactivity, foregiveness, and interest rate features contained in H.R. 15692. The provisions agreed to in conference provide for the following:

(A) For Presidentially declared and Small Business Administration declared disasters occurring during calendar year 1971 disaster loans would have a foregiveness feature not to exceed $2,500, and the remaining balance of the loan would carry an interest rate of 3%.

(B) For the period January 1, 1972, to July 1, 1973, the two categories of disaster loans referred to in paragraph (A) would be made with a forgiveness feature not to exceed $5,000, and the remaining balance of the loan would carry an interest rate of 1%.

Where the interest rate is higher under existing law than that agreed to by the Conference Committee, the loans will be refinanced at the new lower rate. The new rate will apply to the balance on the loan outstanding on the date of enactment of this Act.

In addition, the requirement in the Disaster Relief Act of 1970 that the borrower must pay the first $500 of a loan before he can receive any forgiveness has been removed retroactively to January 1, 1971.

CUTOFF DATE

The House receded to the Senate amendment which provided for an expiration date of July 1, 1973, and directed the President to study all disaster programs and submit legislative recommendations to the Congress by January 1, 1973.

It was unanimously agreed by the conferees of both Houses that no application for disaster assistance should be accepted by the Small Business Administration after six months from the date of the declaration of disaster, except that the six-month period could be extended upon a determination by the Administrator of the Small Business Administration of hardship or other valid reasons.

FARMERS HOME ADMINISTRATION

The House receded to the Senate amendment dealing with loans made by the Farmers Home Administration in connection with either Presidentially declared disasters or disasters declared by the Secretary of Agriculture. The interest rate on disaster loans declared by the Farmers Home Administration will be the rate determined by the Secretary of the Treasury under the Disaster Relief Act of 1970 or the rate established by the Small Business Administration, whichever is lower. With regard to forgiveness of Farmers Home Administration loans, the forgiveness is limited to 50% of the original principal amount of the loan but not to exceed $5,000, or the per centum that would be cancelled by the Small Business Administration under this Act. With regard to retroactivity for Farmers Home Administration disaster loans, the Senate amendment agreed to by the House provides that the new law shall apply to disasters occurring between June 30, 1971, and July 1, 1973.

FLOOD INSURANCE

The Senate amendment to the House bill contained a provision requiring all borrowers to obtain Federal flood insurance, if available, during the life of the disaster loan. The House-passed bill contained no provision. The Senate receded to the House position.

ELECTION OF BENEFITS

The Senate amendment contained a technical provision which provides that a person entitled to greater disaster benefits under other laws may elect to obtain those benefits. The House-passed bill contained no similar provision, and the House receded to the Senate position.

AID TO ASSIST IN COMPLYING WITH NEW LEGAL REQUIREMENTS

The Senate amendment contained a provision which would allow the Small Business Administration to make loans to small businesses which incur certain expenses as a result of the need to comply with new Federal or State law. Such loans would be made at interest rates based on the cost of money to the Federal government and there would be no limitation on the amount of the principal of the loan. The House had no similar provision, and the Senate receded to the House position.

STRATEGIC ARMS LIMITATION BUSINESS LOSS LOANS

The Senate amendment contained a provision which would allow the Small Business Administration to make small business economic loans to small businesses adversely affected by international agreements limiting the development of strategic arms. The House had no similar provision. The House receded to the Senate position.

GRANTS TO NONPROFIT PRIVATE SCHOOLS

The Senate amendment contained a provision which would allow the President to make grants to non-profit private educational institutions in areas declared a major disaster by the President in connection with hurricane and tropical storm Agnes. The House language contained no similar provision. The House receded to the Senate position.

In addition, the Senate amendment contained a provision which provided that funds appropriated to the President for "Disaster Relief" were to be made available for carrying out the program of assistance to schools. The House had no similar provision. The Senate receded to the House position.

KINDS OF DISASTERS TO WHICH BENEFITS APPLIED

The House bill made assistance available for Presidentially declared disasters and to disasters in non-Presidentially declared areas that arose from the same Presidentially declared disasters. In addition the House bill provided separate benefits for disasters declared by the Small Business Administration.

The Senate amendment would make assistance available for Presidentially declared disasters and disasters declared by the Administrator of the Small Business Administration and disasters declared by the Secretary of Agriculture. The House receded to the Senate position.

REFINANCING OF HOME MORTGAGES

The House bill contained a provision that would allow the refinancing of home mortgages, but would limit such refinancing to the amount of the actual loss sustained from the disaster. The Senate provision provided that home loans could be refinanced including up to 100% of the outstanding amount of the original mortgage but in no case could the monthly mortgage payment be less than the monthly payment on the mortgage prior to the refinancing. The House receded to the Senate position.

SUSPENSION OF PAYMENT FOR DISABLED OR RETIRED PERSONS

The Senate bill contained a provision allowing the Administrator of the Small Business Administration to suspend for the lifetime of the borrower repayment of principal on home loans if the borrower is retired or disabled and is supported by disability or pension insurance, provided that the Administrator feels that payment of the mortgage would work hardship on the borrower. The borrower would still be required to make interest payments. The House had no similar provision. The House receded to the Senate position.

DISASTER LOANS FOR WORKING CAPITAL

The Senate amendment contained a provision that would allow disaster loans for working capital as well as for repairing, rebuilding, or refinancing. The House had no similar provision. The House receded to the Senate provision with an amendment making it clear that working capital loans would be available to only small businesses as defined by the Small Business Administrator and only for operating expenses and working capital losses resulting from the disaster.

TITLE

The Senate title provides as follows: "An Act to authorize for a limited period additional loan assistance under the Small Business Act for disaster victims, to provide a study and report to the Congress by the President setting forth recommendations for a comprehensive revision of disaster relief legislation and for other purposes." The House receded to the Senate title.

WRIGHT PATMAN,
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Managers on the Part of the Senate.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have requested this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. In response to my friend, the distinguished minority leader, we have completed the program for this week, and I shall ask unanimous consent to go over until Monday shortly.

The program for next week is as follows:

Monday is District day but there are no bills.

There are nine suspension bills that were previously scheduled, and they are as follows:

H.R. 6618. Gunboat *Cairo* Restoration;

H.R. 15922. Railroad Retirement Act Administration;

H.R. 12383. Mailing of drugs for analysis;

S. 2956. War powers;

S. 596. International agreements; transmittal to the Congress within 60 days;

H.R. 13792. Use of Government production equipment;

H.R. 15577. International bridges construction;

H.J. Res. 1257. International Agency for Research on Cancer; and

H.J. Res. 1211. South Pacific Commission.

After the consideration of these bills, there is for the consideration of the House, H.R. 13694, American Revolution Bicentennial Commission. We hope to conclude consideration of that measure on Monday.

For Tuesday, there will be the call of the Private Calendar, followed by the following bills:

H.R. 16254. Disaster relief supplemental appropriations;

H.J. Res. 1278. Continuing appropriations, fiscal year 1973;

H.R. 15375. Motor Vehicle Safety Act with an open rule and 1 hour of debate; and

S. 3824. Public Broadcasting Corporation authorization, with an open rule and 1 hour of debate.

For Wednesday, H.R. 16071, Public Works and Economic Development Act, subject to a rule being granted.

H.J. Res. 1227. SALT Interim Agreement subject to a rule being granted; and H.R. 15003, consumer product safety subject to a rule being granted.

For Thursday and the balance of the week, there is for the consideration of the House, H.R. 13915, the Equal Education Opportunity Act, open rule, with 2 hours of debate.

There are a great many conference reports which will be considered next week from the various committees, including the Committee on Appropriations.

It is quite certain that there will be a session on Friday.

I would like to put the Members on notice as to that fact.

After the conclusion of business on Friday, we will go over until September 5.

Of course, Mr. Speaker, conference reports may be brought up at any time, and any further program will be announced later.

Mr. GERALD R. FORD. Would the gentleman from Louisiana like to make an observation with reference to the reception of the U.S. Olympic Team?

Mr. BOGGS. Mr. Speaker, if the gentleman will yield further; yes, I shall be glad to do so, but I have to get permission in order to do that.

RECEPTION OF U.S. OLYMPIC TEAM

Mr. Speaker, I ask unanimous consent that it may be in order on any day next week for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in this Chamber representatives of the U.S. Olympic Team.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? There was no objection.

ADJOURNMENT OVER TO MONDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, I was unavoidably absent on teller vote 317. Had I been present, I would have voted "no."

TO CREATE A NATIONAL PRIMARY SYSTEM

(Mr. BLANTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. BLANTON. Mr. Speaker, on June 8 of this year I introduced H.R. 15395, the Presidential Elections Act, a bill to abolish the electoral college and create a national primary system. This bill was referred to the Committee on House Administration and as of yet, no action has been scheduled.

Although this legislation has many strong points, I would like to mention just two. The bill mandates a 40-percent plurality for both the national primary and the general election in order to achieve a victory. I consider this requirement essential to the success of any national primary legislation.

Second, in what I think is one of the most needed aspects of the legislation, the bill places a restriction on candidate advertising before 30 days prior to the primary and 45 days prior to the general election. My bill is the only piece of legislation to contain such a provision.

Mr. Speaker, I am disturbed that no action has been taken on this legislation. A recent Gallup poll showed that 72 percent of the voting public preferred a national primary, while only 18 percent opposed it. I think that there is a depth of wisdom in the feelings of grassroots America that is all too often ignored.

It is no wonder that the voters prefer a change as presidential primaries continue to proliferate. This year we set a new record with 23 presidential primaries. I fear that within the next 4 years we will see that record broken again as more States seek nationwide recognition.

I think that all voters should have a say in the choice of a party nominee. It is true of course that under our present system the public can work through the local party machinery on behalf of a candidate. In theory this sounds like the epitome of participatory democracy, but in practice we all know that the few who know the system and have the time to devote to it are the ones who control the proceedings. I do not think that any man or woman should be penalized just because they do not have the time or because they may be unfamiliar with party mechanics. Our Founding Fathers never intended this democracy to be for the elite few and it is time that we made it easier for every American to exercise his right not only to vote for President, but also to choose the party nominee.

Mr. Speaker, I feel that this bill, along with the recently enacted campaign spending legislation, is a step toward true electoral reform. The time to act on this bill is now, not when the crush of the next presidential race is upon us. We owe this to the American people. They have waited too long already for meaningful reform. Let us not deny them again.

THE PLAN TO ABOLISH FARM PROGRAMS

(Mr. ABOUREZK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ABOUREZK. Mr. Speaker, on June 16 of this year I chaired the regional hearings of the Democratic Platform Committee on Farming and Rural Life in Sioux City, Iowa. During the new hearings, I was shocked by the disclosure of a study, "New Directions for U.S. Agricultural Policy," which had been circulating within the U.S. Department of Agriculture. It was prepared by a Young Executive Committee originally established by Secretary Hardin and maintained by Secretary Butz.

That study was shocking because it proposed an end to all farm price support programs and recommended that farm policy disregard the incomes of farmers as a policymaking criterion. Under this study, policy should only concern itself with assuring adequate production to meet domestic and export needs.

The Honorable JOHN MELCHER of Montana, placed this study in the CONGRESSIONAL RECORD on June 21. I am sure that he fully understands the implications of these policy recommendations by the Young Executives and hope that this study will become the object of careful scrutiny.

Since July 16, I have looked this study over very carefully and have tried to learn as much about it as I could. Frankly, what I have found out is not very comforting.

To begin with, there is the background of the group making up the membership of the "Young Executives." I have not been able to track down the background of each member, but what I have found is revealing.

For example, William L. Ruble, the representative of the ASCS—the farm program agency—is a Ph. D. mathematician specializing in computers. He has been with the USDA for about 3 years and came to that agency specifically to spearhead evaluations of ASCS activities with the idea of designing a central computer system to handle the agency's business and recordkeeping.

He was somewhat involved in a similar job for the Navy in regard to their central personnel records computer. His background in agriculture is spotty at best, although I would hope that he learned something about farms in the past 3 years.

Jerome A. Miles of the Office of Budget and Finance was also with ASCS for a while as a management analyst. His task, however, was to analyze operations with the objective of improving the efficiency of paperhandling. He had nothing to do with program policy. He, too, is expert in computers.

Clarence R. Hanna represents the Office of Information Systems. This is a whole new department set up to supervise computer operations. Odds are that he is also a computer man.

We have then a group staffed with people who may know a whole lot about computers and modern computer technology. But I can not help but wonder what they know about farmers and farming.

I note that when this report first became public, the USDA tried to dismiss it as having "no official status" and being "developed independently" by the Young Executives. However, I would point out that this committee was set up by an official, numbered Secretary's memorandum. It cannot be considered a simple study group.

Its recommendations will be given the most serious consideration within the Department and at the very least seem to reflect the thoughts of the new, young leadership brought into the Department under the present administration.

The committee did, I understand, try to broaden its knowledge of commercial grain and livestock farming by visiting south central Texas, Mississippi, Washington, and California. I have nothing against those States and recognize that they are important centers of American agriculture. However, they missed the entire "breadbasket of America."

I do not understand how you can expect to review the state of American agriculture without visiting Kansas, Iowa, Missouri, Nebraska, North Dakota, or South Dakota. That would be like trying to examine American automobile manufacturing without visiting Michigan.

Even more frightening, however, than the manner in which this report was carried out, is the premises upon which it is based. The following premises are all wholly unacceptable and I completely reject them. Nonetheless, they are the basis of this report:

First. The farm income problem is simply the underutilization of resources, not that people are unable to make a decent living.

Second. There is an adequate return on resources now.

Third. The correct objective for USDA is to assure that farm income is consistent with farmer investment of capital and management ability and with returns of investment elsewhere in the economy.

Fourth. It is the statistics that make farm income look bad. The statistics are out of kilter because they recognize too many farms, and if you jigger the numbers by slicing off the smallest 1.4 million farmers, then everything will be all right—never mind the people.

Fifth. If you can get rid of enough farmers so that only about 600,000 are left, the number will be small enough that they can force better prices from food processors in the market place, since each, accordingly, will be a larger farm unit.

In their own fashion, the committee did deal with the problem that would occur in regard to land prices if commodity programs were eliminated. They said, in effect, that land prices are too high anyway, let them crash. But they did not deal with other capitalization—machinery, livestock, farm buildings and so forth—nor did they deal with what would happen to business in rural areas when the crash comes. Not only will you be forcing 2.1 million farms out of existence, but you will close the doors of countless smalltown businesses dependent on farm families for their livelihood.

Further, the assumption of the committee that the crash in land values could manage over a five-year phaseout is completely false. It would occur immediately upon the passage of the phaseout program, and might even begin as soon as it appeared that the Congress might pass such a phaseout.

The committee also makes an assumption that has always been popular, but which has never been proven true; namely that lower farm prices mean lower food prices. If the two were tied together as directly as that, food prices would be very little higher than they were 20 years ago. We all know better than that.

Finally, the committee most cavalierly dismisses the problem of what to do with those millions of farmers that have been displaced from the land. They recommend that these farmers go to work in other jobs. But we all know what the state of the economy is today. There are few other jobs, and widespread unemployment. The suggestion that "additional off-farm employment opportunities must be found" is nothing more than a cruel joke. No wonder that the committee strongly supports the family assistance plan. As they point out, "welfare reform would serve as a basic element in the development of programs to improve rural America" when millions of farmers are forced from their farms by this cruel policy.

I am pleased that a result of those platform hearings in Sioux City, where this proposed crime against American agriculture was revealed, the Democratic Party adopted a plank which specifically states:

> We repudiate the Report of the USDA Young Executive Committee which would eliminate the family-type farm by ending price support, loan and purchasing programs on all farm commodities, and which would put farm people on the welfare rolls.

I support that plank and am sure that when American farmers learn what the USDA has in mind for them, they will, too.

"MANNY" RIDGELL WILL BE MISSED

(Mr. FASCELL asked and was given permision to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, last Sunday evening the House of Representatives lost one of its most dedicated and competent servants. The sudden death of House Office Buildings Superintendent A. Emmanuel "Manny" Ridgell came as a shock to all of us. He was as much of a fixture around here as the buildings which he oversaw.

Manny has served the House longer than most of the Members have been here—40 years. He began in 1932, at the age of 20, as a messenger; held several clerical jobs through 1947, when he was appointed assistant superintendent; and, in 1948, he was appointed superintendent, the position he held until his death this week.

During his tenure as superintendent he served under four Speakers of the House and three Architects of the Capitol. His total career spanned the terms of seven Presidents. His duties, in addition to the assignment of office space to the Members, included the responsibility for the maintenance, operation, and structural mechanical care of the three House Office Buildings and the subway to the Capitol. He supervised 667 employees in overseeing this task.

The very length of his tenure bespeaks the kind of job he did. He served thousands of Members of this House during his 24 years as superintendent. He did an outstanding job, earning the appreciation and respect of each of us. To each of us he was an admired and dear friend. The services he performed were invaluable in making the daily task of serving those we represent pleasant and easier.

Manny had all the qualities of the amiable Irish. He was a devout Catholic, a family man, and had a ready wit. In addition, he had a fantastic memory which his friends said equaled that of a modern computer.

It will be difficult, if not impossible, to replace Manny. He is sorely missed by us all. I join our colleagues in extending our deepest sympathies to his wife, Mary, their daughter, Sister Mary Ann, and their sons, Charles and Father John Ridgell.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the distinguished majority leader.

Mr. BOGGS. Mr. Speaker, I appreciate the gentleman from Florida making these observations about our friend, Mr. Ridgell. I was out of the city last weekend when his death occurred and I did not know of it until just this moment when the gentleman from Florida informed me of it.

"Manny" Ridgell was one of the most dedicated men we had here. He worked for years and years and was always tremendously helpful to the Members of the House.

I join with the gentleman from Florida in extending sympathy to the family of "Manny" Ridgell.

Mr. FASCELL. I thank the majority leader.

THE HAMILTON-WHALEN PROVISION IN THE FOREIGN AID ASSISTANCE ACT OF 1972

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, I believe it is accurate to say at this time that a great many of us in this body today have undergone a great deal of "soul-searching" and thoughtful deliberation on the question of whether or not to support the Hamilton-Whalen provision in the Foreign Assistance Act. I know I have.

With the indulgence of my colleagues, I should like to comment briefly on the relative merits and demerits of the Hamilton-Whalen provision as I see them. I do not think there is any question that a great many people throughout this land looked to this provision as a viable means of ending the war in Vietnam or at least cutting off funds for its continuance, in spite of the fact that it would not cut off any funds and is conditional upon a cease-fire, the exchange of POW's, and an accounting of those Americans listed as missing in action.

Because of its similarity to the President's latest proposal for ending the war, it is indeed tempting. Supporting it would, no doubt, be politically popular with some people in this important election year. Many of us, however, have been haunted by the question which I kept asking myself over and over again—is it right or is it merely a legislative symbol of tokenism to a nation weary of war?

On its own merits, the Hamilton-Whalen provision, in my judgment, has several inherent weaknesses that cry out for understanding. First, is the proviso for a cease-fire between the United States and North Vietnam. Why were the South Vietnamese excluded? South Vietnam is a party to the conflict and now is reported to have the largest standing army of any nation in Southeast Asia. What about the South Koreans, the Laotians, the Cambodians, the Thais, and others? What good is a cease-fire in this or any other war that does not include the principals? What genuine assurances do we have for success when a cease-fire is not supervised?

Another question that one must ask, is what a firmly set withdrawal date—one fixed by an act of Congress—would do to the United States bargaining position? Who here can say that we may not be only days or weeks away from an agreement to end the war? Who here can say with absolute certainty that this provision might not prolong the war or the release of our POW's? The key question is, Who can guarantee that POW–MIA situation can be resolved to where we will see them return to their families and their country?

The North Vietnamese have demonstrated that they are tough, determined, and skillful negotiators. For years they have used American POW's as hostages—knowing how much we care about those men and how determined we are to get them back. By setting conditions which arbitrarily excludes an internationally supervised Indochina wide cease-fire, what guarantees or assurances exist that all the prisoners will be returned, or that there will be, in fact, a complete accounting of those listed as missing in action?

Finally, there is the question of whether or not the Hamilton-Whalen provision, by tying it to an act of Congress rather than a sense of the Congress resolution—is acting contrary the powers granted to the Congress. As my colleagues are aware, a motion was defeated at the original Constitutional Convention that would have given the legislature the same power of peace, as they were to have that of war.

I just wish it were possible to unite this Congress and the American people behind a common declaration of policy. If we were united and if world opinion has any value in influencing the people holding our POW's as hostages for purely bargaining purposes, I sincerely believe we could anticipate some beneficial results.

I do not believe that any Member of Congress, deep down in his conscience, honestly believes for 1 minute that you can end a war by a legislative act alone. Nearly all the Members I have talked to on both sides of this issue and on both sides of the aisle, agree with this statement.

In my view, we have far too many people attempting to "quarterback" U.S. strategy on the withdrawal of American personnel from Vietnam. With the President firmly and publicly committed to a positive program of withdrawal, I believe it would serve the country's best interests and the interests of our POW–MIA's, if constructive suggestions were channeled directly to the President himself.

A recent editorial in the highly respected and widely read newspaper, The Christian Science Monitor, stated in very clear and understandable words what I believe to be a very constructive suggestion that we in the Congress might read and heed.

It states as follows:

[From the Christian Science Monitor, Aug. 4, 1972]

DON'T ROCK THE BOAT

Past experience in dealings with Hanoi's leaders has shown it is risky to expect too much from peace talks. The art of fine-tuning interpretations from the shading of words and phrases is a blurry one at best. That said, there are signs from the current Paris peace talks that perhaps both Hanoi and Washington are showing just enough flexibility to make an over-the-table settlement possible.

The signs are admittedly sketchy: a milder ring to the usual invective from Hanoi's representatives; hints that the North Vietnamese insistence that a political settlement precede any military agreement might be altered *if* the way were opened to some Communist participation in a new Saigon government; and a softened insistence on Hanoi's demand for immediate removal of President Nguyen Van Thieu from office. On the United States part, some flexibility has also been shown toward Mr. Thieu's offer to step down from office before new elections are held.

It is reasonable to speculate that any softening on Hanoi's part reflects their expectation that they shall have to deal with Mr. Nixon for another four years.

All of this needs to be kept in mind with regard to the Senate vote Wednesday, in which it passed an amendment by a 49-to-47 vote requiring withdrawal of all American forces from Indo-China in four months, subject to release of American prisoners of war. That amendment to the military procurement bill must still go to a Senate-House armed services conference committee, where it is not expected to pass. However, it does underscore the growing possibility of a showdown between President Nixon and the Congress over the Vietnam war. And it could bolster similar efforts in the House, which next week considers a foreign aid authorization bill to which the Foreign Relations Committee has attached an antiwar rider.

There have been many moments when the Congress would have been well advised to take courage in its hands and to bring its powers to bear on halting the continuing escalation of the Vietnam conflict. But it chose instead to look the other way. Now, at the most propitious moment in the history of the peace talks for some real settlement. Congress is ill-advised to rock the boat by trying to recoup the reins it long ago handed over to the President.

Having given the White House the lead for so long in this miserable war, the Congress would do well to let Mr. Nixon make this last bid for peace without interference. If he fails, then he must answer for it to the electorate in three months. But for the sake of the Vietnamese people, north and south, and for the prisoners and their families, even the dim possibility of a negotiated settlement ought not to be jeopardized by a vote that could not in any case end the war.

CONGRESSMAN ORVAL HANSEN OF IDAHO INTRODUCES H.R. 16232, THE COMPREHENSIVE CORRECTIONAL TRAINING AND EMPLOYMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 15 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, I have this week introduced H.R. 16232, to amend the Manpower Development and Training Act of 1962. This amendment would provide financial assistance for a special manpower training and employment program for criminal offenders and for persons charged with crimes. It also would permit presentencing options for the courts so as to help the offender, rather than merely locking him up and then trying to decide how to rehabilitate him. In introducing this bill, I wish to acknowledge and compliment Senator JAVITS and his colleagues for their work in support of similar legislation in the Senate.

Action on new legislation to foster truly rehabilitative programs that involve real education and job training in the correctional field is long overdue. Since Attica and similar disturbances, legislation has been introduced in both Houses, but as yet we have had little or no action. I would urge that this House soon engage in extensive hearings on my bill, calling upon expert witnesses in the correctional field, including those with real experience in developing education and job training programs, to the end that soon we will have the most effective correctional legislation that can be devised by the Congress. I add my voice to the many correctional studies conducted by Presidential commissions as well as private groups, all of which underscore the long and short-range benefits to be accrued by a truly rehabilitative correctional system. Such a system must necessarily include education and job training for market place jobs and not merely prison jobs as is often the case.

Very recently a study conducted by RCA under contract with the Office of Education's Division of Manpower Development and Training came across my desk. Although I have not as yet examined this report carefully, a cursory review reveals that in one particular, at least, it corroborates the findings of almost every correctional study in recent years: That rehabilitative correctional programs, for a variety of reasons, are not given the priority at any governmental level that they should be given.

In 1966, the MDTA was amended to include special education and training programs for persons in correctional institutions. Through this modest beginning, a great deal has been learned about effective practices in correctional education and training programs. In 1968, such programs were permitted to continue when the MDTA was again amended.

Unfortunately, in recent years, funds for correctional training under the MDTA have not been provided by the Congress. As a result, the already oversubscribed discretionary funds available under MDTA are levied against; and, when these are not available—and this is usually the case—the States must use State-apportioned MDTA funds. This is happening in my own State of Idaho and I am sure this is not an atypical situation. The squeeze on State education budgets is forcing some very difficult choices on State legislatures. In 1973, for example, in Idaho, we hoped that the vocational education budget could sustain some correctional programs as it had been doing, and funds were requested for this purpose. Yet a reassessment of public school needs indicated this was not possible, and for fiscal year 1973, the State legislature was compelled to curtail funding of these programs.

Because my State recognizes that priority must be given to the rehabilitation of those who have been convicted or charged by the criminal justice system, a decision was made to use State-apportioned MDTA funds for correctional education and training programs. With the limited MDTA State-apportioned funds, however, the tradeoffs must come; and, such decisions are usually made at the expense of programs in other critical needs areas.

I am pleased to say that correctional programs in my State have been successful. One at the Idaho State Penitentiary at Eagle, Idaho, has particularly proven its worth. Through this program operated cooperatively by Mr. Raymond F. May, the director of corrections, and Mr. Roy Irons, State director of vocational education, some 55 inmates have received training in a variety of job-market relevant skills, including forestry aide, air conditioning mechanic and auto mechanic. As one State official put it, the Idaho Penitentiary program has "served the purpose" in that the program contributed to the rehabilitation of a large percentage of participating inmates. In it inmates were given a chance as well as a skill.

We need a stated national priority for rehabilitation in the correctional field, and a comparable commitment of funds. This is why today I have introduced the Comprehensive Correctional Training and Employment Act. This national commitment is justified for humanitarian reasons and it is in the self-interest of society to assure the successful reintegration of former offenders, and those charged, into the community.

The act follows:

SECTION-BY-SECTION ANALYSIS OF H.R. 16232, THE COMPREHENSIVE CORRECTIONAL TRAINING AND EMPLOYMENT ACT

SEC. 2. This section amends title II of the Manpower Development and Training Act of 1962 to establish a new Part D entitled: "Comprehensive Correctional Training and Employment Programs", as follows:

SEC. 251. STATEMENT OF PURPOSE

This section declares the principal objective of the U.S. correctional system to be the rehabilitation of individuals confined in correctional institutions, sentenced to probation, or released on parole and states that manpower training and employment programs have been identified as one of the most critical elements of successful rehabilitation.

The purpose of the Part is to authorize the provision of specialized manpower training and employment programs for criminal offenders and persons charged with crimes, as an integral part of the correctional process, and with the assistance of the private sector, in order to improve employment opportunities for such persons, increase the effectiveness of the correctional process and reduce recidivism.

SEC. 252. DEFINITIONS

This section defines the terms "eligible individual", "eligible applicant", "juvenile delinquent", "youthful offender", "Secretary", and others.

"Eligible applicant" means any state or local public agency or private agency or organization, or combination thereof.

"Eligible individual" means criminal offenders, including youthful offenders, and juvenile delinquents, and persons charged with a crime.

"Secretary" means the Secretary of Labor.

SEC. 253. PROGRAM AUTHORIZATION

Authorizes the Secretary of Labor to provide financial assistance to eligible applicants for the planning or conduct of, or assistance to: pretrial and other intervention programs offering eligible individuals participation in training and employment programs prior to final disposition pursuant to plans approved by the appropriate judicial and prosecuting authority; manpower training and employment programs in correctional institutions (including on-site and off-site work experience projects); programs offering a full range of employment opportunities with public agencies and private business concerns; professional and paraprofessional training programs; research programs assisting employment service personnel; programs for the provision of manpower training and employment services in model community-based centers and the provision of bonding assistance.

SEC. 254. FINANCIAL ASSISTANCE FOR MANPOWER TRAINING AND EMPLOYMENT PROGRAMS

Authorizes the Secretary to make grants to eligible applicants, consistent with basic criteria under Section 605: Each application must ensure that supportive services are provided along with training and employment; ensure that training is for a job for which a demonstrated demand has been determined to exist; provide wherever possible for the involvement of industry, labor and employment personnel from the private sector of the economy and for the use of training equipment comparable to what used in th job for which training is furnished; indicate prior arrangements for release of participants upon satisfactory completion of training and for follow-up training; and meet certain administrative requirements.

With respect to training programs, this section accords priority in funding as to programs for which arrangements have been made with public or private employers for employment after release.

BASIC CRITERIA

SEC. 255. Requires the Secretary to prescribe basic criteria in respect to labor market information, suitable length of training, the formulation of employability plans, the establishment of advisory committees, and the equitable participation in programs by all segments of the population of eligible individuals.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 256. Requires the Secretary to establish criteria assuring equitable distribution of financial assistance among the States taking into account, among other fatcors, relative crime rates and the ratio of the number of persons confined in correctional institutions, on probation, on parole, or charged with crimes within the state to those nationally. No state shall receive more than 15 percentum of the amounts appropriated.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 257. Limits federal financial assistance to 90 percent of program cost unless the Secretary, pursuant to objetcive criteria, decides otherwise; non-federal contributions may be in cash or in kind.

MANPOWER TRAINING AND EMPLOYMENT PROGRAM IN FEDERAL CORRECTIONAL INSTITUTIONS

SEC. 258. Authorizes the Secretary of Labor, pursuant to agreements with the Attorney General and the Secretary of Health, Education and Welfare, to conduct special model programs for eligible individuals in Federal correctional institutions and in the federal courts, consistent with the purposes of the part.

AVAILABILITY OF EMPLOYMENT OPPORTUNITIES

SEC. 259. Requires the Secretary to ensure due consideration for applications for programs serving eligible individuals submitted under on-the-job training programs under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, as amended, and the Emergency Employment Act of 1971.

SEC. 260. COORDINATION AND PROGRAM LINKAGES

(a) Requires the Secretary of Labor and the Attorney General to enter into agreements to assure the combining of resources, maximum program coordination and joint planning between programs conducted under this Part, under Part E, of Title I of the Safe Streets Act of 1968, the Juvenile Delinquency Prevention and Control Act of 1968 and other federal laws; (b) requires the Secretary of Labor and the Secretary of Health, Education, and Welfare to enter into agreements pursuant to which the Secretary of Health, Education, and Welfare will provide education to participating eligible individuals and will insure programs linkage with vocational education, vocational rehabilitation and similar programs; (c) requires coordination, by arrangement with the Director of ACTION, for the use of volunteer programs; and (d) authorizes the Secretary to insure such arrangements as are necessary to insure maximum coordination and joint planning between programs conducted and assisted under this Part within each State.

SEC. 261. STUDIES AND REPORTS

Authorizes the Secretary of Labor, in consultation with the Attorney General and the Secretary of Health, Education, and Welfare to conduct a continuing study on the effect of programs conducted or assisted under the Part and to compile information on the employment opportunities of criminal offenders, including research on impediments to employment. The Chairman of the Civil Service Commission is also required to report on the means of increasing employment opportunities for such persons in the Federal Service.

SEC. 262. PAYMENTS

Authorizes payment of the Federal share of program costs.

SEC. 262. WITHHOLDING

Authorizes the Secretary to withhold funds, after notice and hearing, in cases of an applicant's non-compliance with statutory provisions of the Part.

SEC. 263. AUTHORIZATION OF APPROPRIATIONS

This section authorizes appropriations of $40 million for fiscal year 1972, $100 million for fiscal year 1973; and $200 million for fiscal year 1974.

SEC. 3. This section amends the Manpower Development Training Act of 1962 to make certain conforming changes.

SEC. 4. This section amends the Wagner-Peyser Act of 1933 to require State employment service plans to include provision for the designation and assignment of personnel for the promotion and development of employment opportunities and placement for criminal offenders and persons charged with crimes.

SOYBEAN SALE TO RUSSIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, just 7 months to the day after my one-man soybean mission to Moscow, the Soviet purchase of 1 million tons of soybeans was announced.

This is an historic event for American agriculture. It represents a major decision by the Soviet Government to introduce whole beans, meal and oil into their feed and food system.

Soybeans have had such spectacular acceptance elsewhere that I am confident this will be just the first in a series of substantial purchases in the years ahead.

In my calls last January on food industry, trade, and agriculture officials in Moscow my emphasis was on prospective food uses of soybeans as well as feed uses.

During the months since my trip to Moscow, critics have tended to discount the possibility of a Soviet soybean purchase, especially in light of the present supply and price condition and the competitive relationship of beans to the sunflower product so popular in the Soviet Union.

My confidence in the sale of soybeans was based on the belief that Russian leaders would recognize beans are the best buy for meeting growing consumer demand for high-quality low-price protein.

The Soviet decision is a special cause for rejoicing by Illinois farmers, in addition to the great benefits it will bring to our entire economy. The purchase represents the annual output of 1 million acres or 14 percent of Illinois soybean land.

The purchase shows the value of special efforts to cultivate markets in the Soviet Union along the lines of the upcoming Illinois agricultural trade mission announced recently by Gov. Richard Ogilvie.

LABOR AND HEW APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, yesterday I voted against the Labor and HEW appropriations bill. I regret very much that this nay vote was necessary, but increases of the size called for in this bill will eventually require a vote for higher taxes which the taxpayers just cannot afford. This appropriation bill includes much needed funds for many desirable programs, but this conference bill goes too far and promises too much by providing increases that are inconsistent with our Federal revenues.

This appropriation bill is $1.8 billion over the budget request; $958 million or 23 percent over the budget for the health items, and $791 million, or 23.6 percent over the budget for education. If I had felt these additional dollars were going to deal with our real health, education, and welfare needs, I would have supported it and looked for other places to make cuts in Federal spending, but this was not the case. Much to the contrary, one program, that for social services, is a virtual open-ended raid on the Federal Treasury and may cost an additional $3.5 billion or more over the budget request in payments to the States for social services. Expenditures for this program doubled in the past fiscal year and may quadruple this year into the range of $5 billion. There has been little or no accountability from the States on how much is spent for which services and how well they accomplish these goals. In some cases States are putting 75 percent of moneys normally spent for social services back into the State's general fund and then using the remaining 25 percent as matching money to draw another 75 percent out of the Federal Treasury. I think it would be very difficult indeed to say that these expenditures are absolutely essential and that solutions to our great national problems are vitally dependent upon them.

The largest dollar increase in the conference report is $170 million in additional funds for mental health services. I am not critical of these important programs, but just during this administration, funding for these mental health services has increased by 83 percent while overall budget authority increased by only 27 percent, or at a rate only one-third of that for mental health. Much of the extra $47 million for health services delivery is added to programs already expanded in the budget request, as is the case with the additional $52 million for preventive health services.

The same is the case in the education area. To the budget request of $3,335,597,000 for the Office of Education, the Appropriations Committee added $301 million and the House, by adopting the Hathaway amendments, increased the appropriations by another $364 million. Before voting for this amendment, I discussed it with many educators from my district, from New York State's education department and representatives of national groups. They encouraged me to support the amendment and did not indicate that it was inadequate, yet the conferees added another $127 million to what the House had already approved.

Mr. Speaker, last month I mailed to my constituents a four-page "Congressional Report." My first paragraph read:

> The critical necessity to curb spending and inflation and provide jobs transcends politics. Government at all levels must become more efficient and work toward spending reductions, especially at the federal level.

Inflation and jobs were the subject I dealt with first in this report, because they are the subjects of deepest concern to my constituents. I went on in this report to remind them that I had earlier introduced a bill which would limit Congress and the executive branch to a spending ceiling of $246 billion in fiscal 1973, the amount of the administration's fiscal 1972 budget request.

In this same "Congressional Report," as another means of curtailing runaway Government spending, I proposed that Congress consider the most economical funding of each ongoing program and discard the practice of basing authorizations on previously approved annual levels. This HEW appropriation bill is an excellent example of the need for a fresh review annually of ongoing programs to determine the level of funding needed for the most effective operation of each program.

In good conscience, I could not vote for the HEW-Labor appropriations after introducing these two measures. I want the best buy for each Federal dollar spent and to get it we must start judging programs on their merit and effectiveness rather than their political popularity. If we hope to enforce a ceiling on Federal spending for fiscal 1973, and restore fiscal discipline to this country, this HEW-Labor appropriation bill would have been a good place to begin.

RADIOLOGICAL EMISSIONS AND STATES RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 40 minutes.

Mr. FRENZEL. Mr. Speaker, section 274 a Nos. 4, 5, and 6 of the Atomic Energy Act are entitled "Cooperation with the States." They read that:

> It is the purpose of this section—
>
> (4) to establish procedures and criteria for the continuance of certain of the Commission's regulatory responsibilities with respect of byproduct, source, and special nuclear materials, and the assumption thereof by the States;
>
> (5) to provide for coordination of the development of radiation standards for the guidance of Federal agencies and cooperation with the States; and
>
> (6) to recognize that, as the States improve their capabilities to regulate effectively such materials, additional legislation may be desirable.

Mr. Speaker, it is my purpose today in cooperation with my distinguished colleagues, Mr. FLOOD of Pennsylvania and Mr. WOLFF of New York, to introduce some of that additional legislation which the Atomic Energy Act of 1954 calls for. Therefore, we have today introduced a bill, a copy of which is inserted here:

> H.R. 16309
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 274 (c) of the Atomic Energy Act of 1954 is amended by striking out "No agreement" and inserting in lieu thereof "Subject to the last sentence of subsection (d), no agreement".
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> SEC. 2. Section 274(d) of the Atomic Energy Act of 1954 is amended by adding at the end thereof (after and below paragraph (2)) the following new sentence:
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> "Each State shall have authority to regulate the discharge of radioactive waste materials from atomic energy utilization facilities, and in its discretion to set standards which are more stringent than those adopted by the Commission, if there is in force between such State and the Commission an agreement under subsection (b), and if such State has demonstrated its competence in the administration of its responsibilities under such agreement.

This amendment would allow those 24 States which have entered into materials license agreements with the AEC to establish standards for other nuclear materials, if they have demonstrated their competency in the initial licensing agreements. These initial agreements provide under section 3 of 274 that:

> b. the Commission is authorized to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission under chapters 6, 7 and 8, and section 161 of this Act, with respect to any one or more of the following materials within the State—
>
> (1) byproduct materials;
>
> (2) source materials;
>
> (3) special nuclear materials in quantities not sufficient to form a critical mass.

During the duration of such an agreement it is recognized that the State shall have authority to regulate the materials covered by the agreement for the protection of the public health and safety from radiation hazards.

Thus a State which has made an agreement with the AEC, presently has complete regulatory power over natural radioactive material, X-ray medical, dental, and industrial machinery, and many of the artificially accelerator-created materials used in American society today. The crucial question centers around those "special nuclear materials in quantities not sufficient to form a critical mass."

At present that limit is defined as 250 grams which is a sufficient amount to use in laboratory research, for certain industry uses, and for calibration settings, but insufficient for fuel element creation or fuel reprocessing. But the question here is not whether one State desires to reach critical mass or create an explosive force, but rather how to control the precise amount of radiological waste materials and emissions which a State deems desirable for its citizens. The artificial barrier of 250 grams of these materials seems unreasonable when discussing public health. As I noted earlier, 24 of the 50 States have entered into, and competently performed, their regulatory duties under these licensing agreements. Of these 24, 17 have nuclear powerplants and, under this proposal, would be able to set their own radiation standards. Fourteen other States have reactors, but are without the agreements, and could be expected to enter into these agreements should this bill become law.

Even without this bill, however, a number of States already have facilities functioning which operate under regulations significantly different than the national standards of the AEC. Notable among these are Florida and Pennsylvania. A major contention of those States which desire the ability to create more stringent standards is that specific geographic situations dictate differing requirements. In Florida, the AEC, of necessity, has recognized this factor, and does permit differing standards due to the peculiar water table in Florida. The opportunity which the AEC extended to Florida has not been extended to those other States which feel that their environmental needs and conditions dictate similar "exceptions."

In Pennsylvania, on the other hand, the State and private industry have cooperated for over 16 years in setting standards which have been consistently 10 percent to 100 percent lower—more stringent—than those of the AEC. The Pennsylvania operation is an example of the spirit which should be developed on a nationwide basis. But if it cannot be developed, it must be legislated.

The Minnesota case of Northern States Power against Minnesota was recently decided when the Supreme Court upheld the lower courts decision against the State. It is just one example of Minnesota's many attempts to set more stringent standards for radiological waste. The number of States which have specifically protested the AEC's right arbitrarily to set these minimum standards in the Minnesota case include: Illinois, Kansas, Maryland, Michigan, Missouri, Pennsylvania, Vermont, Virginia, and Wisconsin all of which filed amicus briefs in circuit court. Arkansas, Delaware, Mississippi, and West Virginia filed amicus briefs as members of the Southern Governors Conference, and six other States filed supporting statements.

These States supported the Minnesota case for varying reasons, but two stand out most clearly: First, the States' right to safeguard the health and welfare of its people; and second, the alleged "inadequacy" of AEC's standards.

The Supreme Court decision sustains the argument that Congress in the Atomic Energy Act of 1954 did preempt State governments from regulating the radioactive emissions from nuclear power plants. But it does not change the underlying validity of our Federal system nor our concept that the States are the primary units in our American political system, and therefore have primary responsibility for the health and safety of their citizens. If Congress legislatively preempted the States in this matter, by legislation Congress can restore to the States their proper role in decisions affecting the exposure of their citizens to radioactive effluents of nuclear power plants.

Throughout congressional history the States' right to protect the health and welfare of its own citizens is clearly demonstrated. As John Badalich, former director of the Minnesota Pollution Control Agency, testified before the JCAE in 1970:

> It is a long established concept that a subordinate unit of the government has the right to establish more stringent requirements in its own area when it feels it necessary for the protection of its citizens by reason of factors unique to its area.

This concept is borne out in section 11 of the Federal Water Pollution Control Act, which in part reads:

> It is hereby declared to be the intent of Congress that any Federal department or agency . . . shall . . . cooperate with . . . any state or interstate agency or municipality having jurisdiction over waters into which

> any matter is discharged from such property in preventing or controlling the pollution of such waters.

The Federal Air Quality Act of 1967 cites in section 101(a)(3):

> . . . that the prevention and control of air pollution and its source is the primary responsibility of States and local governments . . .

In this Congress we have passed the noise pollution bill, the so-called boat head amendments in H.R. 11896 and section 109 of the Clean Air Act—all of which allow the States the right to set more stringent standards than the Federal minimum.

However, the States involved are not protesting on any empty principle, but because they are convinced that the AEC has erected standards which are inadequate. An article from the Rutland Daily Herald of September 12, 1969, concerning an AEC meeting in Burlington, Vt., reads:

> BURLINGTON.—The scientific community warned Vermont officials Thursday that the state should quickly adopt strict legislation to limit the amount of radioactive discharge from atomic plants.
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> A group of distinguished scientists in Burlington, appearing on a panel discussion during the Atomic Energy Commission's conference on nuclear power, also issued the following warnings to state officials:
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> "The danger of catastrophic accidents at nuclear plants is very real.
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> "If the AEC continues to allow nuclear plants to discharge radioactive wastes at current levels, the lifespan of Americans will be reduced by at least eight years.
>
> The state cannot look to the AEC to properly regulate nuclear plants because the AEC has a built-in conflict of interest."

Those warnings came from a group of five of the Nation's top nuclear scientists gathered at the University of Vermont's Waterman Building Thursday morning prior to the start of the AEC public hearing.

The first stern warning of the session came from Dr. Arthur R. Tamplin of the University of California. Dr. Tamplin, a specialist in radiological problems, said:

> There is no question that the levels of radioactive discharge permitted by the AEC should be substantially reduced. The eventual outcome of discharge at present levels will be to reduce the average life span of Americans by eight years—and that is a conservative estimate.

Further indication of the States concern was made by Drs. John W. Gofman and Arthur R. Tamplin, of the AEC's Livermore Laboratories, in a testimony before the U.S. Senate Subcommittee on Air and Water Pollution November 18, 1969:

> We wish to apprise you that, in our opinion, the crucial pressing problem facing everyone concerned with any and all burgeoning atomic energy activities is to secure the earliest possible revision downward, by at least a factor of tenfold, of the allowable radiation dosage to the population from peaceful atomic energy activities. The Federal Radiation Council (FRC) allowable dose of whole body ionizing radiation is 0.17 Rads per year. We shall present to you hard evidence that leads us to recommend that this be reduced now to 0.017 Rads or even less. And we shall present to you the estimated disastrous consequences to the health of the public if this recommendation receives less than immediate, serious attention.
>
> When the AEC in 1963 requested our laboratory to undertake long range systematic studies of the effects of Man-Made Radiation upon man, we told AEC Chairman Seaborg and (then) Commissioner Haworth that the results of our studies could very well suggest restrictions upon ongoing or proposed AEC projects. We said further that we intended fully to disclose publicly any evidence developed, favorable or unfavorable to the AEC. Both Commissioners assured us they were perfectly happy about this project—all they wanted was for us to be sure to provide the truth.
>
> Today, we have presented your Committee with much evidence indicating that current radiation exposure guidelines are indeed dangerous—much too high. It would indeed be naive for us to believe that our recommendations will be received with enthusiasm in all quarters . . .
>
> We intend to continue to provide critical appraisal of questions of atomic energy safety in such a manner that the evidence can be examined by the scientific and public community at large. We do not subscribe to the concern that the public might, thereby, become unduly or prematurely alarmed. If a real controversy concerning the evidence exists, the public very well ought to be alarmed, and ought to demand that we pace our technical progress in such a way always that unanswered questions are decided in favor of the health and welfare of the public.

The AEC's policy of establishing the lowest practicable standards has been roundly criticized. Recently the AEC has begun to apply numerical measurements as guiding principles, not enforced regulations, to light water reactors. This is a step forward but we, and the States, wonder why these guides are not being applied to breeder reactors, fuel reprocessing plants, and other nuclear installations.

The present doctrine of as low as practicable is vague, weak, uncertain, and only intermittently enforceable. One of the major concerns of our States is that this policy will be excessively influenced by the level of demands placed upon the plant at power shortage points. However, even if we accept this low as practicable standard for present application, we must still look to the future. According to the Federal Power Commission, by 1990 our country's use of electricity will be increased fourfold. According to their calculations, over one-half of all the electricity generated will be from nuclear installations. We can no longer concern ourselves with one isolated plant, but now must contend with large groupings or concentrated "plantations" of nuclear plants as advocated by former AEC Chairman, Glenn Seaborg. When that day arrives the capacity for administration of regulations must be far greater than it is today.

Gentlemen, we are planning for the future. With the cooperation of Governor Anderson of my State of Minnesota, and the State governments of Pennsylvania and New York, we are proposing a bill which will give us a planning basis for the future.

Congressmen WOLFF, FLOOD, and I believe that this is a compromise bill. It goes only part way toward giving States control over radiological emissions. Minnesota, Pennsylvania, and New York are supporting it, not as a completely desirable solution, but as a politically possible, first-step compromise.

We have proved this year, that we cannot get more State control than this bill would give. We have yet to prove next year whether we can get this much.

Mr. WOLFF. Mr. Speaker, I would like to call this body's attention to legislation being introduced today by my distinguished colleague, Congressman FRENZEL, and of which I am a proud cosponsor, along with the esteemed gentleman from Pennsylvania, Congressman FLOOD. This bill would add an important new element to the present licensing procedure which is followed in the construction and operation of nuclear power facilities by giving the States a voice in the promulgation of operating standards. Similarly, it would encourage the States to develop their expertise in the area of nuclear science so that they might play a greater part in planning for future development of nuclear resources within their jurisdictional boundaries.

A number of months ago, when this body considered the Water Pollution Control Act amendments, I expressed my strong support for the States to expand their authority to participate in the formulation of nuclear effluent standards by offering an amendment that would permit the States to set more stringent requirements than the Federal Government for the discharge of wastes from atomic powerplants. Unfortunately, this amendment was not included in the final version of the bill, with the result that the States still do not have the privilege or the authority to exercise control over the amount of nuclear waste which will contaminate their own land and waters.

While this new measure would not in any way abrogate the authority of the Federal Government to continue to establish and enforce pollution standards for atomic facilities, it would instead offer a strong incentive for State-Federal cooperation in the development of sound, practicable standards for nuclear discharge. With the States being most immediately responsible to their citizens for the maintenance of protective public health standards, it is only fitting that the States be afforded the opportunity to participate in the promulgation of those standards. Additionally, for too many years, the Federal Government has held a monopoly on expertise in atmoic energy development, yet the Atomic Energy Act itself indicates that the States should develop their own regulatory authority. This bill which we are introducing today merely reiterates this goal and encourages the States to develop and exhibit competence in the nuclear field.

Mr. Speaker, the question of regulation of nuclear effluent, as it is discharged from operating powerplants, is but a small part of the larger issue of overall regulation of nuclear power. To protect the health and safety of all Americans as we turn more and more to the use of atomic energy to meet our needs for power in the future, we simply cannot afford to continue to emphasize development and growth and ignore the need for sound, technologically feasible standards for the regulation of nuclear power.

To do so is to court disaster, for in dealing with one of nature's most potent and dangerous substances, it is imperative that we develop the widest range of knowledge and technology possible. Encouraging the States to join in this effort, as our legislation would do, can only result in added benefits for all Americans as the use of atomic power is expanded to serve this country's energy needs.

GENERAL LEAVE

Mr. FISH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of Mr. Frenzel's special order and to include therewith extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

THE SAFE STATES ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Heinz) is recognized for 15 minutes.

Mr. HEINZ. Mr. Speaker, I am today introducing the Safe States Act of 1972.

This legislation will strengthen the Disaster Relief Act of 1970, Public Law 91–606, whose enactment is proof of congressional concern for safeguarding the lives and property of victims of natural disasters. This law provides Federal grants to the States to develop comprehensive disaster preparedness plans and expedite the efforts of the affected States to give aid, assistance, and emergency welfare service to the devastated area.

The States however, have taken little or no initiative in meeting their responsibility to their citizens. Although the Federal Government provides matching funds for the development of State disaster plans, fewer than one-third of the States were participating in this program at the end of 1971. Furthermore, many of the States participating in this program have formulated plans which exist only on paper. I would go so far as to say that no State provides for the safety, or preparedness against disaster that their citizens expect or deserve. In fact, disaster preparedness is a very low priority, then, for most States. Their plans have never been adequately tested nor has aid been given to local communities to coordinate their activities during a disaster.

My home State of Pennsylvania is an example of a State which has taken the initiative of applying for a Federal grant to develop a plan, but whose implementation has been totally inadequate. In 1971, Pennsylvania applied for a $14,850 grant although the maximum amount available is $250,000. For this sum, the State has in its possession, a plan, approved by the Office of Emergency Preparedness, whose stated objective is "the development, maintenance, and operation of a fully coordinated statewide organization composed of State, county, and local units capable of immediate and effective action aimed at the protection of life and property and the alleviation of human hardship and suffering in natural disasters."

One had only to witness the developments before, during, and after the disaster caused by Hurricane Agnes to realize that this plan was not operable. An illustration of the disparity between the plan on paper and the reality of its implementation—or lack thereof—was exemplified by the needless damage to property in the Pittsburgh area. The Weather Bureau was not able to issue flood warnings to communities situated near the rivers until 4 a.m. Friday, June 23, only 4 hours before the flooding reached the critical stage. Due to the lateness of the hour, citizens were totally unaware of the situation. During hearings of the Government Activities Subcommittee of the House Government Operations Committee on June 29, 1972, officials of the Weather Bueau stated that there were no means available to them to alert the people to the danger. Yet the Pennsylvania Plan specifically states that: "for emergency purposes, each city, borough, town, and township is expected to install and maintain a public warning system which differentiates between the attack signal and an attention signal which should be used in natural disasters followed by a public broadcast of essential emergency information."

Numerous instances such as this occurred throughout the State and this situation is certainly not representative in Pennsylvania alone. It points out not only the ineffectiveness of the State's leadership, but also the inadequacies of the Disaster Relief Act of 1970.

The fact is that we have no means by which to judge the effectiveness of any plan which has been formulated through Federal grants from the Office of Emergency Preparedness.

In its "Report to Congress on Disaster Preparedness 1972," the Office of Emergency Preparedness made the following observations:

> Every State in the Union is vulnerable to some type of natural disaster;
>
> State disaster planning is uneven in coverage and quality;
>
> Planning is essential for any region or community likely to be affected by a disaster in order to determine what preventive and protective measures can and should be taken before and at the time of a disaster;
>
> State disaster plans should, above all, be more concerned with the needs of local communities, with greater emphasis on predisaster preparedness. However, a review of state plans reveals that only 21 states provide funds to municipalities for this purpose;
>
> Although all states have civil defense plans, it has become evident that provisions which are useful in a civil defense context are not well suited to meeting all disaster problems and responsibilties:
>
> Failure to make provision for disasters invites heavy loss of life and severe property damage.

It is obvious from these criticisms that the Federal Government must take decisive action to insure that the citizens of this country are protected from natural disasters to the fullest extent possible. During the past 4 months two natural disasters have caused untold human suffering. The damage wrought by the flood in Rapid City, S. Dak., and by Hurricane Agnes on the east coast is in excess of $3.5 billion. It is evident that the loss of life and property damage which was caused by these disasters could have been substantially lessened if adequate predisaster plans had been implemented.

Enactment of the Safe States Act will make certain that the citizens of every State are better prepared to fend off disaster. This act provides for the mandatory development and maintenance by States of disaster preparedness programs. These plans must be in accordance with the Federal standards including performance standards, for disaster preparedness which are to be formulated and, most importantly, enforced by the Office of Emergency Preparedness. These standards will be applied on a regional basis with special emphasis given to preparedness of natural disasters to which the region is susceptible.

Under this act, any State which does not meet the minimum standards for disaster preparedness established by this act will not be eligible for any Federal disaster relief assistance. In addition the bill revises the formula for matching funds to the States for the development of disaster plans by increasing the Federal share to 90 percent if the plan is approved by the Office of Emergency Preparedness.

During the last decade all but six of our 50 States were declared major disaster areas. Yet only 14 of our 50 States have taken even minimal first steps to prepare disaster plans. It is time that we came to grips with the notion that "it cannot happen to me." The States have too frequently found an excuse to delay the allocation of funds for disaster preparedness. It is only after a tragedy occurs that the pressing need for preparedness becomes apparent to them. I do not believe that we can allow this situation to continue. We cannot permit people to have the false sense of security that their lives and property are protected when in fact they are not. What's more, it is inexcusable that Federal tax dollars are wasted by providing assistance to States who refuse to implement the necessary precautionary measures.

Passage of the Safe States Act will provide the precautionary measure needed.

AN UNFAIR ATTACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, in today's Washington Post there was an Evans and Novak column claiming that Chairman Wright Patman has been filibustering the 1972 housing bill, and preventing action on it. Any such charge is unfounded, unfair, and untrue.

Wright Patman has been no czar and no autocrat; he runs the Committee on Banking and Currency with a fair and even hand. He was the first chairman as far as I know to institute the 5-minute rule, which he devised in order to assure that every committee member has a chance to question witnesses. And if there is not time for questions to be raised, he assures that every member has an opportunity to seek written answers to the questions he might have. Chairman PATMAN bends over backward to accommodate the members, and I for one am grateful for it.

With respect to the housing legislation, it is ironic that on the same day that Chairman PATMAN is assaulted for supposedly holding up action, another newspaper tells about how the FHA program is falling into red tape, disrepair and disrepute. WRIGHT PATMAN knows this; he is concerned about our housing programs—after all he was a pioneer in devising many of our housing laws. What he wants is the same thing everybody else wants—a program that will work.

I think that every member of the committee will tell you that a great many markup sessions on the 1972 housing bill have been delayed an hour or two by waiting for a quorum, and by debates on procedures. WRIGHT PATMAN has been there every day, on time. He has started meetings as soon as a quorum appeared; he has changed the rules so as to expedite action.

But one thing Chairman PATMAN has not done is to choke off consideration of this bill, and he has good reason for it. The bill is controversial, and it is complex. Members have many questions to ask, and many changes to suggest. He wants to be assured that the members are satisfied, and that we will have a bill that will work and that we can defend. That would be impossible without full, fair and open consideration. If allowing democratic procedure is to filibuster, then I do not know the meaning of the word. How can a czar also be a Democrat?

The committee was perfectly free, and still is, to choke off debate. Evans and Novak themselves admit that this was refused by the committee itself. WRIGHT PATMAN did not refuse to cut off debate—the committee itself did.

Evans and Novak have been unfair in their attack on our distinguished chairman. They would be the first to blame him for a bad bill—but they demand hasty action, too. It seems that men who defend democratic procedure and full debate are automatically relegated to crusty curmudgeon status. This is unfair and unfortunate, because if I know the mark of distinction, it is prudence and patience in the face of demands for haste and ill thought.

Let us consider the housing bill carefully. Let us work on it until we are satisfied. Then we will have something that might work, and serve this country better than existing programs. Then we will have something we can defend successfully. It would be wrong for us to bring out a bill that even the Housing Subcommittee has doubts about, a bill that has not been fully considered. If it takes a year to get a workable program, let us take a year. But if it takes a year, let us be realistic and blame the whole committee, not just its chairman.

Mr. Speaker, I make a part of the RECORD the column to which I referred.

[From the Washington Post, Aug. 10, 1972]

TYRANNY ON CAPITOL HILL

(By Rowland Evans and Robert Novak)

With the White House watching silently, Rep. Wright Patman of Texas is using his power as chairman of the House Banking Committee to strangle the $4 billion housing bill behind closed doors in the most tyrannical performance by a committee chairman in years.

The struggle between Democrat Patman, an oldstyle populist who turned 79 last week. and moderate committee Democrats goes back years. But the current episode carriers glittering political dividends for President Nixon's re-election campaign.

If, as now seems highly probable the housing bill is killed by Patman's personal filibuster. Mr. Nixon can pin the blame on the Democratic Party.

Little wonder, then, that although housing secretary George Romney has appealed to committee Republicans to rescue the bill, the White House has kept in the background. Nor has Rep. William Widnall of New Jersey, the committee's senior Republican, lifted a finger against Patman's filibuster.

The chance for that came Tuesday, when Rep. William A. Barrett of Pennsylvania, chairman of the housing subcommittee, finally forced a vote on his motion demanding a full committee decision on the bill by Aug. 17, the day before the congressional recess. That effort failed, 14 to 9, when not one Republican voted with Barrett.

Having won that key test, Patman now can continue the forced reading of every work in the 271-page bill. The Patman-controlled committee clerk started droning in mid-July, on the specious grounds that House rules require a bill to be read in its entirely before voted on by a committee.

The bill-reading rule now being used as the underpinning of Patman's legislative tyranny is hardly ever followed. Patman himself, in fact, earlier this year whipped out the $5 billion emergency public works bill after a one-day hearing; it was marked up—that is readied for a final vote—in a few minutes.

The apparent reason for Patman's dictatorial opposition to the housing bill is not so much the bill itself as Patman's lust for revenge against insurgent committee Democrats who reduced Patman's power five years ago, led by Reps. William Moorhead of Pennsylvania, Thomas L. Ashley of Ohio and Robert G Stephens, Jr., of Georgia. Patman has never been reconciled to the independence of Barrett's housing subcommittee. Alone of subcommittee chairman, Barrett has power to hire staff on his own.

But neither Barrett nor the insurgents were prepared for the chairman's present display of raw power. For the first ten days of the enforced bill-reading, with the committee's 37 members sitting around the committee table trying to stay awake, tempers held.

Recently, however, tensions have risen. Last Thursday Patman flatly refused a routine request by three members—two Republicans and a Democrat—to reserve the right to amend portions of the bill covered during their absence to vote in state congressional primaries.

Patman flatly opposed this normal congressional courtesy. When it was forced to a test, he found himself alone on the 27-to-1 vote.

Democratic Rep. Frank Annunzio of Illinois, angry over Patman's performance, retaliated with a loud demand that Patman change his vote.

"I don't want to change my vote," Patman sanctimoniously replied. "We should stay on the job every minute."

Furious now, the gravelvoiced Annunzio shouted back: "That is so obvious that it didn't have to be said. I've never bull . . . my colleagues in my life." Patman ignored Annunzio, but the incident came close to sparking a full-blown rebellion against the autocratic chairman.

Revolt-minded anti-Patman Democrats earlier sought help from Speaker Carl Albert to force Patman to convene the closed-door mark-up hearings in the first place. Patman had stalled the bill for two months following approval by the Barrett subcommittee.

But with all the high political stakes of an overwhelmingly Democratic Congress failing to pass an election-year housing bill for the first time in a decade, even open revolt might not succeed.

AMMUNITION, ASSASSINS, AND THE GUN LOBBY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 15 minutes.

Mr. PODELL. Mr. Speaker, when the Senate voted yesterday to ban the sale of cheap handguns it was both good news and bad news.

The good news was that halting the sale of these Saturday night specials was long overdue. These guns serve no useful purpose. They are made to kill. They are involved in most gun murders. There are millions of them already in the stockpile of American arms, and that collection of guns is the largest of any nation in the world. There are guns enough for every man, woman, and child in the Nation.

And so, if the Senate bill becomes law, their sale to the public will be banned. Stocks of them remaining on dealers shelves will be bought up by the Government, and the killer gun market will be reduced by something like a million a year. That is good news.

The bad news is that the bill contains an amendment that pulls more teeth out of the Gun Control Act of 1968. The relentless and implacable gun lobby has once again worked its will on Congress. The amendment would remove from recordkeeping requirements the sale of all .22 caliber rimfire ammunition.

That amendment kills all restrictions on the sale of the ammunition most used in the millions of Saturday night specials already on the streets of America. Now, those who have the guns need not even identify themselves when they buy ammunition. That is bad news.

Mr. Speaker, there is an interesting story behind that amendment. It begins in late 1968 even before the ink was dry on the Gun Control Act of 1968 as it was signed by President Johnson. The law was passed after an 8-year legislative battle during which there were riots and killing in our streets, a President, his brother, and other important public figures were assassinated. At every turn in the legislative road there were headlong battles with the professional army of lobbyists fielded by the gun lobby. The gun lobby opposes all restrictions on the ownership of firearms.

So in December of 1968, smarting from defeat with the passage of the Gun Control Act, the lobbies regrouped and immediately began an assault on the new law. A detailed battle strategy was formulated by the leaders and was communicated to the public in the first editions of firearms and firearms-oriented publications of the new year. Top priority in that plan to gut the new law was to remove the restriction against the sale of .22 rimfire ammunition.

The restriction was placed in the law when Senator Robert Kennedy, one of the law's chief proponents, was murdered with .22 caliber ammunition. Here in the House the fight against restricting the ammunition sale was led by the then Representative Clark MacGregor. During the Senate-House conference, it was learned that Federal Cartridge Corp., the largest maker of .22 ammo—is located in MacGregor's district near Minneapolis and that he had worked closely with the munition maker's attorney to draw amendments to eliminate ammunition from controls. But the conferees, headed by Judiciary Chairman EMANUEL CELLER, dropped MacGregor's amendments from the final bill and for the first time in history the sale of ammunition used in most street crimes was brought under control.

But with the change of administrations in 1969, the gun lobby became more brazen. Richard Nixon was never more than lukewarm to the notion of controlling firearms, and during his campaign for the Presidency he said so. Those in his administration were even cooler to the idea. They were clearly determined to see that the full potential of the law was never realized.

Shortly after the Nixon administration took over, a $50,000 public service film explaining the operation of the new law was killed even before it was released, on the grounds that it made hunters and sportsmen look bad.

G. Gordon Liddy, a New Yorker long identified with gun lobby interests, was named to a key position in the Treasury Department which administers the law and he took care of the film. Later, Liddy appeared as a White House aide where he was able to do more for the cause of the gun lobby. Just last year he convened in the White House a series of meetings with top figures of the gun lobby to discuss firearms legislation. Some of the White House guests were from the group that originally drew the plans to gut the Gun Control Act. Meanwhile, Clark MacGregor had become the administration's chief lobbyist on Capitol Hill and remained there until recently.

And so the gun lobby, thought by many to be the most powerful and effective special interest group in the Nation, scored a big victory yesterday. It accomplished the first major legislative step in dismantling the most comprehensive gun control law ever adopted by Congress. As you can see, they had a lot of help in doing it. And we can expect more attempts to water down the gun laws from this same group of special interests.

Public hearings have been held on similar legislation by the Judiciary Committee of the House and it is possible that it will come to a vote before the close of this session. It is for that reason that I call attention to the defect in the Senate bill and suggest that we in the House be alert to attempts by the munitions makers to open up the sale of ammunition to every crook, delinquent, and assassin who would set society right with a couple of shots from his Saturday night special.

Crime in the streets is still our No. 1 national concern. Firearms crimes are rising. Street gangs have armed themselves. Mob warfare is in the headlines everyday. We should not lend ourselves to this madness by taking restrictions off the sale of the ammunition most in demand by the punks and spoilers who assassinate our leaders and terrorize our streets.

NATIONAL GRANDPARENTS DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DANIELS) is recognized for 5 minutes.

Mr. DANIELS of New Jersey. Mr. Speaker, I have today once again introduced legislation which would in a small way recognize a generation of Americans whose lives too often seem hopeless and forelorn. Ironically, our senior citizens seem forgotten in an age when more and more Americans are living longer and in better health.

We have done a few things to protect the interests of senior citizens and to make their lives somewhat easier. Medicare and medicaid programs, although not all they could be, do provide assistance for many older people. We have provided special services and facilities for older persons through OEO, HEW and Department of Labor programs.

But these are physical programs that touch the outer portion of the lives of older people. Throughout the last few decades families have drifted apart and older people often cut adrift. Even though their outer lives and physical needs may be satisfied, many feel lost and neglected. Indeed, the 1971 White House Conference on Aging, for which I drafted the authorizing legislation, recognized that "among the primary characteristics of aging persons today are loneliness and emotional deprivation . . ."

Mr. Speaker, I have introduced today legislation that costs absolutely nothing but some effort on the part of the Congress and the President to take a few moments to provide for official recognition of "National Grandparents Day" to be designated as the second Sunday in October of each year.

TAX POLICY REVIEW ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 5 minutes.

Mr. BINGHAM. Mr. Speaker, I am today introducing a bill originally introduced by my colleague from Arkansas (Mr. MILLS) and known as the Tax Policy Review Act of 1972, which would terminate 54 provisions of the current Federal income tax law allowing deductions or exemptions from tax. During this period, the Congress would have to reenact any of these provisions which it decided, after careful review, should be continued.

The American public and the Congress are fed up with the inequities of the current tax system. Loopholes in the present law allow the rich and the corporations to get away with paying very little taxes while the average wage earner, who can ill afford it, bears the brunt of high Federal costs. It is high time for the Congress to assume its responsibility and take a sweeping look at a situation that is unfair to the majority and beneficial to a select few.

With the country facing an $87 billion budget deficit over the next 3 years, I feel it is imperative that we find ways of cutting expenditures and increasing revenues to stave off a potentially critical national fiscal situation without placing an unbearable burden on the average citizen.

IRVIN P. MAZZEI GREAT CIVIC LEADER PASSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, the labor movement in Los Angeles, the State of California, and our Nation has lost a great leader. It is with a deep sense of sadness that I bring to the attention of the House, the recent passing of Irvin P. Mazzei.

Mr. Mazzei was a man of extraordinary ability who devoted much of his energy and constructive efforts to the cause of the working man. He began his union career as a member of the American Guild of Variety Artists in 1939. Later he was the western regional director of AGVA, vice-president of the Los Angeles County Federation of Labor, and then he served as the president of the Los Angeles County Federation of Labor for more than 8 years. His record as a union leader shows that he stood for principles and that he worked hard and conscientiously.

Mr. Mazzei also had an impeccable record of selfless service as a community leader. He made outstanding contributions to young people while serving as president of the Southern Area Boys Club, president of the Economic and Youth Opportunities Agency of Greater Los Angeles, and as a member of the Los Angeles County Delinquency and Crime Commission, the National Council on Crime and Delinquency, and the Los Angeles County Area Council, Boy Scouts of America.

This fine man also made contributions to society in the areas of health and community relations while serving on numerous community, civic, and philanthropic boards and agencies. His human qualities, his kindness, his charity, and above all his deep concern for the community will long be remembered by the entire Los Angeles community.

SIXTH ANNUAL CONSTITUENT POLL OF THE EIGHTH CONGRESSIONAL DISTRICT OF PENNSYLVANIA

(Mr. BIESTER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BIESTER. Mr. Speaker, I am very pleased to report that the results of my sixth annual constituent poll of the residents of the Eighth Congressional District of Pennsylvania have been tabulated. The breakdown of responses on each question is printed below for the information of my colleagues in the House.

[In percent]

	Yes	No	No response
1. Which of the following do you consider the most preferable course of action in Vietnam?			
(a) Continued phased withdrawal of American forces consistent with the President's program	38		6
(b) Immediate withdrawal of all American forces	16		
(c) Withdrawal of all American forces by a definite date conditioned on release of POW's	40		
2. The National Commission on Marijuana and Drug Abuse has recommended that the possession of marijuana for personal and private use no longer be an offense. Would you favor such a change in Federal law?	34	63	3
3. Do you favor the President's recent efforts to open more normal relations with China?	85	11	4
4. Do you favor the establishment of federally supported voluntary day care centers for the children of working mothers?	43	52	5
5. How successful have the wage-price regulations been in reducing the pace of inflation?			
(a) Highly successful	1		20
(b) Moderately successful	43		
(c) Unsuccessful	36		
6. Do you favor the continuation of wage-price controls?			
(a) For 6 months	12		23
(b) For 1 year	22		
(c) For 2 years	27		
(d) Not at all	16		
7. Would you favor the adoption of a no-fault auto insurance program on the national level if the States fail to adopt a no-fault system?	77	17	6
8. Do you favor the construction of nuclear powerplants at Newbold Island and in Bucks and Montgomery Counties?	54	38	8
9. Do you favor legislation to stop new and additional student transportation to achieve racial balance in schools?	75	21	4
10. Do you favor continued efforts to work toward a more racially integrated society?	57	27	16
If so, what steps should we take:			
(a) More housing opportunities	35		
(b) Increased accessibility to job opportunities and better transportation facilities	50		
(c) Other	15		
11. With the completion of the Apollo space program, would you favor:			
(a) Development of a space shuttle as proposed over the next 6 years?	50		13
(b) Radical reduction of the entire space program	37		
12. The House Judiciary Subcommittee of which I am a member is presently considering legislation to suspend the death penalty for 2 years.			
(a) Do you approve of such a suspension?	21	64	15
(b) Would you favor the abolition of the death penalty except in cases where conviction resulted from the death of law enforcement officers?	9	64	27
(c) Would you favor the abolition of the death penalty in all instances?	18	59	23
(d) Do you favor the death penalty?	66	19	15
13. Would you oppose granting amnesty to draft resisters upon the end of our involvement in Vietnam conditional upon the men involved completing two years of military or alternate service?	52	45	3

MEETING THE CHALLENGE OF FOREIGN TRADE

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, today I am introducing two bills dealing with problems posed to our economy by changing world economic conditions. These bills would accomplish three basic objectives:

First, they would provide a new program of adjustment benefits and services to workers affected by imports and other economic factors beyond their control;

Second, they would revise the tax laws to eliminate the indiscriminate granting of tax subsidies to American corporations exporting capital and technology; and

Third, the bills would amend the customs laws to simplify and make more effective the antidumping and countervailing duty procedures, laws presently so cumbersome as to be almost useless. The proposed changes would facilitate prompt and effective action against importation of foreign products at discriminatively low prices or under special foreign government subsidies.

These two bills, the Trade and Economic Conversion Adjustment Act, and the Foreign Trade Amendments Act of 1972, will, I hope, offer some significant legislative answers to the problems of unemployment and economic dislocation increasingly associated with imports and U.S. foreign investment.

In an already tight job market, the American worker perceives the rising tide of imports as a serious threat to his security. Concern about jobs lost to imports has provoked calls for a review of our foreign trade policies and for a reversal of the open trade philosophy which guided these policies through the last three decades.

For the most of the period since World War II, these policies have worked well. This period has seen a phenomenal growth in the world economy and the economy of the United States. This growth has brought with it a significant rise in real living standards in the developed countries, including the United States. However, the very success of our international trade and investment policies, together with certain negative facts, such as the Vietnam war and enormous military budgets, have led to a basic shift in America's competitive position. Secretary of Commerce Peter G. Peterson, then Assistant to the President for International Economic Affairs, speaking last December, summarized this development as follows:

> The old policies were based partly on early postwar realities, and sometimes reflected lags between changes in those realities and the world's perception of those changes. The central fact of the past twenty-five years had been the conviction—ours as much as that of other countries—that the U.S. was dominant, both in size and competitiveness in the international economy and that the practices, institutions and rules governing international trade and payments were structured to fit that fact. We as a nation and the world as a whole were too slow to realize that basic structural and competitive changes were too slow in responding.

Some people have reacted to this situation by proposing that the United States abandon its open trade philosophy and embrace a restrictive philosophy, adopting such protectionist measures as import quotas and drastic controls and tax penalties over foreign investment by American corporations.

Those who advocate freezing imports and restricting the export of American capital do so out of a legitimate concern for the welfare of the American worker. It is a concern which is shared by many of those who have misgivings about the imposition of such controls. The dislocation of any worker is a personal tragedy and a loss to the community and the Nation. On the grounds of simple compassion for people in distress, it cannot be ignored.

At the time I became a Member of Congress, hundreds of workers in my congressional district were unemployed. Hundreds of them are still unemployed. Many more live in fear of unemployment. To say that I am concerned about their situation is putting it mildly. Since being in this House, I have spent a very large portion of my disposable time attempting to get a clear understanding of the causes of their distress and possible legislative action to remedy the situation.

The problem is not a simple one, and there are no simple solutions to it. The effects on the whole economy, if wrong legislative choices are made, could be severe and could actually create more unemployment and a lower standard of living. For this reason, and because I am not an economist, I have declined to take a fixed position on some of the more drastic legislative proposals relating to foreign trade and investment. These proposals, such as the Burke-Hartke bill, should be the subject of thorough and searching legislative hearings before they can be considered for submission to the Congress as a whole.

I took the liberty months ago of urging the distinguished chairman of the Ways and Means Committee to hold such hearings. So far, no such hearings have been held and, as far as I know, none are scheduled. In the meantime, the dollar devaluation and other measures to alleviate the situation have been put into effect. But the problem has not gone away and is not likely to go away until our national policies—and those of other countries as well—are brought into line with the economic realities of the new era.

As a result of my own study of the problem, I have concluded that the need for certain types of legislative action in this area is sufficiently clear and the implications of such legislation are sufficiently limited that it could be adopted without waiting for the extensive hearings that are needed for some of the more drastic proposals. This is the proposed legislative package that I am offering today.

Before describing the legislation in detail, let me make a few general observations. These may be obvious to anyone experienced in this field, but I think they bear repeating.

THE FUTILITY OF UNILATERAL ACTION

First of all, I think we must recognize that the United States cannot, acting by itself, solve the international trade and investment problem. Our Nation's economy is still the keystone of the arch of the free world's economy, but it cannot function effectively independent of the other members of the structure. We can, by unilateral action, disrupt the economy of the free world—and impoverish ourselves in the process. But in today's world, we cannot unilaterally solve all of our Nation's economic problems, and our ability to solve any of them unilaterally diminishes with each passing year.

Already the United States imports $4.4 billion worth of raw materials to keep our factories operating and to produce the goods needed to maintain our standard of living, and the trend is toward greater imports in the future. By 1985, economists have estimated, imports to keep our economy operating will have to undergo a sixfold increase. Obviously, we will have to earn the foreign exchange to pay for these materials. There are only two ways to earn the foreign exchange:

First, the export of our goods and services, and

Second, earnings from our foreign investment.

The United States will be severely hampered in its ability to increase its earnings in foreign exchange unless it can break down many of the artificial restrictions that other nations have imposed on imports and foreign investment. To accomplish this will require multilateral agreements or understandings between the United States and other nations.

This does not mean that we should not equip ourselves with all reasonable means of combating unfair trading practices by other nations, such as dumping their products in our markets at artificially low prices or subsidizing their exports to an unreasonable degree.

Nor does it mean that we should not provide ourselves with bargaining chips to use in negotiating with other nations to lower their barriers to our exports. However, we must be aware of the danger that such chips, if they take the form of additional restrictions, may evolve into permanent trade restrictions, which would have the effect of constricting rather than expanding our ability to export.

NEGATIVE IMPACT OF TRADE RESTRICTIONS

This brings me to the other side of the foreign trade coin. Not only is a go-it-alone policy likely to be unproductive in promoting our exports; it is likely to be counterproductive if, as is usually the case, it involves long-term, large-scale restrictions on foreign imports. This is why I have serious misgivings as to whether protectionist legislation will really protect American jobs.

Having grown up during the great depression of the 1930's, I have a strong sense of the danger as well as the futility of attempting to export unemployment. Many economists have expressed the belief that the protectionist Smoot-Hawley Tariff Act of 1930 was a major contributing factor to both the severity and length of that depression.

The trouble with creating new restrictions against foreign imports is that they are likely to provoke retaliation by other nations, creating additional restrictions on American exports. If this approach turned out to be disastrous in the 1930's, what reason have we to believe it would be any less disastrous today? Certainly the jobs likely to be saved through import quotas and similar protectionist legislation must be balanced against the jobs that are likely to be lost because of reduced exports. My readings on this subject indicate that the result is likely to be a net loss of jobs in the United States.

State Department economists have estimated, for example, that if import quotas such as those proposed under Burke-Hartke are imposed, and there is an equivalent retaliation by our foreign trading partners, the immediate impact on the U.S. job market would be a net loss of nearly 8,000 jobs. The number of jobs lost in U.S. export industries and industries supplying them would exceed the number gained in other industries presently competing with imports by that amount. That is only the immediate effect.

Lost jobs mean lost income, reduced consumer spending, and ultimately, the loss of still more jobs. This debilitating sequence of events is one that could be repeated many times before the shock waves of the initial job loss finally subside. In their report, the State Department economists estimated that by the time the ripples died down, the net loss of jobs could be as high as 30,000 to 80,000.

While other economists may present different figures, the consensus appears to be that the net impact of restrictive trade policies on domestic employment would only be negative.

Clearly, this is a very serious obstacle to be overcome by the proponents of restrictive trade legislation. They must, at the very least, demonstrate that their proposals will not produce an overall net loss in employment in the United States. For while it is possible for such legislation to protect certain jobs in certain industries, the Congress could not be expected to protect the jobs of some American workers by creating unemployment for an even larger number of other American workers.

THE DOMESTIC SOURCE OF OUR ECONOMIC PROBLEMS

A third basic observation I would make is that the primary solution to our unemployment problem lies in the adoption of domestic economic programs to insure full employment. Despite the seriousness of the threat of imported products, most, if not all, of the unemployment in my own congressional district, a highly industrialized area, is the direct result of failure in our own domestic economy. I believe the same could be said for the country as a whole. Whether foreign tariff barriers are reduced—or U.S. tariff walls are raised—the internal problems which plague our economy and make American goods less competitive abroad and at home will remain. The American worker will not be secure in his job until they are solved.

What are they? There is one expression which seems to have gained general acceptance as a catchphrase describing the whole complex of problems facing American industry and the U.S. economy—failing productivity. Since 1965 the United States has experienced a rate of productivity increase much slower than those enjoyed by Japan and Western Europe. In the period 1965–1970, U.S. productivity increased at an annual rate of 2.1 percent, while Japanese productivity expanded at the phenomenal rate of 14.1 percent per year In this same period the French showed annual productivity gains of 6.6 percent; German and Italian productivity rose at better that 5 percent annually. Even Great Britain, with its supposedly sluggish economy, experienced a higher annual rate of increase in productivity than did the United States—3.1 percent. Is it any wonder that American goods have become less competitive?

The blame for our poor productivity performance and our consequently weakened competitive position can only be laid at our own doorstep. Some business leaders and public officials have suggested that it is all the fault of the American working man. "His wages are too high, he is not producing enough," they say. "He is pricing American goods right out of the domestic and world markets." These charges may be true in some cases. But the objective facts do not bear out these charges for the economy as a whole. In the period 1957 to 1970, unit labor costs increased at an annual rate of 1.9 percent. But our yearly rate of inflation was substantially higher than this; prior to the freeze, consumer prices were increasing at better than 5 percent annually. Clearly it is misleading to place the blame for rising prices on labor. It is equally misleading to blame the workers for our poor showing in productivity. Their output is ultimately limited by the technology at their disposal.

Is the rising tide of imports and the decline in our exports the fault of American businessman, then, for not having modernized their plants fast enough to keep pace with foreign competition? In some cases it is. The steel industry is a case in point. While the absence of restrictions has made possible the entry of foreign steel, particularly Japanese steel, it is primarily superior technology that has made it competitive. The Japanese produce 80 percent of their basic steel by the new basic oxygen process. In contrast, only 48 percent of American steel is produced this way—the process, incidentally, was invented in Austria. On the whole, however, American industry leads the world in managerial skill and creativity.

Mr. Speaker, if the blame for our sagging productivity lies anywhere, it lies right on our own doorstep. The Federal Government itself is the biggest single contributor and source of both inflation and the lag in productivity growth.

Since 1946, the Congress has authorized and the executive branch has spent, nearly a trillion dollars—$1,000,000,000,000—on the military. It is well recognized today that this massive investment in economically unproductive military programs has come at the expense of domestic social needs and programs, which have gone begging as our military budgets have continued to grow. It is probably no coincidence that the great Swedish economist, Gunnar Myrdal, has stated that it will cost at least a trillion dollars and require at least a generation for America to rebuild its cities, end poverty, and heal all of the many social deformities that have dislocated our society in recent years and are generally lumped under the heading of the urban crisis.

What is not as well perceived is that the tremendous expenditures we have made for weapons and weapons technology have diverted our scientific and technological resources from civilian to military pursuits. This domestic "brain-drain," I believe, has contributed significantly to the poor productivity record of America's civilian economy.

Higher productivity depends on both capital investment and technological improvements. Industrial technology is improved through scientific research and development—R. & D. The rapid growth of federally supported defense and space research and development in the postwar period has promoted a rise in the overall costs of R. & D. both to the Government itself and to private industry. Government demand created a seller's market for scientific and technical personnel and bid the cost of their services up. As a result, R. & D. has become prohibitively expensive for many private firms. This, combined with the diversion of the best of our scientific and technical talent to defense and aerospace work, has slowed the growth of civilian R. & D. over the last two decades.

If American industry is to become more competitive, it must become more productive. This will depend to a large measure, on the successful conversion of a substantial portion of our economic resources from military to civilian uses. A comprehensive economic conversion program, combined with an outward-looking trade policy which seeks the relaxation of trade barriers as the best way to gain entrance to foreign markets for American products, will, in my view, best serve this country's economic interests in the long run.

But this is still cold comfort to the worker who loses his job because of increased imports in the short run. If it is to be our national policy to seek freer trade, it is also our responsibility, as a humane nation, to see that workers dislocated by foreign competition, through no fault of their own, are not left out in the cold while the rest of the Nation prospers. Those of us who believe that there are great benefits to be reaped from the expansion of international trade must recognize that there are costs as well. It would be grossly unfair to permit the development of a situation in which society enjoys the benefits of freer trade while particular groups of workers are burdened with the costs.

Congress recognized the Government's obligation to assist workers laid off as a result of our foreign trade policies—at least in principle—when it made adjustment assistance part of the Trade Expansion Act of 1962. In practice, however, the present adjustment assistance program has not worked. It is difficult for workers to qualify for benefits, and the assistance that is available is inadequate. Although the effort has been less than successful, the concept behind it is still sound. I believe that the principal of public responsibility for the consequences of national economic policy can and must be made to work.

TRADE AND ECONOMIC CONVERSION ADJUSTMENT ACT

The Trade and Economic Conversion Adjustment Act, which I am introducing today, is intended to translate that principal into reality. This bill is much more comprehensive than the present adjustment assistance program. It would improve on it in three basic ways.

OBJECTIVE ELIGIBILITY STANDARDS

First, it would be easier to invoke. Under the present law, a worker's eligibility for adjustment assistance is settled on the basis of two subjective judgments—that increased imports are a "major factor" contributing to an industry's decline, and that these imports resulted in major part from trade concessions. The gray area here is considerable. When do imports cross the threshold from being a minor nuisance to being a major disruptive factor? How often can it be shown that particular increases in imports have resulted in major part from trade concessions? The answer has proven to be almost never. In case after case, the Tariff Commission has decided against workers seeking assistance.

Under the new law I am proposing, workers would only need to show that a decline in their firm's output was accompanied by an adverse change in the industry's trading position—either an increase in imports or a decline in exports, or both. In the event that the industry-wide export-import pattern remains unchanged, workers could still qualify for assistance if they could show that a decrease in their employer's production was accompanied by reduced sales to customers who made increased purchases of the product from foreign competitors.

These new criteria would tie the determination of eligibility to specific, readily correlated economic data. They would eliminate the contentious issue of what is major and what is minor. Adjustment assistance would be based on the bedrock of sound economic analysis. This, more than anything else, will promote fair and equitable administration of the program.

MORE GENEROUS BENEFITS

The second important improvement is in the size and scope of the benefits proposed in my bill. Even if a worker can pass the difficult eligibility requirements, the present adjustment assistance program provides unemployment compensation of up to 65 percent of the national average manufacturing wage for a maximum of 1 year. It seems to me that our people are entitled to something better than this and that we can and should provide it for them.

The benefits provided by my bill would sustain workers and their families with minimal erosion of their economic status, and no loss of their self-respect, for a period long enough for them to find new jobs. Briefly summarized, the adjustment benefits I am proposing would compensate workers at the rate of 80 percent of their own previous wages while they remain unemployed. If they take new jobs at reduced wages, they would be compensated for the entire difference between their new earning levels and their old, guaranteeing them 100 percent of their prelayoff earnings. Their health benefits, as well as the employer's portion of their contributions to social security, would also be maintained.

In addition to these basic benefits, dislocated workers would, under my bill, be eligible for job retraining and relocation assistance.

Finally, the maximum period during which most senior workers would receive benefits would be greatly extended. Any worker employed by a firm for at least 4 weeks prior to being laid off would be eligible to receive benefits for 12 months. Workers would receive an additional month's benefits for every additional year of past employment by the firm which laid them off, and an additional 2 months' benefits for every year of employment in excess of 10. Older workers, who are likely to have a more difficult time finding new jobs, would thus be afforded extra protection under my bill.

EXPANDED SCOPE OF COVERAGE

The proposed act improves on the present adjustment assistance program in a third important way: it significantly expands the scope of coverage.

If our civilian economy is to become truly healthy and viable again, if the fires of inflation are to be checked, and the chill of unemployment ended, our national resources must be redirected. We must significantly scale down our public investment in the implements of war and substantially escalate our spending on the tools of peace. A major shift in Federal spending from military programs to meeting human needs will, I believe, yield tremendous benefits for our economy as a whole.

But these benefits will not accrue to all sectors of the economy immediately, and in fact, in the short run some military contractors will suffer and some workers will lose their jobs. The Federal Government set the spending priorities which created the present surplus of defense jobs and made thousands of workers and their families dependent on Government military contracts for their livelihoods. In resetting those priorities, the Government must accept the responsibility for the welfare of those workers.

In recognition of this obligation, my bill would extend the benefits I have already outlined to workers who lose their jobs because of cutbacks in Government space and military programs. This would assure laid-off defense and aerospace workers real income security in the difficult interim period between the disappearance of their old jobs and the emergence of new job opportunities. And it would do more than that. It would also help stabilize the economies of the communities in which these workers live, where thousands more people are employed in service industries catering to their needs.

The act I am proposing also extends its coverage to another group of workers not covered by the present adjustment assistance program. They are employees of the so-called multinational corporations. The existing program does not take into account the plight of workers who may have been laid off as a result of a decision by their employers to invest abroad. In most such cases the workers cannot qualify for benefits under the present law. Yet, when top management decides to invest overseas rather than produce at home—as, for example, Chrysler Corp. did when it decided to import Colts and Crickets from Japan—workers may lose their jobs, their families suffer, and local economies may be hurt. Workers dislocated by overseas investment are just as much victims of our open trade and investment policies as workers displaced by foreign imports.

The eligibility of defense and space industry workers and employees of multinational corporations for adjustment benefits under the new act would be determined on the basis of hard economic data—not subjective judgments. Dislocated workers would qualify for assistance upon demonstration that a decline in the domestic production of their firms is associated with either a cutback in U.S. space and defense contracts, or the firm's decision to invest abroad.

FINANCING

The question will no doubt be raised as to how the adjustment benefits I have just outlined are to be financed. The proposed act contains no special provision for financing the adjustment benefits that would be payable under the act. Obviously, the number of workers eligible for benefits and the amount of benefits could vary considerably from year to year. As the bill is written, funds to pay for adjustment benefits would have to come from the general revenues as needed.

However, alternative financing methods could be worked out by Congress after experience has been gained in the administration of the act. For example, it might be possible to give the Secretary of the Treasury power to impose a small, across-the-board tariff on imports at a rate that could be varied from year to year, as necessary, to pay for adjustment benefits resulting from foreign trade and investment. I intend to continue to explore possible methods of financing such benefits, and would expect to have some specific proposal to make by the time the bill is reached for consideration in committee. However, the question of financing is not essential to the enactment of the bill and should not delay consideration of this urgently needed protection for the working people of America.

FOREIGN TRADE AMENDMENTS ACT OF 1972

But we must do more than merely provide assistance to cushion the shock of unemployment. We can also act now to eliminate provisions in our tax laws and tariff laws that subsidize and encourage foreign investment, even though it may be at the expense of domestic investment. We must also have more effective legal tools for combating unfair competition by imported products. To this end, I am also introducing today the Foreign Trade Amendments Act of 1972.

The act would make the following changes in our tax structure and tariff laws:

It would end blanket tax deferral on unrepatriated, foreign-source income.

It would close, for the future, tariff loopholes for products assembled abroad from U.S.-made components, except where competitive necessity can be shown.

It would require the Overseas Private Investment Corp., to evaluate its decisions in the light of their impact on the domestic economy, and prohibit it from subsidizing or guaranteeing foreign investments which could have an adverse effect on the U.S. economy.

It would strengthen our antidumping and countervailing duty laws and make them easier to invoke against subsidized imports.

FOREIGN INVESTMENT TAX AND TARIFF REFORM

Mr. Speaker, some of our present tax laws and tariff rules still reflect the philosophy current in the days when it was our national policy to encourage U.S. foreign investment—in the aftermath of World War II, when the prostrate economies of Western Europe and Japan desperately needed massive infusions of American capital. Our national policymakers wisely recognized that rapid economic recovery was the key to political stability in these countries, and that in the longrun our own economic interests would be well served by the development of healthy, expanding foreign economies and the new markets for U.S. products which they could provide.

It is a testament to the success of those policies that today we are in a whole new ball game when it comes to international trade. The economies of Western Europe and Japan are thriving as never before. American capital is no longer an essential ingredient to their success, but the manner in which it may be used or abused in the world is vital to our continued success.

While once justified by world economic and political conditions, indiscriminate artificial incentives to foregn investment, such as those provided by our present tax rules, tariff preferences, and investment guarantees, no longer serve our economic interests.

Certainly the time has come to adopt a tax and tariff policy that is best for our own longrun economic interests. That is a policy of neutrality. Foreign investment decisions which are made in an atmosphere of complete tax and tariff neutrality are most likely to be made on the basis of the real economies underlying the proposed investment, such as the availability and cost of raw materials, and labor, capital, and transport costs. Such foreign investment, made by balancing the real economic advantages and disadvantages as compared with similar domestic investment, is most likely to bring the maximum benefits to all segments of our economy—the opening of new markets for American exports and the creation of more jobs for American workers.

Present laws deferring U.S. tax on income earned abroad by foreign subsidiaries of American companies, and tariff loopholes giving special preferences to products assembled abroad by U.S.-based corporations, are not conducive to the most economically sound investment. These tax and tariff preferences tend to encourage American firms to close down at home and set up abroad, depriving American workers of jobs and income for reasons which may have very little to do with sound business practice or the long-run interests of our own economy.

Their repeal would create a more intelligent tax and tariff policy, which would neither subsidize nor penalize U.S. foreign investment. We would have an economic environment in which there would be no U.S. tax benefit from sending investment capital overseas to take advantage of lower foreign tax rates, or tariff preferences for setting up final assembly plants abroad to take advantage of cheaper labor.

However, while complete U.S. tax and tariff neutrality toward U.S. foreign investment should be our guiding principle, we must recognize that there are likely to be times when theory, no matter how sound, will clash with other important considerations. We may adopt a neutral tax and tariff stance, but there is no guarantee that other countries will follow suit. American firms, seeking to invest abroad for the best of reasons, but carrying the full burden of U.S. taxes, could find themselves at a competitive disadvantage with foreign companies whose governments do not tax foreign source income.

For this reason, the tax and tariff provisions of this act would end the indiscriminate granting of such tax and tariff preferences but would not go the whole road to total repeal of the present tax deferral on foreign earnings or tariff preferences for goods assembled abroad from United States made components.

If a firm must invest overseas to remain competitive with foreign companies at home or abroad, or if it seeks to enter new markets which U.S. exports cannot reach, and if it can show that its investments would have no adverse effect on our trade and payments balances or on domestic employment, then, under the provisions of my bill, it could seek and obtain such tax deferral and tariff relief. In all other cases, the tax and tariff laws would be neutral, neither encouraging nor discouraging foreign investment by U.S. firms. Foreign source income would be taxed in the year it is earned, and products assembled abroad from U.S.-made components would face the same tariff obstacles encountered by 100 percent foreign-made goods.

Criteria similar to those I have just outlined would be applied by this bill to investment guarantees the Overseas Private Investment Corporation—OPIC. The Federal Government should not be in the business of subsidizing or guaranteeing foreign investments which are likely to deprive American workers of jobs, or are otherwise adverse to the American economy. There is presently no requirement in the law that OPIC evaluate its decisions in the light of their impact on the American worker or the domestic economy. This is a serious flaw, which this bill would remedy.

SIMPLIFIED ANTIDUMPING AND COUNTERVAILING DUTY PROCEDURES

The greater the freedom to trade, the more necessary it is to have effective means of insuring fair trade. There will always be some foreign firms which will try to gain a competitive advantage by dumping their products on the American market at artificially low prices. There will be some foreign governments which will seek to subsidize their export industries. We have antidumping and countervailing duty laws on the books now to cope with such unfair trade tactics, but in practice, administrative procedures have made them difficult to invoke.

The proposed act would simplify the procedures and set a time limit of 4 months for the Tariff Commission to complete its deliberations and come to a decision. These changes would assure U.S. manufacturers and U.S. workers of timely relief in the event of unfair foreign competition.

Mr. Speaker, the two bills I have introduced today represent an attempt to come to grips with at least some aspects of the highly complex and controversial question of how far the Government should inject itself into regulation of foreign trade and foreign investment. Those who would go farther and have the Government drastically restrict imports and curb and control U.S. foreign investment bear the burden of demonstrating that such controls would not become self-defeating, stagnating our economy and destroying more jobs than they save. Until full public hearings are held on their proposals and the pros and cons have been thoroughly and objectively debated, there is no way for the Congress to decide whether that burden has been met.

But to those who insist that there is no need for change, that we live in the best of all possible economic worlds, it is only necessary to point to the rising tide of imports and the huge gaps in our balance of trade and balance of payments to suggest that this just is not so. Likewise, the anguished cries of workers who feel their jobs are threatened by imports and by multinational corporations are eloquent testimony that our present trade and investment policies are not serving all sectors of our economy equally well.

Mr. Speaker, it is my hope that the Trade and Economic Conversion Adjustment Act and the Foreign Trade Amendments Act of 1972, which I have introduced today, will afford some meaningful progress toward a more workable and humane foreign trade and investment policy. I include a section-by-section analysis of the bills, along with the text of the bills, to be printed in the RECORD at this point:

SECTION-BY-SECTION ANALYSIS

"Trade and Economic Conversion Adjustment Act of 1972."

Section 3 establishes a separate Office of Adjustment Benefits in the Department of Labor to administer the Adjustment Benefits Program.

Section 4 establishes an advisory board composed of labor leaders and the chairmen and ranking minority members of the Joint Economic Committee, the Senate Labor and Public Welfare Committee, and the House Education and Labor Committee to review the administration of the Act and to make an annual report to the President and to Congress. Board members will have full access to all records, data, memoranda, and other documents of the Office. This section ensures that the administration of this Act will be conducted in a completely open manner.

Section 5 establishes the criteria for determining workers' eligibility for benefits under this Act. The criteria tie eligibility to easily obtained and readily correlated objective, economic data, assuring that eligibility determinations under this Act will be fair and equitable. This section also extends eligibility for Adjustment Benefits to employees of U.S. firms with foreign investments and firms with government defense and space contracts. The existing adjustment assistance Program, established under the Trade Expansion Act of 1962, covers only workers displaced by import competition.

Section 6 establishes the amount and duration of cash benefits under this Act. The benefit levels established are higher than those available under the present Adjustment Assistance Program. Unemployed workers would receive 80% of their own former weekly wages. Eligible workers taking new jobs at reduced wages would receive compensation to bring them up to 100% of their old earning levels, giving workers an incentive to seek new employment as quickly as possible. Workers deemed eligible for Adjustment Benefits would receive them for at least one year, and longer depending on their previous length of service with the firm which lays them off.

Section 7 provides for job retraining for workers deemed eligible for Adjustment Benefits.

Section 8 provides for assistance for eligible workers in relocating within the United States, if such relocation is necessary to obtain suitable employment.

Section 9 authorizes the Director of the Office of Adjustment Benefits to contract for health insurance coverage in behalf of workers deemed eligible for Adjustment Benefits.

Section 10 requires U.S. employers engaged in interstate and foreign commerce to give their employees at least three weeks advance notice of any impending lay-offs or reductions in working hours. Failure to give such notice under this section would be punishable by a $5,000 fine.

"Foreign Trade Amendments of 1972."

TITLE I—TAX LAW AMENDMENTS

Section 102 provides for the taxation of earnings and profits of controlled foreign corporations.

Section 991 requires that earnings and profits from foreign investment be reported with a breakdown as to the source of the income (i.e.—from each country) for the year in which profits were earned; and that reported earnings and profits follow generally the rules now applied to corporations within the U.S., with adjustments for prior year's deficits, and exemptions for reporting of income where foreign legal restrictions make such reporting unrealistic or U.S. laws make such reporting unfair.

Sec. 992 defines the U.S. corporation as one with 10% or more of the foreign company's stock and defines "control" as ownership of more than 50% of the stock. It defines the foreign corporation with provisions for assuring that indirect control shall be included.

Sec. 993 establishes the mechanism for determining what is considered stock ownership, either direct or indirect.

Sec. 994 provides against double taxation by exempting income that has already been reported for taxes in the U.S. or abroad through a chain of relationships which would be taxed anyway. Proof is required for this exemption, so that information on relationships will be available.

Sec. 995 makes provision so that the U.S. stock has a taxable value related to the new provisions. The basis or the taxable value of the corporate stock will be adjusted by whatever amount is included or excluded in the gross income of the U.S. corporation. This assures that U.S. income abroad does not escape proper capital gains or other revenue collection. The adjustment in the "basis" may be upward for inclusions or downward for exclusions.

Sec. 996 provides that the U.S. Tariff Commission may grant an exemption from the provisions of sections 991–995 to any U.S. firm with respect to its foreign-source earnings, if it finds that the firm's foreign investments and operations do not adversely affect the U.S. balances of trade and payments, or U.S. domestic employment, and that the firm could not domestically produce the articles it is producing in whole or in part abroad and market them competitively with like or similar articles produced by foreign-owned firms.

TITLE II—ANTIDUMPING ACT, COUNTERVAILING DUTY LAW, TARIFF SCHEDULES AMENDMENTS AND OTHER PROVISIONS

Sections 201 and 202 amend the Antidumping Act and countervailing duty statutes of the Tariff Act to expedite antidumping and countervailing duty procedures by placing their administration in one agency and setting a time limit of three months for the processing of a complaint.

Section 203 amends the U.S. Tariff Code to provide that those items permitting the importation of articles assembled abroad from U.S.-made components at reduced tariffs (items 806.30 and 807.00) shall apply only in cases where the U.S. Tariff Commission finds that the importation of such articles will not adversely affect U.S. exports, the U.S. balance of payments, or domestic employment, and that the importer could not produce the article domestically and market it competitively with like or similar articles produced by foreign-owned firms.

Section 204 stipulates that the Overseas Private Investment Corporation may not provide any insurance, guaranties, loans or any other assistance it is authorized to provide to U.S. firms seeking its assistance for purposes of overseas investment unless the U.S. Tariff Commission first finds that the overseas investments or operations of such firms will not adversely affect U.S. exports, the U.S. balance of payments, or domestic employment, and that firms applying for such assistance could not domestically produce the articles they intend to produce overseas and market them competitively with like or similar articles produced by foreign-owned firms.

CONGRATULATIONS TO THE WILKES-BARRE VETERANS' HOSPITAL DURING "AGNES"

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the tragic devastation caused by the flooding of Agnes has, in some way, affected each of us. Despite the loss of homes, businesses, and communities there was a bright spot in all the destruction.

Faced with disaster, man showed his compassion for those unfortunate enough to have been stricken by the flood by contributing to countless assistance programs. I would praise specifically the efforts of the Veterans' Administration Hospital in Wilkes-Barre, Pa., and its director, Dr. Leon Ross. Superb staff efforts in this hospital coupled with the cooperation of responsible citizens enabled the hospital to function close to normal. In addition, the Wilkes-Barre facility received patients from other hospitals who were forced into below normal operations because of the flooding conditions.

The Veterans' Administration also offered immediate assistance to veterans in securing and maintaining G.I. loans which would enable them to rebuild after the tremendous amount of destruction began to clear away.

As a longtime member of the House Veterans' Affairs Committee and one who considers himself a guardian of the Nation's programs for veterans, I am proud to be associated with the Veterans' Administration and I compliment them on their humane efforts in serving not only veterans during this recent disaster, but the entire citizenry.

The three articles which follow explain in more vivid detail the commendable actions of the Veterans' Administration during the devastation of Agnes:

Flood Help

"The Wilkes-Barre VA Hospital brought its full operational force to bear to serve Wyoming Valley in its flood emergency," reported the Wilkes-Barre Independent, adding:

"The big hospital on the bill, despite its quiet appearance to those who visit there, was deeply involved in the medical program of the valley. As the waters of the Susquehanna rose, patients from Mercy and Nesbitt Memorial Hospitals were the first to be evacuated to the big facility. Advance emergency-type preparedness paid off, in that a smooth, well-functioning organization was put into operation.

"Lack of power for a time, lack of telephones at VA for over a week, and other inconveniences did not stop us from functioning well," said Dr. Leon Ross, hospital director.

"Amateur radio operators who came from all over Pennsylvania and New Jersey served as the only communications link. They were most effective," the story said.

Accident victims and seriously ill patients were transferred to the VA hospital by helicopter. Many landings were made in darkness. The baseball field behind the VA hospital was rimmed with parked automobiles. Their headlights were turned on when the helicopters approached to outline the field. Ambulances with blinking lights showed the emergency landing pad.

During the critical stages of the flood, the helicopter served as the most effective emergency vehicle and made landings to bring in 35 patients. After they landed the helicopters again took off carrying VA-supplied drugs, food and badly needed emergency medicines to flood relief headquarters center at Misericordia.

From Leader Nursing Home in Kingston, 35 patients were sent to the VA hospital. These were older women, the news story said and all required extensive nursing care. Not only were these people taken care of but their names were broadcast over the radio, so their families would not worry.

The president of the county medical society set up his emergency flood headquarters at the VA hospital. More than 150 homes and offices of physicians were washed away by the flood and their communications were handled at the VAH, added the Independent.

The Pennsylvania Department of Public Welfare was also given space at the VA hospital, as well as the Holy Savior Church and veterans organizations for their flood relief work.

Even though their own homes were lost and damaged, many VA hospital workers stayed at the hospital working around the clock during the emergency, the newspaper said.

Loans to Flood Victims

Veterans in the flood area who suffered property loss or damage due to the storm were asked to contact their nearest VA office for help. Steps were taken to: reinstate, wherever possible GI loan benefits when properties were totally destroyed; extend reasonable leniency to veterans with VA loans in default due to the disaster; make supplemental loans to veterans, where economically feasible, for repairs on partially destroyed properties obtained by VA loans; and to provide counseling and assistance on obtaining repair or reconstruction loans from non-VA sources.

The VA also made available to the Office of Economic Preparedness VA-owned properties to house flood victims.

[From VAnguard, Aug. 1, 1972]

VA Hospitals Help Neighbors in Wake of Tropical Storm "Agnes"

"Agnes" was a complex storm that started as a hurricane in the Caribbean. She was downgraded to a tropical storm as she moved inland only to gather new strength and to eventually cause more wide-spread flood damage than any other one storm in the nation's history. (The Johnstown flood had more casualties, but was limited in area.)

VA stations throughout the storm area, while suffering only minor damage themselves, did not hesitate to come to the aid of neighboring communities in any way they could.

VA HOSPITAL WILKES-BARRE

"The Veterans Administration Hospital, East End Boulevard, brought the full force of the U.S. Government and its facilities to bear on the flood disaster offering a haven to seriously ill from institutions all over Wyoming Valley . . ." praised the Wilkes-Barre Record in their report of the flood disaster.

Seriously ill persons, especially those needing surgery, were brought to the VA Hospital in Wilkes-Barre via ambulance and helicopter from nearby hospitals. Most of the helicopter landings were made after dark. "They landed on our baseball field," reported Dr. Charles Bishop, Chief of Staff, speaking of the airlifts. "The field was rimmed with automobiles with their headlights turned on and our ambulances used their blinking red lights."

Through advanced Civil Defense planning, a portable emergency hospital had been stored at College Misericordia. At the time of the storm it was stocked by the VA Hospital with supplies carried by helicopter. This portable hospital quickly became the only operative hospital on the west side of the flood swollen river.

Dr. Leon Ross, Hospital Director, had high praise fo his staff and for Irving Winkler, a Volunteer, who put himself into service as a "runner". He kept the VA in touch with the outside when other communications could not be used, and transported urgently needed employees to the hospital in his own car when they had no other way of getting there.

TO AMEND THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am today introducing legislation to amend Public Law 92-203, the Alaska Native Claims Settlement Act. The purpose of my bill is to extend the time for the Secretary to review and select the lands withdrawn under section 17(d)(2) of that law.

If my colleagues will recall, the Alaska Native Claims Settlement Act as it passed the House on October 20, 1971, withdrew all unreserved public lands in Alaska for an indefinite period and permitted the Secretary of the Interior to classify the withdrawn areas or open the same to entry in the public interest. It was my amendment in committee which provided this authority in the Secretary. I proposed that amendment in committee because I and many others were concerned about the land rush that could occur in Alaska following the revocation of Public Land Order No. 4582, as amended, which froze all public lands in Alaska pending the settlement of the Alaska Native land claims.

In my judgment, the action of the House in retaining this language in the bill was responsible action in the public interest. It was good judgment because the law as we passed it retained in the Secretary of the Interior the existing authority to manage the public lands remaining from the land settlement provided in the bill. Without retaining this authority in the Secretary, the remaining public lands in Alaska were left up for one of the greatest public land grabs in the history of this country.

The conference committee, however, changed this language to require the Secretary of the Interior to withdraw up to 80 million acres of unreserved public lands for the purpose of recommending to the Congress areas suitable for additions to or creation of new units of the national park system, national forests, wildlife refuges, or the wild and scenic rivers system. The conference committee further required that the lands so withdrawn had to be withdrawn within 9 months of the date of enactment.

During the conference on this act, I opposed the stringent time limit imposed upon the Secretary to review these 80 million acres and make recommendations to the Congress. At that time, I was unable to subdue the zeal of some of my colleagues to carve up and give away the public lands in Alaska.

Now we have a request for more time from the Federal State Land Use Planning Commission for Alaska, created by this law, to review and make recommendations to the Congress on the 80 million acres withdrawn in accordance with existing authority. I am pleased to advise my colleagues that the request of the Commission has the support and concurrence of the Secretary of the Interior.

For the purpose of fully informing my colleagues of this request, I incorporate as part of my remarks a copy of the letter directed to the chairman of the Committee on Interior and Insular Affairs which is as follows:

FEDERAL-STATE LAND USE PLANNING
COMMISSION FOR ALASKA,
Anchorage, Alaska, August 1, 1972.

Representative WAYNE ASPINALL,
Chairman, House Committee on Interior and Insular Affairs, Washington, D.C.

DEAR CONGRESSMAN ASPINALL: We urgently request the support of the House Committee on Interior and Insular Affairs for an amendment to Section 17(d)(2)(B) which would provide for an additional six months for the Secretary of the Interior to withdraw lands in Alaska for recommendation to the Congress for inclusion in National Park, Forest, Wildlife Refuge and Wild and Scenic Rivers Systems.

This request is made with the unanimous concurrence of the Federal-State Land Use Planning Commission created under the Act. It also has the full support and concurrence of the Secretary of the Interior who met with the Commission at its first meeting in Anchorage yesterday.

The need for the State of Alaska to adopt conforming amendments in its companion legislation and to appropriate funds for the Federal-State Land Use Planning Commission necessarily delayed organization of the Commission. State legislation became effective July 6; Commission appointments were made shortly thereafter; and Commission members were sworn in and began work July 31, 1972.

The critical importance of this withdrawal to the State of Alaska and the Nation cannot be over estimated. Eighty million acres represent one-quarter of Alaska, an area twenty-five per cent larger than the State of Colorado. Areas being studied for this withdrawal contain among the highest scenic, mineral, wildlife and recreational values in the American Arctic and sub-Arctic. Given the magnitude of the withdrawal and the value of its resources, it is obviously of paramount importance that sufficient study time be allowed to insure that National, State and local interests are most optimally realized.

If the Commission is to make meaningful recommendations, to the Secretary of the Interior so that he, in turn, may make the best recommendations to the Congress, an extension beyond the present deadline of September 17, 1972, is imperative.

We propose that the words "within nine months of the date of enactment of this Act" be stricken from Section 17(d)(2)(B) of the Alaska Native Claims Settlement Act and the following words substituted: "by March 17, 1973."

We make this proposal with full recognition of the difficult time constraints upon the Congress, if action is to be taken prior to September 17, 1972.

Sincerely,

William A. Egan,
State Cochairman.
Jack Horton,
Federal Cochairman.

Mr. Speaker, the introduction of this bill once again places me in that enviable position which I continually find myself in of being able to say to my colleagues "I told you so."

DOMESTIC VERSUS FOREIGN COMPETITION

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, those who are not exposed to import competition and know little or nothing about it are prone to say that competition from imports is the same as every company experiences on the home front in its regular order of business. Competition, they say, is the same regardless of its sources, foreign or domestic.

It is also said that the disruption that may be caused by foreign competition is no greater than the upset caused from time to time by a new product coming on the market or some modification of an existing one. In either case the domestic manufacturers must adjust and get on with their business or suffer the consequences.

It is refreshing to have an analysis of the differences between competition of the domestic variety compared with the foreign. In a paper on this subject, Mr. O. R. Strackbein, Nationwide Committee on Import-Export Policy, who is known to many of us for his analytical approach to the import problem, discusses the difference in the effects of import competition from the domestic variety.

I offer these remarks for the Record at this point and hope that all will read it who are interested in the subject:

Domestic Versus Foreign Competition

(By O. R. Strackbein)

The virtues of foreign competition are often equated with those of the domestic variety. If competition on the domestic scene is good, for whatever reason, the same value, it is held, must apply to competition from sources beyond our borders.

In order to test this effort to equalize the benefits of competition regardless of its source, it is desirable to ascertain what the virtues of competition are in the first place and to ask whether the circumstances under which competition is carried on may alter the judgment.

We look to competition in the market place to produce utmost exertion among producers or manufacturers, no less than distributors, who compete with each other to gain their objective, which is maximum sales and profits. However, of itself such exertion is not necessarily directed to ends that are desirable. Plunderers may rival one another to gain their ends, but their competition would not be looked upon with favor.

Competition in the market place may therefore not always necessarily be directed toward desirable ends. In this country we outlawed child labor because of its encouragement of a form of competition that came to be abhorred. We also came to look upon some forms of competition as being wasteful. Duplicate services such as parallel railroad lines could lead to excessive capital investment in relation to the total service to be performed.

We long ago permitted monopoly in public utilities, such as power and gas companies and telephone service, power and pipe lines, etc, thus avoiding uneconomic duplication of facilities. In place of competition we instituted governmental rate regulation.

To say that domestic competition is good per se, is therefore a generalization that does not bear analysis.

MONOPOLY VERSUS COMPETITION

Mistrust of monopoly power was a natural reaction in a democracy that was born of rebellion against the exercise of autocratic power. As a people who held that government received its own power from the consent of the governed and wrote into their organic law the principle of checks and balances in a triune form of public authority (legislative, executive and judicial) we looked upon monopoly as a breeder of economic evil. Its thrust was the opposite of that generated by competition. It meant special privilege and unresponsiveness to the needs and welfare of the people. The question of monopoly, however, did not become acute until the post-Civil War period when capital formation gravitated toward concentration in the form of "trusts" and combinations whose very purpose was broad economic control centered in unregulated private enterprise.

The first concrete national response in the Congress resulted in the Sherman Anti-Trust Act of 1890. In its combinations in restraint of trade were condemned. The law was made more explicit in the second decade of the twentieth century in the form of the Clayton Act and the Federal Trade Commission statute, followed yet later by the Robinson-Patman Act. These enactments did indeed attest to our faith in competition, so long as it was fair and not unduly wasteful.

As it turned out this anti-monopoly stance became a vital supporting pillar of the economic system that was taking shape in this country at the turn of the century, marking a sharp departure from the system we inherited from Europe, most notably England.

Our inventive genius led to a technological approach to production and other forms of economic activity. We glimpsed the possibilities of mass production as opening an era of economic plenty in the form of an increasing variety of consumer goods produced in such great quantities that they could be sold at prices low enough to reach the masses of people whose income was not of the highest level. Even workmen could aspire to enjoyment of goods to which they were not accustomed if more goods could be made available at lower prices.

Monopoly power in the hands of mill and factory owners and financiers could withhold or hinder the flow of these benefits to the millions of potential consumers. Mass production would thus have been stifled. Competition, meaning fair competition, alone would open the way, but would not reach all the way because it would not of itself assure the higher consumer income needed to absorb ever larger outpourings of goods from mass-production lines.

What indeed does constitute the market for goods that might be produced in rising quantities was not self-evident. As a practical matter the connection between such goods and the market had to be probed empirically by those who were committing their capital to new or old ventures that could soon turn out veritable torrents of goods.

If ten million marbles could be produced while only a million were made before, by invention and development of machinery that turned out marbles like a rain of hailstones, the entrepreneur might be buried in marbles if he gave his machinery full rein. Merely being able to turn out torrents of goods was clearly not enough. Who would buy all those marbles? What, again, constitutes the potential market for goods?

Is it merely human desire? If so, why is window-shopping such a prevalent pastime? If every window-shopper should immediately go into the shop and buy to his heart's desire, the whole stock would soon be sold. Rather, the potential market is measurable principally by the amount of money at the disposal of the potential consumer.

The immediate question then is whence arises purchasing power, and how gauge its magnitude? Is it measured by population-count? If so, China and India should be the greatest markets in the world!

What was it then in the United States that was to separate us radically not only from India and China, but also from Europe? Evidently someone who pondered the meaning of the developing mass production also pondered the question of avoiding hopeless surplus accumulations. Who would take the goods off the retailers' hands? *Surely not people without money!* Yet if only those who had disposable income beyond that needed for the necessities, such as bread and potatoes or beans, could be counted as potential consumers, how many of them might become buyers of the goods the entrepreneur was now coming into a position to supply in large quantities?

The question was a puzzle since no one had been up that road before. An entrepreneur such as Henry Ford lived and breathed questions such as these. The evidence is that he and possibly he alone saw clearly what lay before him. He had received sufficient backing to feel assured that he could sell many more "tin lizzies" if he could bring down the price radically. Nevertheless there was a risk. Mass production would indeed reduce the cost but in order to accomplish that feat he must raise his production schedule very sharply. If the product did not sell as he hoped it would he would find himself in bankruptcy for his pains.

He did take the risk and sold enough cars to remain solvent. As an act of faith and enlightenment he raised the wages of his workers to $5 per day. That was a high level for the times but his action proves that he had indeed come to see what is the principal constituent of a market: *Consumer purchasing power in the form of employee compensation.*

Yet, had Mr. Ford been a wheat farmer, his enterprise would not have prospered as he did in the automotive world unless, of course, he had driven many other farmers out of business.

Why? How does wheat differ from the automobile in terms other than molecular composition, which is to say in terms of a saleable product on the market?

Probably the first looming fact differentiating the two products is that human beings have only one stomach. They can eat only so much per day. Therefore the market for wheat is quite strictly limited by the population count. As a result, the demand for the product is quite *inelastic*. Reducing the cost from $2 per bushel to $1 will not lure many more people to eat more wheat if that is already their diet. Even if they should all eat wheat or feed it to meat- or dairy-producing animals, the limitation would still stand.

Had Henry Ford cornered the wheat market and then increased his production several-fold, he would have learned a stern lesson while contemplating his accumulating surplus of grain. Yet, once established in his own industry he increased his production of automobiles far beyond the increase in population; and he was not buried alive or dead in surplus automobiles. Of course, even the automobile now verges on a saturated market, but for different reasons.

People did not need automobiles but could use them in ever rising numbers if the machines performed their function and (1) if potential buyers came to have more money, or (2) if the price of the machine came to low enough a level, or both. Demand for the product was *elastic*. More money hand in hand with lower price spelled increasing consumption not limited by physiological capacity as is food consumption.

THE FUNCTION OF COMPETITION IN THE PUBLIC INTEREST

The function of competition under these circumstances is obvious. It is to induce the manufacturer of consumer goods to exert himself to the utmost to reduce costs to accomplish two objectives, namely, to satisfy the needs of more people and at the same time to increase his own profits. It is, of course, the latter objective that motivates the producer. Competition lends a hand by promising that if one producer does not exert himself effectively to these ends one or more of his competitors will do so and leave him behind.

Once more, however, we early recognized the need for an initial restraint of competition lest the inventor-developer-entrepreneur be left under-motivated as he comtemplated the risk of others immediately taking advantage of his invention and going into production simultaneously with him, thus depriving him of the fruits of his labor.

In order to avoid such impairment of incentive the patent system was provided for in our Constitution. The protection it provided gave the patent-holder time to establish himself and thus to reap his reward before the doors of competition were thrown open. In other words, competition was treated as an instrument and not a supreme good in and of itself.

Once the vision of a mass-market in response to invention, development and radical cost reduction had proved itself American enterprise was indeed set on a new road. The driving incentive was the comprise of a mass market if acceptable and desirable but nonessential goods were offered to the public at prices within the reach of the mass pocketbook. In time veritably thousands of products qualified. The mass market itself had been enriched by progressive increase in wages as productivity increased hand-in-hand with technological advancement. Per capita income in this country left comparable incomes in other countries far behind (Canada excepted). The production and consumption of goods surpassed all historical precedents. Instead of one pair of shoes or one television set or radio multiple units could be and were used.

Why was this development left to the United States?

The factory system was not originated in this country. England, in particular, moved ahead in this field before American industry was well-established. While no incontestable answer is perhaps available, it seems safe to say that the persistence of the attitude of British factory owners and economists, such as Ricardo, toward wages, which was unfriendly and negative, blinded the manufacturers and merchandisers to the market-potential that lay fallow in the uncultivated field of workers' wages.

Also it may be observed that the population of the individual European countries was not large enough to assure a mass market such as lay before manufacturers in this country. In 1910 we already had a population of 91 million. Moreover our Constitution lay the basis for a truly national market by prohibiting the establishment of duties on trade among the States.

Had Europe and other countries indeed come with us in recognition of the market-function of rising employee compensation the gap that developed between us need not have developed—at least not in the dimensions it reached after World War II.

It is doubtful that the Europeans could have followed our example with full success because of their relatively lower population levels; but they might have moved ahead more rapidly than they did. After World War II they did indeed elect to adopt our mass-production system and undertook to widen their markets by customs unions. However, they did not follow through on the vital mass-consumption part of the formula. They are now coming into a position to rival us in breadth of market (population), but not yet in the absorption of goods at home. Hence their thirst for foreign markets for manufactured goods.

For this reason a wide gap developed between our system and that of other industrial countries, including Japan. They achieved a great productivity leap but not so great a leap in employee compensation.

NEW COMPETITIVE DIMENSION

The classical function of competition assumed a new dimension as the other industrial countries adopted our system. They did not make their way by self-development and competition with us but by dint of heavy subsidy from us. Rising productivity shot ahead of their low wage levels and soon widened existing foreign competitive advantages that had already been sharpened by our tariff dismantlement since 1934.

To understand the effect of the new competition it is necessary to address ourselves further to the uniqueness of the productive system we had built.

The effect of import competition is not effectively measured by the direct displacement of workers, such as the job loss incurred if 10 million tons of steel that previously was manufactured here, are imported. That is only part of the measure. Jobs that do not open because of a discouraging outlook create unemployment as surely as job displacement.

Ours is an economy not only of essentials for subsistence; it goes very far beyond that level—so much so that the exhaustibility of essential resources already looms high in some very bothersome sectors.

Because ours is indeed an economy based at least 90% on products that, strictly speaking, are not essential, as a glance at some other countries verifies, it is also a sensitive economy. In the countries of subsistence level of existence, consumption is reduced only by famines, floods, etc., which is to say by privation, disease or starvation. Here, in this country, consumers may curtail their purchases for a variety of reasons, some of them psychological. Uncertainty, a psychological factor, or visible adversity may produce both consumer hesitancy to buy and investor hesitancy to expand plant capacity and other financial commitments. Thus may employment opportunities vanish while the labor supply, arising from population growth, still expands.

The sensitivity of our system should be no cause of surprise. In a state of euphoria and optimism such as we experience from time to time the consumer loosens his purse strings. When all about him are employed and no dark clouds, threatening storm or woe tower on the horizon, the consumer demonstrates in his airy way the indefinite expansibility of human wants. He even buys ahead on such occasions—so fast do his or her desires for material, comfort, plenty and luxury burst into bloom in the sunshine. Taking note of this euphoria, business men, producers of consumer goods of all varieties, builders, merchants, purveyors of services, insurance houses, bankers, dealers, advertisers—the whole spectrum of the commercial world imbibes the wine of optimism and soon feels the inebriation. Expansion is seen all about. Credit is stretched in all directions. A new economic era is proclaimed and the voice of the ancient watchman in the night echoes from the past that all is well.

Unknown unseen, unheard, untoward events, here or abroad, may be gathering in the twilight. Then one detonation or two may be heard, followed by distant rumblings. A slight sobering, a passing shadow of hesitancy steals over the scene. Next day and the next, the bright hues on the blossoms, not yet stolen away by the chilling shadow of doubt, nevertheless register incipient misgivings. A few more untoward events, such as inability to meet the demands of creditors who have become infected with doubts, and confidence may ebb seriously.

THE ROLE OF CONFIDENCE

Our system was built, so far as it was differentiated from its forerunners, on confidence and a strong faith in handsome rewards if the ritual was adhered to (invention, development, market acceptance, expansion). The formula was sustained by accumulating evidence that he who learned the combination and followed it would "arrive", to reap rich fruits from the market place in the future as in the past. The system became strong despite its persistent sensitivity, by proving its resiliency over and over again, and also because it developed discipline, learned from the past, and mapped its way with some care into futurity, as bonanzas continued to beckon. To be sure, its dynamic and promethean spirit needed and begot public regulation and restraint. It was not wholly conscious that it did not exist for itself and did not derive many of its potentials from itself but from those it served—those who indeed gave it its scope and reason for being. As the rewards were high, the setbacks were painful too.

Growth became essential for the continued bouyancy of the spirit. This was and is a weakness not yet overcome. If the outlook for growth was gloomy no great pulse-lifting plans could be laid, or if laid, carried out. Uncertainty, whenever it appeared from whatever source, suggested and sometimes forced a check rein on activity. The racing horses must be tethered.

In the early sixties our industry began to feel the chill of import competition. With the exception of the Communist world, this came from our erstwhile allies and enemies as well—those who, having become so impressed with our productive power, adopted it in part for themselves.

IMPORT COMPETITION

In terms of economic-adjustment-time we were confronted almost overnight with a phenomenon we had not once faced since the birth, development and operation of our unique system.

To be sure, we had become accustomed to new developments and radical departures in technological innovations. These were our very life blood—indeed the characteristic that set us apart from Europe. The automobile displaced the horse and buggy. However, because the new apparatus could save us time, bear greater burdens and incidentally confer prestige on ownership, it not only displaced the horse and carriage in time but gave rise to a much more intensive industry than the one it rendered obsolete. Employment was increased many-fold.

There followed innumerable other innovations that upset existing industries, such as electricity replacing the oil lamp, the telephone, the telegraph (in part), the radio and television trenching on the motion pictures, etc. All led to rising employment in time. In many instances the existing industries had time for adjustment just as it took time (years) to develop new products and bring down the price to levels where the mass consumers dwelt. In other instances new products created new industries: motion pictures, air conditioners, biologicals, recorders, etc.

It is because our economy did indeed thrive on innovations and not only survived disruptions but was little shaken by them, that it has become fashionable to say that import competition is of the same species as domestic competition. It is said to provide the same stimulus as the inventions, innovations and migrations that characterized the domestic scene in the past few generations.

The analogy between the benefits of domestic competition and the type of foreign competition we face today, whatever the justification for such an analogy in the past, is now deceptive and misleading.

We were able to overcome the disruptions and uncertainties caused by new inventions and radical improvements in productivity on the domestic scene, as described above, because these were homegrown, so to speak. The challenges were rooted in native soil. The dimensions of the upsets were neither as deep nor as abrupt as those we face today. They were not beyond our powers to absorb.

First, to repeat, there was time for adjustment. The automobile was a generation or more in displacing the horse. The migration of the textile industry to the South, a matter of regional competition based on a low-wage advantage, much as the low-wage foreign lure of today, was spread over more than fifty years. Even so it brought great distress to New England.

On the domestic scene the wage gap is not so broad even between North and South, as we face in the Orient and elsewhere. Tax burdens and interest rates are more homogeneous within this country. The uncertainty is not so great because information is more readily obtained on the new developments, their magnitude, progress and prospects.

The post-World War II competitive challenge from abroad was of a different species. The challenge developed in a very short period, leaving virtually no time for adjustment. To bridge the gulf that separates the domestic competitive base from the foreign needs a generation of time, or more, not merely a decade.

The wide competitive differential gave rise to the stream of direct private foreign investment that today has reached an accumulated level of some $80 billion. This was a wholly natural response, but it did lead to a highly distorted and over-concentrated form of export trade from this country. In 1971 our exports of machinery, and transport equipment (mostly automotive products and aircraft) accounted for 45% of our total exports. Such a development could never be attributed to normal competitive processes. In the exports of all other manufactured products of all varieties, we suffered a deficit of some $7 or $8 billion. This unwholesome condition was concealed by the surplus in the machinery category.

This broad-fronted deficit sheds light on the blighting effect of import competition such as is now poised offshore ready to contest our own market with any and all industries, old or new, that come out with new products or radically redesigned established products, aimed at a rewarding mass market.

When the latter is no longer to be had because imports generated by low wages combined with modern technology, can beat us to the consumers with lower prices, domestic investment with its job-creating capacity is dampened if not halted. Growth industries that in the past had a free run for the market are now side-lined. The growth and higher employment takes place abroad more readily than here.

Whereas total employment in this country has indeed grown since 1965 by over 7 million, employment in manufacturing, agriculture and mining has lagged seriously, actually losing 200,000.

OTHER ASPECTS OF THE COMPETITIVE FUNCTION

Having reviewed briefly the principal functions of competition there remain two aspects that should be mentioned. One is the notion that without competition incentive would die. Complacency and indolence would destroy initiative. Efficiency in general would suffer greatly, to the detriment of consumers. This view assumes that competition is the only source of incentive.

Import quotas are condemned for this reason, and also for their supposed price-raising effects because of lessened competition from abroad.

While fair competition does indeed stimulate effort and promote efficiency, and indeed underlies the American economic system, the source of incentive is not limited to competition, nor do import quotas and other import restrictions necessarily reduce incentive, or lead to higher prices, as is so often alleged. Except where our anti-trust laws and the laws aimed at restraint of trade are failures, we have abundant competition within this country.

We have the example of our agricultural program, providing a full generation of experience. The parity price principle, guaranteeing a minimum return to the farmer and highly restrictive import quotas on cotton, wheat, dairy products and basic commodities, far from producing complacency and inefficiency, led to increases in productivity per man-hour well beyond the increase in the industrial world that did not come under such restrictions.

Yet the incentive was not provided by competition, which was limited. However, the incentive did not lie wholly in the guaranteed price either but unquestionably in a combination of such a guarantee and the possibility of higher total payments if the output per acre or man-hour or both were increased. This was indeed what happened. As more was produced per acre the total return could be increased. But for this possibility the price support system might indeed have deadened incentive. In other words, there was a substitute for competition as an incentive, in the form of a return above the guarantee if productivity were increased.

The other allegation, namely that import quotas lead to price increases also is not supported by the facts. One of the principal purposes of import quotas is to prevent prices from falling to intolerably low levels but not necessarily to raise them. Import quotas that are in effect today, namely on raw cotton, wheat, wheat flour, peanuts, cotton textiles and petroleum, have not led to price increases beyond the general wholesale price level. The prices on these products have lagged well behind the general level as well as behind the prices on related products.

Beef prices have indeed accelerated in recent times but not more so than pork prices; and pork imports have no quota. Coal prices have far outstripped petroleum prices. Yet petroleum is under an import quota while coal is not.

Steel, which has been under a restrictive agreement on imports, has witnessed a price increase somewhat above the general price level but is behind the price increases on nonferrous metals on which no import quota restrictions exist.

In other words, two widely and stubbornly held views on the effect of restraint of competition, do not withstand the light of factual analysis.

CONCLUSION

Present-day import competition faced by this country is not of the kind contemplated by Adam Smith or other free-trade theorists. Adam Smith had in mind a laissez-faire economy in which the law of supply and demand, freely interacting in the market place, would determine the success or failure of rivals for the consumer's favor. Prices would go up or down in keeping with the changes in supply and demand. Wide wage disparities linked with varying levels of productivity, such as are common today among the nations of the world, did not enter into his calculations and conclusions.

During the decade after World War II (1945–55) manufacturing wages in this country in current dollars rose 72%. Even during the war years from 1940–45 weekly earnings in manufacturing industries had already risen 72% despite wage controls. This 5-year rise was indeed as high as the one during the ten-year period from 1945–55. The rise during the 15-year period from 1940 in gross weekly earnings ($25.20 per week) to 1955 ($76.52 per week) was 203%. (Statistical Abstract of the United States, 1960, Table 285, p. 223).

Thus we were already well launched on the wage escalator before the war torn countries, allies and enemies alike, were fully rehabilitated. At that time, however, we were far in the forefront in productivity per man-hour and could better bear the wage discrepancy. Foreign wages also rose, to be sure, and in some instances more sharply in proportion than our wages; but in dollars and cents our increases were much larger because of our much higher base (Canada excepted). From 1955–71 manufacturing wages in this country rose another 85%, or to $120 per week, i.e., 380% since 1940. (Ibid., 1971 Table 352, p. 225).

As a result of the great technological gains of the other industrial countries after their rebuilding, again starting from a much lower level than ours, the wage-productivity or cost gap widened rather than narrowing.

We have indeed witnessed the narrowing of the productivity gap while the wage gap has remained very wide in dollars and cents. Therefore the competition between the two worlds became, not a rivalry between two sets of aggregates of equal cost levels but between upper and nether levels with the advantages weighted heavily in favor of the latter. Moreover, the widening cost-gap developed very rapidly in terms of needed economic-adjustment time.

This split-level condition was accentuated by the sharp reduction in our tariffs from an average of a little over 50% in 1933 to about 10% today on dutiable items. In the past few years the effects have surfaced alarmingly for many industries.

Thus have the possibilities of free trade between us and our principal foreign competitors drifted far afield from the conditions of trade assumed by Adam Smith. Today we live in a world of controlled economies, each regulated according to the political philosophy in the ascendancy within the various islands of power known as nations. The market place no longer expresses the free play of competitive forces.

In this country production costs are determined principally (to the extent of some 80%) by level of employee compensation in combination with productivity. These rates of pay today are rigid so far as any notion of reductions are concerned, unlike the flexibility contemplated by the free market. The average hourly pay in manufacturing in this country was $3.70 early in 1972, or 2½ to 6 times as high as the wages of our foreign competitors. There is an effective floor under nearly all wages in this country, guaranteed against reduction by minimum wage laws and union power. This rigidity against reduction makes for competitive helplessness except in one direction.

Taking wages out of competition has indeed been a conscious and specific objective of our national legislation, and is hardly to be condemned as such. Cost reduction therefore lies almost exclusively in worker displacement and not in wage-reduction or even in a wage standstill. (What is said here is not intended as a commentary on the wisdom of the conditions described, but as an assessment of competitive and political realities.)

The trend, moreover, is not away from controls and regulation that interfere with choice of competitive weapons, such as wages, but rather toward more state controls and interferences, both here and abroad. What is left of competition is confined to advertising, salesmanship, servicing and quality. This perhaps explains the excess eagerness of the advertisers. Technological innovations, of course, are the sole remaining weapon, usually aimed at payroll reduction through worker disemployment.

To speak of free trade or reduction of trade barriers in this context, as rendering a service to our consumers is obviously to dream in a Never-Never Land, with never a bother from the countervailing thought of full employment.

However, faced with costs that can be reduced appreciably only by drastic displacement of workers through improved technology the employer's option inevitably runs squarely against the public policy of full employment.

To understand this it is necessary only to reflect that we no longer have a monopoly on advanced technology and its market-building wonders. Therefore, our worker displacement efforts only succeed in evicting workers without leading to an enlarged demand for goods produced in this country. These workers cannot achieve reemployment unless they displace yet other workers simply because the increased demand usually generated by lower costs is filled by the foreign goods becoming newly available at lower prices. Moreover, the outward flow of our investment is thus stimulated for the simple reason that returns abroad look better and more assured than at home. Thus much of the increased employment that in the past would have taken place here and thus nurtured our economy takes place abroad.

Theoretically a realignment of currencies to appropriate degrees could overcome the competitive discrepancy but the history of devaluations, a game that can be played at will by all parties, is not reassuring.

To treat the present form of import competition as if it were not only of the same species as that contemplated by Adam Smith but also of a kind with fair domestic competition represents a tragic misapplication of a sound theory. It is not that the theory is wrong but that it has not been honored and under present circumstances of deranged national economies which are trussed in controls and regulations, cannot and will not be honored.

We do have some weapons against unfair import competition in our tariff laws, notably the Anti-Dumping Act of 1921, Section 337 of the Tariff Act of 1930 and the Countervailing Duty provision of the same Act (Sec. 303).

However, these provisions refer to particular shipments of particular articles. They may be likened to efforts aimed at correcting weather conditions rather than changing the climate. These laws are not addressed to underlying competitive disparities but to individual cases of deviation from adopted rules.

Import competition cannot and should not be looked to as a substitute for or even a crutch for our anti-trust laws and our laws against restraint of trade. Such is not the purpose or function of imports. If our laws and regulations that are designed to assure fair and effective competition do not function as they should we should address ourselves to their effective enforcement rather than seeking a substitute instrument that has an unrelated purpose.

PENSION REINSURANCE AND PROTECTION

(Mr. VANIK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, today I am introducing legislation to strengthen and improve the protection and interests of participants and beneficiaries of employee pension plans. This bill, if passed, would remedy the many problems now existing in the private pension system, a system that covers nearly 30 million employees and has assets of $130 billion—assets predicted to grow to $200 billion by 1980.

I am sure that every Member of Congress has received letters from constituents describing these problems. Certainly my office has received dozens of complaints in recent years revealing the many inadequacies that exist in some of the private pension plans.

The key fact, Mr. Speaker, is that many of our Nation's pension plans are operated on the basis of several questionable assumptions: first, the assumption that an employee is going to work for one company all or most of his career, and second, that a company will stay in business forever in the same or expanded condition as it was when it installed its pension plan.

We must realize, as the American worker has realized, that we are in a mobile job market economy, where men and women frequently change their jobs. We must realize too that our economy is going through constant overhauling, which affects the security and stability of the Nation's workers. With such mobility and such change in our economic policies, we must improve the system of private pension plans. We need to give to the American worker the security he is entitled to, so that when he retires he will be able to support himself adequately.

Recently the Senate Labor Subcommittee released a preliminary report on the private pension plan system. The study reviewed 51 plants having a total of $10 billion in assets. The private pension plans at these plants provided for no vesting or 11 or more years of employment before vesting. Over a 20-year period, only 5 percent of all participants who left their jobs between 1950 and 1970 received benefits from their pension plan. In contrast, in 36 plants with assets of $6 billion with 10 years of vesting or less, 16 percent of all participants who left since 1950 have received benefits. Workers who have participated in pension plans have seen their retirement income go down the drain due to either layoffs, job switches, early retirement, or faulty employer practices.

The bill I am introducing today would help to remedy this problem. It would give the participant a vesting right after 8 years of service at 30 percent, with a yearly increase of 10 percent thereafter. Thus a participant in any private pension program would receive some money from the pension fund after his 8th year, and would have 100-percent vestment after 15 years of service.

Many private pension plans lack adequate funding. Some companies put less money in the fund than they are required to do by the pension agreement. Others switch the money to different accounts for their own purposes. Consequently, at times of financial crisis, a company may not be able to meet its obligation to pay the participant the money he is owed. If a company goes bankrupt, pension plans are at the bottom of the list of debts to be paid off. It is in the interest of employers to provide adequate financing of pension plans. A 65-year-old retiree with 35 years of work credit, on a pension plan of $300 a month will, on the average, receive $51,840 during the remainder of his life. If the company, in order to insure this payment, puts away the money at the time of his retirement and not before, the total amount required to pay this employee this money would be $38,675. But if the company put the money into a fund in each of the 35 years this person is employed, it would cost the firm only $16,640 or $475.44 a year. In other words, the funded cost is only 32 percent of the pay-as-you-go or unfunded cost.

The assets of private pension plans are larger than the assets of the federally run social security program, yet no Federal insurance is available for these plans. We insure the banks of this country, and require their proper management, why not the pension plans which cover millions of workers and contain billions of dollars? The bill I am proposing will require sound management and Federal reinsurance of these pension plans.

Finally we come to one of the most important aspects of this bill—portability. Many a worker has three, four, five, or more jobs during his lifetime due to the mobility of this country's job market. Often a person will join a pension plan each time he is employed and then forfeits that money when he moves to a new place of employment. Consequently, when he retires, all that money is lost. This is obviously unfair. Thus, this bill creates a fund where deposits will be made by a member plan upon request of the participant, equal to the current discounted value of the participant's vested right under the plan. I cannot stress strongly enough the importance of this type of program. If such a program is not passed with the other proposals in this bill, the problems that now confront us in the pension plan system will remain unsolved. A worker may have all the vesting rights he deserves, the adequate funding necessary to meet the requirements of his pension agreement, a federally backed guarantee, but still not receive one penny of pension money because during his lifetime he has a number of different jobs.

Our end goal—the spirit of this bill—is to provide the needed security the retired worker is entitled to have. The recent social security benefit increases were in this spirit. But more must be done. We must protect the worker from the policies of some employers who do not adequately fund pension plans. We must provide the American worker with the right to receive these payments if he desires to retire before the age of 65 or is laid off prematurely. A few years ago Congress passed the Securities Investor Protection Act establishing a Federal insurance corporation to guarantee stock market investors and market speculators against losses due to financial difficulties in brokerage firms. It is time we pass a Pension Protection Act that will protect the millions of American workers from inadeqaute pension funding and give to these many million people the security they are entitled to.

FOREIGN ECONOMIC POLICY IN THE SEVENTIES

(Mr. FRELINGHUYSEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FRELINGHUYSEN. Mr. Speaker, on Wednesday, June 21, the House Republican Task Force on International Economic Policy sponsored a seminar entitled, "Foreign Economic Policy in the 70's." I would like to share the proceedings of the seminar with my colleagues as they proved to be most interesting and informative.

It has been the view of the task force that the United States is currently at a crossroad with regard to international trade and investment policy. Therefore, the purpose of the seminar was educative. It was to bring together the views of the administration, Congress, and private interest groups, and identify and discuss the major international economic issues that need to be considered in formulating legislation for 1973 and beyond.

The participants in the seminar, which included representatives from the administration and a number of key interest groups, were selected to provide a variety of viewpoints in order to enhance congressional understanding of the problems and issues that might arise in the formulation of international economic policy and related legislation. The material follows:

PARTICIPANTS

William Eberle, Special Representative for Trade Negotiations.

Paul Volcker, Under Secretary of Treasury for Monetary Affairs.

Professor Robert Stobaugh, Harvard Business School.

Harry Heltzer, Chairman of the Board, 3M Company.

Jacob Clayman, Administrative Director, Industrial Unions Department, AFL–CIO.

Dr. Robert Hampton, Director of Marketing and International Trade, National Council of Farmer Cooperatives.

Mrs. Gail Bradley, Vice President, League of Women Voters.

TASK FORCE ON INTERNATIONAL ECONOMIC POLICY

Peter H. B. Frelinghuysen, N.J., Chairman, Mark Andrews, N. Dak., James T. Broyhill, N.C., John Buchanan, Ala., Charles Chamberlain, Mich., James C. Cleveland, N.H., Philip M. Crane, Ill., Edward J. Derwinski, Ill.

Bill Frenzel, Minn., Robert C. McEwen, N.Y., William S. Mailliard, Calif., Philip E. Ruppe, Mich., J. William Stanton, Ohio, Charles W. Whalen, Jr., Ohio, John M. Zwach, Minn., Tom Railsback, Ill., Guy Vander Jagt, Mich.

PROCEEDINGS

Congressman Frelinghuysen. I'll introduce myself. I'm Congressman Peter Frelinghuysen of New Jersey. I'm happy to serve as Chairman of the Republican Task Force on International Economic Policy.

I'd like to make a few remarks and then introduce our panelists and let them make their presentations.

The year 1971 marked the beginning of a new era in postwar international trade and finance. President Nixon's decision on August 15 with regard to the dollar devaluation and to impose a 10 percent surcharge on imports represented a clear break from previous U.S. foreign economic policy and pointed to a new course for the future.

The Republican Task Force on International Economic Policy, several of whose members are sitting in the front here, was formed shortly thereafter for the purpose of keeping abreast of rapidly occurring events and to give special attention to the international impact and the aftermath of the New Economic Policy.

As you all know, much has happened in the interim. Specifically, the surcharge has been removed. And the Smithsonian agreement signed last December was an accord that was reached regarding the alignment of international exchange rates. The next major step presumably will be formulating comprehensive trade legislation which will give the President negotiating power for monetary trade reform. This legislation must serve our domestic economic interests as well as continuing our traditional expansionary policy abroad.

The Task Force has organized this seminar today in an attempt to bring together the views of the Administration, Congress, and private interest groups, to identify and discuss the major issues that need to be considered in formulating legislation for 1973 and beyond. Hopefully, the experience and expertise of our distinguished guests will provide us with a more thorough understanding of the problems and issues before us.

At this table are the panelists, whom I will identify, beginning at my left.

On the extreme left, your right, is Dr. Robert Hampton. Dr. Hampton is Director of Marketing and International Trade for the National Council of Farmers Cooperatives. He has been with the National Council for the past eight years. He was formerly on the faculty of Cornell University and has had extensive experience in the business field.

Next to Dr. Hampton is Professor Robert Stobaugh, Professor of Business Administration at the Harvard Business School. Professor Stobaugh holds a BS in Chemical Engineering from Louisiana State University and a BDA from Harvard. He has been teaching international business and manufacturing policy in the NBA program and serves on the editorial board of the New York Journal of International Business Studies. He recently headed a Department of Commerce study on the impact of foreign overseas investments.

On my immediate left is Mr. William Eberle who is the President's Special Representative for Trade Negotiations.

On my immediate right is Mr. Paul Volcker who is Under Secretary of Treasury for Monetary Affairs.

Next to Mr. Volcker is Mr. Harry Heltzer who is Chairman of the Board and Chief Executive Officer of the 3M Company. Mr. Heltzer began his career in the 3M Company in 1933 and was elected to the Board of Directors of that company in 1965 and in 1966 became President. He, in October 1970, was elected to his present position as Chairman of the Board. Mr. Heltzer is also a Trustee of the U.S. Council of the International Chamber of Commerce and a Director of the International Economic Policy Association.

And I should say because it was announced, that Mr. Peter Flanigan, who has some job at the White House, announced several days ago that he was going to be unable to participate. We're disappointed, needless to say, and he expressed his regrets also.

And last but not least on our panel is Mrs. Gail Bradley who is Vice President of the League of Women Voters. Mrs. Bradley is First Vice President of the League. Until 1970 she served as their National Foreign Policy Chairman. She has testified before various committees of Congress on foreign trade and aid policies.

I think, Ambassador Eberle, if you would like to begin.

Ambassador Eberle is presenting the Administration's viewpoint on this overall question of foreign economic policy. The question is of considerable current interest, I might add. In a discussion with the Foreign Affairs Committee only yesterday the Secretary of State gave us some of his views on the problems within the government and what the State Department specifically is planning to do to cope with the problems that lie ahead.

Mr. Eberle. Thank you, Congressman.

Ladies and gentlemen, as you can tell by the distinguished associates up here, the issue of foreign economic policy is a very complicated and interrelated one. And just to put the record straight, I think we have to look at the entire range of interrelationships—monetary investment policies, taxes, trade, East-West trade relations, and assistance to developing countries. Although these are economic matters, as a very practical matter they are basically more political in all of their contexts and relationships as economic, because in each of these cases they do affect domestic policies of soverign countries.

Now, I expect to concentrate on trade and its relationship within a total context, and I will leave these other relationships to my associates up here.

In giving a quick look to this, I must add before we get into the specifics on the trade problem, as we look at the 70's, the United States is going to have to trade a great deal more effectively than it has in the last ten years.

I think this means that we have to build on a broader and fairer basis in the trading systems and trading practices that will fit into this whole interrelationship that I talked about. And at the same time that we do this, and expand East-West trade in one instance, we can't jeopardize our relationships with our Atlantic trading partners or our trading partners in the Pacific.

As we look at this overall area of trade—it's a broad subject and I'm going to cover it rather quickly and then hopefully we'll have questions and answers—the interrelationship is the very key to this whole issue. I want to cover that first.

My good friend Paul Volcker has said many times that money is the handmaiden of investment and trade; it oils the machinery of the commercial transaction.

When you have a balance of payments problem, the question is: in the adjustment process are you going to use exchange rates or are you going to use trade rate? The IMF and GATT (General Agreement on Tariffs and Trade) have a specific relationship, that they have in balance, that you can go to GATT and that you can use quotas, if you get a ruling from the IMF. The problem with this is that nobody's ever used quotas. Five or six other countries ahead of the United States used surtaxes at various times. A clear interrelationship.

And in the case of exchange rate, if you say we should use exchange rate, that's fine to make an adjustment; but keep in mind that great segments of trade are insulated in the market, such as the common agricultural policy, when the exchange rate is made. No other country gets the advantage of that because the common agricultural policy's variable levy fills in and takes up the difference so that instead of being able to sell more at lower prices those prices are picked up by the variable levy.

In the case of investment, where trade barriers are created, this causes a distortion as to where business makes its decision—either because they want to put their investment behind the trade barriers to develop a market, or they will take advantage of subsidies in order to build plants.

This in turn moves to exports. You have taxes and subsidies and these affect trade. At the end you have the case of industrial export subsidies by many countries, and you have agricultural subsidies which distort trade in third markets.

Paul Volcker has said that on the monetary side many times that we're looking at asymmetry that broke down a monetary system; we're looking at the same pressures on surplus spending and deficit spending. The same thing has been happening in the last five years in the trade area. People have been able to disregard rules; they've been able to make their own unilateral decisions. We've reached the point where we're seeing the same kind of breakdown in the trading system that you have on the monetary side.

As Congressman Frelinghuysen has indicated, we have made great gains in the economic world in the last twenty-five years. We want to take nothing away from that. But, prior to the August 15 steps, we had questioned the system and focused on the problems of where we have to go in the future. These problems were not solved on that date. They are not going to be solved until we focus on the kind of policies and get going with discussions in all of these fields that are totally interrelated. That will bring about the progress that we need.

When this breakdown started in the 70's as far as trade was concerned, there was a breakdown in questioning the very principles that the whole trading system was based on. And this was the question of the most-favored-nation's system within a multilateral context. Its counterpart on the monetary side was the nondiscriminatory payment settlement program of Bretton Woods and the IMF.

The rules had broken down as we looked at them in a number of key areas. The key issues that are involved in trade today I think are the following.

First, what is the future of the most-favored-nation principle? Is it going to be a conditional one? Are we going to eliminate it and go to a regional block? The big challenge today is preference, i.e., preferences where developed countries give other developed countries special breaks as opposed to giving all countries a break; giving underdeveloped countries special preferences and extracting reverse preferences, and justifying this on the basis of traditional theory. All I can suggest to you is that the figures show there is some impact. But what about the potential? Is the potential of countries such as Spain, somewhere between a developing country and a developed country? Do we lose out in the future because of prior preferential treatment? How do we phase these out?

But more importantly, it breaks the system down. As an example, we have roughly 90 countries in GATT. Today 52 of those countries have association or preference agreements with the European community. How do you expect those 52 people will give their opinion when asked within GATT? Can we expect the kind of treatment in GATT today that we would have expected fifteen years ago?

What about regional groupings—free trade areas and customs unions? The GATT never anticipated the size and extent of these units today although the imbalances have created bigger markets for everyone. It has been very interesting to note that trade for the world has gone up at a good rate. Internal trade has gone up almost twice as fast.

We have no objection to these. In fact we think they ought to be encouraged. But at the same time we must also think in the future if they're going to grow. They must continue to change their policies to recognize that these units distort trade. They distort trade because today we have enlargement and we are moving further in that direction. There is some $4–$5 billion of trade that will move from the African countries into the European Community which will be on a duty free basis; and 85 percent of that trade is competitive with the United States.

We don't ask that they not do it. What we ask is that the arrangements take into consideration the trade distortion. We have to face that problem in GATT.

We have the question of the non-tariff barriers. This whole issue, consisting of over 800 of these has been filed in GATT as proper. How do we negotiate? Are we going to allow the non-tariff barriers to replace the tariffs? We have today questioned these non-tariff barriers which affect domestic policies in every country—in the agricultural field, government procurement, standards.

In past trade negotiations we have had problems of reciprocity. I call your attention to the commitments made in February to the United States by Japan and the European Community. We got away from the old principle of sole reciprocity in specific agreements of overall reciprocity and mutual commitment. The reason for that is simply that when we're talking about standards, we're talking about mutual commitment. But, we can find ways of having common standards around the world. One country, one plant, can produce a product of sale around the world. It will reduce the cost, but it doesn't remove the trade barrier. There's a mutual commitment not to create a trade barrier. This must be faced. We must find a way to negotiate these to maintain the economy of the national government intact and yet within some framework that will open up markets in countries around the world.

We still have the question of tariff reduction. Are we going to go ahead on a zero base? Are we going to be in a community that says to us, "we don't want to do that because we have an Atlantic free trade balance and that will break down the precedent that we built up in the community?

We have people on this side who say, don't go all the way; it's so important; we need it. We must face these kinds of issues.

In the agricultural area, the neglected area, almost every country distorts trade. We must increase trade in that area. Today we hear from our friends in Europe, your trade has gone up, even though we have put on tariffs with a variable levy that runs 60 to 100 percent of the world's price.

The answer to that is in the Community that put that program on, our trade in the variable levy limit has gone down; but our trade in the non-variable area has gone up substantially more than to offset it, which proves the very point we made, and that is, give our agriculture an opportunity in a freer market and we will increase our trade substantially. This must be opened up.

We have the whole area of the GATT rules. We are trading partners with Japan and France who still maintain illegal quotas. There hasn't been a decision in many areas of GATT for five years. We've got a shelf-load of complaints against each other, and we're asking that those come off the shelf and be solved.

This is not a challenge to each other. It's a question of business decisions being made to dispose of these complaints we have against each other and hopefully on a basis of reducing barriers.

How do we negotiate? Here's the question of where do we get the authority.

We believe on our side that some form of approach to this will be presented to Congress early next year. The issues that have to be faced are not simply authority to negotiate tariffs. They are going to be entire issues that relate to the specific issues I mentioned for non-tariff barriers. And here we need the kind of authority that will probably be based on principles, but give us the kind of approach that is mutually acceptable to the Administration, our trading partners, and Congress and let the negotiators work it out. We need the kind of contact with Congress to come up with these kinds of programs.

These are the issues. How do we get at them?

We're at them right today in discussion. We're assuming that EEC enlargement will be negotiated this fall or early next year. The EFTA treaties will be signed in August and those will come up. In the GATT and select committees of the Agriculture Committee, we are already discussing what are the modalities and techniques. We're preparing for an approach to these problems in 1973. The high level trade report of the OECD should be available this fall and it will point out many of the ways in which we can approach these.

This fall I see that we will be, in the United States, forced to focus very concretely on what we want, how we want to approach it, and what kind of a trading system. Because of our external security threat having eased, this whole economic area becomes the area in which, if we're going to have a kind of peaceful coexistence, we must have a common ground to work with internationally. I hope this focus on the trade area can be an important one, first of all to open up markets around the world on a basis that will give us more exports, which will increase our standard of living, recognizing that we have to bring imports in which keep our costs under control. Within this system I hope it will remain a multilateral system, a multilateral system that recognizes comparative costs, most-favored-nations, payment settlements, etc., and at the same time recognizing that no country can allow itself to have sudden market disruptions. We need safeguards too; again on a multilateral basis where countries can act within those safeguards, within parameters, and phase out temporary bases; and at the same time have an adjustment procedure which will work.

If this system will work, everybody can win; because trade will increase, we will have more jobs, we will have comparative advantage in principle. And then we have to recognize that we have to give some additional help in the way of financial assistance to the developing countries; to give them some preferences which will be phased out as they develop in the trading area.

On the other hand, if this system is not negotiable and if we find that we are going to be faced with regional blocks or if we're going to find that we can't negotiate this kind of a system with a fair basis for trading in the United States, then we have to decide how do we best operate in a regional system, what will be our regions? Or if we don't want to go that way, how are we going to work it out on a tit-for-tat basis; we'll treat you as you treat us?

I only suggest that these two systems do not give us the same advantage, but if we can't negotiate the first, we may find ourselves in the latter.

I've suggested recently in a number of talks especially with our trading partners that this is the direction we ought to go. I'm hopeful that by this we can create discussion with Congress, with business, the academic community, to explore how we can put this together. What are the new ideas? How do we put the meat on the bones for having a sound trading system, and how does it fit in? And I think if we can make the right decisions and recognize that those decisions must be made positively rather than backing into them, that we'll have a better trading system.

But it depends not alone on trade but on my associates here, on Congress, and on the interrelation of all of them.

Peter, I'll yield to my associate.

Congressman FRELINGHUYSEN. Thank you very much, Mr. Eberle.

I think next we should hear from Mr. Volcker about the broad question of monetary reform.

Mr. VOLCKER. Let me start off with a rather general point and I think a rather obvious point in one way, but I'm not sure it has really penetrated everyone's consciousness yet because you get used to thinking in other channels. And it's a very simple point to which you yourself alluded, that I think we are adjusting to some very basic changes in the economic circumstances of the world.

And it is very obvious when you compare the present position of the United States, for instance, with the late 1940's or immediately after World War II when our preexisting monetary arrangements and trading system were largely formed.

The United States was the strong economy in the world, by any measure. Europe was prostrate. Japan was prostrate. We were the only source of production. In my area more directly, the financial area, we held three-quarters of the world's gold; we had very few liabilities, a lot of assets, and these were fundamentally in everybody's thinking when the system was established: the dominance of the United States politically as well as economically.

In a sense the IMF was our baby and GATT was partly our baby at least, and we provided both economic and political, I think, muscle to make those institutions work and make the system work.

What we are saying now quite simply is, that was the world of the 1940's and the world of the 1950's, to some extent the world of the 1960's, but gradually over this period the circumstances have very basically changed. The institutions and arrangements didn't change with the same rate of speed. And what President Nixon essentially did on August 15 was recognize that these underlying changes in the economy, in the basic economy of the world, had built up to the point where we needed to rethink the institutional structure, the monetary structure, the trading order as well, and take a new look at where we are and where we are headed and bring our institutions into conformity with the realities of the world.

It all looked very sudden because it was a distinct break in terms of policy action but this was a break that reflected a much more gradual but profound process of change underneath.

I think it's implicit in this that while we look for changes in the system and fundamental change, doesn't mean the old system was bad under the circumstances. It worked very well for many years in the circumstances that existed. You can see it in the generally high level of world prosperity during these years, expanding trade, generally friendly economic relations—these were major accomplishments and nobody is denegating those accomplishments; and saying that the circumstances have changed to the point where you need new institutions, new systems, so that that kind of accomplishment can continue in the future. The premises of the old system are no longer valid. We need a new system to advance those objectives, as Bill Eberle was just suggesting.

Now against that kind of background and the suddenness of the recognition, at least that was forced by our actions last summer, we have been through a period of considerable strain, confusion, turmoil. Last fall and winter we were under real economic pressures, and in some respects and particularly in the monetary area, I think, also a good deal of confusion over motivations, objectives on our part and on the part of others; confusion over, for instance, whether the United States was turning inwards deliberately and protectionist and all the rest.

I think out of this process of turmoil and confusion we have succeeded now, nine months, ten months afterwards in achieving a considerable degree of understanding about what the process is all about—certainly not perfect—ending some confusion about our own motivations, and in fact accomplishing some very substantial changes in the monetary environment and to some extent in the trading environment. We have had a realignment of currency values of an unprecedented character. We have introduced some other changes on at least a temporary basis in the monetary system like wider bands of fluctuations and the established exchange rates. We have made some progress in specific trade areas. We have also commitments to broader trade negotiations and broader monetary negotiations.

And as understanding has increased and as some measures were taken, I think we have had a measure of calm, so far as the dollar is concerned at least, returning to the exchange market. It has been reasonably quiet for some months. The problems are not solved but against this background of understanding and of some concrete accomplishment I think an atmosphere of greater order has certainly returned.

Now in saying that I think we have to recognize that this is an interim period and that we haven't solved the problem. We have not done the fundamental job of really reconstructing in some sense a permanent monetary system. We have many trade issues that are related. We haven't certainly fully accomplished the job of assuring a strong balance of payments position for the United States and that, in turn, implies a better competitive position for American industry; and we're working hard on that, but I wouldn't want to say that that is assured. This is a continuing challenge and until it is assured it is a source of potential weakness in the system.

Progress is proceeding on that basis and I think progress is beginning—has begun for some time—on the negotiations that lay the groundwork for the fundamental permanent system, so to speak. Now, those negotiations are not always terribly visible, terribly clear. They take place in a variety of forums and discussions and a variety of manners, and amid still some confusion, but I think I can describe to some degree how they are going on and what the problems are.

Now, one of the problems is certainly that there is still, despite what I have said, some difference—in some cases fairly profound differences—in appreciation as to what the problems are. And this becomes more apparent as you get toward the specifics. People can sometimes agree on such a nice glittering generality as I gave you, that the world is changed; but when you get into what that means specifically in terms of policies, practices, and institutions there's lots of room for controversy. And I think there is quite a lot of nostalgia still that somehow if we could only put back that old system again—it wasn't so bad; we had all these accomplishments to which I referred, and now we've had a little exchange rate realignment, let's just go back to the old system and proceed on that basis; and we feel comfortable in that system.

Our response to that kind of view is, well, we understand that some people feel comfortable in that system, but one of the problems of that system is that everybody else was running the surpluses and we were running the deficits. And precisely after a period of this happening for twenty years, it was one of the premises of the system that broke down. We are no longer in a position to run deficits, consistent with the stability of the dollar. And if the dollar isn't stable you're not going to have a stable international monetary system. I think that's the hard rock of reality in our position, if you're going to have international financial stability, which everybody wants in general.

More important than any particular institutional arrangement, more important than any particular policy is the strength of the external position of the United States, which is in turn related to the stability of the dollar. The dollar is the world's reserve currency, the world's trading currency; if it is not stable, you're not going to have stability in the system generally.

So, one of the points that we are trying to make repeatedly in every form we can—it is first priority for us—and it should be for other countries in a sense—is restoring the external financial and economic strength of the United States. And this is partly where the problems begin, because again people can say, yes, of course I agree with that, as a general proposition; but then you begin discussing what it takes to do that and here you run into a little difficult arithmetic that one country's surplus is another country's deficit. And most countries would rather have a surplus than a deficit and they'd rather have a strong trade position than a weak trade position.

As our position strengthens, other people's, at least in common perception, have to weaken. And they don't like that. Well, they recognize maybe the necessity in principle; when it comes to specific actions, whether it's an exchange rate action, whether it's a trade action, whether it's a sharing of the military burdens, whether it's a sharing of the aid burdens: all of these cost money, cost competitive position in some sense, and there's resistance. And how is that problem worked out?

Now, we often meet the kind of response, "Yes, we understand this is an important problem and this will be worked out." Meanwhile you have become convertible, you adopt some other financial responsibilities, adopt some other obligations. And we made clear, and I think this is quite understood by other governments now, we are not in a position to accept those obligations until we see some assurance that our position can become stronger and can maintain itself in a stronger position. And again at the level of principle you get some understanding, but when it comes to the hard negotiations of the various ways and means of accomplishing that purpose, it's not easy.

This leads me to another kind of submerged—and not all that submerged—issue that keeps appearing in these discussions.

Those that agree with what I am just saying in general terms among some of our foreign friends in particular may say, "Yes, we agree in general with the arithmetic of what you're saying, but you've got to do it some way that's palatable to us in effect; and that way, and perhaps the only way, is getting rid of what we see as the source of your problem and that's these capital outflows that you have. We don't want your capital and you keep exporting capital, and if you only control that capital outflow, that's the way to achieve balance in your payments; and let's proceed on that basis."

Now, we don't think that's possible for a number of practical reasons, and we also have some philosophical problems with it. Given our present trade position we have to have some improvement no matter what controls you had on capital. But we have not looked forward to an international financial system that rested for its very stability on a very strongy panoply of controls. Our objective is to get rid of controls, that controls are a sign of breakdown of the system, an inhibition on the kind of world you want to see. We want to move in the direction of freeing us from controls. Others want to move in the direction of saying, "Well, controls at least on your capital. It should be a permanent part of the system." So we have another basic issue that keeps reappearing in one guise or another in these discussions.

There is another kind of issue that isn't a particular bone of contention between the United States and others, but it's of concern to all countries and raises very difficult problems. I think all countries, all advanced industrialized countries recognize—I don't know if they're limited to advanced industrialized countries—all countries want freedom of action for domestic policy. They all recognize in general terms you live in an interdependent world, you can't be entirely isolated, your policies have to reflect external circumstances; but on the other hand you can't expect perfection in fine tuning every domestic policy to meet external circumstances. It's not that easy to bounce around monetary policy and fiscal policy and wage price policy and all the rest in the extreme manner that would be required to achieve a very high degree of international coordination.

Once you accept that premise—and it's a matter of degree—then you have to find a set of international financial arrangements that will tolerate a degree of lack of coordination. This raises difficult issues of exchange rates and other policies that certainly have not been resolved, and there's all sorts of room for argument for the degree to which one should allow for independence of national action, force coordination of domestic policies, or adopt a different kind of international financial system that allows a greater scope for independence.

And different countries and different positions will see this differently. If you're a very small country that's very heavily dependent upon trade, you are likely to be frightened by the prospect of exchange rate changes for instance, and frequent exchange rate changes with your trading partners. You are willing to sacrifice quite a lot in terms of domestic economic policy to achieve the exchange rate stability. If you are a country with a relatively small external sector, you may approach this problem from a different direction. And to generalize, the Europeans may approach it from a different direction than the Americans or the Canadians or the Japanese, because they're in a somewhat different situation—another one of these issues that underlies the discussion.

This is not unrelated to an issue to which Bill Eberle devoted some attention, the question of the Common Market itself. This has a large trade component. It is at this stage largely a customs union. It has an increasing monetary component. And part of the drive for monetary unity in Europe is what I just suggested. They feel a more urgent need to have exchange rate stability among themselves than perhaps with other countries or perhaps than other countries want among themselves. So you have a phenomenon here of Europe, pretty much regardless of what the rest of the world wants, moving in the direction within Europe of a particular type of financial system. And that has to be taken into account.

Our effort has been to focus attention on these kinds of problems because we think they need airing and they need discussion. Maybe you'd never get a consensus on issues this broad, but they certainly have to be brought out in the open and treated openly, because any of the kind of mechanics of the system, the kind of things that receive so much attention—convertibility, funding of dollars, the role of the dollar, crawling pegs frequent changes in exchange rate, all this kind of mechanical device—and what judgments are made about those devices in the end come back to these kinds of questions. And a lot of the discussion, in our opinion, of the mechanical devices just kind of skims over the surface and kind of wishes these issues away, because they're difficult. But to construct the system right we want to focus some attention on these issues.

Now this is already apparent in the kind of negotiations that we see for instance in the forum. We've been trying to devise the right atmosphere, the right setting to carry on the discussions because in the end the setting is important in the outcome; it's important in what issues get treated and how they get treated. We are making a fair amount of progress in that direction and it is interesting in this process to see what issues arise and why the question hasn't been resolved already. I thought it was going to be resolved a month ago and it hasn't been.

Well, what kind of issue holds it up?

We have insisted that the monetary issues are related to trading issues, and are related to investment issues. The LDC's insist, I think equally properly, they are related to aid issues.

Those that don't want to face some of these other issues say, Oh, no, let's just treat this as a very narrow monetary question; all we want to talk about is convertibility and funding and the price of gold and exchange rates. So in the argument over the forum and the mandate for the forum you are arguing over how wide the scope of the negotiations should be and what is relevant in treating the financial system. We have met a lot of resistance on this point from a limited number of quarters, I should say, but very strong resistance. I think that question will be resolved in a satisfactory way, but in a sense part of the substantive negotiations are proceeding in this light.

A similar problem arose just in terms of the number of countries involved. Are the LDC's relevant to this process or not? Again there will be progress, I think, in terms of the LDC's participating.

There's a question whether it should be entirely a matter for IMF discussion or whether the IMF discussions don't have to be related to the OECD, to GATT, and others outside. This views, another source of controversy, which reflects on how narrowly monetarily the problems can be isolated.

I suspect that we will reach some agreement on a so-called committee or group of twenty as the main negotiating forum fairly soon, with an adequately broad mandate, with adequately broad membership—with, I hope, adequate recourse to talents outside the IMF. We hope that the OECD will make a parallel contribution. We can use the talents of other organizations. All of this is cumbersome and difficult. It's going to take some time to have these formal bodies, particularly the group of twenty operating. But I don't think that should obscure the fact that whether or not the formal body is operating; there's a lot of discussion—in a sense, pre-negotiation—going on fairly continuously during this period.

Congressman FRELINGHUYSEN. Thank you very much, Mr. Volcker.

And now I think to educate us on perhaps what is—I hate to say what's least understood on the Hill; much is really not understood on the Hill, but on one of those areas where we need enlightenment—we'll have Professor Stobaugh talk on Foreign Investment Policy and the Multinational Corporation.

REMARKS OF PROFESSOR STOBAUGH

There are two types of foreign investments—portfolio and direct. In a portfolio investment the investor owns shares in a company but does not control its operations. In direct investment the investor not only owns part or all of the company but also controls its operations. Our discussion this morning deals only with foreign direct investment, since by definition a firm must control its foreign affiliates to be called a multinational enterprise.

Other criteria used to define multinational enterprises, such as size of sales or spread of foreign operations, are quite arbitrary. In order to obtain a list of firms to study, we at Harvard Business School arbitrarily took *Fortune* magazine's annual list of the 500 largest U.S. firms and their annual list of the 200 largest foreign firms and selected those companies manufacturing in six or more foreign countries. These firms account for a substantial part of all foreign direct investment; for example, the 187 U.S. firms that met our criteria account for three-fourths of all U.S. foreign direct investment in manufacturing.[1]

Foreign direct investment, and this is largely investment by multinational enterprises, has been growing faster than either world production or world trade. From 1950 to 1970, the output from facilities owned by foreign direct investors grew at an annual rate of 10 per cent, compared with annual growth rates of slightly less than 8 per cent for the non-communist world's Gross National Product and slightly more than 8 per cent for the non-communist world's trade. As a result, by 1970 the output from the facilities owned by foreign direct investors was 6 per cent of the non-communist world's GNP and about the same size as the non-communist world's trade.[2]

About 60 per cent of all foreign direct investment is owned by American companies, and another 10 per cent is invested in the United States by foreign companies. Thus, the United States is involved in 70 per cent of all foreign direct investment.[3]

By the end of this year the book value of U.S. foreign direct investment will approximate $100 billion. About 90 per cent of this investment is equally distributed among three major geographical areas: Europe, Canada, and the less developed countries as a group. Manufacturing is the largest industrial sector, followed by petroleum.

This prelude, I hope, has sketched the outlines of the subject. For those of you interested in more data, I recommend Part III of a recent Department of Commerce publication entitled "The Multinational Corporation."[4]

Even though these figures are impressive, they still understate the importance of multinational enterprises, for these enterprises dominate many of the advanced-technology industries, such as computers, pharmaceuticals, and chemicals, as well as certain other important manufacturing industries, such as petroleum products, automobiles, and farm machinery. To an important extent, the economic health of the

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United States depends upon the economic health of its multinational enterprises. They account for one-third of total sales of U.S. manufacturing firms.[5] They do two-thirds of the nation's privately funded industrial research and development.[6]

I am sure that you are aware of some of the criticisms aimed at multinational enterprises especially the charge of exporting jobs. However, a number of studies, including one recently completed under my direction, have concluded that foreign investments by U.S. enterprises have a positive effect on both U.S. employment and the U.S. balance of payments. We estimate that if there were no U.S. foreign direct investment, some 600,000 jobs in the United States would be lost; and continuing research indicates that the 600,000 is a very conservative figure.

The reason why U.S. foreign direct investment creates rather than destroys American jobs is that such investment is primarily defensive, in the sense that the investor is trying to maintain his place in the world market.[7] Over 90 per cent of the output of the foreign plants of American firms is sold abroad. The amount imported into the United States is less than one-quarter of our total imports of manufactured goods, and a substantial portion of this quarter is a result of one special arrangement: the U.S.–Candian Automobile Agreement.

Given a choice, the U.S. enterprise had rather produce in the United States than go abroad. But in most cases it does not have this alternative—if it does not expand abroad, it would lose its market to foreign companies, usually large ones from Europe or Japan. This applies to its U.S. markets that it serves from its foreign plants as well as to its foreign markets. The retention of these markets by U.S. enterprises provides U.S. jobs in the home office and in research and development laboratories. Further, it provides U.S. jobs for production workers manufacturing components, finished products, and capital equipment for export to the foreign operations.

These exports of goods, of course, not only have a favorable effect on employment, but also on the U.S. balance of payments. In addition to these exports, multinational enterprises have another favorable effect on the U.S. balance of payments; they are major exporters of services. In fact, one way to view the multinational enterprise is that it is an exporter of management and technology rather than primarily an exporter of capital. Indeed, most of the funds invested abroad by U.S. firms are obtained abroad through depreciation allowances, retained earnings, and borrowings. This point is underscored by the relatively small impact that the U.S. capital export control program has had on total U.S. foreign direct investment. The health of the U.S. balance of payments depends now to an important extent, and will depend even more in the future, on the dividends, management fees, and royalties received by its multinational enterprises.

Against this background of information, let us consider what arrangements exist to facilitate international trade in goods and services.

To facilitate the flow of goods, we have the General Agreement on Tariffs and Trade (GATT), to which most of the trading nations of the world subscribe. This agreement lays down rules of the game aimed at four goals: (1) a reduction in import restrictions; (2) non-discrimination among countries; (3) the settlement of trade disputes; and (4) the grant of waivers from any GATT commitment upon the basis of an international consensus. GATT has been an important vehicle in increasing world trade.

In stark contrast to GATT, there is a vacuum on the international scene when we consider trade in services. There is no international agreement to facilitate the flow of services, such as management and technology. Foreign countries are taking a variety of actions to reduce U.S. income received from the export of such services. In some cases after an indigenous firm has reached agreement with an American firm on the size of a royalty fee, a foreign government has intervened to reduce the royalty below the agreed fee. And, of course, a number of countries restrict the amount of dividends, management fees and royalties that can be paid by a subsidiary to its parent; and in some cases the payment of management fees is not allowed at all. Furthermore, the restrictions on ownership of local subsidiaries at times have the effect of reducing exports of American management. Finally, in some countries there is the ultimate threat—that of nationalization.

A new international agreement is becoming necessary to facilitate continued increases of trade in services. It could be part of GATT, or perhaps a separate organization, one we might call a General Agreement on Foreign Direct Investment. Whatever route is taken, the establishment of such an agreement should be a major goal of U.S. foreign economic policy.

Now I have put forward this suggestion from the viewpoint of the United States, yet I think that it also would be welcomed by foreign countries. Most nations welcome foreign direct investment because it brings benefits, such as know-how, increased competition, and access to export markets. Indeed, the goals of multinational enterprises typically are similar to the goals of nations, such as increased output, greater efficiency, and greater exports. But government officials tend to be frightened of multinational enterprises because these firms are so big. Although the size of any one enterprise's operations might be quite small in relation to the nation's revenues, the governmental official knows that he is dealing with an enterprise which in many cases is more powerful economically than his nation.

Although multinational enterprises are willing to abide by the laws of a nation, the governmental official cannot predict an enterprise's behavior, since this behavior in any one country is dependent on the firm's worldwide situation. Sometimes this behavior helps a nation and sometimes hurts it. For any given nation, the enterprise's behavior at times can help it and at other times hurt it. Governments naturally do not like the randomness of the outcome. For example, they would prefer a less favorable, but relatively stable, balance of payments rather than a more favorable balance with large random swings. The situation is much like that of the elephant keeper and the elephant. The keeper likes the benefits of having an elephant, but he doesn't want to get squashed inadvertently when the elephant rolls over in his sleep.

A reduction of the uncertainty surrounding the operations of the multinational enterprise will surely reduce tensions and increase the receptivity of host nations to foreign direct investment. Most of these tensions have been discussed by others, but several deserve special highlighting now.

Perhaps the most pressing problem is that of short-term capital flows. Because multinational enterprises and the amount of trade controlled by them have grown much more rapidly than the currency reserves of nations, it is now possible for relatively routine short-term capital movements by multinational enterprises to cause severe balance-of-payments problems to a nation. It is only good business for a firm to borrow in countries with low rather than high interest rates and conversely to invest any "excess" funds in countries with high rather than low interest rates. Further, it is only good business to delay sending funds into, and to move funds out of, nations whose currency is expected to be devalued; a multinational enterprise can accomplish this quite easily by delaying or speeding up the payments of intercompany accounts.

To determine the effect of such actions on both the firms and the governments, we developed a computer model of a simple multinational enterprise system.[8] When our model was programmed to operate as a series of independent units dealing with one another on an arm's-length basis, the countries in our model experienced little variation in their balances of payments. In contrast, when the model was programmed for the enterprise to adopt a financial policy to maximize its profits, all countries in all years experienced widely varying balance-of-payment positions. In some countries the span of oscillations was over 40 times that experienced under the arm's length policy. Of course, the massive changes in the balances of payments of the countries in our model may exaggerate the result that would occur in the real world. Nevertheless, the model results are likenesses of reality and there is evidence to believe that the policies of multinational enterprises have a potential of bringing about major adjustments in currency relationships.

The importance in the real world of the multinational enterprises' financial policies to the balances of payments may be seen in several ways: One is the size of the enterprises' holdings of liquid assets relative to the currency reserves of central banks. We estimate that the amount of cash and marketable securities held by the 100 largest U.S. multinational enterprises exceeds the central reserves of any nation in the world. Furthermore, the size of the intercompany accounts are substantial. For example, if all debts owed the U.S. parents by foreign affiliates were paid immediately, the currency reserves of the United States would triple; such flows would deplete a considerable portion of the currency reserves of many countries.

For another example, we take the case of Britain and make reasonable assumptions about the size of imports and exports of multinational enterprises. We estimate that a three-month change in credit terms on both imports and exports of all multinational enterprises, both U.S. and foreign, could wipe out all of Britain's reserves. Although it is unlikely that all multinational enterprises would act in concert, it is equally clear that their potential actions can have a real effect on a nation's currency reserves. This is an area that is ripe for international agreement.

Governmental revenues are another point of tension between enterprises and nations. The pricing of goods and services sold from one unit in a corporate network to another affect governmental revenues by locating profits in one tax jurisdiction rather than another; also, of course, customs are determined by these prices. Some national tax collectors, such as the U.S. Internal Revenue Service, have been aggressive in collecting taxes on the basis of arm's-length prices for goods and services sold between units of a system. The problem is that most goods and services sold between units of a system do not have a true arm's-length price, because they are never sold to the public in the quantity or quality sold within the system. For example, when Ford imported hundreds of thousands of parts from abroad to put into the Ford Pinto, there was no comparable sale of goods anywhere in the world and hence no perfect method of obtaining a "true" arm's-length price.

Multinational enterprises have at times paid taxes to two national governments on the same profits. This has occurred when the IRS increased the enterprises' taxes by adjusting intercompany transfer prices to show a greater U.S. profit and a lower foreign profit on sales that took place several years prior to the adjustment. In many cases, the companies were not able to obtain a tax rebate

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from the foreign government for taxes already paid. As more governments become sensitive to the question of intercompany transfer prices—partially because of training received from our Treasury Department—multinational enterprises are likely to be caught between two national governments, each demanding a tax on the same profit. The U.S. Revenue Act of 1971 was a major advance in solving this problem, for the law allows a U.S. company to choose one of several standard methods in determining the price of goods sold to an affiliated export corporation. A major tension point would be removed if an agreement on allowing standard methods of pricing intercompany accounts could be reached among a number of nations. Of course, it is possible to reach such agreements bilaterally, but the multilateral approach would be much more efficient.

Other points of tension are differing antitrust standards in different countries, the attempt by the U.S. government to force foreign corporations controlled by American firms to adhere to American laws in shipping to Communist countries, the allocation of export markets by an enterprise among various of its affiliates, and inadequate reporting by enterprises to governments.

In addition to these oft-mentioned tensions, new problems will emerge and the multinational enterprise when properly guided can be an important instrument in solving them. Take pollution, for example, the adoption and maintenance of worldwide pollution standards by multinational enterprises would be an important contributor to clean air and water.

What would be the view of the multinational enterprises to a General Agreement on Foreign Direct Investment? I believe that as long as they are treated equally with their competitors, they would welcome such an agreement. It would reduce their uncertainty. Over the long run most of these enterprises foresee a chaotic growth of national controls, some of which would place them at a disadvantage with their competitors. For example, current proposals in the United States to tax the earnings of American-controlled subsidiaries abroad as soon as they earn a profit rather than when they remit dividends to the United States would place the Americans at a serious disadvantage vis-a-vis some of their foreign competitors.

Another advantage to the enterprises of such an agreement is that management would be spared from worrying over many tension-laden points and could then concentrate on their special expertise of developing, producing, and distributing a wide range of new products in a highly efficient manner.

Regardless of any action taken to facilitate trade in services, there is another problem crying for immediate action. Adequate assistance should be provided to U.S. workers who lose their jobs because of imports. Although most U.S. imports are not by multinational enterprises, such enterprises will be affected by any legislation passed to protect workers. There is little doubt that U.S. efforts under the 1962 Trade Expansion Act to aid worker adjustment have not been sufficient, although such efforts have been increased substantially in recent years. Sufficient research has not been performed to indicate the amount of funds needed to facilitate worker adjustment nor the methods most appropriate, but successful efforts in Europe have involved the expenditure of several billions of dollars. Any such program should aim at moving workers out of the mature industries that are not competitive internationally into the newer high-technology industries in which the U.S. has a comparative advantage; these industries, of course, generate larger exports of goods and services, are more profitable, and pay higher wages than the more mature industries. Such an adjustment assistance program, perhaps with the advice of labor leaders, would be more appropriate than proposals aiming at isolation of the United States from the rest of the world.

A SUMMARY

The United States Government should encourage the continued growth in the number and size of the U.S. multinational enterprises for the economic health of the United States depends to an important extent on the economic health of these enterprises. Especially the balance-of-payments position of the United States is becoming increasingly dependent on these enterprises' exports of services in the form of management and technology. GATT[9] exists to facilitate a continuing increase in world trade in goods, whereas no comparable organization exists to facilitate a continuing increase in world trade in services.

Two major steps are needed in U.S. foreign investment policy: first, we should begin negotiation of an international agreement to increase trade in services and to remove the tensions until now associated with the activities of multinational enterprises. Such an agreement would not only serve the interests of the U.S. Government, but also the interests of foreign governments as well as multinational enterprises.

The second major step needed is an adequate program to retrain workers who lose their jobs because of imports. The program should emphasize the retraining for jobs in industries in which the U.S. is competitive internationally, for these industries are faster growing, more profitable, and higher paying than the more mature industries that suffer from import competition.

Thank you for inviting me to present this statement. I will be happy to answer any questions.

FOOTNOTES

[1] See Raymond Vernon, *Sovereignty at Bay: The Multinational Spread of U.S. Enterprises* (New York: Basic Books, 1971), Chapter 1.

[2] In this calculation the output of the enterprises was placed on a "value added" basis for comparison with GNP. The total output was used for comparison with trade flows.

[3] See Christopher Tugendhat, *The Multinationals* (New York: Random House, 1972), pp. 1–6; and Bureau of International Commerce, U.S. Department of Commerce, *The Multinational Corporation* (Washington: Superintendent of Documents, 1972), Part III.

[4] Bureau of International Commerce, *op. cit.*

[5] Vernon, *op. cit.*

[6] Vernon, *op. cit.*, and National Science Foundation, *Research and Development in Industry* (Washington, D.C.), various issues.

[7] Robert B. Stobaugh and Associates, "U.S. Multinational Enterprises and the U.S. Economy," in Bureau of International Commerce, *op. cit.*

[8] Sidney M. Robbins and Robert B. Stobaugh, *Money in the Multinational Enterprise: A Study of Financial Policy* (New York: Basic Books, forthcoming).

[9] General Agreement on Tariffs and Trade. (Presentation of paper.)

PROCEEDINGS—CONTINUED

Congressman Frelinghuysen. Thank you very much, Professor Stobaugh. Yours was an interesting presentation also.

I'm sure that members of the panel, if not others, would be only too glad to start the discussion period.

I'd like to point out that Mr. Jacob Clayman has joined our group. Mr. Clayman is Administrative Director of the Industrial Unions Department of the AFL–CIO. Mr. Clayman is a former member of the Ohio State Legislature, and has been in his present position for about ten years. He was formerly Assistant to the President of the Amalgamated Clothing Workers.

Mr. Clayman, it's a pleasure to have you here.

The three presentations that we have heard have given us all food for thought and plenty of room for questions. I wonder if we might open up this pre-lunch phase of our discussion with a question and answer period.

I would guess that some of the panel would like an opportunity either to comment or to ask questions about what has been suggested by those who have given the opening remarks.

Would any of you like to ask some questions?

Dr. Hampton. I would like to have a little elaboration of a comment here this morning that talks about foreign nations' interest in having American direct investment.

I think we have a little bit of a dichotomy here as to whether they really want it or they are more concerned about the problems it creates. I'd like to hear just a little elaboration of that.

Professor Stobaugh. I think foreign nations would like the benefits of foreign direct investment and that's one of the reasons that they have kept it, and also many of them even encourage it.

The problem is the problem of control in that they perceive that their own economy is less under their control when they are dependent on foreign direct investment for a good percentage of industrial output.

It's kind of liking the fruits of it but wanting to minimize the parts that are not so desirable. And the more the economy grows the problems probably increase because of interdependency of one nation on another, yet everybody likes to keep control of their own economy.

Mr. Eberle. I'd like to second that and add one item to it, and that is what we tried to have discussions on the subject, the code of good conduct, or whatever you want to call the services approach.

The thing that came out very clearly was the fact that not only did all of these countries, developed and developing, want the investment—they're very happy with the investment—but they're worried about some vague, you can call it control, you can call it abuse that they worry about. But when they had to define it, there was nobody that could define what it was that they were really worried about, and they ended up by asking the OECD to make a study to see if there was a problem. I think it's more concern about this than anything else.

The other thing I want to add is that this investment as such is something that the developing countries are focusing on right now very strongly. And I know of no American industry or multinational company that ever won a power struggle with the smallest country in the world.

Mr. Volcker. I think there's another aspect of this investment that in effect they pretty unanimously don't like—I haven't got any addition to what's been said in terms of looking at investment itself; they have mixed feelings about it. Basically I think in specific cases most of them like it. But where it appears in a more general form in terms of the balance of payment adjustment process, in terms of the monetary system, then they are faced with a certain consequence of this investment, and that is that money coming in in investment is like money coming in from exports so far as their total balance of payments position is concerned. And when they're faced with the choice of whether they would rather export or import capital, I think fairly unanimously they'd say, we'd rather export. And they want to maintain exchange rates and other arrangements that give them a strong export position. And while they are ambivalent about it at best, in the end they say, faced with a choice between having an exchange rate that gives us a weaker export position and accommodates the inward flow of investment, we'd rather have the lower exchange rate that improves the export position. And at this level they generally say they don't want the investment.

Now, of course, where they're schizophrenic is that in particular cases they do want the investment, and this leads to steady tension. You see it very apparently, most obviously in the case of Canada, but it's not alone in the case of Canada.

Mr. CLAYMAN. Professor, on page 3 of your statement the general tone is that the imports from American corporations, of subsidiaries abroad, is relatively modest.

Given that tone, I read back to you one of your observations: "The amount imported into the United States is less than one-quarter of" all of the manufactured goods that come into our country from abroad. And while we have a dearth of statistics, real statistics, hard statistics on this issue, your observation that roughly a quarter of our imports from American corporations abroad implies to me a very serious problem of American capital and American technology abroad, coming into our country and competing in the American marketplace with American workers, with American technology, with American capital that chooses to remain home.

I see this as a serious problem and would dispute essentially the tone of your observation.

Professor STOBAUGH. I think it's kind of interesting that while the multinational enterprises of foreign direct investors only account for a quarter of the imports of manufactured goods, they account for half of the exports of manufactured goods; so that their net trade balance is really quite positive. And I think the import of manufactured goods from abroad from multinational enterprises does not primarily compete with American industry in this country, but primarily competes with the German, the Japanese, the British, the French, the other European firms who are exporting from either their home country or from their bases in Taiwan, for example, into this country.

So the multinational enterprises and the individual cases that we have studied indicate that these imports by U.S. multinational enterprises are primarily competing with foreign firms and not our own.

Mr. CLAYMAN. Well foreign firms—in a sense we've simply gone out of business in many areas of our industry. Electronics, for example—we compete now, you're right, with foreign firms, because we have no industry of our own, absolutely none.

Mr. EBERLE. Mr. Clayman, I wonder if you could clarify my thinking: with 80 percent of this one-quarter being under the automobile agreement, is this something that you would like to see disposed of or changed?

Mr. CLAYMAN. With regard to the Canadians—I must say that we consider the Canadians in a different category in the labor movement than the rest of the world, simply because there's a kind of fraternal association with the Canadian workers that's unusual, of course.

Mr. EBERLE. Then most of this you would acccept because it's under a special agreement?

Mr. CLAYMAN. Well, I'm not certain of the statistics, frankly, as you talk of 80 percent of our imports coming from Canada in relation to this specific problem. I think quickly of the Mexican border and I think quickly of a study that one union made, just counting it up, going from shop to shop—116,000 jobs. And these obviously are all owned by American multinational corporations. And these are all jobs that were American jobs just a few years ago.

And so when I look at the statistics, which seem massive and yet I'm not sure of their verity, I think of these personalized situations, 116,000 jobs on the border, the Mexican border. And you can multiply this place by place, community by community, in all the United States.

Mrs. BRADLEY. But you don't regard the Mexicans in the same fraternal way you regard the Canadians?

Mr. CLAYMAN. I must say the relationship between the trade union movement with the Mexican workers is not on the same level and basis as that of the Canadian workers. It may well be that our relationship with Canada generally may be somewhat different than with the rest of the world. But this is not the heart of what we're talking about.

Professor STOBAUGH. I'd like to mention three statements of fact: number one, all the jobs on the Mexican border would not be in the U.S. if they were not performed in Mexico; they might very well be done in Taiwan, not the U.S. Secondly, U.S. imports of manufactured goods made in American plants abroad for this last year for which we have statistics was less than $1 billion if you exclude the Canadian situation. That less than $1 billion is far less than 1 percent of the output of U.S. manufacturers. Therefore, there is no way that one can arrive at the conclusion looking at official government statistics that the imports of manufactured goods by American multinational enterprises is a serious problem in terms of causing jobs to be lost.

Thirdly, I'd like to say I am certainly sympathetic with those who do lose jobs because of changes in trade patterns. But overall, the multinational enterprises are creating far more jobs than they lose, and the problem is not to keep people working at jobs that people abroad can do and do just as well as our workers and do for 20 cents an hour; the problem is to move them into jobs where they can earn $3–$4 an hour, and those are the jobs that we have a comparative advantage in in this country anyway.

Mr. CLAYMAN. The likelihood is, if this pattern continues—and I'd like to say something about it later when I make my more general remarks—if this progress of the multinational continues, there won't be in my judgment, at least the judgment of workers, any safe haven for American workers.

Now, if we're prepared to completely change our total society, if we're prepared to cut our standard of living completely so that we can match Mexican wages, then of course that's another question, and that question will have to be answered essentially by the American people.

Congressman FRELINGHUYSEN. I'd like to ask a question; and I think this is a very sensitive area we're talking about now because there does seem to be a lack of understanding about what the multinational corporation really does mean both for us and for other countries.

I'd like to ask first of all, in whose lap would a proposal for a general agreement on foreign direct investments fall, and what would be the likelihood that the result would be a happy one if an attempt were made to develop rules of the game along these lines?

Certainly in this country, so far as there is an expression of legislative concern, there is a feeling that the multinational concern is somehow an outlaw; it's causing our troubles. That if, as Mr. Clayman just said, if the movement is allowed to continue there will be no safe haven for American workers. I would assume that's an extreme statement, but I think it's reflected at least on the Hill. What justification would there be for it, and if that were the case, would now be an opportune time for an international agreement to be sought? Have we thought it out in our own minds sufficiently to be able to come out with a happy result, a definition as to what makes a multinational corporation good or what makes it evil, both for ourselves and for others?

Professor STOBAUGH. I'm not sure that we could reach an agreement that the multinational enterprises or foreign nations would call a perfect agreement. But I think we could move in that direction and it would be better than what we have now, which is, in effect, a one-to-one operation of the negotiations of the firm with individual nations on a variety of things.

And we are building up a kind of a chaotic situation in terms of restrictions to trade and services and such. I mentioned management fees, royalties, exports, and so on.

I'm not sure how such an agreement would be reached or who in our government—whether it would be under the Office of Special Trade Representative because of trade and services or whether it would be in Treasury, or whether it would be separate, or what. I have no idea.

Mr. EBERLE. Mr. Chairman, I think it's not as simple a problem as identifying a multinational corporation. First of all, there is an area of harmonization of tax policy around the world. That's a separate issue, but it affects the whole area of who's going to tax who, by what country. And that can be handled in one area, the OECD or GATT or IMF. It really isn't very important to me.

There's another area and that's one that affects labor, and I'll call it fair labor standards for lack of a better term, but what we would look at is treatment of labor in various parts of the world and a code of good conduct. This is in the international labor organizations and could be part of the group of meetings in the GATT area.

It is also the code of good conduct for the service area as the Professor mentions, and I think when it comes to how you treat transfer prices, which is part of the tax matter, and part of the trade matter, there could be a code of good conduct.

But there's a fourth area and that's the code of good conduct on the part of the host country. In other words, what kind of conduct do you expect from the host country—exappropriation, anti-trust—and these can all be handled by separate codes. There's no way of tying one, I think, together or if we do, we won't get the job done because it involves conflicting interests. But I think there is reason to think in terms of proceeding in all four or five of these areas through separate approaches.

Congressman FRELINGHUYSEN. I wonder, Mr. Clayman, whether in view of the fact that we have gotten off on an area where you have strong views that you would like to make your presentation now.

Mr. CLAYMAN. I'm happy to do it.

And my case is not just based on the multinational situation. It's across the board.

It will be reasonably spontaneous. I trust it won't be too emotional before I'm through. If it's emotional, one thing I can assure you, it will reflect the attitudes of ordinary workers in the country.

Congressman FRELINGHUYSEN. We politicians like emotions.

Mr. CLAYMAN. This issue has come on the top level of ordinary worker and trade union reactions. And it's amazing because the leadership in the main of the labor movement in America comes from a background of free trade.

Go back twenty years ago, after the war, before the war, the American labor union leadership believed in the so-called system of free trade; and in the last few years there has been an upside down reaction to the contrary.

I think you have to ask the question, Why? Why is it that people who spent their youth in the concept that so many of us pay lip service to as free traders have suddenly turned and now are charged with the protectionist point of view that the old Republican Party had many years ago.

Congressman FRELINGHUYSEN. Is this a comment or a crack?

Mr. CLAYMAN. It's a wisecrack.

It's historically true. We all use these labels and we kick them around. It may be the label attached at that time to the Republican Party was undesirable and inappropriate. I do know it's inappropriate to talk about the labor movement being protectionist now; because the point has been made here that what we want is fair trade.

I don't know whether we give lip service to this notion but this point is made over and over again. And this is the trade union point of view.

Now, then, let's take a quick look at the period after the last world war. Japan was shattered. Western Europe was finished. The question was whether it would go communist, whether Japan would go communist. And so we stepped in with massive assistance—and quite properly, at least in my judgment—and we rebuilt the Japanese economy. We rebuilt the Western European economy. And those fellows are not stupid on their own and they learned all the tricks with our help in terms of production and manufacturing and marketing.

The fact is that they are now big boys, no longer the orphans of the war that we conceived them to be years ago quite properly. They're big boys. They have viable economies. They can compete with us. And yet the fact remains that we still in essence treat them in many many ways as still the orphans of the last war.

We permit them, as it has been said here, we permit them to engage in discriminatory practices against our exports to their countries, which we do not engage in ourselves.

I must read you an interesting comment by Wilbur Mills who is a man of no small consequence in this field. He made a speech a short time ago before the Council of Investment Communities and this is what Congressman Mills had to say:

"I have said that the U.S. is the most open market in the world. There is a question, however, of how long it can remain so in the absence of greater access to the other countries of our products."

And essentially this is our beef. We want fair trade. We want more trade. We want to trade with the producing countries, the industrial countries of the world, on the same basis that we permit them to deal with us.

All right, now, a few very specific, distressing facts. There may be all kinds of answers to these facts, but here they are.

The plain bitter fact is that in 1971 for the first time since 1888—fantastic, isn't it, eighty three years or something like that—we had a trade deficit—for the first time. And that trade deficit was somewhat over $2 billion.

Another fact. Maybe the multinationals somehow will resolve this for us. For the first four months of 1972—a trade deficit of over $2 billion. If the trend continues through the year—there's nothing, in my ignorance at least, that I see changing that trend—we're going to have a trade deficit in excess of $6 billion.

So beside all the theory—God knows I don't want to make noises as an economist; I'm not—beside all the theories here are the physical, painful, distressing facts; and to ordinary workers this means jobs or unemployment. Where are we then?

Well, the only statistics that I'm aware of, the only statistics I've been told of, and our economists have looked at this—I hope they're right; you can't find them in the Department of Commerce, I'm told—the only meaningful figures are in the Bureau of Labor Statistics. And those figures, 1966 through 1971, jobs created by exports remained stationary, zero. We haven't lost there. We haven't gained there. Jobs lost to imports: those figures say, those statistics say 900,000.

And if it's meaningful, and if you wanted it, I would like to ask our economists to substantiate those figures; because if these figures are true—and our fellows believe they're true—somebody's getting hell knocked out of them and obviously it isn't the multinational corporations. It's the ordinary American worker.

I don't want to bring in the wailing wall bit. Here are a few statistics. It so happens that my union is the Steelworkers Union, my union affiliation. Last year over 18 million tons of steel were imported. Incidentally, this was above and beyond the limit established in the voluntary steel import quota agreement between our country and Japan and the Common Market agreement. We have made these voluntary agreements before, you know, and they have been dishonored as much as honored. This is one of the facts of life.

If I may digress, one of our problems is that since the war we have treated these matters in terms of diplomacy rather than in terms of hard, honest, effective bargaining. We've been concerned with the political consequences rather than the economic consequences.

Now I don't want to depreciate the political significance, and I think it was enormously important in the early years after the last war. But I think the time has come when we've got to have a hardheaded view of trade, and bargain as labor and management bargain in this country in a hardheaded, practical—both cases self-serving, we hope ultimately public-serving—fashion.

Well, do you know what the steelworkers estimate this 18 million tons means? It's 18 percent of domestic consumption. They figure that it means job loss of 108,000 steelworkers. That's what it takes in the U.S. to produce that kind of steel.

Shall I continue?

For example, 9 out of 10 radios made abroad; 1 out of every 6 new cars made abroad; 7 out of 10 sweaters; 19 out of 20 motorcycles; 9 out of 10 baseball gloves—this is the great American sport. You have to look hard to find a baseball glove. Gosh, what's happening! Even baseball, you know. I don't know about bats, but I've been told recently that bats have fallen into the same chasm.

We import 100 percent of our 35 mm. cameras, all of them. We import 96 percent of our magnetic tape recorders. We import 70 percent of our portable typewriters and more than 50 percent of our black and white television sets.

A short time ago a leading Brazilian shoe exporter predicted that the United States will soon be out of the shoe producing business entirely.

Now I haven't ranged through the whole litany or the whole laundry list, but there are more by the scores.

Now then. As I read these it sounds kind of monotonous, and who gives a hoot about how many television sets we make and all the rest of it. But unless we think of these imports in terms of jobs and people and families and communities, we're going to miss the essential fact and the essential reality of the problem of imports in our country.

Now I come to that interesting issue of—incidentally my terminal facilities are very poor. You tell me when you want me to quit.

Congressman FRELINGHUYSEN. We'll get Mr. Heltzer to do that.

Mr. HELTZER. Up to the moment he hasn't given me anything to argue about.

Mr. CLAYMAN. All right. I hope we agree at the end. That will be terribly important if you and I agree. Because between the two of us I think we can have a little impact on the problem.

Now, then, I want to talk about multinational corporations. Professor Stobaugh's paper obviously is a brilliant one, but I don't want to associate myself with it.

This has become a real bête noire among workers. You talk about American multinational corporations and there is a rising gorge, a tension, growing but worrisome. It ought to be worrisome to politicians; it ought to be worrisome to our corporate structure; it ought to be worrisome to our government as has been said here—it is the fastest developing institution in our American society. And it has all happened in what? Fifteen years, thereabouts, no more.

It has been said—and incidentally this figure of $100 billion that we talk about, just a year or two ago this was being very seriously disputed by many people in government and business. I'm glad an authority of your standing has made the observation.

Now, $100 billion—someone has said that it's the third productive force in the world. I don't know if that's so, but I've heard it said by people who seem to know their business. Imagine, American capital invested abroad has become the third productive force in the world. There are 8,000 subsidiaries of American corporations all around the world.

I'll give you a couple of examples. This isn't for rhetorical purposes. I think it makes a point. Take ITT—I don't want to talk about it in its political ramifications; that's not our problem here. But it's a typical multinational. It manufactures goods abroad, over $2.5 billion a year. It has 104,000 employees and 250 plants in America. Great! It has 191,000 employees abroad. And since the agreed antitrust solution with the Department of Justice, it has acquired—and this is several months old, and has probably changed—it has acquired 16 additional firms, 6 of them in the U.S. and 10 abroad.

Let's take a look quickly at Chrysler. And I tell this story because it has meaning. It may strike you as a bit amusing but it's more than that.

Chrysler acquired 35 percent of the Mitsubishi Motors in Japan. It had a heck of a time getting it. They wouldn't let them buy more than 35 percent. The government of Japan wouldn't permit them to do that. Then the Japanese government "suggested" that in exchange for permitting this investment, Chrysler would agree to import into the U.S. the Dodge Colt manufactured in Japan—Colt sounds so America, doesn't it—36,000 in '71, 60,000 in '72, and 175,000 in 1975. But the Chrysler Corporation being vigorous, hard bargaining, said, "Well, in turn, Japan, you've got to take some of our Plymouth Valiants." The Japanese finally acceded and said, "Yes, we'll take some of your Plymouth Valiants." They did. And the Plymouth Valiant was manufactured in Australia.

This is the nature of the new messiah on the American and international scene, namely, the multinational corporation, whose primary concern—and I say this without malice for I don't think the ordinary worker would feel this way—is for a dollar wherever it can be earned, and what follows thereafter with obligation to the American community, to the American people, to the American government is incidental.

U.S. Steel. They made $154 million, an item that's been kicked around a lot, $154 million in 1971. Some investigators have said they didn't pay a penny in U.S. federal taxes. I don't know if that's so or not, because I have seen another item by another investigator who said $10 million in U.S. taxes. So whether it's nothing or $10 million, the fact is that we let this multinational in a sense legally get away with what? No tax or $10 million tax; while the little government of Venezuela where they have operations insisted they pay $45 million in taxes. Venezuela made it absolutely sure that they paid their fair share of taxes. But we've treated the multinational—for that matter it need not be multinational—in a somewhat different fashion.

Shall I tell you how deep the feeling is in the worker community, and I suspect and assume in the total community?

One of our fellows just the other day in a speech went back to Thomas Jefferson. Tom Jefferson made an observation 150 years ago—you'll forgive me for saying it; it was Tom Jefferson who said it, you see, and I quote him:

"Merchants have no country. The mere spot they stand on doesn't constitute so great an attachment as that from which they draw their gains."

Now if that sounds lurid in 1972, I make another observation. This is a quotation from Robert Stevenson, Executive Vice President of the Ford Motor Company for International Operations. I quote him:

"It is our goal to be in every single country there is—Iron Curtain Countries, Russia, China. We of Ford Motor Company look at a world map without any boundaries. We don't consider ourselves basically an American corporation. We are a multinational company."

I don't know whether this is the face of the future. But there it is. And maybe this is a picture of the brave, bold, new world.

Well, in conclusion. We have got to develop—to come back to my original thesis—we have got to develop fair trade. We have got to deal with the industrial nations of the world—I'm not talking about the developing nations. We have got to deal with the developed nations of the world on the same basis as equals. And we're not. Those of you who know much more about this field than do I, the gentlemen from government, they know that the Japanese have a dozen restraints and restrictions on our shipments to their country to every one we have. David Rockefeller, I just noticed in last night's paper, complained to the Japanese—he's over there now making speeches—he complained, and he told the Japanese—I won't take the time to cite it—he told the Japanese you're altogether too restrictive and you've got to permit a freer flow of trade.

The Common Market countries. Not quite the same, but in the same general area. Here they are having all kinds of preferential treatment for their own countries. We're out of that swim. If we grant a particular favor—if that's the word—or if we grant a special concession to one country, we give it to all countries. We abide by GATT. We're the only country that apparently does. And until we get this kind of trade—I don't know when it will come; it's in the future now of course, some time in the future—we've got to build protective devices. And I think you know that the protective devices we suggest are those in the Burke-Harke bill.

Thank you, Mr. Chairman. I know I talked too long. But I used great restraint. I quit an hour before I wanted to.

Congressman Frelinghuysen. I don't think you talked long enough, Mr. Clayman; because I do think in some respects the shift of the labor movement is one of the major developments, but still to me one of the most unexplained decisions that I know of.

You say there has been an about-face, but I'm not quite sure why, in spite of your eloquence. You say there must be fair trade but your proposal for fair trade would almost surely kick off a destructive trade war. And you say the labor movement is not protectionist. If the legislative ends that it seeks are protectionist and admittedly so, how can you say that you are not protectionist?

Again, I think what we're talking about—and I'm sure one of the representatives of the multinational corporations will comment on this, too—is a very fundamental point, and it's one that obviously strikes some sparks here on the Hill. But Wilbur Mills—again he was the sponsor of the Mills bill last year which caused apprehension in other parts of the world, and which I thought was very unwise—doesn't say much except to say we need greater access to markets, as I understand the quote that you gave. And who would argue with that? Who would argue with the necessity of getting freer trade or the value of getting freer trade or fairer trade? But to say we're not going to play the game; we wish we were back in the 19th century; we wish Coca Cola weren't being sold in Japan; we wish Chrysler wasn't dealing with Mitsubishi doesn't strike me as something we're going to be able to change in any event.

And again the feelings of the labor organization run deep because perhaps they are not well informed about the relationship of what goes on with multinational corporations overseas and this effect. Of course, if they are misled and their emotions are aroused and in some way they associated the activities of an American company abroad with a loss of jobs here, they can tend to be antagonistic. And so can members of Congress.

Congressman Zwach. I think in America we have been muddle-headed in our trade agreements with foreign countries. I think we've been tough businessmen in America. I think we've been Santa Clauses in our dealings in foreign areas. I think Mr. Clayman has made a fundamental point that we've got to begin to get tough if we're going to live.

Mr. Heltzer. Could I make just a few comments—I'll give you the prepared talk, if you prefer.

Congressman Frelinghuysen. Why don't you comment on what's been said thus far.

Mr. Heltzer. I want to make just a few comments. One is that really there are a great many of the points that Mr. Clayman made which really are related. The matter of getting freer and fairer trade around the world is of common interest. The multinational company and labor don't have a difference of opinion.

I suspect that he feels as I do that looking back at the record of negotiations—I don't want our government people to feel that we're too critical, but we do recognize this is very complex, and certainly aside from the economic issues the political issues are of great consideration. I don't want to oversimplify it at all.

I think I do get concerned with what appears to me the sense of urgency, and maybe there's more of a sense of urgency there than is likely to appear externally anyway. I think this is probably the case.

We got into this position as so aptly described by all of the gentleman preceding me over a period of a good many years. Virtually we could see what was happening to us during the 60's. We knew what was happening to us, and conceivably hindsight of course was great. We all have 20/20 vision when it comes to hindsight. Looking back at it, maybe if we had taken somewhat more drastic measures earlier we could have avoided some of the crisis that appears to be there and actually is here right today.

I guess I feel that during the great share of our negotiations in the past, it looks to me, a layman who certainly doesn't have all the input that you gentleman have, we really haven't been very successful in fighting the battle on economic issues.

We have more often conceded to political considerations—and as I say, I recognize all kinds of input that put us into that spot. But today we represent the largest market for all the people outside of the United States as well. And if we are going to succeed in negotiations, we have to make the progress when we have that particular position; because as our market becomes less and less dominant in the affairs of, say, Japan and the European market, we have less of a negotiating position. As Mr. Volcker certainly pointed out, the kinds of things we wish to accomplish with them really depend upon their recognizing that they have got to do something for us, and what they do is necessarily not in their own interest, as they fear.

I believe that the only strength we have in trying to encourage them to make the necessary changes that are in our interest vis-a-vis the dollar is when there is at least an implied threat that our market can become more difficult for them to reach. And, believe me, I don't want that to become the case. But as I say, you negotiate from strength when your market is that significant to them; you negotiate from weakness as that gets less and less important for the foreign producer.

Mr. Chairman, I'd just as soon end for now on those comments.

Congressman Frelinghuysen. Before the luncheon break, Mr. Volcker wants to add something.

Mr. Volcker. I'm provoked into a couple of small points here.

I was struck like Mr. Heltzer by how much I would agree with in the preliminary parts of the labor position. I was also struck with—I'm not quite sure how they get to the results, as you suggested.

But in listening to both of these gentlemen, I think we have the same premise to start with. I think particularly I appreciate the political dimension of what I was saying in this kind of balance-of-payments terms, that nobody understands the political dimension is parallel, and people understand it better; and I think that corresponds to what I was trying to say.

When it comes to fighting the battle, as one of those who has been trying, I think, there's a certain amount of criticism in the process; I'd just like to ask a few questions of both of these gentlemen, because perceptions do differ.

I look at labor and I say, yes, what we want to do is open up foreign markets, and we want fairness around the world and we want equal treatment.

We have some proposals, some effective, some not yet effective to that end. We had one, the Federal DISC arrangement, to promote our exports, and what do we find? Labor is the principal opposition, to something that we thought was necessary to promote fair trade and jobs for Americans and penetration of foreign markets. And I wonder why labor was on the other side of that issue.

Reference was made to Canada earlier, where we think there are certain arrangements that are palpably unfair, that are palpably one-sided, that are characteristic of what we had permitted to develop over the years. But as I understand your position, that's a special fraternal arrangement that we're not too concerned with. And part of our difficulty is as we look around the world we have special fraternal relationships that we have permitted to develop in a number of cases, and our position is simply that fraternity cannot be at the exclusion of equality at some point if we're going to achieve the very objectives that you're talking about.

Now just to make this a little even-handed, I can't certainly speak of Mr. Heltzer's personal position or his company's, but I had somewhat the impression, I must say, last fall and beyond last fall when we were in a bit of turmoil on these issues, that multinational companies were not our strongest supporters; that they were rather sensitive to the concerns of the foreign countries that had to do just what you said, and were rather bashful about supporting what we thought was the legitimate American position and were rather forthcoming about saying, don't press on all these things. After all our foreign partners have problems and we must recognize the political sensitivities, the economic sensitivities, the difficulties, and don't push.

Now this may be a misimpression, but this is an impression I had from at least some multinational companies.

Mr. Heltzer. I'd like to answer that particular point, if I may.

One of the great hazards in any of this kind of discussion is the very broad brush that says multinational companies per se.

Mr. Volcker. I agree with that.

Mr. Heltzer. Within the industry as such there is a substantial number of variables that exist—within our own company, if you will, we have a variety of differences of opinion. You're going to have them.

Obviously a good share of the multinational companies were scared to death of the retaliatory measures that could very well be taken by those overseas. So there was this fear of overdoing it, getting a reaction—and so this becomes a matter of judgment and sensitivity—to know how far you can go before that happens.

Mr. VOLCKER. May I just make a one-sentence comment on this.

I agree it's a matter of judgment, but your last comment I don't think is consistent with the argument that we have not been battling.

Mr. CLAYMAN. May I say just one quick word in response to Mr. Volcker's observation.

I think what you said demonstrates that a loose lip can be a very dangerous weapon. I quite glibly and loosely talked about the fraternal association with the Canadian labor movement and you're taking me literally, as you have a right to. But let me point out factually.

The labor movement is in full and hearty support of the Burke-Hartke bill. And the Burke-Hartke bill does not make any differentiation between various countries and it includes Canada. So you have taught me a lesson that I shouldn't be too glib on occasions.

But I want the record to be clear. And that is the clear, plain fact.

Mr. EBERLE. My comment will be brief, Congressman.

We couldn't help but recognize today the importance that there is a common interest in the problem that we have; and that is that everybody at this table recognizes the importance of both imports and exports in the creation of jobs, the control of inflation, the standard of living, and particularly the adjustment of systems talked of here.

And the interesting sideline is that the result that my good friend from labor suggests, which is the Hartke-Burke bill, putting quotas on and a great deal of restrictions on, is opposed to a strong effort to go out and develop, opening up markets for the American export with safeguard provisions. And I would only point out that there are two sides to this story. It's interesting because when my labor friend says this is the bill they support, I would point out that its supporter, Senator Hartke, on June 12 put in the Congressional Record my speech which outlines a different result from what he's talking about, but based upon the same basic premises. And I think we'll get a better result in the long run by having an open system, by getting treatment around the world, the kind of tough negotiations my friend from business talks about.

I'd only close by saying that having been a former state legislator, been elected to the House—Speaker—and a former businessman running a multinational company, I understand both points of view because the very unions represented by my friend used to support me.

Thank you.

Congressman FRELINGHUYSEN. I think we're all very pleased with the contributions that have been made so far by the panelists.

I regret that Secretary Volcker and Ambassador Eberle will not be with us after lunch. But Mr. Cross will represent Treasury and Mr. Pearce will take Mr. Eberle's place on the panel.

We'll meet again at a quarter of 2:00.

AFTERNOON SESSION—2:00 P.M.

Congressman FRELINGHUYSEN. If we may come to order. I have asked Congressman Zwach to chair the afternoon session for me.

I promised before lunch that Mr. Heltzer would be the next witness, so if you're in readiness, Mr. Heltzer, we'll be glad to get your views on this subject.

Mr. HELTZER. Thank you, Mr. Chairman.

I am Harry Heltzer. I am chairman of the board and chief executive officer of the 3M Company as well as a member of the Emergency Committee for American Trade.

ECAT was formed nearly five years ago by a small group of United States business leaders to express their opposition to protectionist bills that were then before the Congress. Today, these businessmen and many others who have joined them are more concerned than ever that, if major restrictive trade measures are passed, this country will find itself embroiled in a trade war in which no nation or people can be winners but in which all of us will be losers.

For, in addition to the threat of additional import quotas and the retaliation that would result against U.S. exports, we are now faced with a variety of other protectionist measures. These would severely damage our economy, result in increased unemployment, raise consumer prices on many products, and make it difficult for U.S. business to compete abroad.

Proponents as well as opponents of such legislation as the Hartke-Burke Bill, can agree on at least one fact—the international economic policy of our country is now at a crossroads.

Will our country travel down a protectionist road, one which we abandoned almost four decades ago when the high protective tariffs of the Smoot-Hawley Act helped bring about a world-wide depression? If this is the choice, we will build a wall against imports. We will tax the earnings of the foreign subsidiaries of U.S.-based multinational corporations to such a high degree that they will be unable to compete in overseas markets. We will hamper the export of capital and technology from this country. We will become economic isolationists, excluding from our shores much of the competition that motivates greater efficiency in our domestic economy.

Or will our country continue on its path toward freer trade? If this is the choice, we will strive with renewed vigor to make American industry more competitive in world markets. We will persevere in our negotiations with other countries to achieve monetary reform and a lowering of tariff and nontariff barriers to trade. We will provide adjustment assistance for those isolated firms and groups of workers in segments of industry which no longer are competitive. We will continue to encourage the flow of capital and technology out of and into the United States, realizing that it is in our national interest not only to elevate our domestic economy but also to raise the living standards of a growing world population.

You will note that I have stated the protectionist versus free trade choice as an either-or proposition. I have stated it this way because the two trade philosophies are largely incompatible. The United States cannot lock out imports without expecting retaliation against American exports.

The United States cannot restrict the flow of patents to other countries without expecting them to respond in kind. The United States cannot encourage the export of high technology goods and import only raw materials; this would relegate other people to the role of our economic servants, a political impossibility in the world today.

In making our choice between these two largely exclusive international trade philosophies—protectionism or freer trade—we should add up the stakes.

Protectionism would significantly limit the American worker to participation in domestic markets which serve only 6% of the world's population. Freer trade would permit the American worker to participate more fully in markets which serve the other 94% of the world's population.

Additionally, no nation has a larger stake in world trade than the United States. Consider just four statistics:

First, the annual exports of the U.S. are nearly five per cent of the nation's Gross National Product, but those exports alone are more than the total GNP of all but nine of the world's nations.

Second, the overseas operations of U.S. firms account for fully one-eighth of all the goods and services produced outside the United States.

Third, U.S. direct foreign investment totals nearly $80 billion. It is four times that of Great Britain, the next largest foreign investor, and 60% of all world-wide direct foreign investment.

Fourth, and finally, the income from U.S. direct investment abroad is the largest favorable factor in the nation's balance of payments. In fact, the income from our investments abroad together with the income derived from royalties and licensing fees is more than double the amount of money that is leaving the country in the form of foreign investments. So direct investment abroad and the participation of American firms in global markets are good for our country and we ought to be encouraging more of it.

Yet the protectionist measures now before the Congress would restrict U.S. investments abroad, inhibit the use of U.S. patents abroad, and impose quotas that would bring retaliation against U.S. exports which in the last five years have been growing at an average rate of 7.8 per cent per year.

All of this is aimed at multinational corporations in shot-gun fashion—as if legislative broadsides can be based on generalizations about business organizations which are almost as individualized as people.

Not only do the multinational corporations differ in the products that they make and sell, they differ in their sources of raw materials, their labor requirements, their capital and labor needs, and a host of policies and practices which affect internal as well as external operations ranging from retirement plans to cleaning up the environment on a world-wide basis.

The restrictive trade legislation is aimed broadly at manufacturing and extractive companies, makes no distinction between the labor-intensive and capital-intensive operations, does not take into consideration the constructive contribution that companies or whole industries make toward exports, balance of payments, or the U.S. jobs which are derived from imports.

What prompts the indiscriminate firing of the protectionist artillery?

Proponents of restrictive trade legislation say that they are trying to save jobs of workers in the United States. They argue that runaway multinational corporations invest money in low-wage countries in order to make goods abroad and that higher-paid workers in the United States suffer because of this activity. They say that multinational corporations, in effect, export jobs.

I am sure that you are familiar with the studies which refute those arguments—studies not only by ECAT, but also Business International, the National Foreign Trade Council, the Chamber of Commerce, the U.S. Department of Commerce, and others, including Andrew Brimmer of the Federal Reserve System who estimates—and I quote—the foreign trade sector of the United States economy may be generating more than 750,000 jobs, even after allowing for the number of jobs that might be displaced by competitive imports—unquote.

At a time of relatively high unemployment, the appeal of the "job export" argument cannot be denied. What can be denied, however, are the premises on which such an argument are based, in the hope that logic will prevail and that the great good sense of the American people will not be swayed by an unjustified appeal to their emotions.

U.S.-based multinational corporations, for example, are not running away to low-wage countries to manufacture goods and import them into the United States. The recent ECAT study of 74 large multinational corporations showed that, excluding Canada, less than two per cent of the output of U.S. subsidiaries abroad is exported to the United States. Seventy-five per cent of all U.S. investment abroad is in Europe or Canada where wages are relatively high.

U.S.-based multinational corporations also are not taking the capital required for producing new jobs in the U.S. and investing it abroad. In 1971, only 18 per cent of total plant and equipment investment by U.S. companies was made abroad.

Additionally, U.S. multinational corporations are not exporting technology to the detriment of the U.S. economy. The fact is that these corporations are helping facilitate the importation of patents from other countries. In fact, roughly half of the applications for U.S. patents last year came from outside the United States.

What is not widely perceived by the American people is that they benefit greatly from the importation of technology from other countries. Eight of the last 10 major breakthroughs in steel technology, for example, have come from abroad. The U.S. textile industry has benefited from inventions in West Germany, England, and Italy. The Germans invented the Wankel engine, while the French invented the radial tire. As another example, the Japanese were responsible for developing the helical scan recorders for video tape recordings.

Another misconception inherent in the restrictive trade measures now before Congress is based on the premise that, if U.S. subsidiaries were forced to close down abroad, this production could then be conducted in the U.S. The fact is that the non-U.S. competitors of American firms would move into the vacated markets, and, because of their proximity to customers and market needs, they would be strengthened in their competition with U.S. exports.

The favorable impact of multinational corporations on the economy and employment is illustrated by the company I represent, the 3M Company.

Back in 1951, 3M founded its international division and established its first overseas company. At first, only a handful of the 12,000 3M jobs in the United States were related to the company's international activity. By last year, 3M's employment in this country had grown to 37,900 and, by then, nearly 5,000 jobs—or one in eight in the U.S. company—were related to 3M's overseas operations. In addition, many other jobs in the United States have been created, because we and other multinational corporations are, in a sense, the export arms of our suppliers.

I can state categorically that not once in those 20 years has a decision to expand abroad been made because of low wages in other countries. We, like most multinational corporations, invested abroad because the only way we could participate in growing overseas markets was to set up shop near our customers. In this way, we could not only be more responsive to our customer's needs, but we could also hurdle the tariff and non-tariff barriers to trade that kept out U.S. exports.

At the same time, however, we pushed our exports as vigorously as we could and we saw them rise significantly. In 1951, our exports were only 3.8 million dollars; in 1971, they were more than 100 million dollars. And where do our exports go? Ninety percent of them go to those 37 countries where 3M has subsidiary operations engaged in sales and/or manufacturing.

An important reason for this is that none of our international companies make a full-line of 3M products. In addition to the semi-finished goods they require from our U.S. company for their manufacturing operations, they also need finished goods to fill out their product lines.

In our experience, participation in international trade creates a situation in which everyone can win. We make a contribution to our own and the economies of other countries abroad. In return, more jobs related to our international operations are created in the U.S. and earnings are returned from abroad not only for 110,000 shareholders, but for investment in new plant and equipment and for the support of such activities as research. Indeed, during the last five years, 3M's international operations have returned more than $500 million net to this country, thereby contributing favorably to the U.S. balance of payments and to our ability to grow in the United States.

Despite this contribution from our multinational operations—and similar contributions by other multinational corporations to our economy—we now find a number of measures, including tax measures, before the Congress that would restrict U.S. investment abroad.

Some of these are aimed point-blank at restricting trade. Some are masquerading under the banner of tax reform.

The effect of some would be to hamper U.S. investment in other countries. Some others would effectively kill U.S. participation in world markets.

In the latter category are two provisions of the Hartke-Burke Bill. One would repeal the credit presently allowed U.S. corporations for the payment of taxes to foreign governments; the other would subject the foreign subsidiaries of U.S. companies to U.S. income tax on a current basis.

Let me put it bluntly: In the short range, these two provisions would make it difficult for the 3M Company and many other multinational corporations to conduct operations abroad. In the long range, these provisions would cause our company and many others to withdraw completely from many overseas markets while maintaining only a fraction of their former activity in others.

The provision which would wipe out the credit presently allowed U.S. corporations for the payment of taxes to foreign governments is nothing less than double taxation. Here is how it would work:

France has a 50 per cent tax rate on income. For the sake of illustration, let us assume that total profit from the French subsidiary of an American company is 100 units.

Under the French tax rate, the French government gets 50 units of the 100. Then because Hartke-Burke disallows this as a credit against U.S. taxes, the United States government taxes the remaining 50 units at the U.S. rate of 48 per cent. Thus, the U.S. government gets 24 units.

Altogether, taking into account the payments to both governments, 74 units of taxes have been paid out of 100 units of profit. In other words, the U.S. subsidiary would be paying taxes at the rate of 74 per cent, while their competitors in the French market would still be paying taxes at the 50 per cent level. Quite obviously, the subsidiary of the U.S. company would not be able to compete under such circumstances and would be forced to withdraw from France.

The other tax provision of Hartke-Burke—the one which would tax earnings in the year in which they are earned—is somewhat less harsh but more insidious.

At the present time, almost all countries levy withholding taxes on profits when they are remitted. These are called remittance taxes and commonly average between 25 and 30 per cent.

Individual nations, however, through tax treaties commonly bring this rate down considerably. In fact, the United States now has treaties with 27 countries that brings the rate down to a much lower level.

However, the Hartke-Burke provision which would tax earnings in the year in which they are earned would violate those treaties and the other countries would be free to raise the remittance rate back to its original level.

So, using our previous example involving 100 units of profit, 50 units of this already have been paid in taxes to France. The other 50 units, however, is subject to France's remittance tax. Under treaty, the remittance tax in France is five per cent. But since the U. S. has violated the treaty, the rate snaps back to its original 25%. So a remittance tax of this amount—12.5 units—is paid to France. The remaining 37.5 units then is taxed by the U. S. government at the usual corporate rate of 48 per cent. This amounts to another 18 units. So, altogether 80.5 out of 100 units of profit have been paid in taxes, leaving only 19.5 units for shareholders and reinvestment in the business.

Proponents of these confiscatory tax measures say that they are trying to remove the incentives which encourage capital to leave this country and be invested abroad. However, I fail to recognize any tax incentive that exists for the flow of capital to the industrialized nations of the world, where most of our investment is, if those countries have a tax rate which approximates ours. And most of them certainly do have tax rates which very closely match our tax rates.

As for those countries where the tax rate is significantly lower than the U. S. rate, this also proves to be no advantage since the U. S. requires corporations to pay the highest of two rates on foreign source income.

The stated purpose of the protectionists in proposing such harsh tax measures is to save jobs in the United States by keeping our capital at home and establishing quotas against imports.

In the emotional climate that now surrounds the unemployment problem, I agree that it is not sufficient for us to point out that the importation of goods, whether by U. S. or non-U. S. companies, causes only a small portion of the nation's total unemployment problem. It is not enough for us to point out that only a few segments of industry, a few isolated cities and towns, or only a relatively small number of people are affected by such temporary dislocations within the economy.

A problem *does* exist—a problem *does* affect people. Those who propose restrictive trade legislation purport to recognize the problem, but their solutions, which would shoot the horse in order to kill the flea, are poorly aimed and self-defeating.

What then are the desirable alternatives? Must the whole economic system be destroyed to cure the ailments of one of its parts? Are the strengths of our competitors outside the United States so great that the American people must change their whole society in order to counter them?

I do not think so. The U. S. is a very strong and vigorous competitor around the world, as is evidenced by our strong position in so many categories of trade.

At the present time, it seems to be the vogue for the American people to dwell on their infirmities, some of which are real and some of which are imagined. As time goes on, I would hope that we would once again dwell on our strengths and build on them.

Most of all, we should welcome competition. This, instead of prompting us to protect our inefficiency, will spur us on to greater efficiency and give us a chance to participate in those markets that serve most of the world's population.

At the same time, however, we should recognize that increased competition on a world-wide basis will give us problems. There will be job dislocations. The advance of technology will continue to create new jobs, usually of a higher skill level, while making others, usually of a lower skill level, obsolete.

Our objective should not be to save dead-end jobs in inefficient industries, but to save workers and create new, higher-paying jobs. We need to retrain workers, and, if necessary, help them relocate so that those who are unemployed can once again make a constructive contribution to our economy.

I am gratified to see a number of proposals now before the Congress which would enlarge upon and improve adjustment assistance so that it will be timely and effective.

When considering these and other proposals, I think, though, that we should recognize that it will be difficult to formulate a single government program to solve the problem. The plight of the worker over 50 years of age who has become unemployed because his plant is no longer competitive is not the same as that of the unemployed Ph. D., or the man or woman in their thirties who can be retrained for a new career.

I believe that we should begin our efforts to solve the adjustment assistance problem by taking an inventory of the existing government programs which may be modified or strengthened. Then, we should devise not only the appropriate legislation to launch governmental programs but we should also turn to the private sector for ways in which it can help. Certainly private industry has demonstrated its capabilities in the fields of industrial training and education.

It is time that we broke our nation's unemployment problem down into its component parts and achieved solutions.

This would be the most effective answer to the protectionist who, under the guise of saving jobs, would have the United States embark on a course that would, in the end, wreck the domestic economy and exclude its citizens from participation in growing global markets.

Congressman Zwach. Thank you very much, Mr. Heltzer.

I was intrigued by what I heard of the challenge that you threw out and your reiteration of faith in our system to do the job, in our starting to try and starting to move forward.

Now I have the fortune of introducing the next member on the panel, a lady, Mrs. Bradley, who represents the League of Women Voters.

It has been my privilege to be in legislative work for 38 years. I have known the League over all of those years and have always been impressed with their study and development of issues and their grave concern. So it gives me a great deal of pleasure to introduce Mrs. Bradley who is the National Vice President of the League of Women Voters of America.

Mrs. Bradley.

Mrs. Bradley. Thank you very much.

I was invited to appear here today as a representative of that vague class called the consumer, and so while, of course, I draw on my work in the League of Women Voters, what I say is essentially my own and may not in all instances represent an official position in the League of Women Voters.

Consumer needs, I think, should be defined in terms much broader than just the dollars and cents of the marketplace, although that is important.

Recently I spent two weeks in Japan as a member of the delegation from the League of Women Voters. We were there on an economic fact-finding tour. The trip was very valuable in terms of giving me a fresh perspective on mutual trade problems and policies, and also a fascinating glimpse of the way the Japanese economic system works.

One of the things which struck me was the high prices in the domestic market, a phenomenon which cannot be understood in terms of the domestic economy alone, or even in connection with Japan's need for foreign exchange to pay for her raw materials. Japan is now a mature economy. I will take time to make only one comment.

One of the reasons for the higher prices was the lack of competition from foreign imports—a situation which those who propose protective tariffs or quotas should take to heart.

In Japan, foreign and domestic economic policies are determined by a consensus arrived at by the governmental and industrial sectors, on the basis of national interest, and are part and parcel of the same package. Each special interest recognizes and accepts that fact and adapts to the demands thus imposed.

This phenomenon seemed new and different because in the United States, government and industry are not so closely related. But on further thought I realized that in this country too the welfare of the ordinary citizen is dependent on the nation's policies, on the interrelated political and economic goals we set for ourselves.

Just as the consumer has an ultimate share in the costs of environmental control policies, he also has a similar stake in policies determined in industry and governmental offices, the halls of Congress, Ministries of State, and even in the cubbyholes of the gnomes of Zurich.

American consumers pay a high dollars and cents price for trade restrictions—whether legislated or voluntary quotas, tariff or nontariff barriers. For instance, about 15 to 20 percent of the items covered in the Consumer Price Index are affected by trade restraints—probably adding about $200 to $300 a year to the average family's budget. Restrictions on gasoline and oil, sugar, dairy products, steel, and clothing, add greatly to the monthly bill for simple staple items alone. And the plethora of trade legislation sitting in various Congressional Committees could more than double these dollar costs. And much too little has been made of the fact that it is the poor and low income family who must bear a disproportionate share of the costs of protectionist policies.

The consumer is all of us—the blue collar worker, the corporate executive, the banker, the domestic worker, the farmer, professor, student, secretary, government official. Today technological, social, and political change has radically altered cultural and economic life styles. The issues of today are not necessarily those of yesterday, and we need to find solutions to our trade problems suitable to the current situation. Why pay lip service to old myths? Can we afford to have them govern us in our policy? Can we afford to lock out imports through mandatory quotas, to limit the development of multinational corporations in the name of stimulating domestic employment, to apply the provisions of the anti-dumping law in order to benefit specific business interests? We must balance the interests of the soybean farmer and the industrial exporter.

I'm going to depart here and say I come from the State of North Carolina where restrictionist policies of the textile industry do rather govern the approach to trade problems in North Carolina, and yet this is directly in opposition to the interests of our soybean farmers, our tobacco farmers, even our export hosiery industry.

We must balance the interests of the soybean farmer and the industrial exporter. We must allow the low-income mother access to low priced shoes for her children. We must not forget the wretched life of the average man in the less developed countries as we protect our American workers, for in the end all stand or fall together.

It is important that the United States should now exercise great patience in international negotiations and not rush headlong into legislation such as that contained in the Burke-Hartke bill—and I'd like to say here that it really pains me greatly when I have to part company with labor.

The growing economic power of both Japan and the Common Market calls for negotiation and not with a big stick. A trade war is the last thing the world needs. Our short-range goals and immediate and special needs have to be weighed in the light of long-range goals and overall social and economic benefits. Basic to this, I think, is Congressional authorization of broad negotiating authority for the President, of some kind, and I'm not going at this point to make specific recommendations, although I would be glad to discuss it.

I would prefer to talk about some specific trade areas.

One of the issues which seems to assume great importance in this country and which we have certainly devoted a lot of attention to here today is that of the multinational corporation. Their overseas facilities, I am told, now turn out 75 percent more manufactured goods than the United States exports. Countries such as Canada are concerned about the penetration of their market and industry. Labor unions in the United States are concerned about American jobs.

On the other hand, multinationals have beneficial effects on our economy. They create jobs, even though those may be white collar rather than in the blue collar category. Internationally the multinationals create greater interdependence among the nations of the world, and in some respects tie us all closer together, although there are rare instances of course when this is not the case.

The facts are not all in, nor have we sorted out the long range from the short term effects of this development. And I hope that Congress will take its time and give this subject a very careful appraisal. What is called for are public hearings combined with serious and objective study. I sincerely urge that Congress not rush into legislation on this subject.

We also need some careful evaluation of the Adjustment Assistance provisions of the Trade Expansion Act of 1962. It is true that the program has not been very successful, but the number of cases is small. Perhaps—I shouldn't even say perhaps—I think we need to liberalize the requirements. We also need to examine whether this kind of a program can work in a period of high unemployment when job training does not necessarily mean that jobs are available.

I'd like to say here also that I think we might consider the extension of this policy to something we could call Adaptive Assistance that would be of assistance to industry, other than those injured by imports and other than those directly related to our international trade policy.

Closely associated also with this is the problem of injury to workers and firms and communities which arises from the conversion problem as priorities change in the United States.

I was at a conference on military spending last spring in Seattle, Washington, which took place one day after the SST was defeated. That was some conference. It represented a broad section of the community, including officials from Boeing Aircraft, young people, members of the League, of course—a wide variety. And the problems of conversion in this country are something that really need direct attention and I think are not unrelated to our international trade policy.

Congress should seek solutions to these problems, solutions which would prevent the full burden of economic dislocation from falling on the workers especially, solutions which do not at the same time exacerbate international relations.

Since President Nixon's August 15 bombshell economic message, monetary policies, and hence trade policies, have undergone a gigantic upheaval and the dust has not yet settled. We talked about this considerably this morning. The Smithsonian agreement provided the United States with a mechanism for devaluation and added flexibility to the relative market price of currency, but it has not by any means provided us with a permanent solution to major monetary problems, and the barriers which stand in the way of a resolution remain formidable. But we must not allow special domestic interests to dominate national economic life; we must not allow interests of economic nationalism to vie with the broader interests of global prosperity. International good will is basic to international trade and to the jobs and goods which such trade brings to all who engage in it, Americans included. I think our monetary policies should be conducted in this context.

Finally, I think we should take a long hard look at the health of our own industrial complex. We need to establish clear policies with regard to our willingness and ability to subsidize obsolescence in certain manufacturing areas; to cope with the discrepancy between a trillion dollar GNP and a 6 percent unemployment; to consider just how long we can accept one of the lowest productivity rates of any major industrial nation; to examine the implications of the service economy we have become; to decide whether tariffs and quotas are acceptable substitutes for modernized plants and greater efficiency.

In short, we must stop plugging the holes in a leaking trade policy and begin to construct a cohesive new policy built on the present day interests of the nation as a whole. Only such a policy will serve the overriding self-interest of the consumer—his interest in economic stability, prosperity, and world peace.

I would like to add that I know this sounds like the same old free trade speech that has been made hundreds of thousands of times. I don't think it necessarily is. I don't think we need to throw out the baby with the bath. And I believe that within the confines of a rational, liberal, open trade policy we can if we are creative and take the time to take a careful look find solutions to the new problems which face us today which did not exist in the early 60's, the 50's, and before that.

Congressman Zwach. Thank you very much, Mrs. Bradley. Your suggestions are very challenging, and we're going to have them in the record and are going to make them available to all of our membership and I hope to everyone else that is interested, because we appreciate the input.

Now, we have next Mr. Bob Hampton, who has a long-time history with the National Council of Farm Cooperatives.

Coming from the Mid-West, a real agricultural area, it's my impression as I study this more and more that it is agriculture that has been sold down the river in all of the trade negotiations through the past thirty years. Finally we think we're back on the front burner a little bit, but I would like to hear what Mr. Hampton has to say. Bob.

Mr. Hampton. Thank you, Mr. Congressman, for those introductory remarks.

Speaking for membership of the National Council which in turn represents farmer members of a large majority of the nation's farmers, I would certainly endorse your comment that agriculture is being recognized as one of the most difficult and most complex and most important issues in international trade.

AGRICULTURE AND U.S. FOREIGN ECONOMIC POLICY

Farmers, and U.S. agriculture in total, are keenly aware of the vital importance of our foreign economic policy to their welfare and to that of our nation in the 70's. It is widely known that the output from one of every four U.S. acres in production goes into export markets. This has been of great direct benefit to farmers, and our 1971 agricultural exports of about $8 billion have been a bright spot in our international payments position.

Our increasing recognition that economic policy should be at the center of a soundly conceived foreign policy position is long overdue. Trade and development are gaining new stature as the avenues to a more rational intercourse between nations, and means of improving international communications in the interest of a more stable and peaceful world order.

Our first concern, then, is to reaffirm and continue the recognition of high priority now being given to international trade, monetary and other economic issues by the Administration and the Congress. Such emphasis is vital to the establishment of international institutions and a more effective framework of trading and financial rules which encourage our opportunities for national and world economic progress.

A stable international economic order must be achieved through broad-ranging and intensive negotiations which should begin as an exercise in reciprocal removal of trade barriers and revision of international monetary, tax and investment arrangements. Other internal national policies should then be the subject for consultation and eventual negotiation.

Domestic farm policies are a prime example of internal issues which require international harmonization in order to achieve a more efficient and open world economic order. The principle of nations not exporting costs of their own social or economic programs, so ably enunciated by Ambassador William Eberle in recent weeks, is indeed a first prerequisite to fair and meaningful international negotiations. This problem has been exemplified by policies such as those of the EEC which through a variable levy—export subsidy technique transfer costs of restructuring European agriculture to outside agricultural suppliers.

The key to successful international negotiations for U.S. agriculture is to conduct them simultaneously with industrial negotiations, so that reciprocity can be achieved on a broad overall national basis. It is also important for U.S. trade spokesmen, both official and private, to establish a more effective dialogue with special interests in other countries who can be helpful in breaking down unfair or oppressive trade barriers. In Europe, for example, the business and financial community as well as the general public have a strong interest in modifying the Common Agricultural Policy of the EEC so that it is less costly internally, as well as less harmful to opportunities for expanded trade.

Another requirement for successful trade negotiation is a strong sense of commitment to the idea of expanded trade. U.S. agriculture is committed to that goal, and will work with executive and congressional leaders to counteract trade restrictionism and oppose dangerous legislative proposals such as the current sweeping Burke-Hartke bill's import quota proposals which, we believe, are likely to face us again in 1973. Leading U.S. farm and agricultural trade interests will support a strong legislative measure to give the President a broad mandate for negotiating away trade barriers and for establishing other important international trade, financial and investment arrangements. Such legislation should include improved means and programs for adjustment assistance to trade-damaged sectors of our economy. Programs for retraining and relocating workers should be stressed, and should be incorporated as part of a broader national effort to protect workers against disruptive industrial adjustments, domestic as well as international, which are inevitable in a progressive, innovative, advancing economy.

An effective international forum for negotiations and for other discussions of international economic issues is more urgently needed than ever before. Whether this takes the form of a strengthened GATT or a new approach has been a topic for considerable recent discussion. The imperfections and limitations of GATT, as for any international forum which has no ultimate authority for enforcement of agreements made under its auspices, should not blind us to the fact that we need stronger, not fewer, international trading rules.

Trading blocs and trade preferences are another issue of great significance, and deserve most careful attention in the years ahead. Exceptions to the "most favored nation" principle of trade, which is fundamental to the General Agreement on Tariffs and Trade, should be consistent with GATT rules and should not go beyond the intent of giving trade preferences only when further steps toward economic union or close coordination are in prospect. Unfair and undesirable EEC tariff preferences against U.S. citrus exports in recent years are a recent example of abuse of the GATT's general prohibition of trade preferences.

We strongly endorse the following recommendation of the recent Presidential Commission on International Trade and Investment Policy:

"The nations of the world must recognize their increasing economic interdependence and must try to achieve better coordination of their economic policies. The first step in this process is a willingness to submit national economic policies, domestic and foreign, to international scrutiny and mutual accommodation . . . The major economic powers will have to work together continuously to coordinate their monetary policies if the world is to avoid the deleterious effects of exchange controls or large destabilizing movements of capital such as those of the past three years. . . . The major economic powers will also have to coordinate better their foreign aid policies. If economic aid is to be untied, so that its benefits to the developing countries can be more fully realized, major donor countries should untie their aid simultaneously, thus limiting the adverse balance-of-payments impact on any one donor."

We call attention, too, to the following Trade Commission recommendation:

"The Commission believes that the time has come to begin immediately a major series of international negotiations: 1. to cope effectively with urgent international economic problems; 2. to prepare the way for the elimination of all barriers to international trade and capital movements within 25 years.

"The negotiations should be launched at the highest political level through a joint initiative by the United States, Western Europe, and Japan. A high-level international steering committee should provide direction and thrust to the negotiations and monitor their progress.

"We welcome the recent agreement to establish a high-level study group on trade problems in OECD as a step in this direction. We would hope that this initiative would be broadened to include investment and payments matters as well . . .

"First priority should be given to those critical issues which now threaten to undermine the gains of past negotiations and block progress toward our long-term goal. These include: (1) The world payments problem. In addition to greater efforts on our part to stabilize U.S. prices, the solution of this problem requires better coordination of monetary policy among major countries and more equitable sharing of the costs of the common defense. It may also require, on the part of surplus countries, a further realignment of exchange rates along with removal of remaining quotas on imports and restrictions on capital exports. . . . (2). The adverse effects on U.S. exports of the European Community's Common Agricultural Policy and preferential trade arrangements. We should seek a commitment to the elimination of illegal preferences, assurances that no further impairment of our agricultural trade interests will occur in the enlargement negotiations, and a commitment on liberalization of the Common Agricultural Policy as part of the negotiations on longer-term issues.

"Concurrently with the negotiations on the immediate problems listed above, longer-term negotiations, looking toward the progressive reduction and eventual elimination of barriers to trade and investment, should be initiated. These negotiations should be different in several respects from those of the past:

(1) They should be comprehensive in scope. Unlike past negotiations, they should not be confined to tariffs, or even to trade problems. . . . (2) Reciprocity should be conceived in terms of the whole set of negotiations rather than as an objective to be achieved within self-contained compartments of trade investment, or finance. In some cases, of course, it may be possible to arrive at mutually advantageous solutions within specific industrial sectors, and efforts should be made to find such solutions. On the other hand, in many cases a country will have to give more than it gets in one sector or functional area, and recoup by securing an equivalent advantage in another.

"The principal areas for negotiations should include the following: (1) Reform of the international monetary system. . . . (2) Agriculture. High priority should be given to the serious problems of agricultural trade, which have not been resolved in past trade negotiations. We believe the time is ripe for a concerted international effort to deal with all aspects of the problem including, in particular, the levels and techniques of agricultural support. Our main objective should be a substantial reduction in the high levels of support and protection of the European Community. The United States should be prepared, in turn, to improve the terms of access to its markets for imports of agricultural products in which other countries have a comparative advantage. (3) Preferential trade arrangements between the European Community and nonmember countries. The United States should oppose arrangements inconsistent with the requirements of GATT. . . . (4) Nontariff distortions. Despite the tariff reductions of the last two decades, U.S. industries continue to meet difficulties at home and abroad as a result of foreign policies, practices, and institutional arrangements which distort competitive conditions to our disadvantage. Among these problems are technical, health and safety standards; subsidies and tax exemptions for domestic industries; tax incentives and special credit facilities to promote exports; and remaining quantitative restrictions. We should recognize, on the other hand that a number of U.S. trade barriers are of concern to our trading partners. International agreements to reduce such barriers and distortions to trade are both necessary and feasible. . . . (5) Export subsidies. A pressing need exists for international action to discourage the subsidization of exports through the credit and tax systems. Rules should be developed, in particular, to limit competition in government-supported export credits. At the same time, the United States should take more vigorous action to enforce its countervailing duty and antidumping laws. . . ."

Congressman Zwach. Thank you very much, Bob Hampton, National Council of Farmer Cooperatives.

This concludes our prepared testimony. We have several members of the Task Force here who perhaps have some questions.

In brief, these are some of the major elements needed for an effective and forward-looking economic policy stance for the 1970's. U.S. agriculture's interests are completely in harmony with our national welfare objectives: (1) A commitment to world trade expansion for economic benefits to all nations and a more stable world order; (2) improved forums and techniques for continual consultations and negotiations to deal with international economic problems; (3) legislative action to initiate major negotiations, to provide for improved programs of adjustment assistance, and to avoid damaging restrictionist action such as unilateral and sweeping import quota imposition; and (4) continued recognition of the central role of economic issues in our foreign relations, and of the close interrelationship of trade, aid, monetary, tax, agricultural and other issues.

It is gratifying that recent Administration actions, following the Trade Commission recommendations, have moved firmly in the direction of a constructive trade expansionist stance. In spite of vigorous efforts by some, Congress has also resisted the threats of restrictionist legislation such as the Burke-Hartke and the Dent bills.

The establishment of a White House Office for International Economic Affairs promises to go far toward coordinating trade interests within the Departments of Agriculture, Commerce, Labor, State and Treasury, the Office of the Special Trade Representative and other governmental agencies. Private groups have also developed constructive coalitions, including farm and agricultural organizations, to work for expanded markets abroad and for sound trade, monetary, and investment policies.

There are very substantial threats to the U.S. trade position in the 1970's growing out of trade barriers, an outmoded world monetary system, inflation, declining productivity, rapid technical innovation and economic growth abroad, heavy overseas military spending and other factors. However, this can be a decade of opportunity if we can regain our superiority in productive efficiency, check inflation and develop more vigorous programs for negotiating away other barriers to international commerce. While many of the major problems are economic, our ability to take advantage of this opportunity depends on the political will of the U.S. and other major trading nations to work together in the future for our mutual benefit.

Let's start with you, Tom Railsback.

Congressman Railsback. I wish that I had a lot of background, but let me just propose this to Harry Heltzer and to the other free traders. I would direct a question to all of the representatives on the panel whom I will lump together as the free trade advocates. And lest I be accused of being biased, let me say that I also am inclined because of the nature of my constituency—I represent Deere and Company, International Harvester, a farm area that's very big in corn production as well as soybean production, so I'm kind of a free trade advocate. But, I noticed at this meeting and reading the statements very hurriedly that all of you seem to recognize that there is a need for improving, at least modifying and improving the existing laws relating to adjustment assistance.

All of your statements appear to be very, very general, and I wonder if we can get a little bit more specific and say exactly what kind of a commitment has to be made to demonstrate any kind of a meaningful awareness of the job displacement and problems that are created by lowering the barriers and having more imports, especially in the area of textiles and steel and so forth.

So I want to direct it to all of you who may have any specific examples.

Congresman Zwach. Would you like to start, Mrs. Bradley?

Mrs. Bradley. I'd be glad to comment on that in much more specific terms than I did in my talk.

I think that the criteria for finding injury in the '62 law are much too strict. It's almost as if the law had sought to prevent people from getting help rather than to enable them to. I think that you're going to have to tone down the requirement that increased imports must be shown to result from prior trade concessions, and make it more general than that; and also that imports have to be a major factor in the injury.

In other words, it's very difficult to sort out the exact effect of the import program on the industry or on the workers. I'm more interested in workers than I am the industry, but I'm also interested in the industry.

I also think that there need to be some changes in the investigatory process. It takes at least a year for a case to go through, and it needs to be speeded up. What good is it to a man if he loses his job and it takes a whole year before he gets any help? I mean he has either starved to death or drifted into some other job or given up or something else by the time it affects him

Furthermore, I think we need a really good employment training program. And this of course goes far beyond trade policies. I think we have been messing around with job training for a long time. We've tried this and that, and it has been sort of a scattered effort without major commitment, I think, on the part of the government to see that something does work. I think Congress really needs to turn its attention to finding a really satisfactory job training program.

I also think that we might consider some kind of incentives to relocation for workers whose industries have been injured.

And I guess the final point I want to make on this is the compensation provided in the '62 law is really ridiculous after all these years of inflation, and Congress needs to take another look at the formula for determining compensation in the law.

Congressman Railsback. I just wonder if anybody else would like to comment.

Mr. Heltzer. I'd like to add one comment. I think Mrs. Bradley was far more knowledgeable of the law than I was, and I think her points are very well taken.

I guess one of the things that appears in the evidence, when you try to think about it in a practical manner, is that you don't solve all of the problems with one kind of a package. You may have a steel plant that goes down in a given community and you can't convert that to making scotch tape the next afternoon. It isn't gong to happen. You can't retrain people to that extent, nor can you attract the industry in there soon enough to do that kind of a job.

I am inclined to believe that you may have to devote more monies to the spending on public works in given areas when this situation exists in the community. Because in many cases this is going to occur to relatively small numbers of people—a single industry that might be involved, becomes obsolete.

Incidentally, it's not necessarily a result of imports. This could be the case whatever it might be. It's a problem of what to do when you have an unemployment situation arise.

Now I think the government ought to be an employer—I don't think we should ignore the fact that under some conditions you need a bridge and maybe public spending for the public good at that time in that given location, in order to help build that bridge until you can do something about employing people.

Mr. Clayman. Mr. Chairman, the Congressman did not direct his question to me because apparently I'm the only "protectionist" in the crowd.

I can't refrain from making some observations.

I didn't comment on this issue at all. Why? Because our approach has been so piddling over the years, with not much voice raised to Congress.

What's happened is we've given relief, aid, to workers by the hundreds, literally by the hundreds, rather than by the tens of thousands, indeed, the hundreds of thousands.

Heretofore, the Federal Tariff Commission has been terribly niggardly and almost without fail—it would be interesting for you chaps to take a look at the record—almost without fail would deny just a host of cases, one after another.

In the last two years or thereabouts there has been a slight change for the better, slight. And as you have suggested, we give them a few more dollars for a few more months and we give them an opportunity for some kind of cursory training, and you're on your own.

Number one, we've got to come to recognize that you can't uproot thousands of families, often many of them in industries where their ages are in the 50's, some in the 60's, the late 40's—you just can't uproot them and say blandly, look, we're going to ship them off a thousand miles into a strange new world.

So, number one, we have got to drastically increase the kind of aid we give them for longer than we give them. We've got to make their livelihood resemble somewhat the kind of livelihood they were used to rather than really welfare client livelihoods.

Number two, beside the matter of training, which I know is important in the abstract, but what's happened is we've trained and we've trained and we've trained and we've spent billions of dollars and we've sent people to no jobs at all—a few jobs. Somehow we've got to develop what some will consider some strange form of socialistic control—we've got to consider government assuming some responsibility for shipping into these communities that are devastated other kinds of plants, even establishing the priorities.

Incidentally, the Scandinavian countries do this as a matter of course. But we're afraid to tackle it for somehow we conceive this to be somewhat unAmerican. Now if you ask me why I won't be able to give you the reason, but that's the fact. So we need a basic and a drastic overhauling on this subject. And I haven't touched it even though I represent the workers in a sense. I haven't touched it because we have been so disheartened and frustrated by its operation heretofore.

Congressman ZWACH. Thank you very much.

Any other comments on this question?

Mr. PEARCE. I was very glad to hear Mr. Clayman's statement of strong support for this program because it's one of several keys to solving the problems that we have all centered on in this discussion today.

I think to put it in perspective, however, it is necessary to point out that the problem is not with the lack of willingness on the part of the Tariff Commission to deal fairly with people who submit applications. The problem lies in the fact that the program was a tentative program to begin with. It represented a compromise between people who felt this was an important adjunct of any sort of effort to liberalize trade on the one hand, and other people were very concerned about what the costs of it might be. One of the basic problems, as Mrs. Bradley suggested, is the required link to an earlier trade concession.

Now when this bill was passed in 1962 we hadn't had any major series of trade concessions for nearly fifteen years. Therefore, applications that were submitted in the period following 1962—well, people who submitted applications found it very difficult to relate the deterioration of their business to trade concessions that had been made that long ago.

One of the costs of the basic disagreement which has developed between labor and much of the rest of the community on what trade policy should be, falls in this area. It is the case that labor has not gotten behind the improvement of this program in any serious way. I hope it isn't a result of their disillusionment. I suspect it is the result that these kinds of efforts compete with other solutions that labor deems to be preferred solutions right now.

But my own view, and this stems from my participation in the Williams Commission and much briefer experience in government, is that any further progress in dealing with the problems that we have been concerned with here today absolutely hinges on our willingness to treat fairly and adequately the problems of people who are injured by import competition.

This is not a problem which will be resolved by improvement in the economy. It is not a problem which will be resolved by restoring conditions that most of us would regard as fairer. In part the need to do something here stems from a different structure of world trade.

Patterns of world trade are going to change very quickly. The multinational corporation is involved in this, whatever your view of its role. It has made possible much more rapid changes in the composition of our imports. And the mechanisms we have developed to cope with adjustments to those changes are simply not adequate. And this is the area where they need attention.

Congressman ZWACH. Thank you, Mr. Pearce.

Professor Stobaugh?

Professor STOBAUGH. I want to put on my special interest hat now, since we have some other special interest groups, and say that one of the things we need on this question is much more research than we have done to date, much more study. Because there really hasn't been a large scale systematic study of what constitutes effective adjustment assistance programs.

I say special interest because that's what we specialize in, the academic world of research.

Congressman ZWACH. Thank you very much.

Would you like to make a comment, Bob?

Mr. HAMPTON. Nothing further than to reinforce, I think, the general sympathy of the agricultural community for the problems of these workers, as I expressed rather strongly in my statement.

We don't propose to have all the solutions for how this adjustment assistance program should be carried out, but we would certainly like to support the expression of desire for what the workers themselves feel that they need in the way of these programs.

We agree with Mr. Clayman that these have been very niggardly, and regardless of whether these come because of legislative limitations, which they probably do primarily, or from administrative action, it's a very inadequate program which needs a great deal of strengthening.

Congressman ZWACH. Thank you, Congressman Railsback.

Congressman RUPPE. Thank you, Mr. Chairman.

Rather than perhaps just discuss the remedial responses to the onslaught of imports into the United States, I might start out by direcing a question to Mr. Heltzer since I know he's well able to defend himself if need be.

On page 2 of your statement you indicate that we will, and I'm sure we must, strive with renewed vigor to make American industry more competitive in world markets. And you do refer to the fact that it's going to cut competitive profits of certain isolated firms in the United States who will need assistance.

But I was wondering if this panel and perhaps we in government are doing all we can to make American industry more competitive here at home. What are we doing to preserve American preeminence, if you will, in our own domestic markets?

It just seems to me that we don't look at the tariff or non-tariff barriers to our exports nor I think at times do we look to a balancing of the competitive factors at home with those that are brought to bear upon us by foreign competitors shipping from foreign sources.

In your own statement I think you do indicate that one of the reasons that your firm and other firms have had to move overseas was to hurdle the tariff and no-tariff barriers to trade that keep out U.S. exports.

Well, that's sort of what I'm interested in; how do we equalize the competitive position of American firms selling in this country?

Mr. HELTZER. I think earlier this morning we touched a little bit on that particular subject and I think we covered a point or two related to it.

The expansion of a firm overseas is due to the fact that the market is there, and this covers the greatest share of our investment overseas, wherever it might be. And you do get this matter of how do we as a company and country, if you will, combine and compete, how we reach into third countries. And we recognize that both by virtue of the variety of the centers—which may vary anywhere from allocating industries within countries so there is less competition—say, within a Japan operation, they in turn compete with a third country by making their industries a little more direct, if you will; that is, they don't have to compete so much with these other firms, and many of them have mechanisms which allow them to get loans, in many cases with no interest on them. It's a whole variety of mechanisms they have to keep us out of their pocket, which in turn fortifies and makes their particular company stronger.

In other words, we wind up paying a good share of their bills by virtue of our not being able to move into their country because the barriers are such, the costs are great. So they in turn get an income which they in turn use to subsidize what they do in exporting elsewhere in the world.

I think that's part of what we're after.

I think that one of the things we must do in this country and I think a great many companies are doing that—it's not entirely across the board—is spend a fair amount of dollars on research activity attempting to modernize and to upgrade the kinds of products you produce.

We as a company spent pretty close to $80 million last year on research and development. And frequently we point out that the products that are on the marketplace today differ appreciably from those that were on the marketplace as recently as five years ago.

Now this will vary with the kinds of company, the kind of industry you're involved in. But it's only by spending some research effort, doing our best to maintain the most modern facilities, modern equipment, modern methods of producing equipment can we increase our productivity. Increasing productivity does not mean that you make your worker work harder.

In a great share of our operations when you press the button it doesn't make any difference how hard you press it, the productivity is related to engineering and the technology is put into the bank as support for us as a nation to stay ahead of the world by our continued research effort, and in so doing, as I say, be competitive elsewhere in the world. Basically we can compete with virtually anyone in the world on virtually any product they produce anywhere in the world.

Congressman RUPPE. Well, can productivity alone though match, perhaps as in the case of Japan, an onslaught from that source where there is government and labor and industry in combination endeavoring time after time to exploit or take over foreign markets in particular areas of manufacture? I don't think productivity alone can circumvent a Japanese national policy, if you will. It seems to me we have to analyze their policy to determine how it affects us here at home and abroad in our American export market.

Mr. HELTZER. You're entirely correct, and that's what we've got to do to try and get them to change. Obviously these are all varying degrees depending upon product lines, profits available, and so on. You can build up and compensate for some but certainly not for all of them.

I think earlier today we made the point that at this stage of the game the United States is the largest market for virtually anybody in the world, whether it's Japan or the Common Market or any other producer. And while we're in that position we have a bargaining position where we ought to be able to get the other countries to make the kind of adjustments to make it a fairer trade relationship than exists today. And that fairer trade means at least they ought to deal with us in the handling of goods we want to ship into their marketplace as we have handled their goods that moved into this marketplace. We ought to do everything we can to get that kind of relationship established.

Congressman Railsback. It is true that we have been in the market and we are, I think it was in your statement, as far as direct investments abroad, I don't know, something like four times as big as anybody else.

You know, this legislative enthusiasm for imposing restrictions on trade comes about, however, because we have apparently not used our leverage at all. We have not been able to get Japan, for instance, to recognize its responsibility to deal on a fair basis with us. And actually the leverage that you see now for these restrictive trade policies comes about for the very reason that it seems to be almost a last alternative.

What do you suggest? You talk about using our big market leverage. Well, who uses it? How do we use it?

Mr. Heltzer. Mr. Pearce might be, I think, the fellow most likely to answer that question, because really that is related to the kind of negotiations we're going into today.

As I understand it by both Mr. Eberle this morning and Mr. Volcker, the problems of negotiating are very complicated because there are diplomatic as well as economic facets involved in this problem.

Congressman Zwach. Will you yield to Mr. Pearce?

Mr. Heltzer. I certainly will.

Mr. Pearce. I'd like to combine these two observations and questions and respond to it in this way.

If we're going to try to solve the problem, it's important first to define it and to determine what causes it. I think there has been a great deal of difficulty in doing that because a number of overlapping forces have been at work and all of them to some degree have influenced the decline in our trade position which I think really is at the heart of both of these questions.

It is the case that in the period from 1965 on unit labor costs in this country rose much more rapidly than those among our major trading partners, and there isn't any question that this has had a great deal to do with reversal of the strong trade position that we carried into the second half of the 1960's.

The President's efforts beginning in August last year to deal with this fundamental underlying problem I think have been quite impressive. We have made a start on controlling inflation. There is evidence that that's working. Unit labor costs in the United States in 1971 rose at a slower rate than unit labor costs in any other major trading nation. In time if we can continue this performance this will have an effect.

The President also requested and got from the Congress legislation that will encourage investments which hopefully will also improve our efficiency.

And finally, the Smithsonian agreement has produced realignment of exchange rates which will significantly influence favorably our competitiveness, not just in foreign markets but in domestic markets too. The amount of it and the timing are somewhat uncertain but the one thing that is certain is that the impact of this is going to be substantial.

So we have undertaken some steps which should contribute a great deal to the improvement of the circumstances that bother you.

Congressman Railsback. I want to say I agree with you. I agree with everything you said except none of those things that we have done have directed themselves as far as the other countries—the unfair trade practices, and especially—well, for instance, I don't even know if we have any multinational corporations, do we, in Japan? Do we have any corporations that own 51 percent or that have the operating control in Japan now? If we do it has been relatively recently.

But I'm interested not in what we've done ourselves to try to improve our competitive position, but what leverage are we exerting on the foreign countries. That was the question.

Mr. Pearce. That's a very appropriate one too.

I should say that the exchange rate adjustment is not a unilateral action on our part. This is an agreement won through hard bargaining by Secretary Connally.

We also achieved in those negotiations agreement to undertake some immediate trade discussions to deal with the most annoying existing problems and looking towards the more long-term fundamental reform of the world trading system.

We concluded negotiations in February that did produce some benefits although admittedly very modest benefits—in citrus, in grains—both with the European community and with Japan.

More important, I think, we got agreement from both Japan and the European community to undertake and support broad discussions beginning next year which will deal with fundamental problems in the trading system.

We have had the authority and don't have the authority now to undertake the kind of negotiations that are required to deal with the problems that you have referred to. We are not in a position to come to the Congress now and ask for that authority. This negotiation will be very different from the Kennedy Round. Tariffs of course are important but also we have to deal with the terms, the rules that govern the trading system itself, and we have to deal with a host of non-tariff barriers that are very difficult to define and very difficult to deal with.

We have begun in Geneva and to a somewhat lesser extent in Paris a series of discussions both on industrial and agricultural—well, we're discussing the techniques, the scope, and the modes that this negotiation will take. And when this exercise is completed and we have an idea what our trading partners are willing to do, what forms it will take, we will come back to the Congress and ask for the authority that we need to undertake a negotiation that will deal with the problems that concern you.

Congressman Zwach. Mr. Clayman.

Mr. Clayman. Thank you.

In my judgment the comments made by Congressman Railsback were the most piercing of our whole discussion today, because I think he put his finger on the sensitive button.

We're at this impasse asking for relief, because we've done so little to resolve our problems to date. And frankly—and this is not meant as a personal affront to the people who work for the government—I have relatively little hope that within the near future we can expect serious relief from that source, that we will have to have relief from Congress.

You know the old story about the mule that had to be hit on the head with a 2x4 just to get its attention. And, frankly, Congress will have to do that to get the attention of our trading partners throughout the world, in order to be able to conduct serious, meaningful negotiations that somehow develop some degree of parity and fairness between the countries.

Congressman Zwach. Thank you very much.

Now would you like to comment, Professor Stobaugh?

Professor Stobaugh. Yes, thank you.

I'd like to comment on several aspects of the questions and some implicit assumptions that you are apparently making.

One was the coupling of the unemployment problem in some of the industries that are suffering from imports with the multinational enterprises or with any form of foreign direct investment abroad.

Actually the industries that have had the most problem with imports have been textiles, shoes—industries such as that rather than a company such as 3M that I would guess, without knowing any data at all, guessing at how much money they spend on R & D, I would guess their U.S. employment had quite strong growth. IBM would be another such company.

So generally employment in the multinational company has not been going down because of import competition. It's been going up in this country.

I think that the undervaluation of exchange rates or the fact that a number of foreign exchange rates were undervalued was one of the causes of our trade problem and I think it's unrealistic for us to adopt an exchange rate in the late 40's and then not have them changed for twenty-five years. So I think we can expect some changes in exchange rates and certainly Japan's gross undervaluation of the yen had an important effect on their trade.

I don't think it's a lack of innovative ability in American industry. There are a number of American industries that today are very strong internationally that are exporting a greater percentage of their production every year. Electronics is one that's quite strong, in contrast to the statement this morning that we're going out of the electronics industry. If you look at all segments of the electronics industry, employment in the U.S. has been going up, exports of the U.S. have been going up. Now there are segments, such as black and white TV's, that may be going down but that's being replaced by industrial instruments, industrial electronics; it's being replaced by computers, for example.

We have had other industries such as plastics, chemicals, pharmaceuticals, machinery, all of those have had a very very strong export performance.

And the way to help exports—it's an indirect way and takes a while, but the way to help exports is to put money in R & D rather than to put money into protecting an industry that will never be competitive internationally. Some of those that are quite mature in technology now fall in that category.

The 3M Company spends almost as much money on R & D as the entire U.S. steel industry, for example. They spend about $80 million a year compared to about $140 million for the entire U.S. steel industry. Now, there's no way that the steel industry can be competitive internationally unless money starts going into R & D. And it's not coincidental that in the paper here you mention that eight of the last ten major breakthroughs in steel technology have come from abroad.

Finally, I think, when we look at the Japanese solution what we probably ought to do is move more towards their solution rather than telling them to stop solving their problems. The Japanese have a brilliant policy of moving people out of mature industries, moving them out of textiles, for example, moving them into computers, moving them into chemicals; and what they have been doing is very strongly helping those industries that are high technology, the ones that eventually produce exports and produce a better standard of living. So it seems to me our solution ought to be to move more towards the Japanese solution of definitely helping people move into those kinds of industries.

Congressman Ruppe. You're not suggesting, are you, we adopt the other corollary to the Japanese success, or the other corollary to the national policy which was the keeping out of foreign imports, a tremendous protection of the Japanese industry both in terms of protecting her home markets and protecting via government policy their entry into one foreign market after another?

Professor Stobaugh. What the Japanese did was not keep out imports. What they did was keep out imports of high technology goods in order to help their own industry. They are letting in imports of low technology goods.

Congressman Ruppe. What about automobiles?

Professor Stobaugh. Well, twenty years ago automobiles were relatively high technology. Now they're relatively low technology. What they did was keep out automobiles. They're tending to keep out computers. They're attempting to keep out high technology, buying technology themselves so they can build up their own by keeping out foreign direct investments, keeping out imports to build up their own manufacturing capabilities, first in automobiles and now they're going on to computers.

IBM, by the way, does have a wholly owned subsidiary in Japan. The reason IBM can do it is not through the U.S. government's help, not through the power of government bargaining with government, but they have a strong economic power. The Japanese figure it would be painful to force IBM to go into a joint venture or something else because they would lose a lot of IBM knowhow. But I would guess that over the next twenty years as Japan gets the computer capability that if we take no action they will force IBM—if the U.S. government takes no action, they will force IBM to go into a joint venture, for example.

But what they have been doing is keeping out higher technology goods until they develop their own industry, while they develop their own industry. They've been letting in imports of textiles, for example, because they don't want their workers making textiles. That doesn't make the textile manufacturers very happy but it certainly increases their standard of living.

Mrs. Bradley. I'd like to make a comment in this area. On the trip I took in Japan we met with a great many different kinds of groups including government officials, industry, and so on. And one of the groups we met with was the American Chamber of Commerce in Tokyo. This was a group of I think there were twelve American businessmen who were operating successfully in Japan. A few of them were at 25 percent and some were at 50 percent ownership.

And the impression I got from those men and from some other people that talked there was that American businessmen are really missing an opportunity to go into Japan in many cases simply because they can't have 100 percent. The businessmen we talked to, most of them agreed it is possible to do business there, that in many ways it's very helpful indeed to be on a 50 percent ownership basis in order to deal with cultural differences, and that they were making a go of it.

I think American businessmen ought to look into the possibilities of more trade with Japan—and I'm not holding a brief for the restrictions that the Japanese put on, all the regulations and the special laws they have and so on—but I don't think American businessmen on the whole have been very aggressive about trying to open up American markets. There certainly are American products that the Japanese are crying out loud for, like refrigerators.

Congressman Zwach. Well, I think it looks like we can bring this to an end as we need to leave for floor business.

I would like to thank you gentlemen very much. And I'd like to say that the questions of Congressman Ruppe and Congressman Railsback I think indicate a feeling in the Congress which is representative of the people that administratively we have not dealt very strongly in these areas, and there looks like a definite need for some Congressional input here. I think this is the kind of a message that they are trying to tell us.

I think they're trying to say if the 70's go like the 60's that we don't have any great 80's and 90's to look forward to. So I think this is a clearcut warning that the people in our country are beginning to become very concerned, and I think that we have not perhaps dealt as severely and as businesslike in this area as it's going to be necessary to do.

I think this is the expression that we get. And if we're going to give powers to deal administratively, I'm scared to give powers to deal in agriculture like we did under GATT, when they, you know, just threw us in the river when they couldn't settle agricultural problems.

So these are the kind of concerns on which we really appreciate your comments.

Congressman Ruppe. Thank you for coming.

Congressman Zwach. Yes, sir. We really appreciate your coming, gentlemen.

Thank you very much.

(Whereupon, the seminar was adjourned at 3:30 o'clock p.m.)

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Fish) to revise and extend their remarks and include extraneous material:)

Mr. Hansen of Idaho, for 15 minutes, today.

Mr. Findley, for 5 minutes today.

Mr. Kemp, for 10 minutes, today.

Mr. Frenzel, for 40 minutes, today.

Mr. Heinz, for 15 minutes, today.

(The following Members (at the request of Mr. Denholm) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 5 minutes, today.

Mr. Podell, for 15 minutes, today.

Mr. Daniels of New Jersey, for 5 minutes today.

Mr. Bingham, for 5 minutes, today.

Mr. Danielson, for 5 minutes, today.

Mr. Diggs, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Seiberling to revise and extend and include extraneous matter with his remarks during debate on Foreign Assistance Act of 1972.

Mr. Saylor and to include extraneous matter, notwithstanding the fact it exceeds 3¼ pages of the Record and is estimated by the Public Printer to cost $552.50.

Mr. Monagan to extend his remarks prior to the vote on the Bolling amendment in the Committee of the Whole, today.

Mr. Riegle and to include charts and other extraneous matter during his remarks in the Committee of the Whole during consideration of H.R. 16029.

Mr. Frelinghuysen notwithstanding it exceeds 17 pages of the Record and is estimated by the Public Printer to cost $2,890.

Mr. Buchanan to extend his remarks during debate on the Dent amendment on H.R. 16029.

All Members (at the request of Mr. Denholm) for 5 legislative days to revise and extend their remarks and include extraneous matter on the special order of Mr. Diggs, today, on the late Hon. Samuel Z. Westerfield, Jr.

(The following Members (at the request of Mr. Fish) and to include extraneous material:)

Mr. Scherle in 10 instances.
Mr. Springer in two instances.
Mr. Derwinski.
Mr. McKinney in three instances
Mr. Hall.
Mr. Wyman in two instances.
Mr. Bell in three instances
Mr. Smith of New York.
Mr. Steiger of Arizona.
Mr. McCloskey.
Mr. Sebelius.
Mr. Whitehurst.
Mr. Frenzel.
Mr. Horton.
Mr. Hillis.
Mr. Bob Wilson.
Mr. Baker.
Mr. Broyhill of Virginia.
Mr. Rhodes in five instances.
Mr. Rousselot.
Mr. du Pont.
Mr. Goldwater.

(The following Members (at the request of Mr. Denholm) and to include extraneous material:)

Mr. Ullman in five instances.
Mr. Biaggi in five instances.
Mr. Carney in two instances.
Mr. Rarick in three instances.
Mr. Gonzalez in three instances.
Mr. Aspin.
Mr. Ryan in three instances.
Mr. Danielson in two instances.
Mr. Drinan.
Mr. Rees.
Mr. Stokes.
Mr. Matsunaga in two instances.
Mr. Chappell in three instances.
Mr. Podell.
Mr. Smith of Iowa.
Mrs. Hicks of Massachusetts in two instances.
Mr. Waldie in two instances.
Mr. Nix in two instances.
Mr. Denholm.
Mr. Delaney.
Mr. Fulton.
Mr. Albert.
Mr. Monagan.
Mr. James V. Stanton.
Mr. Pickle in five instances.
Mrs. Sullivan in two instances.
Mr. William D. Ford.
Mr. Brasco in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 82. An act for the relief of Mrs. Wanda Martens; to the Committee on the Judiciary.

S. 633. An act for the relief of James E. Fry, Jr., and Margaret E. Fry; to the Committee on the Judiciary.

S. 655. An act for the relief of certain postal employees at the Elmhurst, Ill., Post Office; to the Committee on the Judiciary.

S. 884. An act for the relief of Comdr.

Howard A. Weltner, U.S. Naval Reserve; to the Committee on the Judiciary.

S. 2507. An act to apply the same standards to prohibit the sale of domestically produced Saturday night special handguns as have been applied to foreign-made Saturday night special handguns since adoption of the Gun Control Act of 1968; to the Committee on the Judiciary.

S. 2516. An act to authorize the Secretary of Agriculture to reimburse owners of equines and accredited veterinarians for certain expenses of vaccinations incurred for protection against Venezuelan equine encephalomyelitis; to the Committee on Agriculture.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 631. An act for the relief of the village of River Forest, Ill.;

H.R. 2127. An act for the relief of the estate of Charles Zonars, deceased;

H.R. 11632. An act for the relief of Vincent J. Sindone; and

H.R. 15690. An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1973, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2854. An act to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 51 minutes p.m.), under its previous order, the House adjourned until Monday, August 14, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2241. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend section 27 of the Merchant Marine Act of 1920, to provide a monetary penalty for the transportation of merchandise in violation of the coastwise laws; to the Committee on Merchant Marine and Fisheries.

2242. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOLIFIELD: Committee on Government Operations. Report on increasing protection for our waters, wetlands, and shorelines; the Corps of Engineers (Rept. No. 92–1323). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee on Foreign Affairs. House Joint Resolution 1227. Joint resolution approving the acceptance by the President for the United States of the Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures With Respect to the Limitation of Strategic Offensive Arms; with amendments (Rept. No. 92–1324). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 1090. A resolution providing for the consideration of H.R. 13915. A bill to further the achievement of equal educational opportunities (Rept. No. 92–1325). Referred to the House Calendar.

Mr. STRATTON: Committee on Armed Services. H.R. 13792. A bill to amend title 10, United States Code, to limit, and to provide more effective control with respect to, the use of Government production equipment by private contractors under contracts entered into by the Department of Defense and certain other Federal agencies, and for other purposes; with amendments (Rept. No. 92–1326). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE of Pennsylvania: Committee on Armed Services. H.R. 16201. A bill to authorize the Secretary of the Navy to construct and provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor and to transfer responsibility for their operation and maintenance to the National Park Service (Rept. No. 92–1327). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 16233. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and for other purposes (Rept. No. 92–1328). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE of Pennsylvania. Committee on Armed Services. H.R. 16251. A bill to release the conditions in a deed with respect to certain property heretofore conveyed by the United States to the Columbia Military Academy and its successors. (Rept. No. 92–1329). Referred to the Committee of the Whole House.

Mr. PRICE of Illinois: Committee on Armed Services. House Resolution 1078. Resolution directing the Secretary of Defense to furnish to the House certain information respecting U.S. operations in North Vietnam (Rept. No. 92–1330). Referred to the House Calendar.

Mr. PRICE of Illinois: Committee on Armed Services. House Resolution 1079. Resolution directing the Secretary of Defense to furnish to the House certain information respecting U.S. operations in North Vietnam (Rept. No. 92–1331). Referred to the House Calendar.

Mr. PATMAN: Committee of conference. Conference report on H.R. 15692 (Rept. No. 92–1332). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS of Arkansas (for himself and Mr. Byrnes of Wisconsin):

H.R. 16299. A bill to provide for a 2-year extension of the existing treatment provided for accrued vacation pay; to the Committee on Ways and Means.

By Mr. ADAMS (by request):

H.R. 16300. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM:

H.R. 16301. A bill to insure congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

By Mr. DANIELSON:

H.R. 16302. A bill to amend the Internal Revenue Code of 1954 to provide reasonable and necessary income tax incentives to encourage the utilization of recycled solid waste materials and to offset existing income tax advantages which promote depletion of virgin natural resources; to the Committee on Ways and Means.

By Mr. ESCH:

H.R. 16303. A bill to provide for disciplined and responsible action in the consideration and execution of the Federal budget; to the Committee on Government Operations.

By Mr. GERALD R. FORD (for himself, Mr. Arends, Mr. Devine, Mr. Rhodes, Mr. Conable, Mr. Poff, Mr. Smith of California, Mr. Bob Wilson, Mr. Bow, Mr. Mailliard, Mr. Rousselot, Mr. Mathias of California, Mr. Spence, Mr. Winn, Mr. Mallary, Mr. Thone, Mr. Cleveland, Mr. Collier, Mr. McEwen, Mr. Dickinson, Mr. Myers, Mr. Eshleman, Mr. Vander Jagt, Mr. Price of Texas, and Mr. Railsback):

H.R. 16304. A bill to provide for disciplined and responsible action in the consideration and execution of the Federal budget; to the Committee on Government Operations.

By Mr. GERALD R. FORD (for himself, Mr. Goldwater, Mr. Sandman, Mr. Young of Florida, Mr. Robison of New York, Mr. McClory, Mr. McKinney, Mr. Thompson of Georgia, Mr. Quillen, Mr. Whalley, Mr. Córdova, Mr. Williams, Mr. Betts, Mr. Fish, Mr. Baker, Mr. Bray, Mr. Pirnie, Mr. Steiger of Arizona, Mr. Carter, Mr. Miller of Ohio, Mr. McClure, Mr. Findley, Mr. Teague of California, Mr. Frenzel, and Mr. Widnall):

H.R. 16305. A bill to provide for disciplined and responsible action in the consideration and execution of the Federal budget; to the Committee on Government Operations.

By Mr. GERALD R. FORD (for himself, Mr. Steiger of Wisconsin, Mr. Erlenborn, Mr. Latta, Mr. Robinson of Virginia, Mr. Sebelius, Mr. Snyder, Mr. Byrnes of Wisconsin, Mr. J. William Stanton, Mr. Derwinski, Mr. Forsythe, Mr. Hansen of Idaho, Mr. Johnson of Pennsylvania, Mr. Archer, Mr. Broyhill of North Carolina, Mr. McKevitt, Mr. Quie, Mr. Bell, Mr. Lujan, Mr. Martin, Mr. Mayne, Mr. Hastings, Mr. Frelinghuysen, Mr. Brown of Michigan, and Mr. Shriver):

H.R. 16306. A bill to provide for disciplined and responsible action in the consideration and execution of the Federal budget; to the Committee on Government Operations.

By Mr. GERALD R. FORD (for himself, Mr. Wiggins, Mr. Lent, Mr. Wydler, Mr. Collins of Texas, Mr. Keating, Mr. Powell, Mr. Thomson of Wisconsin, Mr. Landgrebe, Mr. Grover, Mr. Camp, Mr. Terry, Mr. Scott, Mr. Clancy, Mr. Veysey, Mr. Belcher, Mr. Hall, Mr. Zion, Mr. Conover, Mr. Ruth, Mr. Don H. Clausen, Mr. Hogan, Mr. Schneebeli, Mr. Blackburn, and Mr. McCollister):

H.R. 16307. A bill to provide for disciplined and responsible action in the consideration and execution of the Federal budget; to the Committee on Government Operations.

By Mr. GERALD R. FORD (for himself, Mr. Hosmer, Mr. Broyhill of Virginia, Mr. Kemp, Mr. Wampler, Mr. Lloyd, Mr. Hutchinson, Mr. Smith of New York, Mr. Wylie, Mr. Burke of Florida, Mr. Mosher, Mr. Davis of Wisconsin, Mr. Talcott, Mr. Shoup, Mr. Coughlin, and Mr. Frey):

H.R. 16308. A bill to provide for disciplined and responsible action in the consideration and execution of the Federal budget; to the Committee on Government Operations.

By Mr. FRENZEL (for himself, Mr. Flood, and Mr. Wolff):

H.R. 16309. A bill to amend the Atomic Energy Act of 1954 to permit a State which has an agreement with the Commission and has demonstrated its competence in the regulation of effluent emission standards to impose regulations which are more restrictive than those of the Commission; to the Committee on Joint Committee on Atomic Energy.

By Mr. GOLDWATER (for himself and Mr. Bell):

H.R. 16310. A bill to establish in the State of California the Santa Monica Mountain and Seashore National Urban Park; to the Committee on Interior and Insular Affairs.

By Mr. GROVER:

H.R. 16311. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. HEINZ:

H.R. 16312. A bill to amend the Disaster Relief Act of 1970 to provide for the mandatory development and maintenance by States of disaster preparedness plans, to provide for the annual testing of such plans, to increase the amount of Federal assistance in the case of approved plans, and for other purposes; to the Committee on Public Works.

By Mr. HELSTOSKI:

H.R. 16313. A bill to amend section 8191 of title 5, United States Code, to extend benefits thereunder to officially recognized or designated members of a legally organized volunteer fire department, ambulance team, or rescue squad not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 16314. A bill to amend the Federal Alcohol Administration Act with respect to the requirements for labeling; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 16315. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

By Mr. MIKVA (for himself and Mr. Seiberling):

H.R. 16316. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the United States by requiring the disclosure by Members of Congress and certain employees of the Congress of certain financial interests; to the Committee on Standards of Official Conduct.

By Mr. OBEY (for himself, Mr. Begich, Mrs. Hicks of Massachusetts, Mr. Sarbanes, and Mr. Bingham):

H.R. 16317. A bill to assist the States to improve and equalize the quality of elementary and secondary education provided throughout each State and to provide for greater equalization and equality in school tax burdens; to the Committee on Education and Labor.

By Mr. OBEY (for himself, Mr. Aspin, Mr. Bergland, Mr. Seiberling, Mr. Matsunaga, Mr. Scheuer, Mr. Koch, Mr. Halpern, Mr. Drinan, Mr. Leggett, Mrs. Abzug, Mr. Begich, Mrs. Hicks of Massachusetts, Mr. Burton, Mr. Green of Pennsylvania, Mr. Fraser, Mr. Link, and Mr. Abourezk):

H.R. 16318. A bill to encourage and support the dissemination of new, opinion, scientific, cultural, and educational matter through the mails; to the Committee on Post Office and Civil Service.

By Mr. PURCELL:

H.R. 16319. A bill to authorize the Secretary of Agriculture to reimburse owners of equines and accredited veterinarians for certain expenses of vaccinations incurred for protection against Venezuelan equine encephalomyelitis; to the Committee on Agriculture.

By Mr. RYAN:

H.R. 16320. A bill to amend the Export Administration Act of 1969 in order to promote observance of the 1948 United Nations Universal Declaration of Human Rights; to the Committee on Banking and Currency.

H.R. 16321. A bill to amend the Export Administration Act of 1969 in order to promote freedom of emigration and the free exercise of religion; to the Committee on Banking and Currency.

Br. Mr. SAYLOR:

H.R. 16322. A bill to extend the time for land selection under section 17(d)(2) of the Alaska Native Claims Settlement Act; to the Committee on Interior and Insular Affairs.

H.R. 16323. A bill to amend section 118(c) of title 28, United States Code, to establish a place for the holding of Federal district court in Johnstown, Pa.; to the Committee on the Judiciary.

By Mr. SCOTT:

H.R. 16324. A bill to facilitate the transfer by the Commissioner of the District of Columbia of certain real property owned by the District in Prince William County, Va.; to the Committee on District of Columbia

By. Mr. SEIBERLING:

H.R. 16325. A bill to provide comprehensive adjustment benefits and services to unemployed workers, and for other purposes; to the Committee on Education and Labor.

H.R. 16326. A bill to amend the tax and customs laws in order to improve the U.S. position in foreign trade, and for other purposes; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 16327. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the suppression of unlawful seizure of aircraft, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16328. A bill to insure international cooperation in the prosecution or extradition to the United States of persons alleged to have committed aircraft piracy against the laws of the United States or international law; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK:

H.R. 16329. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. VEYSEY:

H.R. 16330. A bill to prohibit the importation into the United States of birds, or parts thereof, unless inspected and found to be free of communicable diseases; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 16331. A bill to enlarge the Sequoia National Park in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 16332. A bill to permit former members of the Women's Airforce Service Pilots to acquire, for a limited time, insurance upon the same terms and conditions, with certain exceptions, as apply with respect to national service life insurance; and to receive hospital and medical care from the Veterans' Administration under certain circumstances; to the Committee on Veterans' Affairs.

By Mr. CAMP:

H.J. Res. 1281. Joint resolution proposing an amendment to the Constitution to permit the imposition and carrying out of the death penalty; to the Committee on the Judiciary.

By Mr. DANIELS of New Jersey:

H.J. Res. 1282. Joint resolution to authorize and request the President to issue annually a proclamation designating the second Sunday of October of each year as "National Grandparents Day"; to the Committee on the Judiciary.

By Mr. EDMONDSON:

H.J. Res. 1283. Joint resolution proposing an amendment to the Constitution to permit the imposition and carrying out of the death penalty; to the Committee on the Judiciary.

By Mr. STEED:

H.J. Res. 1284. Joint resolution proposing an amendment to the Constitution to permit the imposition and carrying out of the death penalty; to the Committee on the Judiciary.

By Mr. BURLISON of Missouri:

H.J. Res. 1285. Joint resolution proposing an amendment to the Constitution to permit civil remedies for public persons in cases of defamation of such persons; to the Committee on the Judiciary.

By Mr. ASPIN:

H. Con. Res. 682. Concurrent resolution requesting the President to proclaim the week of April 8 through 14, 1973, as "National Barbershop Harmony Week"; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H. Con. Res. 683. Concurrent resolutioin requesting the President to proclaim August 26 of each year as "National Woman's Suffrage Day"; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

414. By the SPEAKER: Memorial of the Assembly of the State of California, relative to veterans' pensions; to the Committee on Armed Services.

415. Also, memorial of the Legislature of the State of California, relative to noise pollution; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DUNCAN presented a bill (H.R. 16333) for the relief of Natividad Cruz Lacusong, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

269. The SPEAKER presented a petition of Henry Stoner, York, Pa., relative to physical examinations for Members of Congress, which was referred to the Committee on Rules.

SENATE—*Thursday, August 10, 1972*

The Senate met at 10:30 a.m. and was called to order by Hon. Adlai E. Stevenson III, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou to whom a thousand years are as a day when it is past, help us who are finite to keep in tune with the infinite. May we live day by day, as creatures made for eternity, determined to make a life worthy of eternal survival. Give us the wisdom and the will to take time for friendship, time for meditation, time for musing, and time for praying. When we work or play, rest or pray, may we do all for Thy glory—for this Nation and Thy kingdom.

We pray in the name of the Lord of Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER.** The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., August 10, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Adlai E. Stevenson III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, August 9, 1972, be dispensed with.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 971 (H.R. 2131) and Calendar No. 975 (S. 3240).

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

HOWREY LUMBER CO.

The bill (H.R. 2131) for the relief of the Howrey Lumber Co., was considered, ordered to a third reading, read the third time, and passed.

TRANSPORTATION PAYMENT ACT OF 1972

The bill (S. 3240) to amend the Transportation Act of 1940, as amended, to facilitate the payment of transportation charges, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 322 of the Transportation Act of 1940, as amended (49 U.S.C. 66), is hereby further amended as follows:

(a) By inserting after the section designation the letter "(a)"; by changing the first sentence to read: "Subject to such standards as shall be promulgated jointly by the Secretary of the Treasury and the Comptroller General of the United States payment for transportation of persons or property for or on behalf of the United States by any carrier or forwarder shall be made upon presentation of bills therefor, prior to audit or settlement by the General Acounting Office, but the right is reserved to the United States Government to deduct the amount of any overcharge by any carrier or forwarder from any amount subsequently found to be due such carrier or forwarder."; deleting the portion of the second sentence preceding the colon and substituting therefor the following: "The term 'overcharges' shall be deemed to mean charges for transportation services in excess of those applicable thereto under tariffs lawfully on file with the Interstate Commerce Commission, the Civil Aeronautics Board, the Federal Maritime Commission, and any State transportation regulatory agency, and charges in excess of those applicable thereto under rates, fares, and charges established pursuant to section 22 of the Interstate Commerce Act, as amended, or other equivalent contract, arrangement, or exemption from regulation".

(b) By adding the following new subsections to the section:

"(b) Pursuant to regulations prescribed by the head of a Government agency or his designee and in conformity with such standards as shall be promulgated jointly by the Secretary of the Treasury and the Comptroller General of the United States, bills for passenger or freight transportation services to be furnished the United States by any carrier or forwarded may be paid in advance of completion of the services, without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529): *Provided,* That such carrier or forwarder has issued the usual ticket, receipt, bill of lading, or equivalent document covering the service involved, subject to later recovery by deduction or otherwise of any payments made for any services not received as ordered by the United States.

"(c) The term 'head of a Government agency' means any individual or group of individuals having final decisionmaking responsibility for any department, commission, board, service, Government corporation, instrumentality, or other establishment or body in the United States Government.

"(d) This Act shall be known as the Transportation Payment Act of 1972."

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, the Committee on Commerce, the Committee on Labor and Public Welfare, the Committee on Government Operations, and the Committee on Public Works be authorized to meet during the session of the Senate today.

Mr. SCOTT. Mr. President, reserving the right to object—and I have no objection—some Senators have expressed to me the hope that, when committees meet at this point in our session, it will be only for the purpose of bringing out legislation which needs to be brought out and matters that need to be considered, and I am sure the distinguished majority leader has that in mind. To satisfy these Senators, I would like to assure them that that is the purpose of having committee meetings.

Mr. MANSFIELD. The Senator is correct. We have discussed this matter with appropriate Senators, and it is our hope that that will be the purpose.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the calendar.

There being no objection, the Senate proceeded to consider executive business.

ACTION

The **ACTING PRESIDENT** pro tempore. The first nomination will be stated by the clerk.

The second assistant legislative clerk read the nomination of Donald Kready Hess, of Maryland, to be an Associate Director of ACTION.

The **ACTING PRESIDENT** pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF TRANSPORTATION

The second assistant legislative clerk read the nomination of John E. Hirten, of California, to be an Assistant Secretary of Transportation.

The **ACTING PRESIDENT** pro tempore. Without objection, the nomination is considered and confirmed.

THE DIPLOMATIC AND FOREIGN SERVICE

The second assistant legislative clerk proceeded to read routine nominations in the Diplomatic and Foreign Service.

The **ACTING PRESIDENT** pro tempore. Without objection, the nominations are considered and confirmed en bloc.

THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The second assistant legislative clerk proceeded to read routine nominations in the National Oceanic and Atmospheric Administration.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

A MEMO ON DIKES

Mr. SCOTT. Mr. President, I am going to introduce into the RECORD an editor's report by William Randolph Hearst, Jr., from his chief editorial writer, Bill McCullam.

Mr. McCullam points out that 6 weeks ago Hanoi launched what he calls one of the most diabolic and successful propaganda offenses. Because of the inability of Hanoi to man and service its dikes, it is anticipating that flooding this year will be worse than last. Thus, Hanoi launched an extremely skillful propaganda campaign, and enlisted, among others, the perhaps unwitting cooperation of the Swedish Ambassador to Hanoi and various correspondents of European newspapers. He also mentions some Americans who seem to have been gulled into being unwitting advocates of Hanoi's propaganda.

Mr. McCullam says:

> In no time at all the haters of America, and those here at home seemingly willing to act as Communist agents, began echoing the enemy claim—that the U.S. was engaged in a calculated and monstrous crime against millions of helpless people.

Among those who seem to have been misled by the propaganda—and who was properly scolded by the President for having been so misled—is the Secretary-General of the United Nations, Mr. Kurt Waldheim, for whom I happen to have high regard. I congratulated him upon his appointment, but he has proven to be as gullible as others, and that is unfortunate because he should know better. By now I am sure he does.

It should be pointed out that what the enemy does not admit is that a good portion of the military damage to the dikes unquestionably has been caused by the fallback of its own SAM missiles. As many as 500 of these big surface-to-air missiles have been fired at American planes in a single 48-hour period—mostly missing. When these missiles return to earth, often near or on dikes and dams, they can and do create very considerable craters.

Near the end of his letter, Mr. McCullum states:

> It is really astonishing how effectively a lie can be spread when the Communist transmission belt works overtime. In this case you would think that official denials would be unnecessary. Common sense should convince anybody that a mass, sustained aerial attack on Hanoi's dike system would be verified at once and without any question whether it had happened. . . .
>
> I repeat what I said in my editorial—any way you look at it, the latest Hanoi propaganda offensive is a masterpiece of successful duplicity.

A similar point is made in the current issue of the U.S. News & World Report.

I hope Americans will wake up and that there will come home to Americans a realization that Hanoi is using them for its nefarious purposes.

I ask unanimous consent to include the full statement in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

A MEMO ON DIKES

(By William Randolph Hearst, Jr.)

SAN FRANCISCO.—Today's column consists of a memo to me from Bill McCullam, our chief editorial writer in New York City, in which he enlarges at my request on an eye-opening editorial he wrote and sent to our papers.

The editorial appears in today's papers—and I think you will be as interested as I was in reading this incisive run-down on the important and controversial question it discussed—is the United States deliberately bombing the dikes of North Vietnam?

This question has made a lot of news recently, and it's going to make a lot more for reasons which will become clear. So, being more or less on vacation, I am happy to be able to knock off my own writing this week in favor of what follows—and here 'tis:

DEAR BILL: As stated in my editorial, it was less than six weeks ago that Hanoi launched what I called one of its most diabolic and successful propaganda offensives. It is most important to understand the timing of the campaign, and how carefully it has been orchestrated.

Having seen them first hand, you know that those primitive dikes are nothing like those in Holland. Instead they are a 2500-mile-long maze of interconnected earthern levees, hundreds of years old, whose prime function is to control the annual floodwaters of the Red River Delta.

In 1954 literally millions of the 15 million peasants living in the Delta died by drowning or famine when the dikes failed. Last year, with the dikes in disrepair because of war-caused manpower shortages, a similar tragedy struck.

This year the dikes are in worse shape than they have ever been, largely because normal erosion and collapses have gone untended. Manpower for repairs is in far shorter supply than ever. And meanwhile the floodwater season of September is as imminent as the potential mass disaster that season involves.

With this factual background, and under this looming threat of nature, the North Vietnamese in late June began their latest propaganda offensive—pushing charges that the U.S. is deliberately bombing their system of dikes and dams.

Xuan Thuy, Hanoi's chief negotiator at the Paris talks, was one of the first to make the charge. He alleged that the U.S. is "purposefully creating disaster for millions of people during the coming flood season." He still was repeating the charges in Paris last Thursday.

Simultaneous with the launching of their allegations, the North Vietnamese Communists began conducting guided tours of the labyrinthian dike system. The Swedish ambassador to Hanoi and various correspondents of European newspapers there were escorted to selected areas where damage had clearly or presumably been caused by bombs.

In no time at all the haters of America, and those here at home seemingly willing to act as Communist agents, began echoing the enemy claim—that the U.S. was engaged in a calculated and monstrous crime against millions of helpless people.

At the same time Hanoi's invitations continued. Actress Jane Fonda, the far left activist, who seems to be testing the limits of free speech, went and returned to vast television coverage with a movie showing damaged dikes which she claimed showed how they "are being bombed on purpose."

Right now, at Hanoi's invitation, former U.S. Atty. Gen. Ramsey Clark is in North Vietnam to study alleged dike bombing as a member of a Swedish-Russian hatchet group called "The International Commission of Inquiry into U.S. Crimes in Indochina." Its early and predictable report undoubtedly will make headlines in much of our own press.

A major propaganda coup for the enemy came when Kurt Waldheim, who succeeded U Thant as Secretary-General of the United Nations, returned from a trip to Moscow and said that on the basis of what he had heard from "unofficial sources" the bombing of dikes was deplorable and should be stopped.

As noted in my editorial, this was too much for President Nixon. He said, appropriately: "I note with interest that the Secretary-General, like his predecessor, (has) seized upon enemy-inspired propaganda."

And that's exactly what it is. Mr. Nixon and others of our top officials freely admit that some American bomb damage inevitably has been done to the dikes near military roads and targets. But, as he said, if we were deliberately bombing the dike system it would by this time be in a stage of complete ruin.

What the enemy doesn't admit, meanwhile, is that a good portion of the military damage to the dikes unquestionably has been caused by the fallback of its own SAM missiles.

As many as 500 of these big surface-to-air missiles have been fired at American planes in a single 48-hour period—mostly missing. When these missiles return to earth, often near or on dikes and dams, they can and do create very considerable craters.

The whole point, Bill, is that that the enemy is faced with a looming mass tragedy in the coming flood season and is seeking—all too successfully—to blame us in advance for the disaster they fear.

Millions of people around the world, thanks to the Jane Fondas, the Kurt Waldheims and others now being indoctrinated and soon to be heard from, already are either convinced or suspect that we are indeed bombing the dikes deliberately.

It is really astonishing how effectively a lie can be spread when the Communist transmission belt works overtime. In this case you would think that official denials would be unnecessary. Common sense should convince anybody that a mass, sustained aerial attack on Hanoi's dike system would be verified at once and without any question whether it had happened.

There has been no such attack—and now there never will be, even though it was deliberate bombing of dikes which led directly to a halt of enemy hostilities in the Korean war. President Nixon has said, in answer to the enemy charges, that such bombing "is not our policy now, and will not be in the future."

What I tried to show in my brief editorial was that Hanoi thus not only has shifted blame for a possible mass tragedy from its own shoulders to ours—it also actually has defended its dike system from any truly deliberate attack, using propaganda alone.

I repeat what I said in my editorial—any way you look at it, the latest Hanoi propaganda offensive is a masterpiece of successful duplicity.

BILL MCCULLAM.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes each.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL FUNDING FOR SOCIAL SERVICES

Mr. HARRY F. BYRD, JR. Mr. President, probably the greatest raid in history on the Federal Treasury is now taking place.

A few years ago Congress passed legislation providing for 75 percent Federal matching for social service programs. When that legislation was enacted, the sponsor of the legislation and the Department of Health, Education, and Welfare, estimated that it would cost $40 million a year.

In 1969 this program cost the Federal Government $354 million. In 1970 it cost the Federal Government $522 million. In 1971 it cost the Federal Government $746 million. The next year, in 1972, it doubled and cost the Government $1.547 million.

Now we come to fiscal 1973. In May, the various States requested $2.158 million, and in July they came back with a new request totaling $4,700 million—100 times the amount estimated by HEW a few years ago.

One State, the State of Mississippi, which in 1971 was paid by the Federal Government $1 million for the Federal Government's share of the social service program, this year is requesting $463 million—a sum about equal to the entire cost of the State government in Mississippi. New York State, which 2 years ago obtained $88 million in Federal funds, this year is seeking $850 million in Federal funds.

Mr. President, what is the matter with HEW? Why does not the Department of Health, Education, and Welfare attempt to put a lid on some of these huge expenditures? How can anyone justify handling American tax funds in the way they are being handled under this program? It is unbelievable, Mr. President.

I think that the Congress should put a ceiling on the amount of Federal tax moneys that can be paid for this multitude of programs labeled "social services" by the various States.

I ask unanimous consent to have printed in the RECORD at this point, from a staff report of the Committee on Finance entitled "Limiting Federal Funds for Social Services," a table on page 6, which gives the year-by-year cost beginning in 1969, and also table 1 on pages 14 and 15 of the same document, captioned "Current and Proposed Federal Funding for Social Services, Cash Public Assistance, and Revenue Sharing."

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Federal share of "social service" costs

[Amount in millions]

Fiscal year:	
1969	$354
1970	522
1971	746
1972	1, 547
1973:	
May 1972 estimate	2, 158
July 1972 estimate	4, 692

TABLE 1.—CURRENT AND PROPOSED FEDERAL FUNDING FOR SOCIAL SERVICES, CASH PUBLIC ASSISTANCE, AND REVENUE SHARING

[Dollars in thousands]

	Federal share of social services						
	Fiscal year 1971[1] (1)	Fiscal year 1972[1] (2)	Fiscal year 1973 (HEW)[1] [2] (3)	Fiscal year 1973 (Governor's Conference)[3] (4)	Percentage increase, 1971 to 1973 (increase between col. (1) and col. (4)) (5)	Federal share of cash assistance, fiscal year 1973[4] (6)	Federal revenue sharing under H.R. 14370 (1st year)[5] (7)
Total	$746, 381	$1, 546, 756	$2, 158, 270	$4, 692, 516	529	$7, 104, 378	$5, 300, 000
Alabama	6, 802	11, 667	41, 250	144, 489	2, 024	155, 308	80, 100
Alaska	1, 865	3, 990	18, 906	19, 724	958	6, 067	6, 600
Arizona	2, 830	4, 696	6, 304	6, 700	137	48, 775	46, 100
Arkansas	2, 003	3, 533	4, 725	18, 450	821	98, 873	38, 400
California	210, 823	252, 749	272, 999	273, 000	29	1, 024, 925	610, 800
Colorado	11, 741	18, 993	22, 655	29, 800	154	72, 443	59, 400
Connecticut	7, 590	8, 169	15, 829	18, 829	148	66, 662	72, 700
Delaware	2, 844	20, 000	35, 000	46, 750	1, 544	12, 615	17, 300
District of Columbia	7, 042	9, 057	10, 056	32, 000	354	84, 194	26, 000
Florida	13, 128	94, 958	112, 611	112, 610	758	207, 922	150, 000
Georgia	12, 083	31, 311	58, 025	222, 597	1, 742	204, 342	103, 400
Hawaii	519	1, 590	2, 059	2, 378	358	23, 419	25, 900
Idaho	1, 218	1, 633	2, 287	3, 900	220	17, 582	15, 400
Illinois	28, 276	181, 156	147, 458	172, 500	510	471, 158	301, 700
Indiana	2, 516	5, 835	6, 685	15, 000	496	101, 626	113, 800
Iowa	6, 810	9, 789	12, 809	13, 500	98	60, 868	67, 800
Kansas	5, 879	7, 414	7, 414	8, 415	43	60, 299	47, 800
Kentucky	6, 394	12, 337	19, 361	30, 024	370	98, 242	71, 800
Louisiana	9, 296	12, 856	16, 308	34, 875	275	201, 897	83, 200
Maine	3, 563	6, 570	7, 182	20, 000	461	46, 595	19, 800
Maryland	15 096	18, 771	21, 820	417, 713	2, 667	88, 481	117, 500
Massachusetts	8, 375	16, 670	19, 701	60, 000	616	253, 512	179, 000
Michigan	17, 621	41, 600	85, 838	85, 900	387	303 927	243 700
Minnesota	15, 402	20, 092	24, 111	96, 500	527	132, 559	114, 100
Mississippi	1, 098	1, 775	14, 238	463, 572	42, 118	97, 158	46, 000
Missouri	11, 948	12, 965	16, 335	16, 335	37	145, 575	107, 500
Montana	2, 115	3, 000	3, 300	1, 028	−51	12, 672	16, 800
Nebraska	5, 809	7, 246	12, 564	12, 600	117	33, 678	34, 500
Nevada	1, 004	1, 800	1, 980	2, 000	99	9, 763	12, 200
New Hampshire	2, 050	2, 833	3, 033	6, 000	193	15, 427	13, 500
New Jersey	29, 958	30, 362	38, 320	58, 300	95	201, 740	179, 700
New Mexico	3, 826	3, 655	6, 396	47, 000	1, 128	34, 815	22, 500
New York	88, 627	382, 076	618, 443	850, 000	859	836, 123	649, 600
North Carolina	12, 819	19, 816	47, 100	50, 388	293	107, 843	113, 100
North Dakota	2, 465	3, 236	3, 957	4, 957	101	14, 103	12, 000
Ohio	11, 079	18, 261	22, 515	60, 015	442	218, 700	227, 300
Oklahoma	7, 520	10, 446	11, 609	54, 004	618	105, 949	52, 800
Oregon	24, 271	20, 816	24, 907	30, 736	27	50, 395	60, 000
Pennsylvania	36, 337	60, 884	100, 627	264, 600	628	381, 011	300 900
Rhode Island	4, 388	5, 686	6, 248	15, 800	260	29, 440	25, 800
South Carolina	3, 592	6, 890	14, 138	214, 138	5, 862	50, 712	57, 800
South Dakota	2, 049	2, 559	2, 929	[6] 2, 929	43	18, 158	13, 500
Tennessee	9, 949	21, 900	43, 500	230, 212	2, 214	117, 801	79, 300
Texas	12, 963	15, 196	42, 402	178, 621	1, 278	392, 593	248, 200
Utah	3, 123	4, 264	5, 250	7, 214	131	33, 000	29, 000
Vermont	1, 646	2, 356	2, 599	2, 600	58	21, 307	11, 000
Virginia	10, 186	16, 206	19, 604	31, 954	214	109, 816	115, 600
Washington	31, 178	49, 460	57, 924	74, 154	138	83, 432	79, 100
West Virginia	7, 911	6, 578	7, 871	15, 400	95	53, 725	36, 400
Wisconsin	18, 026	40, 475	58, 500	113, 500	530	81, 569	137, 000
Wyoming	728	579	608	[6] 608	−16	5, 582	6, 100

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[1] Source: Department of Health, Education, and Welfare,

[2] Based on May 1972 estimates received from the States.

[3] Revised State estimates presented at July 17, 1972, conference of Governors' representatives and State social service administrators.

[4] Source: HEW budget justifications.

[5] Source: H. Rept. 92–1018, p. 3.

[6] State did not report new estimate. May estimate (col. 3) used.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The Acting President pro tempore (Mr. STEVENSON) laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT OF SECTION 27 OF MERCHANT MARINE ACT OF 1920

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend section 27 of the Merchant Marine Act of 1920, to provide a monetary penalty for the transportation of merchandise in violation of the coastwise laws (with accompanying papers); to the Committee on Commerce.

INTERIM REPORT OF COMMISSION ON HIGHWAY BEAUTIFICATION

A letter from the Chairman, Highway Beautification Commission, Washington, D.C., transmitting, pursuant to law, an interim report of that Commission (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the Acting President pro tempore (Mr. STEVENSON):

A resolution adopted by the General Board of the Christian Church—Disciples of Christ, Indianapolis, Ind., praying for an end to the trade embargo against Cuba; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 3524. A bill to extend the provisions of the Commercial Fisheries Research and Development Act of 1964, as amended (Rept. No. 92–1030).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

H.R. 12207. An act to authorize a program for the development of tuna and other latent fisheries resources in the Central and Western Pacific Ocean (Rept. No. 92–1031).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 2806. A bill to authorize appropriations for additional costs of land acquisition for the national park system (Rept. No. 92–1032).

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs, with amendments:

S. 3531. A bill to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreational facilities in connection with the 1976 Winter Olympic Games (Rept. No. 92–1033).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 340. A resolution authorizing additional expenditures by the Committee on Armed Services for routine purposes (Rept. No. 92–1034);

S. Res. 349. An original resolution authorizing supplemental expenditures by the Committee on Government Operations for inquiries and investigations (Rept. No. 92–1035);

S. Res. 350. An original resolution authorizing the printing of the 74th annual report of the National Society of the Daughters of the American Revolution as a Senate document (Rept. No. 92–1036);

S. Res. 351. An original resolution to pay a gratuity to Michael M. O'Connor and Kathleen M. O'Connor;

S. Res. 352. An original resolution to pay a gratuity to Frances M. Fell;

H. Con. Res. 553. A concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs (Rept. No. 92–1037);

H. Con. Res. 560. A concurrent resolution providing for the printing of the report entitled "Housing and the Urban Environment, Report and Recommendations of Three Study Panels of the Subcommittee on Housing" (Rept. No. 92–1038); and

H. Con. Res. 605. A concurrent resolution authorizing the printing as a House document the pamphlet entitled "Our Flag", and to provide for additional copies (Rept. No. 92–1039).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. Res. 330. A resolution authorizing the Committee on Interior and Insular Affairs to expend additional funds from the contingent fund of the Senate (Rept. No. 92–1040); and

H. Con. Res. 550. A concurrent resolution providing for the installation of security apparatus for the protection of the Capitol complex (Rept. No. 92–1041).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable report was submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without reservation:

Executive G, 92d Congress, second session, Universal Copyright Convention as revised at Paris on July 24, 1971, together with two related protocols (Exec. Rept. No. 92–32).

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Harold C. Crotty, of Michigan; Martin Goland, of Texas; and Louis A. Lerner, of Illinois, to be members of the National Commision on Libraries and Information Science.

Mr. WILLIAMS. Mr. President, as in executive session, I also report favorably sundry nominations in the regular corps of the Public Health Service which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations in the Public Health Service which were ordered to lie on the Secretary's desk were printed at the end of the Senate proceedings of July 24, 1972.

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) today signed the enrolled bill (H.R. 1462) to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ERVIN:

S. 3900. A bill to protect the constitutional rights of professional athletes. Referred to the Committee on Commerce.

By Mr. STEVENS:

S. 3901. A bill to reduce the indebtedness of certain native villages in Alaska to the United States, and for other purposes; and

S. 3902. A bill for the relief of Morris L. Porter, of Seldovia, Alaska. Referred to the Committee on Interior and Insular Affairs.

By Mr. MONDALE:

S. 3903. A bill to amend the Internal Revenue Code of 1954 to require that taxpayers be informed of court decisions which differ from Treasury Department instructions; to require the publication of an authoritative set of instructions for preparing tax returns, claims, statements, and documents; and to provide for the stay of assessment and collection of deficiencies determined by the Tax Court until final disposition of any appeal thereof. Referred to the Committee on Finance.

By Mr. PERCY (for himself, Mr. BROCK, Mr. STEVENS, Mr. STAFFORD, and Mr. INOUYE):

S. 3904. A bill to provide a comprehensive child nutrition program. Referred to the Committee on Agriculture and Forestry.

By Mr. BENTSEN:

S. 3905. A bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes. Referred to the Committee on Armed Services.

By Mr. FANNIN:

S. 3906. A bill to protect the safety of users of compressed gas cylinders and for other purposes. Referred to the Committee on the Judiciary.

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 3907. A bill to establish in the State of California the Santa Monica Mountain and Seashore National Urban Park. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ERVIN:

S. 3900. A bill to protect the constitutional rights of professional athletes. Referred to the Committee on Commerce.

A BILL TO PROTECT THE CONSTITUTIONAL RIGHTS OF PROFESSIONAL ATHLETES

Mr. ERVIN. Mr. President, a professional football player and baseball player are bound, like no other American, to their owners for life. The basketball owners want a slice of the same pie. Because of the vast economic power of the owners of giant sports trusts, professional althetes are one of the most mistreated groups of Americans. It is time the Congress stood up and stopped the economic slavery of these talented American citizens, and today I intend to introduce a bill which will protect the constitutional rights of professional athletes.

In several speeches and an article which I have written, I have gone into great detail about the technical explanations of the reserve clause, option clauses, mandatory compensation plans, and the mixed-up legal history of professional sports. I deeply hope every Senator will read these articles in order to better understand the complicated and cruel status of professional athletes. Mr. President, I ask unanimous consent that these statements and article be printed in the RECORD at the conclusion of my remarks today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. Mr. President, I do believe that it is important that everyone understand exactly what a reserve clause means to an individual and I would like to read into the RECORD part of Justice Marshall's dissent in the Curt Flood case. In an eloquent description of the reserve clause, he said:

> He had no notice that the Cardinals were contemplating a trade, no opportunity to indicate the teams with which he would prefer playing, and no desire to go to Philadelphia. After receiving formal notification of the trade, petitioner wrote to the Commissioner of Baseball protesting that he was not "a piece of property to be bought and sold irrespective of my wishes," and urging that he had the right to consider offers from other teams than the Phillies. He requested that the Commissioner inform all of the major league teams that he was available for the 1970 season. His request was denied, and petitioner was informed that he had no choice but to play for Philadelphia or not to play at all.
>
> To non-athletes it might appear that petitioner was virtually enslaved to the owners of major league baseball clubs who bartered among themselves for his services. But athletes know that it was not servitude that bound petitioner to the club owners; it was the reserve system. The essence of that system is that a player is bound to the club with which he first signs a contract for the rest of his playing days. He cannot escape from the club except by retiring, and he cannot prevent the club from assigning his contract to any other club.

Mr. President, the basketball owners are asking Congress to give them the same type of monopolistic powers over their players and I think it is atrocious that the servitude is going on in 20th-century America and any sports legislation that passes Congress should abolish it. Despite its implications for baseball, the Curt Flood case does stand for the proposition that in other sports, the reserve clause would be found illegal.

Looking beyond the technical aspects of football and baseball's special treatment and basketball's desire for the same, there is no question on which side I stand in this controversy. I stand with the professional athletes and I believe no legislation should pass that does not take their plight into consideration and legislation should be passed immediately which would make sure in America that no employer has a human being chained to his business for life. The professional sports owners, of course, want to continue their strong control over a player's economic decisions and nowhere was this made plainer to me than in our hearings before the Senate Antitrust Subcommittee on the basketball merger legislation. In those hearings, I asked a former owner of the Los Angeles Stars, Mr. Jack Kirst, what could a professional basketball player do if he didn't like the team and the city which selected him or he did not like the financial terms offered. Mr. Kirst's reply was that he could go play in Europe. Many times since I have thought how ironic it was that a talented American youngster would have to go to Europe to secure economic freedom.

Mr. President, upon reflection it is easy to become very emotional about the plight of American professional athletes. Even though their numbers are small, they are slaves. Even though many of them are well paid, they are well-paid slaves. In the land of the free and the home of the brave, we have a group of citizens who cannot sell their talents in the free enterprise system. Mr. John Mackey of the Baltimore Colts in urging defeat of the basketball bill spoke very eloquently of what I am trying to say in his testimony before the Senate Antitrust Subcommittee. He said:

> For these reasons, I urge the defeat of S. 2373. I think that every Member of Congress, liberal or conservative, who cherishes individual freedom should recognize that by voting for S. 2373, he is making a judgment that no basketball player now or in the future will be allowed to control his own destiny.
>
> He will literally rob future players of the freedom to improve themselves and, yes, the freedom to speak out without the fear of being traded or cut. However decent the owners may be, and there are many decent owners, history should teach us that the power to rule over a man's life is an invitation to abuse. It invites the destruction of man's spirit and his confidence.
>
> This bill now under scrutiny by this committee is possibly the most important matter to come before the Congress of the United States in this session because it asks that you grant to 28 men the right to deny freedom to citizens of this country.
>
> My parents' parents were tied to a system that denied them the right to determine their own destiny. Those who tried to perpetuate that system said they would suffer financial ruin without it. Does that sound familiar?

Mr. Mackey is correct because even though the basketball legislation deals with a small number of lives, the concept behind it—to commit to virtual slavery every professional athlete in basketball—is obnoxious to America's concept of fair play and freedom.

The Senate Antitrust Subcommittee was told repeatedly by the basketball owners that most of their teams were losing money, and in order to save the sport, the merger had to be consummated. Yet, when we had two economists from the Brookings Institution, Dr. Roger Noll and Dr. Ben Okner, examine the financial records of these clubs which were supplied to us, they concluded:

> The data simply do not support the view that most of the teams in the ABA and many of the teams in the NBA will soon fold if something is not done soon to put a brake on "rapid acceleration" of player salaries.
>
> . . . the results do not reveal a financial disaster in pro basketball. A few teams have had a few very bad years, especially the weaker ABA teams. But most teams in most years have performed well enough to be viable long-term enterprises, even in the ABA.

As Mr. Mackey mentioned in his testimony, doesn't the owners' threat of financial ruin sound familiar? As Mr. Mackey indicated, we had a system of slavery in the South and those that tried to perpetuate that system pleaded it was financially necessary to the preservation of their society just as the basketball owners say they will go out of business if they don't merge and they are not given monopolistic powers over their players. The great English statesman, William Pitt, gave the answer to both of these pleas of financial necessity in 1783 when he said:

> Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves.

Mr. President, in the recent case of Flood against Kuhn, Chief Justice Warren Burger said that "it is time the Congress acted to solve this problem." Thus, Mr. Chairman, Congress has to come to grips with the control professional sports owners have over their employees. The Supreme Court in the Flood case and other cases is begging us to act. Justice Blackmun, writing for the majority, said that—

> And what the Court said in *Federal Baseball* in 1922 and what it said in *Toolson* in 1953, we say again here in 1972: the remedy, if any is indicated, is for congressional, and not judicial, action.

Justice Blackmun went on to call his decision "an exception and an anomaly * * * an aberration."

In response to these judicial pleas and in response to a much deeper moral commitment to fair play and concern for the rights of the individual, I am introducing in the Senate today a bill to protect the constitutional rights of professional athletes. I ask unanimous consent that a copy of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) every individual who is engaged, or wishes to engage, in an organized professional team sport in or affecting interstate commerce has the right to enter into a contract with any person for the purpose of engaging in such sport with a particular team without agreeing to permit that person to control his right, upon the expiration of his contract, to enter into a contract with any other person for such purpose, or agreeing to perform under any such contract for an unreasonable period of time.

(b) Any provision of a contract which requires such an individual (1) to agree to permit the other party to the contract to control his right, upon the expiration of that contract, to enter into a contract with any other person for the purpose of engaging in an organized professional team sport, (2) to secure a release from the other party to the contract before entering into or performing under such a contract with any other person for such purpose, or (3) to perform under that contract for an unreasonable period of time shall be unenforceable.

(c) Any person who deprives, or conspires with any person to deprive, an individual of his rights under subsection (a) shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than $50,000, imprisoned for not more than 1 year, or both.

Mr. ERVIN. Mr. President, in a letter from Curt Flood to Commissioner of Baseball Bowie Kuhn, dated December 24, 1969, Mr. Flood said that he was not "a piece of property to be bought and sold irrespective of my wishes." I call on all Members of the Senate to rectify this horrible wrong done to Curt Flood and all professional athletes. I hope all Members of the Senate will join with me in trying to pass this legislation to help vindicate the courageous sacrifice of Curt Flood so that those athletes that come after can say truthfully and proudly that, "I am not a piece of property."

EXHIBIT 1

STATEMENT OF SENATOR SAM J. ERVIN, JR., ON S. 2373, A BILL TO MERGE THE PROFESSIONAL BASKETBALL LEAGUES

Today the Senate Antitrust and Monopoly Subcommittee begins hearings on a bill—S. 2373—which seeks to gain Congressional approval of the proposed merger of the nation's two major professional basketball leagues—the National Basketball Association and the American Basketball Association. Specifically, this legislation would exempt the merger of two or more professional basketball leagues from our nation's antitrust laws.

Many years ago the term "chattel" was used to denote the legal status of slaves. That is, they were considered a type of chattel which was owned as a piece of furniture or livestock was owned. This use of the term "chattel" applied to human beings and the condition it stands for are so abhorrent that we don't even like to acknowledge that they ever existed. Yet, in a real sense that is what these hearings are about today—modern peonage and the giant sports trusts.

GENERAL BACKGROUND

The clearly stated objectives of our nation's antitrust policy over the years and the uncompromising language of Sections 1 and 2 of the Sherman Act, places a heavy burden on those who would grant an antitrust exemption to professional basketball to enable the merger of the NBA and ABA. Specifically, Section 1 of the Act provides that:

> Every contract, combination in the form of a trust or otherwise, or conspiracy, in restraint of trade or commerce among the several states, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor . . .

and Section 2 provides that:

> Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several states, or with foreign nations, shall be deemed guilty of a misdemeanor. . . .

With the notable exception of major league baseball, all professional team sports are subject to the jurisdiction of the antitrust laws. In the case of baseball, the Supreme Court ruled in 1922 that professional baseball was "not a subject of commerce" and thereby was exempted from the antitrust laws (*Federal Baseball Club of Baltimore* v. *National League*, 259 U.S. 200.) This interpretation was tested again in 1953 in *Toolson* v. *N.Y. Yankees* (346 U.S. 356) and the Supreme Court refused to overturn the earlier decision. In doing so the Court took the position that the Congress, not the Court, should decide whether or not professional baseball should be subject to the antitrust laws.

Despite this ruling, the Courts in subsequent cases ruled that neither professional basketball nor football could be considered exempt from the antitrust laws. In 1956 the Federal District Court ruled in *Washington Professional Basketball Corp.* v. *National Basketball Association* (147 F. Supp. 154, S.D. N.Y. 1956) that:

> (The) business of professional basketball conducted on a multistate basis, coupled with the sale of rights to televise and broadcast games for interstate transmission is trade or commerce among the several states within the meaning of the Sherman Act.

Following this opinion involving professional basketball, which was not appealed to a higher court, the Supreme Court in 1957 in *Radovich* v. *National Football League* (352 U.S. 443) held that professional football likewise could claim no exemption from the antitrust laws. Consequently, there can be no doubt that professional basketball will be in violation of the antitrust laws if the NBA and ABA consummate a merger without Congressional approval of an antitrust exemption.

In 1966, the Congress approved legislation authorizing the merger of the American and National Football Leagues. However, when we study the legislative history of that action, the conclusion is unmistakable that the measure was railroaded through the Congress. The Senate committee having jurisdiction over the bill did not hold hearings and the bill was subsequently passed by the Senate without debate. The House Judiciary Committee did hold hearings; however, the Committee made no attempt to explore the many significant antitrust issues raised by the pro-football merger bill. The bill subsequently passed the House as a rider on a revenue measure.

I deeply hope that Congress will not follow the precedent it set in its handling of the pro-football merger question. This Committee plans to conduct an extensive and comprehensive inquiry before final action is taken one way or the other on the proposed basketball merger bill. The common draft and the option clause which will result from the merger are issues concerning the economic enslavement of professional basketball players, and are too important for such ephemeral treatment as was accorded the football merger.

The merger of the basketball leagues has been the subject of heated controversy between the owners and the players. The owners contend that the absence of a merger would seriously threaten the future and economic well-being of pro-basketball, given the continuation of the current bidding war being engaged in by both leagues for player talent. The players, on the other hand, argue that the merger is anti-competitive and thereby violates the clear intent of our nation's antitrust laws. And most important, the players argue that the merger and the resulting common draft and option clause would bring an end to the current healthy market situation where they can in the spirit of fair and open competition sell their skills to the highest bidder.

Given these conflicting points of view, the players of the NBA filed an antitrust suit, *Robertson v. National Basketball Association*, in April 1970, contending that the proposed merger between the NBA and ABA should be blocked because (1) such a merger of two separate and independent leagues would constitute the creation of a monopoly, thereby enabling the new 28-team league to control, regulate and dictate the terms upon which professional league basketball shall be played in the United States; and, (2) because such a merger would specifically eliminate competition in the acquisition and allocation of player personnel.

Upon hearing the arguments of both sides, the Court, in essence, ruled that a merger between the two leagues, without the expressed approval of the Congress, would violate the antitrust laws. Nevertheless, the court did agree to allow the ABA and NBA to resume (1) merger negotiations; and, (2) any other meetings for the purpose of preparing for possible Congressional action on the matter.

Based on the facts we have before us today, I am compelled to take the position that the Congress should not honor the professional basketball leagues' request that they be exempted from the antitrust laws for the purpose of consummating a merger.

THE COMMON DRAFT

The highest value of civilization is freedom. One of the most important aspects of our freedom is the freedom to contract. One of the liberties granted to Americans by the Fifth Amendment was the right to engage in freedom of contract, and the 14th Amendment which states that no person shall be deprived of life, liberty, or property without due process of law, protects the freedom of contract from impairment by the States.

However, S. 2373 would authorize professional basketball teams to enter into an agreement under which basketball players could only negotiate a contract with one particular team. The common draft, as it is called, is agreed to by the merged league and the players are split up and assigned to teams in the absence of the persons to be affected by the agreement and without their knowledge and consent. Thus, S. 2373 proposes to rob every man in America who possesses skill in basketball of the right to sell his skill to the highest bidder on a free market and negotiate a contract with anybody who desires to purchase his athletic skill.

S. 2373 would not affect the freedom to contract as to lawyers or boxers. Lawyers would still have the right to make free contracts and sell their legal services for what they were worth. The same thing would apply to prizefighters, doctors, businessmen and other wage earners.

To my mind, this common draft which the professional basketball teams are asking for today would be comparable to the newspaper profession deciding that a college journalism graduate could either work for the newspaper in Anchorage, Alaska at the salary offered or not work at all.

This common draft, of course, is done so that bonuses and other inducements which the professionals offer for talent may be kept at a minimum. It is clear to me that the only reason for the institution of the common draft and the passage of this bill is the pocketbooks of the owners.

OPTION CLAUSES

In their dealings with their players, baseball and football both have reserve clauses or option clauses which bind the players to that team and prevent them from bargaining with another team for their services. The reserve clause in baseball is the worst and the normal contract for that sport contains a renewal clause which allows the club management to renew the player's contract for one year. In this contract, the owner can demand a salary decrease of 20 percent and the player can either sign or not play for anyone. If he signs, the new contract contains a new renewal contract and thus the club has a perpetual option on his services.

The contracts used in football do not bind outright the player to the team, but there is an option contract of one year. The player can play out his option with a salary reduction of only 10 percent, and the new contract does not contain a renewal clause. However, the by-laws of the football leagues state that:

> Whenever a player, becoming a free agent in such manner, thereafter signs a contract with a different club in the League, then . . . the Commissioner may name and then award to the former club one or more players from the active, reserve or selection list (including future selection choices) of the acquiring club as the Commissioner, in his sole discretion, deems fair and equitable; and any such decision by the Commission shall be final and conclusive. (Art. XIII, Sec. 3 NFL Constitution)

A writer for the Maine Law Review last year concluded that the Commissioner's charges or mandatory compensation for such bargaining by the players were so great that, "Few, if any, football players have been successful in playing out their options and moving to another club. The end result is that the option clause in football has the same effect as the reserve clause of baseball because the player is still tied to the club with which he first negotiated."

If S. 2373 is debated on the Senate floor, I plan to reopen the question of the common draft and the option clause as used by football and baseball by offering amendments dealing with these matters.

If the merger of the two basketball leagues goes through, the basketball players will find themselves in the same position as the football players. That is, they will be perpetually tied to one club. However, the proposal by the attorneys for the basketball owners contains an even more subtle element to prevent player bargaining with teams than the football agreement. Senator Kuchel, in his statement for the merger, has proposed that the basketball owners will have an "independant" arbitration panel determine the compensation which a team will receive if a former player signs with another club. The fact remains that there will be a mandatory compensation factor involved if a player leaves his team after playing out his contract; thus, an element of the perpetual ownership of a player by his original signer is still with us. The price that an acquiring team will have to pay is unknown as it would only be determined after the player signs his new contract. This unknown factor will have to discourage a team from signing any free agents. In short, there is no inducement to trade in the new proposal and the teams will still boycott any team member that holds himself out as a free agent. Therefore, even under the basketball owners' proposal, the players find themselves comparable to the medieval serf who was bound to the land.

Of course, even with the proposal of the basketball owners, there is still the problem of potential "blacklisting" by the league owners' joint action. Also the common draft remains which limits a youth out of college to bargaining with only one club or not playing, and the assignment of contracts which would send a player far from his home and require that he play there or not practice his profession.

So what the Senate is being asked to do is to sanction a common draft of all players when they become eligible. In the draft, one team gets the rights to each player, and that player can only negotiate with that team or not play. After the player signs, then he will have to sign with the same club unless another club bids for his services. Because the proposal of the basketball owners still contain a mandatory compensation factor, there will be no incentive for the other owners to bargain for the services of the player and, practically speaking, he will have to bargain with his club or none. If, during his service with his club, he is traded to another club across the country, he will have to pull up his roots and go or not be allowed to practice his profession.

In no other work in this country is this practice of selling souls allowed. If a salesman or any businessman is transferred to another city by his owner, he can still quit and bargain with other companies in his home area and practice his trade if he secures employment.

PUBLIC UTILITY STATUS OF MERGED BASKETBALL LEAGUES

The owners of the professional basketball leagues are asking for what, I believe, is the biggest financial giveaway in this country since the SST was proposed. If the owners truly believe that it is in the national interest for them to operate as a monopoly, and Congress passes S. 2373, I shall propose an amendment, which legislative counsel is presently preparing, to create a Federal Commissioner of Athletics to regulate all major professional sports—baseball, football, hockey and basketball. If Congress authorizes this merger, it should have the right to determine such things as rates of return, ticket prices, territories, and it should supervise the draft of new players. Public utilities in this country enjoy a monopoly situation. Electric companies, gas companies and telephone companies are all regulated by the government in exchange for the government granting them monopoly status. The airlines, radio and television are all regulated in exchange for a government license. If the owners of professional sports teams ask to be treated as a monopoly, they should expect government regulation. Otherwise the Federal government, without any strings, is giving a handful of extremely rich men millions of dollars and giving them the right to drop chains around the neck of every professional basketball player and every potential player in this country.

WASHINGTON, D.C.—A CASEBOOK STUDY OF THE MONOPOLIES AT WORK

I believe that an examination of sports in Washington points up the evils of the big sports monopolies. The simple fact is that the people of Washington are in danger of being disenfranchised from professional sports by the big monopolistic owners. As far as football is concerned, every home game is sold out and season tickets are bringing scalpers prices of two and three hundred dollars each. Yet, because of the football merger, the monopolists will not allow the sold-out games to be televised in this city. All this takes place while the Redskins football team use a United States government stadium and allow big corporations, hotels and individuals to own tremendous blocks of tickets to the exclusion of the little man for whom we are supposed to be protecting the sport. If S. 2373 passes, I plan to support Senator Proxmire's bill, S. 1521, as an amendment to the basketball merger bill which will prevent the blackout rule from applying when there is a sellout.

The city of Washington has one of the largest black populations of any city in this country. Also, if you have seen any professional all-star basketball games recently, you can't help but acknowledge that the sport is dominated by black athletes. Thus, it would seem natural that Washington would have a professional basketball team for the city to take pride in. Well, Washington did have a team but its owner, Earl Foreman, was bought out by agreement of the two leagues and he moved. As a part of the proposed merger agreement between the two leagues which I have in my possession, Mr. Foreman is to be given $1,750,000 for leaving the city; and no team other than the Baltimore Bullets can play in the nation's capital because it is in their territory. The owner of the Bullets, Mr. Abe Pollin, who is with us today, contended recently in the *Washington Post* of Sept. 8 that the nation's capital is logically within his franchise area of 75 miles, and when asked by the reporter if he would fight to keep another team from coming here, he was able to answer with the assurance of a potential monopolist: "Certainly, Washington and Baltimore are only 40 miles apart and I consider this within my franchise rights." So, Congress is being asked to sanctify the exclusion of professional basketball from Washington. Can this be good for the sport, the fans, or for anyone other than the pocketbook of the owners of the Bullets?

I understand that the Bullets might play a few games in College Park, Maryland, as a sop to the District; but I believe that cheering for another city's team is about as exciting as "kissing your sister" and how is the city's working man going to afford that trip to Maryland.

Concerning baseball, which enjoys a monopolistic position, we are still not sure if economic necessity will force the Senators to leave Washington. Negotiations are going on but the primary reason that the team is losing money was the high price the Senators had to pay several years ago to join the baseball trust.

So much for our nation's capital and sports!

BASKETBALL PLAYERS' SALARIES

Those desiring the basketball merger cite the high salaries paid to professional basketball players as destroying the leagues. Personally, I believe that if a basketball player is good enough he should be paid the highest price that bidders for his services are willing to pay. I do not believe that contracts for player services will rise indefinitely beyond what a team can pay. If they get too high the teams will just stop bidding beyond what they are able to pay and the economic force of the marketplace will cause an adjustment. But simply to say that salaries are too high is to ignore the freedom to bargain which our economy allows to those who are selling personal services, and that includes everyone who is selling services—doctors, lawyers, Indian chiefs, ditch diggers, and prize fighters.

Actually, professional basketball salaries are higher than that for other sports, but this just confirms my belief that the monopolistic conditions which exist in other sports keep the salaries of professional athletes below what they should be. Also, basketball is drawing increasingly more fans and basketball players play more games with less personnel involved than professional football players.

Everyone can use figures to his own advantage, of course, but the rise in players' salaries makes a very interesting comparison with the increase in the value of professional basketball team franchises. For example, from Mr. Nathan's testimony today we find that the average salary of the 3 highest players in the NBA for 1967–1968 was $57,000 and in 1970–71 this rose to $92,000, or an increase of 61 percent. The average salary of the rest of the players has gone from $17,000 to $33,000, which is an increase of 94 percent.

But the salary figures have to be compared to the increases in the sports franchises. The value of the Boston Celtics as measured by purchase prices went from 2.8 million in 1965 to 6.2 million dollars in 1969, which is an increase of 121 percent. The value of the Houston Rockets basketball team has gone from 1.7 million in 1967 to 5.7 million in 1971 which is an increase of 235 percent. Thus, the players earnings are really just keeping pace with the value of the clubs.

One of the most telling reasons that a professional athlete should receive high compensation is the short duration of his playing career. Excellent players like Earle Monroe and Gus Johnson of the Baltimore Bullets constantly perform with the fear that their battle-scarred legs will give away. Just this Sept. 10 there was a story in the *Washington Post* about a knee injury ending the career of a player, Henry Logan, of the Virginia Squires. He had had six operations on his knee and had only played two seasons of professional ball. To my mind, the climate these young men are compensated for playing under is like that of a highly skilled surgeon performing his daily operations with the fear that the operation could crush his hands.

Also, as Judge MacMahon said in the *Robertson* case ". . . youth passes away and consequently, basketball players have limited professional careers." In other words, these players are not receiving these high salaries for life as a lawyer or doctor could expect to do, but for only a few years are they compensated for their primary life's work before they are then dumped back into society absent their skills. Nowhere is the short duration of an athlete's playing life given colder or more clinical treatment than in the owner's income statement. There they are treated as capital assets and depreciated as a car or a machine with a useful life of 5 years.

THE MONOPOLY AND TELEVISION

One interesting aspect of this basketball merger is that the television networks will be dealing with only one league and that league will be able to offer a station the monopoly rights to its games. This will increase the value of the broadcast rights tremendously and will put the league in such a strong position in dealing with the TV stations that it might be well for Congress to ponder an antitrust exemption for the various television companies in order that they might combine to bargain with the mighty Basketball Trust. Also, since competing league broadcasts will be eliminated, there will be less choice for the television viewer.

FINANCIAL POSITION OF BASKETBALL CLUBS

As I have read the statements of the owners, there seems to be one main reason cited for the merger—basketball teams are losing money. In the first place, I don't believe that the losses are as great as the owners say. All the basketball teams are allowed to treat their players as capital assets and the owners can depreciate their value as measured by bonuses and training costs over five years after original signing. When a new owner buys a team, he receives in return for his purchase price (1) an exclusive contract to play in a specific area, (2) player contracts, and (3) the right to play in a certain stadium. For accounting purposes, the team assigns as much as possible of the purchase price to the players' contracts and depreciates them. The dramatic effect this depreciation allowance can have on earnings is shown from the annual report of the Seattle Supersonics. Seattle is an expansion team of the NBA and its player depreciation would be handled much the same as a purchased team. In his report to shareholders, President Schulman states:

"You will note our financial report discloses a loss of $219,000 from the period covering June 1, 1968 to May 31, 1969. In fact, this figure is misleading, since the Seattle SuperSonics Corporation showed earnings of $46,734 before amortization of players contracts for the 1967–68 season and earnings of $55,133 before amortization of players contracts for the 1968–69 season.

"We have adopted a conservative program of amortizing the cost of the players over a five-year period. Last season, revenue from further expansion of the league was not included in income, but, rather was assigned to further reduction of the cost of the players contracts."

I have indications that other similar situations currently exist.

Recently, I had a chance to look over a list of the owners of the various basketball teams and what little is publicly known about their finances. I was greatly impressed by the tremendous amount of wealth that these men represented. The owners of the Atlanta Hawks own a big construction company which is building the stadium in Atlanta. The owner of the Buffalo Braves is the largest shareholder of the National Biscuit Company. The owner of the Cincinnati Royals are the owners of Sportservice, the largest concessionaires in stadiums in the U.S.

The owner of the Detroit Pistons is the owner of a large piston company. The owner of the Los Angeles Lakers is a multimillionaire who owns the Lakers stadium and who is one of the largest stockholders of Teleprompter Cable TV Company. The New York Knickerbockers are owned by Madison Square Garden which is owned primarily by Gulf and Western Industries. The Seattle Supersonics are owned by two men who are chief executives of the National General Corporation. The Kentucky Colonels are owned by the president of a chain of nursing homes and a former boss of Kentucky Fried Chicken.

Of course, there are more wealthy individuals involved in professional football, but I believe that my point has been illustrated that very shrewd and wealthy individuals have invested in professional basketball teams. In some cases, I believe that these individuals have invested in these clubs to offset their teams' losses due to larger depreciation allowances against their ordinary income and they will sell the clubs in the future and have their profit receive preferential tax treatment as a capital gain. In other cases, the income for the club might not tell the whole story. The principal owner might be paying himself a large salary, and he might be receiving money for the concession rights to the games, or money for stadium rental if he owns the stadium. In the *Curt Flood* case, there was testimony that the owner received a 2½ million dollar loan for assigning his team's concession rights to Sportservice, Inc.

Since there is much confusion about the finances involved in basketball, I have written to all the club owners and asked them to provide me with a full financial record of their company and of their substantial shareholders. Also, I have asked them to provide me with the financial records of those companies whose operations are a satellite of their basketball team. I am attaching a copy of my letter to the owners to this statement for insertion into the hearing record. I believe that before Congress acts it should be in possession of the facts; and I am sure the owners will agree with me and provide this information since they are requesting the U.S. government to allow their team to operate as a part of a monopoly in order to permit the growth and success of professional basketball. I would expect the Antitrust Subcommittee will hire accountants to analyze the data for the benefit of the Senate.

Actually, even if the basketball teams are losing money, I don't see that it is any of our business to rescue these teams—one Lockheed is enough for this year.

MERGER AGREEMENT'S EFFECT ON WEAKER TEAMS

While Congress is being asked to show great compassion to the professional basketball teams and allow them to exist as a monopoly because they are losing money, I am amazed at the lack of compassion which the teams are showing each other in their merger agreement. The owners admit that the ABA teams are weaker financially than the NBA teams. Yet, the merger agreement provides (1) the payment by each ABA team the sum of 1,250,000 dollars to the NBA, (2) a prohibition on the right of the ABA to share in any NBA proceeds from network television until after 1973, and (3) a continuation of the present NBA rule which allows all of gate receipts to go to the home team. Obviously, the NBA teams draw the biggest crowds and are located in the biggest population centers so a proposal to not share gate receipts would be to the financial detriment of the ABA teams.

This uneven financial treatment becomes even more interesting when it is compared with the often-heard reasons given by the owners for the common draft and the gimmicks to discourage team switching such as the mandatory compensation for the team losing a free agent. The owners say these devices will balance basketball competition among the various teams and that without these devices a few teams will end up with all of the players.

Well, the owners seem willing to share the players among teams deprived of talent especially when it means they can pay them less, but they don't seem to be in such a hurry to share their money among financially ailing teams.

CONCLUSIONS

In basketball, I believe the existence of two leagues has benefited everyone. Attendance at games is higher than it has ever been and basketball is becoming the best attended of all sports. The ABA has experimented with basketball rules and has in effect changed the way the sport is played. I believe that this healthy competition has enriched the sport—it certainly caused more teams to be placed in more cities than ever before.

In S. 2373, the U.S. Government is asked to sanction a return to the situation where there was but one league, where there was but one set of rules, where there was no expansion, where there was no bidding for television rights, and where there was no bidding for player services.

The owners of organized sports are a powerful lobby as we have seen by the hasty passage of the football merger bill, but I am going to do everything I can to see that a right that belongs to all Americans is protected, namely, the right of a person to negotiate a contract with anyone who is willing to negotiate with him to sell his skill for the highest price he can obtain. When it comes to making a choice between economic enslavement and economic freedom, I stand by economic freedom, and I hope all members of the Senate will study these hearings carefully before they vote for S. 2373.

[From the Washington Post, Sept. 10, 1971]

KNEE INJURY ENDS LOGAN'S "CAREER"

NORFOLK, September 9.—The professional "career" of Henry Logan, three-time small college All-America, finally ended today when he was placed on the voluntary retired list by the ABA's Virginia Squires.

Dr. Joel A. Mason, team physician, said it was necessary to remove the remaining part of Logan's right kneecap during surgery last week and that Logan could not play again.

That operation was the sixth on the right knee of the 6-foot, 185-pound guard.

The first came in high school to repair torn cartilage. Succeeding repairs and grafts took away more and more mobility and, when Logan was hurt during an informal work-out with several teammates last week, Dr. Mason could not give him a seventh life.

NO. 2 DRAFT PICK

During his only full ABA season in 1968–69, Logan averaged 12.5 points per game for Oakland after coming out of Western Carolina as a second-round draft choice.

Logan's pro high of 34 points in a game came that season against Indiana when he also grabbed nine rebounds and had seven assists.

The Oakland franchise then moved to Washington, and Logan was scoring 13 points a game before he fractured that knee in December. He was out for the year.

The team again moved, to a regional setup in Virginia. Logan was found to have a fracture line remaining in the joint, so he went out again.

THERAPY NEXT

Logan, 25, had been counted on by coach Al Bianchi to furnish much-needed depth this season in the Squires' backcourt.

"It seems as if all the bad things happened to the really nice guys," Bianchi said today. "When he was healthy and able to play, there was no one quite like Henry Logan."

Logan now is in a Norfolk hospital with his leg in a cast. It will be about six weeks before he can begin therapy.

Logan has been offered a job with the Memphis, Tenn., recreation department, and has also indicated an interest in working for "Stop," a Tidewater Virginia program aimed at helping young blacks get jobs.

If Logan takes the latter position, the Squires say they will use him as a special scout.

U.S. SENATE,
Washington, D.C., September 14, 1971.

PRESIDENT,
Atlanta Hawks,
Atlanta, Ga.

DEAR MR. PRESIDENT: As you are no doubt aware, I will chair the initial round of hearings scheduled to begin on September 21, 1971, before the Antitrust Subcommittee of the Senate Judiciary Committee on S. 2373, which would authorize the merger of the two existing professional basketball leagues.

It is my understanding that the basic rationale of the proponents of this merger is an economic one. It has been alleged that certain existing teams, particularly in the American Basketball Association, are at present operating at substantial financial losses. Therefore, in order to gain a better understanding of the economic issues involved, I am requesting that each team in the NBA and the ABA, including your own, submit to my office prior to September 21, 1971, copies of their respective certified audited balance sheets, income statements, earned surplus statements, and source and application of funds statements for each of the last four years. The same financial material should also be submitted for the most current period available whether or not certified and audited. Additionally, a copy of each material contract and contingent liability should be submitted.

Of course, the figures for the clubs are only part of the owners' total financial picture and would be meaningless unless they can be related to the financial plan of the clubs substantial shareholders. Therefore, I respectively request that you specify the interest in your team in terms of both numbers of shares and percentages of total ownership of each officer, director, and owner of at least a 10% interest, of record or beneficial. Additionally, I request copies of the income tax returns for each of the past four years of any owner who presently has at least a 10% interest in your team, either of record or beneficial. If during the past four years more than a 20% interest in your franchise has been sold in a single transaction, I request the details of the sale, including the price.

Finally, in order for the Subcommittee to appreciate the full financial picture of a sports enterprise, please submit the same information requested above for every other business entity which derives revenue or own assets whose operations are associated with your professional basketball team, such as broadcasting revenue, concession revenue, endorsement and trade name use revenue; and whose owners or employees include either an officer, director, or an owner of at least a 10% interest in your club, of record or beneficial.

Since you are requesting the U.S. Government to allow your team to operate as part of a monopoly in order to permit the growth and success of professional basketball, I assume that you will have no objection to providing this information.

Thank you for your attention.

Sincerely yours,

SAM J. ERVIN, Jr.

STATEMENT BY SENATOR SAM J. ERVIN, JR.

A professional football player and baseball player are bound, like no other American, to their owners for life. The basketball owners want a slice of the same pie. I believe that the major controversies in sports today that should be appropriately considered by Congress arise from these simple facts.

Last year during the Antitrust Subcommittee's hearings on the basketball merger legislation and early this year in an article in *Sports Magazine,* I mentioned that I thought serious consideration should be given to a Federal Sports Commission bill *if* the basketball owners succeeded in persuading Congress to give them full monopoly powers over their sport, including lifetime monopoly control over their employees or players.

I used the Federal Sports Commission concept to illustrate the broad monopoly powers which Congress confers upon the sports industry when it exempts them from the antitrust laws, and I meant only it to serve as a warning to the owners of professional athletic teams that if they didn't give their employees or players the same rights to contract as other Americans then maybe they should be treated as other recipients of federally granted monopoly powers. In other words, perhaps professional sports teams should be treated as other public utilities and have their profits regulated, their ticket prices set, and their ability to move to another town determined by a Federal bureaucracy in Washington.

In no way should my warning to the owners be construed as promoting a Federal Sports Commission bill as being beneficial to sports. To the contrary, I believe it could stagnate professional sports and institutionalize many of the barbarian-player-management practices which now exist throughout the sports system. After much reflection, I just don't have much faith that a Federal bureaucracy will protect the rights of players.

Even if I were not opposed to the concept of a Federal Sports Commission, I would have to oppose S. 3445 as it is presently written. The main issues which prompted my fight against the football merger bill in 1965 and more recently, the basketball merger could be left untouched by this bill. These issues are, of course, the reserve clause, option clause and the common draft. As I read Section 5 (c) and (d) of S. 3445, these anachronistic assaults on an individual's freedom to contract could become part of our law forever.

Section 5(d) gives the Commission the right to regulate the "form of player contracts." Thus, a Federal Sports Commission could perpetuate rule 3 of the Major League Baseball rules which states in part:

". . . contracts between all clubs and their players in the Major leagues shall be in a single form which shall be prescribed by the Major League Executive Council. No club shall make a contract different from the uniform contract or a contract containing a non-reserve clause, except with the written approval of the Commissioner."

In order that everyone understand exactly what a reserve clause means to an individual, I would like to read into the record part of Justice Marshall's dissent in the *Curt Flood* case. In an eloquent description of the reserve clause, he said:

"He had no notice that the Cardinals were contemplating a trade, no opportunity to indicate the teams with which he would prefer playing, and no desire to go to Philadelphia. After receiving formal notification of the trade, petitioner wrote to the Commissioner of Baseball protesting that he was not 'a piece of property to be bought and sold irrespective of my wishes,' and urging that he had the right to consider offers from other teams than the Phillies. He requested that the Commissioner inform all of the major league teams that he was available for the 1970 season. This request was denied, and petitioner was informed that he had no choice but to play for Philadelphia or not to play at all.

"To non-athletes it might appear that petitioner was virtually enslaved to the owners of major league baseball clubs who bartered among themselves for his services. But, athletes know that it was not servitude that bound petitioner to the club owners; it was the reserve system. The essence of that system is that a player is bound to the club with which he first signs a contract for the rest of his playing days. He cannot escape from the club except by retiring, and he cannot prevent the club from assigning his contract to any other club."

Mr. Chairman, I think it is atrocious that this servitude is going on in 20th century America and any sports legislation that passes Congress should abolish it. Despite its implications for baseball, the *Curt Flood* case does stand for the proposition that in other sports, the reserve clause would be found illegal.

There is no question that there are many problems facing professional sports today. However all businesses have problems and in order to determine the need for a Federal Sports Commission, I believe it would be helpful to examine the declaration of purpose as contained in Section 2 at the beginning of S. 3445. This declaration really provides the alleged basis for Federal action and a Federal Sports Commission and should be looked at very closely for it itemizes many of the problems which people feel, rightly or wrongly, are affecting present day professional sports.

Section 2 states:

"The Congress hereby declares that the public has a right to a stable, financially sound professional sports system, that unstable conditions now exist within professional sports, including the arbitrary sale and transfer of team franchises, the pirating of professional athletes by the various teams and leagues, inequitable arrangements relating to the broadcast of professional sports events on commercial television, inefficient and disruptive mechanisms for bringing amateur athetes into professional sports, and uncertain conditions concerning the forms and provisions of player contracts."

Let's consider these statements one at a time:

1. *"Congress hereby declares that the public has a right to a stable, financially sound professional sports system."* In the first place, I do not believe that the public has a right to a stable sports system any more than we have a right to a stable motion picture industry or a stable aerospace industry. But even more than that, I'm not sure that sports would really benefit from certain types of stability. In other words, if stability has been paramount there would have been no American Basketball League with its new rules, and no American Football League. The emergence of these leagues upset the status quo, rekindled the old issue of a player's right to bargain with more than one team, and brought professional sports to millions of additional Americans.

Also, I do not believe the public has a right to a "financially sound professional sports system" if they don't support teams. I just do not believe that the U.S. government should be in the business of propping up failing businesses which is the issue that would ultimately confront the Sports Commission in some cases. I opposed the government's guarantees to Lockheed Aircraft and the subsidies for SST. I believe that in our economic system an ill-managed business or one which people are not willing to pay for should face the possibility of failure, if it can reap the benefits of success.

If a city doesn't support a team, does it have a right to that team? I don't believe it does. We have had experts from the Brookings Institute testify at the Antitrust hearings that several of the weak teams in the ABA were not drawing as much as first run movies. There is no way that a Federal Sports Commission would help this situation.

How would the government guarantee the public's right to a financially sound professional sports system? Would franchises be allowed to move? Would ticket prices be raised if the people didn't show or would there be Federal financial subsidies? We don't know, but I believe it would be in the better interest of sports to leave these problems to the marketplace.

2. "*That unstable conditions now exist within professional sports . . .*" Professional sports are now undergoing growing pains because of the tremendous growth in the number of fans attending games and the impact of television. In the field of labor management relations, the sports industry is actually being brought kicking and screaming into the twentieth century. As I have said on numerous occasions, there are no other group of employees in the United States that are bound to one employer as professional athletes. This has to change and until it does, there will exist in sports a degree of tension between players and owners, and I believe this tension should exist until the last vestiges of this slavery are removed.

More than the reality of chaos, I believe that an illusion of chaos now exists in sports, particularly in basketball. In many cases, this illusion has been contrived to force Congress to pass merger legislation and confer monopolistic powers on the owners of sports teams. For example, last week Jack Dolph, the former Commissioner of the ABA, told your committee that "in the absence of a merger professional basketball as we know it cannot survive." Yet, three days before Dolph's testimony, the *New York Times* quoted Bill Daniels, the President of the League, as saying, "We (the ABA) will be a stronger league in 1972." And two days before his testimony, Jack Dolph was quoted in the *New York Times* on June 14th as saying that the ABA "will be strong enough (next year) to compete with the National Basketball Association. We will be going with our varsity."

Also, if things are so bad in basketball, why have 8 owners of basketball teams acquired, for large sums, hockey franchises in the absence of a merger in that sport?

The Antitrust Subcommittee has been told repeatedly by the basketball leagues that most of the teams were losing money, and in order to save the sport, the merger had to be consummated. Yet, when we had two economists from the Brookings Institute, Dr. Roger Noll and Dr. Ben Okner, examine the financial records of these clubs which were supplied to us they concluded:

"The data simply do not support the view that most of the teams in the ABA and many of the teams in the NBA will soon fold if something is not done soon to put a brake on 'rapid acceleration' of player salaries.

". . . the results do not reveal a financial disaster in pro basketball. A few teams have had a few very bad years, especially the weaker ABA teams. But most teams in most years have performed well enough to be viable long-term enterprises, even in the ABA."

3. "*Unstable conditions now exist within professional sports, including the arbitrary sale and transfer of team franchises . . .*" I think this raises a very legitimate question: If a professional athlete can bargain with only one team under reserve and option clause conditions, why should an owner be allowed to move or sell his team with complete impunity? However, I believe that the *only* reason to prevent a team owner from selling or transferring his team is the owner's refusal to allow an athlete to sell or to transfer his services when his contract has expired. If the owners would agree to allow professional athletes to become true free agents when their contracts expire, they certainly should be allowed to maximize their profits by moving or selling their team.

Actually, I think there has been very little "arbitrary" sale or transfer of franchises among the various sports leagues. Usually, these moves are made for good economic reasons—attendance has dropped off at home or there is the promise of greater attendance somewhere else. In either instance, a move is made with the expectation that more people will come out to enjoy the sport and increase the profit of the business.

It seems to me that most of these moves are in the public interest, because even though you are taking a team from one city, you are giving it to another. Which city deserves the team most? I have more faith in the economic marketplace deciding this issue than a Sport Commissioner.

What does bother me is the ease with which team owners cloak themselves with the national interest to get merger legislation and special privileges to place players in bondage and then shift to their free enterprise hat when they want to change cities. They should realize they can't have it both ways.

4. "*Unstable conditions now exist within professional sports . . . including the pirating of professional athletes by the various teams and leagues.*" If "pirating of professional athletes" means the signing of a member of the American Basketball Association by a member of the National Basketball Association after the player's contract with the ABA teams runs out, then pirating is an American as apple pie. However, I feel sure the bill is referring to the recent large scale breaking of contracts by basketball players to secure a better deal in another league. I agree that it is damaging to sports to allow this to continue, but it is damaging to any business to allow individuals to break contracts with impunity. Our court system exists to enforce contracts.

I believe the contract breaking to jump leagues will stop for two reasons. First, there is every indication that the bidding war for players in the two basketball leagues came about because of attempts to force a merger by the ABA and attempts to kill the ABA by the NBA. The Antitrust Subcommittee heard testimony from two of the most outstanding sports economists in this country who testified that resolving the merger issue, that is, by either allowing it or killing it, would cause the extreme bidding and frantic attempts to acquire players to cease. The economists said that once the merger issue is resolved, salaries will drop and stabilize and the constant temptation to break a contract will expire.

Second, the case of Billy Cunningham of the Philadelphia Warriors, who has just been required by the Federal court to honor his contract with the Carolina Cougars, illustrates that the courts are going to enforce valid contracts and players are not going to be allowed to break legitimate long term contracts every time they get a better offer.

Actually, individual contractual matters in basketball, as in other businesses, should be determined by the courts. We don't have a Federal Movie Commissioner settling contractual matters between studios and the stars and it shouldn't be in the case in sports. Athletes should honor their contracts but the enforcement vehicle is the courts.

5. "*Unstable conditions now exist within professional sports . . . including . . . inefficient and disruptive mechanisms for bringing amateur athletes into professional sports.*" Actually, the common draft in the monopolies of football and baseball work very efficiently to bring amateur athletes into professional sports. It's only in basketball that professional teams have raided colleges and are signing students before they graduate and this is a direct result of no merger legislation. While football and baseball do draft students efficiently and do leave them alone until they graduate, I believe that combinations which divide up talent in this way without any agreement on the part of the individual violate very basic human rights. I assume the bill's declaration means that the lack of a binding common draft in basketball is inefficient and disruptive but I much prefer it that way. That is, if a student has the talent, it should be his decision as to whether he signs with a team. We don't allow the movie companies to combine and agree to keep some latter day Shirley Temple from signing a movie contract until she finishes college and has acted in some campus theatre group.

Perhaps the most celebrated signing of a college student this year was the signing of Jim Chones of Marquette University by the New York Mets, for $1.5 million. In our last day of hearings, the Antitrust Subcommittee had a representative of Marquette testify about the problems which would result from the signing of players like Chones. Also, we heard college coaches tell us how these signings would disrupt college basketball. Other coaches testified, however, that such signings would not disrupt college sports as only the superstars would be sought by the professional teams. To answer these charges, I read into the record a piece from the *New York Times* on this very poor, very talented young man's contract signing.

It seems that Chones' father was dead and he was supporting his family. He had been offered a contract previously and had turned it down. In the article, Chones said:

"Ever since I turned down the offer last year, I thought suppose I break my leg. Who will take care of me, and who will take care of my family. Growing up, the worst thing was seeing my father always trying but never making it. We were bankrupt five or six times. We had to spray our house for roaches. sweeping them up in a pile. When the college recruiters came, the stink from the dead rats in the hollow walls embarrassed me."

So Jim Chones signed up, and I cannot imagine anyone wanting to deny him or other talented youngsters that right even though it might be a little disruptive or inefficient.

In recognition of the opportunities which might be presented to a talented youngster, the Atlantic Coast Conference has recently established an advisory group to assist any player that might be approached by professional team. The advice which the Conference gives includes legal advice on contractual matters, tax assistance and investment counseling. I believe this action by the ACC is forward looking and represents the most decent attitude I've heard of regarding a college's moral responsibility to guide its students.

The efficient and nondisruptive distribution in football and baseball of college sports talent into professional teams is one of those things which is wrong with the system. Football's and baseball's common draft denies a student with a short-lived talent his right to participate in the all American dream where anyone can make it if he is talented. This common draft should not be protected by merger legislation in the case of basketball and the protections which extend to football and baseball should be revoked.

6. "*that unstable conditions now exist within professional sports, including . . . uncertain conditions concerning the forms and provisions of player contracts.*" This of course concerns the reserve clause and its football equivalent, the Rozelle Rule. As I have said on other occasions, the common draft and the reserve clause in sports are comparable to the newspaper industry deciding that a college journalism graduate could either work for the newspaper in Anchorage, Alaska at the salary offered or not work at all. Thereafter, the journalist would have to continue to bargain with only the Anchorage Gazette even though his contract had run out and he had won the Nobel Prize for literature. If the Anchorage Gazette decided to trade him to the Nome, Alaska newspaper, he would have to go to Nome and deal with them or not practice his profession. No matter how you cut it, this is unfair.

I feel that any legislation that is voted on by Congress, merger bills or Federal Sports

Commission bills, should include an amendment which states that there shall be no restrictions whatsoever on a player's right to contract for his services when his contract expires, and no restricting whatsoever on an amateur's freedom to contract with any professional club he chooses. This means no Rozelle rule and no reserve clause and no common draft. Actually, Congress should amend the present law this year to get rid of these matters in football and baseball without waiting for the basketball merger bill. I believe it would solve many of sports' problems.

Basketball is surviving with this sort of arrangement, and I feel, from the financial data I've seen, is surviving fairly well. Football experienced its greatest growth in teams when it operated this way, and I hope the Chairman will consider placing an amendment of this sort in his sports bill.

I would like to say one final word to the owners of professional sports teams: If restrictions on a player's right to contract continue and a sports commission bill does become law, a Commission won't just limit its decisions to Astroturf. I've seen enough federal agencies in action to know that the Commission road will lead, inexorably, to the regulation of ticket prices and profits.

What Congress Must Do About Professional Sports

(By Senator Sam J. Ervin, Jr.)

As chairman of the recent hearings by a Senate subcommittee on a bill to permit the merger of the American Basketball Association and the National Basketball Association, I am totally convinced that Congress should refuse to extend any exemption from antitrust legislation to professional basketball. I feel, furthermore, that we should withdraw any such exemptions that have been given to professional baseball and football.

Owners of pro teams have used their freedom from antitrust statutes to exploit players in a condition that amounts to a modern form of peonage, servitude for lifetime at the pleasure of an owner. So far as I am concerned, it doesn't make any difference whether the individual receives ten cents a day or $100,000 a year, he can still be a peon.

The ties that bind today's athletes are the reserve clause and the player-draft system, both of which would be sanctioned by federal law if professional basketball gets its antitrust immunity from Congress. Baseball enjoys this exemption because of a 50-year-old decision by the Supreme Court that it was not an interstate activity and therefore not subject to federal law. The Supreme Court could make mistakes even then but obviously with teams traveling 3000 miles to play one another and with TV spanning the nation, the notion that baseball is not interstate commerce is nonsense. The Curt Flood case challenges the old Supreme Court ruling and perhaps we'll get a reversal of the old decision. In some other recent cases involving professional sports the Court has suggested that it wants Congress to act on professional sports in light of the growth of the sports business. That's why we must look very carefully at what is behind the merger of the two basketball leagues.

When the same issue arose over pro football in 1966, the owners scored on a quarterback sneak. The Senate committee with jurisdiction on the bill didn't hold hearings and the measure passed the Senate without any floor debate, without any record vote and without the opposition being notified. The House did have a committee hearing but it too failed to look into the issues.

In the current matter of the ABA and NBA, players, owners, league officials and economists dribbled past our committee with some dazzling views on what would happen if we did not approve of the merger. Franchises would fold, players would lose their jobs and fans would no longer have the opportunity to see their favorites perform. It was also suggested that investors might back off from pro sports.

I would be more sympathetic to these views if we had not seen how callously professional sports will deny a man his right to a livelihood because he did not wish to play for a particular team at a dictated salary, or how quickly a franchise will be shifted thereby denying fans the opportunity to see their favorites or how even if all tickets have been sold out an area will still be blacked out on TV. Nor can I really feel that investors are reluctant to plunge into professional sports. The prices for franchises keep rising and the initiation fees for new teams seem to be on a permanent escalator. However, even if I believed the solemn predictions of the pro sports industry spokesmen, and I don't, I would still oppose a system that demands lord-like control over the serf-like hired hands in order to guarantee survival of the pro teams.

The reserve clause denies players their freedom of contract, a liberty guaranteed through both the Fifth and Fourteenth amendments to the U.S. Constitution. The reserve clause reduces a human being to a chattel, a possession like a piece of furniture. Management may sell a man, trade him for another piece of property, or dump him on the open market when it considers him of no more value. The player isn't a human being any more, just a depreciating asset like a machine. I am shocked by anyone who would want to put another human being under such legal obligation in order to maximize his dollar return. It's downright inconsistent with the principles of free enterprise competition and with the basic virtues that sports are supposed to exemplify.

Arguments for retention of the reserve clause claim that without it there would be chaos. Players would jump from one club to another. Salaries would skyrocket. The continuity of professional sports and fan loyalty would dissolve. Let me suggest a parallel and then answer some of these claims. A man who repairs generators for North Carolina Power and Light can haul up stakes and go to work for Montana Power and Light if they offer him more money and he thinks he can make a better life there. North Carolina Power and Light, if it wants to hang onto this valued employee, can match the Montana offer or better it. To be certain that this doesn't become a problem every year a contract covering several years can be drawn up. I don't see any difference between this situation and that of a person who scores baskets for the Los Angeles Lakers and finds that the New York Nets think he's more valuable than the Lakers believe. At issue here are the pay and working conditions for personal services. Screen actors, reporters, generator repairmen, quarterbacks and forwards sell their personal services. A studio that develops an actor and wants to capitalize upon his service signs him to a long-term contract as much as seven years. The same arrangement is available to proprietors of professional athletic teams.

There are risks in long-term contracts for personal services but they apply to both parties. Perhaps an athlete's skills will diminish during the length of the contract; they can also improve. Think of the advantage to an owner like Charles O. Finley of the Oakland baseball team if he had in his pocket a five-year contract with Vida Blue, before Blue astonished the baseball world with his 1971 record. As it now stands, Mr. Blue is in a position to demand an enormous increase from Mr. Finley for 1972. Of course, Mr. Finley can be as stubborn as his mule and refuse to increase the pitcher's salary at all. If Mr. Blue thought that unreasonable his only alternative would be to spend not only the winter, but the spring and summer fishing. A number of superb athletes—Curt Flood, Joe Kapp and Rick Barry—have been forced to spend seasons fishing because their particular masters didn't care to meet their terms or decided where they should play.

Baseball, hockey and basketball leagues all operate reserve clauses that cover the life of the individual. Even if a man retires from the game for five years, any comeback attempt would find him again in the thrall of his former owner who would have to give consent. Professional football claims that its one-and-one contract (the first year at an agreed upon salary, the second an option deal with management slicing ten percent of the athlete's pay if he doesn't agree to terms) contains no renewal procedure. Theoretically, one can play out his option and after two years the man is seemingly free. However, the rules of the NFL have a gimmick that requires the player's new employer to compensate his former team with someone or something of equal value. The compensation is determined solely by Commissioner Pete Rozelle. A writer in the Maine Law Review after studying this system reported: "The end result is that the option clause in football has the same effect as the reserve clause of baseball because the player is still tied to the club with which he first negotiated." Basketball offered some subtle new wrinkles to its reserve clause during the testimony before our subcommittee. However, I feel the net effect would be the same as in pro football.

Owners insist that salaries paid to superstars and near superstars already push the tolerable limit. Freedom of contract, says sports management will bring ruinous bidding for athletes. First of all, studies done by the Brookings Institute indicate that a superstar like Kareem Jabbar of the Milwaukee Bucks may be worth half a million dollars to the owners because of his fan attraction and because he makes the team a winner, a major influence in gate receipts. In the case of Vida Blue, his value to the Athletics goes far beyond his 24 wins; some estimates showed perhaps 10,000 extra spectators for every game he pitched, as much as $1 million in extra revenue. I don't propose to mediate in contract negotiations between athletes and employers but I will oppose any attempt to make solvency of a business dependent upon exploitation of players by owners.

The second means by which free Americans, who chose the career of a professional athlete, lose their freedom is through the common player draft. I consider the draft a pure abomination. Ostensibly a means to equalize the quality of teams, the real purpose of the draft is to deprive amateurs of their right to sell their professional services to the highest bidder. The argument of management, akin to the one erected to defend the reserve clause, protests that without a common draft system, ruinous escalation of bonuses to untested collegians will destroy the professional versions of sports. The position of the owners, asking Congress to permit restrictions to be placed upon the athletes, strikes me as a bizarre exercise in logic. It amounts to a confession: "We are a reckless bunch of fools who can't restrain ourselves from destructive extravagance if the services of college players become subject to open market bidding. Therefore we petition the Congress of the United States to grant us an exemption from antitrust statutes, protecting us from ourselves through this immunity. The cost of the restriction falls upon our prospective employees, regrettably." In other words the price for the owners' lack of self-discipline must be paid by the prospective employees.

The Brookings Institute economists concluded that the abundance of big bonuses forced upon college graduates owes less to the urge to sign up promising youngsters than it does to a form of the "predatory" price-cut system. In "predatory" price cutting, a company drops its fees to a point where the competition finds it loses too much to stay in the contest for customers, and quits. In the version employed by sports industries, the game plan calls for doling out huge bonuses and large salaries that will push the cost of not merging to a ruinous level. In the opinion of the Brookings investigators, a decision by Congress that permanently barred any merger and common draft would effectively end the bonus wars because the chief objective—merger—would be unattainable.

There can't be any real doubt about the net effect of mergers on player income if a form of the reserve clause and the common player draft are retained. When the two football leagues were granted permission in 1966 to join in what I consider an unholy union, initial or bonus payments to new players dropped sharply. Team payrolls declined and the costs for operating teams stopped rising.

Incidentally, sports happen to be one of the areas where young blacks have made their greatest economic progress. It would be a pity if these small triumphs of the ghetto population were curtailed by owners, who, for the most part, have enjoyed lifetimes of affluence and opportunity.

Marginal businesses, whatever the product, have traditionally been allowed to fail in the U.S. Under a free enterprise system, just as one enjoys the right to succeed, one must have the right to fail. I was appalled when Congress bailed out Lockheed and I certainly don't think that the sports industry can even approach Lockheed's justification as an industry vital to the nation's security. Of course it's true not every professional sports franchise makes a profit. Some seem to lose considerable money. But before we pull another Lockheed and offer a federal subsidy in the form of protection from higher costs, I think it's fair to ask some questions about the business practices of those who plead poverty. I've asked the basketball teams to submit financial reports so that we can evaluate their dollar crisis. But oddly enough, none of the teams will produce the evidence of their losses. I'm always suspicious of people who make claims but refuse to produce evidence.

However, based upon the profit and loss statements of those few outfits that are public corporations, on the official attendance figures and on what player organizations have told us, I can come to some conclusions. Some professional basketball teams do lose money and others make out very well. As total entities, both the ABA and the NBA operate in the black. The problem seems to be that pro basketball, like hockey, gives a visiting team no share of the gate receipts. A team like the New York Knicks drew 750,000 admissions at top prices last season but the owners of the Knicks don't care to help support the Seattle SuperSonics with Madison Square Garden turnstile income. Instead, the Knicks prefer to see the SuperSonics cut their losses through the reserve clause and the draft, methods that cost the Knicks nothing and in fact help keep their own operating costs lower. It means that the players have to pay the price for the survival of the SuperSonics franchise.

Pro football and pro baseball at least recognize that the essence of a healthy league is the financial well-being of every club, and in both of these sports the visitors get a piece of the action. Football's TV contracts also share the wealth equally, thereby strengthening the individual teams even further. Until pro basketball promoters understand the requirement of mutual strength and support, the game is going to be a medley of highly profitable ventures and financial failures that wander from city to city in search of hoops of gold.

The picture for basketball isn't really as bad as it sounds; in fact the professional franchises may be much more healthy than they admit. All sports teams enjoy substantial tax shelters built into their bookkeeping procedures. One of the more spectacular of these covers depreciation or amortization of talent. Without getting into the technicalities, the depreciation arrangement permits a professional team to display large figures in red ink while actually making an operating profit. When the promoters of sport come to Congress, they brandish these red-ink figures to scare us into granting them their wishes. Yet, when it comes time to justify the ways of management to the stockholders, Sam Schulman of the Seattle SuperSonics writes to his investors: "You will note our financial report discloses a loss of $219,000 from the period covering June 1, 1968 to May 31, 1969. In fact, this figure is misleading, since the Seattle SuperSonics Corporation showed earnings of $46,734 before amortization of player contracts for the 1967–68 season and earnings of $55,133 before amortization of player contracts for the 1968–69 season."

Perhaps other Senators and Congressmen will overrule me and pass legislation enabling the two basketball leagues to merge. And no new effort to withdraw current antitrust exemptions will be made. But I think that many people, including government officials, have been shocked by the lack of sporting conduct by owners. They have moved teams from cities that traditionally enjoyed resident teams. Sold-out events are blacked out on TV even though one cannot buy a ticket for the contest. Owners like Abe Pollin of the Baltimore Bullets think nothing of asserting that their territorial prerogative stretches from Baltimore to cover Washington, D.C. And young men regularly get denied an opportunity to earn a livelihood in their chosen field. It is really unspeakable for the entrepreneurs to clothe themselves in the mantle of sportsmen and beg Congressional indulgence for their pocket-stuffing efforts in the face of their employees' dissatisfaction.

Should Congress, in a lapse from its traditional wisdom, grant a merger to the ABA and the NBA, along with the preservation of the reserve clause and player draft, I think serious consideration should be given to a bill that would create a Federal commission to supervise professional sports. For the activity would then enjoy the position of a government sanctioned monopoly, just like the public utilities. Perhaps sports franchises too should operate under federal authorities that set prices, regulate business practices, protect the public and the employees. Maybe such an arrangement would convince the pro team owners that winning isn't necessarily everything.

Jack Dolph's Revenge

Mr. Ervin. Mr. President, recent press reports have indicated that Mr. Jack Dolph, Commissioner of the American Basketball Association, is going to allow his teams to raid college campuses and sign student athletes to play professional basketball. Mr. Dolph blames his activities on the failure of Congress to comply immediately with his request for an antitrust exemption for professional basketball. Of course, Mr. Dolph's idea is that all college coaches will bring pressure to bear on Congress to allow the leagues to merge. In short, its blackmail.

The idea that Congress should jump everytime an owner of a professional sports team whistles is nothing new. I can remember very vividly the cries which resulted in the spectacles of the football merger bill with its monopoly benefits and undemocratic restrictions on players.

While Mr. Dolph's loud protestations are an obvious attempt to blackmail Congress, I hope the people of this country and their Representatives turn the tables on him. I hope the people of this country will agree with my strongly-held belief that as soon as a boy is professionally qualified to play basketball, in college or not, he should be allowed to play professionally for money. Coach McGuire of the Marquette team summed up my convictions on this matter very well when he said, in substance, that he could not recommend to his players that they finish college before playing professional ball. He said he had had a hard look into the "cupboards" of many of his boys and had found those cubboards bare, and he could not deprive them of their chance to make it. I agree with Coach McGuire and I ask you what kind of person would want to deny to a poor kid with a short-lived talent his right to participate in the old American dream where anyone can make it if he is talented.

The Congress did not let Motown Records and all the other record companies combine to prevent Michael Jackson of the Jackson Five from singing for money until he finished college and sang in the college glee club. The Congress did not let the movie studios combine to prevent some latter-day Shirley Temple from acting until she finished college and had acted in the campus theater group.

So I say "hooray for Jack Dolph." He is on the right track by allowing more personal freedom for players, even if I believe he is doing it to blackmail Congress. God works in mysterious ways his good to perform and the results of Jack Dolph's revenge is certainly evidence of this.

I hope that my efforts will continue to keep the leagues apart to ensure the continuation of this type of competition for a youngster's short-lived athletic skills. This is the essence of our American system .

This bickering over something as basic to our country as the right to bargain for the sale of one's professional skills saddens me a great deal but it gives me determination to hope that the day will soon come in all professional sports when a young, talented player will be able to say to the rich owners of professional sports teams: At last, Mister Owners, you are letting me work at my profession when I am professionally qualified. At last, Mister Owners, you are bidding for my services like any other businessman would. At last, Mister Owners, I can move to another team if that team wants to purchase my services. At last, Mister Owners, you are paying me what I am worth to your "bigtime" sports enterprise.

Comments by Senator Sam J. Ervin, Jr., on the Hearings on S. 2373, the Basketball Merger Bill

I believe it would be helpful this morning to review several events in the sports area as they apply to the basketball merger bill.

1. One of the most interesting events that has happened since the merger legislation has been considered by Congress is the lawsuit that the American Basketball Association has filed against the National Basketball Association asking for $300 million dollars in damages because the NBA is alleged to have "engaged in a continuing combination and conspiracy to monopolize . . . professional basketball in violation of the Sherman Antitrust Act." The American Basketball Association alleges that the NBA has committed offenses "with the primary intent and purpose of restraining, monopolizing and substantially lessening competition in the (basketball) trade and commerce."

I am frankly amazed that the ABA would ask for $300 million dollars in damages from the NBA because of alleged monopolistic practices and then come in here to Congress and ask us to legalize these monopolistic practices on their behalf by approving the merger bill. What the ABA is really telling Congress is that they want to stick their fingers in the monopoly pie. They want to be able to charge monopoly prices and enjoy exclusive franchise rights. If the ABA thinks they are victims of a monopolistic conspiracy now, just what do they think the players will feel like if this merger goes through and a player can only bargain with one team? But I don't guess they've thought about that.

I am glad the ABA filed their lawsuit. I believe it illustrates better than anything else the dangers and inequities of allowing any one group to monopolize a business. I only wish I had the benefit of the rhetoric of the ABA complaint when these hearings opened. It would have helped me to explain better the dangers of monopolistic practices.

2. Last week the Emprise Corporation, whose owners also own the Cincinnati Royals, were found guilty in Federal court on Federal felony charges that they illegally concealed ownership in a Las Vegas gambling casino. Not only was Emprise found guilty but a necessary ingredient of that guilt involved intimate business dealings with known racketeers. The intimate business associations were with individuals identified by the Attorney General as three high-ranking officials of the Detroit and St. Louis Mafia families. *The Wall Street Journal* quoted the U.S. attorney in saying that "the casino ownership was part of a plan for a skimming operation to remove gambling profits before they were reported for tax purposes."

The activities and associations of the Emprise Corporation were well documented in our last hearings by Congressman Sam Steiger of Arizona. Also, many of the business associates of the owners of the Emprise Corporation were designated before the Subcommittee as high Mafia officials by Mr. Robert Blakey, Chief Counsel of the Senate Crime Subcommittee, in citing the Attorney General's statement of last year on individuals in organized crime. We know that Commissioner Kennedy knew about the activities of the Jacobs family prior to the last set of hearings and that he wrote a letter to the Arizona Racing Commission stating that "their personal conduct has been beyond reproach." We also know that Commissioner Kennedy was put on notice by our last hearings that something should be done about this situation. Now we have a conviction in a Federal court of the Emprise Corporation. This conviction, added to the activities of the SEC, the State Racing Commission of New Mexico and the State Racing Commission of Arkansas, against the Emprise Corporation, would seem to me to make it imperative that Commissioner Kennedy do something.

These Subcommittee hearings have been held to decide whether Congress should allow the basketball leagues an antitrust exemption in order that they might merge. If Congress does allow the leagues to operate as a monopoly, it will be, in effect, naming the existing administration of the basketball leagues, i.e. Walter Kennedy, as trustee for the operations of all professional basketball in the United States. Therefore, a valid concern of these hearings is how the different sports commissioners have administered their responsibilities in the past years.

After reviewing the activities of the Emprise Corporation, I believe our concern should not be one of determining anyone's legal guilt but rather we should try to determine the standards the different sports commissioners use to decide when to "blacklist" or disqualify a player and relate that standard to their treatment of sports owners. For the National Basketball Association, the standard for player conduct reads as follows:

"ARTICLE II—ELIGIBILITY OF PLAYERS

"SEC. 2.01. *Good Character*. All players shall be of good moral character and possess qualities which will make them proper members of their respective teams. The Commissioner shall have the right to disqualify a Player if the Commissioner, in his sole and absolute discretion, finds that the Player does not possess the requisite qualities of character and morality."

There is, of course, no comparable provision in the National Basketball Association's bylaws for control of an owner's "good moral conduct". Also, the Subcommittee has before it several live examples, including that of Connie Hawkins, of the NBA's disqualification or blacklist of players, but no comparable action, to my knowledge, has been taken against any owner. In football, this same type of power of player control led Commissioner Pete Rozelle to order Joe Namath to sell his restaurant because he deemed the establishment was frequented by undesirable customers. Thus, in its bylaws and by practice, professional basketball players are held to a higher standard of conduct than legal guilt and can be disqualified for the mere appearance of wrongdoing.

Personally, I would like to know how Connie Hawkins feels about the sweetheart treatment given to the owners of the Cincinnati Royals by Commissioner Kennedy. Connie Hawkins was and still is one of the country's greatest basketball players. He is black and from a poor family. He was never convicted of any wrongdoing. In fact, he was never indicted for any wrongdoing. His only crime was a fleeting association with persons Commissioner Kennedy thought were undesirable. Because of these tenuous associations, Connie Hawkins, along with several other basketball players, was blacklisted from the game for 8 years. He was denied an opportunity to do the thing he does best because of rumors about his character that were never investigated by Commissioner Kennedy, even though he had ample opportunity. In fact, the NBA and Walter Kennedy never went much beyond reading Connie Hawkins' name in the newspaper. That is, until the NBA settled the Connie Hawkins' antitrust suit against them for $1,200,000 dollars in 1969.

Connie Hawkins must be laughing at a system which allows bigtime owners with close criminal associates to operate while depriving him of his ability to earn a living because of uninvestigated rumors. And, in other sports, it must make baseball pitcher Dennie McLain chuckle to realize that the Montreal Expos owe Emprise $4 million dollars and the Milwaukee Brewers owe Emprise $2 million dollars of low interest money; and it must make Joe Namath shake his head when he reads that Emprise has concession connections with 6 professional football teams. One thing is obvious, the harsh sauce for the players goose is certainly ambrosia for the owners gander.

I think it is imperative that the Congress see how Commissioner Kennedy handles the Cincinnati Royals situation before any executive session or any serious consideration is given to reporting this basketball merger bill from the Antitrust Subcommittee. Commissioner Kennedy will be the trustee of all basketball in this country if this merger legislation passes and I think we have the right to know how he is going to react in situations such as this.

3. Also before this Subcommittee acts, I feel that we should have the wise counsel of the Supreme Court's imminent ruling in the *Curt Flood* case. This case involves questions which could outlaw baseball's reserve clause and require the Subcommittee to take a broad look at all sports and the antitrust laws.

By Mr. STEVENS:

S. 3901. A bill to reduce the indebtedness of certain Native villages in Alaska to the United States, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. STEVENS. Mr. President, I am today introducing a bill to authorize the Secretary of the Interior to reduce the debts owed by four Alaskan Native villages to the Bureau of Indian Affairs in the Interior Department for past loans used for the construction of four village fish canneries.

The Native villages of Kake, Klawock, Hydaburg, and Angoon are all small villages in southeastern Alaska that are largely dependent upon fishing for their economic livelihood. The Bureau of Indian Affairs years ago made loans to these villages from its revolving fund for the construction of fish canneries.

Because of a variety of circumstances, these debts have not been liquidated over time but remain outstanding. For example, from 1954 to 1965 the villages of Hydaburg and Klawock combined fishing operations to minimize costs and alternated the canning operations of each village. In 1965, however, this arrangement ended due to Hydaburg's fears that its cannery would be permanently closed. Hydaburg's doubts were given credence because of the BIA's lack of consultation with the villagers on this most important matter. As a result, BIA at that time took over management of the Hydaburg cannery. One of the consequences of this action has been that Hydaburg's cannery has been standing idle and indeed abandoned for 8 years.

The debts owed by these villages have at present reached alarming proportions, considering the ability of the villagers to raise sufficient revenue to liquidate them. As of this year, Klawock's debt stands at $1,257,000, while Kake owes $1,057,000, and Hydaburg owes $445,000. Also, the village of Angoon owes a substantial cannery debt to the BIA, even though its cannery was destroyed by fire in 1961.

Unfortunately, this situation is even more grievous because of other substantial debts owed by these villages to the BIA and private companies for the purchase and equipping of village fishing boats. In the case of Angoon alone, these fishing boat debts now amount to nearly $500,000—a sum far in excess of the present valuation of the boats.

Mr. President, the great and continuing size of these fish cannery debts attests to the overly stringent control exercised by the BIA in the past and dramatically portrays the effect this kind of poor management has had. Alaska's salmon fishery continues to lead the world. There is no reason that the fishing efforts of these Native communities could not have been more successful, as has occurred in so many other Native villages. Accordingly, I believe, in light of the dismal management efforts of the Government in the past, that reducing the present high level of these debts is indeed proper.

My bill would provide for the reduction of these cannery debts by the difference between their present level and the fair market value of the respective canneries. There is ample precedent for such an action, for in 1964 and 1967 other cancellations occurred. However, due to poor fishing seasons and poor management by the BIA, these past actions were not successful in bringing the canneries' liabilities into balance with their assets.

Furthermore, the Interior Department presently has this very authority, which is found in 25 U.S.C. 386A. Unfortunately, the procedures set up for the forgiveness of debts require that all debt forgiveness actions for 1 fiscal year must be submitted to Congress by the December following that year. Because the BIA did not ask Congress to approve the debt forgiveness actions for the fish cannery debts of these four Native villages before June 30, 1972, it would not be possible to authorize forgiveness of these debts until December of 1973. Practically, this would mean that the villagers of these four Native villages would have to undergo one more fishing season to await forgiveness actions on their various debts to the BIA. I believe that now is the proper time to take action to reduce these debts so that next year's fishing season will be a new beginning for all of these villages. One more year of delay will only add interest to these debts which are fast approaching an extraordinarily high level.

Mr. President, my bill would provide a new approach to this problem by authorizing the partial cancellation of these debts and the conveyance of fee title to the site of each cannery to the respective villages. I firmly believe that passage of this bill will allow the Natives of these villages to assume greater control of their futures. Additional delay in dealing with this situation will, on the other hand, only worsen the financial situation of these villages and will jeopardize their ability to use the settlement funds that they will soon receive to improve their lives.

Mr. President, I ask unanimous consent that my bill be printed in its entirety at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to reduce the reimbursable charges of the Government of the United States existing as debts against respectively, the Hydaburg Cooperative Association, the Organized Village of Kake, the Klawock Cooperative Association and the Angoon Community Association incurred for the acquisition and operation of salmon canneries by the difference in each case between such debt and the fair market value of the following described lands utilized in such operation and the improvements thereon, as determined by the Secretary:

(a) Lots 9, 10, 11, 12, 13, 14, 15 and 16 of Block 15; Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 16; Lots 9, 10, 11, 12, 13 and 14 of Block 21; Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 22 of U.S. Survey 1569 in Klawock Townsite, Alaska;

(b) Lots 2, 3, and 4 of Block 14 of U.S. Survey 1570 in the City of Hydaburg, Alaska;

(c) all of U.S. Survey 963, containing 15.90 acres, in Kake, Alaska;

(d) all of U.S. Survey 1480, containing 10.24 acres, and all of Lot 36 of U.S. Survey 2412, containing 3.00 acres.

SEC. 2. Upon payment by the respective entities named in section 1 of the fair market value of the lands described in subsections (a), (b), (c) and (d) of section 1 as determined by the Secretary, the Secretary is authorized to convey all right, title, and interest of the United States in and to said lands and the improvements thereon to those entities.

By Mr. MONDALE:

S. 3903. A bill to amend the Internal Revenue Code of 1954 to require that taxpayers be informed of court decisions which differ from Treasury Department instructions; to require the publication of an authoritative set of instructions for preparing tax returns, claims, statements, and documents; and to provide for the stay of assessment and collection of deficiencies determined by the Tax Court until final disposition of any appeal thereof. Referred to the Committee on Finance.

TRUTH IN TAX COLLECTIONS

Mr. MONDALE. Mr. President, one of the most valuable of our Nation's assets is the willingness of American taxpayers to comply with the income tax laws. They understand that, as Justice Holmes once said, their taxes buy civilization.

It has been said that the United States relies more on self-enforcement of tax laws than any other nation. This is evidenced by the fact that only about 2 million tax returns were audited last year out of the 74 million which were filed.

It is the responsibility of the Internal Revenue Service to protect the revenue. I would not want to impair its ability to do so.

Nevertheless, IRS has said—properly—in its instructions to its employees and taxpayers that it does not want to collect 1 more cent than is due under the tax laws. The facts belie this claim. The truth is that IRS deliberately collects certain taxes which have been found by the courts not to be owed. This comes about when IRS loses a court case but does not choose to appeal the decision.

Often, IRS refuses to change its regulations in the light of such decisions. It hopes that it can win succeeding cases in other courts. Thus, IRS persists in giving what is essentially erroneous information to taxpayers until it has lost a number of cases or has been finally overruled by the Supreme Court. The inequity is especially obvious for those taxpayers residing in the area of jurisdiction of the Court whose decision has not been accepted by IRS.

It is surprising that we do not make tax compliance as easy or as fair for our taxpayers as we can. It has become commonplace for them to seek assistance—not only when their income situations are complex, but also when their tax problems are relatively simple.

The great thirst for tax assistance that manifests itself every year shows that we need some new ideas on making taxpaying easier. This is illustrated by the lack of consistency among official IRS publications. For example, the instruction book furnished all taxpayers with form 1040 often has information in it which is different from that supplied taxpayers in "Your Federal Income Tax." IRS sells the latter publication to about 3 million taxpayers a year and gives out millions more extracts from this book.

One of the differences in these documents relates specifically to the problem I have already referred to. "Your Federal Income Tax" contains a notice to the effect that it does not reflect court decisions which are more favorable to the taxpayer than the official position of IRS. But there are no references made in the hundred of individual IRS positions as to which of them has been successfully contested in the courts. And the instruction book, which goes to every taxpayer, does not contain any warning at all that the IRS positions may be inconsistent with court decisions.

The result of this is that IRS is often misleading to the taxpayer. I do not think we can accept the practice of selling a taxpayer a book directing him to pay a tax which a court has ruled invalid. We would readily condemn a similar action if it were taken by a private company. To give such erroneous instructions in a booklet which is supplied free is clearly no more excusable.

I am not talking here about so-called tax loopholes which wealthy taxpayers or large corporations can well afford to research and exploit. Quite often, and properly, IRS takes arguable positions in its efforts to protect the revenue. But it is unfair to the taxpayer who cannot afford counsel to give him only one side of the story. Where a court has rejected an IRS position, the taxpayer should be informed and should be advised that it may be advantageous to seek further information from IRS or from an accountant or attorney.

A case involving the so-called short form, used by approximately 25 million taxpayers last year, was described in an article by Mr. E. Edward Stephens in the Washington Star for November 19, 1971. This concerned Mr. Eddie L. Carter, who successfully contested a 1959 IRS ruling under which he was denied an exemption for his 82-year-old grandmother.

IRS was unwilling to approve his exemption claim even though the facts supported it. The agency contended that, under its regulations, the $1,012 received by his grandmother in old-age assistance must be "considered" to have been used entirely for her "support"—as narrowly defined for dependency purposes, "support" excludes various necessities, such as insurance, furniture and appliances. Mr. Carter, who was not represented by a lawyer, established that since all of her old-age assistance did not go to her "support," he had contributed more than half of her support costs. Fortunately, the Tax Court ruled in his favor.

According to Mr. Stephens, the judge "ruled that IRS must be guided by what actually happened * * *." One would think that such a logical and fair ruling would be sufficient for IRS. For more than a year, however, IRS refused to change its 12-year-old regulations. During this time it gave erroneous advice to additional millions of taxpayers based on the regulations which had been decisively rejected by the court.

In this case, IRS finally succumbed. It announced on October 26, 1971, that it was revoking the discredited ruling. But many times, the IRS persists for far longer periods in telling taxpayers all over the Nation that they must pay taxes which the courts have ruled invalid.

For example, in 1960, a court decision overruled IRS with respect to expenses incurred in securing employment. In this case, it was determined that such expenses as employment fees are deductible if the applicant actually succeeds in securing employment.

In the 12 years since, the courts have sometimes found that similar expenses were legitimate business deductions, even when a new job was not secured or accepted. Nonetheless, 12 years later, IRS continues to tell taxpayers in "Your Federal Income Tax," page 94, that "job hunting expenses, or expenses incurred with the hope of future employment—are not deductible in any event." This is a clear misstatement of the current legal situation with respect to employment agency fees.

I believe the burden of interpreting the law needs to be shifted somewhat from the public to the shoulders of government. Our tax law has become so complex and affects such large numbers of people that most taxpayers need a great deal of help in understanding it. If they do not get all the help they need from the tax administrator they become prey to private purveyors of tax information. Many of the latter are undoubtedly competent. However, I was dismayed at a recent report that IRS had found, in a sample survey, that 97 percent of the returns prepared for a fee were fraudulent. The trouble is that the taxpayer often cannot distinguish the competent from the untrained or dishonest and may suffer as a result.

Without reducing the taxpayer's duty to comply with the tax law, I think we should require a greater effort from the tax administrator. Such effort should reduce the extent to which taxpayers may have to seek assistance from nongovernmental sources.

My bill would require the Secretary of the Treasury to make clear which of the IRS publications can be considered authoritative on any given subject. He will have to identify the issues on which the IRS and the courts differ.

My bill would also provide increased equity in the case of appeals from decisions of the Tax Court.

Under present law, a taxpayer who disagrees with an additional tax assessment may appeal to the U.S. Tax Court—without paying the additional tax. If the Tax Court decides against him in whole or in part, he may appeal to a U.S. Circuit Court of Appeals—taxpayers lose in the Tax Court in an overwhelming percentage of cases, but do somewhat better in the circuit courts. At that point, however, he must either pay the additional tax as determined by the Tax Court or file a bond for up to twice the amount involved.

I believe that the bond requirement imposes an undue burden on such a taxpayer. Raising the cost of the bond may subject him to an added strain and, if he eventually prevails, he would not be compensated for it. On the other hand, if he cannot afford the bond, he will have little recourse other than to abandon his appeal.

My bill would amend section 7485 of the Internal Revenue Code so that, upon appeal by the taxpayer of a Tax Court decision, there would be a stay of assessment and collection. The need for this change was also documented in a Washington Star column by Mr. Stephens.

The provisions of my bill would lighten materially the burden of tax compliance which now rests so heavily on the Nation's taxpayers. Other steps are possible, of course, such as the simplification of the tax laws and of the tax return forms.

I think that simplification of the tax laws could be accomplished, in large measure, by closing tax loopholes as I have proposed, together with the Senator from Wisconsin (Mr. NELSON) and a number of other Senators. The plain fact is that our tax returns and instructions are hopelessly complicated by the myriad provisions of special privilege for the few.

It would contribute greatly to tax justice to close these loopholes and lighten the burden on those who have neither the resources nor the trained professional consultants to take advantage of them. Perhaps more importantly, we could simplify the whole tax system so that the average taxpayer could confidently fill out his own tax return and, thus, avoid paying unnecessary taxes or tax preparation fees.

My bill would not confer any special tax benefits on anyone. It merely seeks to carry out the stated policy of IRS that no unjust taxes be collected. It is distressing that an agency of the Federal Government should be guilty of such practices as I have described. The burdens on our taxpayers are heavy indeed. We cannot permit IRS to continue making them heavier than need be.

Mr. President, I introduce for appropriate reference the proposed "Truth in Tax Collections Act of 1972." I hope it will be speedily enacted. I ask unanimous consent that the text of the bill and the two articles to which I referred be printed in the RECORD.

There being no objection, the bill and articles were ordered to be printed in the RECORD, as follows:

S. 3903

A bill to amend the Internal Revenue Code of 1954 to require that taxpayers be informed of court decisions which differ from Treasury Department instructions; to require the publication of an authoritative set of instructions for preparing tax returns, claims, statements, and documents; and to provide for the stay of assessment and collection of deficiencies determined by the Tax Court until final disposition of any appeal thereof

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the Truth in Tax Collections Act of 1972.

SEC. 2. (a) Chapter 77 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new section:

"SEC. 7517. Instructions for preparing returns, claims, statements, and documents.

"The Secretary or his delegate shall prepare, revise from time to time as necessary, and make available to any taxpayer, upon request, an authoritative set of instructions interpreting the tax laws as of the date of issue for use in preparing returns, claims, statements, and other documents required in connection with the tax imposed by chapter 1 and such other provisions of this title as the Secretary or his delegate shall deem appropriate. All other instructions published by the Secretary or his delegate in connection with the distribution of tax forms shall contain a reference to the set of instructions issued under the first sentence of this section as the authoritative source of instructions for preparing such returns, claims, statements, and documents. All instructions shall note conspicuously, by way of footnote or other device, any instance in which a provision of this title has been held by any United States Court of competent jurisdiction to have a meaning or application other than that given in the instructions."

(b) The table of sections for chapter 77 of such Code is amended by adding at the end thereof the following:

"SEC. 7517. Instructions for preparing returns, claims, statements, and documents."

SEC. 3. (a) Section 7485 of the Internal Revenue Code of 1954 is amended to read as follows:

"SEC. 7485. Stay of assessment and collection.

"Upon filing of a notice of appeal by a taxpayer with respect to a determination of a deficiency by the Tax Court, the assessment and collection of the amount of that deficiency shall be stayed until final disposition of that appeal."

(b) The table of sections for subchapter D of chapter 76 of such Code is amended by striking out the item relating to section 7485 and inserting in lieu thereof the following: "SEC. 7485. Stay of assessment and collection."

(c) The amendments made by this section shall apply with respect to determinations of the Tax Court made after the date of enactment of this Act.

[From the Washington Evening Star, Nov. 19, 1971]

WINS CASE FOR THE LITTLE GUY

(By E. Edward Stephens)

Does the Internal Revenue Service ever admit that it has misinterpreted the law?

Yes. It did on Oct. 26, for instance, when it revoked a 12-year-old ruling.

This new development helps legions of taxpayers who support their parents, grandparents and other aged relatives. Now they'll get dependency exemptions that formerly they would have been obliged to fight for in court.

The 1959 ruling was a national tragedy. During its 12-year life, countless small taxpayers lost exemptions to which they clearly were entitled under the internal revenue code. They paid up, primarily because there wasn't enough tax money involved in each case to justify retaining a lawyer to fight for them.

But lack of funds didn't stop Eddie L. Carter. He fought singlehanded, and vanquished the mighty IRS.

Carter was supporting his 82-year-old grandmother, who lived with him in Fort Worth, Tex. When he claimed an exemption for her in his tax return, IRS threw it out on the grounds that Carter hadn't furnished more than half her support for the year.

Carter proved that he had spent $915 to support her, and he showed that this was more than half the total amount actually spent for this purpose. But IRS said, "No."

The service contended that the total cost of grandmother's support must be "considered" to be $1,927; therefore, Carter's $915 contribution was less than half.

Standing on the 1959 ruling, IRS reasoned this way: Grandma had received old age assistance from the state of Texas totaling $1,012 for the year. This entire amount must be "considered" to have been spent for her support even though Carter had proved that: only part of it actually had been used for this purpose. Why? Because the $1,012 figure was based upon the state government's determination of grandmother's need for support.

Carter couldn't afford to retain counsel. So he handled the case himself, and carried the day in the tax court.

Judge Samuel B. Sterrett held that IRS must be guided by what actually happened—and the true fact was that Carter had paid more than half the actual cost of Grandma's support. Therefore, Carter must be allowed his exemption.

Surprisingly, IRS stood pat for more than a year after this rebuke, although Sterrett had noted that the 1959 ruling was contrary to its own regulations, and also conflicted with some of its other rulings. But on Oct. 26, IRS finally announced that it now "acquiesces"—agrees with the result—in the Carter decision. At the same time, IRS revoked the discredited ruling.

Taxpayers owe a great deal to Eddie L. Carter and others like him. They stand firm for justice, heedless of the time and expense involved.

[From the Washington Evening Star, December 1971]

You Could Lose Even if You Win

(By E. Edward Stephens)

Dear Counsel: If I lose a case in the U.S. Tax Court or the U.S. District Court, can I appeal it?

Yes. You can go to the U.S. Court of Appeals unless your case has been decided in the Small Tax Case Division of the Tax Court—in which event the Tax Court decision is final.

There are 11 courts of appeal—one for the District of Columbia, and one for each of 10 judicial circuits.

Your opponent will be a Justice Department lawyer—smart, well trained, and backed by one of the most experienced litigation teams in the world.

Chances are he'll be treated with deference by the appellate court judges, most of whom would not have been appointed if they had not been recommended to the President by the Attorney General, who heads the Justice Department.

So you'll have an uphill fight. In the fiscal years 1968 through 1970, taxpayers won only 18.5 percent of appellate court decisions. They lost 69.8 percent, and split 11.7 percent with the government.

Here's a tough problem you'll have if you're appealing from a Tax Court decision: Despite your appeal, IRS can assess and collect the deficiencies determined by the court—unless you put up bond or government securities sufficient to insure payment.

The game is played this way: IRS determines inflated deficiencies to maximize its bargaining power in settlement negotiations. The sum demanded (with interest and penalties) often is so large that the taxpayer can't pay it. So he goes to the Tax Court—the only court where he doesn't have to "pay first and litigate later."

If the taxpayer loses in the Tax Court, his grace period ends. He has to pay up or put up, even though he goes to the Court of Appeals—even though his liability hasn't been finally decided.

If he's short on assets, chances are no bonding company will do business with him. Then—

Hard boiled revenue officers—formerly called "collection officers"—can swoop down, seize his bank account and other personal property, padlock his real estate, sell him out at forced sale prices, and apply the proceeds against the deficiencies.

Later, the Court of Appeals may decide that the taxpayer didn't owe a penny in the first place. But his is a pyrrhic victory. He'll get back only the cash IRS has collected, with interest.

The government doesn't have to replace the property that IRS sold at rock bottom prices. If the taxpayer was forced out of business the government doesn't have to set him up again. If his home was sold, the government doesn't have to get him another one.

This has happened to many taxpayers, even though the Tax Court was created in 1924 (as the Board of Tax Appeals) to protect them. The system works for the taxpayer who wins in the Tax Court; but it leaves the loser at the mercy of IRS collectors despite the fact that he may be the final "winner."

Congress could correct the situation by providing that a taxpayer who goes to the Tax Court need not pay until his tax liability has been finalized on appeal.

By Mr. PERCY (for himself, Mr. Brock, Mr. Stevens, Mr. Stafford, and Mr. Inouye):

S. 3904. A bill to provide a comprehensive child nutrition program. Referred to the Committee on Agriculture and Forestry.

COMPREHENSIVE CHILD NUTRITION ACT OF 1972

Mr. PERCY. Mr. President, I am pleased to introduce today the Comprehensive Child Nutrition Act of 1972.

The Congress and the administration have long attached the utmost importance and the highest priority to a national war against hunger and malnutrition. As a result, the past several years have witnessed a rapid expansion in the size and scope of our Federal food assistance programs. We have been successful, I believe, in substantially closing the hunger gap which became so painfully evident to all of us several years ago.

But we can do better. We now spend over $1.4 billion annually on 23 separate categorical programs, administered by USDA, relating to child nutrition, much of it wasted on needless duplication and overlapping bureaucracy. Yet millions of children who no doubt meet eligibility standards do not receive nutritional services under any of these programs.

My experience as the ranking Republican member of the Select Committee on Nutrition and Human Needs has convinced me of the necessity of offering a bold, new, and truly comprehensive approach to assuring adequate nutrition for all of those in real need from among the nearly 70 million children under 18 years of age in this country.

The Comprehensive Child Nutrition Act of 1972 would collect the fragmented programs and allocations administered by USDA under the heading of "child nutrition" and consolidate them into a simplified block grant to the States.

The act would in effect abolish the 23 categorical programs—each with its own regulations, funding and matching formulas, and bureaucratic redtape—which are now administered by the Food and Nutrition Service and the Consumer and Marketing Service of the USDA. It would replace them with a single, unified program, administered by the Department of Health, Education, and Welfare, which would permit the States to use their funds flexibly to meet local demands for child feeding.

Ten other sources of funding for child nutrition would remain available in three departments—HEW, OEO, and HUD—but could be readily handled under, or in conjunction with, the new child nutrition program. Major programs such as the school breakfast, school lunch, nonschool feeding or special food service program, and the special milk program would be permanently absorbed into each State's overall child nutrition grant.

The intent of the proposed legislation is to remove all the bureaucratic barriers which prevent State educational agencies from efficiently directing money to where the need and demand are greatest, particularly where the poor are concerned. This simplification alone would redirect millions of dollars now spent on "overhead" to meals for the malnourished. States which prefer to serve more lunches and fewer breakfasts could do so at will. Urban States which require large infusions of equipment assistance to get any inner-city feeding programs off the ground could readily channel available funds to these programs. States which have been unable to utilize a major share of their separate and distinct free and reduced price lunch funds to expand coverage of the poor could invest as much of their total grant as would be necessary to deliver meals to the needy.

At the same time as the act would unshackle the States from bureaucratic chains which inhibit them from getting the job done, it would retain and indeed strengthen the incentives to the States to guarantee free food service to children from "poor" and "near poor" households and to assure the nutritional adequacy of the meals served.

The act would strengthen the States' ability to deliver good nutrition to all children—preschool and school age—at all times—during vacations as well as the school year—in all places—off school premises and on—and by all means—through child development institutions and public or private nonprofit agencies in addition to regular school systems. Thus, the increased freedom for the States would not be at the expense of the children intended to be fed, but, rather, would immediately benefit them.

Under the provisions of the proposed legislation, a State would be guaranteed the sum of 10 cents for each child under 18 years of age multiplied by 160 plus an additional 50 cents for each child at or below the poverty level multiplied by 160. On the basis of 1970 census data, the estimated cost of the program in the first year would be just over $1.9 billion, about $500 million more than the current spending level of $1.4 billion. No State would receive less under this act than it received in fiscal year 1973.

Aside from a new funding formula, a major innovation would be the elimination of any State-matching requirement. There are now varying matching formulae embedded in 12 of the 23 child nutrition programs operated by the USDA, all of them inhibiting full use of available Federal funds. The removal of the imperative to match would, in some instances, relieve the pressure to raise food prices for middle-class children, and in every instance, release hard-pressed State legislatures from having to confront the dilemma of taking from some programs to support child nutrition.

Other important features of the bill are:

Reimbursement for all costs related to food preparation and delivery except construction of food service facilities;

Reimbursement for breakfasts, lunches, or snacks if they meet nutritional standards;

Free meals to children at or below the poverty level, with States free to set higher standards up to 50 percent of the poverty level.

Authority for States to bypass local authorities if they refuse to establish a child nutrition program; and

State accountability by means of Federal review of State plans and reports.

Mr. President, this proposal is in keeping with recent efforts to turn back money and power to the States. It is in keeping with proposals for the reorganization of the executive branch of the National Government. The accent here is on coordination in place of fragmentation; simplicity in design in place of complexity; and flexibility in meeting needs in place of rigidity and outdated standards.

The passage of this legislation will enable us better to fulfill our pledge to wipe out hunger in America for all time.

I have several exhibits which will further explain the nature of this legislation. I ask unanimous consent that the following materials be printed in the RECORD:

First. The full text of the Comprehensive Child Nutrition Act of 1972.

Second. A section-by-section analysis of the Child Nutrition Act of 1972.

Third. A list of the 23 separate programs replaced by this act.

Fourth. A table listing each State's allotment under this act.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 3904

A bill to provide a comprehensive child nutrition program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Child Nutrition Act of 1972".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress finds that (1) in the absence of good nutrition children cannot develop and learn to their full capacity; (2) every child has a right the year-round to the nutritional resources necessary to optimal health and well-being; (3) schools and other institutions that are responsible for child development have an unrivaled opportunity to fulfill that right; (4) until such time as sufficient resources are available to guarantee good nutrition to all children, priority must be given to feeding adequately those children from families with the greatest economic need; (5) thorough understanding of the principles of good nutrition is lacking among teachers, pupils, and their parents; and (6) the numerous child nutrition programs now in effect are too fragmented, compartmentalized, and uncoordinated to achieve the desired nutritional results at the critical local level.

(b) It is hereby declared to be the policy of the Congress that every child in the United States be provided an adequate nutritional diet throughout the entire year, that such diet be provided under comprehensive child nutrition programs carried out by the Nation's schools, child development institutions, and other agencies and organizations concerned with the development of children, and that special emphasis under such programs be given to economically disadvantaged children. It is further declared to be the policy of Congress that this goal should be accomplished by simplifying and strengthening State and local administration of child nutrition programs in order to reduce the barriers between food and the children to be served and by increasing the knowledge of children and those charged with their care about the nature of various foods and their importance for physical, intellectual, and social development.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "Children" means all persons not more than eighteen years of age and all persons age eighteen and over who are attending secondary school.

(2) "Child development institution" means a public or private nonprofit institution other than an elementary or secondary school that provides educational, nutritional, social, medical, or physical services to children to assure their growth and enable them to attain their maximum potential, including, but not limited to, Headstart centers, child day care centers, other preschool centers, settlement houses, recreation centers, youth training centers, centers for handicapped children, and similar facilities.

(3) "Child nutrition program" means any program under which meals, snacks, or milk are provided to children on a nonprofit basis or under which other educational, social, medical, and physical services related to establishing good nutritional health in children are provided on a nonprofit basis.

(4) "School" means any day or residential school which provides elementary or secondary education, as determined under State law, except that it does not include any portion of any school providing education beyond grade 12.

(5) "Income eligibility guidelines" means household size income levels established by the Secretary no later than May 15 of each calendar year for use during the succeeding fiscal year and which may not be lower than the household size income levels fixed on a yearly basis by the United States Department of Commerce, Bureau of the Census, for the determination of urban poverty in the United States. The household size income levels so established by the Secretary may be increased in any State by the State educational agency, but may not be increased by such agency in any State to a level which exceeds the level established by the Secretary by more than 50 per centum.

(6) "Meal" means any food unit furnished to a child that provides at least one-third of that child's daily nutritional requirements as established by the Recommended Daily Allowances of the Food and Nutrition Board, National Academy of Sciences—National Research Council, whether such food unit is served as breakfast, lunch, or supper.

(7) "Snack" means any food unit furnished to a child other than milk alone that does not provide at least one-third of that child's daily nutritional requirements as established by the Recommended Dietary Allowances of the Food and Nutrition Board, National Academy of Sciences—National Research Council.

(8) "Milk" means fluid whole milk, flavored milk made from whole fluid milk, or recombined or reconstituted fluid whole milk where adequate fresh supplies are unavailable.

(9) "Nonprofit private school" means any private school exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1954.

(10) "Public or private nonprofit agency or organization" means any agency or organization that is not operated for profit, including but not limited to community action agencies, community corporations, parent cooperatives, church groups, institutions of higher education, and child development institutions.

(11) "School food authority" means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a child nutrition program therein. It also includes a nonprofit agency to which such governing body has delegated authority for the operation of such a program in a school.

(12) "Secretary" means the Secretary of Health, Education, and Welfare.

(13) "State" means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific.

(14) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of schools, or, if there is no such agency or officer, an agency or officer designated by the Governor or State law.

AUTHORITY TO ESTABLISH PROGRAMS; COORDINATION; OFFICE OF CHILD NUTRITION

SEC. 4. The Secretary is hereby authorized and directed to (1) establish child nutrition programs in accordance with the provisions of this Act; (2) take all necessary action to coordinate such programs with every other Federal program under his jurisdiction that provides funds for child nutrition; and (3) create, within the Department of Health, Education, and Welfare, an Office of Child Nutrition, administered by a Director, which shall be the principal agency of that Department for the administration of this Act.

CHILD NUTRITION PROGRAMS

SEC. 5. Funds appropriated under section 6 may be used for the following activities:

(1) planning and developing child nutrition programs, including the operation of pilot and demonstration programs to test the effectiveness of new concepts and delivery systems;

(2) establishing, maintaining, and operating (including the administering and supervising of such programs, the remodeling, renovation, repair, and alteration of facilities essential to enable the installation of food service equipment, and the acquisition, rental, maintenance, and repair of necessary food service equipment and supplies) child nutrition programs, which may include, but shall not be limited to—

(A) providing meals, snacks, and milk to children while attending school;

(B) providing meals, snacks, and milk to children while attending child development institutions;

(C) providing meals, snacks, and milk to children on the premises of schools, child development institutions, or other public or private nonprofit agencies and organizations during the summer and on weekends as well as during the regular school year;

(D) providing training in and materials on the fundamental of good nutrition to children and their parents and workers in such programs;

(E) providing the services of health professionals and aides to monitor the nutritional well-being of children and take the necessary steps to correct any nutritional deficiencies in such children;

(F) providing paid para-professional food service aides and volunteers, especially parents and the elderly, in the delivery of the meals, snacks, and milk referred to above; and

(G) such other acitvities as the Secretary deems appropriate in furtherance of the purposes of this Act;

(3) evaluating and surveying the relative effectiveness of child nutrition programs in assuring good nutrition; and

(4) studying the food habits and needs of children.

AUTHORIZATION OF APPROPRIATIONS AND APPORTIONMENT TO STATES

SEC. 6. (a) In order to carry out in each State the activities described in section 5 of this Act, there are authorized to be appropriated to the Secretary each fiscal year, beginning with the fiscal year in which this Act becomes effective, an amount equal to a sum determined by—

(1)(A) multiplying ten cents by the number of children residing in each State (as determined by the Secretary using the most recent satisfactory data available to him), and (B) multiplying the product thereof by 160; and

(2)(A) multiplying fifty cents by the number of children residing in each State who are members of households whose annual incomes are not above the applicable family size income level set forth in the income eligibility guidelines (as determined by the Secretary using the most recent satisfactory data available to him), and (B) multiplying the product thereof by 160.

Funds appropriated pursuant to this subsection shall be disbursed to each State on the basis of the formula provided in clauses (1) and (2) applied to that State.

(b) If the State education agency of any State is not permitted by law to disburse the funds paid to it under subsection (a) of this section to nonprofit private schools in such State, the Secretary shall withhold from the funds otherwise to be paid to such State under such subsection (a) an amount equal to a sum determined by—

(1)(A) multiplying ten cents by the number of children residing in each such State who attend nonprofit schools in such State (as determined by the Secretary using the most recent satisfactory data available to him), and (B) multiplying the product thereof by 160; and

(2)(A) multiplying fifty cents by the number of children residing in such State who attend nonprofit private schools in such State and who are members of households whose annual incomes are not above the applicable family size income level set forth in the income eligibility guidelines (as determined by the Secretary using the most recent satisfactory data available to him), and (B) multiplying the product thereof by 160.

The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State to carry out the activities set forth in section 5 of this Act, subject to the conditions set forth in subsection (a) through (d), (e)(2), (f)(1), and (g) of section 7 of this Act.

(c) Notwithstanding any other provision of law, any funds appropriated to carry out the provisions of this Act shall remain available until expended.

(d) Funds payable to any State pursuant to subsection (a) during any fiscal year shall be available for payment to such State in installments and in advance, with necessary adjustments on account of overpayments or underpayments.

(e) Funds paid to any State during any fiscal year pursuant to subsection (a) shall be disbursed by the State education agency, pursuant to agreements, to school food authorities, child development institutions, or other public or private nonprofit agencies and organizations within such State to enable such authorities, institutions, agencies, and organizations to meet the cost of providing child nutrition programs, while also fulfilling the applicable requirements of section 7. In no event shall disbursements to any such authority, institution, agency, or organization over the period of any fiscal year be less than similar disbursements made to such authority, institution, agency, or organization during the fiscal year immediately preceding the fiscal year in which this Act became effective.

(f) The Secretary shall reserve not in excess of 5 per centum of the sums appropriated pursuant to section 4 for use by him to provide assistance for research, demonstration, training, technical assistance, and evaluation activities designed to further the effective implementation of child nutrition programs.

PROGRAM REQUIREMENTS

SEC. 7. (a) Meals, snacks, and milk provided in child nutrition programs pursuant to this Act shall be served without cost to any child who is a member of a household which has an annual income not above the applicable household size income level set forth in the income eligibility guidelines. Determination with respect to the annual income of any household shall be made solely on the basis of a uniform declaration prescribed by the Secretary and executed by an adult member of the household. Notwithstanding the income eligibility guidelines, all children who are attending a school or child development institution in which 75 per centum or more of the students are eligible for free meals and all children attending a school or child development center who are children of migrant agricultural workers (as defined by the Secretary) shall be served meals, snacks, and milk free.

(b) No physical segregation of or other discrimination against any child shall be made by any school food authority, child development institution, or other public or private nonprofit agency or organization because of the child's inability to pay, nor shall there be any overt identification of any such child by any token or ticket in any respect different from those given any child who pays for his meal, snack, or milk, by announced or published lists of names, or by any other means. No child or any member of his family shall be required to perform any work or service for any authority, institution, agency, or organization in return for any meal, snack, or milk provided such child under this Act.

(c) Each school food authority operating a child nutrition program pursuant to this Act shall make available to every child in attendance in schools administered by such authority who is a member of a household which has an annual income not above the applicable household size income level set forth in the income eligibility guidelines at least one meal during each day school is in session unless an adult member of the child's household notifies the authority in writing that he does not want such child to receive any meal. In the event that any such school food authority falls, after the expiration of a period of eighteen months following the effective date of this Act, to fulfill the meal service obligation prescribed in the preceding sentence with respect to 25 or more children, the State educational agency shall provide a daily meal to such children or disburse funds to any public or private nonprofit agency or organization that has sufficient personnel and equipment to provide a daily meal to such children at a facility in reasonable proximity to the school they attend. The funds so disbursed shall be sufficient to enable such agency or organization to operate a child nutrition program for such children during the school year without any operating cost to such agency or organization.

(d) Each child nutrition program shall utilize commodities designated from time to time by the Secretary as being in abundance either nationally or in the program area.

(e)(1) Each State educational agency shall, not later than April 1 of each fiscal year, submit to the Secretary, for approval by him as a prerequisite to receipt of Federal funds for the next fiscal year, a State plan of child nutrition operations for such next fiscal year. Such plan shall include as a minimum:

(A) a description of the manner in which such agency proposes to use the funds provided under this Act to meet the requirements of subsections (a) through (c);

(B) a program for nutrition education to school children and, where feasible, to their parents;

(C) a program to cooperate in instituting pilot and demonstration child nutrition programs;

(D) a description for the supervision and audit of program operations;

(E) a description of the manner in which the agency has, in the current fiscal year, used the funds provided under this Act to achieve the objectives set forth in the State plan submitted the preceding year; and

(F) a detailed accounting of program disbursements.

Such plan shall become a matter of public record available upon request from the Secretary or the State educational agency without charge.

(2) Each child development institution or public or private nonprofit agency or organization operating a child nutrition program under this Act shall, upon conclusion of its program or at least annually in accordance with a schedule to be established by the Secretary, file a report with the Secretary which shall include, as a minimum:

(A) a description of the manner in which it used the funds provided under this Act to meet the requirements of subsections (a), (b), and, where applicable, (c);

(B) a description of the program of nutrition education to participants and their parents if such a program was provided;

(C) a description of the manner in which it cooperated in instituting pilot and demonstration child nutrition programs;

(D) statistics on program participation, including the number of children in the area served by the program who did not participate but who could have if more funds had been available; and

(E) a detailed accounting of program disbursements.

Such report shall become a matter of public record available upon request from the Secretary for a nominal copying charge.

(f)(1) Each school food authority participating in a child nutrition program shall report to its State educational agency within ten days after the close of each school month the average daily number of children who received free and non-free meals, snacks, and milk during the immediately preceding month, together with a detailed accounting of program disbursements. Each participating school food authority shall provide an estimate, by way of survey and sampling, as of October 1 and March 1 of each year, of the number of children eligible for free meals, snacks, and milk. Each such report and estimate shall become a matter of public record available upon request from the State educational agency for a nominal copying charge.

(2) Each State educational agency shall report to the Secretary within twenty days after the close of each school month the average daily number of children who received free and nonfree meals, snacks, and milk during the immediately preceding month, together with a detailed accounting of program disbursements. Each State educational agency shall provide an estimate, derived from the school food authority estimates specified in paragraph (1) as of October 1 and March 1 of each year, of the number of children eligible for free meals, snacks, and milk. Each such report and estimate shall become a matter of public record available upon request from the Secretary or the State educational agency for a nominal copying charge.

(g) State educational agencies, school food authorities, child development institutions, and other public or private nonprofit agencies or organizations participating in child nutrition programs under this Act shall keep such accounts and records as the Secretary may prescribe. Such accounts and records shall be preserved for such period of time, not in excess of five years, as the Secretary determines is necessary and shall, at all times during such period, be available for inspection and audit by representatives of the Secretary.

(h) The State educational agency of each State shall establish an advisory council on child nutrition, at least one-third of whose members shall be children and parents of children receiving free meals, to advise such agency regarding the nutrition programs carried out under the provisions of this Act in such State.

EFFECTIVE DATE, REPEAL, AND CONSOLIDATION

SEC. 8. (a) The provisions of this Act shall become effective one year after the date of enactment of this Act, except that the Secretary is authorized to initiate such actions prior to the effective date as he deems necessary to effectively administer the program provided for in this Act on and after that date.

(b) The National School Lunch Act and the Child Nutrition Act of 1966 are repealed effective one year after the date of enactment of this Act, but no suit, action, or other proceeding lawfully commenced by or against any office, agency, or bureau or any officer of the United States acting in his official capacity shall abate by reason of such repeal.

(c) All personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds, which the Director of the Office of Management and Budget determines are used primarily in the administration of the National School Lunch Act and the Child Nutrition Act of 1966 are transferred to the Department of Health, Education, and Welfare on the effective date of this Act.

(d) None of the funds provided under title II of section 808 of the Elementary and Secondary Education Act of 1965 or section 222(a) (1), (2), or (5) of the Economic Opportunity Act of 1964 may be used for the purpose of carrying out the programs provided for under this Act.

AUTHORIZATION FOR APPROPRIATION

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SECTION-BY-SECTION ANALYSIS: COMPREHENSIVE CHILD NUTRITION ACT OF 1972

Section 1. The title of this act is the Comprehensive Child Nutrition Act of 1972.

Section 2. *Findings and Declaration of Policy*. Congress declares its policy to be that of assuring every child good nutrition, through schools, child development institutions, and similar agencies, with special emphasis on the economically disadvantaged. This goal is to be achieved by simplifying and strengthening State and local administration of child nutrition programs and by increasing the knowledge of children and their caretakers about the nature of good nutrition and its importance to child development.

Section 3. *Definitions*. The terms children, child development institution, child nutrition program, school, income eligibility guidelines, meal, snack, milk, nonprofit private school, public or private nonprofit agency or organization, school food authority, secretary, state and state educational agency are defined.

Section 4. *Authority to Establish Programs; Coordination; Office of Child Nutrition*. The Child Nutrition Program is located in the Office of Child Nutrition within the Department of Health, Education, and Welfare.

Section 5. *Child Nutrition Programs*. State allotments are paid to the State educational agencies for use in and further distribution to child nutrition programs. Programs qualifying for assistance include those in which schools provide meals, snacks, or milk to their pupils on or off school grounds in the summer as well as the school year, and those in which child development institutions or other public or private nonprofit agencies, such as Head Start or day care centers or summer recreation projects, supply similar food service to children either too young for or otherwise not in school. Expenditures for nutrition education for children and their parents are encouraged, as are outlays for health monitoring to uncover and correct nutritional deficiences. The Secretary retains authority to fund pilot and demonstration programs testing new concepts and delivery systems as well as to undertake essential research.

The only limitation on the use of funds to cover the cost of conducting child nutrition programs is the constraint against construction of food service facilities. But existing facilities may be remodeled or renovated to prepare them to accept food service equipment, including utility installation which is not possible at present, and all necessary equipment and supplies can be purchased or rented. Properly reimbursed expenses include those for administration of the programs (professional school district food service directors), supervision (food service aides), and all other costs associated with establishing and maintaining such programs.

All State-matching requirements are eliminated.

Section 6. *Authorization of Appropriations and Apportionment to States*. The authorization is open-ended: Such funds as are necessary to carry out the purposes of the Act. States are guaranteed a sum equal to the number of children under 18 years of age multiplied by ten cents, multiplied by 160 (average number of school days in the school year); plus a sum equal to the number of poverty-level children under 18 years of age, multiplied by fifty cents, multiplied by 160. Funds are available for nonprofit private schools as well as public schools. No State receives less than the amount it received under existing programs in FY 1973. Installment payments from the Federal government in advance of actual expenditures are authorized.

Section 7. *Program Requirements*. (a) Free meals must be served to children from families below the poverty level. If 75 percent or more of the children in a program fall below this level, then all meals are served free of cost. All migrant children are to receive free meals. (b) There must be no discrimination of or against children receiving free meals. (c) All children attending a school or child development institution must receive at least one meal per day unless a parent requests otherwise. If schools refuse to cooperate, then a State agency must make alternative arrangements to feed the children. (d) Commodities must be utilized. (e) A State plan must be submitted annually. (f) Programs must file periodic reports on participation and expenditures and State agencies must file periodic reports with the Secretary. All reports must be made public. (g) Adequate records must be maintained by agencies involved in child nutrition programs. (h) An advisory council must be established in each State.

Section 8. *Effective Date, Repeal and Consolidation*. The provisions of the Act go into effect one year after the date of enactment. The Act repeals the National School Lunch Act and the Child Nutrition Act as of that time and limits funds from other programs to be expended on child nutrition. The Act provides for the transfer of books, records, and personnel from USDA to HEW.

Section 9. *Authorization for Appropriation*. The Act authorizes to be appropriated such sums as may be necessary.

Name of program	Act and section	Brief description	Who administers	State matching
(1) General assistance: Public schools	NSLA: Sec. 4	Across-the-board cash assistance for lunches in all participating schools (average contribution of 5 cents each lunch).	FNS, USDA: State educational agencies to school districts.	$3 State for every $1 Federal, but "State" includes children's payments, except in fiscal 1972, when 4 percent must come from State revenues (12 State cents every Federal $1).
(1A) General assistance: Private schools.	Sec. 10	Withholding of funds for nonprofit private schools in 26 States.	Regional offices to school districts.	$3 from sources within the State expended by private schools in State to every $1 Federal.
(2) Special assistance: Public schools	Sec. 11	Special cash grants to assure receipt of lunch by needy children at whatever school they attend (average contribution of 30 cents each lunch, including funds from No. 3 below).	State educational agencies to school districts.	None—school can receive up to 100 percent of cost of serving meal or Secretary's maximum reimbursement rate, whichever is lower.
(2A) Special assistance: Private schools.	Sec. 11	Withholding of funds for nonprofit private schools in 26 States.	Regional offices to school districts.	None—as in 2.
(3) Special sec. 32: Public schools	Each year's Agriculture Appropriations Act.	Money alloted to States for use in feeding needy children through provision of lunch, breakfast, and/or State administrative expenses.	State educational agencies to school districts.	None, but see 2.
(3A) Special sec. 32: Private schools	do	Withholding of funds for nonprofit private schools in 26 States.	Regional offices to school districts.	None.
(4) School breakfast: Public schools	CNA: 4(a)	Across-the-board cash assistance for breakfasts in schools drawing attendance from poor areas or to which a substantial portion of pupils must travel long distances (average contribution of 15 cents each breakfast).	State educational agencies to school districts.	Minimum of 20 percent of cost of serving meal in needy areas; maximum of nonfood costs.
(4A) School breakfast: Private schools	4(f)	Withholding of funds for nonprofit private schools in 26 States.	Regional offices to school districts.	As in 4.
(5) Nonfood assistance: Public schools	5(a)	Aid for buying or renting food service equipment for schools drawing attendance from poor areas.	State educational agencies to school.	25 percent from State or local funds.
(5A) Nonfood assistance: Private schools.	5(d)	Withholding of funds for nonprofit private schools in 26 States.	Regional offices to school districts.	None.
(6) Special food service program: Public service institutions.	NSLA: Sec. 13(a).	Cash aid to nonprofit food service programs for meals or food service equipment (25 percent limit) for children in day-care centers, settlement houses, recreation centers, etc., which provide day-care for children from poor areas or areas with high concentrations of working mothers.	State educational agencies to school districts.	Food service: none, but minimum of 20 percent of cost of serving food; maximum of nonfood costs. Equipment assistance—25 percent from non-Federal source.
(6A) Special food service program: Private service institutions.	Sec. 13(d)	Funds for same programs in nonprofit private service institutions in 32 States.	Regional offices to school districts.	As in 6.
(7) Special milk program: Public schools.	CNA: Sec. 3.	Cash assistance to lower price of milk in schools and service institutions.	State educational agencies to school districts.	None. None.

Name of program	Act and section	Brief description	Who administers	State matching
(7A) Special milk program: Private schools.	Sec. 3	Withholding of funds for nonprofit private schools in 31 States and for nonprofit private child care institutions in 32 States.	Regional offices to school districts.	Do.
(8) Federal administrative expenses	NSLA: Sec. 6	Funds for Secretary's expenses in administering NSLA and CNA programs.	FNS, USDA	Do.
(9) State administrative expenses	CNA: Sec. 7	Funds for State educational agencies and commodity distribution agencies for their administrative expenses in supervising and giving technical assistance to local school districts and service institutions for all CNA programs and NSLA special assistance and special food service for children programs.	FNS, USDA: State educational agencies and commodity distribution agencies.	Do.
(10) Commodities: Sec. 6	NSLA: Sec. 6	Purchase by Secretary of highly nutritious commodities for distribution to schools and service institutions (provides average contribution of 7 cents each lunch together with funds from 11, 12, and 13 below).	C. & M.S., USDA: State educational agencies or commodity distribution agencies to school districts.	Do.
(11) Commodities: Sec. 32	Sec. 32 of Public Law 74–320 (Act of Aug. 24, 1935)	Purchases by Secretary of surplus commodities followed by donations to schools and service institutions.	State educational agencies or commodity distribution agencies to school districts.	Do.
(12) Commodities: Sec. 416	Sec. 416: Agricultural Act of 1949.	Price-support acquisition by Commodity Credit Corporation of commodities and donation to school lunch program.	CCC and C. & M.S., USDA: State educational agencies or commodity distribution agencies to school districts.	None.
(13) Commodities: Sec. 709	Sec. 709: Food and Agriculture Act of 1965.	Purchase by Commodity Credit Corporation of dairy products, other than fluid milk, to meet requirements of school programs.	do	Do.
(14) Surveys and studies	NSLA: Sec. 6(3)	Funds for Secretary to commission surveys and studies of food service program requirements either through grants to states or other means (contracts with other groups).	FNS, USDA: State educational agencies or other public or private organizations, including school districts.	Do
(15) Training	Sec. 6(3)	Funds for Secretary to provide nutritional training and education for food service workers, cooperators, and participants either trhough grants to States or other means.		Do.
(16) Special development projects	CNA: sec. 10	Funds for each State to use for pilot projects to improve methods and facilities for providing food service to children.	State educational agencies	None—but really State is grantor.

CHILD NUTRITION PROGRAM

State	Fiscal year 1972 grants to States for child nutrition[1]	Children under 18	Children×10¢ ×160 days (in thousands)	Children under 18 in poverty	Poverty children×60¢ ×160 days (in thousands)	Total cost (in thousands)
Alabama	$21, 098, 318	1, 234, 000	$19, 744	356, 000	$28, 480	$48, 224
Alaska	854, 209	120, 000	1, 920	17, 000	1, 360	3, 280
Arizona	5, 537, 303	644, 000	10, 304	113, 000	9, 040	19, 344
Arkansas	12, 456, 917	655, 000	10, 480	202, 000	16, 160	26, 640
California	33, 928, 730	6, 636, 000	106, 176	827, 000	66, 160	172, 336
Colorado	6, 753, 451	774, 000	12, 384	97, 000	7, 760	20, 144
Connecticut	6, 504, 540	1, 021, 000	16, 336	78, 000	6, 240	22, 576
Delaware	1, 779, 024	197, 000	3, 152	24, 000	1, 920	5, 072
District of Columbia	6, 602, 915	224, 000	3, 584	50, 000	4, 000	7, 584
Florida	22, 557, 331	2, 109, 000	33, 744	397, 000	31, 760	65, 504
Georgia	26, 069, 906	1, 644, 000	26, 304	389, 000	31, 120	57, 424
Hawaii	2, 889, 885	275, 000	4, 400	28, 000	2, 240	6, 640
Idaho	2, 590, 011	263, 000	4, 208	33, 000	2, 640	6, 848
Illinois	26, 553, 468	3, 796, 000	60, 736	412, 000	32, 960	93, 696
Indiana	16, 368, 428	1, 840, 000	29, 440	169, 000	13, 520	42, 960
Iowa	11, 617, 330	975, 000	15, 600	97, 000	7, 760	23, 360
Kansas	7, 521, 975	746, 000	11, 936	88, 000	7, 040	18, 976
Kentucky	18, 433, 377	1, 114, 000	17, 824	273, 000	21, 840	39, 664
Louisiana	21, 260, 835	1, 388, 000	22, 208	410, 000	32, 800	55, 008
Maine	3, 985, 728	344, 000	5, 504	49, 000	3, 920	9, 424
Maryland	10, 529, 426	1, 381, 000	22, 096	156, 000	12, 480	34, 576
Massachusetts	15, 473, 741	1, 876, 000	30, 016	164, 000	13, 120	43, 136
Michigan	22, 068, 835	3, 251, 000	52, 016	304, 000	24, 320	76, 336
Minnesota	14, 985, 814	1, 381, 000	22, 096	130, 000	10, 400	32, 496
Mississippi	17, 480, 869	844, 000	13, 504	344, 000	27, 520	41, 024
Missouri	16, 676, 933	1, 553, 000	24, 848	228, 000	18, 240	43, 088
Montana	2, 267, 304	253, 000	4, 048	33, 000	2, 640	6, 688
Nebraska	5, 664, 659	507, 000	8, 112	61, 000	4, 880	12, 992
Nevada	845, 047	170, 000	2, 720	15, 000	1, 200	3, 920
New Hampshire	2, 285, 785	254, 000	4, 064	20, 000	1, 600	5, 664
New Jersey	12, 953, 117	2, 385, 000	38, 160	217, 000	17, 360	55, 520
New Mexico	5, 207, 570	406, 000	6, 496	107, 000	8, 560	15, 056
New York	45, 482, 426	5, 841, 000	93, 456	733, 000	58, 640	152, 096
North Carolina	30, 481, 504	1, 759, 000	28, 144	406, 000	32, 480	60, 624
North Dakota	3, 360, 506	226, 000	3, 616	36, 000	2, 880	6, 496
Ohio	29, 286, 875	3, 738, 000	59, 808	370, 000	29, 600	89, 408
Oklahoma	9, 849, 324	837, 000	13, 392	162, 000	12, 960	26, 352
Oregon	5, 212, 752	698, 000	11, 168	74, 000	5, 920	17, 088
Pennsylvania	31, 140, 785	3, 848, 000	61, 568	415, 000	33, 200	94, 768
Rhode Island	2, 228, 333	300, 000	4, 800	35, 000	2, 800	7, 600
South Carolina	17, 161, 780	955, 000	15, 280	269, 000	21, 520	36, 800
South Dakota	3, 234, 760	241, 000	3, 856	45, 000	3, 600	7, 456
Tennessee	20, 457, 146	1, 326, 000	21, 216	321, 000	25, 680	46, 896
Texas	39, 902, 694	4, 000, 000	64, 000	858, 000	68, 640	132, 640
Utah	4, 110, 047	424, 000	6, 784	45, 000	3, 600	10, 384
Vermont	1, 635, 722	157, 000	2, 512	18, 000	1, 440	3, 952
Virginia	19, 493, 426	1, 589, 000	25, 424	281, 000	22, 480	47, 904
Washington	7, 971, 049	1, 160, 000	18, 560	112, 000	8, 960	27, 520
West Virginia	9, 241, 599	580, 000	9, 280	139, 000	11, 120	20, 400
Wisconsin	14, 305, 702	1, 584, 000	25, 344	139, 000	11, 120	36, 464
Wyoming	1, 151, 238	120, 000	1, 920	14, 000	1, 120	3, 040
Total	677, 510, 359	69, 643, 000	1, 114, 288	10, 360, 000	828, 800	1, 943, 088

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[1] Does not include $354,160,000 in sec. 32 transfer to States under the special child feeding program.

By Mr. FANNIN:

S. 3906. A bill to protect the safety of users of compressed gas cylinders and for other purposes. Referred to the Committee on the Judiciary.

Mr. FANNIN. Mr. President, I introduce a bill to amend section 832 of title 18 of the United States Code relating to transportation of explosives, radioactive materials, etiologic agents, and other dangerous articles.

In this period of concern for workers' health and safety and for consumer protection I would like to point out an area that threatens to endanger the lives of workers and consumers in the United States.

High pressure compressed gas cylinders are among the potentially most hazardous articles used by industry. Often charged to pressures exceeding 1,000 pounds per square inch, these containers usually hold highly flammable gases such as acetylene, oxygen, and hydrogen. Obviouly even slight imperfections in the construction of these cylinders can have disastrous consequences.

Recognizing the destructive potential of these containers, Congress authorized the Interstate Commerce Commission to formulate production and inspection standards as far back as 1921. The Interstate Commerce Commission developed strict regulations for such cylinders and specified minimum engineering standards cylinders must meet before they may be transported in interstate commerce.

The effect was immediate. Poorly made cylinders were withdrawn from the market and the rate of cylinder failures dropped.

The wisdom of stringent quality control was again demonstrated during the Second World War. Military requirements for high-pressure gas cylinders were so great that comprehensive inspection procedures were impractical. Many new companies began manufacturing cylinders, some with little experience or understanding of the standards. Cylinder failures increased. Following the war, the reputation of those firms producing low-quality cylinders caught up with them. Many manufacturers were forced to dissolve, while those which had continued to make high-quality, safe products prospered.

The American safety standards for compressed gas cylinders are among the most stringent in the world. These regulations have been largely responsible for the commendable safety record of American-made cylinders. Competent, Government-approved inspectors check materials, manufacturing procedures, and testing of all U.S. cylinder manufacturers. Producers scrupulously examine all their products for defects before shipment; thousands of containers are scrapped annually because of slight imperfections.

These methods are not always adopted by foreign manufacturers. Foreign-made cylinders often claim to have been made to U.S. standards when in fact they would fail nearly every test we require. In hearings before the Hazardous Materials Regulations Board last year, numerous examples of defective foreign cylinders were presented, many bearing ICC serial numbers, purporting to have been made to American specifications.

When Congress determined in 1921 that the safety of American workers from the hazards of high-pressure cylinders could be protected only by stringent regulations, it was correct. The regulations promulgated by the ICC recognized that thorough inspection of cylinders could be accomplished only within the continental limits of the United States.

The specifications are too technical and subject to misinterpretation and the regulatory burden too great to allow overseas testing and inspection. Further, the commitment to safety of many foreign countries was—and is—subject to doubt.

Despite the demonstrated necessity of stringent safety regulations, the Hazardous Materials Regulations Board is currently considering liberalization of the American standards to permit importation of foreign-made high pressure gas cylinders. Such an action would be unjustifiable at any time in view of the proven hazards; it is incomprehensible at a time when Congress has rededicated itself to passage of advanced consumer safety legislation.

This bill would reaffirm our concern for the safety of American workers, and forestall those who would permit a flood of potentially dangerous products onto the American market.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 832 of Title 18, United States Code, is amended by insertion of a new subsection (d) as follows:

"(d) No person shall knowingly transport, carry or convey within the United States a container for compressed gases which has not been inspected and tested within the continental limits of the United States in conformity with regulations promulgated by the Secretary as provided in this title. As used in this section, "compressed gases" shall mean any gas under a pressure greater than 100 pounds per square inch at 130° F. Any person who violates this provision or any regulation prescribed hereunder by the Secretary shall be fined not more than $1,000 or imprisoned not more than one year or both; and, if death or bodily injury of any person results from a violation of this section, shall be fined not more than $10,000 or imprisoned not more than ten years, or both."

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 3907. A bill to establish in the State of California the Santa Monica Mountain and Seashore National Urban Park. Referred to the Committee on Interior and Insular Affairs.

THE SANTA MONICA MOUNTAIN AND SEASHORE NATIONAL URBAN PARK

Mr. TUNNEY. Mr. President, today I am introducing a bill to establish the Santa Monica Mountain and Seashore National Urban Park. The bill, which is cosponsored by Senator ALAN CRANSTON, would create a major national park along the beaches of Santa Monica Bay and the mountains and valleys of the Santa Monica Mountains in Los Angeles and Ventura Counties in California. An identical bill is being introduced in the House today by Congressmen AL BELL and BARRY GOLDWATER, JR.

Mr. President, the need to protect this region, by creation of such a national park, is urgent. Never before in America has such a large, concentrated population suffered from such a scarcity of recreational resources. Although 10 million persons live in Metropolitan Los Angeles, the Los Angeles urban area has less open space available for public recreation and cultural uses than any other major city in the United States, including New York City. This imbalance is intensified by the great yearly influx of visitors to the area—over 8 million annually in Southern California—largely attracted by the region's sunshine, beaches, and outdoor living. The strain on existing recreational resources is nearing the breaking point. Beaches are continually crowded and camping sites for hundreds of miles around often require reservations, and turn thousands away on popular weekends. Los Angeles residents are equally discouraged by teeming crowds at the few local recreational areas, and by the crowded highways leading to the facilities in outlying areas. A county park in the Santa Monica Mountains is a case in points: Its facilities were so consistently overused that officials were forced to close the area to overnight camping. The Santa Monicas are at the very heart of Los Angeles' problems of increased urbanization and decreasing recreational and open space lands: while offering untapped potential for expansion of recreational opportunities for southern California residents and visitors, it is in great need of protection against uncontrolled urban development.

And the resources at stake in the mountain and seashore area are indeed unique. It is the only example of a Mediterranean-type climate existing in the Northern Hemisphere. To the inhabitants of the United States it offers the only example of such a climate and the indigenous plant and animal life molded by this particular condition.

The canyons, valleys, and beaches offer an unusual, yet fragile landscape compatible with human open space and recreational needs. There are hidden valleys, steep cliffs, placid ponds, shady coves. The many types of foliage indigenous to the Mediterranean climate—sage, sumac, yucca—cover the hillsides. Marsh and water birds frequent the coastal area. The observant hiker can see deer, coyote, bobcat, raccoon, rabbit, fox, ground squirrel, and quail. The mountains and coastlands are also an archeological wonder: 600 sites have been identified, and one expert estimates that this is only one-tenth the number that await discovery in the mountain chain.

The mountains and seashore are an impressive biological, geological, archeological, recreational, and educational resource—and are within a few short miles of the center of Los Angeles, the second largest urban area in the Nation. In an area which epitomizes the type of lunatic land planning against which every faction of our society has raised its voice; an area often cited for its unplanned and rampant development, unguided urbanization and the desecration they leave behind; an area in which public open space has all but disappeared, the Santa Monica chain reigns as the only major open space in the entire region.

The people of Los Angeles and its environs long have been short changed in park and open space areas. Los Angeles has actually less total park land today than it had in 1929—with millions more residents. With all its problems of traffic congestion, air, water, and noise pollution and overcrowding, the Santa Monica Mountains not only provide potential for public recreation, but they serve as a watershed, airshed, and an open, natural buffer to preserve any sense of community that still exists in such a large, sprawling area. No resident, whether he makes use of the mountains' recreational potential or not, can help but be affected by the value of this buffer—or could help but be affected by its destruction. And those individuals who suffer most from the problems of urbanization, the residents of the inner city, stand to lose the most from overdevelopment of the mountains: Disappearance of the only major recreational area within their reach, increased overcrowding of the downtown city center, and an overwhelming smog problem, as the Los Angeles basin loses its only large nonpolluting buffer between the ocean and the city.

Government officials at every level must be thinking to the future, and what the consequences of unplanned development in the Los Angeles area can be. And yet, daily this process of uncontrolled urban sprawl into our de facto open space continues, and the reality of a permanent, protected open space, and recreational area is slipping from our grasp. It can no longer be argued that such issues are a strictly local matter. The enormity of the problem, and the expense of acquiring large areas and developing them for large-scale recreation—a totally new problem from the time when large, scenic areas could be acquired for a pittance—necessitates Federal involvement. In addition, the fact that 5 percent of the Nation's population visits southern California every year, utilizing the beaches and gentle mountains in year-round sunny weather, in itself labels the area—and the Santa Monica Mountain region in particular—as a national resource. A great national park in the midst of Los Angeles will afford a unique resource for camping and vacationing to the tens of thousands of families who visit Los Angeles every year.

A verbal commitment by the Federal Government to protect the region's resources already has been made: In 1970, the Secretary of the Interior, Walter J. Hickel, in announcing the urban recreation study program, said,

> The Santa Monica Mountain range, together with adjoining beaches form the greatest untapped natural resource in the second largest metropolitan area in the nation. Considering the size, location and variety of the resources, the importance of this area in meeting the recreational needs of Los Angeles residents cannot be overemphasized.

President Nixon supported this position in a mandate for open space planning and land acquisition, set forth in his February 1970, message to Congress on the Environment:

> Plain common sense argues that we give greater priority to acquiring now the lands that will be so greatly needed in a few years.

Finally, the Department of Interior's August 1972 study of the Santa Monica Mountains made the following findings:

> 1. The Santa Monica Mountains and adjacent coastline constitute the most significant large unprotected expanse of natural environments remaining on the periphery of the Los Angeles Basin. The association of mountains and ocean offer distinctive scenic values and a variety of natural life forms.
>
> 2. The significance of these natural environments is underscored by their proximity to the eight million residents of the Los Angeles Basin. The natural environments offer unique opportunities for recreation in unstructured natural settings and for scientific studies and outdoor classrooms. They also can serve to balance urban expansion, provide visual relief in contrast to the adjacent urban expanse and help dilute Los Angeles' seriously polluted airshed.
>
> 3. Current urban expansion trends, particularly those of large scale residential development, are having a severe impact on the remaining natural environments within the mountains. If these development trends continue unabated, the values associated with the remaining natural environments will be forfeited.
>
> 4. In view of the threat which continued urban expansion poses in the Santa Monica Mountains and along the adjacent coastline, measures need be taken to expand the existing parklands and regulate and control land uses to protect the significant portions of remaining natural environments in the public interest.

It is indeed unfortunate that despite these findings, the Department was required to conclude that this was not a high priority Federal concern requiring immediate commitment of funds.

Obviously, now that such findings have been made, it is time to back up those findings with a strong commitment of funds. If we honestly believe the Santa Monica Mountains and seashore are an invaluable asset to the people of southern California and the rest of the Nation, and that protection of this area requires Federal cooperation and support of State and local efforts, we must act now to back up these beliefs with strong Federal support, or we will be retracting a commitment made by the Federal Government at the highest level.

I propose in my bill that the Federal Government not just assist, but join in partnership with the State of California and local governmental entities in developing this major Federal appropriation to begin acquisition to scenic, recreational lands now. And I propose mechanisms for working jointly with State and local government to understand and plan for the needs of the entire region for the present and the future, to end a haphazard continuation of urban sprawl. We must, in a cooperative intergovernmental way, not only move immediately to acquire those areas which have been determined to be prime areas for recreational use, but also consider the needs of the entire mountain and coastal region, to insure preservation of those resources we recognize to be valuable.

As former Secretary Hickel said in 1970:

> We are moving with a coordinate program to establish large park and recreation areas where most of our people live . . . in the metropolitan areas of our country. We must get parks to the people.

The year 1972 has been declared to be National Parks Centennial Year in honor of the founding of Yellowstone National Park in 1872. I believe 1972 should also mark the beginning of the second 100 years of the national park system, by the creation of the first national urban park in the mountains and seashore of Los Angeles. The needs of today's Los Angeles residents and visitors are great; the needs of future Americans for parklands near urban areas will be tremendous. We must act now to provide both present and future Americans with the open, recreational lands they deserve.

Mr. President, I ask unanimous consent that the bill be printed at this point in my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) in order to preserve a national mountain and seashore resource to provide for public outdoor recreation use and enjoyment of the Santa Monica Mountains by present and future generations; to preserve natural, scenic, scientific, historic, and other values contributing to public enjoyment of the lands and waters of the area; to preserve the range's value to the surrounding region as open space; and recognizing the need of the greater Los Angeles area for such an open space and recreational resource, there is authorized to be established the Santa Monica Mountain and Seashore National Urban Park. The park, subject to valid existing rights, shall generally comprise that area of the Santa Monica Mountains eastward of the San Diego Freeway along the crest of the Santa Monica Mountains and paralleling Mulholland Drive to Griffith Park and westward from the San Diego Freeway and eastward from Point Mugua and westward from Sunset Boulevard, including portions of the beaches and coastal canyons of Santa Monica Bay. Special effort shall be expended by the Secretary of the Interior to acquire lands, easements, and other necessary rights to create a park that is a contiguous whole and maximizes the benefits of the park for the greater Los Angeles region.

(b) In preserving the mountains and seashore and stabilizing its development, substantial reliance shall be placed on cooperation between Federal, State and local governments to apply best principles of land use planning and zoning. The Secretary of the Interior shall give full consideration to the recommendations of the State of California Venturia-Los Angeles Mountain and Coastal Study Commission affecting land use, zoning, conservation, and development in Los Angeles County and Ventura County and to the terms of any coastline conservation legislation enacted by the State of California, and shall make every effort to encourage the State of California and local governments thereof to establish stringent land use controls in the entire Santa Monica Mountain and Seashore area as defined in this Act.

SEC. 2. (a) Special priority shall be given by the Secretary of the Interior to acquisition of the following lands which are of particular scenic, recreational and open space value:

(1) The Point Mugu, Pacific View, Boney Mountain, Hidden Valley complex;

(2) Zuma, Trancas and North Ramirez Canyons;

(3) Malibu Canyon and the Century Ranch;

(4) Cold Canyon;

(5) Tuna Canyon;

(6) Areas north and west of Will Rogers State Park;

(7) Santa Maria Canyon;

(8) Caballero Creek;

(9) The Mulholland Highway and Portrero Road, for development as a Scenic Corridor to traverse the length of the mountains, to provide access for recreation purposes by several modes of travel;

(10) Seashores and associated coastal canyons of the area defined by this Act;

(11) Lands to be acquired for hiking, equestrian, bicycle, of land use planning and zoning. The Secretary of the Interior shall give full consideration to the recommendations of the State of California Ventura-Los Angeles Mountain and Coastal Study Commission affecting land use, zoning, conservation, and development in Los Angeles County and Ventura County and to the terms of any coastline conservation legislation enacted by the State of California, and shall make every effort to encourage the State of California and local governments thereof to establish stringent land use controls in the entire Santa Monica Moutain and seashore area as defined in this Act.

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(8) Caballero Creek;

(9) The Mulholland Highway and Portrero Road, for development as a Scenic Corridor to traverse the length of the mountains, to provide access for recreation purposes by several modes of travel;

(10) Seashores and associated coastal canyons of the area defined by this Act;

(11) Lands to be acquired for hiking, equestrian, bicycle, or other trail systems.

(b) The lands to be acquired by the United States under this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") through the National Park Service. Under direction of the Secretary, the National Park Service shall administer, protect, and develop the park subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and the Secretary may apply any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this Act, and any system of cooperative management he finds most feasible with the California State Department of Parks and Recreation and local parks and recreation agencies.

(c) As soon as practicable after acquisition by the Secretary of an acreage within the boundaries of the park which, in his opinion, can be administered efficiently for the purposes of this Act, he shall establish the park by publication of notice thereof in the Federal Register. Such notice shall include a description of the boundaries of the park.

(d) In addition, the Secretary shall study the land use management needs of the entire defined mountain and seashore region and take whatever actions are determined necessary to preserve the established values of the Santa Monica Mountain and Seashore area, including additional land acquisition. The Secretary shall take whatever action is necessary in order to assure that special precautions will be taken by the State of California and local governmental entities to guard against land use management of the lands surrounding acquired parklands which are incompatible with the acquired lands, in order to preserve the natural continuity of the regional environment.

SEC. 3. (a) The Secretary is authorized, subject to the limitations, restrictions, and conditions imposed by this Act, to acquire the land and other property and any interests therein by donation, purchase with donated or appropriated funds, or by exchange, except that land owned by the State of California or any of its political subdivisions may be acquired only with the consent of the owner.

(b) When acquiring property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the park, and in exchange therefor he may convey to the grantor of such property any Federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(c) In exercising his authority to acquire property under this Act, the Secretary shall give immediate and careful consideration to any offer made by a property owner owning property within the boundaries of the park to sell such property to the Secretary. A property owner owning property within the park may notify the Secretary that the continued ownership of that property would result in hardship to him, and the Secretary shall immediately consider such evidence and shall within one year following the submission of such notice, subject to the availability of funds, purchase such property offered for a price which does not exceed its fair market value.

(d) The Secretary, to fulfill the objectives of this Act shall, from time to time, vest in the United States all right, title, and interest in, and the right to immediate possession of, all real property in specific acquisitions within the Santa Monica Mountain and Seashore area as defined in this Act, except real property owned by the State of California or a political subdivision thereof.

(e) With respect to property which the Secretary is authorized to acquire by condemnation under the terms of this Act, the Secretary shall initiate no condemnation proceedings until after he has made every reasonable effort to acquire such property by negotiation and purchase.

(f) The Secretary is authorized to acquire only such interest in lands as is reasonably necessary to establish and maintain the park.

(g) Nothing in this Act shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(h) The Secretary may use installment purchase, advance acquisition with leaseback provisions, and conservation, agricultural, access, and scenic easements to accomplish the purposes of this Act.

(i) The Secretary shall explore the possibility of obtaining grants and funds from other appropriate government agencies to further land acquisition for the park, construct the necessary facilities to protect the values for which the park was established, and extend the benefits of the recreation and open space resource of the Santa Monica Mountain and Seashore to the greater Los Angeles region and to the American public.

SEC. 4. (a) There is hereby established a Santa Monica Mountain and Seashore National Urban Park Commission. The Commission shall cease to exist nine years after establishment of the park as provided by section 2 of this Act; however, the Secretary may, at his discretion, extend the Commission for an indeterminate period of time if he feels this action is necessary to carry out the terms of this Act.

(b) The Commission shall be composed of nine members, each appointed for a term of three years by the Secretary, as follows:

(1) five members to be designated by the Secretary, three of whom shall be residents of Los Angeles or Ventura Counties;

(2) one member to be appointed from a list of persons recommended by the board of supervisors of Ventura County;

(3) one member to be appointed from a list of persons recommended by the board of supervisors of Los Angeles County; and

(4) two members to be appointed from a list of persons recommended by the Governor of the State of California.

(c) The Secretary shall designate one member to be Chairman. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(d) Any member of the Commission shall serve without compensation, but shall be reimbursed for actual expenses incurred incident to Commission business. The Secretary is authorized to pay the expenses reasonably incurred by the Commission.

(e) The Secretary shall provide such staff assistance as is necessary to the Commission in the performance of its duties.

(f) The Commission shall meet at least twice annually at times and places designated by the Chairman. The Commission also shall meet as necessary at the call of the Chairman upon proper cause and due notice given.

(g) The members of the Commission shall have particular experience or expertise in government, conservation, land use planning and acquisition, natural and environment sciences, or economics.

(h) Notwithstanding the provisions of subsection (b) of this section, the Secretary shall make the initial appointments as follows: three commissioners shall be appointed for terms of one year, three commissioners shall be appointed for terms of two years, and three commissioners shall be appointed for terms of three years,

SEC. 5. (a) The duties of the Commission shall consist of—

(1) advising the Secretary on proposed land uses, priority of such uses, and development plans within the park, consistent with the recreational and open space aspects of the park region;

(2) advising the Secretary on any activities conducted by the Secretary or proposed to be conducted by the Secretary or through others under the Outer Continental Shelf Lands Act (67 Stat. 462) which would have or are likely to have a material influence on the park environment;

(3) advising the Governor of California on any activities conducted by or proposed to be conducted by the Lands Commission of the State of California directly or through others upon the tidelands and shelf lands and waters which would have or are likely to have a material influence on the park environment;

(4) advising the boards of supervisors of Ventura County and Los Angeles County and the city council of any city contiguous or adjacent to the park as to any proposed land use, land development, public works, mineral

development, or zoning outside the park which would have or are likely to have a material influence on the park environment;

(5) holding hearings on National Park Service proposals for acquisition of land and development and use plans for the park and submitting its findings and recommendations to the Secretary, with special priority given to lands specified in section 2 (a);

(6) assisting the Secretary in conferring with State and local parks and recreation officials to determine the best possible cooperative management program for the park lands;

(7) assisting the State of California and local government entities to assure that land use in the Santa Monica Mountain and Seashore area as defined by this Act is compatible with and supplements the values of the Park established herein; and

(8) any other duties prescribed by the Secretary related to the development, use, and management of the park and its resources and the environmental impact of the park on the surrounding communities and the environmental impact of adjacent commercial activity on the park.

SEC. 6. (a) Any owner or owners of improved property situated within the area designated for inclusion in the park on the date of its acquisition by the Secretary, may, as a condition to such acquisition, retain, for a term of not to exceed thirty years, the right of use and occupancy of such property for any single family residential purpose which is not incompatible with the purposes of this Act or which does not impair the usefulness and attractiveness of the area designated for inclusion. The Secretary shall pay to the owner the value of the property on the date of such acquisition less the value on such date of the right retained by the owner. Where any such owner retains a right of use and occupancy as herein provided, such right during its existence may be conveyed or leased for noncommercial residential purposes in accordance with the provisions of this section.

(b) Any improved or unimproved property situated within the area designated for inclusion in the park which by mutual agreement between the Secretary and the owner or owners thereof, is used commercially to serve the needs of the public and enhance their enjoyment of the park, shall not be subject to purchase or condemnation during the existence of such agreement.

(c) Any deed or other instrument used to transfer title to property, with respect to which a right of use and occupancy is retained under this section, shall provide that such property shall not be used for any purpose which is incompatible with purposes of this Act, or which impairs the usefulness and attractiveness of such area, and if it should be so used, the Secretary shall have authority to terminate such right.

SEC. 7. For the purpose of carrying out the provisions of this Act, there are authorized to be appropriated for the fiscal year ending June 30, 1973, and the next following fiscal year, such sums, the aggregate of which shall not exceed $30,000,000, as may be necessary, and for the fiscal year ending June 30, 1975, and for each fiscal year thereafter, such sums as may be necessary.

ADDITIONAL COSPONSORS OF BILLS

S. 3779

At the request of Mr. MONDALE, the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), and the Senator from Utah (Mr. MOSS) were added as cosponsors of S. 3779, the Elementary and Secondary Education Assistance Act of 1972.

S. 3813

At the request of Mr. HART, the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 3813, a bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians in Indian Claims Commission docket numbered 40-K.

SENATE RESOLUTION 349—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS

(Ordered placed on calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reporting the following resolution (Rept. No. 92-1035):

S. RES. 349

Resolved, That Senate Resolution 258, 92d Congress, agreed to March 17, 1972, is amended as follows:

(1) In section 3, strike out "$1,585,300" and insert in lieu thereof "$1,706,300".

(2) In section 4, strike out "$830,000" and insert in lieu thereof "$929,000".

(3) In section 7, strike out "$285,000" and insert in lieu thereof "$307,000".

(4) In section 9, strike out "$1,595,300" and insert in lieu thereof "$1,716,300".

SENATE RESOLUTION 350—ORIGINAL RESOLUTION REPORTED AUTHORIZING THE PRINTING AS A SENATE DOCUMENT THE ANNUAL REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

(Ordered placed on calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following resolution (Rept. No. 92-1036):

S. RES. 350

Resolved, That the Seventy-fourth Annual Report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1971, be printed, with an illustration, as a Senate document.

SENATE RESOLUTION 351—ORIGINAL RESOLUTION REPORTED PAYING A GRATUITY TO MICHAEL M. O'CONNOR AND KATHLEEN M. O'CONNOR

(Ordered placed on calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following resolution:

S. RES. 351

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Michael M. O'Connor, son, and Kathleen M. O'Connor, daughter, of Molly M. O'Connor, an employee of the Senate at the time of her death, a sum to each equal to one-half of six and one-half months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 352—ORIGINAL RESOLUTION REPORTED PAYING A GRATUITY TO FRANCES M. FELL

(Ordered placed on calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following resolution:

S. RES. 352

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Frances M. Fell, mother of Thomas F. Fell, an employee of the Senate at the time of his death, a sum equal to eleven months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

INTERIM AGREEMENT BETWEEN UNITED STATES AND U.S.S.R.—AMENDMENT

AMENDMENT NO. 1428

(Ordered to be printed and to lie on the table.)

Mr. BROOKE submitted an amendment intended to be proposed by him to the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

AMENDMENT NO. 1429

(Ordered to be printed and to lie on the table.)

NO FIRST STRIKE

Mr. HUGHES. Mr. President, I am today introducing an amendment to amendment 1406 offered by the distinguished Senator from Washington (Mr. JACKSON) to Senate Joint Resolution 241, the resolution to approve the Interim Agreement on Offensive Weapons. My amendment would add language at the end of the Jackson amendment so that the final clause would read:

> . . . And the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon (1) the maintenance of a vigorous research and development and modernization program and (2) the preservation of longstanding U.S. policy that neither the Soviet Union nor the United States should seek unilateral advantage by developing counterforce weapons which might be construed as having a first-strike potential.

I would prefer, Mr. President, that no language be added to the pending resolution, since our policy and understandings have already been made clear in the extensive record of the SALT negotiations. But if such language is to be added, I believe it is essential that the Congress go on record with unqualified support for efforts to prevent either side from developing a first-strike capability.

This step is particularly urgent because of several SALT-related items that are pending before the Congress in connection with the military procurement authorizations.

The Senate Armed Services Committee, as you know, Mr. President, has had pending before it five items that were requested by the administration as new initiatives in strategic weaponry to exploit loopholes that result from the partial nature of the Interim Agreement on Offensive Weapons.

One of those items is initial funding for an ABM site for the National Command Authority in Washington, D.C. The distinguished chairman of the Armed Services Committee (Mr. STENNIS) has already indicated to the Senate that it is unlikely that these funds can be approved by the committee and the Senate this year.

The other four items have been examined carefully by the Research and Development Subcommittee and discussed by the committee—a submarine-launched cruise missile, acceleration of the development of site defense for Minuteman, upgrading of our strategic communications, and most provocative of all, development of a more accurate warhead for our Minuteman and Poseidon MIRV'ed missiles.

As I indicated, Mr. President, these proposals are pending before the Armed Services Committee of the Senate.

But they are also pending before the conference on the military procurement authorizations, having been approved by the House in their version of the bill. The possibility therefore exists, Mr. President, that this body could be faced with a conference report that includes these items, and in this event, a lengthy and vigorous debate can be expected.

In the interest of time and economy of action, therefore, we propose this amendment by which the Senate can express itself forcefully on the question of whether the United States should now abandon its longstanding policy against developing first-strike capability and pursue a hazardous and irrational course, deluding ourselves into thinking that, by some remote chance, any nation could survive a nuclear exchange.

It is foolishness, Mr. President, to believe that the Russians would not respond massively and devastatingly if we should launch a "surgical strategic strike" against selected Soviet targets.

It is even more foolish to believe that the Russians, knowing that we have developed such counterforce capability, would not throw everything they have into the first launch in order to use what we might otherwise destroy in our next "surgical strike."

On the other hand, Mr. President, if by some mad and inhumane turn of events, the Soviet Union were someday to decide on a first-strike against us, it is foolishness to believe that they would not put their entire arsenal into the attack, knowing that if they do not inflict total destruction on the first blow, we could pick out their remaining missiles, their military command centers, and the vital centers of their cities and—with our newly acquired accuracy—destroy them with ungodly precision.

I fear that there is no such thing as "limited nuclear war." Rationality in the face of irrationality requires superhuman control and might even risk the one-sided obliteration of the rational nation. Once begun, nuclear war would be an exercise in posthumous revenge.

Admittedly, there is the possibility of accidental launch, and an all-out response thereto could be restrained.

But if either side, or any other nation, develops a motivation to strike first, our technology would not fail to demonstrate the determination of the instigator, and we would immediately take up the awful challenge with a volley of nuclear death and destruction.

Years ago, the United States concluded that it would be unnecessary and provocative to improve our missiles to the point that they could, with a high probability of success, destroy Soviet land-based missiles. It would be unnecessary because both sides retained invulnerable sea-based missiles which had sufficient capability to deter any attack. It would be provocative because the Soviet Union might doubt our intentions and plan instead against our capability to destroy their land-based missiles.

When one nation fears that a major part of its deterrent force can be easily destroyed in an attack by highly accurate, large-yield warheads, it understandably fears that an adversary might use that advantage to strike first. This upsets the delicate balance of terror by giving the edge to that nation which attacks first, whether out of aggressive design or in fear of an imminent attack by its enemy.

For the foreseeable future, both the United States and the Soviet Union will have an invulnerable deterrent force in their respective nuclear submarines. But since both nations have invested considerable resources in land-based missiles, they are rightly concerned that these forces might be substantially threatened by new programs giving greater yield and accuracy.

Already the United States has developed MIRV technology to the point where we have high confidence—but not certainty—that we can come very close to Soviet silos and render most missiles inoperative.

As Senator STENNIS told the Senate last year:

> We have amazing accuracy already. We had had amazing achievements in that field. The exact information is classified, but we can come well within a half-mile of targets now. Our accuracy on the targets is well within a half-mile. I state that because I am told it is a fact. So certainly we are not neglecting this field.

The Soviet Union is understandably developing its own MIRV capabilities. But neither side should take the next step of trying to improve its systems to the point where probability becomes certainty and fear smothers trust.

Until a few weeks ago, American policy of refusing to go all the way to a first-strike capability was unmistakably clear.

President Nixon, on December 29, 1969, wrote to Senate BROOKE:

> My fundamental position is that the purpose of our strategic program is to maintain our deterrent, not to threaten any nation with a first strike. There is no current program to develop a so-called hard-target MIRV.

The same point was made by Secretary Laird in November 1970, in a letter to Senator BROOKE:

> We have not developed, and are not seeking to develop a weapon system having, or which could reasonably be construed as having, a first-strike potential.

Last year, the Defense Department specifically opposed amendments offered by the distinguished junior Senator from New York (Mr. BUCKLEY) for the very reason which now concerns us today. An official statement said:

> It is the position of the United States not to develop weapons systems whose deployment could reasonably be construed by the Soviets as having a first-strike capability. Such a deployment might provide an incentive for the Soviets to strike first.

On the basis of these policy statements, the Senate last year overwhelmingly rejected the proposals to begin developing such a counterforce strategy.

But news reports in recent days have hinted a change in this longstanding policy. On Wednesday, the Defense Department admitted that one of the programs added after conclusion of the SALT agreements would be for research and development of a new warhead with greater yield and accuracy which could hit hardened sites.

Despite the claim that we are still not planning any first-strike force, I believe that such weapons could reasonably be construed as having a first-strike potential. In that case, this is a departure from the administration's earlier assurances.

I am not reassured—and I doubt that the Russians will be reassured—by statements that we will do research and development, but then leave the deployment question for future decision.

As the distinguished chairman of the Armed Services Committee (Mr. STENNIS) said last year in the debate on Senator BUCKLEY's amendments:

> We do not need this type of improvements in payload and guidance now, the type of improvements that are proposed, in order to have the option of attacking military targets other than cities. Our accuracy is already sufficiently good to enable us to attack any kind of target we want, and to avoid collateral damage to cities. The only reason to undertake the type of program the amendment suggests (Poseidon upgrade) is to be able to destroy enemy missiles in their silos before they are launched. This means a U.S. first strike, unless the adversary should be so stupid as to partially attack us, and leave many of his ICBMs in their silos for us to attack in a second strike.

If we develop this program, we will have some counterforce capability. And having a little counterforce capability is like being a little bit pregnant. Other nations will expect that capability to grow into a fully deployed system.

I earnestly hope, Mr. President, that the administration will recognize the consequences of this action at this time and will reaffirm by deeds as well as words our policy of not developing first-strike weapons.

But if there are forces at work to push us toward a new and costly confrontation in the fields of technology, then the Congress should make its support for the declared policy of the President clear and unanimous. The amendment which we offer today should do this, so that no one in our own Government or in the Soviet Union will doubt our commitment to a stable arms balance.

AMENDMENT NO. 1430

(Ordered to be printed and to lie on the table.)

Mr. BROOKE (for himself and Mr. Hughes) submitted an amendment intended to be proposed to Amendment No. 1406, intended to be proposed by Mr. Jackson (for himself and Mr. Scott) to the joint resolution (S.J. Res. 241), to authorize the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

NATIONAL SCHOOL LUNCH ACT—AMENDMENT

AMENDMENT NO. 1431

(Ordered to be printed and to lie on the table.)

Mr. HUMPHREY. Mr. President, I wish to submit an amendment to H.R. 14896 as reported by the Senate Committee on Agriculture and Forestry for myself and Senators Case, Aiken, Brock, Bayh, Williams, Mondale, Mathias, Burdick, Javits, Cranston, Packwood, Gravel, Hart, Harris, Eagleton, Hollings, Kennedy, McGovern, Ribicoff, Stevenson, Nelson, and Hughes.

This amendment is in the form of a bloc amendment, containing three amendments to the school lunch bill as reported by the Senate Agriculture Committee.

The first amendment within this bloc would prevent any child who participated in last year's free or reduced price school lunch program from being ruled ineligible in the future by reason of any new standard adopted. This so-called grandfather clause would be tied to last year's income eligibility standard. Adoption of this part of the bloc amendment would prevent as many as 25,000 children in scattered communities throughout the country from being ruled ineligible to participate in the free or reduced price lunch program in the future. The estimated cost of protecting these children from being dropped from this program is about $200,000 per annum.

The second amendment in the bloc would remove the existing 25 percent matching fund requirement for especially needy schools in connection with Federal funds provided for purchasing equipment needed to establish lunch facilities in schools. Currently, over 18,000 schools still do not provide lunch service to children. Most of these schools are those located in older sections of cities, in small rural towns and parochial schools. Although the committee bill reserves half of the funds authorized for this purpose under this bill for these type of schools, plus gives the State authority to pool such requests when applying to the Department of Agriculture for such assistance, the especially needy schools within this group still will likely find it difficult to gain access to these funds. Under this particular amendment States would determine which schools were especially needy in qualifying for exemption of the 25 percent matching requirement.

Therefore, adoption of this amendment would mean that States, in pooling and submitting their request for grant funds under this particular section of the act would not have to provide 25 percent in matching funds for that portion of their statewide request which would be applied to especially needy schools as determined by them. Adoption of this amendment would not result in additional authorized appropriations for this program under this bill. It would merely mean that a small portion of the funds now authorized under this bill would not require matching. This would likely involve only about $2 to $3 million of the authorized funds.

The third amendment in this bloc would add a new section to the Child Nutrition Act authorizing a modestly funded 2-year pilot program of providing cash grants to State, health departments to assist local health clinics and other agencies delivering medical services in low income areas to provide supplemental food assistance to pregnant and lactating women and infants from birth to age 4.

Funds provided under this amendment would be utilized for the purchase of manufactured formulated food, such as iron-enriched milk to combat such specifically identified nutritional deficiencies among infants. Medical evidence accumulated on this subject concludes failure to provide these nutrients, particularly during the last 6 months of pregnancy and the first 6 months following birth, causes permanent physical and mental damage to the child which is irreversible in later years. The program embodied in this amendment would permit existing pilot programs experimenting with this problem to be continued and provides for additional programs to be undertaken.

This program would be supported by existing USDA programs to supply surplus commodities as supplemental foods. An estimated 400,000 infants and children up to age 4 who otherwise could suffer from physical and mental retardation from malnutrition could be helped each year by this program. The amendment authorizes $20 million for each of the fiscal years 1973 and 1974, with the first year's funding being drawn out of section 32 funds, and to be reimbursed through supplemental appropriations.

Preliminary studies and clinical evidence on infant malnutrition dramatically makes clear the urgent necessity of establishing the program provided under this amendment. Efforts undertaken concerning this problem during these past 2 years in cities such as Baltimore, St. Louis, Memphis, Chicago, and Detroit have provided an important beginning in attacking this problem. Whether those particular efforts can be continued, plus a few additional projects, will depend upon passage of this amendment.

Mr. President, I ask unanimous consent to have the amendment which I and other Senators are cosponsoring be printed at this point in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 1431

On page 10, line 25, strike out the period after "Secretary" and insert in lieu thereof a comma and the following: "except that any local school authority having income guidelines for free or reduced price lunches which exceed those allowed by this subsection may continue to use such guidelines for determining eligibility if such guidelines were established prior to July 1, 1972."

On page 15, line 16, strike out the period after "State" and insert in lieu thereof a comma and the following: "except that such condition shall not apply with respect to funds used under this section to assist schools without food service if such schools are especially needy, as determined by the State."

At the end of the bill add a new section as follows:

Sec. 9. The Child Nutrition Act of 1966 is further amended by adding at the end thereof a new section as follows:

"SPECIAL SUPPLEMENTAL FOOD PROGRAM

"Sec. 17. (a) During each of the fiscal years ending June 30, 1973, and June 30, 1974, the Secretary shall make cash grants to the health department or comparable agency of each State for the purpose of providing funds to local health or welfare agencies or private nonprofit agencies of such State serving local health or welfare needs to enable such agencies to carry out a program under which supplemental foods will be made available to pregnant or lactating women and to infants determined by competent professionals to be nutritional risks because of inadequate nutrition and inadequate income. Such program shall be operated for a two-year period and may be carried out in any area of the United States without regard to whether a food stamp program or a direct food distribution program is in effect in such area.

"(b) In order to carry out the program provided for under subsection (a) of this section during the fiscal year ending June 30, 1973, the Secretary shall use $20,000,000 out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). In order to carry out such program during the fiscal year ending June 30, 1974, there is authorized to be appropriated the sum of $20,000,000, but in the event that such sum has not been appropriated for such purpose by August 1, 1973, the Secretary shall use $20,000,000, or, if any amount has been appropriated for such program, the difference, if any, between the amount directly appropriated for such purpose and $20,000,000, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). Any funds expended from such section 32 to carry out the provisions of subsection (a) of this section shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out the provisions of such subsection, and such reimbursements shall be deposited into the fund established pursuant to such section 32, to be available for the purpose of such section.

"(c) Whenever any program is carried out by the Secretary under authority of this section through any State or local or nonprofit agency, he is authorized to pay administrative costs not to exceed 10 percent of the Federal funds provided under the authority of this section.

"(d) The eligibility of persons to participate in the program provided for under subsection (a) of this section shall be determined by competent professional authority. Participants shall be residents of areas served by clinics or other health facilities determined to have significant numbers of infants and pregnant and lactating women at nutritional risk.

"(e) State or local agencies or groups carrying out any program under this section shall maintain adequate medical records on the participants assisted to enable the Secretary to determine and evaluate the benefits of the nutritional assistance provided under this section. The Secretary shall submit to the Congress no later than October 1, 1973, his recommendations regarding appropriations to be authorized for the continuation and expansion of the program provided under this section, including, but not limited to, his recommendation regarding a formula for allocating such funds among all the States of the United States.

"(f) As used in this section—

"(1) 'Pregnant and lactating women' when used in connection with the term 'at nutrition risk' includes mothers from low income populations who demonstrate one or more of the following characteristics: known inadequate nutritional patterns, unacceptably high incidence of anemia, high prematurity rates, or inadequate patterns of growth (underweight, obesity, or stunting). Such term (when used in connection with the term 'at nutritional risk') also includes low income individuals who have a history of high risk pregnancy as evidenced by abortion, premature birth, or severe anemia.

"(2) 'Infants' when used in connection with the term 'at nutritional risk' means children under four years of age who are in low income populations which have shown a deficient pattern of growth, by minimally acceptable standards, as reflected by an excess number of children in the lower percentiles of height and weight. Such term, when used in connection with 'at nutritional risk', may also include (at the discretion of the Secretary) children under four years of age who (A) are in the parameter of nutritional anemia, or (B) are from low income populations where nutritional studies have shown inadequate infant diets.

"(3) 'Supplemental foods' shall mean those foods containing nutrients known to be lacking in the diets of populations at nutritional risks and, in particular, those foods and food products containing high quality protein, iron, calcium, Vitamin A and Vitamin C. Such term may also include (at the discretion of the Secretary) any food product commercially formulated preparation specifically designed for infants.

"(4) 'Competent professional authority' includes physicians, nutritionists, registered nurses, dieticians, or State or local medically trained health officials, or persons designated by physicians, or State or local medically trained health officials as being competent professionally to evalaute nutritional risk."

INTERIM AGREEMENT BETWEEN THE UNITED STATES AND THE U.S.S.R.—AMENDMENT

AMENDMENT NO. 1432

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON (for himself and Mr. TAFT) submitted an amendment intended to be proposed by them jointly to the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

NOTICE OF LABOR SUBCOMMITTEE HEARINGS

Mr. WILLIAMS. Mr. President, the Subcommittee on Labor will hold public hearings on the following bills on Wednesday, August 16, 1972 at 10 a.m. in room 4232 NSOB:

First. S. 3827 and H.R. 15376, amendments to the Service Contracts Act of 1965; and

Second. H.R. 11357, a bill to cover nonprofit hospitals under the National Labor Relations Act.

Individuals or organizations wishing to present testimony should contact the Labor Subcommittee staff in Room G–237 or telephone 225–3674.

ADDITIONAL STATEMENTS

PRESIDENT NIXON'S CASE IN AUGUST

Mr. SCOTT. Mr. President, too often in the heat of battle during an election year, the public is treated to information which tends to confuse the uninitiated. To try to clear up some of the doubts for some and particularly to bring to the attention of Senators on the other side of the aisle the accomplishments of this administration, I ask unanimous consent that the editorial entitled "Mr. Nixon's Case in August," published in the objective Christian Science Monitor of August 8, 1972, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MR. NIXON'S CASE IN AUGUST

The statement was made on this page recently that conditions are better in the United States today than they were four years ago. It has been challenged by a reader who asks for evidence. We would submit the following on this subject which is of first interest to all voters beginning to think about how they will cast their ballots come November.

Four years ago the United States was at a peak of a military commitment in Vietnam. The war was taking between 400 and 500 American lives a week. It had long since divided the country bitterly over its justification, had disastrously upset the national budget, had unleashed the worst and longest round of inflation in American history, and yet curiously was accompanied by economic depression and disturbing unemployment.

Today the American commitment to the war is far down. From more than a half million Americans in Vietnam we are down to fewer than 50,000. True, some of these have been transferred to Thailand. True, American air and sea forces continue to support the South Vietnamese military effort from outside of South Vietnam itself. And true also, the bombing continues with debatable military results but deep anguish in the conscience of many Americans as well as most of the rest of the world.

However, the sending of American conscripts to Vietnam has ended. The rate of conscription is down to a peacetime level. And those doing what fighting is left for Americans are professional volunteers.

The war is not over, but the degree of American involvement is so low that in spite of the continued bombing the war has ceased to be a major factor either in the American economy or in American politics. Mr. Nixon, we think, will get a larger vote if he actually wins a negotiated end of the war by election day, but the war issue has been largely defused. We doubt that it will make much difference even if the war is still going on at present level.

The state of the economy today still leaves much to be desired. Unemployment continues high—5.5 percent now as against 3.6 percent four years ago. But the gross national product is up to more than a trillion dollars (stated in constant 1958 dollars, from $706.6 billion to $783.1 billion).

Profits are booming. And while we still have the remnants of the inflation that has dogged Mr. Nixon (ticked off, to be sure, by the $25 billion deficit in Lyndon Johnson's last year) the rate has been cut from an annual average increase in consumer prices of 5 percent for the past three years to 3.5 percent today. Houeswives are not happy over the continued rise in prices. But the rate of rise is down, and still sinking back toward the 2.5 percent considered economically respectable under the Kennedy-Johnson reigns. At its height during Mr. Nixon's first term the inflationary thrust was a threat to the welfare of the United States in every way. Today it is below the average for modern industrial countries. The British rate is close to 10 percent. Comparatively speaking, American inflation is under control.

Perhaps most important of all is the quieting down of cities and universities. There was almost no serious student unrest last winter. There have been no major disturbances in the big cities this summer. The latest movement among students is back to religion, or what passes for religion. The Negro community, whose plight is worsening or improving according to how it is measured, is nonetheless not restoring to rioting.

Whether Richard Nixon should get much, little or no credit for all this is another matter. The winding down of the war was started by Lyndon Johnson before he left the White Houes. It can be argued that had he chosen to run again and been reelected he would have done at least as well, perhaps better, at closing down the war and bringing the economy back towards stability.

It can also be argued that Mr. Nixon could have closed down the war sooner and could and should have acted more vigorously and faster to check the inflation and regain economic stability. And in view of the still widening gap between the rich and the poor, it can be contended that he should have given higher priority to employment for the poor than tax relief for the rich.

But as of today there is less war and less inflationary push weighing on the American people and setting them at odds with each other than was the case when Mr. Nixon inherited the White House from Mr. Johnson, and it is basically on this that the President rests his case.

SENATOR EDMUND S. MUSKIE—A REFRESHING FIGURE IN POLITICS

Mr. STEVENSON. Mr. President, wise men in politics see the many facets of a question and are sometimes called indecisive. They are sometimes called weak because they do not rush to take positions on complex questions. They are sometimes accused of talking "over the heads of the people" because they set a high store by the intelligence of the people and the importance of an informed electorate. There is little new in this, except that the demands of the press and a one-dimensional media—TV—have pushed us farther than before into a know-nothing politics of cosmetics, capsulated, and simplistic positions, TV jingles, and campaign gimmickry. And so, Mr. President, the Senator from Maine (Mr. MUSKIE) has been for those of us who know him best a refreshing figure in our politics. He does not compromise his intellectual integrity or sacrifice a conscientious approach to serious and complex questions in order to make the evening news and then be perceived as brave and decisive. His qualities of mind and heart are those of a statesman.

The press has not been kind to Senator MUSKIE. At times it has failed to understand him, perhaps because his qualities are alien to some in a press all too accustomed now to instant gratification by the spectacular and the simplistic in American politics. Clayton LaVerdiere, of the Waterville, Maine, Morning Sentinel, does understand Senator Muskie. He suggests, and with evident satisfaction, that when the Democratic Party needed a vice-presidential candidate whose stature in the Nation could heal wounds and restore public confidence, the spotlight first turned to Ed Muskie.

I ask unanimous consent that this article, published in the Sentinel of August 2, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Point of View

(By Clayton LaVerdiere)

In the solitude of his Senate office in Washington, Edmund S. Muskie must be sitting back and enjoying a long overdue chuckle.

He has earned it.

The man from Maine has tasted the bitterness of defeat in his bid for the Democratic nomination for the Presidency. His political fortunes and misfortunes have been dissected and evaluated in almost merciless fashion by pundits from coast to coast.

His political career has been placed under the microscope by "experts" who have never held office or who possibly couldn't be elected if they tried.

The "Monday morning quarterbacks" have criticized him for entering too many primaries.

He has been rapped on the knuckles for being indecisive, for having a short temper, for being a link with the "old politics."

He has been spanked for what he has done, or said, or thought. He has been second-guessed like few men in recent memory.

Politics is, a cruel game, they say, and apparently that makes it all right to shoot arrows into a man from all angles. Ed Muskie certainly has felt their sting in recent months.

And so the lanky Maine Senator, whose political career has spanned more than 25 years and who has tasted the sweetness of victory on so many occasions, has left the Miami Beach convention site and quietly gone back to work in Washington. He has left no bitter, stinging verbal blasts in his wake.

Now comes a dramatic turn of events.

Sen. Tom Eagleton, the choice of presidential nominee George McGovern as a running mate, has come under fire and, after a tortuous period, has withdrawn his vice-presidential candidacy.

Suddenly, the spotlight shifts. It falls on several prominent Democrats, and one of them is Ed Muskie.

Syndicated columnist Mary McGrory put it this way in a recent column:

"The qualities that made him unacceptable to the new left during the primaries make him almost ideal for this desperate hour. His caution, his reluctance to take controversial stands are positive assets as second man to a leader whose advanced notions have unnerved the center of the party.

"Muskie is even better known than McGovern. No buildup would be required. The regulars who endorsed him in droves when he started out and who, as a consequence, were excluded from Miami, might come around if he asked them."

On the question of whether or not Muskie would take the bid Miss McGrory adds:

"'He could have been talked into it in Miami,' said an old friend. 'He was deeply hurt by being rejected by the party; it would mean everything to him if the party turned to him now.'

"The thought sends a flicker of hope through the demoralized Democrats. Muskie represents the one possibility for turning what they regard as a debacle back into a simple disaster."

Can Ed Muskie be blamed for smiling a bit as he sits back in the privacy of his Washington office?

PUBLIC AWARENESS OF CRITICAL ENERGY SHORTAGE

Mr. BELLMON. Mr. President, the growing public awareness of the critical energy shortage which the Nation faces has increased the desire and need on the part of many Senators to know the true facts.

One of the most knowledgeable, articulate, and objective spokesmen on the subject recently testified before the Senate Interior and Insular Affairs Committee, which has been conducting a comprehensive study of the Nation's fuel and energy needs in order to develop a national policy. I was greatly impressed by his comments, and I believe they would be valuable to other Senators who are not members of the committee and who may not have the opportunity to read the committee's report.

Mr. President, I ask unanimous consent that the text of the testimony of Dr. Richard J. Gonzalez, consulting economist from Houston, Tex., be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

American Petroleum Institute, Statement of Dr. Richard J. Gonzalez, Consulting Economist

I. INTRODUCTION

My name is Richard J. Gonzalez. I am a consulting economist with experience in teaching and in business. My association with Humble Oil & Refining Company as economist, treasurer, and director extended from 1937 to 1965. I am a member of the National Petroleum Council and was chairman of its committee responsible for a report on "Factors Affecting U.S. Exploration and Development, 1946–1965." I am also a member of the Energy Advisory Committee to the Secretary of the Interior.

I have been active for many years in committees concerned with studies of demand and supply for oil and gas. I have been a consultant to the American Petroleum Institute for the past two years. In that capacity, I have agreed to appear on its behalf at these hearings.

This statement presents my own views and analyses. The API may file later a supplementary statement dealing with some of the questions set forth in the announcement of these hearings.

My statement will present a position which I consider one of economic realism representing a middle ground between pessimists who think that domestic reserves and production cannot be expanded further and optimists who believe that U.S. output of oil and gas could be increased in keeping with demands for many years given adequate economic incentives and unrestricted opportunity to search for new oil and gas.

II. NEED FOR MORE OIL AND GAS

The major energy problem facing the U.S. is to secure supplies of all forms of energy in the great volumes needed by an expanding population and economy at costs as reasonable as possible without risk of serious interruptions that could prove very expensive and dangerous.

Adequate energy supplies are essential at all times. They are the indispensable basis for full employment, for improved productivity required to check inflation, for economic progress necessary to reduce poverty and to improve living standards, for the health and comfort of citizens, for defense, and for strength in international affairs.

Oil and gas are of special importance because these fuels provide 75 per cent of all the energy now used in the U.S. They will be needed in increasing quantities for at least the next twenty-five years. They provide the basic power for agriculture, industry, transportation, residential heating, and military operations.

More energy will be needed by processes required to improve the quality of air and water. Environmental concerns require that particular attention be given to larger supplies of gas because it is an ideal fuel in terms of minimum air pollution.

Unfortunately, exploration and drilling for new oil and gas have been declining in the U.S. since 1956 while demands have continued to increase steadily. These trends have aroused concern about our ability to increase the rate of development and production and about the consequences to the Nation if it is forced to depend much more on imports or on substitutes for oil and gas. A brief look at past experience serves to place our current problems in perspective.

III. RECORD OF EXPANSION IN PRODUCTION

Concerns about future domestic oil supplies have been faced and solved by the U.S. twice before in this century. In 1915–26 and again in 1945–48, many qualified observers concluded that inability to increase oil production despite rising demands would force the Nation to become dangerously dependent on imports. These gloomy predictions were soon proven wrong by periods of major expansion in development of new reserves and in production of both oil and gas.

Remarkable success in expanding exploration and production in the past resulted from several basic forces. The major factors were better technology, reliance on market forces to determine prices required to balance demand and supply on a continuing basis, and constructive governmental policies (such as state conservation laws and appropriate differential tax treatment by the Federal government).

In the period 1926–45, oil and gas supplies increased even though real prices dropped sharply. This favorable development was made possible by lower costs resulting from application of better methods of exploration and geophysics, and by state conservation measures that prevented waste and increased recovery from the reserves discovered.

In the period 1946–56, the basic stimulus for additional exploration and production was provided by rising real prices for oil and gas. This development also stimulated secondary recovery projects and better technology, including new methods of treating producing formations to increase recovery and the rate at which oil and gas reserves could be produced.

After about 1957, profit margins on production were eroded by rising costs in the face of declining prices for oil and Federal price controls on natural gas. Declining profit margins were a major factor causing a sharp decrease in exploratory drilling between 1956 and 1971. Real prices for crude oil and refined products, measured in relation to wholesale prices for all commodities, are substantially lower now than in 1957–59 (an official base period for prices used by the Federal government).

IV. DETERIORATION OF U.S. PETROLEUM POSITION

Steadily rising demands for and production of oil and gas combined with decreased exploration and drilling caused a drastic deterioration in the relationship of known reserves to production in the 1960s. The decade started with productive capacity sufficient to meet all demands comfortably even without imports, but ended with capacity falling increasingly short of rising demands.

U.S. production is now at capacity levels of about 3.6 billion barrels of crude oil, 600 million barrels of gas liquids, and 22 trillion cubic feet of natural gas. The deficit in relation to consumption now exceeds 1.5 billion barrels of oil a year. It would exceed three trillion cubic feet of gas if sufficient imports could be brought in to supply what consumers would use even at higher prices than are now being paid.

Imports of crude oil and refined products are rising sharply. Plans are being made to import very large volumes of liquefied natural gas (LNG) from abroad over the next twenty-five years, and to import naphtha for conversion to gas.

Oil and gas imports into the U.S. this year will probably cost more than $4 billion. Further increases in the cost of imports due to greater volume and higher prices will be large at best, thereby making it more difficult to bring U.S. international payments back into balance. If imports should be relied upon to meet the major part of gains in demands, the strain on the value of the dollar relative to foreign currencies would become enormous.

Numerous national goals require that rising energy demands be met. If they cannot be met from domestic resources, then the balance must be supplied by imports. Careful study must be given to the role and the total economic costs of these major alternatives.

V. OBSERVATIONS ABOUT RELATIVE COST OF U.S. AND FOREIGN OIL AND GAS

The contrast between huge fields and prolific wells in the Middle East and much smaller fields and less productive wells in the U.S. creates a large difference in basic economic costs at the source of production. However, that cost is only part of the delivered price to consumers, which includes payments for taxes and transportation.

The oil and gas needs of the world will not be met from Middle East fields alone for many reasons, including reluctance of exporting countries (Kuwait, Libya, and Venezuela, for example) to allow more rapid depletion of their resources. Therefore, the balance in world prices will be achieved by a rise in the Middle East to parity with costs of more expensive oil from other areas rather than by a decline in world price toward the basic economic costs for the more prolific fields.

Taxes imposed by exporting countries are the major factor determining prices at shipping terminals. These taxes have risen steadily and sharply, are scheduled to increase through 1975 by contractual agreement, and will surely rise still further after 1975. Exporting countries are demonstrating an increasing awareness of the value of oil to industrialized nations and will continue to capitalize on that knowledge.

The other major element in the delivered cost of foreign oil is transportation. Tanker rates fluctuate rather widely depending on short-run factors affecting the spot charters for short terms. With normal tanker costs, the advantage of foreign oil over comparable domestic crude oil now appears to be in the range of 75c a barrel, even with the handicap of higher costs for American flag tankers on movements from the Gulf coast. The comparable figure commonly used in 1969–70 was $1.25, but that margin has been reduced by factors raising the delivered cost of foreign oil.

In the large East coast market, where foreign oil has its maximum advantage, a differential of 75c a barrel in favor of foreign oil has a powerful appeal. However, the East coast will also need gas in increasing quantities to achieve air quality standards. Considering the prospective use of 3 MCF of gas per barrel of oil on the East coast and the nature of joint development of oil and gas on the Gulf coast, foreign supplies lose their apparent advantage.

The apparent advantage from savings on foreign crude oil will be offset or outweighed by higher costs for imported LNG. In South Louisiana, the major source of new supply for the East coast, the reserves of gas associated directly with oil are about 2.5 thousand cubic feet (MCF) per barrel of crude oil. In addition, some non-associated gas in gas fields is found incident to exploration designed primarily for oil. Therefore, it is reasonable to consider the relative cost to the East coast of a joint package of one barrel of oil and at least 3 MCF of gas from domestic and foreign sources.

Imported LNG is scheduled to start at an initial cost of about 90 cents per MCF but may cost more than that by the time delivery starts some years hence. In fact, it is expected that delays in approval of existing contracts may force renegotiation at higher prices. By contrast, the delivered cost of Gulf coast gas at Eastern cities is about 50 cents per MCF. If the delivered cost of U.S. gas were to rise to as much as 65 cents per MCF, assuming a major rise in prices paid for new production to stimulate development of supplies, U.S. gas would still have a price advantage of at least 25 cents per MCF over the minimum starting price for Algerian LNG.

On 3 MCF of gas associated with and attributable to efforts necessary for development of a barrel of crude oil, savings on the East coast would exceed 75 cents. These savings would fully offset the difference in cost between domestic and foreign crude oil. If the differential in favor of U.S. gas exceeds 25 cents per MCF, East coast consumers would enjoy an advantage from the use of a barrel of domestic oil and 3 MCF of natural gas in place of foreign supplies. Other U.S. consumers in cities where the differential between foreign and domestic oil would be less than at East coast ports, such as the Gulf coast and central U.S., would benefit to a still larger extent from measures that encourage greater development of U.S. oil and gas.

Another factor tending to raise the cost of foreign supplies relative to U.S. oil and gas will be the need to store additional amounts of imports to provide protection for consumers in case of disruption of receipts which could occur as a result of many different developments, including shipping strikes and sabotage of lines and loading terminals. This cost could be overlooked so long as the U.S. had spare productive capacity to cope with emergencies. It will become an increasingly important factor if a sharp rise in imports makes it necessary to construct huge storage facilities on the East coast capable of storing hundreds of millions of barrels of imported oil and gas.

VI. LARGE POTENTIAL FOR EXPANDING U.S. OIL AND GAS SUPPLIES

In view of various economic reasons why more rapid development of domestic oil and gas resources would be advantageous, a question naturally arises whether potential resources will prove a limiting factor now or within the relevant planning period of about twenty-five years affected by current decisions.

Geological studies by distinguished specialists in exploration, including many working for government agencies, conclude that discovery and development of the entire potential for oil and gas would result in future production of at least 224 billion barrels of crude oil (based on the present recovery rate of 30 per cent of oil-in-place), and more than 1,500 trillion cubic feet of natural gas. These figures are in excess of sixty times current levels of annual production of crude oil and natural gas.

The magnitude of this potential even in relation to substantially higher production in response to rising demands answers fears about too rapid depletion of U.S. resources during this century. In addition, this potential also means that the declining trend in exploration since 1956 cannot be attributed to insufficient resources. Instead, inadequate economic incentives must be considered the cause of the decline.

Potential resources of crude oil, natural gas, coal, and shale oil in the U.S. appear much larger in relation to population than for the rest of the world. The rest of the world will need most of its energy in order to accelerate developments designed to raise living standards. Consequently, the U.S. cannot expect to solve its long-run energy problems by counting on imports to meet the major part of its expanding requirements.

VII. FACTORS WHICH WILL GOVERN THE RATE OF OIL AND GAS DEVELOPMENT

Probable existence of large potential resources provides no assurance as to future supplies. Consumers cannot count on supplies to meet their needs until potential resources are made economically available by discovery and development. The question of immediate importance concerns ability to develop new reserves more rapidly than production depletes known fields.

Two major factors will determine whether and the extent to which oil and gas reserves and production will be expanded above present levels. These factors are (1) freedom to explore prospective areas, and (2) incentives to conduct more exploration.

Access to potential resources, including those of onshore and offshore public lands, is the first requisite for finding more oil and gas. Such a large portion of the potential resources underlies public lands that leasing policies by government assume major importance.

Granted access to prospective areas, and assurance that discoverers will not be restrained from producing what they find and develop, economic incentives will determine the effort devoted to exploration and drilling. Experience clearly shows that the level of operations for the past fifteen years will not suffice to expand reserves and production. Greater efforts involving much larger annual outlays of capital on hazardous ventures will be required to move supplies significantly upward.

Such expansion can occur only if warranted by the prospect of sufficient profitability, considering costs, prices, and taxes, to attract a larger share of total available capital into oil and gas exploration and drilling.

There is no assurance as to what the results of greater effort will be. However, a greater search certainly will be necessary to provide hope for greater supplies. In many respects, petroleum exploration can be compared with commercial fishing. To find oil and gas or to catch fish, operators must first undertake the efforts necessary to achieve results. In both cases, permission to operate in areas where success can be expected, skill and luck in deciding precisely where to try, and the attraction of prospective financial rewards in relation to inescapable costs will determine the aggregate effort and the probable results.

Governmental policies with respect to access to public lands, prices for oil and gas, and tax treatment of drilling and producing operations will have great influence on the level of exploration and drilling and on future supplies of oil and gas from fields and wells in the U.S.

VIII. WAYS OF INCREASING U.S. OIL AND GAS SUPPLIES

The years of lead time required for discovery and development of major new reserves means that solution of supply problems requires efforts to secure more production from existing reserves promptly in addition to expansion of exploration and drilling. Various developments capable of providing substantial new supplies of oil and gas over a period of time are summarized in this section.

A. GREATER PRODUCTION FROM EXISTING RESERVES

1. Offshore resources that are being kept from use by Federal restraints on drilling and production (as is the case for some offshore California leases), are needed urgently and may be able to provide substantial production.

2. Incentives to increase recovery from known fields and to delay abandonment of

old wells could check the rate of decline in capacity and make it easier for new wells to bring about a net increase in capacity.

3. The potential production of 2 million barrels of oil daily from the giant Prudhoe Bay field in Alaska, sufficient to meet total gains in U.S. demand for several years, is needed for use by consumers as soon as possible.

4. The large potential from greater recovery in known fields is evident from estimates that the recovery from over 400 billion barrels could be increased from 30 per cent under current conditions to 60 per cent with adequate incentives to warrant additional recovery projects. The prospective gain from such improvement exceeds 120 billion barrels, or three times present estimates of reserves recoverable at current prices.

B. POTENTIAL FROM MAJOR IMPROVEMENTS IN EXPLORATION

1. The ideal solution of U.S. energy supply problems would result from an advance in exploration comparable with the application of geophysics beginning in the 1920s.

2. Sufficient improvement in geophysical techniques to locate subtle stratigraphic traps, such as the large East Texas field, could lead to another crop of new fields in old areas already explored intensively by existing methods.

3. Inability to predict the timing or impact of an unusual technological advance means that good fortune in this respect should not be counted upon to solve energy problems.

C. ACCELERATED DISCOVERY OF NEW FIELDS

1. New provinces, such as the offshore Continental Shelf and Alaska, provide the best opportunity for major new supplies.

2. While operations in these new areas involve vast amounts of capital, high risks and large losses on failure, the unit costs for oil and gas in these areas appear to be as attractive as those associated with more intensive search in older producing provinces already well explored.

3. Government policies could have a major impact on new oil and gas supplies by leasing of public lands as rapidly as practicable for industry to test and drill, and by provisions designed to stimulate prompt discovery and development.

4. Both history and recent experience show that exploration effort and discovery respond to changes in prospective rewards for success determined by the margin between prices and costs and by the tax treatment.

a. When real oil and gas prices increased in the period 1946–1956, expenditures for exploration and drilling increased more rapidly than other private business capital outlays.

b. As real oil prices declined after 1957 and as gas prices were restricted and reduced by Federal controls, efforts by small operators decreased sharply and total expenditures for exploration and drilling lagged far behind needs.

c. The rapid expansion in other private business capital outlays since 1956 demonstrates that other forms of investment have become more attractive relative to outlays for petroleum exploration and development.

d. Additional taxes on petroleum production imposed by the Tax Reform Act of 1969 (equivalent to reductions in oil and gas prices of at least 5 per cent), were followed in 1970 by a decline of more than 20 per cent in exploratory wells and new fields discovered, and a decline of about 10 per cent in the number of development wells.

5. Marginal reserves, such as known gas in tight sand formations in the Rocky Mountains not commercial at current prices, could become a substantial source of supply under more favorable economic conditions and freedom to use nuclear devices to stimulate production.

D. SUBSTITUTES FOR CRUDE AND NATURAL GAS

1. It is technically feasible to extract substitutes for crude oil and natural gas from tar sands, shales, and coal, but these alternates will be more expensive than crude oil and natural gas even at prices substantially above current levels.

2. The potential for substitute and synthetic fuels is very large, but the capital requirements for any large production would be enormous and development of substantial supplies would take many years and pose environmental problems.

3. The large potential from these alternates and the possibility that they may be needed even at high costs warrants continuing research efforts on development of better and lower cost methods of securing substitute and synthetic oil and gas for the long-run.

IX. RESPONSE OF NEW RESERVES TO CHANGES IN EXPLORATION

Basic questions concerning the benefits of policies to stimulate exploration relate to the magnitude and results of the response in terms of drilling and development of new oil and gas.

Experience in 1969 and again in the first half of 1972 shows that exploratory drilling can be increased at a rate of 10 to 15 per cent a year. At such rates, the search for new oil and gas could double within five to eight years. The feasibility of such expansion is borne out by experience in 1946–1956.

The probable results of a change in the rate of exploration must be measured over a period of years to take into account the lag between initial efforts and actual discovery and to smooth out the influence of random annual fluctuations. I prefer evaluations based on ten year periods. Results for the most recent decades are shown in Table I.

While exploratory drilling decreased 23 per cent from the 1950s to the 1960s, the results in terms of new oil and gas showed a smaller decrease excluding Prudhoe Bay and a substantial increase including Prudhoe Bay. On the basis of this experience, new discoveries of oil and gas in the 1970s appear likely to continue to be closely related to exploratory effort.

Attempts to predict the relationship between exploratory effort and new oil and gas reserves by means of formulas are of doubtful value because of the complex and changing relation of the variables affecting measurement of both effort and results. An important shift in the relation of shallow and deep drilling is taking place affecting results per well and per foot drilled.

Futhermore, the very nature of exploration for oil and gas makes it impossible to predict in advance the average results. A giant discovery such as Prudhoe Bay has a major impact on exploration results and rewards. Major fields will continue to be found, and the hope of finding reserves at much less than average industry costs is a powerful factor for each explorer.

Total new reserves from discoveries, extensions, and revisions averaged about 2.6 billion barrels of crude oil and 17.4 trillion cubic feet of natural gas in the 1960s, excluding Prudhoe Bay, and 3.5 billion barrels and 20 trillion cubic feet including Prudhoe Bay. The ability to expand exploratory drilling by at least 50 per cent could raise the rate of development of new reserves to the range of 4 billion barrels and 26 trillion cubic feet per year. Attainment of such higher rates of development, exceeding current production, would add to reserves and productive capacity and be of substantial help in meeting rising demands for oil and gas.

As stated earlier, whether such rates can be attained will depend on access to prospective areas, including public lands, on cost-price relations, and on tax provisions.

X. INFLUENCE OF EXISTING TAX DIFFERENTIALS ON OIL AND GAS SUPPLIES AND PRICES

Tax policies have an important bearing on the attraction of capital into exploration and drilling, on supplies of oil and gas, and on prices to consumers.

In testimony before Congressional committees in the past, I have set forth in detail the economic basis for differential tax treatment for oil and gas development and production. At these hearings I will comment only on the consequences that adverse changes in percentage depletion and the option to expense intangible development costs will have on future supplies and prices.

Percentage depletion was established in 1926 as a better administrative equivalent designed to reflect discovery value as a reward for success in finding oil and gas. It was applied to royalty owners as well as to the operators who found and developed reserves for two basic reasons. First, production involves depletion for all parties affected. Second, the proper economic measure of the value of resources depleted is discovery value or its equivalent rather than accounting costs. Failure to provide such treatment would have forced the sale of long-term capital assets to conservative investors who would then be allowed a cost depletion greater than the maximum permitted to the original royalty owners and developers.

Depletion on the basis of discovery value or its equivalent is still economically desirable in my judgment because it rewards success in locating and supplying energy. This method is more effective economically than any subsidy device. Subsidies would inevitably tend to provide rewards for inefficiency out of proportion to those for success in finding and developing more oil and gas.

The option to charge intangible developments costs as a current expense rather than as depreciation over the life of a well unquestionably has a bearing on the ability to raise capital and on the cost of that capital for drilling ventures. A change in this provision would affect most seriously smaller firms that could not otherwise finance their current level of exploration and development drilling.

There appears to be a major psychological attraction in various types of investments which are considered to provide short-term protection against high income tax rates. This attraction means that differential tax provisions induce necessary investments at costs which can lead to savings for society greater than the apparent loss in tax revenues. For example, the returns accepted by investors on tax exempt municipal bonds are doubtless lower in many cases than could be realized from taxable investments of comparable quality. Such differences and comparable savings on other differential tax provisions can result in net gains to society from differential tax provisions.

The controlling observation for the purpose of these hearings is that existing tax differentials for oil and gas production have influenced capital investments, supplies, costs, and prices to the benefit of consumers and the Nation. Adverse changes cannot be made now without damage to exploratory efforts and to oil and gas supplies unless higher prices fully offset the total change in appeal to investors, including the values placed on this means of reducing current tax liabilities by endeavoring to discover and develop petroleum resources of great value to society.

The flow of capital into U.S. exploration and drilling needs to be stimulated to protect consumers against the higher costs and risks involved in relying on much larger imports of both oil and gas or on more expensive domestic substitutes and synthetic fuels. Adverse changes in long-established tax differentials for petroleum have worked in exactly the wrong direction already and will continue to make energy problems worse in case of further actions of this nature.

I believe that the total economic costs of such adverse actions to consumers and the Nation will exceed the additional taxes collceted as a result of such changes.

XI. NATIONAL BENEFITS FROM MORE RAPID DEVELOPMENT OF OIL AND GAS

Various analyses of energy demand and supply problems over a period of years leads me to several conclusions bearing on national policies affecting development of oil and gas.

1. Oil and gas have special importance for economic progress and for security.

2. Major expansion in availability of oil and gas supplies is necessary for the remainder of this century.

3. Large potential petroleum resources permit more rapid development of U.S. oil and gas without danger to the Nation's position in a distant future which cannot be analyzed or predicted correctly in this decade.

4. More rapid development of oil and gas resources depends on access to all prospective areas and on economic incentives to risk larger amounts of capital on exploration and drilling.

5. On the basis of experience in the past twenty years, new resources are likely to be developed in a fairly close relation to the extent of change in capital outlays for oil and gas exploration and development.

6. There are economic advantages to more rapid development of domestic resources in order to limit reliance on alternatives that will cost more for oil and gas together in the relations that can be counted upon from domestic development.

7. An expansion in the range of 50 per cent or more in the rate of development of U.S. oil and gas resources may be attainable if governmental policies are modified to stimulate rather than retard exploration and drilling.

8. Differential tax provisions in effect from 1926 to 1969 proved their value in providing larger supplies of oil and gas at attractive prices.

9. The cost to consumers and the Nation of adverse changes in percentage depletion and in the option to expense intangible development costs will probably exceed the additional taxes collected as a result of such changes.

In conclusion, I wish to express my appreciation to the Chairman and to this Committee for the important studies being made of national energy problems and policies. I hope and trust that your efforts will be very effective in bringing about policies and actions which will prove of major benefit to the Nation for the rest of this century.

TABLE I.—DRILLING AND NEW ADDITIONS TO RESERVES 1950-69

	Oil	Gas	Dry	Total
Exploratory wells [1]				
1950-59	18,983	7,164	107,006	133,153
1960-69 [2]	11,184	6,388	84,750	102,322
Development wells: [3]				
1950-59	248,588	32,355	81,510	362,453
1960-69 [2]	172,458	40,045	72,278	284,781
Total exploratory and development wells: [3]				
1950-59	267,571	39,519	188,516	495,606
1960-69 [2]	183,642	46,433	157,028	387,103

	Discoveries	Extensions and revisions	Total
New reserves of crude oil,[4] million barrels:			
1950-59	4,674	25,767	30,441
1960-69 [2]	3,424	22,166	25,590
New reserves of natural gas,[5] trillion cubic feet:			
1950-59	54.8	123.4	178.2
1960-69 [2]	57.3	117.0	174.3
New reserves of oil and gas,[6] quadrillion British thermal units:			
1950-59	86.5	280.0	366.5
1960-69 [2]	82.2	252.8	335.0

[1] American Association of Petroleum Geologists.

[2] Excludes reserves of the 1968 Prudhoe Bay discovery first included in the 1970 reports at 9,748,000,000 barrels of crude oil and 26,000,000,000,000 cubic feet of associated gas.

[3] Oil and Gas Journal, American Petroleum Institute, and AAPG.

[4] American Petroleum Institute.

[5] American Gas Association.

[6] Based on 5,600,000 B.t.u. per barrel of crude oil and 1,100 B.t.u. per cubic foot of gas.

TAX REFORM

Mr. CRANSTON. Mr. President, it is imperative that the Congress thoroughly review the current Federal tax structures in order to provide a more efficient and equitable tax system.

A "'loophole" originally was a hole in a fortress wall to let in air and light and to fire out missiles. Sometimes when the fortress was stormed individuals inside the fortress would escape through the loophole. The "loophole" while originally intended to help defend the fortress often became a means of escape.

Some citizens are now suggesting that we have so many loopholes in our tax structure that the entire system is about to collapse. They have suggested closing all the loopholes or imposing a minimum tax. These easy solutions will do more harm than good as I shall point out below.

What is needed is a thorough review of our tax system and a selective closing of those tax deductions or loopholes which no longer serve a useful social purpose. We need to establish a tax budget to permit such a review. I shall discuss below what such a budget should contain and subsequent tax review should be conducted.

EASY BUT HARMFUL SOLUTION

Some tax critics have suggested that all tax breaks should be eliminated. I disagree.

Tax breaks permit the Government to foster public goals without greatly increasing the Government bureaucracy. At present, for instance, there is a tax break for interest paid on home mortgages. If this deduction were eliminated, many families would be unable to purchase homes without receiving a Government subsidy. The Government now provides such subsidies to a limited number of families through the FHA section 235 housing program. If that program were greatly expanded as the result of eliminating the mortgage interest deduction, we would in turn greatly increase the size of the already cumbersome and often inefficient Government bureaucracy.

Housing production would be slowed down and costs increased. The mortgage interest deduction permits the Government to encourage homeownership and construction in a free enterprise system without expanding the megabureaucracy in Washington.

Tax deductions also foster the growth of diverse public and private institutions. Charitable deductions have, for instance, made possible the work of the Cancer and Polio Foundations as well as numerous smaller charities funded either independently or through the United Way. By fostering this diversity, many new and innovative programs for the social good have been developed. If, for instance, the Ford Foundation had to rely on Government grants for each of its projects, many innovative ideas which have contributed to our social betterment would have been crushed in the bureaucratic mill.

Charitable deductions permit individuals to help foster the growth of projects or goals which they independently feel are important without funneling all such decisions and priorities through the Federal Government.

The possible result of eliminating charitable deductions, as the Pasadena Star-News points out, could well be:

> Government (efforts to) pick up the slack for what these groups do of social benefit and it will cost only about five times as much to do the same thing. The extra money can be easily obtained by raising taxes.

Another popular proposal for tax reform has been to impose a minimum tax on individuals with high incomes. I believe such a proposal avoids the basic need for tax reform and could very well be counterproductive. Take, for instance, the case of an individual who has a $200,000 income, all of which is derived from interest on municipal bonds. Interest on municipal bonds is tax exempt. The loophole or deduction is a means of revenue sharing. Cities pay lower interest—say 5 percent instead of 8 percent—on money they borrow because the interest income is tax free. If a minimum tax of 35 or 40 percent were imposed on our investor he would no longer have an incentive to invest in municipal bonds and our cities will lose out. As the example indicates, minimum taxes negate the effects of useful deductions.

NEEDED: A THOROUGH REVIEW

Congress needs to undertake a thorough review and analysis of all tax deductions, and eliminate those where the revenue loss is not justified by the public benefits.

It seems to me that such a review is the purpose of the Mills-Mansfield bill.

What Representative MILLS and Senator MANSFIELD want to do—and what I want to do—is examine each and every deduction, and determine whether it should be retained.

For example, this country is slowly moving toward a comprehensive national health care policy. Will it make sense, then, to retain the tax deduction for medical care once the claimants are at the same time covered by a national health care policy?

Another example: a number of years ago this country wanted to encourage the investment of American capital abroad.

This was done to help foreign development and promote multinational corporations. The U.S. Government wrote in a preference for companies that did invest overseas, allowing them to deduct taxes they paid to foreign governments. But now, with our severe balance-of-payments problem, this particular loophole may actually do us more harm than good. Maybe it does not. But it is time we took a thorough look at it.

Our system of assessing inheritance and gift taxes needs review, also. I do not favor the confiscation of all inheritance as some individuals have proposed. At present, however, too many loopholes have developed which allow individuals to escape the bulk of inheritance taxes. We need to improve our tax laws so that individuals cannot escape taxation by passing property to their heirs in name but not in fact, or making a gift after a gain has been realized in fact but not by accounting standards.

Perhaps we should also think about eliminating overseas travel deductions, except for actual business negotiations. As the law reads now, businessmen who can afford it can hold annual conventions overseas—and write off part of the cost of the trip from their income tax as a business expense. This would appear to discriminate against people who cannot afford to travel overseas in the first place and who cannot deduct any part of their vacation expense.

As we reform our tax system we must address ourselves to some of its basic inequities. At present, for instance, homeowners receive a tax break for interest and property taxes paid on home mortgages. Such a deduction discriminates against the renter who indirectly pays mortgage interest and property taxes in his monthly rental check but cannot deduct these costs from his taxable income.

Tax deductions are often regressive and inequitable. An individual in the 70-percent income bracket has 70 percent of his medical expenses paid by the Government while an individual in the 15-percent bracket has only 15 percent of those expenses defrayed. The deduction system should be restructured to help readjust the balance.

A TAX BUDGET

We need to start treating our tax system in the same manner we treat direct appropriations.

The revenue cost of each major tax deduction should be determined by the Treasury. When tax deductions are proposed by Congressmen the Treasury normally makes an estimate of their revenue cost. This estimate should be made for every deduction each year and a tax budget should be established. The Congress could then undertake a cost-benefits analysis of each deduction to determine whether it should be retained. Such a review process could take place in the light of a projection of total tax revenues which the Congress determines should be generated.

A comparison of the tax budget with the appropriations budget would give the Congress an estimate of exactly how much we are spending to achieve specific social goals. For instance, there is at present a child-care tax deduction. The Congress may soon enact a law providing for the development of child-care centers. By combining the revenue loss with the direct expenditures, Congress would know how much is being spent for child care.

We must recognize that the Federal revenue pie is not unlimited. We must seek to get the most for our money. This will require the elimination of inefficient tax breaks. I do not, for instance, question the trade benefits which flow from the creation of domestic international sales corporations. I wonder, however, whether the trade benefits justify the tax losses.

Once a tax budget is created, Congress should periodically review each deduction to determine whether it should be retained. Mills-Mansfield is a starting point, but every 2 or 3 years an additional review should be undertaken. By reconsidering the costs-benefits on a regular basis, the most efficient use of our Federal dollars will be achieved.

We have too often in the past enacted tax breaks and failed to review them on a regular basis. Once enacted, these deductions seem to take on an inertia which is difficult to reverse. By establishing a procedure for regular review, we will avoid that inertia.

I am often asked to support one tax break or another sponsored by interest groups which they will benefit. I believe approaching the tax system in this haphazard way is inappropriate and inefficient. We should take a look at a total tax budget and then work out the most efficient system of tax deductions. I hope that Congress will undertake that course of action in the coming year.

MILITARY SURVIVOR BENEFITS LEGISLATION

Mr. FANNIN. Mr. President, on Tuesday, the distinguished Senator from Maryland (Mr. Beall) had printed in the Record his testimony before the Armed Services Subcommittee on Survivor Benefits on behalf of S. 325, military survivor benefits legislation.

I commend Senator Beall for his excellent presentation to the subcommittee, and I publicly join with him in urging swift action on this vital bill, of which I am a cosponsor.

On October 21 of last year, the House of Representatives passed a similar bill by an overwhelming vote of 372 to 0. This action represented a clear demonstration of support for providing survivor benefits to widows of military retirees. That action occurred nearly 10 months ago; and, while I realize how busy the Armed Serices Committee has been, I think the time has arrived to act on S. 325.

In my opinion, the case for this legislation is clear; and I would hope, therefore, that the committee will approve S. 325 without further delay.

"COOLIDGE-LIKE" PROBE OF DEMOCRATIC HEADQUARTERS BUGGING PROPOSED BY CLARK MOLLENHOFF

Mr. PROXMIRE. Mr. President, in the Des Moines Sunday Register of July 3, the distinguished Washington investigative reporter, Mr. Clark Mollenhoff, proposed that a "Coolidge-like" probe of the bugging of the Democratic National Committee headquarters be established.

The point is that those caught at the bugging had direct links to former employees of and consultants to the White House and to then-existing employees of the Nixon campaign committee.

In addition, the $5,300 in $100 bills found on the men or at their hotel rooms has now been linked with a $25,000 campaign contribution to the Nixon campaign fund.

For all these reasons, it is impossible for the present administration to investigate itself. Mr. Mollenhoff, going back to the Teapot Dome scandal in 1923 and 1924, when President Coolidge appointed a bipartisan team composed of Owen Roberts, a Republican, and former Senator Atlee Pomerene, a Democrat from Ohio, to examine the entire matter. Coolidge bypassed his own Attorney General, Harry Daugherty, to appoint Roberts and Pomerene. He was wise to do this, for in the end it was found, as both Senator Robert La Follette, Sr., and Senator Thomas Walsh had believed, that Daugherty was caught up in the scandal.

Mr. President, I think Mr. Mollenhoff has a splendid idea, and tomorrow I intend to take the Senate floor to make a proposal of my own along the lines he has indicated.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Watch on Washington—Need Coolidge-Like Probe of "Bugging"

(By Clark Mollenhoff)

Washington, D.C.—The potential for damaging political fallout from the burglary and "bugging" of National Democratic Party headquarters is so great that only forceful action by President Nixon can save the Republican Party from serious consequences in the November election.

To date, the most damaging fact is the arrest of the top security man for two Republican Party organizations along with four others at gunpoint at Democratic headquarters on June 17.

So far, there are only hints of lines of responsibility that point to the White House. However, the hints are strong enough that the President should waste no time in taking a leaf from President Calvin Coolidge's book when he set up a bipartisan special counsel to handle the investigation and prosecution of the infamous Teapot Dome scandals.

It was a precarious step for President Coolidge to take, but it was necessary to avoid political blame in the 1924 election for the crimes of the Harding administration. Eminent men, one a Republican and one a Democrat, were named to head the investigation independent of the Justice Department. The then-Atty. Gen. Harry Daugherty was involved in improprieties on the fringe of the Teapot Dome scandals.

Coolidge won the 1924 election by a substantial margin, indicating the worth of the bipartisan special committee's decision absolving him from blame.

President Nixon could take a long step up the credibility ladder by naming similar men of recognized integrity to investigate, independent of the Justice Department.

GOOD CANDIDATES

Former Senator John J. Williams of Delaware, whose aggressive effort against dishonesty and unethical conduct in both parties was the hallmark of his 21 years in the Senate, would be the type of Republican who should be named.

Former Senator Paul Douglas, a liberal Democrat from Illinois, is the type of man who would have the confidence of most liberal Democrats.

The credibility of the Nixon administration was seriously damaged by the ITT affair, even though the investigation ended with Richard Kleindienst confirmed as attorney general.

Questions of credibility raised about Kleindienst's confirmation have created grave public doubts about how thoroughly the Justice Department, headed by Kleindienst, will handle the investigation on the alleged robbery and "bugging" affair.

The arrest of James McCord, Jr., an employee of the main Nixon campaign organization as well as of the Republican National Committee, does not improve the public confidence in the probe.

The Committee for the Re-Election of the President was headed by former Atty. Gen. John N. Mitchell, Kleindienst's former boss.

Also, the acting director of the FBI is Patrick Gray, who had served as an assistant attorney general under Mitchell and had been nominated as deputy attorney general by Mitchell and Mr. Nixon prior to being named to the FBI post upon J. Edgar Hoover's death.

NOT SUFFICIENT

President Nixon cannot afford to leave unanswered questions in the investigation of the burglary at Democratic headquarters, and it is unlikely that any investigation under the direction of Kleindienst and Patrick Gray will be sufficient to stifle doubts of the Democrats as well as many Republicans.

The responses from Republican spokesmen to date have not been very satisfactory. White House press secretary Ronald Ziegler attempted to brush off the incident as just another "third-rate burglary" and unworthy of White House comment.

Mitchell's retort was little better. The former attorney general characterized the lawsuit by Democratic Party Chairman Lawrence O'Brien as "political demagoguery."

Certainly, many Democratic political figures have taken advantage of the political bonanza and O'Brien has moved into an enviable strategic position.

The case is in the hands of two clever lawyers—Edward Bennett Williams and Joseph Califano. This civil damage suit permits the calling and swearing of relevant witnesses in the pre-trial depositions.

SUBJECT TO QUESTIONS

Almost anyone in the White House or the Republican National Committee or the Committee for the Re-election of the President, who had dealings with McCord, would be subject to questioning.

Democrats are free to stage the depositions and time them for maximum political benefit, with full newspaper and television coverage.

Implications of "political espionage" by White House personnel are a fascinating bit of business, and the Democrats will savor every morsel before the television cameras or in the nation's press.

Democrats control the committees of the House and Senate, and many chairmen are bold and eager to get into the big act of 1972.

The President, a man with considerable experience in investigations, should be the first to recognize the potential dangers in the months ahead. He also should recognize the advantages inherent in following the Coolidge pattern of seizing the initiative soon and selecting a believable bipartisan committee.

NATIONAL CONGRESS ON THE WORD OF GOD

Mr. MILLER. Mr. President, a "National Congress on the Word of God" is scheduled to get underway in Washington on September 5.

In this day, when it seems that our people are moving away from, instead of to, God, this conference, it is hoped, will do much to refocus on the need to resolve the questions surrounding a crisis of faith—why it exists and what should be done to restore it.

I ask unanimous consent that a press release issued by the U.S. Catholic Conference and a related review of writings on this subject be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

National Congress on Word of God Planned

Washington.—A National Congress on the Word of God—aimed at revitalizing preaching and ministering to the current crisis in faith—will be held at the National Shrine of the Immaculate Conception, September 5 through 7.

The purpose of the Congress is to give the people of God, laity, theologians, religious educators and bishops, an opportunity to come together to witness to the power of the word of God to resolve the crisis in faith.

The Congress will take the form of a liturgical event in the National Shrine together with a series of concurrent conferences in which the relationship of preaching to specialized professional activities will be explored in detail.

Serving as chairmen of the concurrent conferences are Bishop James W. Malone of Youngstown, Ohio, chairman of the Bishops' Committee on the Liturgy—conference on Preaching and the Liturgy; Archbishop John F. Whealon of Hartford, Conn., chairman, Bishops' Committee on Doctrine—conference on Preaching and the Bible; Auxiliary Bishop Thomas J. Grady of Chicago, chairman of the Bishops' Committee on Priestly Formation—Preaching and the Priestly Ministry; Auxiliary Bishop Juan A. Arzube of Los Angeles—Preaching and Conversion; Bishop Charles H. Helmsing of Kansas City–St. Joseph, Mo., chairman of the Bishops' Committee for Ecumenical and Interreligious Affairs—Preaching and Ecumenism; Bishop Raymond J. Gallagher of Lafayette in Indiana—Preaching and Religious Education; Bishop John L. May of Mobile, Ala., chairman, Communications Committee, U.S. Catholic Conference—Preaching and Communication.

Major speakers for the Congress include Archbishop Timothy Manning of Los Angeles, Rev. Barnabas Ahern, C.P., professor of Sacred Scripture, Gregorian University, Rome, Father Eugene H. Maly, professor of Sacred Scripture, St. Mary's Seminary, Norwood, Ohio, Archbishop Fulton J. Sheen, and Bishop John R. Quinn of Oklahoma City and Tulsa.

Members of diocesan liturgical commissions, scholars, seminary rectors, directors of programs of continuing education for priests, vocation directors, preachers of home missions and retreats, ecumenists, diocesan and parish religious education directors, parents, religious journalists and other Church communications personnel, and many of the country's 300 Catholic bishops are expected to participate in the Congress.

The National Congress on the Word of God is being sponsored by the Catholic University of America, with Father John Burke, O.P., director of the university's Institute for Pastoral Communications, serving as coordinator.

"The Congress will be an act of celebration in which those participating in the various liturgical ceremonies will proclaim that the preaching of the word is the primary source for priestly formation, liturgical renewal and religious education," Father Burke stated. "If, on a national level, a resurgence of interest and excitement can be generated about the preacher's mission in the Church today, an integral step will have been taken toward the revitalization of the Christian community.

"On the individual level for the priest and layman," he continued, "it will mean the Sunday sermon will be a renewed source of growth for our spiritual lives."

The planning committee for the National Congress on the Word of God comprises Dr. Clarence C. Walton, president of the Catholic University of America, Bishop Joseph L. Bernardin, General Secretary of the National Conference of Catholic Bishops and United States Catholic Conference, Archbishop Philip M. Hannan of New Orleans, Archbishop Sheen, Auxiliary Bishop Edward J. Herrmann of Washington, Bishop Malone, Msgr. William F. McDonough, director of the National Shrine, and Father Stephen J. Hartdegen, O.F.M., director of the U.S. Center for the Catholic Biblical Apostolate.

Rev. Frederick R. McManus, executive director of the secretariat of the Bishops' Committee on the Liturgy, is chairman of the Liturgy Committee for the National Congress.

The Priest Magazine Calls for Return to Gospel Preaching

Washington, D.C.—The July/August issue of the prestigious and influential Catholic magazine The Priest, "edited by priests for priests", devotes its cover, editorial space and lead article to recalling the clergy to a renewal of Gospel preaching.

Editor Jordan Aumann, O.P. states "The sad fact is that today, as yesterday, there are still too many priests who do not preach the Gospel." He notes that "there is such a thin line" between effective Gospel preaching and "letting one-self to be so overwhelmed by the evils of modern society that one's preaching becomes pulpit-thumping harangue." Father Aumann added, ". . . most of our people know the problems as well or better than we do . . . what they want to hear from the preacher of the Gospel is an application of Christ's teaching both to their own lives and the life of society at large."

In the feature article, Robert M. Donihi, former director of the U.S. Catholic Conference Office of Public Information, says "Each of us is tempted to prefer his own personal theology, all of which makes for a great many conflicting views in every pew." He adds, "As a layman, I listen to the sermons of the clergy, and markedly less often it seems of late, to the words of the Gospel. Sometimes I have been filled with thanksgiving and sometimes with dismay."

Donihi's article, asking "When was the last time you preached a sermon which changed *your* life? Or when was the last time you preached a sermon that changed the lives of others?" notes that "the lives of both of us—you as a priest and myself as a layman—should be changed for the better by your sermons."

Speaking on the crisis of faith, the Donihi article notes that "It is no longer a world or a Church in which the preacher can assume belief in the revealed Jesus, rather it is his sacred task to beget that belief through his proclamation of the Gospel to all. The deposit of faith does not lie in a box to be opened or closed. What exists is a living quality of soul. The only place in the Church where the faith lives is in the hearts of believers." Donihi also says "... passing off theological opinion for revealed truth can be divisive." He notes that young seminary clerics seem to be turned off by theological hair-splitting and turned on by scriptural studies of the word of God.

Father Aumann states "It is practically overwhelming to think of the conversion and renewal that would occur if all our priests would commit themselves unswervingly to preach the Gospel faithfully at all the Sunday Masses." In conclusion, he said "And if you tend to doubt this, then just remember what the twelve accomplished by preaching the Good News unto repentance and conversion."

Donihi's article, "The National Congress on the Word of God," and Father Aumann's editorial both cite Pope Paul VI as saying: "Our apostolate is above all (the ministry of) the word of God . . . not of human eloquence or human rhetoric, but of the genuine art of the sacred word." The Priest emphasizes the need for renewed Gospel preaching against the background of the forthcoming National Congress on the Word of God (September 5, 6, 7) at the National Shrine of the Immaculate Conception on the campus of the Catholic University of America in Washington to be addressed by noted Gospel scholars and preachers from here and abroad.

Patrick Cardinal O'Boyle, the host bishop and chancellor of Catholic University, states in his invitation to "brother bishops, fellow priests, pastors of souls and all those who profess belief in Jesus Christ" that "the National Congress on the Word of God will give us, the People of God, the opportunity to make a great hope-filled affirmation that God's word begets, strengthens and renews Christian faith when it is proclaimed by enlightened, convinced and holy preachers . . ."

Archbishop Philip Hannan of New Orleans, a founder of the Congress on the Word of God, says: "We live in an age of competing communications systems. To proclaim effectively the word of God, we need specialization and thorough training. Above all, we need the inspiration of the Spirit so that the authenticity and power of the word as uttered by us will command acceptance."

TWO MORE AGENCIES SUBJECT TO CONSUMER AGENT INTRUSION

Mr. ALLEN. Mr. President, S. 1177, a bill expected to be reported soon from the Committee on Government Operations, on which I serve, would create a new independent Federal Consumer Protection Agency that would authorize Federal consumer agents, as a matter of right, to intrude into the proceedings of Federal, State and local administrative agencies and courts and, as a matter of right, to appeal the results of agency proceedings to the courts.

The Administrator of the new Consumer Protection Agency that would be created by S. 1177 would become the Nation's most powerful law officer, with far more discretionary rights than the Federal Bureau of Investigation. According to the Justice Department's legal opinion in opposition to this bill, the Administrator could even send his agents to participate fully in the confidential conferences of the Solicitor General at which the Solicitor General decides whether particular cases should be filed, settled or appealed—and, if these agents do not like the decision of the Solicitor General, they can drag the Government's lawyer into court and attempt to get the judicial branch to overturn the Solicitor General's decision.

At the Federal level, the bill would also grant these agents the power to enter, at their unchallengeable discretion, any formal or informal deliberation or process of any instrumentality charged with the administration of any Federal statute.

This includes an, as of yet, undetermined number of organizations ranging from the Big Brothers of America and the U.S. Olympic Committee to the Environmental Protection Agency and other independent agencies as well as all Cabinet-level Departments and the President's office itself.

Due to the veritable googolplex of such "Federal agency" activities covered—from telephone calls and answers by letter to formal criminal proceedings—I have been trying for the last several months to determine for the first time the scope of the proposed consumer agent powers in just the major Federal organizations. Because of the impossible magnitude of the task, no one has made an effort to determine the scope of such powers at the State and local level.

My survey to determine what major "Federal agency" proceedings or activities would be covered by S. 1177 has resulted in responses from 36 agencies describing 1,308 such proceedings or activities subject to consumer agent intrusion. And, of course, not counted in this total are the many general responses such as those from the Federal Power Commission to the effect that all its actions would be covered or the Justice Department's legal opinion in total opposition to the bill.

The latest response, and the only one not yet reflected in the record, covers the Food and Drug Administration and the Health Services and Mental Health Administration.

The response indicates that "virtually all functions" of the FDA would be covered, but goes on to describe 102 examples and raise objections to consumer agent intrusion in proceedings involving criminal charges.

Perhaps it should be noted here that the functions of the FDA, as well as many other functions, would be assumed by a new independent Food, Drug and Consumer Product Agency under S. 3419, a bill that was overwhelmingly passed by the Senate in June and which I supported. Let me point out, however, that all of the many functions of the new Food, Drug, and Consumer Product Agency under S. 3419 would be subject to attack by agents from the new Consumer Protection Agency under S. 1177.

In other words, Mr. President, we have already voted to create an independent Food, Drug, and Consumer Product Agency to protect consumers. Now, under S. 1177, we are preparing to create yet another vastly more powerful independent Federal agency to protect the very same consumers from the Food, Drug, and Consumer Product Agency—which has not even begun its pervasive and very important functions.

Thus, we see we can be faced with the anomaly of two Federal agencies, created for the specific purpose of protecting consumer interests, engaging in guerrilla warfare against each other while the individual whom these agencies are intended to benefit—the American consumer—stands helplessly on the sidelines. When viewed in this light, S. 1177, in its present form, almost becomes guilty of indecent exposure.

Mr. President, the 36 responses I have received to date from various existing Federal agencies, are a blueprint indicating clearly that this guerrilla warfare will be extended far beyond agencies created just to protect the special interests of consumers. If S. 1177 is not amended to require that the proposed Consumer Protection Agency assist, rather than attack, our Federal, State, and local governments, we shall see this guerrilla warfare being conducted against all agencies established to protect the public interest, which includes as a lesser part, the special interests of conusmers.

To facilitate informed debate on S. 1177, I have placed in the Record 34 responses from Federal agencies. This was done on July 17, 25, and 31 and August 7 and 8.

For the same reason, I ask unanimous consent to have presented in the Record a response from Dr. John S. Zapp of the Department of Health, Education, and Welfare listing the proceedings of FDA and the Health Service and Mental Health Administration that would be subject to consumer agent instrusion and court appeal under S. 1177.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of
Health, Education, and Welfare,
Washington, D.C., August 9, 1972.

Hon. James B. Allen,
U.S. Senate, Washington, D.C.

Dear Senator Allen: This is in further reply to your letter of June 8, 1972 to Dr. Steinfeld in which you requested what effect the enactment of S. 1177 (June 2, Committee Print) would have on the actions of the health agencies of HEW.

The areas which a consumer advocate could significantly affect are the Food and Drug Administration and the Health Services and Mental Health Administration.

I shall discuss each of these separately.

FOOD AND DRUG ADMINISTRATION

A broad range of regulations promulgated by FDA would be subject to S. 1177 pursuant to the following Acts administered by FDA:

Federal Food, Drug, and Cosmetic Act
Federal Hazardous Substances Act
Fair Packaging and Labeling Act
Poison Prevention and Packaging Act
Public Health Service Act
Tea Importation Act
Filled Milk Act
Import Milk Act
Federal Caustic Poisons Act
Flammable Fabrics Act

A. The greatest number and variety of proceedings subject to consumer advocate participation would be those held pursuant to the Federal Food, Drug, and Cosmetic Act. These proceedings would involve food standards (21 U.S.C. 341); regulations concerning the use of non-nutritive substances in confectionary (21 U.S.C. 342); exemption for open containers of fresh fruits and vegetables (21 U.S.C. 345); tolerance for poisonous ingredients in food (21 U.S.C. 346); special dietary food regulations (21 U.S.C. 343); food additive regulations (21 U.S.C. 348); precautionary labeling for drugs subject to deterioration (21 U.S.C. 352); regulations concerning "current good manufacturing practices" for drugs (21 U.S.C. 351); test methods for strength and purity of certain drugs (21 U.S.C. 351); designation of drugs as habit forming and prescription drug advertising regulations (21 U.S.C. 352); exemptions for drugs from stating the quantity of certain ingredients, and from adequate directions for use labeling (21 U.S.C. 352); regulation regarding prescription drugs (21 U.S.C. 353); approval and regulation of new drugs (including investigational new drug regulations) (21 U.S.C. 355); certification of insulin and antibiotics (21 U.S.C. 356, 357, respectively); designation of official names for drugs (21 U.S.C. 358); regulations regarding registration of drug establishments (21 U.S.C. 360); approval and regulation of new animal drugs and feeds (21 U.S.C. 360b); labeling exemptions for cosmetics (21 U.S.C. 362, 363); seafood inspection (presently defunct, 21 U.S.C. 372a); certification of color additives (21 U.S.C. 376); regulation of imported food, drugs, cosmetics and medical devices (21 U.S.C. 381).

Regulations under Sections 401 (food standards), 403(j) (special dietary foods), 406 (poisonous ingredients in foods, 501(b) test methods for strength and purity of certain drugs), 502(d) (habit forming drugs) and 502(h) labeling of drugs subject to deterioration) may be initiated by any interested person or by the Secretary. These regulations are subject to formal on-the-record hearings and to appeal to the Court of Appeals and the Supreme Court. Other proceedings relating to prescription drug advertising, insulin and color additives follow the same procedures.

The sections relating to food additive petitions and antibiotic regulations provide for formal public hearings and judicial appeal (21 U.S.C. 348, 357, respectively).

Adjudicatory hearings are provided with regard to disapproval (or revocation) of new drugs and animal drugs and feed applications.

Section 305 of the Act (21 U.S.C. 335) requires that before violations of the Act are reported to the Attorney General for institutions of criminal proceeding, the person involved will be given an opportunity to present his views either orally or in writing. Presence of a consumer representative could inhibit the free exchange in such informal hearings.

B. Regulations pursuant to the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) which would be affected by S. 1177 are regulations which establish criteria or tests determining what constitutes a hazardous substance, define the warning and precautionary labeling required for hazardous substances, and which ban hazardous substances.

Hearings are provided regarding banning procedures (15 U.S.C. 1261(q)(2) and other regulations under the Act. Seizures, prosecutions, and injunctions are authorized regarding violative products.

C. The Fair Packaging and Labeling Act (15 U.S.C. 1467 et seq.) authorizes formal hearings and judicial review regarding regulations issued thereunder pursuant to procedures provided in the Federal Food, Drug, and Cosmetic Act. Pursuant to this Act regulations are issued regarding labeling of consumer products with their identity, name and place of manufacturer, packer, or distributor and statement of contents and conspicuousness thereof. The Act also authorizes regulations governing "cents off" promotions, nonfunctional slack fill, ingredient listings (except food) and characterizations of package sizes, FDA issues such regulations only with respect to food, drugs, cosmetics and devices (other commodities are regulated by FTC). Seizures and injunctions (not prosecutions) are also provided.

D. The Poison Prevention Packaging Act (P.L. 91-601) authorizes the establishment of special packaging standards for consumer commodities and requires consultation with a technical advisory committee prior to establishing the standards. Hearings pursuant to the formal procedures of the Federal Food, Drug, and Cosmetic Act or the Administrative Procedures Act (option of the Secretary) are provided. Judicial review is provided to the Court of Apeals and the Supreme Court. Seizure, injunction and prosecutions are provided by appropriate amendments to various statutes such as the Federal Food, Drug, and Cosmetic Act and the Federal Hazardous Substances Act.

E-1. Under the Public Health Service Act, the FDA has been delegated certain responsibility authorized pursuant to Section 301 of that Act (42 U.S.C. 241) including shellfish certification program to insure shellfish is harvested from uncontaminated beds, milk and food sanitation model regulations for cooperation with States, and developing programs for the prevention of accidents. FDA also promulgates the interstate quarantine regulations which includes among other things regulating sanitary practices of interstate carriers (42 U.S.C. 264(a)).

E-2. FDA is responsible for the regulation and licensure of the manufacture of biologics pursuant to Section 351 of the PHS Act (42 U.S.C. 262). This program involves the promulgation of regulations affecting consumers' interest. These promulgations require public participation (written comment), hearings in cases of denial or revocation of licenses, and continuing investigation of the regulated manufacturers and laboratories to determine compliance with standards set by the respective agency.

F. The Filled Milk Act (21 U.S.C. 61 et seq.) prohibits filled milk (milk added non-milk fat or oil) and authorizes necessary regulations for the enforcement thereof.

G. The Tea Importation Act (21 U.S.C. 41 et seq.) authorizes regulations regarding procedures for establishing standards of quality and testing imported tea, and appeals to the United States Board of Tea Appeals.

H. The Federal Caustic Poisons Act (15 U.S.C. 401 et seq.) requires warnings for products containing certain caustic poisons. (The Act was replaced except for its applicability to foods, drugs, and cosmetics which are exempted from the Federal Hazards Substances Act which was intended to replace the Caustic Poisons Act.)

I. FDA is responsible under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) in cooperation with the Department of Commerce for a continuing study of deaths, injuries and economic losses caused by accidental burning of fabrics and submits a report to the President and Congress annually relative thereto.

J. FDA also may prescribe regulations under Section 503(b) of the Federal Food, Drug, and Cosmetic Act as authorized in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91-513) and relating to the labeling of controlled prescription drugs and the emergency dispensing thereof.

Consequently, virtually all functions of the Food and Drug Administration affect the interests of consumers as that term is generally understood (S. 1177 does not provide a specific definition of "consumer interests"). All of these regulations are subject to applicable provisions of Title 5, U.S.C. 553, 554, 556, or 557. Regulations required by statute to be conducted on the record after opportunity for a hearing are indicated above. In all of the investigations and proceedings initiated by FDA or to which FDA becomes a party, it is charged with protecting the public health and consumer interest.

FDA follows what might be termed "informal procedures" in publishing general statements of policy, particularly those establishing guidelines for the enforcement and administration of the provisions of the Acts they administer. Also, as discussed above, informal procedures are used for hearings prior to recommending prosecution.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

The one program which would appear to be clearly affected by the enactment of S. 1177 is the regulation and licensure of clinical testing laboratories by the Center for Disease Control, Health Services and Mental Health Administration, pursuant to Section 353 of the Public Health Service Act.

This program involves the promulgation of regulations affecting consumers' interests. These promulgations require public participation (written comment), hearings in cases of denial or revocation of licenses, and continuing investigation of the regulated manufacturers and laboratories to determine compliance with standards set by the respective agency.

If there is any additional information you require, please do not hesitate to contact me.

Sincerely yours,

JOHN S. ZAPP, D.D.S.,
Deputy Assistant Secretary for Legislation (Health).

HARD-TARGET WEAPONS AND NUCLEAR STABILITY

Mr. CRANSTON. Mr. President, on August 8 the Pentagon acknowledged that research and development was proceeding for so-called hard target missile warheads. It is important for all of us to understand why a weapon which could destroy protected underground missile silos is actually more dangerous and destabilizing than one which could decimate hundreds and thousands of innocent civilians.

On August 5, the New York Times quoted senior administration officials as saying that hard-target weapons would give the President greater flexibility in responding to a nuclear attack. According to this interpretation, the counter-city strategy known as "assured destruction" would confine him to a choice between capitulation or the destruction of Soviet cities. Looked at in this light, a hard-target weapons program appears as a merciful alternative to large-scale slaughter.

But in the bizarre logic of nuclear strategy, a hard-target arsenal is by definition part of a first-strike strategy and therefore automatically destabilizing. Although Pentagon spokesman Jerry Friedheim has denied that the United States is planning for a first-strike force, such weapons add a new and severe threat to existing Soviet fears of an American first strike. When asked why the Soviets would not interpret the new development program as a threat, Mr. Friedheim could only reply that it was simply our "policy" not to have a first-strike force. Besides, he added, research and development did not mean capability—yet.

The reason why hard-target warheads have traditionally been considered part of a first-strike arsenal can be easily understood if one imagines how a nuclear exchange would take place. Clearly, the country that initiated a preemptive nuclear first strike would aim at the missiles of the other side so as to avoid or diminish retaliation. The other country would then have little or no need for missiles targeted on enemy silos, simply because the first country would already have launched many or all of its missiles. So the major purpose of hard-target warheads is to augment first-strike capability. An additional advantage cited by the Pentagon, that hard-target warheads would permit fewer missiles to be fired at a single target, does not alter this basic fact. Hard-target weapons increase the incentive for a first strike.

By contrast, the entire rationale of the ABM treaty is aimed at diminishing the incentive for a first strike. By limiting the number of ABMs, the United States and the Soviet Union have, in effect, agreed to be afraid of each other's second-strike retaliation. Neither side has any incentive to launch a first strike because neither can defend itself against a second-strike retaliation by the other.

Mr. President, even though the ABM treaty is only a small step toward the limitation and reduction of nuclear stockpiles, this recognition—that mutual fear is a better deterrent to war than an ever-spiraling arms race—is revolutionary in its implications. The new hard-target weapons program appears to run exactly counter to this heartening trend.

Mr. President, I ask unanimous consent that three articles on the new MK–19 program, as it is called, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post,
August 10, 1972]

UNITED STATES ADMITS PLANNING PROGRAM FOR NEW HARD-TARGET WARHEAD

(By Michael Getler)

The Pentagon acknowledged yesterday that it planned to "go forward" with a program aimed at developing new missile warheads accurate and powerful enough to knock out well-protected "hard" targets in the Soviet Union.

Though the decision represents an important turn in U.S. weapons development policy, Pentagon spokesman Jerry W. Friedheim stressed that the project did not represent any change in American strategy.

Friedheim said U.S. policy remains the prevention of war through deterrence, and retaliation, and that the United States was "not planning a first-strike force in any sense." And he added, "We have made no determination to seek one."

So-called "hard target" warheads have traditionally been associated with the idea that that they could be used in a surprise first strike to destroy enemy missiles protected in underground concrete and steel silos.

In 1970, the Nixon administration declared it had no intention of developing the type of weapons "which the Soviets could construe as having first-strike potential."

Yesterday, Friedheim said that what was now moving ahead was a research and development project and that any decision on actual deployment was still perhaps five years or more away.

He talked of the development of these new weapons as a potential "option" for a U.S. President as a means to attack Soviet underground command centers and nuclear weapon storage areas in the event of war, rather than for use against missile silos.

He said the project would also make for "a strong position" for the U.S. in the second round of strategic arms discussions later this year—when the U.S. will press the Soviets to limit their multiple warhead deployments and as a "hedge" against the possible failure of the just concluded initial arms pact.

He indicated that the U.S. was "certainly willing" to talk about mutual restrictions with the Soviets on such work, similar to restraints put on antiballistic missile system research in the initial SALT accords.

Asked why the Russians would not construe the U.S. project as a potential first-strike threat, Friedheim said it was the policy of the U.S. government not to have such a force.

Reminded that Defense Secretary Melvin R. Laird, when talking of Russian weapon developments, always stresses that he is concerned about "Soviet capabilities rather than intentions," Friedheim answered that "the beginning of a multi-year research and development program did not amount to a U.S. capability" for a first strike.

The U.S. has done some earlier work on hard-target warheads but "at a much lower level," Friedheim said.

The new accelerated project involves improving both the accuracy and the yield-to-weight ratio, or explosive nuclear power, of the warhead and assembling these designs into a new Mk–19 multiple warhead able to be flight-tested in a few years.

Because the SALT agreement had placed the U.S. in "a position of essential parity" with the Soviets, with respect to numbers of weapons, Friedheim said, it was essential for the U.S. "to maintain technological superiority, particularly in our relations with a closed society," meaning the Soviets.

Though the Pentagon talks about the new warhead development as a possible new option for some future President in the event war breaks out, the project is also just one of several new, controversial and potentially costly programs which are all tied to a lingering Pentagon fear.

That fear is that the Soviets—despite the treaty limiting rival anti-ballistic missile (ABM) defense systems signed in Moscow May 26—may at some point quickly or secretly be able to improve their vast anti-bomber air defense system into an anti-missile defense.

If that happened, the Pentagon argues the U.S. will either need more than the 10,000 individual missile and bomber warheads it plans on having in the late 1970s, or it will have to make better use of these warheads.

Thus, the Pentagon wants a new maneuverable warhead developed which can evade enemy ABMs, so that those U.S. missiles that survive a first strike can get through to their targets—mainly cities and industrial areas.

The Pentagon also wants a new jet-plane style cruise missile launched from submarines which can penetrate Soviet air space at very low altitudes—unlike ballistic missiles, which come in high—in an effort to dilute Soviet defenses and also increase the number of U.S. warheads that reach their targets.

It also wants a hard-target warhead so that the U.S. would not have to fire so many individual warheads against a single specialized target in an effort to knock it out.

Existing U.S. Minuteman missile are already highly accurate, but because their combined accuracy and explosive power is only marginal to knock out a protected underground target, the U.S. might fire six to ten warheads at a single target under existing plans.

Defense officials claim there are hundreds of these well-protected military targets, not counting silos.

The argument about the capabilities of the Soviet air defense system has gone on for years, and Defense Secretary Melvin R. Laird almost—but not quite—put the fears to rest in February.

"Some technical experts continue to be concerned that the SA–5 system (a Soviet air defense missile) could possibly be adapted for use in an ABM role, although there is general agreement that it is not presently intended for this role," he said.

Such improvements are specifically barred under the ABM treaty.

The Pentagon asked for money to either start or speed up the two new warhead and new cruise missile projects within weeks of the Moscow arms agreement. Those projects are in addition to the new Trident missile-submarine and B–1 bomber projects which the Pentagon insisted were "must insurance" for the U.S. under those agreements.

The Trident and B–1 projects—with a collective price tag of about $25 million—are moving easily through Congress as eventual replacements or additions, depending on the future of SALT, to the existing U.S. fleet of 41 missile firings submarines and about 460 long-range B–52 bombers.

The money for the warhead and cruise-missile projects, however, is still tied up in a House-Senate conference committee.

[From the New York Times, Aug. 10, 1972]

PENTAGON CONFIRMS SHIFT IN MISSILE DEVELOPMENT

WASHINGTON, August 9.—The Defense Department acknowledged today that the Administration had changed its plans and was now pursuing the development of more powerful and more accurate missile warheads capable of destroying secure military targets in the Soviet Union.

But Jerry W. Friedheim, the Pentagon spokesman, said that the decision to "accelerate" research and development of these more potent missiles should not be interpreted as a move by the Administration toward a first-strike nuclear capability.

"The policy of our Government is not to seek a first-strike force," Mr. Friedheim said.

In previous years, President Nixon has ruled out the development of missiles so accurate and powerful that they could knock out underground "hardened" missile silos. This was done so the Russians would not think that the United States was planning a first-strike capability.

$20 MILLION IS SOUGHT

The New York Times reported on Saturday, however, that to give the President greater flexibility in responding to a nuclear attack, the Administration was seeking $20-million from Congress to step up work on these new, more powerful missiles.

The Times article said that at present, in case of Soviet nuclear attack, the United States was virtually forced to attack only so-called "soft" targets, such as cities, large bases and industrial areas. Current missiles are not exact and powerful enough to be used against "hard" targets such as underground silos.

After reading the article, Senator Edward W. Brooke, Republican of Massachusetts, sent a letter to Mr. Nixon expressing his concern at the apparent change of policy.

"The New York Times has reported that there has been a major change in American missile development programs looking toward the development of technology capable of destroying hard targets," Mr. Brooke wrote. "While various types of hard targets are cited, it seems clear that the rumored capability would threaten hardened missile silos. If so, such a development effort would clearly contradict the long-standing United States policy of not developing capabilities which the Soviets might construe as threatening their deterrent."

Mr. Brooke called upon Mr. Nixon "to restate the previous firm guidelines you had enunciated in directing the Department of Defense not to seek superfluous and provocative hard-target technology."

A spokesman for Mr. Brooke said he had not yet received a reply from the White House.

But Mr. Friedheim seemed to be speaking

for the Administration when he said that in asking for $20-million for the current fiscal year, "we plan to go forward with research and development in improved re-entry vehicles [missile warheads] in order to maintain our technological superiority in that field."

He said that there was no plan to deploy such warheads and that such development would probably take more than five years.

American strategy, Mr. Friedheim asserted, has not altered.

"Our strategy is one of realistic deterrence," he said. "We plan our programs to enter a strategic nuclear exchange. We plan to prevent war. We are not planning any first-strike force in any sense. We do not have a first-strike capability. We've made no determination to seek one but we do at the same time plan to maintain the technological superiority which is part of our deterrence."

Mr. Friedheim said that military planners wanted to provide a future president with additional options.

UNITED STATES AHEAD IN TECHNOLOGY

The accelerated effort to develop the new warheads was apparently made after the conclusion in Moscow of the agreements on limiting strategic arms. The five-year accord limiting offensive weapons allows the Russians the possibility of developing more land-based and submarine-based missile launchers than the United States.

But the Administration has argued that, because of American superiority in warhead technology, American security was not threatened by the accord.

The $20-million figure was an addition to the defense procurement bill offered by Secretary of Defense Melvin R. Laird after the Moscow agreements.

The offensive weapon agreement does not bar research and development of new missile warheads, or replacement of older warheads with more modern devices.

[From the New York Times, Aug. 5, 1972]

MAJOR WAR PLAINS ARE BEING REVISED BY WHITE HOUSE

(By William Beecher)

WASHINGTON, August 4.—The Nixon Administration is quietly moving to shift the emphasis of American strategic planning in case of a major war and to develop bigger, more accurate warheads and other warheads to carry out such plans.

The underlying purpose behind such a shift, senior Administration officials say, is to give the President greater flexibility in answering any kind of nuclear attack on the United States, or even the threat of such an attack.

The present war plans provide a handful of alternatives. But all are on so massive a scale, officials say, that on Russian radar screens the approaching missiles and bombers would probably appear headed for Soviet cities, whether they were or not.

CAMPAIGN ISSUE SEEN

Thus the search, on Mr. Nixon's part, is for a series of limited retaliatory options that planners say would be aimed both at deterring war and at avoiding a cataclysm.

To do this the Administration's planners have begun to move toward more advanced weapons that could destroy "hard targets" in the Soviet Union, such as nuclear weapons storage bunkers and missile silos. These weapon developments, while not banned by the recent strategic arms limitation accords, are expected to touch off a debate in the Presidential campaign over whether the Administration is setting the stage for another upward spiral in the arms race.

The move toward this new policy has taken several forms. Without public announcement, the President recently named Henry A. Kessinger, his national security adviser, to chair a top level interdepartmental group to come up with additional nuclear war options, officials disclose.

Mr. Nixon also has sanctioned the development of weapons improvements, some designed to make selective retaliatory strikes more precise and effective, others designed to complicate Russia's defensive problems.

In a series of interviews over the last several weeks, well-placed officials in various departments of Government revealed details on the following weapons developments:

After three years of publicly and privately insisting it did not intend to develop strategic warheads able to destroy "hard" Soviet military targets, the Administration has decided to develop—but not, at this point, to deploy—more accurate and more powerful warheads for existing Minuteman and Poseidon missiles to give them a better capability against just such targets as well as to limit unintended damage to population centers in their vicinity.

The Administration is seeking funds to develop a fourth type of strategic weapon—nuclear tipped "cruise" missiles that could be fired from the torpedo tubes of non-missile submarines, from the missile tubes of the 10 oldest Polaris missile submarines, and, possibly, even from surface ships.

And, finally, it is developing a maneuvering warhead for existing missiles that could be employed to elude a missile defense geared to intercepting a warhead coming in on a predictable flight path.

CHANGE IS SOFT-PEDALED

One senior officials conceded that the Administration had been "soft pedaling" these moves, in hopes of avoiding a major debate on so sensitive a subject during the Presidential campaign.

Senator George McGovern, the Democratic Presidential nominee, is on record against going ahead not only with advanced strategic weapons, but even with continuing Congressionally authorized programs to place multiple warheads, of existing types, on Minuteman and Poseidon missiles.

In a recent appearance before the House Military appropriations subcommittee, Secretary of Defense Melvin R. Laird spoke vaguely of the need for certain "additional hedges for the future," in light of the terms of the Soviet-American arms-limitation accords.

He asked, for instance, for an extra $20-million for "additional work on re-entry vehicle technology." "Re-entry vehicle" is a technical term for a missile warhead.

But these words, buried deep in his public statement, made no reference to severalfold improvements in missile accuracy and in the explosive power of warheads.

Such qualitative improvements are not prohibited by the recently Soviet-American arms control accords that principally apply quantitative limits on strategic weapons. The five-year interim agreement on offensive weapons limits the Soviet Union to 1,618 ICBM's and 950 submarine-launched missiles, and the United States to 1,054 ICBM's and 756 submarine missiles. A treaty on defensive missiles approved yesterday by the Senate permits both countries to deploy up to 200 interceptor missiles.

Pressed in interviews on whether such moves might appear inconsistent with the spirit of the arms-limitation accords, several officials throughout the Government were insistent to the contrary. They noted that the Russians had repeatedly stressed to the President and other American officials that they intended to press forward with weapons developments not specifically barred by the agreements.

DEBATE ON IN ADMINISTRATION

Even so, the issue has created a debate within the Administration on this very point. Those who favor going ahead, offer these further arguments:

First, it was argued that by merely developing a capability to destroy enemy missile silos, the United States, in the second round of arms-limitation talks, might be able to make a more persuasive case against attacking silos. What might be done here is to have both sides cut down the number of land-based missiles and place more on submarines at sea where they would be much less vulnerable to a first strike.

Second, the thesis was advanced that an increase in the * * * through more credible retaliatory choices would make the Soviet Union more uncertain about how the United States might respond to any sort of first strike.

Third, in the event a Soviet first strike occurred and wiped out most American bombers and land-based missiles, the next argument went, a variety of limited responses would still be available against certain military targets. This would mean that the President would not be faced at that point with the choice of either capitulating or initiating mutual destruction of the larger cities in the Soviet Union and the United States.

STRATEGY REVIEW ORDERED

Fourth, given the numerical edge in strategic missiles permitted the Soviet Union in the five-year accord on offensive weapons, Moscow's temptation to take greater political-military risks, in places such as the Middle East, could be lessened by stressing continuing American qualitative superiority in nuclear weapons.

Shortly after taking office, Mr. Nixon ordered a thorough review of America's nuclear strategy, which then was based on the premise that as long as the United States had enough weapons to survive a Soviet surprise attack and retaliate against Soviet urban-industrial centers, Moscow would be deterred from starting a nuclear exchange. This approach, developed during the early 1960's became known as the strategy of "assured destruction."

But senior strategists point out that at the time this was declared American policy, the United States actually had so many big weapons, and the Russians so few, that the President actually had a much wider choice. He could go after cities in a second strike. Or he could go after and confidently know he would destroy most remaining military targets in Russia, including missile sites, bomber bases, air defense missile sites, radars, command control centers and submarine pens.

One top planner disclosed that the actual war plans called for a few massive retaliatory strikes, only one of which involved attacks on cities. This war plan, known as the single-integrated operational plan, still is limited to such options, he declared.

But two series of events have been taken into account.

The Soviet Union has proliferated and hardened its land-based missile and bomber sites and put hundreds of missiles at sea. The destruction of large numbers of such targets has thus been made much more difficult.

Meantime, the United States determined to keep the warheads of its Minuteman-3 and Poseidon missiles relatively small and of less than optimum accuracy so as not to frighten the Russians into thinking the United States was trying to build a first-strike force.

The effect of these developments was to restrict the United States to "soft" targets, such as cities, war plants, big radars, shipyards and petroleum refineries.

NEW OPTIONS CONSIDERED

However, current war plans continue to list certain "hard" targets, well-placed sources say. Several warheads are assigned to attack each. There are hundreds of such targets on the list, the sources say, mentioning nuclear-weapons storage bunkers as an example.

Most officials within the Administration agree that the Kissinger panel should come up with modified war plans containing some selective attacks on certain military targets to give the President more flexibility to make quick choices in the matter of minutes between warnings of missiles coming toward the United States and their actual impact.

But some argue against deploying bigger, more accurate warheads, on the ground that this will simply encourage the Soviet Union to continue its present efforts to do so with its giant SS–9 missile and with an even larger advanced version of this ICBM.

Others contend that the Russians never before desisted from weapon developments simply because of American self-restraint. They cite, for example, the vastly larger size of each element of the Soviet three-part SS–9 multiple warhead compared with those of the United States.

And these officials assert that since both countries have agreed to keep antimissile levels low and to maintain a large number of missiles at sea, neither should have confidence that it can stage a successful first strike without large-scale retaliation.

NIXON HINTED OF CHANGE

President Nixon gave some insight into his inclinations in his message to Congress in February. The United States, he said, must retain sufficiently secure forces so that, if attacked first, it could retaliate against cities. But he added:

"No President should be left with only one strategic course of action, particularly that of ordering mass destruction of enemy civilians and facilities.

"Given the range of possible political-military situations which could conceivably confront us, our strategic policy should not be based solely on a capability of inflicting urban and industrial damage presumed to be beyond the level an adversary would accept. We must be able to respond at levels appropriate to the situation. This problem will be the subject of continuing study."

Now, six months later, the study has been placed in the hands of Mr. Kissinger and decisions on the development—though not the deployment—of improved weapons have been made.

EXTENSION OF MINIMUM WAGE COVERAGE TO MUNICIPAL EMPLOYEES

Mr. TAFT. Mr. President, last week I placed in the Record a series of letters from cities in Ohio stating the devastating financial effects that Senate minimum wage legislation will have in extending coverage to municipal employees—26446–26448. Today I would like to further supplement this list with an additional group of letters from cities in Ohio.

In these letters, city officials state that their wage rates for the most part are above the minimum, but the overtime provisions in the Senate bill will create massive budgetary problems, especially in emergency situations.

City officials also indicate that provisions of the Senate bill will force a drastic curtailment of summer jobs for youth, and in the case of one major Ohio city, possibly a complete abolition of the summer job program.

City officials additionally state that municipal recreation facilities will be adversely affected as such public operations as swimming pools, skating rinks, and skill workshop centers, may have to be abandoned.

Our Nation's cities are already facing enough of a severe financial crisis without adding to their financial burden. The Senate in essence, has adopted a policy of revenue sharing in reverse, by passage of S. 1861. I am hopeful that this matter will be thoroughly examined in conference, and that consideration will be given to the points raised by myself and Senator Dominick during Senate debate on this subject.

For the benefit of the Senate and the conferees I ask unanimous consent that these letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

City of Akron, Ohio,
August 8, 1972.

Hon. Robert Taft, Jr.,
U.S. Senator, Senate Office Building, Washington, D.C.

Dear Senator Taft: Last week the U.S. Senate passed S.B. 1861 which raised the minimum wage to $2.20 an hour and extended coverage of the Fair Labor Standards Act to municipal employees; including summertime help.

This bill mandates payment of time and a half to Policemen and Firemen who work in excess of forty-eight hours per week in 1972. Further, the bill calls for the ceiling to be gradually reduced over a five-year period down to forty hours per week.

The minimum wage bill passed by the House of Representatives calls for a $2.00 minimum after one year and it excludes municipal employees from the Fair Labor Standards Act.

If the Senate version becomes law it will have a very serious impact on the City of Akron's budget.

The City's 1972 budget covers 323 uniform Fire Personnel. Of this total, fifteen work a forty hour week and the remaining 308 work a fifty-six hour week. The annual cost to pay overtime for those working over forty-eight hours would be approximately $1,193,000.

This cost would increase each year at a proportionate rate as the ceiling of forty-eight hours is reduced down to forty hours per week.

Regarding the summertime help, presently the City of Akron employs approximately 136 seasonal or temporary employees at wages below the $2.20 minimum proposed in the Senate bill.

As you can readily see, extending this law to cover municipal employees will create a most difficult situation for the City of Akron as well as other cities.

Therefore, this letter is to urge you to support the bill passed by the House of Representatives which excludes municipal employees.

I would like to add this footnote; the City of Akron just went through a seventeen day strike by one of its six Unions. In order to settle the strike the City had to make substantial economic concessions to the Union. Now, we are faced with a list of demands from the other five Unions, including Police and Firemen. I don't know at this time what it will take to resolve the situation.

If, on top of this, the Congress passes laws costing additional substantiated sums of money for employee benefits, Cities will be driven not only to the wall, but through it.

Your cooperation and understanding of this situation will be appreciated.

Sincerely,

John S. Ballard,
Mayor.

City of Cleveland Heights,
Cleveland Heights, Ohio, August 1, 1972.

Hon. Robert Taft, Jr.,
Senate Office Building,
Washington, D.C.

Dear Senator Taft: We urge that you support the House version of the minimum wage bill now scheduled to go to a Conference Committee. It is of vital importance that municipal employees be excluded from coverage under the Fair Labor Standards Act as would be required under S. 1861.

Unless there is some provision for financial subsidy by the Federal Government to the extent that municipal operating costs are increased by S. 1861, we will find ourselves faced with prohibitive user fees for parks and recreational facilities and drastic cuts in the areas of parks, recreation, refuse collection, snow and ice control on streets and in fire protection. Existing tax structure will simply not be able to meet the cost increases which this legislation would impose on our City and presumably many others.

We realize that the best motives were intended in including municipal employees under the provisions of S. 1861, however, existing wage structures enable us to provide services and facilities at a reasonable cost without unjust treatment of any employee. Wages are fair, competitive and accurate when assessed on a cost-benefit basis. Further, we are able to provide employment for many students who vitally need jobs to continue their education.

We sincerely hope you will support the exclusion of municipal employees from coverage under the Fair Labor Standards Act.

Very truly yours,

William C. Lahman,
City Manager.

City of Deer Park,
Deer Park, Ohio, August 1, 1972.

Senator Robert Taft, Jr.,
Senate Office Building,
Washington, D.C.

Dear Bob: I understand that Senate Bill 1861, raising the minimum wage to $2.20 per hour, and extending the coverage of the Fair Labor Standards Act to municipal employees, has been passed by the Senate and is now in a Conference Committee.

This Bill contains several provisions relative to overtime hours which I feel would work a hardship on many of our municipalities. For that reason, I strongly urge your support for the House minimum wage bill at $2.00 per hour, excluding municipal employees from the coverage under the Fair Labor Standards Act.

Any information which you can provide relative to your support of our position would be appreciated.

Sincerely,

William J. Kleiman,
Mayor.

City of Delphos,
Delphos, Ohio, August 2, 1972.

Hon. Robert Taft, Jr.,
U.S. Senate, Senate Office Building, Washington, D.C.

Dear Senator Taft: It has come to the attention of the administration of the City of Delphos that the Senate has passed Senate Bill 1861 which raised the minimum wage to $2.20 an hour including coverage for municipal employees. The house passed a version of this bill calling for $2.00 minimum after one year excluding municipal employees.

We wish to voice our opposition to covering municipal employees with this minimum hourly rate because it would cause us to curtail many programs which the city funds during the summer activities, as well as creating a material problem in our fire department and police department.

The City of Delphos, like many other cities is having difficulty securing funds to meet the needs of the community as it is now, without the added burden of seeking means to extend the minimum wage to cover municipal employees.

Please do everything in your power to see that the financial burden to the cities is not increased by this method.

Respectfully yours,

Ralph E. Wagner,
Mayor.

CITY OF EAST CLEVELAND,
East Cleveland, Ohio, July 31, 1972.
Hon. ROBERT TAFT, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SIR: Relative to Senate Bill 1861, raising the minimum wage to $2.20 per hour, *and extending coverage of the Fair Labor Standards Act to municipal employees,* I wish to make objection on behalf of the City government of the City of East Cleveland, particularly those provisions of the bill which would create an immediate impact on the financial situation of our city.

At a time when our City government is experiencing fiscal problems of maintaining our present services to the public in the face of decreasing revenues and rising costs, the extension of coverage of this bill would force our city to either pay for the overtime difference for firemen between 48 hours per week, and their present work week of 55 hours, or decrease the number of firemen by lay off. Either option is impossible. In addition, our Service Department employees average work week is 44.5 hours and the waste collectors work week is 50.5 hours. The price-wage freeze has prevented any possibility of reducing hours in these two departments, but any required payment of overtime would force the City to lay off employees.

The City of East Cleveland cannot afford these increased costs of operation from the general fund, and can ill afford to lay off employees at a time when it is estimated we have a 15.5% unemployment rate in East Cleveland.

The bill does provide for a scaling down over a period of five years to the 40-hours per week, but to impose the condition of paying overtime rates to firemen and waste collectors immediately should not be permitted to become law. Much consideration has been given to municipalities in the reduction of firemen to a 40-hour week and an operation similar to the three-shift police operation, but the additional cost of hiring firemen has all but prohibited this option.

I strongly urge you to use your influence to modify the proposed Senate Bill 1861 to either exclude municipal employees, or provide such amendments which would exclude the fire service, and delay the enactment of the provisions of the bill to provide municipalities an opportunity to readjust work schedules without creating additional demands on the cities' financial situation at this time.

Very truly yours,
GLADSTONE L. CHANDLER, Jr.,
City Manager.

CITY OF FOREST PARK,
Forest Park, Ohio, July 31, 1972.
Hon. ROBERT TAFT, Jr.,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR TAFT: Senate Bill S. 1861 recently passed by the U.S. Senate is *not* in the best interest of the municipalities it covers. By increasing the minimum-wage and adding all the other tag-ons you are forcing cities to either cut back programs to meet the payroll or lay-off some workers to provide funds to pay others.

I would urge you as Senator of our district to do all in your power to support the House version of this bill which excludes municipal employees from its coverage.

Very truly yours,
ALVIN M. TOMB,
City Manager.

CITY OF WORTHINGTON,
Worthington, Ohio, August 1, 1972.
Hon. ROBERT A. TAFT,
Senate of the United States,
Columbus District Office, Columbus, Ohio.

DEAR SIR: Last week the U.S. Senate approved S. 1861, a bill raising the minimum wage to $2.20 an hour and extending coverage of the Fair Labor Standards Act to municipal employees, including temporary summer help. This bill, and a House version of the bill, which excludes municipal workers, goes to a conference committee in the near future.

The measure, if signed into law as passed by the Senate will have a serious and detrimental impact on the financial condition of our cities. It is clear that the Federal Government cannot continue to impose additional burdens on municipalities without providing form of financial relief.

Because of the serious financial impact on local governments, I urge you to support the House version of the minimum wage bill, *excluding* municipal employees.

Sincerely,
G. H. SHAPTER, Jr.,
City Manager.

CITY OF MARION,
Marion, Ohio, August 1, 1972.
Hon. ROBERT TAFT, Jr.,
U.S. Senate,
Washington, D.C.

SIR: It has come to my attention that the U.S. Senate approved Senate Bill 1861 raising the minimum wage to $2.20 an hour and extending coverage of the Fair Labor Standards Act to all municipal employees. I understand that a Republican substitute bill which provided a $2.00 per hour minimum wage and excluded municipal employees from coverage was defeated by a vote of 47–46.

I am particularly concerned as this bill applies to policemen and *more particularly to firemen.* This bill mandates time and a half for time in excess of 192 hours in a 28-day period for 1972, with this ceiling gradually reduced over a 5-year period down to time and a half for all hours worked over 160 hours in a 28-day period. This provision would immediately affect those municipalities with full-time firemen, most of whom are at the station in excess of 48 hours per week. While the firemen in Marion, Ohio, work 56 hours per week, this is somewhat misleading, insofar as they work only one 24-hour day out of three and in most cases, because of their work schedule, they have a second job that provides them with extra income. In addition, the city employees enjoy some attractive fringe benefits that are not experienced by those in private enterprise.

I feel strongly that if Senate Bill 1861 is passed, as written, that it will create a serious fiscal impact on many of Ohio's municipalities. Cities, like Marion, Ohio, are presently having a difficult time in meeting the financial demands made upon their present resources. To have this thrust upon them is nothing less than fiscal exploitation of cities by the Congress of the United States. Cities cannot operate with a deficit budget.

The Senate Bill, I understand, must now go to a Conference Committee. I am advised that you are a member of the Senate Conference Committee. I would strongly urge that you exercise your influence to exclude municipal employees from the extended coverage of the Fair Labor Standards Act, when this matter is considered in the Joint Conference Committee.

Respectfully,
DON E. QUAINTANCE,
Mayor.

CITY OF MENTOR,
Mentor, Ohio, July 31, 1972.
Hon. ROBERT TAFT, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TAFT: We respectfully and urgently request your support of the House version of the proposed Minimum Wage Bill which excludes municipal employees.

The City of Mentor presently employs 14 full time Firemen, 35 full time Policemen, approximately 90 part time Volunteer and Standby Firemen and approximately 11 part time Special Policemen for a city of 28 square miles and a population of about 40,000. Full time employees are paid an annual salary with straight overtime at equivalent hourly rates and time and one-half for unscheduled overtime only, without advance 8 hour notice.

We realize both departments are seriously undermanned and have been struggling to find the funds to add additional personnel. If municipalities are subject to a 40 hour or 48 hour work week and time and one-half for all overtime, we will be forced to cut manpower instead of adding these much needed employees. This would create an extremely dangerous situation in our city.

We would like to point out that private industry can meet such provisions by raising the price of their product, but with the so-called taxpayers revolt, additional funds to support such a law are virtually impossible to raise.

Our full time Fire Department works an average 56 hour week with 24 hours on and 48 hours off. We feel that the nature of this standby service which includes eating and sleeping time should receive different consideration than a normal 40 hour week which is generally considered to include working time only.

This bill would also endanger some of our already inadequate recreation programs.

We sincerely request your assistance in passage of a bill that will not create such a serious municipal fiscal problem as S. 1861.

Very truly yours,
ARTHUR V. DICKARD,
City Manager.
HELEN K. GRUBEL,
Director of Finance.

VILLAGE OFFICES,
Middleport, Ohio, August 5, 1972.
Senator ROBERT TAFT, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TAFT: Village Council wishes to go on record as opposing Bill S. 1861 as passed by the U.S. Senate raising the minimum wage for Municipal Employees to $2.20 per hour.

While the Ohio Sales Tax has given the Village a SMALL increase in income it would in no way cover all the areas of the operation of the Village. Small communities, such as we are, find it VERY difficult to find ways to increase our incomes to meet the present day demands of the operation of the Village.

With a very great percentage of our residents living on set incomes of pensions, it is almost impossible to levy any new type of service that could increase our income to pay this increase in minimum wage.

We urge you to support the House bill on minimum wages to exclude Municipal Employees.

Very truly yours,
GENE GRATE,
Clerk-Treasurer.

CITY OF SPRINGFIELD,
Springfield, Ohio, July 31, 1972.
Hon. ROBERT TAFT, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TAFT: This letter concerns U.S. Senate Bill No. 1861 which raises the minimum wage to $2.20 an hour and extends coverage of the Fair Labor Standards Act to municipal employees.

I understand that this bill must now go to a Conference Committee because it differs in some vital areas from the recently passed House version.

I really can't argue with the general principle that municipal employees be accorded the same kinds of protection as other workers in matters relating to wages, hours of work, etc. However, it becomes very frustrating to local officials trying to meet their responsibilities to their citizens to have other levels of government, namely the state and federal government, imposing requirements which very substantially effect expenditures without at the same time providing the means to meet the added obligation.

The hours of work for firefighters, for instance, have been gradually reduced without any federal legislation to the point where firefighters in the midwest generally are "on-duty" approximately fifty-six (56) hours a week or a little less. Each time "on-duty" hours are shortened, there is substantial additional cost to the municipality for the additional personnel required to cover the hours lost.

I think a distinction has to be made between *hours worked* and "on-duty" time. The nature of firefighting work creates some unique problems of scheduling and at the same time has created some rather unique advantages for second job opportunities.

This unique scheduling of "on-duty" hours is actually what has made the job of firefighter attractive to many present firefighters. I think it would be most inappropriate for the Federal Government to intrude into this area unless it expects to assume the responsibility for the costs incurred thereby.

To reduce the hours to forty would require approximately one-third more manpower to provide the same level of protection. I do not think it is possible for legislators in Washington to legislate wisely on matters relating to hours of work for firemen because the situations of various communities are very different. The problems of scheduling in the densely populated area of New York City where firefighters may constantly be on the run is distinctly different from that of a firefighter stationed in Springfield, Ohio, where 1971 statistics show that firefighters responded to 1187 calls from eight stations. This is an average of about one call per station every third day. These 1187 calls include false alarms and other non-fire responses.

As you may know, a few years ago the State of Ohio decided to assume the responsibility for supervising Police and Fire Pension Funds which, up to that time, had been locally funded and administered. The irony of the problem was that pension funds were going broke because the State mandated various pension benefits for policemen and firemen without providing funds nor means of obtaining funds.

To make matters even worse, the State then assessed each city a sum of money to be paid to the State for the purpose of making the new plan actuarially sound—again without providing a revenue source to pay the assessment which in Springfield's case was $5,493,362.00.

Today the state and federal governments are making numerous demands upon cities to combat air, water and ground pollution and numerous other problems without at the same time providing the monies to meet the new high standards. In many cases sources of taxation are preempted by the higher unit of government.

XENIA, OHIO, *July 31, 1972.*

HON. ROBERT TAFT, Jr.,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TAFT: As you know, last week the U.S. Senate approved S. 1861, a bill raising the minimum wage to $2.20 per hour and extending coverage of the Fair Labor Standards Act to municipal employees. The purpose of this letter is to relate to you the impact of this bill on the City of Xenia, Ohio.

Under the Senate bill, the provision that seriously effects us is the section that states time and a half would be required for hours worked in excess of forty-eight hours per week in 1972. Also, it said ceiling would be gradually reduced over a five year period down to forty hours per week. The major impact of this is on our Fire Department which consists of 33 members, each working 56 hours per week. The effect of time and a half provisions would be additional half-time compensation for eight hours per week × the average wage of the Fire Division employee which is $4.72 per hour. The cost of this provision for 33 men including pension and workmen's compensation over a year's period would be over $39,000.00 or almost $1,200.00 per man per year. This in effect would be a 10% increase on our cost in the Fire Division which would have a major impact on our General Fund. This provision would preclude us from hiring four additional firemen which we will need as our city expands.

The effect of the minimum wage provision would be negligent. The only employees effected would be our summer employees. A total increase for them would be approximately $1,000.00 per year.

If U.S. Senate Bill, No. 1861 is passed, it would cost the City initially in the neighborhood of $40,000.00 and double at the end of the five year period, using current pay rates.

We urge you to support the House version of this bill which includes a minimum wage of $2.00 per hour after one year and excludes municipal employees from the coverage under the Fair Labor Standards Act.

Very truly yours,

DAVID G. SPAHR,
Assistant City Manager.

RETIREMENT OF GORDON F. HARRISON AS STAFF DIRECTOR OF COMMITTEE ON RULES AND ADMINISTRATION

Mr. WILLIAMS. Mr. President, I should like to salute Gordon F. Harrison, who recently retired as staff director of the Committee on Rules and Administration.

He filled that post for more than 17 years, serving under five different committee chairmen. It was the capstone of an outstanding career.

He compiled a brilliant academic record. He served with courage during World War II as an officer aboard the U.S.S. *Franklin*. He was a distinguished lawyer with the Civil Division of the Department of Justice.

In 1955, he was named staff director by Senator Theodore Francis Green, whom he had served as a legislative assistant from 1937 to 1941.

It was an ideal appointment.

Gordon combined his keen mind with a spirit of practicality. He accumulated an enormous knowledge of the rules of the Senate.

There was no project too complex for him.

I think I presented him with one of his more unusual problems when I enlisted his support to help create a park in the courtyard of the old Senate Office Building. There were problems to be overcome, but thanks to Gordon's ability and dedication the courtyard today is an attractive park.

But the particular fondness which so many of us feel for Gordon is not based on competence, ability, or dedication alone.

That feeling stems from a more personal attribute.

Gordon is a true gentleman and a genuinely decent human being. He is a man whom so many of us turned to—Senators and staff alike—for advice and help.

Despite his heavy responsibilities, he always was more than willing to offer that advice and help. And, he always offered it with the attitude of someone wanting to assist a friend, not someone merely fulfilling the responsibility of a job.

We all will miss Gordon.

I would like to wish him many, many happy years in his retirement.

GENOCIDE: AN ISSUE OF INTERNATIONAL CONCERN

Mr. PROXMIRE. Mr. President, once again I feel compelled to call the Senate's attention to the genocide slaughter in Burundi.

On August 5, the Washington Post described the Burundi massacres which threaten to pull Rwanda into the conflict. I include a part of this article:

> The "systematic elimination" of the elite of the Hutu tribe by the ruling minority Tutsis in the tiny East African nation of Burundi is continuing three months after an abortive coup there, according to the State Department.
>
> There are also reports from U.N. sources that some Hutus from the neighboring state of Rwanda, where this ethnic group holds power, have crossed the border to help their fellow tribesmen ward off the bloody Tutsi repression.
>
> These reports, gathered by a Senate subcommittee, have increased concern that the strife in Burundi, which has already taken at least 80,000 lives, may lead shortly to large-scale intervention of Hutu tribesmen from Rwanda unless the killings are stopped.
>
> Such an invasion, it is believed, would almost certainly trigger a general uprising of Hutus against the ruling Tutsis, in Burundi, such as occurred in 1959 in Rwanda, resulting in the overthrow of the Tutsis there.

Any interference on the part of Rwanda will turn the Burundi struggle into an international conflict. Disinterested governments will no longer be able to rationalize their neutrality by claiming that this is a domestic affair.

The Burundi slaughter is evidence that genocide is more than a domestic issue. Can critics of the Genocide Convention continue to disregard this fact?

Any genocidal act will eventually have international repercussions. I ask the Senate to take heed of the Burundi strife and ratify the Genocide Treaty without further delay.

NIXON FANS FIRES

Mr. METCALF. Mr. President, last November, with a great deal of fanfare and publicity, President Nixon announced his 5 percent Federal employment reduction program.

Though I was in general agreement with the President's objectives, I was also concerned about the impact of this reduction of necessary manpower on programs affecting conservation, environment, and natural resources.

At that time, my good friend and former colleague, the Honorable John Dingell, of Michigan, joined me in requesting several departments for full reports on possible adverse effects on the programs authorized by Congress.

The report from the Bureau of Land Management was of particular concern to me because it stated:

> We anticipate that the five per cent reduction will have a significant impact on fire protection for the natural resources in Alaska. The impact will be felt most in Alaska because of its early fire season and the fact that we are precluded from staffing about twenty per cent of our Alaska fire control organization due to the ceiling on temporary personnel.

Mr. President, on Wednesday morning the Washington Post, in a short United Press International article entitled, "Lack of Help Stalls Battle of Timber Fires," stated:

> A shortage of fire fighters today hampered efforts to contain timber blazes which have charred nearly 250,000 acres in the Brooks Mountain range.
>
> A United States Bureau of Land Management spokesman said only 24 of 43 fires were being fought by firemen.

Mr. President, in February, I told the Senate that a program of selected reduction in agencies less essential to environmental needs would be better than the arbitrary and irrational policy of a 5-percent reduction in every agency. After a careful review of all the agency reports, Congressman DINGELL and I could draw only one conclusion—the Nixon administration was imperiling our natural resources.

This morning Mike Causey, in his column "The Federal Diary," noted that bureaucracy resisted that reduction-in-force order and in fact Federal hiring is only 15,000 shorter this year than it was prior to the President's order. Some agencies tried to comply with that indiscriminate order, and we are reaping the consequences in Alaska today while other agencies ignored that order and increased their manpower. The intent of the President's reduction-in-force order has not been accomplished. In practice, that order has been and is wreaking havoc upon our natural resources.

Thousands of acres of public land are administered by the Bureau of Land Management in Montana. I am concerned that if fires strike these drought-plagued areas in Montana, the agency will not have enough manpower to fight them. I hope that we do not have a situation in Montana similar to Alaska's, where more than 40 percent of the fires are not being fought due to a lack of personnel.

This tragedy in Alaska, and the possibility of tragedy elsewhere in the Nation, could have been avoided had the President shown any sensitivity to manpower of our resources. The President acted indiscriminately, and the public is his victim.

LAND CLAIMS SETTLEMENT FOR CANADIAN AUTOCHTHONS

Mr. STEVENS. Mr. President, during my testimony before the Joint Economic Committee hearing on the trans-Alaska pipeline on June 22, I mentioned that complications arising from yet to be settled Canadian aboriginal—autochthonous—land claims significantly clouds the feasibility of a trans-Canada pipeline.

An article written by Margie Bauman and published in the Anchorage Daily News of June 25 gives additional insight into the situation of Canadian autochthons and their quest for land claims settlement.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CANADIAN NATIVES SET CLAIMS FIGHT

(By Margie Bauman)

Canadian Natives preparing for their own land claims battle will be paying a visit on their Alaska counterparts this summer to gather background material on the footwork behind the Alaska settlement.

In Canada's Northwest Territories, meanwhile, Indians are already inviting their government to follow the precedent of Alaska and implement an immediate land freeze.

Alaska Federation of Natives President Donald Wright forecast in Anchorage this past week that some formal action will take place this summer and some types of land freeze will be imposed in Canada until the land claims battle there is settled.

Such a freeze could effect the right-of-way for a trans-Canada pipeline from Prudhoe Bay. The gas line is deemed necessary to transport Prudhoe gas, permitting large volumes of oil production.

"The battle boils down to the feeling of Canadian Natives that they don't want to see settled," said Wright. The Canadian aboriginal groups also feel the threat of invading Euro-Canadian civilization on their land, their culture and their lives.

"For many years the northern autochthons (aborigines) had seen the whites gradually establishing their quarters within their traditional territories, most often without even requesting permission, but officially always with the intention of helping the Native people to survive and to attain better standards of well-being and education," wrote Eric Gourdean, in a dossier on the people of the Canadian North.

Gourdeau, a former Canadian government official on Native Rights, presented his dossier this spring at a workshop on Canadian Arctic Development and its requirements.

The territorial heritage of the Native people was not that much affected by these new installations which were relatively small and rather insignificant in terms of space occupied, observed Gourdeau.

However, "during the last few years the occupation has not been limited to small spaces with a view to helping the autochthons of the North, (but rather) it has been really, a systematic invasion by capitalist industry in quest of profits, supported by governments truly representative of a majority indifferent to the problems of the northern Natives," he wrote.

"This invasion has been elaborated and developed without any concern whatsoever for property titles that the Eskimos and the Indians of the North might have on their territory," he wrote.

So long as their cultural survival was not threatened, Natives in Northern Canada were not too concerned with their ethnic and cultural identity, for their struggle was to survive physically, Gourdeau notes.

When white governments came with their promises to improve their welfare and economics, they could not but welcome this help.

"But now that they have been deprived of their most important cultural traits, now that in practice they are being denied any significant role in the policies governing them, they feel lost, separated, frustrated, and this state of discomfort and dissatisfaction is being expressed openly," he wrote.

The Indian Brotherhood of the Northwest Territories, led by James J. Wah-shee, carries the point further.

"The years of neglect on the question of the land rights of the Indian people of the Northwest Territories cannot be hurriedly erased by forcing a rapid settlement in the interests of opening the Northwest Territories to oil and gas exploitation," the brotherhood commented in a recent news release.

Time is required, argued the brotherhood, to prepare the Indian people for settlement, "and if that is not respected by the government the future will be one of generations of discontent."

The brotherhood proposed a land freeze, followed by allocation of funds to the Indian Brotherhood of the N.W.T. for preparation of a position for land settlement after extensive consultation.

"A settlement can only work if all the Indian people are intimately involved in its negotiations. The government must learn to respect the deep feelings the Indian people have for their land. The Indian people have been in the N.W.T. for thousands of years and they say to this day this is our land," the brotherhood said.

Canadian Natives are to send a delegation to Alaska shortly to study closer the method their Alaska counterparts used in obtaining a political settlement "and it is their hope that they'll get the Canadian Parliament to recognize their rights and resolve it on a political basis rather than forcing them into the courts," Wright said.

AFN officials met recently in Whitehorse with leaders of the Canadian land claims movement to familiarize them with problems encountered by Alaska Natives. Other meetings were held in Montreal and Ottawa.

In the interim, some Canadian Native leaders have approached members of Parliament, but have not yet obtained favorable response from Prime Minister Pierre Trudeau, Wright said. "They are working now on a summit meeting with him, to see if they can get a commitment from him."

Canadian Eskimos are a very near reflection of Alaska Natives, observed Wright. "They are the same people, have the same traditional customs, the same subsistence type living. The Indians there are almost identical to the Interior Athabascan Indians in the State of Alaska and their living conditions are very similar, very substandard.

"The Canadian government is attempting with some small programs to upgrade the standard of living, but it's just like Alaska. The cost is excessive and they take care of a few, but the vast majority of the Natives in Canada are still in poverty and still on a subsistence economy," he said.

Dr. J. D. Atcheson, associate professor of psychiatry at the University of Toronto, predicted in a recent article that unless a rational economy was worked out for all peoples of northern Canada and until "cultural erosion" and racial discrimination were checked, the major problem would be ever-increasing violence.

Atcheson went so far as to suggest that Frobisher Bay on Baffin Island and Inuvik might be scenes of racial disturbances comparable to those in black ghettos of the United States.

In northern Canada, as in northern Alaska, hundreds of children are still airlifted to boarding schools where they spend the entire school year, unless their parents have the money to transport them home for holidays. Only for some of the young Canadians boarding school begins with first grade.

Education is one of many problems facing the Natives of northern Canada.

Another is the newcomer.

One of the main characteristics of newcomers to the North is that they ordinarily come in order to occupy a remunerative position.

Development in the Arctic assures them, in advance of their coming, of a good, well-paid and often influential position," notes Gourdeau.

"Thus, in socio-economic terms, the newcomer differs from the Native who has lived in the North for completely different reasons and stays there because of a profound and emotional attachment to the environment, the society and the past of the North.

"His soul belongs to the North."

COMPTROLLER GENERAL ALLOWS FTC TO PAY EXPENSES OF INDIGENTS IN COMMISSION PROCEEDINGS

Mr. KENNEDY. Mr. President, one of the primary interests I have had as chairman of the Subcommittee on Administrative Practice and Procedure has been the encouragement of public participation in the Federal administrative process. I have introduced legislation, conducted hearings, and initiated investigations aimed at the opening up of agency proceedings to citizen inputs, with special emphasis on the need for many agencies to adjust their procedures to encourage and accommodate full public involvement in deliberations and decisions.

In March 1971, during subcommittee hearings on my public counsel corporation bill, a group of George Washington Law School students brought to my attention their successful intervention in a complaint being litigated by the Federal Trade Commission. The student group, according to commentators and as reflected in the decisions of the FTC, made a substantial contribution to that agency's decisionmaking processes. The group was indigent, however, having no source of financial backing to support its intervention. The students applied to the Commission for reimbursement of certain expenses, and the FTC in turn asked for a Comptroller General's opinion on the legality of its acceding to the group's request. Shortly after our hearing I wrote the Comptroller General in support of the principle that it would be both desirable and lawful for the FTC to pay certain expenses incurred by indigent parties who through Commission action became formally involved in adjudicative proceedings. I am pleased to announce that on July 24 the Comptroller General agreed with this proposition.

On July 24, 1972, after extensive deliberation within the General Accounting Office, the Comptroller General informed the Chairman of the Federal Trade Commission that as to indigent respondents in FTC adjudicative proceedings, the Commission has authority to reimburse these parties for expenses incurred in the preparation of their defense. Specifically, the opinion says:

> That the use of Commission appropriations to assure such full preparation of cases by impecunious litigants would constitute a proper exercise of administrative discretion regarding the expenditure of appropriated funds.

As to intervenors, the opinion observed that the FTC is specifically authorized by law to grant intervention "upon good cause shown." The Comptroller General concluded:

> Thus, if the Commission determines it necessary to allow a person to intervene in order to properly dispose of a matter before it, the Commission has the authority to do so. As in the case of an indigent respondent, and for the same reasons, appropriated funds of the Commission would be available to assure proper case preparation.

Mr. President, I do not believe that this ruling will result in any onslaught of claims for expense reimbursement by parties or intervenors before either the FTC or other Federal agencies. These agencies retain full control over the parties to appear before them, subject, of course, to applicable law. But I do believe that this ruling will benefit the administration of our laws by Federal agencies in that it will allow broader and more in-depth participation on the part of indigent intervenors than was previously possible. Agencies can take advantage of more thoughtful and diverse inputs by the public, and the public will not in turn be inhibited from full participation in proceedings because of financial inhibitions. In short, this Comptroller General's opinion—and its implications—should assist significantly to improve the level of administrative justice in our Federal system.

Mr. President, I ask unanimous consent that the letter from the Federal Trade Commission Chairman requesting a Comptroller General opinion, my letter to the Comptroller General, and the opinion issued last week be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FEDERAL TRADE COMMISSION,
OFFICE OF THE CHAIRMAN,
Washington, D.C., March 17, 1971.

Hon. ELMER B. STAATS,
Comptroller General of the United States, Washington, D.C.

DEAR MR. STAATS: Pursuant to 31 U.S.C. § 74, the Commission hereby applies for a decision of the Comptroller General concerning the Commission's authority to pay expenses incurred by indigent parties to Commission adjudicative proceedings. The facts and circumstances giving rise to this inquiry are immediately hereinafter set forth.

In its Decision of December 23, 1969, in *American Chinchilla Corp.*, 1970 Trade Reg. Rep. par. 19059, the Commission ruled that when an adequate showing of financial inability is made, a respondent in a proceeding before it is entitled to have legal counsel furnished by the Government: "[E]lemental fairness and concern for the rights of litigants who appear before the Commission require that the Commission sees to it that any respondent who requests counsel on grounds of indigency be accommodated." In furtherance of the *American Chinchilla* ruling, the Commission on December 15, 1970, issued a policy statement on procedures for assessing the claims of respondents who assert that they cannot afford to retain counsel:

"If, at any time after a proposed complaint issues, a person or partnership requests counsel on the grounds of indigency, the Commission shall immediately assign a Hearing Examiner to make findings on the indigency claim. He shall furnish the claimant with a 'Statement of Financial Status' and require it to be filled out promptly. He may question the claimant or require the production of such documents as he deems necessary to make findings on the claim. The findings shall be promptly forwarded to the Commission, which shall then rule on the claim on the basis of the claimant's financial condition, including his present and potential income and assets in relation to his existing obligations to provide himself and his dependents with the necessities of life.

"If the Commission concludes that the claimant is financially unable to retain counsel, the matter will then be referred to Committee on the Federal Trade Commission of the American Bar Association's Antitrust Section for the designation of counsel from a panel of attorneys screened by such Committee as competent and able to represent respondents in FTC proceedings. Claimant shall then have the option to accept the services of the designated counsel or to appear on his own behalf in any subsequent proceedings."

Pursuant to the above actions, the Antitrust Section of the American Bar Association has agreed to designate a list of attorneys who will be willing and able to represent indigent respondents on a no-basis. Accordingly, the Commission desires to be advised as to the extent of its authority to pay expenses incident to the defense of an indigent respondent in a Commission adjudicative proceeding. Specifically, the Commission would like to know whether or not it is authorized to pay any or all of the following:

1. Transcript costs;
2. Attendance fees, mileage and subsistence expenses of witnesses or deponents who appear at the instance of the indigent respondent;
3. Traveling and other out-of-pocket expenses in connection with the proceeding incurred by the attorney representing the indigent respondent;
4. Traveling and subsistence expenses incurred by the indigent respondent to attend the proceeding when his presence at the proceeding is deemed necessary by his counsel.

In addition, the Commission also desires to be advised as to whether or not it is authorized to pay expenses incurred by an indigent intervenor in the course of a Commission adjudicative proceeding. The facts giving rise to this inquiry are immediately hereinafter set forth.

On June 29, 1970, the Commission issued a complaint against The Firestone Tire & Rubber Company charging the respondent with false and deceptive advertising with respect to the price and safety of its tires. Thereafter on July 29, 1970, Students Opposing Unfair Practices, Inc. (hereinafter SOUP), a corporation formed by a group of George Washington University Law School students, filed a motion to intervene in the proceeding, for leave to proceed *in forma pauperis* and for disclosure. Upon denial of the motion and upon denial of an amended, but similar motion, SOUP filed a request for leave to file an interlocutory appeal. By order of October 23, 1970, the Commission directed the hearing examiner "to permit SOUP to intervene for the limited purposes of:

"(1) presenting, at the conclusion of complaint counsel's case-in-chief, relevant, material, and non-cumulative evidence on the issue of whether the proposed order to cease and desist adequately protects the public interest;

"(2) presenting, with respect to said issue, briefs and oral argument in such manner and to such an extent as the examiner may deem reasonable; and

"(3) Exercising, with respect to said issue, such discovery rights as the examiner shall deem reasonable and necessary."

Thereafter, on November 17, 1970, SOUP filed a renewed motion to proceed *in forma pauperis* in the proceeding to the extent that the Commission had allowed SOUP to intervene. The hearing examiner has certified the motion to the Commission.

Accordingly, the Commission desires to be advised as to whether or not it is authorized to pay any or all of the below-listed expenses incurred by an indigent intervenor in the course of a Commission adjudicative proceeding:

1. Transcript costs;
2. Attendance fees, mileage and subsistence expenses of witnesses or dependents who appear at the instance of the indigent intervenor;
3. Traveling and other out-of-pocket expenses in connection with the proceeding incurred by the attorney representing the indigent intervenor;
4. Traveling and subsistence expenses incurred by the intervenor to attend the proceeding when his presence at the proceeding is deemed necessary by his counsel.

Disposition of SOUP's motion for leave to proceed *in forma pauperis* has been partially held in abeyance pending a determination of the extent to which the Commission is authorized to pay the expenses enumerated above; at the same time, the *Firestone* matter is currently pending before a hearing examiner. Therefore, the Commission requests that this application for decision be given expedited consideration.

This application is made by direction of the Commission. Accompanying this application are separate letters from Commissioners MacIntyre and Jones.

MYLES W. KIRKPATRICK,
Chairman.

JULY 12, 1971.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: On March 30 a group of law students calling themselves Students Opposing Unfair Practices (SOUP) appeared before my Subcommittee on Administrative Practice and Procedure to discuss their effort in behalf of the public in proceedings before the Federal Trade Commission. I was most interested in the group's activities and found their successes rather exciting. In fact, one of the purposes of the hearing was to encourage greater public intervention and participation in the decision-making processes of Government.

I understand that the FTC, in response to a request from SOUP for reimbursement of witnesses' travel expenses and perhaps other related costs, has inquired of you as to the legality of the Commission's acceding to that request. I believe that the answer to this inquiry has broad implications over the entire spectrum of governmental activities and should be considered as one of the most important issues in administrative procedure today.

Substantively, I personally believe that the Federal Trade Commission—and every other government agency—has both the statutory and inherent powers to allow public intervenors to participate in forma pauperis in agency proceedings and to governmental funds to effectuate this participation. In fact, I would say that each agency has an obligation in this regard.

The Administrative Conference of the United States in 1968, initiated an inquiry into whether the views of the poor were being represented in federal rulemaking proceedings. An extensive study conducted for the Conference concluded that "the interests of poor people are inadequately represented in the rulemaking process." This, observes the author of that study, results in injury to the Government's sound administration. (The study has been published as Bonfield, "Representation for the Poor in Federal Rulemaking." 67 Mich. L. Rev. 511 (1969).) The Administrative Conference, established by Congress to study the efficiency, adequacy, and fairness of federal administrative practices and to make recommendations for improvement in those procedures (5 U.S.C. §§ 571–76), issued a series of forceful recommendations on the basis of this study and extensive Conference deliberations. In brief, those recommendations sought aggressive agency pursuit of the views of the poor in rulemaking procedures affecting them and urged reimbursement of expenses for witnesses unable otherwise to present their views.

The absence of public participation in agency processes is not limited to the poor. In a series to responses to questionnaires I sent out to agency heads and commission members in 1969, the same theme echoed page after page. Commissioner Nicholas Johnson of the Federal Communications Commission observed that "citizen participation in the Federal Communications Commission's decisionmaking processes is virtually nonexistent." Former Chairman Lee White of the Federal Power Commission wrote: "On the whole, I believe meaningful citizen involvement in the administrative process is sorely lacking." And the Chairman of the Interstate Commerce Commission admitted that citizen participation before that agency is "somewhat limited." Finally, Commissioner Jones at the FTC expressed "no doubt" that the Commission "should do more to encourage and secure greater direct citizen input into its decision-making process." (See Response to Questionnaire on Citizen Involvement and Responsive Agency Decision-Making, Subcommittee on Administrative Practice and Procedure, 91st Cong., 1st Sess., Sept. 9, 1969).

The Administrative Procedure Act guarantees public participation in agency proceedings, see *e.g.* 5 U.S.C. § 553(c), and the rights of public participation has been firmly established by the courts. See *e.g.* Scenic Hudson Preservation Conference v. FPC, 354 F. 2d 608 (2d Cir. 1965); Moss v. CAB, U.S. Ct. App. D.C. Cir. No. 23627 (July 9, 1970); Office of Communications of United Church of Christ v. FCC, 359 F. 2d 994 (1966). This right of participation, however, is hollow and illusory without support from the agencies. Agency officials clearly recognize that.

Congress likewise recognizes that the government must provide even more than the presently available level of ad hoc assistance to the public if their views are to be heard in agency proceedings. In the past few months in the Senate alone, important legislation has been considered to establish an Intergovernmental Utility Consumers' Counsel (S. 607), a United States Office of Transportation Consumers' Counsel (S. 608), an Independent Consumer Protection Agency (S. 1177), and Independent Consumer Council (S. 2017), and a Public Counsel Corporation (S. 1423).

Surely, agencies, to a very small extent, are already expending funds to provide special representation for the public's interest in various proceedings. In every case in which agency attorneys call witnesses to support the Government's positions the Government pays witness fees and transportation. And the Government's position is supposed to be the public-interest position. Thus it would seem appropriate that agencies be given leeway to experiment with other methods of getting public-interest inputs, perhaps indirectly by supporting public-interest intervention, but still at Government expense.

While the above discussion goes to the substantive need for agency support of in forma pauperis public-interest intervention in agency proceedings, certainly procedural safeguards must be provided. An opportunity for defining such safeguards has been presented to each agency in the form of a Petition for the Adoption of Model Rules of Citizen Participation in Administrative Agency Proceedings, filed last fall by a number of public-interest organizations. In fact, I believe that the proper way to approach this general subject is through rulemaking of general applicability, rather than ad hoc determinations. That is why I am especially concerned with the Federal Trade Commission's inquiry to your Office.

Your determination in this matter will affect not only the FTC, but by implication all other regulatory agencies and many decision-making units within the Executive Branch, ultimately every segment of the American public. Recent press reports, to cite one example, have indicated that the Federal Communications Commission is actively considering adoption of a task-force proposal to pay the expenses of private law firms representing public-interest groups before the Commission. (See Wall Street Journal, June 29, 1971; New York Times, June 30, 1971.) I thus urge you to address your deliberation and your decision to the broader questions and interests involved, and, most importantly, to obtain the views of the interested persons and organizations outside the Government—including public-interest lawyers and law firms—to the fullest extent possible before reaching any final conclusions.

I believe that your own decision-making processes should be opened to obtain the views of other agencies—including the Administrative Conference of the United States—and the public. Opportunity should be provided for the presentation of statements and briefs on the issue from all affected agencies and parties. The impact of your ultimate decision will reach far beyond SOUP's participation before the FTC, and thus the input into the formulation of your conclusions should also.

I realize that this may be an unprecedented request, but I feel that the importance of the issue and occasion demands flexibility and accommodation. If the General Accounting Office does not have the procedures or facilities to meet the needs, I will be glad to volunteer open hearings by my Subcommittee on Administrative Practice and Procedure and provide assistance through my Subcommittee staff, and I am sure that the Administrative Conference—which retains an ongoing interest in this general issue—will also be pleased to provide supportive assistance.

If this nation is indeed experiencing a crisis of confidence in our Government, as recognized by the President earlier this year, it is in large part because of a feeling of helplessness to participate in or affect governmental activities and decisions. Financial inability of the public effectively to present its views accounts in large part for the public's image of closed doors and deaf ears in the agencies of Government. I believe this image can and must be reversed, and the FTC's request to you gives you an unusual and direct opportunity to help.

Sincerely,

EDWARD M. KENNEDY.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., July 24, 1972.

DEAR MR. KIRKPATRICK: Reference is made to your letter of March 17, 1971, requesting a decision on the authority of the Federal Trade Commission (the Commission) to pay certain expenses incurred by indigent parties to Commission adjudicative proceedings.

The request stems from the Commission's decision of December 23, 1969, in *American Chinchilla Corp.*, 1970, Trade Reg. Rep. par. 19059, in which it was ruled that, upon an adquate showing of financial inability, an indigent respondent in a proceeding before the Commission is entitled to have legal counsel furnished by the Government. You seek advice concerning what incidental expenses, if any, the Commission is authorized to pay pursuant to the above ruling.

Specifically, two major questions are presented. The first is whether or not the Commission may pay for the indigent respondent: (1) his transcript costs; (2) the attendance fees, mileage and subsistence expenses of witnesses or deponents appearing at his instance; (3) the traveling and other connected expenses of his attorney; and/or (4) the traveling and subsistence expenses incident to his own atendance at the proceeding when deemed necessary by his counsel. The second is whether or not all or any of these same expenses may be paid by the Commission when incurred by an indigent intervenor, rather than the respondent.

All of the specified expenses are presently assumed by the Commission on behalf of its own attorneys, and of witnesses appearing at their instance, pursuant to title 15, U.S.C., sections 42 and 49. These expenditures are considered necessary costs of enabling the Government to present its case properly and effectively against the respondent.

The entire thrust of the *American Chinchilla Corp.* decision is that a respondent has the basic right to prepare and present his case on a level substantially equal to that of his opposition, and that this right may not be abridged solely because the respondent lacks the required funds. It follows that his access to transcripts, witnesses, travel, and other requirements of preparation and investigation, should be equal to that of the Commission's own representatives, against whom he is defending himself. The inability of the Commission to provide these opportunities would curtail the respondent's right to a defense, as enunciated by the Commission itself.

The appropriations for the Commission are normally available for "necessary expenses." While the Commission submits budgets to the Congress prior to the passage of the appropriation acts, the appropriations are enacted in the form of lump sums with no specific limitations as to use. Thus, the determination of what constitutes "necessary expenses" is left to the reasonable discretion of the Commission.

The purpose underlying establishment of the Federal Trade Commission was the protection of the public and not the punishment of any particular wrongdoer. The litigative aspects of proceedings before the Commission must be viewed in the context of a mandate broader than the provision of a forum for the "judicial" settlement of differences between contesting parties. The Commission is empowered to investigate corporations, to require all manner of reports to be filed by corporations, to investigate compliance with antitrust decrees and violations of antitrust statutes, to publicize information available to it, and to investigate and report on foreign trade conditions. When Commission proceedings are viewed in this context, it is clear, apart from the basic rights enunciated in the *Chinchilla* case, that the Commission is authorized to determine the administrative necessity for full preparation of cases before it in connection with the proper execution of its functions. It follows that the use of Commission appropriations to assure such full preparation of cases by impecunious litigants would constitute a proper exercise of administrative discretion regarding the expenditure of appropriated funds.

Insofar as intervenors are concerned, section 5(b) of the Federal Trade Commission Act, as amended, 15 U.S.C. 45(b) specifically authorizes the Commission to grant intervention "upon good cause shown." Thus, if the Commission determines it necessary to allow a person to intervene in order to properly dispose of a matter before it, the Commission has the authority to do so. As in the case of an indigent respondent, and for the same reasons, appropriated funds of the Commission would be available to assure proper case preparation.

The questions presented are answered accordingly.

Sincerely yours,

Elmer B. Staats,
Comptroller General of the United States.

REVENUE SHARING REVISITED

Mr. TAFT. Mr. President, as one who has been a firm and ardent supporter of revenue sharing, I am outraged at the action of the Committee on Finance in diverting revenue-sharing funds from our largest States, such as Ohio.

By this power play, the State of Ohio has had its funds cut by $42 million as compared with the meager share for Ohio in the House-passed measure. I find it completely inexcusable that the Finance Committee would divert dollars away from our largest urban area States where financial problems are most severe, and where major efforts will have to be undertaken to improve the quality of life in our cities. Yet it is precisely these urban States which have suffered the most by the Finance Committee's action. Ohio, New York, Pennsylvania, New Jersey, Michigan, Massachusetts, Maryland, Illinois, and California are among the States which have been victimized by this newly concocted formula.

Across America, the migration of rural poor to our cities has compounded problems of crime, congestion, and urban decay. Our largest urban States need massive new financial resources if they are to be governable. Responsible public administration requires not only good leadership to meet the problems of the 1970's, but also needs the financial resources to do the job. Much of those resources should be channeled into States where the problems are the greatest.

The Finance Committee's action would dash the hopes of our Governors, mayors, and county administrators to come to grips with the serious problems which are facing our major States. This action is inexcusable and is a cruel blow to the hopes which we have had for the revenue-sharing program.

I will fight as long as I must on the floor of the Senate to see to it that this action by the committee is overturned.

In addition, the Finance Committee has perpetuated a problem which I called to the attention of the Senate on March 23, 1971. I said at that time that any formula which was based in whole or in part on so-called "tax effort" would give a preference to those communities which have a large tax base, in contrast to those communities which do not. So-called tax effort does not measure the level of taxation or the intensity of taxation or the rate of taxation; it measures, instead, the productivity of taxation, and this is a function of the tax base. Consequently, a very small community or township with an enormous industry will receive a disproportionately high allocation on a per capita basis in contrast to another community without a large industrial tax base.

The committee has retained tax effort as a factor in the allocation of funds as between communities within a State. This is eminently unfair, and I am sorry that the Finance Committee in all of its deliberations was unable to devise a preferable allocation formula.

Revenue sharing is vital to our States, our cities, our counties, and our townships. It is too important for a power play that diverts money from our largest States, and it is too important to be held up by an unfair formula for the distribution of funds. We need revenue sharing now; but revenue sharing must be fair, and I am going to do everything I can to see to it that it is fair.

THE JAPANESE-AMERICAN FRIENDSHIP ACT OF 1972

Mr. HUMPHREY. Mr. President, as a cosponsor of the Japanese-American Friendship Act, I should like to take a moment to expound upon its virtues. At present, Japanese-American relations appear in a state of flux. Numerous explanations, most of which center on economic and diplomatic questions, can be offered as to how this situation was brought about and why it persists. I have spoken repeatedly on these issues which are of immediate concern if we are to avoid the complete unravelling of a delicately knit relationship that has evolved between the United States and Japan, especially since 1945. Instead of attributing responsibility for events already passed, I suggest that the emphasis should be placed on working out in common a new formula for the future, a formula which takes full account of the evolving powerful position of Japan in the Pacific and of the growing interdependency between Japanese and American societies. The distinguished scholar, Zbigniew Brezezinski, in a recent article in the New Leader, discusses the possibilities for a multilaterally active Japan which includes a more realistic partnership with the United States than has existed in the past. Mr. President, I ask unanimous consent that this fine article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Searching for a Role: Japan in a Trilateral World

(By Zbigniew Brzezinski)

During a recent visit to Japan, I had an opportunity to discuss foreign policy matters with top government and business leaders. I came away with the strong impression that the drift in U.S.-Japanese relations is far from finished, Henry Kissinger's recent visit to Tokyo notwithstanding. The sense of betrayal generated by the manner in which President Nixon's initiatives toward China were undertaken has cut very deeply; the Japanese are no longer certain the United States is a viable partner and a reliable source of their security.

Moreover, Kakuei Tanaka's replacement of Eisaku Sato as Premier has brought to power not only a more youthful man but a cabinet much more responsive to domestic pressures and inclined to chart a new course. World stability will be greatly affected by the role Japan ultimately defines for itself.

President Nixon recently described the likely international context of the '70s as a five-power configuration resting on a balance of power. In my judgment this description is inadequate, for the "five powers" are unevenly matched and relations among them neither are nor should be equal: Some have political unity but lack economic might (China); some have economic might but no military force (Japan); some have economic power but no military strength, and enjoy at best only potential political unity (Europe).

At the same time, one would expect that in the foreseeable future it will remain U.S. policy to maintain closer ties both with

Europe and Japan than either with the Soviet Union and/or China. The allied association derives from certain common political outlooks, a close economic interaction, and a generally similar stage of social development.

It may be more accurate, therefore, to describe the existing world as consisting of essentially two triangles resting on a bipolar U.S.-Soviet power axis. In contrast to the asymmetry that prevailed throughout much of the cold war, the two superpowers now have an essentially checking relationship: Each possesses sufficient power to check the other, yet neither has sufficient power to act unilaterally.

As for the two triangles, one is basically competitive and the other is basically cooperative. The competitive triangle involves the United States, the Soviet Union and China. The summit meetings in Peking and Moscow have helped to codify it, hopefully making it less adventurous and unpredictable. But it is still competitive, although for the first time it is being balanced by certain mutual arrangements.

The cooperative triangle involves Washington, Tokyo and Europe. It already exists in the economic field and is beginning to gather momentum in the political field. It remains cooperative, even though the last two years have seen some attrition in the intimacy of American-European ties and some tensions between the U.S. and Japan—the latter largely of American making.

The appearance of this new international context has perplexed the Japanese, long accustomed to dealing with the world largely through the United States. Indeed, if any two words could describe the current mood in Tokyo, these words might be "isolation" and "ambiguity." Of all the major powers in the world, Japan is perhaps the most isolated. In different ways, the U.S. and the USSR have close relationships with other powers. Germany is bound to the European Economic Community and NATO, Japan, having had its illusions about the United States shattered, feels no real closeness to any government.

The ambiguity pertains to Japan's role in the world. Here, too, the other powers have little problem: The United States and the Soviet Union see themselves as major global powers; China has a sense of identification with "history," and it certainly also has a clearly defined regional role; defeated Germany has found a meaningful place for itself in the reconstruction of Europe. So, too, has dispossessed Britain.

Japan has no such clear-cut concept or sense of mission. It is obvious that a primary political position in Asia is not what most Asians desire Japan to assume, nor are the Japanese prepared to seek it. What role then, is there for Japan? Broadly speaking, it has five options.

1. An integral alliance with the United States. This is precisely the condition that existed for 20 or so years. It fitted a world divided into two hostile blocs; it does not seem germane to the emerging international context and will no longer suffice psychologically and politically for Japan itself.

2. An ambivalent alliance with the United States. This is the unhappy situation that already exists today. It obviously would not be satisfactory for the future.

3. A neutral Japan. An unarmed neutral Japan would create a major vacuum in Asia, especially if detached from the U.S. The alternative, a neutral but well armed Japan, would create uncertainties and anxieties. It is a possible course only if both domestic and international conditions dictate its necessity, and the emerging international context does not seem to warrant it.

4. An armed, assertive Japan. This has all the drawbacks of a neutral but well armed Japan, plus the further disability of arousing a great deal of international hostility, particularly from the United States, the Soviet Union and China. Besides being self-destructive, it could not be adopted without the full backing of Japanese public opinion, and that would require the combination of some major international crisis and an intensely isolationist, protectionist United States. While this combination cannot be excluded, it does not appear likely.

5. A multilaterally active Japan. This would mean shifting from a bilateral foreign policy focused on the U.S. to a much more creative role, both regionally and beyond. Given the thrust of international developments, such a Japan seems most desirable and probable.

An active multilateral role could express itself in a variety of ways. In areas close to Japan, it could include the promotion of and participation in new security agreements. For example, Korea is an issue of enormous importance to Japan. Tokyo could take the lead in trying to arrange, first, tripartite American-Japanese-Korean talks with regard to the future of the strategically important peninsula. Subsequently, or perhaps in tandem, Japan could seek to convene a four-power (or a six-power, with the two Koreas participating) conference on the subject of Korea. Its purpose would be to devise international security arrangements that might facilitate the gradual process of Korean reunification.

Similarly, Tokyo could vigorously try to develop a Pacific maritime triangle embracing Japan, Indonesia and Australia. These three major islands have complementary economic, political and security needs. Closer cooperation among them would not be threatening to anyone and would enhance the stability of the Pacific region.

It is to be expected that on some issues, such as establishing relations with China, Japan will move unilaterally. A more multilaterally active policy will also result in efforts to alter the American-Japanese relationship.

Present trends suggest that the Japanese will push relentlessly, though cautiously, for the emasculation of the U.S.-Japanese security treaty. The Japanese apparently hope to change the treaty from one that calls for specific security structures (including American bases in Japan) to a more traditional alliance, eliminating the stationing of foreign troops in Japan. As a subterfuge, "emergency basing" may be permitted, but it is clear that any return of American forces to Japan in the event of a crisis would in itself escalate the crisis, and hence would be politically unwise except in the most dire circumstances.

The problem for the Japanese is that it is far from certain a traditional alliance would provide them with the needed nuclear umbrella. To be sure, an American nuclear shield probably would be available even without an alliance—as it was for India during the 1962 crisis—but under these circumstances the decision on whether or not to use it depends entirely on the United States: the protected power has little or no say in the matter. Tokyo may consider this insufficient, yet without the stationing of U.S. forces in Japan it is highly unlikely that Congress and American public opinion would approve anything more.

It should be noted, too, that the removal of U.S. bases from Japan would raise serious questions about what America is doing in Korea. In the final analysis, U.S. forces are stationed there largely to protect Japan, and the termination of supporting bases would undermine the feasibility of an effective U.S. military presence in Kora. This difficulty could be obviatd by the multilateral arrangements outlined above, but the issue would certainly have to be considered in this context of changes in the American-Japanese relationship.

More desirable than a traditional alliance, consequently, would be the retention of current American-Japanese security arrangements—perhaps with a downgraded U.S. military presence and upgraded strategic-political consultations—as part of a larger chain offering broader security for all of Asia. Thus, what has happened in Europe with respect to Berlin and what is now happening in the case of East-West security arrangements eventually could be duplicated in Asia. Ten years ago, no one would have predicted a four-power agreement for Berlin; 10 years from now, it might be possible for Korea. While America will remain part of NATO, it is conceivable that NATO will become part of a larger East-West security design.

In the same way, the American-Japanese security arrangement could become part of a larger, more constructive chain.

Most important, however, will be Japan's global initiative, particularly with regard to the other members of the cooperative triangle, Europe and America. That triangle has to be not only more cooperative but more intimate. Global stability requires an international hardcore of cooperation and trust; this, in turn, demands a deliberate effort by the Japanese, Europeans and Americans to consult together on all matters of common interest, political as well as economic.

One approach might be duplicating the American-Japanese cabinet meeting on a trilateral basis, with some standby machinery created. The Japanese and the West Europeans need to begin to talk to each other, and the process has to be institutionalized. Increasingly, too, the three parties need to consult with respect to the development of joint policies toward, say, the Third World (Japanese foreign aid programs can be expected to expand very considerably). An item high on the agenda would have to be the Middle East, where each of the three has major economic and political interests.

In addition to formal bodies, it would be desirable to set up informal dialogues. The sense of American-European trust and intimacy was developed in large measure by the establishment of informal bodies that spanned the Atlantic. These have permitted the articulate elites on both sides to engage in discussions that have been going on now for almost a quarter of a century. Analogous institutions on a trilateral basis are an obvious imperative. They would give more order to international affairs, and they would provide Japan with a creative outlet that it clearly must have.

It is important to bear in mind that Japan cannot remain purely an economic animal, a spectator in politics. Its reentry into the world will force it to take a more active political role, and Japan's contribution in this area could be quite significant. It is simply unrealistic to expect that a rich and powerful country of 100 million people, with a long history and great national pride, can remain satisfied with purely economic achievements; politics are the next item on Japan's historical agenda, and that item requires a constructive and meaningful definition.

The shaping of a stable and orderly world cannot remain the exclusive domain of the United States or Russia, and certainly not just of the United States, Russia, China, and eventually Europe. For psychological no less than very practical reasons, a country with Japan's potential power and intelligence must be fully engaged in the international political process. Americans and Europeans should take a hand in helping the third member of the cooperative triangle define a global role for itself. The Japanese, in my judgment, are ready to respond.

Mr. HUMPHREY. Mr. President, what has been excluded far too often from the discussion of evolving Japanese-

American relations, is the cultural and educational base so in need of reconstruction and solidification. The greatest mishaps of almost tragic consequences in the history of contemporary civilization have most often been predicated on an extremely narrow limited understanding of other nations and their cultures. Cross-cultural programs have advanced in large measure since World War II, thanks to our technological advancements, but only on a very selective basis. For instance, knowledge of Vietnam and Vietnam culture and history, was severely lacking in this country until we became so deeply involved, and even then, the so-called expertise in this field was most frequently a distillation of ideological commitment to or against U.S. policies. There was all too little appreciation for the concerns and expectations of the Vietnamese people themselves. As a result we found the American way superimposed on the Vietnamese, in a fashion that paradoxically worked in opposition to some of the better things we were trying to achieve. And certainly, our goals and priorities failed to take account of indigenous sensitivities which has left us in the situation we are now in—to get out with great haste.

Japan is not Vietnam. We have, indeed, had a longer historic relationship with this great country, and are more aware of its great cultural contribution. Yet, despite this historic connection, there is a surprisingly wide knowledge gap in the United States about contemporary, as well as ancient Japan. The cross-cultural base is weak. The foundation for economic, political, and diplomatic relations has not been well built. It is in urgent need of repair, which is precisely what the Japanese-American Friendship Act of 1972 would do. The act speaks for itself, and I would just like to run down the areas it would cover—studies in institutions of higher education in Japan and the United States, help build Japanese books in libraries throughout the United States, work in the arts, fellowships in the field of Japanese studies, visiting professorships, and support for United States-Japanese exchanges.

Particularly symbolic is the fact that these programs would be funded by a portion of the payments which the Government of Japan has agreed to pay as part of the Okinawa Reversion Treaty. This treaty was a good will measure, and I can think of no way to give it more lasting value than to tie it to educational programs such as the ones I have just discussed. I hope, therefore, that this proposal will be given prompt consideration in an effort to bring about its early implementation. It is not a light remark to say that the foundation is weak, or in need of repair. The Japanese-American Friendship Act of 1972 would be an important contribution to the task ahead.

SENATOR JAMES B. PEARSON, OF KANSAS

Mr. SCOTT. Mr. President, I wish to congratulate the distinguished Senator from Kansas (Mr. PEARSON) for his victory in the Kansas Republican primary and to wish him well in the November general election.

I have had the opportunity to serve with JIM PEARSON for a decade now, and to work with him closely on the Committee on Foreign Relations. When JIM PEARSON took his seat on Foreign Relations at the beginning of the 92d Congress, he brought with him a perspective on our foreign policy absent from the committee since our former colleague Frank Carlson served on that same committee.

JIM PEARSON addresses himself to the basic issues—the premises—on which our foreign policies are based rather than debating debatable "facts" with witnesses. His searching questions penetrate to the core of the matter before the committee, and often right through the facade of expertise presented by witnesses.

The senior Senator from Kansas takes a long, careful look at each issue, each decision before the committee, whether that question relates to grand international strategies like strategic arms limitation and NATO or the confirmation of the nomination of an American ambassador.

But JIM PEARSON's performance on the Foreign Relations Committee is only one aspect of his service to the Senate and the Nation. On agriculture, aviation, rural development, transportation, and a host of other issues, he is a respected leader of this body. His opinions sway votes on both sides of the aisle. His innovative legislative proposals will form the basis of important new programs affecting each of those fields.

As the Republican leader in the Senate, I know that Republicans can count on JIM to support our party and our President—unless his own conscience or the interests of the people of Kansas take precedence—which they sometimes do for each Senator.

Mr. President, I know that I speak for all my Republican colleagues when I commend the Senator from Kansas (Mr. PEARSON) for his long and distinguished service, and I look forward to his reelection in November.

TIMBER FIRES IN ALASKA

Mr. GRAVEL. Mr. President, yesterday the Washington Post published a short article entitled "Lack of Help Stalls Battle of Timber Fires." This story needs to be brought to the attention of the American public. Alaska has been fighting this and other fires for more than a month. The damage being done will have untold effects on the ecology of interior Alaska. The loss of wildlife, the changes in the watershed, the fragile nature of the Arctic will be affected for decades to come.

I would point out, however, that much of this loss could have been prevented. It could have been prevented by increased firefighting personnel. Instead this administration, in a mood of austerity, saw fit to reduce the number of firefighting personnel throughout the Bureau of Land Management.

On February 9, 1972, the distinguished Senator from Montana (Mr. METCALF) placed in the RECORD his remarks concerning the President's program to reduce Federal employment by 5 percent. In his remarks he stated:

> The 5-percent reduction in manpower will have a significant impact on fire protection for the natural resources in Alaska.

His remarks have proven to be tragically prophetic.

It is ironic that officials within the Department of the Interior can now point to savings of $545,000 within the Bureau of Land Management by the cutbacks in personnel. But that so-called savings will actually cost the American taxpayer dearly.

I recently asked the Bureau of Land Management for information regarding a previous fire, the Swanson River fire of 1969. I received the following information:

Direct firefighting cost	$11,260,000
Rehabilitation cost	900,000
Estimated loss	34,118,000

If the reduction of personnel had gone into effect prior to that 1969 fire, you can be assured the cost of that fire would have been even greater.

True losses from fires cannot be calculated. While there is a dollar value on timber and buildings it is not possible to determine the effects from future erosion caused by loss of watershed, or the effects on wildlife caused by loss of natural nesting areas and feeding grounds.

There is a mood of conservation in this country. The American public is concerned about our natural resources and I share that concern. Conservation should be a priority item in our funding programs.

Instead, this administration's priorities are out of kilter for the needs and desires of the majority of people in this Nation. Funding limitations, cutbacks in personnel, and impounded funds have severely damaged the effectiveness of many agencies performing vital services. I sincerely hope that the administration reconsiders some recent decisions affecting service agencies.

HANDGUNS

Mr. BUCKLEY. Mr. President, yesterday the Senate passed a bill which, among other things, would prohibit the sale and manufacture of the so-called Saturday night specials. As is so often the case with legislation which the Senate is asked to act upon, the bill is very much of a "mixed bag." I had hoped that the press would describe is component parts, as finally enacted, in greater detail, so that the public might better understand its intended effect.

I have found no mention, for example, of two provisions which I felt were particularly important. I speak of the Dominick and Brooke amendments which would impose mandatory jail sentences for those found in the possession of a firearm while committing a crime, and providing for a priority in the scheduling of trials for individuals arrested for crimes involving firearms. These, to my mind, are the kinds of measures which will have the greatest impact in discouraging the use of weapons under circumstances where people are apt to be shot. In point of fact, these are the only kinds of measures which will encourage criminals to leave their guns at home when intent on crimes other than murder.

The Senate bill, of course, is necessarily limited in its effect to crimes involving the violation of federal laws but this covers a large area. Furthermore, we will be setting an example which can begin to demonstrate results, and this in turn should encourage the States to adopt similar legislation. I would hope, in fact, that the most crime-ridden States will impose sanctions significantly more severe than those incorporated in the Dominick amendment as finally accepted.

Other modifications in the bill were made through the adoption of other significant amendments. These would: First, remove the discretionary powers of the Secretary of the Treasury to impose more restrictive regulations on the sale and manufacture of small arms than those specified in the bill; second, formally recognize the right or the law-abiding citizen to own small arms for the purpose of self-defense as well as for sport; and, third, exempt the sale of .22 caliber ammunition from onerous bookkeeping requirements.

While I am not particularly happy about a number or the features in the balance of the bill, it will, I believe, eliminate a major source of the pressures for more restrictive legislation without at the same time seriously inconveniencing those who have a legitimate concern over their ability to defend themselves in an increasingly lawless society.

FOREIGN DEBTS

Mrs. SMITH. Mr. President, Mr. Robert Cody Brown of Shaftsburg, Vt., and Fort Myers, Fla., has written a letter to the Fort Myers News-Press which was published on August 1, 1972. The letter is excellent and to the point. He reminds us that when we talk in gloomy terms about the unfavorable balance of trade and our national debt, we not only remember ourselves that much of this stems from what other nations owe us but remind those nations which owe. He asks:

> Why is there always reference to U.S. debts and never to the billions which are owed us for so long by these same countries? Why cannot we simply say to these nations which allege a debt on our part, "Chalk it off against what you owe us"?

I commend his letter as good reading for every Member of this body and for every American, and I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Foreign Debts

> One day last week the Times head on an item heralds the news that "Dollar is Firmer in Trade Abroad." This was followed the next day with, "U.S. May Repay Overseas Debts." Then John Rich of NBC gives us the sad news that Japan will undoubtedly have a favorable balance of trade with the United States of nearly $4 billion this year.
>
> Two days later the White House announced that President Nixon will meet with Premier Tanaka of Japan next month to talk trade problems. That is fine, except that every time anyone except John Connally has talked trade with our overseas playmates we have had another haymaker hung on us.
>
> Why is there always reference to U.S. debts and never to the billions which are owed to us for so long by these same countries? Why cannot we simply say to these nations which allege a debt on our part, "Chalk it off against what you owe us."
>
> When we face a prime minister of a country we have salvaged from the rubble of war and set up to be self-supporting. "Listen, Buddy, we are going to set up the same restraints against the goods of your nation entering the U.S. which you use to keep our goods out of your country."
>
> Why are we always the Patsy for every nation we have helped to rehabilitate? Hundreds of words uttered in both houses of Congress seldom mention what is owed to us. When it is, it is generally hooted down by some international do-gooder who is always ready to give away your last cent but not his, just yours.
>
> It is not right that the American taxpayer be asked to go another mile for dear old Germany or beautiful France or lovely Britain or those dear people, the Japanese. They all have big favorable trade balances, compliments of our bounty in other years, while we have nothing but deficits year after year. Employment conditions in many of these countries require the importation of neighbors, factories boom. Yet over here unemployment and closing factories seem to merely stimulate someone to suggest to Congress that we have not given enough.
>
> Why don't we insist, when someone duns us, we remind them of what they owe us? We may have an unfavorable trade balance or a mounting federal budget deficit but the world, allies and vanquished alike, owe us so much more than they can ever repay with just money. We just might settle for the money.
>
> Robert Cody Brown.
>
> Shaftsburg, Vt.

TRIBUTE TO RAY M. O'DAY

Mr. SPARKMAN. Mr. President, I wish to pay tribute to a gentleman who has rendered outstanding service to his country and to his fellow man as a soldier and as a humanitarian. Ray M. O'Day was commissioned a second lieutenant in the U.S. Army in April 1917. Following 24 years of continuous service as an Army officer, Colonel O'Day found himself in the Philippine Islands when World War II started there in December 1941. As the senior U.S. military advisor to the 21st Infantry Division, Philippine Army, Colonel O'Day rendered brave and outstanding service in the defense of the Philippines until the surrender of Bataan on April 9, 1942. He made the infamous Death March, being clubbed by a Jap rifle butt on the way. He endured that hell-hole of a PW camp called O'Donnell in central Luzon. Following the surrender of Corregidor, along with General Wainwright and the other senior officers—generals and full colonels—O'Day was incarcerated in PW camps at Karenko and Shirakawa on the island of Taiwan, and finally at Chengchiatun, Manchuria, where he was eventually liberated in September 1945.

It was at Karenko that the strong mettle of the man emerged for all to see. Exercising considerable ingenuity and taking great personal risks, O'Day compiled a list of all the senior officers, along with some details such as date of birth, military outfit, and next of kin. O'Day took upon himself the responsibility of cheering up those who were downcast—and conditions were such as to promote downcasting. One of the interesting things O'Day did for his fellow PW's was to remember them on their birthday. He searched for scraps of paper and wrote birthday greetings thereon. Sometimes he would add a cigarette or some article like a tin cup made from a discarded can. Frequently, the honoree was surprised to learn it was his birthday, and wondered how O'Day knew.

Following liberation from the rigors of Jap PW life, O'Day remained on active duty as a bird colonel for 8 years. But during these years and continuing to the present time, O'Day remembers each surviving member of the senior officers with a birthday card. It has naturally fell his lot to become chief correspondent for reunions of the senior officer group called "Wainwright's Travelers." Some 26 of those annual reunions have been held, in various places from Frisco to San Antonio to San Juan.

As chief correspondent for Wainwright's Travelers through the years, O'Day receives many letters, cards, and telephone calls, not only from senior officers but from members of their families and from other ex-PW's and civilian internees, not only throughout the United States but from England, Australia, Holland, and other countries whose territories were overrun by the Japs. In order to distribute his vast correspondence among those concerned, O'Day started a small mimeographed newsletter in 1948 which he sent to senior officers or anyone else who might be interested. To date he has distributed 102 issues of his newsletter, which he merely calls "Chit-Chat."

"Chit-Chat" usually consists of about 20 pages. It is probably the most authoritative publication regarding ex-PW matters. Issue No. 102 was distributed to 9,900 people. For more than 2 decades, O'Day has given unselfishly of his time to publish four or five issues of "Chit-Chat" annually. Each heart-warming issue carries the love of God to his fellow man.

In addition to Wainwright's Travelers, O'Day attends a half dozen other ex-PW reunions from Seattle to Miami to Rhode Island to Fontana, N.C. He is a walking encyclopedia of PW interests, and he will discuss the subject with anyone or make a formal talk to hundreds of people. He tells it like it was. Although he will give his own opinion if questioned, he usually answers by giving some message he has received from another ex-PW. Once, upon being asked how bad conditions were at Camp O'Donnell in the Philippines, he answered by handing a copy of "Sunset at Camp O'Donnell" written by Dr. David Brown and published in the June 27, 1968, Congressional Record.

Ray O'Day rubs shoulders with the high and mighty as well as with the meek and lowly. A Philippine Army third lieutenant who was in O'Day's division on Bataan, Ferdinand Marcos, insisted that Ray O'Day stand by his side when he was inaugurated President of the Philippines in 1965. Although O'Day accepts contributions from friends to reimburse his expenses in publishing "Chit-Chat," he sends it free to anyone interested in PW's.

This all started in a miserable Jap PW camp in Taiwan by an officer who had enough compassion on his fellow man to remember that his birthday may be important to him. I make tribute in the CONGRESSIONAL RECORD as a birthday greeting card to Ray M. O'Day, who celebrates his 80th birthday on September 8, 1972.

PROTEST OF CUTS IN REVENUE SHARING ALLOCATIONS

Mr. TUNNEY. Mr. Presidnt, the action of the Finance Committee in adopting a substantially different allocation formula from the House-passed version of revenue sharing is a severe blow for many local governments facing the most intense fiscal pressures.

The momentum for revenue sharing arose substantially from recognition of the existence of the urban crisis—the continually worsening problems of our cities and urban areas. It was the need of the urban areas in the industrial States which gave it much of its impetus.

The Finance Committee proposal would now take some $525 million of the first-year funds away from the entitlements of the industrial States under the House version, and would give it to areas where the fiscal crisis is far less urgent.

California, New York, Illinois, and Ohio, for example, would stand to lose the most.

In particular, California would lose more than $100 million of its original allocation—more than any other State except New York.

Although some central cities would apparently receive proportionately more favorable treatment under the revised formula, that must be considered in the context of a severe reduction in overall State entitlements.

Given the extra burden of the costs of urbanization on the provision of essential services and facilities, that reduction will work directly against the interests of the urban areas in the large industrial States.

Whichever way the question is approached, there will be large areas of local government with considerable need and no capacity to meet it which will be getting markedly less direct and indirect assistance than they would have under the previous provisions.

The need of the cities is real—they have done their best to use local resources to handle the legitimate demands made upon them, but they have been beaten by inflation, unresponsive and restricted tax bases and the constantly growing need for more and better public services and facilities.

Despite their efforts they simply have not been able to make ends meet. If these cities are not given the help they need we will in effect be condemning their inhabitants to a lower level of services and facilities than are considered essential in other parts of the Nation.

There is a further cause for considerable concern at the Finance Committee changes.

The House yardstick for determining allocation which was based in part on State income tax effort has been deleted—a serious setback to those States which have made the attempt to meet their revenue needs in a fair progressive and flexible manner.

The House version would reward States that have imposed income taxes and encourage other States to follow suit in laying the foundation for fiscal reform and thereby for the solution of some of their accumulated revenue difficulties.

It is most unfortunate that the committee version removes this incentive when it is considered that a progressive income tax is far more fiscally sound and socially fair than regressive revenue raising methods such as property taxes and sales taxes—taxes which impose heavier burdens on moderate-and low-income families.

Mr. President, on behalf of my distinguished colleague, Senator CRANSTON and myself, I wish to register strong objections to these new proposals.

FLOOD INSURANCE

Mr. TAFT. Mr. President, less than 10 percent of the property damaged by this June's catastrophic floods was covered by Federal flood insurance. Congress has been called on to authorize massive additional disaster assistance appropriations partly because the flood insurance program was not providing protection for enough of the people affected by the floods.

When Congress passed the flood insurance legislation in 1968, we had high hopes that people in the areas prone to flooding would finally be able to insulate themselves from the prospects of devastation. The mandate to make federally subsidized insurance available for existing construction in areas with at least a 1 percent chance annually of being flooded, and unsubsidized insurance available in surrounding areas, was rightly heralded as a major breakthrough. To this day, no private flood insurance exists anywhere in the United States except for a limited California veterans' program.

The utilization of the program during its first 3½ years, however, has been well below the expectations of the administering agency. Of the more than 7,000 U.S. communities highly susceptible to flooding, as of the beginning of July the Department of Housing and Urban Development had certified only 1,174 as eligible for flood insurance. Only 92,000 policies had been sold. In Ohio, only 12 communities had been certified and fewer than 250 policies were in effect.

The certification of the communities has occurred slowly for a multiplicity of reasons, but one of the most important is certainly the requirement that communities must adopt suitable land use and control measures as a condition for certification. HUD regulations require them to control strictly the types of new construction in flood hazard areas. Once adequate information is available so that these areas can be carefully defined, the community must generally prohibit new residential construction in such areas, and allow new nonresidential construction only if it is floodproof.

The land use requirement is absolutely essential to the program's goal of minimizing losses in future catastrophes. Yet in some localities, greedy real estate developers, mortgage lenders, construction industry officials, and local government officials have put their own interest first, and fought the adoption of suitable land use measures.

Some communities have not applied for certification because they are unfamiliar with the flood insurance program. HUD should correct this situation immediately by contacting all mayors of flood-prone communities.

In other cases, communities are afraid that if they participate in the program, mortgage lenders will force flood insurance upon their citizens by making it a requirement for home loans.

These problems will be augmented on December 31, 1973, when two additional statutory requirements which will probably force the rate of certification below its present disappointing level are scheduled to become effective. After that date, if a flood occurs in an area where national flood insurance has been available for 1 year or more, persons who did not buy it would be barred from receiving disaster assistance to the extent that their property could have been covered by flood insurance. Even though this requirement would not apply to low-income people, many communities are likely to be scared off by it. They see the prospect of their citizens being denied assistance after a flood, even though these citizens never got the message from the Government or the private insurance industry that they would be required to buy flood insurance or suffer such consequences. The other new provision mandates that no community can participate in the flood insurance program until a study to determine the area's actuarial rates for flood insurance has been completed. This requirement is certain to bog down the certification process. Acturial rate studies take about 6 months, and despite help from several Federal agencies and private engineering companies, the Government is considerably behind in fulfilling this requirement for communities which have already been certified. The requirement has only been fulfilled for approximately one-third of these communities.

The most difficult obstacle for the flood insurance program to overcome, however, does not relate to the difficulties of certifying communities for insurance. Instead it relates directly to the psychological outlook of individual homeowners and businessmen in the flood plain areas. People just do not think that a flood will ever affect them, and therefore they do not buy the insurance. The probability that a flood will damage their property once in a hundred years is apparently not a matter of concern to most individuals.

The number of people buying policies has also been limited by a lack of familiarity with the program, even in communities which are certified. To some extent this was to be expected at first. The insurance industry estimates that it takes 5 years for the public to become familiar with any new kind of coverage. Nevertheless, HUD should step up its efforts to publicize the program. Television commercials, and the resources of the National Association of Flood Insurers, should be utilized fully to help accomplish this task.

Some individuals have complained that the subsidized premium rates have been too high, even though they were originally set at only about 10 percent of their average actuarial costs for certified localities. I hope that HUD's July 10 action to lower premiums by 40 percent will solve that problem. The effects of this action may be limited, however, by unrealistically low-coverage limits for subsidized insurance. The statutory limit on subsidized insurance for a single family residence is $17,500. In view of the fact that even heavily subsidized FHA housing sometimes costs as much as $21,000 and could cost well over $30,000 under the Senate-passed housing bill. This limitation is clearly unreasonable.

In addition, both homes and small businesses are limited to $5,000 in subsidized insurance on contents. That is very little coverage for a small businessman who is likely to loose considerably more than that in a flood.

It has also come to my attention that perhaps not enough types of coverage are offered. No flood insurance is available for losses or expenses incurred due to the interruption of a business or additional living costs at the time of the flood, nor is reimbursement available to defray costs for the demolition of partially destroyed property.

In view of this background of problems and possible shortcomings in the flood insurance program, I welcome the opening of hearings on this subject before the Banking, Housing and Urban Affairs Committee on August 15. The Congress has recently responded to the catastrophic damage done by Hurricane Agnes by approving legislation to increase greatly the amount of assistance available to victims of all disasters. Because the floods caused by Agnes destroyed miles of property nowhere near the areas identifiable as "flood-prone", this increase in assistance would have been desperately needed no matter how effectively the flood insurance program had been working. Federal relief apart from any insurance program will always be necessary when a disaster strikes in such areas. In areas which are prone to disasters, however, Small Business Association loans and grants are no substitute for an insurance program which charges people for living in such areas, and in turn provides them with much more extensive relief should the occasion arise. As the Banking Committee explores the subject of insurance, it should therefore look for ways to make that program effective enough in flood-prone communities to replace the disaster assistance program.

In this respect, I believe that several legislative improvements in the program deserve the committee's closest attention. The committee, should give full consideration to increasing the coverage limits for subsidized insurance, particularly for the contents of a home or small business. We should explore the possibility of providing insurance for flood-related expenses, such as losses due to the interruption of a business, additional living costs during the period after the flood, and the cost of demolishing partially destroyed buildings. Before the provision requiring people to forfeit disaster assistance if they have not bought flood insurance within one year after it has become available takes effect, arrangements should be made to exempt people in areas where the insurance has not been sufficiently publicized. Perhaps it will even be necessary to give people longer than one year for purchasing the insurance. The requirement for actuarial rate determination studies will probably also have to be modified before it becomes effective so that in the case of an unavoidable delay in such a study, a community can participate in the program before the study is completed.

These modifications would encourage and facilitate both the certification of localities for insurance, and the purchase of policies by individuals. Nevertheless, peoples' notion that a flood will never affect them is so pervasive that unless Hurricane Agnes and the Rapid City flood have changed their outlooks drastically, it would be unrealistic to expect a large increase in the number of voluntary insurance purchasers to result from such legislative changes.

Some would conclude from this situation that the purchase of flood insurance should be made mandatory in flood hazard areas. The Senate has already acted favorably on an amendment to the disaster relief legislation which requires anyone taking out a disaster loan to purchase flood insurance. It seems fair to ask people who live in areas where they are likely to need Government relief from flooding to pay the expense of insurance, unless such an expense would truly cause them undue hardship. Such a requirement would also encourage some people to move out of flood-prone areas. On the other hand, with subsidized flood insurance not only available but required for all of these areas, the present incentive for communities to adopt suitable land use and control measures would be reduced. If we do consider making flood insurance mandatory, we should also consider various ways of continuing to encourage communities to adopt such measures. Perhaps flood-prone localities could be given a specific amount of time to develop adequate standards on their own even though flood insurance is already mandatory. After that time they would be penalized by cutbacks in the Federal subsidization of various kinds of construction until they did so. Another approach would be to retain the present voluntary program, including the land use requirement as it now exists, and to notify flood-prone communities that they must either join by a certain date or be penalized in the manner I have just outlined.

Any conclusions we may reach about the suitability of mandatory flood insurance in certain areas would also be applicable in varying degrees to insurance against damage caused by earthquakes, tornadoes, and other kinds of natural catastrophes.

I hope that the upcoming hearings will mark the beginning of a thorough study of these problems. Perhaps we should specifically direct the Federal Insurance Administration to study whether there are situations in which mandatory flood insurance might be desirable. That agency should also work with the Small Business Administration to suggest any changes in the disaster assistance program, as well as the flood insurance program, which would lead to the more effective and efficient provision of relief for disaster victims.

When an event as catastrophic as Hurricane Agnes occurs, the Government must be prepared to provide immediate and comprehensive assistance in as rational a manner as possible. I strongly believe that any improvements we can make in the flood insurance program as a result of the upcoming hearings would be steps toward equipping the Government for this task. I urge the Senate to follow the progress and substance of these hearings closely.

JEWISH SCHOLARS IN THE U.S.S.R.

Mr. CRANSTON. Mr. President, several months ago the head of the international educational institution of Reform Judaism, Dr. Alfred Gottschalk, called for a massive "rescue mission" of the Jewish scholars in the U.S.S.R. He urged worldwide protest against the intimidation inflicted upon them by a government bent upon their cultural and religious disappearance. As an example of the efficacy of public pressure, Dr. Gottschalk mentioned the case of Dr. Michael Zand, a noted professor of oriental languages. Dr. Zand was permitted to emigrate to Israel only after a vehement outcry from Dr. Gottschalk's own institution, the Hebrew Union College-Jewish Institute of Religion, and from other institutions of higher learning.

Mr. President, some of the greatest minds flowering in this country today might have been extinguished by Hitler's Germany. Today, countless scholars and intellectuals are the victims of systematic cultural and religious repression. Many would like to emigrate to Israel or to other countries.

This year is the 50th anniversary of the Jewish Institute of Religion. Now merged with the Hebrew Union College, the institute maintains campuses in New York, Cincinnati, Los Angeles, and Jerusalem. It is fitting that its president should have marked this occasion by remembering those who are unable to carry on the fine traditions of Judaic scholarship.

Mr. President, I ask unanimous consent that part of a press release issued by the Hebrew Union College-Jewish Institute of Religion be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PRESS RELEASE

NEW YORK, N.Y.—The head of the international educational institution of Reform Judaism has called for a massive "rescue mission" of Jewish scholars in the USSR to western nations, where they can pursue academic freedom beneficial to mankind—Judaism and the Jewish People.

Dr. Alfred Gottschalk, president of the Hebrew Union College-Jewish Institute of Religion, told 1,000 Reform Jewish laymen and rabbis at the 50th anniversary dinner of the New York School at the Plaza Hotel, "We have lost too many great Jewish minds in the more than fifty years of the Bolshevik revolution strangling the cultural and religious fountainhead of Eastern European scholarship."

He lauded President Nixon's "raising the problem of the more than three million Soviet Jews" during his Moscow summit, "giving the Soviet leaders an understanding that the Jewish problem remains on the agenda of priorities for improved East-West relations."

Rabbi Gottschalk called for a two-pronged effort of "protest and pressure by world Jewry and others, to rescue the Jewish scholars who are hostages of the Soviet Union today."

The HUC–JIR president stated that reports indicate large numbers of Soviet Jewish intellectuals are anxious to leave the Soviet Union to go to Israel and other countries, "they are being held there as hostages and denied the right to seek emigration."

Dr. Gottschalk said that many are "intimidated and suppressed in typical USSR fashion under KGB auspices." He hoped that other institutions of higher learning, like his school, would "join in the outcry, along with the voice of leaders from the international intellectual community." As an example, Rabbi Gottschalk cited the rescue of Dr. Michael Zand, noted professor of Oriental languages, who was permitted to emigrate to Israel after the HUC–JIR and other institutions of higher learning mounted a vehement protest effort on his behalf. Today he is teaching at the Hebrew University in Israel.

He said that in the late thirties and forties the College-Institute became "the haven for dozens of Jewish scholars who were brought out from Germany." He added, "while Russian Jews don't face physical genocide they certainly face cultural and religious genocide."

THE HANDGUN CONTROL ACT

Mr. TAFT. Mr. President, for the record, I wish to comment on my reasons for voting against S. 2507, the Handgun Control Act of 1972.

My support of the Gun Control Act of 1968 was based upon the conviction that State and local governments have the primary responsibility for deciding on desired regulation of rifles, shotguns, and handguns. This seems to me to be desirable since the circumstances relating to the use of guns vary widely through the Nation. As I said then, the problem is not the same in Manhattan and Montana. It can even differ greatly within a particular State. The 1968 act received my support because it was necessary to regulate interstate traffic for local or State laws to be effective and enforceable. Its protections and prohibitions applied to all handguns including those attempted to be covered by S. 2507. The principles that determined my position in 1968 still prevail today and are not overridden by the arguments for this bill today.

There has been no showing that its passage would prevent a criminal from getting a handgun. It may be that he would get a more expensive one.

I believe that if the bill is passed into law, it will be a precedent for further Federal control and registration procedures.

The application of the standards of S. 2507 are bound to be difficult and perhaps discriminatory.

It raises new questions of a constitutional nature.

While the problem of crime control is still with us and must be faced vigorously, this bill will not, in my opinion, be of assistance to this end and it is not the best approach. I hope that State and local attention will be.

SENATOR HOWARD CANNON IS AWARDED THE LEGION OF MERIT

Mr. ROBERT C. BYRD. Mr. President, I would like to bring my colleagues' attention to a high honor recently given to a Member of this body. During recent ceremonies in the office of the Air Force Chief of Staff, Gen. John D. Ryan, Senator Howard W. Cannon was awarded the Legion of Merit, one of the highest honors bestowed by the military. The occasion was Senator Cannon's retirement from the Air Force Reserve, where he had attained the rank of major general, thus ending a military career of more than 30 years.

I would like to read from the inscription on the Legion of Merit:

> General Cannon's diligence, dedication, exceptional professional competence and understanding has caused him to make notable contributions of matters of great national significance. The singularly distinguished accomplishments of General Cannon culminate a long and distinguished career in the service of his country and reflect great credit upon him, the Air Force Reserve and the U.S. Air Force.

All of us here are aware of the dedication and professional competence alluded to in that inscription.

Senator Cannon has converted his love of flying and distinguished military career into invaluable service as chairman of the Commerce Committee's Subcommittee on Aviation and the Armed Services Committee's Subcommittees on Tactical Air Power and Close Air Support. His tireless service on behalf of civilian air transportation won him the Wright Memorial award presented by the National Aeronautic Society and the title of Capitol Hill's "Mr. Aviation."

The Air Force Reserve has certainly lost one of its most distinguished members, but we in the Senate are fortunate that we can continue to benefit from Senator Cannon's diligence and ability.

PUBLIC HOUSING CRISIS

Mr. HUMPHREY. Mr. President, the distinguished junior Senator from Massachusetts (Mr. Brooke) has performed a vital service in calling for immediate action on the financial crisis confronting local housing authorities across America that has resulted from a totally inadequate budget request by the Nixon administration to meet the operating costs of public housing.

The simple, hard fact is that public housing, of all Government-assisted housing programs, is the one program designed specifically to serve the poor, but the supply of housing units for these families remains seriously deficient. All too often, however, the problem is compounded by the fact that poor families have been priced out of this housing by increased rental charges to meet rising operating costs. The Brooke amendments were enacted by Congress to halt this injustice, first by providing that public housing tenants shall pay no more than 25 percent of their incomes for rent, and second, by authorizing Federal subsidies to local housing authorities to cover the difference between reduced rents paid and operating costs as well as expenses for improved maintenance and tenant services.

It has been estimated that at a bare minimum, the current annual cost of bringing public housing projects into compliance with maintenance, repair, and tenant service standards is over $335 million. Yet the administration has requested only $170 million, while simultaneously failing to meet the need of 3.5 million poor families for low-rent-assisted housing by sharply limiting budget requests for new public housing construction.

It is essential that a supplement appropriations request for $165 million be submitted by the administration to subsidize housing project operating, maintenance, and tenant service costs. Otherwise, we could well face a flaunting of the law by local housing authorities or their financial collapse. In either case, the victims would be several million poor families across America, condemned to deteriorating housing with uncollected trash, or flatly denied any housing—in violation of a fundamental commitment in national policy that every American family is entitled to a decent home in a suitable living environment.

It was my privilege recently to sign jointly, with 32 Senators and 38 Representatives, a letter to President Nixon in full support of Senator Brooke's request that previously appropriated operating subsidy funds for local housing authorities be released and that a supplemental appropriations request be submitted. In an article on this national issue, appearing in the Washington Post of August 9, Wolf Von Eckhardt reported that no reply had been received to this letter.

To the contrary, I have received a White House reply, dated July 29, from Tom C. Korologos, Deputy Assistant to the President, which would appear to indicate that once again, the administration's response to a critical need will be too little, too late. Mr. Korologos advises that "the administration has the issue of public housing operating subsidies under intense review at this time." And he concludes that:

> We must consider not only the demonstrated needs of local housing authorities, but also the very severe fiscal constraints within which the Federal Government must operate to avoid undesirable inflationary pressure.

Does not this administration also find "undesirable" the bankruptcy of local housing authorities across the Nation, and the denial of decent housing to millions of low-income Americans? Or must they alone be made to pay the full price of controlling inflation?

Mr. President, I ask unanimous consent to have printed in the Record the article by Mr. Von Eckhardt, entitled "Today's Public Housing Dilemma," the text of the letter to the President jointly signed by Democratic and Republican

Senators and Representatives, and the White House reply by Mr. Korologos.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 9, 1972]

BASIC PRINCIPLE ENACTED IN 1937: TODAY'S PUBLIC HOUSING DILEMMA

(By Wolf Von Eckardt)

An ill-considered administration policy is is about to throw thousands of poor families out on the street.

This is not to say that the budgeteers in President Nixon's Office of Management and Budget will personally carry the ramshackle furniture of hapless tenants out of their public housing apartments and homes. But unless they increase the administration's 1973 budget request for operating subsidies to local housing authorities by at least $165 million, public housing across the country must either illegally raise rents by at least 18 per cent or face bankruptcy. The effect for most tenants will be the same. And public housing may well die an ignominious death.

The dilemma behind this "bleak picture of desperation," as Sen. Edward W. Brooke (R.-Mass.) called it in a recent letter to President Nixon, is somewhat less complex than most of the other dilemmas posed by our befuddled housing subsidy programs. Public housing is really quite simple. Its basic principle has nothing to do with such vexing questions as whether to clear the slums or rehabilitate them, how large the projects should be, whether they should be located in the inner city or in the suburbs or whether racial segregation should be eliminated, accepted or reinforced—questions that have utterly confused the issue.

The basic principle, as anchored in legislation for three decades now, is simply that every American family is entitled to a decent home in a suitable living environment and that the government—that is the *local* government—should provide such a home for those who cannot afford to buy or rent one on the open market. Whether or not to build such housing is up to the local authority. Under the 1937 Housing Act, which launched the program, the federal government provides the subsidies to cover the cost of development and construction through the Department of Housing and Urban Development. The local governments provide additional subsidies in the form of property tax exemptions. These subsidies are, of course, utterly insufficient.

All the other housing subsidy programs which have come and gone in such proliferation in recent years—221(d)(3), 235, 236, 202, 221(h), Ginny Mae take-out, Fanny Mae back-up, etc., etc.—all have their merits and demerits, successes and failures. But essentially they serve people on the lower rungs of the middle-class. Only public housing serves the poor. Or intends to.

Until 1969, local housing authorities were required to meet their current operating expenses out of the rents collected from their tenants. In the early years of the program this worked fairly well. But as operating costs increased, services and repairs were cut and rents increased. Again, the poor were priced out of that "decent safe and sanitary home." To avert such defeat of the basic purpose of public housing, Sen. Brooke sponsored several amendments to the housing laws designed to relieve public housing tenants from the burdens of these inflationary pressures. The law now stipulates that public housing rents should not exceed 25 per cent of the tenants' income. Congress agreed to reimburse the housing authorities for the resulting loss of income. Sen. Brooke estimates that at least $335 million is needed. The administration requested only $170 million for these operating subsidies.

A growing number of local housing authorities, particularly the well-managed ones are already in dire financial distress. This accelerates a vicious circle: The less public housing is able to do, the worse its public image. The worse the image, the worse public support, the worse the service.

In addition to Sen. Brooke, 33 Senators and 38 Congressmen have urged the President to help keep public housing alive, to date they have received no answer.

U.S. SENATE,
Washington, D.C., July 17, 1972.

THE PRESIDENT, *The White House*
Washington, D.C.

MR. PRESIDENT: Local Housing Authorities in our states are in a precarious financial position as a result of the unavailability of sufficient operating subsidies authorized in connection with the so-called Brooke Amendments. In the absence of sufficient funds, the mandatory reduction of rents has meant that these Authorities, irrespective of their management capabilities, are presently unable to provide even minimal services necessary to insure decent housing in their projects.

The predictable result is that many Authorities are now facing the legal equivalent of bankruptcy. Others, perceiving impending deficits and the reduction of services, have chosen to flagrantly violate the law by refusing to implement the twenty-five per cent rent-to-income limitations.

We join Senator Edward W. Brooke in his urgent request for the release of all previously-authorized operating subsidies for Local Housing Authorities. We also join Senator Brooke in seeking a renewed commitment from you to insure that sufficient operating subsidies will be made available in the future.

The public housing program, in spite of needed improvements, continues to be the only source of housing for low-income families in many areas. It must be given the opportunity to survive.

Respectfully yours,

———, ———.

THE WHITE HOUSE,
Washington, D.C., July 29, 1972.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This is in response to your letter to the President of July 27, in which you were joined by a number of your colleagues in expressing your concern over operating subsidies for the low-rent public housing programs.

The Administration has the issue of public housing operating subsidies under intense review at this time. Legislation over the past several years has severely eroded the rental base available to support the operations of local housing authorities. We are seriously concerned about this situation and are actively seeking a solution which serves the long-term best interests of all concerned—the tenants, the local housing authority, the community and the Federal taxpayer. This means, of course, that we must consider not only the demonstrated needs of local housing authorities, but also the very severe fiscal constraints within which the Federal Government must operate in order to avoid undesirable inflationary pressure.

We appreciate receiving your views on this subject. You may be assured they will be given careful consideration in our further review and decisions on this issue.

Sincerely,

TOM C. KOROLOGOS,
Deputy Assistant to the President.

FILM AGREEMENT BETWEEN GOVERNMENT OF INDIA AND AMERICAN FILM COMPANIES

Mr. CRANSTON. Mr. President, a film agreement which has been in effect since 1967 between the Government of India and American film companies in India expired on June 30, 1971. As a consequence, the American companies, which have been functioning in that country for the past 50 years, are now unable to import films or remit earnings.

The expired agreement specified the number of films which these companies could import to India and authorized the remittance of barely enough earnings to cover the out-of-pocket dollar costs of shipping and importing the pictures. All other income had to be placed in blocked accounts for expenditure in India for film production or related purposes. In toto the arrangements represented little drain on the Indian economy, since the terms agreed to by the American companies were most generous in recognition of India's acute economic problems.

It now seems that as a result of measures being undertaken by the Indian Government, under pressure from elements within India unfriendly to the United States, the long-standing distribution arrangements are being denounced and the American companies threatened with closure. The chairman of the Government Indian Motion Picture Corp., an arm of the State Trading Corporation, in particular has been vitriolic in his denunciation of any continued distribution arrangement for the American companies and has been leveling absurd charges at them. It is also no secret in Delhi that there have been complaints by Soviet interests to the Indian Government about the widespread showing of American films in India—which is due to their considerable popularity with the people—and that this has had a bearing on the matter.

I interpose at this point to emphasize that all this is not just a recent development, stemming from Indian disgruntlement over recent American policy toward Bangladesh. It has been building up for several years and was clearly in the offing long before the Bangladesh problem arose.

Various arguments have been advanced by Indian officialdom in attempted justification of the repression of American films. On analysis they appear to be largely fallacious and mainly a facade. It is charged, for example, that American films have been allowed too liberal entry to India compared with the treatment of Indian films in the United States, and that their films are deliberately being denied access to the American market. The actual facts are that Indian—as well as other foreign films—may be freely imported into the United States, whereas India is one of the few remaining countries of the world that imposes a strict import quota limitation on film imports.

Nor is there any significant tariff barrier against Indian films in America. The duty levied on American films brought to India is more than 20 times higher than the modest duty levied on Indian films imported here.

Furthermore, we have no government censorship system to use as a trade barrier against their films, which are freely admissible. On the other hand, foreign films brought to India are strictly screened by the Government's Board of Film Censors, which may reject them or emasculate them through extensive cutting, thus barring films which the Government in any way deems offensive.

Surprisingly, we still hear the shopworn and ridiculous assertion that Hollywood "moguls" have imposed a ban upon American film importers and exhibitors which denies them the privilege of importing or distributing Indian pictures. As we all know, for many years the importers and distributors have been strictly protected by our antitrust laws from any form of pressure whatsoever which interferes with their absolutely free choice of films for import or exhibition. The plain truth is, despite allegations to the contrary, that absolutely nothing is being done to prevent the importation of Indian films to America, while American pictures have been restricted and allowed entry to India only in limited numbers. They now find themselves threatened with virtual closure.

Despite our antitrust laws, which have repeatedly been explained, Indian officials continue to pressure the American film companies to buy Indian films and make the theaters screen them "like the U.S.S.R. does." This is a blind disregard of the fact that America has a free economy, whereas the U.S.S.R. owns and controls the entire film industry, including the theaters. Thus the Soviets can disregard the customary considerations, including audience taste, which governs the purchase and screening of films in American theaters. Neither film importers nor Hollywood "moguls" can force the exhibitors in this country to play Indian or any other types of pictures which they do not consider sufficiently entertaining to attract the American audience. These charges seem particularly inappropriate when we note that official statistics of the Indian Government, for the 1970–71 fiscal year, show that Indian films earned somewhat more in the United States than they earned during the same period in the U.S.S.R.

Indian films may be freely imported to the United States. But there is no way, in our free economy, to force American theater owners to show Indian pictures which they do not consider commercially viable. Indian films must stand or fall on their own merits in the American market, like the films of all other nations. We ask nothing more than this opportunity for American films in India.

Another charge that does not stand up under analysis is that large and unreasonable amounts of foreign exchange have been spent for American films and they should be furnished more cheaply. The true fact is that India has been getting excellent American films from the American companies at bargain prices. In no other country of the world do the American film companies supply films for terms which barely return their out-of-pocket dollar costs. For some years the American companies jointly have been allowed to remit to the United States only $333,000 a year, which reimburses them only for the costs of manufacturing the prints and shipping them to India. They have been willing to do this only in recognition of India's stringent foreign exchange position, as a "holding" activity to maintain film service until the economy strengthens to the point where more realistic terms become possible. The balance of the earnings from American films exhibited there, after deduction of local expenses and heavy taxes, must be placed in blocked accounts which are usable only for film production or related purposes in India. Since viable projects for making pictures there are few and far between, large amounts of dormant rupees lie in these blocked accounts, and virtually all proposals for their constructive use in India, other than picture making, have been rejected out-of-hand by the Government.

If the American film distribution companies are forced out of India, as is now threatened, they are not likely to continue to supply films at bargain terms in the future. Undoubtedly they will require much larger sums, payable in dollars or other hard currency. Since the Indian Government is likely to gag at the normal, realistic prices which then will be asked for the pictures, the final result probably will be an end to most quality American film imports.

It has been alleged that American film companies have had a monopoly on foreign film imports to India. They have been allowed to import a major portion of the foreign films, but only because of the strict foreign exchange limitations they accepted. Most other imports, except Russian, were barred by the Government itself, which could have relaxed the bars at any time.

Some people have said that foreign films should be imported from Europe as well as America. This is reasonable, but it is no argument for forcing the American film companies out of business, since the fact is that for years these companies have been importing not only American pictures but the best European films, which often are placed with them for worldwide distribution. In 1970, out of 116 imported by them, 26 were European. At the last Film Festival in New Delhi, the American distributors supplied not only all American entries but, except for pictures from the East European bloc, almost all of the European entries.

The "monopoly" argument is at its thinnest when an attempt is made to relate it to Indian theaters, as some Indian officials have tried to do. There is nothing remotely resembling an American theater monopoly. The true facts are that out of 4,554 movie theaters only 96—2.1 percent—exclusively screen foreign films. Out of 96 theaters screening foreign films, 58 are in South India serving an area of 200 million people. The remaining 38 are spread over the rest of India, populated by about 400 million people. The thousands of other theaters rarely show a foreign picture. To call this a monopoly, as it has been described in the Indian Parliament, borders on the ridiculous.

To sum up, it appears that the Government of India, under pressures from elements inside and outside that country which are unfriendly to American interests, is pursuing a policy which ultimately will force the American film distributors to close down. The Government has stopped issuing licenses to them to import films, and they are no longer allowed to remit any of their earnings. A barrage of patently false charges has been leveled against them in the press and in the Indian Parliament, often by government officials.

At a time when the American film industry is going through a period of considerable economic stress, we can ill afford to sit idly by and see the unjustifiable loss of any of our foreign markets, small though they may be.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate S. 3307, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 3307) to amend the joint resolution establishing the American Revolution Bicentennial Commission.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments on page 2, line 5, after the word "entities", strike out "individuals,"; in line 11, after the word "assisted", strike out the colon and "*Provided*, That not more than 20 per centum of funds granted under this subsection in any fiscal year may be without regard to the 50 per centum limitation"; in line 18, after the word "entity", strike out "or individual,"; and, on page 3, line 3, after "Sec. 11." strike out "Whenever" and insert "For a period of one year from the effective date of this section, whenever"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended as follows:

Section 7(a) is amended to read as follows:

"Sec. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act and to remain available until expended $6,712,000 for fiscal year 1973, of which not to exceed $2,400,000 shall be for grants-in-aid pursuant to section 9(1) of this Act."

Sec. 2. Section 9 is amended by the addition of the following new subsections:

"(2) make grants to nonprofit entities including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), to assist in developing or supporting bicentennial programs or projects. Such grants may be up to 50 per centum of the total cost of the program or project to be assisted;

"(3) in any case where money or property is donated, bequeathed, or devised to the Commission, and accepted thereby for purposes of assisting a specified nonprofit entity including States, territories, the District of

Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), for a bicentennial program or project, grant such money or property, plus an amount not to exceed the value of the donation, bequest, or devise: *Provided*, That the recipient agrees to match the combined value of the grant for such bicentennial program or project."

SEC. 3. Add at the end thereof the following new section 11:

"SEC. 11. For a period of one year from the effective date of this section, whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this Act may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property and the expenditure of Government funds, as he may specify."

SEC. 4. Section 6 is amended by the addition of the following new subsection:

"(4) In addition to the number of positions which may be placed in GS-16, 17, and 18, under section 5108 of title 5, United States Code, not to exceed ten positions may be placed in GS-16, 17, and 18, to carry out the functions of the Commission. The authority under this subsection shall be subject to the procedures prescribed under section 5108 of title 5 of the United States Code, and shall continue only for the duration of the exercise of functions of the Commission."

RECESS UNTIL 11:15 A.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 11:15 a.m. today, and that the time for the recess not be charged against either side.

The motion was agreed to; and at 10:59 a.m. the Senate took a recess until 11:15 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SPARKMAN).

AUTHORIZATION FOR COMMITTEE ON FINANCE TO HAVE UNTIL MIDNIGHT TO FILE A REPORT ON THE REVENUE SHARING BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance may have until midnight tonight to file its report on the revenue-sharing bill.

The PRESIDING OFFICER (Mr. SPARKMAN). Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The Senate continued with the consideration of the bill (S. 3307) to amend the joint resolution establishing the American Revolution Bicentennial Commission.

The PRESIDING OFFICER. Time on this measure is limited to 30 minutes, 15 minutes to each side. Who yields time?

Mr. HRUSKA. I yield myself 3 minutes.

Mr. President, S. 3307, as amended and reported to our Judiciary Committee on July 19, would authorize an appropriation of $6,712,000 for fiscal year 1973 for expenses of the American Revolution Bicentennial Commission of which not to exceed $2,400,000 would be for grants-in-aid to the States as initiated in fiscal year 1972.

The Commission was established on July 4, 1966, Public Law 89-491—80 Statutes at Large 259. That statute authorized the Commission to plan, encourage, develop, and coordinate its activities during the bicentennial era.

In the first session of the 92d Congress, the Congress approved and the President signed S. 1857, Public Law 92-236, authorizing the implementation of certain programs and activities to carry out the duties of the Bicentennial Commission. As a part of that statute, Congress authorized a 2-year grant to the several States programs of not to exceed $45,000 annually to assist each State, the District of Columbia, Commonwealth of Puerto Rico, and the territories in the establishment and implementation of their commissions.

S. 3307, as amended, would implement Public Law 92-236 by authorizing an additional appropriation of $2.4 million for fiscal 1973 for the several States and territories.

The Standing Subcommittee on Federal Charters, Holidays, and Celebrations held a public hearing on S. 3307 on May 2, 1972. Notice of the hearing was widely publicized, yet at the hearing no public witnesses asked to appear, and testimony was received from ARBC Chairman David J. Mahoney, who explained the Commission's plans and progress to date and the justification for funding for fiscal year 1973.

Between the date of the subcommittee's hearing of May 2, and the full committee's ordering reported S. 3307 on June 25 to the Senate Calendar, criticism surfaced concerning the programs and activities of the Commission, its staff, and its direction toward the culmination of the bicentennial program in 1976.

The full committee approved the reporting of S. 3307, as amended, and at the same time directed the subcommittee, of which I am chairman, to conduct legislative oversight hearings in order to give all interested individuals and organizations an opportunity to air their views as to whether the Commission is carrying out the mandate of Congress, and appropriately proceeding toward the national thrust of the bicentennial in 1976.

Carrying out the mandate of the full Committee on the Judiciary, our subcommittee, consisting of Senator MCCLELLAN and myself, held public hearings on August 1 and 2. We heard 33 witnesses, commencing with the Chairman of the ARBC, David J. Mahoney, Members of Congress, public members of the ARBC, historians, representatives of patriotic societies, ethnic and racial groups. Obviously, the range of praise and criticism of the Commission's progress to date and its plans for the future covered the full spectrum.

After listening to the varied and divergent views of the witnesses who testified at our hearings, and having in mind the immense responsibility placed upon the American Revolution Bicentennial Commission to implement a program to celebrate the 200th anniversary of a nation with more than 200 million citizens, it is no wonder that thousands of well-meaning suggestions have been made to the Commission and its members as to which direction the Commission should proceed in planning for the bicentennial era.

Mr. President, after listening to the testimony elicited at our oversight hearings, I believe that, on balance, all critics agree that the Commission must continue, that it is necessary for the Congress to fund its operations for fiscal 1973, so that the Commission and its staff can proceed immediately with the job at hand—planning for the national observance in 1976.

I further believe that the Commission is heading in the right direction and will obviously heed the various points of view, all well intended, which were expressed during our hearings of August 1-2.

Mr. President, with respect to the oversight hearings, I wish to commend the responsible contributions offered by the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. MATHIAS), an original sponsor of the bill creating the Commission, the Senator from Florida (Mr. GURNEY), and the Senator from Arkansas (Mr. MCCLELLAN), my colleague on our subcommittee.

Now, Mr. President, with that background, I turn to S. 3307 as reported by the Committee on the Judiciary with amendments.

S. 3307, as amended, basically provides as follows:

First. To authorize appropriations of $6,712,000 for the work of the American Revolution Bicentennial Commission for fiscal year 1973.

Second. To authorize the Commission to make grants to nonprofit entities of up to 500 percent of the cost of development or operating bicentennial programs or projects. These grants are to be made from nonappropriated funds.

Third. To authorize the Commission to match the value of specific gifts or bequests made to it for the purpose of assisting designated nonprofit entities in carrying out bicentennial programs or projects, provided that the recipient of such an award also agrees to match the value of the total award. These grants also would be made from nonappropriated funds.

Fourth. To authorize the President, during the first year following enactment of the act, to waive such provisions of law relating to the making or performance of contracts, the acquisition of property or the expenditure of funds by the Commission as he may specify.

Fifth. To authorize the Civil Service Commission to place no more than 10 positions on the Bicentennial Commission staff in the GS–16, GS–17, and GS–18 levels.

Of the full appropriations for fiscal year 1973 authorized by the bill, $2,400,000 is attributable to implementation of the existing statutory authorization for the Commission to make equal grants in 2 successive years of not to exceed $45,000 annually to each State, Territory, the District of Columbia, and the Commonwealth of Puerto Rico to assist in the establishment or implementation of State bicentennial commissions. Since such grants were first made to the States during fiscal year 1972, the current fiscal year 1972, the current fiscal year is the second and last year in which expenditures for this particular purpose will be made.

The remaining $4,312,000 portion of the authorization is to allow funding of programs and activities which will constitute actual implementation of the Commission's national plan for celebration of the bicentennial, as well as to conduct the day-to-day operation of the Commission itself.

The Commission and its staff presently have 277 projects in various stages of development, including the conduct of a feasibility study on a plan for creation of bicentennial parks in each of the 50 States. These projects are approved and overseen by three committees composed of Commission members, aided by advisory panels consisting of distinguished Americans from all walks of life and representative of all groups composing the American people. The committees are denominated, respectively: "Heritage '76," which emphasizes the historical aspects of this celebration; "Horizon '76," which emphasizes the concept of "where do we go from here" in this country; and "Festival USA," which is the program of the actual celebration in 1976.

Mr. President, this Commission has an enormous task. It is obvious that many concerned citizens question the direction that the Commission has taken to date. Reasonable people will always differ on the right course. Some would have the Commission go one way—others in good conscience demand another path.

Our oversight hearings have amply demonstrated this central fact. All diverse and thoughtful citizens believe that the centennial year of 1976 should be appropriately celebrated and commemorated.

Mr. President, the immediate decision is before us today. Should we authorize the funding for fiscal 1973, so that the Commission can get on with its delegated mission? Is time of the essence? The answer is clearly "Yes."

Mr. President, I urge the adoption of S. 3307 as amended.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield 3 minutes to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I thank the distinguished Senator from Nebraska. Together with my distinguished fellow Senators, Mr. PASTORE, Mr. COTTON, and Mr. HARRY F. BYRD JR., I am privileged to serve on this Commission.

Mr. President, I support S. 3307, a bill to amend the joint resolution establishing the American Revolution Bicentennial Commission.

As most Senators know, the ARBC was established in 1966 to prepare a fitting observance of our Nation's 200th birthday. But, as recently as September 1970, the Commission had a budget of only $373,000 and a staff of approximately 12.

Since then, an additional $4.8 million has been appropriated for the Commission. But half of this was earmarked for the 50 State bicentennial commissions. The Commission and its staff have had some difficulties in formulating a concrete plan and goals for the bicentennial. But, Mr. President, difficulties are inevitable in considering and adopting plans which include and satisfy more than 200 million people and scores of ethnic and nationality groups. I am confident that under the leadership of Chairman David Mahoney, any problems are well on the way to being resolved.

The Commission has made considerable progress in establishing the framework for the bicentennial observation. It has adopted three basic themes. Heritage '76 is concerned with the idea of the Revolution not only as a historical event but as an evolving phenomenon. Horizons '76 sets goals for achievement by people throughout the Nation. And Festival U.S.A. will be an invitation to people around the world to visit our Nation and share in the American experience.

The Commission and its staff are currently examining and adding various proposals in order to fill out the still evolving form of the bicentennial celebration. Advisory panels have been established which include many of the most distinguished names in American private life—men and women of diverse backgrounds who will contribute their rich experience toward planning for 1976 and beyond.

But full and adequate planning requires reasonable financial support. As the result of legislation passed earlier this year, the Commission has sold 700,000 commemorative medals, which will provide $2 million in revenue to support bicentennial programs. In addition, however, the Commission has requested $6,712,000 for its greatly expanded efforts in the current fiscal year. Of this sum, $2,400,000 wll be apportioned to the State commissions. Thus, the Commission is seeking from the Congress only a little more than $4.3 million to support the operations of the members of the Commission, the staff, the consultants, and the advisory panels. This is not an extravagant request. When measured against the potential of the bicentennial observance for providing national inspiration and rededication, it is undoubtedly a worthwhile investment.

The legislation before us today also authorizes a new program of project grants to nonprofit organizations that have applied it to the needs, challenges, projects. This part of the program is premised on the concept that the initiative for the observance should come primarily from the "grass roots"—from creative citizens who have grasped the essence of the revolutionary spirit, and have applied it to the nèeds, challenges, and resources of the 1970's.

Mr. President, I am convinced that this Nation can and will stage a magnificent commemoration and celebration of our Nation's 200th year. It can and will be an inspiring national experience in which each citizen will participate in giving thanks for what is good in our country and working together to make it better.

The enthusiasm of the American people is the cornerstone of the bicentennial program. The legislation which we are considering today will provide valuable mortar for the foundation. I strongly urge passage of S. 3307.

Mr. President, as a member of the Commission I would like to express my gratitude to Senator HRUSKA, the chairman of the Subcommittee on Federal Charters, Holidays, and Celebrations, for his continued interest and steadfast support of the Bicentennial Commission. In particular, we are indebted to him for the thorough and impartial manner in which he conducted 2 days of oversight hearings last week, receiving testimony from 33 witnesses.

Mr. KENNEDY. Mr. President, I ask unanimous consent that three members of the staff of the Committee on the Judiciary be permitted to be present on the floor during the consideration of this measure.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, would the Senator please identify those staff members by name?

Mr. KENNEDY. Mr. Ken Lazarus, Mr. Robert Blakey, and Mr. Jim Flug.

Mr. ROBERT C. BYRD. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

How much time does the Senator yield himself?

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

First of all, I wish to express a warm sense of appreciation to the Senator from Nebraska (Mr. HRUSKA) for assuming the responsibility for leadership on this matter, which is, I think, of great importance for all Americans, who are very much concerned about how this Nation pays tribute to its bicentennial.

I think all Americans are indeed proud of their heritage and their traditions. Too often, in the hustle and bustle of our daily lives, we forget about it, and this is an effort to try to honor those things which I think all Americans take pride in and have a sense of deep devotion to.

The idea itself was developed by the distinguished Senator from Maryland (Mr. MATHIAS) at the time when he was a Member of the House of Representatives. I know he has continued to follow the development of this program with great interest, and we are in debt to his concern.

At the outset, I want to thank Senator HRUSKA for holding the series of hearings that were held by his subcommittee, giving the opportunity for a number of witnesses and interested persons to testify. He was considerate in the range of different witnesses who wanted to comment and was tolerant of their views, as always. I think he gave an opportunity for those who have been interested in this legislation to be able to express themselves. So I thank him very much for the opportunity he provided to the range of witnesses.

I attended the hearings all too briefly, but I did have an opportunity to review much of the testimony that was presented; and I think the hearings have strengthened the purpose and scope of the proposed legislation, and I commend the Senator from Nebraska for it.

Mr. President, I withhold the remainder of my time on the bill, and I call up my amendment No. 1424.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 3, after line 21, insert the following:

SEC. 5. Section 2(c) is amended by adding at the end thereof the following new sentence: "In filling vacancies among members appointed under paragraph (5) after the date of the enactment of this sentence, the President may not appoint an individual who is an adherent of a particular party if thirteen or more members appointed under such paragraph are adherents of that political party."

The PRESIDING OFFICER. The Senator has 10 minutes on the amendment.

Mr. KENNEDY. I yield myself 2½ minutes.

Mr. President, this amendment is an attempt to insure that in the future the 25 public members, to the extent that they are representatives of any political denomination, are going to be representatives of both political parties.

I freely admit that initially, in 1967, the commission was probably too heavily weighted in favor of the Democratic Party. I think that any reasonable review would recognize that the balance has shifted too far at the present time, under the Republican Party.

As we move from 1972 toward 1976, we are going to develop a plan and a program, and I think all Americans would like to feel that this commission is beyond partisanship and that there be no more than 13 members of any political party among the public members on the commission.

I think this still would provide a great deal of flexibility for the naming of public members.

It is not the intention of this amendment to remove anybody who is presently on the Commission, but to let present members serve as long as they normally would.

So, Mr. President, I hope this amendment would be viewed as a worthy amendment, consistent with the concept and the idea for which the bicentennial originally was proposed; that it would be accepted; and that Senators on both sides of the aisle would recognize that in the past favoritism has been granted by the administration in power.

I think that as we look forward to the next few years, we ought to remove this issue as a consideration and insure that there be no more than 13 members of any political party among the public members on the Commission.

I hope the amendment will be accepted.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield the Senator 2 minutes.

Mr. BROOKE. Mr. President, the political parties are represented on this Commission by the members of the congressional representation. From the Senate, for example, there are two Democratic Senators and two Republican Senators; and the same applies with respect to the House representation on the Commission.

Mr. President, this is not a political commission, and I do not think we ought to discuss it in political terms. We are trying to get the best people we possibly can on the Commission, irrespective of the political affiliation.

I do not know what is the political composition of the Commission. I do not know whether there are more Republicans on it or more Democrats. I do know that we have tried to make the Commission as representative of the entire Nation as we could, by having women and young people and minorities represented on the Commission. But when we try to balance it by parties, I think we are making a grave mistake, and I think we are introducing partisan politics into the Commission, which is an element it does not currently have and is an element it should not have.

Therefore, Mr. President, I strenuously oppose—and I think the members of the Commission would oppose—any introduction of partisan politics.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. I yield 7 additional minutes to the Senator.

Mr. BROOKE. I happen to have been appointed to the Commission by a Democratic President, and I think many of the public members were Republicans appointed by the Democratic President. I think some Democrats have been appointed by the Republican President. But as we get closer to the bicentennial, it seems to me that we ought not tie the hands of the Executive, who will have to work closely with the Commission, by restricting him as to the party of a particular person he chooses to appoint. He might get someone who is uniquely qualified by experience and by training to serve on this Commission. The person might be a member of his own party or of the Democratic Party, but the President might not be able to appoint him because of the imbalance it would bring to the Commission.

So, in all sincerity, I do not think that such an amendment would be helpful to the purposes of the Commission; and I am sure that my colleague from Massachusetts does not want to interject anything here which would be detrimental to the worthy goals of the Bicentennial Commission.

Mr. KENNEDY. I yield myself 2 minutes.

Mr. President, my colleague and good friend from Massachusetts is the perfect example of the policy that is followed for the congressional members of this Commission, because the congressional delegation is evenly balanced.

The PRESIDING OFFICER. Would the Senator from Massachusetts withhold until we take up the committee amendments and act on them?

Does the Senator from Nebraska ask that the committee amendments be agreed to en bloc?

Mr. HRUSKA. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc and that the bill as thus amended be regarded as original text for the purposes of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the ex officio members of the Commission from Congress represent both political parties. That is the same concept I want to apply to the public members. They represent Republicans; they represent Democrats. The Senator from Massachusetts was appointed by the Senate leadership, and all we are trying to do is to extend the same bipartisanship concept to the public members. I do not see why that should not be accepted.

I did not intend to bring up at this point the fact that of the 25 public members, six gave more than $3,000 to the 1968 national Republican campaign; a seventh is a Republican State chairman; there is a former Eisenhower Cabinet member and a Republican county attorney; two former staff assistants to Republican Members of the Senate or House—making at least 11 active Republicans. The best they have been able to come up with is three Democrats on the Commission.

Why can we not take it out of the past? Too many Democrats were appointed in 1967; too many Republicans are being appointed now. Why not just say that it is wrong under both circumstances? Why not let the Republicans who are on the Commission stay there? We are not trying to kick them off. But so far as any future public member is concerned, why not say that no party is going to have more than 13? This would permit the appointment of 13 Republicans. We are not even carrying it to the point of an equal number of Democrats to Republicans, but it does help, and I would hope that partisanship would not enter in. Why not apply the concept we have in the Law Enforcement Assistance Act and the Postal Service Act or in regard to regulatory agencies, where we say we are not going to have a disproportionate number from any political party? Why not accept that as our concept when we are talking about something which should be considered nonpolitical or apolitical?

Mr. PASTORE. I merely want to say a complimentary word to the Senator from Massachusetts about the members of the Commission in the past and most of the new ones. I do not get much of a chance to attend the meetings, but I am a member of the Commission as a Senator.

The Commission has a difficult task when we realize that every State is reaching out a little bit and wants to be the prominent centennial State. Each State has a plan of its own, so that there is always the element of discouragement to consider when precious ambitions are not achieved. But I agree with the Senator from Massachusetts, I think we should raise this operation out of the suspicion of politics. I do not think the

Senator's suggestion is a bad one at all. As a matter of fact, I think it is a very good one. I do not think this Commission should become an imbalanced repository of a political objective. I do not see any harm in an equality of honor and duty. We do that with many commissions—the FCC, and other agencies—where we see that the split is even on both sides. This removes the body from the suspicion that it might be weighted one way or the other politically. That would be bad and especially in this case. What we are trying to do here is to inspire all the American people with love of their country and stimulate their interest in the heritage which all of us can be so proud to possess. We are trying to celebrate universally, in an appropriate way, the 200th anniversary of the brith of this Republic.

I think the Democrats should be in on it, the Republicans should be in on it, the public should be in on it—it is all-American—and all Americans should be in on it.

Let us not do anything that creates suspicion that possibly this is shrewdly a great place to be appointed either in a merely honorary capacity, or as a Commission member, because perchance we made a fine contribution to our political party. That would be a sorry thing to do. I hope we will not do that. I am not accusing anyone of playing politics with this, but as the Senator from Massachusetts has stated, let us lift this up from any suspicion whatsoever.

Mr. HRUSKA. Mr. President, I find myself in complete agreement with the Senator from Rhode Island when he says that this Commission should not become a repository of a political party's activities and functions. It should be continued to be kept out of political spectacle characteristics.

But may I respectfully suggest, Mr. President, by this amendment, that we are engaging in a counterproductive operation. We are prescribing that there shall be politics in naming Commission members. So far, there are to be 12 members of one party and 13 of another. That is stressing the political and partisan aspects of the matter. Let us go back into the history of the Commission. This will be only prospective, to be sure, but there was a time, Mr. President, when there was a little bit of leaning to one side rather than the other side insofar as political characteristics were concerned. In another administration, when this Commission was appointed and created, there were public members, only one of whom happened to be of another party than that of the President who appointed them. Now we have 25 members. The members of the staff tell me that they did not know who were Democrats and who were Republicans. They made inquiry to find out, and they find that seven of them are Democrats, the public members—seven of them. They were not able to ascertain some of the others.

There has been a recognition, of course, on the type of basis that is the most wholesome, and that is the consciouness on the part of the President that this is not a political repository, the consciousness that he is not under any statutory obligation to put 12 of one party and 13 of the other. That is what we have here. Let me point out further that there is no analogy between congessional delegation representation and public members. It is routine, on these commissions, always to have representation which is by virtue of one party on the other side and the other being represented. The same thing is true with reference to the Cabinet. This is pro forma. But here we have not only 25 members of the Commission, we have at least a dozen advisory panels that range in number from 20 to 25, and no consideration whatsoever is paid to the political aspect of it at all.

Mr. BROOKE. Mr. President, will the Senator from Nebraska yield for a question?

Mr. HRUSKA. I yield.

Mr. BROOKE. Does this amendment mean that some members on the Commission presently who are Independents and not Republicans or Democrats would not be permitted to serve as Commissioners? We have some noted historians who are apolitical——

Mr. HRUSKA. They are.

Mr. BROOKE. Of course they are. They are the kind of people we want on the Commission.

Mr. HRUSKA. Mr. President, at this point I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HRUSKA. Particularly, Mr. President, on this kind of Commission, we want historians in a certain area and eminent historians. We do not want to go into the lists of historical societies and say, "Furnish us with the names of all those who are Democrats and all those who are Republicans, and also get us some Independents." That is not the way to go. It seems to me that would not be proper to inject this kind of note into this matter. It has not been so. It was true, up until the last 2 or 3 years, but it should be left out because it is counterproductive. I hope that the amendment will be defeated.

Mr. PASTORE. The Senator from Massachusetts, as I understand it, is a Commission member and he does not say there have to be so many Republicans and so many Democrats——

Mr. HRUSKA. Oh, yes, he does.

Mr. PASTORE. Not more than——

Mr. KENNEDY. Thirteen.

Mr. PASTORE. Thirteen of the public members shall be of the same political party. Now he is saying let us not confine it to all Republicans or all Democrats. We have many fine historians who are Republicans and we have many fine historians who are Democrats. We can always find historians who are Democrats and we can always find historians who are Republicans, but we ought not put all of one party on this Bicentennial Commission even if they make contributions to that particular political party, Democrat or Republican. That is all that I am saying.

Mr. HRUSKA. Mr. President, have I any remaining time on my allocation here?

The PRESIDING OFFICER (Mr. SPARKMAN). Two minutes remain to the Senator from Nebraska.

Mr. KENNEDY. Mr. President, I yield myself 1 minute to say that as my good friend from Nebraska knows, when the question of nonpartisanship came up with the Law Enforcement Assistance Administration, it was the Senator from Nebraska who suggested that there not be more than 2 members from one political party. What about that law enforcement matter, knocking the members out because they were Republicans or Democrats? It really depends on how we view a particular situation.

The Senator from Rhode Island is correct, all we are saying here is that there shall not be more than 13 members out of the 25 public members from one political party. That still gives the President the opportunity to have a majority if he so desires, but it says that not more than that shall be permitted.

Hopefully, what we would do is to remove the question of partisanship from the public mind. As the Senator from Nebraska said, and I would agree, there may have been too many Democrats appointed when we had a Democratic President. But now it is the Republicans. Let us say a curse on both your houses, and let us see to it in the future that we take it out of partisan politics completely.

Mr. HRUSKA. The regulatory bodies are different from this type of commission. The LEAA is different from this type of commission. I should like to remind the Senator that that requirement is no longer in the law. It was amended and repealed. This is a different kind of commission. We did not do this in the Civil War Centennial Commission. I say that we should not inject partisanship or politics. This is an amendment, I repeat, which is counterproductive and should be rejected.

I yield to the Senator from Massachusetts (Mr. BROOKE).

Mr. BROOKE. Mr. President, I doubt seriously if my friend, the distinguished Senator from Nebraska, can tell us how many Republicans or Democrats are on the Commission. I cannot tell the Senator. As I said, the congressional delegates are chosen so as to have a balance between the two political parties. However, as far as the public members are concerned, if we inject partisan politics into this aspect of the Commission, we will lose some of the best members we could possibly get. It is not a political organization, and it ought not to be a political organization.

I hope that we will reject the amendment. I think it would be detrimental to the goals of the Bicentennial Commission. We do not need politics injected into the matter. We want to make substantial progress toward achieving our goal free from partisan considerations.

Mr. KENNEDY. Mr. President, I yield myself 1 minute on the bill.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 1 minute.

Mr. KENNEDY. Mr. President, we are trying to achieve in the public representation the same representation that applies to the congressional representation, which is bipartisan. That was the actual concept established for Congress. I say that if it is a good concept for Congress, it is a good concept for the public members.

Mr. PASTORE. Mr. President, is the Senator from Massachusetts trying to inject politics into the commission or trying to take it out?

Mr. KENNEDY. Mr. President, by the suggestion contained in the question of the Senator, it is evident that he understands full well that we want to take partisanship out of the commission.

Mr. PASTORE. And that is exactly the name of the game.

Mr. BROOKE. Mr. President, is that a fair question? Has politics been injected into the commission? Is there any evidence at all of that? And when my friends talk about the fact that certain political representation has been applied to the congressional delegation, I should point out that Congress is a political body. We had to take into account political considerations. However, many of the public members of the Commission are apolitical.

There is no reason at all to suggest that there has been any politics injected into the operations of the Bicentennial Commission, nor that there ever will be by the Democratic or Republican Party.

Mr. KENNEDY. Mr. President, I yield myself 1 additional minute on the bill.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 1 additional minute.

Mr. KENNEDY. Mr. President, I have mentioned the makeup of the Commission. Six of the public members gave over $3,000 to the 1968 national Republican campaign. Another is a Republican State chairman. There is also a former Eisenhower Cabinet member, a Republican county attorney, and two former staff assistants to Republican Members of the Senate or House, making at least 11 active Republicans.

The Commission staff has been able so far to identify only three Democrats among the public members.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I yield myself 1 additional minute on the bill.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 1 additional minute.

Mr. KENNEDY. Mr. President, the question was raised about evidence of partisanship being injected into the Commission. There certainly is evidence. On the Commission's staff there are a former staff director of the Senate Republican policy committee, a former campaign aide to H. R. Haldeman, a defeated Republican candidate for Congress, the wife of a White House aide, Governor Scanton's former press secretary, a former staff aide to the distinguished late minority leader from Illinois, and Harrold Carswell's Senate campaign manager, to name just a few of the most prominent. There are several more staff members who have been active in Republican politics, and so far we have been able to find only two staff persons with comparable backgrounds as Democrats.

Mr. HRUSKA. Mr. President, regular order on the bill.

The PRESIDING OFFICER. All time has expired on the amendment. Under the rules, a Senator is supposed to yield time on the amendment. Under the agreement it is not possible to yield time under the bill.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senator from Massachusetts have 1 minute.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the senior Senator from Massachusetts and the junior Senator from Massachusetts each have 2 minutes, so that the time will be equal.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. This discussion is exactly what we have been trying to avoid. We have been trying to avoid an aura of politics on the Bicentennial Commission.

For example, one member of the Commission, Mr. Biddle, is a noted historian, and to my knowledge he is not a member of the Republican or Democratic Party. He is probably an independent and does not get involved in politics.

I fear that if we continue to bring politics into the matter we will end up with a lot of politicians serving on the Commission. I have nothing against politicians. I am one myself.

But I would hate to see the Bicentennial Commission consist of nothing but politicians, because if that were to be the case, I can tell the Senator it is not going to be the kind of commemoration we want and need for our 200th anniversary.

Mr. KENNEDY. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 1 additional minute.

Mr. KENNEDY. Mr. President, we asked the Deputy Executive Director of the Commission about any Democrats among the public members. He mentioned two. My staff found a third. We asked the staff personnel and they were unable to provide any information whether there were public members who had been large Democratic contributors.

I agree with my friend that we should take the partisan politics out of the Commission.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the senior Senator from Rhode Island (Mr. PASTORE) be listed as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Massachusetts. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PELL), and the Senator from Connecticut (Mr. RIBICOFF), are necessarily absent.

I further announce that, if present and voting the Senator from Georgia (Mr. GAMBRELL) and the Senator from Louisiana (Mrs. EDWARDS), would each vote "yea."

Mr. SCOTT. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT), the Senator from Michigan (Mr. GRIFFIN), and the Senator from South Carolina (Mr. THURMOND) are detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from South Carolina (Mr. THURMOND) would each vote "nay."

The result was announced—yeas 42, nays 40, as follows:

[No. 364 Leg.]

YEAS—42

Allen
Anderson
Bayh
Bentsen
Bible
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cranston
Eagleton
Ervin
Fulbright
Hart
Hartke
Hollings
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Metcalf
Moss
Muskie
Nelson
Pastore
Proxmire
Randolph
Sparkman
Spong
Stennis
Stevenson
Symington
Talmadge
Tunney
Williams

NAYS—40

Aiken
Allott
Baker
Beall
Bellmon
Boggs
Brock
Brooke
Buckley
Case
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Gurney
Hansen
Hruska
Javits
Jordan, Idaho
Mathias
McClellan
Miller
Packwood
Pearson
Percy
Roth
Saxbe
Schweiker
Scott
Smith
Stafford
Stevens
Taft
Tower
Weicker
Young

NOT VOTING—18

Bennett
Eastland
Edwards
Gambrell
Goldwater
Gravel
Griffin
Harris
Hatfield
McGee
McGovern
McIntyre
Mondale
Montoya
Mundt
Pell
Ribicoff
Thurmond

So Mr. KENNEDY's amendment No. 1424 was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. HUMPHREY). The question is on the motion of the Senator from Rhode Island to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1423

Mr. KENNEDY. Mr. President, I call up my amendment No. 1423.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment (No. 1423) as follows:

On page 3, line 16, delete "ten" and insert in lieu thereof "five".

Mr. KENNEDY. Mr. President, the purpose of the amendment is to increase the number of supergrades for the Bicentennial Commission by five positions rather than 10. The request of the Bicentennial Commission is to increase it to 10 slots, and it is included in the resolution which presently provides for 10. We are trying to increase it only to five to make it more in accord with the situation in various other governmental agencies which exist at the present time.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order so the Senator from Massachusetts can be heard.

Mr. ROBERT C. BYRD. Mr. President, will Senate aides take seats, and will Senators take our seats?

Mr. KENNEDY. Mr. President, at the present time, of the 80-some staff members, 13 receive salaries of more than $30,000 per year.

I have taken the opportunity to ask the Library of Congress to prepare for me a table of agencies it selected of roughly the same size as the Bicentennial Commission, giving total staff size and then supergrades, executive levels, and other equivalent posts. The Civil Rights Commission has a staff of 180, but only eight persons at supergrade level or above. The Council of Economic Advisers has 65 employees, 10 of them supergrades or higher. The National Mediation Board has a staff of 113, only four of them supergrades or above. The Bicentennial Commission with 15 would have more than all of these, more also than the Commission on Government Procurement, the National Capital Planning Commission, and the Overseas Private Investment Corporation. Of the agencies studied, only the Office of Science and Technology, with its duties requiring highly sophisticated talent, has more.

The table also makes clear that it is not necessary to have many supergrades as support for the Commission's four executive levels, for three of the agencies have three executive level staffers, but only one or no supergrades.

A similar proposal is going to be introduced in the House by Representative HANSEN, of Washington. She is a member of the Bicentennial Commission and chairs the House Appropriations Subcommittee responsible for its funds.

What we are doing, in effect, if this amendment is accepted, is doubling the number of super grades in the Bicentennial Commission, but we will not be tripling the number in one fiscal year. There will also be ample opportunity for increasing the number of supergrades in the future. I think it will still provide a sufficient number of highly qualified personnel at very adequate salaries.

I hope this amendment could be accepted.

I reserve the remainder of my time.

Mr. BROOKE. Mr. President, I think the Senator from Massachusetts has a good amendment, one which I think the Commission can live with. It is an amendment which I am hopeful the distinguished Senator from Nebraska will accept. I think, at least, the Commission can live with it for a while, for a year, and see how it does work. If the House acts as we expect it will, it will double the number rather than triple the number of supergrades, and I think the problem will work out well.

So I ask the distinguished Senator from Nebraska whether he is willing to accept this amendment.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

We have in this Commission a well structured organization. The concept was fixed originally 6 years ago, and it has built on and it has been progressing on that basis ever since.

More recently it has fallen into areas of some criticism. I would not want to say some of the criticisms are not founded on partisan politics. I would not want to say they are not so at least in part. I would not want to say some of our colleagues here are engaging in such an exercise. Nevertheless, we have had this organization, which has been going on for some time. From the inception it was agreed there would have to be some supergrades in this area for the simple reason that there are many occasions, many instances, in which persons holding the supergrade positions will be called on to deal with representatives of foreign governments.

They will be called upon to negotiate with and deal with State legislators and with various foundations and various patriotic organizations, and also in areas of finance and management, communication, field services, and activities of that kind, where talent that is suitable for those situations is not available unless we get into an area where we can persuade a man of substantial income to reduce his income, but certainly not lower what would be required to assume the duties of office and discharge them.

There was a complete and exhaustive hearing on this very point in the Post Office and Civil Service Committee. It took place in the Subcommittee on Manpower. It was an exhaustive hearing, with pages and pages of testimony.

The decision was made that under the supervision of the Civil Service Commission, together with the watchful eye of the congressional Members of the Commission, this was a warranted and justified authorization. I would like to think that a recommendation of that kind by a body that is very jealous of granting exemptions or creating supergrade positions is of a little better caliber than perhaps an amendment of this kind brought up on the floor, and better considered and better put into the context of the whole situation.

However, inasmuch as the time has gone as far as it has, and in view of the fact that we are not yet really into the final stages of the functioning of the Commission, it would be agreeable to this Senator that we accept the amendment providing for five super grades. I have consulted with the Senator from Arkansas, who has no objection to it, either. So, somewhat reluctantly, but nevertheless, as a matter of moving forward with this matter, I wish to indicate that we will accept this amendment, Mr. President.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. KENNEDY. Mr. President, I yield myself 2 additional minutes.

I appreciate the sentiments which have been expressed by the Senator from Nebraska, and I want to say I am entirely sensitive to the point that too often we are dollar-wise and pound foolish here, by establishing ceilings on open grants that prohibit the efficient use of the taxpayers' money, time and time again. I think that is often true. I do not think it happens to be true in these circumstances, and I want to indicate to the Senator from Nebraska that when this program moves in the direction that I think all of us believe it can and should move, if the Commission were to come back to Congress and ask, and be able to demonstrate the need, we could consider that some time in the future.

I am prepared to yield back the remainder of my time.

Mr. HRUSKA. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment (No. 1423) of the Senator from Massachusetts (Mr. KENNEDY).

The amendment was agreed to.

AMENDMENT NO. 1422

Mr. KENNEDY. Mr. President, I call up my amendment No. 1422 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 3, line 11, replace the period after "specify" with a colon and insert thereafter: "*Provided, however*, That the Commission shall report each month to the Congress on all uses of the authority granted by this section, including a detailed justification for each use.".

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

The pending Bicentennial Commission authorization bill contains an extraordinary grant of power to the President to let the Commission contract, acquire and dispose of property, and spend Government money without regard to the usual legal limitations. Similar authority has been granted to earlier commemorative commissions because of their long lead time, and the Judiciary Committee has wisely decided to confer this authority only for 1 year. I am still troubled by such a sweeping grant of power, and my amendment No. 1422 would further require the Commission to make monthly reports to the Congress on all uses of this authority with justification for each use. This reporting and explanation requirement seems to me a minimum safeguard if we are to feel comfortable and act responsibly in granting a power with such a great potential for abuse.

I have had an opportunity to explore this matter with the staff, and I am hopeful that we can work out a satisfactory adjustment to make this amendment acceptable. I would be glad to hear some comments from the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

I am grateful to the Senator from Massachusetts for his understanding on this amendment which he has just described.

Mr. President, it is one thing to exercise legislative oversight over a commission or an agency of the Government. It is another thing to try to participate, almost on a daily basis, in its current activities, to such an unreasonable point that it might be considered that we want to be a part of the management. We are not, as a legislative body, properly a part of the management.

I believe that the objective of the Senator from Massachusetts has been achieved, in this way: When the hearings were held in the House of Representatives, there was a solemn pledge on the part of the Commission to keep the committees informed of the waivers that were exercised, and so on. The President in his Executive order and in the representations from his level has indicated that this power of waiver would be used judiciously and very scantily.

There is also, again, the matter of the congressional Members on that Commission, who are there and are aware of the sensitivity of such a procedure to do away with some of these safeguards that have avoided and prevented much abuse and extravagance and a good deal of confusion in Government.

So I believe there are adequate safeguards. I am grateful to the Senator from Massachusetts for not pressing his amendment.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes on the amendment.

The Senator from Nebraska understands the concern about the acquisition and disposition of property, and what I would be interested in would be to determine if we could withdraw the amendment and redraft it in such a way as to indicate the dropping of that particular part of the bill, the waiver provisions about the acquisition and disposition of property. I think in that way we could meet some of the concerns that I and others have expressed in this area, and I think it would also provide the kind of flexibility to the Commission which I know they are deeply interested in obtaining.

May I suggest the absence of a quorum to work that out?

Mr. HRUSKA. Mr. President, if the Senator will yield, I yield myself 2 minutes. May I ask the Senator from Massachusetts whether the removal, in lines 9 and 10 on page 3 of the bill, of the words "the acquisition and disposition of property" would accomplish his objective?

Mr. KENNEDY. It would do so. I therefore ask unanimous consent to modify my amendment accordingly.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. HRUSKA. And to delete the remainder of the amendment?

Mr. KENNEDY. And to delete the other provision, the reporting provision.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

The acquisition and disposition of property is of no moment to the Commission, as I am informed by its officials. They have no grandiose program of acquiring property. In fact, they are not disposed to get into that. That is not their mission or activity. But I would like to ask the Senator from Massachusetts if it would be his intention to encompass in this proposal such donations Commission, which it is authorized to accept in other portions of the authorizing legislation. That is something separate and apart, I take it.

Mr. KENNEDY. The Senator has expressed accurately my understanding of the modification and of the existing law, and I agree with his interpretation.

Mr. HRUSKA. I yield myself 2 more minutes. So that the section of the authorizing legislation which grants the Commission the power to accept donations would not be affected by the pending amendment, is that correct?

Mr. KENNEDY. Would not be affected; the Senator is correct.

The PRESIDING OFFICER. The Chair requests the clerk to state the amendment as it appears to be modified, and see whether or not the understanding of the clerk is in concurrence with the views of the Senators.

The assistant legislative clerk read as follows:

> In addition to the other amendment, on page 3, line 10, strike out all after the word "property" down to and including "specify." on line 11.

Mr. KENNEDY. Mr. President, will the clerk read that one more time?

The PRESIDING OFFICER. The Senator from Massachusetts has requested that the amendment be read by the clerk one more time.

The clerk will restate the amendment as modified.

The assistant legislative clerk read as follows:

> On page 3, line 10, strike out all after "property" and down to and including "specified period" on line 11.

Mr. HRUSKA. Mr. President, I do not understand that that was——

Mr. KENNEDY. Mr. President, if I could have the attention of the clerk as well as the Senator from Nebraska, the understanding is to strike the words on line 9 after the word "contracts," "the acquisition and the disposition of property" on lines 9 and 10, and to drop the provision requiring reporting.

The PRESIDING OFFICER. The clerk will now restate the amendment:

The assistant legislative clerk read as follows:

> On page 3, line 9, after the word "contracts," delete all down through and including the word "property" on line 10.

Mr. HRUSKA. Mr. President, I yield myself 1 minute.

The amendment as revised and as just read by the clerk is entirely satisfactory. We are prepared to accept it, because it will comport with the ideas we have discussed.

I yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back on the amendment.

The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). The bill is open to amendment.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. Does the Senator have an amendment?

Mr. MATHIAS. No.

The PRESIDING OFFICER. The Senate will be in order.

The Chair asks the Sergeant at Arms to seat staff aides. While staff aides have the privileges of the floor, they should remain seated, unless they are talking to a Senator.

Who yields time?

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes on the bill.

Mr. KENNEDY. I yield 4 minutes on the bill to the Senator from Maryland.

Mr. MATHIAS. I thank the Senator from Massachusetts for yielding me this time.

Mr. President, I appreciate the interest and the role the Senator from Massachusetts has taken in this very important national concern that we have a commemoration—and I prefer that word to "celebration"—because I think we want to commemorate the enduring values of this country. In commemorating the enduring values of the Republic, I think we can aspire to reach the goals that the Founding Fathers of the Republic set for us.

I am grateful that the distinguished Senator from Nebraska took the time and had the concern to conduct extensive hearings in which many witnesses appeared. In the hearings which the Senator from Nebraska conducted as a subcommittee of the Committee on the Judiciary, we had witnesses who were extremely helpful. They brought new insights and new ideas to the concept of an anniversary commemoration. I was pleased that Mr. Mahoney, the Chairman of the Commission, sat through a full day, from 10 o'clock in the morning until 8 o'clock at night, and heard all the witnesses. I think that was helpful for him.

But I think that one of the big concepts here is that Congress, which created the Bicentennial Commission, is exercising its responsibility to see that the Commission does function as it was intended to function. If Congress were just to create this or any other program and then send it out to pasture like a colt on the back lot, it cannot expect to come back a year later and find a Preakness winner ready to go. It takes a little supervision and a little training and a little personal responsibility. I think that is what Congress is exercising.

Many ideas have been evoked at these hearings and otherwise around the country, ideas that I think should be heard by the Commission and should be encouraged by the Commission. One is an idea for involving our great merchant marine industry, for example, in the bicentennial.

Mr. President, I ask unanimous consent to have printed in the RECORD correspondence from the Chairman of the Federal Maritime Commission, Helen Delich Bentley, and a resolution which she has brought to my attention—all of which I think is illustrative of the endless creativity that is possible if we artistically design this Commission.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL MARITIME COMMISSION,
Washington, D.C., August 10, 1972.

Hon. CHARLES MCC. MATHIAS, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: As per our conversation, this is to inform you that the American Revolution Bicentennial Commission has given their Resolution of Encouragement to those of us at the Federal Maritime Commission and outside who have been working on a Maritime Bicentennial.

In the Resolution, which is attached, the ARBC Executive Committee requested us to expedite a feasibility study and plan of action for our "Maritime Bicentennial" concept as soon as possible.

We have set a target date for late September to present a detailed plan of action and we are currently consulting with port, city, labor, industry and other key officials to explore all facets of what could well be the financial, logistical and ecological answer to the seemingly overwhelming problems of organizing America's 200th birthday celebration.

As proposed, Atlantic, Pacific, Great Lakes, Gulf port cities and every waterfront in the country would participate in the Bicentennial. Thus, the celebration would have a nationwide geographical base and would stress the true maritime heritage of this country. The plan would have the added advantage of utilizing otherwise laid-up ships and would provide a much needed emphasis upon the shipbuilding and international trade potential of the United States with attendant economic benefits.

The highlights of the proposal and a graphic illustration of the basic outline of the plans are contained in a brochure which is also attached.

As a number of patriotic and dedicated people have given a great deal of their time to the development of the Maritime Bicentennial concept and because of your very deep interest in the success of the Bicentennial celebration, we urgently need your vigorous support of our efforts.

Sincerely,

HELEN DELICH BENTLEY,
Chairman.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION RESOLUTION NO. 4-72

Whereas, the Chairman of the Federal Maritime Commission has proposed a Maritime Bicentennial Program to commemorate the achievements of our proud maritime past, illuminate the importance of our maritime present, and preview the potential of our maritime future; and,

Whereas, the Chairman of the Federal Maritime Commission has presented this proposal to the Executive Committee of the American Revolution Bicentennial Commission and has offered to coordinate maritime participation in the Bicentennial observance.

Now therefore be it resolved:

1. That the Chairman of the Federal Maritime Commission is encouraged to develop as soon as possible a feasibility study and an action plan for a Maritime Bicentennial which will:

(a) Follow the concept presented to the Executive Committee of the American Revolution Bicentennial Commission.

(b) Conform to the National Program Criteria as established by the American Revolution Bicentennial Commission.

2. That, on receipt of a feasibility study and an action plan as requested, the American Revolution Bicentennial Commission will give full and expeditious consideration to official recognition of this project as a part of the National Bicentennial Program.

Agreed to by the Executive Committee of the American Revolution Bicentennial Commission this 24th day of July 1972, in the City of Washington, D.C.

JACK LEVANT,
Director.
HOBART LEWIS,
Acting Chairman.

Mr. MATHIAS. Mr. President, I think that is what the Senate has resolved to do. I am encouraged by the communication which Mr. Mahoney has initiated as the Chairman of the Commission. I believe that some of the misunderstandings over the past several years are being rectified. I am hopeful that there will be close cooperation among the Commission and the executive branch of Government and the legislative branch of Government. That is essential if this is to be a successful commemoration.

Mr. President, I shall vote for the authorization for the Bicentennial Commission, but I shall do so only after reflection upon these past few years, extensive investigation during the past few weeks and the hope of reform in the days ahead.

I do not discount the difficulty of conducting a birthday celebration for a nation of 200 million people. In any birthday party, there will always be those who feel "left out" or neglected. However, like any birthday celebration, no one would expect one set of relatives to go to one house while other relatives go to another. The whole concept of a bicentennial commemoration is that everyone in some way shares under one spiritual roof the glory of this Nation's birth.

In the birthday celebration of this Nation, there will be 200 million relatives who have cause for celebration. No one has the illusion that each and every American will be asked to join the celebration in the same form and manner. But it is important that this Nation, torn and polarized as it is, make every reasonable attempt to reach this objective. If we cannot at best celebrate together, we have little cause to celebrate.

This cannot be a commemoration by any one social or ethnic group for any one social or ethnic group. It is not a celebration of wealth for those who have accumulated it; it is not a celebration of knowledge or beauty for those who have obtained it. It is not a celebration by the Government for the Government. This is a celebration of our Nation's birth. It is a celebration of 200 years of a nation composed of every ethnic and racial group in the world. It is the celebration of a melting pot that has not yet cracked or boiled over. It is the celebration of our survival as a nation—as a Government guided by the concept of one nation. It should be a celebration where candles are lit not just for the living, but for the dead; not just for those who have "made it" but also for those who have not. It should be a celebration where we not only reflect but look, also, ahead. It is a time to take stock and look at this Nation's inventory. What must we do in 1976 to guarantee another centennial celebration in 2076? We must seek and obtain forums where we have an opportunity not only to remind ourselves of the history of this great Nation, of its landmarks, the men and women who have died so we could live, but also forums so we can see which of our relatives are in need of help.

How each State—each city, each person—shares and participates in this birthday celebration cannot be dictated by any one mind or governmental authority. If we are to obtain the spirit of '76 in 1976 we must enter the celebration with free minds and free spirits unfettered by monolithic attitudes. There must be—there will be—room for every American of every profession, of every color, of every religion—and from every city or town in this Nation to participate on its own level. The Federal Government must, however, be in the position to give this celebration both guidance and unification.

I must say quite frankly until some weeks ago I seriously doubted the capability of the present Commission to guide this Nation to the type of celebration which I have just described. The reason for what I considered to be lack of real direction, was not the fault of any one man, but rather the general failure of the Congress and the Commission to join together in similar objectives, and the failure of the Commission to take the mandate of Congress seriously. The Commission was negligent in its duties to the Congress. We were not informed about its directions, programs or even its problems. But I say here today on the Senate floor, that if in the future the Congress fails to get an understanding of the direction of this Commission it shall be equally the fault of the Congress, for clearly the Congress must and will pursue its oversight responsibilities. It will do so, even if I am to be the only member to assume this responsibility. I suppose I am particularly sensitive to congressional detachment to the Commission's workings for while a Member of the House of Representatives, I authored the original bill establishing the Bicentennial Commission.

My concern for the operation of the Commission was joined with the decision by the Senate Judiciary Committee to conduct hearings on the Commission's operation under the jurisdiction of its Subcommittee on Charters and Holidays. I must say I was quite pleased by these hearings. I attended each and every session. They were a constructive step. I was especially pleased by the cooperation from the Commission and its declared inclinations to meet the reasonable demands of some of the witnesses. I have personally spoken to Chairman Mahoney about the Commission's problems and he has given me reason to believe that corrective steps will be taken. I have great respect for the integrity of Mr. Mahoney and I am absolutely confident that we will get results. For if I did not believe this, I assure my colleagues I would now be opposing the authorization for the Commission.

During the time when I was most concerned about the operations of the Commission, I instructed the GAO to begin a comprehensive study of the management and efficiency of the Commission. I do not have to detail the objections which I and other Members of the Senate had with the Commission for the RECORD including the committee report and the subsequent hearings are now complete. However, I look forward toward the completion of this study in the hope that it will not embarrass the Commission or diminish its leadership but in order that we can move ahead in the best and most efficient fashion in preparing for the birthday celebration of this Nation.

Mr. President, I look ahead to great success by the Commission and I recommend that we quickly pass this needed authorization in order that they may be able to move ahead and prepare this Nation for a year of joy and reflection, a year of triumph and a year of celebration.

Mr. BROOKE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield a minute to the Senator.

Mr. HRUSKA. I yield 2 minutes to the Senator.

Mr. BROOKE. Mr. President, the Commission welcomes congressional oversight of its activities, and the Commission wants to work very closely with Congress in the pursuit of its goals.

I commend the foresight and the continuing interest of my distinguished colleague from Maryland and my distinguished colleague from Massachusetts in the activities of the Bicentennial Commission. If this Commission is to be successful, it must have the full cooperation of the President, of Congress, and of the entire Nation, because it is a commemoration, as the Senator from Maryland has said, and not a celebration, and it is intended to embrace every American.

I believe that the hearings held by the distinguished Senator from Nebraska have served a very worthwhile purpose. I commend those who appeared and testified before the subcommittee. The Commission itself—if I may speak for the Commission, as a member of it—is sincerely grateful for what has been done and for the fact that we have had this colloquy on the floor of the Senate today. It will be beneficial to the overall purpose of the Bicentennial Commission.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes.

Mr. BROOKE. Will the Senator yield me 30 seconds?

Mr. KENNEDY. I yield 30 seconds to the Senator.

Mr. BROOKE. I am extremely pleased that it appears that the authorization will be approved, that the appropriation will be approved, that the recommendations and suggestions of Congress have been made. Now the Commission will get on with its business, and I predict that my distinguished colleagues will be pleased with what the Bicentennial Commission will do in the few years remaining before our 200th anniversary.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORTS OF THE HEALTH RESEARCH FACILITIES CONSTRUCTION PROGRAM—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. HUMPHREY) laid before the Senate the following message from the President of the United States, which, with the accompanying reports, was referred to the Committee on Labor and Public Welfare.

To the Congress of the United States:

I transmit herewith the Fifteenth and Sixteenth Annual Reports of the Health Research Facilities Construction Program for activities during fiscal years 1970 and 1971.

RICHARD NIXON.

THE WHITE HOUSE, *August 10, 1972.*

MESSAGE FROM THE HOUSE

At 1:07 p.m. a message from the House by Mr. Berry on the House agreeing to the conference report on H.R. 15586. (Public Works, etc.)

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The Senate continued with the consideration of the bill (S. 3307) to amend the joint resolution establishing the American Revolution Bicentennial Commission.

Mr. TUNNEY. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. TUNNEY. I ask unanimous consent that further reading be dispensed with and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the amendment is as follows:

On page 3, between lines 10 and 11, insert the following:

"SEC. 12(a). The Commission is directed to contract with nongovernmental producers of motion pictures for the purchase of fifty-two motion pictures to be produced within the United States of America by such nongovernmental producers, of approximately one hour each in duration, of which there shall be one motion picture pertaining to each of the States, one to the District of Columbia, the Commonwealth of Puerto Rico, and the territories, and one to the Nation as a whole. Each such motion picture shall reflect the highest standards of production in the motion picture industry, and shall cover the history, traditions, cultural achievements, local customs, and unique geographical and other features of its subject so as to contribute to the affirmative celebration of America's bicentennial. Each such motion picture, together with such additional copies thereof as the Commission shall deem necessary for purposes of this section, shall be ready for exhibition no later than July 3, 1975.

"(b) The Commission shall consult with the Bicentennial Commissions of each State, the District of Columbia, The Commonwealth of Puerto Rico and the Territories concerning the content, production and distribution of the films relating to their respective jurisdictions. Where an area bicentennial commission is engaged in the production of a bicentennial film independently of this act, such film may be incorporated in the films produced under the provisions of subsection (a) of this section if the area commission so desires.

"(c) The Commission shall provide for the nationwide presentation of such motion pictures by means of public broadcasting, and may lease such motion pictures to the States, the District of Columbia, Puerto Rico and the territories, governmental Federal agencies, and private enterprises, in order to provide for the widespread dissemination of such motion pictures and to contribute to public awareness and interest in the bicentennial.

"(d) Revenue derived from leases of such motion pictures under subsection (b) shall be available for purposes of carrying out this joint resolution.

"(e) The Commission is directed to secure funds to be used for the purposes of both the production and distribution of the above-described films from private corporations, institutions, organizations, groups, and individuals. Such private sponsorship shall be secured whenever feasible.

"(f) Whenever a film is produced or distributed with the use of private funds, public acknowledgement of the use and donor or donors of said funds shall be limited to (1) a brief message presented at either the commencement or termination of the film, or at both times, but at no other time during the presentation of the film; (2) such other presentations as the sponsor may wish to make, so long as they do not form a part of, interfere with, or interrupt the presentation of the film itself.

"(g) Whenever a film is produced or distributed with the use of private funds, the Commission shall retain entire and absolute control over the content, production, and distribution of the film and any income derived from its lease or distribution.

"(h) Beginning not later than one year after the date of the enactment of this Act, the Commission shall submit to the President an annual report indicating the progress it has made in implementing the provisions of the Act relating to film production and distribution.".

"(i) "There is hereby authorized to be appropriated to carry out the purposes of section 12 and to remain available until expended such sums as may be necessary".

Mr. ROBERT C. BYRD. The Senator from California has 10 minutes on this amendment. Nine minutes now remain.

Mr. TUNNEY. Mr. President, I am pleased to offer on behalf of myself and my colleague (Mr. CRANSTON) an amendment to create the bicentennial film program.

This amendment is almost identical to H.R. 16508, which Representatives BELL, REES, GOLDWATER, and CORMAN recently introduced in the House, and which has received broad and bipartisan support.

The bicentennial film program directs the American Revolution Bicentennial Commission, working in conjunction with the State bicentennial commissions, to oversee the production of 52 1-hour motion pictures—one for each of the

States, one for Puerto Rico and the territories, and one for the District of Columbia and the Nation as a whole.

The films will highlight the history. traditions, cultural achievements, local customs, and unique geographical features of their subjects, In order to have the widest possible dissemination of the motion pictures, the Commission shall lease them to the States and governmental agencies and private enterprises, and shall arrange for their presentation on television.

Although we live in a very mobile society, few Americans have seen the contrasts and riches which our Nation has to offer. Each State is unique, and our pride in our Nation as a whole could only be enhanced by a greater knowledge and appreciation of the natural beauty and rich heritage of each of its component parts.

It would also be educational for our young people in high school and junior high school and grammar schools to know what the history of their State is. It could be an excellent supplement to a history course, or a political science course, so that there would be some feeling of community or identity with the State in which the students live.

This series of motion pictures would offer to every viewer a panorama of the American experience, which will stimulate the Nation's sense of pride, purpose, and identity.

Regardless of our views of the work of the Bicentennial Commission itself, Mr. President, we can all agree that no other medium is so well suited to play a major role in the bicentennial than film, a truly American art form.

Unlike any other plan for the bicentennial, only film can present every dimension of the American experience.

And only film can provide a permanent and living witness to America at the completion of her second century—enabling Americans celebrating the tricentennial in 2076 to look back and observe the America of 1976.

My amendment directs the ARBC to secure private sponsorship to pay for as many of the films as possible. It is entirely probable that the great majority of films would be underwritten by private enterprise. It is our expectation, therefore, that this program will have no cost whatsoever to the Federal Government, if any, because any profits made in the showing of the films or in the leasing of the films would go back to the Bicentennial Commission for purposes of running the program.

In order to assure that all the films are made, we are authorizing only such sums as may be necessary to produce those few films, if any, which do not receive private sponsorship. Since income from the lease of the films returns to the ARBC, the Government may well make a profit from the bicentennial film program.

By taking this simple step, we in Congress can go far in assuring that the bicentennial will be a lasting and significant success.

I urge the Senate to adopt this amendment and the bicentennial film program.

Mr. BROOKE. Mr. President, the distinguished Senator from California has said that this is a simple step, but it appears to me that his amendment would direct the Bicentennial Commission to adopt a specific program. As I understand it, the Congress has created the Commission and has given it certain authority but now we seem to be stepping in and telling the Commission what it should do, what program it should adopt, and what money it should spend.

How can Congress legislate the kind of program that a commission should engage in?

This is a matter which, it would appear to me, the Senator from California should present as a proposal to the Commission and let the Commission make a study of that proposal as it does with other proposals. I can assure the Senator from California that the Commission will be grateful for his proposal and other proposals, but let us allow the Commission to make the decision as to whether it should adopt the proposal, and let us not have Congress or the Senate legislate and direct the Commission to accept any one particular program or proposal.

By no means do my comments address themselves to the merit of this specific proposal. It may be the most wonderful proposal that there could be, and the Commission might very well want to accept it. But I do suggest that this is not the way to do it, that we should not deal directly with the Commission and direct it to accept a proposal which it has not had the opportunity to review.

Mr. TUNNEY. Mr. President, it is clear that the Bicentennial Commission has done precious little in the way of preparing for any film making or to use films in advertising the bicentennial and making the bicentennial a richer cultural experience. I certainly do not believe that in every specific instance Congress should tell the Commission what to do and what programs to adopt. But I do think that in the instance of film making, it is clear it could enhance the bicentennial in a significant way. The Commission has done very little with film making. There is no reason for Congress to delegate all of its authority to the Bicentennial Commission as to the cultural aspects of the bicentennial.

It is clear that this proposal has strong bipartisan support. In the House of Representatives, as I have indicated, the amendment was cosponsored there by Representatives BELL, REES, GOLDWATER, and CORMAN, two Republicans and two Democrats. It is the kind of proposal, I think, which will add a valuable extra dimension to the bicentennial program because films are, in my mind at least, the most important American art formed today which has spread culture to people all over the world.

Mr. BROOKE. Mr. President, I have no quarrel whatsoever with the proposal of the Senator. I have not studied it. Frankly, I do not judge the merits of the proposal. However, if we take this means of adopting programs for the Bicentennial Commission, I fear that almost any Senator who thinks that he has a good program for the Bicentennial Commission will recommend it to the Senate, or a Congressman might do the same thing in the House of Representatives, and we would try to legislate and direct the Bicentennial Commission as to the direction in which it should go. We would then have a potpourri of programs with little overall coordination. And there would be no need for the Bicentennial Commission to make decisions on programs which it would undertake.

As a matter of fact, the Bicentennial Commission is already actively considering a film program. I do not know whether contracts have been signed as yet. However, I do know that the Commission has been developing a comprehensive film-making program for nationwide use. Perhaps the program can be augmented by the proposal of the Senator from California.

Mr. President, I cannot say that the substance of the Senator's proposal is ill-conceived. However, I think we would make a great mistake if we got into the business of legislating programs for the Bicentennial Commission or for any commission of this nature, for that matter.

The PRESIDING OFFICER. All time has expired.

Mr. HRUSKA. Mr. President, I yield the Senator from Massachusetts 1 minute.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 1 minute.

Mr. BROOKE. Mr. President, I hope that the Senator will seriously consider withdrawing his amendment and making the proposal to the Bicentennial Commission with the assurance that the Commission will give it every consideration and study it and make a decision as to whether we should accept it.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. HRUSKA. Mr. President, the suggestion and criticism made by the Senator from Massachusetts, who is a loyal and very active member of the Commission, is quite accurate. However, in my judgment, this is a splendid document. I have read it with great interest. However, it is a little misplaced. It is the right church, but the wrong pew. The proposal should be made to the Commission. It is detailed and well contrived. However, if this body were to undertake to invade the precincts of the Commission, and direct them to undertake certain programs, I am afraid that we would be in for a stormy time and would direct our efforts in other directions.

Mr. COOK. Mr. President, will the Senator yield for a question?

Mr. HRUSKA. Mr. President, I yield to the Senator from Kentucky for a question.

Mr. COOK. Mr. President, are we not getting into another field also? I do not know where the Senator got the figure 52 from or the significance of it. However, are we not getting into a field where legislation of all kinds will be involved in this regard? If debate develops in my State or in the State of Nebraska or the State of Massachusetts relative to what our contributions would be, the way to solve it would be for me to say that this is the program that will be adopted in the State of Kentucky and for the Senator from Nebraska to say that this is the program that will be adopted in the State of Nebraska, or for the Senator from Massachusetts to say that this is the program that would be adopted in Massachusetts.

Are we not opening up this entire field relative to projects that will be pursued item by item and line by line and will we not have difficulty?

Mr. HRUSKA. The answer to that is of course that that is precisely what we would be doing. We would be ousting the Commission from the powers we delegated to it and would be taking charge of the program. We could take legislative oversight. But we should not engage in the management of the Commission.

Mr. COOK. Mr. President, if the Senator will yield for another question, I do not know whether this is true or not. However, in some of the programs—and maybe the Senator from Massachusetts could answer this, being on the Commission—could we assume that on the part of the Commission, the respective States themselves may be working on films or may want to have a film as part of the program. So, we could have them not only from the Commission but also on a more localized basis from States all over the United States.

Mr. HRUSKA. The Senator is correct. I would hope that the Senator from California would, in view of this, withdraw his amendment so that he may present it to the proper quarters for consideration.

Mr. President, I yield the Senator from California 2 minutes.

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

Mr. TUNNEY. Mr. President, I thank the Senator from Nebraska.

I totally believe that the film industry is capable of adding significantly to the bicentennial. And I think that clearly this is a proper forum in which this proposal could be offered and addressed.

I am very interested to know that the Senator from Massachusetts, who sits on the Commission, is apparently interested in this program, as I am. And I take very seriously the remarks he made that, as a member of the Commission, he would look into the matter and would consider such a proposal.

Mr. BROOKE. Mr. President, I would just like to say that there is another distinguished member of that Commission who is now on the Senate floor. The Senator from Virginia (Mr. HARRY F. BYRD, JR.) has listened to this colloquy and debate. I am sure that, having heard this colloquy, he would join with me and would certainly give consideration to all valid proposals coming before the Commission.

Mr. HRUSKA. Mr. President, I yield to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, I have listened to the debate on this issue. I think that the Senator from Massachusetts and the Senator from Kentucky and the Senator from Nebraska made very compelling points. It seems to me that we would be very unwise to try to develop on the floor of the Senate a program for the bicentennial. However, I would be glad to join with my distinguished friend, the Senator from Massachusetts, in taking an interest in the program offered by the distinguished Senator from California if he cares to present it to the Commission. I will join with the Senator from Massachusetts and make known to the Commission my interest in this matter.

Mr. TUNNEY. Mr. President, I want to thank the distinguished Senator from Virginia and the distinguished Senator from Massachusetts, both members of the Commission, for their expressions.

I agree that if they are in favor of giving this proposal the kind of consideration it deserves, it would be very appropriate to bring this matter before the Commission.

Mr. President, on that basis, I ask unanimous consent to withdraw the amendment that my colleague, Senator CRANSTON, and I have offered.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment, and it is accordingly withdrawn.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 15927) to amend the Railroad Retirement Act of 1937 to provide a temporary 20-percent increase in annuities, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 15927) to amend the Railroad Retirement Act of 1937 to provide a temporary 20 per centum increase in annuities, and for other purposes, was read twice by its title and referred to the Committee on Labor and Public Welfare.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 2854. An act to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices;

H.R. 631. An act for the relief of the village of River Forest, Ill.;

H.R. 2127. An act for the relief of the estate of Charles Zonars, deceased;

H.R. 11632. An act for the relief of Vincent J. Sindone; and

H.R. 15690. An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1973, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) subsequently signed the enrolled bills.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The Senate continued with the consideration of the bill (S. 3307) to amend the joint resolution establishing the American Revolution Bicentennial Commission.

Mr. HUMPHREY. Mr. President, I have an amendment at the desk and I call up that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill add the following new section:

SEC. 5. Section 6103(a) of title 5, United States Code, is amended by inserting between—

"Veterans Day, the fourth Monday in October." and "Thanksgiving Day, the fourth Thursday in November." the following new item:

"Election Day, the first Tuesday after the first Monday in November in 1972, and in every forth year thereafter."

Mr. HUMPHREY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. HUMPHREY. Mr. President, the measure before us relates, of course, to the Bicentennial Commission. The work on that Commission, as has been indicated, will be far-reaching and hopefully, will present the story of American democracy to the American people and the world and also what the future may offer.

Mr. President, I feel that this particular amendment is in the spirit of what we are talking about and the legislation on which we are now working. After all, at the very heart of any democracy is the right to vote and the participation of the citizen in that right.

The time has come for us to recognize that in our system of government and politics we have placed serious obstacles in the way of full democratic participation by all of the American people.

Since the end of the World War II we have systematically eliminated the unconstitutional voting requirements posed by the poll tax and more subtle racially motivated obstacles.

I have at all times actively supported and participated in removing these barriers to democratic participation in American life, as has this Congress. But we must do more in the name of true popular democracy.

Voter registration in many States still remains a complicated, bureaucratic ordeal which, in fact, discourages voters from taking those steps to insure their entry into the voting booth. Millions of Americans will not vote this year, because an unfair residency requirement, a hard to find registration office, a full day's work, or a prejudiced registrar standing in their way.

It is nothing short of a national disgrace that we have as many obstacles as we do to the right to vote in this land. No other country that calls itself a democracy does that to its citizens.

My colleagues are well aware of the efforts led by Senator KENNEDY, Senator McGEE, and myself to enact a standardized system of national voter registration through the use of a post card.

Today, I wish to offer an amendment to the American Revolution Bicentennial Commission bill which would be an important step in insuring that millions of American working families are not deterred from exercising their franchise in Presidential elections.

My amendment makes election day, the first Tuesday after the first Monday in November, a legal public holiday.

A nation at work on election day is a nation that denies its people the full opportunity to participate in the election process.

The worker who must drive 50 to 100 miles to reach his job often leaves before the polls open and arrives home after they are closed.

The man or woman working an irregular shift in a shop or factory is discouraged from voting. I saw this in many primary elections this year.

The housewife whose husband is on the job and who has young children to care for does not cast her ballot.

The worker on the assembly line sees the morning line and the evening line at the polling place going around the block. In the morning he must get to work and in the evening he is anxious to get home to his family. Some unions and businesses provide time off for their employees to vote. But this is by no means a universal practice. Many workers give up their franchise in despair.

Farmworkers laboring in the fields are rarely given the opportunity to vote.

Professional people and students often use their busy lives as an excuse for not going to the polls.

The work day as an obstacle to expanding suffrage can be easily eliminated with the passage of my amendment.

It is clear that by failing to declare election day a national holiday as is done in many other nations, we would be encouraging the exclusion of millions of American working families from participating in the American political process.

Mr. President, a few of the nations that either have a national holiday or have designated as official election day are: Austria, Belgium, Denmark, Finland, France, Germany, Italy, Norway, and Sweden.

The fact is that countries that have an election holiday have a voter turnout of 85, 90, and 95 percent of the electorate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, this has proven to be a desirable method for voter participation.

The right to vote should be a right unhampered by any economic considerations. Property ownership as a requirement for voting was abolished in this country during the 19th century.

It is wrong to let a job block or limit access to the polling booth for the 80 million Americans who work in the factories, on the farms, and in the businesses of this Nation.

Mr. President, make no mistake about it, there is a limitation of access to the voting booth because election day is a regular workday. I believe this amendment would increase voter participation for what we call our most important office in the land, the Presidency of the United States.

With our goal of truly expanding popular democracy in America, I ask Senators on both sides of the aisle to join me in the adoption of this important amendment.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MAGNUSON. Mr. President, I am pleased that the Senator has brought this matter to the attention of the Senate.

I have introduced a bill to make election day a holiday at various times—although not in this Congress—because I think on this most important day the people all over the land should be free to go out and vote.

People are denied the right to vote. This amendment might encourage some States not to close the polls too early so that working people have a chance to clean up and go down to the voting booth and vote without being closed out.

I thank the Senator for introducing the amendment. I intend to support it.

Mr. HUMPHREY. I thank the Senator. The Senator from Washington was an early and consistent supporter of this proposal.

Mr. MAGNUSON. Mr. President, will the Senator yield to me for one-half minute?

Mr. HRUSKA. I yield.

Mr. MAGNUSON. In countries where election day is a holiday or where elections are conducted on Sunday they have the highest percentage of votes of any other place in the free world. That is the best proof of the pudding.

Mr. COOK. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield 2 minutes to the Senator from Kentucky.

Mr. COOK. Mr. President, the Senator from Minnesota should be congratulated for offering this amendment. I think what this amendment really would do would be to solve firmly the problem that each individual State is trying to deal with. For instance, in my State each employee is entitled to so many hours in which to go to vote during the course of the day, and yet we know that on many occasions even this creates quite a hardship for individuals who must travel long distances daily to their employment.

Frankly, if this amendment is agreed to, I would hope that the leadership on both sides of the aisle would help to convince Members of the House to waive their rule of germaneness when this matter gets there so that the measure might be approved there. I could not think of anything better.

This proposal would eliminate the matter of leaving the polls open until midnight or 1 o'clock in the morning. I have seen many times when the line at the polling place has been so long in the morning that voters give up and never go back. I think this would solve the problem. The Senator from Minnesota should be commended for offering the amendment.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield 2 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, I join the Senator from Kentucky in his comments concerning the amendment.

However, I would like to ask my friend, the Senator from Minnesota, why should it not be every 2 years? Every 4 years we have a presidential election, but every 2 years we vote in every State for Members of Congress. I should think every Federal election should be a Federal holiday.

My question is: Why does the Senator make it every 4 years?

Mr. HUMPHREY. Primarily because of the importance of presidential elections. I think the Senator's observation surely is very relevant. I would have no objection. Incidentally, I have also introduced legislation in the past dealing with that.

If the Senator asks me to so modify the amendment I would be pleased to do so.

Mr. STEVENS. I would. We have a bill introduced for every 2 years.

Mr. HUMPHREY. I so modify my amendment. I am grateful to the Senator from Alaska.

The PRESIDING OFFICER. The amendment is so modified.

Mr. HRUSKA. Mr. President, I yield 2 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Senator from Nebraska for yielding from his time, especially since I informed him a few moments ago that I intend to make remarks essentially favorable to the Senator from Minnesota.

I have long felt that the lack of participation in national elections by the electorate is one of the serious bad marks on the civic record in this country.

I feel that the overriding issues that are to be decided ought to be engaged in by maximizing the opportunity to vote and providing maximum access to the polling place.

I would ask the Senator from Minnesota if, in the same vein, he would consider extending his amendment to give access to the polling place or providing that the polling place would stay open for 24 hours, from a given mean Greenwich time to a given mean Greenwich time, making it easier for those who work on night shifts or other odd hours, and who do not conform to ordinary times of day for working, to vote.

Mr. HUMPHREY. Mr. President, may I add that if the amendment should be adopted there would be no problem with regard to night shifts.

Mr. BAKER. Except that one would have to get up from his sleep, if he had worked that night.

Mr. HUMPHREY. In this instance there would be a rather generous provision that would help him vote.

Mr. BAKER. I suggest that there needs to be a full range of steps taken to create the maximum opportunity for people to go to the polling place not only in national but State elections. I think the national-holiday concept has merit, but other factors should be taken into consideration as well.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President, if I have time I will yield 1 minute to the Senator from Rhode Island.

Mr. PASTORE. I cannot do it in 1 minute.

Mr. HUMPHREY. I yield 2 minutes to the Senator. The Senator can do more in 1 minute than anybody else.

Mr. PASTORE. Mr. President, I want to join the Senator from Minnesota——

The PRESIDING OFFICER. Will the Senator from Minnesota send his modification to the desk?

Mr. HUMPHREY. Mr. President, the modification is very simple. Every Senator has a right to modify his amendment. In the next to the last line it would read "every second year thereafter."

Mr. PASTORE. Mr. President, I applaud the Senator from Minnesota for presenting this amendment.

I come from the smallest State in area; yet we have people who must travel an hour to and from work. We have people who work at the Eelectric Boat Co. in Groton, Conn., and some have to go to Newport and Woonsocket on the extremities of our State of Rhode Island.

My experience has been—and I have been active in politics for some 45 years now—that the lines at the polling places just gang up at unfortunate hours. This is because many people who go to work have to go home first, have their dinner, and then get dressed up in their good clothes and go to the polling place to vote. Many times we have seen them caught in torrential rains. We see these lines, blocks and blocks of people standing. Many people are inconvenienced, delayed, frustrated, and discouraged.

If by our action they had more time relegated to the polls, that would be the best we could do for them, that they might fully exercise their franchise rights.

I hope the amendment will be adopted, and I hope it will be sustained in the House.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

There is much merit in the amendment proposed by the Senator from Minnesota. It has been talked about a good deal. Apparently no concerted effort was made to bring it up, because the bill has been before the subcommittee and there were no requests for hearings or consideration of this proposal.

I would suggest that, if such interest is displayed in it, prompt hearings will be held as soon as we can hold them, considering the busy schedule in the Senate.

However, as I see it, there are two or three obstacles to putting that measure in this bill. In the first place, we would like to get this bill enacted so that the Bicentennial Commission will be able to go to work. Second, we have more than one feature involved in this proposal. It started off by providing for one additional holiday every fourth year. Now it is every 2 years. Then the Senator from Tennessee is saying that is all to the good, but he would like to have it provide that the polls would be open 24 hours on that election day. All such subjects should be considered by a committee and it should come out with a final report on those suggestions.

Finally, I suggest that instead of loading this bill with extraneous amendments, we go forward with the business of the Senate and consider these other matters in their due time.

I hope the amendment will either be withdrawn, with those thoughts in mind, or that it will be rejected.

I am ready to yield back the remainder of my time.

Mr. HUMPHREY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, will the Senator yield me 1 minute?

Mr. HRUSKA. I yield 1 minute to the Senator from Alaska.

Mr. STEVENS. I would suggest to the Senator from Minnesota, with respect to the suggestion of the Senator from Tennessee, that a holiday, as I see it, should be a 24-hour period, but the question is, when does it begin and when does it end? It would be very wise to say the polls should open at 6 o'clock in the East and close at 6 o'clock the next day, or 8 o'clock, or whatever the time selected is. In Adak, which is seven time zones away, the holiday the Senator from Minnesota is proposing would be only half a holiday. In order for people to vote and have it be meaningful, the polls should open and close at the same time throughout the country. I think the Senator from Tennessee has a good suggestion.

Mr. HUMPHREY. Mr. President, I believe this step we are taking is a proper step. The States have the authority to set the time. They have to pay the cost of the election. I prefer to leave that in their hands.

I am prepared to yield back any time I may have if the Senator from Nebraska is so prepared.

The PRESIDING OFFICER. Is the Senator from Nebraska prepared to yield back his time?

Mr. McCLELLAN. Mr. President, will the Senator yield me 1 minute?

Mr. HRUSKA. I yield 1 minute to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I think the pending amendment is one that requires very careful consideration. Overall, I think I would support, indeed gladly support, a provision of law to declare as a holiday the national election day and, of course, leave to the States their prerogatives to declare as a holiday any election day pertaining to the States.

I think this proposal has merit and is something that should be considered and possibly enacted into law, but we are using a simple measure, creating a Bicentennial Commission, as a vehicle for everything anybody wants to get passed that is now pending in a committee. That is a bad practice.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. I yield 1 additional minute to the Senator from Arkansas.

Mr. McCLELLAN. If it is done in this way on this item, it will be done on a number of others. If that is going to be done, I intend to offer amendments of my own on other measures.

The PRESIDING OFFICER. The Senator from Minnesota has half a minute remaining.

Mr. HUMPHREY. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Minnesota, as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. McGEE), the Senator from North Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Arkansas (Mr. FULBRIGHT) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "nay."

On this vote, the Senator from West Virginia (Mr. RANDOLPH) is paired with the Senator from Louisiana (Mrs. EDWARDS).

If present and voting, the Senator from West Virginia would vote "yea" and the Senator from Louisiana would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOPER) is detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 52, nays 33, as follows:

[No. 365 Leg.]

YEAS—52

Allen
Allott
Anderson
Baker
Bayh
Beall
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Dominick
Eagleton
Griffin
Harris
Hart
Hartke
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
Miller
Mondale
Montoya
Muskie
Nelson
Pastore
Pearson
Proxmire
Saxbe
Schweiker
Stevens
Stevenson
Symington
Taft
Tunney
Weicker
Williams

NAYS—33

Aiken
Bellmon
Bennett
Buckley
Byrd, Harry F., Jr.
Cotton
Curtis
Dole
Ervin
Fannin
Fong
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Metcalf
Moss
Packwood
Percy
Roth
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Talmadge
Thurmond
Tower
Young

NOT VOTING—15

Cooper
Eastland
Edwards
Fulbright
Gambrell
Goldwater
Gravel
Hatfield
McGee
McGovern
McIntyre
Mundt
Pell
Randolph
Ribicoff

So Mr. HUMPHREY'S amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion was agreed to.

AMENDMENT NO. 1427

Mr. KENNEDY. Mr. President, I call up my amendment No. 1427.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 1, between lines 2 and 3, insert the following:

"PART A—AMERICAN REVOLUTION BICENTENNIAL COMMISSION"

On page 1, line 3, strike out "That the" and insert in lieu thereof "SECTION 1. The".

At the end of the bill, add the following new part:

"PART B—PUBLIC SAFETY OFFICERS' GROUP LIFE INSURANCE

"SEC. 21. This part may be cited as the 'Public Safety Officers' Group Life Insurance Act of 1972'.

"DEFINITIONS

"SEC. 22. For the purposes of this part—

"(1) The term 'month' means a month which runs from a given day in one month to a day of the corresponding number in the next or specified succeeding month, except where the last month has not so many days, in which event it expires on the last day of the month.

"(2) The term 'full time' means such period or type of employment or duty as may be prescribed by regulation promulgated by the Attorney General.

"(3) The term 'public safety officer' means, pursuant to regulations promulgated by the Attorney General, an individual who is employed full time by a State or a unit of local government—

"(a) primarily to patrol the highways or otherwise preserve order and enforce the laws;

"(b) in firefighting; or

"(c) in a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees.

"ELIGIBLE INSURANCE COMPANIES

"(4) The term 'State' means any State of the United States, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(5) The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose subdivision of a State, or any Indian tribe which the Secretary of the Interior determines performs public safety functions.

"ELIGIBLE INSURANCE COMPANIES

SEC. 23. (a) The Attorney General is authorized, without regard, to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), to purchase from one or more life insurance companies a policy or policies of group life insurance to provide the benefits provided under this part. Each such life insurance company must (1) be licensed to issue life, accidental death, and dismemberment insurance in each of the fifty States of the United States and in the District of Columbia, and (2) as of the most recent December 31 for which information is available to the Attorney General, have in effect at least 1 per centum of the total amount of group life insurance which all life insurance companies have in effect in the United States.

"(b) Any life insurance company issuing such a policy shall establish an administrative office at a place and under a name designated by the Attorney General.

"(c) (i) The Attorney General shall arrange with each life insurance company issuing a policy under this part for the reinsurance under conditions approved by the Attorney General, of portions of the total amount of insurance under the policy, determined under this section, with other life insurance companies which elect to participate in the reinsurance.

"(ii) The Attorney General shall determine for and in advance of a policy year which companies are eligible to participate as reinsurer and the amount of insurance under a policy which is to be allocated to the issuing company and to reinsurers. The Attorney General shall make this determination at least every three years and when a participating company withdraws.

"(iii) The Attorney General shall establish a formula under which the amount of insurance retained by an issuing company after ceding reinsurance, and the amount of reinsurance ceded to each reinsurer, is in proportion to the total amount of each company's group life insurance, excluding insurance purchased under this chapter, in force in the United States on the determination date, which is the most recent December 31 for which information is available to the Attorney General. In determining the proportions, the portion of a company's group life insurance in force on the determination date in excess of $100,000,000 shall be reduced by—

"(1) 25 per centum of the first $100,000,000 of the excess;

"(2) 50 per centum of the second $100,000,000 of the excess;

"(3) 75 per centum of the third $100,000,000 of the excess; and

"(4) 95 per centum of the remaining excess.

However, the amount retained by or ceded to a company may not exceed 25 per centum of the amount of the company's total life insurance in force in the United States on the determination date.

"(iv) The Attorney General may modify the computations under this section as necessary to carry out the intent of this section.

"(d) The Attorney General may at any time discontinue any policy which he has purchased from any insurance company under this part.

"PERSONS INSURED; AMOUNT

"SEC. 24. (a) Any policy of insurance purchased by the Attorney General under this part shall automatically insure any public safety officer employed on a full-time basis by a State or unit of local government which has (1) applied to the Attorney General for participation in the insurance program provided under this part, and (2) agreed to deduct from such officer's pay the amount of the premium and forward such amount to the Department of Justice or such other agency or office as is designated by the Attorney General as the collection agency for such premiums. The insurance provided under this part shall take effect from the first day agreed upon by the Attorney General and the responsible official of the State or unit of local government making application for participation in the program as to public safety officers then on the payrolls, and as to public safety officers thereafter entering on full-time duty from the first day of such duty. The insurance provided by this part shall so insure all such public safety officers unless any such officer elects in writing not to be insured under this part. If any such officer elects not to be insured under this part he may thereafter, if eligible, be insured under this part upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Attorney General.

"(b) A public safety officer eligible for insurance under this Act is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule:

"If annual pay is—		The amount of group insurance is—	
Greater than—	But not greater than—	Life	Accidental death and dismemberment
0	$8,000	$10,000	$10,000
$8,000	9,000	11,000	11,000
$9,000	10,000	12,000	12,000
$10,000	11,000	13,000	13,000
$11,000	12,000	14,000	14,000
$12,000	13,000	15,000	15,000
$13,000	14,000	16,000	16,000
$14,000	15,000	17,000	17,000
$15,000	16,000	18,000	18,000
$16,000	17,000	19,000	19,000
$17,000	18,000	20,000	20,000
$18,000	19,000	21,000	21,000
$19,000	20,000	22,000	22,000
$20,000	21,000	23,000	23,000
$21,000	22,000	24,000	24,000
$22,000	23,000	25,000	25,000
$23,000	24,000	26,000	26,000
$24,000	25,000	27,000	27,000
$25,000	26,000	28,000	28,000
$26,000	27,000	29,000	29,000
$27,000	28,000	30,000	30,000
$28,000	29,000	31,000	31,000
$29,000		32,000	32,000

The amount of such insurance shall automatically increase at any time the amount of increases in the annual basic rate of pay places any such officer in a new pay bracket of the schedule.

"(c) Subject to the conditions and limitations approved by the Attorney General and which shall be included in the policy purchased by him, the group accidental death and dismemberment insurance shall provide for the following payments:

"Loss	Amount payable
For loss of life	Full amount shown in the schedule in subsection (b) of this section.
Loss of one hand or of one foot or loss of sight of one eye.	One-half of the amount shown in the schedule in subsection (b) of this section.
Loss of two or more such members	Full amount shown in the schedule in subsection (b) of this section.

The aggregate amount of group accidental death and dismemberment insurance that may be paid in the case of any insured as the result of any one accident may not exceed the amount shown in the schedule in subsection (b) of this section.

"(d) The Attorney General shall prescribe regulations providing for the conversion of other than annual rates of pay to annual rates of pay and shall specify the types of pay included in annual pay.

"(e) Any policy purchased under this part shall include a provision approved by the Attorney General for continuation of coverage without payment by a covered public safety officer during a period of disability of such officer.

"TERMINATION OF COVERAGE

"SEC. 25. Each policy purchased under this part shall contain a provision, in terms approved by the Attorney General, to the effect that any insurance thereunder on any public safety officer shall cease thirty-one days after (1) his separation or release from full-time duty as such an officer or (2) discontinuance of his pay as such an officer, whichever is earlier: *Provided, however,* That coverage may be continued during periods of limited leave or disciplinary suspension of a covered public safeay officer if arrangement is made for continuation of any payment required from or with respect to such officer.

"CONVERSION

"SEC. 26. Each policy purchased under this part shall contain a provision for the conversion of such insurance to an individual policy of life insurance effective the day following the date such insurance would cease as provided in section 25 of this part. During the period such insurance is in force the insured, upon request to the office established under section 23(b) of this part, shall be furnished a list of life insurance companies participating in the program established under this part and upon written application (within such period) to the participating company selected by the insured and payment of the required premiums be granted insurance without a medical examination on a permanent plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof or for the payment of an additional amount of premiums if the insured engages in public safety activities. In addition to the life insurance companies participating in the program established under this part, such list shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions established by the Attorney General and agree to sell insurance to any eligible insured in accordance with the provisions of this section.

"WITHHOLDING OF PREMIUMS FROM PAY

"SEC. 27. During any period in which a public safety officer is insured under a policy of insurance purchased by the Attorney General under this part, his employer shall withhold each month from his basic or other pay until separation or release from full-time duty as a public safety officer an amount determined by the Attorney General to be such officer's share of the cost of his group life insurance and accidental death and dismemberment insurance. Any such amount not withheld from the basic or other pay of such officer insured under this part while on full-time duty as a public safety officer, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial monthly amount determined by the Attorney General to be charged any public safety officer for each unit of insurance under this part may be continued from year to year, except that the Attorney General may redetermine such monthly amount from time to time in accordance with experience.

"SHARING OF COST OF INSURANCE

"SEC. 28. For each month any public safety officer is insured under this part the United States shall bear not to exceed one-third of the cost of such insurance or such lesser amount as may from time to time be determined by the President to be a practicable and equitable obligation of the United States in assisting the States and units of local government in recruiting and retaining personnel for their public safety forces.

"INVESTMENT; EXPENSES

"SEC. 29. (a) The amounts withheld from the basic or other pay of public safety officers as premiums for insurance under section 27 of this part, any sums contributed by the United States under section 28 of this part, and any sums contributed by States and units of local government under section 37 of this part, together with the income derived from any dividends or premium rate readjustment from insurers shall be deposited to the credit of a revolving fund established in the Treasury of the United States. All premium payments on any insurance policy or policies purchased under this part and the administrative cost of the insurance program established by this part to the department or agency vested with the responsibility for its supervision shall be paid from the revolving fund.

"(b) The Attorney General is authorized to set aside out of the revolving fund such amounts as may be required to meet the administrative cost of the program to the department or agency or office designated by him, and all current premium payments on any policy purchased under this part. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligation shall be the multiple of one-eighth of 1 per centum nearest market yield. The interest on and the proceeds from the sale of these obligations, and the income derived from dividend or premium rate adjustments from insurers, shall become a part of the revolving fund.

"BENEFICIARIES; PAYMENT OF INSURANCE

"SEC. 30. (a) Any amount of insurance in force under this part on any public safety officer or former public safety officer on the date of his death shall be paid, upon establishment of a valid claim therefor, to the person or persons surviving at the date of his death, in the following order of precedence:

"First, to the beneficiary or beneficiaries as the public safety officer may have designated by a writing received in his employer's office prior to his death;

"Second, if there be no such benefiary, to the widow or widower of such officer or former officer;

"Third, if none of the above, to the child or children of such officer or former officer and descendants of deceased children by representation;

"Fourth, if none of the above, to the parents of such office or former officer or the survivor of them;

"Fifth, if none of the above, to the duly appointed executor or administrator of the estate of such officer or former officer;

"Sixth, if none of the above, to other next of kin of such officer or former officer entitled under the laws of domicile of such officer or former officer at the time of his death.

"(b) If any person otherwise entitled to payment under this section does not make claim therefor within one year after the death of the public safety officer or former public safety officer, or if payment to such person within that period is prohibited by Federal statute or regulation, payment may be made in the order of precedence as if such person had predeceased such officer or former officer, and any such payment shall be a bar to recovery by any other person.

"(c) If, within two years after the death of a public safety officer or former public safety officer, no claim for payment has been filed by any person entitled under the order of precedence set forth in this section, and neither the Attorney General nor the administrative office established by any insurance company pursuant to this part has received any notice that any such claim will be made, payment may be made to a claimant as may in the judgment of the Attorney General be equitably entitled thereto, and such payment shall be a bar to recovery by any other person. If, within four years after the death of the public safety officer or former public safety officer, payment has not been made pursuant to this part and no claim for payment by any person entitled under this part is pending, the amount payable shall escheat to the credit of the revolving fund referred to in section 28 of this part.

"(d) The public safety officer may elect settlement of insurance under this part either in a lump sum or in thirty-six equal monthly installments. If no such election is made by such officer the beneficiary may elect settlement either in a lump sum or in thirty-six equal monthly installments. If any such officer has elected settlement in a lump sum, the beneficiary may elect settlement in thirty-six equal monthly installments.

"BASIC TABLES OF PREMIUMS; READJUSTMENT OF RATES

"SEC. 31. (a) Each policy or policies purchased under this part shall include for the first policy year a schedule of basic premium rates by age which the Attorney General shall have determined on a basis consistent with the lowest schedule of basic premium rates generally charged for new group life insurance policies issued to large employers, this schedule of basic premium rates by age to be applied, except as otherwise provided in this section, to the distribution by age of the amount of group life insurance and group accidental death and dismemberment insurance under the policy as its date of issue to determine an average basic premium per $1,000 of insurance. Each policy so purchased shall also include provisions whereby the basic rates of premium determined for the first policy year shall be continued for subsequent policy years, except that they may be readjusted for any subsequent year, based on the experience under the policy, such readjustment to be made by the insurance company issuing the policy on a basis determined by the Attorney General in advance of such year to be consistent with the general practice of life insurance companies under policies of group life insurance and group accidental death and dismemberment insurance issued to large employers.

"(b) Each policy so purchased shall include a provision that, in the event the Attorney General determines that ascertaining the actual age distribution of the amounts of group life insurance in force at the date of issue of the policy or at the end of the first or any subsequent year of insurance thereunder would not be possible except at a disproportionately high expense, the Attorney General may approve the determination of a tentative average group life premium, for the first or any subsequent policy year, in lieu of using the actual age distribution. Such tentative average premium rate shall be redetermined by the Attorney General during any policy year upon request by the insurance company issuing the policy, if experience indicates that the assumptions made in determining the tentative average premium rate for that policy year were incorrect.

"(c) Each policy so purchased shall contain a provision stipulating the maximum expense and risk charges for the first policy year, which charges shall have been determined by the Attorney General on a basis consistent with the general level of such charges made by life insurance companies under policies of group life insurance and group accidental death and dismemberment insurance issued to large employers. Such maximum charges shall be continued from year to year, except that the Attorney General may redetermine such maximum charges for any year either by agreement with the insurance company or companies issuing the policy or upon written notice given by the Attorney General to such companies at least one year in advance of the beginning of the year for which such redetermined maximum charges will be effective.

"(d) Each such policy shall provide for an accounting to the Attorney General not later than ninety days after the end of each policy year, which shall set forth, in a form approved by the Attorney General, (1) the amounts of premiums actually accrued under the policy from its date of issue to the end of such policy year, (2) the total of all mortality, dismemberment, and other claim charges incurred for that period, and (3) the amounts of the insurers' expense and risk charge for that period. Any excess of the total of items (1) over the sum of items (2) and (3) shall be held by the insurance company issuing the policy as a special contingency reserve to be used by such insurance company for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company issuing the policy, which rate shall be approved by the Attorney General as being consistent with the rates generally used by such company or companies for similar funds held under other group life insurance policies. If and when the Attorney General determines that such special contingency reserve has attained an amount estimated by the Attorney General to make satisfactory provision for adverse fluctuations in future charges under the policy, any further excess shall be deposited to the credit of the revolving funds established under this part. If and when such policy is discontinued, and if, after all charges have been made, there is any positive balance remaining in such special contingency reserve, such balance shall be deposited to the credit of the revolving fund, subject to the right of the insurance company issuing the policy to make such deposit in equal monthly instalments over a period of not more than two years.

"BENEFIT CERTIFICATES

"Sec. 32. The Attorney General shall arrange to have each member insured under a policy purchased under this part receive a certificate setting forth the benefits to which the member is entitled thereunder, to whom such benefit shall be payable, to whom claims should be permitted, and summarizing the provisions of the policy principally affecting the member. Such certificate shall be in lieu of the certificate which the insurance company would otherwise be required to issue.

"FEDERAL ASSISTANCE TO STATES AND LOCALITIES FOR EXISTING GROUP LIFE INSURANCE PROGRAMS

"Sec. 33. (a) Any State or unit of local government having an existing program of group life insurance for public safety officers which desires to receive Federal assistance under the provisions of this section shall—

"(1) inform the public safety officers of the benefits and premium costs of both the Federal program and the State or unit of local government program, and of the intention of the State or unit of local government to apply for the Federal assistance under this section; and

"(2) hold a referendum of public safety officers of the State or unit of local government to determine whether such officers want to continue in the existing group life insurance program or apply for the Federal program under the provisions of this part.

The results of the referendum shall be binding on the State or unit of local government.

"(b) If there is an affirmative vote of a majority of such officers to continue in such State or local program and the other requirements set forth in subsection (a) are met, a State or unit of local government may apply for Federal assistance for such program for group life insurance under such rules and regulations as the Attorney General may establish. Assistance under this section shall not exceed three-fourths of the Federal contribution which would otherwise have been available under section 28 of this part, and shall be reduced to the extent that the Attorney General determines that the existing program of any State or unit of local government does not give as complete coverage as the Federal program. Assistance under this section shall be used to reduce proportionately the premiums paid by the State or the unit of local government and by the appropriate public safety officers under such existing program.

"ADMINISTRATION

"Sec. 34. (a) The Attorney General may delegate any of his functions under this part, except the making of regulations, to any officer or employee of the Department of Justice.

"(b) In administering the provisions of this part, the Attorney General is authorized to utilize the services and facilities of any agency of the Federal Government or a State government or a company from which insurance is purchased under this part, in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

"(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this part. Until specific appropriations are made for carrying out the purposes of this part, any appropriation made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities, or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this part.

"ADVISORY COUNCIL ON PUBLIC SAFETY OFFICERS GROUP LIFE INSURANCE

"Sec. 35. There is hereby established an Advisory Council on Public Safety Officers' Group Life Insurance consisting of the Attorney General as Chairman, the Secretary of the Treasury, the Secretary of Health, Education, and Welfare, and the Director of the Office of Management and Budget, each of whom shall serve without additional compensation. The Council shall meet once a year, or oftener, at the call of the Attorney General, and shall review the administration of this part and advise the Attorney General on matters of policy relating to his activities thereunder. In addition, the Attorney General may solicit advice and recommendations from any State or unit of local government participating in the public safety officers' group life insurance program.

"JURISDICTION OF COURTS

"Sec. 36. The district courts of the United States shall have original jurisdiction of any civil action or claim against the United States founded upon the part.

"PREMIUM PAYMENTS ON BEHALF OF PUBLIC SAFETY OFFICERS

"Sec. 37. Nothing in this part shall be construed to preclude any State or unit of local government from making payments on behalf of public safety officers of the premiums required to be paid by them for any group life insurance program authorized by this part of any such program carried out by a State or unit of local government.

"EFFECTIVE DATE

"Sec. 38. The insurance provided for under this part shall be placed in effect for the public safety officers of any State or unit of local government participating in the public safety officers' group life insurance program on a date mutually agreeable to the Attorney General, the insurer or insurers, and the participating State or unit of local government."

Amend the title so as to read: "A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, and for other purposes."

Mr. KENNEDY. Mr. President, this amendment has the support of the International Association of Chiefs of Police, the International Conference of Police Associations, the Fraternal Order of Police, and the International Association of Firefighters, for a very good reason. It would help to meet one of their most important and grievous needs, and that is getting some kind of insurance to protect them and their families as they carry out their responsibilities in protecting a community.

This recommendation initially came to my attention as a result of the commission that reported in 1967, which looked into the problems and made recommendations as to what Congress might do to meet the problems of crime and violence in this country. It was out of those recommendations that Congress responded with the Law Enforcement Assistance Act. Providing fuller insurance protection was one of the points in the 1967 report, and I introduced an amendment that same year to provide an insurance program.

Since 1967, it has been modified somewhat to become a federally subsidized program of life insurance modeled on the Federal employees' and servicemen's group life insurance programs. The bill, then limited to police, passed the Senate in 1970. Since then, we have improved it by the addition of firefighters and correctional guards, and with several technical amendments.

There is a great need for this kind of program, and it is a program that is not really new to the Senate. We passed a measure such as this in 1970. We considered it in the Committee on the Judiciary, had hearings on it, and passed it in 1970. It went to conference in 1970, and because the House of Representatives failed to have any kind of hearings on it, the matter was dropped in conference. It was introduced in the House this Congress by Representative Celler, The House had a series of hearings on it. We have held hearings on it as part of a more comprehensive program—the victims of crime legislation, which is under the sponsorship of the distinguished Senator from Arkansas (Mr. McClellan).

Inasmuch as it had been introduced initially as a separate item, as it had been passed as a separate item in the 1970 act, and as we are getting into the closing days of this session, it seemed to me that it was appropriate for the Senate to be able to consider this matter, which I think is of great importance to the 500,000 police officials in this country and the several hundred thousand firefighters.

Mr. President, we found in the course of our hearings that in some cases policemen and firefighters pay 50 percent more for insurance than do other professional personnel. We know that policemen and firefighters are among the lowest salaried personnel in the country, and they perform some of the most hazardous jobs. Only 4 percent of all the police officers in this country are included in State or local government plans making available as much as $10,000 insurance coverage. In my State of Massachusetts, policemen get $2,000 insurance. That applies to State police and other police officials. I think all of us realize the inadequacy of that kind of program if something were to happen to them.

As a result of voluntary participation, "Hundred Clubs" have sprung up around the country, and when an officer or firefighter dies in the line of duty, these programs help to pay off his mortgage and to develop an educational trust fund. So we find that those in the front line of defense in our communities—the police and firefighters—are dependent in too many instances on the good will or even the charity of citizens. They ought to be able to know that when they go out into the line of duty—or even off duty, as a matter of fact—they have an insurance program that is going to look after their families. That is the reason for this amendment.

The amendment has the support of the police and firefighters' associations. It is a very modest amendment. The total amount we are talking about—for police, firefighters, and correction guards—is $21 million, because the Federal Government would pay a maximum of one-third of the premium. The other two-thirds will be paid by personal participation of these people, as well as any State or local government contribution. The proposal is modest in its scope. It is comprehensive. It responds to a recognized need in our society.

The idea goes back to 1967. It has been before the Judiciary Committee. The Senate acted favorably on it in 1970. I am sure that if we were able to get the matter before the House, we could get overwhelming support for it. I know the argument can be made that its relationship to the Bicentennial is remote but, as we have seen, this is a matter of great importance. The House will certainly respond positively. I think all of us certainly recognize there is a critical need for law enforcement, fire fighting, and correctional personnel in our country.

I reserve the remainder of my time.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER (Mr. Hughes). The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. I wish the Senate would realize what it is being asked to do here in considering this amendment. We are under a debate limitation of 10 minutes on each side. There is legislation now pending in the subcommittee of the Judiciary Committee ready to be reported to the full committee, and ready to be reported to the Senate.

Mr. McCLELLAN. It is in the full committee now. It has been reported.

Mr. HRUSKA. It has been reported. I thank the Senator. We are faced with the idea of voting for or against a national insurance program for firemen and policemen. The exact figures escape me because it is some time since I have been able to check any files, but my hunch is it will involve a range of 450,000 police and firemen. It is a complicated bill. It is comprehensive. It is expensive. It is technical.

Yet we are being called upon here, without the opportunity to offer amendments in any way that would be at all effective, to vote in favor of this amendment. Even if it were possessed of high merit without question, I would say that this is not the way, nor the method of legislating that kind of bill which is that important. It should be studied and considered with care. I do not believe that the Senate should consider it on any other basis.

I yield the remainder of the time I had indicated for my own use, and yield now 4 minutes to the Senator from Arkansas (Mr. McClellan).

The PRESIDING OFFICER (Mr. Stafford). The Senator from Arkansas is recognized for 4 minutes.

Mr. McCLELLAN. Mr. President, I do not believe there is any one in this body that would oppose the general principles and objectives of this amendment. Indeed, the amendment covers the same area as title II of S. 2994 which the Subcommittee on Criminal Laws and Procedures has reported to the full Judiciary Committee. This amendment is, more or less, title II of that bill.

Title I of that bill incorporates S. 750, a bill introduced by the distinguished majority leader, the Senator from Montana (Mr. Mansfield), to compensate the victims of crime. Title III of the bill incorporates S. 2087, a bill which I introduced, and I believe the distinguished Senator from Nebraska (Mr. Hruska) cosponsored it, and which has the support of the administration as I understand it, to award a benefit to public safety officers, policemen, firemen, and others, who are injured, or incapacitated by loss of limb or sight, by reason of a crime occurring in the performance of their duties. It would also give compensation to their dependents, when the policemen or firemen were killed as a result of a criminal act while in the performance of their duties.

All of them have merit, in my judgment. I support all of them and now, as chairman of the subcommittee, with the cooperation of the members thereof, we have all of them before the full committee. It is my hope that at the next meeting of the full committee, this bill, S. 2994, can be reported. If not, I will undertake to have each title reported as a separate bill.

These individual titles may need some amendments, but we cannot do it in 10 minutes' time.

I oppose the procedure being followed here, not the substance, not the objective, not the purpose, and not the goal sought, but I oppose this kind of procedure. That is why I voted against the previous amendment offered to the bill a few minutes ago, not because I oppose its principles. But let it be understood. There should be no discrimination here. If this amendment is adopted, then I will offer other titles of S. 2994 as amendments and I assume that the distinguished majority leader will want to offer the title that he has sponsored to that bill.

But, Mr. President, we ought not load down this bill, where the Senate has not had the opportunity to weigh or to make technical or other amendments deemed proper to the items in question. We will be starting a trend here of legislating in a fashion that will repudiate our tradition of legislation and orderly process, processes which have been followed for a long time, and experience has proven to be proper and well-advised over many, many years.

I am not opposing this amendment. I support it, and I am doing everything I can to get it out of the full committee. I talked to the distinguished Senator from Nebraska today—he will be absent next week—about getting it out of the Judiciary Committee and moving it.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. MANSFIELD. Is the crime bill which the Senator has referred to going to come out of the committee in one package or in disparate parts?

Mr. McCLELLAN. I cannot answer that.

Mr. MANSFIELD. I raise the question because I want to see that package brought up all together.

Mr. McCLELLAN. That is right. The subcommittee has reported it in one package, but if opposition develops, I am perfectly willing, either way, to let the individual titles come out separately, and fight it out one by one, or let them come out in a package, and fight it out that way. The bill has been reported from the subcommittee in one package, all together, something which will expedite it.

Mr. MANSFIELD. Because if we do not do that, we will not get the whole package through as a compact, comprehensive package. If we could get the assurance that the crime bill which the distinguished Senator from Arkansas has held so many hearings on, will come out whole, then I think it might tend to stop me at least from offering that title of it which has to do with compensation for victims of crime.

Mr. McCLELLAN. The distinguished majority leader knows that I cannot make a promise——

Mr. MANSFIELD. Get a commitment.

Mr. McCLELLAN. All I can say is what I have already done.

Mr. MANSFIELD. The Senator is interested in getting a comprehensive and compact package out.

Mr. McCLELLAN. I have got my own in there——

Mr. MANSFIELD. That is right.

Mr. McCLELLAN. That I am sponsoring, but I cannot say or give the distinguished majority leader absolute assurance as to what the full Committee on the Judiciary will do. He understands that.

Mr. MANSFIELD. I wonder whether the distinguished ranking member of the Judiciary Committee could give us an inkling as to what will happen to the comprehensive crime package which is now in the full committee.

Mr. HRUSKA. It is in the full committee, I understand, to be called up next week on return of the chairman to Washington.

Mr. MANSFIELD. And it will consider

the whole package, not segments of the omnibus crime control bill?

Mr. HRUSKA. It was reported by the subcommittee to the full committee. It is the whole package. There is an option, of course, for the entire committee to separate it or to report it as a full package.

Mr. MANSFIELD. I would hope, on the basis of the work done down through these past many months by the Senator from Arkansas and his subcommittee, that the full committee will consider it in a package, in toto, and not break it down into separate bills.

The PRESIDING OFFICER (Mr. STAFFORD). The time of the Senator has expired.

Mr. McCLELLAN. Mr. President, I yield myself 1 minute.

Mr. HRUSKA. Mr. President, what time remains?

The PRESIDING OFFICER. Two minutes remain to the Senator from Nebraska.

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 3 minutes.

Mr. McCLELLAN. All I want to say about this is that this Senator, as chairman of the subcommittee and acting in his own right as a Senator and one vitally interested in all of this, and supporting all of it, recommended that it be reported out in one package, and the subcommittee followed my recommendations.

Now there are members on the full committee who may not agree with this. I cannot speak for them. I can only say what my position is. It is the same as it was when I reported the bill out. That is all the assurance I can possibly give.

I would hope that the Senator would withdraw his amendment and let us get this bill out and proceed in a proper way.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. Three minutes remain to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 2 minutes.

Mr. KENNEDY. Mr. President, this provision basically is the same measure we passed in 1970. I was completely prepared to incorporate the recommendations of the administration in an approach to get compensation for public safety officers so that we would have an opportunity to vote. We have been unable to do so.

When we meet next week, the members of the Senate Judiciary Committee will not have used up their 1 week's time. And there will be further delay. Republican members will be going to platform committee meetings in Miami. I just fear that this might be the last opportunity for us to act on it.

I would ask my friend, the Senator from Nebraska, if he would give us his assurance that he will do everything he can to expedite the total bill or at least sections of the bill. When we have the meeting, I think his assurance that we can do so would be very useful and helpful in the consideration of whether we vote on this measure now.

Could I have the attention of the Senator from Nebraska? As I have said, if we could have the assurance of the Senator from Nebraska of his willingness to expedite either the total package or sections of the bill in the meeting next week, if he will give his assurance that he will do everything possible to report these matters, it will be very helpful. I know he cannot give us the assurance of everyone in this respect. However, if he can give us his assurance, that will make a great deal of difference in my own consideration of whether we should move ahead.

Mr. HRUSKA. Mr. President, as the Senator knows, next week is a very special week. We have meetings of the platform committee of the Republican Party. I am a member of the committee. I will not be here. And if the meeting is held then, I will not be able to do anything one way or the other.

Mr. McCLELLAN. Mr. President, the Senator advised me a few days ago——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that we might proceed for 2 additional minutes.

The PRESIDING OFFICER. Only 1 minute remains to each side.

Mr. KENNEDY. Mr. President, I ask unanimous consent that we might proceed for 4 minutes: 2 minutes to the Senator from Arkansas and 2 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, a few days ago the Senator from Nebraska said that he would not oppose reporting this out in a package provided he was given the right to file separate views.

Mr. HRUSKA. The Senator is correct.

Mr. McCLELLAN. Mr. President, I had in mind, if I can do so, having the bill reported out at the next meeting of committee.

Mr. HRUSKA. That is right. However, I will not be present.

Mr. McCLELLAN. We could separate them and get them reported out.

Mr. HRUSKA. Mr. President, I will not be present next week.

Mr. McCLELLAN. Mr. President, the Senator told me he would not be present next week. However, he gave me his assurance it would be all right if it was reported out.

Mr. HRUSKA. The Senator is correct.

Mr. KENNEDY. Mr. President, may I ask the Senator from Nebraska and the Senator from Kentucky whether they are familiar with any reason why this bill could not be reported next week? Is there any reason why that bill could not be reported in the next week? I know that the Senator cannot speak for the full committee. However, if we get this kind of assurance from the Senator from Nebraska, that would meet my objectives and I would be willing to withdraw the amendment.

Mr. HRUSKA. Mr. President, I am willing to do so. However, I am not willing to abdicate my responsibility to my own conscience or to the Republic by doing anything the Senator wants me to do. I said that it is all right with me to report the bills.

However, in justice to me I think I should have a right to file minority individual views.

Mr. MANSFIELD. Mr. President, if the Senator would yield, I do not think that is the question raised.

Mr. HRUSKA. He asked when we could report it.

Mr. MANSFIELD. He said nothing about filing views, minority, individual, or otherwise. He asked for assurance so that it would be possible on the basis of that assurance that the bill might be considered and reported next week.

Mr. HRUSKA. Mr. President, I say again that I will have no objection to reporting the bill out of the committee. I would have objection if I were not permitted to write minority views. My understanding with the chairman of the subcommittee was that I would have an opportunity to file individual views before the printing of the views of the committee.

Mr. MANSFIELD. Absolutely.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOK. Mr. President, if the Senator is asking whether I would be available and willing to cooperate and help to move the bill to the Calendar, the answer is that I certainly will.

Mr. KENNEDY. Mr. President, on that basis, I withdraw my amendment.

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts is withdrawn.

The bill is open to further amendment.

Mr. DOMINICK. Mr. President, I send an amendment to the desk and ask that it be reported. And I make a parliamentary inquiry as to the time limitation.

The PRESIDING OFFICER. The time limitation on the amendment is 10 minutes to the side.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

> At the end of the bill add a new section as follows:
>
> SEC. — On every national election day, the closing time of the polling places in the several States for the election of electors for President and Vice President of the United States and the election of United States Senators and Representatives shall be as follows: 11 post meridian standard time in the eastern time zone; 10 post meridian standard time in the central time zone; 9 post meridian standard time in the mountain time zone; 8 post meridian standard time in the Pacific time zone; 7 post meridian standard time in the Yukon time zone; 6 post meridian standard time in the Alaska-Hawaii time zone; and 5 post meridian standard time in the Bering time zone. Provided, that the polling places in each of the States shall be open for at least twelve hours.

Mr. DOMINICK. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 4 minutes.

Mr. DOMINICK. Mr. President, this amendment would provide that in national elections, all polls would remain open for at least 12 hours, and would close simultaneously.

By establishing a time for the simul

taneous closing of all polls, this amendment would eliminate the possibility that predictions based on early returns from one area may affect election results in areas where the polls have not closed. There has been increasing concern that computer projections of election results by the electronic media influence the way many votes are cast, and cause people not to vote because they believe the outcome has already been decided.

Mr. President, solving this problem through a uniform closing time for all polls would be better than trying to restrict the flow of information about election returns. I do not think there is any constitutional question about the power of Congress to establish a uniform poll closing time. Article II, section 3, gives Congress the power to "determine the time or choosing the electors" for President and Vice President. Article I, section 4, gives Congress power to regulate the "time, place, and manner of holding" elections for Senators and Representatives, and the Supreme Court has indicated this may apply to presidential elections.

Under this amendment, in Federal elections all polls would close at the same Greenwich mean time across the Nation. They would close at 11 p.m. eastern standard time; 10 p.m. central standard time; 9 p.m. mountain standard time; 8 p.m. Pacific standard time; 7 p.m. Yukon standard time; 6 p.m. Alaska-Hawaii standard time; and 5 p.m. Bering standard time. Since this would require some polls to close earlier than they have in the past, all polls would be required to stay open at least 12 hours.

The idea of providing for a uniform poll closing time was endorsed by the National Governors Conference in 1966. I ask unanimous consent that a copy of the proposal and resolution of the Governors Conference in that regard be included in the Record at this point.

Mr. President, I think this reform merits our consideration. It is relatively noncontroversial and would not be difficult to implement.

There being no objection, the material was ordered to be printed in the Record, as follows:

A PROPOSAL TO ESTABLISH A UNIFORM, SIMULTANEOUS, NATIONWIDE 24-HOUR VOTING DAY IN YEARS OF FEDERAL ELECTIONS

Voting is the most important function in a democracy. Yet, generally speaking, many of our election customs are a throw-back to the days when it took hours and even days to get to the polling booth. By a determined avoidance of improvements we have done little to ease—and much to impede—the voting process.

Among our archaic election customs is adherence to Election Day itself, first designated in 1845 as "the Tuesday next after the first Monday in November." This day was chosen by Congress largely because public sentiment was against traveling on Sunday and it was necessary to allow an entire day and night for many voters to get to the polls.

A second anachronism in the electoral process is the system of widely divergent hours in which the polls are open across the country in federal elections. The polls in the West are open many hours after they are closed in the East. And opening and closing hours vary, not only within time zones, but also within individual states. The system grew without much design or direction as the nation expanded to the Pacific and through four time zones. In our own time we have seen the boundaries of electoral participation extended even further, from West Quoddy in Maine to Attu in Alaska, across six time zones.

In recent years technological progress—particularly in the area of computers and communications—has highlighted the archaic nature of our voting procedures. For example, polling places have traditionally closed early to allow time for counting the votes, but today ballots can be tabulated in a matter of seconds using computer systems. And modern communications permit speedy transmission of returns to collection centers.

Various proposals have been made to bring election day procedures into line with 20th century realities. One appears to meet the test of equity, and of logic, and appears to present no constitutional problems: A common, simultaneous, nationwide, voting day of 24 hours length for federal elections. There is much to recommend that this day also be a national holiday.

The advantages of such a uniform voting period are many:

It would give every qualified voter in the nation the time and the opportunity to vote.

A uniform 24-hour voting day would provide all voters with the identical real-time hours in which to vote; and although the polls would open at different hours in different time zones, the voters of every community in the nation could vote at whatever local time of day or night that was most convenient for them.

It would relieve the pressure in urban and suburban voting districts where long, slow-moving waiting lines have discouraged many voters from casting ballots.

It would put an end to unsupported speculations that reports from one area of the country, with all its polls closed, can affect voting in another area where they are open.

Computers would enable a fast, accurate tally of the national vote immedliately after the polls had closed, and thus do away with the confusion and uncertainty generated by delayed and partial returns.

No constitutional barrier exists to prevent the Congress from instituting a universal, 24-hour voting period. Indeed, Article I of the Constitution specifically gives the Congress the authority to make regulations concerning the holding of elections. Nor has anyone suggested that such a period would not be in the best interests of the voter himself. The only significant argument against it is made in terms of expense.

Against this argument, consider that the United States has the least impressive voting record in federal elections of any democracy in the world. In 1964, only 62 percent of eligible Americans cast a ballot for one of the Presidential candidates. In off-year congressional elections, the record is even worse—less than 50 percent of Americans over 21 vote. In Europe, on the other hand, where uniform, nationwide voting hours are common practice, the percentages range from 87 in Denmark to 72 in France. It is difficult to defend the position that the most affluent democracy with the sorriest voting record cannot afford to keep the polls open for a few additional hours every two years.

Principle aside, there is no real evidence to indicate that costs would rise unreasonably. In recent years election costs have been dramatically reduced in some states through the use of electronic voting systems. For example, Orange County in California spent $235,869 on the June 2, 1964 primary, at which 273,756 ballots were cast and tabulated without the electronic system. On General Election Day, 1964, Orange County used an electronic system encompassing both the voting and counting. The cost, with 416,136 votes cast, was $118,428. The saving here was $117,441—cutting the bill in half, even without allowing for the greatly increased number of votes cast. Actually, the cost per ballot cast declined by over two-thirds, from 90 cents to 28 cents.

Looking ahead, we can anticipate additional savings through the use of the instruments and techniques which science has made possible. In addition, urban polling places may be able to operate on a more efficient basis when voting is spread over a 24-hour period, while polling places in small communities can close after the last registered voter has cast his ballot.

The need for election reforms in many areas is urgent: the Presidential campaign period is too long; residency requirements prevent millions of citizens in our mobile population from casting a vote even in Presidential elections; much of the apparatus we use for registering and counting votes was contrived for another age.

But electoral procedures must be brought into line with the realities of the 20th century. A start must be made. It is the conviction of this conference that a logical and proper place to begin is with the most serious consideration of a biennial national voting holiday during which the polls would be open across the nation for a uniform period of 24 hours.

A RESOLUTION

Whereas it is the sense of the National Governors Conference that the most serious consideration should be given to the proposition that in federal elections the electorate would benefit from the establishment of a "national voting holiday" during which the polls would be open across the nation for a uniform period of 24 hours—that is, regardles of time zone the polls would open simultaneously, and close simultaneously 24 hours later;

Be it resolved that the National Governors Conference forward to the President of the United States the respectful suggestion that he initiate a study, by whatever means he deems appropriate, of the feasibility of instituting a uniform, nationwide, 24-hour voting period for federal elections, and its designation as a biennial national holiday.

As we all know, having watched any number of national elections, we get a prediction almost immediately when the first town in Maine—if I may say that to the distinguished Senator from Maine (Mrs. Smith), who is present—finishes voting, the national networks come on with the news that there were 62 votes in a precinct in a town there, and their computer goes to work and they then predict that a particular candidate is going to sweep the whole country. This gives people who are watching the television information as to how the voters are voting in other States and areas. This amendment would not, in my opinion, work any hardship on anyone. It provides for 12 hours of polling at a minimum, and would require that all polls close simultaneously—11 p.m., eastern standard time.

We have just agreed to an amendment of the Senator from Minnesota that would make election day a holiday. Some of my friends have said that on the eastern seaboard the people would go hunting or to the beaches, depending on where they are. This would give them time to go hunting or to the beaches and still get back in time to vote.

It would seem to me this would be quite helpful. In our area it does not make too much difference. The polls would be open from 9 until 9 in the mountain region, although our hunting season is on, generally speaking, at that time also. The fact that it is an election would still give them time to get back after daylight has gone and they would be able to cast their votes at polls.

The main thing, as I said originally, is to try to do something about reducing the possible effect of computerized projections of election results by the electronic media, the way they influence votes now.

Many people believe, for example, that the die has been cast already. Many people in California, Alaska, Hawaii, and even our State, when the first forecasts come out believe the die is cast. I have talked to quite a few people who said, "I did not bother to go to the polls. I already found out what was going to happen from the forecast of the computers so I did not vote."

Mr. President, this amendment will retain the suspense until the end.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HRUSKA. Mr. President, this bill has for its purpose authorizing appropriations for fiscal year 1973 for the American Bicentennial Commission. Already we have a violation of the idea that we ought to abide by some reasonable limitation insofar as germaneness is concerned. That rule has been violated, in the best judgment of the Senate, by the adoption of the National Election Day Holiday amendment which was approved a while ago.

In view of that fact, this Senator will not object to the entertainment of the amendment of the Senator from Colorado. In fact, because I believe it is meritorious, I will say I would like to see it supported and adopted. I do not feel I am remiss in the mission assigned me as manager of the bill because the rule of germaneness already has been violated and, since it relates to that national holiday, another instance will not make that much difference.

As far as I am concerned, I intend to vote for the amendment.

Mr. DOMINICK. Mr. President, I am sorry, but I was interrupted and I did not have an opportunity to hear some of the comments of the Senator from Nebraska. I gather his objection is based on the fact that it is an amendment to the American Bicentennial Commission bill. Is that correct?

Mr. HRUSKA. I said that the rule of germaneness already has been dispensed with by the adoption of another amendment. To approve another amendment, I feel, would not prejudice the bill. I favor the amendment and I intend to vote for it and support it.

Mr. DOMINICK. I thank the Senator.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter commenting on other portions of the bill which I originally had introduced, which was not reported. The letter is from the president of a prominent radio-television station in Denver, which was formerly Time-Life Broadcast, Inc., and is now McGraw-Hill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TIME-LIFE BROADCAST, INC.,
Denver, Colo., February 8, 1971.

Hon. PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR PETER: In the preceding session of Congress, some mighty strange legislation almost made it into law—saved by the President's veto—and as you know, almost overridden. It was highly discriminatory against the broadcasting media and concerned the expenditures for political campaigns. You heard from me on this and you know I objected basically to the discriminatory part of that unique legislation. Obviously the 92nd Congress will be devoting time and attention towards legislation governing political campaign practices. I want to shut the door before the horse is stolen so I'm writing to you on this subject right now.

CBS has always been a leader in forward thinking in the field of political broadcasting, and our goals and views are much the same as theirs. I note that Dr. Stanton has submitted his suggestions to the leader of both Houses and to the Administration, and one element of that proposal interested me sufficiently that I obtained copies so that I might send them to you herewith.

Attached to this letter is a five point program for election reform, and that is supported by the document to which I thoroughly subscribe.

If Congress feels it feasible to limit campaign expenditures, then limit it *all* and don't discriminate against one medium. Unless it is an overall total limitation the desired end cannot be achieved—and surely this must be obvious.

Concerning the lowest rate available, we already work this way at the KLZ Stations, and we simply repeat as a part of the five point proposal this commercial practice that we have already established.

We have always favored a repeal of Section 315 (equal time). We have been burned pretty badly in the past, and some of you may remember the sorry programs that we had to put on to conform to the equal time provisions. We would much prefer to exercise some sensible judgment and to be able to provide some free time to principal candidates.

To shorten the election campaign is something just about everybody agrees on, I believe. I am sure the candidates find the long campaigns too exhausting and too expensive. I would imagine that the public finds it too exhausting, too. Just about everybody and everything can be served beneficially by shortening the campaign.

The 24-hour holiday with polls opening and closing simultaneously is an interesting idea, and as you will recognize, it would eliminate many of the objections that we hear every election year about early returns effecting the still open polls, ad infinitum. When we remember that the voting takes place from New York to Hawaii which is a time differential of five hours, the 24 idea begins to make more sense. At least we restate it again as an idea worth thinking about.

If we can be of any service in processing any of these ideas, you know we will make ourselves available. Or, whenever you're in Denver let's get together and talk about it some more.

Your understanding, your cooperation, and your positive efforts to work out solution to these problems certainly will be appreciated.

Best personal regards,

HUGH B. TERRY,
President.

A FIVE-POINT PROGRAM FOR ELECTION REFORM

I. Impose whatever conditions on overall total campaign expenditures Congress deems wise and feasible.

II. Require all advertising media to sell political advertising at the lowest rate available to any commercial advertiser for comparable time or space. (We already do this on the KLZ Stations.)

III. Repeal the equal-time provision of the Communications Act (Section 315), thereby providing opportunities for greater contribution of free time by broadcasters and deeper and more arresting treatment of the issues.

IV. Shorten election campaigns.

V. Declare Election Day a national 24-hour holiday, with all polls closing simultaneously.

Mr. DOMINICK. Mr. President, I assure my colleagues I would not have offered this amendment had there not been for the introduction of the amendment by the Senator from Minnesota (Mr. HUMPHREY). I had asked the Committee on the Judiciary to look at it more fully. But since we have this amendment establishing a national holiday on election days adopted by the Senate, we might as well go forward and provide uniform polling times throughout the country. That is the purpose of the amendment. I am ready to yield back the remainder of my time.

Mr. HRUSKA. Mr. President, if there are no further speakers I yield back the remainder of our time.

Mr. DOMINICK. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KENNEDY. Mr. President, I send to the desk an amendment on behalf of myself and the Senator from Alaska (Mr. STEVENS).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

S. 3307

At the end of the bill, insert the following new part:

PART — —VOTER REGISTRATION

SEC. 201. This part may be cited as the "Voter Registration Act of 1972."

SEC. 202. (a) Title 13, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 11—VOTER REGISTRATION

"Sec.
"401. Definitions
"402. Establishment of Voter Registration Administration
"403. Duties and powers
"404. Grants to defray costs of voter registration
"405. Grants to increase voter registration
"406. Grants to modernize voter registration
"407. Grants for voter registration by mail
"408. Grants for increased voter registration
"409. Technical assistance and fraud prevention

"410. Applications for grants
"411. Regulations

"§ 401. Definitions

"As used in this chapter—

"(1) 'Administration' means the Voter Registration Administration;

"(2) 'State' means each State of the United States, and the District of Columbia;

(3) 'election' means any primary, special, general, or other election held for the purpose of nominating or electing candidates for any public office, including any election held for the purpose of expressing a preference for the nomination of individuals for election to the office of President or Vice President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention; and

"(4) 'grant' means, grant, contract, or other appropriate financial arrangement.

"§ 402. Establishment of Voter Registration Administration

"(a) There is established within the Bureau of the Census, Department of Commerce, the Voter Registration Administration.

"(b) The President shall appoint, by and with the advice and consent of the Senate, and Administrator and two Associate Administrators for terms of four years each, who may continue in office until a successor is qualified. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be members of the same political party.

"(c) Except as otherwise provided, the Director of the Bureau of the Census, until such time as the members of the Administration are appointed, is authorized to exercise the duties and powers of the Administration created and established by this chapter.

"§ 403. Duties and Powers

"(a) The Administration shall—

"(1) make grants, in accord with the provisions of this chapter, upon the request of State and local officials, to States and political subdivisions thereof concerning voter registration and elections;

"(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States;

"(3) obtain such facilities and supplies, and appoint and fix the pay of such officers and employees, as may be necessary to carry out the purpose of this chapter;

"(4) prepare and submit to the President and the Congress immediately following each biennial general Federal election a report on the activities of the Administration and on voter registration and elections generally in the United States; and

"(5) take such other actions as it deems necessary and proper to carry out its duties and powers under this chapter.

"(b) The Administration shall not publish or disclose any information which permits the identification of individual voters.

"§ 404. Grants to defray costs of voter registration.

The Administration is authorized to make grants to any State or political subdivision thereof for the purpose of carrying out voter registration procedures. A grant made under this section shall be equal to 10 cents for each eligible voter in the State or political subdivision thereof receiving the grant.

"§ 405. Grants to increase voter registration.

"(a) To assist States and political subdivisions thereof to increase voter registration activities, the Administration is authorized to make grants to any State or political subdivision thereof which establishes and carries out a program to increase the number of registered voters. Such a program may include—

"(1) expanded registration hours;

"(2) the use of mobile registration facilities;

"(3) the use of deputy registrars;

"(4) the conduct of public information activities with respect to voter registration; and

"(5) other activities designed to increase voter registration and approved by the Administration.

"(b) A grant made under this subsection shall be equal to 50 per cent of the fair and reasonable cost, as determined by the Administration, of establishing and carrying out such a program. A grant made under this section to a State of subdivision shall not be in excess of $100,000.

"§ 406. Grants to modernize voter registration

"To assist States and political subdivisions thereof to modernize their voter registration procedures, the Administration is authorized to make grants to any State or political subdivision thereof for planning, evaluating, and designing a system of voter registration utilizing electronic data processing or other appropriate procedures. A grant made under this section shall not be in excess of one-half cent for each eligible voter in the State or subdivision receiving the grant, or $15,000, whichever is greater.

"§ 407. Grants for voter registration by mail

"The Administration is authorized to make grants to any State or political subdivision thereof to carry out a program of voter registration-by-mail system. Forms available for section shall be equal to the fair and reasonable cost, as determined by the Administration, of establishing and operating a registration-by-mail system. Forms available for registration by mail shall conform to such regulations as the Administration may prescribe, and shall be widely available for distribution in post offices and other public locations, and for distribution by private individuals and organizations.

"§ 408. Grants for increased voter registration

"(a) To encourage States and the political subdivisions thereof to expand their voter registration efforts, the Administration is authorized to make grants to each governmental unit (whether a State or a political subdivision thereof) which increases the number of eligible voters who are registered. The amount of a grant shall be equal to $1.00 multiplied by the number of voters registered who were not registered at the time of the most recent general election held under the jurisdiction of such governmental unit.

"(b) No grant shall be made under this section to the government of any State on account of increased registration carried out by political subdivisions of that State without assistance from the State government. No grant shall be made under this section to a political subdivision of any State for increased registration carried out by the government of that State.

"§ 409. Technical assistance and fraud prevention

"The Administration is authorized to provide technical assistance, including assistance in developing programs for the prevention and control of fraud, to any State or political subdivision thereof for improving voter registration and voter participation. Such assistance shall be made available at the request of States and political subdivisions thereof, to the extent practicable and consistent with the provisions of this chapter.

"§ 410. Applications for grants

"Grants authorized by section 404, 405, 406, 407, or 408, of this chapter may be made only upon application to the Administration at such time or times and containing such information as the Administration may prescribe. The Administration shall explain the grant programs to each State or local election official, or officials, and shall offer to prepare, upon request, applications for such grants. No application shall be approved unless it—

"(a) demonstrates, to the satisfaction of the Administration, that the applicant has primary responsibility for registering voters within its jurisdiction;

"(b) sets forth the authority for the grant under this chapter;

"(c) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this chapter, and provides for making available to the Administration, for purposes of audit and examination, books, documents, papers, and records related to any funds received under this chapter; and

"(d) provides for making such reports, in such form and containing such information, as the Administration may reasonably require to carry out its functions under this chapter, for keeping such records, and for affording such access thereto as the Administration may find necessary to assure the correctness and verification of such reports.

"§ 411. Regulations

"The Administration is authorized to issue such rules and regulations as may be necessary or appropriate to carry out the provisions of this chapter.".

(b) The table of chapters of title 13, United States Code, is amended by adding at the end thereof the following:

"11. Voter Registration_______________ 401".

SEC. 203. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(132) Administrator and Associate Administrators (2), Voter Registration Administration, Bureau of the Census.".

SEC. 204. The Administration is authorized to carry out a study of voter registration procedures in the States and political subdivisions thereof in connection with elections held in 1972 subsequent to the date of enactment of this Act. The Administration shall report the results of such study to the Congress by March 31, 1973, including recommendations for such additional legislation as may be appropriate.

SEC. 205. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, this amendment very closely follows the matters which have been considered earlier this afternoon in the Senate to make election day a national holiday and to provide some uniformity in polling places around the country.

Along with these amendments designed to facilitate the actual process of voting on election day itself, there is also an urgent need to upgrade our procedures for voter registration.

I do not think we could have a finer celebration in 1976 to honor the founding of this country than to insure the greatest possible opportunity for all citizens of this Nation to participate in the election system. Yet, long after any rationale for their existence has disappeared, we have allowed the persistence of intolerable barriers to voter registration.

The purpose of the amendment is to establish a modest voluntary program of Federal financial assistance to aid State and local governments in carrying out their existing voter registration programs. The amendment also contains financial incentives to encourage State and local governments to modernize their registration procedures, and additional incentives keyed to the success of registration programs in the enrollment of previously unregistered voters.

For a nation that likes to call itself the greatest democracy in the history of the world, the present system of voter registration in America is a national scandal. Of all the fundamental rights that Americans hold dear, the way we exercise the right to vote is the one we have neglected most.

Time and again, we have fought to extend the franchise, in order to insure that every citizen has the right to share in the political life of the Nation through participation at the polls.

But after every milestone, we always rested on our laurels. We left the job half done. For millions of Americans, the right to vote they had newly won was a thing they could admire, but never use.

And registration was the villain. For generations—indeed, throughout the 20th century—every American who sought to exercise his right to vote has had to run a gauntlet of arbitrary, unfair, and obsolete requirements of voter registration. Confronted by such requirements, millions of potential voters fall by the wayside at each election, and millions more refuse to even try.

And when I say millions, I mean millions. Take the figures for presidential elections, the elections in which Americans traditionally have the strongest incentive to participate. In the election of 1960, 39 million eligible American voters failed to go to the polls. In 1964, the figure rose to 43 million. In 1968, it rose to 47 million. By 1972, if the trend continues, there will be 56 million Americans who do not vote.

If any single figure has come to symbolize the crisis of voter turnout in America, it is the figure for 1968—47 million lost voters. Of the 120 million potential voters in the presidential election that year, only 73 million—or 61 percent—actually went to the polls. Forty-seven million people stayed home, at a time when the candidates of the two major parties were receiving only 31 million votes each.

The cause is not far to seek. Study after study in recent years has demonstrated that the heart of the problem is our archaic system of voter registration. It is no accident that the sharp decline in voter turnout at the beginning of the 20th century coincided precisely with the advent of voter registration legislation.

In almost every other sphere in which governments now operate—at the Federal, State, or local level—they use the tools of the modern world, especially in the area of communications with the people. If governments collected taxes the way they register voters today, they would be so bankrupt that neither revenue sharing nor the value-added tax could bail them out. Why is it that Americans pay their taxes by mail, when they still have to register to vote by methods as obsolete as the Pony Express or the Model T?

Last March on the Senate floor, by the narrow margin of 46 to 42, the Senate killed perhaps the most promising Federal voter registration legislation ever proposed. S. 2574, the National Voter Registration Act sponsored by Senator Gale McGee, of Wyoming, would have accomplished two highly significant reforms in the area of voting—it would have allowed citizens to register by post card, and it would have reduced State and local residence requirements for voting to 30 days.

Thanks to the far-reaching decision of the Supreme Court in Dunn against Blumfield earlier this spring, the problem of burdensome residence restrictions on voting has largely been resolved. In effect, a major portion of S. 2574, although killed by the Senate, has now been "passed" by the Supreme Court.

The only substantial objection raised against the Court's decision was the fear, expressed by a number of election officials, that State and local registrars would be under a heavy burden to comply with the tide of new applications for registration expected to flow from the decision. In part, the fear is strengthened by the strong implication in the Court's decision that no State may close its registration books earlier than 30 days before an election.

Thus, the Court's ruling is an invitation to Congress to provide assistance to the States in meeting their new constitutional obligations, and that is the purpose of the amendment I am introducing today.

The amendment contains the following principal provisions:

First, it offers to make "basic" grants to States and local governments to defray the cost of carrying out their existing voter registration programs. Grants may be equal to 10 cents a vote for each eligible voter in the election unit. Through this provision, the amendment offers direct and immediate financial assistance to local registrars hard pressed to carry out their current duties.

Second, the amendment offers to pay 50 percent of the cost of expanded voter registration activities by any governmental unit, up to a maximum grant of $100,000 for any unit. Grants under this provision may be used to subsidize such programs as mobile registrars, deputy registrars, and extended registration hours.

Third, the amendment offers grants to pay the full cost of planning computerized voter registration procedures, up to a maximum grant of one-half cent for each eligible voter in the election unit or $15,000, whichever is greater.

Fourth, the amendment offers grants to pay the full cost of adopting programs of voter registration by mail.

Fifth, the amendment provides incentives for increased registration by offering grants of $1 for each new voter registered, as compared to the most recent general election in the jurisdiction receiving the grant.

In addition, the bill offers technical assistance to States and local governments to improve their registration procedures, including assistance in developing programs for the prevention and control of fraud. By this provision, innovative approaches to registration developed in any part of the Nation will be made available to all jurisdictions, and nationwide improvements will be facilitated.

To carry out the financial assistance program proposed by the amendment, a new agency—a bipartisan Voter Registration Administration—would be established in the Census Bureau. The Bureau already has extensive expertise in developing election data and in related voting programs. By building on the foundation now available, it should be possible to launch the proposed new program in time to make significant assistance available for the 1972 elections.

To me, voter registration is the key to voter turnout. In America today, the real obstacles in the path to the ballot box are the barriers imposed by the archaic and unreasonable voter registration procedures now used in virtually every State.

We know that Americans who are registered are Americans who vote. Across the Nation, the momentum is building to reform our obsolete registration procedures—S. 2574 was a near miss. I believe that, pending the enactment of the more comprehensive sort of a program envisaged by S. 2574, we have an obligation to assist the States in whatever way we can to meet the burden imposed by the Supreme Court's decision in the Dunn case, and to offer as much help as we can to encourage the voters of America to register. The cost is small, and the rewards to our democratic system will be enormous.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. KENNEDY. I yield myself another minute and a half.

I do not think I have to review again the dismal statistics about the millions of Americans who today are denied the right to participate in elections because they are not registered. We are a highly mobile society. More and more people are moving across the country.

This amendment would enable the States to adopt effective contemporary procedures to deal with what has become an enormous and mushrooming national problem. The amendment would make the States themselves the primary vehicle for this program. It is an entirely voluntary Federal program, unlike the mandatory program we considered on the Senate floor last March. It would help and assist States and local communities to upgrade their machinery and procedures for registration.

I reserve the remainder of my time.

Mr. HRUSKA. Mr. President, I rise to oppose the amendment.

The two amendments already debated, for a national election holiday and for closing and opening of polls, are relatively simple. They are relatively easy to understand. Many of us have an idea as to whether we are for or against such a simple proposition.

The amendment up now is not that simple. It is very extensive. It ventures into those areas which have been pretty much, except for constitutional amendments, left to the discretion and regulation of the several States.

This is an extensive proposal. It provides for an administration. It provides for various types of grants. It is not what one would normally conceive as being a simple bill, readily understandable, although its objectives are good.

The Senator from Massachusetts paints a very rosy picture. I do submit the place to submit that picture and start the processing of this measure is in a proper committee. That is where it should go, and then it should come here.

We acted on another aspect of this bill—perhaps the entire bill; I do not recall—when there was a motion to table the voter registration bill, and perhaps the one we tabled incorporated the provisions of this bill. That occurred on March 15 of this year.

Again, we are engaging in an exercise believed to be not highly regarded in the other body, because it does not pertain to the main part of the bill.

Second, we are penalizing the members of the Bicentennial Commission by loading the bill down this way.

Next, it is not fair to the Members of the Senate to be confronted with voting on a measure which they would like to vote for on its merits, but we have 10 minutes on each side, and we are asked to pass on the merits of a measure this big and this extensive.

I hope the amendment will be defeated.

I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

The first point I want to stress is that this amendment establishes a completely voluntary program. If there are any States that want to participate in this program, they can take advantage of it. If they do not want to participate, they do not have to take advantage of the program.

Unlike the bill before the Senate last March, which was a mandatory national program, this amendment proposes a completely voluntary procedure. It is up to the States themselves to decide whether they want to participate.

Second, this amendment is revenue sharing in an area which is of the greatest importance to our Nation. We have to do a better job of bringing people into the system, of helping the States offset some of their costs in trying to register voters. I think all of us understand the extraordinary financial hardships faced by many of the States. They simply do not have the resources to do what they would like to do in the area of voter registration. This measure will provide some relief.

It is a voluntary program. It is to bring people into greater participation in the most important aspect of our system and that is voting. There is a crucial and critical need for such assistance.

Time and time again, these issues have been thoroughly discussed and debated in Committee on Post Office and Civil Service, and here on the Senate floor. Every Member of the Senate is familiar with this issue, and I hope we will be able to get favorable action on the amendment.

I reserve the remainder of my time.

Mr. DOMINICK. Mr. President, will the Senator yield me 2 minutes?

Mr. HRUSKA. Mr. President, I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I rise in opposition to this amendment, partly for the reasons that were stated by the Senator from Nebraska, but, more specifically, because of some of the provisions which are provided for in the bill, not the least of which is the so-called bonus of a dollar given to someone that is staying on the political subdivision for each new person he registers. This is the most extraordinary method for practicing fraud that I can think of. If one can register, as has been done in some States and in some areas, every graveyard that happens to be around the city, he can get an extra buck. This proposal could open the graveyards of many cities and counties, on that provision alone.

The other point that ought to be called to the attention of my colleagues is the definition of election year. It refers apparently not only to national elections in November, but to primary, special, general, or other elections. It could take in county and other elections, as far as I can see, except for the possibly restraining language at the bottom of that paragraph which says:

> President or Vice President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus—

I do not see how we could get a primary or special election into that type of election. So it does not fit together.

I could go on with some other provisions which I have picked up by glancing at the amendment in a very hurried manner, but I certainly hope we will not agree to this amendment on this bill, because we would have difficulty getting the bill through conference.

Mr. President, I ask unanimous consent that a statement I prepared in opposition to the voter registration bill, which was pending on the calendar last year, be inserted in the Record at this point. It addresses many of the issues which are raised by the amendment we are considering now.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR DOMINICK

Mr. President, I am opposed to this bill on several grounds. First, the assumption on which it is based—that increased registration means increased voter turnout—is arguable, at best. Apathy, not registration procedures, is the primary reason for failure to vote. A Bureau of Census survey after the 1968 election indicates that 53% of those who failed to register did so because of disinterest, distaste for politics, etc. It is true that 89% of those who registered in 1968 also voted. But, since most of those who registered were required to do so in person, this is not evidence, as the proponents of this bill contend, that a system permitting registration by mail will increase voting rates. The correlation is not simply between registration and voting; it is between registering in person and voting in person. In short, those who are sufficiently interested to register in person will also have sufficient interest to cast their vote in person. This analysis is supported by 1968 election statistics showing that voter turnouts in states with so-called "universal enrollment plans" were not significantly higher than the national average. So, until we go to a system where votes are also cast by mail, or by telephone or electronically, I don't think registration by mail is going to significantly increase voter participation. This view is shared by the American Civil Liberties Union, which presented testimony before the Committee on this bill.

To be sure, registration procedures should not be unduly restrictive. Everyone who wants to register should be able to do so conveniently. To that end, legislation requiring that registration offices stay open evenings and on Saturdays would be useful. The same applies to voting procedures. Legislation establishing a national holiday for federal elections would go much further toward increasing voter participation than this legislation. Moreover, since there is a clearly demonstrable high correlation between voting rates and educational levels, the estimated $120 million which this bill would cost annually could be better spent upgrading the quality of education in our schools. Only education can reduce the apathy which is responsible for poor voter participation. In the words of President Kennedy's Commission on Registration and Voting Participation:

> We must face the fact that our schools are not doing the job. The teaching of citizenship in our elementary and secondary schools needs a major overhaul. American education has placed too little emphasis on subject matter that will provide a broad understanding of our system of government. The school child tends to be taught social studies passively. He is not shown in a meaningful way how he as a person relates to his world. His responsibilities as a citizen in a free society are not made clear. It is small wonder that we are a nation of cynics when it comes to our politics.

If we are really interested in increasing voter participation, we should be trying to deal with this basic educational problem, rather than wasting our time and the taxpayers' money on an expensive plan for registration by mail.

This bill would inject the Federal Government into election mechanics, and will predictably lead to federal control of all elections—federal, state and local. The basic scheme of the Constitution is to leave voting qualifications and procedures to the states, and Congress has traditionally recognized this. The Federal Government has gotten involved in election procedures only to the extent necessary to enforce constitutional rights. No one contends that this bill is directed to that purpose. It is simply another manifestation of the doctrine that the best solution to any problem—in this case, voter participation—is through establishment of another large federal bureaucracy.

Since there is abundant evidence that this doctrine is mistaken, we should now be increasing, not decreasing, the responsibilities of the states with regard to all aspects of government—including elections.

Whatever desirable influence this legislation might have on voter participation would be far outweighed by its undesirable encouragement of election fraud. It doesn't take much imagination to see the opportunities for double and multiple registration, as well as registration in fictitious names. Forms would be mailed to individual addresses, and would be available in bulk at Post Offices. Anyone who fills out a form—or forms—is eligible to vote when it is returned to him. Under the bill, registration would be required to stay open at least until 30 days before the election. In some states, it stays open until as little as 10 days before the election. This means in many cases election officials will have inadequate time to check registration lists to verify that residency as well as other state voting requirements are met.

State registration laws arose as a means of preventing election fraud, and are based on the assumption that registration in person is the best deterrent. The relatively minimal occurrences of this type of election fraud since registration laws became prevalent around the turn of the century pretty well demonstrates the validity of that assumption. By abrogating state registration laws and eliminating the requirement that registrants personally appear before a voter registrar, this legislation would in effect require the Federal Government to become a party to registration fraud.

The provisions in the bill for prevention of fraud are inadequate. The National Voter Registration Administration is authorized to help prevent fraud, but can do so only at the invitation of state or local election officials. This protection is of course meaningless in a situation where the state or local official is involved in the fraud. Again, since there would be at most 30 days between close of registration and the election, there would not be adequate time to investigate and take effective action against registration fraud.

Finally, Mr. President, from an administrative standpoint, this is a bad bill and it comes up at the worst possible time. It would place a crushing burden on state and local election officials throughout the country. Further, it would place our election processes in chaos on the eve of the 1972 elections.

Mr. President, I would remind my colleagues that state legislatures and election officials already face a very heavy burden in conducting this year's elections as the result of our passage of the Voting Rights Act Amendments of 1970 (P.L. 91–285).

That Act necessitated extensive changes in the election laws and procedures in each state. Most of the states are still in the process of making those changes. This bill would impose new, and in part inconsistent, Federal requirements on election officials who are still struggling with those we imposed in 1970.

To illustrate the complexity of the 1970 amendments, I quote from a memorandum prepared by the Department of Justice last year for all the State Governors and Secretaries of State:

MEMORANDUM OF DEPARTMENT OF JUSTICE

The Voting Rights Act Amendments of 1970 amended the Voting Rights Act of 1965 in a number of respects. Suits involving the constitutionality of certain of the new provisions—that is, section 201 which suspended the use of literacy and similar tests in all states or counties not subject to suspension under the 1965 Act; section 202 which dealt with residency, absentee registration and absentee voting in presidential elections; and section 302 which prescribed minimum voting age—were brought in the Supreme Court and were decided by the Court in December 1970. *Oregon* v. *Mitchell*, 400 U.S. 112.

This memorandum discusses the above statutory provisions, with primary emphasis on sections 202 and 302, in light of the Court's decision.

A. NATIONWIDE SUSPENSION OF LITERACY AND OTHER TESTS

The Supreme Court was unanimous in upholding section 201 (42 U.S.C.A. 1973aa) which suspends until August 6, 1975, the use of literacy or similar tests in any state or county not subject to suspension by virtue of section 4(a) of the Act as amended. The prohibition applies to all federal, state and local elections.

It should be noted that, in addition to suspending any "test or device" as such, section 201 may extend to other provisions and practices which have the effect of preventing illiterates from voting although the effect may be indirect (e.g., failure to permit assistance to illiterate voters or registrants). Thus, to the extent that it has not already been done, it would seem proper for registration and election officials even in states which do not maintain a "test or device" to review their laws and to cease applying any provision whose practical effect is to prevent registration or voting by persons unable to read and write.

B. DURATIONAL RESIDENCY REQUIREMENTS AND ABSENTEE VOTING IN PRESIDENTIAL ELECTIONS

The Supreme Court also upheld the constitutionality of section 202 (42 U.S.C.A. 1973aa-1) which eliminates durational residency requirements as a precondition for voting for presidential electors and prescribes standards for absentee registration and absentee voting in such presidential elections.

The provisions of section 202 are intended to broaden the opportunity of otherwise qualified residents of a state to vote for President and Vice President (that is, presidential electors). The terms of the statute and its legislative history indicate that it does not apply to presidential primaries or to such processes as selection of national convention delegates. Nor does it apply to election of members of Congress.

Since any otherwise qualified resident of a state, who is at least 18 years of age, is eligible to vote in any federal election, such persons are entitled to the benefits of section 202 insofar as voting for President and Vice President is concerned.

The provisions of section 202, as explained below, pertain not only to (1) persons who move from one state to another but also to (2) persons who move within a state and (3) residents of long standing who have not complied with the state's general requirements for voter registration.

In general, in order to vote in a state or political subdivision in a presidential election, a person must be a bona fide resident of that state or political subdivision; the only exception to this rule is that in certain limited circumstances, former residents of a state or a political subdivision are to be permitted to vote for President and Vice President.

Elimination of durational residency requirements

The statute in effect distinguishes between durational residency requirements (e.g., one year in the state, 6 months in the county) and provisions concerning the time that registration books are open. Requirements of the former type are rendered unenforceable with respect to presidential elections. See § 202(c), 42 U.S.C.A. 1973aa-1(c). In regard to the period when registration (or other means of qualification) is to be permitted, the statute provides that applications must be accepted up to the 30th day before the presidential election. See § 202(d), 42 U.S.C.A. 1973aa-1(d).

Thus, any otherwise qualified person who establishes residence in a new state at least 30 days before a presidential election and who applies for registration by that time is eligible to vote there for presidential electors. Similarly, any otherwise qualified resident of a state who moves to a different city, county or precinct (or other political subdivision) within the state at least 30 days before such an election is eligible to vote at his new location for presidential electors.

Finally, any resident of a state who meets the qualifications for voting except that he has not complied with a general registration deadline (which falls more than 30 days before a presidential election) must be permitted to register to vote for presidential electors up until the 30th day before the election.

A different provision deals with persons who change their residence after the 30th day before a presidential election. See § 202 (e), 42 U.S.C.A. 1973aa–1(e). When an individual moves to a new state or political subdivision within 30 days of such an election, the place where he will be eligible to vote depends upon the registration deadline applicable to voting for President and Vice President in the new location. If that deadline permits registration within the 30-day period and the individual is able to meet the deadline, he must vote at the new location.

However, if he is unable to register in his new residence because of the time of his move, the place in which he formerly resided (whether his move was to a new state or within the same state) must permit him to vote for presidential electors, as long as he had satisfied the qualifications to vote in his former location as of the time of his move. He may return to vote in person at the polling place where he would have voted if he had not changed his residence or, if he meets the absentee voting requirements of that place (other than requirements regarding current residency and the reason for absence) he may vote by absentee ballot in the election unit of his former residence.

Absentee balloting and absentee registration in regard to presidential elections

Under section 202, each state must provide that any otherwise qualified person who expects to be away from his election district on election day (and who complies with the applicable time requirements) may vote by absentee ballot. See § 202(d), 42 U.S.C.A. 1973 aa–1(d). Accordingly, state laws which restrict availability of absentee ballots to certain classes of citizens or persons absent for particular reasons may not be enforced with respect to voting for President and Vice President.

Section 202 requires that each state provide that an application for an absentee ballot in a presidential election may be made as late as the 7th day before the election and that such a ballot may be returned up to the time the polls are closed. Any state law which is less restrictive than the standards required by section 202 may be implemented, but no law which is more restrictive may be enforced with regard to presidential elections.

Anyone otherwise qualified to vote by absentee ballot for President and Vice President must be given the opportunity, if necessary, to register absentee. See § 202(f), 42 U.S.C.A. 1973aa–1(f). The absentee voting and absentee registration provisions, as well as provisions setting a maximum of 30 days before an election for registration deadlines, apply to all voters, whether they have moved to a new state, moved within a state or simply remain at the same address and wish to take advantage of the special procedures for presidential elections.

Implementation

Implementation of the new law may create a need for special procedures to prevent fraud or other improper voting practices. For example, a system of cross-checking with other registration units within the state and in other states could provide a means of guarding against double registration. In general, the mechanics of implementing the federal law will be a matter for each state to determine in the light of its elections system as a whole.

As noted previously, section 202 relates only to elections for President and Vice President and its provisions set forth minimum standards concerning registration and voting procedures. Any state may elect to continue or institute less restrictive standards.

C. VOTING AGE

With regard to the constitutionality of the provision reducing voting age to 18 (section 302, 42 U.S.C.A. 1973bb–1), the members of the Supreme Court differed. The result of the several opinions was to uphold the statute with respect to "federal elections," but to hold it invalid with respect to state and local elections.

It seems clear from the pertinent opinion that otherwise qualified persons, 18 years of age or older, must be permitted to vote for presidential electors and for members of Congress. Also, it would appear that such persons are eligible to vote in primaries which select candidates for the Senate or House of Representatives. (It should be noted that, as adopted by Congress, section 302 applied to voting "in any primray or in any election.")

Somewhat different issues are presented by presidential primaries and nomination of presidential candidates, matters not dealt with expressly by the Court. In view of such factors as the great variation from state to state regarding presidential nomination and selection of national convention delegates, the Department of Justice will not attempt to issue any definitive guideline concerning participation by 18-year-olds. From the standpoint of the Department's law enforcement policy, a distinction will be made between presidential primaries in the traditional sense and other processes such as party conventions and caucuses. Regarding the primaries, it would appear that in general section 302 as sustained by the Court is applicable. As to the other processes, we believe that the matter can most appropriately be resolved at the state level.

Other questions have been raised concerning the procedural or mechanical aspects of voting by 19-year-olds in "federal" elections and primaries. These are questions which we feel can best be determined by state officials.

Mr. President, it is obvious that election officials will have a difficult task in meeting all of these requirements in this year's election. This bill would compound that difficulty by adding a dual registration scheme for all Federal elections. That in itself is bad enough, but this bill is deficient in the additional respect that it is inconsistent with the 1970 Amendments.

For example, section 404(a) establishes a 30 day durational residency requirement in all Federal elections. The Voting Rights Act Amendments of 1970 abolished all durational residency requirements in Presidential elections. Section 202 of that law reads in part:

"The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections—

(1) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;

(2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;

(3) denies or abridges the privileges and immunities guaranteed to the citizens of each State under article IV, section 2, clause 1, of the Constitution;

'(4) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such officers because of the way they may vote;

'(5) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment; and

'(6) Does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

'(b) Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the fourteenth amendment, it is necessary (1) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (2) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

'(c) No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election."

Mr. President, I think we can safely assume that the constitutional rights which were being abridged prior to the 1970 Act are still in the Constitution. If a durational residency requirement was wrong then, it is wrong now. It is not surprising that this bill contains inconsistencies. It was poorly conceived and hastily considered—one markup session of less than one hour—by a Committee which traditionally has not had jurisdiction over voting legislation, and therefore, with all due respect, has little expertise in that area.

We cannot and should not expect that orderly elections can be conducted under confusing, eleventh-hour mandates. I am opposed to this bill.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

This program is described as a voluntary program, perfectly harmless and perfectly beneficial to good citizenship, and fine, sound government.

Already the Senator from Colorado has picked two points which are very interesting. They would be pursued in great depth if they were subjects before a committee, particularly after testimony had been given and persons had an opportunity to testify on them. So it is a measure that is entitled to proper consideration at the hands of a committee and processing therein.

In my opinion, the Senate would be derelict if it chose to act in this summary, highly irregular fashion. The bill, S. 3307, before us is to provide the Commission with means to make preparation for the Bicentennial Celebration, to move forward with that program, and it is a fine program. Here we are having that Commission operate on a continuing resolution. It cannot go ahead and get the momentum for many items which require leadtime in order for the Commission to pursue its plans for the celebration. We cannot have an amendment on the floor in due time asking that the celebration be done in 1977 or 1978. If anyone is bidding for that kind of amendment, I just think it should be reconsidered. We ought to get on with the business of the day and cut out or reject any other types of amendments like this, especially when they are of this depth and of this extent.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the fraud issue is a red herring. There are ample provisions under title 18 of the United States Code to prosecute individuals for fraud. 18 U.S.C. 1001, for example, provides severe penalties for fraud—a $10,000 fine or 5 years in prison, or both. The issue of fraud under this amendment is no different from the issue in any other Federal grant program. Anyone who is guilty of fraud can be prosecuted, as he should be, and the appropriate provisions in existing law are all that are necessary to deal with any possible fraud.

Mr. President, we cannot get around the fact that of all the industrialized nations in the world, we are the poorest in encouraging our people to vote or participate in the system. And one of the key causes of our poor voter turnout is the barriers that have been raised against registering voters. If the present pattern continues, it is estimated that more than 56 million otherwise eligible voters will not participate in the coming elections. In the overwhelming majority of cases, they fail to vote because they are not registered. I think we ought to encourage them to participate in the system. Let the political parties go out and make their appeal to the judgment of the American people. Let all the people vote.

I have no fear of bringing people into the system. I think democracy has something to fear only when we keep people out.

This is a voluntary financial assistance program to the States and local communities. If the States and communities want to participate, they can. They are not required to do so. By bringing people into the system, I think we will strengthen our entire system, and I hope the amendment will be agreed to.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, will the Senator from Nebraska yield me 1 minute?

Mr. HRUSKA. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nebraska has 3 minutes remaining.

Mr. HRUSKA. I yield the Senator 2 minutes.

Mr. DOMINICK. I express my appreciation to the Senator from Nebraska.

I think again, after scanning this amendment, that it is worthwhile pointing out that, in violation of the customary rules of the Senate, there is an open-ended appropriation at the end of it. We do not have any idea how much this may cost. As far as I know, there have been no figures presented by the Senator from Massachusetts. It just simply says there are authorized to be appropriated such sums as may be necessary.

So far as I am concerned, I have never voted for any kind of bill, whether I favored it or not, that had an open-ended appropriation, because it is the responsibility of Congress to tell the people of this country how much a particular piece of legislation will cost them. This is not money just printed on the printing press, much as some of my friends may like to think it is. This is money from the funds of the American taxpayers. As for me, I am not going to vote for any bill with an open-ended appropriation of this kind.

Mr. KENNEDY. Mr. President, if the Senator from Colorado will examine carefully the different sections of the bill, he will see the projected costs are carefully limited. With full participation in every State in every program in the bill, I estimate that the overall cost would be in the range of $75 million to $150 million in every presidential election year. That's no more than $40 million a year on the average. I share the Senator's general reluctance to enact open-ended authorization bills, but this is not a case where that general rule applies. And, as the Senator is aware, the Appropriations Committee will obviously have to specify a particular funding level for the program.

I think that these funds would be one of the best investments America could make. If we compare this with our total Federal budget of more than $200 billion a year, this amendment is a very small investment to help insure that the American system functions properly. It is not too much to pay every 4 years to make our system work.

I am proud to have the Senator from Alaska as the cosponsor of this amendment, and I hope the Senate will accept it.

Mr. STEVENS. Mr. President, this next November approximately 140 million Americans will be of voting age. Of these, about 25.6 million will be voting for the first time in a presidential election. This will be the first time they will have been eligible to vote for President. These are the young voters from 18 to 25.

There are two major reasons: First, the great postwar baby boom, those born from 1947–54; second, the recent Federal law lowering the voting age to 18.

In 1968 approximately 73 million Americans voted, about 61 percent of the voting-age population. If only the same percentage voted in 1972 this would mean about 85.4 million voters, an increase of 12.4 million people.

The recent Supreme Court decision in Dunn against Blumfield significantly shortened durational residency voting requirements in all elections, so more than 12.4 million new people must be registered, particularly the people who have moved and must now be reregistered. These are not "new voters" at all.

Even those States such as mine of Alaska, which have had postcard registration procedures for years, will be financially burdened this year because of these developments. Procedures and laws must be modified. And the major burdens, financial as well as procedural, will fall on the States.

I foresee great, if not insurmountable, problems for the States if they must meet these difficulties without Federal assistance.

For this reason, the Federal Government must assist the States to insure that all eligible Americans who desire to do so are registered to vote.

The Kennedy-Stevens amendment will provide the authorization. It authorizes "basic grants" to pay the cost of existing voter-registration programs; additional "incentive grants" for increase in voter registration; "planning grants" to pay the full cost of studies to modernize voter registration, such as computer techniques; the full cost of postcard registration for any jurisdiction that registers by postcard; technical assistance to States and local governments to improve their registration procedures, including fraud prevention; and a new Voter Registration Assistance Administration in the Census Bureau to administer the program.

Congress must, I feel, act promptly if we are to assure that the new guidelines for voter registration are met. Subject only to the particular problems of registration, each voter should be given the assurance his or her vote will be counted. Registration is a means to decrease delays at the polls and increase the voter's awareness of the importance of this basic privilege of our democracy.

The PRESIDING OFFICER. The Senator from Nebraska has 1 minute remaining. Who yields time?

Mr. HRUSKA. I am prepared to yield back the remainder of my time.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. There is no time remaining to the Senator from Massachusetts.

Mr. KENNEDY. Is there any time on the bill itself?

The PRESIDING OFFICER. There is no transferable time.

The question is on agreeing to the amendment of the Senator from Massachusetts. On this question, the yeas and nays have been ordered——

Mr. KENNEDY. The Senator from Alaska is a cosponsor; I believe it is the Kennedy-Stevens amendment.

The PRESIDING OFFICER. Without objection, his name will be added as a cosponsor.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mrs. Edwards), the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. Ribicoff), the Senator from South Dakota (Mr. McGovern), the Senator from Louisiana (Mrs. Edwards) and the Senator from Rhode Island (Mr. Pell) would each vote "yea."

On this vote, the Senator from West Virginia (Mr. Randolph) is paired with the Senator from Georgia (Mr. Gambrell). If present and voting, the Senator from West Virginia would vote "yea" and the Senator from Georgia would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater) and the Senator from Oregon (Mr. Hatfield) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Utah (Mr. Bennett) is detained on official business.

If present and voting, the Senator from Oregon (Mr. Hatfield) would vote "nay."

The result was announced—yeas 40, nays 45, as follows:

[No. 366 Leg.]

YEAS—40

Anderson
Bayh
Bentsen
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cranston
Eagleton
Harris
Hart
Hartke
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Proxmire
Schweiker
Spong
Stevens
Stevenson
Symington
Tunney
Williams

NAYS—45

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bible
Boggs
Brock
Buckley
Byrd, Harry F., Jr.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Mathias
McClellan
Miller
Packwood
Pearson
Percy
Roth
Saxbe
Scott
Smith
Sparkman
Stafford
Stennis
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—15

Bennett
Eastland
Edwards
Fulbright
Gambrell
Goldwater
Gravel
Hatfield
McGee
McGovern
McIntyre
Mundt
Pell
Randolph
Ribicoff

So Mr. Kennedy's amendment was rejected.

Mr. HRUSKA. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. ALLOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Several Senators. Third reading.

Mr. ALLEN. Mr. President, I have an amendment which I send to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill add the following new sections:

Sec. (a). No court of the United States shall have jurisdiction to make any decision, enter any judgment, or issue any order the effect of which would be to require that pupils be transported to or from school on the basis of their race, color, religion, or national origin.

Sec. (b). No department, agency, officer, or employee of the United States, empowered to extend Federal financial assistance to any program or activity at any school by way of grant, loan, or otherwise, shall withhold or threaten to withhold any such Federal financial assistance in order to coerce or induce the implementation or continuation of any plan or program the effect of which would be to require that pupils be transported to or from school on the basis of their race, color, religion, or national origin.

Sec. (c). Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student of students from any school attendance area prescribed by competent State or local authority or which requires the consolidation of two or more local educational agencies for the purposes of achieving a balance among students with respect to race, color, religion, or national origin, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired.

Sec. (d) If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this title, or the application of

such provision to other persons or circumstances, shall not be affected thereby.

The PRESIDING OFFICER (Mr. STAFFORD). How much time does the Senator yield himself?

Mr. ALLEN. I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 4 minutes.

Mr. ALLEN. Mr. President, let me first ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, I had not planned to offer this amendment. As a matter of fact, I got it up on the spur of the moment. Every extraneous provision imaginable has been offered as an amendment to the pending bill. An effort was made to provide group insurance for firemen and policemen. That was a meritorious amendment but not germane to the pending bill. An effort was also made to provide for subsidies to States to promote voter registration by mail, and that proposal was defeated by the Senate.

This is the Griffin amendment, the one that was approved by the Senate by a vote of 43 to 40 on February 25, 1972. This is one of the most important issues to come before Congress, but for some reason or other, we seem unable to get these bills up for consideration by the Senate.

Mr. ERVIN. Mr. President, did not the Senator from North Carolina just hear the Senator from Alabama say something about nongermane amendments?

Mr. ALLEN. Yes, that is true.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that no amendment would be more germane to a bill providing for the celebration of the American Revolution than a bill which would protect from judicial and bureaucratic tyranny the little children of America?

Mr. ALLEN. Yes, indeed. That would be highly appropriate.

Mr. ERVIN. Is that not exactly what the Senator's amendment would do?

Mr. ALLEN. Yes, it certainly would. I thank the distinguished Senator from North Carolina for making that highly cogent observation. I appreciate the suggestion made by the distinguished Senator from North Carolina.

Mr. President, the distinguished Senator from Michigan (Mr. GRIFFIN) has just come into the Chamber, and I wish to point out to him that the Senate has before it at this time an amendment on which there is a time limitation of some 20 minutes, I believe, with 10 minutes to each side. I know that the distinguished Senator from Michigan has been desirous of getting action on his amendment or an amendment similar to his.

Mr. GRIFFIN. Mr. President, if the distinguished Senator from Alabama will yield, I just came into the Chamber and I was not aware of the fact that the Senator from Alabama was going to offer this amendment.

Is the language similar language to the amendment that the junior Senator from Michigan offered?

Mr. ALLEN. It is the exact language. I attributed authorship of the amendment to the Senator from Michigan (Mr. GRIFFIN). I followed his leadership at that time and I hope to follow his leadership at this time.

Mr. GRIFFIN. Mr. President, I do very strongly support the amendment he offers now and I hope that it will be adopted. I voted earlier for the amendment offered by the Senator from Minnesota having to do with making election day a holiday. I noted at that time that that was not particularly germane to the bill under consideration, so I assume that germaneness is not a factor in the consideration of this legislation and that a busing amendment would be perfectly appropriate. I hope that all Senators who voted for it will vote for it on its merits. If they do consider it on its merits, they will surely vote for it and adopt it.

Mr. ALLEN. I thank the distinguished Senator from Michigan. The distinguished Senator from North Carolina (Mr. ERVIN) just pointed out the theory——

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. ALLEN. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 2 additional minutes.

Mr. ALLEN. Under which the amendment would be germane. I pointed out to the distinguished Senator from Michigan and my colleagues that the matter of germaneness actually has nothing to do with it, because this is a Senate bill and germaneness is not required. It would be required only in the case of House bills pending before the Senate where the joint rule would apply when the measure goes back to the House for approval of a Senate amendment.

I hope that the Senate will vote for this amendment and withdraw, as it does, jurisdiction from the Federal courts to enter busing decrees or busing orders to establish racial balance for that purpose.

Mr. President, I reserve the remainder of my time.

Mr. JAVITS. Mr. President, who controls the time in opposition?

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JAVITS. Mr. President, does the Senator from Nebraska oppose the amendment?

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. HRUSKA. Mr. President, the Senator from Nebraska has taken a position with reference to amendments to this bill that where they are nongermane, we should stick to the purpose of the bill which reads, "A bill to amend the joint resolution establishing the American Revolutionary Bicentennial Commission as amended."

As I understand the text of the Griffin amendment, it does not qualify by way of germaneness to the text of the bill.

Mr. JAVITS. Mr. President, I would like to have a little time.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, at the appropriate time when I understand that all time for debate has expired, I will exercise the privilege of a Senator and move to table the amendment. Perhaps the best argument that can be made in favor of tabling is not necessarily a substantive argument, although I think that it is very conclusive, as I will try to demonstrate in a moment by the procedural argument in the words of a famous English legislator who uttered them—whether I am using the exact words or not, the thought is still there—when he said that to resume is to resume.

We have had an awful lot of extraneous amendments. It will not help certainly to load this one on. We will have a succession of other amendments, including H.R. 1, which will keep us on this bill for a very long time, indeed.

However, substantively, we all know that this matter is being considered in the House both on a constitutional amendment level and on a very completely inhabitory statutory level.

We all know that we have a stay in essence of any current busing orders by the provisions of the Higher Education Act passed recently and enacted into law by the President. This is, indeed, an extremely difficult and extremely vexing subject.

Personally I believe that the amount of controversy in the public doman, except in some areas like that of the Senator from Michigan (Mr. GRIFFIN), has been very much overblown. However, nonetheless, Senators have to respond to what they consider to be their primary duty. But the sensitivity of the desegregation of the American school system where it is unconstitutionally segregated—and the incidents in the case of busing is a factor—however Congress may decide that issue, certainly is not going to be decided in justice to the issue.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional 2 minutes.

Mr. JAVITS. Mr. President, I thank the Senator from Nebraska. Certainly it will not be settled in a 20-minute debate of this kind, simply compounding what we did before. On one occasion before we adopted the Scott-Mansfield compromise provision. We adopted a conference report on the higher education bill and we codified the law on the subject, which is today the law. So there is no prejudice because of the Higher Education Act, and there will not be for months to come. A new Congress will be elected. If the House chooses to act on it, we will be faced with it promptly anyhow. If the House does not choose to act on it, we will undoubtedly deal with it in a deliberative way in a new Congress, after the people have had a chance to express themselves on this and on many other issues.

Although I do not generally favor a motion to table, it is justified on occasions. And I deeply believe this is one of those occasions.

Mr. ALLEN. Mr. President, I yield 1 minute to the Senator from Florida and I will yield the balance of the time to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from Florida is recognized for 1 minute.

Mr. GURNEY. Mr. President, I voice my support for the amendment. I intend to vote against a tabling motion. Normally I think we go overboard on nongermaneness. However, we have already done this several times on this bill today. So, I do not think that one more nongermane matter will hurt our action here this afternoon at all.

Mr. President, in addition, this particular issue is understood by this body much more than any of the other amendments that we have added already to the bill. We debated this some weeks ago, back and forth for many hours. There is not a single Member of the Senate that is not familiar with the issue.

The issue is now in the House of Representatives. And I think that this would be a very appropriate time for the Senate to take action. Perhaps it is about the only time we will be able to take action this year.

I hope that the Senate will support the amendment of the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I do not think that there is any better way we could celebrate the 200th anniversary of the founding of our country than to return to the Constitution of the United States.

If there is anything in the Constitution that is clear, it is that the forced busing of little children at the instance of any agency of the Federal Government or any Federal court is a violation of the equal protection clause of the 14th amendment, judicial aberrations of the Supreme Court to the contrary notwithstanding.

The equal protection clause is as simple a clause as is to be found in the Constitution. It merely decrees that a State shall not treat in a different manner people similarly situated. When the HEW or a Federal court requires the busing of little children, it clearly compels a school board to violate the equal protection clause in two ways.

In the first place, it says to the school board: "You must divide all of the children in this school district into two groups. You can let one group attend their neighborhood schools, but you must deny the other group the right to attend their neighborhood schools."

That compels a clear violation of the equal protection clause, because it requires the school board to treat two groups of children who are similarly situated in a different manner.

Then the Federal agency or the Federal court then says to the school board: "You must violate the equal protection clause in another way. You must take those children who are denied the right to attend their neighborhood schools and put them on buses and transport them to schools elsewhere, either to decrease the number of children of their race in their neighborhood schools or to increase the number of children of their race in the schools elsewhere."

Oceans and oceans of legal and bureaucratic sophistry cannot wash out the plain fact that that is denying the children who are bused of the right to attend their neighborhood schools solely on the basis of their race, and that is exactly what the Supreme Court held in the school desegregation case that the equal protection clause forbids.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I yield to the Senator from Georgia.

Mr. TALMADGE. Did not the Supreme Court in the Brown decision of 1954 say that we must be colorblind and not assign children to schools on the basis of their race or color?

Mr. ERVIN. The Senator is exactly right.

Mr. TALMADGE. Has not the court and HEW since that time, 18 years ago, gone full cycle and violated the decision in the Brown case and assigned children to schools based on the race and color of the children?

Mr. ERVIN. The Senator is correct. They deny them of the right to attend the neighborhood schools, and they bus them to other schools.

Mr. TALMADGE. Mr. President, they have now gone back to the basis of assigning the children on the basis of color and color alone.

Mr. ERVIN. The Senator is correct. And they have gone back to twisting the very Constitution they profess they are enforcing.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. HRUSKA. Mr. President, I yield 1 additional minute to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. Mr. President, it is an improvidence to act in a matter like this at this time. I am certainly interested, but I have not even had the opportunity to get a copy of the law that has been quoted in the Higher Education Act so that I would at least know what we are doing under the law today as contrasted with the Griffin amendment which was submitted before the law was enacted.

Mr. President, when there is added to that reference to the guidelines laid down by the Supreme Court in the Mecklenburg decision it seems to me if ever there was a case for a motion to table this is it. So at the appropriate time I shall make that motion.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, if there are no further requests for time, I yield to the Senator from New York for the purpose of making his motion.

Mr. JAVITS. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Alabama. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. METCALF (after having voted in the affirmative). On this vote I have a pair with the Senator from Georgia (Mr. GAMBRELL). If he were present and voting he would vote "nay." I have already voted "yea." I withhold my vote.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Mississippi (Mr. EASTLAND). If he were present and voting he would vote "nay." Having already voted "yea," if permitted to vote I would vote "yea." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

On this vote, the Senator from South Dakota (Mr. MCGOVERN) is paired with the Senator from Louisiana (Mrs. EDWARDS). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Louisiana would vote "nay."

On this vote, the Senator from Connecticut (Mr. RIBICOFF) is paired with the Senator from West Virginia (Mr. RANDOLPH). If present and voting, the Senator from Connecticut would vote "yea" and the Senator from West Virginia would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 49, nays 35, as follows:

[No. 367 Leg.]

YEAS—49

Aiken
Anderson
Bayh
Beall
Bellmon
Boggs
Brooke
Burdick
Case
Church
Cooper
Cranston
Curtis
Eagleton
Hart
Hartke
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Magnuson
Mathias
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Saxbe
Schweiker
Scott
Smith
Stafford
Stevens
Stevenson
Symington
Taft
Tunney
Weicker
Williams

NAYS—35

Allen
Allott
Baker
Bennett
Bentsen
Bible
Brock
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon

Chiles
Cook
Cotton
Dole
Dominick
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen

Hollings
Jordan, N.C.
Long
McClellan
Roth
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Metcalf, for.
Mansfield, for.

NOT VOTING—14

Eastland
Edwards
Gambrell
Goldwater
Gravel

Harris
Hatfield
McGee
McGovern
McIntyre

Mundt
Pell
Randolph
Ribicoff

So Mr. JAVITS' motion to lay the Allen amendment on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15586) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes.

REMOVAL OF THE INJUNCTION OF SECRECY FROM THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS, AND ON THEIR DESTRUCTION

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons, and on their Destruction, opened for signature at Washington, London, and Moscow on April 10, 1972 Executive Q, 92d Congress, 2d session—transmitted to the Senate today by the President of the United States, and the convention with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

I am transmitting herewith, for the advice and consent of the Senate to ratification, the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons, and on their Destruction, opened for signature at Washington, London and Moscow on April 10, 1972.

The text of this Convention is the result of some three years of intensive debate and negotiation at the Conference of the Committee on Disarmament at Geneva and at the United Nations. It provides that the Parties undertake not to develop, produce, stockpile, acquire or retain biological agents or toxins, of types and in quantities that have no justification for peaceful purposes, as well as weapons, equipment and means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict. The provisions of the Convention are described in detail in the accompanying report of the Secretary of State.

It was about two years ago that this Government renounced, unilaterally and unconditionally, the use of all biological and toxin weapons and affirmed that we would destroy our existing stocks and confine our programs to strictly defined defensive purposes. These initiatives reflected a deep national conviction and contributed in a very substantial way to the ultimate success of the negotiations leading to this Convention.

At that same time, we looked to the day when the community of nations would act together to prohibit biological warfare and weaponry. We accompanied our renunciation of these weapons with support for the principles and objectives of the United Kingdom's 1968 draft convention in this field. On December 16, 1971, the Convention transmitted herewith, which would provide a binding international prohibition on the weapons we have renounced, was overwhelmingly commended by the General Assembly of the United Nations.

This Convention is the first international agreement since World War II to provide for the actual elimination of an entire class of weapons from the arsenals of nations. The safe destruction of biological and toxin stocks in this country is expected to be completed by the end of this year. All the stocks at Pine Bluff Arsenal in Arkansas have already been destroyed, and the former biological warfare facility there is now a new national center for research on the adverse effects of chemical substances in man's environment. The former military biological research facility at Fort Detrick, Maryland, is becoming a center for cancer research. Other nations are being invited to share in the humanitarian work at these centers.

I believe this Convention will enhance the security of the United States and the world community. It will help ensure that scientific achievements in the field of biology will be devoted not to destruction but to the service of mankind. It represents a significant advance in the field of arms control and disarmament and I recommend that the Senate give it prompt and favorable attention.

RICHARD NIXON.

THE WHITE HOUSE, *August 10, 1972.*

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The Senate continued with the consideration of the bill (S. 3307) to amend the joint resolution establishing the American Revolution Bicentennial Commission.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. GURNEY. Mr. President, I have an amendment, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read the amendment, as follows:

At the end of the bill, insert the following:

In commemoration of the anniversary of the adoption on August 26, 1920, of the nineteenth amendment to the Constitution granting women the right to vote, the President is authorized and requested to issue annually a proclamation designating August 26 of each year as "Women's Rights Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

Mr. GURNEY. Mr. President, as the Senate can see, the amendment pretty much speaks for itself, and I shall not take the time of the Senate in discussing it very long, because I know we want to get on with the processing of the bill.

We are dealing here with a bill involving the commemoration of the most important event in our history. It seems to me my amendment does the same thing—commemorate an important event. So it is germane, rather than a nongermane amendment, as some of the other amendments have been.

The women of this country are very anxious to have a Women's Rights Day set aside for them and many of them have contacted me about this. That is what my amendment would do.

We have made a great deal of progress in this field, certainly with the 19th amendment, which gave women the voting franchise, and with the equal rights amendment which we passed in this session of Congress and which 20 states have ratified. Still women's rights are not exactly equal today, either in the field of employment, or in most other areas. This is what they seek—equality with the men of the country.

I think if we set aside a Women's Rights Day, it will give this very worthy cause some impetus.

I ask the Senate to adopt my amendment.

Mr. President, I request the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator yield me 2 minutes?

Mr. HRUSKA. I yield 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if we are going to have an Equal Rights for Women Day, I think we also ought to have a 14th Amendment Day and honor those whose rights are secured by the 14th amendment. If we are going to persist in pursuing this amendment, I am going to propose an amendment that we have a day of respect for equal rights for all citizens guaranteed under the 14th amendment. I am not going to offer that amendment if this other amendment is not pursued, but if it is, I am going to offer the other amendment.

I thank the Senator for yielding.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Can this amendment be amended to include an amendment on the 14th amendment?

The PRESIDING OFFICER. The amendment is open to amendment in one degree.

Mr. HART. Can we get the fifth amendment ratified?

Mr. KENNEDY. The Senator from Michigan mentions the fifth amendment.

Would the Senator from Florida object to adding an amendment having to do with the 14th amendment as well?

Mr. GURNEY. Yes. My amendment has to do with women's rights. I remind the Senator that he is a cosponsor of a bill on this subject before the Judiciary Committee. I would rather not have it cluttered with other matters.

Mr. KENNEDY. Well, I think this is not cluttering it up. I think it strengthens the amendment, and I would like to ask that the amendment be so modified, Mr. President.

Mr. GURNEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GURNEY. Does that require unanimous consent?

The PRESIDING OFFICER. The Chair is informed that it does not, but the amendment should be submitted in writing.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

Mr. GURNEY. On whose time?

Mr. ROBERT C. BYRD. Regular order, Mr. President.

The PRESIDING OFFICER. The Chair is advised that it is not appropriate to suggest the absence of a quorum at this time.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Is there not time on the Gurney amendment?

The PRESIDING OFFICER. There is time on the Gurney amendment.

Mr. PASTORE. And is it not true that that time must be consumed before we can amend?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. GURNEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GURNEY. Is it necessary for the mover of the amendment, the Senator from Florida, to agree to the modification?

The PRESIDING OFFICER. Not unless the Senator wishes.

Mr. GURNEY. I am sorry; I did not hear the Chair.

The PRESIDING OFFICER. The Senator from Florida can modify it if he wishes to.

Mr. GURNEY. I am talking about the modification by the Senator from Massachusetts.

The PRESIDING OFFICER. The Chair is advised that the Senator from Massachusetts has the right to offer an amendment to amend the amendment of the Senator from Florida.

Mr. GURNEY. Well, if that has not been offered, I ask for the yeas and nays and yield back the remainder of my time.

Mr. HRUSKA. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nebraska has 9 minutes remaining.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Has all remaining time been yielded back?

The PRESIDING OFFICER. No; there are 9 minutes remaining to the Senator from Nebraska.

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. Is it in order to make a brief comment on the desirability of commemorating the adoption of the 14th amendment?

The PRESIDING OFFICER. Will the Senator restate his parliamentary inquiry?

Mr. HART. I want to make clear that we understand what we are doing here in commemorating the 14th amendment. I think we should commemorate its adoption. It is under that 14th amendment that the Federal courts are now attempting to protect the rights of children to the equal protection of the laws, on occasions directing the use of buses.

Mr. ROBERT C. BYRD. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. I yield the Senator from Michigan 2 minutes.

Mr. HART. Mr. President, as I understand, an amendment was offered by the Senator from Florida to commemorate the adoption of the 19th amendment—the right of women to vote. A rollcall is being requested, and there is to be added, I hope, to that amendment a provision for the celebration of the 14th amendment.

Mr. TOWER. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. HART. In just a moment. I would hope we would commemorate the adoption of that 14th amendment. In doing it we would recognize that is under that amendment that the courts now seek through busing to protect the rights of children to the equal protection of the laws. Let us understand what is involved when we vote, affirmatively I urge, on commemorating the 14th amendment.

Mr. TOWER. Will the Senator yield for a question?

Mr. HART. I yield.

Mr. TOWER. Can the Senator state the date of the ratification of the 14th amendment?

Mr. HART. July 9, 1868. I think there is less significance in the date than in what is involved in the 14th amendment.

Mr. TOWER. But how can you offer a specific date in an amendment if you do not know what the date is?

Mr. HART. We just stated it. We know what the 14th amendment does. That is what we shall be celebrating with this vote, if the rollcall occurs.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

A series of nongermane amendments were offered this morning. I imagine we have had as many as six or eight of them. It is a deplorable practice, in my judgment, because it is most difficult for this body to consider measures brought up summarily under either a 10-minute limitation of debate or a 20-minute limitation of debate and make an intelligent decision.

Certainly whatever the decision, when it is rendered under that type of limitation and under these circumstances, is highly suspect, and reflects badly, in my judgment, on the standing of this body in public opinion. I do hope there will come an end to this charade; that is about all it amounts to, without any reflection on the motives of any Senators.

I am happy to note that some who have offered nongermane amendments are now pleading for a cessation of that practice and a modification of it. It comes a little late and with poor grace, but we will accept it in good spirits.

I am constrained to call attention to the fact that this is a nongermane amendment, and that we should get to the business at hand; and to give the Senate another chance to assert itself in that regard, it will be my purpose to make, at the proper time, a motion to table.

I would, however, make this suggestion: The amendment of the Senator from Florida is embodied in a resolution which is before the Committee on the Judiciary. I can assure him that had there been a formal meeting of the committee since the subcommittee reported it, it would have been before the Senate by now. It seems, this year being one divisible by four, that there is a little difficulty in obtaining a quorum of our committee; but there is a full meeting of the committee scheduled for next week, and I want to assure the Senator that his bill will be brought before the committee then, and will be considered. I have every reason to believe it will be considered promptly and favorably, and reported to the Senate.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. GURNEY. I thank the Senator from Nebraska, and I assure him that it is not my intention, in offering this amendment, in any way to cast any reflection upon the subcommittee of the Committee on the Judiciary that handles these matters. I had spoken to the Senator, and he had promised his cooperation, and has given it.

But in view of the fact that we have only a few more days between now and the end of the session, and the fact that August 26, of course, is during the recess which begins a week from tomorrow, it did not seem to me there would be time to process that bill. That is why, in all good faith, I offered it as an amendment to this measure. It was offered in complete good faith, and with no thought of prolonging the process of nongermane amendments.

I thank the Senator from Nebraska for what he has said; and certainly as far as the Senator from Florida, who offers this amendment, is concerned, I have no desire to have the amendment passed and cluttered up by the one offered by the Senator from Massachusetts, because I think that is in derogation to what the women who have contacted me want as far as a Women's Rights Day is concerned. I do not think it would serve the establishment of a Women's Rights Day at all to clutter up this amendment of mine by commemorating every other amendment the Constitution has had annexed to it.

So I sympathize with the manager of the bill in his remarks, and I thank him for his cooperation in bringing the bill out of the committee.

The PRESIDING OFFICER. Who yields time?

Mr. GURNEY. With that, Mr. President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HRUSKA. Does the Senator couple with that a unanimous-consent request to cancel his request for a rollcall vote?

The PRESIDING OFFICER. Unanimous consent to withdraw the amendment was granted, and therefore it is unnecessary to rescind the order for the yeas and nays.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engorssment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. HRUSKA. Mr. President during the hearing in the nature of legislative oversight as to the acts and doings of the American Revolution Bicentennial Commission, the lead witness was the Chairman of that Commission, Hon. David J. Mahoney.

He testified in splendid fashion by way of an account of the Commission's programs and plans as well as its achievements.

After several hours so occupied, he remained in the committee room, until the day's witness had completed their testimony—which occurred at 8 o'clock p.m., Mr. President, thus completing a 10-hour day.

He later told this Senator of his gratification at the opportunity thus afforded him.

But later he expressed those and similar thoughts in a letter.

I ask unanimous consent that the text of the letter be printed at the conclusion of my remarks.

As busy as he is with many other things, Mr. Mahoney has been doing a very dedicated job in his position as chairman. He is no stranger by now to congressional appearances. In fact, there have been a total of 15 appearances of the Commission before committees in the Congress in the past 22 months.

Nevertheless, he found especial value in the hearings held on August 1 and 2.

He states the reasons for this in his letter. One sentence he wrote especially appeals to those who wish well for the success of the Commission's goals.

After commenting on the respective parts of the Congress and the Commission in the success of the program, the letter states:

> I ask not so much for the support of the Commission as I do for a working partnership and a mutual sharing of responsibility. The benefit to the Nation can be manifold.

This Senator joins in the hope and wish that such mutual sharing of responsibility will materialize, and soon. I believe it will, Mr. President, Chairman Mahoney's own efforts and service will serve as firm foundation for such achievement.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

August 9, 1972.

Hon. Roman L. Hruska,
U.S. Senate,
Washington, D.C.

Dear Senator Hruska: Now that I have had some time to collect my thoughts, I would like to express to you, and to your distinguished colleagues, my genuine appreciation for the opportunity to appear before your committee.

At the same time, I feel it would be appropriate to share with you my reflections on the recent hearings; for, indeed, I feel that both the Commission and the Congress can benefit from what we learned about each other. I now sense a feeling of greater understanding between the two bodies and I am anxious that both move positively and promptly toward the achievement of our mutual goal—the fitting and meaningful commemoration of 200 years of American independence. I think you will agree with me when I suggest that it will require intensified efforts on both our parts.

Let me speak now for myself. I would be less than candid if I said I welcomed the criticism the Commission received during the hearings. Indeed, I did not. Like all mortals, I much prefer praise. At the same time, some of the criticism struck sharply home. In the area of minority hiring practices, for example, I feel that, although we have made an honest effort, our results have not been laudable. The hearings have amply demonstrated that, although the Commission provides and constitutes a constructive forum for Bicentennial dialogue, it has not demonstrated sufficient immediate capability to transform ideas into definitive plans of action.

As the Senator is aware, for as long as I can remember, I have judged myself and those around me not on their plans, but on their results—not on what a man promises, but on what he delivers. I hold firmly to that conviction and apply it evenly to my work with the Commission.

When I pledged to you and your fellow Senators that this Commission would deliver, I did so mindful of the fact that much within the Commission structure would have to be changed. That change is taking place now.

And what of the other side of the partnership? Are the Members of the House and the Senate willing to place their individual and collective support behind the Nation's Bicentennial? I refer not only to the financial energy required to support the Commission. I also refer to the enthusiastic and creative support of the Members of both Houses here in Washington—and back in the district, and in the State. The Bicentennial observance that we share in our hearts and dreams can only be achieved with that sort of deep commitment. If the Members of Congress were to pass the pending legislation and then feel that they had fulfilled their obligation to the Bicentennial, a signal event in the Nation's history would suffer harshly. I ask not so much for the support of the Commission as I do for a working partnership and a mutual sharing of responsibility. The benefits of the Nation can be manifold.

I would be remiss if I did not take this opportunity to express to you how very much I appreciate your personal interest in the Bicentennial, and particularly your thoughtful and patient leadership during the recent hearings. The opportunity to work with you in the coming years is one that I welcome gratefully.

Sincerely,

David J. Mahoney.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Stafford). The question is, "Shall the bill pass"? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mrs. Edwards), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mrs. Edwards), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from West Virginia (Mr. Randolph), the Senator from Rhode Island (Mr. Pell), and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater) and the Senator from Oregon (Mr. Hatfield) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 87, nays 0, as follows:

[No. 368 Leg.]

YEAS—87

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—13

Eastland
Edwards
Gambrell
Goldwater
Gravel
Harris
Hatfield
McGee
McGovern
Mundt
Pell
Randolph
Ribicoff

So the bill (S. 3307) was passed, as follows:

S. 3307

An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended as follows:

Section 7(a) is amended to read as follows:

"SEC. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act and to remain available until expended $6,712,000 for fiscal year 1973, of which not to exceed $2,400,000 shall be for grants-in-aid pursuant to section 9(1) of this Act."

SEC. 2. Section 9 is amended by the addition of the following new subsections:

"(2) make grants to nonprofit entities including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), to assist in developing or supporting bicentennial programs or projects. Such grants may be up to 50 per centum of the total cost of the program or project to be assisted;

"(3) in any case where money or property is donated, bequeathed, or devised to the Commission, and accepted thereby for purposes of assisting a specified nonprofit entity including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), for a bicentennial program or project, grant such money or property, plus an amount not to exceed the value of the donation, bequest, or devise: *Provided,* That the recipient agrees to match the combined value of the grant for such bicentennial program or project."

SEC. 3. Add at the end thereof the following new section 11:

"SEC. 11. For a period of one year from the effective date of this section, whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this Act may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, and the expenditure of Government funds, as he may specify."

SEC. 4. Section 6 is amended by the addition of the following new subsection:

"(4) In addition to the number of positions which may be placed in GS-16, 17, and 18, under section 5108 of title 5, United States Code, not to exceed five positions may be placed in GS-16, 17, and 18, to carry out the functions of the Commission. The authority under this subsection shall be subject to the procedures prescribed under section 5108 of title 5 of the United States Code, and shall continue only for the duration of the exercise of functions for the Commission."

SEC. 5. Section 2(c) is amended by adding at the end thereof the following new sentence: "In filling vacancies among members appointed under paragraph (5) after the date of the enactment of this sentence, the President may not appoint an individual who is an adherent of a particular party if thirteen or more members appointed under such paragraph are adherents of that political party."

SEC. 6. Section 6103(a) of title 5, United States Code, is amended by inserting between "Veterans Day, the fourth Monday in October." and "Thanksgiving Day, the fourth Thursday in November." The following new item:

"Election Day, the first Tuesday after the first Monday in November in 1972, and in every fourth year thereafter."

SEC. 7. On every National Election Day, the closing time of the polling places in the several States for the election of electors for President and Vice President of the United States and the election of United States Senators and Representatives shall be as follows: 11 postmeridian standard time in the eastern time zone; 10 postmeridian standard time in the central time zone; 9 postmeridian standard time in the mountain time zone; 8 postmeridian standard time in the Pacific time zone; 7 postmeridian standard in the Yukon time zone; 6 postmeridian time in the Alaska-Hawaii time zone; and 5 postmeridian standard time in the Bering time zone: *Provided,* That the polling places in each of the States shall be open for at least twelve hours.

The title was amended, so as to read: "A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, and for other purposes."

PUBLIC WORKS APPROPRIATIONS, 1973—CONFERENCE REPORT

Mr. STENNIS. Mr. President, I submit a report of the committee of conference on H.R. 15586, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. STAFFORD). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15586) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of August 7, 1972, at p. 27155–27156.)

Mr. STENNIS. Mr. President, I regret that the Senate conferees were unable to sustain all of the programs we proposed, but I believe that all in all we came out very well.

I would like to take a moment to commend Representative JOE L. EVINS, chairman of the Subcommittee on Public Works Appropriations of the House of Representatives, for his diligence and cooperation in working out the differences in the bill as passed by the House and the Senate.

Also, I commend the members of the conference committee for the very careful and fair consideration given to all matters in disagreement. I have only the highest praise for all concerned.

The conference bill provides $5,504,914,000 in new obligational authority, which is $66,782,000 below the amount approved by the Senate; $67,187,000 over the House; at $15,856,000 above the budget; and $710,777,000 above the appropriation for fiscal year 1972.

Mr. President, there is a growing awareness of the need to reverse the trend of migration to the already overcrowded urban areas. The wise and orderly development of our water resources can and should be one of our major efforts to provide the opportunities for employment and the amenities of good living which will encourage the dispersement of a portion of our people and business into the less developed areas of the country. This is recognized as a national objective, and water resource development is a major consideration in making these areas more attractive to both business and the labor market.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary table explaining the action of the conferees on the various items in the bill.

There being no objection, the summary table was ordered to be printed in the RECORD, as follows:

PUBLIC WORKS-AEC APPROPRIATION BILL, FISCAL YEAR 1973—SUMMARY TABLE

Item	New budget (obligational) authority, fiscal year 1972 (enacted to date)	Budget estimates of new (obligational) authority fiscal year 1973 (as amended) [6]	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended in conference action	Conference action compared with—			
						New budget (obligational) authority fiscal year 1972 (enacted to date)	Budget estimates of new (obligational) authority fiscal year 1973	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—ATOMIC ENERGY COMMISSION									
Operating expenses	[1] $1,952,974,000	[6] $2,126,182,000	$2,129,000,000	$2,150,635,000	$2,138,800,000	+$185,826,000	+$12,618,000	+$9,800,000	−$11,835,000
Plant and capital equipment	[1] 341,406,000	[7] 530,910,000	486,860,000	500,110,000	494,610,000	+153,204,000	−36,300,000	+7,750,000	−5,500,000
Total, title I, new budget (obligational) authority, Atomic Energy Commission	2,294,380,000	2,657,092,000	2,615,860,000	2,650,745,000	2,633,410,000	+339,030,000	−23,682,000	+17,550,000	−17,335,000
TITLE II—DEPARTMENT OF DEFENSE—CIVIL									
DEPARTMENT OF THE ARMY									
Corps of Engineers—Civil									
General investigations	50,714,000	[7] 54,445,000	54,200,000	57,750,000	55,975,000	+5,261,000	+1,530,000	+1,775,000	−1,775,000
Construction, general	[2] 1,025,084,000	[7] 1,193,704,000	1,181,098,000	1,222,722,000	1,201,493,000	+176,409,000	+7,789,000	+20,395,000	−21,229,000
Flood control, Mississippi River and tributaries	86,000,000	95,000,000	105,000,000	119,115,000	110,620,000	+24,620,000	+15,620,000	+5,620,000	−8,495,000
Operation and maintenance, general	[2] 388,519,000	427,109,000	400,000,000	417,479,000	409,100,000	+20,581,000	−18,009,000	+9,100,000	−8,379,000
Flood control and coastal emergencies	5,000,000	7,000,000	7,000,000	7,000,000	7,000,000	+2,000,000			
General expenses	[2] 29,723,000	31,483,000	31,483,000	31,483,000	31,483,000	+1,760,000			
Total, Corps of Engineers—Civil	1,585,040,000	1,808,741,000	1,778,781,000	1,855,549,000	1,815,671,000	+230,631,000	+6,930,000	+36,890,000	−39,878,000
Cemeterial Expenses									
Salaries and expenses	22,588,000	29,170,000	28,920,000	28,920,000	28,920,000	+6,332,000	−250,000		
Total, title II, new budget (obligational) authority, Department of Defense—Civil	1,607,628,000	1,837,911,000	1,807,701,000	1,884,469,000	1,844,591,000	+236,963,000	+6,680,000	+36,890,000	−39,878,000
TITLE III—DEPARTMENT OF THE INTERIOR									
BUREAU OF RECLAMATION									
General investigations	22,400,000	21,400,000	23,000,000	24,627,000	23,827,000	+1,427,000	+2,427,000	+827,000	−800,000
Construction and rehabilitation	[3] 217,200,000	271,546,000	267,625,000	275,014,000	271,425,000	+54,225,000	−121,000	+3,800,000	−3,589,000
Upper Colorado River storage project	27,889,000	45,550,000	45,750,000	47,300,000	46,720,000	+18,831,000	+1,170,000	+970,000	−580,000
Colorado River Basin project	1,775,000	11,000,000	11,000,000	11,500,000	11,200,000	+9,425,000	+200,000	+200,000	−300,000
Colorado River Basin project (appropriation to liquidate contract authorization)	(31,500,000)	(53,000,000)	(53,000,000)	(53,000,000)	(53,000,000)	(+21,500,000)			
Operation and maintenance	[3] 71,990,000	78,505,000	77,000,000	78,000,000	77,500,000	+5,510,000	−1,005,000	+500,000	−500,000
Loan program	11,395,000	19,170,000	22,380,000	19,680,000	20,380,000	+8,985,000	+1,210,000	−2,000,000	+700,000
Emergency fund	1,000,000	1,000,000				−1,000,000	−1,000,000		
General administrative expenses	[3] 15,890,000	16,765,000	16,765,000	16,765,000	16,765,000	+875,000			
Total, Bureau of Reclamation	369,539,000	464,936,000	463,520,000	472,886,000	467,817,000	+98,278,000	+2,881,000	+4,297,000	−5,069,000
ALASKA POWER ADMINISTRATION									
General investigations	500,000	597,000	597,000	597,000	597,000	+97,000			
Operation and maintenance	457,000	631,000	631,000	631,000	631,000	+174,000			
Total, Alaska Power Administration	957,000	1,228,000	1,228,000	1,228,000	1,228,000	+271,000			
BONNEVILLE POWER ADMINISTRATION									
Construction	91,000,000	90,563,000	90,000,000	99,000,000	94,500,000	+3,500,000	+3,937,000	+4,500,000	−4,500,000
Operation and maintenance	27,825,000	31,020,000	31,020,000	31,020,000	31,020,000	+3,195,000			
Total, Bonneville Power Administration	118,825,000	121,583,000	121,020,000	130,020,000	125,520,000	+6,695,000	+3,937,000	+4,500,000	−4,500,000
SOUTHEASTERN POWER ADMINISTRATION									
Operation and maintenance	870,000	900,000	900,000	900,000	900,000	+30,000			
SOUTHWESTERN POWER ADMINISTRATION									
Construction	[4] 870,000	820,000	700,000	700,000	700,000	−170,000	−120,000		
Operation and maintenance	[4] 5,180,000	5,098,000	5,098,000	5,098,000	5,098,000	−82,000			
Total, Southwestern Power Administration	6,050,000	5,918,000	5,798,000	5,798,000	5,798,000	−252,000	−120,000		
OFFICE OF THE SECRETARY									
Underground electric power transmission research	875,000	1,000,000	1,000,000	1,000,000	1,000,000	+125,000			

See footnotes at end of table.

PUBLIC WORKS-AEC APPROPRIATION BILL, FISCAL YEAR 1973—SUMMARY TABLE—Continued

Item	New budget (obligational) authority, fiscal year 1972 (enacted to date)	Budget estimates of new (obligational) authority fiscal year 1973 (as amended) [6]	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended in conference action	Conference action compared with—			
						New budget (obligational) authority fiscal year 1972 (enacted to date)	Budget estimates of new (obligational) authority fiscal year 1973	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Total, title III, new budget (obligational) authority, Department of the Interior	$497,116,000	$595,565,000	$593,466,000	$611,832,000	$602,263,000	+$105,147,000	+$6,698,000	+$8,797,000	−$9,569,000
TITLE IV—INDEPENDENT OFFICES (EXCLUDING AEC)									
Appalachian Regional Commission: Salaries and expenses	1,113,000	1,217,000	1,217,000	1,217,000	1,217,000	+104,000			
Appalachian regional development programs (funds appropriated to the President)	297,000,000	302,000,000	327,000,000	327,000,000	327,000,000	+30,000,000	+25,000,000		
Delaware River Basin Commission:									
Salaries and expenses	[5] $65,000	$69,000	69,000	69,000	69,000	+4,000			
Contribution to the Delaware River Basin Commission	179,000	216,000	216,000	216,000	216,000	+37,000			
Total, Delaware River Basin Commission	244,000	285,000	285,000	285,000	285,000	+41,000			
Federal Power Commission: Salaries and expenses	22,200,000	23,890,000	23,500,000	23,500,000	23,500,000	+1,300,000	−390,000		
Interstate Commission on the Potomac River Basin: Contribution to Interstate Commission on the Potomac River Basin	20,000	34,000	34,000	34,000	34,000	+14,000			
National Water Commission: Salaries and expenses	1,200,000	760,000	760,000	760,000	760,000	−440,000			
Susquehanna River Basin Commission:									
Salaries and expenses	[5] 51,000	68,000	68,000	68,000	68,000	+17,000			
Contributions to Susquehanna River Basin Commission	75,000	150,000	150,000	150,000	150,000	+75,000			
Total, Susquehanna River Basin Commission	126,000	218,000	218,000	218,000	218,000	+92,000			
Tennessee Valley Authority: Payment to Tennessee Valley Authority fund	67,150,000	63,700,000	60,800,000	64,550,000	64,550,000	−2,600,000	+850,000	+3,750,000	
Water Resources Council: Water resources planning	5,960,000	6,386,000	6,886,000	7,086,000	7,086,000	+1,126,000	+700,000	+200,000	
Total, title IV, new budget (obligational) authority, independent offices	395,013,000	398,490,000	420,700,000	424,650,000	424,650,000	+29,637,000	+26,160,000	+3,950,000	
Total, new budget (obligational) authority, titles II, III, and IV (excluding AEC)	2,499,757,000	2,831,966,000	2,821,867,000	2,920,951,000	2,871,504,000	+371,747,000	+39,538,000	+49,637,000	−49,447,000
Total, new budget (obligational) authority, titles I, II, III, and IV	4,794,137,000	5,489,058,000	5,437,727,000	5,571,696,000	5,504,914,000	+710,777,000	+15,856,000	+67,187,000	−66,782,000
Memoranda:									
Appropriations to liquidate contract authorizations	(31,500,000)	(53,000,000)	(53,000,000)	(53,000,000)	(53,000,000)	(+21,500,000)			
Total appropriations, including appropriations to liquidate contract authorizations	(4,825,637,000)	(5,542,058,000)	(5,490,727,000)	(5,624,696,000)	(5,557,914,000)	(+732,277,000)	(+15,856,000)	(+67,187,000)	(−66,782,000)

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[1] Reflects transfer of $2,844,000 from "Plant and Capital Equipment" to "Operating Expenses" in Second Supplemental Appropriation Act, 1972.

[2] Reflects transfer of $4,519,000 to "Operation and Maintenance, General" and $723,000 to "General Expenses" from "Construction, General" in Second Supplemental Appropriation Act, 1972.

[3] Reflects transfer of $490,000 to "Operation and Maintenance" and $365,000 to "General Administrative Expenses" from "Construction and Rehabilitation" in Second Supplemental Appropriation Act, 1972.

[4] Reflects transfer of $180,000 from "Construction" to "Operation and Maintenance" in Second Supplemental Appropriation Act, 1972.

[5] Includes $1,000 appropriated in Second Supplemental Appropriation Act, 1972.

[6] Includes budget estimates contained in H. Doc. 92-267 and H. Doc. 92-269.

[7] Reflects transfer in the estimates of $295,000 from "Construction, General", to "General Investigations" for restudies of previously authorized projects.

TITLE I, ATOMIC ENERGY COMMISSION

Mr. STENNIS. Mr. President, in addition to the consideration of appropriations for water resource development, the committee considered the appropriations for the Atomic Energy Commision.

The conferees agreed to $2,138,800,000 for operating expenses of the Atomic Energy Commission. This is $9.8 million above the House allowance, and $11.835 million below the amount allowed by the Senate. The increase includes $1 million for thorium utilization and $3 million for space propulsion systems, providing a total of $9 million for this purpose.

For plant and capital equipment, the conferees agreed on $494,610,000. This is $5.5 million above the House and $7.75 million below the Senate. The increase provides an additional $4,750,000 for construction of the laser fusion laboratory at Los Alamos, N. Mex., and $3 million for land acquisition at Rocky Flats, Colo., providing a total of $6 million for this purpose.

TITLE II, DEPARTMENT OF DEFENSE—CIVIL

Mr. President, in title II, for general investigations, Corps of Engineers, the bill provides $55,975,000, which is $1,775,000 below the amount approved by the Senate, and $1,775,000 above the amount allowed by the House. The conference allowance is $1,530,000 above the budget estimate.

Mr. President, for construction, general, Corps of Engineers, the conference agreement provides $1,201,493,000, which is $21,229,000 below the amount approved by the Senate; $20,395,000 above the House; $7,789,000 above the budget estimate; and $176,409,000 above the fiscal year 1972 appropriation.

Mr. President, the amount allowed on a number of the projects currently under construction exceeds the budget estimate. The House and Senate committees believed that in these cases the budget estimate was inadequate for efficient operations during the current year. In addition, both the House and Senate included in the bill a modest number of new starts on planning and on construction. The largest new start is on the Red River navigation project which is the only remaining major tributary of the Mississippi River that has not been developed for navigation.

With respect to flood control, the country has recently experienced a major disaster as a result of Hurricane Agnes, with damages estimated at $3.5 billion. Fortunately, completed flood control projects in the area prevented damages in excess of $1.5 billion.

There is no question but that the Congress has the prerogative to make adjustments in the budget requests and establish its own priorities to the extent it believes necessary, and that is exactly what we did in this bill.

The committee believes that the funds agreed to in conference are necessary and well justified. It is expected, therefore, that the allocations to projects and activities agreed upon for fiscal year 1973 will be adhered to and the funds apportioned for obligation during the current fiscal year.

Mr. President, I ask unanimous consent to insert at this point in the RECORD the tabulation showing the details of the amount allowed under "Construction, general."

There being no objection, the tabulation "Construction, general" was ordered to be printed in the RECORD, as follows:

CONSTRUCTION, GENERAL, FISCAL YEAR 1973

	Construction, general, State, and project	Budget estimate for fiscal year 1973		House allowance		Senate allowance		Conference allowance	
	(1)	Construction (2)	Planning (3)	Construction (4)	Planning (5)	Construction (6)	Planning (7)	Construction (8)	Planning (9)
	Alabama:								
(N)	Alabama River channel improvement*	$1,017,000		$1,017,000		$1,017,000		$1,017,000	
(N)	Claiborne lock and dam*	645,000		645,000		645,000		645,000	
(R)	John Hollis Bankhead lock and dam	9,000,000		9,000,000		9,000,000		9,000,000	
(MP)	Jones Bluff lock and dam	11,900,000		11,900,000		11,900,000		11,900,000	
(MP)	Millers Ferry lock and dam, William "Bill" Dannelly Reservoir*	3,820,000		3,820,000		3,820,000		3,820,000	
(N)	Mobile Harbor, Theodore Channel**		$50,000		$50,000		$50,000		$50,000
(FC)	Montgomery**		100,000		100,000		100,000		100,000
(N)	Tennessee-Tombigbee Waterway, Ala., and Miss	12,000,000		12,000,000		12,000,000		12,000,000	
	Tombigbee River and tributaries, Mississippi and Alabama. (See Mississippi.)								
	West Point Lake, Ala. and Ga. (See Georgia.)								
	Alaska:								
(FC)	Chena River Lakes, Fairbanks**	600,000		600,000		1,600,000		1,200,000	
(N)	Humboldt Harbor**		80,000		80,000		80,000		80,000
(N)	Kake Harbor**		50,000		50,000		50,000		50,000
(N)	King Cove Harbor*	400,000		400,000		400,000		400,000	
(N)	Sergius and Whitestone Narrows*	900,000		900,000		900,000		900,000	
(MP)	Snettisham power project	9,990,000		9,990,000		9,990,000		9,990,000	
(FC)	Talkeetna River (Restudy) (See G.I.)**		[1](27,000)		[1](27,000)		[1](27,000)		[1](27,000)
	Arizona:								
(FC)	Indian Bend Wash**		200,000		200,000		200,000		200,000
(FC)	Phoenix and vicinity, including New River (Stage I)	1,200,000		1,200,000		1,200,000		1,200,000	
(FC)	Phoenix and vicinity, including New River (Stage 2)**		100,000		100,000		100,000		100,000
(FC)	Santa Rosa Wash (Tat Momolikot Dam)	5,800,000		5,800,000		5,800,000		5,800,000	
	Arkansas:								
(FC)	Bayou Bartholomew and tributaries (1950 and 1966 acts), Ark. and La.**					420,000			
(FC)	Bell Foley Lake**		250,000		250,000		250,000		250,000
(MP)	De Gray Lake	3,300,000		3,300,000		3,300,000		3,300,000	
(FC)	De Queen Lake	3,500,000		3,500,000		3,500,000		3,500,000	
(FC)	Dierks Lake	3,800,000		3,800,000		3,800,000		3,800,000	
(FC)	Gillham Lake	1,500,000		1,500,000		1,500,000		1,500,000	
(N)	McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma:								
	(a) Bank stabilization and channel rectification	2,350,000		2,350,000		2,350,000		2,350,000	
	(b) Navigation locks and dams	17,000,000		17,000,000		17,000,000		17,000,000	
(N)	Ouachita and Black Rivers, Ark. and La	7,000,000		7,000,000		7,000,000		7,000,000	
(MP)	Ozark lock and dam	4,200,000		4,200,000		4,200,000		4,200,000	
(FC)	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex.	2,800,000		2,800,000		2,800,000		2,800,000	
(FC)	Village Creek, Jackson and Lawrence Counties**						350,000		175,000
	California:								
(FC)	Alameda Creek, Del Valle Reservoir*	2,994,000		2,994,000		2,994,000		2,994,000	
(N)	Bodega Bay**						50,000		50,000
(FC)	Buchanan Lake	4,500,000		4,500,000		4,500,000		4,500,000	
(FC)	Butler Valley Dam-Blue Lake**		1,280,000		1,280,000		1,280,000		1,280,000
(FC)	Chester, North Fork of Feather River**		65,000		65,000		65,000		65,000
(FC)	Corte Madera Creek	850,000		850,000		850,000		850,000	
(FC)	Cucamonga Creek**		550,000		550,000		550,000		550,000
(N)	Crescent City Harbor	1,150,000		1,150,000		1,150,000		1,150,000	
(FC)	Dry Creek (Warm Springs) Lake and Channel	8,400,000		10,400,000		10,400,000		10,400,000	
(FC)	Fairfield vicinity streams**		60,000		60,000		60,000		60,000
(FC)	Hidden Lake	6,000,000		6,000,000		6,000,000		6,000,000	
(N)	Humboldt Harbor and Bay**				50,000		50,000		50,000
(FC)	Lakeport Lake**		310,000		310,000		310,000		310,000
(FC)	Los Angeles County drainage area	200,000		200,000		200,000		200,000	
(FC)	Lytle and Warm Creeks	6,400,000		6,490,000		6,400,000		6,400,000	
	Martis Creek Lake, Calif. and Nev. (See Nevada.) *								
(MP)	Marysville Lake**		950,000		950,000		950,000		950,000
(FC)	Merced County streams**				150,000		150,000		150,000
(FC)	Mojave River Dam*	1,000,000		1,000,000		1,000,000		1,000,000	
(FC)	Mormon Slough*	345,000		345,000		345,000		345,000	
(MP)	New Melones Lake	26,000,000		26,000,000		26,000,000		26,000,000	
(FC)	Pajaro River (1966 act)**		215,000		215,000		215,000		215,000
(N)	Port Hueneme Harbor**	400,000		400,000		400,000		400,000	
(FC)	Russian River Basin Coyote Valley Dam and Russian River Channel.	450,000		450,000		450,000		450,000	
(FC)	Sacramento River and major and minor tributaries	100,000		100,000		100,000		100,000	
(FC)	Sacramento River bank protection	5,000,000		5,000,000		5,000,000		5,000,000	
(FC)	Sacramento River Chico Landing to Red Bluff	100,000		100,000		100,000		100,000	
(N)	San Diego Harbor	1,000,000		1,000,000		1,000,000		1,000,000	
(N)	San Diego River and Mission Bay	1,200,000		1,200,000		1,200,000		1,200,000	
(FC)	San Diego River, Mission Valley**		220,000		220,000		220,000		220,000
(N)	San Francisco Bay to Stockton (John F. Baldwin and Stockton ship channels).	1,000,000		1,000,000		1,000,000		1,000,000	

See footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1973—Continued

	Construction, general, State, and project	Budget estimate for fiscal year 1973		House allowance		Senate allowance		Conference allowance	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	California—Continued								
(FC)	Santa Paula Creek channel*	$4,153,000		$4,153,000		$4,153,000		$4,153,000	
(FC)	Sonoma Creek**		$221,000		$221,000		$221,000		$221,000
(BE)	Surfside-Sunset and Newport Beach	600,000		600,000		600,000		600,000	
(FC)	University Wash and Spring Brook**				100,000		100,000		100,000
(N)	Ventura Marina (reimbursement)*	750,000		750,000		750,000		750,000	
(FC)	Walnut Creek	2,400,000		2,400,000		2,400,000		2,400,000	
	Canada:								
(FC)	Mica Reservoir	1,200,000		1,200,000		1,200,000		1,200,000	
	Colorado:								
(FC)	Bear Creek Lake**	[2] 2,500,000		[2] 2,500,000		[2] 2,500,000		[2] 2,500,000	
(FC)	Boulder**		80,000		80,000		80,000		80,000
(FC)	Chatfield Lake	11,000,000		11,000,000		11,000,000		11,000,000	
(FC)	Las Animas**					200,000		200,000	
(FC)	Trinidad Lake	7,400,000		7,400,000		7,400,000		7,400,000	
	Connecticut:								
(FC)	Danbury**		114,000		114,000		114,000		114,000
(FC)	Derby*	1,523,000		1,523,000		1,523,000		1,523,000	
(FC)	Park River**		548,000		548,000		548,000		548,000
(FC)	Trumbull Lake	3,000,000		3,000,000		3,000,000		3,000,000	
	Delaware:								
(N)	Delaware Bay—Chesapeake Bay Waterway in Del., Md., and Va.**		150,000		150,000		150,000		150,000
(FC)	Delaware coast protection**		150,000		150,000		150,000		150,000
	Delaware River—Philadelphia to sea (anchorages), Del., N.J., and Pa. (see New Jersey).								
(N)	Inland waterway, Delaware River to Chesapeake Bay (Chesapeake and Delaware Canal), pt. II, Del., and Md.	7,500,000		7,500,000		7,500,000		7,500,000	
	Florida:								
(BE)	Brevard County**	200,000		200,000		200,000		200,000	
(FC)	Central and Southern Florida	8,750,000		8,750,000		8,750,000		8,750,000	
(N)	Cross-Florida Barge Canal (environmental study)				[1] (150,000)		[1] (150,000)		[1] (150,000)
(FC)	Dade County**				100,000		100,000		100,000)
(BE)	Duval County**				90,000		90,000		90,000
(FC)	Four River basins	7,600,000		7,600,000		7,600,000		7,600,000	
(N)	Hudson River (Restudy) (See G.I.)**		[1] (1,0000)		[1] (14,000)		[1] (14,000)		[1] (14,000)
(N)	Jacksonville Harbor (1956 act)	6,300,000		6,300,000		6,300,000		6,300,000	
(N)	Miami Harbor	3,500,000		3,500,000		3,500,000		3,500,000	
(BE)	Mullett Key	230,000		230,000		230,000		230,000	
(N)	Panama City Harbor**				50,000		50,000		50,000
(BE)	Pinellas County					100,000			
(N)	Tampa Harbor (main channel)**						300,000		300,000
(BE)	Virginia Key and Key Biscayne	800,000		800,000		800,000		800,000	
	Georgia:								
(MP)	Carters Lake	22,000,000		22,000,000		22,000,000		22,000,000	
(N)	Savannah Harbor, 40 feet (widening and deepening)	1,200,000		1,200,000		1,200,000		1,200,000	
(N)	Savannah Harbor (sediment basin)	3,230,000		3,230,000		3,230,000		3,230,000	
(MP)	Spewrell Bluff Lake	3,000,000		[4] 1,900,000		[4] 1,900,000		[4] 1,900,000	
(MP)	Trotters Shoals Lake, Georgia and South Carolina (land acquisition).**	1,500,000		1,500,000		1,500,000		1,500,000	
(BE)	Tybee Island**			200,00		200,000		200,000	
(MP)	West Point Lake, Ala. and Ga.	24,800,000		24,800,000		24,800,000		24,800,000	
	Hawaii:								
(FC)	Iao Stream**						165,000		165,000
(FC)	Kaneohe-Kailua Area**		160,000		160,000		160,000		160,000
(N)	Kawaihae Small Boat Harbor**		25,000		25,000		25,000		25,000
(N)	Maunalua Bay Small Boat Harbor**		35,000		35,000		35,000		35,000
(N)	Nawiliwili Small Boat Harbor (Section 107)**			(130,000)		(130,000)		(130,000)	
(N)	Waianae Harbor**				120,000		120,000		120,000
	Idaho:								
(FC)	Boise Valley (restudy) (See G.I.)**		[1] (80,000)		[1] (80,000)		[1] (80,000)		[1] (80,000)
(MP)	Dworshak Dam and Reservoir	30,200,000		30,200,000		30,200,000		30,200,000	
(FC)	Ririe Lake	4,400,000		4,400,000		4,400,000		4,400,000	
(FC)	Stuart Gulch Dam**		70,000		70,000		70,000		70,000
	Illinois:								
(FC)	East Moline**		100,000		100,000		100,000		100,000
(FC)	East St. Louis and vicinity (interior flood control)**		250,000		250,000		250,000		250,000
(FC)	Freeport	200,000		200,000		200,000		200,000	
(FC)	Fulton**		102,000		102,000		102,000		102,000
(FC)	Helm Lake**				75,000		75,000		75,000
(N)	Illinois Waterway, Calumet-Sag modification, pt. I, Illinois and Indiana.	2,400,000		2,400,000		2,400,000		2,400,000	
(N)	Illinois Waterway Duplicate Locks**		50,000		50,000		50,000		50,000
	Island Levee, Ill, and Ind. (See Indiana.)								
(N)	Kaskaskia River navigation	18,000,000		18,000,000		18,000,000		18,000,000	
(BE)	Lake Forest shore of Lake Michigan (reimbursement)	32,000		32,000		32,000		32,000	
(FC)	Lake Shelbyville	3,100,000		3,100,000		3,100,000		3,100,000	
(FC)	Levee District 23 (Dively), Kaskaskia River	600,000		600,000		600,000		600,000	
(FC)	Lincoln Lake	2,000,000		[4] 1,500,000		[4] 1,500,000		[4] 1,500,000	
(N)	Lock and dam 26, Mississippi River, Alton, Ill., and Mo.**		1,980,000		1,980,000		2,300,000		2,300,000
(N)	Lock and dam 53 (temporary lock), Illinois and Kentucky**						650,000		650,000
(FC)	Louisville Lake**		250,000		250,000		250,000		250,000
(FC)	McGee Creek Drainage and Levee district**		100,000		100,000		100,000		100,000
(N)	Mississippi River between Ohio and Missouri Rivers Ill. and Mo.:								
	(a) Chain of Rocks	8,100,000		8,100,000		8,100,000		8,100,000	
	(b) Regulating works	1,500,000		1,500,000		1,500,000		1,500,000	
(N)	Mississippi River, Sny Island Levee drainage district—Rectification of damaze (restudy).** (See G.I.)		[1] (40,000)		[1] (40,000)		[1] (40,000)		[1] (40,000)
(FC)	Moline (not authorized)**				30,000		30,000		30,000
(FC)	Oakley Lake and channel improvement (land acquisition)**	1,000,000		1,000,000		1,000,000		1,000,000	
(FC)	Rend Lake	3,800,000		3,800,000		3,800,000		3,800,000	
(FC)	Rock Island	2,500,000		2,500,000		2,500,000		2,500,000	
(FC)	Rockford**	200,000		200,000		200,000		200,000	
(FC)	Saline River and tributaries	2,700,000		2,700,000		2,700,000		2,700,000	
(N)	Smithland locks and dam, Illinois and Kentucky	29,300,000		29,300,000		29,300,000		29,300,000	
	Indiana:								
(FC)	Big Pine Lake (land acquisition)	450,000		450,000		450,000		450,000	
(FC)	Big Walnut Lake (resumption)**				75,000		75,000		75,000

See footnotes at end of table.

	Construction, general, State, and project	Budget estimate for fiscal year 1973		House allowance		Senate allowance		Conference allowance	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
(FC)	Brookville Lake	$7,500,000		$7,500,000		$7,500,000		$7,500,000	
	Calumet River and Harbor, Ill. and Ind. (See Illinois.)								
(N)	Cannelton locks and dam, Indiana and Kentucky	6,800,000		6,800,000		6,800,000		6,800,000	
(FC)	Clifty Creek Lake (land acquisition)	550,000		350,000		350,000		350,000	
(FC)	Evansville	900,000		600,000		600,000		600,000	
(FC)	Greenfield Bayou Levee	500,000		500,000		500,000		500,000	
	Illinois Waterway, Calumet-Sag modification, pts. I and II, Illinois and Indiana. (See Illinois.)								
(FC)	Indianapolis—Warfleigh (restudy)** (See G.I.)		[1] ($50,000)		[1] ($50,000)		[1] ($50,000)		[1] ($50,000)
(FC)	Island levee, Indiana and Illinois	300,000		300,000		300,000		300,000	
(FC)	Levee Unit No. 5*	569,000		569,000		569,000		569,000	
(FC)	Marion				30,000		30,000		30,000
(FC)	Mason J. Niblack Levee (pumping facilities)**	200,000		200,000		200,000		200,000	
(FC)	Newburgh (bank revetment)**		60,000		60,000		60,000		60,000
(N)	Newburgh locks and dam, Indiana and Kentucky	11,000,000		11,000,000		11,000,000		11,000,000	
(FC)	Patoka Lake	2,900,000		2,900,000		2,900,000		2,900,000	
(N)	Uniontown locks and dam, Indiana and Kentucky	14,000,000		14,000,000		14,000,000		14,000,000	
	Iowa:								
(FC)	Ames Lake	700,000		700,000		700,000		700,000	
(FC)	Bettendorf**		98,000		98,000		98,000		98,000
(FC)	Big Sioux River at Sioux City, Iowa and S. Dak.**		78,000		78,000		78,000		78,000
(FC)	Clinton**		124,000		124,000		124,000		124,000
(FC)	Davenport**		150,000		150,000		150,000		150,000
(FC)	Dubuque*	1,297,000		1,297,000		1,297,000		1,297,000	
(FC)	Guttenberg*	600,000		600,000		600,000		600,000	
(FC)	Marshalltown	2,300,000		2,300,000		2,300,000		2,300,000	
(FC)	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska	1,675,000		1,675,000		1,675,000		1,675,000	
(N)	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska.	10,300,000		10,300,000		10,300,000		10,300,000	
(FC)	Saylorville Lake	10,100,000		10,100,000		10,100,000		10,100,000	
(FC)	Waterloo	3,000,000		3,000,000		3,000,000		3,000,000	
	Kansas:								
	Arkansas—Red River chloride control, Texas, Oklahoma, and Kansas. (See Texas.)								
(FC)	Big Hill Lake	1,000,000		1,000,000		1,000,000		1,000,000	
(FC)	Cedar Point Lake**		200,000		200,000		200,000		200,000
(FC)	Clinton Lake	8,500,000		8,500,000		8,500,000		8,500,000	
(FC)	Dodge City	1,300,000		1,300,000		1,300,000		1,300,000	
(FC)	El Dorado						50,000		
(FC)	El Dorado Lake	1,500,000		1,500,000		1,500,000		1,500,000	
(FC)	Great Bend**		180,000		180,000		180,000		180,000
(FC)	Grove Lake**		225,000		225,000		225,000		225,000
(FC)	Hays, Big Creek	200,000		200,000		200,000		200,000	
(FC)	Hillsdale Lake**	500,000		500,000		500,000		500,000	
(FC)	Kansas City, Kansas River, Kans. (1962 mod)	2,400,000		2,400,000		2,400,000		2,400,000	
(FC)	Lawrence	1,321,000		400,000		400,000		400,000	
(FC)	Marion**		90,000		90,000		90,000		90,000
(FC)	Melvern Lake	6,900,000		6,900,000		6,900,000		6,900,000	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa).								
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
(FC)	Onaga Lake**		250,000		250,000		250,000		250,000
(FC)	Perry Lake Area (road improvements)				100,000		100,000		100,000
(FC)	Winfield				40,000		40,000		40,000
(FC)	Wolf—Coffee Lake**		150,000		150,000		150,000		150,000
	Kentucky:								
	Cannelton locks and dam, Indiana and Kentucky. (See Indiana.)								
(FC)	Carr Fork Lake	4,750,000		4,750,000		4,750,000		4,750,000	
(FC)	Cave Run Lake	8,800,000		8,800,000		8,800,000		8,800,000	
(FC)	Falmouth Lake**		100,000		100,000		100,000		100,000
	Falmouth Local Flood Protection (not authorized)						50,000		
(FC)	Green River Lake*	250,000		250,000		250,000		250,000	
(FC)	Kehoe Lake**		150,000		150,000		150,000		150,000
(MP)	Laurel River Lake	4,100,000		4,100,000		4,100,000		4,100,000	
(FC)	Martin	200,000		200,000		200,000		200,000	
(FC)	Martins Fork Lake	700,000		700,000		1,550,000		700,000	
	Mound City lock and dam, Illinois and Kentucky. (See Illinois.)**								
	Newburgh locks and dam, Indiana and Kentucky. (See Indiana.)								
	Newport-Wilder						50,000		50,000
(FC)	Paintsville Lake	1,100,000		1,100,000		1,100,000		1,100,000	
(FC)	Pikeville**	(3)		(3)		(3)		(3)	
(FC)	Red River Lake	500,000		500,000		500,000		500,000	
	Smithland lock and dam, Illinois and Kentucky. (See Illinois.)								
(FC)	Southwestern Jefferson County**			500,000		500,000		500,000	
(FC)	Taylorsville Lake	2,800,000		1,500,000		[4] 1,500,000		[4] 1,500,000	
	Uniontown locks and dam, Indiana and Kentucky. (See Indiana.)								
(FC)	Yatesville**			700,000		700,000		700,000	
	Louisiana:								
(N)	Atchafalaya River, Bayous Chene, Boeuf and Black	3,000,000		3,000,000		3,000,000		3,000,000	
	Bayou Bartholomew, Ark. and La. (See Arkansas.)**								
(FC)	Bayou Bodcau and tributaries	1,000,000		1,000,000		1,000,000		1,000,000	
(N)	Calcasieu River at Devils Elbow**		130,000		130,000		130,000		130,000
(FC)	Grand Isle and vicinity	350,000		350,000		350,000		350,000	
(FC)	Lake Pontchartrain, and vicinity	20,000,000		20,000,000		20,000,000		20,000,000	
(N)	Mermentau River (channel improvement)**					300,000		300,000	
(N)	Mermentau River (Lake Arthur Bridge replacement)**	1,630,000		1,630,000		1,630,000		1,630,000	
(N)	Michoud Canal	1,000,000		1,000,000		1,000,000		1,000,000	
(N)	Mississippi River, gulf outlet	900,000		900,000		900,000		900,000	
(N)	Mississippi River Outlets Venice**		90,000		90,000		90,000		90,000
(FC)	Monroe Floodwall*	505,000		505,000		505,000		505,000	
(FC)	Morgan City and vicinity	1,200,000		1,200,000		1,200,000		1,200,000	
(FC)	New Orleans to Venice hurricane protection	5,000,000		5,000,000		5,000,000		5,000,000	
	Ouachita and Black Rivers, Ark. and La. (See Arkansas.)								
(FC)	Ouachita River Levees	300,000		300,000		300,000		300,000	
(N)	Overton-Red River Waterway (lower 31 miles only)	1,000,000		1,000,000		1,000,000		1,000,000	
(N)	Red River Emergency Bank Protection	4,750,000		4,750,000		4,750,000		4,750,000	

CONSTRUCTION, GENERAL, FISCAL YEAR 1973—Continued

	Construction, general, State, and project	Budget estimate for fiscal year 1973		House allowance		Senate allowance		Conference allowance	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Louisiana—Continued								
(N)	Red River Waterway, Mississippi River to Shreveport, La.**		$1,000,000		$1,000,000	$1,200,000	$1,000,000	$1,200,000	$1,000,000
(N)	Red River Waterway, Shreveport, La., to Daingerfield, Tex. (economic restudy only).**						25,000		25,000
(N)	Red River Waterway, Shreveport, La., to vicinity Index, Ark.**						20,000		
	Red River levees and bank stabilization below Denison Dam, Ark., La., and Rex. (See Arkansas.)								
(N)	Vermilion lock (replacement)**		100,000		100,000		100,000		100,000
	Maine:								
(MP)	Dickey-Lincoln School Lakes**						800,000		
(N)	Frenchboro Harbor**						60,000		60,000
	Maryland:								
(N)	Baltimore Harbor and channels (1970 act)**						175,000		
(FC)	Bloomington Lake, Md. and W. Va.	$14,000,000		$14,000,000		14,000,000		14,000,000	
	Inland waterway, Delaware River to Chesapeake Bay, Del. and Md. (C. & D. Canal), pt. II. (See Delaware.)								
	Massachusetts:								
(FC)	Charles River Dam	3,000,000		3,000,000		3,000,000		3,000,000	
(N)	Fall River Harbor, Mass. and R.I.					1,000,000		1,000,000	
(FC)	Nookagee Lake**		100,000		100,000		100,000		100,000
(BE)	Revere Beach**		30,000		30,000		30,000		30,000
(FC)	Saxonville**		111,000		111,000		111,000		111,000
(N)	Weymouth Fore and Town Rivers	5,900,000		5,900,000		5,900,000		5,900,000	
	Michigan:								
(N)	Great Lakes Connecting Channels	4,900,000		4,900,000		4,900,000		4,900,000	
(FC)	Kalamazoo	200,000		200,000		200,000		200,000	
(N)	Lexington Harbor **			100,000		100,000		100,000	
(N)	Ludington Harbor **		60,000		60,000		60,000		60,000
(FC)	River Rouge	7,200,000		7,200,000		7,200,000		7,200,000	
(FC)	Saginaw River (flood control)	2,000,000		2,000,000		2,000,000		2,000,000	
(N)	Tawas Bay Harbor **				40,000		40,000		40,000
	Minnesota:								
(N)	Beaver Bay Harbor				50,000		50,000		50,000
(FC)	Big Stone Lake-Whetstone River, Minn. and S. Dak.	1,900,000		1,900,000		1,900,000		1,900,000	
(N)	Lutsen Harbor**				50,000		50,000		50,000
(FC)	Mankato and North Mankato	1,600,000		1,600,000		1,600,000		1,600,000	
(FC)	Roseau River	100,000		100,000		100,000		100,000	
(FC)	Twin Valley Lake**		80,000		50,000		50,000		50,000
(FC)	Zumbro River	1,400,000		1,400,000		1,400,000		1,400,000	
(FC)	Wild Rice River-South Branch and Felton Ditch**		70,000		70,000		70,000		70,000
(FC)	Winona**				60,000		60,000		60,000
	Mississippi:								
(FC)	Tallahala Creek Lake**		400,000		400,000	350,000	400,000	350,000	400,000
	Tennessee-Tombigee Waterway, Ala. and Miss. (See Alabama.)								
(FC)	Tombigbee River and tributaries, Mississippi and Alabama	1,500,000		1,500,000		1,500,000		1,500,000	
	Missouri:								
(FC)	Blue River Channel Kansas City, Mo.**		50,000		50,000		50,000		50,000
(FC)	Brookfield Lake**		250,000		250,000		250,000		250,000
(MP)	Clarence Cannon Dam and Reservoir	8,000,000		8,000,000		8,000,000		$8,000,000	
(MP)	Harry S. Truman Dam and Reservoir	19,500,000		19,500,000		27,000,000		23,000,000	
(FC)	Little Blue River Channel**	100,000		100,000		100,000		100,000	
(FC)	Little Blue River Lakes (land acquisition)	2,500,000		2,500,000		4,500,000		4,500,000	
	Lock and Dam 26, Alton, Ill. and Mo. (see Illinois).**								
(FC)	Long Branch Lake	2,000,000		1,500,000		1,500,000		1,500,000	
(FC)	Meramec Park Lake (land acquisition)	2,500,000		3,000,000		3,000,000		3,000,000	
(FC)	Mercer Lake		160,000		160,000		160,000		160,000
(FC)	Mississippi River Agricultural Area No. 8 (Elsberry drainage district).**		120,000		120,000		120,000		120,000
	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo. (See Illinois.)								
	Missouri River levee system, Iowa, Kansas, Missouri,								
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
(FC)	Pattonsburg Lake (restudy) (see General Investigations).**								
(FC)	Pattonsburg Lake—Highway I-35 Crossing	100,000		100,000		100,000		100,000	
(FC)	Pattonsburg Lake (town relocation only)**		50,000		(4)		(4)		(4)
(FC)	St. Louis	1,200,000		1,200,000		1,200,000		1,200,000	
(FC)	Smithville Lake	4,000,000		3,500,000		3,500,000		3,500,000	
	Montana:								
(MP)	Libby Dam—Lake Koocanusa	40,000,000		40,000,000		40,000,000		40,000,000	
(MP)	Libby Dam-Lake Koocanusa (additional units and re-regulating dam).**						400,000		400,000
	Nebraska:								
(MP)	Gavins Point Dam Lewis and Clark Lake (relocation of Niobrara, Nebr.), Nebr. and S. Dak.**	3,000,000				3,000,000		3,000,000	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
(FC)	Papillion Creek and tributaries**	4,000,000		4,000,000		4,000,000		4,000,000	
	Nevada:								
(FC)	Humbolt River and tributaries**						100,000		100,000
(FC)	Martis Creek Lake, Calif. and Nev.	450,000		450,000		450,000		450,000	
	New Hampshire:								
(FC)	Beaver Brook Lake	1,000,000		1,000,000		1,000,000		1,000,000	
	New Jersey:								
(N)	Delaware River—Philadelphia to sea (anchorages), Del., N.J., and Pa.								
(FC)	Elizabeth	3,100,000		3,100,000		3,100,000		3,100,000	
(N)	Great Egg Harbor Inlet and Peck Beach**						$50,000		50,000
(N)	Newark Bay, Hackensack and Passaic Rivers	4,676,000		4,676,000		4,676,000		4,676,000	
(FC)	South Orange, Rahway River	780,000		780,000		780,000		780,000	
	Tocks Island Lake, Pa., N.J., and N.Y. (See Pennsylvania.)								
	New Mexico:								
(FC)	Cochiti Lake	14,900,000		14,900,000		14,900,000		14,900,000	
(FC)	Las Cruces	2,000,000		2,000,000		2,000,000		2,000,000	
(F)	Los Esteros Lake	1,500,000		1,500,000		1,500,000		1,500,000	

See footnotes at end of table.

		Budget estimate for fiscal year 1973		House allowance		Senate allowance		Conference allowance	
	Construction, general, State, and project	Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	New York:								
(FC)	Allegheny**		$30,000		$30,000		$30,000		$30,000
(N)	Cattaraugus Harbor**		80,000		80,000		80,000		80,000
(FC)	East Rockaway Inlet to Rockaway Inlet and Jamica Bay		150,000		150,000		150,000		150,000
(N)	Hamlin Beach Harbor**		80,000		80,000		80,000		80,000
(N)	New York Harbor (anchorages)	$5,500,000		$5,500,000		$5,500,000		$5,500,000	
(FC)	North Ellenville*	2,200,000		2,200,000		2,200,000		2,200,000	
(N)	Oak Orchard Harbor*	1,073,000		1,073,000		1,073,000		1,073,000	
(FC)	Scajaquada				25,000		25,000		25,000
	Tocks Island Lake, Pa., N.J., and N.Y. (See Pennsylvania.)								
(FC)	Wellsville*	840,000		840,000		840,000		840,000	
(FC)	Yonkers**		145,000		145,000		145,000		145,000
	North Carolina:								
(N)	Atlantic Intracoastal Waterway, bridges**						100,000		100,000
(FC)	Brunswick County Beaches			100,000		100,000		100,000	
(FC)	Falls Lake	4,300,000		4,300,000		4,300,000		4,300,000	
(BE)	Fort Macon State Park (reimbursement)	108,000		108,000		108,000		108,000	
(FC)	Howards Mill Lake**		190,000		190,000		190,000		190,000
(N)	Morehead City Harbor (1970 Act)		100,000		100,000		100,000		100,000
(FC)	New Hope Lake	15,100,000		15,010,000		15,100,000		15,100,000	
(FC)	Randleman Lake**		330,000		330,000		330,000		330,000
(FC)	Reddies River Lake**		150,000		150,000		150,000		150,000
(N)	Wilmington Harbor 32-foot*	390,000		390,000		390,000		390,000	
	North Dakota:								
(FC)	Burlington Dam*		150,000		150,000		350,000		350,000
(MP)	Garrison Dam—Lake Sakakawea	500,000		500,000		500,000		500,000	
(R)	Garrison Dam—Lake Sakakawea (embankment repair)*	200,000		200,000		200,000		200,000	
(FC)	Kindred Lake (restudy). (See G.I.)**		[1] (30,000)		[1] (30,000)		[1] (30,000)		[1] (30,000)
(FC)	Minot	700,000		700,000		700,000		700,000	
(FC)	Missouri River, Garrison Dam to Lake Oahe	900,000		900,000		900,000		900,000	
	Oahe Dam-Lake Oahe, S. Dak. and N. Dak. (See South Dakota.)								
(FC)	Pipestem Lake	2,800,000		2,800,000		2,800,000		2,800,000	
	Ohio:								
(FC)	Alum Creek Lake	14,700,000		14,700,000		14,700,000		14,700,000	
(FC)	Caesar Creek Lake	6,400,000		6,400,000		6,400,000		6,400,000	
(FC)	Chillicothe**		100,000		100,000		100,000		100,000
(FC)	Clarence J. Brown Dam and Reservoir	4,500,000		4,500,000		4,500,000		4,500,000	
(FC)	Cuyahoga River**					100,000		100,000	
(FC)	East Fork Lake	4,700,000		4,700,000		4,700,000		4,700,000	
(N)	Hannibal locks and dam, Ohio and West Virginia	14,500,000		14,500,000		14,500,000		4,500,000	
(N)	Huron Harbor (channel deepening only)**				50,000		50,000		50,000
(BE)	Lakeview Park, Lorain Ohio**		60,000		60,000		60,000		60,000
(N)	Lorain Harbor	3,300,000		3,300,000		3,300,000		3,300,000	
(FC)	Mill Creek**		225,000		350,000		350,000		350,000
(FC)	Newark**		110,000		110,000		110,000		110,000
(FC)	North Branch of Kokosing River Lake*	236,000		236,000		236,000		236,000	
(FC)	Paint Creek Lake*	3,988,000		3,988,000		3,988,000		3,988,000	
(FC)	Salt Creek Lake (land acquisition)	500,000		[4] 200,000		[4] 200,000		[4] 200,000	
	Shenango River Lake, Pa. and Ohio. (See Pennsylvania.)*								
(N)	State park (sec. 107) Portsmouth			(200,000)		(200,000)		(200,000)	
(FC)	Utica Lake**		275,000		275,000		275,000		275,000
(N)	Vermillion Harbor*	517,000		517,000		517,000		517,000	
(N)	Willow Island locks and dam, Ohio and West Virginia	8,700,000		8,700,000		8,700,000		8,700,000	
(FC)	Youngstown, Crab Creek*	265,000		265,000		265,000		265,000	
	Oklahoma:								
(FC)	Arcadia Lake**		200,000		200,000		200,000		200,000
	Arkansas Red River chloride control, Texas, Oklahoma, and Kansas. (See Texas.)								
(FC)	Birch Lake	1,100,000		1,100,000		1,100,000		1,100,000	
(FC)	Clayton Lake**			500,000		500,000		500,000	
(FC)	Copan Lake	3,500,000		3,500,000		3,500,000		3,500,000	
(FC)	Hugo Lake	3,600,000		3,600,000		3,600,000		3,600,000	
(FC)	Kaw Lake	21,200,000		21,200,000		21,200,000		21,200,000	
	McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma (See Arkansas).								
(FC)	Oologah Lake (2d phase)*	1,620,000		1,620,000		1,620,000		1,620,000	
(FC)	Optima Lake	2,000,000		2,000,000		2,000,000		2,000,000	
(FC)	Shidler Lake**				130,000		130,000		130,000
(FC)	Skiatook Lake**	500,000		500,000		500,000		500,000	
(FC)	Waurika Lake	5,600,000		5,600,000		5,600,000		5,600,000	
(MP)	Webbers Falls lock and dam	6,000,000		6,000,000		6,000,000		6,000,000	
	Oregon:								
(FC)	Applegate Lake (land acquisition)**					500,000		100,000	
(FC)	Beaver Drainage District**		46,000		46,000		46,000		46,0000
(MP)	Bonnerville lock and dam (2d power unit) Oregon and Washington.**					1,000,000			
(MP)	Bonneville lock and dam (mod. for peaking), Oregon and Washington.	11,000,000		11,000,000		11,000,000		11,000,000	
(FC)	Catherine Creek Lake**					400,000		400,000	
(N)	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington.	3,800,000		3,800,000		3,800,000		3,800,000	
(N)	Coos Bay**						50,000		50,000
(FC)	Elk Creek Lake	2,500,000		2,500,000		2,500,000		2,500,000	
(MP)	John Day lock and dam, Oregon and Washington	18,000,000		18,000,000		18,000,000		18,000,000	
(FC)	Johnson Creek (restudy) (See G.I.)		[1] (55,000)		[1] (55,000)		[1] (55,000)		[1] (55,000
(MP)	Lost Creek Lake	23,000,000		23,000,000		23,000,000		23,000,000	
(FC)	Lower Columbia River bank protection, Oregon and Washington.	1,250,000		1,250,000		1,250,000		1,250,000	
(FC)	Scappose Drainage District**	100,000		100,000		100,000		100,000	
	The Dalles lock and dam, Washington and Oregon (additional power units). (See Washington.)								
(N)	Tillamook Bay and Bar (south jetty)	3,000,000		3,000,000		3,000,000		3,000,000	
(FC)	Willamette River Basin bank protection	350,000		350,000		350,000		350,000	
(FC)	Willow Creek Lake**		440,000		440,000		440,000		440,000
(N)	Yaquina Bay and Harbor*	1,947,000		1,947,000		1,947,000		1,947,000	
	Pennsylvania:								
(FC)	Blue Marsh Lake**	1,730,000		1,730,000		1,730,000		1,730,000	
(FC)	Chartiers Creek	5,800,000		5,800,000		5,800,000		5,800,000	
(N)	Delaware River, Bristol Marina (sec. 107)**			(170,000)		(170,000)		(170,000)	
	Delaware River—Philadelphia to sea (anchorages), flel., N.J., and Pa., see New Jersey).								
(FC)	DuBois	700,000		700,000		700,000		700,000	

CONSTRUCTION, GENERAL, FISCAL YEAR 1973—Continued

Construction, general, State, and project (1)		Budget estimate for fiscal year 1973		House allowance		Senate allowance		Conference allowance	
		Construction (2)	Planning (3)	Construction (4)	Planning (5)	Construction (6)	Planning (7)	Construction (8)	Planning (9)
	Pennsylvania—Continued								
(FC)	Raystown Lake	$15,800,000		$15,800,000		$15,800,000		$15,800,000	
(FC)	Shenango River Lake, Pa. and Ohio*	840,000		840,000		840,000		840,000	
(FC)	Tioga-Hammond Lakes	10,800,000		10,800,000		10,800,000		10,800,000	
(MP)	Tocks Island Lake, Pa., N.J., and N.Y.	14,800,000		14,800,000		14,800,000		14,800,000	
(FC)	Trexler Lake**		$179,000		$179,000		$179,000		$179,000
(FC)	Tyrone	2,100,000		2,100,000		2,100,000		2,100,000	
(FC)	Union City Lake	360,000		360,000		360,000		360,000	
(FC)	Woodcock Creek Lake	5,400,000		5,400,000		5,400,000		5,400,000	
	Puerto Rico:								
(FC)	Portuguese and Bucana Rivers (Lago de Cerrillos; Lago de Portugues and Ponce).**		400,000		400,000		400,000		400,000
	Rhode Island:								
	Fall River Harbor, Mass. and R.I. (See Mass.)								
	South Carolina:								
(N)	Cooper River-Charleston Harbor**		150,000		500,000		500,000		500,000
(N)	Murrells Inlet**						70,000		70,000
(FC)	Reedy River**		60,000		60,000		60,000		60,000
	Trotters Shoals Lake, Ga. and S.C. (See Georgia.)**								
	South Dakota:								
(MP)	Big Bend Dam-Lake Sharpe					400,000			70,000
	Big Sioux River at Sioux City, Iowa and S. Dak. (See Iowa.)**								
	Big Stone Lake-Whetstone River, Minn. and S. Dak. (See Minnesota.)								
	Gavins Point Dam-Lewis and Clark Lake (relocation of Niobrara Nebraska) Nebr. and S. Dak. (See Nebraska.)								
(MP)	Oahe Dam-Lake Oahe, S. Dak. and N. Dak.	2,100,000		2,100,000		2,100,000		2,100,000	
	Tennessee:								
MP)	Cordell Hull Dam and Reservoir	6,800,000		6,800,000		6,800,000		6,800,000	
	Texas:								
(FC)	Arkansas Red River chloride control, Tex., Okla., and Kans. (Resumption)**				500,000		500,000		500,000
(FC)	Aquilla Lake**		150,000		250,000		250,000		250,000
(FC)	Aubrey Lake**		250,000		250,000		250,000		250,000
(FC)	Big Pine Lake**		150,000		150,000		150,000		150,000
(FC)	Buffalo Bayou and tributaries	2,400,000		2,400,000		2,400,000		2,400,000	
(FC)	Clear Creek		150,000		150,000		150,000		150,000
(FC)	Cooper Lake and channels	2,000,000		2,000,000		2,000,000		2,000,000	
(N)	Corpus Christi ship channel (Port Aransas breakwater) (sec. 107).**			(250,000)		(250,000)		(250,000)	
(N)	Corpus Christi ship channel	4,700,000		4,700,000		4,700,000		4,700,000	
(FC)	Duck Creek channel improvement	1,500,000		1,500,000		1,500,000		1,500,000	
(FC)	Elm Fork Floodway**		203,000		203,000		203,000		203,000
(FC)	El Paso	1,700,000		1,700,000		1,700,000		1,700,000	
(FC)	Freeport and vicinity, Hurricane flood protection	3,000,000		3,000,000		3,000,000		3,000,000	
(N)	Freeport Harbor (1970 act)**				100,000		100,000		100,000
(N)	Galveston Channel, 40 feet (1971 act)**			300,000		300,000		300,000	
(FC)	Greenville**			114,000		114,000		114,000	
(FC)	Highland Bayou	2,700,000		[4] 1,500,000		[4] 1,500,000		[4] 1,500,000	
(FC)	Lake Brownwood modification**		80,000		80,000		80,000		80,000
(FC)	Lake Fork Lake**								
(FC)	Lake Kemp*	1,389,000		1,389,000		1,389,000		1,389,000	
(FC)	Lakeview Lake (see General investigations)**				[1] (50,000)		[1] (50,000)		[1] (50,000)
(FC)	Lavon Lake modification and East Fork channel improvement.	17,000,000		17,000,000		17,000,000		17,000,000	
(FC)	Millican Lake, Navasota River**		300,000		600,000		600,000		600,000
(FC)	Mineola Lake**		100,000		100,000		100,000		100,000
(N)	Mouth of Colorado River **		95,000		95,000		95,000		95,000
(FC)	Pecos and vicinity**				140,000		140,000		140,000
(FC)	Port Arthur and vicinity hurricane flood protection	10,000,000		10,000,000		10,000,000		10,000,000	
	Red River levees and bank stabilization, below Denison Dam, Ark., La., and Tex. (See Arkansas.)								
(FC)	San Antonio Channel improvement	1,800,000		1,800,000		1,800,000		1,800,000	
(FC)	San Gabriel River	7,500,000		7,500,000		7,500,000		7,500,000	
(FC)	Taylors Bayou	2,300,000		2,300,000		2,300,000		2,300,000	
(FC)	Texas City and vicinity hurricane flood protection	2,100,000		2,100,000		2,100,000		2,100,000	
(N)	Trinity River and tributaries advance participation on high level bridges.	3,060,000		1,070,000		3,060,000		3,060,000	
(N)	Trinity River project**		3,000,000		3,000,000		3,000,000		3,000,000
(N)	Wallisville Lake	6,200,000		6,200,000		6,200,000		6,200,000	
	Utah:								
(FC)	Little Dell Lake**		280,000		280,000		280,000		280,000
(FC)	Weber River and tributaries**		30,000		30,000		30,000		30,000
	Virginia:								
(FC)	Four Mile Run, City of Alexandria, and Arlington County.**		690,000		690,000	900,000	690,000	900,000	690,000
(FC)	Gathright Lake	9,900,000		9,900,000		9,900,000		9,900,000	
(MP)	Salem Church Lake**		600,000		600,000		600,000		600,000
(BE)	Virginia Beach (reimbursement)	100,000		100,000		100,000		100,000	
	Washington:								
	Bonneville lock and dam, Oregon and Washington. (See Oregon.)								
(MP)	Chief Joseph Dam, Rufus Woods Lake (additional units).**	600,000		600,000		600,000		600,000	
	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington. (See Oregon.)								
(MP)	Ice Harbor lock and dam, Lake Sacajawea (additional generating units).	11,300,000		11,300,000		11,300,000		11,300,000	
	John Day lock and dam, Oregon and Washington. (See Oregon.)								
(MP)	Little Goose lock and dam—Lake Bryan*	4,080,000		4,080,000		4,080,000		4,080,000	
	Lower Columbia River bank protection, Oregon and Washington. (See Oregon.)								
(MP)	Lower Granite lock and dam	77,700,000		77,700,000		77,700,000		77,700,000	
(MP)	Lower Granite lock and dam (additional units)**						320,000		320,000
(MP)	The Dalles lock and dam, Washington and Oregon (additional power units).	5,000,000		5,000,000		5,000,000		5,000,000	
(FC)	Vancouver Lake**			300,000		300,000		300,000	
(FC)	Wahkaikum County Consolidated Diking District No. 1**	200,000		200,000		200,000		200,000	
(FC)	Wenatchee Canyons 1 and 2**		100,000		100,000		100,000		100,000

	Construction, general, State, and project	Budget estimate for fiscal year 1973		House allowance		Senate allowance		Conference allowance	
		Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
(FC)	Zintel Canyon Dam**		$180,000		$180,000		$180,000		$180,000
	West Virginia:								
(FC)	Beech Fork Lake	$3,400,000		$3,400,000		$3,900,000		$3,900,000	
	Bloomington Lake, Md. and W. Va. (See Maryland.)								
(FC)	Burnsville Lake	3,000,000		3,000,000		3,000,000		3,000,000	
(FC)	Coal River Basin**		125,000		125,000		125,000		125,000
(FC)	East Lynn Lake	1,985,000		1,985,000		1,985,000		1,985,000	
	Hannibal locks and dam, Ohio and West Virginia. (See Ohio.)								
(FC)	Leading Creek Lake**		125,000		125,000		125,000		125,000
(FC)	Panther Creek Lake**						100,000		100,000
(FC)	R. D. Bailey Lake	15,400,000		15,400,000		15,400,000		15,400,000	
(FC)	Rowlesburg Lake (land acquisition)	200,000		200,000			200,000		200,000
(FC)	Stonewall Jackson Lake	2,000,000		2,000,000		2,000,000		2,000,000	
(FC)	West Fork Lake**		125,000		125,000		125,000		125,000
(FC)	Williamson-Matewan**						200,000		
	Willow Island lock and dam, Ohio and West Virginia. (See Ohio.)								
	Wisconsin:								
(N)	Green Bay Harbor (1962 act)*	1,500,000		1,500,000		1,500,000		1,500,000	
(FC)	La Farge Lake and Channel Improvement	3,000,000		3,000,000		3,000,000		3,000,000	
	Wyoming:								
(FC)	Sheridan	150,000		150,000		150,000		150,000	
	Miscellaneous:								
(N)	Small navigation projects not requiring specific legislation costing up to $1,000,000 (sec. 107).	3,500,000		3,700,000		3,700,000		3,700,000	
(BE)	Small beach erosion control projects not requiring specific legislation costing up to $1,000,000 (sec. 103).	1,000,000		1,000,000		1,000,000		1,000,000	
(FC)	Small projects for flood control and related purposes not requiring specific legislation costing up to $1,000,000 (sec. 205).	11,000,000		11,000,000		11,000,000		11,000,000	
(FC)	Emergency bank protection	500,000		500,000		500,000		500,000	
(FC)	Snagging and clearing	500,000		500,000		500,000		500,000	
	Recreation facilities, at completed projects	10,000,000		13,000,000		15,000,000		14,000,000	
	Pikeville, Kentucky Model City program	1,000,000		1,000,000		1,000,000		1,000,000	
	Land acquisition fund	2,000,000		1,000,000		1,000,000		1,000,000	
	Fish and wildlife studies (U.S. Fish and Wildlife Service)	840,000		840,000		840,000		840,000	
	Aquatic plant control (1965 act)	1,100,000		1,100,000		1,100,000		1,100,000	
	Employees compensation	1,446,000		1,446,000		1,446,000		1,446,000	
	Reduction for anticipated savings and slippages	−73,246,000		−84,505,000		−73,246,000		−84,505,000	
	Grand total, construction, general	1,169,800,000	23,904,000	1,154,244,000	26,854,000	1,191,413,000	31,309,000	1,171,184,000	30,309,000
		(1,193,704,000)		(1,181,098,000)		(1,222,722,000)		(1,201,493,000)	

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[1] Included under General Investigations.

[2] $500,000 of these funds are for initiation of construction, the remaining funds are for land acquisition.

[3] See line item for Pikeville Model City under miscellaneous of this table.

[4] Reflects reduced capability of the Corps.

* Projects to be completed with the amount in the approved budget.

**New projects or modification of projects on which funds for construction have not been appropriated.

Mr. STENNIS. Mr. President, for Mississippi River and tributaries, the conference bill provides $110,620,000, which is $5,620,000 above the House allowance and the budget estimate; and $8,495,000 below the amount allowed by the Senate. This is an extremely important project affording protection to parts of seven States.

Mr. President, I ask unanimous consent to insert at this point in the RECORD the tabulation showing the details of the amount allowed for the Mississippi River and tributaries program.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, FISCAL YEAR 1973

Project	Budget estimate for fiscal year 1973		House allowance		Senate allowance		Conference allowance	
	Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1. General investigations:								
(a) Examinations and surveys	$1,070,000		$1,115,000		$1,215,000		$1,215,000	
(b) Collection and study of basic data	130,000		130,000		130,000		130,000	
Subtotal, general investigations	1,200,000		1,245,000		1,345,000		1,345,000	
2. Construction and planning:								
Mississippi River levees	$5,400,000		$6,000,000		$6,550,000		$6,100,000	
Channel improvement	33,010,000		36,510,000		40,000,000		38,210,000	
Old River	280,000		525,000		1,900,000		1,000,000	
St. Francis Basin	6,000,000		6,675,000		7,545,000		7,100,000	
Lower White River:								
Big Creek and tributaries		$30,000		$30,000		$30,000		$30,000
Clarendon levee	385,000		385,000		385,000		385,000	
Reelfoot Lake—Lake No. 9				30,000		30,000		30,000
Cache Basin	600,000		600,000		600,000		600,000	
West Tennessee tributaries	930,000		930,000		930,000		930,000	
Tensas Basin:								
Boeuf and Tensas Rivers, etc	1,150,000		1,280,000		1,520,000		1,400,000	
Red River backwater	1,250,000		1,320,000		1,320,000		1,320,000	
Yazoo Basin:								
Sardis Lake								
Enid Lake								
Arkabutla Lake	50,000			150,000	150,000		150,000	
Grenada Lake								
Greenwood	900,000		900,000		900,000		900,000	
Belzoni								
Upper auxiliary channels	475,000		475,000		475,000		475,000	
Main stem	35,000		35,000		35,000		35,000	
Tributaries	1,615,000		1,865,000		1,865,000		1,865,000	
Ascalmore—Tippo and Opossum Bayous (tributaries)	370,000		370,000		370,000		370,000	
Bank Stabilization (tributaries)					250,000		250,000	

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, FISCAL YEAR 1973—Continued

Project	Budget estimate for fiscal year 1973		House allowance		Senate allowance		Conference allowance	
	Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
2. Construction and planning—Continued								
Big Sunflower River, etc.	$485,000		$485,000		$485,000		$485,000	
Steele Bayou Basin (Big Sunflower R.ver)	55,000		55,000		55,000		55,000	
Yazoo backwater	2,815,000		3,515,000		4,015,000		3,765,000	
Muddy Bayou, control structure (Yazoo backwater)	100,000		100,000		100,000		100,000	
Lower Red River, south bank	195,000		450,000		750,000		550,000	
Atchafalaya Basin	6,400,000		9,800,000		13,240,000		11,000,000	
Upper Point Coupee Loop Area (Atchafalaya Basin)	200,000		200,000		200,000		200,000	
Mississippi Delta region (salinity control structures)		$15,000		$15,000		$15,000		$15,000
Teche Vermillion Basin		255,000		255,000		255,000		255,000
West Kentucky tributaries	300,000		300,000		300,000		300,000	
Eastern Rapides and South Central Avoyells Parishes, Louisiana		200,000		200,000		200,000		200,000
Subtotal, construction and planning	63,000,000	500,000	72,925,000		83,940,000	530,000	78,890,000	530,000
Reduction for anticipated savings and slippages	−1,700,000		−1,700,000		−1,700,000		−1,700,000	
Total, construction and planning	61,300,000	500,000	71,225,000	530,000	82,240,000	530,000	77,190,000	530,000
3. Maintenance	32,000,000		32,000,000		35,000,000		32,900,000	
Grand total	(95,000,000)		(105,000,000)		(119,115,000)		(110,620,000)	

TITLE III, DEPARTMENT OF THE INTERIOR

Mr. STENNIS. Mr. President, for title III the conference bill provides $602,263,000, which is $9,569,000 below the amount approved by the Senate; $8,797,000 above the House allowance; $6,698,000 above the budget; and $105,147,000 above the appropriation for fiscal year 1972.

For the Bureau of Reclamation, the conferees agreed on an increase of $827,000 for general investigations; and agreed on $271,425,000 for construction and rehabilitation, which is $3,589,000 below the Senate amount; $3,800,000 above the amount allowed by the House; and $121,000 below the budget estimate.

The conferees allowed $970,000 of the $1,550,000 Senate increase for the Upper Colorado River storage project.

Mr. President, I ask unanimous consent that tabulations showing the details of the conference agreement for construction and rehabilitation, and for the Upper Colorado River storage project, be printed in the RECORD at this point.

There being no objection, the tabulations were ordered to be printed in the RECORD, as follows:

BUREAU OF RECLAMATION, FISCAL YEAR 1973—CONSTRUCTION AND REHABILITATION

Construction, general, State, and project	Budget estimate for fiscal year 1973		House allowance		Senate allowance		Conference allowance	
	Construction	Planning	Construction	Planning	Construction	Planning	Construction	Plannin
Arizona:								
Colorado River front work and levee system	$4,100,000		$4,100,000		$4,100,000		$4,100,000	
Pacific Northwest-Pacific Southwest intertie	90,000		90,000		90,000		90,000	
California:								
Central Valley project:								
Sacremento River division	14,400,000		14,400,000		14,400,000		14,400,000	
San Luis unit								
Westlands distribution and draingae system	(29,312,000)		(29,312,000)		(29,312,000)		(29,312,000)	
San Luis drain	(8,410,000)		(8,410,000)		(8,410,000)		(8,410,000)	
All other San Luis unit facilities	(7,278,000)		(7,278,000)		(7,278,000)		(7,278,000)	
Subtotal, San Luis unit	45,000,000		45,000,000		45,000,000		45,000,000	
Auburn-Folsom South Unit:								
Folsom South Canal	(5,641,000)		(5,641,000)		(5,641,000)		(5,641,000)	
Reaches 3 and 4				($200,000)		($200,000)		($200,000)
Auburn Area facilities	(24,359,000)		(24,359,000)		(24,359,000)		(24,359,000)	
Sugar Pine Dam and Reservoir			(600,000)		(600,000)		(600,000)	
Subtotal, Auburn-Folsom South unit	30,000,000		30,600,000	200,000	30,600,000	200,000	30,600,000	200,000
Miscellaneous project programs	3,070,000		3,070,000		3,070,000		3,070,000	
San Felipe division				300,000		300,000		300,000
Total Central Valley project	92,470,000		93,070,000	500,000	93,070,000	500,000	93,070,000	500,000
Colorado River front work and levee system. (See Arizona.)								
Pacific Northwest-Pacific Southwest intertie. (See Arizona.)								
Colorado:								
Fryingpan-Arkansas project	38,515,000		38,515,000				39,815,000	
Idaho:								
Rathdrum Prairie project, East Greenacres unit	1,100,000		1,100,000		1,100,000		1,100,000	
Teton Basin project, lower Teton division	11,200,000		11,200,000		11,200,000		11,200,000	
Nevada:								
Pacific Northwest-Pacific Southwest intertie (see Arizona).								
Oklahoma:								
Mountain Park project	7,500,000		7,500,000		7,500,000		7,500,000	
Oregon:								
Irrigation facilities, Corps of Engineers projects (see Idaho).								
Merlin Division, Rogue River Basin				225,000		225,000		225,000
Tualatin project	9,000,000		9,000,000		9,000,000		9,000,000	
Texas:								
Palmetto Bend project	7,750,000		7,750,000		7,750,000		7,750,000	
Washington:								
Chief Joseph Dam project, Manson unit	4,250,000		4,250,000		4,250,000		4,250,000	
Chief Joseph Dam project, Whitestone Coulee unit	600,000		600,000		600,000		600,000	
Columbia Basin project:								
Irrigation and other	[2] (20,555,000)		[2] (20,555,000)		[2] (20,655,000)		[2] (20,655,000)	
Third powerplant	(50,960,000)		(50,960,000)		(50,960,000)		(50,960,000)	
Subtotal, Columbia Basin project	71,515,000		71,515,000		71,615,000		71,615,000	

Construction, general, State, and project	Budget estimate for fiscal year 1973		House allowance		Senate allowance		Conference allowance	
	Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
Walla Walla project, Touchet division						$150,000		$100,000
Various:								
Drainage and minor construction program:								
All-American Canal system, California	$2,000		$2,000		$2,000		$2,000	
Boulder Canyon project, Arizona-Nevada	450,000		450,000		450,000		450,000	
Chief Joseph Dam project, Foster Creek division, Washington	275,000		275,000		275,000		275,000	
Eden project, Wyoming	305,000		305,000		305,000		305,000	
Gila project, Arizona	285,000		285,000		285,000		285,000	
Klamath project, Oregon-California	350,000		350,000		350,000		350,000	
Lower Rio Grande LaFeria Division, Texas	91,000		91,000		91,000		91,000	
Mann Creek, Idaho	60,000		60,000		60,000		60,000	
Parker-Davis project, Arizona-California-Nevada	520,000		520,000		520,000		520,000	
Recreation facilities at existing reservoirs, various States	509,000		509,000		509,000		509,000	
San Angelo project, Texas	30,000		30,000		30,000		30,000	
Miscellaneous engineering services, Colorado	27,000		27,000		27,000		27,000	
Washita Basin project, Oklahoma	50,000		50,000		50,000		50,000	
Washoe project, Nevada-California	850,000		850,000		950,000		950,000	
Weber Basin, Utah	300,000		300,000		300,000		300,000	
Total, drainage and minor construction	4,104,000		4,104,000		4,204,000		4,204,000	
Rehabilitation and betterment of existing projects:								
All American Canal System Coachella division, California	85,000		85,000		85,000		85,000	
Carlsbad project, New Mexico	500,000		500,000		500,000		500,000	
Humboldt project, Rye Patch Reservoir, Nevada						50,000		50,000
Cascade Irrigation District, Washington	1,020,000		1,020,000		1,020,000		1,020,000	
Klamath project, Shasta View Irrigation District, Oregon-California	300,000		300,000		300,000		300,000	
Ogden River, Utah	290,000		290,000		290,000		290,000	
Rio Grande, El Paso County Improvement District No. 1, Texas	560,000		560,000		560,000		560,000	
Rogue River Basin, Medford and Rogue River Valley Irrigation Districts, Oregon	80,000		80,000		80,000		80,000	
Solano project, California	600,000		600,000		600,000		600,000	
Salt River project, Arizona	800,000		800,000		800,000		800,000	
Shoshone project, Garland division, Wyoming	450,000		450,000		450,000		450,000	
Tucumcari project, New Mexico	160,000		160,000		160,000		160,000	
Tumalo Irrigation Districf, Oregon	160,000		160,000		160,000		160,000	
Uncompahgre project, Gunnison Tunnel, Colorado	230,000		230,000		230,000		230,000	
Westland Irrigation district, Oregon	20,000		20,000		20,000		20,000	
Total rehabilitation and betterment of existing projects	5,255,000		5,255,000		5,225,000		5,255,000	
Subtotal, exclusive of Pick-Sloan Missouri Basin program	257,499,000		258,049,000	$725,000	259,549,000	925,000	259,549,000	875,000
PICK-SLOAN MISSOURI BASIN PROGRAM								
Colorado:								
Narrows unit (land acquisition)		$300,000		300,000	250,000	300,000	250,000	300,000
Montana:								
Canyon Ferry unit (Dust abatement)	1,150,000		1,150,000		1,150,000		1,150,000	
Nebraska:								
Nebraska Mid-State division		600,000		600,000		600,000		600,000
North Dakota:								
Garrison diversion unit	16,200,000		18,500,000		20,800,000		20,400,000	
Garrison diversion unit, Minot Extension	1,600,000		1,600,000		1,600,000		1,600,000	
South Dakota:								
Garrison diversion unit (see N. Dakota)								
Oahe unit	1,550,000		1,550,000		1,550,000		1,550,000	
Wyoming:								
Riverton Extension unit	600,000		600,000		600,000		600,000	
Various:								
Transmission division	5,025,000		5,025,000		5,025,000		5,025,000	
Drainage and minor construction program:								
Anisworth unit, Nebraska	5,000		5,000		5,000		5,000	
Bostwick division, Nebraska-Kansas	1,300,000		1,300,000		1,300,000		1,300,000	
Cedar Bluff unit, Kansas	85,000		85,000		85,000		85,000	
East Beach unit, Montana	212,000		212,000		212,000		212,000	
Farwell unit, Nebraska	129,000		129,000		129,000		129,000	
Frenchman Cambridge division, Nebraska	370,000		370,000		370,000		370,000	
Glen Elder unit, Kansas	134,000		134,000		134,000		134,000	
Helena Valley unit, Montana	270,000		270,000		270,000		270,000	
Owl Creek unit, Wyoming	50,000		50,000		50,000		50,000	
Yellowtail unit, Montana-Wyoming	110,000		110,000		110,000		110,000	
Total, drainage and minor construction	2,665,000		2,665,000		2,665,000		2,665,000	
Total, Pick-Sloan Missouri Basin program	28,790,000	900,000	31,09,0000	900,000	33,640,000	900,000	33,240,000	900,000
Subtotal, construction and rehabilitation	287,139,000		290,764,000		295,014,000		294,564,000	
Undistributed reduction based on anticipated delays	−15,593,000		−23,139,000		−20,000,000		−23,139,000	
Total, construction and rehabilitation	271,546,000		267,625,000		275,014,000		271,425,000	

BUREAU OF RECLAMATION, FISCAL YEAR 1973, UPPER COLORADO RIVER STORAGE PROJECT—UPPER COLORADO RIVER BASIN FUND

Construction, general, State, and project	Budget estimate for fiscal year 1973		House allowance		Senate allowance		Conference allowance	
	Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
COLORADO RIVER STORAGE PROJECT								
Colorado: Curecanti unit	$4,800,000		$4,800,000		$4,800,000		$4,800,000	
Various: Transmission division	4,200,000		4,200,000		4,200,000		4,200,000	
PARTICIPATING PROJECTS								
Colorado:								
Animas-LaPlata project		$385,000		$385,000		$385,000		$385,000
Dallas Creek project (land acquisition)		320,000		320,000	250,000	320,000	250,000	320,000
Dolores Creek project		330,000		330,000		330,000		330,000
Fruitland Mesa project (land acquisition)					500,000		500,000	
San Juan-Chama project	1,925,000		1,925,000		1,925,000		1,925,000	
San Miguel project		320,000		320,000		320,000		320,000
Savery-Pot Hook project					[1] 500,000			
West Divide				200,000		200,000		200,000

BUREAU OF RECLAMATION, FISCAL YEAR 1973, UPPER COLORADO RIVER STORAGE PROJECT—UPPER COLORADO RIVER BASIN FUND—Continued

Construction, general, State, and project	Budget estimate for fiscal year 1973		House allowance		Senate allowance		Conference allowance	
	Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
New Mexico:								
Animas-LaPlata project. (see Colorado)								
San Juan-Chama project. (see Colorado)								
Utah:								
Central Utah project, Bonneville unit	$29,420,000		$29,420,000		$29,420,000		$29,420,000	
Central Utah project, Jensen unit	850,000		850,000		850,000		850,000	
Central Utah project, Upalco unit					300,000			$220,000
Lyman project. (see Wyoming)								
Wyoming:								
Lyman project	1,655,000		1,655,000		1,655,000		1,655,000	
Savery-Pot Hook project. (see Colorado)								
Subtotal	42,850,000	$1,355,000	$42,850,000	$1,555,000	$44,400,000	$1,555,000	43,600,000	1,775,000
Various:								
Drainage and minor construction program:								
Colorado River storage project: Glen Canyon unit, Arizona-Utah	[1]600,000		[1]600,000		[1]600,000		600,000	
Participating projects:								
Bostwick Park project, Colorado	500,000		500,000		500,000		500,000	
Central Utah project, Vernal unit, Utah	495,000		495,000		495,000		495,000	
Emery County project, Utah	277,000		277,000		277,000		277,000	
Fruitland Mesa project, Colorado	266,000		266,000		266,000		266,000	
Hammond project, New Mexico	480,000		480,000		480,000		480,000	
Seedskadee project, Wyoming	184,000		184,000		184,000		184,000	
Silt project, Colorado	20,000		20,000		20,000		20,000	
Construction revenues	[1]—600,000		[1]—600,000		—600,000		—600,000	
Total, drainage and minor construction program	2,222,000		2,222,000		2,222,000		2,222,000	
Subtotal	45,072,000	1,355,000	45,072,000	1,555,000	46,622,000	1,555,000	45,822,000	1,775,000
Undistributed reduction based on anticipated delays	—$1,827,000		—$1,827,000		—$1,827,000		—$1,827,000	
Total, Upper Colorado River Basin fund	44,600,000		44,800,000		46,350,000		45,770,000	
Recreational and fish and wildlife facilities:								
National Park Service	420,000		420,000		420,000		420,000	
Bureau of Sport Fisheries and Wildlife	500,000		500,000		500,000		500,000	
Bureau of Indian Affairs	30,000		30,000		30,000		30,000	
Total, recreational and fish and wildlife facilities	950,000		950,000		950,000		950,000	
Total, Upper Colorado River storage project	45,550,000		45,750,000		47,300,000		46,720,000	

[1] In addition $250,000 of previously appropriated construction funds are in budgeting reserve.

Mr. STENNIS. Mr. President, for the Colorado River Basin project, the conferees allowed $200,000 of the $500,000 added by the Senate for the Dixie project, Utah. The amount allowed is the revised capability of the Bureau of Reclamation for planning on this project.

TITLE IV, INDEPENDENT OFFICES

Mr. President, for title IV, the conference bill provides $424,650,000, the amount allowed by the Senate, which is $3,950,000 above the amount allowed by the House; $26,160,000 above the budget; and $29,632,000 above the appropriations for fiscal year 1972.

For the Appalachian regional development programs the conference allowance is $327,000,000, the amount allowed by the House and Senate, which is $25 million above the budget estimate. The increase over the budget in the development highway program is to finance limited allocations from the advance contract authority for fiscal year 1974 required to expedite high priority projects and to assist those States which are fully utilizing their current allocations and are prefinancing with State funds the Federal share of urgent projects.

Both the Senate committee and the conference committee, in their reports, requested that the Commission render all possible assistance to enable those jurisdictions which are not presently in the program to participate.

Mr. President, the increase allowed by the conferees for the Tennessee Valley Authority restores $3,750,000, which is one-half of the House reduction on the Tellico Dam and Reservoir.

For the Water Resources Council, the conferees agreed to the Senate increase of $200,000 for the Hawaii framework study.

Now, Mr. President, I yield at this time to the distinguished Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, first I should like to express my thanks to the distinguished chairman of the subcommittee and the distinguished chairman of the full committee for their kindness and consideration to my State of Kentucky.

I should like to ask about two projects; one is the Martin's Fork Lake project which was authorized in 1965. Appropriations have been approved each year but no actual construction work has commenced. Because of the delay, I asked that the appropriations be enlarged from $700,000 to $1.55 million to meet the full capability of the Corps of Engineers. The committee and the Senate agreed to my amendment. I note that the conference reduced the figure, and I would like to inquire of the Senator from Mississippi what the exact amount was.

Mr. STENNIS. Mr. President, I am glad to inform the distinguished Senator from Kentucky that this project was taken up fully in the conference. The conferees allowed the full budget estimate of $700,000. It was not turned down by any means by the House but it could not accept the Senate increase of $850,000 at that time. The information had failed to reach either the House or Senate conferees with reference to favorable action on the formal assurances of local cooperation—that is local support of the project and the financial commitment required by section 221 of the Flood Control Act of 1970. But this information has come in now and I want to give the Senator from Kentucky every assurance that the committee will give every consideration to a request by the Corps of Engineers for the transfer of additional funds to the project under the reprograming procedures in effect, in order that the project may be expedited during the current fiscal year. The only reason the Senate increase was rejected was the one I have given, and that is the reason the conference agreement did not include the larger figure. There is no doubt that if the Corps of Engineers makes the request, it will be respected by the committee.

Mr. COOPER. That is during the current fiscal year?

Mr. STENNIS. Yes, during the current fiscal year.

Mr. COOPER. Mr. President, I thank the Senator for his consideration of this matter.

Mr. President, I have a question to ask on another project. This is the Falmouth

Reservoir which is now in the planning stage. I told the committee that this reservoir would cost approximately $69 million. It would require the condemnation and purchase of something between 30,000 and 40,000 acres of farmland.

I suggested that local flood protection could be developed at Newport-Wilders and Falmouth. The committee included an appropriation of $50,000 each to proceed with planning of these two local protection projects so that a final decision could be made between the reservoir and the local flood control projects.

Mr. STENNIS. That is exactly the problem. The reservoir was authorized, as the Senator says, and the conferees agreed to planning on Newport-Wilders. However, as far as the local flood protection project at Falmouth goes, it was not authorized. The Senate amount was rejected on that ground alone.

Mr. COOPER. Newport-Wilders had been authorized. I note that the conferees did approve $50,000 for planning money.

Mr. STENNIS. The Senator is correct. That is planning money.

Mr. COOPER. Mr. President, shortly the Public Works Committee will be considering the biennial Rivers and Harbors authorization bill. And I shall try to get an authorization for the Falmouth local protection project included. I certainly hope I will be successful and that it will be approved by both Houses. It will then be possible for the committee to consider appropriations for planning the Falmouth local protection project in a supplemental appropriations bill.

Mr. STENNIS. Mr. President, we shall certainly consider it in a supplemental appropriations bill. That was discussed at the conference, and considerable interest was shown. No pledges were made, of course. However, it is understood that it is certainly worthy of consideration.

Mr. COOPER. Mr. President, I thank the Senator.

Mr. STENNIS. I thank the Senator for his interest in these good projects over the year. They have been spread over not only his own State, but all over the Nation.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate and may the well be cleared?

The **PRESIDING OFFICER.** There will be order in the Senate, and the well will be cleared.

Mr. STENNIS. Mr. President, I move the adoption of the conference report.

The motion was agreed to.

Mr. STENNIS. Mr. President, on June 28, 1972, it was ordered that during the remainder of the 92d Congress, notwithstanding the provisions of the Legislative Reorganization Act, conference reports and statements accompanying them not be printed as Senate reports when the House acts first and the conference reports and statements have been printed as House of Representatives reports.

SAVERY-POT HOOK, WYO.

Mr. STENNIS. The other day I had a colloquy with the senior Senator from Wyoming (Mr. McGee) regarding the conference action on the public works appropriation bill.

I ask unanimous consent that the text of the colloquy be inserted at this point in the Record.

There being no objection, the colloquy was ordered to be printed in the Record, as follows:

Mr. McGee. Before adoption of the Conference Report, I would like to ask the Senator from Mississippi some questions in reference to the funds for the Savery–Pothook reclamation project in southern Wyoming and northern Colorado.

As the Senator knows, this is a project in which I have been deeply interested during my entire service in the Senate. During the hearings on the Public Works Appropriations bill this year we had several Wyoming people testify in support of these appropriations, as they have in prior years.

This is a highly meritorious project and one which should have been constructed several years ago. The delay is a matter of great concern to me as it is to most of my constituents, and I would like to ask the Chairman of the Committee the reasons why these funds were deleted during the course of the Conference.

Mr. Stennis. Construction funds were appropriated for the project in fiscal year 1971. These funds have been placed in Budgetary Reserve. The Office of Management and Budget has requested a re-evaluation of the project. Pending completion of the review of the economic restudy of the Savery–Pothook project, the House conferees were unwilling to agree to the addition of $500,000 construction funds approved by the Senate.

Mr. McGee. Do I understand the Senator from Mississippi clearly that the Senate was forced to recede on the funds which we added for the Savery–Pothook due to reluctance of the Conferees of the other Body to approve funds which might not be obligated by the Administration during the course of the fiscal year?

Mr. Stennis. That is correct. They took the position that any additional construction funds appropriated for fiscal year 1973 would be placed in Budgetary Reserve along with the funds appropriated in fiscal year 1971 until the Office of Management and Budget completed their review of the economic restudy of the project.

Mr. McGee. I am, of course, grateful to the Chairman since I am certain he is primarily responsible for including language in the Conference Report directing the Administration and the Office of Management and Budget to expedite this project so that the $250,000 appropriation which was previously made can be obligated to initiate construction this year. Can the Senator give me any assurance that if these funds are released and construction initiated that we might expect some favorable consideration from his committee when the appropriations for Fiscal Year 1974 are considered next year?

Mr. Stennis. Certainly.

Mr. McGee. I appreciate this colloquy with the distinguished Senator from Mississippi. He and I have discussed this particular project on many occasions, and I know he supports it fully and unqualifiedly. I realize also that he did everything possible in the Conference to sustain the position of the Senate and to hold the $500,000 which was added for the Savery–Pothook when the bill was considered on the Senate side. Likewise, I know we can count on his continued support in the future, and for this we are all deeply grateful.

GRANT-KOHRS RANCH NATIONAL SITE, MONTANA

Mr. MANSFIELD. Mr. President, I ask unanimous consent—and this has been cleared—that the Senate turn to the consideration of Calendar No. 978, S. 2166, a bill to authorize the establishment of the Grant-Khors Ranch National Historic Site in the State of Montana, and for other purposes.

The **PRESIDING OFFICER.** The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2166) to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 4, after the word "acquire", strike out "lands" and insert "not to exceed 208 acres in fee"; in line 5, after the word "and", insert "other"; in the same line, after the word "in", strike out "lands" and insert "lands not to exceed 1,214 acres"; in line 7, after the word "donation", strike out "purchase with donated or appropriated funds, or by" and insert "or"; and in line 21, after "Sec. 4.", strike out "There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act." and insert "There are authorized to be apppropriated $350,000 for land acquisition and not to exceed $1,800,000 (July 1971 prices) for development plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide an understanding of the frontier cattle era of the Nation's history, to preserve the Grant-Kohrs Ranch, and to interpret the nationally significant values thereof for the benefit and inspiration of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") is hereby authorized to designate not more than two thousand acres in Deer Lodge Valley, Powell County, Montana, for establishment as the Grant-Kohrs Ranch National Historic Site.

Sec. 2. Within the area designated pursuant to section 1 of this Act, the Secretary is authorized to acquire not to exceed 208 acres in fee and other interests in lands not to exceed 1,214 acres, together with buildings and improvements thereon, by donation, or exchange. The Secretary shall establish the Grant-Kohrs Ranch National Historic Site by publication of a notice to that effect in the Federal Register at such time as he deems sufficient lands and interests in lands have been acquired for administration in accordance with the purposes of this Act.

Sec. 3. Pending such establishment and thereafter, the Secretary shall administer lands and interests in lands acquired for the Grant-Kohrs Ranch National Historic Site in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.) as amended.

Sec. 4. There are authorized to be appropriated $350,000 for land acquisition and not to exceed $1,800,000 (July 1971 equal prices) for development plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2166) was ordered to be engrossed for a third reading, was read the third time, and passed.

AIRPORT DEVELOPMENT ACCELERATION ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 954, S. 3755.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

Calendar No. 954 (S. 3755) a bill to amend the Airport and Airway Development Act of 1970 to increase the United States share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air transportation, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill which had been reported from the committee with amendments on page 2, line 5, after the word "facilities", strike out "and other airport administrative buildings" and insert "directly related to the handling of passengers or their baggage at the airport"; in line 10, after the word "navigation", strike out "aids" and insert "facilities"; in line 13, after the word "of", where it appears the first time, strike out "the" and insert "an"; in line 15, after the word "by", insert "the Secretary by"; at the beginning of line 16, strike out "of the Federal Aviation Administration"; in line 17, after the word "and", where it appears the second time, strike out "(E)" and insert "(F)"; in line 19, after the word "airspace", strike out "including land for future airport development,"; in line 21, after the word "any", strike out "such work" and insert "of the above"; in line 22, after the word "airport", strike out "hazards." and insert "hazards affecting a public airport, and (G) any acquisition of land or any interest therein or of any easement through or other interest in airspace for future airport development."; on page 3, line 14, after "$1,680,000,000", insert "and"; after line 14, strike out:

(2) by striking out all after "three fiscal years" in the second sentence thereof and inserting in lieu thereof a period; and

At the beginning of line 18, strike out "(3)" and insert "(2)"; on page 4, line 24, after the word "project", strike out "costs" and insert "cost"; in line 25, after the word "development", strike out "represent" and insert "represents"; on page 5, line 2, after the word "of", strike out "the" and insert "an"; in line 3, after "1958", strike out "or for the security of persons and property on the airport, the United States share shall be 82 per centum of the allowable costs thereof" and insert "the United States share shall be 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after June 21, 1972"; after line 9, strike out:

"(2) The amendments made by paragraph (1) of this subsection shall apply only with respect to the United States share of project costs payable under grant agreements entered into after publication in the Federal Register of Notices of Proposed Rule Making with respect to airport certification and airport security."

And, in lieu thereof, to insert:

"(2) To the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United States share shall be 82 per centum of the allowable cost thereof with respect to airport development project grants agreements entered into after March 18, 1972."

After line 23, strike out:

"(f) Land for Future Airport Development.—To the extent that the project costs of an approved project for airport development represent the cost of the acquisition of land or of any interest therein or of any easement through or other interest in airspace for future airport development, the initial United States share shall be 100 per centum of the allowable costs thereof: *Provided, however,* That the sponsor acquiring land under the terms of this subsection shall agree to reimburse the Secretary for all costs incurred by the United States in excess of those authorized under subsection (a) of this section, with interest, with reimbursement by one or more payments during the ten year period after such future airport development is accomplished."

And, in lieu thereof, insert:

"(f) Land for Future Airport Development.—To the extent that the project cost of an approved project for airport development or the acquisition by a public sponsor of a public use privately owned airport listed in the National Airport System plan represent the cost of the acquisition of land or of any interest therein or of any easement through or other interest in airspace purchased subsequent to May 21, 1970, for future airport development as shown on the approved airport layout plan, the initial United States share shall be 100 per centum of the allowable costs thereof: *Provided, however,* That the sponsor acquiring land under the terms of this subsection shall agree to reimburse the Secretary for all costs incurred by the United States in excess of those authorized under subsection (a) of this section, with interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average expected maturities of the loans to be made under this subsection, with reimbursement within a period to be determined by agreement between the Secretary and the sponsor."

On page 8, after line 7, strike out:

"STATE TAXATION

"Sec. 1113. No State (or political subdivision thereof) shall levy or collect a tax, fee, head charge or other charge, directly or indirectly, on persons traveling in air transportation or the carriage of persons in air transportation, or on the gross receipts derived therefrom, provided, however, that nothing herein shall prohibit a State (or any political subdivision thereof) from the levy or collection of taxes other than those enumerated above, including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services (other than on the sale of interstate air transportation or any portion thereof); and further provided, that nothing herein shall prohibit a State (or political subdivision thereof) owning or operating an airport from the levy or collection of reasonable rental charges, landing fees and other service (measured on other than a per passenger basis)."

And, in lieu thereof, insert:

"STATE TAXATION OF AIR COMMERCE

"Sec. 1113. (a) No State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) shall levy or collect a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom.

"(b) Nothing herein shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) from the levy or collection of taxes other than those enumerated in subsection (a) of this section, including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services; and nothing herein shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) owning or operating an airport from levying or collecting reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of airport facilities."

And, on page 10, after line 6, strike out:

"Sec. 1113. State taxation.".

And, in lieu thereof, insert:

"Sec. 1113. State taxation of air commerce."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Airport Development Acceleration Act of 1972".

Sec. 2. Section 11(2) of the Airport and

Airway Development Act of 1970 (49 U.S.C. 1711), is amended to read as follows:

"(2) 'Airport Development' means (A) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the construction, alteration, repair, or acquisition of airport passenger terminal buildings or facilities directly related to the handling of passengers or their baggage at the airport, and (B) the removal, lowering, relocation, marking, and lighting of airport hazards, and (C) the acquisition, removal, improvement, or repair of navigation facilities used by aircraft landing at, or taking off from, a public airport, and (D) the acquisition, improvement, or repair of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958, and (E) security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport, and (F) any acquisition of land or of any interest therein or of any easement through or other interest in airspace, which is necessary to permit any of the above or to remove, mitigate, prevent, or limit the establishment of, airport hazards affecting a public airport, and (G) any acquisition of land or any interest therein or of any easement through or other interest in airspace for future airport development."

SEC. 3. (a) Section 14(a) of the Airport and Airway Development Act of 1970, as amended (49 U.S.C. 1714(a)), is further amended—

(1) by striking out "1975" in paragraph (1) and inserting in lieu thereof "1973, and $375,000,000 for each of the fiscal years 1974 and 1975";

(2) by striking out "1975" in paragraph (2) and inserting in lieu thereof "1973, and $45,000,000 for each of the fiscal years 1974 and 1975".

(b) Section 14(b) of that Act (49 U.S.C. 1714(b)), is amended—

(1) by striking out "$840,000,000" in the first sentence thereof and inserting in lieu thereof "$1,680,000,000"; and

(2) by striking out "and" in the last sentence thereof and inserting immediately befor the period ", an aggregate amount exceeding $1,260,000,000 prior to June 30, 1974, and an aggregate amount exceeding $1,680,000,000 prior to June 30, 1975".

SEC. 4. Section 16(c)(1) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716(c)), is amended by inserting in the last sentence thereof "or the United States or an agency thereof" after "public agency".

SEC. 5. Section 17 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717), relating to United States share of project costs, is amended—

(1) by striking out subsection (a) of such section and inserting in lieu thereof the following:

"(a) GENERAL PROVISION.—Except as otherwise provided in this section, the United States share of allowable project costs payable on account of any approved airport development project submitted under section 16 of this part shall be—

"(1) 50 per centum for sponsors whose airports enplane not less than 0.25 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board; and

"(2) 75 per centum for sponsors whose airports enplane less than 0.25 per centum of the total annual number of passengers enplaned by air carriers certificated by the Civil Aeronautics Board."

(2) by adding a new subsection as follows:

"(e) SAFETY CERTIFICATION AND SECURITY EQUIPMENT.—

"(1) To the extent that the project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958 the United States share shall be 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after June 21, 1972.

"(2) To the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United States share shall be 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after March 18, 1972."

(3) by adding a new subsection as follows:

"(f) LAND FOR FUTURE AIRPORT DEVELOPMENT.—To the extent that the project cost of an approved project for airport development or the acquisition by a public sponsor of a public use privately owned airport listed in the National Airport System plan represent the cost of the acquisition of land or of any interest therein or of any easement through or other interest in airspace purchased subsequent to May 21, 1970, for future airport development as shown on the approved airport layout plan, the initial United States share shall be 100 per centum of the allowable costs thereof: *Provided, however*, That the sponsor acquiring land under the terms of this subsection shall agree to reimburse the Secretary for all costs incurred by the United States in excess of those authorized under subsection (a) of this section, with interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average expected maturities of the loans to be made under this subsection, with reimbursement within a period to be determined by agreement between the Secretary and the sponsor."

(4) by adding a new subsection as follows:

"(g) PUBLIC USE FACILITIES IN TERMINAL BUILDINGS.—To the extent that the project cost of an approved project for airport development represent the cost of constructing, altering, repairing, or acquiring buildings or facilities directly related to the handling of passengers or their baggage at the airport, the United States share shall be 50 per centum of the allowable costs thereof."

SEC. 6. Section 20(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1720(b)), relating to airport project costs, is amended to read as follows:

"(b) COSTS NOT ALLOWED.—The following are not allowable project costs: (1) the cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction, alteration, repair, or acquisition of a hangar or of any part of an airport building or facility except such of those buildings, parts of buildings, facilities, or activities as are directly related to the safety of persons at the airport or directly related to the handling of passengers or their baggage at the airport.".

SEC. 7. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"STATE TAXATION OF AIR COMMERCE

"SEC. 1113. (a) No State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) shall levy or collect a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom.

"(b) Nothing herein shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) from the levy or collection of taxes other than those enumerated in subsection (a) of this section, including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services; and nothing herein shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) owning or operating an airport from levying or collecting reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of airport facilities."

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following:

"SEC. 1113. State taxation of air commerce.".

ORDER FOR LIMITATION OF TIME ON AIRPORT DEVELOPMENT ACCELERATION ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent request for a time agreement, in the usual form, on this bill, with 30 minutes on the bill and 10 minutes on any amendment, with the exception of an amendment by the Senator from Florida (Mr. CHILES), on which there be 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on the bill be equally divided between the Senator from Nevada (Mr. CANNON), the manager of the bill, and the Senator from New Hampshire (Mr. COTTON).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 3 minutes.

Mr. CANNON. Mr. President, I am happy to bring before the Senate, S. 3755, the Airport Development Acceleration Act of 1972.

This bill provides a great new source of funds for airport development and improvement throughout the United States. The bill will reduce substantially the reliance on locally generated funds for airport development and will place a greater burden and responsibility on the United States to encourage, promote, and finance aviation facilities which are required in the National Air Transportation System.

The bill provides that the cost of this increased Federal participation will be borne by the users of the system, not the general taxpayer. The airlines, airline passengers and shippers and aircraft owners and operators all contribute to the development of the system by paying user taxes established in 1970. During the current fiscal year those taxes will bring in revenue of more than $750 million—S. 3755 provides that a greater share of the revenues from these taxes will filter down to local governments—

airport sponsors—to meet local and national needs.

In accepting a greater Federal role and responsibility in airport development, the committee has also acted to prohibit local head taxation on passengers or on the carriage of passengers. We believe such taxation to be inimical to the development of a national system funded in large part by uniform Federal taxes. Currently some disagreement exists within the administration as to whether the committee action increasing Federal participation in airport development is warranted at this time. The committee however is convinced that it is.

Nonetheless, the committee views S. 3755 as an aviation development package—the components of which cannot be separated. We believe that if the prohibition on local head taxes was not a part of the total new program, there would be need to reevaluate the increased Federal funding for airport development projects called for in S. 3755. If local taxes on passengers and air carriers are allowed to proliferate nationally and are to become a major factor in the financing of local airport facilities, then there is obviously less need for a Federal airport development program.

If local taxes become a significant airport funding mechanism the public interest may well require a reduction in Federal user taxes and a diminution of Federal participation in airport development projects.

Therefore, by prohibiting State taxation on passengers or on air transportation, the committee has accepted greater responsibility for U.S. assistance believing that the two actions must be viewed together and that neither should stand alone without the other.

S. 3755 amends the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958 so as to increase Federal financial assistance for airport development throughout the United States. It also prohibits the levying, by State and local governments, of passenger "head" taxes or use taxes on the carriage of persons in air transportation.

The legislation to provide increased Federal participation in airport development grants is required because of the serious financial difficulties being experienced by many local government agencies who bear the responsibility to build, operate and maintain the Nation's system of publicly owned airports. The funds required to increase the Federal share of airport development grants will come from the Airport and Airway Trust Fund established by the Airport and Airway Revenue Act of 1970. No new taxation or no expenditures of general U.S. funds will be required as a result of the legislation.

The bill prohibits any government agency other than the United States from establishing or levying a passenger head tax or use on the carriage of persons in air transportation. This prohibition will ensure that passengers and air carriers will be taxed at a uniform rate—by the United States—and that local "head" taxes will not be permitted to inhibit the flow of interstate commerce and the growth and development of air transportation.

Mr. President, I will briefly review the provisions of S. 3755. Section 2 of the bill amends section 11(2) of the Airport and Airway Development Act of 1970 by amending the definition of "airport development" to include:

First. The construction, alteration, repair, or acquisition of airport passenger terminal building of facilities directly related to the handling of passengers or their baggage at the airport. Such development is not eligible for Federal financial aid.

Second. The acquisition, improvement, or repair of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958, and security equipment required of the sponsor by the Secretary for the safety and security of persons and property on the airport. While such development is now eligible for Federal assistance under present law, the definition is amended to eliminate any possible ambiguity or doubt and to assure that the definition is all inclusive.

Third. The acquisition of land or any interest therein or of any easement through or other interest in air space for future airport development. Again, the purchase of land for future airport development is presently eligible for Federal assistance under the act and is specifically included in the amended definition only because new provisions of law are added in S. 3755 providing for increased Federal funding for this type of development.

Section 3(a) of the bill increases the minimum annual authorization for airport development grants to air carrier and reliever airports from the present $250 million per year to $375 million per year for fiscal years 1974 and 1975. Similarly, the minimum annual authorization for general aviation airports is increased from the present $30 million per year to $45 million per year for fiscal years 1974 and 1975. This increase in the minimum annual authorization level reflects the increased Federal financial participation in airport development grants.

Section 3(b) of S. 3755 increases the 5-year obligational limit imposed by section 14(b) of the Airport and Airway Development Act from $840 million to $1.68 billion. This increase in the obligational limitation reflects the increase in the minimum authorization level for airport development grants for fiscal years 1974 and 1975 and the committee's intent that total obligations for airport development grants for the 5-year period 1971 through 1975 be $1.68 billion. The amendment to section 14(b) also increased the authority to liquidate obligations so that sufficient funds may be appropriated to pay for increased obligations incurred as a result of the increased obligational authority for fiscal years 1974 and 1975.

Section 4 of the bill amends section 16(c)(1) of the Airport and Airway Development Act by providing the Secretary with authority to approve an airport development project submitted by the United States or by a U.S. agency. Under present law, neither the United States nor an agency of the U.S. Government is eligible to submit a project application for Federal financial assistance.

Section 5 of the bill provides that the U.S. share of allowable project costs of airport airfield development projects is increased from an amount not to exceed 50 percent to 75 percent at all airports classified as small hubs, nonhubs and general aviation airports. Airports classified as medium and large hubs—there are 65 throughout the United States—shall continue to be eligible for Federal assistance, for airfield development projects, at a level of 50 percent.

Section 5 further provides that equipment required by regulation of the Federal Aviation Administration or the Secretary of Transportation for Airport Certification or for airport security shall be eligible for 82 percent Federal participation.

Land required for future airport development may be acquired by the sponsor, under terms of section 5, with 100 percent initial U.S. participation. However, the bill requires that the sponsor pay back to the United States with interest, the sponsor's share at a future date to be determined by the Secretary and the sponsor.

Finally, the section provides that airport development projects involving terminal area development shall be eligible for Federal participation at 50 percent of the allowable project costs.

Section 6 of S. 3755 limits U.S. assistance to projects involving airport terminal area development to only those portions of the terminal directly related to the movement of passengers and their baggage. Such development as airport parking lots, concession areas, and so forth, are excluded from U.S. financial assistance.

Section 7 of the bill adds a new section 1113 to the Federal Aviation Act of 1958 prohibiting any tax, fee, head charge or other charge directly or indirectly, on persons traveling in air transportation or on the carriage of persons in air transportation or on the gross receipts derived therefrom. The bill allows, however, for the continuation of the levy and collection of other reasonable rental charges, landing fees, and other service charges for the use of airport facilities.

Summing up, quickly:

First. S. 3755 increased Federal grant in aid payments from 50 percent to 75 percent on airport airfield development projects at all but the 65 largest airports in the United States.

Second. Terminal area development related to the movement of passengers and their baggage through the airport will be eligible for 50 percent Federal funding. Currently, such development is not eligible for Federal assistance.

Third. Development required as a result of airport certification regulations or airport security regulations will be eligible for grant-in-aid asistance of 82-percent Federal participation. Currently, Federal participation for this type of project is limited to 50 percent.

Fourth. Total amounts available for airport development grants each year is increased from $280 to $420 million—an increase of $140 million per year to be financed entirely by user taxes.

Fifth. And, finally, S. 3755 provides a prohibition against levying or collecting State and local government passenger head taxes or taxes on the sale of air transportation.

Mr. President, the passage of this bill will have a significant impact on the financing of local governmental affairs. At nearly all of the Nation's almost 3,000 publicly owned and operated airports, the U.S. Government will assume 75 percent of the responsibility for development of new and improved airfield facilities. And this increased Federal support will not come from general tax dollars; it will come from taxes on the users of the air transportation system.

The passage of this legislation will enable local government bodies, particularly smaller towns, counties, and communities to more easily fund other vital community programs such as schools, roads, sewers, police protection, and other services with money which might have been required for aviation facilities development. With greater Federal assistance to meet airport needs, scarce local funds will be available for other uses.

Mr. President, the Airport and Airway Development Act of 1970 was landmark legislation—for the first time it provided local governments a vast new source of funds to develop new and improved airports. At the same time it created a well-funded program to upgrade, modernize, and expand our air navigation facilities throughout the United States so as to improve the safety and efficiency of the system. Mr. President, the act today is working well. With the changes proposed in S. 3755, the program will become even more responsive to the needs of the national system and to the needs of local governments who are partners with the Federal Government in developing a truly national and uniform air transportation system.

Mr. President, I urge my colleagues to enthusiastically support S. 3755 as reported by the Commerce Committee.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 minutes.

Mr. COTTON. Mr. President, I commend the distinguished Senator from Nevada (Mr. CANNON), the chairman of the Aviation Subcommittee of the Committee on Commerce, for the work that he has done on this bill. I also commend the ranking minority member of that subcommittee, the distinguished Senator from Kansas (Mr. PEARSON) and all of the other members of the subcommittee.

I understand the Senator from Kansas has a statement he wishes to make. I yield to him such time as he requires.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. PEARSON. I thank the distinguished Senator.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. COTTON. I yield 2 minutes to the Senator from Kansas.

Mr. PEARSON. Mr. President, I am pleased that the Airport Development Acceleration Act is before the Senate for debate today. This legislation contains urgently needed amendments to the Airport and Airways Development Act of 1970.

The Congress in 1970 created an aviation trust fund to finance new airport construction, airport modernization and expansion, and airways improvements to meet the needs of the aviation community and the flying public in the decades ahead. The 1970 act is landmark legislation which was approved in time to avert airport congestion and increased risk of catastrophic accident. As an original sponsor of the Airport-Airways Act, I supported language which guaranteed that not less than $280 million annually would be obligated for airport development, and not less than $250 million for airways improvements and modernization.

Mr. President, the Airport-Airways Act has been in force for more than 2 years. During this time, the Senate Aviation Subcommittee, upon which I serve as ranking member of my party, has conducted extensive oversight hearings and monitored carefully allocations for airport development and airway improvement from the trust fund. When it appeared that the Office of Management and Budget intended to divert trust fund assets to pay for salaries of FAA personnel and administrative costs, the Aviation Subcommittee recommended and the Congress adopted clarifying amendments to insure that trust fund moneys—paid by users of the aviation system—are used only for the purposes intended by the Congress.

Mr. President, the trust fund under existing levels of expenditure will begin to generate a surplus in the next fiscal year. There will be a $1 billion surplus in the trust fund, under present levels of expenditure, at the end of fiscal year 1976. This surplus will be money that properly should be obligated for airways improvements and urgently needed airport development projects throughout the United States. There is no justification to permit user taxes to accumulate in the trust fund while aviation system users are suffering inconvenience and operating without modern equipment at scores of airports.

Therefore, Mr. President, the Commerce Commitee has recommended adoption of S. 3755, the legislation before this body today. The committee bill provides for the timely utilization of trust fund assets to meet the requirements of our expanding aviation community and traveling public.

This permits, for the first time, Federal participation on a 50–50 basis in funding for the construction and upgrading of airport terminal buildings and passenger-handling facilities. It increases the Federal share for airport construction—including land acquisition—from 50 to 75 percent.

The increased Federal participation in funding of airport development projects does not apply to large and medium airports because their facilities generate greater revenue than the small airports serving medium sized and rural communities. The large and medium hubs, of course, will continue to be eligible for 50 percent Federal participation in funding of airport development projects.

The airport certification program mandated by the 1970 act is being implemented at this time.

All airports served by scheduled certificated air carriers will be required to comply with the safety and security requirements of the airport certification program within 3 years after the date of enactment of the 1970 act. The legislation before the Senate today increases from 50 percent to 82 percent the Federal share for acquisition of safety equipment, such as firefighting equipment, and security measures required to meet FAA regulations to deter air piracy. Because some airport operators have already acquired safety equipment pursuant to the airport certification program, the increased Federal funding for safety equipment will be retroactive to March 1971.

Mr. President, all of us are aware that land acquisition costs are often prohibitively high. The committee bill provides for 100 percent Federal funding for land acquisition for future airport development. The local sponsor will be required to pay back its share of land acquisition costs over a period of time, thus permitting airport revenues to cover land acquisition costs as those revenues are collected.

Mr. President, in many parts of the country general aviation depends upon military airfield facilities under joint-use agreements. The local sponsors of improvements to these joint-use facilities heretofore have not been eligible for airport development assistance under the act. This condition is a result of an oversight in drafting the Airport-Airways Act, and the committee bill under consideration today would correct this oversight.

Perhaps most important of all, the committee bill increases the minimum Federal expenditures for airport development. Beginning in fiscal year 1974, the FAA will be required to obligate not less than $420 million for airport development, compared to the present $280 million minimum annual obligation for this purpose. This increased Federal funding of airport development projects will include $375 million annually for air carrier and reliever airports, and not less than $45 million annually for general aviation airports. There are two purposes for increasing the minimum Federal obligation for airport development: The money will be available in the trust fund, and the increased Federal funding overall will insure that the total number of projects approved for Federal participation is not diminished by the increased assistance provided in other sections of the bill.

Finally, Mr. President, the committee bill prohibits State and local taxation of air fares. The Commerce Committee and the Congress intended in 1970 to preempt the States and localities from levying such taxes, as taxation on air fares is one of the predominant sources of revenue for the trust fund. Recent Supreme Court decisions necessitate the clarification of this congressional policy determination.

If more than 500 localities—or even a significant proportion of this number—were unilaterally to levy taxes on airline passenger fares, there would result an unconscionable and unacceptable burden on interstate commerce. The national system of air service upon which tens of millions of Americans depend each year would become a hodgepodge of Balkanized assessments and levies against nonresident travelers whose business or leisure takes them across State lines. The committee bill prohibits State and local taxation of air fares, but this Federal preemption is carefully balanced by substantial increases in trust fund assistance for airport development and modernization.

Mr. President, I have reviewed carefully the projected revenues of the airport-airways trust fund for the next 5 years. I am convinced that the increased Federal participation in funding of airport development, as contemplated in the committee bill, will be covered by revenues of the trust fund. Therefore, this proposal not only relieves airport operators of a significant portion of their development costs, but it is also sound from a fiscal standpoint.

I am a sponsor of the legislation before the Senate today, and I strongly recommend that it receive the favorable consideration of the Senate.

Mr. CANNON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CANNON. Mr. President, I wish to offer technical amendments to S. 3755 and I ask that they be stated.

The PRESIDING OFFICER. The Chair is informed that the committee amendments should be agreed to first.

Mr. CANNON. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and the committee amendments are agreed to en bloc.

Mr. CANNON. Mr. President, I offer technical amendments, and ask that they be reported.

The PRESIDING OFFICER. The amendments will be stated.

Mr. CANNON. Mr. President, I ask unanimous consent that I may be permitted to state the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, the technical amendments to S. 3755 are as follows:

1. At line 9, page 5, strike "June 21, 1972" and insert in lieu thereof "May 10, 1971". At line 22, page 5, strike "March 18, 1972" and insert in lieu thereof "September 28, 1971".

2. At line 16, page 6, strike the word "represent" and insert in lieu thereof the word "represents". At line 11, page 7, strike the word "represent" and insert in lieu thereof the word "represents".

Mr. President, section 4 of S. 3755 provides for 82-percent Federal funding for airport development projects involving airport certification requirements and airport security requirements. The 82-percent Federal participation in grants was to have been effective on the date of issue of the notice of proposed rulemaking issued by the Department of Transportation regarding airport certification and airport security development.

Inadvertently the dates on which the rules became effective were written into the bill when instead the dates on which the notices of proposed rulemaking were issued should have been inserted.

Therefore, the amendments on page 5 conform the bill to the committee's intent and correct a clerical oversight.

Second. The amendments on page 6 and 7 are grammatical in nature and do not change the terms or substance of the bill.

Mr. President, I ask unanimous consent that the technical amendments be considered en bloc. I yield back the remainder of my time.

The PRESIDING OFFICER. Do Senators yield back their time on this amendment?

Mr. COTTON. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Nevada yield back his time?

Mr. CANNON. I yield back my time.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment.

Mr. COTTON. Mr. President, I offer an amendment and I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. COTTON. I yield myself 3 minutes.

The PRESIDING OFFICER. If the Senator will withhold, the Parliamentarian advises the Chair that the amendment is out of order. The committee amendments have already been agreed to.

The Senator can ask unanimous consent.

Mr. COTTON. Mr. President, I ask unanimous consent that this amendment be considered because it was agreed to by the distinguished Senator from Nevada (Mr. CANNON).

The PRESIDING OFFICER. Is there objection?

Mr. HUGHES. Mr. President, reserving the right to object, and I do not intend to object, I would like to know what the amendment is.

Mr. COTTON. I will explain it.

Mr. HUGHES. I do not want to agree to considering the amendment until we know what it is.

The PRESIDING OFFICER. The Chair will ask that the amendment be stated.

The amendment was read as follows:

On page 9, line 10, strike the period, insert a colon and the following:

"*Provided however*, That any State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) which levied and collected a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom prior to May 21, 1970, shall be exempt from the provisions of this subsection until July 1, 1973."

The PRESIDING OFFICER. Is there objection to the Senator from New Hampshire offering his amendment and for the amendment to be considered? The Chair hears no objection, and it is so ordered.

The Senator from New Hampshire is recognized.

Mr. COTTON. I yield myself 3 minutes.

Mr. President, one of the purposes of the bill is to put an end to assessing "head fees" on passengers by airports. It does not preclude—and the distinguished chairman of the subcommittee (Mr. CANNON) will correct me if I am wrong—charges against aircraft operators for the use of airports, but not based on the number of passengers.

Mr. CANNON. Mr. President, if the Senator will yield, the Senator is correct. It does not do away with landing fees, charges for space rental in terminal buildings, things of that sort.

Mr. COTTON. I want to express my appreciation to the distinguished Senator from Nevada (Mr. CANNON) for agreeing to accept my amendment. In this particular case a special hardship would have occurred in the State of New Hampshire.

The State of New Hampshire has had a law charging air carriers a fee based upon the number of passengers enplaned long before enactment of the Airport and Airway Development Act on May 21, 1970. The New Hampshire law was first enacted in October 1959, and it was revised in August 1969 (chapter 391 of 1969 Laws of New Hampshire, amending N.H. Rev. Stat. Ann. sections 422:3, 43, 45). It has been sustained as constitutional by the New Hampshire Supreme Court and the Supreme Court of the United States.

My amendment unfortunately will not exempt New Hampshire indefinitely from this bill's prohibition on the head charge. It will do so only until July 1, 1973.

Now, New Hampshire happens to be in the unique situation where the fate of its air service depends entirely on the Civil Aeronautics Board's decisions as to whether it is going to require certificated air carrier service to our northern area which comprises about three-fourths of the entire State.

Presently, some of our airports either have no service or such minimal service that they have no income, and would have to close down now, or very shortly, if this bill passed without my amendment providing a grace period for the State of New Hampshire with respect to prohibiting its tax. My amendment simply provides a reprieve since after July 1, 1973, New Hampshire, too, will be prohibited from levying this particular charge, as are other States.

I am very grateful to the Senator from Nevada (Mr. CANNON) for agreeing to my amendment, which was a compromise since I wanted more for the people of my State.

Mr. President, I ask unanimous consent to add the name of my distinguished colleague from New Hampshire (Mr. McINTYRE) as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, I yield myself 1 minute.

I just want to say that I commend the distinguished Senator from New Hampshire for his diligent efforts in providing for the airports in his State and for trying to keep them in business. They have a very difficult time because of the lack of service or because of inadequate service provided to that area. He has long complained about and attempted to do something about it. This amendment will give them until next year to come into compliance with the act. The amendment applies only to the State of New Hampshire; it is the only State that had a head tax being levied and collected at the time of the adoption of the Airport and Airway Development Act.

So I am happy to accept the amendment of the distinguished Senators from New Hampshire, and, hopefully, it will be adopted by this body.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. CANNON. I yield back my time.

Mr. COTTON. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment is yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CANNON. Mr. President, I offer an amendment after line 15, page 3, to insert the following:

"(2) by striking out the words 'extend beyond' in the second sentence thereof and by inserting in lieu thereof, the words 'be incurred after'; and".

At line 18, page 3, strike out "(2)" and insert in lieu thereof "(3)".

2. At line 14, page 4 and at line 18, page 4 strike out: "0.25 per centum" and insert in lieu thereof "1.00 per centum".

3. After line 2, page 10, insert the following:

"Sec. 8. Section 12(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712), is amended by striking out the words, 'two years' in the first sentence thereof, and by inserting in lieu thereof, 'three years'."

Mr. CANNON. Mr. President, I am offering amendment No. 3 because the Airport and Airway Development Act of 1970 provides that the Secretary prepare a national airport system plan for the development of public airports in the United States. This plan was to have been completed on May 21 of this year. However, the Secretary has been unable to complete this project by the date specified in the act and, therefore, my first amendment proposes to extend, by 1 year, the date on which the national airport system plan is to be prepared.

Mr. President, I am reluctant to recommend this extension. However, the Federal Aviation Administration has explained to me problems which have arisen in completing the plan, problems which were not foreseen in 1970.

At this point, I ask unanimous consent to insert in the Record a letter from the Administrator of the FAA to the committee explaining in more detail the reasons the Agency is seeking a 1-year extension as proposed in my amendments.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Federal Aviation Administration,
Washington, D.C., June 29, 1972.
Hon. Warren G. Magnuson,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: The Airport and Airway Development Act of 1970 directs the Secretary of Transportation to prepare and publish a national airport system plan within two years after enactment of the Act, 21 May 1970. The Federal Aviation Administration was not able to complete the plan within this time period because the Act contemplates input from the states. Twenty-two states have been authorized to receive planning grants and six more grant applications are currently pending. However, to date none of the states have provided input for the national plan.

Although the agency has at present an adequate working plan for the purpose of administering the airport development grant program, additional time will be needed to complete and publish the plan. We respectfully request the Congress to grant us another year to accomplish this. We will not receive input from all of the states during this additional year. We will, however, be able to perform the planning in behalf of those states not conducting their own programs and provide the extensive coordination with other Federal agencies required by the Act necessary to develop and publish a complete national plan.

We recommend the following amendment to accomplish this purpose:

Section 12(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712(a)) is amended by striking the words "two years" in the first sentence thereof and inserting in lieu thereof the words "three years."

Sincerely,
J. H. Shaffer, *Administrator.*

Mr. CANNON. Mr. President, in light of this request, and the reasons for it, I urge the Senate to approve the 1-year extension provided in amendment No. 3.

I yield back the remainder of my time on that amendment.

Mr. COTTON. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment is yielded back.

The Chair is advised by the Parliamentarian that there is a question about the form of the amendment. It is being studied at the moment.

Mr. CANNON. Mr. President, while that is being studied, I call up an additional amendment at line 14, page 4, and at line 18, page 4——

The PRESIDING OFFICER. The Chair would suggest to the Senator that he withhold for just a moment, because the staff is trying to work this one out.

The Chair will inform the Senator from Nevada that the amendment is now in proper form.

The Chair understands all time has been yielded back on this amendment.

The question is on the adoption of the amendment offered by the Senator from Nevada.

The amendment was agreed to.

Mr. CANNON. Mr. President, I call up my next amendment which is pending at the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

Does the Senator have still an additional amendment?

Mr. CANNON. On line 14, page 4, and line 18, page 4.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that that was part of the last amendment. All three have been agreed to en bloc, including the additional one on page 10, line 2.

Mr. CANNON. If that is the case, Mr. President, that is satisfactory. I did not realize we were acting on all three en bloc.

I will simply say that the change in amendment No. 2, which we have just adopted, is a slight change in the formula by which the Secretary will determine which publicly owned airports in the United States will receive 75 percent Federal funding for airport airfield development projects.

The bill, as presently written, provides the Federal funding shall be on a 75–25 basis at all publicly owned U.S. airports except the 65 so-called large and medium hubs. Since the committee's consideration of this bill, it has come to my attention that the medium hubs in the United States have encountered difficulty in the past in meeting the matching requirements under the 50–50 formula. In fact, some of these airports more closely resemble "small hubs" than they do large and medium hubs because of the fact that they enplane relatively few airline passengers each year.

Therefore, my amendment will raise slightly the cut-off point in the bill and will permit 43 medium hubs to receive Federal financial assistance on a 75–25 basis. I have become convinced that these 43 medium-hub airports do require increased Federal assistance in that their financial structure and their financial capability are much more limited than that of the larger airports.

Therefore, I propose that any airport in the United States which annually enplanes less than 1 percent of all passengers enplaned in the United States be eligible for Federal assistance for airfield projects on a 75–25 basis.

Finally, Mr. President, amendment No. 1 is of a technical nature and corrects a problem which could develop in the administration of the airport grant-in-aid program beginning in 1974.

Under the present act, the Secretary is authorized to enter into obligations for airport development grants for a period of up to 3 years in advance of actual appropriations.

This provision has been very useful in providing airport authorities concrete advance indication that Federal grant assistance would be available for periods longer than a single year.

Presently, the act provides that no such obligations shall extend beyond June 30, 1975. This provision could cause an interruption in the ADAP program beginning in 1974. Obligations which might be incurred in 1974 might not be liquidated for a period of more than a year or two because of the basic nature of airport development. Often grant agreements in the form of obligations are not liquidated by the Secretary for several years because generally payments are not made until the sponsor completes the development work.

The amendment I have proposed provides that the Secretary shall not enter into any new obligations after June 30, 1975, but will allow obligations incurred before that date to be liquidated at a later time, perhaps in 1976 and 1977.

The present authorization in the act expires in 1975, and prior to that date Congress must review and revise the program and reauthorize it for the period beyond 1975.

My amendment will assure that the program, under present law, will function effectively and efficiently until Congress acts to reauthorize and reevaluate the program.

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. Did the amendments of the Senator from Nevada (Mr. CANNON) which were adopted en bloc include one which read, after line 15, page 3, insert the following: "(2) by striking out the words 'extend beyond' in the second sentence thereof and by inserting in lieu thereof, the words 'be incurred after'; and at line 18, page 3, to strike out "(2)" and insert in lieu thereof "(3)"?

The PRESIDING OFFICER. They were all part of one amendment sent to the desk, and they were adopted en bloc.

Mr. COTTON. Mr. President, I now have the amendments here, but I thought they were being offered one at a time. I did not realize that they were to be agreed to en bloc.

I am not going to ask for a rollcall vote or make a determined opposition to this amendment in view of the consideration given by the Senator from Nevada (Mr. CANNON) with respect to my amendment. I previously had agreed to certain provisions of the bill to which I objected to in my views in the committee's report. But I did not agree to these new amendments.

I ask unanimous consent that this particular amendment be reconsidered long enough so that I can make a statement. I shall not call for a vote.

Mr. CANNON. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. The extension of contact obligations, which this amendment authorizes to be incurred, are binding upon the Government. They represent obligations over which neither Congress, nor the appropriating committees can have any control. Present law provides for such authority through June 30, 1975. This amendment could extend such contracts 3 years, to June 30, 1978. And, the cost could run as high as $1.68 billion. It was the intention of the Senator from New Hampshire to oppose this extension of such contract authority. I felt that it would be wiser to reexamine this authority in 1975 or some time before. The Senator from New Hampshire, particularly because of his long experience in the Appropriations Committee, feels that this as a future power of contract authority is extremely dangerous. I deeply regret that this amendment was adopted.

In view of the fact that it was adopted, I do not feel free now to raise the point and contest it. But, I wish to serve notice that early in the next Congress I intend to introduce a bill either to limit this 3-year extension, or at least, to limit the amount which can be obligated.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CHILES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 10, between lines 2 and 3, insert the following: "(c) In the case of any airport operating authority which—
>
> "(1) has an outstanding obligation to repay a loan or loans of amounts borrowed and expended for airport improvements;
>
> "(2) is collecting, without air carrier assistance, a head tax on passengers in air transportation for the use of its facilities; and
>
> "(3) has no authority to collect any other type of tax to repay such loan or loans,
>
> the provisions of subsection (a) shall not apply to such authority until such authority has repaid such loan or loans, if the entire amount of such tax collected is applied to such repayment."

Mr. CHILES. Mr. President, I yield myself 4 minutes to discuss the amendment.

This amendment is very narrowly drawn to reflect a particular situation we have in the State of Florida, in that we have the Bradenton-Sarasota Airport, which had previously been collecting a head tax itself, not imposed by any air carrier, and had used that head tax to build permanent facilities, and had bonded that head tax to pay for those facilities.

This particular airport has no other taxing authority; it has no real property taxing authority, and the only source of money it has to repay the cost of those facilities is the head tax itself.

It is a $1 head tax, which the airport itself collects. This amendment would simply provide that they would not come under the provisions of the act until they had had an opportunity to pay off the $350,000 that they have borrowed, using this head tax to pay that off, and at that time they would come under that provision, like the rest of the provisions.

I think they are clearly an exception. They are not like the Philadelphia case; they are not making the airlines collect it; they were charging it at a time when the courts said it was legal to so charge; and it is the only source of revenue this particular airport had to improve its facilities.

It has now improved its facilities. If we wipe out that head tax on that airport now, we would just throw them into bankruptcy, and I do not know what they would do about the collection of the bonds themselves, because they did obligate themselves to be able to pay for those facilities on the basis of the tax itself.

I am sure it would not run too long a period of time for them to be able to pay off the bonds, and I hope that the sponsors of the bill will see that this would be a narrow exception to the provisions of the bill, and will be willing to accept the amendment.

I reserve the remainder of my time.

Mr. CANNON. Mr. President, I yield myself 1 minute.

I am sympathetic to the Senator's problem, but if we are going to, on a case-by-case basis, permit airports around the country to impose a head tax, we had just as well not write any legislation on it at all.

We have taken some very strong steps here to help every airport in the country by making more Federal money available and by making money available for more purposes. Every airport in the country can benefit by this bill. Yet some of them apparently still want to collect the head tax.

I think if we are going to permit head taxes we had just as well say to every airport in the country, "Have at it; if you want to drive the business somewhere else, drive it somewhere else," because I have already seen head taxes go from a dollar up to $3.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. CHILES. I think the Senator would agree that this amendment is not going to allow every airport to have a head tax. It deals with one airport, that previously had a head tax, prior to the time that there was any controversy in Philadelphia or anywhere else. It was their only source of revenue to be able to make improvements to their airport. They borrowed $350,000 at the time it was legal to have a head tax. They bonded the money, or issued revenue certificates based on that head tax, and all this amendment will do is allow them to meet that commitment which they have. It will not open the door to anyone else; it does not go to $2 or any other amount. It is only to the existing $1 tax that is already there.

So I think the Senator's objections and fears are not warranted, because we are talking about one little airport that has long had a head tax and has used that in an effort to make improvements on its facilities; and they will not have any way to pay for those improvements if we strike them out, in trying to get at the Philadelphia situation.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. MAGNUSON. A lot of other airports in the country are in similar situations. If we start to amend this bill to take care of one isolated instance of an airport that got into this thing on its own—we did not tell them to do that. I do not know how a group of people could conceive, in the beginning, that they could finance airports by a head tax. I would object to this amendment, because there are all kinds of airports—not all kinds, but several small airports—in the same situation. We should not pick out one in Florida, and just take care of that one.

Mr. CHILES. The Senator says he does not know how they could conceive it. The Supreme Court felt it was all right, so I think it was a conceivable thing.

Mr. MAGNUSON. Oh, it was conceivable. But it was certainly bad judgment. Anyone who knew anything about airport development knew that could not last.

Mr. CHILES. Well, I have a hard time seeing how the Senator could say that something the Supreme Court held was valid was bad judgment, for a small airport that has no other means of revenue and had no other means of revenue, in trying to get its improvements and use that head tax as a basis for revenue certificates. What the Senator says to people who issued those revenue certificates on the basis of the head tax, which was proper at that time, is that now we are just going to knock that out. He would do away with the full faith and credit clause of the Constitution.

Mr. MAGNUSON. Let us not get into the Constitution again. We have been on that for 3 days around here. What I am saying is that we cannot make an exception for just one airport until we find out how many more may be in the same kind of situation.

Mr. CANNON. I am concerned about whether, if we made this type of exception, we might be into a position where the Court would say this law does not apply equally, and, therefore, it is not constitutional. The Court, in holding that Congress had not acted and prohibited the head tax and that States could impose it said:

> At least until Congress chooses to enact a nationwide rule, the power will not be denied to the States.

We are trying to enact a nationwide rule. If we are going to exempt Sarasota, Fla., I am not sure that it could be said that this is a nationwide rule, and we might run into a serious constitutional question.

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. I yield myself 2 minutes.

I think the law is pretty clear that there are many times when Congress or State legislators cut off a provision of funding and allow anything that has been done—bonds, revenue certificates that have been issued prior to that time—and until they are paid off, the provisions of cutoff will not apply to those bonds.

I know there are many cases in the State of Florida—in particular, our racetrack funds, which we used to divide equally among all the counties. But we decided that we would divide it on a population basis. We put in a provision that where counties had bonded those funds, that would not be in effect until those bonds had been paid off. That was tested in the courts and went up to the U.S. Supreme Court, and that was held to be valid because it was bonded under the full faith and credit clause and had been issued as a revenue certificate.

I think the same thing would apply where you have an airport that is using this as a means—and the only means they have—to provide for the improvements of the airport.

Mr. MAGNUSON. Under the Florida law—I am not too familiar with it—perhaps they can create an airport district, a port district, and assume the obligations of those bonds. Maybe they can do that.

Mr. CHILES. They can, the next time the legislature meets, which is going to be next year, after the bonds are long in default, after the revenue certificates are long in default, if this law passes. Perhaps they can try to do something. But here they followed the law. They issued their revenue certificates. It was not a large amount—$350,000. They collected the tax themselves. This proposal simply would say that they would be able to use those funds to pay off the money for the improvements they had at the time.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, will the Senator yield for a question on my time? I yield myself 2 minutes.

Mr. CHILES. I yield.

Mr. COTTON. How long will it take to pay off the obligation to which the Senator from Florida refers?

Mr. CHILES. I am trying to see if I have the exact answer to that question. I am afraid that I do not have the exact answer. But they are collecting a $1 head tax now. The indebtedness is $350,000. I would assume that it would take them a few years.

Mr. COTTON. Mr. President, I yield myself 3 minutes.

I have hesitated to engage in this discussion because of my amendment which was adopted earlier. I did not want to get consideration for my own State and then take the position of objecting to another Senator seeking consideration for his State.

But, I do want to call attention to the fact that the situations are not analogous in any way. In the case of my own State, we have outstanding obligations, but we are not paying them and could not pay them from a head tax. My own State had its tax long before the Airport and Airway Development Act of 1970, and the entire amount we derive from it is only about $60,000 a year. Therefore, my amendment will mean only about $45,000. It will help to keep us going until we find out whether or not we are going to get air service. Also, we have no other means of income.

What is the amount of the obligation?

Mr. CHILES. $350,000.

Mr. COTTON. The amendment could open up the bill. An airport could have a continual outstanding obligation, and until it is paid off, it could impose a head tax. I do not see then how you could refuse any airport which has a head tax and is in debt. And, almost all our airports are in debt.

Mr. CHILES. I think the Senator fails to understand the limitations in the amendment. It had to be an airport that was collecting it prior to that time. It had to be collecting the head tax itself. It had to have no other taxing authority, no other means by which to tax. I think the Senator would find that that would limit it to such a narrow scope that he would not be talking about opening it up.

Just as the Senator is seeking relief for his State and is trying to get some services, this is a small airport——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. Is this a private airport?

Mr. CHILES. It is a municipal airport.

Mr. MAGNUSON. Why does the city not assume the obligation?

Mr. CHILES. It is run between two counties that have no taxing authority.

Mr. MAGNUSON. The county has.

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. I yield myself 1 minute.

The county has a 10 mill limitation which it can put on a property tax. It is already at that limitation, so the county cannot assume the responsibility for these revenue obligations, either. These two counties would be deprived of the services of an airport.

Mr. CANNON. I yield myself 1 minute.

Mr. President, there are a number of ways by which the local authorities could get at this problem. They could create an airport authority and have it assume the obligations on the bonds. The county could adopt an ordinance increasing airport landing fees and earmarking the landing fees for retirement of these bonds. The bill does not preclude the charging of landing fees. So it would be possible for the county or the governing body to adopt an ordinance firmly pledging the revenue from the landing fees for the retirement of the bond obligation.

This is not an insurmountable problem. I would not want to see us open a Pandora's box.

Mr. COTTON. Mr. President, I yield myself 1 minute on the bill. Would the Senator from Florida (Mr. CHILES) be satisfied if an amendment could be agreed to which would give his airport time to make some of the arrangements the Senator from Nevada (Mr. CANNON) has suggested? For example, an amendment to continue the present fees until July 1 of next year, by which time the airport would have to find some other way to satisfy the obligation. I have no authority to agree to it myself, but I should like to know if he would feel that would be fair play?

Mr. CHILES. I would accept that.

Mr. CANNON. Mr. President, I yield myself 1 minute to say that if the Senator would be willing to modify his amendment by striking out, in paragraph 3, the words, " . . . such authority has repaid such loan, or loans, if the entire amount of such tax collected is applied to such repayment." and insert in lieu thereof "July 1, 1973", with that modification, I would be glad to accept the amendment.

Mr. CHILES. Mr. President, I would accept that.

Mr. President, I so modify my amendment.

The PRESIDING OFFICER (Mr. STAFFORD). The amendment is so modified.

The text of the modified amendment is as follows:

S. 3755

On page 10, between lines 2 and 3, insert the following:

"(c) In the case of any airport operating authority which—

"(1) has an outstanding obligation to repay a loan or loans of amounts borrowed and expended for airport improvements;

"(2) is collecting, without air carrier assistance, a head tax on passengers in air transportation for the use of its facilities; and

"(3) has no authority to collect any other type of tax to repay such loan or loans, the provisions of subsection (a) shall not apply to such authority until July 1, 1973."

The PRESIDING OFFICER. Do Senators yield back their time on this amendment?

Mr. CANNON. Mr. President, the distinguished Senator from Kentucky (Mr. Cook) desired, I think, to engage in colloquy at this time.

Mr. COTTON. Mr. President, a parliamentary inquiry. Has this amendment been disposed of?

The PRESIDING OFFICER. It has not been disposed of yet. All time has not been yielded back.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

Mr. CHILES. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question on agreeing to the amendment, as modified, of the Senator from Florida (Mr. Chiles).

The amendment was agreed to.

Mr. COTTON. Mr. President, I yield myself 1 minute on the bill to make this request.

I had no knowledge of other amendments or how much time would be required when we agreed with the Senator from West Virginia, the assistant majority leader, that on amendments there would be a 10-minute time limitation on each side. The Senator from Kentucky (Mr. Cook) has an amendment which he considers of special importance. He feels that he needs 20 minutes to a side on it. I therefore ask the distinguished Senator from West Virginia (Mr. Robert C. Byrd) if he would be willing to ask unanimous consent to make it 20 minutes to a side on this amendment.

Mr. ROBERT C. BYRD. I thank the Senator from New Hampshire.

Mr. President, I ask unanimous consent that on the amendment by the distinguished Senator from Kentucky (Mr. Cook) there be a time limitation of 40 minutes, with 20 minutes to a side to be equally divided.

The PRESIDING OFFICER (Mr. Spong). Without objection, it is so ordered.

Mr. COOK. Mr. President, I send my amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Amendment to S. 3755

On page 4, beginning on line 12, strike everything through line 20, and insert in lieu thereof the words, "shall be 75 per centum."

Mr. COOK. Mr. President, let me explain the amendment. I am sorry there are not more Senators in the Chamber because without this amendment, the 75–25 applies to certain airports in the United States but denies the 75–25 to other facilities throughout the United States. Those airports must go on a 50–50 basis rather than 75–25. Without this amendment the following airports are left out of the 75–25 formula and they must live by the 50–50 formula:

Los Angeles Airport, San Francisco, Denver, Washington National, Miami, Atlanta, Honolulu, O'Hare, New Orleans, Logan at Boston, Detroit, Minneapolis-St. Paul, Kansas City, St. Louis, Las Vegas—but that might qualify because of the Federal land provisions that are in the act of 2 years ago—Newark, J.F.K., La Guardia, Cleveland, Philadelphia, Pittsburgh, Dallas, Houston, and Seattle.

Those airports are left out of the act. They must qualify on a 50–50 basis and not on the 75–25 basis.

It was set forth in the report—as a matter of fact, there was an amendment by the distinguished Senator from Nevada that took the figure up to 1 percent rather than 0.25 percent, but that goes contrary to the testimony in the report and the language of the committee which said:

"The Committee asked various witnesses for examples of airports in the large and medium hub categories which had encountered difficulty in meeting the 50%–50% matching requirement. No examples have been provided. Therefore the Committee concludes that the present 50%–50% ADAP formula is adequate in assisting with the airport development needs at the nation's 65 largest airports. A list of these airports is printed below . . ."

Before the change was made to 1 percent, I can say to the Senator from Florida that the airports in Florida that would not have been available on a 75–25 basis would not only have been Miami but Jacksonville, Fort Lauderdale, Orlando, and Tampa.

In other words, the other airports in Florida can qualify on a 75–25 basis, but Miami can only qualify on a 50–50 basis.

The point I am trying to make is this is a trust fund for airports. It is through the operation of the airports that money goes into the trust. The biggest percentage of the money collected is collected from the very airports denied the new formula which will have to live under the old formula.

I might say, now that the distinguished Senator from Georgia (Mr. Talmadge) is in the Chamber, I would repeat that his Atlanta airport cannot qualify for a 75–25 ratio under the bill. It can only qualify for 50–50. Therefore, the amendment the Senator from Kentucky is introducing today would state that the 75–25 ratio applies to all airports because it is the major airports which are the reason for the biggest revenues going into the trust; yet they will be denied the new formula. The Atlanta airport will have to apply under a 50–50 ratio but the airport at Savannah can apply under the 75–25 formula.

Mr. TALMADGE. Mr. President, will the distinguished Senator from Kentucky yield?

Mr. COOK. I yield.

Mr. TALMADGE. I am very much interested, of course, in protecting the rights of the airport which is in the city of Atlanta. It is the second busiest airport in the United States for commercial aircraft. It is the transportation hub not only of the Southeast but also much of the traffic that flows to South America and Latin America. The western part and all sections of the United States also flow through there.

Mr. COOK. I do not wish to interrupt the Senator, but in Louisville we say that if we want to go to Heaven we have got to go via Eastern Airlines, and we have to go through Atlanta.

Mr. TALMADGE. Everyone is welcome to come to Atlanta. I thank the Senator for his kind comment.

Would the Senator tell me, how would the formula be changed?

Mr. COOK. The present formula, without the amendment of the Senator from Kentucky, would be 75–25 for the airports in the State of Georgia, save one, and that would be Atlanta. Atlanta has a percentage of traffic above the 1 percent authorized under the bill to qualify under the 75–25 ratio. Therefore, Atlanta, having a percentage figure of 5.49, which is 4.49 above the 1 percent cutoff, could only qualify on a 50–50 basis and under no circumstances could qualify for the 75–25 ratio. Yet Atlanta is one of the major airports that pays a tremendous percentage into the fund.

Mr. TALMADGE. The Senator is eminently correct. Does the Senator mean to say that the airports having the least traffic and needing the funds the least would have the greatest call on Federal revenues?

Mr. COOK. They probably need it just as badly, in all fairness, Senator. They need it just as badly. But the point is that what the bill does is to deny the 75–25 ratio on a trust, and when we actually preempted the field for the tax and told the airports that they could not utilize particular local taxes which we thought were onerous, including the head tax, the Government then turn around to the same airports and say—and I have previously read the list of 20 or 25 of them—that they can only cooperate on a 50–50 basis and cannot avail themselves of the 75–25 ratio.

Mr. TALMADGE. Mr. President, I compliment the Senator in offering the amendment. I hope it will be agreed to. And I hope that the floor manager of the bill will accept it.

Mr. COOK. Mr. President, I thank the Senator. I reserve the remainder of my time.

Mr. COTTON. Mr. President, I yield myself 4 minutes on the bill. I have no time on the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 4 minutes.

Mr. COTTON. Mr. President, I can understand the position of my friend, the Senator from Kentucky. However, his suggestion that these large hub airports receive Federal funds on a 75–25 ratio simply begs another question which I had not intended to raise because of the earlier consideration given me by the Senator from Nevada (Mr. Cannon), concerning the very desperate situation of my own State.

But, until the present time, there has been the fixed policy for years to not allow the use of Federal airport money for terminal buildings. That policy has been in effect and is in effect today, because although the Senate tried to reverse it in 1970, the House would not accept it.

It has been and now is the policy that Federal money should be used only for those projects in an airport that have to do with the safety of passengers.

I remember when the former Senator from Oklahoma, my good friend, former Senator Monroney, was on the Committee on Commerce. We coined the phrase that, "The duty of the Federal Government was to keep the passengers safe and sound and not warm and dry."

We did not propose to have the Federal money distributed throughout the country to airports and be used to build nice terminal buildings, waiting rooms, and even cocktail bars. It was to be used for the runways, the aprons, the control towers, for the instrument landing apparatus, and for those things that pertain to the safety. Recipients could build as nice an airport as they wanted to, and they could let out concessions for cocktail bars, bookstores, and anything else they wanted to so as to make their own income for such facilities.

Mr. President, I do not want to see that rule changed. I was not going to make any fight on it today for the reasons I have just stated. However, if these large hub airports are going to become eligible for the 75–25 ratio, then I will feel compelled to raise the issue.

In the small regional airports in rural States, such as I represent, there is no question of building any kind of palatial air terminals. There is a difference. And, again I say, if these large hub airports are going to come in for a 75–25 ratio in the bill, then we also should write into it that the money they use shall be used only for the safety of the traveling passenger public.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. Mr. President, I yield myself 2 additional minutes on the bill.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 minutes.

Mr. COTTON. Mr. President, the regional airports in sparsely populated areas need the 75–25 ratio. However, I would rather see them give it up and continue on a 50–50 ratio and have them all treated alike, than to see the big city airports be made eligible for 75 percent Federal funding and use it for purposes other than safety of passengers.

Mr. PEARSON. Mr. President, will the Senator yield me 2 minutes?

Mr. CANNON. Mr. President, I yield to the Senator from Kansas whatever time he requires.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. PEARSON. Mr. President, I want to respond to the comments made by the distinguished ranking minority member of our committee. Indeed, this ratio as it applies to different classifications of airports may seem on its face to be an inequity. But the whole airport and airways bill and the use charges as it applies to different type variations and different types of airports in this country is really an accommodation to need and to necessity. And the evidence, while I do not have it in a form to present in a documentary way, is that the great airports—Los Angeles, for instance—are enormously profitable outfits. And the same may be said for some of the others.

I want to say to the Senator from New Hampshire that, if he will permit me to use an expression, we beat him down on this one. He has held this position for many years, and particularly I think he was right in those days when we had just a fraction of the kind of appropriations that we have under this year's charts.

Now, and I think it was the Senator from Nevada, the Senator from Kansas, and I think the Senator from Washington, who prevailed on the Senator from New Hampshire in this case for the use of money for the terminals.

Mr. COTTON. But, you did not prevail in the House in 1970 and I doubt if you will this time.

Mr. PEARSON. Perhaps not in the House. However, the difference, while it may seem to be blatant and quite unfair, is part of an accommodation to provide funds for terminals. And if the Senator should prevail and there is some equity in this cause, I think of necessity we have to look at the terminal arrangement in this particular bill.

I thank the Senator from Nevada for yielding.

Mr. CANNON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 minutes.

Mr. CANNON. Mr. President, I agree completely with my distinguished colleague. I regret that the Senator from Kentucky has seen fit to offer an amendment to raise the Federal share of funding for the 22 large hubs which are in fact the 22 airports in the country that need it the least and have the greatest opportunity for raising funds. We could use all of the money in the trust fund for the 22 large hubs, if we want to let them have it. The question is whether we want to develop a national airport system and help many of the airports across the country and make this trust fund useful throughout the country and help 20 or 30 airports in the State of Georgia with a reasonable amount, or do we want to simply provide funds for the 22 largest airports.

We tried to spread the funds around by putting some limit on the use of funds for terminal areas. Terminal areas are not now eligible for Federal funds.

Mr. PEARSON. Mr. President, there is a land acquisition provision in this bill which is most helpful to the large area.

Mr. CANNON. The Senator is correct. We have a land acquisition provision in the bill so that the airports can purchase land for the future on a loan-type basis.

However, I think it would be a mistake if we tried to qualify the large hubs who need it the least—and a city in my State is a large hub—if we try to qualify the big large hubs for more favorable Federal funding rather than keeping them at 50 percent where they are. We have added inducements. We have increased Federal assistance for security arrangements and have provided inducements for advance land acquisitions and more money for certification requirements. We have added many provisions in the bill to help the large hubs that do not receive adequate assistance presently under the present law.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. CANNON. Mr. President, I yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, what about the ratio of the Federal funds?

Mr. CANNON. Mr. President, I would have to check the figures to be exact. But for the items that qualify, it has generally been in the past up to 50 percent. In a public land State, it would be somewhat more than that.

Mr. TALMADGE. Is the Senator advising me at this point that the formula for future funds will not change in any way from the previous formula?

Mr. CANNON. With respect to those eligible items for airfield development that were eligible in the past the formula at the large hub airports will not change. It will continue to be 50–50.

Mr. TALMADGE. The formula will remain the same?

Mr. CANNON. The formula will remain the same. But with respect to security and certification items the Federal share will go up at Atlanta.

Mr. TALMADGE. To what?

Mr. CANNON. To 82 percent Federal participation for security and certification requirements. In addition to that Atlanta will be eligible for funds for limited terminal assistance.

Mr. TALMADGE. That is what I wanted to ask.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CANNON. I yield 2 additional minutes.

Mr. TALMADGE. Our airport has been crowded in recent years. The city of Atlanta and the airlines have been discussing the location of an additional airport in the vicinity of Atlanta because of crowded space. What will be available in Federal funds for a second airport or a new airport?

Mr. CANNON. The bill provides that funds can be made available for advance land acquisititon to the extent of 100 percent with a provision requiring Atlanta to pay back its local share of 50 percent at some date in the future.

Mr. TALMADGE. Is that 100 percent of the total land acquisition cost?

Mr CANNON. One hundred percent of the total land acquisition cost.

Mr. TALMADGE. That would be an advance loan, in reality, to be repaid from receipts of the airport?

Mr. CANNON. Only 50 percent has to be repaid.

Mr. TALMADGE. The Federal Government would loan 50 percent and the city of Atlanta would have to repay that 50 percent?

Mr. CANNON. Yes.

Mr. MAGNUSON. Mr. President, new airports come under the same rule as old airports—all the benefits, whatever they may be. Second, these big airports—Seattle is one, Miami is one—have a better opportunity to collect use fees. They have rental and landing fees. The smaller airports do not have that same opportunity.

We are trying to upgrade the smaller airports in my State, and the same is true of those in the Senator's State. I think this is a good plan.

Mr. CANNON. I thank the chairman.

Mr. COOK. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOK. Mr. President, let me say that the original bill as it came to the floor of the Senate—and I say this for the benefit of the colloquy between the Senator from New Hampshire and the Senator from Kansas—was going to eliminate 65 major airports in the United States. They were talking then about eliminating 65 because they had to have sufficient funds in the trust to take care of this situation. Then, we find when we get here we had already increased the percentage to where we eliminated all but 22 of those 65.

It was said no testimony was presented that these airports need help and an increase in percentage.

One of the airports left out was Honolulu. The manager of that airport testified there were five different projects and they could not go forward. There was testimony in respect to the Wichita, Kans., airport, my own Louisville, Jefferson County Airport, and the New Orleans Airport.

Mr. President, I ask unanimous consent that excerpts of this testimony may be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

TESTIMONY OF MR. O. L. SANDS, PRESIDENT OF AIRPORT OFFICERS COUNCIL INTERNATIONAL AND NEW ORLEANS AIRPORT AND MR. H. JAY SETTER, DIRECTOR OF WICHITA, KANS., AIRPORT

Mr. SANDS. We will be happy to submit a list, though, with this.

Senator CANNON. Well, if someone else is going to supply it, that is fine.

How do you think that development would be affected if Congress, rather than increasing the Federal share, increased the minimum authorization for grants which is now $280 million, let's say, up to $400 million, or some figure in that area?

Mr. SANDS. Mr. Chairman, I have to submit that our problems here—and particularly with the smaller airports—are not so much how much money is in the till but how much money do we have to match it.

Such an extension of these funds would do nothing to assist them in raising their 50 percent, and this is the big problem.

Senator CANNON. The people that have the difficulties such as some of you pointed out already, they would not particularly be helped simply because the Federal Government says they have more money available; is that right?

Mr. SANDS. This is the point I am trying to make, sir. If you have a project application of small to moderate size and you still can't raise your 50 percent, that money is just as remote from you as the moon.

Senator COOK. Mr. Chairman, would you yield just a moment?

Senator CANNON. Sure.

Senator COOK. Mr. Setter, does it make any difference to you whether the Federal Government puts that figure at $280 million or $400 million as long as it is still on a 50–50 basis in regard to the figures that you have here on your list?

Mr. SETTER. No. It wouldn't help a bit. We would be unable to come up with any more additional moneys.

Senator COOK. That is the real answer to the question. The answer is that if you can't come up with your 50 percent, even if the entire fund is made available, it is not going to help you and it is not going to help Wichita, is it?

Mr. SETTER. The 75 percent Federal contribution would help.

Senator COOK. The 75–25 would. of course.

Senator CANNON. Of course they had $200 million worth of requests that they were unable to fund last year, so this indicates that some people have been able to come up with the local funds, if you assume that all of those requests would have gone forward had the funds been available.

Mr. SANDS. I would also submit, Mr. Chairman, that many of the projects which have been funded, although Mr. Davey pointed out, and quite rightly, that no major projects that have been funded as yet, many of the projects that have been funded last year will be nonrecurring for the next 8 or 10 years and those are laid aside.

But you still have these, such as Mr. Setter and, may I add, many more like Mr. Setter, who still can't come up with local matching funds. They may put in a request, but under the terms of the request they are hoping they can raise some funds, and they find then that they cannot because of either the cost of bonds, limits on debt ceilings, any number of things which preclude their obtaining their 50 percent of funds, and these are the very peple who should be helped.

If I may say so, Mr. Chairman, I represent a large airport, but I am also president of AOCI, and I am speaking for a great majority of our members who are possibly not as well equipped to meet these things as we in New Orleans are, and these are the people who feed your large airports. They are just as vital to the Nation's transportation network as any large hub you have in America.

Senator CANNON. Do you have any statistics available of the numbers of projects or dollar values of projects that would be able to go forward if the percentage were increased?

Mr. SANDS. I think we have a partial list prepared. We will complete it and submit it to the committee.

Senator CANNON. Thank you. One of the things that concerns me is whether, by increasing the percentage, as I indicated yesterday, we might be then making it easier to fund some of the big projects but in turn use up all of the available funds to the detriment of the smaller airports that really need that help.

Mr. SANDS. May I submit again, Mr. Chairman, that the $280 million is a minimum figure in the law, that during this last year at least all of our enplanements have gone up, that the input into the fund will be substantially larger and grow, and there will be no necessity to hold to that $280 million figure if more funds are needed.

Senator CANNON. We don't think there is any necessity to hold to that figure right now. That happens to be the administration's decision, not ours here, and that is why I posed the question a few minutes ago, asking what you thought about raising that minimum figure up to $400 million because the administration is treating the current authorization as a maximum, not a minimum.

Mr. SANDS. Mr. Chairman, if you pardon the interruption, I did not mean to convey that I would not like to see that 280 million figure raised. What I was pointing out was the fact that even though it might be raised to 400 million or 500 million, with a 50-percent participation it does many of our members no good at all because they can't raise their 50 percent. That was the point I was trying to make.

Senator CANNON. I asked you for a breakout a minute ago of the difference between the 50-percent problem and the 75 percent. Do you know of any of the medium or large hubs that have been unable to come up with their 50 percent, under the 50-percent provisions?

Mr. SANDS. Again we have a list here that we can give to you. We have a project in Savannah, Ga., total cost of the project is estimated at $1.7 million and they have no local matching funds. They have not even begun this project simply because there is no way for them to raise their matching funds as they see it now. We have projects——

Senator CANNON. Could they raise 25 percent?

Mr. SANDS. I am quite sure that they could if they had any assurance at all that the 25 percent would be sufficient. But 50 percent, no.

The State of Hawaii is in exactly the same position, and I have five different projects listed on this supplement which we will place in the committee's hands, and their difficulties—and here we have total costs of projects set down in the amounts of local matching funds anticipated to be available and in no instance do they come close to it.

Here is No. 1, the total projected cost $2.5 million, and the amount of local matching funds anticipated to be available is $500,000. That is 20 percent. Not quite 25.

Senator COOK. But it is possible that in some of those, all of that dollar amount would not qualify under ADAP regulation, so that 20 percent could be increased in relation to the deduction from the total amount that might not qualify for ADAP funds in the first place?

Mr. SANDS. Senator, you are exactly right, but that is the maximum that they can qualify for here.

Senator CANNON. Are you still talking about major hubs now?

Mr. SANDS. No, sir.

Senator CANNON. Medium or large hubs?

Mr. SANDS. I am not talking about large hubs. I have any number of places here, Indianapolis, which is a medium hub. Norfolk, which can speak for itself. Burlington, Vt., Midland, Mich., Tulsa, Okla.

Senator CANNON. My question was directed principally to the medium and large hubs, to see how they might be affected.

Mr. SANDS. Well, in Hawaii, this is a large hub, that is, Honolulu, but this goes to airports on Hilo, on Molokai, and on Waimea, Kohala, in addition to Honolulu's requirements.

Senator CANNON. You suggested that the Federal Government ought to finance 100 percent the items like landing aids and equipment required by the new security regulation. Is there some justification for going to a different formula, for example, 100 percent, as you suggest rather than the 82–18 basis that is now provided for the landing aids and touchdown zone lights and so on?

Mr. SANDS. I would not be able to answer that question at the present time, Senator. I will be glad to supply you with an answer. I haven't gone into that particular phase.

Historically the FAA has supplied all landing aids 100 percent. We see no reason why they should deviate. This is in their province. We have nothing to do with it. They make the rules and the regulations.

Senator CANNON. Well, they don't provide 100 percent for touchdown and zone lights, this sort of thing.

Mr. SANDS. No, sir.

On certain necessary categories, for category 2 operations, or category 3.

They do not. These are operated on the airports themselves.

Such a core airfield would have expansion possibilities to accommodate four parallel runways, a system of taxiways and high-speed turn-offs, necessary ramp aeras, adequate terminal and parking facilities and ground access to accommodate the forecast air service demand into the 21st century.

The Louisville and Jefferson County Air Board requires the expanded Federal support offered under Senate Bill 2397 to properly meet long-range aviation needs of the Louisville community.

Analysis of the cost of providing such a facility has astounded the Air Board—even the cost of providing an absolute minimal first phase development. The Board is evaluating many financing alternatives.

Present projections of airport revenues and of the income potential of the environmental buffer indicate that the Air Board will become increasingly reliant on non-aviation related activities to make the replacement airport project financially feasible.

The forecast of aviation demand requires that the Air Board initiate now its long-range development program for a replacement air carrier airport.

Without the increased Federal participation as under S. 2397 the Air Board may be forced to delay these plans for a period of time of from 4 to 6 years if forecast operating revenues alone are to be relied upon to meet that service.

The passage of S. 2397 would allow the Lousville and Jefferson County Air Board to consider, now, one of its major alternatives, the building of its replacement airport with the minimum required environmental buffer area, as a viable possibility without relying heavily on the proceeds of industrial and commercial development in the environmental buffer.

Gentlemen, we have come up with some right interesting figures which have been discussed partially today. It is our estimate that the percentage of present Federal participation under the current ADAP program is estimated to be only 26 percent of the total capital cost of building a new airport. This would increase to 41 percent of the total capital cost by the passage of S. 2397, still leaving the greatest portion of the cost of providing adequate aviation facilities the responsibility of the local Air Board.

Major cost items such as the passenger terminal, parking facilities, cargo terminals, passenger and baggage movement devices, and various roadways and utilities are not eligible for ADAP funds.

The Airport Development Air program should provide for orderly but expeditious disbursement of airport trust funds. The Congress has properly determined that the development of federally approved aviation facilities—those facilities in the National Airport System plan—is in the national interest.

The Congress has created a system of user charges so that aviation system development may be financed by those most directly benefitting from air commerce.

A Federal matching ratio of 75 percent for eligible airport development items is much more consistent with the proper development of this Nation's aviation system than the current 50 percent Federal, 50 percent local matching basis authorized under the Airport and Airway Development Act of 1970.

Gentlemen, thank you for this opportunity for appearing and, if there are questions, I will try to answer them.

Senator COOK. Thank you, Mr. Chairman. Thank you, Stuart.

I am very interested, frankly, in your remark, that as of the present 50–50 ratio, with the exclusions or the exemption in the ADAP categories, this really amounts to 26 percent.

Mr. PAINE. Correct.

Senator COOK. And that we will merely be going up to 41 percent on a 75–25—75–25 on what the Federal Government feels it will invest in. But actually 41 percent of the total cost of those things that are absolutely essential for a major airport.

Mr. PAINE. Our rather current financial models which we have been putting together have given us this readout, because into a total new complex you put those items which are under the act and aren't under the act, and we were astounded, frankly, when we came up with the fact that 26 percent of it would be Federal and the balance would come from local.

Senator COOK. As a matter of fact, are your highways and roadways into the airport covered?

Mr. PAINE. No.

Mr. COOK. Mr. President, the point I am trying to make is before they made the change—and in all fairness I have to say when they made the change they had satisfied this Senator because they included both the Louisville and the greater Cincinnati airports—that if this is going to be a trust, and if you are going to have a formula for that trust, and if you are going to set that formula out, it must be uniform. So I put in the amendment, because the list of 65 airports had been left as it was—had we passed it with that ratio—we would have denied the 75–25 ratio to 87 percent of all passenger service airports in the United States. We would have been providing a 75–25 percent ratio to less than 13 percent of the traveling public in the United States.

That is what the ratio really would have been. Therefore, I thought compelled to introduce the amendment because when we set up the Federal act and set up the 90–10 percent, we did not say it would be 90–10 in Kentucky, 30–70 in Florida, or 50–50 in Kansas. We set up a trust that was uniform throughout the country.

I believe, as I said 2 years ago when I increased this to 75–25, and the Senator agreed to have hearings, that if we are going to create a trust it should be uniform. It must be uniform if we are going to take dollar bills from the people, the airlines, and the facilities. Not only that, but we have preempted their right to impose those kinds of fees. All I can say is if you are worried about what these 22 airports might get, there is plenty of discretion within the bill as it now stands that the Department can make the choices where these grants will be authorized and who is going to get them.

If the Director finds that the grant should not be on the basis of 75–25 for Atlanta, he could make that objective judgment. But to say because you are big, and because you are busy, you are going to have to go on a 50–50 basis rather than the 75–25 basis allowed everybody else in the United States, it is just not equitable; it is not equitable now and it cannot be equitable in the future. It cannot be equitable for me to sit here and say that has been allowed to the Louisville airport and the greater Cincinnati airport but denied to the Atlanta airport, Kansas City airport, and Miami.

Mr. COTTON. Mr. President, how much time do I have remaining on the bill?

The PRESIDING OFFICER. The Senator has 4 minutes remaining on the bill.

Mr. COTTON. Mr. President, this shows what happens when you get into a complicated subject. I am sorry I agreed to such limited time.

However, I wish to say this about this matter. When we went into this 2 years ago we found that in a large hub airport—one of those named in this debate—its largest single category of revenues $1.5 million or 29 percent of its total revenues, was derived from non-aviation concessions—revenues of restaurants, bars, and other concessions.

We also learned at that time that another such airport, which the Senator says should be eligible for the 75–25 ratio, was spending $19.5 million on a contract for construction of first phase of multilevel parking facilities, and 5 miles of access and terminal area roads. It was part of that airport's $515 million expansion program.

The debate in 1970 also shows that this airport would have the Nation's first automatic baggage system where the motorist can drive in the garage, have his baggage checked automatically, park the car, and the baggage automatically forwarded to the terminal. Now, I am perfectly willing that the big city air terminals receive the same percentage of Federal money as the small struggling ones in rural areas that cannot sell 10 cents worth of hot dogs, but "You can't have your cake and eat it, too!" If this money is to be had, then I want to write back into this bill existing law, which does not allow Federal funds for any purpose other than the safety of the passengers. If the Senator wants to reduce the ratio to 50 percent for everybody, and treat them all alike, fine. But, if he wants it 75 percent Federal funding for everybody, then that money should not be spent for luxurious concessions such as cocktail bars, or for other facilities not directly related to safety of persons at the airport. Let us have it one way or the other. I will agree to either way.

Mr. COOK. Mr. President, will the Senator yield?

Mr. COTTON. I have not any time, but I am glad to yield.

Mr. COOK. Did not Mr. Shaffer, Administrator of the Federal Aviation Administration, when he testified before us, say that in 1975 there would be a $1 billion surplus in the trust fund and that by 1980 there would be over $1.5 billion in the trust fund?

Mr. COTTON. He predicted there might be that amount of money. But, if there is going to be that amount of money, we had better not take that money out of the pockets of the American people to be spent on luxuries.

We should look to building a safe regional and national system of air transportation in which people can travel. The money should go for safety, such as more careful supervision of traffic.

I do not want to see it go into luxurious terminals where we can carry the bodies out after they have been destroyed because of the lack of priority safety facilities.

Mr. CANNON. Mr. President, I yield myself 1 minute.

I would like to answer the question raised by the Senator from Kentucky when he asked if the Administrator did not testify there would be a $1 billion surplus in 1975. The answer is, "No," he did not. That is not the projected figure. It is less than half of that.

Mr. COOK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. COOK. I yield myself 1 minute.

I will have those figures in just a moment. I think the Senator will find we are correct and that the Administrator did use that figure.

I still have to say that we cannot sit here with a bill that says that the airport in Louisville can get 75–25 on a matching basis out of the trust that we set up, but that Detroit can get only 50–50 and O'Hare can get only 50–50. They cannot qualify for 75–25. The only reason why they cannot is that they are big. St. Louis falls in that same category.

I think, frankly, as long as we have taken this list down from 65 to 22, it is not going to raise the havoc that the Senator thinks it is by adding the other 22. When the Senator first introduced this bill and first put the report on every Senators' desk—and I refer to pages 12, 13, and 14 of this report——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOK. I yield myself 1 minute.

The Senators will find 65 airports in the United States that were going to be denied the 75–25. It is now down to 22.

I can say that if that snap judgment can be made and that many more can be taken into the program, and then 22 airports in the United States can be denied the figure being authorized and allowed for every other airport in the United States, on a Federal matching basis. Those who are doing that are out in left field and I do not think it is equitable. I do not think they can sell it to anybody on that basis.

I cannot disagree with the Senator from New Hampshire when he says he wants to get it down to nothing but safety, but, again, if he is going to keep the door open and say they can expand the program, and then say, although we are expanding it we are going to deny it to Detroit—we are going to deny it to O'Hare—we are going to deny it to Miami and Atlanta and Honolulu and St. Louis, and all over the country, all I can say is that no one can find any equitable principle in that theory under any circumstances.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOK. I yield myself 30 more seconds to read from what the Administrator said. He said that "by fiscal 1975 we will begin to see a growth in our trust fund", as I indicated earlier, "so that in fiscal 1975 we believe there may be $1 billion that is not obligated in the trust."

So he said there would be that surplus by 1975.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, I yield myself 1 minute.

The figures are projected on page 15 of the report. They were furnished the committee by the Administrator. They show a projected surplus of $482 million in 1975, and so on. I submit that is the official record that was submitted by the Agency.

I am prepared to yield back the remainder of my time.

Mr. COTTON. Mr. President, will the Senator give me 1 minute?

Mr. CANNON. Yes.

Mr. COTTON. Mr. President, I wish to ask the Senator if it is not true that under this bill all these airports will get 82 percent Federal funding on all the necessary security equipment?

Mr. CANNON. Security. They will receive 82 percent Federal funding. We have added as a sweetener the terminal area assistance. There has not been one large hub complaint about the formula in the bill, and I doubt if there are any that would.

Mr. COOK. I have a notion not many are aware of this.

Mr. CANNON. The question ought to be raised as to why we offered the amendment increasing the formula at the medium hubs. We did it because the Senator from Kentucky said he would like to see it raised. We did it at his requests, as well as at the request of the Senator from Washington. He said, "Let us raise it." Some of the hubs that do not generate many passengers have difficulties meeting the requirement. That is the reason why we increased it.

Mr. COTTON. Mr. President, may I have a moment for a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. COTTON. As I understand it, the amendment under consideration would give 75 percent to all airports. Is that correct?

Mr. COOK. Yes.

Mr. COTTON. Should this amendment prevail, would it be in order to offer another amendment to put it back to 50 percent?

The PRESIDING OFFICER. The Senator from New Hampshire would have to offer that amendment now, before the amendment of the Senator from Kentucky is voted upon. The amendment of the Senator from Kentucky is presently amendable.

Mr. CANNON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CANNON. If the amendment of the Senator from Kentucky should be adopted, would an amendment then be in order to eliminate aid to terminals, which is presently in the bill?

The PRESIDING OFFICER. That figure could not be stricken alone, but if the amendment to strike were broad enough in scope, it would be proper.

Mr. COTTON. Is it not proper for me to offer an amendment to the amendment of the Senator from Kentucky at this point, making the ratio 50–50 for all airports?

The PRESIDING OFFICER. It would be proper for the Senator from New Hampshire to offer an amendment to the amendment of the Senator from Kentucky once all time had been yielded back on the amendment of the Senator from Kentucky.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. PASTORE. I would hope we would not do that. I think we ought to bring this whole to discussion into proper context.

After all, no airport would exist in this country today, large or small, if it had not been for the help that has been given by Congress and by the administration, not least in staffing some of the very essential personnel; but after all, what we are trying to do here is recognize the fact that the big airports today are quite prosperous. They are all making a profit. What we are saying to them is that the secondary airports are finding it a little hard to get by, for the simple reason that the passenger service and payload is not there. That is the only reason why this concession is being made.

This is nothing new. We have done it time and time again. We are not taking anything away from the large airports.

Mr. COOK. Mr. President, will the Senator yield?

Mr. PASTORE. Wait until I get through saying what I am going to say, and then I will yield.

We are not taking anything away from them. They have always enjoyed the 50 percent.

Mr. COOK. Just 2 years, from the trust.

Mr. PASTORE. That may be so. But the rich hand has always helped the poorer hand in this country. We do that every day in the Senate. All we are saying is that we are going to have a uniform system throughout the country, and give a helping hand to the smaller airports only because they cannot get along with the 50 percent. We are trying to give them a little bit of a lift. We are not trying to take anything away from anybody.

I hope that the committee recommendation will be enacted.

Mr. COOK. Mr. President, I yield myself 1 minute.

May I say to the Senator from Rhode Island that until the Senator became concerned about the percentage, .25—and we raised it here on the floor this afternoon to 1 percent of the traveling population—the Senator's airport at Providence was not going to be entitled to 75–25, but only to 50–50. Until that amendment was made here on the floor, Providence was apparently, by our standards, a rich airport that could pay for itself and look out for itself, and had money to spare. Logan is not that fortunate. It will still be on 50–50 instead of 75–25.

Mr. PASTORE. I am not trying to be parochial in this at all. If Providence Airport is making a profit, it ought not to get more than 50 percent.

Mr. COOK. This is a trust. We have preempted the field of taxation for the benefit of this trust for airports, and we are now going to make a distinction.

When the Federal Highway System was established, they did not say that Rhode Island was a rich State, and so it would be 70–30 for its highway system, and that for poorer States it would be 90–10. We said it was 90–10 all over the United States. I am making the same point now with reference to airports.

I say to the Senator, if we go back to 50–50, then you are really in trouble, because you are also preempted in this bill from the seat tax. So that will just compound the felony.

Mr. PASTORE. I think we have an entirely different situation between the roadbuilding situation and that of the airports.

Mr. COOK. It is their money. They are paying it in.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. COTTON. The Senator from New Hampshire is not going to argue that every airport should go back to 50–50 if this amendment is adopted. But the Senator from New Hampshire, if no one else does it, will move to recommit this bill to the Committee on Commerce because of this situation.

Mr. CANNON. Mr. President, it seems to me we are missing the basic point, which is that we are trying to get the airports out of the business of placing taxes on passengers. If we do not do something about that, we are going to have the biggest number of the maddest passengers we have ever seen in this country.

I do not know of a single large hub airport that objects to this formula. There may be one, but if there is, they have not communicated it to me as chairman of the subcommittee, and I am a little surprised. Moreover, that question was not raised in the committee executive session on this bill. So I hope that the Senate will defeat the amendment of the Senator from Kentucky.

Mr. COOK. Mr. President, I yield myself 1 minute. Apparently the Senator——

Mr. CANNON. Mr. President, do I still have the floor?

The PRESIDING OFFICER. Yes.

Mr. CANNON. I yield 1 minute to the Senator from Washington.

Mr. MAGNUSON. Mr. President, I have not heard anything unfavorable from my favorite airport, and they communicate with me all the time about everything. I would think, with this big hub airport, having been chairman of the Committee on Commerce, that I would be the first one they would get hold of. I have not heard an adverse word.

Mr. PASTORE. They are doing well; that is why the Senator has not heard.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I yield myself 1 minute.

Mr. CHILES. Mr. President, will the Senator from Kentucky yield to me?

Mr. COOK. I yield.

Mr. CHILES. I wonder if the Senator from Kentucky would agree that the reason no one has heard from the big hub airports is because they have been told this nice bill can get them out of the seat tax business, and that is what they all would sort of like, and they do not realize, for instance, that Jacksonville is going to get the benefit of a 75–25 formula, and Miami is only going to get 50–50.

I would observe that if I have not heard from them today, I will hear from from them tomorrow.

Mr. COOK. Mr. President, before the Senator from Nevada put in his amendment to raise it to 1 percent, the airports in Florida that were going to be 50–50 were Jacksonville, Fort Lauderdale, Miami, Orlando, and Tampa. I am quite sure that he has not heard from Miami, because we just put Jacksonville, Fort Lauderdale, Orlando, and Tampa under 75–25 just a few minutes ago. An hour ago they were all 50–50. This business of not having heard from them is beyond the realm of reason, because there were 65 airports in the committee report that were making enough to be left at 50–50, but now there are only 22. Of course we have not heard from the 22.

Mr. CHILES. I think the Senator from Kentucky knows that most of us hear from them after a vote, not before a vote; and I think a lot of us might hear after this vote.

Mr. PASTORE. Let us not forget that Fort Lauderdale, like Miami, is in Florida.

Mr. CHILES. It is not the greater Miami airport, I might say to the Senator from Rhode Island, and it does have a separate and distinct airport. It can qualify for 75–25, just up the road, but Miami International Airport can only qualify for 50–50.

Mr. COOK. I might say—I still have some time, do I not?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. COOK. I yield myself that 1 minute. I might say to the Senator from Colorado that his Denver airport can only qualify for 50–50 because it is a prosperous airport, and yet the other airports all over the United States, other than 21 others besides Denver, can qualify for a 75–25 ratio; but the one at Denver will have to suffer along on a 50–50 basis.

Mr. CANNON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nevada has 4 minutes remaining.

Mr. CANNON. I yield myself one-half minute, just simply to say that the Airport Operators' Council, which is an association made up of all the major airports in the country today, enthusiastically supports the first six sections of the bill, which includes the formula of 75–25 for the small airports, and 50–50 for the medium hubs. We have now made it so that the medium hubs get 75 percent Federal assistance. So I would assume they would enthusiastically support it, as long as they are getting more than under the bill as reported.

I yield back the remainder of my time.

Mr. COTTON. Mr. President, before he does that, will the Senator yield for one question?

Mr. CANNON. I yield for a question.

Mr. COTTON. Is it not true that all this money we are talking about, not 1 cent of it is to operate or to maintain airports, but rather to build or expand airports?

Mr. CANNON. The Senator is correct.

I yield back the remainder of my time.

Mr. COOK. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Kentucky.

Mr. COOK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Spong). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Kentucky (Mr. Cook). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Virginia (Mr. Harry F. Byrd, Jr.), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mrs. Edwards), the Senator from Georgia, Mr. Gambrell), the Senator from Oklahoma, (Mr. Harris), the Senator from Wyoming Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

On this vote, the Senator from Louisiana (Mrs. Edwards) is paired with the Senator from West Virginia (Mr. Randolph). If present and voting, the Senator from Louisiana would vote "yea" and the Senator from West Virginia would vote "nay."

I further announce that, if present and voting the, Senator from Georgia (Mr. Gambrell) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater) and the Senator from Oregon (Mr. Hatfield) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. Hatfield) would vote "nay."

The result was announced—yeas 33, nays 53, as follows:

[No. 369 Leg.]

YEAS—33

Baker
Bayh
Bennett
Bentsen
Brooke
Buckley
Case
Chiles
Cook
Cooper
Cranston
Eagleton
Fannin
Fong
Griffin
Gurney
Hart
Hartke
Inouye
Javits
Long
Mondale
Percy
Schweiker
Scott
Stevenson
Symington
Taft
Talmadge
Tower
Tunney
Weicker
Williams

NAYS—53

Aiken
Allen
Allott
Beall
Bellmon
Bible

Boggs
Brock
Burdick
Byrd, Robert C.
Cannon
Church
Cotton
Curtis
Dole
Dominick
Ervin
Fulbright
Gravel
Hansen
Hollings
Hruska
Hughes
Humphrey
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Miller
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Proxmire
Roth
Saxbe
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Thurmond
Young

NOT VOTING—14

Anderson
Byrd,
  Harry F., Jr.
Eastland
Edwards
Gambrell
Goldwater
Harris
Hatfield
McGee
McGovern
Mundt
Pell
Randolph
Ribicoff

So. Mr. Cook's amendment was rejected.

Mr. CANNON. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. COTTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. CANNON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, the bill before us today is a poignant example of the trouble which now besets American aviation. Years ago, Congress provided for the financing of a nationwide system of roads, but it is only recently that the airport and airway development fund was created.

That fund is yet to reach its full potential, and when it does, there is some doubt that it will be adequate to meet the aviation needs of this Nation. Airports throughout the country are in a financial bind. They need funds for capital construction to meet the ever-expanding number of flights and the ever-increasing size of airplanes.

Local airports throughout this Nation need funds badly. They need money to expand and improve runways, build towers, buy safety equipment, improve security, and operate their facilities. To the extent that the bill before us today increases the Federal share of airport assistance from 50 to 75 percent, it is a welcome piece of legislation.

Nevertheless, S. 3755 uses the carrot and stick approach. It says that you can have a greater percentage of Federal funds, but you cannot raise any local funds from a head tax. What alternatives does an airport have. Section 18(8) of the Airport and Airway Development Act requires that the airport operator maintain fees which will make the airport as self-sustaining as possible. Smaller airports, such as several in the State of Indiana, must get their funds from property taxes. Each of us knows the burden which property owners throughout the Nation must bear in real estate taxes. Taxpayers' revolts in community after community will attest to the fact that people are becoming fed up with taxes which are driving them from their homes.

We have the ability in this Nation to provide for a safe and efficient aviation system. The provisions of S. 3755, however, taken together with the existing provisions of the airport development aid program, are inadequate. Airports in smaller communities must have the option to supplement Federal aid with local funds secured through passenger enplaning fees. No doubt passengers would prefer that such fees did not exist; but the fact remains that the services that passengers need and which they use cannot be provided unless such head tax fees are imposed.

Mr. President, this bill is before us today because of a law suit which involved the Evansville-Vanderburgh airport. That airport handles more than 329,000 passengers each year. It serves not only Vanderburgh County, but 40 other counties in the surrounding area. To ask the residents of Vanderburgh County to bear through property tax the burden of operating a rapidly expanding airport which serves 40 other counties is to place an unfair and unjust burden on property owners in Vanderburgh County.

I oppose this legislative effort to overturn a decision of the U.S. Supreme Court. In Evansville-Vanderburgh Airport Authority District against Delta Airlines, Inc., decided on April 19, 1972, the Court determined that local head taxes at airports are clearly constitutional. There are other examples of local user taxes which have gone by unnoticed and fully acceptable as both reasonable and logical. Numerous States and localities, for example, have imposed road user charges. The Supreme Court has held that these fees do not impede interstate commerce, yet that is the very argument which is being used by the proponents of S. 3755 against airport head taxes.

Mr. President, I ask unanimous consent that the text of a statement made by Mr. Howard P. Trockman on behalf of the Evansville-Vanderburgh Airport Authority District on this subject be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Howard P. Trockman

I am Howard P. Trockman, Attorney for the Evansville-Vanderburgh Airport Authority District (hereinafter conveniently referred to as the Evansville Airport), which is authorized and directed by an Indiana State Statute to operate and maintain Evansville-Dress Regional Airport in Evansville, Indiana.

Our statement and appearance is to oppose the passage of proposed Senate Bill 3611. Having read the statement of Senator Cannon, speaking for himself, as well as Senators Magnuson, Pearson and Cook, it would appear that our opposition to this bill before this Commerce Committee may well be an exercise of futility.

Nevertheless, our persistence dictates that our position be presented and heard, hoping that the real underlying facts as set forth herein will prevail and not fall upon deaf ears.

Evansville is one of some five hundred thirty-one (531) air carrier airports in the United States. While a few of this number reap substantial profits from their operation, the vast majority suffer with the same financial ailments as Evansville. While we will refer in this statement to certain facts as they exist in the Evansville area, we hasten to point out and urge that similar circumstances exist throughout the nation.

A. The Federal Airport and Airway Development Act funded by the Federal excise tax is not a panacea.

The Federal Airport and Airway Development Act of 1970, without argument, has helped to augment the development and growth of airports. However, a mere surface examination of the provisions of this Act, relating the same to the financial burdens and needs of local airports, reveals that it is not a panacea and, at best, only helps to lighten the burden, not completely relieve it.

Thus:

(1) What portion of the eight percent (8%) Federal Excise taxes on airline travel is set aside in the Trust Fund of this Act for Terminal Building Improvements?

Answer: Nothing.

(2) What portion of the eight percent (8%) Federal Excise taxes on airline travel is set aside for access drives to Terminal Buildings?

Answer: Nothing.

(3) While Congress and the Federal Aviation Administration have demanded that local airports provide new and expanded security services, what portion of the Federal Trust Fund is available for these needs?

Answer: Nothing.

(4) The need to provide a well regulated and developed national capital improvement program is unquestioned. However, the cost of repair and maintenance of these facilities over their effective life-span creates a financial burden of equal or greater magnitude. What portion of the repair and maintenance costs are paid out of Federal Trust Funds?

Answer: Nothing.

These are just a few examples of costs incurred by local municipalities in providing and maintaining airport facilities.

B. The taxation of property owners, rather than airport users, is inequitable.

As stated, the vast majority of commercial airports throughout the country operate, as Evansville does, on a deficit basis. Until the holding by the Supreme Court of the United States that use and service charges are constitutional in both the Evansville and New Hampshire cases, the method utilized by local governments to satisfy these deficits was through an ad valorem tax on all property owners in the county wherein the airport is situated. In the case of the Evansville Airport, the record of stipulated facts in the Supreme Court appeal revealed that forty percent (40%) of the commercial airline users of the Evansville Airport resided outside of Vanderburgh County and, therefore, did not contribute anything toward the maintenance and operation of the Airport. The same situation, undoubtedly, exists in other communities. What, therefore, could be more discriminatory in the form of taxation than to demand that property owners maintain the airport as opposed to the users for whose benefit the facilities are constructed and maintained? We feel, accordingly, that Senator Cannon's statement that "Congress must act to protect the American air travel consumer from such discriminatory taxation" and that "the nation's air travelers are already being heavily taxed to pay for airport facilities and airways modernization" is without foundation.

We also hasten to point out that there was an apparent misconstruction placed upon the Airport Development Act of 1970 by the sponsors of Senate Bill 3611, in view of the statement that it was Congress' intention to do so in the passage of the Act. That Act provides, as a condition precedent, that before any local airport can participate in any federal grant in aid projects thereunder, the Secretary of Transportation must determine that "the airport operator or owner will maintain a fee and rental structure for the facilities and services being provided the airport users which will make the airport as self-sustaining as possible under the circumstances existing at that particular airport, taking into account such factors as the volume of traffic and economy of collection."

Now the proponents of Senate Bill 3611 may argue that local municipalities should bear the costs of providing airport facilities for users other than commercial airline passengers at such airports. However, the plain and simple facts are that commercial airports and the facilities constructed and maintained thereon are provided for the primary and direct benefit of commercial airlines and their passengers. In the recent Supreme Court decision sustaining the use and service charges enacted by the State of New Hampshire and the Evansville Airport, the Court itself recognized the stipulation of the airlines regarding the maintenance of such facilities for commercial air traffic. In doing so, the Court stated:

"The measures before us also reflect rational distinctions among different classes of passengers and aircraft. Commercial air traffic requires more elaborate navigation and terminal facilities, as well as longer and more costly runway systems, than do flights by smaller private planes. Commercial aviation, therefore, may be made to bear a larger share of the cost of facilities built primarily to meet its special needs, whether that additional charge is levied on a per-flight basis in the form of higher takeoff and landing fees, or as a toll per passenger-use in the form of a boarding fee."

"The parties in No. 79–99, for example, have stipulated that "(m) ost of the facilities constituting the Terminal Building at Dress Memorial Airport would not be essential for the operation of a noncommercial airport except for the required use thereof by persons traveling on commercial airways and ramp areas of said Dress Memorial Airport would not be so extensive except for the requirement that the same be sufficiently extensive in order to accommodate commercial airline carriers and their passengers," and that "Dress Memorial Airport operates and maintains an instrument lighting system and an approach lighting system for use by commercial airlines, both of which are costly to maintain and operate and would not be necessary in connection with use by private, non-commercial aircraft." App. 54–55."

Thus, while Congress has provided through its excise tax on commercial airline travel a method by which the federal government can finance its share of local improvements, until the approval of the use and service charge, local municipalities were unable to finance and raise the matching funds required for capital improvement projects under the Airport Development Act. This is evidenced by the withdrawal or non-submission by local municipalities of more than nine hundred (900) requests for aid during the first eighteen (18) months under the new law, the result of which prevented the construction of some two hundred seventy million dollars in capital improvement projects for the use, benefit and aid of commercial aviation. If prevented from enacting and levying a fair use and service charge for such facilities, the national airport development program will be virtually stifled.

It is difficult for local airports to understand why a user charge in virtually every other area of transportation is fair and nondiscriminatory, but that a user charge in the field of air transportation and commercial aviation suddenly becomes discriminatory and unfair. Virtually every state in the union has passed a variety of road use taxes which have been collected and remitted to states and municipalities for the past several years. As the Supreme Court of the United States recognized, the decisions of that Court concerning highway tolls are instructive. They establish that the states are empowered to develop uniform, fair and practical standards for this type of fee and the United States Supreme Court, therefore, held that such a fee did not discriminate against interstate commerce and travel. The airline industry is certainly no larger than the trucking industry which is required to pay a variety of road use taxes in virtually every state in the union. Why should the airline industry and commercial airline passengers enjoy such a privileged sanctuary which is not extended to other areas of interstate commerce?

C. Senate bill 3611 represents legislation sponsored by the airline industry.

We have no doubt that Senate Bill 3611, and other proposed legislation, has been endorsed because of the support, recommendation and lobbying of the airline industry. In view of the holding of the Supreme Court of the United States, we cannot accept Senator Cannon's statement appearing in the CONGRESSIONAL RECORD and the facts contained in this statement that ". . . there is no need to add an additional burden of taxation on these travelers" and "something must be done and it is fitting that the nation's air travelers look to us for decisive action".

The passage of Senate Bill 3611, or any other bill containing similar provisions certainly will satisfy the desires of the airlines, but it is not an answer to the financial stranglehold which presently exists in most every community maintaining an airport to serve commercial aviation. A mere prohibition against the levy or collection of a tax, fee, or other charge, directly or indirectly, on the carriage of persons in air transportation is not a regulation of interstate commerce by denying local municipalities the right to charge reasonably for the use of commercial airport facilities.

Mr. Chairman, we appreciate the opportunity to present our views on this Bill.

Mr. HARTKE. The sum of my argument, Mr. President, is that—

First. Airports need more funds to operate their facilities and to make needed capital improvements.

Second. Airport user taxes on passengers are one reasonable means of raising those funds.

Third. For many airports—particularly smaller airports—there is no other available source of funds.

Fourth. Increasing the Federal share of matching funds from 50 to 75 percent provides little relief for the smaller airports because they will continue to have difficulty raising their local share.

Fifth. Before considering a prohibition on airport head taxes, Congress should thoroughly reexamine the financial needs of airports both now and in the future, and assure that the airport development aid program is adequately funded.

Mr. BEALL. Mr. President, as a member of the Subcommittee on Aviation of the Commerce Committee, I support S. 3755 and urge its approval by the Senate.

This legislation seeks to further foster airport development by increasing Federal financial assistance and broadening the uses for which Federal funds may be utilized. The legislation also would prohibit the levying of the so-called "passenger head tax."

Mr. President, the Airport and Airway Development Act of 1970 represented important legislation. It was designed to improve airports for today's passengers and to enable us to anticipate and build for the needs of tomorrow. The amendments that would be made to the act by the bill which came out of the Commerce Committee, are designed to build on the experience of the act to date and to provide broadened assistance that experience has indicated is needed.

Funds for the expanded program will come from the Airport and Trust Fund established by the 1970 act. This fund is financed by a tax on the users of the aviation system. It is anticipated that the revenue generated by the present user passengers will be adequate for the increased Federal participation as a result of S. 3755. Specifically, the legislation would amend the definitions of the Airport Development Act so as to make eligible for Federal financial assistance costs for airport passenger terminals or facilities which are directly related to the handling of passengers or luggage and for security equipment required to cope with the growing hijacking problem. S. 3755 would also amend the 1970 act to make it clear that the acquisition, improvement, or repair of safety equipment required for airport certification by the Federal Aviation Administration would be eligible for assistance.

The legislation would increase Federal participation in airport development project costs from the present 50 to 75 percent of such costs, except at the 65 so-called large or medium hub airports. The committee record indicated that the larger airports were not having difficulty meeting the Federal matching assistance and Friendship Airport in my State indicated that they felt they could meet the matching requirements.

There are a number of communities in the country which have deferred airport development projects for a number of reasons including the inability of the local communities to meet the matching requirements. Cumberland, Md., is one community specifically listed in the Commerce Committee report as a community in which the increased Federal matching may be useful. I am sure there are other small airports in my State for whom this increased Federal participation will be of critical importance.

In summary, Mr. President, I believe the legislation is needed and will do much to further the development of airports and aviation in the country for the benefit, convenience and safety of the traveling public. I urge its enactment.

Mr. SPONG. Mr. President, there are features in this bill that will be beneficial to the development of airports throughout the Nation. But I oppose, as I did in the Commerce Committee, that part of the bill that overturns the recent decisions of the Supreme Court in Evansville-Vanderburgh Airport Authority District et al. versus Delta Airlines, Inc., et al., which upheld the constitutional right of a State or municipality to levy a head tax on airline passengers.

The city of Richmond has levied such a tax, and this legislation will impose a hardship upon that community that the other features of this bill will not compensate for. The distinguished mayor of the city of Richmond testified as to the loss his community will suffer as a result of this curtailment by law of a levy already in effect.

I appreciate the help to airport development represented by this legislation. However, as a protest to the Richmond situation, I shall vote against the bill.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

Mr. COTTON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Virginia (Mr. Harry F. Byrd, Jr.), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mrs. Edwards), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. Randolph), the Senator from Georgia (Mr. Gambrell), and the Senator from Louisiana (Mrs. Edwards) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), and the Senator from Oregon (Mr. Hatfield) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. Hatfield) would vote "yea."

The result was announced—yeas 83, nays 2, as follows:

[No. 370 Leg.]

YEAS—83

Aiken
Allen
Allott
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Ervin
Fannin
Fong
Fulbright
Gravel
Gurney
Hansen
Hart
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—2

Hartke
Spong

NOT VOTING—15

Anderson
Byrd, Harry F., Jr.
Eastland
Edwards
Gambrell
Goldwater
Griffin
Harris
Hatfield
McGee
McGovern
Mundt
Pell
Randolph
Ribicoff

So the bill (S. 3755) was passed, as follows:

S. 3755

An act to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such Act; to amend the Federal Aviation Act of 1958 as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Airport Development Acceleration Act of 1972".

Sec. Section 11(2) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711), is amended to read as follows:

"(2) 'Airport Development' means (A) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the construction, alteration, repair, or acquisition of airport passenger terminal buildings or facilities directly related to the handling of passengers or their baggage at the airport, and (B) the removal, lowering, relocation, marking, and lighting of airport hazards, and (C) the acquisition, removal, improvement, or repair of navigation facilities used by aircraft landing at, or taking off from, a public airport, and (D) the acquisition, improvement, or repair of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958, and (E) security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport, and (F) any acquisition of land or of any interest therein or of any easement through or other interest in airspace, which is necessary to permit any of the above or to remove, mitigate, prevent, or limit the establishment of, airport hazards affecting a public airport, and (G) any acquisition of land or any interest therein or of any easement through or other interest in airspace for future airport development."

Sec. 3. (a) Section 14(a) of the Airport and Airway Development Act of 1970, as amended, (49 U.S.C. 1714(a)), is further amended—

(1) by striking out "1975" in paragraph (1) and inserting is lieu thereof "1973, and $375,000,000 for each of the fiscal years 1974 and 1975";

(2) by striking out "1975" in paragraph (2) and inserting in lieu thereof "1973, and $45,000,000 for each of the fiscal years 1974 and 1975".

(b) Section 14(b) of that Act (49 U.S.C. 1714(b)), is amended—

(1) by striking out "$840,000,000" in the first sentence thereof and inserting in lieu thereof "$1,680,000,000";

(2) by striking out the words "extend beyond" in the second sentence thereof and by inserting in lieu thereof, the words "be incurred after"; and

(3) by striking out "and" in the last sentence thereof and inserting immediately before the period ", an aggregate amount exceeding $1,260,000,000 prior to June 30, 1974, and an aggregate amount exceeding $1,680,000,000 prior to June 30, 1975".

Sec. 5. Section 16(c)(1) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716(c)), is amended by inserting in the last sentence thereof "or the United States or an agency thereof" after "public agency".

Sec. 5. Section 17 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717), relating to United States share of project costs, is amended—

(1) by striking out subsection (a) of such section and inserting in lieu thereof the following:

"(a) General Provision.—Except as otherwise provided in this section, the United States share of allowable project costs payable on account of any approved airport development project submitted under section 16 of this part shall be—

"(1) 50 per centum for sponsors whose airports enplane not less than 1.00 per centum of the total annual passengers enplaned by air carriers certified by the Civil Aeronautics Board; and

"(2) 75 per centum for sponsors whose airports enplane less than 1.00 per centum of the total annual number of passengers enplaned by air carriers certificated by the Civil Aeronautics Board."

(2) by adding a new subsection as follows:

"(e) Safety Certification and Security Equipment.—

"(1) To the extent that the project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1968 the United States share shall be 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971.

"(2) To the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United States share shall be 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971."

(3) by adding a new subsection as follows:

"(f) Land for Future Airport Development.—To the extent that the project cost of an approved project for airport development or the acquisition by a public sponsor of a public use privately owned airport listed in the National Airport System plan represents the cost of the acquisition of land or of any interest therein or of any easement through or other interest in airspace purchased subsequent to May 21, 1970, for future airport development as shown on the approved airport layout plan, the initial United States share shall be 100 per centum of the allowable costs thereof: *Provided, however*, That the sponsor acquiring land under the terms of this subsection shall agree to reimburse the Secretary for all costs incurred by the United States in excess of those authorized under subsection (a) of this section, with interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average expected maturities of the loans to be made under this subsection, with reimbursement within a period to be determined by agreement between the Secretary and the sponsor."

(4) by adding a new subsection as follows:

"(g) PUBLIC USE FACILITIES IN TERMINAL BUILDINGS.—To the extent that the project cost of an approved project for airport development represents the cost of constructing, altering, repairing, or acquiring buildings or facilities directly related to the handling of passengers or their baggage at the airport, the United States share shall be 50 per centum of the allowable costs thereof."

SEC. 6. Section 20(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1720(b)), relating to airport project costs, is amended to read as follows:

"(b) COSTS NOT ALLOWED.—The following are not allowable project costs: (1) the cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction, alteration, repair, or acquisition of a hangar or of any part of an airport building or facility except such of those buildings, parts of buildings, facilities, or activities as are directly related to the safety of persons at the airport or directly related to the handling of passengers or their baggage at the airport.".

SEC. 7. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"STATE TAXATION OF AIR COMMERCE

"SEC. 1113. (a) No State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) shall levy or collect a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom: *Provided, however*, That any State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) which levied and collected a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom prior to May 21, 1970, shall be exempt from the provisions of this subsection until July 1, 1973.

"(b) Nothing herein shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) from the levy or collection of taxes other than those enumerated in subsection (a) of this section, including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services; and nothing herein shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) owning or operating an airport from levying or collecting reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of airport facilities.

"(c) In the case of any airport operating authority which—

"(1) has an outstanding obligation to repay a loan or loans of amounts borrowed and expended for airport improvements;

"(2) is collecting, without air carrier assistance, a head tax on passengers in air transportation for the use of its facilities; and

"(3) has no authority to collect any other type of tax to repay such loan or loans.

the provisions of subsection (a) shall not apply to such authority until July 1, 1973."

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following:

"Sec. 1113. State taxation of air commerce.".

SEC. 8. Section 12(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712), is amended by striking out the words "two years" in the first sentence thereof and by inserting in lieu thereof "three years".

The title was amended, so as to read: "A bill to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes."

Mr. CANNON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any corrections needed in the engrossment of S. 3755, the bill that was just passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, August 10, 1972, he presented to the President of the United States the following enrolled bills:

S. 484. An act to designate the Scapegoat Wilderness, Helena, Lolo, and Lewis and Clark National Forests, in the State of Montana; and

S. 2854. An act to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices.

DEPARTMENT OF LABOR, HEALTH, EDUCATION AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1973—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on H.R. 15417, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare and related agencies, for the fiscal year ending June 30, 1973, and for free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of August 2, 1972, at pages 26470–26471.)

ORDER OF BUSINESS

Mr. MAGNUSON. Mr. President, I yield to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

PROGRAM

Mr. BELLMON. Mr. President, I wish to ask the majority leader about the program for the remainder of the day and the remainder of the week.

Mr. ROBERT C. BYRD. Mr. President, may we have order before the majority leader responds, so that he can be heard?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I am delighted that the acting Republican leader has raised this question because of the events which have transpired during the afternoon.

It is hoped that we shall be able to finish the conference report on HEW, which is now the pending business and on which both the chairman and the distinguished ranking Republican Member have indicated there will be rollcall votes.

At the conclusion of that matter tonight the unfinished business, the interim agreement with the Soviet Union, will be laid before the Senate and made the pending business.

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. MANSFIELD. Mr. President, at this time, I ask unanimous consent that when the Senate completes its business tonight it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM (CONTINUED)

Mr. MANSFIELD. Mr. President, tomorrow there will be two speakers under special orders, a morning hour for not to exceed one-half hour, three votes on treaties which are not controversial, and then at about noon the Senate will return to the consideration of the unfinished business, which is the authorization of the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics. There well could be votes on that measure tomorrow.

The Senate will come in Saturday. Very likely there will be votes on Saturday. So I would hope, in view of the fact we are approaching the recess for the upcoming Republican National Convention, that we would have a very good majority of Senators in attendance, because there will be votes on Saturday—at least that is the way it seems to me at the present time.

I think there will be at least one vote on this bill. There will be no attempt to delay it, so far as individual Senators are concerned, and any time we can come to a vote on any proposal offered in connection with this matter, a vote will be taken at that time.

I had hoped that by now we would have the revenue sharing bill ready for presentation to the Senate but an untimely development occurred this afternoon which means that will come up next week at the earliest.

There will be votes tomorrow and votes Saturday.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BENNETT. Can the Senator give us any idea of his estimate as to how long we will be in tonight?

Mr. MANSFIELD. I would guess around 8 o'clock, but I think the chairman and the ranking Republican Member could give us a better idea.

Mr. MAGNUSON. I do not know how long we are going to take. The Senator from Delaware has an amendment. I would like to lay the conference report before the Senate. I have just a few brief remarks to make on it. Then, the Senator from Delaware will present his amendment and how long that will be discussed I do not know, and whether there will be a rollcall on his amendment I do not know. I do not know how long the Senator from Delaware wishes to take on his amendment. Perhaps he might enlighten us on that.

Mr. COTTON. Mr. President, am I correct in my interpretation of the parliamentary situation that before the Senator from Delaware can offer an amendment, there must be a motion to table?

Mr. MANSFIELD. The Senator is correct.

Mr. COTTON. Then he would offer his amendment; so we do not know how much opposition there would be.

Mr. MAGNUSON. I do not know if anyone wants a rollcall on a motion to lay on the table. There is a parliamentary procedure before the conference report can be brought back again. I do not think we need a rollcall vote on the motion to lay on the table, if it is going to be immediately taken off the table.

Mr. YOUNG. I think we will have to ask for a yea and nay vote on the motion to table.

Mr. MANSFIELD. Anyone can ask for it.

Mr. BENNETT. I still have not had an answer to my question. I have had an explanation of what has to be done but no estimate of the amount of time.

Mr. MANSFIELD. The best I can figure is 8 o'clock, and I am just guessing.

DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1973—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on H.R. 15417 on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

Mr. MAGNUSON. Mr. President, I shall not take more than a very few minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. MAGNUSON. Mr. President, the total appropriations allowed in conference on H.R. 15417 for the Departments of Labor, Health, Education, and Welfare and related agencies is $30,538,919,500, an increase of $3,135,861,500 over last year, $816,011,000 under the total sum recommended by the Senate, and $1,935,740,000 above the amount allowed by the House-passed bill. Of this $1.9 billion, $1.4 billion covers budget estimates which were sent to the Senate, and not considered by the House.

The bill is $1.762 billion over the fiscal year 1973 budget estimate but, as I said, $1.4 billion was sent us by the administration after the House considered the bill. Those two items involved the amount of money for the black lung program and the money for the WIN program sent up by the budget. So the $1.9 billion over the amount allowed by the House has to be adopted. Actually we are $1.7 over the budget estimate of which the House is responsible for $1.3 billion and we for approximately $420 million plus.

In my judgment, it is a good bill. The amounts provided for some items are not entirely to my satisfaction; however, in the main, there will be adequate funds to meet necessary expenses and to conduct most high priority programs of the Departments of Labor and Health, Education, and Welfare, and related agencies. It might be well to note at this point supplemental requests for additional amounts are being rushed up from downtown before congressional action has been completed on this bill.

But in my judgment, this is, I think, a good bill. We have gone over and over it. Some items may not be entirely to my satisfaction, but many items were voted in not only by the House but by the Senate to meet some pretty high priority programs.

As Members know, the programs contained in this bill have been operating since July 1 under a continuing resolution of Congress.

Mr. President, I ask unanimous consent to place in the RECORD a table showing major items that were increased by the Senate and were reduced in conference, including our customary table relating to all of the comparative figures.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

DECREASES FROM SENATE

	House	Senate	Conference	Decrease
Department of Labor	$3,850,374,000	$3,803,872,000	$3,795,120,000	−$8,752,000
Health, Education, and Welfare:				
Health Services and Mental Health Administration	2,227,987,900	2,541,691,000	2,391,238,000	−150,453,000
National Institutes of Health	2,540,340,000	2,932,120,000	2,723,670,001	−208,450,000
Office of Education	3,999,885,000	4,283,043,000	4,125,962,000	−157,071,000
Social and Rehabilitation Service	13,537,919,000	14,090,877,000	14,019,302,000	−71,575,000
Disaster relief		200,000,000		[1] −200,000,000

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[1] The need for this amount was obviated by passage and enactment of a subsequent House joint resolution providing the ful $200,000,000.

CONGRESSIONAL ACTION ON THE FISCAL YEAR 1973 LABOR-HEW AND RELATED AGENCIES APPROPRIATION BILL

TITLE I—DEPARTMENT OF LABOR

Appropriation/activity	1972 comparable	1973				Conference agreement compared with—			
		Budget request	House allowance	Senate allowance	Conference agreement	1972 comparable appropriation	Budget request	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Manpower Administration									
Salaries and Expenses									
Planning, evaluation, and research	$4,585,000	$4,727,000	$4,727,000	$4,727,000	$4,727,000	+$142,000			
Training program development and administration:									
U.S. training and employment service	9,506,000	9,885,000	9,885,000	9,885,000	9,885,000	+379,000			
Trust fund transfer	(13,623,000)	(13,842,000)	(13,842,000)	(13,842,000)	(13,842,000)	(+219,000)			
Institutional training administration	2,784,000	2,750,000	2,550,000	2,550,000	2,550,000	−234,000	−$200,000		
Apprenticeship services	7,972,000	8,258,000	8,258,000	8,258,000	8,258,000	+286,000			
Unemployment insurance service	481,000	494,000	494,000	494,000	494,000	+13,000			
Trust fund transfer	(6,994,000)	(7,820,000)	(7,820,000)	(7,820,000)	(7,820,000)	(+826,000)			
Civil rights compliance	84,000	86,000	86,000	86,000	86,000	+2,000			
Trust fund transfer	(748,000)	(764,000)	(764,000)	(764,000)	(764,000)	(+16,000)			
Executive direction:									
General administration	2,385,000	2,461,000	2,461,000	2,461,000	2,461,000	+76,000			
Trust fund transfer	(678,000)	(691,000)	(691,000)	(691,000)	(691,000)	(+13,000)			
Management and administrative services	1,704,000	1,744,000	1,744,000	1,744,000	1,744,000	+40,000			
Trust fund transfer	(1,037,000)	(1,052,000)	(1,052,000)	(1,052,000)	(1,052,000)	(+15,000)			
Financial and management information systems	7,351,000	7,499,000	7,499,000	7,499,000	7,499,000	+148,000			
Trust fund transfer	(2,767,000)	(2,820,000)	(2,820,000)	(2,820,000)	(2,820,000)	(+53,000)			
Total, Manpower Administration, salaries and expenses	36,852,000	37,904,000	37,704,000	37,704,000	37,704,000	+852,000	−200,000		
Total, trust fund transfer	(25,847,000)	(26,989,000)	(26,989,000)	(26,989,000)	(26,989,000)	(+1,142,000)			
Total	(62,699,000)	(64,893,000)	(64,693,000)	(64,693,000)	(64,693,000)	(+1,994,000)	(−200,000)		
Manpower Training Services									
Private sector on-the-job training	194,200,000	184,220,000	194,200,000	184,220,000	184,220,000	−9,980,000		−$9,980,000	
Public sector on-the-job training	35,400,000	33,580,000	35,400,000	33,580,000	33,580,000	−1,820,000		−1,820,000	
Institutional training: Regular classroom training	372,452,000	349,470,000	368,410,000	349,470,000	349,470,000	−22,982,000		−18,940,000	
In-school work support	174,850,000	17,360,000	18,300,000	17,360,000	17,360,000	−157,490,000		−940,000	
Special targeting	52,000,000	49,301,000	51,971,000	49,301,000	49,301,000	−2,699,000		−2,670,000	
Computerized job placement	22,274,000	30,350,000	32,000,000	30,350,000	30,350,000	+8,076,000		−1,650,000	
Program support	54,173,000	55,273,000	58,273,000	55,273,000	55,273,000	+1,100,000		−3,000,000	
Total, manpower training services	905,349,000	719,554,000	758,554,000	719,554,000	719,554,000	−185,795,000		−39,000,000	
Emergency Employment Assistance									
Emergency employment assistance	990,766,000	1,237,850,000	1,237,850,000	1,237,850,000	1,237,850,000	+247,084,000			
Federal support	9,234,000	12,150,000	12,150,000	12,150,000	12,150,000	+2,916,000			
Total, emergency employment assistance	1,000,000,000	1,250,000,000	1,250,000,000	1,250,000,000	1,250,000,000	+250,000,000			
Federal Unemployment Benefits and Allowances									
Payments to Federal employees	219,316,000	121,100,000	121,100,000	121,100,000	121,100,000	−98,216,000			
Payments to ex-servicemen	543,284,000	263,900,000	263,900,000	263,900,000	263,900,000	−279,384,000			
Trade adjustment assistance	94,000,000	90,000,000	90,000,000	90,000,000	90,000,000	−4,000,000			
Total, Federal unemployment benefits and allowances	856,600,000	475,000,000	475,000,000	475,000,000	475,000,000	−381,600,000			
Advances to Extended Unemployment Compensation Account									
xtended unemployment compensation benefits	600,000,000	120,000,000	120,000,000	120,000,000	120,000,000	−480,000,000			
Total, advances to extended unemployment compensation account	600,000,000	120,000,000	120,000,000	120,000,000	120,000,000	−480,000,000			
Federal Grants to States for Employment Services									
Employment services		66,700,000	66,700,000	66,700,000	66,700,000	+66,700,000			
Total, Federal grants to States for employment services		66,700,000	66,700,000	66,700,000	66,700,000	+66,700,000			

CONGRESSIONAL ACTION ON THE FISCAL YEAR 1973 LABOR–HEW AND RELATED AGENCIES APPROPRIATION BILL—Continued

TITLE I—DEPARTMENT OF LABOR—Continued

Appropriation/activity (1)	1972 comparable (2)	1973				Conference agreement compared with—			
		Budget request (3)	House allowance (4)	Senate allowance (5)	Conference agreement (6)	1972 comparable appropriation (7)	Budget request (8)	House allowance (9)	Senate allowance (10)
Manpower Administration—Con.									
Limitation on Grants to States for Unemployment Insurance and Employment Services									
Unemployment insurance services	($398, 200, 000)	($420, 782, 000)	($420, 782, 000)	($420, 782, 000)	($420, 782, 000)	(+$22, 582, 000)			
Employment services	(389, 800, 000)	(355, 518, 000)	(355, 518, 000)	(355, 518, 000)	(355, 518, 000)	(−34, 282, 000)			
Contingency fund	(44, 000, 000)	(24, 000, 000)	(44, 000, 000)	(24, 000, 000)	(24, 000, 000)	(−20, 000, 000)		(−$20, 000, 000)	
Total, limitation on grants to States for unemployment insurance and employment services	(832, 000, 000)	(800, 300, 000)	(820, 300, 000)	(800, 300, 000)	(800, 300, 000)	(−31, 700, 000)		(−20, 000, 000)	
Subtotal, Manpower Administration:									
Federal funds	3, 398, 801, 000	2, 669, 158, 000	2, 707, 958, 000	2, 668, 958, 000	2, 668, 958, 000	−729, 843, 000	−$200, 000	−39, 000, 000	
Trust funds	(857, 847, 000)	(827, 289, 000)	(847, 289, 000)	(827, 289, 000)	(827, 289, 000)	(−30, 558, 000)		(−20, 000, 000)	
Total, Manpower Administration	(4, 256, 648, 000)	(3, 496, 447, 000)	(3, 555, 247, 000)	(3, 496, 247, 000)	(3, 496, 247, 000)	(−760, 401, 000)	(−200, 000)	(−59, 000, 000)	
Labor-Management Services Administration									
Labor-management relations services	833, 000	992, 000	992, 000	992, 000	992, 000	+159, 000			
Labor-management policy development	1, 353, 000	1, 704, 000	1, 704, 000	1, 704, 000	1, 704, 000	+351, 000			
Administration of reporting and disclosure laws	12, 538, 000	14, 676, 000	14, 676, 000	14, 676, 000	14, 676, 000	+2, 138, 000			
Veterans' reemployment rights	2, 195, 000	2, 370, 000	2, 370, 000	2, 370, 000	2, 370, 000	+175, 000			
Federal labor-management relations	4, 208, 000	4, 375, 000	3, 953, 000	3, 953, 000	3, 953, 000	−255, 000	−422, 000		
Executive direction and administrative services	1, 441, 000	1, 507, 000	1, 507, 000	1, 507, 000	1, 507, 000	+66, 000			
Total, Labor-Management Services Administration	22, 568, 000	25, 624, 000	25, 202, 000	25, 202, 000	25, 202, 000	+2, 634, 000	−422, 000		
Employment Standards Administration									
Improving and protecting wages	27, 280, 000	27, 280, 000	27, 280, 000	27, 280, 000	27, 280, 000				
Elimination of discrimination	7, 542, 000	7, 588, 000	7, 588, 000	8, 588, 000	7, 838, 000	+296, 000	+250, 000	+250, 000	−$750, 000
Workmen's compensation	8, 500, 000	9, 270, 000	8, 438, 000	8, 438, 000	8, 438, 000	—62, 000	—832, 000		
Program development and administration	5, 613, 000	5, 583, 000	5, 583, 000	5, 583, 000	5, 583, 000	—30, 000			
Total, Employment Standards Administration	48, 935, 000	49, 721, 000	48, 889, 000	49, 889, 000	49, 139, 000	+204, 000	—582, 000	+250, 000	—750, 000
Federal Workmen's Compensation Benefits									
Federal civilian employees benefits	97, 600, 000	69, 892, 000	69, 892, 000	69, 892, 000	69, 892, 000	—27, 708, 000			
Armed Forces reservists benefits	9, 500, 000	8, 500, 000	8, 500, 000	8, 500, 000	8, 500, 000	—1, 000, 000			
War Claims Act benefits	400, 000	400, 000	400, 000	400, 000	400, 000				
Other benefits	4, 500, 000	3, 200, 000	3, 200, 000	3, 200, 000	3, 200, 000	—1, 300, 000			
Total, Federal workmen's compensation benefits	112, 000, 000	81, 992, 000	81, 992, 000	81, 992, 000	81, 992, 000	—30, 008, 000			
Occupational Safety and Health Administration									
Safety and health standards	2, 220, 000	2, 932, 000	2, 932, 000	3, 932, 000	3, 432, 000	+1, 212, 000	+500, 000	+500, 000	—500, 000
Enforcement	16, 220, 000	24, 249, 000	24, 249, 000	32, 042, 000	25, 749, 000	+9, 529, 000	+1, 500, 000	+1, 500, 000	—6, 293, 000
Training, education, and information	2, 294, 000	3, 459, 000	3, 459, 000	5, 459, 000	4, 459, 000	+2, 165, 000	+1, 000, 000	+1, 000, 000	—1, 000, 000
State programs	7, 781, 000	30, 065, 000	30, 065, 000	30, 065, 000	30, 065, 000	+22, 284, 000			
Safety and health statistics	3, 345, 000	4, 796, 000	4, 796, 000	4, 796, 000	4, 796, 000	+1, 451, 000			
Executive direction and administration	4, 024, 000	3, 706, 000	3, 706, 000	3, 706, 000	3, 706, 000	—318, 000			
Total, Occupational Safety and Health Administration	35, 884, 000	69, 207, 000	69, 207, 000	80, 000, 000	72, 207, 000	+26, 323, 000	+3, 000, 000	+3, 000, 000	—7, 793, 000
Bureau of Labor Statistics									
Manpower and employment	11, 362, 000	14, 435, 000	13, 235, 000	13, 235, 000	13, 235, 000	+1, 873, 000	—1, 200, 000		
Prices and cost of living	5, 106, 000	5, 654, 000	5, 654, 000	5, 654, 000	5, 654, 000	+548, 000			
Wages and industrial relations	5, 283, 000	5, 994, 000	5, 994, 000	5, 994, 000	5, 994, 000	+711, 000			
Productivity and technology	1, 406, 000	1, 443, 000	1, 443, 000	1, 443, 000	1, 443, 000	+37, 000			
Economic research	1, 522, 000	1, 177, 000	1, 177, 000	1, 177, 000	1, 177, 000	—345, 000			
Executive direction and staff services	6, 511, 000	7, 521, 000	7, 521, 000	7, 521, 000	7, 521, 000	+1, 010, 000			
Revision of the Consumer Price Index	6, 110, 000	9, 760, 000	9, 760, 000	10, 216, 000	10, 216, 000	+4, 106, 000	+456, 000	+456, 000	
Total, Bureau of Labor Statistics	37, 300, 000	45, 984, 000	44, 784, 000	45, 240, 000	45, 240, 000	+7, 940, 000	—744, 000	+456, 000	

		1973				Conference agreement compared with—			
Appropriation/activity (1)	1972 comparable (2)	Budget request (3)	House allowance (4)	Senate allowance (5)	Conference agreement (6)	1972 comparable appropriation (7)	Budget request (8)	House allowance (9)	Senate allowance (10)
Departmental Management									
Executive direction	$3,431,000	$5,314,000	$5,168,000	$5,168,000	$5,168,000	+$1,737,000	−$146,000		
Legal services	8,072,000	7,664,000	7,664,000	7,664,000	7,664,000	−408,000			
Trust fund transfer	(157,000)	(157,000)	(157,000)	(157,000)	(157,000)				
International labor affairs	1,996,000	3,282,000	2,178,000	2,178,000	2,178,000	+182,000	−1,104,000		
Administration and management	6,066,000	8,094,000	8,094,000	8,094,000	8,094,000	+2,028,000			
Trust fund transfer	(615,000)	(640,000)	(640,000)	(640,000)	(640,000)	(+25,000)			
Appeals from determination of Federal employee claims	194,000	202,000	202,000	202,000	202,000	+8,000			
Promoting employment of the handicapped	860,000	850,000	850,000	890,000	890,000	+30,000	+40,000	+$40,000	
Total, departmental management, salaries and expenses	20,619,000	25,406,000	24,156,000	24,196,000	24,196,000	+3,577,000	−1,210,000	+40,000	
Total, trust funds	(772,000)	(797,000)	(797,000)	(797,000)	(797,000)	(+25,000)			
Total	(21,391,000)	(26,203,000)	(24,953,000)	(24,993,000)	(24,993,000)	(+3,602,000)	(−1,210,000)	(+40,000)	
Special Foreign Currency									
Overseas labor conference support	100,000	300,000	100,000	300,000	100,000		−200,000		−$200,000
Overseas labor and manpower technical cooperation		9,000		9,000			−9,000		−9,000
Total, special foreign currency	100,000	309,000	100,000	309,000	100,000		−209,000		−209,000
Total, Federal funds	3,676,207,000	2,967,401,000	3,002,288,000	2,975,786,000	2,967,034,000	−709,173,000	−367,000	−35,254,000	−8,752,000
Total, trust funds	(858,619,000)	(828,086,000)	(848,086,000)	(828,086,000)	(828,086,000)	(−30,533,000)		(−20,000,000)	
Total, Department of Labor	(4,534,826,000)	(3,795,487,000)	(3,850,374,000)	(3,803,872,000)	(3,795,120,000)	(−739,706,000)	(−367,000)	(−55,254,000)	(−8,752,000)
TITLE II—DEPARTMENT OF HEW									
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION									
Mental Health:									
1. Research:									
(a) Grants	$97,400,000	$101,400,000	$104,400,000	$107,400,000	$104,400,000	+$7,000,000	+$3,000,000		−$3,000,000
(b) Direct operations	42,198,000	44,133,000	44,133,000	44,133,000	44,133,000	+1,935,000			
Subtotal	139,598,000	145,533,000	148,533,000	151,533,000	148,533,000	+8,935,000	+3,000,000		−3,000,000
2. Manpower development:									
(a) Training grants and fellowships	120,050,000	105,050,000	120,050,000	132,050,000	124,050,000	+4,000,000	+19,000,000	+$4,000,000	−8,000,000
(b) Direct operations	7,833,000	7,921,000	7,921,000	7,921,000	7,921,000	+88,000			
Subtotal	127,883,000	112,971,000	127,971,000	139,971,000	131,971,000	+4,088,000	+19,000,000	+4,000,000	−8,000,000
3. State and community assistance:									
(a) Community mental health centers:									
(1) Construction	15,000,000		20,000,000	20,000,000	20,000,000	+5,000,000	+20,000,000		
(2) Staffing	135,100,000	135,100,000	165,100,000	185,100,000	175,100,000	+40,000.000	+40,000,000	+10,000,000	−10,000,000
Subtotal	150,100,000	135,100,000	185,100,000	205,100,000	195,100,000	+45,000,000	+60,000,000	+10,000,000	−10,000,000
(b) Narcotic addition	76,298,000	91,298,000	91,298,000	120,000,000	96,298,000	+20,000,000	+5,000,000	+5,000,000	−23,702,000
(c) Alcoholism:									
(1) Grants to States	30,000,000	30,000,000	60,000,000	75,000,000	60,000,000	+30,000,000	+30,000,000		−15,000,000
(2) Project grants	40,193,000	50,193,000	70,193,000	85,193,000	82,693,000	+42,500,000	+32,500,000	+12,500,000	−2,500,000
Subtotal	70,193,000	80,193,000	130,193,000	160,193,000	142,693,000	+72,500,000	+62,500,000	+12,500,000	−17,500,000
(d) Mental health of children	10,000,000	10,000,000	20,000,000	30,000,000	25,000,000	+15,000,000	+15,000,000	+5,000,000	−5,000,000
(e) Direct operations	6,891,000	7,354,000	7,354,000	11,354,000	10,354,000	+3,463,000	+3,000,000	+3,000,000	−1,000,000
Subtotal	313,482,000	323,945,000	433,945,000	526,647,000	469,445,000	+155,963,000	+145,500,000	+35,500,000	−57,202,000
4. Rehabilitation of drug abusers	13,394,000	14,022,000	14,022,000	14,022,000	14,022,000	+628,000			
5. Program support	16,937,000	17,352,000	19,352,000	19,352,000	19,352,000	+2,415,000	+2,000,000		
Total	611,294,000	613,823,000	743,823,000	851,525,000	783,323,000	+172,029,000	+169,500,000	+39,500,000	−68,202,000
Saint Elizabeths Hospital	27,806,000	30,664,000	30,664,000	30,664,000	30,664,000	+2,858,000			
Health services planning and development:									
1. Health services research and development	62,110,000	64,501,000	64,501,000	66,501,000	65,501,000	+3,391,000	+1,000,000	+1,000,000	−1,000,000
2. Comprehensive health planning	25,935,000	41,686,000	41,686,000	41,686,000	41,686,000	+15,751,000			
3. Regional medical programs	99,464,000	130,314,000	150,000,000	184,500,000	164,500,000	+65,036,000	+34,186,000	+14,500,000	−20,000,000

CONGRESSIONAL ACTION ON THE FISCAL YEAR 1973 LABOR-HEW AND RELATED AGENCIES APPROPRIATION BILL—Continued

TITLE II—DEPARTMENT OF HEW—Continued

		1973				Conference agreement compared with—			
Appropriation/activity (1)	1972 comparable (2)	Budget request (3)	House allowance (4)	Senate allowance (5)	Conference agreement (6)	1972 comparable appropriation (7)	Budget request (8)	House allowance (9)	Senate allowance (10)
HSMHA—Continued									
Health services—Continued									
4. Medical facilities construction:									
(a) Construction grants:									
(1) Hospitals and public health centers	$41,400,000		$41,400,000	$41,400,000	$41,400,000		+$41,400,000		
(2) Long-term care facilities	20,800,000		20,800,000	20,800,000	20,800,000		+20,800,000		
(3) Outpatient facilities	70,000,000	$70,000,000	70,000,000	70,000,000	70,000,000				
(4) Rehabilitation facilities	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000				
(5) Modernization	50,000,000		50,000,000	50,000,000	50,000,000		+50,000,000		
Subtotal	197,200,000	85,000,000	197,200,000	197,200,000	197,200,000		+112,200,000		
(b) Interest subsidies	20,300,000	2,500,000	2,500,000	2,500,000	2,500,000	−$17,800,000			
(c) District of Columbia medical facilities	57,127,000			12,000,000	12,000,000	−45,127,000	+12,000,000	+$12,000,000	
(d) Direct operations	3,046,000	3,369,000	3,369,000	3,369,000	3,369,000	+323,000			
Subtotal	277,673,000	90,869,000	203,069,000	215,069,000	215,069,000	−62,604,000	+124,000,000	+12,000,000	
5. Program direction	2,674,000	2,817,000	2,817,000	2,817,000	2,817,000	+143,000			
Total	467,856,000	330,187,000	462,073,000	510,573,000	489,573,000	+21,717,000	+159,386,000	+27,500,000	−$21,000,000
Health services delivery:									
1. Comprehensive health services:									
(a) Grants to States	90,000,000	90,000,000	90,000,000	110,000,000	90,000,000				−20,000,000
(b) Project grants	103,913,000	116,200,000	116,200,000	145,200,000	136,200,000	+32,287,000	+20,000,000	+20,000,000	−9,000,000
(c) Migrant health grants	17,950,000	23,750,000	23,750,000	29,250,000	26,750,000	+8,800,000	+3,000,000	+3,000,000	−2,500,000
(d) Direct operations	18,207,000	19,259,000	19,259,000	20,259,000	19,810,000	+1,603,000	+551,000	+551,000	−449,000
Subtotal	230,070,000	249,209,000	249,209,000	304,709,000	272,760,000	+42,690,000	+23,551,000	+23,551,000	−31,949,000
2. Maternal and childhealth:									
(a) Grants to States	121,522,000	125,678,000	125,678,000	140,278,000	137,678,000	+16,156,000	+12,000,000	+12,000,000	−2,600,000
(b) Project grants	92,008,000	101,330,000	101,330,000	113,330,000	106,330,000	+14,322,000	+5,000,000	+5,000,000	−7,000,000
(c) Research and training	21,106,000	21,392,000	21,392,000	21,392,000	21,392,000	+286,000			
(d) Direct operations	4,150,000	4,276,000	4,276,000	4,676,000	4,476,000	+326,000	+200,000	+200,000	−200,000
Subtotal	238,786,000	252,676,000	252,676,000	279,676,000	269,876,000	+39,090,000	+17,200,000	+17,200,000	−9,800,000
3. Family planning services:									
(a) Grants and contracts	88,815,000	137,024,000	137,024,000	137,024,000	137,024,000	+48,209,000			
(b) Direct operations	1,472,000	2,065,000	2,065,000	2,065,000	2,065,000	+593,000			
Subtotal	90,287,000	139,089,000	139,089,000	139,089,000	139,089,000	+48,802,000			
4. National Health Service Corps	11,274,000	8,998,000	8,998,000	20,000,000	14,998,000	+3,724,000	+6,000,000	+6,000,000	−5,002,000
5. Patient care and special health services	90,335,000	93,952,000	93,952,000	93,952,000	93,952,000	+3,617,000			
6. Regional office, central staff	5,414,000	5,522,000	5,522,000	5,522,000	5,522,000	+108,000			
7. Program direction	5,559,000	6,568,000	6,568,000	6,568,000	6,568,000	+1,009,000			
Less: Trust fund transfer	(−4,719,000)	(−4,719,000)	(−4,719,000)	(−4,719,000)	(−4,719,000)				
Total	667,006,000	751,295,000	751,295,000	844,797,000	798,046,000	+131,040,000	+46,751,000	+46,751,000	−46,751,000
Preventive health services:									
1. Disease control:									
(a) Infectious diseases:									
(1) Research grants	2,144,000	2,215,000	2,215,000	2,215,000	2,215,000	+71,000			
(2) Project grants	39,300,000	39,300,000	39,300,000	56,000,000	47,650,000	+8,350,000	+8,350,000	+8,350,000	−8,350,000
(3) Direct operations	34,672,000	37,893,000	37,893,000	46,193,000	42,043,000	+7,371,000	+4,150,000	+4,150,000	−4,150,000
(b) Nutritional and chronic diseases	5,627,000	5,761,000	5,761,000	5,761,000	5,761,000	+134,000			
(c) Laboratory improvement	7,988,000	10,168,000	10,168,000	10,168,000	10,168,000	+2,180,000			
Subtotal	89,731,000	95,337,000	95,337,000	120,337,000	107,837,000	+18,106,000	+12,500,000	+12,500,000	−12,500,000
2. Community environmental management:									
(a) Grants	21,500,000	23,500,000	26,000,000	28,600,000	27,300,000	+5,800,000	+3,800,000	+1,300,000	−1,300,000
(b) Direct operations	4,844,000	5,075,000	5,075,000	6,475,000	5,775,000	+931,000	+700,000	+700,000	−700,000
Subtotal	26,344,000	28,575,000	31,075,000	35,075,000	33,075,000	+6,731,000	+4,500,000	+2,000,000	−2,000,000
3. Occupational health:									
(a) Grants	3,875,000	4,414,000	4,414,000	6,914,000	6,914,000	+3,039,000	+2,500,000	+2,500,000	
(b) Direct operations	21,331,000	24,428,000	24,428,000	56,928,000	56,928,000	+35,597,000	+32,500,000	+32,500,000	
Subtotal	25,206,000	28,842,000	28,842,000	63,842,000	63,842,000	+38,636,000	+35,000,000	+35,000,000	
4. Program direction	3,823,000	4,618,000	4,618,000	4,618,000	4,618,000	+795,000			
Total	145,104,000	157,372,000	159,872,000	223,872,000	209,372,000	+64,268,000	+52,000,000	+49,500,000	−14,500,000
National health statistics	16,125,000	19,264,000	18,514,000	18,514,000	18,514,000	+2,389,000	−750,000		

Appropriation/activity (1)	1972 comparable (2)	1973 Budget request (3)	1973 House allowance (4)	1973 Senate allowance (5)	1973 Conference agreement (6)	Conference agreement compared with— 1972 comparable appropriation (7)	Conference agreement compared with— Budget request (8)	Conference agreement compared with— House allowance (9)	Conference agreement compared with— Senate allowance (10)
HSMHA—Continued									
Retirement pay and medical benefits for commissioned officers	$24,660,000	$29,163,000	$29,163,000	$29,163,000	$29,163,000	+$4,503,000			
Building and facilities		19,457,000	19,457,000	19,457,000	19,457,000	+19,457,000			
Office of the Administrator	12,497,000	13,126,000	13,126,000	13,126,000	13,126,000	+629,000			
Medical facilities guarantee and loan fund	80,000,000					−80,000,000			
Total Health Services and Mental Health Administration	2,052,348,000	1,964,351,000	2,227,987,000	2,541,691,000	2,391,238,000	+338,890,000	+$426,887,000	+$163,251,000	−$150,453,000
NATIONAL INSTITUTE OF HEALTH									
Biologics standards	9,294,000	9,528,000	9,528,000	9,528,000	9,528,000	+234,000			
National Cancer Institute	378,885,000	432,205,000	492,205,000	492,205,000	492,205,000	+113,320,000	+60,000,000		
National Heart and Lung Institute	232,688,000	255,280,000	300,000,000	350,000,000	320,000,000	+87,312,000	+64,720,000	+20,000,000	−30,000,000
National Institute of Dental Research	43,404,000	44,415,000	46,991,000	54,000,000	49,795,000	+6,391,000	+5,380,000	+2,804,000	−4,205,000
National Institute of Arthritis, Metabolism and Digestive Diseases	153,325,000	159,089,000	167,316,000	182,000,000	173,190,000	+19,865,000	+14,101,000	+5,874,000	−8,810,000
National Institute of Neurological Diseases and Stroke	116,722,000	117,877,000	130,672,000	145,000,000	136,403,000	+19,681,000	+18,526,000	+5,731,000	−8,597,000
National Institute of Allergy and Infectious Diseases	109,156,000	112,649,000	113,414,000	135,000,000	122,048,000	+12,892,000	+9,399,000	+8,634,000	−12,952,000
National Institute of General Medical Sciences	173,472,000	175,960,000	183,171,000	206,000,000	192,302,000	+18,830,000	+16,342,000	+9,131,000	−13,698,000
National Institute of Child Health and Human Development	116,510,000	127,244,000	130,429,000	160,000,000	142,257,000	+25,747,000	+15,013,000	+11,828,000	−17,743,000
National Eye Institute	37,132,000	37,384,000	38,562,000	45,000,000	41,137,000	+4,005,000	+3,753,000	+2,575,000	−3,863,000
National Institute of Environmental Health Sciences	26,408,000	29,013,000	30,956,000	32,000,000	31,374,000	+4,966,000	+2,361,000	+418,000	−626,000
Research resources	74,981,000	75,009,000	75,073,000	83,000,000	78,244,000	+3,263,000	+3,235,000	+3,171,000	−4,756,000
John E. Fogarty International Center for Advanced Study in the Health Sciences	4,357,000	4,545,000	4,666,000	6,000,000	5,200,000	+843,000	+655,000	+534,000	−800,000
Total	1,476,334,000	1,580,198,000	1,722,983,000	1,899,733,000	1,793,683,000	+317,349,000	+213,485,000	+70,700,000	−106,050,000
Health manpower:									
1. Medical, dental, and related health professions:									
(a) Institutional support:									
(1) Capitation grants	155,200,000	165,900,000	165,900,000	190,000,000	177,950,000	+22,750,000	+12,050,000	+12,050,000	−12,050,000
(2) Education initiatives	20,000,000	20,000,000	42,000,000	42,000,000	42,000,000	+22,000,000	+22,000,000		
(3) Other institutional support	80,280,000	76,300,000	89,700,000	100,000,000	100,000,000	+19,720,000	+23,700,000	+10,300,000	
Subtotal	255,480,000	262,200,000	297,600,000	332,000,000	319,950,000	+64,470,000	+57,750,000	+22,350,000	−12,050,000
(b) Student assistance:									
(1) Direct loans	30,000,000	36,000,000	36,000,000	36,000,000	36,000,000	+6,000,000			
(2) Scholarships	15,500,000	15,500,000	15,500,000	27,000,000	17,500,000	+2,000,000	+2,000,000	+2,000,000	−9,500,000
(3) Traineeships	6,100,000	6,000,000	17,000,000	17,000,000	17,000,000	+10,900,000	+11,000,000		
Subtotal	51,600,000	57,500,000	68,500,000	80,000,000	70,500,000	+18,900,000	+13,000,000	+2,000,000	−9,500,000
(c) Construction:									
(1) Grants	139,985,000		100,000,000	180,000,000	140,000,000	+15,000	+140,000,000	+40,000,000	−40,000,000
(2) Interest subsidies	800,000	1,000,000	1,000,000	1,000,000	1,000,000	+200,000			
Subtotal	140,785,000	1,000,000	101,000,000	181,000,000	141,000,000	+215,000	+140,000,000	+40,000,000	−40,000,000
(d) Computer technology	3,000,000	3,000,000	6,000,000	6,000,000	6,000,000	+3,000,000	+3,000,000		
(e) Educational grants and contracts and direct operations	7,071,000	7,881,000	9,481,000	9,481,000	9,481,000	+2,410,000	+1,600,000		
Subtotal	457,936,000	331,581,000	482,581,000	608,481,000	546,931,000	+88,995,000	+215,350,000	+64,350,000	−61,551,000
2. Dental health:									
(a) Educational grants and contracts	5,909,000	6,409,000	7,409,000	7,409,000	7,409,000	+1,500,000	+1,000,000		
(b) Direct operations	5,950,000	6,570,000	7,570,000	7,570,000	7,570,000	+1,620,000	+1,000,000		
Subtotal	11,859,000	12,979,000	14,979,000	14,979,000	14,979,000	+3,120,000	+2,000,000		
3. Nursing:									
(a) Institutional support	60,500,000	56,500,000	75,500,000	99,500,000	87,500,000	+27,000,000	+31,000,000	+12,000,000	−12,000,000
(b) Student assistance:									
(1) Direct loans	21,000,000	21,000,000	24,000,000	24,000,000	24,000,000	+3,000,000	+3,000,000		
(2) Scholarships	19,500,000	19,500,000	21,500,000	30,000,000	30,000,000	+10,500,000	+10,500,000	+8,500,000	
(3) Traineeships	11,470,000	11,500,000	12,500,000	15,000,000	15,000,000	+3,530,000	+3,500,000	+2,500,000	
Subtotal	51,970,000	52,000,000	58,000,000	69,000,000	69,000,000	+17,030,000	+17,000,000	+11,000,000	

CONGRESSIONAL ACTION ON THE FISCAL YEAR 1973 LABOR-HEW AND RELATED AGENCIES APPROPRIATION BILL—Continued

TITLE II—DEPARTMENT OF HEW—Continued

		1973				Conference agreement compared with—			
Appropriation/activity (1)	1972 comparable (2)	Budget request (3)	House allowance (4)	Senate allowance (5)	Conference agreement (6)	1972 comparable appropriation (7)	Budget request (8)	House allowance (9)	Senate allowance (10)
NIH—Continued									
Health manpower—Continued									
(c) Construction:									
(1) Grants	$19,000,000		$20,000,000	$30,000,000	$30,000,000	+$11,000,000	+$30,000,000	+$10,000,000	
(2) Interest subsidies	200,000	$1,000,000	1,000,000	1,000,000	1,000,000	+800,000			
Subtotal	19,200,000	1,000,000	21,000,000	31,000,000	31,000,000	+11,800,000	+30,000,000	+10,000,000	
(d) Educational grants and contracts and direct operations	12,729,000	13,434,000	13,934,000	13,934,000	13,934,000	+1,205,000	+500,000		
Subtotal	144,399,000	122,934,000	168,434,000	213,434,000	201,434,000	+57,035,000	+78,500,000	+33,000,000	−$12,000,000
4. Public health:									
(a) Institutional support	10,026,000	11,940,000	12,000,000	14,000,000	13,000,000	+2,974,000	+1,060,000	+1,000,000	−1,000,000
(b) Traineeships	8,400,000	9,000,000	9,600,000	11,000,000	10,300,000	+1,900,000	+1,300,000	+700,000	−700,000
(c) Direct operations	573,000	631,000	1,031,000	1,031,000	1,031,000	+458,000	+400,000		
Subtotal	18,999,000	21,571,000	22,631,000	26,031,000	24,331,000	+5,332,000	+2,760,000	+1,700,000	−1,700,000
5. Allied health:									
(a) Institutional support	10,000,000	14,000,000	16,000,000	20,000,000	20,000,000	+10,000,000	+6,000,000	+4,000,000	
(b) Traineeships	3,710,000	3,710,000	3,750,000	6,000,000	6,000,000	+2,290,000	+2,290,000	+2,250,000	
(c) Educational grants and contracts and direct operations	16,910,000	17,955,000	18,955,000	23,955,000	21,455,000	+4,545,000	+3,500,000	+2,500,000	−2,500,000
(d) Scholarships				1,000,000					−1,000,000
(e) Construction				2,000,000					−2,000,000
Subtotal	30,620,000	35,665,000	38,705,000	52,955,000	47,455,000	+16,835,000	+11,790,000	+8,750,000	−5,500,000
6. Program direction and manpower analysis	9,749,000	8,898,000	11,298,000	11,298,000	11,298,000	+1,549,000	+2,400,000		
Total	673,562,000	533,628,000	738,628,000	927,178,000	846,428,000	+172,866,000	+312,800,000	+107,800,000	−80,750,000
National Library of Medicine	24,127,000	28,568,000	28,568,000	29,068,000	28,818,000	+4,691,000	+250,000	+250,000	−250,000
Buildings and facilities	3,565,000	8,500,000	8,500,000	33,480,000	12,580,000	+9,015,000	+4,080,000	+4,080,000	−20,900,000
Office of the Director	11,324,000	12,042,000	12,042,000	13,042,000	12,542,000	+1,218,000	+500,000	+500,000	−500,000
Scientific activities overseas (Special foreign currency program)	25,545,000	25,619,000	25,619,000	25,619,000	25,619,000	+74,000			
Health education loans: Payments of sales insufficiencies and interest losses	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000				
Total, National Institutes of Health	2,218,457,000	2,192,555,000	2,540,340,000	2,932,120,000	2,723,670,000	+505,213,000	+531,115,000	+183,330,000	−208,450,000
OFFICE OF EDUCATION									
Elementary and secondary education:									
1. Aid to school districts:									
(a) Educationally deprived children (ESEA I)	1,597,500,000	1,597,500,000	1,810,000,000	1,810,000,000	1,810,000,000	+212,500,000	+212,500,000		
(b) Supplementary services (ESEA III):									
(1) State plan programs	126,292,000	126,292,000	145,684,000	145,684,000	145,684,000	+19,392,000	+19,392,000		
(2) Special programs and projects	20,101,000	20,101,000	25,709,000	25,709,000	25,709,000	+5,608,000	+5,608,000		
Subtotal	146,393,000	146,393,000	171,393,000	171,393,000	171,393,000	+25,000,000	+25,000,000		
2. Strengthening State departments of education:									
(a) General support (ESEA V-A)	33,000,000	33,000,000	43,000,000	45,000,000	43,000 000	+10,000,000	+10,000,000		−2,000,000
(b) Comprehensive planning and evaluation (ESEA V-C)		10,000,000	10,000,000	10,000,000	10,000,000	+10,000,000			
Subtotal	33,000,000	43,000,000	53,000,000	55,000,000	53,000,000	+20,000,000	+10,000,000		−2,000,000
Total	1,776,893,000	1,786,893,000	2,034,393,000	2,036,393,000	2,034,393,000	+257,500,000	+247,500,000		−2,000,000
School assistance in federally affected areas:									
1. Maintenance and operations (Public Law 874)	592,580,000	415,000,000	635,495,000	664,045,000	635,495,000	+42,915,000	+220,495,000		−28,550,000
2. Construction (Public Law 815)	19,300,000	15,910,000	25,910,000	45,910,000	35,910,000	+16,610,000	+20,000,000	+10,000,000	−10,000,000
3. Public housing			10,000,000	40,000,000	10,000,000	+10,000,000	+10,000,000		−30,000,000
Total	611,880,000	430,910,000	671,405,000	749,955,000	681,405,000	+69,525,000	+250,495,000	+10,000,000	−68,550,000

Appropriation/activity	1972 comparable	1973				Conference agreement compared with—			
		Budget request	House allowance	Senate allowance	Conference agreement	1972 comparable appropriation	Budget request	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Office of Education—Continued									
Emergency school assistance:									
Current program: Civil rights education (Civil Rights Act, title IV)	$19, 799, 000					−$19, 799, 000			
Total	19, 799, 000					−19, 799, 000			
Education for the handicapped:									
1. State grant programs (EHA–B)	37, 500, 000	$37, 500, 000	$50, 000, 000	$80, 000, 000	$65, 000 000	+27, 500, 000	+$27, 500, 000	+$15, 000, 000	−$15, 000, 000
2 Special target programs:									
(a) Deaf-blind centers (EHA–C sec. 622)	7, 500, 000	10, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000	+2, 500, 000			
(b) Early childhood projects (EHA–C, sec. 623)	7, 500, 000	12, 000, 000	12, 000, 000	12, 000, 000	12, 000, 000	+4, 500, 000			
(c) Specific learning disabilities (EHA–G)	2, 250, 000	3, 250, 000	3, 250, 000	5, 000, 000	5, 000, 000	+2, 750, 000	+1, 750, 000	+1, 750, 000	
(d) Regional resource centers (EHA–C, sec. 621)	3, 550, 000	7, 243, 000	7, 243, 000	7, 243, 000	7, 243, 000	+3, 693, 000			
Subtotal	20, 800, 000	32, 493, 000	32, 493, 000	34, 243, 000	34, 243, 000	+13, 443, 000	+1, 750, 000	+1, 750, 000	
3. Innovation and development (EHA–E, sec. 641, 642)	6, 105, 000	9, 916, 000	9, 916, 000	12, 416, 000	9, 916, 000	+3, 811, 000			−2, 500, 000
4. Technology and communications (EHA–D and F)	11, 000, 000	13, 500, 000	13, 500, 000	13, 500, 000	13, 500, 000	+2, 500, 000			
5. Special education and manpower (EHA–D)	34, 685, 000	37, 700, 000	37, 700, 000	41, 700, 000	39, 700, 000	+5, 015, 000	+2, 000, 000	+2, 000, 000	−2, 000, 000
Total	110, 090, 000	131, 109, 000	143, 609, 000	181, 859, 000	162, 359, 000	+52, 269, 000	+31, 250, 000	+18, 750, 000	−19, 500, 000
Vocational and adult education:									
1. Grants to States for vocational education:									
(a) Basic vocational education programs (VEA–B):									
(1) Basic grants	376, 682, 000	376, 682, 000	426, 682, 000	426, 682, 000	426, 682, 000	+50, 000	+50, 000		
(2) National Advisory Council	330, 000	330, 000	330, 000	425, 000	425, 000	+95, 000	+95, 000	+95, 000	
Subtotal	377, 012, 000	377, 012, 000	427, 012, 000	427, 107, 000	427, 107, 000	+50, 095, 000	+50, 095, 000	+95, 000	
(b) Programs for students with special needs (VEA, sec. 102(b))	20, 000, 000	20, 000, 000	29, 898, 000	29, 898, 000	29, 898, 000	+9, 898, 000	+9, 898, 000		
(c) Consumer and homemaking education (VEA–F)	25, 625, 000	25, 625, 000	38, 322, 000	38, 322, 000	38, 322, 000	+12, 697, 000	+12, 697, 000		
(d) Work-study (VEA–H)	6, 000, 000	6, 000, 000	10, 524, 000	10, 524, 000	10, 524, 000	+4, 524, 000	+4, 524, 000		
(e) Cooperative education (VEA–G)	19, 500, 000	19, 500, 000	19, 500, 000	29, 500, 000	24, 500, 000	+5, 000, 000	+5, 000, 000	+5, 000, 000	−5, 000, 000
(f) State advisory councils (VEA–A, sec. 104)	2, 690, 000	2, 690, 000	3, 204, 000	4, 417, 000	3, 811, 000	+1, 121, 000	+1, 121, 000	+607, 000	−606, 000
Subtotal	450, 827, 000	450, 827, 000	528, 460, 000	539, 768, 000	534, 162, 000	+83, 335, 000	+83, 335, 000	+5, 702, 000	−5, 606, 000
2. Vocational research:									
(a) Grants to States for innovation (VEA–D)	16, 000, 000	16, 000, 000	16, 000, 000	24, 000, 000	20, 000, 000	+4, 000, 000	+4, 000, 000	+4, 000, 000	−4, 000, 000
(b) Curriculum development (VEA–I)	4, 000, 000	6, 000, 000	6, 000, 000	8, 000, 000	7, 000, 000	+3, 000, 000	+1, 000, 000	+1, 000, 000	−1, 000, 000
(c) Grants to States for research (VEA–C)	18, 000, 000	18, 000, 000	18, 000, 000	28, 000, 000	23, 000, 000	+5, 000, 000	+5, 000, 000	+5, 000, 000	−5, 000, 000
Subtotal	38, 000, 000	40, 000, 000	40, 000, 000	60, 000, 000	50, 000, 000	+12, 000, 000	+10, 000, 000	+10, 000, 000	−10, 000, 00
3. Adult education—Grants to States (AEA)	51, 300, 000	51, 300, 000	75, 000, 000	75, 000, 000	75, 000, 000	+23, 700, 000	+23, 700, 000		
Total	540, 127, 000	542, 127, 000	643, 460, 000	674, 768, 000	659, 162, 000	+119, 035, 000	+117, 035, 000	+15, 702, 000	−15, 606, 000
Library resources:									
1. Public libraries:									
(a) Services (LSCA I and III)	49, 209, 000	32, 730, 000	69, 500, 000	69, 500, 000	69, 500, 000	+20, 291, 000	+36, 770, 000		
(b) Construction (LSCA II)	9, 500, 000		15, 000, 000	15, 000, 000	15, 000, 000	+5, 500, 000	+15, 000, 000		
Subtotal	58, 709, 000	32, 730, 000	84, 500, 000	84, 500, 000	84, 500, 000	+25, 791, 000	+51, 770, 000		
2. School library resources (ESEA II)	90, 000, 000	90, 000, 000	100, 000, 000	100, 000, 000	100, 000, 000	+10, 000, 000	+10, 000, 000		
3. Equipment and minor remodeling (NDEA-III)	50, 000, 000			75, 000, 000	50, 000, 000		+50, 000, 000	+50, 000, 000	−25, 000, 000
4. Undergraduate instructional equipment (HEA-VI)	12, 500, 000			15, 000, 000	12, 500, 000		+12, 500, 000	+12, 500, 000	−2, 500, 000
Total	211, 209, 000	122, 730, 000	184, 500, 000	274, 500, 000	247, 000, 000	+35, 791, 000	+124, 270, 000	+62, 500, 000	−27, 500, 000

CONGRESSIONAL ACTION ON THE FISCAL YEAR 1973 LABOR-HEW AND RELATED AGENCIES APPROPRIATION BILL—Continued

TITLE II—DEPARTMENT OF HEW—Continued

		1973				Conference agreement compared with—			
Appropriation/activity (1)	1972 comparable (2)	Budget request (3)	House allowance (4)	Senate allowance (5)	Conference agreement (6)	1972 comparable appropriation (7)	Budget request (8)	House allowance (9)	Senate allowance (10)
Office of Education—Continued									
Educational renewal									
1. Educational systems improvement:									
(a) Bilingual education (ESEA-VII)	$35,000,000	$41,130,000	$45,000,000	$60,000,000	$60,000,000	+$25,000,000	+$18,870,000	+$15,000,000	
(b) Dropout prevention (ESEA-VIII)	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000				
(c) Personnel development:									
(1) Teacher Corps (EPDA, B-1)	37,435,000	37,435,000	37,435,000	37,435,000	37,435,000				
(2) Other personnel development (EPDA-D, AEA)	7,900,000	3,000,000	3,000,000	3,000,000	3,000,000	−4,900,000			
Subtotal	45,335,000	40,435,000	40,435,000	40,435,000	40,435,000	−4,900,000			
(d) National priority programs:									
(1) Educational technology (Comm Act of 1934, CRA)	20,000,000	30,000,000	30,000,000	42,000,000	32,000,000	+12,000,000	+2,000,000	+2,000,000	−$10,000,000
(2) Drug abuse education (DAEA)	12,400,000	12,400,000	12,400,000	14,200,000	13,900,000	+1,500,000	+1,500,000	+1,500,000	−300,000
(3) Right to Read (CRA)	1,750,000	12,000,000	12,000,000	22,000,000	12,000,000	+10,250,000			−10,000,000
(4) Career education model installation (CRA)		14,000,000	14,000,000	14,000,000	14,000,000	+14,000,000			
(5) Environmental education (EEA)	3,180,000	3,180,000	4,000,000	4,000,000	4,000,000	+820,000	+820,000		
(6) Other priority programs (AEA; ESEA, sec. 808; CRA)	11,250,000	11,750,000	11,750,000	13,000,000	12,375,000	+1,125,000	+625,000	+625,000	−625,000
Subtotal	48,580,000	83,330,000	84,150,000	109,200,000	88,275,000	+39,695,000	+4,945,000	+4,125,000	−20,925,000
2. Data systems and services:									
(a) Educational statistics	4,250,000	7,900,000	6,900,000	6,900,000	6,900,000	+2,650,000	−1,000,000		
(b) National achievement study (CRA)	6,000,000	7,000,000	7,000,000	7,000,000	7,000,000	+1,000,000			
Subtotal	10,250,000	14,900,000	13,900,000	13,900,000	13,900,000	+3,650,000	−1,000,000		
3. Product identification and dissemination (CRA; GEPA, sec. 412)	8,000,000	15,500,000	15,500,000	15,500,000	15,500,000	+7,500,000			
Planning and evaluation (GEPA, sec. 402)	11.225,000	10,205,000	10,205,000	10,205,000	10,205,000	−1,020,000			
Total	168,390.000	215,500,000	219,190,000	259,240,000	238,315,000	+69,925,000	+22,815,000	+19,125,000	−20,925,000
Educational activities overseas (special foreign currency program) (Public Law 480)	3,000,000	5,000,000	3,000,000	5,000,000	3,000,000		−2,000,000		−2,000,000
Salaries and expenses	64,160,000	68,360,000	68,360,000	69,360,000	68,360,000	+4,200,000			−1,000,000
Student loan Insurance fund (HEA-IV-B):									
1. Federal insurance program:									
(a) Claims paid	15,702,380	21,102,000	21,102,000	21,102,000	21,102,000	+5,399,620			
(b) Receipts and carryover balances	−3,810,380	−8,405,000	−8,405,000	−8,405,000	−8,405,000	−4,594,620			
Subtotal	11,892,000	12,697,000	12,697,000	12,697,000	12,697,000	+805,000			
2. Federal reinsurance program:									
(a) Claims paid	18,100,000	22,100,000	22,100,000	22,100,000	22,100,000	+4,000,000			
(b) Receipts and carryover balances	−17,227,000	−5,750,000	−5,750,000	−5,750,000	−5,750,000	+11,477,000			
Subtotal	873,000	16,350,000	16,350,000	16,350,000	16,350,000	+15,477,000			
Total	12,765,000	29,047,000	29,047,000	29,047,000	29,047,000	+16,282,000			
Higher educational facilities loan and insurance fund (HEFA-III):									
1. Participation sales insufficiencies	2,961,000	2,921,000	2,921,000	2,921,000	2,921,000	−40,000			
Total, Office of Education	3,521,274,000	3,334,597,000	3,999,885,000	4,283,043,000	4,125,962,000	+604,688,000	+791,365,000	+126,077,000	−157,081,000

		1973				Conference agreement compared with—			
Appropriation/activity (1)	1972 comparable (2)	Budget request (3)	House allowance (4)	Senate allowance (5)	Conference agreement (6)	1972 comparable appropriation (7)	Budget request (8)	House allowance (9)	Senate allowance (10)
SOCIAL AND REHABILITATION SERVICE									
Grants to States for public assistance:									
1. Maintenance assistance	$6,708,458,000	$7,529,108,000	$7,554,108,000	$7,529,108,000	$7,529,108,000	+$820,650,000		−$25,000,000	
2. Medical assistance	4,051,631,000	4,477,687,000	4,477,687,000	4,477,687,000	4,477,687,000	+426,056,000			
3. Social services	1,363,281,000	1,241,348,000	1,241,348,000	1,241,348,000	1,241,348,000	−121,933,000			
4. State and local training	45,764,000	50,561,000	50,561,000	50,561,000	50,561,000	+4,797,000			
Subtotal, noncontrollables	12,169,134,000	13,298,704,000	13,323,704,000	13,298,704,000	13,298,704,000	+1,129,570,000		−25,000,000	
5. Child welfare services	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000				
Total	12,215,134,000	13,344,704,000	13,369,704,000	13,344,704,000	13,344,704,000	+1,129,570,000		−25,000,000	
Work incentives:									
1. Training and incentives	185,198,000	249,133,000		249,133,000	249,133,000	+63,935,000		+249,133,000	
2. Child care	74,000,000	206,000,000		206,000,000	206,000,000	+132,000,000		+206,000,000	
Total	259,198,000	455,133,000		455,133,000	455,133,000	+195,935,000		+455,133,000	
Social and rehabilitation services:									
1. Rehabilitation services and facilities:									
(a) Vocational rehabilitation facilities	3,051,000			20,000,000		−3,051,000			−$20,000,000
2. Grants for the developmentally disabled:									
(a) State grants	21,715,000	21,715,000		65,000,000	32,500,000	+10,785,000	+$10,785,000	+32,500,000	−32,500,000
(b) Service projects	23,575,000	18,500,000		23,575,000	9,500,000	−14,075,000	−9,000,000	+9,500,000	−14,075,000
(c) University affiliated facilities	4,250,000	4,250,000		14,250,000	9,250,000	+5,000,000	+5,000,000	+9,250,000	−5,000,000
Subtotal	49,540,000	44,465,000		102,825,000	51,250,000	+1,710,000	+6,785,000	+51,250,000	−51,575,000
3. Special programs for the aging:									
(a) Nutrition programs		100,000,000	100,000,000	100,000,000	100,000,000	+100,000,000			
Subtotal		100,000,000	100,000,000	100,000,000	100,000,000	+100,000,000			
Total	52,591,000	144,465,000	100,000,000	222,825,000	151,250,000	+98,659,000	+6,785,000	+51,250,000	−71,575,000
Research and training activities overseas (Special Foreign Currency program)	8,000,000	10,000,000	8,000,000	8,000,000	8,000,000		−2,000,000		
Salaries and expenses	45,217,000	60,815,000	60,815,000	60,815,000	60,815,000	+15,598,000			
Less: Trust fund transfer	−400,000	−600,000	−600,000	−600,000	−600,000	−200,000			
Total appropriation	44,817,000	60,215,000	60,215,000	60,215,000	60,215,000	+15,398,000			
Total, Social and Rehabilitation Service	12,579,740,000	14,014,517,000	13,537,919,000	14,090,877,000	14,019,302,000	+1,439,562,000	+4,785,000	+481,383,000	−71,575,000
SOCIAL SECURITY ADMINISTRATION									
Federal Funds									
Payments to Social Security Trust Funds:									
1. Matching payments for supplementary medical insurance	1,376,400,000	1,434,015,000	1,434,015,000	1,434,015,000	1,434,015,000	+57,615,000			
2. Hospital insurance for the uninsured	503,351,000	467,825,000	467,825,000	467,825,000	467,825,000	−35,526,000			
3. Military service credits	235,000,000	237,000,000	237,000,000	237,000,000	237,000,000	+2,000,000			
4. Retirement benefits for certain uninsured persons	350,546,000	336,645,000	336,645,000	336,645,000	336,645,000	−13,901,000			
Total	2,465,297,000	2,475,485,000	2,475,485,000	2,475,485,000	2,475,485,000	+10,188,000			
Special benefits for disabled coal miners	591,839,000	1,526,500,000	557,788,000	1,526,500,000	1,526,500,000	+934,661,000		+968,712,000	
Total, Federal Funds	3,057,136,000	4,001,985,000	3,033,273,000	4,001,985,000	4,001,985,000	+944,849,000		+968,712,000	
Trust Funds									
Limitation on salaries and expenses	(1,167,394,000)	(1,256,498,000)	(1,256,498,000)	(1,256,498,000)		(+89,104,000)			
Limitation on construction	(18,194,000)	(1,000,000)	(1,000,000)	(1,000,000)		(−17,194,000)			
SPECIAL INSTITUTIONS									
American Printing House for the Blind	1,580,000	1,696,500	1,696,500	1,696,500	1,696,500	+116,500			
National Technical Institute for the Deaf:									
1. Academic progam	4,119,000	4,694,000	4,694,000	4,694,000	4,694,000	+75,000			
2. Construction	3,500,000					−3,500,000			
Subtotal	7,619,000	4,694,000	4,694,000	4,694,000	4,694,000	−2,925,000			
Model Secondary School for the Deaf:									
1. Academic program	2,533,000	3,625,000	3,625,000	3,625,000	3,625,000	+1,092,000			
2. Construction	14,958,000	1,000,000	1,000,000	,1000,000	1,000,000	−13,959,000			
Subtotal	17,491,000	4,625,000	4,625,000	4,625,000	4,625,000	−12,866,000			

CONGRESSIONAL ACTION ON THE FISCAL YEAR 1973 LABOR-HEW AND RELATED AGENCIES APPROPRIATION BILL—Continued

TITLE II—DEPARTMENT OF HEW—Continued

		1973				Conference agreement compared with—			
Appropriation/activity	1972 comparable	Budget request	House allowance	Senate allowance	Conference agreement	1972 comparable appropriation	Budget request	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
SPECIAL INSTITUTIONS—Con.									
Gallaudet College:									
1. Academic program	$6, 962, 500	$7, 081, 000	$7, 081, 000	$7, 717, 000	$7, 717, 000	+$754, 500	+$636, 000	+$636, 000	
2. Construction	4, 394, 000	500, 000	4, 710, 000	4, 710, 000	4, 710, 000	+416, 000	+4, 210, 000		
3. Kendall School	2, 014, 500	1, 905, 000	2, 655, 000	2, 655, 000	2, 655, 000	+640, 500	+750, 000		
Subtotal	13, 371, 000	9, 486, 000	14, 446, 000	15, 082, 000	15, 082, 000	+1, 711, 000	+5, 596, 000	+636, 000	
Howard University:									
1. Academic program	31, 633, 000	35, 348, 000	35, 348, 000	35, 348, 000	35, 348, 000	+3, 715, 000			
2. Construction	15, 699, 000	8, 408, 000	8, 408, 000	8, 408, 000	8, 408, 000	−7, 291, 000			
3. Freedmen's Hospital	14, 009, 000	15, 125, 000	15, 125, 000	15, 125, 000	15, 125, 000	+1, 116, 000			
Subtotal	61, 341, 000	58, 881, 000	58, 881, 000	58, 881, 000	58, 881, 000	−2, 460, 000			
Total, Special Institutions	101, 402, 000	79, 382, 500	84, 342, 500	84, 978, 500	84, 978, 500	−16, 423, 500	+5, 596, 000	+636, 000	
OFFICE OF THE SECRETARY									
Office for Civil Rights	11, 865, 000	14, 767, 000	14, 767, 000	14, 767, 000	14, 767, 000	+2, 902, 000			
Less: trust fund transfer	−1, 049, 000	−1, 180, 000	−1, 180, 000	−1, 180, 000	−1, 180, 000	−131, 000			
Total appropriation	10, 816, 000	13, 587, 000	13, 587, 000	13, 587, 000	13, 587, 000	+2, 771, 000			
Departmental management:									
1. Executive direction	9, 044, 000	8, 800, 000	8, 800, 000	8, 800, 000	8, 800, 000	−244, 000			
2. Public information	1, 424, 000	1, 551, 000	1, 551, 000	1, 551, 000	1, 551, 000	+127, 000			
3. Community and field services	6, 956, 000	8, 877, 000	8, 877, 000	8, 877, 000	8, 877, 000	+1, 921, 000			
4. Legal services	4, 365, 000	5, 917, 000	5, 917, 000	5, 917, 000	5, 917, 000	+552, 000			
5. Financial management:									
(a) Audit	15, 259, 000	17, 001, 000	17, 001, 000	17, 001, 000	17, 001, 000	+1, 742, 000			
(b) Other	2, 892, 000	3, 673, 000	3, 673, 000	3, 673, 000	3, 673, 000	+781, 000			
Subtotal	18, 151, 000	20, 674, 000	20, 674, 000	20, 674, 000	20, 674, 000	+2, 523, 000			
6. Administrative management	17, 156, 000	17, 949, 000	17, 949, 000	17, 949, 000	17, 949, 000	+793, 000			
Total	58, 096, 000	63, 768, 000	63, 768, 000	63, 768, 000	63, 768, 000	+5, 672, 000			
Less: trust fund transfer	−5, 955, 000	−6, 875, 000	−6, 875, 000	−6, 875, 000	−6, 875, 000	−920, 000			
Total appropriation	52, 141, 000	56, 893, 000	56, 893, 000	56, 893, 000	56, 893, 000	+4, 752, 000			
Total, Office of the Secretary	62, 957, 000	70, 480, 000	70, 480, 000	70, 480, 000	70, 480, 000	+7, 523, 000			
Total, Department of Health, Education, and Welfare	23, 593, 314, 000	25, 657, 867, 500	25, 494, 226, 500	28, 005, 174, 500	27, 417, 615, 500	+3, 824, 301, 500	+1, 759, 748, 000	+1, 923, 389, 000	−$587, 559, 000
TITLE III—RELATED AGENCIES									
Cabinet Committee on Opportunities for Spanish-Speaking People	$890, 000	$1, 260, 000	$1, 260, 000	$1, 000, 000	$1, 000, 000	+$110, 000	−$260, 000	−$260, 000	
Commission on Railroad Retirement	492, 000	101, 000	101, 000	101, 000	101, 000	−391, 000			
Federal Mediation and Conciliation Service	10, 410, 000	10, 650, 000	10, 650, 000	10, 650, 000	10, 650, 000	+240, 000			
National Commission on Libraries and Information Science	200, 000	406, 000	406, 000	406, 000	406, 000	+206, 000			
National Commission on Marihuana and Drug Abuse	1, 228, 000	1, 140, 000	1, 440, 000	1, 140, 000	1, 440, 000	+212, 000	+300, 000		+$300, 000
National Labor Relations Board	48, 468, 000	50, 456, 000	50, 456, 000	50, 456, 000	50, 456, 000	+1, 988, 000			
National Mediation Board	2, 796, 000	2, 888, 000	2, 888, 000	2, 888, 000	2, 888, 000	+92, 000			
Occupational Safety and Health Review Commission	1, 633, 000	5, 979, 000	5, 979, 000	5, 979, 000	5, 979, 000	+4, 346, 000			
Railroad Retirement Board:									
Payments for military service credits	20, 757, 000	21, 645, 000	21, 645, 000	21, 645, 000	21, 645, 000	+888, 000			
Limitation on Salaries and expenses	(19, 663, 000)	(19, 822, 000)	(19, 822, 000)	(19, 822, 000)	(19, 822, 000)	(+159, 000)			
U.S. Soldiers' Home:									
Operation and Maintenance	11, 583, 000	11, 596, 000	11, 596, 000	12, 591, 000	12, 591, 000	+1, 008, 000	+995, 000	+995, 000	
Capital outlay	80, 000	244, 000	244, 000	2, 114, 000	2, 114, 000	+2, 034, 000	+1, 870, 000	+1, 870, 000	
Corporation for Public Broadcasting	35, 000, 000	45, 000, 000		65, 000, 000	45, 000, 000	+10, 000, 000		+45, 000, 000	−20, 000, 000
Total, Related Agencies	133, 537, 000	151, 365, 000	106, 665, 000	173, 970, 000	154, 270, 000	+20, 733, 000	+2, 905, 000	+47, 605, 000	−19, 700, 000
TITLE IV—GENERAL PROVISIONS									
Section 409:									
Office of Emergency Preparedness (Disaster Relief)				$200, 000, 000					−$200, 000, 000
Grand total, Department of Labor-HEW and Related Agencies	$27, 403, 058, 000	$28, 776, 633, 500	$28, 603, 179, 500	$31, 354, 930, 500	$30, 538, 919, 500	+$3, 135, 861, 500	+$1, 762, 286, 000	+$1, 935, 740, 000	−$816, 011, 000

Mr. MAGNUSON. It was necessary for the Senate to recede from its increase in six major areas. We compromised with the House by:

First. Reducing programs of the Department of Labor by $8,752,000;

Second. Reducing programs providing medical and mental health care by $150,453,000;

Third. Reducing programs of medical research and medical manpower by $208,450,000;

Fourth. Reducing education programs by $157,081,000;

Fifth. Reducing programs for the rehabilitation of the handicapped by $71,575,000; and

Sixth. Eliminating $200 million for disaster relief which was no longer needed because of enactment of a House joint resolution providing the full $200 million.

Mr. President, let me touch briefly on the key areas in the conference bill where Senate increases prevailed.

Occupational safety and health—this program is designed to assist employers to provide better health and safety conditions for their employees. The bill includes $3 million over the budget and the House in order to allow the Department of Labor to increase its efforts to extend occupational health and safety standards to all our workers. The Department of Labor will give special help to small businesses and unorganized employees as they cope with new developments in this field.

Mental health—this program deals with the prevention and the treatment of those of our citizens suffering from mental illness.

The conference bill, in addition to restoring the budget cuts, focuses increased efforts on the prevention and treatment of narcotic addiction, drug abuse, and alcoholism.

The extent of alcoholism in our society is growing—not shrinking—and the costs to our society too great for any to ignore. The conference bill includes $15.5 million over the House allowance for research and treatment of this disease problem which already affects the lives—directly or indirectly—of over 35 million Americans. The conferees generally agreed with the House position that any further major increases in narcotic addiction treatment and prevention should await the administration's budget amendment which we understand has just been transmitted to the Congress.

The bill also includes $10 million to accelerate the establishment of community mental health centers.

This community based approach is a more effective, humane, and less costly method of treatment for many citizens with mental disorders—and stands in stark contrast to the infamous approach that was so prevalent in State mental institutions only a few decades ago. The intent here is to assure a minimum backlog of approved but unfunded grants at the end of the current year.

The advent of the community-based approach to the treatment of mental illness has been accompanied by a steady decline in the total numbers of residents in State mental hospitals—

However, in recent years the number of children in these institutions has been rising.

In response to this, the conferees included an additional $5 million for the mental health of children—a program initiated only last year.

Regional medical programs—This program is the most successful Federal effort to get the results of medical research and other innovations in medical care out to the people suffering from heart disease, cancer, stroke, and related diseases.

Nevertheless, the Budget for some unaccountable reason, continually holds up on funding of RMP programs or freezes the funds once they are appropriated by the Congress.

This year, the conferees have recommended an additional $2 million to mount an accelerated effort in the prevention, public education, and ultimately the establishment of end-stage renal disease programs in all sections of the Nation.

The conference bill also provides a $4.5 million increase for the construction of a regional children's health center and has included $5 million in the National Heart and Lung Institute for funding of several children's pulmonary or lung disease centers around the country.

The remaining $8 million increase is provided to set up heart disease, cancer and stroke control programs to be operated in tandem with the research institutes at the National Institutes of Health.

Health services delivery—The conference bill includes $46.7 million over the House in health delivery programs with special emphasis on the elderly and mothers and newborn infants.

One of the reasons why this Nation's infant mortality rate is so high when compared with other highly developed nations is the lack of care for mothers and infants who are from medically underserved areas.

The conferees have included a $5 million increase to initiate 25 new centers which will provide intensive care for newborn infants.

A $12 million increase will also provide dental and health care to over 50,000 children and mothers and care for 40,000 crippled children, all who would not otherwise receive such care.

The conferees have also included $20 million to support additional neighborhood health centers which will provide health care to an additional 150,000 to 250,000 persons, especially the elderly, in medically underserved areas.

The National Health Service Corps is another program cut by the administration. The increase recommended by the conferees will provide for an additional 300 doctors and nurses to be placed in about 75 small and isolated communities which are not now served by a physician.

An additional $3 million has also been included to cover hospitalization costs for migratory agricultural workers who are excluded from medicaid coverage in some States.

Communicable diseases—The conference bill added $4 million for control of tuberculosis which will extend and expand 18 TB grants which expire this month and startup additional TB control projects in areas of acute need.

An additional $3 million increase is included in the bill to immunize an additional 500,000 children against rubella, measles, and polio.

The conference bill has included another $3 million to step up the fight against venereal disease including testing of 250,000 additional women for gonorrhea.

An additional $2.5 million will be used to initiate a communicable disease health education program aimed at various populations of high risk, for example, mothers of infants in need of immunization.

The conference bill includes an additional $2 million, for a total of $14 million for the prevention of lead-based paint poisoning in children in 55 cities. The problem of lead paint poisoning is a preventable health problem. It is the intent of the conferees to provide the resources which—when added to State, local, and private efforts—will hasten the elimination of this health problem from our society.

The conferees have also included the full Senate increase of $35,000,000 for the National Institute of Occupational Safety and Health.

Twenty million dollars will be used for the establishment and upgrading of 60 facilities for the examination and treatment of pulmonary impairments and for research in the detection and treatment of black-lung diseases.

The conferees also included $15 million for early detection of asbestos-related diseases, and for the research and training involved in the establishment of additional occupational safety and health standards.

NIH RESEARCH INSTITUTES

The research institutes at NIH represent the best hope for the prevention of disease and better health for all the American people. Nevertheless, the training of the vitally needed manpower required to conduct biomedical research has been systematically reduced by the budget since 1969.

This year's conference bill calls a halt to this erosion of vitally needed health manpower and includes sufficient funds to begin the restoration of the NIH training programs to the level of effort this Nation enjoyed in 1969—before these systematic budget cuts began.

Diseases of the heart, lung, and blood account for more than one-half of all deaths in the United States each year. Consequently, the conference bill has included a $30 million increase over the House allowance for the budget of the Heart and Lung Institute.

The committee seriously questions the wisdom of the administration in presenting a budget that contains not even an increase sufficient to keep up with the increased cost of conducting research on such debilitating diseases as arthritis, cystic fibrosis, diabetes, kidney disease, and malnutrition.

In fact, the budget as presented included virtually no increase at all in the area of stroke, epilepsy, Parkinsonism, spinal cord injury, multiple sclerosis, cerebral palsy, sudden infant death, and certain other diseases—which in view of the inflation in the economy is really a step backwards from what was done last year.

Faced with the inadequacies of the budget, the underfunding of crucial health research programs which pay enormous dividends and benefit all Americans, the conference bill includes $50 million to restore the level of effort of these programs to last year's level; and in some cases provide increases that in the long run should save the American people billions of dollars—and prevent untold human suffering and agony.

The conference bill provides increases in such areas as sickle cell anemia, sudden infant death syndrome, population research, child health, aging, tooth decay, arthritis, cystic fibrosis, malnutrition, stroke, Parkinsonism, spinal cord injury, multiple sclerosis, cerebral palsy, hepatitis, allergic disease and mental retardation.

NIH education of medical personnel—The President signed into law the new health manpower legislation last November. At that time he said, "These new programs must now be adequately funded."

Apparently, the accountants at the Budget did not get the word because the 1973 budget request for the health manpower programs is $533 million—$140 million less than last year's level.

The conference bill restored the budget cuts in this appropriation and recommended a $24 million increase in "capitation" grants in medical, nursing, and related schools. In addition, the bill includes a $10.5 million increase for scholarships—including $2 million to initiate the physician shortage area scholarship program—in order to allow those bright students from poor families an opportunity to go to medical and nursing schools.

OFFICE OF EDUCATION

Elementary and secondary education, title I, is designed to provide compensatory education and help disadvantaged children learn at a rate that is at the national norm or better.

Here the conferees agreed on appropriation language to assure that no State receives any less in 1973 than it did in 1972.

Impacted area aid—This program provides financial assistance to local school districts in which enrollments are affected by Federal activities. The conferees' recommendation includes appropriation language which will provide the same percentage of entitlements as used in the 1972 appropriation bill. The committee also added $10 million for construction of schools in local districts eligible under these public laws and $10 million for "C" students who live in public housing projects.

Education of the handicapped—This State grant program is designed to assist in the initiation and expansion of programs for the education of handicapped children at the preschool through high school levels.

The conferees added $15 million which will allow an additional 75,000 school-aged handicapped children to receive special educational attention.

Vocational and adult education—The $16 million increase over the House agreed to in conference would expand programs that combine formal education with on-the-job work experience, programs that develop model vocational educational programs and grants to States for vocational educational research.

Public libraries—The conferees included $62 million to restore the budget cuts for programs relating to the educational-instructional equipment for elementary and secondary schools and colleges.

Educational renewal—The conferees provided the full Senate increase of $15 million for bilingual education programs which are designed to operate pilot projects in schools where children have only limited English speaking abilities.

Other increases provided by the conferees relate to the construction of educational television facilities.

WELFARE PROGRAMS AND COSTS

The conferees deleted the dollar limitation of $2.5 billion for grants to States for welfare administrative costs. Without strong support from the administration and the House conferees the Senate was unable to sustain its position. But the conferees did agree with the basic premise of the Senate amendment, that is, first, to insure fiscal control over a program which is presently increasing at an alarming rate; and second, to insure that funds are disbursed prudently and effectively. Last year the Congress appropriated a substantial increase in manpower for the Social and Rehabilitation Service. These additional auditors would allow for a nationwide management initiative which is intended to save over $400 million in Federal funds without a curtailment of benefits and useful services to eligible recipients. As the result of the information and experience gained by this auditing effort, the conferees expect the Department of Health, Education, and Welfare to submit to both the House and Senate Appropriations Committees no later than the commencement of the second quarter of fiscal year 1973, a comprehensive plan for a system of fiscal restraint and programmatic accountability in social services programs. Social and rehabilitation services—The principal item of increase proposed by the committee relates to grants for the developmentally disabled.

In this area, the conference bill included an $11 million increase over the President's budget for State grants for the developmentally disabled and a $5 million increase over the President's budget for grants to University affiliated facilities. The conferees also deleted without prejudice funds for an unauthorized program—rehabilitation service projects. This program will be considered as part of the SRS supplemental package after the enactment of authorizing legislation.

Mr. President, as usual this was a difficult conference—and Senator Cotton, the ranking Republican and I worked hard—as did all the Senate conferees—in providing as much of the Senate increases as were possible in the areas of greatest need. We were pitted against both the House conferees and the administration as they pressed for figures that were much lower than ours. We were also trying to arrive at a total figure that should be acceptable to the President, a figure in the bill that the President should sign and not veto as he has done with two of the last five health and education bills this committee has previously agreed to in conference.

We believe this bill should be acceptable to the President.

We have been vetoed enough. I think the Senator from New Hampshire (Mr. Cotton) and I are two of the most vetoed Members of the U.S. Senate. But we substantially improved the bill. We moved ahead particularly in mental health, health manpower, and in biomedical research much better than we have done in many, many years. We think all the amounts we finally arrived at in education and in all these other fields can be well spent and that they are of the highest priority for meeting the needs of this Nation.

That is why this bill is over the budget. That is why the House went over the budget. That is why the Senate went over the budget. That is why we recommended this amount in conference.

I do not think an adequate budget was submitted.

CONGRESSIONAL LEADERSHIP

We, too, understand some of the problems confronting some people regarding budget deficits and the economy. And we are aware that it is the President's privilege to make budget recommendations to the Congress. But under our form of government, it is the responsibility of the Congress to evaluate those recommendations, to take into account the priorities of the electorate in the 50 States, and then to make a determination of just where hard earned tax dollars ought to be directed. In this bill, we have directed additional amounts of these tax dollars to the improvement of the health and the education of the American people.

We, in the Congress, recognize that increased funding alone is not the sole answer to providing adequate levels of education and health care for all our people. But we are equally persuaded that this budget, which, with a few exceptions, shows a year-to-year decline in real dollars and levels of effort, fails to deal effectively with the magnitude and the priority of the problem.

And in all fairness, this is not the first administration that has submitted inadequate budget requests for the Department of Health, Education, and Welfare. The Congress, in the exercise of its responsibilities, has historically added to the health and education budgets of the Department. However, this administration is distinguished in that it is the first that has seen fit to veto these bills that help provide better health care and educational opportunities to all the American people.

The conference bill includes approximately $30.5 billion which is $1.7 billion over the budget estimates.

Although that is a very significant sum, it should not be termed "inflationary." It should be carefully noted that only about one-third of the congressional increase over the budget estimates would actually be expended in fiscal year 1973, with the remaining two-thirds being expended in subsequent years.

This is not extraordinary, but rather reflects the necessary timelag between appropriations and expenditures. The point to be made here is that the expenditure increases over the budget request—not the appropriation figures—are the amounts that affect the anticipated fiscal year 1973 budget deficit which has been brought on by continued problems and constant unemployment in the economy.

Thus, the bill before us will increase the January budget expenditures by about $600 million for these programs. When compared to a trillion-dollar economy and a plus $250 billion Federal budget, $600 million hardly seems too high a price to pay or too large an investment to make, in the health and well-being of the American people.

Certainly a nation as wealthy as ours—with a trillion-dollar gross national product—can afford the increase in this bill. In fact, our ranking as 13th in the key indicator of health—infant mortality rates—strongly suggests that we are not investing enough in health.

It is the belief of the conferees that the citizens of the United States, with its great abundance, should have the best health care and the lowest infant death rate.

And the most ironic point yet is that when the Senate included a limitation in this bill that would have saved the taxpayers $2 or perhaps $3 billion in welfare costs in this fiscal year alone, the administration failed to lift a finger to help retain this provision. And now we hear talk of a veto because this bill will add $600 million for health and education to budgeted expenditures in fiscal year 1973—when with a little support from downtown we might have been able to achieve far greater offsetting savings. Under these circumstances, talk of vetoing health and education appropriations sounds a little hollow to me—but all of us know what year this is.

At least $8 billion a year is being spent for Vietnam. That may not be a good comparison, but I think there are some priorities we have to turn around and see where we are going. I think the Senate bill is a good one. I think the conference report on these items, except for the one I mentioned, is a good one. I am going to ask the Senate to sustain these items. Come what may, if we have to come back again, we will be here again to defend it.

So, Mr. President, the Senate conferees did manage to persuade our counterparts in the House to accept an additional $422,450,000 over the budget that was not in the House bill for these programs that are so important to our Nation.

Although that is a significant sum, it should not be considered a budget-busting extravagance. It should be carefully noted that the $422 million increase we brought back from conference will result in only about a $150 million increase over budgeted expenditures during fiscal year 1973, hardly too high a price to pay or too large an investment to make in improving the delivery of health care, expanding biomedical research, enlarging our health manpower programs, and giving more educational opportunities to disadvantaged children.

CONCLUSION

Mr. President, in closing, let me state that I thought the Senate bill was a good one. The conference report before you provides for a good bill.

We believe the President should sign this bill, so everyone affected can get their money and we can get on about the business of providing additional job opportunities, health care service to millions of Americans, research that will sustain the lives of people around the world that now die from the major killers such as cancer and heart disease, more doctors and nurses to help staff our overburdened health facilities, and also that the welfare and well-being of our aged and the health and education of our young can be sustained and improved upon.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I now yield to my impatient friend from New York.

Mr. JAVITS. The Senator's friend is very patient, but he is going to try to save a little of the time of the Senate, and that is why I have sought the floor.

I thoroughly agree with everything the Senator has said, but I think we ought to have a little clarification now as to the Senator's purpose.

As I understand the Senator, he did not even want a rollcall on a motion to lay on the table. As I understand the procedure, those who are for the conference report like it is must vote against the motion to lay on the table, because that will be followed by a vote on the approval of the conference report, and when it is approved, that is the end of any motion to recommit.

On the other hand, if we accept the motion to table, the motion to recommit would immediately ensue, and the conference report would have been rejected.

I would like the manager of the bill to tell us, if we want to sustain him in this conference report, whether we must get a rollcall vote on the motion to table and defeat it.

Mr. MAGNUSON. My position is that legislatively we have to move to lay the conference report on the table in order to send it back, which the Senator from Delaware is going to do by an amendment. His amendment is to commit it back to conference with instructions that we stick to the $2.5 billion ceiling which we placed on the Administration for Social Services, and that is the only thing that he is suggesting.

As to the rest of it, I hope we can sustain the Senate bill and the conference report. But I voted for the ceiling, the Senator from New Hampshire voted for it, and the Senate voted for it, and we are trying to see if we cannot do something about it.

Apparently what has happened, even since we marked up the bill, is this runaway escalation of State estimates which is brought about by a loophole in the legislation itself. There has been more public attention and more publicity—I will put in the Record the list of all the States, and the increased percentages over 1971, and the amounts that they have asked for now, just since we marked up the bill. The Senator from New Hampshire and I tried for a long time; first, we proposed a percentage, a 15- and a 20-percent increase over the previous year in social services expenditures. Now, the program has gotten completely out of hand, and the Senator from Delaware is only suggesting that we make an attempt to go back to conference, to keep the $2.5 billion ceiling.

Mr. COTTON. Mr. President, if the Senator will yield just a second——

Mr. MAGNUSON. First, I ask unanimous consent that the table to which I have referred be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

CURRENT OR PROPOSED FEDERAL FUNDING FOR SOCIAL SERVICES, CASH PUBLIC ASSISTANCE, AND REVENUE SHARING COMPARED WITH EXPENDITURES OF STATE GOVERNMENTS

[Dollars in thousands]

	Federal share of social services							
	Fiscal year 1971[1] (1)	Fiscal year 1972[1] (2)	Fiscal year 1973 (HEW)[1 2] (3)	Fiscal year 1973 (Governor's conference)[3] (4)	Percentage increase, 1971 to 1973 (increase between col. (1) and col. (4)) (5)	Federal share of cash assistance fiscal year 1973[4] (6)	Federal revenue sharing under H.R. 14370 (first year)[5] (7)	Direct general expenditures of State governments (fiscal year 1970)[6] (8)
Total	$746, 381	$1, 546, 756	$2, 158, 270	$4, 692, 516	529	$7, 104, 378	$5, 300, 000	$35, 459, 300
Alabama	6, 802	11, 667	41, 250	144, 489	2, 024	155, 308	80, 100	643, 500
Alaska	1, 865	3, 990	18, 906	19, 724	958	6, 067	6, 600	186, 500
Arizona	2, 830	4, 696	6, 304	6, 700	137	48, 775	46, 100	303, 700

Footnotes at end of table.

CURRENT OR PROPOSED FEDERAL FUNDING FOR SOCIAL SERVICES, CASH PUBLIC ASSISTANCE, AND REVENUE SHARING COMPARED WITH EXPENDITURES OF STATE GOVERNMENTS—Con-

[Dollars in thousands]

	Federal share of social services							
	Fiscal year 1971[1] (1)	Fiscal year 1972[1] (2)	Fiscal year 1973 (HEW)[1 2] (3)	Fiscal year 1973 (Governor's conference)[3] (4)	Percentage increase, 1971 to 1973 (increase between col. (1) and col. (4)) (5)	Federal share of cash assistance fiscal year 1973[4] (6)	Federal revenue sharing under H.R. 14370 (first year)[5] (7)	Direct general expenditures of State governments (fiscal year 1970)[6] (8)
Arkansas	$2,003	$3,533	$4,725	$18,450	821	$98,873	$38,400	$325,700
California	210,823	252,749	272,999	273,000	29	1,024,925	610,800	3,868,200
Colorado	11,741	18,993	22,655	29,800	154	72,443	59,400	429,000
Connecticut	7,590	8,169	15,829	18,829	148	66,662	72,700	686,100
Delaware	2,844	20,000	35,000	46,750	1,544	12,615	17,300	169,800
District of Columbia	7,042	9,057	10,056	32,000	354	84,194	26,000	636,000
Florida	13,128	94,958	112,611	112,610	758	207,922	150,000	886,300
Georgia	12,083	31,311	58,025	222,597	1,742	204,342	103,400	777,400
Hawaii	591	1,590	2,059	2,378	358	23,419	52,900	430,500
Idaho	1,218	1,633	2,287	3,900	220	17,582	15,400	140,500
Illinois	28,276	181,156	147,458	172,500	510	471,158	301,700	1,808,600
Indiana	2,516	5,835	6,685	15,000	496	101,626	113,800	690,800
Iowa	6,810	9,789	12,809	13,500	98	60,869	67,800	499,300
Kansas	5,879	7,414	7,414	8,415	43	60,299	47,800	338,700
Kentucky	6,394	12,337	19,361	30,024	370	98,242	71,800	629,200
Louisiana	9,296	12,856	16,308	34,875	275	201,897	83,200	778,500
Maine	3,563	6,570	7,182	20,000	461	46,595	19,800	228,300
Maryland	15,096	18,771	21,820	417,713	2,667	88,481	117,500	663,000
Massachusetts	8,375	16,670	19,701	60,000	616	253,512	179,000	1,432,630
Michigan	17,621	41,600	85,838	85,900	387	303,927	243,700	1,749,900
Minnesota	15,402	20,092	24,111	96,500	527	132,559	114,100	577,000
Mississippi	1,098	1,775	14,238	463,572	42,118	97,158	46,000	373,600
Missouri	11,948	12,965	16,335	16,335	37	145,575	107,500	766,300
Montana	2,115	3,000	3,300	1,028	−51	12,672	16,800	140,000
Nebraska	5,809	7,246	12,564	12,600	117	33,678	34,500	195,600
Nevada	1,004	1,800	1,980	2,000	99	9,763	12,200	108,600
New Hampshire	2,050	2,833	3,033	6,000	193	15,427	13,500	132,500
New Jersey	29,958	30,362	38,320	58,300	95	201,740	179,700	856,800
New Mexico	3,826	3,655	6,396	47,000	1,128	34,815	22,500	267,900
New York	88,627	382,076	618,443	850,000	859	836,123	649,600	2,746,900
North Carolina	12,819	19,816	47,100	50,338	293	107,843	113,100	685,500
North Dakota	2,465	3,236	3,957	4,957	101	14,103	12,000	152,100
Ohio	11,079	18,261	22,515	60,015	442	218,700	227,300	1,292,300
Oklahoma	7,520	10,446	11,609	54,004	618	105,949	52,800	624,700
Oregon	24,271	20,816	24,907	30,736	27	50,395	60,000	502,700
Pennsylvania	36,337	60,884	100,627	264,600	628	381,011	300,900	2,208,000
Rhode Island	4,388	5,685	6,248	15,800	260	29,440	25,800	251,400
South Carolina	3,592	6,890	14,138	214,138	5,862	50,712	57,800	432,800
South Dakota	2,049	2,559	2,929	[7] 2,929	43	18,158	13,500	142,000
Tennessee	9,949	21,900	43,500	230,212	2,214	117,801	79,300	564,700
Texas	12,963	15,196	42,402	178,621	1,278	392,593	248,200	1,607,900
Utah	3,123	4,264	5,250	7,214	131	33,000	29,000	245,100
Vermont	1,646	2,356	2,599	2,600	58	21,307	11,000	147,400
Virginia	10,186	16,206	19,604	31,954	214	109,816	115,600	689,600
Washington	31,178	49,460	57,924	74,154	138	83,432	79,100	833,700
West Virginia	7,911	46,578	7,871	15,400	95	53,725	36,400	364,80
Wisconsin	18,026	0,475	58,500	113,500	530	81,569	137,000	795,200
Wyoming	728	579	608	[7] 608	−16	5,582	6,100	87,800

[1] Source: Department of HEW.

[2] Based on May 1972 estimates received from the States.

[3] Revised State estimates presented at July 17, 1972, conference of Governors' representatives and State social service administrators.

[4] Source: HEW budget justifications.

[5] Source: H. Rept. 92-1018, p. 3.

[6] Source: Bureau of the Census. Amounts are rounded and exclude capital outlays, payments made to local governments, and insurance trust expenditures.

[7] State did not report new estimate. May estimate (col. 3) used.

Mr. MAGNUSON. I yield to the Senator from New Hampshire.

Mr. JAVITS. Mr. President, reserving the right to object, and I do not want to be taken off the floor, if I may——

Mr. MAGNUSON. Mr. President, I have the floor.

Mr. COTTON. With the understanding that I will get out of the Senator's way in just a second——

Mr. JAVITS. All right, I withdraw the objection.

Mr. COTTON. I wanted to assert to the chairman that I think we are talking at cross purposes. I am concerned about the same thing the Senator from New York is concerned about at this moment, not the merits of the appropriation or the merits of some proposed amendment, but the parliamentary situation. I thought that was the burden of the Senator's question.

I supposed that we could not lay it on the table if we were going to amend it. Was that not the point the Senator was making?

Mr. JAVITS. The point I was making was that I wanted to find out whether the manager of the bill wants the conference report laid on the table. Apparently he does. I do not. So, therefore, I was going to suggest now that when the moment came, I would seek a rollcall on the motion to lay on the table, so that Senators would not go home on the assumption that this would go along for an hour or so.

I, with all respect, do not agree with the Senator from Washington. I do not want it to go back to conference. I want the conference report approved. I think that is best for the country and for my State.

Mr. MAGNUSON. Do I understand that the Senator from New York does not agree to the ceiling? He agreed to it once.

Mr. JAVITS. I agree to lots of things here which come back differently from conference. I swallow it myself, as the principal conferee. I cannot expect a bill to come back with everything in it which was in the Senate bill.

Mr. MAGNUSON. This was in the Senate bill.

Mr. JAVITS. I understand. I am saying that I cannot send back every conference report in which something the Senate put in may happen to be changed. Life does not work that way.

Mr. MAGNUSON. Well. Of course not. This is an emergency we have going on here. All this wild business the Senator has read about and knows about, and all we are trying to do is get a breather and sustain the Senate ceiling, which was $2.5 billion. That is all the amendment does. We are not going to have anything to do with changing the rest of the report, or any of the programs in the bill.

Mr. JAVITS. If I may make my position clear, in the absence of revenue sharing, which is now bogged down, in the absence of H.R. 1, which is now bogged down, and in the absence of any emergency appropriation for the tremendous drain on the States, which will bankrupt the States, let alone the Federal Government, I do not want to put a ceiling on this now. I want to vote for the conference report. Therefore, when the motion to table is made, I shall seek the yeas and nays. That is my only point.

Mr. MAGNUSON. I have no objection to that. I am sure we have other Senators, including several Senators on this side, who want the yeas and nays.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. YOUNG. I believe the yeas and nays are necessary. I say to my friend from Washington that until a while ago I thought maybe by sending the bill back to conference, it could be changed so that it would be more in line with the President's budget. But I understand that is not possible now, because both the House bill and the Senate bill are much higher than the President's budget, and that sending it back to conference will serve no useful purpose. So I shall vote to approve the conference report as it is.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. I would like to make a parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. Regardless of what the President wants or does not want, or what the Senate wants or the House wants, or anyone else wants, what is the procedure when the House has accepted the report of the conference and discharged its conferees, the report comes to the Senate, and the distinguished Senator from Delaware or anyone else wants to send the bill back into conference again with an amendment? What are the steps in a parliamentary way, not on the merits of the question, that have to be taken?

Mr. ROTH. If the Senator will yield, I will try to answer that.

Mr. COTTON. I thought I would like to get it straight from the Parliamentarian. I have the answer he apparently gave the Senator from Delaware, and it does not sound right.

The PRESIDING OFFICER. After a conference report is rejected, there has to be a request for a further conference.

Mr. COTTON. Well, the first question occurs on whether we accept or reject the conference report.

The PRESIDING OFFICER. That is correct, by either voting it up or down.

Mr. COTTON. What is all this talk about laying it on the table?

The PRESIDING OFFICER. That can be done. That kills the report also.

Mr. COTTON. That kills the report and ends the whole matter, does it not?

The PRESIDING OFFICER. No. It kills the report.

Mr. COTTON. All right. If I understand it correctly, the Senator from Delaware may move to table the conference report.

The PRESIDING OFFICER. That is correct.

Mr. COTTON. If that motion prevails, he may then move to take it from the table and send it back to conference with an amendment. Is that correct?

The PRESIDING OFFICER. No. If the motion to table is rejected, the question is on agreeing to the conference report.

Mr. COTTON. No, if the motion prevails, what happens then?

The PRESIDING OFFICER. If the motion prevails, then the conference report is killed, and there can be a request for a further conference.

Mr. COTTON. If the motion to lay on the table prevails the conference report is killed?

Several Senators addressed the Chair.

Mr. COTTON. I yield to the Senator from Delaware to see if he can throw some light on this. No one has explained it yet so that I can comprehend it.

Mr. ROTH. The parliamentary situation, as I understand it, first requires that the conference report be killed. That can be done either by a straight up or down vote or by a motion to table. I intend to offer a motion to table. In the event my motion to table carries, then I will have to first make a motion that the Senate insist upon its amendments and request a conference with the other House on the disagreeing votes of the two Houses. If that carries, the next step will be to offer a motion that the conferees be instructed to insist and not recede from Senate Amendment 63, which is the one that imposes the ceiling.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ROTH. I yield.

Mr. JAVITS. And that must precede the appointment of the new conferees.

Mr. ROTH. Yes.

Mr. JAVITS. Is that correct, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. COTTON. I thank the distinguished Presiding Officer, the Parliamentarian, the Senator from New York, and the Senator from Delaware for illuminating the darkness of my mind.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. KENNEDY. Mr. President, I want to add my commendation to the Senator from Washington and the Senator from New Hampshire for the work they have done on this conference report, particularly in the field of health. I know that they have been particularly sensitive to the great health needs of this country. In reviewing the conference report, I think they have added responsibly to this need in a wide variety of areas, responding to the needs of our great medical schools, our nursing schools, the public health schools, the allied health programs, and many other health areas.

Do I interpret correctly the feeling of the Senator from New Hampshire that he supports the results of the conference?

Mr. COTTON. I was about to discuss that on the merits.

Mr. KENNEDY. I look forward to hearing the Senator from New Hampshire. But I wanted at least to add my commendation to the Senator from Washington and the Senator from New Hampshire—if he does support the conference report—because I feel it is one of the major actions that will be taken by Congress in indicating a response to the areas of health and educational needs.

I look forward to listening to my colleague and friend from New Hampshire. I, for one, hope he will stand by the conference report, and I look forward to hearing his remarks.

Mr. COTTON. Mr. President, the distinguished chairman, the Senator from Washington, has reviewed the course of this appropriation bill from his viewpoint. I want to make my viewpoint clear.

I felt that the Senate subcommittee was extremely generous. I felt that we went just as far as we possibly could, considering the financial situation that faces the country today. We listened painstakingly not only to many public witnesses but also to very effective evidence of many Members of this body who are deeply interested and dedicated, as is the distinguished Senator from Massachusetts and others who came before us, in some of the beneficial programs—educational, medical, and welfare—in this important bill.

I felt that when we brought this bill to the Senate, the Senate added very much more than it should have added to the bill we reported.

I have been the ranking member of this subcommittee—except for a 2-year recess—for 12 long years. When we come to report to the full committee and then the committee to the Senate, there are always two theories. One theory is this: "Let us give them so much that they won't roll us on the floor and add a lot." The other is: "Give them a small enough amount and expect to have them add to it on the floor."

After 12 years I am in no position to give a studied judgment of which one works. In fact, neither ever does.

But in this instance, I think my chairman, the Senator from Washington, and the Senator from Rhode Island, who was in on these conferences, will agree with me that we adopted the course that we were going to try to be so generous in many of these highly necessary and very attractive programs that we would not have the bill raised by a large amount in the Senate.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. PASTORE. Mr. President, the trouble tonight is that we are indulging in an act of contrition, and no one has yet proved that we have sinned. This may be the moment of atonement. But there is not a single penny in this bill that Congress did not vote into it. Here we are, falling over one another, apologizing for what we did.

If this bill went over the budget estimate, it was only because the Members of the Senate and the Members of the House voted that it go over the budget.

No one denies the prerogative of the President of the United States to veto the bill if he feels he should, and perhaps we can override the veto—and perhaps we cannot. But I think we are a little premature in admitting that we are wrong in taking care of the health and the education and the welfare of our people, for which we voted on the floor of the Senate and on the floor of the House, and coming here now and saying, "I have sinned, I have sinned, I have sinned, because I have taken care of my fellow man."

Yet, we have been asked to vote for the Trident; and some of those who voted $1 billion for the Trident, will stand up and say that we have voted too much for the help of our people. The same people who have voted billions and billions and billions of dollars for Vietnam—for the pacification, the Vietnamization, and what have you, will stand up and say we voted too much money for the help of our own people.

The only thing we have in America that we can rely upon is the society of America. Unless that society is healthy and happy, we have nothing; we have nothing to keep us together.

I think we are making a great mistake here tonight by conceding a fact before the harm has been done. Here we are, presuming that the President of the United States is going to veto this bill. I am one who says that I have no apologies to make. I am not going to beat my breast and say, "I have sinned, I have sinned." I have voted for the American people, their health and their happiness, and I am ready to stand up for the conference report.

Mr. COTTON. Mr. President, I am thrilled to the core by that speech, as I always am thrilled by the eloquence of the distinguished and beloved orator from the great State of Rhode Island.

Mr. PASTORE. I thank the Senator.

Mr. COTTON. He has told me something, and now I am going to tell him something. If he thinks that I am saying that I have sinned——

Mr. PASTORE. Oh, no, I did not say that.

Mr. COTTON. Just a moment. I listened to the Senator. Now I request the Senator to listen to me.

When we, as a committee, brought this bill to the Senate, I thought that we had written every last red cent into it that we could afford. I did not vote to jump this up $700 million or $800 million on the floor of the Senate. If the Senator will look at the record, he will see that when we sent it out of the Senate, Mr. Cotton voted "No."

So I have a right, if I wish, to defend the President's position, although I am not entirely in his position.

If the Senator has heard me beat my breast and say, "I have sinned," he is absolutely mistaken. I say that I have not sinned. I stood by my guns. I do not believe in going beyond what our committee recommended because I repeat and I repeat and I repeat, we squeezed out every last cent we thought we could. So whatever his position is, it is OK by me, but right in the middle of what I thought was a rather calm exposition of a couple of things that I wanted to say—some of it will not be agreed with—up burst Billy Sunday, and here I am before the altar of God, on my knees—and I am not staying there. [Laughter.]

Mr. PASTORE. This Senator is no Billy Sunday. Pastore does not bob to Bill Sunday. [Laughter.]

What I am saying here is that this is what comes forth, this idea that we are beginning to retreat——

Mr. MAGNUSON. Wait a minute—wait a minute—let me say something. We are not talking about retreating one dime from the bill as agreed to in conference. We are talking about the possibility of an amendment to put on a ceiling on social services under welfare. It has nothing to do with the rest of the bill at all.

Mr. PASTORE. I know, but is it not the plan, after that goes through, to send it back to conference? That is what I am talking about.

Mr. MAGNUSON. But only on the one issue, on the ceiling.

Mr. PASTORE. I heard that there were three issues.

Mr. COTTON. The point I was making——

Mr. MAGNUSON. We will get around to that in just a minute. We made it clear that if we were going to discuss anything, because of the runaway problem with social services, we would discuss only that amendment. That is all he is suggesting. I do not know whether he is right or wrong. But we are not discussing any other part of the bill at all. The instructions would be directed to just that one thing, the $2.5 billion ceiling.

Mr. PASTORE. Then what happens?

Mr. MAGNUSON. That is all we will discuss.

Mr. COTTON. Why do you not give me a chance to tell you what is going to happen?

Mr. PASTORE. All right—someone tell me what is going to happen.

Mr. COTTON. I am going to, if I live long enough. [Laughter.] As a matter of fact, I want to shut up and get on with these proceedings but what I was coming to is this: We sent this down to the White House—we sent this conference report—as the House adopted it. Now what I am going to say happens to be the opinion of this Senator—the President has not told me directly what he intends to do. He has not even asked my advice about what he should do. He is making the same error that Lyndon Johnson made, that John F. Kennedy made, that Harry S. Truman made, and every other President made since I have served in the Senate; namely, they have never asked my advice. [Laughter.]

This one, this President, has not asked my advice. Well, I have listened to some dialog down at the White House and I have talked to some of the representatives of the White House and I have a sneaking hunch that if we succeed in putting this ceiling on, this $2.5 billion ceiling, to stop up that hole where the money is pouring out like Niagara Falls, it is my opinion, if I can understand the tone of a man's voice and if I can understand its implications, that the bill will be vetoed just the same.

So this is not a problem, so far as I am concerned, of fixing up a bill for the President to sign, because I doubt that he will sign it even if we fix it up. That is his business. What I am interested in and what I have been interested in for 4 years is this—I fought and fought to stop one great leak—the fact that we left in an open-end situation so that every State and every Governor in the Union—every one of them—can spend all the money they want, hire all the social workers they want, hire all the political hangers-on they want, fill up their offices with them, fill up the offices of the mayors and fill up the offices of the county commissioners in administering relief, and we have got to pay 75 percent—$3 for every dollar—no matter what the bill is. We have to pay three-fourths of it when it comes in.

Two years ago we tried to hold them down to a 10-percent increase over the year before. And, oh, that was impossible; and, oh, what the Governors said. So we said, "Give them a 20-percent increase and we will make that the limit."

The Governor of California—I am not being partisan tonight but I will be a little later in the campaign—but not tonight—the Governor of California, Ronald Reagan, sent us a big telegram—I have his telegram and I cherish it because I do not hear from those big shots very often—(laughter)—but I have got his telegram. He said that it would cost the State of California about $100 million if we put that 120-percent ceiling on. As a matter of fact, when they get all through, if we had succeeded in putting on the 120-percent ceiling, it would have cost them something like $10 million.

The distinguished occupant of the Chair, the Senator from California (Mr. Tunney), whom I respect as he represents his State so well, and the other distinguished Senator from California (Mr. Cranston), burst into tears and, in the words of my good friend from Rhode Island, beat their breasts about what a horrible act was being committed against the greatest State of this Nation and the richest State in the Nation, which does not owe anywhere near as much as we owe. But if they had gone on, it would not have hurt anyone.

Now, last May, the States sent in their estimates and I bet you they did not try to make them any less than they are going to ask for. And those estimates came to, what? They came to $2.1 billion. And then we started in, my distinguished chairman the Senator from Washington and I and some others, and we said that we would put a ceiling on this time, not in percentages but in dollars—$2.5 billion. Well, we did. And I never heard such a furor in my life.

This sheet I hold in my hand, which will be brought up later—I am not going to steal the thunder of my good friend from Delaware, but this sheet is the most shocking thing I ever read in my life. It convinced me that the Governors and other high officials, fine men though they are, I do not care whether they are Democrats, Republicans, McGovernites, or what they are, they do not care any more about the Federal Treasury than I care about someone who has been dead for 300 years. They want to take all they can get. Now that thing has got to be stopped. There is not a person who has sat on an appropriations committee who does not know what a snake in the grass an open end appropriation is. There is not one of us in the legislative committees on which we serve who does not try every chance we get to stop and stop up every open end appropriation.

Mr. President, if we do not stop this up, I do not know what is going to happen. So, as far as I am concerned, just speaking for one man, I do not care whether the President will veto this bill or sign it. That is his business. And he has not asked me my advice, and I am not going to offer it. But I do want to see us go back to conference and put this ceiling back, if we can, for the future. If we do that, the President might possibly sign the bill. However, I am not sure that he will. In fact, my guess is that he will not sign it anyway. Then everybody can vote as they want to on the veto. But to hell with the possible veto now. Here is a chance to do this.

Furthermore—and I am talking about factual commonsense now, having gotten out of this oratorical mood that my good friend got me into—most of the Senators have certain programs in the bill that are very dear to their hearts. They may be mental health programs. They may be cancer programs. They may be various programs. However, there is not one of them that has not something in this bill that means a good deal to him.

As far as I am concerned, I understand the remarks of my chairman. And I do not want to go back to conference and ask to have a single cent of one of those programs taken out of the bill. They were put in. I voted against some of them. I thought they were too expensive. However, they were put in, as the Senator from Rhode Island said, by this Congress. They were put in, and they represent the sincere and dedicated attitude of the Members of the Senate.

There is one thing we can do. We can go back to conference and put on this ceiling and stop this leak. Then the President can sign the bill or not sign it, whatever he wants to do. That is his job. He can take his action, and he can reap the glory or suffer the consequences, as the case may be. And time will tell on that. But we will have done our duty. We will have kept in the bill the vital programs everyone wants and yet we will have saved $2 billion or $3 billion by that act alone.

I think the President of the United States, if we do that, and do that only, will probably think a few more times. He will probably reconsider and whether he should sign this bill if we have accomplished that. The $3 billion is worth saving when it is on one, single program.

Mr. President, that is all I want to say. As far as we are concerned, I hope that we can do this fast and get out of here. And I will not talk for another minute. I would not have taken all this time if some of these questions had not been raised. I answered the question of the Senator from Massachusetts. I do not want to give up a nickel on any of the programs. I have answered the question of the Senator from Rhode Island. And I am simply saying that I hope that we can do this one thing. We will improve the legislative procedure and the parliamentary procedure as rapidly as possible. Perhaps we cannot do anything about it. However, I am just guessing that the vote in the House may have softened them up a little bit, because the vote in the House sounds like a veto might be sustained. And the House vote must make them a little worried. I point out that this will save us $2 billion or $3 billion.

Mr. ROTH. Mr. President, I think it has been made abundantly clear that it is my intention to offer a motion to table at the conclusion of my remarks.

I do want to reemphasize for myself that what I am attempting to do is to improve upon this legislation so as to make it financially responsible, and then only get the conference to adopt what the Senate itself said some time ago should be accomplished. And that is that there should be an overall limitation on the so-called social services.

Mr. President, I would like to point out that it is important, in my judgment, that we do so, because time is of the essence. Every day we fail to take action, the cost of the program is growing at a staggering rate. I would just like to point out that in something like the 18 months that the President originally proposed that $1.2 billion would be the cost of the program during fiscal year 1973, after only 8 months later it has increased to $6 billion, and there are those who claim that it will easily pass $8 billion.

So I emphasize to the Members of the Senate that time is of the essence and that the only responsible thing we can do if we are concerned about the deficit and if we are concerned about the prospect of inflation, is to stand firm on the position we took several weeks ago.

I have no idea whether the President will or will not veto the bill in its present form or if it is modified as I hope it will be. However, I am saying that it will be a political fact of life that it will be a lot harder to veto if we do this on this particular program.

I would like to point out also that this action has the support of many of the leading newspapers. For example, the Washington Post only yesterday published a lead editorial under the headline "A $5 Billion Error in Social Policy."

I would like to read the first paragraph of that editorial from the Washington Post. It reads:

> Impossible though it sounds, the federal government has apparently backed itself blindly into a multi-billion dollar promise to subsidize states social services. The fiscal drain is not only unexpected but, under the present law, uncontrollable. Worse, this fluke of federal legislation is encouraging the states in a massive turn in precisely the wrong direction for our national social policy. It is a classic example of a great decision that was made without forethought, without public debate, and without any deliberation on the other and better choices.

For nearly 2 years now the Members of the Senate and the Members of the lower House have been considering some form of revenue sharing. We debated the various bills in the Senate committee, in the Halls of Congress, in the newspapers across the country, and on the radio and television stations of the Nation.

We have considered, criticized, proposed, and rejected all manner of proposals in a conscientious attempt to produce a sound, fair, and workable bill.

Despite all of this, we have not yet begun to attack revenue sharing. Yet, today under a guise of an appropriation bill for the Department of Health, Education, and Welfare, we are being asked to give formal approval to a type of back-door revenue sharing. We are being asked to approve a program that, without a ceiling, will give to the States only a few million dollars less than revenue sharing, but without any of its safeguards.

It is obvious that I am referring to the so-called social services program administered under the Social Security Act. As I stated, I intend to move that the conference report be tabled. However, first I would like to explain the purpose of my objection to the conference report as it now stands without a ceiling of $2.5 billion on social spending.

First, however, I would like to explain the bases of my objections to this conference report as it now stands, without a ceiling of $2.5 billion on social services spending.

In large measure, I am opposed to passage of this conference report without a ceiling on social service expenditures, because the program quite literally has the potential to break the Federal bank. I am not phrase making when I call this a bank-breaking program; it is a fact.

To start with, under the conference report the appropriation for social services would be open-ended. Any spending under this bill is limited essentially only by the imagination and diligence of State officials. As reported from conference, if a State asks for money, we must give. Without limit and almost without regard to the specific nature of the program which is being financed.

As a result of a series of amendments during the 1960's, the range of programs which we will finance through this bill is remarkably broad. The services covered include any "services to a family or any member thereof for the purpose of preserving, rehabilitating, reuniting, or strengthening the family, and such other services as will assist members of a family to attain or retain capability for the maximum self-support and personal independence." The services may be provided to past welfare recipients, present welfare recipients, or future welfare recipients.

Neglecting the very interesting question of just how one goes about ascertaining how we tell whether individuals are future welfare recipients, I would just note that the number of programs which can fall within this definition is limited only by imagination. A few would certainly include vocational rehabilitation, job training and counseling, child care, foster care, family planning, family counseling and referral, protective services for dependent persons, mental health and mental retardation services, community health services, homemaker services, compensatory education, nonformal education, information and referral services of every type.

Most of these are no doubt worthwhile programs. I would certainly hope they are, because we are funding them so lavishly that I pray the money is being spent on something worth it. For every $25 which a State puts up, the Federal Government will contribute $75. Interestingly enough, if the money were being paid directly to the recipients of the services—the poor, the elderly, the young—we would contribute only 50 percent. The result is that if the States hire bureaucrats we will give them $3 for every $1 spent; if they give the money directly to the people who need it, we will give them only one Federal dollar for every State dollar spent.

But, the beautiful part of all this is that there is absolutely no limit to how much money can be spent under this program by the Federal Government. The financing provisions are open ended. If a State contributes $1 and falls within the statutory definition, then we must give it $3, and if the State contributes $1 billion, we must give it $3 billion.

As far as I can tell, if we approve this conference report without a ceiling, we are going to funnel money into the States without any safeguards, without any consideration as to how the money is being spent, without any consideration as to the effectiveness of the programs which we are financing.

As an indication of just what I mean, I would like to point out that HEW Secretary, Elliot Richardson, was quoted in the June 17, 1972, edition of the National Journal as having said the following of the social services program:

> It's frustrating, indeed exasperating, to sweat over the budget and then see this open-ended matching program absorb funds in a manner unrelated to our attempts to establish priorities. If I knew the services were truly effective, I would not be so concerned.

Secretary Richardson's assistant secretary—budget—was quoted in the same article as having said the program "appears to have the elements of a boondoggle."

Whether or not the social services program is or is not a boondoggle may be debated. In any event, it seems absolutely impossible that social services could have increased during the past few years at the same rate as the Federal contributions to this program. In one case, the percentage increase from 1971 to 1973 is over 42,000 percent. In many states, the contributions have increased several hundred percent. It certainly takes no special training to know that it is quite frankly and simply impossible for the States to have increased their expenditures on social service programs by that much. You and I both know that these states are simply replacing State money with Federal money; the only difference between the "new" programs and the "old" programs is that 1 or 2 years ago, the State governments were paying for the programs; today, the Federal Government is paying. Let me make one thing perfectly clear. I am not critical of the States for taking advantage of this legislation. After all, it was the Congress that opened the door. Governors and mayors might, in fact, be criticized for not seizing the initiative.

In any event, in 1964 only 75 million Federal dollars went to social services; by 1968, the figure had risen to $230 million, then to $700 million for fiscal year 1971; to an estimated $1.2 billion in fiscal year 1972; and, without a ceiling, to almost $5 billion for this fiscal year 1973. By some estimates, the expenditures will reach as much as $8 billion next year.

We all know what the effect of such enormous increases must have. Either the money must be diverted from existing, approved programs, or there must be a tax increase. And we are simply not going to sit here in this Chamber and dust off a miracle or two to pay for this program; we will end up dusting off a tax bill or two. Call it tax reform or whatever you want, if a ceiling is not imposed, the cost of this program will come out of the hides of taxpayers. The irony of all this is that we cannot question the efficacy or worth of the programs being financed simply because we do not know what the programs are.

The magnitude of what we are dealing with here is evidenced by the fact that for the first time since he has been Secretary of Health, Education, and Welfare, Mr. Richardson has urged Members of the Congress to vote against an appropriations bill.

In closing, I would only like to emphasize that my purpose here today is not to kill the Labor-HEW appropriations bill. On the contrary; I am hopeful that a strong expression of Senate Presidential veto and expedite its final sentiment may save this bill from a enactment before the school year begins.

I would like to point out that once before we had an HEW bill vetoed and it was the middle of the following year or the winter of the following year before an appropriation was finally adopted. I do not think this is fair to the schools, I do not think it is fair to the public depending on it, the handicapped, those in medical need, or otherwise, that we wait that long.

For that reason I urge that we table the conference report so that I can make my motion to return it to committee with instruction to adopt the ceiling that we imposed in the original legislation.

I have been working with the distinguished chairman of the Labor, Health, Education, and Welfare Subcommittee of the Appropriations Committee and the ranking minority member, to whom I will yield shortly. And, at this time I would like to express my deep appreciation to both of them for their assistance and guidance.

Mr. JAVITS. Mr. President, before the Senator moves, I would like to have him yield. If he moves there will then be no debate.

Mr. ROTH. I was going to point out that I do not wish to cut off anybody from speaking in connection with this matter, so at this time I ask unanimous consent that I may yield to the Senator from New York without relinquishing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays when the motion to table is made.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. JAVITS. Mr. President, the Senator is very courteous and most sincere. I wish to affirm that clearly he is no enemy of children; on the contrary, he is trying to do in his honest and sincere judgment what is best to get an appropriation. I lay that down as a fundation.

But what he is trying to do troubles me, and troubles many other Senators who have a heavy stake in the bill. So, if he will bear with me a few minutes to answer two or three questions, just to elucidate the facts, as I understand it—and correct me if I am wrong—if the Senator puts the ceiling on that the Senator wants to put on, does that in any way affect the amount of this appropriation?

Mr. ROTH. Well, there is an open-ended authorization now, so that it does prevent money in excess of $2.5 billion——

Mr. JAVITS. I know, but does it affect this appropriation bill? Will this appropriation bill be materially reduced if we adopt the Senator's motion and send it back with instructions?

Mr. ROTH. I would answer the Senator from New York by saying, No, it will not reduce other programs.

Mr. JAVITS. I understand that. There is $1.2 billion in this bill, and that is well within the Senator's own ceiling. Is that correct?

Mr. ROTH. That is correct.

Mr. JAVITS. So the only thing the Senator would do would be to reduce what they may come back for in a supplemental bill; it would not reduce this appropriation?

Mr. ROTH. That is correct.

Mr. JAVITS. And this appropriation, in both Houses, is materially over the budget. What are we doing if we sent it back and write that in? The President is going to veto it, because it is over the budget. Please correct me; I am confident of the Senator's deepest sincerity; tell me if I am wrong; I will be glad to be persuaded; I know of no prouder words in the English language. It seems to me that States like my own, which are in terrible trouble and have no prospect of getting welfare help or revenue-sharing help from the Federal Government in the immediate future, have got to look for something like this. At least, all the factors, pro and con, ought to be considered in a legislative way. If it is not going to affect the amount of this appropriation bill at all, why should we write into it this ceiling, determined not by a legislative committee, but by an appropriation committee? What is the reason for it?

Mr. ROTH. Let me answer the Senator by pointing out the following facts——

Mr. MAGNUSON. Mr. President, will the Senator yield to me?

Mr. ROTH. I yield.

Mr. MAGNUSON. The suggestion of the Senator from Delaware does not affect any money items in this bill whatsoever. Everybody has read about the problem of what happened because of a loophole—or, not a loophole, but because of the law itself. The request for social services was $2.1 billion. Now they have increased it, some by 1,000 percent, some by 500 percent, my own State by 139 percent.

All the Senator is saying, and what we said in the Senate, is that they cannot go over $2.5 billion in this particular field. All we asked for, as far as this bill is concerned, is $2.1 billion. We gave them that $500 million leeway.

If the Senator will look at this chart, he will find, for example, the Governor of Maryland has requested or is going to send in a request for $418 million. In many of these States the percentages are overwhelming as compared with what their original estimates were. They had a Governors' conference in July, and they discovered they could do it and asked the Federal Government to match these moneys.

We suggested in the original bill that we have some kind of ceiling—not a percentage. We tried that last year, and lost. But under the ceiling recommended in this year's Senate bill they could not go over $2.5 billion in this fiscal year. To stop the avalanche that is coming, the legislative committee now has to do something about this matter.

Mr. JAVITS. I understand, but what the Senator is trying to do is to do something about it legislatively, on an estimate of the Appropriations Committee, without any reference to the efforts of the States to help. Standing by itself, when it does not have any impact on the money in the bill, is not going to help us or hurt us.

Mr. MAGNUSON. It has no impact on the money in the bill at all.

Mr. JAVITS. I said that. That is the reason why, in my judgment, we should not do that now. Why tie up the bill if the President is going to veto it on the dollars? He is going to do it anyway. But we are going to leap at a ceiling which the Appropriations Committee voted for when we did not consider it in a legislative way.

Mr. MAGNUSON. I do not disagree with the Senator's argument. I wanted to make it clear that what we are doing does not affect any of the other recommendations in this bill. Even if it should happen, I can assure the Senator that the Senator from New Hampshire (Mr. COTTON) and I, and the rest of us, are not going to touch one other item in the bill. We made our choice. We worked hard on this appropriation bill and got out a bill. If the President wants to veto it, let him.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. ROTH. I yield.

Mr. COTTON. The Senator asked what the use was of going to all the trouble on this particular ceiling if it does not cut the money in the bill. I would like to give him my interpretation. One, it does not affect the money in the bill, but, without it, we have to add to the moneys in the bill by $3 billion more. I think that the President would be bound to take that into consideration before he makes a decision as to whether to veto the bill or not.

The second answer is that here is one person—I do not know about anybody else—who will vote to sustain the President's veto if this bill is without that ceiling. So I think it affects both.

Mr. JAVITS. Otherwise will the Senate vote to override the President?

Mr. COTTON. I do not know.

Mr. JAVITS. That is true of all of us. I do not know. Nobody else does either So, I repeat, why do it? What do we gain from it?

Mr. MANSFIELD. Mr. President, will the Senator yield to me to make a brief statement?

Mr. ROTH. I yield to the Senator.

Mr. MANSFIELD. Mr. President, there has been a great deal of speculation over the past 2 weeks that this measure—the Labor-HEW appropriations bill—should and will be vetoed by the President. I hope Congress will not acquiesce in such contemplated action. This act presents in large measure the prevailing attitude of the Congress on the allocation of this country's limited resources. I believe this congressional judgment coincides with the prevailing attitude of the country.

It has been stated that since this bill exceeds the President's request by $1.7 billion, a veto is justified. It is a fact that this act adds $900 million over the President's request in the following categories: Hospital construction, health research, health programs and services and mental health services. It is a fact that this act adds $800 million to the President's request in the field of primary, secondary, and higher education.

I can think of no categories where Federal expenditures are more worthy. What the Congress has added to this bill, it has saved many times over from requests for spending by the President that have been refused by the Congress.

As the fall elections approach, the campaign rhetoric will become more intense, but I believe the American public would do itself a disservice to believe that the Congress has spent more money than the President has requested. Over the past 20 years no Congress has appropriated more money for expenditures than Presidents have asked for. The unbroken history is that Congress has always provided less in moneys than any President has asked. This year will be no exception.

I think it is an interesting coincidence that the amount of money in this act in excess of the President's request is $1.7 billion. Just 2 weeks ago, the Senate defeated a bill for foreign aid appropriations of exactly $1.7 billion. If any two incidents of legislative action highlight the difference in priorities—where the Congress wishes to allocate the limited resources of this country—those two events express in dramatic form where Congress says the money should go. The net effect of the President's request and the Congress allocation of appropriations come out exactly the same—the $1.7 billion saved in foreign aid is allocated to hospital construction, health research, health care, and education. But the overall congressional savings are far in excess of $1.7 billion. The military procurement authorization alone will be at least $2 billion less than the President requested this year.

This issue of where the Government spends its money, is one, I think, the Congress will be willing to take to the country.

On the issue, generally, of Congress versus the White House on spending priorities, the congressional initiative and leadership are significant. The Senate has passed legislation which would preclude the use of further funds for the hostilities in Indochina within this year. The present rate of expenditures for the hostilities by the United States in Indochina is $7 to $8 billion a year. The savings which could occur from the acceptance of the congressional policy of total extrication of the involvement in Indochina would yield to the American taxpayer alone $7 to $8 billion a year, which also could be allocated to the fields of hospital construction, health research and services and education and other vitally needed domestic services, including aid to the cities in forms of revenue sharing.

So the easy talk of Congress spending too much money is not only easy, but idle and groundless. Congress has cut below the President's request for appropriations. It will do so again this year. But it will shift the emphasis of where the resources will go. It will cut foreign aid and add to education; it will cut from expenditures for the war and from military hardware, and add to hospital construction and health research and services.

If the issue is to be joined, let this issue be taken to the people in this campaign.

Mr. ROTH. Mr. President, I would like to say again, as has been said by other Members of the Senate, that in no way does my proposal cut down on these health programs and education programs, all of which we all agree are very important and vitally necessary. What we are trying to do is correct what the Washington Post, on August 9, called a $5 billion error in social policy. All I am seeking to do is reimpose the ceiling which this distinguished body adopted a few short weeks ago.

I would like to point out that I consider time of the essence in doing this, for two reasons, and I intend to make my motion at the completion of that statement.

First of all, the history of the past 8 months shows that the dollar amount is increasing rapidly. It has gone from $1.2 billion at the beginning of this year to something between $6 and $8 billion. There probably will be further increases as time goes on.

Finally, I would like to point out that I do not know what the President is going to do, but I think if we do reimpose the ceiling, we have a better chance of having this legislation on the books by the beginning of the next fiscal year than not.

Mr. President, I move to lay on the table——

Mr. HUMPHREY. Mr. President, will the Senator withhold, before he makes his motion, since after the motion is made there will be no further opportunity for debate?

Mr. ROTH. I yield to the Senator from Minnesota.

Mr. HUMPHREY. I just want to offer this suggestion. It is my understanding that if the motion to table fails, the conference report will be up for adoption and will be adopted. For those who are concerned about this ceiling, on the assumption that the motion to lay on the table fails, why does not the Senate proceed to immediately adopt a joint resolution establishing the ceiling? I am prepared to offer such a joint resolution, and we can send it immediately to the House of Representatives, and if there is deep concern over this hemorrhage of public funds under this particular provision, the House of Representatives, which usually seems to be somewhat economy minded, might be willing to impose it by legislative enactment.

I think the Senator from New York made it very clear that no money would be changed, no matter what we do here tonight, that the funds are already sealed in the conference report, even if it goes back to conference with the proposal made by the Senator from Delaware. So I shall vote against a motion to table, but I want very much to see some kind of a ceiling imposed. Therefore, we will offer a joint resolution, which will take care of the problem which seems to bother many Members of this body, and if we can have cooperation, we could obtain unanimous consent for its immediate consideration and send it promptly to the House of Representatives. I think that would make some sense.

Mr. McCLELLAN. Mr. President, will the Senator yield? He will have to have unanimous consent; will he not?

Mr. HUMPHREY. That is correct.

Mr. McCLELLAN. I compliment the Senator. I think he has proposed an appropriate solution of this matter, if he can get unanimous consent to proceed as he proposes.

Mr. HUMPHREY. I am prayerfully suggesting this.

Mr. McCLELLAN. I mean as a practical thing.

Mr. HUMPHREY. I yield to the Senator from Washington. Or I do not have the floor; I thank the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware still has the floor.

Mr. MAGNUSON. Mr. President, will the Senator from Delaware yield to me?

Mr. ROTH. I yield to the Senator from Washington.

Mr. MAGNUSON. Of course, legislative action is always a matter of intelligent compromise. We are not often accused of being too intelligent. But to finally arrive at the objective—and I have listened here tonight, I will say to my friend from Delaware, to a lot of comments about this, I feel that there is a great concern among some Members, or an instinctive feeling, that may be if we did go back to conference we might get involved in all kinds of other items in this bill in which Senators have an interest.

What the Senator from Delaware is trying to do is what the Senator from New Hampshire and I have been trying to do for a long time—put a ceiling on these social services, which are getting way out of hand. From that chart we put in the RECORD, you can believe it.

It might be better, because of the fact that I am not so sure the House is going to meet with us, anyway, if we would agree to the conference report and do what the Senator from Minnesota suggests: Immediately, under unanimous consent, take up a Senate joint resolution putting the ceiling on as suggested, and send it immediately to the House of Representatives, because they would have to act on it one way or another to achieve this, and I think we would have a better chance of their acting on a joint resolution than coming back to a conference on HEW.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I am just offering this as a suggestion.

Mr. JAVITS. If the Senator will allow me——

Mr. MAGNUSON. We are all concerned, and we know what we want to do. All of us want to do this, and I know the House of Representatives pretty well; I think we have a better chance to do what we are trying to do with that kind of thing than by asking them to come back into another conference on HEW, which would be a tough, complex one to begin with, even if it is only on this ceiling.

Mr. JAVITS. May I suggest to the chairman also that it would give the rest of us, perhaps, a little greater sense of confidence to see whether $2.5 billion is right, or $2.348 billion is right, or $2.622 billion is right. Here it is kind of a take-it-or-leave-it proposition.

Mr. MAGNUSON. Do not argue about figures. The House will take it up.

The States only asked for $2.1 billion just this last May. Then the Governors found out this loophole, and now they are coming back asking for all these other things. Until we can do something about it, $2.5 billion is enough for them. We are still a half billion dollars over what they asked for in late May. Then they had a Governors' Conference in July, and some of the Senators ought to see those figures. I am not talking about an increase of 100 percent. Some of them have increased 500 percent, some of them 1,000 percent. In my own State, it is 139 percent. This is just too much. Perhaps we can do something about that in the legislative committee.

But the Senator from New Hampshire and I took their own figures, $2.1 billion, and we gave them the benefit of a leeway of $400 million, and made it $2.5 billion. I think it ought to stay there until we can find out what is going on. I hope we will take the suggestion of the Senator from Minnesota; I think it would solve all the things we are trying to do.

Several Senators addressed the Chair.

Mr. ROTH. I yield to the Senator from New Hampshire.

Mr. COTTON. As the leading minority member of the conference committee for the Senate, I would like to go along with my chairman on the proposal made by the distinguished Senator from Minnesota.

However, I shall just call the attention of the Senate to the fact that I have one mental reservation about it—perhaps two or three.

One, we would not have it in the bill as a lever to make the President think twice before he vetoes the bill.

Two, the House may simply throw it in the wastebasket, and then the lid is off.

Three, if the President vetoes the bill and if the vote in the House indicates anything, it might be sustained. If that happens, we are back where we started, and we cannot do what we did 2 years ago.

Senators will remember the situation 2 years ago, when we were trying to reduce the bill by a total of 2 percent in order to get it signed, and we did not have 2 percent on all the line items. I worked here from early morning until late at night, because I was carrying the ball; and a fellow named TOM EAGLETON gave me a lesson that day in his usual able way that I shall not forget. He did a sweet job on me, and I do not know that I ever had a more uphill job.

It would be a tragedy if a veto should be sustained. Then all we could do would be to pass a continuing resolution and have the same budget for 1973 that we had for 1972, and we would lose all the advances we made in this bill. I want that to be in the RECORD, to be considered.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. ROTH. I yield.

Mr. ALLEN. I hope the Senator from Delaware will not allow himself to be persuaded to go along with this maneuver, because such a resolution, if it should be passed in the Senate, would not last 15 minutes in the House. The Senator must remember that the House is the one that had the open-ended provision. It is only with the power of the conference committee that there would be any chance whatever to impose a ceiling.

I feel, too, that the Senate has a responsibility to try to get this legislation in the best shape possible; and the Senator, with his motion to table, followed by a motion that the Senate insist on its amendments and that a conference with the House be requested, would certainly bring the matter in proper focus. Once we agree to this conference report, we have no ceiling. I hope the Senator would realize that, on reflection.

It would be like sending a piece of cheese by a cat or a rat as a messenger. It would not get very far. The cat or rat would consume the cheese very quickly, and that is what would happen to this resolution.

The Senate has a responsibility to get this legislation in the best shape possible. The only chance of doing that is by a motion to table.

I should also like to point out that if the motion to table is agreed to, that does not kill the bill. It just kills the report. The bill would be in exactly the same position as on the day the bill passed the Senate with its amendments. Even without any action by the Senate, the bill would go back to the House for further action. They would have to act on the Senate amendments. They probably would request a conference.

We have a chance here to get this bill in the best possible shape in which the Senate can get it. If the Senate advocates the position of making this motion, it is going to end up with a bad bill. Going the joint resolution route is just a farce.

Mr. ROTH. I thank the Senator from Alabama. I share the same sentiments.

I believe that while, conceivably, other options are open, the best opportunity this body has to make this measure responsible is through a motion to return it to conference with instructions.

I point out again that not only do we have no assurance that the House will act, but also, as the Senator from Alabama pointed out, they are the ones who insisted upon an open-ended approach, so that we would have no bargaining position with them as we would have if we returned it to conference.

I appreciate the comments of the chairman of the subcommittee in saying that there is no assurance that there will be a conference. But for the same reasons we thought it was reasonable this afternoon and this morning. I think it still makes it a worthwhile opportunity to insist upon a conference at this time.

Accordingly, Mr. President, I now move to table.

Mr. HUMPHREY. Mr. President, would the Senator withhold that for a moment?

I merely want to notify my colleagues in the Senate who may be very much disturbed about this open-ended appropriation that if the motion to table is defeated—and I hope it will be—I then will move the joint resolution that I spoke of, which would permit the Members of the Senate who are concerned about the open-end appropriation to close it at a level which has been discussed here at length—$2.5 billion.

Surely, there is as much chance for the House to act on that as there is for the House to accept the report of its own conferees that would reverse themselves in conference. I think this would be a reasonable approach—perhaps not the best in the opinion of some Senators, but a reasonable approach; and I am prepared to do so.

So I ask for the votes, in defeat of the motion to table, of Senators who are worried that the conference committee might either fail in conference or tamper with this.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ROTH. I yield.

Mr. LONG. We on the Committee on Finance are aware of this problem, and we have been struggling with it as one of the many facets in H.R. 1. It was the view of the Senate Committee on Finance that even the $2.5 billion is too much.

When this program was first authorized, a motion was made, and it was said that this would cost $40 million. The then Secretary of Health, Education, and Welfare was in the room, and he supported the budget estimate of $40 million. Imagine, starting at $40 million, and now the figure is projected to be $4 billion.

If every State takes advantage of it and gets the same amount that some of these States that are most ambitious are requesting now, it would cost approximately $24 billion at the Federal level alone. That is not counting what the States would put in to match it.

Mississippi is asking for an amount that exceeds the entire State budget—just to provide social services.

In Maryland, if you take the amount being asked to provide social services and divide it by the welfare case load, it is $1,600 per person. That exceeds the $6,400 per family, for a family of 4, that the National Welfare Rights Organization is asking for. So that if limited on that basis, Maryland is asking for approximately $450 million.

We on the Committee on Finance thought the way to get out of this trap would be to limit the social services to family planning, where you actually save at least $10 for every dollar you spend in it—perhaps $100—and to child care services, where we have not been able to provide as much child care services as we tried, and say with regard to all the other services which could ever be thought of, dreamed of, or conceived of spending money for, that we would provide $1 billion to be divided among all the States and the local governments as an add on to the revenue-sharing bill. I am confident that is a bill that will pass if for no other reason because all the States want it, all the counties want it, and all the cities want it. If we cannot shut it off any other way, the amendments agreed to in committee would shut it off. But we propose to shut it off at a far lower level than $4.5 billion. We propose money for family planning and child care of $750 million. The rest would be $1 billion in grants to be spread among the States and they could spend it any way they wanted to.

Some of us are very much concerned, as is the Senator, that this matter should be brought to an end. If those of us on the Committee on Finance have our way, and this should fail, we would propose to try to shut it off by the revenue sharing route.

Mr. ROTH. Mr. President, in closing, I think it would be wise to move on, at least perhaps now, as it has been pretty thoroughly explored.

I would like to reemphasize that the Senate has an opportunity to do something now, with some assurance that the House will be compelled to act. Any other proposal, in any event, will take time. Were we to adopt it tonight, with no possibility or very little possibility that the House would act before the coming recess, and no one knows what will happen in the following month, it is important that we make this legislation responsible and put it in shape to be adopted and enacted into law prior to the start of the school year.

For that reason, Mr. President, I urge Members of the Senate to support my motion which I now make.

Mr. ALLEN. Mr. President, will the Senator from Indiana yield me 1 minute?

Mr. ROTH. Mr. President, I move to table the conference report.

The PRESIDING OFFICER (Mr. DOLE). The question is on agreeing to the motion of the Senator from Delaware to table the conference report.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Georgia (Mr. GAMBRELL), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Oklahoma (Mr. HARRIS) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Georgia (Mr. GAMBRELL) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Arizona (Mr. GOLDWATER) would vote "yea."

The result was announced—yeas 38, nays 47, as follows:

[No. 371 Leg.]

YEAS—38

Allen
Allott
Bellmon
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Church
Cook
Cotton
Curtis
Dole
Dominick
Ervin
Fannin
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
McIntyre
Miller
Pearson
Proxmire
Roth
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower

NAYS—47

Aiken
Baker
Bayh
Beall
Bennett
Brooke
Byrd, Robert C.
Cannon
Case
Chiles
Cooper
Cranston
Fong
Fulbright
Gravel
Hart
Hartke
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Mansfield
Mathias
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Percy
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stafford
Stevenson
Taft
Tunney
Weicker
Williams
Young

NOT VOTING—15

Anderson
Byrd,
Harry F., Jr.
Eagleton
Eastland
Edwards
Gambrell
Goldwater
Griffin
Harris
Hatfield
McGee
McGovern
Mundt
Pell
Randolph

So Mr. ROTH's motion to lay the conference report on the table was rejected.

Mr. DOMINICK. Mr. President, I intend to vote against this bill. As a member of the Labor and Public Welfare Committee—I am the ranking Republican on the Education Subcommittee, and I serve on the Health and Poverty Subcommittees—I am well aware of the many pressing needs in these areas.

But I am also acutely aware of the tremendous damage which uncontrolled deficit spending does to our economy. The HEW portion of this bill alone is $1.8 billion over the budget request. That figure is likely to balloon as a result of the removal of the Senate's $2.5 billion limitation on expenditures for welfare social service programs administered by the States. I am advised that without such a limitation, those costs may be as high as $4.8 billion this fiscal year. Moreover, this bill does not include appropriations for the higher education, emergency school assistance, poverty, vocational rehabilitation, and aging programs, because the authorizing legislation was not completed in time. The budget request for these was $4.7 billion. If the bill we have before us is any example, the supplemental appropriations bill for these programs will be greatly in excess of the budget request.

Mr. President, it just seems absurd to me that we are being asked to approve an extravagantly inflationary bill like this at the very time when the economic stabilization program is beginning to show some success. The estimated budget deficit for this fiscal year is already $7 billion higher than the January estimate. To continue to legislate additional Federal deficits, and then to blame the administration for inflation is clearly irresponsible. I will not be a party to it, and I urge Senators not to be parties either.

Mr. STEVENSON. Mr. President, the conference report on the Labor-HEW appropriation contains the full $60 million which the Senate voted for bilingual education. While this figure is still less than half the amount I requested when I testified before the Senate Appropriations Committee earlier this year, it is still $25 million more than was available last year and $19 million more than President Nixon requested.

Unfortunately, persistent rumors, emanating from the White House staff have it that President Nixon may veto the education appropriations bill. I urge the President to approve the Labor-HEW appropriations bill. There is nothing more vital than the education of our children. And increased Federal assistance for bilingual education is indispensable to the education of children, principally Spanish speaking, who cannot learn from a tongue they do not understand. Without this increased appropriation the thousands of Spanish-speaking children of Illinois will be consigned to more neglect and some to wasted lives.

Mr. WILLIAMS. Mr. President, I have reviewed the conference report on Labor-HEW appropriations in some detail and I applaud the Senate and House conferees for providing the much needed increases over the administration's budget request in our program for health, education and other social service programs.

We have heard much in the past year from the administration about the need for holding up on spending to keep a balanced budget. We have heard about the need for economy. And even more recently, high administration spokesmen have made statements about the President's unwillingness to accept appropriations from the Congress in the areas of health and education which exceed his budget request. Mr. President, as chairman of the committee which authorizes so many of the programs in question, I reviewed the budget requests in these areas only to find them at distressingly low levels. It is outrageous that the programs with the most important domestic impact, and which serve the widest and neediest group of individuals are the programs the President finds most in need of cutbacks. I am pleased, Mr. President, that the Appropriations Committees of both Houses have rejected this misplaced plea for economy, despite the carefully timed threats from the administration.

The decisions made in the last few weeks on the 1973 appropriations for Labor and HEW will make important contributions to health and education planning, and I would like to take special note of several key provisions of the conference report.

In the fall of last year, the Congress passed two landmark health bills—the Comprehensive Health Manpower Training Act and the Nurse Manpower Training Act, recognizing the desperate shortage in many areas of this country for trained health personnel. In approving these two bills, the Congress also included important funds for the training of these personnel, for support of institutions, for construction of facilities, and for student assistance. In reviewing the Conference Report, I am pleased to see that the conferees were able to make sensitive and positive judgments in these areas. The overall increases in all of these categories for both health manpower and nurse training over last year's funding levels are significant, and will bring to these programs the important wherewithal which will help us insure that health personnel are available and that health care is improved no matter where in the United States a person lives.

I believe that it is also important to note the emphasis placed by the conferees on research and development within the National Institutes of Health. Outside of an increase targeted on the newly authorized Cancer Institute only a $46 million increase was made in the President's budget for all of the institutes combined. The conferees have recognized the important role played by research in the Nation's fight against dissease and crippling conditions, and have replaced the paltry increase of the administration with an overall increase for all institutes of well over $300 million. They have increased the amount for the Cancer Institute to $492 million which will enable us to capitalize on recent breakthroughs in research against this dread disease, and have insured that the National Heart and Lung Institute will be able to exploit new knowledge about heart disease by including a $320 million appropriation for this institute. I would especially like to point out the additional funds appropriated to the National Institute of Occupational Safety and Health. This increase of $35 million approved by the conferees will enable that institute to perform more of the research, standards development and manpower development functions the Congress assigned to it under the Occupational Safety and Health Act in 1970 which are essential to improving worker health and safety so necessary to the well-being of millions of Americans.

And, finally in the area of health care, I am enthusiastically supportive of increases in programs concerning hospital construction, drug abuse, alcoholism, mental health, migrant health, lead-based paint, communicable diseases, and regional medical services. Health services for the American people must be improved and this is one of the best means of accomplishing that vital goal.

Mr. President, there is no one in the Congress who can legitimately question the overwhelming significance of the State formula grant programs for the support of quality education in this country. Yet, the administration's budget request in these categories were most insensitive, requesting either decreased spending levels or the same amount as appropriated last year. In times such as these which have been marked by controversy over school finance, and which have been affected gravely by inflation and cutbacks in funding, I believe that these spending cuts requested by the administration were at best irresponsible and were more likely to mean a serious dilution in Federal initiatives designed to reach all of the Nation's children. With an emphasis on education reform, it is important that we provide our school system with the resources they so badly need. I am most pleased that the Appropriations Committee has approved increases which will allow these programs to remain solvent.

I want to put particular emphasis on one item which has been fought for long and hard by our Senate conferees over the years. Part C of Public Law 874, school assistance in federally affected areas for children in public housing, has finally received an initial year appropriation of $10 million. This is a landmark decision, and one which will provide important resources to many school districts in our urban areas. All of the decisions made in regard to impacted aid have been good ones and it is to the credit of the members of the Appropriations Committees that they have refused to listen to arguments for cutbacks in Public Law 874, part B, and for a change in priorities. The levels of funding for these programs will insure that school districts which have for so long relied upon these funds will continue to get support.

I support the decision of the conferees to maintain all of the library programs at suitable levels of increase over last year's appropriations. The funding level for public libraries and construction is especially significant in light of the administration's requested cutbacks in these services and an elimination of funds for construction. In a State, such as my own, which estimates that 45 percent of the population is unserved by libraries, the agreed upon level of $84.5 million will allow the increases necessary to provide a greater proportion of the population the services of libraries.

In addition, the funding levels for the important basic programs for elementary and secondary education and for vocational and adult education will be increased over last year's appropriation.

The administration had requested the same amount for our elementary and secondary education programs and a large cutback for vocational education, in spite of the fact that all public statements indicate that career education and equal educational opportunity are two basic goals of this administration. While I believe that much more could be invested in elementary and secondary education, and that the schools of our urban and rural poverty areas need greater increases than those provided, the conference report will certainly allow a continuation of important services in these areas.

Mr. President, I would like to convey deep appreciation to the conferees for the appropriations which have been targeted for programs which affect the handicapped. I would especially like to draw to the attention of my colleagues the long overdue increase made for State grant programs for the education of the handicapped. This funding level of $65 million is double what was appropriated last year, and what the administration had requested this year. I know that this level of funding will enable many States to expand their services to handicapped children who are presently without them, and it is my hope that this is the beginning of the increasing commitment on the part of the Congress to extending full educational services to all handicapped children. This level is an appropriate first step, and a forerunner of congressional approval of S. 3614, introduced by Senators MAGNUSON, RANDOLPH, and myself, to provide greatly expanded resources to the States on an excess cost basis for the education of all handicapped children by 1976. I want to express my sincere appreciation to the conferees for this decision.

I have reviewed all of the programs in the areas of education, health, and social services for the handicapped, and every program has received an increase over the budget request, an increase which will allow important programing and research into causes, cures, and prevention of handicapping conditions. Programs under maternal and child health which provide preventive services and diagnostic and early treatment of crippling conditions have received an increase of $12 million, with an increase targeted for the crippled children's program. I especially would like to bring to the attention of my colleagues the increases made in funding for two major research institutes which are charged with the overwhelming function of research into the development of human growth processes, and the workings of the brain and nervous system—the National Institute of Child Health and Human Development, and the National Institute of Neurological Disease and Stroke. Both of these have overwhelming impact on research into the causes and prevention of handicapping conditions, and I believe that the increases made in these two major areas will have a profound effect on ameliorating conditions such as mental retardation, multiple sclerosis, cerebral palsy, and epilepsy.

Finally, I would like to mention appropriations made for the developmental disabilities program. Although the Senate had included a good deal more for the State grant program under this act, the increase of more than $11 million will provide needed money for expansion by the States. The Developmental Disabilities Act was designed to help the States engage in comprehensive planning and delivery of services for persons affected by mental retardation and other neurological handcapping conditions originating in childhood. This act has enabled many localities to pull together all fragmented programs and services in order to provide comprehensive and integrated care and services for individuals who have neurologically handicapping conditions. While I would have preferred the Senate figures, I believe that the level of $32.5 million for State grants, and better than $9 million each for service projects and university-affiliated facilities will provide a good base for the coming year for this program.

In summary, Mr. President, I would like to thank the able Senator from Washington (Mr. MAGNUSON) chairman of the subcommittee, and the members of the Labor-HEW Subcommittee and the full committee for making the decisions we are reviewing here today possible. I know that that subcommittee and the full committee have been under considerable pressure to report these appropriations as soon as possible and to cut back on many of the programs which we all believe hold the key to the continuation of many of the broad social, health, education, and research services administered by the Department of Health, Education, and Welfare. I know also that there has been an indication by the White House that President Nixon intends to veto this important appropriations bill. I would like to say to my colleagues here in the Senate today that I hope the President will not do this. However, I would also like to put myself on record as strongly supporting the appropriations we are considering today, and if the President does veto this bill, I intend to fight for an override with all of my power. I do not believe that this Nation can continue to improve the quality of life for all Americans unless we put a very strong emphasis on human resources. The appropriations contained in this bill are the backbone of our programs for a better quality of life for all our citizens, and I go on record today to strongly support these appropriations. I urge the President to sign this appropriations bill as soon as possible.

Mr. TOWER. Mr. President, I cannot support the Labor-Health, Education, and Welfare Appropriations bill Conference Report. I voted for the Senate version of the bill with the hope that the conference committee would sufficiently reduce the spending amounts passed by the Senate. However, the conference report, which seeks to appropriate $30.5 billion, is still nearly $1.8 billion over the President's original request. Furthermore, there is nearly $4.7 billion in the requested funds that have not yet been considered by the Congress because of the lack of timely authorizations.

I support many of the individual programs funded in this bill. However, I believe that the bill reported by the conference committee is not fiscally responsible and therefore would be detrimental to our national policy of controlling inflation. I have stated on numerous occasions that inflation does the most damage to those groups in our society that this bill intends to assist—the disadvantaged and the elderly. It is for this reason that I would hope that the Senate would send the bill back to conference so that a more responsible level of appropriations could be approved.

I think it would be irresponsible on the other hand to charge that the President has neglected the broad interests represented in this spending package. While I disagree with a few specifics of the President's recommendations on programs funded by the measure we are now considering, I believe that on balance, the President's domestic programs have been responsible and in the public interest. The President has placed a high priority on health and education programs. For instance, between fiscal year 1969 and 1971 overall spending for education has increased by 65 percent or $9.5 billion. President Nixon's fiscal year 1973 budget recommendations in the health areas represent a 500-percent increase over the last 8 years.

Mr. President, I therefore urge the Senate to take a responsible position on this matter. If enacted, this bill would severely aggravate the Federal deficit which I am sure all of my colleagues believe should be brought under control.

The PRESIDING OFFICER (Mr. DOLE). The question recurs on the adoption of the conference report.

Several Senators addressed the Chair.

Mr. MAGNUSON. Mr. President, may I have the floor?

CALL OF THE ROLL

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Washington can have the floor if he wishes.

Mr. MAGNUSON. Mr. President, I move the adoption of the conference report.

Mr. ALLEN. Mr. President, I have suggested the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The second assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 372 Leg.]

Aiken
Allen
Allott
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Ervin
Fannin
Fong
Fulbright
Gravel
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie

Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

The PRESIDING OFFICER. A quorum is present.

The question is on the adoption of the——

Mr. MANSFIELD and Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER (Mr. MOSS). The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, it has been a long day. Frankly, I see no reason why there was a call for a quorum after a vote was taken on the Roth proposal and the Senate expressed its will.

We are going to be in session tomorrow; we are going to be in session Saturday. There will be votes on both days, as far as the joint leadership can ascertain.

In view of the fact that the hour is getting late I wonder if the distinguished Senator from Alabama would consider the possibility, in the best interests of the Senate, that an agreement be made to vote at the hour of 10:30 a.m. tomorrow.

Mr. CASE. On what?

Mr. MANSFIELD. On the motion.

The PRESIDING OFFICER. On the motion of the Senator from Washington.

Mr. CASE. Why not now?

Mr. MANSFIELD. Mr. President, will the Chair please state the motion that is before the Senate at the present time?

The PRESIDING OFFICER. The question before the Senate is the adoption of the conference report.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. The Senator from Montana has the floor. Does the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, I wish to ask a parliamentary question. Is the pending business now before the Senate the vote on the conference report?

The PRESIDING OFFICER. That is correct.

Mr. MAGNUSON. And the pending order of business if we recess tonight would be the same question when we meet tomorrow morning. It would still be pending business.

The PRESIDING OFFICER. The Senator is correct, if we recess overnight, after the morning business.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, the proposal made by the majority leader is entirely satisfactory to me. I just feel that a majority of the Senate, a majority of the elected membership of the Senate, not having voted in favor of this conference report, in effect, I believe it would be well to carry the matter over until tomorrow morning. I have no inclination to postpone a vote on it beyond that time.

Could we have 30 minutes of debate on the motion?

The PRESIDING OFFICER. Is there objection? Does the Senator from Montana make that request?

Mr. MANSFIELD. Mr. President, the distinguished Senator from Alabama said that a majority of the Senate did not vote on the motion to table. Technically he is correct. The vote was 47 to 38, but I can assure the Senator that had all the Senators been present there would have been more than a majority against the tabling motion of the Senator from Delaware.

I wish to ask the wishes of the chairman of the committee and the distinguished ranking minority member as to a time limitation of 30 minutes. Mr. President, I wish to keep the floor in the meantime.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. COTTON. I cannot see anything to be gained by lugging this vote over until tomorrow. It will go the same way tomorrow. Every Senator knows how he will vote. It is just dragging out the whole matter at a time when we are all pressed and tired. If we cannot vote now I feel we should not let go of this matter until we do vote, and that debate be just as short as possible. It seems to me we have threshed this out. Everyone has had his full say. There is a good attendance and anyone who has served here more than 2 years knows there will not be more than one vote changed by tomorrow.

Mr. MAGNUSON. To that I say amen.

ORDER FOR SENATE TO CONVENE AT 9:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it come in at the hour of 9:30 a.m. tomorrow so that the two Senators who have special orders can be given that opportunity.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEW, AND RELATED AGENCIES APPROPRIATIONS, 1973—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on H.R. 15417 on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

Mr. MANSFIELD. Now, Mr. President, I ask unanimous consent, unless the distinguished Senator from Alabama would consider the possibility of allowing us to vote tonight—would he?

Mr. ALLEN. Mr. President, I withdraw my objection.

Mr. MANSFIELD. I thank the distinguished Senator.

Mr. ALLEN. I ask for the yeas and nays.

Mr. MANSFIELD. I withdraw my request.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the adoption of the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Mississippi (Mr. EASTLAND) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Louisiana (Mrs. EDWARDS) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Arizona (Mr. GOLDWATER) would vote "nay."

The result was announced—**yeas 62, nays 22**, as follows:

[No. 373 Leg.]

YEAS—62

Aiken
Allott
Baker
Bayh
Beall
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Fong
Fulbright
Gravel
Hart
Hartke
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Ribicoff
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Tunney
Weicker
Williams
Young

NAYS—22

Allen
Bellmon
Bennett
Brock
Buckley
Cotton
Curtis
Dole
Dominick
Ervin
Fannin
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Miller
Roth
Taft
Talmadge
Thurmond
Tower

NOT VOTING—16

Anderson
Byrd,
Harry F., Jr.
Eagleton
Eastland
Edwards
Gambrell
Goldwater
Griffin
Harris
Hatfield
Kennedy
McGee
McGovern
Mundt
Pell
Randolph

So the conference report was agreed to.

The PRESIDING OFFICER (Mr. CRANSTON). The clerk will report the amendments in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 19 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $798,046,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 24 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $209,372,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 51 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

ELEMENTARY AND SECONDARY EDUCATION

For carrying out, to the extent not otherwise provided, title I ($1,810,000,000), title III ($171,393,000), and title V, parts A and C ($53,000,000), of the Elementary and Secondary Education Act, $2,034,393,000: *Provided,* That the aggregate amounts made available to each State under title I–A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972: *Provided further,* That the requirements of section 307(e) of Public Law 89–10 as amended shall be satisfied when the combined fiscal effort of the local education agency and the State for the preceding fiscal year was not less than such combined fiscal effort in the second preceding fiscal year.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 52 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $681,405,000, of which $645,495,000, including $41,450,000 for amounts payable under section 6 and $10,000,000 for complying with section 403(1)(C) shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 3, 1950, as amended, and $35,910,000, which shall remain available until expended, shall be only for providing school facilities as authorized by section 5 and subsections 14(a) and 14(b) of said Act of September 23, 1950: *Provided,* That none of the funds contained herein shall be available to pay any local educational agency in excess of 77 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(b) of title I: *Provided further,* That none of the funds contained herein shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(a) of said title I if the number of children in average daily attendance in schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 54 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, section 102(b) ($29,898,000), parts B and C ($449,682,000), D, F ($38,322,000), G ($24,500,000), H ($10,524,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and the Adult Education Act of 1963, as amended (20 U.S.C. ch 30) ($75,000,000), $659,162,000, including $20,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1974, and not to exceed $23,000,000 for research and training under part C of said 1963 Act: *Provided,* That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1971: *Provided further,* That grants to each State under the Vocational Education Act shall not be less than grants made to such States in fiscal year 1972.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 66 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

GRANTS FOR THE DEVELOPMENTALLY DISABLED

For carrying out, except as otherwise provided, sections 301 and 303 of the Public Health Service Act, and parts B, C, and D of the Development Disabilities Services and Facilities Construction Act, $51,250,000, of which $32,500,000 shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act, to remain available until June 30, 1975, and $9,250,000 shall be for grants under part B of the Developmental Disabilities Services and Facilities Construction Act, to remain available until expended: *Provided,* That grants made under part C of the Developmental Disabilities Services and Facilities Construction Act after June 30, 1973, shall be for construction only as specified in section 132(a)(3) of such Act: *Provided further,* That there may be transferred to this appropriation from the appropriation "Mental Health" an amount net to exceed the sum of the allotment adjustment, made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 76 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

PAYMENT TO THE CORPORATION FOR PUBLIC BROADCASTING

To enable the Department of Health, Education, and Welfare to make payment to the Corporation for Public Broadcasting, as authorized by section 396(k)(1) of the Communications Act of 1934, as amended, for expenses of the Corporation, $40,000,000, to remain available until expended: *Provided,* That in addition, there is appropriated in accordance with the authorization contained in section 396(k)(2) of such Act, to remain available until expended, amounts equal to the amount of total grants, donations, bequests or other contributions (including money and the fair market value of any property) from non-Federal sources received by the Corporation during the current fiscal year, but not to exceed a total of $5,000,000.

Mr. MAGNUSON. Mr. President, I move the Senate concur in the amendments of the House to the amendments of the Senate numbered 19, 24, 51, 52, 54, 66, and 76.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE JOINT RESOLUTION 257—ESTABLISHING A CEILING ON SOCIAL SERVICES

Mr. HUMPHREY. Mr. President, I send to the desk a joint resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That of the funds available for Social and Rehabilitation Service grants to States for public assistance for making payments to States for services under titles I, IV (Part A), X, XIV, and XVI of the Social Security Act not to exceed $2,500,000,000 shall be available for obligation during fiscal year 1973.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

Mr. COTTON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HUMPHREY. Mr. President, I ask unanimous consent for its second reading.

Mr. CASE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HUMPHREY. Then, Mr. President, I ask unanimous consent that it go over until tomorrow.

The PRESIDING OFFICER. It automatically goes over until tomorrow.

Mr. HUMPHREY. I understood that; I just wanted to be sure. [Laughter.]

QUORUM CALL

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CHURCH TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the able senior Senator from Wisconsin (Mr. PROXMIRE) on tomorrow, the distinguished senior Senator from Idaho (Mr. CHURCH) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from Idaho (Mr. Church) tomorrow, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR EXECUTIVE SESSION AT THE CONCLUSION OF MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that at the conclusion of routine morning business tomorrow, the Senate go into executive session for the purpose of considering the three following treaties:

First. The Convention on Ownership of Cultural Property (Ex. B, 92d Cong., 2d sess.);

Second. The Tax Convention with Norway (Ex. D, 92d Cong., 2d sess.); and

Third. The Convention Establishing an International Organization of Legal Metrology (Ex. I, 92d Cong., 2d sess.).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO TAKE UP THE UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that upon the return to legislative session following the disposition of the three aforementioned treaties tomorrow, the Senate proceed to the consideration of the unfinished business, Senate Joint Resolution 241.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Long). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at such time as Calendar No. 977, S. 32, a bill to authorize the National Science Foundation to conduct research, et cetera, is called up and made the pending business, there be a time limitation on the bill of 2 hours, the time to be equally divided between the distinguished Senator from Massachusetts (Mr. Kennedy) and the ranking minority member of the committee; that time on any amendment be limited to 1 hour, to be equally divided between the mover of such and the manager of the bill; that time on any amendment to an amendment, debatable motion, or appeal, be limited to 30 minutes, to be equally divided between the mover of such and the mover of the amendment in the first degree—in the case of amendments in the second degree—except in any instance in which the author of the basic amendment favors such, in which instance the time in opposition thereto be under the control of the distinguished minority leader or his designee; that time on any debatable motion or appeal be divided between the mover of such and the manager of the bill, except in any instance in which the manager of the bill favors such, in which case the time in opposition thereto be under the control of the distinguished majority leader or his designee; and that no nongermane amendment be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m.

After the two leaders have been recognized under the standing order, the distinguished senior Senator from Wisconsin (Mr. Proxmire) will be recognized for not to exceed 15 minutes, after which the distinguished senior Senator from Idaho (Mr. Church) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the appropriate stage during the period for the transaction of routine morning business, the resolution which was introduced late today by the distinguished Senator from Minnesota (Mr. Humphrey) will come up for the second reading. Following that second reading, if any Senator should ask that there be no further proceedings with reference to that resolution, the resolution would automatically go on the calendar. Otherwise, it would be referred to the appropriate committee.

Following the period for the transaction of routine morning business, the Senate will go into executive session to consider the three following treaties: First, the Convention on Ownership of Cultural Property; second, Tax Convention with Norway; third, Convention Establishing an International Organization of Legal Metrology.

Following the three votes on the treaties, which will be yea and nay votes, the Senate will resume consideration of the unfinished business, Senate Joint Resolution 241, authorizing an interim agreement between the United States and the U.S.S.R. Votes may occur thereon during the afternoon.

There will be a Saturday session. There will be at least one vote, and probably more votes, during the Saturday session.

ADJOURNMENT UNTIL 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and at 8:56 p.m. the Senate adjourned until tomorrow, Friday, August 11, 1972, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 10, 1972:

ACTION

Donald Kready Hess, of Maryland, to be an Associate Director of Action.

DEPARTMENT OF TRANSPORTATION

John E. Hirten, of California, to be an Assistant Secretary of Transportation.

DIPLOMATIC AND FOREIGN SERVICE

Diplomatic and Foreign Service nominations beginning Milton Kovner, of Maryland, to be a Foreign Service Officer of Class two, consular officer, and secretary in the Diplomatic Service of the United States of America, and ending Jimmy P. Tinsley, of Alabama, to be a consular officer of the United States of America, which nominations were received by the Senate and appeared in the Congressional Record on June 20, 1972.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

National Oceanic and Atmospheric Administration nominations beginning Kelly E. Taggart, to be captain, and ending William A. Wert, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 1972.

EXTENSIONS OF REMARKS

FAMILY REUNION DAY

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Thursday, August 10, 1972

Mr. BOGGS. Mr. President, for many years, Mrs. Boggs and I have been quite interested in the activities of the Kiwanis Club, she as a member of the Ki-wives Club of Wilmington, Del., and I as a member of the Wilmington Kiwanis Club.

I am, therefore, greatly honored to be able, on behalf of the more than 125 Members of the Congress who are Kiwanians, to call attention to and express my strong support for a particularly fine program sponsored jointly each year by Kiwanis International and the Freedoms Foundation at Valley Forge.

"Family Reunion Day," which is observed each year at this time in conjunction with these two organizations, is designed to acknowledge and honor the family as the basic force of America's strength and morality. And what better purpose could an activity have; what greater ends could its success achieve?

I am especially proud to be a Kiwanian, because of efforts like this. I am proud to recommend the observance of Family Reunion Day to every American citizen.

Hundreds of Kiwanis clubs throughout Canada and the United States are planning special programs for the fifth annual observance of Family Reunion Day on August 13. The day was first set aside back in 1968 by Kiwanis International in cooperation with Freedoms Foundation to reaffirm the importance of the family and to dramatize the family's role as society's greatest stabilizing force and best hope for the future.

Serving as national chairman for this year's Family Reunion Day is a great American, Bob Hope, one of the best-known celebrities in the world. As chairman, Hope will tape several radio and television spots to be broadcast throughout the United States and Canada.

Hope thus joins a group of prominent national celebrities who have served as national chairmen of Family Reunion Day over the years. They are: Astronaut John Young, 1968; Astronaut Edwin "Buzz" Aldrin, 1970; and Fred MacMurray, 1971. Another famous comedian, Jimmy Durante, has also been active in the observance of Family Reunion Day.

International President Wes. H. Bartlett noted in a recent statement:

> The family has been the basic unit of society since the beginning of mankind and has made unique contributions to the progress of civilization.

He said:

> As in past years, Family Reunion Day will be a private occasion that is meant to strengthen the sense of family togetherness. I urge every Kiwanis member to plan a family reunion and every club to encourage communitywide participation.

I am most happy to endorse the sentiments expressed so well by President Bartlett and commend them to other Members of Congress.

VIETNAM IS AN ISSUE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. PEPPER. Mr. Speaker, the deep concern of the ordinary citizen in America is, I think, increasingly being acknowledged this year. The individual citizen is not apathetic, as many would have us believe. An illustration of the depth of concern about our involvement in Vietnam and about other issues is indicated in the following letter by Mr. Walter M. Frank of North Miami Beach, to the President. I include it in the RECORD.

The letter follows:

THE PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

MR. PRESIDENT: As a citizen concerned about the welfare of our country, and in view of the many critical events, I feel it to be my right and duty to write you this letter, based on my opinion and concept.

In the name of humanity, I vehemently urge you to presently stop this inhuman, unchristian, and constitutionally illegal war in North and South Vietnam, Laos, and Cambodia and the escalating mass-bombing—killing untold tens of thousands of innocent men, women, and children, and the leveling of houses, churches, hospitals etc. In short, an all out "Blitz-krieg" with the apparent effect to pulverize a nation or nations, to bring it into submission.

This brings into focus the recent mass-killings of an estimated three million people in the then East Pakistan, by the then West Pakistan rulers, in order to bring the Freedom Fighters to their knees, because they insisted that the results of the election be complied with. The Freedom Fighters of East Pakistan won, and a new and democratic nation was born. World opinion vigorously condemned the massacre by West Pakistan. Lessons should be drawn from this horrible event.

Mr. President, now that you are nearing your visit to the Soviet Union, ostensibly in the interest of world peace, and at the time when the "cold war" appears to be heating up, is it not well to remember that the Soviet Union was our ally in the war against the unholy three: Hitler, Mussolini, and the rulers of imperial Japan? The Soviet Union lost an estimated twelve million lives in fighting approximately two-thirds of Hitler's best military forces, and an immense part of their productive forces and cities were destroyed. These and other facts are too often ignored when formulating our country's attitudes and policies toward the government and people of the Soviet Union and their chosen social system. This present "cold war" policy with all its inherent and irrational premises will fail because it is erected upon prejudice, misguided information, and counter-revolutionary opposition and hatred to any form of government or social system not to the liking, or profits of certain imperalist-minded groupings and their followers.

Now, about the Vietnamization policy:

Is not said policy counterproductive, counter-revolutionary, renouncing the revolutionary action that gave birth to this nation. Said policy will fail by its inherent contradictions. One is reminded how the rulers of the British Empire assidiously sought to organize their own type of "Vietnamization" to defeat the American revolution in 1776 which saved this nation, and freed it from imperialist oppression and thus blazed the way to building a great nation. Are we not also reminded how the British rulers sought to brain-wash the American people with the King's speech of his "silent majority" and exhorting the Freedom Fighters of 1776 to solve their problems within the framework of British law and order and justice, in order to defeat the struggle for independence.

Is it not of paramount importance to realize that all attending violence, killing, and bloodshed had its origin and culmination in the intolerable confiscatory and unequal taxation, and without representation, and other injustices imposed on the American people by the British Empire who was thus responsible for the cause and origin of all the death and destruction relating to said American revolution of 1776, and who greatly contributed to the causes that gave rise to the Civil War between the North and the South.

How little did these rulers and advisors take into account the ever-existing and continuous dynamic forces of social change. Said rulers called the leaders and people of the American revolution anarchists, dreamers, and criminals, and advocated that they be shot on sight, and that their dreams and demands were a utopia impossible of achievement. How familiar it sounds today. How silly and small the rulers of that British Empire look today, we sure can learn some lessons, lest some leaders in our country will make similar errors.

Does not that history remind us of the history of Vietnam and Indo-China, whose people have been continuously exploited, and brutally and violently oppressed by international imperialism, who were ever seeking violently to beat these people to their knees in order to prevent them from having their achievement of national independence, and to form a social system and government of their own choosing, and suitable to their needs and aspirations and existing circumstances?

Mr. President, can we learn from these events, so as not to make like mistakes? I have searched and searched my mind over and over again, and I must candidly state that, you will in the end, gain neither a lasting military or political victory in either South or North Vietnam, nor in Laos or Cambodia, because I believe they will fight on and on, in spite of all odds as other Freedom Fighters did in the past, until they are convinced that they have defeated what they consider to be their enemies and have established their own form of freedom from exploitation, corruption, deception and oppression. The future and world opinion will be on their side.

Are you aware that throughout the world the opinion prevails that the Saigon government is a corrupt and Fascist orientated government and not worth supporting or defending at the loss of a single American life, or a single drop of blood, or a single dollar? It appears that the hand-writing on the wall of history spells out that the Freedom Fighters will win perhaps sooner than later, and world opinion appears to be on their side.

History also tells us about the two madmen, Hitler and Mussolini, who promised to bring in the millenium and world peace. They tried by all means of terror, deception, mass-bombing, and mass-killing, to enslave the world by their Nazi and Fascist dogma. They caused the death of an estimated fifty million people, and the militant people and leaders were their first victims. But these madmen were also defeated. Can it happen here? There are signs of danger.

Does our foreign aid and relations program benefit the majority of the people, when billions of dollars are spent in foreign aid, including military aid etc. to such military dictatorships as Spain, Greece, Portugal, etc.? Are not these governments also regarded as Fascist governments who have destroyed every semblance of democracy? Yes, it happened even in Greece, the historic cradle of democracy.

Does not said policy and our global military expansion, and the Vietnam war represent the main cause of inflation and the huge foreign trade deficit? I further submit that your domestic economic policy will also fail unless drastic changes are made that will include the repeal of the wage freeze, restoring full right to strike, and unhindered collective bargaining, and roll-back of price-hikes, and enactment of excess profit legislation, and restore the collateral value of the dollar, and desist in shamefully and incorrectly blaming labor for the inflation caused by the Vietnam War—billions of foreign give-aways, monopoly prices and by legislative devaluation and corrosion of the purchasing value of the dollar, and previously mentioned reasons.

I sincerely urge you to bring home all the prisoners of war by ending all the bombing now and withdrawing all the military forces in total, lest it takes the U.S.A. down the path to further involvements, and more confrontations, snowballing into another World War bringing into play all of the known weapons of destruction. Only a total and practical disarmament will lead us to world peace thus preventing world disaster. A return to serious and sincere negotiations at the Paris Peace Table is *urgent*.

I am opposed to racism and bigotry. The benefits and rights in the U.S.A. Constitution must apply to all without any discrimination.

Support the National Health Insurance Bill presented by Senator Edward Kennedy and others.

Respectfully submitted,

WALTER M. FRANK.

ANTIPOVERTY PROGRAM FUNDS VACATIONS ABROAD

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 10, 1972

Mr. HARRY F. BYRD, JR. Mr. President, indicative of the handling of tax funds by the administrators of many of the programs of the Government, in this case the so-called antipoverty program, is the case of 67 New Jersey teenagers who are spending July and August overseas, with most of their expenses paid by the Federal Antipoverty Agency. Sixty-thousand dollars of Federal tax funds is being used for this program.

How can anyone justify using $60,000 taken from the pockets of the hard-working wage earners of this country, and using those funds to send teenagers to Europe and Africa for a summer vacation? Yet that is what is being done.

The Wall Street Journal, in a recent editorial, commented on this. I ask unanimous consent to have printed in the Extensions of Remarks the editorial from the Wall Street Journal entitled "Innocents Abroad."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

INNOCENTS ABROAD

You've heard it a thousand times—"it isn't the money, it's the principle of the thing."

In the case of the 67 New Jersey teen-agers who are spending July and August overseas, with most of their expenses paid by the federal antipoverty agency, principle and principal seem to be on collision course.

Faced with $60,000 in unspent funds from poverty programs elsewhere, the Office of Economic Opportunity decided the money could best be spent on a cultural enrichment program for under-privileged high school students in Monmouth County. So now the 67 are touring Europe and Africa, under the aegis of a program designed to broaden their identity and lead them toward greater understanding of the world.

However, local taxpayers are less than thrilled about the trip, especially since a good many of them cannot afford overseas vacations. An area newspaper that asked readers if they felt the trip was a wise use of tax dollars received 400 "no" replies and one "yes."

We imagine that the arguments will continue long after the innocents return from abroad. On the one hand, the cultural enrichment aspects of the tour cannot be denied. Nor can it be denied, as defenders will be quick to point out, that well-to-do farmers and businessmen benefit from subsidies, tariffs, and oil depletion allowances. "Welfare for the rich" is the way many describe it.

Nevertheless, whatever else the decision demonstrates, it shows a lack of public relations sense on the part of antipoverty officials. Even more unsettling, however, was the attitude of the New Jersey OEO director, who said in defense of the overseas trip that unless the $60,000 was used by the end of the fiscal year, June 30, it would have had to be returned to general government funds.

Only a political innocent could be surprised that bureaucracies would rather spend money on even dubious projects than return it to the Treasury. But it isn't often that taxpayers are given such a vivid example of Parkinson's Second Law ("expenditure rises to meet income").

So at least the taxpayers have learned something about how antipoverty programs work, and perhaps this knowledge will enrich them culturally. We hope so, since the necessity to pay taxes for such things makes it less likely they will be enriched in any other way.

VIETNAM STRATEGY—THEN AND NOW

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address by Adm. U.S. Grant Sharp, U.S. Navy, retired, on July 18, 1972:

VIETNAM STRAGETY—THEN AND NOW—AN ADDRESS BY ADM. U. S. GRANT SHARP, U.S. NAVY, RETIRED

It's interesting to compare the strategy being pursued in the Vietnam war today with that used in the 1965–68 period when I was Commander in Chief, Pacific. Today President Nixon is doing the things that need to be done to get the war over with as quickly as possible. In the 1965–68 period we were pursuing a gradualism approach that by its very nature had to result in the war being dragged out in an indecisive manner.

Let me describe the situation that existed at the decision making level in Washington in the summer of 1965. First, I should tell you that the inner thoughts of the decision making level in Washington were not always passed on to CINCPAC. Much of the information about strategy discussions in Washington I have gained from reading "United States-Vietnam Relations, 1945–67." This is the study prepared by the Department of Defense which has become known as the "Pentagon Papers."

By the summer of 1965 the bombing campaign had been going on for about three months and, according to the Pentagon Papars, most of the important bombing policy issues had been settled and the general outline of the campaign had become clear. Military proposals to seek a quick and decisive solution to the Vietnam war through bombing North Vietnam, proposals that called for an intensive campaign to apply maximum military pressure, had been entertained and rejected.

The decision makers had accepted the military view that a limited gradual program would exert less pressure and they understood that less pressure was not likely to get the North Vietnamese to call off the insurgency or enter into negotiations. However, they also felt that all-out bombing would pose greater risks of widening the war and would carry unacceptable political penalties. Accordingly, they elected to proceed with a gradualism approach.

The bombing of North Vietnam had also apparently been relegated to a secondary role in U.S. military strategy for dealing with the war, despite strong objections from the Joint Chiefs of Staff. Earlier expectations that bombing and other pressures on North Vietnam would constitute the primary means for the United States to turn the tide of the war had been overtaken by the President's decision to send in substantial U.S. ground forces for combat in South Vietnam. The Pentagon Papers go on to indicate that the main hope had shifted from inflicting pain on the North to proving in the South that North Vietnam could not win a military victory. The bombing campaign, therefore, was considered useful and necessary, but it was supplemental and not a substitute for the efforts within South Vietnam. The strike requirements in South Vietnam had first call on U.S. air assets in Southeast Asia. Thus, we gave up the advantage we had in our tremendous air power in favor of fighting Asians on the ground in Asia. This was a most important and fateful decision made against strong military objection, without consulting Congress, and with minimum objective debate in the Executive branch.

The bombing was considered a comparatively risky and politically sensitive element of U.S. strategy and, therefore, national decision making authorities kept it under strict and careful policy control. Targets were authorized in periodic packages. Each package was recommended first by CINCPAC, then by the JCS, then they passed through a chain of approvals which included many levels in the Office of the Secretary of Defense, the Department of State and the White House, up to and including the President.

I made frequent recommendations for stronger military action throughout the whole period. I had made recommendations to mine Haiphong in 1965, again in '66, '67 and '68. My recommendations generally were concurred in and supported by the Joint Chiefs of Staff, but were always watered down in the Office of the Secretary of Defense or in the White House.

I remember telling the JCS in November of 1965 that the bombing programs we were conducting wouldn't do the job and that it was necessary to destroy the source targets in the northeast part of North Vietnam, including those in the Hanoi-Haiphong area, and that we should mine Haiphong. I recommended disruption of major port facilities and increased armed reconnaissance directed at the road, rail and coastal lines of communication from China and on inland waterways.

The authority coming back was always much less than we had requested, and generally we were making strikes on targets that would have to be considered almost insignificant. The restrictions had been so heavy that we couldn't possibly exert any pressure on the enemy. During 1966 we got permission to strike a few more targets, were allowed progressively more sorties, but the restrictions were still very heavy.

I remember in the middle of November 1966 we were authorized strikes against a railroad classification yard and a vehicle depot close in to Hanoi. This was the closest to the center of Hanoi that we'd been allowed to strike. We got off strikes against these two targets several times in the early part of December, but then about the 15th of December authorization for these targets was retracted. We were told not to conduct air operations that involved targets within the ten-mile circle of the center of Hanoi.

So here we were just starting to put real pressure on Hanoi, our air strikes on the rail yard and vehicle depot were hitting the enemy where it was beginning to hurt. Then Hanoi complained that we had killed a few civilians, hoping to get some favorable reaction. We in turn tell them that we regretted that any civilians were killed and stopped our pilots from striking within ten miles of Hanoi. Thus, Hanoi had been successful once again in getting the pressure removed.

It was obvious that this kind of war could go on for a long time if we let them get away with it. My limited sounding of public opinion, including the thoughts of quite a few members of Congress, led me to believe that we had better do what we could to bring this war to a successful conclusion as rapidly as possible. I felt the American people could become aroused either for or against this war and at that time, with no end in sight, they were more apt to become aroused against it.

It was up to us to convince our people and Hanoi that there is an end in sight and that it would be defeat for Hanoi. Hanoi could prevent their civilians from being killed any time by calling off the aggression in South Vietnam. What we needed to do was roll up our sleeves and get on with the war. We had the power but I couldn't get authority to use it properly.

It's most encouraging to see President Nixon allowing the Joint Chiefs of Staff to fight this war now in a way we wanted to fight it six or seven years ago. Now they are doing essentially what I recommended in 1965, and it's working just exactly the way we predicted it would work in '65.

We have mined Haiphong and the other harbors after giving the ships in the harbor a chance to get out. There has been no confrontation with the Russians or the Chinese, just as we said there wouldn't be when we proposed mining years ago.

The President has authorized strikes against all lines of communications, and with the laser-guided and TV-guided weapons that they have now those strikes are tremendously effective. I don't think there's an important bridge standing in North Vietnam today.

North Vietnam has to be having tremendous logistic difficulties, and those problems must be increasing rapidly. They must be having serious shortages of fuel. Their dwindling supplies of all types of ammunition, including surface-to-air missiles, must be a matter of great concern to them. There will be food shortages before too long in North Vietnam.

North Vietnam has got to be hurting very badly. However, I think they can hold out, at a reduced level of effort, for a considerable period.

It's interesting to consider the *political* events of 1968 as they influenced the military campaign and to compare them with the political and the military situation today.

In 1968 political events had considerable impact on the President's thinking. On 11 March 1968 in the New Hampshire primaries, President Johnson only narrowly defeated Senator McCarthy in a great moral victory for the anti-Administration doves. Then, on 16 March 1968, Robert Kennedy, spurred on by the New Hampshire results, announced that he was a candidate for President.

These things brought on the decisions that were made by the President when on the 31st of March 1968 he restricted the air operations against North Vietnam to south of 20° north latitude. At that time he also announced deployment of additional ground troops to Vietnam. So, he cut back on the bombing, thus taking the pressure off North Vietnam, and then added more ground troops. He committed additional U.S. troops to fight a ground war in Asia while denying them the full support of the tremendous air and naval power that we had available.

There were nearly 550,000 American troops in Vietnam when President Nixon took office. Under the Vietnamization program he has withdrawn our combat forces so that now there is something like 30,000 troops in South Vietnam, and none of them are combat units. The Vietnamization program is working very well. The South Vietnamese have taken over the ground fighting, and by and large have done so successfully. So successfully, in fact, that North Vietnam had to launch a massive invasion to try to bring the war to a conclusion in their favor.

Now Senator McGovern, a dove of the whitest variety, has been nominated as the Presidential candidate of the Democrats. I believe that the North Vietnamese will quite likely continue to fight, probably at a reduced level of effort, waiting to see if McGovern is elected. They believe what McGovern has said—that he will end the war even if he has to go begging to Hanoi. That is precisely what Hanoi wants—an American President begging at their doorstep.

President Nixon, on the other hand, has taken a very courageous step in the face of the politics of a Presidential year. He is doing what should be done to bring this war to a conclusion satisfactory to the United States.

President Nixon has offered the North Vietnamese generous terms to end the war. At the same time he has put the United States into a position to negotiate from strength. If we want our country to continue to maintain an honorable position as the leader of the free world, we had better do everything we can to see that President Nixon is reelected.

BURIAL OF NO-FAULT INSURANCE

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Thursday, August 10, 1972

Mr. MOSS. Mr. President, the action of the Senate on Tuesday night in referring the no-fault insurance bill to the Committee on the Judiciary and thus burying it for the session was, in my opinion, the greatest single defeat for the American consumer in the 3½ years I have been chairman of the Consumer Subcommittee.

The Washington Post, in an editorial published this morning, laid the blame for the defeat exactly where it belongs—on the well-financed lobbies representing segments of the insurance industry, on the trial lawyers, and on the White House, which fought the bill to the bitter end.

Although deplorable, it might be understood why the insurance industry and the trial lawyers fought the bill—they have a good thing going under the present inequitable, slow, inefficient, overly costly auto insurance laws.

But it is hard for me to grasp why an administration which makes a fetish of consumerism would go against a bill which corrects a system which ill serves so many people and particularly so many accident victims across the country. No-fault insurance is the very essence of good consumerism.

One can but wonder why President Nixon said that no-fault automobile insurance is an idea whose time has come, and then ordered or permitted his assistants to scuttle a no-fault bill by parliamentary sleight of hand.

Mr. President, I ask unanimous consent that the Washington Post editorial entitled "A Retreat on No-Fault Insurance" be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A RETREAT ON NO-FAULT INSURANCE

The Senate's 49–46 vote to bury the no-fault auto insurance bill in the Senate Judiciary Committee was a costly defeat for the public and a triumph only for those with a direct interest in perpetuating the present system of auto insurance—a system which, as years of study and consumer complaints have shown, is grossly expensive, wasteful and unfair. This roll call was not one on which the vested interests lurked behind the camouflage of a debate over broad principles. The lobbies were out in the open, writing, calling, elbowing and buttonholing senators. As United Press International reported, "The White House, segments of the insurance industry and trial lawyers supported the motion for delay. Consumer groups opposed it. Lobbying was heavy on both sides."

Nor was there any question what the vote on referring the bill was really all about. Senator Hruska's motion did not propose one of those courtesy referrals to a second committee, for a fairly short, fixed period of time, which the Senate sometimes arranges when two panels have competing, hard-pressed jurisdictional claims on a bill. The Judiciary Committee's alleged fascination with no-fault insurance, an interest which surfaced so loudly on the Senate floor, had not been noticeable during the entire sixteen months of Commerce Committee study of the subject, nor had Senator Hruska or his cohorts gone to any lengths to raise the "constitutional questions" which they discovered once the bill had reached the floor. The motion to refer the bill was simply a motion to get rid of it, to avoid debating its merits, even to avoid the head-on battles over amendments which the bill's supporters were willing to join. As Senator Pastore declared, "If it goes to the Judiciary Committee . . . it is going to go there to die."

So 49 senators, encouraged by the White House, opted for the trial lawyers, for the bulk of the insurance industry, and for leaving the future of auto insurance to the various states. And 46 senators, including 13 Republicans, stood up for the nation's drivers, passengers and pedestrians, for the millions of auto-accident victims, and for nationwide reform of a program which has become a national mess.

Unless the Judiciary Committee unexpectedly leaps to unshelve the subject, the chances for genuine auto-insurance reform now seem nil for at least two more years. As we noted the other day, it has been estimated that over the course of two more years without nationwide no-fault, consumers will have to spend about $28 billion for auto insurance and will receive back only about $14 billion in benefits. That sacrifice of up to $14 billion makes the cost of the Senate's action unconscionably high.

A TRIBUTE TO AL COTTRELL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. WALDIE. Mr. Speaker, in the July 28, 1972, edition of the Morgan Sun, Moraga, Calif., an article by staff writer Judy Java appeared, entitled "Dear Al, Thanks for the Memories . . ."

Mr. Alfred John Cottrell, of Lafayette, Calif., is one of the many fine and distinguished residents of my district. He recently celebrated his 87th birthday. Shortly thereafter, this article was written as a tribute to him.

At this time then, Mr. Speaker, I would like to enter the Sun article into the RECORD as a lasting tribute to Al Cottrell:

DEAR AL, THANKS FOR THE MEMORIES . . .

(By Judy Java)

In his 88th year, Alfred John Cottrell, like the legendary French highwayman Francois

Villon, "feign would forget" his "turbid past" but reluctantly agreed to share some of the more colorful memories in his life with Lamorinda residents.

For openers: Cottrell is a Canadian-born naturalized American; the twelfth child of a Canadian mounted policeman, born in Port Hope, Northumberland, Canada.

Al was slow in growing up.

At 15, he was shipped to England in hopes that he would mature at Norris Boys Academy, but the headstrong youth disagreed with the headmaster and ran away.

For six months he became a vagabond, living off the countryside, stubbornly refusing to notify his parents of his whereabouts. At last, learning that his father had volunteered for the front, young Al signed on as a drummer boy with a British regiment headed for the Boer War.

WINSTON CHURCHILL HELPS OUT

He arrived in South Africa with 20,000 troops to fight the Boers. "The British classically underestimated their enemy," he recalled. There were 100,000 Boer troops on the field to meet them when they arrived. "They took my drum and gave me a gun," he said. He never found his father.

Cottrell's small stature belied his 15 years and to British war correspondent Winston Churchill, he appeared to be a small boy caught in a man's war. The correspondent sent him to the rear and obtained permission to have the youth shipped back to England.

He landed in London, fresh from the British Army, and signed on with the British Navy to become a seaman. For six months young Cottrell learned to "climb the rigging" on a Navy training ship. "The Navy maxim was, 'Hold on with your hands, never mind your feet.' " he recalled. To prove their point, senior sailors often pulled his feet from the ropes. "If you weren't holding on, you went into the drink," he explained.

To make up for his interrupted education, Al began to study onboard ship. When his tour was ended he left the Navy and went to work for the British Postal Service, as a telegrapher. He was not quite 17 years old.

A senior telegrapher, "one of their best men," took an interest in the youth and told him he was wasting his time working for ten shillings a week (about $2.50 at the turn of the century). He took Al to the John W. Mackay Cable Company, a firm engaged to lay the trans-oceanic cable across the Pacific. They hired him for $45 a month. "It was big money," he said.

CABLE TROUBLE: "SEND COTTRELL"

Mackay put the young telegrapher aboard a cable ship bound for Cape Canso, Nova Scotia. He was being trained as a cable repairman. At 20, he was the firm's best and only cable expert in the Pacific. Any trouble in the line brought word from New York to "send Cottrell."

Al was shipped to Manila that year, to the island of Luzon. Enroute, the cable ship stopped in Hong Kong to celebrate his 21st birthday. "My first drink was scotch and soda, which I still drink today," Cottrell declared.

The Manila office was operated by Filipino personnel who were proficient in two languages and "well trained by Spanish padres," the cable expert learned. Six months later, when pirates pulled up 10 miles of underwater cable near the Yangtze River, he felt confident to leave the office in their care. The cable, stolen for its copper core, had to be spliced to restore trans-oceanic communication. Once the cable was repaired, a crew of small British gunboats was stationed in the sea to prevent a similar occurrence, and Cottrell went back to Manila. A cholera epidemic broke out and hundreds died before he left.

"There was always trouble along the line," he recalled. He began working for Mackay on five year contracts with a six month paid vacation in between. At 26, he took his first vacation.

Since he had spent most of his off hours at either Midway Island or Guam, Al elected to head for Canada and home via the Mediterranean Sea to visit Israel and Egypt. In Cairo, he visited the pyramids by camel and the belly dancers by taxi. "I didn't think too much of them (the pyramid)," he said.

He saw Malta and Gibraltar and "some of the channel islands into England." He visited Scotland and Stonehenge near Penzanse then went home to see his family before returning to the Pacific for five more years.

This time, the Mackay company stationed their major cable mechanic on Oahu in the Hawaiian Islands. He bought two houses, one in the Manoa Valley and another at Nuuanu. He saw the funeral of Lilui Kalani, authoress of the Hawaiian national anthem, "Aloha Oui."

EMIGRATES TO UNITED STATES

The end of this second five-year term was nearing when war broke out between Austria and Serbia over the assassination of the Archduke Ferdinand. Russia came to the aid of Serbia. Germany allied itself with Austria, major powers began to align themselves on both sides of the question and WWI broke out.

Mackay's trans-oceanic cable was destroyed in the Atlantic. Repairs became costly and impractical. When Cottrell's second contract expired, he joined British intelligence and boarded a Japanese convoy carrying British troops to the western front.

When the war was over he came home to Canada, married and bought an orchard in Summerland, British Columbia. The orchard produced a good living for Al and his bride, but like Sinbad the Sailor, he couldn't be happy staying in one place.

The United States was going through its first major domestic crisis, the depression of the 30s, brought on by the stock market crash in 29, when Al decided to immigrate.

While in the Pacific, a friend had convinced him that he should buy land in California so Cottrell purchased 20 acres in Clayton Valley. They arrived in California shortly after the election of Franklin D. Roosevelt.

Al became a supervisor on Roosevelt's Work Progress Administration (WPA) program. "It paid very little," he recalled, "but the men were all good workers." Men with large families were given a chance to work more days to earn extra money. The Canadian WPA boss spent most of the time traveling between his crews in an old truck for which the government paid him eight cents a mile ("We lived on the mileage,") and writing letters to the government, requesting more funds and more projects.

"Of course I would have been better off in Canada," he explained. "The Canadians weren't suffering the way we were." By that time, Cottrell had become an American.

Hitler began his advance on Europe . . . England went to war, then Canada joined the fight. Cottrell stayed home. In 1941, the Japanese bombed Pearl Harbor and America entered the war. The ex-seaman volunteered for the U.S. Navy, "which was a mistake," he said, "because we caused Pearl Harbor back in 1908 when William Randolph Hearst's newspaper came out with a yellow inside page and everything he printed was on the 'yellow peril.' "

He recalled the days when California refused to educate Japanese immigrants because they were "colored," and again declared that Hearst laid the cornerstone for the attack on Pearl. Nevertheless, he volunteered to defend his new country.

AL INJURED AT PORT CHICAGO

He was attached to the U.S. Naval Base at Port Chicago. Cottrell, now 57, as a former member of British intelligence skilled in communications, was assigned to the Navy signal corps. He was driving a truck filled with electrical equipment on the ammunition docks the day Port Chicago exploded killing more than 300 men. The old truck had a door that wouldn't stay closed. The open door saved him that afternoon. After the blast, caused when two ammo ships exploded in the harbor, the truck was found in the bay. Its driver, a fighting Englishman barely five feet three inches tall, was found later with a broken left arm, a broken left leg, three broken vertebrae, a shattered left eardrum, a missing eye, and other numerous injuries.

They carried Cottrell to the hospital at Camp Stoneman (now disbanded) in Pittsburg. The doctor was a young army surgeon who bolstered him through the ordeal with quips like, "I can't give you anesthetic; you're so full of holes you'd leak like a seive."

His daughter, Muriel, a U.S. Marine lieutenant stationed in Southern California, learned of the accident and went AWOL. Stealing a jeep, the lieutenant picked up her sister, Pat, and the two headed for Camp Stoneman to see their father. An ambulance crew of enlisted men were preparing to move Cottrell to Mare Island when Muriel arrived. She rerouted the jeep to the Marine Hospital in San Francisco. At that time, it was one of the finest medical facilities in the area, according to Al.

Eighteen months later, he was discharged by the Navy as "physically fit for light duty." Recalling the discharge, Cottrell laughed, "I was over 60 at the time," he said.

Retired with only a token pension, Al warmed up his pen and again began writing letters. He bombarded the Senate, the House, the Pentagon and at last, in 1948, with the help of the late Congressman John Baldwin, the U.S. Department of Labor decided to put him on full disability.

After the war, Al went back to the ranch in Concord. His children were grown and married. Muriel was in Volcano operating a restaurant and curio shop. Pat was heading the Leigh Colston Lecture Bureau in Kensington.

On Easter, 1965, he went to Volcano to visit his daughter. When he returned a week later he found that vandals had destroyed every piece of equipment on the ranch and burned both ranch houses to the ground. He was 80 years old now, too old to rebuild again.

Dr. Sam Burnstein of Pittsburg came to his aid. With the help of his friend, Al moved to Lafayette and settled into an apartment here. The Burnsteins went to Jerusalem and planted a tree for him and he began to write letters again, protesting the Vietnam situation.

BISHOP PIKE AND JOAN BAEZ

Bishop Pike, another old friend, came to see the apartment. He studied the maps of the world hanging on the walls and told his friend he would look for his tree when he went to Israel. They talked about the attempt to defrock the bishop. "The women were behind it," Cottrell declared.

He wrote more letters . . . . . letters to senators, to Congressmen, to men like Lindsey, Tunney, Proxmire, Harris, Waldie, Nixon, and more. He appealed to his old friend, Joan Baez of whom he says, "I think she's a woman of the 19th century."

Joan, at a recent appearance in the Cow Palace, left the stage to come and greet her guest of honor. Al Cottrell. "She was mobbed as soon as she stepped from the stage," he recalled.

The top of his television is adorned with autographed pictures and mementos of the artist but the set is never turned on.

"The last time I turned it on, Nixon appeared and it wrecked the set," he declared. "That's all you get nowdays, Nixon or commercials."

Cottrell had the television repaired but claims to this day that "tricky Dicky," to whom he sends barbed messages urging him to "get out of Vietnam," broke the tube.

Now, in his 88th year, Al is a dove. Of the president he says, "He's carrying on the dirtiest war this world has ever known." Al was up front, carrying the banner in San Francisco's 10 mile march for peace. He was the one who sent an open letter to congress comparing the death penalty to the Spanish Inquisition where prisoners were "tortured and in the end, they were dead."

"Here, we put one hundred odd men on death row. They go to bed at night never knowing whether they're going to die the next day," he declared. To compound the absurdity, Cottrell says, "we offer them anything they want to eat just before they die."

"YOU SEE WHY I STAY ALIVE?"

"My father was a mounted policeman whose motto was, 'We fight to maintain the right!' I fight because I've seen too much of war and death."

Last month, Al celebrated his birthday at a private party for family friends, and members of the press. Telegrams from friends who wished him well poured in. Among them were these two:

From U.S. Congressman Jerome Waldie, "It's a great privilege to congratulate you on the wonderful occasion of your 87th birthday. I just wish my schedule for the day would have permitted me to join in the celebration . . . Jerry."

From Assemblyman John Knox, "Word of your birthday has reached Sacramento. You have many admiring friends and I am pleased to make claim to being one of them. I am proud to know a man who has learned the secret to a gratifying life. Your letters bring joy to your friends and are helping to bring peace to the world . . . John."

The Canadian born American reads his telegrams and smiles. "You see why I stay alive?" he asks.

THE WATERGATE CAPER

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 10, 1972

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a column written by the nationally syndicated Columnist James J. Kilpatrick. The column deals with what he calls the bizarre affair known locally as the Watergate Caper.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCANDAL THREATENS GOP

(By James J. Kilpatrick)

WASHINGTON.—Until this past week, when the Washington Post broke the story of a wandering $25,000 check, no solid evidence had surfaced to link top-level Republicans with the bizarre affair known locally as the Watergate Caper. The evidence, to this point, was at best circumstantial and tenuous, and the caper had its funny aspects.

It isn't funny any more. It now appears that Maurice Stans, former Secretary of Commerce and now treasurer of the Committee for the Reelection of the President, on April 11 had in his hands a $25,000 check intended as a campaign contribution. Nine days later, on April 20, that same check was deposited to the Florida account of Bernard L. Barker. On the following day, Barker made a $25,000 withdrawal.

This is the same Bernard L. Barker, 55, alias Frank Carter, who was arrested at 2:30 a.m. June 17, caught in flagrante in the headquarters of the Democratic National Committee at the Watergate Apartment complex here in Washington. Barker and four others have been charged with second-degree burglary. A local grand jury is expected to return indictments soon.

At the time of their arrest, the five suspects had in their possession $5,300 in $100 bills, serially numbered. Most or all of these bills have been traced to the same bank in Miami, where Barker is in the real estate business. The thing is beginning to smell to high heaven. Clark MacGregor, chairman of the Nixon Reelection Committee, and the President himself have to do more than they have done so far. The affair has to be exposed fully, and it has to be exposed promptly.

The story first broke into public view on June 17, when a guard at the Watergate noticed that fire doors in the apartment building had been taped in an open position. He summoned police, who found a door to the Democratic headquarters jimmied open. There they discovered the five suspects, red-faced and unarmed, but well-equipped with electronic bugging equipment, cameras, and walkie-talkies. Viewed professionally, the burglary was a comically bungled job.

Twenty-four hours later, after various aliases had been penetrated, the suspects, in addition to Barker, were identified as Frank A. Sturgis, 48, an anti-Castro soldier of fortune; Eugenio Martinez, 49, a salesman for Barker's real estate firm; Virgilio R. Gonzales, 46, a Miami locksmith; and James W. McCord Jr., 53, a security consultant in Washington.

Of these, the most interesting was McCord. He retired from the Central Intelligence Agency in 1970 after 19 years in security work there. In January of this year he was retained by the Committee for the Reelection of the President, and also by the Republican National Committee, to supervise internal security for them. In this capacity, he had obtained FCC licenses for certain walkie-talkie equipment.

A search of the suspects turned up an address book. It contained the name of E. Howard Hunt Jr., 53, with the notation: "White House," Hunt also retired from the CIA in 1970, after 21 years in intelligence work. He was closely identified with the Bay of Pigs operation of 1961. So was Barker. After leaving the CIA, Hunt also became a private consultant. At the time of the Watergate Caper, he had a part-time desk in the office of Charles W. Colson, special counsel to Nixon. Hunt has dropped out of sight, and reportedly is in Spain.

The story, as it first developed, had other Republican connections. Douglas Caddy, Barker's lawyer, is a founder of Young Americans for Freedom and an active Republican worker. Barker had Republican associations in Miami. None of this directly touched the Committee for the Reelection of the President; and John Mitchell, of course, who was then committee chairman, indignantly denied everything.

More than indignant denials are now required. The check for $25,000, representing cash contributions raised by Kenneth H. Dahlberg of Minnesota, cries out for explanation. Dahlberg gave the check to Stans, who presumably gave it to some subordinate for routine deposit. Then it turned up in Barker's account. How did it get there? And why? Nixon himself, above all others, must demand swift and public disclosure.

TRIALS OF SERB INTELLECTUALS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, under leave to extend my remarks, I should like to call to the attention of my colleagues a letter I received from a friend of mine, Vojislav D. Pantelich, which is self-explanatory.

As he pointed out in his letter, I was a prisoner of war in Hamelburg, Germany, during World War II and was acquainted with many Serbian officers who were prisoners in the same war camp. Because of my admiration and friendship for these wonderful people, I am glad to comply with the request outlined in Mr. Pantelich's letter which includes an article in the July 21, 1972, issue of Liberty magazine, "Trials of Serb Intellectuals."

WASHINGTON, D.C.,
July 31, 1792.

Hon. JOEL T. BROYHILL,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CONGRESSMAN: I ask your pardon for bothering you so often, but the serious situation in Yugoslavia, and especially for the Serbian people which has been by the official regime practically put outside of the law, makes it necessary for me to inform you about the situation. America cannot go over that silently and continuously.

In the July 21, 1972, issue of *Liberty*, the organ of the Serbian National Defense of Chicago, Illinois, appeared the article "Trials of Serb Intellectuals" by M. Vukovich-Birchanin, the correspondent of the paper in Munich. In connection with this letter I am sending you a translation of this article with the request that you inform the members of the Congress about the things that are happening in Yugoslavia.

Allow me Mr. Congressman to remind you that you are one of the living witnesses that in the prisoner of war camp in Hamelburg there were only Serbs and Americans and not Croatians. The Croatians together with the Germans misruled and tortured us, they even killed us behind barbed wires. Remember those three killed American officers in only one month. Today in Yugoslavia under the dictatorship of the Croatian Broz, Croatians have a privileged position, they ask help from the Soviet Union for separation from Yugoslavia.

America was and today is the exponent of liberty for the Serbian people. It expects help from America in its efforts to achieve its liberty which was grabbed from it. It requests this help from America and has a right to this help.

With the hope Mr. Congressman that you will undertake this just affair concerning the basic rights of free men, I thank you in advance.

Respectfully yours,
VOJISLAV D. PANTELICH,
(Former Lt. Col. Voj. D. Pantelich).

TRIALS OF SERB INTELLECTUALS [1]

(By M. Vukovich-Birchanin)

The writer Milovan Bashevich, sentenced to three years in prison, burned himself in the yard of the circuit court in Sarajevo. He was working with painters and poured liquid over himself, lighted it with a match, and burned to death like a live torch.

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[1] *Liberty*, Organ of the Serbian National Defense, Chicago, Illinois, July, 21, 1972.

The Bishop of Zicha Dr. Vasilije, was arrested by the organs of S. U. P. in Kraljevo and taken to the court prison where he will stay for months, because the "republic council for crimes" confirmed the punishment.

Dr. Slobodan Subotich, the former president of the organization of lawyers of Serbia and Montenegro, was sentenced to 14 months in prison because of "deliberate helping of the implementing of enemy activity."

Dr. Jovan Zubovich, a university professor in retirement was sentenced to a year and a half of prison, conditionally for three years, because of age and he was forbidden to "appear in print and public."

Radisav Michich was sentenced to one year of prison because he organized the printing of pamphlets of "enemy propaganda."

The priest Zivojin Todorovich was condemned to six months of prison, conditionally for two years, because of distributing pamphlets of "enemy type content."

The editors of the newspaper "Student" were sentenced: Milorad Vuchenovich for one year, Jovica Achin for one year, and Predrag Bogdanovich for six months in prison, because among other things they "published a letter to the president of the republic Tito in the Dutch language, which was signed by an extreme anarchist-hippie organization of that country, where his reputation was insulted."

A professor of history from Bugojn, Radosh Borichich was arrested and put under court investigation for works of "national intolerance."

The lawyer Radmilo Milovanovich was sentenced to one year of prison because of "provoking national intolerance" and because in 1969 he gave an article to the correspondent at that time of the German magazine "Der Spiegel" Hans Rulman, and which was published in the newspaper "Ost-West Courier."

This is a list of sentences for only one week, and the "black list" of persons and circles of "flaming Serb nationalism" which should be broken and destroyed at the request of Tito himself, is continued at full speed.

The weekly magazine "Nin" brought out on six pages the presentation of the plenum of the Central Committee of Serbia with the title "Nationalism in Serbia" while the "Politika" in a special edition on 15 pages brought a report on the "Activity of the Serbian Community Party against Nationalism and Chauvinism in Serbia."

The Serbian national spirit of revolt, which is taking shape in a political movement, has become a menace to the Communists because it takes in all the ranks of the Serbian people.

These "nationalist occurrences" manifest themselves and have their effect in economic life, in the political system, in culture, in universities, in print, on the radio, on television, etc. It has been concluded that "priests at funerals conduct politics" and spread Serb nationalism. The basic thesis is, as a slogan "Serbdom and Serbia are threatened!"

THE COMMUNIST-FASCIST "REVOLT"

A short communique of the S.U.P. given to the news agency "Tanyug," reported that in Western Bosnia appeared a terrorist group which in a conflict with the organs of security and territorial defense was destroyed, while certain elements escaped.

Correspondents of Western European newspapers added to these news details, that the conflict was in the vicinity of Bugojn where Tito has his stronghold and where he frequently "goes to rest," and that it was a question of Croatian Communists and the members of the Ustashi movement. A part illegally came from the West.

"Borba" in its editorial attacked the West, and "Communist" spreads the attack to transoceanic countries. But this is not the end of the story . . .

In Berlin appeared before correspondents of foreign agencies Velimir Tomulich, a member of the "League of Croatian Communists Overseas," who spoke in the name of "the Army of the Croatian Socialist Guerrilla," otherwise by occupation a seller of antiques, earlier a speaker for the Vatican Radio, then an editor of the "Croatian State" and finally a founder of the "League of Croatian Communists Overseas."

He gave a whole "war bulletin": two magazines blown up, 23 civilians and 7 militiamen dead, struggles are continued, and so on.

The Munich newspaper "Suddeutsche Zeitung," the biggest in South Germany, says in connection with this:

"Many members of a command of the Croatian extremist organization 'Ustasha,' after a bloody battle with a unit of the Yugoslav army in Western Bosnia, who last week dispersed, were killed or captured. This is unofficially heard from Belgrade . . ."

In the whole complex, it is characteristic to indicate, that between the fraction of the Croatian communists of the "greater Croatian movement" and the "Ustashi" complete connection exists.

As a supreme body is the "Croatian Revolutionary Council," in which are: the "Croatian National Committee," the "Croatian Peasant Party," and the "League of Croatian Communists Overseas."

Their manpower strength is the so-called "Army of the Croatian Socialist Guerrilla."

The foreign policy line: the basis as Moscow and the countries of the Warsaw Pact, for the proclamation of a "Socialist Croatia," and "as a return" that "Socialist Croatia" would give to the Soviets sea and aviation bases.

Tito himself, in the last throes is performing acrobatics, to satisfy the Soviets and stay to his death on Brioni, for which purpose was his trip to Moscow, as well as his trip to Poland, which was really a visit to the command of the Warsaw Pact, in other words to Marshal Jakubovsky.

It is a fact, that in this complex Croatians are only satellites of the Soviets, just as they were satellites of the Nazis and Fascists during the Second World War. The external decorations are changed, but the essence stays the same.

GOVERNMENT BAN ON CIGARETTE ADVERTISING VERSUS GOVERNMENT PROMOTION OF RAISING TOBACCO

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Thursday, August 10, 1972

Mr. MOSS. Mr. President, the Christian Science Monitor of August 5, 1972, contains an article by Richard L. Strout which I believe should be read by every Member of Congress. I ask unanimous consent that the article be printed in the Extensions of Remarks. I urge Senators to read it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A LONELY CRUSADE

(By Richard L. Strout)

WASHINGTON.—To Frank Moss it seemed ridiculous. Here the government has banned cigarette advertising from the airways and at the same time it spends millions to promote the raising of tobacco. Since Mr. Moss is the junior Senator from Utah and, incidentally, a Democrat and a Mormon, he made his views known in Senate debate on the agriculture appropriations bill the other day.

It is rather odd, when you come to think of it. The authoritative Surgeon General's report in 1964 left no doubt that cigarette smoking is a health hazard, and he has followed it up with half a dozen subsequent reports. Each cigarette package now carries a compulsory health warning. And yet tobacco farmers make their livelihood from the crop, just as do hard-working farmers in certain warm climates from raising poppies. The two things are not in the same order of magnitude, of course; yet each group has a big economic stake in his traditional agricultural pursuit.

What gripes Mr. Moss is that the federal government should subsidize tobacco raising. All he wants to do is to let Uncle Sam's right hand know what his left hand is doing. Tobacco-state senators sighed as stocky, moustached Mr. Moss rose for the third year in his rather lonely crusade which is virtually unnoticed by the press but has the possibility of becoming decidedly awkward. He would not ban tobacco raising; he would cut out government subsidies.

"We have going in this country a major effort to combat the effects of smoking," Mr. Moss began. "We spend several hundred thousand dollars to publicize the health hazards of cigarette smoking."

"We spend several hundred thousand dollars to develop ways to help those who wish to stop smoking."

He paused and went on grimly:

"And we spend millions and millions and millions of dollars supporting the growth, export, advertising, promotion, and grading of this deadly plant which will result in the deaths of more than 50,000 people during the next year. . . ."

Nobody is sure what the government tobacco subsidy is, but it may reach $60 or $70 million. There is the price support program, for example; also export subsidies to aid U.S. tobacco sales abroad; and the subsidized inspection and grading of tobacco, the only crop save cotton supported by free inspection.

Wouldn't it be more logical, reasoned Mr. Moss, to use some of that money to encourage tobacco farmers to turn to some other crop?

"This is a most vicious amendment," exclaimed Herman E. Talmadge (D) of Georgia, who, by seniority, has risen to chairmanship of the agriculture committee. He said it would "make paupers out of tobacco growers and cause harm to our national economy."

Nobody supported Mr. Moss as he threw his annual brick into the angry hive of tobacco-state senators. There are around 500,000 tobacco farms in the country, raising 2 billion pounds, many from small allotments. Like others Mr. Talmadge emphasized the economic argument. The proposal to make the industry pay for its own grading and inspection is "a contemptible provision," he said, "as are all of the purposes of the amendment."

Senators Cooper and Cook of Kentucky denounced the Moss amendment, as did Sam J. Ervin Jr. of N.C. and Strom Thurmond of S.C., two other interested states. Mr. Ervin struck an emotional note:

"Mr. President," he said, "this amendment will take the bread out of the mouths of hundreds of little children residing in 25 different states."

Mr. Thurmond said whiskey is more dangerous than tobacco and why didn't Mr. Moss attack that, and Mr. Moss replied drily that "if the country ever begins to subsidize" the former he would be on the floor promptly to cut it out.

No roll call vote was taken, and the Moss amendment was rejected.

A TRIBUTE TO THE REVEREND AND MRS. CAREY McCREARY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. STOKES. Mr. Speaker, on Saturday, August 26, 1972, the congregation of Cleveland's New Mt. Zion Baptist Church will honor their pastor and his wife, the Reverend and Mrs. Carey McCreary.

America's religious institutions are under intense pressure today to bring God into people's lives by becoming involved in community affairs. Reverend and Mrs. McCreary and the New Mt. Zion Baptist Church are doing just that not in response to any external pressures, but only by listening to their own good hearts.

Their contributions to the Cleveland community are very tangible and quite real. Several years ago, the congregation and Reverend McCreary set some goals for themselves; today, many of those goals have already been realized.

For example, in 1963 the church purchased the first of seven homes in Cleveland's inner city. Skilled members of the congregation remodeled those structures in their free time. Today, those houses are being rented to church members by the church itself.

Or, by way of another example, last year the church opened the Mt. Zion Grocery Store at 1482 East 71st Street in Cleveland. It is not only provides work for church members; it also furnishes the revenues needed to finance new ambitious projects.

The New Mt. Zion Baptist Church congregation's latest project began last April with the ground-breaking for a new church. Just recently, the first services were held in the new church at 1508 East 71st Street.

Mr. Speaker, Reverend and Mrs. McCreary are to be fully commended and supported for the leadership that they have provided in the Cleveland community. Through determination, unity, and the sheer devotion and energy of their congregation, they have accomplished what many people believed to be impossible only a few years ago.

Around the turn of the last century, the great English thinker George Bernard Shaw wrote, "Beware of the man whose god is in the skies." We have Reverend McCreary to thank for the fact that the God of the New Mt. Zion Baptist Church is not in the skies, but in the community. I have full confidence that, under the guidance of Reverend McCreary and his wife. He will remain there—where the people are.

STRIP MINING

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. SEIBERLING. Mr. Speaker, both the House and Senate Interior Committees are now meeting in executive session, attempting to reach agreement on a bill to regulate the strip mining of coal. I do not know what sort of bills they are going to report and therefor I cannot evaluate them as yet. However, I hope that they will insist on reporting out legislation that will propose genuine solutions to the terrible blight of strip mining, and not merely give the appearance of solutions. The people of my State, and the people of our country, are growing increasingly outraged by the devastation of their land by the strip miners.

An editorial in the Sunday New York Times states very well, in my opinion, the choice facing the committees, and the Congress on this issue. I insert the editorial in the Record at this point:

[From the New York Times, Aug. 6, 1972]

Semistrip Mining

Both houses of Congress have before them bills which purport to mitigate the evils of strip mining. Unless these measures, especially the one in the Senate, are greatly strengthened the mitigation will be negligible.

Representative Ken Hechler of West Virginia would substitute a total ban on strip mining, to take effect six months after passage. For the American environment that would unquestionably be the best course. There is scant merit in the argument that such a ban would throw men out of work since underground mining affords four times the employment required by surface mining. And, while health and safety hazards are admittedly greater underground, they would be less so if Federal and state agencies enforced the standards already required by law.

Yet the likelihood of an outright ban is dim at best. Even in West Virginia, where Representative Hechler recently won an emphatic victory in a primary contest fought on this issue, there is no visible political movement toward legislating complete abolition. And West Virginia, with its ravaged hillsides and slag heaps, its scarred and desolate patches, is the section of the country hardest hit by this brutal raping of the land.

If the 92d Congress is to do itself credit on the environmental front—if, indeed, its Democratic leadership is to honor the platform its party has just adopted—it will have to do far better than the subcommittee recommendations now being considered by full committees on both sides of the Capitol. In particular, an effective bill will have to ban, within the shortest possible time, all surface mining on mountain slopes, where the greatest harm is done with the least chance of genuine reclamation.

Regulation should not be entrusted to the Department of the Interior, which is oriented to production rather than control, nor to the states, as in the weak Senate bill. The right group to police strip mining is the Environmental Protection Agency. And, not least, the finished bill should place on mine operators the burden of proving that their plans for reclaiming the mined land are adequate for the genuine restoration of the area, no matter how costly.

In the end, however, only the total abandonment of strip mining will do if people are not to have their streams polluted and their regions despoiled in order to provide others with the profit advantage to be had by taking coal from the surface instead of the depths.

RAILROAD RETIREMENT BENEFIT INCREASE

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, I am pleased that the House of Representatives has taken decisive action in passing H.R. 15927, to amend the Railroad Retirement Act by providing a temporary 20-percent increase in annuities. It is especially gratifying that the vote was overwhelmingly in favor of this measure, 398 yeas to 4 nays.

I have long supported an increase in benefits under this act and efforts to improve the efficiency of the Commission on Railroad Retirement. Early last year, I sponsored H.R. 9014, to amend the Railroad Retirement Act to provide an increase in annuities whenever there is a general benefit increase under the old-age, survivors, and disability program. On July 20, 1972, I also sponsored H.R. 15981, to provide a 20-percent increase in all annuities and pensions under the Railroad Retirement Act. I want to express my special gratitude to the Committee on Interstate and Foreign Commerce and to its distinguished chairman, Congressman Staggers, for their work on this important problem.

H.R. 15927 is not a complicated measure. It seeks to provide a temporary 20-percent increase in railroad retirement benefits, to conform to the action which the Congress took on June 30, when we approved a 20-percent increase in social security benefits.

Railroad retirees and their families and dependents are facing the same financial burdens as those under social security. In a time of uncontrolled inflation, they are forced to live on inflexible incomes. They need additional benefits now, and I believe that this bill, with its 20 percent adjustment, will help to alleviate some of the immediate problems they face.

I know that some Members have argued that the Congress should delay action until we have received the report from the Commission of the financial problems of the railroad retirement fund. I agree that Congress must act on a permanent plan to finance the fund; but I also believe that this increase cannot be delayed until that time. Only when we have taken action to provide fair and equitable treatment for railroad retirees can we set about the task of creating permanent reforms and establishing a sound financial basis for the railroad retirement fund. I will support those long-range reforms which will improve the soundness and fairness of the fund; but it would be an injustice for us to delay this necessary action until the Commission, and the committee, and the Congress have taken those long-range steps. This increase is needed now, and it is my hope that the bill will be passed as it is now by the Senate, and that every one of those on railroad retirement will get an increase in their checks on the same date that the social security beneficiaries receive their increases.

By making the increase temporary, we permit ourselves time to study the problems created by the dwindling railroad retirement fund. At the same time, we do not make the recipients of railroad retirement bear the cost of that study. We in the House of Representatives have spoken. It is time for the Senate to act, and I hope that they will do so swiftly.

A MEMO ON DIKES

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. SMITH of New York. Mr. Speaker, the latest propaganda offensive from North Vietnam that the United States is deliberately bombing their system of dikes and dams has been subjected to an unusually critical analysis by Bill McCullam, chief editorial writer of the Hearst Newspapers in New York City. I am pleased to share this "Memo On Dikes" by William Randolph Hearst, editor-in-chief, the Hearst Newspapers, with my colleagues and with the American people.

The editor's report follows:

A MEMO ON DIKES

(By William Randolph Hearst, Jr.)

SAN FRANCISCO.—Today's column consists of a memo to me from Bill McCullam, our chief editorial writer in New York City, in which he enlarges at my request on an eye-opening editorial he wrote and sent to our papers.

The editorial appears in today's papers—and I think you will be as interested as I was in reading this incisive run-down on the important and controversial question it discussed—is the United States deliberately bombing the dikes of North Vietnam?

This question has made a lot of news recently, and it's going to make a lot more for reasons which will become clear. So, being more or less on vacation, I am happy to be able to knock off my own writing this week in favor of what follows—and here 'tis:

DEAR BILL: As stated in my editorial, it was less than six weeks ago that Hanoi launched what I called one of its most diabolic and successful propaganda offensives. It is most important to understand the timing of the campaign, and how carefully it has been orchestrated.

Having seen them first hand, you know that those primitive dikes are nothing like those in Holland. Instead they are a 2500-mile-long maze of interconnected earthen levees, hundreds of years old, whose prime function is to control the annual floodwaters of the Red River Delta.

In 1954 literally millions of the 15 million peasants living in the Delta died by drowning or famine when the dikes failed. Last year, with the dikes in disrepair because of war-caused manpower shortages, a similar tragedy struck.

This year the dikes are in worse shape than they have ever been, largely because normal erosion and collapses have gone untended. Manpower for repairs is in far shorter supply than ever. And meanwhile the floodwater season of September is as imminent as the potential mass disaster that season involves.

With this factual background, and under this looming threat of nature, the North Vietnamese in late June began their latest propaganda offensive—pushing charges that the U.S. is deliberately bombing their system of dikes and dams.

Xuan Thuy, Hanoi's chief negotiator at the Paris talks, was one of the first to make the charge. He alleged that the U.S. is "purposefully creating disaster for millions of people during the coming flood season." He still was repeating the charges in Paris last Thursday.

Simultaneous with the launching of their allegations, the North Vietnamese Communists began conducting guided tours of the labyrinthian dike system. The Swedish ambassador to Hanoi and various correspondents of European newspapers there were escorted to selected areas where damage had clearly or presumably been caused by bombs.

In no time at all the haters of America, and those here at home seemingly willing to act as Communist agents, began echoing the enemy claim—that the U.S. was engaged in a calculated and monstrous crime against millions of helpless people.

At the same time Hanoi's invitations continued. Actress Jane Fonda, the far left activist who seems to be testing the limits of free speech, went and returned to vast television coverage with a movie showing damaged dikes which she claimed showed how they "are being bombed on purpose."

Right now, at Hanoi's invitation, former U.S. Atty. Gen. Ramsey Clark is in North Vietnam to study alleged dike bombing as a member of a Swedish-Russian hatchet group called "The International Commission of Inquiry into U.S. Crimes in Indochina." Its early and predictable report undoubtedly will make headlines in much of our own press.

A major propaganda coup for the enemy came when Kurt Waldheim, who succeeded U Thant as Secretary-General of the United Nations, returned from a trip to Moscow and said that on the basis of what he had heard from "unofficial sources" the bombing of dikes was deplorable and should be stopped.

As noted in my editorial, this was too much for President Nixon. He said, appropriately: "I note with interest that the Secretary-General, like his predecessor, (has) seized upon enemy-inspired propaganda."

And that's exactly what it is. Mr. Nixon and others of our top officials freely admit that some American bomb damage inevitably has been done to the dikes near military roads and targets. But, as he said, if we were deliberately bombing the dike system it would by this time be in a stage of complete ruin.

What the enemy doesn't admit, meanwhile, is that a good portion of the military damage to the dikes unquestionably has been caused by the fallback of its own SAM missiles.

As many as 500 of these big surface-to-air missiles have been fired at American planes in a single 48-hour period—mostly missing. When these missiles return to earth, often near or on dikes and dams, they can and do create very considerable craters.

The whole point, Bill is that the enemy is faced with a looming mass tragedy in the coming flood season and is seeking—all too successfully—to blame us in advance for the disaster they fear.

Millions of people around the world, thanks to the Jane Fondas, the Kurt Waldheims and others now being indoctrinated and soon to be heard from, already are either convinced or suspect that we are indeed bombing the dikes deliberately.

It is really astonishing how effectively a lie can be spread when the Communist transmission belt works overtime. In this case you would think that official denials would be unnecessary. Common sense should convince anybody that a mass, sustained aerial attack on Hanoi's dike system would be verified at once and without any question whether it had happened.

There has been no such attack—and now there never will be, even though it was deliberate bombing of dikes which led directly to a halt of enemy hostilities in the Korean war. President Nixon has said, in answer to the enemy charges, that such bombing "is not our policy now, and will not be in the future."

What I tried to show in my brief editorial was that Hanoi thus not only has shifted blame for a possible mass tragedy from its own shoulders to ours—it also actually has defended its dike system from any truly deliberate attack, using propaganda alone.

I repeat what I said in my editorial—any way you look at it, the latest Hanoi propaganda offensive is a masterpiece of successful duplicity.

ARETHUSA DESIGNATED CENTURY FARM FOR 1972

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mrs. GRASSO. Mr. Speaker, it is a great pleasure for me to congratulate the Webster family of Litchfield, owners of the Arethusa Farm which has been designated as a Century Farm for 1972 by the Connecticut Agricultural Information Council.

Farmers were the first Americans to tame the land, leading the way for the development of villages, towns, and cities in a growing nation. Their dedication and commitment to the riches of the earth constantly provide a harvest big enough to make America the best fed country in the world.

Although the number of farmers in Connecticut has declined over the years, those who remain are hard-working, energetic people who are an integral part of life in our State. The Arethusa Farm, which has been in the Webster family since 1868, is a specialized dairy farm of 150 acres. The Webster family is to be applauded for this well-deserving recognition. It reflects on a century of devotion to God's good earth—and for this reason they were honored on August 9 at the Plant Science Day of the Connecticut Agricultural Experiment Station.

I am proud to add my heartiest best wishes to the Webster family at this special time. For the interest of my colleagues, an article concerning the Arethusa Farm which appeared in the Litchfield Enquirer follows:

ARETHUSA DESIGNATED CENTURY FARM FOR 1972

Arethusa Farm, that has been in the Webster family since 1868 and is now owned by Art Webster; and a farm in North Stonington that has been in the Brown family since 1832, have been designated Century Farms for 1972 by the Connecticut Agricultural Information Council.

The Brown and Webster families will be honored at Plant Science Day of The Connecticut Agricultural Experiment Station, Aug. 9 at the Station's Lockwood Farm in Mt. Carmel. A citation signed by Governor Thomas J. Meskill and a bronze plaque suitable for hanging outside the farm home will be given to each family. Presentations will be made at 1 p.m.

This is the third year at Century Farm selections have been made to call attention to families that have continued farming successfully in Connecticut for at least 100 years. Each year one farm has been selected east of the Connecticut River and one west of the river.

The Webster farm in Litchfield has been in the family since Charles Benjamin Webster, great grandfather of the present owner, Arthur Benjamin Webster, Jr., bought the original 120 acres in 1869 and used the farm to raise oxen.

It is now a specialized dairy farm expanded to 150 acres, with a herd of 80 registered Guernsey cattle, and it is one of the small number of farms in Connecticut that still produce and retail milk. The farm distributes 600 quarts of milk a day, and ice cream made at the farm, on a retail route in Ritchfield. Eggs formerly were produced for sale on the milk route. They are still sold to retail customers but are purchased from a nearby poultry farm.

The farm owner drives the truck on the retail route. His youngest son, A. B. Webster III, works on the farm and has primary responsibility for managing the herd. The owner's father, the first A.B. Webster, is retired and lives in Norfolk. He comes to the farm at least three days a week, tends the large vegetable garden and likes to help his grandson with the cows. He is 87.

Arethusa Farm, as the Websters call their home and business, is named for a wild orchid that once grew in a swampy area on the farm. It has now disappeared and is extremely rare anywhere in the United States.

The Websters' white farmhouse was built in 1815. An addition was built in 1900 and it now has 10 rooms.

PONCE DE LEON AND PUERTO RICO

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. DERWINSKI. Mr. Speaker, Saturday will be the 464th anniversary of the arrival of Juan Ponce de Leon in Puerto Rico. While the Spanish explorer later became famous because of his fruitless search for the Fountain of Youth, he merits mention in our history books for more important reasons.

He fought against the Moors before accompanying Christopher Columbus on his second trip to the New World. It was during this voyage, on November 19, 1493, that the great navigator discovered the island which he named San Juan Bautista, in honor of Prince Juan, the only son of King Ferdinand V and Queen Isabella I, who would have become ruler of Spain had he survived his parents. Although Columbus discovered America and our Nation is often referred to as America, this was the only time that he ever set foot on what is now American soil.

After spending 15 years in Santo Domingo, Ponce de Leon decided to explore the island that he and Columbus had visited in 1493. He was supplied with ships and men by the Governor of Santo Domingo. A bay on the northern coast of San Juan Bautista so impressed the explorer that he called it Puerto Rico—rich port. Today, however, the harbor is known as San Juan and the island as Puerto Rico, a reversal of the original nomenclature.

Ponce de Leon was made Governor of the island by King Ferdinand in 1510. It is the anniversary of his arrival there 2 years earlier that will be celebrated by Puerto Ricans on Saturday.

Mr. Speaker, although Puerto Rico has been a possession of the United States since the conclusion of the Spanish-American War in 1898, it enjoys a great measure of independence, which should serve as an example for such imperialistic powers as the Soviet Union. The inhabitants of the Commonwealth of Puerto Rico are happy to be citizens of the United States. Like their first Governor, they have never found the Fountain of Youth. They have, however, discovered something equally precious, freedom under the Stars and Stripes.

NATIONAL BARBERSHOP HARMONY WEEK

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. ASPIN. Mr. Speaker, today I am introducing a resolution requesting the President to designate the week of April 8 through April 14, 1973, as "National Barbershop Harmony Week."

Barbership harmony is one of only three forms of music native to the United States, and as such it is an important part of America's musical heritage. The popularity of this musical form has been advanced largely through the efforts of the Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America.

In addition to perpetuating the popularity of barbershop harmony and providing wholesome family entertainment for millions in communities across the country, the S.P.E.B.S.Q.S.A., as it is popularly known, has raised hundreds of thousands of dollars for philanthropic projects.

Particularly noteworthy is the society's support of the Institute of Logopedics in Wichita, Kans. Through personal donations and proceeds from benefit concerts, the society has raised over $800,000 to support the institute's work in aiding multiple handicapped children. The funds are used to provide financial assistance to handicapped children, to finance research projects in the use of music in rehabilitation and to provide scholarships for the training of professional therapists.

Mr. Speaker, I am proud that the 34,000-member S.P.E.B.S.Q.S.A. has its international headquarters in Kenosha, Wis. It seems appropriate that barbershop singing be paid a national tribute next year during the week in which the society's 35th anniversary falls.

THE AMERICAN LEGION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. HOGAN. Mr. Speaker, I have recently returned from the convention of the American Legion, Department of Maryland, held in Ocean City. At that convention, it was my privilege to address the Legionnaires on the question of amnesty for those who violated the law by refusing to answer their country's call, while half a million men risked death in Vietnam—55,000 of them never to return. My strong opposition to amnesty was met with enthusiastically approving applause.

Hence it was with astonishment that I read in a recent edition of the Washington Post an article announcing in the lead paragraph that the Maryland convention of the American Legion had passed a resolution recommending amnesty for draft dodgers and deserters. I wondered if there could have been two separate conventions, meeting simultaneously. Clearly, the sentiments of the convention I had addressed were against amnesty.

It was with considerable relief that I read a letter to the editor of the Washington Post from the Maryland department commander of the American Legion, Raymond E. Callegary, clarifying the Legion's position, and including a copy of the actual resolution as it was passed by the convention.

I would like to share this clarification with my colleagues and insert in the RECORD the Washington Post article, Commander Callegary's letter, and the resolution.

THE AMERICAN LEGION,
Baltimore, Md., July 18, 1972.

The Editor, the Washington Post:

Your article concerning the resolution dealing with the subject of amnesty as passed by the American Legion, Department of Maryland in Convention at Ocean City, Maryland on July 13, 1972, has been brought to my attention by citizens and various members of our Department, including those who were quoted by your reporter.

I am enclosing a copy herein of the exact resolution as passed by the Convention which is being distributed to the members of the Department of Maryland and our National Organization to clarify the errors in your interpretation of the resolution as indicated by your headline and article.

The American Legion, Department of Maryland is not in favor of blanket amnesty for those citizens who refused to serve in the armed forces when called to do so under the authority of the draft law, and is in favor of amnesty hearings only upon the termination of hostilities, at which time it is felt that those so charged should have a hearing before a civilian amnesty board in keeping with their constitutional rights, also to an appeal of any decision by such civilian board, if the citizen so charged feels he has not been given a fair trial.

The individual legionnaires whom your reporter quoted have denied that they made any statements contrary to the position as officially represented by the resolution as passed by our Department Convention.

The Baltimore Evening Sun had a reporter present on the speaker platform during the entire four days of the Convention. He reviewed the resolutions as they were approved or disapproved by the 1300 delegates and reported the story concerning the amnesty resolution fairly and accurately. He was able to read the resolution and to hear the debate as he observed the convention from within two feet of the speakers podium.

As his story indicates, one of the legion Delegates felt that the resolution was too harsh and attempted to amend it without success.

I would suggest that you verify these statements concerning the wording of the resolution and what actually took place by reading the Evening Sun story prepared by reporter Frank Megargee and appearing in the 5 star edition of the Evening Sun on Friday, July 14, 1972. I also request that you print the enclosed resolution in full so that your readers are properly informed as to what really transpired.

If you feel the position of the American Legion is of such vital interest to your readers, then as the newly elected Commander for the coming year, I extend to your paper an invitation to have a reporter present for the entire deliberation of our 1973 Convention in Ocean City, Maryland between July 10th and July 13th, 1973.

Very sincerely yours,

RAYMOND E. CALLEGARY,
Department Commander.

RESOLUTION

Whereas the U.S.A. is now involved in a conflict in Viet Nam which has created much dissent among those draft eligible young men subject to military service, and

Whereas among those young men called upon for military service are those who have refused to serve, and

Whereas there are those other citizens in public office, or in positions of public notoriety, who have called for immediate and complete amnesty for those who have refused to serve in the Armed Forces of the U.S.A. when called upon to do so, and

Whereas the members of the American Legion, Department of Maryland, feel that such an immediate act of total amnesty would be ruinous, and destructive to the morale of members of the Armed Forces of the U.S.A. who have answered the draft call and are serving, or have served, honorably and who individually, as well as their families, have suffered severe hardships sometimes resulting in capture, wounds and/or death because of such military service. And due to the total inequity which would result in the granting of immediate amnesty to those who crave the good things of life from their Country, the protection of its laws in all other respects and full participation in its rewards as citizens, and in its economic bounties, but refused in any respect to fulfill or accept their responsibility as a citizen when called upon for military service;

Now Therefore Be It Resolved by the American Legion Department of Maryland, in Convention assembled in Ocean City, Maryland from July 11th thru 14th, 1972, that no amnesty of any kind be granted to any citizen who has refused to serve in the Armed Forces of the U.S.A. when called upon to do so, until the termination of the Viet Nam conflict, at which time each citizen so charged with evading the draft shall have a full hearing on the merits of his case before a Civilian Amnesty Board appointed by the President of the United States of America with the right of appeal to a U.S. Federal Court for Judicial revue.

LEGION IN MARYLAND WOULD ALLOW WAR AMNESTY

(By Douglas Watson)

The Maryland American Legion, in a break with the Legion's present national position, has adopted a resolution calling for selective post-Vietnam amnesty for draft evaders.

The Maryland resolution, passed at an Ocean City convention that ended Friday, proposes that a civilian amnesty board, similar to the one created after World War II, be established to hear amnesty cases on an individual basis.

However, the measure said consideration of any amnesty should be postponed until after all American troops are withdrawn from Vietnam, maintaining that "immediate and complete" amnesty would be "ruinous and dstructive" to armed forces' morale.

The Legion's national position on amnesty has been that the issue should not even be considered until after the war is resolved, said James R. Wilson, director of the Legion's national security and foreign relations division.

Wilson called the Maryland action "a little premature," but added that eventual creation of a presidentially appointed amnesty board is "probably a logical step."

The issue is expected to rank high on the agenda when the national Legion convenes in Chicago Aug. 18 he said, with strong debate expected on whether there should be a change in the national position.

The American Legion has 2.6 million members, with about 30,000 expected to attend the Chicago convention. Some 1,300 Maryland Legionnaires attended the three-day Ocean City convention.

The Maryland American Legion previously had taken no position on amnesty. In explaining the resolution, Doug Johnson, chairman of the Maryland Legion's commission on children and youth, said, "Many of our members are hard-liners, but I think some people are changing their minds."

"They've got to do something. They just can't let those people stay away forever," said Barney Hoyt, commander of Bowie Legion Post 66.

Maryland Legion officials said yesterday their resolution does not apply to military deserters, but only to draft evaders who have never reported for military service. Deserters are subject to military justice upon apprehension.

Earlier this year, American Legion National Commander John H. Geiger said the Legion opposes amnesty for deserters, saying it would be "very inappropriate to extend amnesty when we have people in combat in Asia."

Geiger added at that time: "These people who went to Canada or Sweden knew what they were doing. They knew the full consequences of their act."

Johnson and Hoyt said, however, there was a feeling among Maryland Legion members that some draft evaders may have acted under personal circumstances calling for less severe action than permanent self-exclusion from the country.

David A. Wise, outgoing Maryland department commander of the Legion, said, "Each case should be judged individually on its own merits." He said that would not be in conflict with the national Legion position on amnesty.

But Wilson said he knew of no other state unit of the Legion that has passed a resolution similar to Maryland's. "You might say they are a step ahead of us" on the national level, he said.

In other action, the Maryland unit of Forty and Eight, a society of veterans who also belong to the American Legion, urged at its meeting in Ocean City that its national organization drop a long-standing requirement limiting membership to white males.

Because of its whites-only policy, Forty and Eight has been officially criticized by the American Legion, which has broken off all formal links to it, Wilson said. Elimination of the "whites only" clause is to be debated at Forty and Eight's national convention in September.

Chosen to succeeed Wade as commander of the American Legion's Maryland department was Raymond Callegary, a 46-year-old attorney from Timonium.

AN APPRECIATION TO PARAMOUNT PICTURES

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. BELL. Mr. Speaker, with the theme "Take Stock in America" the Savings Bonds Division of the U.S. Treasury Department is, this month, completing the formal phase of its 1972 payroll savings drive.

It has been a spectacularly successful campaign. Sales records for the last 27 years have been broken. An all-time high of $56.7 billion in savings bonds are now owned by the American public. One out of every five of our citizens has joined the program.

For many years the Treasury Department has been assisted in this annual enlistment drive by private individuals and companies who have donated time, money, and facilities to acquaint the public with the importance of payroll savings.

This year an unprecedented contribution by Paramount Pictures Corp., a subsidiary of Gulf and Western Industries, has been given much credit for the success of the Treasury campaign and seems especially deserving of recognition and commendation by the Congress.

Using the cast, setting, and story line of the popular ABC television series "The Odd Couple," a film was produced by Paramount in which the virtues of thrift through regular payroll deductions for U.S. savings bonds are memorably presented.

Enthusiastically viewed by a combined audience the Treasury Department now estimates to have exceeded 20 million potential subscribers in offices and factories across the Nation, this film, "The Winning Hand," received the Gold Camera Award at the U.S. Industrial Film Festival in March 1972.

Deserving of our appreciation for their contributions of money, manpower, facilities, and talent to this prize winning project in support of an important Government program are Emmet Lavery, Jr., executive vice president of Paramount Television; Robert Peters, vice president of Paramount Pictures Corp.; and Sam Strangis, vice president and production manager of Paramount Television.

The cast, staff, and crew of "The Odd Couple including the stars Tony Randall and Jack Klugman; Garry Marshall and Jerry Belson, executive producers; Jerry Davis and Tony Marshall, producer and associate producer; Hal Cooper, director; Marty Moss, assistant director; Harvey Miller and Bill Idelson, writers:

Lester Shorr, director of photography; Sam Rose, James King, and Bill Norton, cameramen; Charles Goldstein, postproduction coordinator; Bill Garst, editor; Bill Naylor, assistant editor; Howard Berkowitz, director of Paramount Communications; Shari Wigle, production assistant; Gloria Morgan, script supervisor; and supporting cast members Al Molinaro, Larry Gelman, and Frank Loverde.

It is a tribute to the public service instincts of Paramount Pictures Corp. and of each of these individuals that they would participate in this extremely beneficial Treasury Department program. It is a tribute to their extraordinary ability that the end result of their efforts, the film "The Winning Hand," would become one of the best, most effective and honored promotional films ever used by the Federal Government.

OPERATION IDENTIFICATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. BIAGGI. Mr. Speaker, in our continuing battle with crime, we in the Congress have the occasional opportunity to cite an outstanding example of cooperation between the private and public sectors of our society. Today it gives me great pleasure to salute one of New York's broadcasting companies, WPIX Incorporated, for its initiative in promoting and helping to execute operation identification in local communities.

Operation identification is a system by which citizens mark their valuable possessions with a permanent personal inscription, such as a driver's license or Social Security number. The inscription, designed for efficient identification and recovery of stolen property, is made with a special electric engraving tool. Early this year in Franklyn Township, N.Y., WPIX purchased a number of these engravers to lend to local residents for operation identification. WPIX also issued special "Operation Identification" stickers to participating families to be displayed on their homes in an effort to deter potential burglars.

Today, several police precincts in New York City have adopted operation identification on a trial basis. WPIX officials have met with the commissioner of police and have stated that WPIX is ready and willing to participate in extending the benefits of Operation Identification to the New York City community.

Mr. Speaker, WPIX Incorporated is deserving of our praise for its dedication to the service of the public. Broadcasting stations in all parts of the country would do well to follow the example of WPIX, so that many more American communities may be better protected from the criminal element.

DEATH, DISEASE, AND THE BLOOD MARKET

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. VEYSEY. Mr. Speaker, in yesterday's RECORD I shared with my distinguished colleagues the first part of an examination of our Nation's blood supply which appeared in the Evening Star, on July 16, 1972, entitled "Death, Disease, and the Blood Market."

The second part of the article deals with the way commercial blood banks purchase blood, the condition of the blood they buy, and includes some shocking facts about the typical "professional" donor.

Mr. Randall concludes that effective Federal action in this field is essential.

From the Evening Star, July 16, 1972:

STATE ACTION ANEMIC

Action on the state level has been even more anemic than on the federal. In 17 states there are no laws on the books about blood banking at all. In 20 others, the only law is one that prohibits legal suit in a state court if a patient is injured by transfused blood. This statute is also in effect in 27 other states. Only seven states license the blood banks that operate within their borders. And only five inspect them.

Millions of Americans, therefore, who have no assurance that the blood that may be given them has a reasonable chance of being safe, are at the same time hard put to seek legal redress for injury.

A blow was struck against this inequity last October in a Billings, Mont., state court case in which Dr. Allen testified as an expert witness and cited the many studies demonstrating that purchased blood is higher-risk blood than volunteer.

On this basis, the plaintiff's lawyer argued that failure to try to recruit a volunteer donor for his client had constituted negligence on the part of the hospital and doctors and won damages of $32,941.41 for a man who had developed serum hepatitis after receiving blood that had allegedly been bought for $5.

However, the award was made on the grounds that blood for transfusion purposes is a product. In some states it is defined as a service instead, in which case, blood bankers argue, the liability rule does not apply. Whether this legal nicety will continue to protect them, and doctors who administer blood without knowing its source, from lawsuits remains to be seen.

What has recently happened in Illinois could be the wave of the future. There the courts have ruled that blood is indeed a product and the state legislature has passed a law that blood be labeled as either purchased or volunteer beginning Oct. 1.

MONEY

Many observers feel the real argument is about money. Allen alleges that even nonprofit blood banks are profitable and that he knows this from having run a blood bank himself. In some cases, he says, doctors own the banks or have a direct financial interest in them by being on their payrolls as consultants. In others, he charges, the fat fees collected go to support the needlessly high salaries of their medical directors or to fund the research of the scientists on the staff.

Unlike scientists with government or foundation grants, he explains, these men and women do not have to compete for supper with other scientists on the basis of the merit of their work. "Blood banking should be a public utility," he says. "The grimy hands of our profession should be out of it."

If the government is not moving directly against the payment of donors, it is at least working on other remedies. The Blood Resources Program of the National Heart and Lung Institute, for instance, has let a number of contracts to medical centers designed to determine whether the administration of a serum called hyperimmune globulin can prevent hepatitis if administered with a transfusion, or modify the course of the infection if the disease has already set in.

In addition, efforts are also being made to develop a better method for spotting high-risk blood and to make whole blood less perishable. There have even been some partially successful efforts to solve the problem by creating a synthetic fluid that could serve as a substitute for natural human blood.

Some progress is also being made in developing a vaccine that would prevent serum hepatitis. But according to Dr. James Stengle, chief of the NHLI program, the vaccine is only a prototype and will not be available for many years, if ever.

Given this state of affairs, many observers feel that the more immediate solution to the serum hepatitis problem lies in federal action that would disentangle blood banking from the profit motive, rather than in research.

Perhaps this point of view has been best expressed by Richard M. Titmuss, the British author of "The Gift Relationship," a book about blood banking in many parts of the world.

"From our study of the private market in blood in the United States," writes Titmuss, "we have concluded that the commercialization of blood and donor relationships represses the expression of altruism, erodes the sense of community, lowers scientific standards . . . sanctions the making of profits in hospitals and clinical laboratories . . . (and) places immense social costs on those least able to bear them—the poor, the sick and the inept."

POSTAL SERVICE TEST

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. PICKLE. Mr. Speaker, a recent Christian Science Monitor test of Postal Service services ended in mixed results.

Key to the test is the new emphasis on fancy equipment and special services. And the results show the same problems many of us face—you can get across the country but you cannot get across town.

The fault does not seem to rest with the postal employees and civil servants that run the postal system, but with the machinery of the system itself.

The results also seem to indicate considerable instability in mail service. Your letter may get there in the promised time—but you really cannot count on it.

I hope that this is just the shock waves of transition to new policies that we are experiencing and that we can expect more reliable service in the near future. And I hope that reliable service will be available to all citizens of this country—not just to a few big city outlets.

As I see it the Postal Service now faces a great responsibility and a great opportunity. The responsibility is not to hide poor service behind a battery of confusing and complicated bureaucracy and special services. The opportunity is to find ways to speed the mail to its destination near or far and through this service teach us all new lessons in how best to transport goods and people from place to place.

I found the Monitor test most informative, and I would like to reprint their report on it in the RECORD at this time:

[From the Christian Science Monitor, Aug. 1, 1972]

NEW ZIP IN U.S. MAIL—BUT NOT ENOUGH?

(By Florence Mouckley)

BOSTON.—Thirteen months after the U.S. Postal Service took over the government-run Post Office Department, the new service has speeded up mail deliveries—but there are still shortcomings.

A check of all first-class and airmail coming into six Monitor offices—Boston, New York, Washington, D.C., Chicago, Los Angeles and San Francisco—over a period of a week shows that, on the plus side:

—There is an 88 percent chance that the letter you mailed today will be received in two days or less.

—Most letters mailed from one point to another within a metropolitan area are received the next day.

—The majority of long-distance airmail letters are received in two days or less.

On the minus side:

—Only 63 percent of airmail letters in the Monitor's check going 500 miles or less were received the next day. However, the small amount of airmail received made for a small sampling.

—New experimental Express Mail Service which promises overnight delivery in some 34 U.S. cities was less successful than claimed.

The Monitor's test of 3,510 first-class and airmail letters included recording the place of origin, date stamped, and the date of arrival.

BAFFLING EXCEPTIONS NOTED

Although the Postal Service appears on target with its aim to provide next-day delivery for those letters mailed within a metropolitan area before 5 p.m., there are some baffling exceptions. It took one letter, for instance, seven days to travel across New York City.

When the Postal Service assumed responsibility it promised next-day delivery of airmail letters to cities within a 600-mile radius, and delivery within two days to cities beyond 600 miles.

The Monitor test shows that the Postal Service is coming closer to achieving its long-distance delivery goals than short-haul airmail.

Of 63 airmail letters going beyond 600 miles, 84 percent were received in two days or less; 13 percent took three days; and 3 percent took four days or more. (Sundays were not counted in the tests.)

One letter crawled from Ft. Worth, Texas, to Boston in eight days.

Of 40 letters airmailed within the 600-mile limit, 63 percent were received within one day or less, 37 percent were received in two days.

PILOTS STRIKE INTERFERED

The airmail tests might actually be slightly better than is indicated since they started directly after a one-day pilots strike which involved a few airlines.

The Postal Service claims that nationwide it is achieving about 95 percent of its goals on airmail delivery.

But even if 95 percent of the mail in the United States is delivered on time, it still means that 4.3 billion pieces will be late.

And with the U.S. mail services handling 87.1 billion items a year—half the world's volume—even a small percentage of late deliveries is gargantuan.

Why does it take an airmail letter going 200 miles from Boston to New York City as long as one traveling 3,000 miles from Boston to Los Angeles?

"That's what everybody wants to know," says one under-fire postal official. "Delays in short-haul mail constitute our biggest problem. It takes five hours for a letter on a plane going to Los Angeles. It takes about an hour's flying time to New York—but then planes are often delayed two or three hours 'holding' over LaGuardia or Kennedy airports. So when you add it all up, the actual elapsed time is not that different. And then getting the mail into the center of New York City is a major problem. You could get the letter to California several times over."

City traffic, he explains, slows the mail "terrifically."

URBAN TRAFFIC TO FIGHT

When the mail system was established, he continues, post offices were built right in the center at the railheads. But now because of the cutback in rail service most of the mail moves by truck and that involves fighting the fierce urban traffic. "It means picking up the mail, hauling it into the center of town for processing when a lot of it just turns around and has to come right back out.

"In the future you're going to see postal-handling facilities outside the main area. When we process mail we don't have to do it in the center of town, we can do it on the outskirts. All we need in town are little stores where people come in and mail their letters and packages."

Future post offices, he says, will not be massive monuments as in the past.

Another basic problem, says the postal official, is that the service is asked to move a huge volume of mail—it is estimated that it will be 105 billion pieces by 1992—using archaic methods.

"SERVICE IS TO BLAME"

"Basically, we're still using Benjamin Franklin's pigeonhole system of sorting mail. We're getting away from it with automatic sorting machines, but we haven't had money in the past to either develop or obtain the modern machinery we need. We should have had automatic letter handling years ago."

The postal official says that the service has no control over many factors that slow the mail but "if Aunt Martha doesn't receive your letter on time, the postal service is to blame."

Many people are under a misconception about first-class mail and airmail, says a Postal Service spokesman in Washington, D.C.

"People say, 'Why spend the extra three cents when we know first-class mail goes by air anyway,' but this isn't completely true.

"Airmail goes on a 'space guaranteed' basis. First-class mail goes on a 'space available' basis. This is especially important now when the airlines have stopped putting on as many flights as they used to."

Postal employees, he says, now are concentrating on the special handling of airmail from the time it is put in the box until it is delivered. "You'll soon begin to see the difference," he asserts.

MORE LEEWAY NOW

The new semipublic Postal Service has much more leeway in managing its own affairs than the old Post Office Department. It can borrow money for modern facilities and equipment, work out its own management-employee relations, adjust postal rates, and get away from political patronage by appointing its own post-office officials.

In January the Postal Service sold $250 million worth of bonds. The money is being used to construct 21 bulk-mail facilities around the country to speed up mail deliveries.

The Postal Service admits that many of its problems are internal.

"We've got to cut out a lot of the fat," says the official—unproductive employees, inefficient methods, and we've got to train up more managers. Some of its accomplishments he cites:

—Reduced overall employment during the past year by 20,000 workers without resorting to layoffs.

—Provided incentives for an early retirement program.

—Instituted a 90-day employment freeze in March which called for not hiring replacements for workers who leave.

Although a $900 million rate increase had been budgeted for 1973, the Postal Service management announced recently that it would try to do without the additional money. The service is aware, say observers, that the public is extremely sensitive to higher stamp costs before they see tangible improvements.

STIFF COMPETITION MET

The Postal Service is also encountering stiff competition from private mail carriers, especially those handling packages. They promise prompt, careful delivery.

The Monitor also tested the Postal Service's experimental Express Mail Service which promises that items received at the mail-express window at a designated post office will be ready for pickup by 10 a.m. the next morning at a like post office in any of 34 participating cities.

The cost: $1.50 for up to a half pound to 40 pounds for $15 to $22 depending on distance. The service carries a money-back guarantee.

When it works, this "downtown to downtown" service is "letter perfect" if you don't mind the "bring the letter to" and "pick the letter up" aspects of the service. Also, special labels must be filled out, and the recipient must be informed in advance when and where to pick up the letter.

When express mail doesn't work, it's time consuming, frustrating, and involves phone calls and additional trips to the post office which add considerably to the cost.

TWO ASK FOR REFUNDS

The Postal Service claims an overall 98 percent on-time delivery with express mail. Out of 8,500 mailings in a test period, it reports, only two users asked for their money back. But it points out, this does not necessarily mean that only two users did not receive their mail on time.

In the Monitor test the service was far less successful. Five out of 30 express-mail letters the six offices mailed to each other on June 20 were not available for pickup at 10 a.m. the next morning.

Four of the letters were clearly late. The post office claimed that the fifth was on time but that it was incorrectly addressed. This was a debatable point.

In several instances, after letters were unavailable for pickup at 10 a.m. and Monitor staffers had returned to their offices, the post office phoned to tell them the letters had arrived. To get them, another trip to the post office had to be made.

Also, to get your $1.50 back for a late letter, you must first retrieve it from the post office and then return the envelope with the date stamp and postage intact to the sender so that he may claim a refund. Another trip to the post office. What's more, you don't get your money back on the spot. Forms must be filled out. Reports Dorothy Peck, secretary of the Monitor's Chicago office:

"The envelope of the letter that was received late in New York was returned to me. I took it to the post office. This was the first claim they had received for late mail, and they didn't know how to handle it. Someone in customer services who would have known what to do was out. So they gave me a receipt for the envelope, and I filed a claim for the $1.50."

A rebate was received in the mail a few days after the claim was filed. Another refund was received by the Monitor's New York office. Others are being processed.

The Postal Service's leaflet describing the Mail Express Service doesn't explain how one goes about claiming a refund for a lost letter. Express mail, it states, cannot be registered, insured, certified; or delivered under regular postal-delivery service.

This service is used primarily by banks and brokerage houses.

The Express Mail Service has been in operation for a year.

WOULD SWAP HONORS FOR PEACE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. HELSTOSKI. Mr. Speaker, I was pleased and honored to learn that one of my constituents, Mr. Aristide Muscariello, was bestowed with the honor of knighthood by the Italian President for his distinguished bravery while fighting for Italy in World War I. More important than all his medals, he has shown truly humanitarian qualities in being saddened by conflict in the world today, and especially by the needless bloodshed being prolonged by our policy in Vietnam. I submit at this point an article describing how this brave man would trade all his honors for world peace:

[From the Hackensack (N.J.) Record, May 7, 1971]

An Old Hero Newly Knighted Would Swap Honors for Peace

(By Jon P. Kraushar)

Aristide Muscariello is an antiwar war hero.

The 74-year-old veteran of the Italian Army in World War I has just been knighted by the order of Vittorio Veneto and has won eight battle honors ranging from the Allied Medal to the Distinguished Service Medal.

"Rather than the honors," he says, "I'd like to see the world in peace."

Muscariello, a retired custom tailor who lives at 557 Anderson Ave., in Cliffside Park, was drafted into the army as an 18-year-old college student from Naples.

It's not that the Italian government forgot to honor him 50 years ago. This is a new honor for an old soldier.

"They want to recognize those old men who did something for the country," he says with a philosophical shrug.

He served with the 82nd Infantry Regiment and with the state major staff of Ground Bombardiers at the Italian-Austrian alpine front.

He fought in the Battle of Piave—the last battle on the Italian front before the signing of the Armistice in 1918.

But of his heroics, which include saving some wounded comrades, he says: "It was a matter of circumstance. I carried out my orders. What is the difference between me and the men who died beside me? Maybe they are more brave than I."

'BUT WHY VIETNAM?'

On the Indochina war he said: "If we are in a position where our country would be invaded and our children slaughtered, then even if I am 74 years old, I would take up a rifle and fight to the last drop of my blood.

"But why are we in Vietnam?"

More than 50 years after he served the Italian Army as a corporal, Muscariello received word of his knighthood from Turriddu Simone, vice consul representing the president of the Italian Republic.

"I feel honor for the fact that they make me a knight," he adds. "But meantime I'd rather see the world in peace rather than have honors submitted to me."

Not all his war reminders are medals.

There are shrapnel scars on both legs and his right wrist. His belly has a foot long seam on it where a chunk of metal was removed by a delicate operation 15 years ago.

Then, there are the memories.

"I dream sometimes," he says, "I see a Sardinian soldier who fought with me and crossed a dangerous boundary line to get me a drink of water.

"My men covered me when I was shivering . . .

"I saw people slaughtered like lambs.

"Personally, I don't believe these medals make me a better human being than you," he adds. "When they're all put together, it just seems so sad."

CAPTIVE NATIONS WEEK IN FREE CHINA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. CRANE. Mr. Speaker, for the past weeks, mounting reports have been received regarding the 14th observance of "Captive Nations Week" both in our country and abroad. These reports are most encouraging because they indicate that large segments of our people are still realistic about the existence of the "Red Empire" and its more than 27 captive nations and the continuing threat of totalitarian Communist imperialism to the free world. It is with this thought in mind that I bring to the attention of my colleagues: First, the proclamation by Gov. Dale Bumpers of Arkansas; second, an article in Twin Circle on "Brotherhood Week," and third, reports on Free China's observance of the week, including President Chiang's message, Vice President Yen's remarks:

Proclamation of State of Arkansas

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungry, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovania, Tibet, Cossackia, Turkestan, North Vietnam, Cuba and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of catpive peoples;

Now, therefore, I, Dale Bumpers, Governor of the State of Arkansas, do hereby proclaim that the week commencing July 16, 1972, be observed as Captive Nations Week in Arkansas, and call upon the citizens of our state to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

Brotherhood Week

(By Robert Morris)

Labels are powerful forces in our compulsion prone society. Few people are reflective and a flashing slogan or epithet triggers a conclusion that often represents the terminal point of a superficial thought process. Modern advertising and television generally are accelerating this anti-intellectual reaction trend. Politicians are exploiting it. The Communists are masters at adapting it to their purpose.

Captive Nations Week long ago became a casualty of this phenomenon. Mere mention of it turns almost everyone off. The underlying significance is never even pondered or deliberated.

For that reason I am entitling this column "Brotherhood Week" because that is precisely what Captive Nations Week means. But "brotherhood" has been manipulated by the sloganeers to provoke the very opposite response from that of "captive people."

Liberty and freedom are spiritual in content. They are the most precious treasures that any man can possess.

ALL MEN ARE BROTHERS

The mandate of our religion demands that we treat all men as our brothers. We cannot be selective in our response to this imperative. Just as the black man, the red man and the yellow man must be the object of our solicitude, so also should the Russians, the Chinese, the Lithuanians and the North Vietnamese be deemed our brothers. We have an obligation to these nationals that is real and as searing as the quality of our love of man. We have the duty to work to bring them liberty.

Men of religion, in particular, should be articulating the significance of Captive Nations Week. Their zeal (or lack of it) in making it a moving force is really a measure of their belief in "The Brotherhood of Man."

Yet how many priests, ministers or rabbis are making "Captive Nations Week" the subject of their homilies during this designated period of time.

It is just not fashionable or self-advancing to even advert to what should be a week of solemn observance.

I try to see some refugees from Communism every year, mostly in Hong Kong, Taiwan or the off-shore islands of Asia. To talk to these people and to gage the courage they displayed in escaping from bondage is an experience everyone should undergo. An abstraction is thus converted into a moving personification. Before you is a brother who embodies the finest ideals in man's quest for liberty. He knows the oppression, the tortures, the total eclipse of civil rights that our political leaders are sugar-coating with diplomatic nonsense or downright fabrication. He savors his new found freedom.

This year the United States of America sank to an ignoble spiritual depth when it joined in the big lie that Mao Tse-tung and Chou En-lai, the slave masters of 800 million human souls, represented the Chinese people in an organization that has as its lofty goal the self-determination of peoples. That vote was a death knell for liberty in China. It vitiated the very essence of "Captive Nations Week."

The streams of refugees fleeing from advancing Communist armies, battling the currents of the China Sea, to find asylum in Hong Kong, or climbing the Berlin Wall—east to west, not west to east—are enduring testament to the inhumanity involved in phasing out the spiritual content and significance of "Captive Nations Week."

President Chiang Raps Illusion To Negotiate With Reds

Taipei, July 19.—President Chiang Kai-shek today pointed out that "to negotiate with and attempt to conciliate with the Communist bloc is tantamount to asking the tiger to give up his skin or inviting the wolf into one's house."

In a message to the Captive Nations Week rally to be held here tomorrow, the President rapped "the idea that Communist aggression can be stopped by negotiations." Negotiations, he said, will only "extinguish the light of hope for the enslaved peoples."

The Chinese Chief Executive therefore urged the nation to "adhere to the spirit of self-reliance and to the conviction that we are masters of our own fate" at a time when the world is in chaos and people are confused and enemies cannot be distinguished from friends.

The following is the full text of President Chiang's message:

"Support of the people behind the Iron Curtain in their efforts to win freedom has become a principal movement and part of the worldwide anti-Communist struggle. This movement has been carried out and expanded through the years. It has reinforced the courage of the broad masses of the enslaved people in their resistance to tyranny and in their struggle for survival, and has also strengthened the unity among the world's forces of righteousness.

"In recent years, some democratic countries have attempted to open the Iron Curtain through negotiations and to reduce tension through conciliation. Such attempts have served only to promote an international atmosphere of appeasement. The Communist bloc took advantage of this opportunity to launch a smiling campaign and step up its united front activities with a view to undermining the unity of the free world and to shattering the anti-Communist will of the free peoples. To negotiate with and attempt to conciliate with the Communist bloc is tantamount to asking the tiger to give up his skin or inviting the wolf into one's house. At a time when the world is in chaos, when people are confused and when enemies cannot be distinguished from friends, we must adhere to the spirit of self-reliance with vigor and to the conviction that we are masters of our own fate. We must combine the will and the strength of our compatriots at home and abroad on the one hand and on the other strengthen our ties with the international forces of righteousness so as to fortify our position as an unshakable pillar in a turbulent stream and consolidate our anti-Communist defenses.

"History proves that permanent peace is possible only when mankind has obtained freedom. The world cannot have real peace and security when half of mankind is free and the other half remains enslaved. The idea that Communist aggression can be stopped by negotiations can only extinguish the light of hope for the enslaved peoples. The international appeasers have now fallen into the trap set by the Communists in their efforts to communize the world. However, the world situation will in the natural course of events change from the chaotic to the orderly and people will gradually eschew cowardice and regain their courage. The footsteps of the international appeasers cannot possibly continue to follow the present direction for long. I believe we can expedite this change by raising our shining banner of "uniting with all free nations against Communist slavery." The various activities conducted by our people in support of Captive Nations Week will raise the tides of freedom ever higher and make an important contribution to the safeguarding of peace and security of mankind."

Yen Urges Free Nations Learn Real Nature of Reds

Taipei, July 20.—Vice President C. K. Yen today called upon free nations to learn more about the wicked characteristics of the Communists and cast aside any wishful thinking about a peaceful settlement with them.

Addressing the Captive Nations Week rally this morning, Yen said the vicious schemes and savage crimes of the Communists, especially those perpetrated by Peiping, are incompatible with the free world's respect for freedom, desire for peace, and high regard for human rights.

Any attempts to turn these enemies into friends can only help the Communists apply further pressure on the people at home and with greater audacity engage in armed subversion abroad, he observed.

All freedom-loving nations and individuals should "discern the wicked characteristics of the Communists, check the world troubles at the source, immediately cast aside any wishful thinking about peaceful settlement with the Communists, and end forthwith the foolery of appeasement that can only bring trouble to themselves," he added.

Yen also called upon the people of the Republic of China to see the truth that "security or danger depends on one's being right or wrong, not on being strong or weak." The Vice President, therefore, urged them to faithfully follow President Chiang Kai-shek's instruction to maintain "self-respect and self-invigoration" in this highly unstable and confused world situation.

The mass rally, held at Dr. Sun Yat-sen Memorial Hall in Taipei, was presided over by Dr. Ku Cheng-kang, honorary president of the World Anti-Communist League.

President Chiang's message, which raps the illusion of negotiations with the Communists, was read at the gathering. President Richard Nixon's message to the rally was read by William Gleysteen, U.S. charge d'affaires here.

Addressing the rally, Ku appealed to the United States and all other free nations to fulfill their commitments concerning support for the enslaved peoples in their struggle for freedom.

U.S. representative Floyd Spence (R.-S.C.), who flew in this morning to attend the rally, also spoke at the meeting.

More than 3,000 people, including members of the foreign diplomatic corps, attended the rally.

Meanwhile, Dr. Lev E. Dobriansky, professor at Georgetown University and chairman of the National Captive Nations Committee in Washington, hailed President Nixon's proclamation of the 1972 Captive Nations Week as a clear indication that the pursuit of detente with the Communist states is not identical with a politico-moral acquiescence to the permanent captivity of the nations in Central Europe, within the USSR, in Asia and Cuba.

"The far-seeking diplomatic offensive of the President toward both Moscow and Peking," he said, "underwrites the growing importance of those captive nations and peoples in the USSR and Red China than any other action."

HEROIN MAINTENANCE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. PEYSER. Mr. Speaker, this morning the ad hoc Committee Against Heroin Maintenance consisting of Senator James A. Buckley, Congressmen Mario Biaggi, Charles Rangel, and William Keating, and myself met with John Ingersoll, the Director of the Bureau of Narcotics and Dangerous Drugs. Much to the delight of all of the members of the committee the Director stated his unequivocal opposition to heroin maintenance. His statement was a fine one and I insert it in the Record at this point so that all of the Members may have an opportunity to see it:

Statement of Director John E. Ingersoll

Gentlemen, our purpose in holding this press conference this morning is to deal with an issue which is causing increasing confusion across the nation. It seems that just as governmental enforcement and treatment programs are beginning to succeed in coping with the problem of heroin addiction, some few individuals are beginning to call for a surrender in the form of establishing heroin maintenance programs. They continue to harp on an alleged success of the British system that the British themselves do not recognize. In fact, at a time when the British are switching increasingly from the use of heroin with addicts to methadone, just the reverse is being suggested in the United States; this, in spite of the fact, that existing medical facilities are still inadequate to meet the demands of addicts for bona fide treatment.

This morning I have met with a distinguished group of Congressmen who have formed a committee to oppose the establishment of heroin maintenance programs. These gentlemen are with me now and are Congressmen Peyser of New York, the committee chairman, Congressman Rangel of Harlem, Congressman Keating of Ohio, and Senator Buckley of New York.

We have discussed the important issues involved, and their presence here today signifies the consensus of agreement between the Executive and Legislative branches.

In a moment you shall also hear from them. But, first, I wish to make it clear that we have no intention of sanctioning additional supplies of heroin in the United States under the false front that this would be providing treatment rather than simply feeding a disease. I can also tell you that I have discussed this with the President himself and he is definitely opposed to any such surrender of our efforts to treat addicts and eliminate the illicit market in heroin.

The experience of the last couple of years has shown that many addicts can be returned to a normal drug-free life with the application of patience, care, and resources. Others who cannot yet attain that stage can greatly improve their usefulness to themselves and society by participating in methadone programs.

Methadone, also a narcotic drug, is used in a fashion in which heroin can never be used in the treatment of addicts. We believe that this drug, unlike heroin, can be used to begin the rehabilitative process if employed with caution and control.

Many have charged that the elimination of the heroin traffic is impossible and that we should be content with providing cheap legal heroin to compete with expensive black market heroin. This approach ignores the basic and unalterable fact that heroin is heroin regardless of who produces and markets it. We have no intention of permitting the establishment of a generation of permanent heroin slaves merely to satisfy a whim for experimentation.

Moreover, our diplomatic and enforcement efforts in France and Turkey and Southeast Asia are beginning to pay off. The targeting of enforcement resources at the highest levels of traffic in the United States by our agents are beginning to pay off. This payoff is a general shortage of heroin on the eastern seaboard, in New York, Baltimore, Philadelphia, Boston, and up and down the coast. This does not represent a final victory. It does not necessarily signal a permanent and enduring shortage. It does represent the kind of impact which never previously affected so large an area. It shows that our efforts can succeed if we continue with dedication and determination.

No one can predict the future course of the heroin problem, but we have never put the volume of resources or the level of priority into the attack on drugs which is now occurring. However, we are determined to play this war on heroin through to a successful conclusion and so is the Congress of the United States.

TELEVISION ADVERTISING AND MILITARY RECRUITING

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. HÉBERT. Mr. Speaker, Members of the House will recall that in the spring of 1971 the Department of the Army, with the fanfare that frequently marks its new enterprises, launched an experimental program to use television advertising for military recruiting.

Members may also recall that at the time I opposed this idea of paying for TV advertising. I predicted that paying for the advertising would result in losing considerable free public service advertising and that we would end up paying for what we used to get for free without any solid evidence that the high-priced advertising was necessary for recruitment.

Mr. Speaker, I hate to say I told you so. But I told you so.

The television advertising campaign, it will be recalled, was one of a number of undertakings—I believe the current operative phrase is "new initiatives"—in connection with the drive to get an all-volunteer force.

The advertising campaign extended over March, April, and May of 1971. The campaign was conducted at the time the Congress was considering—and considerable publicity was being given to—the substantial pay bill of 1971.

At the time the paid TV advertising program was undertaken, we heard from quite a few TV and radio station owners and managers who opposed the idea. They had been giving free public service time to recruitment for years and would continue to do so. Some of them specifically declined to accept payment for such service. We also heard from local stations which had been giving free time for years for recruiting and wondered why millions of dollars were being given to the networks and they were not included in the new Government largess.

The experimental program of 3 months of TV advertising cost $10.6 million.

I opposed the program at the time because, as I said, I believed it would lose us the valuable public service time we received.

The TV networks try to draw comparisons with newspapers that blur the different nature of their media. The powerful broadcast companies own their broadcast facilities, but they do not own the airways. The airways belong to all the people. This is why they are licensed by the Federal Government. Anybody can start a newspaper—but not anyone can start a TV station. There is a limit to the channels of such communication available and thus, inevitably, some regulation of their use. To say that the TV broadcast corporations own the airways would be like saying a newspaper publisher owned all the streets on which papers can be sold.

Public-service broadcasting of a nonpartisan nature in the national interest is not something the big broadcast companies give as a favor—it is part of the rights of the people.

I also opposed TV advertising because I did not think it would make a lot of sense to pay for the 2-minute commercials when the network was spending the program time kicking the military in the pants. I was, in fact, somewhat amazed that networks which spend so much time attacking the military services and trumpeting their own independence would accept millions of dollars in advertising money from the Department of Defense.

Mr. Speaker, I am in receipt of a remarkable exchange of correspondence between the Secretary of the Army, Mr. Froehlke, and the representatives of three networks—NBC, CBS, and the Mutual Broadcasting System. The Army requested increased public service time for recruiting advertising.

My favorite example of the forthright nonanswer is the letter from the president of NBC, Mr. Goodwin, who says that all networks rely heavily on the Advertising Council and recommends that the Army present its case for increased public-service advertising to the Advertising Council. Mr. Goodwin's letter is dated September 20, 1971. Mr. Robert P. Keim, president of the Advertising Council, testified before the Communications and Power Subcommittee of the Interstate and Foreign Commerce Committee on April 22, 1971. Mr. Keim, in summary, drew the conclusion that the Advertising Council would not endorse Army recruiting announcements for network public-service advertising time. Since Mr. Keim testified 5 months before Mr. Goodwin's letter, it seems a little hard to believe Mr. Goodwin was not aware of the Advertising Council's position when he advised the Army to present its case to the council.

I am going to read here a summary of the views expressed by Mr. Keim concerning public-service radio and TV time for the Army:

Referring to the Army program:

> If we accepted one, we would have to accept all such programs, and this could then extend to other government departments that need to recruit specialists of all types. We could hardly do so without abandoning practically all of the other campaigns we are conducting in the national interest.

If the council accepted a campaign on behalf of the Army, "because of its size and many other factors, we would have severe reservations about our ability to do the job."

He also said:

> The audience that the Army wants to reach is a highly selective one. Much of the circulation we would provide would be wasted circulation.
>
> To come even close to it, we would have to concentrate almost exclusively on Army recruiting messages to the exclusion of all other Council messages, and obviously, we would be loathe to do so.
>
> The Army and all the other recruiting services find themselves, as we do, one among many, each of whom feels that his cause or his organization deserves every bit of free time it can get.
>
> The Army's problem is, as I understand it, an immediate need. Recruiting anyone for a commitment that may involve a lifetime, is a formidable task. Hence, I would submit that the current concentrated effort is one that from a practicable standpoint could probably only be undertaken via the paid advertising route.

Mr. Speaker, I do not want to spend extensive time discussing the kind of circumlocution which is exhibited in the Advertising Council's position; but I would simply ask you to reflect that virtually all of these reasons, if valid, would apply equally to paid advertising. I would also note that it is simply ridiculous to say that if extensive public-service advertising was provided on behalf of Army recruiting, such public-service time requests would have to be accepted for all such programs from all other Government departments which need to recruit specialists of any type. There is no other program where the national will is so clearly expressed and where the Government, with clear support of public opinion, has invested so much public funds as in this area of attempting to get an all-volunteer force.

The guidelines of the Advertising Council indicate the projects accepted by the council must be noncommercial, nonpartisan politically, not designed to influence legislation, national in scope, appealing to Americans generally and not limited in participation to special groups.

It is hard for me to envision anything that meets that criteria better than recruiting for the Armed Forces of the Nation. I would very much like to have somebody tell me why the Advertising Council feels it cannot support public-service advertising for any of the Armed Forces or for the Peace Corps or for VISTA but does accept advertising programs for drug abuse information, prevention of forest fires and sale of savings bonds. If we could improve retention in the Armed Forces and stabilize our military personnel costs, we would not have to sell so many savings bonds.

PUBLIC SERVICE TIME REDUCED

The most remarkable thing happened following the experimental TV paid advertising program: The amount of free public-service advertising time went down. In July and August of 1971, just after the completion of the paid broadcast test, U.S. television stations reduced their support of Army recruiting by approximately 36 percent.

During the last months of 1971 public-service advertising in behalf of recruitment was 57 percent below what it had been in the months prior to the paid test.

Nowhere in the letters from the network executives is there any explanation or any discussion of why public-service broadcasting should be less after the paid program than before. I think we all know that a student in a high school freshman civics class can figure out what the influences are on the position of the Advertising Council.

EFFECT ON RECRUITING

The Department of the Army, which sometimes has a little trouble understanding when it is being had, wants to approach the problem by giving more money to the noncooperating TV networks and spending anew on an all-out TV advertising program.

To support its proposal for additional paid TV advertising, the Army has come up with what may well be the least scientific analysis ever produced in the Pentagon. And even if you believe the analysis, you can arrive at no other conclusion but that the cost is so high as to make the program ludicrous.

The Army's experiment allegedly netted an add-on of 4,255 recruits.

That is, they drew in 4,255 more recruits in the months of the advertising campaign, March–June of 1971, than they did in the same time frame of the previous year. The advertising campaign ran for 3 months, March through May; but June is included to incorporate the carryover results of the May advertising.

The totals enlisted during these periods were: 1970, 42,951; 1971, 47,206.

At a cost of $10.6 million, this comes out to $2,491 for each recruit. That is a fairly high cost—and almost twice the highest first enlistment bonus presently being paid by the Army.

However, examination of the Army's recruitment statistics indicates that while the numbers went up slightly, the quality went down. Of the additional recruits taken in during the 1971 advertising period, there were 577 fewer category I personnel—that is, the highest intelligence category; 226 fewer category II personnel; and 2,543 more category IV personnel. Category IV is the lowest mental group.

In addition, there were 2,651 fewer high school graduates. From an average of 62.2 percent high school graduates among Army enlistees in March through June 1970, the Army slipped to only 50.9 percent in the same period for 1971.

It is impossible to say how much of the increased recruiting is due to other factors: the substantial pay raise; the news that an initial enlistment bonus in the combat arms would be forthcoming; the expansion in the size of the recruiting force from 3,500 to 6,100; the establishment of 500 new recruiting stations; such attractive programs as giving recruits the unit of choice and an option to serve in Europe following training; the effect of what was essentially a lot of free public relations as a result of wide press coverage of the draft and pay hearings and the programs for the all-volunteer Army; changes in the civilian job market; and finally the effect of the gradual withdrawal from Vietnam, particularly the withdrawal of American forces from the ground-combat role.

Finally, Mr. Speaker, I would bring one more fascinating consideration to your attention. The other day there was inserted in the Senate record as part of a statement in support of the paid advertising program a portion of the statement of the Assistant Secretary of Defense for Manpower, the Honorable Roger Kelley, before the Senate Armed Services Committee. Mr. Kelley listed signs of progress toward an all-volunteer force, and included were the following:

In the last 6 months of calendar year 1971 there were 25,000 more true volunteers enlisted than during the same period in 1970. Combat arms enlistments increased from a monthly average of 250 in the last half of 1970 to 3,000 in the last half of 1971. In 1971 as a whole, 12 percent more high school graduates enlisted than in 1970; and the mental skills of the enlistees, on the average, were better during 1971 than during 1970.

There are several things to notice about these statistics:

The monthly average of increased enlistments is about as good as for the period when there was paid TV advertising.

Since the number of high school graduates as a whole was increased in 1971 by 12 percent and the mental level as a whole was improved over 1970, and since during the period of the paid advertising campaign the mental level of percentage of high school graduates was considerably lower than the previous year, the only conclusion you could come to is that the TV advertising attracted the least capable people. It obviously had some faults, therefore, in its concept and was geared to the least-educated elements of our society—which should not surprise us, knowing Madison Avenue as we do.

In summary, there is no evidence that a very costly paid TV program is necessary. There is evidence that it does not get us a higher number of recruits. There is evidence it does not attract the most desirable recruits. There is evidence that the cost per recruit is unacceptably high. And there is overwelming evidence that the TV networks are solely interested in hitting the traffic for as much as it will bear.

For this reason, I shall continue to oppose with all the resources at my command paying for TV advertising for military recruiting which, if necessary at all, should be provided at no charge. The airways belong to all the people and their use for bona fide public service should not be subjugated to the money-hungry minions of the broadcast networks.

INDUSTRY ENVIRONMENTALISTS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. COLLINS of Texas. Mr. Speaker, environmental improvements are a major concern to America's industry. Industry's commendable progress is often not recognized.

The other day I was reviewing the operating financial statement of a major American corporation. Last year their profit after taxes was $24 million. This year they have committed $14 million in capital costs for installations to control air and water emissions. In addition, the company will have costs of $4 million a year from now on to maintain and operate these facilities.

Let me give you an example of the type of facilities they are constructing. They have $7 million going into one central waste water treatment facility. At another plant they have $2 million going into factory waste water treatment, including a system for recycling water and a cooling tower. Another plant has $1,700,000 committed to a waste water collection system featuring neutralization of waste water with lime, followed by clarification and cooling. Another plant has $2,500,000 contracted for facilities to separate cooling waters from process waste waters and to follow this with secondary treatment of the waste waters.

It is interesting to observe that this corporation committed this year more than half of last year's profits—$14 million—toward this capital improvement of environment. These treatment facilities cost $4 million a year maintenance and if this program continues for 3 more years they will have an annual expense for environmental improvement of $12 million a year. Capital improvements plus annual maintenance costs would exceed the company's total annual profit.

Mr. Speaker, we in Congress must realize that pure water and pure air cannot have a 100 percent solution in 1 year. But we must also recognize that industry is taking tremendous strides forward in improving our environment. If Congress imposes unreasonable requirements we will have serious economic repercussions. The cost of manufacture to America's business will become greater and the prices of products higher than foreign competition. Capital investment in modern machinery to manufacture better products will not be available when new machinery is going to environmental uses.

This lack of profits will also be a limiting factor in providing additional funds for future growth for industry's working capital.

Mr. Speaker, long-range planning with commonsense environmentalism is the answer for a greater America for tomorrow.

BACKLASH TO DROPPING OF EAGLETON

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. SPRINGER. Mr. Speaker, all of us in Congress who have become acquainted with Tom Eagleton well realize what a fine person he is. We recall that Richard Nixon was attacked in 1952 after he had been nominated for Vice President. Dwight Eisenhower met that challenge head-on without a moment's hesitation. In contrast, after considerable pulling and hauling, Tom Eagleton was dropped from the Democratic ticket. Every indicator of public opinion since then has shown tremendous sympathy for Tom Eagleton. Scotty Reston's article on this subject in Wednesday's issue of the Washington Star is certainly worth reading. Based on his heavy volume of mail on the Eagleton issue, it reflects the fairmindedness of the American people for whatever problem Tom Eagleton might have had. The article follows:

BACKLASH TO DROPPING OF EAGLETON

(By James Reston)

The backlash to the dropping of Sen. Tom Eagleton as the Democratic party's vice presidential nominee is now hitting those who advocated his withdrawal, and it adds up to a powerful political force.

Judging by the torrent of mail that has come into this office in the last few days, there are many voters in both parties who have been under psychiatric treatment themselves or observed it in members of their families, and regard the dumping of Eagleton as insensitive, unjust and unscientific.

On the whole, these are well written, and deeply felt letters, which say in effect that Sen. McGovern has not only passed judgment on Eagleton but on all persons who have received psychiatric treatment for mental depression.

Usually they do not draw distinctions between the responsibilities of ordinary citizens and the responsibilities of candidates for the vice presidency, or between people who have had routine psychiatric treatment and those who have undergone electric shock treatment for extreme mental depression.

What they are saying mainly is that McGovern and everybody else who agreed with him in the Eagleton case have put a stigma on all psychiatric patients, cast doubt on their reliability, and shut them off from the highest offices in the land.

This is not only expressed with strong passion, but is often followed with the observation that McGovern's conclusion would have ruled out of high office men like Abraham Lincoln and Winston Churchill. And this in turn is followed by the promise to vote for President Nixon as a rebuke to McGovern.

A doctor from the College of Physicians and Surgeons at Columbia University writes: "What is so unusual about a temporary psychological depression in an intense, capable, ambitious young man? . . . What is unusual in this case is that Sen. Eagleton had the insight and the courage to recognize this promptly, and equally promptly to find effective treatment."

A professor of history at the University of Missouri rejects the suggestion printed in this space that there should be a test of presidential and vice presidential candidates before a medical board. "If we assume that your test could be devised," the professor writes, "who would pass it? Robert M. Lafollette, whom the Senate a few years ago judged one of its five greatest members, and Ben B. B. Lindsay, the pioneering juvenile judge of Denver, would fail. . . .

"Abraham Lincoln, whom historians consider our greatest president, would have failed even worse. Woodrow Wilson, of course, had several nervous breakdowns . . . Harding suffered from acute depression at times, and Coolidge's sadism would have disqualified him. F.D.R., Eisenhower, and Johnson obviously collapsed . . . so where are we? Since 1912, only Hoover might have passed your test."

Some of the protesters even suggested that what we need in the presidency in this abnormal age is not a "normal" but an "abnormal" man. "Haven't most great men in any field been great precisely because they were not quite normal?" one asks. "We want our leaders to lead, not stand still . . . I believe that the country is in such bad shape, that cynical contempt for government and politicians is so rampant, that we urgently need leaders of wisdom and compassion. We don't need any more panderers to the 'normal' and 'sane' course; they are the politicians who have produced our problems . . ."

A Presbyterian minister from Rochester, N.Y., complains that many people who desperately need psychiatric help refuse to seek it precisely because of the fear of the kind of criticism made of Eagleton by the press. "The sign of both mental and spiritual maturity," he says, "is a willingness to seek help rather than bulling one's way through a situation, leaving the wounded and hurt on every side. Columns such as yours and the editorial policy of your paper make such courage even more invaluable and rare . . ."

A woman writing from Ruvigliana, Switzerland, strikes problably the most constant theme of these letters: "It is painful enough to cope with this fairly mysterious ailment. I speak as the mother of a young woman who has now made a fine recovery but is constantly confronted with the question of revealing her off-and-on record of hospitalization a decade ago. But it is infinitely more painful to cope with the automatic responses of those who make no effort to discover what is known of this area . . ."

It is risky, of course, to draw general conclusions from letters to newspapers. Usually, it is the people who think you are wrong who write, but even allowing for this, the reaction to the Eagleton case is unusual. It is overwhelmingly critical of McGovern, and deeply emotional, personal, and political.

Accordingly, despite all the cries for unity and reform at the nomination of Sargent Shriver as Tom Eagleton's successor, the Democratic campaign has obviously been hurt. These are not the letters of people who are likely to forget in November, for many of them regard McGovern's decision as a judgment on themselves.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

PAUL GOODMAN

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. RYAN. Mr. Speaker, it is with deep and profound regret that I call to the attention of the House the fact that Paul Goodman died August 3, 1972. Mr. Goodman was one of the great scholars and humanists of our time. A social critic and philosopher, Mr. Goodman wrote on topics as diverse as constitutional law, linguistics, and psychology. Throughout his life he expressed a great passion for mankind. It was his great desire that individuals should be permitted to develop their loving and creative natures without the restrictions which he believed society too often places upon them.

Paul Goodman was born on September 9, 1911, in Greenwich Village. He grew up in New York City and attended school there, graduating from the City College of New York with virtually perfect grades. After graduation, he took a job for $10 a week as a script reader for Metro-Goldwyn-Mayer. During this time, although he could not afford to register formally as a graduate student, he attended lectures at Columbia University. On occasions he would travel by boat and bus to Cambridge, Mass., so that he could also sit in on lectures at Harvard. Later, when Prof. Richard McKeon of Columbia was appointed a dean at the University of Chicago, he invited the young man who had sat in on his lectures in New York to come to Chicago and lecture on English while working toward a doctorate.

Paul Goodman wrote film reviews, poetry and essays, and contributed to and authored several books. In 1947, with his brother Percival he completed "Communitas," which is still regarded as a classic of modern urban planning. In the later 1940's he underwent psychotherapy and then went on to become a lay therapist and an important figure in psychology. In 1951 he coauthored "Gestalt Therapy" with Frederick Perls and Ralph Hefferline.

However, it was not until the publication of his "Growing Up Absurd: Problems of Youth in the Organized System," that Paul Goodman achieved widespread fame. As do his later works, "Growing Up Absurd" condemns corrupting effects of society on the human spirit. He wrote numerous books in the following years including among many others, "The Community of Scholars," "Like a Conquered Province," "The Moral Ambiguity of America," and "Empire City."

While criticizing much of organized society, Paul Goodman did not lose his faith in the essential goodness of man. He held out the hope that this goodness would eventually triumph. He wrote:

> One has the persistent thought that if 10,000 people in all walks of life stand up on their two feet and talk out and insist, we shall get back our country.

I extend my deepest sympathy to Paul Goodman's wife Sally, his brother Percival, and his daughters Susan and Daisey Jane.

At this point in the CONGRESSIONAL RECORD I include an article by Michael Kaufman which appeared in the New York Times on August 4, 1972, describing the life and accomplishments of Paul Goodman. I also include an article which appeared on August 10 in the Chelsea-Clinton News, the local newspaper in the Chelsea community where Paul Goodman resided for many years.

The material follows:

[From the New York Times, Aug. 4, 1972]

Paul Goodman, Author, Reformer, Iconoclast, Dies

NORTH STRATFORD, N.H., August 3.—Paul Goodman, the writer, therapist and social critic who has been called the father figure of the New Left, died here at his farm last night after suffering his third heart attack. He was 60 years old.

A Universal Humanist

(By Michael T. Kaufman)

Throughout his prolific career, Paul Goodman had to contend with critics who generally conceded his brilliance and originality, but felt he had spread himself too thin.

The scope and scale of Mr. Goodman's interests can be seen in the catalogue of the New York Public Library, where his books are listed under 21 different categories, ranging from fiction to education to poetry to applied linguistics to drama to United States Constitutional law.

Then, too, Mr. Goodman was a practicing psychotherapist, a lecturer on all the things he wrote about, a pacifist anarchist who willingly picketed and demonstrated for many causes and a frequent contributor to magazines and literary journals.

If all this activity struck critics as being too much for one person, Mr. Goodman, himself, thought of his output as a cohesive body of work.

"I am a humanist," he once said, "and everything I do has exactly the same subject—the organism and the environment. Anything I write is pragmatic—it aims to accomplish something. That universities divide my interests into different fields doesn't make them separate in fact."

PEOPLE VERSUS INSTITUTIONS

Perhaps the major recurring theme in Mr. Goodman's books has been the view that human-kind is essentially loving and creative while institutional bureaucracies subordinate this basic nature; that once the organizational structures become more important than the individual, people must suppress their humanity to conform.

This view is evident in what is perhaps Mr. Goodman's best-known book, "Growing Up Absurd," in which he condemns American society and applauds the young who drop out of it rather than alienate themselves.

It is also apparent in his attacks on lower and higher education, such as "Compulsory Mis-Education," and in the classic of city planning, "Communitas," which he wrote with his brother Percival, the architect, in 1947.

Writing in the latest issue of The New York Review of Books, Mr. Goodman said, "My social ideas are temperamentally mine—I have not really changed them in 40 years." In the article, entitled "Politics Within Limits," he once again traced his anarchist orientation, stemming from his reading of Prince Peter Kropotkin as an undergraduate. In it also, he attested to being "an artist and fundamentally apolitical."

A SIMPLE POLITICAL TRUTH

He went on: "One reason I haven't learned anything in 40 years is that the political truth is so simple that a boy can see it: Society with a big "S" can do very little for people, except to be tolerable so we can go on about the more important business of life."

For Mr. Goodman, the more important business of life was creativity, play, love and sex. Characteristically, he went about these pursuits outside traditional forms.

Although a scholar, he was never associated with any major university. For more than 25 years he lived with his common-law wife, Sally, refusing to marry her under the laws of the state, explaining, "I don't think that people's sexual lives are any business of the state." Yet he openly wrote and talked of his love affairs with men saying he had been bisexual since he was 12. And then, too, for many years he spurned conventional success, preferring to live on the brink of poverty.

The social critic frequently proposed changes in public practices and policies. Among them were banning private autos from Manhattan; converting side streets into parks; building dormitories in housing projects to provide children older than 11 with a safe place to get away from home; encouraging children to observe their parents making love, and reinstituting apprenticeships to provide opportunities for school dropouts.

Mr. Goodman was born in Greenwich Village on Sept. 9, 1911. His father abandoned the family soon afterward. Mr. Goodman would later write that growing up in a fatherless home had some advantages: "Remember, a good father can be difficult for a kid; he has nothing to revolt against."

A HARD GRADUATE SCHOOL

He attended Hebrew schools and then went on to Townsend Harris High School and City College, from which he graduated with A's in everything except for a single D in public speaking.

But instead of going to graduate school, he got a $10-a-week job reading scripts for Metro-Goldwyn-Mayer and began an extended, impoverished and noncomformist higher education. One day, he bicycled to Columbia University and though too poor to register, he simply began sitting in on the philosophy lectures of Richard McKeon. Later, he would travel by boat and bus to Cambridge, Mass., to sneak into classes.

Four years later, Professor McKeon became a dean at the University of Chicago and invited his former freeloading student to lecture on English literature while gaining credits for a doctorate. In 1940, after completing his thesis, but before it had been accepted, Mr. Goodman was discharged from the faculty for "noncomformist sexual behavior," a charge that later also cost him a teaching job at Black Mountain College in North Carolina.

There followed years of reviewing films for Partisan Review, writing poems that no one published and essays that he delivered to editors on his bicycle in order to save postage. But apparently, the lack of money was not important.

LIVED LIKE SHARECROPPER

"Until 1953," he once said, "we lived in the lowest 10th—like Southern sharecroppers—at $1,500 to $2,000 a year." But he had become accustomed to living inexpensively. Of his life during the Depression he had said: "If you have enough to eat, depressions are good, for you have lots of leisure. If you have no chance to get a job the competitive sense to get ahead disappears. Decent poverty is really an ideal environment for serious people."

But if pangs of hunger did not bother him, the goads of ego did. "I am continually tormented by not being published," he wrote in his journal.

"I am continually nagged by my original sin; to be Virgil and manufacture a meaning for this Empire. But instead I come on like a Cicero who has never had his day." The journal was itself eventually published, under the title "Five Years: Thoughts in a Useless Time."

During the late 1940's and early 50's Mr. Goodman underwent psychotherapy and became a lay therapist. His orientation was Reichian rather than Freudian. In 1951 he wrote a seminal work, "Gestalt Therapy" in collaboration with Dr. Frederick S. Perls.

APPEALED TO THE YOUNG

Though he took patients, many of them could not pay. And the day that Mr. Goodman wrote of in his journal did not really arrive until 1960 when Random House published "Growing up Absurd: Problems of Youth in the Organized System."

The book, which contended that our society of abundance corrupts art, shackles science, dampens animal ardor, thwarts aptitude and creates stupidity, became a success, appealing particularly to young people.

Along with Herbert Marcuse, Mr. Goodman because one of the most popular ideologues of those who, some thought were greening America. With the success of the book, Mr. Goodman's personal fortunes improved. Some of his books were reissued. One of these was the novel "The Dead of Spring," which he had originally printed privately with money borrowed from friends. Republished, it formed part of his "Empire City."

Other books followed, almost one after another: poetry, plays, literary criticism and his attacks on the educational establishment. Meanwhile Mr. Goodman's life-style did not change too much. He continued to live with his family on West 20th Street and still spent Saturdays playing handball with youngsters on the Lower East Side.

His lecture fees were as high as $1,000, but he often spoke for free, particularly at rallies against the Vietnam war.

His last book, published early this year, was "Defense of Poetry," in which he took issue with the linguistic theories of Noam Chomsky. According to his wife he was working on a collection of poems at his death.

In addition to his wife and brother, Mr. Goodman leaves two daughters, Susan and Daisy Jane. A son, Matthew, was killed in a mountaineering accident in 1967.

There will be a private family funeral today in North Stratford.

[From Chelsea-Clinton News, Aug. 10, 1972]

Paul Goodman, 60, Dies

Paul Goodman, the anarchist philosopher, educator and activist who for many years was a Chelsea resident at 402 West 20th Street, died of a heart attack last Wednesday, August 2nd, in his North Stratford, New Hampshire, farm home. He was 60 years old.

On a chilly day in March, 1970, Paul Goodman found himself walking along West 30th Street, a hard, largely deserted industrial area where whatever life exists is locked behind the closed doors of warehouses and lofts. And there, between cracks in the dirty sidewalk, he discovered sunflowers. He picked some and put them in a vase when he returned to his Chelsea apartment. Then he wrote a poem for the Chelsea Clinton News:

O you radiant sunflowers that abound
on Thirtieth Street and Tenth Avenue
spectacular where no one would expect you
But I know, my birthday comes around,
to look there for you lush on barren ground
with your coarse leaves and buds cut like
beautiful emeralds.

I cannot look away. Their symmetry
is Mediterranean and their energy
Northern, and each has the majesty
of the sun alone in the blue sky

It would seem to be out of keeping, such sentimentality from a man who has called for the destruction of the school system, the conscious participation in "criminal" acts, the deliberate rejection of "normal" sexual behavior, the flaunting of established authority. But to those who knew him—the people, mostly young, he influenced, the people, mostly older, he enraged, the neighbors on the block and the tens of thousands of his readers—it wasn't out of keeping. For Paul Goodman, as much as anybody and more than most, lived the kind of life he advocated, and philosophized about, a life of "organic" anarchism, where all living things when cultivated and respected, contribute to each other's "force and grace," where the natural world is elevated over the mechanical.

In his later years, Goodman became active in the struggle to preserve the natural world against the onslaught of industrialization. As always, he was at once radical and practical, disorderly yet highly pragmatic. In January of 1971, for example, he engaged in some antics at International Supermarket on West 22nd Street. Along with his wife and Father Robert Jenks of St. Peter's Church, he purchased some food and then refused to leave the store when he had paid his money.

Instead, he remained at the checkout counter, slowly removing all excess boxes and wrappings from the items, and placed the paper, cardboard and cellophane in a neat pile.

"My hunch is that up to a half of the paper and cardboard packaging is entirely dispensable and is an inconvenience for the customers," he noted at the time. "Unfortunately, dispensing with the dispensable at the checkout counter is slightly messy for the market management and it might cause considerable delay in the checkout, while customers rip the wrappings off. But just these disadvantages to the management will soon cause it to put pressure on the wholesalers and processors to give up this nonsense. The advantages to all of us are: fewer trees cut down, less pollution of streams, less useless production, less waste of time, less garbage to dispose of."

To most people, Goodman was known for his critique of contemporary education. He was one of the earliest to condemn the bureaucratization of schooling, the definition of "education" as that which occurs inside a classroom, the separation of teachers and students, the power of administrators and department heads, the systematic destruction of curiosity and excitement in the young by the system, and the ivory tower attitude of so many colleges.

Many of his views on education, as in other areas, were to be revived and elaborated on by other scholars, such as John Holt, Jonathan Kozol and Ivan Illich.

Goodman's major concern, however, was not education or the environment, but that abstraction known as freedom. He had a peculiar definition of the term. To most, freedom means a state of living without restraints (so long as one doesn't restrain one's neighbor). But to Goodman it meant something else.

Freedom, he wrote, "is the condition of initiating activity." What did he mean? He meant that the free person is the one who breaks out of the social norms through his or her *actions*, no matter how ludicrous they may seem at the time. If, for example, the whole country believes it is necessary to duck into useless, expensive fallout shelters during an air raid drill, the free person is the one who refuses to do so. If an automotive company requires of its engineers to design cars that will break down in a few years, the free engineer throws a monkey wrench into the machine, or submits a design for a long-lasting car. If a newspaper management decides not to print a harmful story about an important advertiser, the free journalist writes it anyway, tries to sneak it into the paper, or hands it over to a competitor. In each case, the free agent is the one who *initiates the activity*, thereby creating a new environment in which the old rules do not apply.

"*Unless* we proceed further," Goodman wrote, "we shall degenerate to mere 'society,' a collection of persons without the community of human beings."

Community—Goodman's other major concern. Virtually everything he wrote had to do with the transformation of an alienating, industrial society to a harmonious, graceful community. Over and beyond the retention of "nature," Goodman sought a form of relationships among people which would counter the competitiveness and isolation of each from the other within capitalist industrial society (he was, incidentally, equally disgusted with socialist industrial society).

The primary way to accomplish such harmony, he insisted, was to decentralize the bureaucracy, in government as well as schools, in the factory as on the modern farm.

"In a centralized system," he wrote, "the function to be performed is the goal of the organization rather than of any persons . . . The persons are personnel. Authority is top-down. Information is gathered from below in the field, is processed to be usable by those above. Decisions are made in headquarters, and policy, schedule and standard procedure are transmitted downward by chain of command . . . The system was designed for disciplining armies, for bureaucratic record-keeping and tax-collection and for certain kinds of mass production. It has now pervaded every field."

The effect of this system, he argued, is to deaden people to the realities of their world, while infusing in them the values of "success." "But our people do not rebel against poisoning, genetic deformation, imminent total destruction," he wrote. "Rather, people aspire to be top-managers no matter what the goods or services produced." "The pattern of dominance-and-submission has . . . been internalized and . . . fills up the whole of experience. If a man is not continually proving his potency, his mastery of others and of himself, he becomes prey to a panic of being defeated and victimized."

The opposite system is decentralization, he said, with control at the bottom in small groupings, where people, "involved in the functions they perform," relate to each other as loving, or angry, or joyous humans, not functionaries, not teachers, not workers.

For all his criticism, Goodman was optimistic, at least during the last few years of his life. He liked the civil disobedience that was happening all over the United States. He thought more and more people were in fact "initiating activity" which was in opposition to the dominant repressive norms.

However, his view of the youth and radical movements was less than enthusiastic. In a long interview with this newspaper in June of 1969, he said that most young people these days were superficial, that they had physical but not moral courage, that they are mechanistic in their views rather than understanding the "nature of things."

In that interview, he repeated his indebtedness to Wilhelm Reich, the Freudian-Marxist psychoanalyst who was one of the first to analyze the relationship between the social order and psychological-sexual repression in individuals. Elsewhere he has noted the influence on him of Kropotkin, the anarchist.

Although he was published extensively, Goodman lived a sparse life. He is reported to have felt that "voluntary poverty" by middle class people is a good thing, but on other occasions expressed his bitterness at still having to exist on a level not too far above discomfort.

He was, in the end, a brave man, saying what he thought (such as urging young men to have sex with other men if they wanted to, long before gay liberation was born) and doing what he felt, when both free thinking and free acting were not—are not—looked upon kindly.

CONGRESSMAN REES ANNOUNCES RESULTS OF 1972 CONGRESSIONAL QUESTIONNAIRE

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. REES. Mr. Speaker, this May, I sent to my constituents in California's 26th Congressional District my annual congressional questionnaire. The response was immediate and enthusiastic with a return of more than 15,000 replies.

The 26th Congressional District encompasses the western section of Los Angeles County, and includes the communities and cities of Beverly Hills, part of Baldwin Hills, Westwood, West Los Angeles, Palms, Cheviot Hills, Hollywood and North Hollywood, Studio City, Sherman Oaks, Burbank, and the Fairfax and West Adams areas. Incomes range from lower middle to upper; a majority of my constituents are homeowners and their education level is higher than average.

As in past years, the questions were written to reflect issues of particular concern to my district as well as the current major national and international issues. In addition to the "yes-no" tabulating, the percentage of respondents abstaining from each question was also calculated.

Three years ago when I reported to the House of Representatives the results of my 1969 congressional questionnaire, I remarked how many of the thousands of responses received that summer were accompanied by personal comments or brief letters. In 1969, the issue discussed in those letters more often than all other issues combined was our presence in Vietnam. Three years later, this same subject is still dominating the personal comments. A sense of deep despair and intense frustration among my constituents is more prevalent today than ever before.

While Vietnam was the major issue, other subjects were also voiced with some consistency. Tax reform, that is, the need for a more equitable tax system, was very high on the list of national priorities. Demands for an increase in social security benefits were loudly echoed, not only through question No. 21, but also in the personal comments. This, of course, was prior to the 20-percent raise in benefits.

In the field of education, the poll illustrates quite clearly the feeling that schools are being inadequately funded. On the issue of busing, the poll reflects the dilemma in which many Americans find themselves on this explosive subject.

Finally, the section of the questionnaire labeled "Other Issues" was particularly informative. The following issues received strong affirmatives: A federally funded system of health insurance, an increase in social security benefits, a national system of no-fault auto insurance, and a national system of child care centers.

Knowing that my colleagues in Congress will be interested in the response of my constituents to the vital issues of the day, I include here the tabulated results of this poll:

RESULTS OF 1972 CONGRESSIONAL QUESTIONNAIRE

THE ECONOMY

Wage and price controls

1. Do you believe that the current wage and price controls are adequate to do the job of controlling inflation?

Yes, 13.0.
No, 84.0.
Abstained, 3.0.

2. If your answer to the above is "No," do you think:

a. There should be broader and stricter controls which also include items not currently covered by the Administration's plan, such as food prices and interest rates?

Yes, 81.5.
No, 6.7.
Abstained, 11.8.

b. The Cost of Living Council should have tougher regulations for:

1. Wages? 8.2.
2. Prices? 29.3.
3. Both equally? 50.6.
Abstained, 11.9.

Minimum wages

3. Do you favor an increase in the federal minimum wage to $2.00 an hour?

Yes, 65.5.
No, 27.2.
Abstained, 7.3.

SOUTHEAST ASIA

4. Do you favor the Administration's policy of mining North Vietnamese harbors?

Yes, 45.4.
No, 52.4.
Abstained, 2.2.

5. In view of the North Vietnamese invasion of South Vietnam, should we increase the U.S. military presence with more air and ground forces?

Yes, 27.3.
No, 68.3.
Abstained, 4.4.

6. Should we use U.S. air and naval power to protect South Vietnam even if and when we evacuate our remaining ground personnel?

Yes, 34.3.
No, 59.3.
Abstained, 6.4.

7. Should we set a date—for example, September 1, 1972—by which time all American forces would be removed from South Vietnam?

Yes, 55.9.
No, 35.3.
Abstained, 8.8.

8. Should we continue to give military aid to South Vietnam even if and when we withdraw all U.S. ground, air, and naval forces?

Yes, 45.0.
No, 48.8.
Abstained, 6.2.

9. Do you feel we have any commitment to give peacetime economic aid to Vietnam, Cambodia, and Laos after the cessation of hostilities so that those countries might rebuild themselves?

Yes, 64.4.
No, 28.3.
Abstained, 7.3.

FUTURE VIETNAMS?

10. Should Congress limit the President's power to commit U.S. troops to an undeclared war?

Yes, 71.8.
No, 22.6.
Abstained, 5.6.

Amnesty

Senator Taft of Ohio has proposed that conditional amnesty should be granted to those young men who left the country or who went to prison because of their opposition to the Vietnam War and their refusal to be inducted into the armed services.

Should these young men:

11. a. Be granted total amnesty; that is, be completely forgiven and allowed to return to this country without penalty? 25.7.

b. Be pardoned or allowed to return only if they agreed to a form of alternative service in a peacetime government program; for example, the Peace Corps, VISTA, etc.? 41.1.

c. Be granted no amnesty at all? If they return to this country, they should be arrested and tried for draft evasion. 29.6.

Abstained, 3.6.

OVERSEAS MILITARY COMMITMENTS

There has been much discussion in Congress about whether or not the U.S. should continue its present level of overseas military commitments. Examples of these commitments are our NATO forces in Europe, as well as our forces in Turkey, South Korea, Formosa, Spain, and the Philippines.

12. Should we cut back these commitments?

Yes, 57.0.
No, 29.2.
Abstained, 13.8.

EDUCATION

Busing

The most explosive current domestic issue concerns the busing of school children to achieve equality of education, racial integration, or both.

What are your thoughts on the following statements, each of which is reflected in a recent court decision or a proposal before Congress?

13. Until adequate education can be guaranteed for all children, busing should be used to achieve at least equality of existing educational resources.

Yes, 43.2.
No, 42.5.
Abstained, 14.3.

14. Regardless of the availability of quality education, busing should be used to achieve racial integration in schools.

Yes, 17.6.
No, 68.7.
Abstained, 13.7.

15. If your answer to No. 14 is "Yes," busing should be used to achieve integration:

a. Even after the school district has made a sincere effort to integrate; for example, open enrollment, changing of school district attendance lines. 41.6.

b. Only if no local effort is made to break social segregation patterns. 49.2.

Abstained, 9.2.

16. The neighborhood school should be preserved, and no student should be forced to be bused out of his or her neighborhood regardless of inequality of opportunity and/or existing patterns of neighborhood segregation.

Yes, 59.8.
No, 28.6.
Abstained, 11.6.

School financing

17. Do you believe that our local school systems are being adequately financed?

Yes, 24.0.
No, 69.4.
Abstained, 6.6.

18. If your answer to the above is "No," would you favor:

a. A federal program guaranteeing a uniform dollar payment to all school districts in the country for each child in attendance?

Yes, 69.5.
No, 17.1.
Abstained, 13.4.

b. Equalizing local property tax burdens so that the amount of property tax spent for a child's education is standard throughout the state?

Yes, 57.2.
No, 15.5.
Abstained, 27.3.

c. Greater state aid on a set formula basis; for example, a guaranteed state payment of 50% of the local school district's cost?

Yes, 63.3.
No, 12.4.
Abstained, 24.3.

OTHER ISSUES

Do you favor:

19. The proposed space shuttle?

Yes, 46.2.
No, 41.0.
Abstained, 12.8.

20. A federally financed system of health insurance?

Yes, 74.5.
No, 18.7.
Abstained, 6.8.

21. Increased Social Security benefits?

Yes, 76.6.
No, 15.1.
Abstained, 8.3.

22. A national system of no-fault automobile insurance?

Yes, 76.3.
No, 15.8.
Abstained, 7.9.

23. A national system of child care centers?

Yes, 59.8.
No, 34.9.
Abstained, 5.3.

NATIONAL PRIORITIES

24. Listed below are general areas of federal expenditure. Would you favor an increase (I), decrease (D), or a continuation of the same (S) budgetary appropriations for the following?

a. National defense, (D).
b. Social Security, (I).
c. Veterans affairs, (S).
d. Space exploration, (D).
e. Highway construction, (S).
f. Elementary and secondary education, (I).
g. Higher education, (I).
h. Low- and moderate-income housing, (I).
i. Welfare, (D).
j. Foreign economic aid, (D).
k. Foreign military aid, (D).
l. Rapid transit, (I).
m. Health facilities and research, (I).
n. Crime control, (I).
o. Air and water pollution, (I).
p. Parks and recreation, (I).
q. Conservation of natural resources, (I).
r. Drug abuse control, (I).
s. Consumer protection, (I).
t. Others (*please state*), ________.

ALBERT HAROLD QUIE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. FRENZEL. Mr. Speaker, in the Wednesday, August 9 edition of the New York Times, there apeared an article featuring my distinguished colleague and Minnesota neighbor, the Honorable AL QUIE, Member of Congress from the First District, State of Minnesota.

I could say many more nice things about AL QUIE than this particular article does, but I believe that it is an extremely flattering piece of work about one of our most able colleagues.

In case some Members may have missed it, I include it here:

BUSING BILL'S SPONSOR—ALBERT HAROLD QUIE

WASHINGTON, August 8.—The farm country of southeastern Minnesota, where Representative Albert H. Quie comes from, is so * * * mile bus rides to school are taken as a matter of course. Less than one-half of 1 per cent of the district's population are blacks, and they have been integrated in the schools for decades. But Mr. Quie, the ranking Republican on the House Education and Labor Committee, has played a leading role for many years in the Congressional debate over school integration.

He was the principal sponsor of legislation adopted by the committee today that would restrict the amount of busing the courts could order for the purpose of desegregating the schools.

As befits a moderate, Mr. Quie offered a bill that fell between the extremes of those who would set no limits on busing and those who would ban it entirely.

Typically, he had the almost complete support of the Republicans on the committee—and the votes of many of the Democrats as well.

He offered the legislation, Mr. Quie says, not because he bears enormous pressure on the issue from his constituents, as do many of his colleagues from urban districts, but because he wants to stave off a proposed constitutional amendment that would outlaw all busing.

Albert Harold Quie, whose name is pronounced KWEE (it means "pregnant heifer" in Norwegian, he says), was born on a Minnesota farm on Sept. 18, 1923, and was trained as a Navy pilot in World War II.

After his discharge from the Navy, he entered St. Olaf College in Northfield, Minn., there developing his interest in politics and education.

While still a student he was elected to the local Board of Education, and he spent much of his time touring the countryside in an effort to persuade people of the need to consolidate schools.

But his college days were not all spent in such serious pursuits. He is best remembered by his classmates for flying a Navy training plane upside-down past the third-floor level of a girls' dormitory, tumbling books off shelves and pictures off walls. His future wife, Gretchen Hansen, whom he did not know at the time, lived in the dormitory, and soon afterward she refused a date with "that nut."

After graduation in 1950, he went back to the family farm. Five years later he was elected to the Minnesota State Senate. In 1958, at the age of 35 years, he was elected to Congress.

Mr. Quie quickly became a key Republican spokesman in Congress on education, labor and antipoverty issues. He tried time and again to scuttle the Johnson Administration's antipoverty program and to allow states to use their Federal education money as they wished rather than for programs specified by the Federal Government.

On labor issues, he has tended to side with business interests against organized labor.

Despite these partisan views in his principal fields of interest, he is generally classified as a moderate. He has supported most civil rights legislation and he voted against continued construction of supersonic transport planes.

The liberal Americans for Democratic Action and the conservative Americans for Constitutional action, both of which rate Congressmen on the basis of their votes on key issues, put Mr. Quie somewhere in the middle of the political spectrum. The A.D.A. gave him a rating of 35 last year and the A.C.A. gave him a rating of 69, both on a scale of 100.

EARLY-RAISING HORSEMAN

Mr. Quie is an avid outdoorsman who enjoys hunting in the West. But these days he spends most of his free time at his home in Silver Spring, Md., where he owns four acres.

He normally rises at 5 A.M. to exercise the quarter horses he raises and trains, and often one or more of his five children join him. Mr. Quie says that riding is his favorite relaxation and that it gives him an opportunity to spend time with his children.

Given his background on a farm, his constituency (one of the handful of districts in the country where more than 20 per cent of the people work on farms) and his enjoyment of horses and the outdoors, one might expect Mr. Quie to serve on the Agriculture Committee.

In fact, when he first went to Congress, he was put on that committee, but the next year he went onto Education and Labor.

"I can do more to strengthen the country and help my farmers on Education than * * *," he says.

TIME FOR A MORATORIUM

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. HALL. Mr. Speaker, with the ogre of national health insurance haunting the Congress, I would like to take this opportunity to submit the thoughts on the subject of a fellow physician, personal friend, and publisher of the periodical Private Practice, Francis A. Davis, M.D.

Dr. Davis' remarks make enlightening reading, and I offer them for all who are interested in the important subject of national health insurance.

The article follows:

TIME FOR A MORATORIUM

(By Francis A. Davis, M.D.)

Recently I visited several countries with nationalized medical systems. Several things appeared common to each country—general unhappiness with the high taxes necessary to support the system; dislike for the impersonal care received from overworked physicians; overcrowded medical offices and hospitals, with long waiting periods for admission to hospitals; a general shortage of doctors.

In one country, a man told me that if he were very sick he would go to a private doctor, because the government doctor would probably ask "What is your trouble?" and write out a prescription, while the private doctor would examine him and find the cause of his illness.

When I asked several persons why they didn't support a return to private medical care, each said they would like to, but were afraid of the "risk factor" (inability to pay for extended medical care). None had considered the fact they could buy private insurance against this "risk factor" at only a small percentage of what nationalized medicine was costing them.

An individual visitor to a foreign country is limited in the information he can obtain, but a study team from the U.S. could get complete economic information and facts relating to the quality of medical care in each country. This information could then be given to the American public and the citizens could decide if they want to adopt a national health system here.

If you wanted to study typhoid fever or malaria you would go to an area where the disease is prevalent. The same thing holds true in the study of nationalized medicine—you can't study it in Washington, D.C., you must go to countries that have national medical schemes.

I am sure some will say nationalized medicine can be different in the U.S.. but as doctors we know that the symptoms of typhoid fever are the same whether in London, Paris, Rome, Madrid or Lisbon. The only variation is in the stage of the disease. The symptoms of any national medical scheme are the same in all countries—the only variation is in the stage of the system when the study is made.

It will be a tragic mistake to take this nation into a nationalized medical program before making these studies. The American people deserve the best medical care available, and I personally believe that comparisons would show that private medicine delivers better care at lower cost.

The President and Congress should declare a three-year moratorium on all national health plans and send scientific-economic study teams to each country with nationalized medicine. The American people deserve this information.

CRYOGENIC PROGRAM TO DEVELOP INDUSTRY

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. SEBELIUS. Mr. Speaker, I think it is imperative for all citizens in our Nation to make every effort to become better informed regarding our Nation's growing energy crisis. In this regard, I have become especially interested in cryogenic research or what is popularly called the science of the supercold.

In last month's issue of Commerce Today magazine there appeared an article concerning cryogenics that I would like to bring to the attention of my colleagues. In this regard, the fiscal year 1973 budget contains a request for $1 million for the first year's program planning of an eventual $40 million program to help the electrical industry find better and cheaper means of generating electricity. Part of the answer will come from this Government program to use seed money in industry to stimulate industrial investment in applying the science of supercold.

The specific point I would like to make is that we must view all of our known energy sources as part of an overall picture. The effort must be coordinated. I would like to point out that helium is the essential ingredient of this new science.

I feel that it is most ironic that while the Department of Commerce is using Federal moneys to develop a major new industry based on cryogenics and superconductors, the Department of the Interior has decided to stop conserving helium by terminating its purchase contracts in the helium conservation program. I would pose the question: Does the Department of Commerce's left hand know what the Department of the Interior's right hand is doing?

With the rapid advancement in technology our Nation has experienced in the past 20 years and considering the problems we face regarding future sources of energy, I do not think it is in the best interests of our Nation for a Federal agency to stop storing a valuable and needed resource without a full hearing; especially since another Federal agency has determined to develop a major new industry using this very resource.

The article from Commerce Today magazine follows:

CRYOGENIC PROGRAM TO DEVELOP INDUSTRY

A Federal program to develop competitive new industry through the application of supercold cryogenic technology as a superconductor is expected to be undertaken under the leadership of the Commerce Department in the near future.

The President's FY73 budget contains a request for $1 million for the first year's program planning and definition phase of an eventual $40 million program to help the electrical industry find better and cheaper means of generating electricity. The National Bureau of Standards will manage the program for the Commerce Department.

A Cryoelectronics Section was established within the Cryogenics Division of the National Bureau of Standards at its Boulder, Colo., laboratories in 1969 representing the fruition of a half-century of fundamental explorations in this field at the Bureau of Standards.

Specifically, this program, in cooperation with industry, recognized research institutes, the Atomic Energy Commission, and the National Science Foundation, would prove the feasibility of making a multi-million watt electrical generator and motor system which takes advantage of superconductors.

GREATER EFFICIENCY

Such an electrical generator is expected to operate with greater efficiency than present generators. A one percent increase in efficiency would mean that 20 million tons of coal per year could be saved. It would also mean a $4 million reduction in capital investment per generator.

Principal advantage, however, promises to be a marked reduction in weight and size which would permit the construction, assembly and practical operation of much larger capacity motors and generators than heretofore possible. Not only economies of scale would be achieved, perhaps a 15 to 20 percent reduction in the cost per kilowatt capacity, but also economies in use of materials.

Intent of the government's program would be to use Federal seed money in industry to stimulate industrial investment in applying this relatively new advanced technology in the well-established electric industry. Commerce Secretary Peterson, in his FY 1973 budget request to the Congress, supports a National Bureau of Standard proposal to promote and catalyze an industrial program for development of the next generation of multi-megawatt electric generators and motors.

A task force is to be formed by Commerce of representatives of the National Aeronautics and Space Administration, the Atomic Energy Commission and the Departments of Defense, Transportation and Interior to coordinate the planning action. Similar steps are planned among the industrial, university and professional communities to assure an effective approach on a national scale.

The phenomenon of superconductivity is described by Bascom W. Birmingham, Deputy Director of the Institute for Basic Standards of Commerce's National Bureau of Standards, "as the absence of electrical resistance in certain materials that are maintained below a characteristic temperature, electrical current, and magnetic field."

Cryogenics has long been under experimental development. But in recent years, industry throughout the world has been paying more attention to its possibilities. General Electric and Westinghouse have been two industrial leaders in this country experimenting with cryogenics as a means of employing its superconductivity characteristics in electric power generation.

Studies conducted at General Electric Research and Development Center at Schenectady, N.Y., indicate that electric utilities could realize a savings of several million dollars a year with the development of superconductive generators, transformers and transmission lines, while, at the same time, providing the expanding urban centers of the nation with all the electrical power needed.

A three-year, $1.05 million General Electric research project financed by the Edison Electric Institute, Tennessee Valley Authority, and the American Public Power Association, under the operation of the Electric Research Council, has been investigating the technical and economic feasibility of cryogenic underground cable.

Westinghouse Research Laboratories at Pittsburgh has built and is presently testing the world's largest superconducting turbogenerator which operates at −452 degrees F. Tests have been run to 5 million-volt-amperes (MVA) at 3,600 RPM. The company expects that this type of generator will be the answer for central city generators to meet the heavy elecrical demands of the future.

Such utilization of cryogenics could:

Contribute toward solving the national energy crisis.

Develop radically new equipment and new products for export.

Stimulate industrial growth and perhaps whole new industries.

Utilize existing U.S. expertise and maintain technical leadership.

Employ highly trained technical personnel.

Through its atomic energy and space program, this country leads the world in the basic scientific research that underlies cryogenic technology and in feasibility studies of various technological applications. In the development of actual prototype hardware, however, the U.S. faces the danger of being outdistanced by its principal economic competitors. The Japanese government is totally funding a three million watt generator for the electrolysis of copper. The British government has already built a 3,250 HP motor. The French government is providing two-thirds of the support for various super-conducting motors and transmission lines. The German government is providing 50 percent of the support of a program to build a superconducting transmission line.

Total U.S. government effort for superconductivity this year is estimated at about $10 million, almost none of which is directed toward commercial applications.

LARGE BLOCKS

A Brookhaven National Laboratory study recently completed for the National Science Foundation on problems to be solved in applying the phenomenon of superconductivity to the design of systems for moving very large blocks of electrical power underground, foresees an indication of the growth in demand for electric power in the next two decades requiring underground transmission circuits to rise from the present average level of several hundred megawatts to about 2,000 MW. If interties between regional networks, for example, between TVA and the adjacent American Electric Power System, are placed underground, then capacities of more than 7,000 MW will be needed before the end of the century. By comparison, the present load of New York City is 10,000 MW.

While capable of carrying large amounts of power, superconducting cables cannot compete economically at lower power levels because of the fixed cost of refrigerators and dewars. At levels that are about the ceiling for conventional technologies, the costs become comparable. As this power level rises, the cost of each megawatt transmitted per mile drops dramatically. If superconducting cables become fairly common, a whole new industry will have to be established to produce the miles of vacuum-insulated containers to carry the cable.

Costs of such cable are considerably higher than overhead power lines of comparable power capability located in the open countryside. Near urban areas, however, the rapidly rising cost of right-of-way greatly reduces the differential. Thus, it is expected that superconducting cables will be used first in the large urban and metropolitan areas where the nation's energy crisis is most severe.

Environmental pressures against the use of overhead lines near well-traveled highways and in areas of scenic beauty are rising. Conventional cables have technical limitations of 10 to 30-mile links underground, thus making them incapable of supplanting the vast networks of existing overhead lines, even if the money were available. Superconducting cables could go a long way toward removing this barrier.

THE WISDOM OF JIM FARLEY

REMARKS

OF

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. DELANEY. Mr. Speaker, in a world that many find too full of chaos and uncertainty, it often is refreshing and helpful to take a moment to seek counsel from the few men of wisdom who are yet among us.

Such a man is the Honorable James A. Farley, distinguished former Postmaster General, legendary former chairman of the Democratic National Committee, and presently chairman of the board of the Coca-Cola Export Corp.

Some of the guiding principles of this exceptional man, who is at ease among laborers, industrialists, kings, premiers, and popes, were recently set forth by Mr. John McCarthy in an article in Our Sunday Visitor. Under leave to extend my remarks, I would like to share the article, which follows, with my colleagues:

JIM FARLEY: PRESCRIPTION FOR LIVING

"I'm not anti-anybody or anti-anything," says James Aloysius Farley, former Postmaster General in the Cabinet of the late President Franklin D. Roosevelt. Jim, as National Chairman of the Democratic Party, twice helped Roosevelt to be elected President by record landslide votes some 40 years ago.

Now 84, hale and hearty, Jim Farley, 6 feet, 2½ inches ramrod tall and stylishly tailored, is active in business and looked very much the hard-working top executive when we recently chatted with him in his New York office. Long retired from politics, he has served for decades as the Chairman of the Board of the Coca-Cola Export Corporation, a multimillion dollar worldwide firm.

Retirement at 65 is mandatory at Coca-Cola, as with most U.S. corporations, and it takes action by the Board of Directors annually to make an exception. Every year, thus far, the Board has voted that Farley stay on the job. That's fine with the jaunty Jim who abhors retirement and believes a man should work as long as he's healthy and worth his salt.

"Despite that our country as a whole is better educated," continued Farley, "this racial and ethnic discrimination, instead of subsiding, continues, and it pains me. I simply cannot understand why people are anti-black, anti-Semitic and anti the various nationalities which make up and made America. I have been never anti-anybody or anti-anything because, as a boy, I was taught at home that everyone in the United States was equal and entitled to the same rights.

"My grandparents were Irish Catholic immigrants from County Meath who settled in the small town of Stony Point, New York. The first vow they took when they landed here was to seal the book on their past Irish sufferings, the anti-Catholicism of Orangemen, the persecution of the British landlords et al and start a new life entirely in America. Grandpa and Grandma drilled into me that everyone in this country was equal and for me to bury any petty prejudices I might have about Protestants, Jews, Englishmen, Poles, Germans, Italians or (with a smile and a wink) even Republicans, and to treat them all as friends, neighbors and fellow citizens.

SAGE ADVICE

"Maybe today, that might sound corny but it was very sage advice. Then you listened to older folks and followed what they had to say. Now with some of the youngsters today, anybody over 30 is walking around to save his burial fees. Who wants to listen to their old-hat stuff?

"In Stony Point, then there were 80 percent Protestants and 75 percent Republicans, yet in 1911, I was elected Town Clerk, though I was an Irish Catholic and a democrat. I never forgot that vote of confidence. It gave me a grand start in politics.

"I am always puzzled somewhat when even today, I find friends of mine, third generation Irish Catholics, most of whom have never been to Ireland or England either, who are every bit as anti-British as their immigrant grandparents. That I can't understand—this holding of ancient grudges and prejudices down through three generations. I like the British people. Always have and get along with them fine."

As a confirmation of his statement, Jim Farley pointed to an autographed photo of Prime Minister Winston Churchill with whom he was on friendly terms. In his office are many mementoes of the past—autographed pictures of seven U.S. Presidents Farley has known, and signed photographs from Pope Pius XII, Pope John XXIII, Pope Paul VI and Cardinal Spellman who recommended him for Papal Knighthood. Jim Farley has had a half dozen audiences with Pope Paul, three or four with Pope John and countless talks with Pope Pius. Once in Rome, Jim even had a formal meeting with Mussolini.

In his capacity as head of Coca-Cola Export Corp., Jim Farley has to travel the world continually, attending sales conferences, official dinners and lunches. Last year alone, Farley attended 130 dinners, 105 lunches and travelled some 26,000 miles to 18 different countries. In his circles around the globe, Jim Farley has met nobodies and nabobs of every conceivable order, even the late ex-King of England; Victor Emanuel Umberto, former King of Italy and the late Premier of Portugal, Salazar.

WHO IMPRESSED MOST?

Replying to our question about who, of the thousands and thousands of the people whom he has met had impressed him most, Farley instantly answered: "Pope Pius XII." "Of all the persons I have met in some degree of intimacy," said Farley, "the greatest was His Holiness, Pope Pius XII. Simple dignity, breadth of intellect, devout humility made him a beacon of light in a sorely troubled world."

Then smiling as if in fond reminiscence, Farley suddenly asked, "Did you know that Pope Pius was a pretty good political forecaster?" Then Jim went on to explain that long before he or anybody had the idea, the Pope told Farley that he thought Roosevelt would run for a third term as President. And FDR did, eventually, which caused the famous break between the President and Farley who did not believe in a third presidential term. Congress apparently agreed with Jim for it has since passed a law limiting the Presidents to two terms.

Incidentally, Jim Farley personally won national acceptance as a foremost political forecaster himself in 1936. Days before the Presidential election was held, Farley predicted that Roosevelt would carry 46 of the then 48 States with the exceptions of Maine and Vermont. And that was the exact result the day after the November Presidential election of 1936. Chairman Farley had reached the advance prediction by phoning each of the States' Democratic Chairmen and matching their firsthand reports with his own personal survey of the 1936 pre-election political situation.

TOLD TO WORK HARD

Farley's father was a brick manufacturer, the old-fashioned head of an old-fashioned family. One morning, he was hitching up the horse to go to the funeral of a neighbor's daughter and the horse kicked him. He died that night.

"My mother called her children together after the funeral," relates Jim, "and told us we'd all have to think of each other and to work hard. Well, of course, work means performing services for other people and I found early that I like people so much that it wasn't really work, in the ordinary sense, to be engaged in useful functions. It wasn't work for me. To use that old-fashioned term, we were gainfully occupied. My mother, a good and wise woman, emphasized the 'occupation' on the ground that the 'gain' would take care of itself.

"Too, my mother asked us never to drink or smoke, and I never have. But primarily, that's out of respect for my mother's love for us, and not the other way around." Then Farley thoughtfully added, "I just wouldn't do anything which would hurt her—then or now."

Though Jim Farley attends hundreds of dinners and lunches annually where spirits flow, he has never touched a drop. "Vanilla ice cream is my only weakness," Jim admits, "but my mother never warned me against it and I'm glad."

In his long political and business careers, James A. Farley has a reputation of always being straightforward both in his words and deeds. There's never even a breath of scandal in his record. His word is always accepted and relied upon by all who have known him. Again, Farley gives his mother full credit for this.

"I always tell the truth when asked a question," volunteered Farley, "and the reason is very simple. As a kid, I had a bad memory. Mother quickly spotted this and pointed out to me that unless I told the truth to people, I wouldn't be able to remember what I told them. Therefore, I would lose a lot of sleep at night trying to remember what I said to them instead of the truth."

In these permissive days when many children regard their dads as dopes and mothers uncommunicative, listening to James A. Farley telling about his early promises to his mother and how he kept heeding her common sense advice is rather refreshing. With Jim, it's no put-on gimmick, but a sincere Christian philosophy of living. It's his credo and Jim not only believes it, but practices it.

Since his wife's death in 1955 (she's Bess, God bless her, to Jim), Farley lives alone in the Waldorf Towers, New York, and walks briskly daily to his office which is several blocks away. He is in his office around 9 a.m. and works till 5:30 p.m. On a Saturday, he will occasionally go in and catch up with his mail. Jim's three children telephone nearly every day and his four grandchildren in college call "collect" on Sunday after he returns from the 9 a.m. Mass at St. Patrick's Cathedral. At the 9 a.m. Mass, Jim acts as an usher and takes up the collection. However, he complains that at St. Patrick's he rarely sees any of his parish friends because the congregation is mostly from out of town.

KEEP IN TOUCH

Farley firmly believes that families should keep in touch, answer letters and write thank-you notes for favors done or presents received. With his own grandchildren, he gets their parents to see to it they answer their mail and write their own thank-you letters.

A faithful respondent to his own mail, Farley laments the small percentage who ever answer personal letters received even when a service is rendered. He cited the case of a graduate student who sent him a long list of questions about Roosevelt. Even though it took several hours to do so, Farley answered them in detail and sent the replies pronto to the graduate student who showed his gratitude by never even acknowledging that he received them.

All of Farley's letters are signed in green ink. However, Jim never was aware that green ink faded in sunlight. Hence, once after signing in green ink some 10,000 Postmaster Commissions, he had to recall them and retrace his signature in black ink on each one.

"An important point in what I like to describe as a buoyant philosophy on living," comments Jim Farley, "is loyalty. If you don't have loyalty, you don't have anything. You owe loyalty to your Church, your country, then to your family, your business and your political party. Loyalty and truth are the most valuable attributes you can possess and you're not entitled to any credit for them."

ALWAYS HONEST

No one has ever accused Jim Farley of taking a dollar or telling a lie. Even after his famous break with Roosevelt over the third-term issue, Farley, though he resigned as National Chairman of the Democratic Party, remained loyal and continued to serve as the Party's New York State Chairman, and worked hard for FDR's re-election to a third term. On the Saturday preceding the election, Farley wired 11,000 Democratic committeemen in New York State urging them to support Roosevelt. This demonstration of loyalty was printed on the front page of most of the nation's Sunday newspapers and was most helpful in the Roosevelt victory. Too, Farley brought New York State into the Roosevelt Democratic winning column that year.

Farley is a living example of Mark Twain's admonition that schooling should not be permitted to interfere with a man's education. He graduated from the local high school but they forgot to deliver his diploma. Accordingly, he is the only man in American history who received his diploma 60 years late when a new high school was named after him. Interestingly, Jim has been given a flock of honorary degrees from a long list of colleges and universities.

"Actually, my education did not end with high school," mused Farley, "it began when I went to night school at Packard Commercial School and became a bookkeeper. It was there that I learned that the hearts of people do not show up on balance sheets. You have to go out and meet people and you'll invariably find them friendly and helpful. I always did."

IN MEMORY OF DR. SAMUEL Z. WESTERFIELD, TEACHER, DIPLOMAT, AND FRIEND

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. NIX. Mr. Speaker, the purpose of my remarks is to reflect on the death of Dr. Samuel Z. Westerfield, U.S. Ambassador to Liberia. He was committed to his family and his country. At the time of his death he had strengthened immeasurably the friendship between Liberia and the United States.

Dr. Westerfield was one of this Nation's great economists. He had received a Ph.D. from Harvard University and had been a dean of the School of Business Administration at Lincoln University. He had also taught at Harvard, Lincoln University, and Atlanta University.

His career as a diplomat began with his service as a Deputy Assistant Secretary of State for Economics and Planning in the Bureau of African Affairs in the Department of State, in 1964. His expertise on the affairs of the African continent led to his appointment as U.S. Ambassador to Liberia in September of 1969.

He had long been an expert on the economics of underdeveloped areas having served as Deputy Director of the Office of International Affairs in the Department of the Treasury in the early 1960's, devoting most of his time to the economics of underdeveloped areas of Latin American and Africa.

Dr. Westerfield's long and distinguished career in the academic world and in the Federal Government speaks for itself. It was a highly productive career and it was one of which we all should have been able to look forward to seeing even greater successes in the fruitful years that should have been Dr. Westerfield's.

What I admired most of all about Dr. Westerfield was his strong character which was the basis of not only his career but the life he provided for his family. His wife, the former Helene Bryant of Birmingham, Ala.; his son, Samuel, a third-year medical student; his daughter, Sheila, a linguist in the third year of her studies at American University; his sister, Mrs. Anne Westerfield Pitts, a distinguished educator, and his aunts and their families, all grieve at his loss. No one can replace their loss, although the memory of his love for them will warm all of their days.

We who worked with Dr. Westerfield, know that like many great men he left behind countless persons trained by him to carry out his work in the future. He was beyond being a diplomat, a great teacher. He started his career as a teacher. What he taught lives on in the work of his students and colleagues. No man can leave a more impressive monument.

I will miss him as a friend.

On behalf of the U.S. House of Representatives, I extend to his family our sympathy and the grief we share with those who knew him so well.

Memorial Services, Metropolitan AME Church, Washington, D.C., July 25, 1972

Samuel Z. Westerfield, Jr. was born in Chicago, Illinois and received his early education here in Washington, D.C. He was graduated from Shaw Junior High School, Dunbar Senior School and Howard University, Magna Cum Laude. In these early years and throughout his short but highly productive life, he was a scholar in the truest sense—one for whom living was learning. Mr. Westerfield received the M.A. and Ph.D. Degrees from Harvard University. He made his own contribution to the academic universe as Assistant Professor of Economics at Lincoln University, Dean of the School of Business Administration and Professor of Economics at Atlanta University, and Visiting Professor in the Graduate School of Business Administration at his alma mater, Harvard University.

During these years, Dr. Westerfield devoted his time and energies not only to the discharge of his professional duties but also—and perhaps, even more importantly—to his students—counselling them, encouraging them, inspiring them and urging them on to develop their greatest potential. He was untiring in his efforts to impart to them the values of intellectual curiosity, integrity and a zest for learning.

In 1961, Dr. Westerfield became Associate Director of the Debt Analysis Staff in the Treasury Department. Soon, thereafter, he became Deputy Director in the Office of International Affairs. His area of concentration was the economics of underdeveloped areas, with particular reference to Latin America and Africa.

Dr. Westerfield's Government service also included positions as Economist with the Bureau of Labor Statistics and the Industrial Economics Branch of the Tennessee Valley Authority.

An extensive and in-depth knowledge of economics, together with a deep concern for people exemplified Samuel Westerfield, the man. His family, friends and associates, therefore, rejoiced in the rare and perfect choice, when, in 1963, he was appointed Deputy Assistant Secretary of State for Economic Affairs. This marked, as they knew it would, the beginning of a new thrust in his career.

In 1964 he was appointed Deputy Assistant Secretary of State for Economics and Planning in the Bureau of African Affairs. During this period, Smuel Westerfield, Jr. gained a vast yet intimate knowledge of Africa and its peoples. One had only to talk briefly with Dr. Westerfield to discern his unassuming manner, his sensitivity and understanding of people. These qualities coupled with his brilliant scholarship and a zest for a full and productive life, were attributes which those who knew him well will always remember. Such men are rare; such men are truely diplomats. Thus, it was on September 17, 1969, Dr. Samuel Z. Westerfield, Jr. was sworn in as United States Ambassador to the Republic of Liberia, a position in which he further nurtured the strong bond of friendship and respect he had worked to build between the United States and the continent of Africa.

Ambassador Westerfield died at his home in Monrovia, Liberia on July 19, commitment to his family and to his country. He was a devoted son, brother, husband and father.

Ambassador Westerfield died at his home in Monrovia, Liberia on July 19, 1972. He is survived by a loving and devoted wife, the former Helene Bryant of Birmingham, Alabama, a son, Samuel III, third year medical student at Columbia University. College of Physicians and Surgeons, New York City, a daughter, Shelia Helene who is a third year student in the Department of Modern Languages at American University, Washington, D.C. In addition, Ambassador Westerfield leaves a loving sister, Mrs. Anne Westerfield Pitts, Executive Director of the Title I Program, D.C. Public Schools, three aunts, Miss Catherine Waddleton, Mrs. Mildred Thompson and Mrs. Alice Nee, a stepsister, Mrs. Ethel Valentine Smith and a cousin, Mrs. Catherine Thompson Mackey and their children.

[From the Washington Post, July 21, 1972]

U.S. Envoy Samuel Westerfield Dies

(By Jean R. Hailey)

Samuel Z. Westerfield Jr., U.S. Ambassador to Liberia, died Tuesday at his home in Monrovia after suffering a heart attack. He was 52.

An economist and former high-ranking State Department official, he was named to his diplomatic post by President Nixon in September, 1969.

"We are deeply grieved by the untimely death of Ambassador Samuel Z. Westerfield at his post in Monrovia. We extend our heartfelt condolences to Mrs. Westerfield and the family. Ambassador Westerfield, who had given substantially of himself in service to his country, was a dedicated Foreign Service officer and public servant widely respected in both the United States and Africa," Secretary of State William Rogers said in a statement issued at the State Department.

Mr. Westerfield, who was born in Chicago, received his bachelor's degree from Howard University and a master's degree and his doctorate at Harvard University.

An assistant professor of economics at Lincoln University from 1947 to 1950, he then became dean of the school of business administration and professor of economics at Atlanta University. He served in those capacities until 1961 when he joined the federal government as associate director of the debt analysis staff at the Treasury Department.

Mr. Westerfield later was deputy director of Treasury's office of international affairs, concentrating on the economics of underdeveloped areas, particularly in Latin America and Africa. During that period, he was a member of the U.S. delegation to the International Affairs—Economic and Social Council of the United Nations conference in Mexico City in 1962.

He joined the State Department in 1963 as deputy assistant secretary in the Bureau of Economic Affairs.

A year later, he was assigned to the newly created post of deputy assistant secretary in the State Department's Bureau of African Affairs. At the time, the department said the appointment "reflects our intensified interest in African economic affairs."

Mr. Westerfield had served as a U.S. representative to the Economic Commission for Asia and the Far East in 1963. He also had been on the board of examiners for the Foreign Service.

He is survived by his wife, the former Helene Bryant; a son, Samuel; a daughter, Shiela, and a sister, Anne Pitts.

235/236 HOUSING PROGRAMS

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. ROUSSELOT. Mr. Speaker, we are presently debating in the full Banking and Currency Committee a proposed piece of legislation to recodify all of the existing Federal legislation relating to housing, mass transportation, water and sewer systems, and other community development activities. It is a massive piece of legislation.

Unfortunately, we have had many experimental programs in the field of subsidized housing; and, although the intent is very good—and the hope that springs eternal to place people in their own private homes is an underlying plank of this legislation—the results have been far from satisfactory. It seems improper to me that, as a committee, we have not better heeded the vast number of letters and general inquiries that have arisen as a result of what has become known as the 235/236 housing programs.

In committee, several of us have pleaded with our fellow members to go home to their district and look in to the 235/236 housing programs that may already be existing because they have clearly created some inequities that we are not, in my opinion, properly considering in the housing bill that is now before the Banking and Currency Committee.

In the spirit of trying to encourage both my colleagues in the Banking and Currency Committee and the other Members of this House to more responsibly look into the actual results of the 235/236 subsidized housing programs, I have been granted the privilege by my colleague, Congressman GLENN DAVIS of Wisconsin, to include in the RECORD a letter which was sent to him from Mr. Myron O. Everson of Milwaukee, Wis., which illustrates but one inequity that has occurred by this type program. I ask that my colleagues now consider the ramifications that are suggested in this letter from Mr. Everson:

MILWAUKEE, WIS.,
August 1, 1972.

Congressman GLENN R. DAVIS,
Waukesha, Wisconsin.

DEAR SIR: I wish to express my appreciation for your successful efforts in eliminating the inequity by which 235 home owners were permitted to deduct, from their income tax, amounts of interest paid by the Federal Government.

It is my belief that the 235 Program is in need of further investigation. As an example, two of the personnel working in my office (Federal Employees) have purchased a new home. The following breakdown shows what I feel is an inequity.

MAN NO. 1—CONVENTIONAL LOAN

Annual Income: $10,242.
No. of Children: 1.
Down Payment: $7,000.
No. Years Mortgage: 25.
Cost of Home: $19,000.
Monthly Payment: $170.00.

MA— NO. 2—235 LOAN

Annual Income: $10,766.
No. of Children: 4.
Down Payment: $200.00.
No. Years Mortgage: 30.
Cost of Home: $24,000 Approx.
Monthly Payment: $127.000 Approx.

I would like to add that the man with the 235 home was a previous home owner who sold his home and purchased a 235 for the sole purpose of receiving Government assistance. Upon the sale of his previous property he used the equity to purchase a second car for the family, pay bills, etc., and make the minimum down payment on his 235.

I believe further elaboration is not necessary as I'm sure you can readily see the injustice in this type of program.

Sincerely yours,
Mr. MYRON O. EVERSON.

I urge my colleagues to not only review the obvious problems created by this particular case, but also to go home to their own districts and search very diligently for answers to some of the substantial problems that we, as a Congress, have created by instituting such programs without providing for better protection to homeowners, renters and, equally important, the taxpayers who subsidize this effort.

Now is the time for our Banking and Currency Committee, and the entire Congress, to consideration how we might revamp this legislation so that this type of problem is not enlarged and magnified.

A UNIQUE ANNIVERSARY

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. BRASCO. Mr. Speaker, August 8, marked the 20th anniversary of the execution by the Soviet Government of 24 outstanding representatives of Russia's Jewish community, butchered in the basement of Moscow's Lubianka Prison by Stalin's assassins, and victims of that dictator's warped hatred of the Jewish people.

These people deserved a far different fate. In 1942, as Hitler's legions swept ever deeper into the heartland of Russia, Stalin knew that he had to call upon every possible ally in order to gain their allegiance and daily support. Swallowing his pride and past policies, he commenced a calculated wooing of previously persecuted and reviled minorities, who had previously clung to their uniqueness as groups, defying Stalin's assimilation efforts. As a result, all across beleaguered Russia, Stalin's people began offering them enticements to reassert their national and ethnic identity in the name of defense of Mother Russia against the invader.

In order to do this, of course, these people had to make common cause with the only regime governing the country and fighting Hilter; the hated Stalin dictatorship. Many succumbed to the blandishments and inducements, subordinating their hatred of Stalin and his methods in the name of opposing Hitler. Needless to say, in light of the virulent anti-Semitism of the Nazis, the Jews of Russia responded, and valiantly.

The people executed in 1952 in that notorious prison were all members and leaders of the Jewish Anti-Fascist Committee, which had done yoeman work in that desperate struggle against the invaders.

Most of these people were intellectuals, poets, and writers with notable records of accomplishment behind them. Today we commemorate that 20th anniversary, and I am proud to be a cosponsor of this commemoration. Such sad anniversaries serve a very useful purpose; that of reminding us of what has been done to these people.

In light of what is transpiring today in regard to the Jews of the Soviet Union, it is all the more fitting. While Stalin is dead and unmourned, his policies live on in the hearts and daily lives of the people of the Soviet Union.

Anti-Semitism is an old Russian art, which flourished under the czars. Let us recall at this time that for centuries, the Russians under the Romanoffs practiced the crudest and most violent anti-Semitism. Not for nothing did young and old Jews alike flee Russia for a better world. And when the Soviets took over, they continued the tradition, finding it useful for their own purposes.

Today, anti-Semitism still pervades Soviet society, dripping and permeating every level of Russian life. Only Jews have their religious identification stamped on all their official papers in Russia today. Only Jews are not allowed to retain a cultural identity through a variety of institutions made available to almost every other identifiable ethnic group in that country. Even the Volga Germans, who were deported to farther areas of Russia in World War II because of suspicion of disloyalty, are able today to publish, study, and engage in other activities in line with their heritage. Yet the doors are still shut in the faces of the Jews.

So it is an ongoing wonder to note that in spite of the calculated effort of the regime to stifle Jewishness and everything that goes with it, the Jews of Russia continue to successfully insist on their rights to assert their ethnic and religious identity. They have done this in the face of the overwhelming forces of oppression only such a monolithic state as the Soviet Union can bring to bear upon their efforts. And they are succeeding.

There are some lights that the strongest breath of oppression cannot blow out. This is one of the most enduring throughout the history of the world. It is an inspiring example to those of us in other lands who admire such courage in the face of awesome, overbearing force.

For that reason, it is altogether fitting for us to commemorate these victims of another struggle against the enemies of all mankind. The Jews face in every age some force of destruction, focused against them because they are there in the form of an eternal scapegoat. It is almost as if they have focused upon them in each age the darker forces and elements of man's nature. When will other people ever leave these poor people alone?

ITS GOLDEN ANNIVERSARY

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. SMITH of Iowa. Mr. Speaker, with the celebration this year of their golden anniversary by the Order of Ahepa, I feel that it is appropriate that special attention be drawn to this organization and the outstanding contributions it has made in the course of its existence. Not only has it served as a source of inspiration to its own members, but countless thousands have benefited from the many varied services rendered by the Order of Ahepa to those in need.

The Order of Ahepa must also be commended for its strong support and encouragement of academic programs both in this country and abroad. In addition to this, numerous memorials and countless philanthropic causes, including hospitals, medical research centers, orphans and victims of natural disasters, have been aided greatly by the support members of this order have so generously provided.

In view of the fine record which this organization has accomplished, I would like to take this opportunity to extend my sincere congratulations to the members of the Order of Ahepa and wish them well as they continue in their programs of service to human needs and betterment.

RADIO STATION WELI TAKES INITIATIVE IN CAMPAIGN SCHEDULING

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. MONAGAN. Mr. Speaker, we are familiar with the problems surrounding the financing of political campaigns. Because of ever-increasing campaign costs and the difficulties of raising campaign money, personal wealth has regrettably become a prime qualification for holding public office in many areas of the country.

The main factor in the development of this situation has of course been the substantial cost of mass media advertising. The 60-second spot, and the skyrocketing media campaign budget have become necessities in American politics. For those candidates who can afford to take advantage of the benefits of mass media, the dividends in terms of voter recognition can be considerable. For those who cannot afford it, communication with the voters can be an uphill struggle.

It was to minimize the unfair advantages of wealth that Congress passed the Federal Elections Campaign Act of 1971. This legislation requires strict financial reporting and limits the amount of money which can be spent on these types of advertising.

It was the hope of Congress that the media themselves would give equal access to the airwaves by providing free time to all candidates, not only for the Presidency, but for congressional races. Such public service programing would help neutralize the political effects of money, and would guarantee that all candidates could communicate with the public on an equal basis.

I am pleased to report that radio station WELI in New Haven, Conn., has taken just such an initiative, and is offering free air time to all candidates within its listening area. In accordance with the legal requirements of FCC regulations and with the 1971 Campaign Reform Act, WELI has established a schedule of 15 90-second announcements for congressional candidates. WELI's actions represent a significant step forward in public service broadcasting and in the improvement of our political campaigns. I am pleased to accept their offer and I ask all Members to join me in commending station WELI for its initiative and its concern for the integrity of the political process.

MEAT PRICES—STILL RISING

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. VANIK. Mr. Speaker, the economic news of the past 2 months has shown in statistics what every shopper knows—the price of food is still rising.

Retail food prices jumped by 0.9 percent in June, mostly in the area of meat, vegetables, and fruits. It has just been announced that July wholesale prices in all categories rose at an annual rate of 8.4 percent—the sharpest increase since August 1971.

A rise in livestock prices and sharp increases in poultry, eggs, and fresh vegetable prices caused July's food sector's prices to increase at a seasonally adjusted 1.8-percent rate—or an annual rate of 21.6 percent. Food and farm prices were 7.2-percent higher in July than they were when phase I started last August.

Specific cases of food price increases have been carefully documented by a volunteer citizens group in my congressional district, the 22d District Community Committee on Consumer Prices. At the present time, several committee members are conducting a study of meat prices as advertised in Cleveland area newspapers. These advertised prices are, of course, low prices on sale items which the stores involved feel will encourage consumers to shop in their stores.

In other words, the meat prices in these advertisements are lower than average and, in some cases, are undoubtedly "loss leader" items. Nevertheless, a study of these ads shows a generally steady climb in meat prices during the summer months.

Of the 116 items listed. 44, or 36 percent went steadily up in price. Four, or 3.4 percent went steadily down in price from week to week. Four, or 3.4 percent went down and then up in price, while the other 64 items—55.2 percent of the sample—remained stable in price.

Of the 44 items which increased in price in the Cleveland area, 41 increased in price by more than 2.5 percent. Sixteen, or 36 percent increased by more than 10 percent, and two items increased by more than 30 percent. Following is a table which lists some of the more dramatic increases:

RECENT TRENDS IN CLEVELAND MEAT PRICES, JUNE 17–JULY 15, 1972

Meat item	Price by week and percentage change				
	June 17–24	June 25–July 3	July 4–8	July 9–15	
				Amount	Percent
Boneless Spencer roast		$1.09		$1.29	+18.5
Square cut chuck roast	$0.68	.68	$0.78	.78	+14.7
Boneless chuck roast	.94			1.08	+14.9
Round bone family steak	.98	1.04	.99	1.08	+10.2
Rib steaks, family pack		1.09	1.19	1.29	+18.2
Chuck steak		.88		.98	+11.4
Medium spare ribs	.69	.69		.79	+14.3
Hamburger—extra lean (10–15 percent fat content)	$.96	$.96	$.98	$1.04	+8.3
Heritage House sliced bacon, Vacpac	.69	.79	.79	.79	+14.4
Pork steaks, family pack	.69			.79	+14.4
Quarter loin sliced pork chops	.76		.88	.88	+15.0
Whole chicken legs		.35	.49	.55	+57.1
Chicken thighs		.45	.55	.59	+31.1
Split chicken broilers with backs	.24	.26	.26	.28	+16.6

REPEAL MEAT IMPORT QUOTA LAW

One way in which meat prices can be stabilized is to permit additional supplies of lean, processing meat—the type used in hamburgers, sausages, and TV dinners—to enter the country. For the past 8 years, the importation of this type of meat has been restricted by the Meat Import Quota Act of 1964.

On March 13 of this year, I introduced legislation to repeal this anticonsumer legislation. Since then, some 50 other Members of the House have cosponsored this legislation.

Repeal of the meat quota law would permit these cheaper cuts of meat—which American cattlemen simply cannot supply—to enter the American market and stabilize the price of these cuts of meat—the type of meat which low-income families and large families are particularly dependent upon.

Recognizing that the meat quota law was severly damaging the possible success of the economic stabilization policy, the President, using authority contained in the law, suspended the quotas and restrictions on June 26. But he suspended them only for the period July 1 through December 31, 1972. The suspension had some success. Following are the meat price quotas from the Chicago Market as prepared by the National Provisioner Daily Market Service:

[In cents]

	June 16	Aug. 3
Australian-New Zealand frozen imported meats (per pound) (f.o.b port of entry (30 days)):		
Cow meat 90 percent Vis. In	70	67.5
Bull meat 90 percent In	72.25	70.5
Shank meat	72.25	70.5
Bnts. mutton 90 percent In	44.5–45	43.5

As one can see, the prospect of increased shipment of Australian and New Zealand meat caused a reduction in price in their meat categories.

But, Mr. Speaker, a 6-month suspension of the quotas is totally incapable of meeting either our immediate or long-range food needs.

We simply cannot expect a 6-month suspension of the meat quotas to significantly alter the meat shipping plans of exporting nations. How can we expect these foreign cattlemen to change their marketing patterns, to break contracts with other markets, to hire extra shipping, and to alter beef herds and sheep flocks—all for a 6-month period. Our cattlemen would not do this; why should we expect others to do it?

Some of the cattle raisers have contended that the import of foreign meats destroys their market. They have stated that up to 40 percent of imported meat comes ino the country in the form of steaks, roasts, and other choice cuts—the same type of meat that American growers specialize in.

This is simply not true. Foreign, imported meat is generally range-fed meat. It is generally tougher and leaner than American beef and generally used for different purposes.

The fact that foreign meat is not competitive with the high-priced, fancy grades of American meat is supported by a study just released by the U.S. Tariff Commission. The Commission conducted a sample survey over a 2-year period which showed that over 90 percent of imported fresh, chilled, or frozen beef and veal are used to manufacture prepared foods such as hamburger, sausage, canned meat, TV dinners, and other products. These products are, of course, the ones which those with lower incomes and large families rely most heavily upon. These are the products which the American producers cannot supply in adequate quantities. Thus import restrictions on these items are particularly burdensome to those who can least afford it. The findings of the Tariff Commission are summarized in the following two tables:

FRESH, CHILLED, OR FROZEN BEEF AND VEAL: U.S. IMPORTS FOR CONSUMPTION, BY USES, 1969–70

Item	Quantity (million pounds)	Percentage distribution	Percentage sampling variability [1]
Total	[2] 2,161	100	
Manufacturing beef and veal	1,990	92	1.5
Table beef and veal	171	8	1.5

[1] Estimated sampling variability. The chances are about 2 in 3 that the differences between the sample-study estimates and the results that would have been obtained from a study of all the processors would be less than the percentages shown. The chances are about 19 in 20 that the differences are less than twice those shown.

[2] Compiled from official statistics of the U.S. Department of Commerce

IMPORTED FRESH, CHILLED, OR FROZEN BEEF AND VEAL USED FOR MANUFACTURING, TOTAL AND BY TYPE OF PRODUCT, 1969–70

Item	Quantity (million pounds)	Percentage distribution	Percentage sampling variability [1]
Total manufacturing beef and veal	1,990	100	1.5
Hamburger and chopped beef and veal	959	48	4.3
Sausage and other food products containing beef and veal	848	43	3.8
Smoked, dried, cooked, or cured beef and veal	183	9.	1.5

[1] Estimated sampling variability. The chances are about 2 in 3 that the differences between the sample-study estimates and the results that would have been obtained from a study of all the processors would be less than the percentages shown. The chances are about 19 in 20 that the differences are less than twice those shown.

Note: As shown in the tabulation above, the survey indicates that nearly half of the imported beef and veal utilized for manufacturing purposes during the 2-year period was used for hamburger and chopped beef and veal. Most of the remainder was used to make sausage and other food products containing varying amounts of beef and veal such as TV dinners, stews, and luncheon meats.

This Tariff Commission data is further proof that imported meats are primarily used for low-grade, processed meats—and that restrictions on these imports hurt the low-income families and large-sized families the most.

The Meat Import Quota Act of 1964 must be permanently repealed.

HANK WILLIAMS, JR.

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. FULTON. Mr. Speaker, a young American artist, Hank Williams, Jr. who combines a great musical talent with a natural ability as an ambassador of good will, has come to my attention.

Music has long been considered to be a universal language. Through the artistry of his music, Hank Williams, Jr. has helped brighten the image of America, both at home and abroad.

By coincidence, this young man's father, Hank Williams, Sr. also made great contributions to the music world in the decades of the 1940's and 1950's.

Hank Williams, Jr. is more than just a performer though he is a recording star and singer who has starred on concert stages throughout the world—as well as in television and motion pictures—he is also a young man who has reached out to the very grassroots of our country through the medium of his country and western music artistry.

Only 22 years of age, this young man, under the guidance of his personal representative, Buddy Lee, has performed in hundreds of cities and hamlets in every section of this country. His objective is not only to entertain, but to enhance the merits of a native American music art—country and western music. In this area, Hank Williams, Jr. has no peers.

Hank Williams, Jr. was born in Shreveport, La., May 26, 1949. Shortly after his birth, the family moved to Nashville, Tenn., where he grew to manhood surrounded by the folklore and sounds of traditional native American music. His father was a lasting inspiration to him and imparted to him an abiding love for Americana and its music.

Hank Williams, Jr., is a star of major stature throughout the world, and wherever he goes he serves his country well as an ambassador of goodwill. Recently, he represented the United States at the Fourth International Festival of Country and Western Music in Wembley, England—where he was given the major award of No. 1 country and western performer.

Despite his busy schedule, this young man gives much of himself and his time to various charitable and philanthropic organizations throughout the United States. By headlining in various benefit concerts, he has been instrumental in contributing to the raising of millions of dollars to aid various philanthropic endeavors, including the Cerebral Palsy Fund.

Hank Williams, Jr. is indeed an inspirational example of young American manhood at its best. He is most deserving of the commendation of his fellow Americans.

AIR-CONDITIONED CONTACTS

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. WHITEHURST. Mr. Speaker, in the August 14, 1972, issue of Newsweek, there appeared a remarkable article entitled "Air-Conditioned Contacts," which will bring hope to millions of wearers of contact lenses in the United States for more comfort in the wearing of their lenses.

I think that the two young Hungarian engineers, George Maszaros and Steve Marshalke, are to be commended for their efforts in developing the process, which will make for a safer, more effective contact lens.

AIR-CONDITIONED CONTACTS

For many of the 7 million wearers of contact lenses in the U.S., the convenience and cosmetic value of the lenses are often offset by irritating disadvantages—dry, itchy eyes, occasional blurred vision, and the continual chore of removing dirt particles from behind the closely fit contacts. Ophthalmologists have tried for more than 30 years to remove these annoyances, but most solutions have produced new problems of their own. The recently introduced "soft" contact lens, for example, is suspected of serving as a reservoir of bacterial contamination. Now, however, a highly refined technological innovation promises to modify the conventional hard contact lens so as to drastically reduce its discomfort for the wearer.

The breakthrough is actually an extension of a technique long used by optometrists to assuage the inconveniences of contacts—the drilling of tiny holes through the lenses. The holes allow the passage of enough air through the lenses to stimulate the circulation of fluids in the eye, thus postponing the onset of drying and itching. But because of the time and expense involved in manual drilling and the difficulty of cleaning the drilled holes, optometrists generally use the process only as a last resort.

The problem of making drilling applicable to all contact lenses had exercised two young Hungarian engineers since they formed Capitol Contact Lenses, Inc., in Washington six years ago. Then, in 1970, George Meszaros and Steve Marshalke hit on the idea of using the intense power of a laser beam as a drill. The laser would be advantageous, they reasoned, not only in automating drilling but also in cleaning the holes—its 9,600-degree heat could seal the edges of the holes more efficiently than any polishing process. Experimentation corroborated their theory, and now the two entrepreneurs are awaiting final approval of their patent application for the process (called "micropore hypervent"). But more than 1,000 persons across the U.S. are already wearing Capitol's laser-drilled lenses on an experimental basis. Most of them, optometrists report, say they are getting a consistently clearer and more comfortable view of life.

QUESTIONNAIRE RESULTS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. DRINAN. Mr. Speaker, I am pleased to be able to report the results of the questionnaire I recently sent to the citizens of the four new communities added to my congressional district—Brookline, Framingham, Sudbury, and Wayland. I welcome the opportunity to learn what is on the minds of the people I will now be representing. I am most grateful that a considerable number of those living in these towns—4,878—were able to respond to my inquiry.

Among the significant findings is that almost 70 percent of those responding think that this country no longer belongs in Vietnam. In addition, 81.5 percent feel that military spending should be reduced. I have consistently supported legislation designed to terminate American involvement in Southeast Asia and to allot greater amounts of money for domestic priorities that have gone unanswered for so long due to this war.

Of the almost 5,000 respondents, 68 percent favor a comprehensive national health insurance plan paid for by payroll deductions similar to social security. This idea is embraced by legislation which I have sponsored.

Registration of all handguns was favored by an overwhelming majority of all who answered—83.5 percent. I shall continue to work vigorously for the passage of legislation to accomplish this objective.

Opinion was divided on the subject of space exploration: 40.4 percent favored the proposed space shuttle program, while almost 40 percent felt that appropriations for NASA and space research should be decreased.

Eighty-two and eight-tenths percent were opposed to the use of electronic surveillance devices without court authorization. I firmly believe that the right to privacy is precious. It is a right which we will lose unless there is constant opposition to unlawful and unnecessary invasions of this privacy by agencies of the government.

Of the 4,878 constituents responding to the questionnaire, nearly 75 percent favored either decreased penalties for the use of marihuana or elimination of such penalties.

The three priorities indicated by the respondents to be the most urgent were ending the war, controlling pollution and reducing unemployment.

The text of the questions and a summary of the results follow:

[Numbers represent percentages]

	Total	Men	Women	Youth
1. Should the Federal Government administer a system of comprehensive national health insurance, paid for by payroll deductions similar to social security?				
Yes	68.0	66.2	69.5	69.4
No	32.0	33.8	30.5	30.6
2. Should the present level of military spending (approximately $75 billion) be reduced?				
Yes	81.5	77.9	85.2	83.1
No	18.5	22.1	14.8	16.9
3. Should the Federal Government pass a law requiring the registration of all handguns?				
Yes	83.5	79.7	88.5	80.1
No	16.5	20.3	11.5	19.9
4. Do you favor the proposed space shuttle program?				
Yes	40.4	44.8	34.9	42.7
No	59.6	55.2	65.1	57.3
5. Do you believe the Federal Government's new economic policies—Phase II—have been effective?				
Yes	16.1	18.7	12.5	19.0
No	83.9	81.3	87.5	81.0
6. Do you approve of the use of electronic surveillance devices, without court authorization by agencies of the Federal Government, to secure information on individual citizens?				
Yes	17.2	19.7	14.5	17.2
No	82.8	80.3	85.5	82.8
7. Do you favor withdrawal of troops from Vietnam:				
Immediately	51.8	47.4	54.3	56.3
By June 30, 1972	18.1	17.0	19.1	20.2
At the rate they are now being withdrawn, with no fixed date	22.9	28.2	19.8	15.7
Other	7.2	7.4	6.8	7.8
8. Do you believe that the penalties for the use of marihuana should be:				
Increased	12.1	12.8	12.2	11.6
Decreased	30.5	29.6	32.7	26.2
Remain the same	13.1	12.4	13.3	15.7
Eliminated	44.3	45.2	41.3	46.5
9. Do you think that the appropriations for space research and the NASA program should be:				
Increased	12.0	8.5	13.3	17.3
Decreased	39.6	31.0	40.4	37.1
Remain the same	36.3	49.4	33.9	31.4
Eliminated	12.1	11.1	12.4	14.2
10. What do you think our Nation's priorities should be? Please check the three items that you believe are the most urgent.				
Reduce unemployment	12.2	13.1	11.4	12.3
Reduce health care costs	6.6	6.5	7.3	14.5
Control pollution	13.5	12.6	13.4	6.6
End Vietnam war	21.1	19.2	22.1	24.5
Control crime	9.5	10.4	8.8	8.4
Explore space	.9	1.1	.7	1.4
Obtain quality education	5.7	5.0	6.2	5.7
Control drug abuse	5.8	5.5	6.1	5.7
Control inflation	11.3	12.2	11.3	7.7
Reduce military spending	7.4	7.5	7.2	8.7
Improve consumer protection	2.9	2.8	3.1	2.4
Fund mass transportation	3.1	4.1	2.4	2.1

CONGRESSMAN BAKER WELCOMES NUCLEAR BREEDER REACTOR TO THE THIRD CONGRESSIONAL DISTRICT

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. BAKER. Mr. Speaker, in a joint announcement by the Tennessee Valley Authority, Atomic Energy Commission, and Commonwealth Edison, it has been learned a 1,360-acre site in Roane County, Tenn., has been selected for a pilot project for the world's first nuclear breeder reactor.

This marks the beginning of an important new era in energy exploration to serve ever-increasing power demands of Tennessee and the Nation.

Because the breeder reactor produces more fuel than it consumes its successful demonstration could lead to a new nuclear power industry providing the Nation with an essentially unlimited energy supply for years to come.

I am proud to have this project located in the Anderson-Roane County area within the Third Congressional District. I look forward to following its development.

Location of the demonstration fast breeder reactor in Roane County will do much to help boost economic growth in this region.

When construction gets underway in approximately 2 years, the facility will employ up to 1,500 construction workers, and about 30 percent of its estimated $500 million construction cost will be spent in this area on employment and services.

This site is an excellent choice. Its location in the Roane-Anderson County area insures an abundance of natural resources and technological know-how. The area is also easily accessible by all modes of transportation.

It is significant that this plantsite, close to Atomic Energy Commission facilities, was selected. Those individuals who know the most about nuclear energy and radiation have complete confidence in living and rearing their families in close proximity to the site of a nuclear facility.

This should reassure those who have doubts about complete safety of the forthcoming breeder reactor facility from the standpoint of radiation.

The announcement of the site this week is timely, because the Subcommittee on Flood Control and Internal Development of the House Public Works Committee is currently holding hearings on the Nation's energy crisis. As a member of that subcommittee, I have been privileged to hear testimony of both Aubrey "Red" Wagner, TVA Chairman, and Atomic Energy Commissioner William Doub, concerning our Nation's power shortages.

I have discussed the fast breeder with both men.

I have great confidence in the technical success of this demonstration liquid metal fast breeder reactor. I am optimistic that breeder reactor technology can permit more efficient use of uranium resources and provide significant new power sources to meet future energy needs.

Our challenge is to meet these expanding power needs without damaging the scenic beauty and natural environment of our area.

The TVA has demonstrated this can be done. It has proved that technology can actually enhance the natural environment and recreational opportunities of an area, through careful planning and skillful management.

I believe this nuclear breeder reactor will represent another step toward achieving these twin goals. I am satisfied the plant location near Oak Ridge will in no way damage the environment of the area.

Extensive environmental impact studies have already been made, and effects of the nuclear breeder project on the environment will be further examined in conformity with the National Environmental Policy Act before a construction permit can be issued.

Construction of the project is expected to take up to 5 years. When it is complete—some time around 1980—the fast breeder will make possible a giant increase in national energy resources.

It is gratifying to know east Tennessee, and especially the Third Congressional District, will continue to be a leader in meeting the challenge of providing energy for continued national economic growth and rising living standards.

THE JONES' OF TENNESSEE

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. DENHOLM. Mr. Speaker, there are many distinguished citizens as Members of the U.S. Congress. Congressman EDWARD JONES of Tennessee is one of those distinguished and exceptional colleagues whose affable and effective personality contributes to the dignity of the Congress of the United States. His work in the public interest is not limited to that of duty here in the "House of the People" but it is much a part of his individuality and compassion for people and it has been justly recognized by those that he represents in his home State of Tennessee.

I believe that what John Parish recently published in the Jackson, Tenn., Sun in a feature article on July 13, 1972, was not only right as to our distinguished colleague but it is an example of the highest principles of journalism. It is a tribute to an editor interested in both good government and honest representation of the people in the State of Tennessee. It is commendable that an editor of the great State of Tennessee has the wisdom to publish the "good" of our times when many can see only the "wrong." I commend Mr. Parish for constructive journalism in the public interest. I respectfully request that his article, "That's Politics" be included in the RECORD for all to see.

The article follows:

THAT'S POLITICS

(By John Parish)

YORKVILLE.—There's not much danger that Congressman Ed Jones will ever succumb to the common political malady known as "Potomac Fever."

Jones is quite satisfied with representing the people of his West Tennessee district and still prefers the serene life in rural Gibson County to the cocktail circuit in Washington. Last year, he averaged a trip a week back home to make certain of the pulse of his constituents.

All of his 60 years, Jones has called Yorkville his home. He and his wife, the former Llewellyn Wyatt, live in the same home where she was born and just a good stone's throw from his birthplace.

The Jones home is an 11-room, two-story frame structure built in 1903 by Dr. F. E. Wyatt, a country doctor and father of Mrs. Jones. The Wyatts, like the Joneses, were pioneer Gibson County families.

After graduating from the University of Tennessee with a degree in dairy husbandry, Jones put together a herd of registered jerseys and operated a successful dairy farm on the home place. He introduced artificial breeding practices to this section of the country and was widely known for the Yorkville Jersey Cattle Show held for 37 years on a woods lot next to his home.

Jones worked for the Tennessee Department of Agriculture as an inspector in the Division of Insect and Plant Disease Control and spent a period with the Tennessee Dairy Products Association. From 1944 until his election to Congress in 1969, except for a four-year leave of absence to serve as State Commissioner of Agriculture, he was the agricultural agent for the Illinois Central Railroad.

Progressive Farmer Magazine gave him its Man of the Year Award in 1951 and he was named the Man of the Year in Agriculture for 1957 by the Memphis Agricultural Club. For many years, he was the associate farm director of radio station WMC in Memphis.

JUST PLAIN FOLKS

Spending an afternoon with the Jones family is just about as pleasant an assignment as a newsman can draw. Mrs. Jones had a home grown lunch of country ham, butter beans, corn on the cob, tomatoes and peach cobbler ready for the table Wednesday when this reporter and Sun photographer Larry Atherton arrived 15 minutes late because we missed the Yorkville turnoff.

She does her own cooking at home and freezes vegetables from her bountiful garden to take to their small Washington apartment just a few blocks away from the House Office Building. "I guess I'm the only congressman's wife who brings her own food to Washington," Mrs. Jones told us.

The Jones live alone now. Their oldest daughter, Mary Llew, is married to Air Force Capt. Robert S. McGuire, and they recently returned to the States from a tour of duty in Germany. The second daughter, Jennifer, received her medical degree last month from the University of Tennessee and is an intern at John Gaston Hospital in Memphis.

Both the girls were valedictorians at Yorkville High, and Mary Llew has a master's degree from Southern Illinois University in addition to her degree from the Memphis Academy of Arts. "We gave them all the education they wanted and a good name," the congressman said with pride. "From there on it's up to them."

One of the highlights of his career as a congressman, Jones continued, was the privilege of delivering the commencement address a few weeks ago when Jennifer received her M.D. at the UT Medical Units. There's a certificate of appreciation to "Mother and Daddy" on the wall in Jones' office to remind him of this occasion.

FOURTH GIBSON COUNTIAN IN CONGRESS

After waiting 72 years between congressmen, it is understandable that Gibson Countians take a special pride in Ed Jones of Yorkville.

His predecessors include frontiersman Davy Crockett, who served three terms before going to Texas and losing his life in the Battle of the Alamo; Robert Caldwell, a Trenton lawyer who served a single term in 1870, and James C. McDearmon, another Trenton attorney who was congressman from 1893 to 1897.

His fellow townsmen are so solidly behind Jones that the City of Yorkville made a campaign contribution of $150 from its treasury to help him in his first successful race in 1969. There's an "Elect Ed Jones" sticker on the front door of City Hall now.

His neighbor, ex-wrestler and affluent dairyman Roy Welch, promoted a wrestling show in Yorkville that raised $972 for the 1969 campaign when Jones got 51 per cent of the vote against a Republican and an American Party candidate in the special election to fill the vacancy left by the death of Robert A. (Fats) Everett.

This year some of the young men who have served as congressional pages by appointment of Jones are making campaign signs for the 1972 race in the shop at nearby Yorkville High.

Almost apologizing for the slightest defection in his hometown support, Jones explained that he lost 11 votes at the Yorkville box in his first contested race "because I've always been a little aggressive to get things done for the community." It was inevitable that some would resent this, he said.

He still keeps a hand in community affairs and continues to serve as president of the Yorkville Telephone Cooperative, the only telephone co-op in West Tennessee and one of only seven in the state. "We have 1,500 subscribers and serve Brazil, Eaton, Mason Hall and Trimble," Jones boasts.

HIS YORKVILLE HEADQUARTERS

Congressman Jones has a field office in Shelby County besides his Washington office, but his favorite place to work is in a small frame building next to his home which he furnishes rent free as his Gibson County headquarters.

"I know there would be controversy if I put an office in Milan, Humboldt or Trenton," he explained, "so I just set one up here in Yorkville."

The office is a former doctor's clinic which Jones built to attract a physician to the Gibson County town of 250. It had been vacant for a couple of years after the doctor decided to move on to a larger city that offered shorter hours and more money.

Jones has promised that he would put a field office in Jackson where Madison County becomes a part of his district in 1973. He expects to make use of the space in the federal building now being used by Congressman Ray Blanton.

His Yorkville office is staffed by Mrs. Bettye McCaffrey of Dyer and his field representative, R. S. Freeman. Jones and Freeman have a long relationship dating back to their successful ventures with the West Tennessee Artificial Breeding Association.

Another valued aide, Woodfen McLean of Alamo, recently retired as the congressman's administrative assistant in Washington after suffering a serious heart attack. He still volunteers his services and pinch hits for Jones at speaking engagements in the district when congressional duties keep him in Washington.

A FARMER-CONGRESSMAN

Jones, in partnership with a former field hand, Charlie Powell, operates a 225-acre farm on the home place, growing cotton, soybean and corn in addition to the pasture land. They raise hogs but have gone out of the dairying business.

Mrs. Jones enjoys her garden and the "catfish pond" where she spends nearly every afternoon trying to catch some of the fish they are raising. "This is the first summer that they have been big enough, and most of them are weighing about a pound each." When the fish moved to the deep water in the pond, she got a boat and went after them.

"I always like to fish, but I can't get Ed to stay still long enough," Mrs. Jones said. "Maybe if he could catch some he would learn to like it."

This summer, and particularly in the fall, Jones doesn't plan to do much staying still . . . he's trying to catch votes.

Maybe he'll even convert the 11 he missed the first time.

Mr. Speaker, the electors of Tennessee have an excellent record of continuity in selecting excellent public servants to represent them in the U.S. Congress and it is a challenge to us all to keep up with the Jones' of Tennessee.

FOUR TEENAGE BOYS FROM STRUTHERS, OHIO, SAVE CHILD'S LIFE

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. CARNEY. Mr. Speaker, recently I received a letter from Mr. and Mrs. Charles Democko of Struthers, Ohio. In their letter, Mr. and Mrs. Democko asked me to find some way to reward a group of teenagers who saved their son's life. Mr. Speaker, at a time when our Nation's youth are getting so much bad publicity, it is fitting and proper that we recognize and commend the four young men from Struthers, Ohio, for their courageous and unselfish response to the cries of an injured child. The names and addresses of the four boys and the high school teacher who assisted in the rescue are: Robert Horvath of 85 Schenley Street, Struthers, Rick Pastello of 362 Center Street, Struthers, Joseph Calabrette of 57 Grimm Heights, Struthers, Mark Matavich of 64 Grimm Heights, Struthers, and Mr. Joseph Mogulich, teacher, of 545 Judith Lane, Struthers. As the Representative of the 19th Ohio District, I am especially proud of the actions of these young men. They are a credit to their families and their community.

Mr. Speaker, I would like to insert in the RECORD Mr. and Mrs. Democko's letter and the story of the accident which appeared on the front page of the Youngstown Vindicator on July 15, 1972. The letter and newspaper article follow:

AUGUST 5, 1972.

Congressman CHARLES J. CARNEY,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CARNEY: We would like to appeal to your office to find some proper way to reward a group of four teen-age boys and a teacher who were responsible for saving our son's life. Their quick action in caring for our son until the ambulance arrived, without a doubt, saved his life. We feel that this act of bravery should be acknowledged, especially at a time when teen-agers are given only bad publicity. Our son remained unconscious for three days but slowly made a recovery. We are enclosing the front page coverage of the accident from the July 15th edition of the Youngstown Vindicator.

We are not active in any city organizations that might sponsor such an award and the Struthers city officials, as yet, have not given any recognition to these boys. Knowing the parties involved, the boys and the teacher would only be embarrassed by a public demonstration, but if there is some quiet recognition they could receive, we would be most grateful for your help. We have attached a list of the names and addresses of the teacher and the boys.

Thanking you in advance for your cooperation in this matter, we remain

Very truly yours,
Mr. and Mrs. CHARLES DEMOCKO.

BOY FALLS 400 FEET, SAVED BY FOUR TEENS, COACH

(By Mary Ellen Moore)

STRUTHERS.—Four teen-aged boys scrambled into a ravine in Nebo (Grimm) Park Friday evening to rescue Philip Democko, 8, who had fallen 400 feet, landing in a stream.

Only their quick response to cries for help spared the boy's life police said. He otherwise would have drowned in the knee-deep stream.

As it is, Philip, son of Mr. and Mrs. Charles Democko, 55 Grimm Heights, is in guarded condition in South Side Hospital with a bad concussion.

His rescuers—Robert Horvath, 18, of 85 Schenley Ave.; Rick Pastello, 18, of 362 Center St.; Mark Matavich, 15, of 64 Grimm Heights, and Joe Calabrette, 17, of 57 Grimm Heights—were helped by Joseph Mogulich, Struthers High School's freshman football coach.

Mogulich, 545 Judith Lane, brought Philip back to semiconsciousness with artificial respiration and administered other first-aid. Neighbors, seeing the drama unfolding before their eyes, hastened from their homes with blankets to warm the boy while the rescuers awaited an ambulance.

The precipice down which Philip fell is on the park perimeter, a natural divider between the park and Nebo Hollow. The sharp incline at the beginning becomes a sheer cliff of rock near the bottom. At the foot, the stream makes its lazy way to the Mahoning River.

A fence along the top provides little protection. It was once about 100 feet long, but today large sections are missing, and the fence generally is in disrepair. Neighbors said it was erected several years ago. Even if uninterrupted, its 100 feet would still leave much of the precipice open to children.

Nearby neighbors say city or park truck, they weren't sure which, drive their trucks through the gaps and dump debris down the slope. The boys who rescued Philip said the area is covered with broken glass, sharp stones, trees and other debris.

Yesterday's drama began to unfold at 6:45 p.m. Horvath, Pastello, Matavich and Calabrette, lounging in the park, heard the screams of younger children near the fence. "Philip fell over the cliff!" shouted the youngsters as the boys approached. Scrambling, sliding, half-falling, the boys descended into the ravine.

They found Philip at the foot of the wall of rock, face down in the stream, unconscious. They gently lifted him out, wrapping his clammy body in shirts they ripped from their own bodies.

The boys, all of whom grew up in the area, knew the only way out: a circuitous footpath that emerges at the backyards on E. Oakland Avenue, half a block away.

Horvath, most muscular of the four, cradled Philip in his arms and started out, the others on either side, supporting the boy's head and feet.

Among those waiting at the end of the footpath was Mogulich, the football coach. He had gone to the playground for a baseball game, but it had been canceled because of wet grounds.

When the rescuers emerged, Mogulich took charge, administering artificial respiration to expel the water from Philip's lungs. Soon the police and an ambulance arrived.

"Only the quick and courageous action" of the youths and Mogulich saved Philip from death, said Police Traffic Investigator Leo Dunn and Patrolman Donald Sicafuse.

Dunn later paid calls to the homes of the rescuers to tell their parents of their deed.

Councilman Joseph Vlosich of the 3d Ward, in which the park is situated, told a reporter later that he once fell over the cliff as a youngster.

He said he still carries the scar on his leg. He had no answer when the reporter asked why the fence's condition is as it is.

Neither he nor two other legislators who live in the ward, Council President Thomas Vasvari and Councilman-at-large, Larry Barber, has ever broached the subject at a council meeting.

The one attendant at the playground said she continually warns youngsters not to stray beyond the fence, but added that it is impossible to watch constantly the movements of each youngster.

WANTS RESIGNATION

At least three other children were known by residents to have taken falls recently, but none suffered serious injury.

Residents said the fence has never been repaired or maintained to their knowledge.

In January, Mayor Thomas J. Creed called on City Council to abolish the park superintendent's job, a civil service post created by former Mayor Harold Milligan. Anthony Yuhas, Milligan's appointee to the job, had previously been a watchman at the city dump.

Council did not act on the mayor's request in January, or in May, when he repeated it. The mayor asked Yuhas to resign. Although he said he would, he never did, Mayor Creed said.

Finally, the Civil Service Commission told the park board June 31 it would no longer approve pay vouchers for Yuhas, who has been on sick leave since February. City employes are entitled to 120 days sick leave.

Miss Leora Ashurst, commission chairman, said that while Yuhas was collecting full city pay, he was also collecting State Workmen's Compensation totaling $5,000. The park board, the day before the civil service commission acted, extended Yuha's sick leave through July 17. Questions the commission put to the board went unanswered, Miss Ashurst said.

In Yuhas' absence, an acting supervisor, appointed by Mayor Creed, is in charge of the summer park program.

SENATE—*Friday, August 11, 1972*

The Senate met at 10 a.m. and was called to order by Hon. LAWTON CHILES, a Senator from the State of Florida.

PRAYER

Dr. D. Elton Trueblood, professor at large, Earlham College, Richmond, Ind., offered the following prayer:

O Thou who art the Supreme Ruler of the world, enable us to be Thy instruments in achieving those purposes for which this Nation has been brought into being. Help us to love our country much, because we love Thee more. May our leaders be marked not by pride, but by a sense of unworthiness for their heavy responsibilities. Give wisdom, we pray Thee, to our President as he makes decisions which affect not only our own citizens but the entire family of man. Guide our lawmakers that they may be both courageous and wise, knowing that their calling is a sacred one because they are Thy ministers.

Enlighten both government and people in order that all may know and do Thy will. May we not meanly lose the last best hope of earth. All this we ask with humility of heart. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 11, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. LAWTON CHILES, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. CHILES thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, August 10, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs, the Committee on Commerce, the Committee on Finance, the Committee on the Judiciary, and the Committee on Public Works may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The second assistant legislative clerk proceeded to read sundry nominations in the National Commission on Libraries and Information Science.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Public Health Service, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

INTERIM AGREEMENT BETWEEN THE UNITED STATES AND THE U.S.S.R.

Mr. MANSFIELD. Mr. President, around noon today, the Senate will take up the unfinished business, the question of the interim agreement between the United States and the U.S.S.R.

I anticipate that there will be a good deal of discussion. Certainly there is a great deal of confusion about it.

I ask unanimous consent that an article published in the Baltimore Sun today, entitled "Sugaring SALT" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SUGARING SALT

In its effort to mollify hardline critics of the strategic arms limitation agreements signed by President Nixon in Moscow, the administration is operating oddly. On Capitol Hill, it has thrown its weight behind a proposal by Senator Henry M. Jackson that would establish equality in numbers of missile launchers as a goal in the next round of SALT. Very well. Mr. Jackson, a close student of military affairs, has consistently voiced his concern that the President had settled for a SALT formula giving the Soviet Union a 2,130-to-1,710 edge in the number of offensive missile launchers over the next five years. The senator was unimpressed by administration arguments before Congressional committees that the United States is well protected by its lead in other areas—multiple warheads, long-range bombers, overseas bases and over-all technological superiority. "You cannot freeze technology," Mr. Jackson contended at one point, saying that in a future permanent treaty "technology cannot substitute for numbers." The administration gave no hint it would swing around to this rationale until after the Senate Foreign Relations committee had approved and sent the SALT agreements to the floor without reservations. But after Senator Jackson dropped another proposal threatening abrogation of the pending agreement if the Soviet Union pursued a huge weapons buildup, the administration accepted numerical equality.

Or did it? As the Senate controversy developed, the Pentagon began leaking information about a decision to go ahead with the development of new multiple warheads that could strike hardened targets—nuclear command centers, nuclear bomb stockpiles and missile-launching silos—on enemy territory. Wednesday a Pentagon spokesman insisted that the United States is not seeking a first-strike force capable of knocking out the Soviet deterrent. But the SALT agreements, he explained, would preclude the United States from enjoying superiority in numbers of missiles. Therefore, he said, "we are recommending technological superiority."

So there we have it. In the Senate, the administration has opted for numerical equality for the next round of SALT. Over at the Pentagon, the emphasis is on "technological superiority." It is confusing, perhaps deliberately so, but the House Foreign Affairs Committee may clarify the situation. It has approved the SALT agreements, without reservations, and sent them to the floor where passage intact is expected.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time under the standing order.

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Wisconsin (Mr. PROXMIRE) is now recognized for 15 minutes.

AN INDEPENDENT, BIPARTISAN, TWO-MAN COMMISSION SHOULD BE APPOINTED TO INVESTIGATE THE WATERGATE BUGGING SCANDAL

Mr. PROXMIRE. Mr. President, because of the overwhelming conflict of interest of White House and Nixon administration officials, today I call for the appointment of an independent, high level, bipartisan, two-man commission to investigate all the facts in connection with the Watergate incident and to report to the public on this matter within 30 days.

I propose for appointment to the commission former Republican Senator John J. Williams of Delaware and former Supreme Court Justice Arthur Goldberg. These men are scrupulously honest, have a rugged independence of mind, and wear no man's collar. They can serve the public interest and bring a measure of confidence to the American people about this matter which is now entirely lacking.

All the facts now known by the investigating officials should be turned over to these men to make certain that the administration, which has an overwhelming conflict of interest, does not sweep this matter under the rug or delay it until after the November elections.

ADMINISTRATION CONFLICTS OF INTEREST

What we have now is a situation in which former key administration officials, particularly former Commerce Secretary Maurice Stans, a number of former White House aides and consultants, as well as a number of people connected with the Nixon campaign committee, are directly involved in key aspects of the break-in at the Watergate headquarters of the Democratic National Committee or are involved with the large money transactions involving $5,300 in $100 bills found on those involved in the break-in.

Yet this matter is being investigated by the Justice Department whose head, Mr. Richard Kleindienst, is one of the President's most partisan and loyal lieutenants—for whom I voted and in whom I have great faith as to his ability—and whose predecessor and former boss, John Mitchell, headed the Nixon campaign committee; by Mr. L. Patrick Gray III who has just been appointed by the President as Acting Director of the FBI; and by a U.S. attorney who is appointed by and serves at the pleasure of the President.

NO CONFIDENCE NOW

In these circumstances, it is impossible for the public to have the slightest confidence that this matter will be dealt with fairly or expeditiously.

Mr. SCOTT. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I am delighted to yield to the Senator from Pennsylvania.

Mr. SCOTT. I am just asking for purposes of clarification as to when such a commission would report.

Mr. PROXMIRE. In 30 days.

Mr. SCOTT. Would the Senator consider taking the issue right out of the possible field of political consideration on either side and have the report made by the end of the year?

Mr. PROXMIRE. I feel, frankly, that——

Mr. SCOTT. I think that this is a very shabby business——

Mr. PROXMIRE. I understand that.

Mr. SCOTT. It is a very shabby business. I am not defending anything that happened. I do not believe anyone has been found guilty. I do not defend it. I just want to see if we can move it out of politics.

Mr. PROXMIRE. What concerns me is that the purpose is not for disclosure or for revelation until after the election. I think that 30 days is ample time for people like former Senator John Williams of Delaware and Arthur Goldberg to make a finding which would win our confidence and that of the public as to what the facts actually are, before the election.

Mr. SCOTT. They are eminent men but I have not the remotest idea who is responsible. Whoever is responsible should be fired if they had any connection with any political organization and if they are guilty they should be tried, convicted and punished. I have no sympathy for that. I am simply raising the question for purposes of clarification, as whatever was done seems to have been done for some mysterious purpose. The Senator from Wisconsin knows that I was national chairman of my party once and I assure him that I did not have anything worth stealing.

Mr. PROXMIRE. I am sure the Senator from Pennsylvania is too intelligent to have permitted that to happen while he was chairman of the Republican Party.

Mr. SCOTT. If anyone had done that while I was there, they would have been fired, probably including me.

Mr. MANSFIELD. The Watergate incident is getting "curiouser and curiouser" with the passage of time. Does the Senator have any idea as to what they were after?

Mr. PROXMIRE. It is difficult to know what kind of documents they would have wanted, or what kind of other attractive things they could have found. Apparently, what was behind this was an attempt at bugging, to find out what was going on at the headquarters, so that they could be listening in to campaign strategy, know who the contacts were with the various people around the country, so that it could be monitored and the other side could take advantage of it. A real "big brother" effort.

Mr. MANSFIELD. According to what I have read in the newspapers, this fits in with what the distinguished Republican leader has indicated. There have been a number of firings already of individuals who were tied to this caper.

Has the Senator introduced a resolution or made a suggestion relative to who should look into this matter?

Mr. PROXMIRE. Exactly. I propose the distinguished former Senator John Williams of Delaware and the distinguished former Supreme Court Justice Arthur Goldberg. This is not unprecedented. This is exactly what was done in the Dayton-Wright Airplane Co. case by President Wilson and in the Teapot Dome scandal by President Coolidge.

Mr. MANSFIELD. Mr. President, would the Senator consider just one man, the distinguished former Senator John Williams and have him undertake the responsibility for the key proposal which the Senator is suggesting?

Mr. PROXMIRE. Mr. President, perhaps one man would be sufficient. However, I prefer a two-man commission. This commission is so important that it might be better received if we had a two-man commission. This is not a new precedent. This was done before with a Republican and a Democratic President, as I have indicated.

Mr. SCOTT. Mr. President, because of the time element, I want to make it clear that I did not rise in support of the Senator's suggestion, unless we can keep it out of the political arena. However, if anyone considers that this is a serious matter and considers that there are political implications, whoever he is, he ought to stand up and make it known and clean up a cloudy situation.

I personally do not want to be any part of it. However, as an individual citizen, and not as a U.S. Senator, I would like to see the thing clarified.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. CHURCH. Mr. President, I want to commend the Senator for the suggestion he has made. I also want to reinforce the position he has taken that the American people are entitled to know the facts as quickly as they can be ascertained.

I do not follow the argument that the question should be taken out of the political arena. Its resolution is highly pertinent to the decision the American people must make in November. Nobody can forecast, at this time, the outcome of such an investigation. However, I think that an inquiry made by men of unquestionable integrity, no matter what revelations it may lead to, is something that the American people are entitled to have now. They have a right to the facts, in order to pass judgment on the moral caliber of this administration, on its fitness to remain in office.

Mr. PROXMIRE. Mr. President, I could not agree more with the Senator.

Mr. CHURCH. Mr. President, this is an issue of tremendous significance. It raises the question of whether any ethical standards are being observed at the highest levels of government. And that is something we need to find out about. If, in fact, the Committee for the Reelection of the President has used large sums of money to hire thugs to bug the Democratic National Committee Headquarters, contrary to the laws of the country, then why, in the name of good government should not the people know about it before the election?

Mr. PROXMIRE. I could not agree with the Senator more. The only way that the people can react is if they know this before the election.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. PASTORE. Mr. President, I think even a better suggestion would be a three-man commission. It is well known that former Senator Williams is a man of tremendous integrity. However, he did run as a Republican. It is also well known that former Supreme Court Justice Arthur Goldberg is a man of tremendous integrity. However, he ran as a Democrat.

I propose that we ought to have a three-man commission, former Senator

Williams, former Supreme Court Justice Arthur Goldberg, and a third party chosen by the two, which would keep it outside of the realm of politics, and then we would have a troika. We would have the third party put on the stool.

Mr. PROXMIRE. Mr. President. I only have a few minutes more time remaining. I will proceed as rapidly as I can.

Mr. President, even now key facts have been suppressed, high officials including Mr. Stans have failed to make any public statement or explanation, and the matter has been locked up and declared sub judice by the investigating officials who owe their position and power to the President, the White House staff, and the Republican party.

By appointing former Senator John Williams and former Justice Arthur Goldberg to an investigating commission, we can be certain that facts will not be suppressed, that public information will be made public, that the Justice Department will be goaded to prosecute those who are involved in wrong doing, and that justice will be served.

The two men should have access to every piece of information now held by the investigating authorities. They should make a report on those facts within 30 days. They should recommend what actions should be taken including whether or not a special prosecutor should be appointed to handle the matter and whether any information is being hidden until the campaign is over.

This is the best way for justice to be served in what appears to involve scandalous action by those at the very highest levels of government who should not be allowed merely to judge themselves and their colleagues.

There is ample precedent for the action which I am proposing.

WORLD WAR I PLANE SCANDAL

In 1918 during the Wilson administration there was a scandal involving hundreds of millions of dollars in the aircraft industry and particularly the Dayton-Wright Airplane Co. in which the Talbot family was involved. The scandal involved planes which routinely crashed after being built. The young Talbot later became Secretary of the Air Force during the Eisenhower administration but had to resign under fire for serious indiscretions.

Woodrow Wilson considered that it was improper for one agency of his administration, namely the Justice Department, to investigate another agency of the Government, namely the War Department.

As a consequence he appointed Charles Evans Hughes who had resigned from the Supreme Court to run against Wilson and whom Wilson had defeated for President in 1916, as a Special Assistant to the Attorney General. President Wilson gave Hughes an entirely free rein in the case. That was how Wilson overcame an apparent conflict of interest in his administration.

TEAPOT DOME EXAMPLE

Calvin Coolidge performed a similar act in his administration. Under a resolution offered by Robert LaFollette, Sr., the Senate Public Lands Committee, under the chairmanship of Senator Thomas J. Walsh, the great Senator from Montana, was pursuing an investigation of the Teapot Dome scandal. Harry Daugherty, who was then Attorney General, was deeply involved in the Teapot Dome scandal and obviously had a conflict of interest in investigating and prosecuting the case.

BIPARTISAN SPECIAL COUNSELS

As a result, President Coolidge appointed one Democrat and one Republican to serve as special counsel in the Teapot Dome case. Those two men, Owen Roberts, who later—1930—was appointed to the Supreme Court, and Atlee Pomerene, a former Democratic Senator from Ohio, were also confirmed by the Senate in their investigative jobs.

In the end Daugherty resigned and Harlan F. Stone was appointed Attorney General by President Coolidge.

In these two previous incidents, two of the men who were appointed by Presidents to investigate scandals in their administrations in which there was a conflict of interest, served on the Supreme Court of the United States. A third was a former U.S. Senator.

There is, therefore, ample historical precedent for my proposal in two key respects. First, in the fact that former Presidents went outside their administrations to seek men when there was a scandal involving a conflict of interest. Second, in the fact that the men selected to run the investigations were of such caliber that they either had served or would serve on the Supreme Court, or had served as a Senator of the United States.

I therefore commend to the President of the United States my proposal that former Senator John Williams and former Supreme Court Justice Arthur Goldberg be selected to perform a similar investigation in his administration where there is a clear and major conflict of interest among the existing investigative authorities.

President Nixon, if he is to gain the confidence of the country over the way the Watergate incident is handled, should do in 1972 what President Wilson did in 1918 in the Dayton-Wright scandal and what President Coolidge did in 1924 when high officials of his administration were involved in the Teapot Dome scandal. He should appoint a bipartisan investigative commission now.

Mr. President, I ask unanimous consent that a series of articles and editorials on the bugging affair be printed at this point in the RECORD. They include an article from the August 10, 1972, issue of the Washington-Star News by Patrick Collins; an article by James J. Kilpatrick from the August 8 Star-News, an August 8 editorial from the Star-News entitled "The Watergate Silence"; and an August 9, 1972, article from the Washington Post by Bob Woodward and Carl Bernstein entitled "Stans Denies GOP Money Funded Watergate Break-In."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Star-News, Aug. 10, 1972]

GOP CONTRIBUTIONS: MORE MONEY TIED TO BARKER

(By Patrick Collins)

Additional campaign contributions totaling $89,000 passed through the Committee to Re-elect the President and into the bank account of Bernard Barker, a suspect in the break-in of the Democratic National Committee headquarters in June, sources close to the investigation have revealed.

The new disclosure raised to at least $114,000 the amount deposited in Barker's account through the national committee. Last week a $25,000 campaign check was traced to the suspect's account.

Federal agents probing the June 17 break-in at the Watergate complex also have determined that the Republicans had established a special "security fund" to thwart demonstrations at their convention this summer.

Sources said the fund—including money to possibly purchase information about planned disruptions—was set up before the GOP decided to switch its convention site from San Diego to Miami Beach.

It is not known whether the money which found its way to Barker's bank account came via this fund.

But, sources say, the investigation suggests the most possibility that money given as legitimate campaign contributions was used to finance the break-in—apparently without the knowledge or authorization of top officials of the Committee to Reelect the President or other GOP leaders.

Federal agents are now trying to pinpoint the origins of the $89,000 and determine what transactions brought the money to the account of Barker, a Miami real estate man and one of five men arrested inside the Democratic offices with copying cameras and electronic gear.

Shortly after the arrests, D.C. police confiscated 53 consecutively numbered $100 bills from the suspects which were later traced to a large withdrawal Barker had made from his account at The Republic National Bank of Miami.

A further investigation revealed that, before that withdrawal, $89,000 had been transferred to Barker's account in the name of a prominent Mexican business lawyer.

The lawyer, Mannuel Daguerre Ogarrio, has denied any knowledge of the transaction which was accomplished in four separate installments. But sources have confirmed that the money did not pass through the President's campaign committee.

Last week, a $25,000 campaign check was also traced to Barker's account. The source of that money was Nixon's chief Midwest fundraiser, Kenneth H. Dahlberg. He has said that on April 10 he converted $25,000 in cash contributions into a cashier's check. The next day, Dahlberg said, he gave the check to Maurice Stans, former Secretary of Commerce and head of Nixon's campaign funds.

Ten days later, bank records show, Barker deposited the $25,000 check in his account.

Stans, according to reports published yesterday, has denied that the check had been used to fund the alleged break-in at the Democratic offices.

He has reportedly told investigators that he gave Dahlberg's check to the committee treasurer, Hugh W. Sloan, who in turn gave it to finance committee lawyer G. Gordon Liddy.

Stans is reported to have told investigators that Liddy exchanged the check for $25,000 cash and then deposited the money in the campaign fund.

Neither Stans, Liddy or a committee spokesman would comment on that report.

Sloan, reached at his McLean home, described the account of the exchange as "inaccurate" but refused to discuss any details.

Liddy was fired from the re-election committee last month after refusing to cooperate with FBI agents working on the investigation. Sloan resigned from his post in June for what he termed "personal reasons unrelated to the incident."

In a related action yesterday, a federal judge ruled that the Justice Department could not represent a Secret Service agent expected to testify in the $1 million civil suit the Democrats have brought against the Republicans in connection with the break-in.

U.S. District Court Judge Charles Richey ruled that there would be a conflict of interest if the Justice Department defended agent Alfred Wong, since the department is involved in the criminal investigation of the incident.

Wong reportedly recommended James McCord, one of the suspects arrested in the Democratic headquarters, for the job as chief security adviser to the Republicans, a job McCord held until his arrest.

The judge gave Wong 10 days to find a lawyer and ordered that all depositions to be filed be suspended until his new counsel acquaints himself with the case.

In response to the disclosure today, Lawrence F. O'Brien, national campaign chairman for presidential candidate George McGovern, again called for the appointment of a "politically disinterested" special prosecutor to investigate this "outrageous case."

O'Brien said that the connection between the President's re-election committee and the attempted political espionage, becomes "clearer" with every new development. "The continued silence on the part of the White House and Republican officials can only be viewed as an admission that they have something to hide," he said.

McGovern said the revelations today "were shocking but not surprising. Since Richard Nixon has refused to tell us where his contributions of $10 million have come from, it is not surprising that the allocation is just as secret." He challenged Nixon to make public all his financial records, and "to trust the American people."

[From the Washington Star-News, Aug. 8, 1972]

The Watergate Caper Is No Longer Just Funny

(By James J. Kilpatrick)

Until this past week, when the Washington Post broke the story of a wandering $25,000 check, no solid evidence had surfaced to link top-level Republicans with the bizarre affair known locally as the Watergate Caper. The evidence, to this point, was at best circumstantial and tenuous, and the caper had its funny aspects.

It isn't funny any more. It now appears that Maurice Stans, former Secretary of Commerce and now treasurer of the Committee for the Re-Election of the President, on April 11 had in his hands a $25,000 check intended as a campaign contribution. Nine days later, on April 20, that same check was deposited to the Florida account of Bernard L. Barker. On the following day, Barker made a $25,000 withdrawal.

This is the same Bernard L. Barker, 55, alias Frank Carter, who was arrested at 2:30 a.m. June 17, caught *in flagrante* in the headquarters of the Democratic National Committee at the Watergate. Barker and four others have been charged with second-degree burglary. A local grand jury is expected to return indictments soon.

At the time of their arrest, the five suspects had in their possession $5,300 in $100 bills, serially numbered. Most or all of these bills have been traced to the same bank in Miami, where Barker is in the real estate business. The thing is beginning to smell to high heaven. Clark MacGregor, chairman of the Nixon Re-election committee, and the President himself have to do more than they have done so far. The affair has to be exposed promptly.

The story first broke into public view on June 17, when a guard at the Watergate noticed the fire doors in the apartment building had been taped in an open position. He summoned police, who found a door to the Democratic headquarters jimmied open. There they discovered the five suspects, red-faced and unarmed, but well-equipped with electronic bugging equipment, cameras, and walkie-talkies. Viewed professionally, the burglary was a comically bungled job.

Twenty-four hours later, after various aliases had been penetrated, the suspects, in addition to Barker, were identified as Frank A. Sturgis, 48, an anti-Castro soldier of fortune; Eugenio Martinez, 49, a salesman for Barker's real estate firm; Virgilio R. Gonzales, 46, a Miami locksmith; and James W. McCord, Jr., 53, a retired security consultant in Washington.

Of these, the most interesting was McCord. He retired from the Central Intelligence Agency in 1970 after 19 years in security work there. In January of this year he was retained by the Committee for the Re-Election of the President, and also by the Republican National Committee, to supervise internal security for them. In this capacity, he had obtained FCC licenses for certain walkie-talkie equipment.

A search of the suspects turned up an address book. It contained the name of E. Howard Hunt, Jr., 53, with the notation: "White House." Hunt also retired from the CIA in 1970, after 21 years in intelligence work. He was closely identified with the Bay of Pigs operation of 1961. So was Barker. After leaving the CIA, Hunt also became a private consultant. At the time of the Watergate Caper, he had a part-time desk in the office of Charles W. Colson, special counsel to Nixon. Hunt has dropped out of sight, and reportedly is in Spain.

The story, as it first developed, had other Republican connections. Douglas Caddy, Barker's lawyer, is a founder of Young Americans for Freedom and an active Republican worker. Barker had Republican associations in Miami. None of this directly touched the Committee for the Re-Election of the President and John Mitchell, of course, who was then committee chairman, indignantly denied everything.

More than indignant denials are now required. The check for $25,000, representing cash contributions raised by Kenneth H. Dahlberg of Minnesota, cries out for explanation. Dahlberg gave the check to Stans, who presumably gave it to some subordinate for routine deposit. Then it turned up in Barker's account. How did it get there? And Why? Nixon himself, above all others, must demand swift and public disclosure.

[From the Washington Star-News, Aug. 8, 1972]

The Watergate Silence

A couple of years from now it may be possible to read, between hard covers, coherent accounts of what led up to and what were the results of the Watergate caper. The incident involved the June 17 arrests of five men in an alleged break-in and bugging attempt at the headquarters of the Democratic National Committee.

Authors gathering material for the forthcoming books will have the knowledge of events still to unfold, including the presentation of testimony and other evidence in court, the developing reaction to the affair and the results of the 1972 presidential election campaign. There will be room for scholarly placement of the happening in the American political experience. If written with any competence, the narrative should be fascinating.

At this moment in the political year we don't have the literary luxury of time. The Watergate mystery is seven weeks old and getting more rather than less disturbing. The presidential campaign is upon us and the time for giving the American people some answers is now. Public confidence in the political process is very much at stake.

A major new element entered the plot last week. This was the revelation that a $25,000 check representing contributions to the Nixon campaign had turned up in the bank account of one of the defendants in the Watergate office break-in, allegedly after going through the hands of Mr. Nixon's chief fundraiser, former Commerce Secretary Maurice Stans. In line with the general uncommunicativeness of Republican and administration officials about all that relates to the incident, Stans has been unavailable for comment.

This comes atop many other circumstances that demand explanation. Another $89,000 of mysterious origin reached the same defendant's account by way of a Mexican bank. One of the other defendants was the security chief of the Committee for the Re-election of the President. Other links were reported between the Watergate intruders and a White House consultant, who dropped from sight. The Democrats are suing the Nixon camp for $1 million, and lawyers for the latter seek to postpone the case for fear of "incalculable" harm to the campaign.

The mess is being investigated, of course. But it is somewhat unsatisfying to have Mr. Nixon's Justice Department probing among others some of Mr. Nixon's political operatives. Especially since the re-election committee was headed until recently by former Attorney General Mitchell, a close Nixon friend.

The Democratic proposal for a special prosecutor to direct the investigation has merit. Publicity about the $25,000 check at least brought the congressionally directed General Accounting Office into the picture on the strength of its responsibility for policing campaign financing. And a federal judge has barred the Justice Department from representing a White House aide in the Democrats' lawsuit.

The whole affair could mean only that the Nixon campaign apparatus was afflicted, perhaps at a fairly low level, by some faithless servants with weird ideals about using campaign money and raving at the political opposition. But without any cogent explanation from the President and other top officials about what's going on, many people suspect the worst, and the Democrats could have a high caliber campaign weapon.

The most important damage from the continued silence could be to the faith Americans need to have in their political system. That is the cement required to keep the republic operating with some unity of purpose, even in election years.

[From the Washington Post, Aug. 9, 1972]

Stans Denies GOP Money Funded Watergate Break-In

(By Bob Woodward and Carl Bernstein)

Maurice Stans, the finance chief of President Nixon's reelection campaign, has denied to federal investigators that $25,000 in campaign contributions helped to finance the break-in and alleged bugging attempt at Democratic National Committee headquarters.

Stans was interviewed by federal agents after it was learned that he had received a $25,000 cashier's check that eventually was deposited in the Miami bank account of one of the five men arrested in the break-in.

The check, drawn on a bank in Boca Raton, Fla., was made out to Kenneth W. Dahlberg, Midwest finance chairman of President Nixon's re-election drive. Dahlberg has said the check represented campaign contributions he collected and that he personally turned the check over to Stans.

Stans, formerly Secretary of Commerce,

was described by an associate as "angered and frustrated" by reports linking his office to the bugging case. He has repeatedly refused to discuss the matter with reporters.

However, sources close to the investigation reported yesterday that Stans provided federal agents with the following explanation of what happened to the $25,000 check:

After receiving the check from Dahlberg on April 11, Stans is reported to have said, he turned it over to campaign treasurer Hugh W. Sloan, Jr. Sloan then reportedly gave the check to G. Gordon Liddy, finance counsel of the campaign. Liddy is said by Stans to have exchanged the check with someone else for $25,000 in cash, which was deposited in the Nixon campaign treasury.

Stans, according to federal sources, provided no explanation of why the check would be exchanged for cash, instead of being deposited directly in the campaign account.

Only Liddy or Sloan would know the identity of the person with whom such a transaction was made, Stans reportedly told the investigators.

The former Cabinet member also reportedly told the agents that his only involvement in the case was the initial receipt of the check and that any further inquiries should be directed to Liddy or Sloan—both former White House aides who left their jobs at the executive mansion to join the Nixon re-election campaign.

Sloan abruptly quit as campaign treasurer last month for what he said were "personal reasons." Liddy was fired in June for refusing to answer FBI questions about the alleged bugging attempt.

If Stans' version of events is correct, it would mean that the Nixon re-election committee received the $25,000 in cash and thus did not lose any campaign contributions in the transaction.

Following disclosure that the $25,000 check was deposited in the bank account of one of the suspects in the break-in, the General Accounting Office announced it would undertake a full audit of the Nixon campaign organization's books.

Thus far, it was learned, GAO investigators have found no evidence that the $25,000 was reported as contributions by the Nixon campaign organization. Nor have investigators found any evidence that the $25,000 was expended for campaign purposes. Failure to report either contributions or expenditures after April 7 is a violation of the new federal elections law.

Republican sources said yesterday that Stans is expected to make a public statement this week about the $25,000 check and deny any involvement in the alleged bugging attempt. However, the same sources said they were dismayed at Stans' silence since his name was linked to the $25,000 check more than a week ago.

"Stans has been angered and frustrated about the entire thing," said one associate. "In effect there will be a perfectly logical explanation."

Meanwhile, many Republicans are acknowledging that the links between the Nixon campaign committee and the break-in incident are a growing source of embarrassment and should be cleared up as soon as possible—if they can be.

Since the arrest of five men inside the Democratic National Committee's headquarters at the Watergate building on June 17, there have been these developments:

One of the suspects, former CIA official James W. McCord, was identified as the security coordinator of the Nixon re-election committee.

A second of those arrested in the break-in, Bernard L. Barker, had placed numerous phone calls from his Miami home and office to E. Howard Hunt, Jr., a former CIA operative who was a White House consultant at the time of the break-in.

It was Barker who ended up with the $25,000 check that went through Stans.

Hunt, who like Barker was associated with the Bay of Pigs invasion, disappeared shortly after his name was linked to the suspects. He was hired at the White House on the recommendation of Charles W. Colson, special counsel to President Nixon.

Meanwhile, Colson has refused to testify by deposition in the $1 million civil suit filed by the Democrats against the suspects in the break-in and the President's re-election committee.

Barker also placed numerous phone calls to Liddy's office at the re-election committee.

Liddy, who worked with Hunt and Sloan at the White House on federal narcotics enforcement problems, was Stans' chief legal adviser in establishing campaign committees that collected more than $10 million for the President's re-election without revealing the names of contributors. That money was raised before the new disclosure laws came into effect in April.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time in accordance with the previous order, the Senator from Idaho (Mr. CHURCH) is recognized for not to exceed 15 minutes.

THE WAFFLING PERFORMANCE OF PRESIDENT NIXON

Mr. CHURCH. Mr. President, it was Mark Twain who remarked:

> It is easier to stay out than to get out.

The United States and the Soviet Union—nations which have never been at war with each other—have been in an armaments race, and now a nuclear armaments race, for more than 25 years.

We never quite managed to stay out of that race.

First, we were ahead with the atom bomb; then the Russians caught up.

Then we were ahead with the hydrogen bomb; the Russians caught up.

Then the Russians orbited sputnik and seemed to be headed toward a superior technology in space; the United States caught up.

Then came Polaris, and it was said the United States had surged ahead again in the arms race. Then FOBS—fractional orbital system—and alarm that the Russians might gain the advantage.

Then MRVS, MIRV's, Poseidon, and now Trident and the B-1 bomber—and what is next?

It is easier to stay out than get out.

We and the Russians were not smart enough to stay out of this race which diverts our energies and our resources away from what makes life worth living, and devotes them instead to stockpiling ever higher nuclear weapons neither side dares use.

Not having been smart enough to stay out of this race, one wonders if we and the Russians are smart enough to get out.

Perhaps we now have a chance.

I thought we had a chance in late May when in Moscow President Nixon and Mr. Brezhnev, the Soviet Communist Party leader, agreed for their respective countries that, and I quote,

> They will proceed from the common determination that in the nuclear age there is no alternative to conducting their mutual relations on the basis of peaceful coexistence. Differences in ideology and in the social systems of the U.S.A. and the U.S.S.R. are not obstacles to the bilateral development of normal relations based on the principles of sovereignty, equality, non-interference in internal affairs and mutual advantage.

President Nixon brought back from Moscow the two agreements before the Senate—the treaty which we approved last week which limits ABM sites in each nation to two—and the 5-year, interim agreement, to limit the deployment of certain offensive weapons—the agreement which is now before us.

With respect to these two agreements the President told congressional leaders on June 15:

> I have noted a great deal of speculation about who won and who lost in these negotiations. I have said that neither side won and neither side lost. As a matter of fact, if we were to look at it very, very fairly, both sides won, and the whole world won.

He added:

> There are advantages in (the agreement) for both sides. For that reason, each side has a vested interest, we believe, in keeping the agreement rather than breaking it.

But even before the President told congressional leaders of his hopes, one of the highest ranking members of his own official family began the saber rattling.

On June 6, 1972, Secretary of Defense Melvin Laird stated:

> I could not support the agreements if the Congress fails to act on the movement forward of the Trident system, on the B-1 bomber, and on the other programs that we have outlined to improve our strategic offensive systems during this five year period while the interim agreement is in effect.

Congress has—with the exception thus far of authorizing an ABM site at Washington—authorized the movement toward the new systems recommended by Secretary Laird. Call these new systems what one will—essential to the defense of the United States, or bargaining chips to be used in the next phase of negotiations—the fact is that they represent another costly step toward keeping the nuclear competition going, not toward limiting the race.

It is not easy to "get out."

I find myself in agreement with the distinguished director of the Stanford Linear Accelerator Center at Stanford University, Dr. Wolfgang Panofsky. He testified that—

> The "Moscow Agreements can constitute the largest advance in the control of arms which the world has yet seen."

But to have that effect, Dr. Panofsky stated—

> It is essential that actions subsequent to the treaty and its ratification shall make fullest use of the unique opportunities these agreements could bring to reverse the arms race between the United States and the Soviet Union. (Hearings, page 357).

I am beginning to doubt whether this administration is capable of grasping the unique opportunities which these agreements offer for slowing the arms race. In its efforts to be all things to all people, one day the President joins with Mr. Brezhnev to promise that we will do our "utmost to avoid military confrontations and to prevent the outbreak of nuclear war" and that we "will always exercise restraint in—our—mutual relations."

And shortly thereafter we find the White House covertly endorsing the explicit threat—contained in the first Jackson amendment—that if the Russians do as we are doing and develop threats to our deterrent forces—as we propose to do to theirs—we will denounce the agreement.

This is evidence, as Dr. George W. Rathjens told the committee, of the profoundly disturbing nature of—

> The pressure to go ahead with all of these programs. . . . There is an enormous waste of resources; there is the likelihood that such moves will strengthen the hands of those in the U.S.S.R. who are disposed to use SALT as a basis for greater weapon programs; there is the disillusioning effect on our own people; and, finally, in such pressures there is evidence of a lack of balance, if not of something approaching morbidity, in our view of the role of strategic nuclear arms in world affairs. (Hearings, page 299.)

George Kennan recently wrote in the magazine Foreign Affairs that military rivalry—or systems—must not ride along on their own momentum "like an object in space."

> The military rivalry—

Mr. Kennan wrote—

> has no foundation in real interests—no foundation, in fact, but in fear, and in an essentially irrational fear at that. It is carried on not by any reason to believe that the other side would, but only by a hypnotic fascination with the fact that it could. It is simply an institutionalized force of habit. If someone could suddenly make the two sides realize that it has no purpose and if they were then to desist, the world would presumably go on, in all important respects, just as it is going on today.

Mr. Kennan continued:

> We stand like two men who find themselves confronting each other with guns in their hands, neither with any real reason to believe that the other has murderous intentions towards him, but both hypnotized by the uncertainty and the unreasoning fear of the fact that the other is armed. The two armament efforts feed and justify each other.

Mr. President, I have intentionally avoided a detailed discussion of the existing strategic weapons balance between the United States and the Soviet Union—not because numbers are not important in some contexts, but because, in the context of a nuclear confrontation between the two super powers, whether the balance in certain of these weapons is 9 to 8 or 10 to 7 does not make any real difference. As someone remarked in a recent elaboration of the point, it does not make much difference whether a giant SS–9 could blow you from here to Chicago, or whether a smaller weapon would only blow you to Pittsburgh. The effect is still the same.

If there is one message that comes loudly and clearly through all the testimony of the experts, it is that both we and the Russians have a nuclear overkill capacity that defies reason.

In view of his vacillation in recent weeks, I wonder if President Nixon is willing any longer to acknowledge that fact, or whether he is sufficiently in charge of his administration that he has been able to give clear guidance to officials who presumably speak for the administration. The American people find themselves surfeited with the words of art tossed up by experts at obfuscation. "Sufficiency," "parity," "equality," "strategic balance," "quantitative superiority," "qualitative superiority." But in the final analysis, decisions as to which nation is ahead in what, and what possible difference a presumed advantage could make, depends upon judgment—the commonsense of a nation expressed through its leaders.

In recent days we have had opportunity to measure the commonsense of our leaders as the administration has sought approval of the agreements which the President concluded at Moscow.

To say that the administration has "waffled" in its positions is to put the best light possible on the twists and turns the White House has taken.

In order to placate the leading hardliners on the subject of defense policy, the administration appears to have joined in condemning its own agreement. By approving the revised Jackson amendment to the resolution authorizing the President to accept the interim offensive agreement, the White House leaves an impression that it prefers not to take issue with Senator Jackson, when he says:

> We have, in the few brief years since the Kennedy Administration, gone from strategic superiority to parity to sufficiency—whatever that means—to *interim subparity*. (Cong. Record, 8/7/72).

How the President can endorse language which interprets his interim offensive agreement as one which has fixed upon the United States a situation of "interim subparity" is beyond me. Maybe the President or his aides did not read the fine print of the Jackson amendment.

But that is not all. The Jackson amendment calls for a research, development and modernization program, and I quote, "leading to a prudent strategic posture."

If that is not an implied slap at President Nixon, I do not know what is. Yet we have the President endorsing a statement by the Senate—for we will surely adopt this amendment—implying that somehow the President in his negotiations with Moscow has gotten this Nation into a posture where we must now go full speed ahead if we are at some future time to acquire a "prudent strategic posture."

Finally, the crowning ignominy is the White House endorsement of language which contrasts the "equality' achieved by the ABM Treaty, with the "subparity" which was achieved by the President in his agreement for a 5-year limitation on offensive strategic weapons. In the words of the distinguished Senator from Washington, "in the interim agreement before the Senate we have subparity." The President has endorsed language in the Jackson amendment which is based on the assumption that the Interim Agreement gives the United States subparity and so instructs the President to do better next time and to make sure that we do not remain "inferior" to the Soviet Union.

Well, if we are "inferior," who let us get that way? And if the agreements keep us inferior, why is the President asking for the approval?

I suggest that this administration, wittingly or unwittingly, is beginning the slow process of scuttling its own nuclear agreements with Moscow. It may be that the President fears the charge that he was outwitted by the Russians in Moscow, and seeks a way to go back on his statement that in these negotiations "both sides won, and the whole world won."

I for one, hope this is not the case. I stand with those young and old people in our society who say: "give peace a chance."

I say, let us give life on this planet a chance by beginning to bring the arms race under control.

A generation has grown up since the nuclear arms race between the United States and the Soviet Union was described as a situation comparable to two scorpions in a bottle.

I had thought this administration was ready to begin the long, hard process of extrication—that we might free ourselves, at last, from our entrapment.

Now, I am not so sure.

Mr. **MANSFIELD**. Mr. President, will the Senator yield?

Mr. **CHURCH**. I yield to the distinguished majority leader.

Mr. **MANSFIELD**. Mr. President, I commend the distinguished senior Senator from Idaho for the forthright and candid statement he has just made relative to a most serious issue which confronts this Nation, and which will confront the Senate today. He used the words "superiority, sufficiency, equality, and subparity."

On June 15, about 15 or 20 Members of this body were called to the White House to hear a discussion of the results of the Nixon-Brezhnev Treaty and the interim agreement. At that time the President made some introductory remarks and then turned the meeting over to Dr. Kissinger, who was speaking for the President, and the President remained in attendance. At that time the following question was asked:

> Does the agreement perpetuate a U.S. strategic disadvantage?

The reply:

> We reject the premise of that question on two grounds. First, the present situation is on balance advantageous to the United States. Second, the Interim Agreement perpetuates nothing which did not already exist in fact and which could only have gotten worse without an agreement.
>
> Our present strategic military situation is sound. Much of the criticism has focused on the imbalance in number of missiles between the U.S. and the Soviet Union. But, this only examines one aspect of the problem. To assess the overall balance——

And I stress the word "overall"—

> it is necessary to consider those forces not in the agreement; our bomber force which is substantially larger and more effective than the Soviet bomber force, and our forward base systems.

The quality of the weapons must also be weighed. We are confident we have a major advantage in nuclear weapons technology and in warhead accuracy. Also, with our MIRV's we have a two-to-one lead today in numbers of warheads and this lead will be maintained during the period of the agreement, even if the Soviets develop and deploy MIRV's of their own.

Then there are such factors as deployment characteristics. For example, because of the difference in geography and basing, it has been estimated that the Soviet Union requires three submarines for two of ours to be able to keep an equal number on station.

When the total picture is viewed, our strategic forces are seen to be completely sufficient.

May I say that no question in opposition to that statement by Dr. Kissinger and he, speaking for the President who was in attendance, was raised at that time. If my memory serves me correctly, the distinguished Senator from Washington (Mr. JACKSON) was one of those in attendance. I think the record ought to be made clear, and I again commend the distinguished Senator from Idaho for the statement which he has made this morning.

Mr. CHURCH. I thank the majority leader very much. I want to add that the Foreign Relations Committee yesterday voted unanimously to support the agreement without amendatory language.

If this agreement is a worthy one, and we believe it to be one which is probably based on an overall balance in the nuclear position of the United States and the Soviet Union, then it should be passed. It should not be undermined by language subject to interpretation that could seriously impair the President's negotiating ability in the future.

If this is to be a first step, then let us ratify the agreement without adding language that could foreclose the possibility of further steps in the future.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 257—ESTABLISHMENT OF A CEILING ON SOCIAL SERVICES

The ACTING PRESIDENT pro tempore (Mr. CHILES). The Chair now lays before the Senate Joint Resolution 257 which was introduced yesterday and read the first time; objection having been heard at that time to the second reading, the joint resolution will now be read the second time.

The joint resolution (S.J. Res. 257) was read the second time, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That of the funds available for Social and Rehabilitation Service grants to States for public assistance for making payments to States for services under title I, IV (Part A), X, XIV, and XVI of the Social Security Act not to exceed $2,500,000,000 shall be available for obligation during fiscal year 1973.

Mr. ROBERT C. BYRD. Mr. President, I object to any further proceedings on this joint resolution at this time.

The ACTING PRESIDENT pro tempore. Objection to further proceedings is heard. Under rule XIV, paragraph 4, the joint resolution will be placed on the calendar.

Mr. ROBERT C. BYRD. Mr. President, may I say that I have done this on behalf of the distinguished Senator from Minnesota (Mr. HUMPHREY). I have done it with his knowledge and approval, and at his request so as to get the joint resolution placed directly on the calendar.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CONVENTION ON OWNERSHIP OF CULTURAL PROPERTY (EXECUTIVE B, 92D CONG., SECOND SESS.); THE TAX CONVENTION WITH NORWAY (EXECUTIVE D, 92D CONG., SECOND SESS.); THE CONVENTION ESTABLISHING AN INTERNATIONAL ORGANIZATION OF LEGAL METROLOGY (EXECUTIVE I, 92D CONG., SECOND SESS.)—ORDER FOR THE YEAS AND NAYS

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that it be in order to order, with one show of seconds, the yeas and nays on each of the three treaties scheduled for a vote today.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I ask for the yeas and nays on the question of agreeing to the resolution of ratification on each of the three treaties.

The ACTING PRESIDENT pro tempore. As in executive session, there being a sufficient second, the yeas and nays are ordered on the question of agreeing to the resolution of ratification on each of the three treaties.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of items on the Calendar beginning with Calendar order No. 983 and ending with Calendar order No. 992.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

The resolution (S. Res. 340) authorizing additional expenditures by the Committee on Armed Services for routine purposes, was considered and agreed to, as follows:

Resolved, That the Committee on Armed Services is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $15,000 in addition to the amount, and for the same purposes specified in section 134(a) of the Legislative Reorganization Act of 1946, and Senate Resolution 252, Ninety-second Congress, agreed to March 6, 1972.

AUTHORIZATION FOR SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS

The resolution (S. Res. 349) authorizing supplemental expenditures by the Committee on Government Operations for inquiries and investigations, was considered and agreed to, as follows:

Resolved, That Senate Resolution 258, ninety-second Congress, agreed to March 17, 1972, is amended as follows:

(1) In section 3, strike out "$1,585,300" and insert in lieu thereof "$1,706,300".

(2) In section 4, strike out "$830,000" and insert in lieu thereof "$929,000".

(3) In section 7, strike out "$285,000" and insert in lieu thereof "$307,000".

(4) In section 9, strike out "$1,595,300" and insert in lieu thereof "$1,716,300".

AUTHORIZATION FOR PRINTING THE 74TH ANNUAL REPORT OF THE NATIONAL SOCIETY OF THE AMERICAN REVOLUTION

The resolution (S. Res. 350) authorizing the printing of the 74th annual report of the National Society of the Daughters of the American Revolution as a Senate document, was considered and agreed to, as follows:

Resolved, That the Seventy-fourth Annual Report of the National Society of the Daughters of the American Revolution for the year ending March 1, 1971, be printed, with an illustration, as a Senate document.

MICHAEL M. O'CONNOR AND KATHLEEN M. O'CONNOR

The resolution (S. Res. 351) to pay a gratuity to Michael M. O'Connor and Kathleen M. O'Connor, was considered and agreed to, as follows:

Resolved, That the Secretary hereby is authorized and directed to pay, from the contingency fund of the Senate, to Michael M. O'Connor, son, and Kathleen M. O'Connor, daughter, of Molly M. O'Connor, an employee of the Senate at the time of her death, a sum to each equal to one-half of six and one-half month's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses, and all other allowances.

FRANCES M. FELL

The resolution (S. Res. 352) to pay a gratuity to Frances M. Fell, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Frances M. Fell, mother of Thomas F. Fell, an employee of the Senate at the time of his death, a sum equal to eleven months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

AUTHORIZATION FOR CERTAIN PRINTING FOR THE COMMITTEE ON VETERANS' AFFAIRS

The concurrent resolution (H. Con. Res. 553) authorizing certain printing for the Committee on Veterans' Affairs, was considered and agreed to.

Mr. **MANSFIELD** subsequently said: Mr. President, I ask unanimous consent that the action of the Senate in agreeing to Calendar No. 988, House Concurrent Resolution 553, be vacated.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

PROVISION FOR PRINTING "HOUSING AND THE URBAN ENVIRONMENT, REPORT AND RECOMMENDATIONS OF THE THREE STUDY PANELS OF THE SUBCOMMITTEE ON HOUSING"

The concurrent resolution (H. Con. Res. 560) providing for the printing of the report entitled "Housing and the Urban Environment, Report and Recommendations of Three Study Panels of the Subcommittee on Housing," was considered and agreed to.

AUTHORIZATION FOR PRINTING "OUR FLAG"

The concurrent resolution (H. Con. Res. 605) authorizing the printing as a House document the pamphlet entitled "Our Flag," and to provide for additional copies, was considered and agreed to.

AUTHORIZATION FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO EXPEND ADDITIONAL FUNDS FROM THE SENATE CONTINGENT FUND

The Senate proceeded to consider the resolution (S. Res. 330) authorizing the Committee on Interior and Insular Affairs to expend additional funds from the contingent fund of the Senate, which had been reported from the Committee on Rules and Administration with amendments in line 4, after the word "the", where it appears the first time, to strike out "amount" and insert "amounts"; at the beginning of line 5, strike out "purpose" and insert "purposes"; in line 6, after the word "Act", strike out "approved August 2, 1946, as amended" and insert "of 1946, and in Senate Resolution 138, agreed to November 20, 1971"; so as to make the resolution read:

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $15,000 in addition to the amounts, and for the same purposes, specified in section 134 (a) of the Legislative Reorganization Act of 1946, and in Senate Resolution 138, agreed to November 20, 1971.

The amendments were agreed to.

The resolution, as amended, was agreed to.

The title was amended, so as to read: "Resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs for routine purposes."

SECURITY APPARATUS FOR PROTECTION OF THE CAPITOL

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 550) providing for the installation of security apparatus for the protection of the Capitol complex, which had been reported from the Committee on Rules and Administration with amendments, on page 1, line 5, after the word "and" ", to strike out "directed" and insert "directed, without regard to section 3709 of the Revised Statutes of the United States, as amended (41 U.S.C. 5),"; and, on page 2, line 3, after the word "from", strike out "the contingent fund of the House of Representatives" and insert "funds hereafter provided to the Architect of the Capitol under the appropriation "Capitol Buildings, for that purpose."

The amendments were agreed to.

The concurrent resolution, as amended, was agreed to.

QUORUM CALL

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **ROTH**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

THE GREAT SOCIAL SERVICES FUND RAID

Mr. **ROTH**. Mr. President, I regret that last night the Senate did not see fit to impose a limitation on the amount of money that could be spent for social services. During the discussion of my motion, much of the controversy was centered on the question of whether or not time was of the essence. I think that a front-page article in today's Washington Post clearly demonstrates why it is so necessary that Congress act, and act immediately, if it is going to protect U.S. Treasury funds. I make reference to the article entitled "Maryland Joins Raid on U.S. Fund—Boosts $23 Million HEW Request to $417 Million," written by Herbert H. Denton and published in today's Washington Post.

I would just like to read a part of the article, because I think it shows more clearly than anything else why time is of the essence to impose such a ceiling. The article says:

The State of Maryland stands to get a windfall of about $417 million federal dollars for social welfare programs this year, but has not yet figured out how it would spend the money.

Maryland officials worked feverishly this summer to get huge chunks of money out of a newly opened federal pool after originally counting on receiving only $22.9 million in federal social services money. In the late spring, after they learned about a change in interpretation of what the federal money could be used for, Maryland officials hired a team of consultants and came up with the new request for $417 million.

"Oh, we were very conservative, very conservative," Rita C. Davidson, Maryland's secretary of Employment and Social Services, said in an interview in which she discussed the sudden increased request.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks the article on Maryland to which I have referred.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. **ROTH**. Mr. President, as I said last night, every day we delay action is going to mean a greater raid on the Federal Treasury, when the national deficit is already of such dimensions that we cannot afford to take that risk.

I particularly regret that we failed to act because there is no question now, in my opinion, that the Labor-HEW appropriation will not be enacted into law before the school year. It is not fair to thousands of school administrators in schools throughout this country. Going back in history, when we were engaged in a similar exercise, it ended up with the HEW appropriation not being adopted finally until mid-winter, long after the school year was already under way. I am certain that this type of delay can only mean great waste of funds so far as our schools are concerned.

Mr. President, the distinguished junior Senator from Minnesota has offered a resolution, and I wish that I believed that it could be expeditiously adopted both by the Senate and the House. Frankly, it is most unlikely that even if we do take any immediate action in the Senate, any such action will be taken in the House prior to the recess, if at any time during the current year. So I think that if this resolution is called up for action and we adopt it, we should not fool ourselves as to thinking we have solved this most critical problem.

Mr. President, I should like to make it clear that I intend to keep my options open; and, if it appears feasible, I shall offer an appropriate amendment, possibly to an appropriation bill to be considered next week. I believe it absolutely essential that Congress act promptly to close the door to this ballooning raid on the Federal Treasury.

EXHIBIT 1

[From the Washington Post, Aug. 9, 1972]

MARYLAND JOINS "RAID" ON U.S. FUND—BOOSTS $23 MILLION HEW REQUEST TO $417 MILLION

(By Herbert H. Denton)

The State of Maryland stands to get a windfall of about $417 million federal dollars for social welfare programs this year, but has not yet figured out how it would spend the money.

Maryland officials worked feverishly this summer to get huge chunks of money out of a newly opened federal pool after originally counting on receiving only $22.9 million in federal social services money. In the late spring, after they learned about a change in interpretation of what the federal money could be used for, Maryland officials hired a team of consultants and came up with the new request for $417 million.

"Oh, we were very conservative, very conservative," Rita C. Davidson, Maryland's secretary of Employment and Social Services, said in an interview in which she discussed the sudden increased request.

Maryland's request for federal funds is based on programs ranging from state aid to alcoholics and ex-convicts to a private social center for the elderly run by the Baltimore graduate chapter of a college sorority.

In the last fiscal year, Maryland received $20.5 million from the federal social services program. The jump in its request this year to $417 million is the largest increase sought by any state except Mississippi.

The $417 million in federal funds for Maryland would be an amount equal to 20 per cent of the entire current state budget and more than the state is currently spending for education, public safety or any other single state service.

In addition, the $417 million Maryland hopes to get under the social services program would far exceed the amount the state would get under proposals to help states through revenue sharing with the federal government. The most Maryland would get under the Senate Finance Committee's version of a federal revenue sharing bill would be $117.5 million.

The windfall that Maryland and other states expect is federal money provided under the Social Security Act. Health, Education and Welfare Secretary Elliot L. Richardson, whose agency distributes money to states under the act, has called the increases that Maryland and other states have requested "a virtual open-ended raid on the federal treasury."

The federal social services program, which threatens to double itself every year, requires HEW to pay $75 for every $25 that states spend to help present, former and potential welfare recipients. There is no limit on the total amount states can request in federal matching money.

None of the money goes for welfare payments as such. It is intended for services to keep people off welfare, such as day care centers for mothers who have young children and want to work.

A Senate-passed ceiling of $2.5 billion on the social services program was knocked out of the HEW spending bill in a joint conference committee last week, increasing the likelihood of a major cost overrun in the HEW budget this year. Without a ceiling, the conference compromise passed the House Wednesday, 239 to 166, and passed the Senate last night, 67 to 22.

Richardson indicated Wednesday that President Nixon might veto the bill if it passes without a ceiling on social services spending. In that event, the windfall that Maryland is looking for might not materialize.

Until this year, Maryland has not been one of the big beneficiaries of the federal social services program—a situation that seemed to rankle Mrs. Davidson, who referred frequently to the federal largesse for social services bestowed on California.

Maryland takes its marching orders on eligibility for federal social welfare funds from the regional office of HEW in Philadelphia, where the act was interpreted strictly.

Mrs. Davidson said the federal regional officials told her that Maryland was eligible for federal matching money only for those state programs that helped Maryland's 260,000 welfare recipients.

For some years, she noted, the interpretation by the HEW regional officials for California has been significantly more liberal. In fact, California in 1969 was getting 40 per cent of all the federal social services money distributed in the nation.

Mrs. Davidson pressed for a change by the Philadelphia office of HEW, she said, and, other states across the country did the same.

By late spring, she said, the Philadelphia office—like others—began to change.

Mrs. Davidson's staff and a group of hired consultants then closely read through the state budget, picking out every program that they could argue helped get people off welfare, helped them from getting back on or helped keep them from ever having to go on the welfare rolls.

Maryland's list included state-run programs for alcoholics and programs for mental retardates, ex-convicts, and drug addicts.

They did not stop with the state budget. They went around to private agencies that run social services-related programs.

Epsilon Omega, the Baltimore graduate chapter of a college sorority, which runs a social center for elderly people, was included in the Maryland request. So were three private groups that run summer camps for needy children. So was the consumer law center of the state Legal Aid Bureau.

For each state dollar spent on the programs that they were able to locate, they requested $3 from the federal government under the Act. When they finished the application in time for the June 30 deadline, it all totaled up to $394 million more than the original request for Maryland.

Mrs. Davidson said the Philadelphia HEW officials have given her the "generalized opinion" that the request is acceptable.

After all the work to get the federal money by locating the state social service program, Mrs. Davidson's office has not produced any specific plans for how the federal money would be used.

Mrs. Davidson and her staff said in an interview this week that the money would permit them to expand existing programs and add new ones. They could not say what new programs would be created or by how much the old ones would grow.

They said the new federal money would permit the state to extend social services to groups other than welfare mothers. It could enable them to help blue collar families who, for example now cannot afford private day-care centers for their children but make too much money to be eligible to use state-run centers.

Mrs. Davidson and her staff said they could not now give even the roughest idea of how many new people will benefit from expansion of the social services programs.

All of this will be worked out in the next six months during a period of "program design" by Maryland's state agencies, local governments and the privately run social welfare agencies, Mrs. Davidson said.

Saying Maryland has never before had enough programs to aid all the people who need some form of public social service, she said the federal money would be used and was needed.

"The needs are just so crying, just so crying," Mrs. Davidson said.

QUORUM CALL

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. CHILES) laid before the Senate the following letters, which were referred as indicated:

PROPOSED DWIGHT D. EISENHOWER MEMORIAL BICENTENNIAL CIVIC CENTER ACT

A letter from the Commissioner, Government of the District of Columbia, transmitting a draft of proposed legislation to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of Payments From Special Bank Account to Lockheed Aircraft Corporation for the C–5 Aircraft Program During the Quarter Ended June 30, 1972," Department of Defense, dated August 11, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Drug Abuse Control Activities Affecting Military Personnel," Department of Defense, dated August 11, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Military Drug Abuse Control Program Activities in Continental United States," Department of Defense, dated August 11, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Drug Abuse Control Program Activities in Vietnam", Department of Defense, dated August 11, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Drug Abuse Control Program Activities in The Philippines", Department of Defense, dated August 11, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Drug Abuse Control Program Activities in Okinawa", Department of Defense, dated August 11, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Drug Abuse Control Program Activities in Europe", Department of Defense, dated August 11, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to to law, a report entitled "Legislation Needed to Revise the Interest Rate Criteria For Determining the Financing Costs of Water Resource Projects", Department of the Interior, Department of the Army, dated August 11, 1972 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

S. 3811. A bill to amend the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (Rept. No. 92–1042).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MOSS (for himself, Mr. BURDICK, Mr. HUMPHREY, Mr. KENNEDY, Mr. McGOVERN, Mr. MONTOYA, and Mr. PASTORE):

S. 3908. A bill to stabilize interstate commerce by mitigating the adverse economic effects of shifting patterns of Federal expenditure, to provide for national planning for economic diversification, and for other purposes. Referred to the Committee on Government Operations.

By Mr. MONDALE (for himself, Mr. RANDOLPH, Mr. TUNNEY, Mr. MOSS, Mr. McINTYRE, and Mr. HARTKE):

S. 3909. A bill to provide youth services grants, and for other purposes.

By Mr. COOPER:

S. 3910. A bill to reduce sedimentation from land-disturbing activities consistent with the applicable water quality standards. Referred to the Committee on Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOSS (for himself, Mr. BURDICK, Mr. HUMPHREY, Mr. KENNEDY, Mr. McGOVERN, Mr. MONTOYA, and Mr. PASTORE):

S. 3908. A bill to stabilize interstate commerce by mitigating the adverse economic effects of shifting patterns of Federal expenditure, to provide for national planning for economic diversification, and for other purposes. Referred to the Committee on Government Operations.

ECONOMIC DIVERSIFICATION ACT OF 1972

Mr. MOSS. Mr. President, I introduce a bill to diversify the economies of those areas of the country which have come to depend almost entirely on major Federal programs, such as those in defense and aerospace, for their stability.

The purpose of the measure is to encourage these highly impacted communities to develop alternative industrial and commercial opportunities thereby strengthening their ability to adjust, with the minimum dislocation and human hardship, to a shift in national priorities.

The Economic Diversification Act of 1972 calls for a national policy to prepare for the adverse effects of Federal defense and aerospace cutbacks on those areas which rely heavily, in some cases solely, on these programs. To achieve this goal, the bill provides for Federal action to help these localities to plan their economic futures in light of changing Federal spending patterns. Assistance would include:

A national effort to monitor, and hopefully, forecast the economic impact of reduced Federal spending on various localities;

Planning and technical grants to highly impacted communities;

Establishment of local development corporations to provide the "risk capital" facilities vital to an expanding commerce and industry;

And incentives for industries in these areas to broaden their operations to non-Federal markets.

Economic diversification would benefit the entire Nation. By ending the reliance of these communities and industries on existing Federal programs, the American people would gain a new flexibility to direct the Nation's resources toward its highest priorities.

The need to plan and provide for the local economic impact of massive Federal spending, especially in defense and aerospace, has become well established in recent years.

Today, Government purchases of goods and services amounts to almost one-quarter of the gross national product. By way of contrast, in 1929, the Federal share in the American economy was only about 8 percent. This growing Federal role in the Nation's economy has had its heaviest impact on those communities serving defense and aerospace installations. This has also been true in those industrial centers which have come to do the great bulk of their business with the Federal Government.

Consider the case just in my own State. Over the past 10 years, the Federal work force has increased at an annual rate of 6.1 percent, while the rest of the State's nonagricultural work force grew by only 3.6 percent. Today the Federal payroll amounts to $415 million a year. One out of every six workers is employed by the Government. This figure, moreover, does not include those employees working for firms operating on Federal contracts.

In some areas of the State, the Federal impact is proportionally much higher. In the three counties of Davis, Weber, and Morgan which supply manpower for Hill Air Force Base, almost 20,000 of the 73,600 wage and salaried work force are employed either at Hill Air Force Base or at Defense Depot, Ogden.

In Tooele County which contains Tooele Army Depot and the Dugway Proving Grounds, 6,777 out of the 9,322 work force are employed by the Government. Most are Federal employees. Obviously this enormous influence on the local economies carries with it an equally immense potential for harm should the Government activity be terminated or substantially reduced. We have all seen the impact in those parts of the country which relied on Federal defense and aerospace programs when these programs were cut back. Businesses closed, supporting industries were forced to lay off workers. The revenues of local governments were hit by reduced property values and even more sharply, reduced personal incomes. Economic depression spreads widely to all those who had depended on Federal jobs and wage income, either directly or indirectly, for their livelihoods.

In recent months Utah experienced a substantial reduction-in-force at Hill Air Force Base. It was part of the administration's program to cut Federal payrolls 5 percent by the end of fiscal 1972. Over 1,500 employees were affected; 239 career and career-conditional employees lost their jobs. Another 83 temporary employees were separated. Many other positions were eliminated through the process of attrition, thus eliminating jobs which would never be replaced.

The economic impact of this relatively small manpower cutback at Hill gives only an indication of the disastrous consequences which would attend a truly massive RIF.

Now another RIF is projected for Defense Depot, Ogden—in the same city.

There is an obvious need to bring new industries, new economic activities, to parts of the country such as Ogden. This is our best way to help prepare these communities for inevitable shifts in Federal requirements, which are themselves dependent on changing national and international conditions. This stabilizing bill would benefit the entire Nation.

One of the great strengths of the American economy has been its phenomenal ability to adjust to new conditions, to respond to new national challenges by enlisting vast amounts of capital and technological know-how in a short period of time.

This remarkable flexibility, demonstrated so boldly during the early days of World War II and again during the race to the moon, is now threatened by a growing dependence in many parts of the country on the continuation of existing Federal programs. Many communities today see any shift in national priorities as a threat, not only to local job markets, but to their overall economic stability.

Though certainly understandable, our concern for the short-run welfare of these communities has crippled the Nation's ability to shift rapidly to meet its urgent new demands.

I believe that it is time for our Nation to deal quickly with local economic impact of Federal decisionmaking. Failure to do so will mean even more dislocation, and, as far as national priorities are concerned, continued pressure to maintain the status quo at all costs.

To meet this need, the bill I propose today would establish an Office of Economic Diversification, which would be primarily responsible for determining the impact of Federal spending, particularly in defense and aerospace, on capital and labor markets throughout the country. This office would also act to isolate those areas of the Nation which are vulnerable to a shift in Government spending and to coordinate Federal, State and local efforts to prepare for their economic adjustments.

The office would be authorized to assist these highly impacted areas to assess their resources and make plans for more diversified industrial and commercial activities.

These areas would be eligible to create economic diversification corporations which would receive Federal assistance to: develop plans for local economic diversification; participate in financing research and development projects which would contribute to a more broadly based local economy; guarantee or make loans which would create new industries and job opportunities.

This bill would also permit special Small Business Administration loan guarantees to firms located in these areas which are attempting to diversify their operations into non-Federal markets. As an added incentive to industrial diversity, the bill also provides that all Federal contractors would be required, whenever practical, to develop plans for the use of their facilities and manpower skills in efforts to enlarge the economic base of the locality.

I ask that the full text of the bill be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3908

A bill to stabilize interstate commerce by mitigating the adverse economic effects of shifting patterns of Federal expenditure, to provide for national planning for economic diversification, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Diversification Act of 1972".

STATEMENT OF FINDINGS AND DECLARATIONS OF POLICY

SEC. 2. (a) The Congress finds that—

(1) the Federal Government, through its expenditures for goods and services, exerts a significant impact on the direction, as well as the strength of the entire national economy;

(2) many industries and localities are substantially dependent upon the existing patterns of national expenditures;

(3) shifts in patterns of Federal expenditures for goods and services of which the Federal Government is the largest and often the sole purchaser creates large-scale dislocations in capital and labor markets;

(4) these resulting dislocations adversely affect interstate commerce and have particular impact upon the localities wherein the supplies of the Federal Government are located, and their labor markets; and

(5) failure to provide effective mechanisms for mitigating these dislocations tend to reduce the flexibility of the National Government and reduces its ability to insure our national security with a responsive and resilient National Government.

(b) Accordingly, the Congress declares that it is the national policy to promote a sound economy by promoting economic diversification and by undertaking positive programs to maintain interstate and foreign commerce by mitigating the effects of shifts in national expenditure patterns.

(c) It is the purpose of this Act—

(1) to initiate a continuous system of monitoring and forecasting of the impact of Federal expenditures on labor and capital markets, and to disseminate the results of this program of monitoring and forecasting to all interested Federal, State, and local officials, and to the public generally;

(2) to encourage coordination of the programs of all levels of government, which are designated to provide assistance to localities and labor groups in their efforts to plan and provide for shifts in Federal spending patterns;

(3) to provide for the development of more adequate programs of Federal assistance to adversely affected localities, firms, and their employees; and

(4) to provide immediate technical and financial assistance to promote the stabilization of interstate commerce by encouraging economic diversification, with special provisions for areas presently suffering substantial economic dislocation.

ESTABLISHMENT OF THE OFFICE OF ECONOMIC DIVERSIFICATION

SEC. 3. (a) There is established in the Executive Office of the President the Office of Economic Diversification (hereinafter referred to as the "Office").

(b) The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) There shall be in the Office a Deputy Director who shall be appointed by the President by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director may prescribe and shall be Acting Director during the absence or disability of the Director or in the event of a vacancy in the position of the Director.

(d) There is established in the Office a Council on Economic Diversification consisting of—

(1) the Director of the Office, who shall be the Chairman of the Council;

(2) the Secretary of Commerce;

(3) the Secretary of Labor;

(4) three members of the public chosen from among the leaders of organized labor; and

(5) three members of the public chosen from the business community.

The public members shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President.

(e) The Director shall head and direct the staff of the Office, and shall assist the Council in carrying out such activities as it may request.

FUNCTIONS

SEC. 4. (a) The Director of the Office is authorized to—

(1) collect data relating to the impact of Federal expenditures on interstate commerce, and upon particular industries, professions, segments of the labor market, and localities; and to project future impacts resulting from possible shifts in Federal expenditures;

(2) disseminate this information as broadly as possible to promote advance planning by all sectors of the economy and thereby to permit mitigation of the hardships which might arise from shifts in Federal expenditures by diversification and decreased reliance upon Federal expenditures;

(3) select, appoint, employ, and fix the compensation of such officers and employees as are necessary to carry out his duties under this Act, subject to the civil service and classification laws;

(4) direct and supervise all personnel so selected, appointed, or employed;

(5) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS-18 as provided in section 5332 of title 5, United States Code, and, while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

(6) utilize, with their consent, the services, personnel, and facilities of other Federal agencies and of State and private agencies and instrumentalities with or without reimbursement therefor;

(7) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Office and on such terms as the Director may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or any political subdivision thereof, or with any public or private person, firm, association, corporation, or institution;

(8) accept gifts and voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(9) designate representatives to serve or assist on such committees as the Director may determine to be necessary to maintain effective liaison with Federal agencies, and with State and local agencies involved in the problems of economic development.

(10) perform such other activities, not delegated to the Council, as are necessary to carry out the purposes of this Act.

(b) The Council is authorized to—

(1) authorize and direct studies of economic effects of Federal expenditure patterns,

(2) identify those localities, industries, job skills, and firms which are substantially dependent upon Federal expenditures,

(3) approve or disapprove all applications for grants or other assistance authorized by this Act,

(4) promulgate such regulations as may be necessary to carry out the duties of the Office under this Act.

(c) The Office, acting through the Director or the Council is authorized to—

(1) consult with the Governors of the several States and the officials of any unit of government within the United States and its territories to encourage appropriate studies and planning at the regional, State, and local level;

(2) encourage the establishment of Economic Diversification Corporations referred to in section 6 of this Act;

(3) consult with trade and industry associations, labor unions, and professional societies to encourage and enlist their support for a coordinated effort to increase the economic diversification of each locality;

(4) serve as a clearinghouse for information on existing Federal, State, and local programs which provide for the development of economic plans, and provide for means to mitigate the adverse impacts of shifting Federal expenditure patterns; and

(5) enter into agreements with other Federal departments, with agencies of State and local governments, and with private groups and individuals to carry out the purposes and provisions of this Act;

(6) prepare and transmit the following reports to the Congress and the President:

(a) annually, in January, a report on the activities of the Office during the past fiscal year, with particular attention to data indicating the extent to which the economy of the various localities assisted have become more diversified during the year;

(b) annually, at such time is appropriate, a report on the extent to which the Federal Government has affected the diversification of the national economy during the preceding year, together with recommendations for future Federal activity to accomplish the goals of this Act;

(c) periodically, such reports and recommendations as the Council feels should be made available to the Congress and the President; and

(d) when requested, such special reports as may be requested by the President, or the Congress, or any committee thereof;

(7) the Council shall approve or disapprove of the chartering of any Economic Diversification Corporation as provided for in section 6 of this Act. Such action shall be taken pursuant to procedures established under the authority of this Act, however, in no case shall an application properly submitted not receive a decision within ninety days of the receipt thereof;

(8) appoint advisory committees composed of such private citizens and officials of the

Federal, State, and local governments as is deemed desirable to advise the Office with respect to its duties under this Act, and to pay such members (other than those regularly employed by the Federal Government) without regard to any conflict-of-interest statutes while attending meetings of such committees, or otherwise serving at the request of the Director or Council, compensation and travel expenses at the rate provided for in paragraph (5) of subsection 4(a) of this Act with respect to experts and consultants;

(9) obtain by subpena, where necessary, such information as the Office acting through either the Director or the Council is authorized to acquire under this Act;

(10) conduct public hearings anywhere in the United States to consider means to accomplish the purposes of this Act.

GRANTS TO LOCALITIES FOR ECONOMIC ANALYSIS

SEC. 5. (a) From funds available pursuant to section 10 of this Act, the Office is authorized to make grants to eligible localities to assist them in assessing their economic condition and determining their resources; and establishing, if conditions warrant, an Economic Diversification Corporation.

(b) In determining whether or not to approve a planning grant under this section the Council shall consider the extent to which the planning proposal is supported by the various segments of the local community, the extent to which the local economy is dependent upon federally financed programs, and the existing or likely unemployment in the area.

(c) "Eligible locality" means any political entity, or combination of entities, which at the time of the application is experiencing or is expected to experience within the ensuing six months an unemployment rate in excess of 8 per centum of the work force, if any significant portion of such unemployment is directly or indirectly related to shifts in Federal expenditure patterns. The Council shall determine whether or not the applicant has authority to act on behalf of the entities to be encompassed and shall not approve any planning grant request for any entity within the geographic area of an existing applicant.

(d) In the event that funds made available pursuant to section 10 of this Act are insufficient to provide adequate funding to all applicants, the Council shall give priority to those communities suffering from the most severe economic dislocation, and shall report to the President and the Congress the applicants which have been denied due to the insufficiency of funds.

ECONOMIC DIVERSIFICATION CORPORATIONS

SEC. 6. (a) In order to promote development planning and financing in localities through locally controlled institutions the Council is authorized, under such regulations as it may prescribe, to provide for the organization, incorporation, examination, operation, and regulation of associations to be known as Economic Diversification Corporations, and to issue charters therefor.

(b) The Council shall not issue a charter unless it is satisfied (1) that the governing body of the applicant will consist of a broad cross section of the political and economic interests in the locality to be serviced, (2) that to the extent allowed by local law the governing body of the applicant will include adequate representation from the governmental officials elected or appointed having general responsibility for the overall development of the locality, and (3) that the applicant will not include within its service area territory now served by any other corporation established under this Act: *Provided, however,* That in the event that Council shall determine that the interests of the localities affected would be better served it may redefine the service territory of the applicant and the prior existing corporation to meet the requirements of this subsection.

(c) In addition to such other powers as may be conferred upon such Economic Development Corporation by the Council each such Corporation, when chartered and authorized to commence operations, shall be authorized to—

(1) analyze existing economic data, conduct additional studies of the local economy to develop plans for economic diversification with the cooperation of local, State, regional, and Federal officials, and the citizens in the affected locality;

(2) participate in financing research and development projects which would contribute to the goal of diversification of the local economy;

(3) guaranty or make loans, whether or not secured, in the form and manner approved by the Council or in accordance with its regulations which will both promote diversification of the local economy and afford new job opportunities for the members of the labor force of the community: *Provided, however,* That the Corporation shall not provide capital assistance under this section unless the capital market of the community is unable to provide the necessary capital on terms and conditions which will permit the enterprise to be undertaken; and

(4) guaranty or make loans, to individuals or to organizations to finance the establishment of or the enrollment in courses of study designed to permit individuals now in the labor force to engage in new forms of employment in the locality: *Provided, however,* That no assistance under this section shall be granted unless the applicant has received the approval of the proposed course of employment from an official of the State employment service.

(d) From the funds available pursuant to section 10 of this Act, the Council is authorized to make an initial capitalization grant of not more than $500,000 to each Economic Diversification Corporation upon approval of its application for a charter. Such grant shall constitute a preferred capital contribution of the United States, and in the event of the dissolution of the Corporation or upon the occurrence of such other event as the Council may proscribe in the terms of the grant such contribution shall be repaid to the Treasury of the United States.

(e) The Secretary of the Treasury is authorized on behalf of the United States to subscribe for preferred shares in such associations which shall be preferred as to the assets of the association and which shall be entitled to a dividend, if earned, after payment of expenses and provision for reasonable reserves, to the same extent as other shareholders. It shall be the duty of the Secretary of the Treasury to subscribe for such preferred shares upon request of the Council; but the subscription by him shall not exceed $1,000,000 in any one such association, and no such subscription shall be called for unless the Council is satisfied that the funds are necessary for the accomplishment of well-developed plans for economic diversification in the community served by the association. To enable the Secretary of the Treasury to make such subscriptions when called there is authorized to be appropriated the sum of $100,000,000 to be immediately available and to remain available until expended. The terms and conditions associated with such subscriptions shall be set by regulation of the Council.

(f) No State, county, municipal, or local taxing authority shall impose any tax on such associations not expressly authorized by Congress.

(g) The Economic Diversification Corporation is authorized to borrow funds at such rates as may be appropriate from individuals, associations, corporations, political entities of the United States, or any agency thereof otherwise authorized to loan money for such development purposes.

(h) From funds made available pursuant to section 10(d) the Council may authorize the Secretary of the Treasury to make loans to specific economic diversification corporations on such terms and conditions as are appropriate: *Provided, however,* That no individual economic diversification corporation shall ever be indebted to the United States under the provisions of this Act in excess of $50,000,000.

LOAN GUARANTEE AND INTEREST PAYMENT PROGRAM

SEC. 7. Title IV of the Small Business Investment Act of 1958 is amended—

(1) by striking out the title heading and inserting in lieu thereof the following:

"TITLE IV—GUARANTEES

"PART A—LEASE GUARANTEES

(2) by striking out "this title", wherever it appears in sections 402 and 403, and inserting in lieu thereof "this part"; and

(3) by adding at the end thereof the following:

"PART B—DIVERSIFICATION PROJECT GUARANTEES

"DEFINITIONS

"SEC. 410. As used in this part—

"(1) The term 'eligible lender' means an eligible institution, an agency, or instrumentality of a State, or a financial or credit institution (including an insurance company) which is subject to examination and supervision by an agency of the United States or of any State (including an Economic Diversification Corporation) or a pension fund approved by the Administration for this purpose.

"(2) The term 'diversification project' means the planning and carrying out of any project by a business concern which is designated to facilitate that business concern's diversification by allowing it to enter into different markets and which will also assist the locality in which the concern is located to diversify its local economy.

"AUTHORIZATION OF THE ADMINISTRATION

"SEC. 411. (a) The Administration may, upon such terms and conditions as it may prescribe, enter into a contract and guarantee any loan for a diversification project made by an eligible lender against loss as a result of the failure of any person to meet the terms of such loan, subject to the following conditions:

"(1) The person to whom the loan is made is a small business concern.

"(2) The loan is required in order for such a person to carry out a diversification project.

"(3) Such person is not able to obtain such loan on reasonable terms and conditions without a guarantee under this section.

"(4) The loan bears interest at a rate not in excess of 8 per centum a year.

"(5) The Administration determines that there is reasonable assurance that such person will repay the loan.

"(6) The application therefore bears the approval of the Board of Directors of the Economic Diversification Corporation serving the locality of the applicant, whether or not the funds are to be loaned by it.

"(7) The diversification project for which the loan is made meets requirements established by the Administration for feasibility and reasonableness of costs.

"(b) When entering into a contract to guarantee a loan for a diversification project which meets the six conditions specified in section 411(a) above, the Administration will—

"(1) give preference to small business concerns which have suffered severe direct or indirect financial difficulties resulting from the diminution or termination of any Federal contracts; and

"(2) give preference to diversification projects aimed at aiding in the resolution of the Nation's pressing domestic problems.

"(c) Any contract of guarantee under this section shall obligate the Administration to pay upon default to an eligible lender the unpaid balance of the principal amount of the loan, other than interest added to principal.

"(d) The Administration shall fix a uniform fee for any guarantee under this section which shall be payable at such time as may be determined by the Administration. To the extent practicable, having due regard for the purpose of this section, the amount of any such fee shall be determined in accordance with sound actuarial practices and procedures. Any fee so established shall be subject to periodic review in order that the lowest fee that experience under the program shows to be justified will be placed into effect. The Administration may also fix such uniform fees for the procesing of applications for guarantees under this section as it determines are reasonable and necessary to pay administrative expenses incurred in connection therewith.

"(e) The provisions of section 402 shall apply in the administration of this section.

"FUND

"Sec. 412. (a) There is established a revolving fund for use by the Administration in carrying out this part, except section 413 thereof. Initial capital for such fund shall consist of not to exceed $50,000,000 transferred from the fund established under section 4(c)(1)(B) of the Small Business Act, but paragraph (6) of such section shall not apply to any amounts so transferred.

"(b) There shall be deposited into the fund established by this section all receipts from the guarantee program authorized by this part. Money in such fund not needed for the payment of current operating expenses or for the payment of claims arising under such programs shall be invested in bonds or other obligations of, or guaranteed by, the United States; except that money provided as initial capital for such fund shall be returned to the fund established by section 4(c)(1)(B) of the Small Business Act, in such amounts and at such times as the Administration determines to be appropriate, whenever the level of the fund established by this section permits the return of such money without endangering the solvency of the program under this part.

"INTEREST ASSISTANCE PAYMENTS

"Sec. 413. (a) In addition to any contract of guarantee entered into pursuant to section 411 of this title, the Administration is authorized to make, and to contract to make, interest assistance payments to any eligible lender which has made a loan subject to the provisions of such section 411, on behalf of any person to whom such loan is made. Such payments shall be made at such times and under such conditions as the Administration may by regulation provide. Interest assistance payments to any such lender shall be made only for the period equal to the repayment period as provided in the agreement evidencing such loan, but in no event for a period longer than five years.

"(b) No interest assistance payments made under this section for any loan for any year shall exceed the difference between 3 per centum and the interest such person would be required to pay under the agreement evidencing such loan.

"(c)(1) There are hereby authorized to be appropriated to the Administration such sums as may be necessary for the payment of interest assistance grants to eligible leaders in accordance with this section.

"(2) Contracts for interest assistance grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts, and in any event the total amount of interest assistance grants which may be paid to eligible lenders in any year pursuant to contracts entered into under this section shall not exceed $15,000,000."

DEVELOPMENT AND DIVERSIFICATION PROVISIONS IN GOVERNMENT CONTRACTS

Sec. 8. (a) Under such regulations as the Office shall prescribe, each Government contract or grant, entered into twelve or more months after the date of enactment of this Act, any agency of the Federal Government shall contain provisions effective to—

(1) require a general contractor, whenever appropriate to survey the economic impact upon the locality or localities in which the major portion of such contract or grant is to be carried out of (A) the completion of work under such contract or grant, or (B) a substantial reduction in the use of a facility operated under such contract or grant;

(2) require each contractor to estimate the degree of dependency, currently and prospectively, of such contractor under defense contracts or grants; and

(3) require a general contractor, whenever practicable, to develop plans for the use of any facility, operated under, or personnel skills or other benefit derived from such a contract or grant, to supplement community and private efforts to foster economic diversification in such locality upon the completion of such contract or grant or substantial reduction of the use of a facility operated under such contract or grant.

(b) The Office shall encourage trade and industry associations, labor unions, and professional organizations to make appropriate studies and plans to further the purposes of this section.

(c) The Office may by regulation exempt entire agencies and types of materials or services from the application of this section.

Sec. 9. (a) Pursuant to the provisions of section 4(a)(5)(d) of this Act the Council is requested to report to the President and the Congress on the feasibility of a nationwide program of salary continuation insurance for employees of contractors and subcontractors whose job security is threatened by shifts or possible shifts in national expenditure patterns. The Council shall consider whether or not a compulsory insurance plan, the premiums for which could be paid in all or in part by the Federal Government, would provide a stabilizing influence on the economy while at the same time facilitating the necessary changes in national expenditures necessary to make the Government responsive to national needs.

(b) This report shall be prepared in cooperation with the Department of Labor, the Department of Commerce, and other interested Federal, State, local, and nongovernmental organizations interested.

(c) The Council shall make its initial report on this study within twelve months of the enactment of this Act, and the final report shall be forwarded to the Congress not later than January 1, 1974.

Sec. 10. (a) There are authorized to be appropriated to carry out the provisions of this Act for each fiscal year such sums as the Congress deems necessary not to exceed—

(1) $50,000,000 for planning grants under section 5 of this Act;

(2) $50,000,000 for initial capitalization grants under section 6(d) of this Act;

(3) $50,000,000 for long-term loans to Economic Diversification Corporations under section 6(e) of this Act;

(4) $200,000 for all purposes of this Act.

(b) There is authorized to be appropriated to carry out the study directed by section 9 of this Act, $200,000 to remain available until expended.

By Mr. MONDALE (for himself, Mr. Randolph, Mr. Tunney, Mr. Moss, Mr. McIntyre, and Mr. Hartke):

S. 3909. A bill to provide youth services grants, and for other purposes.

YOUTH PROGRAMS ACT

Mr. MONDALE. Mr. President, I am very pleased today to announce the introduction of the "Youth Programs Act of 1972."

This legislation has two main purposes. One is to provide small grants to be used for the operation of youth services including hotlines, runaway houses, walk-in centers, and medical services.

The second is to try to attack the problem of alienation of young people from Government and the political process by providing for them in a meaningful role in administering this grant program.

As chairman of the Senate Subcommittee on Children and Youth, I have been both impressed and fascinated to observe in the last year or two the burgeoning of services actually started and operated by young people for other young people. For example, throughout the country, we know that there are at least 600 hotlines or telephone emergency services. In addition, we know of untold hundreds more drop-in centers, medical services, runaway houses—the names are not important. What is important is that young people do turn to these services for help.

These services have undoubtedly sprung up because the young people are subject to perhaps greater stresses than any comparable group in history.

One tragic indicator of the need for this service is the alarming increase in the suicide rates of young people. For males between the ages of 10 and 19, the suicide rate has tripled between 1960 and 1970. For females in the same age group, the increase has been from a statistically insignificant 0.04 suicides per 100,000 to 8.0 per 100,000, a 200-fold increase. For women from age 20 to 29, the increase in the suicide rate has been the same.

In addition, we hear one story after another that speaks to the alienation of young Americans, not only from their families—but from the schools, church, the political process—from society as a whole.

We cannot, in good conscience, ignore their pleas for help. Young persons—between the age of 14 and 24—make up fully 20 percent of our population. As many as 1 million of these young Americans run away from home every year, often becoming the victims of an unhealthy and even criminal "street" environment. Six percent of youth of high school age, under 18, have tragically experimented with heroin.

Many young people who run away or take hard drugs, or who get drawn into a street life they do not really want and cannot seem to escape from, literally do not know a soul they feel they can turn to for help.

And so, Youth Emergency Service, a hotline in Minneapolis, receives 5,000 calls each month, and a similar service in Cincinnati receives 6,000.

And in a 2-year period, 2,500 young runaways showed up on the doorstep of one San Francisco runaway shelter, Huckleberry House, for assistance.

Youth crisis centers have helped many young people with problems such as these.

Crisis centers have proven that they can play a crucial role in bringing runaways and their families back together, in referring young addicts to needed medical services, in aiding young people in trouble with the law.

Virtually all of these accomplishments have been achieved without the assistance of the Federal Government. Occasionally, such as in the case of the Youth Emergency Services hotline in Northfield, Minn., some funds have trickled into the crisis service through programs whose basic purpose was not the support of crisis services. But the interest of the Federal Government in any kind of youth programs has at best been sporadic—and its financial commitment, minimal. Programs that service youth are scattered throughout Government agencies and lack coordination.

It is now over a year since the White House Conference on Youth convened in Estes Park, Colo. In that year we have seen a proliferation of sleekly packaged, voluminous documents, task force reports, recommendations, answers to recommendations. Yet in the Department of Health, Education, and Welfare, which has prime responsibility for dealing with the problems of young people, less than 12 percent of members of advisory committees are under 30 years old. Only some 2 percent are under 25 years old. I ask unanimous consent to have printed in the Record at this time, statistics on the youth membership of HEW advisory boards as provided to me by Secretary Richardson.

There being no objection, the material was ordered to be printed in the Record, as follows:

Youth Members of Public Advisory Committees

There were a total of 3,570 public members on HEW public advisory committees on May 1, 1972.

There were 22 persons 25 and under serving on such committees as of May 1.

There were 107 people 30 and under serving on such committees as of May 1. This figure includes the 22 who are 25 and under.

There were a total of 922 members serving on committees on which there were one or more youth members. (See chart below for agency by agency compilation.)

Agency	25 and under	30 and under	Total	Percentage
OS	6	15	149	10.0
OE	5	16	140	11.4
HSMHA	5	35	255	13.7
SSA	0	1	19	5.3
SRS	2	9	92	9.8
FDA	0	8	47	17.0
NIH	4	23	220	10.5
Total	22	107	922	11.6

Mr. MONDALE. Mr. President, on June 25, the Subcommittee on Children and Youth held a hearing in Minneapolis for the purpose of learning about the new forms of youth crisis services—how they operate, who they serve, what they do, and the problems they face.

I was particularly impressed by the thoughtful statements of the young people who operate crisis services for Minnesota youth—who have thought deeply about what they are trying to do and who feel strongly the responsibility they hold for the future of so many young people.

I scheduled that hearing, among other reasons, because I heard that some 85 hotlines have actually closed down in the last year. And I heard that many of them closed because they could not plug into a source of money that would support a staff member and pay the phone bill.

The Department of Health, Education, and Welfare has indicated some interest in youth programs in recent years. Perhaps the most sophisticated thinking about how to support such programs and make them effective have come out of the National Institute of Mental Health, a component of HEW. For several years NIMH has been discussing the means of developing an effective mechanism for supporting youth programs and providing input by young people into administration of the programs. In fact, some small grants have already been awarded to youth-sponsored youth services by NIMH. I ask unanimous consent to have printed in the Record at this time a memorandum dated March 1972, which outlines a proposal for a permanent NIMH youth grant program.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Proposed Implementation of NIMH Youth Grant Program

At the present time funding sources for youth-initiated activities within the National Institute of Mental Health and other government agencies are not readily accessible. Youth today have developed innovative projects many of which are meeting the needs of youth and families where many of our abundantly funded traditional programs have proven unresponsive and/or inept. This present proposal is an attempt to develop a funding mechanism which is responsive to the needs of youth, as well as a youth grant program, which is an integral part of the Institute's on-going program.

FUNDING PROGRAM FOR YOUTH-INITIATED PROJECTS

I. Plan I—A youth office and youth review committee composed of youth consultants

A. Description: Youth Office Staff/Youth Coordinator

1. The Youth office would be staffed by a Youth Coordinator who would be an NIMH staff member who could work effectively with NIMH staff across Divisions, with the NIMH Intramural Committee on Youth Initiated Activities, and with youth reviewers and youth groups.

2. Three or four youth would work with the Coordinator as hired NIMH staff to develop and maintain an NIMH youth program.

B. Roles of Youth Office Staff and Youth Coordinator

1. Coordinate and consult on youth projects within the Institute

2. Stimulate grants in the area of Youth.

3. Feedback and monitoring of Youth-Initiated Projects

4. Make recommendations concerning whether applications are appropriate for review by the Youth Review Committee

5. Refer (when appropriate) large scale youth-initiated grant applications to Division for review and funding.

C. Description: Youth Review Committee (Ad Hoc)

1. There are six youth reviewers from the Pilot program who would be available for further development of the program. These youth reviewers did an excellent job and have been praised by many NIMH staff members.

2. A year's stability would be provided for the six Youth reviewers to "maintain the direct and continuing involvement of youth in the planning process" (HSMHA Agency Youth Plan—Philosophy of Youth Involvement).

D. Roles of Youth Review Committee (Ad Hoc)

1. The Youth Reviewers would be available as consultants to NIMH staff on any projects involving youth which are being processed through the standing research committees.

2. The Youth Reviewers might review grant applications relating to youth and present a critique to the Review Committee which was assigned the grant application. (See Review Procedure used in the Division of Mental Health Services.)

3. The Youth Reviewers would be available to meet, when appropriate, with Division Directors and Branch Chiefs.

4. The Youth Review Committee members and the NIMH Youth Office would have the criteria for grant applications clearly spelled out. They want each applicant to know that youth will be reviewing the grants and what measuring sticks are used in determining whether a grant is approved or disapproved. By keeping this "transparency" they hope to encourage straight-forward applications with a minimum of rhetoric.

E. Review of Applications: 2 Options

1. Ad Hoc Youth Review Committee:

a. Would review small scale (up to $10,000) grant applications from youth-initiated projects which have components of either of research, service, and training or all three.

b. Would provide speed in processing and funding of youth applications: 90 days from date of submission of a grant application an applicant would receive payment of funds if application was approved.

c. Would provide a simplified grant application.

2. Standing NIMH Review Committees (research, service, and training):

a. Would review large scale grant applications ($10,000-$100,000) from youth-initiated projects which were appropriate for a specific committee to review.

b. Would review applications from youth-initiated projects which have further developed their program through the small scale funding mechanism—the (Ad Hoc) Youth Review Committee.

c. Small scale funding via the contract mechanism has been used successfully by the Section on Youth and Student Affairs to enable Youth Projects to develop their projects further before applying for large scale funding (see Runaway House Contract and Training Grant. As a result of a contract provided to Runaway House, a grant to this organization is now in the process of being awarded.)

d. Would review small scale grant applications which are in a specific program area, i.e., Metro Center may prefer to have some specific grants reviewed by its own standing committee (some program areas may have developed some youth-initiated small scale grant applications to educate their Review Committees).

F. Regional Offices

The HSMHA Youth Agency Plan involves youth staff in working out of the Regional Offices. These youth staff (YPAC) have indicated a willingness to provide regional consultation to youth initiated projects to enable youth groups to apply to the NIMH for grant applications either to the Youth Review Committee or to other Standing Review Committees.

G. Funding

1. The Youth Reviewers (and the operational costs of the Youth Review Committee) could be supported from funds from various Divisions. Chairman grants of Review Committee might be an effective mechanism.

2. The funds to support the youth initiated projects could come from funds earmarked by various Divisions or from a special funding source, i.e., the Director's fund.

3. The funds for those grants reviewed by (Ad Hoc) Youth Review Committee could be administered similar to the Small Grants Programs, i.e., projects may be paid and administered by appropriate program area; other grants paid by funds from (Ad Hoc) Youth Review Committee.

H. Benefits

1. These projects are low cost-high gain.

2. Youth have developed effective service, research and training projects for less than ¼ the price it would cost to have professional services (see contracts—Section on Youth & Student Affairs).

3. Youth initiated projects reach a population that is inadequately served by traditional services.

4. These projects place emphasis on prevention, which is often more beneficial and less costly than focusing strictly on treatment.

FIRST YEAR PLANS OR ALTERNATIVE PLANS

(These plans are based on feedback from different Divisions)

Plan II—Each division could develop its own panel of youth reviewers. These youth reviewers could present and critique youth initiated projects to the Review Committees of the Divisions as was the Procedure in the pilot program of the Division of Mental Health Services.

The Panels of youth interviewers from each Division could work together to coordinate a youth program. The SMHF Section on Youth and Student Affairs could aid this coordinating function and could serve as a resource for competent youth for reviewers and on youth initiated projects.

Plan III—The Youth Reviewers could be based out of one Division and relate to the entire NIMH. The Division of Special Mental Health Programs would be the most appropriate Division for this Program and the Center for Studies of Child and Family Mental Health (SMHF) the most appropriate unit to base the program.

The SMHF is only "coordinating center" in the Institute which has its on-going mandate "to relate to the entire NIMH on matters relating to the development of the Institute's Program for children and families." The Center's Section on Youth and Student Affairs is the only section within NIMH focusing primarily on youth and has been serving a coordinating and youth advocacy role within the Institute for the past three years. (See SMHF Annual Report 1969 and 1970).

Grants Management and Legislative Branch have reviewed the Intramural Committee proposal and have informed the committee that an authority to create a youth grant program already exists in previous legislation. When the operational plan for the youth program proposal is devised, the Intramural Committee would continue its ongoing contact with Grants Management in developing review procedures.

(Dr. Plaut might find it helpful to receive a separate report from Mr. Desmond McLearen, Assistant Chief, Grants and Contracts Management Branch who is an active member of the Intramural Committee.)

Mr. MONDALE. Mr. President, and so today, I am introducing in the Senate the Youth Programs Act of 1972. This bill is designed specially not to create a huge, unwieldy, expensive, and eternal bureaucracy. It will provide small grants—a maximum of $10,000 a year—to be used by crisis services to train employees, monitor the effectiveness of their services, compile and distribute lists of youth-serving agencies in the community, and to pay operating expenses. In other words, the grants will enable services that have proven their value to continue to serve their communities.

The bill provides for operation of the program from a new Office of Youth Affairs in the Office of the Secretary of HEW. Fifty percent of members of the staff of that office must be under 25, and at least half of those must be under 21. It is my hope that this measure will encourage the bureaucracy to listen to and consult young people not only on issues that directly affect them, but on all of the great issues which confront our political system.

Under the legislation I intend to introduce, there would be an incentive to search for even more effective, long-range approaches. The bill would require a study of what elements of the existing services could and should be preserved—and also a thorough consideration of what the approach of the Federal Government should be toward youth services. This study would include recommendations for new legislation and for administrative changes that would make the Government more sensitive to the needs of young people.

I would just like to say that the time limit on funds and the proposed research are not an attempt to dilute the effectiveness of this grant program. Several witnesses at the hearing emphasized that crisis services are delicate institutions that could wither away from the excessive influence of the Federal Government—both by losing their credibility with young people and by becoming lax about maintaining community support.

In closing, Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD together with the following background materials: two articles on hotlines and how they operate, one by Gus Potter, youth services coordinator of the town of North Hempstead, Long Island, N.Y.; and the other by Dale C. Garell of the hotline at Children's Hospital in Los Angeles; excerpts from a recent follow-up study of runaway youth served by "The Bridge" in Minneapolis; and some of the testimony presented at the Subcommittee on Children and Youth's hearing on youth crisis services.

There being no objection, the bill and material were ordered to be printed in the RECORD as follows:

S. 3909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the:

"YOUTH PROGRAMS ACT"

STATEMENT OF FINDINGS

SEC. 2. (a) The Congress hereby finds that—

(1) nearly 1,000,000 young Americans run away from home each year and often become the victims of an unhealthy and criminal environment;

(2) an increasingly large number of young Americans have experimented with drugs and subsequently suffered damaging physical and psychological effects from the use of such drugs;

(3) within the last 10 years the suicide rate for young American males between 10 and 19 years of age has tripled, and within the last 5 years the suicide rate for young American females between 10 and 19 years of age has increased 200 percent; and

(4) an increasing social and cultural change together with geographical and social mobility has contributed to the alienation of many young Americans from society and established institutions, leading them to create their own institutions.

(b) It is therefore the purpose of this Act to provide youth services grants and to establish in the Department of Health, Education, and Welfare an Office of Youth Programs.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. In order to carry out the provisions of this Act, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.

ESTABLISHMENT OF THE OFFICE OF YOUTH PROGRAMS

SEC. 4. (a) There is established in the Department of Health, Education, and Welfare the Office of Youth Programs. The Office shall be headed by a Director who shall be appointed by the Secretary within 90 days of enactment of this Act; and shall perform such duties as are delegated to him by the Secretary.

(b) To the extent practicable, the Secretary shall employ personnel in the Office so that at least 50 percent of such personnel are individuals who have not attained 25 years of age and at least one-half of such per centum are individuals who have not attained 21 years of age.

(c) The Secretary shall carry out the provisions of this Act through the Office of Youth Programs.

GRANTS AUTHORIZED

SEC. 5. (a) The Secretary is authorized to make grants to pay the Federal share of the cost of youth service projects conducted by nonprofit private organizations, particularly organizations engaged in furnishing emergency telephone counseling, general counseling, medical service, and services for runaways.

(b) Grants under this section may be used for—

(1) training volunteers and for providing compensation for workers in such projects;

(2) monitoring the effectiveness of the services provided by such organizations;

(3) compiling, improving, and distributing lists of youth organizations within appropriate geographic areas, and

(4) operating expenses for such organizations.

(c) (1) No grant may be made under this section except upon application made therefor in accordance with regulations prescribed by the Secretary.

(2) No grant may be made under this section to any individual organization or project in an amount in excess of $10,000 in any fiscal year.

(d) (1) The Secretary shall pay to each applicant which has an application approved under section 5 an amount equal to the Federal share of the cost of the application. The Federal share for each fiscal year shall not exceed 75 percent of the cost of such application, except that for applications from organziations located in areas of high concentration of poor people, pursuant to regulations established by the Secretary, the Federal share may be increased to an amount not to exceed 90 percent of the cost of such application.

(2) Payments under this section to any nonprofit organization may be made in installments, and in advance, or by way of reimbursement, and with necessary adjustments on account of underpayments or overpayments.

(e) The Secretary is authorized to establish whatever procedures he determines necessary to assure that whenever possible, applications under this section will be processed to completion within a period not to exceed 90 days from the date on which any such application is received.

THE NATIONAL CLEARINGHOUSE ON YOUTH SERVICES

Sec. 6 (a) The Secretary is authorized to establish and operate a National Clearinghouse on Youth Services which call—

(1) collect, analyze, and disseminate research materials relating to the services assisted under the provisions of this Act with particular emphasis upon such materials as are developed by nonprofit organizations receiving financial assistance under this Act;

(2) conduct a thorough evaluation of the programs assisted pursuant to section 5 of this Act; and

(3) develop recommendations for a long-term approach, by the Federal Government, to the problems of young Americans.

(b) The Secretary, through the National Clearinghouse on Youth Services, may carry out the functions under this section directly, or by way of contract, grant, or other arrangement.

YOUTH ADVISORY BOARD

Sec. 7. (a) There shall be established a Youth Advisory Board within 90 days of enactment of this Act. The Board shall consist of fifteen members, at least fifty percent of whom are individuals who have not attained twenty-five years of age and at least one-half of such percentum who have not attained twenty-one years of age. The Board shall be appointed by the director of the Office of Youth Programs after consultation with youth who have experience in youth programs, either as providers or as recipients of such services. The Board shall—

(A) Assist in the establishment of priorities for the award of grants under this Act.

(B) Recommend general policies for, and review the conduct of, the Office.

(C) Advise the Director of the Office on development of programs to be carried out by the Office.

(D) Conduct such studies as may be necessary to fulfill its functions under this Section.

(E) Prepare an annual report to the Secretary on the current status and needs of youth programs in the United States.

(F) Submit an annual report to the Congress on the activities of the Office, and on youth programs in the United States.

(G) Meet at the call of the chairman, except that it shall meet (i) at least four times during each fiscal year, or (i) whenever one-third of the members request in writing that a meeting be held.

REPORT

Sec. 8. The Secretary is authorized and directed to prepare and furnish to the President and the Congress not later than July 1, 1975, a report on his activities under this Act, together with an evaluation of financial assistance provided under this Act and recommendations, for long-term solutions to the problems of young Americans.

DEFINITIONS

Sec. 9. As used in this Act, the term—

(1) "nonprofit private organization" means any organization, including unincorporated associations of individuals which the Secretary determines is capable of carrying out a program to be assisted under this Act;

(2) "Secretary" means the Secretary of Health, Education, and Welfare; and

(3) "young American" means any individual who has attained 10 years of age but not 26 years of age.

[From the Federal Probation, December 1971]

"HOTLINE" FOR TROUBLED YOUTH

(By Gus Potter)

Hotlines started so that human beings of all ages could find each other in the darkness of loneliness and despair. A widening emotional communication gap between adults and youth and each other is strangling traditional services that adults have historically and sociologically delivered to young people. Though youth are more beset by increasingly complex challenges, no longer do the troubled youth openly seek the traditional advice and guidance of their parents, ministers, teachers, or the corner policeman as the "wise elders."

"Hotline" is a magic word, ranging from the high level diplomatic circuits between Washington and Moscow to anything that smacks of "instant solution," such as the 1970–1971 ABC–TV series called "Matt Lincoln," starring Vince Edwards. Hotlines have sprung from many sources that have met together in the past few years at the confluence of the youthful counter-culture, the alienation between generations, and the "mod" psychological notion that phones are "cure-alls." The grandfather of all Hotlines is the suicide prevention service, and much of Hotline's technique stems from suicide phones technique. As the drug crisis spread across the country in the mid-1960's, the same urgency for nonthreatening phone response to drug emergencies arose to share the spotlight with suicide services.

The Hotline approach to general youth and drug problems was popularized across the Nation as a result of the original 10-week pilot project sponsored at the Los Angeles Children's Hospital where psychologist Jerry Bissiri and Dr. Dale C. Garrell, director of the hospital's adolescent medicine division, teamed in April 1968. Some 10,000 calls-a-year later, the service operates solely for youth counseling on a seven-night-a-week basis, from 6 p.m. to 12 midnight and 2 a.m. on weekend nights. Their service spread the word locally with wallet-size announcement cards distributed in four area high schools, and the news of Hotline spread quickly by word of mouth. Originally funded by a foundation grant, the project was later funded by Los Angeles County. Serving as the basic model of a Hotline service for youth, the Los Angeles staff has hosted the first two international gatherings, starting in 1970, of Hotline gatherings, starting in 1970, of Hotline workers, and has helped countless hundreds of similar services to organize.

Many similar services exist in religious and charitable organizations, such as "telephone ministries" and "FISH" groups, where help is arranged for a broad spectrum of needs through contact with phone and action volunteer staffs. One of the largest such services is "HELPLINE" sponsored originally by Dr. Norman Vincent Peale's Marble Collegiate Church in New York City and now run by the Religion and Psychiatry Association. The service works with all age and ethnic groups and gets 1,300 to 1,500 calls a week. Some 750 services are now listed in the National Hotline Directory, with new ones springing up in every community in the United States and Canada, as well as all the major foreign metropolises where London, especially, has been a pioneering leader.

THE NORTH HEMPSTEAD HOTLINE

In late February of 1970, four clergymen and youth workers on the now-mellowed Gold Coast of Nassau County, out on Long Island, New York, formed a telephone counseling service for youth, known as "Hotline," centered in the Manhasset area. It would become an emergency service resource for youth in time of a personal crisis by bringing an understanding, objective, and informed listener as close as the nearest telephone.

On Long Island, the first "broad scope" Hotline started with one phone and received three calls on its first night. The phones are located in the Sunday School office of the local Episcopal Church whose rector, the Reverend Frank Johnston, was one of the Hotline founders. By the end of 1970, after 133 nights on the phones, 2,144 calls had been answered, of which 1607 were "substantive." The year ended with four phones, some 25 listeners—mostly youth—and a corps of concerned professional adults and youth as referral consultants.

The Long Island service in Manhasset, now sponsored by the youth services program of the Town of North Hempstead and its young, active Town Supervisor Michael J. Tully, Jr., is only one of 25 similar Hotlines on the Island ranging from the L.S.D. Rescue Service in Brooklyn to the Hotline in Riverhead, way out in Suffolk County at the Headquarters of beautiful Peconic Bay.

DIFFERENCES ABOUND IN SERVICES

All across the United States and Canada "street people" and "straight people" have opened nontraditional facilities and services such as walk-in clinics, free clinics, crisis intervention centers, runaway houses, switchboards, and many more. A Hotline service, strictly speaking, is usually only a phone operation, and many Hotlines around the country consist of phones located in semisecret spots. Many of the other services include a Hotline phone as an integral part of a total operation. Between all these different types, a loose network of information coordination has formed, based on the similarity of phone operations.

Each Hotline is different in philosophy, schedule, operation, staff interests, needs of the local area, and the kinds of problems dealt with. Most Hotlines deal solely with youth, but some specialize in youth talking to adults, such as in Fairfield, California, or for parent-to-parent lines, such as in Broomall, Pennsylvania. Some Hotlines operate 24 hours a day, usually in the urban centers or where Hotlines are part of a large hospital or mental health center, or in the nontraditional and even antiestablishment centers. Many services operate only at night time, some only on the weekend "peak activity" periods, and a few only in the daytime hours.

Some Hotlines have a central office, but many are located in individual homes where a "call diverter" automatically switches calls to a selected home each night, such as in Northport, Long Island, where the Narcotics Guidance Council has served key experienced drug workers manning phones 24 hours a day. Many of the Hotlines use telephone answering services to receive messages when the Hotline is "off-duty," but many others use a message-giving tape announcer listing other 24-hour-a-day services to call instead.

Many of the Hotlines are run by street people, such as "HELP" in Philadelphia, where peer staff members receive a thousand calls a week from youth too alienated to take their problems to professional agencies. On the other hand, one quarter of the 200 Narcotics Guidance Councils run by municipalities in New York State have "drug Hotlines" and another 50 percent are planning them. In between both extremes are the Hotlines similar to Los Angeles, run by a large hospital, or by the Manhasset line, run out of a small church in rich suburbia.

OPERATIONS AND FINANCES

Every conceivable kind of Hotline exists, and many have already folded because of lack of money, commmunity apathy, or failure of youth to appreciate or respond. Many such services should have folded, many not. Some still operating have severe money problems and scrape along on donations for phone bills. Some have grants and tax support. Some operate on widely varying schedules, as described above, partly because of limited funds or limited staff, or both. Most Hotlines are community sponsored without government ties, either by civic or religious associations and some simply a private group of people. Many appear to be located in churches or storefront centers, some in private homes or in business complexes. In many urban areas or where large numbers of "street people" congregate, the Hotline is usually located in an old frame house or storefront clinic. Many of these street operations receive little funding and staff operation is run like a commune and living coop.

A Hotline service usually consists of two or more phones and a reserved outgoing line. Most Hotline numbers have catchy numbers, such as Los Angeles' 666–1015, or Manhasset, 627–5005; many translate their number into catchy words, like H-O-T-L-I-N-E (468–5463) or partly, like 482–HELP.

All Hotlines have special resource lists of community people particularly noteworthy or available to alienated youth seeking immediate help. Such empathetic resources receive referred troubled callers. Some Hotline services are little more than referral stations, while many (such as Los Angeles and Manhasset) do few referrals, concentrating on direct over-the-phone counseling for the vast majority of their calls. Referral is usually an automatic procedure for certain calls, such as abortion references or a means of last resort when the caller so obviously needs specialized reference or help from a particular consultant.

CRISIS PHILOSOPHY

In a special article in the November 1970 issue of *Delinquency Prevention Report* (U.S. Department of Health, Education, and Welfare), Los Angeles Hotline pioneer Dr. Gerald R. Bissiri describes some of the psychological factors affecting the Hotline Approach.

"The major crisis intervention model used in Hotline follows closely the precepts of General Systems Theory in the style of Gerald Caplan in his considerations of preventive psychiatry. Within his framework, a crisis is viewed as an upset or disequilibrium in an individual's efforts to organize experience so that it is reasonably predictable and need-fulfilling.

"A crisis is experienced when one is faced with a problematic situation which, for the moment at least, appears both insolvable and inescapable; insolvable in the light of perceived limitations in coping resources; inescapable insofar as important needs are at stake. The usual situation is one in which needs conflict—the satisfaction of one precluding the satisfaction of the other.

"Inevitably crisis will be resolved in one way or another, if only to eliminate the unpleasant accompaniments of being off-balance: tension, anxiety, cognitive disorientation increase the longer the resolution is delayed. The manner in which a crisis is resolved is considered crucial for ongoing adjustment. It can represent a significant gain in adaptability—in mental health—by virtue of an enhancement of the individual's problem-solving resources. In this case, the person emerges from the crisis a more effective human being.

"On the other hand, the outcome of a crisis resolution could mean the addition of maladaptive coping styles, i.e., patterns of response which, in effect, represent a lesser capacity to deal with novel experiences and thus an increased vulnerability to breakdown in the future. This would be the case, for example, if one has chosen to avoid the problem or to manipulate reality in fantasy or to escape reality pressures through alienation or drugs.

"The forces brought to bear on the decision-making processes determining the choice of strategy for crisis-resolution include a variety of predispositions which the individual brings to the event. These include his background of coping experiences, his current ego strength, special meanings associated with the current problem situation and previous experience. In fact it is assumed that as the crisis intensifies, the crisis-bearer will be increasingly prone to turn to others for assistance. It is further assumed that to the extent the intervention (outside assistant) is well-timed—that is, geared to the individual's reaching-out—optimal benefit is approached and effort minimized.

"It is assumed that through the very act of clarifying such a crisis, the Hotline listener and the crisis caller, working together, can "work through the problem" to achievement. Coping strategies become apparent as one approaches a total understanding of the problem situations. Such understanding obviously requires an atmosphere of honest self-disclosure and a mutuality of intent on the part of the parties involved that carries no signs of prejudgment.

"Major aspects of the Hotline philosophy include the following concepts:

"1. Immediate availability so that assistance is timed to the "reaching-out."

"2. An open door policy meant to serve people with problems rather than problems with people attached.

"3. The recognition of the need for help rests with the adolescent himself rather than being the inspiration of others, the latter often the fuel for resistance.

"4. Respect for the anonymity of the caller so that he's free to test out doubts about himself with immunity as well as the trustworthiness of the listener, and

"5. An approach reinforcing notions of strength in the individual rather than weakness of dependency, by mobilizing the caller's resources toward effective problem solving."

Much Hotline philosophy derives from the empathetic nonjudgmental approach championed by Dr. Carl Rogers, author of *On Becoming a Person* and *Encounter Groups*, who addressed the 1971 Hotline conference in Monterey, California. Dr. Rogers said, "Listening rightly done, is the most significant thing you can do for a person. To the caller, the empathetic nondirective therapy means you, the listener, really care. This is something you can't fake. It's a willingness to stand in his shoes, to understand deeply what he means, without a trace of judgment. This is very rare for a young person to experience. A caring relationship is formed and the caller's self-respect is increased.

HOTLINE IS A SOCIAL PHILOSOPHY

As a loosely strung network of wholly autonomous services, the various Hotlines rarely see themselves as a new social force in their communities. Hotlines have been urged at their areawide gatherings to exert pressure on the traditional social agencies to "de-bureaucratize" themselves or Hotlines would refer their callers only to those persons or services that do. Many Hotlines select only sources on criteria bordering on radical or "freak" standards, where waiting lists are shunned, where traditional approaches are avoided, and where availability was immediate, even in the dead of a winter's weekend night.

Because of the thoroughly nonjudgmental and nondirective psychological approach, many Hotlines avoid judgmental associations such as with police, government agencies, public hospitals, or mental health clinics. The moralizing is minimal and the need for response to emotional needs at the moment is paramount.

Many Hotlines exist for drug education, drug emergencies, or even, as on the upper west side of Manhattan in New York, for locating drug pushers. Such lines are aware of their limited appeal in advance due to their very nature. Hotline should not be a "straight world's" bridge to alienated youth, because the news will spread by word-of-mouth if unfeeling or judgmental adults are manning the phones.

One of the more controversial philosophical aspects of Hotline has been the manning of such services by "amateurs" and paraprofessionals in the counseling sphere, where professionals naturally (and rightly) see many limitations and pitfalls. Hotline staff veterans say this is the risk necessary to reach youth and the street scene today, that such alienation and lack of constructive identity-development cannot be helped by the vast professional network and that such youth are driven even further away by professional approaches. The recent AMA convention in Atlantic City in June 1971 erupted over charges that doctors today have generally contributed to youthful rejection of medical services.

A Hotline can guarantee one protection that no other face-to-face service can offer. The telephone itself is a surrogate "confessional booth," leading paranoid and scared youth to its use, instead of the more threatening frontal approach for help. Such frontal approaches conjure up instant prejudgment, unless carefully prepared in advance.

SOME OPERATING POLICIES

Policies of operations vary widely, but some underlying principles exist in most phone services where no other side operations are involved. These include:

(1) Identity of the phone location is secret, keeping potentially disturbed persons from coming to the scene.

(2) No tracing, taping of calls, or no attempts at identification are possible or permitted. No taping even for training and evaluation purposes is allowed.

(3) No medical or legal advice from nonprofessionals.

(4) No arrangement or referral for illegal or immoral purposes, though laws in such grey zones as abortion and drug emergencies are untested in legal challenges.

(5) No face-to-face contact later between caller and listener.

(6) No telling the caller what to do. They won't learn to resolve their own crises; and if the instructions are wrong, they might do more psychological harm than good.

(7) At least two staff members on duty, able to back up each other, with one older staff member mature and cool under pressure.

(8) No drug involvement while on duty; no advocacy of drugs or drug techniques while talking on the phone; no description of the listener's personal drug involvement just to win the caller's trust or confidence. Exceptions in case of tripping or crashing emergencies.

(9) Staff may give only their first names, real or concocted, if they feel it necessary; but no other personal data.

STAFFING, SELECTION, AND TRAINING

The greatest problem is in selecting appropriate staff to man the lines. Manhasset's Hotline does not seek or accept volunteers, but instead selects only personally known candidates. Unknown volunteers are politely thanked for their interest and told firmly that no volunteers are accepted. As a result, staff selection is a very personalized procedure between the coordinator, or certain veteran staff members, and a wide circle of acquaintances through previous youth groups or activities. The required team of 25 staff volunteers is usually full, even for the heavy summer months. In general, parents and adults with no "street experience" are categorically avoided because of the near impossibility of untraining them from their preformed judgmental attitudes toward youth. Many other Hotlines must rely on the volunteer selection process since their immediate circle of concerned friends is too limited, or the task too broad, or the area to cover quite immense. These Hotlines must then add an initial psychological screening scheme, like the suicide line in Nassau County, "LIFELINE," where an advance psychological training course of 10 weeks tries to weed out undesirable candidates.

Staffs usually range from midteens to the sixties, depending on the local philosophy of whether callers, youth and/or adults, want to talk to youth or adults. Staff selection includes both sexes, since many callers choose to make the distinction to whom they wish to speak. Manhasset's four listeners each night usually consist of three males and one female. Membership involvement on the Hotline staff is not publicly announced and staff may not disclose their involvement, since many of them are from high schools which provide the most callers, such as Schreiber High School in Port Washington. Of the four on duty, three are youth or college age, and one, called the team supporter, is a professional, usually a clergyman, social worker, youth director, nurse, graduate student, *New York Times* reporter, or personnel director, all of whom qualify as knowledgeable of the "street scene" and whose credentials of trust with alienated youth have been proved before coming on the lines.

Many institutionalized Hotlines, sponsored by hospitals or mental health clinics, must use paid staffs made up largely of nonjudgmental graduate students, in order to man a round-the-clock operation. The pay at Los Angeles Hotline, for example, is $2.50 an hour. Salaries for staff listeners are usually based on such needs as the requirement for professional standards and full-time schedule where volunteer variables are not acceptable.

Many Hotlines use a 3- or 4-hour shift. The nighttime-only Hotline might keep the same staff for the whole shift (from, say, 6 p.m. to 2 a.m.) or split the shift in half.

The first question in public meetings about Hotlines is "what training do Hotline listeners have," as if training was a panacea for dealing with the caller's problems. This is a misleading question that requires the retort that Hotline listeners must have inherent capabilities that no amount of training could provide or inspire. The training process for such staff is then really orientation toward phone techniques, phone referrals, phone psychology, and other procedural matters. The real "training" must be done with preoriented people. After the initial orientation phases, the bulk of ongoing training usually deals in staff awareness through role-playing, demonstration, case analysis, problem call evaluation, and staff encounter or awareness training. Here is where an experienced and knowledgeable psychologist can be a major service as a consultant during this orientation and ongoing training program for the staff.

The Manhasset staff and training procedure includes several steps:

(1) Evaluate selection of candidates.

(2) Two 2-hour orientation meetings to discuss phone techniques, staff responsibilities, philosophy, phone procedures, call records, referrals and emergency procedures.

(3) Short "encounter" (5 to 10 minutes) at the monthly staff meeting between the candidate and the assembled staff.

(4) A 3-month probation period working on the phones with "buddies" and a team supervisor, mutually evaluating the progress.

(5) A final short "encounter" after the 3 months at the next staff meeting, with a final acceptance determined then.

(6) Monthly 2-hour staff meetings with outside consultants analyzing call handling, problem calls, situations, and referred techniques.

(7) When a listener starts to slip, either a repeat probation period, or a firm release from the lines.

Staff supervision rests with the coordinator who must combine the needs for a mutual cooperative spirit among the staff with a firm and gentle authoritarianism in dealing with the vibrant and unique personalities that each listener presents. This is hard to do in a Hotline owned and operated by a Town Government, and is especially difficult in a real mutual cooperative where personalities and power struggles are natural partners.

A rapidly growing feature of the services is the "burnt-out" staff phenomenon noticed at the recent Monterey conference in May 1971. Some staff have been working (for little or no pay to afford vacations) for months or years without respite, losing their original dedication for the pressing onslaught of tragedy, dilemma, and confusion constantly approaching them on the phones. Hotline staff planners must be awake to the trend of listeners getting bored or stale after a few months or a couple of years.

REFERRALS AND CONSULTANTS

Behind the phone listener is a group of selected referral consultants, such as doctors, lawyers, or psychologists, who have agreed to accept referred calls dealing with specialized problems such as pregnancy inquiries, legal aid needs, and many more. These consultants have usually proved themselves socially aware of the needs of alienated youth, and are available at the Hotline and may give reduced or free services to such callers. Otherwise, agency or institution referrals are just "routine referrals," where Hotline may give out the agency phone number without followup or where Hotline can actually arrange an appointment or followthrough with confirmations.

ALL TYPES OF CALLERS

Each Hotline has its own statistical record and no attempt is now planned to correlate these nationally or locally. According to mutual understanding at various conferences, girl callers predominate over boys between 2 to 1 and 5 to 1. This may reflect the greater ability of girls to relate their emotional needs, albeit less specifically than boys, and are thus more likely to use a phone counseling service. On the other hand, the specificity of a boy's problem may be dealt with openly between friends, or repressed without any desire to relate.

Not every Hotline call is "real" or "substantive." Gag or goof callers range from 5 percent to 25 percent in some areas, with a large number of "hangups" when the phone is answered. The Manhasset line finds that 75 percent of its calls are "substantive," with girl callers at 70 percent. The average caller's age, based on a 60 percent sampling, is 16.2 years; and the average length of the call ranges about 20.5 minutes. Many of the callers, mostly girls, are "repeaters" or "chronic callers," seeking consistent companionship through periods of depression or loneliness.

A smaller percentage of calls than most people realize come from drug problems, though many calls dealing with other prime subjects have peripheral involvement with drugs. Usually 10 to 20 percent of the Hotline calls deal directly with drug use and drug emergencies, such as tripping, crashing, or overdosing. Drug Hotlines, of course, have a higher percentage because of their special image and service nature.

Call frequency varies in cycles. In 1970, in Manhasset, the heaviest night was Saturday (24.3 calls night) over Friday (20.4 calls), but the trend is reversing with Friday leading the way. The single busiest hour is between 10 and 11 p.m. on Saturday nights.

The vast majority of calls deal with social peer-level problems, family disputes or hangups, drug emergencies, drug involvement, psychological problems, loneliness, pregnancy or abortion questions, drinking alcohol, smoking tobacco, runaway counseling, school and community problems, draft and political matters, V.D. tests, inter-Hotline referrals, and a rising degree of suicidal callers. Many other types of Hotlines, especially in urban centers, deal with runaways, need or intercity travel and rides, places to house overnight, and urgent medical attention. Many neophyte Hotlines find their original glamorous predictions of "action on the phones" melting under the feet when the phones don't ring for a couple hours, or when gag callers from a party somewhere "bug" our listeners, or several "hangups" come in a row. Many Hotline listeners find such "action," and the danger of being judgmental to weak callers two of their most frustrating staff problems.

On the basis of limited sampling, the most important methods of advertising for Hotline is "word-of-mouth" through friends, posters, wallet-sized cards distributed through schools, or AM/FM rock music station announcements. The telephone operator, or a listing in the phone book, is important for travellers. But adult-oriented news stories and other traditional approaches have little effect with the youth.

FORMING NEW SERVICES

Communities forming new Hotlines or crisis centers have many pitfalls to avoid before undertaking their service. The most serious danger is that the service is being planned by "do-gooders" who have no street experience or relationship with alienated youth. Organizations planning to open up drug Hotlines whose staff of planners have seldom been emotionally involved with heavy drug-users, may find their Hotline expenditures a colossal white elephant and a sad target of sick humor from drug-abusers. The second most serious pitfall is the selection of a capable and empathetic staff, described above. Most of the remaining decisions must be based on real, not imaginary, needs of the alienated potential clientele, though very few community adult groups seem to understand what those needs are these days. Hiring an experienced and successful group from another area to come into the local community to consult may be the wisest, in the long run.

COMMUNICATION AND INFORMATION NETWORKS

After the 1970 Los Angeles conference, delegates asked the crisis center in Minneapolis to undertake a limited international information network. Since then, additional regional networks have sprung up, sometimes overlapping, sometimes in fits and starts.

The national information network is headed by Ken Beitler, director of the Youth Emergency Service, 1423 Washington Avenue South, Minneapolis, Minnesota 55404. They publish a national Hotline directory (contribution of $2) and a periodical information newsletter, the *Exchange* (contribution $3). They have limited ability to advise on setting up new services and publish a small outline on starting new Hotlines.

In addition, the Los Angeles Hotline under former administrator Myldred Jones, now coordinating the Western Hotline region, has hosted the first two international conferences in 1970 and 1971 at Los Angeles and Monterey, California. In addition, the Western Hotline region has held two regional workshops. The busiest activity east of the Rockies comes from the East Coast, where simultaneous conferences were held on April 3, 1971, in Amherst, Massachusetts, and port, Connecticut. Since then, the Amherst planning meeting resulted in a conference at College Park, Maryland, in June 1971. Coordinating Northeastern United States and Eastern Canada information is the Manhasset Hotline, 1355 Northern Boulevard, Manhasset, New York 11030. Coordinating New England efforts and crisis services is "Project Place," 37 Rutland Street, Boston, Massachusetts. Both the Manhasset and Boston services publish newsletters.

NATIONAL STANDARDIZATION TRY

Efforts of groups at the recent Monterey conference to form a set of nationwide standards and certification committees were vigorously turned down, mainly because of the autonomous nature of individual Hotlines which outweigh the natural tendency to make the Hotline network a national bureaucracy despite the many rampant local divergencies of philosophy and procedure. Also, the conference participants felt the most urgent need was expansion of the limited information network so that the work of success and other activities could be spread further. There was also no hope of many to adequately control such bureaucracy, and a desire to avoid a national office as long as possible.

Because of the many attempts at groundswell coordination, and partly to avoid the "empire-building" attempts of some Hotline "freaks" and power-playing fanatics, individual Hotlines have been cautioned to avoid universal entanglements, political or financial, that jeopardize the primary import of phone listening, though a nationwide mutual coordinating network, for runaway counseling and cross-country travelling clientele is a very useful service.

The Hotline technique is diffused into so many other overlapping systems such as free clinics, runaway houses, drug centers, and crisis services, many of which have their own nationwide coordinating system. In the foreseeable future those Hotline and crisis staff members who want to maintain an even keel, until a suitable nonthreatening nationwide service structure can be built with or without federal funds, should avoid the natural tendency to create regional, area, or national groups in multiplicity or duplication, which may be largely fronts for ego-trips or mutual staff sensitization, relishing the new found power in the "street community" that Hotline or crisis center participation gives to its staff members.

The San Francisco Project: A Critique

(By William P. Adams, Paul M. Chandler, and M. G. Neithercutt, D. Crim)

It has not been established that the rise in reported crime reflects basic changes in American people. It is apparent, however, that seldom in the history of our country has such a majority of law-abiding citizens been so acutely aware of crime and so concerned with its remediation. It is a concern that embraces our political system, increasing our interest in the effectiveness of crime control approaches. In view of heightened public concern, research in probation and parole can no longer be regarded as a luxury; it is essential to improve program effectiveness and to increase public confidence in these processes.

Research is costly and funds for research in probation and parole have been limited. It is important, therefore, that we make our research investments wisely. In 1964 a major research effort, the *San Francisco Project*[1] was undertaken. Because the final project reporter revealed methodological uncertainties and equivocal results, a critique might reveal some valuable lessons for guidance in future research investments.

On June 1, 1964, the National Institute of Mental Health awarded a $275,000 grant to the School of Criminology, University of California, Berkeley, for research in probation and parole. Funded for four years, the project began September 1, 1964. As then conceived, the main goals of the project were:

1. Develop discriminating criteria for the classification of federal offenders.

2. Study the effects of varied intensities and types of supervision and caseload sizes.

[From Children, September–October 1969]

A Hotline Telephone Service for Young People in Crisis

(By Dale C. Garell)

One of the major reasons that young people today find themselves alienated from what they call the "establishment" of the "system" may be the increasingly wide gap between them and the helping agencies. Long waiting periods, unavailability of service when needed, the categorizing of persons by their complaints, and the fragmentation of services make it difficult for many adolescents to use the services that do exist for them. Added to these deterrents to the use of service are young people's characteristic reluctance to regard themselves as problems, their unwillingness to wait for help if it is not immediately available when crises arise, and their general lack of knowledge about existing services.

In an effort to help young people break through these obstacles to securing help when they need it, the Childrens Hospital at Los Angeles is providing an emergency telepone service for adolescents and young adults under 25. Called the Hotline, the service was established in April 1968 as a resource for helping young people in a time or crisis by making an understanding, objective, and informed listener as close as the nearest telephone. Over 7,000 telephone calls were received from young people during the service's first year.

When the Hotline was first proposed, several questions arose. Would young people use the service? What types of problems would they present? Could all the phone calls be answered? Who should answer the phones? How would the telephone answerer be trained for the task? What about followup, community resources, and funding? Through a series of meetings with representatives of other services in the community, the hospital established an advisory board to consider these questions. This committee still meets monthly to discuss policy issues and program needs.

Support for the program was obtained from the California Department of Health, the Rosenberg Foundation, and private donations. To man the telephones, persons were sought who could communicate easily with young people in an open and sensitive way, who were not easily put on the defensive, and who were not authoritarian or judgmental in their responses. Each applicant was interviewed independently by two professional members of the advisory board.

When the staff was selected and the service was ready for operation, four young people, with approval of the school authorities, distributed 10,000 cards calling attention to the Hotline to young people on the campuses of four local high schools. A local newspaper also carried a notice of the program.

The service operates every night of the week, including Sunday. The usual hours are from 6 p.m. to 12 midnight, but on Friday and Saturday nights the hours are extended until 2 a.m. At all times during the service hours, three staff members are on duty to answer calls on four incoming lines, which are linked to a rotary mechanism. The switchboard is also equipped to permit an incoming call to be transferred to consultants available in mental health, medicine, probation, religion, community resources, or law. In this way, a three-way conversation (or "patch-in") is possible when indicated by either an emergency situation or a staff member's wish to consult a specialist. The telephone numbers of several consultants in various fields of service are kept in the Hotline office, as well as the numbers of community agencies that serve as resources.

In addition, the clinic employs an answering service that takes messages from young people when they call outside regular hours. These calls are referred to members of the clinic staff during the day or members of the Hotline staff when they come on duty, and, if the situation seems urgent, a worker contacts the caller. Thus, 24-hour coverage is achieved.

The staff consists of 30 young persons, most of them in their 20's, who have various types of background. A number of them are graduate students in medicine, social work, or psychology. Working in teams of three persons per shift, they are paid $15 each for 6 hours of work. All staff members receive some preliminary training as well as training on the job. Before beginning work, each staff member attends two formal 3-hour sessions. Subjects discussed in these sessions include the youth culture, the drug and hippie scene, venereal disease, laws relating to juveniles, and community resources for providing help. The new staff members are helped to understand general principles of interviewing and of crisis intervention through role-playing and answering simulated telephone calls.

Training is a continuous process. All staff members attend regular meetings with the program's supervisors to learn techniques of dealing with callers, review the principles of the service, and discuss actual calls that raise questions or that exemplify problems for the staff. In addition, the training supervisors make periodic visits to staff members on duty to provide individual consultation.

At all times the caller's desire for anonymity is respected. He is not asked to give any information about himself. However, callers frequently describe themselves voluntarily in presenting their problems. The staff's approach to assisting callers is based upon a number of assumptions:

1. Those who call the service do so because they face some conflict or uncertainty that they have not yet been able to resolve on their own.

2. Effective resolutions of problems can only evolve out of the context of the individual's own experience.

3. Persons with problems benefit little, if at all, from direct advice, readymade solutions, or any kind of action that displaces responsibility.

4. Unconditional concern and respect for the caller, effectively communicated to him, are prerequisites for constructive interaction between the staff member and the caller.

A directory of community agencies—hospital, police, public health, and mental health—is kept on hand in the Hotline room at the hospital to help the staff refer the caller to the best place for securing the kind of help he needs. A catalogue of resource material, including information about frequent problems among teenagers and current fads in teenage language, is also kept there. Information on every call is recorded; all completed data forms are kept on file in sequence, and a separate file is kept for frequent callers.

CALLERS AND PROBLEMS

The data obtained from each call are coded and fed to a computer through the facilities of the Youth Study Center of the University of Southern California. We have recognized from the start that our attempts at evaluation will be limited by the anonymity of the callers, the program's emphasis on service rather than research, and the problems encountered in getting such a program underway. Therefore, in analyzing the results of our first 3 months of operation, we addressed ourselves to two basic questions: Would adolescents use an emergency telephone service? What kinds of problems would they present?

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[1] Joseph V. Lohman, G. Albert Wahl and Robert M. Carter. *The San Francisco Project*. Berkeley: University of California, April 1965.

The answer to the first question was a decided "yes." During its first 3 months of operation, the service received 1,071 calls from 872 persons—an average of 19 calls a day. The busiest times were on weekends when the average was 25 calls a day. The calls lasted from 1 minute to 3½ hours. The average duration was 20 minutes, but the most frequent duration was about 10 minutes.

No information is routinely requested during the Hotline calls. However, a great deal of data is frequently volunteered. Of the first 872 callers, 516 gave their age. They ranged in age from 13 to 35 years, but most of them were between the ages of 13 and 20. The average age was slightly over 17. It was 16.8 for females and 17.7 for males. There were nearly twice as many females as males—a ratio of 1.7 to 1.

In regard to our second question, the analysis showed that the callers had presented 31 different kinds of problems or requests. The most frequent by far were problems related to boy-girl relations (nearly 21 percent of the problems mentioned) and problems related to parental conflict (nearly 19 percent of all). Other problems frequently brought up by the callers related to drug use (nearly 7 percent of all), school (nearly 5 percent), social isolation (over 3 percent), social inhibition (3 percent), and pregnancy (3 percent). A scattering of miscellaneous problems comprised 27 percent of the problems or requests recorded.

Many of the calls were concerned with information only—about the Hotline itself (nearly 6 percent of the "problems" recorded) and with other types of information (over 3 percent). Some of the problems brought up by the callers were "put-ons" (3 percent).

The following brief illustrations show some of the specific problems that prompted young people to use the Hotline:

A 17-year-old youngster who had shot heroin and missed a vein was in a panic as to what to do. Through the "patch-in" service, he was able to talk directly to a physician, who assured him that he was not in immediate danger.

A 14-year-old girl who had run away from home wanted to know the legal implications of her action. Through the "patch-in," she was put in contact with a juvenile public defender who gave her the information she sought and discussed various alternatives with her.

A 19-year-old girl called in a panic because she thought she might be pregnant. Frantic at the prospect, she was alternately contemplating marriage, suicide, or abortion. She was referred to a local public health agency for a medical examination and pregnancy test. Later she called back to say that the examination had revealed that she was not pregnant.

A 14-year-old boy and his mother called in together on extension phones asking the Hotline operator to mediate a heated argument. After some discussion, they saw how ineffective it was for them to be talking to each other by phone from separate rooms when they could be talking out their differences face to face.

In instances of acute medical emergencies when the life of the caller may be at stake, as in contemplated or attempted suicide, efforts are made to find out the location of the called and to intercede.

CONCLUSIONS AND QUESTIONS

On the basis of our first year's operation of the Hotline, two facts stand out clearly:

1. Adolescents will use the emergency telephone service to discuss their personal problems in detail. We suspect that the main reasons why they do so is because of the anonymity it allows them and because the service is available to them immediately when a crisis occurs in their lives. The fact that the service is located in a hospital may also appeal to young people in trouble because of the objectivity, neutrality, and confidentiality traditionally associated with medical services. Another reason for the frequent use of the service may be that most social agencies that help people with interpersonal and social problems do not provide service in the evening or on weekends.

2. The types of problems for which adolescents use an emergency telephone service primarily relate to interpersonal relations, especially boy-girl problems and family conflicts.

Our experience to date has raised several questions that we are planning to explore:

Does the emergency telephone service reach young people who would not ordinarily seek help from existing community agencies?

Our impressions are that in some instances the Hotline may serve as young people's treatment for problems that are subclinical in nature, such as early predelinquent behavior or situational crises of adolescence that, if unresolved, might require professional therapeutic intervention. In other instances, the Hotline may help the young person identify his own needs and then direct him to the appropriate community resource for dealing with them.

Can an emergency telephone service to teenagers also serve as a listening post for learning about pressing problems in the teenage world?

Since the population served may include many persons not likely to use the resources of social agencies, the data generated by Hotline callers may provide more valid information on the kinds of problems that teenagers face today in large metropolitan communities than such agencies can provide. If so, such information would be of value in community planning for meeting the needs of teenagers.

How effective are our methods of dealing with the troubled teenagers who use the Hotline?

Impressions we have received from repeat calls (20 percent of the callers are repeaters) and unsolicited letters from callers suggest that the service may prove to be a valuable adjunct to other community resources for adolescents. We realize, however, that more precise information is needed to evaluate the effectiveness of our staff members' methods of helping teenagers cope with their problems and the utilization of the service by young people. Therefore, we are exploring several research techniques that promise to yield a more definitive answer to this question. We are now developing methods to analyze the interaction that takes place during calls and to relate the types of interaction noted to the results of the service as measured by follow-up reports requested of the caller and information received from the caller's school, family, and friends. Because the caller's anonymity and confidence must be respected, these approaches to evaluation cannot be made without the permission of the caller.

Is the emergency telephone service an effective training vehicle for professional persons in the health field?

Our use of graduate students to answer the incoming calls may indicate whether such experience is useful to students in developing skill in working with adolescents facing crises.

The Hotline Emergency Telephone Service represents an experiment in communicating with young people. The fact that so many people still in their teens have used the Hotline points to the need for services that reach out to adolescents who have problems without labeling them as problem adolescents. This response also suggests that the development of multipurpose youth centers patterned on the Hotline approach to the young might merit careful consideration. We know that the fragmentation of services often keeps people from using them. If our communities would provide centers where young people, merely by walking in, could get health supervision, personal counseling, job placement, legal aid, or recreation, according to their needs, many more young people might seek help for their problems before serious complications developed. Moreover, the communities might find that they had built effective two-way channels of communication between the "establishment" and the young.

A HOTLINE CONVERSATION

LISTENER. Hello, this is Hotline. My name is Linda. Can I help you?

CALLER. Well, I've been thinking lately that I'd like to try some "pot" (marijuana). Do you think I should?

LISTENER. I take it you're not so sure whether you want to or not?

CALLER. Well, I don't see what's wrong with it. All the other guys are; they've been taking it a long time.

LISTENER. How's it happened you've gone along this far without having tried it yet?

CALLER. I've thought about it a lot.

LISTENER. What are some things you've considered that make you hesitate?

CALLER. I read somewhere that you can get hooked or it could change my brain. What do you think?

LISTENER. Well, right now I'm wondering about other things you may have thought of that make you uneasy about trying it.

CALLER. Well, it seems like everybody's doing it and I want to be an individual.

LISTENER. Do you think it's real important to be an individual?

CALLER. Yea, like it's really hard not to do what everyone is doing. Do you know what I mean?

LISTENER. Yes, I think I do—like drugs, for example, seems like a lot of people are taking them and that this would be particularly difficult to stay away from—there could be a lot of pressure.

CALLER. What would you think if I told you I've already taken drugs?

LISTENER. Well, then I might wonder if this has been bothering you.

CALLER. Well, actually that's really why I called. Can you help me?

LISTENER. Do you mean you'd like to stop?

CALLER. Yea.

At this point, the listener asked the caller if he had tried to stop, and, if so, how. The reasons these attempts had failed were explored and other possibile approaches were considered by the two of them together in an extended discussion between them.

FOLLOWUP STUDY OF RUNAWAY YOUTH SERVED BY THE BRIDGE

(By the Research Department, Community Health and Welfare Council of Hennepin County, Inc., February 1972)

PREFACE

The following report on runaway youth served by The Bridge constitutes the final evaluation of the experimental phase of the program by the Community Health and Welfare Council's research department and Runaway Youth Committee. Conclusions concerning effectiveness of the program's policies and evidence for continuance of The Bridge have been made with the approval of the Family and Child Welfare Committee; and thus, completes the Runaway Youth Committee's established planning objectives as designated in the original mandate.

Between the writing of this report and acceptance of the report by the Board of Directors of the Community Health and Welfare Council, The Bridge was incorporated as an agency independent of Catholic Welfare Services. The conclusions as drawn in this report only relate to the organizational structure of The Bridge, staff and characteristics of runaways admitted between February 1 and August 31, 1971; the report does not include information upon which to base an endorsement of the present auspices.

* * * * *

The bridge's functions

For many, the running is to protest the situation they were living in and hopefully bring to the attention of someone the necessity of resolving the problem either with their parents, themselves or society. The Bridge is especially designed for these youth who are running for help because of personal or family problems. Its primary therapy is "crisis counseling" which is designed to help redirect the runaway rather than necessarily resolving all of the detailed portions of his or her problem. Staff social workers serve as a liaison in this function. The following five functions have been established for The Bridge:

1. A temporary emergency shelter for those youth who want to quit running.

2. To provide an accepting, sensitive, stable environment or neutral ground at the fringe of society which gives the youth time to "cool off" and "put the brakes on" before making any commitment to leave their present residence.

3. Crisis counseling to help the youth perceive problems more clearly, phone or contact his or her parents, and involve the parents in the process of the youth returning home; thereby using the runaway crisis to help families evaluate the reasons for running and to suggest treatment plans and/or make referrals to appropriate social agencies.

4. To provide services to the youth who are already under the jurisdiction of an official agency in the community.

5. To find other appropriate shelter if the youth is not able or ready to return home.

The bridge's program

The Bridge has both a house management staff and a qualified family counselor. House staff consists of three day and two night house managers who serve on a twenty-four hour basis. The family counselor must: 1) process each youth admitted, 2) keep the resident staff aware of the youth's problems and 3) inform the youth that the staff must contact his or her parents within twenty-four hours. Volunteers are used to complement the fulltime staff.

To be served, the runaway youth must follow The Bridge's policies and cooperate in a prescribed treatment program. No force of any kind is used to keep the youth at the runaway house. If the youth gives the runaway counselor his or her parent's names the parents will be notified regardless of whether the youth decides to stay or not because the parents are probably anxious and concerned about their son or daughter's whereabouts.

The intake policy requires that there be two steps accomplished with each youth. First, that as much data as possible be gathered concerning the youth and family, especially the name and address of the parents so that they can be contacted. Secondly, the youth must be willing to be counseled with his or her parents and cooperate with the persons at The Bridge by abiding by all of the rules and regulations such as helping to prepare meals.

The crisis counseling includes the identification of the problem, a review of this problem with both youth and parents and a suggestion for treatment and possibly a referral to an appropriate social agency. The treatment program also includes small group counseling and a few recreational activities provided in the runaway house. When a youth is admitted, he is given any medical attention and care necessary.

Information about the youth comes from both the case records and the daily progress materials on the operation of the house. Within the records, both background materials and progress of the case at the house are available. In addition, there is a group log, a morning report and changes of shift conferences which allow communication among staff members about the individual youth. All of these serve as a means of coordinating information among the staff.

Purpose of the case records and follow-up

The Research Department of the Community Health and Welfare Council was asked by the Committee on Runaways to assist them in evaluating The Bridge during its experimental stage. Two means were employed to collect the necessary data for the evaluation—creation of case records and a follow-up study. The case record system was established at the opening of The Bridge in December of 1970 with three functions in mind: (1) to aid the staff in rendering effective and efficient services to the youth, (2) to collect administrative data for periodic progress reports, and (3) to develop a resource for obtaining more detailed descriptions of runaways as a whole than was previously possible.

Secondly, after sufficient time had elapsed, a follow-up study was conducted in order to acquire information on the status of the youth and the attitudes of the youth and parents towards the services received from The Bridge. This, together with selected variables from the case records, form a basis for determining the usefulness and importance of such a runaway house.

* * * * *

CHAPTER IV. CONCLUSIONS

The role of the bridge

It was concluded from the findings that The Bridge can be an important link in the provision of health and welfare services in the community. The information supports the need for a temporary emergency shelter for runaway youth who want to quit running. Most of the clients generally supported the counseling service but differed in their feelings about whether the youths or the parents should receive the benefit of the doubt. The information emphasized that only qualified counselors should counsel the youth and volunteers should remain in the less sensitive functions of the house's operation.

The bridge's effectiveness

In summary, a majority of the youth and their parents thought the operation of the house, the manner in which they were treated, the individual and group counseling, and the staff's referral of the family to other social agencies were services for which they thought The Bridge should be commended.

From the information gathered in the records and through the follow-up study, it is concluded that The Bridge has generally been correct in its assumptions about the type of person they want to serve and are prepared to serve coming to the house. This is particularly true for first-time runners. The staff's assumption that many of these first runners are acting out their need for help and desiring a solution to their difficulties with their parents has been largely proven correct. Consequently, it appears that The Bridge is more successful if the youth wants to stop running, and if the parents or other significant adults are able and willing to work out the problems. On the other hand, The Bridge is much less successful with youth who have little interest in returning to their family of origin, have committed criminal acts, or are already under the jurisdiction of an official agency. The Bridge is also unable to force parents to listen to the youth, discuss each other's feelings and to change enough to bring about constructive factors which will afford a positive relationship between the youth and adults. The Bridge also has no power to force a youth or family to receive help from the social service agencies or health services to whom they are referred by The Bridge. Thus, long-term resolution of the problem is greatly reduced.

* * * * *

SUMMARY OF FINDINGS AND CONCLUSIONS

A. Description of runways

1. Three-fifths of those admitted between February 1 and August 31, 1971 were females.

2. Fourteen and fifteen years olds were the most frequent guests in the house.

3. Most of the youths were white.

4. Over three-fifths of the youths came from homes in Hennepin County and approximately 95% came from Minnesota.

5. About 77% of the persons who came to The Bridge had been living with both parents and some brothers and sisters.

6. About 80% were first runners who had been running alone.

7. Over two-thirds of the youth expressed their problem in terms of parent-child relationships.

8. Over three-fourths of the youth admitted to The Bridge remained three days or less.

9. Almost 50% of the persons admitted to The Bridge were recorded as eventually going home. Of the approximately 23% who went back out on the streets, most of the girls responded to the questionnaire from home.

10. Over 71% of the youth who responded were living at home. Of the average it had been six or more months since they had left The Bridge.

11. The youths' recall of the problem which precipitated the run matched closely with The Bridge's case records.

12. Over 60% of the youth and parents combined stated that their primary problem had improved and approximately 15% said it was resolved. Most of the other youths and parents said there was no improvement.

13. All of the cases of alcoholic parents, the youth's emotional instability and/or use of drugs were improved; 75% of the communication and cooperation problems were improved or resolved; all of the youth with school or racial problems felt their problem had remained the same, and two-thirds of the youth whose behavior was disapproved of by the parents thought the problem had remained the same or gotten worse.

14. Approximately 54% of those families which could be contacted by mail have been referred to a health or welfare service by The Bridge. About 71% actually contacted the agency after leaving The Bridge.

B. Youths' opinions of services received from The Bridge

1. In general, those youths who returned the questionnaire were more positive and better informed about The Bridge than the parents.

2. Most of the youth who returned the questionnaire saw almost no realistic alternative to The Bridge except returning home or receiving help to acquire some other stable living arrangement under adult supervision.

3. About 86% of the youth rated The Bridge as "excellent" or "good" and 93% felt The Bridge had given them some kind of help.

4. The youths were most complimentary with regard to the *manner* in which The Bridge helped with the problem and treated the youth.

5. About 83% of the youths rated The Bridge more highly than the services they received later from other health and welfare programs.

6. Over half of the youths' suggestions related to new services at The Bridge and improving operational procedures. The other suggestions fall into the areas of recommending new facilities or additional specialized staff.

C. Parents' opinions of services received from the bridge

1. The services at The Bridge which seemed the most important to the parents were: counseling, sheltering, informing parents and referral to the other agencies.

2. In general, the parents rated The Bridge's service slightly lower than the youths. They also tended to report receiving services in more structured social service settings which a few parents rated higher than The Bridge's services.

3. Most of the parents' comments when asked for suggestions concerning new services at The Bridge were general compliments or criticisms of the current services. Of those who made specific suggestions, they were primarily concerned with improvements in counseling and referrals.

D. Conclusions

1. From the information available, The Bridge seems to have been a successful demonstration project and should be continued on a permanent basis.

2. There seems to be a sufficient number of runaways coming to The Bridge to warrant the operation to continue at this address.

3. The primary functions and program have generally remained close to the original design and appear to be what many runaway youth need as a link back to a stable living arrangement.

4. The intake policy and house rules seem to have been functional to the program and especially effective with youth who want to quit running.

TESTIMONY OF DONALD F. MUHICH, M.D.

This testimony will speak to the following topics:

(1) The history of the Hotline development;

(2) The theoretical background of the Hotline approach;

(3) The directions Hotlines are taking;

(4) The relationship to other service delivery systems;

(5) Current and future needs of Hotlines.

Hotlines—by which I mean crisis counseling by telephone—had their origin with the opening of a telephone service at Childrens Hospital of Los Angeles on April 1, 1968. However, for the beginning one must go back one year prior to that date. The service actually began with the formation of a multidisciplinary advisory group with the precise intent of developing a crisis counseling service available to youth under 25 years of age using the telephone as the exclusive contact instrument. This service was conceived as a crisis intervention resource wherein an understanding, sympathetic, yet objective listener would be as immediately available as the nearest telephone.

The idea of such a service grew out of an awareness by the staff of the Adolescent Unit at Childrens Hospital of Los Angeles that an increasing number of youth seemed alienated from the society and that they seemed to lack adequate avenues of communication to helping resources during stress. Dr. Dale Garell specifically was instrumental to this recognition and to the assembling of the advisory group which developed the first Hotline.

The causative elements which lead to the large number of alienated youth will not be commented upon extensively here. The major forces, however, are thought to be:

(1) Increasing social and cultural change rate;

(2) Increasing geographic and social mobility;

(3) Prolongation of adolescence with attendant absence of a valued social role;

(4) Further deterioration of the nuclear family;

(5) Increasing urban complexity.

In response to the perceived alienation, the advisory group designed a program and called it Hotline. Perhaps the most unique and crucial features of the resource are its immediate availability and respect for the anonymity of the caller. The approach utilized is not one which presumes traditional professional training in psychotherapy or counseling on the part of those who answer the calls. Rather, it is based on the concept of "creative listening" and underpinned by a warm and human regard for others and a special awareness of and sensitivity to the world of young people.

The service at Childrens Hospital has been averaging over 15,000 calls a year and while the precise impact of the program remains unclear, the continually increasing use of the service would seem of some significance.

DEFINITION OF HOTLINE

In review then, the major provisions of the Hotline concept are as follows:

(1) Immediate availability so that assistance is timed to the "reaching out";

(2) An open door policy meant to serve people with problems rather than problems with people attached:

(3) The recognition of the need for help rests with the adolescent himself rather than being the inspiration of others, the latter often fuel for resistance;

(4) Respect for the anonymity of the caller so that he's free to test our doubts about himself with immunity as well as the trustworthiness of the listener; and

(5) An approach reinforcing notions of strength in the individual rather than weakness or dependency, by mobilizing the caller's resources toward effective problem solving.

The Hotline at Childrens Hospital after its inception had a rapid growth spurt and as it became known spawned an unknown number of other telephone services. It is thought that there are more than 500 Hotlines currently operating in the United States. These services cover a broad and varied spectrum of specialty, generalized, youth and adult programs. Services vary from program to program, some just referral services but most following the crisis intervention model which I will describe later.

The problems which appear at the Hotline interface are equally broad and varied. A majority, however, are from youth in crisis. Most frequently are crises concerning peers, parents, and drugs. These three categories comprise about half of all calls. The remainder are problems with various subsystems; work, housing, isolation, loss of psychological control, suicide, etc. In this regard may I remind you that serious increases in suicide rate are a current American phenomenon. The suicide rate in males age 10–19 has tripled between 1960 and 1970. In females 10–19, an even more pronounced increase has occurred during this period (from .04 to 8.0/100,000). Similar multiplication of suicide rates has occurred in the 20-29 year age group. Our society clearly has a problem in this area—a problem which is by no means currently solved.

The approach of Hotlines to the problems presented rests soundly on crisis intervention theory which is dealt with next.

THEORETICAL BACKGROUND AND RATIONALE

A focal aspect of the Hotline service is the approach followed in assisting the young people who call. This approach rests on a number of key assumptions related to the nature of crisis, to their resolution and to adolescence in general. There is nothing new here—simply the choice of one particular set of biases over others that might be followed in trying to assist young people as they grapple with difficult problems.

The crisis model adopted follows closely the precepts of General Systems Theory in a fashion similiar to that of Caplan in his considerations of preventive psychiatry. Within this framework, a crisis is viewed as an upset or disequilibrium in an individual's efforts to organize experience such that it's reasonably predictable and need-fulfilling. A crisis is experienced when one is faced with a problematic situation which, for the moment at least, appears both insolvable and inescapable. Insolvable in the light of perceived limitations in coping resources; inescapable insofar as important needs are at stake. The usual situation is one in which needs conflict—the satisfaction of one precluding the satisfaction of the other.

Inevitably, crisis will be resolved in one way or another if only to eliminate the unpleasant accompaniments of being "off-balance": tension, anxiety, cognitive disorientation increase the longer a resolution is delayed. The manner in which a crisis is resolved is considered crucial for on-going adjustment. It can represent a significant gain in adaptability—in mental health—by virtue of an enhancement of the individual's problem solving resources. In this case, the person emerges from the crisis a more effective human being than he was beforehand. He is prepared to face adaptively a wider range of experience and thereby allow himself the opportunity for further growth and enrichment.

On the other hand, the outcome of a crisis resolution could mean the addition of maladaptive coping styles, i.e., patterns of response which, in effect, represent a lessened capacity to deal with novel experiences and thus an increased vulnerability to breakdown in the future. This would be the case, for example, if one has chosen to avoid the problem or to manipulate reality in fantasy or to escape reality pressures through alienation or through the use of drugs.

Thus, the crisis represents a rather important fork in the road—moments of truth, as it were. On the one hand, an opportunity to move further along towards self-mastery and fulfillment; on the other, the chance of a significant setback that, at the very least, will require the retracing of steps. The issue, then, is two-fold: how to capitalize on the crisis experience recognizing its potential for growth; and secondly, how to avoid panicking into a dead-end. These two components are clearly not independent. However, it would seem we most often overlook the opportunity implicit in the crisis while attending primarily to the preventive aspect. This is, perhaps, no more conspicuously evident than in the manner in which we customarily approach the "problem" of drug abuse. Hotline is intent on exploring ways that enable at least as much as underlining ways that do not.

The forces brought to bear on the decision making processes determining the choice of strategy for crisis resolution include a variety of predispositions which the individual brings to the event. These include his background of coping experiences, his current ego strength, special meanings associated with the present problematic situation as derived from previous experience, and so on. An additional source of significant influence can be that which is forthcoming from the interaction of the individual with "significant others" in his psychosocial environment. In fact, it is assumed that as the crisis intensifies (i.e., continues without resolution) the crisis-bearer will be increasingly prone to turn to others for assistance. This is regarded as no less true of the adolescent than of an adult or young child. It is further assumed that to the extent the intervention (outside assistance) is well-timed—that is, geared to the individual's "reaching out"—optimal benefit is approached and effort minimized.

In setting up the Hotline service one of the primary considerations was that of providing the means whereby the need for the immediate availability of an outside assistant could be met. Such provision is considered particularly important for the adolescent because of the characteristic instability of forces—the rather delicate balance that prevails generally, let alone during crisis periods, that tends to force impulsive action. Underlying the notion that a Hotline was needed was, in part, the observation that the condition of immediate availability was not being met for many young people by the "significant others" within their own world, not to mention the traditional care-giving agencies with waiting lists, eligibility mazes and limited hours.

In addition to "timing" there are other conditions assumed prerequisite to the opportunity for intervention, particularly with the adolescent. There is the question of whether or not the individual will avail himself of the outside help even if the latter is available when needed. There seem to be any number of factors that could stop the process short. For example, certain pre-conceived notions as to how the outsider will interact once disclosures are made. Fears of rejection, of ridicule, of pre-judgment are mixed in with the images that a youngster may have of the "significant others" in his world and these kinds of expectations obviously interfere with his seeking their assistance.

One is reminded here of how important a role the business of imagery plays in the adolescent faced with the prospect of seeing a psychiatrist or psychologist. It is rare that adolescents greet this news with enthusiasm and it seems to have to do with the connotations that come to mind. To be sure, one doesn't have to be crazy to see a psychiatrist but this kind of objectivity may not come easily to the adolescent fighting his fears of insanity, a fairly typical preoccupation it would seem.

This argument can be extended beyond the psychiatrist to the traditionally conceived caregiving agencies that most communities provide. The question again is how available, in effect, are these resources when their services are defined in terms of a specific problem as opposed to simply seeing people who are troubled by this or that. One suspects that many adolescents at least are "turned off" by the connotations of the label, even assuming they are somehow able to so pinpoint the problem that they are clear on what line to stand in.

The most troublesome connotation of being labeled a problem, particularly for the adolescent who is struggling to prove to himself, let alone to others, that he shows promise of becoming an adult, is probably that which to him at least implies weakness, inadequacy, inferiority and the like. All of this amounts, in effect, to saying that the individual is incapable of being responsible for his own life and, thus, that it must be taken out of his hands. Hopefully this is not necessarily what happens once the helping process gets started. However, it appears to be a frequent expectation on the part of adolescents and as such to promote considerable resistance to "reaching out" at all.

Added, then, to the list of conditions essential of effective intervention can be possible is a kind of "no strings" message. Assistance is standing by when the need is felt to reach out and there are no strings attached to the assistant's participation in one's struggles and concerns. The assistant is here to listen, to hear one out and to collaborate in problem solving. Anonymity is respected so that doubts may be tested with immunity.

A final key assumption underlying Hotline's approach relates to what constitutes help once a person has reached out and made contact. If the conditions of timing and unconditional regard have been met, the major thrust of the helping relationship is that of mobilizing the individual's resources toward effective problem solving rather than rendering advice or in other ways taking over. If the crisis experience is to yield dividends in terms of growth, the individual must be afforded the opportunity of continued involvement in working through the problem. The task of the outside assistant then is not prescriptive but rather one of provoking inquiry; of setting up an atmospsere in which the individual is prompted to examine what he's experiencing, to reconsider his opinions about himself and his relationships and to become aware of alternative pathways in meeting the challenge he faces. The outcome of this kind of experience is two-fold: (1) the individual's ego strength is enhanced because he discovers a capacity to be responsibly involved in matters of personal significance; and (2) emergent strategies or solutions are most likely to be implemented because they have meaningful anchorage in the individual's own perceptual world. In short, the goal is to counter the tendency to rely on external agents of change and through the very process of interaction itself allow for an experience in self-direction. It is assumed that this kind of opportunity will have significance beyond the resolution of the immediate crisis.

The tasks of the outside assistant, as conceived above requires considerable discipline, skill and effort. To collaborate in the sense intended here implies understanding as fully as possible how the crisis-bearer views his situation. To gain this kind of understanding requires listening in the true sense: Being completely engrossed in what is being said without imposing value judgments, without comparing, without translating what is being said into the terms of one's own experience. Hotline's monthly training sessions are devoted in large part to "listening workshops"; a continual effort is necessary to overcome old patterns of not listening.

It is assumed that through the very act of clarifying the crisis (on the part of both the assistant and crisis-bearer) much of the "working through" is achieved. Such understanding obviously requires an atmosphere of honest self-disclosure and a mutuality of intent on the part of the parties involved that carries no vestige of prejudgement.

FUTURE DIRECTIONS

Telephone counseling services in addition to expanding in number have also participated in the development experienced by any new service system. In recent years Hotlines have begun to develop quality control standards and a system of ethics necessary for such a system. This process has not been an easy one because the anonymity of the listener and caller has made the evaluation of phone services difficult. In spite of this lack of clear evaluative feedback, Hotlines like similarly non-feedback systems, have tried to separate highly effective systems from others. This standardization of program has produced some internal conflicts as all quality control programs in the humanitarian service systems seem to do. The conscientious management of most Hotlines has persevered in this endeavor. Therefore, this evaluation must be anecdotal or testimonial in character. The evaluation effort has met considerable resistance and needs to be pursued.

Along with the search for quality control, Hotlines have expanded the services that they render to include walk-in, referral, out-reach, residential, and advocate services in some areas. All of these services seem to be needs of the Hotline constituency. The development of individual Hotlines has varied with the institutional base, the clearness of mission, and the organizational integrity of the program.

In the expansion to other program services, it became apparent that Hotline had a coordination role which was not currently being fulfilled among not only established agencies but also among alternate culture delivery systems such as free clinics, runaway houses, and switchboards. These other programs which grew up concomitantly in relationship to the same alienated youth groups have gradually become integrated with telephone services with the latter being the coordinating agent.

The estimated one million yearly teenage runaways, the millions of alternative culture youth, and a variety of other youth subcultures all look to this service delivery system as the major force in solving the human crises that their members experience. The future will see expansion of all these programs with Hotlines as the leading and coordinating agency.

NEEDS

Most Hotline programs as other alternate culture service systems have and will continue to have severe operational problems. These problems are characterized by lacks in the areas of institutional connectedness, organizational longevity, adequate funding, technical ability and managerial competence. One sees a variegated vista if one examines programs around the country. If there is a single most crucial need in the programs being discussed, it is the need to get adequate human and capital resources to provide stability in the areas already mentioned. The instability of purely volunteer programs, the lack of technical assistance and the absence of competent full-time management have conspired to destroy basically sound initial programs repeatedly.

We at Childrens Hospital of Los Angeles have had the blessing and support of a sound institution with a multiplicity of technical, managerial, and capital resources. We would urge the development of such resources at the federal level to give adequate and continuing support to less advantageously positioned efforts. The need for not only expansion but for continuing staff and program support is crucial to maintain and further develop this non-duplicated service resource. The problems of youth in our society are legion and will not be dealt with by less than our best effort.

SENATE HEARINGS ON HOTLINES, JUNE 17, 1972

I. BACKGROUND ON KENNETH BEITLER, DIRECTOR OF THE EXCHANGE

Local:

Founder and former Director of Youth Emergency Service (YES).

Member of the Advisory Board of the Community Information and Referral Service of Hennepin County.

National:

Keynote speaker for the Second International Hotline Conference in May 1971, at Pacific Grove, California.

Resource person for the National United Way Study Committee on Information and Referral Service, held in Alexandria, Virginia in March 1972.

Director of Midwest Hotline Conference held in Minneapolis on March 17–19, 1972.

Conference Director, Third International Hotline Conference, Northfield, Minnesota, June 22–25, 1972.

II. BACKGROUND ON THE NATIONAL HOTLINE AND SWITCHBOARD EXCHANGE, INC.

The National Hotline and Switchboard Exchange is the central clearinghouse for information on hotlines, switchboards, and other youth oriented crisis centers. Among the materials published by the Exchange are:

1. "The Exchange," a monthly newsletter, is mailed to over 1,500 hotlines, switchboards, and interested individuals. Each issue of "The Exchange" lists conferences seminars, whom to write to for training manuals, general interest items, and guest editorials and articles. The subscription fee for one year is $6.00.

2. The *National Directory of Hotlines, Switchboard, and Related Services* is published twice each year. The next edition will be published on July 1st, 1971. Copies are available for $2.00 each.

III. NATIONAL OVERVIEW OF HOTLINES, SWITCHBOARDS, AND RELATED YOUTH CRISIS CENTERS

A History:

1. Beginning with the first suicide prevention center in Los Angeles in the early 1960's using carefully trained volunteers to perform

"crisis intervention by telephone" has spread across the country.

2. The first *hotline* telephone center was started in Los Angeles in 1968. Operated as a project of the Division of Adolescent Medicine of Children's Hospital, this model uses highly trained "listeners," with professional back-up and referral help available to the caller.

3. *Switchboards* first started in San Francisco in the Summer of 1967 as a response to the massive influx of youth into the Haight-Ashbury area. The switchboard model is that of a loosely structured telephone service, offering information and some referrals for the community in which it is located. Its staff may have little formal training, and will probably be from the community being served.

B. Growth of Programs:

1. By August of 1970 there were at least 73 hotlines and other telephone crisis services for youth, not including suicide prevention centers.

2. By April of 1971, the number had grown to at least 378, with at least one hotline in every state in the country.

3. By June, 1972, this number *had grown to 656*, despite the fact that last year nearly 85 hotlines closed due to lack of funds, volunteers, community support, or other factors.

C. Related Youth Crisis Centers:

1. Many communities have other types of youth crisis centers that include crisis lines as a small part of their operation. Drop-in centers, drug help centers, free clinics, and other youth oriented programs may offer a crisis line to the community.

2. In addition nationally, there are over 62 Runaway programs which crisis intervention counseling to young people and their families.

3. In many communities the United Fund sponsors an Information and Referral Service, which although serving the entire community, does offer help to young people. There are more than 85 Information and Referral Centers in the country.

D. Staff and Management:

1. The *sponsor* varies from state to state, program to program. In New York state, the sponsor is many times the local Narcotic Guidance Council, while in Maryland some programs are sponsored by local mental health centers. In a few cases the Red Cross, or YMCA sponsors such a program. However, the majority of hotlines are set up as private non-profit corporations, with an independent Board of Directors.

2. The volunteer *staff* of each program is as varied as the community it serves.

3. The *training* for each program also varies, for in some programs there is as much as 60–80 hours of formal training, while in other programs the training is minimal. This difference is due to the fact that the goals or purpose of each program are different, and that the types of calls, and their seriousness varies from center to center.

4. All hotlines make use of extensive lists of *referral resources* who serve as volunteer back-up help as needed. Clergymen, lawyers, school counselors, and doctors serve as referral resources.

5. The *annual budget* will include phone, rent (usually donated), publicity and administrative salaries, such salaries being necessary for all centers.

IV. SUMMARY OF HOTLINES IN MINNESOTA

A. The first hotline in Minnesota was Youth Emergency Service, YES, which was started in Minneapolis in May of 1969. (Both the Suicide prevention center, and the Community Information and Referral Center are older than YES, but do not exclusively serve youth.)

B. At present there are 19 services in Minnesota, primarily located in towns which have either a college or junior college. Although a couple of programs are actually sponsored by a college, most are sponsored and funded privately in each community. At present, there is no state wide network or other attempt at co-ordination.

V. DOCUMENTATION OF NEEDS—SEE ATTACHED SHEET

VI. POSSIBLE FEDERAL ROLE

A. Help In Building Credibility:

Many services, especially those in small town and rural areas, have a hard time winning community support, more so with adults than with the young people to be served. Yet adult support for funding, for professional resources, etc. is very important to the long term success of a program.

Credibility building can be in the form of speeches, press releases, research grants, or articles in various federal journals, possible within H.E.W., NIMH, ACTION, etc.

B. Funding:

Because hotlines are new, respond to many needs, and not just drug problems, they don't fit into existing funding patterns. Yet, financial stability is important if a program is to deliver quality care.

Hopefully a temporary funding mechanism could be established within H.E.W., or some similar agency. Such a funding mechanism would provide small amounts ($5,000–$10,000) of matching funds through a simplified grant proceeds. Young people should be involved in this process.

C. Utilization of Data:

Hotlines and similar programs both provide service and gather data on unmet community needs. This information should be included in any comprehensive health care planning that goes on at the federal, state, or local level. H.E.W. guidelines and planning should utilize data collected from non-traditional sources, such as hotlines.

VII. CONCLUSION

Hotlines and other crisis centers, are at best a temporary response to a deeper problem. It is as if the entire country was experiencing a "nervous breakdown" and taking all of us with it.

It is as if each local hotline is up against tremendous odds. Everyday there are the constant reminders: the war in Vietnam goes on, pollution, politicians that play to the fears and prejudices of many, unemployment that takes its worst toll upon the young, the returned veteran, and on and on.

It is no wonder then that so many young people find our present educational system meaningless, old life styles irrelevant, and the future bleak.

So maybe, just maybe, more than hotlines and crisis centers, we need to take a look at the major institutions, and ask that they change to meet the needs of the people, and not vice-versa.

HOTLINES—AVERAGE NUMBER OF CALLS PER MONTH

Name of program, city, State	Number calls per month
National:	
Community Crisis Center, Atlanta, Ga	1, 000
The Connection, Denver, Colo	1, 000
The Help Center, College Park, Md	3, 100
Switchboard of Miami, Miami, Fla	3, 200
621–CARE, Cincinnati, Ohio	6, 000
Contact Little Rock, Little Rock, Ark	600
Hotline for Youth, Kansas City, Kans	1, 475
HEAD and NOSE, New Orleans, La	2, 000
Portland Hotline, Portland, Oreg	2, 291
Local:	
Youth Emergency Service, Austin, Minn	224
People's Center, Duluth, Minn	75
Campus Assistance Center, Minneapolis, Minn	1, 600
Community Information and Referral, Minneapolis, Minn	1, 3
Emergency Social Service, Minneapolis, Minn	990
Youth Emergency Service, Minneapolis, Minn	5, 000
Hotline, Moorhead, Minn	120
Mountain, St. Cloud, Minn	600
Pooneil Corner, St. Paul, Minn	1, 000

TESTIMONY BEFORE THE SENATE SUBCOMMITTEE ON CHILDREN AND YOUTH

(NOTE.—Delivered Saturday, June 17, 1972, Library, Metropolitan State Junior College, 1419 Harmon Place, Minneapolis, Minnesota. From: David Hvistendahl, General Coordinator, Youth Emergency Service for Rice County, Inc., 402 Division Street, Northfield, Minnesota 55057.)

Mr. Chairman, thank you for the opportunity to impart to you my thoughts on "hotline" programs.

Youth Emergency Service (Y.E.S.) has been in operation in Rice County, a predominantly rural county with a population of 41,500, for the past year and a half. Y.E.S. has helped over 3,000 callers with problems ranging from suicidal thoughts to lacking a babysitter on Friday night.

Faribault is the largest city in the county with a population of 16,500. Our office is located in Northfield, a college town with a population of 10,000. Y.E.S. reaches out to the whole county by accepting collect calls from anywhere in the county.

We were fortunate while setting up the Y.E.S. program to receive "seed" funding from the Office of Economic Opportunity's Youth Development Program. The federal funding, received through the Goodhue, Rice, Wabasha Citizens' Action Council, is responsible for the program's longevity. (Most hotlines, I understand, fail to survive more than a year due to chronic funding shortages.) The initial goals of the program were to provide anonymous, non-directive counseling for drug problems, relationship problems, and unwanted pregnancies among teenagers and referrals to professional people and agencies for low-cost medical, legal, and counseling aid.

The Y.E.S. program has expanded and changed rapidly as the needs of the communities we serve have changed. We now handle more employment problems than drug problems, offer family counseling and assistance with housing problems.

Most of the work we do on the hotline and in the walk-in center consists of applying "band-aids"; the real hope for alleviating the social and personal problems we deal with lies in education. Two of our three full-time staff members spend much of their time during the school year putting on educational programs in the junior highs and high schools in the county on drug abuse, venereal disease, and other social problems.

The Y.E.S. annual budget, including salaries for three full-time staff members (two of whom have degrees in counseling), is about $15,000. One-third of the budget is donated by the communities served. The success of the program, however, is due to the dedication of college students and other young people who have volunteered thousands of hours of their time to keep the switchboard open 17 hours a day, seven days a week.

Hotlines have four major advantages as a model for community service programs. First, hotlines can be flexible in the types of services offered to meet the changing needs of the community. Most hotlines have ongoing training programs, so the staff can receive training to cope with new problems as they arise. The information and referral files in most hotline offices are also set up to accommodate frequent changes in content.

Second, low-cost hotline programs improve the efficiency of other existing agencies and programs by helping the individual go to the right place with a particular problem. In that regard, hotlines serve as a clearinghouse for human resources for the community.

Third, by relying upon volunteer help it is feasible for hotlines to offer crisis intervention and other services during more hours than professionally-staffed programs. Some people also find it emotionally easier to anonymously contact a nonprofessional hotline counselor that a professional counselor with impressive degrees and fees.

Finally, hotlines can overcome transportation problems endemic to community service programs in small-town and rural areas. Hotlines can efficiently serve a large area with a low population base by relying upon telephone contacts.

The future of Y.E.S. is uncertain. Our federal funding terminates January 1, 1973. However, we are fairly confident that we will be able to raise enough funds from the communities to keep part or all of our program in operation. Had we never received federal funding, we would never have had the opportunity to build the public confidence in the Y.E.S. program, and become a community-funded project.

Senate Hearing on Hotlines, June 17, 1972

(NOTE.—Pooneil Corner, 359 Oneida Street, Saint Paul, Minnesota 55102. Frank Capriotti, Former Director of Pooneil Corner: B.A. in Psychology, Macalester College, St. Paul, Minnesota; One of the founders and former Director of Pooneil Corner; Consultant and training workshop leader for various Hotline programs including HOPE, Face to Face Crisis Center, Sunrise Hotline; Assistant Conference Director, Third International Hotline Conference, Northfield, Minnesota June 22–25, 1972; and Seminar Leader for the Midwest Hotline Conference in Minneapolis, March 17–19, 1972.)

WHAT IS POONEIL CORNER?

Pooneil Corner is a Telephone crisis intervention, information and referral service, commonly referred to as a "Hotline". At present Pooneil receives approximately 1,000–1,200 calls per month. The concept of Pooneil Corner is that of a closely knit community of phone volunteers reaching out to a greater community, that being the greater St. Paul community. Each volunteer attempts to help the caller out in whatever way he/she can. This may be by talking to the caller, attempting to aid the caller in identifing and sorting out his/her feelings and accepting these feelings as being O.K. feelings to have. Then the volunteer will attempt to work with the caller in looking at all of the alternatives the caller has to the crisis situation. A crisis situation is defined as any time in a person's life in which he/she is having difficulty dealing with a situation, decision or anything else.) In looking at the alternatives to the problem the volunteer may inform the caller of one or more of Pooneil's over 400 professional resources.

WHY A POONEIL CORNER?

A group of Macalester College students, several of whom were majoring in Psychology, began meeting in late 1969 to try to see if something could be done to aid the Macalester College Student Community in dealing with it's problems. It was felt that some form of Helpline may give temporary help to the students and then perhaps the causes of some of these stressful or crisis situations could be better understood and dealt with. After looking at several existing Hotlines, including Youth Emergency Service in Minneapolis, it was decided that The Listening Ear in East Lansing, Michigan would be asked to help set up this line. The name Pooneil Corner was taken from a song by the Jefferson Airplane, a popular rock group, and the telephone lines were opened on March 13, 1970. After several months, knowledge of Pooneil's existence had reached many people in St. Paul. It was then decided that there was a need for a phone service that included more people in the St. Paul area, and Pooneil expanded it's service to all of St. Paul.

WHAT IS HOLDING POONEIL CORNER BACK?

It seems to be an inherent problem of a phone service that you have to expend almost as much energy proving that you are worthwhile to obtain funding, as you spend actually helping the people that call in. Another problem is staffing the phones, a telephone volunteer seems to be a very transient person. Approximately 80–100 hours over one and one-half months are spent training the volunteer to work on the telephones at Pooneil. The volunteer usually stays for two to three months longer, this means that a lot of time and energy has to be spent constantly attempting to maintain a trained staff. The third area which seems to be holding Pooneil back is the constant up-dating required to maintain an accurate file of resources, all 400 must be checked each month to see if the hours, address, etc. are accurate.

HOW CAN THE FEDERAL GOVERNMENT HELP POONEIL CORNER AND OTHER HOTLINES?

By providing access to funding. This could be either by making funds easily available or providing funding consultation services to aid the Hotline in obtaining funds.

By aiding Hotlines in building credibility. The Hotlines have a good amount of credibility wth the people that they serve, but credibility building is needed with the more established sectors of the population. This could be done perhaps through grants, legislation, subcommittee hearings such as this, or other such things.

IN CONCLUSION

I feel that Hotlines are a very necessary and much needed safety valve for our society. But care must be taken to remember that they are only providing temporary help for problems which are caused by greater stresses than hassles at home with one's parents. There seems to be a connection with these problems and many of the social issues of the day. Hotlines are only the first step, the step which identifies the fact that something is wrong. I feel that Hotlines should be looked at in this broader spectrum.

Alternatives to Existing Youth Services Programs, Submitted to the Subcommittee on Children and Youth, by Susan L. Kremer, Youth Emergency Service, Minneapolis, Minn., June 17, 1972

As an introduction to my statement, I will briefly outline my background and present involvement in youth services programs. I graduated from Mankato State College last Spring with B.S. degree in Social Work and Corrections. While in Mankato, I was very active in setting up and administering alternative youth services programs. I worked with many other people in organizing Mankato's Youth Emergency Service (YES). I became director of this program. Because Mankato did not have adequate facilities to deal with people using and abusing drugs, I worked with some people to set up a drug drop-in center. Along with this I was doing abortion-pregnancy counseling with women who were having hassles because they were pregnant at a time in which they did not want to be pregnant. I was also active on a variety of community based boards and committees in an attempt to bridge misinformation and misunderstanding between the community, parents, and young people.

After graduating from Mankato State College, I decided to go to graduate school in Social Work at the University of Minnesota. I will graduate next spring with a M.S.W. degree. Last fall I was elected President of the Student Association of Social Workers. This organization is designed to act as a vehicle for change within the School of Social Work. I am currently working with the Youth Emergency Services (YES) in Minneapolis as a board of Directors member, a shift supervisor and a phone volunteer. This summer I will be working as a street worker in the West Bank and Dinkytown areas surrounding the University of Minnesota campuses.

Throughout my experiences in traditional and non-traditional social agencies, I have become increasingly aware of the gaps between the needs of the people and the services available to respond to the wide range of needs that people have. I have had experience working with a wde range of "straight" agencies and it is my opinion that the policies and structures that operate in these agencies often inhibit and defeat the goals of the agencies in terms of adequately responding to the needs of the people. Because of my disillusionment & impotence in radically changing these systems, I became involved with "alternative" agencies. It is my opinion that alternative street agencies can fill many of the gaps that exist in social services. The use of volunteer staffs, flexible hours, and alternatives to traditional treatment models have had an impact in terms of filling some of the gaps that presently exist.

However, even alternative agencies must become bureaucratized and structured. As problems of funding, staffing, etc. arise, street agencies must become "established" in their own way in an attempt to deal with the hassles inherent in their programs. And again, there are gaps in the service provided and the needs that people have. Perhaps before I explain my recommendations for possible ways this situation can be changed, I will share some of the insights I have gained concerning youth services from the people I talk with on the street as a street worker.

Many of the people I talk with on the street are looking for alternative ways to live. Generally, they are disillusioned with "middle America" and the inherent gaps between the idealist goals of our society and the reality of this society. In reaction to this, they have committed themselves to alternative ways of life on a philosophical level. In many cases, the kids are incredibly idealistic, angry, and sometimes lost. Although they seem to have made philosophical commitment to a way of life, they are often not equipped with the basics of how to survive in the lifestyle they have chosen. Often they seem to be caught in the middle of two lifestyles; the middle class lifestyle of their parents on one end, and the idealistic "peace-love" hip style on the other end. One lifestyle they have rejected, the other lifestyle is too idealistic to be easily realized.

Apart from the inherent value conflicts one must deal with in this situation, the kids must also deal with situations involving drugs, sex, communal living, etc. Trying to develop a new lifestyle presents many problems and concerns for the kids. Because a person splits to the West Bank and becomes a "hippie" does not mean that 15–18 years of being influenced and conditioned by "middle America" can easily be ignored.

There are a variety of social agencies on the West Bank that are designed to be available if the kids choose to use them to work out some of their hassles. These agencies have flexible hours, volunteers, long haired staffs, and are generally free for the asking. It is difficult to exactly determine the reasons but I am finding out that many people are not using these services. It is my opinion that regardless of the nature of the services offered, they are still offered within the context of an agency and one must still present one's self to the agency, thereby admitting one is having hassles. Somehow, for the kids in this situation to admit that part of the "counter culture" is creating a problem for them is to break norms of the "counter-culure." Somehow, it is to admit that part of one's "middle America" background is in conflict with one's hip, new lifestyle. When a person, even on a philosophical level, has rejected this value system, it is difficult to get in touch with hassles that may indicate to the person that he/she may not be as well integrated into the hip, West Bank "culture" as they would like to be.

This apparent situation concerns me, and although I personally am very committed to alternative youth services and the variety of services that are provided, I am reaching a point where I see a great need for alternatives to the alternative street agencies. The following are my recommendations which may help to decrease the gaps between the young people and the services which are provided:

1. Governmental funding with less rigid "strings attached" which may encourage a broader base of programs which do not have to be so totally concerned with basic survival, thus freeing the program up to try out creative, innovative approaches in delivery of services.
2. Encouragement of non-crisis oriented programs designed to direct the talents and creativity of people looking for viable alternative lifestyles.
3. Development of youth advocacy centers and/or clearinghouses in Washington, D.C. that will act as a place where people can find out about key people funding in the government.
4. Additional funding to programs that are into training people that want to work with young people (free schools, medical programs, etc.)

By Mr. COOPER:

S. 3910. A bill to reduce sedimentation from land-disturbing activities consistent with applicable water quality standards. Referred to the Committee on Public Works.

Mr. COOPER. Mr. President, I introduce for appropriate reference an administration bill entitled the Sediment Control Act. The bill was proposed by the administration through the Environmental Protection Agency. It represents another good initiative by the administration in the environmental field.

We have considered that the problems of sediment relating to water pollution would be adequately reached through the Federal Water Pollution Control Act amendments. However, as the bill is still in conference, I thought it appropriate to introduce the bill. It will assist the conferees in determining if the House and Senate have adequately provided for sediment control in the water pollution control bill now before the conference.

I ask unanimous consent that an explanation of the bill be printed in the RECORD at this point.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

THE SEDIMENT CONTROL ACT

SECTION-BY-SECTION ANALYSIS

Section 201 states the purpose of the Title, to reduce sedimentation from land-disturbing activities consistent with water quality standards.

Section 202 provides applicable definitions.

Section 203 provides for the Administrator of EPA (hereinafter, the Administrator) to issue within a year of the Title's enactment guidelines for effective control of sedimentation from land-disturbing activities, such as road and building construction, and excluding agricultural and silvicultural activities and mining activities that would be required under the President's proposed Mined Area Protection Act.

Subsection (b) provides that the guidelines shall include information on effects of uncontrolled sediment and on the techniques for control, including their costs and effectiveness. The guidelines must also specify procedures to be followed by States in establishing control programs and designate categories of land-disturbing activities for which, within program areas, permits, general regulations, or no controls, respectively, are appropriate.

Subsection (c) prescribes that the Administrator will consult with appropriate Federal, State and local agencies in developing and revising the guidelines.

Section 204 provides the requirements for State programs. The first is a survey to be conducted, within a year of the Title's enactment to subsequently as appropriate, to determine on the basis of water quality standards critical areas of sedimentation resulting in substantial part from activities regulated under this Title in which the standards may be substantially achieved either under this Title alone or in conjunction with controls over other sedimentation sources such as agricultural runoff.

Within a year after initial Federal guidelines are issued (during which time the survey is to have been completed), States are expected to submit control programs, consistent with the guidelines, for the problem areas identified in the survey.

Further provisions for such programs, specified in subsection (b), include encouragement of the use of State or local agencies that already issue permits for land-disturbing activities, provided their programs are acceptable to the State water quality agency. A technically qualified agency must review to evaluate permits prior to issuance, a requirement applicable only where the permit-issuing agency itself lacks sufficient expertise. Adequate monitoring of regulated activities and enforcement authority must be provided.

Subsection (c) provides for Federal agencies to regulate activities on lands within their jurisdiction.

Section 205 provides for several aspects of Federal enforcement of requirements under Title II. First, Federal agencies that provide financial assistance for activities regulated under this Title will require possession of any requisite permit under Title II as a condition of assistance.

Second, section 21(b) of the FWPCA, which requires a State certification of reasonable assurance of compliance with water quality standards with respect to proposed activities for which a Federal license or permit is sought, would be modified with respect to activities regulated under Title II to require a certificate of compliance with the specific requirements imposed under Title II.

Third, the Administrator would be authorized to enforce the requirements of State programs established under Title II in the same manner as he may enforce standards established under Title I, i.e., the present Federal Water Pollution Control Act. Here the bill is drafted in anticipation of pending amendments of the FWPCA that would basically authorize Federal administrative or judicial enforcement of federally-approved State standards when a State fails to do so.

Finally, Section 205 provides for Federal establishment of and enforcement of regulations in order to abate violations of water quality standards if a State had failed to adopt an acceptable sedimentation control program within six months after the time specified for submission of such a program to the Administrator for approval.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., February 8, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: In accordance with the President's 1972 Message to the Congress on the Environment, there is transmitted herewith a proposed bill containing The Sediment Control Act and The Toxic Waste Disposal Control Act, to be added as Title II and III of the Federal Water Pollution Control Act. They are being submitted together as the Federal Water Pollution Control Act Amendments of 1972. The proposed new Titles II and III are intended to strengthen the Act in areas we believe are inadequately covered under both the existing legislation and the extensive amendments of that legislation now pending before the Congress.

The proposed Title II, The Sediment Control Act, would supplement both the Federal Water Pollution Control Act, which does not deal specifically with sedimentation as a water quality problem although sediment is the major pollutant of waters by volume, and various authorities of the Department of Agriculture for technical and financial assistance to control sedimentation. The Act would provide for controls over non-agricultural land-disturbing activities, primarily building and road construction activities. The concentration of such activities in urban-suburban areas and their substantial per-acre yield of sediment often lead to particularly severe water quality problems.

The Act calls upon States to implement a regulatory program, including permits where appropriate, with respect to sedimentation arising from such land-disturbing activities in areas where they significantly affect water quality. Mining activities, sedimentation from which would be regulated under the President's proposed Mined Area Protection Act of 1971, are excluded from the Act, along with agricultural and silvicultural activities. Federal guidelines for State programs would be promulgated by the Environmental Protection Agency in consultation with the Secretaries of Housing & Urban Development, Agriculture, and Transportation, with other appropriate Federal agencies and with representatives of State and local governments. States would be given flexibility in assigning, presumably to counties or other local governmental units in most cases, the responsibility for administering the permit and general regulatory program. The bill encourages the use of existing regulatory mechanisms, such as building and grading permits, for providing the required sedimentation controls. Local components of the State's program would be subject to approval by the State water quality agency. Relevant Federal permit and assistance programs would be used to assist States in achieving compliance with approved programs. The Environmental Protection Agency would be authorized to promulgate appropriate regulations for application in States failing to implement approved programs and would be empowered to enforce State regulations where a State fails to do so.

The proposed Title III, The Toxic Waste Disposal Control Act, would provide for a nationwide program to regulate land and underground disposal of wastes toxic to human health.

As controls over disposal of toxic subtances directly into surface waters are strengthened, the use of land or underground strata for such disposal can be expected to increase significantly, particularly with the enactment of needed controls over ocean disposal, which the President has proposed.

The program would be administered by the States except in cases of State failure to meet guidelines of the Environmental Protection Agency, in which event the Agency would issue necessary regulations. The proposed program would substitute for the present inadequate system of State regulation a more orderly, nationwide system that would retain the best in ongoing State programs under Federal guidelines.

Both the sediment and toxic waste disposal control provisions would substantially enhance the effectiveness of the Federal-State water pollution control program by providing a structured approach to two significant types of pollution. In addition, the toxic waste disposal control provisions would help to provide the controls over ground water contamination which the President recommended a year ago.

Although the proposed "Federal Water Pollution Control Act Amendments of 1972" are being recommended as amendments to the present law, we are of course aware of the extensive amendments to the law already pending in the Congress. Indeed, references in our bill to the Federal Water Pollution Control Act anticipate such widely agreed-upon and expected reforms of the Act as provision for effluent limitations, special standards for toxic pollutants, and strengthened Federal enforcement authority that is not limited to interstate pollution.

I would point out that S. 2770, which has passed the Senate, contains some general provisions for controls over construction-related sources of water pollution and for disposal of pollutants on or under the land. However, we believe that the more specific provisions contained in our proposed amendments would establish a more effective framework for action.

A similar letter is being sent to the Speaker of the House of Representatives.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

WILLIAM D. RUCKELSHAUS,
Administrator.

ADDITIONAL COSPONSORS OF BILLS

S. 1032

At the request of Mr. ROBERT C. BYRD (for Mr. HART), the Senator from Montana (Mr. METCALF) was added as a cosponsor of S. 1032, a bill to promote and protect the free flow of interstate commerce without unreasonable damage to the environment.

S. 3881

At the request of Mr. CHILES, the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Vermont (Mr. STAFFORD), the Senator from Michigan (Mr. HART), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 3881, a bill to provide that meetings of Government agencies and of congressional committees shall be open to the public.

SENATE RESOLUTION 353—SUBMISSION OF A RESOLUTION TO ESTABLISH A COMMISSION TO INVESTIGATE THE WATERGATE INCIDENT

(Referred to the Committee on Rules and Administration.)

Mr. PROXMIRE. Mr. President, earlier today I urged that a two-man bipartisan commission composed of former Senator John Williams and former Supreme Court Justice Arthur Goldberg be appointed to investigate the Watergate incident and the events surrounding it, especially in connection with the possible misuse of campaign funds.

I suggested that the President of the United States appoint these two men to go into the matter. I sincerely hope that he does so.

But in the event the President fails to act, and to act within the next day or two, I am introducing a Senate resolution establishing a Senate investigative commission composed of these two men acting for and on behalf of the Senate of the United States.

I send the resolution to the desk and ask that it be appropriately referred.

The resolution reads as follows:

SENATE RESOLUTION 353

Whereas funds donated to a Federal election campaign may have been used for the purpose of engaging in surveillance at the Democratic National Committee offices at the Watergate;

Whereas investigating authorities of the executive branch of the United States Government have a conflict of interest in investigating this incident and making information relating to this incident available to the public; and

Whereas the public should have confidence in the investigation and determinations made with respect to such incident: Now, therefore, be it

Resolved, That (a) there is established a commission of the Senate to examine, investigate, and make a complete study of any and all matters relating to the use of Federal election campaign funds to conduct electronic surveillance at the Democratic National Committee offices at the Watergate Buildings in Washington, District of Columbia. Former Senator John J. Williams of Delaware and former Supreme Court Justice Arthur Goldberg are appointed as the members of the commission. Each of the members shall receive $100 for each day (including travel time) he is performing his duties as a member of the commission.

(b) In carrying out its functions under this resolution, the commission shall consider and review all information in the possession of the investigating authorities of the executive branch of the United States Government.

SEC. 2. For the purposes of this resolution, the members of the commission, acting jointly, are authorized in their discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202 (i) of the Legislative Reorganization Act of 1946, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 3. The expenses of the commission under this resolution shall not exceed $15,000, of which amount not to exceed $5,000 shall be available for the procurement of the services of individual consultants, or organizations thereof as authorized by such section 202 (i).

SEC. 4. The commission shall report its findings, together with such recommendations as it deems advisable, to the Senate at the earliest practicable date, but not later than 30 days after this resolution is agreed to or October 31, 1972, whichever occurs first. Upon filing its report, the commission shall cease to exist.

SEC. 5. Expenses of the commission under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved jointly by the members of the commission.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 89

At the request of Mr. THURMOND, the Senator from Tennessee (Mr. BROCK), the Senator from Rhode Island (Mr. PASTORE), the Senator from Delaware (Mr. BOGGS), the Senator from Arizona (Mr. FANNIN), the Senator from Florida (Mr. CHILES), the Senator from Alaska (Mr. STEVENS), the Senator from Colorado (Mr. DOMINICK), the Senator from Wyoming (Mr. MCGEE), the Senator from Alabama (Mr. ALLEN), the Senator from Nebraska (Mr. CURTIS), the Senator from Washington (Mr. MAGNUSON), the Senator from Utah (Mr. BENNETT), the Senator from Mississippi (Mr. EASTLAND), and the Senator from Georgia (Mr. TALMADGE) were added as cosponsors of Senate Concurrent Resolution 89, in behalf of prisoners of war and missing in action.

NATIONAL SCHOOL LUNCH ACT—AMENDMENT

AMENDMENT NO. 1433

(Ordered to be printed and to lie on the table.)

Mr. CASE. Mr. President, I submit an amendment to H.R. 14896 on vending machines to strike in section 7 all language beginning with the phrase "The first sentence" on line 6, page 16, and continuing through to the word "institutions" on line 13. On line 14, strike the word "SEC." and the number "8." The effect of this amendment will be to continue the Secretary of Agriculture's authority to regulate vending machines in school cafeterias.

My amendment is cosponsored by Senators AIKEN, BENNETT, TUNNEY, BURDICK, MOSS, MAGNUSON, MCGOVERN, JACKSON, MUSKIE, and HART.

This amendment will strike the language reported in the Senate version of H.R. 14896. At the present time vending machines are permitted in school cafeterias if they are a part of the school lunch program, but vending machines are not permitted for the distribution of other food items. However, vending machines are permitted outside the cafeteria for distribution of items such as soft drinks, if the school so permits.

The amendment I introduce is strongly supported by the American Dental Association, the National Dental Association, and the American School Food Service Association.

I ask unanimous consent that a letter I received from the American Dental Association and the National Dental Association be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN DENTAL ASSOCIATION,
Washington, D.C., August 8, 1972.

Hon. CLIFFORD P. CASE,
Old Senate Office Building,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: We are writing you on behalf of the American Dental Association and the National Dental Association with respect to H.R. 14896, the National School Lunch Act amendments.

Section 7 of H.R. 14896, as passed by the House of Representatives, would amend the Child Nutrition Act of 1966 to permit the sale of food through vending machines in participating schools and service organizations. The Senate version of the bill, as we understand it, would amend existing law rescinding the statutory authority of the U.S. Department of Agriculture to regulate the sale of food items in competition with programs authorized under the Child Nutrition Act and the National School Lunch Program.

Our Associations oppose the changes contemplated by either version because they would not help guarantee, as does the present Act, the maintenance of adequate and desirable nutritional standards for children in school lunch programs.

The concern of our Associations is twofold. We share, first of all, the desire of all Americans that children be afforded diets that are high in nutritional value. The present school lunch program plays a valuable role in helping to assure this. It would be imprudent and, we think, unfair to the child to tempt him to ignore the well-balanced lunch available to him in favor of purchasing foods from vending machines that would be far less valuable in terms of his over-all growth and development.

Secondly, we are concerned about the deleterious effect on the oral health of children that is the consequence of undue consumption of sugar-rich foods, many of which are commonly sold in vending machines.

Conclusive evidence has long been available concerning the hazards to dental health resulting from the undue consumption of sugars. The hazards are especially great among school-age children. The sale of sugar-containing drinks and other confections in schools through vending machines encourages the between-meal consumption of sugar-rich products.

Dentists have been bringing this evidence to the attention of their patients and the general public for decades. Sound oral health care involves disincentives against indulgence in sugar-rich snacks between meals, much less in place of well-balanced meals. Uncontrolled placement of food and drink vending machines purveying such products militates against the efforts being made by dentists, parents and schools to teach good oral hygiene habits to children.

We understand that the School Food Service Directors Association—the people ultimately responsible for the nutritional levels of the foods children eat at school—is also opposed to the placement of food-dispensing devices as contemplated by provisions of H.R. 14896.

The American Dental Association and the National Dental Association strongly urge the retention of statutory authority by the U.S. Department of Agriculture to regulate the sale of food items in competition with programs authorized under the Child Nutrition Act and the National School Lunch Act.

We are most grateful to you for the leadership you have shown on this issue.

Sincerely,

Carl A. Laughlin, D.D.S.,
President, American Dental Association.
Eddie G. Smith, D.D.S.,
President, National Dental Association.

Mr. CASE. Mr. President, under current law, the Secretary of Agriculture has authority to regulate competitive food services. The Senate version of H.R. 14896 would remove this authority from the Secretary and, in effect, leave the question of competitive food service up to the States and local school districts. School lunch directors are fearful they would be forced to allow vending machines in school cafeterias. Certainly this would weaken their effort to provide balanced and nutritious meals for all children.

The House version of H.R. 14896 would allow competitive food services to offer the sale of "nutritious food through vending machines—where the proceeds of such sales will inure to the benefit of the schools or of organizations of students or parents approved by the schools and (where) such sales will not substantially interfere with the (school lunch) programs so authorized." Unfortunately, there is no workable definition of "nutritious foods" which could well mean "empty calories" and there would be substantial pressure not only to install such machines but, also, to use them to the "advantage" of fund raising organizations.

In my view we should retain the existing system while continuing to improve the quality of meals offered in the National School Lunch program.

Returning to the original language of the School Lunch Act does not foreclose the option in the hands of the Secretary to allow certain exceptions. For example, senior high school students may desire soft drink machines in school cafeterias and if, in the Secretary's opinion, there is no sound reason to prohibit soft drink machines, the authority exists for him to take action.

Now, however, I think it is best to proceed as we have in the past and safeguard as well as we can the school lunch program.

INTERIM AGREEMENT BETWEEN THE UNITED STATES AND THE U.S.S.R.

AMENDMENT NO. 1435

(Ordered to be printed and to lie on the table.)

Mr. BROOKE (for himself and Mr. Hughes) submitted an amendment intended to be proposed to amendment No. 1434, proposed to the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1431

At the request of Mr. Javits (for Mr. Case) the Senator from Rhode Island (Mr. Pastore), the Senator from Wyoming (Mr. McGee), the Senator from Maine (Mr. Muskie), the Senator from New Hampshire (Mr. McIntyre), the Senator from Ohio (Mr. Taft), the Senator from Maryland (Mr. Beall), and the Senator from Utah (Mr. Moss) were added as cosponsors of amendment No. 1431, intended to be proposed to the bill (H.R. 14896), to amend the National School Lunch Act, as amended, and for other purposes.

NOTICE OF HEARINGS BY THE DISTRICT OF COLUMBIA COMMITTEE

Mr. STEVENSON. Mr. President, I announce hearings by the Subcommittee on Business, Commerce, and Judiciary of the Senate District of Columbia Committee on the following bills:

S. 2715, to provide that any person operating a motor vehicle within the District of Columbia shall be deemed to have given his consent to a chemical test of his blood, breath, or urine, for the purpose of determining the alcoholic content of his blood.

H.R. 6968, to amend the Uniform Commercial Code of the District of Columbia to make a warehouseman's lien for charges and expenses in relation to household goods stored with him effective against all persons if the depositor of the goods was the legal possessor.

H.R. 13533, to amend the District of Columbia Redevelopment Act of 1945 to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the act approved June 11, 1878—providing a permanent government of the District of Columbia—and for other purposes.

The hearings on August 15, 1972, will begin at 9:30 a.m. in room 6226, New Senate Office Building.

Persons interested in testifying on these bills should contact Mr. Robert B. Washington, legal counsel, in room 6222, New Senate Office Building.

ADDITIONAL STATEMENTS

AGRICULTURE APPROPRIATIONS PROVIDE SUPPORT FOR POLLUTION CONTROL

Mr. SYMINGTON. Mr. President, Wednesday the Senate approved and sent to the White House the agricultural appropriations bill for fiscal 1973. The bill is particularly constructive this year for the increase in funds for pollution control and environmental protection in rural areas.

All too often, soil erosion clogs our streams and kills our wildlife. Feeding yards and processing of raw agricultural products can create serious waste disposal and water pollution problems on which farm operators need technical and financial help. Heavy rains, unchecked by adequate watershed treatment, result in floods with loss of valuable soil and stream pollution.

Such conditions not only damage our natural resources and impede crop and livestock production, but they also inhibit the economic development of our rural areas.

Federal assistance has been effective in protecting our rural environment through such programs as the Farmers Home Administration water and waste disposal projects, the rural environmental assistance program, and the resource conservation and development and watershed projects of the Soil Conservation Service. There are still, however, many rural counties and small towns awaiting help through these programs; and it is important that a greater Federal effort be made to reach them.

Last April, I urged the Senate Appropriations Committee to increase the fiscal 1973 budget for agricultural pollution control at least to the level of funding for fiscal 1972. By its action this year Congress has not only restored the amount cut by the administration but also appropriated an additional $50 million for these important programs.

In my own State of Missouri, the increases will permit a much-needed expansion of nonmetropolitan pollution control efforts.

For water and sewer grants to small towns and rural areas, Congress has approved $150 million, including a $58 million carryover of funds from fiscal 1972. This level would permit significant progress on the backlog of 90 applications in Missouri now awaiting Farmers Home Administration approval.

With the Federal support provided by the Rural Environmental Assistance program, Missouri farmers have been able to initiate projects to prevent soil erosion and flooding on their land and thereby increase its productivity. Under the administration proposed budget cut of $55.5 million for REAP, Missourians would have lost $2.3 million in Federal funds for these important projects. The farmers in Missouri will welcome the congressional action to restore the funds to the fiscal 1972 level.

Unfortunately, for the Soil Conservation Service the final version of the bill included a $10 million reduction in the $340 million previously approved by the Senate for SCS programs; but the congressional action does provide increases over both the 1972 budget and the administration request for this year.

These increases will also be welcome in Missouri where we have more counties not served by Soil Conservation Districts than in all the rest of the Nation combined.

Missouri's increased share of the $328 million appropriated by Congress for the Soil Conservation Service should permit the establishment of as many as five new soil and water conservation districts. Resource Conservation and Development projects in Missouri also should be accelerated and planning applications for others could receive approval. Finally, with the SCS appropriation approved by the Congress, construction contracts for several very important watershed projects could be granted and planning for other watersheds could be completed.

We of Missouri are pleased that the House and Senate have recognized the importance of these programs to protect and preserve our rural environment.

It is hoped that the full amount appropriated will be made available by the administration promptly, so that these programs can move ahead now.

THE FIGHT AGAINST MULTIPLE SCLEROSIS

Mr. BOGGS. Mr. President, we in the Senate are very much concerned with man's fight against disease. In the past we have repeatedly demonstrated our sincere desire to step up America's fight against the many diseases which attack her people. For this reason, it seems to me that we should be anxious to act upon H.R. 15475, a bill which has already passed the House and which is currently pending in the Health Subcommittee of the Committee on Labor and Public Welfare.

The purpose of the bill is to create a nine-member national commission to study ways to escalate our fight against multiple sclerosis. Multiple sclerosis, which is often called the crippler of young adults, is a disease of the nervous system. It can strike any person at any time without even the hint of a warning. More than 250,000 Americans must struggle with the crippling effects of this disease every day of their lives. And every year thousands of healthy Americans come to the bleak realization that they too are now among the victims of MS.

I have with me today, Mr. President, an article written by Mrs. Linda Turner Nickel, a young woman from Delaware who is an MS victim. The article describes her first year of living with multiple sclerosis. It would behoove all of us to read the article and to witness the patience, faith, and courage with which a person can meet the terrors and the pains of an experience like multiple sclerosis. I think the article will demonstrate to each of us that we must do everything in our power to escalate the fight against this tragic disease.

I ask unanimous consent that the article, published in the Delaware State News, of Dover, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Delaware State News, May 18, 1972]

MULTIPLE SCLEROSIS WEEK—MY FIRST YEAR OF LIVING WITH MS

(By Linda Turner Nickel)

Fifteen years ago my Dover High School commencement speech began with Shakespeare's words from "Hamlet":

> "This above all: to thine own self be true,
> And it must follow, as the night the day,
> Thou canst not then be false to any man."

Little did I know the real impact these words would have on my life this past year. Perhaps today the phrase would be updated and reworded, "Do your own thing," and this is what I've been doing for exactly one year today, March 22, 1972: living with, coping with, and constantly readjusting to my life with multiple sclerosis.

It has been a year of frustrations, annoyances, fear of the unknown, and inability to function normally. It also has been a year of awareness, real communication, and true realization and appreciation of life's blessings. I've been affected by many of the symptoms of M.S.: numbness in parts of the body, pins and needles feelings, extreme fatigue, loss of bladder and bowel control, double and blurred vision, slurred speech, hand tremors with loss of coordination, imbalance and staggering, and dragging of one leg and foot.

Fortunately these symptoms have come and gone and usually have flared up with emotional upsets and pressures. We've had our share of those during the year. My symptoms began when we discovered a lump on the back of the knee of our youngest son, Kenny, age three at the time. It was diagnosed as a Baker's cyst, not malignant; but mothers will worry!

At this same time, my grandmother was failing, and the realization suddenly came that she wouldn't be with us much longer. The numb feeling that started on my left side eased during the next few weeks, but came back on the right side when Kenny was hospitalized and the cyst was removed. During this time, I was tested thoroughly by a very capable and dedicated family doctor and team of neurologists. An EEG and skull X-rays were normal, but I knew I wasn't my normal self.

When we found a lovely old larger home we had always dreamed of and put our outgrown house up for sale, new eye symptoms in the form of double vision and involuntary eyeball movement appeared. A spinal tap was taken with the doctor's suspicion to me of "an inflammation of the central nervous system," but to Paul the words were "something serious." Paul suffered so much more than I those few agonizing days of waiting, and we shared our feelings very deeply.

The day of the spinal tap, my closest great aunt died, and my parents drove upstate to tell me, but the doctor advised against any further emotional strain. Paul and two neighbors scrutinized the newspaper obituary section, but I always read the small downstate "Peninsula Shorts" section and read of it.

Then on May 14 we faced the diagnosis we had suspected: multiple sclerosis. Looking back on the total shock, it was terribly frightening. But we had each other, three normal sons, a loving family, strong faith and courage, wonderful relatives, friends, and neighbors, and a church family truly giving of its God-given talents. .

Somehow having the fear of the unknown removed, we were able to face the reality of an illness in a previously normal active teacher, wife, and mother. After reading data about M.S., we found much of the information ominous. A call to the local chapter of the M.S. Society presented a totally new outlook of hope and encouragement. One of my friends from college also has M.S. and has been a big help. Her view has become mine: it could be something so much worse. When I see her functioning normally, I know I can, too.

During the rest of the year, there have been other flareups (technically they are called exacerbations; I call them exasperations!). The major one came in June the week before we moved. All the extra work in renovating an over 30-year-old home was quite a challenge, and the stress left me fatigued. One night my legs began to spasm uncontrollably, and after that the right leg began to drag. To climb stairs, Doug, then seven, and Tommy, then five, got behind me and lifted my right leg up each step. That's quite a responsibility for little boys, but they could and wanted to help.

The day after we moved, the neurologist put me in the hospital for 10 days of intravenous feedings with ACTH and physical therapy. This treatment effected a real miracle: within three days my right leg worked again!

Homecoming in early July was one of the most fulfilling experiences of my life. We picked up the boys from a neighbor's home, and they held onto me so securely. Getting out of the car, they waited and watched me carefully. Little Kenny stood in front with outstretched arms and clapped encouragingly as we did to our babies taking their first exciting steps. He said, "Come on, Mommy. Walk to me!" We all were thrilled and relieved that I was beginning to walk normally again.

At home I improved with rest, extra help, very limited activity, and follow-up therapy at the Delaware Curative Workshop, which is a remarkable place where courageous people work hard to help themselves and each other.

By August, our lives were settling into a fair amount of normalcy. I had to depend on Paul to help with some cooking, laundry, weekly shopping, and caring for the boys. He has, in the words of one of my college roommates, been "an extra sensitive helpmate who can be your arms and legs when you need him."

Luckily, I have help from many wonderful friends who have visited, shopped, brought meals, driven, watched the boys and mothered them while I've been hospitalized, and have sincerely cared about our entire family. People have been truly good to us. I guess it takes adversity to make one realize that we all need to spend our priceless gifts of time and energy in ways that count by helping others, especially helping them to see the good in themselves as so many have done for me.

Events in normal lives don't always go smoothly, and late in the summer Kenny fell and needed stitches; in September grandmom died; and Doug fell out of a tree fort and was hospitalized with a mild concussion. Many people recognized us when we arrived at the hospital. Is that good? Thank goodness for such a helpful place! I emerged from each of these stresses with a slight increase in numbness. An immediate crisis can be faced, but several weeks later the effects show up. In November extreme fatigue began again and didn't ease, which required another 10-day hospitalization with i.v. ACTH. So far, this medication has worked well for me.

As I write this story, I've been on the medication once more for blurred central vision in my right eye. This time the ACTH was given by injection requiring daily visits to the doctor's office a block away instead of hospitalization, thank goodness. Last night I could read the newspaper again with the affected eye. What encouragement for the upcoming day of a one-year anniversary of living with M.S.!

During the year, I've learned to readjust to my strengths and limitations. At present I walk normally; can carry a daily light load of laundry up and down stairs; iron a little if sitting; do small shopping; am driving with automatic transmission after trading our dear 11-year-old gearshift car; have young playmates in occasionally for the boys; can cook all meals, although the boys like to help and are very capable when supervised; and when Paul has evening meetings, the boys are good about getting themselves ready for bed. They are learning real responsibility. You know, if you can raise your children to be dependable, industrious, honest, and considerate of others, you need not do everything to make them happy. They will make themselves happy.

My day includes almost an hour of basic stretching exercises each morning, and the boys have learned to help me with these from their observations at the Workshop; resting for at least two hours each afternoon with a short nap; and getting ready for bed when the children do so I can relax with Paul in the evenings. During the day, any accomplishment in addition to caring for the boys, meals, and laundry is a real victory.

I try to continue to design and make some of my clothes and derive much personal satisfaction from this creativity. Also, I've learned to do macrame at the Workshop and am again doing some oil painting.

Spending time writing, phoning, and occasionally visiting keeps me in touch with dear friends. We try to go out to dinner at least once a month with family or friends and have enjoyed attending some early dinner-dances, providing I take a long nap that day and rest more the following days.

One of the most difficult readjustments has been to make myself rest and not overdo when I'm feeling energetic. The other big readjustment has been to stop being such a stubbornly independent perfectionist and to ask for help when I need it. By accepting the help of others gratefully and thankfully, I can in my own small way help people by really needing them.

I don't know what the future holds, but I do know that my life has been changed for the better, because I've developed many new philosophies about what is really important to self-fulfillment.

The following words of Reinhold Niebuhr, the theologian, have become most meaningful: "Grant me serenity to accept the things I cannot change; courage to change the things I can; and wisdom to know the difference."

But that familiar beginning, "To thine own self be true," still holds a dear place in my life, for if I am honest with myself, I will be what I can be within my own capabilities.

AVID POLITICAL OVERKILL

Mr. SCOTT. Mr. President, I have more than once seen the statement that 20,000 Americans have been killed fighting in Vietnam since President Nixon took over. To set the record straight, I would like to say categorically that this statement is false. It is in my view a terrible sad commentary on the way in which some people will twist facts to further their own purposes.

Here are the correct figures, compiled from the Defense Department release of August 3, 1972:

Killed by hostile action:	
1961 through 1964	267
1965 through 1968	30,347
January 1, 1969 through July 29, 1972	15,222
Total	45,836

It is worth noting that in 1968 alone, American servicemen killed totaled 14,592. The total of 15,222 since, is bad. Any casualties are bad, but it is not the 20,000 figure so casually bruited about.

Mr. President, the 20,000 figure charged to President Nixon is obviously inflated. Its avid currency can only be ascribed to a political motivation which cares nothing for truth, even when dealing with the tragic matter of Americans killed fighting in Vietnam.

JOB OPPORTUNITIES FOR U.S. DEPENDENTS OVERSEAS

Mr. SYMINGTON. Mr. President, as one who has been concerned for some time about the discriminatory hiring policies with respect to American dependents overseas, particularly in Europe, I am glad to note that, according to an article published in the Army Times of July 26, 1972, under a newly approved policy—

> Dependents living overseas with their sponsors will receive preference for employment in all jobs at Defense installations.

As long as U.S. policy supports the stationing of thousands of its citizens at installations around the globe, there is no alternative but to provide them decent working and living conditions according to the particular circumstances of their assignment. The idea of U.S. military families living overseas under poverty conditions because hiring policies give preference to foreign nationals is totally unacceptable, and a change in those policies, although long-overdue, is welcome indeed.

I ask unanimous consent that the article entitled, "Kin To Win Overseas Jobs," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Army Times, July 26, 1972]

Kin To Win Oversea Jobs

(By Randall Shoemaker)

Washington.—Dependents living overseas with their sponsors will receive preference for employment in all jobs at Defense installations, under a newly approved policy.

Both appropriated and nonappropriated fund positions are included in the policy which was given a green light by the Civil Service Commission. The preferential consideration applies to dependents of both the military and civilian employees.

No distinction is to be made as to whether those to be hired are command-sponsored or not, under provisions of the new policy.

Service authorities this week expressed great pleasure over the development which they think will go far toward solving a thorny problem: military poverty in the lower ranks.

Because of the low-cost fares available for flights overseas, many wives and other dependents spend all their ready cash to join the servicemen on a foreign tour without command sponsorship, officials explain. Many families then find themselves "almost destitute," living in high-cost areas without military housing privileges or extra jobs needed to provide the necessary income.

U.S. employment overseas of American citizens totals 188,000, most military-related. In addition, some 135,000 foreign nationals are on the U.S. payroll, not counting nearly 100,000 more provided under contracts and other arrangements by the Defense Department.

Since 1961 it has been official Defense policy to give military and civilian dependents stationed in an area preference for jobs in nonappropriated fund activities—exchanges, commissaries, officers' or NCO clubs. In practice, though, foreign nationals were usually given the inside track because there was less turnover and they asked less pay.

Two countries, Panama and the Philippines, have treaty agreements that give citizens of those countries priority for certain jobs. Those provisions will remain in force under the new policy.

A controversy arose last year over hiring rules for exchange jobs in Europe. The charges of discrimination against dependents were resolved by a directive granting U.S. citizens equal footing with foreign nationals in competition for the jobs.

An anti-discrimination provision was attached subsequently to the military pay legislation last year. This in turn prompted development of the new preferential policy.

REMARKS OF MR. THOMAS B. CUNNINGHAM ON RURAL ENVIRONMENTAL ASSISTANCE PROGRAM BEFORE APPROPRIATIONS

Mr. THURMOND. Mr. President, one of my constituents, Mr. Thomas B. Cunningham, a farmer from Darlington County, S.C., recently testified before the Senate Appropriations Committee on the rural environmental assistance program.

This program helps farmers to improve the lands they farm. It helps insure that the land will be as fruitful for future generations as it is for us.

As Mr. Cunningham has pointed out, farmers today are caught in a financial squeeze between rising equipment and labor costs and the public demand for lower food prices. Without Federal assistance, they cannot afford to care properly for their lands and put back into the soil vital nutrients that are used up. I believe all Senators should be aware of the importance of REAP to the Nation's farmers.

Mr. President, I ask unanimous consent that Mr. Cunningham's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF MR. THOMAS B. CUNNINGHAM BEFORE THE APPROPRIATIONS COMMITTEE, AGRICULTURE, ENVIRONMENTAL, AND CONSUMER PROTECTION SUBCOMMITTEE

Mr. Chairman and Members of the Committee, I am Thomas B. Cunningham of Darlington County, South Carolina. I am first of all a farmer interested in soil conservation, next I am a County Committeeman with ASCS and finally I am President of the South Carolina Association of Farmer Elected Committeemen.

I am most appreciative of the opportunity to appear before this distinguished Committee to express my views and the views of many of my fellow farmers in South Carolina, and I feel, also, throughout the nation, regarding the appropriating of funds for our Rural Environmental Assistance Program.

Gentlemen, I am becoming increasingly concerned about recent decreases in the appropriations of funds for this all important program. In addition to the appropriations decreasing, the Administration has seen fit during recent years, to impound some of the funds you have appropriated. In these days, we are hearing more and more about the ecology and our environment. This one program, the Rural Environmental Assistance Program, or in recent years known as the ACP—(Agricultural Conservation Program)—has been at work and is still doing a tremendous job in the areas of pollution abatement and, needless to say, good conservation. Instead of reducing funds for this program each year, all of us wonder why funds for this program have not been increased.

This program has been operating some 35 years and as you know is the program where farm people are standing ready to match government funds in combating pollution and in cleaning up the environment.

During the past five (5) years, 1967–1971, the Rural Environmental Assistance Programs and the Agricultural Conservation Programs have contributed fourteen million nine hundred and eight thousand dollars—($14,908,000)—in my state of South Carolina. These funds were allocated to 91,919 farms within the state. As you can readily determine, with simple arithmetic, this amounts to only a little more than $162.00 per farm in my state for pollution abatement and conservation practices. Farmers generally are discouraged from filing requests for this assistance due to the lack of funds. Of the near fifteen million dollars—($15,000,000)—allocated during the past five years more than twenty eight million ($28,000,000) in assistance was requested. County Agricultural Stabilization and Conservation Committees, therefore, had to drastically reduce requests for assistance and/or deny the assistance requested.

Now, Gentlemen, let me mention some of our problems. The number one pollutant of our streams is silt that comes from land controlled by the farmers of this nation. We, of course, want to keep the soil on our farms and prevent it from washing into streams, reservoirs, and harbors where it ruins the fishing, provides mosquito marshes and fills in our reservoirs and harbors. It is not that the farmer is negligent or careless in protecting his soil from erosion. Building terraces, strip cropping, planting trees and carrying out other measures to prevent erosion and keep our streams cost lots of money. We farmers can do only what we are able to do as we are caught in a cost-price squeeze so severe that we absolutely can not do the job.

Dust that fills the air in the farmer's field does not stop at his property line, it blows across highways, causing hazardous conditions, and into urban areas where it is inhaled by city people as well as farmers. The farmer can stand some wind erosion and still get by. However, he certainly does not like to see his soil blowing away, but it takes wind breaks a long time to grow. Generally in our state this would require twenty (20) to fifty (50) years and future generations would obtain more benefit than the farmers who plant them today.

Strip cropping and other measures to control wind erosion also costs a lot of money. We, as farmers, will certainly do all we can to protect our soil but if we are to continue to sell our products on a competitive market at about the same price every year while the things we have to buy, such as labor, chemicals, machinery, etc., are going up every year, we certainly need some incentive to bear the extra cost of protecting this land of ours for future generations.

Another good practice the program provides is the building of water storage reservoirs. These storage facilities not only provide water for our livestock, to irrigate our fields, but they also help to prevent flooding the land and to maintain the ground water level.

Some of the other practice of benefit to all Americans and provided by this program are:

Fishing, boating and swimming provided by farm ponds helps to keep the young people off the highways and city streets.

Planting forest trees prevent erosion and improve the farm woodland that helps to hold down the cost of woodland products. However, it takes trees 30 to 50 years to reach maturity in our state and the man who plants them seldom sees the final harvest.

Drainage of cultivated land in my section of South Carolina is an important factor in farming. Without it most of us would have to go out of business. If we are going to keep the price of food and fiber down for consumers in this country and grow crops that can compete in the world market for foreign trade, we are going to have to get the wet spots and small ditches out of our fields. We can't grow farm products to help maintain a balance of foreign trade with our farm tractors bogged down in wet spots in the fields. We are going to have to establish drainage systems that will permit the efficient use of modern machinery. This means installing more underground tile drains. These tile drains should last for hundreds of years but are costly to install. Yet, this fiscal year the cost of tile installation went up and the REAP incentive payment went down.

Mr. Chairman, I point out these things as just a few of the items that this program has done in the past and will continue to do at a more adequate level, if the Congress can see fit to allocate more funds for the program. The small payments provided to the farmers of this nation by this program promote and encourage the conservation of our soils, water, grassland, woodland and wildlife for the benefit of all our people and also for our unborn generations of Americans which, of course, is essential to our survival. The main problem is that these cost-share payments have been too small and the total allocated most inadequate. Comparing the amount of funds this program provides to the acreage of privately owned land, about 14¢ per acre was spent to save our national resources. This is too small an amount to do the job that must be done.

In closing, Mr. Chairman, I strongly urge this Committee to give careful thought to this program and to the funding thereof. As you know, this program has been operating very successfully for about 35 years, and in recent years funds have been cut substantially and, of course, the need for such funds has been increasing. I would suggest, as a minimum, that the level of funding be the maximum as authorized by law—five hundred million dollars, I believe.

I thank you, Mr. Chairman, and the other members of your fine Committee for the opportunity to present my views.

OBLIGATIONS UNDER CONTINUING RESOLUTION FOR MILITARY FOREIGN AID

Mr. **PROXMIRE.** Mr. President, the CONGRESSIONAL RECORD of June 29, 1972, page 23323, will reflect my concern regarding the excessive rate at which Treasury warrants were drawn down and obligations incurred in past years for certain programs—particularly foreign assistance—under authority of continuing resolutions.

The Appropriations Subcommittee on Foreign Operations of which I am chairman reported a foreign assistance and related activities appropriation bill to the full Senate Appropriations Committee on June 26. The House, however, has not acted, and we are unhappily faced with the necessity of an extension of the current continuing resolution—without question a most unsatisfactory and cumbersome substitute for responsible and timely congressional action.

Because of my stated concerns, I promised to keep the Congress apprised of action taken pursuant to the continuing resolution authority, as enacted, and my first report is contained in the CONGRESSIONAL RECORD of July 19, 1972, page 24344.

I ask unanimous consent to have printed in the RECORD a schedule prepared by the General Accounting Office showing Treasury warrants drawn for foreign assistance activities through August 4, 1972.

There being no objection, the schedule was ordered to be printed in the RECORD, as follows:

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 1973 UNDER THE CONTINUING RESOLUTION

[In thousands of dollars]

Appropriation	Annual rate under 1973 continuing resolution	Warrants approved by Comptroller General through Aug. 4, 1972
TITLE I—FOREIGN ASSISTANCE ACTIVITIES		
Economic assistance:		
Worldwide, development loans	$200,000	$50,000
Alliance for Progress, development loans	150,000	37,500
Worldwide, technical assistance	160,000	40,000
Alliance for Progress, technical assistance	80,000	20,000
American schools and hospitals abroad	15,575	3,893
Programs relating to population growth	125,000	31,250
International organizations and programs	124,835	31,208
Indus Basin Development Fund, loans	12,000	5,562
Indus Basin Development Fund, grants	10,000	6,010
Contingency fund	30,000	7,500
International narcotics control	0	
Refugee relief assistance (Bangladesh)	100,000	25,000
Administrative expenses:		
AID	50,000	7,500
State	4,221	633
Subtotal, economic assistance	1,061,631	266,056
Other:		
Overseas Private Investment Corporation: (OPIC) (reserves)		
Subtotal, other		
Military and supporting assistance:		
Military assistance (grants)	500,600	124,000
Supporting assistance	550,000	137,500
Subtotal, military and supporting assistance	1,050,600	261,500
Total, Title I, Foreign Assistance Act	2,112,231	527,556
TITLE II—FOREIGN MILITARY CAPS		
Credit sales	$400,000	$100,000
Total, foreign military	400,000	100,000
TITLE III—OTHER		
Peace Corps	72,500	12,329
DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS		
Ryukyu Islands, Army: Administration	0	
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE		
Assistance to refugees in the United States (Cuban program)	139,000	
DEPARTMENT OF STATE		
Migration and refugee assistance	1,087	90
Resettlement of Soviet Jewish refugees	0	
INTERNATIONAL FINANCIAL INSTITUTIONS [1]		
International Bank for Reconstruction and Development	0	
International Development Association	0	
Inter-American Development Bank	0	
Asian Development Bank	0	
Total, Title III, Foreign Assistance (other)	212,587	12,419
TITLE IV—EXPORT-IMPORT BANK		
Limitation on program activity	0	
Grand total, all titles	2,724,818	639,975

[1] No amounts are shown because funds appropriated for these activities are not necessarily recurring type appropriations and it is not clear whether the continuing resolution would apply.

ENVIRONMENTAL IMPROVEMENT THROUGH WATERSHED PROGRAMS

Mr. TALMADGE. Mr. President, I invite the attention of the Senate to the text of an address by Mr. Kenneth E. Grant, Administrator of the Soil Conservation Service, to the 27th annual meeting of the Soil Conservation Society of America. The subject of the address is self-explanatory: "Environmental Improvement Through Watershed Programs."

Throughout the text of this address, excellent examples are cited regarding the multipurpose benefits from the small watershed program—recreation benefits, water storage for municipal and industrial use, the economic and physical growth of small rural communities, flood prevention benefits, and so forth. He estimates that "watershed projects already have prevented flood damages in the order of $300 million, and they almost certainly have saved human lives as well."

I draw attention to the address because the opportunities for these types of public benefits are broadened through title II and title III of the Rural Development Act of 1972, now pending final passage by the Senate.

These broadened authorities in title II and title III of the Rural Development Act of 1972 will offer new ways and means to help local conservation districts in building rural America. This is a good reason why the Rural Development Act of 1972 should become the law of the land promptly.

I ask unanimous consent that the text of Mr. Grant's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL IMPROVEMENT THROUGH WATERSHED PROGRAMS

Perhaps it goes without saying that the subject assigned to me today, while I played no role in selecting it, is one that I find very satisfactory.

Some people might argue that I am not the proper person to present an objective and scholarly view of the environmental improvement brought about through Public Law 566 projects, since I am responsible for administering the law. I will admit that I think very highly of the small watershed program, both from the standpoint of what already has been accomplished and what remains to be done to help those upstream communities still without adequate flood protection. But I am also in a position to offer you a great deal of first-hand information about a program which has suffered from more than its share of misrepresentation and one-sided criticism during the past three years.

The Soil Conservation Service has published a 14-page pamphlet to explain the P.L. 566 program to the public. The pamphlet begins with the following words:

"Experience in hundreds of localities demonstrates that multiple-purpose small watershed projects are an effective means of dealing with land use and water resource problems, of improving the quality of life in both rural and urban America, and of balancing our future national growth."

I would like to take a few minutes to document this statement for you.

At the same time, I hope to demonstrate that the effects of small watershed projects are consistent with the declaration of environmental policy as expressed by the Congress in Title I of the National Environmental Policy Act. NEPA charges the Federal Government with assuring for all Americans "safe, healthful, productive, and esthetically and culturally pleasing surroundings." It also calls for "a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities" and enhancement of the "quality of renewable resources." The worthy aims expressed in this Act, which is less than three years old, have a familiar ring to members of this 30-year-old organization. SCSA accepted these challenges many years ago.

What is the impact of the small watershed program on the environment?

First, it reduces frequency and depth of flooding in farm, urban, and residential areas. We estimate that the watershed projects already prevented flood damages in the order of 300 million dollars, and they almost certainly have saved human lives as well.

During June, when the heavy rainfall accompanying Hurricane Agnes caused serious flooding in the Middle Atlantic states, all or part of 75 small watershed projects lay in the path of the hurricane. *All* of the dams and other structures associated with those projects did the job they were designed to do. None of the small watershed dams failed, or even came close to failure. Each helped to prevent a regional catastrophe from becoming a series of even greater local disasters.

Lake Needwood and Lake Frank, for example, in the Upper Rock Creek watershed project north of Washington, D.C., kept floodwaters out of hundreds of homes and apartments in the densely settled suburb of the capital. Even after the hurricane dumped from 7 to 9 inches of rain in the watershed in 24 hours, the level of water in the lake was still more than two feet below the elevation of the emergency spillway and more than 14 feet below the top of the dam.

"Pity the area below if the dam hadn't been there," editorialized one local newspaper.

In Wellsboro, Pennsylvania, where 10 inches of rain fell in 36 hours, Mayor William Hall reported that the Marsh Creek watershed project prevented millions of dollars in damages.

In the town of Jim Thorpe, Pennsylvania, local officials estimate that the Mauch Chunk watershed project prevented a quarter of a million dollars in flood damages.

In Virginia, the Mountain Run watershed project held back 1.8 billion gallons of water during Agnes and without question protected the town of Culpeper from serious flooding. The nearby towns of Rapidan and Remington, which so far do not yet have protection, were inundated by the same storm.

The list of successes could go on and on. In 1967, a nursing home in Randolph, New York, was evacuated when 4.7 inches of rain fell. This year, during hurricane Agnes, the rain totalled 6 inches, but the home and its patients were never threatened. The difference was a new dam constructed as part of a small watershed project for the area.

Anyone who has tried to clean up after a flood knows well that flood protection is one form of environmental improvement.

Another contribution to environmental improvement in the P.L. 566 program accrues from the conservation treatment of farms in the watershed. Sound land treatment is essential to reduce water run-off and sedimentation. Once again, our recent experience with Hurricane Agnes reminded us of the far-reaching impact on the environment of land treatment. It also reminded us that the job is far from finished.

In Virginia, David Grimwood, the SCS state conservationist, toured flooded areas by helicopter soon after the disaster. He said: "One of the things that really sickened me was to see the damage done to unprotected farm lands above the dam. Fields without strip-cropping and waterways were badly rilled and gullied, and you could spot the sediment run-off patterns. I don't think most people realize how much everyday soil conservation work pays off during and after floods."

You people here realize it. Small watershed projects have prevented nearly 15 million tons of sediment from accumulating in streams or lakes, or from becoming unwelcome deposits on land downstream, since the program began.

SCS requires that at least 75 percent of the critical sediment sources above a P.L. 566 dam either be treated or be under treatment at the time the dam is constructed. We also require that at least half of the land above a dam be included in a conservation plan before work on the dam begins.

The havoc wrought by Hurricane Agnes on eastern farmland taught us that these minimum goals are just that, and that we must keep our basic missions in mind and redouble efforts to put more farmland under conservation agreement.

The hurricane also reminded us of still another lesson that has too often been forgotten in recent years: a decision to do nothing to alleviate watershed problems is, in itself, a major decision about the environment.

A lot of people have been worried of late about man's ability to accurately depict the fourth or fifth order of consequence of his actions upon the environment. And if you can't project with absolute certainty the consequences of your actions, they say, mankind and the environment would be better off if you did nothing at all.

Now I would be the first to admit that we frequently do not have all the information we need to predict every consequence of every action that man takes in his environment. But I do not believe that is sufficient reason to suspend all action. The first and second order consequences of inaction are much too disastrous for that: wrecked homes and businesses, eroded farms, ruined crops, human lives lost.

More vivid to me than any statistics about damages was a television interview with a young Virginia man whose first home, his furniture, his wife's piano, all had been lost to the flood.

"How much has this cost you?" asked the interviewer.

The young man looked shocked. "I guess $25,000," he said. "But our things meant a lot more to us than the money involved. It was part of our lives that washed away."

The floods suffered this year in South Dakota and the Mid-Atlantic States are the type of disasters against which small watershed projects can provide a measure of protection. These obvious and predictable consequences are the reason we should get on with our work and develop needed projects. The price of inaction is frequently too high a price for the Nation to pay.

Flood protection is not the only way in which the small watershed program benefits the environment, by any means. In many projects, we also improve water quality and assure greater water supply through the watershed program. In keeping with the multiple-purposes of P.L. 566, local sponsors are encouraged to provide water supply storage in available reservoirs for both present and anticipated demands.

Since 1958, 200 multiple-purpose reservoirs incorporating water storage for municipal and industrial use have been planned in small watershed projects. When completed, these reservoirs will provide water to 206 communities and more than 1.2 million people.

Like flood statistics, these figures only hint at the human story that lies behind them. Water supply can mean life or death to a community. Not long ago, for instance, the city of Winfield, Kansas, faced a serious water quality problem. Its supply, drawn from wells, was subject to salt water pollution. Winfield, a town of more than 11,000, includes the patients and staff of a Kansas state hospital for the handicapped. A dependable supply of quality water was essential to the continuance of that institution.

Planners of the Timber Creek Watershed Project helped solve the town's problem. They increased the capacity of a flood-prevention reservoir to include storage for municipal water supply. The city developed a new water treatment plant and a 1.5 million gallon ground storage supply facility. To provide adequate pressure, it also constructed a 1 million gallon elevated storage tower. These supply and treatment facilities will provide Winfield and surrounding areas with quality water supply that should prove sufficient until the year 2020. And recently, Winfield City Lake has been developed to meet the recreation needs of the area. Local residents began fishing there in summer. This development has significantly improved the human environment and quality of life of this community.

The economic and physical growth of scores of small rural communities like Winfield, Kansas, is limited absolutely by inadequate supply of water. It will avail us little to talk about reversing the tide of migration from country to city and attracting more business and industry to rural America if the water supply in these country towns is inadequate even to meet the needs of present residents. That is why I attach so much importance to this benefit of the small watershed program, a benefit in keeping with that charge to the government in the National Environmental Policy Act about enhancing "the quality of renewable resources."

There are many examples, of course, of the new business and industry that have followed in the wake of multi-purpose watershed projects. Near Crozet, Virginia, the structure known as Beaver Creek Lake covers 104 acres and contains 750 million gallons of water. Because water is available, two major industries have settled in Crozet. One of them, a frozen food company, uses a million gallons of water a day. The new firms provide jobs for nearly 2,500 workers and have brought $15 million in annual payrolls to the area. Men and women who formerly were underemployed farm workers now have decent homes and new cars and television sets, like their relatives in larger communities, and the benefits to the community continue to multiply.

Another benefit of P.L. 566 projects, one perhaps unfamiliar to project sponsors in eastern states, is the creation of a regular and dependable supply of irrigation water.

An outstanding example is the American Fork-Dry Creek project in Utah. This project serves a watershed that had too much water in spring following rapid snowmelts and too little water in summer. Sediment damage caused by spring floods also plagued the local landowners.

The plan called for four debris basins strategically placed to hold the surging waters from the mountains and to permit the sediment to settle. Also included in the plans was the Silver Lake Flat Irrigation Reservoir. Local irrigation users bear the additional cost of this reservoir to provide water for irrigation when other supplies are exhausted.

As is typical with watershed projects, sponsors also found ways to conserve water supplies, to stretch them, and to avoid waste. They report that lining the irrigation ditches with concrete saves nearly a third of the watershed's supply of irrigation water, and they are continuing to line about 80,000 feet of canals and ditches annually.

In Wyoming, a different solution to a similar problem was applied by sponsors of the Star Valley Dry Creek Project. Like their neighbors in Utah, they were running out of irrigation water in August. The people of Star Valley eliminated the old irrigation canals that fed their sprinklers, and replaced them with a pipeline that intercepts water at a point high in the mountains. The weight of the water confined in the pipe provides the needed pressure; the same principle is used in municipal water towers.

Working in cooperation with the Star Valley farmers, the Forest Service built level terraces in the mountains to catch and hold water and snow. They also stabilized nearly 29,000 feet of gullies to help control flash flooding and assure a continuing and steady supply of water.

Another benefit of watershed projects is one which is particularly close to my heart. It is a benefit consistent with the aim expressed in the National Environmental Policy Act of achieving "a wide sharing of life's amenities." I refer to recreation.

I am not one of those people who consider recreation in any way a frivolous benefit. In my opinion, to be cut off from such simple pleasures as swimming and boating, fishing and camping, picnicking and hiking, is to be psychologically crippled.

I was deeply moved on a recent visit to a lake constructed as part of the Duncan Creek Watershed Project in South Carolina. That lake has brought the pleasures of fishing to many people, including the mentally and physically handicapped children of Whitten Village, a state training school. The Village built access ramps for wheelchairs and a fishing pier for the children. The Fish and Wildlife Service was asked to stock the lake with bass, bream, and channel catfish. But whether they catch a fish or not, one can see by the faces of these children that the simple act of dropping a line in the water provides them with more enjoyment than perhaps they are able to experience in any other way. In the mathematics of computing cost-benefit ratios, I am not sure what dollar value you could put on such an experience for 2,800 people, but in my own private scale of values, I would rate it very high indeed. The benefits to the human beings involved transcend any inventory of physical facilities.

Another watershed lake, this one in Georgia, offers special recreational opportunities to more than 16,000 physically handicapped people every year. At Fort Yargo Lake, a multi-purpose flood prevention and recreation structure was built as part of the Marbury Creek Watershed Project. The Georgia Department of Natural Resources provided paths for wheelchairs and installed ramps for rolling specially built chairs into the water. There are nature trails and piers where people confined to wheelchairs can fish. Plant identification markers and other signs in the park area are in writing and in Braille. Here blind and crippled adults and children can swim, fish, play and enjoy nature despite their handicaps. Like the lake in South Carolina, Fort Yargo demonstrates the enormous potential of small watershed projects for extending the amenities of the natural environment to all people.

A growing number of small watershed projects also include planned improvements in fish and wildlife habitat. One example is Trafton Lake, in Maine, one of three sites planned as part of the Limestone Stream Watershed Project.

Several months after Trafton Lake was filled in April 1969, fisheries biologists made a census of the game fish population and found that it contained so many brook trout that supplemental stocking was unnecessary. One reason is that the nursery area above the lake was carefully preserved during construction. Also, water temperatures and food supply in the lake are optimum for a trout fishery.

Besides providing more fishing, both flood prevention and multiple purpose reservoirs can be modified to permit controlled management of the level of the water surface. This permits planned water fluctuations for the management of the fishery habitat. It also permits seeding of desirable food plants in the upper reaches of the reservoir, which can be flooded in the fall to provide food for migratory waterfowl.

We in SCS are convinced that much more can be done to improve fish and wildlife habitat in P.L. 566 projects, on a case by case basis, particularly if fish and wildlife experts participate in the planning from the very beginning.

An excellent example of the kind of cooperation I have in mind is taking place in Tennessee. During the past 10 years, an interagency group of biologists from the Tennessee Game and Fish Commission, the U.S. Bureau of Sport Fisheries and Wildlife, and SCS, has helped plan and evaluate 44 watershed projects in the State.

In each case, the group makes an inventory of fish and wildlife resources in the watershed and determines the actual and potential fish and wildlife values in the area. These values can then be considered by the local sponsors and the watershed planning party as they develop the work plan.

After the watershed application is approved for planning, the biologists study the flood prevention measures to determine their impact, if any, on fish and wildlife. From this study additional measures may be recommended for improving wildlife resources or for mitigating damage to them.

This cooperative approach, which extends even into the construction phase has worked very well in Tennessee, and I see no reason why it shouldn't work in other States as well. Certainly this is a far better approach than boycotting the planning process entirely, only to superimpose an overview of a project after the basic work is done.

If you want first-hand knowledge of a project, there is no substitute for personal participation in planning that project. This was brought home to me with some force recently, when I visited India to study some of that nation's resource problems. Before my trip, I had done a good deal of advance reading—enough to run across many conflicting reports which I was unable to resolve in my own mind. While traveling in India, however, I was able to make some positive judgments by using my own eyes and ears and by talking with people whose experience I respected.

It is much the same with a man who tries to judge the pros and cons of a P.L. 566 watershed project from a distance. It is impossible to get the project into perspective unless you examine the site, wrestle personally with the problems, and immerse yourself in the conflicts. That is why I welcome the Tennessee approach. That is why I distrust the efforts of some to set themselves up as judge and jury while remaining hundreds of miles from the watershed site. This simplistic approach is not going to help resolve the conflicts we are experiencing today.

I have grown wary of engaging in generalized discussions of channel improvement work. The fact is that you can't isolate channel work in a watershed project from other aspects of the project. You have to look at all facets of each watershed project to come to any sensible conclusion about its value to the community and its impact on the environment

I also have learned first-hand that it is risky to generalize about the motives of local people who are personally involved in watershed planning. Some critics of the program try to tell me that farmers are motivated by crass economic considerations and that only scientists are concerned about the state of the environment. We all live in this environment together; farmer and biologist; bureaucrat and businessman. All share a concern about what kind of world we bequeath to our children and grandchildren. Certainly the long history of participation of thousands of farmers in such movements as soil stewardship and wildlife preservation provides ample evidence that the farmer is motivated by far more than the dollar sign. As one farmer told me not long ago, "If I were in this business just for the profit, I believe I'd get out of it."

All of us who appreciate the virtues of the small watershed program should be willing to speak up more forcefully in its behalf. The P.L. 566 program is not coming to an end; it is just beginning. We estimate that only about 10 percent of the job that needs to be done is already under way; the bulk of the work lies ahead of us. I do not know of any other local-state-Federal program which has any more potential for contributing to better urban and rural life and the environment than the small watershed program.

We have made some mistakes, to be sure but in far more instances, we have joined with sponsors in helping bring untold environmental as well as economic benefits to local people. And with new legislation proposed by Congress this year, there is a chance that the small watershed program may become an even more useful vehicle for serving rural communities in the future.

But it is going to take the full participation of knowledgeable people who are committed to participate in local planning—people from all manner of background and disciplines, like those assembled at this great meeting of the Soil Conservation Society of America. This is a program for the people—not for one kind of people or one segment of society or one point of view—but for all the people. That is why I am proud of the record of the small watershed program; that is why I am so confident about its future.

GENOCIDE AND REFUGEES

Mr. PROXMIRE. Mr. President, we are all aware of the great suffering that occurred because of acts of genocide during the Second World War. The events so shocked us that our Nation became a leader in the United Nations, urging and participating in the formulation of the Genocide Convention. I have been compelled to speak before the Senate daily for the last 5 years to promote ratification of that treaty, because genocide still exists in the world today.

One side effect of genocide which has been overlooked during much of the debate is the impact of genocide on the living members of a persecuted group.

For many people the best alternative available to them is to flee to another country, upsetting the peace between nations. The suffering which these refugees experience is often beyond belief. They may live for months or years in a foreign territory whose economy is unable to accommodate them. Often, they suffer from malnutrition. Adequate housing may not be available. The fear and despair which they face can be unbearable.

At the present time, many refugees are now suffering from this side effect of genocide. In Bangladesh, the repatriation of the homeless and hungry people is possible only because of a great spirit of unity among the people. Yet their pain has been and continues to be severe.

During the 17-year war in Sudan, nearly 200,000 refugees fled the country and still face much misery before they are repatriated.

Many citizens of Burundi are now fleeing their country as the killing continues.

The crime of genocide is creating international havoc and immense suffering. I urge ratification of the genocide treaty not only to declare our opposition to the crime of genocide, but also to give these refugees the hope that they need if they are to rebuild their broken lives. And we cannot forget the many people who will become refugees if genocide is allowed to occur in the future.

GRAIN SALES TO RUSSIA

Mr. DOLE. Mr. President, farmers are reaping the benefits of President Nixon's wise and far-seeing policies as reflected in the approximately $1 billion in agricultural commodity export sales recently completed.

These recent sales of wheat, feed grains, and soybeans follow the 3 million tons of feed grain—about $150 million worth—exported to the U.S.S.R. in the fall of 1971. These commercial sales resulted from the Nixon policies which have brought the level of farmers' income to the highest on record.

PRESIDENT CHANGED POLICIES

President Nixon revised the trading rules imposed by President Kennedy and continued by President Johnson, which adversely affected sales to Soviet-bloc nations and our efforts to solve the balance-of-payments problem. Moreover, there was no indication that these burdensome regulations prevented the Soviet-bloc nations from obtaining the needed grain supplies. The restrictive programs of past administrations, of imposing certain shipping limitations and licensing exports, increased costs to importers and was deemed by President Nixon to be of doubtful utility. He eliminated these burdensome regulations.

RECORDSETTING AGREEMENT

He decided to offer the Soviet bloc the same competitive conditions available to other nations. Such a policy enables our export firms to be in the position of offering agricultural commodities every hour of every day. Moreover, on July 8, 1972, President Nixon announced the successful negotiation of the largest 3-year grain agreement in history between the United States and the U.S.S.R.—$750 million. As a part of that agreement, the United States is making available regular Commodity Credit Corporation credit terms. Trade reports have indicated very substantial cash purchases of grain and soybeans in addition to the credit purchases.

LABOR BENEFITS

The Presidential mission to the Soviet Union is resulting in a basic change in that the U.S.S.R. will now become the largest single importer of our farm output. Labor will benefit to the tune of 35,000 to 50,000 man-years of additional work. Our balance-of-payments situation will be much improved. All of this is tangible proof of the wisdom of President Nixon's bold efforts for peaceful trade.

Mr. President, I ask unanimous consent that an article entitled, "Another Fiscal Year Record for U.S. Agricultural Exports," from the August 7, 1972, issue of Foreign Agriculture, a publication of the Foreign Agriculture Service, be printed in the RECORD.

The article outlines the progress in agricultural export sales during the past recordbreaking fiscal year. It is well that this story receive the extensive distribution provided by the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANOTHER FISCAL YEAR RECORD FOR U.S. AGRICULTURAL EXPORTS

(By Dewain H. Rahe)

In 1971-72, U.S. agricultural exports again advanced to an all-time high, reaching $8 billion. The increase of 4 percent, or $200 million, was all in commercial sales for dollars. Shipments of animals and animal products jumped to more than $1 billion, a record for that export category; and shipments of soybeans and products passed $2 billion, a first for any category.

Higher prices were responsible for nearly all the increase: export value increases for soybeans, cotton, dairy products, cattle hides, fruits, nuts, vegetables, and feedgrains more than offset reductions in shipments of wheat, flaxseed, alfalfa meal, and animal fats. Volume, however, about equaled the record level of the previous year.

Fiscal 1972 had most of its agricultural trade misfortunes during its first half. First, the longshoremen's strike at east coast, west coast, and gulf ports severely hampered exports, although stepped-up shipments before and after the strike somewhat reduced the impact on the east coast and the gulf, and the St. Lawrence Seaway remained open for shifts from gulf ports. Second, the international monetary crisis created uncertainty in the foreign market, delaying the purchase of many U.S. products. Third, foreign production of grains, especially wheat, showed a substantial increase in 1971 which damped the demand for U.S. grains in July-December.

During the second half of the fiscal year, several improvements occurred. First, the period was relatively free of strikes (except on the west coast, Jan. 17-Feb. 21). Second, the bulk of the grain sold to the USSR last fall moved out. Third, economic growth picked up in most foreign countries. Fourth, reports of reductions in foreign grain production began to appear, stimulating U.S. sales. Fifth, the devaluation of the dollar and the revaluation of some major foreign currencies increased the competitiveness of many U.S. farm products. However, flexible duties on variable-levy items, plus other European restrictions, offset much of this competitive edge. Nonetheless, January-June exports rose to a record $4.2 billion, from $3.9 billion the year before—enough to more than balance off the July-December slump.

Shipments to developed countries totaled $5.0 billion, or about the same as the previous year; but the composition of the trade changed considerably. For example, exports to Japan, the top market, declined by about 4 percent because of a sharp reduction in wheat and feedgrains. Exports to the European Community, on the other hand, rose about 7 percent to a record of $1.9 billion. Exports of items not subject to variable levies accounted for the increase. This outweighted a decline in exports of variable-levy commodities caused by the sharp increase in EC wheat production that reduced import requirements.

Developing countries accounted for $2.7 billion of the year's total, up from $2.5 billion a year earlier. Shipments to South Vietnam, India, Brazil, and Morocco declined, while those to South Korea, the Philippines, Iran, Pakistan, Egypt, Afghanistan, Colombia, and Peru gained.

Sales to COMECON countries rose over $280 million, from about $170 million in 1970–71. The largest part of this increase came from feedgrain sales of $135 million to the USSR. Exports to other COMECON countries showed mixed trends, with increases for Poland and East Germany and decreases for Romania, Bulgaria, Czechslovakia, and Hungary.

Exports of soybeans and products jumped 6 percent to a new record of over $2 billion—the first commodity group ever to exceed that figure. Both prices and volume were up from last year's record.

Soybean exports rose to over 430 million bushels, from 424 million a year earlier. Top markets again were the EC, Japan, Spain, Canada (includes transshipments), Taiwan, Denmark, and Israel. Increased foreign demand for meal was the princial reason for the rise. The expending livestock industries of many countries, especially those in Western Europe, are emphasizing improved feeding practices, which require greater use of high-protein feed. The high price of grains in the EC has also encouraged feeding of soybean meal.

U.S. stocks were smaller in 1971–72 and prices higher, pushing export value up about 9 percent. Average unit value was $3.22 per bushel compared with $3.00 in 1970–71. For many foreign buyers, these higher prices were offset by the realinement of the U.S. dollar with other currencies. In Japan, the elimination of import tariffs on soybeans also helped maintain stable prices to Japanese buyers.

Combined exports of soybean oil and cottonseed oil were down slightly from last year's record level of 2.1 billion pounds. Still, the 1971–72 figure of 2.0 billion pounds was the second highest on record. Foreign consumption of vegetable oils continued to gain in both developed and developing countries, and strong demand for U.S. soybean oil contributed to the near-record export total; but foreign production of copra, palm and palm kernel oils, peanuts, and rapeseed rose sharply, somewhat reducing U.S. vegetable oil sales.

Protein meal exports totaled 4.5 million tons, down somewhat from a year earlier. However, value was about the same because of higher prices. Soybean meal accounted for over 90 percent of the total. U.S. meal exports, including the equivalent of oilseeds, accounted for about one-half of the world export total.

Exports of grains and preparations fell about 4 percent. Wheat accounted for the decline, totaling around 632 million bushels compared with 738 million a year earlier as increased grain production, especially of wheat, in the Northern Hemisphere reduced the demand for U.S. wheat.

A considerable part of the drop in wheat exports can be traced to losses during the longshoremen's strikes. For example, wheat exports through the west coast ports declined to 176 million bushels, from 214 million a year earlier. Down sharply were exports to India, Pakistan, Brazil, Japan, the EC, and the United Kingdom. Exports to Japan alone plunged from 106 million bushels to 80 million. Advancing somewhat, however, were exports to Iran, Mexico, Peru, Afghanistan, Syria, and Pakistan.

The average export value of wheat rose to $1.68 per bushel, from $1.65 per bushel in 1970–71 when feed wheat accounted for a large part of the total. This year, with the sharp drop in feedgrain prices, feed wheat exports fell.

Rice exports totaled 37.4 million bags, slightly more than a year earlier. Exports to the EC, Korea, and South Vietnam were smaller; those to India, Pakistan, and Bangladesh, larger. Heavy exports to developing countries in the last quarter of the year helped maintain the total. With increasing population and somewhat smaller production in a number of these countries, demand for U.S. rice rose sharply.

Exports of feedgrains rose about 1.7 million tons, to a total of 20.8 million. All the increase occurred in the latter months of the year. The continued growth of demand for livestock products throughout the developed and developing countries has created more demand for U.S. feedgrains. The current world meat shortage, in particular, has encouraged many livestock producers around the world to feed animals to heavier weights.

Purchase of 2.5 million tons of feedgrains by the USSR last fall—most of which moved in the second half of fiscal 1972—contributed to the overall gains; and exports to the EC were over one-half million tons larger than a year earlier. Also, reduced coarse grain production in some countries caused many foreign purchasers to turn to the United States for their feedgrain supplies. Corn production in Argentina, for example, fell by 4 million tons, and grain sorghum production, by 2.3 million. Corn production in South Africa rose to record levels, but South African exports are somewhat limited by handling and transportation facilities.

The rise in U.S. feedgrain exports might have been even larger had not shipments to Japan declined by over 2 million tons, as Japan made more coarse grain purchases elsewhere—especially in Australia, Brazil, South Africa, and Thailand. In addition, Japan reduced its feedgrain import requirements by using 1.5 million tons of surplus rice for feed.

Cotton exports rose 8 percent in value, all of the increase stemming from higher prices. In quantity, cotton exports totaled 3.3 million bales, down slightly from the 3.7 million of a year earlier. Export value jumped to nearly $160 per bale from $132 the previous year.

Strong world demand for cotton has helped U.S. exports despite tight supplies and relatively high prices. Foreign non-Communist production in 1970–71 was down sharply, while consumption was up in both Communist and non-Communist countries, thereby pulling world stocks down to a 20-year low. U.S. exports have fallen sharply since March, when reports indicated that world production in 1971–72 would be substantially larger; and because of the big U.S. cotton crop expected in 1972–73, many foreign buyers have been delaying their purchases. Principal cotton markets this year included Japan, Canada, the EC, Indonesia, Taiwan, the United Kingdom, Korea, and the Philippines.

Tobacco exports, including bulk tobacco, totaled about the same in value as a year earlier. Quantity, however, fell to about 557 million pounds from 584 million. The decline was in exports of flue-cured tobacco to the United Kingdom the EC, primarily West Germany. Other tobacco exports increased, including those of burley, Maryland, and dark fire-cured. Exports of bulk smoking tobacco also increased, to 33 million pounds compared with 29 million a year ago.

U.S. AGRICULTURAL EXPORTS: VALUE BY COMMODITY FISCAL YEARS 1971 AND 1972

[Dollars in millions]

Commodity	1970–71	[1] 1971–72	Change (percent)
Animals and animal products:			
Dairy products	$131	$195	+49
Fats, oils, and greases	273	229	−16
Hides and skins	186	237	+27
Meats and meat products	143	178	+25
Poultry products	55	57	+4
Other	115	115	0
Total	903	1, 011	+12
Grains and preparations:			
Feedgrains, excluding products	1, 096	1, 118	+2
Rice	289	305	+6
Wheat and flour	1, 201	1, 047	−13
Other	119	133	+12
Total	2, 705	2, 603	−4
Oilseeds and products:			
Cottonseed and soybean oils	290	293	+1
Soybeans	1, 273	1, 391	+9
Protein meal	398	398	0
Other	110	140	+27
Total	2, 071	2, 222	+7
Other products and preparations:			
Cotton, excluding linters	492	530	+8
Tobacco, unmanufactured	570	570	0
Fruits and preparations	341	381	+12
Nuts and preparations	66	83	+27
Vegetables and preparations	208	230	+10
Other	400	420	+5
Total	2, 077	2, 214	+7
Total exports	7, 756	8, 050	+4

[1] Estimated.

Tobacco exports to Japan rose to 63 million pounds from 54 million the year before. Most importing countries, however, have been maintaining tobacco stocks at relatively low levels during the past year. Uncertainty about Rhodesia's future as an exporter has caused many foreign buyers to purchase only for current needs.

Exports of animals and animal products exceeded $1 billion for the first time. This new record was achieved primarily by increases for dairy products (primarily butter) and hides and skins, though meats—particularly beef and pork—also gained.

Dairy product exports rose in value by nearly one-half from a year earlier. All the increase was accounted for by butter exports, which leaped to $63 million for $3 million in 1971. The United Kingdom took nearly all of this gain. The substantial reduction in New Zealand's dairy production caused by 2 years of drought created a very tight world butter situation; in addition, the huge EC surplus of a few years back has disappeared. Thus the United States was the only major supplier that had enough to meet the U.K. demand.

Exports of hides and skins gained in value by over one-fourth from those of 1970–71. Foreign demand has been gaining slowly in recent years; but this year, supplies from other exporters were limited—particularly from Argentina, which reduced its cattle slaughter and used a larger portion of its hide production domestically.

Meat and meat product exports rose by about a fourth. Beef accounted for much of the difference, with sharp increases in exports of high-quality cuts to Canada and to tourist areas of the Caribbean, Asia, and Europe. Pork and variety meats also gained—pork, mostly in May and June, with Japan taking the increase. Although meat production around the world has been rising steadily in recent years, it has failed to meet the rise in world demand from rapid growth in income.

Exports of animal fats and oils fell by about 16 percent from those of 1970–71. Increased lard production and availability in Western Europe resulted in a substantial decline of U.S. exports to the United Kingdom, the most important market. Inedible tallow exports rose by about 100 million pounds to more than 3 billion; but value fell by about $14 million because of lower prices.

Poultry and poultry product exports rose 3 percent with most of the increase occurring in poultry meat, especially exports of chickens to Japan and Canada. The total for turkeys declined slightly because of higher EC supplemental levies, which effectively curtailed shipments to that area. Other poultry products showed relatively little change. Combined exports of baby chicks, breeding chicks, and other chicks totaled about $20 million, about the same as a year ago. As more countries have developed a foundation of breeding stock, export growth in these items has slowed somewhat.

Combined exports of fruits, nuts, and vegetables achieved a new record value in 1971–72. Exports of fruits rose to $381 million, 12 percent more than a year earlier. Most of the gain was due to fresh products. Demand for U.S. citrus has shown a sharp gain, particularly for grapefruit in Japan, where there continues to be a strong market for lemons. In addition, exports have been helped this year by the realinement of the U.S. dollar with other currencies, which has made U.S. products more competitive. At the same time, promotion of high-quality U.S. products has helped capture more markets and a larger share of some existing markets. Exports of grapefruits jumped to $34 million from $15 million. Lemons and limes were also up, as were most other fresh items.

Exports of canned fruits, however, were down because of smaller production and higher prices, especially for canned peaches and fruit cocktail; but exports of fruit juices rose by about $3 million to around $63 million, primarily because of advances for orange juice. Dried fruits, principally raisins, also gained slightly; higher prices accounted for the increase. Raisin prices rose sharply after the freeze in California.

Exports of nuts and preparations rose to a third successive record, reaching $83 million from $66 million a year earlier. Most of the increase was due to almonds, which account for over two-thirds of the total. However, other items have also gained, especially walnuts. New methods of production that enable mechanical harvesting have greatly increased the competitive position of U.S. nuts in the world market.

Exports of vegetables and preparations totaled $230 million, 10 percent greater than a year earlier. Again, fresh products—mainly lettuce—accounted for most of the increase except for hops, exports of which jumped to $20 million from about $12 million after production slumped in Western Europe because of unfavorable weather.

BRITISH GOVERNMENT NOTES HEALTH RISKS OF SMOKING CIGARETTES

Mr. MOSS. Mr. President, I invite attention to the fact that the British Government is taking steps parallel with those of our own Government in attempting to educate its people on the health risks of smoking cigarettes. Indeed, all the industrialized countries of the world are endeavoring through their health departments to warn their people of the consequences of cigarette smoking.

I ask unanimous consent that a small news item published in the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRITISH TO STIFFEN CIGARETTE CURBS

LONDON, August 8.—The British government today announced new moves to highlight health risks to cigarette smokers.

British cigarette makers, who are banned from advertising on television, already must publish official health warnings on the packs they sell in this country. Now the government intends, starting next year, to publish lists of brands in order of their tar contents to run an anti-smoking campaign in schools and to cut down exposure of cigarette advertisements at televised sporting events.

THE NIGHT OF THE MURDERED POETS

Mr. WILLIAMS. Mr. President, 20 years ago, on the night of August 12, 1952, the Soviet Union executed 24 leading Russian Jewish poets, writers, and intellectual public figures. This bloodstained night reflected the Soviet Union's compulsive drive to eradicate all the values and traces of a great religious faith—Judaism—from the face of Russia.

Mr. President, it is a tribute to the human spirit and the spirit of a great people that the Jews of Russia today, more than ever, are united in their goal to retain their identity and solidarity with their brothers throughout the world. They can achieve this goal because they remember "The Night of the Murdered Poets" 20 years ago. We all should.

I ask unanimous consent to have printed in the RECORD a brief description of these events prepared by the American Conference on Soviet Jewry.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

The Night of the Murdered Poets

On the night of August 12, 1952, twenty-four leading Jewish poets, writers and intellectual public figures were executed in the basement of Moscow's notorious Lubianka Prison. These were not random executions, but the culmination of a calculated campaign to eradicate Jewish life in the Soviet Union.

The paradox of the August 12th massacre is clear: Poetry is, by its very nature, immortal. Once a poet has committed his words to paper, or whispered them to another, he has secured a place for his ideas, his beliefs and his convictions. A bullet cannot kill a poem, any more than it can murder a philosophy.

In his despair for the murdered poets, Chaim Grade, their wartime comrade, wrote "The young have forgotten you and me and the hour of our grief . . . your darkly murdered tongue, silenced by a hangman's noose is no longer heard. . . ." That poetic prophecy, written after the execution of the 24 writers, must not be allowed to be fulfilled. The repercussions of August 12th, and of the entire 1948–1953 period, when the Soviet Government effectively demolished the remnants of the Jewish community, provoked Soviet Jews to fight to retain their Jewish identity. In the void created by the destruction of Jewish life, the Soviet Government did not take into account the determined and obdurate nature of the Jewish people.

When the war was over, two million Soviet Jews had perished. The Nazis had found in the Soviet Jews the synthesis of all they despised and feared. The "Jewish Bolshevik" became a prime target of the full force of Nazi propaganda and war machinery. The three million surviving Jews were physically and psychologically depleted. With their relatives dead and their towns destroyed, Jews returned home to encounter more anti-Semitism.

This resurgence of popular anti-Semitism left Russian Jews with little more than their inherent will to survive. It was in this atmosphere that Soviet Jews began to rebuild their lives. But they had hardly any time before the Cold War, with its attendant suspicions and tensions, evolved.

The Cold War engendered in the Soviet Union a fear of anything Western and a concomitant attempt to prove that things Soviet and Russian were best. The Soviet campaign against rootless cosmopolitanism" was a natural outgrowth of this new perspective. At first, the campaign was directed at all those whose outlook and preferences were for Western and international ideas. However, as the propaganda became more extensive, anti-Jewish sentiments emerged. Soviet authorities saw the trait of "cosmopolitanism" as a contemptible Jewish attribute. The scene was set for the period that came to be known as the "Black Years"—1948–1953, with the purges and repressions which would follow.

Jewish communal and religious institutions had been destroyed long before the War. In 1942, the Soviet Government organized the Jewish Anti-Fascist Committee to enlist wartime support from Jews in the West. The Yiddish writers and artists selected by Stalin to lead the Committee became victims of the terror of the black years. Solomon Mikhoels, director of the Moscow Yiddish State Theater and an actor whose characterizations of King Lear and Tevye were legendary, had been named chairman of the Committee.

The writers who joined with Mikhoels in the work of the Committee had from the early days of the Soviet State joined wholeheartedly in the seemingly messianic work of building a new social order.

Several had left in the wake of the programs and upheavals of the revolutionary period, but returned voluntarily as the new Soviet Government restored order. Many Soviet Yiddish writers communicated the Communist message to the hundreds of thousands of Soviet Jews whose mother tongue was Yiddish.

In time, due to the absence of other Jewish institutions during the traumatic wartime period, Soviet Jews came to look upon the Committee as the symbol of Jewish consciousness in the U.S.S.R. Under the impact of shattering wartime experience, the writers began to employ Jewish historical and religious themes.

The struggle of Soviet Jews against the Nazis was portrayed in terms of the tradition of the Jewish will to survive against powerful oppressors. The public meetings of the Committee and the pages, as well as the very title of its Journal, *Eynikayt* (Unity), provided a forum for expression of Jewish sentiments, emphasizing the unity of Soviet Jews with world Jewry, which would have been considered unthinkable before the war.

Mikhoels addressed "Brother Jews" throughout the world. Peretz Markish said, "We are one people, and now we are becoming one army." Colonel Itzik Feffer recalled Ezekiel's vision of a mighty nation arising from the valley of dry bones. A Committee manifesto was addressed to "our Jewish brethren the world over." Mikhoels and Feffer were dispatched on an official mission to the United States. They were heard in many different cities by about half a million Jews, urging and receiving moral and financial support for the Soviet war effort, and promising that "firm brotherly relations" would persist among Jews throughout the world after the war.

More than three million dollars was collected in the United States. At a postwar memorial ceremony in honor of Polish Jews, Markish corrected Feffer—who had spoken of "the friendship of the Jewish peoples"—with these words:

"There are not two Jewish peoples. The Jewish nation is one. Just as a heart cannot be cut up and divided, similarly one cannot split up the Jewish people into Polish Jews and Russian Jews. Everywhere, we are and shall remain one entity."

Soviet Jews, hearing such expressions from Committee members, turned to the Committee for assistance with many kinds of problems, particularly those of refugees and evacuees. Ilya Ehrenberg, the assimilated Jewish writer who wrote in Russian and frequently served, in the postwar period, as a spokesman for Stalin's strictures against Jewish nationalism, recalled in his memoirs: "After the victory thousands of people went to Mikhoels for help because they saw him as the wise rabbi the defender of the oppressed."

Mikhoels as one of the leading creative Jewish personalities of the era was among the first to sound the anguished alarm of "solidarity." He called for the united front of all Jews in the face of total annihilation in the battle against fascism and as part of the freedom-loving people of the world. But by 1948 Jewish solidarity which had been so important in the Soviet struggle against fascism was no longer needed or desirable. It was viewed as divisive to a regime characterized by Russian chauvinism.

The solution to this "Jewish problem" was to be the suppression and obliteration of all traces of Jewish culture. The reign of destruction began with Solomon Mikhoels.

Mikhoels had been sent to Minsk on an official mission as a member of the Stalin Prize committee. Late at night on January 13, 1948, he was summoned from his hotel room by a Communist Party official. The next morning, his bruised and bloody corpse was found near the railroad station. The reported "accidental death" was eventually discovered; the Soviet secret police had killed Mikhoels by running him over with a truck. A Jewish theater critic who had accompanied him, Golubov-Potapov, suffered the same fate.

The murdered Mikhoels was given a magnificent funeral in Moscow by the government. His body lay in state at the Jewish State Theatre, and tens of thousands of Jews came to pay their last respects in death. The dishonesty of the official report of "death by accident" swiftly became apparent. A Jewish detective who began his own investigation of the "accident" disappeared and was never seen again. Peretz Markish had the courage to challenge the official version of Mikhoels death in his memorial poem, "To Solomon Mikhoels—an Eternal Lamp at his Coffin." Despite Stalin's assigning Professor Zbarsky, the expert mortician who had embalmed Lenin's body, to disguise the bruises on Mikhoels' face Markish wrote:

"The wounds on your face are covered by the snow,
So that the black Satan shall not touch you.
But your dead eyes blaze with anger,
And your heart they trampled on cries out against the murderous crew . . .
Somewhere in heaven, between the wandering shine,
A star lights up in honor of your brilliant name.
Don't feel ashamed of the holes in you, and your pain!
Let eternity feel the same."

The Soviet Government provided a splendid funeral while seeking, at the same time, to conceal the actual cause of death. Nevertheless, many Soviet Jews quickly perceived the ominous meaning of Mikhoel's death. For them, the tragic murder of Mikhoels was an alarming and frightening sign of the increasing militancy of the anti-Jewish campaign.

On September 21, 1948, Ehrenberg writing in *Pravda* delivered the opening blows of the new campaign. He warned Soviet Jews that their identifying with Jews in other countries would prove their disloyalty to the Soviet Union. The last issue of *Eynikayt* appeared on November 20, 1948 and then the Jewish Anti-Fascist Committee was disbanded. There followed the liquidation of the Yiddish *Emes* publishing house, the bi-monthly *Heymland*, a Yiddish newspaper in Kiev, Jewish libraries, the last two Yiddish schools, professional theaters and amateur artistic groups. Jewish books disappeared into "restricted collections" in libraries.

What was left to the authorities was now the removal of key Jewish personalities. In the winter of 1948–49, the Soviet secret police arrested hundreds of writers, poets, artists, musicians, and government and party officials.

The first of the Yiddish writers to be arrested was Feffer, who had been the most enthusiastic Communist among the Jewish writers. At intervals which allowed time for the spread of uncertainty, dread and despair, the secret police came in turn for the prominent Yiddish writers and poets. Pinkhas Kahanovich, who wrote under the mystical *nom de plume,* Der Nister ("The Hidden One"), reportedly said to the secret policemen who came to arrest him: "At last!"

While the exact toll is not known, one account (Cang) offers the figure of 431 outstanding Soviet Jewish artists arrested this period—217 writers and poets, 108 actors, 87 painters and sculptors, and 19 musicians. The families of the prisoners—wives, small children, fathers and sisters, in-laws, aged parents—were exiled to Siberia or left as social outcasts without means of support. Most of the prisoners died in Soviet labor camps. Der Nister, for example, died in a camp on June 4, 1950, when he was past 65 years of age.

Somehow the remainder of the most prominent writers and poets survived in the camps until the cataclysmic summer of 1952. They included Peretz Markish, Itzik Feffer, David Bergelson, Leyb Kvitko, Shmuel Persov, David Hofshteyn and Itzik Nusinov.

On July 11, 1952, these writers were among the 25 Jews brought to trial in Moscow. The other known defendants were:

Solomon Lozovsky, age 74, member of the Central Committee elected by the 18th Party Congress (1939), served for a time as deputy foreign minister.

Binyamin Zuskin, distinguished actor, successor to Mikhoels as the last director of the Moscow Yiddish State Theater.

Eliahu Spivak, head of the Department of Jewish Culture of the Ukranian Academy of Sciences until its liquidation in 1949.

Lina Shtern, 74, the only woman defendant, a biochemist and member of the U.S.S.R. Academy of Sciences.

Considering the positions of those involved, the charges brought against them are ironic and tragic. All 25 were charged with being "enemies of the USSR, agents of American Imperialism, bourgeois nationalist Zionists and rebels who sought by armed rebellion to separate the Crimea from the Soviet Union and to establish their own Jewish bourgeois nationalist Zionist republic there."

The trial ended on July 18, 1952. The defendants refused to plead guilty. According to some accounts, Markish and the aged Lozovsky showed particular valor in forcefully defending themselves, claiming that the prosecutors were the real criminals. All 25 male defendants were sentenced to death; Lina Shtern was sentenced to life imprisonment. She was subsequently released and died in 1968 at the age of 90 without ever revealing the circumstances of the 1952 trial.

On August 12, 1952, the 24 defendants were executed in the basement of Moscow's Lubianka Prison, on Dzerzhinsky Square. Reportedly, the last words of David Bergelson, who was 68 at the time of his murder, were: "Earth, oh earth, do not cover my blood!"

The Soviet policy which culminated on August 12, 1952 left three million Soviet Jews bereft of poets, writers, actors, teachers, leaders, theaters, artists and communal institutions of any kind. Even the Yiddish linotype machines had been smashed. There was no one left to give voice to simple grief. The next generation might still be Jews, but they would be dumb and mute Jews, without poets, without songs. So it seemed.

The crimes committed against the Jewish writers have never been publicly acknowledged by any official Soviet source. Even during the period following Stalins death, when many of his other crimes were denounced, the night of August 21 was not recognized. While this absence of official Soviet recognition may be a function of the involvement of post-war Soviet leadership in crime, it also represents a commitment on the part of the present Soviet leadership to a perpetuation of anti-Jewish polices: Jewish culture remains under sentence of death.

In November, 1955, the widows of the murdered writers were issued documents of "rehabilitation for their dead husbands by a Soviet court. This "rehabilitation has never been made public. The Soviet Government continues to suppress identification of even the graves of the writers.

The Jewish generation which grew to maturity in the Soviet Union after 1952 was the crucible in which the success of the Soviet Jewish policy was tested. We now know this generation of Soviet Jews had not been found wanting in its dedication to Jewish survival. Because they have been found deprived of the tools of survival which most other Soviet minorities enjoy—schools, publications, seminaries, poets, writers, artists, two languages—Soviet Jews today insistently proclaim what Itzik Feffer proudly declared in one of his last poems "I Am a Jew."

There are other signs from within the U.S.S.R. that the echoes of August 12 will not be stilled. Raiza Palatnik, an Odessa librarian who insists on addressing the courts in Yiddish, was sentenced to three years in prison in 1971. The charges against her included possession of an old book by David Bergelson, published before 1948. And Esther and David Markish, the widow and 33 year old son of Peretz Markish, sent from Moscow an endless stream of letters, telegrams, telephone calls, and petitions demanding their right to be repatriated to Israel.

David Markish does not confine his demands to prose. He writes forceful poetry which demands of Brezhnev, "Pharaoh, Let My People Go." There is perhaps no better illustration of the futility of the bullets of August 12 than the fierce determination to leave the U.S.S.R. which the son of Peretz Markish expresses in "Caravans of Jewish Cemeteries."

Our land, my land without end
Towards you I do not age when I stride,
Because I need you in my youth.
Only a bullet will subdue me,
But, if on the way I shall be killed,
I shall fall with my head forward,
And you then my heart will be nearer,
Though it be merely one step—
Israel!

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

EXECUTIVE SESSION

The ACTING PRESIDENT pro tempore. Under the unanimous-consent agreement, following conclusion of routine morning business, the Senate will now go into executive session and proceed to the consideration of treaties, Executive Calendar Nos. 27, 28, and 29.

CONVENTION ON OWNERSHIP OF CULTURAL PROPERTY

The ACTING PRESIDENT pro tempore. The resolutions of ratification of all three treaties having been read, the Senate will proceed to vote on the first treaty, Calendar No. 27, Executive B (92d Cong., 2d sess.), the Convention on Ownership of Cultural Property.

The first question is on agreeing to the reservations and understandings to the resolution of ratification.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, while the first vote will take 15 minutes, the two succeeding votes, as long as they are in sequence, take 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I would hope that the secretaries of the respective parties will notify all Senators to that effect.

The ACTING PRESIDENT pro tempore. The clerk will report the reservation and understandings.

The legislative clerk read as follows:

The United States reserved the right to determine whether or not to impose export controls over cultural property.

The United States understands the provisions of the Convention to be neither self-executing nor retroactive.

The United States understands Article 3 not to modify property interests in cultural property under the laws of the states parties.

The United States understands Article 7(a) to apply to institutions whose acquisition policy is subject to national control under existing domestic legislation and not to require the enactment of new legislation to establish national control over other institutions.

The United States understands that Article 7(b) is without prejudice to other remedies, civil or penal, available under the laws of the states parties for the recovery of stolen cultural property to the rightful owner without payment of compensation. The United States is further prepared to take the additional steps contemplated by Article 7(b) (ii) for the return of covered stolen cultural property without payment of compensation, except to the extent required by the Constitution of the United States, for those states parties that agree to do the same for the United States institutions.

The United States understands the words "as appropriate for each country" in Article 10(a) as permitting each state party to determine the extent of regulation, if any, of antique dealers and declares that in the United States that determination would be made by the appropriate authorities of state and municipal governments.

The United States understands Article 13 (d) as applying to objects removed from the country of origin after the entry into force of this Convention for the states concerned, and, as stated by the Chairman of the Special Committee of Governmental Experts that prepared the text, and reported in paragraph 28 of the Report of that Committee, the means of recovery of cultural property under subparagraph (d) are the judicial actions referred to in subparagraph (c) of Article 13, and that such actions are controlled by the law of the requested State, the requesting State having to submit necessary proofs.

The ACTING PRESIDENT pro tempore. Without objection, the reservation and understandings are agreed to en bloc.

The question now is, Will the Senate advise and consent to the resolution of ratification with the reservation and understandings of Executive B (92d Cong., second sess.), the Convention of Ownership of Cultural Property?

The resolution of ratification, with the reservations and understandings, reads as follows:

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on November 14, 1970 at the Sixteenth General Conference of the United Nations Educational, Scientific and Cultural Organization (Executive B, 92d Congress, 2d Session), Subject to the following reservation and understandings:

The United States reserves the right to determine whether or not to impose export controls over cultural property.

The United States understands the provisions of the Convention to be neither self-executing nor retroactive.

The United States understands Article 3, not to modify property interests in cultural property under the laws of the states parties.

The United States understands Article 7(a) to apply to institutions whose acquisition policy is subject to national control under existing domestic legislation and not to require the enactment of new legislation to establish national control over other institutions.

The United States understands that Article 7(b) is without prejudice to other remedies, civil or penal, available under the laws of the states parties for the recovery of stolen cultural property to the rightful owner without payment of compensation. The United States is further prepared to take the additional steps contemplated by Article 7(b)(ii) for the return of covered stolen cultural property without payment of compensation, except to the extent required by the Constitution of the United States, for those states parties that agree to do the same for the United States institutions.

The United States understands the words "as appropriate for each country" in Article 10(a) as permitting each state party to determine the extent of regulation, if any, of antique dealers and declares that in the United States that determination would be made by the appropriate authorities of state and municipal governments.

The United States understands Article 13 (d) as applying to objects removed from the country of origin after the entry into force of this Convention for the states concerned, and, as stated by the Chairman of the Special Committee of Governmental Experts that prepared the text, and reported in paragraph 28 of the Report of that Committee, the means of recovery of cultural property under subparagraph (d) are the judicial actions referred to in subparagraph (c) of Article 13, and that such actions are controlled by the law of the requested State, the requesting State having to submit necessary proofs.

The ACTING PRESIDENT pro tempore. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Virginia (Mr. Harry F. Byrd, Jr.), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Rhode Island (Mr. Pell), and the Senator from Virginia (Mr. Spong) are necessarily absent.

I further announce that the Senator from Louisiana (Mrs. Edwards) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell), the Senator from Iowa (Mr. Hughes), the Senator from Virginia (Mr. Spong), and the Senator from Rhode Island (Mr. Pell) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Oregon (Mr. Hatfield), the Senator from Iowa (Mr. Miller), the Senator from Illinois (Mr. Percy), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Nebraska (Mr. Curtis) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. Curtis), the Senator from Oregon (Mr. Hatfield), the Senator from Iowa (Mr. Miller), and the Senator from Illinois (Mr. Percy) would each vote "yea."

The yeas and nays resulted—yeas 79, nays 0, as follows:

[No. 374 Leg.]

YEAS—79

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Dole
Dominick
Ervin
Fannin
Fong
Fulbright
Gravel
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Humphrey
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—21

Baker
Byrd, Harry F., Jr.
Curtis
Eagleton
Eastland
Edwards
Gambrell
Goldwater
Griffin
Harris
Hatfield
Hughes
Inouye
McGee
McGovern
Miller
Mundt
Pell
Percy
Saxbe
Spong

The PRESIDING OFFICER (Mr. Humphrey). On this vote the yeas are 79 and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

CONVENTION ESTABLISHING AN INTERNATIONAL ORGANIZATION OF LEGAL METROLOGY

The PRESIDING OFFICER. The question now occurs on the adoption of the resolution of ratification on executive I, 92d Congress, second session, the convention establishing an international organization of legal metrology.

The question is, Will the Senate advise and consent to the resolution of ratification? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Virginia (Mr. Harry F. Byrd, Jr.), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Rhode Island (Mr. Pell), and the Senator from Virginia (Mr. Spong), are necessarily absent.

I further announce that the Senator from Louisiana (Mrs. Edwards) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell), the Senator from Rhode Island (Mr. Pell), the Senator from Virginia (Mr. Spong), and the Senator from Iowa (Mr. Hughes) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Oregon (Mr. Hatfield), the Senator from Iowa (Mr. Miller), the Senator from Illinois (Mr. Percy), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Nebraska (Mr. Curtis) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. Curtis), the Senator from Oregon (Mr. Hatfield), the Senator from Iowa (Mr. Miller), and the Senator from Illinois (Mr. Percy) would each vote "yea."

The yeas and nays resulted—yeas 79, nays 0, as follows:

[No. 375 Ex.]

YEAS—79

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Dole
Dominick
Ervin
Fannin
Fong
Fulbright
Gravel
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Humphrey
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—21

Baker
Byrd,
  Harry F., Jr.
Curtis
Eagleton
Eastland
Edwards
Gambrell
Goldwater
Griffin
Harris
Hatfield
Hughes
Inouye
McGee
McGovern
Miller
Mundt
Pell
Percy
Saxbe
Spong

The PRESIDING OFFICER. On this vote the yeas are 79, and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

TAX CONVENTION WITH NORWAY

The PRESIDING OFFICER. The question now is on the adoption of the resolution of ratification on Executive D, 92d Congress, second session, the Tax Convention with Norway.

The question is, Will the Senate advise and consent to the resolution of ratification? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), and the Senator from Virginia (Mr. SPONG), are necessarily absent.

I further announce that the Senator from Louisiana (Mrs. EDWARDS) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Iowa (Mr. HUGHES), the Senator from Rhode Island (Mr. PELL), and the Senator from Virginia (Mr. SPONG), would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Nebraska (Mr. CURTIS) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The yeas and nays resulted—yeas 79, nays 0, as follows:

[No. 376 Ex.]

YEAS—79

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Dole
Dominick
Ervin
Fannin
Fong
Fulbright
Gravel
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Humphrey
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—21

Baker
Byrd,
  Harry F., Jr.
Curtis
Eagleton
Eastland
Edwards
Gambrell
Goldwater
Griffin
Harris
Hatfield
Hughes
Inouye
McGee
McGovern
Miller
Mundt
Pell
Percy
Saxbe
Spong

The PRESIDING OFFICER. On this vote the yeas are 79, and the nays are 0. Two thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

THE NATIONAL CONFERENCE ON WEIGHTS AND MEASURES

Mr. COOPER. Mr. President, I am very proud that the chairman of the National Conference on Weights and Measures—the Honorable George L. Johnson—is a Kentuckian and director of weights and measures, Kentucky Department of Agriculture. On August 3, he testified before the Foreign Relations Committee, urging that it approve U.S. membership in the National Conference on Weights and Measures.

The National Conference on Weights and Measures provides a national forum for the discussion and evaluation of questions relating to weights and measures administration carried on by regulatory officials of State and political subdivisions. The conference develops technical, legal, and general recommendations in the field of weights and measures administration to encourage and promote uniformity of requirements by weights and measures jurisdictions. This is of great importance, nationally and internationally, as uniform standards would result in the promotion of trade. Its membership includes Federal, State, and local governments officials as well as representatives of industry, business, and consumer organizations.

Mr. President, I ask unanimous consent that Mr. Johnson's testimony before the Committee on Foreign Relations be printed in the RECORD at the conclusion of my remarks. His succinct statement was very influential in persuading the Foreign Relations Committee to recommend to the Senate that the United States participate in the convention establishing an International Organization of Legal Metrology. Today the Senate has approved a convention to this effect by a unanimous vote. We can congratulate Mr. Johnson and his colleagues, as well as the Senate, on this initiative.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

NATIONAL CONFERENCE ON WEIGHTS AND MEASURES

(Statement of George L. Johnson)

Mr. Chairman and Members of the Committee: My name is George L. Johnson. I am the Director, Division of Weights and Measures, Department of Agriculture, State of Kentucky. I am also serving this year as Chairman of the National Conference on Weights and Measures.

The National Conference on Weights and Measures is an assembly of weights and measures regulatory officers, other officials of federal, state, and local governments, and representatives of manufacturers, industry, business, and consumer organizations. The Conference develops many technical, legal, and general recommendations in the field of weights and measures administration. Its programs encompass and explore the entire area of this economically important segment of governmental regulatory service. The Conference provides a national forum for the discussion and evaluation of questions relating to weights and measures administration carried on by regulatory officers of the states and political subdivisions. The Conference develops model weights and measures laws and regulations to encourage and promote uniformity of requirements among the weights and measures jurisdictions.

The National Conference on Weights and Measures recognizes the necessity for uniformity of laws and regulations and further recognizes the need of harmonization of weights and measures laws of this country and other countries of the world. Weights and measures officials are aware of the need for uniformity due to the ever-increasing amounts of import and export goods, which makes it more demanding that these commodities be represented accurately, honestly, and informatively at the point of manufacture, packaging, or sale.

It is our belief that cooperation with foreign weights and measures officials, through membership in OIML, will yield dividends of mutual benefit and satisfaction. The 57th National Conference on Weights and Measures meeting in Washington, D.C., July 14, 1972, adopted the following resolution:

RESOLUTION ON U.S. MEMBERSHIP IN THE INTERNATIONAL ORGANIZATION OF LEGAL METROLOGY AS ADOPTED BY THE 57TH NATIONAL CONFERENCE ON WEIGHTS AND MEASURES, JULY 14, 1972

The National Conference on Weights and Measures, on behalf of its state, county and local member officials, and associated representatives of business, industry, consumer organizations and the Federal government, urgently recommends that the United States become a member of the Organization of International Legal Metrology (OIML).

In the view of the Conference, U.S. participation and leadership can greatly assist in two specific areas. First, harmonization of weights and measures legislation and technology will assist the private sector in competing internationally without encountering non-tariff restraints to trade, based on national quantity regulations. Second, and equally important, our citizens may be assured that ever-increasing amounts of imported goods are represented accurately and honestly at the point of foreign manufacture or packaging.

It is our belief that cooperation with foreign weights and measures officials, through membership in OIML, will yield positive results similar in effectiveness to those we attribute to our own organization, the National Conference on Weights and Measures.

For these reasons, we solicit the Senate of the United States of America to favor the treaty authorizing U.S. membership in the International Organization of Legal Metrology.

Mr. Chairman, on behalf of the National Conference on Weights and Measures, I respectfully urge favorable action on this resolution. I also want to thank you for giving me the opportunity to testify on this important matter.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. HUMPHREY). The Chair, on behalf of the Vice President, pursuant to the provisions of Public Law 77-250, appoints the Senator from Mississippi (Mr. STENNIS) to the Joint Committee on Reduction of Federal Expenditures vice Senator Ellender, deceased.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The PRESIDING OFFICER (Mr. HUMPHREY). Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

PROGRAM

Mr. MANSFIELD. Mr. President, before I yield to the Senator from New Hampshire (Mr. MCINTYRE) to present a conference report, which will not take much time, I would like to take this occasion to urge Senators to be present on the floor of the Senate this afternoon, to be aware of the possibility that there may be rollcall votes, and, if possible, to give the serious consideration and attention which the interim agreement on arms limitation deserves of all Members, regardless of their position.

May I say that I have heard rumors to the effect that there will be no votes this afternoon. I would like to disabuse Senators of that notion. There will be at least a vote this afternoon, and I am hopeful that there will be no stalling and no delay, and again, regardless of our personal feelings on this matter, that we will face up to it and dispose of it today, if possible, or tomorrow, if possible, and if not, by Monday at the latest; but that will, of course, be up to individual Senators and the Senate as a whole to decide.

DISASTER RELIEF LOANS—CONFERENCE REPORT

Mr. McINTYRE. Mr. President, I submit a report of the committee of conference on H.R. 15692, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HUMPHREY). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of August 10, 1972, at pages 27673-27675.)

Mr. McINTYRE. Mr. President, the conference report that the committee submits to the Senate reflects what I am sure the record will show an excellent job done by the Senate conferees regarding the bill, H.R. 15692.

This disaster relief bill is of extreme importance at this time to thousands of victims of recent disasters occurring along the eastern seaboard and in South Dakota and to other victims of prior disasters occurring after January 1, 1971.

The Senate conferees were successful in obtaining concurrence with the House conferees on almost every section of the Senate-passed bill.

The only changes made by the conferees to the bill passed by the Senate are the following:

First. The Senate receded to the House with an amendment concerning the retroactivity, forgiveness, and interest rate features contained in H.R. 15692. The provisions agreed to in conference provide for the following:

For Presidentially declared and Small Business Administration declared disasters occurring during calendar year 1971 disaster loans would have a forgiveness feature not to exceed $2,500, and the remaining balance of the loan would carry an interest rate of 3 percent.

For the period January 1, 1972, to July 1, 1973, the two categories of disaster loans referred to in the paragraph above would be made with a forgiveness feature not to exceed $5,000, and the remaining balance of the loan would carry an interest rate of 1 percent.

Where the interest rate is higher under existing law than that agreed to by the conference committee, the loans will be refinanced at the new lower rate. The new rate will apply only to the balance on the loan outstanding at the date of enactment of this act.

In addition, the requirement in the Disaster Relief Act of 1970 that the borrower must pay the first $500 of a loan before he can receive any forgiveness has been removed retroactively to January 1, 1971.

This represents a compromise between the Senate- and House-passed bills and incorporates features of both.

Second. The Senate amendment to the House bill contained a provision requiring all borrowers to obtain Federal flood insurance, if available, during the life of the disaster loan. The House-passed bill contained no provision. The Senate receded to the House position.

Third. The Senate amendment contained a provision which would allow the Small Business Administration to make loans to small businesses which incur certain expenses as a result of the need to comply with new Federal or State law. Such loans would be made at interest rates based on the cost of money to the Federal Government and there would be no limitation on the amount of the principal of the loan. The House had no similar provision, and the Senate receded to the House position.

The Senate conferees while unable to convince our counterparts in the House to accept this provision did, however, receive a strong commitment from both the chairman of the House Banking Committee, Mr. PATMAN, and the chairman of the Small Business Subcommittee, Mr. STEPHENS, that hearings would be held on this proposal before Congress adjourns for this session.

Fourth. The Senate amendment contained a provision which would allow the President to make grants to nonprofit private educational institutions in areas declared a major disaster by the President in connection with hurricane and tropical storm Agnes. The House language contained no similar provision. The House receded to the Senate position.

In addition, the Senate amendment contained a provision which provided that funds appropriated to the President for "disaster relief" were to be made available for carrying out the program of assistance to schools. The House had no similar provision. The Senate receded to the House position.

The House conferees indicated that unless we receded on this section of the legislation that a point of order could be raised concerning the manner in which the bill provided for appropriations.

Mr. President, on all other provisions contained in the bill passed by the Senate, the conferees were successful in retaining those provisions in the bill agreed on in the conference.

I now yield to the distinguished ranking minority member of the conference committee, the Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, the conference report on disaster assistance which we are submitting to the Senate for approval today represents a substantial improvement in the present level of assistance available to the victims of natural disasters. The present disaster assistance program administered by the Small Business Administration consists essentially of a loan program to disaster victims at the Treasury interest rate, with $2,500 of the loan being forgiven. Under this legislation, the interest rate on the remaining balance of loans issued as a result of disasters declared in 1971 will be lowered to 3 percent; the forgiveness of $2,500 is not changed in amount for that period, but will now apply to the first $2,500 of the loan rather than the $2,500 above the first $500 of the loan. For disasters declared in 1972, the forgiveness figure was raised to $5,000 and the interest rate lowered to 1 percent.

The Senate provisions on suspension of payments of principal for the retired and disabled—the Javits amendment; on refinancing residential mortgages—the Buckley amendment; on loans for working capital, the Schweiker amendment; and on aid for private educational institutions, the Scott amendment; among others, were agreed to by the House.

Obviously, no form of financial assistance can fully make up for the property, health, and inconvenience loss of a victim of a flood, a hurricane, a tornado, or other such disaster.

Where lives are lost, certainly government aid cannot console the survivors for this irreplaceable loss. But we do feel the definite obligation to try to do something to help the disaster victims whose houses, households, and businesses are destroyed or damaged in the wake of these phenomena that we are powerless to prevent. This legislation can at least help these unfortunate victims to get on their feet financially and to try to return their lives to a normal state once again. The main ingredient of recovery is a strong spirit in the community and among the individuals hit by disasters, but we can at least do our part to help out somewhat on the financial end.

The administration will be working on a new comprehensive package of improved disaster assistance legislation for the next few months, in order to bring a more coordinated governmental approach to the problem of aiding the victims of disasters. Presently, disaster relief programs are scattered throughout 31 agencies and are administered under a number of laws. The conferees are agreed that a new, coordinated program is needed to administer assistance more effectively and to make the most efficient use of the taxpayer's dollar, and we look forward to receiving and working on this legislation early next year.

Mr. McINTYRE. Mr. President, I move the adoption of the conference report.

Mr. JAVITS. Mr. President, will the Senator yield at that point?

Mr. McINTYRE. I yield.

Mr. JAVITS. Mr. President, let me thank the conferees for the fine thing they did in making special provision for retirees in this measure, who might otherwise have been in trouble in obtaining some of these loans. It was a splendid thing they did, and I am sure I speak for all the retired persons who are affected in thanking them.

Mr. McINTYRE. I thank the Senator from New York, and wish to say that the House conferees were very willing to concur in that amendment.

Mr. TOWER. Mr. President, I thank our friend from New York for having offered the amendment, which I think was a substantial improvement on the bill.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, will the majority leader yield to me?

Mr. MANSFIELD. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, if it would be convenient for the leadership, while the Senator from Wisconsin (Mr. NELSON) is on his way to the floor, we would like to take about 2 minutes, or a very short time, to call up the conference report on the economic opportunity amendments, that is, the antipoverty bill.

Mr. MANSFIELD. Of course.

Mr. JAVITS. Solely for the purpose of having it rereferred to the conference.

Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. On the basis that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUATION OF PROGRAMS AUTHORIZED UNDER THE ECONOMIC OPPORTUNITY ACT—CONFERENCE REPORT

Mr. JAVITS. Mr. President, it is my purpose now, with the permission of the Senator from Wisconsin, who heads the subcommittee on poverty, and chaired the Senate conferees, to call up for consideration the conference report on H.R. 12350, with the intention of moving to recommit the conference report to the conference committee.

Mr. President, the Senator from Wisconsin is here, and I ask that the conference report on H.R. 12350 be called up, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

Mr. JAVITS. Mr. President, I shall make a short explanation, and I hope very much that the Senator from Wisconsin may be moved to join in this explanation, as well as the Senator from Ohio, who is the ranking member of the Poverty Subcommittee of the Committee on Labor and Public Welfare that handled this matter; perhaps also Senator DOMINICK, who is second to me in seniority in that committee will wish to comment.

Mr. President, our purpose in referring back this conference report to the conferees is as follows:

First. The conference remains in being so long as we are the first House to act, and we have not yet acted.

Second. The fact that the conference report has been pending here for almost a month without being called up must be a clear indication to Senators—especially when we consider that Senator NELSON and I and every other member of the conference has burning interest in getting action on these antipoverty amendments—that there must have been some good reason for it, and there was.

We feel a deep policy and humanitarian drive to do our utmost to produce a bill which will be signed at the White House. Of course, perhaps a veto could be overridden. We have no idea. In any case our first duties are to do everything we can to develop and propose a bill which, in the deepest conscience to the poor and with the most understanding consideration of the point of view of the President and the budget authorities, and so forth, is entitled to be signed.

I might say, Mr. President, that the burden of compromise has been carried throughout consideration of this bill most heavily by the conferees. I cannot pay enough tribute to the patience, the skill, and the patriotism of Senator NELSON, who headed the Senate conferees, and to Representative PERKINS, who headed the House conferees, and the work and devotion of Senators KENNEDY, MONDALE, CRANSTON, HUGHES, STEVENSON, RANDOLPH, TAFT, SCHWEIKER, BEALL, and DOMINICK. We have all consulted together, and Senator NELSON and I are satisfied that this is the thing to do, that it has the best hope for producing what all friends of the bill and the program would like to see accomplished.

For those reasons, and because Senator NELSON felt that, inasmuch as this was a Presidential matter, it was more logical that the ranking minority member should make this motion rather than he, I move to recommit the conference report to the committee on conference.

Mr. ALLEN. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. ALLEN. What are the areas that the Senator has in mind would be changed at subsequent meetings of the conference committee?

Mr. JAVITS. Mr. President, my answer is that I cannot tell the Senator. The Senator knows the personalities involved. They are men of great independence. They will simply go over the conference report again, with a view toward examining every phase of it—the Legal Services Corporation, the authorizations for appropriation, the other conditions and terms of the bill and have one other look as to whether this is really the best product we should present to the House and the Senate and try to send to the White House.

Mr. ALLEN. Surely, some areas, as pointed out, are in need of adjustment.

Mr. JAVITS. Many areas have been pointed out. I do not think there is a part of the bill that has not been the subject of some comment, scrutiny, or consideration. But I have emphasized those that have come in for the most discussion as being the authorization, the Legal Services Corporation, and general conditions with respect to the poverty programs in the communities. There are various phases of the bill which relate to authorization add-ons. There are provisions respecting a new approach—or at least a more modern approach—to Headstart.

All these things have come in for more detailed discussion since the conferees agreed.

Senator Nelson has continued to talk with the House conferees, and it is a common judgment that we should try again. But I think I would be arrogating to myself an authority which I do not possess to delimit for the Senator specific areas of the bill that will undergo change and others that will not. The bill will be wide open in every section to all the conferees. As I have said, they are very independent and very gifted men.

Mr. ALLEN. There is no hope that the legal services program will be dropped from the bill, is there?

Mr. JAVITS. I would not say that at all. I just say that every part of the bill, including that, will be considered in the conference.

Mr. ALLEN. I thank the Senator for his clear and full explanation.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOMINICK. I want to add, for the benefit of the Senator from Alabama, that it is my understanding that when the Senate conferees would go back—assuming that this motion is successful—the effort would be designed toward at least cutting down the size of some of the authorizations and strengthening the method of appointment of particular people who will be organizing the Legal Services Corporation.

I believe that this is the intent; although, as the Senator very aptly said, all issues will be open. But I strongly suspect that, if this motion is successful, the conference report will not come back with any additional amounts.

Mr. JAVITS. I certainly assure the Senator of that.

Mr. ALLEN. Would the Senator from New York hazard the guess that the bill as reported by the conference would result in a Presidential veto? Is that his judgment?

Mr. JAVITS. No; it is not. I have no idea what the President would or would not veto, and he is not in the habit of issuing that information in advance. I simply believe that all of us, having consulted together, who have a personal interest in this measure have decided that we should try again, and this will give us that chance.

Mr. NELSON. First, let me say that I endorse the remarks of the distinguished Senator from New York concerning the cooperation we have had with the House, with the chairman of the committee in the House, as well as with the conferees in our own House, both Republicans and Democrats. The Senator from New York is correct in saying that he did not know, and neither do I know what proposals will be made, once the bill goes back to the conference. We reached agreement after a good conference. I would say to the Senator from Alabama that my objective in agreeing to sending it back to conference is to attempt to make some modifications that would be more acceptable to the administration.

I cannot speak for the conferees on my side, but for myself I will say that I am perfectly prepared to modify the Legal Services Corporation in such a way that it would be totally acceptable to the administration.

No. 2, I am personally prepared to propose a substantial reduction in the authorizations.

Those are the two points that I would support in conference. I repeat, of course, that I cannot speak for anyone else on either side of the conference, but that is the objective.

Mr. CRANSTON. Mr. President, will the Senator from Wisconsin yield?

Mr. NELSON. I yield.

Mr. CRANSTON. What is meant by "substantial reduction"? What sort of compromise will have to be made in order to get the President to go along? How much less will it be?

Mr. NELSON. I think I would prefer to argue that question of a substantial reduction at the conference. My judgment is that there is no reason to authorize a whole lot more money than we will get in the appropriations. I cannot speak for the conferees, but I will support a substantial reduction in the authorization which will be still more than what is currently appropriated. The distinguished Senator from California may not agree with me. I want to make it clear to the Senate and for the RECORD as well as to the distinguished Senator from Alabama in particular, who raised the question, that I was interested in two things; namely, the Legal Services Corporation and the size of the authorization.

Mr. CRANSTON. Then the Senator has no clear conception at the moment as to what a substantial reduction would mean?

Mr. NELSON. I do.

Mr. CRANSTON. That is something he wants to reserve until he gets to the conference?

Mr. NELSON. No. I am perfectly prepared to say that I would support a substantial reduction in the authorization from the $900 million increase down somewhere around a $200 million increase. In other words, I would support a reduction in the authorization of about $600 to $800 million.

Mr. KENNEDY. Mr. President, will the Senator from Wisconsin yield?

Mr. NELSON. I yield.

Mr. KENNEDY. I was a member of that conference and I join the distinguished Senator from New York (Mr. JAVITS) in commending the Senator from Wisconsin (Mr. NELSON) for the work that he has done in the conference. As in so many other matters, many of us are not able, because of other Senate business, to spend all the time we would like to in the conference, and he has assumed that responsibility. I am fully in agreement with the leadership and the work the Senator from Wisconsin has performed in this area.

I am distressed by the motion to turn it back to the conference. I would want the RECORD to show that I am opposed to that move.

I felt that in that conference, we had tried to make an adjustment and an accommodation in the legal services program to the administration's objections. I understood, in the final hours of the conference, that at least we had worked something out, considering the frequent communication with the White House, and that while at least we are not guaranteed this would be veto-proof, they understood we had gone what I considered to be a good deal further than half way on this matter.

Now, I hear, we are going back to the conference, or at least the resolution so proposes, to talk about further compromise on this matter. I, for one, am increasingly concerned, as I listen to this colloquy, about what we really intend to do in the conference and how intimidated we will be by the threat of a veto.

I would, therefore, be very much interested in what the Senator from Wisconsin has planned. He mentioned his figures on cutting back on the authorization, but could the Senator tell me if there are any further amendments or compromises intended in the area of legal services?

Mr. NELSON. May I say to the distinguished Senator from Massachusetts that I have no real way to tell him as I cannot understand the opposition on the White House side. I do not know who it is down there that is opposing the Legal Services Corporation as it is now constituted. There simply is no question whatsoever that the President controls every single appointment subject only to confirmation by the Senate. There is language that permits the national legal organizations to recommend to the President but he is not bound by any recommendation. He does not have to appoint from any list. He is free to appoint anyone he wishes. So I cannot explain to the Senator from Massachusetts what the White House is complaining about. It is quite irrational That is the reason I cannot explain it. All I am trying to say is that, so far as I am concerned, the President has all the appointments. They are all his. There is no doubt about that. But they are being irresponsible in every way down there about it. I am willing to accommodate them in their foolishness. The President has all the appointments. The American Bar Association, in the language of the bill, can make a recommendation but they are only recommendations, nothing more. I would suggest that this administration is more interested in form than in substance. As they seem to be rather more interested in form than in substance, I am prepared to give them form.

That is fine. I am prepared to support their proposal in this unimportant matter. It seems to me they are just looking for an excuse to veto the bill. They did it the last time with a veto message that would not stand serious analysis in any grade school. If I were the President, I would fire whoever wrote that message. It did not make any sense at all and it was not honest though I am sure the President did not realize that. Obviously they are looking for a way to defeat the bill. I want the bill to be signed. We have accommodated their objections which did not have much substance, anyway. In any event, every single objection made by the White House in the veto message has been met. So I want to send them the bill that clearly meets every objection made in the veto message.

If they can then find a Philadelphia lawyer to justify the veto I want that lawyer to be my lawyer, because he can make the most subtle and refined distinctions of any mind anywhere on earth. What I am trying to do is to send a bill up there that will save the program that someone in the White House is obviously trying to kill. I do not want to give them any excuse to kill the bill. If they do veto it, then we can go to the country with the issue and show how irresponsible they are.

The veto message last time was a phony. They are seeking new ways to confuse the whole country by saying, "Oh, they took away legal services control from the President or some such thing." No one will understand that it is not so. I do not want to give them the opportunity to mislead the public.

Mr. MANSFIELD. Mr. President, I feel that I have to raise an objection to this continual delay, because when I yielded the floor it was with the proviso that I would get back the floor and it was with the understanding that they would take no more than 2 minutes. We have now been discussing this matter for about 25 minutes. It seems to be getting stronger and stronger. I would most respectfully express the hope that this matter would be brought to an end at this time so that we could go ahead with the business before the Senate, the interim agreement.

Mr. President, I ask unanimous consent that the debate close on this matter at the present time. I would like to get the floor.

Mr. ALLEN. Mr. President, I object.

Mr. MANSFIELD. It is then going to call for individual action on the part of the parties concerned.

Mr. JAVITS. Mr. President, if the majority leader will yield to me, I want to say that I had no idea we would engage in any extensive debate on this subject or that it would be a controversial matter.

I represented to the majority leader and to the majority whip that it would take only a few minutes. Therefore, if the majority leader wishes to take it down at this time, I have no objection. I think the majority leader is absolutely right. I had no notion that we would get into such an extensive debate.

Mr. MANSFIELD. Mr. President, I appreciate that statement. I make that unanimous-consent request at this time.

Mr. CRANSTON. Mr. President, what is the request?

Mr. MANSFIELD. Mr. President, I made the unanimous-consent request that the matter be taken down at this time.

Mr. KENNEDY. Mr. President, could the majority leader give us an indication of when this matter will be taken care of? I do not think that any of us are interested in delaying this unnecessarily. I think we all want to get back to the business before the Senate. I, for one, do not want to delay it. However, I wonder when this matter might be brought before the Senate. I want to indicate my views on the matter.

Mr. MANSFIELD. Mr. President, in view of the situation which has developed, I ask unanimous consent that we turn to the pending business until the hour of 12:20, at which time we return to the conference report. It is my understanding that the Senator from Alabama intends to offer an amendment and that a vote on that occur at 12:30.

Mr. ALLEN. Mr. President, that is satisfactory to me. I merely want to offer an amendment to the motion of the Senator from New York. I would not debate it over 2 or 3 minutes. And I would not call for a rollcall vote.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. CRANSTON. Mr. President, what is the pending matter?

The PRESIDING OFFICER. The question is on agreeing to the motion to recommit the conference report.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is on agreeing to the motion to recommit the conference report.

Mr. MANSFIELD. No. I asked unanimous consent that that matter be taken down and that we return to it at 12:20.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana to set aside the conference report?

Mr. NELSON. Mr. President, I did not understand the majority leader.

Mr. MANSFIELD. Mr. President, I made the unanimous-consent request that the matter of the conference report be set aside and that we come back to it at 12:20 and then consider, and vote on the Allen amendment.

Mr. NELSON. Mr. President, may we understand what the amendment of the Senator from Alabama is?

Mr. ALLEN. Mr. President, I merely wish to offer an amendment to the motion of the distinguished Senator from New York to give some instructions to the conferees. They have come back and asked that they be permitted to go back into conference. I merely wish to ask that the Senate give them instructions during their deliberations.

Mr. MANSFIELD. Mr. President, the reason I made the request is that I think we have been had on the basis of the implicit promise given to us when we laid aside the pending business. We will get back to the matter of the conference report at 12:20. There is a little business to be done in the meantime, if Senators do not mind.

Mr. ALLEN. Mr. President, I have no objection. I have no objection to withdrawing the whole matter from consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Several Senators addressed the Chair.

Mr. JAVITS. Mr. President, I ask unanimous consent that the time be equally divided between 12:20 and 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The PRESIDING OFFICER. Pursuant to the agreement, the Senate will proceed to the consideration of the unfinished business which the clerk will report.

The assistant legislative clerk read as follows:

> Calendar Order No. 929 (S.J. Res. 241) a joint resolution authorizing the President to approve an interim agreement between the United States and the Union of Soviet Social Republics.

The Senate continued with the consideration of the joint resolution.

Mr. FULBRIGHT. Mr. President, I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> Insert after the resolving clause (which reads: "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,") the following:
>
> "That the Congress hereby endorses those portions of the Declaration of Basic Principles of Mutual Relations Between the United

States of America and the Union of Soviet Socialist Republics signed by President Nixon and General Secretary Brezhnev at Moscow on May 29, 1972, which relate to the dangers of military confrontation and which read as follows:

" 'The U.S.A. and the U.S.S.R. attach major importance to preventing the development of situations capable of causing a dangerous exacerbation of their relations . . .' and 'will do their utmost to avoid military confrontations and to prevent the outbreak of nuclear war' and 'will always exercise restraint in their mutual relations,' and 'on outstanding issues will conduct' their discussions and negotiations 'in a spirit of reciprocity, mutual accommodation and mutual benefit,' and

" 'Both sides recognize that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent with these objectives,' and

" 'The prerequisites for maintaining and strengthening peaceful relations between the U.S.A. and the U.S.S.R. are the recognition of the security interests of the parties based on the principle of equality and the renunciation of the use or threat of force.'."

On page 1, line 3 strike out "That the" and insert in lieu thereof "Sec. 2, The"

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate? The majority leader is entitled to the courtesy of having order so that he can be heard.

The PRESIDING OFFICER. The Senate will be in order. This matter is of great importance, and most of us want to hear what the majority leader has to say. The Senate will be in order. Attachés will take their seats and cease their conversations.

Mr. MANSFIELD. Mr. President, I have in my hand the text of the Nixon-Brezhnev declaration. It applies directly to the amendment which is now the pending business. This is the agreement. The declaration is entitled: "Basic Principles of Mutual Relations Between the United States of America and the Union of Soviet Socialist Republics" signed by President Nixon and Leonard I. Brezhnev.

This is part of the joint communique:

> The U.S.A. and the U.S.S.R. attach major importance to preventing the development of situations capable of causing a dangerous exacerbation of their relations. Therefore, they will do their utmost to avoid military confrontations and to prevent the outbreak of nuclear war. They will always exercise restraint in their mutual relations, and will be prepared to negotiate and settle differences by peaceful means. Discussions and negotiations on outstanding issues will be conducted in a spirit of reciprocity, mutual accommodation and mutual benefit.
>
> Both sides recognize that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent with these objectives.
>
> The prerequisites for maintaining and strengthening peaceful relations between the U.S.A. and the U.S.S.R. are the recognition of the security interests of the parties based on the principle of equality and the renunciation of the use or threat of force.

Mr. President, may I say that the reason for offering this amendment at this time is to try to bring this matter to a head and to do so without delay, and at the same time to give to the Senate a choice as to what course they wish to pursue.

I have heard rumors going around that certain Members have been told there would be no votes this afternoon, that there would be no votes tomorrow. I think that is a question which at least the leadership should have been brought in on, if such rumors have any foundation in fact. I wish to assure the Senate that there will be at least a vote this afternoon, and I am hopeful there will be other votes today and tomorrow, because this is a Presidential request; this is something worked out between the chiefs of state of two nations. It should be faced up to, and Senators know their minds at this time and how they are going to vote.

Mr. President, I ask unanimous consent that the names of the Senator from New York (Mr. JAVITS) and the Senator from Idaho (Mr. CHURCH) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUATION OF PROGRAMS AUTHORIZED UNDER THE ECONOMIC OPPORTUNITY ACT—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. RIBICOFF). The hour of 12:20 p.m. having arrived, the Senate will return to the consideration of the conference report on the Economic Opportunity Act of 1972.

Mr. ALLEN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is on the motion to recommit the conference report.

Mr. ALLEN. Mr. President, the Senate has before it the conference report.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. Mr. President, will the Chair state how the time is divided?

The PRESIDING OFFICER. The time is divided 5 minutes to a side, the vote to occur at 12:30 p.m.

Mr. TAFT. I thank the Chair.

Mr. ALLEN. Mr. President, I call the attention of the Chair to the fact that we did not start until 12:21 p.m.

Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, the Senate has before it the OEO conference report. The distinguished Senator from New York (Mr. JAVITS) in calling up the report has asked and has moved that the report be referred back to the conferees inasmuch as the conferees have not yet been discharged, and he states there are a number of areas in the bill which the conferees wish to take another look at.

The junior Senator from Alabama asked what areas he planned to seek to make revisions in and the Senator responded it was the whole bill itself, all the sections of the bill should be reviewed.

So it was the thought of the junior Senator from Alabama, with the whole bill being reviewed, with no definite information being given to the Senate as to what areas revisions would be sought in, it would be only proper for the Senate to give the conferees instructions in a particular area.

With that thought in mind, I offer an amendment to the pending motion to recommit, that our conferees be instructed to seek the elimination from the bill of title IX, which is the Legal Services Corporation.

I feel that this is a bad provision, setting up a separate corporation to carry out the functions of this department, functions that already are being carried on. But to set up a special, separate corporation without any control by any other agency of Government, letting it be a self-contained entity, carrying on this work, would be inimical to the best interests of the country.

For that reason I offer this amendment that the conferees be instructed to seek the elimination of title IX from the bill.

Mr. President, I reserve the remainder of my time.

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, the reason for my reply to the Senator from Alabama as to what the conferees would do is that in the presence of my colleagues, the chairman of the conference committee, the chairman of the subcommittee, the chairman of the Senate conferees, the ranking members of the subcommittee on the Republican side, and the Republican member next to me on the whole committee, it would have been improper and highly offensive, I think, for me to delimit the conferees. This was a free and open conference; it will be a free and open conference. The chairman of the Senate conferees has indicated his personal view that the main things dealt with will be the Legal Services Corporation and the authorization for appropriation. That is very authoritative because he will be the chairman of the Senate conferees.

Second, we will do our utmost to develop another bill, taking another crack at it. We have done this in conference, with Members from the House, to get a laudable bill.

But to throw restrictions upon the conference at this time would only prejudice the matter and not do anyone any good, and it will not serve the hope of fashioning a bill which will be good for the situation we are trying to deal with.

Finally, the Legal Services Corporation was requested by the President himself. We have never differed in principle; it is only a question of how it is to be worked out. But the President himself asked for the Legal Services Corporation.

I believe all of the Senate conferees did their utmost to fashion it in such a way that he would approve it, but the basic proposition is irrefutable.

For all those reasons—because I think the conference has been free and open, that the conference should be free and open again—it will be my purpose, when the time comes, to move to table the motion of the Senator from Alabama.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I yield 2 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. TAFT. Mr. President, I thank the Senator for yielding. I back his position with respect to the motion of the Senator from Alabama. It seems to me this has been resolved by the Senate in a separate vote. The same issue also came before the House.

In voting on the instructions here to eliminate title IX from the bill we should understand the purpose of going back to the conference, a step with which I am in strong agreement. It is to simplify and work out a strong agreement on provisions which it is feared are in conflict with other legislation. I would like to point out the interrelationship of this matter with child development. The two are interrelated so it is important to get on with trying to find a solution. I believe we can make provision for this matter, consistent with child development. Problems have arisen on that bill and also there is a question of whether we can provide more consistently with provisions of H.R. 1, should that bill come to the floor and be enacted into law.

For all these reasons I believe we should support the motion, without the amendment of the Senator from Alabama.

Mr. JAVITS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from New York has 1 minute remaining.

Mr. JAVITS. I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, I wish to endorse the remarks of the Senator from Ohio and the Senator from New York.

From my viewpoint I am trying to give the President what they say they desire in terms of the Legal Services Corporation. They did ask for it. We are trying to give them that kind of corporation. I try to support the administration whenever I can. I would have to vote against the pending amendment of the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama has 2 minutes remaining.

Mr. CRANSTON. Mr. President, is there any time remaining?

The PRESIDING OFFICER. The Senator from Alabama has 2 minutes remaining.

Mr. ALLEN. Mr. President, I yield 1 minute to the Senator from California.

Mr. CRANSTON. Mr. President, I thank the Senator for his generosity in yielding to me. I would like to ask one question. Is the purpose of this amendment to end all legal services, or just to end the proposed independent corporation?

Mr. ALLEN. No. As the Senator knows, even with the Legal Services Corporation killed, the OEO would carry on the work of the Legal Services Division, but there would be some supervision and control over the activities of the Legal Services Corporation, and would not repose those powers and duties in a separate corporation, free wheeling, and without control by any other agency of the Government, or the President of the United States, or, for that matter, the Congress.

Mr. CRANSTON. I thank the Senator.

I want to say I oppose the amendment because I feel we have tried to meet the President's objections about legal services.

I want to express solidarity with the Senator from Massachusetts (Mr. KENNEDY) on four points:

First, praise for the Senator from Wisconsin (Mr. NELSON), on the magnificent work he has done.

Second, I question the wisdom of recommitting at the present time.

Third, I am not eager to set slashing cuts in the important authorizations for vital programs.

Fourth, I am gravely concerned about compromising still further on legal services——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I move to table the motion.

The PRESIDING OFFICER. The question is on the motion to table the motion to instruct (putting the question).

The ayes appear to have it. The ayes have it.

The motion to table is agreed to.

The question now is on the motion to recommit (putting the question). The ayes appear to have it. The ayes have it. The motion carries.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The assistant legislative clerk read the joint resolution (S.J. Res. 241) by title, as follows:

> A joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

Mr. FULBRIGHT. Mr. President, I wish to make a few comments, and I know other Senators will want to.

The PRESIDING OFFICER. Will the Senator suspend until we have order? This is a most important matter before the Senate. The Senator is entitled to be heard. The Senate will be in order.

The Senator will proceed.

Mr. FULBRIGHT. Mr. President, I completely concur in what the Chair has said—that I consider this one of the most important issues that has come before this body, certainly since the Gulf of Tonkin resolution 8 years ago. As a matter of fact, yesterday, or the day before yesterday, makes it 8 years old. We made a disastrous mistake in the Senate not only in the decision itself, but also in the procedure we followed. I should like to do what I can at this time to avoid a similar mistake.

The pending business is the joint resolution giving our consent to the President to approve the interim agreement which has been before us.

The Foreign Relations Committee, which has the responsibility, as the agent of the Senate, to understand and to advise on treaties and agreements such as the one before us, has reported this agreement unanimously, without any whereases, qualifications, or amendments. The House of Representatives on yesterday took similar action.

When the committee voted unanimously in favor of the interim agreement, we did so upon the assurance that it was a prudent and wise agreement, providing adequately for the security of the United States.

I wish to quote from a verbatim statement of the President of the United States, made to a large group of Members of Congress on June 15 in the State dining room at 9:18 a.m. I shall not read it all. I am quoting the President of the United States. The President is speaking:

> I have studied this situation of arms control over the past 3½ years. I am totally convinced that both of these agreements are in the interest of the security of the United States and in the interest of arms control and world peace.

He continues:

> I have noted a great deal of speculation about who won and who lost in these negotiations. I have said that neither side won and neither side lost. As a matter of fact, if we were to really look at it very, very fairly, both sides won, and the whole world won.
>
> Let me tell you why I think that is important. Where negotiations between great powers are involved, if one side wins, and the other loses clearly, then you have a built-in tendency or incentive for the side that loses to break the agreement and to do everything that it can to regain the advantage.
>
> This is an agreement which was very toughly negotiated on both sides. There are advantages in it for both sides. For that reason, each side has a vested interest, we believe, in keeping the agreement rather than breaking it.

I completely endorse that statement—that both sides have a very important interest in keeping this agreement and not in breaking it.

Now, in the face of that, in the face of the unanimous action of the Committee on Foreign Relations, we are told by the Senator from Washington (Mr. JACKSON) that this amendment to the resolution of ratification is desired. The clear implication of the Jackson amendment is that the interim agreement is defective in that it does not provide adequately for our security and in that the statements of the President about the effect of the agreement were inaccurate.

The Senator from Washington (Mr. JACKSON) himself has stated that this agreement provides for interim "subparity" in his statement of last Monday on the Senate floor.

If it is a fact that the interim agreement overall provides for "subparity"—

or, as he suggests in one of his statements, "inferiority"—then the agreement should be rejected as not in the national interest. It should not be amended in the way that the Senator has stated he wishes to amend it.

Actually, he does not amend this agreement. The effect of his amendment is to set down guidelines for the future. But those guidelines are based upon the assumption, on any fair reading of the amendment, that the present agreement is not adequate and does not properly provide for the security of this country.

If this agreement is prudent, then it ought to be approved as written. If it is not prudent, if it actually does provide for "subparity" overall, if it does not adequately provide for our security, then it ought to be rejected.

If the Jackson amendment is agreed to, I certainly will vote against this resolution; for the resolution would then mean that the interim agreement is defective, that it does not adequately protect the security of the United States.

I for one do not intend to be a party to another Tonkin Gulf resolution. I have spent 8 years apologizing for my small part in that. I was a Member of the Senate and I was the manager of that measure, which was brought here by the President, or his emissaries, and was described to us as being a necessary and important element in preventing the spread of war. We were told that if we showed ourselves to be standing behind the President, it would prevent the spreading of the war in Vietnam.

We did not give it serious consideration. We did not understand all the implications. We spent only a few hours in debating it on the floor, because at that time there was a political campaign on. President Johnson was the peace candidate. He was saying, in public speeches, that he would not be responsible for sending our young men to Vietnam, and it was said in the papers that his opponent was a hawk, and was for using nuclear bombs, and all sorts of things representing a radical approach to the war in Vietnam.

In contrast, President Johnson said he would restrict the war and prevent our participation. All we had to do was support the Tonkin Gulf resolution. Unfortunately, I think none of us considered it carefully enough. And that should not happen again. Now, this interim agreement before us is very important.

The ABM treaty was important. They are, in fact, the most significant measures, in my opinion, for this country since the Tonkin Gulf resolution. That measure, of course, was a disaster. But in this case, we have the opportunity to render approval to what represents a great step forward.

The kind of amendment which the Senator from Montana, the majority leader, has offered was considered by the committee as a fall-back position. But the committee did not really think any amendment was necessary. In fact, when it voted the joint resolution out unanimously, it struck out all statements of a qualifying or hortatory nature: we wanted to insure that there was nothing in the resolution that would raise questions about the meaning of the agreement itself.

This amendment offered by the Senator from Montana is not really an essential amendment, because all it is is a recitation of the precise language that the President of the United States and Mr. Brezhnev agreed upon. It is taken verbatim from the statement of principles which both Governments agreed upon at the time they agreed upon the interim agreement. So it in no way varies or could possibly vary or change in any respect the meaning of the agreement itself, nor would it in any way confine or restrict future negotiations.

I think any effort to restrict future negotiations, if it is to be done at all, should be done as a separate resolution or an amendment to some other bill, perhaps one dealing with the armed services. But that restriction should not be attached to this measure, because to do so would raise doubts about the efficacy and the adequacy of the agreement already signed, as to whether it protects our national interest.

So I shall vote for this amendment, although in truth it is not really an amendment; it is simply a restatement of the principles, with which I agree, and that is the only reason I would support it.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Idaho.

Mr. CHURCH. Is it not true that the amendment which has been offered by the distinguished majority leader confines itself entirely to language contained in the declaration of principles to which the President and Mr. Brezhnev signed their names on May 29 in Moscow? That is to say, is not the amendment cast in the language that the two Governments agreed upon at that time?

Mr. FULBRIGHT. That is correct.

Mr. CHURCH. So there is no hazard, in the adoption of this amendment, that we would be placing any different interpretation upon the agreement, or new limits upon the negotiating positions of the two Governments in the future, than the Governments themselves agreed upon at the time of the summit meeting?

Mr. FULBRIGHT. The Senator is correct.

Mr. CHURCH. The Senator would also agree, would he not, that the mischief in adopting new language is that it could give rise to any number of interpretations; indeed, it already has caused considerable confusion in that some Senators have interpreted the proposed new language one way, while others interpret it another way; the administration, on the one hand, endorses the Jackson amendment, as revised, and, on the other hand, disassociates itself from the interpretation placed upon the amendment by its very author.

Mr. FULBRIGHT. That is correct.

Mr. CHURCH. So we have created a confusion that can only raise questions, now and in the future, as to what we meant by this agreement and as to our future intentions.

Mr. FULBRIGHT. The Senator is quite correct. I think it raises very serious questions about our sincerity and good faith in accepting the interim agreement.

Mr. CHURCH. This is a hazard, and a serious one.

Moreover, suppose a future administration, following the election, were to take the view that the language of the so-called Jackson amendment must be construed literally, and that it constituted a mandate by Congress to confine any future negotiations with the Soviet Union within the principle of numerical equality for each particular weapon system. If a future administration were to interpret the language in this way, would that not jeopardize the chances for further progress in broadening these agreements to cover other weapons systems, or indeed for reducing their numbers in the future?

Mr. FULBRIGHT. If the President took it seriously, I think it would be an inducement to a renewal of the arms race, the old tit-for-tat. Each one then would undertake to equal the other one, and there is always some imbalance; there is no way to have absolute equality. There is such great disparity now between the natures of our forces that, under this interpretation, I suppose the Russians would have to look about for some shore bases; they would have to implore either Canada or Mexico to give them a base similar to ours on their borders.

Mr. CHURCH. I surely agree. The literal interpretation of this language, if we adopt it and if it is adhered to by a future administration, could only lead, logically to the construction of two identical nuclear weapons systems by the Soviets and the United States, and this, instead of meaning limitation or control of the nuclear arms race, could instead accelerate the nuclear arms race in the future; is that not correct?

Mr. FULBRIGHT. I think that is exactly what it would do. In fact, I think that is one of its purposes. Obviously the supporters of this amendment are not satisfied with the slowdown in the arms race.

Mr. CHURCH. As I have reviewed the debate thus far, and looked for some argument that might have some plausible appeal for adopting the Jackson amendment, it seemed always to come down to the proposition that we did not want the Soviet Union to secure some unilateral advantage during the 5-year period that might prove adverse to the security interests of the United States.

Now, of course, we are all agreed on that proposition; but the governments of the United States and the Soviet Union have agreed to that proposition as well. And here, plainly stated in the language of the governments themselves, forming part of the amendment now offered by the distinguished majority leader, is the following:

> Both sides recognize that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent with these objections.

Now, if there is any reason at all relating to the security interests of the United States to adopt the language offered by the distinguished Senator from Washington, it would be to warn against the Russians taking unilateral advantage of us, during the 5-year interim period.

Yet, here in the language of the two governments, the very point is already covered. Why, then, should we jeopardize this unique opportunity to take a first step toward ending this mad nuclear arms race, by adopting different language that could give rise to every sort of confusing implication and, indeed, could prove a serious handicap to future negotiations, when the language already adopted by the two governments covers the very point, the only real point, that can be made on behalf of the Jackson amendment? It is already there. It is already agreed to, and agreed to in the language that both President Nixon and Mr. Brezhnev, themselves, drafted and approved as part of the statement to which they appended their signatures.

So I would argue very strongly that we accomplish nothing by abandoning the language of the two governments, covering the concern that one or the other might use the 5-year period to secure some unilateral advantage, and substitute in its place new and different language fraught with every sort of problem. There is no reason to do it at all, except to restrict the President's options in the future, when he seeks to take a second step toward controlling the ongoing nuclear arms race.

So I hope we will adopt the amendment offered jointly by the distinguished majority leader and the dean of the Republicans of the Senate (Mr. AIKEN), and that we will reject any substitute offered by the Senator from Washington.

Mr. FULBRIGHT. I yield the floor, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

CALL OF THE ROLL

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 377 Leg.]

Aiken
Allen
Buckley
Byrd, Robert C.
Cooper
Cranston
Fulbright
Gurney
Hansen
Hollings
Hruska
Jackson
Javits
Jordan, Idaho
Magnuson
Mansfield
Mathias
Pastore
Proxmire
Ribicoff
Roth
Stennis
Stevens
Stevenson
Taft
Williams

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Cannon
Case
Chiles
Church
Cook
Curtis
Dole
Dominick
Ervin
Fannin
Fong
Gravel
Hart
Hartke
Humphrey
Jordan, N.C.
Kennedy
Long
McClellan
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pearson
Schweiker
Scott
Smith
Sparkman
Stafford
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

The PRESIDING OFFICER. A quorum is present.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Georgia (Mr. TALMADGE) be permitted to bring up a conference report at this time for a period of time not to exceed 5 minutes, and that upon acceptance of the report the distinguished Senator from Washington be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACCELERATED REFORESTATION OF NATIONAL FORESTS—CONFERENCE REPORT

Mr. TALMADGE. Mr. President, I submit a report of the committee of conference on H.R. 13089, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. STEVENS). The report will be stated by title.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment to the bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, as follows:

CONFERENCE REPORT

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the House recede from its disagreement to the amendments of the Senate and agree to the same.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the printing of the report as a Senate report be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, this measure establishes a fund for reforestation of national forest lands.

The House bill would have authorized annual use of section 32 funds in the amount of duties collected on imports of wood and wood products. Last year such duties amounted to $72.2 million.

The Senate authorized a direct appropriation annually of $65 million.

The House accepted the Senate version.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

ORDER OF BUSINESS

Mr. JACKSON. Mr. President, I yield to the distinguished majority whip.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

TIME LIMITATION AGREEMENT ON CONSIDERATION OF NATIONAL SCHOOL LUNCH ACT

Mr. ROBERT C. BYRD. Mr. President, this matter has been cleared on both sides of the aisle.

I ask unanimous consent that there be a time limitation in the usual form with respect to H.R. 14896, the National School Lunch Act; that at such time as it is called up and made the pending business before the Senate, which will not be this week, there be 3 hours on the bill, 1 hour on amendments, and one-half hour on amendments to amendments, debatable motions, and appeals.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate resumed the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. JACKSON. Mr. President, the Senate fully appreciates that it has before it an arms limitation measure of very great importance. Equally important, in my view, is how we in the Congress come to judge that agreement and how we convey our judgment to the Soviet Union, to our allies, to the executive branch and to the American people.

International agreements, this one included, have always had a dimension deeper than their words—a dimension that embodies hopes and expectations and reservations, all unwritten, and all of which reflect the blend of risks, doubts and assurances of which treaties are made. The present agreement, which rests to so remarkable a degree on statements with which the other party did not concur, has all of these in full measure.

SOME AMBIGUITIES RESOLVED

In an agreement that goes to the heart of America's security—our capacity to deter nuclear war—nothing is more important than a precise understanding of what the parties have agreed to. Precision can never weaken an arms control agreement; ambiguity can be a source of future tension.

From the moment the agreements were signed in Moscow, there were vague and conflicting reports about the contents of the accords. The press relied on confusing background briefings held in Moscow. Various statements and attachments, integral parts of the agreements, were not made public for weeks. Public figures issued statements of support before the terms of the accords were revealed or analyzed. High administration spokesmen offered contradictory interpretations.

Thus, when the President finally submitted these agreements to the Congress, I was concerned that the Senate and the American people understand what we and the Russians could and could not do within their terms. The Senate Armed Services Committee, under the distinguished chairmanship of my able friend the Senator from Mississippi, held extensive hearings on the military implications of the SALT accords during which we tried very hard to bring before the American people the terms, and the meaning of the terms, of the interim agreement and the ABM treaty. We endeavored to obtain a clear and consistent administration position on key provisions—which was not always easy.

Let me illustrate the kinds of problems the committee hearings had to address. Article I of the interim agreement obligates the parties not to build ICBM launchers after July 1, 1972. But nowhere in the agreement does there appear the number of ICBM's the Soviets are thereby permitted to have. Article II contains a prohibition against substituting "heavy" ICBM launchers for "light" ICBM launchers. But nowhere is there an agreed-upon bilateral definition of what a "heavy" ICBM is. Terms like "modernization" and "significant increase" were used in the agreement, but precise definitions of these terms are not provided.

Mr. President, although the texts of the treaty and the executive agreement contain few numbers, many more numbers have been discussed in connection with the SALT accords. In the last several weeks we have heard these: 1,054; 1,618; 313; 41; 42; 62; 84; 710; 740; 656; 950; and zero. The crucial question for the Nation and for the cause of world peace is whether these numbers add up to stable parity or unstable inferiority. It may clear the air to discuss some of them.

First, 1,054—this is the maximum number of land-based ICBM's that the United States is permitted to retain under the agreement.

Second, 1,618—this is the maximum number of land-based ICBM's that the Soviet Union is permitted to retain given our understanding of the agreement. I emphasize "our understanding" because the figure 1,618 is a U.S. intelligence estimate and not a Soviet supplied number. This vagueness on the Soviet part is most unfortunate and can only lead to uncertainty and possible tensions. The agreement would be much improved by the use of specific numbers on both sides.

Third, 710—this is the maximum number of submarine launched ballistic missiles that the United States is permitted to deploy under the agreement. It is arrived at by adding our present 656 Polaris/Poseiden missiles to our potential under the agreement, to replace 54 of our Titan missiles with new submarine-launched ballistic missiles.

Fourth, 950—this is the maximum number of submarine-launched ballistic missiles that the Soviet Union is permitted to deploy under the agreement. To achieve this total the Soviets would retire their obsolete SS–7 and SS–8 ICBM's and replace them with new submarine-based missiles. This would give the Soviets a total of 62 modern nuclear—Y-class—submarines.

Fifth, 84—the total permissible number of Soviet missile-firing submarines that can be deployed under the agreement. This is derived by adding 22 Soviet G-class submarines to the 62 Y-class submarines that they are permitted to construct.

Sixth, 44—the total permissible number of American missile-firing submarines that can be deployed under the agreement. However, only 41 in actual fact are part of the U.S. deterrent in this period.

Seventh, 313—this is the maximum number of "heavy" ICBM's that the Soviet Union is permitted to deploy under the agreement. This again is a U.S. intelligence estimate, not a confirmed Soviet figure. Each of these missiles can carry at least a 25-megaton warhead and perhaps, eventually, as much as 50 megatons. Of course the Soviets are free to replace single large warheads with many MIRV warheads per missile when they are able to do so.

Eighth, 0—this is the maximum number of "heavy" ICBM's that the United States is permitted to deploy under the agreement.

These numbers, Mr. President, are merely representative of the thrust of the agreements—which is to confer on the Soviet Union the authority to retain or deploy a number of weapons based on land and at sea that exceeds our own in every category, and by a 50 percent margin.

Now there will be some who argue that "numbers do not matter"—that both sides have "sufficiency" and that therefore the strategic balance is stable. How curious it is that the people who hold to the "numbers do not matter" doctrine are the same ones who believe that without an immediate arms control agreement the world is in danger of a great nuclear war. Either numbers matter or agreements do not—you cannot have it both ways.

I have never seen an international agreement that depends so greatly on the attachment of unilateral statements. Clearly each of these unilateral statements reflects, not U.S.-Soviet agreement but, on the contrary, a failure to reach agreement. In my view the interim agreement is substantially weakened as a result of the failures indicated by the resort to unilateral assertions with no legal standing. No long-term treaty covering these vital matters would be acceptable to me and, I suspect, to a majority of my colleagues, if it depended to the extent of the present agreement on unilateral statements. The fact that the present agreement runs for only 5 years mitigates a situation that would be intolerable in a future treaty. I believe that in expressing this view I am joined by Ambassador Smith who informed the Armed Services Committee that he expected provisions that could not be agreed upon in SALT I to be resolved on a bilateral basis in SALT II.

In seeking to establish clearly what the parties were permitted to do over the next 5 years and what they would be prohibited from doing—not all of which was self-evident—two points were of particular interest, and illustrate the complications that arise from vague language in the agreement and from negotiating not only against one's adversary but against self-imposed deadlines as well:

First, under the terms of the agreement, the Soviets are permitted to have operational, by July 1, 1977, 62 Polaris-type Y-class submarines. The agreement is very explicit on this. Owing to a provision that could have constituted a serious loophole, the issue arose as to whether the Soviets might have additional such submarines under construction, but not yet operational, on July 1, 1977. Some witnesses, including Ambassador Smith and Chief of Naval Operations, Admiral Zumwalt, indicated that, technically, this was permissible. Were that the case, the Soviets could continue to turn out Y-class submarines like sausages, eight per year, with absolutely no perturbation of their deployment momentum.

Therefore, on July 24, I raised this problem with Secretary Laird in order to get the administration position as understood at the highest levels. Secretary Laird said:

> The protocol to the interim agreement specifies that the Soviet Union may have 950 SLBM launchers and not more than 62 modern ballistic missile submarines.

Then Secretary Laird, speaking for the administration, said:

> In the event that during the period of the interim agreement they were to initiate construction of additional modern ballistic missile submarines beyond the number necessary to reach the total of 62, this could be done only as replacements [for older Y-class submarines] and this would be under the procedures as specified under article 3 of the interim agreement. We would consider any new construction starts which were merely for the purpose of maintaining the momentum of the Soviet Union construction program to be contrary to the intent of the agreement.

This point is made equally clear in a colloquy between the Secretary and me. In order to understand the administration view, I asked:

> I take it that it is your judgment and the view of the President and the Administration that any attempt to use this ambiguity to build up—especially toward the end of this 5-year period—a pipeline of advanced Y-class boats under construction—as a tech-

nical means of getting around the limit of 62 operational submarines, would be in clear violation of what we understand to be the agreement.

Secretary Laird answered:

I would, and that would also apply to the United States.

Second, another area of potential misunderstanding relates to the modernization of missile silos under the agreement. The agreement allows for the modernization of existing silo-launchers, but stipulates that, in the process of modernization, the dimensions of those silos cannot be significantly increased. In a further attachment to the agreement, a significant increase is defined as not greater than 15 percent.

Testimony from administration witnesses on the meaning of these provisions was conflicting. Therefore, on July 24, I asked Secretary Laird for the definitive administration position. He replied:

I would not go along with the interpretation that some Members of the Senate and House have given to that provision in which they read that the 10 to 15 percent increase in dimensions could allow an increase in both dimensions.

I then asked:

Diameter and length?

Mr. Laird said:

Yes.

He went on to say:

The major increase that would be possible under the agreement would be in any one silo dimension.

In order that there be no misunderstanding on this point, I want to cite the colloquy which followed this official policy declaration by Mr. Laird:

Senator JACKSON. Do you reject the interpretation that an increase in both dimensions is allowable?

Secretary LAIRD. I have always rejected that from the first day that the treaty and the agreement became public—the idea that both diameter and depth could be increased by as much as 15 percent.

Senator JACKSON. It is the Administration's position that only one dimension of a silo can be increased?

Secretary LAIRD. That is correct. That is the Administration's position.

Senator JACKSON. It cannot be both dimensions?

Secretary LAIRD. It cannot be both diameter and depth.

Mr. ALLOTT. Mr. President, will the Senator yield for a question on that particular matter?

Mr. JACKSON. I am very pleased to yield.

Mr. ALLOTT. I think the Senator put his finger on one of the most important facets of this matter. I recall raising this question with the Secretary of Defense myself in a Defense Appropriation subcommittee hearing. The significance of it may escape some people.

Is it not a fact that if you are permitted, or were permitted, for example, to increase a missile of 10 feet in diameter and 100 feet in length, by 15 percent in diameter and 15 percent in length, that you would actually increase the volume of the missile by 50 percent?

Mr. JACKSON. The Senator is correct. It would be a little over 50 percent.

This gives me an opportunity to emphasize my disappointment that so few Senators are involved in one of the most important arms limitation agreements in the history of this country—in the history of the world. It is regrettable that not enough Senators are involved in what is at issue here and that is why I am deeply concerned, and other Senators who have followed this matter are deeply concerned. This issue of silo dimensions is but one example of the sort of ambiguity that we have in this agreement.

Mr. ALLOTT. It does run slightly over 50 percent if the 15-percent increase is applied to both diameter and length.

Mr. JACKSON. That is right.

Mr. ALLOTT. Where there is ambiguity the Senate should speak out loudly, making its intentions and understanding of this interim agreement very plain and clear, not only as a guide for the President, but also as a guide to the Soviet Union.

An increase of slightly over 50 percent volume, in the size of a missile silo is a very significant increase in the size of the missile that goes in that silo.

While the agreement does say silos shall not be significantly increased, it also says the dimensions may be increased by up to 15 percent.

I thank the Senator for yielding. This is a very important matter and I like he, am sorry that on a matter such as this we do not have the great majority of the Senate here to listen to this description and the argument which is going to affect the future security of the United States so deeply.

Mr. JACKSON. I believe that the Committee on Foreign Relations that reported this resolution has a responsibility of spelling out in detail, which they have not done yet, what is in this interim agreement, and what is meant by the unilateral understandings.

I think Senators have the idea—and I have tried to spend some time going into detail—that we have a precise agreement when, in fact, we have an agreement that is often vague. We have a limited agreement with a long series of unilateral statements and understandings; but it is my view that for an agreement to have validity, it needs, of course, to have a bilateral basis reflecting a bilateral understanding. There is nothing, in my judgment, that is more destabilizing than to purport to represent something as an agreement on a bilateral basis when in truth and fact it involves a lot of unilateral understandings which the party on the other side has not concurred in.

We want an agreement that will stabilize, and not destabilize. That is why I am going into great detail here, because no one from the Foreign Relations Committee has done so up to date, to explain to the Senate what is involved.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JACKSON. Yes, I am happy to yield.

Mr. COOPER. I will ask the Senator if he is familiar—I know he has a deep understanding of these issues—with both the understanding and statements that the United States has made upon various parts of the agreement. Did the United States make a statement upon this particular issue?

Mr. JACKSON. Yes. There is a whole series of unilateral statements. Some were made in Moscow, and some were drafted after the delegation came back from Moscow.

Mr. COOPER. I know, and I am sure the Senator knows, that a statement by the Secretary of State on behalf of the President was made on this issue. Would the Senator care to read that statement?

Mr. JACKSON. Give me a moment to find the proper passage in the attachments to the agreement.

Mr. COOPER. I believe the Senator used the term "dimensions," but does he imply that failure to reach an agreement upon the exact size of the launcher makes this agreement a very dangerous one to the United States? I quote the relevant portion from the Secretary of State's letter of submittal of June 10, 1972.

I ask unanimous consent that the relevant portion of Secretary Rogers' statement be placed in the RECORD at this point. In addition, I ask the relevant portion of Ambassador Smith's answer to Senator JACKSON's question and Secretary Laird's answer on this matter also be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

XVI

B. HEAVY ICBM LAUNCHERS

Article II provides that the Parties shall not convert land-based launchers for light, or older heavy, ICBMs into land-based launchers for modern heavy ICBMs, such as the Soviet SS–9. All currently operational ICBMs other than the SS–9 are either "light" (the United States Minuteman and the Soviet SS–11 and SS–13) or "older" ICBM launchers of types first deployed prior to 1964 (the United States Titan and the Soviet SS–7 and SS–8).

Article II would thus prohibit the conversion of a launcher for an SS–7, SS–8, SS–11 or SS–13 ICBM into a launcher for an SS–9 or any new modern heavy ICBM, and would similarly prohibit the conversion of a launcher for a Minuteman or Titan into a launcher for a modern heavy ICBM. The Parties agree that in the process of modernization and replacement the dimensions of land-based ICBM silo launchers will not be significantly increased, and that this means that any increase will not be greater than 10–15 percent of the present dimensions. The United States has also made clear that it would consider any ICBM having a volume significantly greater than that of the largest light ICBM now operational on either side (which is the Soviet SS–11) to be a heavy ICBM.

In Helsinki an ad referendum agreement was reached that there would be no significant increase in silo dimensions. It was clear from the record that dimensions meant internal diameter and depth. In Moscow, this agreement was discussed and confirmed and a further agreement was reached that "significant increase" means an increase greater than 10 to 15 percent. This understanding was read into the record in Helsinki on May 26. The Moscow discussions support the interpretation that either diameter or depth could be increased up to 15 percent but not both.

SOVIET SS-11 RETROFIT PROGRAM

Senator Jackson. Thank you. Again, I want to raise another very important point that should be clarified for the record.

The largest part of the Soviet land-based ICBM deployment is in the SS-11 silos. If the Soviets were to retrofit their SS-11 silos with a new missile, how much could they (*a*) increase the volume of those silos and (*b*) increase the volume of the missiles that go in those silos?

Are you prepared to answer that?

Secretary Laird. I am prepared to address that particular question. I believe, like I testified, that I would not go along with the interpretation that some Members of the Senate and House have given to that provision in which they read that the 10 to 15 percent increase in dimensions could allow an increase in both dimensions.

Senator Jackson. Diameter and length?

Secretary Laird. Yes.

I would consider that a violation of the agreement. In no case would it be possible for the Soviet Union to retrofit their SS-11 silos with a new significantly larger missile or would it permit them to install in the SS-11 silos the SS-9's or the follow-on missile system to the SS-9.

The major increase that would be possible under the agreement would be in any one silo dimension and, of course, that would limit the total volume increase to no more than 30 percent. With such a limitation it would not be possible to install an SS-9 class missile in an SS-11 silo.

Senator Jackson. I would have thought that what the parties had intended was actually a maximum of 15 percent increase in the total volume, but when you read it——

Secretary Laird. I believe that up to a 30-percent volume increase in one dimension would be possible and I believe that anything over and above that would be a violation under the most liberal interpretations of the agreement.

Senator Jackson. I would think that running through all of this, Mr. Secretary——

Secretary Laird. It is no more than one dimension.

Senator Jackson. I understand. If you increase the diameter by 15 percent, that amounts to about a 30 percent increase in volume. You are saying that this is the absolute maximum allowed. If both the diameter and the length are increased by 15 percent, the volume would be increased by about 50 percent. I want to be clear about this. Do you reject the interpretation that an increase in both dimensions is allowable?

Secretary Laird. I have always rejected that from the first day that the treaty and the agreement became public the idea that both diameter and depth could be increased by as much as 15 percent.

Senator Jackson. It is the administration's position that only one dimension of a silo can be increased?

Secretary Laird. That is correct. That is the administration's position.

Senator Jackson. It cannot be both dimensions?

Secretary Laird. It cannot be both diameter and depth.

Mr. JACKSON. In response to your earlier question it makes it a very ambiguous one.

Mr. COOPER. Does he believe that threatens the supreme national interest of the United States?

Mr. JACKSON. That will depend on what the Soviets do in the 5-year interim period.

The statement the Senator had in mind, I think, is the statement made by Ambassador Smith. This is what he said on May 26, 1972:

> The Parties agree that the term "significantly increased" means that an increase will not be greater than 10-15 percent of the present dimensions of land-based ICBM silo launchers.

Mr. Semenov replied that this statement corresponded to the Soviet understanding.

Now, what is meant by "dimensions"?

Mr. COOPER. Is the Senator contending that this ambiguity in the agreement, as the Senator terms it, is so far-reaching, so dangerous, that it threatens the supreme national interest of the United States?

Mr. JACKSON. Well, I will put it this way to the Senator: If it were to mean 50 percent, it would give the Soviets the right to practically double their throw-weight. Perhaps the Senator can tell me what "dimensions" means as used in that statement. We went into that in great detail. I do not think the Foreign Relations Committee did, but we went into it in great detail, because it makes a lot of difference whether we are talking about a 10 to 15 percent increase in one dimension or in both. The Senator understands that?

Mr. COOPER. Yes, I do. We did go into that, and we asked various expert witnesses in the administration and outside if they considered it one which would be dangerous to the supreme national interest. If it were so dangerous and serious, would it not justify those who plead that to vote against the agreement, if it is one which is going to threaten the supreme national interest of the United States?

I will ask another question: Is it not a fact that the United States could also increase the size of its launchers by the same relative dimensions if it chose to evade the spirit of the agreement?

Mr. JACKSON. I believe the Senator had an opportunity—perhaps he did not—to follow the statement that I made on this point, where we pinned down the administration on our understanding of what it means.

Does the Senator have a copy of my speech?

Mr. COOPER. Yes.

Mr. JACKSON. I think the Senator will find I asked this question of Secretary Laird, and he said that it was his judgment, and it was the judgment of the administration, that the 10 to 15 percent provision would apply to one dimension only.

Well, we did not have that on the record until I developed it in our hearings. I just point it out to show why it is important to go into this matter in detail, because, as the Senator knows, we have a situation here in which we have a limited bilateral understanding with a long series of unilateral statements. Secretary Laird did respond to my questions in that regard, and was most helpful.

Mr. COOPER. I ask the Senator if the United States could also increase the size of its launchers under this agreement in the same way that he is describing the way the Soviet Union could do it?

Mr. JACKSON. As the Senator knows, we are bound by our interpretation of "dimensions," and the Soviet Union has not given an interpretation on this matter. So we have bound ourselves by our interpretation. The Soviet Union, I may say to the Senator, has not indicated its understanding.

Am I not correct?

Mr. COOPER. I did not hear the Senator.

Mr. JACKSON. I say, the Soviet Union has not given its interpretation of "dimensions." We have.

Mr. COOPER. The Senator is correct, but the United States has made its interpretation, and I would assume—I think we are agreed on this—that when these interpretations are made, if they were breached by the Soviet Union, if they went beyond the 10 to 15 percent permitted that the United States could then determine, if it threatened the supreme national interest of the United States, and could then abrogate the agreement. Would the Senator agree to that?

Mr. JACKSON. Would the Senator repeat the question? I am sorry. I did not hear it.

Mr. COOPER. There are a number of understandings agreed to by both the Soviet Union and the United States. In addition, the United States has made statements as to its interpretation of certain sections of this agreement. Would the Senator agree that the United States having made an interpretation, if a situation arose which threatened its supreme national interest, it could so determine and abrogate the agreement?

Mr. JACKSON. Well, certainly. That is a finding that our Government would have to make. But I am just trying to point out the ambiguity surrounding some of these issues.

The Senator knows, for example, that we have stipulated in the agreement the number of nuclear strategic submarines that are permitted. That is spelled out. It is 62, is that not correct, for the Soviet Union, and 44 for the United States?

Mr. COOPER. Yes.

Mr. JACKSON. Now, where in the agreement, in the same document, can the Senator find the number of land-based missiles stipulated for the United States and for the Soviet Union?

Mr. COOPER. Well, it is not in there, I know that.

Mr. JACKSON. Now, is that the way to do business?

Mr. COOPER. No.

What the Senator from Washington is really arguing, I believe, is that this agreement is one which places the United States at a disadvantage insofar as its national interest is concerned. I say with all deference, because I have great regard for the Senator, both for his knowledge in this field and for his convictions, that I really believe if I felt that way, I would vote against this agreement. I would say it is disadvantageous to the United States of America. I would say that President Nixon was wrong in signing it. I would say that Dr. Kissinger's interpretations on behalf of the President were wrong, and I would vote against it. I would beg the Senate to vote against it, if I believed it was going to place our country at a disadvantage. The Senator mentioned——

Mr. JACKSON. Could I make a comment right there?

Mr. COOPER. Yes.

Mr. JACKSON. I have nothing but admiration for the conscientious way in which the Senator from Kentucky proceeds on these matters, and I completely respect him.

This agreement is acceptable only because it is for 5 years, with the understanding that we are going to achieve, hopefully, in SALT II, equality with the Soviet Union. That is a basis on which we could proceed, and I think it is most important that the amendment I have proposed be adopted, so that we do not have any misunderstanding. I do not think the American people fully understand—and I do not think many Members of the Senate fully understand—the arrangement we have entered into here.

The Senator has followed this matter very closely, and I commend him.

But I want to point out to the Senator that the present agreement is acceptable only on the basis, as far as I am concerned, that it is 5-year agreement. It is only a 5-year agreement, and I want to see, in SALT II, an agreement which will at least bring about equality. In the past all of our Presidents, of both political parties, and our Secretaries of Defense, talked about superiority. The amendment that I am proposing will simply call for parity—instead of subparity, which we have agreed to as an interim matter for a 5-year period.

I can support the interim 5-year agreement if the Senate lays down the policy—a policy for the future—and surely the Senate should give some advice in these matters. Members of this body have said that foreign policy is made exclusively by the executive branch. I do not know why the Senate should not be able to say, "We will, in SALT II, seek to achieve equality." That is what we are talking about.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JACKSON. Yes.

Mr. COOPER. The Senator mentioned a few minutes ago the number of intercontinental ballistic land-based missiles. It is true that the Soviets have more ICBM launchers than we do. That is known and agreed. Also, it is not said specifically in the agreement what the limits on the Soviets ICBM's will be, except it will be the number in being and under construction as of July 1, 1972. In answer to our questions on that subject, we were told:

> We know what they have not through our verification satellites, and they cannot build any more. If they build any more, it will be a breach of the treaty.

I ask the Senator this, then: He is talking about parity or equality and he relates it to a specific weapons system, when in fact there are several weapons systems. There are land-based missiles. Submarine-based missiles, bombers, and other forces of which the Senator is well aware, such as forward based forces, and any parity as far as the resulting deterrent is concerned is the overall power of all of those systems and other factors such as qualitative differences, deliverable warheads, and other factors. I do not think we can discuss parity by picking out one system in which we seem on the surface to be numerically inferior, without taking into account a lot of other factors which the Senator is well acquainted with, particularly in connection with the submarine-based missile forces.

I have to say, after reading the Senator's speech today and listening to his other speeches, that he is saying implicitly and has said specifically that we have entered into an agreement which has placed us in a position of subparity.

I do not know of anyone who is saying that in the administration. Perhaps other Senators are saying it, but I am talking about those who have given information and testimony to the committee.

On that basis of the Senator's belief that we are in a position of subparity, he has drafted an amendment by which, as the first interpretation read, he would want us to be equal in numbers and throw weight of intercontinental systems.

As someone has explained so well, and I think the Senator from Washington would agree, there is no way under heaven whereby the United States and the Soviet Union could be equal in numbers and megatonnage, unless we had identical nuclear systems.

Is not the question one of having parity taking into account the quality, quantity, and assured destructural power of all our strategic forces? Is that not correct?

Mr. JACKSON. May I respond?

Mr. COOPER. Surely.

Mr. JACKSON. When we talk about equality, we must talk in terms of equality in numbers of launchers, taking account of throw-weight. This is the basic principle of the ABM Agreement where our two countries were permitted two ABM sites each.

Frankly, I think it was a poor agreement, for the obvious reason that we should have retained the opportunity to defend our Minuteman silos. Now, I am opposed to the construction of an ABM site in Washington, D.C., to defend the NCA, because it is just not workable. No one argued more vigorously than I did that it is not workable: And it will not be in the defense authorization bill for that reason.

But the point raised by the Senator's question, is that you cannot freeze technology; and we are not doing it here in the interim agreement. The advantage we have currently is in our technology, as the Senator knows; but surely the Senator is not going to argue that the Russians are unable to move forward very rapidly, as they have demonstrated in the past, in the scientific and technological area, especially MIRVing.

I remember the argument over the H-bomb. Some argued that it would take the Russians a decade to get the H-bomb after we did. We finally got it, as I recall, only 7 months ahead of the Russians.

I just do not want the numbers in the interim agreement with the throw-weight advantage a permanent arrangement in a treaty at SALT II. That would destabilize the strategic balance rather than stabilize it.

Mr. COOPER. Let me ask the Senator a question. I do not wish to interrupt his speech further, but in speaking of numbers, will he state the number of deliverable warheads that the Soviet Union is estimated to possess, and the number that the United States possesses?

Mr. JACKSON. At the present time?

Mr. COOPER. Yes.

Mr. JACKSON. I readily agree that we have an obvious advantage in numbers of warheads at this moment, but I submit that under the interim agreement the Soviets are authorized and permitted to have an unlimited number of warheads; and they have the throw weight to go on building more and more warheads.

Mr. COOPER. Is it not correct that today the United States has approximately 5,900 warheads and the Soviet Union has 2,200 or 2,300?

Mr. JACKSON. I said the United States has more. But that does not answer the question as to what is permitted under the agreement.

Mr. COOPER. Under the agreement, also, could the United States, if it desired, continue to MIRV and probably have 10,000 deliverable warheads by the end of the 5 years of the Interim Agreement?

Mr. JACKSON. Let me point this out to the Senator: Under this Interim agreement, they get 4 times our throw weight. That is the key. They get four times the throw weight of our forces. As the Senator knows, they are permitted 50 percent more launchers. So they will have the ability to have more warheads with greater megatonnage if we do not reverse this trend in SALT II. It is that simple. I think that is an undisputed fact. If the Senator has facts to contradict it, I will be glad to hear them.

Mr. COOPER. I think the Senator will agree with me that the Soviet Union could add additional warheads to a total of about 4,000 if it gets MIRV, which it can do under the agreement, and the United States could do the same, and we could probably have 10,000 warheads, according to the Department of Defense. Is it not correct, also, that 250 or 300 of the warheads could destroy the Soviet Union and a similar number could destroy the United States?

Mr. JACKSON. First of all, let me say this: Would it not be better to get a lid on all these things on both sides, on a basis of equality? The Senator talks about the number of warheads that would be available to do this or to do that. Of course, that presupposes that our retaliatory force will survive. That is one of the major inquiries we made in our hearing. I think there is a real threat to our retaliatory forces unless we get a sound agreement in SALT II. We can tolerate this interim agreement for 5 years if we get a good agreement in SALT II that will make it possible for us to have a survivable and therefore a credible deterrent force. But I do not want one side to have the advantage.

I point out that if this interim agreement is approved without some advice from the Senate that we want to achieve equality. I say that we have real problems ahead. That is what I am seeking to do.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. JACKSON. I yield.

Mr. FULBRIGHT. I am very familiar with the word "parity," and so forth, in farm prices. I do not quite know what the Senator means by "subparity" in nuclear weapons. Would he define it? He has criticized the agreement for being imprecise. Would he be precise about what "subparity" means?

Mr. JACKSON. The answer is that, under the terms of the agreement, they have the authority and the right, unless we can get a treaty before the end of 5 years, to obtain a very much larger force than they have currently. That is the answer.

Mr. FULBRIGHT. Does it mean that presently they have greater strength now or that projected figures indicate that is what they will have?

Mr. JACKSON. We know what they have now.

I will restate it: They can have—and Mr. Brezhnev has made it clear that they are going to implement their rights under the agreement—50 percent more intercontinental launchers——

Mr. FULBRIGHT. Only intercontinental weapons.

Mr. JACKSON. That is correct.

Mr. FULBRIGHT. When the Senator says "subparity," he is referring only to intercontinental launchers. The Senator excludes, for example, the forward based weapons that we have. He excludes the fact that we have forward bases for our submarines which enable them to stay on station. We have the testimony that because of our forward bases in various places—as the Senator knows, it is not classified—in Spain and in Guam and in Scotland, it takes 3 Russian submarines to equal 2 of ours. The Senator excludes that from his computation of "parity"?

Mr. JACKSON. First of all, we do not have a "forward base" in Spain. I think the Senator has in mind a support facility for the Polaris.

Mr. FULBRIGHT. That is correct.

Mr. JACKSON. It is not a delivery base.

Mr. FULBRIGHT. It is a base for submarines.

Mr. JACKSON. That is correct. But bear in mind first, on that point, that the Soviets have developed and have operational a 3,000-mile missile, and they do not need forward bases. If the Senator wants to go down this route, keep in mind—and I am sure the Senator knows this—how many cruise missiles they have. Is the Senator aware of that?

Mr. FULBRIGHT. Yes. They are surface-to-surface.

Mr. JACKSON. Let me explain. The Soviets have more than 400 cruise missiles. They are subsonic. They can be fired into the population centers of the United States. We do not have any. However, our capability in Europe is very limited so far as reaching the Soviet Union is concerned. We have approximately 40 airbases over there.

Mr. McNamara made public years ago—and this is where much confusion originates—that we have 7,000 warheads in Europe. Well, warheads do not mean anything unless you can deliver them. There are only 40 bases. The Soviets have some 600 intermediate range ballistic missiles. One hundred of those missiles could reach every one of our bases.

Mr. FULBRIGHT. Does that include bases in Greece and Turkey?

Mr. JACKSON. Yes.

Mr. FULBRIGHT. And Korea?

Mr. JACKSON. No. I said Europe.

Mr. FULBRIGHT. All around Russia?

Mr. JACKSON. No. As the Senator knows, we are out of Okinawa. We are not going to have nuclear weapons in Okinawa.

Those forward bases are being pushed back. Our bases in France are gone.

The Senator knows that the situation is that the planes in Europe have a very limited range. They are just fighter bombers. But the Russians have 600 intermediate-range ballistic missiles. All they need is 100 to knock out our means of delivering warheads. And how many IRBM's do we have in Europe or any other place? Zero.

So when we talk about warheads, it is like talking about the United States having the greatest Navy in the world on December 6, 1941. On December 7, we did not have a Navy.

I am addressing myself here to the fundamental question we must resolve—what kind of negotiating posture we are going to go forward with in SALT II so far as the intercontinental delivery systems are concerned?

Mr. FULBRIGHT. Only that.

Mr. JACKSON. That is what is involved.

Mr. FULBRIGHT. That is the Senator's opinions. When the Senator says we are behind, he is talking about intercontinental ballistic missiles, land based missiles, is he not?

Mr. JACKSON. Yes, in terms of what the agreement authorizes and permits. I would include sea-based missiles as well—SLBM's—in terms of what is permitted under the Interim Agreement.

Mr. FULBRIGHT. On the question of the throw-weight, is the Senator saying that the number of megatonnage which the Russians have is greater in just the intercontinental missiles or all missiles.

Mr. JACKSON. No, the Soviet throw-weight greatly exceeds that of all our intercontinental and noncontinental missiles. The Soviet Union passed us some time ago in terms of megatonnage.

Mr. FULBRIGHT. Does that include the calculation which I have seen, on which we have testimony, that four 1-megaton weapons equal one 16-megaton weapon? Does the Senator accept that as a valid calculation and, in view of that, does he still say they have more effective megatonnage?

Mr. JACKSON. I know what the Senator is talking about. It is the advantage that may or may not accrue when we divide up the megatonnage. But it does not change the basic point that I have propounded and tried to emphasize here, that with respect to throw-weight, they are given a 4-to-1 advantage. Now, the concept of "effective megatons" is a highly specialized one that is not relevant to what we are discussing.

Mr. FULBRIGHT. It seems to me the throw-weight is of some significance.

Mr. JACKSON. They can use it any way they want.

Mr. FULBRIGHT. The agreement does not guarantee and say specifically that the Russians shall have so many megatons and the United States shall have so many megatons. We ourselves have chosen not to put ours in the large 16- to 20-megaton weapons. What I am talking about is the effective throw-weight I have in my hand a recent publication from the Department of State, dated August 1, which states that, in terms of destructive area, four 1-megaton weapons equal approximately one 16-megaton weapon. It seems to me that is significant.

It seems to me that is significant.

Mr. JACKSON. The Senator, of course, is referring to a situation that would pertain to an attack on a city, not a hardened silo. The point I am making is, that under this agreement—and if the Senate wants to contradict it, fine, but I want to reemphasize it—they are granted, not only the throw-weight advantage of 4-to-1 but also a wide numerical advantage in launchers.

I can buy this agreement on an interim basis provided that, in the negotiating process, the administration and the President through his representatives will work to attain numerical equality in a follow-on treaty. What is wrong with that?

The Senator talks about forward bases. Those are of very limited value. They are for theater purposes. The Senator knows that we cannot talk about our forward bases in Western Europe, without bringing in all our NATO allies.

Mr. FULBRIGHT. They are in it, of course.

Mr. JACKSON. They are not in the SALT negotiations, as the Senator knows. They are not involved in these negotiations and never have been.

Mr. FULBRIGHT. But, there they are, the weapons, the armies, the navies, and so forth—the overall military strength.

Mr. JACKSON. Does the Senator think we should negotiate on matters that relate to our allies without involving them? Is that what the Senator is advocating?

Mr. FULBRIGHT. No. Let us return to the point. I think the negotiation is quite proper, and I am very much sold on the idea of making some progress. It would cut down on the arms race. And I think that what the Senator says is directly contrary to what the President of the United States has said and what Dr. Kissinger, his delegate and spokesman, has said and what others have said. The Senator is complaining about the imprecision of the agreement. I submit that the Senator's own amendment is very imprecise, too, as in the language on "subparity" that he has used.

Mr. JACKSON. Where is the term "subparity" in my amendment?

Mr. FULBRIGHT. It is in the Senator's own statement that he used in describing the agreement. In the amendment, he uses the word "inferiority," the implication being that we are moving toward an inferior position, which is contrary to the President's statement. I do not understand how the Senator can take the position that only the ICBM's should be considered as the criteria for judging this agreement. The administration and all the spokesmen say it should be judged overall, that all our strategic weapons should be considered—the whole mix. As to whether it is in our interest or not, the Senator well knows that the President has stated his opinion that it is in our interest and that there is no danger whatever of our being in an "inferior" or "subparity" position. The Senator is aware of that, is he not?

Mr. JACKSON. Well, the administration, I think, has spoken clearly on this——

Mr. FULBRIGHT. The President has. Has not the President?

Mr. JACKSON. Yes. They have made it very, very clear that they do not want the interim agreement made permanent. Now, what is wrong with getting the Russians to cut back to a basis of numerical equality with us? Since when is that wrong? Since when is it wrong that we have equality of forces? I remember in the ABM debate, some Senators, in the closed session we had, argued that the Soviets would not build more than 1,200 missiles. Now the Soviets have over 1,600 on land and another 740 on the way at sea.

I point out to the Senator that it seems to me what we want here is a treaty that will really give us parity. That is the basis on which to end the arms race.

The Russians argue that you have got to count all the forward bases, all the warheads, against our total. That is what the Russians have been arguing in Helsinki and Vienna. That is what they have been arguing all the way through. I submit that we should start here, now, by laying down a policy statement in which the Senate—what is wrong with the Senate, by the way, giving its advice—is on record for avoiding U.S. inferiority, and supporting equality in round two. That is what we are talking about.

Let us not confuse a policy for the future with the interim agreement. We are talking about reaching a permanent treaty. I want to see such an agreement and I want to see that that agreement is on the basis of equality.

Mr. FULBRIGHT. The Senator knows that neither Dr. Kissinger nor the President will, as they have already stated, accept the specific interpretation of the Senators' amendment.

The President said:

> I have studied this situation of arms control—

This is relative to the interim agreement——

Mr. JACKSON. What is the Senator reading from?

Mr. FULBRIGHT. From the President's statement of June 15. I think the Senator was there. I certainly was there, and I think most of the Senate and most of the House Members—a great many of us—were there.

On June 15, 1972, the President said:

> I have studied this situation of arms control over the past three and a half years. I am totally convinced that both of these agreements—

I will read the whole of it, but he is talking about ABM and the Interim Agreement—

He said:

> I am totally convinced that both of these agreements are in the interest of the security of the United States and in the interest of arms control and world peace.

Later on he said:

> I have noted a great deal of speculation about who won and who lost in these negotiations. I have said that neither side won and neither side lost. As a matter of fact, if we were to really look at it very, very fairly, both sides won, and the whole world won.
>
> Let me tell you why I think that it is important. Where negotiations between great powers are involved, if one side wins, and the other loses clearly, then you have a built-in tendency or incentive for the side that loses to break the agreement and to do everything that it can to regain the advantage.
>
> This is an agreement which was very toughly negotiated on both sides. There are advantages in it for both sides. For that reason, each side has a vested interest, we believe, in keeping the agreement rather than breaking it.

I think that is a sound statement. And I agree with it. I think that what the Senator is suggesting is that this agreement is not a sound one and that he does not agree with the President that both sides should have some advantages so that they both will have an interest in keeping it.

If we follow the Senator's advice on this agreement, we will remove, I think, the incentive that the President talks of. The Senator's purpose apparently is to prevent any agreement with the Russians.

The Senator's views about the Russians are well known: He has described the Soviet Union as a burglar going down a hotel corridor looking for an open door. He has made such statement for many years.

Mr. JACKSON. Mr. President, is the Senator aware——

Mr. FULBRIGHT. I want to finish my statement.

Mr. JACKSON. Mr. President, just a minute. I have the floor. If the Senator will not complete his statement, I will not yield further. He may complete his statement and I will respond. The Senator is making all sorts of wild statements.

Mr. FULBRIGHT. Go ahead.

Mr. JACKSON. Mr. President, is the Senator aware of the fact that I have supported all the agreements we have with the Soviet Union? I am proud of the fact that I supported them and that we now have a program of Safeguards in connection with the Nuclear Test Ban Treaty. I voted for the ABM Treaty the other day. What treaty is the Senator referring to with the Soviet Union that I did not support?

Mr. FULBRIGHT. Mr. President, I am referring to the statements I have heard the Senator make on the floor time and time again as to how untrustworthy the Russians are. The Senator is the only one I know of who took exception to it from the beginning.

Mr. JACKSON. Mr. President, the Senator will recall that in the ABM debate he was quoting, in support of an argument he was advancing, a certain man named Gromyko. I asked the Senator from Arkansas a question—and some of the Senators are still here who were present during that debate—I asked the Senator from Arkansas: "Is that the same man who on October 6, 1962, walked into John F. Kennedy's office and told President Kennedy to his face that the Russians did not have any missiles in Cuba?"

I remember that Mr. McCone, the head of the CIA, had that very morning given photographs to the President that showed Soviet missiles there.

If the Senator wants to trust them on that basis, that is all right.

Mr. FULBRIGHT. The Senator is right. I do not hold it against him that he has not trusted the Russians. There are plenty of reasons not to.

Mr. JACKSON. But the Senator from Arkansas does?

Mr. FULBRIGHT. Mr. President, I think the only way to build up trust is the way the President of the United States is doing it. I think that our negotiations with the Soviet Union for the last 25 years have been lamentable and have been most disappointing.

I had a report from the State Department to the effect that we have spent $1.3 trillion in arms over this period. And there is no one whom I know of who has contributed to that more than the Senator from Washington. He has done more than any other Senator to destroy the fiscal responsibility of our country.

He was the principal person who prevented us from stopping the ABM years ago when we had a 50–50 vote in this body.

I give credit to the Senator for being the principal reason why we were not able to stop the ABM at that time.

Mr. JACKSON. Mr. President, I want to say that I am very proud of my support of those programs, without any partisanship, that I think are essential to our security.

Mr. FULBRIGHT. I realize that.

Mr. JACKSON. Mr. President, I want to say that the Senator from Arkansas for many years came on the floor of the Senate advocating foreign aid expenditures involving billions of dollars. Why does not the Senator talk about that a little bit. The Senator felt that it was in the interest of our security. I supported a lot of that. If the Senator has some qualms about that——

Mr. FULBRIGHT. Mr. President, it has been years since I supported the program. In the Marshall days I supported it and for a few years after.

Mr. JACKSON. When did the Senator stop supporting it?

Mr. FULBRIGHT. About 6 years ago.

Mr. JACKSON. When was the Marshall plan in effect?

Mr. FULBRIGHT. Mr. President, that was in the late 1940's. I am not here to go through a history examination. The Senator knows that it was about at the time of the Gulf of Tonkin joint resolution that the President did to my committee and to this country what Mr. Gromyko did. He lied to us. Since that time I have been very much disillusioned with respect to both military aid and foreign aid. I think that we have wasted a lot of our resources.

The Senator has in mind the possibility of stopping any forward movement in the next SALT talks. That is what he is doing, as he concedes in his amendment.

Mr. JACKSON. Mr. President, the Senator from Arkansas has been a leader in saying that the Senate should give its advice and not just consent—that policy statements should be made here and not wholly within the executive branch.

All I am suggesting in this particular amendment, which I will offer at an appropriate time, is a policy statement that says that we insist upon equality.

It is a pretty sad day for America if we are not going to fight for parity or equality in a strategic arms agreement.

That is all I am asking for. If the Senator wants to take his present position, all I can say is that every Member of the Senate will have an opportunity to vote on it. But it will be a pretty sad day for America when we will not stand up in this Senate to indicate our views by insisting upon equality with the Russians on strategic arms. Contrary to what the Senator says, I am in favor of forward movement at SALT II. We simply disagree on how to achieve that.

Mr. FULBRIGHT. Will the Senator yield further?

Mr. JACKSON. Yes.

Mr. FULBRIGHT. Mr. President, is it not a fact that the Senator's amendment in no way affects the terms of the interim agreement?

Mr. JACKSON. The Senator is correct.

Mr. FULBRIGHT. In other words, he is supporting the policy. Why does the Senator wish to encumber an agreement which he does not wish to change, which in his exchange with the Senator from Kentucky, he said he does not want to vote against. Why does he not offer it in a resolution? Why does he encumber the RECORD with a policy that does not affect it?

Mr. JACKSON. Because the pending agreement that is before us for approval is not a permanent agreement. The President and all of his advisers have made it very clear that it is an interim agreement.

Mr. FULBRIGHT. It is for 5 years.

Mr. JACKSON. That is right. And as the Senator knows, our talks are expected to start in October on SALT II. And the Senator has been the leading advocate in this body that Congress ought to give its advice when it gives consent in these matters. That is what I am suggesting here.

Mr. FULBRIGHT. That is quite right.

Mr. JACKSON. They are related, because we are going into SALT II trying to reach a permanent agreement.

Now I am suggesting that the Senate do what the Senator has been talking about so much for the past year or two, that we state our position. Just as the administration issued a number of unilateral statements in connection with the interim agreement, we ought to indicate our basic position as far as SALT II is concerned.

This will help strengthen the hand of the President of the United States, and I think it would help speed the possibility, which I hope we can realize, of an agreement that will result in a stabilization of forces, so that we can have equality.

Mr. FULBRIGHT. The Senator realizes——

Mr. JACKSON. What is wrong with that?

Mr. FULBRIGHT. Let me answer. The Senator realizes that the Committee on Foreign Relations is, after all, as the agent of the Senate, charged with the responsibility of advising the Senate. The Committee on Foreign Relations includes in its membership both the majority leader and the minority leader of this body, as the Senator knows, and some of the leading members of the Republican Party. The Committee on Foreign Relations unanimously reported this resolution without any whereases; it struck them all out.

It is also significant that the House Committee on Foreign Affairs did the same thing yesterday. Both of those committees have taken the position that this interim agreement should not be encumbered by extraneous controversial language.

The Senator wishes to have a policy statement for a guide 5 years from now, or even 3 years from now, for the benefit of Mr. Smith and his colleagues.

Why does the Senator not prepare a resolution for that purpose alone and not encumber this measure, because this is very dangerous at the very beginning of our first agreement with the Russians, to begin tampering with it and to create the impression that we do not agree with the President's assessment that it is a fair agreement.

I submit that, overall, this agreement does provide parity, not in any single weapon, but overall. That is the position of the President.

Mr. JACKSON. May I respond?

Mr. FULBRIGHT. Yes.

Mr. JACKSON. First, the Senator seems to imply that because it came from the Committee on Foreign Relations unanimously, maybe we should not offer amendments. I simply suggested an amendment and it stopped the bill for a whole week. I am astonished. The Senator knows a lot about unanimous recommendations from that committee. Did not the Gulf of Tonkin resolution come out of the Foreign Relations unanimously?

Mr. FULBRIGHT. No; I think Senator Morse was against it.

Mr. JACKSON. Well, only two, and they were Senators Morse and Gruening.

Mr. FULBRIGHT. Yes.

Mr. JACKSON. But the fact that it came out unanimously—what does that prove? Do we not have a right to dissent from that judgment and offer amendments?

Mr. FULBRIGHT. I have been apologizing for that, as others have, for the last 8 years. That was one of the most disastrous measures, not only of that committee, but of the Senate. Except for those two Senators, the Senate also voted unanimously.

Mr. JACKSON. I want to make sure the Senate does not someday apologize for failing to have insisted on equality.

Mr. FULBRIGHT. I suggest it will apologize for this if this amendment is adopted. It is not an amendment to this agreement. If it were an amendment to this agreement, it would be much more easy to deal with. It is a subtle expression of policy that seeks to bind the negotiators in the future, although it is presented as an amendment on a resolution regarding the present agreement. It is not really an amendment at all.

Mr. JACKSON. Why is the Senator concerned with it, then? If it were a reservation to the Interim Agreement the Senator would say that the reservation disrupts the agreement entered into and, therefore——

Mr. FULBRIGHT. It would not——

Mr. JACKSON. Let me finish, please. The Senator would say it would change the agreement and we would have to go back to Russia to renegotiate.

Mr. FULBRIGHT. If the Senator wished to do so, he could offer a reservation: That it is not effective unless the Russians let us build 1,634—whatever that number is—ICBM's so that we would have parity in ICBM's. Of course, our own people do not want that. They refused to do it. Their own judgment tells them that is not desirable.

Mr. JACKSON. The Senator has gone on and on. My amendment affects the future; it does not affect the agreement. Far from "building up" I would like to see a follow-on agreement that would require the Russians to "build down."

Mr. FULBRIGHT. It is a policy statement, a guide.

Mr. JACKSON. But it is relevant because I do not want the impression created, and the administration made this point over and over again, that because we approve the interim agreement in which the Soviets get definite superiority in the areas I earlier referred to, that that is going to be the basis on which we are going to move toward an agreement in SALT II. The Russians should understand the feelings of the Senate on this subject.

I believe it fulfills the Senator's objective of the Senate being involved more in policy matters. The Senator from Arkansas has been complaining for the last 2 or 3 years, that we are not brought in on these matters. I want the Senate to have the opportunity to implement the Fulbright doctrine.

Mr. FULBRIGHT. The "Fulbright doctrine" has never been to perpetrate the arms race or to inhibit an improvement in our relations with Russia or China. I think the policy of this country for the last 25 years is the most dismal thing in our history. We have wasted more opportunities than any other country ever had, by spending our money and time on futile wars abroad and in building weapons which will never be used.

Mr. JACKSON. I hope they will never be used. If they are, God help us.

Mr. FULBRIGHT. These agreements are to create a climate in which they will not be used. What is dangerous about the Senator adding his policy guidelines to this agreement is that it is bound to create doubts among the Russians as to our good faith. He does not have respect for the Russians.

Mr. JACKSON. I did not say I did not have respect for them. I am a realist. I want to ask the Senator: Would he rely on the statements of Mr. Gromyko?

Mr. FULBRIGHT. I rely on this agreement.

Mr. JACKSON. That is not my question.

Mr. FULBRIGHT. You can ask me: Would you rely on the statements of Mr. Dean Rusk when he said to the committee that we had been attacked in the Tonkin Gulf without provocation?

Mr. JACKSON. Yes, I would.

Mr. FULBRIGHT. All right. We have all lied. I do not know anybody in that position who would not misrepresent the Office. We have had witnesses before the committee that have. They have been under instructions and dodged the questions. The Senator knows that.

I hope the Senator is not saying that no American ever lied. Is he?

Mr. JACKSON. I would not say that.

Mr. FULBRIGHT. I do not think he would.

Mr. JACKSON. Is the Senator suggesting we should make critical agreements on the basis of trust?

Mr. FULBRIGHT. The basis is the same as the President outlined in his statement: The agreements are of mutual interest to both countries. This is exactly the basis on which to put it, and you are out to destroy that basis. If we accept the Senator's view on this, as interpreted in his statement Monday, I predict there will be great difficulty making further agreements with Russians.

Mr. JACKSON. The Senator had dire predictions about what would happen if we went ahead with the ABM. I debated him on that. I argued that the ABM would play an important part in the SALT bargaining—that it would facilitate an agreement. The Senator had a different idea.

Mr. FULBRIGHT. You are wasting $10 billion.

Mr. JACKSON. The Senator can make all the wild statements he wants, but the fact is the appropriation for the ABM did play a major role in reaching an agreement. We know the Russians were most anxious to halt our ABM deployment and their desire to do this formed the basis of both the ABM treaty and the interim agreement.

But let me conclude on this point. After all, the White House should know if this is bad, and this is what the White House statement included. It said the Jackson amendment—

> Is consistent with the undertakings in Moscow. It reflects what we believe to be broad Senate support for statements made by the Administration in connection with the understanding accompanying the agreements and previously transmitted to Congress.

It does not constitute a reservation or interpretation to the agreement in any legal sense.

And I will stand on that.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JACKSON. Yes, certainly.

Mr. MANSFIELD. Mr. President, during the course of the colloquy the Senator indicated he had been waiting for a week to vote, that there had been a delay in the consideration of the interim agreement, and the Senator is correct.

Now, is the Senator prepared to consider this afternoon a time certain to vote on the Senator's amendment?

Mr. JACKSON. The Senator is aware that my position on a unanimous agreement has been clear from the very beginning. It was made clear to the Senator from West Virginia (Mr. ROBERT C. BYRD) last week. What really surprised me was that when the Senator from Washington offered an amendment, the pending business was laid aside. I made no objection to the unanimous-consent request. I made it clear that I would enter into a fair and equitable unanimous-consent agreement. I will be glad, when I complete my statement, to discuss that with the majority leader.

Mr. MANSFIELD. Well, I think we ought to discuss a few things publicly before we get to that, because we have discussed this privately, and we have reached a tentative agreement—very, very tentative—but would the Senator consider the possibility of voting at a time certain, say on Monday, on his amendment, with a time limitation of 1 hour on all other amendments after that, and with 4 hours on the bill?

Mr. JACKSON. Well, I do have to talk to some of my colleagues. I have not been able to do that with one Senator who is away and will not be back until Monday night. I can say this much: I will certainly make every effort to try to reach a unanimous consent agreement to vote some time in the afternoon or early evening on Monday, in any event not any later than Tuesday, and I hope it will be Monday; but I do want to have a chance to do that. I have been holding the floor most of the afternoon, and I want to talk to my colleagues in that regard. But I want to cooperate with the majority leader.

Mr. MANSFIELD. I appreciate the Senator's cooperation. I would be prepared to give the Senator to whom the Senator from Washington refers a live pair if the one vote did not make a difference in the result of the tally.

Could the Senator meet with his colleagues sometime this afternoon and, for the benefit of the Senate, perhaps make a proposal which would be agreeable to both sides?

Mr. JACKSON. I will certainly try, and I will do everything I can. I told the Senator right along I would, and I told the Senator from West Virginia (Mr. ROBERT C. BYRD), as the majority leader knows, at the very beginning. I was the one who agreed immediately to a unanimous-consent agreement on the ABM treaty that we worked out. I indicated that as soon as I had some idea when the Interim Agreement was going to come up—and I, of course, had no way of knowing when it was going to come up, after it had been set aside each day—that I would agree to a fair unanimous-consent arrangement after consultation with other Senators who might or might not be out of town.

Mr. MANSFIELD. I thank the Senator.

Mr. JACKSON. Again I want to reiterate that I shall do everything I can to achieve that objective.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. ALLOTT. While the distinguished majority leader has the floor, as one of the cosponsors of this amendment, I want to assure the majority leader that, on my own part, I am perfectly willing to cooperate and do the very best I can to get a speedy, agreeable time to vote on it. I thought, personally, that this matter was going to be brought up from day to day and that I would be here whenever it was voted on, although, as the Senator knows, I have other commitments I have to attend to next week. But I think if we had some time, and we could investigate and find time to do it, I would certainly be agreeable to it.

Mr. MANSFIELD. I appreciate the statements which have been made by the distinguished Senator from Colorado.

Will the Senator from Washington yield to me briefly?

Mr. JACKSON. I yield.

Mr. MANSFIELD. I understand the situation in which he and others of his colleagues find themselves, but I would point out that what the leadership is ryng to do—and I speak of the joint leadership—is push along the President's legislative program in the period ahead. We have but 1 week more before the Republican Convention opens. During that 1 week, even, a number of our colleagues on the other side will necessarily have to be away from the Chamber because of preparatory work in connection with the convention.

Then we decided, in view of certain proposals which were made, that we would not come back after the Republican Convention had ended until the day after Labor Day, although, speaking personally, that went contrary to what I had been considering all along.

But the way things look now, we have not much time to take up the President's proposals and the appropriation bills, and achieve a sine die adjournment for this Congress by September 30.

May I say that not only is that true of the interim agreement, which I fully support, in accordance with what the President said on the basis of the Nixon-Brezhnev communique, and on the basis of what Dr. Kissinger said to about 30 Senators and Representatives the day after the President returned from Moscow, and which he said with the full authority of the President, because the President, as I recall, spent about 40 minutes stating his views and then telling us Dr. Kissinger would speak for him; but in addition to the interim agreement which we are now considering, we have the revenue sharing proposal, which is in serious dispute, and I doubt very much if we could complete action on it before the Republican Convention. Then we have H.R. 1 and four or five appropriation bills, the land use bill, and all kinds of legislation which will have to be considered. It will call for cooperation.

I am very happy with the statements made by the distinguished Senator from Colorado and the distinguished Senator from Washington that there may be a possibility of working something out on this measure.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. JACKSON. Mr. President, I wanted to suggest the absence of a quorum, on the stipulation—and I am not going to ask for a live quorum—that I not lose my rights to the floor.

Mr. President, I ask unanimous consent to do so.

Mr. BROOKE. Mr. President, reserving the right to object—and I shall not object—prior to the unanimous consent agreement, would the Senator from Washington yield for a question to the majority leader on a procedural matter?

Mr. JACKSON. Yes, I am glad to yield.

Mr. BROOKE. Mr. President, if I may have the attention of the majority leader, I have two amendments at the desk, one amendment to the Jackson amendment and one amendment to the resolution, both of which amendments I intend to press. I would hope the majority leader and the Senator from Washington, prior to entering into any unanimous-consent agreement, would consider those two amendments, on which I expect to have rollcall votes.

Mr. MANSFIELD. That is fine. May I say that if we do not reach some sort of agreement on some of these very important measures in which the President is interested—and I should not be the one out here saying this—it is quite possible that the interim agreement could take us through this week and into September, and the effect which the President desires would be lost, because, if I recall correctly, he wanted to start phase II next month.

What will happen to revenue sharing on that basis I do not know. It looks to me as though H.R. 1 stands a good chance of going down the drain. It is not even reported out of committee. So we are faced with a situation which I think calls for some sort of accommodation better than has been the case heretofore, though I think it has been splendid up to this time.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. JACKSON. I am glad to yield to my friend the Senator from Missouri.

Mr. SYMINGTON. I thank my friend from Washington.

I have followed this discussion of the SALT I agreement to the best of my ability in the Armed Services Committee, the Joint Atomic Energy Committee, and the Foreign Relations Committee. I was impressed with the intelligent questioning the able Senator from Washington has undertaken in this matter, and there are many aspects of his amendment that impress me.

However, a particular word—"intercontinental," and I have taken the liberty of discussing this with the Senator from Washington—if this proposed tabling motion is defeated, and that word is not eliminated from his amendment, based on my knowledge of the subject, this would mean he would be stipulating that in the future the negotiators for the United States would have to demand superiority, not equality, as a sine qua non of any SALT II agreement.

I would have to oppose that, and would do my best in open discussion to show why.

With great respect to the majority leader, I would oppose any unanimous-consent agreement when it came to amendments, if this tabling motion were defeated.

Mr. JACKSON. I do not know what tabling motion the Senator is talking about.

Mr. MANSFIELD. Mr. President, may I respectfully say I hope the Senator would keep an open mind.

Mr. SYMINGTON. I have great respect for the majority leader, I have appreciated my long association with him, and challenge him to show me when, because of his wise influence, I have not kept an open mind. This is the first time in my many years here I have objected to a unanimous-consent agreement; but this matter would appear so important it should be dealt with carefully. We all got a short message from the Soviet Embassy the other day as to what they are thinking about in this matter——

Mr. JACKSON. What message from the Soviet Union? What is the massage from the Soviet Union the Senator is talking about?

Mr. SYMINGTON. We received a statement from the Soviet Embassy, hand delivered into my office, that they did not acquiesce to your resolution.

Mr. JACKSON. It was not delivered to my office. They do not contact me, I guess.

Mr. MANSFIELD. It was not signed.

Several Senators addressed the Chair.

Mr. JACKSON. Mr. President, I am curious about who sent the statement, and where it was sent to. I have heard of the Soviet tendency to keep in touch with a lot of people on Capitol Hill.

Mr. SYMINGTON. The statement was an implication that the Soviet Embassy did not agree, that they were not consulted.

Mr. JACKSON. Is this a statement from the Russian Embassy?

Mr. SYMINGTON. I do not know. It just came to my office. Several other Senators said it came to theirs.

Mr. JACKSON. I am not on the right mailing list, I guess.

Mr. SYMINGTON. I am not attempting to justify or criticize any statement, but believe if this word is left in the Senator's amendment as proposed, it would make very difficult any really meaningful negotiating position in the SALT II talks. That is the thrust of what I am trying to say. Therefore, I would ask some questions about our relative strength, all around the world nuclear-wise as well as intercontinental strength; and until this matter was thoroughly explored, I would not want to agree to any time limitation agreement.

Mr. JACKSON. I must say I am still a little curious. I have heard of these statements floating around that the Soviet Union, through their embassy here, is expressing concern about the Jackson amendment. That is a rather unusual activity, would not the Senator agree?

Mr. SYMINGTON. I received the notice stating they had not been consulted about it, after the press said they had.

I would hope we would not do anything in this body that would prevent, in the future, a meaningful arms control agreement. "Arms control" must also be two important words in the Soviet Union, because the Senator knows as well as I that a full nuclear exchange could well destroy civilization.

I was impressed with what the President said after the SALT I agreements. We are in this discussion as to whether the agreement made in Moscow by this administration is a wise agreement for the United States to pursue. I believe it is. I think it is a good agreement. What the Senator from Arkansas has quoted two or three times in this discussion, the President's statement or Mr. Kissinger's—which, as we know, is essentially the same thing—impressed me.

So if a tabling motion does not go through, I would pursue——

Mr. JACKSON What tabling motion? That is what I wanted to ask

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JACKSON. Yes.

Mr. FULBRIGHT. It is my purpose to make a motion to table the Senator's amendment. I thought that was understood.

Mr. JACKSON. No, the Senator has not mentioned it to me.

Mr. FULBRIGHT. Then I apologize for being remiss. I assumed the Senator would judge from the circumstances. But in any case, I now say that is my purpose.

Mr. JACKSON. Your tabling motion is just like the interim agreement; there is a lot of it that is not explicit.

Mr. FULBRIGHT. I support the position of the Senator from Missouri. I have said to the majority leader that if the amendment is not tabled, and it is there and we have to deal with it, then there will be a number of amendments, and a while ago I tentatively said perhaps everyone could be contacted. There are other Senators; the Senator from California has an amendment, but especially amendments going to this subject, as the Senator has mentioned, and the word "intercontinental." This bears directly on the exchange I just had with the Senator that this subparity and parity relates only to the ICBM.

Mr. SYMINGTON. That is right. That is the thrust of what I was getting at.

Mr. JACKSON. Mr. President, could we have that statement from the Russians put in the RECORD?

Mr. FULBRIGHT. I will read it now. This is a copy; I ask unanimous consent that it be printed in the RECORD. It is very short, and reads as follows:

> In connection with the reports published in the American press to the effect that Soviet diplomats were consulted on Senator Jackson's resolution and allegedly gave "their acquiescence" to it the Embassy of the Soviet Union would like to state that there is no truth in these reports.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE SOVIET EMBASSY

In connection with the reports published in the American press to the effect that Soviet diplomats were consulted on Senator Jackson's resolution and allegedly gave "their acquiescence" to it the Embassy of the Soviet Union would like to state that there is no truth in these reports.

Mr. FULBRIGHT. That is all there is to it. That came to my office, and I assume to most Senators' offices. It may be that they thought a communication from them to the Senator's office would not be welcome. I can understand why they might feel that way. Therefore, he may have been the only one not to receive it. I think all the rest of the Senators did.

Mr. JACKSON. Let me just say, as the Senator knows, the Russian attachés are all over the Hill. They are here daily. They come into my office and get my statements. As soon as my amendment was offered, we gave it to them. They get our publications. They were in my office within an hour after the amendment was in the press gallery.

We all know they are very active on Capitol Hill. They are talking to Senate aides all over the place. They have that right. I just wish we had the opportunity to send some of our attachés from our Embassy, especially with all the persecutions going on, to visit some of the people in the Supreme Soviet, the Presidium, and the Politburo. The Soviets have total access here, and they are taking full advantage of it.

Mr. FULBRIGHT. I would agree with the Senator that they are extremely concerned about the significance of the Senator's amendment. I think the Russians have great interest in moving forward with arms control, and I think they would deeply regret our having this progress mutilated and nullified by the Senator's amendment.

Mr. JAVITS. Mr. President, will the Senator yield very briefly?

Mr. JACKSON. First of all, let me just say, in response to the statement that the Senator read into the Record from the Soviet Union, of course, I never said at any time what is in this statement. This is what the Embassy statement says:

> In connection with the reports published in the American press to the effect that Soviet diplomats were consulted on Senator Jackson's resolution and allegedly gave "their acquiesence" to it the Embassy of the Soviet Union would like to state that there is no truth in these reports.

I would like to say I know nothing about this, and I never indicated that the Soviet Union had been consulted.

Mr. FULBRIGHT. That was in the paper, that is all.

Mr. JACKSON. But, as I say, that is a news report.

I just want to make the record clear that I never, at any time, made any statement such as that referred to in their release. They can refer to third-party statements that are nothing but hearsay; but I want to make the record clear, so long as this statement has been brought into the debate.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. JAVITS. I understand that the Senator wishes to finish his statement. I have no desire to interfere with the consecutive quality of his presentation, but I think there are some detailed questions on his own amendment which the Senate and the country would benefit from having asked. Senator Symington has already opened up one of them. I have some others.

Would the Senator, as he is going to get consent to resume the floor, allow us, at a seasonal moment—perhaps in a little while but within some reasonably proximate time—to go over the actual text of his amendment with him, in the hope of helping him and him helping us, to explain precisely what is the meaning of the actual text?

Mr. JACKSON. I say to the Senator that I will do that when I offer my amendment. As the Senator knows, I have not offered the amendment. The pending amendment is the amendment of the Senator from Montana. So we do not need to confuse the situation at this point. At a proper time, I will offer my amendment.

In the meantime, I am trying to make what I think is the only detailed explanation of what is involved in the interim agreement. The Committee on Foreign Relations has not offered a careful and full explanation. The chairman of the committee just got up and took about 3 minutes and did not give a detailed statement. I am engaged in giving a detailed statement of what is involved in this matter. I think that for the sake of history and the record, that should be done. I am surprised that it has not been done by the Foreign Relations Committee.

Mr. FULBRIGHT. I spoke the other day, when the matter first came in. Today, I did not repeat what I had said.

Mr. JACKSON. I think there has not been, to my knowledge—and I may be wrong—a detailed explanation of what is involved in this interim agreement. I am doing it, and I am just giving my views. I would like to have a detailed explanation from the Foreign Relations Committee as a result of the testimony. That is all I am saying.

Mr. JAVITS. Are we to understand, therefore, that the Senator may submit some different version of his amendment than the one upon which the administration commented?

Mr. JACKSON. Which the administration approved; No.

Mr. JAVITS. They have not approved his interpretation.

Mr. JACKSON. The Senator knows what I am talking about. I am talking about the amendment. They have approved the amendment.

Mr. JAVITS. That is why I said what I have said. We have a right to assume that the amendment the Senator has widely distributed is the amendment he will present.

Mr. JACKSON. It has been printed.

Mr. JAVITS. That is correct. Nonetheless, the Senator makes a point of the fact that he does not want to discuss the detail of it because he has not submitted it.

Mr. JACKSON. I have not called it up. It has been submitted; it is printed; it is at the desk. What is the question?

Mr. JAVITS. We would like to assume that that is the text.

Mr. JACKSON. That is the text.

Mr. JAVITS. So the Senator would be prepared to answer questions relating to the text?

Mr. JACKSON. Certainly. When I call it up.

Mr. JAVITS. Why, then, if the Senator is not going to change it?

Mr. JACKSON. Because I think that, in the interest of orderly procedure, the pending amendment is the amendment by the majority leader.

Mr. JAVITS. But the Senator's argument is not going to the majority leader's amendment. It is going to his own affirmative position.

Mr. JACKSON. I am on page 5 of a 14-page detailed statement on this agreement. I do not know how long the Senator wants to stay here, but I am willing to stay as long as necessary. I will then be glad to go into it. I think other Senators want to be heard, and I will go into it in detail at the proper time.

I thought we wanted to discuss it, and I was going to ask unanimous consent for a quorum call which would make it possible to have some discussions on the issue and question which I think is central at the moment, raised by the majority leader.

Mr. President, I ask unanimous consent that there be a quorum call—and I will not ask for a live quorum; that I not lose my right to the floor; and that I resume holding the floor to the starting of the quorum call.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Stevenson) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes, was read twice by its title and referred to the Committee on Foreign Relations.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate resumed the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

THE MOMENTUM ARGUMENT OR HOW TO GO FORWARD WHILE STANDING IN PLACE

Mr. JACKSON. Mr. President, the present agreement is intended to slow the momentum of the buildup of Soviet offensive forces, a buildup that has taken the Soviets far beyond the force levels required for implementing a deterrent posture based on a simple notion of assured destruction. My own examination and assessment of the appropriate intelligence data coupled with an analysis of the latitude granted under the terms of the agreement has brought me to the conclusion that, as a means of halting the Soviet momentum it is a failure and as a means of slowing Soviet momentum it accomplishes far less than has been claimed.

Mr. President, it is instructive to examine the comments made by the President and by his national security adviser, Dr. Kissinger, on the effect of the interim agreement. They add up to what I would call the "headache theory of treaty-making," according to which one signs an agreement, not because it is good, but because nonagreement is worse. That is about as close as public policy can come to beating your head against the wall, because it feels so good when you stop. Listen to Dr. Kissinger:

> I do not deny that the initial reaction of some people will be to look at the gap in numbers. But once they understand . . . what the gap would be without this agreement . . . I believe that many of those who express some hesitation will come around.

Now, what I understand Dr. Kissinger to be saying is that those of us who are concerned at the gap in numbers in the interim agreement will be persuaded that a balance even more adverse to the United States would have resulted from a failure to reach the interim agreement. The President himself made this argument in his press conference of June 29, 1972, when he said:

> Had there been no arms control agreement, the Soviet Union had a program underway in the field of submarines which would have brought them up to over 90. The agreement limits them to 62.
>
> Had there been no arms control agreement—and this is the most important point—in the terms of offensive strategic weapons, the Soviet Union that has now passed us in offensive strategic weapons—they have 1,600; we have roughly 1,000—they would have built 1,000 more over the next 5 years. Now, under those circumstances, any President of the United States could see that in 5 years the United States would be hopelessly behind; our security would be threatened, our allies would be terrified, particularly in those areas, and our friends, like the Mideast, where the possibility of Soviet adventurism is considered to be rather great.

> Therefore, the arms control agreement at least put a brake on new weapons.

So we have before us an agreement designed to see us through the next few years, the chief virtue of which is that life under it will be less dangerous, hopefully, than life without it. This may be a sufficient argument for the Senate giving approval to the interim agreement. It is not, in my view, a sufficient argument for allowing our approval to go unqualified, either by our recognition of the risks or the assertion of our own view of the future.

Understanding what the agreement does is of such importance that I raised the question of the extent to which it slows Soviet momentum on a number of occasions. For example, on July 19 I had the following exchange with General Ryan, Chief of Staff of the Air Force:

> Senator JACKSON. One method of assessing the impact of the SALT accords on Soviet programs would be to compare what they are free to do under the agreement with what we have projected that they might have done in the absence of the agreement. Speaking generally, and without getting into precise estimates, how does the lower end of the spectrum of official estimates of the Soviet strategic offensive force for mid-1977 compare with the permitted Soviet force under the SALT accords?
>
> General RYAN. Roughly equivalent, Senator, lower end of the spectrum.

Again, on July 21, I put the same question to the Chief of Naval Operations, Admiral Zumwalt, who, like General Ryan, is fully apprised of our intelligence projections. The admiral answered:

> The lower end of the spectrum of the official estimates is lower than the force permitted under the SALT records.

Mr. President, I ought to make clear for the record that I put the same question to both Ambassador Smith and General Allison of the SALT delegation when they appeared before the Armed Services Committee on June 28. Both gentlemen declined to answer stating that security considerations precluded comment. Now, the figures in question are readily available to any Senator who wishes to judge for himself the extent to which the forward momentum of the Soviet buildup has been slowed by the interim agreement.

The Director of Defense Research and Engineering commented on this question of the impact of the interim agreement on Soviet deployment programs when he appeared before the Armed Services Committee in executive session on June 22, 1972. At that time Dr. Foster engaged in an important exchange with my good friend the Senator from Nevada (Mr. CANNON):

> Senator CANNON. I want to turn for a moment to the discussion of momentum that Senator Jackson was talking about that both sides have in building strategic weapons and how that will change our relative strategic posture as a result of SALT. I think this is a subject which is relevant to a meaningful discussion of the role of the ABM in the NCA defense.
>
> The Interim Offensive Agreement limits both the United States and the Soviets to their present ICBM force, with allowances made for the Soviets to complete 90-odd silos now under construction. Therefore, the Soviets have slightly more than a 1.5 to 1 ratio of ICBM launchers and their numerical advantage is about 600.
>
> The interim agreement also allows the Soviets to build up to a 62-submarine force, an increase of about 40 or so from their present level of about 22 Yankee class.
>
> On the other hand, we are essentially frozen at a maximum of 44 submarines, only three more than our present level, and therefore, the agreement grants the Soviets the advantage of completing their current momentum in submarine building.
>
> Is that not basically correct?
>
> Dr. FOSTER. Yes, that is correct.
>
> Senator CANNON. Concerning the quid pro quo of the treaty and agreement, is it not true that the Soviets will not have to exercise restraint in their momentum, that is, they will not have to curtail their current building rate of production on submarines for at least 3 years and perhaps more?
>
> Dr. FOSTER. Yes, sir; that is correct.
>
> Senator CANNON. In other words, they will not be giving up anything in terms of momentum until at least 3 years from now and possibly 4 to 5.
>
> On the other hand, the United States has agreed to give up something this year, and that is work on three ABM sites at the Minuteman missile installations. In fact, we will actually be dismantling work already started at Malmstrom Air Force Base. Thus we are giving up something now whereas they might give up something 3 years from now, or then again they might not.
>
> Is that a correct assessment?
>
> Dr. FOSTER. Yes, that is correct.

Mr. President, I have tried to put in perspective the claim that the interim agreement halts the momentum of the Soviet build-up not to reflect adversely on the interim agreement, but to help the Senate form a judgment that bears directly on our policy with respect to SALT II. It is essential, in my view, that we enter the second phase of the SALT deliberations with a clear view of the emerging strategic relationship between the United States and the Soviet Union and with the conviction that SALT II, whatever else it does, must assure equality between the parties on offensive intercontinental strategic arms. To insist on such equality with respect to offensive weapons is to require no more than was done, at Soviet insistence, with defensive weapons in the ABM treaty.

Mr. CRANSTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ALLEN). Does the Senator from Washington yield to the Senator from California?

Mr. JACKSON. I yield.

Mr. CRANSTON. I want to say, first, I have great respect for the Senator's courage and determination and for his very deep knowledge of nuclear and other weapons. Therefore, it is with some trepidation that I would like to ask a few questions of the Senator.

First, he has spoken a number of times this afternoon about those who have raised questions about his amendment and has said, "What is wrong with parity, and what is wrong with equality?"

I want to make it plain that I think we should be on a par and that we should have equal strength with the Soviet Union. I would like to ask him if he knows of any Senator who suggests that we should be weaker than the Soviet Union.

Mr. JACKSON. I am not going to judge what other Senators may believe. I am offering an amendment whereby the Senate and individual Senators will have an opportunity to state as a matter of policy, in connection with SALT II, where they think the United States should stand vis-a-vis the Soviet Union in intercontinental strategic arms. I am calling for equality. If a Senator does not want it, he can vote against it. That is the issue.

Mr. CRANSTON. The Senator from California certainly wants equality in overall strategic weaponry and military strength with the Soviet Union. What we are getting down to, or where the difference seems to lie, is in the definition of "parity" or "equality." The Senator from Washington places seemingly total emphasis on the number of missiles and the throw-weight involved. Other people who I think have some expertise in this field feel that there are other factors which should be taken into account, such as the accuracy with which a country can throw its missiles, the distances the Soviet Union has to contend with, and the overall qualitative and sophisticated performance of our weapons.

Mr. JACKSON. As the Senator knows—and I know he has gone into this—the factors to which he refers are not frozen under this agreement.

Mr. CRANSTON. But are not those factors that should be taken into account in determining overall strength?

Mr. JACKSON. We are talking about equality here. Now, you cannot assume that we will, in a long term treaty, maintain our present advantage in technology. Technology may change, but the numbers do not. That is why equality in numbers is so important.

As the Senator knows, we have 7,000 warheads in Europe, according to former Secretary McNamara. I would point out to the Senator that the Soviets have about 600 intermediate range ballistic missiles. One hundred of them are all they need to eliminate the 7,000 warheads. But in any event, behind their 600 IRBM's they have, as the Senator knows, a very large number, far more than we have, of fighter bombers—that could follow up those IRBM missile attacks.

So forward bases are a small part—a very, very small part— of any strategic consideration, and very limited at best.

Obviously, they involve our NATO allies. And forward bases, I would also point out to the Senator, are a very uncertain thing. We had a forward base in Okinawa, as the Senator knows, but we no longer can have nuclear weapons in Okinawa. The Senator knows that we had nuclear weapons in France, but we no longer can have nuclear weapons in France. We no longer have bases in France, even though they were once a part of NATO.

If we are going to count warheads that cannot be delivered in the event the worst should happen, should we be attacked, what good are the warheads in a storage facility that are not delivered? This is the point.

As I said earlier this afternoon, we had a great Navy, the largest in the world, on December 6, 1941. On December 7, we had no Navy at all. This is what we are talking about. I listened over the years to the debate on the ABM. We were told, "Look, the Russians really are not going for more than 1,200 ICBM's, and they are not going to go for Polaris-type submarines." We went through that in 1969 and 1970 and 1971. Now, look at the figures. Senators argued: "All they want is parity with the United States. They want an equal number of submarines and an equal number of ICBM's."

What did the Soviets do. They have gone ahead and have 50 percent more intercontinental ICBM launchers, and they have a 4-to-1 throw-weight advantage. Under the interim agreement they will have 62 submarines to our theoretical 44. In actuality, it will be 41.

I am just a country boy, but I think I know what is equality and what is not, and the interim agreement is not equality. The President recognizes it, and the President, who has the job of directing the negotiations, has indicated that the interim agreement is not the basis for the SALT II talks.

We do not want to leave the impression, I think, that the interim agreement here is going to be the foundation on which the SALT negotiators will try to draft a treaty that is going to be of an extended duration. If that is the case, we will never reach an agreement, because I do not think any President, Republican or Democrat, who has the responsibility of protecting the freedom of our people, and indeed the security of the western world, would ever do such a thing.

Mr. CHURCH. Mr. President, will the Senator yield for an informational inquiry?

Mr. JACKSON. Yes.

Mr. CHURCH. Because the Senator has control of the time, it is difficult to get an exchange on equal terms.

Mr. JACKSON. I will try to answer—as a matter of fact, so far I have spent more time answering questions than delivering my speech. The amazing thing is——

Mr. CHURCH. May I ask a question?

Mr. JACKSON. Yes, but may I make a comment?

Mr. CHURCH. Yes.

Mr. JACKSON. It is really amazing: Here is a most important question involving an historic agreement on strategic weapons, but the Committee on Foreign Relations has not made a detailed presentation of the matter. I am doing it here; I am going into detail, and I am amazed, because normally the committee which has the responsibility makes a full explanation, and here I am, not a member of the committee, going into the basic issues. But let me say I am delighted to respond to any questions, and I will stay as long as the Senator likes.

Mr. CHURCH. Very well. In the language of your amendment, I would like a more precise definition of what you mean by "intercontinental strategic forces."

I concur with the Senator from California; I would not favor any future agreement, following on the termination of the SALT II negotiations, which placed the United States in an inferior position to the Soviet Union in terms of our strategic nuclear capacity. There is no Member of the Senate who would favor an agreement consummated on those terms. What we really are considering here is the definition of "equality" or "parity." We cannot evaluate the Senator's definition unless we understand just what he includes in the term "intercontinental strategic forces."

For example, is a B-52 bomber, with the capability of departing from the United States, refueling in the air, and then penetrating the Soviet Union to deliver nuclear bombs over a Russian target an intercontinental strategic weapon?

Mr. JACKSON. Yes.

Mr. CHURCH. Would a B-1 bomber with that capability be an intercontinental strategic weapon?

Mr. JACKSON. Yes.

Mr. CHURCH. Good; now we are getting somewhere.

Mr. JACKSON. Is the Senator going to talk about the Russian delivery systems, too?

Mr. CHURCH. I just want to get this straight. I am not trying to look into one corner but not the others. I have read everything the Senator has said here with great interest, and I commend him on the thorough presentation he is making.

Let me ask the Senator this hypothetical question: Suppose, in the course of the SALT II talks, we were to decide that we wanted to secure an agreement which would allow us to build 100 B-1 bombers. This is all hypothetical, because I do not want in any way to reveal classified information.

Mr. JACKSON. Well, there is nothing classified about that.

Mr. CHURCH. Let us assume that these B-1 bombers each had a capability of delivering 5 megatons in nuclear bombs. Suppose we were to say, "We want the right to build 100 B-1 bombers that would give us 500 megatons of throw-weight capability, that is the capability to deliver over the Soviet Union 500 megatons of nuclear bombs," and the Russians were to say, "If you want that, we want the equivalent, but we are not interested in building bombers; we happen to have a different opinion of bombers than you do, so we want instead the right to build 100 more launching sites, silos for intercontinental ballistic missiles, of a character and dimension that would permit us to have the equivalent capability—namely, to deliver by means of these additional missiles, 500 megatons of warheads upon the United States."

With that hypothetical, is there anything in the Senator's language here that would preclude our negotiators from reaching that understanding if they were willing to do so? In other words, would that example constitute "parity" or "equality" in the Senator's mind?

Mr. JACKSON. It could. It is a part of the aggregate that you would consider, and the answer is that it could constitute equality.

Mr. CHURCH. Then, I would ask the Senator if he would have any objection, at an appropriate time, to inserting the term "overall," just to make clear that we are not talking about the necessity of numerical equality for each particular weapon?

What I am talking about is this: We have our mix of strategic weapons, they have their mix, and the important thing is, so far as the future is concerned, that any future agreement place us in balance, so far as the two mixes go, and that is why "overall" would make it clear that this is the Senator's objective. The difficulty with the Senator's present language, if I may say so, is the sequence of two clauses. I want the Senator to understand the problem, so let me read from the Senator's language——

Mr. JACKSON. What line?

Mr. CHURCH. On page 2, line 9:

> The Congress recognizes the principle of United States-Soviet Union equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union.

When we take those two clauses together—and they are not even separated by a period—we have language susceptible to the interpretation that the equality the Senator seeks is the kind represented by the ABM Treaty, where each side is allowed to build an equal number of antiballistic missiles. Equality, then, appears to mean numerical equality for the particular weapon that is the subject of the agreement.

Mr. JACKSON. It is not numerical alone, I want to point out to the Senator, because, obviously, we have to consider the dimensions or size. Throw-weight is the key index.

Mr. CHURCH. Yes.

Mr. JACKSON. I mean numbers alone are not the whole picture—throw weight is also important.

Mr. CHURCH. I agree with that. My point is that, judging from the Senator's answer to my earlier question, which I gladly accept—I wonder why he would have any objection to the insertion of "overall?"

Mr. JACKSON. Overall what?

Mr. CHURCH. Overall intercontinental strategic forces. To make it clear that what we are talking about is the mix and that we do not have to build an identical system to that of the Soviet Union and they do not have to build an identical system to ours in order to meet the standard of equality intended by this policy statement.

Mr. JACKSON. The intercontinental strategic forces are the aggregate intercontinental strategic forces. When you talk about "overall," we run into the problem of possible misinterpretation—of including what the Russians are trying to include, and that is the warheads and aircraft—because we do not have missiles—at forward bases, which have but a minor role in the strategic balance. What we are really talking about, basically—and it has to be that way—are the ICBM's, the SLBM's—the submarine launched ballistic missiles—and the intercontinental bombers.

Mr. CHURCH. Would the Senator have any objection to the insertion of the word "aggregate"?

Mr. JACKSON. Intercontinental strategic forces are the land- and sea-based intercontinental ballistic missiles and intercontinental bombers. When "aggregate" is added to it, I think it confuses the picture.

Mr. CHURCH. It does not confuse it for me. It helps to clarify it.

Mr. JACKSON. I have no objection to intercontinental strategic forces involving ICBM's, SLBM's and intercontinental bombers. I have no objection to that.

Mr. CHURCH. Any term such as "overall" or "aggregate" which will make it plain that we are talking about two equivalent systems would be helpful.

Mr. JACKSON. We can talk as lawyers at the moment. I can give the Senator a bill of particulars, and I am giving him a bill of particulars. I am giving him intercontinental strategic forces, which are ICBM's, SLBM's, and intercontinental bombers. That is it.

Mr. CHURCH. The senior Senator from Idaho wants to make certain——

Mr. JACKSON. This bill of particulars is a part of the legislative history.

Mr. CHURCH. That any final version of this text makes it self-evident in the language of the text itself. Legislative history often means 50 different Senatorial viewpoints. I want the text itself to make absolutely clear what the Senator is striving for, equality in terms of the two strategic systems.

Mr. JACKSON. The three, ICBM's, SLBM's, and intercontinental bombers.

Mr. CHURCH. I mean the two—the American and the Russian strategic systems.

"Aggregate" or "overall" or such a term would make that self-evident. I suggest it would do no damage to the Senator's proposition, but it would help to reassure some of us who feel that otherwise the language would be subject to a different interpretation.

Mr. JACKSON. I know that the Senator, who is a very good lawyer and a very good draftsman, would agree that when I defined "intercontinental strategic forces" as being specifically ICBM's, SLBM's, and intercontinental bombers, that is unequivocal; there is nothing ambiguous about it. On the other hand, if we say "aggregate," we will have another debate as to what is meant by "aggregate."

Mr. CHURCH. But this was the term the Senator, himself, suggested first—"aggregate." It seems to me to be a very precise term.

Mr. JACKSON. What is more precise than listing specifically the strategic systems?

Mr. CHURCH. I am afraid that the countersuggestion of the Senator might compound the same ambiguity. It could then be said that what is meant is that any future agreement must give us and the Russians an equivalent right to build the same number of bombers, the same number of ICBM's, the same number of submarine-launched missiles.

Mr. JACKSON. No; that is not true.

Mr. CHURCH. But I am afraid that it could be subject to that interpretation; whereas, "aggregate" could not.

Mr. JACKSON. No; that is not true.

Mr. CHURCH. We are talking as lawyers.

Mr. JACKSON. I am being specific. The facts are as I have indicated them. I am talking about the delivery systems. I said it means equality, and equality is not numbers alone, but obviously it includes the throw-weight.

I want to conclude on this point by saying that the President of the United States understands it. The White House has agreed to this language. It seems to me it is a sensible guideline for the President of the United States to follow as an expression of Congress.

Mr. CHURCH. Let me ask the Senator a second question. Does he regard a submarine carrying missiles, whether these be Polaris or Poseidon missiles, to constitute a part of an intercontinental strategic force——

Mr. JACKSON. Yes. And so, too, should we include——

Mr. CHURCH. I have not finished.

Mr. JACKSON. You also have to include shorter range ballistic missiles that the Soviets have which give them a unique advantage, because our coasts are exposed and a large part of our population and industry are in coastal areas.

Mr. CHURCH. I certainly do include them. The Russian submarine, whether it is armed with a Polaris-type missile or whether it is armed with a shorter range missile, since it can come close to our coasts and reach us with its missiles, clearly falls within the definition of an intercontinental strategic weapon.

Mr. JACKSON. The same could be said of a cruise missile of which they have some 400 that are not limited in the interim agreement.

Mr. CHURCH. Would you include a Russian cruiser that could come within missile-firing range of our shores?

Mr. JACKSON. I would not say that, because Soviet surface ships do not have ballistic missiles aboard. In any case, we are talking about central strategic systems that are solely devised for the purpose of delivering intercontinental payloads.

Mr. CHURCH. Would it include aircraft carriers that could reach, with jets carrying nuclear bombs, the shores of the Soviet Union or even penetrate into the interior of the Soviet Union?

Mr. JACKSON. Aircraft carriers are multipurpose, as the Senator knows. They are not exclusively strategic forces. They have a very minor strategic role—almost negligible.

Mr. CHURCH. But they do have that strategic capability.

Mr. JACKSON. They are fundamentally nonstrategic. They have an essentially conventional role.

Mr. CHURCH. If you were looking at it from the Russian viewpoint, would you not feel that our aircraft carriers, equipped with planes having a nuclear capability, would constitute the same kind of hazard, and could not be excluded in the makeup of the American strategic force?

Mr. JACKSON. When you talk about a strategic system that is exclusively designed for a strategic delivery role, that is vastly different from talking about a carrier which, as in the Mediterranean, has a limited and multipurpose role. It is not a strategic weapons system comparable to a submarine or an ICBM clearly deployed for strategic purposes. When one looks at the United States-Soviet strategic balance I think it is clear that our carriers are insignificant except in their conventional role. And that, of course, is what the Russians are really after.

Mr. CHURCH. I find the Senator's argument in this respect most unconvincing, and I will express myself on that in a moment, but first I would like to yield to the distinguished Senator from Vermont——

Mr. JACKSON. I have the floor. I will be glad to yield to him on my time.

Mr. AIKEN. I should like to ask a question that will take only 10 seconds. I feel sure the Senator from Washington will be able to answer it in 2 seconds.

Does the Senator from Washington believe our country would have been better off had the President never signed any agreement at all?

Mr. JACKSON. I can say that I can support this interim agreement on an interim basis only—a 5-year basis—provided we get an agreement, a treaty, that will give us numerical equality and not the inferior position that exists in connection with the 5-year interim agreement, that, I believe is the position of the administration.

I want to emphasize that in this interim agreement on a temporary basis the Soviets have a 50-percent advantage in terms of numbers of delivery systems and a 4-to-1 advantage in throw-weight. This is obviously something that we do not want to perpetuate. I can accept it as an interim, but an interim arrangement only, on the stipulation that we go forward with a negotiation to obtain equality. Hopefully, this would involve a reduction in Soviet strategic weapons to equal U.S. levels.

Mr. AIKEN. In other words, the Senator from Washington can accept this agreement provided his interpretation is accepted along with it?

Mr. JACKSON. Provided that we can get the statement of policy that I have offered in the form of an amendment and which the White House has approved.

Mr. CHURCH. The Senator says that the White House has approved his amendment, but the Senator knows that the White House has not approved, or associated itself with the particular interpretation that the Senator gives the amendment——

Mr. JACKSON. I am talking about the administration's approval of the amendment which is clear on its face. It is certainly clear enough for the Senator to oppose it.

Mr. CHURCH. But the interpretation is what is so critical here. We were talking about equality. Everyone is for equality. I am for equality. I do not know of any Member of the Senate who is against equality.

Mr. JACKSON. You will have a chance——

Mr. CHURCH. The question is, How is equality defined? You would not have a chance, by voting for this proposal, to endorse "equality" unless we go to the heart of the term. The particular "heart" we were talking about was aircraft carriers.

Mr. JACKSON. It is clear on its face what is provided in my amendment. I stand on that. The President of the United States has the responsibility and he accepts it. Obviously, you can go on forever but we all know what is meant by equality as opposed to inferiority. I will stand on that. Reference in the amendment, as the Senator himself observed, to the ABM Treaty is the key to what is meant by the term "equality."

Mr. CHURCH. I do not want to make my own argument on the Senator's time. But I would appreciate it if he would let me make a rebuttal to his remarks about the aircraft carrier.

Terms, such as "equality" or "parity," are meaningless. They mean nothing unless we know precisely to what weapons they refer. The Senator says he would exclude U.S. aircraft carriers from the balance, even though they have a large nuclear capability. They patrol the oceans, just as the submarines do, and they can advance to within striking distance of the coasts of the Soviet Union, and, with their planes, penetrate the Soviet Union and deliver onto Soviet targets many nuclear warheads. Yet, the Senator from Washington would exclude aircraft carriers. He says they are not exclusively designed for this purpose. What difference does that make? Put yourself in the other fellow's position. Is the other fellow going to say, simply because aircraft carriers also possess other capabilities, that therefore, they are not intercontinental strategic weapons? Is that really reasonable? I do not think so. It is very hard to make a distinction between a Russian submarine that can approach our coasts, come to the surface, and launch a low-flying missile which is quite like an airplane and call that a strategic weapon for which we insist upon equality; but then to turn around and say that an aircraft carrier, which can approach a Russian coast and, not launch one missile but 50 planes, all of them with nuclear bombs, and claim it is not a strategic weapon. I cannot follow the logic.

Mr. JACKSON. Mr. President, does the Senator assume that every time an American carrier moves into the Mediterranean the strategic balance would shift? What carriers is the Senator counting?

Mr. CHURCH. That is precisely the point. The carrier, by definition, could form a part of that mix on which a subsequent agreement in the SALT talks might turn. And I do not want to limit our negotiators in such a way that they are restricted within guidelines that could undermine whatever opportunity there may be to reach some subsequent agreement. That is what the Senator does when he says: "I define strategic force to include intercontinental bombers, intercontinental missiles, and submarine missiles. But I do not include aircraft carriers with nuclear capability."

Mr. JACKSON. Mr. President, I have stated the American position. The Russians want to include every warhead, wherever it might be. And I do not think that in terms of providing for equality we can accept the concept that warheads, per se, regardless of purpose, even nuclear forces aboard carriers are to be included.

Mr. CHURCH. If I ever heard one, that is a distinction without a difference.

Mr. JACKSON. Mr. President, I am very much interested in the Senator's argument. In effect, he seems to agree with the position the Russians are taking, which is to count carriers and forward bases.

Mr. CHURCH. Did the Senator from Idaho say that?

Mr. JACKSON. Pardon me?

Mr. CHURCH. Did the Senator from Idaho say that?

Mr. JACKSON. The Senator from Idaho knows what position the Russians take.

Mr. CHURCH. Did the Senator from Idaho propose that?

Mr. JACKSON. No.

Mr. CHURCH. Then why does the Senator say that I did?

Mr. JACKSON. The Senator follows the arms control talks?

Mr. CHURCH. Surely.

Mr. JACKSON. Am I not correct in saying that the Russians have taken the position that we have to count aircraft carriers and forward bases?

Mr. CHURCH. The Senator is correct in saying that is the position of the Russians. However, he is incorrect in saying it is my position.

My position is that I disagree with the Senator when he says that aircraft carriers ought not to be counted as strategic weapons and ought not to figure in any future negotiations with the Soviet Union. I have not said I agree with the Russians. The Senator frequently says that we should stick to the facts. Let us stick to the facts.

Mr. JACKSON. Mr. President, I am asking the Senator what his position is in connection with the arms control talks that will be coming up. Should we go along with the concept that we are going to include, in arriving at a U.S.-Soviet bilateral balance of equality, our aircraft carriers, and forward bases? Is that what the Senator wants interpreted here under the term "equality"?

Mr. CHURCH. What this Senator wants is the negotiators to be free to move ahead under conditions that will best enable them to consummate an agreement. I do not know what the quid pro quo might be for any particular proposal. I would reserve the right, as a Senator, to look at any agreement that came back, and to vote for or against it, depending on how I felt it affected the security of the United States.

But, I do object to putting our negotiators in a straitjacket, before the negotiations begin, by defining strategic weapons in ways that I obviously cannot accept.

As an American and as a U.S. Senator, I would have difficulty in arguing that an aircraft carrier is not a strategic weapon. If I were charged by my Government to argue that case, I would be hard put to make a convincing argument.

If we include aircraft carriers in any future parity, I would want a quid pro quo from the Russians. It would be in our national interest to do so. However, I cannot possibly accept the language the Senator offers here, which undertakes to restrict in advance the scope of the negotiations.

Mr. JACKSON. Mr. President, may I say to my good friend, as I have said earlier today, that there has been a lot of discussion on the floor of the Senate about the executive branch usurping the foreign policy field. I have great respect for the Senator and for his ability. We have served together for a long time. And he has spent a lot of time on arms control. He has served for a long time on the Disarmament Subcommittee of the Foreign Relations Committee and has followed this very closely. As I recall, he made a trip, or several trips, to Geneva and followed very closely the question of stopping atmospheric nuclear testing. The Senator has long experience, and I respect him.

I want to point out that in all of this discussion about a policy position, it seems to me that a Senator ought to be willing to indicate what his position is as far as the negotiations are concerned and the guidelines they ought to follow.

All I am trying to do is to provide a basic policy directive from the Congress. It is for SALT II. It is nothing more than that. It is not mandatory. It is an expression of policy. If the Senator wants to disagree with that, that is his right. I indicated my position and what I thought we ought to do in SALT II, reach an agreement on the basis of equality.

Mr. CHURCH. Mr. President, I certainly have no argument whatever with the Senator when it comes to the right of the Senate, whenever it feels it to be in the national interest, to offer policy guidelines to the Executive. It is not the fact that the Senator wishes to do this. It is the policy the Senator proposes that troubles me. And it is, in this regard, that I have tried to make some suggestions to him which, it seems to me, would improve the amendment and make it less objectionable. I take no exception at all to the Senator offering his amendment. And it is certainly in line with the responsibility of the Senate to consider his and other suggestions.

Mr. JACKSON. Mr. President, I appreciate that. However, as the Senator knows, when this amendment was proposed, we had a statement by one Senator that it was a bombshell. The bill was set aside for a whole week. I respect the right of anyone to do that. However, I think it is the right of a Senator to offer amendments. There is nothing unusual about that.

In fact, I was rather surprised that, because I offered an amendment, it stopped the bill for a whole week. I did not know that one Senator could do that just by proposing an amendment. I did not even formally offer it.

Mr. CHURCH. I know. The Senator from Washington opened his mouth and the President crawled right in. The Senator should not underestimate his power.

Mr. JACKSON. I am glad if that is true. However, I am a little confused when the Foreign Relations Committee put the bill in limbo for a whole week just because I proposed an amendment without even formally offering it.

I have been hearing so much from the members of the Foreign Relations Committee, and the chairman in particular, about how Congress is not being brought into these things and is not able to participate and that maybe we ought to do something about it.

So I have offered an amendment on policy. As a matter of fact the statement that I am making today is the first detailed statement made on this matter. The Committee on Foreign Relations has not made one. This is a rather historic agreement we are called upon to take action on. I feel very strongly we should discuss it and debate it in detail.

Mr. CHURCH. I agree with the Senator. I promise to do my part.

Mr. JACKSON. The Senator has done very well. I commend the Senator. We have set forth a bill of particulars.

Mr. President, I look forward to completing my remarks when the Senate returns to the interim agreement.

Mr. THURMOND. Mr. President, we are discussing today an interim agreement which will freeze the quantitative levels of our strategic offensive weapons. As we all know, it is an interim agreement; that is to say, it is the agreed-upon basis for the negotiation of a follow-on agreement which hopefully will reduce the levels of strategic armaments on a balanced basis on both sides. The interim agreement does not reduce the weapons levels; in fact it allows the Soviets to continue to build certain systems up to certain levels set in the agreement.

Nevertheless the case has been made that the Soviet quantitative advantages are outweighed by U.S. technical achievements. The Secretary of Defense and the Chairman of the Joint Chiefs of Staff have made such arguments persuasively before the Armed Services Committee. However, we expect the picture to change. The President has stated:

> Mr. Brezhnev and his colleagues made it absolutely clear that they are going forward with defense programs in the offensive area which are not limited by these agreements.

By the time that the SALT II negotiations are concluded, the strategic picture will be considerably different than it now appears, even with both sides adhering strictly to the terms of the agreement.

For this reason, the resolution offered by the Senator from Washington, and cosponsored by the Republican leader and the senior Senator from Colorado is of critical importance. This merely expresses the resolution of Congress that the present agreement shall not become the springboard for a distorted relationship with the Soviet Union in the future. It is a very mild statement. The present agreement itself goes far beyond these implications. Article VIII, paragraph 3 says that:

> Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Interim Agreement if it decides that extraordinary events related to the subject matter of this Interim Agreement have jeopardized its supreme interests.

Thus even the present agreement could be scrapped, if it resulted in a situation where the survivability of our retaliatory forces were endangered.

We know that the Soviets will expand their forces outside the terms of the agreement; we are doing the same thing, as indicated by the votes taken here last week. These actions will result in a strategic balance, or perhaps imbalance, which cannot be calculated today. If our strategic forces are jeopardized by that calculation, then surely it is within the spirit of these agreements that the withdrawal clause would be triggered.

At the same time that our strategic systems are changing, under the influence of the constraints in this agreement, our negotiators will be arriving at a second formula, a new agreement which will possibly result in the dismantling of some systems. It is my hope, and, I am sure, the hope of this body that the negotiators do not get carried away with the euphoria of circumstances, and initial an agreement that results in a permanent disparity in our forces. We must not forget that at the same time the Soviets are talking, they are building, they are developing.

They are considering not only the major strategic situation between the United States and the U.S.S.R., but also the Soviet role in world leadership. They will be playing off the SALT agreements against more limited aims in geopolitics. That is why this resolution wisely confines the negotiating limits to intercontinental strategic forces.

Even with the best intentions, our negotiators will have difficulty coping with the rapidly shifting situation. We have only to go back over the history of the present negotiations.

Although the SALT talks properly began in November of 1969, we ought to go back to July 1968, when the talks were first scheduled. We had 1,054 ICBM's; the Soviets had over 850. The talks were postponed until September, but meanwhile the Soviets invaded Czechoslovakia. On September 1, 1968, according to the posture statement of the Secretary of Defense, the Soviets had 900 ICBM's. We had 1,054. In this same period, the Soviets began to conduct tests on their SS-9 MOD 4, or MRV.

When the SALT conference finally opened in November, 1969, the United States and the Soviets went to the table with a rough parity. The prestigious Institute for Strategic Studies set the Soviets at 1,050 and us, of course, at 1,054. When the conference finished on December 22, both the Soviet and U.S. Ambassadors issued expressions of hope and progress. More specific details appeared in the Washington Post in an article which gave the flavor of having the benefit of inside briefings. The Post said that it appeared that the problem at hand was to devise a method of maintaining the balance of power which resulted from this "rough parity." In the meantime, the negotiators were said to have agreed that neither side should do anything to upset the roughly equal standing of the two countries. Whether or not such an agreement actually took place, a bona fide negotiating stance would have required it.

We know what the Soviets actually did. While we talked, the Soviets built. The second SALT meeting took place in Vienna between April 16 to August 14, 1970. By that time the Soviets had about 1,250 ICBM's and we still had 1,054.

The third SALT meeting took place in Helsinki, between November 2 and December 18, 1970. By that time the Secretary of Defense had said that the Soviets had approximately 1,300 to our 1,054.

The fourth SALT meeting took place in Vienna, March 15 to May 28. The Soviets were estimated to have approximately 1,400 ICBM's to our 1,054.

The fifth SALT meeting took place in Helsinki, July 8 to September 24, 1971. By that time the Soviets had approximately 1,440 ICBM's to our 1,054.

The sixth SALT meeting took place in Vienna, November 16, 1971, to February 4, 1972. By that time the Soviets had approximately 1,520 ICBM's to our 1,054.

The seventh SALT meeting began in Helsinki on March 28, 1972, and ended in Moscow on May 26. At the conclusion the President announced that the Soviets had 1,618 and we had the original 1,054.

It was no secret that this was happening. I merely point it out to illustrate the Soviet drive for advancement of their weapons system. The same point was made by Dr. Kissinger in his June 15 White House conference with congressional leaders. He said then:

> For various reasons during the 1960's the United States had, as you know, made the strategic decision to terminate its building programs in major offensive systems and to rely instead on qualitative improvements. By 1969, therefore, we had no active or planned programs for deploying additional ICBM's, submarine-launched ballistic missiles or bombers. The Soviet Union, on the other hand, had dynamic and accelerated deployment programs in both land-based and sea-based missiles.

This is precisely the difference. The Soviet defense strategy is an active one, while ours is passive. The Soviets had a complex mix of strategic systems that can be directed at Europe as well as the United States. They have an aggressive development program, not only with current strategic systems, but in creating new ones. They have gone into many programs which some of our planners derided as not "cost effective." They went into a counterforce program against our ICBM's. We, meanwhile, relied on a passive strategy of "maximum assured destruction," saying that if we were hit first, we would hit back.

Dr. Kissinger stated it succinctly when he said:

> We are in the position with respect to various categories of weapons that the Soviet Union has an accelerated program, and we have none.

Fortunately, we are moving into an accelerated program with the Trident; we have the B–1 underway, and we are stepping up R. & D. What we have to recognize, however, is that the Soviets will shift their habits of active defense from numbers to quality. Having built a formidable foundation in numbers, and in payload capacity, they are now ready to erect a structure of quality which potentially can surpass our own efforts.

The Chairman of the Joint Chiefs of Staff, Admiral Moorer, said, in the Armed Services Committee hearings:

> The USSR was already far superior to us in total intercontinental strategic offensive megatonnage. Only in the numbers of strategic offensive warheads was the United States projected to maintain a lead over the Soviet Union during the next five years. Even here, the USSR has the potential to overtake us. Given the technology which we have every reason to believe the Soviet Union either has or is acquiring, it is anticipated that they will move vigorously into MIRV's, both in their ICBM's and SLBM's. The considerably greater "throw weight" or payload capacity of the Soviet missile force, particularly the SS–9 type missile, is especially adaptable to this task. It is still anticipated that they will considerably narrow our lead in terms of warheads by the late 1970's.

Admiral Moorer further said:

> We thus reduced the growth of the Soviet lead through negotiations rather than by adding to our force structure.

We have not provided strict parity, we have only reduced the growth of the Soviet lead. As the admiral put it, the agreements provide only "a degree of strategic equality and balance."

For these reasons, SALT II is even more important than SALT I. The Soviet basic line of strategy has always revolved, and still revolves around dynamic ideas of preemptive military action, when the situation calls for it, while U.S. strategies in recent years have been retaliatory in character. Our negotiators will have to take into consideration the fact that this agreement, along with the ABM treaty, effectively restricts defensive systems, and assures an expanded base for offensive systems. The Soviet dynamic strategies are maximized, while the effectiveness of U.S. retaliatory concepts are downgraded. All of this must be taken into consideration in judging "parity"—that is to say, the capability of the United States to deter nuclear war.

Moreover, there is more at stake in SALT II than the nuclear balance alone. Geopolitical strategies with regard to Europe will be decisively affected.

Phase II of SALT will extend the arrangements of phase I in both the offensive and defensive strategic arms areas. The Soviet purpose in the next phase of SALT will probably be directed primarily into disarming and neutralizing Western Europe.

The major Soviet drive in the current political offensive is to extend Soviet influences and "protective" arm over the entire continent of Europe. This is being attempted by the Soviet Union in two different levels: First, by vigorous promotion of the European Security Conference; and second, by the phase II of SALT.

The ESC and phase II of SALT are actually two mutually interrelated programs of the long-range Soviet "coexistence" plan aimed at the gradual imposition of dominant position for the Soviet Union of the European continent.

The most important point of the Soviet plan in this respect is the problem of effective neutralization of Europe. To achieve this goal the U.S.S.R. will maneuver in the SALT for denuclearization of NATO in exchange for a similar "clearing" of the Eastern European zone of countries.

This will affect the offensive capabilities of the so-called forward based systems—FBS. For all practical purposes FBS was never clearly defined and there will be a serious disagreement of what should be included or excluded from this definition. Basically, however, it can be assumed that the Soviets will attempt to cover all U.S. nuclear weapons stationed in Europe which can reach the territory of the U.S.S.R. All weapons of this type even if under allied and not exclusive U.S. command are now politically under U.S. control. The complete removal of these weapons would not only expose our Western European allies to the direct assault of the Soviet ICBM's located in the U.S.S.R., but would keep the U.S. forces stationed in Europe dependent entirely on the cover of "external" forces or weapon systems not located on the European continent.

The FBS concept definitely includes the 80 Polaris missiles on five submarines assigned currently to the 6th Fleet in the Mediterranean and some aircraft of the Turkish Air Force suitable for use as a launcher of nuclear weapons. The Soviets will obviously insist on the removal of these submarines and planes from the above areas in exchange for the Soviet withdrawal of similar submarines from the same area—which can hardly be considered an equivalent concession on their part.

Generally speaking, it will be rather difficult to move forward in a meaningful way on the FBS problem in phase II of SALT without jeopardizing the American interests and without exposing our allies to subsequent direct pressures from the Soviet Union as the result of a reduced U.S. security umbrella over the European continent. For this reason I am glad that this resolution limits the negotiators to intercontinental strategic systems.

Mr. President, I support the Interim Agreement. As a result of his predecessors' misjudgments, the President today is faced with narrow options. I repeat, with narrow options. As I have said on another occasion, these pacts are based upon close calculations. As a result of last week's action on the military procurement bill, it appears that Congress is going along with the necessary upgrading of our strategic forces within the confines of the agreements. Moreover, I think we can assume that the Soviets, having built their numerical base, would have aggressively gone into qualitative improvements anyway. The pact does little more than ratify the projected situation over the next few years.

However, the resolution of the Senator from Washington goes to the heart of the matter. We must indicate that our will to survive is greater than the quazy dreams of disarmament planners. If the Interim Agreement aids the cause of peace, and supports the future security of the Nation, then we must be in favor of it without hesitation. The same is true of SALT II. But the moment that these noble purposes fail, then our security lies elsewhere, and we must abandon such agreements as misplaced aspirations. Such safeguards are built into the present agreement; we must have no one miscalculate that we will fail to use them. Similarly, SALT II can only be productive of peace if our security is not endangered. The criteria set down in the resolution are reasonable enough indeed, and I believe they should be approved.

Mr. President, the strategic arms limitation pacts signed by President Nixon in Moscow must be considered in every aspect against the situation of the present and the realistic probabilities of the future.

The basic decisions limiting the numbers of our missiles were made in previous administrations despite the warnings of informed observers. Former Secretary of Defense McNamara thought that the Soviets were disturbed by our superiority, and that they would seek parity, or balance, stopping their arms construction when both sides reached the magic number of 1,000 ICBM's. Since it takes 5 to 10 years to develop a major defense system, our inventory has remained frozen ever since at 1,000 Minuteman missiles, plus 54 of the obsolescent Titan missiles.

When President Nixon took office in 1969, it was obvious that the Soviets were not going to stop at the magic number of 1,000. They already had more than 850 and were constructing at the rate of 250 per year. Recognizing the adverse political pressures generated by the disarmament lobby, the President took three steps.

First, he set forth vigorously on a program of qualitative improvements, such as the rapid implementation of the multiple-warhead Minuteman III, the construction of the B–1 and stepped-up planning for the long-range undersea launched missile now known as the Trident system.

Second, he took the leadership in the political battle to construct the Safeguard ABM. The U.S. nuclear strategy is based upon the concept of having sufficient forces left after an enemy attack to launch a devastating retaliatory strike. The ABM was designed to protect our retaliatory capability, thus lessening the chance that an enemy would dare attack.

Third, he inaugurated the SALT talks. By the time that the SALT talks were finished, the Soviets had 1,618 ICBM's deployed or under construction. The agreements, if accepted by the Senate, will put a halt to this Soviet construction. The agreements accept a basic 3:2 numerical superiority over us, but they shift the competition from quantity to quality, where we have the edge. They prohibit expansion in areas which have been blocked in the United States by irresponsible political pressures.

However, the apparent stalemate created between Soviet numbers and U.S. quality is only temporary. The Soviet "throw-weight," or payload capacity is five times greater than ours. The Soviets are already testing MIRV, which, in combination with their 5:1 payload advantage could ultimately give them the ability to surpass us in number of warheads.

These agreements were negotiated upon the assumption that Congress would take a responsible attitude toward the continuing development and deployment of current defense programs. A highly dangerous situation would have been created if Congress slashed defense efforts, particularly in such areas as the B–1 bomber, and the Trident long-range missile system.

The nations that had been prostrate in 1945 had regained their economic strength and their political vitality. The Communist bloc was divided into contending factions, and nationalistic forces and social and economic pressures were reasserting themselves within the individual Communist states.

Perhaps most important for the United States, our undisputed strategic predominance was declining just at a time when there was rising domestic resistance to military programs, and impatience for redistribution of resources from national defense to social demands.

Mr. President, Dr. Kissinger said that Soviet rivalry will continue. Amidst all of this profound change, there was one important constant—the continuing dependence of most of the world's hopes for stability and peace upon the ability to reduce the tensions between the United States and the Soviet Union.

The factors which perpetuated that rivalry remain real and deep.

We are ideological adversaries, and we will in all likelihood remain so for the foreseeable future.

We are political and military competitors, and neither can be indifferent to advances by the other in either of these fields.

We each have allies whose association we value and whose interests and activities of each impinge on those of the other at numerous points.

We each possess an awesome nuclear force created and designed to meet the threat implicit in the other's strength and aims.

Therefore, as we approve this ICBM agreement, we need to keep the Soviets on notice, as the distinguished Senator from Washington is attempting to do in these proposals.

Mr. President, I commend the able and distinguished Senator from Washington for offering these proposals. It is my hope that the Senate will most carefully consider them and give their approval to them.

Mr. TALMADGE. Mr. President, I am pleased to cosponsor the amendment of the Senator from Washington to Senate Joint Resolution 241 authorizing the President to sign the interim agreement on offsensive weapons.

This interim agreement and the ABM treaty on defensive weapons comprise the Moscow accords which were concluded by the President during his recent trip to the Soviet Union. They go to the very heart of our national security—the capacity to deter nuclear war. Therefore, since our continued survival as a nation hangs in the balance, we must jealously guard that capacity against erosion which could result from an agreement concluded in an election year before a battery of television cameras.

Last week by a vote of 88 yeas to 2 nays the U.S. Senate ratified the ABM treaty dealing with defensive weapons. We are told that that treaty was what the United States had to give up to obtain the 5-year agreement on offensive weapons. I submit that in return we got little which places effective restraints on the Soviet offense which is the very reason that our Nation has defensive weapons in the first place.

Under the terms of the interim agreement, the Soviets will have a three to two advantage in numbers of land-based ICBM's—1,618 to our 1,054. Their ICBM's are larger and include 300 giant SS–9's. There is no American counterpart for the SS–9. However, the agreement neither permits us to develop similar missiles nor prevents the Soviets from continuing to deploy theirs. Altogether, the payload capacity of the Soviet missile force is about four times greater than ours.

Furthermore, even though the Soviets have not as yet developed sophisticated MIRV warheads, the agreement gives them carte blanche authority to accelerate their development of such multiple warheads, and in 5 years they should easily be able to match us in this area of technology. Recent statements of Secretary of Defense Laird credit the United States with only a 2-year lead now.

Put simply, since the Soviets will be allowed to have more missiles and to have missiles many times more powerful than ours, they could end up overtaking us in numbers of warheads, numbers of missiles, and missile size.

This is even more alarming in light of the fact that the interim offensive agreement further permits the Soviets to have 950 nuclear missiles on 62 modern submarines while allowing us only 710 such weapons on 44 submarines.

All of this underscores the need for amendment of the Senator from Washington which has two objectives: First, that the United States will insist on at least equal limits on the offensive forces of both countries in the future and, second, that string research and development and force modernization programs are absolutely essential to strengthen the American negotiating position in the future.

Mr. President, I do not want my country to be inferior militarily to any in the world. I do not want the leaders of my country to willingly accept an inferior position. I am afraid, however, that this is the direction in which the interim offensive agreement will lead us. Without this amendment, the SALT agreements are a bad deal today for which the United States will pay a prohibitive price tomorrow.

I support the proposal of the Senator from Washington and I urge my colleagues in this body to approve it.

Mr. KENNEDY. Mr. President, I rise to speak in opposition to the amendment proposed by the distinguished Senator from Washington and in favor of the simple resolution of approval reported by the Senate Foreign Relations Committee.

I also want to endorse the amendment proposed by the distinguished majority leader. It clearly endorses the interim agreement and does not contain the fatal flaws of the Jackson amendment.

I believe the amendment is both unnecessary to the security interests of the United States. First, it unnecessarily established a set of conditions which could trigger the withdrawal clause of the agreement. Second, it restricts our negotiating posture establishing a different and somewhat questionable principle upon which to base our strategic force structure planning; and, third, it seeks to lock this Nation into further costly deployment of offensive strategic weapons systems.

First, the Jackson amendment asserts that endangering our strategic forces could jeopardize our supreme national interests. Article VIII of the interim agreement, as does article XV of the SALT treaty, provides the right to either signatory to withdraw from the treaty if it finds its supreme interests to be jeopardized. Clearly that right is available without the Senate adding additional language to indicate once again that the right to withdraw is available. And it seems of little additional import to specify that the endangering of our strategic forces "could jeopardize the supreme national interests of the United States."

Second, the Jackson amendment appears to assert as the only basis of negotiating SALT II agreements, the principle of numerical equivalents. The implication of that assertion goes far beyond the mere desire that a rough equality between the strategic forces of the two nations be part of the negotiating process.

For in the past several administrations, the policy underlying our strategic force structure has been the policy of deterrence, the ability to deliver a retaliatory blow which assures the destruction of the aggressor, even after absorbing a nuclear first strike.

We sought, and have succeeded, in acquiring a strategic force which not only is capable of meeting the requirements of deterrence, but which contains an overkill capacity as well.

The Polaris-Poseidon force alone contains that capability with a single Poseidon able to destroy 25 percent of the industrial capacity of the Soviet Union. We now have 10 Polaris already converted to Poseidon with another 10 in the conversion process. In addition, we have an intercontinental bomber force of 457, nearly four times that of the Soviet Union, and 1,054 land-based ICBM's.

Our ongoing MIRV process plus our forward submarine bases and our superiority in warhead technology all play a part in providing us with a secure deterrent.

And it is on that basis that we should be negotiating with the Soviet Union, seeking to achieve limitations and reductions of both qualitative and quantitive nuclear arms that will rest on the principle of mutual deterrence, not on a formula approach for numerical equivalents that seemingly is being asserted in the resolution now before us.

It is our overall deterrent that is of critical importance not the numbers of launchers of any single system.

Finally, there is the provision in the resolution which species that the success of future negotiations is dependent upon, not only research and development, but modernization of nuclear weapons systems.

Instead of the Interim Agreement yielding limitations on arms, the Senator is proposing that we affirm our intent to go right ahead and base the success of this agreement and future agreements on continued research and development and modernization—of nuclear arms—in other words, this agreement would then depend on fostering the continued escalation of the arms race. The success of these agreements should be linked only to the maintenance of our deterrent, yet I see nothing in the present range of strategic threats that would place in doubt the security of our deterrent, even if we reject further modernization of existing offensive systems.

And what is perhaps equally disconcerting, the Senator from Washington is opening the door, knowingly or unknowingly, to a basic alteration now being considered by this administration in its strategic force planning. That alteration was reported on the front page of the New York Times last Saturday, although the administration has been noticeably reticent in discussing it with the Congress.

The clear indications are, however, that the administration request for $20 million for improved reentry vehicles represents a nuclear gamble of immense proportions.

And it is a step which the Senator from Washington's amendment would encourage.

Instead of our traditional design and deployment of small warheads whose goal would be the destruction of enemy cities and industry in a retaliatory strike—a design intended to prevent our ever having to use those weapons—the administration is now suggesting a fundamental alteration, an alteration that accepts the plausibility of a limited nuclear strike, an alteration that surely could be interpreted by the Soviet Union as the development of a first strike potential by this nation.

For the intent of the SALT add-on request, a matter that this body has not yet had an opportunity to debate, is to develop large, accurate nuclear warheads with a capability of destroying the Soviet missiles in their silos. While the administration undoubtedly will argue that this will provide greater flexibility in the unlikely event of a limited nuclear attack by the Soviet Union by permitting us to strike back at "military" targets, Soviet planners could not be faulted for a different interpretation.

For they will be aware of our current superiority in warheads, some 5,888 to their 2,200, and the decision to add to the size and accuracy of those warheads, could be viewed as a fundamental change in our planning, perhaps even a step toward a first-strike capability.

I believe such actions would be both unwise and dangerous and I would urge the rejection of this resolution which seems to argue that these and other modernizations of our strategic forces are prior requirements for successful conclusion of SALT II.

The reason for ratifying this agreement as it stands is that it does provide, for the first time, some limitations on the number of strategic offensive weapons systems. And what is particularly important, the limitations come on those weapons which the Soviet Union stressed in its weapons buildup. The agreement limits any additional land-based ICBM's, particularly the SS-9's, and places a ceilings on Y-class nuclear submarines.

The only relevant question to be asked appears to be the one posed by Dr. Kissinger in Moscow on May 26. He said:

> The question in assessing the freeze is not what situation it perpetuates, but what situation it prevents. The question is where we would be without the freeze.

And in that analysis, we have the most recent statistics provided to the Senate Foreign Relations Committee by the executive branch.

They project that if the Soviet Union had not been limited by the SALT agreement, it could have built up to over 2,200 land-based ICBM's by 1977 without the limitations, it could have developed over 1,050 submarine-launched ballistic missiles.

The result is that in 1977 at the conclusion of this interim agreement, the Soviet Union will have approximately 1,000 fewer offensive launchers than they would have had in the absence of the agreement.

Similarly, Defense Department statistics now anticipate that the Soviet Union will have some 2,800 fewer warheads in 1977 than they would have possessed without SALT.

Thus, the impact of the Executive agreement is to curb the Soviet momentum in those areas where it has been engaged in rapid buildups. And the impact on on-going U.S. offensive weapons programs is practically nonexistent.

Our program to continue placing multiple warheads on our submarines and on half of our land-based ICBM's is unaffected. In addition, our lead in strategic bombers is not touched by the agreement.

Therefore, I would not only strongly disagree with the Senator from Washington's assertion that the agreement places us on a "subparity" level; but I would argue that the agreement affords additional assurance that the sufficiency of our forces to meet the requirements of difference will continue.

Therefore, I would urge approval of the agreement.

However, I also would repeat that the agreement must be followed by urgent efforts to achieve subsequent nuclear arms limitations agreements. This agreement represents a bare beginning.

In that effort to turn the nations of the world away from the absurdity of the arms race, I would urge once again that the President act now to propel all nations in the direction of mutual disarmament.

I would urge that he declare a moratorium on underground nuclear testing by this Nation, to remain in effect so long as the Soviet Union abstains, and that he present a new initiative at Geneva, unencumbered by the demands of the past for seven on-site inspections, for a permanent treaty to ban all nuclear testing. Such action would mark a breakthrough in placing a ceiling on the qualitative arms race and could well lend the future negotiations at SALT an added impetus.

SALT marks the first time since the 1963 test ban that we really have attempted to slow the nuclear merry-go-round. Now it is time for us to join with other nations to halt its mad momentum. In the end, the merry-go-round will either stop or it will spin faster and faster and finally explode. For, in the end, it is a merry-go-round of death, and we continue riding at our own risk and the risk of mankind.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 974, 979, and 980.

SELECT COMMITTEE TO STUDY SECRET AND CONFIDENTIAL GOVERNMENT DOCUMENTS

The resolution (S. Res. 299) to establish a select committee to study questions related to secret and confidential Government documents, was considered and agreed to, as follows:

Resolved, That there is hereby established a special ad hoc committee of the Senate to be composed of ten members, five from the majority and five from the minority. The majority leader shall be the chairman and the minority leader the co-chairman. Of the remaining eight members, four will be appointed by the majority leader and four by the minority leader. Any member appointed under the provisions of this resolution shall be exempt from the provisions of the Reorganization Act relating to limitations on committee service.

The committee shall conduct a study and report its findings and recommendations to the Senate within sixty days of its establishment, on all questions relating to the secrecy, confidentiality, and classification of Government documents committed to the Senate, or any Member thereof, and propose guidelines with respect thereto; and, the laws and rules relating to secrecy, confidentiality, and classification, of Government documents, and the authority therefor.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent on the action of the Senate earlier today by which Calendar No. 974, Senate Resolution 299, was agreed to be vacated.

Mr. JAVITS. Mr. President, reserving the right to object, and I shall not object, this measure, which has been before the Senate for debate, was referred to the Committee on Government Operations, of which I am honored to be a member, with a limited time for return and which has now been returned to the Senate, reported and placed on the Senate calendar with instructions, with an amendment by the committee, without a dissenting vote, to conform it to the view of the committee by extending the time for reporting by the ad hoc committee of 10, set up under the resolution, to February 15, 1973.

The committee actually said to report to the new Congress, but the chairman and the ranking minority member interpreted that to mean some reasonable date after the new Congress came back, which we decided should be February 15.

Thereupon, I introduced such an amendment, and was joined in that amendment by the Senator from North Carolina (Mr. ERVIN), chairman, and the Senator from Illinois (Mr. PERCY), ranking minority member.

The Senator from Nebraska (Mr. HRUSKA) has taken an interest in this matter and was very gracious in saying he would not object to that being done, but wished to place a statement in the RECORD.

I was not present on the floor, when there was a sweep of the calendar. I am grateful to the Senator from Montana for having the order vacated. I am sure the Senator from Nebraska (Mr. HRUSKA), when he has an opportunity, will prepare a statement and that the resolution will be adopted. I would feel embarrassed if its passage would stand.

The PRESIDING OFFICER. Without objection, the vote is reconsidered, the action of the Senate is vacated and resolution is returned to the calendar.

Mr. MANSFIELD. Mr. President, I must apologize to the Senate.

COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT ACT OF 1964

The bill (S. 3524) to extend the provisions of the Commercial Fisheries Research and Development Act of 1964, as amended, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(a) of the Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779b (a)), as amended, is further amended by changing the words "for the fiscal year beginning July 1, 1969, and for the three" to "for the fiscal year beginning July 1, 1973, and for the four."

SEC. 2. Section 4(c) of the Commercial Fisheries Research and Development Act of 1964, as amended, is further amended by changing the words "for the fiscal year beginning July 1, 1969," to "for the fiscal year beginning July 1, 1973,".

SEC. 3. Section 4(b) of the Commercial Fisheries Research and Development Act of 1964, as amended, is further amended by changing the words "for the fiscal year beginning July 1, 1969, and for the three succeeding fiscal years, $650,000 in each such year," to "for the fiscal year beginning July 1, 1973, and for the four succeeding fiscal years, $650,000 in each such year,".

SEC. 4. The provisions of this Act shall be effective July 1, 1973.

DEVELOPMENT OF TUNA AND OTHER LATENT FISHERIES RESOURCES

The Senate proceeded to consider the bill (H.R. 12207) to authorize a program for the development of tuna and other latent fisheries resources in the Central and Western Pacific Ocean, which had been reported from the Committee on Commerce with amendments on page 1, line 3, after word "Central", strike out "and"; at the beginning of line 4, insert "and South"; in line 9, after the word "Central", strike out "and"; in the same line, after the word "Western", insert "and South"; on page 2, line 13, after "June 30", strike out "1975" and insert "1976"; line 23, after the word "Central", strike out "and"; in line 24, after the word "Western", insert "and South"; on page 3, line 1, after the word "to", strike out "140" and insert "130"; in line 4, after "July 1", strike out "1972" and insert "1973"; and at the beginning of line 5, strike out "1975" and insert "1976".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to authorize a program for the development of tuna and other latent fisheries resources in the Central, Western, and South Pacific Ocean."

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Executive G, 92d Congress, second session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNIVERSAL COPYRIGHT CONVENTION

The Senate, as in committee of the whole, proceeded to consider Executive G (92d Congress), 2d session, the Universal Copyright Convention, as revised, with protocols, which was read the second time as follows:

UNIVERSAL COPYRIGHT CONVENTION AS REVISED AT PARIS JULY 24, 1971

The Contracting States.

Moved by the desire to ensure in all countries copyright protection of literary, scientific and artistic works,

Convinced that a system of copyright protection appropriate to all nations of the world and expressed in a universal convention, additional to, and without impairing international systems already in force, will ensure respect for the rights of the individual and encourage and development of literature, the sciences and the arts,

Persuaded that such a universal copyright system will facilitate a wider dissemination of works of the human mind and increase international understanding,

Have resolved to revise the Universal Copyright Convention as signed at Geneva on 6 September 1952 (hereinafter called "the 1952 Convention"), and consequently,

Have agreed as follows:

ARTICLE I

Each Contracting State undertakes to provide for the adequate and effective protection of the rights of authors and other copyright proprietors in literary, scientific and artistic works, including writings, musical, dramatic and cinematographic works, and paintings, engravings and sculpture.

ARTICLE II

1. Published works of nationals of any Contracting State and works first published in that State shall enjoy in each other Contracting State the same protection as the other State accords to works of its nationals first published in its own territory, as well as the protection specially granted by this Convention.

2. Unpublished works of nationals of each Contracting State shall enjoy in each other Contracting State the same protection as works of its own nationals, as well as the protection specially granted by this Convention.

3. For the purpose of this Convention any Contracting State may, by domestic legislation, assimilate to its own nationals any person domiciled in that State.

ARTICLE III

1. Any Contracting State which, under its domestic law, requires as a condition of copy-

right, compliance with formalities such as deposit, registration, notice, notarial certificates, payment of fees or manufacture or publication in that Contracting State, shall regard these requirements as satisfied with respect to all works protected in accordance with this Convention and first published outside its territory and the author of which is not one of its nationals, if from the time of the first publication all the copies of the work published with the authority of the author or other copyright proprietor bear the symbol © accompanied by the name of the copyright proprietor and the year of first publication placed in such manner and location as to give reasonable notice of claim of copyright.

2. The provisions of paragraph 1 shall not preclude any Contracting State from requiring formalities or other conditions for the acquisition and enjoyment of copyright in respect of works first published in its territory or works of its nationals wherever published.

3. The provisions of paragraph 1 shall not preclude any Contracting State from providing that a person seeking judicial relief must, in bringing the action, comply with procedural requirements, such as that the complainant must appear through domestic counsel or that the complainant must deposit with the court or an administrative office, or both, a copy of the work involved in the litigation; provided that failure to comply with such requirements shall not affect the validity of the copyright, nor shall any such requirement be imposed upon a national of another Contracting State if such requirement is not imposed on nationals of the State in which protection is claimed.

4. In each Contracting State there shall be legal means of protecting without formalities the unpublished works of nationals of other Contracting States.

5. If a Contracting State grants protection for more than one term of copyright and the first term is for a period longer than one of the minimum periods prescribed in Article IV, such State shall not be required to comply with the provisions of paragraph 1 of this Article in respect of the second or any subsequent term of copyright.

ARTICLE IV

1. The duration of protection of a work shall be governed, in accordance with the provisions of Article II and this Article, by the law of the Contracting State in which protection is claimed.

2. (a) The term of protection for works protected under this Convention shall not be less than the life of the author and twenty-five years after his death. However, any Contracting State which, on the effective date of this Convention in that State, has limited this term for certain classes of works to a period computed from the first publication of the work, shall be entitled to maintain these exceptions and to extend them to other classes of works. For all these classes the term of protection shall not be less than twenty-five years from the date of first publication.

(b) Any Contracting State which, upon the effective date of this Convention in that State, does not compute the term of protection upon the basis of the life of the author, shall be entitled to compute the term of protection from the date of the first publication of the work or from its registration prior to publication, as the case may be, provided the term of protection shall not be less than twenty-five years from the date of first publication or from its registration prior to publication, as the case may be.

(c) If the legislation of a Contracting State grants two or more successive terms of protection, the duration of the first term shall not be less than one of the minimum periods specified in sub-paragraphs (a) and (b).

3. The provisions of paragraph 2 shall not apply to photographic works or to works of applied art; provided, however, that the term of protection in those Contracting States which protect photographic works, or works of applied art in so far as they are protected as artistic works, shall not be less than ten years for each of said classes of works.

4. (a) No Contracting State shall be obliged to grant protection to a work for a period longer than that fixed for the class of works to which the work in question belongs, in the case of unpublished works by the law of the Contracting State of which the author is a national, and in the case of published works by the law of the Contracting State in which the work has been first published.

(b) For the purposes of the application of sub-paragraph (a), if the law of any Contracting State grants two or more successive terms of protection, the period of protection of that State shall be considered to be the aggregate of those terms. However, if a specified work is not protected by such State during the second or any subsequent term for any reason, the other Contracting States shall not be obliged to protect it during the second or any subsequent term.

5. For the purposes of the application of paragraph 4, the work of a national of a Contracting State, first published in a non-Contracting State, shall be treated as though first published in the Contracting State of which the author is a national.

6. For the purposes of the application of paragraph 4, in case of simultaneous publication in two or more Contracting States, the work shall be treated as though first published in the State which affords the shortest term; any work published in two or more Contracting States within thirty days of its first publication shall be considered as having been published simultaneously in said Contracting States.

ARTICLE IV*bis*

1. The rights referred to in Article I shall include the basic rights ensuring the author's economic interests, including the exclusive right to authorize reproduction by any means, public performance and broadcasting. The provisions of this Article shall extend to works protected under this Convention either in their original form or in any form recognizably derived from the original.

2. However, any Contracting State may, by its domestic legislation, make exceptions that do not conflict with the spirit and provisions of this Convention, to the rights mentioned in paragraph 1 of this Article. Any State whose legislation so provides, shall nevertheless accord a reasonable degree of effective protection to each of the rights to which exception has been made.

ARTICLE V

1. The rights referred to in Article I shall include the exclusive right of the author to make, publish and authorize the making and publication of translations of works protected under this Convention.

2. However, any Contracting State may, by its domestic legislation, restrict the right of translation of writings, but only subject to the following provisions:

(a) If, after the expiration of a period of seven years from the date of the first publication of a writing, a translation of such writing has not been published in a language in general use in the Contracting State, by the owner of the right of translation or with his authorization, any national of such Contracting State may obtain a non-exclusive licence from the competent authority thereof to translate the work into that language and publish the work so translated.

(b) Such national shall in accordance with the procedure of the State concerned, establish either that he has requested, and been denied, authorization by the proprietor of the right to make and publish the translation, or that, after due diligence on his part, he was unable to find the owner of the right. A license may also be granted on the same conditions if all previous editions of a translation in a language in general use in the Contracting State are out of print.

(c) If the owner of the right of translation cannot be found, then the applicant for a license shall send copies of his application to the publisher whose name appears on the work and, if the nationality of the owner of the right of translation is known, to the diplomatic or consular representative of the State of which such owner is a national, or to the organization which may have been designated by the government of that State. The license shall not be granted before the expiration of a period of two months from the date of the dispatch of the copies of the application.

(d) Due provision shall be made by domestic legislation to ensure to the owner of the right of translation a compensation which is just and conforms to international standards, to ensure payment and transmittal of such compensation, and to ensure a correct translation of the work.

(e) The original title and the name of the author of the work shall be printed on all copies of the published translation. The license shall be valid only for publication of the translation in the territory of the Contracting State where it has been applied for. Copies so published may be imported and sold in another Contracting State if a language in general use in such other State is the same language as that into which the work has been so translated, and if the domestic law in such other State makes provision for such licenses and does not prohibit such importation and sale. Where the foregoing conditions do not exist, the importation and sale of such copies in a Contracting State shall be governed by its domestic law and its agreements. The license shall not be transferred by the licensee.

(f) The license shall not be granted when the author has withdrawn from circulation all copies of the work.

ARTICLE V*bis*

1. Any Contracting State regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations many, by a notification deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization (hereinafter called "the Director-General") at the time of its ratification, acceptance or accession or thereafter, avail itself of any or all of the exceptions provided for in Articles V*ter* and V*quater*.

2. Any such notification shall be effective for ten years from the date of coming into force of this Convention, or for such part of that ten-year period as remains at the date of deposit of the notification, and may be renewed in whole or in part for further periods of ten years each if, not more than fifteen or less than three months before the expiration of the relevant ten-year period, the contracting State deposits a further notification with the Director-General. Initial notifications may also be made during these further periods of ten years in accordance with the provisions of this Article.

3. Notwithstanding the provisions of paragraph 2, a Contracting State that has ceased to be regarded as a developing country as referred to in paragraph 1 shall no longer be entitled to renew its notification made under the provisions of paragraph 1 or 2, whether or not it formally withdraws the notification such State shall be precluded from availing itself of the exceptions provided for in Article V*ter* and V*quater* at the end of the current ten-year period, or at the end of three years after it has ceased to be regarded as a developing country, whichever period expires later.

4. Any copies of a work already made under the exceptions provided for in Articles V*ter* and V*quater* may continue to be distributed after the expiration of the period for which notifications under this Article were effective until their stock is exhausted.

5. Any Contracting State that has deposited a notification in accordance with Article XIII with respect to the application of this Convention to a particular country or territory, the situation of which can be regarded as analogous to that of the States referred to in paragraph 1 of this Article, may also deposit notifications and renew them in accordance with the provisions of this Article with respect to any such country or territory. During the effective period of such notifications, the provisions of Articles V*ter* and V*quater* may be applied with respect to such country or territory. The sending of copies from the country or territory to the Contracting State shall be considered as export within the meaning of Articles V*ter* and V*quater*.

ARTICLE V*ter*

1. (a) Any Contracting State to which Article V*bis* (1) applies may substitute for the period of seven years provided for in Article V (2) a period of three years or any longer period prescribed by its legislation. However, in the case of a translation into a language not in general use in one or more developed countries that are party to this Convention or only the 1952 Convention, the period shall be one year instead of three.

(b) A Contracting State to which Article V*bis* (1) applies may, with the unanimous agreement of the developed countries party to this Convention or only the 1952 Convention and in which the same language is in general use, substitute, in the case of translation into that language, for the period of three years provided for in sub-paragraph (a) another period as determined by such agreement but not shorter than one year. However, this sub-paragraph shall not apply where the language in question is English, French or Spanish. Notification of any such agreement shall be made to the Director-General.

(c) The license may only be granted if the applicant, in accordance with the procedure of the State concerned, establishes either that he has requested, and been denied, authorization by the owner of the right of translation, or that, after due diligence on his part, he was unable to find the owner of the right. At the same time as he makes his request he shall inform either the International Copyright Information Centre established by the United Nations Educational, Scientific and Cultural Organization or any national or regional information centre which may have been designated in a notification to that effect deposited with the Director-General by the government of the State in which the publisher is believed to have his principal place of business.

(d) If the owner of the right of translation cannot be found, the applicant for a license shall send, by registered airmail, copies of his application to the publisher whose name appears on the work and to any national or regional information centre as mentioned in subparagraph (c). If no such centre is notified he shall also send a copy to the international copyright information centre established by the United Nations Educational, Scientific and Cultural Organization.

2. (a) Licenses obtainable after three years shall not be granted under this Article until a further period of six months has elapsed and licenses obtainable after one year until a further period of nine months has elapsed. The further period shall begin either from the date of the request for permission to translate mentioned in paragraph 1(c) or, if the identity or address of the owner of the right of translation is not known, from the date of dispatch of the copies of the application for a license mentioned in paragraph 1(d).

(b) Licenses shall not be granted if a translation has been published by the owner of the right of translation or with his authorization during the said period of six or nine months.

3. Any license under this Article shall be granted only for the purpose of teaching, scholarship or research.

4. Any license granted under this Article shall not extend to the export of copies and shall be valid only for publication in the territory of the Contracting State where it has been applied for.

(b) Any copy published in accordance with a license granted under this Article shall bear a notice in the appropriate language stating that the copy is available for distribution only in the Contracting State granting the license. If the writing bears the notice specified in Article III (1) the copies shall bear the same notice.

(c) The prohibition of export provided for in sub-paragraph (a) shall not apply where a governmental or other public entity of a State which has granted a license under this Article to translate a work into a language other than English, French or Spanish sends copies of a translation prepared under such license to another country if:

(i) the recipients are individuals who are nationals of the Contracting State granting the license, or organizations grouping such individuals;

(ii) the copies are to be used only for the purpose of teaching, scholarship or research;

(iii) the sending of the copies and their subsequent distribution to recipients is without the object of commercial purpose; and

(iv) the country to which the copies have been sent has agreed with the Contracting State to allow the receipt, distribution or both and the Director-General has been notified of such agreement by any one of the governments which have concluded it.

5. Due provision shall be made at the national level to ensure:

(a) that the licence provides for just compensation that is consistent with standards of royalties normally operating in the case of licences freely negotiated between persons in the two countries concerned; and

(b) payment and transmittal of the compensation; however, should national currency regulations intervene, the competent authority shall make all efforts, by the use of international machinery, to ensure transmittal in internationally convertible currency or its equivalent.

6. Any licence granted by a Contracting State under this Article shall terminate if a translation of the work in the same language with substantially the same content as the edition in respect of which the licence was granted is published in the said State by the owner of the right of translation or with his authorization, at a price reasonably related to that normally charged in the same State for comparable works. Any copies already made before the licence is terminated may continue to be distributed until their stock is exhausted.

7. For works which are composed mainly of illustrations a licence to translate the text and to reproduce the illustrations may be granted only if the conditions of Article V*quater* are also fulfilled.

8. (a) A licence to translate a work protected under this Convention, published in printed or analogous forms of reproduction, may also be granted to a broadcasting organization having its headquarters in a Contracting State to which Article V*bis* (1) applies, upon an application made in that State by the said organization under the following conditions:

(i) the translation is made from a copy made and acquired in accordance with the laws of the Contracting State;

(ii) the translation is for use only in broadcasts intended exclusively for teaching or for the dissemination of the results of specialized technical or scientific research to experts in a particular profession;

(iii) the translation is used exclusively for the purposes set out in condition (ii), through broadcasts lawfully made which are intended for recipients on the territory of the Contracting State, including broadcasts made through the medium of sound or visual recordings lawfully and exclusively made for the purpose of such broadcasts;

(iv) sound or visual recordings of the translation may be exchanged only between broadcasting organizations having their headquarters in the Contracting State granting the licence; and

(v) all uses made of the translation are without any commercial purpose.

(b) Provided all of the criteria and conditions set out in subparagraph (a) are met, a licence may also be granted to a broadcasting organization to translate any text incorporated in an audio-visual fixation which was itself prepared and published for the sole purpose of being used in connexion with systematic instructional activities.

(c) Subject to sub-paragraph (a) and (b), the other provisions of this Article shall apply to the grant and exercise of the licence.

9. Subject to the provisions of this Article, any licence granted under this Article shall be governed by the provisions of Article V, and shall continue to be governed by the provisions of Article V and of this Article, even after the seven-year period provided for in Article V(2) has expired. However, after the said period has expired, the licencee shall be free to request that the said licence be replaced by a new licence governed exclusively by the provisions of Article V.

ARTICLE V*quater*

1. Any Contracting State to which Article V*bis* (1) applies may adopt the following provisions:

(a) If, after the expiration of (i) the relevant period specified in sub-paragraph (c) commencing from the date of first publication of a particular edition of a literary, scientific or artistic work referred to in paragraph 3, or (ii) any longer period determined by national legislation of the State, copies of such edition have not been distributed in that State to the general public or in connexion with systematic instructional activities at a price reasonably related to that normally charged in the State for comparable works, by the owner of the right of reproduction or with his authorization, any national of such State may obtain a non-exclusive licence from the competent authority to publish such edition at that or a lower price for use in connexion with systematic instructional activities. The licence may only be granted if such national, in accordance with the procedure of the State concerned, establishes either that he has requested, and been denied, authorization by the proprietor of the right to publish such work, or that, after due diligence on his part, he was unable to find the owner of the right. At the same time as he makes his request he shall inform either the international copyright information centre established by the United Nations Educational, Scientific and Cultural Organization or any national or regional information centre referred to in sub-paragraph (d).

(b) A license may also be granted on the same conditions if, for a period of six months, no authorized copies of the edition in question have been on sale in the State concerned to the general public or in connection with systematic instructional activities at a price reasonably related to that normally charged in the State for comparable works.

(c) The period referred to in sub-paragraph (a) shall be five years except that:

(i) for works of the natural and physical sciences, including mathematics, and of technology, the period shall be three years;

(ii) for works of fiction, poetry, drama and music, and for art books, the period shall be seven years.

(d) If the owner of the right of reproduction cannot be found, the applicant for a licence shall send, by registered air mail, copies of his application to the publisher whose name appears on the work and to any national or regional information centre identified as such in a notification deposited with the Director-General by the State in which the publisher is believed to have his principal place of business. In the absence of any such notification, he shall also send a copy of the international copyright information centre established by the United Nations Educational, Scientific and Cultural Organization. The licence shall not be granted before the expiration of a period of three months from the date of dispatch of the copies of the application.

(e) Licenses obtainable after three years shall not be granted under this Article:

(i) until a period of six months has elapsed from the date of the request for permission referred to in sub-paragraph (a) or, if the identity or address of the owner of the right of reproduction is unknown, from the date of the dispatch of the copies of the application for a licence referred to in sub-paragraph (d);

(ii) if any such distribution of copies of the edition as is mentioned in sub-paragraph (a) has taken place during that period.

(f) The name of the author and the title of the particular edition of the work shall be printed on all copies of the published reproduction. The licence shall not extend to the export of copies and shall be valid only for publication in the territory of the Contracting State where it has been applied for. The licence shall not be transferable by the licensee.

(g) Due provision shall be made by domestic legislation to ensure an accurate reproduction of the particular edition in question.

(h) A licence to reproduce and publish a translation of a work shall not be granted under this Article in the following cases:

(i) where the translation was not published by the owner of the right of translation or with his authorization;

(ii) where the translation is not in a language in general use in the State with power to grant the licence.

2. The exceptions provided for in paragraph 1 are subject to the following additional provisions:

(a) Any copy published in accordance with a licence granted under this Article shall bear a notice in the appropriate language stating that the copy is available for distribution only in the Contracting State to which the said licence applies. If the edition bears the notice specified in Article III(1), the copies shall bear the same notice.

(b) Due provision shall be made at the national level to ensure:

(i) that the licence provides for just compensation that is consistent with standards of royalties normally operating in the case of licences freely negotiated between persons in the two countries concerned; and

(ii) payment and transmittal of the compensation; however, should national currency regulations intervene, the competent authority shall make all efforts, by the use of international machinery, to ensure transmittal in internationally convertible currency or its equivalent.

(c) Whenever copies of an edition of a work are distributed in the Contracting State to the general public or in connexion with systematic instructional activities, by the owner of the right of reproduction or with his authorization, at a price reasonably related to that normally charged in the State for comparable works, any licence granted under this Article shall terminate if such edition is in the same language and is substantially the same in content as the edition published under the licence. Any copies already made before the licence is terminated may continue to be distributed until their stock is exhausted.

(d) No licence shall be granted when the author has withdrawn from circulation all copies of the edition in question.

3. (a) Subject to sub-paragraph (b), the literary, scientific or artistic works to which this Article applies shall be limited to works published in printed or analogous forms of reproduction.

(b) The provisions of this Article shall also apply to reproduction in audio-visual form of lawfully made audio-visual fixations including any protected works incorporated therein and to the translation of any incorporated text into a language in general use in the State with power to grant the licence; always provided that the audio-visual fixations in question were prepared and published for the sole purpose of being used in connection with systematic instructional activities.

ARTICLE VI

"Publication", as used in this Convention, means the reproduction in tangible form and the general distribution to the public of copies of a work from which it can be read or otherwise visually perceived.

ARTICLE VII

This Convention shall not apply to works or rights in works which, at the effective date of this Convention in a Contracting State where protection is claimed, are permanently in the public domain in the said Contracting State.

ARTICLE VIII

1. This Convention, which shall bear the date of 24 July 1971, shall be deposited with the Director-General and shall remain open for signature by all States party to the 1952 Convention for a period of 120 days after the date of this Convention. It shall be subject to ratification or acceptance by the signatory States.

2. Any State which has not signed this Convention may accede thereto.

3. Ratification, acceptance or accession shall be effected by the deposit of an instrument to that effect with the Director-General.

ARTICLE IX

1. This Convention shall come into force three months after the deposit of twelve instruments of ratification, acceptance or accession.

2. Subsequently, this Convention shall come into force in respect of each State three months after that State has deposited its instrument of ratification, acceptance or accession.

3. Accession to this Convention by a State not party to the 1952 Convention shall also constitute accession to that Convention; however, if its instrument of accession is deposited before this Convention comes into force, such State may make its accession to the 1952 Convention conditional upon the coming into force of this Convention. After the coming into force of this Convention, no State may accede solely to the 1952 Convention.

4. Relations between States party to this Convention and States that are party only to the 1952 Convention, shall be governed by the 1952 Convention. However, any State party only to the 1952 Convention may, by a notification deposited with the Director-General, declare that it will admit the application of the 1971 Convention to works of its nationals or works first published in its territory by all States party to this Convention.

ARTICLE X

1. Each Contracting State undertakes to adopt, in accordance with its Constitution, such measures as are necessary to ensure the application of this Convention.

2. It is understood that at the date this Convention comes into force in respect of any State, that State must be in a position under its domestic law to give effect to the terms of this Convention.

ARTICLE XI

1. An Intergovernmental Committee is hereby established with the following duties:

(a) to study the problems concerning the application and operation of the Universal Copyright Convention;

(b) to make preparation for periodic revisions of this Convention;

(c) to study any other problems concerning the international protection of copyright, in co-operation with the various interested international organizations, such as the United Nations Educational, Scientific and Cultural Organization, the International Union for the Protection of Literary and Artistic Works and the Organization of American States;

(d) to inform States party to the Universal Copyright Convention as to its activities.

2. The Committee shall consist of the representatives of eighteen States party to the Convention or only to the 1952 Convention.

3. The Committee shall be selected with due consideration to a fair balance of national interests on the basis of geographical location, population, languages and stage of development.

4. The Director-General of the United Nations Educational, Scientific and Cultural Organization, the Director-General of the World Intellectual Property Organization and the Secretary-General of the Organization of American States, or their representatives, may attend meetings of the Committee in an advisory capacity.

ARTICLE XII

The Intergovernmental Committee shall convene a conference for revision whenever it deems necessary, or at the request of at least ten States party to this Convention.

ARTICLE XIII

1. Any Contracting State may, at the time of deposit of its instrument of ratification, acceptance or accession, or at any time thereafter, declare by notification addressed to the District-General that this Convention shall apply to all or any of the countries or territories for the international relations of which it is responsible and this Convention shall thereupon apply to the countries or territories named in such notification after the expiration of the term of three months provided for in Article IX. In the absence of such notification, this Convention shall not apply to any such country or territory.

2. However, nothing in this Article shall be understood as implying the recognition or tacit acceptance by a Contracting State of the factual situation concerning a country or territory to which this Convention is made applicable by another Contracting State in accordance with the provisions of this Article.

ARTICLE XIV

1. Any Contracting State may denounce this Convention in its own name or on behalf of all or any of the countries or territories with respect to which a notification has been given under Article XIII. The denunciation shall be made by notification addressed to the Director-General. Such denunciation shall also constitute denunciation of the 1952 Convention.

2. Such denunciation shall operate only in respect of the State or of the country or territory on whose behalf it was made and shall not take effect until twelve months after the date of receipt of the notification.

ARTICLE XV

A dispute between two or more Contracting States concerning the interpretation or application of this Convention, not settled by negotiation, shall, unless the State concerned agree on some other method of settlement, be brought before the International Court of Justice for determination by it.

ARTICLE XVI

1. This Convention shall be established in English, French, and Spanish. The three texts shall be signed and shall be equally authoritative.

2. Official texts of this Convention shall be established by the Director-General, after consultation with the governments concerned, in Arabic, German, Italian and Portuguese.

3. Any Contracting State or group of Contracting States shall be entitled to have established by the Director-General other texts in the language of its choice by arrangement with the Director-General.

4. All such texts shall be annexed to the signed texts of this Convention.

ARTICLE XVII

1. This Convention shall not in any way affect the provisions of the Berne Convention for the Protection of Literary and Artistic Works or membership in the Union created by that Convention.

2. In application of the foregoing paragraph, a declaration has been annexed to the present Article. This declaration is an integral part of this Convention for the States bound by the Berne Convention on 1 January 1951, or which have or may become bound to it at a later date. The signature of this Convention by such States shall also constitute signature of the said declaration, and ratification, acceptance or accession by such States shall include the declaration, as well as this Convention.

ARTICLE XVIII

This Convention shall not abrogate multilateral or bilateral copyright conventions or arrangements that are or may be in effect exclusively between two or more American Republics. In the event of any difference either between the provisions of such existing conventions or arrangements and the provisions of this Convention, or between the provisions of this Convention and those of any new convention or arrangement which may be formulated between two or more American Republics after this Convention comes into force the convention or arrangement most recently formulated shall prevail between the parties thereto. Rights in works acquired in any Contracting State under existing conventions or arrangements before the date this Convention comes into force in such State shall not be affected.

ARTICLE XIX

This Convention shall not abrogate multilateral or bilateral conventions or arrangements in effect between two or more Contracting States. In the event of any difference between the provisions of such existing conventions or arrangements and the provisions of this Convention, the provisions of this Convention shall prevail. Rights in works acquired in any Contracting State under existing conventions or arrangements before the date on which this Convention comes into force in such State shall not be affected. Nothing in this Article shall affect the provisions of Articles XVII and XVIII.

ARTICLE XX

Reservations to this Convention shall not be permitted.

ARTICLE XXI

1. The Director-General shall send duly certified copies of this Convention to the States interested and to the Secretary-General of the United Nations for registration by him.

2. He shall also inform all interested States of the ratifications, acceptances and accessions which have been deposited, the date on which this Convention comes into force, the notifications under this Convention and denunciations under Article XIV.

Appendix Declaration Relating to Article XVII

The States which are members of the International Union for the Protection of Literary and Artistic Works (hereinafter called "the Berne Union") and which are signatories to this Convention.

Desiring to reinforce their mutual relations on the basis of the said Union and to avoid any conflict which might result from the coexistence of the Berne Convention and the Universal Copyright Convention,

Recognizing the temporary need for some States to adjust their level of copyright protection in accordance with their stage of cultural, social and economic development,

Have, by common agreement, accepted the terms of the following declaration:

(a) Except as provided by paragraph (b), works which, according to the Berne Convention, have as their country of origin a country which has withdrawn from the Berne Union after 1 January 1951, shall not be protected by the Universal Copyright Convention in the countries of the Berne Union;

(b) Where a Contracting State is regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations, and has deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization, at the time of its withdrawal from the Berne Union, a notification to the effect that it regards itself as a developing country, the provisions of paragraph (a) shall not be applicable as long as such State may avail itself of the exceptions provided for by this Convention in accordance with Article V*bis*;

(c) The Universal Copyright Convention shall not be applicable to the relationships among countries of the Berne Union in so far as it relates to the protection of works having as their country of origin, within the meaning of the Berne Convention, a country of the Berne Union.

RESOLUTION CONCERNING ARTICLE XI

The Conference for Revision of the Universal Copyright Convention,

Having considered the problems relating to the Intergovernmental Committee provided for in Article XI of this Convention, to which this resolution is annexed,

Resolves that:

1. At its inception, the Committee shall include representatives of the twelve States members of the Intergovernmental Committee established under Article XI of the 1952 Convention and the resolution annexed to it, and, in addition, representatives of the following States: Algeria, Australia, Japan, Mexico, Senegal and Yugoslavia.

2. Any States that are not party to the 1952 Convention and have not acceded to this Convention before the first ordinary session of the Committee following the entry into force of this Convention shall be replaced by other States to be selected by the Committee at its first ordinary session in conformity with the provisions of Article XI (2) and (3).

3. As soon as this Convention comes into force the Committee as provided for in paragraph 1 shall be deemed to be constituted in accordance with Article XI of this Convention.

4. A session of the Committee shall take place within one year after the coming into force of this Convention; thereafter the Committee shall meet in ordinary session at intervals of not more than two years.

5. The Committee shall elect its Chairman and two Vice-Chairmen. It shall establish its Rules of Procedure having regard to the following principles:

(a) The normal duration of the term of office of the members represented on the Committee shall be six years with one-third retiring every two years, it being however understood that, of the original terms of office, one-third shall expire at the end of the Committee's second ordinary session which will follow the entry into force of this Convention, a further third at the end of its third ordinary session, and the remaining third at the end of its fourth ordinary session.

(b) The rules governing the procedure whereby the Committee shall fill vacancies, the order in which terms of membership expire, eligibility for re-election, and election procedures, shall be based upon a balancing of the needs for continuity of membership and rotation of representation, as well as the considerations set out in Article XI(3).

Expresses the wish that the United Nations Educational, Scientific and Cultural Organization provide its Secretariat.

In faith whereof the undersigned, having deposited their respective full powers, have signed this Convention.

Done at Paris, this twenty-fourth day of July 1971, in a single copy.

For the Federal Republic of Germany: Rupprecht von Keller, Eugen Ulmer.

For Andorra:

For the Argentine Republic:

For the Comonwealth of Australia:

For the Republic of Austria:

For the Kingdom of Belgium:

Baron Papeians de Morchoven 28 juillet 1971.

For the Federative Republic of Brazil: Everaldo Dayrell de Lima

For Canada:

For the Republic of Chile:

For the Republic of Costa Rica:

Carlos Corrales.

For the Republic of Cuba:

For the Kingdom of Denmark:

W. Weincke.

For the Republic of Ecuador:

For the Spanish State:

Emilio Garrigues.

For the United States of America: Bruce C. Ladd, Jr., Abraham L. Kaminstein.

For the Republic of Finland: R. R. Seppälä, November 12th, 1971.

For the French Republic: Pierre Charpentier, A. Saint-Mleux.

For the Republic of Ghana:

For the Kingdom of Greece:

For the Republic of Guatemala: *ad referendum*.

Francisco Linares Aranda.

For the Republic of Haiti:

For the Hungarian People's Republic: Timár István.

For the Republic of India: *ad referendum*: Kanti Chaudhuri, S. Balakrishnan.

For Ireland:

For the Republic of Iceland:

For the State of Israel: Mayer Gabay.

For the Italian Republic: P. Archi.

For Japan: Yoshihiro Nakayama, K. Adachi, 22 octobre 1971.

For the Republic of Kenya: D. J. Coward.

For the Khmer Republic:

For the Kingdom of Laos:

For the Lebanese Republic: Salah Stétié.

For the Republic of Liberia: Augustine D. Jallah.

For the Principality of Liechtenstein: Gerliczy-Burian.

For the Grand Duchy of Luxembourg:

For the Republic of Malawi:

For Malta:

For Mauritius: R. Chasle.

For the United Mexican States: F. Cuevas Cancino.

For the Principality of Monaco: Falaize.

For the Republic of Nicaragua:

For the Federal Republic of Nigeria:

For the Kingdom of Norway: Hersleb Vogt, 20 novembre 1971.

For New Zealand:

For Pakistan:

For the Republic of Panama:

For the Republic of Paraguay:

For the Kingdom of the Netherlands:

W. L. Haardt and J. Verhoeve.

For the Republic of Peru:
For the Republic of the Philippines:
For the Portuguese Republic:
For the United Kingdom of Great Britain and Northern Ireland:
E. Armitage and William Wallace.
For the Holy See E. Rovida.
For the Kingdom of Sweden: Hans Danelius.
For the Swiss Confederation: Pedrazzini.
For the Czechoslovak Socialist Republic:
For the Republic of Tunisia:
Rafik Saïd.
For the Republic of Venezuela:
For the Socialist Federal Republic of Yugoslavia:
A. Jelić.
For the Republic of Zambia:

PROTOCOL 1

Annexed to the Universal Copyright Convention as revised at Paris on 24, 1971 concerning the application of that Convention to works of Stateless persons and refugees.

The States party hereto, being also party to the Universal Copyright Convention as revised at Paris on 24 July 1971 (hereinafter called "the 1971 Convention"),

Have accepted the following provisions:

(1) Stateless persons and refugees who have their habitual residence in a State party to this Protocol shall, for the purposes of the 1971 Convention, be assimilated to the nationals of that State.

(2) (*a*) This Protocol shall be signed and shall be subject to ratification or acceptance, or may be acceded to, as if the provisions of Article VIII of the 1971 Convention applied hereto.

(*b*) This Protocol shall enter into force in respect of each State, on the date of deposit of the instrument of ratification, acceptance or accession of the State concerned or on the date of entry into force of the 1971 Convention with respect to such State, whichever is the later.

(*c*) On the entry into force of this Protocol in respect of a State not party to Protocol 1 annexed to the 1952 Convention, the latter Protocol shall be deemed to enter into force in respect of such State.

In faith whereof the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Paris this twenty-fourth day of July 1971, in the English, French and Spanish languages, the three texts being equally authoritative, in a single copy which shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization. The Director-General shall send certified copies to the signatory States, and to the Secretary-General of the United Nations for registration.

For the Federal Republic of Germany: Rupprecht von Keller and Eugen Ulmer.
For Andorra:
For the Argentine Republic:
For the Commonwealth of Australia:
For the Republic of Austria:
For the Kingdom of Belgium:
Baron Papeians de Morchoven 28 juillet 1971.
For the Federative Republic of Brazil: Everaldo Dayrell de Lima.
For Canada:
For the Republic of Chile:
For the Republic of Costa Rica:
Carlos Corrales.
For the Republic of Cuba:
For the Kingdom of Denmark:
W. Weincke.
For the Republic of Ecuador:
For the Spanish State:
Emilio Garrigues.
For the United States of America: Bruce C. Ladd, Jr., and Abraham L. Kaminstein.
For the Republic of Finland: R. R. Seppälä, November 20th, 1971.
For the French Republic: Pierre Charpentier and A. Saint-Mileux.
For the Republic of Ghana:
For the Kingdom of Greece:
For the Republic of Guatemala: *ad referendum:*
Francisco Linares Aranda.
For the Republic of Haiti:
For the Hungarian People's Republic:
For the Republic of India: *ad referendum:* Kanti Chaudhuri and S. Balakrishnan.
For Ireland:
For the Republic of Iceland:
For the State of Israel:
Mayer Gabay.
For the Italian Republic:
P. Archi.
For Japan: Yoshihiro Nakayama and K. Adachi 22 octobre 1971.
For the Republic of Kenya: D. J. Coward.
For the Khmer Republic:
For the Kingdom of Laos:
For the Lebanese Republic:
Salah Stétié.
For the Republic of Liberia: Augustine D. Jallah.
For the Principality of Liechtenstein: Gerliczy-Burian.
For the Grand Duchy of Luxembourg:
For the Republic of Malawi:
For Malta:
For Mauritius:
For the United Mexican States:
F. Cuevas Cancino.
For the Principality of Monaco: Falaize.
For the Republic of Nicaragua:
For the Federal Republic of Nigeria:
For the Kingdom of Norway:
Hersleb Vog.
20 novembre 1971.
For New Zealand:
For Pakistan:
For the Republic of Panama:
For the Republic of Paraguay:
For the Kingdom of the Netherlands:
W. L. Haardt and J. Verhoeve.
For the Republic of Peru:
For the Republic of the Philippines:
For the Portuguese Republic:
For the United Kingdom of Great Britain and Northern Ireland:
E. Armitage and William Wallace.
For the Holy See: E. Rovida.
For the Kingdom of Sweden: Hans Danelius.
For the Swiss Confederation: Pedrazzini.
For the Czechoslovak Socialist Republic:
For the Republic of Tunisia: Rafik Saïd.
For the Republic of Venezuela:
For the Socialist Federal Republic of Yugoslavia: A Jelić.
For the Republic of Zambia:

PROTOCOL 2

Annexed to the Universal Copyright Convention as revised at Paris on 24 July 1971 concerning the application of that Convention to the works of certain international organizations

The States party hereto, being also party to the Universal Copyright Convention as revised at Paris on 24 July 1971 (hereinafter called "the 1971 Convention"),

Have accepted the following provisions:

(1) (*a*) The protection provided for in Article II (1) of the 1971 Convention shall apply to works published for the first time by the United Nations, by the Specialized Agencies in relationship therewith, or by the Organization of American States.

(*b*) Similarly, Article II (2) of the 1971 Convention shall apply to the said organization or agencies.

(2) (*a*) This Protocol shall be signed and shall be subject to ratification or acceptance, or may be acceded to, as if the provisions of Article VIII of the 1971 Convention applied hereto.

(*b*) This Protocol shall enter into force for each State on the date of deposit of the instrument of ratification, acceptance or accession of the State concerned or on the date of entry into force of the 1971 Convention with respect to such State, whichever is the later.

In faith whereof the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Paris, this twenty-fourth day of July 1971, in the English, French and Spanish languages, the three texts being equally authoritative, in a single copy which shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization. The Director-General shall send certified copies to the signatory States, and to the Secretary-General of the United Nations for registration.

For the Federal Republic of Germany: Rupprecht von Keller and Eugen Ulmer.
For Andorra:
For the Argentine Republic:
For the Commonwealth of Australia:
For the Republic of Austria:
For the Kingdom of Belgium:
Baron Papeians de Morchoven 28 juillet 1971.
For the Federative Republic of Brazil:
Everaldo Dayrell de Lima.
For Canada:
For the Republic of Chile:
For the Republic of Costa Rica:
Carlos Corrales.
For the Republic of Cuba:
For the Kingdom of Denmark:
W. Weincke.
For the Republic of Ecuador:
For the Spanish State:
Emilio Garrigues.
For the United States of America:
Bruce C. Ladd, Jr.
Abraham L. Kaminstein.
For the Republic of Finland:
R. R. Seppälä.
November 20th 1971.
For the French Republic:
Pierre Charpentier.
A. Saint-Mieux.
For the Republic of Ghana:
For the Kingdom of Greece:
For the Republic of Guatemala:
ad referendum
Francisco Linares Aranda
For the Republic of Haiti:
For the Hungarian People's Republic:
Timár István.
For the Republic of India:
ad referendum
Kanti Chaudhuri.
S. Balakrishnan.
For Ireland:
For the Republic of Iceland:
For the State of Israel:
Mayer Gabay.
For the Italian Republic:
P. Archi.
For Japan:
Yoshihiro Nakayama
K. Adachi.
2 octobre 1971.
For the Republic of Kenya:
D. J. Coward.
For the Khmer Republic:
For the Kingdom of Laos:
For the Lebanese Republic:
Salah Stétié.
For the Republic of Liberia:
Augustine D. Jallah.
For the Principality of Liechtenstein:
Gerliczy-Burian.
For the Grand Duchy of Luxembourg:

For the Republic of Malawi:
For Malta:
For Mauritius:
R. Chasle.
For the United Mexican States: F. Cuevas Cancino.
For the Principality of Monaco: Falaize.
For the Republic of Nicaragua:
For the Federal Republic of Nigeria:
For the Kingdom of Norway:
Hersleb Vogt 20 novembre 1971.
For New Zealand:
For Pakistan:
For the Republic of Panama:
For the Republic of Paraguay:
For the Kingdom of the Netherlands:
W. L. Haardt.
J. Verhoeve.
For the Republic of Peru:
For the Republic of the Philippines:
For the Portuguese Republic:
For the United Kingdom of Great Britain and Northern Ireland:
E. Armitage.
William Wallace.
For the Holy See:
E. Rovida.
For the Kingdom of Sweden:
Hans Danelius.
For the Swiss Confederation:
Pedrazzini.
For the Czechoslovak Socialist Republic:
For the Republic of Tunisia:
Rafik Saïd.
For the Republic of Venezuela:
For the Socialist Federal Republic of Yugoslavia:
A. Jelić.
For the Republic of Zambia:

Certified a true and complete copy of the original of the Universal Copyright Convention as revised at Paris on 24 July 1971, of the Protocol 1 annexed to the Universal Copyright Convention as revised at Paris on 24 July 1971 concerning the application of that Convention to works of Stateless persons and refugees and of the Protocol 2 annexed to the Universal Copyright Convention as revised at Paris on 24 July 1971 concerning the application of that Convention to the works of certain international organizations.

Paris, 25. 12. 1971 Claude Lussier.

Director, Office of International Standards and Legal Affairs, United Nations Educational, Scientific and Cultural Organization.

Mr. MANSFIELD. Mr. President, the Revised Universal Copyright Convention was approved unanimously by the Committee on Foreign Relations on August 8, 1972, and ordered reported to the Senate with the recommendation that this body give its advice and consent to ratification of the convention. The full text of the committee's report will be available to Members of the Senate prior to the vote on the convention. In the meantime, however, I ask unanimous consent that excerpts from a statement submitted by Mr. George Cary, the Register of Copyrights, Library of Congress, be printed in the RECORD. I believe Members of the Senate will find Mr. Cary's explanation of the provisions of the Copyright Convention helpful in understanding precisely what the convention is designed to accomplish.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SALIENT PROVISIONS OF THE REVISED U.C.C.

The revised Universal Copyright Convention represents the culmination of several years of careful, patient negotiation and hard work by representatives of developed and developing countries. In this country, the private sector was consulted and informed at each step of the way toward revision of the Convention. In the context of the past five years in international copyright, the revised U.C.C. must be viewed as beneficial to the interests of authors generally. From the perspective of the Stockholm Protocol, it should be clear that the Paris Diplomatic Conferences of 1971 reversed an apparent "anti-copyright" trend at the international level and turned the thoughts of the international copyright community toward protection of authors' rights, notwithstanding the concessions to developing countries. The excesses of the Stockholm Protocol have been eliminated. The concessions are reasonable and will permit compulsory licensing with respect to the translation and reproduction rights only with appropriate safeguards and restrictions regarding the purpose of the use.

SPECIFICATION OF MINIMUM RIGHTS

The revised U.C.C. for the first time specifically includes the minimum rights of reproduction, public performance, and broadcasting. These rights are mentioned in a new Article IV*bis*. Previously in the U.C.C. there was only the general obligation to provide "adequate and effective protection of the rights of authors," and a seven year period of exclusive translation rights. Specific mention of the rights of reproduction, public performance, and broadcasting is not limitative, nor is it necessary for any present number of the U.C.C., including the United States, to amend its copyright law as a condition of adhering to the revised Convention. We do have the obligation, under the revised Convention, of according a "reasonable degree of effective protection to each of the rights" specifically mentioned and, although exceptions are permitted, the exceptions should not "conflict with the spirit and provisions" of the revised text. We are fully confident that our present copyright law enables us to fulfill the obligations of the new Article IV*bis*. We believe that the specification of additional minimum rights can only benefit authors.

ABROGATION OF THE "SAFEGUARD CLAUSE"

The present "safeguard clause" in the 1952 U.C.C. text makes the Berne Convention predominant over the Universal Copyright Convention in the case of relations between two countries that are members of both conventions. The clause also carries the penalty mentioned previously for denunciation of the Berne Convention: loss of U.C.C. protection in Berne-U.C.C. countries. Article XVII and the Appendix Declaration are amended in the revised text to remove the penalty for denunciation of the Berne Convention, in the case of developing countries. This amendment would have no effect on the United States because we are not a member of the Berne Convention. The "safeguard clause" is of significance only to Berne members.

SPECIAL EXCEPTIONS FOR DEVELOPING COUNTRIES

The revised text includes new Articles V*ter* and V*quater*, permitting compulsory licensing by nationals of developing countries under certain conditions with respect to the rights of translation and reproduction.

Article V of the present text already permits translations under compulsory licenses seven years after publication, unless the author has published a translation in a particular language for which a compulsory license might be requested. In the more than fifteen years of experience with these provisions, the compulsory license has been resorted to rarely, if ever.

Experience under this provision suggests that the detailed compulsory licensing mechanism established under the revised text may be resorted to only in the event that voluntary licensing agreements fail.

Authors and copyright proprietors can foreclose the issuance of any compulsory licenses by effecting publication of the work within specified periods from first publication during which they enjoy exclusive rights. In the case of the translation exception, under Article V*ter* the author can stop compulsory licenses by publication of a translation in the particular language within three years of first publication in the case of translation into a "world language," or within one year in the case of all other languages. Under the reproduction exception, the exclusive right periods are longer, giving the authors more time to decide upon publication in developing countries. The periods are: seven years for works of fiction, poetry, music, and drama; three years for works of the natural and physical sciences and mathematics; and five years for all other works. The work must be published in a given developing country within the exclusive right period at the usual price for comparable works in that country.

Even after compulsory licenses have been issued, the exclusive right can be recaptured by effecting publication in the developing country at any time in the case of reproductions. The comparable provision for translations is complicated by the existing compulsory licensing mechanism of Article V, but the exclusive right can be recaptured by publication of the translation within seven years of first publication and even beyond that time if the prospective licensee does not utilize the present Article V system.

In order to grant compulsory licenses to their nationals, the developing countries must establish specific procedural mechanisms. Compulsory licenses may be granted only for limited purposes. Translation licenses are permitted only for purposes of "teaching, scholarship or research." Reproduction licenses are permitted only for "systematic instructional activities." Compulsory licenses can be issued only after the national of the developing country has contacted or attempted to contact the author or proprietor to negotiate voluntary licenses. The proprietor therefore will have notice and can arrange for a publication in the developing country which would forestall any compulsory license, or he may of course agree to a voluntary license.

In addition to the procedural safeguards spelled out in the revised text, the Report of the General Rapporteur by former Register of Copyrights, Abraham L. Kaminstein, contains many authoritative interpretations that further limit the circumstances under which compulsory licenses may be issued. For example, if the copyright owner makes a reasonable offer to grant a voluntary license, the prospective licensee's refusal to accept the terms cannot be used as a basis for granting a compulsory license. Also, if the copyright owner files a list of the works he owns with the competent authority in the developing country, an applicant for a compulsory license must first contact the owner to negotiate a voluntary license; he cannot claim that he is unable to contact the owner.

If the procedural barriers are hurdled and compulsory licenses are issued, the author is entitled to a "just compensation that is consistent with standards of royalties normally operating on licenses freely negotiated between persons in the two countries concerned." Further, developing countries are obligated to assure transmittal of payment, or, if national currency regulations intervene, the competent authority shall make all efforts by the use of international machinery to insure payment in world convertible currency.

If compulsory licenses are issued, they operate essentially only within the territory of the granting authority. Export of copies produced under compulsory licenses will not be permitted, subject to very limited circumstances. One exception permits export, under severe restrictions, to nationals of the developing country who are living abroad. A more important "exception" does not appear in the text. It appears as an interpretation in the Report of the General Rapporteur. The interpretation would permit a developing country that lacks printing or reproducing the work in question to grant a license allowing the licensee to have the editorial and reproduction processes done abroad. All copies must be returned in bulk for distribution only within the given developing country. The Report emphasizes that in all other cases the editorial preparation and reproduction must be done in the licensing country.

Mr. MANSFIELD. Mr. President, I believe Senators will find Mr. Cary's explanation of the provisions of the copyright convention helpful in understanding precisely what the convention is designed to accomplish.

Mr. President, I ask unanimous consent that the convention now pending be taken to final reading.

The PRESIDING OFFICER. If there is no objection, the convention will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which will be read.

The assistant legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Universal Copyright Convention as Revised at Paris on July 24, 1971, Together with Two Related Protocols (Ex. G, 92-2).

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY, AUGUST 14, 1972, AT 10 A.M.

Mr. MANSFIELD. Mr. President, I must apologize to the Senate for stating that there would be a session on tomorrow, Saturday. It had been anticipated that the revenue-sharing bill would be reported out of the committee, would be pending, and would be the subject of debate this weekend. Because of the fact that that did not happen, I ask unanimous consent that the order for convening on Saturday, tomorrow, at 9 o'clock, be vacated, and that when the Senate adjourns tonight, it stand in adjournment until the hour of 10 o'clock Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, again my apologies to the Senate. I hope no Senator has been inconvenienced very much by his change in plans at the last minute but, more important, I hope all Senators will understand the situation that developed.

The PRESIDING OFFICER. The Chair feels each Senator will be glad to get a day of respite.

ORDER FOR VOTE ON EXECUTIVE G (92D CONG., SECOND SESS.) UNIVERSAL COPYRIGHT CONVENTION AT 11:45 A.M. MONDAY, AUGUST 14, 1972

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the vote on Executive G (92d Congress, second session) Universal Copyright Convention, as revised, with protocols, occur at the hour of 11:45 a.m. Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

REQUEST OF SENATE APPROPRIATIONS COMMITTEE WITH RESPECT TO THE STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

Mr. LONG. Mr. President, it is my understanding that the Senate Appropriations Committee has requested that the State and Local Fiscal Assistance Act of 1972—H.R. 14370—upon being reported by the Finance Committee be rereferred to the Senate Appropriations Committee. It is my impression that this request is made because the Senate Appropriations Committee views this bill as containing an appropriation which comes within its jurisdiction.

The Senate Finance Committee which is still considering this bill believes that this measure is essentially a revenue measure and that as such the Committee on Finance should be viewed as having exclusive jurisdiction over this bill. The fact that the measure was initially referred to the Finance Committee without any question by the Parliamentarian indicates quite clearly its nature as a revenue measure. Title II of the bill in its entirety is an amendment to the revenue code and title I contains Internal Revenue Code amendments.

There, of course, is nothing to prevent the Senate Appropriations Committee from informally considering the bill and offering an amendment to it when it reaches the floor. It is quite another thing, however, to claim jurisdiction over the bill by requesting the referral of the bill to that committee. This has serious implications not only with respect to this bill but also with respect to other revenue measures which come before the Finance Committee. It is the effect of a precedent for referral of bills within the jurisdiction of the Finance Committee to the Appropriations Committee to which I find cause for concern.

There are several points that I wish to make with respect to this request of the Appropriations Committee.

First, the Standing Rules of the Senate refer to the jurisdiction of the Committee on Appropriations as follows:

> * * * proposed legislation, messages, petitions, memorials, and other matters relating to appropriations of the revenue for the support of *the* Government.

Let me emphasize the words, "the Government." I believe that means the Federal Government and not State and local governments.

Second, I would like to note that many times Federal funds are made available for expenditure without the matter being referred to the Senate Appropriations Committee. There are good reasons for these exceptions, just as there are good reasons why this bill should not go to the Appropriations Committee.

One major expenditure program not run through the Appropriations Committee is the social security program. These benefits are paid out of the old age and survivors insurance trust fund. In this case, the statute provides for permanent appropriations of the revenue obtained from certain taxes for the payment of these benefits. This permanent appropriations, which has been unchanged in the statute since 1941, was provided for in legislation referred to, and acted upon, by the Senate Finance Committee and not the Appropriations Committee. Substantially, the same situation exists in the case of the health insurance fund, the disability insurance fund, and the unemployment compensation fund, as well as others.

Still another example of an appropriation which did not go through the Appropriations Committee is the permanent appropriation for interest on the public debt. As Senators know, this accounts for $22 billion of expenditures in the current year. This has been a permanent appropriation on the statute books since before 1847, and this predates even the existence of the Senate Appropriations Committee.

Another tried and true method for making funds available for expenditure without requiring action by the Appropriations Committee is the grant of authority to expend public debt receipts. This practice came into use in 1932 to finance activities of the Reconstruction Finance Corporation and has since been used numerous times to finance various Government programs. I ask unanimous consent at this time to insert in the RECORD a table prepared by the Fiscal Service Bureau of Accounts of the Treasury Department which sets forth the various programs for which this has been provided for the period 1932 through 1967.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

AUTHORIZATIONS TO EXPEND FROM DEBT RECEIPTS

TABLE 7.—ACTS OF CONGRESS AUTHORIZING EXPENDITURES FROM PUBLIC DEBT RECEIPTS JAN. 22, 1932 THROUGH JUNE 30, 1967

[In millions of dollars]

		Citation				Authorizations [1]	
		Statute		U.S. Code			
Agency and program	Date of act	Volume	Page	Title	Section	Through appropriation committees	Through other congressional committees
FUNDS APPROPRIATED TO THE PRESIDENT							
Expansion of defense production (Defense Production Act of 1950, as amended)	Sept. 8, 1950	64	802	50 App.	2094 note		$600.0
	June 2, 1951	65	61	do.	do.	$1,000.0	
	July 31, 1951	65	134	do.	do.		500.0
Total, Expansion of defense production						1,000.0	1,100.0
Agency for International Development:							
Mutual defense program—economic assistance	Apr. 3, 1948	62	146	22	1509(c)(2)		972.3
							[2] −.3
	Oct. 6, 1949	63	710			150.0	
						[2] −.2	
Assistance to Spain	Sept. 6, 1950	64	758			62.5	
India emergency food aid	June 15, 1951	65	70	50 App.	2312		27.3
Foreign investment guarantee fund	Apr. 3, 1948	62	146	22	1509(c)(2)		27.7
	do.	62	146	22	1509(b)(3)		−12.9
	Apr. 19, 1949	63	52	22	1509(c)(2)		122.3
	June 5, 1950	64	199	22	do.		50.0
	July 18, 1956	70	559	22	1933(b)(4)(F)		37.5
	do.	70	563	22	1442(b)		−28.0
	do.	70	564	22	1442(d)		2.5
Total, Agency for International Development						212.3	1,198.3
DEPARTMENT OF AGRICULTURE							
Commodity Credit Corporation	Mar. 8, 1938	52	108	15	713 a–4		500.0
	Mar. 4, 1939	53	511	15	do.		400.0
	Aug. 9, 1940	54	782	15	do.		500.0
	July 1, 1941	55	498	15	do.		1,250.0
	July 16, 1943	57	566	15	do.		350.0
	Apr. 12, 1945	59	50	15	do.		1,750.0
	June 28, 1950	64	261	15	do.		2,000.0
	Mar. 20, 1954	68	30	15	do.		1,750.0
	Aug. 31, 1954	68	1047	15	do.		1,500.0
	Aug. 11, 1955	69	634	15	do.		2,000.0
	Aug. 1, 1956	70	783	15	do.		2,500.0
Total, Commodity Credit Corporation							14,500.0
Rural Electrification Administration	July 30, 1947	61	546	7	903	[3] 840.1	
	do.	61	546			225.0	
	May 10, 1948	62	218			175.0	
	June 19, 1948	62	529			400.0	
	June 29, 1949	*63	345			500.0	
						−30.0	
	Oct. 14, 1949	63	874			25.0	
	Sept. 6, 1950	64	673			382.5	
	Aug. 31, 1951	65	239			[4] 125.2	
	Nov. 1, 1951	65	755			−85.5	
	July 5, 1952	66	349			[4] 85.0	
	June 15, 1953	67	60			7.5	
	July 28, 1953	67	218			[4] 240.5	
	June 29, 1954	68	314			245.0	
	May 23, 1955	69	58			[4] 235.0	
	June 4, 1956	70	236			314.0	
	Apr. 16, 1957	71	12			[4] 180.0	
	Aug. 2, 1957	71	333			[4] 219.0	
	June 13, 1958	72	195			[4] 409.5	
	July 8, 1959	73	175			265.0	
						−25.0	
	June 29, 1960	74	239			310.0	
	July 26, 1961	75	235			[4] 377.5	
	Oct. 24, 1962	76	1,212			[4] 405.0	
	Dec. 30, 1963	77	830			495.0	
						−150.0	
	Sept. 2, 1964	78	873			435.0	
	Nov. 2, 1965	79	1,176			453.5	
	Sept. 7, 1966	80	700			462.0	
Total, Rural Electrification Administration						7,520.9	
Farmers Home Administration:							
Rural housing direct loan account	Oct. 14, 1949	63	874			25.0	
	May 19, 1956	70	161			5.0	
	Aug. 7, 1956	70	1,114	42	1481		450.0
	June 30, 1961	75	186	42	do.		200.0
	Sept. 28, 1962	76	672	42	do.		50.0
	Sept. 2, 1964	78	796	42	do.		150.0
	Aug. 10, 1965	79	500	42	1488(c)		(5)
Total, rural housing direct loan account						30.0	850.0
Direct loan account	July 30, 1947	61	545	7	1032	[3] 94.8	
						−41.7	
	June 29, 1949	63	345			103.0	
	Sept. 6, 1950	54	673			154.0	
	Sept. 27, 1950	64	1052			18.0	
	Aug. 31, 1951	65	240			153.0	
	Nov. 1, 1951	65	755			−24.5	
	July 5, 1952	66	349			164.0	
	July 28, 1953	67	219			162.0	
	July 31, 1953	67	297			20.0	
	June 29, 1954	68	315			148.0	
	Aug. 26, 1954	68	812			5.0	
						−5.0	
	May 23, 1955	69	59			153.0	
	Aug. 4, 1955	69	450			15.0	

See footnotes at end of table.

AUTHORIZATIONS TO EXPEND FROM DEBT RECEIPTS—Continued

TABLE 7.—ACTS OF CONGRESS AUTHORIZING EXPENDITURES FROM PUBLIC DEBT RECEIPTS JAN. 22, 1932 THROUGH JUNE 30, 1967—Continued

[In millions of dollars]

		Citation				Authorizations [1]	
		Statute		U.S. Code			
Agency and program	Date of act	Volume	Page	Title	Section	Through appropriation committees	Through other congressional committees
DEPARTMENT OF AGRICULTURE—Continued							
Farmers Home Administration—Continued							
Direct loan account—Continued	June 4, 1956	70	236			$209.5	
	June 21, 1957	71	177			26.0	
						−10.0	
	Aug. 2, 1957	71	333			209.5	
	June 13, 1958	72	196			[4] 221.5	
	July 8, 1959	73	176			226.0	
	June 29, 1960	74	240			267.0	
	July 26, 1961	75	236			318.0	
	Aug. 8, 1961	75	316	7	1988(b)		([5])
	Sept. 30, 1961	75	733			8.0	
Total, direct loan account						2,594.1	
Agricultural credit insurance fund	Aug. 14, 1946	60	1078	7	1005c		$5.0
	do	60	1078	7	do		7.6
	do	60	1078	7	do		26.7
	do	60	1078	7	do		6.2
	Aug. 8, 1961	75	309	7	1929(c)		60.5
	do	75	309	7	do		178.7
Total, agricultural credit insurance fund							[6] 284.8
DEPARTMENT OF COMMERCE							
Area Redevelopment Administration:							
Area redevelopment fund	May 1, 1961	75	54	42	2508(a)		300.0
	June 30, 1965	79	195	42	2525		−300.0
Maritime Administration:							
Federal ship mortgage insurance fund	July 15, 1958	72	358	46	1275(b)		[7] 7.6
	do	72	358	46	do		−6.0
DEPARTMENT OF DEFENSE							
DEPARTMENT OF THE ARMY							
Natural fibers revolving fund	June 29, 1948	62	1098	5	234		150.0
(liquidated)	Mar. 23, 1955	69	13	5	do		−150.0
Panama Canal Company	Aug. 25, 1959	73	428				10.0
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Office of the Secretary:							
College housing loans	Apr. 20, 1950	64	78	12	1749(d)(e)		300.0
	Aug. 11, 1955	69	645	12	do		200.0
	Aug. 7, 1956	70	1,113	12	do		250.0
	July 12, 1957	71	303	12	do		175.0
	Sept. 23, 1959	73	681	12	do		250.0
	Sept. 14, 1960	74	1,028	12	do		500.0
	June 30, 1961	75	172	12	do		300.0
	do	75	172	12	do		300.0
	do	75	172	12	do		300.0
	do	75	172	12	do		300.0
	Aug. 10, 1965	79	489	12	do		300.0
Total, college housing loans							3,175.0
Federal flood insurance	Aug. 7, 1956	70	1,084	42	2414(e)		500.0
Prefabricated housing loans	Reorg. Plan No. 23 of 1950	64	1279	12	1701g note		47.7
	Sept. 1, 1951	65	311	12	1701g-1		15.0
	June 24, 1954	68	295	12	1701g-5	−49.9	
Total, prefabricated housing loans						−49.9	62.7
Public facility loans	Aug. 11, 1955	69	643	42	1493(a)		1 0.0
	Sept. 14, 1960	74	1028	42	do		50.0
	June 30, 1961	75	175	42	do		[8] 450.0
Total, public facility loans							600.0
Urban mass transportation fund	July 9, 1964	78	303	42	1493(a)		50.0
Urban renewal fund	July 15, 1949	63	415	42	1452(e)(f)		1,000.0
Federal National Mortgage Association	Reorg. Plan No. 22 of 1950	64	1277	12	1717 note		1,559.9
	do	64	1277	12	do		−10.9
	do	64	1277	12	do		1,201.0
	do	64	1277	12	do		−67.9
	July 14, 1952	66	602	12	do		900.0
Liability transferred from Reconstruction Finance Corporation	Reorg. Plan No. 2 of 1954	68	1281	15	609 note		91.8
Total, prior to separate accountability							3,673.8
Management and liquidating functions	Aug. 2, 1954	68	614	12	1718(d)		−21.0
	do	68	618	12	1721(a)		−196.1
	do	68	618	12	do		−500.0
	do	68	618	12	do		−300.0
	do	68	618	12	1721(c)		−370.2
	do	68	619	12	1721(d)		−1,567.8
	do	68	619	12	do		721.7
	June 30, 1961	75	176	12	1721(f)		−170.5
	do	75	176	12	1721(d)(f)		47.5
	do	75	176	12	do		−176.9
	do	75	176	12	do		−368.9
	do	75	176	12	do		[9] 30.1
Total, management and liquidating functions							801.9

		Citation				Authorizations[1]	
		Statute		U.S. Code			
Agency and program	Date of act	Volume	Page	Title	Section	Through appropriation committees	Through other congressional committees
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—Continued							
Secondary market operations:							
Notes to the Secretary of the Treasury	Aug. 2, 1954	68	616	12	1719(c)		$1,000.0
	Mar. 27, 1957	71	7	12	do		350.0
	July 12, 1957	71	298	12	do		900.0
Preferred capital stock	Aug. 2, 1954	68	614	12	1718(d)(e)		92.8
	Mar. 27, 1957	71	7	12	do		50.0
	July 12, 1957	71	298	12	do		65.0
	Sept. 10, 1966	80	738	12	do		110.0
Total, secondary market operations							2,567.8
Special assistance functions	Aug. 2, 1954	68	617	12	1720(c)		200.0
	do	68	617	12	do		100.0
	Aug. 11, 1955	69	636	12	1720(e)		50.0
	do	69	651	12	1720(f)		200.0
	Mar. 27, 1957	71	7	12	1720(e)		50.0
	July 12, 1957	71	299	12	1720(c)		150.0
	do	71	299	12	1720(e)		100.0
	do	71	299	12	1720(f)		250.0
	Apr. 1, 1958	72	73	12	1720(c)		500.0
	do	72	73	12	1720(f)		50.0
	do	72	74	12	1720(g)		1,000.0
	Sept. 23, 1959	73	669	12	1720(e)		25.0
	June 30, 1961	75	175	12	1720(c)		750.0
	do	75	176	12	1721(f)		139.4
	do	75	176	12	1720(h) note		−348.1
	do	75	176	12	do		[10] 3.4
	Aug. 10, 1965	79	493	12	1720(c)		100.0
	Sept. 10, 1966	80	738	12	1720(g)		500.0
Total, special assistance functions							3,819.7
Federal Housing Administration:							
General insurance fund	Aug. 10, 1965	79	472	12	1735d		[11] 25.0
Public Housing Programs	Sept. 1, 1937	50	898	42	1420		100.0
	June 21, 1938	52	820	42	do		700.0
	Oct. 30, 1941	55	759	42	do		−75.8
	July 15, 1949	63	427	42	do		775.8
Total, Public Housing Programs							1,500.0
DEPARTMENT OF THE INTERIOR							
Bureau of Commercial Fisheries:							
Federal ship mortgage insurance fund, fishing vessels	July 5, 1960	74	314	46	1275 note		([12])
Bureau of Mines:	Sept. 13, 1960	74	923	50	167j		([5])
Helium fund	Aug. 3, 1961	75	253			$10.0	
	Aug. 9, 1962	76	342			6.0	
	July 26, 1963	77	104			6.0	
	July 7, 1964	78	281			14.0	
	June 28, 1965	79	182			16.0	
	May 31, 1966	80	177			26.0	
Total, Bureau of Mines						78.0	
Virgin Islands Corporation	Sept. 2, 1958	72	1760	48	1407c (p)		([5])
	May 20, 1959	73	45			.1	
	May 13, 1960	74	119			1.1	
	Aug. 9, 1962	76	352			.2	
Total, Virgin Islands Corporation						1.4	
DEPARTMENT OF TRANSPORTATION[13]							
Saint Lawrence Seaway Development Corporation	May 13, 1954	68	94–5	33	985		105.0
	July 17, 1957	71	307	33	do		35.0
Total, Saint Lawrence Seaway Development Corporation							140.0
TREASURY DEPARTMENT							
Office of the Secretary:							
Civil defense program fund	Jan. 12, 1951	64	1257	50 App	2261 note		250.0
							[2] −249.9
VETERANS' ADMINISTRATION							
Direct loans to veterans and reserves	Apr. 20, 1950	64	76–7	38	694m		150.0
	do	64	76–7	38	do		−42.9
	Sept. 1, 1951	65	317	38	do		45.9
	Apr. 18, 1952	66	64	38	694m		117.1
	July 1, 1953	67	136	38	do		96.7
	June 29, 1954	68	320	38	do		4.6
	Aug. 21, 1954	68	757	38	do		119.8
	June 21, 1955	69	168	38	do		242.3
	Apr. 1, 1958	72	77	38	do		349.6
	June 30, 1959	73	156	38	1823		100.0
	July 14, 1960	74	532	38	do		150.0
	July 6, 1961	75	202	38	do		500.0
	do	75	202	38	do		200.0
	do	75	202	38	do		150.0
	do	75	202	38	do		[14] 141.2
	do	75	202	38	do		[15] −394.7
Total, Veterans' Administration							1,929.6

See footnotes at end of table.

AUTHORIZATIONS TO EXPEND FROM DEBT RECEIPTS—Continued

TABLE 7.—ACTS OF CONGRESS AUTHORIZING EXPENDITURES FROM PUBLIC DEBT RECEIPTS JAN. 22, 1932 THROUGH JUNE 30, 1967—Continued

[In millions of dollars]

		Citation				Authorizations[1]	
		Statute		U.S. Code			
Agency and program	Date of act	Volume	Page	Title	Section	Through appropriation committees	Through other congressional committees
OTHER INDEPENDENT AGENCIES							
Export-Import Bank of Washington:							
Regular activities:							
Notes to the Secretary of the Treasury	July 31, 1945	59	538	12	635d		$2,500.0
	Oct. 3, 1951	65	367	12	do		1,000.0
	Aug. 9, 1954	68	678	12	do		500.0
	May 22, 1958	72	133	12	do		2,000.0
Capital stock	July 31, 1945	59	528	12	635b		174.0
	do	59	528	12	do		825.0
Liability transferred from Reconstruction Finance Corporation	Reorg. Plan No. 2 of 1954	68	1281	15	609 note		42.0
Total, Export-Import Bank of Washington							7,041.0
Farm Credit Administration:							
Federal Farm Mortgage Corporation (in liquidation)[16]	Jan. 31, 1934	48	345	12	1020c		2,000.0
	June 30, 1948	62	1191	12	1020-1	−$1,500.0	
	Aug. 2, 1957	71	339			−499.8	
Total, Federal Farm Mortgage Corporation						−1,999.8	2,000.0
Federal Deposit Insurance Corporation	Aug. 23, 1935	49	699	12	264(o) (2)		250.0
	Aug. 5, 1947	61	773	12	264(o)		2,750.0
Total, Federal Deposit Insurance Corporation							3,000.0
Federal Home Loan Bank Board:							
Federal home loan banks	June 27, 1950	64	258	12	1431(i)		1,000.0
Federal Savings and Loan Insurance Corporation	June 27, 1950	64	258	12	1725(i)		750.0
Home Owners' Loan Corporation (liquidated)	Apr. 27, 1934	48	643	12	1463(c)		2,000.0
	June 27, 1934	48	1263	12	do		1,000.0
	May 28, 1935	49	296	12	do		1,750.0
	June 30, 1953	67	126	12	1463 note		−4,217.0
Total, Home Owners' Loan Corporation							533.0
Reconstruction Finance Corporation (liquidated)[17]	Jan. 22, 1932	47	9	15	609		1,500.0
	July 21, 1932	47	714	15	609a		1,800.0
	July 22, 1932	47	728	15	602		125.0
	Mar. 9, 1933	48	6	12	51d		[18] 1,152.5
	do	48	6	12	51d		−983.9
	May 12, 1933	48	33	7	605		(18)
	do	48	50	15	609c		300.0
	do	48	46	12	823 note		−97.4
	do	48	56	15	609c-1		500.0
	June 10, 1933	48	120	15	605e		50.0
	June 13, 1933	48	129	12	1463(b)		200.0
	June 16, 1933	48	210	15	609b		−400.0
	Jan. 20, 1934	48	319	15	609-1		850.0
	June 16, 1934	48	971	15	606a		250.0
	June 19, 1934	48	1056	15	609d	250.0	
	June 27, 1934	48	1247	12	1705		[18] 92.9
	June 31, 1935	49	3	15	606i		100.0
	do	49	4	15	6053		25.0
	June 25, 1940	54	564	15	609g	50.0	
	do	54	566	15	609h	100.0	
	do	54	572	15	602		300.0
	June 26, 1940	54	614	15	609i	125.0	
	Sept. 26, 1940	54	962	15	609j		1,500.0
	Mar. 28, 1941	55	55	15	609k		10.0
	June 10, 1941	55	250	15	609o		1,500.0
	July 1, 1941	55	439	15	6091	50.0	
	do	55	440	15	609m	120.0	
	do	55	442	15	609n	100.0	
	Oct. 23, 1941	55	744	15	609p		1,500.0
	Mar. 27, 1942	56	175	15	606b-2		1,000.0
	do	56	176	15	609q		2,500.0
	June 5, 1942	56	326	15	609r		5,000.0
	July 22, 1942	56	695	15	609s	32.5	
	do	56	696	15	609t	97.5	
	do	56	698	15	609u	10.0	
	July 12, 1943	57	426			60.0	
	do	57	427			30.0	
	Dec. 23, 1943	57	619			7.5	
	June 28, 1944	58	456			67.5	
	do	58	457	15	609w	15.0	
	do	58	458	15	609x	25.0	
	May 5, 1945	59	160			67.5	
	do	59	162	15	609y	50.0	
	do	59	162			80.0	
	July 5, 1945	59	422			120.0	
	Mar. 22, 1946	60	58			100.0	
	Mar. 28, 1946	60	82			15.0	
	June 22, 1946	60	293	15	609z	70.0	
	do	60	294	15	609a-1	50.0	
	do	60	295			250.0	
	do	60	294	7	1001 note	[2] −7.7 −174.1 −621.1	
	June 30, 1947	61	204	15	606		4,042.3
	do	61	204	15	606		−18,892.2
	July 30, 1947	61	545	7	1032	−94.8	
	do	61	547	7	903	−840.1	
	June 29, 1954	68	320	15	609		−1,189.1
	Reorg. Plan No. 2 of 1954	68	1281	15	609 note		−147.3
Total, Reconstruction Finance Corporation						204.7	2,587.8

Agency and program	Date of act	Citation: Statute Volume	Citation: Statute Page	Citation: U.S. Code Title	Citation: U.S. Code Section	Authorizations[1]: Through appropriation committees	Authorizations[1]: Through other congressional committees
OTHER INDEPENDENT AGENCIES—Continued							
Small Business Administration:							
Liability transferred from Reconstruction Finance Corporation	Reorg. Plan No. 2 of 1954	68	1281	15	609 note		$13.6
Smithsonian Institution:							
John F. Kennedy Center Parking Facilities	Jan. 23, 1964	78	5				15.4
Tennessee Valley Authority	Aug. 31, 1935	49	1078	16	831 n-1		50.0
	July 26, 1939	53	1083	16	831 n-2		−49.7
	do	53	1083	16	831-3		61.5
	July 30, 1947	61	576			−$5.0	
	Aug. 6, 1959	73	280	16	831 n-4(c)		150.0
Total, Tennessee Valley Authority						−5.0	211.8
U.S. Information Agency	July 18, 1956	70	563	22	1442(b)		28.0
DISTRICT OF COLUMBIA							
District of Columbia Commissioners:							
Stadium sinking fund, Armory Board, District of Columbia	July 28, 1958	72	423				[19] 3.8
PARTICIPATION IN INTERNATIONAL ORGANIZATIONS AND FOREIGN LOANS							
International Bank for Reconstruction and Development	July 31, 1945	59	514	22	286e		3,175.0
	June 17, 1959	73	80	22	do		3,175.0
Total, International Bank for Reconstruction and Development							6,350.0
International Monetary Fund	July 31, 1945	59	514	22	286e		950.0
	June 17, 1959	73	80	22	do		1,375.0
Total, International Monetary Fund							2,325.0
International Finance Corporation	Aug. 11, 1955	69	670	22	282e		35.2
Loan to the United Kingdom	July 15, 1946	60	535	22	286m		3,750.0
Total increases in authorizations						13,751.2	95,086.4
Total decreases in authorizations						−4,164.5	[21] −31,325.4

SUMMARY

Increases as above:	
Through appropriation committees	$13,751.2
Through other congressional committees	95,086.4
Total	108,837.6
Decreases as above:	
Through appropriation committees	4,164.5
Through other congressional committees	31,325.4
Total	35,489.9

[1] Includes amounts for establishment of original authority as well as increases and decreases (−) in this authority. Where authorizations are indefinite in amount, the figures used generally represent the net amounts of actual borrowings.

[2] Represents administrative cancellation of borrowing authority.

[3] Represents transfers to Treasury consisting of notes held by Reconstruction Finance Corporation and unadvanced balances which the Corporation has been authorized and directed to lend to this Agency.

[4] Reductions have been netted against the authorizations.

[5] Authorized to borrow such amounts from the Treasury as may be authorized in appropriation acts.

[6] Authorization to borrow is indefinite. This amount includes $22,200,000 which had previously been withdrawn.

[7] Authorization to borrow is indefinite. This amount represents borrowings of $12,700,000 from the Treasury less repayments of $5,100,000 made during the fiscal year 1967.

[8] Has been reduced by $50,100,000 which was transferred to the urban mass transportation fund pursuant to an act approved July 9, 1964 (78 Stat. 303).

[9] Represents the portion of increase in working capital not financed by earnings and purchase discounts on the mortgage portfolio.

[10] Represents portion of the increase in working capital not financed by earnings and purchase discounts on the mortgage portfolio amounting to $8,400,000 less net reduction of $5,000,000 in the mortgage portfolio during the fiscal year 1967 under its low and moderately priced housing program, established by an act approved Apr. 1, 1958 (72 Stat. 74), and terminated by an act approved June 30, 1961 (75 Stat. 176).

[11] Authorization to borrow is indefinite. Represents amount transferred from unused authorizations to borrow from the public.

[12] Authorization to borrow is indefinite. This fund has borrowed $400,000 from the Treasury which has been repaid.

[13] This Department was established by an act approved Oct. 15, 1966 (80 Stat. 931). The St. Lawrence Seaway Development Corporation, which was formerly an independent agency, was transferred to this Department.

[14] Represents authorization of $150,000,000 less proceeds from sales of loans amounting to $8,800,000 returned to the fund during the fiscal year 1966. (See footnote 15.)

[15] Represents proceeds from sales of loans during fiscal years 1962 through 1965. Amount authorized to be advanced in any fiscal year after June 30, 1962, shall be reduced by the amount returned to the fund from loan sales during the previous fiscal year.

[16] This Corporation was abolished and its assets transferred to the Secretary of the Treasury for liquidation pursuant to an act approved Oct. 3, 1961 (75 Sat. 773). All borrowings were made while it was under the Farm Credit Administration.

[17] Sections of the code cited for this Corporation refer to 1946 and prior editions. The 1947 act superseded all prior legislation.

[18] Authorization to borrow is indefinite. This amount represents amount used to carry out the provisions of the act.

[19] Authorized to borrow from the Treasury for payment of interest on or retirement of principal on stadium bonds issued to the public in accordance with an act approved July 28, 1958 (72 Stat. 423).

[20] Includes $10,000,000 transferred from unused authorizations to borrow from the public.

Mr. LONG. Mr. President, if my count is accurate, this table shows that funds have been expended without the appropriation going through the Appropriations Committee under this technique some 183 times in the period from 1932 to 1967. These include such programs as financing of the Defense Production Act of 1950, many programs under the Agency for International Development, the Commodity Credit Corporation, Rural Housing Direct Loan Account of the Farmers Home Administration, Agricultural Credit Insurance Fund, Federal Ship Mortgage Insurance of the Maritime Administration, Area Redevelopment Administration, Panama Canal Company, college housing loans, Federal flood insurance, and urban mass transportation fund, just to mention a few of the items listed.

I might also say that the Campaign Fund Financing Act in the form passed by the Senate in 1971 also contained a permanent appropriation. In connection with that provision, the junior Senator from Kansas (Mr. DOLE) raised a point of order on the Senate provision for campaign fund financing on the grounds that it contained an appropriation. However, the Senate, on a rollcall vote, specifically overruled this point of order with the Senator who is now the chairman of the Senate Appropriations Committee, as well as the other members of that committee on this side of the aisle, voting against the point of order.

Still another way in which funds can initially be expended without their being considered by the Appropriations Committee is through authorization contracts to spend. In this case, although an appropriation is later required to fund the obligation incurred, nevertheless the incurring of the obligation takes place without an appropriation.

Examples of where this contract authority is used are the Highway Trust Fund as well as the Airport and Airways Users Trust Fund and the Urban Mass Transit grant program.

The procedure for making funds available to the State and local governments under the State and Local Fiscal Assistance Act of 1972 is a matter which is currently being considered by the Finance Committee. As I indicated earlier, no one challenges our jurisdiction over the matter of providing social security benefit payments without the provision for the funds going through the Appropriations Committee. In this case, the funds, equaling a percentage of certain specified taxes, are on a permanent appropriation basis turned over to a trust fund. The provision for funding in the State and Local Fiscal Assistance Act as passed by the House closely parallels this procedure. The Finance Committee is examining the language in the social security provision, and I expect to offer an amendment in committee which will place the provision for the funding of revenue sharing on an exact parallel with the social security program, hoping that that will be more satisfactory to the Senate Appropriations Committee as a method of procedure. When this is done I see no possible grounds for questioning the Finance Committee's exclusive jurisdiction with respect to this bill.

One of the principal needs urged on us by the States and local governments is their need for the certainty which a permanent appropriation provides; they need to know that the funds promised them will actually be available as of a given time.

One of the major difficulties with our categorical aid programs for local governments is the uncertainty of when the funds will actually be made available for use to the local governments. They find it difficult if not impossible to plan in their budgets for funds when they cannot be sure whether the funds will, or will not, be available. Advanced planning on their part is necessary if there is to be an opportunity for the funds to be spent economically, an objective which I am sure all of us share. Much of the advantage of providing fiscal assistance funds, rather than categorical aid is lost to the States and local governments if they cannot plan on the funds in advance.

I understand that some have thought that this could be provided for by the appropriation technique known as advanced funding. On close examination of this technique, however, it seems that this would first of all require the Appropriations Committee this very year to act on the funding for the 1972 and 1973 amounts. With the time schedule we are operating under, it seems to me highly unlikely that funds actually would be made available by the Appropriations Committees this year if they are required to act in addition to our action on this bill. In other words, this is just another way of saying "no" to the revenue-sharing proposal.

I might also say that those who believe advanced funding will solve this problem point to its use in the field of education. However, advanced funding in education in practice has not worked very well. After the first year advanced funding for education, although theoretically possible, in fact was not provided by the Appropriations Committee. This indicates the uncertainty which would arise from any attempt to use advance funding as an answer to the present fiscal needs of States and local governments.

I think it should be clear that a referral of the revenue-sharing bill to the Senate Appropriations Committee is wrong in principle because it establishes a bad precedent. It is also wrong in practice because it really means that revenue-sharing funds will not be made available on any certain basis for State and local governments in the current year and in the years ahead.

Mr. President, it is possible that the bill does deserve further consideration, and implicit in a motion to recommit usually is the thought that the bill should be considered further, in order to take other factors into account.

It is true, Mr. President, that we on the Finance Committee have rushed ahead in the consideration of the revenue-sharing bill with what amounts to virtually breakneck speed, to bring the bill to the Senate, because we felt that the Senate was anxious to consider the bill, and proceed to give an answer to the States and local governments and to the administration with regard to their requests and their pleas.

If more time is to be taken on this measure by committees, the Finance Committee needs that time to provide additional information to the Senate which we would certainly like to make available—detailed information, for example, showing what every city with a population over 2,500, every county, and every State government in the United States could expect from the revenue-sharing bill.

We also may want to reconsider one or two of our own decisions, which we think might possibly be improved upon if we had more time to give them further consideration. It was only because we felt that the Senate was anxious to proceed with this measure that we proceeded as fast as we have to try to complete action on the bill and make it available to the Senate.

Mr. President, my position on this matter is not by any means frozen in concrete. I shall be happy to meet with the Appropriations Committee. In fact, on a matter of this significance, I think it might be appropriate that all members of the Finance Committee sit down with the members of the Appropriations Committee and discuss the problem as men of good will.

I have always tried to talk with the very able and competent men who serve on that committee in years gone by, and I think the record will indicate that this Senator has been very circumspect in trying to protect their jurisdiction. I can recall, some years ago, when we had a conference between the Senate and the House of Representatives on a major revenue bill, the Revenue and Expenditures Control Act of 1968, that when that bill emerged from conference, on my own motion and before agreeing to the conference report, I requested to be heard before the Appropriations Committee and explained just exactly what was being suggested, and what the probable result of the conference would be. It was only when the Appropriations Committee indicated to me that they were satisfied that they should make no objection to it that I proceeded to sign the conference report and bring back to the Senate an expenditure limitation, which may have been within the jurisdiction of the Appropriations Committee rather than the Committee on Finance.

I do think, Mr. President, that it is very important that each committee respect the jurisdiction of the others, and as a member of the Finance Committee I shall scrupulously attempt to avoid trespassing upon the jurisdiction of others. I would invite members of the Appropriations Committee to visit with us and discuss the matter currently under consideration any time they might feel disposed to do so. We certainly want to cooperate with them and will work with them. We realize their concern about this important revenue measure, and the fact that its language does use the word "appropriations."

We at the same time would like to urge them to consider our problem, and the general purpose and theory of the revenue-sharing bill. This theory and purpose is that this should be a long-term measure, it should not be subject to annual appropriations, for the reason that communities should be privileged to make their plans for years in advance, and further, that it should be a measure that would not be subject to having additional strings or conditions attached to it every time the Senate meets.

I know it can be argued that as a matter of fiscal responsibility someone should keep a close look upon all moneys that are raised by Federal taxes, and I would agree. However, I would point out that the Treasury itself, which shares that same concern, feels that the Appropriations Committee type procedure is not in accord with the theory of this bill. This bill is based on the theory that the Federal Government should help the communities and the States to raise money, and that the responsibility for spending that money should be at the local level, and that in the event the money is not spent wisely, the accounting should be not so much with the Treasury of the United States and the Congress of the United States as with the people of those communities.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business, for not to exceed 45 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNIVERSAL COPYRIGHT CONVENTION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business on Monday, the Senate go into executive session for the consideration of Executive G (92d cong., second sess.), Calendar No. 30 on the Executive Calendar.

The PRESIDING OFFICER (Mr. LONG). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—and I do this with the approval of the distinguished majority leader—that the vote, which will be a yea-and-nay vote, occur on Executive G, 92d Congress, second session, at 11 a.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the treaty, Executive G, on Monday and the return to legislative session, the Senate resume its consideration of the unfinished business, Senate Joint Resolution 241.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

May I say, parenthetically, it had been hoped that the revenue sharing bill would be reported to the Senate for action by today. It was on that basis that the leadership had indicated to the Members that there would be a session on Saturday. But for reasons which are explainable, it was not possible for the Finance Committee to report that bill.

Moreover, the leadership sought throughout the afternoon, until a very late hour, to reach an agreement for votes on the interim agreement on Monday. That, too, did not prove to be possible. So, with regret, the leadership decided not to have a Saturday session. I think it is clear, under the circumstances, that to have had one would not have brought about enough progress to amount to anything. For these reasons, the leadership canceled the Saturday session. There will be votes on Monday, however.

The program for Monday is as follows:

The Senate will convene at 10 a.m.

After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business, for not to exceed 45 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will go into executive session for the purpose of considering Executive G, 92d Congress, second session—the Universal Copyright Convention, as revised by protocols. There will be a yea-and-nay vote on that convention at 11 a.m.

Upon the disposition of the convention and upon the return to legislative session, the Senate will resume its consideration of the unfinished business, Senate Joint Resolution 241, authorizing an interim agreement between the United States and the U.S.S.R. Rollcall votes are hoped for, expected, and anticipated—and I suppose I can say likely—at some time Monday afternoon, on amendments thereto. The amendment by Mr. MANSFIELD, amendment No. 1434, will be pending when the Senate resumes its consideration of the unfinished business on Monday.

ADJOURNMENT UNTIL 10 A.M. MONDAY, AUGUST 14, 1972

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and at 6:55 p.m. the Senate adjourned until Monday, August 14, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 11, 1972:

DIPLOMATIC AND FOREIGN SERVICE

Hermann F. Eilts, of Pennsylvania, a Foreign Service Officer of the Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

Viron P. Vaky, of Texas, a Foreign Service Officer of Class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Costa Rica.

Frederick Irving, of Rhode Island, a Foreign Service Officer of Class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iceland.

George W. Landau, of Maryland, a Foreign Service Officer of Class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Paraguay.

Adm. Horacio Rivero, U.S. Navy, retired, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

U.S. TAX COURT

Cynthia Holcomb Hall, of California, to be a judge of the U.S. Tax Court for a term expiring 15 years after she takes office, vice Craig S. Atkins, retired.

U.S. NAVY

Vice Adm. Walter L. Curtis, Jr., U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 11, 1972:

NATIONAL COMMISSION ON LIBERATION AND INFORMATION SCIENCE

The following-named persons to be members of the National Commission on Libraries and Information Science for terms expiring July 19, 1977: (Reappointments)

Harold C. Crotty, of Michigan.
Martin Goland, of Texas.
Louis A. Lerner, of Illinois.

PUBLIC HEALTH SERVICE

Nominations beginning Henry V. Belcher, to be medical director, and ending Peter K. Vaslow, to be senior assistant health services officer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 24, 1972.

EXTENSIONS OF REMARKS

CITIZENS WORK FOR YOUTH

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. CHAPPELL. Mr. Speaker, I take great pride in sharing with the Members of the House the work of a group of 30 dedicated individuals in my district who serve on my Youth Advisory Committee. Together we have engaged in a driving effort to improve the lot of our young people and the result is a package of four bills which I have introduced here.

The Youth Advisory Committee has spent some 20 months studying many aspects of the problems relating to youth. They have delved into drug control, juvenile delinquency, work incentives, vocational training, violence on television, the influence of communism, and many other areas. They have spent many long hours in committee and subcommittee work.

From their efforts I have introduced their bills and I look forward to their favorable consideration.

H.R. 16122, which I have termed the "Internatitonal Opium Control Act," authorizes the President to negotiate a proposed treaty with foreign countries providing for a systematic and uniform international system of enforcement standards and penalties for illegal opium producers and traffickers. It permits the President to discontinue all military, economic, and other assistance to any country continuing to permit the production and processing of opium which illegally enters the United States. One of the most effective ways to eradicate drugs from our society is to dry up their sources. It is absolutely imperative that we get nations to agree on regulations and enforcement against drug traffic.

The act further establishes an Executive Committee on International Opium Control to be composed of the Secretary of State as chairman, the Secretary of the Treasury, the Attorney General, one member from each of the majority and minority parties of the Senate and House, and two persons representing the general public. The committee shall review measures taken by countries and international organizations in eliminating the production and processing of opium, improving the enforcement of national laws, and expediting the extradition of persons charged with criminal offenses relating to opium.

The committee's vocational education bill would require that at least one-third of Federal moneys be spent at the junior high school level.

One of my deepest concerns is the number of high school age students who are not adequately trained for a job. One-half either drops out of high school or graduates without vocational training or sufficient background that will allow them to go to college. If we are ever to turn America around in its attitude toward work, then we must start training students right down to the junior high level to enable them to perform some work whereby they can hold a job and earn money to support themselves. It is my firm belief that we can cut drugs, delinquency, dropouts, and welfarism by insisting that good vocational education programs are established in the junior high grades.

H.R. 16121 is a bill to allow full-time students to work at less than minimum wage. It authorizes a person 16 or 17 years of age or a full-time student over 15 but under 21 to work for 80 percent of the minimum wage. It also authorizes 14- and 15-year-olds to work for 60 percent of the minimum wage.

This measure will afford our youth the opportunity to work if they desire at an earlier age. This means training and work experience for the nonstudent, and financial stability for the student putting himself through school. Implementation of this measure will open up additional jobs by encouraging employers to hire students when they might ordinarily leave a job vacant.

The final bill in the youth advisory package is a resolution, House Resolution 1072, recommending that guidelines be established by the Federal Communications Commission for programs suitable for viewing by children prior to 8 p.m. daily and Saturday mornings.

Parents, psychologists, television advertisers, teachers, and various commissions have expressed concern about the vast amount of violence which children are subjected to on TV shows.

The resolution calls for the Commission to exempt violence which can be legally committed by an individual attempting to prevent a crime or to apprehend another individual he reasonably suspects of having committed a crime.

Mr. Speaker, the work of this citizens' committee has been exemplary of what individuals can do to become involved in our democratic process. We have already introduced bills from our citizens committees on crime and environmental control and will shortly introduce bills recommended by our retired citizens committee. The people of my district have come forward willingly to serve on these committees and each one has my heartfelt thanks.

Mrs. Gail Tuck of Ocala admirably served as chairman of the youth advisory committee. I want my colleagues to know of the tremendous amount of work this fine lady has put into this committee. I also want to recognize the other members of the committee here and to thank them for their contribution to a better life for our youth and for helping to build a better America for all of us.

J. T. Shealy, Titusville; Walter Frank Webb, Inverness; Bob Wardrep, Atlantic Beach; Richard C. Davis, Jacksonville; Jefferson G. Ray III, Eustis; Dr. Charles A. Vaughn, Howey-in-the-Hills; Jane Pearce, Tavares; Carl L. Ludecke and Annis Jean Stewart, both of Umatilla; Thomas W. George, Ruthanna Foster, Morrell E. Dean, Vickie Hill, Dutton Long, Jr., Martha Priest, Frank Schmidt, all of Ocala; Earl Scales, Weirsdale; Rev. Jack Lindsey Longwood; Cecil Tucker, Sanford; Virginia Lasswell, Wildwood; Bill Young, and James Dilbeck, both of St. Augustine; Lloyd Stone, Dr. Richard V. Moore, both of Daytona Beach; Dr. T. Wayne Bailey and Mary McCormick of DeLand.

DOUGHNUTS AND DOLLARS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. McKINNEY. Mr. Speaker, if two donuts cost 20 cents and you have 40 cents in your pocket ,how many doughnuts can you buy? Now this exercise in arithmetic seems simple enough, yet my studies of the Federal budget and the spending habits of the 92d Congress have forced me to conclude that mathematics is not a science but a riddle.

I have come to realize that the crux of the baffle stems from my assumption that one should spend approximately no more than one can afford. However, the solons of Government apparently do not abide by that rule. Last year Federal revenues totaled $208.6 billion, $23 billion more than we could afford. The outlook for fiscal year 1973 is even bleaker. Federal spending for fiscal year 1973, which began on July 1, 1972, already is estimated to be almost $7 billion higher than the President's budget. Let me emphasize that we are $7 billion over the limit 1 month into the new fiscal year. With 11 months to go, it does not take much insight to realize that the American taxpayer will be faced with a walloping bill next April 15.

I would suggest, Mr. Speaker, that the Members of this Congress should take a long hard look at the manner in which we manage public revenues. I firmly believe that the reason we are in such a fiscal mess can be traced to the antiquated inane congressional system of independent, unrelated action of various spending programs that bear no relationship to the revenue producing resources of this Nation.

Last month, I introduced legislation which would require that Congress at the start of each session devise an overall budget. It is simply beyond understanding that in the year 1972 in a nation that prides itself on its managerial and business expertise, the business of Government is run in a fashion akin to the pre-stone age period.

Let me take this opportunity to recommend that as a first step toward the establishment of some semblance of fiscal responsibility this Congress comply with President Nixon's appeal that we legislate a spending ceiling of $250 billion for fiscal year 1973, and that individual program allocations are tailored to that ceiling. Our Nation's economy has recently been through difficult times. As it now begins to move into a period of renewed growth, let us insure that the guardians of that economy, the Members of this Congress exercise the responsibility and discipline which the American taxpayer has every right to expect and demand. We are accountable for our stewardship of the common weal. Toward this end, I would urge compliance with President Nixon's spending ceiling.

DISTINGUISHED VFW COMMANDERS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mrs. GRASSO. Mr. Speaker, special honors have been conferred on distinguished veterans from the Sixth District. The State commander of Connecticut Veterans of Foreign Wars of the United States, Domenic J. Romano, has been designated All-American State Commander, the highest honor that can be awarded to a commander at any level of the VFW. In addition, Francis P. Cameron, past commander of Smalley Brothers Post, VFW in my hometown of Windsor Locks has been awarded the coveted distinction of All American Commander.

For the interest of my colleagues, an article which recently appeared in the Windsor Locks Journal concerning Francis Cameron and an article which appeared in the Watertown Town Times about Domenic Romano follow:

VFW HONORS COM. ROMANO

The State Commander of Connecticut Veterans of Foreign Wars of the United States, Domenic J. Romano, 6 Bushnell Ave., Oakville, has been named All-American State Commander, the highest honor that can be awarded to a Commander at any level of the V.F.W.

The announcement was recently made by Joseph L. Vicites. Commander-in-Chief of the 1,750,000 member organization.

Commander Romano will be an honored guest at the national convention to be held in Minneapolis, Miss., August 18–25.

He has been singled out for the honor because of his aggressive leadership in substantially increasing the state's total V.F.W. membership, organizing new posts, and promoting all programs sponsored by the National Organization."

The national commander commented in making the announcement in making the announcement, "The V.F.W. could only have reached a new high in membership this year with dedicated and enthusiastic leaders such as Commander Romano. While we have every reason to stand tall because of our national and local programs, membership provides the lifeblood of our organization. Without V.F.W. Posts we could not sponsor the many programs which we undertake to make our nation a better place in which to live."

LOCAL VFW LEADER TO RECEIVE AWARDS

A letter from Robert A. Love, national membership director of the Veterans of Foreign Wars of the U.S.A., has been received, congratulating Francis P. Cameron, Past Commander of Smalley Brothers Post, VFW, on having earned the distinguished status of all American Commander.

He has received a round-trip (air transportation) to the 73rd National Convention in Minneapolis, Minn., Aug. 18–25, plus a cash award to help defray incidental expenses. He will be guest of the Commander-in-Chief Joseph L. Vicites at the Distinguished Guests banquet to be held Monday night, Aug. 21st, where he will receive a specially-designed All American Commander lapel button and VFW cap appropriately embroidered.

Bob Hope, internationally-known in entertaining American overseas servicemen, will be the featured speaker at the banquet. The famed comedian will be receiving the Dwight David Eisenhower Gold Medal and Citation.

Past Commander Cameron will also be a guest at the Awards Luncheon to be held at Convention Hall, Monday, Aug. 21 at 12:30 p.m.

HON. ALLEN J. ELLENDER

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. DORN. Mr. Speaker, with the passing of Senator Allen J. Ellender, the U.S. Congress has lost one of the most abled, devoted, and honorable men in the history of this great deliberative body. Senator Ellender was a humanitarian who possessed a deep sense of commitment to his people, and he represented his great State of Louisiana with dignity and distinction.

Mr. Speaker, this good and kind man counseled Presidents and their Cabinets, and many of us in the Congress sought his advice and wisdom. His outstanding service stood out through entire eras of American statesmen and American policy. The late Senator was a true and revered spokesman for agriculture, the farmer, and rural America. His fostering and sponsorship of Federal programs to assist rural America in its development is legendary.

Those of us who reside in rural areas do have water, treatment facilities, power, telephones, and other urban conveniences made possible by the Senator's support and encouragement of development programs. The Senator was known as the father of the school lunch program which makes hot lunches available to school students. It was my particular honor to be present with the Senator when the program celebrated its 25th anniversary over a year ago.

One could note the tremendous pride and sense of accomplishment in the Senator when he addressed the audience and stressed the continuing importance of the lunch program. Millions of our children benefited nutritionally as well as educationally through Senator Ellender's efforts.

Mr. Speaker, the late beloved Senator began his distinguished career as the city attorney in his home town of Houma, La. He later served in the Louisiana House of Representatives where he became the speaker of the house. Elected to the Senate in 1936, the late Senator became chairman of the Agriculture Committee, and subsequently chairman of the Appropriations Committee, President pro tempore of the Senate, and dean of the Senate. The Honorable Allen Joseph Ellender was one of the most powerful men in the history of our Government, but above all he was a compassionate man, a humble man—a man dedicated to the needs of the people and to the service of his Nation. Mrs. Dorn and my family join me in offering our most heartfelt sympathy to the Senator's son, Dr. Allen J. Ellender, Jr., and to countless friends and constituents who admired and loved him.

POSTAL ANNEX "CANCELS" BAG OF PROBLEMS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. NIX. Mr. Speaker, recently a Sunday edition of the Philadelphia Enquirer carried an article describing the letter mail code sort system prototype installation at Cincinnati, Ohio.

This system is still experimental, but the concept of highly mechanized mail handling is indicative of the technology that will be needed to move the Nation's mail in the future.

There are three ways this system could be implemented. The new equipment could be placed in existing post office facilities, existing facilities could be structurally modified to make them suitable, or new facilities could be built.

The new equipment in Cincinnati was placed in an existing facility, and I understand that this will be the usual course followed. I am especially happy to see a major mail handling system conceived and developed that will not remove jobs from the central city locations where so many postal workers also live.

I include a full transcript of the article at the conclusion of my remarks:

POSTAL ANNEX "CANCELS" BAG OF PROBLEMS

(By Dennis Doherty)

The U.S. Postal Service has just celebrated its first birthday, but there wasn't much of a party.

Irate postal customers skipped the traditional congratulatory card, and during its first year initiated 30,000 congressional inquiries wondering why a miracle had not occurred with the advent of the new system.

But if there was any celebrating in order, it should have been in Cincinnati where a new automated system, unique throughout the world, each day promises quicker and more accurate deliveries of love letters, legal contracts, valentines, and, of course, bills.

Two years ago Rep. Morris K. Udall (D.-Ariz.), chairman of the House Postal Service Subcommittee, steered postal reform through the House. A new law permitted the service to do what old Post Office could not do: borrow for modern facilities and equipment, improve management-employee relations, adjust postal rates and appoint local post office offiicals.

With these new advantages, even Udall did not expect results delivered the same day. Postal customers expected an immediate, business-like postal system, and gave little thought to the fact that restructuring such a mammoth enterprise would be a success if it could show signs of progress within two or three years.

Cincinnati's contribution to that goal is running ahead of schedule.

That contribution functions 24 hours a day at the Postal Service's annex at Liberty and Dalton Sts. and sports the innocuous title, Letter Mail Code Sort System (LMCSS). And the system, which appears as complex as the Space Center during a Moon shot, pivots on one basic principle: the application of a machine-readable code upon the mail piece prior to or during insertion into the mail processing system so that all sorting operations can be performed with automated equipment.

In other words, your mailman can do a better job if he doesn't have to stand in front of those wooden pigeon holes and toss in each piece of mail before he delivers it.

The value of LMCSS is apparent when understood in the context of one of the Postal Service's primary goal—cost reduction. Manual distribution is one of the most costly factors in mailing a letter. In the Cincinnati metropolitan area, more than one billion letters, 129 million flat pieces of mail, 40 million parcels and 119 million assorted other pieces were handled for a total of 1.346 billion pieces of mail. That mail was for 2.235 million persons living in a 7277-mile-square area.

Manual sorting precludes efficiency at that level.

Coding the items so that a machine can sort them speedily and correctly promises efficiency.

At the annex, letters to be processed for the system are stacked in a storage and dispatch unit. In response to an automatic signal from a coding machine, letters are fed in batches via conveyor to one of 24 coding machines where a coding operator applies a special code to the address and keys the extracted code to the computer. The computer translates the extraction code to a pattern object code and causes that code to be printed on the envelope.

Coded letters are then dropped into presort channels which carry the mail into another unit. Depending on the letter destination, the mail piece will be fed directly to a secondary distribution conveyor or to a stacker and sack rack.

The mail which goes to a secondary distribution conveyor is carried to a code reader. The reader scans the pattern code on the envelope and sends a signal to the computer. The computer translates the signal into a bin destination and causes the letter to be deposited into a particular pocket of the Letter Sorting Machine (LSM). The LSM can operate at a rate of 43,200 letters per hour. Manual sorting is rated at 1000 letters per hour.

Another device, an optical character reader, reads the bottom two address lines and encodes the mail. Coded letters are fed into a 30-channel diverter for presorting and those pieces requiring further sorting will be transported to the LSM.

The code placed on each letter represents the complete address information required to perform all subsequent sorting operations within the post office and in other offices. This means that a letter encoded in one city can be sorted in another city by the use of simple code readers.

The ultimate goal of the system is to provide a carrier sequencer operation. This equipment receives mail for local delivery that has been decoded and sorted by the letter sorting machine for the carrier. The sequencer sorts each carrier's mail in the order that he delivers his route.

Despite the preponderance of machinery zipping letters through channels like slot car racers, the system can be speeded up with customer participation. Pre-printing the bar code on envelopes by companies with a large mail volume is one way, according to Joseph Scanlon, Cincinnati Postmaster.

"We have more than 50 Cincinnati firms preprinting their bar code (the small imprint) resembling a pocket comb with broken teeth appearing in the lower right hand corner of the envelope on the mail, and the results have been gratifying."

Automation of the Cincinnati district's postal facilities started about five years ago and the savings have been great, said Scanlon. Annual labor savings amount to approximately $5 million under 1967 costs without counting the volume increase which has averaged 2% a year.

Scanlon said the department has not been able to realize the actual $5 million annual savings because there have been salary increases during the five-year period. Five years ago there were slightly more than 6000 postal employees in the district and this number has been reduced to about 4800.

The sophisticated machinery pays for itself in short order, he said, the larger machines in 1½ to two years and the smaller ones in a year.

Another method of precoding uses a computer and computer-driven printers to prepare addresses. Since the rules employed in determining the code for a particular address are constant, these rules could be retained in a computer program which generates the binary code whenever an address is printed. Depending upon the individual mailer's software-hardware configuration, bar code generation could be repeated each time an address is to be printed, or on a one-time basis with the codes developed and stored on tape with the addresses.

Scanlon points out that 80% of the mail is generated by business and more and more mailers are using computers in the preparation of mail. It is estimated that more than 50% of the total letter mail may eventually be a candidate for pre-coding by the customer.

The postal service has allocated a budget of approximately $80 million for fiscal 1973 for developmental and engineering activities to fund programs designed to improve mechanized postal operations and further develop the LMCSS.

Troops of congressmen and scores of government officials from other countries have visited the annex to check the brightest light in the new business called the U.S. Postal Service.

Scanlon doesn't pretend to understand the technology of the system. "But I understand the value of the system and I can see the results," he says. "The best is yet to come and that should not be too far away."

COOLEY'S ANEMIA

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. BRASCO. Mr. Speaker, in recent months the Nation has become aware that a series of potentially fatal ailments exist which are hereditary and afflict certain groups of related individuals.

The Nation was surprised and concerned to learn of the sickle cell anemia menace, which strikes down mainly black Americans, and in a painful manner which leaves those around them helpless and grieving over what seems to be a preventable illness.

Now we are taking the first meaningful strides as a nation toward seeking a cure for this ailment. It is only fair for the Nation as a whole to make a commitment toward eradication of this horror—and to keep that commitment. In this manner, the shadow of death will be lifted from the heads of millions of our fellow citizens.

Now another similar ailment has been brought to significant public attention. Here again we find that it strikes mainly at those among us who are descended from migrants from Mediterranean countries.

It is a genetically transmitted hemoglobin disorder which bears a resemblance to sickle cell anemia. Several hundred thousand Americans now possess Cooley's trait, so the threat is growing.

Those stricken with the most virulent form of the disease can only survive in a limited fashion by repeated blood transfusions. Nevertheless, it is a medical fact that few of these patients survive beyond their 20th year. Counseling, treatment and research are the answers, of course. If we could plant men on the moon, we certainly can cure this disease.

A few days ago, the House passed the National Cooley's Anemia Control Act, which authorizes $8,175,000 over a 3-year period for this kind of undertaking. It is my hope that the Senate will see this measure as the worthy legislation I believe it to be, and approve it with a minimum of delay.

A NATIONAL PARK IN THE SANTA MONICA MOUNTAINS

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. BELL. Mr. Speaker, today, I, together with my colleague BARRY GOLDWATER, JR., introduce this legislation to provide for the establishment of a national park in the Santa Monica Mountains. Congressman GOLDWATER and I have long been vigorous advocates of the need for increased park and recreational facilities for all citizens throughout this country.

The bill we are presenting today for your consideration is one conceived by the honorable Senator from California, JOHN V. TUNNEY. A companion bill is simultaneously being intorduced in the Senate.

While this bill differs in several respects from the bill originally authored by and sponsored by Congressman GOLDWATER, one which provided for the creation of the Toyon National Urban Park in the Santa Monica Mountains, it does, nonetheless, represent further progress in developing the concept of the park that millions of Californians hope will become reality. While some of the provisions embodied in this bill may merit further refinement and clarification, its spirit is one which both Congressman GOLDWATER and I enthusiastically support.

No one can seriously doubt that there exists a great need throughout the entire country and, in particular in southern California, for additional park and recreational facilities. Each year thousands of individuals are precluded from enjoying the unmatched pleasures of the outdoors because of the limited number of parks and because of the overcrowding conditions that exist in the few parks that do exist. This condition can no longer be ignored. The time has truly come to intensely examine solutions as proposed by this bill. This legislation, while it focuses its attention on the needs of California, will represent, if implemented, a change in legislative attitude that will be healthy for the entire country.

Congressman GOLDWATER and I urge each and everyone of our colleagues to seriously consider this bill and support its passage.

POPULATION GROWTH

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. DU PONT. Mr. Speaker, it has been my pleasure to serve as chairman of the Republican Task Force Subcommittee on Population Growth.

One of the major accomplishments of President Nixon's administration has been the launching of a national program to provide family planning services to all women who, for economic reasons, do not have access to such services.

Although the Federal Government has been supporting population research and family planning services for only a short period of time, we on the task force felt that it was vital to evaluate the progress of these programs.

The subcommittee consisting of myself, PAUL N. MCCLOSKEY, JR.; MARVIN L. ESCH; HAMILTON FISH, JR.; and RICHARD W. MALLARY undertook this study.

The recommendations of the task force follow:

RECOMMENDATIONS OF THE TASK FORCE

The Subcommittee on Population Growth was activated in the spring of 1972 in response to a growing need for a Congressional assessment of the federal government's role in the delivery of family planning services and in the field of population research. In his 1969 message to Congress on population, President Nixon declared the provision of subsidized family planning services and accelerated research in population a national priority. The Congress responded to his mandate by passing the Family Planning Services and Population Research Act of 1970. The programs created by this legislation are now well underway, and the Task Force believed that a Congressional evaluation of the programs' progress was vital.

The inquiry by this Subcommittee began in Washington with four days of hearings, at which testimony was received from witnesses representing both federal and private agencies and organizations concerned with population research and the delivery of family planning services. A day of hearings was also conducted in Wilmington, Delaware, in order to observe the services delivery program at the local level.

The evidence presented by the witnesses led to three major conclusions:

First, while the President had pledged to provide family planning services by 1974 to all women desiring such services but who for economic reasons do not have access to them, we are a long way from achieving that objective.

Secondly, scientific knowledge concerning human reproduction and our present contraceptive technology are not sufficient to enable all people to adequately plan their families.

Thirdly, we have very little understanding of population dynamics or even about motivational factors relating to childbearing.

The federal government has taken important steps in encouraging and assisting in the solution of these problems. The Task Force recommends that the following changes will enhance the possibility of meeting the goals set by the President and the Congress and thereby contributing to the betterment of life for all persons:

1. The Task Force recommends that the funding and program authorities of the Family Planning Services and Population Research Act of 1970, which expire next year, be renewed and extended for three years and that the authorizations for appropriations in the Act be based on the funding levels recommended by the HEW Five-Year Plan.

2. The Task Force recommends that the Congress, in conjunction with the renewal of the Family Planning Services and Population Research Act of 1970, thoroughly examine the efficacy of the Office of Population Affairs, the over-all coordination of the family planning services of HEW, as well as the coordination of the services and population research programs.

3. The Task Force recommends, as an immediate, minimum first step to strengthen and expand the federally supported population research program, the establishment of a National Institute of Population Sciences in the National Institutes of Health. This concept has been endorsed by two Presidential commissions—President Johnson's Committee on Population and Family Planning and President Nixon's Commission on Population Growth and the American Future—and by HEW Secretary Finch's population research report prepared in October 1969 by the committee chaired by HEW Assistant Secretary Egeberg.

4. The Task Force recommends that the federal government greatly expand its program of basic, applied and directed research in reproductive biology, development of fertility control technology, medical and other effects of existing fertility control methods, and research in the social and demographic sciences relating to determinants and consequences of fertility, population growth, distribution, density and change, and the effects of these factors on human health and total well-being. The Task Force further recommends that private organizations and industry be fully encouraged and utilized by the federal government in a strengthened partnership effort in this field to continue and further expand biomedical research leading to the development of new contraceptive technology.

5. The Task Force recommends that a minimum amount of $60 million be appropriated and expended for NIH population research in FY 1973. We further recommend that in the future, appropriations and expenditures be based on the HEW Five-Year Plan levels of $100 million for FY 1974 and $125 million for FY 1975.

6. The Task Force recommends rapid expansion of and increased support for intramural research in all aspects of the population sciences and the establishment of a well defined population research strategy with explicit priorities.

7. The Task Force recommends that population research be exempted from the general freeze on scientific manpower training funds and that a substantial increase in federal support be made for research training.

8. The Task Force strongly recommends that greater federal financing be provided for the establishment of and long-term support for population sciences research centers and that priority for research support be given to institutions which have demonstrated a capacity for vigorous research strategies aimed at the resolution of specific problems.

9. The Task Force recommends that responsibility for operational research in family planning be transferred from the National Center for Family Planning Services to the population research program of the National Institutes of Health and that this research be undertaken through grants and contracts with research institutions, university research centers, and public and non-profit agencies and organizations. This transfer will necessitate a corresponding transfer in federal financial support to the population research program.

10. The Task Force recommends the immediate appointment of an Assistant Administrator of the Health Services and Mental Health Administration for Family Planning Services and an Assistant Director of the National Institute of Health for Population Research, both of whom shall serve as special assistants to the HEW Deputy Assistant Secretary for Population Affairs, and adequate staff for the Office of Population Affairs, in order to strengthen the direction and administration of the program and to carry out the legislative mandate of the Family Planning Services and Population Research Act.

11. The Task Force recommends that greater federal resources be devoted to the effort of raising the nation's "population literacy" through the more vigorous implementation of existing authorities to conduct and support population education.

12. The Task Force recommends that federal policymaking begin explicitly to examine the demographic assumptions upon which program planning is based, and the demographic consequences of alternative policy proposals.

13. The Task Force recommends that the United States, in cooperation with the United Nations and other international organizations, continue and expand its assistance to other nations desiring and requesting such help in providing safe and effective family planning methods and services to all persons, including support for personnel training, educational and informational materials, and adequate program planning and development.

14. The Task Force recommends that Congress assume a more active role in overseeing population programs. Specifically, we recommend an annual Congressional review of the federal family planning services and population research programs, and related activities, to be undertaken by the appropriate Subcommittees of both the Committee on Government Operations and the Committee on Interstate and Foreign Commerce, in order to evaluate the progress of these activities and to make recommendations regarding the improvement of these programs.

THE SANTA MONICA MOUNTAINS AND SEASHORE NATIONAL URBAN PARK

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. GOLDWATER. Mr. Speaker, I am pleased to join with my colleague ALPHONZO BELL, in introducing this legislation to establish the Santa Monica Mountains and Seashore National Urban Park.

Congressman BELL and I are pleased with the cooperation of local citizens groups in the development of this legislation and the entire movement to protect this important area of California.

We hope that this park will serve as a model for the rest of the Nation what needs to be done with our urban centers.

FORCED RELOCATION OF REFUGEES IN SOUTH VIETNAM

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mrs. ABZUG. Mr. Speaker, last January 31, I inserted in the RECORD an article by John Isaacs about a refugee relocation underway in South Vietnam which involved the relocation of 1,300 refugees from the northernmost province of South Vietnam to new homes 450 miles away. It raised the possibility that the South Vietnamese Government, with American assistance, might move up to hundreds of thousands of people in the future.

I now call your attention to two new articles, one from the Washington Post and the other from the Wall Street Journal, on that first group of refugees who moved to Phuoc Tuy Province last January. These articles updating the current situation with these refugees are significant when compared to State Department claims of security being offered to the refugees plus many benefits being provided.

The two articles point out that the original group of 1,300 refugees, later joined by a new group, was forced to flee the resettlement camp in mid-June after the Vietcong entered the area. Thus the land proved little more secure than their former homes.

But more important, the refugees have failed to receive the land they were promised that is so necessary to make a living, and failed to receive the benefits to which they were entitled.

Thus this latest refugee relocation, like most pacification programs in Vietnam, sounds great on paper when in reality that program falls far short of success. In the end, this latest refugee relocation scheme, when it is resumed following delays due to the recent fighting, will prove another disaster for the Vietnamese people.

The articles follow:

[From the Washington Post, June 27, 1972]

SOUTH VIETNAMESE REFUGEES FLEE SHOWCASE HAMLET

(By Laurence Stern)

PHUOCLE.—South Vietnam's pioneer refugee relocation hamlet has been abandoned by most of its intended inhabitants. They say they are afraid to go back.

The story of the hamlet of Suoinghe (pronounced Sweeneeay) could have major repercussions for the ambitious and controversial government plan to resettle as many as several thousand refugees from the northern war zone of South Vietnam to areas in the south, where it was thought they would be more secure and economically self-sufficient.

Suoinghe's settlers are afraid to go back because they say the government has not been able to secure either the hamlet or even the few miles of road leading into it. The road was named Nguyen Van Thieu Street in honor of the president of South Vietnam.

Nine nights ago, a North Vietnamese raiding party first infiltrated the hamlet without a shot being fired and then dispersed the population, killing several regional soldiers and refugees. The Communist assault was followed by helicopter and Skyraider air strikes, according to witnesses of the incident.

Both before and after the attack, provincial officials gave assurances to the refugees that conditions in the hamlet were "100 per cent secure." The officials also threatened to cut off refugee rice allotments if they don't go back.

But the majority of Suoinghe inhabitants, fugitives from embattled Quangtri Province 450 miles to the north, refuse to budge from their squalid and crowded quarters in this provincial capital of Phuocle, a 90-minute drive from Saigon.

Despite the threat of a food cut-off, less than a third of the hamlet's 4,000 population has returned.

"Two days ago the government put us on trucks and told us Suoinghe was safe and secure," one of the refugees said. "But they drove us only two thirds of the way and would not dare take us into the hamlet. They told us to walk the rest of the way through the jungle. We refused and they took us back here."

The anxieties of the refugees were reinforced by official warnings to three visiting American correspondents yesterday not to attempt driving into Suoinghe because of the danger of snipers or ambush along Highway 2. Aside from Highway 15, the main road between Saigon and the beach resort of Vungtau, and a few tributary side roads, there is no Phuoctuy Province road network on which it is deemed wise to travel.

Since the 1968 Tet offensive, many of the refugees brought here for the showcase hamlet experiment have been uprooted seven times. Four years ago the war forced them from the countryside along the Demilitarized Zone to the populated district towns of Camlo and Giolinh in Quangtri Province.

And since the start of the new offensive last April, they fled successively to Quangtri City, Hue, Danang, then were flown south to Phuocle, transported to Suoinghe and finally driven back to Phuocle on June 17 by local North Vietnamese forces.

"Each time their belongings get fewer and fewer. Each time they lose property and loved ones," said a refugee leader.

There are now about 4,000 refugees from the north in the Suoinghe pioneer group. They have been joined by some 23,000 native residents of Phuoctuy Province whose villages have been attacked by elements of three North Vietnamese units that have moved into the province since the beginning of the year.

The North Vietnamese conquest of Quangtri Province produced a southward tide of some 250,000 refugees—nearly a third of the total number of South Vietnamese who have been uprooted by the renewal of heavy fighting since the offensive began on April 1.

About 200,000 are crowded into the congested port city of Danang and some 14,000 are seeking refuge in Hue, where provincial authorities have cut off government relief supplies in an effort to force them southward to Danang or to overcrowded or insecure sites in Phuoctuy and neighboring Longkhanh provinces.

The government had hoped that the refugees in Danang and Hue would be attracted southward into new hamlets, of which Suoinghe was to be a prototype, as it were, away from the war zone and abundant in fertile land. The government's effort is called the "Develop-Virgin-Land-and-Construct-Hamlet" program.

"The government doesn't want the refugees in Danang to hear about what happened in Suoinghe," said one of the refugee leaders. "It wants everyone to think that Suoinghe is pacified and everyone is returning."

He continued:

"The purpose of the Vietcong was not to kill the soldiers so much as to chase the people out. The hamlet was a political, not a military, target of the VC. Now that the people realize they are the target they are not eager to return."

This spokesman, who was among the last to leave Suoinghe after the attack, asked that his name not be used for fear that he would no longer be permitted to represent his fellow refugees in their dealings with the government.

The ttack on Suoinghe began shortly before midnight on June 16. A group of about 100 North Vietnamese soldiers who slipped into the resettlement ordered the inhabitants to leave for a Communist-controlled area to the north, the region of Binhba.

One witness said the Communist raiding party told them:

"If you remain here, you will be killed by both sides fighting each other. You are living in the houses of the enemy, the GVN (South Vietnam Government). You must leave the enemy's houses and come with us into our secure territory."

The invaders, according to the villagers, did not touch the rice or personal belongings of the villagers.

"The Vietcong tried to discourage us from running back to Phuocle," one refugee said. "They said we could run to Phuocle, but where would we run when they attacked Phuocle. We would run to Saigon, but they said where would we run when they attacked Saigon."

During the night, the Communist forces abducted 20 soldiers and eight youths from Suoinghe and took them to Binhba, their secure zone.

Nearly two hours after the raiding party entered Suoinghe, a government helicopter began circling the hamlet and firing down into the confusion. The villagers, government soldiers and the Communist invaders began streaming out into the jungle in a large mass.

A refugee spokesman, who wants the government to bomb the Communist jungle positions and pacify the area around Suoinghe, said, "The realities of the situation here seem to be more as the Vietcong state them than as the government does. But it is difficult for me to explain this to the province chief."

Spokesmen for the refugees complain that the government has failed to keep promises made to them when they agreed to embark on the long trip southward as grudging volunteers in the hamlet-construction program.

"We were promised agricultural implements, material to build houses and land—three hectares of land (about seven acres). We were promised 1,000 piasters when we got on the plane. But all we're getting is a half kilo (about a pound) of rice a day and salt. And we are in danger of losing that," one of the refugees said.

The majority of the Quangtri refugees are willing to develop the hamlet of Suoinghe if the government secures the surrounding area, a prospect in which they do not presently exhibit great confidence.

However, one group of 40 families taking shelter in the grandstand of Phuocle's soccer field have said they will not go to Suoinghe under any circumstances. The government they say, has cut off their rice supply.

"We were told the situation was peaceful here. But as soon as we arrived the people came running from Suoinghe. And then the people of Binhba came running after they were attacked."

One official said the government is considering three ways of dealing with the group: give each family 1,500 piasters (about $3.20) and let them try to settle in Saigon, simply order them off the road and government grounds, or let them occupy a tract of land along Highway 15 that a Buddhist group has volunteered.

The refugees want to be permitted to settle on the Buddhist tract and are asking for government aid to be resumed until they get started. They are now living on the remnants of their rice and salt allotment.

In the shelter of the grandstand, a young mother and an elderly relative sought to catch the attention of visitors. Each held up one of a pair of infant boy twins.

"Their father was a policeman in Quangtri, and we don't know where he is," the older women explained. "With twins we have a problem, one baby can get enough milk from his mother. But she does not have enough milk for two babies. We do not receive any milk. Can you please help us?"

[From the Wall Street Journal, June 27, 1972]

REFUGEES IN VIETNAM: NOT JUST FATALISTIC FLOTSAM OF THE WAR

(By Peter R. Kann)

PHUOC LE, VIETNAM.—The poor and frightened people packed together in schoolyards or churchyards or abandoned military bases. The little bundles of personal belongings of dented pots and tattered clothes. The rivulets of open sewage. The heat. The swarms of flies—it is the tableau of the times in Vietnam.

More than 814,000 refugees, by official count, have been created, or recreated, since the Communist offensive began on March 31. And while it may be pathetically true to say when you have seen one refugee camp you have seen them all, it is also true that each tale of troubles seems to have a new and bitter twist.

Such is the case of the roughly 4,000 refugees from Suoi Nghe settlement hamlet, who now are seeking refuge in a schoolhouse compound in this provincial capital 40 miles southwest of Saigon. Suoi Nghe, five miles north of town, is simply the latest place from which these people have been forced to flee. They have traveled 450 miles, through six refugee camps, only to arrive at this one.

The refugees of Suoi Nghe are a case study in more than misery. People, not territory, are what the Vietnam war is ultimately all about, and the Communists seem to have chosen these particular people as a military target to make a political point.

A PROTOTYPE HAMLET

Some may read their story as an indictment of the Vietcong as a callous enemy and find optimism in the fact that the people of Suoi Nghe are still seeking, if not finding, security under the government of South Vietnam (GVN). Others may read it as a catalog of errors by GVN officialdom and find cause for pessimism in the fear and disillusionment of the people. (The two views, of course, are not really mutually exclusive.) Whatever the view, the case of Suoi Nghe indicates that the Communist offensive is still on in the countryside.

Suoi Nghe was the prototype "resettlement hamlet" of the GVN's "develop virgin land and construct hamlet program"—an effort to encourage chronic refugees from camps in northern Quang Tri Province to resettle on supposedly better, safer land to the south.

The program, conceived last year, was controversial on a number of counts. Critics suggested that the GVN aimed to move several hundred thousand reluctant refugees across vast (by Vietnamese standards) distances for military purposes—in order to turn much of Quang Tri into a free-fire zone.

The program seems somewhat less controversial these days with Quang Tri occupied by the North Vietnamese (and thus largely a free-fire zone) and with a quarter of a million Quang Tri residents, including many who were already refugees in Quang Tri, crowded into camps in Hue and Danang. The GVN talks of retaking Quang Tri, and perhaps it will, but few observers currently see a peaceful future for that province.

FOLLOWED BY THE WAR

Thus, the 1,341 Quang Tri refugees who were resettled at Suoi Nghe in January, before the Communist offensive, and the 2,095 Quang Tri refugees who were brought south to Suoi Nghe in May, after the North Vietnamese rolled through Quang Tri, could be considered fortunate—except that the war followed them to Suoi Nghe.

On the night of June 16 about 100 enemy soldiers entered Suoi Nghe under cover of heavy rain. They entered undetected (or at least unopposed) by the battalion of South Vietnamese soldiers supposedly guarding the hamlet. The Vietcong, according to the people, assassinated a number of persons with close GVN connections, rounded up 28 young men who would later be taken away with them, and warned the people of Suoi Nghe that the hamlet would have to be abandoned.

"The Vietcong told us that if we tried to live in Suoi Nghe we would be killed by both sides fighting each other," says a local leader. "They said the area belonged to them, that it had been temporarily ceded to the Australians (an Australian diversion operated in this province until early this year) but now it was being reclaimed. They said Suoi Nghe was insecure and that we should move to Binh Ba (a Vietcong-controlled hamlet about five miles away)."

At 1:30 a.m., having been in the hamlet for 90 minutes, the Vietcong shot some sleeping soldiers in the hamlet administration office and men laid siege to the military outpost. A helicopter gunship came in to provide support for the outpost. There was much shooting, and it was near dawn before most of the people were able to flee from the hamlet into the surrounding jungle. From there they made their way here to the province capital of Phuoc Le, not to the Vietcong village of Binh Ba. About 9 a.m. after most Vietcong had apparently also left the hamlet, South Vietnamese planes and artillery shelled a section of Suoi Nghe.

"From the military standpoint, it was a very small battle," says a hamlet leader. Civilian casualties weren't high since the Vietcong didn't indiscriminately shoot civilians and since heavy South Vietnamese firepower was used only after most of the civilians had managed to flee.

Politically, however, the events had some significance. The people, who say they had been told Suoi Nghe was "100% secure" when they first arrived south to resettle, are again being told it is "100% secure" and that they should return to the hamlet. But the people don't believe it.

Several days after they had fled the fighting at Suoi Nghe the people were loaded on army trucks and driven back toward—but not to—the hamlet. The army drivers halted their trucks about half way (near the intersection with a road called Nguyen Van Thieu Street) and claimed it was too dangerous to drive further. The people were told to walk the rest of the way.

The people refused, and so they were trucked back to this schoolyard camp in Phuoc Le. Local GVN officials then issued formal directives ordering the people to return to Suoi Nghe by June 22. The people did not go. Instead they petitioned GVN and American officials to be permitted to remain in Phuoc Le until a greater degree of security was provided Suoi Nghe. On June 23, say the people, the GVN failed to deliver the weekly allotment of refugee food staples—rice and salt—to the schoolyard camp. They says. (They did, however, get small plots for given them at Suoi Nghe. Still, as of two days ago, the great majority of the people were refusing to return and re-resettle at the resettlement hamlet.

NOT FATALISTIC FLOTSAM

The continuing resistance of these people runs counter to the common—and perhaps generally valid—view of Vietnamese refugees as docile sufferers, fatalistic flotsam of the war. The people of Suoi Nghe may have been satisfied with Suoi Nghe as a resettlement site. But they don't want to return to Suoi Nghe now.

"We have moved seven times, and each time we lose everything. We want security, to make a living, to be left alone," says a middle-aged refugee standing in the schoolyard camp. "If it is 100% secure, why did we have to flee Suoi Nghe? If it is 100% secure why would the trucks not drive us there?"

"We wouldn't have come south if we had known the situation here," interjects another man.

"The government wants to show that South Vietnam is pacified so they want us to return to Suoi Nghe. But it must be secure," says a leader of the group. He wants the GVN to blast, burn or bulldoze the jungled areas around Suoi Nghe, to force out the Vietcong and to render what now is virgin land cultivatable. "Then we will return and protect the hamlet ourselves," he says.

THE MOST PRECIOUS COMMODITY

The Suoi Nghe refugees have many other complaints about the gap between GVN promises and performance: Some say they weren't given a 1,000 piaster (about $2.50) family bonus for moving south to resettle; others say they haven't received a daily 20 piaster (about five cents) refugees cash allowance. The leader says that even those refugees who settled in Suoi Nghe in January never got their promised three hectares of riceland. "Then we were promised half a hectare, but we didn't get that either," he says. (They did, however, get small plots for vegetable gardens.)

Some complaints are bitter, others seem to be stated with the resignation of people who, having been refugees a half dozen times before, have seen a host of promises unfulfilled. Indeed, with over 800,000 refugees to care for in a time of military crisis, the GVN may perhaps be excused for a good many failings.

It can even be said to speak well for GVN society that these people are willing and able to voice complaints.

In any case, the crisis of confidence among these people has far less to do with rice plots or piasters than with personal security, which has always been the most precious refugee commodity in Vietnam.

FILIPINOS IN DIRE NEED OF U.S. DISASTER AID

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. DANIELSON. Mr. Speaker, the massive flooding which has hit the Philippine Islands during the past 5 or 6 weeks is of such serious consequence that the full extent of the damage and distress cannot even be calculated yet.

Thousands have lost property, their livelihood, and, in some cases, even their life. I have written to the President urging that every possibility be explored and utilized for providing assistance from the United States to the people in that area.

In these times in which we have been seeking rapprochement with our former enemies and those with whom we have had difficulties in the past, maximum assistance under these stressful conditions is the least we could do for those who have been our close friends for such a long time.

SENATOR PACKWOOD'S SPEECH AT FOURTH ANNUAL MEETING OF ZERO POPULATION GROWTH

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. McCLOSKEY. Mr. Speaker, a few months ago, the President's Commission on Population Growth and the American future considered its report. Senator ROBERT PACKWOOD, a member of that Commission and a leader in the increasing movement for population stabilization, discussed that report in an address to the fourth annual meeting of Zero Population Growth.

The Senator opened his address by admitting that he was a latecomer to a position of concern about population growth. Privileged to grow up in Oregon, he conceded that he had no idea that other States did not have the recreational facilities and lack of crowding that Oregon enjoyed. Attending New York University Law School, he originally assumed that the density of Manhattan constituted a "temporary aberration in an otherwise civilized society." A verbatim transcript of the balance of the Senator's speech follows:

SPEECH BY SENATOR PACKWOOD

"It wasn't until I got to Congress, the Senate in 1969, that I began to see that New York was really just perhaps a *bigger* aberration, but the whole East Coast, from Boston to Norfolk, is roughly the same. For 20 miles back they have scarred their mountains, skinned their land and ruined their rivers—I came to the conclusion that I did not want to see happen to the West what I see has happened to the East, most of which I regard as beyond even reclaiming. I don't think money could return it or save it. It's gone.

HISTORY SAVED THE WEST

"The West I count as a line from roughly Denver to San Francisco and then north, through that marvelous Idaho, Montana, Washington, Alaska, Wyoming, Utah—that extraordinary countryside that only history has saved—because for some reason Columbus landed on the East Coast rather than the West, and the history of this country was east to west and not vice-versa. So we still have time. But as I come here late to this subject of wanting to save what I've only really come to appreciate in the last three years after having seen the wreck and the wrack and the ruin we've made out of the East, I feel a little bit embarrassed talking to a group of people that have been involved in it so many years longer than I have.

COMPOSITION AND PROCEDURES OF THE POPULATION COMMISSION

"Now let's take a look at the Population Commission, because it is going to be, I think, the bedrock upon which most of us are going to rest our arguments. At least we now have a 'blue-ribbon Commission'; after all, who can attack something that John Rockefeller's been Chairman of. . . . Bob Hansburger, the President of Boise Cascade, is on it, and Mrs. Chandler, the wife of the publisher of the Los Angeles Times, is on it. A report which has respectability—this is something we've all needed for a long time, I guess—something we can cling to.

"It was an interesting two-year process. The Commission . . . was divided, two years ago, about half and half. Half academics with good knowledge in the fields of population stabilization, reproduction, fertility—the whole gamut. Charley Westoff of the Office of Population Research at Princeton was our Executive Director, and half of the Commission knew very well at the start more facts than most of us would know at the end. The other half were by and large laymen, or laywomen as the case may be—no particular knowledge of politics, a pretty neuter mind, a willingness to consider facts.

THE UNITED STATES MUST HAVE POPULATION STABILITY

"By the end of the two years of meeting one to two to three days a month, month in and month out, for two years, the Commission unanimously came to the conclusion, stated in their Preface, that the United States must 'point itself toward population stability.' By 'population stability' they meant *population zero* as soon as we can rationally get there. There was no dissent to that conclusion. And that is the rock upon which we're going to build our church.

EFFECTS OF POPULATION ON RESOURCES

". . . the Commission report breaks down into two to three categories. One, relatively routine, ... is the effect of population growth on resources, on recreation, on transportation, on urban living. In that section there are no recommendations . . . .

"Then there's another section that . . . deals with government reorganization, trying to center research in one area, perhaps having a census every five years instead of every ten years, better statistics—I don't think anyone would really quarrel with the bulk of that section. Again, there were no dissents from the Commission.

COMMISSION RECOMMENDATIONS: SEX EDUCATION

"When we got into the third part of the Report—this was the 'gutsy' part, the recommendations—there were numerous dissents, although the majority was clear all the way as to what needs to be done. Bear in mind that they started from the premise that it's necessary for this country to stabilize its population, that there's nothing to be gained by growth, that none of us are any richer, financially, spiritually or any other way . . .

The Commission started off with education, and specifically they said sex education, and specifically they said not just community organizations and churches but schools should undertake (if necessary with the help of the Federal government and Federal grants) extensive sex education, so that at least at a minimum students, kids, would understand about reproductive biology. That isn't asking too much, I don't think, but it's a step that no other . . . National Commission has yet taken.

COMMISSION RECOMMENDATIONS: COMPREHENSIVE CHILD CARE

"From there, they went to child care, comprehensive child care, not just nurseries where you leave your kid while you're working, and pick her up or pick him up at five o'clock—but comprehensive child care, encompassing education, nutrition, and health, so that you might, in full confidence, make a choice in your own mind as to whether you prefer to stay at home or prefer to work and leave your child some place where . . . your child will be well looked after, well educated, well fed and well cared for. The Commission is quite clear in its Report in saying that without that option there are any number of people who are going to make the preference to stay home because they want to make sure that their children have a decent surrounding, and, rather than run the risk of a bad one they will stay home. . . .

COMMISSION RECOMMENDATIONS: CONTRACEPTION

"Then the Commission went into [the subject of] contraception. Again, not too much controversy here; we have passed the hurdle—I think we passed it in the Family Planning Act of 1970, of which former Senator Joe Tydings was the instigator. The Commission simply said that we should first have a program of research that will provide for this country enough variety in contraceptive devices and techniques for men and women (and I emphasize men because we have shortchanged research on the male side too long), enough contraceptive devices and techniques so that everybody in this country can have access to some contraception that they can physically and religiously accept—and that will work.

"Then we will distribute contraceptive devices and contraceptive information to *everybody* in this country, regardless of educational background, regardless of level of income, regardless of marital status, regardless of age—I think we are over the hurdle on that philosophy. We haven't got the money yet, out of the Office of Management and Budget or out of Congress, but I think we are past the hurdle of the fact that birth control information should not be available [to everyone.] I will be very surprised if in anyplace from three to seven years we have not achieved in this country at least the massive *availability* of acceptable contraception.

COMMISSION RECOMMENDATIONS: THAT STERILIZATION AND ALL OTHER MEANS OF POPULATION CONTROL BE ABSOLUTELY VOLUNTARY

"Then the Commission . . . strongly urged the expansion of voluntary sterilization; I use *voluntary* here and use it everyplace else. The Commission time after time after time emphasizes voluntary, voluntary, voluntary! There is no compulsion in this whole Report; there's no genocide in the whole Report; there is no aim at any minority group in the whole Report.

"I think that the bulk of the Commissioners, if they were forced to their 'druthers' and had to make a choice between *compulsive population control* and overpopulation, *would come down on the side of overpopulation.* Most of us have a fair fear of a majority in this country deciding what minority was going to populate or not populate, or who was going to be sterilized, or who was going to have abortions. The Commission, with enough evidence, came to the conclusion that we can achieve [stabilization] voluntarily, and one of the voluntary ways to do it is sterilization, which is, of course, (I'm talking about men)—one of the most effective population stabilization tools available today. I'm frank to say I'm surprised at the acceptance of sterilization over the past three years. It's been the biggest single growth, I think, in public acceptance and willingness . . . to come around. Abortion, for those of us who have been involved in pushing it . . . I think intuitively had a sense there was a massive support for abortion; most of us did not assume a massive support for sterilization—and there is!

COMMISSION RECOMMENDATIONS: ABORTION

". . . when you get to . . . abortion, the Commission 'bit the bullet,' said simply we ought to have legalized abortion. They used the New York statute as a model. It's not a bad statute—24 weeks and no residency. They said we ought to have this either in every state or we ought to have it nationally. As far as I'm concerned, we ought to have it nationally, and that is the reason I've introduced a National Abortion Bill which, if it did pass, would in effect enact the equivalent of the New York statute nationwide.

MICHIGAN AND THE FIGHT FOR LEGALIZED ABORTION

"Now in passing let me say something here about Michigan. In my mind this year Michigan may be the A.B.M. of abortion. We are going to have a battle joined in Michigan in November—legalized abortion will be on the ballot as it was in Washington [state] a few years ago. Only Washington sits off in the northwest corner of this nation and people can say, 'Well, it's a small state, and it's not a typical cross-section.' But they can't say that about Michigan; it's got ten million people and it's got ethnic backgrounds and it's got racial backgrounds, it's got religious backgrounds, and Republicans and Democrats, and auto workers and everything else. If legalized abortion is on the ballot in Michigan and fails, we're going to be set back five years, and if it's on the ballot and passes, we're going to advance five years—because people will be able to point to that state and say, 'This is a typical American state with a big population, and there the public wanted it, and that's evidence that we ought to have it in the nation.'

"As far as I'm concerned ZPG would be very wise, if they had to pick out any single one thing this year to focus on, [to concentrate on] the necessity for passing that bill. And you all know what we're up against once it gets on the ballot—the amount of money that the opponents will have is just unbelievable in comparison to the money the proponents will have. I would hate to see that issue lost, now that the people of Michigan have gotten the signatures and put it on the ballot.

COMMISSION RECOMMENDATIONS: HEALTH CARE; EQUAL RIGHTS FOR WOMEN

"Well, then, the Commission went on and poked itself a bit into health services, and said that all health services relating to fertility, including contraception, prenatal care, birth, abortion—everything—should be fully covered either by presently existing private or public health plans or fully covered by the government. So that there would be no excuse for lack of health care in the entire field of fertility.

"And then lastly . . . the Commission hit very strongly on equal rights for women. They specifically came out and endorsed the proposal that was *then* before the Senate (has now passed)—a Constitutional amendment for equal rights. . . . The Commission just very clearly said that working women—women who work for pay in offices—have 27% fewer children than women who work for nothing at home. The most underutilized talent in this world is the brainpower of women, and it's not enough that they get just equal pay for equal work (because that is relatively easy to achieve and police), but that the more important thing is that those [men] who are in supervisory positions, as they look upon a few of the subordinates below, are willing to concede that women can equally think and perhaps equally manage with men, and that they should be entitled to try out their talents and their brainpower.

POLITICIANS RELY ON WOMANPOWER

"Here I think most of us in politics are perhaps a bit ahead of the public and certainly ahead of businesses. I know of no successful politicians (at least in the generation I'm in) that would say that they have been elected on anything other than womanpower. The women have thought it through, they've fought it through, they have worked it through. Most of our contemporaries who are men will pat us on the back and tell us how great we are and take us to the Elks Club—but they won't work. And women will. And I think that is a power, in terms of intellectual capacity and in terms of ability that business and government are going to have to come to realize.

THE PHILOSOPHY OF WANTING FEWER CHILDREN MUST CONTINUE

"I'm convinced that with really only five things (if we look at them from the Federal level)—abortion, sterilization, contraception, equal rights, day care—we can achieve ZPG in this country as soon as it is rationally possible to achieve it. I'm not one of those who thinks we're going to get to ZPG next year because we'd have to go to a birth rate of 1.2 and I don't think that is likely. But we are approaching 2.11, which is our replacement level, counting our immigration in this country. We can make it with just those five things if—and the if is is that the psychology and the philosophy of this nation continues as it has in the last three to four years. That philosophy is to want fewer children. That philosophy is to want to protect the environment, and to tie the destruction of it to an ever-burgeoning population. Because if the philosophy changes, if we decide in this country that we want to have three children per family, we'll have them, and all of the abortion laws and sterilization laws and contraception laws really won't amount to a damn—because people will choose not to pay attention to them.

"So really all that this Commission is asking is that we:

(1) remove the impediments that at the moment prevent people from having whatever control over their own fertility they want;

(2) we offer the inducements, or at least the availability, of the sterilization or the contraception—so that people can have total control, as they choose, over their own fertility.

"The burden and the effort is really going to fall back again to the ZPGers and the others of similar philosophy, because for better or for worse laws in this country cannot make people quit populating or start populating. The change that people like Dick Lamm [D-Colorado Representative; also the immediate past President of National ZPG] has brought about in the last two to three years, and the efforts that the Carl Popes and the Paul Ehrichs and the ZPGers have had in this nation is extraordinary. When you realize that three or four years ago people didn't even talk about abortion, didn't even talk about population (except for what were then regarded as a few radical nuts), and how far we have gone in such a short time. The people sitting in this room tonight, and I would judge as I look at it, to be no more than probably 300, spread throughout this nation, can be the difference in terms of philosophy as to which way we go. There's nothing by law that can push you ahead and there's nothing by law that can take away your energy.

THE GOVERNMENT WILL RESPOND WHEN THE PUBLIC THUNDERS

"The greatest asset that politicians have is an uncanny ability to keep their ears to the ground. (Although Winston Churchill once described it as an undignified position.) If politicians have learned anything, it's to sense the changes in public opinion; and successful politicians sense it well enough to be just far enough ahead of the tide to move with it. We really do have a responsive government when the public thunders, and the public is just on the verge of thundering about population stability—and they're going to thunder because the 300 people in this room push them and prod them, cajole them and persuade them.

"Now I guess what I'm asking is that for those of us in politics who are willing to stick our necks out and run the risk of the possibility of political defeat, that you support us. Those of us in elective office are saying to you that all we're asking is your help and your hearts, and we will accomplish together what none of us will accomplish alone.

"WHAT YOU ARE IN THIS WORLD WILL BE YOURS FOREVER"

"The last thing to remember is that what we accomplish is not necessarily going to be measured by our contemporaries, and some of us may suffer political defeat. What's really going to be measured is if 25 or 50 years from now my son or grandson can still find a few rushing mountain streams that haven't been dammed up to produce electricity for half a billion people, or he can still find a few forests that haven't been clear cut, and can still find a few places he can go without hearing the howl of a Honda, or the chug of a chainsaw. And if somehow he can experience tranquility as an actuality and not just a memory—because we were successful 25 or 50 years earlier in stemming the flood of population, then we have been successful. Then I think we will have lived the adage that says, 'What you *have* in this world when you die will pass to somebody else, but what you *are* in this world will be yours forever.'"

DONORS DESERTING McGOVERN

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. SPRINGER. Mr. Speaker, all of us will readily admit that finances are not the whole consideration of a political campaign, but we realize that in a country of 210 million people there must be some way of reaching the voters. For the first time in more than 30 years there are substantial ideological differences between the parties and the nominees. Ben A. Franklin of the New York Times News Service has polled 35 Democrats who contributed substantially in the past to Democratic candidates. Fifteen said they will give little or nothing to the presidential campaign of Senator GEORGE McGOVERN. Of this group 13 said they will help finance and will vote for the reelection of President Nixon. Seventeen others were "undecided but leaning to McGOVERN," some saying that, because of previous heavy contributions, they could not afford to help Senator McGOVERN "as much as I would like to." Only three of the 35 pledged all out support for their party's nominee.

There are many reasons for this radical shift and Mr. Franklin has set them out as an interesting development in the 1972 campaign for President. His article, which appeared in the August 9, 1972, issue of the Washington Star, follows:

SOME OF RICH DONORS DESERTING DEMOCRATS

(By Ben A. Franklin)

Fifteen of 35 wealthy Democrats who contributed a total of $1.2 million to the preconvention nominating campaigns of Sens. Hubert H. Humphrey and Edmund S. Muskie say they will give nothing or only token amounts to the presidential campaign of Sen. George S. McGovern. Thirteen of them say they will help to finance and will vote for the re-election of President Nixon.

Of the remaining 20, 17 said they were "undecided but leaning to McGovern," or that they had much such heavy campaign contributions earlier in the year that they could not afford to help McGovern "as much as I'd like to."

The three—all former Muskie supporters—who said they were "100 percent for McGovern" and would contribute substantially to his campaign were: Mrs. Jean Benjamin of New York, wife of the cochairman of United Artists Corp. ($18,750 to Muskie); Clark M. Clifford, the Washington lawyer and former secretary of defense ($10,000 to Muskie), and Mrs. Ralph Pomerance of Cos Cob, Conn., an architect's wife who is a member of the McGovern task force on national security ($25,000 to Muskie).

These results of a telephone check of large contributors to the unsuccessful Humphrey and Muskie nomination campaigns suggest that many of the most affluent Humphrey-Muskie financial backers will not support McGovern.

McGovern's financial advisers have been saying that they expect some decrease in traditional or "regular" Democratic campaign money—perhaps as much as $6 million to $8 million, money that Humphrey might have gained had he been the nominee.

A few weeks ago—before the withdrawal of Sen. Thomas F. Eagleton of Missouri as McGovern's running mate—the McGovern advisers were confident that all or most of the difference could be made up through an aggressive mail appeal to a million small contributors.

But now there is doubt in the McGovern camp. The mailings are generally being delayed. And if the impact of the Eagleton controversy on small donors is anything like its impact on big donors, the basic financing calculations of the Democratic presidential campaign this year could be in jeopardy.

Scores of wealthy Jewish contributors—particularly to the "regular" Democratic candidacy of Humphrey—already have indicated they will not support the McGovern effort. They have reportedly done so chiefly for fear that he is not sufficiently militant in his support for Israel, a charge McGovern aides deny, or that he is hostile to the legitimate economic needs of business.

But the telephone survey disclosed that the defecting or doubting Democrats, many of whom agreed to speak only if promised anonymity, also included well-known non-Jewish liberals. Their doubts had nothing to do with Israel. Some sounded surprised by their own pro-Nixon thoughts.

"I'm trying to imagine my own words saying this," was the comment of one of the country's most successful liberal magazine editors, who gave $15,000 to McGovern's preconvention Democratic opponents.

"I suppose at the moment, if I had to go into the booth and vote today, I'd vote for McGovern. I am leaning, not definite. But I am keeping my pores open, as amazing as that sounds even to me."

If Nixon could make some "real headway" in ending the war in Vietnam, the editor said, "I could well vote for him."

Another business executive, the head of a Midwest aersol manufacturing company and a life-long Democrat, said he was now contributing to Nixon's campaign.

He gave at least $12,500 to Humphrey earlier this year.

"I think the guy is dangerous," he said of McGovern. "He talks about doing this and doing that and his figures never add up. I just wouldn't want him."

Asked if representatives of the Republican Committee to Re-elect the President had called on him after the McGovern nomination, he replied "Yep, they arrived about five minutes later."

After McGovern was nominated last month, Nixon fund raisers also aproached Democrats on the West Coast and in New York, particularly Jewish contributors who had supported Humphrey. "It was easy work for them," one former Humphrey contributor said.

Stanley Goldblum, the chairman and president of the Equity Funding Corporation of America in Los Angeles, said that "in an attempt to stop McGovern" he had contributed $50,000 to Humphrey's nomination compaign—$25,000 in direct contributions and a $25,000 loan.

He said that he was now making "substantial" contributions to the Nixon campaign. He also said that he had contributed to candidates of both parties in the past.

"Mr. Nixon represents the kind of society that I would prefer to live in, not Mr. McGovern," Goldblum said in an interview. "I could have lived with Humphrey as president, but not McGovern."

Goldblum said that his dissatisfaction with McGovern's alleged weakness on American support of Israel was "really not the most persuasive argument I have heard."

"I feel he is dangerous for the economy," he said.

Another Los Angeles executive Eugene V. Klein, board chairman of the National General Corporation, said:

"I have been a Democrat all of the time, I have never made a Republican contribution. But I am leaning to Mr. Nixon. I will neither vote for nor contribute to Mr. McGovern, because I am in enormous disagreement with his economic policies, and I doubt his ability to run the country."

Klein gave $100,000 to the Humphrey campaign—$37,500 in contributions and $62,500 in loans.

In New York, the most spectacular loss for McGovern was that of Meshulam Riklis, chairman and president of the Rapid-American Corporation, a retail and manufacturing conglomerate. Riklis, who contributed or lent $150,000 to Humphrey, declined to be interviewed but instructed his secretary to say that "he will vote for President Nixon."

HELPING OUR ENVIRONMENT

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. CHAPPELL. Mr. Speaker, recently one of my fine constituents was recognized by the U.S. Department of Agriculture for his efforts to protect the environment in dairy management. The article, published in the May issue of Soil Conservation, reads as follows:

PRODUCING WITHOUT POLLUTING

(By James N. Krider)

It was 1970 when get-tough pollution-control legislation began to emerge in Florida. In the agricultural sector, this new legislation posed the greatest threat to the dairy industry. But the positive response of Florida dairymen has put them in the forefront among all industries in leading the way to compliance.

P. L. Snyder, owner of the Sunnyhill Dairy near DeLeon Spring in Volusia County, was one of the pioneers in a program that stresses "being good neighbors with the environment."

"Early in 1970, the alternatives were not too desirable," says Snyder. "Most of the talk was about the kind of sewage treatment used by municipalities. Those systems are costly to build and to operate. Dairymen had to find less costly facilities or face the prospect of going out of business."

Snyder, long a cooperator with the Volusia Conservation District, learned about a new approach to animal-waste treatment—the lagoon system—through the district. He and his dairy manager, Alvin Gephart, decided that when design criteria became available the Sunnyhill Dairy would be one of the first in Florida to try the lagoons.

The dairy's adequate land area, soils, topography, and grassland management program made it easier for the Soil Conservation Service to design the waste-treatment system.

The 484 acres range from level to gently rolling hills; the soils are sandy to sandy loam. The principal grass crop is Pensacola bahiagrass, which is overseeded with ryegrass for winter grazing. One thousand cows are held on nearby pastures between twice-a-day milkings. More than 78,000 gallons of water are used each day for washing the cows before each milking and cleaning the cow-holding areas after milking.

Snyder's waste-treatment system consists of three separate measures: an anaerobic lagoon, a holding lagoon, and a system for distributing the effluent on the land.

Wash water and its waste load are flushed through a low-velocity open ditch and dropped through a corrugated metal pipe into the anaerobic lagoon. There it takes 15 days for the biological reduction of solids. Tests have shown that this treatment provides as much as a 90 percent reduction in biochemical oxygen demand. Snyder's lagoon is 535 feet long. 100 feet wide, and 15 feet deep, which is adequate for his milking herd.

In the second stage, gravity pulls the effluent through a corrugated metal pipe into the holding pond where it is held for 7 days. Further treatment does take place in this pond, but the pond serves primarily as a storage basin for water that cannot be disposed of during periods of excess rainfall. It also helps to avoid continuous overflow.

The final step in the treatment process is a modern adaption of the age-old practice of applying manure to the land as fertilizer. Although wastes in the detention basin have essentially been degraded, the effluent contains substantial quantites of plant nutrients. Gephart's objective is to dispose of the animal wastes, but he recognizes the benefits from the supplemental plant nutrients.

A pump and diesel power unit were installed to get the effluent from the detention pond to 44 acres of bahiagrass pasture, subdivided to allow for rotating the applications.

The effluent is pumped to the pasture through a pipeline along which are located a series of portable lateral lines at 100-foot intervals. Each lateral line has impact-type sprinklers along its length. Gephart operates two laterals at a time for 4 hours, then activates two other laterals on the same side of the pipeline for a similar period. This process is continued on one side of the pipeline until half the field is irrigated. The lines are then moved to the other side of the pipeline, and irrigation continues for the other half of the field. The effluent is supplemented from a nearby 10-inch well to provide sufficient irrigation water.

To date, 67 lagoon waste-treatment systems, serving more than 42,000 dairy cows, have been installed on dairy farms in the state. The largest system, serves a herd of 1,950 cows. With an estimated 271,000 dairy cows in Florida, a sizable job remains to be done. But with people like Snyder and Gephart, who are willing to be innovative, the job will be an easier one.

Mr. Speaker, we, too, commend Mr. Snyder and his manager, Mr. Gephart, for their efforts in helping find ways to better our environment.

TIPPECANOE RIVER GETS CLEAN REPORT

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. HILLIS. Mr. Speaker, last month I had the opportunity to join several Indiana environmentalists in paddling down the Tippecanoe River to inspect for pollution in the water. The river had been seriously damaged in previous months by an oil spill and dumping of wastewater directly into the river—so seriously damaged that hundreds of fish were killed in this famous angler's paradise.

Alarmed citizens contacted me, and soon the Indiana Stream Pollution Control Board and Environmental Protection Agency were working together to take quick action to remedy this damage.

On our recent canoe trip, a State biologist took several water samples, for a factual determination of just how polluted the water still was, after the clean-up effort. Just today I received his report, and I am happy to say that it shows the Tippecanoe has recovered completely.

This proves to me that clean water can be a reality when the residents of a community take a real concern with their environment and act quickly to remedy any accidents or sources of pollution, once discovered.

I have enclosed for the study of my colleagues the final report from the State on the water quality test results. I see in these results a good indication that we are making headway and that we can clean up our country's pollution with the same dedication shown in cleaning up the Tippecanoe River.

The report follows:

REPORT OF SURVEY OF TIPPECANOE RIVER

INTRODUCTION

At the request of Hon. Elwood H. Hillis, M.C., a representative of the Stream Pollution Control Board, Mr. L. Robert Carter, Chief, Surveys Section, Division of Water Pollution Control, Indiana State Board of Health, accompanied a four-mile float trip of the Tippecanoe River downstream from U.S. Highway 31 at Rochester. The trip was prompted by the concern of local citizens over the quality of the river following pollution of the river resulting from the spill of chicken manure near Warsaw in October, 1971, and crude oil spills occurring in January at Rochester.

METHOD OF SURVEY

Samples were taken by boat from the Tippecanoe River and tributaries thereto for a distance of approximately four miles downstream from the U.S. 31 bridge at Rochester. The only known significant pollution source in the reach is the Rochester municipal sewage treatment plant which discharges to Mill Creek and thence to the Tippecanoe River, approximately two miles downstream. Dissolved oxygen and temperature reading were obtained in the field using a YSI dissolved oxygen meter. Physical observations noting water clarity, stream bed conditions, aquatic life, outfalls, etc. were made. Laboratory analyses were performed by the State Board of Health Water and Sewage Laboratory.

FINDINGS

The survey results are tabulated on the attached summary. It is noted that all dissolved oxygen concentrations were well above the minimum of 4.0 mg/l specified for aquatic life in Stream Pollution Control Board Regulation SPC 1R-2 and that all fecal coliform bacteria concentrations were also well below the criteria for partial-body contact recreation.

No pollution discharges were observed in the reach, even in built-up cottage areas. The water was extremely clear and neither the stream bed nor the banks showed any signs of oil from the spills in January.

The river met the water quality criteria specified in Stream Pollution Control Board Regulation SPC 1R-2 in every respect.

CONCLUSIONS

The reach of the Tippecanoe River met the water quality criteria specified in Stream Pollution Control Board Regulation SPC 1R-2 and appeared to be fully recovered from the pollution of chicken manure spilled in October 1971, and from spills of crude oil lost in January 1972. The discharge of treated sewage from the City of Rochester via Mill Creek did not adversely affect the bacteriological or dissolved oxygen quality of the river.

The Tippecanoe River in the reach studied, and most likely for many miles upstream and downstream from this area, is suitable for partial-body contact recreation, aquatic life, and other legitimate uses.

SUMMARY—TIPPECANOE RIVER SURVEY, ROCHESTER TO GERMANY BRIDGE, JULY 1, 1972

Station	Location	Dissolved oxygen (mg./l.)	Fecal coliform (per 100 ml.)	BOD (mg./l.)	Suspended solids (mg./l.)	Total phosphate, as PO₄ (mg./l.)	Physicial observations
1	Tippecanoe River U.S. 31	10.5	70	1.3	2.0	0.7	Water clear, sandy bottom, no sludge, silt, or debris
A-1	Unnamed ditch at confluence with Tippecanoe River.			1.2	4.0	1.1	
2	Tippecanoe River just upstream from Mill Creek	7.6	70	<1.0	1.0	.3	Do.
A-2	Mill Creek at confluence with Tippecanoe River		380	1.6	2.0	13.0	Somewhat turbid, no sludge, scum, or odor.
3	Tippecanoe River at U.S. 31 bypass	7.4	50	<1.0	6.0	1.0	Increased turbidity due to highway construction.
4	Tippecanoe River ½ mile downstream from U.S. 31 bypass.	7.7	90	<1.0	6.0	1.0	Water clear, sandy bottom, no sludge, silt, or debris.
5	Tippecanoe River at Germany Bridge boat landing	9.0	60	<1.0	6.0	.6	

A LITERARY CONTEST

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. ULLMAN. Mr. Speaker, late last year a literary contest was held in eastern Oregon. The result of that contest, an exceptional collection of poems and stories, has now been published. Mr. George Venn, an instructor at Eastern Oregon College, did an excellent job of directing this contest which elicited creative writing from both the young and old throughout the vast area of eastern Oregon. He says in his preface to the literary supplement that, as described for the Oregon Arts Commission and the regional newspaper publishers, the contest was designed to encourage the creation of imaginative literature so that it might be seen as more worthy of eastern Oregon's attention.

The literary contest also wanted to make it more obvious to readers in the region that good poems and stories are not only written by people in New York and Los Angeles, but they are also written for the man out on the rim of the Malheur Desert who is willing to leaf through the supplement. And what that man reads in the supplement will not be written by someone who has never seen Steens Mountain, walked through the Strawberry Mountains or fished in the middle fork of the John Day; it is written by idigenous talent writers who know which end of the cow gets up first, and where all the hunters come from in the fall.

I would like today to include from that supplement an excerpt. It is a traditional Indian tale, simple, and beautiful, written by an Indian of eastern Oregon. The excerpt follows:

> The trees down in the valley didn't have fires in them. It was to be a cold winter that year. They didn't want to spend another cold winter.
>
> So coyote agreed to help the trees.
>
> The next morning Coyote took off for the high mountain where the trees that had the fire lived.
>
> It was very late the next night when Coyote got to the mountains. In order not to be seen, he had to sneak up from where he was, so that the trees wouldn't see him.
>
> Lucky for Coyote. The trees were having a meeting and keeping warm. It was cold high up.
>
> Coyote saw his chance to steal fire. He moved fast, took the fire. He ran down the mountain with trees chasing him.
>
> As one tree got tired, another tree would take off after the Coyote. All the trees tried and failed to catch Coyote. Trees were spread out from the top of the mountain to the bottom, there to stay forever.
>
> The trees in the valley received fire and were happy; they thanked Coyote for helping. Coyote was happy and more.

FATHER REINERT OF ST. LOUIS UNIVERSITY DISCUSSES THE SURVIVAL OF PRIVATE COLLEGES

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mrs. SULLIVAN. Mr. Speaker, St. Louis University is the oldest university west of the Mississippi River, and one of the most highly respected institutions of scholarship in the world. Founded in 1818, the school has been administered since 1829 by the Jesuit Fathers, who had entered this area several years earlier under the joint sponsorship of President James Monroe and Bishop Louis W. V. Du Bourg of Louisiana, under a program intended primarily to help Indians in the new American West. The university was chartered by the General Assembly of Missouri in 1832, and celebrated its 150th anniversary in 1968-69 in a year-long series of intellectual and cultural events under the theme "Knowledge and the Future of Man."

This event was formally noted by Congress in Public Law 90-611, approved October 21, 1968, which extended the greetings and felicitations of the Government of the United States to the university for the promotion and deepening of "human understanding and the enlargement of human knowledge for the common good of all men." As a devoted friend of St. Louis University, I was delighted to sponsor House Joint Resolution 691 which became Public Law 90-611. All of us in St. Louis are proud of this fine institution.

THREAT TO THE QUALITY AND INDEPENDENCE OF BOTH PRIVATE AND PUBLIC INSTITUTIONS

It was therefore with profound concern that I read in the Mirror of Public Opinion section on the editorial page of a recent issue of the St. Louis Post-Dispatch excerpts from an address delivered by the Reverend Paul C. Reinert, S.J., president of St. Louis University, to a meeting of the higher education executive officers, indicating that not only St. Louis University but all private colleges face a growing challenge and threat from those who feel that the day of the private college is ending, and should be allowed to end.

Describing a series of conferences and conversations he held last summer with opinion leaders throughout the country, businessmen, legislators, union officials, government administrators, writers and editors, and fellow educators in both the public and private sectors—Father Reinert said:

> I was disturbed and somewhat surprised by the deep-set doubt and misgivings I encountered about higher education in general and, especially, private higher education. There were those whose reasoning ran something like this. America is a throw-away nation. Obsolescence is a part of our national heritage and a sign of progress. Why save a system whose time has come any more than an outmoded life style or some quaint industry whose products are no longer needed? Let competition take its toll. The fittest will survive. So the private institutions fold, then we'll educate everybody cheaper through the enlarged public system. Right?

"Wrong," added Father Reinert.

Private colleges "stand as a countervailing power to protect the public sector against domination of higher education by special interest groups, within or outside government," Father Reinert declared, and their loss "would pose grave threats to the quality and independence of the remaining public institutions."

Both types of institutions have a vital role to play in assuring the quality of higher education in this country, he said, adding:

> Our salvation lies in recognizing frankly our own and each other's strengths and weaknesses, in each of us accepting the role in our properly diversified system of higher education for which our resources and traditions best fit us, then concentrating all our efforts on filling that role with distinction.

TEXT OF ARTICLE FROM ST. LOUIS POST-DISPATCH

Mr. Speaker, under unanimous consent I submit herewith the text of the article appearing in the mirror of public opinion section of the St. Louis Post-Dispatch containing excerpts from Father Reinert's address discussing the steps he believes must be taken to preserve the private sector of higher education from collapse, and why it is essential that those steps be taken.

[From the St. Louis Post-Dispatch, Aug. 7, 1972]

IF PRIVATE COLLEGES ARE TO SURVIVE—PUBLIC FUNDS AND PARTNERSHIP WITH PUBLIC INSTITUTIONS ESSENTIAL

(By the Reverend Paul C. Reinert, S.J.)

As some of you may know, I spent last summer in a series of small conferences and conversations with opinion leaders across the nation—businessmen, legislators, union officials, government administrators, writers and editors and, of course, fellow educators in both the public and private sectors. My purpose was to find some immediate, practical measures to rescue the private sector of higher education from collapse.

I was disturbed and somewhat surprised by the deep-set doubt and misgivings I encountered about higher education in general and, especially, private higher education. There were those whose reasoning ran something like this. America is a throw-away nation. Obsolescence is a part of our national heritage and a sign of progress. Why save a system whose time has come any more than an outmoded life style or some quaint industry whose products are no longer needed? Let competition take its toll. The fittest will survive. So the private institutions fold, then we'll educate everybody cheaper through the enlarged public system. Right? Wrong.

It would be neither cheaper nor more efficient if our private campuses wasted away into ghost towns. It would not be a triumph for efficiency but a victory for wastefulness. Were the private sector to collapse, the severest stress would be put on already hard-pressed state budgets to either absorb or replace these institutions. For the public sector to shoulder the entire burden would mean expanding many times the tax dollars now being allocated to higher education.

Furthermore, and more significantly from the standpoint of our nation's welfare, loss of the private factor in our traditional, public-private pluralism would pose grave threats to the quality and independence of the remaining public institutions. The independent colleges and universities stand as a countervailing power to protect the public sector against domination of higher education by special interest groups, within or outside government. By their very existence, they help to preserve academic freedom by providing an alternative to the public system for students and faculty alike.

However, without a basic and fundamental change in public awareness of the importance to our society as a whole of the independent college and university, our present, richly diversified system of higher education is doomed.

If we assume that our present, pluralistic, public/private system of higher education is worth preserving, all of us in higher education are going to have to accept two basic facts, both of them, to some degree, painful for all of us:

First, the private sector, to sustain itself, must have new infusions of public funds, at least indirectly, from the individual states and, secondarily from the Federal Government.

Second, both public and private institutions must learn to plan together to make more efficient use of the limited resources our economy can be expected to provide in the years ahead. This will call for some very painful sacrifices, for some soul-searching readjustments in the institutional goals and expediencies we developed during the optimistic '60s.

These are the facts of life we face in the public and private sectors alike. They can drive us into increasingly bitter competition as the private sector looks for help from tax dollars and the public institutions seek to supplement their tax support from private sources. But down that road lies disaster.

Our salvation lies in recognizing frankly our own and each other's strengths and weaknesses, in each of us accepting the role in our properly diversified system of higher education for which our resources and traditions best fit us, then concentrating all our efforts on filling that role with distinction. That, I submit, is the road to full and effective use of our national resources in higher education, the road to salvation of the private sector, the only way in which we can turn the tide which is currently running so strongly in the direction of a single, monolithic, tax-supported system of higher education.

NONCLAIMANT ASKS SUPPORT FOR YEN CLAIM BILL

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. MATSUNAGA. Mr. Speaker, a Member of Congress usually is not surprised to find in his daily mail requests for support of pending legislation from potential beneficiaries.

On the other hand, it is a refreshing rarity when a Member receives a letter from one who, though he can expect from the enactment of pending legislation no possible gain, either tangible or intangible, except perhaps the satisfaction of seeing that justice is done and the principles of Americanism and fair play advanced and strengthened, nevertheless strongly supports such legislation.

It was my unusual experience this morning to receive just such a letter. The writer, a Mr. Norman L. Mulgrew, a resident of Baltimore, Md., and obviously neither a constituent of mine nor a potential claimant, seeks congressional support for my bill, H.R. 8215, which would authorize some 2,000 Japanese-Americans to recover from the remaining vested assets of the Yokohama Specie Bank of Japan in the custody of the U.S. Attorney General their pre-World War II deposits in the U.S. branches of that bank. Payment to these depositors is not authorized under existing law because they were interned in American detention camps or paroled during the war.

Yesterday, August 9, 1972, the House Committee on Interstate and Foreign Commerce ordered H.R. 8215 reported favorably to the House.

Mr. Speaker, because Mr. Mulgrew's letter is not only timely in view of the House committee's action, but appears also to speak to Congress generally with respect to the pending legislation, I would like to bring the letter to the attention of my colleagues by submitting it for inclusion in the CONGRESSIONAL RECORD:

DEAR SIR: I have just read of your bill before Congress to return $4.5 million confiscated from Japanese-Americans during World War II. I can honestly say that for the first time in my life I am ashamed to be an American. How can a country and a Congress which claims to be attempting to improve Civil Rights for its citizens tolerate such a blatant act of piracy from the Government itself? Is Congress interested in improving the rights of minorities, increasing votes for themselves, or buying off a militant minority? It seems inconceivable that the most law abiding minority in this country can be abused in this manner.

I can only find one flaw in your bill, and that is that you are asking for the money to be returned without interest. As an American and as a taxpayer, I feel it is our responsibility that these people be payed what is due them and that includes the amount which was confiscated plus the interest since that time. The stripping of their rights and internment can never be made up to these loyal Americans of Japanese descent. We must only hope that they forgive our frailties as humans and accept our apologies. The theft, there is no milder word that can be used, of their life savings can and must be vindicated.

No American can be proud of his heritage as long as this tragedy goes uncorrected. Thirty years is too long to pay a debt, especially considering that the bulk of the debt—the personal suffering—can never be repaid.

I only hope that Congress will help erase as much of the stain on our national conscience as is possible for this tragic episode in this country's existence by the passage of this bill.

Very truly yours,

NORMAN L. MULGREW

WEBELOS CUB SCOUT DEN OF NEWTON FALLS, OHIO, HONORS DAYTON SOLDIER

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. CARNEY. Mr. Speaker, the Webelos Den 1 of Cub Scout Pack 69, sponsored by American Legion Post 236 Newton Falls, Ohio, has chosen Army Sp4c. Joseph G. LaPointe, Jr., of Dayton, Ohio, as the man who best exemplifies the Scout law.

The Webelos Den is composed of eight 10-year-old boys: David Allen, John Dempsey, David Hastings, Rick Myers, Jeff Nussle, George Sipka, Jr., Leonard Streets, Jeff Van Dyke, and Den leader, Mr. David E. McClure. The Webelos first became interested in Sp4c. LaPointe after Mr. McClure read of his exploits in Army magazine. LaPointe, a conscientious objector, served as a medic in Vietnam. In December 1971, he was awarded the Congressional Medal of Honor posthumously for shielding and comforting 16 wounded GI's before he was killed by an enemy grenade. He was 21 years old.

The Cub Scouts of the Webelos Den, after discussing LaPointe's heroic deeds, unanimously concluded that he exemplified all that they will promise when becoming Boy Scouts. Mr. Speaker, I commend the Scouts of the Webelos Den on their selection of Sp4c. LaPointe, and I insert in the RECORD an account of the tribute paid to the late Joseph G. La Pointe by the Webelos Den as well as the correspondence of Den Leader David McClure urging that the LaPointe story not be forgotten. The story and correspondence follow:

FIND NEW DIMENSION TO SCOUTING: NEWTON FALLS WEBELOS HONOR DAYTON SOLDIER

Although Army Spec. 4 Joseph G. LaPointe Jr. was never a member of the Boy Scouts of America, he has been singled out as a person exemplifying the Scout Law by members of the Webelos Den of Newton Falls Cub Scout Pack 69.

La Pointe, a native of Dayton, serving as a medical aidman, earned the Congressional Medal of Honor in June, 1969, while assisting wounded soldiers during a helicopter assault in Quang Tin Province, South Vietnam.

COMFORTED 16 SOLDIERS

He was hit by a burst of machine gun fire, but continued with his duties until knocked to the ground by a second burst. Despite serious wounds, La Pointe struggled into a shielding position over the wounded and was killed along with two others by an enemy grenade. Before his death, he gave aid and comfort to 16 soldiers. LaPointe was 21 years of age.

The Webelos Den, composed of boys 10 years of age who are preparing to make the transition from Cub Scout to Boy Scout, first became interested in the soldier after their leader, David McClure, read of his exploits in an article printed in the "Army" magazine.

The story reviewed the actions of six Medal of Honor winners, but something about the account of La Pointe impressed McClure, who felt his deeds were an indication of his character and demonstrated the qualities and goals of scouting.

McClure said that La Pointe was a conscientious objector, was married and has a son.

HOLD MEMORIAL CEREMONY

A special memorial ceremony honoring the fallen soldier was compiled by den members, David Allen, John Dempsey, David Hastings, Rick Myers, Jeff Nussel, George Sipka Jr., Leonard Streets and Jeff Van Dyke, and presented at the conclusion of the Cub Scout Blue and Gold Banquet held last February, stressing the theme "Americanism."

McClure contacted Mr. and Mrs. Joseph La Pointe Sr., La Pointe's parents, about the ceremony. The La Pointes, who reside in Englewood, a suburb of Dayton, were grateful for the thoughtfulness of the scouts, and extended an invitation to them to visit if they were in the Dayton area. As a summer trip to Wright-Patterson AFB and Air Force Museum had been planned, arrangements were made to meet the family.

GO TO DAYTON

Last weekend, six Cub Scouts, one Boy Scout along with McClure, Cubmaster Charles Hastings, committeeman George Sipka, Paul Lago and Andrew "Blinkey" Callas, went to Dayton. At the base, they stayed in the transient airmen's quarters, toured the museum and the air base and viewed a movie at the base theater Saturday. After Sunday church services at the base chapels, the group met Mr. and Mrs. La Pointe and their daughter, Robin, at the cemetery where the young soldier is buried.

A memorial service was held with Van Dyke, Allen, Sipka and Dempsey acting as color guard. A framed copy of the original memorial service was presented the parents by scouts Van Dyke and Dempsey. A poppy cross was placed on the grave by Danny McClure accompanied by Hastings bearing the Webelo flag. "Taps" was played by Boy Scout Scott Lago, Troop 69, and the colors were retired. The entire service was covered by a Dayton television station.

VISIT LA POINTE FAMILY

The boys and their leaders visited the La Pointe home and learned from Mrs. La Pointe that her son had wanted to be a naturalist and had taken many scouts on nature hikes. Slides made by La Pointe of wildlife and nature subjects were shown to the scouts, and each one received a booklet presented to the soldier's parents by Vice President Spiro Agnew when they attended a ceremony at the White House to receive the Medal of Honor posthumously in December, 1971.

According to the pack leaders, the La Pointe's have found a great deal of comfort in the concern and respect shown by the young scouts and by their actions. The boys have added another dimension to their Scouting experience, he said.

THIS IS THE WEBELOS CLOSING AS PRESENTED AT THE ANNUAL BLUE AND GOLD BANQUET, FEBRUARY 21, 1972

PACK 69

Sponsored by American Legion Post 236, Newton Falls, Ohio, Assistant Webelo Leader Charles Hastings starts closing theme:

I ——— promise to do my best. To do my duty to God and my country, to be square and to obey the law of the pack.

The month of February holds special meaning for the promise of the Cub Scouts. Not only is it the sixty second birthday of the Boy Scouts, but it's the birthday of Washington our first President and father of our country. Also Lincoln our sixteenth President who kept it "one nation under God indivsible". These men along with countless others over the years, have given stature to the oath a scout takes.

It is benefitting that the Webelos closing theme on such a great occasion "is" "Americanism".

Webelo Scout Jeff Van Dyke: Irving Berlin was born in Russia in 1888. He came to the United States in 1892 with his parents settling in New York City's east side. In 1955 he was awarded a medal, authorized by Congress, for his contribution to entertainment, and especially for his song "God Bless America".

Webelo Scout John Dempsey: Would you please stand and join us in singing God Bless America as a tribute to the men and women serving in our Armed Forces and especially Specialist Fourth Class Joseph G. La Pointe, Jr.

Webelo Leader—reads from an article prepared for parents and special guest on Specialist La Pointe. These where passed out by Boy Scouts of Troop 69. "While everyone sang God Bless America". The following was added to the prepared text. After all were seated and before the reading.

PAUSE

And especially Specialist Fourth Class Joseph G. La Pointe, Jr. In the last moment's of "His Life" just one month before "His Twenty First Birthday."

Webelo Scout George Sipka, Jr.: Would you please stand for a moment of silence for our prisoners of war and our men missing in action.

Taps sounded by Robert Kuchta: (This high school boy is not a Scout, but gladly gave of his time to help Pack 69.)

A NOTE OF INTEREST

With three reading parts and eight boys it's impossible for every boy to have a part.

The boys by secret ballet, themself elected those who would have the honor.

A SPECIAL NOTE OF INTEREST ON SPECIALIST LA POINTE

His other awards earned as a medical aid man are as follows: Combat Medical Badge, Silver Star, Bonze Star, Army Commendation Medal, Purple Heart, Good Conduct Medal, National Defense and Vietnam Service Medal.

His Vietnam awards are South Vietnam Medal of Honor, Cross of Gallantry with Palm and the Vietnam Campaign Medal with Battle Star.

Specialist La Pointe was a conscientious objector, was married and has a son. It was his desire to become a naturalist, and he had often taken Scouts on nature hikes.

NEWTON FALLS, OHIO,
April 10, 1972.

ALDEN G. BARBER,
Chief Scout Executive, Boy Scouts of America, New Brunswick, N.J.

DEAR SIR: The Boy Scouts of America are a strong influential force in our nation. As you well know scouting deals with the physical and mental development of our youth. Youth that will one day help lead their country. In this day and age when love of God and country seem to be at an all time low. The ideals and principles the Boy Scout movement promotes are more important than ever.

On Feb. 21, 1972 Cub Scout Pack 69 of Newton Falls, Ohio, held their annual Blue and Gold Banquet. Enclosed is a copy of the closing ceremonies given by the Webelos Den. I am sure you will be most impressed It was a most rewarding experience for me.

These ten year olds performed like seasoned veterans, they took great pride in being a part of the ceremony. In Specialist La Pointe they had found a "Hero" in their time which could really be looked up to with pride, even though they never knew him or ever could.

While all stood for the moment of silence and sounding of taps, scouts, parents and special guests alike, I am sure that for those few moments they truly thought of their God and country. Thanks to the pride and sincerity shown by these "Boys." Silence remained as the boys retired the colors for the evening. As they passed all present knew no longer were these boys, but fine "Young Men" with love and pride in their God and country. Such a display would bring tears to the eyes and warm the heart of any true patriot, scout, scouter, or American.

Thirty four copies of the article prepared on Specialist LaPointe were passed out. *"Not one was left behind,"* his "Deeds" exemplifying all that scouting promotes was not limited to the last day of his life. He won numerous awards for bravery as a medical aidman, among them the Silver and Bronze Stars.

True, he was not a scout. Why? Perhaps he never had the opportunity. He was raised outside Clayton, Ohio, with a population of 550 people. As so often happens with government documents it's close to Dayton, a large city, so Dayton is listed. He loved the outdoors it was his desire to become a botanist or naturalist. It seems his whole life was a constant indication of the scouting code.

An article in Boys' Life on Specialist La Pointe is very important. It would be most interesting and beneficial to anyone in scouting. Mr. and Mrs. La Pointe I am sure would be most willing to help. They are true Americans, after losing a son in the most unpopular war in our nations history, they still have a deep faith, love, and pride in America and their God. National Headquarters should also give their support in getting Walt Disney Productions to make a movie on his life. His story would be beneficial to our whole nation as well as scouting.

The youth of America needs heroes in their time, with which they can identify. With all the riots, protests, increasing rise in juvenile crime, narcotics in grade schools, high schools, and colleges. Along with the ever increasing reluctance of youth to respect or serve their God or country, makes this need ever so clear. Specialist La Pointe is more than worthy of being the first, a story such as his should *"not"* go untold.

Yours truly,

DAVID E. MCCLURE.

NEWTON FALLS, OHIO,
April 10, 1972.

Major General CUSHMAN,
Commanding General,
Fort Campbell, Ky.

DEAR SIR: In this day and age when love of country and patriotism seem to be at an all time low. The fighting "Men" of this great nation, need to know more than ever that some one really cares. As a veteran I know the importance of support from home, and coming from the little people it means so much more.

On Feb. 21, 1972 Cub Scout Pack 69 of Newton Falls, Ohio held their annual Blue and Gold Banquet. Enclosed is a copy of the closing ceremonies given by the Webelos Den. I am sure you will be most impressed. It was a most rewarding experience for me.

These ten year olds performed like seasoned veterans, they took great pride in being apart of the ceremony. In Specialist La Pointe they had found a "Hero" in their time which could really be looked up to with pride, even though they never knew him or ever could.

While all stood for the moment of silence and sounding of taps, scouts, parents and special guests alike, I am sure, that for those few moments they truly thought of their God and country. Thanks to the pride and sincerity shown by these "Boys". Silence remained as the boys retired the colors for the evening. As they passed all present knew no longer were these boys, but fine "Young Men" with love and pride in their God and country. Such a display would bring tears to the eyes and warm the hearts of the hardest most dedicated of fighting men. Praise from the Commander and Chief could never mean as much or touch their hearts as quickly. Once again despite the hardships and hell of war, there is meaning to the job they must do.

Thirty four copies of the article prepared on Specialist La Pointe were passed out, "Not one was left behind". It's my desire to see his story in Boys Life. I feel his story would be most interesting and beneficial to any boy in scouting. It seems his whole life was a constant indication of the scouting code.

I also feel a movie by Walt Disney Productions on his life, would be most beneficial to our whole nation. The youth of America needs heroes in their time, with which they can identify. With all the riots, protests, increasing rise in juvenile crime, narcotics in grade schools, high school, and colleges. Along with the ever increasing reluctance of youth to respect or serve their God or country, makes this need ever so clear. Specialist La Pointe is more than worthy of being the first.

I am seeking the help of you and your Div. as well as the 101st Div. Assn., the Airborne Assn., the Assn. of the United States Army, V.F.W. National Headquarters, and American Legion National Headquarters for support in achieving these goals. A story such as Specialist La Pointe's should *"not"* go untold.

Fraternally yours,

DAVID E. MCCLURE.

NEWTON FALLS, OHIO,
April 10, 1972.

WILLIAM DOVER,
Story Department,
Walt Disney Productions,
Burbank, Calif.

DEAR SIR: Walt Disney Productions has long been a strong influential force in the field of entertainment. Its reputation of making movies suited for the family, strong on family togetherness, patriotism, and the American way, has become a tradition. My children as well as myself enjoyed the movie on Johnny Shilo. He must have been a great inspiration to the youth of that day. I've come across a story that well could be the inspiration of today's youth and our nation as well.

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While all stood for the moment of silence and sounding of taps, scouts, parents, and special guests alike, I am sure, that for those few moments truly thought of their God and country. Thanks to the pride and sincerity shown by these "Boys". Silence remained as the boys retired the colors for the evening. As they passed all present knew no longer were these boys, but fine "Young Men" with love and pride in their God and country. Such a display would bring tears to the eyes and warm the heart of any true patriot, scout, scouter, or American.

Thirty-four copies of the article prepared on Specialist La Pointe were passed out. *"Not one was left behind,"* his "Deeds" exemplifying all that scouting promotes was not limited to the last day of his life. He won numerous awards for bravery as a medical aidman among them the Silver and Bronze Stars. He loved the outdoors, it was his desire to become a naturalist or botanist. It seems his whole life was a constant indication of the scouting code and the true American way.

With all the riots, protests, increasing rise in juvenile crime, narcotics in grade schools, high schools, and colleges. Along with the ever increasing reluctance of youth to respect or even serve their God or country. The increasing decline of family togetherness, probably one of the greatest reasons for the generation gap. A need for heroes within our time, with which we can identify is ever so clear.

Specialist La Pointe is more than worthy of being the first. His awards for valor on the field of battle were for saving or trying to save life, not its destruction. His life seems to show all the indications of a strong family background, one rich in love and deep in respect for God and country. All the ideals which for years have been the foundation of our nation and made her great. Mr. & Mrs. La Pointe are true Americans, after losing a son in the most unpopular war in our nation's history, they still have a deep faith, love, pride, and respect in America and their God. I am sure they would be most willing to help.

Such a story as Specialist La Pointe's should *"NOT"* go untold. I am sure his story would be most beneficial to the youth and adults of this great nation alike. At a time when it is greatly needed, would be in the true American way and Walt Disney tradition. It would not be glorifying war, but the importance and need of true family life in our nation today. A need more important today than it ever has been in the past. I am sure you will give this story a most serious consideration. Thank you.

Sincerely,

DAVID E. MCCLURE.

DEATH OF "MR. SANDLOT BASEBALL"

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. JAMES V. STANTON. Mr. Speaker, from time to time a man appears on the scene in one of America's cities who dedicates his life to fun—fun for himself and for other people. Such a man was "Nig" Rose—"Mr. Sandlot Baseball of Cleveland, Ohio"—who died last Sunday at the age of 79. In these days of tenseness and conflict in our urban areas, we ought to keep in mind that our cities are not altogether the dreary places that the doomsayers talk about. They still are places that have a lot to offer to their citizens—as "Nig" Rose has proved to all of us. Mr. Speaker, I would like at this time to insert in the RECORD a news article and editorial that appeared about Mr. Rose in the Cleveland Press. The article follows:

"NIG" ROSE—IRREPLACEABLE

Cleveland's amateur baseball players were saddened today by the death of I. S. "Nig" Rose, who died last night at Mount Sinai Hospital at the age of 79.

Immediate cause of death was heart failure, caused by cancer, a hospital spokesman said. Rose had been hospitalized for more than a month. He lived at 17103 Van Aken Blvd., Shaker Heights.

"I am shocked and terribly saddened by the death of Nig Rose," said John S. Nagy, City Commissioner of Parks and Recreation and a close friend of Rose. "We will never be able to replace him because you just can't replace a man like Nig Rose."

Rose had been called "Mr. Sandlot Baseball" in Cleveland ever since he became associated with the Cleveland Baseball Federation in 1919. He was the mastermind behind the entire sandlot picture here.

On July 26, 1970, the then most modern softball playing facility in the nation was named after him at Brookside Park's No. 2 diamond, now known as Rose Field.

Rose and his wife, Tillie, were married 55 years.

His interest in sports began as a boy who won 18 Muny track medals in 1910 as a sprinter for St. Edward High School's Cadets. While at St. Ed's he played baseball and basketball.

Earlier he attended old West Commerce High School, where he met Tillie Rosenblum, whom he would marry in 1917.

In 1916 he went to work for Max Rosenblum, his future father-in-law.

Nig stayed with Rosenblum's and was vice president when he retired in 1967. Then he found more time to devote to his real love, sandlot baseball. So he took a $1-a-year job as treasurer of the Cleveland Baseball Federation, in which he had been active since 1919.

One of his most successful promotions for sandlot ball in Cleveland was "Sandlot Day" or "Amateur Day," at the Stadium, during which the Indians play a National League team. Each year beginning with 1937 this exhibition game raised money for medical and dental expenses, baseball lighted fields, payrolls for Class F supervision, trophies, medals, and tournaments for the Cleveland Baseball Federation's boys' and girls' teams. The CBF is an arm of the city's recreation department.

Nig also dabbled in professional sports. At one time he was general manager of the old Cleveland Celtics pro basketball team. He was also president of the Muny Softball Assn. and president of the Greater Cleveland Basketball Assn.

For 20 years he was a member of the board of Euclid Avenue Temple. He was active in the United Jewish Appeal and the Community Chest. He was a life member of the NAACP and the National Amateur Athletic Union. In 1962, Mr. Rose was the recipient of the Knights of Columbus sportsman of the year award.

Funeral services are scheduled for tomorrow at 11 a.m. at Fairmount Temple in Beachwood. Arrangements are being handled by the Cleveland Temple Memorial Home and Crematory.

Nig is survived by his wife; three children, Earl, Norton, and Mrs. Florence Kesselman, and nine grandchildren.

I. S. "NIG" ROSE

I. S. "Nig" Rose, who died yesterday at the age of 79, was a successful businessman, but he will be best remembered as an indegetigable fund raiser for sandlot baseball.

With no reward except his own satisfaction, he raised huge amounts for amateur athletic programs around town. Sandlot Day at the Stadium, which he started more than 30 years ago, paid many of the bills for the Cleveland Baseball Federation teams.

Mr. Rose made many other contributions to community affairs and was a life member of the NAACP. The likeable, gregarious Mr. Rose will be missed by his host of friends in and out of the sports world.

GOVERNOR HALL'S PENAL REFORM PROGRAM FOR OKLAHOMA

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. ALBERT. Mr. Speaker, the shocking increase and violence of prison protests in the past year has alarmed the public and brought into sharp focus the problems of our penal institutions and the long overdue need for critical reevaluation and innovative reform. Much has been written and much has been said about what needs to be done, but few have actually taken steps to begin to improve their penal system as has Oklahoma's young and courageous Gov. David Hall. When David Hall was elected Governor in 1970, he recognized the imprisonment fails if it is designed only to punish the inmate and claim retribution for society.

In Oklahoma, Governor Hall is instituting a program of penal reform that offers a prisoner the opportunity for rehabilitative treatment and training in an effort to enhance his abilities to adjust to the society to which he will return and to decrease the likelihood that he will return to a life of crime.

In a recent address to the Midwestern Governors' Conferenc in Bismarck, N. Dak., Governor Hall explained his program, a tough program to aggressively fight crime in Oklahoma, to punish the criminal, to protect society, but a program which also has as an integral part some improvements in the physical facilities of penal institutions and some innovative and sound plans for the rehabilitation of the prisoner. He calls education "the chief deterrent" to crime, and as their first line of attack, the people of Oklahoma have transformed a discontinued Job Corps center in the Ouachita Mountains into a full-time vo-tech school for men inmates, and plans are progressing for a skills center where secretarial and industrial skills will be taught to women inmates. Work-release centers have been started with community support. A 1,800-acre community center has begun that offers its inmates a maximum of counseling and medical staff, as well as a new talk-back program of televised instruction which features the finest lecturers and educators in the State and offers open dialog between the instructor and the student.

Oklahoma is also planning a program called "Volunteers in Corrections," which will enlist the aid of private citizens who agree to get to know and try to help an inmate in a penal institution. Another ambitious goal is a program of counseling and job placement for black ex-offenders to attempt to locate steady employment for the black ex-convict.

I am sure that you will share my keen interest in Gov. David Hall's description of this fine program, and I am pleased and proud to submit it for your attention and careful consideration:

ADDRESS BY HON. DAVID HALL

If we are to teach that crime does not pay—we must make certain that criminals pay for their crime.

Taking the profit out of crime thwarts a principal motive of criminals. Other reasons that compel people to commit crime also must be identified and remedied.

Education, of course, is the chief deterrent. We must assume that if every person is educated to his maximum potential, and satisfactorily employed, that he would not enter a life of crime.

That would mean that people with mental and physical problems are properly treated—long before these handicaps manifest themselves as crime.

In Oklahoma, we have made education our top priority. We have fought for additional funding in hopes of reducing classroom sizes in our common schools. This means children get more personal attention and problems are detected early.

We have greatly bolstered special education—that area where students with unusual problems are identified and given custom tailored education.

Special problems such as dyslexia, are being traced as major causes of social maladjustments. Such physical impairments must be diagnosed and treated. Dyslexia, in particular, is generally a high intelligence syndrome. If these people with reading disabilities—but otherwise talented and smart—become failures in school they may be tomorrow's criminal. Properly funded, education can detect and correct these people's problems.

In this role, Oklahoma school teachers have become an important first line of defense against crime. In addition, we are starting special courses in law for our public schools. We believe knowledge about law will increase understanding and respect for the concepts.

Yet, we are realistic. We know that crime will be a continuing problem and probably never will be erased. We want to minimize it.

In Oklahoma, we have taken extremely tough positions on persons convicted of violent crimes and drug violators.

Upon taking office, our first executive order was that no person convicted of selling drugs to a minor would be parolled. We are working to inject drug education into even the lower grades of school. In addition we are leaving little doubt about the fate of narcotics law violators. In 18 months, we have parolled no person convicted of selling narcotics—even to adults.

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In Oklahoma, we have taken extremely tough positions on persons convicted of violent crimes and drug violators.

Upon taking office, our first executive order was that no person convicted of selling drugs to a minor would be paroled. The growth of drug use and addiction must be met with all possible force. We are working to inject drug education into even the lower grades of school. In addition, we are leaving little doubt about the fate of narcotics law violators. In 18 months, we have paroled no person convicted of selling narcotics—even to adults.

Not only must it serve a "punishment" need, but it must be a deterrent. As George Savile said: "Men are not hanged for stealing horses, but that horses may not be stolen."

Increases in crime, the rising costs of prevention and enforcement, and the loss of productive lives because of crime has caused many states to come to grips with the problems. There are signs of reform.

In institutions, Puerto Rico is very innovative. Governor Luis Ferre has presented a comprehensive plan designed ultimately to break all penal institutions down into 13 brand new units of from 150 to 1,000 inmates, with training and rehabilitation increased many times over.

Most states lack funds for such building. Most can't build one new facility, much less 13 at once. Let me offer Oklahoma as a more typical state and outline some of the steps we have taken.

In January of 1971 there were two main correctional facilities in Oklahoma: The Oklahoma State Penitentiary at McAlester and the Oklahoma State Reformatory at Granite. Subsidiary to the penitentiary were two sub-prisons, a vocational training center—which did not train vocationally—at Stringtown and the McLeod prison farm near Farris. The penal system budget for that year was approximately $8.2 million.

A previous administration had created, by legislation and executive orders, work-release centers in Oklahoma City and Tulsa. Announcement of those centers had caused citizenry outcry. The Tulsa Center was dropped. The Oklahoma City Center became less than a token; housing about six inmates in rehabilitative work release.

After taking office, I ordered an immediate survey that revealed two critical problems:

1. Serious overcrowding; and

2. The total absence of rehabilitative training anywhere in the system.

Prisons were warehousing bodies. Little was offered to the inmate—or to society—in getting convicts ready to return to the streets.

As always, the prime problem was money. But there are other less obvious levels to the problem. Public funding cannot be obtained without public concern for the problem. Action requires force, concern and commitment from the executive level. We offered that leadership and we acted before Attica.

Oklahoma acquired in 1970 a discontinued Job Corps Center in the Ouachita Mountains in southeastern Oklahoma which was idle when we took office.

We immediately got vocational technical grant money and within six months an inmate vo-tech school was in full operation, housing 100 inmates with 60 learning welding, heating and air-conditioning and auto mechanics. To date 228 men have graduated from the Camp Hodgens program. To date only one has had his parole revoked and that was because of a drinking problem.

Oklahoma's women's prison on the McAlester grounds was overcrowded and near explosion when we took office. It housed 135 women in facilities designed for 60. Within six months we had taken over a pre-release center on the McAlester grounds and converted it into an honor detention hall. We moved 50 women inmates into it. Plans are underway to build another wing on this building to be used as a skills center where secretarial and industrial skills will be taught. This will be completed in 1973.

While Camp Hodgens was being set up and the new women's ward was being created, we moved to activate the work-release Center in Oklahoma City. Community support was enlisted. The inmate population was quickly increased to approximately 75 with 15 as staff and 60 on the program. To date 262 men have been passed through the Center. They have earned a combined total of $129,857.00 as wages and have been released to parole with $76,183.00 in savings. These men paid the Department of Corrections $30,169.00 for room and board while at the Center. Incidentally, they have also paid $18,406.00 in taxes and social security, showing that they already have been converted directly into tax producers instead of tax consumers.

Their recidivism rate to date is 7 percent, just half the rate nationally for such programs and far less than the national recidivism rate across the board which is in excess of 60 percent.

Our immediate plans are to open two more such centers: in Lawton and Tulsa. Community support has been excellent in both cities largely because local people, the city governments and Chambers of Commerce have been involved in the process. The Department of Corrections has grassroots assistance in that vital area of public acceptance of such innovative programs. The local people have committed themselves together with us to making to more centers a success.

In October, 1971, we took our most important step. The Department of Corrections acquired from the Department of Mental Health an under-used 1800-acre facility at Lexington, Oklahoma. A work-release, study-release, vocational-technical training center called the Lexington Community Treatment Center was created.

Funds from the Law Enforcement Assistance Administration, the Department of Labor and State resources will carry out a dual purpose program. First to rehabilitate offenders. Second, first offenders will be directly committed to this minimum security operation. This handling will eliminate the "graduate course in crime" exposure that occurs behind the walls of the higher security installations. We hope to save these offenders while they are still novices in crime and uneasy about doing time.

The 300 to 400 inmates who will be housed at Lexington will be offered greater counseling, job training, education and work release. We will have involved both major universities in the State; the Oklahoma Department of Mental Health and the National Staff of LEAA. Lexington is coordinated by the Department of Corrections and closely monitored by our staff.

An innovative program at Lexington will be "Talk-Back" televised instruction, where the institution will be tied into an education system operated by the Oklahoma Regents for Higher Education. This will offer vast new educational opportunity for those people and will feature the finest lecturers and educators with televised dialogue between teacher and student.

To fund these advances, we told our story candidly to the legislature. This kind of money is tough to get because of competition from areas of needs with stronger support. Prisons have a weak alumni association.

Our commitment, coupled with an understanding House and Senate, has allowed an increase in funding of 33% in two years, rising from $8.2 million when we took office to $10.9 million today.

At the same time that these giant steps were being taken to improve prisons, we also were establishing programs for parolees and probationers. We work to maximize chances of remaining ex-offenders and tax-paying citizens. To strengthen funding for our parole system, the past Oklahoma legislature imposed a supervision fee on probationers. This rightfully placed financial responsibility on the violator instead of law-abiding taxpayers.

Through the Oklahoma Crime Commission, an LEAA program was created called Volunteers in Corrections. Its goal is to enlist a private citizen—a member of the straight, law-abiding establishment world—who will agree to get to know, and attempt to aid each individual inmate in all of our institutions. Too often the inmate feels abandoned and in fact is abandoned by society. They need friends. Contact with concerned citizens brings about mutual understanding and gives the inmate an ally and an advocate when he is released. This program is in its first year and has great potential.

Our second rehabilitation program is a counseling and job placement program for black ex-offenders in Oklahoma City. This program, called the Personal Incentive Involvement Project (PIIP) is LEAA funded and attacks the most difficult task of all—providing steady employment for the black ex-convict.

With a 6 percent unemployment rate nationally, the hardest hit are minorities. The apparent absolute last man hired is the black convicted felon. PIIP is 100 percent black staffed and operated. It is in its first year of operation and has been a success.

The umbrella on all our job-placement programs, and the backbone of future efforts in matching prison skills training to the job market, is another LEAA funded program called the Link Committee. This is a committee of approximately thirty representatives of private enterprise who have accepted appointment. They donate their time and knowledge in setting up programs which lead to real training programs and real jobs for released offenders.

These men—and their commitment—are invaluable. They accept the responsibility of assuming their share of the public burden in making rehabilitation work.

In the final analysis, the question of crime prevention—and reducing the outrageous cost and waste of crime—rests with concern by all people:

Strong family units with parents concerned about their children.

Quality education, the golden problem solver, equally available.

Qualified guidance counsellors available through elementary grades, high school and college.

Public understanding of the causes and nature of crime—and people who are criminals—and people-concern about crime and criminals.

Police, court and corrections systems designed to innovate and deal with criminals with innovation and without fear.

A citizenry outraged by crime but sensible enough to strike at the roots. People dedicated to supporting private and public efforts to overcome causes and to rehabilitate offenders.

Crime, simply, is a people-problem caused by people. It can only be prevented by people.

ABSURD SCHOOLBUSING PROGRAM

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. CHAPPELL. Mr. Speaker, the unreasonableness of forced busing is illustrated in an editorial from my home county's newspaper, the Ocala Star-Banner. Dated July 19, 1972, this editorial reads as follows:

AN ABSURD SCHOOLBUSING SITUATION IN DUVAL COUNTY

The absurdity of forced busing to achieve a racial balance in the schools is dramatically illustrated in the case of an 11-year-old Duval County farm boy who will be required to ride a school bus 65 miles or more each day starting with the new term in September.

Actually, the youth's mother contends the roundtrip aboard county school buses will cover 88 miles, compared to the 60 to 65 miles that school officials say the route will cover.

Whether it's 60, 65, or 88 this is far, far too many miles for any young person to be forced to travel five days a week for the specific purpose of bringing about racial balance in the school system.

How any concerned and conscientious citizen could support a plan that will make the boy go through such a daily trial as this is beyond all understanding.

Even the most avid supporter of balancing the school system certainly must recognize that it is not in the best interest of this youngster, it is not in the best interest of the school system, it is not in the best interest of the taxpayers and it is not in the best interest of society to impose such an unfair hardship upon him.

What it means is that the boy will be forced to arise each morning before 6 a.m. to do his farm chores and then walk a mile to catch his first bus.

Even with daylight savings time, it will be close to dark before he returns home in late afternoon and then there will be those farm duties once again to take care of.

The harsh schedule faced by the youngster in Duval should serve as a fresh reminder to all Marion Countians on just how fortunate this country has been in integrating its school without busing students long distances.

The school superintendent and the school board have reason to be proud of this accomplishment, as do the citizens of the country.

As for Duval County, apparently it will bus more pupils in more buses at more cost for longer distances than any other county in Florida and possibly the nation.

The statistics are disturbing, to say the least.

Like 65,000 students traveling in 411 buses at a cost of $3.5 million. The county's 135 public schools will have an enrollment next fall of 115,000. This means more than one of every two youngsters will ride to and from his or her classes each day.

All of this nonsense has come about by federal court order. Duval, unlike Marion, apparently failed to phase out its dual system and move into a single system in a fair and realistic manner.

Now the pendulum has swung too far in the other direction, with the court's edict requiring all that unnecessary, expensive, time-consuming and tiring busing.

In a county that covers 847 square miles, the massive busing plan put into effect by the court just about ignores the reason school systems exist. Education is given a back seat in Duval County as children will be bused past schools in their neighborhood, transported instead to facilities miles and miles away.

If the courts refuse to recognize how ridiculous the racial balance idea can be at times, then Congress simply must come up with a solution, in the form of a constitutional amendment or whatever, that supports the neighborhood school concept.

Mr. Speaker, when we reflect sensibly on the hardships and unfairness forced busing has created, we must all conclude that this tactic has proven unwise.

AIR PIRACY

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. McKINNEY. Mr. Speaker, I rise to add my studied support to H.R. 16164. This bill, introduced by my colleague from New York, seeks to "insure international cooperation in the prosecution or extradition to the United States of persons alleged to have committed aircraft piracy against the laws of the United States or international law."

In effect,. the measure would isolate any nation that refused to extradite or prosecute a skyjacker. This amendment would allow the CAB—Civil Aeronautics Board—to withhold U.S. landing privileges from the delinquent nation.

Although it would be foolish to hold the belief that this measure offers a complete cure from the dangers of air piracy, I feel it is an effective means of deterring skyjackers.

Today, this legislative proposal is being submitted as an amendment to the Foreign Assistance Act of 1972. The idea is certainly a good one, which I can vigorously support. Foreign assistance from the United States would be suspended to any nation which would offer sanction to an apprehended skyjacker. The authority to do so would rest with the President as a matter left to his discretion.

Since it is the responsibility of this Congress to oversee the allocation and proper distribution of funds, the Reid proposal is consistent with the best means of accountability and public welfare.

Let me say that while I do have reservations about the Congress being the proper forum to solve the problems facing the airline industry, it is evident that unless we act quickly and effectively the lives of millions of Americans in the flying public rest at the mercy of fate.

In addition, I urge the support of my colleagues to pass the pending legislation which would provide funds to the FAA division of the Department of Transportation for the purchase, installation, and enforcement of magnetometers and other surveillance equipment and personnel at airports across this Nation. Currently, this proposal is part of the DOT appropriations bill. Indeed, it would be the most effective means of stopping the air pirate during his attempt.

But we must also consider the "after the fact" extradition law which the Reid bill would insure. In order to fully hit the problem for the safety of all Americans, I urge the passage of H.R. 16164.

MEETING OF PARTIES AND GROUPS OF THE ALBANIAN EMIGRATION

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, August 11, 1972

Mr. THURMOND. Mr. President, Leka I, King of the Albanians, in a move of some significance, recently called representatives of all expatriate Albanian groups to a meeting in Madrid, Spain. This meeting is important, because it was the first time in the last 20 years that Albanians representing various ideologies have come together to discuss their problems and differences.

At the meeting, the delegates discussed ways in which they could work together to bring about the downfall of the present unpopular regime in Albania, which retains its rule by imprisoning those who speak out against it. The delegates created an organizational framework to allow various groups to cooperate without compromising any differing ideologies.

Exiled Albanians have agreed for the first time to work together to bring freedom to a land which has been long without it. I think it is important that the Congress and citizens of the United States be made aware of their efforts.

Mr. President, I ask unanimous consent that this agreement, initiated by His Majesty King Leka I, be printed in the Extensions of Remarks.

There being no objection, the agreement was ordered to be printed in the RECORD, as follows:

ACT OF UNITY

At the invitation of His Majesty King Leka I, the Parties and Groups of the Albanian Emigration met at the Hotel Cuzco in Madrid, on the 2nd and 3rd July, 1972, and after discussing the Albanian and International situation.

Decided:

1. That the National forces be united for the insurance of an ethnic Albania, and the fall of the anti-popular Regime which bears heavily on Albania, and for the protection of the integrity of the Nation from any foreign designs.

2. That there should take place activities in all fields, political, cultural and social.

3. That a united press be created.

4. To put into action the understudy, the following points are necessary:

(a) An Executive organization made up of 9 members who in turn elect the President, Vice President, Secretary and Treasurer.

(b) A Counselling Organization made up of the members of the political parties and groups.

5. The groups and parties that have not taken part in this Convention will be notified and invited to join in this undertaking.

6. The United organization will be financed and aided by contributions from the undersigned Parties and Groups.

7. The competence of the Organization will be decided in later discussions.

8. With the approval of the Constitution the activities of the group and parties will work with the Cadre of this Agreement.

9. As soon as this Agreement is ratified by the Council of all parties and groups, the Statutes will be created and will thus take its final and definite legal form.

10. Until the final signing of the Statutes (which must be no later than six months from now), a Temporary Directives Council will be created which will later work for the final Organization.

11. A sum of $1,600 has been put up as a fund for the Temporary Directives Council expenses.

12. The Convention recognizes the activities of the Free Albania Committee and it will carry on in the same way in the future.

13. That moral and material aid should be given to the Pan Albanian organization of the Vatra, so that it can continue its traditional tasks.

14. That it should work closely with the League of Prizren so that they can carry out their aims.

15. That the "Free Albanian Committee" "The League of Prizren" and "Vatra" due to their particular character do not enter under this agreement.

16. With the approval of the Constitution the final name of the Organization will be decided. This Organization will consist of two Councils, the Executive Council and the Consultive Council.

17. This Understudy will be in effect until such time as the liberation of Albania is achieved, and

18. The Directives Council will be constituted with the undersigned:

Zotnive:
Dr. Halim Begeja (Organizata Balli Kombtar).
Theodhor Papalilo (Partija Agrare Balli Kombtar).
Dr. Fuad Myftija dhe.
Hysen Mulosmanaj (O. K. L. Legalitetit).
Isa E. Ndreu (Partija Katundare).
Ndue P. Gjomarkaj (Heroizma Shqiptare) dhe.
Ymer Bardhi (Bashkimi Shqiptar).
Palet nenshkruese.
Organizata "Balli Kombtar."
Partija Agrare "Balli Kombtar."
Organizata K. L. Legalitetit.
Heroizma Shqiptare.
Bashkimi Shqiptar.
Lidhja e Prizrenit.
Komiteti "Shqipnija e Lire."
Vezhgues:
Shoqata Pan Shqiptare Vatra.

Bloku Kombtar Indipendent.

Gentlemen, Representatives of the Albanian Political Groups and Organizations in Exile, Delegates of the League of Prizren and Delegates of Vatra and Free Albania Committee:

We wholeheartedly wish to welcome you to Madrid and also wish to express our high esteem to the various political Organizations in Exile, for having welcomed our initiative and having named you their Delegates to this Convention, and moreover, to extend our appreciation to the Delegates present at this Convention.

The recent unprecedented developments and events on an international level, which sooner or later might have an effect on the situation in Albania, and also considering the most precarious conditions in our nation, lead us to the conclusion that in order for the Albanian Emigration to be prepared to fulfill their historic mission for the protection of our national rights, it must be united and not divided as it is today. The unity of the national forces in exile will ensure the security of ethnic Albania and the realization of our sacred Cause.

The necessity to see the Albanians in exile united has often been emphasized by friendly leaders of states as a prerequisite, we believe, for eventually securing their moral and material support.

All this led to our taking the initiative of calling this necessary convention together. We are convinced that during the discussions that will take place in this convention, you gentlemen, having embraced the Albanian Cause, will place the interests of the Fatherland above all, by putting aside any ideological differences you might have had in the past, in order to achieve the union of all national forces. This union must not alter the particular ideologies of the Parties and Groups in this historic Convention.

With this desire and hope we wish you fruitful work and success. With the help of God.

THE FLOOD—IN SOUTH DAKOTA

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. ABOUREZK. Mr. Speaker, I insert in the RECORD the following article from the August edition of the magazine, Rural Electrification. It tells the story of but two of the hundreds of people who experienced the horror of the June 9 Rapid City flood:

THE FLOOD—IN SOUTH DAKOTA

(By Thor Sautter)

Two men from West River Electric Association of Wall, South Dakota, spent some anxious hours during the disastrous flood that devastated Rapid City on the night of June 9.

Cliff Matheny, Rapid City area foreman, and Larry Vail, service department foreman, were in a West River service vehicle in Black Hawk near the Rapid City dog track during the heavy rain, attempting to correct a reported outage in the area. They had been communicating with another WREA service vehicle and also with Mrs. Matheny, who operates the radio in their home.

While looking for the outage problem at about 10:30 p.m., they were driving through water about six-inches deep when suddenly they observed the water rising rapidly. They tried to turn around. Before they could get away, the water filled the cab. The pair climbed out the windows to the top of the truck. With water just inches from the top of the truck, they watched as new mobile homes from an adjacent sales lot started floating by, and when one of the homes hit the truck, moving it several feet, they feared they would be swept off into the muddy water filled with every description of trees, lumber, and debris.

Matheny and Vail untied the ladder from their truck and intended to climb to the roof of the next mobile home that came by. Then one of the homes became caught on a large tree and diverted the others around the truck.

At about 2 a.m. the men got someone's attention and they were rescued.

These were long, dangerous hours not only for the two men, but also for the other employees and Mrs. Matheny, who tried in vain to reach them on their radio. Mrs. Matheny told her children his radio had quit. Nearly all of Rapid City was without power. Radio and TV stations that had warned of the danger had been silenced, and fires caused by breaking gas lines could be seen at a number of locations as the roaring waters turned hundreds of buildings and vehicles into rubble. The death toll probably will never be accurate since bodies of some members of families have been found while the others are missing.

West River Electric serves the areas to the east and north of Rapid City. Service was restored to most areas affected by the flood on the second day with the remaining repairs on the third day. Repairs included plowing in two miles of cable and replacing of poles taken out as buildings and trees went through the lines. Crews from neighboring West Central Electric at Murdo, S. Dak., and a contractor were used in addition to crews of WREA.

While looking over the mud covered truck after the flood, Larry Vail commented, "I'm going to bring out a vigoro pill to that tree every week."

DEATH OF THOMAS MALONE SHARPE, OF LYONS, GA.

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Friday, August 11, 1972

Mr. TALMADGE. Mr. President, on August 9, 1972, a most brave heart stopped beating. For many Georgians and especially the family of Thomas Malone Sharpe, a feeling of great loss and grief was only slightly softened by the realization that Malone had ended over 3 years of struggle and suffering, trying to win his battle against cancer.

Malone Sharpe was born in Atlanta, Ga., on February 28, 1933, and grew to manhood in Lyons, Ga. He was graduated from the Toombs County public school system in 1950. After 2 years at Middle Georgia College in Cochran, he attended the Walter F. George School of Law at Mercer University, in Macon. Upon graduation in 1955, he received his law degree. After college, Malone served in the U.S. Army and completed a 2-year obligation to his country with an honorable discharge. He returned to Lyons to practice law with his father, T. Ross Sharpe.

Malone was a member of the State bar of Georgia, the court of appeals, and the Supreme Court of Georgia, and the Supreme Court of the United States.

Beginning as a young man, Malone was active in the affairs of his community, county, State, and Nation. He continued these public interest activities and was at the time of his death mayor of the city of Lyons, Ga.

The honors and offices held by Malone are too numerous to list here, but one office was particularly important to him and that was State president of the Georgia Jaycees, 1964–65.

In 1969, at the height of a rising and promising political career, he learned that he had Hodgkins' disease, a form of cancer. At the time he was a leading contender for the office of Lieutenant Governor of the State of Georgia. And it was at this dramatic and important point that he was faced with his most serious challenge. In one of his very rare and openly sentimental moments, Malone sadly announced his withdrawal from the political struggle and began what surely was the greatest personal battle of his short life—a fight for survival against overwhelming odds for curing cancer.

Those who knew Malone as a boy knew he never let a skinned knee, broken nose, sprained ankle, or sore muscle stop or even slow down his determination to play well the game—whatever it was.

This self-determination, strong self-discipline, willpower, and personal confidence never left him.

Malone Sharpe was by every measure a strong and forceful fighter in his passing through this life.

He was to many of his close acquaintances a good and loyal personal friend. He was to a special few a brother, a helper in time of need, and an inspiration not to feel sorry for oneself—an inspiration to overcome almost insurmountable obstacles—an inspiration to succeed.

Malone Sharpe was by personal measure a citizen who contributed to his fellow human beings and to his society, asking little sympathy yet demanding a tough but fair contest.

He was a rare, rough, but tender, sweet, helpful, loving, and very special person to his children, his family, and those who really knew him.

Malone Sharpe simply did not pass this way, falling like the sparrow—he was an eagle soaring high and will be missed.

TRIBUTE TO AHEPA

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. BRADEMAS. Mr. Speaker, on July 26, 1972, the American Hellenic Educational Progressive Association—AHEPA—the largest organization of Americans of Greek origin in the Nation, celebrated its 50th anniversary. On that occasion a large number of Members of the House paid tribute to AHEPA in statements on the floor of the House and in Extensions of Remarks in the CONGRESSIONAL RECORD. At the request of AHEPA, I am arranging to have these statements reprinted in booklet form, not at Government expense.

Mr. Speaker, I take this time to notify Members of the House of my intention to have reprinted in this fashion their statements on the 50th anniversary of AHEPA and to invite any Member who objects to having his statement reprinted to notify the CONGRESSIONAL RECORD Clerk in room H-112 of the Capitol by Tuesday, August 15, 1972.

VANISHING TAIWAN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. CRANE. Mr. Speaker, in an unprecedented move, the United Nations has decided to ban all mention of Taiwan "in any form whatsoever." The decision, taken at the insistence of the Chinese Communist delegates, means that as far as the United Nations' widely quoted statistical reports are concerned, Nationalist China with its 15 million people has ceased to exist as a political entity.

Missing from future editions of the statistical yearbook will be any text or table dealing with Taiwan's population, trade, industry or any other data formerly provided. The yearbook is regarded as the most authoritative source of international statistics and some 12,000 copies annually go out to governments, libraries, and business concerns.

In another unusual act, and without even waiting for the Peking delegation to request it, United Nations authorities ordered the removal of the most visible reminder of the Nationalists—a bronze plaque identifying as a gift of the Republic of China a large green marble slab carrying a gold-engraved quotation from Confucius. According to a report in the New York Times of August 7, 1972:

> Workmen one night quietly removed the plaque from its prominent position at the entrance to the delegates' lounge. They left the three by six foot marble intact, hoping, as one official explained, that the Peking delegation would appreciate the gesture.

Is this the same United Nations which many Americans tell us is the "hope of peace"? Is this the same United Nations which we are called upon to provide with financial support? Unfortunately, it is.

Commenting upon this acquiescence by United Nations authorities to the wishes of the Communist regime in Peking, The New York Times noted that the U.N.

> Has retrogressed into absurdity again with its decision to ban all mention of Taiwan "in any form whatsoever."

The Times notes that:

> This is wholly inconsistent with past policy when figures for China (mainland) were included, as available, in the yearbook, although the Peking Government was not then a member of the United Nations. The ruling ignores other precedents such as the listing of West Irian separately from Indonesia, and of Sarawak separately from Malaysia.

Despite the action of the United Nations, the Times points out that:

> The reality is that there is a going, independent Government ruling over fourteen million people, a population larger than that of two-thirds of the U.N. membership . . . Such petty manipulation cannot erase the substantial contributions of the Republic of China to a quarter century of U.N. history.

One might add to this the fact that the Nationalist Chinese Government in Taiwan is the only Chinese government officially recognized by the United States.

I wish to share with my colleague the editorial which appeared in the New York Times of August 10, 1972. That editorial, "Vanishing Taiwan," follows.

[From the New York Times, August 10, 1972]

"VANISHING" TAIWAN

The United Nations, which took a great leap forward toward recognizing reality last fall when it finally admitted the People's Republic of China, has retrogressed into absurdity again with its decision to ban all mention of Taiwan "in any form whatsoever."

Bowing to the demands of the Peking delegation, U.N. officials have decreed that there will be no text or tables dealing with Taiwan's population, trade, industry or any other data in future editions of the world organization's Statistical Yearbook. This is wholly inconsistent with past policy when figures for China (mainland) were included, as available, in the yearbook, although the Peking Government was not then a member of the U.N. The ruling ignores other precedents such as the listing of West Irian separately from Indonesia, and of Sarawak separately from Malaysia.

Whatever the future of Taiwan, now that its Government has been expelled from the U.N., the reality is that there remains a going, independent Government ruling over fourteen million people, a population larger than that of two-thirds of the U.N. membership.

An international statistical summary that ignores this living reality is diminished in its authority—and so is the agency that issues it. But the U.N. has not stopped with relegating Taiwan to the status of a noncountry. U.N. authorities have even stooped to the Communist devices of trying to rewrite history. At U.N. headquarters here a plaque identifying the Republic of China as donor has been removed from a green marble slab containing a quotation from Confucius.

Such petty manipulation cannot erase the substantial contributions of the Republic of China to a quarter-century of U.N. history. Nor will ignoring Taiwan erase the problem its future status poses for the Governments in Taipei and Peking and for the international community. To be effective, the United Nations must deal with things as they are, not as any member would prefer to see them.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

A PLAN TO SAVE MINERAL KING VALLEY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. WALDIE. Mr. Speaker, Mineral King is a scenic alpine valley in central California with an unspoiled uniqueness that enthralls all who visit it and share in its wonders.

Mineral King is public land surrounded on three sides by Sequoia National Park. It is national forest and a national game refuge.

It is a symbol of the threat of man's encroachment on nature.

Mr. Speaker, for the above reasons, and more, Mineral King must be spared.

Thus it is with a sense of urgency that I introduce legislation today that will include Mineral King and the Sequoia National Game Refuge as a part of the Sequoia National Park.

This action is long overdue, Mr. Speaker, the reason that Mineral King originally was left out of the park was that supposedly valuable mineral deposits were thought to be on the site. Mining is not now a consideration in the debate over the development of Mineral King.

The only metal that is in the valley is "tourist's gold" that would be mined by the Disney Corp. if its planned development is authorized and if the Congress fails to take necessary action to preserve Mineral King.

Mineral King Valley includes the headwaters of the East Fork of the Kaweah River which flows through the park itself. To disrupt the river's flow or contaminate its waters with the waste and garbage of thousands of tourists is a very real blow at the ecology of the park itself.

The present development in the valley consists of cabins, some 60 of them, leased to users by the U.S. Forest Service. The cabins, a general store, post office, and a pack station occupy some 10 percent of the game refuge area.

The other 90 percent is occupied by the animals of the forest who thrive in the wilderness of Mineral King.

What will the Disney development do to Mineral King?

Mr. Speaker, the valley will cease to be a place where man can contemplate his world in a pristine state. The animals of the forest will be forced to leave their homes.

In the place of 60 cabins, a store, and a pack station, the Disney Corp. will construct a $35 million Disneyland for winter sports fans which they hope will draw a million people a year into this delicate valley.

A superhighway is contemplated with super traffic jams, smog, congestion, noise, and the trappings of modern civilization.

Mr. Speaker, later this month I am taking my two sons into Mineral King and we are going to backpack for 10 days in the wilds of the valley and the mountains that surround it.

I can only hope that this is not the last time I or my sons can enjoy the splendor of this area without the clutter of the Disney development.

Mineral King was recently the focus of an opinion by the Supreme Court in which it considered the standing of the Sierra Club in an action to stop the development by Disney.

The opinion of the Supreme Court has been widely interpreted as an invitation to the Sierra Club to amend its petition and to continue its legal action against the Mineral King development.

Happily, Mr. Speaker, the Sierra Club has done just that.

I am hopeful that this action will prove to be successful.

In the interim, Mr. Speaker, I would also hope that the Congress sees the wisdom of preserving Mineral King as it is today and will act quickly on the legislation I propose today.

The text of the bill follows:

H.R. 16331

Be it enacted by the Senate and House of Representatives oj the United States of America in Congress assembled,

SECTION 1. For the purpose of protecting its scenic and natural values and to prevent commercial exploitation, the Sequoia National Game Refuge (those portions of township 17 south, range 31 and 32 east, and township 18 south, range 31 east, which are within the hydrographic basin of the East Fork of the Kaweah River and described as Mineral King Valley) shall become part of the Sequoia National Park. The Secretary of the Interior is authorized to establish the new area of Sequoia National Park and the Secretary of Agriculture is authorized to transfer any areas that may fall within his jurisdiction to the park, which shall become effective upon publication thereof in the Federal Register.

SEC. 2. Nothing herein shall terminate or impair any private right in permits or property in this area.

SEC. 3. Section 45a-3, 688, 689a-c, title 16 of the United States Code are hereby repealed.

COMMEMORATING THE 20TH ANNIVERSARY OF THE MURDER OF 24 JEWISH INTELLECTUALS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. KOCH. Mr. Speaker, tomorrow, August 12, is the 20th anniversary of the murder of 24 Jewish intellectuals in the U.S.S.R. The murders were committed under the direction of the infamous Joseph Stalin. Pogroms were part of Russian history and did not end with the Russian Revolution in 1917, but continued under the Soviet dictatorship which followed the tyranny of the czar.

The Russian Jewish community, notwithstanding the oppression to which it has always been subjected, has provided the world with more than its proportionate share of out cultural inheritance. The martyrs of August 12, 1952, among whom were included the extraordinarily talented David Bergelson, Itzik Feffer, Peretz Markish, David Hofshtein and Leib Kwitko, were, sad to say, not the last to be martyred in the Soviet Union. While it is true that the present leaders of the U.S.S.R. do not execute their Jewish victims as did Stalin, they do engage in other barbarous conduct, committing Jewish dissenters to prison camps and mental institutions on trumped up charges, and prevent large numbers of Jews who wish to emigrate to Israel, from doing so.

The case of Esther Markish who was widowed by Stalin in the 1952 pogrom, is one that should haunt the Soviet leaders. She and her son, David, are seeking to leave the U.S.S.R. and are being denied the necessary exit permits. On occasion the current leaders of the U.S.S.R. have demonstrated that their hearts are not as cold as was Stalin's and they have extended compassion, particularly when there was world outcry in support of individual cases. This is one such case and hopefully, Premier Kosygin and Secretary Brezhnev will listen to the worldwide pleas now being made on behalf of this mother and her son.

Mr. Speaker, I place in the RECORD at this time the statement of "The Workman's Circle" which will be made at a wreath-laying ceremony on the 20th anniversary of the death of 24 Yiddish writers and Jewish communal leaders in Russia, on August 12, 1972. It will be made at the Isaiah Wall opposite the United Nations in New York City.

The statement of "The Workman's Circle" follows:

THE WORKMAN'S CIRCLE

We observe the 20th anniversary of the murder of 24 of the most prominent Yiddish writers and communal leaders in Russia on August 12, 1952. It was one of the most gruesome crimes committed under Joseph Stalin's brutal dictatorship. The victims included some of the greatest talents in what remained then of Russian Jewish life—David Bergelson, Itzik Feffer, Peretz Markish, David Hofshtein, Leib Kwitko, and others. The act of murder made them part of the long martyrology of Jewish history.

As we lay a wreath in their memory on this spot in front of the United Nations which expresses man's hope for peace and friendship among all men, we resolve neither to forget their martyrdom nor the kind of government which exacted it out of them in one of the most monstrous instances of anti-Semitism since Hitler.

We join with the world Jewish community and the whole Free World in condemning anti-Semitism in whatever form—whether by suppression of religious, cultural, or communal activity, by false imprisonment on fabricated charges of "hooliganism" or "parasitism", by unjust confinement to mental institutions, or by protracted denial of the right to emigrate. It is a bitter irony that the Russian government continues even today, 20 years later, and more than 19 years since the death of Stalin, to practice these injustices against someone like Esther Markish who was widowed by Stalin in the 1952 murders. She, and her son David, are still being denied exit from the country which has put so much pain in their hearts, so that they can take up a new life in Israel. When, oh when, will Russia at long last repent for what was done on that 12th day of August?

SPEECH OF DR. MANUEL JOSE HOMEM DE MELLO

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. SCHMITZ. Mr. Speaker, for 11 years, Portugal has been fighting, alone and unaided, against Communist inspired and Communist armed terrorist attacks on its states of Angola and Mozambique in Africa. In the classic pattern of Communist guerrilla warfare, these terrorist organizations are all based in sanctuaries outside Angola and Mozambique.

Despite the heavy financial drain involved in defending Angola and Mozambique, Portugal has experienced its greatest economic expansion in modern history, both at home and in its overseas territories, during the past decade.

Dr. Jose Homem de Mello, a young member of the Portuguese Parliament who also is the new president of the Overseas Companies of Portugal, was in this country recently as a guest of the State Department. While here he delivered an address before the American Portuguese Society at the University Club in New York. In this speech he explained why Portugal has fought so tenaciously to defend its rights and interests in Africa and why it will continue to do so. He also sketched the great progress that has been made in Portugal, both at home and overseas, during the past 10 years. His talk follows:

SPEECH BY DR. MANUEL JOSE MOMEM DE MELLO, PRESIDENT OF THE ASSOCIATION OF OVERSEAS COMPANIES OF PORTUGAL, GIVEN DURING THE LUNCHEON IN HIS HONOR BY THE AMEFICAN PORTUGUESE SOCIETY

I have returned once more to the United States as a guest of the State Department, in my capacity as a Deputy in the National Assembly. I also address you in my new capacity as president of the Association of the Overseas Companies of Portugal, a position to which I was recently elected.

I do not know whether many of you are aware of what the Association is. Permit me, then, to summarize its functions briefly.

The Association of the Overseas Companies of Portugal is a privately organized secretariat of information, created and entirely financed by several of the most important business enterprises of the Portuguese Overseas Provinces. It was originally organized as a consequence of the outbreak of the terrorist movement in Angola, a movement which coincided with the first attacks, in various fronts, upon the Portuguese overseas policy, namely at the United Nations and in other international organizations. The program of the Association is to gather and disseminate abroad factual information about the situation in the Portuguese Overseas Provinces, covering the economic, social, educational and political fields.

The Association is not, however, a political body. Its character is exclusively private and non-political. That is, it does not defend a Government whichever it may be: it defends Portugal.

As you all know the Portuguese launched themselves in the discovery of new worlds in the mid-fifteenth century, gradually reaching around the African continent, Asia, America and even Oceania. They settled in those territories, not only to take advantage of the territories' wealth, but primarily with the purpose of *extending Portugal* to wherever such settlement would be possible. Blending with the native populations, they carried their civilization and the Portuguese way of life to the farthest regions of the Earth. Thus, their intention had been to expand and multiply the sense and dimension of the nationality itself. The other Europeans did not go out into the new worlds with the same intention.

For this reason it was impossible for us to accept the so-called "winds of change" which prescribed or demanded the abandonment of lands geographically separated from their respective mainlands, inhabited by people different from the colonizing one.

For this reason, too, the words colony, colonization and colonizer never acquired amongst ourselves the derogatory meaning which the rest of the world lent to them.

For these reasons, we decided to stand, to resist and to stay. Moreover, we will continue and we shall remain.

The difficulties we have had to face have been great; so great that, many a time, we really didn't know how we would manage to overcome them.

The truth, is, however, that faith can move mountains; with faith, victory is reachable, even when everything may appear nearly lost.

With the initial phase behind us, and having surmounted the greatest difficulties and misunderstandings, we feel now that we have gathered the necessary conditions to carry on the task we have undertaken.

I do not wish to engage in a polemical analysis of the Portuguese position: We know our limitations, we recognize our faults, we do not seek to minimize the errors we may have committed.

As we have amply demonstrated our capacity of resistance and our determination to fight, we feel entitled to the respect of others, including those who still attack us.

In the geo-political context of the world, Portugal represents a territorial and human community that the free world cannot alienate, lest its defensive capacity before Marxist expansionism become even weaker.

The United States of America, as the unchallenged leader of the Western World, must be the first one to have a special interest in the defense and preservation of the Portuguese territorial integrity.

The effort my Country has carried out during the last decade cannot easily be appreciated by a great nation such as the United States which possesses so much wealth and power.

Despite the financial drain caused by military defense, the human losses and the problems resulting from mobilization, as well as the scarcity of manpower caused by emigration, we have achieved some results which are quite startling, considering our basic resources.

During the 1960–1970 period, the *per capita* income in Metropolitan Portugal had an increase of 164%—one hundred and sixty-four percent. The *per capita* income in Angola and Mozambique, as of 1969, was the third highest in Africa. The growth rate in the Portuguese African Provinces is partly a result of the constant reinvestments made by the Portuguese companies and the Government.

In Metropolitan Portugal, industry and building have showed tremendous progress—a yearly growth rate of nine percent. Main contributors to the boom were: the steel and iron works, motor car assemblies, manufacturing of artificial and synthetic fibers, radio receivers, tomato concentrates and pulp, etc. Service industries also showed an annual growth rate of 6.5%.

The industrial sector today employs thirty-six percent of the population as against 29% ten years earlier.

The main highlights of progress in the last decade were:

In agriculture: The Alentejo irrigation scheme which foresees the irrigation of 420-000 thousand acres, and the tomato extracts industry which, practically non-existent in 1960, accounts today for 3½% of all Portuguese exports.

In the industrial sector: the iron and steel works, started in 1964, produced one million tons in nineteen seventy; the Lisnave shipyards, started in 1967, have today the largest dry dock in the world, capable of taking in future super tankers of one million tons; the bridge over the Douro at Oporto and the Salazar Bridge at Lisbon, one of the longest in the world, were also accomplishments of the last decade. At the same time, a network of hotels was built—4,000,000 tourists entered Portugal in 1971, as against 357,000 a decade before.

Trade relations between continental Portugal and foreign countries trebled from 1960 to 1970. While exports cover only about 66% of imports, the balance of payments is kept positive due to the expenditures of foreign tourists and emigrants' remittances from Europe.

In Angola—in the agriculture sector—coffee accounted in 1970 for 32% of all exports. In the extracting industries, diamonds, ore and oil accounted in 1970 for 42% of all exports. It had been 18% in 1961.

Industry in Angol had an annual growth of 17%. The more important new industries in that Province are: paper pulp and paste, tires, batteries, plastics, glass, fertilizers and shipbuilding.

Main achievements in Angola during the decade were: Cambambe Dam on the Cuanza river; mineral port of Mossamedes for the export of iron ore; 5,000 miles of new asphalt roads; and the oil industry which exported 6,000,000 tons in 1971. Angola's external trade trebled in the last ten years, reaching $800,000,000 in 1970.

In Mozambique, the services provided by the railways and harbours to neighbouring countries bring in foreign exchange earnings which equal half of all exports of the Province. This gives an idea of the vital role of Portuguese railways and harbours as a strategic asset in Southern Africa. In Mozambique the agriculture sector still accounts for 68% of the exports. The transforming industries are undergoing an annual growth rate of 8.4%. Mining industries will eventually have an important role in the economy of the Province, once the great Cabora Bassa project is completed, which will permit the exploitation of the mineral wealth of the Zambeze valley.

The Province's external trade doubled since 1960. The main economic achievements for the period were: cashew nut industrialization (40% of the world production); oil refinery in Lourenzo Marques; iron and steel rolling; construction of the new port of Nacala; construction of the railway connection to the Malawi railways; the first phases of the gigantic Cabora Bassa scheme and other initiatives like the textile industry.

The present decade will see the completion of some of the most ambitious projects. In continental Portugal, the tremendous Sines project which will represent an investment of $1.5 billion, and will include a port for super tankers and bulk mineral carriers, an oil refinery with a capacity for 10,000,000 tons yearly, an industrial complex for the processing of pyrites, a lubricating oil unit, a new planned town of 100,000 people. The new Lisbon airport a new freeway network and the new Setubal shipyards are the other top industrial projects for this decade.

In Mozambique, the grandiose Zambeze Plan, which includes the Cabora Bassa dam, will be underway, as well as over 6,000 miles of new highways. In Angola, the Cunene Plan, which included the construction of twenty-eight dams for power production and irrigation.

HORTON ON FOREIGN POLICY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. HORTON. Mr. Speaker, recognizing the historic developments which have taken place during the last few months in American foreign policy, both on a legislative and executive level, I recently wrote the residents of my congressional district on my views of these changes and their import. I am inserting into the Record at this point the content of my message for the review of my colleagues:

Foreign Policy

We have reached the point in the post-World War II era where every modicum of progress we make for the people of this nation will be tied either directly or indirectly to the status of the American posture in the world.

Fortunately for all of us, some very great strides have been made in lowering the level of world tensions—at least among the superpowers of the earth—and it is defense against the superpowers of the Soviet Union and China that eats up a major share of our defense dollars.

SALT

One step, in particular, which may be remembered in history as being far more significant than even the long, bloody tragedy of Vietnam is the signing of the Strategic Arms Limitation Treaty with the Russians. There will be many who argue that this treaty prevents America from being the mightiest military power on earth—and there may be some truth to that. The President, in his address to Congress upon returning from Moscow said that there would be no power on earth "stronger" than America. The key to phase one of the SALT agreement is the recognition by both sides that it is senseless to continue forever the costly, wasteful enterprise of racing to see who can out-destroy the other. The agreement was made possible by two key factors. First, for the first time since World War II, the balance of military power and nuclear deterrent between the U.S. and U.S.S.R. is approximately equal—that is, neither side has a major or certain military advantage over the other. Second, both sides are confident that they possess sufficient strategic or nuclear weaponry to afford a sure deterrent against surprise attack from the other side.

The atmosphere of negotiation established in Moscow and Peking has caused me to suggest a further important step toward nuclear sanity. In the early 1960's we signed a treaty banning all nuclear tests except for underground blasts. At that time, there was no confidence in our technological ability to detect underground nuclear tests by the other signers of the treaty. Now, there is no question about the accuracy of this kind of technology. Thus, I have sought from Congress a resolution urging the President to begin efforts to expand the test-ban treaty to outlaw underground nuclear tests by all parties to the treaty. This, it seems, is the least we can do now that the environmental hazards of these blasts can be safely avoided and detected by all nations.

VIETNAM

As I am writing this newsletter, there is a little improvement in the prospect for peace in Southeast Asia.

While many of us feared that the Moscow summit talks and the all important SALT agreements could be jeopardized by the mining decision, that did not happen. Apparently the Soviets place a high importance on the summit meetings and decided to avoid a direct confrontation over Southeast Asia.

It appears that the South Vietnamese military has been able to establish something of a stable line of defense and has even retaken some of its territory which the North Vietnamese had conquered. This of course, has been accomplished with substantial help from American air and sea support and there is still a serious question as to whether the South Vietnamese will be able to hold their own once this support is withdrawn. It is important to note, in this regard, that our government has decided not to make any further assignments of draftees to South Vietnam.

As I have told several groups of concerned constituents I have met with since the mining decision, I am concerned that the President has not taken up U.N. Secretary-General Waldheim's offer for negotiations under U.N. auspices. This should be done despite the renewal of both public and private talks with Hanoi's leaders. There is, of course, some reason to hope that the all-important secret negotiations in Paris will yield some results, but there is always a chance that Hanoi will wait out the November elections before beginning to bargain in earnest.

I have also stressed the paramount importance of passing a strong war powers bill in this Congress.

WAR POWERS

Recently, I spoke before the Brighton Chamber of Commerce and stated the case for this Congress to pass a strong "war powers" bill before adjournment this year. The title of my address was, "Where's Congress?," because the whole war powers issue concerns the fact that Congress has virtually abandoned its role in major decisions of war and peace, and has left this area almost entirely to the Executive.

Since I introduced H.R. 7290 in early 1971, I have been leading the fight in the House to win passage of a strong bill, which would re-implement the provisions of the Constitution which give Congress strong say over the deployment of U.S. forces in combat abroad.

To my mind, a bill such as my own, or such as the Javits bill already passed by the Senate holds clear advantages not only as a safeguard against unwise Presidential war decisions, but also as a safeguard against reckless Congressional criticism of foreign policy. Under this bill, Congress would have a direct share in responsibility for these policies, and would be forced to conduct itself more responsibly in the foreign policy arena.

I have testified before both Senate and House Committees on war powers legislation and have carried on numerous private contacts with Capitol Hill and Administration leaders. At the moment, Administration coolness toward a strong war powers bill, together with the reluctance of Senate and House leaders to get together on a compromise bill, have reduced the prospects for early action. Only widespread and vocal citizen support for a strong war powers bill can break the current legislative log-jam.

CONSIDERING THE NONSMOKER

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. HOGAN. Mr. Speaker, as a nonsmoker, I have long been concerned about the effect of cigarette fumes on smokers and nonsmokers alike. Because of this concern, I have sponsored legislation, specifically, H.R. 6808, which, if enacted, would make it mandatory for most types of public transportation to reserve a section for passengers who do not smoke. Also, I have sponsored H.R. 3559, a bill which would prohibit the mailing of unsolicited cigarettes.

An article by Dr. William D. Province of Franklin, Ind., has now come to my attention. The article describes how cigarette smoke can cause "physiological distress in healthy individuals" as well as the detrimental effects it can have on those with respiratory conditions. For the information of my colleagues, I would now like to insert that article into the RECORD:

WHERE THERE'S SMOKE THERE'S IRE

(By William D. Province, M.D.)

The majority of Americans are nonsmokers. They deserve some consideration from smokers, especially in confined places such as airplanes.

Just a few years ago airlines passed out courtesy cigarettes. Today, they are providing non-smoking sections. Many airlines now have non-smoking sections on every flight. Cigarette smoke is not only an annoyance to non-smokers, it can cause physiological distress in healthy individuals as well as in those with asthma and other respiratory illnesses. New research indicates, in fact, that the non-smoker is affected by cigarette smoke in much the same way as in the smoker himself.

Recent experiments at Texas A&M University and elsewhere indicate that even 30 minutes in a smoke-saturated environment significantly increases the non-smoker's heart rate, blood pressure, and the amount of carbon monoxide in his blood. A team of researchers at the University of Cincinnati Medical Center reported that smoke drifting from the burning end of cigarettes, cigars, and pipes carries with it more cadmium, a metal poisonous to man, than the smoke inhaled by the smoker through the unlit end of the cigarette. Large doses of cadmium can cause acute poisoning in man. In lower doses it has been implicated in hypertension, chronic bronchitis, and emphysema.

The Cincinnati researchers estimated that in a room approximately 10 x 12 feet, a pack of cigarettes smoked in an eight-hour period, with no ventilation, releases into the atmosphere 12 to 14 micograms of cadmium. Even if only 10 percent of this amount remains in the room, there is a distribution of cadmium particles that is 10 times greater than that usually found in the outside air.

Another research team at Wayne State University in Detroit found that acute illnesses, mostly respiratory, were twice as prevalent among young children whose parents smoked at home than among those with non-smoking parents. The differences were attributed to the negative effects of surrounding smoke.

Research by Drs. Edward J. O'Connell and George B. Logan at the Mayo Clinic in Rochester, Minnesota shows that parents who smoke at home can aggravate symptoms in some asthmatic children and even precipitate asthma attacks. They estimate that there are 1.5 million Americans, adults as well as children, who are allergic to tobacco smoke and suffer occasional smoke-caused asthmatic attacks.

One woman allergic to smoke—Mrs. Mercedes Nelson, of Lynbrook, L.I.—wrote this letter to the *New York Sunday News* in praise of TWA's announcement to begin non-smoking section: "As an asthmatic greatly allergic to cigarette, cigar and pipe smoke, I have suffered for years from the actions of these "non-thinkers" and have not been able to do anything about it. I love to travel by plane but every time I do, I land in the throes of an asthmatic attack due to the accumulated smoke in the cabin's atmosphere. In all the articles I have ever read about this smoking question, no one has ever mentioned the thousands of us who simply cannot physically stand the polluted air. We have no choice in the matter, our lungs simply cannot tolerate unclean air. Smokers completely overlook our rights. Needless to say, I am overjoyed to know that finally something is being done about this situation. Thank you for your stand in this matter."

At a recent meeting of the European Council on Smoking and Health, Dr. D. M. Cousin of Paris said, "It is unfair that smoking is allowed in public places because the nonsmoker has much less resistance than the cigarette user to smoking's initial harmful effects." At the same council meeting a resolution was passed "that 'no smoking' be the rule in public buildings where non-smokers must be together with smokers, thus protecting the non-smoker's right to unpolluted air." The typical smoker, after all, inhales one cigarette for approximately 24 seconds, while the cigarette's total burning time is about 12 minutes; the pollution lingers for hours.

The issue is causing increased concern. Last year, the D.C. Medical Society asked that the FAA and Congress approve petitions and bills for smoking bans or separate smoking compartments aboard commercial airlines. Action on Smoking and Health (ASH) filed petitions with government agencies to require airlines to establish non-smoking areas in planes. One tactic ASH considered was lawsuits on behalf of persons claiming their privacy or health was affected by smoke. Another group called CRASH (Citizens to Restrict Airline Smoking Hazards) was formed last year.

The FAA has joined with the Department of Health, Education, and Welfare and the Department of Defense to initiate a study measuring the amounts of tobacco contaminants in passenger aircraft. Data also are being gathered on the number of smokers and non-smokers aboard flights, personal attitudes toward smoking, and the amount and type of tobacco used by smokers.

GASP (Group Against Smokers' Pollution) is organizing non-smokers across the country to assert their rights and to demand a ban or restriction on smoking in public places. National legislation to restrict smoking aboard all public transportation has already been introduced.

Health agencies such as the National Tuberculosis and Respiratory Disease Association are calling attention to the rights of the non-smokers through anti-smoking spot announcements on radio and TV. NTRDA is especially concerned about the effects on smoke-saturated environments on the increasing millions of people with acute and chronic respiratory diseases.

The case has been made most powerfully by the U.S. Surgeon General, who said at a recent meeting of the National Interagency Council on Smoking and Health, "Evidence is accumulating that the non-smoker may have untold effects from the pollution his smoking neighbor forces upon him."

At present, the situation regarding smoking aboard aircraft is this.

Almost all of the airlines voluntarily now provide segregation of one sort or the other. However, compliance and enforcement remains a problem.

California now has a state law in effect requiring all land and air passenger carriers with trips originating in the state to provide designated space for their non-smoking passengers.

Amtrak. a federal corporation, is instituting smoking segregation "as a courtesy to the passengers".

In a letter to the APA, Surgeon General Jesse L. Steinfeld states, "While I have recommended that smoking be banned in confined public places, including aircraft, it is the Federal Aviation Administration which will have the responsibility for putting such a ban into effect."

To date, no ban is in effect officially, other than the attempts by the individual airlines to satisfy the rights of all smokers and nonsmokers alike.

But, each airline has devised its own method of doing this—and each is different.

Certainly it is not up to the Airline Passengers Association to supply the answer to the problem. But the principle involved that overshadows everything else is the individual rights of every passenger aboard. Representing the people who support the airlines, APA firmly believes in every passenger's right to a pleasant and comfortable trip. The smoker who lights up in the No Smoking area next to a non-smoker is certainly not being considerate of the other individual's rights.

By the same token, a person addicted to the solace of cigarettes has his own rights and they should equally be considered.

In each instance, therefore, the passenger has a right to segregation. The APA feels strongly that while research continues on possible equable solutions to this problem, the industry itself should make every effort to adopt a more uniform approach so the traveler knows what to expect. Obviously, some sort of control eventually will be forthcoming.

So, fellow passengers, be as patient as possible and try to be good neighbors.

COSTLY AND CONTROVERSIAL F–111 IS FULLY ACCEPTED BY AIR FORCE

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. FISHER. Mr. Speaker, I am including in my remarks an article written by Drew Middleton which appeared in the August 5 issue of the New York Times. It relates to the F–111, described by many knowledgeable authorities as one of the greatest airplanes that was ever built. The writer explains some of the reasons why that reputation for the F–111 has been achieved.

The article follows:

Costly and Controversial F–111 Is Fully Accepted by Air Force

(By Drew Middleton)

Washington.—"Any time there's anything wrong with an F–111 it's all over the newspapers," said Lieut. Col. Robert Morrison, "but believe me, I've put in plenty of hours on it and the F–111 can do more things, things the Air Force needs, than any other aircraft—and it's stable and safe, too."

Born in controversy and reared in criticism, the F–111 has been plagued by the "bugs" common to all aircraft that embody technological breakthroughs. But the F–111 and the fighter bomber version, the FB–111, are fully accepted by the Air Force.

Col. Louis Cagnon, who has been with the aircraft from the start, and Colonel Morrison said that it had "one of the better records" among combat aircraft after 150,000 hours operational flying.

The Air Force lists 30 major accidents for F–111's between January, 1967, and June 18 . . .

The official accident . . . the loss of three aircraft in Southeast Asia. The two-man crews of two of the latter are listed as missing in action. The other 27 accidents have claimed the lives of 19 crewmen.

MODULE SAVED CREWS

* * * notes instances in which the lives of crew swere saved by the F–111's unusual crew module. This is a self-supporting unit allowing the crew to eject from the aircraft at any moment.

An exploding wire severs the module from the fuselage and a single large rocket motor propels the module clear of the aircraft before the parachutes open.

Political doubts about the plane's capacity and its high cost—about $10-million a copy—have magnified every accident in the public mind, Air Force officers argue.

They point out that criticism of the plane flourished during its first 80,000 hours even though the F–111's record of 21 accidents in that period compared favorably with 39 for the F–4 and 33 for the F–106 in the same time frame.

WARTIME MISSION

Experienced F–111 pilots here and with the Third Air Force in Britain called the plane the best aircraft for nighttime and bad weather strikes deep inside enemy territory. In wartime, the F–111 would be assigned to interdict enemy airfields. This was the decisive mission of the Israeli Air Force in the Six Day War of 1957.

F–111 pilots believe that, if the Israelis had F–111's at that time, they would have completed their mission at night with less aircraft and greater destruction of the Egyptian Air Force.

The aircraft's advanced design enables it to perform at least three roles—tactical fighter, tactical reconnaissance and strategic bomber.

The advent of new Soviet fighters has prompted discussion of the F–111's chances with the Soviet MIG–23 or Foxbat. Intelligence sources say the MIG–23 has a ceiling of 90,000 feet and a speed of Mach 2 plus, with a 4,000-pound payload.

EFFECTIVE ALTITUDE

Aerial combat is unlikely in upper altitudes. Most such fighting takes place around 20,000 feet. There, American pilots argue, the F–111 is superior. Air Force experience in Vietnam is that the MIG–21J, the basic Soviet interceptor, was not effective against F–105's at that and lower altitudes and note that the F–111 is much faster at low altitudes than the F–105.

The MIG–23 has what airmen call a "look down, shoot down" capability, enabling it to fire missiles on fighters below. The Air Force contends that the tail radar in the F–111 will give sufficient warning of such attacks.

The ultimate answer is that the F–111 is built to operate at night, at low altitudes and in bad weather. These are conditions that do not favor the MIG–23, according to intelligence officers. Aerial combat is not the F–111's job, they add. Its job is "destroying the other fellow's planes and bases on the ground."

TWO MAJOR ADVANCES

The F–111 incorporates two major advances in military aviation.

One is its swing or variable sweep wing. The F–111, with wings extended, takes off in less than 3,000 feet. In flight, the wing can be folded back to a delta wing configuration for high speed.

The aircraft's most remarkable attribute is its capacity to fly automatically at low level under the "eyes" of enemy radar.

It is this capacity to penetrate radar defenses that is believed to be behind the Soviet delegation's suggestion at the recent talks on the limitation of strategic arms that the F–111's be included in the discussion. It was the only aircraft mentioned by the Russians during the talks.

The F–111's Terrain-Following Radar, or TFR, can be set to fly the plane at a selected low level.

TFR guides the plane over the contours of the earth, swooping into valley and clearing mountains at a fixed altitude day or night, regardless of weather. Should any of the TFR circuits fail, the system puts the plane automatically into a climb to a higher altitude.

EVADES ENEMY RADAR

The F–111 has a speed of Mach–1 plus at sea level. Moving at that speed "on the deck," no eye, human or radar, can pick it up in time for effective action. During a short operational tour in Vietnam, the F–111 was engaged by enemy fire on only 42 per cent of its missions.

At high altitude the F–111 has a speed of Mach 2 to 2.5 times the speed of sound. (At sea level and at 32 degrees Fahrenheit, sound travels at a speed of 1,088 feet a second.)

Along with its other attributes, the F–111, a two-man aircraft, is a comfortable "fly."

"Moving from the ordinary fighter to the F–111 is like moving from a Jeep to a Cadillac," said Maj. Cornelius Kelly.

However, the aircraft has been controversial from its birth.

Early in the Kennedy Administration, Secretary of Defense Robert S. McNamara began thinking about a multimission aircraft. He wanted a plane that could do a variety of jobs at greater cost effectiveness rather than single-mission planes.

UNPOPULAR CONCEPT

This was not a popular concept with the Air Force and the Navy. But, under pressure, they agreed and listed their individual requirements.

The Air Force wanted a long-range fighter bomber capable of flying at high speeds and low altitudes, carrying conventional or nuclear bombs. The Navy asked for a carrier-borne interceptor of medium range for fleet defense.

In January, 1968, six years after the Defense Department awarded the F–111 contract to the General Dynamics Corporation, the British, who had agreed to purchase 40 F–111's, pulled out of the program. In July, 1968, the Navy followed suit.

The effect was to increase public doubts about the plane's effectiveness.

Since then the British, in cooperation with the West Germans and Italians, have embarked on the MRCA, or Multiple Role Combat Aircraft program to build a fighter with many of the F–111's characteristics.

RESULTS IN VIETNAM

The aircraft's history in Vietnam was not happy. A six-plane force flew 55 combat missions and then, Colonel Morrison said, "ran out of missions." It began to fly early in March, 1968, and at the end of that month the Johnson Administration stopped its bombing of North Vietnam.

Officers say the F–111 did its job. The results, as estimated from reconnaissance photographs, showed that the plane could hit its targets at night and in bad weather as effectively as other fighter bombers could do in daylight.

The F–111's cost has been another source of criticism.

The fighter version's "fly-away cost," that is, airframe and two Pratt and Whitney TF–30–P turbofan engines, is about $9.5-million for the fighter and just under $10-million for the fighter bomber. When support and spares are added, the prices rise to $11.8-million and $13.9-million.

$8.8 BILLION PROGRAM

The total program cost is estimated at $6.6-billion for the fighters and $1.2-billion for the bombers. There are two wings of bombers in the United States, one at Plattsburg Air Force Base in New York and the other at Pease Air Force Base in New Hampshire. One wing of fighters, 72 aircraft, is deployed at Upper Heyford in England.

Air Force officers are generally convinced that the F–111 is worth the money in either version. This is not only because it can do things no other aircraft can do, they argue, but because it incorporates technology—the variable wing, TFR, the crew module, the main strut landing gear—that represent the future in combat aircraft.

"There is no comparable aircraft," Colonel Gagnon said.

SENATE—*Monday, August 14, 1972*

The Senate met at 10 a.m. and was called to order by Hon. HAROLD E. HUGHES, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty and ever-living God who hast ordained the church for man's redemption and the state for the ordering of man's life and hast placed both under Thy rulership, grant that all who are in positions of public trust may be faithful ministers of Thy will and purpose. Especially be with Thy servants in this place, enabling them in the discharge of their responsibilities to be calm, confident, wise, and just, their faith in Thee sure and steadfast. In crucial moments show them the pathway of justice and truth and help them to walk in paths of righteousness for Thy name's sake and the blessing of all mankind. And to Thee shall be the thanksgiving and praise, now and forever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 14, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. HAROLD E. HUGHES, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. HUGHES thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, August 11, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions of the Committee on Banking, Housing and Urban Affairs; the Subcommittee on Internal Security of the Committee on the Judiciary; the Committee on Public Works; the Committee on the District of Columbia, and the Committee on Finance may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 45 minutes, with statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS TO 10:55 A.M. TODAY

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess until 10:55 a.m. today.

The motion was agreed to; and at 10:06 a.m. the Senate took a recess until 10:55 a.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. HARRY F. BYRD, JR.).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HUGHES) laid before the Senate the following letters, which were referred as indicated:

REPORT ON GENERAL SCHEDULE POSITIONS IN NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, reporting, pursuant to law, on general schedule positions in that Administration, for the year ending June 30, 1972; to the Committees on Post Office and Civil Service and Appropriations.

REPORT ON RELATIVE COST OF SHIPBUILDING

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on relative cost of shipbuilding, as of June, 1972 (with an accompanying report); to the Committee on Commerce.

REPORT ON THE POLECAT BENCH AREA, WYOMING

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the Polecat Bench Area, Shoshone Extensions Unit, Pick-Sloan Missouri Basin program, Wyoming (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT ON NEGOTIATED SALES CONTRACTS

A letter from the Director, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, a report of negotiated sales contracts, during the period January 1 through June 30, 1972 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 3441. A bill to extend the traineeship program for professional public health personnel, and project grants for graduate training in public health under the Public Health Service Act (Rept. No. 92–1043); and

S. 3752. A bill to extend programs for assistance to medical libraries (Rept. No. 92–1044).

By Mr. GRAVEL, from the Committee on Public Works, without amendment:

S. 3917. An original bill to authorize the construction of the completion of the New Senate Office Building on the east half of square 725 in the District of Columbia, to authorize the acquisition of certain real property in square 724 in the District of Columbia, to authorize the Architect of the Capitol to initiate and conduct a study of alternate designs for a vehicle parking garage with limited commercial facilities to be constructed on square 724 and an architectural design competition to be conducted in connection therewith, and to authorize the acquisition of all publicly or privately owned property contained in square 764 in the District of Columbia as an addition to the United States Capitol Grounds, and for other purposes (Rept. No. 92–1045).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

James R. Schlesinger, of Virginia, to be the Representative of the United States of America to the Sixteenth Session of the General Conference of the International Atomic Energy Agency; and

William O. Doub, of Maryland, T. Keith Glennan, of Virginia, Robert H. McBride, of New Hampshire, Herman Pollack, of Maryland, Dwight J. Porter, of Nebraska, and James T. Ramey, of Illinois, to be Alternate Representatives of the United States of America to the Sixteenth Session of the General Conference of the International Atomic Energy Agency.

ESTABLISHING A CEILING ON SOCIAL SERVICES—REFERRAL OF SENATE JOINT RESOLUTION 257 TO COMMITTEE ON FINANCE

Mr. HUMPHREY. Mr. President, on Friday last I consulted with the majority and minority leadership of the Senate, as well as the chairman of the Finance Committee and the ranking Republican member (Mr. BENNETT), along with the Senator from Delaware (Mr. ROTH), the Senator from New York (Mr. JAVITS), and the Senator from California (Mr. TUNNEY), in reference to Senate Joint Resolution 257, which is on the calendar as Order No. 993.

I would like that resolution to be referred to the Finance Committee and to be taken from the calendar. This has been cleared with the leadership on both sides, and I ask unanimous consent that the joint resolution be referred to the Committee on Finance.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BEALL (for himself and Mr. MONDALE):

S. 3911. A bill to establish an Emergency Medical Services Administration within the Department of Health, Education, and Welfare to assist communities in providing professional emergency medical care. Referred to the Committee on Labor and Public Welfare.

By Mr. SCHWEIKER:

S. 3912. A bill to amend the National Flood Insurance Act of 1968. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BOGGS:

S. 3913. A bill for the relief of Eva D. Domingo. Referred to the Committee on the Judiciary.

By Mr. FANNIN:

S. 3914. A bill to require mandatory imposition of the death penalty for individuals convicted of certain crimes. Referred to the Committee on the Judiciary.

By Mr. FANNIN (for himself and Mr. GOLDWATER):

S. 3915. A bill to authorize the Secretary of the Interior to purchase property located within the San Carlos Mineral Strip. Referred to the Committee on Interior and Insular Affairs.

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. NELSON, and Mr. STEVENSON):

S. 3916. A bill to provide for research for solutions to the problem of alientation among American workers in all occupations and industries and technical assistance to those companies, unions, State and local governments seeking to find ways to deal with the problem, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. GRAVEL, from the Committee on Public Works;

S. 3917. An original bill to authorize the construction of the New Senate Office Building on the east half of square 725 in the District of Columbia, to authorize the acquisition of certain real property in square 724 in the District of Columbia, to authorize the Architect of the Capitol to initiate and conduct a study of alternate designs for a vehicle parking garage with limited commercial facilities to be constructed on square 724 and an architectural design competition to be conducted in connection therewith, and to authorize the acquisition of all publicly or privately owned property contained in square 764 in the District of Columbia as an addition to the United States Capitol Grounds, and for other purposes. Ordered to be placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEALL for himself and Mr. MONDALE):

S. 3911. A bill to establish an Emergency Medical Services Administration within the Department of Health, Education, and Welfare to assist communities in providing professional emergency medical care. Referred to the Committee on Labor and Public Welfare.

EMERGENCY MEDICAL SERVICES SYSTEMS ACT

Mr. BEALL. Mr. President, on behalf of Senator MONDALE and myself, I introduce the Emergency Medical Services Systems Act.

This bill was designed to encourage State and local communities to implement programs to improve and expand emergency medical services in the Nation so as to prevent needless loss of lives and to assure nationwide availability and accessibility of emergency medical services to mobile citizens.

Specifically, the legislation authorizes:

First. The establishment of an Emergency Medical Service Administration within the Department of Health, Education, and Welfare, headed by a director appointed by the President.

Second. A Federal matching program to the States for grants to communities within the States for development and operation of emergency medical service systems. The Federal contribution would be limited to 75 percent of the costs for the initial year, 50 percent for the second year, and 25 percent in any year thereafter.

Third. The Federal Director to issue standards governing the operation of emergency medical service systems which would include the establishment of minimum requirements for emergency medical service equipment; licensure by States of ambulance service procedures; communications and reporting; levels of adequate liability insurance to cover ambulance operations; and personnel training.

Fourth. Direct Federal assistance up to 50 percent of the costs of a community for the initial purchase of ambulance facilities.

Fifth. A Federal research and development program under which the director would be authorized to conduct or contract for studies and research on the problems and conditions of emergency medical care and methods with particular attention to the utilization of technological advances in the improvements of emergency services. This would also include at least one statewide emergency transportation system.

For those provisions providing for community emergency medical services systems and for initial purchasing of ambulance facility equipment and communication systems, the bill authorizes $150 million for each of 3 years. For the other expenses in administering the program, the bill authorizes $50, $60, and $75 million over a 3-year period.

Mr. President, recently the east coast of the United States was the victim of the terrible tropical storm Agnes. This storm, which swept the east coast of the United States from June 16 to June 23, left unbelievable damage to property and caused large loss of human lives and unmeasurable human suffering. The press of the Nation rightfully gave this story front page attention. The Office of Economic Preparedness estimated the total damage nationally at $3 billion and that 118 individuals were killed as a result of Agnes.

While I do not wish to minimize the tragedy of Agnes because it was one of the greatest natural disasters experienced by this Nation, I do want to use the occasion to dramatize the tremendous daily toll of human lives and property damage that occurs in this country as a result of accidents.

As I indicated, during the 6 days that Agnes was rampaging through the east coast 118 lives were lost. However, on each of those days an average of 316 Americans died of injuries resulting from accidents, or a total of 2,212 accident victims during the same 6 days of the Agnes storm. This comparison, I believe, does serve to emphasize the importance of action in the emergency service area.

Mr. President, emergency health care for too long has been a neglected health area, which has rightfully been called the "hidden crisis" in health care by Secretary DuVal.

Yet, injuries are the killer of Americans ages 1 through 37, second leading cause of deaths between the ages of 1 through 48 and fourth cause of death among the total population. One out of every four citizens in this country will have some type of accident this year. Every eighth hospital bed is occupied by an accident victim.

The National Safety Council has estimated that accidents cause loss of 150,000 lives annually, 55,000 individuals were killed as a result of motor vehicle accidents alone. In addition, these accidents cause approximately 10 million disabling injuries leaving 400,000 individuals totally disabled. The total cost to the Nation of these injuries is estimated at $25 billion. Each year the number that dies from trauma or serious injuries is greater than the total of all Americans killed in Vietnam.

All of us are potential victims. Yet, the public in general tends to regard accidents as unfortunate occurrences that are inevitable.

In Vietnam this premise is not acceptable with the result that a trauma victim in Vietnam probably has a better chance of survival than a victim here in the States. This is because the military has developed during the second and Korean world wars an organized system of transporting and treating emergency victims. This procedure has been perfected further in Vietnam until the Secretary of Defense has been able to say that the death rate of such victims in Vietnam is near zero. I would point out that this measure also would encourage the utilization of the skills of returning corpsmen in appropriate emergency service positions. Veterans could employ the skills they acquired in the military to save lives here at home.

Mr. President, I am convinced that the technology know-how exists to make similar dramatic improvements here at home. We need only to rationalize and categorize our emergency facilities and services, and additional resources to enable the application of known life saving methods. Heart attack victims could also benefit from improved emergency care arrangements. Some experts have estimated that prompt and early care might save 150,000 heart attack victims annually.

I am very proud of the pioneering effort that is underway in my State in this area. Maryland has probably the most sophisticated trauma center in the Nation located at the University of Maryland hospital in Baltimore. A system of rapid transportation has been developed using a helicopter system operated by the Maryland State Police. I have been working very hard with the center and others in the health area in an effort to enable the State of Maryland to expand this pioneering work statewide. I am pleased that the President has taken such an interest in this problem and has proposed a program designed to exploit technology in this area for the development of systems of emergency health care.

A number of grants have already been made pursuant to the President's program and Maryland is in line for a subsystem grant to improve their communication system. Dr. R. A. Cowley, the able head of the Maryland Trauma Center, has told me that Maryland could cut its accident death rate in half if the total Maryland system were to be implemented.

This Congress and the administration have accelerated our attack against cancer and heart diseases. In both of these areas we are looking for new discoveries and new breakthroughs. In the trauma area I am convinced that the technology and know-how exists to dramatically reduce the tragic accident deaths. This is an area where action will lead to immediate payoffs in terms of lives saved. Legislation encouraging emergency medical care is badly needed. Action in this area can mean the difference between life and death for accident victims.

The proposal I advance today is the product of the interest and work of the AMA. I want to take this opportunity to congratulate the AMA and the doctors of America for their help in focusing national attention on this area of need of the health system.

I also want to encourage doctors and hospital administrators and all other members of the health team, as well as the general public, to get interested in this area.

For our ultimate success will not depend on what is done at the Federal level, although Federal assistance will help, but on the response and action by the States and communities.

I ask unanimous consent that a summary and the full text of the bill be printed in the RECORD.

There being on objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 3911

A bill to establish an Emergency Medical Services Administration within the Department of Health, Education, and Welfare to assist communities in providing professional emergency medical care

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That this Act may be cited as the "Emergency Medical Service Systems Act."

FINDINGS; DECLARATION OF POLICY AND PURPOSE

SEC. 2. (a) The Congress finds—

(1) That there is an urgent need for the development and improvement of emergency medical services in many urban, suburban and rural areas throughout the Nation.

(2) That countless lives have been and are being lost through the lack of prompt and professional emergency services, and many of these lives could be saved if such care were more readily available.

(3) That while programs can best be planned at the local and regional level, implementation will require coordination at community, regional, State and national levels.

(b) It is the policy of the Congress and the purpose of this Act to encourage the implementation of programs for delivery of emergency medical services, to assure nationwide availability and accessibility of such emergency medical services, and to prevent the needless loss of life by upgrading the quality of emergency medical services in the United States. This purpose should be achieved through the establishment of a Federal entity having the authority to set standards for ambulance and life support equipment, ambulance-to-hospital and disaster radio communication, personnel training, and other components of qualified emergency medical services systems, including appropriate utilization and training of discharged military medical corpsmen, and the authority to provide financial assistance to qualified emergency medical service systems operated by or under the supervision and auspices of local political subdivisions or combinations thereof.

ESTABLISHMENT OF EMERGENCY MEDICAL SERVICES ADMINISTRATION

SEC. 3. There is established within the Department of Health, Education, and Welfare an Emergency Medical Services Administration (hereinafter referred to as the "Administration"). The Administration shall be headed by a Director (hereinafter referred to as the "Director") who shall be a qualified health care professional appointed by the President, by and with the advice and consent of the Senate.

DIRECTOR OF THE ADMINISTRATION; TECHNICAL AND PROFESSIONAL PERSONNEL

SEC. 4. (a) The Director, under the general direction and supervision of the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary"), shall carry out the functions and responsibilities vested in or transferred to him or the Administration by or under this Act, and shall perform such related duties as may be prescribed by the Secretary to carry out the purpose of this Act.

(b) The Director shall serve at the pleasure of the President and shall receive basic pay at the rate prescribed for level V of the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code.

(c) With the approval of the Secretary, the Director shall appoint such technical and professional personnel as he deems necessary, in addition to the regular personnel of the Department under his jurisdiction and control, to carry out the functions of the Administration, and shall fix the pay of the personnel so appointed, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

FINANCIAL ASSISTANCE FOR DEVELOPMENT AND OPERATION OF EMERGENCY MEDICAL SERVICE SYSTEMS

SEC. 5. (a) In order to make funds available to local communities to assist in the development and operation of qualified emergency medical service systems, the Director is authorized to allot funds to qualified States for distribution to communities as provided in section 6.

(b) A community, within the meaning of subsection (a), shall be a political subdivision or a regional combination of subdivisions and may encompass an area of one or more counties, or a part or contiguous parts thereof, and may be situated in more than one state.

(c) A qualified emergency medical service system, within the meaning of subsection (a), shall operate within standards which the Director shall by regulations prescribe, shall provide comprehensive emergency medical services, directly through facilities and staff of the community or indirectly through contractual arrangements with public or private agencies, organizations, or other entities, and shall include:

(1) Well-equipped emergency vehicles, staffed by emergency medical service technicians, with special consideration given to the utilization of discharged military corpsmen, trained and equipped to provide necessary life support at the scene of accident or illness and during transportation;

(2) A communications system that assures prompt response to the need;

(3) High quality emergency care facilities, staff and equipment at the hospital level;

(4) Medical self-help training programs that reach large numbers of area residents;

(5) Adequate highway signs to locate emergency medical services;

(6) Emergency medical services adequate to meet the needs of the community or region;

(7) Periodic evaluation of the quality of services to be provided through systems of inspection by the State, and such other quality control measures as the Director shall deem appropriate;

(8) Registration of ambulance attendants through a national registry program, maintained by a voluntary organization such as the Registry of Emergency Medical Technicians-Ambulance which shall provide for periodic review of personnel.

(9) Such other components as the Director may add.

GRANTS TO STATES

SEC. 6. (a) The Director shall allocate and pay to each State which qualifies under section 7, with respect to any fiscal year, from the funds appropriated pursuant to section 16(a) for such year, an amount (based on the population of the State and other conditions, such as population density and the availability of physicians and hospital facilities, demonstrating or bearing upon the adequacy of emergency medical services in the State) which reflects the needs of such State and its political subdivisions for improved emergency medical services relative to the corresponding needs in other qualified States.

(b) Funds made available to a qualified State with respect to any fiscal year under subsection (a) shall be disbursed by the appropriate agency of such State to eligible communities as defined in section 8, in accordance with the State's emergency medical services program and on such additional terms and conditions (consistent with such program) as such agency deems appropriate.

for the development and operation of qualified emergency medical service systems.

(c) Under regulations prescribed by the Director, any funds which have been disbursed by a State to a community with respect to any fiscal year for the development and operation of an emergency medical service system, and which remain unexpended and unobligated, may be withdrawn from such community (and redistributed to other communities in that State), if the State Administrator as referred to in section 7(a) deems the withdrawal of such funds warranted on the basis of subsequent inspections made or information received. Funds allocated by the Director to any State for any fiscal year under subsection (a) which remain unexpended and unobligated may be withdrawn from such State and redistributed by the Director to other qualified States.

QUALIFICATION OF STATES

SEC. 7. A State shall be qualified for assistance under section 6 with respect to any fiscal year if it has in effect a comprehensive emergency medical service program, submitted by the Governor or the State and approved by the Director, which—

(a) Provides that the emergency medical services program within the State shall be administered by the appropriate State health agency (hereinafter referred to as the State agency), and shall be directed by an Administrator appointed by the Governor (hereinafter referred to as the State Administrator) who shall disburse funds in accordance with the provisions of this Act;

(b) Provides for financial assistance to communities for the development and operation of emergency medical service systems pursuant to plans approved by the State Administrator;

(c) Provides for application by communities for such financial assistance to the designated State agency;

(d)(1) Provides that, preliminary to any final action or recommendation of approval by the designated State agency of any community application or financial assistance, the State Comprehensive Health Planning Agency, and the local health planning agency (if any) shall review such application and submit comment thereon in writing to the designated State agency; and

(2) Provides, further, that in evaluating any community application for assistance, such health planning agency or agencies shall give consideration to the importance of linking together in a regional system emergency medical services in rural and small communities which do not have the necessary resources to develop and support their own emergency medical services systems, and to the adequacy of the plan to meet the needs of the community, and shall consult with the State medical and local medical societies and other appropriate professional and voluntary health agencies in the area to be served;

(e) Provides a program for the collection, preparation and dissemination to the general public within the State of information on availability and accessibility of emergency medical services in the State;

(f) Provides for a system of inspection and periodic evaluation of the quality of services performed by communities receiving assistance under this Act; and

(g) Provides for periodic reports by the State to the Director, as the Director may by regulations direct, on the conduct of activities under this Act.

COMMUNITY QUALIFICATION FOR ASSISTANCE

SEC. 8. As conditions of eligibility for financial assistance under this Act—

(a) A community shall make application therefor to the designated State agency, in such a manner and providing such information as the Director may by regulations direct; and such application shall include therein or be accompanied by a plan, as an integral part of such application, for development or improvement of an operating qualified emergency medical service system (as defined in section 5(c)) within such community; and

(b) The appropriate health planning agency or agencies in the State shall, in accordance with subsection 7(d), review and comment upon the application; and

(c) The application shall be approved by the State Administrator.

PAYMENTS TO COMMUNITY

SEC. 9. (a). The designated State agency shall make payments to a community, for the purpose of this Act, only under the following conditions:

(1) Such community meets the conditions of eligibility under section 8.

(2) The State Administrator has, on the basis of reports submitted by the community along with its application for funds, and onsite inspection, review, and other information and data which the Director may deem necessary, specifically approved any such payment as suitably contributing to the achievement of the plan for a qualified emergency medical service system.

(b) Payments to a community under this section may be made with respect to any fiscal year for development and operation of a qualified emergency medical service system, in an amount not to exceed 75 per cent of the costs incurred or to be incurred by such community during such fiscal year for the development and operation of such qualified system; and such payments may be continued in an amount not to exceed 50 per cent of costs incurred or to be incurred by such community during the next succeeding fiscal year for the development and operation of such qualified system, and in an amount not to exceed 25 per cent of costs incurred or to be incurred by such community during any fiscal year thereafter for the development and operation of such qualified system.

(c)(1) Whenever the State Administrator, after reasonable notice and opportunity for hearing to a community, finds that a community is not adequately performing pursuant to the emergency medical service plan which he approved as a condition of eligibility for assistance under section 8(c), he may deny any further payments to the community under this plan. He shall give the community notice of any such denial and state a reasonable time to correct the condition as a basis of reinstatement of payments. If the condition is not corrected within the time stated, or within any extension of time which may be granted by the State Administrator, the State Administrator may withdraw his approval of financial assistance to the community under this plan, and shall give notice of any such action to the community. Any determination by the State Administrator under this subsection shall be subject to appeal by the community to the Director within 30 days following notice thereof.

(2) On appeal duly made from a determination of the State Administrator under subparagraph (1), the Director shall have authority to confirm, reject, or modify the determination of the State Administrator, and shall within 30 days following such action of appeal make a determination in the matter and give notice thereof to the community.

(3) The community shall be entitled, further, to court review of the Director's determination under subparagraph (2) by commencing an action in the federal district court for the district in which the community is situated within 30 days following notice of the Director's determination.

ESTABLISHMENT OF STANDARDS FOR OPERATION OF EMERGENCY MEDICAL SERVICE SYSTEM

SEC. 10. The Director shall establish, keep current, and from time to time publish standards to govern the operation of an emergency medical service ssytem. Such standards shall be designed to insure that such services are provided and available on the widest possible basis, and shall include (without being limited to) standards and minimum requirements for:

(a) Emergency medical services equipment, including:

(1) Type of emergency ambulance and related rescue vehicles, including mobile intensive and coronary care units;

(2) Type and amount of rescue resuscitation and life support equipment to carry onboard ambulance vehicles;

(3) Radio or radio-telephone equipment for communication between ambulance and hospital.

(b) Licensure by States of ambulance service providers based upon periodic inspection of such providers' vehicles and equipment and periodic review of the traning level of its personnel and the adequacy of its dispatching and communications system.

(c) Communications and reporting, including:

(1) Establishment of a universal emergency telephone number;

(2) Ambulance to hospital communications, with tie-in to other public service agencies for daily and disaster radio communications;

(3) Establishment of methods and standards for inter-regional emergency communication, including radio, microwave relay and other technology;

(4) Establishment of emergency medical services information and data retrieval systems, including telemetry, biomedical data relay, and human intellect augmentation systems;

(5) Filing of reports on emeregency rescue and ambulance services and the integration of these reports with patients emergency care records;

(d) Levels of adequate liability insurance to cover any ambulance operations;

(e) The performance of training, advisory functions, and quality control by physicians designated as responsible for the medical supervision of ambulance services, including standards for training curricula;

(f) Facilities and routing:

(1) Establishment of emergency medical services operations centers;

(2) Categorization of emergency medical services capabilities;

(3) Establishment of methods for marking the location of emergency medical facilities and the establishment of routes thereto.

FINANCIAL ASSISTANCE FOR INITIAL PURCHASE OF AMBULANCE EQUIPMENT

SEC. 11. (a) In addition to providing financial assistance for the development and operation of qualified emergency medical service systems, the Director is authorized to assist in the establishment of new ambulance service in any political subdivision or regional combination in a qualified State by making grants to such subdivision or combination for the initial purchase of ambulance vehicles, equipment, and communications systems to be used in the provision of ambulance services by or under the supervision and auspices of such political subdivision. A grant under this section shall be in an amount not exceeding 50 per cent of the cost of purchase of the ambulance vehicle, equipment, and communications system involved, and shall be made only to a community which demonstrates to the satisfaction of the Director that, with the acquisition of such vehicles, equipment, and systems, it will rapidly be able to provide ambulance service as part of a qualified emergency medical service system. Such special grants shall be limited to designated items of equipment published by the Director and shall be made only with respect to purchases approved by the Director.

TRANSFER OF EMERGENCY MEDICAL SERVICES PROGRAMS OF THE FEDERAL GOVERNMENT TO THE EMERGENCY MEDICAL SERVICES ADMINISTRATION

SEC. 12. (a) All functions, powers, and duties of the Secretary of Transportation and the National Highway Traffic Safety Administration relating to emergency medical services (standard numbered 11) which are being exercised under, in connection with, or as a part of the uniformed standards for State highway safety programs are transferred to and vested in the Secretary of Health, Education, and Welfare, to be exercised and carried out by him through the Director and the facilities and other personnel of the Administration.

(b) Within 180 days of the effective date of this Act, the President may, in addition to the functions, powers, and duties transferred by subsection (a), transfer to the Secretary any functions, powers, and duties relating to emergency medical services which are being exercised by any other federal departments or agencies.

(c) So much of the positions, personnel, assets, liabilities, contracts, property, records, and unexpended balances of authorizations, allocations, and other funds of the Secretary and the agencies noted, as were employed, held, used, or available for use exclusively or primarily in connection with the functions, powers, and duties transferred by subsection (a) or (b) shall be transferred to the Administration along with such functions, powers, and duties.

(d) The transfers under subsections (a), (b), and (c) shall be made in accordance with such regulations as the Director of the Office of Management and Budget may prescribe to carry out this section.

(e) With respect to any function, power, or duty transferred by subsection (a) and exercised after the date of the enactment of this Act, any reference in any law, document, or record to the previous governmental program shall be deemed as a reference to the Director and the Administration.

APPLICATION OF STANDARDS TO FEDERAL PROGRAMS

SEC. 13. (a) The standards established by the Director under section 10 shall apply to and govern the operation of all ambulances and other emergency medical services, except those ambulances and services operated under the auspices of the Department of Defense, which are provided or assisted in any way under Federal Law or under programs established, carried on, or supported under Federal Law.

(b) The Director shall consult with and provide technical and other advice and services to the heads of the various Federal departments and agencies having jurisdiction over programs or activities involving the provision of ambulance or other emergency medical services or the provision of assistance in any form, directly or indirectly, to entities furnishing such services, in order to insure that the requirements of this section will be met and that all such programs and activities of the Federal Government will be effectively coordinated with a view to the widest possible achievement of the purpose of this Act.

ADVISORY COUNCIL

SEC. 14. (a) There is established a National Advisory Council (referred to hereinafter as the "Council"). The Council shall advise, consult with, and make recommendations to the Director with respect to overall planning and policy and the objectives and priorities for all emergency medical services.

(b) The Council shall consist of an Assistant Secretary of the Department of Defense, the Department of Interior, the Department of Agriculture, the Department of Commerce, the Department of Labor and the Department of Transportation, the Chief Medical Director of the Veterans Administration, the Deputy Director of the Office of Emergency Preparedness, and the Chairman of the National Advisory Council on Comprehensive Health Planning Programs, who shall serve ex-officio. In addition, the Council shall be composed of twelve members appointed by the President who shall serve at his pleasure. Appointments shall be made from persons who by virtue of their education, training, or experience are qualified to carry out the functions of members of the Council. Of the members so appointed, four shall be officials of State or local governments or governmental agencies who are actively engaged in emergency medical services, three shall be doctors of medicine, and the remainder shall be representatives of consumers and the ambulance industry. The President shall designate the Chairman of the Council. The Council shall meet at the call of the Chairman, but not less than four times a year.

(c) Members of the Council (other than members who are full-time officers or employees of the United States) shall, while serving on business of the Council, be entitled to receive a per diem allowance at rates not to exceed the daily equivalent of the rate authorized for grade GS–18 of the General Schedule. Each member of the Council, while so serving away from his home or regular place of business, may be allowed actual travel expenses and per diem in lieu of subsistence as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

GENERAL PROVISIONS

SEC. 15. (a) In administering the provisions of this Act, the Director is authorized to utilize the services and facilities of any other agencies of the United States and of any non-Federal public or nonprofit private agencies or institutions, in accordance with agreements entered into between the Director and the heads of such agencies or institutions, on a reimbursable basis or otherwise.

(b) The Director is authorized to conduct or contract with others to conduct studies and research projects on the problems and conditions of emergency medical care. Such studies or projects shall particularly be directed toward the utilization of technological advances in the improvement of emergency medical services. Such studies shall include (but not be limited to):

(1) Planning and development for emergency medical services programs;

(2) Establishment and improvement of medical emergency transportation systems, including at least one statewide system, using aircraft, helicopters, radio-equipped vehicles;

(3) Providing for cooperative use of equipment and personnel of the Armed Forces for medical emergency transportation assistance;

(4) Design, development, and demonstration of advanced methods of, and equipment for, medical emergency transportation communications;

(5) Development and operation of training programs for emergency medical service personnel.

(c) The Director, with the approval of the Secretary, shall prescribe such regulations as may be necessary or appropriate to carry out this Act.

(d) The Director shall submit to the Secretary for transmittal to the President and the Congress a full and complete annual report on activities under this Act, including such recommendations as he may consider necessary or desirable for legislative or administrative action to improve and make more effective the program under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 16. (a) For grants under sections 6 and 11, there is authorized to be appropriated the sum of $150,000,000 for the fiscal year ending June 30, 1973, the sum of $150,000,000 for the fiscal year ending June 30, 1974, and the sum of $150,000,000 for the fiscal year ending June 30, 1975.

(b) For other expenses incurred by the Director and the Administration in carrying out this Act, there is authorized to be appropriated the sum of $50,000,000 for the fiscal year ending June 30, 1973, the sum of $60,000,000 for the fiscal year ending June 30, 1974, and the sum of $70,000,000 for the fiscal year ending June 30, 1975.

(c) Any amounts appropriated pursuant to this section shall remain available until expended, and any amounts authorized for any fiscal year under this section but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1975.

SUMMARY OF BEALL-MONDALE EMERGENCY MEDICAL SERVICES SYSTEMS ACT

This bill would establish an Emergency Medical Services Administration within the Department of Health, Education, and Welfare. It would be headed by a Director who is a qualified health care professional appointed by the President. Emergency medical service programs in the Department of Transportation would be transferred for centralization in the new Administration. In addition, the President is given the authority to transfer within 180 days after enactment emergency medical services being exercised by any other federal departments or agencies.

The Director would allot funds to the States, and the States, in turn, would distribute funds to the communities for the development and operation of community emergency medical service programs.

To qualify the State for allotment, a governor would submit to the Director, for approval, a State plan for improvement of emergency medical services throughout the State. Such plan would provide for financial assistance to eligible communities within the State, and would designate the appropriate State health agency to administer the plan and disburse funds under the direction of a State Administrator appointed by the governor. It would also provide for review and comment by the State Comprehensive Health Planning Agency, and the local health planning agency, if any, on community applications for assistance.

As a condition of eligibility for financial assistance, a community would submit a plan for a "qualified emergency medical services system", providing for prescribed services, equipment and programs. Such plan would be reviewed for comment by the State Comprehensive Health Planning Agency, and local health planning agency, if any, before referral to the State Administrator for final approval.

A "qualified emergency medical services system" would operate within standards prescribed by the Director and would include as minimum requirements:

(a) Well-equipped emergency vehicles, staffed by emergency medical service technicians, with special consideration given to utilization of returning military corpsmen, trained and equipped to provide all necessary life support at the scene of accident or illness during transportation;

(b) A communications system that assures prompt response to the need;

(c) High quality emergency care facilities, staff and equipment at the hospital level;

(d) Medical self-help training programs that reach large numbers of area residents;

(e) Adequate highway signs to locate emergency medical services;

(f) Emergency medical services adequate to meet the needs of the community or region;

(g) Periodic evaluation of the quality of services to be proved through systems of inspection by the State, and such other quality control measures as the Director shall deem appropriate;

(h) Registration of ambulance attendants through a national registry program, such as the Registry of Emergency Medical Service Technicians-Ambulance which shall provide for periodic review of personnel; and

(i) Such other components as the Director may add.

A community emergency medical service area could be a county, part of a county, or a multi-county area and could be situated in more than one state. Federal funds would be provided only on a matching basis, federal contribution being limited to 75% of the costs incurred for development and operation of a "qualified system" in the first year of grant, and, if continued, 50% in the second year, and 25% in any year thereafter.

Payments to a community could be made only upon specific approval of the State Administrator, based on State reports, State and local planning agency comments, and such on-site inspections, review and other information as he deemed necessary for determining that the payment suitably contributed achievement of the plan for a qualified system.

Standards would be issued by the federal Director from time to time. These would establish minimum requirements for:

(a) Emergency medical services equipment, including:

(1) Type of emergency ambulance and related rescue vehicles, including mobile intensive and coronary units;

(2) Type and amount of rescue resuscitation and life support equipment to carry on board ambulance vehicles;

(3) Radio or radio-telephone equipment for communication between ambulance and hospital.

(b) Licensure by States of ambulance service providers based upon periodic inspection of such providers' vehicles and equipment and periodic review of the training level of its personnel and the adequacy of its dispatching and communications system.

(c) Communications and reporting, including:

(1) Establishment of a universal emergency number;

(2) Ambulance to hospital communications, and disaster radio communications;

(3) Establishment of methods and standards for interregional emergency communication, including radio, micro-wave relay and other technology;

(4) Establishment of emergency medical services information and data retrieval systems, including telemetry, biomedical data relay, and human intellect augmentation systems;

(5) Filing of reports on emergency rescue and ambulance services the integration of these reports with patient emergency care records.

(d) Levels of adequate liability insurance to cover any ambulance operations;

(e) The performance of training and advisory functions by physicians designated as responsible for the medical supervision of ambulance services, including standards for training curricula;

(f) Facilities and routing:

(1) Establishment of emergency medical services operating centers;

(2) Categorization of emergency medical service facilities;

(3) Establishment of methods for marking the location of emergency medical facilities and the establishment of routes thereto.

Additional programs would be provided in the bill authorizing the Director:

(a) To make direct payments contributing 50% of costs to a community for the initial purchase of ambulance vehicles; and

(b) To make grants to public or private non-profit organizations or enter into contracts with public or private organizations for emergency medical service projects including studies and research for:

(1) Planning and development for emergency medical services programs;

(2) Establishment and improvement of medical emergency transportation systems including at least one statewide system using aircraft, helicopters, radio-equipped vehicles;

(3) Providing for cooperative use of equipment and personnel of the armed forces for medical emergency transportation assistance;

(4) Design, development and demonstration of advanced methods of, and equipment for, medical emergency transportation and communications; and

(5) Development and operation of training programs for emergency medical service personnel.

A National Advisory Board, composed of assistant secretaries of various departments in the executive branch and 12 Presidential appointees would advise the Secretary. The appointees would include representatives of local government, consumers, and the ambulance industry, and three doctors of medicine.

The Director would make annual reports to the President and the Congress on the activities under the Act.

For the assistance to community emergency medical service systems and the initial purchase of ambulances by communities, the bill authorizes $150 million for each of three years. For other expenses in administering the program during that same period, the bill authorizes $50, $60 and $75 million.

By Mr. SCHWEIKER:

S. 3912. A bill to amend the National Flood Insurance Act of 1968. Referred to the Committee on Banking, Housing and Urban Affairs.

NATIONAL FLOOD INSURANCE ACT AMENDMENTS OF 1972

Mr. SCHWEIKER. Mr. President, I introduce a bill to amend the National Flood Insurance Act and ask that it be appropriately referred.

Of the six States involved in the Agnes disaster, Pennsylvania was hardest hit. According to Government estimates, about 70 percent of the total damage occurred in Pennsylvania. Of the damage inflicted on Pennsylvania, about 70 percent of the total occurred in the area of Wilkes-Barre. Many other communities, including the capital city, Harrisburg, were very hard hit.

Hurricane and tropical storm Agnes caused over $3 billion in property damage, flooded 5,000 square miles of land areas, and caused 118 deaths. Clearly, it is the worst natural disaster in the entire history of the United States.

The Office of Emergency Preparedness has said that hundreds of cities, towns, and rural communities along 4,500 miles of major rivers and 9,000 miles of streams and tributaries were flooded. Over 500,000 people suffered losses. 116,000 dwellings and mobile homes, and 2,400 farm buildings were damaged or destroyed 5,800 businesses were destroyed.

It is indeed regrettable that very few citizens were covered by flood insurance under the Federal program set up by the National Flood Insurance Act. Nobody in Harrisburg, for example, was covered. Only two people in Wilkes-Barre had flood insurance. Although 93 communities in Pennsylvania had qualified for flood insurance, very few individual citizens had obtained it.

One of the problems has been in distributing the insurance. I have received reports, for example, of individuals who tried to obtain flood insurance through insurance agents, but were unable to do so. This program was designed to be available to all qualified citizens, and the Department of Housing and Urban Development must take every action necessary to encourage the widespread availability of flood insurance as a practical matter. HUD has taken one step in that direction by establishing a $10 minimum commission, regardless of the size of the premium. It is hoped this will encourage agents to sell the coverage and broaden the protection currently available to the public. I strongly urge HUD to take whatever other additional administrative steps may be necessary to broaden the availability of flood insurance.

The National Flood Insurance Act Amendments of 1972 would do the following:

First, it would double the statutory flood insurance coverage limits. That is, it would double both the subsidized limits on various types of structures and contents, as well as doubling the maximum limits of flood insurance coverage. The subsidized limits on single family residential units would be raised from $17,500 to $35,000. The limits on other residential units and nonresidential structures would be increased from $30,000 to $60,000. The coverage for the contents of residential structures would be raised from $5,000 to $10,000, and the coverage for the contents of nonresidential structures would be substantially increased from $5,000 to $60,000. The latter provision regarding the contents of nonresidential structures is concerned primarily with businesses, and the $5,000 present limit is clearly very insufficient. Therefore, my legislation would increase that coverage to $60,000. In each case, nonsubsidized flood insurance at actuarial rates could be obtained in an amount equivalent to the amount of the subsidized coverage. Therefore, maximum coverage is double the amount of the subsidized coverage.

Second, my legislation would increase the authorization for total coverage in force under the national flood insurance program from $2.5 billion to $10 billion. Although legislation is now pending in the 1972 Housing Act to increase the limit to $4 billion, even this is inadequate for any substantial expansion of the program. I feel that a $10 billion statutory limit is more realistic.

Third, the bill requires individuals to purchase flood insurance as a condition of the issuance of Federal mortgage insurance in identified flood-prone areas. That is, in order for an individual who lives in a flood-prone area to obtain FHA, VA or Farmer's Home Administration mortgage insurance, he must purchase flood insurance. HUD defines a "special flood hazard area" as any area which has a 1 percent annual chance of flooding. I believe we should encourage the purchase of flood insurance in areas which are clearly subject to flooding by conditioning the insurance of Federal mortgage insurance on the purchase of flood insurance.

Fourth, the bill broadens the availability of the flood insurance program to any individual who wishes to obtain it. Flood insurance would be available whether or not the community in which the individual resides has been approved for flood insurance. However, in order to encourage local communities to sign up for the flood insurance program and meet Federal land-use requirements, the premium rates on policies issued in communities which have not been approved would be 25 percent above the subsidized rate offered to residents of approved communities. In other words, we would not foreclose anyone from getting flood insurance who wants it, but we would put additional pressure on local communities to sign up for the program by making the rate for those who had not, 25 percent above the federally subsidized rate.

Fifth, as an additional incentive to get communities to sign up, those communities which have been identified as being special flood hazard areas would be required to participate in the national flood insurance program. If they do not participate, future Federal financial assistance for construction programs such as urban renewal would be reduced. The penalty for inaction by a local community would increase as time goes on. Under my bill, beginning July 1, 1976, the availability of FHA, VA, and Farmer's Home Administration mortgage insurance and guarantees for new construction to local residents would be restricted. Federal financial assistance under all other construction programs would also be reduced over a 4-year period. In fiscal year 1977, the availability of these programs would be reduced by 10 percent. In 1978, an additional 20-percent reduction would occur. In 1979, 30 percent, and in 1980, 40 percent. Thus, the total reduction over a 4-year period would be 100 percent. After fiscal year 1980, communities would not be able to obtain this Federal assistance.

Let me make it clear that this last provision applies only where a community has been identified as being a special flood hazard area. In other words, we are only talking about communities where there is a substantial likelihood of flooding. In these cases, communities would be strongly encouraged to take actions necessary to minimize the impact of future flooding. The reason I have suggested tying this into Federal financial assistance for construction programs is that such construction projects in flood-prone areas are particularly subject to being damaged by floods. It simply makes good sense to require local communities to take measures to minimize the impact of flooding.

I am pleased that the Subcommittee on Housing and Urban Affairs of the Senate Committee on Banking, Housing and Urban Affairs will hold hearings on flood insurance tomorrow. I will testify at those hearings. Because of the importance of strengthening the existing flood insurance law, and in view of the personal interest in this matter taken by the chairman of the subcommittee, Senator Williams, I am confident that legislation to improve this law will be acted upon by the full Senate within a short period of time.

Mr. President, I ask unanimous consent that the text of the National Flood Insurance Act Amendments of 1972 be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "National Flood Insurance Act Amendments of 1972".

INSURANCE LIMITS

Sec. 2. (a) Section 1306(b)(1)(A) of the National Flood Insurance Act of 1968 is amended by striking out "$17,500", "$30,000", and "$5,000" and inserting in lieu thereof "$35,000", "$60,000", and "$10,000", respectively.

(b) Section 1306(b)(1)(B) of such Act is amended by striking out "$30,000" (each place it appears) and "$5,000" and inserting in lieu thereof "$60,000" and "$60,000", respectively.

(c) Section 1306(b)(1)(C) of such Act is amended by striking out "$30,000" and "$5,000" and inserting in lieu thereof "$60,000" and "$60,000", respectively.

PROGRAM LIMITATION

Sec. 3. Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "$2,500,000,000" and inserting in lieu thereof $10,000,000,000".

Sec. 4. (a) Chapter I of the National Flood Insurance Act of 1968 is amended by adding at the end thereof the following new section:

"Requirement of Flood Insurance Coverage for Federally Insured or Federally Guaranteed Mortgages

"Sec. 1321. (a) No officer or agency of the United States shall insure or guarantee or enter into a contract or commitment for the insurance or guaranty of any mortgage or real estate loan if the property to which such mortgage or loan relates is situated in a flood-prone area as determined by the Secretary under section 1360, unless such property is covered by the flood insurance program under this title (to the extent that such program applies or has been extended to property of the type involved under section 1305 (a) and (b)).

"(b) For purposes of subsection (a), the terms 'insure or guarantee' and 'insurance or guaranty', with respect to mortgages on real estate loans, include or refer to the insurance of any mortgage (or financial institution) under the National Housing Act or title V of the Housing Act of 1949, the insurance or guaranty of any loan under chapter 37 of title 38, United States Code, and any other insurance or guaranty issued under Federal law with respect to a mortgage on real estate or with respect to a loan made to finance the purchase, acquisition, or rehabilitation of real property."

(b) The amendment made by subsection (a) of this section shall apply with respect to mortgages executed and loans made on or after the first day of the seventh month which begins after the date of enactment of this Act (except that such amendment shall not apply with respect to any such mortgage or loan which is executed pursuant to a contract or commitment entered into before such first day).

PROVISION OF FLOOD INSURANCE IN CERTAIN AREAS NOT MEETING REQUIREMENTS OF PROGRAM

Sec. 5. The National Flood Insurance Act of 1968 is amended—

(1) by striking out "The" in section 1305 (c) and inserting in lieu thereof "Except as provided in section 1322, the";

(2) by striking out "After" in section 1315 and inserting in lieu thereof "Except as provided in section 1322, after"; and

(3) by inserting after section 1321 (added by section 4 of this Act) a new section as follows:

"FLOOD INSURANCE COVERAGE IN NONQUALIFYING AREAS

"Sec. 1322. Notwithstanding any other provision of this Act, flood insurance coverage may be provided under this title in any State or area (or subdivision thereof) which has not complied with the requirements of section 1305(c) or 1315, if—

"(1) the property with respect to which the insurance is sought is eligible for coverage under section 1305 (a) or (b); and

"(2) the premium charged for the coverage provided is at a rate which exceeds by 25 per centum the rate which would otherwise be chargeable on similar property in a State or area (or subdivision thereof) meeting the requirements of sections 1305(c) and 1315."

REDUCTION OF CERTAIN FEDERAL BENEFITS IN THE CASE OF COMMUNITIES NOT PARTICIPATING IN THE FLOOD INSURANCE PROGRAM

Sec. 6. (a) Notwithstanding any other provision of law, in the case of any unit of local government which is determined by the Secretary of Housing and Urban Development under section 1360 of the National Flood Insurance Act of 1968 to be located in an area which has special flood hazards, and which is not participating in the flood insurance program established under such Act, the Secretary of Housing and Urban Development, the Secretary of Agriculture, and the Administrator of Veterans' Affairs shall reduce the aggregate Federal benefits for such unit of local government by 10 per centum on July 1, 1977, by an additional 20 per centum on July 1, 1978, by an additional 30 per centum on July 1, 1979, and by an additional 40 per centum on July 1, 1980.

(b) For the purpose of subsection (a), a reduction of the aggregate Federal benefits of a unit of local government shall be carried out by applying the percentages referred to in such subsection to each of the following:

(1) The aggregate dollar amount obligated or expended in connection with any contract or other agreement entered into by such unit under title I of the Housing Act of 1949, title I of the Demonstration Cities and Metropolitan Development Act of 1966, title VII of the Housing and Urban Development Act of 1965, title VII of the Housing and Urban Development Act of 1970, and title VII of the Housing Act of 1961 during the fiscal year ending on June 30, 1977;

(2) The number of dwelling units covered by mortgages insured under section 203 of the National Housing Act in the jurisdiction of such unit which were purchased during the fiscal year ending June 30, 1977;

(3) The number of dwelling units with respect to which the Administrator of Veterans' Affairs furnished financial assistance under chapter 37 of title 38, United States Code, which were purchased during the fiscal year ending June 30, 1977; and

(4) The number of dwelling units with respect to which the Secretary of Agriculture furnished financial assistance under title V of the Housing Act of 1949 during the fiscal year ending June 30, 1977.

By Mr. FANNIN:

S. 3914. A bill to require mandatory imposition of the death penalty for individuals convicted of certain crimes. Referred to the Committee on the Judiciary.

Mr. FANNIN. Mr. President, we are all aware of the recent Supreme Court decision of Furman against Georgia which virtually outlawed the imposition of the death penalty. I believe only two of the Justices concluded that the infliction of the death penalty is constitutionally impermissible in all circumstances under the eighth and 14th amendments of the Constitution. Although the majority of the Court did not consider the death penalty as "cruel and unusual" punishment per se, its decision virtually eliminated its use in the United States. In the presentment of the three particular cases in Furman against Georgia, the majority Court decided that the imposition of the death penalty within the context of the facts of those cases was "cruel and unusual punishment."

One specific malady was cited by several Justices. Our present system of discretionary sentencing in capital cases "failed to produce evenhanded justice." The rate of infliction of the death penalty was rare when measured against the number of cases in which it was legally permissible and available. The system which selected the person upon whom the sentence would apply was termed "arbitrary," "rare," "freakish." The language boiled down to the statement that "punishment was not being regularly and fairly applied."

Mr. President, I now introduce a bill that eliminates the discretionary aspects in the imposition of the death penalty for a narrow list of crimes that are of a most heinous nature. During the last 10 years we have witnessed a disturbing increase in crime in this country. Skyjackings, assassinations and the murder of our law enforcement and judicial officers have created a national problem that calls for swift and decisive action. It is my contention that capital punishment is an efficient tool of our system of law enforcement. I believe that it acts as a deterrent to certain crimes and I believe that society will suffer from its absence.

My bill will make mandatory, upon conviction, the sentence of death for the following:

First, the commission of aircraft piracy where loss of life occurs as a direct consequence of such act;

Second, the assassination of the President or Vice President of the United States or a State governor;

Third, the murder of a law enforcement officer, judicial officer, or fireman, while pursuing his official functions or because of his official position;

Fourth, the commission of murder by a prisoner serving a life sentence; and

Fifth, treason.

Mr. President, my bill would also mandatorily impose the sentence of life imprisonment, without possibility of parole, for those convicted of commissions or attempts to commit aircraft piracy in which a loss of life did not occur.

These crimes because of their implications and potential danger to society warrant the most drastic measure. Since 1968 there have been 147 hijacking attempts, 90 of which were successful. There were 27 hijacking attempts in all of 1971—there have already been 28 in 1972. These skyjackings endanger hundreds of innocent travelers. Three passengers and one crewman have been killed since 1971. It is just a matter of time until a major tragedy results from one of these skyjackings.

The murder of a President, Vice President, Governor, law enforcement officer, fireman, or judge is a direct attack on our society and our form of government. This threat to the viability of our political system calls for the imposition of the most severe sentence.

Murders committed by prisoners serving life sentences cannot be tolerated. Life prisoners must be informed that they cannot kill with immunity. The lives of other prisoners as well as prison officials are in peril.

I believe my bill will pass the muster of constitutional scrutiny by this Supreme Court. It will provide a more credible deterrent than we have had heretofore. Every person who contemplates committing one of these heinous offenses will know that he will surely receive the death penalty upon conviction if he carries out this contemplation. We must employ every means available to protect law-abiding citizens from such violence. We must, as a society, display our intolerance and our complete moral condemnation of these acts. In my opinion, and I believe the majority of Americans share my view, these crimes demand society's most emphatic denunciation.

The topic of capital punishment has always stirred public controversy. The arguments cling initially around the question of whether it is really a deterrent. We flounder to grasp at statistics that will support our various positions but the question defies empirical analysis. Statistics really prove nothing, as the Florida Commission on Capital Punishment concluded:

> There is no reliable method for determining who has contemplated committing a capital crime but refrained due to the fear of the death penalty as distinguished from other forms of criminal punishment.

I have carefully studied the statistics that allegedly prove that the death penalty does not defer crime. These statistics compare the homicide rates of non-capital-punishment States with States that have available the death sentence.

They also compare the homicide rate before and after the abolition of capital punishment to certain States. Most conclude that there is no evidence that the existence of the death penalty has an effect on the homicide rate. On the opposite side of the viewpoint authorities, including the late J. Edgar Hoover, conclude that such analysis on homicide rates is faulty because the comparisons fail to extract the very small fraction of homicides that are subject to the death sentence and thus influenced by it. The inclusion of such homicides as unpremeditated second-degree murder, manslaughter, as well as those committed by juveniles and the mentally insane in statistical analysis destroys the validity of results on the deterrent effects of capital punishment.

In the absence of statistics and a subject matter which defies such analysis I would concur that:

> Common human experience would support the conclusion that death must be a more effective deterrent than any less severe punishment. Because people fear death the most, the threat of death must be the greatest.

In this void of empirical proof as to the effect or noneffect of capital punishment on crime, we are forced to rely on our intuition and logic. My intuition and logic call for the restoration of capital punishment in these very narrow categories.

Mr. President, I do not believe that I underestimate the value that Americans place on human life, I cherish life as dearly as anyone but I confess, I have little sympathy for those who would commit the crimes enumerated in my bill. I fear that when people begin to believe that organized society is unwilling or unable to impose upon the criminal offenders the punishment commensurate with the act, then society has sown the seed of anarchy—of self help—of vigilante justice and lynch law. The Societal foundation will erode and rot with the consequence that our cherished ideals and accomplishments will vanish in a sea of terror. We will have failed and that degree of tragedy is incomprehendible.

Mr. President, it is the duty of Congress to enact this legislation and remedy this void.

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. NELSON, and Mr. STEVENSON):

S. 3916. A bill to provide for research for solutions to the problem of alienation among American workers in all occupations and industries and technical assistance to those companies, unions, State and local governments seeking to find ways to deal with the problem, and for other purposes. Referred to the Committee on Labor and Public Welfare.

WORKER ALIENATION RESEARCH AND TECHNICAL ASSISTANCE ACT OF 1972

Mr. KENNEDY. Mr. President, I am introducing today with the Senator from New York (Mr. JAVITS), the Senator from Wisconsin (Mr. NELSON), and the Senator from Illinois (Mr. STEVENSON), legislation to respond to the problem of worker alienation in America.

The Worker Alienation Research and Technical Assistance Act of 1972 provides for research into the problem of alienation among American workers in all occupations and industries and technical assistance to those unions, workers, companies, State and local governments seeking to find ways to relieve this problem. The bill provides $10 million for fiscal year 1973 and $10 million for fiscal year 1974.

As a nation, we have prided ourselves on the skills, the dedication, the imagination, and the initiative of the American worker. The growth and development of our economy has been based on his high level of performance. And through the years, the Nation's history has witnessed a steady rise in wages and fringe benefits that seemed to offer a just recompense to the men and women in textile mills, steel factories, and auto plants.

But the institutions of this country did not ask whether the rights of workers were being protected as the level of material compensation climbed upward. We stopped looking at working conditions. We stopped looking at health hazards in the workplace. We stopped looking at physical hazards in the workplace. Finally, decades late, we passed the Occupational Safety and Health Act of 1970.

And once again, satisfied that we had moved to relieve the physical hazards, we stopped looking.

We continue to marvel at the speed and assumed efficiency of the automated conveyors and high-speed tools that have been introduced into our plants. Seemingly mesmerized by the novelty of the modern industrial machines, we have forgotten once again that there are human beings behind those machines.

For the critical component in the modern workplace remains the worker, and the noneconomic requirements of the worker have been forgotten.

In hearings that the Subcommittee on Employment, Manpower and Poverty held this month which I was privileged to chair, we heard from some of the workers—workers from an auto plant in Lordstown, Ohio, where the conveyor sends 101.6 Vega automobiles out the factory door every hour, where workers must execute their assembly line operation every 36 seconds.

Gary Bryner, president of the UAW local at Lordstown, talked of the "symptoms of the alienated worker" where the absentee rate is moving ever upwards, where the turnover rate is enormous and where the use of alcohol and drugs is becoming an ever more serious problem.

The lack of corporate concern for the worker is described by Bryner in the orientation of new assembly line employees:

> He is brought into the plant and his orientation session ends and starts with his papers on insurance and his assignment to a foreman who immediately puts his warm body on the line.
>
> The job assignments within the plant in the same classification are solely the right of management, no say for the employee . . . The job content, and there is not much to that . . . when you have 36 seconds to do a job, and all we are left with is the dead-end job . . . jobs that offer little challenge to the more educated worker, little chance for advancement, and hardly any chance to participate as a worker.

The frustrations of workers also was expressed by Dan Clark, an auto assembly line worker.

> When it is 95 outside, it is 120 or so in that paint shop . . . you have no ventilation really at all. And of the noise level in the body shop which was cited a year and a half ago as higher than acceptable standards, Clark said, "I know I put cotton in my ears, because I cannot take it too much longer.

And so, he added:

> In the 1930's our fathers or forefathers revolted. They wanted the rights for a union . . . In 1970, we revolted and all we want to do is improve on things. That is all we want. Why should we be criticized for something like that? All we want is improvement in working conditions . . ."

The disregard for the worker as a human being was cited by James Wright, now director of National Policy Affairs, National Center for Urban Ethnic Affairs, and a former steelworker. He testified:

> I can recall when a friend of mine was killed in a car accident, and I took the day off to attend his funeral, and I was disciplined for two days because this was an unexcused absence.

These are some of the problems and frustrations and discontents that are producing a class of angry and rebellious workers in America.

And for a nation concerned about productivity, our failure to heed the signs of restlessness among workers in our plants and factories seems difficult to grasp.

For we have the statistics of the National Commission on Productivity to tell us that something is wrong with the economic machine. In one major industry, absenteeism increased by 50 percent, worker turnover by 70 percent, worker grievances by 38 percent, and disciplinary layoffs by 44 percent in a period of 5 years.

Yet, to a large degree, the response of government, of unions, and of business has been to ignore the problem. We do not even know the extent of the problem. We do not know how many men and women unnecessarily suffer mental or physical illnesses whose cause is linked to their jobs. We do not know the extent of the use of drugs among young workers. We do not know the cost to the economy from the subsequent loss of productivity, or the cost to the society of pockets of dispair among its workers. Nor do we know what changes in the design of the job and in the environment of work could produce increasing job satisfaction and increasing productivity at the same time.

While there have been some experiments, as our hearings revealed, there was almost universal agreement that far too little is being done.

Witnesses from the business world, including Robert Ford of American Telephone & Telegraph Co., Lyman Ketchum of General Foods, and Sidney Harman of Jervis Corp., all discussed some of the attempts by their corporations to respond to the problem of worker alienation. But all agreed that there exists a vast area of inadequate information on a national level, a vacuum which helps prevent the education of government, business, and union leaders to the problem.

Their view was confirmed by Irving Bluestone, vice president of the UAW, who added that working models and practical on-the-job experiments are needed in addition to basic research.

The motivation for attempting such a program begins with the worker. For he is a citizen, a human being. And it should not be the potential for increasing his productivity that spurs our interest; but our concern, as Bluestone stated, to "find new ways to make human beings more human."

And so in the bill that I am introducing today, we hope to break down the resistance of our institutions to the idea of humanizing the workplace. We hope to make the quality of life for the worker on the job just as much a consideration in the eyes of labor and management as the quality of the product.

This bill authorizes the Secretary of Health, Education, and Welfare and the Secretary of Labor to conduct research to determine the extent and severity of job discontent and to assess the costs to the economy of the problems of absenteeism, turnover, sabotage, and loss of productivity associated with worker discontent.

In addition, research is directed into the incidence of mental and physical disease among workers.

The research also will cover the methods now being used in both the United States and Europe in trying to meet the problems of worker alienation. We heard from Ford Foundation witnesses, who recently had traveled to Europe, of the innovations that have been tried there.

The bill also provides that the research results and recommendations will be made available to workers, to unions, to companies, to schools of management and industrial engineering and to the general public.

Technical assistance also will be made available to groups of workers, to unions, to companies, to State and local governments for the following efforts:

First, practical experimentation in meeting the problems of alienation in their own places of work.

Second, the development and conduct of pilot demonstration projects to improve our knowledge of how to relieve job satisfaction. These projects could include job enrichment, autonomous work groups, job restructuring, increased worker participation in decisionmaking, increased job mobility and compensation on the basis of new skills learned.

The bill also provides for assistance in developing curricula and programs for training and retraining professionals and subprofessionals in work humanization approaches and methods.

This was felt to be critically important by most of the witnesses because of the impact that industrial engineers and plant designers have on the conditions of work and their present lack of concern for the worker.

The bill also authorizes the Secretary of HEW to insure that Federal agencies seek to maximize job satisfaction and to consider that factor in the design of new Federal facilities.

At the same time, the bill authorizes the Secretary of Labor to seek assurance that job satisfaction is considered by Federal contractors.

What we are seeking to do in this bill, which we intend hopefully to link to this year's comprehensive manpower bill when it is presented to the Senate, is to have the Federal Government take the initiative to avoid the continued drift into alienation by many of our workers.

For by providing the data and disseminating the results of research and technical assistance, we can stimulate among unions and corporations and the public in general not only an understanding of the scope and severity of this problem but an awakening to the ways in which they can begin to resolve it.

And what we are asking is the question asked by a former steelworker: How can a man get basic justice and equity in his place of work?

For I believe that if we succeed in raising the quality of life for the American worker on the job, we will be raising the quality of life for all our people.

Mr. President, I ask unanimous consent to have the bill I am introducing printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Worker Alienation Research and Technical Assistance Act of 1972."

STATEMENT OF FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that—

(1) alienation of American workers because of the nature of their jobs is a problem of growing seriousness to the national economy and to individual workers;

(2) alienation often results in high rates of absenteeism, high turnover, poor quality work, a decline in craftsmanship, and lessened productivity;

(3) alienation often results in high levels of frustration among workers with the following consequences: poor mental health, poor motivation, alcoholism, drug abuse, and social dissatisfaction among workers.

(4) it is in the national interest to encourage the humanization of working conditions and the work itself so as to increase worker job satisfaction, and to diminish the negative effects of job dissatisfaction; in so far as possible, work should be designed to maximize potentials for democracy, security, equity and craftsmanship.

(5) it is in the national interest to promote the fullest development of the abilities, creativity, skills and personal growth of all American workers.

(6) the problem of worker discontent and alienation has for too long been largely ignored by government, management and unions.

(7) promising efforts to deal with the problems of alienation carried out in this country and in Europe are not widely known.

Sec. 3. (a) The Secretary of Labor and the Secretary of Health, Education and Welfare are hereby authorized to either directly or by way of grant, contribution or other arrangement,

(1) conduct research, to determine the extent and the severity of job discontent and the problems related to the nature of work in American worksites, included but not limited to:

(A) quality of work, levels of turnover, absenteeism, sabotage, and loss of productivity; and the monetary costs to the economy of those problems;

(B) worker health, including statistics on mental and physical health and emotional stability;

(2) conduct research on methods now being used in both this nation and abroad to meet the problems of work alienation, including more flexible hours of work, reduced working days, profit-sharing, additional responsibility for workers, job rotation, worker participation in the decision-making process with regard to the nature and content of his job, redesign of jobs and production patterns, autonomous work groups, and additional opportunity for education, training and advancement.

(3) collect and disseminate resesearch results and recommendations for relieving worker discontent and for improving the quality of work, to workers, to unions; to companies, to schools of management and industrial engineering and to the general public;

(4) provide technical assistance to workers, unions, companies, State and local governments for (i) practical experimentation in meeting the problems of alienation in their own places of work; (ii) the development and conduct of pilot demonstration projects expected to make significant contributions to the knowledge in the field, to include but not be limited to such programs as job enrichment, guaranteed employment, reduced work days and weeks, autonomous work groups, job restructuring, increased worker participation in decisionmaking on the nature and content of his job, increased job mobility, job rotation, group productivity bonuses, compensation on the basis of skills learned, continuing education and training both to provide new careers and new opportunities for increased job satisfaction.

(5) provide support of the Triadic national survey on working conditions and work satisfaction of the Department of Labor;

(6) assist in the development and evaluation of curriculum and programs for training and retraining professionals and subprofessionals in work humanization approaches and methods;

(7) conduct pilot projects for a variety of experiments in both blue collar and white collar work redesign in selected Federal agencies to determine their effect in improved employee job satisfaction.

(b) In carrying out the research and technical assistance program authorized by this section, the Secretaries shall consult with the National Institute of Mental Health, the National Science Foundation, the National Institute for Occupational Safety and Health, and representatives of workers, unions, management, academic and medical experts.

(c) Each December 31, the Secretaries shall file an annual report including any recommendations for further legislation with the Congress. The Secretaries also shall file an interim report no later than 6 months after passage of the Act.

Sec. 4. The Secretary of Health, Education, and Welfare, in consultation with the Administrator of the General Service Administration, is directed to insure that Federal agencies seek to maximize job satisfaction of their workers and consider that factor in the design of new Federal facilities.

Sec. 5. The Secretary of Labor and the Secretary of Health, Education, and Welfare shall consult with each other concerning the implementation of this Act for the purpose of avoiding duplication or conflict in the activities of their respective Departments under this Act.

Sec. 6. There is hereby authorized an appropriation of $10 million in fiscal year 1973 and $10 million in fiscal year 1974 to carry out the provisions of this Act.

Mr. STEVENSON. Mr. President, I join with Senators Kennedy and Javits in introducing the Worker Alienation Research and Technical Assistance Act of 1972 because it is a necessary first step towards solving a serious and growing problem: The dissatisfaction among workers with the quality of their working lives.

In a nation in which productivity ranks as a national goal, more and more citizens profess dislike for the very process by which they produce our goods and services.

In a nation dedicated to freedom and the pursuit of happiness, more and more men and women feel they are pursuing economic rewards at the price of both freedom and happiness.

In a nation where a person has traditionally been described by the work he did, more and more citizens resent the work they do and resist the conditions under which they work.

In a nation built by hard work and energized by pride in that work, we cannot allow meaning and craftsmanship to be engineered out of millions of jobs.

In a nation concerned about the quality of life and the social costs of economic activities, we must undertake a sober analysis of the quality of working life and the social costs of unsatisfying jobs.

We know that the problem is serious because we see the expression of this discontent. Our great industries are plagued by tardiness, absenteeism, rapid turnover, drug addiction, and even sabotage.

Between 1960 and 1970 the absentee rate at General Motors and at Ford more than doubled. Turnover and tardiness rates have risen. Complaints about poor workmanship and sabotage have grown. Some workers simply walk off in the middle of the day without even collecting their pay.

We know that the problem is increasing. Between 1969 and 1971, the number of American workers expressing dissatisfaction with their jobs increased by 73 percent, according to the Gallup poll. Over 17 million Americans find their jobs unsatisfying.

We know that the problem is likely to increase still more since the discontent is concentrated among the young, blacks, and women, three groups likely to become increasingly important in the workplace. I ask unanimous consent that an article by Neal Q. Herric. describing a national survey of worker attitudes be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENSON. Mr. President, what are the causes of this widespread and growing discontent? How can it be stopped? A number of businessmen, labor union officials, and experts are convinced that the answer lies not only in changing the conditions of work but also in changing the nature of the work itself. In an article in the January, 1968, Harvard Business Review entitled "One More Time: How Do You Motivate Employees?" Frederick Herzberg drew a distinction between conditions which prevent job dissatisfaction and those which create job satisfaction. Factors which alleviate dissatisfaction are external to the work itself: fair pay, clean and safe working conditons, pleasant relations with supervisors and fellow employees. In too many cases these basic concerns have not been adequately resolved.

Important as these reforms are, they cannot in and of themselves provide a positive source of meaning and dignity. Only a meaningful and dignified job can do that.

Indeed, when asked to rank 25 aspects of work, including pay, working conditions, and relations with coworkers, workers ranked factors affecting the arrangement of the work highest. Good pay was ranked fifth. More important were interesting work and having the information, help, equipment, and authority necessary to get the job done. Younger workers especially were concerned with the interesting nature of the work, their chances for promotion, and the opportunity for self-development.

Too often work has been deliberately dehumanized to make the man as easily replaced as the machine he is making. In the name of efficiency, jobs have been designed to be so routine that the worker is almost part of the machine: tighten this bolt, affix this screw—every few seconds, 8 hours a day, 5 days a week, for 30 or even 40 years. But it is no longer efficient—if indeed it ever was—to design work so fragmented and devoid of choice that performance of the job is nothing more than a conditioned reflex. The rising tide of job dissatisfaction is a source of great concern, but I submit there would be even more cause for concern if workers passively submitted to a stultifying routine.

It is no longer realistic for the employer to expect that the worker will leave his autonomy and dignity in the locker with his coat and hat; we are not that kind of a people. For that reason, we have arrived at a point in time when the dictates of business efficiency and the imperatives of enlightened social policy coincide: both require that our generation put back into jobs what previous generations have taken out of them.

We can do it. Indeed, we have already begun to do it on a very limited scale. Instead of breaking down tasks into smaller, simpler units, some firms are recombining the simple tasks to enable one worker to produce a whole piece of work—so that the individual has control or decisionmaking power which affords him the opportunity to monitor his own performance.

Robert N. Ford, personnel director for manpower utilization at the American Telephone & Telegraph Co., who testified at recent hearings on this subject has successfully applied the principles to a number of different jobs. Producing a telephone directory involves 21 separate tasks. Before job restructuring, each task was performed by a separate individual with a separate job classification. There were manuscript receipt clerks, manuscript checkers, ad copy receipt clerks, ad copy checkers, and so on. Now one worker has total responsibility for producing the entire telephone directory for a small town. This has resulted in fewer errors and great pride. In another case, telephone workers were given total responsibility for a number of customers, from the processing of initial applications to the cutting off of service in case of nonpayment. Despite these successes, only about 50 firms are actively pursuing job enrichment programs, according to a June 19 article in Industry Week magazine.

Some jobs, of course, are more easily redesigned than others. A few successful case studies does not mean that we should abandon the massive capital investment in our present assembly line factories. It does mean that we should explore better ways of building new factories so that they are designed to meet the social and physical needs of the men who will work in them as well as the technological requirements of the product.

To do that—and to attack the other causes of job satisfaction—requires a concerted effort by the public and private sectors. The bill we introduce today promises to be an integral part of that effort. It authorizes research; technical assistance for pilot and demonstration programs; dissemination of results; and development of work humanization training programs. Equally important, it contains a forthright declaration that we have a national problem and that we intend to solve it.

The bill further declares that it is in the national interest to encourage humanization of working conditions and that work should be designed to maximize potentials for democracy, security, equity, and craftsmanship.

The bill authorizes research and technical assistance in support of demonstrations designed to meet the problems of worker alienation. The demonstrations can add much to our knowledge about such approaches as more flexible hours of work, profit sharing, worker participation, redesign of jobs, autonomous work groups, and additional opportunity for education, training, and advancement.

The bill specifically calls for pilot projects on both blue collar and white collar work redesign in selected Federal agencies.

I believe that the emphasis on all types of work is appropriate. Too often we have applied the principles of assembly-line efficiency to other kinds of work throughout the worlds of business and commerce. Each worker—the clerk, the accountant, the keypunch operator, even the junior manager—learns his task and repeats it endlessly.

Where new technology has freed the worker from the tyranny of the machine, too often it has placed him under a new tyranny: that of a stultifying office routine.

For such a worker the power of decision—of motivation, of reward or punishment—comes from above, not from within.

Do you wonder that such work is disliked? Not only is it boring, it isolates the worker. It closes him off from opportunities to use his talents to their outer limits—and threatens that most human of rights, the right to grow.

Many of the newer ideas in work humanization reverse this trend and emphasize opportunities for the worker to learn on his job.

The ability to respond to new situations with courage and flexibility has always been part of the American character. It has enabled us to attain the highest standard of living in the world. It should likewise enable us to respond to this challenge by developing new methods of production that will mean increases in the quality of working life as well as the quantity of work produced.

EXHIBIT 1

[From Manpower, January 1972]

WHO'S UNHAPPY AT WORK AND WHY

(By Neal Q. Herrick)

At one time, "tough-minded" men of affairs ridiculed any concern over workers' feelings. Workers, they said, cared about only one thing: Pay. The worker exchanged his time for an agreed-upon sum of money with which he then purchased his necessities and pleasures.

Now we are not so sure. Pay is at an all-time high, but worker dissatisfaction is metamorphosing from a hobbyhorse of the "tender-minded" into a fire-breathing dragon as workers begin translating their dissatisfaction into alienated behavior. Turnover rates are climbing despite rising wage levels. Absenteeism has increased as much as 100 percent in the past 10 years in the automobile industry. Workers talk back to their bosses. They no longer accept the old authoritarian ways. In short, workers themselves are telling us the same things about their feelings and needs that academicians, psychologists, and philosophers told us in the past.

Corporate managers are becoming interested in such previously academic questions as "Who is dissatisfied?", "Why are they dissatisfied?", and "what are the implications of this dissatisfaction?" At least some of the answers to these and similar questions can be drawn from a national survey of more than 1,500 workers conducted late in 1969 by the Survey Research Center at the University of Michigan under contract from the U.S. Department of Labor's Employment Standards Administration.

YOUNG BLACKS MOST DISCONTENT

According to the survey, workers consider interesting work a more important job factor than pay. However, the survey also shows that the higher a worker's pay, the more likely he is to be satisfied with his job. These two findings are not necessarily inconsistent; people with high paying jobs generally seem to have more interesting work.

The workers questioned in the study were divided into 107 subgroups of workers broken down by various combinations of socioeconomic characteristics such as sex, race, age, and income. Of these groups black workers under age 30 were far and away the most dissatisfied with their jobs. Thirty-seven percent expressed negative attitudes toward their jobs. The second most dissatisfied group was workers age 29 and under with some college education. Women age 29 and under were the third most dissatisfied group. It is striking that, of the six most dissatisfied groups, all but one were made up of workers age 29 and under. The exception was individuals with some college experience who made less than $5,000 a year.

Age also was a factor in 3 of the 6 least dissatisfied groups: Workers age 55 and older, workers age 45 and older earning more than $4,999, and blacks more than 44 years of age. Age, however, was not a factor with the two groups expressing the least dissatisfaction—self-employed persons and construction workers.

One of every four workers under 30 felt dissatisfied. Only 13 percent of workers 30 to 44 expressed negative feelings toward their jobs; the percentage dropped to 11 for workers 45 to 54 and to 6 for workers age 55 and over. Perhaps younger workers are more dissatisfied because they are a "new breed" with higher expectations than their elders and no sobering contact with the 1930's to influence their values. An opposing view is that—as did their elders before them—young workers will become more satisfied as they grow older and accommodate themselves to the hard realities of the industrial world. The truth no doubt lies somewhere in between these views—still, the "new breed" aspect is fraught with significance for the future.

Somewhat apart from the subject of work satisfaction—but nonetheless having wide-ranging applications for employment policy—is the finding that only 10 percent of employed persons age 55 and over reported dissatisfaction with their lives. This was as low a percentage as for any age group and takes on real significance when contrasted with findings in 1965 and 1968 that from 27 to 30 percent of retired persons were unhappy with their lives in general.

Ranking job satisfaction by industry or occupation, construction workers and the self-employed were at the top of the contentment scale. Only 1 in about 20 from these two groups was dissatisfied. In technical, professional, and managerial occupations, only about 1 in 10 was dissatisfied. But nearly 1 in 4 workers in service occupations and the wholesale-retail industry expressed job discontent. And manufacturing workers were not much happier.

Blacks were about twice as likely as whites to be dissatisfied with their jobs. This held true through age 44. Then, the percentage of dissatisfied blacks dropped to 7 as compared with 9 for whites age 44 and over.

The fact that young blacks were the most dissatisfied segment of the labor force and older blacks were among the least dissatisfied suggests that, while the generation gap may not be a racial phenomenon, it is greater among blacks than among whites. Also, while the dissatisfaction of blacks with both their jobs and their lives decreased sharply after age 44, their feelings of depression increased noticeably.

UNIQUE GENERATION GAP

One last comment on the black generation gap: Twice as many blacks over 44 were dissatisfied with their jobs. Older whites were about as dissatisfied with one as with the other. This seems to bolster the idea of a unique generation gap among blacks. Perhaps older blacks feel that just being employed is reason enough to be satisfied with their work lives. Problems of housing and social discrimination may account for their greater tendency toward dissatisfaction with life in general.

Black workers, as a group, appeared quite indifferent to being in the $5,000–$10,000 personal income category compared with the under $5,000 bracket. The portion of black workers with negative attitudes toward their jobs—22 percent—was the same in both categories. Among no other group of people (with the exception of workers under 30) was the dissatisfaction rate as high in the $5,000–$10,000 salary bracket at in the under $5,000 group. Even the dissatisfaction of young workers seemed to dissipate when they earned over $10,000 a year.

The same disinterest in money, up to a point, appeared in the life dissatisfaction data. The percentage of blacks dissatisfied with life remained the same until the $10,000-per-year mark was reached. However, blacks shared this latter characteristic with certain other groups (female workers and people with some college education).

In terms of "collar color," 17 percent of blue-collar workers expressed negative attitudes toward work compared with 13 percent of their white-collar brothers but the difference was concentrated in one age group.

An identical portion—24 percent—of blue-collar and white-collar workers under 30 expressed negative attitudes toward their jobs. However, in the 30–44 age group, the percentage of dissatisfied white-collar workers shrank to a low of 9 while the blue-collar percentage only diminished to 18. At 45 and above, the two groups again contained pretty much the same percentages of dissatisfied workers.

One reason for the disparity in dissatisfaction between white-collar and blue-collar workers in the 30–44 age bracket might be the "economic squeeze" that former Assistant Secretary of Labor Jerome M. Rosow said blue-collar workers face in their middle years. Certainly, blue-collar workers usually achieve their top earnings earlier in life, while white-collar workers begin to reap the rewards of their greater education in their thirties.

When worker dissatisfaction data were broken down by education, there was a surprising result: The percentage of discontented workers was the same among those with an elementary school education or less, those with a seventh to twelfth grade education, and those who had progressed beyond high school.

Among workers with low incomes, college experience was a real handicap to attaining job satisfaction. Those who had progressed beyond high school and were making less than $5,000 a year tended to be more dissatisfied than workers in the same income bracket who had not been to college. The same held true for workers in the $5,000–$10,000 bracket. Only when an individual with education beyond high school began earning $10,000 a year was he as satisfied with work as his less educated brother.

Women were considerably more likely to express negative attitudes toward their work and toward their lives than were men. One is reminded of Freud's desperate question, "What do they want? What in God's name do they want?"

The answer seems clear. They want comparable jobs and equal pay. Among men and women in the same income ranges, differences in work dissatisfaction tended to disappear. The theoretical solution is simple: Equal employment opportunity.

Women's higher level of dissatisfaction with work—unlike their feelings about life—does not appear to be related to age. As with men, fewer women in the higher age groups, reported job dissatisfaction and the difference between women and men remained about the same all along the age spectrum.

MARRIED PEOPLE HAPPIER

Female dissatisfaction with life does not appear to set in until about age 30. Until then the proportion of dissatisfied women is about the same as the proportion of dissatisfied men. In the middle and older years, about twice as many women as men were dissatisfied with their lives.

At first glance, marriage would seem to substantially increase satisfaction on and off the job. Overall, 21 percent of unmarried workers said they were discontented with their jobs, a feeling expressed by only 13 percent of married workers. And only 9 percent of married people reported negative attitudes toward life, compared with 26 percent of unwed workers.

But it is best not to jump to conclusions when dealing with gross percentages. For example, when the data are grouped by age and income, the difference in job satisfaction almost disappears. Unmarried people are, after all, concentrated in the under-30 age group and young workers, as we have seen, tend to be highly dissatisfied.

Marriage itself, however, rather than some associated characteristic, seems to be tied to life satisfaction. Unmarried young people were twice as likely to be dissatisfied with their lives as their married counterparts. Unwed workers in their middle years were three times as likely to experience this general unhappiness. At age 45 and over, the ratio of unmarrieds to married people expressing life dissatisfaction jumped to almost 5–1.

Income can cure a lot of things but it doesn't seem to make the unwed condition any more tolerable. Among workers making less than $5,000 a year, unmarrieds were twice as likely to be dissatisfied with their lives as marrieds. And single workers earning more than $5,000 were almost three times as likely to be dissatisfied with their lives as their married counterparts.

WORKERS RATE JOB ASPECTS

A major source of disagreement, among union and government officials, employers, and academies when they get together to discuss the problem of worker discontent is the question: "What's bugging them anyhow?" In general, union and government people seem to believe that it's a matter of money, while employers and academies feel that workers are angry because they expect—but do not get—fulfillment from their work.

Of course, when we talk of the "worker" we are talking about a nonexistent person. Some workers are no doubt motivated solely by money and look at the world of work as a marketplace where they can exchange their time for money. Just as certainly, there are other workers who wish to be active in their jobs and express themselves through the medium of work.

We can also speculate that young people might be dissatisfied for different reasons than those in their middle years or older people, that blacks might have different causes of dissatisfaction than whites, and that women might have different grievances than men. Keeping in mind these individual and group differences among workers, the responses to questions asked in the survey point toward some tentative conclusions about what is bugging workers.

Workers were asked how important they considered some 25 aspects of work, including pay, working conditions, and relations with coworkers. The results may be surprising to those who believe workers are interested mainly in pay.

Of the five work features rated most important, only one had to do with tangible or economic benefits. And that one (good pay) was ranked number 5. Ranked above pay were interesting work, enough help and equipment to get the job done, enough information to get the job done, and enough authority to do the job.

Work aspects rated 6th, 7th, and 8th in importance were:

Opportunity to develop special abilities.
Job security.
Seeing the results of one's work.

Of the eight top-ranked work aspects, six had to do with the content of the worker's job.

Some observers contend that workers might overstate their concern with the noneconomic aspects of their jobs in order to put themselves in a more favorable light. I would suggest, however, that we take the worker at his word and seriously question our traditional notions regarding his needs and priorities.

In addition to being asked how important they considered the 25 job aspects listed, workers also were asked to what extent each one was present in their jobs. This provided a rough indication of the aspects of work which the most workers felt to be in need of improvement. Where more workers felt an aspect of work to be very important than believed it to be very true of their jobs, a "satisfaction gap" existed. Of the 12 job aspects in which such a gap was found, four were mainly economic, seven had to do with job content, and one involved personal relationships.

The largest satisfaction gap for the work force as a whole concerned feelings about promotional opportunity. Relatively few workers—55 percent of those interviewed—said that chances for promotion were very important to them. The facts of work life, however, created a large satisfaction gap, since only 25 percent considered good chances for promotion characteristics of their jobs. Opportunities for promotion have both economic and noneconomic implications. Money certainly is involved, but so is the possibility for personal growth and achievement.

The aspect with the second largest satisfaction gap was "good pay," with 64 percent ranking it very important and only 40 percent stating that it was very true of their jobs. Third was the "opportunity to develop one's special abilities," and fourth was the "adequacy of fringe benefits." "Interesting work" was fifth, and "enough help and equipment to get the job done" was sixth.

While these figures indicate that more workers feel their jobs fall short with regard to promotions and pay than on other aspects of work, it should be stressed that the satisfaction gap is only a very rough indication of the number who feel a discrepancy exists between their desire for a given work feature and the fulfillment of this desire. It does not measure the relative importance of this discrepancy to the worker.

The overall survey shows that the chance to do meaningful work and to achieve and grow on the job is of great importance to the average American worker—perhaps even overshadowing financial considerations. It also appears that this chance is sadly lacking in the average job.

This need for job satisfaction can best be met through the humanization of work: Through restructuring the work situation so that jobs provide autonomy, interesting work, and the opportunity to be active, to grow, and to achieve. Widely varying rates of dissatisfaction in various industries suggest a targeting of efforts to improve the quality of work. Just as society gives particular attention to industries with exceptionally high accident rates, perhaps special assistance might be tendered by the Government—and special concern shown by employers and unions—in industries with particularly high dissatisfaction rates. Similarly, special efforts might be made to achieve the causes of unusually high job discontent among particular groups of workers, such as women, blacks, and younger people.

Work or life dissatisfaction were seldom reported by the self-employed. This supports the theory that independence of action is an important ingredient in satisfaction. It also points out the possibility of improving the structure of work by stimulating—through tax or other incentives and aids—economic opportunities for the very small businessman. A detailed examination of the occupations of the 205 self-employed workers in the University of Michigan sample would be a logical first step.

Major programs to employ the aged are needed. When only 10 percent of the sample of employed persons age 55 and older are dissatisfied with their lives, and when previous studies have shown that between 27 and 30 percent of retired persons express negative attitudes toward life, it is time to develop programs allowing older people an alternative to "dropping out" of life. As Erich Fromm points out, the human being is by nature active and, when inactive, begins to die.

CONSUMER EQUALITY NEEDED

Perhaps some innovation such as a major public service program for older workers should be considered. If it cannot be mounted on a voluntary base, some economic incentives, such as nominal compensation or travel expenses, could be used.

The University of Michigan study tells us nothing new about black workers. It has long been apparent that the healthy dissatisfaction of black people cannot be removed solely by equal employment opportunity. There must also be equal consumer opportunity: The minority group dollar must buy the same amounts and kinds of housing, education, and other consumer goods as do the dollars of other citizens. Having said this, however, it is still clear that proportionate representation of minorities—not only in the labor force as a whole but at all income levels—is necessary before there is even the chance of equal consumer opportunity.

Is the survey finding that women workers are more dissatisfied with their lives than men significantly related to women's long-standing second-class citizenship in the workplace? It is true that women have other crosses to bear than their disadvantages at work, but it would seem that—as with blacks—the basic dignity of satisfying and meaningful employment is a prerequisite to general feelings of worth and satisfaction with life.

The fact that the percentage of job dissatisfaction was the same among young blue-collar and young white-collar workers suggests that their discontent is as traceable to a time of life as it is to the workplace. There are, however, significant differences in the work situations and prospects of the two groups.

In a sense, the young blue-collar worker is living on borrowed time. The young white-collar worker could, if he would, look forward to doing more interesting work at higher pay as he moves into his middle years. The blue-collar worker has no such great expectations, or, if he has them, he is most sadly disappointed. As he passes his 30th and 35th birthdays, he becomes increasingly aware that there is no place for him to go (grow) at work. His income reaches a plateau and his work becomes fixed. Apparently, he resigns himself to a personally unrewarding worklife and perhaps denies to himself the importance of continued personal growth.

General Foods Corporation has come up with one promising solution to this problem. In at least one of its plants, the firm pays workers on the basis of the number of different jobs which they can do, rather than on the basis of the particular work they are doing at any one time. A General Foods worker in his thirties is unlikely to have learned every job in the plant. He still has something to gain and somewhere to grow as he becomes older.

Another possible approach is the establishment of a worker loan bank for education and training. Users would repay the loans out of increased earnings.

We must be very careful, however, not to view worker dissatisfaction as only a blue-collar problem. It is a workplace problem and should be approached by general remedies as well as solutions aimed at particular groups such as the blue-collar worker in his middle years.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 325

Mr. BEALL. Mr. President, I am pleased that the distinguished Senator from New Jersey, Senator Williams, has joined in the effort to get survivor benefits legislation enacted in this session.

I ask unanimous consent that Senator Williams be added as a cosponsor of this measure. This makes a total of 42 cosponsors of S. 325.

The PRESIDING OFFICER (Mr. Fannin). Without objection, it is so ordered.

Mr. BEALL. Mr. President, I am also encouraged by the diligence and progress being made by the Armed Services' Subcommittee on Survivor Benefits, under the capable leadership of Senator Bentsen, Senator Thurmond, and Senator Byrd of Virginia. I certainly am hopeful that the measure will be reported to the Senate floor as soon as possible so that final action may be taken on this "must" legislation this year.

S. 3441

At the request of Mr. Robert C. Byrd (for Mr. Kennedy) the Senator from Wisconsin (Mr. Nelson) and the Senator from Ohio (Mr. Taft) were added as cosponsors of S. 3441, a bill to extend the traineeship program for professional public health personnel, and project grants for graduate training in public health under the Public Health Service Act.

S. 3752

At the request of Mr. Robert C. Byrd (for Mr. Kennedy) the Senator from Wisconsin (Mr. Nelson) and the Senator from Maryland (Mr. Beall) were added as cosponsors of S. 3752, the Medical Libraries Act of 1972.

S. 3871

At the request of Mr. Boggs, the Senator from Utah (Mr. Moss), the Senator from Illinois (Mr. Percy), the Senator from Delaware (Mr. Roth), and the Senator from Alabama (Mr. Sparkman) were added as cosponsors of S. 3871, a bill to provide a more effective program to prevent aircraft hijacking, and for other purposes.

S. 3877

At the request of Mr. Bellmon, the Senator from Maryland (Mr. Beall), the Senator from Nevada (Mr. Bible), the Senator from Nevada (Mr. Cannon), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Arkansas (Mr. Fulbright), the Senator from Indiana (Mr. Hartke), the Senator from North Carolina (Mr. Jordan), the Senator from Montana (Mr. Metcalf), the Senator from Utah (Mr. Moss), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of S. 3877, to prohibit the impoundment of funds from the highway trust fund which have been apportioned and appropriated.

S. 3880

At the request of Mr. Bellmon (for Mr. Schweiker), the Senator from Nebraska (Mr. Curtis), and the Senator from North Dakota (Mr. Young) were added as cosponsors of S. 3880, the National Diabetes Education and Detection Act.

COMPENSATION FOR DAMAGES TO CERTAIN COMMERCIAL FISHING VESSEL OWNERS—AMENDMENT

AMENDMENT NO. 1436

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. STEVENS. Mr. President, several times recently I have protested to this body the problems foreign fishing vessels have caused American fishermen by their practice of discarding monofilament nets which will not corrode or dissolve in the sea. These nets continue to fish, many times destroying vast quantities of fish before the great bulk of dead fish within them causes them to sink to the bottom. Other nets similarly cast adrift foul the propellers of American fishing vessels and cause extensive damage to the boats and great financial loss to their owners. I would ask unanimous consent to have printed in the Congressional Record at this point three letters I have recently received describing the practices. These are from Mr. Robert M. Thorstenson of Petersburg Fisheries and from Mr. Fred Haltiner, Jr., president of the United Fishermen of Alaska.

I urge my colleagues to note particularly the portion of Mr. Haltiner's letter which indicates that compensation should be due to fishermen who have been inconvenienced as a result of this practice.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Petersburg Fisheries, Inc.,
Petersburg, Alaska, June 15, 1972.

Senator Ted Stevens,
U.S. Senate Office,
Washington, D.C.

Dear Ted: Yesterday one of our halibut boats, the M/V Lualda, was disabled on the fishing grounds when she got a floating fishing net in her wheel. She was in international waters, in the Gulf of Alaska, outside of Seward. There was no major damage as she was well offshore and another boat, the M/V Chichagof, was dispatched to tow her in.

This is the third time in one year that one of our boats has become entangled in floating fishing nets. These nets look to be worn out trawls, made of polypropylene, that have been discarded by foreign fleets working off our shores. Because of the nature of the material, these nets do not sink and do not deteriorate.

This problem is not a new one in world fisheries as I read articles several years ago about this problem becoming acute in the North Sea and the Atlantic. However, it is new to Alaska and I think some attention should be focused on the problem.

We have been fortunate in the incidents we have had in that there was no loss of life or vessels. Two of our boats, the M/V Chichagof, which got a net off of Chignik in June 1971, and the M/V Viking Queen, which got a net in April, 1972 off of Cape Spencer, were both twin screw. They were able to proceed to port on the other engine.

However, should a single screw vessel encounter one of these nets which the weather was rough or if she was near a rugged shore, the results could be disastrous.

It is possible that legislation should be passed to deal with this problem. Also, the NMFS or the State Department should have communication with the foreign nations involved, asking them to stop the practice of dumping floating nets or lines.

Very truly yours,

ROBERT M. THORSTENSON.

PETERSBURG FISHERIES, INC.,
Petersburg, Alaska, June 15, 1972.

Mr. HARRY REITZE,
National Marine Fisheries Service,
Juneau, Alaska.

DEAR HARRY: Enclosed is a small piece of web taken from the propeller of the M/V Viking Queen on her arrival in Petersburg on May 17, 1972. The M/V Viking Queen picked up a very large piece of this web while traveling from Seward to Petersburg, someplace outside of Cape Spencer.

Fortunately, the M/V Viking Queen has twin screw so that she was able to continue on the way on one engine and therefore was not in danger.

However, before the engine was shut down the overload caused the exhaust temperature to raise from 600 degrees to 900 degrees. This sudden increase in engine load resulted in burned exhaust valve and thus an expensive overhaul upon her return to Seattle.

I feel that the dumping of these used nets in the open ocean creates a severe peril to U.S. vessels.

Very truly yours,

ROBERT M. THORSTENSON.

UNITED FISHERMEN OF ALASKA,
Juneau, Alaska, June 16, 1972.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: The presence of foreign fishing vessels in Alaskan waters is becoming more and more alarming to the fishermen of Alaska. The consistent practice of these vessels of dumping floating trawl web presents a navigational hazard.

The United Fishermen of Alaska protest this practice. We also would like to know if this dumping of trawl web does not constitute a violation of a treaty. Further it would seem right that fishermen who have been inconvenienced by loss of fishing time due to problems caused by running into this discarded trawl web be compensated.

We will be grateful for your efforts in working toward a solution of this problem.

Sincerely,

FRED HALTINER, Jr.,
President.

Mr. STEVENS. Mr. President, I also ask unanimous consent to have printed in the RECORD a statement by Mr. James W. Parker, an area management biologist with the Commercial Fisheries Division of the Alaska Department of Fish and Game. This indicates the extent of the area in which these nets have been found washed ashore. It also cites the 5AAC39.250, that prohibits the use of these nets by American fishermen; and I ask unanimous consent that the regulation itself be printed in the RECORD following Mr. Parker's statement. I believe that the regulation should be legislatively noticed by this body in considering the probable source of these nets.

There being no objection, the statement and regulation were ordered to be printed in the RECORD, as follows:

STATEMENT OF JAMES W. PARKER, AREA MANAGEMENT BIOLOGIST, COMMERCIAL FISHERIES DIVISION, DEPARTMENT OF FISH AND GAME, SITKA DISTRICT

The sample of monofilament gillnet web and floats, forwarded to your committee by Elwood Mathews, was found on the beaches of small islands along the outside coast of Chicag Island by myself and another Alaska Department of Fish and Game Biologist in March of this year. Of about 12 beaches that we checked, there were two beaches where this type of fishing gear had washed ashore. The monofilament gillnet, webbing, with a four and a half inch measure, is most likely intended for the fishing of salmon. Title 5, Section 39-250 of the Alaska Administrative Code prohibits the use of monofilament salmon gillnet fishing gear by American fishermen. In recent years, it has become a common occurrence to find pieces and components of trawl webbing and gear on the outside coast beaches, however, to my knowledge this is the first monofilament gillnet web to be found or reported in this area.

REGULATION

5 AAC 39.250. Gill Net Specifications and Operation. (a) The trailing of gill net web is prohibited at any time or place where fishing is not permitted.

(b) Set gill nets shall be removed from the water during any closed period.

(c) Single or multiple strand monofilament salmon gill net web may not be used. For the purpose of this subsection, "monofilament" means any single filament having more than 50 denier, that is, weighing more than 50 grams per nine thousand meters of filament.

Authority: AS 16.05.250(3)

Mr. STEVENS. Mr. President, I have recently joined as a cosponsor of S. 3771, a bill introduced by the Senators from Massachusetts (Messrs. KENNEDY and BROOKE). This bill provides compensation to commercial fishermen whose gear has been destroyed by foreign fishing vessels. This is a good bill. It should be enacted into law.

However there would be at least considerable question as to whether these "marauding nets," which have been cast adrift, would be considered "vessels" under the terms of S. 3771. They should be if they have been cast adrift by foreign fishermen. They are, in truth, but an extension of foreign fishing operations. They cause damage similar to nets which are attached to the foreign vessels themselves. Both types of nets can foul propellers, like those of the MV's *Lualda, Chichagof,* and *Viking Queen,* Both can extensively damage other American fishing gear. Both come within the legislative intent of this act.

Of course, the burden of proof must be on the fisherman-claimant to prove the damaging net was foreign. However, where the damage occurs in waters in which a particular type of net, such as monofilament, is prohibited to American fishermen, the presumption should be that this type of net was cast adrift by foreign sources. The burden should then shift to the government to show that this particular net was cast adrift by Americans in violation of the law.

I am today submitting an amendment to S. 3771 which would do just this. It would provide compensation to American fishing vessel owners for damage caused by foreign fishing nets. It would also provide a rebuttable presumption that the net was cast adrift by foreigners if it is found in an area where American fishermen are prohibited from using nets of this type or from fishing in the manner in which the net was fishing.

I ask unanimous consent that my amendment be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1436

On page 2, line 4, add after the word "vessel" the phrase "or fishing net".

Page 2, line 13 add a new sentence: "If the damage is caused by a drifting fishing net and occurs in an area in which American fishermen are prohibited from using nets of this type or from fishing with nets in this manner, a rebuttable presumption shall arise in favor of the claimant that the net was cast adrift by a foreign government or by a citizen of a foreign government."

INTERIM AGREEMENT BETWEEN THE UNITED STATES AND THE U.S.S.R.—AMENDMENT

AMENDMENT NO. 1437

(Ordered to be printed and to lie on the table.)

Mr. MATHIAS submitted an amendment intended to be proposed by him to amendment No. 1406, intended to be proposed to the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

AMENDMENT NO. 1438

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON (for himself and Mr. TAFT) submitted an amendment intended to be proposed by them jointly to amendment No. 1406, intended to be proposed to the joint resolution (S.J. Res. 241), supra.

LAND USE POLICY AND PLANNING ASSISTANCE ACT—AMENDMENT

AMENDMENT NO. 1439

(Ordered to be printed and to lie on the table.)

Mr. JORDAN of Idaho (for imself, Mr. FANNIN, and Mr. HANSEN, submitted an amendment intended to be proposed by them jointly to the bill (S. 632) to amend the Water Resources Planning Act—79 statute 244—to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions, and by providing financial assistance for statewide land use planning.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 1391

At the request of Mr. BELLMON for Mr. SCHWEIKER, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of amendment No. 1391 intended to be proposed to the bill (S. 3755) to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air transportation, and for other purposes.

AMENDMENT NO. 1406

At the request of Mr. JACKSON, the Senator from Alaska (Mr. STEVENS), the Senator from Tennessee (Mr. BROCK), and the Senator from North Carolina (Mr. JORDAN) were added as cosponsors of amendment No. 1406, intended to be proposed to the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

ADDITIONAL STATEMENTS

SENATOR ROBERT C. BYRD, OF WEST VIRGINIA

Mr. ALLEN. Mr. President, the distinguished majority whip, the Senator from the Mountain State of West Virginia (Mr. ROBERT C. BYRD), has earned the respect and affection of all Members of this body. While keeping true to his own political philosophy, he maintains a fair and even hand in making certain that those with differing views have equal opportunity to express them. His love of God and country and his support of the rights of individuals are exemplary of mountaineers and models for each of us. Few Senators are his peer in ability, industry, and dedication.

As a part of a report on the State of West Virginia, the magazine Government Executive for August 1972, includes an interesting article on Senator ROBERT C. BYRD entitled "A Study In Contrast and Power."

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATOR ROBERT C. BYRD—A STUDY IN CONTRAST AND POWER

A prominent newscaster, in a self righteous attempt to set one of his listeners straight, inadvertently became the butt of one in a continuing series of jokes: "Dear Mrs. ———, Apparently you are not aware that there are two Byrds in the Senate. Senator Robert Byrd represents the State of Virginia and his father, Senator Harry Byrd represents West Virginia."

First of all there is no filial relationship whatsoever. Beyond that Senator Robert Byrd represents West Virginia, not Virginia and Senator Harry Byrd represents Virginia not West Virginia.

While often confused with each other, there are a number of significant differences between the two Byrds. They both voted for the ABM, Carswell, defoliation in Vietnam and against busing, but they divided on some rather crucial issues. West Virginia's Robert Byrd voted for cuts in military spending, the Cooper-Church amendment, the 18-year-old vote and cuts in the oil depletion allowance—all issues which Virginia's Harry Byrd opposed.

Their backgrounds could not be more different. While the Virginia Byrd grew up in a world of aristocratic wealth and political power, Robert Byrd was an orphan at 10 months, the foster child of a coal miner. En route to the Senate he saw the "other" sides of a butcher's block and a grocer's stand.

Never guaranteed the success ordained on Byrd to history, money and politics, Robert Byrd arrived in the Senate via the classical route and in so doing has held more elective legislative offices than any other West Virginian in the State's 100 year history. He served first in the West Virginia House of Delegates, then the West Virginia Senate, next the U.S. House of Representatives and finally the U.S. Senate.

He has a reputation of being a power broker, a reputation which was substantiated by the manner in which he achieved his position of Majority Whip. He withheld the announcement of his candidacy until he was certain of a one vote majority—that being former Senator Richard Russell's death-bed proxy.

A further example of his expertise and prowess on the Senate floor was attested to by Senator Jacob Javits (R-N.Y.). After Byrd stopped Senator Robert Griffin (R-Mich.) from attaching an anti-busing amendment to the Economic Opportunities Act while most of the Bill's proponents were off the floor, Senator Javits complimented him saying: "I think the real hero of this measure was the acting Majority Whip, Robert C. Byrd, in resolving what yesterday seemed a situation that was leading nowhere and for taking us on a path which led so decisively to a conclusion."

Senator Byrd must have been an unwilling hero because the Act passed over his opposition, but nonetheless the recognition stands. The *New York Times* has also noted that "Senator Byrd is known for his command of (Senate) floor procedure."

Senator Byrd never did have anything good to say about the Economic Opportunities Act and has always voted against it. He feels that some of the programs it has funded have been disruptive and have caused more harm than good. Groups like VISTA and other "rabble rousers" should not be receiving Federal moneys.

He has met with President Nixon to urge the acceleration of the withdrawal of American troops from Vietnam. His rationale, however, was not what might be expected of such a request. We should withdraw "so that more funds will be available for increased weapons research and for strengthening our Navy and submarine force."

It is this kind of reasoning behind a rather confusing voting pattern that would enable an analyst to determine what makes Byrd tick. While he has lined up alternately with the philosophies of Proxmire on some occasions and Goldwater on others, he does have an overall philosophy.

"We should revive some of the staid old values of which most Americans are rightly proud and for which the world once admired us. The early Americans kept the flame of hope burning in their hearts. Through strength of character, dogged determination and love of God, they built for us who came after them a magnificent legacy."

In labeling the report of the President's Commission on Campus Unrest a "namby-pamby" document, he added that the Commission "failed miserably in coming to grips wtih the problem of what to do about Marxist-oriented professors and the hard core subversive leaders of campus disorders." We must be "alert to the potential for disaster which exists in any policy of letting hoodlums and law breakers run wild in our institutions of higher learning."

On amnesty: "It would clearly be an insult to the loyal young Americans who did their duty in Vietnam. War is inhuman and cruel, the manifestation of man's lowest instincts. But wars have had to be fought throughout history and we must be prepared to defend our freedom and birth right."

But Senator Byrd occasionally surprises his liberal critics. In opposing the nomination of Attorney General Kleindienst, he felt "the hearings on the nomination left too many questions unanswered. Much of the testimony was contradictory and filled with inconsistency—the kinds of things which have contributed to the decline of public confidence in government."

He has also co-sponsored a bill to provide $30 million to fight sickle cell anemia, consistently introduced amendments to raise the monthly minimum social security check to $100 and favored a cut in Pentagon PR appropriations.

He has secured, through his position on the HEW Appropriations Subcommittee, $10 million to accelerate research on black lung, $10 million to establish clinics to treat black lung, $38.2 million for educational programs for the handicapped, an additional $30 million for National Heart and Lung, $20 million for Social and Rehabilitative Service and an additional $13 million for population research.

He has also been very good to his state. He exerted pressure on the White House to avoid a Presidential veto of the Black Lung Bill. A new Mine Health and Safety Academy will operate in Beckley, West Virginia, thanks to his efforts. Among other procurements for his constituents are a health center in Morgantown, a forest laboratory at Princeton, a sulphur fuel oil project at Cresap and radar equipment for the airport at Huntington.

SCIENTIFIC AND TECHNICAL UNEMPLOYMENT

Mr. KENNEDY. Mr. President, the Nation's scientists, engineers, and technicians are experiencing a higher level of unemployment than has ever been the case in our history. While the administration claims that fewer than 100,000 scientists, engineers, and technicians are unemployed, various of the scientific and technical associations assert, on the basis of surveys of their members that the figure may be closer to a quarter of a million. The Committee on Labor and Public Welfare has been concerned with this problem for several years; and as chairman of the Subcommittee on the National Science Foundation, I have been particularly interested in obtaining the best information possible. Unfortunately the Labor Department does not gather its unemployment statistics in such a form that one can readily determine the numbers of technical personnel involved. The difficulty is compounded by the fact that many unemployed technical personnel have been out of work so long that they no longer can collect unemployment compensation and do not appear in the unemployment statistics. Moreover, large numbers of scientists and engineers who have lost their professional positions have found nonprofessional jobs—such as gas station attendant, taxicab driver, and so forth—which keep them off the unemployment rolls, but do not reflect the real loss to the Nation in their not using their highly productive skills for the benefit of the economy and the society at large.

Since the Senate will soon be considering S. 32, the National Science Policy and Priorities Act, I believe it is important to bring to the attention of the Senate certain subcommittee correspondence on the subject of technical unemployment. Accordingly, I ask unanimous consent that three letters from the Director of the National Science Foundation, to the Director of the National Science Foundation, and from the American Chemical Society be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL SCIENCE FOUNDATION,
OFFICE OF THE DIRECTOR,
Washington, D.C., June 20, 1972.

Hon. EDWARD M. KENNEDY,
Chairman, Special Subcommittee on the National Science Foundation U.S. Senate Washington, D.C.

DEAR SENATOR KENNEDY: I appreciate receiving your letter of May 25 expressing your concern about a lack of adequate information on the extent and characteristics of unemployment of scientists and engineers. The Foundation is of course quite interested in such information both for its own program and because of its responsibility for the assessment of the national scientific and technological enterprise.

Over the years we have developed an increasingly better understanding of the employment problems of scientists and engineers, especially since the time that the unemployment phenomenon first appeared. Several of our National Register surveys, including the most recent one in 1970, collected employment data which provided an insight into the magnitude and character of the emerging problem. Our special 1971 surveys were designed to measure the changes which had taken place during a twelve-month period for a selected group of scientists and engineers. We knew that these 1971 results were not totally representative of the complete U.S. scientific and engineering manpower pool. However, the data were extremely useful within their specified limitations.

We had been considering the advisability of an additional special survey of the employment status of scientists and engineers in 1972. However, a number of factors convinced us that it would be preferable not to proceed at this time. These include: the currently changing conditions of the job market, the limitations of the available sample (we were planning to use the same population that was used in the 1971 surveys), and the fact that some information concerning the unemployment situation for scientists and engineers will become available later in 1972 from the Foundation sponsored Postcensal Survey of Professional, Technical and Scientific Personnel. Rather than to attempt an additional survey of limited value, we believe it to be more advantageous to direct our current endeavors towards the development of our new Manpower Characteristics Data System.

This system, well underway at this time, consists of three major subsystems. These will provide on a regular basis: detailed information on a key subgroup—the doctorate population; periodic and longitudinal data on characteristics of the entire science and engineering population; and a means of analyzing the flow of new entrants into the work force. The new system will be considerably more representative of the U.S. population of scientists and engineers than its predecessor. It is based on the U.S. Census and with appropriate modifications for updating, it will also supply us with considerably more insight into the employment and activity patterns of new graduates.

I want to reassure you that the Foundation is interested not only in information dealing with the unemployment situation of scientists and engineers, but in all types of pertinent manpower information related to the supply and utilization of scientific and engineering personnel. We will continue to develop such information within the capabilities of our available resources.

If we can be of further assistance, please let us know.

Sincerely,
/S/ H. GUYFORD STEVER,
Director.

U.S. SENATE,
COMMITTEE ON LABOR AND
PUBLIC WELFARE,
Washington, D.C., May 25, 1972.

Hon. H. GUYFORD STEVER,
Director, National Science Foundation, Washington, D.C.

DEAR DR. STEVER: As you know, I am seriously concerned with the plight of unemployed scientists, engineers, and technicians. One of the major difficulties in developing national policy in this area is the lack of adequate data regarding the extent and characteristics of technical unemployment and underemployment.

Attached is a copy of a disturbing letter which we just received from the American Chemical Society. It is disturbing because of the worsening situation it reveals among chemists, especially among young chemists. However, the most disturbing sentence in the letter is the statement: "We understand that the National Science Foundation does not intend to make a survey this year among the various disciplines in science and engineering."

I realize that the data base used in NSF's survey last year left something to be desired. I have heard the criticism from technical groups that it was not entirely representative of the overall situation within the technical community, but that it tended to understate the problem. However, this is no justification for not trying to do a better job this year.

As you may know, I was disturbed that NSF didn't launch its first survey of technical unemployment until the spring of 1971, even though the problem was serious enough that I introduced my first economic conversion bill in August of 1970. Now a year has elapsed since NSF's admittedly inadequate survey last spring, and we are told that the Foundation does not intend to make another survey.

If this is true, it reflects the same lack of urgency in NSF's approach to this problem which I have deplored in the past. I urge you to take immediate action to assure that NSF does its share to develop adequate data with respect to technical unemployment and underemployment.

I would appreciate it if you would advise me at your earliest convenience as to the current situation with respect to this data, and what steps you are taking to improve the situation.

With best wishes,
Sincerely,
EDWARD M. KENNEDY,
Chairman, Special Subcommittee on the National Science Foundation.

AMERICAN CHEMICAL SOCIETY,
Washington, D.C., May 22, 1972.

Mr. ELLIS MOTTUR,
Office of Senator Edward M. Kennedy, U.S. Senate, Washington, D.C.

DEAR MR. MOTTUR: We are pleased to provide you with more complete data obtained from our March survey of the employment status of ACS members, than was furnished in the May 8, 1972 issue of *Chemical and Engineering News*. We understand that the National Science Foundation does not intend to make a survey this year among the various disciplines in science and engineering. Thus, this survey will be the only accurate indicator of employment status of chemists this year. Generalization of our findings to the full technical community are unfair, but they indicate that governmental programs are not working as rapidly as would be desired.

Some of the findings of the survey, notably the dramatic increase in the unemployment of chemists under 25 (23.7% in 1972 vs. 7.0% in 1971), make it imperative that additional fact findings projects be undertaken immediately. The ACS would appreciate suggestions from you as to availability of funds for additional work in this area or comments that come to mind after studying the tables.

We are anxious to cooperate with any program that will give continuing and accurate data concerning technical manpower.

Sincerely yours,
DONALD R. LEIGHTON,
Manager, Office of Manpower Studies.

STATEMENT BY SENATOR HRUSKA ON REFERRAL OF SENATE RESOLUTION TO COMMITTEE ON GOVERNMENT OPERATIONS

Mr. CURTIS. Mr. President, my distinguished colleague from Nebraska (Mr. HRUSKA) is absent from the Senate today on public business.

I ask unanimous consent that a statement by him relative to Senate Resolution 299 be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HRUSKA

The substance and the desirability of S. Res. 299 have been considered in this body on two previous occasions. One was on May 8, 1972, beginning at page 16139 of the Congressional Record. A second occasion was June 22 at pages 21980 and following.

Those colloquys, chiefly between this Senator and the Senator from New York (Mr. Javits), resulted in the referral of the resolution to the Government Operations Committee for its study and recommendation by a day certain. It has now been returned to the Senate for further consideration.

Mr. President, the Government Operations Committee in its report now before us amended the original resolution to extend the time for reporting from this special committee to February 15, 1972. Otherwise, the text of the resolution remains as it was on June 22.

Reference to the Government Operations Committee accomplished one objective, namely, it resolved a rather discouraging aspect of the matter in the following fashion: Senate approval of the resolution had been sought on a virtually summary and expedited basis on the floor of the Senate. This undesirable effort was averted by the reference of the resolution to the Committee, whose report we now consider. This is in keeping with better, more deliberative, more established and more wholesome procedure.

Mr. President, my present position is that I shall defer to the judgment of the Government Operations Committee. I will not oppose the approval of the resolution, even though I find myself in respectful disagreement with the Committee's conclusions.

Objections which I voiced in June are still applicable. Some of them I shall restate and incorporate in these remarks.

The purpose of these present remarks is to make of record for future ventures of this kind into special or ad hoc committees some sound and wholesome reasons for preventing similar incursions into the provinces of standing committees with definitely assigned responsibilities.

Mr. President, the interest of this Senator in the general subject of secrecy, confidentiality and classification of government documents generally is of long-standing study and activity. My desires and goals are to render the development and the availability of these documents in an open and in a timely way consistent with the best interests of sound government. This means that there must be taken into consideration at least two fundamental doctrines: (I) Separation of Powers, and (II) Executive Privilege.

The history of both doctrines goes back to the beginnings of the Republic. I believe that the incorporation at this point of some of my remarks on June 22 will illustrate the reasons for my interest in S. Res. 299.

Mr. HRUSKA. I yield myself 10 minutes.

Mr. President, this resolution should be referred to a committee for regular processing. There are a number of reasons and elements that can be found in support of that statement.

It undertakes to establish a select committee to study and report on laws, rules and questions relating to secret, confidential, and classified Government documents. There was an inquiry into a specific situation as to the conduct of an individual Member of this body but the subject generally, basically, and fundamentally, has never been referred to or been considered by a committee.

The resolution contains no provision for funding. I do not know that that will be necessary but, at any rate, there is no provision or any consideration as to whether funding would be needed.

The subject is extensive. It is profound. It is complex. A cursory and fleeting examination and report by a short-lived select committee, as contemplated here, would necessarily be superficial and would serve no useful purpose.

The resolution, Mr. President, is a usurpation and an encroachment on the province and the jurisdiction of a standing committee, which would be fully justified in deeply resenting such intrusion. It is unseemly for the Senate to circumvent the functioning of the committee system in this fashion.

Now, Mr. President, it is suggested that the resolution arose and was brought about as a result of the closed-door session we had some weeks ago, when a Senator had received a document and breached, violated, imposed on, or exploited his immunity to the extent of publishing or seeking to publish that document. It presented a situation which would require, in the judgment of the Senator from New York and the cosponsors of this resolution, the collective judgment of the Senate as to what should be done in such a situation, and that a smaller body than the Senate itself would be required for that purpose, the purpose being not to consider legislation, but this particulard situation. As I understand it, that is the thrust of the argument made on behalf of the resolution.

Well, Mr. President, the leadership can undertake an informal discussion of this particular situation on its own, in its role as a leadership organization on both sides of the aisle. It can summon to its assistance and to counsel it any Member of the Senate that it wishes. It can call upon the chairman or the ranking members of committees if it wishes, and formulate some program or some proposal that it can bring forward before a future executive session of the Senate. That is entirely within its power and jurisdiction. It is its prerogative right now.

It is said now that we have to do something, that we have to have a crutch, that we have to have a resolution of substance here, something substantive.

Well, Mr. President, that is the province of a standing committee. I suggested that the leadership on its own can get together and formulate a proposition of any kind they wish as to the particular conduct of a particular Senator under particular situations. That they can do. Then he would debate that in the Senate, either in open or in executive session, and go on from there.

But when it is to formalize an organization known as a select committee for the purpose of dealing with matters of substance, and dealing with rules and classified regulations that in here in this situation, then we get into the province of a standing committee with its expertise and authority. I say again that the standing committee that would be entitled to it would have reason and ground to be resentful of that kind of usurpation and intrusion. I do not say that they have, Mr. President. I think they have justification for it. There was no resentment in the heart of the chairman of the Government Operations Committee when he considered this. There was no resentment on my part that we were not given the matter to discuss and consider in the Judiciary Committee, nor in the mind of the chairman of the Judiciary Committee himself. No one got mad. But the point is we are repudiating and circumventing the functioning of the committee system in this fashion.

Why should it be considered by a standing committee? Because a standing committee has also had some exposure to the problem.

I should like to call attention to the fact that we developed 600 printed pages of testimony in the Subcommittee on Separation of Powers last year dealing with this entire subject. There have been hearings held last March in the Armed Services Committees in the House on this, on a bill that would set up a commission for the purpose of getting at this problem, H.R. 9853.

Of course it is a very deep, profound, and complex problem. But these committees have already been exposed to it. They have developed expertise, knowledge, and experience in it. It is they who should be considering any thing that goes into a substantive proposal in the nature of a rule or a law, or an interpretation of the law, and bring it back to the Senate for the purpose of handling it.

Mr. President, the question is asked, "What committee is it, and is there a committee that can handle the conduct of Senators under circumstances of this kind?"

My suggestion to that is again that the leadership can formulate some proposition and make it fair and present the issue in a particular case of a particular Senator. That is within their power. That is within the perview of their legislative duties. With regard to conduct beyond that of an individual, rules for general application, that is within the jurisdiction of the Government Operations Committee.

Mr. President, that is the way to handle a situation of this kind. The leadership needs to be called in on the question concerning to whom the Senator wishes to assign the duty of inquiring into the conduct of a particular Senator under particular circumstances. But when we leave that point, then we have any number of committees, as has been suggested, that would be eligible to consider the study and any specific measure or proposal.

It could be the Armed Services Committee if it is a proposition dealing exclusively or heavily with military secrets or weaponry or strategy, or documents of that kind.

It could be the Foreign Relations Committee if treaties are involved or documents relating to treaties.

It could be the Judiciary Committee where internal security is a matter that has been assigned and delegated to the Subcommittee on Internal Security.

It could be the Government Operations Committee whose authority cuts across and covers all departments and their operation and performance.

That is why this matter should be referred to a committee and let the leadership develop its own devices for the purpose of dealing with a particular situation.

Senate Resolution 299, now pending before the Senate for final action, would establish a select committee to study questions related to secret and confidential Government documents. It has never been referred to any committee and contains no provisions for funding.

There is pending before the Committee on Government Operations, of which the distinguished senior Senator from Arkansas (Mr. MCCLELLAN) is chairman, a bill, S. 2965, to provide greater access to Government information, and for other purposes. Under its provisions, there would be established an independent disclosure board charged with the supervision and review of the entire Government classification system.

Senator MCCLELLAN is unable to be present today. In view of the close relationship in the subject matter of these measures, he believes it would be appropriate to consider them both at the same time. Accordingly, he has asked me, on his behalf, to request that the resolution be referred to the Committee on Government Operations. We have been informed that the Committee on Rules and Administration would have no objection to the reference.

So, pursuant to this request, Mr. President, I ask unanimous consent on behalf of the senior Senator from Arkansas (Mr. MCCLELLAN) that Senate Resolution 229 be referred to the Committee on Government Operations.

The substance and logic of the foregoing remarks remain applicable to this present situation. At a later time in the discussion on June 22, the Senator from California (Mr. TUNNEY) stated:

Mr. President, I wonder if the Senator from Nebraska opposes the basic principle outlined in the resolution of the Senator from New York, that the Senate of the United States investigate through a delegation of authority to ten Senators or whatever number it might be, the various laws covering classification and the responsibilities of the individual Senators when matters that are classified come to them and their right to disclose such classified material to the American public.

Does the Senator oppose the Senate, through a Committee, studying this matter and furnishing the Senate with some guidelines which individual Senators will be able to follow in the future?

To this question by the Senator from California I made the following response:

Mr. HRUSKA. Mr. President, if the Senator will remember—perhaps he was not here when I made my remarks—I do not object to that. I think it would be notable for the majority leader, the minority leader, their assistants or deputies, and any number of Senators who want to get together for the purpose of counseling and deliberating on a matter, to go into that. That is fine. However, the matter they should consider would be the particular conduct of a particular Senator under particular circumstances, such as we considered in executive session some time ago.

However, as soon as we formalize that kind of body and charge it with the responsibility to come here with their findings and recommendations not only with respect to that type of situation, but also recommendations on laws relating to secrecy, confidentiality, and classification of classified documents and so forth, when you do that or seek to do it, then you are intruding upon the jurisdiction and the province of the standing committee.

It should not be so, and this Senate should not do that; they should not do that. It is a reflection on that committee that they were not asked. If you want to do something, ask them and let them do it.

In my experience here, on at least three occasions, we have gone into this matter in depth in the Committee on the Judiciary. The first time, in 1957 and 1958, under the leadership of the late and very lamented Senator Tom Hennings of Missouri, we struggled with that problem for the greater part of the summer and into the next year and turned up doing nothing. Why? It is that type situation, as pointed out in the testimony of Assistant Attorney General Erickson before the Committee on Armed Services in the House, that the thrust and burden depends on executive and administrative action, and their good faith in setting up rules that will be reasonable and acccommodate the Senate and the House as much as possible without compromising those portions by way of secrecy necessary to conduct this Nation's affairs properly.

We got stalemated because we reached that situation. There may be penalties for disclosing classified documents. But on these other matters we reached that conclusion. Four or 5 years later we went back and we reached the same conclusion and the same result. I venture to say we will come to that same conclusion again.

I differentiate that from the situation where a particular Senator, acting in a particular fashion with particular documents comes into the Senate and, in the view of some Senators, either violates his immunity, abuses or exploits it. Some Members of this body might not like that and might want to take action not only to deal with that situation but also similar situations, following the precedent set in that case. That is a different thing. For that purpose I say there should be an informal meeting of the leadership. They have certain powers and responsibilities. They should meet and come here with a position paper or two, and supporting documents, and then let the Members of the Senate act upon that case and not try to raise this entire field which is very complex, very extensive and very profound, and it has all kinds of implications and ramifications which can be dealt with most effectively and properly by a standing committee that has acquired through its years of experience and literature some experience in that field.

This Senator went into great detail on the ramifications of this type of procedure when Senate Resolution 299 was called up at an earlier time. I refer the Senator to my statement on the Senate floor on May 8, 1972, beginning at page 16139. The reasons why I oppose this resolution are set out at some length there. I will not take the Senator's time to repeat them now.

Mr. President, the foregoing remarks should be sufficient to delineate the area involved and some of the considerations which go into the vast, massive, comprehensive and complex problem involved.

It would be my hope that these remarks together with the references made therein will be a foundation for considering any future and additional efforts to displace standing committees with declared and assigned powers and responsibilities by the formation of ad hoc or special committees which seem to invade that jurisdiction and that subject matter.

It is my hope that these remarks will serve that purpose.

THE LAST GI WOUNDED IN VIETNAM

Mr. MANSFIELD. Mr. President, Saturday's press carried an account of the "Last GI Wounded in Vietnam." We do hope and pray that he is the last—the last wounded GI, the last grim statistic of this tragedy. But even so, the tragedy continues, the bombing continues, the war goes on, American boys are still confined as war prisoners.

So while this story of Jim McVicker—the GI in question—does make history in one sense, it also points up the need to press further and even more strenuously to end this disaster and to do so as quickly as possible.

I ask unanimous consent that this article, published in the Washington Star and Daily News of August 12, 1972, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Last GI Wounded In Vietnam—Jim McVicker Makes Some History

(By Ken Wagner)

Da Nang, Vietnam.—Jim McVicker stepped on a booby-trap in the jungle southwest of here Wednesday night and became a footnote in American history.

The 20-year-old rifleman was the last American to be wounded fighting with a U.S. infantry outfit in Vietnam. Yesterday, his unit—the 3rd Battalion, 21st Infantry—was deactivated. At that time it was the only U.S. ground battalion still in the field. "I don't particularly care to be the last grunt wounded," he said today, "but someone had to be."

McVicker, of Cascade, Idaho, now lies in the U.S. 95th Evacuation Hospital here. Bandages encase both legs where jagged shrapnel caused multiple wounds.

And pads are held across both eyes by a rubber band that stretches around his head. A piece of metal hit above his left eye, and it must be removed by surgery. There is some question about his sight. He will be flown to Okinawa next week for further treatment.

Ceremonies with the lowering of the battalion's colors for the last time were held today on a Da Nang parade ground.

It was an emotional occasion, in a strictly military sort of way. There were speeches. Awards were presented. A South Vietnamese band played marches. And Lt. Col. Rocco Negris of Fairfax, Va., termed his 1,043-man unit "the finest fighting men in the United States Army."

Negris received the Legion of Merit for his service in Vietnam, which began last September. In addition, 10 American servicemen received Vietnamese military awards.

Some of McVicker's friends from his Delta company platoon visited him in the hospital today. They joked, pushed each other around in wheelchairs, bought cold drinks for McVicker and the six other men in his ward.

Someone asked how he felt about being the last "grunt"—slang for infantryman—to be wounded in Vietnam.

"I could have done without it," he said. "But I will be all right. I have always been proud to be a grunt. We had a mission to do and we did it."

His platoon was preparing a night defensive position when he tripped the hidden booby-trap, McVicker said.

"I remember the dirt and the metal coming up all around me. It must have blown me five feet in the air," he said. "I was conscious and afraid I would land on another mine when I came down."

THE AIR WAR

Mr. HUGHES. Mr. President, the United States is now fighting its third Indochina war. The first was fought by the French with U.S. financial and material support amounting to nearly 80 percent of its cost; the second by over half a million U.S. ground troops and their air support; and now the third—a massive air war. This third war began last week when the last regular U.S. combat unit was withdrawn from South Vietnam.

There is no end in sight to this third new war, and few limits to its ferocity. Yesterday, the newspapers reported that B–52's had carried out their largest raids ever against the North. Today the papers analyze President Thieu's latest call for "relentless" U.S. bombing.

What have we gained from this staggering use of air power? In the past, I have drawn upon the fine research of the Cornell Air War Study for evidence and analysis of the air war. This has been necessary for recent years because of the continued refusal of the Defense Department to declassify basic facts and figures about our air war and because the Pentagon has not conducted any detailed analyses of the effectiveness of air operations since 1967.

Yesterday the New York Times Book Review discussed the Cornell Air War Study. Robert Kleiman, a member of the Times' editorial board, praised this study and drew upon other recent revelations about U.S. air operations.

For example, Mr. Kleiman notes that—

> The dollar cost to the U.S. in lost aircraft alone (almost 1,100 planes) was ten times the damage inflicted on North Vietnam by the 1965–68 bombing. And many crews were lost as well.

When the various circumstances under which bombs are not dropped on their planned targets are taken into account, Mr. Kleiman says that—

> It is estimated that more than half the ordnance delivered falls outside the intended target area.

Under these circumstances, it is no wonder that schools, churches, hospitals, and dikes have been attacked, despite our best efforts and intentions.

Rather than war crimes trials, the Cornell researchers urge a public investigation of bombing policy. Mr. Kleiman specifically says:

> Congressional hearings on the Lavelle case could provide an opportunity for this wider inquiry.

Mr. President, I fully intend to raise all the relevant issues of our bombing policy in order to get to the truth about General Lavelle and all others who may have been responsible for unauthorized offensive air strikes. I am also pleased that the distinguished chairman of the Armed Services Committee (Mr. Stennis) has promised hearings on my bill requiring the disclosure of the basic facts on the air war. Now more than ever we must get the full story on the air war.

Mr. President, I ask unanimous consent that the book review be printed in the Record.

There being no objection, the review was ordered to be printed in the Record, as follows:

[From the New York Times, August 13, 1972]

The Bonus and the Onus—The Air War in Indochina

(By Robert Kleiman)

One of the indestructible myths about the Vietnam war is that the nation's leaders drifted into it, unaware of where step-by-step decisions were leading. But as the scenario starts to unroll all over again, with massive bombing mounting toward the peak levels of the past, the myth needs close reexamination.

It was the introduction in February, 1965, of American air power on a large scale into the guerrilla war within South Vietnam that first transformed the role of the United States, from giving arms and the advice of a 24,000-man military mission into direct involvement in combat. Within weeks there began the sustained bombing of North Vietnam; organized units of the North Vietnamese Army invaded the South, and the United States committed ultimately more than half a million ground troops.

The week the American air war began, a visitor asked Gen. William C. Westmoreland, the United States military commander in Vietnam, whether the death and destruction already inflicted on the South Vietnamese countryside by American-built planes, some with American pilot-advisers aboard, would not escalate enormously now and prove self-defeating. Could the oft-proclaimed American objective of "winning the hearts and minds of the people"—in what was more a political than a military conflict—be achieved through the application of murderous firepower, which inevitably would kill innocent civilians as well as Vietcong?

"We've looked into that problem," the General replied, "with the help of a study group sent out by Rand [the civilian research organization]. Our conclusion was nutshelled at lunch the other day by the head of the team:

" 'We've got the onus; let's get the bonus.' "

Seven years and almost seven million tons of bombs later—more than three times the tonnage dropped by American planes in all theaters during World War II—the undoubted onus and the alleged bonus can be evaluated.

The Cornell University Air War Study Group, a team of 21 scholars of many disciplines led by Raphael Littauer, professor of physics at Cornell, analyzed all the significant official and unofficial reports available on the American air war in Southeast Asia, its policies, its methods, its effectiveness—and its cost, both to the United States and the peoples of Indochina. They distributed their findings privately in November, 1971, and then revised and updated them for this publication by Beacon Press.

"The Air War in Indochina" is a cold, clinical study. But its revelations—many extrapolated from piecemeal data, then assembled like a jigsaw puzzle—are startling. Some of its most striking estimates were recently corroborated by a leak of the secret 548-page National Security Council study memorandum on Vietnam (NSSM–1)—drafted in 1969 for President Nixon by eight Government agencies and coordinated by Henry Kissinger and his staff. NSSM–1 was printed in the Congressional Record of May 10, pg. 16748 and May 11, pg. 16778.

Mr. Littauer and his colleagues devote considerable attention to the bombing of North Vietnam. But what stands out in this study even more than the damage done to the enemy in the North is the devastation inflicted on our friends in the South.

Of the 6,300,000 tons of bombs dropped on Indochina from 1965–71, the Cornell group estimates that 600,000 tons were dropped on North Vietnam, while 3,900,000 were dropped on the South. (The remainder went into Cambodia and Laos, much of it on the Ho Chi Minh trail.) Allied artillery, mortars, rockets, other ground weapons and naval guns pounded Indochina with an added seven million tons of munitions in the same period, most of it in South Vietnam. South Vietnam is smaller than the state of Missouri.

The number of civilian casualties in North Vietnam was estimated by a 1967 C.I.A. study cited in the Pentagon Papers at 29,000 for 1965–66. Two years later, in 1969, the Defense Department said in NSSM–1 that "it has been estimated that approximately 52,000 civilians were killed in North Vietnam by U.S. air strikes."

In South Vietnam the casualties have been much higher. Senator Edward Kennedy's Subcommittee on Refugees, relying on official reports, has estimated noncombatant casualties through April 1971, from military action by the United States and the Saigon Government at a minimum of half a million persons, about one-third of them killed, a percentage of population that is more than double that suffered by German civilians under Allied bombing in World War II.

Vietnamese society has been completely dislocated by the bombing. In the North, urban populations have had to disperse. In the South more than six million (about one-third of the population) are estimated to have become refugees. The number of urban Southerners (including those in squalid refugee shantytowns) has almost trebled to an estimated 40 per cent of the population, making South Vietnam more urbanized than Sweden, Canada, the Soviet Union, Austria, Switzerland, Italy, and all other Southeast Asian states.

The original rationale for the large-scale use of air power was that it would save the lives of Allied troops. Army Brig.-Gen. Glenn D. Walker said, "You don't fight this fellow rifle to rifle. You locate him and back away. Blow the hell out of him and then police up."

Close air support of troops in action, often decisive in a conventional battle, can even be effective against guerrillas. But civilian casualties then mount. Guerrillas are highly mobile and hard to distinguish from the population—especially from fast-moving jet aircraft. Intelligence is often faulty. The Air Force is under pressure from ground units to use area weapons, such as napalm and cluster-bomb units, even against snipers. Area weapons, by definition, are indiscriminate.

Nevertheless, efforts were made, at the start, to limit civilian casualties. In August, 1966, after revelation of a dozen bombings of friendly troops and villages, General Westmoreland appointed a board of senior officers to improve control procedures. "One mishap—one innocent civilian killed, one civilian wounded or one dwelling needlessly destroyed—is too many," his directive stated.

But long before this review, which led to no known result, the whole character of the air war had been altered by its sheer volume. From about 1,000 sorties in the month of January, 1965, before American air units were engaged, the tempo had soared more than tenfold by the end of that year, and then doubled again by 1968 to over 20,000 a month.

What was being struck?

One of the extraordinary discoveries of the Cornell researchers was that in the end less than 10 per cent of the United States fixed-wing air activity in South Vietnam went into close air support of troops in combat. More than 90 per cent was used for "interdiction," a term that has been stretched far beyond attacks on supply routes to encompass harassment, reprisal, area saturation in Communist staging zones and, in regions where the Vietcong has been predominant, attacks "to influence the population: to cause them to move into areas under government control, or to make them stop supporting the insurgency."

In a guerrilla war, the study points out, the enemy "may live intermingled with the population or may actually *be* the population. . . . To interdict such an enemy means to blanket all possible areas with firepower. . . . Seen in this light, generalized interdiction in Vietnam takes on the character of *strategic* warfare. The targets are not well enough defined to qualify as tactical objectives. Rather, the attacks are directed against the over-all reserves of the insurgents, which are in the population itself, and against the will to continue the fight."

During the peak years of the air war in South Vietnam, when fighter bombers accounted for as many as 20,000 strike sorties a month, B–52's flew less than 1,600 sorties monthly. But the Cornell team discovered that about half the actual tonnage of aerial munitions dropped on South Vietnam was delivered by B–52's. (It undoubtedly is far higher now, with some 200 B–52's [about half the Strategic Air Command (SAC) force] now engaged in bombing Indochina—a five-fold increase since February and twice the peak number engaged pre-1972)).

The penultimate in indiscriminate bombing is the area obliteration attack by giant B–52 stratofortresses of the SAC, each dropping about one hundred 500-pound bombs within a fraction of a minute. Four typical six-plane missions can demolish an area equal to that destroyed by the Hiroshima atom bomb.

Information from the Cornell study and NSSM-1 on the civilian devastation inflicted by the air war is fragmentary but revealing:

By the end of 1967 some 70 per cent of the villages in Quang Ngai province in South Vietnam had been destroyed. During at least one period in 1968–69, about 90 per cent of I Corps—the five northernmost provinces of South Vietnam—became a free fire zone.

Between 1966 and 1969, according to NSSM–1, the United States Navy alone reported that it had destroyed almost 35,000 "structures" and damaged about 43,000.

The C.I.A. in NSSM–1 complained about the lack of systematic information on civilian damage but concluded on the basis of limited data that, "the rural hamlets take a tremendous beating." I noted that one extended series of reports covering 5,870 of South Vietnam's hamlets revealed that each month 4 percent "are either bombed, strafed, defoliated or otherwise harmed during the course of friendly military operations. A higher percentage of hamlets would appear to experience one or more of these phenomena in a minor form." Extrapolation of these figures could suggest that the total number of hamlet attacks over 12 months, including repetitions, may have exceeded 96 per cent of the number of hamlets in those regions, if not in the country as a whole.

Mr. Littauer and his colleagues assert that "deliberate attacks on the civilian population were not part of the official policy," but evolved from a variety of "special situations." The military wanted to make selective attacks on the guerrillas while depriving them of the recruits, food and shelter provided by the population.

"The problem is often attacked in reverse," the study notes. "Rather than driving the guerrillas away from the population, the population is moved away from those areas in which the insurgents are established. . . . Adopting Mao Tse-tung's simile that a guerrilla lives among the population 'like a fish in the sea,' this tactic has been described as 'draining the sea away from the fish.' " This "refugee generation" permits the creation of "free fire zones" in which anyone remaining is considered the enemy. (Criticism has brought an order to call free fire zones "specified strike zones," but the practice continues.) In other areas, after hostile sniper fire—sometimes from small marauding Vietcong units long since departed—villages are warned by leaflet or loudspeaker, then bombed in reprisal and inundated with "I-told-you-so" leaflets. The pro forma advance approval of the Saigon-appointed Province Chief, usually an Army officer, covers the operation with a fig leaf of propriety.

By the very nature of air warfare, human error and a wide variety of technical factors take their toll. A major element is euphemistically called "contingent ordnance," bombs dropped outside the target area. "Contingent ordnance" includes "navigational errors" common during bad weather and instrument bombing; "target misidentification" that sometimes destroys a friendly village (indicating that the planned target itself was a village); "surplus ordnance," left after the primary target has been attacked, that is used against secondary targets, less carefully selected; "antipersonnel weapons" that are the most effective means of suppressing antiaircraft fire in North Vietnam, but which wreak heavy civilian damage; and "emergency dumping" of ordnance when planes are attacked by hostile fighters or damaged by ground fire. Finally, there is the "armed reconnaisance" mission, trying to hit "targets of opportunity" at high speed.

All in all, it is estimated that more than half the ordnance delivered falls outside the intended target area.

Ironically, greater precautions were taken at one time to avoid civilian damage in North Vietnam than in the South. Targets in the North were approved by the White House. No attacks in 1965 were permitted within a 30-mile radius of Hanoi and a 10-mile radius of Haiphong. Attacks on minor military facilities in populated areas were barred. In the month-long campaign in July, 1966, that destroyed 70 per cent of North Vietnam's oil storage capacity, much of it in urban areas, Washington insisted on extraordinary precautions: use of the most experienced pilots; visual identification of targets in good weather; an axis of attack that avoided the most populated areas; maximum electronic counter-measures against antiaircraft fire to limit pilot distraction; use of weapons of high precision delivery; and limitation of SAM and AAA suppression to sites outside populated areas. But such careful restrictions were rarely applied after that. Last December's five-day, 1,000-sortie, series of "protective reaction" strikes against North Vietnam, in retaliation for the downing of four Phantoms over northern Laos, was almost entirely in bad weather with the ground invisible. Pilots later called it "a farce" and "sheer insanity" not to await better weather. President Nixon called it "very successful."

"When North Vietnam was first targeted, the Joint Chiefs of Staff found only eight industrial installations worth listing," the Defense Intelligence Agency reported to Secretary McNamara in November, 1965. Military-Congressional pressure later made the target list a political football in what the Cornell study describes as a "highly cynical numbers game." Early in 1967, on Joint Chiefs of Staff urging, President Johnson added a number of industrial targets within urban areas previously barred, and the Chairman of the Joint Chiefs reported that there were no important military targets left in the North; the only escalation possible would be the mining or bombing of ports and irrigation dikes and a land invasion of North Vietnam. Nevertheless, in July-August 1967, presumably to blunt criticism from the Senate Armed Services Committee, President Johnson expanded the area subject to armed reconnaissance and somehow found 44 new fixed targets.

The Air Force and Navy each were allotted a number of sorties fortnightly to avoid interservice rivalry. As a result, many missions evidently have been flown in poor weather to secondary targets to meet that "quota." The list of fixed targets usually was exhausted quickly, and pilots then worked off their quotas on armed reconnaissance missions against trucks, railroad cars, barges and even less important targets—rather than dump their bombs in the ocean before landing. With worthwhile fixed targets scarce, such armed reconnaissance missions made up nearly three-fourths of the sorties over the North flown in 1965 and 90 per cent by 1967.

Of all the tragedies in the devastation of Indochina from the air, perhaps the deepest lies in its overwhelming futility. The impact on the war of most of the bombing has been marginal at best and, more often, self-defeating.

The Joint Chiefs and the United States Command in Saigon claim in NSSM-1 that the bombing of North Vietnam and Laos was effective because it destroyed 12 to 14 per-cent of the trucks and 20 to 35 per cent of the supplies on the infiltration trails. But the C.I.A. and the Office of the Secretary of Defense punctured that claim. The Kissinger summary noted: "OSD and CIA find that the enemy needs in South Vietnam—10 to 15 trucks of supplies per day [carrying 30 to 50 tons of weapons and ammunition]—are so small and his supply of war materiel so large than the enemy can replace his losses easily, increase his traffic flows slightly and get through as much supplies to South Vietnam as he wants in spite of the bombing." A study by the Pentagon's Office of Systems Analysis showed that while American attack sorties against North Vietnam increased about fourfold between 1965 and 1968, Communist main forces in South Vietnam increased 75 per cent in strength and ninefold in overall activity.

That the bombing stiffened North Vietnam's will to fight and reduced dissent at home is something on which all analysists agree. Economically, North Vietnam paradoxically also gained. Official Pentagon and C.I.A. estimates that aid from other Communist countries totaled four to six times as much as was destroyed. With vigorous road and rail building, even the capacity of the North Vietnamese transport network—a main target—increased under the bombing, the C.I.A. reported in NSSM-1. But the dollar cost to the United Stataes in lost aircraft alone (almost 1,100 planes) was ten times the damage inflicted on North Vietnam by the 1965-68 bombing. And many crews were lost as well.

The military advised that a gloves-off bombing policy would solve the problem—advise President Nixon now has adopted. The mining of Haiphong and other ports and the removal of bombing restrictions on overland transport from China (accepting "high risks of civilian casualties") would have a decisive effect on the war, the Generals insisted in NSSM-1. But the C.I.A. and the Office of the Secretary of Defense argued that "the overland routes from China alone could provide North Vietnam with enough material to carry on, even with an unlimited bombing campaign." Events seem to have proven them right, despite the laser homing devices and other "smart bombs" that recently have knocked out bridges and other difficult targets.

President Johnson was shown in the Pentagon Papers to have received similar cautions about his military advice as early as the fall of 1965 from Defense Secretary McNamara and in 1966–67 from the Jason study group of 47 of America's most distinguished weapons scientists. After analyzing nine alternative bombing strategies, which included mining the ports and attacking the irrigation and flood-control dikes, the Jason study concluded: "We are unable to develop a bombing campaign in the North to reduce the flow of infiltrating personnel into South Vietnam."

Some dikes now are being hit, since bombing restrictions have been removed for targets nearby—an ominous hint that bombing could flood much of the country. The air war imposes other substantial strains on North Vietnam and a heavy penalty of human suffering on its population. Although Hanoi Politburo suffers less, President Nixon may be gambling that Sino-Soviet feuding will hamper the flow of supplies and that the desire for accommodation with the United States may lead Moscow and Peking to exert enough leverage on Hanoi to bring about a negotiated settlement. But this has not succeeded in the past despite some Soviet help in the Paris talks in 1968.

In South Vietnam, the bombing has also been marginal in value or self-defeating, except for the 10 per cent or less devoted to close air support. The latter evidently has been decisive in enabling the South Vietnamese Army to avoid a major defeat in the recent Communist offensive. A particularly futile use of air and artillery power has been in "unobserved fire," bombs and shells used against places where the enemy *might* be, but without reliable information that he was there. Thus two of the Pentagon's former top systems analysts, Alain Enthoven and K. Wayne Smith disclosed in their "How Much Is Enough?" (Harper & Row, 1971) that probably fewer than 100 Communist troops were killed by unobserved fire in 1966, when 65 per cent of the total tonnage of bombs and artillery shells was expended against such nontargets—at a cost of $2-billion and significant alienation of Vietnamese civilians.

For irony, one systems analysis study calculated that the 27,000 tons of dud bombs and shells from such attacks could have provided the enemy with more explosives than he used in the mines and booby traps that killed more than 1,000 American troops that year. But Enthoven and Smith report that the only effect on the military of the study—and the later capture of a Communist training film on turning American duds into grenades—was an effort to improve munitions and reduce the dud rate.

The military uselessness of most of the bombing bears directly on the issue of American war crimes, something the Cornell scholars discuss but leave to the reader to judge. They note that detailed international law is lacking or outdated for air warfare. But grave violations can be inferred from the principles that govern the agreed rules of land and naval warfare. The most serious such violation, they point out, is of the rule requiring a reasonable "proportionality" in warfare between the damage caused and the military gain sought or anticipated. There is no sign in the air war report of the fear, hatred and racial contempt for the Asian that played a role in the Mylai massacre by American ground troops. Nevertheless, the unstated conclusion that shrieks out of Cornell's deadpan study is that the American air war in South Vietnam has included a long list of both officially-sanctioned and officially-ignored aerial Mylais.

How did this abuse of air power originate? Professor Littauer and his colleagues believe it was not deliberate decisions led to the vast over-employment of American airpower in Vietnam as much as it was a case of the vast "availability of airpower . . . setting the U.S. on the path it has followed." The historic evolution of strategic air warfare has also been a factor.

Attacks by the United States and it allies on the enemy's population are not new in warfare. They were frequent in the strategic bombing of World War II, but a pretense was made then that the targets were essentially military. Today, in the age of mutual nuclear deterrence, the main task of strategic air planners is to prepare openly to destroy the enemy's cities and urban population. All this undoubtedly has contributed to the ease with which the nation's leaders, its military commanders and its young airmen have drifted into attacks on predominantly civilian targets in Vietnam. Killing from the air is a distant, impersonal affair to the pilot, not to mention the whole chairborne chain of command, back to the White House.

Somehow, even as the ferocity of the air war has mounted, the military and civilian leaders of the United States have managed to look the other way. A news report noted as early as mid-1966 that no regular tabulation of civilian casulaties was being kept in South Vietnam. In early 1969, when the Kissinger staff drafted the 28 questions that produced the NSSM-1 study for President Nixon, Question 19 asked: "How adequate is our information on the over-all scale and incidence of damage to civilians by air and artillery?" The responses from the eight agencies questioned took up less than six pages of the 548-page document. The summary stated: "Every agency except MACV/JCS [the U.S. military command in Saigon and the Joint Chiefs of Staff in Washington] agrees that the available data on war damage to the civilian population is inadequate. . . . The responses received suggest that this is a very serious problem in need of further U.S. government attention and analysis."

Now, three years later—with civilian casualty estimates in South Vietnam exceeding the top figures of 1967–68—it is evident from the Cornell study that the indifference continues. "There are no spaces on bomb-damage assessment forms for reporting civilian damage," the Cornell study states. "The targets hit are assumed to be those described in the original briefing for the mission, however tentative their identification may have been. Jargon proliferates. A hootch (house) destroyed becomes a 'military structure,' a sampan is a 'waterborne logistic craft.' The jargon pervades the reports, invades the intelligence accounts and finally comes to influence even the policy thinking. . . . Many of the participants eventually come to accept the view that everything on the ground (at least in some regions) is 'the enemy' and that all ordnance expended helps to 'save the lives of our boys.' "

Mr. Littauer and his colleagues finished their book before the case of Gen. John D. Lavelle exposed the repeated bombing of North Vietnam—perhaps with wider military complicity—in violation of Presidential orders. But it would be unlikely to alter their conclusion that official American policy, rather than the aberrations of individuals, is primarily to blame for the air war's "unjustified devastation, reprisals, collective penalties, and grave breaches of the proportionality rule, as well as widespread destruction of food crops"—all war crimes in land battle. The Cornell scholars urge a public investigation of bombing policy, rather than war crimes trials.

Congressional hearings on the Lavelle case could provide an opportunity for this wider inquiry. Beyond the war crimes issue, there is a crucial Constitutional question that is pointed sharply in a brilliant preface to the Cornell study by Neil Sheehan, The Times reporter who brought the Pentagon Papers to publication. He notes that the low visibility of the air war (no journalists accompany the planes), its relatively low cost in dollars and American casualties, its responsiveness to centralized control and its enormous destructive force have now made it possible for an American President "to conduct war with little reference to the wishes of the body politic at home."

More than Indochina is involved. The 1969 Nixon Doctrine for all of Asia seeks to fulfill military commitments with air and sea power in support of local ground forces. Sound though this strategy may be for conventional war, it has little value in an insurgency It can only lead again to the kind of tragedy whose epilogue is being acted out in this year's re-escalation of the air war. The destruction of Vietnam in the effort to "save" it. The bonus, so far, has proved illusory. The onus we will all live with for the rest of our lives.

MR. STATE FAIR

Mr. MILLER. Mr. President, the Des Moines Sunday Register for August 13 contains an article entitled "Mr. State Fair" which describes the unique contribution the Iowa State Fair's Secretary, Kenneth Fulk—appointed in 1962—has made to what is unquestionably one of the Nation's truly great State fairs.

The heart of our fair is, of course, agriculture—particularly the work and exhibits of the thousands of young people in 4–H and Future Farmers of America activities. Mr. Fulk's rich background in agriculture has been blended with a keen appreciation of quality entertainment, so attendance records will no doubt continue to be broken, and hundreds of thousands of families from Iowa and adjacent States will participate in one of America's greatest community institutions.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MR. STATE FAIR

(By Joan Bunke)

You'd think a man putting together his tenth Iowa State Fair might look a bit worn around the edges.

Not Kenneth Fulk. The state fair secretary exudes an almost relentless heartiness, a smiling enthusiasm when he talks in an interview about the virtues of the annual migration of thousands of Iowans toward one sprawling patch of fairgrounds in Des Moines.

He's the epitome of what he himself believes the fair is all about: Involvement. Caught up in all facets of the fair (this year's starts Friday and winds up—or down—Sunday, Aug. 27), Fulk sees the conglomeration of shows, exhibits, performances and plain people-watching as a matter of involvement.

"A fair," he declares, "is a place where people go to see how other people work, live and play." It's not only winning blue ribbons or cupie dolls (in games that require "skill," Fulk says, referring to the imbroglio over whether some midway games are matters of gaming or matters of skill.)

"You see," he says, "there's so much more to a fair than winning. It's being involved and participating . . . This is what a fair can do that nothing else can do: It can give people from all walks of life a chance to get together and express themselves and get recognition . . ."

Even a youngster on a merry-go-round is involved—"people are watching him"; even that chap tossing baseballs for a cupie doll has a sense of achievement, Fulk insists.

But basically, he admits, a state fair revolves around competition. "The whole thing about fairs is that people are striving to improve what they've got, to compare what they produce," Fulk says. "It's a matter of comparison and improvement. . . . Competition always sharpens up people. If you had a football game and weren't going to keep score, there wouldn't be much to it . . ."

A BACKGROUND IN FARMING

It's when he talks about his own involvement as a youngster that Fulk, 56, really shows how much he is, indeed, doing his own thing today. "I showed at the Iowa State Fair the first time in 1929," he says, and his steer placed twenty-ninth in a class of 32. Still, the 13-year old Fulk was "very pleased" just at being there. He explains: "Why would I come to the fair when I knew I didn't have the champion? I wanted to be able to say that I saw Elliott Brown, who had the grand champion steer in 1927 in Chicago, and he and his father, John, showed the finest string of Angus cattle—and I wanted to say that I'd talked to Elliott Brown. I wanted to watch him, I wanted to see how they did their chores and took care of their stock. . ."

Fulk, born and reared on a farm near Clarinda, says he's always been "very much interested" in 4–H and Future Farmers of America work. He has been Iowa president of the FFA, was a member of top Iowa livestock judging teams in vocational agriculture and 4–H, and was a top national collegiate judge at the American Royal stock show in Kansas City.

He managed 100 Iowa farms for Metropolitan Life Insurance Co., then did a 50-month stint in the Marine Corps (enlisting before World War II started and emerging a first lieutenant; he's now a major in the retired reserve).

He was graduated in animal husbandry from Iowa State University (then Iowa State College) at Ames. He also farmed in partnership with his father and brothers, served as county extension director, worked for the Iowa Beef Packers Association and did basic research work in beef carcass study, worked for the Iowa Agricultural Marketing Divison, and in December, 1962, was named secretary of the fair. (This year, his salary is $15,500, plus use of a house on the fairgrounds.)

SOME ADDITIONS TO THE FAIR

Over the years, Fulk says, the fair has changed, broadening its base, but there are still youngsters with the same eagerness the young Fulk had: "A youngster who comes to the fair—he's heard about a certain person or a certain herd that does well and he wants to see and become a part of it. That's what a fair can do. You go to a theater, and you see someone else do something and then you leave. But at a fair, people become involved."

Because Iowa life has been changing, the fair has been changing, he points out. Because people "need to express themselves, we have tried to add things to the fair to give people this opportunity. For example, in recent years we've given heavy emphasis to crafts, art and hobbies . . ." There's the third annual Iowa State Fair Arts Festival, which also provides a "creative outlet."

Since his appointment in 1962, Fulk has found the fair a growing proposition. Attendance in 1971 was 645,000, compared to 447,000 in 1962, and the fair's net profit last year was $168,000, compared to $67,000 in 1962.

The fair has altered in more than the figures department. The grounds, Fulk says, are "cleaner, nicer" although he thinks the fair is only "about halfway" toward its goal in that department.

STARS RAISE THE IMAGE

Fulk thinks the fair also has been made "more meaningful" via its emphasis on "the carcass approach to livestock improvement. . . ." He adds: "We're still pioneering new techniques. . . ."

In this sector, he says, is "that basic area which is fundamentally and economically important to Iowa. What the fair really is, is better pork chops and steaks and food for people. . . ." In addition, there are farm machinery and processors' displays that add another dimension, he says.

The fair's recent emphasis on name talent, "tremendous big stars in front of the grandstand, raises the whole image of the fair," Fulk says, then cracks: "And it makes the hogs look better to the guy in the hog barn, too—It does!"

(This year's names include Bob Hope, Sonny and Cher and Bill Cosby, among others.)

Themes, like last year's "Discover Mexico" and the 1972 Iowa fair's "Discover Canada," also have added some sparkle to what amounts to a people's jamboree at the fairgrounds.

For help in inveigling the "big" fair drawing cards onto the grandstand stages, Fulk credits Wall Lake's own Andy Williams. The singer, Fulk says in a rare piece of understatement, "has been real kind to us." It was Williams, says Fulk, who helped the fair get Lawrence Welk, Tennessee Ernie Ford, Red Skelton to work the Iowa fair.

The grandstand shows, according to Fulk's research early in his tenure, had been racking up an average loss of $20,000 for five week nights each year at the fair.

"So finally," Fulk says, "we got Andy Williams to come in on a special deal, and after he paid us to use the grandstand—he got the first $60,000 and it took me three (State Fair) board meetings to convince the board that it'd be better to let him have the first sixty in case he made it than us lose another twenty—what happened, of course is that he grossed right at $100,000, or a little over. So he got the first 60, we split the next 40—so we got 20 there, he kept us from losing 20, and we're sure we made at least twenty-five thousand on the outside gate . . .

"What Andy really proved was that Iowa people have culture, that Iowa people will pay for quality. To me it's a compliment to Iowa people that they do discriminate when they spend their money. I think that's a mark of culture, people who wisely use their money."

HE CALLS IT ONE OF THE GREAT FAIRS

In statistics on attendance, the Iowa fair ranks seventeenth or eighteenth highest in the country, Fulk says, "but we really rank a little higher than that . . . because we have a pretty 'hard gate.'" (The number of free passes is kept low).

Not without prejudice, but with pretty good statistics to back him, Fulk calls Iowa's "one of the great fairs . . . and the reason is because of the community in which it exists."

With all of the problems obviously connected with staging a fair, can Fulk enjoy it as much as the ordinary fairgoer?

"Or, I enjoy it more," he insists.

He goes to all the shows—"That doesn't mean I sit through them all; I move all the time . . . I'm all around, I walk up in the grandstand and listen to the sound, I sit a while . . . I always check the house . . . I move all the time."

He'll be on the move again this year—checking up on another fair—and being totally involved.

SKYJACKING

Mr. **RIBICOFF**. Mr. President, the alarming increase in skyjackings will be stopped only if all the nations of the world require that all passengers be screened by electronic weapons detection devices before they board commercial aircraft.

While all nations must work together to combat airline hijacks, it is time that the United States took the lead in developing an effective system for preventing these dangerous interferences with air travel.

We should begin by requiring the Federal Aviation Administration to impose regulations requiring that all passengers in regularly scheduled air transportation have their carry-on luggage screened with an electronic device.

Let us use our scientific detection know-how to fend off skyjackings. The alternatives are deadly shootouts at 20,000 feet or armed assaults on airport runways.

In this age of technology, electronic screening devices are a much safer and efficient response. Our immediate goal should be to prevent the would-be skyjacker from boarding the aircraft.

I am cosponsoring proposed legislation which will soon be offered by the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), calling for such screening. It deserves our strongest support if we are to get at the rest of this growing problem.

It is not enough, however, just to set a good example to other nations, we must also take the lead in forging worldwide agreements to prevent hijackings. In order to accomplish this, I introduced Senate Joint Resolution 244 last June calling upon President Nixon to convene a world conference of nations to combat skyjackings and airport violence.

This joint resolution, which now has 32 Senate cosponsors, proposes that a conference be organized either by the United Nations, the International Civil Aviation Organization or any other suitable international body to establish "stringent security standards and procedures for the protection of human life in and around aircraft and airports."

My measure also advocates that airlines refuse to fly into countries "which harbor, assist or fail to take appropriate action" against skyjackers or others who interfere with international air travel.

An electronics screening requirement is a logical and vital step toward greater protection of air travelers here in the United States. Hopefully, other nations will follow our lead. If proven successful these procedures should be included in any new international agreements to prevent skyjackings.

I urge all Senators to keep these points in mind when we shortly consider legislation to deal with hijacking.

I ask unanimous consent that Senate Joint Resolution 244 and S. 3815 and a list of the consponsors of Senate Joint Resolution 244 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. RES. 244

Joint resolution calling for new efforts to protect international travelers from acts of violence and aerial piracy

Whereas acts of terrorism and violence against international civilian carriers and passengers now constitute a growing menace to travel and threaten communications between nations and the transportation of people and goods, and

Whereas many governments and airlines have failed to take the necessary security precautions to prevent aerial piracy and insure the safety and well-being of persons of international travel: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is directed to seek at the earliest possible date, through the United Nations, the International Civil Aviation Organization or other suitable international body, a world conference for the purpose of establishing uniform, stringent security standards and procedures for the protection of human life in and around aircraft and airports, including restrictions on international flights to those countries which harbor, assist, or fail to take appropriate action against individuals or groups within their borders who plan, conspire, or engage in activities leading to violent interference with international travel.

SPONSORS OF S.J. RES. 244

Ribicoff, Javits, Kennedy, Gurney, McGovern, Pastore, Hughes, Tower, Hansen, Randolph, Stevens.

Scott, Case, Stevenson, Taft, Moss, Thurmond, Pell, Humphrey, Cannon, Cranston.

Williams, McClellan, Brock, Hollings, Dole, Hart, Church, Mondale, Bible, Muskie, Tunney, Chiles, Harris.

S. 3815

A bill to amend the Federal Aviation Act of 1958 in order to require the screening by weapons-detecting devices of all passengers in regularly scheduled air transportation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348) is amended by inserting at the end thereof a new subsection as follows:

"SCREENING OF PASSENGERS IN AIR TRANSPORTATION

"(g) (1) The Administrator shall, as soon as practicable, prescribe regulations requiring that all passengers in regularly scheduled air transportation, and their carry-on baggage, be screened by magnetometers or other more effective weapon-detecting devices before boarding the aircraft for such transportation.

"(2) The Administrator shall acquire and furnish airports with devices necessary for the purpose of paragraph (1) of this subsection.

"(3) There are authorized to be appropriated such amounts as are necessary for the purpose of paragraph (2) of this subsection."

SEC. 2. The table of contents of the Federal Aviation Act of 1958 is amended by inserting at the end of the matter relating to section 307 the following:

"(g) Screening of passengers in air transportation."

LABOR SUPPORT FOR S. 32, THE NATIONAL SCIENCE POLICY AND PRIORITIES ACT

Mr. **KENNEDY**. Mr. President, I have just received a letter which is pertinent to the Senate's forthcoming consideration of S. 32, the National Science Policy and Priorities Act. The letter is from the American Federation of State, County, and Municipal Employees, and adds the support of that major union to the many other labor organizations which have already announced their support for this legislation. These include the International Association of Machinists and Aerospace Workers; the International Union of Electrical, Radio, and Machine Workers; the United Auto Workers; the Council of Engineering and Scientific Organizations; and the Council of AFL–CIO Unions for Scientific, Professional, and Cultural Employees—all of which collectively represent millions of American workers who would be directly affected by this legislation.

The letter from the American Federation of State, County, and Municipal Employees makes several specific points with respect to the implementation of S. 32, with which I completely concur. They point out that representatives of labor organizations should be included in those eligible for membership on the National Science Board and that labor organizations should be included in the nonprofit organizations eligible to apply for grants or contracts under title II and III of the act. This is in accord with my understanding of the intent and applicability of the legislation. In addition, with respect to section 305—assistance to State and local governments), they recommend that—

> Federal funds provided under S. 32 shall not be used in a manner which in any way would deny or weaken promotional or employment opportunities for present State and

local government employees. Certainly such funds should not be used to displace present employees.

This again is in complete accord with my understanding of the intent and applicability of the legislation. As chairman of the Subcommittee on the National Science Foundation, which will administer these programs, I will make sure that these objectives are adhered to in practice.

I ask unanimous consent that the letter from the American Federation of State, County, and Municipal Employees be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF STATE,
COUNTY, AND MUNICIPAL EMPLOYEES—AFL–CIO,
Washington, D.C., August 9, 1972.

Hon. EDWARD KENNEDY,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: On behalf of the American Federation of State, County, and Municipal Employees, we are pleased to express our support for your economic conversion bill, S. 32, the National Science Policy and Priorities Act of 1972. Our support for this bill is based not only upon our conviction of the importance of peacetime research and training programs but also because of the comprehensive and systematic porgrams developed under this bill.

We are gratified that the role of state and local governments is taken into consideration in S. 32. We especially note that the bill provides for grants to be made to state and local governments and permits these governments to hire unemployed or underemployed persons to further the purposes of the Act. Although we certainly favor the intent of Section 305 (Assistance to State and Local Governments), we do have an urgent concern based on our experiences under the Emergency Employment Act of 1971. The manner in which EEA has been administered makes it necessary that employee protections be written into any legislation which will assist state and local governments to hire new employees. Specifically, we recommend that federal funds provided under S. 32 shall not be used in a manner which in any way would deny or weaken promotional or employment opportunities for present state and local government employees. Certainly such funds should not be used to displace present employees.

With respect to the National Science Board, established in Section 105, we believe that representatives of labor organizations should be included in those eligible for membership. Further, we hope that labor organizations are included as "nonprofit institutes and organizations" in those eligible to receive grants under Titles II and III of the Act.

We believe that passage of the National Science Policy and Priorities Act of 1972 would be a dramatic means of demonstrating the commitment of the Senate to peacetime research and training programs.

Sincerely,

PAUL J. MINARCHENKO,
Director, Department of Legislation.

PARTICIPATION BY NEBRASKA IN AMERICAN REVOLUTION BICENTENNIAL

Mr. CURTIS. Mr. President, my colleague from Nebraska (Mr. HRUSKA), today has forwarded to the American Revolution Bicentennial Commission a proposal for the celebration of the bicentennial in 1976 in our State, particularly in the Omaha-Council Bluffs area.

I wish to go on record in complete and enthusiastic support of the Senator's proposal, which I shall ask shortly to have printed in the RECORD.

But first, I should say that it is fitting that Senator HRUSKA should be the one to take the lead in the bicentennial celebration in Nebraska.

As chairman of the Subcommittee on Federal Charters, Holidays, and Celebrations of the Committee on the Judiciary, he recently held oversight hearings on bicentennial legislation. The Senate has passed that legislation and extended the authorization of the Bicentennial Commission. It was not without a struggle that this legislation was passed. The Commission has its detractors, those who would hamper the efforts of the Commission for various shortsighted reasons. But Senator HRUSKA firmly, patiently, and conscientiously guided this legislation to final passage, insuring that the 200th anniversary of this great Nation will be properly observed. It is not unreasonable to say that there might not be a Bicentennial Commission, and thus no proper bicentennial observance, had not Senator HRUSKA made the efforts he has.

I look forward to working with the Senator to bring this proposal for the Omaha-Council Bluffs area to fruition. Without further ado, I ask unanimous consent that Senator HRUSKA's proposal, contained in a letter to David J. Mahoney, chairman of the American Revolution Bicentennial Commission, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., August 12, 1972.

Mr. DAVID J. MAHONEY,
Chairman, American Revolution Bicentennial Commission, Washington, D.C.

DEAR MR. CHAIRMAN: In the interest of advancing the general program of your Commission, I hereby propose that certain aspects of the "Missouri Riverfront Development Program" in the vicinity of Council Bluffs, Iowa and Omaha, Nebraska be designated and recognized by your Commission as official Bicentennial projects.

The stretch of the Missouri River involved in this program runs all the way from Blair in Washington County, Nebraska, to the mouth of the Platte River as it enters the Missouri River. This is a distance of approximately 54 river miles.

This area is rich in the history of the development of the Middle West. Its beginnings and events relating thereto go back to the survey party of Lewis and Clark.

A well-planned overall strategy of development is in existence. A federally-funded effort by official agencies of the United States Government is in progress. This had been preceded by local planning, participated in by all of the communities of that segment of the Missouri River in both Nebraska and Iowa.

This Riverfront program is comprehensive in nature. The enclosed booklet will furnish the nature and the scope which it possesses. While it will be a program venturing in years beyond 1976, nevertheless certain of its aspects are capable of development and completion by the time the 200th anniversary of the Republic arrives.

Aspects of this general area would fit very nicely into the three Bicentennial themes: Horizons '76, Heritage '76 and Festival USA.

Specifically, there are pointed out the following:

Segments of a proposed scenic parkway along both sides of the Missouri River between Blair, Nebraska and Plattsmouth, Nebraska, to provide improved access to the Lewis and Clark Memorial, the SS Bertrand, Fort Atkinson and similar points of historic interest.

Improvements at Dodge Park, Crater Lake, Lake Manaha, the Blair and Bellevue crossings and other locations to expand the area's capacity to provide campgrounds and recreation sites for visitors. In this connection, the festivals and conventions of national fraternal, religious and professional groups should be kept in mind. The Czechs, for example, may find 1976 and the Omaha area a good combination for a festival. The Mormons have much to recall in our territory. A regional or national environmental meeting centered on the Fontenelle Forest is another possibility.

A downtown Omaha plaza.

A start on a downtown campus for the University of Nebraska at Omaha.

A start on the "new towns" which have been proposed in areas north and south of the Omaha metropolitan area.

A special emphasis on the role that the Missouri River has played in the history and future prospects of the area. This would blend with the expected Bicentennial emphasis on the high points of western exploration and expansion, but I also believe that efforts should be made to illuminate for a national audience how proposed developments along the River are the latest in a long line of efforts to tie the land and the River together.

This entire undertaking offers a model for planning Bicentennial activity which will be in harmony and in keeping with the history of the area and will be encouraging to the future development thereof.

It is expected that the entire Nebraska and Western Iowa congressional delegations will be stimulated and will assert themselves.

A similar proposal as contained herein is being simultaneously forwarded to the Nebraska Bicentennial Commission as well as to the Iowa Bicentennial Commission.

A more formal proposal will be made in due time as occasion will require.

Within this letter is only a broad outline description. Needless to say, my staff and I will be most happy to supply your Commission and the respective State Bicentennial Commissions with additional detailed information together with suitable witnesses to present the same. My personal appearance, if considered necessary or desirable, is assured.

With kind personal regards and best wishes,

Sincerely,

ROMAN L. HRUSKA,
U.S. Senator.

NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION RESOLUTION ON REVENUE SHARING

Mr. MANSFIELD. Mr. President, on August 10, at its first annual convention, the National Tribal Chairmen's Association adopted a most important resolution. It concerns revenue sharing and the views of the tribal association, which to a great degree, represents the Indian community, with respect to that issue and to its potential impact on reservation Indians and tribes generally.

I believe the viewpoint of the Indians is most important in this matter and ask unanimous consent that the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Eugene, Ore.,
August 12, 1972.

Senator Mike Mansfield,
Capitol Hill,
Washington, D.C.:

Please introduce this resolution before Congress to be placed in the Congressional Record as requested in the following resolution entitled National Tribal Chairmen's Association.

A RESOLUTION

Whereas the exclusion of Indian Tribal Governments from the Federal assistance under revenue sharing would be inconsistant with President Nixon's clearly announced policy of Indian self-determination; and

Whereas the denial of Indian participation in revenue sharing is abdication of the Federal trust responsibility for the welfare of reservation Indians and denies Federal recognition of reservation Indian tribes as local governments; and

Whereas the National Tribal Chairman's Association commends Senator Metcalf and co-sponsors of amendment numbered 1357 for bi-partisan effort to include Indian tribes in revenue sharing: Now, therefore, be it

Resolved, That the whole of the reservation Indian community in the United States of America be duly assembled and represented by this conclave of the National Tribal Chairmen's Association, respectfully urges the Congress not to leave the Reservation Indians and all other federally recognized tribes out of this important revenue sharing program under which all local governments will be assisted.

That, we believe this amendment is a test of congressional willingness to grant reservation Indians the right to shape their own future. We request that you not leave us out, thereby confirming the principle that the government of the Indian country should be by consent of the governed, that, we hereby request that this resolution be placed in the Congressional Record.

CERTIFICATION

The foregoing resolution was unanimously adopted by the National Tribal Chairmen's Association, a quorum being present at their first annual convention held in the Eugene Hotel, Eugene, Oregon, this 10th day of August, 1972. Signed—William Youpee President. Attested—Nathan Little Soldier, Secretary.

William Youpee.

COUNCIL ON ENERGY POLICY

Mr. HOLLINGS. Mr. President, on August 10 the Committee on Commerce held joint hearings with the Committee on Interior and Insular Affairs, on S. 3802, a proposal to establish a high-level three member Council on Energy Policy. The function of this Council would be to establish a central point for the collection and analysis of energy information, to coordinate energy activities of the Federal Government and to prepare a long-range comprehensive plan for energy utilization. Enactment of this proposal would provide a single place where Congress and the President can seek information and policy recommendations regarding energy. It insures that a single body has responsibility for examining the overall energy picture. And, the proposed Council would be independent of operating agencies and not be subject to their inherent biases.

Legislative action to establish a coherent nation energy policy is imperative. Increasingly the Nation is faced with shortages of energy, unacceptable environmental impacts, soaring energy prices, and inadequate incentives for efficient utilization and conservation of energy resources.

An excellent analysis of the problem was made by S. David Freeman, director of the Ford Energy Policy Project. His statement at the August 10 hearing indicates the urgent need for unifying Federal actions in the energy area.

I ask unanimous consent that this statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by S. David Freeman Before the Senate Commerce Committee at Hearings on S. 3802 and S. 3641 To Create an Energy Policy Council, Aug. 10, 1972

Mr. Chairman and members of the committee, today's hearing is a momentous occasion for those concerned with formulating a National Energy Policy for this country. I congratulate the Committee and the sponsors of the bills before you for their initiative in holding this hearing to consider the mechanism for the development of a National Energy Policy. It is also gratifying to note that similar legislation has been introduced in both houses of Congress with widespread bi-partisan co-sponsorship (S. 3330 by Senator Jackson, and H.R. 15758 by Congressmen VanDeerlin and Keith).

I was especially pleased to receive your invitation to participate in these hearings. I know from my own experience in the Executive Office how much an agency like the Council on Energy Policy is needed as a first step to basic policy reform in this area. My testimony today reflects my experience from 1967 through 1971 in the Executive Office of the President, attempting in a small way to coordinate the work of the agencies dealing with energy.

I am now directing an Energy Policy Project that is sponsored by the Ford Foundation. Its purpose is to provide the information and policy analysis that will help inform the public as to the nature of the energy problems and the alternative solutions that may be developed. While I hope the Ford Foundation Project will make a contribution to the governmental process as well as to the substance of an energy policy, my testimony this morning does not reflect the work of that study, which is just getting underway. What I have to say is based upon my personal experience in government and my analysis of the energy problems in the months since I left government service. I am delighted to share with the Committee whatever insights I may now have without prejudice to any more definitive or different proposals that further study and analysis may suggest.

It should be clear by now to those who have been following the energy problems that one of the first steps necessary to achieving a solution is to bring some focus and direction to the efforts of the federal government. It is no secret that when it comes to energy policy in the federal government no one is really in charge in any meaningful way. As the Paley Commission Report suggested in 1952 "the hydra heads of energy policy must be reined together;" a suggestion more relevant today than then.

Take the current shortage of natural gas in this country, for example. The public asks why the shortage exists and how it can be eliminated. We hear a multitude of causes for the shortage, if we believe all the special pleaders inside and outside of government. Depending on which ax they grind, they blame the Federal Power Commission for keeping the wellhead price too low, the Interior Department for not leasing enough land on easy enough terms and with strong performance requirements, the environmentalists for blocking off-shore lease sales, the Environmental Protection Agency for shifting too much of the market to natural gas through its pollution controls, the Congress for reducing the depletion allowance, the Atomic Energy Commission for spending research money for nuclear power that they believe should have gone to other clean energy sources, and on the petroleum industry for underestimating demand or holding back on deliveries to create a shortage and boost prices. Others claim the shortage of natural gas is in the resource base itself and that the wasteful patterns of consumption are growing faster than it is feasible to find and produce what is left.

Those conflicting views bring home the diverse and frequently inconsistent responsibilities of different federal agencies. No government entity has the responsibility and competence to sort out the charges, much less to develop an action program to provide an adequate supply of clean energy for America's future. Other examples of conflict between the energy programs of different agencies are legion. Perhaps more telling are the instances where the tough decisions are not made because there is no one in a position to push the decision-making process to a conclusion.

In the 1950's and 1960's it did not seem crucial that we develop a mechanism for making better sense out of our energy policy. The nation still had abundant sources of energy, prices were low, and the nation had not yet alerted itself to the fact that the air we breathe and our waterways were being used as public garbage cans for the waste products of a high energy civilization.

Now all of that has changed. We have moved rather suddenly from an era of apparent abundance to a period of scarcity in energy supplies that are compatible with our new found environmental ethic. Thus we find that the energy agencies are still operating under the ground rules of prior decades when more was always better and smoke was a sign of progress. It is little wonder that their programs don't mesh with those of new agencies such as the Environmental Protection Agency and the aspirations of the nation as a whole which demands new standards of performance. There is no one to develop a policy for reconciling the conflicts which are much more widespread than just a question of energy and the environment.

We now see the foreign policy of the nation very much intermeshed with our energy policy because imports are now supplying as much as half of the growth of energy supply and are likely to do so for the foreseeable future. Thus the State Department and the White House itself has a very deep interest in our energy policy as exemplified by the Middle East and recent discussions with the Soviet Union as to the importation of natural gas.

As we enlarge the importation of energy, balance of payments considerations that trouble the Treasury become a significant aspect of energy policy. And with tax reform a major concern we will be reassessing the special incentives to encourage exploration for fuels as well as considering new tax provisions to carry out other goals of energy policy. We thus find that for several reasons the Treasury Department is moving from a peripheral to a central role in the fashioning of our energy policy.

There is increasing concern about problems of monopoly in fuels production as well as other segments of the energy industry. The Justice Department's Anti-Trust Division thus plays a significant role in energy policy. And as we face up to the shortages of natural gas and other domestic sources of energy, we find that the basic price control mission of the Federal Power Commission must be reexamined.

If we look beyond the narrow confines of energy supply we find that energy policy is meshed with transportation policy. It is in this area that greater efficiency in the use of energy is a good way to help solve the energy problems. We must question a transportation policy which gives a suburban consumer no choice other than to drive a one or two ton vehicle to move a 150 pound person to work. It is a policy which encourages travellers to use airplanes for a short 200 mile trip when a fast train could transport him at one-eighth the per capita consumption of energy. The responsibilities of the Department of Transportation are thus centrally related to an energy policy.

Indeed, we cannot consider energy policy without addressing the basic issue of how America is to grow. Of prime importance is how and where we plan to house our growing population. It will make a powerful difference whether people must travel thirty miles a day to work or whether they can be provided with decent housing, adequately insulated, in close proximity to their jobs. Thus the Department of Housing and Urban Development must be involved in energy policy formulation.

Mr. Chairman, with these examples I have attempted to sketch out the pervasive nature of energy policy. It involves a multitude of federal interests that go beyond the energy agencies themselves. These interests include foreign policy (State); the environment (EPA); transportation (DOT); taxation (Treasury); housing and urban planning (HUD); price control (FPC and Price Commission); anti-trust enforcement (Justice); international trade (Commerce and the Tariff Commission); and research and development (NSF). Indeed, energy policy is of vital concern to most of the major departments as well as many independent agencies.

It is thus apparent that to fit the pieces of the energy puzzle together we need an entity with a mandate that can cover all of government as well as reflecting the needs and aspirations of all segments of our high energy civilization. The establishment of a Department of Natural Resources would greatly strengthen the energy programs, now scattered in Interior and the Atomic Energy Commission, but it could provide only one of the many inputs needed to develop a National Energy Policy. There is no way for a single, line agency or department to fashion and implement a National Energy Policy all by itself. Our energy policies must evolve through the coordination of the on-going programs of a multitude of departments and agencies.

It is vital, therefore, that we establish an umbrella council such as proposed in S 3802 to be a focal point for the continuing task of shaping and reshaping our energy policies to meet the changing problems of the coming decades. The Council must be an entity that stands high in the pyramid of government and with sufficient stature and staff to coordinate and to integrate the conflicting views of the agencies and to chart a course of action. That standing and the strong voice such an agency would require can be achieved only by making it an integral part of the White House establishment.

The sponsors of S. 3802 and comparable bills properly lodge the proposed Council in the Executive Office of the President. It can then work as part of the Presidential team in concert with the Council of Economic Advisors, the Council on Environment Equality, the Office of Management and Budget, and the President's White House Staff.

S. 3802 provides for an independent Council, bi-partisan in nature and supported by staff of its own. I believe these provisions are crucial to the success of the entity. A Council that is a committee made up of the heads of the existing agencies would be a tragic mistake. Committees are at best a most awkward mechanism for getting anything done. This is not to suggest that the existing agencies cannot make an essential contribution to the development of a National Energy Policy. But an independent, high level Council is essential if the hard choices inherent in reconciling conflicting views are to be presented to the people and decisions made.

The bill's provision for an independent staff for the Council is also essential. Without a strong staff of its own, the Council would be at the mercy of the special interests in government and on the outside. A strong staff at this level of government could also provide continuity from one administration to the next, which is important in this crucial and essentially nonpartisan area of concern.

S. 3802 would make the Council responsive to the Congress and to the public. This role of spokesman is vital because Congress and the public cannot be expected to make sense out of the babble which results from the many agencies now speaking out in all directions on the problems of energy. In the final analysis, the Congress must determine our National Energy Policy through the actions of the authorizing and appropriations committees, but the Congress cannot develop coherent policies unless there is a focal point in the Executive Branch which can serve as the authoritative spokesman on energy matters. Such a spokesman can reflect the best thinking of all the executive agencies backed by the White House. The Council to be established by S. 3802 would serve that function.

The actual development of a National Energy Policy is a never ending task that very much involves the Congress as well as the President and the concerned Departments and Agencies in the Executive Branch. The bill before us wisely provides only the mechanism and not the substance of a policy. The substance will evolve over time if there is a process in government to bring the issues into focus.

I have not had an opportunity to study the detailed features of the bills before you but there is at least one aspect of S. 3802 which troubles me. Section 2(F) attempts to specify guidelines for an energy impact statement to be prepared by all agencies at the discretion of the Council. These criteria seem quite vague to me and I am concerned that the bureaucracy might comply with a flood of meaningless paper. It would seem preferable to allow the Council to specify the contents of the energy impact statement, as well in what circumstances they are needed, after opportunity for comment by the agencies and the public.

There are no doubt other features of S. 3802 that could benefit from further scrutiny. But the essential features are sound.

Mr. Chairman, there is one theme about energy policy which all parties in interest seem to echo these days. There is general agreement on the absolute necessity of moving to establish a National Energy Policy. The work of this committee and findings of the study under S. Res. 45 being conducted by the State Interior Committee, parallel efforts in the Committees of the House, the Executive Branch, and elsewhere will contribute to this monumental task. I hope our own Ford Foundation Energy Policy Project will also make a contribution. But whatever findings are made, we must have a focal point, a process in the Executive Branch where energy policy can be pieced together and integrated.

S. 3802 provides us with a sensible proposal to fill a gaping hole in the institutional arrangements needed to develop a National Energy Policy. It represents a positive and crucial step toward that end. I urge the Committee, in consultation with the other concerned Committees of the Congress, to report favorably the basic features of this legislation as promptly as possible.

SUICIDE BY GUNFIRE

Mr. SCOTT. Mr. President, shortly after the attempt on Governor Wallace's life, I noticed a most distasteful advertisement in the Washington Post. It had a sketch of an obviously distraught man's face, and in his hand, pointed against his temple, was a gun. The ad implored the man not to shoot himself, that things could be brighter, if only he signed up in a Dale Carnegie self-improvement program.

Because I felt that the ad was in such poor taste, and lacking any effective editorial control, I called it to the Post's attention. According to HEW's Bureau of Vital Statistics, more than 12,000 people will kill themselves this year with guns. This is neither to say that guns should be outlawed nor that these people would not find some other way to end their lives. It is to say that suicide, especially by gunfire, is such a tragic occurrence, that it certainly should not be given any legitimacy or sanction by a commercial enterprise, be it a newspaper or a self-improvement program.

The Post responded, I am pleased to note, and said that it was mindful of the problem and was attempting to monitor it more closely. One can only hope that through such a monitoring system, more people may be encouraged not to take their lives but rather to seek proper medical treatment instead.

Mr. President, I ask unanimous consent that the letter from the Washintgon Post be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

THE WASHINGTON POST,
Washington, D.C., July 31, 1972.

Hon. HUGH SCOTT,
U.S. Senate,

DEAR SENATOR SCOTT: Some time ago, it was brought to our attention that your office raised concern over an advertisement in The Post which had a drawing of a person holding a revolver and a heading that referred to the fact that one did not have to go out and shoot oneself but could rather go enroll in a Dale Carnegie improvement course.

The point was raised that The Post should do whatever possible to eliminate guns and references to shooting from its advertisements.

I wanted you to know that we agree that the point raised is a good one, and we are asking our advertising acceptability committee at The Post to discourage if not eliminate headings and copy themes with guns and the like. We don't think, at this point, that it is appropriate or necessary to make arbitrary rulings about this, but we are going to do our best to condition and persuade advertisers to avoid such unnecessary and negative references.

Sincerely,

JOHN PRESCOTT.

ADDITIONAL NAMES OF ALABAMIANS WHO DIED IN VIETNAM

Mr. ALLEN. Mr. President, I have placed in the Record, the names of 1,154 Alabama servicemen who were listed as casualties of the Vietnam war through March 31, 1972. In the period of April 1 through June 30, 1972, the Department of Defense has notified nine more Alabama families of the death of loved ones in the conflict in Vietnam, bringing the total number of casualties to 1,163.

I wish to place the names of these heroic Alabamians in the permanent archives of the Nation, paying tribute to them, on behalf of the people of Alabama, for their heroism and patriotism. May the time not be distant when there will be no occasion for more of these tragic lists.

I ask unanimous consent to have printed in the RECORD the names of the next of kin of these nine Alabamians.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL

ARMY

Capt. Paul V. Martindale, husband of Mrs. Gloria J. Martindale, Route 4, Box 504, Ozark.

1st Lt. Johnny M. Jones, son of Mrs. Willie M. Jones, 223 Casey Avenue, Auburn.

1st Lt. George K. Barsom, III, husband of Mrs. Donna C. Barsom, 4718H Narrow Lane Road, Montgomery.

1st Sgt. Johnny C. Martin, husband of Mrs. Raquel Martin, 4756 Vermont Avenue, Birmingham.

Sp4. Alvin R. Elenburg, son of Mr. and Mrs. Charles Elenburg, Route 4, Box 398, Jasper, Alabama.

WO1 James A. Barefield, husband of Mrs. Olivia N. Barefield, Route 1, Box 152, Midland City, Alabama.

S.Sgt. Charles D. Gipson, son of Mrs. Ruby D. Wood, 217 Thompson Street, Brewton, Alabama.

Capt. Barry C. Tomlin, husband of Mrs. Maria C. Tomlin, Cossa Deville, Apt. 3D, Childersburg.

Sp4. Willie Hoover, Jr., son of Mr. and Mrs. Fred L. Towns, 419 West 14th Street, Anniston.

NO-FAULT INSURANCE

Mr. MOSS. Mr. President, the Salt Lake Tribune on Wednesday, August 9, published a lead editorial entitled "Federal Statute Would Guarantee Uniform No-Fault Insurance." This is a thoughtful editorial which concludes by saying:

> If the no-fault idea is here to stay, and indications are that it is, then this nation on wheels and people on the move in millions of automobiles must have a uniform no-fault insurance law. There is no need to wait any longer.

I agree highly with the reasoning of the Salt Lake Tribune. Waiting for each of the States to act separately not only postpones the time for the corrective action of no-fault insurance, but it would assure a varied and uneven system throughout the United States. As the Tribune says, we are a nation on wheels, and people on the move in millions of automobiles. So the only sensible thing to do is to have a uniform system throughout the whole of the United States.

I ask unanimous consent that the Tribune editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FEDERAL STATUTE WOULD GUARANTEE UNIFORM NO-FAULT INSURANCE

A few months ago James M. Beggs, under secretary of transportation, told a group of insurance company executives that "no-fault insurance reform will come more swiftly than most people anticipate. To think otherwise is to dangerously underestimate the power of consumerism in American politics and government."

Mr. Beggs was stating the Nixon administration's position on the controversial auto insurance system under which it is not necessary to establish who, if anyone, is at fault in a car accident in order to receive compensation for loss. Yet the Nixon administration is working against passage of a no-fault insurance law and Tuesday night the Senate voted to send a no fault bill back to committee, probably killing it for this session.

The contradiction is more apparent than real. The administration favors no-fault auto insurance but it wants to let each state handle the matter for itself. The Senate bill, introduced by Sen. Warren Magnuson, D-Wash., would give states one and one-half years to pass no-fault laws based on standards set forth in the measure. A driver involved in an accident would no longer have to sue the other motorist and show that the other motorist was at fault in order to recover loss. Each motorist's loss would, within limits, be paid by his own insurance company.

Since Massachusetts passed the first no-fault law in the United States in 1970 several other states have followed suit. Others have taken up the question with mixed results. Therein lies both support and opposition for the Magnuson federal no-fault measure.

When the Senate Commerce Committee approved the Magnuson bill by a 13–4 vote, the majority emphasized the considerable savings to motorists it would provide by rectifying failures of the current system. So great were these benefits, the committee implied, that it could not be left to the states to enact piecemeal no-fault plans.

Many senators opposing the Magnuson bill objected to what they saw as undue haste in enacting federal no-fault laws. They preferred to wait, let the states experiment for a few more years and thus enable the federal government to profit by the states' experiences. Significantly, few opponents attacked the basic idea of no-fault insurance, they only questioned the wisdom of "rushing in" with a federal law before all the facts were in.

Opposition to no-fault insurance is far from dead as the Senate vote shows, but the trial lawyers and some insurance associations still fighting are pursuing a lost cause. Common sense behind the no-fault concept is too overpowering to contain. Initial experience in Massachusetts and other no-fault states is confirming the validity of the new system. No-fault is here to stay.

There is something to be said for going slow, for waiting and seeing how the states make out with the new concept. But the waiting and seeing has been going on for almost three years now. And during that time a patchwork of no-fault plans is beginning to take form as additional states come into the picture with their diverse no fault legislation.

The Magnuson bill was the result of a two year Commerce Committee study which took into consideration the experience Massachusetts and other states have had with no-fault. A federal law will insure that no-fault insurance operates the same way in Utah as it does in Florida, the same in New York as in New Mexico.

If the no-fault idea is here to stay, and indications are that it is, then this nation on wheels and people on the move in millions of automobiles must have a uniform no-fault insurance law. There is no need to wait any longer.

FEDERAL AID TO STATE AND LOCAL VOTER REGISTRATION

Mr. KENNEDY. Mr. President, last Thursday, by the narrow margin of 45 to 40, the Senate defeated a proposal offered by the distinguished Senator from Alaska (Mr. STEVENS) and myself to establish a voluntary program of Federal financial assistance for State and local governments in the area of voter registration. The proposal, which we offered as a Senate floor amendment to the American Revolution bicentennial bill, was a slightly modified version of S. 3420, which Senator STEVENS and I introduced last March, together with a number of other cosponsors.

Some weeks ago, in an effort to obtain the reaction of State and local election officials to this legislation, I mailed copies of the bill to a number of such officials and other experts in many different parts of the country. So far, I have received 19 replies from 13 States. The response has been overwhelmingly favorable. I ask unanimous consent that the letters I have received be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ALASKA

STATE OF ALASKA,
Juneau, July 21, 1972.

Hon. EDWARD M. KENNEDY,
U.S. Senator,
Washington, D.C.

DEAR SENATOR KENNEDY: This is in response to your letter of June 19 written to our Department of Administration concerning your introduction of S. 3420 in the United States Senate to provide federal financial assistance to state and local governments carrying out programs for voter registration. Please be advised that this office, which is charged with the responsibility of voter registration and elections in the State of Alaska, heartily endorses the concept of S. 3420. We feel that it is badly needed legislation and provides support to those states making an all out effort to conduct on-going voter registration programs.

I note in a recent letter that you wrote to Senator Mike Gravel on this subject that you indicated that South Carolina "leads the nation in applying computer techniques in this area." I am sure you would be pleased to note that the State of Alaska's election procedure has been completely computerized since the primary election in August of 1970. In addition to this, we are one of the few states that provide a statewide computerized list of registered voters on request and also maintain a master file on all registered voters in the state as well as a record of their voter history. An on-going voter registration program since our assuming office in November of 1970 has seen approximately 40,000 new registered voters added to the list. A recent voter registration program in the high schools and universities throughout the state has resulted in over 80% of our young people being registered. We estimate that in the State of Alaska, there are approximately 150,000 of the state's 302,000 citizens who are eligible to register and vote. As of June 17 of this year, we had registered approximately 126,000 voters and are in hopes that we will reach the 140,000 mark by the November General Election.

A personal note from an ex-Fall River-ite who had the pleasure of knowing your brother, President John F. Kennedy, (see enclosed). It was our fondest hope that you would be nominated as the Democratic candidate for President of the United States.

However, we deeply respect your deep sense of responsibility to your family and the families of your brothers. When the day comes, however, that your decision to run for the Presidency is affirmative, please call on us for assistance. We would be honored to serve in any capacity for it is largely through the inspiration of your brother, President Kennedy, that we chose Alaska and became involved. We feel that somehow or other we are trying in our own way to carry his message into tomorrow.

Warmest personal regards.

Sincerely yours,

H. A. BOUCHER,
Lieutenant Governor

CALIFORNIA

GEO. N. GNOSS, MARIN COUNTY
CLERK—REGISTRAR OF VOTERS,
JURY COMMISSIONER, HALL OF
JUSTICE, CIVIC CENTER,
San Rafael, Calif., July 7, 1972.

Hon. EDWARD M. KENNEDY,
New Senate Building,
Washington, D.C.

MY DEAR SENATOR KENNEDY: Thank you for your letter of June 19.

Your 1972 Voter Registration Assistance Act, S. 3420 is a most valid means toward election and voter registration reform.

The technical backwardness of many local voting jurisdictions can only be remedied from within. Your bill leaves the necessary incentives with local jurisdictions which gives your program an assurance of success over other more mandatory legislation.

Lack of incentive or courage to adopt modern automated systems is usually related to lack of monetary and technical assistance. As a result, voter registration drives suffered and public involvement in local government affairs was slow even before Dunn v. Blumstein.

In our own experience prime emphasis must be placed on the "Planning" grant portion of your bill. After we created a completely automated election and voter registration system in this country our methods were imitated. Much more could be accomplished with slight monetary incentives offered to many other willing jurisdictions.

To share technical achievements provides uniformity, dollar savings, and with every new use an ever increasing sophistication of programs and procedures. In the alternative, all our 58 separate California voting jurisdictions could struggle with their own individual and possibly forever mediocre systems. (And consider the costs of 58 separately developed systems over a handful of excellent ones.)

In addition to monetary incentives we've become aware of a need for proper and easy communications. We offer you one such channel of communications for California in "The New Voter."

"The New Voter" sponsors a monthly magazine and provides college credit courses for state-wide faculty on subjects of local government and election law. "The New Voter" is endorsed by both major state party organizations. Top state Officials, including leaders in the State Assembly and Senate, serve as Directors.

Let us know if we can help.

Very truly yours,

PETER C. MEYER,
Elections Officer.

BERKELEY, CALIF.,
July 4, 1972.

Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: I am happy to send you my comments on S. 3420 providing for Federal aid to State and local government for the conduct of registration of voters. The registration of voters is a highly important function of government applicable alike to state, national and local elections, but the cost is now paid for exclusively by local governments. Federal grant-in-aid would provide a desirable incentive to local government to carry on effective campaigns to secure a high percentage of qualified voters on the registration books. It is regrettable that millions of qualified voters fail to vote because they are not registered. This is due, no doubt, in part to inconvenient registration procedures and to the failure of local governments to conduct affirmative campaigns to secure a maximum number of registered voters.

While it is highly desirable to achieve a maximum number of qualified voters on the registration rolls, it is equally important to keep the registration lists up to date and purged of the names of voters who have died or who no longer reside at their registered addresses. The registration lists usually include a large number of names of voters who are no longer qualified to vote in the precinct, and hence constitute a potential danger rather than a protection against voting frauds. Instead of purging the registration lists *after* major elections, which is now the practice in most states, practicable and feasible procedures should be used to keep the lists constantly up to date. Such procedures are presently used in a few jurisdictions, but unfortunately most jurisdictions make little effort to keep the lists up to date.

I anticipate that there will be considerable difficulty in determining the actual cost of registration, as distinct from the conduct of elections, in each jurisdiction. These two related functions are almost always performed by the same office. I would suggest accordingly that a more practicable procedure would be to authorize the Voter Registration Assistance Administration to determine the reasonable cost to conduct registration of voters, and to provide a uniform grant per registered voter applicable to all states which meet the standard provided in the act. After experience the Congress may decide to enact a more specific formula. In addition to the basic grant, I would suggest special grants for the conduct of registration outside of the central office by registration deputies before major elections, the computerization of the registration records, and for keeping the registration lists up to date.

A final suggestion which I would offer is to require the use of a merit system for registration permanent personnel in the central offices. This is the practice in many states at present, but in other states the registration and election personnel are still under the patronage system.

I should be glad to be of any assistance to you in the consideration of S. 3420.

Sincerely,

JOSEPH P. HARRIS,
Professor Emeritus of Political Science, University of California, Berkeley.

COMPUTER ELECTION SYSTEM,
Berkeley, Calif., July 14, 1972.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I am writing in response to your letter of June 19, 1972 regarding the "Voter Registration Assistance Act", S. 3420.

I am in concurrence with the Court's thirty day residence ruling. However, having worked with election administrators throughout the United States for the past eight years, I can understand their concern over this ruling.

Most systems of maintaining voter registration files are antiquated thereby, not readily lending themselves to the thirty days requirement. Computerization of those records will make the job tenable.

As your letter indicated, conversion costs will be incurred in the implementation of a computerized system. I believe that the federal assistance which you propose will assist significantly in this conversion.

Our company has recently performed the conversion to computerized voter registration records for three counties. We believe that the significant benefits are: (1) more accurate records, (2) more timely processing of records, and (3) reduced operating costs.

If we can be of any assistance in your efforts with S. 3420, we will be glad to help.

Sincerely,

ROBERT P. VARNI,
President.

DELAWARE

STATE OF DELAWARE, OFFICE OF
COMMISSIONER OF ELECTIONS,
Dover, July 6, 1972.

Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: In reference to your letter concerning S.B. 3420, we in elections in the State of Delaware are in agreement with the major parts of this bill. I can see where this would be a greater assistance to the larger states that have a low percentage of their eligible voters registered for voting purposes. We in the State of Delaware are very fortunate in being a small state and our percentage is quite high. At the present time we have approximately 75% of our population of voting age registered to vote and our records are fully computerized.

If your S.B. 3420 passes we would be interested in the grants to which we would be entitled.

The post card registration we in Delaware are not interested in at all. We have our mobile registration units which visit various locations as well as two mandated in-district registrations at each polling place in the state. I can see that possibly in the large western states the post card registration would be feasible.

I like the part of your bill that does not mandate any action by states and gives each state a voluntary approach.

If I can be of further assistance, please contact this office.

Very truly yours,

BURTON D. WILLIS,
State Election Commissioner.

FLORIDA

METROPOLITAN DADE COUNTY, FLA.,
ELECTIONS DIVISION,
Miami, Fla., June 27, 1972.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Your letter of June 19, addressed to Mr. Willard J. Miller, Acting Supervisor of Elections, Dade County, Florida, has been referred to me as I assumed the position of Supervisor of Elections on June 1, 1972.

News of your new legislation to provide Federal financial assistance to state and local governments to carry out programs for voter registration, and to provide incentives for the modernization of obsolete registration procedures deserves the applause we are sure every election official in this nation will give it.

We welcome the opportunity to comment on this bill and know of no better way than to give a 100% endorsement to the remarks you made on March 24, 1972 when you presented the bill in the Senate. You gave a very accurate picture of the registration situation as it now exists, and the financial assistance proposed in your bill certainly will stimulate action to bring this most important function out of its "horse and buggy" environment.

We expect our total registration for the general election this year to be around 650,000, compared to 467,239 in 1970, and we are still doing the job manually. We are in the discussion stage on computerizing our voter rolls and we are sure that if some federal financial assistance becomes available in this respect, we will be on data processing much sooner than our present expectations.

Voting procedures over the nation have been in desperate need of upgrading for years and we congratulate you most heartily for initiating a program that is bound to have a resounding effect on the system.

Sincerely,

HOKE WELCH,
Assistant County Manager and Supervisor of Elections.

HAWAII

OFFICE OF THE LIEUTENANT GOVERNOR,
Honolulu, Hawaii, July 14, 1972.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I'm sorry that I'm late in answering your letter of June 19, 1972. I had been on the mainland, and I am just catching up with the work that has piled high on my desk.

Regarding S. 3420 which you had introduced in the United States Senate, as an election official, I feel that its provisions would aid us tremendously in carrying out an effective voter registration program. As with many things, the lack of money is a great deterrent. If your bill becomes law, the financial assistance to be rendered by the federal government to state and local jurisdictions would be welcomed. Your ideas for "incentive" and "planning" grants are also very sound.

Our office has developed a Voter Registration Program that has been highly successful. I'm enclosing copies of the reports for the 1968 and 1970 programs which you might find of interest.

If we can be of any assistance to you, please feel free to contact me again.

Aloha and best wishes.

Sincerely yours,

MORRIS T. TAKUSHI,
Director of Elections.

ILLINOIS

ROAN, GROSSMAN, SINGER,
MAUCK, KAPLAN & LUNDIG,
Chicago, Ill., July 10, 1972.
Re S. 3420.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Your letter explaining S. 3420 was addressed to me as General Counsel for the BiPartisan Committee for Absentee Voters. You enclosed a copy of your remarks from the Congressional Record along with a draft of the bill. In addition to being General Counsel for the BiPartisan Committee, I am also Counsel for the Illinois Election Laws Commission, which, during the past year, has been vigorously engaged in drafting a new election code for the State of Illinois ("Election Code of 1972"). My comments on your bill reflect my experiences in the drafting of the new election code as well as General Counsel for the BiPartisan Committee.

The Election Code of 1972, which passed the Illinois Senate and which is pending in the Illinois House of Representatives, calls for, among other things, reregistration throughout the State of Illinois. Reflecting the desire to obtain maximum registration, the proposed Code requires comprehensive effort by local registration officials to seek out registration, rather than making it difficult for people to register (such as only allowing registration in the office of the registration official). For example, the Code provides for mobile units, for deputy registration officials spread throughout the jurisdiction of a registration official and for precinct registration. These three methods of registering persons outside the office of a registration official are optional in that each registration official need select only one, although he can adopt two or even all three methods outlined.

There is no question but that reregistration will be an expensive procedure. Certainly, however, the method of registration as now applied, and as proposed, will permit computer techniques to be utilized, particularly in the area of publishing poll lists. Yet cost is a substantial question. One of the objections to the Election Code of 1972 in Illinois was the question of the cost of reregistration. In the event that S. 3420 should become law, one would hope that reregistration under our law would qualify for the grants which you have outlined; so I presume one of the questions which immediately arises regarding S. 3420 is whether our reregistration program would qualify for the grant. Perhaps you could comment on this question.

Based on our hearings in the State of Illinois, I believe that the citizens of our State are not yet prepared to accept postcard registration in Illinois. One of the basic methods utilized here for identifying the voter on Election Day is the comparison of his signature on his application to vote with his signature on the registration record card. In Massachusetts, as you know, voter lists are sent out, but there is no signature of the voter in the precinct on Election Day for comparison purposes. Each person who registers to vote in Massachusetts simply signs what I believe is known as the "police list". The objection to postcard registration in Illinois is that such registration does not assure that the signature on the registration card is in fact the signature of the voter allegedly registering.

In addition to strong opinion among election officials that there should be a registration record card in the precinct on Election Day with the signature of the voter thereon, there is also strong feeling that absentee registration should be limited. The exceptions to absentee registration in the proposed Code are in the case of Americans residing overseas (as to President and Vice President only), members of the Armed Forces and persons on the business of the United States or the State of Illinois who reside outside of Illinois.

In summary, based on my experience as General Counsel for the BiPartisan Committee for Absentee Voters and as Counsel for the Illinois Election Laws Commission, I support any legislation which encourages the modernization of election procedures. Whether Federal funding is necessary or desirable involves some philosophical determinations. If postcard registration anticipates that the signature of a registrant will not be on his card in the precinct on Election Day, I am sure such revision in the law would be unacceptable to the vast majority of persons interested in election administration in Illinois.

Thank you for your letter. I would appreciate being advised as to the future disposition of S. 3420.

Cordially,

FRANKLIN J. LUNDING, Jr.

KENTUCKY

COMMONWEALTH OF KENTUCKY,
OFFICE OF THE ATTORNEY GENERAL,
Frankfort, June 22, 1972.
Hon. EDWARD M. KENNEDY,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

MY DEAR SENATOR KENNEDY: This is in response to your letter of June 19 in which you enclose a copy of a bill [S.B. 3420] introduced by you to provide federal financial assistance to state and local governments in carrying out their voter registration programs.

I am referring your letter and bill to our newly created State Board of Elections for comment since it will have the responsibility of administering our registration and purgation laws on a centralized computer basis pursuant to recently enacted legislation. This legislation revises the election laws of Kentucky, requires the reregistration of all voters and as stated, computerizes voter registration. Also, our Legislature, meeting in special session, has just enacted legislation implementing the Supreme Court's decision in the case of Dunn v. Blumstein, by fixing the durational residential requirements at 30 days for all elections.

Your proposed bill could mean substantial assistance to Kentucky in reducing the financial burden imposed by the referred to legislation. Thus, in view of the bill's obvious merits, I am sure that our State Board of Elections will soon favor you with its reaction and comments.

Sincerely yours,

WALTER C. HERDMAN,
Assistant Attorney General.

COMMONWEALTH OF KENTUCKY,
OFFICE OF SECRETARY OF STATE,
Frankfurt, July 13, 1972.
Hon. EDWARD M. KENNEDY,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

MY DEAR SENATOR KENNEDY: Walter C. Herdman, Assistant Attorney General for the Commonwealth of Kentucky, has brought to the attention of the State Board of Elections Senate Bill 3420 introduced by you to provide Federal financial assistance to State and local governments in carrying out voter registration programs.

The 1972 Kentucky General Assembly enacted legislation which will modernize our voter registration procedures. This legislation was closely patterned after South Carolina's election law and requires reregistration of all voters on a centralized computer basis. In special session, our Legislature enacted legislation implementing the Supreme Court's decision in the case of Dunn v. Blumstein.

Your proposed bill could, if enacted, mean considerable financial help to Kentucky and would reduce the financial burden imposed by the above mentioned legislation.

I have written the Senators and Congressmen from Kentucky requesting their help in the passage of this legislation, and if there is anything further our State Board of Elections can do to assist, please do not hesitate to contact us.

Sincerely yours,

THELMA L. STOVALL,
Chairman, State Board of Elections.

COMMONWEALTH OF KENTUCKY,
LEGISLATIVE RESEARCH COMMISSION,
Frankfurt, Ky., June 30, 1972.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: In response to your letter of June 19, soliciting our views on S. 3420 (proposed federal financial assistance for voter registration), we can give you a preliminary response. It appears that the funds which would become available could be used to implement a major revision of Kentucky election law enacted in the 1972 session. A major provision of the new law requires a complete re-registration of all Kentucky voters by our November, 1973 elections. One of our concerns has been whether sufficient resources will be available to do the job as it should be done. We have reason to believe that the Governor and the Secretary of State would also give general support to S. 3420, although we are not speaking for them.

If further study suggests a more detailed response, we will follow-up accordingly.

Sincerely,

PHILIP W. CONN,
Acting Director.

LOUISIANA

STATE OF LOUISIANA,
Baton Rouge, April 6, 1972.
Hon. EDWARD M. KENNEDY,
U.S. Senator,
Washington, D.C.

DEAR SENATOR KENNEDY: Because of an exceptionally heavy schedule, I have only today had the opportunity to "digest" the excerpts from the Congressional Record you sent me which includes the bill of your introduction providing grants to state and local governments for improvement of their registration procedures.

I have carefully read the provisions of your proposal, and believe that it would be of immeasurable assistance to our state and its communities in modernizing improving our voter registration.

Hoping that your bill may have favorable reception, and with sincere good wishes, I am,

Very sincerely yours,
WADE MARTIN, Jr.,
Secretary of State.

MICHIGAN

CITY OF FENTON,
Fenton, Mich., June 26, 1972.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for your letter relative to SB 3420 which would provide federal financial assistance to state and local governments to carry out programs for voter registration.

I am not familiar with the durational residence requirements which existed in many of the states and do not feel qualified to judge the need for such aid in any area other than my own. The abolishment of durational residence requirements for voting in all elections should not impose any undue burden or expense in my own case. Michigan had only required a six month residence in the state and abolishing this requirement should not affect our city to any great extent.

Such a program of financial aid might possibly be of great benefit to our university towns as they are perhaps the hardest hit by several recent changes in registration laws. I do not feel qualified to speak for them and if you have not already done so I would strongly recommend that you contact the clerks of these university towns, particularly the clerks of East Lansing (Michigan State University), Ann Arbor (University of Michigan), Kalamazoo (Western Michigan University), Ypsilanti (Eastern Michigan University) as well as others.

I personally do not approve of "incentive" grants. I have been working with voter registration and election procedures for eighteen years now and I feel that Michigan has an excellent system. My experience has been that those people who are interested in voting will expend a little effort to see that they are registered and I am vehemently opposed to "armchair registration" and post card registration. The Municipal Clerks Association of Michigan has worked long and hard to preserve the purity of elections and to insure the conduct of orderly elections. These things are dependent upon up to date, reliable lists of qualified electors and must not be bogged down with "dead wood".

Of major concern to Michigan Municipal Clerks at the present time is the outlawing of the two-year voter registration law by the Michigan Supreme Court. If we are to no longer be permitted to purge our registration rolls of those people who do not vote then we are facing a real problem. Michigan law requires that we send a cancellation of registration to a former city or township whenever we take a registration and I would urge that this requirement in some manner be mandatory throughout the United States. Only through such a program can the duplicates be eliminated.

If you will read the July 1972 issue of the ELECTIONews published by the American University Institute of Election Administration, Washington, D.C., you will find a report on the overturning of Michigan's two year law. As the article states, we were required to mail a suspension to every registered voter who had not voted or recorded a change of address in two years. The voter had only to sign the attached postcard and return it in order to keep his registration active. Some of our illustrious Supreme Court Justices ruled that this "placed an undue burden on the voter"! Such an attitude is incomprehensible to me. Any voter who found such a procedure to be an undue burden would most certainly find it far too great a burden to go to the polls and cast his vote! Strange that no one considers it an undue burden on the taxpayers to foot the bill for the expense of carrying all this deadwood on the rolls, the expensive files required for the records, the polling places which must be established based on the number of registered voters and the expensive voting machines which must be purchased, also based on the number of registered voters—regardless of whether the taxpayer foots the bill at the federal level or the local level.

Please, let's stop spoon feeding the people and demand that the voter accept a little responsibility. Voting is a privilege—it is also a duty.

Very truly yours,
(Mrs.) EILEEN RODDY,
City Clerk.

NEW JERSEY

MERCER COUNTY CLERK,
Trenton, N.J., July 13, 1972.
Re U.S. Senate Bill-3420.
Hon. EDWARD M. KENNEDY,
Senate Building,
Washington, D.C.

DEAR SENATOR: In endorsing the above bill, I do so without a shred of pain. For a good number of years we have had to comply with legislation, on a local level, which increased cost to the taxpayer. When a bill of this type comes along, it is meaningful and classed as a conservative piece of legislation; one which will cut away some of the burden of the increase in cost of elections. May I congratulate you for bringing this legislation to my attention through our State Secretary, County Clerk Edward A. Kelly, Jr. of Burlington County.

It is well noted by me that your statements in the press concerning your reluctance to be a candidate for the Presidency and I, for one, wish you were the candidate and many, many more who surround me are of the same mind. Good luck in whatever you do.

Best regards to you and your staff.

Most cordially,
WILLIAM H. FALCEY,
Mercer County Clerk.

COUNTY OF CAMDEN,
OFFICE OF THE COUNTY CLERK,
Camden, N.J., July 19, 1972.
Hon. EDWARD M. KENNEDY,
U.S. Senator, Senate Building,
Washington, D.C.

DEAR SENATOR KENNEDY: A copy of your letter which was sent to Mr. Edward Kelly, County Clerk of Burlington County, regarding S3420, was referred to me for comment.

Please be advised that I am in complete agreement with same and if there is any way in which I may be of assistance, please do not hesitate to call on me.

Sincerely,
MICHAEL S. KEATING,
County Clerk.

THE EAGLETON INSTITUTE OF POLITICS,
New Brunswick, N.J., July 13, 1972.
Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you very much for your letter and the excerpt from the *Congressional Record* concerning S. 3420. As the Staff Director of President Kennedy's Commission on Registration and Voting Participation, I am deeply interested.

You are quite correct in pointing out the impact of Dunn v. Blumstein on local and state election officials and thus federal assistance to the states in helping them meet the potential massive influx of new registrations is probably needed.

There is a further problem, however, and I am sure you are aware of it, and that is the negative attitude of large numbers of local and state election officials when it comes to bending and interpreting liberally their powers to ease the burdens of persons seeking to register. You have doubtless seen the League of Women Voters—National Municipal League's study, ***Administrative Obstacles to Voting,*** which cites some of the attitudes.

Nevertheless, S. 3420 is a sound and practicable bill. In particular, Section #407, the provision to establish a voluntary, nationwide post card registration system funded by the Federal government is interesting and worthy of serious consideration. Basically, this provision is the same as that included in S. 2574, which would have made such a system mandatory. However, it may be beneficial to include in Section #407 a stipulation specifying the exact time and duration such a system would involve. For example, since there is now only a 30-day deadline for registration, it may be practicable to implement the postal registration program several months prior to this 30-day time limit. In this way, there would be sufficient time for the cards to be processed, as well as for the other administrative tasks of the State and local election officials to be completed.

One of the reasons that we on the Commission kept running into for not doing more about registration was the alleged fear of fraud. We found the charges of fraud on the whole to be highly exaggerated, but it is important, as your bill suggests, to devise programs "for the prevention and control of fraud." Perhaps this assistance might include spot checks or "audits" by officials of the Census Bureau.

Regarding the provision on technical assistance by the Federal government in developing and improving more efficient registrations in the States and local governments, it may be instructive to examine the Canadian system of registration, long known as a model of efficiency. Basically, what happens is that pairs of paid "enumerators" canvass door to door in each election district, for the purpose of compiling new and accurate registers of voters. In this manner, each adult receives a personal reminder that he is eligible to vote, that an election is imminent, and that it is in the public interest for him to get on the registration books and go to the polls. This is done in a six-day period commencing 49 days before the election. Under Canadian law, printed lists of eligible voters are made available to each voter, as well as being printed in prominent places within the election district. Anyone left off the list thus has the opportunity to have his name added by a Revising officer, who also has the authority to delete names of persons ineligible to vote.

This system is extremely efficient and successful. Independent spot checks have determined that in the most recent election, 98 percent of all eligible voters in Canada were actually registered. It is quite possible, then, that this kind of system would also be useful in this country, especially in facilitating registration on the local level, particularly in rural and sparsely populated areas.

It is interesting to note that most of the nations of the free world would place the burden for registering voters on the government rather than on the individual citizen.

At any rate, I hope you are able to carry S. 3420 and if there is any way I might be of assistance, please let me know.

Sincerely,
DONALD G. HERZBERG,
Executive Director.

NORTH CAROLINA

MECKLENBURG COUNTY
BOARD OF THE ELECTIONS,
Charlotte, N.C., July 31, 1972.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Please excuse the delay in answering your letter of June 19, 1972, but this office has been extremely busy with a series of local bond elections. We are now in the late planning stages of our fall voter registration campaign, which brings me directly to your proposed legislation.

The complaint most often voiced when election officials, such as myself, propose massive registration efforts is the excessive cost factor. Local government officials are reluctant to spend tax dollars to enable those to register who might in turn vote them out of office. This is disturbing to those of us who believe democracy benefits when everyone is not only allowed, but encouraged to participate in the political process.

Your proposal to allocate federal funds to defray the cost of voter registration efforts is the best method to eliminate the basic argument against massive efforts to register those not now participants in the political process. I am impressed with the specific effort to reward those who make progressive efforts and increase the percentage of those in their jurisdictions that are registered to vote. To those that speak of "states rights" in the field of voter registration, your plan enables them to provide increased registration opportunities without additional cost from local tax sources.

Please accept my thoughts and promise of support in your effort to provide access to the political process for all people. If I can be of further assistance in this effort, please do not hesitate to call on me.

Sincererly yours,

William B. A. Culp, Jr.,
Executive Secretary, Mecklenburg County Board of Elections.

Texas

The Senate of
the State of Texas,
Austin, July 5, 1972.

Senator Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: I received the copy of your remarks and the text of S. 3420. I believe that this is a most sensible and reasonable approach to providing assistance to state and local governments in meeting new voter registration requirements. This bill certainly answers the objections of my local tax assessor collector to the advent of new voter registrants.

I will communicate my support of this measure to the Texas senators.

Thank you for sharing this information with me.

Sincerely,

Barbara Jordan.

Wyoming

Secretary of State,
State of Wyoming,
Cheyenne, Wyo., May 23, 1972.

Hon. Edward M. Kennedy,
Senate Office Building,
Washington, D.C.

Dear Senator Kennedy: Thank you for giving me an opportunity to comment on S3420, the Voter Registration Assistance Act.

I oppose this legislation for the following reasons:

1. Mailing postcards to every household before every election would only confuse the election process. The thousands of voters presently on the registration rolls would assume that they should fill out the card and return it so that the elections officials would at the last moment be flooded with duplicate registrations.

2. It sets up an unnecessary costly procedure for doing a job worse instead of better.

3. Since the states are quickly adopting 30-day residency requirements in accordance with the Dunn vs. Blumfield decision, which is perhaps the shortest period practicable if registration lists are to be computerized, there is no need for it.

4. It is presently possible for anyone to register absentee by postcard who wishes to do so.

5. Elections are much better administered at the local level by election officials known and available to the voters.

6. If the federal government is to set up the provisions and dispense the funds, there may be undue federal control.

Sincerely yours,

Thyra Thomson,
Secretary of State.

MALNUTRITION, LEARNING, AND INTELLIGENCE

Mr. HUMPHREY. Mr. President, the Senate will soon give its consideration to the Child Nutrition Act of 1972, H.R. 14896, as reported by the Senate Committee on Agriculture and Forestry.

The history of the programs contained in this legislation goes back to 1946 when the National School Lunch Act was first enacted. In 1954 the Congress authorized the special milk program, providing cash grants to enable schools to subsidize the price at which fluid milk was offered to children attending schools—which was subsequently broadened to include summer camps, settlement houses, and other nonschool-child care centers. In 1961 the National School Lunch Act was amended to more effectively reach needy children through reduced price and free lunches. In 1966 the school breakfast program was launched, along with financial assistance to schools for administering the lunch program and in purchasing needed equipment to serve lunches. In 1968, financial assistance was authorized to help child feeding programs operated outside of schools, such as day care centers, and summer feeding programs. In 1970 and 1971 Congress took further actions designed to strengthen and expand our Nation's child feeding programs by establishing higher minimum reimbursement rates to assist schools in subsidizing paid lunches, as well as free or reduced price lunches.

The bill that the Senate will consider, H.R. 14896, will increase this financial assistance even further. The additional assistance to be provided under this bill will help further expand these programs which are so vitally important to the health, development and educational attainment of our Nation's children.

Thirty other Senators and I have introduced an amendment to that bill—amendment No. 1431 to H.R. 14896—which will take us yet another step closer to ending hunger and malnutrition in this Nation. Embodied in our amendment are provisions for attacking mal- and sub-nutrition among low-income pregnant and lactating women and infants from birth to age 4 who are found to be a nutritional risk by competent medical authority.

It is during these prenatal, postnatal and preschool periods that sound nutrition is most critical in helping children reach their full intellectual and physical development potential. Nutritional deficiencies during these developmental periods in a child's life cause irreversible physical and mental damage.

In the June 1972 issue of the American Journal of Public Health, Dr. Herbert G. Birch, professor of pediatrics at Yeshiva University in Bronx, N.Y., authored an article entitled "Malnutrition, Learning, and Intelligence," which reviews the many studies and experiments conducted on this subject throughout the world over the past several decades. Dr. Birch's article is without a doubt one of the best reviews of this entire subject on public record today. It is an article that every Member of Congress, every physician, every school official, every Government bureaucrat and every citizen of this country should take the time to read and study carefully. If anyone doubts the value of good nutrition and an adequate socioeconomic environment to the physical and mental development of people, Dr. Birch's article will convince them otherwise.

Mr. President, I ask unanimous consent to have Dr. Birch's article printed in full at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Malnutrition, Learning, and Intelligence

(By Herbert G. Birch, M.D., Ph. D.)

INTRODUCTION

Research on the relation of nutritional factors to intelligence and learning has burgeoned over the past decade. Its resurgence after a period of nearly thirty years of quiescence which followed Patterson's (1930) review of studies conducted in the first three decades of the century reflects a number of social and historical currents. Newly emerging nations as well as aspiring underprivileged segments of the population in more developed parts of the world have increasingly come to be concerned by the association of social, cultural and economic disadvantage with depressed levels of intellect and elevated rates of school failure. Attention has variously been directed at different components of the combined syndromes of disadvantage and poverty in an effort to define the causes for such an association.

Sociologists, psychologists and educators have advanced reasons for intellectual backwardness and school failure relevant to their particular concerns. They have pointed to particular patterns of child care, cultural atmosphere, styles of play, depressed motivation, particular value systems, and deficient educational settings and instruction as factors which contribute to lowered intellectual level and poor academic performance in disadvantaged children. The importance of such variables cannot be disputed and studies and findings relevant to them expand our understanding of some of the ways in which poor achievement levels are induced. However, it would be most unfortunate if by recognizing the importance of these situational, psychological and experimental components of the syndrome of disadvantage we were to conclude that they represented the whole of the picture of even its most decisive components. Any analysis of the content of poverty and disadvantage rapidly brings to our notice the fact that these negative features of the behavioral and educational environment take place within the pervasive context of low income, poor housing, poor health and, in general, defective circumstances for the development of the individual as a biologic organism who interacts with the social, cultural and educational circumstances.

Such considerations inevitably cause us to expand the range of our concern to include a fuller range of factors contributing to lowered intellect and school failure. In this larger perspective the health of the child and, in particular, his nutritional opportunities must assume a position of importance. It has long been recognized that the nutrition of the individual is perhaps the most ubiquitous factor affecting growth, health and development. Inadequate nutrition results in stunting, reduced resistance to infectious disease, apathy and general behavioral unresponsiveness. In a fundamental sense it occupies a central position in the multitude of factors affecting the child's development and functional capacity. It is therefore entirely understandable that in a period dedicated to the improvement of man and his capacities that renewed attention has come to be directed to the relation of nutrition to intelligence and learning ability.

As is almost always the case in new areas of inquiry, clarity of thought and concept has not kept pace with zeal. Confusion has resulted from extravagant claims as to the unique contribution of malnutrition to brain impairment and intelletcual deficit. Further confusion has been contributed by those who have with equal zeal sought to mimimize the importance of nutritional factors and to argue for the primacy of social, genetic, cultural, or familial variables in the production of deficit. Little that is useful emerges from such sterile controversy. It is a truism that malnutrition occurs most frequently in those segments of the population who are economically, socially and culturally disadvantaged. When lowered intellect is demonstrated in malnourished children coming from such groups, it is not difficult to ignore a consideration of the possible contribution of nutritional and health factors by pointing to the possibility that the children affected are dull because they are the offspring of dull parents; or that the general impoverishment of their environments has resulted in experimental deprivations sufficient to account for reduced intellectual function.

Such an argument implies that the children are malnourished because their parents are dull and that their functional backwardness stems from the same cause as their malnutrition. On logical grounds one could of course argue the very opposite from the same bodies of data. However, to do so would not be to consider the issue seriously, but to engage in a debater's trick. The serious task is to disentangle, from the complex mesh of negative influences which characterize the world of disadvantaged children, the particular and interactive contributions which different factors make to the development of depressed functional outcomes. A responsible analysis of the problem, therefore, seeks to define the particular role which may be played by nutritional factors in the development of malfunction, and the interaction of this influence with other circumstances affecting the child.

Before considering the ways in which available research permit us to achieve this objective, it is of importance to clarify the term malnutrition. Characteristically, we in the United States tend to react to the word in terms of a crisis model. When we think of malnutrition our imaginations conjure up images of the Apocalypse. We have visions of famines in India, of victims of typhoons, and of young Biafrans starved by war. These images reflect only a highly visible tip of an iceberg. Intermittent and marginal incomes as well as a technology which is inadequate to support a population result less often in the symptoms characteristic of starvation than in subclinical malnutrition or what Brock (1961) has called "dietary subnutrition . . . defined as any impairment of functional efficiency of body systems which can be corrected by better feeding." Such subnutrition when present in populations is reflected in stunting, disproportions in growth, and a variety of anatomic, physiologic, and behavioral abnormalities (Birch and Gussow, 1970). Our principal concern in this country is with these chronic or intermittent aspects of nutritional inadequacy.

In less highly developed regions of the world, and indeed in the United States as well, chronic subnutrition is not infrequently accompanied by dramatic manifestations of acute, severe, and if untreated, lethal malnutrition, particularly in infants and young children. These illnesses variously reflected in the syndromes of marasmus, kwashiorkor, and marasmic-kwashiorkor are conditions deriving from acute exacerbations of chronic subnutrition which in different degrees reflect caloric deficiency, inadequacy of protein in the diet, or a combination of both states of affairs. Studies of children who recover from such disorders provide significant information on the effects of profound nutritional inadequacy on behavioral development.

In addition to the already mentioned conditions, malnutrition has classically been manifested as a consequence of the inadequate ingestion of certain essential food substances. The diseases of vitamin lack, such as scurvy, rickets, pellagra, and beri-beri, as well as the iron deficiency anemias are representative of this class of disorders.

None of the foregoing should be confused with the term hunger, which has often indiscriminately been used as a synonym for malnutrition. Hunger is a subjective state and should not be used as the equivalent of malnutrition, which is an objective condition of physical and physiologic suboptimum. Clearly, malnourished children may be hungry, but equally, hungry children may be well nourished.

With these introductory considerations in mind we can now approach a series of questions. We shall be concerned with two issues: First, what is the state of sound knowledge of the relation of malnutrition in its various forms to intellect and learning and what is the significance of the evidence for psychology and education. And second, what are the implications of the evidence for improved functioning.

THE EVIDENCE

A number of model systems have been used to explore the relationship of malnutrition to behavior. At the human level these have consisted of: a) comparative studies of well- and poorly-grown segments of children. In populations at risk of malnutrition in infancy; b) of retrospective follow-up studies of the antecedent nutritional experiences of well-functioning and poorly-functioning children in such populations; c) of intervention studies in which children in the poor risk population were selectively supplemented or unsupplemented during infancy and a comparative evaluation made of functioning the supplemented and unsupplemented groups; d) follow-up studies of clinical cases hospitalized for severe malnutrition in early childhood; and e) intergenerational studies seeking to relate the degree to which conditions for risk of malnutrition in the present generation of children derived from the malnutrition or subnutrition experienced by their mothers when these latter were themselves children. Studies of human populations have been supplemented by a variety of animal models.

These animal studies have been a) direct comparative follow-up investigations of the effects of nutritional difficulties in early life on subsequent behavioral competence and b) the study of the cumulative effects of malnutrition when successive generations of animals have been exposed to conditions of nutritional stress. The available evidence will be considered in relation to these investigative models.

In two of our reports (Cravioto, DeLicardie and Birch, 1966; Birch, 1970) we have reviewed many of the earlier studies which have sought to explore the association between malnutrition and the development of intellect and learning. Perhaps the most complete study of the relation of growth achievement to neurointegrative competence in children living in environments in which severe malnutrition and chronic subnutrition are endemic is our study of Guatemalan rural Indian children. The children lived in a village having a significant prevalence level of both severe acute malnutrition and prolonged subnutrition during infancy and the preschool years. At school age, relatively well-nourished children were identified as those with the lowest growth achievements for age. On the basis of this reasoning, two groups of children were selected from all village children in the age range 6 to 11 years. These groups encompassed the tallest and shortest quartiles of height distributions at each age for the total population of village children. In order to avoid problems associated with the use of intelligence tests as measures of functioning in pre-industrial communities, levels of development in the tall and short groups were compared by means of evaluating intersensory integrative competence by a method developed by Birch and Lefford (1963). In this method of evaluation children are required to judge whether geometric forms presented in different sensory modalities are the same or different. Competence in making such judgments follow a clearly defined developmental course in normal children in the age range studied.

At all ages taller children exhibited higher levels of neurointegrative competence than did the shorter group. Overall, the shorter children lagged by two years behind their taller agemates in the competence which they exhibited in processing information across sensory systems.

In order to control for the possibility that height differences were reflecting differences in antecedent nutritional status rather than familial differences in stature, the child's height was correlated with that of the parents. The resulting correlation was extremely low and insignificant. This stands in marked contrast to the finding in the same ethnic group living in more adequate nutritional circumstances. Under these latter conditions the height of children correlates significantly with that of their parents.

Secondly, it was possible that the shorter children were, in the community at risk as well as in communities not at risk of malnutrition, merely exhibiting generalized developmental lag both for stature and for neurointegrative maturation. However, no differences in neurointegrative competence attached to differences in stature in the children not exposed to endemic malnutrition.

And finally, it was possible that the shorter children came from home environments significantly lower in socioeconomic status, housing and parental education, and that both the malnutrition and the reduced neurointegrative competence stemmed independently from these environmental deficits. When differences in these factors were controlled they did not erase the differences in intersensory integrative competence between children of different growth achievements for age in the community at nutritional risk.

Over the past several years replications of this study have been conducted in Mexico by Cravioto and DeLicardie (1968), and in India by Champakam et al. 1968). In addition, Cravioto, Espinoza and Birch (1967) have examined another aspect of neurointegrative competence and auditory-visual integration, in Mexican children of school age. Once again in children in communities at risk of malnutrition differences in growth achievement at school age were reflected in differences in auditory-visual integration favoring the taller children. These latter findings are of particular importance because of the demonstrated association between such competence and the ability to acquire primary reading skill (Birch and Belmont, 1964, 1965; Kahn and Birch, 1968).

A major consideration in interpreting the findings of all these studies is the fact that antecedent malnutrition is being inferred from differences in height rather than by direct observation of dietary intakes during the growing years. However, a multitude of data from earlier studies beginning with those of Boas (1910) on growth differences in successive generations of children of Jewish immigrants, of Greulich (1958) on the height of Japanese immigrants, of Boyd-Orr (1936) on secular trends in the height of British children, of Mitchell (1962, 1964) on the relation of nutrition to stature, of Boutourline-Young (1962) on Italian children, as well as the recent study of heights of 12-year-old Puerto Rican boys in New York City by Abramowicz (1969) all support the validity of such an inference.

It should be noted too that findings similar to those obtained in the Guatemalan and Mexican studies have been reported by Pek Hien Liang et al. (1967) from Indonesia, and Stoch and Smythe (1963, 1968) from South Africa. In the Indonesian study 107 children between 5 and 12 years of age all deriving from lower socioeconomic groups were studied. Forty-six of these children had been classified as malnourished during a previous investigation into nutritional status in the area carried out some years earlier. All children were tested on the WISC and Goodenough tests with scores showing a clear advantage for the better-grown and currently better-nourished children. Moreover, the data indicated that the shortest children were markedly over-represented in the group that had been found to be malnourished in the earlier survey, with the largest deficits in IQ found to be associated with the poorest prior nutritional status.

Stoch and Smythe have carried out a semi-longitudinal study of two groups of South African Negro children, one judged in early childhood to be grossly underweight due to malnutrition, and the other considered adequately nourished. At school age, the malnourished children as a group had a mean IQ which was 22.6 points lower than that of the comparison group. Moreover, these relative differences were sustained through adolescence. Unfortunately, the interpretation of the findings in this study is made difficult because the better-nourished children came from better families and had a variety of nursery and school experiences unshared by the poorly grown children.

Comparative studies of differential cognitive achievement in better and less well-nourished groups in communities at high levels of subnutrition have been supplemented by a relatively large number of follow-up evaluations of children who had been hospitalized for serious nutritional illness (marasmus or kwashiorkor) in infancy. As will be recalled from our earlier remarks, marasmus is a disorder produced by an insufficient intake of proteins and calories and tends to be most common in the first year of life. Kwashiorkor—a syndrome produced by inadequate protein intake accompanied by a relatively adequate caloric level, or in its marasmic form associated with reduced calories as well, is more common in the post-weanling between 9 months and 2 years of age.

As early as 1960 Waterlow, Cravioto and Stephen (1960) reported that children who suffered from such severe nutritional illnesses exhibited delays in language acquisition. In Yugoslavia, Cabak and Najdanvic (1965) compared the IQ levels of children hospitalized for malnutrition at less than 12 months of age with that of healthy children of the same social stratum and reported a reduced IQ in the previously hospitalized group. Of perhaps greater interest was their report of a significant correlation between the severity of the child's illness on admission as estimated in his deficit of expected weight for age with depression of IQ in the school years. Indian workers (Champakam, et al. 1968) studied many variables in a group of 19 children who between 18 and 36 months of age had been hospitalized and treated for kwashiorkor. When compared at school age with a well-matched control group significantly depressed IQ was found in the children previously severely malnourished.

In order to control more fully for differences in the child's genetic antecedents microenvironment, which may still exist even when more general controls for social, class and general circumstances are used in the selection of a comparison group, we in two studies (Birch, Cravioto et al. in press, 1971) and Hertzig, Birch, Tizard and Richardson, in preparation, 1971) have compared children previously malnourished in infancy with their siblings as well as with children of similar social background. In the first of these studies intelligence at school age was compared in 37 previously malnourished Mexican children and their siblings. The malnourished children had all been hospitalized for kwashiorkor between the age of 6 and 30 months. The siblings had never experienced a bout of severe malnutrition requiring hospitalization. Sibling controls were all within 3 years of age of the index cases. Full scale WISC IQ of the index cases was 13 points lower than that of the sibling controls. Verbal and Performance differences were of similar magnitude and in the same direction. All differences were significant at less than the 0.01 per cent level of confidence. These findings are in agreement with those of the Yugoslav and Indian workers and the use of sibling controls removes a potential contaminant for interpretation.

In the second study, Hertzig, et al. (in preparation, 1971) a large sample of 74 Jamaican children, all males, who had been hospitalized for severe malnutrition before they were two years of age were compared with their brothers nearest in age, and with their classmates whose birthdate was closest to their own. All children were between 6 and 11 years of age at follow-up. On examination, neurologic status, intersensory competence, intellectual level, and a variety of language and perceptual and motor abilities were evaluated. Intellectual level was significantly lower in the index cases than in either the siblings or the classmate comparison groups. As was to be expected, the order of competence placed the classmate comparison group at the highest level, the index cases at the lowest, and the sibs at an intermediate level. The depressed level of the siblings in relation to classmates suggests one disadvantage in sibling studies. Clearly, the presence of a child hospitalized for severe malnutrition identifies a family in which all children are at a high level of risk for significant undernutrition on a chronic basis, the index child merely representing an instance of acute exacerbation of this chronic marginal state. Therefore, the index cases and sibs are similar in that they share a common chronic exposure to subnutrition and differ only in that the index cases have experienced a superimposed episode of acute nutritional illness as well. Thus, the use of sibling controls, in fact, does not compare malnourished with non-malnourished children. Rather, it determined whether siblings who differ in their degree of exposure to nutritional risk differ in intellectual outcomes and supports the view that graded degrees of malnutrition result in graded levels of intellectual sequelae.

Other follow-up studies of acutely malnourished children such as those of Cravioto and Robles (1965) in Mexico, Pollitt and Granoff (1967) in Peru, Botha-Antoun, Babayan and Harfouche (1968 in Lebanon, and Chase and Martin (1970) in Denver, have all been shorter-term followups of younger children. Cravioto and Robles (1965) studied the developmental course of returning competence in children hospitalized for malnutrition during the period of their treatment and recovery while in hospital. Their findings indicated that behavioral recovery was less complete in the youngest children (hospitalized before 6 months of age) than in older children. They posed the possibility that this earliest period of infancy was the one most critical for insult to developing brain and thus to eventual intellectual outcome. However, the study of Jamaican children (in preparation—1971) does not have findings which support this possibility. In that study approximately equal numbers of children having experienced an acute episode of malnutrition in each of the four semesters of the first two years of life were examined. Equivalent depression of IQ was found to characterize each of the groups when these were separated by age at hospitalization.

In the Lebanese (1968), Peruvian (1967) and Venezuelan (1963) short-term follow-up studies depression in intellectual level tended to be found in the index cases. In the American study (1970) and in a Chilean study (Monckeberg, 1968) the findings have shown depression in intellectual function in the preschool years in children hospitalized for malnutrition during the first year of life. The American investigators working in Colorado found that 20 children who had been hospitalized for malnutrition before the age of one year had a mean developmental quotient on the Yale Revised Development Examination which was 17 points lower than that achieved by a matched control group of children who had not been malnourished. All of these studies suggest strongly that malnutrition of severe degree in early life tends to depress the intellectual functioning at later ages.

In summary, the follow-up studies of children who have been exposed to hospitalization for a bout of severe acute malnutrition in infancy indicate an association of significant degree between such exposure and reduced intellectual level at school age. The studies, involving careful social class controls and sibship comparisons, suggest that it is not general environmental deprivation but rather factors which are uniquely related to the occurrence of severe malnutrition that are contributing to a depression in intellectual outcome. However, there is some indication that different degrees of recovery may be associated with different post-illness conditions. Thus, urban and rural differences in intellectual outcomes are reported in the sibship comparison studies of Jamaican children earlier referred to (in preparation, 1971).

The fact of such an association provides strongly suggestive but by no means definitive evidence that malnutrition directly affects intellectual competence. As Cravioto, DeLicardie and Birch (1966) have pointed out, at least three possibilities must be considered in the effort to define a causal linkage. The simplest hypothesis would be that malnutrition directly affects intellect by producing central nervous system damage. However, it may also contribute to intellectual inadequacies as a consequence of the child's loss in learning time when ill, of the influences of hospitalization, and of prolonged reduced responsiveness after recovery.

Moreover, it is possible that particular exposures to malnutrition at particular ages may in fact interfere with development at critical points in the child's growth course and so provide either abnormalities in the sequential emergence of competence or a redirection of developmental course in undesired directions. Although certain of these possibilities (such as hospitalization and post-illness opportunities for recovery) can be explored in children, others for moral and ethical reasons cannot. Thus, it is impermissible to establish appropriate experimental models either for interfering with development at critical periods, or for inducing brain damage. The approach to these problems requires either detailed analyses of naturally occurring clinical models or the development of appropriate animal investigations.

Animal models of the effects of malnutrition on brain and behavior have been used to study the issue with a degree of control that is quite impossible in human investigation. In a series of pioneering investigations (Widdowson, 1966, Dobbing, 1964, Davison and Dobbing, 1966) have demonstrated that both severe and modest degrees of nutritional deprivation experienced by the animal at a time when its nervous system was developing most rapidly results in reduced brain size and in deficient myelination. These deficits are not made up in later life even when the animal has been placed on an excellent diet subsequent to the period of nutritional deprivation.

More recent studies (Zamenhof, 1968) as well as by Winick (1968) have demonstrated that the deprivation is also accompanied by a reduction in brain cell number. This latter effect has been demonstrated too in human brain in infants who have died of severe early malnutrition (Winick and Rosso, 1969).

Enzymatic maturation and development in brain is also affected, and Chase et al., (1967, 1970) have demonstrated defective enzyme organization in the brains of malnourished organisms.

In all of these studies the evidence indicates that the effects of malnutrition vary in accordance with the time in the organism's life at which it is experienced. In some organisms the effects are most severe if the nutritional insult occurs in the prenatal period, in others during early postnatal life.

Some confusion in the interpretation of evidence has occurred because of the use of different species, since in different organisms the so-called critical periods occur at different points in the developmental course. Thus, in pigs' brains, growth and differentiation is occurring most rapidly in the period prior to birth, whereas in the rat the most rapid growth occurs when the animal is a nursling. In human beings the period for rapid growth is relatively extended and extends from midgestation through the first six through nine months of postnatal life. In man, the brain is adding weight at the rate of one to two mg/minute at birth and goes from 25 per cent of its adult weight at birth to 70 per cent of its adult weight at one year of age. After this age, growth continues more slowly until final size is achieved. Differentiation as well as growth occurs rapidly during the critical periods, with myelination and cellular differentiation tending to parallel changes in size.

Since brain growth in different species is occurring at different points in the life course it is apparent that deprivations that are experienced at the same chronologic ages and life stages will have different effects in different species. Thus deprivation during early postnatal life will have little or no effect upon brain size and structure in an organism whose brain growth has largely been completed during gestation. Conversely, intrauterine malnutrition is likely to have only trivial effects on the growth of the brain in species in which the most rapid period for brain development has occurred postnatally. When these factors are taken into account the data leave no doubt that the coincidence of malnutrition with rapid brain growth results in decreased brain size and in altered brain composition.

It would be unfortunate if brain growth in terms of cell number were to be viewed as the only definers of rapid change and thus of critical periodicity. In the human infant, neuronal cell number is most probably fully defined before the end of intrauterine life. Thereafter, through the first 9 months of postnatal life, cell replication is that of glial cells, a process which terminates by the end of the first year. However, myelination continues for many years thereafter as does the proliferation of dendrite branchings and other features of brain organization. It is most probable, therefore, that in man the period of vulnerability extends well beyond the first year of life and into the preschool period. Such a position is supported by the findings of Champakam et al. (1968). These workers, it will be recalled, found significant effects on intellect in their group of malnourished children who had experienced severe malnutrition when they were between 18 and 36 months of age.

Other workers who have used animal models have sought to study the effects of malnutrition on behavioral outcomes, rather than on brain structure and biochemical organization. The typical design of these studies are investigations in which animals have been raised upon diets which were inadequate with respect to certain food substances, or, in which general caloric intake has been reduced without an alteration in the quality of the nutriments. Such animals have then been compared with normally nourished members of the species with respect to maze learning, avoidance conditioning, and open field behavior. Unfortunately, most of the investigations have suffered from one or another defects in design which make it difficult to interpret the findings. Though in general the nutritionally deprived organisms have tended to be disadvantaged as learners, it is not at all clear whether this is the result of their food lacks at critical points in development or whether the differences observed stem from the different handling, caging, and litter experiences to which the well- and poorly-nourished animals were exposed. Moreover, in a considerable number of studies food or avoidance motivation have been used as the reinforcers of learning. There is abundant evidence (Mandler, 1958; Elliott and King, 1960; Barnes, et al. 1968; Levitsky and Barnes, 1969) that nutritional deficiency in early life affects later feeding behavior. Consequently, it is difficult to know whether the early deprivation has affected food motivation or whether it has affected learning capacity. The use of learning situations which do not involve food, but are based upon aversive reinforcement, do not remove difficulties for interpretation, since early malnutrition modifies sensitivity to such negative stimuli (Levitsky and Barnes, 1970).

One must therefore recognize that at present, although the animal evidence suggests that early malnutrition may influence later learning and behavior, it is by no means conclusive. Moreover, when learning has been deleteriously affected, the mechanisms through which this effect has been mediated is by no means clear. What is required is a systematic series of experiments in which behavioral effects are more clearly defined, and in which the use of proper experimental designs accompanied by appropriate controls permits the nature of the mechanisms affected to be better delineated.

Thus far both in our consideration of the human and animal evidence we have been considering the direct effects of nutritional deprivation on the developing organism. Clearly, this is too limited a consideration of the problem. It has long been known (Boyd-Orr, 1936) that nutritional influences may be intergenerational and that the growth and functional capacity of an individual may be affected by the growth experiences and nutrition of his mother. In particular the nutritional history of the mother and its effect upon her growth may significantly affect her competence as a reproducer. In its turn, this reproductive inadequacy may affect the intrauterine and birth experiences of the offspring.

Bernard (1952) working in Scotland has clearly demonstrated the association between a woman's nutritional history and her pelvic type. He compared one group of stunted women in Aberdeen with well-grown women and found that 34 per cent of the shorter women had abnormal pelvic shapes conducive to disordered pregnancy and delivery as compared with 7 per cent of the well-grown women with whom they were compared. Greulich, Thoms and Twaddle (1939) still earlier had reported that the rounded or long oval pelvis which appears to be functionally superior for childbearing was made more common in well-off, well-grown women than in economically less-privileged clinic patients. They further noted, as had Bernard, that these pelvic abnormalities were strongly associated with shortness.

Sir Dugald Baird and his colleagues in the City of Aberdeen, Scotland, have from 1947 onward conducted a continuing series of studies on the total population of births in this city of 200,000 in an effort to define the patterns of biologic and social interactions which contribute to a women's growth attainments and to her functional competence in childbearing. More than 20 years ago Baird (1947) noted that short stature, which was five times as common among lower-class women than in upper-class women, was associated with reproductive complications. He pointed out (1949), on the basis of analyzing the reproductive performances of more than 13,000 first deliveries that fetal mortality rates were more than twice as high in women who were under five feet one inch in height than in women whose height was five feet four inches or more. Baird and Illsley (1953) demonstrated that premature births were almost twice as common in the shorter than in the taller group.

Thomson (1959a) extended these observations by analyzing the relation between maternal physique and reproductive complications for the more than 26,000 births which had occurred in Aberdeen over a 10-year-period and found that short stature in the mother was strongly associated with high rates of prematurity, delivery complications and perinatal deaths at each parity and age level. He concluded that "it is evident that whatever the nature of the delivery the fetus of the short woman has less vitality and is less likely to be well-grown and to survive than that of a tall woman."

It was of course possible that these findings simply reflected differences in social class composition of short and tall women and were based upon differences in "genetic pool" rather than in stunting as such. To test this hypothesis the Aberdeen workers (Baird, 1964) re-examined their data for perinatal mortality and prematurity rates by height within each of the social classes for all Aberdeen births occurring in the 10-year-period from 1948 to 1957. They found that shortness in every social class was associated with an elevated rate of both prematurity and perinatal deaths. Concerned that the findings in Aberdeen might not be representative they also analyzed the data from the all-Britain perinatal mortality survey of 1958 and confirmed their findings. Moreover, Thomson and Billiewicz (1963) in Hong Kong and Baird (1964) have substantiated the Aberdeen findings for Chinese and West African women respectively. Other findings on a similar vein from this series have been summarized by Illsley (1967).

The available data therefore suggest that women who are not well-grown have characteristics which negatively affect them as childbearers. In particular, short stature is associated with pregnancy and delivery complications and with prematurity. Since growth achievement within ethnic groups is a function of health history and in particular nutrition, it is clear that the mother's antecedent nutritional history when she herself was a child can and does significantly influence the intrauterine growth, development and vitality of her child. Moreover, an inadequate nutritional background in the mother places this child at elevated risk for damage at delivery.

It is instructive to consider the consequences for mental development and learning failure that attach to the most frequently occurring consequence of poor maternal growth—prematurity. Concern with the consequences of this condition is hardly new, with Shakespeare indicting it as one element in the peculiarities of Richard III, and Little (1862) linking it with the disorder we now call cerebral palsy. Benton (1940) reviewed the literature up to that time and found that though most students of the problem maintained that prematurity was a risk to later mental development, others could find no negative consequence attaching to it. At that time no resolution of disagreement could be made because most of the early studies had been carried out with serious deficiencies in design and in techniques of behavioral evaluation. Groups who were of low birth weights or early in gestational age were often compared with full-term infants who differed from them in social circumstances as well as in perinatal status. Estimates of intellectual level were made with poor instruments and often dependent on "clinical impression" or testimony from parents or teachers.

Serious and detailed consideration of the consequences of low birth for later behavioral consequences can properly be said to have been begun by Pasamanick, Knobloch, and their colleagues shortly after World War II. These workers were guided by a concept which they referred to as a "continuum of reproductive casualty." They argued that there was a set of pregnancy and delivery complications which resulted in death by damaging the brain and hypothesized that in infants who survived exposure to these risks "there must remain a fraction so injured who do not die, but depending on the degree and location of trauma, go on to develop a series of disorders extending from cerebral palsy, epilepsy and mental deficiency, through all types of behavioral and learning disabilities, resulting from lesser degrees of damage sufficient to disorganize behavioral development and lower thresholds to stress" (Pasamanick and Knobloch, 1960). In a series of retrospective studies prematurity and low birth weight were identified by them as being among the conditions most frequently associated with defective behavioral outcomes.

They therefore, in association with Rider and Harper (1956) undertook a prospective study of a balanced sample of 500 premature infants born in Baltimore in 1952 and compared them with full-term control infants born in the same hospitals who were matched with the prematures for race, maternal age, parity, season of birth and socioeconomic status. Four hundred pairs of cases and controls were still available for study when the children were between six and seven years of age, and examination of the sample indicated that at this age the prematures and full-term children continued to be matched for maternal and social attributes (Wiener, et al. 1965). Findings at various ages persistently showed the prematures to be less intellectually competent than the controls. At ages three to five the prematures were relatively retarded intellectually and physically and had a higher frequency of definable neurologic abnormalities (Knobloch, et al. 1959; Harper, et al. 1959). At ages six through seven, IQ scores on the Stanford-Binet test were obtained and at ages eight to nine, WISC IQs are available. At both age levels, lower birth weights were associated with low IQs (Wiener, et al. 1965, 1968).

Although certain Brtish studies such as that of McDonald (1964) and of Douglas (1956, 1960) appear to be somewhat discrepant with these findings reanalysis of their findings (Birch and Gussow, 1970) indicates a similar trend. More dramatic differences between prematures and full-term infants have been reported by Drillien (1964, 1965) but interpretation of her data is made difficult by complexities in the selection of the sample studied.

A number of analyses suggest that the effects of prematurity are not the same in different social classes, with children from the lowest social classes appearing to have subsequent IQ and school performances more significantly depressed by low birth weight than is the case for infants in superior social circumstances. This has been reported for Aberdeen births (Illsley, 1966; Richardson, 1968), and for Hawaiian children in the Kauai pregnancy study of Werner (1967). There appears to be an interaction between birth-weight and family social condition in affecting intellectual outcome, but the precise mechanisms involved in this interaction are as yet unclear.

If the risk of deficient intellectual outcome in prematurity is greatest for those children who are otherwise socially disadvantaged as well, our concern in the United States with the phenomenon of prematurity must be increased. In 1962 more than 19 per cent of non-white babies born in New York City had a gestational age of less than 36 weeks as compared with 9.5 per cent of white babies, and in Baltimore this comparison was 25.3 per cent in non-white infants as compared with 10.3 per cent in whites (National Center for Health Statistics, 1964). In 1967 (National Center for Health Statistics, 1967) nationally, 13.6 per cent of non-white infants weighed less than 2,500 grams as compared with 7.1 per cent of white infants. Other relevant and more detailed analyses of the social distribution of low birth weight and gestational age on both national and regional bases, together with an analysis of their secular trends provides additional support for these relationships (Birch and Gussow, 1970). Thus, prematurity is most frequent in the very groups in which its depressing effects on intelligence are greatest.

On the basis of the evidence so far set forth it may be argued with considerable justification that one can reasonably construct a chain of consequences starting from the malnutrition of the mother when she was a child, to her stunting, to her reduced efficiency as a reproducer, to interuterine and perinatal risk to the child, and to his subsequent reduction in functional adaptive capacity. Animal models have been constructed to test the hypotheses implied in this chain of associations, most particularly by Chow and his colleagues (1968; Hsuch, 1967), as well as by (Cowley and Griesel, 1963, 1966). The findings from these studies indicate that second and later generation animals who derive from mothers who were nutritionally disadvantaged when young, are themselves less well-grown and behaviorally less competent than animals of the same strain deriving from normal mothers. Moreover, the condition of the offspring is worsened if nutritional insult in its own life is superimposed on early maternal malnutrition.

A variety of factors would lead us to focus upon the last month of intrauterine life as one of the "critical" periods for the growth and development of the central nervous system. Both brain and body growth together with differentiation are occurring at a particular rapid rate at this time. It has been argued, therefore, that whereas marginal maternal nutritional resources may be sufficient, adequately to sustain life and growth, during the earlier periods of pregnancy the needs of the rapidly growing infant in the last trimester of intrauterine existence may outstrip maternal supplies. The work of Gruenwald et al. (1963) among others, would suggest that maternal conditions during this period of the infant's development are probably the ones which contribute most influentially to low birth weight and prematurity. Such concerns have led to inquiries into the relation of the mother's nutritional status in pregnancy to the growth and development of her child. In considering this question it is well to recognize that as yet we have no definitive answer to the question of the degree to which maternal nutrition during pregnancy contributes to pregnancy outcome. Clearly, whether or not nutritional lacks experienced by the mother during pregnancy will affect fetal growth is dependent upon the size and physical resources of the mother herself. Well-grown women are most likely to have tissue reserves which can be diverted to meet the nutritional needs of the fetus even when pregnancy is accompanied by significant degrees of contemporary undernutrition. Conversely, poorly grown women with minimal tissue reserves could not under the same set of circumstances be expected to be able to provide adequately for the growing infant.

Children coming from families in which the risks for exposure to malnutrition are high are unlikely to experience nutritional inadequacies only in early life. It is far more likely that earlier nutritional inadequacies are projected into the preschool and school years. Such a view receives support from numerous surveys as well as from recent testimony presented before the Senate Committee on Nutrition and Human Needs (1968–1970). Our knowledge of the degree to which children and families at risk continue to be exposed to nutritional inadequacies derive from a series of indirect and direct methods of inquiry. At an indirect level it can be argued that family diet in the main is very much dependent upon family income level. The report *Dietary Levels of Household in the United States* (1968) published by the United States Department of Agriculture underscores this proposition.

According to a household survey conducted in the spring of 1965, only 9 per cent of families with incomes of $10,000 and over a year were judged as having "poor diets." However, the proportion of poor diets increased regularly with each reduction in income level, with 18 per cent of the families earning under $3,000 a year reporting poor diets, that is, diets containing less than two-thirds of the recommended allowance of one or more essential nutrients. Conversely, the proportion of "good" diets went from 63 per cent in the $10,000 and over category down to 37 per cent in the under $3,000 group. Of course, income alone is not an adequate indicator of socioeconomic status since in families with equal incomes more education appears to produce a better diet (Jeans, Smith & Stearns, 1952; Murphy & Wertz, 1954; Hendel, Burke & Lund, 1965). But, at the least such figures suggest that we must be seriously concerned with just how badly nourished are our poor in what we often claim is the "best-fed nation in the world."

Reports of the survey type may be supplemented by inquiries in which mothers are asked what they feed their families and how much of what kinds of food they purchase. Similar actual food intakes may be estimated by requests for the retrospective recall of all foods eaten over the last 24 hours. Owen and Dram (1969) studying nutritional status in Mississippi preschool children found not only that the poorer children were on the average smaller than more affluent children but that their diets were significantly low in calories, vitamin C, calcium and riboflavin. Dibble, et al. (1965) in Onondaga County, New York found that among students drawn from a junior high school which was 94 per cent Negro and predominantly laboring class, 41 per cent had come to school without breakfast; but in two "overwhelmingly white" junior high schools, only 7 per cent in one school and 4 per cent in the other had skipped breakfast. In recent studies among teen-agers in Berkeley, California, Hampton et al. (1967) and Huenemann et al. (1968) have found intakes of all nutrients declining with socioeconomic status, with Negro girls and boys having worse intakes than those in other ethnic groups. Huenemann also found that among junior and senior high school students studied over a two year period 90 per cent of the Negro teen-agers had irregular eating habits and many appeared to be "fending for themselves."

Christakis et al. (1968) who carried out the first dietary study of New York school children in 20 years found that in an economically depressed district that the diets of 71 per cent of children examined were poor and that less than 7 per cent had excellent diets. Moreover, his data demonstrated that if the child's family were on welfare the likelihood of his having a poor diet was much increased.

The situation is not markedly different in the Roxbury district of Boston. In this area Meyers et al. (1968) studied the diets and nutritional status of 4th, 5th and 6th graders, about two-thirds of whom were black. Meals were ranked as "satisfactory" or unsatisfactory." Four satisfactory ratings for a given meal over the 4-day period produced a "satisfactory" rating for the meal. Fifty-five per cent of the children failed to get such a satisfactory rating for breakfast, 60 per cent of them did not have satisfactory lunches, and 42 per cent had less than four satisfactory evening meals in 4 days. "Satisfactory" scores declined with age for all meals, and Negroes generally had more unsatisfactory ratings than Caucasians. The schools had no school-lunch programs, and lunches were the poorest meals, with 33 per cent of the children having two or more unsatisfactory lunch ratings in 4 days. During the 4-day period 64 per cent of the children had less than two glasses of milk a day, 132 children had *no* citrus fruit, and only 1 child had a green or yellow vegetable; 37 per cent of the Negro and 46 per cent of the Caucasian children had "unsatisfactory" intakes of the protein foods in the meat, fish, poultry, eggs, and legume group. "It is evident," the authors concluded, "that many of these children were eating poultry."

These data are illustrative and not atypical of the national picture. The preliminary reports deriving from the National Nutrition Survey serve to confirm these findings on a national scale. The evidence though scattered and of uneven quality indicates strongly that economically and ethnically disadvantaged children eat poorly in both the preschool and school age periods.

Direct clinical studies occurring largely within the Head Start Program serve to support the impression produced by the data of nutritional surveys. One way of examining possible sub-nutrition on an economical clinical basis is to define the prevalence of iron deficiency anemia. Hutcheson (1968), reporting on a very large sample of poor white and Negro children in rural Tennessee, found the highest level of anemia among children around 1 year old. Of the whole group of 15,681 children up to 6 years of age, 20.9 per cent had hematocrits of 31 per cent, indicating a marginal status. Among the year-old children, however, the incidence of low hematocrits was even higher; 27.4 per cent of the whites and 40 per cent of the nonwhites had hematocrits of 31 per cent or less, and 10 per cent of the whites and one-quarter of the nonwhites had hematocrits of 30 per cent or under, indicating a more serious degree of anemia.

Low hemoglobin level was also most common among the younger children in a group whom Gutelius (1969) examined at a child health center in Washington, D.C. Iron-deficiency anemia, determined by hemoglobin level and corroborative red cell pathology, was found among 28.9 per cent of the whole group of 460 Negro preschoolers, but children in the age group 12–17 months had a rate of anemia of 65 per cent. Gutelius points out, moreover, that these were probably not the highest-risk children, since the poorest and most disorganized families did not come for well-baby care at all, and of those who did attend, the test group included only children who had not previously had a hemoglobin determination—that is, they were children judged to be "normal" by the clinic staff. Thus "many of the highest risk children had already been tested and were not included in this series."

Even in the summer 1966 Head Start program, in which the incidence of other disorders was surprisingly low, (North, 1967) studies indicated that 20–40 per cent of the children were suffering from anemia, a proportion consistent with the findings of various studies summarized by Filer (1969) as well as with the level of anemia found in a random sample of predominantly lower-class children coming into the pediatric emergency room of the Los Angeles County Hospital (Wingert, 1968). Anemia rates as high as 80 per cent among preschool children have been reported from Alabama (Mermann, 1966) and Mississippi (Child Development Group of Mississippi, 1967).

It is clear from such evidence that some degree of malnutrition is relatively widespread among poor children; but we have already seen that the effects of inadequate nutrition on growth and mental development depend to a very large extent on the severity, timing, and the duration of the nutritional deprivation. Inadequate as are our data on the true prevalence of malnutrition among children in this country, we are even less informed about its onset or about its severity and quality. The absence of such knowledge must not be taken to reflect the absence of the problem but rather the lack of attention which has been devoted to it.

IMPLICATIONS, PROGRAMS AND PROBLEMS

The evidence we have surveyed indicates strongly that nutritional factors at a number of different levels contribute significantly to depressed intellectual level and learning failure. These effects may be produced directly as the consequences of irreparable alterations of the nervous system or indirectly as a result of ways in which the learning experiences of the developing organism may be significantly interfered with at critical points in the developmental course.

If one were to argue that a primary requirement for normal intellectual development and for formal learning is the ability to process sensory information and to integrate such information across sense systems the evidence indicates that both severe acute malnutrition in infancy as well as chronic sub-nutrition from birth into the school years results in defective information processing. Thus by inhibiting the development of a primary process essential for certain aspects of cognitive growth malnutrition may interfere with the orderly development of experience and contribute to a suboptimal level of intellectual functioning.

Moreover, an adequate state of nutrition is essential for good attention and for appropriate and sensitive responsiveness to the environment. One of the most obvious clinical manifestations of serious malnutrition in infancy is a dramatic combination of apathy and irritability. The infant is grossly unresponsive to his surroundings and obviously unable to profit from the objective opportunities for experience present in his surroundings. This unresponsiveness characterizes his relation to people, as well as to objects. Behavioral regression is profound; and the organization of his functions are markedly infantilized. As Dean (1960) has put it one of the first signs of recovery from the illness is an improvement in mood and in responsiveness to people—"the child who smiles is on the road to recovery."

In children who are subnournished one also notes a reduction in responsiveness and attentiveness. In addition the subnourished child is easily fatigued and unable to sustain either prolonged physical or mental effort. Improvement in nutritional status is accompanied by improvements in these behaviors as well as in physical state.

It should not be forgotten that nutritional inadequacy may influence the child's learning opportunities by yet another route, namely, illness. As we have demonstrated elsewhere (Birch & Cravioto, 1968; Birch & Gussow, 1970) nutritional inadequacy increases the risk of infection, interferes with immune mechanisms, and results in illness which is both more generalized and more severe. The combination of sub-nutrition and illness reduces time available for instruction and so by interfering with the opportunities for gaining experience disrupts the orderly acquisition of knowledge and the course of intellectual growth.

We have also pointed to intergenerational effects of nutrition upon mental development. The association between the mother's growth achievements and the risk to her infant is very strong. Poor nutrition and poor health in the mother when she was a girl result in a woman at maturity who has a significantly elevated level of reproductive risk. Her pregnancy is more frequently disturbed and her child more often of low birth weight. Such a child is at increased risk of neuro-integrative abnormality and of deficient IQ and school achievement.

Despite the strength of the argument that we have developed, it would be tragic if one were now to seek to replace all the other variables—social, cultural, educational, and psychological—which exert an influence on intellectual growth with nutrition. Malnutrition never occurs alone, it occurs in conjunction with low income, poor housing, familial disorganization, a climate of apathy, ignorance and despair. The simple act of improving the nutritional status of children and their families will not and cannot of itself fully solve the problem of intellectual deficit and school failure. No single improvement in conditions will have this result. What must be recognized is that within our overall effort to improve the condition of disadvantaged children, nutritional considerations must occupy a prominent place, and together with improvements in all other facets of life including relevant and directed education, contribute to the improved intellectual growth and school achievement of disadvantaged children.

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Dr. Birch is Professor of Pediatrics, Yeshiva University, Albert Einstein College of Medicine, Bronx, New York 10461. The research for this study was supported in part by the National Institutes of Health, National Institute of Child Health and Human Development (HD 00719), and by the Association for the Aid of Crippled Children. This paper was presented before the Food and Nutrition, Maternal and Child Health, and Mental Health Sections of the American Public Health Association at the Ninety-Ninth Annual Meeting in Minneapolis, Minnesota on October 13, 1971.

REHABILITATION OF THE HANDICAPPED

Mr. TAFT. Mr. President, amendments to the Fair Labor Standards Act recently passed the Senate in the form of S. 1861. I felt there were many defects in this legislation and attempted to bring them to the attention of the Senate. One additional defect, however, has been brought to my attention since the debate. This defect concerns the adverse effects of the Senate bill on the rehabilitation of the handicapped. The Senate bill adds the words "not for profit" to the definition of an enterprise covered under the Fair Labor Standards Act. The effect of this change is to extend coverage to all persons working in sheltered workshops and rehabilitation facilities. The impact of this measure will mean reduced employment and training opportunities for many of our Nation's handicapped and in some cases may force complete curtailment of training programs such as those offered by the Goodwill Industries.

I believe that our Nation's handicapped should receive additional financial assistance, but increasing the minimum wage is not the proper approach. Unfortunately, this same theoretical approach has also been suggested to reduce poverty in this country. In both instances, I believe the effects will be negative rather than positive, as employment and training positions will be curtailed by drastically increasing and broadening coverage of the minimum wage.

I would note the substitute proposal to the minimum wage legislation would have not changed the definition of "enterprise" and would have continued to exclude operations such as Goodwill. Unfortunately, the substitute proposal offered by myself and Senators DOMINICK, BEALL, BUCKLEY, AND PACKWOOD was defeated by one vote. Minimum wage legislation, however, has not yet been submitted to conference with the House and I am hopeful the Senate will carefully consider this problem.

For the benefit of the Senate and the conferees, I ask unanimous consent that letters from Mr. John Harmon, general counsel of Goodwill Industries of America, and Mr. Kenneth Erwin, executive director of Goodwill Industries of Ohio, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

GOODWILL INDUSTRIES
OF AMERICA INC.,
Washington, D.C., August 10, 1972.
Hon. ROBERT TAFT, Jr.,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

DEAR SENATOR TAFT: This letter relates to the possible effect of S. 1861 on the services of Goodwill Industries all across the country.

The adding of the words "not for profit" in the definition of "enterprise" would appear to extend coverage of the Fair Labor Standards Act to a large portion of individuals in Goodwill Industries who are not now covered. The portion now covered by the Act are so covered by reason of the "individual" coverage rule.

As you probably know, Goodwill Industries has been represented on the Advisory Committee on Sheltered Workshops to the Administrator of Wage and Hour Division ever since the enactment of the Act. Through the years, Sec. 14(d) of the Act has been used to provide a standard for local Goodwill Industries to follow. Most of this was on a *voluntary* basis because a large number of persons working in a Goodwill have not been, in fact, *covered* by the Act. This came about by reason of the individual test for coverage. Of course, if the individual was covered by reason of involvement in work tasks relating to that part of used goods sold in interstate commerce as waste or scrap, then Sec. 14(d) provided that the wage be set according to the individual's productivity in relation to the going rate in the surrounding area. This exemption, of course, applies only when the "earning or productive capacity is impaired by age or physical or mental deficiency or injury."

Goodwill Industries began with a program to serve the "needy" around 1900. From that time, for many years, no particular stress was placed on serving physically or mentally disabled persons. This began to change shortly after World War I, so that by now the primary stress is placed on service to the physically and mentally disadvantaged.

As you know, a great deal of stress is now being placed on providing services to the broad range of disadvantaged by federal programs. Goodwill is receiving an increasing number of requests by different federal and state agencies to go beyond the physically and mentally handicapped and serve those whose handicaps result from "vocational, educational, cultural, social, environmental, or other factors." Sec. 401.1(0)), Title 45 Chapter IV, Social and Rehabilitation Service Regulations)

The language of Sec. 14(d) does not at the present include this broader range of handicapped persons.

This brings me to the point of this letter—if all the work stations in a Goodwill become covered by the Fair Labor Standards Act, then the choice will become that of paying the *full minimum wage* (although the individual may be very limited in productive capacity) or not accepting such individual for service by Goodwill.

At the present, with only the *"individual" basis of coverage* applying, Goodwill can put this type of individual in a *non-covered task.* If the "enterprise" definition is made to apply to Goodwill, this will no longer be possible.

We fully recognize that it takes more than a sub-minimum wage for a person to live. We have been pressing for some type of wage supplement system as an answer. We believe an individual should have the right to work even though his productive capacity be only 25% or 50% of the norm. This costs less and does give the individual more dignity than if completely dependent on family or welfare.

I hope this explanation will be of help to you and the members of the Senate. We assure you that Goodwill will continue to cooperate fully with the Wage and Hour Division, whatever the decision of the Senate in this matter. We fully appreciate the excellent record of concern and cooperation by the Administrator and his staff of this Division of the Department of Labor.

Sincerely,

JOHN C. HARMON, Jr.
Director of Special Services and General Counsel.

GOODWILL INDUSTRIES
OF CENTRAL, OHIO,
Columbus, Ohio, August 1, 1972.
Hon. ROBERT TAFT, Jr.,
Senate Office Building
Washington, D.C.

DEAR SIR: We wish to thank you for your interest in and concern for this nation's handicapped persons. Because of your concern we know that you will want to be aware of that which would adversely affect the rehabilitation of the handicapped.

Senate Bill 1861 in its present form could mean reduced services to fewer handicapped persons as well as reduced numbers of jobs and training opportunities for handicapped people. The words "not for profit" in the definition of "enterprise" seemingly would extend coverage to all persons working in all areas of sheltered workshops and rehabilitation facilities. Present coverage of handicapped workers under the existing Fair Labor Standards Act relates only to those work areas within the facility construed to come under the aegis of interstate commerce; this leaves many work and training station areas open for work and work trials without having to pay a client the federal minimum wage which he may be incapable of earning.

Income of workshops like Goodwills comes primarily from the sale of renovated used goods which are sold locally through their own sales outlets. There is a limit to what can be charged for used merchandise; prices cannot be raised sufficiently to offset the increased costs imposed by "covering" the work areas used in preparing such merchandise for sales. Productivity of the handicapped workers will not increase proportionately to the increases in wages that would be required if all work areas are "covered". The end result will mean if total "coverage" is enacted for workshops for the handicapped, that those severely handicapped and marginal workers will have to be released, many of whom will return to the welfare rolls. This does not appear to be a satisfactory way of helping the handicapped, particularly those who want to work. Again, may we plead for the handicapped by stressing the need for eliminating the words "not for profit" in the definition of "enterprise".

We do, however, recognize the fact that handicapped persons may need additional financial help other than that which comes from what are sometimes meager wages; we feel that the method of doing this should be some form of wage supplement not by using the mechanism of an increased minimum wage which may cause them to lose an opportunity to work and having the sense of dignity that comes with being a contributor to one's community and enjoying the fellowship accrued in working with others rather than sitting at home in isolation and despair.

You may be interested in knowing that in 1971 our 12 Ohio Goodwills employed over 5000 persons, served nearly 7000 handicapped clients, paid out nearly 7½ million dollars in wages and salaries and also paid approximately 1¾ million dollars in payroll taxes. We thank you for your continued concern for the handicapped people in Ohio and the entire country.

Sincerely yours,

Kenneth A. Erwin,

Ohio Association of Goodwill Executives.

SCANDALS IN HOUSING PROGRAM

Mr. STEVENSON. Mr. President, I have been dismayed by the scandals and maladministration in our housing programs and by President Nixon's evident unwillingness to deal with them. Newspaper stories over the past weekend relate Secretary Romney's efforts to impress upon the President the necessity of restoring past personnel cuts in HUD and indicate that the President has finally given his reluctant assent. It is about time. The deteriorating situation in HUD has been long apparent, and it is tragic that it should take a threat of resignation from Secretary Romney to make the President aware of it.

On May 1, 1972, I testified before the HUD-Space-Science Appropriations Subcommittee of the Senate Appropriations Committee on HUD's personnel problems. I said that the President's refusal to request adequate funds for HUD personnel was a pennywise but pound-foolish policy. I believe subsequent events have borne out the truth of my statement. And I intend to request additional funds for HUD personnel in the first fiscal year 1973 supplemental appropriation.

Mr. President, I ask unanimous consent that my Appropriations Committee testimony be printed in the Record, to be followed by excerpts from the Sunday, August 13, Washington Post.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement of Senator Adlai E. Stevenson III

Mr. Chairman, I am most grateful for the chance to make this statement.

As a member of the Committee of Banking, Housing, and Urban Affairs, I have been dismayed by the series of recent disclosures concerning scandals and maladministration of HUD programs and particularly FHA programs. Secretary Romney has, in his usual forthright fashion, admitted that administrative problems exist, and he has issued a series of regulations and directives designed to cope with them. The Secretary is to be commended for his action.

However, the chaotic and incomprehensible personnel situation within HUD has made it impossible for Secretary Romney's directives to be implemented. These directives require HUD's regional and area offices to do a more thorough job. But HUD does not have sufficient personnel, particularly in the field, to do the job.

Last year when Secretary Romney came before this Subcommittee, he asked that funds be budgeted for 16,923 HUD permanent employees as of June 30, 1972. However, in August of last year President Nixon ordered a reduction in federal employment as part of his austerity program. The President's directive placed a ceiling on HUD employment of 15,200 positions as of June 30, 1972. Now Secretary Romney is requesting funds be budgeted for 15,950 positions as of June 30, 1973. The request is not only for 1,000 fewer employees than Mr. Romney asked for a year ago, but it is also 100 fewer employees than HUD had as of June 30, 1971.

These personnel reductions have been forced upon Mr. Romney by the President. In his testimony before the Senate Housing Subcommittee last October 26, the Secretary stated that the 5 percent reduction in HUD personnel would not have taken place in the absence of the President's overall reduction. In his testimony before the House Appropriations Subcommittee on HUD-Space-Science earlier this month, Mr. Romney said:

"What I am saying is that I have come to the conclusion that the Area and Insuring Offices of this Department require more manpower. I am going to continue to hold down the Central and Regional Offices. But, at the same time, I am going to work to beef up the Area and Insuring Offices so that they can do a quality job and still handle the increased workload.

"I have made these problems known to the Office of Management and Budget and we are exploring several possible approaches. I hope that one or more of them will lead to the relief that I believe is necessary."

The Secretary is to be complimented for his decision to focus the forced personnel cuts as much as possible at the central office level rather than at the field offices where the day-by-day program operation occurs. Unfortunately, the field offices have suffered as well, as the following table demonstrates.

Permanent employment as of June 30:

	Central	Field
Actual, 1971	4, 130	11, 529
Original request, 1972	4, 668	12, 267
Current estimate, 1972	3, 308	11, 475
Request, 1973	3, 308	12, 225

In the Chicago area office which serves my own State of Illinois, permanent employment declined from 203 as of June 30, 1971 to 185 as of December 31, 1971. The decline occurred in the face of increasing evidence of maladministration—some of it clearly attributable to insufficient personnel—and some of it, I am afraid, attributable to inadequately trained or motivated personnel.

The Federal Housing Administration—because its need for additional and better-trained personnel is so pressing—has been particularly hard-hit by the President's personnel cuts. FHA's total workload in terms of number of applications processed will have increased by 20% between fiscal years 1971 and 1973. Yet, permanent full time employee positions for FHA, as projected in HUD's budget justifications, will have increased only 7.4% during that time. All of the increase—insufficient as it is—will take place during the coming fiscal year. FHA employment at the present time is actually lower than it was on last June 30 (7,434 employees as of June 30, 1971 compared to 7,391 employees projected by FHA for June 30, 1972).

FHA area and insuring offices, despite widespread recognition of their need for strengthening, continue to be understaffed. Indeed, the budget justifications show that FHA's average employee requirements for field offices are 7,350 for fiscal year 1973, but HUD is requesting funds for an average employee strength of only 7,120 man-years, of which 136 are overtime.

What will this mean for FHA programs? Mortgage examination manpower (responsible for making appraisals on prospective FHA insured properties and for conducting credit checks on prospective purchasers) will remain the same during fiscal year 1973 as this year, despite a projected 11% increase in workload. The table below demonstrates this separately for 1–4 family and for multi-family housing.

FHA MORTGAGE EXAMINATIONS MANPOWER

	Average employment			Workload		
	Fiscal year 1972	Fiscal year 1973	Percent increase	Fiscal year 1972	Fiscal year 1973	Percent increase
1 to 4 family housing	2, 246	2, 256	0	1, 123, 000	1, 265, 000	12
Multifamily	1, 119	1, 042	−1	477, 000	505, 000	6
Total	3, 365	3, 298	0	1, 600, 000	1, 770, 000	11

The increased workload will be met primarily through increasing the number of mortgage examinations done for HUD by contracted fee appraisers from 200,000 to 500,000. The increasing reliance on fee appraisers is not a comforting prospect, since they are too often poorly informed on FHA policy and sometimes of questionable honesty. In fact, recognizing the weakness of relying on fee appraisers, Secretary Romney has recently taken the unprecedented but timely step of banning their use in inner city areas.

Efforts to prevent mortgage defaults and home abandonment and to compensate families who have purchased structurally defective FHA insured housing are also being held hostage to the President's policies. FHA's home mortgage servicing staff is being maintained at only 178 employees—the same level as last year. I think it is worthwhile to quote HUD's own description of the functions for which this staff is responsible.

"Home mortgage servicing: Again, as mortgage insurance activity increased in the inner city, it became apparent that, with respect to such properties, FHA must supplement the mortgage servicing efforts of the mortgagee. Instructions are being prepared which will require mortgagees to notify the local HUD office when a mortgagor is 30 days in default on his payments. This will provide the HUD office an opportunity to discuss the problem with the mortgagor and to help him work out a plan which may enable him to retain his property.

"The Housing Act of 1970 authorized the Secretary under Section 518(b) to make expenditures to correct or to compensate the owner of a single-family dwelling insured under Section 235 for structural or other defects which seriously affect the livability of the dwelling. These defects must have existed on the date of the issuance of the insurance commitment, and be the type that a thorough inspection should have disclosed. Through December 31, 1971, 611 vouchers totaling $298,048 have been paid. The number of claims received has been accelerating each month. It is estimated that the claims filed under this legislation will approximate ten percent of Section 235 insurance on existing construction."

The staff size was manifestly inadequate during the present fiscal year, a statement amply justified by the fact that no 518(b) applications for reimbursement have been acted on yet in either Chicago or New York. I am unable to comprehend how the same overburdened staff which handled only 611 reimbursement cases during FY 1972 will be able to cope with in excess of 2,000 (10% of existing 235 units insured during this fiscal year) this year.

Frankly I can find no rationale for this personnel policy. The recent FHA scandals in Detroit, Philadelphia, St. Louis, New York, and Chicago have focused directly on incompetent and dishonest FHA appraisal practices. These scandals have already cost the federal government millions of dollars in FHA defaults ($50 million in Detroit alone) and have foisted overvalued and structurally defective homes, both unsubsidied and subsidized, on many American families.

And the scandals are related to personnel policy.

In Chicago, each FHA appraiser averages 5.3 appraisals per day, and in the last month for which data was available—November 1971—6.8 appraisals a day. This contrasts with a national average of 4.3 appraisals per day. HUD estimates that, in order to do a proper job, a HUD appraiser should average no more than 3 appraisals of subsidized units per day or 4–4.5 appraisals of unsubsidized units. It is clear beyond doubt that FHA has insufficient personnel to do an acceptable job by its own standards.

The President is pursuing a penny-wise but pound-foolish policy. I respectfully suggest to the Subcommittee that funds be appropriated sufficient to staff HUD to the level originally envisioned in last year's budget request. Such an appropriation would increase HUD's average employment for Fiscal Year 1973 by approximately 1,400 employees—presumably the level which Secretary Romney originally thought was required to get the job done well. The additional funds necessary to staff HUD adequately would amount to less than 40% of the money the federal government has lost in Detroit alone as a result of HUD mismanagement and insufficient personnel. The federal government cannot operate efficiently and in a fiscally responsible way if the President sets his sights on doing a mediocre job.

ROMNEY'S COMPLAINT REVEALED

(By George Lardner Jr.)

Repeatedly frustrated by the White House chain of command, Housing and Urban Development Secretary George Romney personally told President Nixon Friday that his department cannot avoid more scandals and waste without a bigger staff.

According to sources close to Romney, the President agreed in a 30-minute private meeting to give the Secretary the additional personnel he had been seeking unsuccessfully for months.

The concession, however, came too late to keep Romney from indicating at a subsequent press conference that he intends to quit the Cabinet shortly.

* * * * *

For Romney, it was a bad week from start to finish. He had been pressing to see the President for weeks to discuss what he called "increasingly critical staffing requirements" at HUD.

"In my judgment," Romney wrote Mr. Nixon Aug. 2, "the need is urgent, and must be met if we are to avoid recurring widespread scandals in those departmental activities which cannot be reduced, and if we are to provide adequate service."

The HUD Secretary was scheduled to meet with the President last Tuesday to discuss the issue. Instead, aides said, Romney reported to work at HUD Monday only to learn of a curtly worded directive that the White House released that day to newsmen.

Entitled "Memorandum for Secretary Romney" and signed "Richard Nixon," the one-page order told him to go to Wilkes-Barre and make sure that "bureaucratic haggling does not interfere" with flood relief efforts there.

"Reports have come to my attention," Mr. Nixon noted, "indicating that relief assistance efforts are not progressing at a satisfactory rate . . ."

"I can't believe that the President himself ever saw the letter," one Romney aide said yesterday. "The signature could have been stamped on."

In any event, Romney was said to have learned of the mission from press accounts rather than any direct word from the White House. At first, he told HUD staffers that he would fly to Pennsylvania Tuesday afternoon after his conference with Mr. Nixon on the department's staffing problems. Later, however, he learned, again from press reports, that the White House had announced that he was to be in Wilkes-Barre Tuesday morning.

His long-sought meeting with Mr. Nixon thus canceled, Romney went to Wilkes-Barre, where he got into a shouting hour-long argument with Pennsylvania Democratic Gov. Milton Shapp and a group of flood victims.

Convinced that Shapp was playing politics, Romney was also disturbed by the thought that HUD's difficulties in coping with floods and other natural disasters rested at least partly on the staffing problems that he had been complaining about.

HUD had 15,900 people on its payroll last year, but gradually cut back to 15,200 in response to Mr. Nixon's anti-inflation directives and ceilings enforced by the Office of Management and Budget.

In his Aug. 2 letter to Mr. Nixon—a copy of which was obtained by The Washington Post—Romney pointed out that he had already appealed in vain to OMB for a bigger staff and had then laid out his problems in a lengthy meeting with Ehrlichman July 22, a session that Romney had hoped to have with the President.

Romney calculated in the six-page letter that the hiring of 730 more people in the field would actually save HUD $60 million through tighter overseeing, better property appraisals and other improvements.

The department has been plagued with reports of scandals and grand jury investigations involving the Federal Housing Administration in a growing number of cities.

"I would not be appealing to you," Romney wrote the President, "if I did not know * * * that the adverse consequences of failure to provide adequate staff will be scandalous, costly and counterproductive in your fight against inflation."

The HUD Secretary ended by writing: "No doubt John Ehrlichman has informed you of our lengthy discussion on Saturday, July 22d, and my need to talk with you."

Romney aides said the Secretary, * * * and a requested July 27 appointment with Mr. Nixon canceled by a presidential press conference, was skeptical that Ehrlichman had conveyed any such sense of urgency. In a last, terse note written to Mr. Nixon from Pennsylvania Wednesday, Romney said he was preparing a written flood-relief report "as you directed," but strongly requested a chance to submit it in person.

"Indeed, considering the circumstances," Romney wrote in light of talk of bureaucratic haggling, "I do not intend to do otherwise." Turning to HUD's staff problems, he said he also wanted to discuss the "grave political consequences" involved there.

Romney finally got to the President, Friday morning, first in a 25-minute session that included Ehrlichman and several HUD assistant secretaries, and then in a half-hour private meeting with Mr. Nixon alone.

Aides said Romney left with authority to hire 730 persons, but he didn't even mention it at his follow-up press conference. Instead, he talked of leaving HUD.

CONSUMERISM

Mr. TAFT. Mr. President, when he established the National Business Council for Consumer Affairs, last August, President Nixon noted that there has been an "increasing desire" on the part of the business community "to take a more active role in meeting the concerns of the American consumer."

And while few would dispute the valid complaints of consumers which led to the growth of consumerism in this country, I share the President's belief that business is taking steps to better serve and better inform consumers.

Undoubtedly much more could be done. Certainly the activities of the National Business Council for Consumer Affairs and others will provide needed leadership in this area.

I believe that Senators will be interested in a recent speech on the subject of consumerism delivered by Mr. Howard C. Harder, chairman and chief executive officer, CPC International, Inc. As vice-chairman of the NBCCA Sub-Council on Complaints and Remedies. Mr. Harder is in a unique position to understand many of the problems facing consumers today. His call for an international conference of the world's consumer industries is an interesting proposition which deserves further study. I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

CONSUMERISM: THE NEW DIMENSION IN INTERNATIONAL MARKETING

(Speech by Mr. Howard C. Harder)

Looking back at our times, the historian of the future may well characterize this as the Age of Confrontation—an era when society was wracked by extensive social change and by the debate and disputation, controversy and conflict which invariably accompany far-reaching change.

History's verdict on one of the most significant of those institutions—the marketplace—may be that the opportunity for great progress was missed because the advocates of change demanded too much too quickly, while the defenders of the status quo insisted too rigidly too long that change was quite unnecessary. But hopefully, it will be written that after all the rhetoric on both sides, something did happen: Significant innovations were developed by the business community, actions which recognized the changing values held by consumers and the new demands and wants produced by those values.

I believe that the restive discontent we call Consumerism is now being recognized for what it is: A reflection of the rising social and economic expectations of people the world over.

Jean Paul Sartre once wrote, "Man is not the sum of what he has, but the totality of what he does not *yet* have, of what he *might* have." That is the sum and the very substance of Consumerism.

Consumerism is here. It is a fait accompli, a permanent feature of the marketplaces of the world. Of course, I view things through American eyes, but as chairman of a company operating in over 40 countries. I have had occasion to travel many lands. Consumerism, as I have seen it, has had an impact which varies widely from country to country, but everywhere it is typified by the quest for a higher level of quality in products, services, and the way business is conducted.

Consumerism is not yet what it may yet become, a total reformation of the marketplace. But it is already very much more than we once *thought* it was—merely the desire of the buyer to drive a harder bargain with the seller.

Consumerism is not, as some would like to think, a novel form of recreation for an affluent and spoiled society which, bored with the easy fulfillment of its wants, ridden with guilt over its prosperity and good fortune, now petulantly turns on its benefactors. Nor is it, as others too readily believe, a conspiracy, a programmed series of seductions and other provocations but for which Mrs. Consumer would still be our devoted bride.

We are dealing with a *new* consumer who is no longer merely the family purchasing agent, but a whole person, with a whole new concept of value in the marketplace. Value, to this consumer, is no longer judged only by the pound or the kilo, but also by a set of social values which, as they become better defined and articulated, are beginning to be used as standards of measurement.

Is the product safe? Will it pollute the environment? Is it wholesome and nutritous? Is it truthfully and clearly described? Is it advertised fairly and honestly? Does it perform as advertised? Is its performance guaranteed? What forms of redress are available should the product be unsatisfactory?

These are the values by which today's consumers are judging today's products—and the performance of those who made and sold the products to them.

CONSUMER'S POWER

Slowly but inexorably, Consumerism *is* bringing about that total reformation in the marketplace. Today's consumer knows what she wants, and what is more, believes she has the right and the power to get it. We had better believe it, too.

Consumerism is a new name for an old process—demand and supply—which has lately gathered new strength and force. But what satisfied yesterday's consumer will not satisfy her today. Consumer values, like all contemporary social values, are in a state of great flux. They may not always be our values—but is that really so important? Our function, after all, as manufacturers and merchants, is to respond to consumer values whatever they may be and, if we do so effectively, we may then earn the profits which we cannot do without.

Let us take care, however, to keep *our* values in perspective. As businessmen, our everyday attention is and must be devoted to the sales and earnings of our companies. Yet the argument that the primary goal of business is to make money, is a tired and tiresome non sequitur when used to excuse a lack of response. There is no way we can long remain in business without the continuing approval of our customers, without their appreciation of the worth of our goods and our services and our role in society.

Seen in this light, Consumerism is not alone an appeal to the conscience of the businessman, but a reminder to heed his well-developed sense of the pragmatic.

Consumerism can be a most constructive force for desirable and necessary change in the marketplace. It can open and widen channels of communications to help keep us alert and responsive to the changing wants and expectations of individuals and society. It can help remind us that we in business are a part of society, and not apart from it.

BUSINESS RESPONSE

Why, then, have businessmen been reluctant to take the initiative? There are, perhaps, three reasons, two of them valid. First, many have responded already and have mounted comprehensive consumer programs. Rightly or wrongly, but honestly, they believe they are doing all they can afford to do. Second, much of the resistance is not to the constructive proposals of consumerism, but to irrational and punitive demands—ranging from those of dubious benefit to consumers to those which would be downright harmful.

The third reason is not as overt as the other two, and may even be largely subconscious. It is the natural resentment of the criticized for the critic, which leads to a reactionary posture, and even to a defensive denial of the legitimacy of the critic's right to criticize. A human reaction it may be, but it is invalid and irresponsible.

Let there be no mistake about it, we have the responsibility. Our critics do not, nor are they meant to have it. The classic, essential, and historically respected role of the critic is to find fault, not develop solutions, and certainly not to take charge. The drama critic is no playwright, the social critic no manager. It is our function to propose and initiate reforms lest they be advanced by critics who will assume no responsibility for their practicability or accomplishment.

But we must be more attentive to what the critics tell us. We must listen, not necessarily accepting what they say, but assessing how much their views may reflect shifts in public moods and values.

We must not resent the possibility, let alone the fact, that there are faults in the ways we do business. And we must allow the critic some immunity from the resentment of the criticized, some license to exaggerate—at least as much license as we take in promoting our wares—and some indulgence for his attention-getting abrasiveness.

If we make these concessions to the vocation of consumer criticism, we may begin to see the critic himself in a somewhat different light: Not necessarily a scoundrel; not invariably an adversary. We may perceive that his motives are honest and sincere, although zealots and opportunists are found in every calling. We may even find that his goals, his vision of the world as he feels it ought to be, once stripped of dogma, are really not so very different from our own.

PRESSURES FOR CHANGE

But let us be under no illusions that, having put the consumer critic in perspective, the stresses of Consumerism will go away. Social movements are not intended to ease the pains and trials of their targets. Consumerism will not soon become a source of comfort and cheer for any of us, nor should it. It will keep us alert, wary, constantly on the defensive. Like all social movements, it raises its voice in dissent. It applies pressures for change against pressures to maintain the status quo—pressures which can invigorate and renew our society.

This interaction between contrasting ideas drives our society; progress cannot be won without it, for out of the dynamic confrontation of opposing concepts and ideologies comes a new stability, one better suited to altered circumstances and new conditions. It is the philosopher's equation: Thesis vs *anti*thesis produces *syn*thesis.

Like all great forces, though, the antagonism of confrontation can be carried too far. Even with an abiding faith in the ultimate wisdom of society, and in the inevitable triumph of sanity over irrationality, I can see the possibility that wrong can be committed in the very long meantime. It would be wrong if conflict led to the tyranny of the imposed solution, which can only be contrary to the ideals of free choice and pluralism; or if it brought chaos, erupting through ever-widening areas of disagreement.

And so both business and the critics of business must take care lest the goal becomes not the achievement of vital change but the defeat of the adversary.

For the consumer activists, this implies care to avoid unrestrained attacks which can only further undermine the public's confidence in the market system.

For responsible leaders of commerce and industry, it means a greater readiness to look at the marketplace as it really is, and to innovate and implement needed change—without waiting until we are compelled to act by government; to recognize that the consumer has certain fundamental rights, and that we therefore have certain corresponding fundamental obligations.

A number of consumer, governmental, and business leaders have set forth five basic consumer rights: The right to safety . . . the right to choose . . . the right to be informed . . . the right to be heard . . . the right to quality and honesty. But those rights have meaning only if they are embodied in everyday marketplace behavior.

CODE OF CONDUCT PROPOSED

I look forward, therefore, to the time when an international conference of the world's consumer industries can be convened to propound a code of business conduct—a code applicable to manufacturers, distributors, and service industries, a code assembled by representatives of every consumer industry and every nation, with the participation of authorities on consumer affairs from governments and consumer organizations.

To hasten that day, as an initial step leading toward such a multi-industry conference, I propose that the international food industry, through AIDA, formulate a code of its own which would serve as a model for other industries. We all take pride in this industry and would be more proud still of this demonstration of its leadership in what is, after all, the most basic of the world's consumer industries.

This statement of principles for the food industry would advance constructive positions on such issue areas as advertising and marketing . . . packaging and labeling . . . product information . . . nutrition education and information . . . food safety and wholesomeness . . . assistance to disadvatanged consumers . . . complaint handling . . . consumer remedies—all the areas in which business has fundamental, and in some cases, unexercised, obligations.

This code would give due recognition to the need for flexibility, to the differing competitive practices, the diversity of legal, social and cultural modes and traditions, and economic conditions, which prevail in the world. But in the end, it would be one integral code, one pledge to consumers that they are to be vested not only with their rights, but also with the very best performance of which our industry is capable.

MODEL CODES NEEDED

Our conference should formulate not only an overall code, but also specific recommendations for model practice and self-regulation by the world food industry. Moreover, it should acknowledge that many problems throughout the world are insoluble without the assistance and participation of government—and that model national statutes and codes of regulations will need to be developed on the initiative of the conference.

All this will requre that we tap the collective wisdom, experience, and insights of the food industry worldwide. Position papers and other inputs will be required from food manufacturers and distributors from every continent—and from the trade associations which speak for major segments of our industry.

It would be AIDA's role to solicit, coordinate, and distill these various inputs—and to organize any intermediate working conferences that may be required—in order to develop a final document that could be considered and acted on when the Ninth International Congress on Food Distribution meets in 1975.

Eventually, I would hope to see not just a conference of the international food industry, vitally important though that be, nor even the follow-up assemblage of the world's consumer industries—but a permanent, world-wide organization of a consumer-oriented businesses to exchange information and experiences on national consumer problems and their solution . . . and to facilitate the healthy growth of an international consumer-oriented community which is a most desirable goal in itself and the logical extension of the current drives toward European unity, international monetary reform, reductions in tariffs and other trade barriers, and the work of such groups as the Codex Alimentarius Commission.

RESPONSIBLE LEADERSHIP

A close working relationship with intergovernmental organizations working in this area would be highly advantageous, and so there should be frequent consultations with the OECD's Consumer Policy Committee . . . the Codex Alimetnarius Commission . . . various agencies of the EEC, the Council of Europe, the United Nations . . . and other such bodies, including those in which East and West meet on common ground. Close contact with consumer groups, such as the International Organization of Consumer Unions, should also be fostered and maintained.

Admittedly, this would be an ambitious undertaking. It will be difficult to achieve. Agreement always is. Let us begin by agreeing that we are responsible not only as businessmen, not alone as citizens of certain nations or members of particular industries, but as leaders offered now the opportunity to fashion a great and bold new design.

Let us then begin to practice the language of agreement, so neglected in an Age of Confrontation. Let us begin to discern the similarities among people rather than their differences; Their physical needs, their demand to be treated fairly, their desire for personal dignity and satisfaction, their strong sense of justice and conscience, and above all, their optimistic hope and faith in a better world. These are the common denominators of humanity. They are essentially what Consumerism is all about—and what we owe the consumer.

Let us begin to fulfill that obligation.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). Is there further morning business? If not morning business is concluded.

THE UNIVERSAL COPYRIGHT CONVENTION

Mr. JAVITS. Mr. President, the copyright convention to which the Senate is addressing itself was the subject of very exhaustive hearings before the Committee on Foreign Relations. There developed a very serious difference of opinion between some of the publishers and all of the publishers. There were some qualified statements as being in favor of it by an important section of the publishing industry. Two major publishers appeared very strongly opposed. I would urge Senators to read the total hearings.

My point in rising is to comment on the situation simply to emphasize one point.

What is felt by the publishers opposed is that in some way developing countries would abuse the privilege of being able to use works which were copyrighted in other countries as permitted by this convention and that this abuse would represent a real deprivation of property.

I believe if experience demonstrates that there is abuse, in my judgment Congress should very carefully and seriously consider how to make whole the publishers and authors where there is a showing of abuse.

The United States, appearing in the matter, strongly contended there would be no abuse and that it would take great care and do everything it could to make sure there was not. Nonetheless, the possibility exists.

So, I spread this declaration on the Record. Should there appear to be abuse I, for one, representing a State in which very important publishing interests are located, would endeavor to get consideration for what would be a fair approach to losses which might be incurred by authors, many of whom might not be able to afford it, and get consideration for the damage inflicted on them by virtue of the approval of the treaty by the United States which undertook certain obligations on copyrights over which they have no control, although they benefit and will benefit from important affirmative aspects of the convention. This does represent something of a problem and I hope that this assurance may be of some help in respect to the fact that the Committee on Foreign Relations, having reported the measure, to the Senate, the Senate is very likely to ratify it.

Mr. President, I also want to point out that when domestic copyright legislation is considered by the Congress, as I hope it will be next year, we should at that time consider the effect which this new treaty has had on the position of educational publishers and authors of educational works.

ORDER OF BUSINESS

Mr. MANSFIELD, as in executive session with respect to the treaty which the Senate is about to consider, I ask unanimous consent that it be in order to ask for the yeas and nays on the resolution of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the unanimous-consent agreement of Friday, the Senate will now go into executive session and proceed to vote on Executive Calendar Order No. 30, Executive G—92d Congress, second session, the Universal Copyright Convention, as revised, with protocols.

The question is, Will the Senate advise and consent to the resolution of ratification? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from North Dakota (Mr. Burdick), the Senator from Florida (Mr. Chiles), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pastore), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), the Senator from Missouri (Mr. Symington), the Senator from California (Mr. Tunney), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. Randolph), the Senator from Rhode Island (Mr. Pell), the Senator from Rhode Island (Mr. Pastore), the Senator from Minnesota (Mr. Humphrey), and the Senator from Georgia (Mr. Gambrell) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senators from New York (Mr. Buckley and Mr. Javits), the Senator from New Hampshire (Mr. Cotton), the Senators from Nebraska (Mr. Curtis and Mr. Hruska), the Senator from Kansas (Mr. Dole), the Senator from Michigan (Mr. Griffin), the Senator from Oregon (Mr. Packwood), the Senator from Illinois (Mr. Percy), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Tennessee (Mr. Brock), the Senator from Iowa (Mr. Miller), and the Senator from Connecticut (Mr. Weicker) are detained on official business.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Nebraska (Mr. Curtis), the Senator from Iowa (Mr. Miller), the Senator from Illinois (Mr. Percy), and the Senator from Texas (Mr. Tower) would each vote "yea."

The yeas and nays resulted—yeas 67, nays 0, as follows:

[No. 378 Ex.]

YEAS—67

Aiken
Allen
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brooke
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cook
Cooper
Cranston
Dominick

Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Goldwater
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hughes
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
Metcalf
Mondale
Montoya
Moss
Nelson
Pearson
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Taft
Talmadge
Thurmond
Young

NAYS—0

NOT VOTING—33

Allott
Baker
Brock
Buckley
Burdick
Chiles
Cotton
Curtis
Dole
Gambrell
Gravel
Griffin
Harris
Hruska
Humphrey
Inouye
Javits
Kennedy
McGee
McIntyre
Miller
Mundt
Muskie
Packwood
Pastore
Pell
Percy
Randolph
Symington
Tower
Tunney
Weicker
Williams

The PRESIDING OFFICER. On this vote the yeas are 67, and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. CANNON). Under the previous unanimous-consent agreement, the Senate will now return to legislative session.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated by title.

The legislative clerk read the joint resolution (S.J. Res. 241) by title as follows:

A joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. MANSFIELD. Mr. President, on Friday last an attempt was made to achieve a time limitation on the interim agreement.

Mr. STENNIS. Mr. President, may we have order in the Senate so the Senator may be heard?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. We marched up the hill, we thought we had an agreement, at least tentatively, and then we marched down the hill when we found out we could not come together.

I have made inquiries this morning to see about the possibility of a time limitation and my efforts have met with no success. It is my understanding that there are a number of amendments to be considered: The pending amendment offered by the Senator from Montana, an amendment by the distinguished Senator from Massachusetts (Mr. BROOKE), an amendment offered by the distinguished Senator from Washington (Mr. JACKSON), and the possibility that other amendments may be offered by Senators CRANSTON, HUGHES, TAFT, and perhaps others.

So in an attempt to get things going I would like to make a few remarks on the pending amendment and hope that a vote could be achieved; if not shortly, at least sometime today.

It is the intention of the leadership to stay on this proposal until it is disposed of one way or the other. There will be no second track items; we will take this up and stay with it and it will be up to the Senate and its membership to decide how long that will be.

Mr. President, speaking on the pending amendment, stripped to essentials the issue before the Senate is whether this Nation is prepared to take a first step toward arms limitation or whether it will, instead, continue the saber-rattling so long a part of the arms race in which we have engaged for nearly three decades. Either we begin now to end the race or we do not. Either we take this step in good faith or we do not.

The SALT treaty ratified so overwhelmingly on August 3 set out the framework for an important initiative. It is that limitation of defensive weapons that makes the idea of strategic weapons totally creditable. That is the great breakthrough of the limitation of phase I of SALT. Now this Nation need not continue a race. On its own this Nation can determine the sufficiency of its deterrence without comparison with the offensive deterrence of the Soviet Union. SALT I, in effect, codifies this notion of sufficiency, a doctrine that permits an independent and autonomous judgment as to how much of a deterrent force is enough. If what we have is sufficient, we need no more. That we can eliminate an enemy 10 times over with existing force is enough—more than enough. It is of no concern that another party's force can eliminate us 20 times over. Redundance is not and should not be a national goal.

In fact the stabilization of SALT means that each side has been assured of the total validity of each other's deterrent capacity. That importance was not diminished, I think, by the approval of new weapons' development as was contained in the military procurement authorization bill. But the importance of SALT would, indeed, be diminished, if not obliterated, if it were suggested that the agreement, rather than stemming the tide of arms development, should be construed as a signal to increase this Nation's might unilaterally to a point beyond that of sufficiency or that of providing sufficient retaliation as a deterrent.

In that light, it is asked, what does the pending amendment do to enhance the resolution?

It makes it clear beyond question, I believe, that we endorse expressly the declaration signed by the President of the United States which is designed to ease and avoid military confrontations to the greatest extent possible. Most important, I think, is that part of the declaration which would deny advantage to one side or the other. As it is stated in the penultimate:

Both sides recognize that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent.

They are inconsistent. This is what the President signed. And it is to affirm that endorsement that this amendment is proposed.

With it, and with the underlying SALT agreement, this Nation is not denied its obligation to remain strong and to maintain a sufficient deterrent force. That national goal remains totally secure.

What we do say, however, is that this small step away from arms escalation should not be twisted into an augmentation of the arms buildup. Let us use SALT as a signal for further and more comprehensive agreements, and not, as a signal to obtain a new defense posture, one which is unilateral and could only add to the danger of military confrontation.

I think it is pertinent to recite the arms race figures released by the State Department a few days ago—I quote from its press release of August 1:

Since World War II, the United States and the Soviet Union combined have produced nearly $20 trillion in gross national product—approximately $15 trillion in the United States and more than $4 trillion in the Soviet Union. Of this amount, more than $2 trillion has been spent on defense (approximately $1.3 trillion by the United States, and an estimated $1 trillion by the Soviet Union).

If the two societies continue to grow as projected to the end of the century, and if both continue to spend the same proportion of GNP on defense, the two countries together, by the year 2,000 A.D., could spend another $5 trillion or more to maintain national security.

With the initial SALT move to stabilization, I believe we can put a far different ending on that century-end projection. I pray that the Senate does nothing to jeopardize this effort.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JACKSON. Mr. President, first I ask unanimous consent that the names of the Senator from Alaska (Mr. STEVENS), the Senator from Tennessee (Mr. BROCK), and the Senator from North Carolina (Mr. JORDAN) be added as cosponsors of my amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CASE FOR THE AMENDMENT

Mr. JACKSON. Mr. President, my amendment, which is broadly cosponsored by a bipartisan group of Senators, deals with three issues: First, the threat to the survivability of the U.S. strategic deterrent under the interim agreement; second, the need for equality in any follow-on agreement on offensive intercontinental strategic weapons; and third, the need for research, development and force modernization. These are issues that I have thoroughly discussed with the administration, with the witnesses before the Armed Services Committee and, in many cases, with my colleagues in the Senate. It is my firm conviction that we ought to state our views with respect to these issues and I believe my amendment is a medium for the expression of views that I am confident are shared by a majority of my colleagues.

(1) THE THREAT TO THE SURVIVABILITY OF THE U.S. STRATEGIC DETERRENT

Clearly any treaty that authorizes the latitude retained by the parties under this interim agreement contains certain risks. How severe those risks prove out to be depends less on the letter of the interim agreement than on the spirit of it. The simple fact is that the Soviets could, by pursuing an aggressive program of qualitative improvement to their offense, acquire the capability to destroy virtually the entire U.S. land-based deterrent force, missiles and bombers. This could be accomplished within the agreed number of launchers by such means as increasing the throw weight of the Soviet offensive force—already four times that of the United States—extensive MIRV'ing coupled with improved missile accuracy, et cetera.

Since we would be prohibited by the agreement and treaty from a number of stabilizing responses, the strategic balance could deteriorate under the terms of the interim agreement.

The situation we face in this regard was developed, in part, in testimony by the Director of Defense Research and Engineering, Dr. John Foster, before the Committee on Armed Services on June 22. In response to a question put by my friend, the Senator from Ohio (Mr. SAXBE), Dr. Foster identified some potential sources of instability that are wholly within the terms of the interim agreement:

> Senator SAXBE. You state that Soviet exploitation of their numbers and throw-weight capabilities could adversely affect the strategic balance. Will you elaborate on that statement and indicate specifically how and when?
>
> Dr. FOSTER. I was referring simply to the fact that the Soviet strategic missile capability exceeds our own capability in both numbers and payload-carrying ability. In numbers of ICBMs alone, they exceed us by approximately 50%, and in payload capability by greater than 50%.
>
> If they were to exploit these numerically greater capabilities, such as by improving accuracy, resorting to MIRV, use of warheads having higher yield-to-weight ratios, upgrading their SAM's, or some combination of these and others, the strategic balance would be affected adversely. For example, with MIRV and accuracy improvements, the SS-9 force alone could be a severe threat to pre-launch survivability of our own land-based force. Or, other Soviet land-based missiles exist in sufficient numbers so that, with accuracy improvement, they could threaten our land-based force, leaving the SS-9 for other things—such as threatening our cities.
>
> You asked when this could occur. I am not able to answer when it will or if it will. Should they wish such a capability, it could be achieved in perhaps 3-5 years.

It is my great hope, Mr. President, that these developments will not occur, that the Soviet Union will recognize that the overriding intent of the interim agreement is to contain the threat to the survivability of our deterrent forces, and that, consistent with this intent, they will refrain from programs that would undermine it.

What we have sought in our negotiations with the Soviets is a stable strategic relationship based on survivable strategic forces. Therefore, any action by the Soviets that threatens the survivability of our deterrent forces must be a source of great concern.

I pursued this problem with Secretary Laird on July 24, and I believe our colloquy on this subject is highly instructive:

> Senator JACKSON. The intent of the agreements is to enhance our security by enhancing the survivability of our deterrent. So you would view Soviet behavior that threatens the survivability of our deterrent as a violation of the intent of the agreements?
>
> Secretary LAIRD. I would agree.
>
> Senator JACKSON. If there is a pattern which threatens the survivability of our deterrent, you would treat that as a violation of the intent of the parties in making this agreement, would you not?
>
> Secretary LAIRD. I certainly would.
>
> Senator JACKSON. For example, the replacement provision on submarines, which we have discussed, as a subterfuge for sustaining momentum—
>
> Secretary LAIRD. That is correct. We would interpret it the same way and it applies to us, too.
>
> Senator JACKSON. That is, on a bilateral basis?
>
> Secretary LAIRD. That's right.
>
> Senator JACKSON. An aggressive program, beyond modernization, to deploy silo-killing warheads which threatens the survivability of our Minuteman force—you would treat that in the same way?
>
> Secretary LAIRD. Yes, sir, and would recommend action if such a program were developed and tested."

Mr. President, I ask unanimous consent at this point to yield to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) so that he may make a statement, without losing my right to the floor, and provided that his remarks follow the conclusion of my own in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. FULBRIGHT. Mr. President, reserving the right to object, I wish to make an observation or two.

It appears that the Senator from Washington is endeavoring to delay a vote on the amendment offered by the majority leader, and is engaging in what is some times euphemistically called "extended debate."

It is a procedure about which I do not complain, having engaged in it on occasion myself in connection with other matters; but I have also been thwarted in that effort on other matters, and in view of the fact that the Senator has undertaken to extend the debate—for how long I do not know; he has been unwilling to allow a vote on the pending amendment—I am not sure that it is in the interest of propriety to allow the farming out of time. It is not in accord with the rules for a Senator to hold the floor and farm time out and control it.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. JACKSON. May I just comment on that?

Mr. FULBRIGHT. Mr. President, I believe I have the floor.

Mr. JACKSON. No, I have the floor. I yielded for a question.

The PRESIDING OFFICER. The Senator from Arkansas was recognized for the reservation of an objection.

Mr. JACKSON. Mr. President, let us keep the record straight, and I hope the majority leader will note this:

The Senator from Arkansas has said that I am trying to delay this matter. I think the record will disclose that the Senator from Washington has agreed to a time limitation, provided that all amendments are included in that limitation. Am I correct? I ask the majority leader.

Mr. MANSFIELD. Yes, if the Senator will yield.

Mr. JACKSON. I do not want to be accused of delaying this matter, because the record is to the contrary.

Mr. MANSFIELD. We did reach a tentative agreement yesterday in the minority leader's office, at a meeting attended by the distinguished Senator from Washington, and the agreement was to vote on the pending amendment at 4 o'clock today, to be followed by a vote on the Brooke amendment at 6 o'clock at which time the amendment of the Senator from Washington would be laid before the Senate.

I say the agreement was tentative. Then there was another meeting at which it was pointed out that it was only an open ended agreement, and it was thought that all amendments should be considered on a limited time basis.

I endeavored with might and main to reach an agreement on that basis, with the consent of the distinguished Senator from Washington, but my efforts met with failure.

Mr. JACKSON. Mr. President, the record will disclose that I have indicated I am willing to reach a unanimous-consent agreement on the bill and on all amendments thereto, under appropriate arrangements. That is my position.

I say to the majority leader that I am not trying to hold up action on his amendment. I am just continuing where I left off. As Senators will recall, I did not finish my formal statement on Friday. I have no desire to delay, but two or three Senators indicated they had amendments to my amendment—and one of them is a member of the Senator's committee—perfecting amendments from the floor.

I just want the record clear here. The facts are that on the ABM treaty debate I joined in advance to the unanimous-consent agreement to vote at a time certain. It was all worked out with the assistant majority leader. I assured them of the same course of action, in connection with the pending agreement. But let us keep the record straight. When the chairman of the Committee on Foreign Relations talks about the Senator from Washington delaying the measure, I think he should state all the facts.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JACKSON. Yes.

Mr. FULBRIGHT. That is not quite what I said or what the Senator from Washington said. The fact is that the Senator held the floor all afternoon Friday, and read very slowly, as he is reading this morning, at about one-tenth the usual speed, and he is obviously delaying. It is not a matter of what we say; it is a fact for all to see.

I am ready to vote on the pending

amendment now, and the Senator is the one who is preventing the vote. I am perfectly willing to vote immediately, or in 20 minutes, or 30 minutes.

What the Senator is saying is that unless we give in to a complete agreement on his terms for everything, including every amendment to his amendment, he will make no agreement and allow no vote.

That kind of arrogance, I think, is not acceptable. We are ready to proceed. The rules and the traditions of the Senate are that we take up amendments and vote on them. This business of agreeing in advance to every possible amendment, when we do not know what possibly can develop, is a very unusual arrangement. I do not mind it on routine legislation; I have permitted it and made no objection, but I consider this an important agreement that has been negotiated.

Mr. JACKSON. If the legislation is so important, I am wondering——

Mr. FULBRIGHT. Yes, it is very important. That is why it should not be subjected to that kind of treatment.

Mr. JACKSON. I wonder why the chairman of the Committee on Foreign Relations gave it such cavalier treatment. Look at the record.

Mr. FULBRIGHT. It is a very good record; look at it.

Mr. JACKSON. The facts are, Mr. President, that the chairman of the committee came to the floor and talked for about 5 minutes on a measure that is probably one of the most important we have ever had before this body. The junior Senator from Washington has gone into it in minute detail, and is endeavoring to explain it in detail. The Senator from Arkansas did not do that. I say there is no arrogance here, as far as I am concerned, in the handling of the time. I have agreed to a fair and reasonable unanimous-consent arrangement when it can be worked out. We do that right along, and we do not have the sort of open-ended unanimous-consent agreements that the Foreign Relations Committee is propounding. If that is arrogance, only the Senator from Arkansas apparently understands the meaning of the term.

Mr. FULBRIGHT. Well, the actions speak for themselves.

The PRESIDING OFFICER. Does the Senator from Washington yield further?

Mr. JACKSON. Not unless the Senator has some further comment.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Washington yield for a question?

Mr. JACKSON. I am happy to yield.

Mr. HARRY F. BYRD, JR. Is it not true that the Senator from Virginia had planned to seek the floor just prior to the time the Senator from Washington did, and the Senator from Virginia was called out of the Chamber to do a television interview with a Virginia television station, and asked the Senator from Washington, if he obtained the floor, whether he would mind yielding to the Senator from Virginia for 15 or 20 minutes so that he might comment on this important matter, and that there were no dilatory tactics involved as far as the Senator from Virginia and the Senator from Washington were concerned?

Mr. JACKSON. The Senator is absolutely correct. I could have requested a quorum call, but I did not do it. I am trying to move this matter along. The Senator from Virginia had an appointment that he had to keep, and I agreed that I would go ahead and then yield to him for that purpose when he returned to the floor. That was precisely the arrangement.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. FULBRIGHT. Unless the Senator is seeking to filibuster, why does he not yield the floor and let the Senator from Virginia speak? Unless he is trying to filibuster by unanimous consent——

Mr. JACKSON. Mr. President, that is ridiculous. That is the height of arrogance on the part of the Senator from Arkansas. I have never been involved in filibusters. My record on issues of civil rights—a frequent subject of filibusters—and other matters speaks for itself. What I am seeking here is the same kind of equality in the treatment of our allies that we should seek for our people here at home. I have never been involved in any kind of filibuster, by the way, that involves the issues of equality. That is what we are talking about.

I am talking about an amendment that will make it possible for the United States to be on an equal basis with the Soviet Union. I am for equality at home as well as abroad, and I am proud of that record.

I am not filibustering. As chairman of the committee, the Senator from Arkansas did not come in and explain in detail the provisions of this bill. Never before in my memory has it happened that the chairman of a committee failed to explain a bill in detail on the floor of the Senate. I think it is rather sad that someone else not a member of the Foreign Relations Committee has to go ahead and do it. That speech explaining the interim agreement has not been made by the Senator from Arkansas, as chairman of the committee. He has not spelled out for the benefit of Senators what is in this measure and what is not.

So I shall undertake to do this in a proper way; and I am ready and willing for a unanimous-consent agreement to be entered into under the proper terms, so that we can limit debate. The majority leader understands that, and I stand by my word. I regret that the Senator from Arkansas would deny this arrangement and an effort to reach an accommodation to move along; but if he wants to do it, that is his right.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. MANSFIELD. The Senator has shown himself to be most cooperative. I wonder whether he would consider another possibility, and that is that the vote on the pending amendment, by itself, occur at a time certain.

Mr. JACKSON. Certainly.

Mr. MANSFIELD. What time?

Mr. JACKSON. Four o'clock?

Mr. MANSFIELD. Fine.

Mr. ALLEN. Reserving the right to object, Mr. President——

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the right of the Senator from Washington to retain the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on August 10, 1972, the President had approved and signed the following acts:

S. 247. An Act for the relief of Albert G. Feller and Flora Feller;

S. 2227. An Act to amend title 44, United States Code, to authorize the Public Printer to designate the library of the highest appellate court in each State as a depository library;

S. 2684. An Act to amend section 509 of the Merchant Marine Act, 1936, as amended;

S. 3284. An Act to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior; and

S. 3463. An Act to amend section 906 of title 44, United States Code, to provide copies of the daily and semimonthly Congressional Record to libraries of certain United States courts.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. JACKSON. Mr. President, Senators who share my view that the Senate ought to go on record in support of the policy of the United States to seek a follow-on agreement that limits the threat to the survivability of our deterrent forces will welcome my amendment. The first part does precisely that. It urges restraint on the part of the Soviet Union by indicating that a failure to achieve a threat-limiting agreement could jeopardize the supreme national interests of the United States. In so doing, the amendment takes account of the fact that while the interim agreement may have some slight effect on the rate of growth of the Soviet threat to the survivability of our deterrent, it does not halt it. Therefore, should the threat overtake the negotiation of a follow-on agreement at any time within the next 5 years, our supreme national interests could be jeopardized. I will be surprised, Mr. President, to learn that there is any substantial opposition to this view within the Senate.

EQUALITY IN SALT II

Mr. President, I have elsewhere described the present agreement as providing the United States with "interim subparity." The agreement confers on the Soviets a 50-percent advantage in numbers of land and sea-based launchers and a 400-percent advantage in throw weight. Now, the argument is made that this enormous disparity in numbers of launchers and throw weight is offset by superior technology and numbers of warheads on our side. There is a certain limited truth to this claim. It is not an enduring truth: for while numbers are limited under the agreement, technology is not. It stands to reason, therefore, that in the long run "superior" technology cannot be relied upon to offset inferior numbers.

The inability of technology to compensate for numbers is not only true in general but is, in the present case, true for specific reasons as well. The greatest part of our presumed technological advantage lies in our lead over the Soviets in the development and deployment of MIRV warheads on our missile forces.

This lead is not one that can be maintained at anything approaching our current margin. On the contrary, when the Soviets develop a MIRV capability—and they are expected to do so at "any moment"—the combination of that capability and their vastly superior throw weight will give them, given time and effort on their part, superiority in numbers of warheads.

There is an enormous volume of misinformation on the subject of alleged U.S. advantages arising from technology and geography. There is no doubt that in the long run technology will tend toward equalization. How well I remember those who argued that the Soviets would require a decade or more to catch up with the United States in developing hydrogen weapons. The same sort of scientists who today argue that we can rest comfortably with inferior numbers of launchers because of an unbridgeable advantage in technology miscalculated by about 9½ out of 10 years back in 1947. The Russians, of course, were only months behind us, and our scientists were behind the eight ball.

As to geography, I have heard it argued—the chairman of the Foreign Relations Committee made the case himself last week—that owing to our possession of forward bases for our submarine fleet we need fewer submarines than the Soviets in order to maintain on-station times equal to theirs. Now, sea-based strategic forces are assuming increasing importance; so it is essential that we be correct on this point. Despite some statements to the contrary, the geographical asymmetries favor the Soviet submarine fleet and not our own. With the increased range such as that of the Soviet SSNX–8 submarine launched missile, the importance of forward bases is greatly diminished. Russian submarines will be on-station with respect to a large number of U.S. targets within 1 day's travel time from Murmansk or Petropavlovsk. This is not substantially different from the situation of our submarines operating out of their forward bases. What is more important, however, is that the Russians have a very large land mass between our submarines and their vulnerable points while we do not. Most of the U.S. points that are targets for Soviet submarine-launched missiles are coastal or near-coastal.

So there is little substance to the claim that we are in a favorable geographical situation.

The point I wish to make, Mr. President, is that, over the long run, there is no substitute for equal numbers of launchers taking account of throw weight differentials. I believe that the Senate should join with our negotiators and administration spokesmen in rejecting, for the future, the sort of disparities that we have agreed to, on an interim basis, in the present agreement. And in so doing I believe that we ought to insist that the principle that was applied in the case of the ABM treaty—the principle of equality on which the Russians insisted—ought to be applied to a treaty on offensive weapons.

I was concerned, Mr. President, that our consent to the interim agreement, containing, as it does, the wide disparities to which I have referred, might be misunderstood as reflecting on the acceptability of such disparities in a follow-on treaty. In order to make the record clear I asked a number of witnesses before the Armed Services Committee to comment on this issue.

On July 18, I asked Ambassador Gerard Smith, the Director of the Arms Control and Disarmament Agency and head of our SALT delegation:

> Would the present Interim Agreement be acceptable as a permanent agreement?

Ambassador Smith replied:

> Not to me.

I then directed the same question to other members of the SALT delegation. Former Deputy Secretary of Defense and now Assistant to the Secretary of Defense for SALT, Mr. Paul Nitze, said: "No." General Royal Allison, a member of the delegation and Assistant to the Chairman of the Joint Chiefs of Staff for Strategic Arms Negotiations, also said "No."

On July 24, I directed a similar question to Secretary Laird, with respect to whether a SALT II agreement should continue the numerical relationships established in the interim agreement. Secretary Laird, speaking for the administration, said:

> I would hope that in these negotiations we could move in the direction of equality as far as numbers and also as far as some of the other important areas dealing with offensive strategic weapon systems. I feel that this should be a very important thrust of our negotiations because this is very basic to the continued support of the obligations that we have undertaken with our friends and allies throughout the world in order to prevent the possibility of a nuclear exchange in the future.

Chief of Naval Operations, Admiral Zumwalt, testified:

> It is my view that in SALT II, we must achieve an equality of numbers. Just as the Soviets insisted on symmetry with regard to the ABM treaty, if we are going to go into a permanent treaty on the strategic side, I think we absolutely must insist on symmetry.

I know of no one in a responsible position in the administration who is in disagreement with this widely expressed view.

My amendment provides the Senate with an opportunity to declare itself in favor of equality in a follow-on agreement; and I am certain that in view of the basic good sense of that position and the overwhelming testimony before us, we will act to affirm it.

Mr. President the question of what is to be included in the computation of equal forces in a follow-on agreement is related to the difficult issue of our forward deployments in Europe which are dedicated to the defense of our European allies and which are at sea.

The intent of my amendment as it bears on this matter is, I believe, perfectly clear and straightforward. In stating that "the Congress recognizes the principle of United States-Soviet Union equality reflected in the antiballistic missile treaty" and that accordingly "the Congress requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union" it is unmistakably clear that so-called forward based systems, which are not intercontinental, should not be included in that calculation of equality. It is my view, and the intent of the pending amendment, that any eventual treaty must recognize the necessity that the intercontinental strategic forces of the U.S. and the U.S.S.R., by which I mean to include ICBM's, submarine-launched nuclear missiles, and intercontinental range bombers of the two powers, should bear an equal relationship to one another. This says nothing about the eventual role of or disposition of the issue of forward based systems.

With regard to the question of forward based systems it has been my understanding, as clearly set forth by representatives of the administration in testimony before the Senate, that the United States has refused to negotiate the issue of forward based systems in a bilateral U.S.-U.S.S.R. negotiation. I understand that this position was based on the entirely justifiable view that such systems are part and parcel of our alliance defense commitment and could not appropriately be considered without satisfactory alliance participation. I fully support the administration's views on this matter and there is nothing in my amendment which in any way contradicts that position.

RESEARCH, DEVELOPMENT, MODERNIZATION

My amendment, in its final sentences, simply points to the need for a vigorous program of research, development and modernization leading to a prudent strategic posture. I wish to emphasize that adoption of this language is not intended to bear upon the wisdom of any particular procurement item. Decisions on procurement ought to be taken on a case by case basis. So while it is useful for the Senate to go on record to the effect that we must continue our efforts in the research, development, and modernization area, Senators can rest assured that this does not constitute an endorsement of any particular weapons system or any particular research and development effort. I emphasize this, Mr. President, because I would not wish Senators to gain the impression that in voting for my amendment they are committing themselves to any future action on procurement items.

Mr. President, I began my remarks by observing that international agreements always involve unwritten hopes and expectations and reservations. Sometimes it helps to set them down. In the present case I hope, and I am sure my colleagues share this hope, that a follow-on agreement will limit the threat to the survivability of our strategic deterrent forces. It is, in my view, well to underline this hope by language that lets the Soviets know that a failure to achieve this result would jeopardize our supreme national interests. My amendment does that.

I fully expect that our negotiators at SALT II will insist upon equality just as the Soviets insisted upon equality in the ABM treaty. The issue of whether the present agreement adds up to equality is beside the point; and there will be differences of opinion on that. But what I am certain we can agree on is the necessity that we not accept in SALT II levels of intercontinental strategic weapons that are inferior to the levels of intercontinental forces permitted for the Soviet Union. My amendment does that.

Finally, I am confident that the Senate would wish to reaffirm its confidence in the importance of our research and development efforts.

Mr. President, the overriding hope and expectation of all of us is that the SALT deliberations will eventually produce a treaty that will assure the survivability, and therefore the credibility, of our deterrent posture. Such a treaty would be an enormous step toward world peace.

Mr. President, I want to see the Senate of the United States play a full and equal role in the effort to bring about such a treaty. The place to start is by giving our advice as well as our consent to the present agreement. We have an obligation to give direction to the future efforts of the Government on SALT policy. I believe that direction must be toward survivable forces and toward equality. I am confident the Senate shares this view and that it will act to support my amendment.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. JACKSON. I am very happy to yield to my good friend from North Carolina.

Mr. ERVIN. Mr. President, I commend the distinguished Senator from Washington for the remarks which he has made to the Senate. I do not believe there is any other man in the Nation who is more knowledgeable on the implications of the interim agreement and the implications of the future SALT talks than the distinguished Senator from Washington because he is as well versed in our weapons systems and the disparity which exists between some of our weapons systems and those of the Soviet Union as any man in the Nation.

I know as a member of the Committee on Armed Services that he has been tireless in his attendance upon the sessions of the committee at which the committee probed these questions, and that he asked questions of a most penetrating nature of all the witnesses who appeared. From my attendance at as many of these sessions as it was possible for me to attend, I know the Senator from Washington is correct when he states that it appeared that virtually every witness who had anything to do with the negotiation of the interim agreement and the ABM treaty, and virtually every witness who is charged with serious responsibility by reason of his position in the Armed Forces of the Nation expressly recognized the necessity of the United States establishing a parity with Soviet Russia in future SALT talks in respect to intercontinental strategic deterrents.

Mr. JACKSON. Mr. President, first, I want to thank my good friend for his generous remarks. I know I do not deserve them. But I do want to say that the Senator from North Carolina played an important part in the Armed Services Committee hearings that we held. He asked some truly penetrating questions to bring home what is really at issue. I think it is regrettable that so little is understood about the nature of this agreement and what it includes and what it does not include, the ambiguities that are in it, the fact that it is not bilateral in every respect, the fact that there are a number of unilateral interpretations that have not been concurred in by the other side.

I think those of us who are lawyers understand that in order for two parties to make a contract there has to be not only a bilateral agreement, but appropriate consideration for that agreement. We do not have that in this agreement.

I think the Senators who tried to get all the facts out on the table rendered a real service. This is what we are trying to do on the floor of the Senate.

I commend the Senator from North Carolina. I know of no one who has a better means of pursuing the ancient art of cross-examination, which is the best means ever devised by man, at least in Anglo-Saxon law, to get at the truth.

Mr. ERVIN. I know the distinguished Senator from Washington had a great career as an attorney prior to the time he was selected by his constituents to serve them in the Congress of the United States. Is it not the objective of an agreement between either nations or individuals to express exactly what was decided and agreed on? As the Senator from Washington has pointed out, there are a great many ambiguities in the interim agreement itself. As a matter of fact, do we not have an interim agreement which does not express anything about these disparities, which are sanctioned in a protocol annexed to the agreement?

Mr. JACKSON. The Senator is correct. For example, one cannot find in the interim agreement the number of land-based missiles that is permitted on both sides. It is not in the agreement. It is just a unilateral statement on our part, whereas the numbers of submarines of the Polaris type, so-called, are spelled out for both sides.

Mr. ERVIN. Is it not true that the interim agreement itself states in respect to the weapons which are frozen—and they are a very limited part of the weapons in existence—the agreement is based on what was in existence and under construction at the time of entering into the interim agreement?

Mr. JACKSON. The Senator is correct.

Mr. ERVIN. So a lawyer doing a good legal job of drafting the interim agreement would have inserted specifications enabling us to understand the terms of the interim agreement?

Mr. JACKSON. The Senator is correct.

Mr. ERVIN. But, instead of doing that, the drafters had to draw a protocol that be annexed to that interim agreement to explain in part what the interim agreement provides. They were not able to express the terms of the agreement by doing that. They then had a further written agreement between our representatives and those of Russia as to what the interim agreement and the protocol agreement contemplated.

Mr. JACKSON. The Senator is correct.

Mr. ERVIN. And then, in addition to that, I will ask the Senator from Washington if our negotiation did not adopt a fourth method, in which the American negotiators made certain statements, and those statements were acceded to by the Russians, making the fourth set of documents to explain what the original agreement contemplated.

Mr. JACKSON. The Senator is correct.

Mr. ERVIN. And still our negotiators were not satisfied that the interim agreement was understandable, so they made unilateral statements as to what they contemplated the interim agreement and the protocol and the bilateral statement means.

Mr. JACKSON. With no concurrence on the other side.

Mr. ERVIN. No, the Russians did not concur in the fifth statement, which was unilateral, and stated the interpretation of our negotiation viewpoint. But the Russians never expressed their opinions in regard to the unilateral statement of our negotiators.

Mr. JACKSON. The Senator is again correct.

Mr. ERVIN. So would not the Senator from Washington agree with the Senator from North Carolina that a lawyer would do a very sorry job if he drew a contract his client had to sign and then produced three other documents, and then an oral statement, to explain what the contract was intended to do?

Mr. JACKSON. I think the Senator's description is an accurate one and brings home the fact that we have already laid the foundation for obvious disputes in the future. This is what a good lawyer, in advising his client and in drafting an agreement, would want to avoid.

I know the Senator from North Carolina, who has been a distinguished lawyer and a distinguished jurist of the

Supreme Court of North Carolina, would agree that what has been followed here is unheard of even in a moot court exercise in law school.

Mr. ERVIN. As I understand, the Senator from Washington and I are both concerned about the state of the world in which we live. We certainly live in the most precarious age that the world has ever known.

I remember some years ago when President Roosevelt first issued a proclamation providing, in effect, for two Thanksgiving Days, one the orthodox Thanksgiving and the other a Thanksgiving a week earlier. I had an old friend, Isaac T. Avery, who was a Democratic lawyer in my hometown. I also had a young friend Russell Berry, who was a Republican lawyer. The Republican lawyer said to the Democratic lawyer:

> I don't know what you Democrats have done for this country that requires us to have two Thanksgivings to thank the good Lord for our blessings.

Mr. Avery, the Democratic lawyer, said to Russell Berry, the Republican lawyer:

> Well, Russell, I think we might very well find use for two Thanksgiving Days. We can use the first to thank the good Lord for the Atlantic Ocean, and the second to thank the good Lord for the Pacific Ocean.

Those are blessings for which we might well have thanked the good Lord in those days, but today the Atlantic and the Pacific Oceans no longer protect us because of advanced technology.

Mr. JACKSON. The Senator has stated it very well. We are living in an age in which science and technology can determine in a large measure what kind of physical security we can obtain. The fruits of science and technology, as the Senator knows, never remain on a plateau, despite the wishful predictions of scientists writing in Scientific American. We are living in an age when we cannot isolate ourselves on the North American Continent. We have to be a part of the world, and I think we have to play a responsible role, no matter how onerous it may be at times, in endeavoring to preserve, and hopefully to extend, individual freedom.

Mr. ERVIN. Is it not true that the United States has undertaken during recent years to maintain a viable defense posture in order to deter any other nation from starting what we might call the third world war?

Mr. JACKSON. The Senator is correct.

Mr. ERVIN. The United States has not created any weapon system for the purpose of practicing aggression toward any other nation on earth. Is that not true?

Mr. JACKSON. The Senator is correct. I would point out that at the end of World War II we demonstrated our good faith in trying to control atomic weapons by offering what was then referred to as the Acheson-Lillienthal-Baruch proposal. The Senator may recall we offered to turn over our entire nuclear stockpile to an international body, under the direction of the United Nations, provided that all other nations joined in it. The nation that vetoed that in the Security Council was none other than the Soviet Union.

Mr. ERVIN. And if that proposal had been accepted by the Soviet Union, we could have avoided what some people have called the arms race, and could have had peace as nearly guaranteed as peace can be in a nuclear world; is that not true?

Mr. JACKSON. The Senator is correct. If the Soviet Union had simply lived up to the Charter of the United Nations.

I think the preamble to the United Nations Charter sets it out pretty well: An agreement "to resolve differences by peaceful means."

But instead, we all know what has happened: They failed to live up to the agreements that were entered into at Yalta, by which free and open elections were to be guaranteed to the people of Eastern Europe, which the Soviets occupied with their armed forces—and still occupy; and we know what happened after that. We saw the fall of Czechoslovakia, which led to the formation of the North Atlantic Treaty Organization.

We have made every conciliatory move to try to bring about a stabilization of forces in the world so that we could have peace, and in every such move we have had to face continuing opposition on the part of the Soviet Union.

Mr. ERVIN. Is it not true that for some years after the rejection of the proposal made by Secretary of State Acheson following the end of the Second World War, the United States had a decided position of superiority in respect to armaments over Soviet Russia?

Mr. JACKSON. In nuclear arms we not only had superiority, but we had an absolute monopoly until August of 1949, when the Soviets got their first nuclear bomb, what we call a fission bomb.

Mr. ERVIN. Is it not true that, during the period in which the United States maintained superiority in this field over Soviet Russia, representatives of the United States at various levels met with the Russian representatives in hundreds of meetings, in an attempt to arrive at an enforceable arms limitation agreement?

Mr. JACKSON. The Senator is correct. While we were trying to do that, of course, we had the problems of Berlin and threats of aggression against the Western European countries that were not then under the domination of the Soviet Union.

Mr. ERVIN. Is it not true that we were able to reach the partial agreement in SALT I only after Russia had achieved superiority in several significant fields over the United States?

Mr. JACKSON. The Senator is correct.

Mr. ERVIN. Now, the Senator from Washington, as I interpret his remarks, wishes to impress upon the Congress of the United States, upon the administration, and upon the American people that there is little value in having a strategic deterrent unless that strategic deterrent is capable of surviving a first strike at the hands of the Soviet Union or any other nuclear nation.

Mr. JACKSON. The Senator is absolutely correct. As I have pointed out, on December 6, 1941, we had the largest and finest Navy in the world. On December 7, we were left with virtually no Navy as a result of the surprise attack at Pearl Harbor.

What we want is a survivable, and therefore credible, strategic deterrent. This is what stabilizes the situation in the world, something that I think all men and women of good will strive for.

Mr. ERVIN. And is it true that the best insurance against a third world war is the maintenance by the United States of a deterrent strategic force which other nations know is capable of surviving a first strike at the hands of any other power?

Mr. JACKSON. I agree completely, as long as the Soviet Union understands that should they attempt a surprise attack on our forces, our response would deliver unacceptable damage in every respect. Unless we have that kind of posture, I believe the Soviet Union will undertake greater and greater risks. This is the factor that should be taken into consideration. But it is essential that the Soviets not believe that they can hope to use their reserve forces to deter our retaliation.

For example, at the height of the Cuban missile crisis, when the Soviet Union managed to sneak missiles into Cuba, we had a wide strategic lead over the Soviet Union. I do not recall the exact ratio, but probably as high as 7 to 1 in terms of missiles and bombers.

Despite that wide advantage, the Russians nevertheless took that risk. I do not think it requires much imagination to comprehend the range of risks that the Russians would take should they attain superiority in strategic arms over the United States.

As the Senator has mentioned, when we had an absolute monopoly, when we had a wide lead over the Soviet Union, they had no fear. We never at any time threatened them with nuclear weapons. So what we are trying to attain here, I think, is a stabilization of forces which, in turn, will have its impact on the conduct of the nations in the world with respect to what we refer to as little wars, or threats of aggression in limited areas.

This is involved when we talk about the relative relationships of the two great powers in strategic arms. So we are not talking only about the numbers of weapons, and it is not any simplistic action-reaction phenomenon. That is not all that is involved here, though that is a part of it. But I think we have to understand the international political implications, the diplomatic implications, and I think that very clearly, if the Soviet Union attains superiority in this area, the hard-bargaining and risk-taking that they are going to engage in, in the 1970's and 1980's, will be something beyond what the world has witnessed heretofore, and we would be most seriously handicapped, even if no weapons were ever used, in the diplomatic area.

Mr. ERVIN. And the United States would be disadvantaged by that Russian superiority in diplomatic and economic and other fields; is that not true?

Mr. JACKSON. The Senator is again correct. We would see examples of blackmail, due to the fact that they would have a superior strategic force, and they would use that power to blackmail our allies, as they attempted to, the Senator will recall, in 1956. I think it was Mr. Khrushchev who made the comment, at the time of the Suez affair, that the Soviet Union could detonate seven or eight weapons and there would not be an England. He attempted to blackmail Anthony Eden directly.

He applied the same rhetoric to France. That was at a time when they were just developing nuclear weapons. They were then only 7 years into the atomic age, having exploded their first bomb in 1949.

Again I emphasize, and I want to be as emphatic as I can on this, that the element of tougher bargaining and risk-taking on the part of the Soviet Union will, I think, increase in direct proportion to the acquisition of whatever nuclear strategic advantage they can obtain.

Mr. ERVIN. Then, is it not the judgment of the Senator from Washington that it is essential to the stabilization of the world and to the assurance of peace that the United States shall have at least a parity in weapons with the Soviet Union?

Mr. JACKSON. The Senator is again speaking my language.

Mr. President, it is just incomprehensible that some Senators are not willing to go along on an amendment which simply asks that we achieve equality in strategic weapons with the Soviet Union. They bring in all this extraneous business about forward bases which in Europe, as I pointed out in my remarks, are entirely tied to a theater responsibility for the defense of Western Europe and NATO. They bring up over and over again that we have 7,000 warheads over there. Those 7,000 warheads are tactical in nature. They are in support of our forces and are there to prevent the obvious advantage that the Soviet Union has in numbers of troops.

Mr. ERVIN. Is it not possible, in the present stage of development of weapons, for the Soviet Union entirely to bypass those forward bases and to make an attack on the United States, either by intercontinental ballistic missiles or by the Yankee-type submarines, without ever making any attack on the forward bases?

Mr. JACKSON. That is correct. They do not need to touch the forward bases at all. The forward bases have an extremely limited capability, and they are neutralized, I would say to the Senator from North Carolina, by the presence of more than 600 intermediate range ballistic missiles that can destroy 40-odd strike bases we have in Western Europe. In fact, a hundred IRBM's out of the 600 is all that they would have to use in order to knock out the capability of the 7,000 warheads that are constantly mentioned.

I point that out because of the extraneous issues that are being brought in here which do not affect the pursuit of equality in basic strategic arms. We are referring, of course, to the land-based ICBM's, the sea-based ballistic missiles, and bombers that have an intercontinental capability—those are the three basic strategic systems.

What is wrong with asking for equality on both sides, or parity on both sides, in SALT II?

I recall that during the ABM debate, we brought up the fact—I brought it up in the closed hearings, and it came as a surprise to some Senators—that the Soviets had a very fast moving Yankee submarine program similiar to our Polaris. The figures startled some Senators in 1969. I can point out—and I will do that later, in more detail, as I read back the testimony to the Senate—that they have gone far beyond even those numbers I reported in 1969.

We were told the Soviets were just trying to seek parity with the United States. The same is true in land-based missiles: They were just trying to seek parity. They would stop at 1,054 ICBM's and 41 submarines. They have gone far beyond that—1,618 such land-based missiles to our 1,054. The same is true with respect to their submarine force, in numbers, giving them a 50-percent advantage; and in throw-weight—the ability to carry warheads—an advantage over us of 4 to 1.

Mr. ERVIN. Is not the argument frequently made by some people in high places that we ought not spend money for weapons because weapons have become obsolete?

Mr. JACKSON. The Senator is correct.

Mr. ERVIN. Does not the Senator from Washington believe, as the Senator from North Carolina does, that the reason why some weapons for which we have spent large sums of money have become obsolete has been that we had those weapons and their possession by us made it possible for us to deter others from attacking us?

Mr. JACKSON. The Senator is correct. I think that without the forceful and effective and comprehensive research and development we have undertaken—under all administrations, Republican and Democrat alike—we would not have had a successful deterrent.

On Friday there was great complaint about the fact that we had spent a huge sum since World War II on useless weapons. I think we all seek a situation in which these weapons never will be used. If they are used, deterrence will have failed.

Mr. ERVIN. That is the reason why we have these weapons—the hope that they never will be used and that the weapons themselves will be sufficient to prevent a holocaust.

Mr. JACKSON. The Senator is correct again. We know that should there be a nuclear exchange based on the current situation, there could be an incineration of mankind. Our effort is to maintain the kind of posture that will not tempt the adversary to undertake any such attack. This is what we are trying to do.

Mr. ERVIN. The ultimate objective of the Senator's amendment, as I construe it, is to point out the necessity in future SALT talks of agreeing on limitations which will insure the survivability of our strategic deterrent force by having the United States placed at least on a parity with the Soviet Union.

Mr. JACKSON. I think the Senator has summarized it very well. We seek to obtain a survivable and, therefore, a credible force which will place us on a basis of parity, or equality, and not inferiority with the Soviet Union.

Mr. ERVIN. Does not the Senator from Washington agree with the Senator from North Carolina that one of the most solemn obligations resting upon those who have the honor of being in the U.S. Senate and the U.S. House of Representatives is to act, in a sense, as watchmen for a nation which is living in a very precarious world?

Mr. JACKSON. I believe that our constitutional responsibility—particularly in the Senate, where we are called upon not only to consent but also to give our advice—means that we have, particularly in light of the world situation, a responsibility unequalled in our history; because we are dealing, as I view it, with the life or death of the Western World.

Everything we believe in, which we like to refer to as western civilization, of which we are a part—of which my antecedents and those of the Senator from North Carolina have been a part—is at stake here. That is why I feel so deeply about this matter.

I think it behooves some of us, at least, to bring this message as clearly and as explicitly as we can to the American people. We have many problems that beset us at home. Many things divert us. But I hope that, as a people, we will never be diverted from the central issue of freedom. The desire for freedom is what unites all people, no matter what their attitude or philosophy may be on a given issue.

The right to speak out, the right to be able to dissent, the right to be able to say, "I believe in individual human dignity"—all this, Mr. President, is at issue when we talk about the relative power relationships between the two great powers. We come from a people that have had the longest lived democracy in the world. The people of the Soviet Union have never known freedom. It is the only country in western Europe that has never known freedom. Think of that. The only country. I love the Russian people, as we all do as a people. But there are those who come to the absurd conclusion that the Soviet political and military elite are like us because the Russian people are friendly, because they are good people individually. It is not possible to impute that attitude to their leadership any more than we could have imputed the attitude of friendliness of the German people that existed immediately prior to World War II to the leadership in Nazi Germany.

So there is more at stake here than just how many missiles they have and how many we have. We are talking about whether we can preserve Western freedom.

Mr. ERVIN. The Senator from North Carolina is convinced we certainly should insist that our negotiators at the next SALT talks should try to obtain a treaty of a permanent nature which would secure to the U.S. security and to the world stability by placing the United States and Russia respecting intercontinental strategic weapons. I think, in view of the present state of the world, that is not the time for us to emulate the example of ostriches and stick our heads in the sand so that we cannot see the harsh realities which confront us.

I want to thank the distinguished Senator for the great speech he has made, and for the fight he is making for what I consider to be pure and simple sanity in this field. It makes me proud to confess that the distinguished Senator from Washington was my choice for the Democratic nomination for President of the United States.

Mr. JACKSON. I thank the Senator. I want to express my deep appreciation to the distinguished and able Senator from North Carolina. I am proud to have served with him in the House and now in the Senate. I admire his acute ability to get to the heart of an issue which, of course, stems from the fact that he is without a doubt the finest constitutional lawyer we have in the Senate today. He is a man who is well versed in strategic weapons matters. He is a man who, through it all, has a judicial temperament. We are fortunate in having the wisdom of the distinguished senior Senator from North Carolina (Mr. ERVIN).

Mr. COOPER. Mr. President, will the distinguished Senator from Washington yield?

Mr. JACKSON. I yield.

Mr. COOPER. May I say that I have listened with great interest to the colloquy between the distinguished author of the amendment, the Senator from Washington (Mr. JACKSON) and the distinguished Senator from North Carolina (Mr. ERVIN). I would like to say that there are several subjects on which I agree in the matters the Senator has discussed with the Senator from North Carolina.

I would say, first, that I believe we all want equality with the Soviet Union of our strategic nuclear systems and, second, we want to maintain the survivability of our deterrent. I would say, for myself, that I never want to see the United States fall into a position militarily inferior to the Soviet Union whether it be strategic nuclear weapons or the effectiveness of our conventional weapons and forces.

I consider, too, that while it is fortunate we have been able to make agreements on the ABM and offensive nuclear system, there is a vast difference in our political systems. I do not foresee any significant change in their system in the future, and I hope there will be none in our democratic system except for the better. I am happy also that I can agree with the Senator that I am not one of those who believe we can cut the very heart out of our military spending and defenses and expect to be able to meet the psychological and political problems throughout the world.

Mr. JACKSON. May I say that the Senator knows we are agreed on a number of things. I think we have had some disagreements on some specifics but I think the able Senator from Kentucky (Mr. COOPER) has been deeply concerned about the need to provide for adequate security for our forces at home and for our allies.

I know of no one in this body who has understood more clearly the need to have an ongoing and effective relationship with our NATO partners than the Senator from Kentucky.

Mr. COOPER. I am in accord with the Senator on that.

Mr. JACKSON. The Senator has taken especial interest in that. He has served on the NATO Parliamentarians Military Committee now for a number of years and has been a rapporteur.

I want to commend him for the dedication and the contribution that he has made toward strengthening the alliance, and to warn against any premature unilateral action on our part, such as troop withdrawals. The Senator has been most forceful in that regard.

Mr. COOPER. I have agreed with the Senator on the importance of NATO for our security as well as that of Europe because I value, as he does, our allies and the strength which we find in Western Europe and also, as he has stated, it includes the countries which can be really called democratic, and which are the source of our values.

I recall in 1968 when the forces of the Soviet Union within 24 hours overran Czechoslovakia, which was trying to open up its relations with other Europeans countries, and assure some freedom to its people.

However, I disagree with the Senator on his amendment. I must say, with all deference, I believe he has appealed to the Senate and to the country upon an issue which is not the issue at stake at all. He has asked, what is wrong with achieving equality in strategic nuclear weapons and what is wrong with maintaining the survivability of our deterrent as if there were disagreement on the proposition.

Of course there is nothing wrong with that purpose. It is right. I agree. I do not know of anyone who disagrees with the Senator on the proposition.

The true issue is this: Has survivability of our deterrent or the equality of our nuclear strategic forces been threatened by the interim agreement, as his amendment suggests, and does his amendment seek superiority rather than equality of forces—which could actually destabilize the deterrent? It is difficult to go beneath his statements and find out if there is any situation which is threatening the survivability of our deterrent and which would bring about inequality in our strategic nuclear forces.

I should like to ask the Senator a few questions and then I will conclude, as I know other Senators want to speak.

Let us leave out this discussion forward based forces in Europe. Let us leave out our aircraft in Europe and their capability of carrying nuclear bombs, and their auxiliary systems, such as SRAM and SCAD, capable of striking the Soviet Union; dismiss for the time being our tactical nuclear weapons—and frankly, I do not know how many of them could strike the Soviet Union, although I am sure that there are some, dismiss also the aircraft carriers with the aircraft flights that could strike Soviet area. Let us look only at a comparison of the forces of bombers, intercontinental ballistic missiles, and submarine launch missiles. Would the Senator say that today, at this moment, the United States is in an inferior position to the Soviet Union in these categories? Would he say that these do not maintain and protect the survivability of our deterrent? Would he say that we could not destroy the Soviet Union even though we were the subject of a first strike?

Mr. JACKSON. At this time we have an effective deterrent. The answer is yes.

Mr. COOPER. Mr. President, postulating the same questions, would his answer be no at the end of the 5-year agreement?

Mr. JACKSON. The answer is that it could be no. I would have to go on the assumption of the statement that the President has reported that Mr. Brezhnev has advised him that the Soviets will carry out fully the provisions of the agreement, taking full advantage of its latitude. Now, under the agreement they will have, and we will have, frozen the numbers and relative size of launchers. And the Soviets will have the ability, in my judgment, if it is exploited under the full terms of the agreement, to give them a substantial advantage over our strategic force.

Mr. COOPER. In what respect and in what categories?

Mr. JACKSON. First of all, as the Senator knows, they are permitted 62 Y-class submarines with a total number of launchers of 950.

We are limited to 44. That is three more than we have now. And we are limited to 710 launchers. The Soviet Union is permitted, and they now have as the Senator knows, either deployed or under construction, 1,618 land-based ICBM's. We have 1,054.

So, to summarize, they have a 50 percent advantage in numbers of delivery systems. And they have a throw-weight advantage, which will determine the number of warheads they can eventually have, of 4 to 1 over ours.

I think that we have to proceed on the premise that they are on the verge—and this is corroborated by intelligence—of obtaining a MIRV capability. I think that we have to assume that they will prosecute with the utmost diligence improved accuracy to exploit their advantage in numbers and in yield. In time they can threaten the survivability of our land-based deterrent, ICBM's or bombers.

Mr. COOPER. The Senator then is assuming—and, of course, it is hypothetical that in the next 5 years the Soviet Union will take all these steps.

Mr. JACKSON. Mr. President, again I say to my good friend that I am basing my concern on what Mr. Brezhnev told President Nixon. I think these are the facts. This is what they can do under the agreement. The Senator may assume that they are not capable, in this time period, of MIRVing. However, I think they are capable and that we should not be surprised to read in the paper tomorrow that they have tested their first MIRV delivery system. I think that it can happen at any moment.

Mr. President, I do not think we should be surprised to get information that they have tremendously improved their accuracy. These are things that we as a prudent nation and, I hope, as prudent Members of the Senate, will take into consideration. I recall warning in the ABM debate in 1969, in our closed session, that the Russians were then moving very rapidly to build up their fleet of Y-class submarines. I remember that the Senator from Kentucky was very diligent about this, and he pursued it very effectively on the floor. I called to his attention then the intelligence information concerning how fast they were moving on the Y-class submarines.

And the Senator from Kentucky will recall that—and I will bring this out later in more detail—the general feeling then was that they would not go beyond parity or equality with the United States on both the land-based and sea-based forces.

Mr. President, I want to quote from the White House briefing by the President. This was on June 15. I was present, and I think the Senator from Kentucky may have been there when the President made the statement.

Mr. COOPER. I was there.

Mr. JACKSON. President Nixon said:

> I think I owe it to you and to the Nation to say that Mr. Brezhnev and his colleagues made it absolutely clear that they are going forward with the defense programs in the offensive area which are not limited by these agreements.

Mr. COOPER. Mr. President, that is correct. He so stated. Of course, he did not specify the exact systems and the way they would be armed as the Senator has suggested.

Mr. JACKSON. I do not think they would give us that intelligence at all. We have to dig it out ourselves.

Mr. COOPER. The Senator is correct. We have good intelligence, as the Senator knows very well. But does not the United States have the same capability as the Soviet Union if it desires to proceed to increase its strength, if after a reasonable time the Soviet Union indicates that it is moving ahead to develop new systems and weapons?

Mr. JACKSON. The answer to that is that we do not have the advantageous base they are given under this interim agreement. That is why the administration, as I understand their position—and all of the witnesses who came before the Armed Services Committee made it very clear over and over again—that SALT I, the interim agreement, is not to be the basis for an agreement on SALT II; in that we are to seek parity or equality.

This is all I am trying to say with my amendment. I am trying to implement the Fulbright doctrine in the Senate, and that is for the Senate not just to consent, but also to give its advice. And our advice should be that we should seek parity and equality with the Soviet Union.

Mr. COOPER. The Senator has reached the very point on which we differ. It seems to me the Senator differs with the administration, although the administration has stated it supports the language of the Senator. But the administration has stated it does not support his interpretation as I do not. I wish to read to the Senator the language of Dr. Kissinger when he was speaking for the President. This is what Dr. Kissinger said at the White House on June 15, and it appears on page 400 of our hearings:

> Does the agreement perpetuate a U.S. strategic disadvantage?
>
> We reject the premise of that question on two grounds. First, the present situation is on balance advantageous to the United States. Second, the Interim Agreement perpetuates nothing which did not already exist in fact and which could only have gotten worse without an agreement.
>
> Our present strategic military situation is sound. Much of the criticism has focused on the imbalance in number of missiles between the U.S. and the Soviet Union. But, this only examines one aspect of the problem. To assess the overall balance it is necessary to consider those forces not in the agreement: our bomber force which is substantially larger and more effective than the Soviet bomber force, and our forward base systems.
>
> The quality of the weapons must also be weighed. We are confident we have a major advantage in nuclear weapons technology and in warhead accuracy.

I wish to interpolate at this point that we have had the MIRV for a relatively long time. We are arming our submarines with the MIRV as well as our intercontinental ballistic missiles. The Senator says the Russians will get MIRV. I have no doubt that they will. But, we are proceeding now to MIRV our Poseidon and our intercontinental ballistic missiles. The United States has developed MIRV.

Dr. Kissinger goes to state:

> Also, with our MIRV's we have a 2-to-1 lead today in numbers of warheads and this load will be maintained during the period of the agreement, even if the Soviets develop and deploy MIRV's of their own.

I wish to repeat his statement:

> Also, with our MIRV's we have a 2-to-1 lead today in numbers of warheads and this lead will be maintained during the period of the agreement, even if the Soviets develop and deploy MIRV's of their own.

That would mean if this interim agreement is agreed to we could have 10,000 deliverable warheads at the end of 5 years and as the Senator knows 250 or 300 warheads delivered on cities would destroy either the Soviet Union or the United States.

I say respectfully that the Senator has his own convictions but I believe that if the policy of his amendment were followed he would not be seeking equality; he would be seeking superiority.

Mr. JACKSON Would the Senator elaborate?

Mr. COOPER. The superiority would be the increased numbers of deliverable warheads.

Mr. JACKSON. Would the Senator explain how the United States would be assured of superiority under my amendment? What we would get is equality in offensive warheads. Under that doctrine we can have the same number of offensive delivery systems and the same throw weight. Tell me how that gives us superiority.

Mr. COOPER. It is because you describe the deterrent only in terms of numbers and megatonnage. It is the testimony of the administration and of the scientists, that we can maintain this advantage if necessary. I do not know that you would find one who testified differently.

Mr. JACKSON. Yes; I can.

Mr. COOPER. If our total nuclear strength, whatever the Soviet totals may be, of our systems provide the capability to withstand a first strike and still destroy the other country, we have equality—the only one that really matters. We have the deterrent.

Mr. JACKSON. I'm not sure I understand your point.

Mr. COOPER. You want equal numbers in ICBM's.

Mr. JACKSON. We are talking about equal numbers—equal numbers of delivery systems, land-based and sea-based, taking account of throw weight. Within that context each side can vary the number of warheads.

I am at a loss to understand how we have superiority if we have equality with them in the numbers of delivery systems permitted and equality in the total throw weight. We can have a different number of warheads than the other side. That can vary, but I am talking about the delivery systems on which the number of warheads depends.

You see, Senator, the thing that really disturbs me is that we were told in the ABM debate, which I will get to tomorrow, that all the Soviets sought was parity. They have gone way beyond that. That was the argument against the ABM; that the Russians were really only trying to obtain the same number of nuclear submarines and land-based delivery systems as the United States.

Mr. COOPER. I do not fully agree with that. We were talking about overall parity and equality. The Senator seems to be talking about numbers.

Mr. JACKSON. What is wrong with stipulating that both powers shall have the same number of land-based ICBM's, the same throw-weight, the same number of submarine-launched missiles and the same number of intercontinental bombers? What is wrong with having equality?

We have heard for years, during all administrations, Republican and Democrat alike, when the Secretaries of Defense come up they always testified in favor of superiority.

Now, the Senate is in a great debate over whether we should have equality. I really would like to know what is wrong with an agreement along the lines I just suggested.

Mr. COOPER. What the Senator is arguing is having the same number——

Mr. JACKSON. What is wrong with it?

Mr. COOPER. As all have said, equal numbers are possible only when our two systems were identical, whereas we have different systems to deal with. The Senator was a member of the Committee on Armed Services when it was decided not to develop ICBM's similar to SS–9. It decided to develop different types of ICBM's, with greater accuracy and smaller megatonnage.

Evidently the Senator was not afraid at that time we were at a disadvantage with the Soviet Union which was developing larger missiles. That is one example.

There are other factors: qualitative differences, geographical factors, the range of our missiles, the range of our submarine launch missiles.

Phase II is an attempt to reduce numbers and not to augment numbers.

Mr. JACKSON. Is the Senator aware that the range of some of their missiles is greater than ours?

Mr. COOPER. Yes; in some areas. The Senator is aware that the range of our submarines is greater than theirs.

Mr. JACKSON. No; the Senator is wrong. The SSN8–X has a range of 3,000 miles or more. They have a greater range.

I went through that on Friday with the Senator from Arkansas. I pointed out that they are getting to the point where they do not need forward bases. They have operational, sea-based missiles that have a greater range than ours, p-e-r-i-o-d. And they have land-based missiles with greater range and payload.

Let me ask the Senator——

Mr. COOPER. I do not want the Senator to leave this question, for a moment.

Mr. JACKSON. Very well.

Mr. COOPER. The Senator contends today that our submarines, with their ability to launch missiles, such as the Polaris and the Poseidon, are inferior to the Soviet fleet——

Mr. JACKSON. I did not say that. I am responding to the Senator's question. I will stand on it. I am sure the Senator does not want to let the record stand here as it is. He can call, and that information will be shortly given to him. The Soviet Union has missiles aboard its submarines that have a longer range than any submarines with missiles that we have.

Mr. COOPER. Deployed?

Mr. JACKSON. Yes; deployed.

Mr. COOPER. Can the Senator say how many?

Mr. JACKSON. I do not want to get into numbers. I grant that they are just beginning to deploy these missiles. All I am saying is that they have sea-based missiles with a range of 3,000 nautical miles or better. We do not have that. I only say that because the Senator said our have a greater range. If the Senator wants to refute that, he may.

Mr. COOPER. It is about 2,700 or 2,800 miles. Is it not? We have a larger number at present and we have better forward bases. I think our grave disagreement is, is that the Senator's concept of parity is that it must be of equality in numbers and megatonnage and they must be merged together.

Mr. JACKSON. No.

Mr. COOPER. I believe equality is based on the total nuclear forces of each country as they relate to each other.

Mr. JACKSON. Let me make one thing clear to my good friend.

The Senator has talked a lot about his objection to my amendment which calls for equality. Is the Senator aware that in the ABM negotiations for the antiballistic missiles, when we wanted four bases the Soviets insisted on equality—that is, two for them and two for us—and they insisted that one of them be at the National Command Authority, because they already had theirs at Moscow. They did not have to dismantle anything. We had to dismantle, at a loss, our ABM site at Malmstrom, Mont. The Russians insisted on equality in defensive weapons.

What is wrong with the Senate's insisting on equality in connection with offensive weapons?

Mr. COOPER. They are not comparable only in terms of numbers of launchers. The Senator knows that well. I am aware of the fact that they insisted on equality. In fact, they would like very much to have had one site. I must make the point——

Mr. JACKSON. I want to say that, as the Senator knows—I know it will not come as a surprise to him—I would have favored no ABM, under the circumstances.

Mr. COOPER. That is the point we made in 1968, 1969, 1970, and 1971. The ABM systems were no good, and the Russians, too, realized that eventually. Finally, the United States came to the same realization. It was a costly system which could have reached $50 to $75 billion that could not protect either the ICBM fields or, of course, the people. The Senator will not agree with me, I am sure.

Mr. JACKSON. No. Does he know why? The Senator will remember from the ABM debate. The reason why the ABM limited as it now is will not work is very simple. We have limited the number of interceptors at each base to 100. The Senator will recall that I made it clear over and over again that we had to have an ample number of interceptors. The Senator also knows that I led the fight to confine the ABM defense to our Minuteman-base complex. The Senator is aware, I am sure, that I opposed a defense for Washington, D.C., because it is not effective. I supported the motion made by the Senator from Nevada (Mr. CANNON), in 1970, to confine the ABM defense to four Minuteman bases, eliminating the other eight that the administration had asked for. Again, I took the lead this year in denying the request for funds for the NCA for Washington, D.C., on grounds that it is not an effective system.

Mr. COOPER. I recall very well our battles in the last 3 years, but the Senator was a vigorous advocate of the antiballistic-missile system, and the fact that the two countries finally agreed to limit them to two, and the United States apparently will only deploy one now, is evidence of the fact that neither country considered them of any value, or of little value.

Mr. JACKSON. I do not think that follows at all.

Mr. COOPER. I think it does, because I have had the opportunity, as the Senator has, of talking to the people involved and that is the case. I am not going to say any more about that. I think I can state, as well as the Senator——

Mr. JACKSON. The Senator may or may not be aware that in the negotiations—it is no secret—the Russians focused their interest on our ABM development. They insisted, very strongly, on eliminating it or having it reduced to the point where it would be ineffective. We maintained that an adequate ABM system should not have less than four sites and an adequate number of interceptors, with radars, and so on.

All I am saying is that in the negotiations, the Russians made much of the point, the Senator may recall, of our deployment of the antiballistic system, and it became a very important part of the bargaining process. I believe the Senator from Kentucky recognized that aspect of the negotiations when he subsequently, at a later time, voted for the ABM, I believe, in 1971.

Mr. COOPER. I recognized that both sides knew what the other had and they were proceeding on that basis. I did not change my views about the inadequacy of the Safeguard ABM.

I repeat what I said at the beginning. So far as I am concerned—and I believe it is the position of Members of the Senate on both sides of this debate—all went to protect and assure the survivability of the deterrent and our country. All want parity, equality, sufficiency, whatever one may call it. I have read the Senator's amendment carefully. I recall that there is language in the amendment which refers to "levels," which is ambiguous. I believe that implicit in the Senator's amendment is the argument that the interim agreement is disadvantageous to the United States.

Looking ahead—I know we disagree—on the basis of that argument, I would think he is seeking superiority. I believe that would be a perpetuation of the arms race. If we escalate and the Soviets escalate, we will be in a spiral again.

Unless it is a fact that our negotiators did poorly for us, I think they ought to be unhampered by ambiguous amendments with different interpretations by different Members of the Senate, interpretations which cast some doubt on the work they have done, and which could fetter them in negotiation for the future.

I must assume—unless we have someone in the White House, which I hope will not happen, who will not look after the security and the defense of the United States—that the President and his negotiators will assure that agreements, if any, are based on the protection of our deterrent and, the security of our country, without which nothing is of value. Take the Senator from Washington, I want the security of this Nation and its people protected. Unless it is, all our values and hopes could go.

Mr. JACKSON. Let me just respond briefly, and then I shall conclude.

The President, of course, has recommended approval of my amendment.

It is the President of the United States who will have the responsibility of conducting the negotiations that get underway, I believe, in Geneva in October. The President is supporting my amendment.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. JACKSON. Yes.

Mr. FULBRIGHT. Mr. President, I wish to emphasize that the President of the United States, after all, controls the negotiations. If the President believes in what the Senator says, there is nothing to prevent him from carrying it into effect this fall. He controls the negotiators and tells them what to say and what not to say. That being true, he certainly does not need this amendment.

Mr. JACKSON. Mr. President, the Senator from Arkansas has been the strongest advocate of the position that we have abdicated our responsibility in foreign policy. What is wrong with the——

Mr. FULBRIGHT. Well——

Mr. JACKSON. May I finish my sentence?

Mr. FULBRIGHT. If the Senator does not want to yield, it is all right with me.

Mr. JACKSON. The Senator apparently does not want me to finish my answer. The Senator from Arkansas has been talking day after day in the Senate about the fact that the Senate and Congress have abdicated their responsibility in foreign affairs, that foreign policy is all being made downtown. I am suggesting that here is an opportunity——

Mr. FULBRIGHT. Mr. President——

Mr. JACKSON. May I finish my statement? I try to be courteous about this. I am saying that the Senator from Arkansas has said over and over again we should make our policy clear.

Now, what is wrong with the Senate joining in with the President, to help him in round II, so that he will have the backing of the Senate? What is wrong with that?

Mr. FULBRIGHT. I asked the Senator a question, and I find his answer utterly unresponsive.

I asked him, if the President is in control, what does he need this amendment for? He can do anything he likes.

Mr. JACKSON. Does the Senator not think we have the responsibility, in connection with giving our advice and consent——

Mr. FULBRIGHT. Well, but——

Mr. JACKSON. May I finish? The Senator from Arkansas has talked about my arrogance. Why can he not just wait until I finish, and I will give him plenty of time, as I have done all along.

I want to point out that a treaty is to be negotiated in round II. Hopefully, it will be a good one that will protect security interests on both sides. We will have to give our advice and consent.

Now, the Senator, as I understand it, has complained about the fact that we enter into these negotiations without bringing in the Senate in full partnership. I am trying to bring the Senate into this by giving our advice in advance, so that the President will be able to know what our position is as he negotiates, through his representatives, a treaty.

It seems to me that is the discharge of our constitutional responsibility, and I think the Senator from Arkansas has been correct in a number of situations where the Senate and the House of Representatives have abdicated their responsibility. We have tended not to move in early enough to get in on the beginning. As Senator Vandenberg once said, in the beginning of a bipartisan foreign policy we want to be in on the takeoff as well as on the landing.

I feel this is in keeping with what has been the basis of a sound bipartisan foreign policy, and I cannot understand why there should be an objection to giving our advice in this way, especially when the President agrees with it and says it is in conformity with what he is trying to do.

Mr. FULBRIGHT. Well, I might say that in my view the Senator cannot have it both ways, he cannot carry out the President's will in this thing, and, on the other hand, attempting to carry out the Senate's will. It cannot be both, unless there is no distinction between the two, and maybe there is not.

What is really wrong with the Senator's amendment is that everyone knows these agreements depend primarily, not upon any legal right in any law court, because there is no such thing, where these things can be taken and enforced; they depend upon the confidence each country has in the agreement.

What the Senator's amendment would do is give the Russians reason to question the good faith of our country and our President in making this agreement. That is fundamentally what is wrong with it. All this argument about the details of how far a missile can be shot, whether it is 3,000 miles or 2,950 miles, is utterly irrelevant to the basic question of whether or not, after we negotiate this agreement, we immediately then start to build the Trident, we authorize and appropriate the money for the Trident, the B–1, an additional nuclear aircraft carrier, and now in conference consideration is being given to a new weapon to destroy hardened siloes, which is directly contrary to the spirit of not trying to destroy each other's deterrent.

That is enough to shake anyone's confidence that the United States means it. Now the Senator comes along and says the agreement we made is no good, that it provides subparity—interim subparity, if you like—and that from now on, we have got to have, as the Senator from Kentucky so rightly points out, superiority.

So if there is any effective way to destroy any possibility of arms control, the Senator is following it; and if the Senator follows that at the request of the President—I do not know whether the President requested him to do this or not. I do not know the technique by which a Senator gets the President to approve his amendment or his bill. I do not know that technique.

Mr. JACKSON. I am amazed that the Senator is making such a confession here on the Senate floor. He is a prestigious committee chairman, and I would think he knows how to get in touch with the President.

The fact is, I have not talked with the President about this. I dealt with his representatives. I initiated all of it.

I am carrying out the Fulbright doctrine. I am trying to say that the Senate ought to have a greater voice in these matters. If the Senator still thinks that, if we try to achieve parity, that amounts to U.S. superiority, he can go on thinking it.

I am amazed, with all the talk about Trident and about the B–1 bomber, the Senator does not say a thing—I have never heard him make such a speech—pointing out the way the Russians have been moving forward with their strategic arms. I cannot recall a speech ever having been made by him in that regard.

I think this is a matter of great concern to the country, that a nation would pursue the arms race in such a relentless way as the Soviets are pursuing it.

We have not deployed a single new offensive strategic delivery system since 1965. And I believe that here—in this body, at least—Senators should not hesitate to speak out at a time when the Russians have been moving forward way beyond the achievement of equality or parity in these critical strategic systems such as land-based and sea-based intercontinental missiles. I believe the country is entitled to know what is going on, because it relates to our security.

Mr. President, the Senate will have an opportunity to decide whether we are going to vote against an amendment that simply calls upon the President to seek equality in strategic arms with the Soviet Union in the period ahead. If Senators want to say we should not seek parity or equality, that we will let the Soviets attain superiority, they will have that opportunity. They will have the opportunity to indicate what their policy position is.

Mr. President, I yield the floor.

Mr. HARRY F. BYRD, JR. Mr. President, I am happy to be part of a bipartisan effort to make explicit the view of the Senate in ratifying the interim agreement on strategic offensive weapons. The amendment to the authorizing resolution—which I am cosponsoring with a bipartisan group of Senators led by Senator JACKSON, a Democrat, of Washington, and the Republican leader, Mr. SCOTT, of Pennsylvania, is an appropriate expression of the Senate's role in making American foreign policy. It is our constitutional responsibility to give our consent to the strategic arms accords, but it is also our duty to give our advice. In a matter as important as this, the Senate must be more than a group of passive yea-sayers. It must also be an equal partner in the search for a more stable and peaceful world.

Mr. President, just what is the amendment under consideration? I want to read the text of the amendment into the debate at this point.

These are the words that would be added by the amendment submitted by Senator JACKSON for myself and 23 other Senators:

> That the Government and the people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression.

Who could oppose that? The next sentence reads:

> The Congress supports the stated policy of the United States that, were a more complete strategic offensive arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States;

Mr. President, I submit that were that to happen, it would jeopardize the supreme national interests of the United States. Next:

> The Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress recognizes the principle of United States-Soviet Union equality reflected in the anti-ballistic-missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union;

In other words, it is seeking equality in intercontinental strategic forces. Next:

> And the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance of a vigorous research and development and modernization program leading to a prudent strategic posture.".

That is the amendment offered by the Senator from Washington and the Senator from Pennsylvania, the Republican minority leader.

Mr. President, I think it is important to point out that the agreements signed by President Nixon and Chairman Brezhnev in Moscow do not prevent modernization of missiles, nor do they limit numbers of warheads. It is important to bear in mind that many weapons systems are not covered by the Moscow agreements. It is important to bear in mind, also, that President Nixon, in his press conference, told the American people that Mr. Brezhnev had told him unequivocally that in areas not controlled by the agreement on offensive weapons, the Russians will go ahead with their programs.

I think it is important to note, also, the statement by the able Senator from Washington a few moments ago that the amendment now under consideration has the support of the President of the United States, as Commander in Chief of our Armed Forces. This amendment, obviously would not have the support of the President unless he were convinced that it would be offensive to him and to his negotiators when they again meet with representatives of the Soviet Union for the second round of the SALT talks.

Our effort today in regard to the proposed amendment is neither hastily conceived nor politically motivated. It is the result of a careful examination of the issues raised by SALT and comes after extensive Senate hearings which explored these issues in great detail. It is based on a thorough evaluation of our strategic policies today and the strategic policies we must implement if America is to remain secure in an environment of strategic arms limitation.

The word "historic" has been used more than any other in describing the arms limitation agreements. I believe it is more meaningful to say that these are agreements with no historical precedent. They represent the first attempt to place mutual restraints on strategic nuclear weapons. But, as in any other enterprise, it is vital that the first attempt be as prudent and as well understood as possible. We must know what we have agreed to and what to expect. We must not forfeit good judgment for fond hopes.

The Senate has already given its consent to the treaty between the United States and the Soviet Union which places comprehensive restraints on the ballistic missile defenses of both nations. The near unanimity of that consent represents, I believe, the hope of all Americans that the dangers of nuclear war can be reduced. Yet, I believe that the limitation of strategic offensive arms is a more profound and significant matter. Whatever differences we in the Senate have had about the ABM, we all know that ABM was never conceived of as a weapon of mass destruction. It is the offensive weapons which are designed to do damage in a strategic nuclear exchange. It is the offensive weapons which we must succeed in bringing under control.

So now that we consider the interim measure for limiting offensive weapons, let us keep in mind where we stand today. Under the ABM Treaty, our ballistic missile defenses are effectively frozen. Under the terms of that treaty, we cannot effectively expand nor enlarge nor improve nor upgrade those defenses without abrogating the treaty altogether. This means that there is now only one way to be certain that the levels of ABM we have agreed to in perpetuity will not compromise our future security. That way is to fix levels for offensive forces which guarantee that our levels of defense remain safe ones.

We must not lose sight of the unbreakable relationship between offense and defense in the strategic nuclear age. That relationship was affirmed in the first round of the SALT negotiations, when the United States rightfully insisted that any limitations on defensive weapons had to be accompanied by restrictions on offensive ones. And it seems only reasonable that restrictions on defense and offense be parallel in character.

If the weapons of defense are to be frozen, the weapons of attack must be placed under similar restraints.

These simple principles, Mr. President, form the background of the amendment we are discussing today. Our amendment speaks directly to the requirements for a stable strategic relationship between the United States and the Soviet Union. It states those requirements briefly and succinctly, and in a way that can only enhance the prospects for success in the second round of the SALT negotiations.

We have begun with a restatement of what American strategic policy has been for more than a quarter of a century:

> The people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression.

I doubt that anyone will quarrel with this summary of our basic beliefs.

Therefore, Mr. President, in considering the merits of the interim agreement on strategic offensive arms, the Senate must consider how that agreement affects the quest for strategic stability. Does the interim agreement, in and of itself, guarantee the survivability of America's strategic deterrent? Is an American deterrent whose survivability is questionable consistent with the supreme national interests of the United States? The answer to both questions is clearly "no."

Because the interim agreement is far from comprehensive, because the interim agreement will not restrain developments in Soviet military technology that could threaten our deterrent, it is therefore incumbent on the Senate to indicate that we will do what we must to protect our paramount interests.

I see nothing untoward in that. After all, what we all want in SALT II is a comprehensive agreement that will limit and contain the threat to our deterrent forces. I, for one, would view the failure to attain such an agreement as highly destabilizing and certainly not in our interests. This view is also the official policy of the U.S. Government.

Is it not wise, therefore, to have the Senate take a stand on this matter before the SALT II negotiations begin?

In short, Mr. President, the interim agreement, while acceptable as a temporary measure, cannot be accepted by the United States as a permanent and final agreement. And it is not acceptable as a permanent agreement because it fails to provide for the basic mutuality which characterizes a good treaty.

The case for equality in terms of strategic nuclear arms is a persuasive one. The ABM treaty has established a precedent for such equality, such a numerical equality. Surely, the Soviet Union would not expect the United States to accept a permanent treaty on offensive strategic arms which reflected any less equality than that which the Soviets insisted on as part of the ABM treaty.

If defensive weapons are to be subject to equal restraints, it is important that offensive weapons be treated the same way for the following reasons:

Our decision in the 1960's to cease production of ICBM and SLBM launchers was based on two assumptions:

> a. That the U.S. lead was so great that the Soviets would not try to catch up. Former Secretary of Defense McNamara explicitly stated this assumption.
>
> b. That by showing restraint the U.S.S.R. would respond in kind, implicitly accepting levels which might conceivably be less, but, in any event, not greater than our own.

Neither assumption has proved out. So today we must ask what the Soviets' future intentions really are.

And whatever the Soviet may be planning, the Congress and the Executive, by approving the interim agreement, must not seem to be formally approving a disparity in offensive capabilities in perpetuity. To do so would have grave political and psychological implications. In particular, it may encourage them to move to gain outright superiority. We cannot proclaim that the law of the land is to accept major Soviet areas of numerical superiority, and expect that the Soviets will not attempt to achieve it.

The Soviets must understand that the numerical advantages conceded them in the interim agreement are impermissible except as a transitional stage to equal balances.

The Soviets must understand that future negotiations will require that they recognize that the current imbalances are already in their favor.

That is the basic point involved in the amendment under consideration. It is one thing to have the numerical imbalances which have been agreed upon and to have those imbalances for a short period of time, in the interim period; but it is entirely different, as I see it, if the imbalances are to be perpetuated into the distant future.

The amendment offered by the distinguished Senator from Washington (Mr. JACKSON), cosponsored among others by the distinguished Republican leader (Mr. SCOTT), seeks to encourage in the new negotiations an equality between the two great powers.

Mr. CANNON. Mr. President, today, I want to explain why I will support the amendment offered by the very able and distinguished Senator from Washington, my good friend, Mr. JACKSON. I also want to commend him at this time for the great service that I believe he has rendered to the Senate and to the American people for his thorough and comprehensive scrutiny and probing of the terms and conditions of the ABM treaty and the interim strategic weapons agreement. I am sure that it is fair to say that Senator JACKSON has done more—indeed much more—than anyone else here in the Senate or anywhere in our Government, our press, or any other segment of our American society to expose to public view and review the real facts of these historic weapons agreements and also their potential implications for our national strategic posture and national interests. For this excellent service I believe all of us owe him our respect and gratitude. He truly has been the leader in this task.

At the outset of this discussion, let me say that I support the interim agreement on offensive weapons, and I intend to vote for its approval. Nevertheless, it is an agreement which has the potential, and I will emphasize here today that word "potential" many times, to leave the United States in an inferior strategic posture vis-a-vis the Soviet Union, were its terms to be perpetuated by some follow-on treaty in the future. This is the key point which I want to make today.

To lead up to that point, I first would like to review once again in this debate the overall strategic force balance as it exists today and as it can change in the next few years under the terms of the agreement. Then I will discuss the impact that technology potentially can have on this force balance. Finally I will explain why I believe the Jackson amendment should help to achieve a stable balance in the future.

Looking at the strategic force balance, the debate last Friday repeated the basic numbers involved many times. We all are aware that the Soviets have a 3-to-2 lead in land-based ICBM's, with some 1,618 to our 1,054. The interim agreement will perpetuate this 3-to-2 lead for the next 5 years. We also are aware that the Soviets have 313 of their SS–9 heavy ICBM's, versus the 54 old Titan missiles which are the nearest thing that we could equate to the "heavy" ICBM class. In actual fact we do not possess the equivalent of a heavy ICBM.

For submarine launched SLBM missiles, we have the 41 Polaris/Poseidon boats and 656 SLBM's which the agreement allows us to increase to 44 boats and 710 SLBM's. The Soviets have about 22 Yankee class subs today, they have another 20-odd under construction, and the agreement allows them to increase this quantity to 62 subs and 950 SLBM's. Thus they are permitted to achieve a 3-to-2 advantage in the submarine field, just as they already have a 3-to-2 advantage in the ICBM area. These facts are agreed upon by all of us who have engaged in this debate.

The third member of the strategic offensive triad that both the United States and the Soviets have is the manned bomber. This is the one area where we can maintain a superiority over the Soviets under the weapons agreement. Provided that we proceed with the B–1 bomber program to replace our aging B–52s, this manned bomber is our only possibility for balancing our future strategic striking power with that of the Soviets. If we neglect this manned bomber program, we will eventually end up markedly inferior to them in our strategic force posture. The numbers I have just reviewed make that potential result indisputable.

Let us look now at the impact technology improvements potentially can make on the strategic force balance. I have not mentioned throw-weight before in this discussion, but all of those who have participated earlier in this debate have conceded that the Russians have a significant advantage in this area of throw-weight. The reason is simple. The Soviets build larger missiles than we do. These target missiles can carry a proportionately bigger warhead. The weight of the warhead payload is the throw-weight of the missile, and this can be translated directly into megatonnage, since the warhead's explosive power is proportional to its weight. The Soviets are conceded to have a 4-to-1 advantage in megatonnage, or in throw-weight, over the United States.

Opposed to this existing Soviet advantage in throw-weight is a United States advantage in number of actual nuclear warheads. This advantage is stated to be 5,900 warheads in the U.S. arsenal versus 2,300 for the Soviets. The basis for this warhead advantage, when we are inferior in throw-weight, is our current MIRV technology with which we can deliver many warheads, although each with reduced explosive power, with each missile. Since we have an advantage in the overall number of deliverable warheads today, it is possible to argue that we also have parity in our strategic force posture despite our inferiority in throw-weight and in numbers of delivery vehicles. The equalizing factor for the United States, of course, is our current advantage in MIRV technology.

Now let us look at the potential future situation if the Soviets are to pursue to the limit the numbers advantage granted them under this interim agreement and at the same time are to pursue us in the area of MIRV technology. There is no reason that I can think of to assume that we have a patent on the capability to design and produce MIRV warheads. The Soviets have been able to develop atomic bomb technology, hydrogen bomb technology, ICBM technology, and space flight technology, and I can see no reason to assume they will not develop MIRV technology. The potential impact that this will have on the strategic balance is obvious. With the 3-to-2 advantage in missile numbers and the 4-to-1 advantage in throw-weight frozen in by the terms of this agreement, development of MIRV technology obviously would put them in a position also to surpass us in a number of warheads. I would have to agree with Senator JACKSON that such a situation would be subparity on our part, should it exist.

This then brings us to the basic point of the Jackson amendment. With the potential under this interim agreement for the United States to end up in an inferior strategic position, should the interim agreement be extended further into the future by a SALT II follow-on treaty? Or should the United States strive to achieve an overall balance in its strategic force posture with the Russians? I believe that plain old Nevada horsesense would say that the latter situation, the achievement of a mutual balance in striking power, would be more likely to result in mutual deterrence and thus in world peace.

How can the Jackson amendment help to provide this stabilizing situation of a balance of forces? Again let us apply a little horsesense to the argument. If the Soviets are to go into SALT II with an advantage in weapons numbers and in potential force effectiveness, are they likely to give that advantage up at the bargaining table? I think the answer obviously is "no," unless they are convinced that the United States is dedicated to the principle of strategic equality and is willing to work to achieve it. Therefore, I believe that if the Senate will assert its function to advise as well as to give consent, and if we should state that we will stand only for equality in a SALT II agreement, then this will be an important aid to the U.S. delegation at the follow-on SALT talks.

Therefore, I believe that the Jackson amendment makes absolute commonsense. It does not affect the validity of the present interim agreement. It merely states a position of the Senate in authorizing the President to carry out the interim agreement. It represents a wise position for us to take. I believe that all of us should support that amendment. I urge every Senator to do so.

Mr. CANNON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ERVIN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HANSEN). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of Public Law 92–342, the Speaker had appointed Mr. BOGGS, Mr. GERALD R. FORD, Mr. MAHON, and Mr. Bow, as Members to serve with the Speaker and with the members of the Commission on Art and Antiquities of the U.S. Senate in supervising the restoration of the old Senate and Supreme Court chambers in the Capitol.

The message announced that the House had agreed to the amendments of the Senate to the bill (H.R. 13324) to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 2131. An act for the relief of the Howrey Lumber Company;

H.R. 15417. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 15586. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes.

The ACTING PRESIDENT (Mr. HUGHES) subsequently signed the enrolled bills.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. ERVIN. Mr. President, I ask unanimous consent that the text of the Jackson amendment, amendment No. 1406 to Senate Joint Resolution 241, be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 1, between lines 2 and 3, insert the following: "That the Government and the people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression. The Congress supports the stated policy of the United States that, were a more complete strategic offensive arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States; the Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress recognizes the principle of United States-Soviet Union equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union; and the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance of a vigorous research and development and modernization program leading to a prudent strategic posture."

On page 1, line 3, strike out "That the" and insert in lieu thereof "SEC. 2. The".

COMMONSENSE AND THE SALT ACCORDS

Mr. ERVIN. Mr. President, I am happy to join in cosponsoring the bipartisan amendment to Senate Joint Resolution 241. This amendment is an appropriate and effective way of expressing the Senate's views on the all important matter of strategic arms limitation. I think it is appropriate because we in the Senate ought to take this opportunity to state our views about what American policy should be. I say "should" because there is nothing in this amendment which restricts the President or our negotiators. The amendment does not issue any orders; it merely makes what are, in my view, some sound recommendations for the future. And the amendment is effective because it clearly and unambiguously addresses the key points that are bound to arise in the future.

Mr. President, as a member of the Committee on Armed Services, I have had an opportunity to learn a good deal about what the interim agreement on offensive weapons entails. When those hearings began, I wanted to know exactly what we could and could not do under the terms of these agreements, and exactly what the Russians could and could not do. I must say that it was not always easy to get answers to these questions. And the reason it was not easy was that there were many undefined and ambiguous terms in the text of those agreements, ambiguities which could raise all sorts of future misunderstandings. I was surprised to discover that many things which should have been agreed to bilaterally were relegated to unilateral declarations on the part of the United States. I was surprised to discover that the final portions of the agreement were concluded in such haste that the President's chief military advisers—the Joint Chiefs of Staff—never had an opportunity to examine the written text of the agreement—and actually study it—before giving their final assent.

Now, Mr. President, I am not claiming that these things, in and of themselves, are grounds for rejecting the interim agreement on offensive strategic weapons. But anyone who reads the record of the hearings of the Armed Services Committee on these measures cannot help but conclude that the agreements do a great deal less than was claimed for them at the beginning. They do not necessarily reduce the threat posed to us by the existence of the Soviet strategic arsenal. They do, of course, establish some numerical ceilings for some parts of that arsenal, and that may be useful. But, overall, we do not have iron-clad assurances that the agreements, by themselves will guarantee the security of the United States. The extent to which they improve our security will depend on how the Soviets choose to develop their offensive forces. No agreement can be a substitute for the things that we ourselves have to do to guarantee our survival in this dangerous nuclear era.

Mr. President, if there was some ambiguity in what our negotiators agreed to in Moscow and Helsinki and Vienna, I want there to be no misunderstanding about what the Senate will be agreeing to when it approves our amendment. We will be saying, first of all, that if we do not negotiate a comprehensive strategic arms agreement within 5 years that has the effect of limiting the threat to our deterrent forces, and if our deterrent forces should be threatened as a result of not getting that kind of agreement, then our supreme national interests could be jeopardized.

I think it is important that we make this declaration of policy. We all know that, in recent years, the Soviet strategic force has been growing, and the threat it poses to the survivability of our deterrent forces has also been growing. Even though there are numerical ceilings established by the interim agreement for the Soviet force, it is still the case that the threat could continue to grow under the terms of the agreement. The Soviets are not prohibited from making the kinds of qualitative improvements in their force which could increase the danger to our deterrent. The agreements do not place a brake on the forward rush of Soviet technology.

We all recall what has been said on this point by administration spokesmen. It is their position that our technological lead compensates for our disadvantage in terms of numbers. Under the agreement, we will have far fewer missiles, but it is said that those missiles will be better missiles. But what happens if—and more accurately—when the Soviets narrow this technological gap? Then they will have their numbers and our technology, thus gaining a considerable advantage.

For example, I know that the exact date when the Soviets will acquire sophisticated multiple warhead technology is a matter of dispute. But I know of no one who says they will not have it in 5 years. Some people say 2 years, and others says 3. A test of this technology could come at any time. But by the time this interim measure expires, in July of 1977, it is safe to say they will have acquired it. This, Mr. President, is the meaning of the sentence "the Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology."

Certainly, I do not know what is in the Russians' mind today or what will be in their mind 5 years from now. None of us knows for certain what kind of military programs the Russians are going to pursue. No one knows whether those programs will be designed to threaten the survivability of our deterrent forces. But we do know something about the history of Soviet strategic deployments, and we do know something about Soviet capabilities. We know, for example, that the Russians have built and deployed the giant SS–9 missile, a weapon that goes far beyond what is necessary for deterrence alone. It is a weapon that could be used against our Minuteman silos. I do not know why they think they must have such a weapon, or what they are planning to use it for. But, as I said to a member of the staff of the SALT delegation during the Armed Services Committee hearings—

> I don't see anything wrong with a man using a bit of horse sense. If I saw a man going toward a woodpile with an axe, I would think he was going to cut some wood.

Using some horsesense is precisely what this amendment asks the Senate to do—by indicating that there are risks and uncertainties that are still with us. And, frankly, I do not want to see the Senate do anything which would suggest to the American people, or to our allies, or to the Russians, that we believe this interim measure establishes strategic stability for all time. That is why the Senate ought to support the stated policy of the United States Government: That the interim agreement is of limited duration; that it is not acceptable as a permanent arrangement; that we have to get in SALT II a more comprehensive agreement which limits the threat to our deterrent.

This amendment is not intended to suggest that the United States and the Soviet Union must have identical strategic forces in every category. We are saying, however, that there is a way of computing strategic equality which can take account of the basic numbers of intercontinental missiles and of their size, especially with regard to the crucial parameter of throw-weight. Now, I know that some people are going to argue that equality in numbers may not be the best way of expressing strategic equality. What should be remembered is this: it is said by these same people that we have equality today because our advantage in technology compensates for our disadvantage in numbers. To me, therefore, it is obvious that, should we and the Soviets find ourselves equal in technology, we are also going to have to be equal in numbers.

So I must say that I am surprised at the apparent reluctance of some Senators to vote in favor of Soviet-American strategic equality. I wonder how a rejection of equality by this Senate will be interpreted by the American people, and by our friends around the world.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. FULBRIGHT. I rise to ask about the definition of "equality." Is the Senator using that term only with regard to ICBM's? He is excluding all other strategic weapons?

Mr. ERVIN. I am using that term in reference to the total strategic weaponry of both sides.

Mr. FULBRIGHT. And not confined just to the ICBM?

Mr. ERVIN. No. I include what I think is one indication of it. One indication of the lack of equality I am talking about arises between the vast disparity the interim agreement makes with respect to the number of ICBM's the United States can have and those which the Russians can have.

Mr. FULBRIGHT. I asked that because I asked the Senator from Washington about that yesterday. It is my understanding—the record will show it—reference to subparity relates only to ICBM—in other words, the difference between 1,054 and 1,618. He does not maintain that there is overall subparity?

Mr. ERVIN. We have a threefold total strategic intercontinental force at the present moment, and I think in the SALT II talks the United States should insist on substantial equality in respect to the numbers of ICBM's, in respect to the numbers of SLBM's, and in respect to the number of long range bombers. I consider those three strategic weaponry systems to be essential for our defense, and I think equality in those areas is essential not only for our security but also to preserve stability in this very troubled world in which we live.

Mr. FULBRIGHT. It is a fact, is it not, that the President and his closest adviser and spokesman spoke on this? I believe the Senator was present at the White House when the President made a speech to the assembled Members of Congress on June 15, and then said Mr. Kissinger would speak for him?

Mr. ERVIN. Yes, I was present.

Mr. FULBRIGHT. The President, through Mr. Kissinger, stated, did he not, that there was overall equality and that if either side sought to achieve a unilateral advantage there could be no agreement?

Mr. ERVIN. The theory on which that statement was based was twofold: First, that we have at this moment more warheads than Soviet Russia; and, second, that we have at this moment a greater technological ability than the Russians.

Manifestly, assuming that that is changed in any substantial respect, there will be no equality and no parity of power between these two nations and we will become a second-rate military power.

The reason for the great stress on technology is our theory, which is based on American intelligence—and I add that such intelligence has not always proved itself to be as reliable as I would wish—is that the Russians have not yet MIRV'ed some of the intercontinental ballistic missiles, notably the SS–9. I have no doubt that the Russians, within a very short period of time, will acquire the technology to MIRV their antiballistic missile. The Russians now have a four times greater throw-weight than we have, and they could increase their missiles greatly in warheads by MIRV'ing their SS–9's.

Mr. FULBRIGHT. As the Senator knows, we have already agreed to the ABM treaty almost unanimously. What would be the motive for the Russians? Why would they want to do all these things when they possess 1,618?

Mr. ERVIN. So that the next time they put missiles right off our shore in Cuba, they will not be troubled by our vanished superiority and will refuse to remove their missiles at our demands, as they did before.

Mr. FULBRIGHT. I did not understand.

Mr. ERVIN. I gave as one reason why the Russians want to be vastly superior to us the Cuban episode. President Kennedy was able to prevail upon the Russians to remove the missiles from Cuba for two reasons: First, because we had a superiority over the Russians at that time of some 7 to 1; and, second, because President Kennedy had the courage to tell Moscow that a missile from Cuba would be considered by the United States as equivalent to a missile from Moscow.

Mr. FULBRIGHT. I do not understand, unless the Senator is saying we should again have a superiority of 7 to 1.

Mr. ERVIN. No, I am not saying that.

Mr. FULBRIGHT. What is the Senator saying?

Mr. ERVIN. I am saying we should have equality or parity with Russia. We should not accept inferiority. That is what the Senator from North Carolina is saying.

Mr. FULBRIGHT. I agree with that, but the President of the United States says it is not inferiority and he says, in very specific language, it is not inferiority.

Mr. ERVIN. It certainly is an acceptance of inferiority to stipulate that Russia can have 62 nuclear submarines and the United States can have only 44 nuclear submarines. There certainly is inferiority in any agreement which says Russia can have 313 SS–9's and the United States cannot have any.

Mr. FULBRIGHT. But the United States made a decision years ago that it did not want any SS–9's. The Titan missiles were phased out because the Minuteman is so much more effective and efficient than the Titan or SS–9.

Mr. ERVIN. I do not think the United States has made any decision that is frozen in concrete. It would be a very foolish decision. I do not care what it is.

Those who study this question from a military standpoint believe that the reason the Russians built the SS–9, which has a throw-weight, as I recall, of 12,000 pounds, was to destroy our Minuteman. And certainly, if they can MIRV the SS–9, they would have the equivalent in warheads, not of 313 SS–9's, but of several hundred additional intercontinental ballistic missiles.

Mr. FULBRIGHT. Well, of course, the Senator has already stated they do not have any MIRV, and we already have the MIRV; and all the estimates by the President himself are that there is no probability of their catching up with us in number of warheads or in effective megatonnage within the 5-year period.

Mr. ERVIN. I beg to disagree with the Senator from Arkansas. By MIRVing the SS–9's within this 5-year period, Russia could acquire the equivalent power of 6,000 warheads. That is, by conversion of the SS–9 they can get almost as many as the total number of warheads we have altogether.

Mr. FULBRIGHT. Well I do not know where the Senator gets his information, but the State Department, which is one of the official——

Mr. ERVIN. I get my military information from military men, not from the State Department. In fact, I do not get much information of this nature from the State Department I consider worth heeding.

Mr. FULBRIGHT. Well, then the Senator is saying that only the Joint Chiefs of Staff provide reliable information; is that what he is saying?

Mr. ERVIN. I would say, in my judgment, that is about the most reliable information we get. The Joint Chiefs and those who report to them and assist them, spend their full time in studying this problem. Unlike Senators, they have only one problem—national defense. We have 10,000 problems, and since the Joint Chiefs and their assistants study this problem and the State Department does not, I rely on them.

Mr. FULBRIGHT. So it does not really matter, then, what the State Department or the President say about this; it is only what the military says, is that the opinion of the Senator from North Carolina?

Mr. ERVIN. Well, I will say the State Department may retail some good information in this field only if they get it from the Pentagon and the CIA. This field is outside the scope of the State Department's competence.

Mr. FULBRIGHT. Does the Senator really believe——

Mr. ERVIN. I think the people in the State Department are just like me: All they know about this subject is what they have been told by someone else.

Mr. FULBRIGHT. Does the Senator believe the restriction or the control of nuclear arms in Russia and in this country is in the interest of this country?

Mr. ERVIN. I think it would be in the interest of this country and the interests of the world to have an arms limitation agreement which placed the United States and Russia on a basis of substantial equality with each other. I think any other kind of arms limitation would be fraught with great peril to the security of this country and the future peace of the world.

Mr. FULBRIGHT. Could I add there the word "overall"? Substantial overall equality, including all weapons?

Mr. ERVIN. Well, I do not think we could have very substantial overall equality if we allow the Russians to have substantial superiority in two of the three fields upon which our survival might depend. I do not think it would be possible for us to have substantial equality with the Russians if the Russians are to have 62 nuclear submarines and we are to have only 44, or if Russia is to have 950 submarine missile launchers against our 710.

Mr. FULBRIGHT. Well, that being the case, why does not the Senator support a move to reject the agreement which is before us? Because that is what the agreement provides.

Mr. ERVIN. I can accept this agreement for a limited period of time. I can do this because of my faith that the United States will have enough intelligence during that 5 years' time to take steps necessary to achieve by treaty or other means a more substantial equality with Russia than we now enjoy so far as strategic intercontinental weapons are concerned.

Mr. FULBRIGHT. So what the Senator is saying is, it is a bad agreement, but he can take it for 5 years; otherwise, if it were for 10 years, he would not take it?

Mr. ERVIN. I would not take it. No, I would not. And I say to the Senator from Arkansas that I sat on the Senate Armed Services Committee day after day while we heard the testimony of competent witnesses on this point, and every one of them without exception took the position which the Senator from North Carolina takes, that they would not have such an agreement as this as a permanent agreement.

Mr. FULBRIGHT. But 5 years would be tolerable, even though it is a bad agreement in the Senator's opinion, is that right?

Mr. ERVIN. I think it is a very great tragedy that we got ourselves to the point where we had to agree to this even for a 5-year period.

Mr. FULBRIGHT. Well, if the Senator thinks it is a tragedy, it ought to be rejected. Why does he not move to reject the agreement?

Mr. ERVIN. The trouble is that for some years we allowed Russia to increase its strategic potential while we did virtually nothing to increase ours.

Mr. FULBRIGHT. How does the Senator account for that? I think he would agree with the figures, even though they were published by the State Department, that we have spent approximately $1,300 billion, and the Russians have spent only $1,000 billion. How is it, having spent that much more, 30 percent more, than we are away behind them?

Mr. ERVIN. Well, there are a number of things.

Mr. FULBRIGHT. What is the reason?

Mr. ERVIN. Well, for one thing, I would say we have had politicians seeking to abolish the draft, despite our troubled world, and the need to maintain substantial military power. In order to attract youngsters to serve in the military forces, they have increased the pay for the armed services to the point where it takes 54 cents out of every dollar appropriated for national defense just to pay the salaries of the personnel in the Armed Forces.

I happen to believe that every man ought to be subject to serving his Nation in the military if necessary. I think it is just as foolish to depend, in the present critical state of this world, on a volunteer army as it is to depend on voluntary taxpayers for the support of our Government.

Mr. FULBRIGHT. Well, we do not have a volunteer army yet, and this great pay increase the Senator is talking about was only put in last year, was it not?

Mr. ERVIN. It has been increasing over the years. Over a period of years, we have increased pay for military people to encourage them to make a career in the armed services, and since the demand for a volunteer army arose we have greatly multiplied the pay of the military. Russia, on the contrary, pays its military practically nothing. Moreover, Russia does not have any fair labor standards practices; it does not have any minimum wage; it just does not have any free enterprise system; and so Russia can spend a whole lot less than we spend and get a whole lot more for it.

Mr. FULBRIGHT. The Senator is making the best argument I have heard in favor of the Russian system.

Mr. ERVIN. Oh, no.

Mr. FULBRIGHT. Then why does he not advocate it?

Mr. ERVIN. Oh, no. But if we are going to have a free society, it is going to be expensive.

Mr. FULBRIGHT. The Senator makes a very persuasive case.

Mr. ERVIN. What I have said might convince the Senator from Arkansas, but it does not convince the Senator from North Carolina. Freedom is not free. It costs much. I favor at least equality of power with Russia because I believe that is the way to keep freedom.

Mr. FULBRIGHT. May I read to the Senator from North Carolina a direct quotation from President Nixon? These are his words:

> I have studied the situation of arms control over the past 3½ years, and I am totally convinced that both of these agreements are in the interests of the security of the United States and in the interests of arms control and world peace.

Mr. ERVIN. I know. One might think it would be very nice to have a date with a young lady on one occasion, but not be ready to enter a perpetual marriage with her.

Mr. FULBRIGHT. I do not quite understand.

Mr. ERVIN. If the Senator will read all the speeches the President has made on that point, he will discover the President says this is acceptable temporarily only if the Senate will proceed to the development of new strategic weapons systems that will give us security after the 5 years is over.

Mr. FULBRIGHT. We have already authorized those weapons, every one he asked for.

Mr. ERVIN. Well, the Senator has picked one sentence out of the statement of the President.

Mr. FULBRIGHT. I have some others that I would like to read.

Mr. ERVIN. I will tell the Senator how much weight one statement has with me.

Many, many years ago, women had a custom of wearing topknots on their heads—high topknots. A certain preacher did not like the hairstyles of the women; he particularly did not like the topknots. So one day he preached a sermon on the subject—"Topknots Come Down." He rang the rafters on the subject, and offended a lady in the congregation who had a very high topknot. After the service was over she came to the preacher and said to him:

> Preacher, there is nothing like that in the Bible.

The preacher opened his Bible to a chapter and verse in Matthew, which said:

> Let him who is on the housetop not come down to take anything out of this house.

Anybody who takes something out of context and ignores the rest of a statement would have no difficulty in finding in that statement from the Bible the text "topknot come down." It is right in the middle of the statement.

So I do not pay much attention to a statement that is lifted out of context.

The context of President Nixon's entire speech was to the effect that this was in the best interests of the United States temporarily, because it froze certain weapons at a certain time and afforded us an opportunity to go ahead and overcome some of our defects in this field and possibly to achieve a better agreement in SALT II.

Mr. FULBRIGHT. It is the first time anybody has said we were behind. I do not recall anybody before saying that we were behind. The President did not say we were behind. He said this, and if it is out of context, I will read one more sentence:

> This is an agreement which was very toughly negotiated on both sides. There are advantages in it for both sides. For that reason, each side has a vested interest, we believe, in keeping the agreement rather than breaking it.

He pointed out that neither side had won in the agreements. He did not look at it that way.

I submit to the Senator, if he will allow me, that even before this agreement has been ratified; before the ink is dry, the Senator is raising questions about it being imprudent and improvident. The Senator knows that if the effort to curtail the arms race is to be successful, it depends upon each side believing that the other negotiated the agreement in good faith and that it intended to keep it.

Will not the Senator admit that to raise the kind of questions he has raised, before the agreement is even finalized, the Russians—particularly their military men—will inevitably say, "The Americans don't mean it. This has been a fraud and a charade, and therefore we might as well forget about it and go about our business?" Is that not what the effect might be?

Mr. ERVIN. The Russians might say that, but the Russians might say something else. They might say that the Americans do not have sense enough to protect themselves and will not insist on equality power or do anything else to protect themselves.

The Senator from Arkansas fails to see that we distinguish between the Interim Agreement and a permanent treaty. I expect to support the Interim Agreement because it is about all we can get under the circumstances this country has allowed to come into existence. But all this amendment seeks to do, and all the Senator from North Carolina is seeking to do, is to say that in the future the United States ought to have enough intelligence to say that we are unwilling to accept a position of inferiority to the Soviet Union and that we will not make any agreement unless the agreement puts us at least in a position of equality with the Soviet Union. That is all the Senator from North Carolina is saying.

Mr. FULBRIGHT. If that is directly contrary to what the President and his statesmen have said, the Senator still thinks that would not cause any embarrassment in Russia on going forward with this agreement?

Mr. ERVIN. President Nixon said this at a news conference on June 29, 1972:

> Now, first, let me say that if we had not had an arms control agreement, a limitation of ABM's and a temporary limitation for 5 years on certain classifications of offensive weapons, I would—and I am saying this conservatively—have had to ask the Congress of the United States to approve an increase in the defense budget for nuclear strategic weapons of at least $15 billion a year on a crash program. Reason: Had there been no arms control agreement, the Soviet Union's plans called for an increase of their ABM's to 1,000 over the next 5 years. The arms control agreement limits them to 200 as it does us. Had there been no arms control agreement, the Soviet Union had a program underway in the field of submarines which would have brought them up to over 90. The agreement limits them to 62.
>
> Had there been no arms control agreement—and this is the most important point—in the terms of offensive strategic weapons, the Soviet Union that has now passed us in offensive strategic weapons—they have 1,600; we have roughly 1,000—they would have built 1,000 more over the next 5 years. Now, under those circumstances, any President of the United States could see that in 5 years the United States would be hopelessly behind; our security would be threatened, our allies would be terrified, particularly in those areas, and our friends, like the Mideast, where the possibility of Soviet adventurism is considered to be rather great.
>
> Therefore, the arms control agreement at least put a brake on new weapons. Now, with regard to the new weapons that you refer to, however, let me point out they are not for the next 5-year period. We are really talking about the period after that. And they are absolutely essential for the security of the United States for another reason—because looking at this not in a vacuum but in terms of what the other side is doing, Mr. Brezhnev made it very clear that he intended to go forward in those categories that were not limited.

I say the President of the United States says, in effect, he is not satisfied with the interim agreement, except as a temporary matter, and that we need to go ahead with other planned weapons in order to be secure in this world.

Mr. FULBRIGHT. The other planned weapons, as I have pointed out, already have been authorized. We did it in the last 2 or 3 weeks. We are talking about this agreement, and that is one of the reasons given by the President as to why it is a good agreement.

The question of equality in every respect is a very difficult one. The President has said that overall there is equality in this agreement.

Mr. ERVIN. He says there is equality now. I heard the briefing. He claims we have an equality now, a substantial equality.

Mr. FULBRIGHT. That is correct.

Mr. ERVIN. Because we are ahead of Russia in technology, temporarily.

Mr. FULBRIGHT. That is one thing.

Mr. ERVIN. And because temporarily we have more warheads than Russia has.

Mr. FULBRIGHT. That is correct—substantially.

Mr. ERVIN. But those things can vanish overnight, and they will vanish overnight.

Mr. FULBRIGHT. The Senator does not know that.

Mr. ERVIN. That has been said by many people who know more in their particular field than the Senator from North Carolina and the Senator from Arkansas, because they specialize in it. They say that in 5 years Russia can get the capacity to MIRV their intercontinental ballistic missiles and their submarine-launched-ballistic missiles; and some of them say that this can happen in 3 years, and some of them say in 2 years. But I never heard a soul put it beyond 5 years.

Mr. FULBRIGHT. It is true that it is from 2 to 5 years, if they wish to and if there is a reason to do it.

Mr. ERVIN. There has not been any reason for Russia to do what it has done, because Russia ought to know that we are not going to make a first strike.

Mr. FULBRIGHT. What is that?

Mr. ERVIN. I say that Russia ought to know that the United States is not going to make a first strike.

Mr. FULBRIGHT. Why should they know that?

Mr. ERVIN. Our whole history shows it.

Mr. FULBRIGHT. Which has been the only country to use a nuclear weapon in warfare? Was it Russia?

Mr. ERVIN. It is a fortunate thing we did, because if we had not had it, we probably would have lost a million more American boys trying to conquer Japan.

Mr. FULBRIGHT. That is pure speculation.

Mr. ERVIN. It is no speculation at all. Japan would not surrender until the United States dropped the atom bombs.

Mr. FULBRIGHT. The only country that has used nuclear weapons in war is the United States; is it not?

Mr. ERVIN. Yes.

Mr. FULBRIGHT. Why does the Senator state that Russia or anybody else, in view of our history in the last 10 years——

Mr. ERVIN. And I tell the Senator from Arkansas that if we had not got nuclear weapons before Germany got them and before Russia got them, we would have been virtually a conquered province today.

Mr. FULBRIGHT. What is that?

Mr. ERVIN. I say that if Hitler had gotten nuclear weapons before we got them, he would have dropped one of them on the British Isles and they would have had to surrender. Otherwise, they would have been completely destroyed. If we had not gotten nuclear weapons before Hitler's Germany got them, we would have lost the war.

Mr. FULBRIGHT. The Senator is wandering now——

Mr. ERVIN. The Senator from North Carolina has not wandered. I have gone straight down the road of truth.

Mr. FULBRIGHT. Why does the Senator say no country should fear the United States?

Mr. ERVIN. Because the United States does not desire to take the territory of any other country.

Mr. FULBRIGHT. What is it doing in Vietnam now? The Senator might explain that.

Mr. ERVIN. I am not going to waste time on that subject, which is not relevant.

Mr. FULBRIGHT. I would not waste time on that subject either, if I were the Senator from North Carolina.

Mr. ERVIN. The reason we are in Vietnam is that the United States did not have enough intelligence not to get involved in the first place—but after it got involved it did not have enough courage to go ahead and win the war, which it could have done 6 or 7 years ago, with far less loss of life and far less expenditure of treasure.

Mr. FULBRIGHT. Was courage involved? I thought judgment was involved, was it not?

Mr. ERVIN. Frankly, we had a President who was largely instrumental in recommending that the Senator from Arkansas and the Senator from North Carolina and the rest of the Members of the Senate vote for the Gulf of Tonkin resolution. All Senators did so, with the exception of Senators Morse and Gruening. Then after American boys were involved there, the President was so concerned about the next election and trying to appease the hawks and the doves that he would not let our boys fight the war and win it.

Mr. FULBRIGHT. Well, I am not able to go into the motives of President Johnson, but I agree with the Senator that it was a great mistake.

Mr. ERVIN. A good illustration——

Mr. FULBRIGHT. I wonder whether I

could pursue—there may be one other aspect——

Mr. ERVIN. Just one thing more.

Mr. FULBRIGHT. What is that?

Mr. ERVIN. The United States has had nuclear weapons all the time it has been involved in Vietnam and could have used them in Vietnam. It has not done so. The United States had nuclear weapons all the time it was involved in Korea and it could have used nuclear weapons there if it had been willing to do so, but it refrained from doing so then, as it has in Vietnam.

So anyone who is convinced the United States is likely to start a nuclear war is deluded.

Mr. FULBRIGHT. I did not say the United States was likely to. The Senator says that the Russians should be——

Mr. ERVIN. They should.

Mr. FULBRIGHT. Why do they build up their armaments——

Mr. ERVIN. Because of their hunger for power and their desire to dictate how other people should live. Russia is not a free society. Americans are willing for others to live their own lives in their own way. The overwhelming majority of the American people think that. Those who adhere to communism are not——

Mr. FULBRIGHT. Does the Senator think that we are in Vietnam to promote democracy there? Is that what the Senator would say?

Mr. ERVIN. Who is promoting democracy?

Mr. FULBRIGHT. That we want to promote democracy there.

Mr. ERVIN. I think we have a great deal of democracy in America, more than any other nation on earth, except, perhaps, Switzerland.

Mr. FULBRIGHT. Does the Senator think that is so in Vietnam? In Vietnam, does the Senator think that we are promoting democracy there?

Mr. ERVIN. I do not know. I do not think so. I never have thought that people not used to democracy could make very much of it. Democracy is evolutionary, not revolutionary, if the Senator wants to know my own opinion.

Mr. FULBRIGHT. Let me go back to the question we are dealing with. We seem to have gotten off that other track. On the question of equality involved here, in the conventional sense, fighting a war with conventional weapons, it seems to me the question of equality and numbers of troops and numbers of airplanes and numbers of this and that has some relevance and I would agree with that, overall.

If either country got far out of line on conventional weapons it might be dangerous to equality. But we are talking about the concept of deterrence which we have been told and taught for many years is somewhat different from any concept applicable to conventional weapons. This agreement is based on deterrence, that as long as we have enough to deter the other side, we do not have to have the same number. If whatever you have is absolute it is relative only to the Russians having enough to deter a nuclear war. Would the Senator say that the weapons the United States commands are not enough to deter the Russians, or anyone else?

Mr. ERVIN. That remains to be seen.

Mr. FULBRIGHT. What is the Senator's opinion?

Mr. ERVIN. The best way to deter Russia or any other nuclear power from making an attack on the United States is for the United States to have sufficient weapons so that Russia or the other nuclear power will have intelligence enough to know that if it does strike first, there would come a blow that would destroy Russia or the other nuclear power. The best way to convince Russia that we are equal to that is for us to have equality of offensive power with Russia.

Mr. FULBRIGHT. That very statement seems to me to be ambivalent. The Senator says we have to respond. With that I agree. Then the Senator shifts and says equality. But there is a difference, as the Senator's statement makes clear, as to sufficiency, which is the word the President used first, and equality. There have been many witnesses and others who say that if we have a sufficiency to cause irreparable harm to the other country, that is all we need, that we do not need to have equality if the other one has more than enough to be sufficient in retaliatory action. These terms are causing confusion here.

Mr. ERVIN. The Senator from Arkansas may think it is equality of striking force for Russia to have 62 submarines and for the United States to have 44, for Russia should have almost 950 missile launches on submarines and for the United States to have 710. But I think the disparity there is too great.

Mr. FULBRIGHT. The Senator is very good at giving examples. Here is one, a quote from former Secretary of State Acheson:

> If you and I are standing close together and I am pointing a .38 revolver at you and you are pointing a B-B gun at me, I have a considerable advantage. But if we are standing close together and I am pointing a .45 at you and you are pointing a .38 at me, the advantage has declined.

From this, one might extrapolate a law of nuclear relativity: as nuclear forces increase they tend to equal each other, regardless of the differences between them.

Absolutely, the Soviets already have enough nuclear strength to destroy the United States. Absolutely, we have enough to destroy them. The two countries are equal in this respect. In these circumstances, whichever side has more than the other does not make much difference.

It seems to me that is a reasonable statement of the situation we have today. What is wrong with that?

Mr. ERVIN. The thing wrong with it is that the United States relies on three deterrent weapons systems; one is the Minuteman, the other is heavy long-range bombers, and the third is nuclear submarines.

We have got to figure that if Russia made the first strike, she might knock out the Minuteman. The same would be more or less true of heavy bombers, because they are likewise vulnerable. Consequently, we have to have enough submarines to make an adequate response to an attack. The Senator may think he is a match for someone that has got three men with three pistols. I do not think so. It does not fit in with the views of a Tarheel like myself.

Mr. FULBRIGHT. Does the Senator think that one man with one .45 standing close together has any great advantage over one with one .45 standing 10 feet or less away? Does the Senator think that makes much difference?

Mr. ERVIN. Yes, I think it makes a lot of difference.

Mr. FULBRIGHT. The Senator does?

Mr. ERVIN. Yes. I think we would be in a tragic state if we should not have enough submarines to respond if our Minutemen should be destroyed in a first strike.

Mr. FULBRIGHT. I am talking about the individual. If I were standing next to the Senator with one .45, and the Senator had two, one in each hand, does the Senator think it would make much difference?

Mr. ERVIN. Mr. President, I say to the distinguished Senator from Arkansas that if I were a belligerent man and had an argument with a puny, little fellow, I might be willing to fight him. However, if I had an argument with a fellow who had a lot more strength than I, then I would be very reluctant to fight him. And if I had an argument with a fellow who had the same strength, I would still be reluctant to fight him. Because all I could hope for would be a draw.

Mr. FULBRIGHT. Mr. President, if I had a .45 pointed at the Senator from North Carolina and the Senator from North Carolina had two of them, would it make any difference? One is ample.

Mr. ERVIN. Mr. President, I do not know how good a shot the Senator from Arkansas is.

Mr. FULBRIGHT. Mr. President, one could say the same thing about the weapons. We do not know how accurate the SS-9's are.

Mr. ERVIN. However, I do know that a nuclear warhead like the SS-9 can throw 12,000 pounds of nuclear explosives. I do know that that powerful force can knock the—I started to use the word "hell"—out of the target, but I will not use that word—it can wreak havoc.

Mr. FULBRIGHT. Mr. President, the testimony is that four Minutemen with only 4 megatons is the equal of one SS-9 with 16 megatons. On that basis, we have as much effective megatonnage as they have.

Mr. ERVIN. That is not true as against a missile silo. It has 2,000 pounds and the SS-9 has 12,000 pounds.

Mr. FULBRIGHT. Does the Senator think the SS-9 is more accurate than the Minuteman?

Mr. ERVIN. The SS-9 is getting more accurate all the time. And they do not have to hit very close to a silo with an SS-9 and 12,000 pounds of nuclear explosives to knock it out.

Mr. FULBRIGHT. Was it a great mistake in judgment for our military authorities to approve developing smaller weapons rather than big weapons?

Mr. ERVIN. The Joint Chiefs of Staff and their representatives came down and said that they would not support this interim agreement by itself, that they would not have it as a permanent basis. The Joint Chiefs of Staff said that it was absolutely essential for the United States to do something to achieve more equality in strategic power with Soviet Russia than we now enjoy.

Mr. FULBRIGHT. They said we do not now have equality in strategic power. Did they say that?

Mr. ERVIN. They said that they would take this as a temporary measure, just as the President said he would take it as a temporary measure. However, they also said that it will soon be within the power of Russia to MIRV its intercontinental missiles. And when Russia does that, the United States will be at a great disadvantage.

Mr. FULBRIGHT. That is not the question I asked. Did they say that we are now at a disadvantage with the Russians?

Mr. ERVIN. They said that whenever Russia acquired the technology—which they said Russia would get within 2 or 3 or 5 years—to MIRV their intercontinental ballistic missiles, we would be at a serious disadvantage, yes.

Mr. FULBRIGHT. Did they say that at the present time we were not equal to the Russians?

Mr. ERVIN. They say that at the present moment we have sufficient strategic power due solely to our greater number of warheads, and our greater technology. However, those things can vanish virtually overnight. As I pointed out, Russia could take the existing SS-9 and by MIRVing them make the equivalent of 6,000 warheads, which as I recall is somewhere pretty close to ours. I do not know whether I should give the numbers or not.

We can freeze temporarily the number of weapons, but we cannot freeze technology.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. COOPER. Mr. President, I would like to point out to the Senator the language of Dr. Henry Kissinger which I read to the Senator from Washington this morning:

> We are confident we have a major advantage in nuclear weapons technology and in warhead accuracy. Also, with our MIRV's we have a two-to-one lead today in numbers of warheads and this lead will be maintained during the period of the agreement, even if the Soviets develop and deploy MIRV's of their own.

Mr. ERVIN. I do not accept that as valid for Congress unless Congress devotes a lot of money to other programs.

Mr. COOPER. Whose testimony are we going to accept? This is a statement of Dr. Kissinger, speaking for the President.

Mr. ERVIN. He said it was going to be maintained.

Mr. COOPER. I do not know of any person who testified before our committee who said that during this 5-year period we could not maintain our superiority.

Mr. ERVIN. We never had a single witness before the Armed Services Committee that gave any testimony to the effect that the interim agreement would have any effect on technology. And I never heard any person say how he was going to freeze technology.

Mr. COOPER. Mr. President, we cannot freeze technology. However, let us look at the other side of the coin. Does the Senator propose that the United States increase its intercontinenal ballistic missiles to 1,618? In the next agreement does the Senator propose that we increase our submarine launchers by the same number that the Soviet Union would have under this first agreement, if they decided to deploy them? Does the Senator propose that we require the Soviet Union to increase their warheads from 2,200 to 4,000 to reach equality with the United States? Are we proposing an escalation of the arms race instead of an attempt to reduce the arms race?

Mr. ERVIN. The only thing I am proposing at the present time is that the Senate adopt the Jackson amendment which says that when the representatives of America go to the SALT II talks, they should insist that any permanent agreement shall provide for an equality of strategic power between Russia and the United States. That is all I am suggesting now.

Mr. COOPER. I say to the distinguished Senator from North Carolina—and I have listened to his speech—what I said to the Senator from Washington this morning, that it seems that some of those who favor the amendment are arguing that they only want to see the survivability of the deterrent preserved and want to see equality. I want the same thing. I want the survivability of the deterrent preserved. I want equality in our strategic nuclear force. The question is, What is equality? What is equality? If the combination, the variety of our strategic forces and other factors, such as geographical positions, accuracy, and superior number of warheads, we have equality and an assured deterrent, what is the point of insisting that both sides increase the number of launchers and increase the number of warheads when today, this hour, each side possesses enough force to destroy each other and perhaps the whole world?

Mr. ERVIN. The Senator from Kentucky does not understand the Senator from North Carolina, or perhaps the Senator from North Carolina has not made his position plain in an understandable fashion.

Mr. COOPER. The Senator, as always, is very clear.

Mr. ERVIN. All I am advocating is that in the next SALT agreement the United States insist that it is entitled to be on an equal plane with Russia. And I would be happy if in the next SALT agreement, they would all agree to throw away every nuclear weapon on the face of the earth and have none at all. However, I am insisting that the United States not throw away its weapons and reduce its weapons to below those which Russia has. I would be happy if Russia and the United States would agree not to have any submarines at all on either side. However, I am insisting that when they go to the SALT II talks, our negotiators try to reach an agreement that America shall have equality with Russia in respect to intercontinental strategic weaponry.

If the Russians are going to have 75 nuclear submarines, let us have 75. That is the purpose of the amendment. Let me read the heart of the Jackson amendment:

> The Congress recognizes the principle of the United States-Soviet Union equality reflected in the Antiballistic Missile Treaty and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union.

That is exactly what the Senator said he favors. I think he should vote for the amendment.

Mr. COOPER. We both want equality. We both agree we want the survivability of the deterrent. What is it that the Senator's amendment provides to give that assurance? What does the word "level" mean? That is an ambiguous word.

Mr. ERVIN. If the Soviets are on this level [indicating], the United States should be on a level equal to them.

Mr. COOPER. Does the Senator mean in each category?

Mr. ERVIN. I would say in the main categories. I do not think the two nations should have the same number of hand grenades. We are talking about strategic intercontinental forces, either in the form of long-distance bombers or in form of land-based intercontinental ballistic missiles, or in the form of missiles to be fired by Poseidon-type submarines.

Mr. COOPER. Does the Senator mean that in each weapons category we should have the same number, the exact number of launchers, the exact megatonnage and the exact number of warheads?

Mr. ERVIN. I am going to let someone else say what the number should be but I say we should get a treaty at the next SALT negotiations which would put us on a plane of equality with respect to intercontinental strategic weapons with the Russians. I will leave it to someone else higher than me to determine what the number should be, but we should have the right to have the same number of nuclear submarines and the same number of submarine missile launchers as the Russians. It should not be 950 for the Russians and 710 for us.

Mr. COOPER. I do not want to be facetious but following that logic would the Senator urge the Russians to build 300 more bombers to reach equality with the United States?

Mr. ERVIN. I do not urge Russia to build anything. We could agree to cut them down to nothing. We could agree to that, but we do not want the Russians to have a whole lot more than we have.

Let me read it one more time. The Senator said he stands for this and I think he should vote for this amendment.

Mr. COOPER. No; I am not going to vote for any of them, except Senator MANSFIELD'S.

Mr. ERVIN. The amendment states:

> The Congress recognizes the principle of United States-Soviet Union equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union;

The Senator from North Carolina, as an old Latin student, states that "inter alia" means "among other things."

I do not see how anyone can object to that language unless they want inferiority for our Nation.

Mr. COOPER. There are other nuclear systems. Why does the Senator limit it to intercontinental?

Mr. ERVIN. Because I do not figure the Russians are going to bring any troops over here to our soil.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. SYMINGTON. As of August 1 there is a news release of the Bureau of Public Affairs of the Department of State, Office of Media Services, and this is the official executive branch document. It states, under the heading of SALT talks, that in 1972 there were about 6,000 strategic nuclear warheads possessed by the United States, and about 2,500 by the Soviet Union. Then, the State Department report predicts, estimated with SALT effects, by 1977 there will be 10,000 nuclear warheads possessed by the United States, and only 4,000 such warheads by the Soviet Union.

Would the Senator care to comment on this developing relative inferiority?

Mr. ERVIN. That illustrates something we are fighting for and insisting be placed in any treaty to be made in the SALT II talks. There is no limitation now.

Mr. SYMINGTON. Here the State Department itself, I say to the able Senator, puts out a printed pamphlet in which it states that today we have thousands more nuclear warheads than the Soviet Union; and also that in 5 years that discrepancy in our favor will be very much increased. How can that illustrate any inferiority?

Mr. ERVIN. The Russians could build 50,000 warheads, if they wanted to do so under this 5-year agreement.

Mr. SYMINGTON. May I say to my able friend that one of the first things President Nixon did when he got back from Moscow was to release information Mr. Brezhnev intended to pursue this matter of new weapons, whatever he felt was to his advantage, and that the United States would also.

Now here is this State Department document, put out surely with the knowledge of the White House, which document says that in 5 years the nuclear warhead discrepancy in our favor will be very much increased by 1977.

Mr. ERVIN. I will say to the Senator from Missouri, with all due deference, that the Statement on the State Department has nothing to do with the amendment of the Senator from Washington. He is asking that we have equality in intercontinental strategic weaponry.

Mr. SYMINGTON. Presumably the Senator was asking for equality. When he does he is asking for something the State Department in their printed pamphlet, and also based on remarks by Dr. Kisinger in the presence of the President, which I heard, stated we were going to have.

Mr. ERVIN. I ask that I may yield to the Senator from Washington.

Mr. SYMINGTON. As the able Senator from Washington knows, what especially worries me in his amendment is the word "intercontinental," because we have a great many nuclear weapons spread all over the world which have no relation to the concept of "intercontinental." But I believe they should be included in any analysis of relative strength.

Mr. President, I ask unanimous consent that the news release from the Department of State under date of August 1, 1972, entitled "Peace, National Security, and the SALT Agreements," be printed at this point in the RECORD.

There being no objecton, the news release was ordered to be printed in the RECORD, as follows:

PEACE, NATIONAL SECURITY, AND THE SALT AGREEMENTS

Since World War II, the United States and the Soviet Union combined have produced nearly $20 trillion in gross national product—approximately $15 trillion in the United States and more than $4 trillion in the Soviet Union. Of this amount, more than $2 trillion has been spent on defense (approximately $1.3 trillion by the United States, and an estimated $1 trillion by the Soviet Union).

If the two societies continue to grow as projected to the end of the century, and if both continue to spend the same proportion of GNP on defense, the two countries together, by the year 2,000 A.D., could spend another $5 trillion or more to maintain national security.

In both countries there are other pressing needs for capital, and both countries have long recognized a mutual advantage in first stabilizing the level of spending and ultimately moving to the stage where both countries can safely scale it down.

When President Nixon and General Secretary Brezhnev signed the SALT agreements in Moscow, May 26, 1972, the first stage was completed. Agreement was reached to limit ABMs to very low levels, including a commitment not to build a nationwide ABM defense or the base for such a defense. Both sides thus forego a defense against retaliation, and, in effect, have agreed to maintain mutual deterrence.

Agreement was also reached to stabilize the level of strategic offensive missiles for five years, giving both sides an opportunity to proceed to the second stage of negotiations in which further limitations and controls will be pursued.

The freeze on strategic offensive missiles leaves the Soviet Union with more missile launchers and the United States with more warheads and bombers. (See Missile Balance Sheet below.) A great many factors were balanced off on both sides, but the most important consideration—probably the factor that made the Interim Agreement feasible—is the recognition (given concrete form in the ABM Treaty) that with any conceivable or current or future deployment of nuclear weapons, neither side can expect to attack the other without receiving a retaliatory strike that would destroy the attacker as a modern nation-state. Out of this fact grows the assurance of national security for both sides. This, in turn, now makes it possible to negotiate additional mutual limitations—hopefully including reductions of forces on both sides.

However, if the United States were to make unilaterally a substantial reduction in strategic strength, the other side might lose incentive to continue at the bargaining table. Similarly, if either side were somehow able to make a substantial jump in its strategic forces, we can only anticipate that the other side would undertake to redress the balance.

President Nixon said in his Foreign Policy Report of February 1971 that any Soviet attempt to obtain a large advantage "would spark an arms race which would, in the end, prove pointless." The President added that "both sides would almost surely commit the necessary resources to maintain a balance."

The Interim Agreement limits for up to five years the numbers of intercontinental ballistic missiles (ICBM), and submarine-launched ballistic missiles (SLBM) for the Soviet Union and the United States. Some might argue that the Soviet Union gained an advantage because it is permitted larger total numbers of ICBM launchers, SLBM launchers, and modern ballistic missile submarines.

However, it is also argued that the United States gained an advantage because no current U.S. offensive arms program is limited whereas limitations are placed the three most active Soviet programs. Furthermore, although the Soviet Union will have more missile launchers, the United States has a considerable lead in numbers of warheads and and intercontinental bombers, and in qualitative factors—including weapon dependability and general weapons sophistication—which are not limited by the agreements.

The central fact is that both sides find advantages in the limitations. We have reached levels where neither side can start a nuclear war without triggering its own destruction. There are simply too many launchers, too many warheads that would survive a surprise attack.

More importantly, both sides can benefit enormously from additional strategic arms limitations. An important process has, however, been started. Both the United States and the USSR are investing in this process, and we expect will want to preserve the investment and build upon it. It is not a question of "winning" or "losing". Both sides—and the world—gain from what has been achieved without compromising the basic security interests of any nation.

ECONOMICS

The long-range effect of the arms race on the economics of the United States and the Soviet Union is difficult to gauge precisely, but it is obviously enormous. The United States is currently spending about eight percent of GNP on defense—approximately $80 billion in FY 1972. The Soviet Union is spending in the range of 11–14 percent of GNP—some $45–60 billion in 1972, depending on the method of evaluating the cost. As noted above, if both countries were to continue to spend at these levels of GNP to the end of the century, the aggregate defense costs for the United States and the Soviet Union combined might total more than $5 trillion.

Both countries find defense spending a substantial burden on the economy, but the effect probably is more serious in the Soviet Union, because the high level of defense spending is believed to reduce substantially the available growth capital badly needed for expansion of the Soviet economy.

Efforts to compare the Soviet defense burden with that of the United States are difficult because neither the costs nor the distribution of GNP in the two countries are comparable. What is clear is that given the economic resources of the Soviet Union and its relatively lower level of economic development, the arms race places a comparatively greater burden upon the Soviet economy than on the U.S. economy. Therefore, in economic terms the Soviet Union has even greater reason than the United States to develop meaningful weapons controls through negotiation.

The SALT agreements are an important step toward achievement of the kinds of controls that over time can substantially reduce expenditures on both sides, although the goal has not been reached in the initial stage. The agreements signed in Moscow do, however, provide the foundation for negotiations which will, hopefully, lead to important cuts in the level of defense spending on both sides.

Both the United States and the USSR could well continue to spend at approximately current levels while negotiating additional limitations with the funds devoted chiefly to qualitative improvements. One of our goals will be to avoid this.

MISSILE BALANCE SHEET

ICBM launchers: Current strength: U.S. 1,054; USSR 1,618. The United States has no new ICBM construction program underway; the Soviet Union has been building new ICBMs. Without the agreement, if recent construction rates were continued for five years, the United States would still have 1,054 ICBMs and the Soviet Union, which has been building at a rate of up to 250 a year, could have more than 2,800 land-based ICBMs. Under SALT both sides are frozen at current levels.

SLBM launchers: The United States currently has 656 Polaris and Poseidon missile launchers; the Soviet Union has approximately 650–700 SLBMs. The United States has no missile submarines under construction; the Soviet Union has an on-going program of some eight new submarines a year. Without SALT, in five years the United States missile-launching submarines would not have increased, while the Soviet total could have risen to 80 or 90. With SALT, the United States has the right to increase to up to 44 submarines. The Soviet Union may add modern ballistic missile submarines up to the number of 62 operational, but only provided that they retire 209 older land-based missiles and 30 older SLBM launchers. This would leave the USSR with no more than 950 modern SLBM launchers.

Total ICBMs and SLBMs consistent with the terms of the agreement: United States, 1,710; USSR, 2,419. Warheads: The difference in numbers of missiles is offset by the kinds of warheads they can carry. Currently, with the new MIRV warheads, the U.S. strategic missiles and heavy bombers carry 5,900 nuclear warheads; the Soviet missiles and heavy bombers carry an estimated 2,200 warheads. The Interim Agreement sets no limit or the number of warheads for either side, and both of these figures could rise substantially in five years. The implications of the warhead figures are enormous. They mean that currently, in the event of a surprise nuclear attack, if half of the U.S. strategic capability was wiped out, the United States could still strike more than 2,500 separate targets in the Soviet Union. This reinforces the recognition on both sides that there can be no winner in a nuclear war. The U.S. expects to continue to hold a substantial warhead lead during the Interim Agreement, sufficient to more than compensate for the numerical edge the Soviet Union has in missile launchers. The number of U.S. independently targetable warheads is planned nearly to double in the next five years, and will remain far ahead of the Soviet total.

Megatonnage: The agreement does not limit megatonnage as such. Both sides are free to make warheads as large or as small as they wish. On the average, Soviet Missile warheads are larger than U.S. warheads. It should be noted, however, that the radius of damage does not increase proportionate to the increase in yield. If the explosive power is doubled, the radius of damage increases by approximately one-third. Moreover, accuracy is more important than yield.

Mr. SYMINGTON. Mr. President, there are some graphs contained in this release which show that the State Department estimates that whereas in 1972 we have 6,000 nuclear warheads as against 2,500 for the Soviet Union, that in 1977, quoting the report, "estimated with SALT effects" the United States will have some 10,000 warheads, the Soviet Union will have some 4,000.

Also, I would read into the RECORD in context part of what the able Senator from Washigton read with respect to the press conference that was held in the White House on August 9. I know that the able Senator knows I am not taking it out of context, as he read more of it than I did.

Mr. Ziegler states:

> In other words, what we have said is that we endorse the Jackson amendment and feel that this is consistent with our position. But we do not endorse separate elaborations of that amendment. We feel the amendment as offered speaks for itself.

Mr. President, as a Senator who is deeply interested in the subject and who sees much basic merit in this discussion, I would hope that we could now have from the White House—because it is clear what the opinion of some of my colleagues is with respect to the State Department, based upon the colloquy this afternoon—from the President himself, or Dr. Kissinger, a statement as to what they do and do not agree with with respect to the interpretation of this amendment by its author.

Mr. ERVIN. I yield to the Senator from Washington.

Mr. JACKSON. Would not the Senator from North Carolina say that in an interim agreement in which the Soviet Union is able to have more launchers with greater capacity, that if they go forward, as Mr. Brezhnev said they would, and if they develop the technology, that they can in that context have more warheads, more of everything, than we have;

Mr. ERVIN. Yes.

Mr. JACKSON. I mean, the Soviets start out with 50 percent more launchers and 400 percent more throw weight, so if they proceed with an aggressive MIRV program—and our best information is that we can expect the Soviet Union to launch MIRV vehicles any hour—they can gain a lead that we could not diminish because we have a much, much smaller base. It depends on what they do, obviously. But under this agreement there are no limits on the number of warheads. It stands to reason if you have more delivery systems to start with and greater capacity, obviously you can eventually have more warheads than we have. That is No. 1. Point No. 2 is, and I think I understand my friend from North Carolina correctly, we would like to see a cutback in these, and eliminate them entirely.

Mr. ERVIN. That is right.

Mr. JACKSON. Who did the cutting in connection with negotiations in Helsinki and Vienna? Who made the cutbacks? It was the United States of America. We had a four-base ABM program. We agreed to a two-base ABM program, and the negotiators knew full well that there would never be more than one, because Congress had spoken on this. We said we would not build one in Washington. We are dismantling the base at Malmstrom. What are the Russians dismantling? Can we not have equality?

Speaking of arms control and wanting to stop the arms race, I would hope and pray the Russians would agree to 44 submarines, would agree to 1,000 ICBM's, would reduce their throw weight and cutback. I think it is nonsense to talk about our going into a mad arms race. Who is in the race? We have stood still since 1965, without deploying a single new missile, and since these talks got underway in November of 1969 the Soviet Union has moved from a position of inferiority to superiority, while we were talking and negotiating in good faith. In both land-based and sea-based missiles they now exceed us by a wide margin and are permitted, in the case of sea-based missiles, to go on building.

I would hope the Soviet Union would cut back. We cut back on the ABM. Why not let them cut back on the offensive systems? That is what we are seeking. We want a limitation of arms, but it is amazing to me that we are having a debate over U.S. equality with the Soviet Union when every President, every Secretary of Defense, under all administrations, has said we are going to maintain superiority. Now some people are opposed even to equality. What has happened to America?

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. COOPER. Mr. President, will the Senator yield?

Mr. SYMINGTON. I would continue my dialog, if I may.

I would ask this question after hearing the statement made by the able Senator: Is this analysis put out by the State Department right? Where they say that whereas today the United States has 6,000 nuclear warheads and the Soviets 2,500, by 1977. State estimates, the executive department, that with the SALT effects the Soviets will go from 2,500 to 4,000 nuclear warheads and the United States from 6,000 to 10,000. That being true, I do not know why we are talking about our possible planning inferiority. The question I ask is: Is it correct that the State Department says that within the next 5 years our relative position with nuclear weapons will be very much better vis-a-vis the Soviets than it is today? Either the State Department pamphlet is correct, or it is not. What is the opinion of the Senator from North Carolina.

Mr. ERVIN. My opinion is that the State Department is not endowed with prophetic powers and for that reason can not tell what is going to happen between now and the year 1977. What position we will be in in 1977 depends on what the United States and Russia do, in the meantime, and what the State Department has to say by way of prophecy has nothing to do with the matter.

Mr. SYMINGTON. Does the able Senator from North Carolina believe there is enough chaos in the executive department for the White House to permit the State Department to make interpretations of the agreements made in Moscow different from the position of the executive branch?

Mr. ERVIN. Let me say that the Senator from North Carolina has been in the Senate 18 years and during that time has heard many foolish pronouncements from the State Department.

Mr. SYMINGTON. As I understand it, the Senator from North Carolina does not agree with this printed State paper. Is that right?

Mr. ERVIN. I do not see how anybody could agree with it. The Senator from Missouri cannot agree with it because he does not know that what the State Department is prophesying is going to happen between now and 1977. The State Department has nothing to do with building missiles, has no power to do it. It does not know what Congress is going to authorize, and it does not know what Russia is going to do between now and 1977.

Mr. SYMINGTON. To be sure, then, I understand, the Senator from North Carolina believes this is an incorrect statement?

Mr. ERVIN. I do not accept a word of it. The State Department does not know what they are talking about. They are prophesying. I do not act on the basis of prophecies.

Mr. SYMINGTON. I thank the Senator.

I would ask the Senator from Washington some questions. As I understand, he will be available tomorrow.

Mr. JACKSON. Yes.

Mr. SYMINGTON. Unfortunately I was held up in an airplane and was not able to be here earlier today.

Mr. JACKSON. I will be here.

Mr. ERVIN. Let me say to the Senator from Missouri that I do not know that the State Department has either the constitutional power or the prophetic capacity to determine what Russia is going to have in 1977 or what the United States is going to have in 1977. As another distinguished citizen from Missouri, Harry S. Truman, would have said, I think their prophecies are just so much hogwash. That is how much effect it has on me.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. FANNIN). The Chair, on behalf of the Vice President, pursuant to Public Law 92–352, appoints to the Commission on the Organization of the Government for the Conduct of Foreign Policy the following members: the Senator from Virginia (Mr. SPONG) and the Senator from Kansas (Mr. PEARSON); and from private life, Mrs. Charles Engelhard of New Jersey and Mr. Frank C. P. McGlinn, of Pennsylvania.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. ERVIN. Mr. President, the Senator from North Carolina will make one observation, and then complete his speech. The Senator from North Carolina never believed he would live to see the day when anybody elected to the Congress in general, or the Senate in particular, would speak against motherhood, God, country, or equality. Now, thus far, I have heard no speech against motherhood, God, or country, but I have heard many intimations against equality between Russia and the United States in respect to intercontinental strategic weaponry.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. COOPER. I was interrogating awhile ago——

Mr. ERVIN. I am always glad to yield to the Senator.

Mr. COOPER. I want to say that I think the Senator is wrong, because his implication is that we are arguing against equality. That is not correct at all. The author of the amendment, Senator JACKSON, admitted this morning—and I am sure the Senator from North Carolina would agree—that today there is no inequality; the United States has superiority. As to what our position will be at the end of the 5-year agreement, nobody knows exactly.

The Senator assumes the best for the Soviet Union and the worst for the United States, but those who have testified—and among them have been the Joint Chiefs of Staff, including Admiral Moorer—and the statement of Dr. Kissinger on June 15—all these statements indicate that at the end of this 5-year period we will still have superiority. We are not arguing, as the Senator has implied, against equality. We have the fact today that witnesses from the administration, who surely will not testify against it, say there will be superiority on the part of the United States at the end of the 5-year period.

What we differ on is the definition as to what "equality" and "parity" are. The Senator from North Carolina wants to express it in numbers and megatonnage, and those who disagree with him, as I do, say that it is the overall nuclear strength of the two countries.

Respectfully, the Senator's statement that we are arguing against equality is incorrect. We are arguing that the interim agreement is good, that phase II should not be fettered by ambiguous interpretations.

Mr. ERVIN. The Senator from Kentucky has made a very eloquent speech for equality, and it convinces me more than ever that I am right in supporting the amendment. The amendment reads:

> . . . The Congress recognizes the principle of United States-Soviet Union equality reflected in the anti-ballistic-missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States, to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union . . .

We are willing to accept as a temporary expedient the inequality between the United States and Russia which is provided for by the interim agreement.

We are merely asking, urging, and requesting the President to seek a future treaty that, among other things, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union. That is all we are asking.

Mr. JACKSON. Mr. President, will the Senator yield at that point?

Mr. ERVIN. I yield.

Mr. JACKSON. Mr. President, I think the importance of this statement of policy can best be understood in the context in which the interim agreement is before the Senate.

We are called upon to approve an interim agreement which provides for Soviet superiority in land-based and sea-based missiles. Why do I say that? We are called upon to ratify an interim agreement that says the Soviet Union can have 1,618 intercontinental ballisic missiles; we can have 1,054. They can have 62 Polaris-type submarines; we can have 44.

So it is 1,618 versus 1,000 ICBM's; and, sea-based, it is 62 Polaris-type submarines for them, 44 for us, if we give up the 54 Titan missiles.

Mr. President, we are called upon, on an interim, temporary basis, to approve that agreement. Now, the policy statement that I have offered in my amendment, sponsored by 27 Senators on a bipartisan basis, does not run to this interim agreement at all. Therefore, it is not a reservation on the interim agreement. It is a policy statement in connection with future negotiations in SALT II, to start in October.

Confusion could arise from the fact that the Senate is agreeing, on an interim basis, to a freeze on land- and sea-based missiles that gives them superiority, so that when our negotiators go to Geneva, the first thing the Russians are going to say is, "Well, we will start right from here. You have already agreed to this ratio of 50 percent more delivery vehicles—and a 4 to 1 advantage in throw-weight."

All I am saying, and the President supports this, is that it will strengthen his hand when the negotiators sit down at Geneva to say, "We want to be there on the basis of equality." The Russians demanded equality on the ABM. We must demand it on offensive weapons.

Mr. PASTORE. Mr. President, will the Senator from North Carolina yield so that I may ask the Senator from Washington a question.

Mr. ERVIN. Yes.

Mr. PASTORE. Is the Senator actually saying that the man who negotiated this agreement and recommended it to Congress is endorsing the amendment of the Senator from Washington?

Mr. JACKSON. The answer is "yes."

Mr. PASTORE. Without qualifications?

Mr. JACKSON. Without qualifications.

Mr. PASTORE. Without equivocation?

Mr. JACKSON. Without equivocation.

Mr. PASTORE. Without uncertainty?

Mr. JACKSON. Without uncertainty.

Mr. PASTORE. Without doubt?

Mr. JACKSON. Without doubt.

Mr. PASTORE. Then what are we arguing about?

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. JACKSON. And may I just read an excerpt—I will put the White House statement in the RECORD, and also, since Senators have been reading from a State Department pamphlet, I think it would be well that I read from the Friday, August 11, noon press conference of the Secretary of State:

> QUESTION. Mr. Secretary, do you favor the Jackson amendment for approval?
>
> Secretary ROGERS. Yes, we support the resolution—I mean the amendment—of Senator Jackson's. We, as you know, feel the interim agreement is a good agreement. The Jackson amendment expresses a view of the Congress and is consistent with the view of the Administration.

Mr. PASTORE. Now, may I ask a further question?

Mr. JACKSON. Yes.

Mr. PASTORE. Is this amendment being opposed by the State Department?

Mr. JACKSON. No.

Mr. PASTORE. Then why are we putting all this effort and emotion in the RECORD about where we stand?

Mr. ERVIN. That is what I wonder.

Mr. JACKSON. That is what the Senator from North Carolina wonders. That is what I wonder.

Mr. ERVIN. I could not see how the point of view of the State Department has any relevancy at all to this amendment of the Senator from Washington, with all due respect to my friend from Missouri.

Mr. PASTORE. I know the Senator takes a considered time, in debating, to get to the central point.

Mr. ERVIN. Frankly, I do not think there is any basis for any debate. I think everybody should be for equality of the United States—at least for equality.

Mr. PASTORE. I know, but is this the position of the Senator—that, to the applause of the American people, President Nixon made a trip to Russia then presumably to his credit he came back with this limitation on arms agreement, and now he has suggested that it be ratified by the Senate of the United States.

If we are told the President feels that this suggestion of the Senator would strengthen his hand, when this agreement comes to an end, and we have to negotiate a new agreement beyond the year 1975——

Mr. SYMINGTON. Has the President written on that? Has he sent a letter on that?

If the President writes a letter stating he made a poor arrangement, which would be much improved by agreeing to this amendment, it would affect my opinion. I thought the President approved the agreement. Based on what he said and what I heard Mr. Kissinger say when they first came back from Moscow, I thought this was a good agreement. If he thinks it was a bad agreement, then the sooner the Senate finds out, the better. But instead of hearsay, what we ought to have is a letter from the President of the United States saying, "I think the Jackson amendment is an improvement upon the deal I made in Moscow." If he will write that letter, I will vote for the Jackson amendment.

Several Senators addressed the Chair.

Mr. ERVIN. If the Senator will yield just a minute, I will yield in a minute to the Senator from Missouri. The Senator from North Carolina would take it that the Secretary of State speaks for the President in matters of foreign policy. He says, in effect, that this interim agreement is a good agreement, but it would be better to have the Jackson amendment added on to it.

Mr. SYMINGTON. Mr. President, if the Senator will yield, the Foreign Relations Committee reviewed the three purposes of the Jackson-Allott amendment, as stated by the sponsors of the agreement, as follows:

> (1) it puts the Russians on notice that if the threat to the survivability of U.S. strategic forces is not limited by a follow-on agreement within five years, then our supreme national interest could be jeopardized, with all that implies.
>
> (2) it calls upon the President to achieve a treaty involving numerical equality in the aggregate, taking account of throwweight. Technology cannot substitute for numbers. You cannot freeze technology. Therefore, we must have equality measured in terms of numbers and throwweight.
>
> (3) it calls for vigorous research and development and modernization.

That is the interpretation of the resolution, and we were told on high authority in the Foreign Relations Committee that the White House did not approve this language.

If they do approve the interpretation of the authors of the amendment, then let us have it in writing and put it in the record, and I am confident it will pass without any problem. But as long as there is this question as to just what is the position of the President of the United States and his staff, I think it is fair that we ask for a clearcut position by the President on where he stands on the Jackson amendment. Certainly Congress has the right to ask for that, and the people of the United States have the right to know it.

Mr. ERVIN. I would say to the Senator from Missouri that the statement he read is not the amendment, it is an explanation of the amendment, and the Secretary of State has said, taking it from the statement that the Senator from Washington has made, that the Secretary of State, or at least the State Department, favors the adoption of this amendment.

I agree with that statement. I think it would be a serious thing for the national interest if the survivability of our intercontinental strategic deterrent is to be threatened. I think that would be very serious.

Mr. SYMINGTON. May I ask my friend from North Carolina, does the President support Senator JACKSON's interpretation of his own amendment, as he has stated it?

Mr. ERVIN. I would say to the Senator that the Senator from North Carolina is not in communication with the President on this point.

Mr. SYMINGTON. The able Senator knows the importance of legislative history when a matter of this character comes up in the future.

Mr. ERVIN. The amendment is as clear as the noonday sun in a cloudless sky, and the Secretary of State has said he supports it, and I do not think he would have said that unless it is satisfactory to the President.

Mr. SYMINGTON. I did not ask the able Senator that question. I asked him if the President and the Secretary of State support the interpretation of the amendment as presented by the able Senator from Washington.

Mr. JACKSON. I will answer the question.

Of course, they cannot endorse specific interpretations one way or the other. A President would be most foolish if he went around agreeing to interpretations that might be made from a written document, not knowing what the exact interpretation on a specific thing might be.

The Foreign Relations Committee had this matter before it for a whole week. The Foreign Relations Committee knows that the President has said that my amendment is consistent with what the administration is trying to do and is in effect a codification of what was said at the conference in Moscow at the time.

I will shortly have the exact text of the statement from the White House, and it will be in the RECORD, so that we can clarify the matter. They have never said and I have never said that the President and the White House representatives agree or disagree with the interpretations Senators make. The White House agrees with the language of my amendment.

Mr. SYMINGTON. If they do not agree with the interpretation, the Senator knows what will happen when the legislative history comes up. Someone who supported the amendment could say, "the President says he agrees with the amendment, and at that time we said this is what the amendment meant." It would be very difficult to argue against that type and character of legislative history.

I would hope we could have a letter from the President of the United States, stating whether first, he agrees with this amendment; second, he thinks it an improvement on the deal he made in Moscow; and third, he agrees with the authors' interpretation of the amendment.

Mr. PASTORE. Mr. President, will the Senator from North Carolina yield to me?

Mr. ERVIN. I yield.

Mr. PASTORE. I have been waiting here patiently, caught in the cross-fire. The thought is that this amendment will strengthen the hand of the President for the follow-on agreement.

I think that if the President agrees with the amendment, the matter of interpretation is going to be his, because he is going to be the negotiator. Those who negotiate will be responsible not to Congress but to the President of the United States.

This agreement was negotiated by the administration, not by Congress. As a matter of fact, they came back with the agreement, and no one in Congress knew what was in the agreement until the President had negotiated it. Then, of course, he announced it.

The argument has been made here that the President of the United States should express his approval of the amendment in writing. I do not know whether the President of the United States is disposed to do that. Indeed, it is not necessary—for if Senators on the other side who sit at the banquet table of the President frequently and ride with him as he goes to the various States to campaign will report the President's stand—I will take their word for it. All they have to do is to go down tonight and ask him, and then come back and tell the Senate whether or not the President of the United States supports this amendment. I think that would suffice for the Senate.

So far as interpretation is concerned, I repeat; the answer is simple. The interpretation that will count will be the interpretation made by the President of the United States. It is that simple. We are not reshaping history here. We are setting forth the policy of the Senate offering its comment and advice.

After all, when it comes to negotiating an agreement when this one has expired, it will be up to the President of the United States whoever he may be. This President has said, "You will strengthen my hand if you give me this amendment." He could care less about the interpretation of the Senator from Washington or the interpretation of the Senator from Rhode-Island. He is going to make his own interpretation—and they usually do down there. Ninety-nine times out of a hundred they make their own interpretation of anything we do in Congress, anyway. So I would not lose any sleep over this one.

Mr. ERVIN. The Senator from Rhode Island is correct in his statement, and I think his suggestion is very wise.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the Senator from Washington for a statement, without losing my right to conclude the speech I originally intended to complete in 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I read from a transcript of a news conference conducted by Mr. Ron Ziegler on August 9, 1972, at 11:22 a.m. I read from the pertinent part of that statement:

> The language of the Jackson Amendment is consistent with the language of the unilateral United States statement that developed during the discussions held in conjunction with the SALT I phase of the talks, which, as I mentioned before, were subsequently conveyed to the Congress at the time the Agreements were submitted for Congressional consideration.
>
> Therefore, the Soviet Union was aware of the U.S. view on the matter which is contained in the Jackson Amendment and the Jackson Amendment represents a Congressional endorsement of views already presented by the Administration to the Soviet side.
>
> So, the point I am making is that the Jackson Amendment is consistent with the unilateral statement made by the United States in relation to the interim offensive agreement. That unilateral statement which was submitted to the Senate was thoroughly discussed with the Soviet Union during the course of the strategic arms limitation talks and again in Moscow. So the Soviets were fully aware of the United States view on this matter which is also represented in the Jackson Amendment. The two are consistent.
>
> Secondly, there has been considerable discussion about interpretations made by various Senators, including Senator Jackson, with respect to the language of his amendment. For example, Senator Jackson said the other day that his amendment excludes the consideration of European nuclear forces in future SALT negotiations for achieving equality of intercontinental strategic systems.
>
> That interpretation given by Senator Jackson has given rise to the question as to whether or not the Administration supports that particular interpretation. The Administration's view of Senator Jackson's Amendment was stated by Jerry Warren on August 7th and at that time, he said we do not endorse any elaborations or interpretations of the language of that amendment.
>
> In other words, what we have said is that we endorse the Jackson Amendment and feel that that is consistent with our position, but we do not endorse separate elaborations of that amendment. We feel the amendment, as offered, speaks for itself.

That is a clear endorsement of the amendment.

I know that the Committee on Foreign Relations seems to be upset that there was something new about the language in this amendment, when in truth and in fact the language is more a codification of what the United States had already made clear at the talks, and that is what the White House is saying.

So, to answer the Senator from Rhode Island, I think it is clear from what I have read:

> In other words, what we have said is that we endorse the Jackson amendment and feel that that is consistent with our position, but we do not endorse separate elaborations of that amendment. We feel the amendment, as offered, speaks for itself.

Obviously, they are not up here endorsing speeches and statements, but they have endorsed the language of the amendment. That is as clear as anything can be. If anyone has any statement to offer that says that the administration does not endorse the amendment or does not support it, I would be interested in knowing about it.

Let us keep it very clear on this point. There is no need for any confusion, Mr. President. Let us also be candid. This bill has been on the calendar, and it was passed over each day for a week because, I understand—and I fully respect the right of the committee—the Committee on Foreign Relations wanted time to go into this matter. It all started because th Senator from Washington was about to propose an amendment. It is an unusual situation: If you propose an amendment, you tie up a bill for a whole week without it ever being brought up.

The committee went into this matter, and the committee found that what I had said was right, that the White House had stated that the Jackson amendment is consistent with the policy of the administration and is consistent with the remarks that were made in Moscow by both sides.

Mr. COOPER. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. Mr. President, in order that I may protect my right to the floor so that I can eventually finish this talk, I ask unanimous consent that I may yield to the distinguished Senator from Kentucky (Mr. COOPER) for an observation, a question, or whatever the Senator from Kentucky wants to do in respect of the Senator from Washington (Mr. JACKSON) or myself.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered.

Mr. COOPER. I hope the Senator will also allow some time to the Senator from Missouri (Mr. SYMINGTON).

The inconsistency of all this is that on the one hand, the Senator from Washington—my friend Senator JACKSON—says, according to the papers he introduced, that the administration favors the language of his amendment; but his inconsistency is that the administration has made a statement also it does not accept the interpretation of the Senator from Washington and the Senator from Colorado (Mr. ALLOTT), the chief sponsors of the amendment. They have said they do not accept their interpretations.

In the face of that, the Senator from Washington and the great and the eloquent Senator from North Carolina ask the Senate to accept their interpretation.

Mr. ERVIN. To accept the amendment not the interpretation.

Mr. COOPER. The Senator asks us to accept their interpretation. So, to be frank about it, I wish the administration had stood by its agreement.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senator from Washington (Mr. JACKSON) may be allowed to respond to the Senator from Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. May I say that there is no real confusion on this point. The White House has said they are not agreeing or disagreeing with any interpretation. They are not agreeing or disagreeing on any interpretation, I repeat. They are agreeing with the language of the amendment. That is it. One and two. I hope that we lay this to rest.

I would ask the Senator, is it unusual for a Senator of this body to propose an amendment? I proposed an amendment and this bill disappeared for a whole week. My goodness gracious, people are saying that I am holding this bill up, while the Foreign Relations Committee went into session for a whole week while this bill was under discussion. When they got through I think what disturbed them was that what I had done was to offer a statement of policy, for orderly and effective guidelines for SALT II.

Mr. ERVIN. Mr. President, there is something peculiar about that. Contrary to the book of Eccelesiastes which says, "and there is no new thing under the sun," there seems to be something new under the sun in this incident. This Senator from Washington stands on the floor of the Senate and proposes an amendment to the pending resolution. Strange to say the amendment is transferred to the Committee on Foreign Relations to be considered by that committee before the Senate is allowed to vote on it. That is something new under the sun.

I would make to the Senator from Kentucky a statement and I am sure he will agree with it. I agree with the Constitution but I disagree with many of the interpretations placed on it. I think the Senator from Kentucky would say the same thing.

As I understand it, Mr. President, in the field of foreign relations, the President has one spokesman and that is the Secretary of State. The spokesman on foreign affairs, the Secretary of State, has stated that he favors the Jackson amendment. Sometimes the President has another spokesman when he wants some of the thoughts he is entertaining at the White House made public on those occasions, speaks through his press secretary, Mr. Ziegler; and Mr. Ziegler, apparently speaking with the approval of the President, says that the administration favors the Jackson amendment.

That would seem to make it clear the administration favors the Jackson amendment. I am surprised that anyone would disagree with it. I cannot comprehend why any man would be opposed to the negotiators at the next SALT talks insisting that the United States have equality with Soviet Russia in any treaty respecting intercontinental weapons systems.

I am surprised by the argument some are making that the Senate's endorsement of strategic equality will damage the prospects of success in SALT II. I do not understand, Mr. President, how a statement that we will not accept permanent strategic inferiority is going to harm these negotiations—unless someone is prepared to make the case that the Soviet purpose in SALT II is indeed to lock us into inferiority, and that we should accept and endorse that inferiority.

And I must also point out that some see another obstacle to future negotiations in this amendment—the simple phrase "intercontinental strategic forces." Some Senators have been studying this phrase, thinking that it contains some hidden and mysterious meaning that will convince the Soviets that we are not serious about arms control negotiations.

I think the point has been made repeatedly on this floor by the Senator from Washington that the Senate should be strongly supporting the proper refusal of the President and our negotiators to compromise the interests of our European allies by including forces dedicated to their defense in the calculation of the central U.S.–U.S.S.R. strategic balance. How will such a declaration prejudice SALT II?

Now, we are not trying to restrict the agenda of SALT II. We are not in any way tying the hands of our negotiators or forbidding them from discussing any point that comes up. All we are doing is offering advisory language—our advice—as to what would constitute an acceptable outcome from the Senate's point of view.

Now, it has been brought to my attention that the Soviet Embassy in Washington has been circulating a statement which says that they do not acquiesce in the Jackson amendment. Certainly, we can take cognizance of what the Russians think about this, but I do not think we need be influenced by it. Nor do I accept the view that if we pass this amendment, the SALT talks will be placed in jeopardy. The fact is that we have gone through this before, especially during the debate over the ABM system some years ago. Some Senators tried to suggest that because the Russians were hinting they did not like the ABM, we ought not to have it. But we now know that it was not until after the approval of the initial ABM program that the Soviets finally—and quickly—agreed to commence the SALT negotiations.

Mr. President, I share the concern of all Senators, and the hope of all Senators, that SALT II will come to a successful conclusion. And it is precisely for this reason that I urge the Senate to issue clear and unambiguous advice about what ought to come out of SALT II. Let me say, quite candidly, that if another government does not care for the Senate's advice, if another government has different ideas about what should come out of SALT II, that is certainly its right. That, after all, is what the negotiations are all about. It is in the negotiations, not on the floor of the Senate, that these conflicting views should be resolved. Indeed, it is not the constitutional responsibility of the Senate to carry on these negotiations. But it is certainly the constitutional responsibility of the Senate—and the duty of the Senate—to make its views known. This amendment does not prejudice the Senate's interests or prerogatives; we will be able to accept or reject agreements as we choose.

Mr. President, I am confident that the Senate will give overwhelming approval to the principles embodied in this amendment—international stability, strategic equality, and faithfulness to our commitments. This amendment provides a unique opportunity for the Senate to play its rightful role in building a more stable and more peaceful world.

Mr. President, I yield the floor.

Mr. JACKSON. Mr. President, I want to commend again the excellent presentation made by the senior Senator from North Carolina (Mr. ERVIN). As I indicated earlier, he got into the issues involved in the presentation made before the Armed Services Committee over many days in a forthright and, I think, an objective way and added immeasurably to the record that is contained in the hearings available to all Senators. I want to express, I am sure, the appreciation of all of those who were present for the excellent way in which he brought out the facts in the hearings during the presentation by the administration and outside witnesses of their views on the agreements reached at Helsinki and Moscow.

Mr. ERVIN. Mr. President, I thank the Senator for his generous remarks.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that House had passed, without amendment, the bill (S. 596) to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within 60 days after the execution thereof.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6957) to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the United States mining laws, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15097) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes; and that the House receded from its disagreement to the amendment of the Senate numbered 3 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished Senator from Washington, he may recall that earlier today I suggested that it might be possible to have a vote on the pending amendment. And he indicated that there was a possibility. Could I ask if there is any possibility that the pending amendment could be voted on this afternoon?

Mr. JACKSON. Mr. President, I personally have no objections. However, others want all the amendments on a unanimous-consent agreement brought together as close as possible in one day. So I would have to object.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, in order that the present status with regard to the SALT talks treaty and agreement may be put in proper perspective, I would like to recount some of the history of the Senate action with respect to the treaty and the agreement.

The SALT talks agreements, insofar as

they relate to offensive and defensive nuclear weapons, were embraced in two separate agreements, the first agreement being in the form of a treaty limiting defensive nuclear sites, called the ABM treaty. That treaty, which limited Russia and the United States to two defensive sites each, was submitted to the Senate and was ratified on August 3 by a vote of 82 to 2.

One of the Senators who cast his vote against ratification by the Senate of the treaty was the junior Senator from Alabama, the other being the junior Senator from New York (Mr. BUCKLEY). The CONGRESSIONAL RECORD indicates that the Senator from Arizona (Mr. GOLDWATER), had he been present, would have voted against the treaty.

Mr. President, I cast my vote against the treaty because I did not feel that it was right to leave the entire population of the United States, more than 200 million people, virtually defenseless from nuclear attack by Russia, nor did I feel that it was a moral act to leave 200 million American citizens hostage to Russian intentions, and for that reason, among others, I cast my vote against the treaty.

The remaining question regarding nuclear weapons had to do with offensive nuclear weapons. That was embraced in the form of an agreement, an agreement between President Nixon and Mr. Brezhnev, limiting offensive nuclear weapons in a way that placed the United States at a decided disadvantage and in an inferior position as regards offensive nuclear weapons.

The Senate has before it Senate Joint Resolution 241 which authorizes the President, and I assume that means ratifies his prior signature to the document, as follows:

> That the President is hereby authorized to approve on behalf of the United States the interim agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms, and the protocol related thereto, signed at Moscow on May 26, 1972, by Richard Nixon, President of the United States of America, and Leonid I. Brezhnev, General Secretary—

And listen to who is signing the document on behalf, supposedly, of Russia: The General Secretary of the Central Committee of the Communist Party of the Soviet Union. I shall have some additional remarks to make on that later.

There are three amendments, or at least three amendments that have surfaced up to now with regard to Senate Joint Resolution No. 241, and I think it might be in order to discuss all of them jointly, even though only one is pending at this time, that being amendment No. 1434 by the distinguished majority leader, Mr. MANSFIELD, for himself and other Senators.

A part of the discussion that has been going on, on and off the floor apparently has been with regard to the order in which amendments will be voted on by the Senate and the time that is to be allotted to the various amendments.

I understand that the distinguished Senator from Massachusetts (Mr. BROOKE) wishes to offer an amendment, and he has three possible approaches that he may take with regard to his amendment. One is that if he sees fit to do so, he can offer the amendment to the Mansfield amendment. If he sees fit so to do, he can offer it as an amendment to Senate Joint Resolution No. 241, the basic resolution, and offer an amendment to that resolution. Or he can offer it to the Jackson amendment which is to be presented at a later time.

It seems likely, however, that he will offer it as a separate amendment after the Mansfield amendment has been disposed of. Then will come the Jackson amendment, which I shall discuss in some detail in just a few moments.

First, I shall discuss the pending amendment, the Mansfield amendment. What this amendment does, in the judgment of the Senator from Alabama, is nothing. It merely takes one paragraph from a document entitled "Moscow Basic Principles of Relations," which was signed by the President and Brezhnev on May 29, 1972.

It takes the second paragraph out of that document, and there are 12 paragraphs. It takes one paragraph from that document and states that "the Congress hereby endorses those portions of the declaration of basic principles of mutual relations between the United States and the Union of Soviet Socialist Republics, signed by the President and by Brezhnev, which read as follows."

Paragraph second is set out, and it thus appears that is the only paragraph in that document that is approved by the Mansfield amendment. It leaves out high sounding paragraphs, such as sixth:

> The parties will continue their efforts to limit arms on a bilateral as well as on a multilateral basis. They will continue to make special efforts to limit strategic armament. Whenever possible they will conclude concrete agreements aimed at achieving these purposes.

But the amendment offered by the distinguished majority leader and other Senators makes no reference to that paragraph; and it picks out only one paragraph out of the 12 to endorse. Thus it appears the other paragraphs do not come in for endorsement by the authors of this amendment.

So the Mansfield amendment says nothing. There is already an agreement, signed by Nixon and Brezhnev. To pick one paragraph out of the basic agreement, which begins "That the Congress hereby endorses those portions of the declaration," the question might be asked, What about the remaining paragraphs in the declaration? Are they not subject to endorsement? Do they not meet with the approval of the authors of the amendment?

So it seems to the Senator from Alabama that this amendment says nothing, it offers nothing new, and it has no place in the joint resolution, because the joint resolution only authorizes the President to ratify the arms limitation agreement that was signed on May 26.

Merely to pull out of the air a paragraph from a document signed 3 days after the signing of the arms agreement and say, "We endorse this," might greatly cloud the issue. Someone might say, "The U.S. Senate approves paragraph second in the declaration, but it does not say anything about the other paragraphs. Does the Senate object to the other paragraphs?"—paragraphs which I think most would agree to.

So it would seem to me that this amendment must have been put in for purposes of possibly being considered ahead of the Jackson amendment, which is the really basic resolution that has to be considered. Before we get to the Jackson amendment, let us consider for a moment the Brooke amendment. When I speak of the Jackson amendment, I mean the Jackson amendment which will be offered to Senate Joint resolution 241.

The amendment to be offered by the distinguished Senator from Massachusetts (Mr. BROOKE) contains only seven lines.

It says this:

> The Congress considers that the success of the interim agreement—

By the way, this limitation of offensive nuclear weapons is to last for 5 years; whereas, the treaty would be a permanent treaty—

> and the attainment of more permanent and comprehensive agreements are dependent upon the preservation of longstanding United States policy that neither the Soviet Union nor the United States should seek unilateral advantage by developing counterforce weapons which might be construed as having a first strike potential.

Mr. President, the Brooke amendment would seek to put a unilateral construction on the interim agreement, because it says:

> The Congress considers that the success of the interim agreement and the attainment of more all permanent and comprehensive agreements are dependent upon the preservation of long-standing United States policy that neither the Soviet Union nor the United States should seek unilateral advantage by developing counterforce weapons which might be construed as having a first strike potential.

Nothing is said here about Russia agreeing, and obviously you could not, because, how could Congress speak for the Soviet Union? So this would be a unilateral construction, and Russia could well take the position, "That is what Congress said they thought it meant, but we think something entirely different."

So it would seem to the Senator from Alabama that the Brooke amendment—when, as, and if offered—would certainly put the United States in a straitjacket as regards the development of counterforce weapons that could be construed as having a first strike potential. This would be the United States limiting itself, without any corresponding limitation by the Soviet Union or any statement, for that matter, that they so construe the resolution or the agreement themselves.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. JACKSON. I commend the Senator for making a very good point on this matter.

The Soviet Union, has already deployed 288 SS–9 missiles, with a throw weight of 12,000 pounds, plus a new missile that our experts have indicated could have a throw weight of 24,000 pounds plus, and this would give some credence to the contention that they are moving toward a first strike capability. The new, larger missile numbers 25, which has been discussed previously making a total of 313 very heavy missiles.

I can say to the distinguished Senator from Alabama, without violating classification, that our Minuteman missile is substantially less than 2 megatons. As a matter of fact, the warheads on our Polaris-type submarines are in the kiloton range.

So we have a situation in which the Soviet Union, under this agreement, will now be able to retrofit those 288 missiles which have a current throw weight of 12,000 pounds each. They can retrofit all of them and give them a throw weight of 24,000 pounds each under this agreement. So the Senator is making a very good point.

The resolution and the amendment of the Senator from Massachusetts really ought to be directed to the Soviet Union.

Mr. ALLEN. That is correct.

Mr. JACKSON. We foreclosed the possibility of having weapons with very large yields years ago. I was on the Joint Committee on Atomic Energy in the 1950's when we made the decision not to go for large yields.

Again, it seems to me that the best result that could emerge from SALT II is equality, so that we can get some kind of balance here in which both sides would be prohibited from having weapons on the scale of the SS–9 or its successor. I think that would be stabilizing. It would be wonderful if the Soviet Union would indicate their willingness to cut back the number of land-based missiles to a thousand, which we have—a thousand Minutemen—and to hold their submarine force to the level we have set of 41. They are past 41 right now.

So it seems to me that the Brooke amendment, as worthy as it might be under other circumstances, is directed to the wrong nation.

Mr. ALLEN. Yes. This would be something that could be taken up in the SALT talks, could it not?

Mr. JACKSON. That is correct. I think it would be a worthy goal, rather than adding on, as the Soviet Union will be doing. I would like to see that stopped. That is why I plead for a policy directive from the Senate that will stipulate equality.

Who in the world can be against equality of forces between the Soviet Union and the United States? We all understand equality and parity of forces, do we not?

Mr. ALLEN. We certainly do.

Mr. JACKSON. If we do not, we are in pretty bad shape.

How anyone can take any other position is beyond me. I suppose that is why we cannot get an agreement to vote on this issue. I have tried very hard—and I have agreed from the very beginning—to come to a unanimous-consent arrangement by which all votes could be achieved within a stipulated time. I am ready, Mr. President, to work out any reasonable arrangement for a time limitation on all amendments and a final vote, because I believe the Senate understands and the country understands what we are trying to do. We are trying to obtain equality of forces, so that we can be assured that we have the means of defending ourselves with a survivable and therefore credible strategic nuclear force.

I commend the Senator from Alabama for the most effective way he has been analyzing these amendments. I think it is very helpful that we get before the Senate as many of the proposals that have been printed and relate them to the pending matter.

Mr. ALLEN. I thank the distinguished Senator from Washington for his constructive and complimentary comments.

I would like to say to the distinguished Senator from Washington that one of the most effective arguments he has made is that under the limitation of offensive nuclear weapons, the momentum of the Soviet Union in its arms drive will not be slowed down for some 3 years under this agreement. I would appreciate it if the Senator amplified that for the edification of the Senate.

Mr. JACKSON. Yes. Under the terms of the agreement, of course, the Soviet Union is permitted to go forward with a deployment of new SLBM's of our Polaris type up to a level of 62 boats or 950 tubes. That is a very large force that is permitted over the 5-year agreement. In addition, the Soviet Union is permitted to complete their land force of ICBM's which at the present time has not yet reached the total level of 1,618.

In addition, they can upgrade and refit their missiles both the SS–9's and, of course, their very large force of SS–11's, which is a chemically fired liquid fuel missile, and the SS–13, which is a solid propellant system, and which is somewhat comparable to our Minuteman force. On our side, we can add on a total of three submarines and go from 41 to 44. In practice, however, we cannot put any Trident boats to sea before 1977.

We can go from 654 launching tubes, as we have at the present time, to 710. They are permitted 950 launching tubes of the Y class of submarine. If we go to the 710, then we have to dispose of our 54 Titan missiles. They have the option of cutting back on their outmoded and outdated SS–7's and SS–8's—by the way, comparable to our Titan I and Atlas missiles that we had back in the late 1950's and the early 1960's. Incidentally, if we had kept those missiles operational, we might have gotten credit for deactivating them, which we are not getting under the agreement.

So that in addition to the missiles I have just referred to, there was a special arrangement made by which the Soviets can keep their G and some H class submarines. They have a very large force of cruise missiles. We do not have either cruise missiles or missiles in the category of the G class submarine.

But what is involved here is the expenditure on both sides of many billions of dollars under this agreement. At the end of the 5-year period, if the Soviets maximize their efforts as Brezhnev told President Nixon he would do, in my judgment and in the judgment of the experts, if they go all out, and they have indicated that they will, they will have 50 percent more launch tubes than we and they could have more warheads—I expect there will be an announcement any day that the Soviets have fired their first complete MIRV system. Add it up and they can have more warheads at the end of 5 years. That is up to their decision. The yield of their warheads will be greater than ours. They can have more launchers to launch the MIRV warheads.

So what I would like to see, Mr. President, is a cutback. I would like to see the Soviets agreeing to the lower limit of the equation here. I would like to see the Soviets agreeing to 41 nuclear power Polaris-type submarines. I would like to see the Soviets cut back on their land-based missiles from 1,618 to 1,000.

Why are not some of the Senators who are opposed to the Jackson amendment—that merely asks for equality—suggesting that the Soviet Union cut back, Mr. President?

We cut back on the ABM treaty. We were in the process of working on four sites, as the Senator will recall—one in Montana, one in North Dakota, one in Missouri, and one in Wyoming. We agreed to limit our ABM to two sites, knowing that it would only be one site in practice because we would not buy a national command authority site in Washington, D.C. So it is really one site. The Soviets demanded equality, two for two, in an area where we had the momentum. Why should not we insist that we have equality in offensive weapons, too? The stipulation, I want to say to my good friend from Alabama, the agreement on the interim agreement, does not say that they have to build the 62 submarines. Why cannot we, in SALT II which gets underway in October, go in there and hold down the Soviet strategic Y-class type of submarine to the same number we have? Why cannot we ask them to cut back their offensive land-based missile systems to 1,000?

We cut back and dismantled our ABM site in Montana. Let us talk about asking the Soviet Union to cut back and equalize with our forces. I would hope that we would move in that direction. That, to me, would bring the debate around to where it should be.

I would much rather, Mr. President, that they cut back their forces to our level, both land based and sea based, rather than for the United States to build up to their level.

When I supported the ABM, I took the position that it was far better to defend our deterrent forces than to add to them. At least we should start out on that premise.

You know, Mr. President, the arguments about the ABM were rather amusing. There were two main arguments. One was that we did not need an ABM because if we saw an incoming missile attack on the way we could just launch our Minuteman missiles at Soviet cities.

That is known as "launch-on-warning." Can you think of anything more destabilizing, Mr. President?

The chairman of the Foreign Relations Committee advocated that, among others. I should think that would frighten the whole world, that if something appeared on a radar that looked like a missile attack, all we had to do was to launch-on-warning. I cannot think of anything more destabilizing to the peace of the world.

The other contention was that if we did not go forward with the ABM then we could add on to Polaris and add on to Minuteman. I recommended the sensible course of stabilizing the situation by not adding to our offensive force.

We have not added a single offensive weapon since 1965. The last Minuteman, I think, was deployed in 1965, and we have not added to Polaris. I would like sincerely to see the Soviet Union cutting back on their land- and sea-based forces to where we are. There could not be a better signal to the cause of peace in the world than a move of that kind, rather than to continue the arms race. I would hope and trust that our negotiators could go to Helsinki determined to seek equality as a basis for getting the Soviets to back down to a lower level both land and sea based. To me that would be a move in the right direction. That would be a real signal that we sincerely mean business in trying to end the arms race and trying to bring about a more stable and more peaceful world.

Mr. ALLEN. Mr. President, I thank the Senator from Washington for his appeal to the Senate on this subject. I thank him for the great leadership he has displayed in seeking to retain equality and parity with the Soviet Union for our own country in regard to offensive nuclear weapons.

I think he has displayed not only great leadership, but also great statesmanship. I applaud his efforts, and I certainly endorse the action he has taken and the amendment he has offered.

Mr. President, going back to the Mansfield amendment for a moment. I express wonder at why only one paragraph out of that agreement on basic principles and relations was chosen by the authors of this resolution for endorsement. That was paragraph 2.

I ask unanimous consent, Mr. President, that at the conclusion of my remarks, the full document entitled "Moscow: Basic Principles of Relations" be printed in the RECORD to show the other paragraphs for which no endorsement was given.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. Mr. President, at this time I would like to read paragraph 3, which for some reason is not endorsed in this resolution. The resolution has no need to endorse any portion of this basic agreement. Why did not the resolution endorse the agreement limiting nuclear weapons, and why does it have to go to the basic principles and relations signed 3 days later that is merely a philosophical statement of views and political philosophy? Why did it not endorse the arms limitation agreement itself? Here is a high-sounding paragraph that the resolution overlooked giving its endorsement to:

> Third, the U.S.A. and the U.S.S.R. have a special responsibility as do other countries which are permanent members of the United Nations Security Council, to do everything in their power so that conflicts and situations will not arise which would serve to increase international tensions. Accordingly, they will seek to promote conditions in which all countries will live in peace and security.

I do not know how the Soviet representative signed that statement with a straight face. "Accordingly, they will seek to promote conditions in which all countries will live in peace and security."

What about Hungary and Czechoslovakia?

I continue to read from the paragraph:

> and will not be subject to outside interference in their internal affairs.

Why did the resolution not give endorsement to that high purpose?

Mr. President, I do support the Jackson amendment which will be voted on eventually. And I was glad to hear the distinguished Senator from Washington say that he has been seeking to get a vote on the three amendments that have been discussed as amendments to be offered in the Senate and the final vote on the agreement itself. And I am ready to vote at any time that an agreement is made. I am not holding up any procedures. However, I welcome this opportunity to get my reasons on the RECORD why I oppose the treaty and why I favor the Jackson amendment, why I oppose the arms limitation that will freeze the United States for the next 5 years in an inferior status on nuclear weaponry in comparison to the Soviet Union.

Mr. President, the Jackson amendment does not oppose by its introduction, by its terms—it does not rewrite one syllable of the Senate joint resolution itself—the Senate joint resolution itself. It leaves that completely untouched. And the main thing that the Jackson amendment does is to say: "All right. The agreement has been entered into for the next 5 years. There is a provision for a withdrawal from the agreement on 6 months' notice under extraordinary circumstances."

The Jackson amendment does not seek to upset the nuclear arms limitation agreement. It says: "All right. We are committed for 5 years. When you go back into the SALT talks at the expiration of this agreement, work for parity, work for equality, since the agreement anticipates that there will be other agreements made on the subject."

The Jackson amendment says: "All right. We will accept the 5-year agreement that does freeze the United States in an inferior status."

The implication is, naturally, that the authors do not like its provisions. However, no attempt is made to upset the agreement. However, it says: "Next time do better. Next time in the SALT negotiations, come up with an agreement providing for equality for the United States of America."

Is there anything wrong in that? The amendment says: "We will accept what has been done. We are not altogether happy with it, because we don't feel there should be an inferior status provided for the United States. However, next time do better, and then through research and development and modernization of weaponry, build up our strength permitted under the agreement."

So, Mr. President, recapitulating, the Mansfield amendment does nothing.

It takes one paragraph out of 12 in an agreement entered into between the President and Mr. Brezhnev, 3 days after the arms limitation agreement was signed, and it ignores the other paragraphs of the agreement. It ignores an endorsement of the arms agreement itself. Not one word is said of its endorsement of the arms limitation agreement. It refers to authorization to sign it, but it does not say one word about endorsing its provisions.

The Brooke amendment provides, in effect, a sense of Congress resolution as to the meaning of the arms limitation agreement. Well, after they reached that agreement they came out with another agreement saying what the agreement provided; making an agreement, then, coming out with an agreement saying what the agreement said. Now, we are one step further. After all this explanation, Congress interprets this to mean that we are not going to set up our counterforce weapons to such a state of development that they might not be considered to be first strike weapons.

So it puts the United States in a straitjacket. It says, "We construe this agreement to mean that we are not going to develop—reading from the amendment 'counterforce weapons which might be construed as having a first strike potential.'" There is nothing in that binding on the Russians; we bind ourselves, we place ourselves in a straitjacket and say we think it means this, and there is no corresponding agreement from the Russians.

The Jackson amendment, in effect, states, "You made an agreement. It might well have been better; it should have been better. We will accept it, but on the next agreement do not come back with anything less than equality or parity."

That is about the size of it, Mr. President, that is a shorthand rendition of the three amendments.

Now, Mr. President, I support the amendment by the distinguished Senator from Washington (Mr. JACKSON). In supporting the amendment, I do not imply support of the interim agreement which freezes the United States into a position of nuclear inferiority with respect to that of the Union of Soviet Socialist Republics—U.S.S.R.

I oppose the agreement for the additional reasons that I find it morally repugnant, erroneously premised, technically deficient, unrealistic, flawed with vague, unenforceable and contradictory provisions which are detrimental to the best interests of the United States.

Mr. President, let me briefly elaborate.

The justification of the interim agreement is derived from the treaty which limits development and deployment of nuclear defenses against nuclear attack.

As I stated before, the Senate needed

to approve the treaty. We are discussing the difference between the treaty and an agreement. The treaty limiting the defensive nuclear sites is a treaty requiring, under the Constitution, a two-thirds vote of the Senate for ratification.

Now the document or contract limiting offensive nuclear weapons was in the form of an executive agreement which apparently has to be approved by both Houses by a majority vote and no one anticipates there will be anything other than a tremendous majority in favor of the agreement in both Houses. That is taken for granted.

The effect is that the integrity of the deterrent of both the United States and the Soviet Union depends upon leaving civilian populations unprotected against nuclear attack and not on the number or on the sophistication of nuclear weapons which is the subject of the interim agreement. The idea of holding civilian populations hostage under threat of nuclear annihilation is as repugnant to me as it would be to threaten civilian populations with destruction by methods of germ warfare as a deterrent. There is very little difference. It is said that both sides already have a sufficiency of offensive weapons to achieve maximum assured destruction. If this is true, the agreement is redundant.

Let us analyze that for a moment. It is said that both sides already have a sufficiency of offensive weapons to achieve maximum assured destruction. If this is true, the agreement is redundant. If both sides already have a sufficiency—I have heard it stated on this floor there is a sufficiency to wipe out the other country 10 times—if that be true, if they already have enough striking force to wipe out the other country tenfold, what is the use of limiting weapons? They already have enough there in their storehouses or silos, wherever they might be.

In my judgment, both the treaty and the interim agreement are technically flawed in that both instruments are signed by President Nixon on behalf of our Nation, and by Leonid I. Brezhnev, in his capacity as General Secretary of the Central Committee of the Communist Party of the Soviet Union, on behalf of the Union of Soviet Socialist Republics—U.S.S.R. In other words, it is significant that the instruments are not signed by corresponding heads of state.

It can be pointed out, and accurately, that the Government of the U.S.S.R. is not an autonomous political entity. Instead, the Government of the U.S.S.R. is merely an instrument to carry out the will and policies established by the Communist Party of the Soviet Union. Accordingly, it can be argued that since the Communist Party of the Soviet Union—CPSU—controls the Government of the U.S.S.R., that the Secretary of the Central Committee of the Party is the proper official to bind the Government by treaties and agreements.

The true relationship between the Communist Party of the Soviet Union and the U.S.S.R. can be illustrated by the following quote excerpted from debate in the United Nations as reported by the New York Times on January 9, 1952: The argument was addressed to a U.S. Congressman and is, in part, as follows:

> Formerly you used to bring in the Comintern, and after it was disbanded, the Cominform. Now you have brought in the Soviet government, apparently quite ignorant of the fact that the late A. A. Zhdanov was never a member of the Soviet government, that A. A. Zhdanov was Secretary of the Central Committee of the Party. *You are commiting a crude error in confusing governments with parties. A party is a party, and a government is a government.* (Italic supplied).
>
> When you act in the capacity of a government and pass legislation that is incompatible with the elementary standards of international law and with normal relations with other states, the question arises of the government guilty of this bearing responsibility for such actions.
>
> Certainly, we are not going to condemn the activities of the Comintern or of the Communist parties in other countries; we are Communist ourselves. But that is one thing; the activities of governments are quite another.

The point is that the Communist Party of the Soviet Union, as is indicated by the above quotation, is not equivalent to the Government of the U.S.S.R. Consequently, it is not surprising that innumerable studies over the years have indicated that agreements made with the Communist Party of the Soviet Union are not worth the paper they are written on. In 1958, the American Bar Association published a study conducted by its Special Committee on Communist tactics, strategy, and objectives which summarizes the record of Communist promises up to 1958. The following is an excerpt from that study.

> During the past 25 years, the United States has had 3,400 meetings with the Communists, including Teheran, Yalta, Potsdam, Panmunjom and Geneva. The negotiators spoke 106 million words (700 volumes). All this talk led to 52 major agreements, and Soviet Russia has broken 50 of them. The Communists have followed Lenin's dictum about treaties and agreements: "Promises are like pie crusts—made to be broken."

In this connection, it is worthy of note that shortly before the present SALT accords were completed, the Senate Judiciary Committee released a report which updated the Soviet record on honoring summit agreements: 24 out of 25 additional summit agreements had been violated as of that date.

As I have previously pointed out, this record of broken agreements leads to the inescapable conclusion that as long as the United States continues to enter into unenforceable agreements with the Communist Party of the Soviet Union or the Government of the U.S.S.R. which is controlled by the CPSU, such agreements will be broken whenever it serves the interests of the Communist Party to break them.

In this connection, the leadership of the Central Committee of the Communist Party of the Soviet Union is highly volatile. The present General Secretary and existing power clique may be here today and gone tomorrow. Treaties and agreements entered into with one regime may go down the drain with the next.

Mr. President, it is obvious that with our populations left vulnerable to nuclear attack, the only thing that stands between us and nuclear blackmail is the faith in the promises of the Central Committee of the Communist Party of the Soviet Union. We have been promised by the CPSU that the government of the U.S.S.R. will not deploy defensive systems against nuclear attack or stockpile offensive weapons which would destroy the credibility of our supposed deterrent. If that promise is broken, the United States and its allies will be at the mercy of its opponent.

Under such circumstances, it would seem to me that nothing would be more important than agreeing in iron clad procedures to guarantee foolproof methods of verification. One cannot but agree with the observation of Secretary of Defense Melvin R. Laird, who is quoted in the March 27, 1972 issue of U.S. News & World Report:

> But it is my strong view that it would be a great and dangerous mistake for the United States to take unilateral disarmament actions. *In short, we must have verifiable mutual-arms-limitation agreements* . . . To put it bluntly, this President and this Secretary of Defense are not going to place the destiny of the United States or of our friends and allies, at the mercy of the hoped-for good will of any other power. (Italic supplied)

So, let us see what the agreement offers in the way of verification procedures. The agreement contains no provision for any type of verification that is not already available to gather military intelligence even without an agreement. These existing methods of intelligence gathering are referred to as "national technical means of verification." But are these means adequate? Are there deficiencies in the available technical means of verification? I suppose argument on this point could go on indefinitely were it not for the fact that the treaty and agreement seem to admit that existing methods of verification are inadequate. Otherwise, why is there provision in the agreement which calls on the United States and the U.S.S.R. "not to use deliberated concealment measures which impede verification by national technical means? This clause is used both in article XII of the treaty and article V of the interim agreement.

The obvious effect of these deficiencies in means of vertification is to vest the security of the United States on the frail reed of a promise from the Communist Party of the Soviet Union not to conceal deployment of missile defense systems or offensive missile stockpiling.

Mr. President, I am not going to catalog the literally hundreds of ways in which the United States or the U.S.S.R. could conceal components of missile defense systems or offensive nuclear missiles. In my judgment, it is incredibly naive to think that concealment is not possible, and even more naive to think that the government of the U.S.S.R. will not follow precisely the dictates of the Communist Party of the Soviet Union when it decides that it is in the best interest of the CPSU to violate the treaty and the interim agreement.

Mr. President, even if I could trust the promise of the CPSU not to cheat on the treaty and agreement, I would continue to oppose approval of both the treaty—

which I have already done—and agreement.

One reason can be illustrated by first conceding, for the sake of argument, faithful compliance with the accords and the validity of every argument which has been put forth in favor of the treaty and the agreement. Let us go further and concede the validity of the concept of maximum assured destruction and also that it is right and proper under existing conditions of time and circumstance to hold civilian populations hostage under threat of nuclear annihilation. Let us also assume the success of future SALT talks and eventual nuclear disarmament.

What then? Where would this leave the United States? Is it not true that we would then be forced to rely upon traditional tactical weapons and strategies of warfare? It is generally conceded that the Soviet Union is appreciably stronger than the United States in tactical forces and weapons. This tactical superiority on the part of the Soviet Union and its satellites has long been recognized as a capacity of overrunning much of the land mass of Europe, and, in fact, all of the nations of the Eurasian land island. This capability has been restrained for the past quarter century by our nuclear shield. With this shield neutralized by agreements and treaties, what restraints will then exist against Communist aggressions? These considerations compel us to reconsider the hard realities of geopolitics and the strategies from the perspective of world geography and the distribution and control of strategic resources. If we voluntarily return to conventional methods and weapons of warfare, who is prepared to deny the axiom that:

> Who rules East Europe
> commands the Heartland:
> Who rules the Heartland
> commands the World-Island:
> Who rules the World-Island
> commands the World.

Mr. President, that is exactly what Russia has in mind doing, and is working, planning, and plotting to achieve in the years to come.

A glance at the world globe confirms the fact that the nation which controls the Eurasian world island controls also the major trade routes of the world and world strategic resources.

The question then arises, how is the interest of the United States advanced by voluntarily surrendering a potential for world domination by the Soviet Union? This question can be answered only by raising a more basic question concerning our foreign policy. In fact, it seems to me that the wisdom of our foreign policy should first be determined before we can decide the wisdom of the SALT accords which proceed from that policy.

Mr. President, in one respect the debate which preceded Senate ratification of the treaty and current debate concerning the wisdom of the interim agreement is disjointed and disembodied from the original premises which have led into the SALT talks and ultimate expectations from those talks.

I am personally convinced that the SALT talks would never have been undertaken without having been preceded by a dramatic change in foreign policy based upon an emotional commitment to the idea of convergence and the belief that an eventual convergence of the systems of socialism and capitalism represents the only hope for world peace.

The fact is that there is little evidence that a convergence of systems would necessarily diminish tensions between nations of the separate systems. It is well to bear in mind that the Communist system was created as an institution of revolution and conflict. But history shows that even where there is a social-political uniformity, peace is not a necessary consequence.

Dr. Zbigniew Brzezinski and Samuel P. Huntington have pointed out in their compartively recent book entitled Political Power: U.S.A./U.S.S.R, "1967":

> The Communists believe that the world will converge, but into an essentially communist form of government. In the West, on the other hand, the widespread theory of convergence assumes that the fundamentally important aspects of the democratic system will be retained after America and Russia "converge" at some future, indeterminate historical juncture. Although probably there will be more economic planning and social ownership in the West, the theory sees the Communist Party and its monopoly of power as the real victims of the historical process: both will fade away. Thus on closer examination it is striking to discover that most theories of the so-called convergence in reality posit not convergence but submergence of the opposite system. Hence the western and the communist theories of convergence are basically revolutionary; both predict a revolutionary change in the character of one of the present systems. The Communists openly state it. In the West, it is implicit in the prevalent convergence argument.
>
> The theory of convergence thus minimizes or ignores the totality of the Russians and the American historical experience—political, social, and economic—and exaggerates the importance of one factor alone.
>
> NonCommunist believers in convergence also have no reason to assume that a non-Communist Russia, with nationalist ambitions, would be less likely to strive to dominate the Eurasian continent than a Communist Russia.

Mr. President, I am convinced that the convergence theory is a menace to the security of the United States and that the SALT talks and agreements are a direct result of the faith placed in that theory. I cannot in good conscience vote for approval of the convergence theory or the SALT agreements which are a direct result of that theory.

EXHIBIT 1

MOSCOW: BASIC PRINCIPLES OF RELATIONS

Text of the "Basic Principles of Relations Between the United States of America and the Union of Soviet Socialist Republics." May 29, 1972.

The United States of America and the Union of Soviet Socialist Republics,

Guided by their obligations under the Charter of the United Nations and by a desire to strengthen peaceful relations with each other and to place these relations on the firmest possible basis,

Aware of the need to make every effort to remove the threat of war and to create conditions which promote the reduction of tensions in the world and the strengthening of universal security and international cooperation,

Believing that the improvement of US-Soviet relations and their mutually advantageous development in such areas as economics, science and culture, will meet these objectives and contribute to better mutual understanding and business-like cooperation, without in any way prejudicing the interests of third countries,

Conscious that these objectives reflect the interests of the peoples of both countries,

Have agreed as follows:

First. They will proceed from the common determination that in the nuclear age there is no alternative to conducting their mutual relations on the basis of peaceful coexistence. Differences in ideology and in the social systems of the USA and the USSR are not obstacles to the bilateral development of normal relations based on the principles of sovereignty, equality, non-interference in internal affairs and mutual advantage.

Second. The USA and the USSR attach major importance to preventing the development of situations capable of causing a dangerous exacerbation of their relations. Therefore, they will do their utmost to avoid military confrontations and to prevent the outbreak of nuclear war. They will always exercise restraint in their mutual relations, and will be prepared to negotiate and settle differences by peaceful means. Discussions and negotiations on outstanding issues will be conducted in a spirit of reciprocity, mutual accommodation and mutual benefit.

Both sides recognize the efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent with these objectives. The prerequisites for maintaining and strengthening peaceful relations between the USA and the USSR are the recognition of the security interests of the Parties based on the principle of equality and the renunciation of the use or threat of force.

Third. The USA and the USSR have a special responsibility, as do other countries which are permanent members of the United Nations Security Council, to do everything in their power so that conflicts or situations will not arise which would serve to increase international tensions. Accordingly, they will seek to promote conditions in which all countries will live in peace and security and will not be subject to outside interference in their internal affairs.

Fourth. The USA and the USSR intend to widen the juridical basis of their mutual relations and to exert the necessary efforts so that bilateral agreements which they have concluded and multilateral treaties and agreements to which they are jointly parties are faithfully implemented.

Fifth. The USA and the USSR reaffirm their readiness to continue the practice of exchanging views on problems of mutual interest and, when necessary, to conduct such exchanges at the highest level, including meetings between leaders of the two countries.

The two governments welcome and will facilitate an increase in productive contacts between representatives of the legislative bodies of the two countries.

Sixth. The Parties will continue their efforts to limit armaments on a bilateral as well as on a multilateral basis. They will continue to make special efforts to limit strategic armaments. Whenever possible, they will conclude concrete agreements aimed at achieving these purposes.

The USA and the USSR regard as the ultimate objective of their efforts the achievement of general and complete disarmament and the establishment of an effective system of international security in accordance with the purposes and principles of the United Nations.

Seventh. The USA and the USSR regard commercial and economic ties as an important and necessary element in the strengthening of their bilateral relations and thus will actively promote the growth of such ties. They will facilitate cooperation between the relevant organizations and enterprises of the two countries and the conclusion of appropriate agreements and contracts, including long-term ones.

The two countries will contribute to the improvement of maritime and air communications between them.

Eighth. The two sides consider it timely and useful to develop mutual contacts and cooperation in the fields of science and technology. Where suitable, the USA and the USSR will conclude appropriate agreements dealing with concrete cooperation in these fields.

Ninth. The two sides reaffirm their intention to deepen cultural ties with one another and to encourage fuller familiarization with each other's cultural values. They will promote improved conditions for cultural exchanges and tourism.

Tenth. The USA and the USSR will seek to ensure that their ties and cooperation in all the above-mentioned fields and in any others in their mutual interest are built on a firm and long-term basis. To give a permanent character to these efforts, they will establish in all fields where this is feasible joint commissions or other joint bodies.

Eleventh. The USA and the USSR make no claim for themselves and would not recognize the claims of anyone else to any special rights or advantages in world affairs. They recognize the sovereign equality of all states.

The development of U.S.-Soviet relations is not directed against third countries and their interests.

Twelfth. The basic principles set forth in this document do not affect any obligations with respect to other countries earlier assumed by the USA and the USSR.

Moscow, May 29, 1972.

For the United States of America, Richard Nixon, President of the United States of America.

For the Union of Soviet Socialist Republics, Leonid I. Brezhnev, General Secretary of the Central Committee, CPSU.

Mr. CHURCH. Mr. President, this being August 14, 1972, and the 27th anniversary of the end of the war with Japan in 1945—or VJ Day—it might be chastening for us to recall that in the latter stages of that war, the United States, on August 6, 1945, dropped the first atomic bomb on Hiroshima. Estimates vary on the dead from bomb and radiation exposure from 80,000 to 200,000.

The second U.S. bomb was dropped in Nagasaki on August 9, 1945. Estimates of dead in that city range from 39,000 to 74,000.

In this connection, Mr. President, I ask unanimous consent to have printed in the Record and article entitled, "Total Nuclear Arms Ban Is Vital," written by David Lawrence and published in today's Washington Evening Star. I think the argument made by Mr. Lawrence is a most persuasive one, which deserves the attention of the Senate

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Star, Aug. 14, 1972]

TOTAL NUCLEAR ARMS BAN IS VITAL

(By David Lawrence)

With all the talk about limitation of armaments, it is surprising that world sentiment has not been mobilized to bring about the abolition of nuclear weapons. Five major powers have nuclear arsenals which are a potential threat to a huge number of human beings. No such menace has existed before in history. The wonder is that little has been done to try to eliminate it, though there is wide recognition of the danger in the mere possesion of nuclear bombs.

The truth is that, although the United States and the Soviet Union have reached agreement on arms control, the nuclear race goes on and is spreading. Even this country and Russia are carrying on underground tests of atomic bombs, while the Russians continue to test intercontinental missiles. France—which, along with China, has refused to join the other three nuclear powers in banning atmosphere tests—is conducting a series of such tests.

Several smaller nations are approaching the point where they can build their own atomic weapons. Ingredients for nuclear bombs are being manufactured in ever-growing amounts.

Suggestions have been made that international conferences be called to discuss not just the control but the abolition of nuclear weapons. No proposals have, however, been adopted by any government.

The United States has a particular obligation to support a movement to do away with all nuclear weapons, because it dropped an atomic bomb during wartime. Though this helped end World War II, there are many people who think the war might well have been won by the allies in a short time without the introduction of such a devastating weapon.

The nuclear bomb can bring destruction not only on armies but to millions of civilians. Its use would violate all the rules of civilized warfare and could lead to retaliatory action that would add to the slaughter of people around the globe.

Yet, the subject of abolishing nuclear arms is not the theme of international meetings or of consultations between major powers who profess to be friendly to one another. The Soviet Union did propose to the United Nations last year that it call a "universal" conference to bring about the prohibition and elimination of nuclear weapons, but nothing has been done to advance the idea. China has from time to time indicated that it favors the concept, and so has the United States.

In the 27 years that have elapsed since the first atomic bomb was dropped on Japan, however, there has been no serious movement to ban all nuclear weapons everywhere. The recent agreement between the United States and the Soviet Union to limit the building of strategic arms is an encouraging development, but until it is determined to abolish them altogether, the world will not be free from the worst menace that has ever existed.

The theory therefore has been, of course, that almost any weapon can be used during a war in order to cause the enemy to surrender. But missiles carrying nuclear warheads reach beyond military forces and into the homes of civilians who are in no way engaged in the fighting. If some of the governments which have nuclear weapons are willing to regulate additions to their nuclear arsenals, why shouldn't they move to cut them down and eventually eliminate them.

One of the difficulties with the problem is to make sure that, if all nuclear weapons are prohibited, they will be destroyed by each of the nations which possess them. For this purpose, a body of neutral inspectors could be appointed to see that this is done.

The United States first used an atomic bomb in the second World War and has played an important part in the build-up of nuclear power. It would gain considerable support if it took the initiative now to seek an agreement by each of the countries that possess nuclear arms to abolish them and set a date on which all such weapons would be rendered useless.

Inasmuch as the United States is the only country that has used a nuclear bomb against civilians, it would receive the applause of the world if it took the leadership in a movement that succeeded in preventing the employment of nuclear weapons in the future through the destruction of those that have been accumulated and pledges to assure that no more will be made. International inspection would be a necessary part of the agreement so that the abolition of nuclear weapons could be checked regularly to prove that the promises are being fulfilled.

Mr. CHURCH. Mr. President, as we come to the conclusion of a long day of debate, my attention has been called to an editorial which appeared in today's New York Times. The editorial discusses the subject of "Unstable Deterrence and Jackson's 'Equality'." There are three paragraphs in this editorial which sum up the issues in such a concise way that I should like to read them at this time.

Looking ahead to SALT II, the editorial reads:

> The main task for SALT II is to seek quantitative reductions in strategic missiles and bombers and also to slow down the research and development race for qualitative advantages in weaponry. A combination of such measures is the only way now to limit MIRV multiple warheads sufficiently to rule out for both sides a first-strike capability against silo-based missiles.
>
> The interim agreement gives the Soviet Union a numerical edge in offensive missiles to offset American advantages in bombers, foreign bases, warhead numbers and other factors. Both sides have agreed that this asymmetrical arrangement provides parity in effective strategic strength. It is this understanding that Senator Jackson now is challenging.
>
> The Washington Democrat asserts that the interim agreement, if continued, would condemn the United States to "sub-parity." He wants the Senate to call for a SALT II treaty that would provide numerical equality in offensive forces. But this kind of "equality," which would condemn the Soviet Union to overall inferiority, was rejected by Moscow in SALT I. Insistence on it would make a SALT II agreement impossible, guaranteeing a resumption of the nuclear arms race.

Mr. President, I ask unanimous consent to have printed in the Record the editorial to which I have referred.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

UNSTABLE DETERRENCE—AND JACKSON'S "EQUALITY"

In his "State of the World" report to Congress last February, President Nixon expressed the hope that the nuclear arms race with Russia could be halted by "a combination of mutual restraint and an agreement in SALT," the strategic arms limitation talks. The SALT agreement was signed May 26 in Moscow. But the "mutual restraint" essential to make it work has yet to be seen in Washington. On the contrary, the emphasis seems to be on stepping up the arms race in fields still unrestricted by SALT, despite the adequacy of existing weapons.

The latest example is the Administration decision to develop a second generation of MIRV multiple warheads capable of destroying Soviet ICBM silos. The new hydrogen warheads for existing Minuteman and Poseidon missiles reportedly will be several times more accurate than those now being deployed and at least four times more powerful.

The Administration and President Nixon personally have repeatedly denied over the last two or three years any intention of developing such "hard target" killers, admitting that such development would be a destabilizing move likely to arouse fear in Moscow that the United States was seeking capability for a "first strike" against Soviet land-based missiles and bombers. At one point, with great fanfare, the Pentagon was even ordered to halt a program for increasing MIRV warhead accuracy.

The explanation being given for the current change is that President Nixon wants greater flexibility to respond to a possible nuclear attack against the United States. For at least eighteen months, the high-level Defense Program Review Committee chaired by Henry Kissinger has been under Presidential directive to study and devise strategic options other than massive retaliation against Soviet cities that would, in turn, bring Soviet missiles down on American cities. But this study has yet to be completed. It is by no means certain that other options are feasible or advisable, particularly if they require weapons so accurate and powerful that fear of an American pre-emptive attack would stimulate Moscow to undertake countermeasures.

For the moment, the Pentagon reportedly has been authorized to develop, but not to deploy, the new super-MIRV warheads. But once such warheads are flight-tested, the Soviet Union may proceed on the assumption that they will be deployed, since contrary assurances would be hard to verify.

The irony is that the United States in the SALT talks has insisted that agreement was possible only if both sides were committed to a strategy of deterrence and avoided the construction of offensive forces with a first-strike capability against missile silos. Moscow, for this reason, has been pressed successfully to halt further deployment of giant SS-9 ICBM's. It is now being urged to refrain from large-scale deployment on SS-9's of the MIRV multiple warheads the Soviet Union is believed to be developing. Assurances in this regard, perhaps in the form of ICBM reductions, are expected to be a major American objective in the second round of SALT talks this fall.

In these circumstances, an explanation from the President is clearly needed. A Republican legislator, Senator Brooke of Massachusetts, prevailed upon the Administration two years ago to come out publicly against the development of more advanced missile warheads. He is asking for a reaffirmation of this commitment now. Senator McGovern has brought the issue into the campaign by calling on the President "to repudiate and abandon" the new warhead program.

It is one thing to study strategic war options available with present weapons systems; it is quite another to develop more deadly weapons that would undermine the stability of the nuclear balance and greatly complicate the already complicated task confronting SALT II.

Mutual restraint or a continued nuclear arms race is the central issue raised by Senator Henry Jackson's effort to attach reservations to the interim five-year Soviet-American agreement limiting strategic offensive missiles.

That agreement—itself five years in the making and concluded only after an arduous Nixon-Brezhnev summit negotiation in Moscow—is to be replaced by a comprehensive treaty on offensive nuclear weapons in the second stage of the strategic arms limitation talks (Salt II). But it is illusory to believe that Salt II, which reportedly will begin in October in Geneva, can alter the fundamental strategic balance so painstakingly arrived at in the provisional agreement. In diplomacy, as the French adage has it, "there is nothing more permanent than the provisional."

The main task for SALT II is to seek quantitative reductions in strategic missiles and bombers and also to slow down the research and development race for qualitative advantages in weaponry. A combination of such measures is the only way now to limit MIRV multiple warheads sufficiently to rule out for both sides a first-strike capability against silo-based missiles.

The interim agreement gives the Soviet Union a numerical edge in offensive missiles to offset American advantages in bombers, foreign bases, warhead numbers and other factors. Both sides have agreed that this asymmetrical arrangement provides parity in effective strategic strength. It is this understanding that Senator Jackson now is challenging.

The Washington Democrat asserts that the interim agreement, if continued, would condemn the United States to "sub-parity." He wants the Senate to call for a SALT II treaty that would provide numerical equality in offensive forces. But this kind of "equality," which would condemn the Soviet Union to overall inferiority, was rejected by Moscow in SALT I. Insistence on it would make a SALT II agreement impossible, guaranteeing a resumption of the nuclear arms race.

In a revised version of his amendment, Senator Jackson has agreed with the Administration on wording so ambiguous that the White House has accepted the language of the amendment while repudiating Mr. Jackson's interpretation of it. This grotesque deal is favored by the Administration to appease its conservative supporters and to retain Senator Jackson's help in shepherding future defense legislation through Congress. But it can only be harmful to the future prospects for arms control. Senate rejection of the Jackson amendment and simple approval of the interim agreement would be the best way to save the Administration from its own folly and, more important, to assure a favorable climate for SALT II.

Mr. CHURCH. Mr. President, another article that is particularly noteworthy has appeared recently in the press. It is written by a man of long experience in diplomatic affairs, more than 40 years in the Diplomatic Service of the United States, whose last post was that of Permanent Representative of the United States to the United Nations. His name is Charles W. Yost. I am pleased to say that he is a personal friend of mine, with whom I have traveled abroad on occasion in the past, and in whom I have the greatest confidence. He writes so wisely on the general topic of this debate that I should like to read his observations into the RECORD at this time.

Mr. Yost writes in the August 10 edition of the Christian Science Monitor an article entitled "Arming for Detente," which reads as follows:

The Alice in Wonderland character of the arms race becomes more and more bizarre every week. Like the Red Queen both we and the Russians keep running faster and faster simply to stay in the same place.

Three and a half years ago the President announced that we were moving from an era of confrontation into an era of negotiation. Pursuant to that wise conception, he undertook the SALT negotiations which produced an arms limitation agreement, not as far-reaching as the domestic needs of both countries required but still a most significant step forward, a step moreover which could with careful nursing generate a climate of detente and accommodation between the United States and the Soviet Union.

But what is the reaction to this agreement within the defense establishment? The Secretary of Defense at once announces: "There will be no savings as far as the request for offensive strategic weapons which have been presented to the Congress in the 1973 budget" (incidentally the largest peacetime military budget in history). The White House itself proceeds to insist that, despite that SALT agreement, there is not less but more need for the new and immensely costly weapons, including a new supersonic bomber (we far outnumber the Soviets in long-range bombers), a more advanced type of missile-launching submarine (no one claims that our present Poseidon and Polaris subs are not effective and invulnerable), and a fourth nuclear-powered aircraft carrier (the Soviets have no carriers). Moreover, despite the efforts of a growing number of skeptical members of Congress, the majority with its usual docility vis-a-vis the Pentagon approves all the new weapons.

An even more extraordinary spectacle is provided by Senator Jackson, apparently with the initial connivance of the administration, who proposes that a reservation be attached to the SALT agreement on offensive weapons, providing that if the Soviets take any steps, even though they are permitted under the agreement, that "endangers" United States strategic forces, this would be ground for abrogating the agreement. In other words, having signed the agreement only two months ago, we would solemnly announce that we would cancel it whenever the Soviet Union does anything, outside its terms, which we dislike. Fortunately this astonishing proposal seems too much for the Senate to swallow and even the administration may be having second thoughts.

Of course, the Soviets are by no means exempt from these prodigal and irresponsible displays of machismo. Having both the largest army in Europe and the largest number of land-based intercontinental missiles, they have seen fit in recent years, repeating the fatal error of the Kaiser before World War I, also to build a massive challenge to the United States Navy. What possible national interest is served thereby, except pure pride and prestige, it is hard to imagine.

In a recent interview in the magazine Foreign Policy George Keenan remarks: "Today the military rivalry, in naval power as in nuclear weaponry, is simply riding along on its own momentum, like an object in space. It has no foundation in real interests—no foundation, in fact, but in fear, and in an essentially irrational fear at that. It is carried not by any reason to believe that the other side would but only by a hypnotic fascination with the fact that it could. It is simply an institutionalized force of habit."

It is also a sad fact, in the view of Herbert York, Eisenhower's director of Defense Research, as documented in his recent book "Race to Oblivion," that over the past 20 years the primary blame for escalating the strategic arms race rests with the United States, for it was usually we who introduced and deployed new weapons systems. True, the Soviets proceeded to copy us slavishly and from time to time to outdo us in numbers and megatons, but it was usually we who started new laps in the race. MIRVs are the latest example. Now we seem about to repeat this enormously expensive mistake once more.

The insatiable Pentagon, having already gobbled up the "dividend" accruing from the winding down of the Vietnam war, seems now determined to take the SALT agreement, not as the logical basis for starting to wind down the arms race, but merely as a further excuse for escalating it as fast and far as Congress will permit in categories not explicitly limited by the agreement. And the administration, with its appetite for "bargaining chips" for SALT II and politically lucrative defense appropriations, seems prepared to back them all the way. Of course the history of SALT I strongly suggests that neither side will scrap weapons in being, and that therefore "bargaining chips" tend to become building blocks anchored in concrete.

What needs to be done, and it is devoutly to be hoped that it will be done after January of next year, is for the administration and the Congress together rigorously to reexamine where the real national interest lies, having in mind the state of the nation in 1973. They need to determine, first of all, what programs are imperative to restore the domestic health, purpose and confidence essential to our survival as a great nation. They need, thereafter, to reconstruct the military budget from the ground up on the basis, first, of real and not phantom threats in 1973 and, second, of its appropriate place beside, not always before, imperative and neglected domestic requirements.

Finally, Mr. President, I invite the attention of the Senate to a most informative pamphlet recently published by the Center for Defense Information. The director of the staff of the center is Rear Adm. Gene R. La Rocque, U.S. Navy, retired. There are other retired officers of our Armed Forces involved in this center. It publishes a pamphlet called The Defense Monitor. The purpose of the center is to try to bring reasonable balance into the assessment of our military needs. This center includes men who have spent their professional lives as officers of our armed services. They want Congress and the people to take a new look at the real defense requirements of the United States, insofar as new weapons systems are concerned.

That is precisely the kind of institute we have needed—and lacked—for many years. Without such organizations, we too often have accepted without critical analysis whatever is presented to us by the Pentagon or the administration.

This particular pamphlet contains a detailed analysis of the SALT agreement. It sets out precisely the numbers of intercontinental ballistic missiles, submarine-launched ballistic missiles, and ABM's that we presently have and are likely to acquire by the end of the 5-year interval. The format makes it possible to easily compare the position of the United States with that of the Soviet Union.

Strategic weapons covered by the 5-year interim agreement, such as the strategic bomber force of the United States, are compared with those of the Soviet Union.

Other tables in the pamphlet are of equal interest.

Table 1 on page 7, for example, shows the estimated strategic force levels of the United States at the time of the SALT agreement in May 1972. A total of 5,746 deliverable warheads are listed.

Table 2, which estimates the composition of U.S. strategic forces as of the expiration of the SALT agreement in 1977, projects a total of 10,557 deliverable warheads—double the number we have today.

Table 3, which anticipates estimated U.S. strategic force levels, including Trident submarines and the B-1 bomber, as of the early part of the 1980's, shows a total number of our deliverable warheads reaching 14,564.

Tables 4 and 5 are estimates of the strategic force levels of the Soviet Union at the time of the SALT agreement. Total deliverable warheads are estimated at 2,492. Table 5 shows the estimated composition of the Soviet strategic forces by the expiration of the SALT agreement in 1977, when it is estimated that their total deliverable warheads will have climbed to 3,869.

These facts have not been emphasized in the course of this debate, as we have concentrated almost entirely on the number of missiles rather than the number of deliverable warheads.

These tables—which are most pertinent to this debate—show a preponderant advantage for the United States today at the end of the 5-year period, and into the 1980's. This advantage is now 2-to-1, and it is likely to go to nearly 5-to-1.

In addition to these tables, Mr. President, there is a very helpful commentary and analysis of the SALT agreement, which also should form part of the record. I will not read all of it, but I would like to read the conclusion reached by the center:

> The ABM treaty bans the kind of ABM systems which would be most de-stabilizing and is therefore a significant step in limiting the arms race.
>
> The five-year agreement on offensive weapons allows the United States and Soviet Union each to continue its present round of nuclear buildup, and then establishes a partial, quantitative freeze at the resulting new levels. This is a start which can be followed up in future SALT negotiations.
>
> U.S. SECURITY
>
> The accords place ceilings on numbers of offensive weapon launchers at a time when only the Soviet Union is increasing these numbers. Without the accords, Soviet construction could be greater. The offensive freeze plus the ABM limitation lessen the chances of Russia ever becoming able to launch a preemptive nuclear strike against this country without being destroyed in return.
>
> While Russia will continue to lead the United States in numbers of launchers and total megatonnage under the accords, the United States is expected to retain its lead in numbers of warheads. These differences, however, are less important than the fact that each country has the power to destroy the other several times over?
>
> WEAPONS POLICY
>
> The Administration should reconsider its present policy which says that the way to limit nuclear weapons is to build more of them. Both the United States and Russia appear to have approached the recent round of SALT determined to "negotiate through strength." Each had nuclear buildups in progress. But somehow these bargaining chips didn't get bargained. They are being built. The initial round of SALT has made the US deterrent more secure. The United States now does not need to build Trident submarines and B-1 bombers and submarine cruise missiles to convince the Soviet Union that both countries have good reasons to bring their arms race under control and eventually reduce nuclear arms. Each side already has more than sufficient nuclear power to bargain toward this end.

Mr. President, I think this is an eminently sensible conclusion reached by these informed people at the Center for Defense Information. I ask unanimous consent that the entire contents of this pamphlet be printed in the RECORD.

There being no objection, the pamphlet was ordered to be printed in the RECORD, as follows:

[From the Defense Monitor, June 30, 1972]

SALT AND AFTERWARD

The SALT accords, signed May 26th in Moscow and now before the US Congress for approval, were written in the face of a rapidly moving nuclear arms race.

At the time of the signing the United States was installing independently targetable warheads (MIRV) on its land and sea-based missiles. It was going forward with a program to greatly expand the destructive power of its strategic bombers by equipping them with short range attack missiles (SRAM). Together these steps would increase the US strategic nuclear warhead and bomb total from about 5700 in 1972 to more than 10,000 in 1976. On top of this the United States was developing a new strategic submarine called Trident, with new missiles to go with it, and a new strategic bomber, the B-1.

Meanwhile, the Soviet Union was building new intercontinental ballistic missile (ICBM) launchers at a rate of 250 per year. These included silos for the huge SS9 missile, capable of carrying 25 megatons (a U.S. Minuteman II carries about 1 to 2 megatons). The Soviets had dug 25 silos possibly for a new missile even larger than the SS9. They were building new nuclear-powered strategic ballistic missile submarines at a rate to 7 to 9 per year, and could at this rate have twice as many such submarines as the United States in five years. The Russians were, however, years behind in MIRV. They were working on MIRV technology but had yet to test what U.S. technicians considered to be a MIRV system.

Thus, the two superpowers were running their nuclear race in different ways. The United States was concentrating on MIRV, while holding its missile totals constant and reducing megatons. The Soviet Union was increasing numbers of missile launchers and deploying larger vehicles to carry fewer warheads but with greater megatonnage. Both sides were developing anti-ballistic missile (ABM) systems.

For the question "Who's ahead?" there were as many answers as there were ways to measure the strategic arms balance.

In numbers of ICBM launchers, the Soviet Union had come from behind and passed the United States.

In numbers of submarine missile launch tubes the Soviets were catching up, and would in a few years pass the United States.

In numbers of heavy bombers the United States had a 3 to 1 lead.

In numbers of separately targetable nuclear weapons, the United States had a 2 to 1 lead, and because of this country's head start in MIRV, this lead was rapidly widening in favor of the United States.

In total megatons the Soviets had about a 2 or 3 to 1 lead.

SALT AT A GLANCE

ICBM LAUNCHERS

US

Deployed	1054
Recent construction rate	None
Planned for 1977 without SALT	1054
SALT ceiling	1000-1054*

USSR

Deployed	1550
Recent construction rate (per year)	250
Possible 1977 projection without SALT	2000
SALT ceiling	1408-1618*

SLBM LAUNCH TUBES

US

Present	656
Recent construction rate	None
Planned for 1977 without SALT	656
SALT ceiling	710**

Footnote on following page.

USSR

Present	580
Recent construction (per year)	128
Possible 1977 projection without SALT	1200
SALT ceiling	950**

BALLISTIC MISSILE SUBMARINES

US

Deployed and under conversion	41
Recent construction rate	None
Planned for 1977 without SALT	41
SALT ceiling	44**

USSR

Deployed and under construction (approx.)	53
Recent construction rate (per year)	7–9
Possible 1977 projection without SALT	80–100
SALT ceiling	62**

ABMS

US

SALT ceiling (100 missiles each)	2 sites

USSR

SALT ceiling (100 missiles each)	2 sites

NOT COVERED BY SALT AGREEMENTS
(CDI ESTIMATES)

STRATEGIC BOMBERS

US

Present strategically targeted	321

USSR

Present strategically targeted	140

WARHEADS

US

Present	5746
Probable under SALT by 1977	10, 557

USSR

Present	2491
Probable under SALT by 1977	3869

*Depending on whether old ICBMs are dismantled and replaced by SLBMs.

**To reach these levels US would have to dismantle 54 old Titan ICBMs; USSR would have to dismantle 210 old SS 7 and SS 8 ICBMs.

When all these measures were considered together the Soviet Union clearly had come from a position of nuclear inferiority at the time of the 1962 Cuban Missile Crisis to a position which many weapons experts saw as parity, and which some viewed with alarm as indicating future Soviet superiority unless the United States speeded up its weapons programs.

THE ACCORDS

The SALT accords consist of a treaty limiting ABMs, a five-year Interim Agreement which puts certain partial limits on offensive weapons development pending further arms talks, a protocol to this Interim Agreement, and a number of statements of "interpretation" some agreed and some unilateral. Based on all these documents, the following is a summary of the main provisions of the accords:

ABM Treaty

Each country agrees not to build an ABM system for defense of its entire territory or major region. This amounts to a pledge that neither will try to upset the present deterrent balance by deploying ABMs to protect its general population and industry.

Each will limit ABM systems to two sites—one in defense of its national capital, the other in defense of an ICBM field. These must be at least 1300 kilometers (800 miles) apart, which means the Soviet ICBM field to be protected must be east of the Ural Mountains, away from the major western USSR population centers.

No more than 100 ABM launchers and 100 intercepter missiles may be deployed at each site.

Restrictions are set on numbers, types and placement of ABM radars to foreclose a radar capability for nationwide defense of either country.

In addition to these basic provisions, the two countries agree to ban sea-based, air-based, space-based or mobile land-based ABMs; not to deploy ABM systems of new kinds without prior discussion; not to convert air-defense or other systems to an ABM role; not to build radars for early warning of strategic ballistic missiles except along the edges of the country facing out; not to transfer ABM systems to other states or deploy them overseas.

There is no on-site inspection. Each side will use its own technical means of verification and each pledges not to interfere with these means or resort to deliberate concealment.

A Standing Consultative Commission will be established to implement the treaty and consider questions involving it.

The ABM treaty is of unlimited duration but either side can withdraw for supreme interest.

The treaty would require the United States to cut back its 12-site ABM program (of which four sites have been approved by Congress) to a maximum of 2. The Administration plans to complete the ABM site on which construction is farthest ahead—at the ICBM field at Grand Forks, N.D. It will halt work on three other sites at ICBM fields and has asked Congress to approve an ABM site at Washington, D.C. The treaty permits Russia to continue its ABM site already under construction at Moscow and to start a second site at an ICBM field.

Interim Agreement and Protocol

These deal with offensive nuclear weapons. In general they limit the numbers of ICBMs, ballistic missile submarines and submarine-launched ballistic missiles (SLBMs) to levels which each side agrees are presently deployed or under construction. These limitations are for five years, pending further SALT talks. With agreed "interpretations" the limitations are as folows:

No additional fixed, land-based ICBM launchers may be started during the freeze above the numbers deployed and "under active construction" at the time of signing—1054 for the United States, and about 1618 for the Soviet Union.

Launchers for so-called "light" ICBMs (the US Minuteman and Soviet SS11 and 13) and "older" ICBMs (the US Titan and Soviet SS7 and 8) may not be replaced by "modern heavy ICBMs" (the Soviet SS9). The SS9 class missiles may, however, be made heavier. Russia has 288 SS9s now and 25 apparently larger silos dug. It could therefore end up with 313 "modern heavy" ICBMs of SS9 size or larger. The United States has no "modern heavy" ICBMs and plans none.

Within these restrictions, ICBMs may be replaced with more modern ones—for example with MIRV. But in the process of modernization, launchers may not be increased in size more than 10–15%.

The number of launchers for submarine-launched ballistic missiles (SLBMs) each side presently has deployed or under construction was stipulated to be 656 US and 740 USSR. These numbers can be increased subject to two provisions:

"Additional SLBM launchers may become operational only as replacements for an equal number of "older" ICBM launchers (first deployed prior to 1964) or for launchers on older nuclear-powered submarines or for modern SLBM launchers on any type of submarines.

"During the five year freeze the US is limited to 44 modern ballistic missile submarines and 710 SLBM launchers. The Soviet Union is limited to 62 modern ballistic missile submarines and 950 SLBM launchers."

As in the case of ICBMs, submarine missile systems can be modernized. Single-warhead missiles can be replaced by MIRVed missiles. New submarines can be substituted for old.

Destruction or dismantling of old ICBMs or submarine missiles must begin by the start of sea trials of a replacement ballistic missile submarine.

Each side agrees not to significantly increase its number of test and training launchers for ICBMs or SLBMs.

There were several unresolved points of *disagreement* in the accords:

"The Soviet Union stated unilaterally that if US allies in NATO should increase their numbers of ballistic missile submarines beyond those presently in operation or under construction the Soviet Union would have the right to make a corresponding increase in its number of submarines.

"The United States was unable to get agreement on a common definition of "heavy" ICBMs. The US considers it to be any missile bigger than the largest existing "light" ICBM which is the Soviet SS11.

"The United States was unable to get agreement to include mobile ICBMs in the freeze. (Mobile ABMs are banned.) The United States declared unilaterally that deployment of mobile ICBMs during the freeze would be considered "inconsistent with the objectives" of the agreement."

WHAT THE ACCORDS MEAN

From an Arms Control View

The SALT accords can be examined from several viewpoints. One of these is the viewpoint of international arms control—that is, in terms of what effect the accords will have on the arms race.

Among the achievements in this regard:

The SALT accords represent the first—even though partial—limitations by the United States and Soviet Union dealing with the fundamentals of their arms race. Previously, the two countries had agreed to bar nuclear weapons from the Antarctic, from outer space, and from the sea bed. They had agreed not to test them in the atmosphere, underwater or in space and not to give them to other countries. But never had the two superpowers reached agreement on the nuclear weapons targeted at each other.

The ABM treaty bans the kind of ABM system which could be most de-stabilizing—a nation-wide or major regional defense of population and industry. Such a system, undertaken by either country, could threaten the other's deterrent and cause it to respond with additional offensive buildup. The complex restrictions on ABM sites should convince each side the other is not developing an ABM for defense of large areas. The treaty rules out a US ABM for population defense against China, which this country once planned but later abandoned.

Freezing ICBM's, SLBMs, and ballistic missile submarines at levels deployed and under construction is a first step in limiting offensive nuclear weapons, a step on which future SALT talks can build. Broadly speaking, the accords accommodate themselves to the different kinds of offensive weapons buildup which each side now has underway—Soviet construction of more and bigger missiles and US MIRV. They allow each side to substantially complete the round it now has in progress. The new levels become the starting point for attempting to freeze the arms race.

Among the debits from an arms control viewpoint:

Except for ABMs the accords do not stop any of the major weapons programs now in progress. This is because numerical limits are set high, qualitative improvements are allowed, and many weapons systems—including bombers, air-defense, anti-submarine warfare, air-breathing strategic missiles and tactical nuclear weapons—are not covered. Under SALT the United States can continue conversion of Minuteman and Polaris to MIRV, development of Trident submarines with new missiles, the B–1 bomber, research on "site defense" for ICBMs, submarine launched cruise (air breathing) missiles and new submarines in which to carry them. The Soviet Union can continue, up to a point, building additional land and sea-based missile launchers, and could develop and deploy MIRV.

Because all these programs are allowed, and because numerical limits are set so high, military planners on each side will still point to future possibilities rather than existing or likely forces to justify their own building programs.

From a US Security View

The accords can also be looked at from a much narrower view of US military security:

Advantages:

Since only the Soviet Union is presently building up its numbers of offensive weapons launchers, it is to the advantage of the United States to put ceilings on these numbers. Within the totals the number of "heavy" ICBMs Russia can have is limited to 313. Without SALT, the Soviet Union could, at present rates of construction, exceed the freeze ceiling. Instead of 62 modern ballistic missile submarines it could have 80 or 90. The US has had no plans to add to its numbers of ICBMs or build "heavy" ones. It could, under the freeze, build 13 Trident submarines. Defense Secretary Laird has said only ten are planned. Actually the first Tridents would not become operational until after the 5-year freeze, and are therefore more related to future rounds of SALT than the first.

Freezing the number of ICBM launchers, especially "heavy" ones will leave only one route for the Soviet Union to develop increased "counterforce" capability to knock out US ICBMs—qualitative improvements such as increased accuracy, MIRVing, and throw weight.

The ABM limit plus the limits on ICBM numbers lessen the chance that the Soviet Union could develop the capability for a successful "first strike"—that is, the ability to knock out enough US missiles to suffer no or substantially less damage in return.

Criticism:

A number of criticisms have been made against the treaty on US security grounds:

"The accords allow the Soviet Union to have more ICBM launchers, SLBMs and ballistic missile submarines than the United States.

"Only the Soviet Union can have 'modern heavy' ICBMs, with capacity to carry more megatons or more MIRVs than US missiles.

"The Soviet Union will retain advantage in total megatonnage and throw weight.

"Though ICBM numbers are frozen at levels deployed and under active construction, the Russians did not specify exactly how many they have under construction. The United States considers the freeze level to be 1618 for the Soviet Union."

In reply to these criticisms, Administration officials have said that without the SALT ceilings, assuming recent Soviet construction rates were to continue, the Russians could have, in 1977, more than 2000 ICBMs instead of the 1618 permitted; 1200 SLBMs instead of the 950 permitted and 80 to 100 modern ballistic missile submarines instead of the 62 permitted. As to Russia's refusal to specify its ICBM total, US officials said that if the Russians were to significantly add to the number 1618, the United States would quickly know about it and would have the right to withdraw from the treaty.

An important factor in the security controversy is MIRV. If the Soviet Union does develop MIRV, it will still have little more than 2500 warheads five years from now when the United States will, under presently planned programs, have more than 10,000.

If the Soviets do develop MIRV, two key questions will be: How fast? And how much?

The Soviet Union appears to be years behind this country in MIRV. The United States began MIRV tests in August, 1968. The first squadron of Minuteman III missiles became operational Jan. 8, 1971; the first wing of 150, on Dec. 13, 1971. The Soviet Union has also been working on multiple warhead technology since about August, 1968, but according to U.S. officials it has yet to test a MIRV system as the United States knows the term. The Russians tested a triple-warhead system in which the warheads may or may not have been independently targetable. (U.S. analysts differed on this point.) But these tests stopped late in 1970, suggesting that the Russians might have decided to start over on a new tack.

Defense Secretary Melvin R. Laird said June 5 that Russia "could have a MIRV capability in 24 months." But he did not say how many they might have by then."

Senator Henry Jackson (D-Wash.) has said that when the Soviets achieve MIRV ". . . the combination of their vastly superior payload and modern MIRV technology will give them superiority in warheads." There have been published reports that Soviet missiles larger than SS9s could hold up to 20 MIRVs each. (A US Minuteman holds up to 3; a Poseidon, 10 to 14). But other defense analysts believe this overstates what Russia could realistically achieve in MIRV during the next five years.

Table V shows the Center for Defense Information's calculation of what the Soviet Union probably could achieve in MIRV during the five years of the Interim Agreement, if it develops MIRV. At the end of five years it would have some 3800 warheads compared to more than 10,000 for the United States.

Assuming Russia could MIRV its missiles to the maximum figures indicated in public print, it could have more than 14,000 warheads. It is doubtful Russia could achieve this level in five years. The United States could also have 14,000 warheads by MIRVing all its Minutemen and building the B–1 and Trident. This would be permitted by the SALT Interim Agreement.

However, such calculations of marginal advantages for the United States or Soviet Union—whether they be in warheads, launchers or megatons—overlook one important point: Both countries have the power to destroy each other several times over, and this will remain the case during the five years of the Interim Agreement.

Gerard Smith, director of the Arms Control and Disarmament Agency, when asked during hearings of the Senate Foreign Relations Committee June 19 whether Russia would get ahead of the United States during the five year agreement, replied: "Nothing the Soviets can do within the five year agreement will offset the present strategic balance between the US and USSR."

COST

The immediate cost impact of the SALT accords on the fiscal 1973 defense budget has been listed by the Defense Department as follows:

	Million
Reducing ABM program to two sites	−$711
Increases in other strategic programs:	
Accelerate and complete development of Site Defense	+60
Develop submarine-based cruise missile	+20
Accelerate bomber rebasing	+45
Augment verification capabilities	+13
Develop improved reentry vehicles for ICBMs and SLBMs	+20
Improved command, control and communications	+10
Net change	−543

Secretary Laird has testified that the total ABM saving through 1981 as a result of SALT would be $9.9 billion, figured in 1968 prices. (The 1968 estimate for a 12-site ABM was $18.4 billion, of which $13.4 billion remains to be spent. The 1968 estimate for a two-site program was $8.5 billion, of which $3.5 billion remains to be spent. The SALT saving is $13.4 billion minus $3.5 billion.)

Further savings could come from the first round of SALT if the United States decided that, as a result of the recent accords, it could safely stop or slow down some of its other major nuclear weapons programs, such as Trident, the B–1, or air defense. The Administration wants to go ahead with these programs. The question of what this country's pace in nuclear weapons building should be following the first round of SALT has become a major issue.

POLICY FOLLOWING SALT

Secretary Laird told newsmen June 6: "I could not support the (SALT) agreements if Congress fails to act on the movement forward of the Trident system, on the B–1 bomber, and the other programs that we have outlined to improve our strategic offensive systems during this five year period." Admiral Moorer said the Joint Chiefs were in accord with the SALT agreements provided the other programs went ahead.

In a briefing for Senators and Congressmen June 15, Dr. Henry Kissinger, assistant to the President for national security, considerably moderated this stand. He said the Administration wants Congressional approval of both SALT and the new weapons programs but: "We are not making them conditional. We are saying that the treaty is justified on its merits, but we are also saying that the requirements of national security impel us in the direction of the strategic programs . . ."

Laird told the House Subcommittee on Defense Appropriations June 5 that "Just as the Moscow agreements were made possible by our successful action in such programs as Safeguard, Poseidon and Minuteman III, these future negotiations to which we are pledged can only succeed if we are equally successful in implementing such programs as the Trident system, the B–1 bomber, NCA defense, Site Defense, SLCM, and accelerated satellite basing of strategic bombers. We must also initiate certain other measures in areas such as intelligence, verification, and command, control, and communications."

Transmitting the SALT agreements to Congress, President Nixon said: "Just as the maintenance of a strong strategic posture was an essential element in the success of these negotiations, it is now equally essential that we carry forward a sound strategic modernization program to maintain our security and to ensure that more permanent and compehensive arms limitation agreements can be reached."

The Administration's argument is that if the United States had not been deploying MIRVs and going forward with other programs it would have lacked the bargaining power to obtain a ceiling on Soviet building of SS9s and other systems.

Others have challenged this "bargaining chip" approach. Sen. George McGovern told the Priorities Subcommittee of the Joint Economic Committee June 16 that if the United States had followed a policy of restraint in weapons building, both American and Soviet MIRVs could have been stopped. He said building weapons for bargaining purposes "can only push up the terms of ultimate arms control agreements."

The Arms Control Association said: "The US should review its unilateral weapons programs and pursue only those that have a security need in light of the new strategic situation."

Thus, a fundamental issue has been raised—whether the way to ultimately curb the nuclear arms race is to build more weapons for "negotiating strength" or whether it is to exercise more restraint in weapons building.

It is an issue which, no doubt, both the United States and Russia face as they contemplate the next round of SALT in October.

CONCLUSIONS

Arms Control

The ABM treaty bans the kind of ABM systems which would be most de-stabilizing and is therefore a significant step in limiting the arms race.

The five-year agreement on offensive weapons allows the United States and Soviet Union each to continue its present round of nuclear buildup, and then establishes a partial, quantitative freeze at the resulting new levels. This is a start which can be followed up in future SALT negotiations.

U.S. Security

The accords place ceilings on numbers of offensive weapon launchers at a time when only the Soviet Union is increasing these numbers. Without the accords, Soviet construction could be greater. The offensive freeze plus the ABM limitation lessen the chances of Russia ever becoming able to launch a preemptive nuclear strike against this country without being destroyed in return.

While Russia will continue to lead the United States in numbers of launchers and total megatonnage under the accords, the United States is expected to retain its lead in numbers of warheads. These differences, however, are less important than the fact that each country has the power to destroy the other several times over.

Weapons Policy

The Administration should reconsider its present policy which says that the way to limit nuclear weapons is to build more of them. Both the United States and Russia appear to have approached the recent round of SALT determined to "negotiate through strength." Each had nuclear buildups in progress. But somehow these bargaining chips didn't get bargained. They are being built. The initial round of SALT has made the U.S. deterrent more secure. The United States now does not need to build Trident submarines and B-1 bombers and submarine cruise missiles to convince the Soviet Union that both countries have good reason to bring their arms race under control and eventually reduce nuclear arms. Each side already has more than sufficient nuclear power to bargain toward this end.

TABLE I.—ESTIMATED STRATEGIC FORCE LEVELS OF THE UNITED STATES AT THE TIME OF THE SALT AGREEMENT—MAY 1972

Type and launch vehicle	Number	Missiles/ bombs per launch vehicle	Missile/ bomb total	Warheads per missile/ bomb (MRV/ MIRV)	Deliverable warhead total
ICBM:					
Light:					
Minuteman 1	[1] 320	1	320	1.0	320
Minuteman II	[1] 500	1	500	1.0	500
Minuteman III	[1] 180	1	180	[2] 2.5	450
Older-heavy: Titan II	[1] 54	1	54	1.0	45
Modern-heavy: None	0		0		0
Subtotal	[1] 1,054		[1] 1,054		0
SLBM:					
Polaris (A-3)	[1] 21	16	336	[2] 2.5	840
Poseidon	[1] 10	16	160	[3] 12.0	1,920
Polaris under conversion to Poseidon	[1] 10	16	160	12.0	1,920
Subtotal	[1] 41		[1] 656		[4] 2,760
					(Not including those under conversion.)
Strategic bombers:					
B-52G&H	[5] 255	[6] 6	1,530	1	1,530
FB-111	[7] 66	2	132	1	132
Subtotal	[8] 321		1,662		1,662
Total	1,416		3,372		[9] 5,746

[1] DOD figures. May 22, 1972; Washington Post.

[2] A total of 3 warheads per missile (MIRV) is possible. A multiple of 2.5 is used to take into account an assumed percentage of less than 20 percent for decoys used in the overall system warhead loading.

[3] This figure varies from 10 to 14; 12 is used as an average.

[4] Not including those under conversion.

[5] 255 is the unit equipped (UE) figure. The total number of B-52 G's and H's is 282. The additional units are in training and testing programs.

[6] This figure includes 2 Hound-Dog air-to-surface missiles (ASM's) and 4 nuclear gravity bombs.

[7] 66 is the UE figure. The total number of FB-111's is 72. The additional units are in training and testing programs.

[8] DOD gives 531 as a total for U.S. long-range bombers. 321 represents only those EU bombers probably strategically targeted. About 200 other B-52's are currently assigned to conventional bombing missions in Southeast Asia (SEA).

[9] DOD figures of May 27, 1972 give 5,700 as the U.S. warhead total.

TABLE II.—ESTIMATED COMPOSITION OF U.S. STRATEGIC FORCES BY THE EXPIRATION OF THE SALT AGREEMENT IN 1977—TABLE SHOWS ONLY THOSE PROGRAMS APPROVED BY CONGRESS AND DOES NOT INCLUDE THE TRIDENT SUBMARINE OR THE B-1 BOMBER PROGRAMS

Type and launch vehicle	Number	Missiles/ bombs per launch vehicle	Missile/ bomb total	Warheads per missile/ bomb (MRV/ MIRV)	Deliverable warhead total
ICBM:					
Minuteman II	[1] 450	1	450	1	450
Minuteman III	550	1	550	2.5	1,375
Titan II	[1] 54	1	54	1	54
Subtotal	1,054		1,054		1,879
SLBM:					
Polaris (A-3)	[2] 10	16	160	2.5	400
Poseidon	[2] 31	14	496	12	5,952
Subtotal	41		656		6,352
Bombers:					
B-52G&H (Hound-Dog Missiles and Bombs)	[3] 163	6	978	1	978
B-52G&H (SRAM)	[4] 92	20	1,840	[5] 60	1,104
FB-111	66	6	369	[6] 66	244
Subtotal	321		3,187		3,326
Total	1,416		4,897		[7] 10,557

[1] DOD figures from Laird's Annual Defense Department Report for fiscal year 1973, p. 67.

[2] DOD figures from Admiral Moorer's U.S. Military Posture for fiscal year 1973, p. 10.

[3] This figure represents those B-52 Gs and Hs not currently scheduled for conversion to carry the short range attack missile (SRAM). See Laird, op. cit., p. 71.

[4] Laird, op. cit., p. 71.

[5] This multiple assumes that out of the possible weapons load of 20 SRAMs per B-52, only about 12 (or 60 percent) will be actual warheads while the remaining weapons will be decoys. See J. I. Coffey, "Strategic Power and National Security," University of Pittsburgh Press, 1971, p. 13.

[6] This multiple assumes that out of the possible weapons load of 6 SRAMs per FB-111, only about 4 (or 66 percent) will be actual warheads while the remaining weapons will be decoys. See Coffey, Ib8d., p. 13.

[7] Staff analysis by the members of the Brookings Institution projected this figure to about 11,000 in an article which appeared in the Washington Post on June 11, 1972. A figure of 14,082 was used by the Center for Defense Information in an earlier issue of the Defense Monitor entitled "ULMS: Too Much Too Soon." The present figure of 10,557 is a revised center estimate adjusting for decoys and assuming only 92 bombers equipped with SRAM instead of 255.

TABLE III.—ESTIMATED U.S. STRATEGIC FORCE LEVELS INCLUDING THE TRIDENT SUBMARINE AND THE B-1 BOMBER BY EARLY TO MID-1980's

Type and launch vehicle	Number	Missiles/ bombs per launch vehicle	Missile/ bomb total	Warheads per missile/ bomb (MRV/ MIRV)	Deliverable warhead total
ICBM: Minuteman III	1,000	1	1,000	2.5	2,500
Subtotal	[1] 1,000		1,000		2,500
SLBM:					
Poseidon	31	16	496	12	5,952
Trident	[2] 13	16	208	12	2,496
New strategic cruise missile [4]	?		?		?
Subtotal	44		[5] 704		8,448
Bombers:					
(SRAM)	66	6	396	.66	261
B-1 (SRAM)	[5] 241	[7] 24	5,784	[8] .58	3,355
Subtotal	307		6,180		3,616
Total	1,351		7,884		14,564

[1] This figure assumes the replacement of 54 Titan II ICBM's by additional SLBM's, and coverting the Minuteman II's to III's.

[2] This figure is more than the 10 Tridents discussed by Laird, but is the number needed to replace the 10 older Polaris submarines and add 3 additional ones to reach the allowed SALT total of 44. Keeping the 31 Poseidon SSBN's is assumed.

[3] This figure is required in order to build the assumed 13 Trident submarines and keep within the maximum allowed number of SLBM's even though Laird has suggested that 24 would be the number of missile launchers on the new Trident submarines.

[4] The number of new strategic cruise missiles planned and new submarines required to launch them is unknown.

[5] A total of 710 is allowed by the SALT agreements.

[6] Air Force Magazine, February 1972, page 64.

[7] Air Force Magazine, February 1972, page 29.

[8] This multiple assumes that out of the possible weapons load of 24 SRAM's per B-1 only about 14 (or 58 percent) will be actual warheads while the remaining weapons will be decoys.

TABLE IV.—ESTIMATED STRATEGIC FORCE LEVELS OF THE SOVIET UNION AT THE TIME OF THE SALT AGREEMENT—MAY 1972

Type and launch vehicle	Number	Missiles/ bombs per launch vehicle	Missile and deliverable warhead tota
ICBM:			
Li ht:			
SS-13	[1] 60	1	60
SS-11	[2] 970	1	970
New ICBM's (silos under construction)	[3] 66	?	?
Older-heavy: SS-7 and 8	[4] 210	1	210
Modern-heavy:			
SS-9	[5] 288	1	[6] 288
New ICMB's (silos under construction)	[3] 25	?	?
Subtotals	[4] 1,618		1,528
SLBM:			
Y-class	[4] 25	16	400
Ys and "stretch" Y-class (under onstruction)	[4] 18	[7] 14	252
H-class	[4] 10	3	30
Subtotal	[8] 53	3	[8] 682
Bombers:			
TU-95 Bear (Kangaroo ASM	[9] 66	1	66
TU-95 Bear (bombs)	[9] 34	[10] 4	136
M-4 Bison	[11] 40	[10] 2	80
Subtotal	[5] 140		282
Totals	1,811		[12] 2,492

[1] SIPRI Yearbook of World Armaments and Disarmament 1971–72, p. 5.

[2] Aviation Week and Space Technology, "The Growing Threat-2," Oct. 11, 1971.

[3] Washington Post, May 27, 1972. Only silo holes have been detected without missiles implaced. See Admiral Moorer's Military Posture for fiscal year 1973, p. 6.

[4] Kissinger ress conference in Moscow, May 26 and 27, 1972.

[5] DOD figures, May 27, 1972; Washington Post.

[6] The actual total of SS–9 warheads is difficult to define. Four SS–9 missile modifications exist. A possible 3-warhead MRV capability may have been tested and deployed for the SS–9 MOD 4. A MIRV capability has not yet been demonstrated.

[7] Average. The new "Stretch" Y-class has 12 missile launchers versus 16 for the Y-class and carries the longer-range (3,400 nm) SS–N–8 SLBM. Since it is not publicly known how many of each type submarine is under cons ruction an average of 14 missiles per submarine is used in this chart. See Kissinger's Moscow press conference, May 26 and 27, 1972.

[8] These figures do not include the 22 Soviet G-class diesel-powered submarines or the 66 SLBM's carried by them. The SALT agreements only mention modern submarines which means nuclear-powered. The 66 G-class SLBM's are the same as those carried by the nuclear-powered H-class, but were considered similar in nature to U.S. forward deployed forces in Europe and the Mediterranean Sea. See Kissinger's Moscow press conference, May 26 and 27, 1972.

[9] This number is taken from "The Military Balance 1970–71," IISS, p. 9, which estimates that about two-thirds of the 100 TU–95 Bears carry a single Kangaroo air-to-surface missile (ASM). The remaining one-third carry gravity bombs.

[10] This is an estimated bomb load and is based on the Bear and Bison lift capacity as related to the U.S. B–52.

[11] "The Military Balance 1971–72." About 90 M–4 Bisons exist of which 50 serve as tankers.

[12] DOD figures of May 27, 1972 give 2,500 as the Soviet warhead total.

TABLE V.—ESTIMATED COMPOSITION OF SOVIET STRATEGIC FORCES BY THE EXPIRATION OF THE SALT AGREEMENT IN 1977—TABLE ASSUMES ONLY A LIMITED MIRV CAPABILITY BY THAT TIME.

Type and launch vehicle	Number	Missiles/ bombs per launch vehicle	Missile/ bomb total	Warheads per missile/ bomb (MRV/ MIRV)	Dellverable warhead total
ICBM:					
SS–13	60	1	60	1	60
SS–11	970	1	970	1	970
New ICBM's	66	1	66	1	66
SS–9 and larger	[1] 313	1	313	[2] 3	939
Mobile ICBM's [3]	?		?		?
Subtotal	[4] 1,408		1,408		2,035
SLBM:					
Y-class	[5] 34	16	544	1	544
"Stretch" Y-Class	[6] 28	12	336	[7] 3	1,008
Subtotal	62		880		[8] 1,552
Bombers:					
TU–95 Bear (Kangaroo ASM)	66	1	66	1	66
TU–95 Bear (Bombs)	34	4	136	1	136
M–4 Bison Backfire [9]	40	2	80	1	80
(under development)	?		?		?
Subtotal	140		282		282
Totals	1,610		2,570		[10] 3,869

[1] This figure includes the current 25 modern-heavy ICBM silos under construction.

[2] This assumes at least a 3-warhead (MRV/MIRV) capability deployed in all missiles.

[3] Mobile ICBM's are not covered by the present SALT agreements.

[4] This assumes that the older-heavy SS–7s and 8s will be replaced by additional SLBM's as provided for by the SALT agreements.

[5] This figure is obtained by assuming half (or 9) of the 18 missile submarines presently under construction are Y-class, and this is added to the 25 presently operational.

[6] This figure is obtained by assuming that all the remaining allowed submarines, including the replacement of the 10 H-class submarines, will be of the newer stretch Y-class presently under construction.

[7] It is not publicly known if the new SS–N–8 SLBM has a multiple warhead capability. It is assumed here that it is a logical possibility that they will develop a MRV/MIRV capability on this weapon if they have not already done so.

[8] This SLBM total could be increased by 66 more missiles if the Soviets convert those older missiles on the 22 diesel-powered G-class submarines to the newer and longer range SS–N–6 or SS–N–8 SLBM.

[9] This new bomber is under development but it is not known whether it is designed for use against the U.S. homeland or for use in Europe and Asia.

[10] Accurate longer-range projections of Soviet warhead development are very difficult if not impossible to achieve. Some analysts have assumed a Soviet MIRV capability greater than projected here. By allowing 20 warheads on each missile for the SS–9 force, 12 warheads on each missile of the new stretch Y-class for the SS–N–8 SLBM, and three warheads each for the other ICBM's and SLBMs, one can project a Soviet warhead total of over 14,000 by some unknown future date.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER (Mr. HART). Without objection it is so ordered.

(Later, this order was modified to provide for the Senate to convene at 9:15 a.m. tomorrow.)

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9:15 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 9:15 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS HARRY F. BYRD, JR., PROXMIRE, STENNIS, COOPER, CHURCH, AND TUNNEY TOMORROW, AND FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND RESUMPTION OF UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the two leaders under the standing order tomorrow the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) be recognized for not to exceed 17 minutes, that he followed by the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes, that he be followed by the distinguished junior Senator from Mississippi (Mr. STENNIS) for not to exceed 15 minutes, that he be followed by the distinguished senior Senator from Kentucky (Mr. COOPER) for not to exceed 10 minutes, that he be followed by the distinguished senior Senator from Idaho (Mr. CHURCH) for not to exceed 10 minutes, that he be followed by the able junior Senator from California (Mr. TUNNEY) for not to exceed 10 minutes, at the conclusion of which there be a period for the transaction of routine morning business for not to exceed 15 minutes, at the conclusion of which the Senate return to the consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9:15 a.m.

After the two leaders have been recognized under the standing order, the following Senators will be recognized, in the order stated and for not to exceed the times stated:

Mr. HARRY F. BYRD, JR., 15 minutes.

Mr. PROXMIRE, 15 minutes.

Mr. STENNIS, 15 minutes.

Mr. COOPER, 10 minutes.

Mr. CHURCH, 10 minutes.

Mr. TUNNEY, 10 minutes.

At the conclusion of the orders for the recognition of Senators, there will be a period for the transaction of routine morning business, for not to exceed 15 minutes, and I ask unanimous consent that statements therein be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, at the conclusion of the period for routine morning business, the Senate will resume its consideration of Senate Joint Resolution 241, authorizing the approval of an interim agreement between the United States and the U.S.S.R.

The pending question is on the adoption of the amendment by Mr. MANSFIELD. Yea-and-nay votes may occur on tomorrow.

ADJOURNMENT UNTIL 9:15 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:15 a.m. tomorrow.

The motion was agreed to; and at 6:33 p.m. the Senate adjourned until tomorrow, August 15, 1972, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate August 14, 1972:

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Antonin Scalia, of Virginia, to be Chairman of the Administrative Conference of the United States for a term of 5 years, vice Roger C. Cramton, resigned.

U.S. DISTRICT COURTS

Frank H. Freedman, of Massachusetts, to be a U.S. district judge for the district of Massachusetts vice Levin H. Campbell.

HOUSE OF REPRESENTATIVES—*Monday, August 14, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let us search and try our ways, and turn again to the Lord.—Lamentations 3: 40.

O God, our Father, eternal source of wisdom, power, and love, whose mercy is over all Thy works and whose will is ever directed to Thy children's good, we lift our hearts in gratitude to Thee for all Thy benefits to us. Most fervently do we pray that Thy spirit may so possess our minds and so permeate our moods that all evil desires may be expelled and goodness and truth come to new life within us. Inspire us to think great thoughts, to do generous deeds, and to live gracious lives.

O God of the present hour and of the future days, help us to become pioneers of a better world for ourselves and for all people. In the midst of troubled and trying times may we keep clean the springs of freedom that the water of life flowing therefrom may be fresh and clean.

Pilgrims of the night, may we be the heralds of a new dawn for all mankind.

In the spirit of the Prince of Peace we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works, which was read and referred to the Committee on Appropriations:

AUGUST 11, 1972.

Hon. CARL ALBERT,
Speaker of the House,
Washington, D.C.

MY DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, and the Treasury, Postal Service, and the General Government Appropriation Act, 1973, the House Committee on Public Works on August 2, 1972, approved the following projects: Lease construction: Federal Office Building at Parkersburg, West Virginia, and a Records Depository in the vicinity of Parkersburg, West Virginia, for the Bureau of Public Debt, Department of the Treasury.

Sincerely yours,

JOHN A. BLATNIK,
Chairman.

THE SHAME OF RAMSEY CLARK

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, of all people, the onetime head of the Department of Justice of the United States should know that to consort with the enemy is not the way to further the interests of the United States. It is inconceivable that this man who has been so highly honored by his own country would lend himself to the propaganda machine of an enemy which has killed 48,850 Americans. Lesser people have been called traitors for doing this.

Ramsey Clark has branded Americans as criminals. He calls us inhumane. He says we are making a massive effort to annihilate the North Vietnamese. He sees what the Communists want him to see. He speaks with their tongue. And he does these things despite the fact that the President has asked only for a meaningful cease-fire, return of prisoners of war, and an accounting of those missing in action, as conditions to a halt of all American military operations in Vietnam.

Now that Mr. Clark has shown his concern for the effects of war in North Vietnam, let it be hoped that he will have an equal interest in inspecting the devastation by Communist forces in South Vietnam. Let him talk with the survivors of the bloodbaths when innocent villagers are slaughtered in South Vietnam by the Communists. The death and destruction that is being wrought in South Vietnam by North Vietnamese forces surely should also be a matter of concern to Mr. Clark. If he truly has an interest in helping the cause of peace, let Mr. Clark utilize his friendship with North Vietnam by urging them to accept the generous terms of U.S. peace proposals. This is the way to make a meaningful contribution. This is a way to stop all the bombing and the killing.

The alleged offer to Mr. Clark by the North Vietnamese to free American prisoners once we surrender South Vietnam to them is not impressive. For what it is worth, the "offer" should have been made to the official American negotiators.

RAMSEY CLARK BRAINWASHED BY NORTH VIETNAMESE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, another American has been brainwashed by the North Vietnamese and I speak of Ramsey Clark. It is unbelievable that he could be hoodwinked into believing the North Vietnamese are the good guys. Surely Mr. Clark has not forgotten that the enemy was dragging American POW's up and down the streets of Hanoi and throwing rocks at them in the past. Has he forgotten this is the first enemy we have ever fought who will not give us the names of those servicemen held prisoner and information on the missing in action? Has Mr. Clark forgotten about the slaughter of thousands of South Vietnamese at Hue or the unnecessary massacre of civilians at An Loc and Quang Tri?

I feel the South Vietnamese Catholic

priest, recently released from a prison in North Vietnam, is closer to the truth in what the North Vietnamese are going to do with the American prisoners. The priest said:

> Each American prisoner is a pearl, a pearl to be used as barter. For each prisoner they want the repair of a road, a bridge or whatever has been destroyed.

I do not want to question the patriotism of Ramsey Clark, but I do question his judgment, motives, and the ability to know the truth.

THE LATE HONORABLE RALPH TYLER SMITH

(Mr. FINDLEY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, former U.S. Senator Ralph Tyler Smith of Illinois died yesterday in Alton, his hometown.

Senator Smith was a distinguished leader. As Speaker of the Illinois House and later as U.S. Senator he never shied from political risk in order to advance a worthy cause.

His death came as a great shock to all his friends and especially to me. I had been with him for 2 hours just last Friday afternoon. We had been making campaign plans with five other Alton men, and he looked in the pink of condition—the best ever—and was in high spirits.

Senator Smith was a graduate of Illinois College in Jacksonville, and he went on to earn a law degree from Washington University in St. Louis. He served in the Navy during World War II.

Senator Smith was successful in politics for many years. He was elected to the Illinois House in 1952 and moved successively up in leadership, to majority whip and to Speaker of the House.

In 1969, Gov. Richard Ogilvie appointed the then Speaker Smith to fill the unexpired vacancy left by the death of Senator Everett McKinley Dirksen. He served until January 1970.

His funeral will be held in the Smith Funeral Home in Alton on Wednesday, August 16, at 2 p.m. The Nation has lost a fine citizen.

Senator Smith was born October 6, 1915, at Granite City, Ill. He was engaged in the practice of law at the time of his death. He was past president of the Optimist Club, director of the Greater Alton Association of Commerce, president of Alton Shrine, elder of the College Avenue Presbyterian Church, and many fraternal and civic associations.

He is survived by his wife, Mary, and a daughter, Sharon, to whom I extend deepest sympathy.

Mr. PRICE of Illinois. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Illinois.

Mr. PRICE of Illinois. Mr. Speaker, it is with great sorrow that I have just learned through the announcement made by the gentleman from Illinois (Mr. FINDLEY) of the sad passing of the late Senator Ralph Smith. I have known Ralph Smith for over 25 years and, although of opposite political views, we were very close in many activities that we participated in together to further the good of the areas each of us served. As a legislator, both in Springfield and in Washington, he was dedicated in the service to his State and Nation.

I want to take this occasion to extend to Mrs. Smith and to Ralph's family the deepest sympathy of my wife, Garaldine, and myself.

Mr. CARLSON. Mr. Speaker, all of us from Illinois were particularly saddened to learn of the passing on August 13 of former Senator Ralph Tyler Smith. I wish to join my colleagues in paying tribute to his memory.

I have known Ralph for many years and regarded him highly, both as a friend and as a public official. Before his appointment to the U.S. Senate he served 15 years in the Illinois House, and was majority whip in one term and speaker for 2 terms. This gave him unique insights into the legislative process and a solid understanding of its strength and weaknesses. I was always impressed by his capable and effective manner of getting things done—and although he was a busy man, Ralph Smith was always willing to take time to give help and advice and lend a hand wherever needed.

During the time he served here in Washington in the Senate, Ralph Smith served our State and Nation with dedication and honor—and he will long be remembered by the people he served.

It has been a privilege for me to know Ralph Tyler Smith and to work with him on various functions in Illinois. All of us who knew him well have been enriched by that experience. To his wife, daughter, and other members of his family, I extend my deep and sincere sympathy.

Mr. ARENDS. Mr. Speaker, it was a great shock to me to learn today of the untimely passing of former U.S. Senator Ralph Smith, of Illinois.

Senator Smith was appointed to the U.S. Senate in September of 1969 to fill the vacancy caused by the death of the beloved Senator Everett McKinley Dirksen. He served until November 3, 1970, and then was an unsuccessful candidate to fill the unexpired term in 1970.

Ralph Smith's term in the U.S. Senate was much too short for him to be able to distinguish himself there. But given the opportunity I am sure he would have distinguished himself in the same manner as he distinguished himself in the Illinois State Assembly.

Senator Smith was a lawyer by profession, and a very able one. Shortly after entering into the practice of law in Granite City, Ill., he enlisted in the U.S. Naval Reserve immediately following Pearl Harbor. He was commissioned an ensign and saw service in both the Atlantic and the Pacific.

In 1954 he was elected as State representative in the Illinois State Assembly and reelected for seven succeeding terms. In 1963 he was elected majority whip, and in 1967 and in 1969 he was elected speaker. This in itself bespeaks the high quality of his service in our State legislature. In the fullest sense, he was a dedicated public servant. And he was one of the finest men one could know.

I extend my sincerest sympathy to his wife, Mary, and to his daughter. I share their great loss.

GENERAL LEAVE

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks on the passing of the late Honorable Ralph Tyler Smith.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

HOUR OF MEETING ON THURSDAY, AUGUST 17

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday it adjourn to meet at 11 o'clock on Thursday, August 17, 1972, for the purpose of meeting the U.S. Olympic team.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

RAMSEY CLARK'S JOURNEY TO HANOI

(Mr. STRATTON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, I want to join with the gentleman from Mississippi (Mr. MONTGOMERY) in his remarks a moment ago concerning former Attorney General Ramsey Clark, about whom there has been a lot of to-do in the papers about Mr. Clark's patriotism.

I think the important thing is not Mr. Clark's patriotism but his judgment. As a former Attorney General of the United States, for him to be playing the enemy's game about something that is as vital as the prisoners of war issue I think is a very disturbing and distressing development.

If the former Attorney General, who says that the prisoners that he saw were all very healthy, really wanted to do something for the prisoners he should have insisted that Hanoi allow the International Red Cross to inspect all of the prisoners of war camps. But there is no record that he even mentioned that to his Hanoi hosts.

And if he really wanted to be helpful to the families of the prisoners, something that the American people overwhelmingly are concerned about, he should also have insisted that his Hanoi hosts give him a complete list of all the prisoners' names, and a complete accounting of all those missing in action.

THE ENERGY CRISIS AND THE ENVIRONMENT

(Mr. HANNA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANNA. Mr. Speaker, our Nation is entering into an energy/environment crisis. We are confronted with two quite divergent, yet equally desirable goals. On the one hand, we wish to improve the quality of our environment, and on the other, we wish to maintain and improve our present standard of living, which will require the creation of more energy sources in the future to satisfy our expanding needs. The problem confronting us at this time is that, given our present technical capabilities, we cannot produce energy without doing some damage to the environment.

The energy crisis and its related subject matter has been studied by at least four major congressional committees—Public Works, Commerce, Interior, and Science and Astronautics. The Congress has shown genuine concern over this matter, and a willingness to discuss the critical and controversial topics involved. These discussions have been open to public view, yet, the President's Commission on Environmental Quality in its third annual report, released last week, has deliberately left out three chapters, one pertaining to the energy crisis and its impact vis a vis the environment. The chapters are being held up until after the November elections. Actions such as these by a Commission appointed by the President are clearly indefensible. A President's first and foremost concern should be for the welfare of the American people. I call upon the President to fulfill his responsibility to the American people, even if it may not be politically expedient.

The American people deserve an open public discussion of alternate plans to deal with the energy/environment crisis. If we believe in the precepts of American democracy, then we must insist that this discussion precede the fall election. It is obvious to me that this administration has a set of policies in the works, but is afraid to reveal them prior to the election.

APPOINTMENT OF MEMBERS TO SERVE WITH COMMISSION ON ART AND ANTIQUITIES OF THE U.S. SENATE

The SPEAKER. Pursuant to the provisions of Public Law 92–342, the Legislative Branch Appropriation Act, 1973, the Chair appoints the following Members to serve with the Speaker and with the members of the Commission on Art and Antiquities of the U.S. Senate in supervising the restoration of the old Senate and Supreme Court Chambers in the Capitol: Mr. Boggs of Louisiana, Mr. Gerald R. Ford of Michigan; Mr. Mahon of Texas, and Mr. Bow of Ohio.

MARITIME AUTHORIZATION, 1973

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 13324) to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 11, strike out all after "modern" over to and including "bulk" in line 1 on page 2 and insert "or reconstructed".

Page 2, line 11, strike out "$7,670,000" and insert "$7,854,000".

Page 2, after line 13, insert:

"Sec. 2. Section 905(a) of the Merchant Marine Act, 1936, is amended as follows:

"(1) By inserting after the words 'except that' the words 'in the context of section 607 of this Act concerning capital construction funds and'.

"(2) By striking out the words 'to the extent provided in uniform regulations promulgated by the Secretary of Commerce'.

"(3) By inserting before the period at the end thereof the words 'in their operation or in competing for charters, subject to rules and regulations promulgated by the Secretary of Commerce pursuant to section 204(b) of this Act'."

Page 2, after line 13, insert:

"Sec. 3. (a) Any State may apply to the Secretary of Commerce (hereafter referred to in this Act as the 'Secretary') for Liberty ships which, but for the operation of this Act, would be designated by the Secretary for scrapping if the State intends to sink such ships for use as an offshore artificial reef for the conservation of marine life.

"(b) A State shall apply for Liberty ships under this Act in such manner and form as the Secretary shall prescribe, but such application shall include at least (1) the location at which the State proposes to sink the ships, (2) a certificate from the Administrator, Environmental Protection Agency, that the proposed use of the particular vessel or vessels requested by the State will be compatible with water quality standards and other appropriate environmental protection requirements, and (3) statements and estimates with respect to the conservation goals which are sought to be achieved by use of the ships.

"(c) Before taking any action with respect to an application submitted under this Act, the Secretary shall provide copies of the application to the Secretary of the Interior, the Secretary of Defense, and any other appropriate Federal officer, and shall consider comments and views of such officers with respect to the application.

"Sec. 4. If, after consideration of such comments and views as are received pursuant to section 3(c), the Secretary finds that the use of Liberty ships proposed by a State will not violate any Federal law, contribute to degradation of the marine environment, create undue interference with commercial fishing or navigation, and is not frivolous, he shall transfer without consideration to the State all right, title, and interest of the United States in and to any Liberty ships which are available for transfer under this Act if—

"(1) the State gives to the Secretary such assurances as he deems necessary that such ships will be utilized and maintained only for the purposes stated in the application and, when sunk, will be charted and marked as a hazard to navigation;

"(2) the State agrees to secure any licenses or permits which may be required under the provisions of any other applicable Federal law;

"(3) the State agrees to such other terms and conditions as the Secretary shall require in order to protect the marine environment and other interests of the United States; and

"(4) the transfer would be at no cost to the Government with the State taking delivery of such Liberty ships at fleetside of the National Defense Reserve Fleet in an 'as is—where is' condition.

"Sec. 5. A State may apply for more than one Liberty ship under this Act. The Secretary shall, however, taking into account the number of Liberty ships which may be or become available for transfer under this Act, administer this Act in an equitable manner with respect to the various States.

"Sec. 6. A decision by the Secretary denying any application for a Liberty ship under this Act is final."

Amend the title so as to read: "An act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce, and for related purposes."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. MAILLIARD. Mr. Speaker, reserving the right to object—and I do not wish to object—because of the several Senate amendments here, I think the gentleman from Maryland should explain what the amendments are for the Record.

Mr. GARMATZ. I would be happy to do so, Mr. Speaker.

The Senate added this amendment to H.R. 13324, the maritime authorization bill, in order to correct a technical deficiency in the Merchant Marine Act of 1970, which hinders construction of bulk cargo carrying vessels. When the Merchant Marine Act of 1970 was passed, a provision was put in to allow U.S. bulk carriers to do some foreign-to-foreign trading in order to put them in a more competitive position with foreign-flag bulk carriers. Because of some language in the Senate report, this foreign-to-foreign provision was administratively interpreted to apply on a vessel-by-vessel basis, rather than being viewed as a programwide policy. In order to correct this and to permit U.S. bulk carriers more flexibility in foreign-to-foreign trading, the Senate added the amendment in question. This amendment would improve the situation which exists between American-flag bulk carriers with burdensome trading restrictions and foreign-flag bulk carriers with operational flexibility.

While this amendment may not be technically germane to H.R. 13324, I urge my colleagues to accept the amendment for the following reasons:

First. The amendment is closely related to maritime matters in the maritime authorization bill, and, in fact, sets standards for the subsidies authorized in H.R. 13324.

Second. It is to correct a technical deficiency in the Merchant Marine Act of 1970.

Third. It is supported by the testimony of the Maritime Administrator at the Senate hearings on H.R. 13324 and is supported by the House Committee on Merchant Marine and Fisheries, and the maritime industry.

Fourth. The amendment will not result in any additional cost to the Federal Government.

Fifth. The appropriations for the Departments of State, Justice, and Commerce are dependent upon passage of this maritime authorization bill.

Mr. MAILLIARD. Mr. Speaker, I thank the gentleman and withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GUNBOAT "CAIRO" RESTORATION

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6618) to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*, and for the other purposes, as amended.

The Clerk read as follows:

H.R. 6618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve an object having national significance as part of the history of the Civil War, for the benefit and inspiration of the people of the United States, the Secretary of the Interior shall, in such manner as he deems advisable, utilize the authorities contained in the Act of August 21, 1935 (49 Stat. 666) to provide for the restoration and reconstruction of the gunboat "Cairo" formerly of the Union Navy, sunk in action in the Yazoo River, Mississippi, and for its exhibition at the Vicksburg National Military Park.

SEC. 2. At such time as the restoration and reconstruction of the "Cairo" shall have been completed, and it has been located within the boundaries of the Vicksburg National Military Park, the "Cairo" shall be administered in accordance with all laws, rules, and regulations applicable to such park.

SEC. 3. There are hereby authorized to be appropriated not more than $4,500,000 for the restoration of the "Cairo" and for the development of protective and interpretative facilities associated therewith.

The **SPEAKER.** Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The **SPEAKER.** Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, it is a pleasure for me to bring to the House floor a bill cosponsored by every Member of the Mississippi congressional delegation. This legislation (H.R. 6618) provides for the restoration of the gunboat *Cairo* and for its exhibition to the public at the Vicksburg National Military Park in the State of Mississippi.

BACKGROUND

This amazingly well-preserved ship was discovered in the late 1950's and the last section of it was raised from the bottom of the Yazoo River on December 12, 1964—exactly 102 years to the day after she was sunk.

There is no evidence suggesting that the *Cairo* played any dramatic role in the War Between the States, but the very fact that this amazing historical object has survived, warrants the special consideration which H.R. 6618 proposes.

When the project to recover the ship began, it was hoped that it could be raised intact, but the massive size of the vessel, together with the heavy steel armor, the water-soaked timbers and the mud-filled hull made that impossible. Nonetheless, when it was divided into sections and lifted onto barges, thousands of articles customarily used in the Navy at that time were recovered and have been preserved for presentation when the ship is exhibited.

Mr. Speaker, the *Cairo* was commissioned in mid-January 1861, and it was part of the squadron of ironclad ships used in the Union campaign to control the Mississippi River. While she was not the first ironclad ship in the history of this country, she was in the water more than a year before the famous encounter between the *Monitor* and the *Merrimack* at Hampton Roads.

Naturally, the discovery of this historical treasure would not be too meaningful if the ship is not preserved and presented to the public. Because of its age, the wood fabric in the ship requires special protection from the elements in order to prevent its deterioration. It is contemplated that a special building will be constructed to house the vessel at the Vicksburg National Military Park on a site overlooking the Mississippi River.

The plans envisioned by H.R. 6618 call for the restoration and reconstruction of the complete ship using original fabric to the fullest extent possible. Cutaway areas will allow the visiting public to view the interior of the ship and artifacts found aboard will be displayed in conjunction with the exhibit. When contemplated, this "time capsule" of the Civil War will tell a part of the story of those times that could never be told as well under any other circumstances.

COST

All this cannot be accomplished without a sizable investment. It is anticipated that the full restoration, reconstruction and exhibition of the gunboat will require an appropriation totaling $4.5 million. While this is a substantial amount of money, it is anticipated that the visiting public will be willing to pay a reasonable fee to view the ship. Under the Land and Water Conservation Fund Act, these moneys will be available, upon appropriation, to the Park Service to help carry on its services to the public.

CONCLUSION AND RECOMMENDATION

Mr. Speaker, H.R. 6618 was the subject of public hearings before the Subcommittee on National Parks and Recreation and the Members of the Subcommittee and of the Interior and Insular Affairs Committee considered the merits of the proposal carefully. We concluded that this project had an exciting potential as a part of the overall effort to interpret this important era in American history and we feel that it will be an investment which will be appreciated by all Americans. I am pleased to urge the approval of H.R. 6618, as amended.

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill to authorize the Secretary of the Interior to restore, preserve, and exhibit the gunboat *Cairo*.

The restoration and exhibition of this gunboat represents a very important period in American history and the history of naval warfare.

The epic struggle of the *Monitor* and *Merrimac* during the Civil War is known throughout the world for the revolution in naval warfare that these two ironclad warships wrought. Yet 1 month before these historic ships were commissioned and 5 weeks before they met in combat in Hampton Roads, seven other ironclads were commissioned at Cairo, Ill. They were the first armored warships, built in the United States or anywhere else in the world, to enter combat. On February 6, 1862, 5 weeks before the duel between the *Monitor* and *Merrimac*, they proved their value by bombarding the Confederate stronghold of Fort Henry into surrender.

In the following months, the Mississippi Squadron, of which these ironclads were the core, played a key role in the Federal campaign to gain control of the Mississippi River and split the Confederacy in two. Without them and their battle strength, Gen. U. S. Grant would have been unable to supply his army as it knifed through Tennessee and Mississippi to hammer at and capture Vicksburg, the Gibraltar of the Confederacy.

One of these river ironclads was the *Cairo*. In addition to helping create history through her activities in the river campaigns, this important vessel made history in the manner of her destruction. Ordered up the Yazoo River to protect the Union flank and to remove enemy mines that obstructed the advance of the northern squadron, the gunboat *Cairo* sailed to her rendezvous with history. On the morning of December 12, 1862, two of these mines exploded near the port quarter of the *Cairo* and she sank within 15 minutes—the first warship in history to be sunk by enemy mines.

The *Cairo* lay undiscovered in the mud of the river bottom for nearly 100 years. Then, in 1956, research efforts led to the discovery of the hulk, and in 1964 she was raised. Historians who hastened to examine her found that ironclad a veritable time capsule, complete with new data about ship construction in general and ironclads in particular. The *Cairo* is a huge and unique artifact, the only Civil War ironclad, with any degree of integrity, that has survived to interpret this phase of our heritage. The *Cairo's* contents abandoned by the crew who escaped in haste were remarkably preserved with evidence of naval practices unsuspected by the most prominent historians of the period. Because of this vessel's survival, knowledge of naval artifacts and customs has been greatly expanded, and this surviving evidence remains as a national treasure that holds much interest for European scholars and naval buffs as well.

One example of the impact the recovery of *Cairo* had upon historical knowledge lies in the immediate changes made in the drawings and model of the vessel that naval architects and historians at the Smithsonian had produced using documents and contracts in the National Archives. The builders of the *Cairo* had made many changes from the original ideas and plans even before the boat was launched.

The protection of the armor was insufficient, and at certain points an additional armor of "railroad iron" was added. No one knew how this had been done until the *Cairo* was raised up from the depths of the Yazoo River. This is but one example of the importance of the *Cairo* as an historical object in her own right.

The gunboat was raised through the efforts of the State of Mississippi, the city of Vicksburg, and Warren County. Initially, it was believed that the boat could be restored and displayed at Vicksburg. However, facilities were unsuitable for such an undertaking and, in 1965, the remains of the boat were shipped to the yards of the Ingalls Shipbuilding Corp., Pascagoula, Miss. Since that time, the State of Mississippi has been paying for storage and continuing preservation costs. Pursuant to a 1965 agreement with the Warren County Board of Supervisors, the National Park Service has had custody of the artifacts, some of which are at Vicksburg National Military Park, and some of which are in storage at the National Park Service museum facility at Springfield, Va. In 1966, the State, which had obtained title to the boat from the Treasury Department, determined that it had neither funds nor facilities to effect the restoration, and thereafter offered it to the United States.

The *Cairo* is the only one of these first seven ironclads which is still in existence. The *Cairo* represents an incomparable source of information on naval history, architecture and practices, of inestimable historic significance to the people of this Nation.

The estimated Federal expenditure for restoration of the gunboat and for the development of the protective and interpretive facilities associated with its exhibition is $4,500,000.

I can only say to my colleagues that I agree that the gunboat *Cairo* is a national treasure worthy of preservation and exhibition. I urge my colleagues to support the passage of this legislation.

Mr. TAYLOR. Mr. Speaker, the bill now before the House (H.R. 6618) was cosponsored by every Member of the Mississippi congressional delegation. It provides for the restoration and exhibition of a Civil War ironclad vessel which was discovered on the muddy river bottom of one of the tributaries of the Mississippi River.

If H.R. 6618 is enacted, as recommended by the Committee on Interior and Insular Affairs, the ship will be restored and housed in a special building at the Vicksburg National Military Park overlooking the Mississippi River. It would be displayed in such a way as to provide the public with an opportunity to visualize how her crew lived while the ship was in operation, and at the same time, protect it from the elements and excessive traffic.

BACKGROUND

The gunboat *Cairo* is the only authentic ironclad of the Civil War which presently survives. It was discovered by a National Park Service historian at the site where it was sunk over a century ago. When it was raised from the Yazoo River, it contained thousands of objects of historic interest which were used in the day-to-day operation of the gunboat.

History records no famous battle in which the *Cairo* played a significant role, but it was a part of the western flotilla that helped the Union forces to maintain control over the Mississippi River. Probably the only claim to fame that can be attributed to the *Cairo* during its time afloat was that it was the first known vessel to be sunk by an electrically detonated mine.

The object of H.R. 6618, however, is not to preserve the *Cairo* because of her contribution to the war; the object of the legislation is to preserve this magnificent time capsule so that the American people can see what an original ironclad looked like, and so that they can comprehend what life was like aboard. The historical value and interpretive potential of this massive historic object is the primary reason for congressional consideration of this legislation.

COST

Mr. Speaker, since the vessel will be located on lands presently administered by the National Park Service, no land acquisition appropriations will be required. The development of a bulding to house the ship and protect it from the elements, as well as moneys for its restoration, will, however, require a substantial investment. The most complete possible restoration should be undertaken if the project is to be worthy of the effort; consequently, the members of the Committee on Interior and Insular Affairs agreed that a total of $4.5 million should be authorized. It is anticipated that a fee will be charged once the ship is displayed and it is expected that it will generate enough interest to contribute significantly to the overall outdoor recreation program of the National Park Service.

CONCLUSION

The members of the Committee on Interior and Insular Affairs have considered this legislation thoroughly, Mr. Speaker. We are convinced that the approach provided in H.R. 6618, as amended, is most reasonable. I am pleased to recommend its favorable consideration by my colleagues in the House.

(Mr. GRIFFIN) at the request of Mr. TAYLOR) was granted permission to extend his remarks at this point in the RECORD.)

Mr. GRIFFIN. Mr. Speaker, I rise in support of H.R. 6618, a bill to restore the Civil War gunboat, *Cairo*.

H.R. 6618 authorizes the appropriation of $4.5 million for reconstruction of the *Cairo* and its display in a temperature-controlled building at the Vicksburg Military Park. The construction and restoration that is provided for will insure that this historic ship and its artifacts are properly preserved for viewing by the public.

The *Cairo* was one of the first ironclads built in the Western Hemisphere. On December 12, 1862, it became the first ship to be sunk by an underwater charge. For 93 years the historic vessel lay buried in the mud of the Yazoo River. Located in 1956, the *Cairo* became a project of concern to Mississippians and historians everywhere.

The boat was raised through the efforts of the State of Mississippi, city of Vicksburg, and Warren County in 1964. At that time it was thought that the ship could be restored and displayed at Vicksburg. However, facilities were not suitable and in 1965 the remains were shipped to the Ingalls Shipbuilding Corp. in Pascagoula, Miss. Since that time the State of Mississippi has been paying for the storage and continuing preservation cost. Pursuant to an agreement with the Warren County Board of Supervisors in 1965, the National Park Service has custody of the artifacts. In 1966, the State of Mississippi determined that it has neither the funds nor the facilities to effect the restoration, and agreed to give it to the Federal Government.

In 1966, then Secretary of the Interior Stewart Udall urged Congress to pass legislation of the nature we are considering today. He said:

> This boat and the objects recovered from it comprise a unique document for the study and presentation of Civil War naval history and practices. No other armored gunboat survives to illustrate the exact design and construction of this important innovation in naval warfare, and the written and pictorial documentation is both incomplete and inaccurate.
>
> It is the considered view of this Department that the *Cairo* is an important national heritage and we believe it should be accepted on behalf of the United States.

The *Cairo* is certainly one of the most important relics of the Civil War and of great historical significance, not only in the circumstances of its sinking but in its store of extraordinary artifacts. No other armored gunboat survives today and as such, the *Cairo* offers us a true and complete document for the study and presentation of Civil War naval history and practice.

This bill is necessary if the vessel is to remain a full and original account of history and proper restoration and preservation is to be made. It would be tragic, indeed, after nature has preserved this relic for 93 years, for man to take it from the river's mud and destroy the opportunity to preserve for the future this link to the birth of modern naval warfare. Certainly it should be important to all that the fullest efforts be made to insure that future generations shall have the benefit of observing and studying firsthand the only remaining original armored gunboat of the Civil War.

This vessel preserved for future generations to study will also remain as a fitting tribute to the men who served the navies of this important period of American history—a tribute worth perpetuating.

The National Park Service, historians, students of history and the people of Mississippi are vitally interested in seeing that this important part of American history is properly restored and displayed in a prominent and fitting place. The restored vessel will become an important part of the Vicksburg National Military Park for all to see and enjoy.

I would hope that this House will recognize the importance of the preservation of the *Cairo*, as a tribute and as a reminder of America's proud past.

I wish to express my appreciation for the interest and help of Chairman ASPINALL, Subcommittee Chairman TAYLOR, Mr. KYL, and all members of the Committee on Interior and Insular Affairs.

Also, I wish to acknowledge the enthusiastic support of this proposal by my Mississippi colleagues, Mr. COLMER, Mr. WHITTEN, Mr. ABERNETHY, and Mr. MONTGOMERY. They, as I, have devoted long hours to bring this bill to the floor today.

I urge approval of H.R. 6618.

Mr. COLMER. Mr. Speaker, I would like to express my support for the bill

H.R. 6618, to authorize funds for the restoration and display of the Civil War gunboat *Cairo.*

The Union ironclad *Cairo* was sunk in 1862 and lay in the muddy water of the Yazoo River in Mississippi undiscovered until 1956. Through the efforts of the State of Mississippi, the city of Vicksburg, and Warren County, the ship was raised in 1964.

Unable to provide for the restoration and exhibition of the historic ship, the State of Mississippi placed the *Cairo* in storage in my town, Pascagoula, Miss., so that it might be preserved until it could be properly restored and displayed. The storage and maintenance has cost the State of Mississippi nearly $500,000 over the past few years. Yet, in hopes of presenting this historic ship for all to see, Mississippi has offered it to the United States without cost.

The people of Mississippi and historians throughout our Nation have been vitally interested in the preservation and display of the gunboat for future generations. And certainly its display in the Vicksburg National Military Park will serve as a fitting tribute to the men who served the navies of this period in our Nation's history, and a reminder of that unfortunate fratricidal strife.

I am hopeful that this bill, H.R. 6618, will meet with prompt and favorable action.

Mr. MONTGOMERY. Mr. Speaker, I would like to commend my colleague and fellow Mississippian, Congressman CHARLES GRIFFIN, for his hard work and initiative in having this piece of legislation introduced and guiding it to favorable approval in the House. The people of his congressional district and the people of Mississippi owe a great debt of gratitude to Congressman GRIFFIN and the members of the Interior and Insular Affairs Committee for making it possible to properly display the ironclad gunboat *Cairo.*

The gunboat *Cairo* is an important artifact of the War Between the States and its restoration will provide an educational exhibit of that important period in our Nation's history. I therefore heartily recommend passage of H.R. 6618.

(Mr. SKUBITZ (at the request of Mr. SAYLOR) was granted permission to extend his remarks at this point in the RECORD.)

Mr. SKUBITZ. Mr. Speaker, I rise in support of this legislation to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo.*

The gunboat *Cairo* was commissioned in 1861 as one of the Federal Government's six ironclad ships—the new armored class of warship—for service in the Civil War. The purpose of this bill is not to commemorate the role of the gunboat *Cairo* during the Civil War but to provide recognition of a national treasure worthy of preservation and display to the American people.

For almost 100 years the gunboat *Cairo* lay, sunken and undetected, on the bottom of the Yazoo River in Mississippi. Upon discovery, the efforts to raise the ship began and culminated in lifting this historic treasure from the bottom of the river in 1964.

Today, the gunboat *Cairo* is the only original Civil War ironclad ship in existence. The ship and the objects recovered therein provide a unique opportunity to preserve and illustrate this important chapter in the history of our country. This armored gunboat, *Cairo,* through the efforts of many people, survives now to illustrate our Civil War naval history and an important innovation in naval warfare at that time.

The matter before the House, H.R. 6618, provides that the Secretary of the Interior shall restore and reconstruct the gunboat *Cairo,* and exhibit it at the Vicksburg National Military Park, in Mississippi.

The bill further provides that no more than $4.5 million are authorized for appropriation to restore the *Cairo* and develop the protective and interpretive facilities.

Mr. Speaker, I urge my colleagues to support the passage of this bill.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. TAYLOR), that the House suspend the rules and pass the bill H.R. 6618, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of a similar Senate bill (S. 1475) to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo,* and for other purposes, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1475

An act to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat "Cairo," and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve an object having national significance as part of the history of the Civil War, for the benefit and inspiration of the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall, in such manner as he deems advisable, utilize the authorities contained in the Act of August 21, 1935 (49 Stat. 666) to provide for the restoration, and reconstruction of the gunboat "Cairo," formerly of the Union Navy, sunk in action in the Yazoo River, Mississippi, and for its exhibition at the Vicksburg National Military Park.

SEC. 2. At such time as the restoration and reconstruction of the "Cairo" shall have been completed, and it has been located within the boundaries of the Vicksburg National Military Park, the "Cairo" shall be administered in accordance with all laws, rules, and regulations applicable to such park.

SEC. 3. There are hereby authorized to be appropriated $2,481,000 to carry out the purposes of this Act.

AMENDMENT OFFERED BY MR. TAYLOR

Mr. TAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR: Strike out all after the enacting clause of S. 1475 and insert in lieu thereof the provisions of H.R. 6618, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 6618) was laid on the table.

AMENDMENTS TO THE RAILROAD RETIREMENT ACT

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15922) to amend the Railroad Retirement Act of 1937 to simplify administration of the act.

The Clerk read as follows:

H.R. 15922

Be it enacted by the Senate and House of Representaives of the United States of America in Congress assembled,

SECTION 1. (a) Section 3(e) of the Railroad Retirement Act of 1937 is amended by striking out the word "and" after cause (iv) in the second paragraph thereof and inserting after the semicolon in clause (v) in such second paragraph the following new clauses:

"(vi) individuals not entitled to an annuity under section 2 or 5 of this Act shall not be included in the computation under such first proviso except a spouse who could qualify for an annuity under section 2 (e) or (h) of this Act if the employee from whom the spouse's annuity under this Act would derive had attained age 65, and such employee's children who meet the definition as such contained in section 216(e) of the Social Security Act; (vii) after an annuity has been certified for payment and such first proviso was inapplicable after allowing for any waiting period under section 223(c) (2) of the Social Security Act, and after having considered the inclusion of all persons who were then eligible for inclusion in the computation under such first proviso, or was then applicable but later became inapplicable, any recertification in such annuity under such first proviso shall not take into account individuals not entitled to an annuity under section 2 or 5 of this Act except a spouse who could qualify for an annuity under section 2(h) of this Act when she attains age 62 if the employee from whom the spouse's annuity would derive had attained age 65, and who was married to such employee at the time he applied for the employee annuity; (viii) in computing the amount to be paid under such first proviso, the only benefits under title II of the Social Security Act which shall be considered shall be those to which the individuals included in the computation are entitled; (ix) the average monthly wage for an employee during his lifetime shall include (A) only his wages and self-employment income creditable under the Social Security Act through the later of December 31, 1971, or December 31 of the year preceding the year in which his annuity began to accrue, and (B) his compensation up to the date his annuity began to accrue; and (x) in computing the average monthly wage in clause (ix) above, section 215(b) (2) (C) (ii) of the Social Security Act shall, solely for the purpose of including compensation up to the date the employee's annuity began to accrue, be deemed to read as follows: 'the year succeeding the year in which he died or retired';"

(b) Section 3(e) of such Act is further amended by striking out in the third paragraph ", or on application, would be".

SEC. 2. Section 5(1)(1) of such Act is amended by striking out from the first sentence thereof "and (g)" and inserting in lieu thereof "(g) and (k)".

SEC. 3. EFFECTIVE DATES.—The provisions of clauses (vi) through (x), which are added by section 1(a) of this Act, and the provisions of section 1(b) of this Act, shall be effective as follows: clause (vi) shall be effective with respect to annuities awarded after the enactment of this Act; clauses (vii) and (viii), and the provisions of section 1(b), shall be effective with respect to annuities awarded or recertified after the enactment of this Act; and clauses (ix) and (x) shall be effective with respect to calendar years after 1971.

The SPEAKER. Is a second demanded?

Mr. HARVEY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, I rise in support of H.R. 15922, a bill to simplify administration of the Railroad Retirement Act.

Mr. Speaker, the committee held hearings on this bill on July 26, and ordered it reported to the House unanimously by voice vote. It is a simple housekeeping bill designed to make the administration of the Railroad Retirement Act simpler, and is endorsed by the Railroad Retirement Board, the Office of Management and Budget, the Association of American Railroads, and all the railway brotherhoods. In other words, this is a bill on which all parties are in agreement, and should pass the House unanimously.

Simply stated, the bill would make simpler the administration of the overall minimum guarantee provision in the Railroad Retirement Act. That act contains a provision which guarantees each person in receipt of railroad retirement benefits that he or she will receive not less than 110 percent of the benefits that would be payable under the Social Security Act if the employee whose service is the basis for payment of benefits had been employed under the Social Security Act rather than the Railroad Retirement Act. This means for the Railroad Retirement Board that in computing benefits, they must employ both social security criteria as well as Railroad Retirement Act criteria in determining eligibility for benefits.

Frequently, the computations which the Railroad Retirement Board is required to engage in, and the determinations they are required to make, lead to no change in benefit levels, so that a great deal of the work required of the Board is of no significance in determining benefits. For example, the board is required to send out as many as 300,000 questionnaires, to deal with about one case out of every 150, the majority of which lead to no change in benefit levels even after the Board has received the answers to the questionnaire.

This bill would simplify administration of the act by permitting the Board to eliminate technical compliance with all provisions of the Social Security Act, and should lead to streamlining the efficiency of the board's operations.

The bill was unanimously reported by the committee and, as I said, is supported by everyone interested in the subject, and I urge its passage.

Mr. HARVEY. Mr. Speaker, this is a housekeeping bill which will simplify the computation of benefits which are now unduly complicated because of differing treatment of related social security rights under recent amendments. The Board, management, and labor all endorse the changes which are:

First. In figuring a special annuity to make sure the recipient receives 110 percent of social security, possible rights to social security by members of the family must be traced. Usually these family members would never have rights to railroad retirement. The amendment provides that only family members who could qualify for railroad retirement need to be checked out and counted.

Second. When changes are made in social security, the Board must check out every family to see if he might qualify for social security in order to figure the annuity. This is eliminated.

Third. Allow taking into account only benefits that family members can actually get rather than possible benefits which might accrue if applied for.

Fourth. Eliminate the necessity of refiguring earnings after retirement to determine the special annuity.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill H.R. 15922.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ACQUISITION, USE, AND DISPOSAL OF GOVERNMENT PRODUCTION EQUIPMENT IN POSSESSION OF PRIVATE CONTRACTORS

Mr. STRATTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13792) to amend title 10, United States Code, to limit, and to provide more effective control with respect to, the use of Government production equipment by private contractors under contracts entered into by the Department of Defense and certain other Federal agencies, and for other purposes, as amended.

The Clerk read as follows:

H.R. 13792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 137, title 10, United States Code, is amended by—

(1) inserting, at the end of the chapter analysis thereof, the following new item:

"2315. Government production equipment."; and

(2) adding at the end of that chapter the following new section:

"§ 2315. Government production equipment

"(a) It is the policy of Congress that maximum reliance will be placed on the use of privately owned production equipment in connection with the performance of purchases and contracts made under this chapter. No agency named in section 2303 may hereafter acquire production equipment for the purpose of furnishing it to a contractor by lease or contract, for use other than in a Government-owned contractor-operated plant or by a nonprofit organization, unless the furnishing thereof is necessary—

"(1) to meet mobilization requirements under a duly authorized mobilization plan;

"(2) to permit the obtaining of supplies or services by such agency from a contractor which has been determined by the Administrator of the Small Business Administration to be a small business organization which is unable to procure such production equipment through the use of its own resources, and no alternate means of obtaining the needed supplies or services is practical; or

"(3) to meet an essential need for supplies or services which the head of the agency has determined cannot be met by any other practical means, or in the public interest as determined by the head of the agency.

Determinations under paragraph (3) of this subsection shall be made in writing. The power to make such determinations shall be delegable only in accordance with regulations promulgated under subsection (b).

"(b) The Secretary of Defense for the Department of Defense, the Administrator of the National Aeronautics and Space Administration for that agency, and the Secretary of Transportation for the Coast Guard shall promulgate regulations as uniform as practical for the effective control of all production equipment which is the property of each agency and which is or hereafter may be furnished by such agency by any means to the contractor. Such regulations shall include— "(1) a uniform system for the determination of the amount of the rental which shall be paid by such contractor for the use of any such production equipment for commercial use;

"(2) a requirement for the maintenance by such contractor of inventory records concerning all production equipment so furnished to it, and records and reports with respect to the nature and the extent of the use of such equipment, such records to be maintained and reports made as prescribed by the regulations; and

"(3) such other requirements as may be determined necessary for (A) the effective maintenance and control over all such production equipment so furnished by any agency named in section 2303 during the time which such production equipment is in the custody of any such contractor, and (B) subject to the provisions of subsection (c) of this section, the prompt return of such production equipment to the custody of such agency when there is no need therefor for such contractor for the furnishing of property or services to any department or agency of the United States. Such returned equipment if no longer required to meet the mobilization or other needs of the United States shall be promptly disposed of under other law.

"(c)(1) The Administrator of General Services, under such regulations as he may prescribe, may sell to a contractor items of production equipment and special tooling and special test equipment owned by the United States, under the control of the Secretary of a military department or the head of a defense agency, or any other agency named in section 2303, and located at the facility of the contractor. For the purposes of this section the term 'facility of the contractors' includes, but is not limited to a Government-owned contractor-operated facility or contractor-operated facility jointly owned by the contractor and the Government.

"(2) Sales under this section may be negotiated with the using contractor only when the Secretary of a military department or the head of any other Government agency named in section 2303, or his duly authorized representative, determines that the contractor's development, production, or services capability is necessary to satisfy current or future Government requirements.

"(3) Sales under this section shall be made at not less than a fair and reasonable price; and at not less than fair market value. In the case of equipment which the head of an agency named in section 2303 or his duly authorized representative has determined to be used or planned for use in the development or production of supplies for, or the furnishing of services to, the United States, the sales agreement shall include adequate provisions which will assure that for a period agreed upon in the contract after the sale the property or its rereplacement will be available, on a priority basis, for the performance of contracts of the United States or subcontracts thereunder. To assure the continued availability of the property sold pursuant to (c)(2) above, the sales contract shall include necessary terms and conditions to require adequate maintenance and preservation of the production capacity of such property. The head of the agency shall provide for periodic inspections to determine compliance with the provisions of the sales agreement.

"(4) Proceeds of a sale under this section may be used to pay the cost or expense incurred in connection with that sale or to reimburse the appropriation or fund from which that sale cost was paid. Proceeds of such a sale that are not so used shall be covered in the Treasury as miscellaneous receipts.

"(5) An explanatory statement of the circumstances of each sale under this section of property having an original acquisition value in excess of $25,000 shall be prepared promptly and transmitted to the Congress and a copy thereof preserved in the files of the department or agency making the sale.

"(d) The head of each agency named in section 2303 shall transmit to the Congress annually a report of each determination made under subsection (a)(3) involving an acquisition cost of $25,000 or more and of each sale made for more than $25,000 under subsection (c) during the preceding year.

"(e) As used in this section—

"(1) 'Production equipment' means any tool, machine, or supporting equipment, used or designed for use in the manufacture, production, or furnishing of property or supplies, but does not include special tooling or special test equipment.

"(2) 'Special tooling' means all jigs, dies, fixtures, molds, patterns, taps, gages, other equipment and manufacturing aids, and replacements thereof, which are of such a specialized nature that, without substantial modification or alteration, their use is limited to the development or production of particular supplies or parts thereof, or the performance of particular services.

"(3) 'Special test equipment' means electrical, electronic, hydraulic, pneumatic, mechanical, or other items or assemblies of equipment, which are of such a specialized nature that, without modification or alteration, the use of such items (if they are to be used separately) or assemblies is limited to testing in the development or production of particular supplies or parts thereof, or in the performance of particular services.

"(4) 'Nonprofit organization' means any corporation, foundation, trust, or institution operated for scientific, educational, or medical purposes, not organized for profit, no part of the net earnings of which inures to the benefit of any private shareholder or individual."

SEC. 2. The amendments made by this Act shall take effect on the first day of the fourth month beginning after the date of enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. GUBSER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STRATTON. Mr. Speaker, I yield myself such time as I may consume.

The House Armed Services Committee has considered and reported, with amendments, Mr. Gubser's bill, H.R. 13792, to amend chapter 137, title 10, United States Code, to limit and to provide more effective control with respect to the use of Government production equipment by private contractors under contracts entered into by the Department of Defense and certain other Federal agencies, and for other purposes. The committee unanimously recommends the enactment of this bill.

The purpose of H.R. 13792 is to save money. It does this by adding a new section to chapter 137, title 10, United States Code, and this new section does two things:

First, it restricts the procurement of production equipment for the purpose of furnishing it to contractors unless the furnishing thereof is necessary for mobilization requirements, or it is determined by the Small Business Administration to be necessary to assist small businesses, or essential needs for supplies or services cannot be met by any other practical means; and

Second, it authorizes the negotiated sale of certain production equipment, to using contractors, under terms which require the purchaser to maintain the equipment in good working order and available for use on Government contracts on a priority basis. It is this second effect which DOD considers most important.

Comprehensive management studies conducted by and for the DOD have disclosed many cases where Government-owned equipment is needed in its present location to meet current and projected military requirements, but where Government ownership would not be necessary if the equipment could be sold in a way which would insure its availability on a priority basis for use on Government contracts. H.R. 13792 would permit such sales.

DOD is seeking to divest itself, to the greatest extent possible, of the ownership of production equipment. This, of course, will reduce the cost of maintenance, repair, storage, and other costs. Contracts for the sales will contain conditions which require that, for a period agreed upon, the property, or its replacement, will be available for defense needs on a priority basis.

This will be no give-away program. The bill stipulates that the fair market value be established by experienced appraisers of the General Services Administration, and the sale shall not be made at not less than fair market value. If the fair market value cannot be obtained, then the Government will retain the ownership. In addition, the bill provides that the details and circumstances of the negotiated sales shall be reported to Congress promptly to facilitate surveillance of the program.

It should also be noted that the authority contained in this bill in no way affects the existing legislation governing the disposal of equipment no longer needed by the Government. The present rule which requires the advertised sales of surplus equipment stands unchanged. The provisions of H.R. 13792 are limited to those instances where the equipment is not surplus, but is essential to DOD needs and must be kept in its present location in order to preserve the contractor's production and service capabilities as part of our mobilization base.

I would also like to point out that under H.R. 13792, the U.S. Treasury would be the beneficiary of an estimated $150 million resulting from the negotiated sale of equipment. This would be in addition to the savings which would be achieved by the Government through reduced maintenance and storage costs.

In conclusion, you will note, in the committee report, that there are four amendments to the bill. Two of the amendments correct printing errors. One amendment deletes section (c)(2)b, since that provision is not required for the purpose of the bill or the accomplishment of DOD's program to maintain essential industrial capability. The fourth amendment permits closer congressional surveillance of the purchasing and sales of production equipment covered by the bill.

The House Armed Services Committee has unanimously recommended the enactment of H.R. 13792 as amended.

Mr. GUBSER. Mr. Speaker, I rise in support of this legislation, and I wish to thank the gentleman from New York (Mr. STRATTON), the chairman of the subcommittee which considered this bill for his outstanding work.

The bill creates a favorable impact of $150 million on the Federal Treasury. It conforms with our national policy of getting the Government out of the business of owning tools and equipment by selling them.

The bill also provides a means of guaranteeing that if it should be needed in the immediate future the machinery will be available.

The sale must be at fair market value. I can assure my colleagues that the taxpayers interest is fully protected.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GUBSER. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. What prompts this legislation?

Mr. GUBSER. This will have a favorable impact on the Treasury of $150 million.

The present policy of the Department of Defense is to dispose, wherever possible, of Government-owned tooling and Government-owned equipment. However, where the equipment is in a contractor's place of business and the Defense Department still wishes to maintain a hold on that equipment for some time in the future when it might be necessary for the national defense it is not possible to dispose of this by negotiated sale.

The law now states that where the Government owns the realty it is possible to sell this equipment by negotiated sale. However, it is not possible where the Government does not own the realty.

This bill makes the law consistent so that all Government-owned equipment which we want to hold in the defense base can be sold by negotiated sale. I emphasize that it must be sold at the fair market value as determined by the General Services Administration.

Mr. GROSS. Has this equipment been sold in the past at less than the fair market value? Is this what prompts the legislation, that is, that the sale of this equipment has been too loosely administered?

Mr. GUBSER. No. This equipment cannot be sold today by negotiated sale even when the Government wants to maintain a hold on it if the Government determines such a hold to be in the national interest.

(Mr. BROWN of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BROWN of Ohio. Mr. Speaker, I rise to join my colleagues today in support of H.R. 13972, the Gubser bill, which would prescribe conditions under which the Armed Forces and NASA may acquire production equipment for the performance of the defense contracts and negotiate sales of certain equipment in the possession of private contractors.

Contractors and subcontractors who enter into agreements, with either the Federal Government or a prime contractor, to fulfill a Government contract make every effort to carry out that agreement. Frequently in contracting with these firms, the Government finds that, in order to avoid the expense of contractors duplicating existing capabilities and resources of the Government or in order to encourage bidders for the work who might not wish to invest in the capital equipment necessary to do the job, it is more economic to supply these contractors with Government-owned equipment and material required to perform the Government contract work. These private contractors and subcontractors often wind up with large amounts of Government-owned equipment in their facilities. Possession of this equipment over a long period of time, however, can prove economically burdensome to many firms, particularly when contracts for use of the equipment on Government work becomes fewer and further between.

During the past several years when the United States was deeply involved in Southeast Asia, the Federal Government entered into numerous such contracts with private firms to provide Government-owned production equipment in order to make it possible to get production of the material to sustain and support our Armed Forces. As the war has wound down, so too has the need for supportive materials. The result has been the Government-supplied equipment, which is still in the possession of the contractors, has now become underutilized and may no longer even be needed for the war. This has caused an economic drain on many companies because of their commitment to pay continuing high rentals on the equipment, and because of certain penalty provisions which apply when this equipment is used over one-fourth of the time for commercial non-Government purposes.

An example of this problem, which the Gubser bill would help to eliminate, has occured in my own district in Ohio and has convinced me of the need for this legislation. A company there, which was heavily involved in supplying prime contractors with items necessary to fulfill government contracts, was left with a great deal of Government-provided equipment as American involvement in Southeast Asia decreased. As the reduced needs of the Defense Department became apparent, the company began to divest itself of this equipment in accordance with the wishes of Congress. The company has reduced the Government-owned equipment it once needed to meet its Government-related contract commitments at the peak of the Southeast Asia support period from $42 million acquisition cost to $15 million.

In converting from wartime to peacetime production, that company has spent over $15 million in research and development of new methods and technologies that will open new fields of opportunity for utilization of the Government equipment remaining in its factory which will provide peacetime employment for its employees formerly producing war goods and new utilization of the Government equipment for both Government and private work. The company now faces the problem of having reduced the Governmentment-provided equipment to a point where further reduction of this equipment would cripple its operations and leave it underequipped if it were asked to return to production of defense goods historically in short supply for mobilization support should that support again be needed by the Government.

The Gubser bill would allow companies, such as the one in my district, to purchase at a fair market price the Government equipment already in the possession of the company if the Government determines that the contractor's facilities are necessary to satisfy current or future Government requirements. And, the bill would further require that equipment sold be maintained on a priority basis for Government contracts.

All in all, the Gubser bill seems to me to be a fair solution to an increasing problem of considerable complexity.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. STRATTON), that the House suspend the rules and pass the bill H.R. 13792, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING COMMITTEE ON BANKING AND CURRENCY TO CONDUCT INVESTIGATION AND STUDY OF PRICES OF LUMBER AND PLYWOOD

Mr. COLMER. Mr. Speaker, by direction of the committee on Rules, I call up House Resolution 1037 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1037

Resolved, That the Committee on Banking and Currency, acting as a whole or by subcommittee, is authorized and directed to conduct a full and complete investigation and study of the high price of lumber and plywood.

For the purpose of carrying out this resolution the committee or subcommittee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary; except that neither the committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House on or before November 1972 the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

With the following committee amendment:

On page 1, line 3, strike out the words "and directed".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. COLMER

Mr. COLMER. Mr. Speaker, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. COLMER: On page 1, line 3, where the words "and directed" were struck, insert the word "and requested".

The amendment was agreed to.

Mr. COLMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN. Mr. Speaker, House Resolution 1037 requests the Committee on Banking and Currency to conduct a full and complete investigation of the high prices of lumber and plywood. Mr. Speaker, I introduced such a resolution in 1969. The House Banking and Currency Committee immediately began hearings and the prices of both lumber and plywood at the mills began decreasing. Within a 90-day period, prices of both lumber and plywood were down to the level of 6 months previously.

Once again our builders are faced with exorbitant and unjustified prices, particularly of plywood. Let me give you some illustrations. one-half-inch sheeting plywood last December 3 was $92 per thousand. Today, it is $152 per thousand. Five-eighths-inch sheeting plywood last December was $123 per thousand. Today it is $195 per thousand. Both of the above two items are extensively used in house construction. House construction this year is running currently over 2.2 million units. This is a $70 billion industry.

This uncalled for increase in prices, almost the highest level in history, is bound to curtail construction because its pricing is out of sight of the average American homeowner.

I have had letters and telephone calls from many dealers throughout the country since I introduced this resolution a few weeks ago. One dealer from near Indianapolis last week told me that the ceiling price of yellow pine boards was $215 per thousand, with boards practically impossible to buy. One of the larger yellow pine mills in the South had just shipped a shipload of yellow pine boards to England at a price of $260 per thousand. There is no ceiling price on overseas shipments.

I quote below from a list of No. 34 of the M. R. Smith Shingle Co. of Seattle, Wash.

> It is practically impossible for us to buy any quantity of shingles even at the above prices and many wholesalers are offering us even higher prices for our shingles but we have to stick to our ceiling prices. Since our prices are so much under the free market prices, however, most of our customers are glad to wait 2 or 3 days after the discount period to pay us net. Also many of them have sent me a check for $100 to $200 made out to the Seattle Opera Assn., Inc., or the Seattle Symphony Orchestra, Inc. You all have your problems too so I am not saying you have to do either of these things, but you might keep them in mind.

Some mill manufacturers maintain that part of the shortage of lumber is due to the fact that approximately 2 billion feet of logs are being exported to Japan this year. It is interesting to note, however, that only a small percentage of these logs is coming from Federal timber holdings and the vast amount is being sold from privately owned timber.

The mills in the Northwest own millions of acres of timberland in which they have very little invested. They are able to take a capital gain on the sale of timber.

The Forest Service needs to get approval of the Congress to harvest more trees each year, and more funds with which to maintain up-to-date tree farming. Modern methods of cultivation and fertilization can increase the growth rate appreciably. The Forest Service urgently needs additional authority and additional funds to keep a perpetual supply of lumber available.

Mr. Speaker, I have talked with the distinguished gentleman of the Banking and Currency Committee and the ranking member, Mr. WIDNALL of New Jersey, who is a cosponsor of this resolution and both have assured me that early hearings will be held on this very important subject shortly after our return in September.

I urge the adoption of this resolution.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I simply rise to a point of information. In the opinion of the gentleman who has authored the resolution or is presenting it, wherein it states that for the purpose of carrying out this resolution the committee or subcommittee is authorized to sit whether the House is in session, has recessed, or has adjourned; would that under the rules of the reorganization of the House and our rules of procedure, allow this committee or its subcommittees to sit while the House is under the 5-minute rule?

Mr. COLMER. Mr. Speaker, it is the opinion of the gentleman reporting this resolution that the 5-minute rule would still be in effect.

Mr. HALL. Mr. Speaker, I thank the gentleman.

Mr. MARTIN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. Mr. Speaker, I join the gentleman from Nebraska, a member of the Committee on Rules, in presenting this resolution to the House of Representatives. As the ranking minority member of both the Housing Subcommittee and the full Banking and Currency Committee, I have been made aware during the recent period of a serious and growing problem facing us in our efforts to provide housing and related construction for our Nation.

Anyone who has had occasion to purchase—or attempt to purchase—lumber and plywood during this spring and summer has experienced difficulty in obtaining these materials, and, where successful, rapidly rising prices for them.

I am told of cases where plywood is available from lumber yards only for established customers, and items such as yellow pine are not available at all. So rapidly have prices risen in some instances that a carload of lumber may be shipped to fill an order at a set price for one customer; then during shipment an order may be received and agreed to be filled at a higher price. The freight car is then diverted to be delivered to the second customer while the original buyer is informed that this order cannot be filled.

Our committee is now working on a substantial and complex housing bill. Our objectives, of course, are to provide a legislative framework through which our housing and related goals can be met. Very shortly the conference report on a major disaster recovery bill will come before the House. Its purpose is to help finance the replacement of hundreds of thousands of homes destroyed by recent natural disasters. Regardless of all these programs there is no way in which we can be successful without the provision of these construction materials in adequate supply and at affordable prices.

I have reviewed the recent actions of the Cost of Living Council and the Price Commission, and I would like to describe these actions briefly in order that my colleagues may appreciate the magnitude and difficulty of solution of this lumber and plywood crisis. According to the Cost of Living Council the lumber and wood products component of the wholesale price index has risen more than 14 percent over the past year. This single item accounted for approximately 25 percent of the overall increase in the industrial component of the index. The pinch which is described by the Cost of Living Council is attested to as well by a broad spectrum of industry newsletters which I have reviewed. Efforts have been made to determine the factors which have influenced these price increases and claims of short supply. The Internal Revenue Service has further evidence that in recent months small business type established lumber firms have increased prices considerably more rapidly than those remaining under controls.

With regard to the supply side, the Cost of Living Council recommended last spring that timber sales by the Forest Service be reviewed in order to expand softwood timber availability. As a result of a projected increase in the harvest of salvage timber, an estimated 300 million additional board feet will go to market by the end of 1972. The Council also recommended that the Department of Transportation and the Interstate Commerce Commission review freight car availability and other measures which might be taken to speed the delivery of softwood timber and plywood to their final destination points.

As a result of these findings, late last month the Cost of Living Council reimposed price and wage controls on all manufacturing, wholesale and retail businesses with annual lumber sales of more than $100,000 per year. An estimated 62,000 lumber firms are being brought back under controls by this action. With minor exceptions, all lumber sales will now be subject to controls. I would observe that this represents the first time that controls have been reimposed on previously exempt businesses.

This projection of greater supply and general availability in tandem with the return to price controls which were slated to take effect by July 31 are presently the object of careful scrutiny by the price control bodies. Last week the administration held hearings in Oregon on this subject. Although final results are not yet available this does represent the culmination to date of price control actions resulting from the recognition of this serious situation.

I feel that we would be remiss in our legislative duties on this crucial factor in housing production, especially at this time of increased need and demand for housing, if the House failed to undertake the proposed investigation of the high price of lumber and plywood. While I recognize the value of the efforts of the economic stabilization machinery, and I am hopeful that they will prove to be successful, there can be no substitute for a legislative study directed toward legislative solutions.

On the basis of the grave and fundamental nature of the problem presented by the short supply and high prices in the lumber and plywood market, I urge my colleagues to vote for the pending resolution authorizing the Committee on Banking and Currency to conduct an investigation on which we can base a legislative solution to this problem.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAILING OF DRUG SAMPLES FOR ANALYSIS

Mr. DULSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R.

12383) to amend chapter 30 of title 39, United States Code, to permit a person, in complete anonymity, to send substances in the mails which they suspect are drugs to Government officials for analysis, and for other purposes, as amended.

The Clerk read as follows:

H.R. 12383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 30 of title 39, United States Code, is amended by adding at the end thereof a new section to read as follows:

§ 3012. Mailing of drugs for analysis

"(a) Notwithstanding any other provision of this title and notwithstanding any other provision of law, a sample of any substance not to exceed one ounce in weight suspected of being a drug may be mailed by any parent, guardian, or other concerned person to an employee of the Federal Government, or a State or local government, whose official duties are comprised, in whole or in part, of the prevention of drug abuse, in order to ascertain whether such substance is in fact a drug.

"(b) An envelope in which a substance is mailed under this section may contain a self-selected code number to insure that the sender will retain complete anonymity and will permit the sender to inquire by telephone of the person to whom it was mailed whether the substance which he mailed is in fact a drug, and if so, the generic name of the drug and the names and addresses of local social and law enforcement agencies which are capable and willing to assist the person who forwarded the drug sample.

"(c) The term 'drug', as used in this section, has the same meaning given the term 'controlled substance' under section 802(6) of title 21.

"(d) The Postal Service shall prescribe such regulations as may be appropriate to carry out the provisions of this section.".

Sec. 2. The table of sections of chapter 30 of title 39, United States Code, is amended by adding at the end thereof the following: "3012. Mailing of drugs for analysis.".

Sec. 3. Section 308(a) of the Controlled Substances Act (21 U.S.C. 828(a)) is amended by adding immediately before the period at the end thereof the following: "or except under section 3012 of title 39".

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DULSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I sponsored H.R. 12383 in order to remove one more obstacle in our constant fight against drug abuse. This legislation will open us one more avenue of communication—the U.S. mails—between concerned parents and local social and law enforcement agencies engaged in drug abuse prevention.

H.R. 12383 specifically authorizes a sample of any substance, not exceeding 1 ounce in weight, suspected of being a drug, to be mailed by any parent to an employee of the Federal Government or a State or local government engaged in drug abuse prevention, in order to ascertain whether the substance is in fact a drug.

The legislation provides that the substance may be mailed in an envelope containing a self-selected code number to insure that the sender will retain complete anonymity, and will permit the sender to inquire at a later date by telephone as to whether the substance which he mailed is in fact a drug. If the substance is a drug, he will be advised of the generic name of the drug and the names and addresses of local social and law enforcement agencies which are capable and willing to assist the person who forwarded the drug sample.

Mr. Speaker, there is no additional cost involved in this legislation and I am convinced that it will add one more tool to be used in the fight against drug abuse.

Many parents are finding substances in their homes or in the personal possessions of their children which they suspect may be dangerous drugs or narcotics. It is important at this stage that the parent learn just what the substance is, whether it is in fact dangerous or not, so that a meaningful confrontation and decision can be made.

Many parents are reluctant or afraid to go to the logical source, a local law enforcement agency, for an analysis of the substance. Moreover, most parents are convinced that there is no logical way to mail a suspected substance to the local officials and obtain a report of the analysis without subjecting their child to arrest.

We were told by representatives of the Postal Service that at the present time there is no provision of law which, of its own force, prohibits the mailing of drugs. The comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 843(b)) prohibits the use of any communication facility, including the U.S. mails, to commit or facilitate the commission of an act constituting a felony under the 1970 act. One such felony is the knowing or intentional unauthorized distribution of certain drugs.

Also, section 1718 of title 18, United States Code, prohibits the mailing of poisons and materials which may kill or injure another, and authorizes the Postmaster General to limit the transmission of poisonous drugs and medicines.

In view of the fact that the statutes declaring drugs nonmailable require an element of knowledge to involve the criminal sanctions, the Postal Service takes the position that regulations could be issued under existing law to permit the mailing to law enforcement agencies for analysis of a substance which is merely suspected of being a drug.

While conceivably the Postal Service could correct the difficulty under existing law, nevertheless, such action has not been taken and this legislation will make it abundantly clear that the suspected substance may be sent through the mails for the purpose of obtaining an analysis.

Mr. Speaker, for quite some time I have been concerned, both as a parent and as a Member of Congress, with the alarming increase in the use of drugs by our teenagers.

Unfortunately, most parents do not know where to turn when they first learn that a drug problem may exist within their own homes. Most of us have an inherent hesitancy to consult the logical authoritative source—the local social and law enforcement agencies engaged in drug abuse prevention.

There is no question in my mind that the social and law enforcement agencies are willing and eager to help parents seeking to intercept the path to drug addiction among minors.

I discussed this drug problem late last year with the local law enforcement people in my district. One in particular, Michael A. Amico, sheriff of Erie County, who has had over 15 years service of law enforcement in fighting drug abuse, was especially helpful.

During hearings held by my Subcommittee on Investigations in Buffalo, N.Y., Sheriff Amico testified that there are two major avenues that we can and must take. The first is the unrelenting enforcement of drug abuse laws. The second is the dissemination of information and the opening of the lines of communication between parents, abusers and potential abusers, and our law enforcement agencies.

Mr. Speaker, it is this goal of opening lines of communication that this legislation will facilitate. What in effect will mailing accomplish?

We are looking for cooperation from parents. We are trying to overcome the implied threat of arrest or exposure should parents bring suspected illegal drugs to a police station. Sheriff Amico stated that in spite of repeated assurances to parents in his area that they have no fear of arrest to themselves or their children if they bring substances in for analysis and verification, most parents still have the fear of arrest and refuse to confide in the police.

This legislation will effectively remove any apprehension by the parent in at least taking that first step, that very important step, which is the identification of the unknown substance which is suspected of being a drug.

I would like to reecho Sheriff Amico's statement that there is absolutely no basis for anyone to fear arrest in connection with the procedure that would be established under this legislation. First of all, the sender would have complete anonymity. There is no possible way of the local law enforcement officials ascertaining the identity of the inquirer unless the inquirer chooses to identify himself. Second, as pointed out by the Postal Service officials during the testimony on the bill, the criminal laws involved require an element of knowledge in order to invoke the criminal sanctions. It seems clear under these conditions that an individual could not be successfully prosecuted for mailing to law enforcement agencies for analysis a substance which he merely suspected of being a drug.

Mr. Speaker, I urge the favorable vote today on H.R. 12383.

The SPEAKER. The Chair recognizes the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, the distinguished chairman of the House Committee on Post Office and Civil Service, the gentleman from New York (Mr. Dulski) has adequately explained the bill.

I support the legislation and urge its adoption.

Mr. ROUSSELOT. Mr. Speaker, will

the gentleman from New York (Mr. Dulski) yield?

Mr. DULSKI. I yield to the gentleman from California, a member of our committee.

Mr. ROUSSELOT. Mr. Speaker, I sat in on many of these hearings. I know the gentleman from New York, the chairman of our committee, has been very much interested in trying to provide this additional vehicle to allow parents and others to have a way to determine whether harmful drug substances are, in fact, being used.

Is the gentleman from New York satisfied that the bill, as it is now before the House, has included the preventative measures that were indicated as needed by the sheriff of Los Angeles County and the chief of police of the city of Los Angeles and others who wanted to be sure that this system which is being established in this legislation does not provide a method for major drug pushers to misuse this system?

Mr. DULSKI. In my opinion the reported bill does provide those safeguards. I think we have put all the safeguards into the bill.

Mr. ROUSSELOT. Could the gentleman explain how the original legislation was altered to prevent the kind of problems that were suggested by the chief of police of Los Angeles and also the sheriff?

Mr. DULSKI. As the gentleman recalls, the introduced bill contained no limitation on the quantity of the substance to be mailed. The reported bill permits only the mailing of a sample not to exceed 1 ounce.

On page 3, line 4: of the reported bill the language is as follows:

> "Notwithstanding any other provision of this title and notwithstanding any other provision of law, a sample of any substance not to exceed one ounce in weight suspected of being a drug may be mailed by any parent,"

I think this language takes into account fully what the gentleman has spoken about.

Mr. ROUSSELOT. I thank the gentleman for his explanation.

Is the gentleman also convinced now that the legislation has so been tightened that the various research facilities that would be used to examine these substances that are mailed in to law enforcement facilities will not be used as misused as a "free service" for individual drug pushers who are trying to convince so-called clients that they have the best dope substance in town, so to speak? Is the gentleman convinced?

Mr. DULSKI. Very definitely. I think by the provisions we put in the reported bill overcomes this possibility. Only the generic name of the drug will be revealed. Subsection (b) of the new section reads as follows:

> (b) An envelope in which a substance is mailed under this section may contain a self-selected code number to insure that the sender will retain complete anonymity and will permit the sender to inquire by telephone of the person to whom it was mailed whether the substance which he mailed is in fact a drug, and if so, the generic name of the drug and the names and addresses of local social and law enforcement agencies which are capable and willing to assist the person who forwarded the drug sample.

I think that puts another protection in the bill.

Mr. ROUSSELOT. In other words, it would be highly unlikely and impossible then for a drug pusher to try to encourage his clientele to use this system incorrectly to convince his users that he has a higher degree of narcotics to sell and that he can test it for himself. Is that correct?

Mr. DULSKI. I am fully aware of the fact and I am satisfied with the language in the bill.

Mr. ROUSSELOT. I thank the gentleman.

Mr. DERWINSKI. Mr. Speaker, I rise in support of H.R. 12383, a bill to allow a person to mail, in complete anonymity, a substance suspected of being a drug to Government officials for analysis purposes.

In the recent past, drugs have become a common household word. No matter where we live, large or small community, no matter our social standing, no matter if we are affluent or poor, no matter if we are educated or not educated, drugs have managed to infiltrate every rank. Drugs just do not discriminate.

There are massive efforts now on every level of government to attack this critical problem, and that is good. What this legislation purports to do is to give parents and concerned people an additional tool to prevent and stop drug addiction before it is too late.

In many communities throughout the United States, drug analysis programs are in effect, and are effective. For these communities, H.R. 12383 will supplement their programs.

Hopefully, this bill will reach out to those parents and children who are suspicious of law enforcement officials, for whatever reason, and give them an opportunity to anonymously mail suspected substances to Government officials for analysis. It is not important why these people have not or will not avail themselves of the present means to have a suspected substance analyzed. What is important is what we, the Congress, afford the communities and, of course, parents and children, another means to help themselves fight a destructive foe, which has claimed too many lives already.

Mr. Speaker, this is good legislation. It will, I believe, be used and will be of help to many people.

Mr. NIX. Mr. Speaker, H.R. 12383 with amendments was reported unanimously in my Subcommittee on Postal Facilities and Mail and in the full Post Office and Civil Service Committee by Members of both parties.

Extensive hearings on this bill demonstrated that the bill is necessary because it will clarify the law, in that it will positively provide an exemption in title 39 of the United States Code for the mailing of samples of narcotics for testing by Government agencies.

The purpose of such testing in many voluntary local government programs is to ascertain whether or not a substance is a dangerous drug and what its type is, while providing anonymity to the sender. This is done by identifying a specific sample by number. An anonymous telephone inquiry is sufficient to obtain the results. While this program has been of great aid to parents and others, it cannot develop fully until a means is found for the mailing of such samples, since the personal delivery of such samples breaks down the anonymity of persons participating.

It is true that prosecution under Federal legislation has to be based on the intent to commit a felony, and that prosecutions for the mailing of samples would probably never be brought. It is also true that this interpretation is based on an inference. Therefore, it is important to state positively in the law that the mailing of samples of suspected narcotics to Government agencies for testing is within the law and not a violation of the postal statutes.

We seek to make the unclear, clear. We believe that this legislation should be enacted because voluntary testing programs depend on public trust. This bill will aid that trust and protect the anonymity of those participating.

On behalf of the membership of my subcommittee, I urge the House to enact this legislation introduced by our great chairman, the Honorable Thaddeus J. Dulski. I congratulate him on the authorship of this legislation.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. Dulski) that the House suspend the rules and pass the bill H.R. 12383, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

GENERAL LEAVE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the bill, H.R. 12383.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONCERNING THE WAR POWERS OF CONGRESS AND THE PRESIDENT

Mr. ZABLOCKI. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2956) to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress, as amended.

The Clerk read as follows:

S. 2956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress reaffirms its powers under the Constitution to declare war. The Congress recognizes that the President in certain extraordinary and emergency circumstances has the authority to defend the United States and its citizens without specific prior authorization by the Congress.

Sec. 2. It is the sense of Congress that the President should seek appropriate consultation with the Congress before involving the Armed Forces of the United States in armed conflict, and should continue such consultation periodically during such armed conflict.

Sec. 3. In any case in which the President without specific prior authorization by the Congress—

SEC. 4. Nothing in this Act is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties.

(1) commits United States military forces to armed conflict;

(2) commits military forces equipped for combat to the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to supply, repair, or training of United States forces, or for humanitarian or other peaceful purposes; or

(3) substantially enlarges military forces already located in a foreign nation;

the President shall submit promptly to the Speaker of the House of Representatives and to the President of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating his action;

(B) the constitutional, legislative, and treaty provisions under the authority of which he took such action, together with his reasons for not seeking specific prior congressional authorization;

(C) the estimated scope of activities; and

(D) such other information as the President may deem useful to the Congress in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

The SPEAKER. Is a second demanded?

Mr. FINDLEY. Mr. Speaker, I demanded a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2956 as amended is identical to legislation on war powers—House Joint Resolution 1—which was passed under suspension of the rules by the House without recorded dissent on August 2, 1971. Similar legislation was passed by the House in the 91st Congress.

It is being brought before the House again today in order to permit the House to go to conference with the Senate on war powers legislation.

It should be noted that the parliamentary difficulties which require repassage of legislation which the House approved more than 1 year ago originated in the other body.

The Senate failed to act on the House-passed war powers measure which was before it and, instead, passed out its own bill. Subsequently it was unable to get the unanimous consent necessary to substitute the House resolution number for its own.

Thus, an impasse was created in which both bodies had approved war powers legislation but had no way of getting them to conference unless one house repassed its proposal as an amendment to the other's legislation.

Since the problems originated in the other body, we waited for its Members to iron them out. It is now clear, however, that the Senate will not be able to act and that if there is to be any chance for war powers legislation this session, the House must take the initiative.

For that reason, the Committee on Foreign Affairs called up the Senate-passed war powers measure, S. 2956, and amended it by striking out the entire text of that bill and inserting the text of House Joint Resolution 1.

When the House today passes S. 2956 as amended, it will in effect be insuring that the legislation it approved last August as House Joint Resolution 1 will go to conference with the Senate-passed war powers proposal.

Thus, the action which the House is being asked to take today is in the nature of a technical procedure rather that a vote on the substantive issues involved.

I believe that this body has made its position clear by its two previous votes overwhelmingly in favor of the concept now embodied in S. 2956 as amended.

I also believe that the members of this body want effective, responsible, constitutional war powers legislation to be part of the record of this 92d Congress.

Such legislation may be possible if the House and Senate proposals are permitted to go to conference.

There has been some question as to whether the two proposals can be reconciled. If I did not believe that they can be reconciled, I would not be seeking a House-Senate Conference.

The approach taken by the Senate toward this issue has been considerably different than that of the House, and I have repeatedly expressed my misgivings about the Senate measure—both on constitutional and practical grounds.

Despite differences, there is room for compromise between the House and Senate versions of war powers legislation. A conference bill is possible which will be acceptable to both houses of Congress.

Moreover, I believe a compromise is possible which will be acceptable to the President so that he would be willing to sign the legislation into law—or at least permit it to become law by withholding his veto.

Perhaps such an outcome is too optimistic, but we shall never know unless an attempt is made to reconcile the House and Senate proposals in a conference.

Because the text of this bill has twice before been approved by large majorities under suspension of the rules, I have not dwelled on the provisions of the legislation. The committee report contains a section-by-section analysis of the measure which should answer questions about the scope of the bill.

In the interests of conserving time, I shall conclude by urging that the Members of this body suspend the rules of the House and approve this bill.

GENERAL LEAVE TO EXTEND

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this resolution.

Mr. FINDLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is very true that the Senate bill on war powers goes well beyond the House measure, but it is also true that some provisions of the Senate bill are very similar to those encompassed by the House bill. I certainly concur with the gentleman from Wisconsin that there is a broad area of agreement here which should make possible agreement in conference.

I am very distressed that the conference has not occurred as yet, but I think we all can be grateful to the gentleman from Wisconsin (Mr. ZABLOCKI) for persevering in the legislative underbrush trying to get this bill to conference.

It represents a very important initiative which if enacted by Congress and signed into law would be the first time in the history of the Republic that a formal relationship has existed between the executive branch and the Congress in this vital area of war powers.

The gentleman from Florida (Mr. FASCELL) and the gentleman from Wisconsin (Mr. ZABLOCKI) have both labored long and hard on this measure. I hope their efforts will come to fruition.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Wisconsin (Mr. ZABLOCKI) and the gentleman from Illinois (Mr. FINDLEY) who have worked very diligently to bring this legislation to the floor. I think we must make the effort to seek a compromise and I support S. 2956, as amended to include the language of House Joint Resolution 1, which I originally cosponsored and which passed the House of Representatives in August of 1971.

In my judgment it is vitally important that final action be taken during this Congress on legislation designed to reaffirm the constitutional authority of Congress to declare war. House approval of Senate-passed S. 2956, as reported by the Foreign Affairs Committee, will allow the issue to be considered in conference, and put us one step closer to final positive action this year.

There is no issue of greater importance and significance than the power to declare war, to commit U.S. troops to combat, to maintain our Nation's security, and to work for world peace.

Our experience in the last several years in Southeast Asia, and particularly in the Cambodian incursion, has clearly pointed to the need for a reappraisal of the war powers of Congress and the Executive. The Congress must take steps to establish a working relationship with the Executive to insure:

That American soldiers will never die unless it is absolutely necessary;

That this Nation will never again go to war bit by bit with a minimum of consideration; and

That if we must ever go to war again, it will be only with the deep and widespread understanding and support of the American people.

I strongly urge the House to approve the pending bill so that consideration of this vital issue may proceed.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Speaker, I thank the gentleman for yielding.

I wonder, first of all, if the gentleman from Wisconsin could comment on the significance of the wording of the first paragraph of the bill, which is the same as it was in House Joint Resolution 1 but which has been questioned by some as possibly committing the Congress to the proposition that the President has authority to carry on the present hostilities in Indochina.

Mr. ZABLOCKI. Under the Constitution the President has the inherent powers of safeguarding our Nation. The Congress in this resolution recognizes these powers. We state that under certain extraordinary and emergency circumstances the President has the authority to defend the United States and its citizens without specific authorization by the Congress. But there are other instances where the President may decide to commit our troops. Then, under this legislation, he should consult with the Congress. And after he does commit the troops he must explain the reasons why and report the extent to which the troops are being committed in a foreign land.

Mr. BINGHAM. Would it be correct to say that this language is not intended to approve or disapprove any particular use of force that may be used by the President?

Mr. ZABLOCKI. That is very true.

Mr. BINGHAM. I thank the gentleman.

Mr. Speaker, I might point out that the title of this bill does differ from the title of House Joint Resolution 1. The title of this bill reads:

> To make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

Does the gentleman feel that the bill as reported by the House Foreign Affairs Committee does in fact make rules governing the use of the Armed Forces?

Mr. ZABLOCKI. As the gentleman well knows, in the committee the House Foreign Affairs Committee not only struck everything after the enacting clause but also amended the title, so that the title of the Senate version is stricken. On page 11 of the bill, if the gentleman will refer to it, it says we amend the title so as to read:

> An act concerning the war powers of the Congress and the President.

So the title is amended by our action.

Mr. BINGHAM. I thank the gentleman.

If I might make one final comment, as the gentleman knows, I believe Congress should go further than this bill does in terms of possible congressional restraint on the President's war powers and I hope that the conference in considering the two measures will consider the proposals I have submitted to the Foreign Affairs Committee and to the House providing for a very simple procedure for action by either House in disapproving the use of Armed Forces overseas by the President. I think it would be within the power of the conference committee to agree on that procedure, and I hope some compromise will be reached that would go beyond the simple reporting requirements of this measure.

Mr. ZABLOCKI. I am confident that the conferees will give full consideration to all proposals. I am not in a position to say now what the conference will finally agree upon.

Mr. BINGHAM. I understand. I thank the gentleman.

Mr. DOW. Mr. Speaker, I highly regret that we are considering this very grave legislation about the war powers of the President on a suspension of the rules, which is a fast process to dispose of less consequential business. On the contrary, Mr. Speaker, the war powers of the President are a prime concern of the Nation and of the Congress, and should entail the most exhaustive examination and debate.

The bill S. 2956, which is brought before us for passage today, is a very lame and feeble proposal. It is a nail in the coffin of congressional strength, and a device for elevating the power of the Executive.

The original S. 2956, as offered in the other body, contemplates that actions by the President of a military type would be initiated "only—to repel an armed attack upon the United States" or "to repel an armed attack of the Armed Forces of the United States located outside of the United States", or "to protect while evacuating citizens and nationals of the United States—threat to the lives of such citizens and nationals." On the other hand, the present House version of S. 2956 that confronts us today, does not involve the granting of war powers to the President in such defensive conditions. Instead it relates to the prerogatives of Congress in cases that are not defensive, but which commit U.S. military forces to "armed conflict" and to military activity in a "foreign nation." In other words, this House version of the legislation openly contemplates U.S. overseas involvement where the United States could be just as easily regarded as an aggressor, as not.

Moreover, the present House version of S. 2956 establishes no date or time limit, as the original version of the other body did, when the President is obliged to report to the Congress about the military actions that he has directed the Armed Forces to perform. This present House version of the legislation would be another abdication of the Congress from its constitutional assignment as a coordinating branch of the Government, an abdication wrapped in words that lend the appearance of congressional power, but let go the substance of that power.

After this legislation, I mean to suggest that all naval ships of the United States be designated no longer by the prefix "USS", but by the prefix "POS" meaning "President's Own Ship," to signify that our military services are no longer democratically controlled, but are now, as in European days of yore, the personal instrumentalities of the monarch.

The legislation, Mr. Speaker, is just another example of the rapid process of erosion of congressional power that is evermore rapidly degrading this legislative body.

We saw it happen last week on the Foreign Air bill when this House refused to set a date for the war in Vietnam. I deplore that action, in part because the date was not set, but also because the Congress, by striking out section 13 of the aid bill, refused to take any cognizance of the war in Vietnam. That war, as you know, is the chief issue of major distress and concern in our country today. In our precipitate collaboration with the Executive in the transfer of the major constitutional powers to the Executive, this body washed its hands of the people's principal trial. Now, by passing the bill S. 2956, we are washing our hands again of the devices of our art that the Founding Fathers trustfully laid in our hands nearly 200 years ago.

Mr. DENNIS. Mr. Speaker, Senate bill 2956, which is on the calendar under suspension of the rules today, is, or rather was, in its original form, the bill introduced in the Senate by Senator JAVITS of New York. It seeks to specify and to clearly restrict the situations in which the President of the United States can employ American Armed Forces in combat situations without prior specific consent of the Congress, and then require that any such employment, even in these limited cases, shall end within 30 days unless Congress specifically authorizes its continuance.

I could not support legislation of that character. I believe in the President consulting Congress before commencing hostilities, whenever it is at all possible, and I approve of his making a prompt report to the Congress of any action taken. It is possible that even a measure somewhat broader than this may be feasible if very carefully considered. It is impossible, however, to foresee all circumstances and I could not agree to any ironclad and inimitable 30-day provision binding on the President of the United States, even in cases of emergency or possible attack on this Nation, where perhaps some future Congress might, for some reason now unforeseen, fail or refuse to act.

This issue does not arise today because S. 2956 in its original form is not before us. The Committee on Foreign Affairs has stricken the text of the Senate bill and has substituted the very different and far less radical text of the House bill, House Joint Resolution 1, which we passed earlier, on August 2, 1971. The idea, as I understand it, is to attempt to bring the Senate to conference.

When House Joint Resolution 1 was before the House on August 2, I had a colloquy with the gentleman from Illinois (Mr. FINDLEY) and the gentleman from Wisconsin (Mr. ZABLOCKI) in which we established that House Joint Resolution 1, the provisions of which are now inserted under S. 2956, would not in any way restrict or limit the constitutional power or the historic practice of the Chief Executive in the field of exercising of war powers, and further, that the requirements of House Joint Resolution 1, respecting reporting by the President to the Congress, could be satisfied in a variety of formal or informal ways. These understandings, of course, still operate and this legislative history still applies to the present identical text which has now been inserted in S. 2956, and it is for this reason that I make no objection to the consideration of the present measure today under suspension of the rules—a procedure which would be unthinkable if we were considering the Javits bill or any comparable legislation.

Mr. CHAPPELL. Mr. Speaker, I rise in support of S. 2956, a measure intended to help reclaim for the Congress its constitutional power to wage war. In May, 1971, I introduced legislation of like intent which drew the cosponsorship of 56 of my colleagues. While the bill I introduced was, in my opinion a much stronger approach, I shall nevertheless support this bill which makes some reclamation.

This bill does not chart a course for our involvement in Vietnam but rather to sound a charge for unity in a nation divided. Certainly the need for American solidarity was never greater than it is today. Our Nation totters on the brink of despair in its efforts to understand America's involvement on another soil 10,000 miles away in a war we have never chosen to win.

Our youth are frustrated from battle stagnation and some have even turned to the fantasy of drugs. Thousands of mothers have cried in despair at the burial of their sons, lost to battles they were not permitted to win.

Letters have poured into my office revealing the anguished scars this war is leaving on our people. Too many young people regard our democratic process with skepticism and our military system has suffered tremendously in both prestige and morale. Our people ache to see this matter settled. Too many of our comrades live among us as maimed and disfigured reminders of the horrible sacrifices of war.

I feel most profoundly that if Congress had either declared or refused to allow our involvement in Vietnam at its outset, a clear cut attitude would have been established and the national hurt of our people avoided.

I deeply believe that the Constitution is a living document. The Congress of the United States must activate its rerepsonsibilities under article I, section 2 which states that the Congress shall have the power to declare war, and to make all laws necessary and proper for executing those powers.

This resolution on which we vote today in no way alters the President's power to initially engage our forces and repel a sudden attack or to protect American lives and property. It does require the President to notify the Congress promptly of his actions and his reasons for committing troops.

The framers of the Constitution realized that the President, under certain circumstances, might have to take defensive action to repel and subdue a sudden attack on this great Nation. But that was the extent of the war making power they were willing for the President to exercise.

This was made quite clear in a letter from Thomas Jefferson to James Madison in 1789 in which Jefferson wrote:

> We have already given in example one effectual check to the dog of war by transferring the power of letting him loose from the executive to the legislative body, from those who are to spend to those who are to pay.

The United States is the leader of the free world today. But this is not so because our citizens are anxious that we take the lead in military battles. The mantle of leadership has been placed upon our shoulders—not by any nation—but by destiny and circumstance—by the sheer fact of our physical and economic strength, and by our role as the only real counter to the forces of Communism in the world today. If events in Indochina have taught us to better fuffill that role, then it is not a wholly dark story. While this resolution in no way affects our present involvement, the mistakes of the past must be heeded and prevented in the future.

Will we take a good step today for unity tomorrow? We must do no less.

Mr. Speaker, we in the Congress have the power to assure the American people that never again will we allow a situation like Vietnam to occur. We can begin to unify this Nation for the future by the adoption of this resolution, thereby assuring our people that we will totally uphold the Constitution. Let us play the part our forefathers intended in the exercise of the war making power.

Mr. SISK. Mr. Speaker, I support Senate bill S. 2956 which is before us here today and urge its passage.

This bill introduced by Senator JAVITS of New York is similar to one I introduced in May 1971.

My bill was incorporated into a joint resolution which I supported on the floor a year ago last August when it passed by a voice vote.

I said then that the resolution was not as strong a statement of congressional intent to clarify presidential war powers as I would have liked. I had the same reservation when I supported a similar resolution in the last session of Congress.

However, in both cases I felt I should support the Committee on Foreign Affairs which had considered my bill, several others of similar nature, conducted hearings and then reported out a clean bill to the House. The committee, I felt, had access to a great deal more information, the testimony of witnesses expert in international affairs, than I and I was happy to go along.

I review these steps only to point up the fact that now we have the opportunity to act on a measure, which to my mind, accomplishes what we who introduced bills last year, set out to accomplish.

That objective is clearly stated in this bill where it says:

> The purpose of this act is to fulfill the intent of the framers of the Constitution of the United States and to insure that the collective judgment of both the Congress and the President will apply to the initiation of hostilities involving the Armed Forces of the United States and the continuation of such hostilities.

We do not intend, Mr. Speaker, to encroach on the recognized powers of the President, our Commander in Chief, to conduct hostilities authorized by Congress. That is not our purpose. We do intend to bring Congress back into the constitutional framework as a fully participating partner in the decision to make war.

The Vietnam war has shown us that the country can become involved in hostilities, and that involvement deepened, as Laos and Cambodia demonstrate, without Congress being adequately prepared and informed in advance to make a wise decision on the involvement. Congress has been coerced into acting on the brink of military defeat, to save allies, when advance information could have accomplished the same end.

Tonkin Gulf, Laos, and Cambodia have amply demonstrated the error in expanding hostilities without consultation with Congress and without submitting the case to the people of the United States. Without popular approval of the electorate, hostilities cannot long endure. The result of Vietnam, so far, has been a great division in our society.

This, above all, we must avoid, if we must go to war.

The executive branch bears a terrible burden for failure to communicate with Congress, and through Congress, the people of the country. This failure to communicate has produced the polarization we find today in our society. The price we are paying is high and we have the right to ask if, in view of the alternatives, the price is not too high.

This bill does not tie the President's hands in the case of an attack, such as at Pearl Harbor, where he must respond immediately. And it would not tie his hands in the event of a nuclear attack on the United States or any of its territories or possessions. What it might avoid in the future is the escalation of small unit actions, piecemeal, bit by bit, into war.

The Javits bill would allow the President to open hostilities where there was an attack on the United States, or threat of an attack, allow retaliatory action, and allow action to forestall the threat of an attack. It would allow the Commander in Chief to repel an attack against the Armed Forces outside the United States, on territories and possessions, or to forestall the threat of such an attack. It would allow him to use whatever force necessary to protect U.S. citizens being evacuated from foreign countries, and allow the use of the Armed Forces in fulfilling treaty obligations where the treaty called for armed action.

The bill also requires the President to report to Congress within 30 days of actions described in the act in writing as to the reasons for his actions, and provides that continuation of hostilities longer than 30 days after their initiation must be approved by specific congressional legislation.

I do not believe this bill would, if enacted, reduce the President's flexibility to act where he must respond immediately.

I hope, Mr. Speaker, this bill will improve communications between the executive branch and Congress. After all, it is only with full cooperation between the branches our Government can function. If the bill has improved the dialog, I think we have taken a step toward resolving our internal problems.

Thank you, Mr. Speaker.

Mr. MATSUNAGA. Mr. Speaker, I am pleased to support the passage of this amended version of S. 2956, which is identical to war powers legislation that passed the House more than a year ago. I trust that this will break the procedural logjam and enable Congress to approve a meaningful measure on this, the most important issue faced by any nation the fateful issue of peace or war.

Regardless of differences in individual feelings about our present involvement in Indochina, we all recognize I am sure, that the war in Vietnam has torn this Nation apart. Certainly, one of the major underlying causes for this divisiveness is the lack of a clear commitment of our national will by the group closest to the people—the Congress of the United States.

If we have learned but one lesson from the tragedy in Vietnam, I believe it is that we need definite, unmistakable procedures to prevent future undeclared wars. "No more Vietnams" should be our objective in setting up such procedures. The time for Congress to take this action and to reassert its constitutional role is long overdue.

Time after time in the past 11 years, Presidents have mounted major military interventions without prior consultation with the Congress: The Bay of Pigs, the intervention in the Dominican Republic, the bombing of North Vietnam, the incursion into Cambodia and Laos are among the examples.

Whatever our individual beliefs may be relative to the merits of these unilateral actions by the Executive, we can agree that Congress should have had a significant role in the decision to mount each of these actions.

What was it that the framers of our Constitution had in mind when they gave exclusively to Congress the power to declare war? To declare war is to decide on war, to declare it as a national policy. It was intended that after the Congress had decided to depart from the normal state of affairs and declare war, and only after such declaration, the President, as Commander in Chief, was to exercise the power to conduct or direct the war.

One of the strongest advocates of Executive power, Alexander Hamilton, writing in Federalist No. 69, said that the President's authority as Commander in Chief "would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the confederacy."

Distinguished historians have already assembled evidence on this matter which points inescapably to the conclusion that the Constitution envisions the Congress as the sole and exclusive repository of the power both to declare war and to judge its propriety.

But now we are told that such a view of the warmaking powers of Congress is hopelessly archaic. We are told that we live in a world of instantaneous communication, where momentous decisions need to be made in less time than it takes to complete a quorum call. Perhaps so. But there are two compelling responses to that argument:

First, there is little precedent for such a view historically. I invite the Executive or its supporters to produce one example where the use of the warmaking powers by the President, without authority of Congress, was required by the nature of the emergency faced by the Nation. As sudden and unexpected as the attack on Pearl Harbor was, we went to war only after its declaration by Congress.

Second, if we are speaking of an unprecedented, unspeakable surprise attack, one which the President could not reasonably have anticipated, legislation can cover such a contingency quite adequately. Under the provisions of S. 2956 as passed by the Senate, in a dire emergency, the President need not come to Congress for authority to repel an attack or to save American lives abroad; he can act, and then forthwith request the needed authority from Congress. His hands are not tied at the crucial moment. But he must convince the Congress, within a few days after he acts, of the rightfulness of his unilateral action. I submit that that is not an unreasonable duty to impose.

Mr. Justice Jackson once wrote words that are timely and relevant to the issue we are discussing today. He wrote:

> We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers.

And that, Mr. Speaker, is the very essence of the war powers debate. I urge the House to approve the pending bill today, and bring Congress a step closer to reasserting its rightful constitutional powers and responsibilities in this awesome area.

Mr. ANDERSON of Illinois. Mr. Speaker, one of the most important issues to confront this Congress in recent years is the issue of war powers—that is, the rightful and proper roles of the legislative and executive branches in matters of war and peace. The importance of this issue is a natural outgrowth of our Vietnam experience and the prevailing sentiment that the Congress did not assert its constitutional prerogatives in reviewing and acting on our growing troop commitment to Vietnam. I have recently expressed my great regret for ever having voted for the Gulf of Tonkin resolution which was used by the Executive as a blank check of unilaterally exercising enormous authority with respect to our Vietnam commitment.

Despite the importance of this issue, last August 2, the House took up its war powers bill, House Joint Resolution 1, under a suspension of the rules which only allows for 40 minutes of debate, with no amendments. At that time I stated the belief that it was most unfortunate that the House was considering such significant legislation under such limiting conditions and procedures. The other body subsequently reported House Joint Resolution 1 adversely, and instead, after considerable debate, passed a more far-reaching war powers bill in April of this year, S. 2956.

Today, the House is once again being asked to skirt the issue by another end run under suspension of the rules. We are being asked to send our originally passed war powers bill to conference—again without full opportunity for debate or amendment. I cannot overemphasize my disappointment and disagreement with dealing with an issue of this magnitude in this fashion. In light of the action taken by the other body and the wide disparity between the provisions of these two bills, it seems to me that the sensible and responsible course would have been to bring this bill through the Rules Committee in order to provide for sufficient time to debate the issue and adequate opportunity to amend it.

But because of the lateness of the session and the uncertainty that the Foreign Affairs Committee would act promptly to bring this back to the floor under normal conditions, I will reluctantly vote for this bill with the hope that it will be strengthened in conference. I do want to make it clear that my vote today, as with my vote last August, is in no way an indication of my full endorsement of this bill as opposed to the bill passed by the other body. I think the latter bill has much to commend it and I hope the conference report will reflect this.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI) that the House suspend the rules and pass the bill S. 2956, as amended.

The question was taken.

Mr. CHARLES H. WILSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 345, nays 13, not voting 74, as follows:

[Roll No. 319]

YEAS—345

Abbitt
Abernethy
Abourezk
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Baring
Barrett
Begich
Belcher
Bell
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conyers
Corman
Coughlin
Culver
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Denholm
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Kee
Kemp
King
Kluczynski
Kyl

Kyros
Landgrebe
Latta
Link
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
Macdonald, Mass.
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Minish
Mink
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morgan
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Randall
Rangel
Rees
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Waggonner
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—13

Badillo
Bennett
Burton
Dow
Eckhardt
Evins, Tenn.
Green, Pa.
Hechler, W. Va.
Kastenmeier
Koch
Moss
Reuss
Scheuer

NOT VOTING—74

Abzug
Alexander
Ashbrook
Baker
Betts
Blackburn
Blanton
Brown, Mich.
Carter
Chisholm
Clancy
Conte
Cotter
Crane
Daniels, N.J.
Davis, Wis.
Dellenback
Dellums
Dennis
Diggs
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Fish
Frelinghuysen
Frey
Gallagher
Giaimo
Goldwater
Hagan
Halpern
Hébert
Keith
Kuykendall
Landrum
Leggett
Lennon
Lent
Lloyd
Long, La.
McCormack
McDonald, Mich.
McKinney
McMillan
Madden
Metcalfe
Michel
Mills, Md.
Minshall
Mollohan
Murphy, N.Y.
Passman
Pelly
Pepper
Price, Tex.
Quillen
Railsback
Rarick
Reid
Rhodes
Rooney, N.Y.
Ruppe
Ryan
Schmitz
Slack
Smith, Calif.
Thompson, N.J.
Veysey
Vigorito
Waldie
Wiggins
Wright
Wylie

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rhodes.

Mr. Rooney of New York with Mr. Railsback.

Mr. Daniels of New Jersey with Mr. Conte.

Mr. Giamo with Mr. Dellenback.

Mr. Reid with Mr. Fish.

Mr. Ryan with Mr. Brown of Michigan.

Mr. Murphy of New York with Mr. Lent.

Mr. Madden with Mr. McDonald of Michigan.

Mr. Thompson of New Jersey with Mr. Frelinghuysen.

Mr. Waldie with Mr. Goldwater.

Mr. Lennon with Mr. Ashbrook.

Mr. Blanton with Mr. Baker.

Mr. Vigorito with Mr. Halpern.

Mr. Wright with Mr. Betts.

Mr. Slack with Mr. Davis of Wisconsin.

Mrs. Abzug with Mr. Dellums.

Mr. Cotter with Mr. Kuykendall.

Mr. Landrum with Mr. Blackburn.

Mr. Alexander with Mr. Frey.

Mr. Mollohan with Mrs. Chisholm.

Mr. Diggs with Mr. Pepper.

Mr. Metcalfe with Mr. McCormick.

Mr. Leggett with Mr. McKinney.

Mr. Hagan with Mr. Carter.

Mr. Passman with Mr. Edwards of Alabama.

Mr. Rarick with Mr. Keith.

Mr. McMillan with Mr. Dennis.

Mr. Edmondson with Mr. Clancy.

Mr. Gallagher with Mrs. Dwyer.

Mr. Long of Louisiana with Mr. Crane.

Mr. Price of Texas with Mr. Lloyd.

Mr. Quillen with Mr. Michel.

Mr. Ruppe with Mr. Mills of Maryland.

Mr. Smith of California with Mr. Minshall.

Mr. Dowdy with Mr. Schmitz.

Mr. Wiggins with Mr. Wylie.

Messrs. KOCH, HECHLER, of West Virginia, and SCHEUER changed their votes from "yea" to "nay."

Mr. RONCALIO changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The title was amended so as to read: "An act concerning the war powers of the Congress and the President."

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and concurrent resolutions of the House of the following titles:

H.R. 2131. An act for the relief of the Howrey Lumber Co.;

H. Con. Res. 560. Concurrent resolution providing for the printing of the report entitled "Housing and the Urban Environment, Report and Recommendations of Three Study Panels of the Subcommittee on Housing"; and

H. Con. Res. 605. Concurrent resolution to authorize the printing as a House document the pamphlet entitled "Our Flag", and to provide for additional copies.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill and a concurrent resolution of the House of the following titles:

H.R. 12207. An act to authorize a program for the development of tuna and other latent fisheries resources in the Central and Western Pacific Ocean; and

H. Con. Res. 550. Concurrent resolution providing for the installation of security apparatus for the protection of the Capitol complex.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13089) entitled "An act to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15417) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes."

The message also announced that the Senate agreed to the House amendments to Senate amendments numbered 19, 24, 51, 52, 54, 66, and 76 to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15586) entitled "An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15692) entitled "An act to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans."

The message also announced that the Vice President, pursuant to Public Law 77–250, appointed Mr. STENNIS as a member of the Joint Committee on Reduction of Federal Expenditures vice Mr. Ellender, deceased.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2166. An act to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes;

S. 3240. An act to amend the Transportation Act of 1940, as amended, to facilitate the payment of transportation charges;

S. 3307. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, and for other purposes; and

S. 3755. An act to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CONFERENCE REPORT ON H.R. 13089, PLANTING OF TREES ON NATIONAL FOREST LANDS

Mr. FOLEY submitted the following conference report and statement on the bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92-1334)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendments of the Senate and agree to the same.

THOMAS S. FOLEY,
BILL D. BURLISON,
JOSEPH VIGORITO,
CHAS. M. TEAGUE,
JOHN KYL,
Managers on the Part of the House.

HERMAN E. TALMADGE,
JAMES O. EASTLAND,
B. EVERETT JORDAN,
JACK MILLER,
G. D. AIKEN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

HOUSE BILL

H.R. 13089, as passed by the House on May 3, 1972, was designed to establish a "Supplemental National Forest Reforestation Fund" which earmarked a portion (approximately $65 to $75 million annually) of the funds collected on import duties collected pursuant to Section 32 of the Act of August 24, 1935.

The exact amounts reserved for accelerated reforestation programs on national forests were calculated under a formula which reflected the gross receipts from duties on various wood products.

H.R. 13089 also called for the Secretary of Agriculture to submit to Congress within one year of the date of enactment and annually thereafter a report containing several specified provisions.

SENATE AMENDMENTS

The Senate amendments deleted all references to "Section 32." Thus, the "Supplemental National Forest Reforestation Fund" would be financed by direct appropriations, not to exceed $65 million annually.

The Senate amendments did not change the annual report requirements.

CONFERENCE AGREEMENT

The House conferees receded from their disagreement to the Senate amendments.

In their deliberation of the provisions of this legislation, the conferees were never in disagreement over this bill's objective. The only disagreement was over the method of financing the accelerated reforestry effort.

The conferees have agreed to the conventional appropriations process contained in the Senate amendments with the clear understanding that this approach should first be tried for a reasonable period of time. Then, if the evidence indicates that the high priority need for an expanded reforestation effort in the national forests is not being met, the search for more direct financing methods will resume.

Finally, the conferees point out that this bill now proposes a specific legislative goal, the attainment of which is vital to the Nation and that it is imperative for this program to be fully funded in the future.

THOMAS S. FOLEY,
BILL D. BURLISON,
JOSEPH VIGORITO,
CHAS. M. TEAGUE,
JOHN KYL,
Managers on the Part of the House.

HERMAN E. TALMADGE,
JAMES O. EASTLAND,
B. EVERETT JORDAN,
JACK MILLER,
G. D. AIKEN,
Managers on the Part of the Senate.

TRANSMITTAL OF EXECUTIVE AGREEMENTS TO CONGRESS

Mr. ZABLOCKI. Mr. Speaker, I move to suspend the rules and pass the bill (S. 596) to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within 60 days after the execution thereof.

The Clerk read as follows:

S. 596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 1, United States Code, is amended by inserting after section 112a the following new section:

"§ 112b. United States international agreements; transmission to Congress

"The Secretary of State shall transmit to the Congress the text of any international agreement, other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President."

SEC. 2. The analysis of chapter 2 of title 1, United States Code, is amended by inserting immediately between items 112a and 113 the following:

"112b. United States international agreements; transmission to Congress."

The SPEAKER. Is a second demanded?

Mr. FINDLEY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill requires the Secretary of State to send to Congress the text of any international executive agreement to which the United States is a party at least 60 days after the agreement has entered into force.

Because some of those agreements may be sensitive and must be kept secret in the national interest, S. 596 provides that those agreements would be transmitted to the Committee on Foreign Relations and to the speaker for the Committee on Foreign Affairs where they would be held under an "appropriate injunction of secrecy" classification which could be removed only by the President.

The bill is not retroactive and, therefore, past international executive agreements would not have to be sent to Congress.

It would affect only future international agreements—which have averaged about 200 per year in recent times.

The problem which this bill seeks to remedy has been a perennial one. On past occasions Congress has not been notified or fully informed about international agreements entered into by the President or other officials of the executive branch.

For example, the provisions of the Yalta agreements were not made available to the Congress or the public until some years after the agreements had been concluded.

In more recent times, congressional investigations have disclosed contemporary examples of agreements which were withheld from Congress.

During testimony on this bill, Department of State witnesses admitted that Congress had not always been kept adequately informed about international executive agreements.

Initially, however, the State Department preferred informal arrangements for providing Congress with information about executive agreements, and opposed this legislation.

Following the passage of S. 596 by a vote of 81 to 0 in the Senate, however, the executive branch dropped its opposition to the measure. It now has no objection to the passage of this bill if the Congress believes this is the wisest way to proceed.

This proposal is not a new idea. Its history goes back to 1954 when a similar measure was introduced in the Senate by Senators Ferguson of Michigan and Knowland of California.

The Eisenhower administration had a hand in shaping the bill which was seen as an acceptable alternative to much more stringent measures affecting executive agreements which had been offered by Senator Bricker of Ohio.

Although the Ferguson-Knowland bill passed the Senate in 1956, the House failed to act because that legislation did not include reporting of executive agreements to the House of Representatives.

The bill before us today is essentially the same legislative proposal as that preferred by the Eisenhower administration with the letter provision included.

This bill does not impinge on the right of the President to conclude international executive agreements. It in no way limits the negotiating authority of the President.

S. 596 simply provides that if the President makes international agreements he must inform the Congress—or in the case of secret agreements, inform responsible committees of Congress.

It should be pointed out that executive agreements have the same effect as treaties in international law.

In other words, executive agreements bind the United States as a whole Nation—not just the President or administration which makes them.

Nor, under international law, is the duration of an executive agreement limited by the tenure of the President who entered into such agreements. It continues to be binding on the Nation—and the Congress as the National Legislature—after he has left office.

If such agreements are to be binding on the Nation, then Congress must know about them. To keep them entirely secret from Congress is a distortion of our constitutional system.

Yet, that is what happened in the past and may well happen in the future unless S. 596 is enacted into law.

Therefore, I urge that this body vote to suspend the rules and approve S. 596.

Mr. MONAGAN. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I am glad to yield to the gentleman.

Mr. MONAGAN. I want to say to the gentleman from Wisconsin that I support this legislation. I also compliment him for his work and that of his subcommittee in bringing it before the House for consideration.

Last week we touched upon this subject in connection with the foreign aid bill. At that time I moved to remove from the bill the projected suspension of aid to Portugal based on the condition that the agreement in that case had not been reported to the Congress.

I do want, however, to emphasize that I support this bill and support the general principle of free disclosure of executive actions. In the circumstances of last week, of course, and the question of assistance to Portugal, that transaction had already taken place and the agreement between the countries was in effect. Any revocation of it would have been ex post facto.

Mr. Speaker, I wholeheartedly support this legislation.

Mr. ZABLOCKI. I thank the gentleman for his contribution.

This is a most orderly procedure for receiving executive agreements.

Mr. FINDLEY. Mr. Speaker, in addition to the comments made by the gentleman from Wisconsin (Mr. Zablocki), with which I completely concur, I would like to add this comment: Some concern was expressed that there might be executive agreements which should not be publicly known; that there might be a period in which it would be in the national interest for a level of secrecy to be maintained. The enactment of S. 596 would not impede such a procedure. The Committee on Foreign Affairs on many occasions has received documents under the very highest classification, and these have been adequately protected; the contents have been noted by proper officers of the committee, the chairman and the ranking minority members. But nevertheless the information in all executive agreements in my view should be made available promptly to the Congress whether the contents must be under classification or not.

So, Mr. Speaker, I consider that this bill, like the war powers bill we just handled, represents a very significant step forward in establishing proper relationships between the executive and legislative branches of the Government.

Mr. FINDLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, earlier this year the House renewed the infamous International Coffee Agreement, which the Members will recall establishes a cartel in London to fix the prices of coffee. Recently the price of coffee, ground coffee, was increased approximately by 12 cents a pound, and the price of instant coffee was increased by 1 cent an ounce, or 16 cents a pound.

My question to the chairman of the subcommittee who has the bill on the floor is whether this legislation to deal with executive agreements could possibly affect in any way this international coffee agreement that is about to cost the coffee consumers of the United States a tremendous increase in the amount of money spent for coffee.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I will be glad to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, as I have stated in my remarks, the provisions of this bill would not be retroactive, so any agreements that have been entered into in the past would not necessarily be reported to the Congress. However, agreements, such as coffee agreements, if there are any in the future, such agreements would have to be sent to the Congress.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. COLLIER. Mr. Speaker, I just might interject this: That the extension of the coffee agreement pact did germinate in the House Committee on Ways and Means, as the gentleman knows, and had it not then been extended it would have expired this year.

However, the committee voted 24 to 1 to extend what I think is merely a foreign aid bill which the housewives of America pay for in the marketplace.

Mr. GROSS. I thank the gentleman from Illinois for his contribution, and I am left to wonder how it was possible to get 24 votes in the Committee on Ways and Means to extend the infamous International Coffee Agreement.

Mr. FINDLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. Whalen).

Mr. WHALEN. Mr. Speaker, I rise to join the distinguished gentleman from Wisconsin (Mr. Zablocki) in urging the passage of S. 596. He and I have sponsored in the House measures which are identical to S. 596.

Mr. Speaker, a free people must have access to the decisions of their government if they are to remain free. As representatives of a free people, we in Congress have a responsibility to keep apprised of governmental matters in even greater detail than our constituents. Unfortunately, however, in the area of international agreements, it is often difficult for Congress to be fully informed. This is so because the executive branch, under both Republican and Democratic administrations, has taken the position that it can withhold from regular dissemination to Congress—even on a classified basis—those documents which it deems sensitive in view of security considerations.

In recent years, the number and the subject matter of these secret agreements make it imperative that Congress be aware of their existence. Many of these commitments affect our survival and defense in the most fundamental sense. Certainly, in this age of instant communication and military deployment abroad, agreements which could involve the United States in hostilities must be known to the Congress before, not after, they have triggered events. Thus, the purpose of the legislation we are considering today is to reenforce the right of Congress to know the terms of all of this country's commitments.

This proposal also recognizes that it might not be in the Nation's interest for some agreements to be disclosed publicly. For that reason, the bill stipulates that agreements which the Executive wishes to remain classified would be transmitted not to the Congress at large but to the House Foreign Affairs and Senate Foreign Relations Committees. These committees are charged with the responsibility of being Congress' focal point in the international field. Without complete information, neither the committees nor the entire Congress can discharge their duties properly.

In closing, I would like to note the contribution made in this area by our former colleague, the present Under Secretary General for Political and General Assembly Affairs, Brad Morse. Brad was the sponsor of the first bill introduced in the House on this subject in the 92d Congress. I am sure that he is greatly pleased that the effort he commenced has resulted in our consideration of S. 596 this afternoon.

Mr. Speaker, I also commend the chairman of the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments (Mr. Zablocki) for bringing this bill before the House, and I urge that S. 596 be passed.

Mr. FINDLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. Collier).

Mr. COLLIER. Mr. Speaker, at the outset I want to add my compliments to the subcommittee for reporting this bill. I think it is indeed a real step in the right direction of providing the means by which the Congress can remain informed in the area of international agreements.

Might I add further, it would be my hope and desire that this Congress will now deal with an even more important matter and that is the matter of international treaties.

For several years, I know that many of my colleagues in the House have felt a great need to review a host of international treaties, some of which are obsolete and some of which certainly are outmoded by reason of the change in events since the time in which they were entered.

Today, for example, I believe we are all aware of the fact that we are committed to the common defense of some 41 nations in the world by reason of some seven international treaties, some of which, as I said before, are obsolete.

While it is not the constitutional function or jurisdiction of this House to deal in the area of international treaties which are ratified, of course, only by the Senate.

The fact of the matter is that this Congress could move on a resolution which I introduced calling for a constitutional amendment that in sum and substance would provide that wherever this country is committed by an international treaty to the commitment of U.S. forces abroad, that not only the Senate of the United States provide ratification of such treaties. I am convinced that where the commitment of military forces is involved that we should amend the Constitution so that this body whose Members are closer to the constituency they represent that those in the other body should also ratify those treaties.

I do not want to encroach upon the longstanding constitutional powers of the Senate, but I think in this area, we should have not only a right but a responsibility to participate in the ratification process. I would hope that now that we have made this step forward, we will move on to considering that resolution. I think most of the people in this country would support this concept, and which I am sure would be expeditiously ratified by the required number of States.

Mr. FINDLEY. Mr. Speaker, in response to the comments of the gentleman from Illinois (Mr. Collier), it was not too many years ago that this body adopted by a very heavy margin a constitutional amendment to provide that all treaties henceforth must be ratified by the House as well as the Senate. But, unfortunately, it got nowhere in the other body.

The proposal that the gentleman now makes may have the same fate, but I must say I am intrigued by the idea. I have not heard of a specific proposal of this sort before and I express the hope that our subcommittee may give it consideration.

Mr. Speaker, I strongly support passage by the House of S. 596. This legislation would require that international agreements other than treaties entered into by the United States be transmitted to the Congress within 60 days after execution of the agreement. Where necessary, of course, the documents could be classified.

I consider this legislation a meaningful step toward developing a better working relationship between the Congress and the executive branch in the area of a formal procedure, by law. For the transmittal of executive agreements, we can eliminate a potential source of friction between the executive branch and the Congress.

I should emphasize that this legislation is not new. A similar proposal was introduced in 1954 by Senators Knowland of California and Ferguson of Michigan. The Senate adopted the measure unanimously in 1956, but no action was taken in the House.

Also, I would like to point out that through this legislation we are not questioning the right of the President to conclude executive agreements. However, executive agreements bind the United States as a nation, not just the President or his administration, under international law. And the agreement continues to be binding after the President has left office.

Clearly the Congress has the right to know about all international executive agreements. Passage of S. 596 will help to assure that the Congress will be kept informed.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. Fascell).

Mr. FASCELL. Mr. Speaker, I commend the gentleman from Wisconsin (Mr. Zablocki) as chairman of the subcommittee and the Subcommittee on National Security Policy for bringing this legislation to the floor.

Mr. Speaker, this is very important legislation, one of a series of steps designed to assure that this body and the entire Congress will have a voice in matters that are of great concern to the people of this country. I am pleased to join in support of S. 596 to require that international agreements other than treaties, be transmitted to the Congress within 60 days after the execution thereof.

The Congress must exercise a strong role in foreign policy. Failure to do so only encourages a disproportionate role for the executive branch, and adversely affects the balance between the executive and legislative branches necessary for effective formulation and execution of foreign policy.

The Vietnam war has led to a steady increase of congressional concern and action in this arena. We have seen the constitutional authority of the Congress to declare war steadily eroded. But legislation passed by the House and before us again today reaffirms that authority and clearly lets the executive branch know that we shall exercise our full responsibility and authority in the future.

In order for the Congress to exercise the role I feel we should, we must be fully informed of all international agreements to which the United States is a party. This should certainly include executive agreements, entered into by the President. Executive agreements have the same effect as treaties in international law. They bind the United States as a whole nation, no less than do treaties. Similarly, under international law, the duration of an executive agreement is not limited by the tenure of the President who concluded it, but is binding on the Nation until similar formal action suspends the agreement.

Executive agreements are an integral and important aspect of our foreign policy. The Congress has the need to know, and the power under the Constitution to require the disclosure of, the texts of all international executive agreements, and should require such disclosure by law.

The bill before us does not question in any way the right of the President to negotiate and conclude executive agreements, nor does it transgress on the independent authority of the Executive in the area of foreign affairs.

Similarly, the bill leaves to the discretion of the President which agreements shall be made public when transmitted to the Congress and which shall be kept secret and transmitted only to the Senate Foreign Relations Committee and the House Foreign Affairs Committee. It gives the President the sole authority to declassify agreements, and precludes such action by the congressional committees and by Members of Congress.

The legislation before us today does establish, in law, a formal procedure for transmittal to Congress of all executive agreements. It is an important step toward restoring a proper working relationship between the Congress and the executive branch, and I strongly urge its adoption.

Mr. Speaker, I have applauded the President's decision to submit to both the House of Representatives and the Senate the interim agreement on strategic offensive weapons which he signed in Moscow last May. Such action, however, should not be an exception but should be the rule. Favorable action today would accomplish that objective.

Mr. ZABLOCKI. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. Zablocki) that the House suspend the rules and pass the bill, S. 596.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid upon the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

INTERNATIONAL BRIDGES CONSTRUCTION

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15577) to give the consent of Congress to the construction of certain international bridges, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Bridge Act of 1972".

Sec. 2. The consent of Congress is hereby granted to the construction, maintenance, and operation of any bridge and approaches

thereto, which will connect the United States with any foreign country (hereinafter in this Act referred to as an "international bridge") and to the collection of tolls for its use, so far as the United States has jurisdiction. Such consent shall be subject to (1) the approval of the proper authorities in the foreign country concerned; (2) the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906 (33 U.S.C. 491–498), except section 6 (33 U.S.C. 496), whether or not such bridge is to be built across or over any of the navigable waters of the United States; and (3) the provisions of this Act.

Sec. 3. The consent of Congress is hereby granted for a State or a subdivision or instrumentality thereof to enter into agreements—

(1) with the Government of Canada, a Canadian Province, or a subdivision or instrumentality of either, in the case of a bridge connecting the United States and Canada, or

(2) with the Government of Mexico, a Mexican State, or a subdivision or instrumentality of either, in the case of a bridge connecting the United States and Mexico,

for the construction, operation, and maintenance of such bridge in accordance with the applicable provisions of this Act. The effectiveness of such agreement shall be conditioned on its approval by the Secretary of State.

Sec. 4. No bridge may be constructed, maintained, and operated as provided in section 2 unless the President has given his approval thereto. In the course of determining whether to grant such approval, the President shall secure the advice and recommendations of (1) the United States section of the International Boundary and Water Commission, United States and Mexico, in the case of a bridge connecting the United States and Mexico, and (2) the heads of such departments and agencies of the Federal Government as he deems appropriate to determine the necessity for such bridge.

Sec. 5. The approval of the Secretary of Transportation, as required by the first section of the Act of March 23, 1906 (33 U.S.C. 491), shall be given only subsequent to the President's approval, as provided for in section 4 of this Act, and shall be null and void unless the construction of the bridge is commenced within two years and completed within five years from the date of the Secretary's approval: *Provided, however,* That the Secretary, for good cause shown, may extend for a reasonable time either or both of the time limits herein provided.

Sec. 6. If tolls are charged for the use of an international bridge constructed under this Act, the following provisions shall apply, so far as the United States has jurisdiction, in the case of a bridge constructed or acquired by a private individual, company, or other private entity:

(1) Tolls may be collected from the date of completition of the bridge for a period determined by the Secretary of Transportation to be a reasonable period for amortization of the cost of construction or acquisition of the bridge, including interest and financing costs, and a reasonable return on invested capital.

(2) At the end of such period, the United States portion of the bridge and its approaches, if not previously transferred to a public agency pursuant to section 8, shall become the property of the State having jurisdiction over the United States portion of the bridge, and no further compensation shall be deemed to be due such private individual, company, or other private entity.

(3) An accurate record of the amount paid for acquiring or constructing the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be reported annually to the Secretary of Transportation. Whenever he may deem advisable, the Secretary of Transportation shall audit, review, and inspect such records, books, accounts, and operations.

Sec. 7. Paragraph (3) of subsection (a) of section 129 of title 23, United States Code, is amended to read as follows:

"(3) after the date of final repayment, the bridge or tunnel shall be maintained or operated as a free bridge or free tunnel; except in the case of a bridge which connects the United States with any foreign country: *Provided,* That such tolls or charges do not exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management: *And further provided,* That the entity or governmental instrumentality responsible for the operation of the portion of the bridge within the jurisdiction of the foreign country is charging tolls for the use of the bridge.".

Sec. 8. (a) Nothing in this Act shall be deemed to prevent the individual, corporation, or other entity to which, pursuant to this Act, authorization has been given to construct, operate, and maintain an international bridge and the approaches thereto, from selling, assigning, or transferring the rights, powers, and privileges conferred by this Act: *Provided,* That such sale, assignment, or transfer shall be subject to approval by the Secretary of Transportation.

(b) Upon the acquisition by a State or States, or by a subdivision or instrumentality thereof, of the right, title, and interest of a private individual, corporation, or other private entity, in and to an international bridge, any license, contract, or order issued or entered into by the Secretary of Transportation, to or with such private individual, corporation, or other private entity, shall be deemed terminated forthwith. Thereafter, the State, subdivision, or instrumentality so acquiring shall operate and maintain such bridge in the same manner as if it had been the original applicant, and the provisions of section 6 of this Act shall not apply.

Sec. 9. This Act shall apply to all international bridges constructed under the authority of this Act. Section 3 of this Act and section 129(a)(3) of title 23, United States Code, as amended by section 7 of this Act, shall apply to all international bridges the construction of which has been heretofore approved by Congress, notwithstanding any conflicting provision in any Act authorizing the construction of such a bridge or in any agreement entered into by the Federal Government and a State.

Sec. 10. Nothing in this Act shall be construed to affect, impair, or diminish any right, power, or jurisdiction of the United States over or in regard to any navigable waters or any interstate or foreign commerce.

Sec. 11. The Secretary of Transportation shall make a report of all approvals granted by him during the fiscal year pursuant to section 5 of this Act in each annual report of the activities of the Department required by section 11 of the Department of Transportation Act (49 U.S.C. 1658).

Sec. 12. The right to alter, amend, or repeal this Act is expressly reserved.

The SPEAKER. Is a second demanded?

Mr. WHALLEY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 15577, the International Bridge Act of 1972.

The primary purpose of this bill is to give the general consent of Congress, subject to the conditions set forth in the bill, to the construction of bridges joining the United States with Canada and Mexico.

In 1946, with passage of the General Bridge Act, Congress gave its general consent to the construction, operation, and maintenance of bridges over domestic navigable waters and transferred to the executive branch responsibility for approval of each individual bridge, subject to certain conditions. The 1946 act specifically excluded international bridges. The purpose of this act, therefore, is to apply to international bridges a general policy similiar to that we applied to domestic bridges in 1946.

I will take a back seat to no one as a defender of the prerogatives of Congress, particularly in the area of foreign policy. The Committee on Foreign Affairs, however, feels, and I completely agree, that the provisions of H.R. 15577 will facilitate a more orderly and systematic review of proposals for construction of bridges between the United States and Mexico and Canada, without impinging upon the authority or responsibility of Congress.

In a nuclear age, when the United States maintains diplomatic relations with over 120 nations, it is my opinion that the deliberations of your committee and the Congress should be focused on matters of greater moment than approval of each proposed new bridge along our borders.

Mr. Speaker, the subject matter of this bill may seem familiar to many Members and it should. Twice before the House has considered and approved general international bridge legislation but because of minor differences with the Senate, these measures never became law. It is my understanding that the Senate committee is anxious that this year we finally agree on a general bill for dealing with the technical and time-consuming issues related to approval of these bridges. So, I am optimistic that if we pass this bill, it will become law.

There is another reason why Members may find this bill familiar because, besides our two previous attempts at general legislation, there usually is at least one bill in each Congress to authorize construction of a bridge at a specific location. Since 1946, some 30 separate acts have been passed. Since 1953, we have had 22 separate bills in the House alone. At present there is only one such bill pending, but our hearings revealed plans for at least three additional bridges.

Mr. Speaker, in view of the great amount of time needed to properly consider individual bridge bills and because of growth in the population of our border areas and in commerce between the United States and Canada and Mexico, the Committee on Foreign Affairs feels strongly that the time is long overdue to establish new general procedures to facilitate construction of international bridges. The bill before us, H.R. 15577, would accomplish this purpose, and, I might add, at no anticipated increase in costs to the Federal Government.

Under provisions of section 2 of the bill Congress consents to the construction, operation, and maintenance of international bridges and the collection of tolls in accordance with conditions spelled out in the bill. Sections 2 to 5 specify that any private individual or entity or any public body, wishing to build a bridge must obtain the approval of the appropriate authorities in Canada and Mexico, as well as that of the President and Secretary of Transportation. Any agreement between a State or local government body and a foreign government concerning the building of a bridge would also require the approval of the Secretary of State.

In addition, the provisions of the 1906 Bridge Act must be complied with. That act, as amended, sets forth general criteria to insure the soundness of the plans and specifications of bridges; provides specifically for government use of bridges for postal and defense purposes as well as for railroad, telegraph and telephone use; and generally provides for the collection of reasonable tolls. It also deals extensively with the protection of navigation rights and specifies penalties in the event of violation of the act.

Section 5 of the bill before us also requires that a bridge, once approved by the Secretary of Transportation, be commenced within 2 years and be completed within 5 years unless the Secretary extends the time limits.

As mentioned earlier, section 2, in addition to giving consent of Congress to construction, operation, and maintenance of international bridges, also grants the consent of Congress to the collection of tolls on international bridges constructed under its authority. Section 6, dealing with tolls, was given a great deal of consideration by the committee and sets forth conditions for tolls to be collected by bridges constructed or acquired by private individuals or entities.

The attached chart shows the effects of H.R. 15577:

Tolls—Effects of H.R. 15577

This bill grants Congressional consent to the collection of tolls on all international bridges constructed under authority of the Act. The effects are as follows:

A. Restrictions: The 1906 Bridge Act provides that tolls shall be "reasonable" and that the Secretary of Transportation may prescribe toll rates. This 1906 provision has applied to previous international bridge authorizations.

1. Existing bridges: No effect on ability to collect tolls, other than 1906 act.

2. Future Bridges: (a) Public: No effect on ability to collect tolls, other than 1906 act. (b) (i) Tolls can be collected only for a period of time set by the Secretary of Transportation; (ii) At the end of that time the bridge becomes the property of the state where located; (iii) Bridge operator must keep records and make them available to Secretary; (iv) Provisions of the 1906 act.

B. Additional authority: Federal-aid highways required to be toll free after a certain period would be able to continue charging tolls if Mexico or Canada continued to charge tolls on their end of an international bridge.

Mr. Speaker, the committee, in considering the question of tolls, agreed that no limits on tolls should be placed retroactively on existing bridges, public or private. It was further agreed for a variety of reasons, that no limits should be placed on the ability of public entities to collect tolls for future international bridges. The committee felt that control of tolls on such bridges, where no Federal money is used, quite properly falls within the jurisdiction of State and local governments.

While it appears unlikely that many bridges will be built in the future by private individuals or groups, section 6 does provide conditions regarding the collection of tolls for such bridges.

Section 7 of the bill amends the Federal Highway Act to allow tolls to continue to be collected when a foreign government insists on continuing toll collections on a bridge that U.S. law would ordinarily require to be toll free.

Section 8 simply provides for sale and transfer of bridge rights subject to the approval of the Secretary of Transportation and further insures the full rights of States and localities to collect tolls following acquisition of a bridge from a private entity.

Section 9 is the only section of the bill dealing with existing bridges. It specifies that only section 3 and section 7 of the bill apply to bridges previously authorized by Congress. These sections protect or extend existing rights of bridge owners.

Sections 10, 11, and 12 preserve the rights and powers of the Federal Government and Congress under the bill's provisions and require the Secretary of Transportation to include a section on international bridges in his annual report to Congress.

Mr. Speaker, I hope that this bill will be approved to facilitate construction of bridges to serve the growing commerce between the United States and our two great neighbors, Canada and Mexico.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I will be happy to yield to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, will the gentleman enlighten the Members of the House a bit further as to why it is that the other body has refused to go along with this twice-passed bill?

Mr. FASCELL. I will say to the gentleman I do not recall the specific details on previous bills. I am sorry I cannot do that. We have been working very hard with the departments and with the Members interested, in order to get something we can all agree on. However, to give you the specifics, I cannot give you specifics at this moment on just why the bill did not previously become law. I just do not recall. I shall be glad to supply it for the record.

Mr. HALL. Mr. Speaker, I would hope the gentleman would, because in his statement he said that similar legislation had been twice previously passed by this House, but because of difficulties in the other body, it was not conducive to final passage or signing into law, and this is an exceedingly strange phenomenon, one on which I believe before we suspend the rules all Members are entitled to explanation on this side of the Capitol.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Speaker, I wish to commend the gentleman from Florida for his leadership in this legislation. He did a tremendous job. A lot of hard work went into this bill in the hearings and in the mark-up.

As my chairman well knows, I have two international bridges in my district, and for the purpose of establishing a little legislative history. I should like to ask the gentleman some questions.

Would section 7 of this bill by the gentleman from Florida (Mr. FASCELL) in any way prevent or limit municipalities who now own and operate the portion of an international bridge connecting the United States with a foreign country from collecting reasonable tolls?

Mr. FASCELL. No. The only effect of section 7 is to permit tolls to be charged under circumstances where existing law would not permit tolls. The section is intended to prevent cases where the foreign government collects tolls and the U.S. side has taken the tolls off so that the U.S. citizen pays twice but the U.S. Government gets no benefit.

Mr. KAZEN. Would any other provision of the bill other than section 7 prevent, limit, or restrict in any way a municipality who now owns and operates the portion of an international bridge connecting the United States with a foreign country from collecting reasonable tolls?

Mr. FASCELL. No. It is not the intention of the committee to diminish any rights of owners of existing bridges so far as tolls are concerned.

Mr. KAZEN. Am I correct in my interpretation that the provisions of this bill do not apply to existing international bridges connecting with a foreign country, the American portion of which is owned by a municipality and upon which said bridge the municipality is collecting tolls?

Mr. FASCELL. The gentleman is correct. Sections 3 and 7, however, will apply to existing bridges. Both sections are intended to benefit existing bridge owners.

Mr. Speaker, my memory has now been refreshed and I will say to the gentleman from Missouri (Mr. HALL) that we do have a specific section in the report dealing with the question the gentleman asked about why this legislation, which twice before was passed by the House, did not become law.

Let me say that since 1964 we have tried to get general congressional consent for international bridges—and that legislation was passed twice by both the House and the Senate but because of minor differences never became law. In the 88th Congress both Houses passed legislation but the official papers did not reach the Senate for action before adjournment. In the 89th Congress it was separately passed by the House and the Senate and sent to the conference, but the conferees did not meet. In the 90th Congress, legislation was introduced and given further consideration in the Senate which has been very active in initiating and supporting general legislation. This time we hope to press the right buttons.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Speaker, I think this is much needed legislation. To establish further legislative history I would like to ask this: Is there anything in this bill to prevent the municipality, county, State or other governmental body from charging tolls on future bridges that would be built?

Mr. FASCELL. No.

Mr. WHITE. Under authority of this particular bill, after getting permission to construct, such governmental body can charge tolls even after the bridge is paid for?

Mr. FASCELL. Yes.

Mr. SANDMAN. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from New Jersey.

Mr. SANDMAN. Mr. Speaker, I thank the gentleman for yielding.

I would like to ask this particular question. If this bill is signed into law, does it for all time take away the Federal overview of functioning of the bridges?

Mr. FASCELL. No, it does not.

Mr. SANDMAN. It does not interfere with that at all?

Mr. FASCELL. Would the gentleman repeat that question again?

Mr. SANDMAN. Under the present law, as I understand it, we always have the right to overview the functioning of one of the countries or both of the countries before any kind of joint commission is operating a bridge. For example, an increase in the tolls is reviewable by the Federal Government. If this bill is signed, do we still have that privilege?

Mr. FASCELL. Yes. Whatever the agreement is with respect to tolls, under existing laws those tolls must be reasonable and the tolls will remain subject to review. This law does not change the requirement under the 1906 law at all. The answer is "Yes." We do retain the right to review the application of this act and the bridges authorized by it.

Mr. SANDMAN. I understand that. Let us take a new bridge, one that is about to be built. Under present law we have a right to review what we are doing. If this is signed into law, do we lose that right?

Mr. FASCELL. No.

Mr. SANDMAN. We still have the right to look into whatever they do?

Mr. FASCELL. Absolutely.

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from New York.

Mr. McEWEN. Mr. Speaker, my first question is this: Am I correct in my understanding that this legislation will not affect any existing authorizing legislation for construction of an international bridge?

Mr. FASCELL. It does not affect any existing legislation; that is correct. Sections 3 and 7 do, however, confirm old rights and grant new ones for certain existing bridges.

Mr. McEWEN. My second question is: Is there anything in here that would affect a public authority having an existing international bridge which is a toll facility, as to applying the tolls from that existing facility to construction of a second toll facility or toll bridge?

Mr. FASCELL. What the public authority does is fully protected under this legislation because it does not affect their right in any way. It is my understanding that previous bridge authorizations have always been interpreted to allow repair, replacement and expansion of such bridges. It is our intention that this bill in no way changes those existing rights.

Mr. McEWEN. I thank the gentleman.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Texas.

Mr. DE LA GARZA. I appreciate all the work the gentleman and his committee have done on this legislation. I have one further question that perhaps has not been covered.

This legislation retroactively gives the consent of the Congress to existing bridges that may not have had that consent at the time they were constructed. The question is: This being so, will this change in any way whatsoever the rights or duties the bridge had at the time it was constructed?

Mr. FASCELL. Absolutely not. The reason the language to which the gentleman refers was written in the bill—and that is section 9—was that the executive branch recommended that language to clear up any doubts that might have existed on the previous actions taken by bridge owners, either private or public, in dealing with foreign governments under the compact clause of the Constitution.

Mr. DE LA GARZA. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Does the bill require, if it is a toll bridge, that the cost of the bridge be amortized before the President releases his jurisdiction?

Mr. FASCELL. Once the President has given his approval, the bill provides that the Secretary of Transportation must also approve the bridge. Section 6 says with respect to tolls to be charged on privately constructed bridges, that the Secretary must allow tolls to be collected for a period of time he deems reasonable in order to "amortize the cost of construction or acquisition of the bridge, including interest and financing costs, and a reasonable return on invested capital."

With respect to those international bridges where the other government continues charging the toll and we would be required to take ours off, the bill would allow the tolls to continue, provided that such tolls or charges do not exceed the amount necessary for the proper maintenance, repair and operation of the bridge and its approaches under economical management.

Mr. GROSS. So it is required that if the bridge is constructed as a toll bridge it be fully amortized; that is, the cost of the bridge be fully amortized?

Mr. FASCELL. That is correct.

Mr. GROSS. Before it is agreed to end collection of tolls?

Mr. FASCELL. The gentleman is correct. With respect to private bridges, tolls may be collected for a period sufficient to provide for, among other things, complete amortization of the bridge. Of course we are not saying that a private bridge cannot go bankrupt or that a State cannot decide that its bridge should be free. The whole operation is also subject to the review and control of the Secretary of the Department of Transportation.

Mr. GROSS. I thank the gentleman.

Mr. WHALLEY. Mr. Speaker, I rise in support of the legislation.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. FASCELL) that the House suspend the rules and pass the bill H.R. 15577.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to include tables and material on the bill just passed, and I ask unanimous consent that all Members have permission to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

INTERNATIONAL AGENCY FOR RESEARCH ON CANCER AUTHORIZATION

Mr. FRASER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 1257) to authorize an appropriation for the annual contributions by the United States for the support of the International Agency for Research on Cancer.

The Clerk read as follows:

H.J. RES. 1257

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, There are hereby authorized to be appropriated such sums as may be necessary for the annual payment by the United States of its share of the expenses of the International Agency for Research on Cancer as determined in accordance with article VIII of the Statute of the International Agency for Research on Cancer.

The SPEAKER. Is a second demanded?

Mr. MAILLIARD. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FRASER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution which would authorize an appropriation for annual contributions of the United States in support of the International Agency for Research on Cancer.

This bill was introduced at the request of the administration. The International Agency for Research on Cancer has been operating for a number of years, but it has been financed under the authority of the Foreign Assistance Act. What this measure would do would be to provide a statutory authorization and therefore require further appropriations in support of this agency as a part of the State Department appropriation, which would go through the subcommittee headed by the gentleman from New York (Mr. ROONEY) on an annual basis.

This agency has been a very useful one. When it was started in 1965 it began as an effort by the World Health Organization. The original members were France, West Germany, Italy, Great Britain, and the United States and later Australia, Belgium, the Netherlands, and the Soviet Union joined in, making a total of nine participating States.

The U.S. contribution to the work of this agency is currently running on the order of a little under 16 percent a year. This is one of the international agencies in which we get one of the best bargains measured by the proportion of our contribution as against the total effort. The budget for the most recent year, fiscal year 1972, was $2,120,500, and the U.S. share was $336,789.

Mr. Speaker, I think this measure is a good one and I urge its adoption.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman.

Mr. HALL. I appreciate the gentleman yielding.

I think everyone is trying in every manner possible for a technical breakthrough against the onslaughts of cancer in all races and particularly in the human race, as witness the amount that has been expended in the crusade against cancer, and in the United States of the establishment of a separate Institute of Health for the study of and perhaps a cure or prevention of cancer.

This, as the gentleman stated, is only a modicum of what may be needed, albeit money and personnel alone can never find a solution. As a former cancer surgeon, of course, I would be in favor of this, to say nothing of the establishment and support by the House of this special international subcommittee participation.

I agree with the gentleman we are getting more than our value out of it. The only thing that bothers me is a technical matter and the procedure of the committee which the gentleman represents in the handling of the bill and in the House; namely, it makes an open-ended contribution not subject, according to the legislation itself, House Journal Resolution 1257, to the ordinary authorization and appropriation process. The gentleman even mentioned the chairman of the subcommittee's name and I believe implied he would be routinely handling such requests each year, but it says in accordance with article VIII of the statute of the International Agency for Research on Cancer.

I simply want to be reassured, Mr. Speaker, that this will not put us in a position of having to cough up taxpayers' dollars on call by another agency than the U.S. Government. Can the gentleman give me that assurance?

Mr. FRASER. I think the language that the gentleman refers to is the language which governs the International Agency for Research on Cancer internally in determining the method of assessment. The method of assessing the cost of the budget is twofold. First they have a basic contribution of $150,000 from all of the participating countries regardless of size, and then they provide a weighted formula under which the larger countries pay a larger amount. It is that internal allocation of cost that is referred to in lines 7 and 8 of the joint resolution.

With respect to the ceiling projections, as far as the United States is concerned, I think it would be in the same category as those assessed contributions that are handled by the Committee on Appropriations in the State Department's budget.

Because as far as I am aware we do not have any statutory limitation, but this would be handled in accordance with the annual budget, and subject to confirmation by the subcommittee.

Mr. HALL. The gentleman then is reassuring me it will go through the annual authorization and appropriation process in order to meet this requirement?

Mr. FRASER. That is right, the money would have to be appropriated before it could be spent.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I gladly yield to the gentleman from Iowa.

Mr. GROSS. First of all, I note that there is nothing in the report representing any departmental views on this legislation. In the second place, was any information provided the subcommittee with respect to money already being expended by this Government on international cancer research?

Mr. FRASER. The budget of this organization was submitted to us. This agency has been a vehicle since 1965 for an international effort in the collection of information and dissemination of information, on cancer. I have already indicated the amount of money involved. We did not inquire as to what other activities may be funded through the National Institutes of Health or the World Health Organization, but my impression is that this is the principal international activity. Now, of course, we have just authorized this very substantial program in connection with the new National Institute for Cancer Research.

Mr. GROSS. I would say to the gentleman I would be very much surprised if we were not expending through the National Institutes of Health for international research on this specific subject of cancer much, much more than $337,000 a year.

Mr. FRASER. I might say to the gentleman from Iowa that the testimony indicated that there is an enormous value in the international effort in trying to identify high levels of incidence of particular types of cancer associated with geographical and environmental circumstances. Some very extraordinary information has been developed as a result of this effort reflecting this information. We had the head of our Institute on Cancer testify, and he indicated in connection with their work here in the United States that this information supplied by the international effort was quite important.

Mr. GROSS. If the gentleman will yield further, does this international organization make any attempt to pull together the research and other information that is gathered by virtue of the grants and contracts entered into for studies and research by the National Institutes of Health?

Mr. FRASER. My understanding is that this is one subject that is quite important—the collection and dissemination of information on the epidemiology of cancer research—and further, the agency also provides for special training fellowships and other activities in the training field.

Mr. MAILLIARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 1257. Only modest amounts of money are involved. For fiscal year 1973, the assessed contribution for the United States will be $336,789, compared to $312,353 in fiscal year 1972. The U.S. share is 15.9 percent, the same as the Soviet Union.

In the war on cancer, this Agency promotes international collaboration which is so essential to effective cancer research. The Agency provides a means through which participating countries and the World Health Organization, together with other international organizations can cooperate in all phases of research.

In the past the U.S. contribution has been funded under the authority of the Foreign Assistance Act. However, a specific authorization is now being sought since it has been determined—based upon several years of operation—that U.S. participation will be of substantial benefit to cancer research in the United States.

I urge approval of this resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota (Mr. FRASER) that the House suspend the rules and pass the joint resolution House Joint Resolution 1257.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRASER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

MEMBERSHIP AND PARTICIPATION BY THE UNITED STATES IN THE SOUTH PACIFIC COMMISSION

Mr. FRASER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 1211) to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission.

The Clerk read as follows:

H.J. RES. 1211

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 403, Eightieth Congress, as amended (22 U.S.C. 280b), is hereby further amended by striking out "$250,000" and inserting in lieu thereof "$400,000" in section 3(a).

The SPEAKER. Is a second demanded?

Mr. MAILLIARD. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution has only one purpose and that is to increase the existing limit of $250,000 a year to a maximum of $400,000 in connection with the U.S. participation in the South Pacific Commission.

I might say that the reason for this resolution is due in part to the reevaluation of the dollar which meant that the current assessment of the U.S. share of the work of this Commission went over the statutory limit of $250,000. Had there not been a reevaluation of the dollar which resulted in an upward reevaluation of the Australian dollar, they could have lived this year under that limitation. However, since the limitation has to be increased, the executive branch requested that we put the ceiling up by another $150,000 so as to permit some growth in the share of the United States over the next 5 years.

This Commission has been operated conservatively in the past and we expect the growth in annual expenditures will be very modest.

We have been in this Commission since 1947 and in addition to the United States, there are these countries: Australia, Fiji, France, Nauru, New Zealand, the United Kingdom, and Western Samoa.

The Commission has no political authority over the western Pacific; but it is the principal source of experience in dealing with that region's economic and social problems.

We feel there is very economical use of resources. The U.S. share of the the annual budget is 20 percent, which places us into a very modest role in participation, considering the limited number of countries involved. Our main interest stems from our obligations in Micronesia and Guam, which are both covered within the area of the work of the South Pacific Commission.

Mr. Speaker, I think it is a good measure, and I urge that it be supported.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. MATSUNAGA. Mr. Speaker, I thank the gentleman from Minnesota (Mr. FRASER) for yielding and commend him for reporting this measure to the House.

Mr. Speaker, I rise in support of House Joint Resolution 1211, which would increase from $250,000 to $400,000 the ceiling for the annual U.S. contribution toward payment of the expenses of the South Pacific Commission.

Since the establishment of the South Pacific Commission in 1947, Hawaii has been closely identified with its activities. This is as it should be, for the territory, now State, of Hawaii has always been imbued with a sense of deep responsibility for the success of U.S. participation in programs, whether national or international, which are designed to promote the health and the economic and social development of the peoples of the Pacific. It is indisputable that the South Pacific Commission, as an international organization which complements and supplements the individual territorial work of the five current administering authorities, has achieved notable success during the 25 years of its existence.

While it is true, on the one hand, that the U.S. annual contribution to carry on the projects and activities of the Commission has increased substantially during the past quarter of a century, it should also be borne in mind, on the other hand, that the territorial scope of the Commission was extended during the same period to include Guam and the Trust Territory of the Pacific Islands, as well as American Samoa, which at one time was our only Pacific territory covered by the work of the Commission. House Joint Resolution 1211 proposes to raise the ceiling for our proportionate share of the Commission's expenses to $400,000 per fiscal year.

A further explanation about the proposed ceiling would help to dispel any possible misunderstanding. The U.S. share of the total Commission budget is set at 20 percent, which is second to Australia's 31 percent. Because of a December 1971 revaluation of the Australian dollar, on which the Commission's budget is based, the amount of our 1972 assessment came to $263,070—over $13,000 above the present statutory ceiling. This situation was not a comfortable one for the U.S. Commissioners. As described to me earlier this year, Commissioner Aaron G. Marcus, whose home is in Honolulu, Hawaii, said:

> We (the U.S. Commissioners) were embarrassed by having to fall below the promises of other contributing nations.

Adequate contributions to the South Pacific Commission are clearly in our national interest. By providing needed assistance to the peoples of both independent and nonself-governing territories of the South Pacific region in such fields as agricultural improvements, fisheries development, education, prevention and cure of epidemic diseases such as malaria, better nutrition, and others, the Commission has fostered an almost unique spirit of international good will and responsibility in that area of the world.

Mr. Speaker, I strongly urge a favorable vote of House Joint Resolution 1211.

Mr. MAILLIARD. Mr. Speaker, I rise in support of House Joint Resolution 1211, which would increase the authorization for appropriations for U.S. membership and participation in the South Pacific Commission from a maximum of $250,000 per fiscal year to a maximum of $400,000 per fiscal year.

The U.S. share of the total budget is only 20 percent, which is second to Australia which pays 31 percent. The U.S. share for calendar year 1972 is $263,070; this is about $13,000 above the present legislative ceiling. The increase resulted from the recent upward evaluation of the Australian dollar, upon which the Commission bases its budget.

The United States has been a member of the South Pacific Commission since it was created in 1947. In the 25 years since it was founded, this modestly funded program has been effective in providing the economic and social well-being of the territories of the South Pacific region, including the U.S.-administered trust territory of the Pacific Islands and American Samoa.

I urge approval of this resolution.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman.

Mr. DERWINSKI. Mr. Speaker, I support adoption of House Joint Resolution 1211, which would provide for a modest increase in the legislative ceiling for authorizations per fiscal year from $250,000 to $400,000.

The South Pacific Commission, of which the United States has been a member for 25 years, has helped to promote the economic and social development of the people of both the independent and non-self-governing territories of the region.

I would like to emphasize that the U.S.-administered trust territory of the Pacific Islands and American Samoa benefit directly from the Commission's work.

The Commission, in cooperation with the United Nations development program, has inaugurated a South Pacific island fisheries development agency. Much of its economic work has been in the area of agricultural development, including the introduction of new plants, plant quarantine, and pest control. Education and health programs are also helping to improve the lives of the people of the region.

The Commission has done an effective job, and this legislation should be approved.

Mr. Speaker, I support the legislation.

Mr. MAILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I take this time to ask the gentleman from Minnesota (Mr. FRASER) a question or two. First of all, again I note that there are no departmental or agency reports in connection with this legislation, but the main purpose in rising is to ask if we are now about to enter into, as in this case, a program of making our contributions to international organizations dependent upon the evaluation of some other country's currency? In this case the upward evaluation of the Australian dollar. Are we are going to make our contributions in the future on the basis of an evaluation upward of some other currency, or on the basis of our recent devaluation of the dollar? Which course are we going to adopt?

Mr. FRASER. Mr. Speaker, first may I say to the gentleman that I have here a draft of the letter of transmittal from the Department of State requesting this legislation. We refer in the first part of the report to the executive communication. I think the reference in the report to the revaluation of the Australian dollar really reflects the devaluation of the U.S. dollar, and that it was the devaluation of our dollar that led to the apparent increase in the Australian value of the dollar, and, therefore, that is what caused the amount to increase.

Mr. GROSS. It is pretty hard to keep up with international monetary gimmickry these days. Money is being floated in one way or another all over the world, and I just wonder how we are going to come out on the contributions to these international programs if we are going to base our contributions on this sort of situation.

Mr. MAILLIARD. Mr. Speaker, I could perhaps comment for the record on this very question. Most of the international organizations that we belong to budget in U.S. dollars, so if there is a reevaluation, our share might go down because of that fact; but in this instance this organization operates its budget on the Australian dollar; therefore, it takes more U.S. dollars to pay our share of the budget.

Mr. GROSS. If the gentleman will yield further, if the U.S. dollar is devalued, it takes more dollars to take up the slack; does it not?

Mr. MAILLIARD. The gentleman is quite correct.

Mr. GROSS. Mr. Speaker, we learned that very pointedly not long ago when our contribution to the International Monetary Fund or World Bank was increased by a billion dollars because of the dollar devaluation. But no one took care of the common garden variety American citizen whose dollar was just as much devalued as the dollar contributed to the World Bank or the International Monetary Fund, or any other international lending agency.

Mr. MAILLIARD. I remember the gentleman making that point in several other cases.

Mrs. MINK. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I yield to the gentlewoman from Hawaii.

Mrs. MINK. Mr. Speaker, I rise in support of House Joint Resolution 1211, legislation to increase the authorization for appropriations for U.S. membership and participation in the South Pacific Commission to a maximum of $400,000 per fiscal year.

This legislation would permit increases believed to be needed over the next 5 years in our contributions to this worthy international organization. Currently, there is a statutory ceiling of $250,000.

The Department of State sought in 1965 to eliminate the ceiling entirely, but this was not granted. Instead, there was only a modest increase in the ceiling.

Our contribution is calculated as a fixed amount, 20 percent, of the total budget for the Commission. The rules of the Commission agreement provide that no nation member may pay for an increase greater than the proportionate increase of another member. This assures that the expenditures will not rise rapidly. For every dollar contributed by the United States, Australia would have to add $1.50, New Zealand and Great Britain would have to spend about 80 cents, and France would be obliged to add 75 cents.

On the basis of the 1972 Commission budget, our contribution was fixed at $247,605, fortunately within the ceiling. Unfortunately, however, the American dollar was devalued in relation to the Australian dollar—in terms of which the Commission's budget is calculated—so that under the new rate of exchange our contribution should be $265,291. Our final contribution, therefore, was substantially less than the 15 percent previously agreed to.

We are faced with another increase when the Commission meets in Western Samoa next month. I am hopeful that this legislation submitted by the administration will be adopted so that one of the few international efforts to assist the peoples of the South Pacific will not be stymied. With the island governments—both in independent states and dependent territories—contributing voluntarily from their own very limited resources to try to help raise the sum needed to finance additional important technical projects, we should be more than willing to contribute our share of the costs in this effort.

As examples of the work done by the Commission in our own Pacific dependencies—American Samoa and Micronesia—during the work year 1970–71, the Commission held training courses of pigs, poultry, hospital administration, and dermatology in American Samoa; held a training course on cooperation and business method in Micronesia; continued work on water supply projects on four islands in the Trust Territory; began a pilot project for waste disposal in American Samoa; made a plant disease specialist available to both Guam and Micronesia to help with breadfruit disease problems; and made available a social welfare adviser to the governments of Micronesia and American Samoa. These examples do not include other conferences and training courses held elsewhere at which American dependencies were represented or the normal supply of services and technical information from Commission headquarters in Noumea.

Since World War II the United States has played a leading role in the Commission, and other nations have looked to us for leadership. They know that the Commission's programs of education and training in social, economic, and public health development continue to be the only such efforts available in most Pacific islands. Because of the great need for and importance of these projects, I ask for approval of House Joint Resolution 1211.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota (Mr. FRASER) that the House suspend the rules and pass the joint resolution House Joint Resolution 1211.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRASER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the joint resolution, House Joint Resolution 1211, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

CONFERENCE REPORT ON H.R. 15097, DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1973

Mr. McFALL. Mr. Speaker, I call up the conference report on the bill (H.R. 15097) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 7, 1972.)

Mr. McFALL. Mr. Speaker, the conference agreement on the Transportation appropriations bill is a good one. All the managers signed the conference report. In a few instances, after considering all pertinent factors, we are recommending that programs go forward at a faster rate than is proposed in the budget. These few increases, however, are more than offset by reductions in other parts of the bill.

The $2,999,118,095 of new obligational authority included in the bill is $41,244,000 below the budget request and $195,496,902 below the amount appropriated for fiscal year 1972. In addition, appropriations to liquidate contract authorizations have been reduced by $24,010,000. The net effect of these actions on current year expenditures is a reduction of about $50 million below the budget.

I might point out that the comparison with fiscal year 1972 is somewhat misleading, since Congress provided $170 million in fiscal year 1972 for Amtrak, and it is expected that these funds will be sufficient for both fiscal years 1972 and 1973. There is also a $37 million request for certain highway safety activities on which action was deferred until enactment of authorizing legislation. This item will probably be considered in a supplemental bill.

The bill is $76,323,000 more than when it left the House. Most of this increase is for one item, that is, facilities and equipment for the Federal Aviation Administration. There is an additional $50,711,000 included under this heading. These funds would provide for an additional 84 instrument landing systems, 30 control towers, and three airport surveillance radars which were not included in the budget.

All Members of Congress are interested in aviation safety. Those of us who have been closely involved with FAA on this committee recognize that additional facilities will be required. We are very concerned that the FAA is not moving fast enough in installing the equipment which has been funded by the Congress. We have, therefore, directed the FAA to provide us with a schedule indicating when it intends to commission the facilities for which funds have been appropriated.

In summary, the bill includes a total of $57,145,000 for the Office of the Secretary of Transportation. This is $1,625,000 more than provided by the House and $6,775,000 less than proposed by the other body.

For the Coast Guard the conference agreement would provide a total $819,309,095. This represents only a slight change from the House bill and includes all the funds requested for the Coast Guard Reserve.

I have previously discussed the facilities and equipment appropriation for FAA. There is one other significant amendment under the Federal Aviation Administration. The conference agreement provides $3.5 million for the purchase of passenger screening devices to help prevent aircraft hijacking. With respect to this item, on page 6 of the statement of the managers we have included the following language:

> The conferees expect that FAA and the airlines will agree on uniform procedures which will supplement the screening devices and decrease the time involved in providing comprehensive coverage of airport boarding gates in order to assure safety of citizens in air transportation.

For the Federal Highway Administration, the conferees agreed to the lower of the House or Senate appropriations in each of the six amendments in disagreement.

Most of the differences between the two bills for the National Highway Safety Administration and Federal Railroad Administration were fairly evenly divided. The largest of these appropriations was the $52.5 million included for high-speed ground transportation research and development. This is $7.5 million more than the House bill and $8,379,000 below the Senate.

For administrative expenses of the Urban Mass Transportation Administration, the conference agreement includes $6,542,000. This would provide for 15 of the 30 additional field staff personnel requested by UMTA. Research and development funds for UMTA total $96,250,000, which is roughly an even split between the House and Senate bills.

In title II there were only three amendments in disagreement. Under the conference agreement funds for the National Transportation Safety Board would be maintained at the budget level.

We did agree to increase the salaries and expenses appropriation of the CAB by $50,000, but the House position was maintained in the case of air carrier subsidy payments. With respect to air carrier payments, I am advised by the CAB that a new class rate is under consideration. In view of this fact, and in view of the fact that under the existing class rate a supplemental would have been required regardless of which amount was agreed to, the conferees felt it was best to defer the Senate increase at this time. We did include the following language in the statement of the managers:

> It is the understanding of the conferees that the CAB can borrow forward to pay the additional amounts due in fiscal year 1972 resulting from the promulgation of Class Rate VI. It is, of course, the intention of the conferees to recognize the obligations of the Government with respect to payments to air carriers under the applicable law.

In title III of the bill, all the House limitations were restored. These provisions will result in additional reductions in current year obligations of $25 million below the budget.

Mr. Speaker, I urge that the conference report be agreed to. I will insert a table in the RECORD giving the conference figures in detail:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1973

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1972	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with— New obligational authority, 1972	Budget estimate, 1973	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I									
DEPARTMENT OF TRANSPORTATION									
Office of the Secretary									
Salaries and expenses	$21,592,000	[1] $26,053,000	$23,970,000	$24,120,000	$23,970,000	+$2,378,000	−$2,083,000		−$150,000
By transfer	(417,000)					(−417,000)			
Transportation planning, research, and development:									
Appropriation	22,000,000	[1] 42,100,000	30,000,000	38,000,000	31,500,000	+9,500,000	−10,600,000	+$1,500,000	−6,500,000
By transfer	(6,500,000)	(7,000,000)	(7,000,000)	(7,000,000)	(7,000,000)	(+500,000)			
Transportation research activities overseas (special foreign currency program)	500,000	500,000				−500,000	−500,000		
Grants-in-aid for natural gas pipeline safety	750,000	1,000,000	750,000	1,000,000	875,000	+125,000	−125,000	+125,000	−125,000
Consolidation of departmental headquarters	1,760,000	857,000	800,000	800,000	800,000	−960,000	−57,000		
Civil supersonic aircraft development termination	58,500,000					−58,500,000			
Total, Office of the Secretary	105,102,000	70,510,000	55,520,000	63,920,000	57,145,000	−47,957,000	−13,365,000	+1,625,000	−6,775,000
Coast Guard									
Operating expenses	503,378,000	[2] 551,000,000	548,900,000	551,000,000	548,900,000	+45,522,000	−2,100,000		−2,100,000
Appropriation for debt reduction	−143,003	−164,905	−164,905	−164,905	−164,905	−21,902			
Subtotal, operating expenses	503,234,997	550,835,095	548,735,095	550,835,095	548,735,095	+45,500,098	−2,100,000		−2,100,000
Acquisition, construction, and improvements	97,682,000	[2] 131,922,000	131,550,000	134,680,000	131,550,000	+33,868,000	−372,000		−3,130,000
Alteration of bridges	9,750,000	12,500,000	12,500,000	12,500,000	12,500,000	+2,750,000			
Retired pay	71,371,000	[1, 4] 72,789,000	72,789,000	72,789,000	72,789,000	+1,418,000			
Reserve training	27,434,000	31,735,000	31,735,000	Defer	31,735,000	+4,301,000			+31,735,000
By transfer	(571,000)					(−571,000)			
Research, development, test, and evaluation	14,500,000	[1] 18,256,000	16,500,000	18,256,000	17,500,000	+3,000,000	−756,000	+1,000,000	−756,000
State boating safety assistance	3,000,000	7,500,000	3,000,000	7,500,000	4,500,000	+1,500,000	−3,000,000	+1,500,000	−3,000,000
Total, Coast Guard	726,971,997	825,537,095	816,809,095	796,560,095	819,309,095	+92,337,098	−6,228,000	+2,500,000	+22,749,000

Footnotes at end of table.

Agency and item	New budget (obligational) authority, fiscal year 1972	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with—			
						New obligational authority, 1972	Budget estimate, 1973	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—Continued									
PARTMENT OF TRANSPORTATION—Continued									
Federal Aviation Administration									
Operations	$[3] 1,149,074,000	$[1] 1,175,156,000	$1,173,138,000	$1,175,256,00	$1,173,238,000	+$24,164,000	−$1,918,000	+$100,000	−$2,018,000
Reappropriation	(77,625,000)					(−77,625,000)			
Facilities and equipment (airport and airway trust fund)	301,809,300	[1] 251,939,000	251,939,000	302,650,000	302,650,000	+840,700	+50,711,000	+50,711,000	
Reappropriation	(153,741,000)					(−153,741,000)			
Research, engineering, and development (airport and airway trust fund)	63,360,700	[1] 74,568,000	66,000,000	66,000,000	66,000,000	+2,639,300	−8,568,000		
Reappropriation	(14,925,000)					(−14,925,000)			
Research and development	15,033,000					−15,033,000			
Grants-in-aid for airports (airport and airway trust fund):									
Planning grants	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000				
Development grants (appropriation to liquidate contract authorization)	(92,000,000)	(100,000,000)	(100,000,000)	(100,000,000)	(100,000,000)	(+8,000,000)			
Federal payment to the Airport and Airway Trust Fund (Intragovernmental transaction)	(646,882,000)	[1] (6,585,000)		(48,728,000)	(48,728,000)	(−598,154,000)	(+42,143,000)	(+48,728,000)	
Operation and maintenance, National Capital Airports	11,467,000	[1] 12,522,000	12,200,000	12,265,000	12,265,000	+798,000	−257,000	+65,000	
Construction, National Capital Airports	4,930,000	[1] 3,608,000	2,600,000	3,608,000	2,600,000	−2,330,000	−1,008,000		−1,008,000
U.S. International Aeronautical Exposition	2,000,000					−2,000,000			
Total, Federal Aviation Administration	1,562,674,000	1,532,793,000	1,520,877,000	1,574,779,000	1,571,753,000	+9,079,000	+38,960,000	+50,876,000	−3,026,000
Federal Highway Administration									
Salaries and expenses:									
Appropriation	7,129,000	[1] 15,429,000	13,400,000	13,325,000	13,325,000	+6,196,000	−2,104,000	−75,000	
By transfer	(94,221,000)	[1] (104,410,000)	(98,400,000)	(99,535,000)	(98,400,000)	(+4,179,000)	(−6,010,000)		(−1,135,000)
Highway beautification:									
Appropriation	1,100,000	[1] 1,365,000	965,000	965,000	965,000	−135,000	−400,000		
Appropriation to liquidate contract authorization	(10,000,000)	(15,000,000)	(12,000,000)	(12,000,000)	(12,000,000)	(+2,000,000)	(−3,000,000))		
Highway-related safety grants (appropriation to liquidate contract authorization)	(5,000,000)	(12,000,000)	(12,000,000)	(12,000,000)	(12,000,000)	(+7,000,000)			
Rail crossings—demonstration projects	10,000,000	10,000,000	2,000,000	10,000,000	2,000,000	−8,000,000	−8,000,000		−8,000,000
Territorial highways (appropriation to liquidate contract authorization)	(1,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(+1,000,000)			
Darien Gap Highway	15,000,000	30,000,000	25,000,000	15,000,000	15,000,000		−15,000,000	−10,000,000	
Federal-aid highways (trust fund—appropriation to liquidate contract authorization)	(4,662,093,000)	(4,898,000,000)	(4,891,990,000)	(4,893,125,000)	(4,891,990,000)	(+229,897,000)	(−6,010,000)		(−1,135,000)
Right-of-way revolving fund (trust fund—appropriation to liquidate contract authorization)	(25,000,000)	(45,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(+10,000,000)	(−10,000,000)		
Forest highways (appropriation to liquidate contract authorization)	(35,000,000)	(23,000,000)	(23,000,000)	(23,000,000)	(23,000,000)	(−12,000,000)			
Public lands highways (appropriation to liquidate contract authorization)	(5,000,000)	(16,000,000)	(16,000,000)	(16,000,000)	(16,000,000)	(+11,000,000)			
Baltimore-Washington Parkway (trust fund)	2,500,000					−2,500,000			
Total, Federal Highway Administration	35,729,000	56,794,000	41,365,000	39,290,000	31,290,000	−4,439,000	−25,504,000	−10,075,000	−8,000,000
National Highway Traffic Safety Administration									
Traffic and highway safety	69,337,000	48,268,000	43,000,000	45,673,000	44,185,000	−25,152,000	−4,083,000	+1,185,000	−1,488,000
Construction of compliance facilities	9,600,000					−9,600,000			
State and community highway safety (appropriation to liquidate contract authorization)	(67,000,000)	(75,000,000)	(70,000,000)	(70,000,000)	(70,000,000)	(+3,000,000)	(−5,000,000)		
Total, National Highway Traffic Safety Administration	78,937,000	48,268,000	43,000,000	45,673,000	44,185,000	−34,752,000	−4,083,000	+1,185,000	−1,488,000
Federal Railroad Administration									
Office of the Administrator, salaries and expenses	2,205,000	[1] 3,142,000	2,750,000	2,921,000	2,835,000	+630,000	−307,000	+85,000	−86,000
By transfer	(35,000)					(−35,000)			
Railroad research	10,350,000	10,600,000	10,350,000	10,500,000	10,350,000		−250,000		−150,000
Bureau of Railroad Safety	5,631,000	[1] 7,110,000	6,900,000	7,110,000	7,000,000	+1,369,000	−110,000	+100,000	−110,000
High-speed ground transportation research and development	25,000,000	[1] 60,879,000	45,000,000	60,879,000	52,500,000	+27,500,000	−8,379,000	+7,500,000	−8,379,000
Federal grants to National Railroad Passenger Corporation	170,000,000					−170,000,000			
Total, Federal Railroad Administration	213,186,000	81,731,000	65,000,000	81,410,000	72,685,000	−140,501,000	−9,046,000	+7,685,000	−8,725,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1973—Continued

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item (1)	New budget (obligational) authority, fiscal year 1972 (2)	Budget estimates of new (obligational) authority, fiscal year 1973 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	Conference action (6)	Conference action compared with— New obligational authority, 1972 (7)	Budget estimate, 1973 (8)	House bill (9)	Senate bill (10)
Urban Mass Transportation Administration									
Urban Mass Transportation Fund:									
Administrative expenses	$6,300,000	[1]$7,419,000	$6,400,000	$6,684,000	$6,542,000	+$242,000	−$877,000	+$142,000	−$142,000
Research, development, and demonstrations and university research and training	65,000,000	118,000,000	74,000,000	118,000,000	96,250,000	+31,250,000	−21,750,000	+22,250,000	−21,750,000
Appropriation to liquidate contract authorization	(150,000,000)	(232,000,000)	(232,000,000)	(232,000,000)	(232,000,000)	(+82,000,000)			
Total, Urban Mass Transportation Administration	71,300,000	125,419,000	80,400,000	124,684,000	102,792,000	+31,492,000	−22,627,000	+22,392,000	−21,892,000
St. Lawrence Seaway Development Corporation									
Limitation on administrative expenses	(762,000)	[1](797,000)	(797,000)	(797,000)	(797,000)	(+35,000)			
Total, title I, Department of Transportation	2,793,899,997	2,741,052,095	2,622,971,095	2,726,316,095	2,699,159,095	−94,740,902	−41,893,000	+76,188,000	−27,157,000
TITLE II									
RELATED AGENCIES									
National Transportation Safety Board									
Salaries and expenses	7,150,000	[1]7,785,000	7,700,000	8,285,000	7,785,000	+635,000		+85,000	−500,000
Civil Aeronautics Board									
Salaries and expenses	13,543,000	[1]14,123,000	14,123,000	14,173,000	14,173,000	+630,000	+$50,000	+50,000	
Payments to air carriers	53,600,000	54,000,000	54,000,000	65,400,000	54,000,000	+400,000			−11,400,000
Total, Civil Aeronautics Board	67,143,000	68,123,000	68,123,000	79,573,000	68,173,000	+1,030,000	+50,000	+50,000	−11,400,000
Interstate Commerce Commission									
Salaries and expenses	30,640,000	[7]31,660,000	33,120,000	33,120,000	33,120,000	+2,480,000	+1,460,000		
Payment of loan guarantees	[8]28,000,000					−28,000,000			
Total, Interstate Commerce Commission	58,640,000	31,660,000	33,120,000	33,120,000	33,120,000	−25,520,000	+1,460,000		
The Panama Canal									
Canal Zone Government:									
Operating expenses	50,800,000	[1]55,464,000	55,200,000	55,200,000	55,200,000	+4,400,000	−264,000		
Capital outlay	3,700,000	5,097,000	4,500,000	4,500,000	4,500,000	+800,000	−597,000		
Panama Canal Company:									
Limitation on general and administrative expenses	(19,283,000)	[1](20,556,000)	(20,556,000)	(20,556,000)	(20,556,000)	(+1,273,000)			
Total, The Panama Canal	54,500,000	60,561,000	59,700,000	59,700,000	59,700,000	+5,200,000	−861,000		
Washington Metropolitan Area Transit Authority									
Federal contribution	[9]212,332,000	[10]131,181,000	[10]131,181,000	[10]131,181,000	[10]131,181,000	−81,151,000			
Aviation Advisory Commission									
Salaries and expenses	750,000					−750,000			
Commission on Highway Beautification									
Salaries and expenses	200,000					−200,000			
Total, title II, related agencies	400,715,000	299,310,000	299,824,000	311,859,000	299,959,000	−100,756,000	+649,000	+135,000	−11,900,000
TITLE III									
GENERAL PROVISIONS									
Department of Transportation									
Federal Aviation Administration:									
Grants-in-aid for airport development (limitation on obligations)	(280,000,000)	(280,000,000)	(280,000,000)	[Deleted.]	(280,000,000)				(+280,000,000)
Federal Highway Administration:									
Highway beautification (limitation on obligations)	(40,000,000)	(60,000,000)	(30,000,000)	[Deleted.]	(40,000,000)		(−20,000,000)	(+10,000,000)	(+40,000,000)
Territorial highways (limitation on obligations)	(4,000,000)	(4,000,000)	(4,000,000)	[Deleted.]	(4,000,000)				(+4,000,000)
Forest highways (limitation on obligations)	(20,000,000)	(20,000,000)	(20,000,000)	[Deleted.]	(20,000,000)				(+20,000,000)
Public lands highways (limitation on obligations)	(10,000,000)	(12,000,000)	(12,000,000)	[Deleted.]	(12,000,000)	(+2,000,000)			(+12,000,000)
National Highway Traffic Safety Administration:									
State and community highway safety (limitation on obligations)	[11](80,000,000)	[11](90,000,000)	[11](80,000,000)	[Deleted.]	(85,000,000)	(+5,000,000)	(−5,000,000)	(+5,000,000)	(+85,000,000)

Footnotes at end of table.

						Conference action compared with—			
Agency and item	New budget (obligational) authority, fiscal year 1972	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	New obligational authority, 1972	Budget estimate, 1973	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE III—Continued									
GENERAL PROVISIONS—Continued									
Department of Transportation—Continued									
Urban Mass Transportation Administration:									
Urban mass transportation fund (limitation on commitments)	($900,000,000)	($1,000,000,000)	($1,000,000,000)	($1,000,000,000)	($1,000,000,000)	($+100,000,000)			
Total, limitations on obligations	(1,334,000,000)	(1,466,000,000)	(1,426,000,000)	(1,000,000,000)	(1,441,000,000)	(+107,000,000)	(−$25,000,000)	(+$15,000,000)	(+$441,000,000)
Total, titles I, II, and III, new budget (obligational) authority	3,194,614,997	3,040,362,095	2,922,795,095	3,038,175,095	2,999,118,095	−195,496,902	−41,244,000	+76,323,000	−39,057,000
Consisting of—									
Appropriations:									
Fiscal year 1972	(3,020,293,997)					(−3,020,293,997)			
Fiscal year 1973	(174,321,000)	(2,909,181,095)	(2,791,614,095)	(2,906,994,095)	(2,867,937,095)	(+2,693,616,095)	(−41,244,000)	(+76,323,000)	(−39,057,000)
Fiscal year 1974		(131,181,000)	(131,181,000)	(131,181,000)	(131,181,000)	(+131,181,000)			
Memoranda:									
Appropriations to liquidate contract authorizations	(5,052,093,000)	(5,418,000,000)	(5,393,990,000)	(5,395,125,000)	(5,393,990,000)	(+341,897,000)	(−24,010,000)		(−1,135,000)
Appropriations for debt reduction	(143,003)	(164,905)	(164,905)	(164,905)	(164,905)	(+21,902)			
Reappropriations	(246,291,000)					(−246,291,000)			
Grand total	(8,493,142,000)	(8,458,527,000)	(8,316,950,000)	(8,433,465,000)	(8,393,273,000)	(−99,869,000)	(−65,254,000)	(+76,323,000)	(−40,192,000)

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[1] Includes budget amendment for increased pay costs (House Doc. No. 92-267).

[2] Includes $21,500,000 budget amendment for increased pay costs (House Doc. No. 92-267) and $6,200,000 budget amendment for activities at Kodiak, Alaska (House Doc. No. 92-289).

[3] Includes $372,000 budget amendment for increased pay costs (House Doc. No. 92-267) and −$4,110,000 budget amendment (House Doc. No. 92-289).

[4] Proposed as an indefinite appropriation.

[5] Includes $989,074,000 from the airport and airway trust fund.

[6] Excludes $37,361,000 not authorized.

[7] Includes $1,500,000 contained in House Doc. No. 92-267 and $760,000 contained in House Doc. No. 92-271.

[8] Plus accrued interest.

[9] Includes advance appropriation of $174,321,000 for fiscal year 1973.

[10] Advance appropriation for fiscal year 1974.

[11] Also includes obligations for Federal Highway Administration, highway related safety grants

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Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McFALL. I yield to my good friend from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

In the fine print on page 10, which apparently constitutes a footnote, it is stated:

> Includes $131,181,000 advance fiscal year 1974 appropriation for Washington Metropolitan Area Transit Authority.

What is the meaning of that? Are we appropriating for fiscal year 1974?

Mr. McFALL. Yes. This matter was not in disagreement in the conference. That is correct. The money we provided in the original bill is for 1974 use by the Metropolitan Transit Authority.

Mr. GROSS. But not an advance in the sense that it could be used in 1973?

Mr. McFALL. The gentleman is correct. It cannot be used in 1973, but it is there available for them to go forward as soon as fiscal year 1974 arrives.

Mr. GROSS. If the gentleman will yield for one other question: Is there any money in the final version of this appropriation bill for the bailing out of that so-called exposition which was held out at Dulles Airport?

Mr. McFALL. No.

Mr. GROSS. Did that come too late for inclusion as a deficit in this bill?

Mr. McFALL. It is not in this bill. There was money, as the gentleman will recall, in an earlier bill. There is no money in this bill for that purpose.

Mr. GROSS. I thank the gentleman.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on H.R. 15097, the fiscal 1973 transportation appropriation bill.

I believe this is a bill all the Members of the House can take pride in. Its $3 billion price tag is $41.2 million below this year's budget request and $195.4 million below last year's appropriation.

I would like once more to commend the distinguished gentleman from California (Mr. McFALL) for the expertise and courtesy he invariably displays as chairman of the Transportation Subcommittee. All the other members of the subcommittee are to be applauded, too, for the knowledge and cooperation they have contributed in fashioning this year's transportation bill. Our teamwork resulted in eliminating $39 million of the increase the Senate added to the House-passed version of the bill.

I am particularly pleased that the House position with regard to funds for the Coast Guard Reserve prevailed in conference. The $31.7 million which we have provided will insure the military readiness of the Coast Guard. It will also insure the ability of the Reserve to augment the Active Coast Guard in its peacetime activities.

The entire Coast Guard, reservists included, performed admirably during the emergency created by Hurricane Agnes—as thousands of flood victims can testify to. Reservists also provide invaluable assistance in such activities as oil spill surveillance and cleanup; routine and emergency search and rescue activities; maintenance and repair activities at Coast Guard operating stations; and augmentation of regular Coast Guard crews at communication centers, rescue centers, and on board Coast Guard cutters.

Having heard from numerous reservists during the past 2 months, I am most impressed with their dedication and eagerness to provide humanitarian assistance in time of need. Our action here is a well-deserved tribute to and a vote of confidence in this fine organization.

The action taken by the conferees also insures the provision of much-needed funds for the acquisition of screening devices at the Nation's airports to prevent skyjacking attempts. In addition added sums have been allocated for instrument landing systems, airport traffic control towers, and airport surveillance radars to provide needed safety equipment. It is the hope and expectation of the committee that the FAA will expedite procedures for the prompt installation of this equipment.

Other important provisions in the final version of this bill include $27 million for the alcohol safety action program and $52.5 million for high-speed ground transportation research and development.

I feel confident that this bill will permit the Federal Government to continue to meet its obligations and exercise its leadership in the transportation area. I urge my colleagues to approve this conference report.

Mr. PETTIS. Will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from California.

Mr. PETTIS. I thank the gentleman for yielding.

I would like to ask a question of the gentleman from Massachusetts or the chairman from California.

First of all I would like to say I am pleased and concur in the progress being made in installing instrument landing systems at major airports across the country, which have not heretofore had them.

Has anyone made an estimate as to how long it will be before all metropolitan airports across the country which are now served by commercial airlines will have this very minimum instrumentation to insure the safety of passengers on arrival and departure at airports under instrument conditions?

Mr. CONTE. Let me say this if I may. The Senate added $50 million to the ILS's this year. You can see it in the calendar on page 12, Calendar 826. But even aside from the additional $50 million over and above what the House put in for the ILS's in the budget, the present funded ILS's could not be installed with an all-out attempt by the DOT until 1976. So you can get an idea as to how long it will take even to install those that the Senate has added and that the House put in the regular budget.

Mr. PETTIS. I thank the gentleman for his comments.

I would like to make a further observation to those Members who may think these moneys come out of the general funds. They do not; they come out of user funds.

Mr. CONTE. Trust funds.

Mr. PETTIS. Trust funds. Out of the airport and airways development fund. I hope the DOT will not hold back at all on the installation of these very minimal facilities. It would be amazing for the Members of this House to know how many metropolitan airports do not have this minimal ILS facility in existence today. We have lost hundreds of people in the last few years at airports just because we did not have this minimum instrumentation.

So again I commend the committee for what it has done, but I hope we can proceed a little faster than we have in the past.

Mr. CONTE. Let me say to the gentleman from California I know of his interest. Certainly he has the expertise as a former airline pilot. He has spoken to me on many, many occasions. I think one of the reasons why the committee moved the way it has is because of your expertise and advice and the continual work you have done with us in trying to get as many ILS's as possible throughout the country. I want to thank the gentleman.

Mr. HILLIS. Will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman.

Mr. HILLIS. I thank the gentleman.

Mr. Speaker, I commend my colleague, the gentleman from California (Mr. PETTIS), on his important remarks concerning the necessity of ILS landing systems being installed as rapidly as possible throughout the airway system of the United States.

As my colleague pointed out, the funds for these landing systems do not come from the General Treasury, but they are dedicated tax funds, paid by both commercial airlines and general aviation pilots in the form of airport fuel and aircraft taxes. I understand an ILS system can be installed for approximately $365,000.

Not only is this system important to general aviation pilots, but to every commercial air traveler throughout the land. Many of the serious accidents which have occurred recently—and right now, tragedies in New Haven, Conn., and Charleston, W. Va., come to mind—could have probably been avoided if a functioning ILS system had been in use.

As a pilot myself, I earnestly believe that ILS systems should be the manner of approach available in every airport in the United States which commercial airlines utilize.

Mr. McFALL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENT IN DISAGREEMENT

The SPEAKER pro tempore (Mr. BOGGS). The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: On page 2, line 22, strike out "$750,000" and insert: "$1,000,000".

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MCFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the sum proposed, insert the following: "$875,000".

Mr. McFALL. Mr. Speaker, I would ask that the House pass this motion. It is in technical disagreement. The amount of $875,000 is an exact split between the House and Senate figures and is for gas pipeline safety. The vote is necessary because the authorization for this very important program has not yet become law.

Mr. Speaker, I ask that the motion be agreed to.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCFALL).

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McFALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to, and to include pertinent material and tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

FOSSIL BUTTE NATIONAL MONUMENT, WYO.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 1553) to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the bill as follows:

H.R. 1553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve for the benefit and enjoyment of present and future generations outstanding paleontological sites and related geological phenomena, and to provide for the display and interpretation of scientific specimens, the Fossil Butte National Monument (hereinafter referred to as the "monument") is hereby established, to consist of lands, waters, and interests therein within the boundaries as generally depicted on the drawing entitled "A Proposed Fossil Butte National Monument, Wyoming," Numbered FBNM–7200, dated April 1963, revised July 1964, and totaling approximately eight thousand one hundred and eighty acres. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the monument from time to time by publication of a notice to that effect in the Federal Register, except that at no time shall the boundaries encompass more than eight thousand two hundred acres.

SEC. 2. The Secretary shall administer the monument pursuant to the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

SEC. 3. Within the boundaries of the monument the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, except that lands or interests therein owned by the State of Wyoming or a political subdivision thereof may be acquired only by donation.

SEC. 4. (a) During the period ending thirty years from the effective date of this Act, the Secretary shall permit the use of lands and waters within the monument for grazing, and stock watering, at such periods and places where such uses will not conflict with public use, interpretation, or administration of the monument: *Provided,* That the use of lands within the monument for stock driveways shall continue in perpetuity at such places where this use will not conflict with administration of the monument.

(b) Upon termination of the uses set forth in subsection (a) of this section, the Secretary of the Interior is authorized to provide for the disposition of water surplus to the needs of the monument, to a point or points outside the boundaries of the monument for the purpose of watering stock.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

With the following committee amendments:

Page 2, line 13, strike out "with donated or appropriated funds,"

Page 2, line 17, strike out "thirty" and insert "ten",

Page 2, line 19, strike out "use of" and insert "continuation of existing uses of Federal",

and page 3, strike out lines 8 through 10, and insert:

"SEC. 5. There are hereby authorized to be appropriated $378,000 for land acquisition and not to exceed $4,469,000 (June 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, the House is now beginning the consideration of the first of three bills dealing with various aspects of the national park program. This bill (H.R. 1553), which was introduced by our colleague from Wyoming, TENO RONCALIO, provides for the creation of a new national monument in the southwestern corner of his State. The other two involve the establishment of a new national historic site, a connecting parkway between Grand Teton National Park and Yellowstone.

With that in mind, let me assure my colleagues that we will present these measures as briefly as possible. We want to explain what is proposed and why we think these bills are important, but we will not go into great detail unless there are questions.

BACKGROUND AND PURPOSE

Mr. Speaker, H.R. 1553 provides for the establishment of the Fossil Butte National Monument. If enacted, it would add to the national park system an area of considerable scientific interest. As everyone knows, we have from time to time considered various proposals dealing with the geologic history of life and the park system includes some outstanding areas featuring early forms of life discovered in this country. The Petrified Forest National Park, Dinosaur National Monument, Agate Fossil Beds National Monument, and Florissant Fossil Beds National Monument are all examples of this part of the program. Each of these areas features a different aspect of the history of life and the monument proposed in H.R. 1553 would add still another dimension to the system.

The proposed national monument is part of an area that was submerged under a large fresh water lake millions of years ago. A peculiar combination of circumstances caused thousands of fish to die and be preserved in the limy layers of the lake sediments. The committee was told that known locations of fish fossils are relatively rare in the world and that this area in southwestern Wyoming is recognized as the most productive fish fossil-bearing formations in the United States. Outstanding examples of fossilized remains taken from this vicinity are exhibited at museums around the world.

It is estimated that there are about 100,00 acres of fossil-bearing formations within the public domain of western Wyoming. The Fossil Butte area is considered to encompass some of the richest fossil beds. As proposed in the legislation, the national monument would total 8,200 acres which should be adequate to study, develop, exhibit, and interpret this scientific resource.

COST

Mr. Speaker, the members of the Committee on Interior and Insular Affairs have studied this proposal thoroughly. We believe that our colleague from Wyoming has brought to us a bill with great merit. Where necessary, we have perfected the provisions of the bill to bring them into conformity with comparable situations at other units of the national park system. Naturally, we have included the usual provisions limiting the amounts of money authorized to be appropriated. Since most of the lands are already federally owned, only $378,000 is authorized for the acquisition of lands and interests in lands. Since the the area is disconnected from the main highway and because it is totally undeveloped, an access road, utilities and visitor facilities will be required. It is estimated that these costs will total $4,469,000 over a period of years.

CONCLUSION

As recommended by the committee, H.R. 1553 will accomplish the objectives sought and will add a significant new area to the national park system. I urge its approval by the Members of the House.

Mr. TAYLOR. Mr. Speaker, H.R. 1553 by our colleague from Wyoming (Mr. RONCALIO) is the first of four bills to be considered today involving units of the national park system. To my knowledge, none of these bills are controversial; however, I do think that it is important to take a few minutes to explain them to the Members of the House.

The legislation now under consideration provides for the establishment of the Fossil Butte National Monument in the State of Wyoming. This area is important chiefly for its scientific values associated with the fossilized fishes found in the area. Known locations of fish fossils are said to be relatively rare; however, in this area thousands of specimens are preserved and can be uncovered and preserved for display and study. Since part of the function of the national park system is to protect and present the geologic history of life, it seems highly appropriate that this area should be brought under the protective custody of the National Park Service.

Failure to extend the proper protection to this area could result in serious damage to this rare scientific resource. Present law prohibits the unauthorized collection of objects of antiquity from the public lands without permission, but enforcement of that prohibition over a wide area is difficult so that the threat of exploitation or destruction remains a real possibility in the future.

Transfer of the public lands to the National Park Service will result in public recognition of the values contained in the monument and, naturally, will result in Park Service personnel being assigned to administer, interpret, and protect the area.

Mr. Speaker, if H.R. 1553 is enacted, as recommended, it will provide for a new national monument totaling 8,200 acres. A large part of this land is presently in Federal ownership under the administrative jurisdiction of the Bureau of Land Management, but a portion of it is privately owned. While there are some stockmen holding grazing rights within the monument boundaries, it is expected that these activities can be phased out over a period of 10 years without causing substantial hardship to any operator.

COST

Because most of the lands are already federally owned, the only land acquisition necessary will be the purchase of 380 acres of privately held lands and the costs attributable to the determination of the validity of some 400 mining claims located within the area. It is estimated that these costs might total $378,000.

Development costs are more extensive. It will be necessary to develop a better access road and an internal road system, as well as to install public use facilities, including water, sewerage, and utility systems. Altogether, it is estimated that these costs will total $4,469,000 scheduled over a period of several years. The bill, of course, limits the amounts authorized to be appropriated to these maximum amounts.

CONCLUSION

Mr. Speaker, it was my pleasure to visit this site and to see how fossils are discovered, removed, and preserved.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 1553, to establish the Fossil Butte National Monument in the State of Wyoming.

Fossil Butte is world famous as the site of Eocene fish fossils, evidence of fresh water fish that lived approximately 45 million years ago. The known location of fossil fish of any age are relatively rare, but at Fossil Butte there are thousands of rare specimens. These fish fossils are believed to be the best and most significant in the United States and possibly the world.

This bill, H.R. 1553, will preserve these outstanding fossil specimens for the benefit and enjoyment of present and future generations by establishing the Fossil Butte National Monument. The proposed national monument will encompass not more than 8,200 acres in the State of Wyoming—86 percent of this land is already in Federal ownership—9 percent is owned by the State, and only 5 percent is privately owned.

This bill, if enacted, will establish the national monument and authorizes the Secretary of the Interior, upon acquisition of the lands and interests in land, to administer the area as a unit of the national park system.

The bill authorizes the appropriation of $378,000 for acquisition of lands and determining the validity of mining claims in the area. The bill also authorizes $4,469,000 for development of the national monument. The development plans include in-place exhibits of the fossil deposits, interpretive exhibits, a visitor center, and a system of internal roads and trails.

The scientific and geological importance of this area has given it national and worldwide significance. For this reason, it is imperative that we seek to preserve and interpret the phenomena located here.

Mr. Speaker, I support, and urge my colleagues to support, the passage of this legislation.

Mr. SKUBITZ. Mr. Speaker, I rise in support of this bill, H.R. 1553, as amended and reported by the Committee on Interior and Insular Affairs, establishes the Fossil Butte National Monument, in the State of Wyoming.

The purpose of this bill is to preserve for the benefit and enjoyment of present and future generations the outstanding fossilized marine life formation and the related geological phenomena associated therewith that formed the present Rocky Mountains. The national monument will be developed to give the visitor an opportunity to see the fossilized marine life in their geological settings. This will be done through a series of wayside exhibits and interpretition programs provided by roads, trails, a visitor center and related facilities. Development costs for these purposes are estimated to be approximately $4,469,000.

The Fossil Butte National Monument will comprise not more than 8,200 acres of land, of which 7,060 acres are in Federal ownership, 760 acres are owned by the State of Wyoming, and 380 acres are privately owned. The estimated cost of acquisition of the private lands and determining the validity of the 417 mining claims in the area is $378,000.

At the present time, 11 cattle and six sheep operators hold grazing permits on lands within the proposed national monument. This bill provides for a 10-year period to phase out the existing grazing uses with modest impact on the permittee and to prohibit new uses. This provision of the legislation will eliminate this activity within the boundaries of the monument in keeping with generally recognized principles of the national park system to eliminate incompatible uses.

The establishment of this national monument will preserve an area worthy of national recognition. It will preserve and protect an outstanding example of the paleontological and geologic history of these United States.

The Advisory Board on National Parks, Historic Sites, Buildings and Monuments has endorsed the establishment of the Fossil Butte National Monument in 1961, 1964, and 1965. I commend this legislation to my colleagues and urge your favorable vote on its passage.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the bill (S. 141) to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 141

An act to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for the benefit and enjoyment of present and future generations outstanding paleontological sites and related geological phenomena, and to provide for the display and interpretation of scientific specimens, the Fossil Butte National Monument (hereinafter referred to as the "monument") is hereby established, to consist of lands, waters, and interests therein with the boundaries as generally depicted on the drawing entitled "A Proposed Fossil Butte National Monument, Wyoming," numbered FBNM-7200, dated April 1963, revised July 1964, and totaling approximately eight thousand one hundred and eighty acres. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the monument from time to time by publication of a notice to that effect in the Federal Register, except that at no time shall the boundaries encompass more than eight thousand two hundred acres.

SEC. 2. The Secretary shall administer the monument pursuant to the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

SEC. 3. Within the boundaries of the monument the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, except that lands or interests therein owned by the State of Wyoming or a political subdivision thereof may be acquired only with the concurrence of the owner.

SEC. 4. (a) The Secretary shall permit the use of lands and waters within the monument for grazing and stock watering at such periods and places where such uses will not conflict with public use, interpretation, or administration of the monument for a period of thirty years from the effective date of this Act: *Provided, however,* That the Secretary shall have the power to extend the use of the lands for grazing and stock watering for as long after the thirty-year period as it is determined by the Secretary that such use does not conflict with the public use, interpretation, or administration of the monument; *And, provided further,* That the use of lands within the monument for stock driveways shall continue in perpetuity at such places where this use will not conflict with administration of the monument.

(b) Upon termination of the uses set forth in subsection (a) of this section, the Secretary of the Interior is authorized to provide for the disposition and use of water surplus to the needs of the monument, to a point or points outside the boundaries of the monument.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $4,469,000 (June 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of S. 141 and insert in lieu thereof the provisions of H.R. 1553, as passed, as follows:

That, in order to preserve for the benefit and enjoyment of present and future generations outstanding paleontological sites and related geological phenomena, and to provide for the display and interpretation of scientific specimens, the Fossil Butte National Monument (hereinafter referred to as the "monument") is hereby established, to consist of lands, waters, and interests therein within the boundaries as generally depicted on the drawing entitled "A Proposed Fossil Butte National Monument, Wyoming," Numbered FBNM–7200, dated April 1963, revised July 1964, and totaling approximately eight thousand one hundred and eighty acres. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the monument from time to time by publication of a notice to that effect in the Federal Register, except that at no time shall the boundaries encompass more than eight thousand two hundred acres.

SEC. 2. The Secretary shall administer the monument pursuant to the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

SEC. 3. Within the boundaries of the monuments the Secretary may acquire lands and interests in lands by donation, purchase or exchange, except that lands or interests therein owned by the State of Wyoming or a political subdivision thereof may be acquired only by donation.

SEC. 4. (a) During the period ending ten years from the effective date of this Act, the Secretary shall permit the continuation of existing uses of Federal lands and waters within the monument for grazing, and stock watering, at such periods and places where such uses will not conflict with public use, interpretation, or administration of the monument: *Provided,* That the use of lands within the monument for stock driveways shall continue in perpetuity at such places where this use will not conflict with administration of the monument.

(b) Upon termination of the uses set forth in subsection (a) of this section, the Secretary of the Interior is authorized to provide for the disposition of water surplus to the needs of the monument, to a point or points outside the boundaries of the monument for the purpose of watering stock.

SEC. 5. There are hereby authorized to be appropriated $378,000 for land acquisition and not to exceed $4,469,000 (June 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1553) was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that any Member desiring to do so may be permitted to revise and extend his remarks immediately preceding the passage of the bill H.R. 1553.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

JOHN D. ROCKEFELLER, JR., MEMORIAL PARKWAY

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 13201) to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the bill as follows:

H.R. 13201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) That for the purpose of commemorating the many significant contributions to the cause of conservation in the United States, which have been made by John D. Rockefeller, Junior, and to provide both a symbolic and desirable physical connection between the world's first national park, Yellowstone, and the Grand Teton National Park, which was made possible through the efforts and generosity of this distinguished citizen, the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to establish the John D. Rockefeller, Junior, Memorial Parkway (hereinafter referred to as the "parkway") to consist of those lands and interests in lands, in Teton County, Wyoming, as generally depicted in a drawing entitled "Boundary Map, John D. Rockefeller, Junior, Memorial Parkway, Wyoming", numbered PKY-JDRM-20,000, and dated August 1971, a copy of which shall be on file and available for inspection in the Offices of the National Park Service, Department of the Interior. The Secretary shall establish the parkway by publication of a notice to that effect in the Federal Register, at such times as he deems advisable. The Secretary may make minor revisions in the boundary of the parkway from time to time, with the concurrence of the Secretary of Agriculture where national forest lands are involved, by publication of a revised drawing or other boundary description in the Federal Register.

(b) The Secretary shall also take such action as he may deem necessary and appropriate to designate and identify as "Rockefeller Parkway" the existing and future connecting roadways within the parkway, and between West Thumb in Yellowstone National Park, and the south entrance of Grand Teton National Park: *Provided*, That notwithstanding such designation, such roads within the Yellowstone and Grand Teton National Parks shall continue to be managed in accordance with the statutes and policies applicable to these parks.

SEC. 2. Within the boundaries of the parkway, the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency. Lands and interests in lands owned by the State of Wyoming or a political subdivision thereof may be acquired only by donation. Lands under the jurisdiction of another Federal agency shall, upon request of the Secretary, be transferred without consideration to the jurisdiction of the Secretary for the purposes of the parkway.

SEC. 3. (a) The Secretary shall administer the parkway as a unit of the national park system in accordance with the authority contained in the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented.

(b) The lands within the parkway, subject to valid existing rights, are hereby withdrawn from location, entry and patent under the United States mining laws.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

With the following committee amendments:

Page 2, line 23, after "*Provided*," delete the remainder of the sentence and insert in lieu thereof: "That any sections of the parkway located within Yellowstone National Park or Grand Teton National Park shall be administered and managed in the same manner and in accordance with the same regulations and policies as the other portions of such parks."

Page 3, line 10, delete the words "with donated or appropriated funds".

Page 3, following line 20, insert a new subsection (b) as follows and renumber the succeeding subsection accordingly:

"(b) The Secretary shall permit hunting and fishing within the area described by section 1(a) of this act in accordance with applicable laws of the United States and the State of Wyoming, except that the Secretary may designate zones where, and periods when, no hunting or fishing shall be permitted for reasons of public safety, administration or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department."

Page 4, lines 9 through 11, delete all of section 4 and insert in lieu thereof the following:

"SEC. 4. For the purposes of this act, there are authorized to be appropriated not more than $25,000 for the acquisition of lands and interests in lands and not more than $3,092,000 for development."

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, the legislation which is now before the House is H.R. 13201, a bill to authorize the establishment of the John D. Rockefeller Memorial Parkway in the State of Wyoming. Comparable bills were introduced by the gentleman from Pennsylvania (Mr. SAYLOR), and others, and by the gentleman from Wyoming (Mr. RONCALIO).

BACKGROUND

A portion of the area involved in this legislation is presently part of the Teton National Forest which is wedged between Yellowstone National Park and Grand Teton National Park. Altogether, it is contemplated that 23,700 acres of land will be transferred from the U.S. Forest Service to the Department of Interior and that this corridor area and connecting highways within the parks will be redesignated as the John D. Rockefeller, Jr., Memorial Parkway.

At the present time, the lands involved are administered primarily for their outdoor recreational values because they are so closely associated with these two great national parks. The transfer of jurisdiction will merely assume their use in harmony with the parks and facilitate the administration of the areas for the safety and convenience of the visiting public.

All of the roads involved exist at the present time so that it will only be necessary to upgrade some of them to leisure-driving parkway standards. The plans call for approximately 82 miles of U.S. Highway 89—all but 6.8 miles of which are within the parks—to be designated as the "Rockefeller Memorial Parkway." This recognition stems from the many generous contributions which John D. Rockefeller, Jr., made to the national park system, including the purchase and donation of some 32,000 acres of lands within the Grand Teton National Park.

COMMITTEE AMENDMENTS

Mr. Speaker, the committee has taken great care to assure the continued integrity of these two national parks. One of the recommended amendments is drafted to make it absolutely clear that any portion of the parkway located within park boundaries is to be administered in accordance with the same high standards applicable to other park lands.

Another committee amendment applies strictly to the 23,700 acre corridor area between the two parks. I emphasize that fact to make it absolutely clear that the usual park policies prohibiting recreational hunting in national parks will continue to apply at both Yellowstone and Grand Teton. Within the corridor, however, hunting is permitted as long as the Secretary finds such activity compatible with public use, safety and enjoyment of the area. The language in the bill is the standard language approved by the Congress in other recreation area legislation.

The committee amendments also include the usual limitations on appropriations for land acquisition and development. In this case, the only costs attributable to land acquisition will be those connected with the determination of the validity of mining claims in the area—estimated at not more than $25,000. Development costs will include upgrading some roads, installation of visitor facilities and associated improvements which are estimated at not more than $3,092,000.

CONCLUSION AND RECOMMENDATION

This legislation will improve the efficiency of the administration of the entire area and it will insure the future integrity of the connecting corridor for the benefit and enjoyment of the public. I am convinced that it is sound legislation and I urge its approval by my colleagues in the House.

Mr. SAYLOR. Mr. Speaker, I rise in strong and enthusiastic support of this legislation.

H.R. 13201, a bill to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway would be a tribute by a grateful nation to one of its distinguished citizens, a prominent philanthropist and conservationist. John D. Rockefeller, Jr., made many gifts to the American people in furtherance of the national park system. The memorial parkway would be an appropriate recognition of his activities, since it would be both a symbolic link and a desirable physical connection between the world's first national park, Yellowstone, and Grand Teton National Park, which was made possible largely through the generosity and foresight of Mr. Rockefeller. Establishment of the parkway in 1972 would be especially appropriate since this is the national park system's centennial year.

The proposed John D. Rockefeller, Jr., Memorial Parkway would lie between West Thumb, Yellowstone, and the south entrance of Grand Teton National Park, a distance of 82 miles. A portion of Teton National Forest along the highway and the Snake River, between Yellowstone and Grand Teton National Parks, would be transferred from the Secretary of

Agriculture to the Secretary of the Interior. This area would be administered by the Secretary of the Interior under policies for national recreation areas. Hunting and fishing would be permitted, and cooperative wildlife management and cooperative programs with the Wyoming Game and Fish Commission would continue. The transfer would unify the administration of the principal traffic artery between the parks. Visitor services would be attuned to park visitors who comprise the majority of travelers in this corridor.

No Federal land acquisition costs would be incurred, but the cost of extinguishing existing mining claims will be about $25,000. The estimate of development costs would be $3,092,000, with annual operating costs of $173,600 anticipated by the 5th year after establishment.

The John D. Rockefeller, Jr., Memorial Parkway would not only be a tribute to a great American, but would directly benefit visitors to the two national parks by providing a continuity of service and protection. In addition, transfer of the area would reduce visitor confusion caused by altering jurisdictions and would result in economy of operation by eliminating dual management of contiguous Federal areas. Therefore, Mr. Speaker and my colleagues, I enthusiastically endorse the passage and enactment of this legislation as a fitting tribute to Mr. Rockefeller and as a desirable management objective of the National Park Service.

Mr. SKUBITZ. I rise in strong support of this legislation. H.R. 13201 is a bill to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway.

In fact, the purpose of this bill is twofold: First it provides a desirable management objective of the National Park Service by providing a designated parkway-type connection between the world's first national park—Yellowstone—and the Grand Teton National Park, and, second, the bill pays tribute to the dedication, efforts and generosity of a conservationist and benefactor of the National Park System by naming the parkway for that great American—John D. Rockefeller, Jr.

The John D. Rockefeller, Jr., Memorial Parkway proposed in this bill is presently a portion of U.S. Highway 89, connecting Yellowstone and Grand Teton National Parks. The lands traversed by this highway between the two national parks are part of the Teton National Forest under the jurisdiction of the U.S. Forest Service and the Department of Agriculture.

This bill proposes that some 23,700 acres of the Teton National Forest be transferred to the Department of the Interior for the purpose of constructing the memorial parkway. No major roadway construction will be required except to bring the existing highway up to the standards of a national parkway. These standards contemplate a 22-foot-wide roadway and 3-foot road shoulders.

By amendment, the Committee on Interior and Insular Affairs has provided in the bill that the lands comprising the memorial parkway lying between the two national parks will be administered by the National Park Service in accordance with policies and criteria applicable to national recreation areas; whereas, the portion of the memorial parkway lying within the two national parks will continue to be administered by policies applicable to national parks.

The Committee on Interior and Insular Affairs by amendment to the bill also provided for the acquisition of existing mineral interests in the area, if valid, and authorized the appropriation of $25,000 for this purpose.

The costs estimated for development of the memorial parkway are $3,092,000. This expense will consist primarily of upgrading the existing road to national parkway standards, water and sewage facilities, related improvements, and a visitor entrance station.

Mr. Speaker and colleagues, this bill merits your support. The designation of this John D. Rockefeller, Jr., Memorial Parkway cannot begin to repay that great American for the significant contributions he has made to our national park system. As the committee report states on page 3:

> Naming this scenic highway for this generous man can never equal his contributions to this nation, but it is a gesture of gratitude which the Congress can extend on behalf of the people of the United States.

I urge my colleagues to support the passage of this bill.

Mr. TAYLOR. Mr. Speaker, the purpose of H.R. 13201 is to link together two of the Nation's most outstanding national parks—Yellowstone and Grand Teton—with a relatively narrow corridor area along U.S. Highway 89. The thrust of this legislation is to protect the scenic and recreational values of the area immediately adjacent to, and intimately associated with, these parklands.

As recommended by the Committee on Interior and Insular Affairs, approximately 23,700 acres of land would be transferred from the administrative jurisdiction of the U.S. Forest Service to the jurisdiction of the Department of the Interior. This area, together with the existing highway system, would be designated as the John D. Rockefeller, Jr., Memorial Parkway.

I am sure that everyone is familiar with the many significant contributions of this outstanding conservationist and philanthropist. Not only did he have the foresight to recognize the natural and scenic values of the Grand Tetons, but he had the financial resources and the generosity to acquire more than 32,000 acres of land which he gave to the people of the Nation for a park. While we remember him largely at this place and time, it should be noted that he also contributed significant amounts of land for Acadia National Park in Maine and he generously donated $5 million for matching money for land acquisition in the Great Smoky Mountains National Park and Cape Hatteras National Seashore in my part of the country. In addition, organizations which his generosity made possible donated more than 5,000 acres of land and a substantial amount of money for the Virgin Islands National Park.

In short, Mr. Speaker, the designation of this area and the roadway system as the Rockefeller Memorial Parkway is a gesture of gratitude which the Congress can bestow on an individual on behalf of the people of the United States.

COSTS

Mr. Speaker, before I conclude my remarks, I want to point out that the only land acquisition costs involved are those associated with existing mineral claims in the area. It is not expected that any substantial investment will be required and the legislation limits the amounts authorized to be appropriated to no more than $25,000. In addition, certain road improvements to bring the highway to leisure-driving standards will be required and additional public and administrative facilities will be required. These development costs are estimated at slightly more than $3,000,000.

Several members of the committee have seen this area and are familiar with the proposed legislation, Mr. Speaker. I am pleased to report that I know of no opposition to its enactment. We all recognize that this connecting corridor will protect an area closely associated with two of our national parks and that it would facilitate the administration of a relatively remote parcel or land by the National Park Service. It is a pleasure for me to recommend the enactment of H.R. 13201, as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of a similar Senate bill (S. 3159) to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3159

An act to authorize the Secretary of the Interior to establish the John D. Rockefeller, Junior, Memorial Parkway, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) That for the purpose of commemorating the many significant contributions to the cause of conservation in the United States, which have been made by John D. Rockefeller, Jr., and to provide both a symbolic and desirable physical connection between the world's first national park, Yellowstone, and the Grand Teton National Park, which was made possible through the efforts and generosity of this distinguished citizen, the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to establish the John D. Rockefeller, Junior, Memorial Parkway (hereinafter referred to as the "parkway") to consist of those lands and interests in lands, in Teton County, Wyoming, as generally depicted on a drawing entitled "Boundary Map, John D. Rockefeller, Junior, Memorial Parkway, Wyoming", numbered PKY–JDRM–20,000, and dated August 1971, a copy of which shall be on file and available for inspection in the offices of the National Park

Service, Department of the Interior. The Secretary shall establish the parkway by publication of a notice to that effect in the Federal Register, at such time as he deems advisable. The Secretary may make minor revisions in the boundary of the parkway from time to time, with the concurrence of the Secretary of Agriculture where national forest lands are involved, by publication of a revised drawing or other boundary description in the Federal Register.

(b) The Secretary shall also take such action as he may deem necessary and appropriate to designate and identify as "Rockefeller Parkway" the existing and future connecting roadways within the parkway, and between West Thumb in Yellowstone National Park, and the South Entrance of Grand Teton National Park: *Provided*, That notwithstanding such designation, such roads within the Yellowstone and Grand Teton National Parks shall continue to be managed in accordance with the statutes and policies applicable to these parks.

SEC. 2. Within the boundaries of the parkway, the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency. Lands and interests in lands owned by the State of Wyoming or a political subdivision thereof may be acquired only by donation. Lands under the jurisdiction of another Federal agency shall, upon request of the Secretary, be transferred without consideration to the jurisdiction of the Secretary for the purposes of the parkway.

SEC. 3. (a) The Secretary shall administer the parkway as a unit of the National Park System in accordance with the authority contained in the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

(b) The lands within the parkway, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $3,092,000 (August 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment ordered by Mr. ASPINALL: Strike out all after the enacting clause of S. 3159 and insert in lieu thereof the provisions of H.R. 13201, as passed, as follows:

(a) That for the purpose of commemorating the many significant contributions to the cause of conservation in the United States, which have been made by John D. Rockefeller, Junior, and to provide both a symbolic and desirable physical connection between the world's first national park, Yellowstone, and the Grand Teton National Park, which was made possible through the efforts and generosity of this distinguished citizen, the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to establish the John D. Rockefeller, Junior, Memorial Parkway (hereinafter referred to as the "parkway") to consist of those lands and interests in lands, in Teton County, Wyoming, as generally depicted on a drawing entitled "Boundary Map, John D. Rockefeller, Junior, Memorial Parkway, Wyoming", numbered PKY–JDRM–20,000, and dated August 1971, a copy of which shall be on file and available for inspection in the Offices of the National Park Service, Department of the Interior. The Secretary shall establish the parkway by publication of a notice to that effect in the Federal Register, at such times as he deems advisable. The Secretary may make minor revisions in the boundary of the parkway from time to time, with the concurrence of the Secretary of Agriculture where national forest lands are involved, by publication of a revised drawing or other boundary description in the Federal Register.

(b) The Secretary shall also take such action as he may deem necessary and appropriate to designate and identify as "Rockefeller Parkway" the existing and future connecting roadways within the parkway, and between West Thumb in Yellowstone National Park, and the south entrance of Grand Teton National Park: *Provided*, That any sections of the parkway located within Yellowstone National Park or Grand Teton National Park shall be administered and managed in the same manner and in accordance with the same regulations and policies as the other portions of such parks.

SEC. 2. Within the boundaries of the parkway, the Secretary may acquire lands and interests in lands by donation, purchase, exchange, or transfer from another Federal agency. Lands and interests in lands owned by the State of Wyoming or a political subdivision thereof may be acquired only by donation. Lands under the jurisdiction of another Federal agency shall, upon request of the Secretary, be transferred without consideration to the jurisdiction of the Secretary for the purposes of the parkway.

SEC. 3. (a) The Secretary shall administer the parkway as a unit of the national park system in accordance with the authority contained in the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

(b) The Secretary shall permit hunting and fishing within the area described by section 1(a) of this Act in accordance with applicable laws of the United States and the State of Wyoming, except that the Secretary may designate zones where, and periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

(c) The lands within the parkway, subject to valid existing rights, are hereby withdrawn from location, entry and patent under the United States mining laws.

SEC. 4. For the purposes of this Act, there are authorized to be appropriated not more than $25,000 for the acquisition of lands and interests in lands and not more than $3,092,000 for development.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 13201) was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that any Member desiring to do so may insert his remarks in explanation of the bill immediately preceding the passage of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

GRANT-KOHRS RANCH NATIONAL HISTORIC SITE, MONT.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9594) to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the bill as follows:

H.R. 9594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide an understanding of the frontier cattle era of the Nation's history, to preserve the Grant-Kohrs Ranch, and to interpret the nationally significant values thereof for the benefit and inspiration of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") is hereby authorized to designate not more than two thousand acres in Deer Lodge Valley, Powell County, Montana, for establishment as the Grant-Kohrs Ranch National Historic Site.

SEC. 2. Within the area designated pursuant to section 1 of this Act, the Secretary is authorized to acquire lands and interests in lands, together with buildings and improvements thereon, by donation, purchase with donated or appropriated funds, or by exchange. The Secretary shall establish the Grant-Kohrs Ranch National Historic Site by publication of a notice to that effect in the Federal Register at such time as he deems sufficient lands and interests in lands have been acquired for administration in accordance with the purposes of this Act.

SEC. 3. Pending such establishment and thereafter, the Secretary shall administer lands and interests in lands acquired for the Grant-Kohrs Ranch National Historic Site in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), as amended.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

With the following committee amendments:

Page 2, lines 6 and 7, strike out "with donated or appropriated funds, or by" and insert "or".

Page 2, lines 20 through 22, strike out all of Section 4 and insert in lieu thereof the following:

"SEC. 4. There are authorized to be appropriated $350,000 for land acquisition and not to exceed $1,800,000 (July, 1971 prices) for development plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein."

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, the purpose of the legislation which is now before the House (H.R. 9594) is to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana.

BACKGROUND

The size of the historic site proposed by our colleague from Montana (Mr. SHOUP) is limited by the terms of the bill to no more than 2,000 acres. It is contemplated that a substantial portion of this area will be subjected to scenic easements and that cattle grazing will be continued as a part of the historic setting.

While this area will symbolize a 19th century ranch spread, it is only a small portion of what was once one of the huge cattle empires of the northern Rocky Mountain region. The site would include several historic structures which made up the ranch headquarters and the personal property used in the day-to-day operation of the ranch will be used to give the place an authentic atmosphere. The estimated value of the old furnishings, ranching equipment, and the collection of wagons, buggies, and sleighs which were donated by the heirs of Conrad Kohrs is $100,000.

The basic property, including the ranch headquarters, was acquired by the National Park Foundation—a nonprofit, federally chartered corporation—and it is being held for the purpose of conveying it to the National Park Service if the historic site is authorized.

Mr. Speaker, I want to emphasize that this historic site is not being created to memorialize any particular individual. The significance of this site is that it symbolizes an important element in the heritage and growth of the West—it is, in effect, the "Home on the Range" that we think about when we reminisce about the Old West. Naturally, it is difficult to separate the ranch from its operators and I expect that a great deal will be told concerning Conrad Kohrs, who was a distinguished Montana citizen, and his family when the historic site is established.

COMMITTEE AMENDMENTS

The committee amendments to H.R. 9594 merely make it clear that any funding of this project is subject to the usual appropriation process and that the funds authorized to be appropriated are limited to the amounts specified.

COST

The most important lands are already owned by the National Park Foundation and it holds scenic easements covering some of the other property. It is contemplated that some additional lands within the 2,000 acre maximum will be needed but the $350,000 authorized by the legislation includes the reimbursement of the Foundation for the cost of its holdings and any additional lands which may be acquired.

Restoration and stabilization of the historic structures, as well as the construction of appropriate visitor facilities, will require the investment of an additional $1,800,000.

CONCLUSION AND RECOMMENDATION

Mr. Speaker, this historic site represents a significant contribution to the story of the growth and development of the West and I am pleased that we have this opportunity to consider this legislation. The Committee on Interior and Insular Affairs considered this matter carefully and recommended it without opposition. I commend H.R. 9594, as amended, to my colleagues and urge its approval.

Mr. SHOUP. Mr. Speaker, evidence of the desire and need of Americans to relate to the past is widespread. Replicas and reproductions of pilgrim villages, forts, and frontier ghost towns both public and private give evidence of our desires to recognize, retain, and restore historical events and sites. History is new in our part of the country when compared with Georgetown or Williamsburg, and because it is new, because our history is still fresh in our minds makes it imperative that we act now to insure that our children and our children's children will understand and appreciate their heritage.

To the layman and historian alike, one of the outstanding aspects of the western scene pivots on the cattle industry, the Grant-Kohrs Ranch is such a historic and cultural legacy. This ranch was created in 1863 by Johnny Grant, the first major stockman in the northern Rockies. He subsequently sold the ranch to Conrad Kohrs who rapidly expanded his holdings of land and cattle and by the 1880's became one of the established cattle barons of the Northwest. He was the first to introduce registered purebred cattle in Montana and over the years this ranch has become famous for the production of Belgians and other thoroughbred horses as well as purebred cattle.

Conrad Kohrs became a leader in Montana, serving in the Territorial Legislature, helping to organize the Montana Stockgrowers Association, and serving as a member of Montana's Constitutional Convention.

The ranch we speak of today is living history. The Grant-Kohrs Ranch has been in the same family since 1866. The present day rancher is Conrad K. Warren, grandson of Conrad Kohrs. Mr. Warren converted the operation in the 1930's to a purebred Hereford operation and has been engaged lately mostly in raising feeder cattle. This is a successful cattle operation of over 109 years, duration. As I said this is living history.

Mr. Speaker, this bill authorizes the Secretary of the Interior to designate not more than 2,000 acres for the establishment of the Grant-Khors Ranch National Historic Site. Specifically the Department will acquire 208 acres of land in fee, including the ranch headquarters and outbuildings and a small tract of land for a visitor center. The remaining acreage, approximately 1,280 acres, would be covered by a scenic easement permitting the continuation of ranching activities.

In addition to the ranch headquarters, the ranch records are intact, giving an unbroken record of the entire operation. Also included are all of the historic wagons, buggies, sleighs, and other ranching equipment. Land acquisition costs are expected to total $350,000. Development costs are estimated to be $1.8 million. Estimated cost of operation and maintenance is expected to be $133,400 annually by the fifth year after establishment.

Mr. Speaker, let us not let this chance to preserve history slip through our fingers. I urge passage of this legislation, H.R. 9594.

Mr. TAYLOR. Mr. Speaker, the bill which is presently before the House provides for the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana.

BACKGROUND

Just about a year ago, several members of the Subcommittee on National Parks and Recreation visited this site. At that time, we had an opportunity to go through the home and to see the setting of the proposed historic site. What impressed us most about the area was that it offers an opportunity to present to the American people a symbol of a passing way of life. If H.R. 9594, by our colleague from Montana (Mr. SHOUP) is adopted, it will preserve a part of the heritage of the pioneer West.

At one time, the Grant-Kohrs Ranch headquarters was the hub of a vast unfenced cattle empire which was running some 30,000 head of cattle. No other place in the national park system represents this aspect of America life, but it has definitely played a role in our culture.

As presently contemplated, the new historic site would include the main ranch headquarters buildings, including the original homestead cabin of Johnny Grant which was constructed in 1853 and the main house which was constructed in stages between 1862 and 1890. Adding to the authenticity of the site, the heirs of Conrad Kohrs have donated a vast number of historic objects associated with ranching operations since the 1850's, including a fine collection of wagons, buggies and sleighs which were used in connection with the ranch. All of the old furnishings in the house will remain in place so that the visiting public can get a realistic impression of life during the times of the cattle barons.

COST

Mr. Speaker, this national historic site would be limited to no more than 2,000 acres. Most of this land would continue to be used to graze cattle and would add to the ranch setting of the historic site, however, the ranch buildings would be acquired in fee open to public visitation.

Presently, the National Park Foundation, a nonprofit, federally chartered organization, holds fee title to approximately 130 acres of land—including the ranch headquarters and related buildings—and it holds assessments covering an additional 953 acres. These lands, and interests in lands, would be transferred to the Government at cost. Altogether, it is estimated that the lands needed for the project can be acquired for no more than $350,000. An additional amount will be required in order to install necessary visitor-use facilities and to restore and stabilize some of the historic structures. It is anticipated that these development costs will not exceed $1,800,000. As usual, the committee has recommended that the appropriations be limited to the amounts estimated to be necessary.

CONCLUSION

As one who visited the proposed national historic site and participated in the deliberations on the legislation during the various stages of committee consideration, I can assure my colleagues that this proposal merits their favorable consideration, and I am pleased to recommend the enactment of H.R. 9594, as amended.

Mr. SAYLOR. Mr. Speaker. I rise in support of H.R. 9594, to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana.

The establishment of this ranch as a national historic site will preserve and interpret another segment in the historic and cultural development of our national heritage. The Grant-Kohrs Ranch in Deer Lodge Valley, Mont., portrays in its natural setting the frontier life and spirit of the Old West and its principal industry, livestock ranching.

The Grant-Kohrs Ranch is the surviving center of a once wide-ranging cattle empire. Johnny Grant, a trapper, hunter and trader, settled in Deer Lodge Valley in 1859. In 1866 he sold the ranch to Conrad Kohrs, a cattle buyer and butcher. From the time of the purchase of the ranch until the 1890's, when the open range cattle industry drew to a close, Conrad Kohrs and his associates directed a vast cattle and livestock empire extending for miles in northern and eastern Montana.

The Grant-Kohrs Ranch has been in the same family since purchased from Johnny Grant in 1866, and the present rancher is the grandson of Conrad Kohrs. In addition to the ranch headquarters, the ranch comprises several old and historic structures, including wagons, buggies, other vehicles and ranching paraphernalia. The ranch records are intact, giving an unbroken historical record of the range and purebred cattle operations for over 100 years.

The purpose of this bill is to establish the Grant-Kohrs National Historic Site and restore the structures and area to a condition to accept visitors into an operating cattle ranch scene.

The bill provides for the site to comprise not more than 2,000 acres and authorizes the appropriation of $350,000 for land acquisition and $1.8 million for development of the site.

There is no unit of the National Park System, at the present time, that represents this historical and cultural phase of our history. For this reason, I think it most fitting and appropriate that we take this opportunity to preserve and establish the Grant-Kohrs National Historic Site.

I urge my colleagues to support the passage of this bill.

Mr. SKUBITZ. Mr. Speaker, I rise in support of H.R. 9594, to authorize the establishment of the Grant-Kohrs National Historic Site in the State of Montana.

The bill authorizes the Secretary of the Interior to designate not more than 2,000 acres of land in Deer Lodge Valley, Powell County, Mont., for this historic site. The Grant-Kohrs Ranch was first constructed in this valley in 1863, by John Grant. In 1866, Grant conveyed the ranch to Conrad Kohrs. Mr. Kohrs expanded both the ranch and cattle operations to become one of the famous cattle barons of Montana and the early west.

Through the years these historic ranch structures have been conscientiously preserved to include historic furniture and furnishings, vehicles, and wagons, and written records.

The purpose of this bill is to preserve this area and its historic structures and objects to illustrate and create a public understanding and appreciation of livestock ranching and the frontier life. At the present time, there is no such unit of the National Park System which represents this phase of American life. The Grant-Kohrs Ranch is a genuine, well-preserved, historic cattle ranch, and presents an excellent opportunity to place in the National Park System a unit which uniquely portrays one of the most famous cattle empires of the Old West.

The bill as recommended by the Committee on Interior and Insular Affairs provides that most of the 2,000 acres proposed for this historic site will remain in limited agriculture and grazing uses. Some 208 acres will be acquired in fee which will include the ranch headquarters, other structures and a small tract for a visitor center.

The bill limits the amount of money authorized for land acquisition to $350,000 and provides for not more than $1,800,000 for development of the visitor center, parking, roads, trails, and related facilities and the restoration of some of the structures.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of a similar Senate bill (S. 2166) to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2166

An act to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide an understanding of the frontier cattle era of the Nation's history, to preserve the Grant-Kohrs Ranch, and to interpret the nationally significant values thereof for the benefit and inspiration of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") is hereby authorized to designate not more than two thousand acres in Deer Lodge Valley, Powell County, Montana, for estbalishment as the Grant-Kohrs Ranch National Historic Site.

Sec. 2. Within the area designated pursuant to section 1 of this Act, the Secretary is authorized to acquire not to exceed 208 acres in fee and other interests in lands not to exceed 1,214 acres, together with buildings and improvements thereon, by donation, or exchange. The Secretary shall establish the Grant-Kohrs Ranch National Historic Site by publication of a notice to that effect in the Federal Register at such time as he deems sufficient lands and interests in lands have been acquired for administration in accordance with the purposes of this Act.

Sec. 3. Pending such establishment and thereafter, the Secretary shall administer lands and interests in lands acquired for the Grant-Kohrs Ranch National Historic Site in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), as amended.

Sec. 4. There are authorized to be appropriated $350,000 for land acquisition and not to exceed $1,800,000 (July 1971 prices) for development plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr ASPINALL: Strike out all after the enacting clause of S. 2166 and insert in lieu thereof the provisions of H.R. 9594, as passed, as follows:

That, in order to provide an understanding of the frontier cattle era of the Nation's history, to preserve the Grant-Kohrs Ranch, and to interpret the nationally significant values thereof for the benefit and inspiration of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") is hereby authorized to designate not more than two thousand acres in Deer Lodge Valley, Powell County, Montana, for establishment as the Grant-Kohrs Ranch National Historic Site.

Sec. 2. Within the area designated pursuant to section 1 of this Act, the Secretary is authorized to acquire lands and interests in lands, together with buildings and improvements thereon, by donation, purchase, or exchange. The Secretary shall establish the Grant-Kohrs Ranch National Historic Site by publication of a notice to that effect in the Federal Register at such time as he deems sufficient lands and interests in lands have been acquired for administration in accordance with the purposes of this Act.

Sec. 3. Pending such establishment and thereafter, the Secretary shall administer lands and interests in lands acquired for the Grant-Kohrs Ranch National Historic site in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), as amended.

Sec. 4. There are authorized to be appropriated $350,000 for land acquisition and not to exceed $1,800,000 (July 1971 prices) for development plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indices applicable to the type of construction involved.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 9594) was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that any Member desiring to do so may insert his remarks in explanation of the bill preceding the passage of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CONFERENCE REPORT ON H.R. 6957, SAWTOOTH NATIONAL RECREATION AREA, IDAHO

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (H.R.

6957) to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the United States mining laws, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. SAYLOR. Mr. Speaker, reserving the right to object, I take this time to ask the chairman of the Committee on Interior and Insular Affairs whether or not he will explain what is in this conference report.

Mr. ASPINALL. If my colleague will yield to me, I shall take time to explain the conference report. I intend to have the reading of the statement dispensed with, if possible, as soon as we get to it.

If my colleague will yield to me, I will take the time to explain, and I intend to ask that the reading of the report be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. SAYLOR. I withdraw my reservation of objection.

Mr. HALL. Mr. Speaker, reserving the right to object, copies of this conference report were not available to Members on the floor, nor did we know it was going to be called up at this particular time. After the unanimous consent is requested, it is important to obtain an explanation. I wonder if under the reservation the gentleman would tell us the salient features of this conference report?

Mr. ASPINALL. If my colleague will yield to me, I did not get the gentleman's question.

Mr. HALL. The copies of the conference report are not available to the Members, nor did we know it was coming up at this particular time, and it is just now being handed to us from the document room. I wonder if before we give unanimous consent the gentleman would explain.

Mr. ASPINALL. I shall certainly be glad to explain.

Mr. HALL. I shall be glad to yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Speaker, I want it understood——

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. HALL. I still reserve the right to object, Mr. Speaker, as I stated.

Mr. ASPINALL. Mr. Speaker, I have not made a request for a unanimous consent as yet. Just as soon as the report from the conference committee is read, then I shall be glad to yield to my colleague.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. HALL. Mr. Speaker, I reserved the right to object three times.

The SPEAKER pro tempore. The Clerk will read the report.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of April 2, 1972.)

Mr. ASPINALL (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the conference report be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. HALL. Mr. Speaker, reserving the right to object—and that is a unanimous-consent request—I have no intention of delaying the proceedings of the House today toward a reading of the full conference report, but the two unanimous consent requests were placed for reading of the joint statement of the committee on conference and approval of the report simultaneously. I simply want to have, since the literature was not available in the hands of the Members in the requisite amount of time—and it has only now become available—a slight explanation as to germaneness or increases in cost on the part of the other body, and then I should be delighted to grant a unanimous request. I would be glad to yield for that purpose.

Mr. ASPINALL. Mr. Speaker, it is a pleasure for me as chairman of the conference to bring to the floor of the House the conference report.

The SPEAKER pro tempore. The gentleman will have to suspend until the gentleman gets unanimous consent.

Mr. ASPINALL. I thought the gentleman from Missouri withdrew his objection to the unanimous consent request.

The SPEAKER pro tempore. The gentleman reserves the right to object, and until such time as we have unanimous consent, we will have to continue with the reading of the report.

Mr. HALL. Mr. Speaker, a parliamentary inquiry. Is there any reason why on a reservation of objection I cannot yield to the gentleman so he may answer the two simple questions I have postulated?

The SPEAKER pro tempore. The gentleman can do so, if he so desires.

Mr. HALL. I did so, and I repeat it again.

The SPEAKER pro tempore. The gentleman reserves the right to object.

Mr. ASPINALL. Mr. Speaker, I am sorry that I misunderstood my friend from Missouri. I will be glad to take this time to explain the conference report.

This legislation was considered in detail by the authorizing committees of both Houses of Congress and the conferees met on three different days to resolve the differences between the House and Senate bills.

This is outstanding, rugged mountain country located in south-central Idaho. Altogether, under the legislation recommended by the conference committee, the recreation area, which would be administered by the Secretary of Agriculture, would total 753,900 acres of land, including 216,400 acres which would be designated as wilderness. The entire area, along with the Pioneer Range, would be studied by the Secretary of the Interior for the possible future recommendation of a national park in the region.

RECOMMENDATION OF THE CONFERENCE COMMITTEE

While the bills had the same basic objective, they differed in detail in many respects so that it was necessary to take the legislation to conference. The language of the bill recommended by the conference committee was developed from the language approved by the House, but there are some important differences which should be emphasized.

First, the original language of the House established two separate and distinct units—a national recreation area and a wilderness area. Under the terms of the conference committee recommendation, the wilderness area is included within the recreation area and will be administered in accordance with the provisions of this act insofar as those provisions are more restrictive than the Wilderness Act. The conferees recognized the importance of protecting this area to the maximum possible extent and allowed the deviation from the standard policies of the Wilderness Act, but it was emphasized that this departure should in no way be considered as a precedent for future wilderness proposals, because it was felt that in most cases the general law should apply equally to wilderness areas.

Second, with respect to land acquisition policies, the Conference Committee recommended the basic provisions of the House language. As agreed to, the Secretary may acquire by condemnation if necessary, up to 5 percent of the privately owned lands for access or for development of public or administrative facilities. In addition, in order to protect the area from potential subdivisions or any other adverse developments which might mar the pastoral setting, the Secretary may establish standards for the use of all privately owned lands within the recreation area. So long as the lands are used in a manner consistent with those standards, the Secretary's authority to condemn the lands is to be suspended. This language is intended to preserve private ownership of the ranch lands in the valleys which add so much to the beauty of the area; however, if an owner feels that the standards established are unduly restrictive or arbitrary, the conferees agreed to include a provision from the Senate bill which allows him to seek relief in the Federal District Court in an action for a declaratory judgment taken within 6 months after the effective date of the standards.

Third, the conference committee adopted the usual language used with respect to hunting and fishing in national forest recreation areas. In effect, it requires the Secretary to permit these outdoor recreation activities to continue subject to the usual Federal and State laws, but it allows him to designate periods when and areas where they shall be prohibited when that is necessary for public safety, administration, or public use and enjoyment.

Fourth, all of the lands within the recreation area, including the wilderness area, are withdrawn from entry, location, and patent under the mining laws. In addition, the Conference Committee recommends that language be included which would preclude patenting of existing mining claims and which would authorize the Secretary, after consultation with the Secretary of the Interior, to regulate the use of motorized and mechanical equipment across Federal lands. The provisions were written into the bill because of the very unique circumstances involved at this area. One of the reasons for the stringent regulation of the use of motorized equipment is the fragile character of some of the lands and because of the possibility of damage to the drainage patterns which might harmfully affect the streams and habitat of spawning anadromous fish. Normally, such restrictions would not be applicable within wilderness areas and the adoption of this provision at this time should not be considered as a precedent for circumventing the usual policies of the Wilderness Act in the future.

Fifth, both bills had provided for a study of the area for a possible national park; however, the Senate had included the Pioneer Range in the study area. Since the Congress will have an opportunity to review the recommendations and ultimately approve any park which might be created, the members of the conference committee agreed that all possible areas, including the Pioneers, should be included in the study.

Finally, Mr. Speaker, both Houses provided for an authorization ceiling, but the conferees agreed that the more specific language of the House was preferable; consequently, the House language limiting appropriations to $19,802,000 for land acquisition and $26,241,000 for development is included in the conference recommendation.

CONCLUSION AND RECOMMENDATION

That, very briefly, highlights the basic agreements reached by the conferees, Mr. Speaker. I feel that the legislation is a sound, constructive measure, and I am pleased to recommend the adoption of the conference report.

Those were the differences. This is the way they were settled. The House language prevailed, as my friend, the gentleman from Missouri, will notice as far as the authorizations for appropriations were concerned.

Mr. HALL. Mr. Speaker, I certainly appreciate the explanation. As I interpret that, all amendments other than those passed by the House were germane and there was no increase in the cost, just a division of the cost.

Mr. ASPINALL. That is correct.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of April 2, 1972.)

The **SPEAKER** pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. JAMES V. STANTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 363, nays 0, not voting 69, as follows:

[Roll No. 320]

YEAS—363

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Conte
Corman
Coughlin
Culver
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Denholm
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Latta
Link
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Ohio
Mills, Ark.
Minish
Mink
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Randall
Rangel
Rees
Reuss
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Waggonner
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—69

Baker
Betts
Blackburn
Blanton
Boland
Broomfield
Brown, Mich.
Carter
Chisholm
Clancy
Clay
Collins, Ill.
Conyers
Cotter
Crane
Daniels, N.J.
Davis, Wis.
Dellenback
Dellums
Dennis
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Frelinghuysen
Frey
Gallagher
Hagan
Hébert
Jonas
Keith
Kuykendall
Landrum
Leggett
Lennon
Lent
Lloyd
Long, La.
McCormack
McKinney
McMillan
Macdonald, Mass.
Madden
Metcalfe
Miller, Calif.
Mills, Md.
Minshall
Mollohan
Mosher
Passman
Pelly
Pepper
Quillen
Railsback
Rarick
Reid
Rhodes
Riegle
Rooney, N.Y.
Ruppe
Ryan
Schmitz
Slack
Stokes
Veysey
Vigorito
Waldie
Wiggins
Wylie

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rhodes.

Mr. Rooney of New York with Mr. Ruppe.

Mr. Daniels of New Jersey with Mr. Frelinghuysen.

Mr. Lennon with Mr. Jonas.

Mr. Passman with Mr. Keith.

Mr. Reid with Mr. Lent.

Mr. Ryan with Mr. Broomfield.

Mr. Boland with Mr. Kuykendall.

Mr. Blanton with Mr. Baker.

Mr. Leggett with Mr. Mosher.

Mr. Gallagher with Mr. Metcalfe.

Mr. Landrum with Mr. Edwards of Alabama.

Mr. McCormack with Mr. Clay.

Mr. Slack with Mr. Dellenback.

Mr. Pepper with Mr. Blackburn.

Mr. Macdonald of Massachusetts with Mrs. Chisholm.

Mr. Hagan with Mr. Carter.

Mr. Waldie with Mr. Railsback.

Mr. Vigorito with Mr. Collins of Illinois.

Mr. McMillan with Mr. Frey.

Mr. Edmondson with Mr. Brown of Michigan.

Mr. Miller of California with Mr. Conyers.

Mr. Long of Louisiana with Mr. Dennis.

Mr. Rarick with Mr. Davis of Wisconsin.

Mr. Dowdy with Mr. Crane.

Mr. Madden with Mr. Stokes.

Mr. Mills of Maryland with Mr. Clancy.

Mr. Minshall with Mr. Lloyd.
Mr. Mollohan with Mr. Dellums.
Mr. McKinney with Mr. Pelly.
Mr. Schmitz with Mr. Quillen.
Mr. Wiggins with Mr. Riegle.
Mr. Wylie with Mr. Cotter.

The results of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina (Mr. TAYLOR), the gentleman from Pennsylvania (Mr. SAYLOR), and the gentleman from Kansas (Mr. SKUBITZ), be permitted to extend their remarks in the RECORD immediately preceding the adoption of the conference report; and that any other Member desiring to do so may have 5 legislative days in which to extend his remarks in the RECORD concerning the legislation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 2956, CONCERNING THE WAR POWERS OF CONGRESS AND THE PRESIDENT

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the bill (S. 2956) to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? The Chair hears none, and appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, FASCELL, MAILLIARD, FRELINGHUYSEN, and FINDLEY.

CONFERENCE REPORT ON H.R. 15692, INTEREST RATE ON SMALL BUSINESS ADMINISTRATION DISASTER LOANS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, reserving the right to object, I should like to propound a parliamentary inquiry as to whether or not under the existing rules of the House and barring a unanimous consent request this conference report would be eligible for consideration by the House at this time.

The SPEAKER. Without unanimous consent it would have to go over until tomorrow. It is not eligible, and that is why the unanimous consent request was made.

Mr. HALL. Mr. Speaker, I appreciate the opinion of the Chair.

Further reserving the right to object, Mr. Speaker, may I ask why under a disaster relief proposal, as deserved as it might be, in the House-passed act we would have relief for businesses and industries allegedly injured under the SALT talks, the strategic arms limitation talks?

The SPEAKER. That is a substantive question on the content of the bill and should be directed to the chairman of the committee and not the Chair as a parliamentary inquiry.

Mr. HALL. Mr. Speaker, that was not a part of my parliamentary inquiry. I phrased it under a reservation of objection to the request of the gentleman from Texas.

The SPEAKER. The Chair misunderstood the gentleman.

Mr. HALL. I would be glad to yield to the gentleman from Texas for an answer.

Mr. PATMAN. Economic disaster is covered in this bill under the Senate provisions.

Mr. HALL. The gentleman from Missouri full well understands the function of the Small Business Administration and the jurisdiction of the Committee on Banking and Currency. Is it not true that there was no mention in the House-passed bill of the question of relief for those damaged, allegedly, by the SALT agreements?

Mr. PATMAN. That is correct, but the Senate provision was sufficient for the House conferees to agree on it.

Mr. HALL. Well, in the opinion of the gentleman from Texas——

Mr. PATMAN. There were many other Senate provisions.

Mr. HALL. Just a minute. I have not yielded. Let me complete my question before interrupting. I will make it ultimately clear to the gentleman.

Mr. PATMAN. Certainly.

Mr. HALL. Is it not the opinion of the gentleman from Texas that there would be a question of germaneness if it was not considered but was injected in the other body? In other words, my question is, Was this considered in the other body's bill?

Mr. PATMAN. I think the gentleman is correct in his first inquiry.

Mr. HALL. I thank the gentleman.

Mr. Speaker, because of the urgency of the need for relief from the damage by Hurricane Agnes, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 10, 1972.)

Mr. PATMAN. Mr. Speaker, in my opinion, the conferees on H.R. 15692, the disaster relief legislation, have come up with a bill that will go a long way toward providing more equitable assistance for victims of disasters.

Certainly there is no way that we can restore the lives or the property of disaster victims to the status prior to the disaster, but this legislation as it has been agreed to unanimously by both the House and Senate conferees is a great step forward in that direction. Let me take just a few minutes to describe the provisions of the bill:

APPLICABILITY

Under present law, the most beneficial disaster relief is limited to Presidentially declared disasters. H.R. 15692, however, would apply to Presidentially declared disasters as well as those declared by the Administrator of the Small Business Administration and the Secretary of Agriculture. The feeling of the conferees was that the overall severity of the disaster was not the most significant point in determining disaster relief, but rather the severity of the individual affected by the disaster.

RETROACTIVITY, FORGIVENESS, AND INTEREST RATE

The conferees adopted a two-step formula for retroactivity, forgiveness, and interest rates:

First. For Presidentially declared and Small Business Administration declared disasters occurring during calendar year 1971 disaster loans would have a forgiveness feature not to exceed $2,500, and the remaining balance of the loan would carry an interest rate of 3 percent.

Second. For the period January 1, 1972, to July 1, 1973, the two categories of disaster loans referred to in the first paragraph would be made with a forgiveness feature not to exceed $5,000, and the remaining balance of the loan would carry an interest rate of 1 percent.

Where the interest rate is higher under existing law than that agreed to by the Conference Committee, the loans will be refinanced at the new lower rate. The new rate will apply only to the balance on the loan outstanding at the date of enactment of this act.

In addition, the requirement in the Disaster Relief Act of 1970 that the borrower must pay the first $500 of a loan before he can receive any forgiveness has been removed retroactively to January 1, 1971.

CUT-OFF DATE

The legislation will expire on July 1, 1973, but it also directs the President to send to Congress by January 1, 1973, legislative recommendations for permanent disaster legislation. Thus, the present legislation will give the President an opportunity to observe its effectiveness and if there are areas that need to be corrected, they can be made in the form of amendments to the act.

FARMERS HOME ADMINISTRATION

Basically, the provisions in the bill dealing with SBA-type loans are for the most part identical to those for Farmers Home Administration loans, except that the retroactivity date only extends to June 30, 1971.

GRANTS TO NONPROFIT PRIVATE SCHOOLS

The bill provides that the President may make grants to non-profit private educational institutions in areas declared a major disaster by the President in connection with hurricane and tropical storm Agnes.

It is the understanding of the House that there are a number of such educational institutions that may be forced out of business without such relief and that both Wilkes and Kings Colleges in northeast Pennsylvania were substantially damaged by Agnes and are in desperate need of grant relief. The conferees felt, however, that this provision of the bill should go before the Appropriations Committee for further study as far as appropriated funds are concerned. It may well be that adequate funds have already been appropriated for this purpose but the conferees were not in a position to determine whether or not such funds were available or whether a new appropriation would be needed.

REFINANCING OF HOME MORTGAGES

Under present law, only the portion of a home and a business damaged by the disaster could be refinanced. The bill agreed to by the conferees provides that homeowners may refinance the entire amount of their mortgage, but in order to avoid any windfalls, the legislation further provides that in no case can the monthly payment on such refinancing be less than it was prior to the disaster.

SUSPENSION OF PAYMENT FOR DISABLED OR RETIRED PERSONS

The legislation contains a provision for suspension of payments of principal and interest of up to 5 years for any borrower upon an administrative determination by the Administrator of the Small Business Administration. The legislation further provides that if the borrower is retired or disabled and is supported by disability or pension insurance, that the Administrator may suspend for the lifetime of the borrower the payments of principal on the loan if the Administrator determines that such payments would work a hardship on the borrower. It is not intended that this provision is to be a grant in any form, but is to be used only when the facts clearly justify such a suspension.

LOANS FOR WORKING CAPITAL

The legislation would allow, in addition to loans for rebuilding and repairing or refinancing, loans for working capital. However, such loans would be limited to small businesses as defined by the Small Business Administrator.

STRATEGIC ARMS LIMITATION BUSINESS LOSS LOANS

The legislation agreed to by the conferees contains a provision that would allow for economic disaster loss loans to small businesses whose business has been affected by the international agreements limiting the development of strategic arms. This section of the legislation is aimed at small businesses who went into operation near proposed ballistic sites and because of the SALT agreements which subsequently closed such bases, the small business community in those areas is under a severe economic hardship. These loans would enable the small businessman to locate in a more favorable area. These loans would be made at a rate established by a formula based on cost of money to the Treasury.

AID TO ASSIST IN COMPLYING WITH NEW LEGAL REQUIREMENTS

The conferees discussed at length, but declined to include a provision that would have made economic disaster loans to all small business required to conform to new Federal or State statutes, such as those regulating environmental control. While there are specific provisions in the Small Business Act for making economic disaster loans for small business affected by laws already enacted by the Congress, since the new provisions would have opened up the loans to unknown future loss and, in addition, contain no limit on the individual amount of loan, the provision was dropped from the conference-reported bill. However, it is anticipated that hearings will be held on this legislation in the hopes of working out some of the problems.

Mr. Speaker, I urge the House to accept the conference report so that relief for disaster victims throughout the country can begin to help restore their lives to a predisaster situation.

Mr. WIDNALL. Mr. Speaker, I rise in support of the acceptance of the conference report on the bill H.R. 15692.

(Mr. WIDNALL asked and was given permission to revise and extend his remarks.)

Mr. WIDNALL. Mr. Speaker, I support prompt acceptance of the conference report on H.R. 15692. This is badly needed legislation on which Congress could and should have moved faster. It is no wonder that people who are jobless and homeless as a result of hurricane Agnes' devastating floods are disgruntled when it takes this Congress 10 weeks after that disaster to bring forth a simple measure such as this.

Be that as it may the opportunity for us to act is now upon us. I am pleased to be able to say to you that H.R. 15692 is a better bill now than when it was originally before you.

The report is short, simple and largely self-explanatory so I shall only comment on a couple of points. During the debate on the bill much concern was expressed about how the retroactive provisions would be applied. This has now been resolved.

On loans originated during calendar year 1971 there will be a $2,500 forgiveness. On loans originated between January 1, 1972, and July 1, 1973—the termination date of this legislation—there will be $5,000 forgiveness.

The existing requirement for repayment of the first $500 of any loan is eliminated for both categories. Also on all existing loans originated since January 1, 1971 interest will be recomputed to the lower levels provided by this bill effective upon its enactment. This lower rate will apply on the balance outstanding.

On page nine of the report under the heading "Grants to Nonprofit Private Schools" it is noted that a Senate provision authorizing the President to make grants to nonprofit educational institutions was dropped by the conferees. This may appear puzzling.

In connection with the authority for grants to nonprofit private schools, it was not the intention of the conferees in dropping the Senate reference to the use of funds appropriated to the President for "disaster relief" to make the school aid provision unusable. The conferees understood that the provision would be used, notwithstanding the deletion, to provide assistance to private schools in some reasonable amount, present estimates of which are now $25 million.

Mr. Speaker, though I have lamented the delays in passing this legislation it is true that one of the problems associated with it is the fact that it was put together hastily because of the magnitude of the Agnes disaster and that our disaster relief laws were inadequate. I am pleased to report that the House conferees accepted a Senate amendment which calls upon the President to conduct a thorough review of existing disaster relief legislation and report back to the Congress by January 31, 1973. With this kind of report it is my sincere hope that we can come back here next year with permanent legislation which will provide the kind of disaster relief assistance that this Nation ought to be able to give its citizens.

THE RECORD AS OF NOON FRIDAY, AUGUST 11

Agnes (All States)

Applications Accepted by Small Business Administration.

Number, 56,909.

Amount, $444,459,976.

Applications Approved:

Number, 28,784.

Amount, $164,666,160.

PRIMARILY HOME LOANS

Average time for processing disaster loans:

Acceptance to approval—12–14 days (average calendar days).

Mr. PATMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Speaker, I want to endorse this bill as it came out from the conference. As the chairman of the subcommittee, I also want to say this, that this is basically the same bill that started with the introduction of the bill by the gentleman from South Dakota (Mr. ABOUREZK). I want to compliment the gentleman for presenting this whole program and for calling this to the attention of our committee.

I would also like to point out that in this conference report we have agreed to a full study of this flood disaster program by the Small Business Administration, to be reported back to the Congress in 1973.

Mr. Speaker, I endorse the conference report.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on this bill at this point, and to include related extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Speaker, I rise in support of this legislation, and to join in the commendation of the committee and the gentleman from South Dakota (Mr. ABOUREZK) in his concern to see that the area of Rapid City, S. Dak., and other flooded areas receive these desperately needed subsidies.

Mr. Speaker, I am pleased to introduce the recommendations of this committee for this disaster relief bill and I also want to point out at this time that this original concept started out with the gentleman from South Dakota (Mr. ABOUREZK), who immediately introduced legislation following the terrible disaster in his hometown of Rapid City and who battled against great odds to have the disaster-stricken counties in South Dakota included in President Nixon's proposal which originally only included the States hit by Hurricane Agnes.

I know of no greater call to duty than that of a man such as Mr. ABOUREZK who believes so much in his constituents and is willing to do so much for them.

Mr. ABOUREZK. Mr. Speaker, I am extremely pleased that the conference report on H.R. 15692, an act to amend the Small Business Act to reduce the interest rate on disaster loans, is being considered today. Since the tragic flood disaster which struck my hometown on June 9, I have been urging speedy enactment of this needed legislation. The experiences I have had in trying to provide assistance to the people of Rapid City convince me that this is needed. Indeed, if anything, even more generous assistance could well be used.

Nonetheless, there is much that is good in this conference report and I urge its enactment. In addition to providing 1 percent loans for disaster victims with a forgiveness feature of $5,000, it provides loans for working capital under these same terms, the possibility of waiver of principal payment for elderly retirees or disabled people if payments would work a hardship, and the possibility of refinancing both old and new debt under these terms.

All of these features are a reflection of the willingness of Congress to try to deal with the human problems created by disasters. These are very humane provisions. We must be willing to offer this kind of assistance to deserving Americans.

Again, I fervently urge the Members of the House to act quickly and favorably on this report.

Mr. McDADE. Mr. Speaker, I wish to express my congratulations to the members of the conference committee for the excellent job they have done.

I commend the passage of the Agnes disaster conference report to the Members of the House of Representatives.

Most of the country had not begun to realize the awful magnitude of the disaster which had been visited upon us. When the President received the reports from the east coast, from Virginia to New York, he recommended the passage of legislation to authorize nearly $2 billion in disaster relief. I cosponsored that legislation on the House side, and I am delighted to see the bill which the conferees have reported for passage.

I would call the attention of the Members to two additional sections of this legislation, both of which I was privileged to recommend as amendments during the hearings held by the Banking and Currency Committee.

The first would authorize the Small Business Administration to forgive any portion or all of a loan if a determination were made that the repayment would represent an extreme hardship to those living on fixed income. This is of enormous significance for the elderly in the flood-ravaged districts, who have the clear right to receive the Federal help they need to rehabilitate their homes, but who might well find the repayment of the loan they receive to be an unbearable burden in view of the modest fixed income on which they depend for survival.

The second is the refinancing section of the legislation, which may prove a most important vehicle in the rebuilding of the shattered communities of Pennsylvania, which was the State that suffered most. This provision provides for the refinancing of 100 percent of the damage done to a business and the refinancing of home mortgages with the provision that the payment on the refinanced loan be no lower than the original preflood payment had been. Because of this provision, business owners and homeowners may now contemplate the carrying of mortgages in excess of the property value, because the lower rate of interest makes such a situation possible and even desirable.

This is an excellent bill. The Senate receded to the House on two important provisions, the striking of the means test and the requirement that loans be granted only to those taking out flood insurance. The means test I thought to be bad of itself; the flood insurance problem is one that we can meet at a later date when the people who have suffered have received the help they need.

In the history of America there has been no such disaster as the one which came with Hurricane Agnes. And in the history of America there has been no Federal legislation of such gigantic proportions to meet the problems created by this disaster. It is an historic piece of legislation, worthy of the splended and courageous people of Pennsylvania who are willing to put their backs into the task of rebuilding their communities, and even their lives, but who cannot do so alone.

Mr. ZWACH. Mr. Speaker, I rise in full support of the conference report on disaster relief loans and commend the committee for its fairness in treating all people in our country on an equal basis. It is landmark legislation.

Mr. BOGGS. Mr. Speaker, it is an old saying that when the going gets tough, the tough get going. When disaster strikes, we quickly find out who is tough and who is not. The people of Rapid City, S. Dak., and in fact, the people of all the United States can consider themselves fortunate that the Second District of South Dakota chose JIM ABOUREZK to represent them.

When flood tragedy struck the Black Hills, JIM was there to help. He looked over existing legislation in the area of disaster relief and found out where the law needed improvement. He introduced the bills that were needed and started working on their passage. When Agnes struck the east coast, the major bill was already well on its way. Broadening and improving disaster relief legislation simply became a matter of changing JIM's bill to take care of the new situation brought about by Agnes.

I am glad that the House of Representatives can respond to the needs of the American people by passing this bill. I am glad that JIM ABOUREZK was there to help us see where the need existed.

Mr. STEPHENS. Mr. Speaker, this legislation had its start in the Small Business Subcommittee of the House Banking and Currency Committee, a subcommittee which I am privileged to chair.

It should be noted that hearings were held on this legislation in early June—prior to Hurricane Agnes—because the subcommittee realized that the disaster legislation on the books at that time was not equitable.

Of course, when Hurricane Agnes struck, the subcommittee added provisions to provide for the victims of that disaster. Until the Disaster Relief Act of 1970, which was handled by another committee, interest rates on disaster loans were set at a legislative rate of 3 percent. The Disaster Relief Act of 1970 replaced the statutory rate with a rate based on a formula using the cost of money to the Treasury as its base. Unless H.R. 15692 had been passed, the victims of Hurricane Agnes would have been required to repay their loans at 5⅛-percent interest, the current rate charged under the formula in the Disaster Relief Act of 1970.

Since taking over as subcommittee chairman of the Small Business Subcommittee, I have been bothered by the disaster relief program. This is why the Small Business Subcommittee held hearings on the problem so that more equitable legislation could be adopted. These hearings I want to point out again were held weeks in advance of President Nixon's disaster message on Hurricane Agnes.

I would also like to point out that at the time of our hearings, administration witnesses opposed lowering the interest rate on loans and advocated repealing any forgiveness feature in the law. Shortly thereafter, however, the administration changed its position and advocated a forgiveness feature that was double a forgiveness in effect at that time.

Mr. Speaker, I am proud of the record of the Small Business Subcommittee because it is not waiting for crises to occur before it reacts, but rather, it is looking into all small business problems so that those areas that need corrective legislation can be dealt with prior to an emergency situation.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McDADE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 360, nays 1, not voting 71, as follows:

[Roll No. 321]

YEAS—360

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conover
Conte
Conyers
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Denholm
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frenzel
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Kee
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Latta
Link
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
Macdonald, Mass.
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Minish
Mink
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Randall
Rangel
Rees
Reuss
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Waggonner
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—1

Corman

NOT VOTING—71

Anderson, Ill.
Baker
Betts
Blackburn
Blanton
Broomfield
Brown, Mich.
Carter
Chisholm
Clancy
Clay
Colmer
Cotter
Crane
Davis, Wis.
Dellenback
Dellums
Dennis
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Fraser
Frelinghuysen
Frey
Gallagher
Goldwater
Hagan
Hébert
Jonas
Kastenmeier
Keith
Kuykendall
Landrum
Leggett
Lennon
Lent
Lloyd
Long, La.
McCormack
McKinney
McMillan
Madden
Metcalfe
Mills, Md.
Minshall
Mollohan
Mosher
Passman
Pelly
Pepper
Purcell
Quillen
Railsback
Rarick
Reid
Rhodes
Riegle
Rooney, N.Y.
Rosenthal
Ruppe
Ryan
Schmitz
Slack
Stokes
Teague, Tex.
Veysey
Vigorito
Waldie
Wiggins

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rhodes.
Mr. Rooney of New York with Mr. Ruppe.
Mr. Teague of Texas with Mr. Anderson of Illinois.
Mr. Blanton with Mr. Baker.
Mr. Waldie with Mr. Minshall.
Mr. Kastenmeier with Mr. Pelly.
Mr. Reid with Mr. Broomfield.
Mr. Rosenthal with Mr. Blackburn.
Mr. Ryan with Mr. Metcalfe.
Mr. Vigorito with Mr. Clay.
Mr. Leggett with Mr. Stokes.
Mr. Madden with Mr. McMillan.
Mr. Cotter with Mr. Dellums.
Mr. Edwards of California with Mr. Mosher.
Mrs. Chisholm with Mr. Gallagher.
Mr. McCormack with Mr. Mills of Maryland.
Mr. Landrum with Mr. McKinney.
Mr. Lennon with Mr. Lloyd.
Mr. Slack with Mr. Crane.
Mr. Mollohan with Mr. Davis of Wisconsin.
Mr. Passman with Mr. Dellenback.
Mr. Pepper with Mr. Dennis.
Mr. Edmondson with Mr. Quillen.
Mr. Hagan with Mr. Railsback.
Mr. Fraser with Mr. Carter.
Mr. Purcell with Mr. Clancy.
Mr. Rarick with Mr. Brown of Michigan.
Mr. Long of Louisiana with Mrs. Dwyer.
Mr. Colmer with Mr. Edwards of Alabama.
Mr. Frelinghuysen with Mr. Frey.
Mr. Goldwater with Mr. Schmitz.
Mr. Jonas with Mr. Keith.
Mr. Kuykendall with Mr. Riegle.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EMERGENCY AUGMENTATION OF REGULAR COAST GUARD RESERVISTS

Mr. CLARK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 14891) to amend title 14, United States Code, to authorize involuntary active duty for Coast Guard reservists for emergency augmentation of regular forces.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

H.R. 14891

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 14, United States Code, is amended by adding the following new section at the end of chapter 21 thereof:

"§ 764. Active duty for emergency augmentation of regular forces

"(a) Notwithstanding the provisions of any other law and for the emergency augmentation of regular Coast Guard forces at times of serious natural or manmade disaster, accident, or catastrophe the Secretary may, subject to approval by the President and without the consent of persons affected, order to active duty of not more than thirty days a year from the Coast Guard Ready Reserve any organized training unit; any member or members thereof; or any member not assigned to a unit organized to serve as a unit.

"(b) A reasonable time, under the circumstances of the domestic emergency involved, shall be allowed between the date when a Reserve ordered to active duty under this section is alerted for that duty and the date when he is required to enter upon that duty. Unless the Secretary determines that the nature of the domestic emergency does not allow it, this period shall be at least two days.

"(c) Active duty served under this section—

"(1) may, in the discretion of the Secretary, satisfy all or a part of the annual active duty for training requirement of section 270 of title 10, United States Code;

"(2) does not satisfy any part of the active duty obligation of a member whose statutory Reserve obligation is not already terminated; and

"(3) entitles a member while engaged therein, or while engaged in authorized travel to or from such duty, to all the rights and benefits, including pay and allowances and time creditable for pay and retirement purposes, to which he would be entitled while performing other regular active duty."

SEC. 2. The analysis of chapter 21 is amended by adding therein:

"764. Active duty for emergency augmentation of regular forces."

With the following committee amendments:

On page 1, line 4, strike the words "at the end of" and insert in lieu thereof the word "to".

On page 2, line 19, strike the word "Resreve" and insert the word "Reserve".

The committee amendments were agreed to.

Mr. CONTE. Mr. Speaker, as a member of the transportation appropriations subcommittee which has jurisdiction over the Coast Guard, I have urged for the past several years that a peacetime mission be established for its reserves. Indeed the committee report on the fiscal year 1972 transportation bill stated categorically that a peacetime mission must be found. To quote from the report, "Such a mission would provide tangible benefits to the taxpayers for their investment in this program and should improve the motivation of the individual reservists."

I am greatly pleased, therefore, that this bill was brought to the House today. The Coast Guard has an outstanding record of achievements with regard to the protection of life, property and our natural environment. This heroic service during the hurricane Agnes emergency was just one example of the valuable assistance it renders the country in times of calamity.

I have no doubt that the reserve will emulate the high standards of its parent organization in lending a helping hand during crises caused by natural or manmade disasters. As the result of my recent effort to insure that funding for the Coast Guard Reserve was included in this year's transportation bill, I have heard from many reservists throughout the country. Their dedication and devotion to duty can be a source of pride and satisfaction to us all. I am sure that they will perform this new mission with the same distinction and level of accomplishment that has marked all Coast Guard endeavors in the past.

I urge my colleagues to approve this legislation.

Thank you.

Mr. HUNT. Mr. Speaker, I strongly support the passage of H.R. 14891 of which I am cosponsor. The congressional district of New Jersey which I represent comprises part of the great Philadelphia port complex, an essential part of the Nation's commerce. A loss of any part of these port facilities through fire or similar major disaster would have a crippling economic effect on that part of the country. There is a sizable contingent of Coast Guard reservists in the area, and they would be made available, under the authority contained in this bill, to assist the Coast Guard and reinforce other responsible agencies in combating such emergencies. The bill appears to me to be an effective form of low-cost insurance against disaster incidents that could have very serious consequences.

Mr. YOUNG of Florida. Mr. Speaker, today I wish to speak in support of H.R. 14891, which I am pleased to cosponsor which provides that the Secretary of Transportation may, when authorized by the President, order any Coast Guard reservists—either individually or along with his regular reserve unit—to active duty for a period not to exceed 30 days.

This bill is designed to give the Coast Guard more flexibility in meeting its manpower needs during local emergencies or disasters. Currently the Coast Guard Reserve must rely on volunteers to augment emergency manpower needs of the Coast Guard in areas devastated by floods or threatened by oil spills. But the spirit of the Coast Guard Reserve is such that even now, during the peak summer season of operations, reservists are volunteering to assist the regular Coast Guard. In my own district, these men are augmenting the force of our Coast Guard airstation and manning small boats for search and rescue missions. And on the east coast of Florida, over 500 reservists have performed active duty for training in direct support of Coast Guard operations for this summer.

Though the spirit of volunteerism is strong in the Coast Guard Reserve, H.R. 14891 will increase the manpower with which the Coast Guard Reserve can respond to domestic emergencies or natural disasters. Therefore, Mr. Speaker, I urge my colleagues to support H.R. 14891.

Mr. CLARK. Mr. Speaker, I rise to urge support of H.R. 14891, a bill which would authorize the Secretary of the Department in which the Coast Guard is operating, subject to approval by the President, to order to active duty members of the Coast Guard Reserve during times of natural or manmade disasters. Said period of emergency active duty would be restricted to a period of not more than 30 days a year, and provision is made whereby this active duty could be substituted for the annual active duty for training required of selective reservists by law. In an effort to minimize the disruptive effect such call may have upon a reservist, the bill also requries the Secretary to allow a reasonable time, if possible, between the time which a reservist is alerted and the time which he is to report to active duty. The bill also would entitle the reservist to those benefits that he would be entitled to if called on other types of active duty.

The need for this legislation is manyfold. We are all aware of the important role which the Coast Guard plays during times of natural or manmade disasters. the floods resulting from tropical storm Agnes and the efforts of the Coast Guard in those areas of devastation are still fresh in our minds. What many of us do not realize, however, is that during these periods of national emergency the capabilities and resources of the regular Coast Guard are taxed to their ultimate limit because of their efforts to save lives, property, and further damage which might be forthcoming. Under this bill, the Secretary would have the authority to call up members of the Coast Guard Reserve to augment the regular forces in those areas which are experiencing the disaster, or in the alternative to call up reservists who would in turn relieve members of the regular forces from their normal duties so that they may be utilized in disaster areas. The flexibility and the additional resources which this bill would provide with respect to meeting the needs of the country during times of disaster will undoubtedly result in less property damage, but more importantly, with more lives saved. Another added accomplishment of this legislation is the fact that it would entrust the Coast Guard Reserve with a peacetime mission paralleling the present dual mission of its parent organization which will undoubtedly have beneficial effect on the esprit de corps of those in the reserves.

For these very important reasons, I urge support for this very important piece of legislation.

Mr. McFALL. Mr. Speaker, I rise to support H.R. 14891, a bill designed to increase the flexibility and speed with which the Coast Guard can respond to local emergencies. The need for this legislation was made clear to me during the recent flooding at Isleton and Rio Vista in my home State. While a levee on the Sacramento River was being rebuilt and reinforced, it gave way—sending flood waters surging through the streets of Isleton and other nearby communities. On a purely voluntary basis, Coast Guard reservists did aid in evacuating and securing the area, but had H.R. 14891 been enacted before the levee broke, many more men—even whole units—could have been used effectively to supply food to isolated locations, perform searches for missing persons and carry out evacuations of threatened areas.

I ask you to consider how much more effective this bill will make the Coast Guard Reserve. When an organization has the esprit de corps and the wide variety of skills which permit just one of the many units to voluntarily provide 500 hours of augmentation in a 6-month period, it can truly become an efficient and ever-ready force to assist the regular Coast Guard during natural disasters or local emergencies. I strongly urge support of H.R. 14891.

Mr. GROVER. Mr. Speaker, I rise in support of H.R. 14891. As many are aware, the bill will authorize the Secretary of Transportation, subject to the approval of the President, to recall members of the Coast Guard Reserve to active duty in times of serious natural or manmade disaster, accident, or catastrophe. The period of active duty under this bill could not exceed 30 days.

The strength of the active duty Coast Guard is thinly distributed throughout its areas of operation. The occurrence of a natural disaster of major proportions invariably taxes the capabilities of Coast Guard personnel in the affected geographic area. The ability to call upon additional trained personnel for rescue and assistance work would greatly assist the Coast Guard's mission to provide emergency service in disaster-stricken areas.

Examples of extreme emergencies in which the use if the requested authority is envisioned are hurricanes, floods, tidal waves, explosions, and fires of great magnitude. Likewise, emergency response would be available for water-related ecological disasters, such as massive oil spills which threaten the coastal marine environment.

It is contemplated that the authority to involuntarily call Coast Guard reservists to active duty will be for those infrequent but truly urgent situations where reservists can make a significant contribution to active force missions. Because such episodes occur infrequently and unpredictably, any accurate cost estimates for the support of such activities are impossible. Costs would be borne by Coast Guard's operating expense appropriations.

Mr. Speaker, again I urge passage of this important bill, H.R. 14891. It is obvious that disaster assistance is needed and it is appropriate that the Coast Guard's reserve component should reflect the distinctive status of its parent organization by being assigned similar additional peace-time missions.

Mr. McDONALD of Michigan. Mr. Speaker, I wish to speak in support of the proposed legislation to authorize the use of Coast Guard reservists in disaster situations. On the Detroit waterfront, just adjacent to the district which I represent, there was a serious ship collision last June 5. Two cargo ships collided in the St. Clair River off Port Huron, partially blocking the river. The Coast Guard was faced with serious traffic control problems, which are continuing today, and with the possibility of a major oil spill from one of these vessels. I am told that Coast Guard reservists immediately volunteered for duty in connection with this event, and have been invaluable in minimizing the river traffic problems and preventing the oil spill.

But if the accident had been of larger scope, would there have been sufficient manpower available on a voluntary basis? We do not know, and in order to assist the Coast Guard in carrying out such port safety functions I feel we should give them the authority contained in this bill.

Mr. PIRNIE. Mr. Speaker, I rise in support of H.R. 14891 of which I am an original sponsor, to authorize the involuntary call to duty of Coast Guard reserve members during periods of natural disaster. I concur in the concept that we must bring every possible resource to bear in protecting the lives and property of our countrymen when disaster strikes. This legislation would assist us in doing so and would enhance the Coast Guard's ability to carry out its emergency functions. In my opinion, the Coast Guard's reserve is presently an underutilized resource, in that the law presently contemplates its use only in emergencies related to the national security. By adding this additional peacetime mission, we can broaden the usefulness of the organization and also help to prevent or alleviate the tragic consequences of the floods and storms that occasionally strike various parts of the Nation.

Mr. SANDMAN. Mr. Speaker, I am thoroughly acquainted with the functions of the Coast Guard, and with its fine record of achievement in safeguarding the lives and property of our citizens, from its activities in the district which I represent. I know what an austere organization it is, and how efficiently and effectively it uses its men and the dollars which the Congress appropriates for it. In terms of tangible return on the taxpayer's dollar, the Coast Guard represents one of the best bargains in Government today by reason of the lives it saves and the property it preserves each year. This bill, H.R. 14891, of which I am cosponsor, will further the Coast Guard's ability to carry out its emergency functions at the lowest possible cost. When additional manpower is needed for an emergency, the Coast Guard calls them up and uses them. When not being used, they are not on the active duty payroll. I strongly endorse the purpose of this bill and recommend its passage.

Mr. BROWN of Michigan. Mr. Speaker, I too support H.R. 14891, giving the Coast Guard authority to call up its Reservists for emergency augmentation purposes. Although I know that Coast Guard Reservists in my district are already assisting their regular comrades on a voluntary basis, we must consider the need for occasional all-out effort in the event of major disaster. And this Reserve force, I am sure, is capable of making significant contributions to the Nation in the peacetime emergencies this proposal contemplates, as well as in military emergencies. The young men who serve in this Reserve force are fine examples of our Nation's youth. The Coast Guard Reserve unit in Battle Creek, Mich., was just recently cited by the Department of Defense for its excellent record in community activities. That unit assisted in the construction and renovation of 2-day care centers for the children of migrant workers and college students and has been involved in several other projects aimed at the betterment of community life. Personnel of that unit also are augmenting the regularly assigned crews of adjacent Coast Guard stations during all of their scheduled reserve drills.

In my opinion we should expand the role that such fine young men play in assisting their neighbors in times of emergency. This bill would accomplish that purpose, and I support it.

Mr. FLOOD. Mr. Speaker, the Coast Guard Reserve proved to be of invaluable assistance during the recent floods in the Wilkes-Barre area, which were caused by the rain of tropical storm Agnes. Eight officers and 35 enlisted reservists on training status volunteered for duty in the area and assisted in rescue and security operations. The reservists were also involved with the transportation of medical personnel and supplies to stricken victims and the transportation of food and clothing to a group of people who were completely isolated by the flood. Everyone here is aware of the extent to which the Wilkes-Barre area was ravaged by these terrible floods; it was one of the worst natural disasters in the history of the country. In disasters of such magnitude, we must insure the complete utilization of all the resources at our disposal for rescue and relief operations. The purpose of this bill is to move in that direction, and therefore I support it wholeheartedly.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BASIC PAY OF MASTER CHIEF PETTY OFFICER, COAST GUARD

Mr. CLARK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 10486) to make the basic pay of the master chief petty officer of the Coast Guard comparable to the basic pay of the senior enlisted advisers of the other Armed Forces, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

H.R. 10486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1401 of title 10, United States Code, is amended by deleting the word "or" between the phrases "Air Force," and "sergeant major" in the second sentence of footnote 4 of the table in that section and adding the words "or master chief petty officer of the Coast Guard," between the phrase "Marine Corps," and the word "compute".

SEC. 2. Section 423 of title 14, United States Code, is amended by adding the following new sentence between the first and second sentences of the section: "In the case of an enlisted member who served as the master chief petty officer of the Coast Guard, his retired pay shall be computed at the highest basic pay applicable to him while he so served, if that basic pay is greater than the basic pay of the grade or rating to which he was otherwise entitled at the time of retirement."

SEC. 3. Section 203(a) of title 37, United States Code, is amended by deleting the word "or" between the phrases "Air Force," and "Sergeant Major" in footnote 1 of the "Enlisted Members" pay table in that section and adding the words "or Master Chief Petty Officer of the Coast Guard," between the phrase "Marine Corps," and the word "basic".

SEC. 4. Section 411 of title 38, United States Code, is amended by deleting the word "or" between the phrases "Air Force," and "sergeant major" in footnote 1 of the table in that section and adding the words "or master chief petty officer of the Coast Guard," between the phrase "Marine Corps," and the word "at".

SEC. 5. Because section 8 of Public Law 90–207 (81 Stat. 654) and implementing Executive orders have raised the rates of basic pay of members of the Armed Forces above the rates in the statutory tables and footnotes of section 203(a) of title 37, United States Code, upon enactment of this Act there shall be an immediate upward adjustment in the basic pay of the master chief petty officer of the Coast Guard to the amount prescribed for the senior enlisted advisers of the other Armed Forces listed in the footnote to the current enlisted pay table. An enlisted member of the Coast Guard who has served as the master chief petty officer of the Coast Guard before enactment of this Act is entitled to recover the differences between the basic pay (including proficiency pay) received while so serving and the amount he would have received if his basic pay had been the same as the basic pay of the senior enlisted advisers of the other Armed Forces from the time of his original appointment to serve as the master chief petty officer of the Guard.

SEC. 6. Section 6 of the Act of June 20, 1918 (40 Stat. 608), as amended (33 U.S.C. 763), is amended by deleting the word "five" in the first proviso of the first sentence thereof and substituting therefor the word "three". This section becomes effective as of October 20, 1969.

With the following committee amendments:

On page 2, line 21, strike out "Because" and all that follows thereafter down through "table." on line 5, page 3.

On page 3, line 13, before the word "Guard.", insert the word "Coast".

On page 3, strike out lines 14 through 18 and insert in lieu thereof the following:

Sec. 6. (a) Section 6 of the Act of June 20 1918 (33 U.S.C. 763) is amended—

(1) by striking out "or" at the end of clause (1) of the first sentence and by inserting after "Government," in clause (2) of that sentence the following: "or (3) are involuntarily separated from further performance of duty, except by removal for cause on charges of misconduct or delinquency, after completing twenty-five years in the active service of the Government, or after completing twenty years of such service and after reaching the age of fifty years,";

(2) by striking out "five years of service" in the first proviso of the first sentence and inserting in lieu thereof "three years of service"; and

(3) by inserting immediately after the colon at the end of the first proviso the following: "*Provided further*, That the retirement pay computed under the preceding proviso for any such officer or employee retiring under clause (3) shall be reduced by one-sixth of 1 per centum for each full month the officer or employee is under fifty-five years of age at the date of retirement:".

AMENDMENT OFFERED BY MR. CLARK TO THE LAST COMMITTEE AMENDMENT

Mr. CLARK. Mr. Speaker, I offer an amendment to the last committee amendment.

The Clerk read as follows:

Amendment offered by Mr. CLARK to the last committee amendment: On page 4, line 17, strike "while" and insert "which".

The amendment to the last committee amendment was agreed to.

The committee amendments were agreed to.

Mr. CLARK. Mr. Speaker, I rise in support of H.R. 10486, a bill designed to remedy certain inequities within the administration of the Coast Guard. Sections 1 through 5 of the bill would bring into accord the basic pay of the senior enlisted member in the Coast Guard with the basic pay of his counterparts in the other armed services, they being the sergeant major of the Army, the master chief petty officer of the Navy, the chief master sergeant of the Air Force, and the sergeant major of the Marine Corps. Section 6 of the bill amends the Lighthouse Service Retirement Act which is administered by the Coast Guard, so as to provide equal treatment to those who come under the act with those who fall under the Civil Service Act.

When the other armed services adopted the concept of a senior enlisted adviser in their respective services, the Coast Guard did not plan on appointing such a comparable officer. As a consequence, the Coast Guard was not included in the amendment to title 37 of the United States Code, which created this new position. Shortly thereafter, however, the Coast Guard realized the desirability of having this senior enlisted officer program and in August of 1969, after careful consideration of those men eligible for the position, selected a master chief petty officer. At the present time, the Coast Guard is not authorized to grant said master chief petty officer pay comparable to his counterparts in the other armed services, and even though proficiency pay for this position has been granted, a difference in pay of approximately $75 per month still remains. Enactment of this bill would authorize the Coast Guard to pay their master chief petty officer a base rate comparable to his counterparts in the other services and would also allow the Coast Guard to grant back pay approximating $1,900, so as to make up the deficiency in pay which has existed since said appointment.

Section 6 of the bill would amend the Lighthouse Service Retirement Act and bring it into conformity with the Civil Service Act. In 1969, the Civil Service Act was amended so as to permit computation of retirement pay on the basis of the eligible employee's highest-average salary over a 3-year period, vice 5-year period. Under this bill, the 3-year period would also be used with respect to personnel in the lighthouse service. The other change in the Lighthouse Service Retirement Act would be a provision to protect those who are involuntarily separated and is similar to a provision contained in the Civil Service Act which provides reduced requirements for retirement in the event one is involuntarily separated from Government service due to a reduction in force. At the present time, there are 15 remaining members of the lighthouse service. All these men have the required length of service to retire, which is 30 years. However, two of these men have not reached the statutory age of 55 and as a result, if involuntarily separated, would lose all their retirement benefits in spite of the fact that they have served faithfully for over 30 years. The amendment to the Lighthouse Service Retirement Act would grant these two men the same protection as their counterparts who come under the Civil Service Act.

The Department of Defense, as well as the Civil Service Commission are both in agreement that these proposed changes are consistent with the entitlements authorized to those who fall under their jurisdiction, and I call upon all of you to support this bill, so that those who are affected by it may receive equitable treatment.

Mr. GROVER. Mr. Speaker, I rise in full support of the bill, H.R. 10486, concerning pay comparability for the master chief petty officer of the Coast Guard and retirement pay comparability for lighthouse service personnel.

The Coast Guard was the last of the Armed Forces to adopt a senior enlisted adviser concept. Since they had not done so at the beginning and did not then contemplate doing so later, subsequent changes in the law initiated by the Department of Defense relating to the pay aspect did not include the Coast Guard. The Coast Guard did assign a master chief petty officer in August 1969, who thus had not had the advantage of the higher pay accorded to like members of other Armed Forces, and whose pay therefore is currently approximately $75 per month less. He was, however, awarded a proficiency pay to partly offset this pay loss.

H.R. 10486 would also permit senior enlisted members of the Coast Guard, who were appointed after implementation of the senior adviser position, to compute retired pay at the highest basic pay available to them while so serving if greater than otherwise entitled at the time of retirement. There is also provision in the bill for those who served in this position prior to the enactment of this bill to recover the difference between the new basic pay rates and the basic pay plus proficiency pay received by the master chief petty officer.

The second part of this bill provides for equality of civilian employee benefits between the civil service retirement system and the lighthouse service retirement system which the Coast Guard administers. H.R. 10486 would permit annuity computation on the highest average 3-year salary, rather than the 5-year period presently used.

The budgetary impact of this bill is relatively insignificant. The amount of back pay to which the master chief petty officer would be entitled is approximately $1,833, the proposed future increase in his basic pay would be approximately $900 per year.

I urge that my colleagues give this bill their support and vote for passage of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COAST GUARD FLAG OFFICER STRUCTURE

Mr. CLARK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 13697) to amend the provisions of title 14, United States Code, relating to the flag officer structure of the Coast Guard, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 14, United States Code, is amended as follows:

(1) The first sentence of section 41 is amended by striking out "a vice admiral" and inserting in lieu thereof "vice admirals".

(2) The first sentence of subsection (e) of section 42 is amended by inserting the words "or excluded under the provisions of section 9(d)(1) of the Department of Transportation Act" between the words "basis" and "shall".

(3) The second sentence of section 44 is amended by striking out the words "in the grade of captain or above" and inserting in lieu thereof the words "above the grade of captain".

(4) Section 47 is amended by striking out the word "Assistant" wherever it appears preceding the word "Commandant" and inserting in lieu thereof the word "Vice"; by striking out the words "in the grade of captain or above" in the second sentence of subsection (a) and inserting in lieu thereof the words "above the grade of captain"; and by striking out the word "An" in subsection (b) and inserting in lieu thereof the word "A".

(5) By adding the following new sections at the end of chapter 3:

"§ 50. Area commanders

"(a) The President may appoint, by and with the advice and consent of the Senate, a Commander, Atlantic Area, and a Commander, Pacific Area, each of whom shall be an intermediate commander between the Commandant and the district commanders in his respective area and shall perform such duties as the Commandant may prescribe. The area commanders shall be appointed from officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendations for such appointments.

"(b) An area commander shall, while so serving, have the grade of vice admiral with pay and allowances of that grade. The appointment of an area commander is effective on the date the officer assumes that duty, and terminates on the date he is detached from that duty.

§ 51. Retirement

"(a) An officer who, while serving as Commander, Atlantic Area, or Commander, Pacific Area, is retired for physical disability shall be placed on the retired list with the grade and retired pay of vice admiral.

"(b) An officer who is retired while serving as Commander, Atlantic Area, or Commander, Pacific Area, or who, after serving at least two and one-half years in the grade of vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the grade and retired pay of vice admiral.

"(c) An officer who, after serving less than two and one-half years in the grade of vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade and with the retired pay of that grade."

(6) the first sentence of section 287 is amended by striking out the word and figures "or 289" and by inserting in lieu thereof the word and figures "289, or 290".

(7) Section 290 is amended to read as follows:

§ 290. Rear admirals; continuation on active duty; involuntary retirement

"(a) The Secretary shall from time to time convene boards to recommend for continuation on active duty the most senior officers on the active duty promotion list serving in the grade of rear admiral who have not previously been considered for continuation in that grade. Officers serving for the time being or who have served in the grade of vice admiral are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered as having been continued in the grade of rear admiral. A board shall consist of at least five officers serving in the grade of vice admiral or as rear admirals previously continued. Boards shall be convened frequently enough to assure that each officer serving in the grade of rear admiral is subject to consideration for continuation during a fiscal year in which he completes not less than four or more than five years service in that grade.

"(b) The Secretary shall, based upon the needs of the service, furnish each board convened under this section with the number of officers to be considered for continuation on active duty. The number that may be recommended for continuation shall be not less than 50 percentum or more than 75 per centum of the number of officers being considered for continuation.

"(c) The provisions of sections 253, 254, 258, and 260 of this title relating to selection and continuation boards shall to the extent they are not inconsistent with the provisions of this section, apply to boards convened under this section.

"(d) A board convened under this section shall submit its report to the Secretary. If the board has acted contrary to law or regulation, the Secretary may return the report for proceedings in revision and resubmission to the Secretary. After his final review the Secretary shall submit the report of the board to the President for his approval.

"(e) Each officer who is considered but not continued on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the fiscal year in which the report of the continuation board convened under this section is approved.

"(f) Each officer who is continued on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the fiscal year in which he completes a total of thirty-six years of active commissioned service, including service creditable for retirement purposes under sections 432, 433, 434 of this title.

"(g) Notwithstanding subsection (f) of this section, the Commandant, with the approval of the Secretary, may by annual action retain on active duty from fiscal year to fiscal year any officer who would otherwise be retired under subsection (f). An officer so retained, unless retired under some other provision of law, shall be retired on June 30 of that fiscal year in which no action is taken to further retain him under this subsection."

(8) The analysis of chapter 3 is amended by inserting the following new items:

"50. Area commanders.

"51. Retirement.".

(9) The analysis of chapter 11 is amended by striking out:

"290. Rear admirals; retention on the active list; involuntary retirement."

and inserting in lieu thereof:

"290. Rear admirals; continuation on active duty; involuntary retirement.".

SEC. 2. Subsection (f) of section 202 of title 37, United States Code, is amended to read as follows:

"(f) The number of rear admirals on the active list of the Coast Guard entitled to the basic pay of a rear admiral of the upper half is one-half of the number of officers on the active list in grades above captain, less the number of officers serving in grades above rear admiral. If the division results in an odd number, the odd number shall be placed in the upper half. However, an officer who is entitled to the basic pay of a rear admiral of the upper half may not have his basic pay reduced solely because the number of rear admirals is reduced.

INTERIM PROVISIONS

SEC. 3. This Act is effective upon enactment except that continuation boards, pursuant to subsection (a) of section 290 of title 14, United States Code, as amended by this Act, may not be held until one year following enactment hereof. During the period of one year following enactment hereof the Secretary of the Department in which the Coast Guard is operating shall convene a board consisting of not less than three Coast Guard officers serving in the grade of vice admiral to recommend for continuation on active duty Coast Guard officers on the active duty promotion list serving in the grade of rear admiral, who during the fiscal year in which the board meets will complete not less than five years' service in that grade. Subsections (b) through (g) of section 290 and other sections of title 14, United States Code, as amended by this Act, apply to continuation board action taken pursuant to this section. No officer who is entitled to the basic pay of a rear admiral of the upper half may have his basic pay reduced because of the reduction which results from this Act in the number of officers entitled to the basic pay of a rear admiral of the upper half.

With the following committee amendments:

On page 2, line 1, strike the word "Act", and insert in lieu thereof the words "Act (80 Stat. 944; 49 U.S.C. 1657);"

On page 6, strike lines 9 and 10 and insert in lieu thereof the following:

(8) The analysis of chapter 3 is amended by striking out:

"47. Assistant Commandant; assignment; retirement."

and inserting in lieu thereof:

"47. Vice Commandant; assignment; retirement.

"50. Area commanders.

"51. Retirement."

On page 6, in the text appearing between lines 16 and 17, delete the word "Read" and insert in lieu thereof the word "Rear".

On page 7, line 10, delete the word "reduced." and insert in lieu thereof the word "reduced." ".

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. CLARK

Mr. CLARK. Mr. Speaker, I offer an amendment to correct a typographical error.

The Clerk read as follows:

Amendment offered by Mr. CLARK: On page 7, line 24, strike out "and" and insert in lieu thereof "through".

The amendment was agreed to.

Mr. CLARK. Mr. Speaker, I rise in support of H.R. 13697, a bill which is designed to provide certain necessary adjustments in the flag officer structure of the U.S. Coast Guard. The bill accomplishes its purposes in two ways. First, it requires periodic continuation boards which would review the proficiency of rear admirals and make recommendation with respect to their continuance in the service of the U.S. Coast Guard. And, second, it would provide the statutory position of commander, Atlantic area, and commander, Pacific area, with provisions for the grade of vice admiral for the two appointees. I would like to briefly comment on the need for this legislation and the changes it would bring about.

Under present law, once a rear admiral has been selected for that position, he remains until he has completed 35 years of commission service, or 7 years in rank, whichever occurs first. Under this bill, his qualifications for the position would be reviewed by a board consisting of senior officers who would recommend for continuation not less than 50 percent nor more than 75 percent of those being considered. In the event a recommendation for continuation would not be forthcoming, said rear admiral would be retired on June 30 of the fiscal year in which the report of the continuation board is approved. Those recommended for continuation would remain until completion of 36 years of commission service. The implementation of this continuation for review program will offer additional incentive for superior performance on the part of rear admirals, will improve promotion flow, and will also offer greater selection opportunities for those officers eligible for flag selection.

The second accomplishment of this bill is the establishment of the statutory positions of commander, Atlantic area, and commander, Pacific area. This change does not affect the organizational structure of the Coast Guard inasmuch as the present structure provides for a commander for the eastern area and the western area. What the bill does do, however, is to more accurately identify the geographic areas of responsibility and recognize and reward appropriately the responsibilities entailed by the commanders of these two areas. At the present time the Coast Guard is composed of 12 districts, each headed by a rear admiral. In two of these districts—the one located in New York and the one located in San Francisco—the rear admiral has the dual role as well as the added responsibility of being an area commander. His function as an area commander is to coordinate the activities of the other districts within his area as well as to serve as the representative of the Commandant with respect to his dealings with the other armed services. Under the bill, these two area commanders would be authorized the grade of vice admiral. The authority for these two positions of vice admiral does not increase the number of flag officers. At the present time there are 27 flag officers serving in the U.S. Coast Guard. There is one admiral, one vice admiral, 13 rear admirals of the upper half, and 12 rear admirals of the lower half. Enactment of this legislation would result in one admiral, three vice admirals, 10 rear admirals of the upper half, and 13 rear admirals of the lower half, thereby giving the Coast Guard a pyramidal flag structure consistent with the organizational structures of the other Armed Forces.

These adjustments to the flag officer structure are necessary to the orderly and efficient operation of the Coast Guard, and for this reason I strongly urge enactment of this legislation.

Mr. GROVER. Mr. Speaker, I rise to add my voice to the indicated support of H.R. 13697, legislation which primarily relates to the flag officer structure of the Coast Guard.

Presently, rear admirals of the Coast Guard are allowed to serve as such until they complete 7 years in grade or 35 years of commissioned service, whichever occurs first. It also should be noted that a Coast Guard flag officer's performance is not subject to formal review. The inflexibility of the present law which requires retention of rear admirals for a fixed period of time hampers uniform promotion flow. Further, the 7-year limitation in grade makes selection to flag grade unlikely before the 28th year. Thus, it discourages early selection of especially capable officers.

H.R. 13697 provides for the formal review of a flag officer's performance in that it would require the periodic convening of a continuation board. The continuation board would consider the records of rear admirals as they reach approximately mid-point of their service in flag grade, and recommend continuation of active duty for not less than 50 percent nor more than 75 percent of the number of officers being considered for continuation. Since officers would be subject to just one continuation board review, those not selected would be retired and those selected would continue to serve until completion of 36 years of commissioned service. With respect to early selection to flag grade of an especially capable officer, the removal of the 7 years ingrade limitation would enhance his chances for selection and would not have the adverse side effect of shortening his total career.

H.R. 13697 also recognizes the importance of existing "eastern" and "western" areas now commanded by rear admirals by providing a statutory basis for establishing these areas and authorizing the grade of vice admiral for officers serving as area commanders. The names of the areas would be changed to the Atlantic area and the Pacific area to reflect more accurately the geographic fields of responsibility. The statutory creation of these important areas, as well as having the areas commanded by a vice admiral, would be meaningful and in line with the latter's responsibilities to the Commandant. The bill also contains provisions for the retirement of area commanders.

While the number of Coast Guard flag officers would not be increased by this legislation, it will create for the first time a pyramidal flag officer structure, comparable to the Navy's structure and paralleling the existing Coast Guard structure for grades below rear admiral. The cost of the legislation will be about $7,600 more annually, covering the higher pay and allowances of the two rear admirals to be appointed to the grade of vice admiral.

The other provisions of H.R. 13697 are technical changes to accommodate the major substantive changes, refinements in existing language, or minor substantive changes.

Mr. Speaker, I strongly urge that this bill be enacted in that I am confident that it will lead to improved and more effective management of the resources of the Coast Guard and will recognize the stature of senior officers and the growth of the Coast Guard.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the three bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXTENDING THE TIME FOR COMMENCING ACTIONS ON BEHALF OF AN INDIAN TRIBE, BAND, OR GROUP

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 13825) to extend the time for commencing action on behalf of an Indian tribe, band, or group.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 28 of the United States Code, section 2415, is amended as follows:

(a) The period at the end of subsection (a) shall be changed to a colon, and the following provision shall be added thereto: "*Provided further,* That an action for money damages brought by the United States for or on behalf of a recognized tribe, band, or group of American Indians shall not be barred unless the complaint is filed more than eleven years after the right of action accrued or more than two years after a final decision has been rendered in applicable administrative proceedings requiring by contract or by law, whichever is later.".

(b) The words ", including trust or restricted Indian lands" appearing after "lands of the United States" shall be deleted from the proviso in subsection (b), the period at the end of the subsection shall be changed to a comma, and the following words shall be added thereto: "except that such actions for or on behalf of a recognized tribe, band, or group of American Indians, including actions relating to allotted trust or restricted Indian lands, may be brought within eleven years after the right of action accrues.".

With the following committee amendment:

Strike all after the enacting clause and insert:

That title 28 of the United States Code, section 2415, is amended as follows:

"(a) The period at the end of subsection (a) shall be changed to a colon, and the following provision shall be added thereto: *Provided further,* That an action for money damages which accrued on the date of enactment of this Act in accordance with subsection (g) brought by the United States for or on behalf of a recognized tribe, band, or group of American Indians, or on behalf of an individual Indian whose land is held in trust or restricted status shall not be barred unless the complaint is filed more than eleven years after the right of action accrued or more than two years after a final decision has been rendered in applicable administrative proceedings required by contract or by law, whichever is later.

"(b) In subsection (b), the period at the end of the subsection shall be changed to a comma, and the following words shall be added thereto: 'except that such actions for or on behalf of a recognized tribe, band, or group of American Indians, including actions relating to allotted trust or restricted Indian lands, or on behalf of an individual Indian, whose land is held in trust or restricted status which accrued on the date of enactment of this Act in accordance with subsection (g) may be brought within eleven years after the right of action accrues.' "

The committee amendment was agreed to.

Mr. DANIELSON. Mr. Speaker, the enactment of the bill H.R. 13825, as amended by the committee, is necessary to make sure that the U.S. Government will have adequate time to identify, prepare, and file certain actions in behalf of Indians. The actions covered by the committee amendment are those which occurred prior to the enactment of a law on July 18, 1966, which for the first time limited the time for actions brought in behalf of Indians by the United States against third parties.

Section 2415 of title 28 of the United States Code as added to that title by the act of July 18, 1966, imposed a statute of limitations on tort or contract suits brought by the United States on its own behalf and in carrying out its trust responsibility to Indians. The statute generally allows 6 years from the date the action first accrues, with certain exceptions and provisions for tolling the time. Subsection (g) of section 2415 provides that any right of action subject to the provisions of section 2415 which accrued prior to the date of enactment of section 2415 will be deemed to accrue on the date of enactment. The departmental report stated that all Indain claims subject to section 2415 which accrued prior to the date of its enactment, and these include some very complicated and substantial claims for damages, would have been barred from litigation after July 18, 1972, unless the statute was extended by legislation. Clearly, immediate action was required in this situation. In order to provide time to consider the bill H.R. 13825 and the Department's proposed substitute language, a 90-day extension of the applicable limitations was enacted by the Congress and on July 18, 1972, the bill H.R. 15869, was approved as Public Law 92-353. That law amended section 2415 to provide an additional 90 days to the 6-year period fixed in section 2415 for the filing of an action for money damages brought by the United States in behalf of a recognized tribe, band, or group of American Indians. The language added to the section on July 18, 1972, by Public Law 92-353 also provides for such an extension of time for filing actions relating to alloted trust or restricted Indian lands.

The Interior Department advised the committee that the situation concerning these actions is such that Indians are concerned that the present statutory limitation might bar them from recovering damages for many wrongs they have suffered. The committee has received correspondence from Indian groups expressing this concern over the situation. The Department further stated in its report that the Bureau of Indian Affairs and the Solicitor's Office of the Department have not been able to perform the necessary work to identify all of these wrongs and then develop factual information necessary to get litigation filed. Even with the help of attorneys employed by the various tribes, there are, no doubt, many causes of action which have not been identified. This inability to prosecute the present claims of Indians will work a hardship on tribes all over the country and may result in a considerable loss to Indians through no fault of their own, losses which Indians can ill afford because of their low position on the economic scale. This situation clearly requires enactment of the extension provided in the substitute language proposed by the Department of the Interior. In commenting on the need for the legislation, the Department noted that it is now in position to take effective action in discovering and prosecuting these claims. In its report the Department stated:

> We believe it is particularly important not to let these unidentified claims lapse because we are on the verge of making substantial progress in discharging our trust responsibilities with regard to Indian resources. Recently, the Bureau of Indian Affairs, established a new unit, the Indian Water Rights Office, which will have as its principal duties the assertion and protection of water rights of Indians. Efforts have also been made to obtain additional funds and personnel for investigation and determination of boundary conflicts. In addition, the Administration has proposed the creation of an independent Trust Counsel Authority to represent the resource rights of Indians free of any governmental conflicts of interest. It would be most unfortunate for any Indian claims to be barred by the statute of limitations at a time when the means for discovering and prosecuting such claims are in the process of being markedly improved.

As originally introduced the bill H.R. 13825 would have done more than merely save those claims that would be barred on July 18, 1972. It would have established an 11-year statute of limitations for all Indian claims arising under 28 U.S.C. 2415. The Department stated that it did not believe such special treatment of Indians is warranted across the board and suggested narrowing the effect of the extension of the statute to those claims which would otherwise be barred on July 18, 1972, and submitted a substitute draft bill to accomplish this more limited purpose. As has been stated, the committee agreed with the recommendation and has adopted the language of the Department as the basis of its committee amendment. As was noted by the Department, section 2415 as originally enacted does not differentiate between the claims of Indian tribes or groups and those of individual Indians. As originally introduced H.R. 13825 would have been limited in applicability to "a recognized tribe, band, or group of American Indians." The committee agrees that there is no reason not to extend the statute of limitations as well as on behalf of individual Indians whose land is held in trust or restricted status. Accordingly, the addition of the phrase "or on behalf of an individual Indian whose land is held in trust or restricted status" suggested by the Department is included to both amending sections of the committee amendment.

As has been stated in the report, the potential claims which would be affected by the amendments of this bill are those which have not been identified. Since these are actions which would be filed by the United States in behalf of Indians, it would, of course be necessary for the Government to develop the factual information in connection with each matter before filing the action. While it is not possible to estimate the number of such claims, the Department has advised the committee that the cost to the U.S. Government would be limited to the costs of prosecuting the claims in the courts—any awards made would be at the expense of private tortfeasors and contracting parties. In other words, claims against the United States would not be affected by this delegation.

It is recommended that the amended bill be considered favorably.

This bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

THE STEPHENS SUBSTITUTE FOR TITLE IX OF THE PENDING HOUSING AND URBAN DEVELOPMENT ACT OF 1972

(Mr. STEPHENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEPHENS. Mr. Speaker, the Committee on Banking and Currency has pending before it the Housing and Urban Development Act of 1972. The committee has been meeting in executive session for several weeks now, working with a committee print containing the language of the measure as reported out by the Subcommittee on Housing, of which I am a member. One title of the committee's print—title IX, dealing with closing costs and settlement procedures in federally related mortgage transactions—contains some particularly important provisions designed to insure that the American home buying public is protected against abusive practices that have been identified both in our study of problems connected with real estate settlements and also in the study of real estate settlement practices that the Secretary of HUD and the Administrator of the VA were jointly directed to make by section 701 of the Emergency Home Finance Act of 1970.

Mr. Speaker, while there are a number of important consumer-oriented features of title IX of the committee print that should be incorporated into whatever bill is reported by the committee, there are also a number of provisions of the title that make it inflexible and unworkable. Many of the problems with the present language of title IX are posed not by the concepts advanced but by the way in which the particular provision is drafted, which is perhaps understandable in view of the length of the committee print and the period of time which the subcommittee had to consider these most complicated and difficult issues. There are also, in my view, several problems of substance. Consequently, when the committee in executive session comes to title IX of the committee print, I plan to offer a substitute title IX that preserves the antiabuse and disclosure provisions of the existing committee print but which makes the title practical and workable.

I want to emphasize to my colleagues, Mr. Speaker, that most of the provisions in the committee print are incorporated in my substitute for title IX either without change, or with only very minor changes made necessary in order to make the measure clear and more workable. Indeed, as my colleagues will discover when they examine the explanation of the changes to existing title IX, my substitute leaves unaltered, apart from conforming changes or minor amendments, sections 903—uniform settlement statement—904—special information booklets—905—advance disclosure of settlement costs—906—prohibition against kickbacks—909—disclosure of previous selling price of existing real property—910—fee for preparation of truth-in-lending statements—911—establishment on demonstration basis of land parcel recording system—913—limitations and disclosures with respect to certain federally related mortgage loans—and 914—study concerning payment of interest on certain escrow accounts.

Of the remaining sections, the changes in section 901—definitions—in large measure either expand the scope and coverage of title IX or delete defintions made unnecessary by revisions in the balance of the title; the changes in section 902 reflect the developing consensus that in view of the direct proscription of abusive practices and the disclosure requirements of the title there is no necessity for Federal regulation of settlement costs; the changes in section 907—prohibition against receipt of unearned fees—are designed to strengthen the existing language, making the category of cases against which the prohibition runs of homeowners; and the changes in section 908—limitation on requirement of advance deposits in escrow accounts—are designed to accomplish the same objective sought by the existing provision without having unintended side effects that would adversely affect the interests of home owners; and the changes in section 912—title companies—reflect the conclusion that the Federal Government should not be in the position of determining who can and who cannot practice law.

Thus the basic approach to my substitute is to preserve the consumer-oriented sections of present title IX that eliminate abusive practices or require full disclosure in advance of all settlement costs, and so forth, but not to involve the Federal Government, as some have suggested, in a wholesale regulation of charges for credit reports, field surveys, title examinations, title insurance, closing services, pest and fungus inspections, and other elements of settlement costs. Such a wholesale Federal intrusion into real estate settlement transactions, which are essentially local in nature, is not warranted in view of the fact that we are taking resolute action to attack directly the abuses that have been demonstrated.

My substitute title constitutes a very significant and comprehensive package of protections for the American home buyer. It is far more inclusive than what the Senate has passed and far broader than legislation passed in any previous year. Let me summarize some of the consumer-oriented provisions contained in my substitute:

It would require the development and use of a uniform settlement statement so that every borrower would receive a clear itemization of the charges imposed in connection with the settlement.

It would direct HUD to prepare special information booklets for home buyers which lenders would be required to distribute to all persons applying for a mortgage loan.

It would require advance disclosure of settlement costs so that buyers will be aware, in advance, of the costs they will incur when the transaction is consummated.

It would prohibit persons from receiving kickbacks in connection with real estate settlements.

It would prohibit the giving or receiving of unearned fees in connection with the issuance of title insurance.

It would specifically limit the amount of funds that lenders could require buyers to place in escrow accounts for the payments of taxes and insurance.

It would require disclosure of previous selling price where necessary to guard against speculators who purchase property at low prices and sell at inflated prices to uninformed buyers.

It would prohibit the charging of fees by lenders for the preparation of statements required under the Truth-in-Lending Act.

It would direct HUD to establish and place in operation, on a demonstration basis, a computerized system for the recordation of land parcels in a manner and form calculated to facilitate and simplify land transfers and mortgage transactions and reduce the cost thereof.

It would prohibit title companies from issuing insurance as part of a real estate settlement where the seller directly or indirectly owns or controls the title company.

It would prohibit banks and savings and loan associations from making federally related mortgages to certain "straw parties" unless the identity of the person actually receiving the benefit of the loan is made known.

It would direct a comprehensive study regarding the costs and profits involved in the escrow system for tax and insurance funds, in order to determine the feasibility of requiring lenders to pay interest on deposits in escrow accounts.

Thus, I want to assure my colleagues that my substitute is not an attempt to avoid meeting our responsibility to the American home buying public. Moreover, there are a number of respects in which my substitute strengthens the provisions of existing title IX. For example, the existing title IX contains a definition of federally related mortgage loan that omits various categories of lending transactions. My substitute expands the definition of federally related mortgage loans so that virtually all mortgage loan transactions between lenders and the home buying public are covered. Also, the original language of title IX would not have covered homeowners who desire to refinance mortgages on their homes. My substitute is drafted to insure that homeowners refinancing their homes are given the benefits of the consumer-oriented sections of the title. Further, the proscription against unearned fees in existing section 907 is directed only to "attorneys," and covers only the receipt of such fees, while in fact there are many other persons who can engage in this abuse to the detriment of the consuming public, and those who give as well as those who receive unearned fees should be covered. Consequently, section 907 of my substitute expands this prohibition to embrace all persons, irrespective of whether they are attorneys or not and irrespective of whether they are on the giving or receiving end of the transaction.

Mr. Speaker, I urge my colleagues on the committee to give close inspection to my substitute for title IX of the committee print. I hope they will conclude that it extends worthwhile and significant protection to consumer interests, and that, as such, it is worthy of inclusion in the measure ordered reported by the committee.

REPRESENTATIVE MOORHEAD CALLS "TRUTH IN GOVERNMENT" OVERRIDING 1972 CAMPAIGN ISSUE

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, last week our colleague, Representative William S. Moorhead, of Pennsylvania, chairman of the House Foreign Operations and Government Information Subcommittee, addressed the 70th annual convention of the International Platform Association here in Washington. His speech, "Truth in Government," discusses the secrecy policies of the Nixon administration and the gradual erosion of the constitutional prerogatives of the Congress. He explains, in this hard-hitting speech, why he feels that "Truth in Government" is the overriding issue in this 1972 campaign year.

Mr. Speaker, so that all of our colleagues may share Mr. Moorhead's clear analysis of our present constitutional crisis and the extent of the administration's secrecy policies, I include the full text of his remarks at this point in the Record:

Truth in Government

The Founding Fathers of the United States were opposed to the concentration of political power. They had risked their lives for liberty.

Because of their experience with the British monarchy, they made diffusion of power the major thrust of the Constitution.

The power of the Federal Government itself was divided into three branches of government—each designed to check and balance the power of the others.

All powers not granted to the Federal Government were specifically reserved to the people or to the States and hence the localities.

But even this restraint of power was considered insufficient and in the Bill of Rights the Constitution was amended to provide Constitutional protection of freedom of the press to provide a check on the power of government at all levels.

Today we are facing a Constitutional crisis as to whether this concept of diffusion of power can continue to endure in the face of expanding Executive authority.

The power of the States and localities has been declining. With revenue sharing they will become even more dependent on the whims of the Federal Government.

The freedom of the press has been threatened as it has not been in many decades.

For the first time in our history, in the case of the Pentagon Papers, our government sought prior restraint of publication.

High officials from the Vice President down have issued veiled, and sometimes unveiled, threats against the press and broadcast media.

Grand juries have been used to subpena reporters—and the Supreme Court has recently sanctioned these techniques of press control.

The FBI was directed to investigate a critical reporter apparently on the flimsy excuse that he was being considered for a Federal job.

At the same time the Congress has allowed its Constitutional power to erode.

We have delegated our commerce clause powers to Presidentially appointed regulatory commissions.

We have allowed three Presidents to wage war without any Congressional declaration of war required by the Constitution.

We have allowed the Executive to withhold from us information which is essential if we are to perform properly our Constitutional legislative duties. The Pentagon Papers *reveal* this.

The refusal to give Congress the environmental reports on the Super Sonic Transport and the Amchitka Nuclear Test *confirm it*.

The assertion of the questionable doctrine of so-called "Executive Privilege" by the Nixon Administration to hide embarrassing political decisions from the public is the ultimate example of arrogance and contempt in a Government that has been most noteworthy for its practice of secrecy and deceit.

Such actions have been taken to protect Mr. Kissinger's "tilt" policy in favor of Pakistan which usurped the prerogatives of the State Department and tried to hide Mr. Flanigan's "tilt" in favor of ITT, despite the responsibility of the Justice Department in handling anti-trust cases.

Information is essential to knowledge and knowledge is essential to power.

The trend toward withholding or distorting information has done more than anything else to alter the system of checks and balances in our democracy.

This brings me to what I consider to be the basic, overriding issue of the 1972 political campaign—the issue of *Truth* in *Government*. In some ways, Truth in Government affects every other domestic issue as well as our foreign policy and national defense posture. Directly or indirectly, it touches the life of every American.

Yet, paradoxically the issue of Truth in Government is not strictly a political issue in the partisan sense. The mania for secrecy by government is not new; nor was it invented by the present Administration. Down through our history, no administration has been able to resist the overwhelming political pressures to withhold information from the public and the Congress to conceal scandal or blunders and to prevent embarrassment to those in power. But no President has totally escaped the embarrassment of "leaked" information thought safely hidden away in the dark corners of the Federal bureaucracy.

In recent decades, this critical problem has sometimes been called "government secrecy," "news management", or "the credibility gap." Whatever label we give it, however, we all know that it is a real problem. It it a political problem, but it is *not* a partisan problem. It is a Constitutional problem, but it affects researchers, newsmen, editors, publishers, and the public as a whole more than lawyers.

It is obvious to us all that free access to information about the affairs of our government is essential if we are to enjoy the fruits of a free society, where government is the *servant*—not the master—of the American people. But, if the basic rights of the First Amendment are breached, if the Congress, the news media, and thus, the public, are denied information from government to which it is legitimately entitled, then the electorate is deprived of the facts needed to make the most intelligent decision at the ballot box. Our entire political system is then corrupted.

If government systematically hides information properly belonging to the American public—as is too often the case—then people eventually become oblivious to the public business on which their well-being depends.

Six years ago, Congress passed the Freedom of Information Act. The law guarantees individual citizens the *right to know* about the business of their government, subject to narrow exemptions needed to protect the national security and certain basic rights of other citizens.

During the 1968 campaign and after his election, President Nixon pledged an "open government", "freedom of information", and a "free flow of information to the Congress." But during the past 3½ years, the closed, secrecy-minded Republican Administration has made a shambles of the Freedom of Information law.

It has abused the rights of citizens seeking information from Government agencies and hidden vital facts about the Administration's conduct of foreign and domestic policies from the American public and the Congress.

The information crisis for the public and the Congress is in the fullest sense of the term an urgent Constitutional crisis. The founders of this republic scrupulously avoided creating an all-powerful Executive. The Nixon and previous administrations have eroded the safeguards built into the Constitution so as to bar the Congress and the Courts from any truly effective role in the day-to-day availability of information vital to the preservation of our democratic system.

Basic facts about important policies of the Federal Government have been systematically hidden by the White House from the American people and their elected Representatives. The Administration has established a dangerous system of "closed government," operated by and for a political and economic elite which excludes the average citizen from any meaningful voice in the decision-making processes of his government.

The Administration's political news manipulators have instead substituted a daily diet of spoon-fed propaganda about the Vietnam War, our economic health, the Administration's involvement in the ITT case, the national housing scandal, and dozens of other important subjects.

Thus, most Americans have little chance to know really what policies our government is pursuing in many vital domestic and international areas, what commitments are being made without our consent, or where such secret governmental policies are leading in the years ahead.

As the late Adlai Stevenson once said:

"Those who corrupt the public mind are just as evil as those who steal from the public purse." This is what truth in government and the fight to preserve the "people's right to know" is all about. That is why I consider it the most important issue in this election year. A free press and an informed public are the bulwarks against those government bureaucrats and political news manipulators who "corrupt the public mind" through skillfully-disguised propaganda, phony statistics, or misleading canned handouts.

The House Subcommittee of Government Information, which I head, recently completed some 40 days of intensive hearings and investigation of the problem of government secrecy. We received sworn testimony from 142 witnesses representing a total of 34 Federal departments and agencies, plus an additional 99 outside experts from the news media, the legal profession, the academic community, and other related fields.

Contrary to general opinion, the vast amount of information hidden by government agencies has little to do with hydrogen bombs, weapons systems, state secrets, or other sensitive classified data that requires safeguarding to protect our national defense and foreign policy interests. The large number of governmental denials of information requested under the Freedom of Information Act by our citizens involve matters connected with the day-to-day activities of the Federal bureaucracy in their handling of various domestic programs financed out of our tax dollars.

Our subcommittee uncovered cases of maladministration of Federal programs by Administration bureaucrats, blatantly ignoring the mandate of Congress in enacting such programs. If these facts can be hidden from the American public and the Congress, there will be little chance to restore the proper "checks and balances" between the Executive and Legislative branches of our government. The American taxpayer will be the loser. The power of Congress as a co-equal branch will continue to erode and the threat to our cherished liberties as a free people will continue to grow at an even faster rate.

What can be done to reverse this dangerous trend of government behind closed doors that threatens our free society and our representative system?

How can Truth in Government—intergrity in our governmental processes at all levels be restored?

How can we regain the confidence of all Americans in our government and our leaders?

These are the crucial overriding questions which confront us amid the swirling controversies of a Presidential campaign year. No amount of pious campaign rhetoric, slogans, or platitudes can gloss over the vital need to restore Truth in Government in America. It is the foundation upon which all human progress eventually rests, whether involving governmental actions or those of our economic, social, and educational systems.

We must take all steps necessary to restore the faith and confidence of the American public in our governmental and private institutions.

We must choose our governmental leaders and leaders of our powerful socio-economic institutions of the private sector on the basis of their honesty, integrity, their dedication to candor and forthrightness, and their fundamental belief in the right of all Americans to participate fully in all aspects of human endeavor in this great land of opportunity and abundance.

We must fully protect the rights of a free press under the First Amendment to the Constitution, ending the current Administration's policies of intimidation, legal harassment and prosecution, the use of propaganda and news manipulation, censorship, and secret dealings behind closed doors.

We must act promptly to halt the usurpation of power by the Executive branch of Government, so that the people's representatives in Congress may again exercise their proper co-equal Constitutional role in the policy-making functions.

We must rid ourselves of the idiotic notion that our country, with our heritage of intellectual and personal freedom, can or should engage in the secrecy game with the closed societies of competing world powers.

This Administration's obsession with secrecy and closed government that bars maximum participation of our citizens in governmental affairs must be ended.

Government secrecy is the enemy of democracy. It subverts and will eventually destroy any representative system, just as it is essential to the maintenance of a totalitarian dictatorship.

Freedom of Information is the necessary ingredient to permit the free exercise of *intellectual freedom*, on which a dynamic and viable society such as ours is dependent for progress. Access by all citizens to the truth about what their government is doing in their name is essential to restore public confidence in the governmental processes. This makes for a better informed citizenry and a stronger and more unified nation in these perilous days of international crisis and domestic confusion and divisions.

I am confident that our country and our people are mature enough to be trusted to share the good news with the bad news about public affairs that are so vital to the welfare of us all. Otherwise, how can we be strong enough to compete successfully with the differing economic and governmental systems, and the different political ideologies of other nations who share this shrinking globe with us?

Only a few weeks ago, we marked the 5th Anniversary of the Freedom of Information Act as a milestone in our representative system. We must all rededicate ourselves to the fundamental principle that, to the maximum extent possible, the government's business must always be the people's business if Americans are to retain unity of purpose and fulfill our destiny as a Nation.

Thank you.

A PROPOSAL TO REDUCE PRESCRIPTION DRUG COSTS FOR PERSONS ON MEDICARE

(Mr. KOCH asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, I am introducing a bill, H.R. 16339, to provide that all prescription drugs, not covered by medicare, be sold to medicare patients at wholesale by Public Health Service, Veterans' Administration, and Hill-Burton assisted hospitals and clinics. This bill supplements the recent action taken by the Senate Finance Committee in including under part A of medicare the cost of certain drugs which are necessary in the treatment of the most common, crippling or life-threatening chronic diseases of the aged.

My own position is that medicare should cover all prescription drugs. The elderly of our country, many of whom are living on fixed incomes and meager social security benefits, should not be asked to also bear the financial costs of illness. The Senate committee's action is a step in the right direction and I hope that with the passage of the National Health Security Act, of which I am a cosponsor, all prescription drugs will be covered by the national health program.

Until that time, however, I believe that we should take some intermediate steps to offset the high cost of drugs to our elderly. The bill I am introducing today provides that all prescription drugs not covered by medicare be made available at cost to persons on either part A or part B of medicare. In addition, it provides that hearing aids and eyeglasses—so often needed by the elderly and yet not obtained because of their prohibitive cost—would be made available on the same wholesale basis by the hospital dispensaries. Finally, the bill provides that drugs for medicare patients be prescribed on a "generic" rather than "brand name" basis; this too will help to reduce the cost of drugs for the elderly.

Under the Senate committee's bill medicare benefits would be extended to include the cost—less a $1 initial payment per prescription—of certain drugs which are most commonly used in the treatment of diabetes, high blood pressure, chronic cardiovascular disease, chronic respiratory disease, chronic kidney disease, arthritis, gout, rheumatism, tuberculosis, glaucoma, thyroid disease, and cancer. This coverage will extend to many people and reduce the costs borne by the elderly for drugs by $700 million annually; nevertheless, there will be many drugs—as well as hearing aids and glasses—not covered by medicare that will be needed by the elderly afflicted by these and other illnesses.

One of the requirements of financial assistance given by the Federal Government to nonprofit hospitals through the Hill-Burton hospital aid program is that the recipient institutions provide a reasonable volume of care for people unable to pay. Certainly the elderly of our country are not able to afford the high cost of prescription drugs today; it seems to me that requiring the dispensation of these drugs at cost is a reasonable service to require of Hill-Burton assisted hospitals.

If in a city a number of hospitals were operating such dispensaries, not every dispensary would have to provide hearing aids and eye glasses. My bill provides that an agreement could be approved by the Secretary of Health, Education, and Welfare, whereby a limited number of the hospitals would be charged with providing these items to the community. Where possible, this responsibility would be borne by the Public Health Service and Veterans' Administration hospitals.

Mr. Speaker, at this time, I would like to insert for the RECORD a copy of the text of my bill, H.R. ——:

H.R. 16339

A bill to amend title XVIII of the Social Security Act to require that Public Health Service hospitals, Veterans' Administration hospitals, and hospitals receiving assistance under the Hill-Burton Act make available to persons entitled to benefits under the Medicare program, at cost, prescription drugs not covered under that program, eyeglasses, and hearing aids

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part C of title XVIII of the Social Security Act is amended by adding at the end thereof the following new section:

"Sale of Prescription Drugs, Eyeglasses, and Hearing Aids at Cost, by Certain Federal and Federally-Assisted Hospitals, to Persons Entitled to Benefits Under Part A or B

"SEC. 1876. (a) Every hospital and clinic or other station of the Public Health Service, every hospital and outpatient dispensary facility of the Veterans' Administration, and (to the extent required by regulations in order to carry out the purpose of this section) every hospital for which a grant, loan, or loan guarantee is made under title VI of the Public Health Service Act on or after the date of the enactment of this section shall—

"(I) agree, in such manner and form as the Secretary may require, to furnish noncovered prescription drugs (as defined in subsection (c)), eyeglasses, and hearing aids, at prices not exceeding the actual cost thereof to such hospital, station, or facility, to any individual who presents a physician's prescription or written request therefor and who is entitled to hospital insurance benefits under part A of this title or to supplementary medical insurance benefits under part B of this title, without regard to whether or not such individual is (or could qualify to be) an inpatient or outpatient of such hospital, station, or facility; and

"(2) establish and maintain such facilities and carry out such procedures as may be necessary to furnish such drugs, eyeglasses, and hearing aids to such individuals, through its regular dispensary facility or otherwise, in accordance with its agreement under paragraph (1) and with such additional conditions and requirements as may be imposed by regulations.

"(b) To the extent necessary or appropriate to carry out the purpose of this section, the Secretary shall take all possible steps to encourage or require every hospital for which a grant, loan, or loan guarantee has been made under title VI of the Public Health Service Act before the date of the enactment of this Act (and to which subsection (a) does not apply) to enter into an agreement of the type described in subsection (a)(1) and furnish noncovered prescription drugs, eyeglasses, and hearing aids in accordance therewith as described in subsection (a)(2).

"(c) As used in this section, the term 'noncovered prescription drugs' means drugs and biologicals (as defined in section 1861(t)) which are obtainable only on the prescription of a physician, which are prescribed by their generic names, and for which payment is not provided under part A or part B of this title."

(b) Section 1861(e) of such Act is amended by striking out "1814(d) and 1835(b)" in the matter preceding paragraph (1) and inserting in lieu thereof "1814(d), 1835(b), and 1876".

SEC. 2. The amendment made by the first section of this Act shall take effect on the date of the enactment of this Act, and shall apply with respect to drugs, eyeglasses, and hearing aids furnished pursuant to prescriptions or requests presented on or after the first day of the first calendar month which begins more than 10 days after the date of the enactment of this Act.

PEOPLE HELPING PEOPLE

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. McDADE) is recognized for 5 minutes.

Mr. McDADE. Mr. Speaker, those areas of Pennsylvania devastated by the flood waters of Hurricane Agnes were almost overwhelmed by the magnitude of the problems which the victims of that flood faced. We saw the mud, the destruction, the lack of power, the lack of water, the lack of communications, the lack of transportation—a hundred concentric circles of trouble emanating from that flood which the people of Pennsylvania had to overcome.

But we saw something else. We saw the neighbors of these people step in beside the victims to give them their hearts and their hands. We saw countless men and women willing to stand beside a neighbor when that neighbor needed their help.

Outstanding among these wonderful people was a group of 500 electricians who came into the area as volunteers to assist in the restoration of power.

Mr. Philip Brady, business manager of Scranton Local 81 and head of the Central Labor Union in Scranton, and Mr. Charles Crawford, business manager of Wilkes-Barre Local 81 were the men who first conceived this splendid idea of bringing in their brother electricians from the other union locals in Pennsylvania to restore electric power in the stricken communities. The men responded in astonishing numbers. They came principally from Shamokin, Hazleton, Allentown, Philadelphia, and from Wilmington, Del., to help their brother workers in Scranton and Wilkes-Barre.

I would point out, Mr. Speaker, the immense delicacy of the task they faced, with the electric lines extremely dangerous after the inundation, and only professional electricians could restore the power with safety.

I commend these spendid men for their generous gifts of time and talent to the people of northeastern Pennsylvania, and I know my colleagues here in the Congress will join in hearty applause for these men who acted in the finest tradition of Americans helping Americans. Mr. Speaker, I will append here an article from the Scrantonian and one from the Sunday Times, as well as an editorial from the Scranton Tribune which speaks so well of these fine men:

[From the Scranton Tribune, July 25, 1972]

PEOPLE HELPING PEOPLE

A month has passed since the neighboring Wyoming Valley took the brunt of the flood which rolled through vast sections of Pennsylvania to leave behind heartbreak, waste and devastation.

Now the initial shock is over, an inching progress is being made towards putting lives, homes and businesses back together and the work of restoration goes doggedly forward.

Yet, normalcy as it was known to many may never be fully realized, flood scars will persist far into the future and discouragement, even despair, will shadow those who have seen their homes, shops and life plans smashed. The stoutest of spirits will need sustained bolstering against the enormity of the challenge.

That is why it is so imperative that the people who responded so magnificently to help those routed by the flood must continue with the concern, compassion and positive action which provided housing, food, medicine, clothing and other essentials at the peak of the emergency. To conclude now that government and social agencies alone can complete the task of rehabilitation would be wrong. People in trouble desperately need the human touch embodied in people helping people.

It was reassuring, therefore, to read yesterday that 500 electricians of the International Brotherhood of Electrical Workers, AFL-CIO, went into the Wyoming Valley Saturday and worked all day to restore minimum electric power to stricken residents of 15 areas on both sides of the Susquehanna. Philip F. Brady, business manager, Scranton Local 81, and Charles Crawford, his counterpart in the Wilkes-Barre local of the union, organized the project to which union electricians from Shamokin, Hazleton, Philadelphia, Wilmington, Del., and other communities came by the carload to contribute their knowledge, skill and generosity to the recovery effort.

The volunteer project of the IBEW was but another inspiring illustration of man at his best. There have been so many throughout the flood crisis. The IBEW participation had the added importance of demonstrating, however, just how much remains to be done—and how groups can do something highly beneficial and productive towards getting particular things done.

Most important of all, this kind of meaningful and concentrated assistance tells flood victims in the most persuasive way that their plight is understood, that people can and will help, that a better day is ahead and that discouragement need not and will not prevail.

[From the Sunday Times, July 23, 1972]

ELECTRICIANS RESTORE POWER TO FLOOD HOMES

Over 500 members of the International Brotherhood of Electrical Workers (IBEW) from many locals throughout the state, and one in Wilmington, Del., finished a one-day volunteer effort Saturday in restoring electricity to flooded homes in the Wyoming Valley. Tired but satisfied that they made a large contribution to the total rehabilitation program of many hard hit communities, they returned to their homes.

The union volunteers were backed up by over 100 military personnel and 75 vehicles, and were accompanied by more than 100 utility inspectors assigned by the Pennsylvania Power & Light Co. and UGI Corp.

Led by Charles Crawford, business manager for Wilkes-Barre Local 163, and Philip F. Brady, head of Scranton Local 81, the workers opened neighborhoods programmed by the Army Corps of Engineers, which is directed by Capt. Charles McCloskey, Baltimore District.

The corps coordinated the neighborhood assignment plan with the federal Office of Emergency Preparedness, which is in charge of the total disaster program.

The IBEW journeymen went from house-to-house checking the replacement needs of the residential electric system, inserting new circuit breakers, wire and other material which was delivered by army vehicles transporting the crews. A utility inspector was present to approve the energizing of the homes before pole connections were made.

Each journeyman restored power to an estimated five to 15 homes. All work was temporary and a full electrical rehabilitation program must be undertaken later. Crawford and Brady said the target of the Saturday effort was to provide at least a few electrical outlets for lighting and appliances at the homes.

The men who participated in the massive emergency program, giving up a "double-time work day," came from Locals 163, 81 in Scranton; 607, Shamokin; 375, Hazleton; 375, Allentown; 98, Philadelphia, and 313, Wilmington, Del. Most came in bus convoys while others of unknown union local origin brought their own cars.

Several top union officials were on hand to greet the men and give the high praise heard for the work. Arthur R. Johnson, vice president of IBEW, Washington, D.C., met local officers and members as he passed among them in the Narrows Shopping Center, before 7 a.m.

Johnson termed the effort "The greatest demonstration of spontaneous organizing I ever witnessed. The speed and efficiency displayed by the military, utility executive, contractors and everybody else was just fantastic."

Michael J. Johnson, Harrisburg AFL-CIO executive vice president, said, "These homes must be restored and power represents the top and overriding priority." Military vehicles bore "Power to the People" banners heralding the mission.

Col. Joseph Van Name, head of the state's Army task force, which integrated materials and resources, was cited for his military input. Joseph O'Conner and Ed Hill, business manager of Local 712, Beaver, represented the governor's office as liaison between contractors and government sources.

Henry Fornana, business manager of the Philadelphia group was outspoken for emergency services to the elderly and disabled he encountered. CPO Norman Brodoski of the Seabees disclosed that the Naval District plans to have 75 to 100 electrician mates in the area for restoration work in the coming week. They will be drawn from California, Mississippi and Rhode Island.

[From the Scrantonian, July 23, 1972]

BRADY HEADS LOCAL CONTINGENT, 500 ELECTRICIANS LABOR TO AID LUZERNE VICTIMS

"Heavens, these poor people need help desperately.

"How are the old people, the widows with children and the handicapped going to swing it?"

These were just two observations of more than a score made Saturday by a stunned Henry Fornara, business manager of Philadelphia Local 98, International Brotherhood of Electrical Workers, who was driven throughout devastated Wyoming Valley by Richard H. Demmy, vice president of the Luzerne Division, UGI, Kingston.

The reason for Fornara's visit was his leadership of a large Philadelphia contingent of volunteer workers who made up more than 500 brother electricians who labored all day to restore minimum electric power to stricken residents in more than 15 neighborhoods on both sides of the now gentle Susquehanna River.

Charles Crawford, business manager of Wilkes-Barre Local 163, and Philip F. Brady, business manager of Scranton Local 81, who organized the mounted attack on the now powerless communities, were boundless in the praise of the hundreds of workers who decided to forgo a "double-time day" to join in the rising spirit of Wyoming Valley to not only recover but to create a modern urban complex.

The Wilkes-Barre-Scranton IBEW leaders backed their praise of the volunteer workers with a heavy thank-you to the military who provided more than 100 men and 75 vehicles, miles of wire, and truck loads of circuit breakers, fuses, and other essential material.

The UGI, headed by Vice President Demmy, and the Pennsylvania Power and Light Co., under direction of Matt Brady, provided more than 100 inspectors who worked along with repair crews so that some temporary energizing could be induced until more permanent restoration of all facilities can be accomplished.

Crawford and Brady cited the smooth performance by the union electricians as not only testament to otheir skills but to the aggressiveness in helping stricken communities.

The manpower supplied by IBEW as reported by Crawford-Brady, were: Local 607, Shamokin; 686, Hazleton; 375, Allentown; 98, Philadelphia; and 313, Wilmington, Del. Carloads of other IBEW volunteers joined these larger contingents.

Arthur R. Johnson, Washington, International IBEW vice president, called the volunteer effort, "The greatest demonstration of spontaneous organizing I ever witnessed. The speed and efficiency displayed by the military, the utility executives, the contractors, and everybody else was just fantastic."

IBEW chief Johnson prompted statements of amazement by other key labor leaders including Michael J. Johnson, Pennsylvania AFL-CIO executive vice president, and Robert McIntyre, state AFL-CIO treasurer, both of Harrisburg. McIntyre, a Scranton native, is a Local 81 member.

Capt. Charles McCloskey, Army Corps of Engineers, Baltimore District, was in charge of the week-long planning which coordinated the restoration push of men and materials.

He said that while they planned, the Corps did not believe that the electricians union could mobilize more than 100 or so volunteers. "We are encouraged that hard working people such as came from a wide area today could be so gracious in their charity and generosity," the captain said.

He was backed up by Col. Burt Olsen, of the 402nd Engineer Battalion, who finished three weeks of active duty only a week ago. Col. Olsen, now an IBEW member out of Philadelphia, formerly was from Wilkes-

Barre. He was in charge of the difficult planning assignment task.

John J. Jennings, hard working Scranton electrical contractor, was basic liaison representative between all elements, and he was profuse in his praise of participating contractors, but a bit negative in his comments on some who passed up the volunteer opportunity to help the hard pressed flood victims.

Ed Hill, business manager of IBEW Local 712, Beaver, and Joe O'Connor, both who served in the area the past several weeks as representatives of the Governor's Office, aided in the planning and execution effort.

The large Scranton group traveled under a State Police escort led by Troopers Salvatore Burruano and Jerry Gaetano, to the Narrows Shopping Center, Kingston, where they were briefed and assembled. Each journeyman restored from 5 to 15 homes depending on the character of damage to be rectified.

INTRODUCING LEGISLATION TO PROVIDE FOR BICYCLE PARKING FACILITIES

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 10 minutes.

Mr. BELL. Mr. Speaker, Americans agree: Bicycles are tremendous.

Environmentalists love them. Traffic experts and recreation specialists praise them. Doctors recommend them. Men, women, and children ride them. Bicycles are booming, and I believe it is in the public interest to encourage such a trend.

Throughout the United States, we witness innumerable examples of the increase in cycling. Bike lanes with special traffic signs border parkways and city streets. Commuters are rapidly discovering that pedaling is quicker, more direct, more healthful, and enjoyable. Demonstration bike rides have been sponsored in major cities, suburban areas, and small towns. Facilities for transporting both people and their bikes have been installed in many buses. Colleges give courses in cycling. Subways have parking facilities for commuters who bike from home. Cycle clubs are growing, multiplying, and publishing magazines. How can we ignore 15,000 miles of bike paths and 80 million cyclists?

Mr. Speaker, this is not just a fad. The demand for bicycles is significantly greater than the supply, and it will be a few years before this balances out; economists agree that this trend will not be short-lived.

As a matter of fact, bicycling is ceasing to be a luxury pastime, its virtues far exceeding those of enjoyment and leisure. It is clean and quiet and, therefore, does not pollute. It does not add to traffic congestion. Inexpensive to purchase and maintain, it takes up little space, and consequently is very easy to park. Clearly, there is an increase in bicycle popularity, and the results are outstandingly pleasing.

We can give a sense of humanism to our downtown streets, as Secretary of Transportation Volpe believes, by making them a gathering place for people, not vehicles.

We must encourage this American happening.

Mr. Speaker, I introduce legislation today to do just this. It is one small step in the pursuit of an indisputable goal. I propose that all Federal buildings be required to install and maintain well-placed bike racks, or other parking facilities.

The General Services Administration would handle this project; each of the 454,000 Federal buildings are included in this measure. Federal employees would find it convenient to pedal to work; citizens doing business with the Federal Government could easily cycle to Federal offices. All the buildings on Capitol Hill have racks; I believe every Federal building in the Nation should follow our example.

This is, I believe, a necessary gesture on the part of the Federal Government in the pursuit of a cleaner, more relaxed, and healthier America.

Mr. Speaker, I urge all my colleagues to join me in encouraging cycling.

The bill follows:

H.R. 16336

A bill to amend the Public Buildings Act of 1959 to require public buildings to have bicycle parking facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.) is amended by redesignating section 17 as section 18, and by inserting after section 16 the following new section:

"SEC. 17. All public buildings shall have suitable facilities for the parking of bicycles for use by officers and employees of the Federal Government and visiting members of the public on official business, and such facilities shall be provided without charge to the user."

THE 1975 CLEAN AIR QUALITY STANDARDS IN JEOPARDY

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, I have obtained copies of two studies commissioned by the Environmental Protection Agency which conclude that a shortage of low-sulfur fuel by 1975 will be so great that many States may fall far short of the 1975 air pollution standards as established by the Clean Air Amendments of 1970 and the EPA regulations.

The unavailability of low-sulfur fuel to meet the 1975 standards is apparently a surprise to EPA, and an intensive study is now being undertaken by EPA to study alternatives. However, it is clear that there are no completely adequate alternatives. In short, there is simply not enough low-sulfur fuel to go around. EPA is at least partly to blame for not finding this out sooner, before the States were required to submit implementation plans to EPA.

Under the Clean Air Amendments of 1970, all States were required to submit implementation plans—SIP's—to EPA by May 30, 1972, detailing how they would comply with the 1975 standards—which require that the air be of sufficient quality not to damage human health. Specific standards for various pollutants, including sulfur, have been set by EPA, 13 SIP's have already been approved by EPA.

EPA's specific standards for meeting the 1975 deadline are supposed to result in a 50-percent reduction in emissions of sulfur oxides, one of the chief air pollutants and probably the toughest one to significantly reduce. But while some States' plans have been approved it is now apparent that many of these plans—which are based on the assumption that certain quantities of low-sulfur fuel would be available—are unworkable. This could result in the lowering of air quality standards. That would be an environmental tragedy.

According to the EPA-Commission studies, done by the Mitre Corp. of Bedford, Mass., there will be severe shortages of low sulfur coal and substantial, but not as severe, shortages of oil. The only area in which no great shortage is expected to exist is natural gas, the reports state. According to the studies, 592 million tons of relatively low-sulfur coal will be required to meet the SIP's by 1975. But only 268 million tons will be available, creating a huge deficit of as much as 324 million tons of coal, or 55 percent. These deficits may be reduced somewhat by the use of antipollution technology, such as flue gas desulfurization, but the reports call any large scale use of such technology by 1975 technically infeasible. About 80 percent of the low sulfur coal deficits, which the studies call "the heart of the problem", will be in seven Midwestern States, including Wisconsin.

Basically, the two studies considered two alternatives. First, meeting the 1975 standards completely by importing up to 1,070 million barrels of low sulfur oil per year. This is an enormous amount, of course, when you consider that it would be more than double the amount of oil, including both high sulfur and low sulfur content, that we now import. It would mean a virtual end to the oil import quota system.

A second basic strategy considered in the EPA studies is the deregulating, in effect, of those air quality standards which are not expected to have problems in meeting the 1975 standards in utilizing most of the low-sulfur fuel that is available in the worst of the 247 air quality control regions. This approach, however, could result in increased air pollution in some sections of the country.

The problems EPA is having in meeting the 1975 standards dramatically demonstrate the need for legislation introduced in Congress that would place a 20-cent-per-pound tax on all sulfur missions. A strong sulfur tax would provide a continuing and effective incentive to all sulfur emitters to find the best means available for reducing sulfur emissions to an absolute minimum and would be a very useful supplement to the regulatory standards established by Congress and the EPA.

It is clear that the EPA has a very tough problem on its hands in meeting the 1975 clean air standards. Indeed, it may be impossible to completely meet the 1975 standards unless we import huge amounts of low-sulfur oil, which may be politically impossible. In any event, however, I would hope that the EPA will openly acknowledge and discuss the problems and options involved in meeting the 1975 standards.

TRIBUTE TO THE LATE REVEREND BRADFORD E. GALE

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, on Friday, the 4th of this month, a memorial service was held at the historic church of the Presidents in Quincy, Mass., the United First Parish Church, for one of the most illustrious and public-minded ministers in the history of that distinguished church, the Reverend Dr. Bradford E. Gale.

I rise today to share with my colleagues in the House of Representatives of the United States my own deep personal sense of loss and that of the whole Quincy community at the passing of this great leader whose inspiration was not confined to the limits of his own church, his own congregation, but went beyond the walls of any one church to encompass the whole community. There was virtually no area of Quincy's problems and progress in the past decade or more that did not find Dr. Gale involved as a leading force. For 13 years Dr. Gale ministered to the needs of the Parish Church of Presidents John Adams and John Quincy Adams. For 13 years, Dr. Gale involved himself in the problems of the South Shore community. I knew him best as one concerned with the well-being of children and as a crusader and pioneer in the field of mental health. Always in the vanguard of progress and community participation, it was no accident but the most natural thing in the world for Dr. Gale to be the first president of the Quincy community action program when the Office of Economic Opportunity program got underway in the South Shore area.

When Dr. Gale resigned last year, his Quincy ministry to accept the important position of director in the administrative offices of the Unitarian-Universalist Association in Boston, the whole community knew it was losing a leader, but took comfort in the fact that the South Shore's loss would be the gain of the worldwide association. I think the whole Unitarian-Universalist Association suffered a profound loss in being deprived of the counsel and wisdom of this great man so soon after his joining its Boston headquarters.

I say this on the basis of all the good this man was able to accomplish in his 13 years as a minister to the needs of his parish, the city of Quincy. If I may be allowed to paraphrase what was said of the great English architect, Sir Christopher Wren, "si monumentum requiris, circumspice," "if you require a monument to this man's memory, look around you."

At this point, I would like to include an article which appeared in the city of Quincy's newspaper, the Patriot Ledger on August 3, 1972, which highlights the incredibly varied career of this great man of God.

[Quincy Ledger, Aug. 3, 1972]

MEMORIAL RITES SCHEDULED FOR REV. BRADFORD E. GALE

QUINCY.—A memorial service for the Rev. Dr. Bradford E. Gale, 64, former minister of the United First Parish Church in Quincy Square, will be held at 2 p.m. Friday in the church.

The Rev. John R. Graham, present minister of the church, and the Rev. Carl R. Scovel of the King's Chapel, Boston, will officiate. Burial will be in Vermont at a later date.

Dr. Gale died unexpectedly yesterday at Massachusetts General Hospital, Boston.

HEADED OFFICE

He resigned last year after serving 13 years as minister of the church to accept a post as director of the Office of Deferred Gift Planning, Department of Promotion and Development, Unitarian-Universalist Association, Boston.

He was minister of the First Church (Unitarian) of Salem from 1935 to 1958, when he was called to serve at the First Parish Church in Quincy.

While serving in the Salem parish, Dr. Gale was involved in a study of the needs and priorities of the typical small community, conducted by the University of North Carolina. The study resulted in the formation of the North Shore Mental Health Association, of which Dr. Gale was a founding member and first president.

He also served as president of the Salem community council.

In the South Shore area, Dr. Gale was a member of the state board and the Norfolk-South Shore District of the Children's Protective Service, Massachusetts Society for the Prevention of Cruelty to Children; a member of the district board for the state department of Mental Health; a board member of the South Shore Mental Health Association; a director of the Quincy Red Cross, and president of the Quincy Family Homemaker Service.

He was also a board member of the South Shore United Nations Council and a member and curator of the Quincy Historical Society; chairman of the board of supervisors of Woodward Academy for Girls in Quincy, and a trustee of the New England Home for the Deaf and Blind.

CHURCH-BASED ORGANIZATIONS

Church-based organizations included treasurer of the Massachusetts Convention of Congregational Ministers; president of the Society for the Promotion of Theological Education; secretary of the Massachusetts Congregational Charitable Society (Unitarian-Congregational); president of the Senexet Retreat House in Woodstock, Conn.; trustee of the Society for the Propagation of the Gospel among the Indians; trustee of the Evangelical Missionary Society, and a member of the Unitarian Universalist National Committee on Ministerial Welfare.

Dr. Gale was a former national president of the Unitarian-Universalist Youth Organization, and in 1945 he received the Silver Beaver Award from the National Council of Boy Scouts of America for his service to American youth.

He was also the first president of the Quincy Community Action Program within the Office of Economic Opportunity.

He is survived by his wife, Mrs. Jane C. (Holt) Gale; a daughter, Mrs. Stephanie Lawson of East Northfield; three brothers, Elliott Gale of Salem, Carl Gale of Boston and James Gale of Dorchester; a sister, Mrs. Elizabeth Hood of California, and three grandchildren.

Visiting hours are to be omitted.

In lieu of flowers, donations may be made to the Unitarian-Universalist Association, Department of Deferred Giving, 25 Beacon St. Boston.

I also want to include the program of the memorial service for Dr. Gale. I only regret that it was not possible for me to be in Quincy that day, but was represented at the service by Mrs. Mary Tuohy of my Quincy office.

A MEMORIAL SERVICE IN HONOR OF BRADFORD EUGENE GALE, D.D., AT THE UNITED FIRST PARISH CHURCH (UNITARIAN), QUINCY, MASS., FRIDAY, AUGUST 4, 1972

Prelude.
Opening Words.
Hymn, 145.
Scripture Readings:
Psalm 90.
Matthew 5:3-10.
Romans 8:28, 31-39.
Responsive Reading, 55.
The Remembrance.
Prayers and Lord's Prayer.
Hymn, 304.
Closing Words.
Postlude.

Mrs. Gale and family will greet people in the Parish Hall following the Service.

No man can choose what coming hours may bring
To him of need, of joy, of suffering;
But what his soul shall bring unto each hour
To meet its challenge—this is in his power.

—PRISCILLA LEONARD.

THE NAMIBIAN QUESTION BEFORE THE U.N. SECURITY COUNCIL

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, on July 26, 1972, I called on the United Nations Secretary General, Dr. Kurt Waldheim to express my concern at the proposal to continue for several more months the dialog with South Africa over the occupied territory of Namibia—South-West Africa—with the appointment of a special representative of the Secretary General if South Africa gives permission.

Under the law, the only subject to be discussed with the illegal occupant, South Africa, is its withdrawal from the international territory—until 1966 South Africa was the administering authority in Namibia under an international mandate. Because of South Africa's material breaches and disavowal of its mandate, it was terminated by the United Nations with the endorsement in June 1971 of an Advisory Opinion of the International Court of Justice reaffirming that the continued presence of South Africa in Namibia is illegal and that "South Africa is under obligation to withdraw its administration from Namibia immediately."

I wish to emphasize that I support all efforts, consistent with relevant U.N. resolutions and the Charter, to achieve the independence of Namibia. But the Secretary General's report dated July 17, 1972, makes it clear that South Africa has made no recognition of its international legal obligations and no concession to international opinion. Instead, during the 6-month dialogue period, it has detained over 200 Namibians without trial, pushed forward its Bantustan policy of partitioning the territory, expelled church workers, and stifled protest by declaring a state of emergency in Ovamboland, where the workers from the general strike of December through February have now returned. This is in addition to the continued repression of the people under the apartheid laws which deny the African people of Namibia, because of their race, all fundamental freedoms and basic human rights. Moreover, the South African Prime Minister, Mr. Vorster, has said that he recognizes no United Nations rights in Namibia, and added that if Waldheim wants to enforce U.N. resolutions, "he is wasting his time."

I wish to insert for the benefit of my colleagues the text of the memorandum which I presented to the Secretary-General:

COMMITTEE ON FOREIGN AFFAIRS,
July 26, 1972.

To: United Nations Secretary-General Dr. Kurt Waldheim.

From: The Honorable Charles C. Diggs, Jr., Chairman, Subcommittee on Africa, Committee on Foreign Affairs, U.S. House of Representatives.

Subject: An assessment of your report on the Implementation of Security Council Resolution 309 (1972) concerning the question of Namibia.

I have decided to make a particular effort to convey to you my concern over the possible consequences of continuing the dialogue with South Africa, as you have suggested to the Security Council, since it seems to me one of the crucial decisions on African affairs to be taken by the international community. As Chairman of the Subcommittee on Africa of the House of Representatives, I am voicing my concern as someone deeply involved in the promotion of African rights and fundamental freedoms.

My concern over this issue arises from the following factors:

1. WHAT THE DIALOG WAS DESIGNED TO ACHIEVE

I see no reason for continuing consultations which have been offered to South Africa as a "last chance," during which they conceded literally nothing. There has been no evidence in the report that South Africa is acting in good faith. On the contrary, it has refused to accept any United Nations resolutions, which it is bound to observe under the Charter of the United Nations. South Africa has refused to recognize the right of self-determination in accordance with the United Nations definition of that concept. It has even refused to accept resolution 309. The Group of Three nominated by the Security Council to consult with you on these contacts stated in their *aide-memoire:*

"As an initial step the Government of South Africa should inform the Secretary-General of its acceptance of resolution 309 (1972) so as to enable further efforts on its basis."

This primary condition has not been met, and further efforts should therefore be discontinued.

Resolution 309 specified consultations "with all parties concerned." South Africa is not legally a party concerned, except in negotiating a time-table for withdrawal, although it has an obvious political interest. The Group of Three, in paragraph 7 of the Aide Memoire, specified in particular that it considers South Africa, the Council for Namibia, the Ad Hoc Subcommittee of the Security Council and representatives of political organizations of the people of Namibia as "parties concerned." Yet, the report concentrates on the talks with South Africa, to the virtual exclusion of the other parties concerned, especially the U.N. Council for Namibia, which was set up by the General Assembly to administer the affairs of the territory. This concentration on South Africa sets an unfortunate precedent, and the suggested appointment of a special representative, who will deal mainly with South Africa, would appear to suggest that the imbalance would not be corrected.

2. WHAT THE DIALOG TENDS TO DO IN PRACTICE

By dealing with South Africa, the United Nations would be tending to accept its presence in Namibia, which the International Court of Justice, in its Advisory Opinion of 21 June, 1971, declared an illegal occupation.

The United Nations Council for Namibia would, in effect, be put into a kind of limbo for the duration of the dialogue.

With regard to the terms of reference, appointment and activities of the proposed special representative, South Africa would be given the authority to dictate terms, and at any point to veto the appointment or refuse access to Namibia. This threat could be used to deter any effort to put pressure on South Africa to withdraw.

This deference to South Africa and seeming recognition of its authority, with continued dialogue along the lines of South Africa's policy—which is in practice to annex Namibia by a gradual process and subject it to policy decided in Pretoria—would tend to erode the international community's efforts, consistent with the legal position, as set forth in the relevant United Nations resolutions and the Advisory Opinion, to bring self-determination and independence to the people of Namibia.

3. WHAT THE DIALOG DOES NOT ACHIEVE

During the six months of negotiations, South Africa has given no evidence of good faith. It continues to maintain its own concept of the framework of dialogue, which is the same as that which applied to the visit of Mr. Dag Hammarskjold in 1961. The Advisory Opinion has since shown that approach to be inconsistent with the present international legal position.

If the extension of the dialogue is conducted in a way similar to that of the last six months, it is in effect giving South Africa *carte blanche* to continue its policy of moving towards final annexation of Namibia. The situation is very similar to the operation of the appeasement policy in Europe, which allowed Nazi Germany to move towards the *anschluss* with Austria without any effective protest being made.

Quite apart from the obligation on South Africa to withdraw its administration, it has a further obligation, while it maintains its occupation administration, to do nothing that would deny basic human rights and fundamental freedoms to the people of Namibia. In the last six months, we have seen: emergency legislation, giving South Africa total control outside the rule of law over Ovamboland, the emergency proclamation having been issued on 4 February, the final day of the Security Council meeting in Addis Ababa which passed resolutions 309 and 310; there have been over two hundred people detained without trial; freedom of worship has been violated, particularly by the expulsion of Bishop Winter and his staff; freedom of movement and access for foreign observers sharply curtailed; the "Bantustan" policy pushed through on an urgent basis; and the Acting President of SWAPO banned.

The system of *apartheid* is still being enforced, with restrictions, limitations, and even territorial segregation on the basis of race; the International Court of Justice declared that detailed fact-finding was unnecessary, since the very principle of *apartheid* is in "flagrant violation of the purposes and principles of the Charter." The Namibians continue to be denied freedom of movement, residence, employment and the whole panoply of rights recognized as fundamental by the Universal Declaration of Human Rights.

Thus, the dialogue has not achieved any amelioration in the conditions in Namibia. Rather, since its inception, their situation has worsened. Thus, any assessment that the dialogue represents an advance fails to take cognizance of the human elements involved, the people of Namibia.

4. THE SIGNIFICANCE OF THIS FOR THE UNITED NATIONS ITSELF

If there is any suggestion of compromising the decisions of the United Nations in order to reach agreement with South Africa, this would put into question the whole principle of United Nations decisions, and the Charter obligation on States to observe collective decisions.

Namibia has been an issue for the international community for over fifty years, and the present position has been arrived at over decades of struggle and sacrifice, especially by the Namibians themselves, in order to achieve their independence and enjoyment of human rights. To compromise the position now, following the important General Assembly and Security Council resolutions and the Advisory Opinion of the International Court of Justice, would be to surrender to South African intransigence at a point where there is a sound basis for concerted international pressure on South Africa to withdraw its occupation from Namibia.

While negotiations under resolution 309 have been carried out intensively, implementation of the other resolution, No. 310, has been extremely disappointing. It would have been more reassuring to see equal effort being devoted to pressuring member-States to implement this resolution, which calls for all States to ensure that companies of their nationality operating in Namibia apply the principles of the Universal Declaration of Human Rights in their employment practices.

A further crucial point is timing. Following the International Court's Opinion, the general strike in Namibia, and the widespread international interest aroused by the strike, as expressed in the Namibia International Conference in Brussels in May, 1972, there is the danger that momentum and interest will be dissipated by further dialogue, and purposeful discussion of pressure confused and deflected. Proper General Assembly consideration could be deferred until the very end of the XXVIIth Session, too late for a full debate and proper consultations; that will in effect mean a further year's delay.

For all these reasons, I am extremely concerned at the suggestion of further dialogue. I am fully aware that I have no official standing with respect to this matter; but, because of my long standing interest in African affairs I feel compelled to state my concern.

As an alternative, I would urge both the expeditious appointment of a United Nations Commissioner for Namibia and the implementation of Security Council Resolution 310, a companion resolution to Security Council Resolution 309. In particular, I would call your attention to paragraph 5 of this resolution 310:

Calls upon all States whose nationals and corporations are operating in Namibia notwithstanding the relevant provisions of Security Council Resolution 283 (1970) to use all available means to ensure that such nationals and corporations conform in their policies of hiring Namibian workers to the basic provisions of the Universal Declaration of Human Rights.

However, if the Security Council decides that dialogue must proceed, there should at least be certain preconditions for any further contacts with South Africa. First, there must be a clearer, more emphatic, recognition that the purpose is to negotiate the transfer of governmental power to the people of Namibia or to the United Nations as Trustee. Second, South Africa must restore the basic human rights of the people of Namibia.

Through this memorandum, I wish to make the record clear that, based on the experiences of the past six months, since the passage of Security Council Resolution 309, I do not expect any meaningful change from the dialogue as proposed. Perhaps, this is a tactic that must be exercised to broaden the base of support in the international community to assist in the liberation of Namibia. But, in my view, those member-States who require this kind of tactic and those who have contended that the initiatives by African states have been strident, uncompromising and unproductive, namely, the United States, the United Kingdom and France, ought to hang their heads in shame. Can it really be assumed that these States will, if this initiative does not result in actual arrangements during this period for South Africa's withdrawal and Namibian independence, support a Chapter VII finding and appropriate action under Article 41?

I think it is quite obvious that those States who need to be satisfied with this type of ploy are those who are more interested in political advancement with South Africa than concerned with the human rights that are involved.

RURAL POLLUTION

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia (Mr. KEE) is recognized for 5 minutes.

Mr. KEE. Mr. Speaker, I take this opportunity to announce hearings to be held August 15, 16, and 17 under the auspices of the Conservation and Watershed Development Subcommittee of the Committee on Public Works on H.R. 15596, the rural pollution control bill introduced by myself and the gentleman from Iowa (Mr. SCHWENGEL). These legislative hearings are the result of extensive field hearings and tours conducted last year by this subcommittee.

In our field work in five States, we found that conservation and watershed development projects are one of the greatest assistance programs to rural America that any Government program can offer. Countless lives have been spared, millions of dollars in damages have been mitigated and the fertile soil has been preserved through these all important projects. However, the concept of this program needs an uplift; rural runoff accounts for seven times as much pollution to our rivers and lakes as does urban areas.

Accordingly, my colleague (Mr. SCHWENGEL) and I have introduced H.R. 15596, legislation that will address head-on the problem of rural pollution.

It is our sincere hope that these legislative hearings will produce a firm record on which to move this vital piece of legislation to the floor for House approval. As the annual report of the Council on Environmental Quality stated:

> Even if all discharges of municipal and industrial pollution was stopped, many streams would still be polluted as a result of discharges from runoff sources.

The time has come when we can no longer ignore this pressing problem. Siltation, erosion, pesticides, and agricultural runoff can be controlled; this legislation will be a vital first step to control of this problem.

A. EMMANUEL RIDGELL

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. DULSKI) is recognized for 5 minutes.

Mr. DULSKI. Mr. Speaker, the passing of a long-time and highly respected Capitol Hill employee, A Emmanuel Ridgell, has brought sadness to all who knew him, particularly the Members and employees.

Mr. Ridgell would have completed 40 years on Capitol Hill next December 1. He started as a messenger in 1932, at the age of 20, and later held several clerical positions until he was named Assistant Superintendent of Buildings in 1947.

A year later, in 1948, he was named Superintendent of House Office Buildings, the position he held until his death.

This has not been an easy position. He was the middleman in the fast-growing and ever-changing demand for office assignments and building service during the past 24 years.

Every 2 years, he weathered the reshuffling of office space. He took on the responsibility of the new Rayburn Building and the renovation of the Cannon Building.

I am well aware from personal experience of his ever-helpful and courteous attention to details.

When I became chairman of the Post Office and Civil Service Committee, the committee was housed temporarily in another part of the Cannon Building while our present offices were being renovated.

Mr. Ridgell and his staff were most cooperative and attentive to our needs, and the move to our permanent quarters was made with ease. So were my own three office reassignments over the years.

Mr. Ridgell's friends on Capitol Hill were legion—I am proud to have been one of them. He is greatly missed by all of us. No one could have been a more dedicated public servant; his reputation and his conscientious devotion to duty are an inspiration to all.

Mr. Speaker, I join my colleagues and all the Hill "family" in extending our deepest condolence to his beloved wife, Mary, and their children, Sister Mary Ann, Father John, and Charles Ridgell.

CATTLE BREEDING AND TAX BREAK RUSTLING WITH THE AMA

(Mr. ABOUREZK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ABOUREZK. Mr. Speaker, our tax laws are a crime against the working families who hold this country up on their backs.

We gouge them with property taxes, sales taxes, and a Federal income tax structure of dubious progression.

The sole qualification for this gouging is that you must be too poor to afford a fancy lawyer, too poor—what with debts at inflated interest rates to buy the basics of life—to have some income to convert into a nice, cozy tax shelter.

It does not matter whether you are young or old. If you are young and of modest enough means, the gougers will come after you. Even if you are retired there is no respite; so long as your means are modest, the gougers will come after you.

They will come after you with a vengeance to bleed what they could not get from America's fat cat elite.

The economic elite, after all, can afford the propagandists to convince the Nation's legislatures that they—not the average working stiff—are the salt of what makes America tick. Propaganda, after all, is tax deductible.

I respectfully submit that we must reconsider this line of reasoning. Unearned income in the billions are a blessing to those who receive it, true, but we have been tricked and sold into believing also that they are holy and as such, beyond the reproach of equitable taxation.

Lawyers and loopholes have upended a veritable cornucopia of tax dodges to those wealthy enough to join the club.

One of the most vicious is tax-dodge farming. It drains millions from the Treasury, which is sin enough to compel that it be closed. But it goes one step further than that. It creates wholly unfair competition for the real farmers, the ones who are in the business to make a living.

There are hundreds of thousands of "tax cowboys." Gov. Ronald Reagan of California is one. In 1970 there were 160,657 "tax farmers" and "tax cowboys" with incomes over $15,000 who reported a loss on their farming and who paid not a red cent in Federal income taxes. Approximately two-thirds of the people who in 1970 reported more than $50,000 income also reported losses on their "farming."

Mr. Speaker, Peter Barnes, the west coast editor of the New Republic, went to a recent convention of doctors and learned how a wealthy individual can become a farmer without leaving the luxury of his lawyer's office.

I insert Mr. Barnes' article from the San Francisco Bay Guardian of August 3 at this point in the RECORD:

CATTLE BREEDING AND TAX BREAK RUSTLING WITH THE AMA

MARCUS WELBY, TAX DODGER, MEET VINCENT GRILLO, CORPORATE COWBOY

(By Peter Barnes)

The talk wasn't only of ophthalmology and orthopedics at the recent convention of the American Medical Association. On one day the announcement board at the Fairmont Hotel listed, among others, the following meetings: Tax Sheltered Investment Financial in the Bali Room, Mountain Shadows Ranch Tax Shelter Investments in the Garden Room and Gemini Financial Tax Counsel in the Crocker Room. Being a cowboy at heart, I decided to see what the Mountain Shadows Ranch was about.

I was greeted by Vincent R. Grillo, Jr., a handsome, modishly attired gentleman in his 40s who claimed to be president of the ranch. I hadn't really expected to meet a crusty, Marlboro-smoking cowboy, but even so, a ranch "president" was something of a surprise. The next bit of news was even more surprising. "Mountain Shadows Ranch," said the artsy brochure I was handed, "is a corporation and a concept, not a place." So much for red-skied sunsets and the pine-scented crackle of roaring campfires.

As the Garden Room began filling with doctors, or people who looked like doctors, Grillo explained the genesis of his interest in Herefords, Brahmans and Angus. For more than 20 years he had been associated with the computer industry, first as owner of his own software company, then as vice-president of Computer Sciences Corp., a multimillion dollar firm.

About four years ago he found himself saddled with a terrible problem: he had $390,000 in ordinary income which, unless he devised a timely dodge, would be heavily taxed by the federal government. It was then that he discovered—like Ronald Reagan—the myriad joys of owning cattle.

Here's how the cattle racket works, according to Grillo and other tax experts:

If you buy a herd of cattle, you become, by definition, a farmer. You are then entitled to use the cash basis of accounting, a simplified method intended to ease farmers' bookkeeping chores. Under this method you can generally deduct all expenses in the year they are incurred, even though you may be purchasing assets that can be held for later sale and income.

A popular tax deferral scheme is to purchase a hefty amount of cattle feed on or about December 31. The entire cost of the feed can then be deducted from that year's taxable income.

If you buy a herd and hold it for two years or more, the money you receive upon selling it becomes a capital gain. It is then taxable at only half the rate of ordinary income.

If you purchase a herd of cattle, you may deduct from your taxable income an amount supposedly equal to the depreciation of your animals. In fact, the deduction can be much larger than the true depreciation because cattle are now entitled to accelerated depreciation (150%), plus a 20% bonus depreciation for married taxpayers filing jointly.

If you invest in a herd of cattle today, you are eligible for a 7% investment credit. This is not simply a deduction from taxable income, but a credit you can actually subtract from your federal income tax payment.

These four wondrous features of the tax code—immediate deductibility of cattle expenses, conversion of ordinary income to capital gains, accelerated depreciation and the investment tax credit—can be converted by the wealthy investor into a bountiful windfall. If the investor is in the 50% bracket or higher he can sink $15,000 into a herd of cattle and save $16,000 in taxes in the first year alone!

As Grillo explained the joys of cattle ownership with computer-like precision, the doctors in the Garden Room peppered him with questions. Are cattle a better tax dodge than oil? Sure, replied Grillo, because you never hit a dry hole. Aren't there any serious risks? Not at the Mountain Shadows Ranch, because you're playing with Uncle Sam's money. What if George McGovern is elected President? Don't worry, smiled Grillo, his tax reforms won't be retroactive.

If all this sounds too good to be true, you just haven't been talking to the right accountant lately. But don't go hitching up your horse quite yet. There are only two really practical ways to become a tax cowboy. One is to join a syndicate of wealthy individuals. The other is to be a big corporation like Standard Oil, Tenneco or Southern Pacific.

If you're not a giant corporation, and you still want to avoid your fair share of taxes, there is, unfortunately, an important qualification you must meet. Not everyone can become a tax cowboy.

The Securities and Exchange Commission and the California Corporations Commission, which register investment syndicates such as Mountain Shadows Ranch, generally require each investors to certify that he has a net worth of at least $200,000 or is in the 50% tax bracket or above. That takes in a lot of doctors, lawyers and movie actors, but leaves out a whole lot of working people.

How extensive are cattle syndicates? During 1970, there were offerings by cattle syndicators in excess $175 million. Oppenheimer Industries, Inc., one of the largest syndicators in the business handles more than 140,000 head of cattle, including Gov. Reagan's. These syndicators, of course, receive substantial management fees for their efforts.

Tax-dodging syndicates are also moving into other sectors of agriculture in California, especially wine grapes. The effect is not only to transfer a heavier burden of taxation to the shoulders of working people, but also to drive out the hard-working small farmer, who can't compete against heavily subsidized absentee "investors."

How To Harvest Taxes: California Leads the Way

A strange phenomenon is occurring in American agriculture. On the one hand, the before-tax return on farm investments has declined from about 6% to less than 4% duirng the last 20 years. This compares with more than 10% return for most manufacturing corporations, and more than 5% return for simply leaving money in the bank.

On the other hand, investment in farm assets increased by about 260% during the same 20-year period. This is a most unusual situation: increasing investments on declining returns.

How to explain this apparent incongruity? The answer, according to Prof. Charles Davenport of the University of California at Davis, is that the before-tax rate of return is not giving us the true picture. The massive new investments in land, cattle and farming come from corporations and syndicates who could care less about farm income. Their concerns are tax avoidance and long-term land speculation.

As in so many aspects of American agriculture, California leads the way in tax farming. A study by Hendrik Houthakker, a former member of the President's Council of Economic Advisers, found California "farmers" to be notorious for reporting almost no net income from agriculture, but lots of income from non-farm sources.

Another study by the U.S. Treasury Dept. found that among taxpayers with adjusted gross incomes of more than $500,000, farm losses exceeded farm profits by seven-to-one. By contrast, the smaller and poorer the farmer, the more likely he was to eke out a profit from farming. (So much for big farm "efficiency.")

While the number of absentee "farmers" whose profits come not from farming land but from farming the public treasury has been steadily increasing, the number of farmers in California who actually work and live on their farms has been decreasing by about 350 per month since 1950.

If present trends continue, every last piece of farmland and open space in California may soon be owned by tax-dodgers, corporations and speculators.

The Los Angeles Times Syndicate

The Los Angeles Times has a new syndicate. It's not a newspaper column or a comic strip, but a $16 million tax dodge that will soon begin operating on more than 30 square miles of Kern County farmland.

The new syndicate is called Tejon Agricultural Partners. It will plant wine grapes, potatoes, carrots and other crops on land that has been newly irrigated by the California Water Project.

Tejon Agricultural Partners is a subsidiary of the 295,000-acre Tejon Ranch, largely owned by the Chandler family, which publishes the Los Angeles Times.

The multiplicity of subsidies that the Chandlers and their partners receive is astounding. Property taxes on the Tejon Ranch have been reduced an estimated $400,000 annually by the Williamson Act, intended to preserve open spaces. (Exact figures have not be released by the Kern County assessor.) Irrigation water is brought from the Feather River right through the heart of the Tejon Ranch by the $8 billion state water project, a scheme which cleverly bypasses the federal 160-acre limitation.

In 1971 the Tejon Ranch received a federal crop subsidy of $88,566, despite the ostensible $55,000 limit. Now the tax-sheltered, crop-and-water-subsidized ranch is being planted with capital provided by absentee investors who are seeking to dodge their income taxes.

Might some of these subsidies and tax breaks trickle down to the workers who actually toil on the land? Not, apparently, if the Chandlers can help it. The Tejon Ranch is presently not a party of any collective bargaining agreement with the United Farm Workers or any other labor union.

And, notes the prospectus of Tejon Agricultural Partners, approximately two-thirds of the crops to be planted by the new tax-dodging syndicate will be harvested mechanically, thereby avoiding the "adverse effects of labor disputes."

A journalistic footnote: The Los Angeles Times, which is generally an objective newspaper, loses all semblance of fairness on the subject of large landholdings and their subsidies. The newspaper fervently promoted the state water project, making little or no mention of critics' claims that it was unneeded, too expensive and would pass right through the Tejon Ranch. The Times led the attack on the recent Nadar report on California land, highlighting its minor errors and obscuring the overwhelming validity of its facts and arguments.

Last March, when Sen. Fred Harris (D-Okla.) held a full-day hearing in Los Angeles on the subject of land monopoly, the Times sent two reporters, but carried only a trivial three-paragraph story back near the want ads. Perhaps to compensate, the Op Ed page editor, Ken Reich, asked Harris to write a column on land monopoly. Harris submitted a mildly-written article that, out of courtesy, made no mention of the Tejon Ranch and its owners. Reich was about to run it when he was told to wait for Otis Chandler's return from a safari in Africa. Upon Chandler's return, the Senator's column was killed.

GENERALS ALSO CAN SPEAK FOR GOD

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous mater.)

Mr. SIKES. Mr. Speaker, I am amazed that some people are expressing concern over the fact that a general in the U.S. Army also speaks out for God. Gen. Ralph Haines is a fine Christian gentleman, a credit to the service, and a dedicated American. That he has chosen to spend some of his off-hours in the field of religious experience is a credit to him and to the service.

Here is a man, Mr. Speaker, who knows full well the horrors of war. He sees as an alternative to that horror the peace promised to us all in the Holy Scripture. He travels around the Nation to share that hope with his fellow Americans. And he is criticized in some quarters for that work. What would his critics have him do? Would they rather he spent his leisure hours traveling the length and breadth of the land saying that war is great? Would they have him junket from place to place in quest of pleasure at public expense?

I think not. Rather, it seems to me that some people are just not happy to let a man do what he believes in his heart. Military and religious life are not irreconcilable. Both seek peace. Some fight for peace, others preach for peace. General Haines is in the unique position of being willing and able to do both.

He should not be questioned in this pursuit. He should not be challenged. He should be cheered and supported and helped. We need more men like him in America today. Let us each hope he is successful in bringing about peace through prayer so that he may never again be called upon to seek peace through power.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Lent (at the request of Mr. Gerald R. Ford) for August 14 and 15, on account of official business.

Mr. Rooney of New York (at the request of Mr. O'Neill), for this week, on account of illness.

Mr. Pepper (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Ryan (at the request of Mr. O'Neill), for this week, on account of illness.

Mr. Cotter (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Baker (at the request of Mr. Gerald R. Ford), for this week, on account of meetings of the platform committee of the 1972 Republican National Convention, of which he is a member.

Mr. Veysey (at the request of Mr. Gerald R. Ford), for this week, on account of meetings of the platform committee of the 1972 Republican National Convention, of which he is a member.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Hechler of West Virginia, for 20 minutes, today, and to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. Young of Florida) and to include extraneous matter:)

Mr. McDade, for 5 minutes, today.

Mr. Bell, for 10 minutes, today.

(The following Members (at the request of Mr. Daniel of Virginia), to revise and extend their remarks, and to include extraneous matter:)

Mr. Aspin, today, for 5 minutes.

Mr. Gonzalez, today, for 5 minutes.

Mr. Burke of Massachusetts, today, for 10 minutes.

Mr. Diggs, today, for 5 minutes.

Mr. Kee, today, for 5 minutes.

Mr. Dulski, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Sikes in five instances.

Mr. Colmer (at the request of Mr. Taylor) was granted permission to extend his remarks on H.R. 6618.

Mr. Montgomery (at the request of Mr. Taylor) was granted permission to extend his remarks on H.R. 6618.

(The following Members (at the request of Mr. Young of Florida) and to include extraneous matter:)

Mr. Gubser.

Mr. Schwengel in two instances.

Mr. Hogan in 10 instances.

Mr. Springer in six instances.

Mr. McCloskey.

Mr. Derwinski in two instances.

Mr. Hosmer in two instances.

Mr. Gerald R. Ford.

Mr. Conte.

Mr. Bray in three instances.

Mr. Anderson of Illinois.

Mr. Steiger of Arizona.

Mr. Hunt.

Mr. Wyman in two instances.

Mr. Del Clawson.

Mr. Carlson.

Mr. Bell.

Mr. Gude in five instances.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. Stokes in two instances.

Mr. Gonzalez in three instances.

Mr. Pucinski in five instances.

Mr. Rarick in three instances.

Mr. Brasco.

Mr. Hungate in two instances.

Mr. Roush.

Mr. Galifianakis.

Mr. William D. Ford.

Mr. James V. Stanton.

Mr. Pickle in two instances.

Mr. Pike.

Mr. Dulski in five instances.

Mr. Rangel in three instances.

Mr. Hawkins.

Mr. Evins of Tennessee in two instances.

Mr. Chappell in two instances.

Mrs. Mink.

Mr. Clay in six instances.

Mr. Daniels of New Jersey.

Mr. Patten.

Mr. Zablocki in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3240. An act to amend the Transportation Act of 1940, as amended, to facilitate the payment of transportation charges; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2131. An act for the relief of the Howrey Lumber Co.;

H.R. 15417. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 15586. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on August 10, 1972, present to the President, for his approval, bills of the House of the following titles:

H.R. 631. An act for the relief of the village of River Forest, Ill.;

H.R. 1462. An act to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes;

H.R. 2127. An act for the relief of the estate of Charles Zonars, deceased;

H.R. 9545. An act to amend section 6(b) of the Revised Organic Act of the Virgin Islands relating to qualifications necessary for election as a member of the legislature;

H.R. 11632. An act for the relief of Vincent J. Sindone;

H.R. 14106. An act to amend the Water Resources Planning Act to authorize increased appropriations; and

H.R. 15690. An act making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Tuesday, August 15, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2243. A letter from the Assistant Secretary of the Interior, transmitting a report on the Polecat Bench area, Shoshone Extensions unit, Pick-Sloan Missouri Basin program, Wyoming, pursuant to section 9(a) of the Reclamation Project Act of 1939 (53 Stat. 1187) (H. Doc. No. 92–340); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

2244. A letter from the Acting Associate Director, Bureau of Land Management, Department of the Interior, transmitting a report on negotiated sales contracts for disposal of materials during the 6 months ended June 30, 1972 under 79 Stat. 587; to the Committee on Interior and Insular Affairs.

2245. A letter from the Secretary of Commerce, transmitting the annual report on the relative cost of shipbuilding in the various coastal districts of the United States, pursuant to section 213(c) of the Merchant Marine Act of 1936, as amended; to the Committee on Merchant Marine and Fisheries.

2246. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report showing the number of employees of NASA in each general schedule grade as of June 30, 1971, and June 30, 1972, pursuant to section 1310 of the Supplemental Appropriation Act of 1952 (65 Stat. 736, 758); to the Committee on Post Office and Civil Service.

2247. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 29, 1971, submitting a report together with accompanying papers and illustrations, on Peyton Creek, Tex., authorized by the Flood Control Act approved October 23, 1962. (H. Doc. No. 92–341); to the Committee on Public Works and ordered to be printed with illustrations.

2248. A letter from the Acting Administrator of General Services, transmitting a request for the cancellation of various prospectuses which have been approved by the Public Works Committees of the Congress, since the buildings have been transferred to the U.S. Postal Service and are no longer the responsibility of the General Services Administration; to the Committee on Public Works.

Received From the Comptroller General

2249. A letter from the Comptroller General of the United States, transmitting a report on the audit of payments from the special bank account to the Lockheed Aircraft Corp., for the C-5 aircraft program during the quarter ended June 30, 1972, pursuant to section 504 of Public Laws 91-441 and 92-156; to the Committee on Armed Services.

2250. A letter from the Comptroller General of the United States, transmitting a report on drug abuse control activities affecting military personnel in the Department of Defense; to the Committee on Government Operations.

2251. A letter from the Comptroller General of the United States, transmitting a report on legislation needed to revise the interest rate criteria for determining the financing costs of Federal water resource projects administered by the Departments of the Interior and the Army; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOLIFIELD: Committee on Government Operations. Report on enforcement of the Refuse Act of 1899 (Rept. No. 92-1333). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOLEY: Committee of Conference. Conference report on H.R. 13089. (Rept. No. 92-1334). Ordered to be printed.

Mr. PUCINSKI: Committee on Education and Labor. H.R. 13915. A bill to further the achievement of equal educational opportunities; with an amendment (Rept. No. 92-1335). Referred to the Committee on the Whole House on the State of the Union.

Mr. BYRNE of Pennsylvania: Committee on Armed Services. H.R. 14546. A bill to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care; with an amendment (Rept. No. 92-1336). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 16334. A bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency; to the Committee on Armed Services.

H.R. 16335. A bill to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL:

H.R. 16336. A bill to amend the Public Buildings Act of 1959 to require public buildings to have bicycle parking facilities; to the Committee on Public Works.

By Mr. DERWINSKI:

H.R. 16337. A bill to authorize the Secretary of the Interior to establish national parks or national recreation areas in those States which presently do not have a national park or national recreation area; to the Committee on Interior and Insular Affairs.

By Mr. GERALD R. FORD (for himself, Mr. McDonald of Michigan, Mr. King, Mr. Ware, Mr. Crane, Mr. Carlson, and Mr. Broomfield):

H.R. 16338. A bill to provide for disciplined and responsible action in the consideration and execution of the Federal budget; to the Committee on Government Operations.

By Mr. KOCH:

H.R. 16339. A bill to amend title XVIII of the Social Security Act to require that Public Health Service hospitals, Veterans' Administration hospitals, and hospitals receiving assistance under the Hull-Burton Act make available to persons entitled to benefits under the medicare program, at cost, prescription drugs not covered under that program, eyeglasses, and hearing aids; to the Committee on Ways and Means.

By Mr. PETTIS:

H.R. 16340. A bill to provide that income from entertainment activities held in conjunction with a public fair conducted by an organization described in section 501(c) shall not be unrelated trade or business income and shall not affect the tax exemption of the organization; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 16341. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to provide that any individual who has attained age 65 may elect to treat services performed by him as noncovered (and exempt from tax) for social security purposes; to the Committee on Ways and Means.

By Mr. REID (for himself, Mrs. Abzug, Mr. Anderson of Illinois, Mr. Ashley, Mr. Badillo, Mr. Bennett, Mr. Bevill, Mr. Bingham, Mr. Brasco, Mr. Brinkley, Mr. Casey of Texas, Mr. Celler, Mr. Cleveland, Mr. Collier, Mr. Derwinski, Mr. Drinan, Mr. Edwards of California, Mr. Fascell, Mr. Goldwater, Mr. Green of Pennsylvania, Mr. Gude, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Helstoski, and Mr. Horton):

H.R. 16342. A bill to insure international cooperation in the prosecution or extradition to the United States of persons alleged to have committed aircraft piracy against the laws of the United States or international law; to the Committee on Interstate and Foreign Commerce.

By Mr. REID (for himself, Mr. Keating, Mr. Kuykendall, Mr. Landgrebe, Mr. Leggett, Mr. McDade, Mr. McKay, Mr. McKinney, Mr. Mazzoli, Mr. Pirnie, Mr. Rees, Mr. Rhodes, Mr. Robison of New York, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Sikes, Mr. Snyder, Mr. Taylor, Mr. Tiernan, Mr. Veysey, Mr. Waggonner, Mr. Charles H. Wilson, and Mr. Wolff):

H.R. 16343. A bill to insure international cooperation in the prosecution or extradition to the United States of persons alleged to have committed aircraft piracy against the laws of the United States or international law; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.R. 16344. A bill to amend the National Science Foundation Act of 1950 in order to establish a framework of national science policy and to focus the Nation's scientific talent and resources on its priority problems, and for other purposes; to the Committee on Science and Astronautics.

By Mr. TEAGUE of Texas:

H.R. 16345. A bill to amend title 38 of the United States Code to provide that the date of death determined by the Secretary concerned in certain missing-in-action cases shall be conclusive for the purposes of servicemen's group life insurance; to the Committee on Veterans' Affairs.

By Mr. WHALLEY:

H.R. 16346. A bill to amend title 23 of the United States Code to add 10,000 miles to the Interstate System; to the Committee on Public Works.

H.R. 16347. A bill to amend title 23 of the United States Code to increase the mileage of the National System of Interstate and Defense Highways, and for other purposes; to the Committee on Public Works.

H.R. 16348. A bill to remove a portion of the Pennsylvania Turnpike from the Interstate System, and for other purposes; to the Committee on Public Works.

By Mr. FORSYTHE:

H.R. 16349. A bill to amend title 37, United States Code, so as to extend from 1 to 3 years the period that a member of the uniformed services has following his retirement to select his home for purposes of travel and transportation allowances under such title, and for other purposes; to the Committee on Armed Services.

By Mr. UDALL:

H.R. 16350. A bill to amend the act of August 9, 1955, to authorize longer term leases of land on the main Papago Reservation and the Gila Bend Reservation; to the Committee on Interior and Insular Affairs.

By Mr. ROYBAL:

H. Con. Res. 684. Concurrent resolution designating the first day in October of each year as "National Friendship Day"; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H. Con. Res. 685. Concurrent resolution relating to prisoners of war held by the Government of North Vietnam; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

416. By the SPEAKER: Memorial of the Legislature of the State of California, relative to immigrant children; to the Committee on Education and Labor.

417. Also, memorial of the Legislature of the State of California, relative to strip and open-pit mining in the Los Padres National Forest; to the Committee on Interior and Insular Affairs.

418. Also, memorial of the Legislature of the State of California, relative to embargoes on products; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia (by request):

H.R. 16351. A bill for the relief of James B. McGuire; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 16352. A bill for the relief of Vilma Leticia Vargas; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 16353. A bill for the relief of the Cuban Truck & Equipment Co., its heirs, and assigns; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 16354. A bill for the relief of D. Jane Klemer; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

270. The SPEAKER presented a petition of Cathleen J. Hamilton, Staten Island, N.Y., relative to eligibility for social security benefits, which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

SMALL BUSINESS ADMINISTRATION DISTRICT OFFICE IN FARGO, N. DAK., SELECTED AS REGION VIII DISTRICT OFFICE OF THE YEAR

HON. QUENTIN N. BURDICK

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Monday, August 14, 1972

Mr. BURDICK. Mr. President, I invite the attention of Senators to the selection of the Small Business Administration District Office in Fargo, N. Dak., as the Small Business Administration Region VIII District Office of the Year. This is truly an accomplishment of noteworthy proportion, as it represents an award actively sought by offices throughout six States. My sincerest congratulations to District Director E. Maine Shafer.

Also, I have the honor of reporting that a staff member of the same office, Mr. O. G. LoVette, was awarded the Region VIII Public Contact Award. In a communication with Mr. Shafer, SBA Regional Director Robert Sherwood cited Mr. LoVette for "his superior public image and endless community activities." I ask unanimous consent to have printed in the RECORD the text of the news release announcing the selection of the North Dakota office for these honors.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

DISTRICT OFFICE OF THE YEAR

The North Dakota District Office of the Small Business Administration has been selected as the District Office of the Year for Region VIII, comprising the states of Colorado, Utah, Montana, Wyoming, South Dakota and North Dakota. In a communication from the Office of Robert G. Sherwood, Regional Director, SBA, Denver, to E. Maine Shafer, District Director of the SBA in North Dakota, Mr. Sherwood wrote, "The Committee Members agreed that the Fargo Office achievements exceeded those of our other Districts. You are truly to be commended for your outstanding leadership in earning this recognition for yourself and your fellow workers."

In addition to the "outstanding office" award, Mr. Sherwood advised that Mr. O. G. LoVette was selected for the Region VIII Public Contact Award for his superior work in community development credit assistance which led the Region in accomplishment.

Both Mr. Shafer and Mr. LoVette have been invited to an Annual Awards Ceremony scheduled to be held at the Denver Regional Office August 18, 1972.

In receiving the Award Mr. Shafer announced that as of June 30, 1972, 1,400 loans were outstanding in North Dakota. In the Fiscal Year 1972, a 32% increase in all loans disbursed was achieved with a total of $14,590,000 disbursed in 245 loans in 42 Counties. This compares with $11,415,000 and 180 loans in Fiscal Year 1971 and $6,800,000 and 146 loans in 1970. The over-all business loan delinquency rate was at an all time low of 2% while Disaster Loan delinquencies rose slight from 2.3% to 2.8%.

In Mr. LoVette's Community Economic Development Division 24 North Dakota community projects were financed as compared with 13 in Fiscal Year 1971. This figure represents the highest accomplishment of any single-man office in the United States.

SBA also provides Management Assistance to non-borrowers, conducts business seminars and training courses for veterans, commercial businessmen and businesswomen and provides counsel for existing SBA borrowers. Statistics in all these categories increased by nearly 50% in the past 2½ years.

"We are pleased with this Award since it stacks up against Salt Lake City, Denver, Billings, Great Falls and the prominent communities in Wyoming and South Dakota. While it's an office achievement, we're most aware of the strong leadership of Mr. Thomas S. Kleppe, a North Dakotan and the national SBA Administrator, who has given us absolutely superb support for our North Dakota projects and loan guarantees," said Shafer.

LEARNING FROM EACH OTHER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. STOKES. Mr. Speaker, I have spoken in this House many times about the brave editorialist who writes in Cleveland—Mr. Charles H. Loeb of the Call & Post. Today I would like to bring another one of his outstanding columns to the attention of my colleagues.

Mr. Loeb called his article of July 15 "My Thing About Jews." He shot down, one at a time, the myths that have pursued the Jewish nation since the beginning of history. It is almost unbelievable that whole peoples—whether Jewish, black, Polish, or Italian—are still being victimized by falsehoods that are perpetuated by what can be a narrowminded and insecure majority.

Charles Loeb feels that there is much that American minority groups could learn from one another. As he put it in his closing paragraph:

> I've no time to drum up anti-Semitism, either here on my doorstep or around the world. I'm too busy trying to learn how Jews have managed to get it all together.

The complete article follows:

MY THING ABOUT JEWS

(By Charles H. Loeb)

Perhaps I'm old-fashioned, but I have a thing about Jews. It amounts to a special sympatico for Jews and their causes that I sometimes find difficult to explain to a growing number of my black friends who, of late, have developed their own thing about Pan-Africanism—a modern day effort to develop closer ties between American Blacks and their cousins (brothers?) of the African continent.

Of course I've run across a few "Merchant of Venice" types in my days; an almost inescapable experience for those of us who have not, either through opportunity or choice, moved away from the inner-city ghettoes of America. But, having been generalized at all my life, I'm leery of lumping people of any race or religious group together in such a manner.

Avaricious cheating, conniving Jews are no more numerous in our midst—or our world—than are primitive, lazy, shiftless Negroes.

With the vast majority of the civilized people of the world. I recoiled with horror at the infamous Hitlerian genocide in Germany in which millions of innocent Jews were put to death by torture, starvation and the fiery furnaces of internment camps. I also rejoiced when finally the State of Israel was established, for among my friends were many Cleveland Jews whose compassion for the black masses of America had been well-established.

Unfortunately, I have not been privileged to enjoy the acquaintance of many Arabs. Nor for that matter any intimate association with native Africans, my contacts being limited to brief sessions with visiting journalists and a handful of African students who have come to America to study in our universities or business executives here to scrutinize our economic system and advanced technology.

So, when the Egyptians jumped on little Israel without advance notice and wound up getting themselves a superquick shellacking, I found myself applauding on the sidelines . . . and I guess I'm still applauding.

Egypt's Sadat looks like a brother, but I have grave doubts that he spends much of his time worrying about what's happening to some 24 million Black Americans. He seems too busy licking his wounds and trying to persuade Africa's newly-independent nation's that Israel presents their greatest threat to their growth and prosperity.

The name of Julius Rosenwald does conjure up images of schools and health centers for Black Americans, that were instituted long before the U.S. Supreme Court finally decided that "separate and equal" was for the birds.

Even so, Black Americans will probably gloat over the election of a Black U.S. President before American Jews have that opportunity, if ever, such is the long and shadowy corridor of white Anglo-Saxon-Protestantism that rambles through racist America.

Finally, I constantly find myself admiring the way American Jews have learned to shrug off discrimination and prejudices, and have managed to live—and prosper—within the system through a combination of the only two ingredients that win respect from our political leaders—money and votes.

I've no time to drum up anti-Semitism, either here on my doorstep or around the world. I'm too busy trying to learn how Jews have managed to get it all together.

POLLUTION FROM SURFACE MINING

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. SCHWENGEL. Mr. Speaker, the practice of surface mining has been spreading throughout the country for well over a century and has now engulfed a total of 3.2 million acres of land. All States have land areas disturbed by strip mining and needing restorative measures. Of the total 3.2 million acres disturbed, some 2 million are still in serious need of conservation treatment. These remaining sore spots are subject to uncontrolled erosion, and pose serious problems in the form of mud slides, water pollution, and channel clogging, as well as being safety hazards in themselves. Over 90 percent of the strip mined land is in private ownership, and obviously the remaining problems are unsolved largely because private landowners are unable to handle the job by themselves.

Some erosion is inevitable on fresh strip mine spoil banks, as it is on any bare soil. The severity of the problem on strip mines comes mainly from steepness and instability of banks, texture of the spoil itself, and acids and minerals in the spoil.

On almost 80 percent of the surface-mined land, spoil texture is adequate for growing grasses and supplementing tree and shrub plantings. However, rock content on about three-fourths of those banks restricts the types of equipment that can be used.

Over half the surface-mined land have acid soils, and 20 percent contain acid strong enough to be a limiting factor in establishing plant cover.

On about 3,600 miles or about 10 percent of slopes left by contour and area stripping, massive slides are a problem and may cause even worse problems when they enter streams and block channels.

These problems facing the owners of strip mined land mean that even the simplest vegetative cover methods of treatment are difficult, if not so costly or complicated as to be out of the question. Without the needed restoration measures, strip mined land erodes at ever-increasing rates. Forty percent of the 2 million acres needing treatment have eroded enough to form rills and small gullies, and on 12 percent, gullies more than a foot deep have formed.

The annual load of sediment produced by erosion from these abandoned surface-mined areas is estimated to range up to 200 tons per acre. During a 4-year period in Kentucky, the average yearly sediment discharge was 27,000 tons per square mile from such areas, while it was only about 25 tons per square mile from forested areas. This sediment is being deposited on adjacent areas and in downstream channels and reservoirs. In addition, the acid draining from these mined areas is contaminating water in streams and reservoirs.

Of all sites surveyed, 23 percent showed intermittent pollution and 21 percent showed substantial pollution. Of the streams receiving direct runoff from surface-mined sites, 31 percent of those examined contained noticeable amounts of mineral precipitates. Water discoloration, suggesting physical and chemical pollution, was recorded in 37 percent of the streams. Of 14,000 miles of stream channels affected by surface mining, half have had their water carrying capacity reduced.

Despite the attention which Government has devoted toward rehabilitation of surface-mined lands, our efforts have proved sadly inadequate. Limited Federal assistance is being provided under existing authority, 28 States have laws requiring restoration of surface mines, and mining groups themselves have instituted restoration programs. However, each of these efforts is directed at only a part of the problem. Damages to adjacent lands, crops, water, fish, and wildlife, continue. The State laws do not deal with the problem of restoring surface mines which have already been abandoned, and governmental aid programs have helped in only the simplest problem areas—the critical problems remain.

Experience with the existing programs has shown that mined areas and the associated spoil banks can be treated, but the cost is high. The cost of applying vegetative cover alone will vary from $100 to over $300 per acre, and total costs for complete restoration have run at $600 per acre—$360 for initial restoration, plus additional costs to develop the land for specialized uses.

Because of the high costs, individual landowners cannot be expected to do the entire reconstruction job by themselves. Many years will elapse before they can realize on-site benefits, and in some cases, structural measures, requiring large-scale engineering and construction are required.

However, effective off-site benefits, including sediment and pollution control warrant public action in reclaiming our wasted surface-mined lands. More than a fourth of the disturbed land can be reclaimed for recreational purposes, another third would support woodland planting, and another third is suited to range and pasture land. Other benefits would include reduced contamination of streams by mine acids, improved habitat for fish and wildlife, and a healthful and beautiful atmosphere for recreation.

The current watershed program, under Public Law 566, is one of the limited Federal programs intended to provide assistance in reclaiming surface-mined lands, and like the other aid programs, it can handle only the easiest problems. Lack of coordination between the Federal and local governments has plagued the program at every step of the way. The average project application faces a 3.7-year wait in the preconstruction stage alone, and many programs were forced to stop before completion because of local land rights and maintenance problems.

I have introduced a bill, H.R. 15596, which is designed to streamline our watershed program and solve the problems of erosion and related pollution from unrestored strip mines. Under the 15596 program, the Secretary of Agriculture is authorized to enter agreements of cooperation and assistance with State and local governments, and he may also enter into binding agreements for up to 10 years with private landowners. To insure that the new program's projects will be completed as planned, the Secretary may require in the agreements that the landowner shall: Cooperate in the installation and maintenance of needed works; install certain works according to the Secretary's specifications; and provide assurances of protection against damage from future surface mining.

I believe these and the other specifications in my bill will provide the needed direction for the watershed program to become a truly operative, responsive vehicle for the solution of surface mining problems as well as all other nonpoint source pollution problems. This program could replace the numerous other governmental structures which have proved so ineffective and wasteful in the past. Because of the technical and administrative expertise already present in the watershed program, this is by far the best place to concentrate governmental efforts. With only this small step, Government can break through the maze of problems which have entangled those in the area of water resource control. It is my hope that we will have the imagination and aggressiveness to take it.

CONFIRMATION OF TENNESSEE CONSERVATION COMMISSIONER WILLIAM JENKINS TO TVA BOARD OF DIRECTORS IS URGED

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. EVINS of Tennessee. Mr. Speaker, I was pleased to recommend to the President the appointment of Commissioner William Jenkins of the Tennessee State Department of Conservation to the Board of Directors of Tennessee Valley Authority and was most gratified when the President announced the appointment of Commissioner Jenkins to this vital and important position of responsibility.

In addition, I have also been pleased to strongly urge and recommend the confirmation of this outstanding Tennessee leader and conservationist to Senator JENNINGS RANDOLPH, chairman of the Public Works Committee of the Senate.

Bill Jenkins is an able, competent, capable, and conscientious public servant and I know he will bring to the TVA Board a background of knowledge and experience that will be invaluable in directing and formulating TVA policies and programs.

Because of the interest of my colleagues and the American people in this most important matter, I place in the RECORD herewith a recent editorial from the Nashville Banner endorsing Commissioner Jenkins' appointment, together with a copy of my letter to Chairman JENNINGS RANDOLPH, urging Mr. Jenkins' confirmation.

The editorial and letter follow:

[From the Nashville Banner, July 26, 1972]

FOR TVA BOARD A CAPABLE NOMINEE

All things else being equal—essentially the basic qualifications of ability, character and dedication to the public interest—it is a circumstance on the plus side if a nominee for the Board of the Tennessee Valley Authority is a resident of the vast region it serves.

Thus it is that Tennesee welcomes additionally the nomination of a Tennessean to that directorship. He is Conservation Commissioner William L. Jenkins, in that capacity a member of Governor Dunn's cabinet—accustomed to responsibility, including four terms in the General Assembly representing Hawkins County. In his last term he was Speaker of the House.

The nominee was a Republican candidate for Governor in 1970 and was selected for his new position by a Republican President.

But his record of service is its own nonpolitical recommendation. For the regional agency—a power and flood control and economic factor throughout its vast area—should transcend political considerations. It is today an asset as seemingly native to the region as the river it constructively harnesses.

TVA Chairman Aubrey J. Wagner, born in Wisconsin, has given most of his adult life to service in and through the agency—

climbing rung by rung the ladder from initial status as an engineering aide. Donald O. McBride of Nebraska came to TVA from a lengthy Congressional connection as a special assistant to the late Senator Robert Kerr of Oklahoma, then of Senator Mike Monroney, also of Oklahoma. Frank E. Smith, whom Jenkins would succeed, is a former Congressman from Mississippi.

Commissioner Jenkins has been an able servant of his State, respected on both sides of the political aisle—and as head of the Conservation Department his work has related in big measure to a basic purpose of the TVA as such; conservation, intelligently planned and programmed, and linking Federal effort to the interest of the States.

Speedy confirmation by the Senate is anticipated—lead by strong backing on the part of Tennessee Senators Baker and Brock, who recommended him. The prospect of that prompt affirmative decision is gratifying.

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 14, 1972.

Senator JENNINGS RANDOLPH,
Chairman, Public Works Committee, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN RANDOLPH: I want to take this means of strongly endorsing the appointment of Commissioner William Jenkins of the Tennessee State Department of Conservation to the Board of Directors of Tennessee Valley Authority, and I strongly urge and recommend his confirmation by your Committee to this important position.

Commissioner Jenkins has demonstrated outstanding leadership in conservation and resource development and in my view is an excellent choice to carry out the goals and objectives of the Tennessee Valley Authority.

He has served as a Representative in the Tennessee General Assembly for four terms and as Speaker of the House, and as Commissioner of Conservation of the State of Tennessee his work has related in large measure to the basic purposes and objectives of TVA.

He is currently serving on a number of conservation and economic development commissions and boards—including the Water Quality Board of Tennessee, the Conservation Commission of Tennessee and various water basin commissions, including the Ohio River Basin Commission.

Commissioner Jenkins has demonstrated his leadership ability as well as his competence and capability in the fields of conservation and economic development.

In addition, he would be the first Tennessean to be named to the TVA Board of Directors. He is a graduate of Tennessee Technological University, Cookeville, and received his law degree from the University of Tennessee College of Law, Knoxville.

I strongly urge and recommend confirmation of Bill Jenkins of Tennessee of the TVA Board of Directors.

With kindest regards and best wishes, I am

Sincerely your friend,
JOE L. EVINS,
Member of Congress.

A TRIBUTE TO OPEN SPACE

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. BELL. Mr. Speaker, I would like to take this opportunity to acknowledge the fine work being done by Open Space, Inc., of Venice, Calif.

Open Space is a nonprofit, educational development corporation committed to the advancement of primary and secondary school curricula based on environmental awareness and concern.

This project is designed to introduce environmental education as the unifying component of the daily school curriculum, as well as of play and other nonschool activities.

Founded in 1970 by Executive Director Judy Seidenbaum, Open Space offers a number of varied programs which include consulting services for schools and school systems, formalized education for teachers and other adults through university extension classes for credit, and periodic workshops on environmental curricula.

The environmental workshops serve as an idea exchange center where public school teachers and community members can meet and discuss problems and possible solutions to them. The workshops also serve to train volunteer community or teacher's aides.

The program also encompasses such services as a teacher center for the development of environmental curricula, methods and materials, and the dissemination of information through the previously mentioned programs, as well as through conferences and a newsletter.

In view of the admirable goals and outstanding accomplishments of Open Space—and the obvious need for this kind of environmental education—I believe that both the organization and its founder, Mrs. Seidenbaum, deserve a great deal of credit.

RALPH NADER'S CONGRESS PROJECT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. HUNGATE. Mr. Speaker, I believe the following article by Rick Gotcher, Washington correspondent for the Moberly, Mo., Monitor-Index on "Ralph Nader's Congress Project" contains some valuable research by the reporter in finding out why this project has met with so much criticism:

OUR MAN IN WASHINGTON

(By Rick Gotcher)

WASHINGTON.—On Capitol Hill, the consensus about Ralph Nader's Congress Project questionnaire seems to be, "How can so little be accomplished from so much?"

Of nine congressional staffs queried, all agreed the 633-question self-critique is too general in scope for specific determinations to be made about the effectiveness of Congress—which is the intent of Nader's study, to be made public when completed.

Also, staff aides criticize the questions for being leading, repetitious and apparently written by people with little or no knowledge of the working legislative process.

Only one of the offices has completed the study; of the other eight, just one intends to answer some of the questions. Based on the man-hours spent by the office which did complete the questions, and and the going rate for Washington professional help, the task cost taxpayers approximately $1,750.

With 535 legislators in office, to have all the Nader questionnaires answered would, by simple arithmetic, expend some $935,000 worth of legislative energy.

Even Nader's staff is having trouble justifying the worth of the bulky parcel. One Naderite said the questions were not written from a "psychologically sound point of view."

The same staffer admits because of the bad publicity given to the questionnaire, it has become a touchy subject with project volunteers. For this reason, those connected with the study are quick to point out that the overall evaluation of Congress, and congressmen, is mainly dependent on personal interviews and biographical and legislative research.

A study of the questionnaire shows most of the essay-type questions can be self-serving, or self-incriminating, depending on final interpretation.

Example: "Since becoming a member of Congress, what have been your three greatest accomplishments for your district?" The same question is repeated for the nation.

Example: "Do you have more confidence, or less confidence, in the ability of Congress to solve this country's problems than you had before you become a member of Congress?"

Nader has said the study is apolitical; he is not out to get any particular legislator. But the announced release date for part of the study, not including the questionnaire, has many congressmen wondering if they can trust Nader's objectivity at a time so close to the general election in November. The release date is not later than Oct. 1 and Nader's staff affirms about 490 reports will be ready.

A veteran Oklahoma press aid said he attended a Democratic Party study group session where Nader was asked if he could postpone any public disclosure until after the elections. Nader refused.

The group told Nader publishing just before the election was "intervening in the political election process." Nader countered by saying he is only interested in educating the public.

Capitol Hill pros are aware that a concise, definitive study of Congress is long overdue. For that reason, they would welcome the chance to contribute to any worthwhile effort. But the time limitations imposed by Nader's project has made most of them apathetic towards it.

One legislative aid noted, "I don't see how any of us could do our job if we took time to work on this thing. Besides, the amount of research it would take—unless a man had a phenomenal memory—is mind-boggling."

Another gripe is that everything Nader is asking has already been recorded, at one time or another. Said another legislative assistant, "Everybody who really cares in our district already knows where the congressman stands on issues. Anyway, I think its a little presumptive of Nader to consider himself representative of every voter."

But the main worry is that what comes out before November will place an added burden on incumbents who will be spotlighted by the Congress Project.

"The questions are esoteric and remote," complained one aid. He added there is an "element of subjective slanting" that could hurt those being studied.

"VANISHING" TAIWAN

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. SIKES. Mr. Speaker, in the eyes of liberals and conservatives alike the New York Times is accepted as one of the leading exponents of leftist liberalism in America. It is rare indeed that the New York Times carries criticism of Communists or of the United Nations.

Now it has happened. The Times has condemned the U.N. action in banning mention of Taiwan or of the Republic of China and calls if bowing to the demands of Communist China and "stooping to the Communist device of trying to rewrite history." This is a surprising but a welcome about face for the New York Times. The action of the U.N. must be said to reflect a nit-picking mentality.

The article follows:

[From the New York Times, Aug. 10, 1972]

"VANISHING" TAIWAN

The United Nation, which took a great leap forward toward recognizing reality last fall when it finally admitted the People's Republic of China, has retrogessed into absurdity again with its decision to ban all mention of Taiwan "in any form whatsoever."

Bowing to the demands of the Peking delegation, U.N. officials have decreed that there will be no text or tables dealing with Taiwan's population, trade, industry or any other data in future editions of the world organization's Statistical Yearbook. This is wholly inconsistent with past policy when figures for China (mainland) were included, as available, in the yearbook, although the Peking Government was not then a member of the U.N. The ruling ignores other precedents such as the listing of West Irian separately from Indonesia, and of Sarawak separately from Malaysia.

Whatever the future of Taiwan, now that its Government has ben expelled from the U.N., the reality is that there remains a going, independent Government ruling over fourteen million people, a population larger than that of two-thirds of the U.N. membership.

An international statistical summary that ignores this living reality is diminished in its authority—and so is the agency that issues it. But the U.N. has not stopped with relegating Taiwan to the status of a noncountry. U.N. authorities have even stooped to the Communist device of trying to rewrite history. At U.N. headquarters here a plaque identifying the Republic of China as donor has been removed from a green marble slab containing a quotation from Confucius.

Such petty manipulation cannot erase the substantial contributions of the Republic of China to a quarter-century of U.N. history. Nor will ignoring Taiwan erase the problem its future status poses for the Governments in Taipei and Peking and for the international community. To be effective, the United Nations must deal with things as they are, not as any member would prefer to see them.

CRATERING EXPERIMENTS IN THE TRUST TERRITORY

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mrs. MINK. Mr. Speaker, it has recently come to my attention that our scientists are engaged in a curious series of detonations called the "Pacific Cratering Experiment"—PACE—in the trust territory.

This project is being carried out on the tiny atolls of the far-away Pacific, out of sight of international scrutiny and shielded from inquiry by an inquisitive press.

These islands are administered by the United States under a "trust agreement" with the United Nations giving us virtually unlimited right to do what we please with the land and the people. Eniwetok Atoll, site of the project, has been under Pentagon control since 1946, and between that year and 1958 when the voluntary nuclear test moratorium went into effect, more than 30 nuclear test explosions were conducted there including, in 1952, the first explosion anywhere in the world of a hydrogen bomb.

To enable us to subject the island to these tender mercies, the 136 native inhabitants of Eniwetok were summarily ordered from their homes in 1946 and moved to Ujelang Atoll, a rather barren and inhospitable island 150 miles to the southeast. Ever since, the natives have been pressing to return, and the U.S. military has promised to return it to control of the trust territory government by the end of 1973.

In the meantime, the Pentagon decided that new data was needed on the vulnerability of certain elements of our strategic defenses to nuclear attack. Since we were barred from setting off new nuclear blasts to test the "cratering" effect of nearby hits, it was decided to return to the old Eniwetok stamping grounds for some nonnuclear tests simulating the effects of a nuclear detonation. These blasts will range upward in size to 500 tons of high explosives.

Although the project was conceived long after adoption of the National Environmental Protection Act, the Department of Defense apparently felt it was not bound by the requirements of filing an environmental impact statement before proceeding. Instead, it went blithely ahead with the project, stopping to file a statement only as an afterthought in April 1972. This stated in essence that the events would hardly disturb the atoll at all.

Yet, the PACE project environmental statement notwithstanding, is certainly not in the proposal stages, or even in the initial stages. PACE has been going on for more than a year and there has been extensive bulldozing of one island since last fall. At least three high explosive charges have been set off and about 50 personnel are actively involved in the routine operations of the project.

It is curious that the Air Force Weapons Laboratory—AFWL—had actively begun the project prior to the issuance and comment by various agencies. Yet one comment solicited by the Department of the Interior's Bureau of Sport Fisheries and Wildlife blasted the "unwarranted or biased agency conclusions" supporting the project and called the implied endorsement by reputable biological scientists a "reprehensible distortion."

The project will hardly have the salutory effect on the environment implied by the authors of the statement. I am being carried out at least by February of 1972, 2 months before the issuance of the statement. Let me describe the extent to which this aspect of PACE has progressed. An area of many acres has been cleared of vegetation and topsoil—"overburden" in Air Force officialese). This is on Aomon Island. High-explosive charges are placed somewhere in this huge hole, the bottom of which is just above brackish water "lens." One observer saw at least two craters about 30 feet in diameter.

According to the "environmental" statement, 21 blasts are planned including three "large" ones: one 100-ton blast and two 500-ton blasts. Most of the half-ton blasts will be on Aomon Island—Sally—but several will be on Eberiru and the outlying coral reef.

Destruction of the reef will be "permanent" at least for the next million years or so. Eberiru is a very small island and I hate to think of the effects a 500-ton TNT blast would have on it, not to mention the extensive site preparation needed beforehand.

Also, one 500-ton blast is planned for the Runit Island. This island has already been subjected to severe destruction by small megaton nuclear blasts and is just now beginning to make an ecological comeback. However, as a result of PACE's exploration for sites, some high-level plutonium contamination on Runit Island was uncovered and the island has been declared off limits to everyone by the AEC. No one seems to know the extent of this contamination and the future of Runit. Where, then, will the 500-ton Runit blast be made? There is no other island that seems able to absorb such a blast and site preparation without extensive and permanent destruction.

The situation at Eniwetok is appalling as the Air Force Weapons Laboratory gets in their licks before the Marshallese return. Land is precious on any atoll and Eniwetok cannot afford any more of these PACE projects. One cannot bulldoze all vegetation and 6 feet of topsoil in a pile, blow dozens of craters which pock mark the earth and "put all the soil back" and then expect everything to return to normal. Mother nature will eventually come to rule, but not for centuries. And all this for what? A careful reading of the impact statement makes it appear that one of the main purposes of PACE is to see how and where the debris falls after a TNT blast.

The National Environmental Protection Act—NEPA—clearly requires an agency to consider the comments and suggestions of other involved agencies before proceeding with such a project. The project thus seems in clear violation of the spirit as well as the letter of a statutory law. It is reasonable to assume that an agency which actively begins a project 1 year before the issuance of a statement for comment from other agencies has no intention of considering these comments before going ahead with the project. How can one truly consider comments on whether to begin a project after the project has begun?

The administrative judgment has been made to "return" Einwetok to the Marshallese and we should do this without more indignity and further environmental depredation.

I call on these agencies involved to cancel this unwise and harmful project.

MAIL SERVICE POSTS GAINS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. DERWINSKI. Mr. Speaker, the new U.S. Postal Service has been subjected to steady criticism. Many people should keep in mind that a major readjustment such as Congress provided for in reorganizing mail delivery will take time to produce the needed results.

With tongue in cheek, Orv Lifka, editor of the Suburban Life, La Grange, Ill., discusses some of the many developments in the Postal Service in an article in the Thursday, August 10, edition. I believe the deft touch he shows in his comments is worthy of special attention by the Members.

The article follows:

MAIL SERVICE POSTS GAINS

(By Orv Lifka)

Not all U.S. Postal Service workers are rubber stamps. Guy Hartsook, San Bernardino, Calif., district manager, proved that last month when he decided that mail pickups and deliveries would not be made during smog alerts.

Fortunately for district residents, the order was issued while the air was clear, permitting delivery of a copy to Fred Huleen, Hartsook's superior, in San Francisco. Fred immediately put it through the nearest cancelling machine.

San Bernardino residents are breathing easier again, knowing that only an abundance of readable post cards will prevent the mail couriers from making their appointed rounds on schedule.

In his concern for his personnel's lungs and limbs Hartsook challenged the ghost of Benjamin Franklin. After Ben took charge of the colonies' postal system the only thing that traveled faster than the mail was neighborhood-gossip.

The tradition was dramatized by the Pony Express, composed of horse-powered hot rodders on whom the Indians declared open season.

Spokesmen for the tribes said later that they were interested only in checking the mail order catalogues for bargains. They also asked credit for expediting the mail service.

Trail dust settled over the Post Office Department several years ago. Saddled with antiquated equipment, the system was slowed from a gallop to a stroll. Customers didn't know whether they were putting letters in mail boxes or time capsules.

No stranger to rigor mortis, Congress recognized the symptoms. Members feared long delays in the news letters and seed packets they send free to their constituents.

Those representing rural areas complained that their chewing tobacco was all dried out on arrival. Because the invitations came late several missed top level briefings, more commonly known as cocktail parties in high rises.

Spurred like a Pony Express steed, they leaped to legislation creating the U.S. Postal Service. It wasn't matched by an instant surge to success but, like the chap who used insect spray on the computer, they are getting the bugs out of the system.

Patrons are reasonably assured that local letters will be delivered before the stamp prices rise. Officials are striving for 24 hour portage within a 300 mile radius, not quite the speed of Mercury but an improvement for mere mortals.

Three-star Hennessy has caught the eye of thousands of tavern patrons, but two stars mark the mail boxes recently pledged to owl service pickups. Night-working sorters will do more than separate money from fellow employees in the penny ante games.

Customers can help on a do it yourself basis, postmasters say. Post office mail slots lead to local and out of town bins, but many patrons are like children with paper planes, firing their offerings at the first target. As a result some letters go miles out of their way, giving their mailers more than their money's worth.

Smog alerts won't have any effect on mail deliveries. Service delays are more likely to result from cloudy thinking, which isn't limited to personnel handling air mail.

GALLUP POLL SHOWS DEMOCRATS FAVORED 53 TO 47 PERCENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. FRASER. Mr. Speaker, the August 6, 1972, report of the Gallup poll shows that the Democratic Party has the confidence of the public as the party most able to cope with today's problems by 53 to 47 percent.

Four years ago the GOP led 52 to 48 percent.

The loss of faith in the Republican Party is understandable when it is seen that in 4 years of power the Republicans have made a mess of the economy and are still far from settling the Vietnam war.

The Gallup report states:

> Although Mr. Nixon's lead over his Democratic rival today is closely comparable to his lead over Sen. Hubert Humphrey in July, 1968—if the Wallace vote is taken into account—the present pattern of voter concerns is strikingly different from that recorded four years ago. In July 1968 the GOP held the edge 52 to 48 percent, as the party voters thought could better deal with the problem of greatest importance.

I am sure my colleagues will want to read the full report:

[From the Minneapolis Tribune, Aug. 6, 1972]

DEMOCRATS FAVORED IN COPING WITH KEY ISSUES

(By George Gallup)

PRINCETON, N.J.—The Democratic Party currently holds a marginal lead over the GOP, 53 to 47 percent, as the party voters believe can better handle the problem they consider to be most important.

Confidence in the Democratic Party's ability to cope with the problems voters deem most important may seem inconsistent with the fact that Sen. McGovern, the Democratic nominee, trails President Nixon by 19 points in the latest trial heat. Survey evidence in previous presidential election years suggests, however, that, at this early point in the campaign, many voters may be adopting a "wait-and-see" attitude regarding McGovern's stance on key issues. This is perhaps the principal reason why one Democrat in every three currently withholds support from McGovern.

The question as to which of the two major parties can better deal with whatever problem is uppermost in the mind of the voter has provided a sensitive barometer of voting behavior, particularly in surveys taken shortly before an election.

Although Mr. Nixon's lead over his Democratic rival today is closely comparable to his lead over Sen. Hubert Humphrey in July, 1968—if the Wallace vote is taken into account—the present pattern of voter concerns is strikingly different from that recorded four years ago. In July 1968 the GOP held the edge 52 to 48 percent, as the party voters thought could better deal with the problem of greatest importance.

In a mid-August survey in 1968, the GOP lead had stretched to 56 to 44 percent. The margin narrowed to 53 to 47 percent just before the election, anticipating the close division of the vote.

The Vietnam War and economic problems are running about even as the top concern of the American people at this time. Twenty-five percent name the war and 23 percent name the high cost of living.

In contrast, at a comparable point in the 1968 campaign, the Vietnam War was named by 52 percent of voters—twice the proportion who name the war today.

The following tables show the top four problems named today, compared with the top four in 1968:

[In percent]

July 1972:	
Vietnam war	25
High cost of living	23
Crime/lawlessness	10
Drug use and abuse	9
Others named	37
No opinion	2
	[1]106

[1] Total exceeds 100 percent since some persons named more than one problem.

[In percent]

July 1968:	
Vietnam war	52
Crime/lawlessness	29
Race Relations	13
High cost of living	9
Others named	11
No opinion	1
	[1]115

[1] Total exceeds 100 percent since some persons named more than one problem.

The latest findings are based on in-person interviews with 1,527 adults interviewed in more than 300 scientifically selected localities across the nation during the period July 14–16.

This question was asked first: *"What do you think is the most important problem facing this country today?"*

All persons who named a problem were then asked: *"Which political party do you think can do a better job of handling the problem you have just mentioned—the Republican Party or the Democratic Party?"*

Party Best Handle Top Problems?

[In percent]

July 1972:	
Democratic	34
Republican	28
No difference/no opinion	38
Total	100

[In percent]

July 1963:	
Democratic	27
Republican	31
No difference/no opinion	42
Total	100

When the views of those who said "no difference" and those who expressed no opinion are divided equally between the two parties the results are as follows:

[In percent]

July 1972:	
Democratic	53
Republican	47
Total	100

[In percent]

July 1968:	
Democratic	48
Republican	52
Total	100

NIXON WIDENS LEAD

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. SPRINGER. Mr. Speaker, all of us who have been in politics never rely entirely upon polls. We realize that the sands can shift quite rapidly. However, I think many of my colleagues will be interested in two recent polls. One of August 9 in the Pennsylvania Enquirer by Louis Harris which shows the President leading McGovern 57 percent to 34 percent—and leading in every region of the United States.

The second article of July 17 in the Washington Post shows that Nixon is ahead of McGovern on 15 of 16 key issues. I believe that both of these polls are significant at this point in history and my colleagues will want to recognize them.

The material follows:

Nixon Widens Lead In Poll Following the Eagleton Affair

(By Louis Harris)

In the aftermath of the Eagleton affair, Sen. George McGovern has slipped even further behind in his race against President Nixon and now trails by 23 points, 57–34 percent. Early in July, the Mr. Nixon lead over McGovern stood at 55–35 percent, 20 points ahead.

The latest trial heat was taken on Aug. 2 and 3, among a cross section of 1,630 likely voters interviewed in person. They were asked:

"In the election this November for President it will be between Richard Nixon for the Republicans and Sen. George McGovern for the Democrats. If you had to choose right now, whom would you vote for—Nixon the Republican or McGovern the Democrat?"

This latest poll reflected the full impact of the episode in which McGovern had to drop Sen. Thomas Eagleton as his running mate. The South Dakotan is now running more behind the President than at any time since last March, when McGovern was much less known. At that time Mr. Nixon led by 59 to 32.

This current poll was before the addition of Sargent Shriver to the Democratic ticket.

Of particular significance in this latest survey is that President Nixon leads by a substantial margin in every region of the country, is ahead of McGovern in the big cities, the under-30 vote, both men and women, union members, independent and Catholic voters. The union, Catholic and the big city votes have been traditional Democratic strongholds in national Presidential elections.

McGovern has dropped from his strongest showing back in May when he trailed by only 7 points, 41 percent to 48, chiefly among voters in the East, in the big cities, the suburbs, the 30–49 age group, those with incomes of $15,000 and over, union members, independent voters and Catholics.

In addition, of course, President Nixon has scored heavily on his peace missions to Peking and Moscow, improvement in the economy and the public's belief that he inspires more confidence personally. The vote which would have gone to Gov. George Wallace on a third-party line now divides better than two-to-one for Mr. Nixon.

The irony of McGovern's showing over the last two months, including the period in which he was nominated by his party in Miami Beach, is that he has lost much ground among both the pivotal groups making up the old Democratic coalition and those which are forming up to constitute the new politics.

The Democratic nominee has slipped heavily among union members, big city voters and Catholics, who provided the margin of victory for Democrats from Franklin D. Roosevelt in 1932 to John F. Kennedy in 1960.

The South Dakotan has also lost ground heavily among the newer and most rapidly growing parts of the electorate: the better educated, suburban residents, younger voters, high income groups and, most of all, among the growing independent segment. In his drive to the nomination, these groups were the very backbone of McGovern support.

These latter groups tend to agree most with McGovern stands on cuts in defense spending, Vietnam, easing penalties for use of marijuana, amnesty for those who left the country to avoid the draft and stiff tax reform directed against the rich and corporations.

McGOVERN WAY BACK IN EVERY REGION

[In percent]

	Nixon	McGovern	Not sure
Nationwide	57	34	9
By region:			
East	58	33	9
Midwest	53	36	11
South	68	26	6
West	55	39	6
By size of residence:			
Cities	50	42	8
Surburbs	57	33	10
Towns	62	31	7
Rural	62	28	10
By age:			
18 to 29	53	43	4
30 to 49	58	34	8
50 and over	59	28	13
By income:			
Under $5,000	52	39	9
$5,000 to $9,999	55	35	10
$10,000 to $14,999	58	31	11
$15,000 and over	65	30	5
Union members	49	40	11
By party:			
Republican	87	10	3
Democratic	38	53	9
Independent	60	25	15
By religion:			
White Protestant	68	24	8
Catholic	55	23	12

The Harris Survey: Nixon Ahead of Rival on 15 of 16 Key Issues

(By Louis Harris)

At the outset of the campaign for the White House, President Nixon holds a wide lead on the issues over his Democratic opponent, Sen. George McGovern. In a special test pitting the two men head-to-head, the American people told the Harris Survey they tended to agree with Mr. Nixon on 15 out of 16 key issues.

However, in two areas, cuts in defense spending and tax reform aimed at corporations and higher income brackets, Sen. McGovern draws close to even with Mr. Nixon or finishes ahead. It must be added that one of the singular marks of 1972 has been that voters appear to be unusually prone to respond to pointed issues—taxes, welfare and busing—rather than the more traditional broad economic and foreign policy questions.

Here are some of the key issue areas in which President Nixon now holds a substantial lead:

By 52 per cent to 33 per cent, a majority feels it finds itself "personally in agreement" more with Mr. Nixon than Sen. McGovern on the key question of "ending U.S. involvement in Vietnam."

By 47 per cent to 24 per cent, most Americans say they feel more in agreement with President Nixon than Sen. McGovern on the question of "checking rises in the cost of living."

By 49 per cent to 23 per cent, voters believe their own position is closer to President Nixon's on "busing children to school to achieve racial balance."

By 35 per cent to 34 per cent, a slim plurality feels itself more in agreement with Sen. McGovern than Mr. Nixon on "putting in tax reform to make higher income people and corporations pay higher taxes."

By 38 per cent to 37 per cent, another 1 per cent plurality holds the view that President Nixon rather than the South Dakota senator more nearly represents their views on "cutting down on defense spending."

On the eve of the Democratic convention, from July 1–6, the Harris Survey polled a cross-section of 1901 households across the nation and asked this question:

Now let me ask you whom you feel you personally would more agree with on the question of (read list) . . . President Nixon or Senator McGovern?

[In percent]

	Nixon	McGovern	Not sure
Ending U.S. involvement in Vietnam	52	33	15
Busing children to achieve racial balance	49	23	28
Checking rises in cost of living	47	24	29
Reducing crime, restoring law and order	47	23	30
Curbing drug abuse	46	22	32
Keeping taxes and spending under control	44	29	27
Finding solution to welfare problem	43	28	29
Curbing air and water pollution	42	25	33
Helping the poor	40	32	20
Giving amnesty to those who left country to avoid draft	40	25	36
What penalties to hand out for use of marijuana	38	23	39
Cutting down on defense spending	38	37	25
Giving aid to parochial and private schools	37	20	43
Covering everyone with national health insurance	35	26	39
Tax reform to make higher income people and corporations pay more taxes	34	35	31
Allowing legalized abortions	32	21	47

A DEDICATED SERVANT

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. CHAPPELL. Mr. Speaker, we all have been deeply saddened by the death of Emanuel Ridgell, who dedicated nearly 40 years of his life to the House of Representatives.

Joining the Architect's staff when he was 20 years old, Manny Ridgell worked his way through the ranks to become House Buildings Superintendent, a position which he filled with dignity and effectiveness.

I recall a most pleasant couple of hours several months ago when Manny and George White, Architect of the Capitol, visited in my office. I was almost spellbound listening to Manny recall the history of the House Office Buildings as he witnessed it through the years. He recalled the construction of the Longworth Building, the many months of planning that went into the Rayburn Building, and his personal campaign to secure proper lighting in the various offices. He was almost a walking history book, and his depth of feeling and involvement with his job emanated from his person.

In these troubled times when values and job dedication often seem to be in a flux, it is reassuring to have dedicated individuals like Manny Ridgell as part of the congressional family. His death leaves a void, but his deeds leave us with inspiration to press forward with a renewed spirit to follow his example of loyalty and excellence.

EGLIN AIR FORCE BASE AND THE "FLYABLE" SMART BOMB

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. SIKES. Mr. Speaker, modularity—the ability to use many different sensor/guidance systems on various free-fall, glide, or self-propelled munitions on a freely interchangeable basis—is the center of present Air Force research and development efforts in the armament field. Boosted by the recent, rapid growth in sensor technology, ranging from heat-seeking infrared—IR—to laser designators, electro-optics, and solid-State radar, modularity shows the promise of revolutionary advance in the accuracy of weapons delivery, coupled with the ability to stand off at great distances from heavily defended targets. This important program which is under development at Eglin Air Force Base in Florida is discussed in detail by Mr. Edgar Ulsamer, senior editor of the informative and important Air Force magazine in the August 1972 issue of that magazine. I submit it for publication in the CONGRESSIONAL RECORD.

THE "FLYABLE" SMART BOMB—ADDING ANOTHER DIMENSION TO AIRPOWER

(By Edgar Ulsamer)

That elementary tool of aerial warfare—the bomb—in its progress from the unguided, free-fall or "dumb" bomb to the guided or "smart" bomb, is taking another important step forward.

The latest advance, now under development by the Air Force Systems Command's Armament Development and Test Center (ADTC) at Eglin AFB, Fla., is a guided glide bomb. Its design is simple, its reliability high, its cost low, and its effectiveness enormous. By adding clip-on wings and aerodynamic controls, a conventional bomb can be transformed into a "flyable" standoff weapon when released by a high-flying aircraft, according to Col. E. M. Munyon, ADTC's Director of Development Plans.

Research indicates that bomb designs of improved aerodynamic efficiency could attain greater range. Range could be extended even further by using a solid-propellant charge at the expense of warhead weights.

A highly significant feature of the guided glide bomb is the fact that it can accommodate "all guidance systems in the inventory of the Air Force," Col. B. K. Pattin, Commander of the Air Force Armament Laboratory at ADTC told Air Force Magazine. As a result, it can be given day, night or all-weather capabilities, depending on the type of seeker "module" employed. In addition, Colonel Munyon said, the glide bomb can be equipped with a TV data link that displays on a screen in the cockpit of the launching aircraft exactly what the nose camera of the weapon sees; the pilot then guides the bomb to the target by remote control.

Under certain conditions, it may be preferable to provide the bomb with automatic guidance to the target using electro-optical (EO) techniques similar to those already in use on the Maverick air-to-ground missile. The EO system locks on and centers its aim on the optical contrast presented by the target.

Either configuration, Colonel Munyon believes, can be produced and fielded "for less than $50,000." Given the high accuracy and lethality of guided glide bombs, this is quite a bargain. "The glide bomb," he said, "is one of the greatest things that has happened [to the effectiveness of air strikes] in a long time. The big, dumb bomb has gotten smart, has grown wings, and can stand off, with the pilot flying it all the way to a bull's-eye much like an RPV [remotely piloted vehicle]. Meanwhile, the pilot and his aircraft remain safely outside the terminal defense perimeter.

"One tactical mission for which the glide bomb seems eminently qualified is antishipping, because it is evident that we can fly a 2,000-pound bomb right down the stack of a hostile naval vessel from a standoff position."

ADTC'S MODULAR WEAPONS CONCEPT

The idea of meeting many different mission requirements through modularity rather than a large number of individual, single-purpose or "unitary" munitions, each of which can perform only a single task, is not confined to the glide bomb. ADTC is also engaged in a project known as the Modular Weapons Concept. The key modules, according to Colonel Partin, are the warheads, fuzing, seekers, and the aerodynamic components, which may or may not carry a propulsion system.

The project is currently in advance development. This includes some feasibility demonstrations at the systems as well as the component level. Initial results are promising and indicate that modularity will provide unprecedented flexibility. A plausible "modular family," Colonel Partin believes, might consist of five seeker modules, five warhead modules, and two aerodynamic configurations, all freely interchangeable, to provide a total of fifty different strike capabilities.

It is likely that such combinations could be developed, produced, and supported at a cost lower than what the Air Force would pay for the capability of comparable "unitary" systems.

"The present proliferation of unitary weapons does not provide the needed strike flexibility. To get the needed night and all-weather capability by traditional means would further aggravate munition proliferation." In addition, Colonel Partin said, the present approach shortchanges the tactical forces in "operational deficiencies and limitations—and there are many—and often keeps us from applying new technologies. This is so because an advance in a given area, such as guidance, has meant that a completely new weapon would be developed and produced." Under the modular approach, of course, only a new guidance module is needed.

Many present shortcomings in munitions stem from the fact "that we have not had the flexibility of guidance and warhead options, and it is impossible [because of economics and logistics] to get the needed operational flexibility from independent unitary weapons. There is no universal nonnuclear warhead. Some warheads are highly effective against some kind of targets but not against others. At the same time, the warhead that is effective against a specific type of target must be coupled with a specific guidance system, because guidance systems directly relate to target detection, recognition, and acquisition as well as the accuracy of weapons delivery. Often these two [warhead and guidance system] don't match," Colonel Partin stressed. The modular system will make practical a wider range of target acquisition means coupled with the most effective warhead and the most appropriate method of weapons delivery for a given application.

The idea of modularity of munitions design is not new, and its benefits have been understood for some time, but technological limitations have restricted past efforts to narrow standardization programs. Recent advances in seekers offer new capabilities that make modularity attractive and potentially cost-effective.

In addition to the pervasive effect of guidance on weapons effectiveness, another factor causes the Air Force to concentrate major initial efforts on guidance modules. It appears practical to establish a standardized link, a so-called "permissive interface" between the seeker module and the weapon itself. The proper design of these "interfaces" constitutes the most critical element of the Air Force's modular weapons program, according to Colonel Partin.

By way of example, he cited recent efforts to mate a standard Air Force-developed guidance kit with a standard USAF inventory item, the Rockeye cluster warhead developed by the US Navy. The Air Force had to perform nineteen different modification tasks, all costly and time-consuming, to make the two components compatible. "If we had standard modules, we could have screwed the guidance kit right into the warhead," Colonel Partin pointed out.

No binding decision has been made as yet on where final assembly of modular weapons should take place. The tentative preference is to assemble "all-up rounds" at the depot level but give the field commander the option to assemble some weapons to achieve increased flexibility. Colonel Partin said. The latter option yields an automatic fringe benefit. If one module type, such as the guidance package, goes bad in the field, it will be quite easy to replace it on the spot. The alternative would be to ship the entire weapon back to the depot.

One of the most challenging tasks of the modular weapons program, according to Colonel Munyon, is to create a new family of warheads that can serve as "dumb bombs, smart bombs, or warheads for missiles." Air Force studies are trying to determine whether this is possible.

HARD STRUCTURES MUNITIONS (HSM)

A current ADTC program of critical importance to the modular weapons concept, and which is likely to be combined with it, is the Hard Structures Munitions Program. Scheduled to reach engineering development status in the near future, HSM is basically a new warhead technology that can be expected to give the Air Force "the capability to attack very hard targets, an option we don't have at present with conventional weapons," according to Colonel Partin.

He explained the problem in terms of simple physics: "To release energy into a hard target, you have to get the warhead inside. This is quite difficult. Point two is, of course, the requirement to provide the warhead with the greatest specified energy content possible, which is released following penetration.

"In the past, we have gotten around the problem by building weapons big enough to take care of any target. During World War II, for instance, we developed a 25,000-pound bomb. But this sort of free-fall weapon is neither operationally effective nor economical. We must be able to do the job against hard targets through precision attack. There is every indication that our HSM program will enable us to do just that," Colonel Partin said.

SUPERSONIC DELIVERY

The HSM program and the modular weapons effort are tangible evidence of the Air Force's recognition that its strike effectiveness is largely dependent on how good the available muntions are. "We believe that there is a vast potential for radical improvements of our strike effectiveness or, expressed in another way, 'dollar-cost-per-target-destroyed,' through relatively small investments in armament R&D," Colonel Partin emphasized.

Several efforts are under way at ADTC to explore this potential. One involves improved aerodynamics for cluster weapons, *i.e.*, containers that are opened at a certain point in their trajectory and discharge large numbers of individual bomblets. At present, this process, Colonel Partin pointed out, is not accurate enough. It appears feasible to double the effectiveness of such weapons through improved system design, he said. The degree of error involved in the separation of weapons is greatly affected by delivery speed—the higher the speed, the greater the aerodynamic "perturbation" and the lower the accuracy of the bomb, Colonel Partin pointed out. However effective, some modes of attack are rather independent of delivery speed.

Some deficiencies in the delivery of free-falling, unguided munitions cannot be completely corrected by redesigning the ordnance, but require improvements in the design of the carrier aircraft as well as the ordnance carriage (pods). Irregularities in the airflow around an aircraft can have marked effect on accuracy. Minor irregularities in the manufacturing of free-fall weapons also can seriously impair accuracy at high speed.

These considerations become basic as the Air Force moves toward supersonic delivery of weapons to improve survivability of aircraft and crews in sophisticated air-defense environments. While some air tacticians still consider supersonic delivery a controversial subject, there is little cause to question the benefits derived if accuracy can be attained. New guidance options and novel delivery techniques "show definite promise that we can shift to supersonic weapons carriage and delivery. We are already delivering some munitions supersonically. This won't be true for all missions, but in many instances we should be able to do this without degrading accuracy," Colonel Partin said.

FUEL AIR MUNITIONS

Under study since the early 1950s, a technique to boost the effectiveness of conventional munitions is now moving toward general operational use due to R&D and tests conducted at ADTC. Known as Fuel Air Munitions, this approach can increase the effectiveness of non-nuclear warheads. For example, these munitions can cope with targets no other warheads can because, as Colonel Partin explained, "they can look around corners, something that fragmentation weapons can't do." The basic principle underlying Fuel Air Munitions is that they create a cloud of fuel mixed with air around the target. The mixture is detonated rather than burned. The result is similar to what happens when a propane tank truck accidentally explodes. Whole city blocks are leveled. Some mine explosions have the same kind of effect.

To date, the main problem of Fuel Air Munitions has been "their inherent gross-limitation in delivery tactics. Because they must be retarded—in terms of speed—by a drogue chute, these munitions give a very slow closing rate with the target. We are now working on a warhead that can be delivered at high speed and that can impact on the target equally rapidly and with good accuracy. The effort fits in well with our Modular Weapons Program," Colonel Partin told AIR FORCE Magazine.

Fuel Air Munitions are highly effective against all blast-sensitive targets, but less effective against hard structures. (Two Fuel Air Munitions—CBU-55, developed by the US Navy, and BLU-76, developed by the Air Force—are currently in the inventory and have been used in Southeast Asia, but suffer from these problems of slow impact speed and limited accuracy.)

NEW MISSILES

Evidence garnered from recent hostilities in the Middle East and in Vietnam boils down "to serviceability and survivability, culminating in the ability to stay outside the enemy's air defenses and yet hit his targets precisely and effectively," according to Colonel Munyon. One key element is the missile. But because stand-off distances and the need for accuracy both keep increasing, future tactical air-to-ground missiles will require midcourse guidance and direct tie-ins with reconnaissance operations.

What's needed is "a common grid—used by the recce as well as the strike force—so the missile can navigate to the target location that has been reported by reconnaissance. This becomes more and more important as we have to cope with more and more mobile targets, including many which will be hardened. Such targets require a high order of accuracy, something that on the basis of our present studies can only be obtained through mid-course guidance, in concert with near real-time coordination with recce," Colonel Munyon said.

A number of new missile systems have potential in the years ahead, according to Colonel Munyon. These include aircraft intercept missiles, SAM intercept missile, an advanced tactical standoff missile, and a memory-aided anti-radiation missile. The latter is meant to cope with the enemy's intermittent use of his surface-to-air (SAM) missile site radars to guide a SAM after it has been launched or to track a target prior to launch.

A multimode seeker, Colonel Munyon explained, is another long-term objective of ADTC research and seeks to equip one missile with two or more seekers to increase its flexibility and effectiveness. "We might couple, for instance, radar and infrared guidance. The missile would use radar for target acquisition from great distances and then, when it gets close, shift to IR," he said.

In its missile work, as in all its other R&D programs, ADTC, the "business end of the Air Force," places a premium on broad flexibility of its products in order to increase the effectiveness and scope of tactical airpower in the years ahead.

CONGRESSMAN DANIELS HAILS WEST HUDSON KIWANIANS ON HALF CENTURY OF SERVICE

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, I would like to call to the attention of all Members of this House that one of the most effective and most useful organizations in West Hudson County, N.J., is observing its 50th anniversary on August 16, 1972. The Kiwanis Club of West Hudson has long done yeoman work in the area of civic concern and I would like to add my congratulations to the Kiwanians of West Hudson.

Mr. Speaker, the Kiwanis International was founded on January 21, 1915, and now includes over 4,000 clubs and a membership of over a quarter million business and professional men in the United States and Canada.

The present official name of the organization and the present constitution and bylaws were adopted in 1924, 2 years after the establishment of the West Hudson Club. Thus West Hudson is one of the pioneer clubs of both the State of New Jersey and the Nation.

Mr. Speaker, the West Hudson Kiwanians have made so many contributions to the betterment of life in their community that there is neither time nor space to list them all. Suffice it to say that West Hudson is infinitely better for the time and effort that these dedicated men have put forth on so many occasions.

As the West Hudson Kiwanians begin their second half century of service, I wish them every success ad multos annos.

THE TIME HAS COME TO INCREASE HOME HEATING OIL IMPORTS TO AVERT A SERIOUS SHORTAGE THIS WINTER

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. CONTE. Mr. Speaker, beginning some months ago, the entire New England House delegation urged the Oil Policy Committee to raise the level of imports of No. 2 home heating oil from the present level of 45,000 to 100,000 barrels per day. We did so on the basis of clear evidence that there is a serious risk of a shortage this coming winter.

There is much clearer evidence today that the threat of a serious shortage is very real. As I indicated in a letter I sent to Chairman George Lincoln of the Oil Policy Committee last week, a copy of which is appended to this statement, the time has come to take the action necessary to avert this shortage. The New England heating season begins in late September. Plans must be made now to secure needed supplies. I urge all my colleagues in the northeast to join me in getting this message across loud and clear.

The letter referred to follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 10, 1972.

Hon. GEORGE A. LINCOLN,
Chairman, Oil Policy Committee, Executive Office of the President, Washington, D.C.

DEAR GENERAL LINCOLN: I am writing to express my grave concern over the continuing delay in reaching a decision on the request of the New England Congressional Delegation for an increase in No. 2 fuel oil imports. As you know, several months ago the Delegation urgently requested that the level of imports under the current program for independent deepwater terminal operators on the east coast (District I) be raised from 45,000 to 100,000 barrels per day.

No action has been taken and the time is growing short.

As you are undoubtedly aware, the New England heating season begins in late September. We must have a decision before that date so that our fuel oil dealers and importers can plan effectively and intelligently for the delivery of oil during the coldest months of winter—January through March.

I am deeply worried about home heating oil supplies in the coming winter. Unless the Federal Government acts soon to raise the level of imports, we could well experience a shortage in New England. Several recent developments underscore my concern:

The current shortage of gasoline which indicates that domestic refining capacity may not be sufficient to meet demand for both gasoline and distillate oil.

The lower than normal build-up of stocks of No. 2 fuel oil. East coast stocks are more than 25 percent below last year. If this lag continues much longer, it may be impossible to build up stocks to a safe level before the onset of cold weather.

The sharply increasing demand for No. 2 fuel oil for both heating and non-heating purposes.

The current attempt by the major oil companies to convince the Price Commission that without a price increase in No. 2 fuel oil there will be a shortage of the product next winter.

Incidentally, I am pleased by the action of Chairman Grayson and the Commission in firmly maintaining the position that no such requests will be entertained without public hearings. The unwillingness of the majors to undergo this process of publicly defending their position, I suggest, exposes this transparent scare tactic for what it is. At the same time, I believe it is incumbent on the Oil Policy Committee to acknowledge that an increase in No. 2 fuel oil imports into District I is the only way to assure the adequacy of supplies.

More than 55 percent of the nation's No. 2 fuel oil is consumed in New England, New York, New Jersey and Pennsylvania; nearly 70 percent on the east coast. The supply crisis will obviously be felt most acutely in the Northeastern states. That is why for the past several months we in New England have been asking for a substantial increase in the level of No. 2 fuel imports to assure that no homes, hospitals, apartments or schools grow cold.

If the Oil Policy Committee delays much further on our request, there will be severe repercussions next January and February, during the depths of winter. Unfortunately, by then it will be too late.

We trust that, as in the past, the Oil Policy Committee will act promptly and effectively to head off the supply crisis which is building.

Thank you very much.

Sincerely,

SILVIO O. CONTE,
Member of Congress.

ANN SWITZER, LEADER IN SOCIAL SERVICES, RETIRES

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. GIAIMO. Mr. Speaker, the name Ann Switzer has been synonymous with concern for retarded children for the 10 years in the State of Connecticut. Announcement of her pending retirement this December will leave a large gap in Connecticut and in the hearts of retarded children and their parents throughout that State.

As executive director of the Connecticut Association for Retarded Children, Inc., during these 10 years, Miss Switzer has presided over the development of an effective organization, the growth of numerous State and federally supported programs for retarded children, and the provision of more effective services by this voluntary agency to the children who are in such need of care.

My own experience in finding appropriations for programs in rehabilitation and developmental disabilities has brought me into contact with many people in those fields, and all think highly of the work Ann Switzer has done in my own State.

The kind of dedication Ann Switzer has given to retarded children, however, is only the latest chapter in a life given to service to others. From 1953 to 1958, for example, she served as associate director of the Connecticut Tuberculosis and Health Association. Her previous work had included service in the National Cancer Institute in Washington, D.C., and with the Department of Public Health at Yale School of Medicine.

I was glad to learn, Mr. Speaker, that even in retirement Ann Switzer will be maintaining an active schedule of consulting both on Federal and on Connecticut State programs aimed at helping retarded children. If ever two people gave of themselves generously and without thought of personal gain to a cause, those would be Ann Switzer and her late sister, Mary, former administrator of the social and rehabilitation service.

I salute Ann Switzer and the work she has accomplished in the Connecticut Association for Retarded Children, and wish her many additional productive years in carrying out her life work "in retirement."

A MOVING PRAYER GIVEN BY RABBI SWIRSKY AT DEMOCRATIC NATIONAL CONVENTION

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. PEPPER. Mr. Speaker, on July 12, at 6:25 a.m., those weary delegates and spectators still in their seats at the Democratic National Convention were treated to a moving and patriotic benediction delivered by Dr. Shmaryahu T. Swirsky, rabbi of the Beth Jacob Congregation and professor of oriental history at Miami-Dade Junior College. Dr. Swirsky, the only rabbi who is a full-time professor at the community college, was also the only rabbi to appear at the Democratic National Convention. His prayer has received nothing but praise by those people who were able to hear it, and I now insert it in the RECORD for the benefit of my colleagues and for all who read this RECORD:

PRAYER BY RABBI DR. SHMARYAHU T. SWIRSKY

God of the measureless infinity, creator of man and his conscience, unto Thee we lift our voices and hearts in a fervent prayer for peace and unity and concord.

We are met here, Americans of every faith and creed, as representatives to the stirring Democratic National Convention to strengthen our ramparts in the face of divisiveness and establish amity and harmony among our people.

The Democratic Party, through platform and commitment, is dedicated to turn every ghetto sigh into a psalm of hope, to transform the futility of despair into a rainbow of assurance, to transmute the folly of alienation into a rhapsody of solicitude, to translate the fatal fires of enmity into torches of love.

The Democratic National Convention is met to re-dedicate each of us to the greatest idea in the world, namely, America! It is an idea, an enkindling idea, an historic, revolutionary idea. Men have spoken of the American dream. It is a dream. It is a vision of something new and spiritually majestic. It has a meaning. It is more than land, resources and population. Those who founded this republic spoke of self-evident truths, fundamental ideas touching freedom, equality and the sanctity of the human personality.

America is Bunker Hill and Valley Forge and the Bill of Rights. America is Gettysburg, Second Inaugual and Atlantic Charter. America is the covered wagon, the pioneering spirit and triumphant confidence in unending human progress. America is the human deal, the square deal and the sharing of the things which we have with those in need. America is tolerance and goodwill and cooperation between men of all races and creeds.

For these we labor and bleed and live—for dedication to country, for the dignity of man, for the glory of God. Amen.

TEAMSTERS PENSION FUND AND ORGANIZED CRIME

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. STEIGER of Arizona. Mr. Speaker, the July issue of Overdrive contained an article in two parts, entitled "Central States Pension Fund." The first of two parts, "Bankroll for the Mafia," follows:

CENTRAL STATES PENSION FUND—
BANKROLL FOR THE MAFIA
(By Jim Drinkhall)

When confronted with the facts, the average Teamsters Union member will admit that the officials of his Union have lied to him, failed to represent him, and have stolen heartily from the Union treasury. But even after admitting this, he has fallen back on one final justification for supporting the Teamsters Union: the Pension Fund. "Yes," he will say, "they haven't given me much, and they've made a personal fortune with Union money, but that doesn't bother me; I'm still going to get my pension."

Ask a Teamster if he knows someone who is receiving a pension. Chances are, he won't know anyone. But ask him if he knows someone who applied for his pension and was refused. The chances here are that he knows one, if not many, who are in that category.

In 1962—ten years ago—Murray Latimer, a consultant to the Western States Pension Fund, estimated that only 32% of all workers covered under the Central States, Southeast and Southwest Areas Pension Fund would ever receive a pension; 8% would receive a small lump-sum in disability payment; and 60%, many with long years of Teamsters service would get absolutely nothing at all. To all those hopefuls who are sweating and bleeding, dreaming of that day when their toil will have earned them that pension, 32% sounds both dismal and frightening. But that was 10 years ago. What can we say of Latimer's predictions today?

ONLY 9 PERCENT RECEIVING PENSIONS

The last available figures on the number of eligible members covered under the Central States Pension Fund (1970) show 366,340 on whose behalf employers are paying $13 per week into the Fund. The number of workers receiving pensions (no matter how small) is 34,731. Latimer's predictions of only 32% receiving pensions, therefore, is wrong; only 9% are currently receiving pensions! Included in this total, of course, are those workers who have been receiving pensions for 15 years. There are no statistics available to show how many workers were due to receive pensions in 1970, and how many actually did.

Truckers may be curious, to say the least, as to how it is that so few members ever receive any kind of pension. Simple mathematics may heighten their interest even more: in 1972, employer contributions to the Central States Pension Fund will bring in $250 million. Next year, it will be very close to

$270 million. Right now, $5 million per week is flowing into the Fund's bank account. So the question the membership justifiably asks is: just where the hell is the money going?

OVERDRIVE has addresssed itself to that question over the last several years, but especially within the past year. During the last several months, OVERDRIVE has conducted an intensive investigation (which is still continuing) into the Central States Pension Fund and its operation. This full-scale probe has involved countless hours, thousands of dollars, and has included trips to virtually every state in the union, Puerto Rico and Canada. The results?

MANIPULATING THE FUND

The conclusion we have come to is that the Central States Pension Fund was conceived for, and has been operated by the officials of the Teamsters Union and representatives of the regulated trucking industry (through the employer trustees who supposedly assist in the administration of the Fund) recklessly, and at the expense of the members of the Teamsters Union. In the process, the Fund has become the bankroll of the Mafia, and others in the twilight zone of organized crime. Either consciously, through moral bankruptcy or stupidity, those responsible for the protection of the welfare of the membership have manipulated the Fund for everyone's benefit (assuming there was a profit in it for them) except those for whom the Fund was created: the membership.

Before going into the details which led to these conclusions, some comments are in order which apply to this article, the one which follows on Central States loans in Michigan, as well as those future articles on Fund loans.

NO RECORDS AVAILABLE

The first problem in attempting to discover what the Fund has done is that there are no records readily available. The Fund, as many readers know, makes no disclosure to the membership. The only public source on the Fund's finances is the annual report it is supposed to file with the Department of Labor. The value of this document is minimal for three reasons. First, what information it contains is considerably outdated (for example, the financial statement for 1970 was filed in July, 1971); Second, the figures it contains are extremely vague and almost meaningless, unless one can attempt to verify it against original records; Third, the information the law requires to be disclosed is so meager that the most expert accountant could not tell how the fund is really being administered. The figures presented are so much within the uncontrolled discretion of the fund accountants, and the accounting system so crude, as to defy the most talented financial analyst to learn the real goings-on. Fortunately, Overdrive has been able to check the facts to some degree.

Through a variety of sources, we have been able to obtain some of the internal records of the Central States Pension Fund. What these have indicated is that the Fund's Labor Department reports are misleading at best; fraudulent at worst. The Department of Labor, it should be noted, never attempts to verify what is contained in these reports; it merely *files* them.

Although it would naturally be assumed that the records of the Pension Fund would be kept in their office in Chicago, we discovered that this was not true. Some are kept there, but others are kept in the Fund's bank, American National in Chicago, and still other documents are scattered in lawyers' offices here and there.

Adding to the confusion is the incredibly sloppy method by which the Fund refers to loans. At times, a borrower is referred to by his corporation, other times by the name of the project the money is to be used for, and in still other instances by the person's name. Misspelling of these names is a common occurrence throughout these documents.

PUBLIC RECORDS SHED LITTLE LIGHT

In theory, the Fund is supposed to keep transcripts of the trustees' meetings at which loans are discussed and approved. From what we have seen on these, they shed little on what happened. What appears to have been frequently done is that the decision to approve a loan was made ahead of time, so that the transcript of the meeting only shows the formal decision, without any discussion. When there was any significant discussion during a meeting, the trustees simply went "off the record," meaning that their discussion was not recorded. It has also been learned that multi-million dollar loans were actually approved by phone conversations. And it has also been discovered that the recordings of these conversations have been ordered destroyed

From reviewing numerous documents of trustees' meetings, it appears that most trustees know little about the decisions which are being made; particularly if the loan is going sour. In fact, several of the employer trustees actually have no idea as to what loans are bad, nor do they have any knowledge as to the total of defaulted loans.

TRUSTEES MERELY "YES" MEN

Hoffa, until he went to prison, ruled the Board of Trustees with an iron hand, and any decisions made on loans and loan procedures were at his instigation, or, at the very least, approved by him. The only person that anyone can ever remember opposing Hoffa was the late Ben Miller, former director of labor relations for the American Trucking Associations. Miller was so unyielding toward Hoffa's arbitrary policies during the formation of the Pension Fund in 1955 that Hoffa refused to ever speak with Miller again, or even be in the same room with him. Miller's opposition was the only serious one ever made, and after several years, the employer trustees became merely "yes" men, approving whatever Hoffa wanted. While Hoffa was in prison, they continued to follow his orders, passed on through Allen Dorfman, the convicted swindler who is the next most powerful influence over the Fund.

There have been numerous estimates about how much money the Central States Pension Fund should have. Most of these figures, however, have been based upon information which the Fund itself has wanted to supply. The amounts vary, but they fall within the $600–$800 million range. Inside information obtained by Overdrive, though, places the actual amount of money that has gone into the Fund at approximately $1.4 billion!

In records filed with the Department of Labor, the Fund claims that it has $671 million invested in real estate. That figure is in sharp contrast to the $820 million in real estate loans and mortgages cited on internal records of the Fund.

The $671 million just referred to is listed as "assets" on the Pension Fund records. But the real records of the Fund show quite a different picture.

THIRTY PERCENT OF FUND LOANS DELINQUENT

Fully 30% of the loans made by the Fund are delinquent. This, however, isn't shown on the Department of Labor reports. The entire amount due—whether it is hopelessly behind in payments or not—is listed as "assets." In a number of cases, a company goes bankrupt, yet the "balance due" for that loan is carried on the books as an "asset." Beverly Ridge Estates in Los Angeles is an example. A total of $11,880,325 was loaned on that property. In early 1969, Beverly Ridge filed bankruptcy, having hardly paid anything back on the loan. Even after bankruptcy was filed, an additional $310,000 was poured into Beverly Ridge. Today, four men connected with Beverly Ridge are under indictment on various fraud charges, and the Fund carries the $13,216,922 due on the loan as simply a "loan balance."

Beverly Ridge is not an isolated case. King's Castle, a gambling casino near Lake Tahoe, Nevada, borrowed $9,700,000 from the Pension Fund in 1969. Within two years, it was bankrupt. Yet, the total amount due from King's Castle—now $10,251,000—is carried on the Fund's books as "balance due," including $419,000 in interest.

An outfit called Investors Service, Inc., received two Fund loans in December, 1970. One was for $1,500,000; the other for $650,000. Today, the original amounts are still due. From the information obtained, we have been able to determine that the arrangements with Investors was that they only repay interest on the loan for an unspecified period (this is a typical Fund repayment method). However, they were even delinquent with that. And, the interest is so low that it would be unprofitable for any lender: on the $1.5 million, the interest is 4.5%; on the $650,000, it is 2.7%.

1962—BORROW $1.5 MILLION—1972—OWE $1.5 MILLION

The Seville Hotel in Miami Beach is an even more flagrant example of this practice. According to Fund records, the Seville borrowed $1,500,000 in September, 1962. Yet now—more than 10 years later—the original amount is still due. Not one penny has been paid on the principal!

What effect does the trustees' actions in making various loans have on the average member of the Teamsters Union? For those truckers who have never operated a pension fund, a few words are in order.

First, one should never forget that the benefits which are supposed to be paid belong rightfully to the members. Instead of wage increases, the leaders of the IBT bargained for pension benefits. It must be determined whether the employer contributions (now $13 per week; $14 next year), plus income, will be sufficient to meet pension obligations. This is done by the use of an actuary. An actuary is a person who calculates whether, if people live out their normal span, and, if the Fund earns a certain income, there will be a certain amount of money on hand when it is needed to pay pensions. These are big "ifs," called assumptions, and they are basic to the success of the plan. Because if the assumptions are too optimistic, there will not be enough money on hand to pay the pension.

ANOTHER DORFMAN CRONY AT THE FUND

The actuary for the Fund is A.M. Kunis & Company. They have been the actuaries for the Fund since it began. Max Kunis was first appointed by Hoffa in 1955, his main qualification being that he worked for Allen Dorfman's Union Casualty Insurance Agency.

In Kunis' latest actuarial report for the Fund, he "assumes' that the Fund will earn money at the rate of 4.5% per year. Considering that the annual inflation rate often exceeds this figure, one might suppose that the hard-working fund Trustees might manage to have the investments they've made stay even with inflation, at least. To explain what we mean by this: if you collected 4.5% income on funds you invested during the year when money inflated 4.5%, you would stay exactly even, making nothing and losing nothing.

There should be a standard of comparison. How much income should the shrewd, very-well-paid executives of the Fund be able to earn on these investments? Well, some of the better mutual fund managers were able, during the 1950s, to earn the rate of as much as 50% per year by investing in listed stocks. Since the 1950s, some have consistently earned 30%.

How did the Trustees of the Fund do with your money? We don't know—yet—the full details, because the information they release is insufficient. But, taking just what they admit, it looks pretty dismal.

HOW TO DROP $12 MILLION!

Looking at their latest annual report filed with the Department of Labor, we note that your Trustees dropped almost $12 million of your money in unsuccessful investments, in the following manner:

Loss on the sale of U.S. Bonds—$203,000.

Loss on the sale of preferred stock—$482,000.

Loss on the sale of real estate investments—$7,280,000.

Loss on the sale of common stocks—$154,000.

Loss on the sale of other bonds—$3,650,000.

Also, because the Fund investments are "carried at cost" (examples are Beverly Ridge and King's Castle, mentioned above), losses never have to be shown because they never have been "realized" by a sale.

But to get back to the "ifs" upon which the entire validity of the plan rests. Your Trustees started the year, they say, with almost $718 million of your money. Now, perhaps everyone would be happy if the income ran to 5% per year (dismal though this performance should be considered in a year when money depreciated at this rate or better). Five per cent of $718 million is $36 million. But your Trustees managed to make, they claim, some $22 million, which is slightly more than 3%.

"EXPENSES"

Also worth noting are some of the "expenses" the Fund had in 1970: "administrative expenses": $2,256,514. Included in this is $808,509 for salaries. No breakdown for salaries is given, though. "Other disbursements" cost $1,778,987. What these are, of course, is anyone's guess.

Of course, if you make enough assumptions, there is never any need to worry—until you try to collect your pension and discover that the money isn't there. Maybe one of the assumptions the actuary is making is that the Trustees are going to get smarter or somewhat more honest. If so, it may well be one of the most reckless assumptions made in the last 100 years.

Another assumption Kunis may be making is that a great many Teamster members may be divested of their pension rights by losing their eligibility, reducing the claimants against the Fund to a pitiful few. This latter assumption may be an excellent one. It seems to be borne out by the Findings and Declaration of Policy of Senate Bill S. 3598, (1972), which recites that:

1. Pension assets represent the largest fund of virtually unregulated assets in the United States.

2. That Federal authority over them is fragmented and ineffective.

3. That working men are not realizing their pension benefits.

CHEATING THE MEMBERSHIP FOR FUN AND PROFIT

Officials of the Teamsters Union are the acknowledged masters in reducing the number of eligible men for pensions. They have been able to accomplish this through the dedicated and enthusiastic use of the Reciprocity Trick. The details of this practice are thoroughly and clearly spelled out under Rule 236 in the IBT's Union Officials Guide to Bribery, Kickbacks and Corruption (1969 edition, revised) under the Cheating-the-Membership-For-Fun-and-Profit Section.

Here is an example taken from that Manual (see page 1266) which illustrates the point: A few years back, Sandy O'Brien then-President of Chicago's Local 710, decided he needed more dues money. An arrangement was made whereby 200 members of Local 961 in Denver were transferred to 710. When the men who had been transferred began to retire, they discovered that 710 wouldn't honor their years of service in 961, thereby making them ineligible for a pension. This is a surefire method of having additional sums in the Fund to play with, as many persons can surely testify about.

Viewing the Central States Pension Fund overall, it appears that your Congress, in setting up the disclosure requirements for the Teamsters, also indulged in an assumption—the assumption that the Funds would be administered by honorable men.

It is painfully obvious how reckless that assumption was:

	Date(s) loaned	Total borrowed	Still owes
A.C.E. Freight, Akron, Ohio	1964	$1,665,000.00	$1,272,575.17
Widing Transportation, Portland, Oreg	1967	1,600,000.00	881,705.48
Schwerman Trucking, Milwaukee, Wis	1970	1,771,883.87	1,650,852.20
Long Transportation, Detroit, Mich	1970	554,000.00	538,669.78
Jupiter Corp., Chicago, Ill. (parent company of Kenosha Auto Transport)	1962–72	25,179,468.37	23,269,864.81
Jay-Bee Corp., Trenton, N.J. (parent company of Shein's Express and Eastern Freightways)	1961	490,000.00	285,423.09
Peoples Outfitting, Detroit, Mich	1963	500,000.00	354,522.87
Eazor Express, Pittsburgh, Pa	1959	264,000.00	(1)
Gateway Transportation, La Crosse, Wis	1958	800,000.00	(1)
Valley Steel Products, St. Louis, Mo	1963–67	12,330,000.00	6,860,458.44
Total		45,154,352.24	35,114,071.84

	Date(s) loaned	Total borrowed	Still owes
Joint Council 56, Kansas City, Mo	1966–67	$1,200,000.00	$1,265,966.43
Local 945, Clifton, N.J	1968	875,000.00	579,349.78
Local 386, Modesto, Calif	1968	358,000.00	239,277.61
Local 676, Camden, N.J	1965	125,000.00	85,785.13
Local 795, Wichita, Kans	1969	115,000.00	101,399.21
Local 512, Jacksonville, Fla	1962	100,000.00	56,721.68
Local 190, Billings, Mont	1963	38,000.00	25,913.13
Total		2,811,000.00	2,354,412.97

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[1] Paid back.

A SOLUTION PROPOSED

What can you do about this giant, multimillion dollar swindle?

Read next month's OVERDRIVE, wherein we propose an act that, if it becomes law, could force the Pension Fund to be administered by honest officials.

We are sure, that, somewhere within the giant Teamsters Union, there must be some honest officials.

But the act we are proposing would guarantee this, and would, once and for all—perhaps—give the Pension Fund to the people it belongs to . . . the members themselves, the over-the-road drivers, the dockworkers, the yard jockeys . . . those poor forgotten men who have helped, partly through apathy, to make dozens of crooks rich, and hundreds of swindlers already rich, virtually immune from justice

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PUERTO RICAN FOLKLORE FIESTA WEEK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. RANGEL. Mr. Speaker, this is Puerto Rican Folklore Fiesta Week in New York City, a time when we pay tribute to the significant cultural contributions made by the Puerto Rican community to the Nation as a whole.

This Sunday, the celebration will culminate in the Puerto Rican Folklore Fiesta in Central Park. The fiesta strives to bring all New Yorkers closer to the traditions of Puerto Rican culture, including art, music, poetry, and drama.

We owe a great debt of thanks to our Puerto Rican brothers and sisters for their tremendous efforts to make the United States a place of brotherhood and common development.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

THE JEWISH VOTE IS MORE THAN ISRAEL

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. SPRINGER. Mr. Speaker, in my own congressional district I have never noted that Jewish voters were any different from other voters. I happen to come from the great middle part of America where the Jewish people are a part of the backbone of the community. They are welcomed at every level of society. They are leaders in every philanthropic and community endeavor.

It has always appeared to me strange that Jewish voters in New York or Chicago and some other metropolitan areas get identified with a particular party.

There has been a great deal of talk about what would happen to the Jewish vote this year. I doubt if in my congressional district there will be two percent of the Jewish voters changing from the traditional American voter. The following articles by Joseph Kraft and Geri Joseph from the Washington Post of August 10, 1972 are indeed interesting articles and though not at all applicable to my own particular rural area, it does reveal a lot about why possiby Jewish voters are changing allegiances in the more metropolitan areas. As Joseph Kraft so well put it, "It says that Jews are behaving more and more like other American voters," and with good reason.

Two articles from the Washington Post of August 10, 1972 by Joseph Kraft and Geri Joseph follow:

THE JEWISH VOTERS

(By Joseph Kraft)

George McGovern's long quest for a running-mate yielded one truly historic development. The vice presidential nomination, and with it the chance to be President, was for the first time offered to a Jew—Abraham Ribicoff of Connecticut.

That move, far from exciting a storm of anti-semitism, went practically unnoticed. Which means that, despite the emphasis on Israel, Jews are being steadily integrated into the American system as one more minority group subject to the push and pull of many conflicting interests.

The offer to Sen. Ribicoff was actually made three times. First on June 18, as he campaigned for Sen. McGovern in the New York primary; next during the Democratic convention in Miami; finally, in the recent route of canvassing between the resignation of Sen. Thomas Eagleton and the designation of Sargent Shriver as the Democratic candidate for Vice President.

On the second and third occasions, the offer may have been a perfunctory charade played out for the Jewish vote in the assurance Sen. Ribicoff would decline. But if he had accepted at any time, he almost certainly would have been the nominee. Moreover, the first offer was in dead earnest.

Sen. McGovern himself told staff aides that he wanted Sen. Ribicoff as one more expression of open politics. McGovern asserted that widening of participation had been notably enhanced by the election of the first Catholic president. He said a Jewish nominee would be a further step in the same direction.

Pat Cadell, the McGovern pollster, had done opinion soundings on Ribicoff. The Connecticut senator was named in polls along with other vice presidential possibilities such as Sen. Adlai Stevenson of Illinois and Sen. John Tunney of California.

In these tests of what Cadell calls "nationally unknown" Democrats, Ribicoff ran just a point or two behind the others. Cadell thinks the slightly poorer showing may reflect the fact that Ribicoff comes from a relatively small state. He thinks it may also express a whiff of prejudice.

The slight impact of prejudice was also reflected by Ribicoff's support within the McGovern camp. His main backers, including Sen. Edward Kennedy, were from the urbanized East Coast. But one of his most enthusiastic supporters was William Dougherty, the lieutenant governor of rural, protestant South Dakota.

The reason Ribicoff was attractive to the McGovern camp, of course, had to do with his presumed appeal to the large Jewish population in two states that are absolute musts for the Democratic candidate—New York and California. According to one theory, McGovern needs to take upwards of 80 percent of the Jewish vote in each of these states to win.

At present he is running far behind that. A popular theory is that Jewish voters have doubts about McGovern because they are not sure of his support for Israel. But that sounds much too simplistic to me; and it is not what the McGovern camp believes.

The McGovernites think that Israel is a pretext. They believe that their big problem grows out of their association with black militants and the New Left. They believe that many Jews, especially those with incomes in the $10,000–$15,000 range, are worried about the impact of the New Politics on their jobs. In particular, those who hold civil service posts won by merit are concerned that they will be forced out by the demands of blacks for assignment of jobs on a quota basis.

In support of his theory, there is the Jewish behavior in the most recent mayoralty elections in New York, Philadelphia and Los Angeles. In all three elections, large numbers of middle-income Jews turned their backs on more liberal candidates to vote for candidates promising a no-nonsense attitude toward black militants.

What all this means is that Jewish voters are reconsidering past allegiances. They are subject to conflicting pressures that make them increasingly selective in their voting patterns.

Sen. McGovern's offer to Sen. Ribicoff was designed to arrest Jewish defection from the Democratic ranks. It says exactly the same thing as the remarkable lack of stir created by the offer. It says that Jews are behaving more and more like other American voters.

MORE THAN ISRAELI ISSUE—MCGOVERN'S PROBLEM WITH JEWISH VOTERS

(By Geri Joseph)

Sen. George McGovern has a Jewish problem. It's uncertain where it ranks on his extensive scale of problems, but he must be aware it's serious.

His supporters called a meeting of Jewish delegates during the recent Democratic national convention. The purpose was to calm fears about McGovern's position on Israel. But the discussion showed clearly that Israel was not the only concern, and the Miami meeting did not dispel doubts even among some McGovern delegates.

On both coasts and in the Midwest, prominent Jewish leaders have abandoned the Democratic nominee and turned to President Nixon.

The importance of Jewish support is not based on numbers. There are only six million Jews in the United States. But they turn out to vote in significant propertions, and they live in states McGovern needs badly to win. In two states—New York and California—their votes can be crucial.

Jews have cast as many as 80 to 85 per cent of their votes for Democrats since 1932. But a Gallup Poll on July 16 showed President Nixon getting increasing approval from many formerly Democratic voters—Catholics, manual workers, blacks and Jews. Among Jews, support for Mr. Nixon jumped from 25 per cent in 1971 to 37 per cent in 1972.

In addition, Jewish financial support has been invaluable to Democratic candidates. National Democratic fund raisers readily concede their reliance on "Jewish money," as do many fund raisers for local campaigns. One recent estimate showed that Jews contributed 50 per cent of the total financial support of Democratic candidates in the Los Angeles area.

The uneasiness of many Jews about the South Dakota senator stems from several sources. For one thing, they are deeply disturbed by the growing use of quotas in many areas of American life. Reforms accepted by the Democratic Party call for quotas for women, young people and blacks, and McGovern and his advisers are closely identified with these reforms.

In the past, quotas have been used to keep Jews out of universities, jobs and political appointments. Little wonder, then, that they regard them with acute suspicion.

McGovern's tax and welfare-reform proposals—which he says are being revised—also trouble many Jews, and not only the sizable number in the upper-income brackets. This concern, which they share with many non-Jews, results in part from a conviction that McGovern is a fuzzy thinker on economic matters.

Among older Jews, many of whom are poor and live in the hearts of big cities, law and order is a pressing concern.

To these concerns and some others must be added the uncertainty over McGovern's position on Israel. At the Miami meeting, Sen. Abraham Ribicoff, a key adviser to the senator, warned that Jews must not let it appear that "this election is for the presidency of Israel . . ."

But out of a long history of discrimination and persecution, most Jews hold fast to the belief that Israel must be strongly supported. Many have been impressed with the President's firm—and unexpected—support.

There have been complaints about one of McGovern's top aides, 27-year-old Rick Stearns. As a leader in the National Student Association in 1967, he signed pro-Arab ads that appeared in several newspapers. Stearns recently was put in charge of McGovern's campaign in Western states. "That's got to be a plenty stupid decision," one prominent California politician said.

A close examination of McGovern's record over the years does not bear out that he is anti-Israel. But some statements in 1970 and '71 have raised storm signals. He said the United States should sell Phantom jets to Israel, but the jets should not be used over Arab territory. He urged Israeli withdrawal from most of the Arab lands taken in the Six-Day War and a U.N. military force to guarantee peace. He suggested that Jerusalem become an international city. On all these questions, many American Jews disagree with him.

In subsequent remarks, McGovern has changed his stand on all these points. Even Golda Meir would find it hard to take issue with him now. But many Jews remain deeply distrustful.

"I think it's a gut reaction," one well-known political commentator remarked. "They fear that McGovern is really a pussycat. That is, he'll be very sympathetic during a crisis, he'll rub his hands and say a prayer. And then he'll send a field hospital."

That observer—a non-Jew—added, "I think Jews feel that McGovern is a pacifist. He comes out of that part of the country that has been strongly isolationist, and they believe that a lot of that attitude has been absorbed deep down inside the man. His low defense profile, his antimilitary stand add to that belief. So the Jewish attitude may well be 'Better the devil I know than the devil I don't know.'"

It's too early to say whether the doubts add up to defeat in November. A task force of scholars and community-relations experts studying intergroup relations in America issued a report last month that said Jews probably will remain with the liberal camp.

But the task force, headed by Morris Abrams, former Brandeis University president, and Prof. Seymour Lipset of Harvard, admitted there have been "serious erosions" in the traditionally liberal position of Jews over the past 10 years. Lipset, recalling that Mr. Nixon won only 15 per cent of the Jewish vote in 1968, predicted he will get 30 per cent this year.

The Jersusalem Post, in a detailed article, summarized McGovern's problem: "Jews will be the McGovern weathervane. If he can slow the erosion among them, it will be a sign that he can possibly recapture other disaffected Democrats. If the Jewish 'slippage' continues, it is hard to see how even the strongest doses of the new politics or the youth vote can make up for it."

WHO CARES ABOUT THE OCEAN?

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. PICKLE. Mr. Speaker, we will be moving out into the ocean. As shorelines become crowded, as land resources dwindle, as transportation continues to congest, we will be looking more and more to the waves offshore for relief.

Now is the time to lay the groundwork for what surely is to come. Now is the time to build the knowledge that will enable us to use the ocean intelligently, safely.

We know less about the ocean than we do about the moon. Perhaps because it is so near and so common we tend to skim over it. Yet its life we do know is fragile, and if we abuse our oceans we all surely will suffer.

When we move into the ocean we will not be able to afford many mistakes. The cost would be too high.

Some urgent efforts have begun to unravel the secrets of the sea. In Texas much effort has already begun to gather the knowledge necessary for basic decisions concerning the entrance to our oceans—the coastal zones.

Because of its coastline expanse, Texas faces the problems that face the industrialized urban coastal States, the undeveloped coastal States, the forested lowlands, the interior farm States, and the mountain States. The coastal zone of Texas is rich in natural, recreational, commercial, industrial, and esthetic resources. As one may guess, competing demands on the resources are skyrocketing. Population growth and economic development already have resulted in loss of living marine resources, wildlife, and parts of the nutrient-rich wetlands, and have caused permanent and adverse changes to ecological systems.

Stemming the tide is the work of groups such as the Marine Science Institute of the University of Texas. Located in Port Aransas and under the able direction of Dr. Carl Oppenheimer and his assistant, Peter Perceval, the institute's staff of faculty and students is pursuing with great competence and vigor the two objectives of the institute: First, to encourage educational activities in the coastal environment and second, to do both basic and applied research that will allow sensible use and management of the coastal environment.

Adequate knowledge is the only tool which will enable us both to use and to preserve our precious oceans. The work at UT's Marine Science Institute and at other operations like it around the country deserve our full support. It does not matter if we live on the coast, or like I do, several hundred miles inland. The fate of our oceans affects us all.

Further afield, out in the main body of the ocean itself, other research is going on which deserves our attention. Recently the Christian Science Monitor carried an article describing some of this research and I would like to reprint that article in the RECORD at this time:

[From the Christian Science Monitor, July 26, 1972]

OCEAN FLOOR SLOWLY YIELDS ITS SECRETS

(By Frederic A. Moritz)

A half dozen shadowy figures in yellow-green slickers scramble across a drizzly floodlit deck . . . hunching on a platform high above, a seaman works a clanging crane to wind cable from the water.

Tense eyes await the cable's end and 110 feet of rusty steel pipe which—hopefully—will still be there. Just minutes before, shot down under a two-ton weight, it plunged headlong through the ocean's floor.

Now it emerges—like a giant syringe sucked full of ocean mud. Sixty feet of bottom lodged in the pipe now give a vertical profile of the seabed layers below.

Developing new tools for investigating the ocean's bottom—for a variety of scientific reasons—that's the special mission of this 24-hour expedition north to the Gulf of Maine from Massachusetts' Woods Hole Oceanographic Institution.

Earlier that night a bright-yellow bomb-shaped device called a "fish" went over the side on a cable in the midnight darkness. And following it: a "sparker" with a regular popping flash sending surges of current snapping through the water.

PROFILER WATCHED CLOSELY

As the 245-foot oceanographic research vessel patrols like a submarine-tracking destroyer, a handful of engineers and technicians bend over a "seismic profiler." Their task: to pick up and record on paper the pattern of sounds bounced off the ocean floor by the "fish" and "sparker."

The hours until morning pass. Crews of scientists and deckhands struggle with winches, gear, and cranes. In the ship's mess below a heaping pile of hamburgers gradually disappears as hunger and fatigue grow hand in hand.

Two times the giant "coring" pipe descends, returning with its haul of mud—a seemingly endless floodlit drama against the backdrop of the sea.

Woods Hole researchers hope mud samples from within the pipe will lead to guidelines for rapidly interpreting "seismic profiles."

If layers of mud can be matched with the recorded markings of sound echoes from specific depths below the bottom, future researchers will know what kind of bottom produces what kind of markings. They could more accurately read from such markings the physical characteristics of a bottom area.

That, say geologists, could give quick clues to the history and formation of ocean floors.

And that, add the practical engineers, could mean faster preliminary studies of floor strength useful for construction projects anchored to the bottom of the ocean.

Organizing the 24-hour research probe was chief scientist Charles Hollister, a 36-year-old geologist with tousled hair and an easy banter. When the tightly booked Knorr finished another trip two days early, the Woods Hole scientist seized the opportunity to bring together nearly 20 ocean experts from around the country on only hours notice.

Among them: two other Woods Hole scientists, including Al Driscoll, the slender young research geologist who hustles about the deck coordinating coring preparations. Also aboard is Dr. Armand J. Silva, a soft-spoken engineering professor from Worcester Polytechnic Institute. Dr. Silva, who played a major part in organizing the cruise, supervises a two-year-old ocean-bottom stress study funded by the Navy. With him come two students and a research assistant specializing in underwater engineering.

In addition to a corps of student observers and visiting scientists from the Universities of Texas and Hawaii, there are representatives from the Navy, an oil company, and several engineering firms involved in undersea technology.

Picking up an estimated $12,000 tab for the 24-hour mission is the Office of Naval Research (ONR), which funded the several research projects on this mission. It was an ONR scientist who originally suggested testing them out together on a single Woods Hole "coring" mission.

NAVY GOALS MILITARY

Underwater engineering is the Navy's primary interest. New information and techniques for exploring the stress-bearing qualities of ocean floors have several possible military applications.

Antisubmarine warfare is one. The growing strategic importance of missile-firing submarines puts a premium on engineering to place detection and other antisubmarine devices on ocean floors.

Another is deep ocean anchoring. Large ships unloading in deep waters or taking military positions out at sea need instruments for quickly evaluating the ocean floor. More accurate interpretations from "seismic profiles" could guide crews using explosive charges to fire huge anchors into the ocean bottom.

But the growth of ocean floor studies over the last few years reflects more than military considerations, Dr. Hollister and others emphasize.

The booming interest in many parts of the world in offshore oil gives another boost, it is expected to usher in a new generation of underwater construction projects. Including many more off-shore drilling rigs and giant underwater oil storage tanks anchored to the bottom. One such tank has already been constructed in the Persian Gulf.

Development of giant tankers too big for shallow harbors has spurred the idea of anchoring them well at sea. There they could be unleaded into offshore tanks and their oil piped or ferried to shore.

Bearing witness to the oil industry's interest is another shipboard observer—tall, taciturn Peter Arnold, an engineer from Shell Oil New Orlean's office.

Improved seismic profiling could help his company explore the bottom when planning offshore oil rigs anchored in the seabed. Bottom studies can be critical in preventing platform collapse after severe hurricanes, Mr. Arnold explains.

Preventing the blockage of waterways sometimes caused by dredging is another application. Seismic profiling can help find the safest spots for dumping dredged-up sediments, shipboard scientists say. And add the engineers, these records of sounds bounced off the bottoms can give useful hints for laying underwater pipe and cable.

Still further in the future are the more exotic prospects bottom engineering advances could bring: offshore nuclear reactors anchored to the seabed and even the possibility of floating tunnels anchored to the bottom. That has already been proposed for connecting Sicily to southern Italy.

Also on board are six salesmen and technicians from manufacturers of ocean research gear. They come to swap free use of their costly wares for a chance to demonstrate its use.

That $8,000 snake-like "sparker" came from Teledyne in Houston. Ocean Research Equipment (ORE) in Falmouth, Mass., supplied the $20,000 "fish."

The purpose: to demonstrate the combination. The profiles bounced back from the low-frequency "sparker" are sharpest at the lower depths down to 1,000 feet below the ocean's floor. The high-frequency "fish" gives a clearer measure at less than 200 feet below the bottom.

But this research voyage on the 245-foot Knorr had mixed results. On the second core, the steel pipe snapped, leaving nearly 60 feet of rusty pipe imbedded 300 feet down on the surface of the ocean floor.

And the first, more-successful core penetrated only 60 feet—failing to set what Dr. Hollister hoped would be a new 110-foot international record for this kind of coring. The more expensive and complicated drill coring used by oil prospectors goes down many hundred feet.

The Soviet Union holds the lead for drop pipe coring with a penetration of nearly 90 feet, Dr. Hollister says. Americans have gone down 70 feet.

And that despite what Peter Lowell, the lanky chief engineer for ORE, calls a 10-year Russian lag behind the U.S. in seismic profiling gear. The geologists and engineers aboard the Knorr describe the U.S., the Soviet Union, and Japan as leaders in ocean bottom studies.

Another casualty of this expedition is the delicate velocimeter project researched by Aubrey Anderson and Donald Shipley from the University of Texas Applied Research Laboratories.

Fastened to the pipe's mouth, this electronic device was to gather information on the sound transmitting qualities of ocean floor layers. It would measure and record the speed of sound signals passing through the mud as it entered the pipe.

But the cable to the surface snapped as the first core went down—sending two Texas scientists home to strengthen their design.

But for Woods Hole geologists and Worcester engineers this mission's payoff is the 60 feet of mud lying sealed in the first core's pipes—now disassembled into 10 foot lengths and scattered across the deck.

After the Knorr docks and the pipes are ashore, the analysis will start on long laboratory tables where the mud can be spread out for careful examination.

And there the friendly competition will continue as engineers and geologists vie to use the samples—each group with its own purposes, approach, and tools.

Back in the stateroom of the chief scientist, tired but elated geologists and engineers gibe at each other as the Knorr heads home to Woods Hole.

"Watch those engineers with their crude stress-measuring instruments—they just can't wait to take out great chunks of mud and leave a sample in shambles," geologist Hollister taunts.

TEASING CONTINUES

And the geologists, tease back the engineers, they hoard their mud like gold, zealously preserving it lest the precious patterns revealing bottom age and origin be disturbed.

For geologists are the historians concerned with the process of bottom formation, with the interrelationship of different kinds of layers, and with what all that tells about the history of the earth and the ocean's development.

"I just couldn't care less how strong it is; I want to know how old it is and where it comes from," Dr. Hollister declares.

Contrast that with the utilitarian approach of the engineers, as they anticipate a host of physical tests for analyzing the sample's structural characteristics. Hollow instruments will cut out small chunks of mud and test them for stress-bearing qualities and for patterns of compression. Basic research in these areas will build knowledge to improve the technology of ocean bottom construction.

Frugality and extravagance—that's the contradiction on this 24-hour run. Thousands of dollars in electronic gear and some $12,000 in cruise time combine with homemade equipment and secondhand parts to produce a mission filled with Boy Scout-like improvisation.

Like Tom Gilliard's "accelerometer" with its $60 secondhand, super 8 home movie camera. And the two 110-foot rusty steel coring pipes purchased at a junk yard for just $200 apiece.

$20,000 PIPE WANTED

"What we really needed to avoid the breaking of that second core was a stainless steel and teflon pipe, but they cost $20,000 each," explains Dr. Hollister. But with limited funds available, experimentation must begin as cheaply as possible. "Once we've established the feasibility of going this deep with the drop-pipe method, we can come back with a stronger case for expanded funding," he adds.

Meanwhile, the Knorr will head to sea again, this time for the North Atlantic as a part of Geosecs, a major oceanographic program funded by the National Science Foundation. Like the whalers that once sailed forth from Woods Hole on worldwide quests, she begins a lonely 10-month journey.

Her object now: the sea, not its bottom, as she stops for water samples from Iceland to Antarctica. "How fast do ocean currents mix?" her new crew of scientists will ask. And the answers will help tell how fast wastes disperse after entering the sea.

Oceanographic exploration—complicated and costly, but scarcely a drop in the bucket compared to the rocket research leading into space.

"I still always am amazed how much more we know about the moon than the ocean," muses a University of Texas scientist as the Knorr turns back to Woods Hole.

FISCAL SANITY IS NECESSARY

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. DEL CLAWSON. Mr. Speaker, the Washington Evening Star of August 11 contains an editorial which is a call for demonstration of a mere modicum of fiscal sanity by this Congress. I do not see how these arguments can be ignored and therefore commend them to the attention of my colleagues at this point in the Record.

The editorial follows:

A TIME FOR THE VETO

Two weeks ago President Nixon sent an unusually stiff mesage to Congress, warning with the phrase "let there be no misunderstanding" that he will veto excessive spending measures. Now, with the final clearance of a $30.5 billion health, education, welfare and labor appropriations bill, he has his first good chance to prove he meant business.

Here is a spending bill covering a vast array of social programs, from medicaid and the generally unpopular system of public welfare subsidies to research on major diseases and assistance to the nation's school districts. Largely in the health research and public education fields, both the House and Senate loaded the bill so full of goodies that it exceeds the President's budget by a minimum of $1.7 billion.

We say minimum because the problem goes much farther. For within the bill is a provision for funding a subsidy program that was overlooked until recently but now has state governments by the dozens running to Washington for money. The states have discovered that by making minor changes in social service projects they had been operating with their own money, they now can get from Washington 75 cents of every dollar spent.

Early this year the President allowed $1.2 billion for this subsidy program and suggested that figure be legislated as a ceiling. The House ignored the suggestion. The Senate did stipulate a ceiling of $2.5 billion, but that was knocked out in conference committee. And so the sky is the limit. If the bill becomes law, so many states will be applying for money that a huge supplemental appropriation will be necessary later this year, and the estimates now are that this one program alone will cost $4.8 billion in fiscal 1973.

Now that would be an enormous windfall for the states. It is backdoor revenue sharing—unplanned, unguided, untenable. The money involved, moreover, is almost as much as the real and much debated revenue-sharing bill, backed by President Nixon, passed by the House and awaiting action in the Senate.

The Nixon administration can share some of the blame for the problem by not spotlighting it earlier. Congress deserves much of the blame. It has run scared of the governors in failing to put a brake on the social services subsidy program. It has catered to education, health and other interest groups. It has played politics in daring the President to exercise his veto power, and in doing so, it has abandoned fiscal integrity.

But the entire spending measure is so bad, so out of line with what this year's budget can stand, that the President should have no trouble in justifying a veto and at the same time ordering the appropriations process to begin again, this time in a more rational, responsible way. We hope he does so as soon as the bill reaches his desk.

LABOR-HEW CONFERENCE REPORT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 9, 1972

Mr. ROYBAL. Mr. Speaker, I rise to use the passage of the conference report on H.R. 15417 to appropriate funds in fiscal 1973 for the Departments of Labor and Health, Education, and Welfare.

I am gratified that the conference committee has seen the wisdom of approving the additional funds for bilingual education which Representative Badillo and I proposed earlier before the House. The increase provides for an additional $15 million beyond the original House appropriation for the bilingual education program.

Spanish-speaking students have continually faced educational problems because schools have been unable to properly meet their educational needs. As a result of these inadequate educational opportunities, Spanish-speaking students have a lower achievement rate, drop out of schools at an earlier age, have poorer reading skills, and tend to repeat more grades than their Anglo peers.

Most of these problems stem from the individual school's inability to effectively teach Spanish-speaking students due to the school's failure to tailor its teaching methods to the unique problems and background of the student.

Therefore, the Bilingual Education Act was passed by Congress in 1968 as a partial answer to the social problems encountered by Spanish-speaking students. The act provides that the school curriculum be presented in the native language of the student and places emphasis on the tradition and culture of the student. The program recognizes the unique contribution the Spanish language has made to American culture and the need for participants to be schooled in both English and Spanish.

Unfortunately, less than 2.5 percent of the eligible students are now participating in this program due to the administration's failure to utilize more than 30 percent of the funds which Congress has authorized for the program. The action we have taken will enable us to fund another 110 projects and help 90,000 more children. This represents a substantial increase in the number of students who will receive the benefits of this unique program and I sincerely hope that the President will consider this in his deliberations on this bill.

WHAT ARE THEY HIDING IN THAILAND?

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. MOORHEAD. Mr. Speaker, the American people may not know it, but there are now more U.S. servicemen in Thailand than there are in Vietnam. Those fighting the air war, however, are hidden behind "The Teakwood Curtain." No American or foreign newsmen are being permitted to enter airbases either built or vastly improved by U.S. taxpayer dollars. Ironically, similar bases in South Vietnam are open to American correspondents who tell our people what is going on.

What are they hiding in Thailand? What is it that they cannot or would not tell us about how our sons, fathers, and brothers are dying? The Thai people do not know either; they also are kept in the dark.

President Nixon takes every opportunity to make known the withdrawal of American fighting men from Vietnam, but he says nothing about the buildup in Thailand. It is time for an accounting to the American people. Most Americans think we are pulling out of Southeast Asia. But we are not pulling out and they should know it. It this freedom of information that the Nixon administration has given so much lipservice or is it outright secrecy?

Come home, Mr. President.

Come home and read the following August 6 editorial from the New York Times, then keep your promise to tell the American people what their Government is doing:

The editorial follows:

THE HIDDEN WAR

The shift from ground to air in the focus of American military activities in Indochina has meant a shift from units based in South Vietnam to combat groups operating from air bases in Thailand and carriers at sea. The result has been a drastic cut in the visibility of the war to the American people, who must still bear the moral and financial burdens of this interminable conflict.

Some loss of visibility is inevitable in this new kind of war since correspondents cannot hope to cover personally the impact of bombings on wide-ranging targets, especially those in North Vietnam. But the American public could—and certainly should—know a great deal more than it is presently being allowed to know about the massive air actions being carried out by American pilots and crews.

A major obstacle to better coverage of the air war has been the refusal of officials in Thailand to permit American correspondents to visit seven air bases in their country from which a majority of the current strikes originate. American officials, to whom correspondents have appealed, take refuge in the argument that the bases are under Thai sovereignty and that the Thais are reluctant to have attention drawn to them.

This is a lame excuse for cutting off press access to bases built by Americans and used almost exclusively by American planes, Similar bases in South Vietnam, which are under Vietnamese sovereignty, have always been open to American correspondents. There are more American military men in Thailand today than there are in South Vietnam. The American people—and the people of Thailand, for that matter—are entitled to know what they are doing there.

POLISH-AMERICAN DAY IN NEW JERSEY

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. HELSTOSKI. Mr. Speaker, on Sunday, August 6, 1972, the New Jersey Division of the Polish-American Congress held its annual Polish-American Day festivities in Sommerville, N.J.

The theme of this year's celebration was the 500th birthday of Nicolaus Copernicus—the great astronomer; and the Polish-American community efforts to participate in the 200th anniversary of the gaining of independence by this great country of ours, which will take place 4 years from now—in 1976.

The several thousand people who participated in this celebration expressed great enthusiasm that a great Polish scientist is to be honored by the American people next year, through the issuance of a commemorative stamp by our Post Office Department and through local celebrations throughout this country.

I had the pleasure to be one of the speakers at this celebration of New Jersey's annual Polish-American Day, and, with your permission, Mr. Speaker, I would like to include my remarks at this point in the RECORD.

The remarks follow:

SPEECH OF HON. HENRY HELSTOSKI

I am very grateful to the New Jersey Division of the Polish American Congress for the invitation to be with you this afternoon in order to participate in the festivities you have arranged to celebrate your annual Polish American Day.

With this Polish American Day you are beginning the observance of the birthday of the world's most famous astronomer, Nicolaus Copernicus, and ending with the celebration of American Freedom, gained 200 years ago.

Copernicus—the great astronomer and father of modern science—was born in Poland in 1473. He was outstanding in many fields, and distinguished himself as a theologian, scholar, painter, poet, physician, lawyer, economist, soldier, statesman and scientist. But above all, he was an eminent astronomer—so eminent that his theories formed the basis for modern astronomy. It was he who disproved the idea that the earth is in the center of the universe and formulated the theories which led to modern-day space exploration.

Copernicus completed his early education in Poland, but soon was attracted to Italy where he studied at the Universities of Bologna and Padua and elsewhere. This was a period of time when impressive achievements were emanating from Italy—it was when Columbus' voyages to the Western Hemisphere were taking place, and when Michelangelo, DaVinci, Raphael, and so many others were enlarging man's horizons in the world of arts and science.

The United States and Poland, as well as the scientific community throughout the world, are joining next year in marking the 500th anniversary of Copernicus' birth. Of all the scientists in world history, Copernicus laid the foundation for modern science.

Until the discovery by Copernicus, it has been an accepted theory that the universe revolved around the earth. Ignoring tradition and his peers, Copernicus persevered with his research and doggedly concluded that, rather than revolving around the earth, the universe revolved around the sun.

The Copernican theory was known but not accepted for many years because of the opposition of the Church and the complete conflict with the teachings of the Bible.

All of the accomplishments of Copernicus as churchman, physician, economist, and soldier, great as they were, are eclipsed by his work as astronomer. The vastness of the mathematical problem in the heliocentric system as conceived by Copernicus required an unusual intellect.

But in Copernicus, intellect was sustained by moral heroism that, in humble pursuit of truth, he dared to attack the problem and to challenge the scientific tradition of centuries, even though it was supported by the universal church of which he was a loyal member.

The greatness of Copernicus consists in his having formed and developed a new theory, and not having provided astronomy with new facts.

Paying tribute to Copernicus is particularly timely because of the relationship of his pioneering theory to modern space research.

It is extremely gratifying to know that the National Aeronautics and Space Administration announced that the United States plans to name its next astronomical satellite for Copernicus. The satellite, expected to have a 12-month orbit in space, is to be launched sometime this month.

The Postmaster General, E. T. Klassen, announced the decision of the Citizens' Stamp Advisory Committee to issue a special commemorative stamp for the Copernicus anniversary next year.

The National Academy of Sciences is heading up arrangements for the world observance, at the suggestion of the Polish Government.

The Academy has named a special committee headed by Dr. Antoni Zygmund of the University of Chicago and Dr. Jerzy Neyman of the University of California at Berkeley as vice chairman. Both Drs. Zygmund and Neyman are members of the Polish Academy of Science in Warsaw as well as the National Academy of Sciences.

The Academy committee is progressing nicely with its planning and is receiving full cooperation of the Smithsonian Institution. An extensive collection of memorabilia, including items on loan from Poland, is being assembled for display in Washington next spring. It will provide the background for a scientific symposium conducted by distinguished specialists but directed in important part toward the laymen.

Recently, the president of the National Academy of Sciences, Dr. Philip Handler, signed a protocol with the Polish Government for a major expansion in scientific exchange between the United States and Poland.

Included in the agreement are plans for establishment near Warsaw of a Copernican Center of Fundamental Research. The center is proposed as a major institute of science and teaching in fundamental areas of astronomy and selected subjects of physics, intensification of scientific cooperation, and provision for education and advancement of highly qualified scientists and researchers. The center would be under joint supervision of the Polish Academy of Science and the University of Warsaw.

Initial outlay for the center is estimated at $1 million, with succeeding phases to involve as much as 20 times the original estimated cost.

The scientific communities in both the United States and Poland are making a tremendous effort to focus attention on scientific research in connection with the Copernicus anniversary.

In the light of the pioneering efforts of the United States in space research and the great interest of the scientific community, it seems most appropriate that the United States Government recognize the 500th anniversary of the birth of Copernicus.

Copernicus has given so much to the world that he has been honored the world over. In tribute to Copernicus and in recognition of the notable contributions of Polish-Americans to the advancement of our own country, I feel that it is indeed fitting and appropriate that a special day be designated in his honor to mark the 500th anniversary of his birth.

I am pleased that the United States House of Representatives has taken action on July 27th and passed a House Joint Resolution (H.J. Res. 1026) which authorizes and requests the President of the United States to proclaim February 19, 1973, as Nicolaus Copernicus Day.

Thus we are on the threshold of accomplishing the first objective set for ourselves on this Polish and American Day and we must turn our efforts to bring to the American people the part Polish patriots played in achieving the independence of America.

In 1976, America will celebrate its 200th anniversary of Independence. It is not too early for Polish-Americans to begin laying plans for this great celebration and to bring to the American people's attention the role that the Poles played in this fight for independence and the role that many Poles have had in raising the cultural and economic standard of this great nation of ours.

In the struggle for independence our thoughts are turned to Kosciuszko and Pulaski who fought side by side with the American forces to gain freedom and liberty in the Revolutionary War. We know from history the valiant acts these two great freedom fighters have exhibited in America's quest for independence.

In America's formative years there were many Poles who contributed much toward America's greatness of today. We must remember the Poles who emigrated to the American shores to work in our mines, later in our steel mills, automobile plants, on the farms and in logging camps.

The early Polish settlers were not content with being just a part of early American history. They wanted to actively participate in the formation of a great nation. Thus, the Poles staged the first labor strike at Jamestown, Virginia long before the American Revolution. They did not protest the working conditions of that colony, but stopped work until they were assured by the colony leaders that they would have the right to vote in the affairs of the settlement.

On the cultural front, we have such Polish stalwarts as Paderewski, who played many concerts in the United States, and whose heart lies at Arlington Cemetery, which, according to his last wishes, is to be returned to Poland when his beloved country once again regains its total independence.

I am quite sure that Polish-American organizations, both National and local, will present a well-documented history of Polish participation in gaining America's Freedom and its development over the past 200 years.

Four years—1976—may seem far away, but to properly and fully document our Polish contribution to this freedom requires that we begin now.

I thank the committee for inviting me to the New Jersey Polish-American Day and for permitting me to extend these few remarks to you. This was an occasion to meet my many old friends and to make the acquaintance of many new friends.

WONDER WHERE THE MONEY WENT?

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. ROUSH. Mr. Speaker, I rise today to continue, in another vein, a discussion I brought up before on the folly of our foreign assistance program. I wish today to reiterate a position I have taken during my almost 12-year tenure in Congress, namely that economic assistance information should be totally available to the public, the taxpayers who foot the bills.

Twelve years ago when I first approached the Congress on this subject, as a then freshman Member of this august body, foreign aid was considered a popular and progressive policy. I opposed the program at that time for many of the same reasons that are surfacing today; because such assistance involves us needlessly in the affairs of other nations who frequently scoff at our generosity; and because the massive expenditures of these tax dollars lead us to neglect priorities here at home for dubious projects abroad.

Also, 12 years ago, when foreign aid bills came to the floor of the House, I endeavored to lift the veil of secrecy that shrouded the way our Nation was financing countries all over the world. When I introduced an amendment to the mutual security bill in 1959 for this purpose, I clearly stated that I was not trying to remove the secrecy lid from military aid for foreign nations—since at that time such assistance seemed related to our own security and the need for secrecy on military assistance was at least arguable—but only from economic assistance. I was at that time out of tune with the times and so unsuccessful in my attempt. I was a voice crying in the wilderness.

However, I am happy to report that in the last few years the Congress has attuned itself to a new strain, emanating primarily from the voices of the public who seriously question the need for and value of billions of dollars for tribute in the nature of foreign aid. Accordingly, in the last few years both economic and military assistance have been in large part declassified, the military most recently in just the last year—declassification is not complete on the military for while the total figures are now unclassified, descriptions of the programs and the congressional presentations are not public.

I am gratified at this development, but my enthusiasm and optimism are tempered by the fact that this was an administrative decision without the force of law. So last year when the foreign aid bill was on the floor of the House, knowing that economic assistance was no longer classified, I attempted to impose an amendment guaranteeing the continuance of that open policy, for I was fearful that what had been given by fiat, could be taken away by fiat, and I felt that the Congress should make its will known by law on this matter of secrecy about foreign economic assistance. I specifically included only economic assistance in my amendment; I thought this almost unarguable. I could not see why there would be any objection to giving the force of law to the practice adopted of not classifying economic assistance.

My amendment did not prevail and in discussion on the floor, Mr. MORGAN, chairman of the House Foreign Affairs Committee, stated, to my surprise, that "some of the material presented to us is always classified" in reference to security supporting assistance. Security supporting assistance is economic assistance to select countries to promote or maintain their economic or political stability. Those same countries generally receive military assistance, but security supporting assistance is economic. So it seemed to my amazement that economic assistance existed in a limbo of being both classified and nonclassified.

Once again this year I have tried to resolve this issue. We are now considering a foreign aid bill which is essentially military since we passed a 2-year authorization for economic aid last year. Security supporting assistance, however, has come up again, because, although economic assistance, it has provided assistance to special nations faced with an immediate security threat to help them avoid, as the congressional presentation for fiscal 1973 puts it "simultaneous deterioration of the national economy as much as possible."

Now I find in researching this security supporting assistance that it is both classified and not, as seemed the case last year. I am assured by the Department of State, under which this program operates, that anyone who wrote in or asked for information in the congressional presentation document could receive that information. But I am also told that there are details or aspects to the planning of the program that are classified, and these sometimes become the subject of special closed hearings.

I have in hand a copy of one of these

hearings, this one before the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Senate Foreign Relations Committee on Aid Activities in Laos. In April of this year these secret hearings were held before that subcommittee and AID funding under the supporting assistance title of the Foreign Assistance Act was discussed. In July a "sanitized" version of these hearings was printed and the full information regarding which funds were spent for what kinds of programs in Laos was denied the public. That is a story unto itself which I will not get into today.

What concerns me is the secrecy element. I cannot see that our security is threatened by a full revelation of our fiscal commitments, our economic commitments in Laos, or any where else. I do believe that fiscal responsibility to the taxpayer is greatly threatened thereby. Has not the taxpayer a right to know exactly how we will spend two-thirds of the security supporting assistance funds in Vietnam in fiscal 1973, $585 million for economic assistance at a time when the American people are being taxed to provide billions in war materials to destroy important economic assets in that same country?

This raises the profound question: are documents secret when their publication would call into question policies that are either unpopular or indefensible, or because, as Senator STUART SYMINGTON suggests in a preface to the report on Laos, there is evidence that funds are shifted around by the executive department depending upon " 'policy considerations' of the moment?"

Perhaps gradually the whole fabric of both economic and military assistance will be made available to the public. It seems to me that secrecy is maintained until pressure is exerted by the Congress and the public; then secrecy is lifted. If there is no more justification than this for secrecy, it is obviously not needed. If there is a compelling rationale, then we should all know it. Most of all, we should know, as members of Congress and the public should be informed, specifically what is and what is not classified information, whatever the degree of classification from confidential through top secret and why.

I tend to believe that in each case, if the reasons for classification of economic assistance information were rendered, these reasons would not be compelling or convincing enough to stand the light of day or reason. Then in that happy future the public would clearly perceive where and how and when and why tax dollars were being spent for foreign economic assistance. Then the Congress could be truly held responsible for these expenditures.

POLITICS OF DEVASTATION

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. FRASER. Mr. Speaker, I call my colleagues' attention to a new publication, "Nixon and the Environment, The Politics of Devastation." Written by 13 authors representing consumer, conservation, and union groups, it assesses the environmental record of the Nixon administration and concludes that in this administration political considerations have taken precedence over the public interest.

A review of the book follows:

[From "Not Man Apart," August 1972]

NIXON AND THE ENVIRONMENT: THE POLITICS OF DEVASTATION

(Reviewed by Polly Roberts)

Beneath the title, a dead seagull, belly up, a sick grin on its face. But despite the melodramatic cover, this book is no diatribe. Rather, its authors—all longtime members of environmental, consumer and labor lobbies in Washington, D.C.—each provide detailed and sophisticated reports on an Administration whose environmental record defies simplistic analysis.

How does one fathom an Administration that insists on sound economic criteria to limit the water development porkbarrel, but eagerly refuels the Highway Trust Fund porkbarrel? That stands up to the chemical industries on use of the pesticides DDT and 2, 4, 5-T, but yields to them on protection of workers from noxious fumes? That works overtime to save the Everglades from jetports, but fosters the trans-Alaska pipeline in the name of "national security"? That halts the Interior Department's notorious wildlife poisoning programs, but refuses to spend money appropriated by Congress to prevent the poisoning by lead paint of thousands of inner city children?

The closer examination provided by Rathlesberger, *et al*, reveals some method to the Administration's madness, a method determined mostly by politics, of course, but in good measure by the ideology of the President and his close associates. This ideology has all the more impact in that the President has centralized decision-making power as never before in the hands of his White House staff—the shadowy Kissingers and Whitakers, Ehrlichmans and Flanigans—and his accountants in the Office of Management and Budget, none of whom Congress can even question.

And who are Nixon's associates? The American corporate elite, the very group, ironically, which spawned the traditional conservation movement, with its emphasis on parks, wilderness and wildlife. Russell Train, former President of the Conservation Foundation and now Chairman of the White House Council on Environmental Quality moves easily among the corporation presidents, with their mountain lake cabins and Key Biscayne resorts. They listen sympathetically to a plea for the Everglades, or the bald eagle. (Nor do they forget that many traditional conservationists are—or were—like them, Republicans). This ideological sympathy with conservation narrowly construed probably led the Administration to fight for the $156 million to purchase the Everglades watershed, and to ban the poisoning of predators on public lands this year, 1972, when not a conservation vote could be gained by it.

But when traditional conservationism treads on powerful economic toes, the Administration wavers, or, especially when the toes belong to the oil industry, stands firmly in opposition. Thus the Administration could dramatically halt the one third complete Cross Florida Barge Canal, yet thumpingly endorse the Tennessee Tombigbee Waterway, a sort of duplicate Mississippi River whose environmental destructiveness is matched only by its dismal economic rating. Although Secretary of Transportation John Volpe, of highway builder background, quickly recognized that "There is no government order decreeing the rapid transit must perish while highways become parking lots for miles of angry commuters," the Administration stood staunchly by its highway lobby friends during the renewal fight for the Highway Trust Fund. Although the Administration could spend the full amounts authorized for park acquisition, it nonetheless could oppose the idea of Sawtooth National Park on land containing a potentially valuable copper mine, and could support wholeheartly the lumber industry's raid on National Forests in the Timber Supply Act. and of course, all in the hallowed name of National Security, the Administration endorsed the trans-Alaska pipeline and offshore oil drilling despite compelling environmental and economic reasons against them.

While Nixon and his courtiers may understand if not always support traditional conservationists, they find themselves at total odds with the new "environmentalists." For the environmentalists—often young, Democratic, frequently graduates of Ralph Nader's Washington, D.C. warren of public interest cells—attack problems like air and water pollution, energy, growth, and secretiveness in government decision making. They directly threaten the pocketbooks and privileges of the corporate elite. Worse, they ally themselves with such traditional enemies of big business as labor unions, or with dissident minorities. The Nixon Administration has responded to the new environmentalists with implacable hostility, veiled to the degree necessitated by political reality—which for most of the Administration was an Edmund Muskie, the probable Democratic candidate in 1972, ready to capitalize on any missteps. Thus the Administration, while it could not prevent passage of the relatively strong Air Quality Amendments of 1970, subsequently sabotaged the legislation administratively; the water pollution legislation of 1972 did not get that far. The Administration has made a mockery of the Occupational Health and Safety Act, which could have prevented thousands of needless deaths, diseases and injuries. On the other hand, the powerless poor in their rat-infested, lead-poisoned ghettos have earned only the Administration's benign neglect.

In short, the Nixon Administration's environmental record, good, and—mostly—bad, reflects the slightly ambivalent tendencies of the country's corporate rulers. *Nixon and the Environment*, through its extraordinary wealth of detail, its generally high quality writing, and its intimate portrayal of life in Washington, presents a fascinating account whose value transcends both the environmental issues and this particular Administration. For it lays out, for all to see, the unpublicized sources of policy which determine an Administration's *real* record on any issue. But it also provides eloquent witness to the fact that another four years of Nixon might indeed invite the devastation of the book's subtitle.

SGT. JACK MORIARTY, OF HOMICIDE SQUAD

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. HOGAN. Mr. Speaker, to many Americans, the word "detective" rings up images of men who have starred in police dramas on television and in the movies—men who solve mysteries with their revolvers and carouse during their spare hours.

A man who is far more dedicated and far more effective than the fictional detectives is my longtime personal friend, Sgt. Jack Moriarty of the Washington Police Department Homicide Squad. Men of his courage and dedication to the cause of justice are the backbone of crime-fighting efforts in the District of Columbia.

The Washington Star recently ran a feature-length article on Jack Moriarty, and I think it provides good insights into the demands made upon law enforcement officers. I insert that article into the RECORD, so that my colleagues can better appreciate the contributions being made by a brave, intelligent, and dedicated police officer:

Moriarty's Guided Tour

(By David Braaten)

He's not a skirt chasing misfit like the hero of "The French Connection."

Unlike Dirty Harry, he doesn't trample the Constitution or department regulations to nail the bad guys and has never fired his .38 Special at anyone.

It gets worse.

Sgt. Jack Moriarty doesn't drink anything stronger than restaurant coffee. Doesn't smoke. Goes to church regularly. Solid family man. Softspoken, keeps his temper under extremes of provocation. A little overweight, a little gray, he'll be 47 next month.

No glamor here, no flamboyance. He claims, in his wry, self-deprecating way, to be "The Archie Bunker of Hillandale, Md.," and there's even a faint, jowly resemblance to Archie.

Yet Moriarty, if not Super Cop, is perhaps the super-typical detective of the Homicide Squad, the elite 40-man team that solves 90 percent of the District's killings last year, and is aiming to better its record this year.

And, he's the old pro who led Chief of Detectives Mahlon Pitts—a hard-eyed man not given to giddy effusions of praise for his subordinates—to declare recently that he'd like to have a whole squad of Moriartys.

Experience is what makes a good homicide detective, according to Pitts, and with his 11 years on the squad, experience is Moriarty's long suit.

Experience is what transforms a routine cruise around the city with Moriarty and his current partner, Eddie Myers, a macabre sightseeing tour the Gray Line will never offer its customers.

Fourteenth and G means downtown shopping to most people; on the Moriarty tour, it's the site of a Hot Shoppes restaurant where the detective posing as Robert Ammidown, met a messenger for the extortionist who was trying to shake down Ammidown after the murder of his wife, Mrs. Linda Ammidown.

A gas station on South Capitol Street would draw no comment from a tourist guide; to Moriarty, it is remembered, with a chuckle, as "Tony Lee's gas station."

The convicted killer claimed, at one point in his labyrinthine defense, that he had been dickering to buy the property. What he didn't know was that the gas station is a key portion of a block-size parcel, ripe for multimillion-dollar development and owned by a big corporation that never heard of Tony Lee. The prosecution was quick to document this and drill one more hole in Lee's defense.

The Evening Star building is a noticeable landmark in Southeast; to Moriarty, a nearby alley sticks out more sharply. "That's where they found the body (of Diane Johnson) in the Hogate's case."

A large, shabby apartment house in the 14th Street ghetto is described on Moriarty's guided tour as "probably the most infamous building in Washington," familiar to a good many of the Homicide Squad's "clients"—victims, suspects, witnesses and informants.

Not far away, near Thomas circle, a much fancier apartment building reminds Moriarty of still another case: A pay telephone hangs on a fence across the street, and a man living in the apartment house used to stand on his balcony and dial the pay phone number when someone he wanted to meet came along. If the passerby picked up the ringing phone—who could resist?—and the conversation progressed satisfactorily, the new friend would be invited up to the apartment.

"He did it once too often," Moriarty recalls. "When we got him, there were 50 stab wounds in his body."

The new Southwest is an area of plush high-rise apartments and townhouses on the Gray Line tour; on Moriarty's, it's also the location of establishments, whose customers are mostly homosexuals, and possible sources of information on a recent killing. With some chagrin, he recalls how he and Myers stopped in at one, then another, hoping to be unobtrusive enough to ask questions and show the victim's photograph around without causing a lot of excitement.

Everyone else was in sport shirts and slacks, and the two detectives, in the business suits and ties that promote anonymity in most locales, might just as well have had "COP" stamped on their foreheads.

"So, we went to this third place," Moriarty recalls, "and we figured maybe we'd blend in a little better if we took off our neckties and hold our jackets over one arm to hide our guns."

He pauses, and both he and Myers start laughing.

"When we finally got in, we were the only ones in the place wearing any clothes at all," said Moriarty, shaking his head in wonder. "They were all sitting around at tables, and the most any of them had on was a turkish towel."

Adding to his chagrin over this small fiasco is the fact that their embarrassment was all for nothing. The case was cracked eventually by an informant far removed from the gay bars of Southwest.

The only trouble with Moriarty's often amusing anecdotes, of course, is that they are gallows humor. At the base point of each reminiscence there is, after all, a dead person, and not even Moriarty's skill as a raconteur can disguise this distasteful circumstances.

No one realizes this better than Moriarty himself.

Apologizing to a reporter who was tagging along on a midnight-to-eight shift to see how homicide detectives operate, Moriarty commented on the unusually dull nature of the night, which had produced not so much as a slightly questionable death from any cause.

"In a way," he remarked, "sometimes it's better to have a routine case to work on—like a guy killing his wife."

In context, it was a perfectly reasonable remark, but when reminded that it would look pretty coldblooded in print, Moriarty said: "I guess it does sound callous, referring to a tragedy in someone's life as routine. A homicide can wreck a whole family, but it can still be routine to us.

"You can't get emotionally involved, or you'd fall apart. And it would affect your judgment."

There is another reason the homicide detective learns to steel himself to the most harrowing situations—grief, rage, hysteria, whatever.

"There are things that have to be done, and someone's got to do the thing. That's us."

Translated to specifics, this means Moriarty and his fellow detectives have the thankless task of suspecting everyone connected with an unexplained, violent death—including (and sometimes especially) the grieving spouse. It means they must ask the questions that nobody else would dream of asking at such a time, and, what's worse, treat the answers with a heartless skepticism that nobody should decently have.

"Almost subconsciously, you notice things that just aren't right," explained Chief Pitts, a Homicide Squad alumnus himself. "First comes the doubt, however slight; then you wonder why and you look for a motive. You can't accept what any individual says at face value."

The stage on which a possible suspect appears before the homicide detective often is the cold, gray confines of the city morgue, where the grim ritual of identifying the victim's body is enacted.

"We're tough critics," says Moriarty. "You get a guy down to identify his wife's body and he reacts, and you watch his reaction. A lot of times, they're stoics. They just stand there and look, and they don't say anything. Or maybe they faint. Or throw up. But kicking the wall? Running up and down screaming? You think to yourself, 'Something isn't right. You just get a feeling it's an act."

So you lock him up on the spot, right? Wrong. You just start the procedure at which homicide detectives spend much of their working lives: asking questions.

"What we're after is information," Moriarty explains. "You can't ever tell who has the information you need, so you talk to everybody."

Moriarty knows better than to expect the truth the first time around.

"There are people who'll lie to you twice and then give it straight," he says. "There are people who tell little white lies, and you've got to try to figure out what the lies are and why they told them. And there are some people who sincerely want to help, but they don't know; they give you wrong information and there goes a whole week out of your life following a wrong lead.

"When you're dealing with a relative—let's say, the husband of the victim—you don't expect his story to make sense in every detail the first time, because he's probably in shock. In fact, if his story is too straight the first time that might make you suspicious. But a few days or a week later, on the second or third try, he should be able to clear up the discrepancies in his original version."

There is one suspect in a still unsolved case, Moriarty notes with some frustration, who has told his story half a dozen times and hasn't got it straight yet.

"We'll get him," he says with calm certainty. "Sooner or later, we'll get him."

Like Javert in Les Miserables. Moriarty can be implacable—in his pleasant, mild-mannered way. He was largely responsible for cracking the Ammidown case, pursuing his suspicions to the ultimate payoff when a lot of people who might have known better thought he was cockeyed. If he has any basic professional credo, it is that murder unravels itself. All that's needed is the right information.

"Somebody knows," said Majority of the then-unsolved murder that took him on the rounds of the city's gay bars. "Somebody knows just what happened to that sonofagun. Maybe four or five people know. It's just a matter of finding one of them." He was right. It wasn't Moriarty who found the tipster, but somebody did.

Each detective has his own method of questioning. Moriarty's combines patience, understanding and a not entirely spurious sympathy for the persons he's grilling.

"He has the ability to talk to a witness, to turn him from hostile to friendly," said Pitts.

"He can talk to anyone on any level and relate to them," said Asst. U.S. Atty. Harold Sullivan, who has worked with Moriarty for years and is an unabashed fan. "Jack's an extremely sensitive man. He understands the hangups people have. He can get inside them, find the hangup and erase it."

It has been said of Moriarty that he could charm the skin off a snake—and has frequently done just that. Part of it is inherited

(Irish all the way back, on both sides). But "it's more than just Irish b.s.," said Sullivan, as he recalled Moriarty's treatment of an informant in a case a few years ago.

The man has been in jail for some time and was being allowed his first family visit, Moriarty slipped him a nickel's worth of penny candy so he would have something to give his daughter when she came.

"He didn't do it for information," Sullivan said. "How could you buy information with a nickel's worth of candy? He just understood how the guy must feel, having his little girl see him in jail like that—and how important it would be for him to have something to give her. Jack would have done it for anyone . . . though, of course, it did establish a bond between them."

"Our clientele set the pace," is the way Moriarty puts it. "You try to tune into them. Keep them talking. Take abuse if necessary—it doesn't cost you anything. If they want to scream at me and call me names, that's all right with me. Just so they give the information I'm after."

Sometimes the questioning can be downright painful to a man of Moriarty's essentially straight-arrow nature. Like the interview he conducted recently at about 4 a.m. on a sidewalk in the 14th Street ghetto. ("Let's face it, we can't go to church and ask these people anything—and the people in church wouldn't be able to tell us anything.")

The subject of the interview was a certain notorious madam, who ran a stable of whores from her "office"—a Cadillac parked at the curb. Moriatry had a picture to show her, a photograph of a homicide victim.

"It's a lazy man's way of interviewing maybe 50 or 60 prostitutes," Moriarty explained. None of her girls or her competitors was suspected of the murder, but Moriarty thought the victim might have started at 14th Street on his fatal night or that word might have filtered back there.

The madam, a slim attractive black woman of about 30, dressed in an expensive, clinging white pantsuit, recognized the unmarked cruiser. ("They know if it's Homicide, Robery or Vice") as it pulled up at the curb opposite.

"Come over here, baby," called Myers pleasantly:

"You come on over here, honey," she replied, just as pleasantly.

"Which is by way of showing that she's smarter than you," muttered Moriarty. "Go ahead. Make the U-turn."

The madam played it to the hilt.

"What's up, Doc?" she said for openers, sipping an amber liquid through a straw and treating the two detectives like customers. "You got a little chump change you want to spend here?"

Moriarty kept his cool. ("If you can mentally grit your teeth, that's what I was doing," he said later.)

The scene that followed can only be described as poignant. Moriarty, middle-aged, respectable, business-suited, got out of the car, showed the madam the photograph and engaged her in a rather more formal—if not more business-like—conversation than she is used to from guys who look like him.

Fifteen or 20 minutes Moriarty stood there, hands in pockets, rocking back and forth on his heels, while the woman subtely mocked him with words and gesture, and in the end produced no more than a vague promise to ask around about the man in the photograph.

Back in the car, Moriarty couldn't help wondering how the madam could be so brazen, so heedless of the police presence. "She's operating like she has a license," he said, with undisguised bitterness. To Homicide, she was a source of information, and it is no part of his job to lock her up for loitering or soliciting. But he was tempted.

"One of these days we're going to lock her up," he said. "I'm going to say, 'Come here, I've got something to show you,' and it'll be a pair of handcuffs, not a photograph. And I hope to God I'm the guy that does it.

"It would be interesting to see who called me on it."

"We'll get her, all right," said Myers, "but I bet she'll be a victim, not a defendant."

Moriarty agreed. "She doesn't stand the remotest chance of dying a natural death."

Even on a quiet night, a homicide detective may have to demonstrate the apparent callousness of his job. A possibly fatal shooting had occurred before he and Myers came on duty, and they went to the emergency room of George Washington University Hospital to look in on the victim.

The suspect was the woman's boy friend, and his name and description were already known. Two bullets, one lodged in the spinal column, had nearly killed the woman. If she did die, it would be a case for Homicide, so they were just getting a head start.

While Myers stood on the side of the bed taking notes, Moriarty asked the woman questions, quietly but persistently, his voice calm, reassuring, sympathetic. Within five minutes, he had confirmed the identity of her assailant, established a motive (jealousy) and elicited a detailed rundown of the clothes he was wearing, the location of the apartment he lived in and the fact that he was righthanded.

"There was nothing forensic about that questioning," Moriarty said later when asked about the lefthanded-righthanded business. "It was just self-preservation. If he's lefthanded, you know which hand to look for a gun in, and it's the first one you put the cuffs on."

The doctor on duty had told the detectives the victim would live, but Moriarty disagreed. Doctors, he feels, are professional optimists, like airplane pilots.

"She'll be dead by tomorrow afternoon," he said. In this case, he was wrong and the doctor was right. The woman lived, but is paralyzed. Scratch one case for Homicide.

An hour or so later, on another swing through the 14th Street area (the church where Homicide's parishioners congregate most heavily), Moriarty and Myers spotted a young white girl standing all alone on the corner of 13th and S Streets.

Myers parked the car in front of her and Moriarty got out. The girl regarded him with wide-eyed complacency.

"What's your name?"

"Ummm . . . Mary."

"What are you doing here, Mary?"

"Ummm . . . Waiting for a friend."

"A friend?"

"Ummm . . . Yuh. A good friend. A friend of the family."

"I see. What's his name, Mary?"

"His name?"

"Yeah, the name of your good friend."

"Ummm . . . John."

"How much you taking now, Mary? interjected Myers from the car.

"Oh, I don't take the stuff, honest. I don't even like to be around people who take drugs."

"What are you doing here, then?" asked Moriarty. "You realize we're the only people around here who aren't on drugs?"

"I'm not on drugs," the girl insisted. "You can check my arms if you want." More questions brought her full name and her hometown—in Massachusetts.

"Why do you think we're interested in you?" asked Moriarty. "We're from the Homicide Squad. Do you understand that?"

No answer. Moriarty's fingers drummed on the roof of the car. The girl was breaking no law, there was nothing to do.

"Well. Mary, you go ahead, don't let us hold you up."

"Youh. Okay."

She walked off down 13th Street. Moriarty got back in the car. "I've got a girl at home bigger than that," he said.

An hour later, Myers spotted the girl heading into a building known as a center for drugs and prostitution.

"At least now, if she winds up on our hands," said Moriarty, "we'll know her name and where to look for her next of kin."

To hear Moriarty tell it, his work is seldom more than routine, and in the one case he admits was unusual—the Ammidown murder—his description stresses the comic aspects of the police procedure (which he arranged) with no hint that he was actually risking his life at the time.

His peregrinations around downtown Washington, posing as a harried wife-killer being victimized by an extortionist, are made to seem laughable, despite the fact that he was being trailed by two armed hoodlums who probably would have killed him if they discovered his identity.

In and out of the Hot Shoppe, in and out of the People's Drug Store, into an alleyway trailed by 18 fellow plainclothes officers who then had no way to get out save through the back door of the Presidential Arms Hotel. (Somebody picked the lock, apparently.) Everyone out but Moriarty when a car pulled into the alley. Fortuitous trash emptying by a janitor of a building backing onto the alley. ("White House security. I've got to go through to 13th Street. Your country will be proud of you.") In the clear, only to bump into the two hired guns at 13th and F. Down another alley, mingle with tourists outside O'Donnell's while the two tails search across the street. Duck back in the alley and sneak back to headquarters. Whew.

You listen to Moriarty, the native Washingtonian, Gonzaga High graduate, World War II Marine radio gunner, father of four ("The Pope's got some friends, you know") and you might just get the idea that a homicide detective's job is as quiet and uneventful as an insurance agent's or a shoe salesman's. And yet . . .

A young police reporter who knows them both compared Chief Pitts with Moriarty.

"I'd hate to have Pitts trying to get anything out of me. Did you notice the way he glares at you? His eyes sort of go out and bend down over his nose, like daggers. Sheesh"

And Moriarty?

Well, he'd joke with you, sympathize with you and understand just how you felt, and he's made you want to tell everything you know, even if it put you away for 99 years.

JOSEPH GEORGE, JR.

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. GUBSER. Mr. Speaker, in each of our lives we learn to know persons who are very special. To me one of these men was Joseph George, Jr., an unselfish benefactor of mankind, who did much for me as he did for thousands of others. Recently, Mr. George passed away and I have the honor of placing certain biographical material concerning him in the CONGRESSIONAL RECORD. As a very exceptional man, he deserves this special tribute.

The material follows:

JOSEPH GEORGE, JR.

In the past thirty-five years many men have come to San Jose and dramatically affected the lives of thousands of individuals with their kindness, thoughtfulness, humanitarian and other civic causes. But no one has been more helpful to individuals, big and small, than Joseph George, Jr. Close to 1,000 saddened individuals attended the services when the Reverend Dr. Philip Barrett and the Rabbi Joseph Gitin, D.D. spoke to his memory on Saturday July 1, 1972.

Because of his concern for his fellow man regardless of his faith, his work, and kind deeds he will always be remembered as one of our most remarkable figures.

His greatest concern was for his wife, Edith, whom he married in 1929, his son, Glenn, who is following in his footsteps, his daughter-in-law Bobbe, and the three grandchildren Kevin, Mindy and Bert ages 14, 12 and 11 respectively.

But here his story begins:

Born July 7, 1899 in Valdosta, Georgia, one of four children. His father was Joseph George, Sr. and his mother Sarah George.

His early education was received in Valdosta, Georgia. It was interrupted when he enlisted in World War I at the age of 17. He served his country in chemical warfare in Hawaii. After receiving his Honorable Discharge in San Francisco, he became a salesman for Glaser Brothers Candy and Tobacco Distributors. During the depression he moved to San Jose, where he opened a branch for their company.

In 1940, he took his big step by buying Koerber Distributing Company which employed 25 people. The business, with its ups and downs, grew and prospered. In 1946 he incorporated, changing the name to Joseph George Distributors. They now have 250 employees. The thing that gladdened his heart was his relationship with his employees. He took pride in the fact that they were his friends, as well as faithful coworkers. Their problems and those of their families became his problems, and he was never too busy to listen and help.

He, like Abraham Lincoln, did not belong to any specific church. His church was in the marketplace of life. All the men of the cloth were his friends. Back in 1954, a Methodist Minister was hospitalized with a heart attack and no medical insurance. A citizens' group got up a green back bouquet. When Joe heard of it, he immediately sent his check, which was well into three figures, with a special request to have the Minister's wife send all of her household bills to him for payment for the duration of the illness.

During his 30 years of community service, he earned the respect and admiration of thousands of his fellow citizens, and his many efforts will be forever remembered. He served as President of San Jose Rotary—made Man of the Year by San Jose Kiwanis Club—a 32 Degree Mason—Member of the Board of Regents Santa Clara University—Foreman Santa Clara Grand Jury—honored for his record of service in the cause of Brotherhood by the National Conference of Christians and Jews and by Temple Emanuel, because he was the exemplar of brotherhood—Member of Santa Clara County Board of Parole Commissioners—received the Distinguished Citizens Award—President of the old Community Chest, the Alum Rock School District names an Elementary School in his honor.

Members of City, County, State, and National Government, the Judicial, Professional, Bankers, Educational-Businessmen, and Men of the Cloth felt that they lost a dear and loyal friend whose advice and inspiration will be missed. Listen to these testimonials from some of the thousands whose lives have been affected by this outstanding individual.

Fred J. Oehler, retired Vice President, Wells Fargo Bank said: "He was a man of high integrity, generous with a concern for the well-being of his fellow man."

A. P. (Dutch) Hamann, Vice President of the University of Santa Clara and former manager of the City at San Jose said: "He was the most charitable and most honorable man I have ever known."

Ray Blackmore, former San Jose Chief of Police said: "Many times Joe asked me to take money for someone needing assistance or a person that needed help to erase his difficulties. He was always ready and willing to share a problem."

Rabbi Joseph Gitin, of Temple Emanuel, said: "Joe was a man of stellar character. His word was his bond and integrity was the hallmark of his life. He liked people and looked for their essential goodness. They liked him for what he was, a man who cared and was concerned."

Father Walter E. Schmidt, San Jose Senior Vice President of the University of Santa Clara and founder of the Santa Clara Youth Center said: "Joe was one of my first board members. Through his efforts the first $15,000 was obtained for our new youth building where youngsters profited greatly from his kindness and generosity."

Reverend Philip W. Barrett, D.D., Pastor of Foothill Community Presbyterian Church, said: "We will always be grateful to Almighty God for his generosity in putting Joe in this area, where he touched so many lives and made them much better."

Marshall Hall, Presiding Judge, Superior, Court said: "His efforts built a monument which will live forever as an example for others to follow."

DR. JUANITA M. KREPS

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. GALIFIANAKIS. Mr. Speaker, recently Dr. Juanita M. Kreps, already one of my most distinguished constituents, was elected to the 20-member board of directors of the New York Stock Exchange. Dr. Kreps is the first woman to be elected to the board in the 180-year history of the exchange—a fact which proves once again that she is indeed an outstanding person.

Dr. Kreps, James B. Duke professor of economics at Duke University, has always demonstrated excellence and competence in the tasks she has undertaken and I am confident that she will bring to her new position a wisdom that will serve the exchange and our Nation's economy well.

A former colleague of mine at Duke, Dr. Kreps recently resigned from her position as dean of the woman's college and assistant provost at that university. She has worked extensively and successfully with the problems of the elderly. Her accomplishments—too numerous to be listed here—include membership on the Task Force on the Older Poor and the American Council on Education, chairmanship of the Commission on Academic Affairs and vice-chairmanship of the North Carolina Manpower Council.

In addition to a leading text in economics, she has written extensively in the areas of labor and manpower, and in the economics of aging. She has served as a consultant to the U.S. Senate Special Committee on Aging; is now vice president and program chairman of the National Council on the Aging, and has served as a member of the executive committee of the Southern Economics Association. She is presently serving on the board of directors of the J. C. Penney Co., on the board of directors of North Carolina Blue Cross and Blue Shield, and on the board of directors of North Carolina National Bank.

It is a unique privilege for me to point out that Dr. Kreps is my constituent, for she has indeed brought honor to the Fourth Congressional District. But I am even more honored to proclaim that Juanita Kreps is my friend.

I am singly proud today to be able to share her remarkable accomplishments with all my colleagues from across the Nation.

MR. NIXON'S CASE IN AUGUST

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. GERALD R. FORD. Mr. Speaker, most reasonable persons would agree that the Christian Science Monitor offers one of the most balanced editorial policies of any of America's newspapers and is most objective in its news coverage. I therefore consider it of more than passing interest that the Monitor in its August 8, 1972, issue sets forth its reasons for stating that conditions in the United States are better today than they were 4 years ago. The Monitor editorial is not wholly complimentary to the Nixon administration. Rather, it presents both pluses and minuses as far as the administration is concerned. I commend a reading of the editorial to my House colleagues on both sides of the aisle. The editorial follows:

MR. NIXON'S CASE IN AUGUST

The statement was made on this page recently that conditions are better in the United States today than they were four years ago. It has been challenged by a reader who asks for evidence. We would submit the following on this subject which is of first interest to all voters beginning to think about how they will cast their ballots come November.

Four years ago the United States was at a peak of a military commitment in Vietnam. The war was taking between 400 and 500 American lives a week. It had long since divided the country bitterly over its justification, had disastrously upset the national budget, had unleashed the worst and longest round of inflation in American history, and yet curiously was accompanied by economic depression and disturbing unemployment.

Today the American commitment to the war is far down. From more than a half million Americans in Vietnam we are down to fewer than 50,000. True, some of these have been transferred to Thailand. True, American air and sea forces continue to support the South Vietnamese military effort from outside of South Vietnam itself. And true also, the bombing continues with debatable military results but deep anguish in the conscience of many Americans as well as most of the rest of the world.

However, the sending of American conscripts to Vietnam has ended. The rate of conscription is down to a peacetime level. And those doing what fighting is left for Americans are professional volunteers.

The war is not over, but the degree of American involvement is so low that in spite of the continued bombing the war has ceased to be a major factor either in the American economy or in American politics. Mr. Nixon, we think, will get a larger vote if he actually wins a negotiated end of the war by election day, but the war issue has been largely defused. We doubt that it will make much difference even if the war is still going on at present level.

The state of the economy today still leaves much to be desired. Unemployment continues high—5.5 percent now as against 3.6 percent four years ago. But the gross national product is up to more than a trillion dollars (stated in constant 1958 dollars, from $706.6 billion to $783.1 billion).

Profits are booming. And while we still have the remnants of the inflation that has dogged Mr. Nixon (ticked off, to be sure, by the $25 billion deficit in Lyndon Johnson's last year) the rate has been cut from an annual average increase in consumer prices of 5 percent for the past three years to 3.5 percent today. Housewives are not happy over the continued rise in prices. But the rate of rise is down, and still sinking back toward the 2.5 percent considered economically respectable under the Kennedy-Johnson reigns. At its height during Mr. Nixon's first term the inflationary thrust was a threat to the welfare of the United States in every way. Today it is below the average for modern industrial countries. The British rate is close to 10 percent. Comparatively speaking, American inflation is under control.

Perhaps most important of all is the quieting down of cities and universities. There was almost no serious student unrest last winter. There have been no major disturbances in the big cities this summer. The latest movement among students is back to religion, or what passes for religion. The Negro community, whose plight is both worsening or improving according to how it is measured, is nonetheless not resorting to rioting.

Whether Richard Nixon should get much, little or no credit for all this is another matter. The winding down of the war was started by Lyndon Johnson before he left the White House. It can be argued that had he chosen to run again and been reelected he would have done at least as well, perhaps better, at closing down the war and bringing the economy back towards stability.

It can also be argued that Mr. Nixon could have closed down the war sooner and could and should have acted more vigorously and faster to check the inflation and regain economic stability. And in view of the still widening gap between the rich and poor, it can be contended that he should have given higher priority to employment for the poor than tax relief for the rich.

But as of today there is less war and less inflationary push weighing on the American people and setting them at odds with each other than was the case when Mr. Nixon inherited the White House from Mr. Johnson, and it is basically on this that the President rests his case.

THE NIXON ECONOMIC MESS—WHOLESALE PRICES RISING FASTER THAN BEFORE THE FREEZE WENT ON A YEAR AGO

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. FRASER. Mr. Speaker, the failure of the Nixon administration to halt inflation and combat unemployment is shown again in the Wholesale Price Index for July released by the Labor Department on August 4, 1972. "Wholesale Prices Rise Sharply to Highest Level in 5 Months" was the headline that afternoon in the St. Paul Dispatch. "Wholesale Food, Industry Prices Keep on Rising," reported the Minneapolis Star.

The lead paragraph of the Associated Press story gave the bad news:

> Wholesale prices posted the sharpest rise in 5 months in July to continue increasing at a faster pace than before President Nixon's phase 2 wage-price controls, the Government said today.

The promised goal was to be 2.5 percent increase this year. When seasonally adjusted, the July increase for 1 month is 0.7 percent, or an annual rate of 8.4 percent. By contrast, July 1971 had shown a monthly increase of 0.2 percent, or an annual rate of 2.4 percent.

Runaway prices for farm products in July was the worst news for the worker and consumer. The 1-month increase of 3.3 percent translates into an annual rate of inflation of 40 percent.

What does the administration do about it? Little or nothing. They will not even face facts but issue an official interpretation that starts out like this: "The behavior of wholesale prices in July was mixed." An honest statement would have been "July was another month of failure on the inflation-control front. The economic mess we are in is getting worse."

CENTRAL INTELLIGENCE AGENCY THREATENS FREEDOM OF THE PRESS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. RANGEL. Mr. Speaker, the complicity of the Central Intelligence Agency in the Southeast Asian opium traffic has been well documented. The CIA subsidizes the hill tribes which produce the opium poppies, the corrupt governments whose officials traffic the drugs, and even an America whose planes and pilots have transported opium products in the Golden Triangle region. Furthermore, the CIA has refused to provide me with its reports on the narcotics market in Southeast Asia, reports which I have requested pursuant to the Freedom of Information Act.

Now we have learned that the Central Intelligence Agency is seeking to censor a forthcoming book by Alfred W. McCoy, "The Politics of Heroin in Southeast Asia." In an almost unprecedented move, the CIA contacted the book's publisher, Harper and Row, Inc., received an advanced copy of the material to be published, and submitted a detailed critique of the book. The words of CIA General Counsel Lawrence R. Houston are an ominous sign of the willingness of the CIA to threaten the fundamental freedom of the press guaranteed by the Bill of Rights. As Mr. Houston wrote to Harper and Row, Inc.:

> It is our belief that no reputable publishing house would wish to publish such allegations without being assured that the support evidence was valid.

Mr. McCoy, of course, provides voluminous documentation for his charges, documentation based on over a year and a half of research.

Freedom of the press cannot long survive in America if we tolerate this type of police state tactics.

EDITORIAL REPLY: "MORE GUN CONTROLS?"

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. HUNT. Mr. Speaker, due to the recent surge in this Congress for a more stringent system of gun controls, I would like to make my colleagues aware of some erroneous information that is being disseminated to the public by certain of our media. I recently received a copy of a reply by Mr. Warren Page, president of the National Shooting Sports Foundation, Inc., to an editorial of WOR–TV, channel 9, New York. Mr. Page asserts that WOR–TV misconceives the existing Gun Control Act of 1968 and offers erroneous statistical data to substantiate the misconception. I do not feel that our society should be provoked to panic by such demagoguery. Mr. Speaker, while there may be legitimate interest in severely curtailing the sale and purchase of the so-called Saturday night special, I feel there should be stiffer penalties for criminals who use firearms in the commission of a crime.

For the reference of my colleagues I include the following text of the editorial reply with which I concur:

> (In a recent editorial, WOR–TV called for stricter federal gun control laws. Here, with another point of view is Warren Page, President of the National Shooting Sports Foundation, Inc.)
>
> WOR–TV's editorial on gun control was loaded with statistical errata. They said 90 million firearms were held by civilians. Legitimate ownership by sportsmen is, if anything, higher. Twenty thousand annual gun deaths is a phony number. It includes suicides, accidents, and police shootings. Only half of that is criminal action, a bad situation, but a fact. One simply not to be altered by new law.
>
> In my opinion, the statement was loaded with ignorance of existing law. The Gun Control Act of 1968 does not restrict, but totally bans interstate handgun shipment save between federal licensees. It bans not only interstate mail order sales of long guns, but all individual shipments save between licensees or repairing factories. It totally stops the import of military handguns and long guns, of handguns in the so-called Saturday Night Special class. It does demand identification, via the 4473 form, necessary on any purchase.
>
> The editorial asks for injunctions against firearms purchase by felons, fugitives, addicts, and psychopaths. That has been on the books for 30 years.
>
> The assassins WOR–TV referred to have operated in defiance of existing law, as in the Maryland incident, or as I see it, would have been permitted firearms under WOR–TV's proposals. In New Jersey, recently, Mr. Grace had been cleared as a Pinkerton, held a New York permit, and actually bought his rifles in New York under the tightest laws in the nation.

WOR–TV should have directed its demands toward those areas of policing, prosecution, and punishment on firearms violation which are today so sadly deficient.

GUIDE EXPANDS TO MONTGOMERY COUNTY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. GUDE. Mr. Speaker, one of the most disturbing and menacing problems we face today is that of drug abuse. We in Congress may attack this problem on a nationwide basis, through international agreements to halt the flow of narcotics, through expanded Federal programs of drug education and similar routes. But an all-important aspect of our fight against this disease which continues to spread throughout the country is the involvement of the local community and the family unit.

In March 1972, GUIDE—Guidance and Understanding in Drug Evaluation—an adolescent drug counseling program, expanded its operation from neighboring Prince Georges County, Md., to my home district of Montgomery County. GUIDE counsels not only those already involved in drug abuse, but adolescents who are just beginning to experiment with drugs and those who are experiencing life problems which could be complicated by contact with the drug scene as well. Moreover, GUIDE counseling directly involves the parents.

I am pleased to bring this innovative drug counseling service to the attention of my colleagues at this time.

The article follows:

GUIDE PROGRAM EXPANDS INTO COUNTY

A new approach to the drug problem in Montgomery County has been initiated by the GUIDE Program, a program that found its original success in Prince Georges County beginning in 1968. Spearheading recruitment in schools, and recreation centers, the GUIDE Program meet with psychologists, psychiatrists and social workers trained in group therapy techniques. Therapeutic intervention focuses on problems youth have in becoming adults. Counseling sessions are held weekly in convenient neighborhood locations, with all activities being of a confidential nature.

Young people in groups consisting of peers are given the opportunity to explore their feelings and ideas about themselves, to discover where they are going in life and how they are going to get there. They examine the way they relate to their parents, teachers, friends, and others of importance in their life. They look at the use of drugs as part of their current life style and at alternative interests and opportunities which may be introduced into their life.

GUIDE, an acronym for Guidance and Understanding and Information in Drug Education, seeks contact with youth who are already involved in drug abuse as well as those who are just beginning to experiment with drugs and need an opportunity to examine their views. Young people who are experiencing difficulties and frictions with parents, school personnel or others which could be complicated by contact with the drug scene are also eligible for the program.

A special feature of the GUIDE Program is its work with parents. Most parents who find their son or daughter using drugs are at a loss as to what to do. Through the GUIDE Program parents are able to meet with other parents facing the same problems and are able to better understand their family and its difficulties beyond those presented by adolescent drug abuse.

Dr. Richard A. Wunderlich, the Director of the GUIDE Program, is an Associate Professor at Catholic University. He feels that a family working on its difficulties offers a more encompassing approach to the drug problem and has a higher probability of successful resolution than dealing simply with the adolescent alone. Community involvement is also viewed as important. To this end, GUIDE has had a close working relationship with the Gaithersburg Recreation Department, schools and churches of various denominations in Wheaton, Chevy Chase and Bethesda areas.

GUIDE can be easily contacted by phone (336–5550) or personally at Room 101, Psychology Department, Catholic University, Washington, D.C.

SILVER ANNIVERSARY OF THE ANTIOCH BAPTIST CHURCH CREDIT UNION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. STOKES. Mr. Speaker, it is with great pleasure that I congratulate the officers and members of the Antioch Baptist Church's Credit Union on the silver anniversary of their association. Under the eminent leadership of the Reverend Emanuel S. Branch, the assets of the credit union have grown to $800,000 and membership has increased to 1,516 persons. Since its creation 25 years ago, $4 million has been loaned to Antioch Credit Union members.

In addition, the Antioch Baptist Church's Credit Union has helped 30 similar organizations to get a start in the business. Officers are invited to address credit union gatherings throughout the State of Ohio and in adjoining States.

In 1946, the late Reverend Dr. Wade Hampton McKinney, in association with the Tuckegee Alumni Association and Mr. and Mrs. Robert P. Morgan, founded the Antioch Baptist Church's Credit Union. This was done to help improve the plight of returning World War II veterans and the economic condition of black citizens. When first initiated, the Antioch Credit Union had 82 members and assets totaling $147.

The organization grew to its present strength with the help of Ohio Credit Union League Field Representative Raymond J. Budbill; the supervisor of Credit Unions, Division of Securities of the State of Ohio; officials of the Cleveland Chapter of Credit Unions; members of the Veterans Bible Class; the Antioch Baptist Church's congregation; and members of Cleveland's business community.

Mr. Speaker, on October 6, 1972, this excellent organization will celebrate 25 years of growth, prosperity, and service to the Cleveland community. I hope that my colleagues will join me today in paying tribute and saying thank you to Reverend Branch, officers, and members of the Antioch Baptist Church's Credit Union on its silver anniversary.

HITTING THEM WHERE THEY HURT

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. BRASCO. Mr. Speaker, at the end of this January, the Long Island Restaurant and Caterers Association launched a boycott of French wines. This was not a blind, malicious act, although to judge by the howls of outrage from the French and their Foggy Bottom apologists, it could be classified as worse than that.

Rather, this was their means of impressing upon the Government of France that the people of our country were at last outraged and capable enough of acting on their own in retaliation against a calculated French Government policy: laxity on the part of French officials in cracking down on heroin-processing laboratories operating in and around the southern French city of Marseilles.

It is well known that this poison is flooding into our country as a result of the activities of Corsican criminal cartels, often operating with the knowledge and at times connivance of high French officials.

The boycott concept spread, and was adopted by many restaurant trade associations, plus the Federation of Labor Unions and the Long Island Federation of Women's Clubs. Religious and service organizations joined in the effort, plus hundreds of thousands of individual citizens, all seeking some way of striking back at the nation whose policies were creating a generation of heroin addicts in America.

The effect of this effort has reduced imports of French wines by about 40 percent, according to many importers. Obviously, this is what the French Government understands. Certainly it speaks louder than the mealy-mouthed excuses of our own State Department, whose only reply to accusations of French heroin trafficking and the wine boycott has been that we have a favorable balance of trade with the French. How nice. They send us wine and heroin. We send them machinery and diplomats, such as they are.

The wine boycott was part of a greater effort, which included open and blunt accusations of what our erstwhile allies are doing to America's youth. Belatedly, France is discovering that the little white powder is being ingested into the systems of her own young people. And while their estimated 20,000 addicts do not come near to matching our own 500,000, it is a promising start.

So they opened their left eye a smidgin, and lo, there were some heroin processing laboratories in the Marseilles area they previously had been unable to find. Laudably, French authorities sprang into action and raided a few. In 4 months, there have been four labs found and raided. Quite an improvement over their past record of two such seizures in the previous 11 years. Amazing what a little economic pressure can do. In this case, it was like swatting a jackass on the snout with a two-by-four in order to gain his attention.

I congratulate the French for their partial vision. Most of all, I congratulate our restaurant owners and their associates, who put business second to their country. The booby prize of course and as usual, goes to our very own Department of State, such as it is, which has yet to even admit there is even a problem. They join the New York City Board of Education in that corner reserved for those who see, hear, and speak no evil. It is a promising beginning, but only that.

SICKLE CELL ANEMIA CURE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. MICHEL. Mr. Speaker, the Washington Post on Wednesday carried an article by columnist William Raspberry in which he discusses some popular misconceptions about sickle cell anemia, and about what can be realistically expected from our increased medical research efforts.

There is widespread concern over this serious medical condition that results in considerable pain and suffering for many black Americans, and it is helpful to have these aspects of the sickle cell anemia problem brought into better perspective.

The article follows:

[From the Washington Post, Aug. 9, 1972]

SICKLE CELL ANEMIA CURE

(By William Raspberry)

It's not clear how it happened, but the feeling has swept the land that we are only a year or two away from a cure for sickle cell anemia—and that the cure for the disease, which strikes black people almost exclusively, would have been found years ago except for racism.

An argument can be made that more research money would have been available sooner if white people had sickle cell trait, too. But even with the growing availability of funds, there is entirely too much optimism regarding the possibility of a "cure," as that word is generally understood.

Dr. Rudolph E. Jackson, coordinator of the National Institutes of Health's sickle cell program, responds to the question of cure quite directly:

"I see no cure on the horizon. The reason for that is that a cure will lie in changing one's genetic structure." And that, he noted, is a very complicated undertaking.

Its very complexity, in fact, may be the reason for so much misinformation and false optimism about a "cure."

One researcher—not Dr. Jackson—puts it this way:

"It is difficult to put across the idea that sickle cell anemia is not a 'disease' affecting a healthy organism, one which can be isolated, cultured, transplanted to experimental animals and so on. It is a basic abnormality in the organism itself, like hemophilia. And nothing successful, or even promising has been accomplished against hemophilia, either, in spite of the fact that its most publicized victims are not only white, but also royalty.

"In fact, it would seem that hemophilia should be more hopeful of solution since it involves a lack of something in the manufacture of the blood, which might, with luck, be supplied artificially, as insulin is supplied to diabetics.

"Sickle cells are a presence of something in the blood; and this is a far tougher row to hoe. Even if you could alter the structure of the cells, the victim's bone marrow, patterned to produce the abnormality, would go right on producing it. So far, you monkey with bone marrow at your peril. And your patient's."

Viewed in that light, much of the talk about finding a cure for sickle cell anemia is grossly misleading, Dr. Jackson agrees.

"There has been a lot of talk about cures in the past," he said. "A beautiful example is a couple of years ago when scientists announced some promising results with urea. Two newspapers and (a nationally circulated black-oriented) magazine came out with headlines saying: 'Cure Found for Sickle Cell.'

"Well, obviously there was no cure, and the magazine subsequently retracted the 'cure' statement."

The same thing happens with every hopeful new sign, Dr. Jackson said, indicating that this may be one of the things that has so many people thinking a cure for sickle cell disease is just around the corner.

But if Dr. Jackson worries about excess optimism, he is also loath to sound overly pessimistic. "You have to think of people who have the disease," he said. "You don't want to paint such a picture of despair."

Well, you don't have to. It is altogether possible to speak candidly about the unlikelihood of finding a cure any time soon and still be reasonably optimistic about finding ways to control the disease.

The diabetes analogy is apt: There is no known cure for diabetes, but the artificial supplying of insulin controls the disease very well. If it were possible to do as much for sickle cell disease, its victims would greet it not with despair but as a genuine miracle.

One miracle is already in the bank: That is the work at Howard University that has made it possible to identify carriers of sickle-cell trait (something that still eludes researchers in the case of hemophilia and other genetic disorders).

Sickle cell trait is, of itself, harmless. But the offspring of two carriers of the trait run about one chance in four of having sickle cell anemia.

The miracle, then, is that the identification of a genetic pattern that will make it possible to eliminate a genetic abnormality. But implementing the miracle involves (horrible-sounding phrase) selective reproduction.

The very idea is enough to trigger bitter charges of everything from Godliness to genocide, which I'll discuss in a subsequent column.

SISTERS OF ST. JOSEPH CELEBRATE 100 YEARS OF SERVICE TO CLEVELAND

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. JAMES V. STANTON. Mr. Speaker, as the Sisters of St. Joseph commemorate on August 16, 100 years of service to the diocese of Cleveland, I would like to extend to them my warmest congratulations and best wishes for the future. As a small boy, I benefited immeasurably from the wise counsel and guidance offered by the sisters. No responsibility is greater than that of preparing children for the challenges which will face them in the world, and because of their selflessness and dedication, the Sisters of St. Joseph perform this task with matchless excellence.

A statement of the achievements of the sisters follows:

On Wednesday, August 16, the Sisters of Saint Joseph, 3430 Rocky River Dr., Cleveland, Ohio, will celebrate one hundred years of service to the Diocese of Cleveland. They will mark the day with a Mass celebrated by Bishop Clarence Issenmann at 11:00 A.M. at Our Lady of the Angels Church. Homilist will be Fr. Vincent P. Haas, pastor of St. Colman Church where the Sisters have given 86 years of uninterrupted service. The Bishop and officers of the Mass will join the 324 Sisters for dinner at Linus Hall following the Mass.

Sister Mary Brigid, Superior General of the Sisters of St. Joseph says:

"We Sisters of Saint Joseph feel that it has been a privilege to have served the people of the Cleveland diocese for one hundred years. To praise and thank God for all of the precious blessings, friends, and members we have been gifted with, we are celebrating this year. We hope to share our gratitude and joy for these years with many friends.

"We are also looking ahead to our next hundred years and to the needs to be met. We hope to raise enough funds to take adequate care of our aging and ill Sisters. These are the women who have served a lifetime and have given us the rich heritage we have. We owe them all of the loving care we can provide for them.

"Because we are women dedicated to service, we try to update our Sisters' preparation continuously. Without study and training we could not hope to be ready to serve people's needs in the future. We need funds for this, too.

"I see our centennial year as a moment in the present when we have stopped to look both ways: to our past, with gratitude to God, family and friends; and to the future, with hope and faith in this same Lord and in each other."

The Sisters of St. Joseph were founded in France in 1650 and came as missionaries to North America in 1836. In the interest of Catholic education, Bishop Richard Gilmore, the second Bishop of Cleveland, invited the Sisters to Cleveland. On August 16, 1872, three Sisters came to St. Mary School in Painesville to teach, thus marking what is now "a century of service."

Throughout the years, over 600 Sisters have given 16,600 years of service to the people of the Diocese of Cleveland in education on all levels, in the social services, guidance and counseling, religious education, adult education and pastoral ministry.

Today over 300 Sisters staff 2 high schools (St. Joseph Academy and Nazareth Academy) and 23 elementary schools in Cleveland and one in Canton, as well as serving in many other diocesan and educational institutions.

MORE ON THE ADVERSE EFFECTS OF MINIMUM WAGES ON MINORITY GROUPS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, I am most gratified to note that my distinguished colleague, the gentleman from Pennsylvania (Mr. DENT), has taken the time to read my remarks in the RECORD a week ago last Thursday regarding the adverse effects of a minimum wage on minority groups.

I am somewhat saddened, however, to be forced to the conclusion that his perusal thereof was apparently so cursory that he missed the entire point of the discussion.

In his statement in the RECORD, Mr. DENT starts out by turning around the entire thesis of the study I summarized, saying—

> It makes the case that only through the imposition of a subminimum wage for teenagers can you bring about the substitution of teenagers for adult workers.

In the first place, neither I nor anyone I know advocates the substitution of teenagers for adult workers; nor have I ever heard anyone advocate the imposition of a "subminimum wage" on anybody. Secondly, the actual point of the study, as I emphasized, was that the imposition of an artificially high legal minimum wage severely limits the employment opportunities for marginal workers, particularly teenagers who have not yet had the opportunity to develop their work skills. It is the artificially imposed legal minimum wage which prevents the employment of workers who might otherwise be profitably employed to the greater benefit of all.

There is absolutely no evidence in the study to support Mr. DENT's contention that a "youth differential" would lead to the substitution of teenage workers for adults who would otherwise be employed.

The study did not examine or attribute to the minimum wage any effects or aggregate employment. Total employment is determined by monetary and fiscal policy. The minimum wage has the effect of cutting off minority groups and the young from the benefits of economic and employment growth.

The gentleman continues by noting that one finding of the study was that minimum wages contribute to increased stability of employment for adults. I am glad to see that he accepts this conclusion without qualification, because this implies his acceptance of the other part of the same conclusion which he did not mention, to wit, that this increase in stability is concentrated among white, male adults, and that the cost of this increased stability is borne not by employers but by teenagers, particularly black teenagers. The unemployment rates for male and female black teenagers are 23.1 percent and 37 percent, respectively. These compare with a rate of 3.8 percent for white male adults. A very substantial portion of the difference is attributable to the presence of the minimum wage. I, too, am in favor of employment stability for white male adults, but I do not believe in preferential treatment for this group over black teenagers.

Mr. Speaker, the economy is presently in the process of recovering from a recession and simultaneously attempting to assimilate into the labor force an unprecedented number of young inexperienced workers, the product of the postwar "baby boom." We could not pick a worse time to construct additional impediments to the entrance of such workers. The adverse effects of so doing would be manifold and extensive. First, there is the loss to the economy of the potential productive power of those who would be denied employment. Second, there is the increased cost to the taxpayers resulting from the growth of the welfare rolls. Third, there is the restriction of opportunities for the young to acquire the training and experience which would make them more employable and more productive in the future. And last, but by no means least, there is the perpetuation of the ethic of despair resulting from the destruction of confidence and the loss of ambition on the part of those young workers who find themselves trapped in a situation wherein they cannot get a job because they lack skills and experience, and they cannot acquire these skills and experience because they cannot get a job. It is well recognized that this vicious circle is one of the primary causes of disenchantment on the part of the young and minority groups with "the system" or "the establishment."

Mr. Speaker, let us not exacerbate this situation. I implore that the House conferees be instructed to bear these issues in mind and to insist on the House version of the minimum wage bill, rather than accede to the grossly irresponsible measure which has emerged from the Senate.

NATION'S FIRST LIQUID METAL FAST BREEDER DEMONSTRATION REACTOR TO BE BUILT IN TENNESSEE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. EVINS of Tennessee. Mr. Speaker, based on information which I received from authoritative sources, I was pleased to predict on August 2 that the $500,000,000 liquid metal fast breeder demonstration plant would be located near Oak Ridge, in Roane County, Tenn.

I am pleased to announce that my prediction was confirmed by Chairman James R. Schlesinger of the Atomic Energy Commission on August 8 last.

Some 2 years ago I joined with my colleague, Representative JOHN RHODES of Arizona, the ranking minority member of the Subcommittee on Public Works-Atomic Energy Commission Appropriations, in urging the Atomic Energy Commission to locate the plant in Tennessee as a joint venture with Tennessee Valley Authority.

I am pleased that this recommendation has been followed and that the project will be a joint venture with TVA, AEC, and private utilities.

Our subcommittee last year recommended $50 million for this project which Congress approved—and this year we recommended another $285 million—$50 million for the plant and $234.5 million for related technology. This has also been approved by the Congress.

Our subcommittee, in commenting on this technology, said:

> Because of the serious energy situation facing the nation, the Committee has continued to give high funding priority to the many power related agencies and activities covered by the bill including planning and construction of hydroelectric projects by the Corps of Engineers and the Bureau of Reclamation, the expenses of the power agencies of the Department of the Interior in the marketing of power from federal projects, and research and development on nuclear power reactors by the Atomic Energy Commission.
>
> The Committee has continued in the bill its full support of the budget request of the Atomic Energy Commission for the development of an economic Liquid Metal Fast Breeder Reactor (LMFBR). A total of $285 million is included in the bill for research, development, and demonstration of this technology which is expected to make a major contribution toward meeting the rapidly growing energy needs of the nation. The Committee is impressed that only uranium offers the potential of meeting the long range energy requirements of the nation which are estimated to nearly quadruple by 1990, based on the recently issued National Power Survey report by the Federal Power Commission. Present nuclear reactors utilize only one to two percent of the potential fissionable material contained in uranium. Through transmutation of Uranium-238, the LMFBR will be able to utilize uranium 40 times more efficiently than today's nuclear plants—thus extending for centuries the energy resources available for generating electric power.
>
> The funds recommended by the Committee include the additional $50 million requested in the budget to provide total Federal appropriations of $100 million for participation with industry in the construction of the first LMFBR demonstration plant. Although the Committee has received testimony in opposition to proceeding with further research and development and demonstration of this technology, the Committee believes that continuation of the effort is essential. The arguments are persuasive in view of the threatened power crisis. The program has been recommended by the President and the Joint Committee on Atomic Energy and has been authorized by the Congress. The Committee is convinced that all steps necessary are being taken to assure that the development of the technology will continue to be conducted with maximum safeguards as to safety and protection of the environment. It is only through continuation of the basic research and development and demonstration that it will be possible to find the answers to the questions which have been raised. In summary, the Committee feels there is no alternative to proceeding with the development of this technology if the future energy requirements of the nation are to be met in timely fashion.

Certainly I want to commend AEC and Chairman Aubrey Wagner of TVA for their decision to locate this plant in Oak Ridge and Roane County, Tenn.

This is an ideal site—near the tremendous scientific resources and brainpower at AEC facilities in Oak Ridge and located in an area where nuclear energy is accepted as a fact of life.

In this connection I place in the RECORD herewith the official TVA announcement concerning the plant and articles from the press in Tennessee announcing its location at Oak Ridge and commenting thereon:

TENNESSEE VALLEY AUTHORITY ANNOUNCEMENT

A. J. Wagner, Board Chairman of the Tennessee Valley Authority, announced today that the demonstration liquid metal fast breeder reactor (LMFBR) will be located on a 1,360-acre tract on the Clinch River near Oak Ridge, Tennessee.

The announcement was made following a meeting in Knoxville of the principal officials planning the breeder program: James R. Schlesinger, Chairman of the Atomic Energy Commission; James T. Ramey, AEC Commission Member; Thomas G. Ayers, President of Commonwealth Edison Company, Chicago; Mr. Wagner; and Don McBride, TVA Board Member.

The site is being provided by TVA as part of its contribution to the project. Commonwealth Edison will also make a substantial management and personnel contribution in addition to financial support. Other electric utilities throughout the country, both privately- and publicly-owned, will provide additional financial assistance.

"In the search for a suitable site several alternatives were examined," Mr. Wagner said. "There was general agreement that either the Clinch River site or the John Sevier Steam Plant near Rogersville, Tennessee, would meet the essential requirements of the demonstration.

"The John Sevier site would involve the problem of using existing turbogenerators and hooking on the steam source from the breeder reactor. The Clinch River site would involve the extra cost of new turbogenerators and related equipment designed especially for the requirements of the demonstration plant.

"At the conclusion of our siting studies several days ago, TVA suggested that the John Sevier site should be used because it would represent a saving in the range of $20 million to $40 million in capital cost. On the other hand, the engineering requirements associated with a "hook-on" at John Sevier were considered to outweigh its cost advantage. In this light, since TVA had concluded that either site was satisfactory, the Clinch River site was agreed upon.

"It is important to recognize that the actual construction of the breeder plant will be conducted by a new corporation, the Project Management Corporation (PMC), separate and apart from TVA, Commonwealth Edison, and AEC. This organization is now being assembled, administratively and legally.

"Several steps must be taken before actual construction of the project can begin. For example, the environmental aspects of the project must be fully examined in conformity with the National Environmental Policy Act and public licensing hearings held. Only after this is done and a construction permit has been issued can work begin on the site. In addition, further geological exploration of the site and design work on the plant must be completed. We believe it will be at least two years, therefore, before actual construction forces arrive on the scene.

"Preliminary estimates indicate that it will probably take five years to build the plant after construction begins. These estimates indicate that the construction force may peak at about 1,500 workers.

"The importance of the reactor in the search for long-range sources of energy for the Nation cannot be overestimated. The objectives in building the breeder will be to demonstrate operating performance, reliability, maintainability, environmental compatibility, and economics in a working electric utility context.

"We wish to emphasize, however, that the reactor plant and its associated facilities will be designed to operate safely and with minimum environmental effects. Safety is to be an overriding concern and will not be compromised to achieve the goals in other areas."

[From the Tennessean, Aug. 8, 1972]

First N-Breeder Power Plant Site Chosen

Knoxville.—The government has chosen a 1,360-acre tract on the Clinch River midway between Oak Ridge and Kingston as the site of the nation's first east breeder nuclear power plant.

The $500 million project is designed to be a model for solving the country's energy needs for thousands of years to come.

Chairman James R. Schleslinger of the Atomic Energy Commission (AEC) flew here from Washington to make the formal announcement jointly with officials of Tennessee Valley Authority and Commonwealth Edison Co.

TVA and Commonwealth Edison had been picked previously as builders of the prototype nuclear facility.

Schlesinger called the project "a unique joint venture involving participation by the utilities of the United States, both publicly and privately owned, and the federal government."

Private utilities have agreed to finance nearly half the estimated cost of the plant. TVA will put up $22.1 million, and Commonwealth Edison $11.4 million. The AEC will supply the balance.

TVA chairman Aubrey J. Wagner said it will be at least two years before actual construction will begin. He pointed out environmental aspects of the project must be fully examined in conformity with the National Environmental Policy Act and public licensing hearings held.

In addition, Wagner said, geological exploration of the plant site and design work must be completed.

The TVA chairman said preliminary estimates indicate it will probably take five years to build the facility.

If the plant proves to be a good performer economically, as Wagner put it, its 300,000 to 500,000 kilowatts of electricity will be fed into the TVA power system.

The reactor is called a breeder type because it will, if all goes well, produce more nuclear fuel than it consumes.

"The importance of the reactor in the search for long-range sources of energy for the nation cannot be overestimated," Wagner told a news conference.

"The objectives in building the breeder will be to demonstrate operating performance, reliability, maintainability, environmental compatibility, and economics in a working electric utility context.

"We wish to emphasize, however, that the reactor plant and its associated facilities will be designed to operate safely and with minimum environmental efforts."

[From the Oak Ridger, Aug. 9, 1972]

LMFBR: A Demonstration Also in Positive Response?

Official announcement of the selection of the site for the Liquid Metal Fast Breeder Reactor was anti-climactic to say the least. Good as it was to have U.S. Atomic Energy Commission Chairman James Schlesinger and AEC Commissioner James Ramey fly to Knoxville, they need hardly have bothered as far as the ceremony was concerned.

Why did U.S. Rep. Joe L. Evins announce the news last week? Hardly for political reasons. Neither Oak Ridge nor Roane County are any longer in his district. We accept that he knew it to be a fact, that it was becoming more and more widely known among the officials concerned and that he felt that it was time the public be made party to the fact as well, which is a very proper way to feel.

Others seem intent on referring to the site only as "near Oak Ridge." It will take time, apparently, to accustom non-Oak Ridgers to the fact that the Oak Ridge city limits include all of the government nuclear reservation here.

The site selection if, of course, only one of many developments and announcements that will be forthcoming relative to the reactor. Not very often is a site chosen for a major project such as this and then the selection qualified by saying that it will be at least two years before any actual construction begins. This is the way things are, however, with this reactor.

There are many preliminaries necessary. Likely the most complicated and controversial will be the drawing up of further and more specific "environmental impact statements." These are required by law. They will also be very necessary to answer what will quite likely be challenges to the reactor made by environmentalists and conservationists as well as, quite possibly, competing energy system advocates.

Part of the reason for the selection of the Oak Ridge site, it is presumed, is the wider public acceptance of the project that is expected here. Living with nuclear reactors—even new concepts of nuclear reactors—is nothing new in Oak Ridge. Yet this is a national project with major national implications and, therefore, it is generally accepted that national environmental issues will be raised no matter where the LMFBR is located. There may only be less local sympathy for such questioning here.

Local sympathy, that is, for unreasoned questioning. Well grounded requests for prior analysis of effects of the reactor—positive as well as negative—are not at all unreasonable. It is to answer these that environmental impact statements are now required. But the history of reactor projects has been that these statements are often challenged automatically by the more determined (extreme) of the challengers, now usually referred to as "intervenors."

What role the several very active local environmentally-concerned groups will play remains to be seen—Tennessee Citizens for Wilderness Planning, the Environmental Action Council of Oak Ridge and City Council's official Environmental Quality Advisory Board. They would all seem to be in somewhat unusual and sensitive positions. EQAB is a creature of City Council, which has actively urged the location of the LMFBR here. TCWP and EACOR both involve those who would seem to be, through their employment at Oak Ridge National Laboratory, either directly or indirectly involved with the LMFBR project.

There will surely be some suggestion of conflict of interest—TCWP and EACOR leaders, especially, under pressure to show that they are consistent—not protesting technology elsewhere while condoning it on their home grounds.

But there is a more positive way to look at the whole situation.

The LMFBR is a demonstration plant. It is to be built as a showplace—a large-scale power-producing breeder reactor to show that other large-scale power-producing breeders are a very good answer to the nation's critical energy needs of not too many years ahead.

Here in Oak Ridge, where there is both a high tolerance of nuclear facilities as neighbors and also a high level of citizen activism for the environment, the project could well be a demonstration in another respect.

As surely as breeder technology has now reached the stage where something of the scale of the LMFBR is practical, citizen concern for the environment and government response thereto should now have reached the stage where the two can work together in the planning, designing and licensing of such a project much more positively and less as the kind of raw antagonists they have seemed to be in so many similar situations in the recent past.

EGLIN'S ADTC—BUSINESS END OF THE AIR FORCE

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. SIKES. Mr. Speaker, the Air Force magazine for August 1972, contains an informative and well written story on the smart bombs developed at the Air Force Systems Command Armament and Development and Test Center at Eglin Air Force Base. These bombs have been a key factor in the high effectiveness of the current phase of the air war in Southeast Asia. The article is by Mr. Edgar Ulsamer, the senior editor of this important publication. He quotes at length Maj. Gen. Jewell C. Maxwell, commander of the Eglin center about the smart bombs and other weapons developments in the crucial armament field.

The article follows:

EGLIN'S ADTC—BUSINESS END OF THE AIR FORCE

(By Edgar Ulsamer)

The some 10,000 military and civilian people of the Armament Development and Test Center (ADTC) at Eglin AFB in the Florida Panhandle call themselves the Air Force Systems Command's "Fourth Product Division." The message is unmistakable: After years of dropping bombs developed by the US Army and firing missiles designed by the US Navy, the Air Force now recognizes that the tools of conventional, nonnuclear war are as important to its mission as are those of AFSC's three older products divisions—SAMSO's ICBMs and spacecraft, the Aeronautical Systems Division's aircraft, and the communications, command, and control systems of the Electronic Systems Division.

Maj. Gen. Jewell C. Maxwell, ADTC's Commander, put it this way to AIR FORCE Magazine: "We are the business end of the Air Force. After literally quitting the munitions business in 1960—we were down to a staff of fewer than 100 people and an annual budget of barely $1 million—the Air Force is now determined to establish broad and solid capabilities in munitions and to stay in this vital field on a permanent basis."

The term munitions, in ADTC's sense, extends from guided glide bombs to air-to-air missiles and from armor-piercing aerial guns to laser-guided air-to-ground missiles. ADTC, which traces its beginnings to the post-World War I Air Service Board at Langley Field, Va., did not ascend to its present stature until last year when it was given responsibility for the development, test, and acquisition of "smart" bombs and nonnuclear, air-launched missiles. The Center acts now as the Department of Defense's lead agency for laser-guided conventional weapons and aerial guns.

"We are now comparable to a product division, but we are unique in that we are able to do the exploratory research, the development, the acquisition, and the procurement within ADTC in addition to physically testing these munitions. We are the only organization in the Air Force that has this total spectrum of capability. The physicist, the chemist, and the engineer in the labs can also observe the actual testing of the design concept, and learn from it. With this total capability, and with consolidation and centralization of management, we have truly created a 'center of excellence' for air-launched, nonnuclear munitions," according to General Maxwell. (ADTC is co-located with the Tactical Air Command's Tactical Air Warfare Center, with the latter testing and evaluating under operational conditions the systems produced by the former.)

ADTC's existence and mandate represent, by themselves, a new departure in terms of Air Force policy regarding munitions. When the Air Force came into being twenty-five years ago, virtually none of the means and know-how associated with munitions development, testing, and production was transferred from the Army to USAF.

Paradoxically, all conventional bombs used by the Air Force in the past were developed and acquired by the Army even though the Army does not use bombs. But the requirements of the Vietnam War and the resultant advances in guided-bomb and sensor technologies have provided compelling motivation for the Air Force "to treat the broad field of munitions as both vital and integral elements of our mission," General Maxwell said.

"What's needed are weapons that can be used [against an enemy] with specific and totally predictable results. This means accurate weapons with sufficient lethal radius and a specific kill mechanism that can be delivered under day, night, and varied weather conditions and that can suppress the growing enemy air defense capabilities.

"We know all these qualities are attainable. Over the past few years this country invested a great deal of effort and treasure in the munitions field with the result that we now have quite a bag of technological tricks available to us," General Maxwell explained. He emphasized that the "quantum jump in target detection and accuracy, which resulted from the introduction of laser-guided bombs, electro-optics, and other guidance and sensor technologies, makes it possible for us to fight conventional wars in a way and under conditions that we would have considered impossible just a few years ago."

This technology, he said, has yielded a "crop of first-generation systems that are now ready for refinement and extension into other applications." General Maxwell cited examples of guidance technologies that can be linked with different warheads and propulsion systems on an interchangeable basis.

THE APPEAL OF MODULAR WEAPONS

Conventional armament, because of its limited radius of effectiveness, tempts the developer toward proliferation, whereby many different weapons are sought to perform as many different missions in a tailor-made fashion. But excessive optimization, General Maxwell warned, is not compatible with cost-effectiveness, the "primary consideration underlying weapon-system development. We can't afford new weapons that are one or two percent better than what we have in the inventory. We must find the proper balance between weapons for specific circumstances and weapons that can easily and readily be adapted to a variety of uses.

"Some degree of interchangeability and modularity between sensor, guidance, warhead, and propulsion is obviously mandatory. This can and is being done now. The laser, electro-optical, or IR guidance devices that we use on our general-purpose weapons to furnish them with unprecedented accuracy can be used for cluster weapons and other munitions that require precise delivery to the target. There is no longer the need to develop all major components of a weapon system from scratch. Instead, we will be able to combine various guidance packages with various sensors, various warheads, and various propulsion and flight-control systems. It is possible to take this approach in the case of air-to-air as well as air-to-ground weapons."

The payoffs from the modularity concept, which is still in a preliminary stage, can be expected to be far-reaching and to have direct impact on the two most crucial factors of conventional air warfare—the attacker's ability to stand off from the terminal defense area, and the accuracy of weapons delivery. The former invariably will require flexibility in terms of available guidance systems and the latter precise target designation and lock-on to the target. It is this ability to incorporate various guidance and seeker devices into different weapons to tailor them to individual missions that gives the modularity concept its excellent operational potential.

THE ACCURACY CHALLENGE

Recent advances in guidance have improved the accuracy of aerially delivered weapons in a "phenomenal way," in General Maxwell's view.

"But there is still room and need for improvement. Our present system of laser designation enables us to place our 2,000-pound general-purpose bombs close to a target. If the target is a bridge revetment or a dam, probably only a direct hit will be effective. The same may be true for a tank. We know how to achieve the high accuracies that are required if weapons of limited effect are used against hard targets, but the costs are prohibitive so far as general use is concerned. One of the key challenges we face at the Center is to come up with more cost-effective approaches to accuracy," General Maxwell said. He cited as an example the Maverick missile "whose relatively small warhead is delivered with such accuracy that it can destroy any tank."

Other efforts by the Center to increase the lethality of aerial weapons involve special, hard-target munitions. In Vietnam, many direct hits have been needed to drop the spans of bridges, but frequently have failed to destroy the cement supports and revetments. The result is that the enemy often has been able to repair the bridge rapidly, sometimes within a day or two. Present munitions tend to ricochet from hard surfaces and explode harmlessly away from the target. General Maxwell explained that "what we need is a warhead that can penetrate the hard structure and detonate inside the target." He declined to discuss the techniques for accomplishing this, but revealed that "we are pursuing this task intensively because it is vital to the Air Force."

Spurring on the Air Force in efforts to achieve greater accuracy and lethality in its aerial munitions is the advent of the remotely piloted vehicle (RPV), according to General Maxwell. RPVs are seen as the logical future tool for strike and defense-suppression missions in heavily defended areas. So far as munitions development is concerned, "the RPV affects everything we do. In the final analysis, an RPV requires the same capabilities and characteristics to perform attack missions as a manned aircraft; it must identify targets, it must designate them, and must be able to attack them successfully. But we can't afford to use RPVs in concert with the old techniques of attacking targets with thousands of bombs, relying on the probability that some will actually strike the target. The economic premise of RPVs makes high accuracy and effectiveness of their weapons delivery a precondition. This is especially crucial since RPVs will be deployed against highly defended targets," according to General Maxwell.

WORKING CLOSE TO FRIENDLY GROUND FORCES

Accurate target designation and delivery of weapons take on added importance in close air support. Here, the laser designator is proving itself useful under many conditions. "By using a periscope, ground troops in a trench or other fortification can illuminate a tank or hardpoint in an unambiguous way so our laser-guided aerial munitions can home in on it. Of course, we still need a range of safety features. Some of the key considerations hinge on devices and options that prevent the weapon from going off if it fails to find its target. Under certain conditions we also require more positive assurance that we are going after the right target.

"The advent of laser guidance has opened up new and promising areas for the close-support mission," General Maxwell stated. One of the most desirable attributes of laser guidance, he said, is "the flexibility it gives us. Almost anyone can designate the target. He can be a ground gunner, an FAC, or a self-contained unit. The method of designation does not affect the final phase of weapons deployment. Once the pilot lets go and the bomb is in the basket [the broad area within which the system's guidance is effective], the process is automatic and always the same."

One of the original weaknesses of laser guidance—the requirement for the FAC to circle the target area during the entire period of weapons delivery—is being corrected.

TOWARD AN ALL-WEATHER CAPABILITY?

ADTC's most difficult, and possibly most challenging, task is to provide tactical air power with an all-weather weapons-delivery capability. General Maxwell explained that the "nature of the problem and its complexity make this a very tough challenge. At best, we can hope to come up with limited capabilities in this field. It might be possible, for instance, to attack area targets, if the areas involved are sufficiently limited in size and correspond with the lethality range of the weapons. But for the moment, I don't think it is possible to position the attacking aircraft with enough accuracy to take on a mobile and hardened target such as a tank." He added that most guidance systems of great accuracy "tend to be fair-weather devices."

AIR-TO-AIR MISSILES

While the Armament Development and Test Center was given the responsibility for the development of air-to-air missiles about a year ago, no major hardware development has been launched as yet. But the Center works with the US Navy in the development and test of the two principal air-to-air missile systems currently under development in the United States. They are the AIM–9L dogfight missile, which is in the early stages of development, and the AIM–7F medium-range missile (a derivative of the Sparrow missile but with greater reliability and capability), which has entered flight test. The F–4 and the F–15 (the Air Force's new air-superiority fighter) will use both of these air-to-air missiles. General Maxwell said both missile systems are progressing "very well."

The AIM–7F Sparrow is a radar-guided missile designed to furnish an all-angle attack capability under all weather conditions against high-performance aircraft in an enemy electronic countermeasure environment. The Navy, which is developing the missile for both services, may award a pilot-production contract early in 1973.

The AIM–9L Sidewinder uses an infrared heat-seeking guidance system and differs from earlier Sidewinder models in terms of guidance and control, an improved fuze and warhead, and increased aerodynamic range. A pilot-production contract on this joint program could be awarded by the end of this year. The AIM–9L has been designated by the Department of Defense as an "interim" short-range missile and was approved for development following cancellation of the AIM–82 missile program in 1970. Presumably, the AIM–9L will eventually be replaced by a weapon system using completely different and advanced technologies.

Asked whether the AIM–7F missile can provide the F–15 with the range and other capabilities needed to cope with such advanced Soviet fighters as the Mach-3-plus Foxbat, General Maxwell stressed that "this missile gives us all the range we currently need." For the time being, with present IFF equipment (identification, friend or foe), radar-controlled air-to-air missiles with vast range capabilities don't make much sense because of the current need to identify other aircraft. The range of the AIM–7F missile is greater than the "eyeball range."

One of the highly attractive options offered by rapid advances in seeker technology for air-to-air weapons, General Maxwell said, is the possibility of a "dual-mode missile. For the moment, aircraft carrying air-to-air missiles have limited capabilities in terms of air-to-ground missions, but if we can build missiles with dual-mode seekers, such as radar or electro-optical devices, we could use them for both air-to-air and air-to-ground attack. This is a state-of-the-art capability that might well be worth further development."

Two important development programs in progress at ADTC are the GAU–7 and GAU–8 projects. GAU (Gun Aircraft Unit) 7 is a gun system using caseless 25-mm ammunition optimized for air-to-air combat. It is meant to replace the 20-mm M–61 Gatling gun in future air-superiority aircraft. Philco-Ford Corp., following a competitive shoot-off last year, was awarded a contract for the full-scale engineering development of the new weapon system. General Maxwell said the program to date "has clearly demonstrated the feasibility of caseless ammunition. The inherent advantages are a much higher velocity, lighter and smaller rounds, and no spent cartridge cases."

The GAU–8 30-mm close-air-support gun system is a rapid-fire weapon tailored for use against tanks, gun emplacements, and light-material vehicles. It will be mounted internally in the A–X, and is being considered for carriage in pods by the A–7D and the F–4D/E. General Electric Co. and Philco-Ford Corp. are the competing prime contractors. A competitive shoot-off is scheduled for the early part of 1973 and should lead to the selection of a contractor who will produce the weapon in quantity.

On a long-term basis, General Maxwell said, the Air Force is exploring the possibility of aerial guns that can use different types of ammunition on an interchangeable basis. The objective, he said, is to be able to use only one gun against both aerial and ground targets with equal effectiveness.

THE VEEP MAKES THE GRADE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. WYMAN. Mr. Speaker, the following column by Richard Wilson appearing in tonight's Washington Star-News speaks for itself. Critics of the Vice President would do well to reflect on the substantial performance of Vice President Agnew rather than their own impressions of the policies he is carrying out. Vice President Spiro Agnew enjoys a degree of responsibility unmatched by any of his predecessors. His is a many-faceted job and, as Mr. Wilson points out, he is doing it well.

The article follows:

Diplomacy Pros Grade Agnew as an Asset

(By Richard Wilson)

An assessment of Vice President Agnew by the New York Times, as a dunce who had learned nothing in the vice presidency, and who as an emissary abroad was a "jet-propelled embarrassment," is of special interest. The interest grows out of the fact that vice presidential candidates are prominent this year and Senator McGovern has finally put over as his choice a cultivated fellow-Marylander, Sargent Shriver, who was ambassador to France and is thus presumed to be able to give a good account of himself in world affairs.

If Agnew were in fact a jet-propelled embarrassment to this country, that should certainly be taken into account in judging whether he ought to remain in direct succession to the presidency. Who would know better than some of the hardened career foreign service types in the State Department who are traditionally sensitive to the intrusion of bungling politicians in their delicate affairs? They do not agree with the harsh judgment on Agnew.

Suche people did not successfully hide their distaste for gauche behavior by Lyndon B. Johnson on his travels abroad. Nor did they withhold criticism of Nixon on similar missions when they thought he deserved it.

The showmanship quality (Nixon's kitchen debate with Khrushchev, Johnson's Pakistani camel driver) annoyed and embarrassed some. The absence of showmanship in Agnew's travels is all the more noteworthy.

On two occasions, one of the highest ranking and most respected of foreign service officers, whose career extends back through six administrations, wrote to Agnew to commend him on his behavior and actions abroad. This officer has never previously been moved to write to a traveling vice president.

Another foreign service officer of 15 years experience, who has been involved in eight presidential or vice presidential visits to foreign countries, had nothing but praise for Agnew. This praise was confined not merely to Agnew's ceremonial functions, which he conducted with reserve, dignity and aplomb, but included matters of substance.

An example of the latter was Agnew's scheduled 45-minute conference with President Chung Hee Park of Korea, which extended into a six-hour session reflecting fears that the Pueblo incident and the current withdrawal of an American division reflected the hidden U.S. intention to leave Korea in the lurch. Agnew got on the phone to Washington and before he left Korea matters were straightened out to Park's satisfaction.

The criticism of Agnew as a jet-propelled embarrassment evidently grows in part from two or three incidents which may have embarrassed his critics but did not similarly affect President Nixon and Secretary of State William P. Rogers. One was Agnew's visit in 1971 to his father's homeland, Greece, where he identified himself with the "overriding importance" of continued military support to the regime of Premier George Papadopoulos. This may have been contrary to the foreign policy of the New York Times, but not to the established foreign policy of the United States.

On another occasion, after visiting Africa, Agnew said that querulous and complaining American black leaders could learn much from the dynamic leadership of three heads of state he met in Africa, including Congo President Joseph D. Mobuto. This offended the Rev. Jesse Jackson of Chicago, the man who ousted Mayor Daley from the Democratic national convention, but it did not upset President Mobuto or Secretary Rogers. It is also contended that Agnew went out to a game preserve in Africa to witness lovemaking among the rhinos. The foreign service types at the State Department are not much interested in whether or not that is true.

They are more interested in the fact that Agnew actually reads and studies the voluminous reports and analyses they supply him, and that he is particularly sensitive to nuances of behavior in a foreign land which might unwittingly offend. They stress that Agnew listens attentively, respectfully and responsively to foreign leaders and can cite no instance of the blunt saying of the unsayable that makes Agnew so popular in some quarters at home and unpopular in others.

This is not to say that nearly four years in the Vice Presidency and some extensive world travel have made this former county executive and governor into a foreign affairs genius. But it can be said that Agnew's missions abroad, on balance, have gratified the foreign service professionals. He has been tested in some very delicate and difficult situations, such as Japan's reaction to American policy, and, on the whole, is considered by the professionals to have made a constructive contribution to the improvement of America's world relationships. Secretary Rogers is also highly favorable in his assessment of Agnew's performance.

ON THE NEED FOR ACTION IN REDUCING REDTAPE IN FEDERAL TRANSPORTATION PROJECTS

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. PATTEN. Mr. Speaker, all across the Nation, communities must endure unnecessary redtape in dealing with Federal, State and local branches of government involved with public works programs in the transportation area. The proliferation of forms, agencies, and administrations has evolved to a complex maze which frustrates—if not aborts—responsible, efficient, and expedient progress.

In my own district, Middlesex County, N.J., we have had several experiences with this delaying ordeal. For example, in the Sayreville-South River Bridge project, consultation with the following groups was required: the Army Corps of Engineers, the Coast Guard, Federal highway authorities, the Bureau of Navigation, the Water Policy Commission, the Bureau of Local Federal Aid Projects, the State traffic bureau, the design division of the State highway department, the soil division, and then, the numerous local public hearings and negotiations.

Clearly, a need exists for consolidation and better coordination of the various levels of the government. The challenge of reducing governmental bureaucracy in transportation public works programs should be one of the Congress' top priorities.

Last June, the Subcommittee on Investigations and Oversights of the House Public Works Committee conducted lengthy hearings on redtape. The transcript of the hearings contains 790 pages of expert testimony. The need for action in this key area has been clearly identified; however, definitive action has yet to be undertaken.

Our colleagues in the Senate are now considering legislation which will help cut away some of the governmental redtape in Federal public works programs. The Senate Public Works Committee is drafting a bill with specific application to this problem. If my interpretation of committee print No. 3 is correct, the bill will substantially reduce the amount of governmental bureaucracy by shifting administration solely to the State level. The provisions of this law insure that this action can be undertaken without sacrificing or loosening Federal standards already in existence. I hope that our own Public Works Committee will study this matter and adopt the philosophy embodied in such a proposal.

The Congress has an obligation to make the Government more responsive to the needs and desires of the American people. Our failure to meet this obligation, Mr. Speaker, will only breed frustration and alienation among our people. Clearly, there is a need for action.

The following letter from a fine leader and a close friend, Mr. George Otlowski, director of the Middlesex County Board of Freeholders, brought this concern to my attention. I believe that Mr. Otlowski's remarks and concerns are of interest to each of us.

Concern over this topic was also the subject of a most informative editorial published in the Home News, of New Brunswick, N.J., on August 1, 1972. I also insert that editorial in the RECORD:

COUNTY OF MIDDLESEX,
New Brunswick, N.J., July 28, 1972.

HON. EDWARD J. PATTEN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: Middlesex County and its residents are being strangled by the red tape of state and federal government bureaucracy involving construction projects.

The delays are unconscionable and costly. Our residents can no longer bear the burden of inordinate and unreasonable delays. Our residents can no longer suffer the dangers and hazards of these delays.

And we simply can no longer afford the costs of these delays reflected in a 1.5 per cent increase in the total cost of the project per month.

The facts are these. It has taken us five years of constant struggle and frustration to get ready to construct a bridge between the municipalities of Sayreville and South River. Our goal was to construct that bridge as quickly and efficiently as possible. When we finally complete our Woodbridge Avenue widening project it will have taken us nearly eight years to complete.

Our other projects involving state and federal aid suffer similar fates. For example, we recently began laying the groundwork for our Landing Lane Bridge project. The indications are that it too will find itself strangled nearly out of existence, buried and smothered in red tape, reports, surveys, studies, delays, hearings, reviews and more red tape and more bureaucratic delays.

I am seriously concerned about the fate of this project. It is imperative to the people of this county that it not suffer these delays. It is this project that precipitates my letter. Now more than ever new legislative procedures must be found and implemented.

It is not only our county projects that are being strangled. State projects within this county suffer from their own, and very often, Federal red tape. It will have taken the State seven years from start to finish to construct the U.S. 1–130 overpass. Work on a bridge on Route 18 has been stopped cold by red tape. And, how many years has it taken for the Route 9 construction to begin, and then, how many deaths were caused by the delays?

Finally, even the massive Federal Government finds itself gasping for air from within its own red tape. It is generally known that as much as $12 billion may have been added to the expense of the Interstate Highway System by ever lengthening delays in the construction project.

It is also estimated that the cost of building a highway with Federal and State help is 30 percent higher than without that help. This is ridiculous.

In looking over the history of one of our projects, the Sayreville-South River Bridge, I am appalled and dismayed. We had to negotiate with the Army Corps of Engineers, the Coast Guard, then Federal highway authorities, the Bureau of Navigation, the Water Policy Commission, the Bureau of Local Federal Aid Projects, the State Traffic Bureau, the Design Division of the State Highway Department, the Soil Division, and then of course there were the public hearings and our negotiations for easements, etc. with the municipalities, power companies and a host of others.

At some point we, as public officials, have to stop and glance around us and see what has been created. Like a beast that increases in size at an accelerating speed based on its own increasing size, this bureaucracy grows. At some point that beast will bury us. At some point we face the possibility of our projects simply stopping. At some point we simply run out of money, we become totally unresponsive.

We have created a demon. These delays have further eroded the public's trust and reliance in government. We need that trust more than ever now. We appear less and less responsive to the people we were elected to serve. The result of that alone, as far as I am concerned, is disasterous.

A situation can easily develop where the "tricky and naive" public office seeker can latch onto one of these projects and exploit it, twisting its very nature, and because of his own selfish motives lend his hand in further destroying public trust.

I believe there is a solution. It's a simple, basic solution.

Government must obviously speed up its procedures. The state and federal governments must review its procedures. These must be streamlined to reflect the needs of the people we serve. Steps involved in completing a project must be combined and eliminated where useless. The federal and state governments must take the initiative on this. Our Congress must act with this end in mind.

From the government of Middlesex County, and representing its people, I pass on the anguished cry to the state and federal governments that we in Middlesex County will not bear this burden much longer. While we have no particular powers in solving this federal and state dilemma, we can offer a clear and constructive voice for better, more workable, more efficient and sensible legislation.

We in Middlesex County are not wealthy people. We are vitally concerned about our tax dollar.

We are particularly concerned with practical, timely results free from this monstrous bureaucratic red tape which now engulfs and strangles us.

There must be a practical, new and efficient legislative approach.

You must provide it.

Yours sincerely,
GEORGE J. OTLOWSKI,
Director, Board of Chosen Freeholders.

OTLOWSKI URGES NEW SUPERAGENCY

Middlesex County Freeholder Director George Otlowski has given voice to increasing public frustrations over delays in construction of bridges and roads, and he has a suggestion for a "whole new legislative approach" to this growing problem.

Otlowski has called for the creation of one "superagency" within the federal government to work directly with state governments in investigating and pushing county construction. Such a "superagency," Otlowski believes, would prevent local projects from being divided up for consideration among half a dozen federal agencies, each without the full knowledge of what the other is doing.

In a letter to Rep. Edward J. Patten, Otlowski recapped the difficulties Middlesex County has encountered in trying to move road and bridge projects through the federal bureacuracy, contending that the county is being "strangled by the red tape of state and federal government bureaucracy involving construction projects." Governmental red tape was a major subject of a day-long conference last week between Patten and Otlowski, with the freeholder director pleading for new legislative approaches to speed up such projects as the South River Bridge, the Woodbridge Avenue widening and the Landing Lane Bridge.

Middlesex County's difficulties in completing state and federal aid road and bridge construction projects are no secret. Projects that were needed yesterday are still on the drawing boards, in many cases, awaiting necessary state and federal reviews and approvals. Delays in completing projects undoubtedly have, as Otlowski believes, "eroded the public's trust and reliance in government."

It is up to Congress to assess the viability of Otlowski's suggestion for creating a "superagency" to coordinate and expedite construction projects. Otlowski's plan may be the answer or at least part of the answer, but in any case, Congress should consider Otlowskis' idea, for it is clear that governmental red tape has bogged down many worthwhile and necessary projects all over the country.

BLACK UNEMPLOYMENT—A NATIONAL CRISIS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. EDWARDS of California. Mr. Speaker, as we enter the 1972 election campaign a primary issue which will be debated is the continuing disturbing high level of unemployment facing the Nation. The debate, however, on this issue is often centered around nationwide figures which show an unemployment level of from 5 to 6 percent of the work force. The employment level for blacks in this Nation, however, is at least double the unemployment level for whites. Now an urban league study has revealed that the black unemployment rate in our cities is perhaps six times the unemployment rate experienced by the white community.

In recent hearings on narcotics treatment and rehabilitation programs in Los Angeles, San Francisco, and Alameda Counties, Calif., before my Judiciary Subcommittee, we have received testimony indicating the seriousness of the unemployment problem as it affects the treatment and rehabilitation of narcotics addicts. Attempts to rehabilitate addicts through training for employment are failing and will continue to fail because no jobs are available for the young men who leave these programs. If we are going to achieve a greater measure of success in this area as in other areas of American life, we must overcome the grave problem of persistent high levels of unemployment in our minority communities.

The difference between the nationwide unemployment level and the unemployment level for blacks is the subject of a report recently issued by the National Urban League. This report which was based upon a recent special census employment survey conducted in 60 low-income areas in 51 cities, showed that the black unemployment figure in urban poverty areas is actually 23.8 percent nationwide, and in some areas more than 30 percent. This is an unemployment level which has been experienced by this Nation only in times of severe economic depression. It is an unemployment level which, if spread throughout the population, would be regarded as a severe national crisis. The fact that it is centered in our inner city ghettos makes it no less a national crisis and the Government has the responsibility to meet this problem with the same resources as are applied to other national calamities.

An editorial which appeared in the Washington Post of Thursday, August 10, 1972, defines the dimension of the problem and contains a call for a more realistic definition of the black unemployment problem by the U.S. Department of Labor. I echo that call and urge my colleagues to insist that the Government give us the true figures regarding the unemployment problem in our minority communities.

The editorial follows:

HOW MUCH BLACK UNEMPLOYMENT?

For years, residents of inner city communities, professional observers and even occasional visitors have doubted the value of the official unemployment statistics issued monthly by the Bureau of Labor Statistics as a measure of the reality of life and the magnitude of the problems to be addressed in those areas. The richness of the street life, the numbers of people standing around at almost any hour of the day, and the numbers of people staring at a world that seems to move too fast for hopeless eyes all tend to suggest that even the devastating official statistics which show the unemployment rates for non-whites hovering just a shade over 10 per cent—almost twice that for whites—are not telling the whole story.

At its annual conference this year, the National Urban League issued a report which—statistically, at least—seemed to confirm the evidence of the eye of even a casual observer. The Department of Labor bases its unemployment count on a national labor pool which includes people actually working and people who have been actively seeking work within the four weeks preceding the unemployment survey. The Urban League, taking advantage of a recent special Census Employment survey conducted in 60 low income urban areas in 51 cities and using a definition of unemployment developed by the Congressional Joint Economic Committee, came up with a much grimmer and probably—in terms of the real size of the problem—a much more realistic picture. This count includes those whom the Labor Department counts as well as those who, having sought work unsuccessfully, have stopped actively looking, but still say unconditionally that they want to go to work right away. The Urban League count also includes the part-time worker who wants full time work. Using this method, the black unemployment figure in urban poverty areas blows up to 23.8 per cent and skies to over 30 per cent in some cities.

Vernon Jordan, executive director of the League, termed this picture disastrous and called upon the government to respond to it as it would to other disasters. Malcolm Lovell, the Department of Labor's Manpower Administrator, responded by saying that "Statistics have to define what is to be measured. The Labor Department is trying to define those who are looking for work."

The real issue, it seems to us, is not statistical methodology, but whether the government is trying to define black unemployment in a realistic way and with the kind of accuracy that will enable it to mount an effective attack on the problem. The evidence of the naked eye and the quantum difference in the pictures painted by the Urban League and by the official statistics suggest strongly that the government is shooting too low, when it deals with the depression level "official" non-white unemployment figure of about 10 per cent.

A BOY THAT IS ALREADY A MAN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. PICKLE. Mr. Speaker, there is an old, but true axiom that a man really shows his worth when the chips are down.

And, Mr. Speaker, a man will have to go a long way to meet the worth of teenager Anthony Del Valle, a San Marcos, Tex., Camp Gary job corpsman from New York City.

Tony Del Valle is credited with the saving of at least 20 lives and has received the Combat Medal of Honor from the Manhattan Police Force. But it took the death of a fellow corpsman to bring all this to light. Tony's story was told recently in the Austin-Statesman, and I have included it below.

Most important, the story of Tony Del Valle is in my mind a testimony to the ideals which made this country grow great and strong—ideals not couched in high rhetoric, but in the plain old value of helping one's neighbor, the plain old-fashioned care for one's fellow human beings that withstands—and enables us to withstand—all the stresses and traumas of modern society.

We can, in our fast-paced, price tag oriented, modern society, formulate all sorts of views as to what makes a man and what makes a big man. But the biggest men of all are the Tony Del Valles of this world.

The story of Tony Del Valle is a testimony, too, to the highest ideals of Scouting, one of the few forces in our society that has steadfastly fixed its sights on building character, not success, in its members.

The Austin-Statesman story reads as follows:

TRAUMA OF FRIEND'S DEATH UNVEILS YOUTH'S PAST HEROISM

SAN MARCOS.—The trauma of being unable to save the life of a fellow Job Corpsman who died from drowning has brought out the many accomplishments of Anthony Del Valle, a Camp Gary Job Corpsman from New York City.

Del Valle's story came to light after he had trouble adjusting to the recent death of a fellow corpsman who drowned while swimming in the San Marcos area. Del Valle tried desperately to revive his friend, but was unsuccessful.

The experience left him depressed and disturbed. He told the center's doctors that he had attempted to save 23 lives while working as a lifeguard in New York and had three victims die in his arms.

"I feel like a total failure. You don't know what it's like to have someone take his last breath in your arms," said Tony.

After checking his records and confirming some of the awards he had received, Gary officials were convinced of the validity of his story.

Life in Spanish Harlem wasn't exactly the ideal place for a young boy who had been afflicted with polio at an early age. In spite of the handicap, he excelled as a scout leader and explorer.

He has received 45 merit badges and the police Combat Medal of Honor. He was commended for saving an officer's life while under dangerous and courageous circumstances.

In Tony's words, "It all happened one night when we were turning out a scout meeting. We had been taking lessons on tying knots in ropes. As we were leaving the building, I noticed a lot of noise in the streets. One policeman had been wounded and was caught between the other officers and the culprits. I was closer to the wounded officer than any of his comrades. Bullets were flying all around. Without thinking, I grabbed my rope and rushed over to the wounded. I tied the rope and knotted it around his waist. I then safely pulled him out of the line of fire."

The officers thanked him, got his name, and went on their way. Three weeks later he received a letter from the mayor of Manhattan commending his efforts and requesting that he be present at a ceremony to receive the Combat Medal of Honor. "I was all smiles and tears," Tony said.

While active in scouting, he attended two national jamborees and represented his country in the 13th World Jamboree held in Japan in 1971.

As a student at Benjamin Franklin High school in Manhattan, he was placed in a special education and work study program throughout his school days. His boyhood was filled with frustrations. Being the oldest of four boys, he didn't feel really representative of his family. He was always trying to prove himself to his younger brothers and mother.

His father died in 1964 when Tony was eight years old. He had been a long time Scout Master in the Boy Scouts organization, and encouraged his son to get involved with the group. Tony considers himself one of the best scouts around.

Besides scouting and attending school, he worked part-time as an usher captain at the Radio City Music Hall in New York. He has seen the "World Premier of Sunflower" and met the leading lady, Sophia Loren. His most rewarding encounter was with Ed Sullivan, when the television personality rode on the same elevator with him. He told the celebrity of his visit to the World Jamboree and was saluted with a brief news release in the city paper.

Tony is now training in the service station vocation while at the Gary Job Corps Center. He is active with the Explorer Scouts and plans to become involved with the student government group. He spends his weekends in the neighboring community of San Antonio, where he attends dances for the Spanish speaking residents.

His dream is to become a scout master so he can "Be Prepared" and "Do a Good Turn Daily." There are at least 20 people alive today because he fulfilled both scout mottoes.

TRIBUTE TO ROY SIEVERS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. HUNGATE. Mr. Speaker, one of the great baseball players of the St. Louis Browns and old Washington Senators, Roy Sievers, now makes his home in my district in Spanish Lake, Mo.

The following article in the Washington Post pays quite a tribute to Roy Sievers as a ballplayer and a man. My constituents and I are proud to claim him as a resident of Spanish Lake and to join in the tribute to the contributions he has made to the Nation and State.

The article follows:

[From the Washington Post, Aug. 13, 1972]

SIEVERS FINDS NICE GUYS FINISH IN SPANISH LAKE

(By Thomas Boswell)

Seven seasons ago, Roy Sievers, once the most graceful and powerful of the old Washington Senators, was cut, along with Nick Wilhite and Dallas Green, by the expansion Senators. For a man who hit 318 home runs, he disappeared almost unnoticed.

Sievers managed in the minors for the first four years after finishing the string. He finished second and third in AA ball in two years in the Mets' chain. "I still don't know why I was let go," Sievers says.

The next two years, his teams in Oakland's organization were eighth. Both years his team was stripped in midseason by the parent club, but Sievers allowed it. Then he was dismissed, and he hasn't been seriously approached since.

Now, seven years after his twilight and nearly one after the Senators' nightfall, Sievers is a salesman for the Yellow Freight Co., in Spanish Lake, Mo., near St. Louis, where he grew up.

His son, Robin, 19, is "a left-hand third baseman is the Cardinal chain. There is a daughter, Shawn, 17, and "the little baby," David 5. And there is at least some interest in return to baseball.

"I would consider managing again," Sievers says. "But I'm set up fine here. It would have to be a good job."

As a player, it was said Sievers was too nice to become a manager. Even his wife thought he would have been better if "someone could light a fire under him." But Sievers never got angry, never was thrown out of a game, never argued.

"I've been that way . . . too nice," says Sievers. "That's true. I learned to be a little tougher managing, but it's hard, especially with kids. They need a lot of help. After we got beat and they tried hard, I just couldn't be too tough and grouchy."

After finishing last the second time his players at Burlington, Iowa, gave Sievers a plaque as the best manager they ever had. "If they feel that way, I think you did your job," he says in a calm summation.

Though he doesn't say it, Sievers seems worried that his son may receive the same cold shoulder Sievers met for the first time after quitting.

"Robin missed this season because of military commitments," Sievers said. "I thought sure the Cards would call him up for the last month of the season after he's finished, but they're not. He won't even be able to play winter ball. I guess they're cutting back expenses."

The talk shifts to 1950, when, after being Rookie of the Year for the St. Louis Browns, Sievers injured his shoulder diving for a fly and was told he might not play again. Rehabilitation was slow, he recalled, but his arm finally recovered enough for him to venture back into the outfield.

But his home became first base, where he fielded thousands of ground balls from Bill Veeck and Marty Marion, so he could get to be "real adequate" at the position.

"I never was a Don Juan over there," he adds.

Thinking back to his days in Washington, Sievers remembers a "night" thrown for him in 1957. Vice President Richard Nixon made the presentations.

"I'm sentimental. That was really touching . . . one of the biggest events . . . in Washington I got to meet four Presidents and have lunch with two. That's wonderful for a kid from St. Louis."

Sievers recalls hitting six home runs in six games, tying an American League record. The one that put him in the book came in the 17th inning on a day when the temperature was 98 degrees. It was so hot that no one greeted him after he won the game. The pitcher was Al Aber. He still remembers the name.

"The next day the wind was blowing out; there were seven homers hit and I didn't get one. I hit four popups. The last one got up in the wind and I think it was Johnny Groth caught it right at the fence. The ball died at the last. It was the only shot I had at it."

Griffith Stadium—"the old ball park"—is vivid to him, as is "everybody around it." He remembers Mickey Vernon for the grace at first base that he himself never had. Eddie Yost is recalled because "he's still with the Mets," Sievers says, unable to keep out of his voice a simple "how do you do that?"

The park itself was an old enemy, making things difficult, like the fly to Groth. "It was 405 feet down the line when I came in 1954. They built the beer garden, but it was still 370 . . . a poke."

Once he begins the memories come quickly.

The autographs: "Most of the time you should sign for kids. They're the ones that idolize the players and buy the bubblegum cards and all that junk."

"Visit a few hospitals," he throws in, a man with simple, guiltless responsibilities.

Sievers' links with the baseball world that found him easy to get along with and easy to forget are becoming tenuous.

He follows the players he managed in the minors—Duffy Dyer, Gary Gentry, Rod Gaspar, George Hendricks—and worries a little about his son's future. "They want to make him a catcher," he says.

Then, over the long distance phone, he says good night. Dinner is waiting in Spanish Lake. "Tell Bob Addie I miss him," Sievers says.

HEROES CAN'T ATTAIN DREAMS OF CHILDREN

(By Thomas Boswell)

A baseball hero is a toy of childhood. Electric trains, cowboy guns, plastic soldiers are the same kind. But with a baseball hero a youngster reaches out, for one of the first times into the world outside the family.

I still associate the name Roy Sievers with childhood job and childish tears.

In 1957, Sievers won the home-run championship of the American League for the old Washington Senators. One night that year my mother took me to a department store where Sievers was giving autographs. I got lost, and as the store closed down and I knew he would leave, I cried with the frustration only children know.

Finally, my mother found me and brought me to the floor Sievers should have left a half hour before. He was still there, waiting for the little boy that a mother had said was lost.

I only remember that he was big. But the picture, "To Tommy from Roy Sievers," can still be unearthed in a pinch. There was another, too, a standard "Roy Sievers," but it went on the bedroom wall and had darts and insults thrown at it after many an exasperating strikeout or pop fly came over the radio.

Listening to the radio under the covers long after bedtime, I learned that heroes fail, even my hero, that they fall from public favor while they are still in yours, that ultimately there is a world that does not care that you are listening in.

At his prime, before injuries and Harmon Killebrew pushed him out of the headlines, Sievers was given a "night." Not the kind that Ted Williams and Stan Musial got, with fancy cars, but a night with plenty of speeches and a station wagon.

Vice President Richard Nixon did the talking, and Sievers hung his head and cried when Nixon shook his hand. That required a breakfast table explanation.

In 1959, Sievers' play went downhill; there was trade talk. I wrote in protest to Calvin Griffith—a 12-year-old's letter. Griffith wrote back—a club owner's letter. With fans like me, Sievers would never be traded. There was nothing to worry about. And would my family and I be interested in season tickets?

Before the next season, Sievers was traded. By that time I was too old to cry . . . much. After that, his name was no longer a constant part of my thoughts.

After the trade—for Earl Battey, Don Mincher and $150,000—the name "Roy Sievers" had to lose its power, just as the charm of baseball itself must fade now for people in Washington who are no longer minutes away from a hero, a final score, or just a distraction. People love baseball because it is more faithful, more "there when you need it," than most friends.

When I was 17, Sievers was traded back to the expansion Senators from the Phillies. I barely noticed. I had my own games to play, and besides I wore Ted Williams' number.

Still, for years, when the name would sneak up on me on a TV sportscast, it would give a little private shock, like certain girls' names when you don't expect to hear them.

A month ago, the name sneaked up again, in a Mets' old-timers' game before the TV game of the week.

Sievers was announced, batting fifth in the lineup. But when his turn came to hit, he was pushed back so others older and more famous could hit their pop fly even if they couldn't manage to play in the field. Sievers never got on camera, unless that fat fellow in a Phillies' uniform . . .

ETHNIC GROUPS SWINGING TO REPUBLICAN SIDE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. DERWINSKI. Mr. Speaker, there is a special political atmosphere prevailing in Washington, and developments within the two major parties and the trends of this election campaign are beginning to emerge. I direct the special attention of those Members who are interested in political change at the grassroots level to an article by Dumitru Danielopol, the distinguished international correspondent for the Copley Press, which appeared in the San Diego, Calif., Union of July 31, which concentrates on the trend developing among the ethnic voters of our land.

The editorial follows:

Ethnic Groups Swinging to Republican Side

(By Dumitru Danielopol)

Ethnic Americans are opting for President Nixon, including many in the Spanish-speaking minority.

Six Democrat leaders of the Spanish-speaking community have just declared themselves "Spanish-Speaking Democrats for Nixon."

They charge they have been "kept outside the decision-making process" of the Democratic Party. They are particularly disgruntled because the nationality and minorities division of the Democratic Party which has existed for more than 40 years has been eliminated. Mrs. Jean Westwood, new chairman of the Democratic National Committee, said the division had become a "ghetto."

The Spanish-speaking Democrats told the press President Nixon "showed that he was listening to Spanish-speaking voices, and was listening long before there was a campaign value to be gotten by it."

The trend away from the Democratic Party by foreign born and their offspring has been significant in recent years.

Andrew Valuchek, head of the disbanded nationality and minority division of the Democratic Party, says Republicans have "cut deeply into the commanding lead" Democrats once had among the Spanish-speaking and Slavic nationality groups.

A Romanian delegation from Detroit, Cleveland and New York, which voted 80 per cent Democrat in 1960, visited the White House recently and pledged support to President Nixon.

A special heritage or nationalities division in the Republican National Committee is wooing ethnic votes. A special "heritage" plank will be presented to the GOP National Platform Committee at Miami Beach before the Republican convention.

The ethnic trend away from traditional patterns was felt last year when Ralph Perk, a Czech-American, was elected mayor of Cleveland, and Frank Rizzo, an Italian-American, was elected mayor of Philadelphia. Perk is a Republican. Rizzo is a conservative Democrat who supports President Nixon over Sen. George McGovern.

McGovern's views on isolationism, disarmament, welfare and Communist aggression are anathema to a great majority of the foreign born and their offspring.

Many remember that John F. Kennedy wrote in his "Profiles in Courage," "There are certain times when political allegiance must give way to the safety and security of the nation itself."

ANIMAL HEALTH RESEARCH ACT OF 1972

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. SCHWENGEL. Mr. Speaker, according to the latest U.S. Department of Agriculture statistics, the average American ate 191.8 pounds of red meat and 11.2 pounds of fish in 1971. The same average American drank 259 fluid pounds of milk and consumed 12.2 pounds of cheese, 17.7 pounds of ice cream, and 6.8 pounds of condensed or evaporated milk. Poultry also represented a major portion of the American diet, the average intake being 50.1 pounds of meat and 322 eggs. When considered in conjunction with the food processing, packing, and pet related industries, the degree of American dependence on the continued strength of livestock production is obvious.

The fact that Americans can enjoy such a diet, and afford the luxury of pets in good health is in part due to the excellent record of our animal health research programs. No longer do hoof and mouth diseases, hog cholera, tuberculosis, of brucellosis destroy large numbers of animals each year. Past successes like these enable the American livestock production to exceed 40 billion pounds annually. From a cost analysis the results are also impressive. Recent experiments by Montford of Colorado indicate a 10–20 percent cost increase when recognized methods of pest control are not used on beef cattle.

However, USDA figures indicate that much remains to be done. The livestock industry lost animals valued at $3 billion last year. Leading causes of loss to cattle producers are shipping fever, foot rot, and reproductive diseases, to mention just a few. Hog producers take losses for dysentery, respiratory diseases, reproductive diseases and abscesses.

The Animal Health Research Act of 1972 represents a major step toward expediting the research needed to overcome some of these problems. It aids the research effort in a comprehensive manner, providing additional funds for several phases of the present program. Included in the provisions of the act are authorizations for research projects, publication of results, rennovation, or alteration of existing buildings and contributions to retirement of employees. Also included in the new bill are authorizations for construction of new facilities and purchase of new equipment.

Today more than ever, the urgency of additional research is evident. Consumers are facing rising prices which could be partially offset if a portion of the 10 percent annual loss from disease is recovered by new discoveries. A second reason for renewed emphasis in animal health research is the continued spinoff realized by the medical research efforts. Perhaps the best example of this is the on-going research which was initiated when Dr. Purchase, a Michigan veterinarian, developed a successful vaccine for a form of cancer in poultry.

The Animal Health Research Act is a step forward for all involved. It will attract more talent to the research field. It will represent a potential reduction of loss for the farmer. This act will encourage modernization of existing research facilities and will enable States without adequate capabilities to expand and construct additional laboratory space. I urge prompt consideration of this important act.

PERSONAL EXPLANATION

HON. CLIFFARD D. CARLSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. CARLSON. Mr. Speaker, I was unavoidably detained and did not reach the floor in time for the recorded teller vote on the Dellums amendment to H.R. 16029, Foreign Assistance Act (Roll No. 314), which would cut off all aid to Brazil. I would have voted "no" on this amendment.

MR. NIXON'S CASE IN AUGUST

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. SPRINGER. Mr. Speaker, it is a long way to election time today, but I do think the Christian Science Monitor of August 8 has an excellent article entitled, "Mr. Nixon's Case in August," and it is an excellent analysis of what has been done in the field of combating inflation and trying to wind up Vietnam. I have found the Christian Science Monitor to be generally fair in its editorial approach and I further believe that its analysis is that in this particular editorial. The facts and figures used in the light of past events are the most complete that I have seen in any editorial thus far with reference to the Nixon administration.

The editorial follows:

MR. NIXON'S CASE IN AUGUST

The statement was made on this page recently that conditions are better in the United States today than they were four years ago. It has been challenged by a reader who asks for evidence. We would submit the following on this subject which is of first interest to all voters beginning to think about how they will cast their ballots come November.

Four years ago the United States was at a peak of a military commitment in Vietnam. The war was taking between 400 and 500 American lives a week. It had long since divided the country bitterly over its justification, had disastrously upset the national budget, had unleashed the worst and longest round of inflation in American history, and yet curiously was accompanied by economic depression and disturbing unemployment.

Today the American commitment to the war is far down. From more than a half million Americans in Vietnam we are down to fewer than 50,000. True, some of these have been transferred to Thailand. True, American air and sea forces continue to support the South Vietnamese military effort from outside of South Vietnam itself. And true also, the bombing continues with debatable military results but deep anguish in the conscience of many Americans as well as most of the rest of the world.

However, the sending of American conscripts to Vietnam has ended. The rate of conscription is down to a peacetime level. And those doing what fighting is left for Americans are professional volunteers.

The war is not over, but the degree of American involvement is so low that in spite of the continued bombing the war has ceased to be a major factor either in the American economy or in American politics. Mr. Nixon, we think, will get a larger vote if he actually wins a negotiated end of the war by election day, but the war issue has been largely defused. We doubt that it will make much difference even if the war is still going on at present level.

The state of the economy today still leaves much to be desired. Unemployment continues high—5.5 percent now as against 3.6 percent four years ago. But the gross national product is up to more than a trillion dollars (stated in constant 1958 dollars, from $706.6 billion to $783.1 billion).

Profits are booming. And while we still have the remnants of the inflation that has dogged Mr. Nixon (ticked off, to be sure, by the $25 billion deficit in Lyndon Johnson's last year) the rate has been cut from an annual average increase in consumer prices of 5 percent for the past three years to 3.5 percent today. Housewives are not happy over the continued rise in prices. But the rate of rise is down, and still sinking back toward the 2.5 percent considered-economically respectable under the Kennedy-Johnson reigns. At its height during Mr. Nixon's first term the inflationary thrust was a threat to the welfare of the United States in every way. Today it is below the average for modern industrial countries. The British rate is close to 10 percent. Comparatively speaking, American inflation is under control.

Perhaps most important of all is the quieting down of cities and universities. There was almost no serious student unrest last winter. There have been no major disturbances in the big cities this summer. The latest movement among students is back to religion, or what passes for religion. The Negro community, whose plight is both worsening or improving according to how it is measured, is nonetheless not resorting to rioting.

Whether Richard Nixon should get much, little or no credit for all this is another matter. The winding down of the war was started by Lyndon Johnson before he left the White House. It can be argued that had he chosen to run again and been reelected he would have done at least as well, perhaps better, at closing down the war and bringing the economy back towards stability.

It can also be argued that Mr. Nixon could have closed down the war sooner and could and should have acted more vigorously and faster to check the inflation and regain economic stability. And in view of the still widening gap between the rich and the poor, it can be contended that he would have higher priority to employment for the poor than tax relief for the rich.

But as of today there is less war and less inflationary push weighing on the American people and setting them at odds with each other than was the case Mr. Nixon inherited the White House from Mr. Johnson, and it is basically on this that the President rests his case.

THE ARMY CAREER OF STAN SMITH

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. PIKE. Mr. Speaker, earlier this year when the House Armed Services Committee conducted hearings on the fiscal 1973 military appropriations bill I had the privilege to bring to the attention of the Secretary of the Army, Hon. Robert F. Froehike, an article from Time magazine entitled, "The Army Racquet." In this short but enlightening piece Time addressed itself to the illustrious tennis record of Army Sp4c. Stanley R. Smith, the 1971 Forest Hills U.S. Open winner and recent 1972 Wimbledon champion.

For the education of Army sports fans Time noted that Specialist Smith had in the past year received a bit more than the recruiting poster's promise to talented athletes of an opportunity to learn a skill, receive good pay, free meals, housing, clothing, health care and 30 days paid vacation a year. Smith, the magazine said, had been given an extra 9 days of special leave plus 7 months on temporary duty, during which he played in 14 national and international tennis tournaments.

In forthcoming extensions of my remarks on Stan Smith, Members of the House will be able to see how in a period of little more than a year from June 1971 to July 1972, the Army has permitted Specialist Smith to amass a small fortune from tennis winnings and endorsements exceeding $100,000, while allegedly serving as an enlisted physical activity specialist in the Army's sports program.